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PAGE 01 DAR ES 01228 03 OF 03 241231Z
ACTION AF-10

INFO	OCT-00	COPY-01	ADS-00	INR-10	EUR-01	SS-10	CIAE-00
	DODE-00	H-01	IO-15	NSCE-00	NSAE-00	SSO-00	HA-08
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	SP-02	SNP-01	PRS-01	/074 W			

----------035332 241316Z /41

P 241145Z FEB 83
FM AMEMBASSY DAR ES SALAAM
TO SECSTATE WASHDC PRIORITY
9903
INFO AMEMBASSY BONN
AMCONSUL CAPE TOWN
AMEMBASSY LISBON
AMEMBASSY LONDON
AMEMBASSY MADRID
AMEMBASSY OTTAWA
AMEMBASSY PARIS
AMEMBASSY PRETORIA
AMEMBASSY VICTORIA
USMISSION USUN NEW YORK

UNCLASSIFIED

BE BROUGHT UP TO DATE.

-- IN CONTRAST TO SEVERAL RECENT SESSIONS OF THE LIBERATION COMMITTEE, THERE WAS ALMOST NO DISCUSSION OF THE CANARY ISLANDS ISSUE.

-- NO DELEGATION OFFERED TO HOST THE NEXT SESSION. OYAKA SPECULATED THAT SALIM, AS CONFERENCE CHAIRMAN, AND HASHIM MBITA, AS OAU LIBERATION COMMITTEE EXECUTIVE SECRETARY, WOULD CALL FOR THE NEXT MEETING IN ABOUT SIX MONTHS. THERE WAS GENERAL AGREEMENT AMONG THOSE IN ATTENDANCE THAT EFFORTS SHOULD BE MADE TO ENSURE GREATER PARTICIPATION AT THE MINISTERIAL LEVEL IN FUTURE SESSIONS.

[redacted]

[redacted]

3. EMBASSY IS POUCHING COPIES OF RESOLUTIONS ON NAMIBIA AND ON SPORTS PERSONS AND ENTERTAINERS PERFORMING IN SOUTH AFRICA TO EMBASSY ADDIS ABABA, AF/E, AND AF/S.

4. DEPARTMENT PLEASE REPEAT TO OAU COLLECTIVE.

MILLER

NOTE BY OC/T: NOT PASSED OAU COLLECTIVE.

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CONFIDENTIAL
Case Number: s199900030

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CONFIDENTIAL

PAGE 01 STATE 051710
ORIGIN IO-15

INFO	OCT-00	COPY-01	ADS-00	AID-07	INR-10	EUR-01	SS-10
	OIC-02	AF-10	CIAE-00	EB-08	EA-10	DODE-00	H-01
	NEA-06	NSCE-00	ARA-16	NSAE-00	SSO-00	HA-08	L-03
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ARA/SC:RHOWARD
HA/MA:RGRANER
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TO USMISSION GENEVA IMMEDIATE
INFO AMEMBASSY SANTIAGO
USMISSION USUN NEW YORK

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

C O N F I D E N T I A L STATE 051710

E.O. 12356:DECL: 2/24/89
TAGS: NHRC, SHUM, PREL, CI, MX
SUBJECT: 39TH HUMAN RIGHTSCOMMISSION (HRC): MEXICAN
- DRAFT RESOLUTION ON CHILE

REF: GENEVA 1686

(C) USDEL AUTHORIZED TO VOTE "NO" ON DRAFT RESOLUTION TRANSMITTED REFTEL. DAM

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*** Current Classification: *** [redacted]
*** Current Handling Restrictions *** EXDIS

<<<**** OASYS DOCUMENT HEADER ***>>>

DOC_NBR= 83STATE051654

FILM= D830104-1120

DATE= 25 FEB 83

TYPE= TE

FROM= STATE

DRAFTER= AF/S:DHSIMPSON:LR

OFFICE= ORIGIN SS

TO= CAPE TOWN
BONN
PARIS
MULTIPLE

9204597

CHANNEL= n/a

DECAPTIONED

ORIGHAND= EXDIS

ORIGPHAND= n/a

ORIGCLASS= [redacted]

ORIGPCLASS= n/a

EO= OA

SUBJECT= GENERAL WALTERS' MEETING WITH NYERERE

REFERENCE= n/a

CONTROL_NBR= n/a

ENCLOSURE= n/a

LOCATOR= TEXT ON-LINE, ON MICROFILM

ERRORS= N/A

CONCEPTS= GENERAL, MEETING, NEGOTIATION, SETTLEMENT, TROOP WITHDRAWAL, CEASEFIRE

TAGS= PREL, MOPS, PBTS, TZ, US, WA, AO, MZ, SF, CU, (WALTERS, VERNON A), (NYERERE, JULIUS K)

Dept. of State, RPS/IPS, Margaret P. Grafeld, Dir.
(X) Release ( ) Excise ( ) Deny (X) Declassify
Date 6/8/99 Exemption

UNCLASSIFIED

PAGE 01 STATE 051654
ORIGIN SS-10

INFO OCT-00 COPY-01 ADS-00 SSO-00 /011 R

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DRAFTED BY:AF/S:DHSIMPSON:LR
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S/S-O:JEPOWELL
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P 250800Z FEB 83
FM SECSTATE WASHDC
INFO AMCONSUL CAPE TOWN PRIORITY
AMEMBASSY BONN PRIORITY
AMEMBASSY PARIS PRIORITY
AMEMBASSY LONDON PRIORITY
AMEMBASSY OTTAWA PRIORITY
USMISSION USUN NEW YORK PRIORITY
AMEMBASSY GABORONE PRIORITY
AMEMBASSY MAPUTO PRIORITY
AMEMBASSY LUSAKA PRIORITY
AMEMBASSY HARARE PRIORITY
AMEMBASSY LAGOS PRIORITY
AMEMBASSY PRETORIA PRIORITY

STATE 051654

EXDIS CAPE TOWN FOR EMBASSY

FOLLOWING DAR ES SALAAM 1145 DTD FEB 20, SENT ACTION SECSTATE BEING REPEATED FOR YOUR INFO.

QUOTE DAR ES SALAAM 1145

EXDIS

FROM GENERAL WALTERS FOR S/AL

PAGE 02 STATE 051654

E.O. 12356: DECL: OADR
TAGS: PREL, TZ, US, WA, ZO, MZ, SF
SUBJECT: GENERAL WALTERS' MEETING WITH NYERERE

1. - ENTIRE TEXT.

2. SUMMARY: OUR FEBRUARY 19 MEETING WITH PRESIDENT NYERERE BROKE NO NEW GROUND. NYERERE WAS A CORDIAL HOST THROUGHOUT AND OBVIOUSLY WANTS TO KEEP HIS RELATIONS WITH

US ON AN EVEN KEEL, BUT IN THE COURSE OF A RATHER CIRCULAR CONVERSATION HE ESPOUSED FAMILIAR POSITIONS ON NAMIBIA/ ANGOLA AND ADVANCED NO NEW IDEAS ON HOW THE PACE OF NEGOTIATIONS MIGHT BE ACCELERATED. END SUMMARY

3. I MET WITH PRESIDENT NYERERE AT MSASANI ON EARLY EVENING OF FEBRUARY 19. OTHERS ATTENDING INCLUDED FOREIGN MINISTER SALIM, PRESIDENTIAL ADVISORS JOAN WICKEN, JOSEPH BUTIKU, ANNAR CASSUM, AND ON OUR SIDE AMBASSADOR MILLER, DCM MACFARLANE, AND LCDR MARTINY. OUR DISCUSSION TURNED INITIALLY TO NAMIBIA/ ANGOLA--AND STAYED THERE FOR MOST OF THE 75 MINUTES.

4. NYERERE REHEARSED HIS STANDARD LINE ON ANGOLA, ARGUING THAT PREOCCUPATION WITH CUBAN WITHDRAWAL WAS SOLELY AN AMERICAN, NOT A SOUTH AFRICAN CONCERN--WHICH HE SAID HE HAD BEEN ABLE TO CONFIRM BOTH FROM SOUTH AFRICAN AND CONTACT GROUP SOURCES. I RESPONDED THAT THOSE WHO SO CONTENDED WERE WRONG. CUBANS IN ANGOLA REPRESENTED NO DIRECT THREAT TO THE U.S. ... AND, WHETHER THEY ADMITTED IT PUBLICLY OR NOT, THE CUBAN PRESENCE WAS INDEED OF GREAT CONCERN TO THE SOUTH AFRICANS. IF NYERERE WAS CORRECT IN HIS ANALYSIS, I SAID, HOW COULD ONE EXPLAIN THE FACT THAT THE ANGOLANS AND SOUTH AFRICANS HAVE STARTED [redacted]

[redacted]

PAGE 03 STATE 051654

MEETING--A PROCESS IN WHICH THE U.S. IS NOT A PARTICIPANT --AND COULD REACH A PEACE AGREEMENT WITH NO U.S. INVOLVE-MENT? IF THE SAG HAS NO CUBAN CONCERNS THEY COULD PRESS AHEAD TODAY. NYERERE HAD NO REJOINDER.

5. NYERERE AT VARIOUS POINTS REITERATED HIS EARLIER ARGUMENT THAT THE PROBLEMS OF SOUTHERN AFRICA WERE EXACERBATED BY U.S. SUPPORT OF SOUTH AFRICA (ALTHOUGH HE NEVER WENT SO FAR AS TO USE THE TERM "BLACKMAIL" WHICH SURFACED DURING HIS DECEMBER 27 CONVERSATION WITH THE AMBASSADOR). DRAWING ON HISTORICAL RECORD AND STATESIDE POLITICAL REALITIES, I SAID I COULD NOT ACCEPT THE PRO-POSITION THAT USG HAD TAKEN OR COULD TAKE SIDE OF SAG V. INDEPENDENT AFRICA, AND REITERATED THAT OUR COMMITMENT WAS TO SEE EARLIEST POSSIBLE IMPLEMENTATION OF RESOLUTION 435 AND PEACEFUL, WORKABLE REGIONAL SOLUTIONS. WE HAD NO QUARREL WITH THE PROPOSITION THAT SOUTH AFRICA WAS OCCUPYING NAMIBIA ILLEGALLY; PRACTICALLY, HOWEVER, THERE WOULD BE NO SETTLEMENT UNTIL ALL PARTIES-- INCLUDING SOUTH AFRICA--FELT THEIR FUNDAMENTAL INTERESTS SUFFICIENTLY PROTECTED. IN SOUTH AFRICA'S CASE, THIS MEANT CUBAN WITHDRAWAL.

6. NYERERE'S REJOINDER (AND HE STRESSED THAT HE WAS CONVEYING AN OFFICIAL ANGOLAN POSITION) WAS THAT (1) GOA

ACCEPTED PUBLICLY THE PRINCIPLE OF CUBAN DEPARTURE, AND (2) THAT THE CUBANS WOULD BEGIN LEAVING AS SOON AS SAG RROOPS WERE DOWN TO 1500 AND CONFINED TO BARRACKS, DURING PHASE III, BEFORE NAMIBIAN INDEPENDENCE. I SAID THAT WE HAD HEARD THIS FORMULATION BEFORE. IT WAS THE CLOSEST THING TO A NEW IDEA ADVANCED BY NYERERE ALL EVENING...BUT HE NEVER MOVED TO THE POINT OF A SPECIFIC TIMETABLE. ON FIVE OR SIX OCCASIONS,WHEN NYERERE CONCEDED OUR AGREEMENT ON BROAD OBJECTIVES, BUT NOT THE APPROACH THE USG HAD ADOPTED, WE PRESSED HIM FOR SPECIFIC IDEAS WHICH MIGHT ADVANCE THE PROCESS. ON EACH OCCASION,

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PAGE 04 STATE 051654

HE HAD NOTHING TO OFFER AND MOVED THE CONVERSATION TO OTHER TOPICS.

7. I RAISED THE QUESTION OF POSSIBLE REFERRAL OF THE NAMIBIAN ISSUE TO THE UN SECURITY COUNCIL. I NOTED THAT THE SOUTH AFRICANS WOULD CERTAINLY REACT NEGATIVELY TO SUCH AN INITIATIVE, AND QUESTIONED HOW IT COULD--AGAIN, IN PRACTICAL TERMS--ADVANCE THE NAMIBIAN PEACE PROCESS. I ALSO RECALLED FOREIGN MINISTER BOTHA'S STATEMENT TO SECRETARY SHULTZ THAT THE CUBAN QUESTION IS THE LAST REMAINING PROBLEM IN THE WAY OF IMPLEMENTING 435. ALTHOUGH NYERERE IN THE PAST HAS EXPRESSED PROFOUND SKEPTICISM ABOUT THIS QUESTION, NYERERE DID NOT TAKE ISSUE WITH THE PROPOSITION.

8. MOZAMBIQUE. I REVIEWED THE RECENT HISTORY OF OUR BILATERAL RELATIONS WITH MOZAMBIQUE AND OUR EFFORTS TO PLAY A CONSTRUCTIVE ROLE IN FACILITATING BILATERAL CONTACTS BETWEEN MOZAMBIQUE AND SOUTH AFRICA. NYERERE'S REACTION TO THIS AT THE BUTIAMA MEETING WAS SHARPLY NEGATIVE, ARGUING THAT THE MOZAMBICANS WOULD NOT BE TALKING TO THE SAG AT ALL UNLESS THEY WERE FORCED TO DO SO BY WESTERN PRESSURES OR INDIFFERENCE. ON THIS OCCASION, HOWEVER, NYERERE SIMPLY DECLINED COMMENT.

9. OAU AND FLS MEETINGS. NYERERE DID NOT OFFER ANY CLUES ABOUT HIS APPROACH TO THE FORTHCOMING FLS MEETING IN LUSAKA. ON THE NAIROBI OAU MEETING, NYERERE SEEMED PLEASED BY THE DECISION TO CALL A CONFERENCE IN ADDIS "IN MAY OR JUNE" AND BY THE PROSPECTS THAT A QUORUM MIGHT BE MUSTERED PERMITTING A SATISFACTORY OUTCOME.

10. NYERERE SHOWED NO GIVE ON SUBSTANTIVE ISSUES OR HIS OWN PHILOSOPHICAL POSITION, BUT HE WAS CORDIAL THROUGHOUT. IT IS EVIDENT DESPITE OUR DISAGREEMENT ON IMPORTANT

[redacted]

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PAGE 05 STATE 051654

QUESTIONS THAT OUR WORKING RELATIONSHIPS WITH HIS GOVERNMENT ARE GOOD AND HE WANTS THEM THAT WAY. AT THE END OF MEETING HE PRAISED AMBASSADOR MILLER AS"A GREAT AMBASSADOR." I REPLIED THAT I KNEW HE WAS, AND THAT WAS WHY OUR PRESIDENT HAD SENT HIM TO TANZANIA.
11. FOLLOWING MEETING WITH THE PRESIDENT, WE MET AT THE AMBASSADOR'S RESIDENCE WITH THE OTHER CONTACT GROUP AMBASSADORS. OUR SUMMARY OF THE MEETING WITH NYERERE WAS FOLLOWED BY SOME FAIRLY INCONCLUSIVE DISCUSSION OF THE "LINKAGE" QUESTION (THE DAR CG AMBASSADORS HAVE BEEN SUPPORTIVE ON THE CUBAN QUESTION BUT IT GIVES THEM SOME PROBLEMS LOCALLY). A COUPLE OF "NEW IDEAS" EMERGED: (1) THE CG SHOULD EXAMINE WHAT LIMITED PRACTICAL STEPS, WELL SHORT OF ECONOMIC SANCTIONS, MIGHT BE TAKEN TO PRESS FOR SAG COOPERATION ON NAMIBIA; (2)THE SAG OUGHT TO ENTER INTO A SERIOUS DIALOGUE WITH SAM NUJOMA, ON THE THEORY THAT HE IS LIKELY WINNER OF ANY FUTURE ELECTION AND WILL NEED TO COOPERATE WITH SOUTH AFRICA IN ANY EVENT.

12. COMMENT: THE PRINCIPAL PURPOSES OF MY DAR STOP WERE TO PERMIT NYERERE TO SPEAK HIS MIND AND TO REASSURE HIM PERSONALLY THAT THE USG CONTINUES TO ATTACH IMPORTANCE TO HIS VIEWS ON AFRICAN ISSUES. THE LATTER PURPOSE WAS SATISFACTORILY ACHIEVED. THE FIRST, HOWEVER, WAS LARGELY THWARTED BECAUSE NYERERE HAD VIRTUALLY NOTHING NEW TO OFFER ON PRACTICAL STEPS WHICH MIGHT ADVANCE OUR SHARED OBJECTIVES, AND PREFERRED TO LET ME DO MOST OF THE TALKING. IF YOU ACCEPT HIS BASIC PREMISES, HE IS A PERSUASIVE, IMPASSIONED AND FREQUENTLY A DISARMING AFRICAN SPOKESMAN. BUT I HEARD NOTHING THAT WOULD SUGGEST THAT, AT THE FORTHCOMING FLS MEETING, NYERERE WILL BE SHIFTING FROM ANY OF HIS STANDARD POSITIONS ON QUESTIONS OF CONCERN TO US.

13. GENERAL WALTERS REVIEWED FOREGOING PRIOR TO HIS DEPARTURE FOR NAIROBI.

[redacted]

[redacted]

14. DEPARTMENT REPEAT AS DESURED. MILLER
UNQUOTE DAM

Department of State

TELEGRAM UNCLASSIFIED

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AN: 0830107-0192

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PAGE 01 STATE 053247
ORIGIN IO-15

INFO OCT-00 COPY-01 ADS-00 INR-10 SS-10 OIC-02 AF-10
CIAE-00 DODE-00 H-01 NEA-06 NSCE-00 ARA-16 NSAE-00
SSO-00 HA-08 L-03 PM-07 PA-01 IRRE-00 SIG-03
USIE-00 SP-02 SNP-01 PRS-01 /099 R

FOR CANADIAN DRAFT RESOLUTION ON EL SALVADOR TO DEFEAT THE MORE RADICAL MEXICAN DRAFT RESOLUTION AND THAT IT IS IMPORTANT TO UNDERTAKE THE MAJOR EFFORT NEEDED TO M/ THE MOST OF THIS OPPORTUNITY.

3. ACTION POSTS REQUESTED TO APPROACH HOST GOVERNMENTS AT APPROPRIATE LEVEL TO UNDERSCORE THE SIGNIFICANCE WHICH USG PLACES ON SUPPORT FOR A MODERATE RESOLUTION WHICH RECOGNIZES THE IMPROVEMENTS WHICH HAVE OCCURRED I EL SALVADOR. 82 STATE 351224 (REPEATED DECEMBER 20) CONTAINS TALKING POINTS DEVELOPED FOR USE WITH THE MAN FROM WHICH EMBASSIES MAY WISH TO DRAW, AS APPROPRIATE. DPM

RELEASED
El Salvador: Human Rights Special Project (1993)

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TO AMEMBASSY AMMAN IMMEDIATE
AMEMBASSY DAKAR IMMEDIATE
AMEMBASSY ISLAMABAD IMMEDIATE
INFO USMISSION GENEVA
AMEMBASSY SAN SALVADOR
USMISSION USUN NEW YORK

Department of State IS/FPC/CDR El Salvador SP Date 9/23/93
Declassified under EO 12356 (X) in full; ( ) in part;
portions withheld: classified ( ); deliberative ( );
law enforcement ( ); privacy ( ); statutory ( );
not relevant to El Salvador ( ).

[redacted] STATE 053247

E.O. 12356:DECL: 2/25/89
TAGS: UNHRC, SHUM, PREL, ES
SUBJECT: 39TH HUMAN RIGHTS COMMISSION (HRC): EL SALVADOR

REF: (A) GENEVA 1756, (B) GENEVA 1760,
(C) GENEVA 1268 (NOTAL)

1. (C - ENTIRE TEXT.)

2. REF C REPEATED SEPTEL.

3. DEPT SUPPORTS ASSESSMENT SUGGESTED REFTEL (A).

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PAGE 02 STATE 053247

THAT THERE IS A CHANCE OF WINNING SUFFICIENT SUPPORT

UNCLASSIFIED

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*** Current Classification *** [redacted]
*** Current Handling Restrictions *** n/a

<<<**** OASYS DOCUMENT HEADER ***>>>

DOC_NBR= 83STATE053940

FILM= D830108-0138

DATE= 27 FEB 83

TYPE= TE

FROM= STATE

DRAFTER= AF:JAHEDGES

OFFICE= ORIGIN AF

TO= KINSHASA

CHANNEL= n/a

ORIGHAND= n/a

ORIGPHAND= n/a

ORIGCLASS= [redacted]

ORIGPCLASS= n/a

EO= OA

SUBJECT= MORE ON OAU LIBERATION COMMITTEE SESSION

REFERENCE= 83 DAR ES SALAAM 995

CONTROL_NBR= n/a

ENCLOSURE= n/a

LOCATOR= TEXT ON-LINE, ON MICROFILM

ERRORS= N/A

CONCEPTS= COMMITTEE, LIBERATION, SESSION, FOREIGN, MINISTER

TAGS= PREL, WA, TZ, OAU, (SALIM, SALIM)

[redacted]

PAGE 01 STATE 053940
ORIGIN AF-10

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Dept. of State, RPS/IPS, Margaret P. Grafeld, Dir.
(X) Release ( ) Excise ( ) Deny (X) Declassify
Date 6/18/99 Exemption

INFO OCT-00 COPY-01 ADS-00 /011 R

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INFO AMEMBASSY KINSHASA IMMEDIATE

[redacted] STATE 053940

FOR DAS BISHOP

FOLLOWING DAR ES SALAAM 1228 DTD FEB 24 SENT SECSTATE INFO BONN CAPE TOWN LISBON LONDON MADRID OTTAWA PARIS PRETORIA VICTORIA USUN NEW YORK BEING REPEATED FOR YOUR INFO.

QUOTE: [redacted] DAR ES SALAAM 01228

CAPE TOWN FOR EMBASSY

E.O. 12356: DECL: OADR
TAGS: PREL, OAU, WA, TZ
SUBJECT: MORE ON OAU LIBERATION COMMITTEE SESSION

REF: (A) DAR ES SALAAM 995 (NOTAL), (B) DAR ES SALAAM 1057 (NOTAL)

1. [redacted] - ENTIRE TEXT.

2. BASED ON POLOFF'S CONVERSATION DURING THE PAST WEEK WITH OAU LIBERATION COMMITTEE ASSISTANT EXECUTIVE SECRETARY LABAN OYAKA (PROTECT), THE NEW YORK REPRESENTATIVE OF THE PAN AFRICANIST CONGRESS OF AZANIA GORA IBRAHIM (PRO-
[redacted]

TECT), TANZANIAN FOREIGN MINISTER SALIM'S PERSONAL ASSISTANT (PROTECT), AND EGYPTIAN EMBASSY OFFICIALS (PROTECT), WE HAVE GATHERED A BETTER SENSE OF THE DYNAMICS AT THE FEBRUARY 10-12 MEETING IN ARUSHA OF THE OAU COORDINATING COMMITTEE FOR THE LIBERATION OF AFRICA. ALTHOUGH THERE WERE MINOR VARIATIONS IN THE ACCOUNTS SHARED BY THOSE IN ATTENDANCE, THE FOLLOWING POINTS WERE MENTIONED BY TWO OR MORE OF OUR SOURCES AND CAN BE USED TO SUPPLEMENT REPORTS REFTELS:
-- TANZANIAN FOREIGN MINISTER SALIM WAS ELECTED TO CHAIR THE MEETING AND RULED THE SESSIONS WITH A FIRM HAND, LIMITING DEBATE ON OCCASION AND ENSURING THAT ALL POINTS ON THE AGENDA WERE COVERED IN THE ALLOTTED PERIOD.

-- THE TOP PRIORITY FOR THE TANGOV APPEARED TO BE THAT THE MEETING RAN SMOOTHLY SO THAT A PRECEDENT COULD BE SET FOR THE VARIOUS FACTIONS OF THE OAU TO WORK TOGETHER ONCE AGAIN TOWARD SHARED GOALS. THE TANZANIANS HAD INSURED THAT THE POLISARIO WAS NOT IN ATTENDANCE AND THAT POTENTIALLY-DIVISIVE ISSUES WERE KEPT UNDER CONTROL. TANZANIA'S OBJECTIVES WERE MET IN THAT 21 MEMBER STATES OF THE LIBERATION COMMITTEE AND ELEVEN OTHERS AS OBSERVERS PARTICIPATED IN THE MEETING WITHOUT MAJOR DISRUPTION.

-- FOREIGN MINISTERS IN ATTENDANCE (TANZANIA, MOZAMBIQUE, ZAMBIA, NIGERIA, CAMEROON, AND ZIMBABWE, AS WELL AS THE KENYAN DEPUTY FOREIGN MINISTER) DOMINATED THE PROCEEDINGS. KODJO'S ROLE, AS WELL AS THAT OF OTHER OAU SECRETARIAT OFFICIALS, WAS KEPT TO A MINIMUM. ONE OBSERVER COMMENTED THAT KODJO WAS ON HIS BEST BEHAVIOR THROUGHOUT THE MEETING.

-- NIGERIAN FOREIGN MINISTER AUDU WAS PROBABLY THE MOST VOCAL OF DELEGATES. HE SURPRISED MANY BY THE VIRULENCE [redacted]

[redacted]

WITH WHICH HE ATTACKED THE U.S. ON SOUTHERN AFRICAN QUESTIONS. AUDU AND ZAMBIAN FOREIGN MINISTER GOMA WERE SAID TO HAVE BEEN THE KEY DRAFTERS IN THE HARSH COMMUNIQUE ISSUED AT THE CONCLUSION OF THE MEETING (REF B). SWAPO SECRETARY FOR FOREIGN RELATIONS MWESHINHANGA ALSO PLAYED A ROLE IN BEEFING UP THE COMMUNIQUE.

-- THE CALL IN THE COMMUNIQUE FOR AN IMMEDIATE SESSION OF THE UN SECURITY COUNCIL TO DISCUSS NAMIBIA FOLLOWED IN PART FROM A RECEPTION FOR THE DELEGATES HOSTED IN ARUSHA BY UN SECRETARY PEREZ DE CUELLAR. THE SECRETARY-GENERAL HAD INDICATED HIS WILLINGNESS TO HAVE THE UN PLAY A MORE ACTIVE ROLE AND SOME DELEGATES TOOK THIS AS AN INVITATION FOR IMMEDIATE ACTION BY THE UN.

-- THE AFRICA GROUP AT THE UN HAS BEEN NOTIFIED OF THE COMMUNIQUE'S CALL FOR AN IMMEDIATE SESSION OF THE UNSC. IT WILL BE THE RESPONSIBILITY OF THE AFRICAN MEMBERS OF THE SECURITY COUNCIL TO IMPLEMENT THE LIBERATION COMMITTEE'S INSTRUCTIONS WITHOUT DELAY. OYAKA TOLD US THAT THE MAJORITY OF DELEGATES HOPED THAT THE SECURITY COUNCIL WOULD BE PERSUADED TO PASS A RESOLUTION REAFFIRMING UNSC 435 AND STRESSING THAT EXTRANEOUS ISSUES (I.E., LINKAGE) NOT BE USED TO DELAY IMPLEMENTATION OF 435.
-- THERE WAS AN ACTIVE DEBATE AS TO WHETHER SPECIFIC MENTION OR CONDEMNATION SHOULD BE MADE IN THE COMMUNIQUE OF THE CONTACT GROUP. IN THE END, NO REFERENCE WAS MADE. IT WAS APPARENT TO DELEGATES THAT THE CONTACT GROUP'S AND FLS' NEGOTIATING ROLES HAD BEEN EFFECTIVELY STYMIED BY THE CUBAN TROOP ISSUE WHICH WAS OUTSIDE THEIR PURVIEW. CON-

DEMNATION OF THE CONTACT GROUP AS A WHOLE WAS REJECTED AS COUNTER PRODUCTIVE IN THAT IT WAS ARGUED THAT THE OTHER CONTACT GROUP MEMBERS COULD BE THE MOST EFFECTIVE IN DISUADING THE U.S. FROM INSISTENCE ON LINKAGE.

-- A RESOLUTION ON NAMIBIA DRAWN MOSTLY FROM PREVIOUS OAU [redacted]

PAGE 04 STATE 053940

PRONOUNCEMENTS AND DRAFTED BY THE OAU SECRETARIAT WAS ADOPTED PRIOR TO CONSIDERATION OF THE COMMUNIQUE. THIS RESOLUTION WAS FAR LESS HARSH THAN THE COMMUNIQUE. IT "FIRMLY REJECTS AND CONDEMNS ALL ATTEMPTS BY THE REAGAN ADMINISTRATION" TO ESTABLISH ANY LINKAGE BETWEEN THE CUBAN TROOPS IN ANGOLA AND THE ACHIEVEMENT OF INDEPENDENCE FOR NAMIBIA, BUT SIMPLY CALLS FOR THE UNSC "TO DISCHARGE ITS RESPONSIBILITIES."

-- THE WORDS "FRUSTRATED" AND "ANGRY" WERE REPEATEDLY USED BY OUR SOURCES TO CHARACTERIZE THE DISCUSSIONS ON NAMIBIA. NONE OF THE DELEGATES BROUGHT FORTH NEW SOLUTIONS, BUT THE PREDOMINANT VIEW WAS THAT THE CURRENT PATH WAS DOOMED TO FAILURE. DURING THE CLOSED SESSIONS, NOT ONE DELEGATE IS SAID TO HAVE SUGGESTED THAT THE U.S. WAS ACTING IN GOOD FAITH. THREE OF OUR SOURCES REMARKED THAT THE STRIDENCY OF THE DENUNCIATIONS OF THE U.S. WAS ALMOST UNMATCHED IN THEIR MEMORY OF OAU DELIBERATIONS ON SOUTHERN AFRICA. THERE WERE NO RESERVATIONS ON THE HARSH COMMUNIQUE.

-- THE ANGOLAN DELEGATION WAS HEADED BY ANGOLA'S AMBASSADOR IN DAR ES SALAAM, EUSEBIO S. JUNIOR. HE OFFERED ALMOST NO COMMENTS THROUGHOUT THE SOUTHERN AFRICAN DISCUSSIONS. AS OYAKA COMMENTED, "NO ONE KNEW WHETHER JUNIOR WAS SILENT BECAUSE HE KNEW WHAT WAS HAPPENING AND WAS TOLD NOT TO REVEAL IT...OR BECAUSE HE DIDN'T KNOW ANY MORE THAN THE REST OF US...AND NO ONE WANTED TO EMBARRASS JUNIOR BY ASKING." THE ANGOLAN DEPUTY FOREIGN MINISTER HAD BEEN SCHEDULED TO ATTEND THE MEETING BUT HAD FAILED TO SHOW AT THE LAST MINUTE. THE LACK OF ANGOLAN INPUT INTO THE DISCUSSIONS ADDED TO THE SENSE OF FRUSTRATION BY OTHER DELEGATES.

-- THE ONLY OPEN ACRIMONIOUS DEBATE BETWEEN DELEGATES [redacted]

PAGE 05 STATE 053940

OCCURRED WHEN THE ANC AND PAC ARGUED OVER PROPOSED LANGUAGE FOR A RESOLUTION ON INTERNAL SOUTH AFRICA DEVELOPMENTS AND SPORTING LINKS. SALIM INSISTED THAT REPRESENTATIVES FROM BOTH ORGANIZATIONS JOINTLY AGREE ON LANGUAGE

WITH OTHER MEMBERS OF A DRAFTING COMMITTEE AND THAT THEIR DISPUTE BE KEPT OFF THE CONFERENCE FLOOR. TENSIONS WERE HIGH BETWEEN ANC DELEGATES HEADED BY TAMBO AND PAC REPRESENTATIVES. THIS EXTENDED TO SOCIAL EVENTS. THE TANZANIANS DID THEIR BEST TO INSURE THAT BOTH DELEGATIONS WERE TREATED EQUALLY AND WERE CRITICIZED FOR THIS PRIVATELY BY SEVERAL DELEGATIONS SYMPATHETIC TO THE ANC.

-- ALTHOUGH SOUTHERN AFRICAN ISSUES DOMINATED THE PROCEEDINGS, FRUSTRATIONS WERE ALMOST AS GREAT WHEN THE QUESTION OF OVERDUE ASSESSMENTS WAS DISCUSSED. A RESOLUTION CALLING FOR IMMEDIATE PAYMENT OF PAST-DUE CONTRIBUTIONS WAS PASSED. IT WAS DECIDED THAT PARTIAL PAYMENTS COULD BE MADE BY DONATIONS IN KIND. SEVERAL OFFICIALS INDICATED THAT, UNLESS MORE MONIES WERE RECEIVED SOON, THE OAU LIBERATION COMMITTEE WOULD BE REQUIRED TO CURTAIL ITS ACTIVITIES. CAMEROON FOREIGN MINISTER OUMAROU AMINOU MADE A SPECIAL APPEAL IN HIS CLOSING REMARKS THAT CONTRIBUTIONS BE BROUGHT UP TO DATE.

-- IN CONTRAST TO SEVERAL RECENT SESSIONS OF THE LIBERATION COMMITTEE, THERE WAS ALMOST NO DISCUSSION OF THE CANARY ISLANDS ISSUE.

-- NO DELEGATION OFFERED TO HOST THE NEXT SESSION. OYAKA SPECULATED THAT SALIM, AS CONFERENCE CHAIRMAN, AND HASHIM MBITA, AS OAU LIBERATION COMMITTEE EXECUTIVE SECRETARY, WOULD CALL FOR THE NEXT MEETING IN ABOUT SIX MONTHS. THERE WAS GENERAL AGREEMENT AMONG THOSE IN ATTENDANCE THAT EFFORTS SHOULD BE MADE TO ENSURE GREATER PARTICIPATION AT THE MINISTERIAL LEVEL IN FUTURE SESSIONS.

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PAGE 06 STATE 053940

3. EMBASSY IS POUCHING COPIES OF RESOLUTIONS ON NAMIBIA AND ON SPORTS PERSONS AND ENTERTAINERS PERFORMING IN SOUTH AFRICA TO EMBASSY ADDIS ABABA, AF/E, AND AF/S.

4. DEPARTMENT PLEASE REPEAT TO OAU COLLECTIVE.

MILLER UNQUOTE DAM

*** Current Classification *** [redacted]
*** Current Handling Restrictions *** EXDIS

<<<**** OASYS DOCUMENT HEADER ***>>>

DOC_NBR= 83LAGOS02538

FILM= D830114-0198

DATE= 28 FEB 83

TYPE= TE

FROM= LAGOS

DRAFTER= n/a

OFFICE= ACTION SS

TO= STATE
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CHANNEL= n/a **DECAPTIONED**

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ORIGHAND= EXDIS

ORIGPHAND= n/a

ORIGCLASS= [redacted]

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EO= OA

SUBJECT= SOUTHERN AFRICA/ NEGOTIATIONS: NIGERIAN VIEWS

REFERENCE= 83 STATE 48891

CONTROL_NBR= n/a

ENCLOSURE= n/a

LOCATOR= TEXT ON-LINE, ON MICROFILM

ERRORS= N/A

CONCEPTS= NEGOTIATION, OPINION, MEETING, INDEPENDENCE, SETTLEMENT, TROOP WITHDRAWAL, POLICY, VIEWS

TAGS= PREL, PNAT, AO, NI, SF, WA, CU, US

[redacted]

PAGE 01 LAGOS 02538 01 OF 03 020944Z

Dept. of State, RPS/IPS, Margaret P. Grafeld, Dir.
☒ Release ( ) Excise ( ) Deny ☒ Declassify
Date 6/18/99 Exemption

ACTION SS-25

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EXDIS

E.O. 12356: DECL: OADR
TAGS: PREL, AO, NI
SUBJ: SOUTHERN AFRICA NEGOTIATIONS: NIGERIAN VIEWS

REF: STATE 48891

1. ([redacted] - ENTIRE TEXT)

2. SUMMARY: IN MEETING WITH SENIOR MINISTRY OF EXTERNAL AFFAIRS OFFICIAL CONCERNED WITH AFRICAN AFFAIRS, I HAD OPPORTUNITY TO REVIEW STATE OF PLAY ON NAMIBIA (REFTEL) AND TO ELICIT NIGERIAN VIEWS. AFTER A REVIEW OF US/
[redacted]
[redacted]

PAGE 02 LAGOS 02538 01 OF 03 020944Z

NIGERIAN VIEWPOINTS, IT WAS AGREED THAT THE US AND NIGERIA CAN AGREE TO DISAGREE ON THE TACTICAL ISSUES IN SOUTHERN AFRICA BUT NOT ON OUR ADHERENCE TO THE BASIC GOAL OF NAMIBIAN INDEPENDENCE. I WAS ASSURED THAT THE TOTALITY OF US-NIGERIAN RELATIONS IS MUCH LARGER THAN OUR DISAGREEMENT ON SOUTHERN AFRICA. I AM HOPEFUL THAT THE USEFUL MEETING REPRESENTS A CONTINUATION OF OUR DIALOGUE ON THE NAMIBIAN INDEPENDENCE PROCESS. END SUMMARY.

3. CURRENT STATE OF PLAY. IN MEETING 25 FEBRUARY WITH AMBASSADOR OLU JOLAOSO, DIRECTOR GENERAL FOR AFRICAN

AFFAIRS AT MINISTRY OF EXTERNAL AFFAIRS, I DISCUSSED THE CURRENT STATE OF PLAY IN SOUTHERN AFRICA, USING RELEVANT PARAGRAPHS REFTEL. JOLAOSO LISTENED QUIETLY, INTERRUPTING MY DISCUSSION AT THE POINT WHERE I ASSERTED THAT UNITA SEEMED TO BE STEPPING UP ITS ACTIVITIES IN ANGOLA WITHOUT NEW SOUTH AFRICAN SUPPORT. JOLAOSO CITED THE RECENT BOTHA STATEMENT IN WHICH HE ASSURED SOUTH AFRICAN SUPPORT TO "ANTI-COMMUNIST" MOVEMENTS IN SOUTHERN AFRICA. I TOLD JOLAOSO THAT OUR INFORMATION DID NOT INDICATE THAT BOTHA'S RHETORICAL POINT HAD BEEN TRANSLATED INTO ACTIONS. JOLAOSO SHRUGGED, BUT DID NOT PURSUE THE POINT.

4. THE LINKAGE PROBLEM. AT THE CONCLUSION OF MY PRESENTATION, JOLAOSO EXPRESSED RELIEF THAT FINALLY THE ANGOLANS ARE "SPEAKING FOR THEMSELVES". HE EMPHASIZED THAT NIGERIA'S POSITION ON ANGOLA AND THAT COUNTRY'S RELATIONS WITH THE CUBANS, THE AMERICANS AND THE SOUTH AFRICANS IS ONE OF SOLIDARITY WITH THE ANGOLANS. WHATEVER THE ANGOLANS WANT IS FINE WITH [redacted]

PAGE 03 LAGOS 02538 01 OF 03 020944Z

THE NIGERIANS. AT THIS POINT I REFERRED TO THE RECENT STATEMENTS BY PRESIDENT SHAGARI AND PROFESSOR AUDU WHICH NOT ONLY CAST DOUBT ON U.S. GOOD FAITH IN THE NEGOTIATIONS PROCESS BUT ALSO SEEMED TO PRESCRIBE SOLUTIONS ("NO LINKAGE") FOR THE ANGOLANS IN THEIR MANY-SIDED NEGOTIATIONS. I RECALLED FOR JOLAOSO OUR EARLIER UNDERSTANDING WHICH PROVIDED THE U.S. AND THE CONTACT GROUP THE OPPORTUNITY TO DEVELOP PRAGMATIC SOLUTIONS WHILE AGREEING ON A COMMON GOAL. AFTER REPEATING HIS EARLIER ASSERTION ON NIGERIA'S WILLINGNESS TO ACCEPT ANY SOLUTION SATISFACTORY TO THE ANGOLANS, JOLAOSO ASSERTED THAT IT IS THE CONSENSUAL VIEW OF THE FRONT LINE STATES AND NIGERIA THAT THE U.S. EMPHASIS ON LINKAGE HAS ESSENTIALLY CHANGED OVER THE LAST SEVERAL MONTHS. JOLAOSO NOTED THAT AT NO TIME HAVE THE FLS AND NIGERIA ACCEPTED THE LINKAGE. HE RECALLED THE FIRM LANGUAGE ON THAT POINT IN THE COMMUNIQUE SIGNED AT THE CONCLUSION OF THE VICE PRESIDENT'S VISIT. IN THE MEANTIME "LINKAGE" HAS SEEMINGLY MOVED FROM A "PARALLEL EFFORT" TO A "FIRM CONDITION". NIGERIA INSISTS THAT THE PRESENCE OF CUBAN TROOPS IN ANGOLA HAS NOTHING TO DO WITH NAMIBIAN INDEPENDENCE.

5. CONTINUITY IN U.S. POLICY. AT THIS POINT, I ASSURED JOLAOSO THAT THE U.S. HAS NOT MISLED AFRICA IN ITS GOOD FAITH EFFORTS TO DEVELOP A SCENARIO FOR NAMIBIAN INDEPENDENCE. WE HAVE NEVER HIDDEN OUR OR RSA

CONCERN ABOUT THE PRESENCE OF CUBAN TROOPS, AND WE HAVE ALWAYS KEPT THE FLS AND NIGERIA INFORMED OF OUR PARALLEL STEPS TO RESOLVE THE COMPLICATED MIX OF PROBLEMS WHICH AFFECT THE NATIONAL SECURITY INTERESTS OF EACH OF THE COUNTRIES CONCERNED IN THE NAMIBIAN INDE-

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PAGE 01 LAGOS 02538 02 OF 03 020937Z
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[redacted] SECTION 02 OF 03 LAGOS 02538

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PENDENCE PROCESS. WE HAVE CAREFULLY NOT USED THE WORD LINKAGE BUT PREFER TO LOOK AT IT AS A PRACTICAL PROBLEM AFFECTING THE SUCCESSFUL RESOLUTION OF THE NEGOTIATIONS FOR NAMIBIAN INDEPENDENCE. WE NOW FEEL RELATIVELY CERTAIN THAT WE HAVE AN UNDERSTANDING FOR SOUTH

AFRICAN WITHDRAWAL FROM NAMIBIA AND THAT THE ANGOLANS ARE WORKING DIRECTLY WITH SOUTH AFRICA ON THEIR CONCERNS. WE ARE NOW ONLY WAITING FOR THE ANGOLAN SCHEDULE FOR CUBAN WITHDRAWAL. WE REALIZE THAT THIS PRESENTS A NUMBER OF DOMESTIC AND INTERNATIONAL POLITICAL PROBLEMS FOR PRESIDENT DOS SANTOS, AND WHILE WE REGRET THE DELAYS, WE BELIEVE THAT IT IS WORTH WAITING [redacted]

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PAGE 02 LAGOS 02538 02 OF 03 020937Z

FOR THE ANGOLANS TO WORK THEIR PROBLEMS OUT.

6. JOLAOSO REPEATED HIS EARLIER ASSURANCES THAT THE VARIOUS BILATERAL NEGOTIATIONS, US-SOUTH AFRICA, US-ANGOLA, AND ANGOLA-SOUTH AFRICA, PRESENT NO PROBLEMS FOR NIGERIA. HOWEVER, NIGERIA CONTINUES TO VIEW THE LACK OF PROGRESS BY THE CONTACT GROUP IN DEVELOPING SOLUTIONS TO THE NAMIBIAN INDEPENDENCE ISSUE UNDER UNSC RES. 435 IS DUE ENTIRELY TO THE LINKAGE ISSUE. HE REFERRED TO THE CHORUS OF CONDEMNATION OF THE LINKAGE ISSUE FROM ALL OVER AFRICA AND DECLARED THAT SUCH UNIVERSAL DECLARATIONS SHOULD NOT BE IGNORED.

7. SOVIET/CUBAN TACTICS. I EXPRESSED SOME CONCERN AT THE WAY THIS CRESCENDO OF CRITICISM HAS DEVELOPED. WE FEEL WE HAVE KEPT THE AFRICAN STATES WELL INFORMED. DESPITE THIS, IT IS OBVIOUS THAT THE SOVIET UNION AND CUBA HAVE BEEN SUCCESSFUL IN MAKING THEIR CASE THROUGH THE AFRICAN STATES. JOLAOSO REJOINED IMMEDIATELY THAT NIGERIA HAS NOT BEEN TALKING ABOUT THE NAMIBIAN PROBLEM WITH THE SOVIET UNION. SO FAR AS NIGERIA IS CONCERNED, ITS POLICY REFLECTS NO SOVIET INFLUENCE. HE REPEATED THAT THE VIEW THAT LINKAGE HAD BLOCKED THE SUCCESSFUL CONCLUSION OF THE NAMIBIAN INDEPENDENCE ISSUE IS A "PREVALENT PERCEPTION" QUITE INDEPENDENTLY DEVELOPED IN THE ABSENCE OF SOVIET INFLUENCE.

8. THE NEED FOR DIALOGUE. I NOTED SATISFACTION AT THE RESTATEMENT OF NIGERIA'S EARLIER POSITION INDICATING SUPPORT FOR ANY SOLUTION THAT WE CAN WORK OUT WITH THE ANGOLANS IS FINE WITH NIGERIA. I TOLD JOLAOSO THAT IF HIS COUNTRY IS SATISFIED THAT WE ARE WORKING TOWARD THE COMMON GOAL OF NAMIBIAN INDE- [redacted]

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PAGE 03 LAGOS 02538 02 OF 03 020937Z

PENDENCE WE FIND IT STRANGE THAT NIGERIA'S PUBLIC STATEMENTS CALL INTO QUESTION OUR MOTIVATIONS IN PURSUING THE PROCESS. JOLAOSO REPORTED THAT THE PROTEST

DELIVERED IN WASHINGTON TO NIGERIAN AMBASSADOR, CHIEF A. Y. EKE, HAD BEEN RECEIVED IN LAGOS, AND THAT THE U.S. REACTIONS TO NIGERIAN PUBLIC COMMENTS HAD BEEN DISCUSSED "AT THE HIGHEST LEVELS". HE ASSURED ME THAT THERE WAS NO DESIRE TO CALL U.S. MOTIVES INTO QUESTION. HE HOPED THAT WE COULD AGREE THAT THE TOTALITY OF RELATIONS BETWEEN THE U.S. AND NIGERIA IS LARGER THAN THIS MATTER AND THAT WE CAN AGREE TO DISAGREE IN AREAS NOT RELATED TO OUR COMMON BASIC OBJECTIVES. IN INDICATING THAT I FIRMLY SHARED THIS POSITION, I EMPHASIZED THE NEED FOR CONTINUING CLOSE CONTACTS AND CONSULTATION BETWEEN THE TWO COUNTRIES IN ORDER TO UNDERSTAND CLEARLY OUR POSITIONS. WE THEN WENT ON TO DISCUSS OTHER ISSUES WHICH WILL BE REPORTED SEPARATELY.

9. COMMENT: AS THE DEPARTMENT IS AWARE, THE NIGERIAN MINISTRY OF EXTERNAL AFFAIRS HAS BEEN NOTABLY UNAVAILABLE TO US ON ISSUES CONCERNING NAMIBIA IN RECENT MONTHS. I WOULD LIKE TO THINK THAT THIS MEETING WITH JOLAOSO REPRESENTS A RENEWAL OF THE CONTACT ON THE CRITICAL ISSUES CONCERNING THE NAMIBIAN INDEPENDENCE NEGOTIATIONS. IT SHOULD BE NOTED THAT MINISTER AUDU, IN A BRIEF INTERVIEW ON 27 FEBRUARY (BEING REPORTED SEPARATELY), TOOK A DECIDEDLY MODERATE LINE IN REPLY TO A NEWSMAN'S QUESTION ON NAMIBIA, INDICATING THAT PATIENCE IS NEEDED ("LATER LIBERATIONS BECOME HARDER AND HARDER..."). HE AVOIDED BLAMING THE U.S. OR THE CONTACT GROUP FOR THE LACK OF PROGRESS. WE HOPE THAT

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PAGE 01 LAGOS 02538 03 OF 03 031514Z
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JOLAOSO'S RELATIVE OPENNESS AND THE MINISTER'S MODERATION ARE INDICATIONS THAT THE NIGERIANS HAVE GOTTEN THE MESSAGE THAT WE ARE DISTURBED AT THE LEVEL OF CRITICAL POLEMIC WE HAVE BEEN HEARING FROM SENIOR OFFICIALS IN RECENT MONTHS. THE NIGERIANS ALSO HAVE BEEN WORKING TO GET THEIR MESSAGE ACROSS. AS YOU KNOW, THEY DISTRUST THE SOUTH AFRICANS ABSOLUTELY YND ABHOR THE IDEA OF CUBAN TROOP LINKAGE AS A "LATE STARTER" SERVING ONLY SOUTH AFRICAN AND U.S. INTERESTS AND DESIGNED TO HOLD UP THE INDEPENDENCE PROCESS. WE INTEND TO CONTINUE TO PURSUE CONTACTS WITH SENIOR [redacted]

PAGE 02 LAGOS 02538 03 OF 03 031514Z

NIGERIAN FIGURES TO DISCUSS NAMIBIA TO INSURE THAT PROGRESS IS RECOGNIZED AND THAT OUR MESSAGE IS BEING UNDERSTOOD. END COMMENT. PICKERING

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PAGE 01 GENEVA 01939 01 OF 03 011685Z
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PAGE 02 GENEVA 01939 01 OF 03 011685Z

AMEMBASSY OTTAWA PRIORITY
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Department of State IS/FPC/CDR EI Salvador SP Date 9/23/93
Declassified under EO 12356 (X) in full; ( ) in part;
portions withheld: classified ( ); deliberative ( );
law enforcement ( ); privacy ( ); statutory ( );
not relevant to El Salvador ( ).

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AMEMBASSY THE HAGUE PRIORITY
USMISSION USUN NEW YORK PRIORITY
[redacted] SECTION 01 OF 03 GENEVA 01939

CORRECTED COPY (TEXT)

E.O. 12356: DECL: OADR
TAGS: SHUM, PREL, UNHRC, ES
SUBJECT: 49TH UN HUMAN RIGHTS COMMISSION (HRC):
- EL SALVADOR
REF: GENEVA 1036
1. (C - ENTIRE TEXT)
-
2. SOME CONFUSION MAY HAVE ARISEN IN EMBASSIES OVER THE U.S. POSITION ON EL SALVADOR RESOLUTIONS BEFORE THE HRC. OUR POSITION IS TO SUPPORT THE CANADIAN DRAFT RESOLUTION, DESPITE SOME IMPERFECTIONS, PROVIDED THAT IT IS NOT AMENDED. WE ARE ACTIVELY WORKING TO DEFEAT AMENDMENTS WHICH MEXICO, SUPPORTED BY FRANCE, IS EXPECTED TO INTRODUCE. WE, OF COURSE, OPPOSE THE MEXICAN DRAFT RESOLUTION. U.S. SUPPORT FOR THE CANADIAN RESOLUTION IS A MAJOR SELLING POINT IN THAT SUCH SUPPORT COULD MAKE THE RESOLUTION, IF IT IS PASSED, MORE EFFICACIOUS IN LEADING TO
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PAGE 03 GENEVA 01939 01 OF 03 011685Z

AN IMPROVED HUMAN RIGHTS SITUATION IN EL SALVADOR. THE KEY VOTES WILL PROBABLY BE ON MEXICAN AMENDMENTS TO INTRODUCE POLITICAL ELEMENTS, WHICH, IF ADOPTED, WOULD CAUSE US TO VOTE AGAINST THE AMENDED CANADIAN RESOLUTION. PROCEDURAL VOTES MAY ALSO BE IMPORTANT, AND WE WILL NEED SUPPORT ON THESE AS WELL. IN PARTICULAR, WE ARE CONCERNED THAT THE MEXICANS MAY MOVE TO BRING THEIR RESOLUTION UP BEFORE THE CANADIAN RESOLUTION. (THE CANADIAN RESOLUTION HAS PRIORITY SINCE IT WAS
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PRESENTED FIRST, BUT THIS COULD BE REVERSED BY A MAJORITY VOTE.) WE SHOULD ASK GOVERNMENTS TO VOTE WITH US AGAINST SUCH PROCEDURAL MANEUVERS. VOTE IS EXPECTED MARCH 4 OR 7.

3. FOR TOKYO AND ISLAMABAD. IT SEEMS TO US WORTHWHILE TO CLARIFY OUR POSITION TO THE APPROPRIATE AUTHORITIES. WE HAVE EXPLAINED OUR POSITION TO JAPANESE AND PAKISTANI REPS HERE, BUT THEIR AUTHORITIES MAY NOT UNDERSTAND CORRECTLY.

4. FOR KIGALI. WE BELIEVE THAT A DEMARCHE WOULD BE IN ORDER, EMPHASIZING THE IMPORTANCE OF THE ISSUE TO US. WE WOULD HOPE FOR A YES VOTE, BUT CONTINUE TO EXPECT AN ABSTENTION.

5. FOR BEIJING. CHINESE ALTERNATE REP MA HAS INFORMED US THAT CHINA WILL ABSTAIN.

6. FOR BUENOS AIRES. ARGENTINE DELEGATION HAS INFORMED US THAT ARGENTINA WILL VOTE AGAINST THE CANADIAN RESOLUTION. BUT TO US THE CRITICAL VOTE WILL COME ON THE MEXICAN AMENDMENTS. IT MIGHT BE USEFUL TO POINT OUT TO GOA THAT IT IS

IMPORTANT FOR ARGENTINA TO JOIN US IN VOTING

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Special Project (1993)

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[redacted] SECTION 02 OF 03 GENEVA 01939

"NO" ON THESE AMENDMENTS AND
ON PROCEDURAL MANEUVERS.

7. FOR KAMPALA. UGANDAN REP OTUNNU HAS
POINTED OUT THAT HIS COUNTRY HAS IN THE
PAST VOTED WITH MEXICO ON CENTRAL AMERICAN
ISSUES. AS OUR RELATIONS WITH OTUNNU ARE
EXCELLENT, WE SHALL PURSUE THE MATTER IN
GENEVA AND ARE NOT ASKING FOR A DEMARCHE.
HOWEVER, COMMENTS ON THIS MATTER BY EMBASSY
KAMPALA WOULD BE APPRECIATED.

8. FOR NICOSIA. CYPRUS HAS IN THE PAST VOTED
AGAINST US ON EL SALVADOR, BUT ONE MEMBER
OF CYPRUS DEL SAID TO US THAT THEY HAD NEVER
BEEN ASKED BY US TO TAKE A DIFFERENT POSITION.
REQUEST THOUGHTS OF EMBASSY NICOSIA ON WHETHER
A DEMARCHE WOULD BE USEFUL OR WHETHER THIS
ISSUE SHOULD BE PURSUED HERE.

9. FOR MANILA. REF GENEVA 1836. AMB MANALO
NOW TELLS US THAT HIS ONLY INSTRUCTIONS ARE
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PAGE 03 GENEVA 01939 02 OF 03 0109442

TO VOTE AS THE PHILIPPINES DID LAST YEAR.
HE WILL BE ASKING FOR INSTRUCTIONS ON HOW
TO TRANSLATE THIS INTO THE MORE COMPLICATED
SITUATION NOW PREVAILING. HE SEEMS INCLINED
TO RECOMMEND VOTES WITH US ON PROCEDURAL MATTERS

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PAGE 01 GENEVA 01939 03 OF 03 0109462
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AMEMBASSY KINSHASA PRIORITY
AMEMBASSY LOME PRIORITY
AMEMBASSY LONDON PRIORITY
AMEMBASSY MEXICO PRIORITY
AMEMBASSY MONTEVIDEO PRIORITY
AMEMBASSY NEW DELHI PRIORITY
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PAGE 02 GENEVA 01939 03 OF 03 0109462

AMEMBASSY OTTAWA PRIORITY
AMEMBASSY PARIS PRIORITY

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El Salvador: Human Rights Special Project (1993)

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AMEMBASSY ROME PRIORITY
AMEMBASSY SAN JOSE PRIORITY
AMEMBASSY SAN SALVADOR PRIORITY
AMEMBASSY SUVA PRIORITY
AMEMBASSY THE HAGUE PRIORITY
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C O N F I D E N T I A L SECTION 03 OF 03 GENEVA 01939

AND AGAINST EXPECTED MEXICAN AMENDMENTS, THOUGH HE DOES NOT KNOW WHETHER HE WOULD BE ABLE TO VOTE FOR THE CANADIAN RESOLUTION EVEN IF IT IS NOT AMENDED. WE CONTINUE TO BELIEVE THAT IT WOULD BE USEFUL TO EXPLAIN OUR POSITION *TO THE FOREIGN MINISTRY AND ASK FOR SUPPORT.*

10. FOR BOGOTA. REF BOGOTA 2046. HOW CAN WE TRANSLATE ZAMBRANO'S CONCERNS ABOUT MEXICAN RESOLUTION INTO A COMMITMENT TO SUPPORT US ON PROCEDURAL QUESTIONS AND AGAINST AMENDMENTS?
SHAEBE

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El Salvador: Human Rights
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[redacted] SECTION 01 OF 02 SAN SALVADOR 02383

E.O. 12356: DECL: 3/17/89
TAGS: PINS, PGOV, SHUM, ES
OBJECT: (U) GOES HUMAN RIGHTS COMMISSION

REF: SAN SALVADOR 1748

1. C--ENTIRE TEXT.

2. SUMMARY: THE EXECUTIVE SECRETARY OF THE GOES HUMAN RIGHTS COMMISSION COMPLAINED LONG AND HARD TO POLOFFS ABOUT THE COMMISSION'S LACK OF SUPPORT AND AUTHORITY. END SUMMARY.

3. ON MARCH 8 POLOFFS LUNCHED WITH THE EXECUTIVE SECRETARY OF THE GOES HUMAN RIGHTS COMMISSION, BENJAMIN CESTONI, AND THE DIRECTOR FOR INTERNATIONAL ORGANIZATIONS AND HUMAN RIGHTS AT THE FOREIGN [redacted]

PAGE 02 SAN SA 02383 01 OF 02 181751Z

MINISTRY, SARA DE MOSIGLIA. CESTONI TOLD POLOFFS OF THE FRUSTRATION HE AND SOME OF THE OTHER EMPLOYEES AND MEMBERS OF THE COMMISSION FEEL OVER THEIR LACK OF AUTHORITY AND SUPPORT. ALTHOUGH FORMED OVER THREE MONTHS AGO (DECEMBER 1), CESTONI CLAIMED THE COMMISSION STILL LACKS THE RESOURCES AND AUTHORITY TO DO ITS JOB. FOR EXAMPLE, THE COMMISSION HAS NO VEHICLES, AND ONLY BORROWED TYPEWRITERS. MINISTER OF THE PRESIDENCY DR. FRANCISCO GUERRERO "LENDS" CESTONI MONEY FROM THE CASA PRESIDENCIAL BUDGET TO PAY SALARIES AND EXPENSES. MORE IMPORTANTLY, THE COMMISSION STILL LACKS REAL AUTHORITY -- CESTONI SAID COMMISSION PRESIDENT FATHER FREDDY DELGADO COULD NOT EVEN GET INTO THE PRISON IN COJUTEPEQUE RECENTLY. CESTONI BLAMED THESE PROBLEMS ON THE LACK OF GOVERNMENTAL INTEREST AND SUPPORT, AND ON THE POORLY COORDINATED AND UNDER-BUDGETED SALVADORAN BUREAUCRACY. CESTONI POINTED OUT AS AN EXAMPLE THAT COMMISSION MEMBERS WERE NOT EVEN INVITED TO ACCOMPANY THE REST OF THE GOVERNMENT IN RECEIVING THE POPE ON MARCH 6, UNTIL HE HAD WRANGLED AN ELEVENTH HOUR INVITATION. THIS WAS IN SPITE OF THE FACT THAT HUMAN RIGHTS WAS ONE OF THE POPE'S MAIN THEMES ON HIS VISIT TO CENTRAL AMERICA. (NOTE: ALTHOUGH CESTONI NEVER SAID SO OUTRIGHT, THE PROBLEM OF THE COMMISSION'S LACK OF AUTHORITY IS SPECIFIC: IT HAS NO SPECIFIC AUTHORITY OVER THE MILITARY, EVEN THOUGH NATIONAL POLICE DIRECTOR COL. LOPEZ NUILA IS A COMMISSION MEMBER. THE INVESTIGATION OF DISAPPEARANCES ALMOST INEVITABLY INCLUDES THE POSSIBILITY OF ARMED FORCES INVOLVEMENT, AND IN SOME CASES LEADS TO SPECIFIC UNITS OR HEADQUARTERS. ON OTHER OCCASIONS COMMISSION [redacted]

PAGE 03 SAN SA 02383 01 OF 02 181751Z

MEMBERS HAVE TOLD EMBOFFS OF SEVERAL OCCASIONS WHEN THEY WERE NOT PERMITTED ENTRY TO ARMED FORCES FACILITIES OR WERE MET WITH BLANK DENIALS FROM COMMANDERS WHILE INVESTIGATING CASES.)

4. CESTONI'S BLEAK PICTURE OF THE COMMISSION'S OPERATION AND SUPPORT MOVED FOREIGN MINISTRY OFFICIAL MOSIGLIA TO COMMENT THAT THE COMMISSION IS REALLY JUST A FARCE. CESTONI DID NOT ARGUE. MOSIGLIA LAMENTED THE COMMISSION'S "LACK OF CREDIBILITY."

Department of State IS/FPC/CDR, El Salvador Sp. Date 7/23/93
Declassified under EO 12356 (X) in full: ( ) in part;
portions withheld: classified ( ); deliberative ( );
law enforcement ( ), privacy ( ), statutory ( );
not relevant to El Salvador ( ).

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SHE SAID THE COMMISSION HAS DONE LITTLE TO HELP IMPROVE EL SALVADOR'S INTERNATIONAL IMAGE. FOR EXAMPLE, THE FOREIGN MINISTRY WAS DELUGED WITH LETTERS AND TELEGRAMS FOLLOWING THE FMLN TAKEOVER OF BERLIN IN EARLY FEBRUARY. THERE WAS ONE IMPORTANT ISSUE IN ALL OF THE INQUIRIES: ALLEGED AIR FORCE BOMBARDMENT OF THE CITY AND THE CIVILIAN POPULATION.. SHE NOTED THAT THE COMMISSION WAS QUICK TO GO TO BERLIN AND DENOUNCE GUERRILLA ATROCITIES, BUT THEIR REPORT DID NOT EVEN MENTION THE ALLEGED BOMBARDMENT. CESTONI READILY RECOGNIZED THE PROBLEM, AND BLAMED IT ON "DIFFERENCES OF OPINION AMONG COMMISSION MEMBERS" (READ: SOME MEMBERS' OBJECTIVITY IS QUESTIONABLE.) HE SAID HE SOMETIMES GIVES MONSIGNOR DELGADO FACTS ON A CASE, BUT DELGADO THEN "CHANGES THE FACTS AND SAYS WHAT HE WANTS." FOR EXAMPLE, CESTONI SAID HE HAD GIVEN DELGADO BACKGROUND ON THE RECENT SONSONATE MASSACRE, HOWEVER, IN STATEMENTS TO THE PRESS DELGADO VAGUELY ATTRIBUTED THE KILLINGS TO GUERRILLAS. (MEMBERS OF THE FOREIGN PRESS CONFIRMED THIS TO POLOFF.) CESTONI SAID HE HAS EVEN GONE SO FAR AS TO CAUTION MONSIGNOR DELGADO TO MAKE CLEAR TO THE PRESS WHETHER HE IS SPEAKING FOR THE

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PAGE 01 SAN SA 02383 02 OF 02 1817Z2
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[redacted] SECTION 02 OF 02 SAN SALVADOR 02383

COMMISSION OR JUST EXPRESSING HIS PERSONAL *VIEWS. HE SAID HE WANTS THE COMMISSION TO HAVE A* PRESS OR PUBLIC RELATIONS OFFICER SO IT CAN "WORK AROUND" DELGADO.

5. CESTONI ALSO COMPLAINED THAT THE COMMISSION KEEPS A TIGHT REIN ON HIS ACTIVITIES, AND DOES NOT ALLOW HIM TO SPEAK PUBLICLY FOR THE COMMISSION. HE REFERS PRESS INQUIRIES TO FATHER DELGADO, OCCASIONING THE PROBLEMS REPORTED ABOVE. CESTONI, WHO IS A SELF-AVOWED "RIGHTIST," SAID: "I HAVE THOUGHT OF SPEAKING OUT OR EVEN RESIGNING SEVERAL TIMES. I HAVE NOT DONE SO FOR TWO REASONS: FIRST, BECAUSE I WANT TO HELP MY GOVERNMENT, AND SECOND, BECAUSE I DO NOT WANT *TO RISK BECOMING A HUMAN RIGHTS CASE MYSELF."*

6. CESTONI SAID THAT THERE IS ONLY ONE WAY TO [redacted]

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PAGE 02 SAN SA 02383 02 OF 02 1817Z2

RECTIFY THE SITUATION. HE SAID THE COMMISSION WILL HAVE TO MAKE IT CLEAR TO PRESIDENT MAGANA THAT IT IS

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Special Project (1993)

NOT A "TOY" (JUGUETE).

7. CESTONI SAID SOME OF HIS RESOURCE PROBLEMS WILL BE ALLEVIATED SOON WHEN THE CONSTITUENT ASSEMBLY APPROVES THE COMMISSION'S BUDGET OF 703,668 COLONES (APPROX. 180,427 DOLLARS AT THE LEGAL PARALLEL MARKET RATE OF 3.9 COLONES EQUALS 1 DOLLAR). ACCORDING TO CESTONI, THE BUDGET ALLOWS 120,000 COLONES (APPROX. 31,026 DOLLARS) FOR PUBLIC RELATIONS AND PUBLICITY AND 25,000 COLONES (APPROX. 6,410 DOLLARS) FOR VEHICLES. HE POINTED OUT THAT THIS WILL NOT BE NEARLY ENOUGH MONEY TO ENABLE THE COMMISSION *TO FUNCTION IN A CREDIBLE, EFFECTIVE MANNER.*

8. THE COMMISSION NOW CONSISTS OF THE SEVEN COMMISSION MEMBERS AND A SECRETARIAT COMPOSED OF AN EXECUTIVE SECRETARY (CESTONI), 3 LAW STUDENTS, 3 SECRETARIES, 1 STATISTICIAN, 1 DRIVER, AND 1 MESSENGER. THE COMMISSION HAS AMPLE OFFICE SPACE IN THE ATTORNEY GENERAL'S NEW OFFICE BUILDING. THE COMMISSION MEETS TWICE A WEEK, ON TUESDAYS AND THURSDAYS AT 12:30 P.M. A QUORUM IS ESTABLISHED WITH FOUR MEMBERS. CESTONI SAID ALL SEVEN MEMBERS ARE CONSCIENTIOUS ABOUT ATTENDANCE. THE COMMISSION SECRETARIAT IS OPEN ALL DAY FIVE DAYS A WEEK TO TAKE COMPLAINTS AND TESTIMONY.

9. CESTONI WOULD LIKE TO EXPAND THE COMMISSION BY HIRING TWO FULL TIME LAWYERS, 5 MORE LAW STUDENTS, ADDITIONAL SECRETARIES, AND A PUBLIC RELATIONS/PRESS OFFICER. HE HOPES TO OBTAIN U.S. AID FINANCING AND [redacted]

HAS ALREADY MET ONCE WITH AID. HE IS NOW DRAWING UP A PROPOSAL TO SUBMIT TO THE EMBASSY. (EMBASSY NOTE: SOME AID FUNDING MAY BE AVAILABLE POSSIBLY THROUGH, BUT NOT NECESSARILY LIMITED TO, COUNTERPART GENERATIONS.)
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03-?-83 (KH066)

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United States Department of State

Assistant Secretary of State
for Inter-American Affairs

Washington, D.C. 20520

Dear Senator Riegle:

Thank you for your letter of March 14, 1983 concerning the arrest and detention of Ms. Maria Cecilia Rodriguez Araya of Chile.

Maria Cecilia Rodriguez Araya, a regional coordinator of the Association of Families of Disappeared Persons, was arrested by police at Santiago's international airport on February 2. She was traveling to Madrid to attend a meeting of the organization. On February 11 an investigating judge formally charged her with infraction of Article 4, Section G of the Law on Internal Security. This section of the law prohibits the dissemination of false information detrimental to the government. Authorities allege that Ms. Rodriguez was carrying anti-government propaganda to the human rights conference in Spain.

We understand that the investigating judge of the Court of Appeals has concluded his preliminary inquiry into the case. Attorneys for the Vicariate of Solidarity, a church organization involved in the protection of human rights, are representing Ms. Rodriguez. Bail was approved for Ms. Rodriguez on March 14 and she has been released from detention. The case is continuing in the judicial process and her trial can be expected in the not too distant future.

We have expressed our concern about this case to the Chilean Embassy here in Washington. We also have asked our Embassy in Santiago to raise the matter with appropriate Chilean officials and to keep us informed concerning significant developments.

With cordial regards,

Sincerely,

Thomas O. Enders

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____

Enclosure:
Correspondence returned.

The Honorable
Donald W. Riegle,
United States Senate

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*** Current Classification *** [redacted]
*** Current Handling Restrictions *** EXDIS

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DOC_NBR= 83STATE057387

FILM= D830148-0487, D830115-0891

DATE= 02 MAR 83

TYPE= TE

FROM= STATE

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EO= OA

SUBJECT= NAMIBIA: BRITISH MEETING WITH UNSR AHTISAARI

REFERENCE= 83 STATE 54649

CONTROL_NBR= n/a

ENCLOSURE= n/a

LOCATOR= TEXT ON-LINE, ON MICROFILM

ERRORS= N/A

CONCEPTS= MEETING, GROUP, ECONOMIC, INTERFERENCE, BRITISH, NEGOTIATION, SETTLEMENT, INDEPENDENCE, TROOP WITHDRAWAL, INVASION, LIBERATION FRONT, CONTACT, DIRE
CTORS, APARTHIED, LINKAGE, VITAL

TAGS= PNAT, MOPS, US, UK, WA, XA, SF, CU, UN, SWAPO, (AHTISAARI, MARTTI)

Dept. of State, RPS/IPS, Margaret P. Grafeld, Dir.
(X) Release ( ) Excise ( ) Deny (X) Declassify
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PAGE 02 STATE 057387

E.O. 12356:DECL: OADR
TAGS: US, UK, UN, WA, PNAT
SUBJECT:NAMIBIA: BRITISH MEETING WITH UNSR AHTISAARI

REF: STATE 54649

1. [redacted] ENTIRE TEXT.

2. FOLLOWING IS TEXT OF BRITISH REPORT ON FEBRUARY 26 MEETING BETWEEN FCO ASSISTANT UNDER SECRETARY SQUIRE AND UN SPECIAL REPRESENTATIVE AHTISAARI, AT WHICH SQUIRE CONVEYED CONTACT GROUP RESPONSE TO SYG PEREZ DE CUELLAR, AGREED AT FEBRUARY 24-25 AFRICA DIRECTORS MEETING IN OTTAWA. ADDRESSEES SHOULD PROTECT NOFORN STATUS OF THIS REPORT.

3. BEGIN TEXT:

AHTISAARI TOOK A PRECISE NOTE OF THE FIVE'S TALKING POINTS DRAFTED IN OTTAWA, AND PROMISED TO CONVEY THEM TO THE SECRETARY GENERAL BEFORE THE LATTER'S DEPARTURE FOR DELHI.

AHTISAARI SAID THAT PEREZ DE CUELLAR HAD MET THE SOUTH AFRICAN PERMANENT REPRESENTATIVE ON 24 AND 25 FEBRUARY. IN THE FIRST MEETING, HE HAORTED HIS IMPRESSIONS FROM IN THE FIRST MEETING, HE HAD REPORTED HIS IMPRESSIONS FROM HIS AFRICAN TOUR. HE HAD NO PROBLEM WITH THE CURRENT SERIES OF BILATERAL TALKS (I.E., BOTH THE US/ANGOLA AND SOUTH AFRICAN/ANGOLAN DIALOGUES) BUT STRESSED THE ANGOLANS' DIFFICULTY IN DISCUSSING CUBAN WITHDRAWAL WHILE THE SADF CONTINUED TO OCCUPY SOUTHERN ANGOLA. HE HAD TOLD VON SCHIRNDING THAT THE THREE MAIN PROBLEMS IN HIS VIEW REMAINED SOUTH AFRICAN DESTABILISATION (INCLUDING

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PAGE 03 STATE 057387

ECONOMIC INTERFERENCE), APARTHEID AND LINKAGE. IN REPLY VON SCHIRNDING HAD SAID THAT THE SOUTH AFRICANS WERE CONCERNED TO PREVENT INCURSIONS FROM NEIGHBORING COUNTRIES INTO BOTH NAMIBIA AND SOUTH AFRICA. HE HAD CONFIRMED PRESS REPORTS OF INDIFFERENT PROGRESS IN THE CAPE VERDE TALKS, WHICH HAD BEEN PUT BADLY AT RISK BY RECENT INCREASED SWAPO ACTIVITY. HE HAD REPEATEDLY STRESSED THAT CUBAN WITHDRAWAL REMAINED THE PRINCIPAL BLOCK TO A SETTLEMENT. (WE SUGGESTED THAT THE SECRETARY GENERAL SHOULD PASS ON TO THE FRONT LINE THIS CLEAR EVIDENCE THAT CUBAN WITHDRAWAL REMAINED A SOUTH AFRICAN PRE-CONDITION.)

ON 25 FEBRUARY, VON SCHIRNDING TOLD THE SECRETARY GENERAL THAT THE SOUTH AFRICAN GOVERNMENT HAD ORIGINALLY INTENDED TO SEND THREE CABINET MINISTERS TO CAPE VERDE. THE DECISION HAD BEEN CHANGED BECAUSE OF THE UNACCEPTABLE LARGE-SCALE SWAPO INCURSION INTO NAMIBIA. IT WAS INCONCEIVABLE THAT AN ATTACK INVOLVING 800 PEOPLE IN 12 TO 14 GROUPS COULD HAVE TAKEN PLACE WITHOUT THE KNOWLEDGE OF THE ANGOLAN GOVERNMENT. NEVERTHELESS, THE SOUTH AFRICANS HAD SENT A DELEGATION TO THE MEETING. THIS INDICATED THAT THEY WERE SERIOUSLY LOOKING FOR A WAY TO SOLVE THE PROBLEM. THEY HAD MADE CLEAR THAT THE ANGOLANS SHOULD EXERCISE MAXIMUM RESTRAINT OVER SWAPO, AND HAD SUGGESTED THAT THIS

SHOULD BE DISCUSSED AT THE FURTHER MEETING WHICH THE TWO SIDES AGREED TO HOLD. THE SOUTH AFRICANS HADSED TO DISCUSS THE MATTERS PREVIOUSLY ON THE AGENDA FOR THE CAPE VERDE MEETING. VON SCHIRNDING AGAIN SAID TO THE SECRETARY GENERAL THAT SCR 435 COULD NOT BE IMPLEMENTED UNTIL SUCH TIME AS THE CUBANS LEFT ANGOLA. THE SECRETARY GENERAL TOLD VON SCHIRNDING THAT HE WOULD TRY TO SPEAK TO DOS SANTOS IN DELHI: AND THAT HE WISHED TO KEEP IN TOUCH WITH THE SOUTH AFRICANS, AND NOT SURPRISE THEM WITH NEW IDEAS.

AHTISAARI INDICATED THAT THE UN SECRETARIAT'S THINKING ON ANY ROLE THAT THE SECRETARY-GENERAL MIGHT PLAY IN HELPING

[redacted]

PAGE 04 STATE 057387

TO INTRODUCE MORE FLEXIBILITY INTO THE NEGOTIATIONS WAS STILL AT A VERY PRELIMINARY STAGE. NO DECISIONS HAD YET BEEN TAKEN. THE SECRETARY GENERAL'S AFRICAN TOUR HAD CREATED CERTAIN EXPECTATIONS: BUT HAD HAD THE BENEFIT OF ESTABLISHING A CLOSE RAPPORT BETWEEN PEREZ DE CUELLAR AND THE FRONT LINE STATES. SQUIRE SAID THE FIVE'S AGREED TALKING POINTS, THOUGH GENERAL, REFLECTED A CAREFUL REVIEW OF THE PRESENT SITUATION AND THE CURRENT STATE OF THE NEGOTIATIONS. ON THE POSSIBILITY OF A UN ROLE, AHTISAARI SUGGESTED THAT IF THE CAPE VERDE TALKS HAD FAILED AS A RESULT OF SWAPO INFILTRATION, THERE WAS PERHAPS A NEED FOR THE INVOLVEMENT OF AN OUTSIDE PARTY. SQUIRE REPLIED THAT WE NEEDED A CLEAR ASSESSMENT OF THE RESULTS OF CAPE VERDE. THE TIMING OF ANY MOVE TO BRING MATTERS TO A HEAD - WHETHER BY THE US, THE SECRETARY GENERAL, THE FIVE OR OTHERS - WAS CRITICALLY IMPORTANT. IN PARTICULAR, WE WOULD HAVE TO TAKE CARE TO WORK WITH THE TIDE IN ANGOLA. BUT, SO LONG AS DIRECT CONTACTS CONTINUED, OUTSIDE INVOLVEMENT WAS UNNECESSARY AND COULD BE HARMFUL. AHTISAARI EXPRESSED CONCERN THAT THE ANGOLANS MIGHT BE READY TO MOVE LONG BEFORE THE SOUTH AFRICANS. HE WAS WORRIED ABOUT THE POSSIBILITY OF A LONG DELAY BEFORE THE SOUTH AFRICANS WERE PREPARED TO GO AHEAD WITH IMPLEMENTATION.

AHTISAARI THOUGHT THAT THE SECRETARY GENERAL HAD SECURED A DEGREE OF SOUTH AFRICAN CONFIDENCE IN HIS IMPARTIALITY. THE SOUTH AFRICANS HAD PAID CAREFUL ATTENTION TO HIS ROLE IN THE FALKLANDS CRISIS. SQUIRE SAID THAT IT WAS VERY IMPORTANT FOR THE SECRETARY GENERAL TO PRESERVE THE EVEN-HANDEDNESS WHICH HAD CHARACTERISED HIS CONVERSATIONS IN AFRICA.

AHTISAARI SAID THAT THE SECRETARY GENERAL WOULD BE BACK

[redacted]

IN NEW YORK FROM ABOUT 10 TO 27 MARCH (BEFORE GOING ON TOUR FOR A FURTHER SIX WEEKS). HE AGREED THAT IT MIGHT BE USEFUL TO HOLD A FURTHER MEETING WITH PERMANENT REPRESENTATIVES OF THE FIVE DURING THIS PERIOD, THOUGH A FIRM DECISION COULD ONLY BE TAKEN NEARER THE TIME.

END TEXT.
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USMISSION GENEVA
USMISSION USUN NEW YORK

Chile Project (#S199900030)
U.S. Department of State
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Declassify: In Part_____ In Full_____
Exemption(s)_____

UNCLAS SANTIAGO 1172

EO 12356: NA
TAGS: ELAB PINT CI
SUBJECT: ANNIVERSARY OF ASSASSINATION OF TUCAPEL JIMENEZ OBSERVED QUIETLY

REF: 82 SANTIAGO 7038

1. ON FEBRUARY 25, 1983, THE NATIONAL ASSOCIATION OF PUBLIC EMPLOYEES (ANEF) COMMEMORATED THE ORGANIZATION'S FORMER LEADER, TUCAPEL JIMENEZ, WHO WAS ASSASSINATED EXACTLY ONE YEAR EARLIER. A MASS, PRESIDED OVER BY FATHER ALFONSO BAEZA, THE WORKER'S VICAR, WAS FOLLOWED BY THE UNVEILING OF A BRONZE BUST OF TUCAPEL IN THE NATIONAL CEMETARY. BOTH CEREMONIES WERE ATTENDED BY SEVERAL HUNDRED TRADE UNIONISTS, POLITICIANS (E.G., CHRISTIAN DEMOCRATIC LEADER GABRIEL VALDEZ) MEMBERS OF THE DIPLOMATIC CORPS, AND JIMENEZ' WIDOW.

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2. THE SERVICES PASSED WITHOUT INCIDENT. SOME YOUNG PEOPLE, REPORTEDLY COMMUNISTS, SHOUTED SLOGANS OUTSIDE THE CHURCH AND AT THE CEMETARY: "TUCAPEL JIMENEZ PRESENTE, AHORA Y PARA SIEMPRE". THE CEREMONIES WERE LOW KEY AND NON-INFLAMMATORYA, ALTHOUGH PREVAILING THEME STRESSED THE DISAPPOINTMENT AND FRUSTRATION OVER

THE STILL UNSOLVED MURDER. AT THE CEMETARY ANEF PRESIDENT HERNOL FLORES AND UNION OF DEMOCRATIC WORKERS (UDT) PRESIDENT EDUARDO RIOS SPOKE DISPASSIONATELY IMPLYING THAT THE ASSASSINS WERE ALREADY KNOWN AND THAT THE GOC SHOULD SOLVE THE CRIME. OTHER SPEAKERS INCLUDED NATIONAL LABOR COORDINATOR (CNS) PRESIDENT MIGUEL VEGA, UNIFIED WORKERS FRONT (FUT) SECRETARY GENERAL HUMBERTO SOTO AND ANEF'S FIRST PRESIDENT CLOTARIO BLEST, NOW 83.

3. POLICE WERE PRESENT AT BOTH PLACES, BUT AT A DISCREET DISTANCE.
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FM SECSTATE WASHDC
INFO USMISSION GENEVA IMMEDIATE

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FOR USDEL HRC

FOLLOWING SAN SALVADOR 1745 DTG MAR 1 89 SENT ACTION SECSTATE INFO BOGOTA BRUSSELS CARACAS GUATEMALA MEXICO SAN JOSE TEGUCIGALPA USCINCSO QUARRY HTS PM IS BEING REPEATED FOR YOUR INFO:
QUOTE: C O N F I D E N T I A L SAN SALVADOR 01745
BRUSSELS FOR USEC LABATT
E.O. 12356: DECL: 3/1/89
TAGS: SHUM, ELAB, EAGR, PGOV, ES
SUBJECT: (U) HCS REPORT TO THE HUMAN RIGHTS COMMISSION ON THE SONSONATE KILLINGS
REF: SAN SALVADOR 1661
1. C--ENTIRE TEXT.
2. CRISTOBAL ALEMAN, HCS REPRESENTATIVE ON THE GOES HUMAN RIGHTS COMMISSION, GAVE LABOFF COPY OF HIS REPORT ON THE SONSONATE KILLINGS (REFTEL). THE REPORT WILL BE SUBMITTED TO THE GOES HUMAN RIGHTS COMMISSION ON THE EVENING OF 28 FEBRUARY. ALEMAN'S FAIRLY DETAILED ACCOUNT OF HIS FINDINGS CONTAIN POINTS OF INTEREST, BEARING ON THE ACCOUNT ORIGINALLY REPORTED REFTEL.
3. MEMBERS OF THE SANTA JULIA DE LAS HOJAS COOPERATIVE
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PAGE 02 STATE 057113

TOLD ALEMAN ON 25 FEBRUARY THAT FIFTEEN DAYS BEFORE THE MASSACRE TOOK PLACE, A GROUP OF UNKNOWN MEN WENT AROUND SPRAYING THE WALLS OF THE LOCAL HOMES WITH SUBVERSIVE SLOGANS. EIGHT DAYS AFTER, TWO WELL-ARMED MEN IN OLIVE-GREEN FATIGUES FORCED TWO CAMPESINOS TO LEAD THEM TO MARCIAL CACERES, CIVIL FORCE (FUERZA CIVIL) COMMANDER OF THE LAS HOJAS CANTON (QUARTER OR REGION). THEY THEN PROCEEDED TO BEAT UP CACERES (NOT SEVERELY), WHO DECIDED TO ACCUSE THE COOPERATIVE MEMBERS.
4. ACCORDING TO ALEMAN'S SOURCES, CACERES THEN JOINED FORCES WITH LANDOWNER ALFONSO ARAUS AGUIRRE. ARAUS HAD RECENTLY FAILED TO GET THE JUSTICE OF THE PEACE OF SAN ANTONIO DEL MONTE TO GRANT HIM THOROUGHFARE RIGHTS THROUGH LAS HOJAS CO-OP LAND. MARIO PEREZ, FRUSTRATED IN AN ATTEMPTED RAPE ON THE DAUGHTER OF ONE OF THE COOPERATIVE MEMBERS, ALSO JOINED THE ANTI-LAS HOJAS GROUP. THESE INDIVIDUALS SENT REPORTS TO THE CIVIL DEFENSE COMMANDER AND TO THE COMMANDER OF THE JAGUAR BATTALION OF SONSONATE DEPARTMENT (COL. ELMER GONZALEZ). THESE REPORTS DENOUNCED THE MAJORITY OF COOPERATIVE MEMBERS AS SUBVERSIVES.

5. ACTING ON THE TWO REPORTS, 200 MEN UNDER CAPTAIN FIGUEROA MORALES OF THE JAGUAR BATTALION CARRIED OUT AN OPERATION IN THE FOLLOWING CANTONS: EL JOBO, SANTA EMILIA, AGUA SANTA, LA RAMPLA, SAL RAJA, AND, OF COURSE, LAS HOJAS.

6. THE RAID LEFT THE FOLLOWING VICTIMS: SEVEN MEMBERS OF THE LAS HOJAS COOPERATIVE; AMONG THEM ONE EIGHTY-YEAR OLD MAN AND ONE SEVENTY-FIVE YEAR OLD MAN. ANOTHER ELEVEN VICTIMS WERE FROM AGUA SANTA AND LA RAMPLA; AMONG THEM ONE EIGHTY-TWO YEAR OLD AND ONE
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PAGE 03 STATE 057113

EIGHTEEN-YEAR OLD. THE THREE REMAINING VICTIMS COULD NOT BE IDENTIFIED DURING ALEMAN'S VISIT; THEY WERE TWO MALE MINORS, EACH ABOUT TWELVE YEARS OLD, AND A THIRD VICTIM APPARENTLY IN HIS THIRTIES.

7. ALEMAN RECEIVED INFORMATION FROM LOCAL RESIDENTS THAT THE TRUE TOTAL NUMBER OF VICTIMS OF THE RAID WAS ABOUT 70. THE SAME SOURCES ALLEGED THAT ONLY EIGHTEEN BODIES WERE PREVIOUSLY MENTIONED BECAUSE THOSE HAPPENED TO BE FILED TOGETHER IN ONE PLACE. THEY

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ALLEGED THE REST OF THE BODIES HAD BEEN STREWN AROUND IN THE DIFFERENT AREAS HIT DURING THE RAID.

6. ALEMAN'S ACCOUNT CONFIRMS THAT ANIS MEMBER REFUGIO SANCHEZ WAS SET UPON BY CIVIL DEFENSE SNIPERS WHEN HE WAS TRYING TO DISTRIBUTE COFFINS FOR THE BURIAL OF HIS SLAIN CO-MEMBERS. THE HARASSING CIVIL DEFENSE MEMBERS CHARGED THAT SANCHEZ WAS SUPPOSEDLY CARRYING ARMS TO THE REBELS INSIDE THE COFFINS. AFTER AN UNEVENTFUL SEARCH, SANCHEZ WAS ALLOWED TO MOVE ON.
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Special Project (1993)

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Department of State IS/FPC/CDR El Salvador SP Date 9/23/93
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PAGE 01 SAN SA 01768 01 OF 02 0218082
ACTION ARA-16

INFO OCT-00 COPY-01 ADS-00 AID-07 INR-10 SS-10 CIAE-00
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[redacted] SECTION 01 OF 02 SAN SALVADOR 01768

E.O. 12356: DECL: 03/01/89
TAGS: SHUM, PGOV, ES
SUBJECT: (U) AMBASSADOR MEETS WITH NON-GOVERNMENTAL HUMAN RIGHTS GROUPS

1. (C-ENTIRE TEXT.)

2. SUMMARY. ON FEBRUARY 23 AMBASSADOR AND POLOFF LUNCHED WITH REPRESENTATIVES OF THE FOUR NON-GOVERNMENTAL SALVADORAN HUMAN RIGHTS GROUPS. MOST OF THE TWO AND ONE HALF HOUR DISCUSSION FOCUSED ON THE POLITICAL SITUATION, WITH CONSIDERATION OF HUMAN RIGHTS ISSUES PLACED IN THAT CONTEXT. THE HUMAN RIGHTS REPRESENTATIVES WERE ESSENTIALLY UNIFIED IN THEIR OPINIONS, AND ESPECIALLY IN THEIR OPPOSITION TO U.S. POLICY AND THE JUSTIFICATIONS FOR IT WHICH THE AMBASSADOR PUT FORTH. END SUMMARY.

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PAGE 02 SAN SA 01768 01 OF 02 0218082

3. REPRESENTATIVES OF THE FOUR NON-GOVERNMENTAL SALVADORAN HUMAN RIGHTS GROUPS ON FEBRUARY 23 LUNCHED WITH AMBASSADOR AND POLOFF. THE GUESTS WERE: MARIA JULIA HERNANDEZ, SECRETARY OF THE ARCHBISHOPRIC COMMISSION OF JUSTICE AND PEACE; PEDRO RAMOS, EL SALVADOR HUMAN RIGHTS COMMISSION (CDHES); BORIS MARTINEZ, SOCORRO JURIDICO; AND RICARDO STEIN, UNIVERSITY CENTER FOR DOCUMENTATION AND INFORMATION (CUDI) OF THE CENTRAL AMERICAN UNIVERSITY (UCA) (CUDI IS NOT A HUMAN RIGHTS ORGANIZATION PROPER, BUT MONITORS THE HUMAN RIGHTS SITUATION AS AN INFORMATION CLEARING HOUSE.)

4. MOST OF THE TWO AND ONE HALF HOUR DISCUSSION FOCUSED ON THE POLITICAL SITUATION, WITH CONSIDERATION OF HUMAN RIGHTS ISSUES PLACED IN THAT CONTEXT. THE HUMAN RIGHTS REPRESENTATIVES WERE ESSENTIALLY UNIFIED IN THEIR OPINION AND ESPECIALLY IN THEIR OPPOSITION TO U.S. POLICY AND THE JUSTIFICATIONS FOR IT WHICH THE AMBASSADOR PUT FORTH.

5. THROUGHOUT THE CONVERSATION, EACH GUEST PRESENTED A COMPLEMENTARY ARGUMENT FOR HALTING U.S. MILITARY ASSISTANCE TO EL SALVADOR AND FOR NEGOTIATING WITH THE FDR/FMLN HERNANDEZ, SPEAKING FOR THE ARCHBISHOPRIC, PUT HER ARGUMENTS IN AN ECCLESIASTICAL FRAMEWORK, ADVOCATING NEGOTIATIONS TO ATTAIN PEACE AND SOCIAL JUSTICE. STEIN, SPEAKIN AS A SOCIAL SCIENTIST, COUCHED HIS ADVOCACY IN RELATIVELY SOPHISTICATED ACADEMIC ANALYSIS. RAMOS, SPEAKING FOR THE ADAMANTLY ANTI-GOVERNMENT CDHES, ARGUED FOR NEGOTIATIONS TO BRING ABOUT "STRUCTURAL CHANGES THROUGH SHIFTING BLOCS IN POWER," A PURELY MARXIST ANALYSIS. MARTINEZ, WHOSE SOCORRO JURIDICO HAS BEEN THE MOST OPENLY HOSTILE TO THE EMBASSY AND U.S. POLICY, REMAINED VIRTUALLY SILENT THROUGHOUT THE MEETING.

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PAGE 03 SAN SA 01768 01 OF 02 0218082

6. THE AMBASSADOR SAID THERE WERE MANY ARGUMENTS FOR NOT NEGOTIATING WITH THE FMLN. IN THE FIRST PLACE, THE DECISION IS UP TO THE GOVERNMENT OF EL SALVADOR; THE U.S. IS NOT GOING TO PUSH THEM INTO SOMETHING THEY ARE NOT WILLING TO UNDERTAKE. SECOND, BY ALL APPEARANCES THE LEADERS OF THE FMLN ARE USING NEGOTIATIONS AS A PLOY. THEIR PREMATURE EXPOSITION OF THE OCTOBER DIALOGUE PROPOSAL IN A FDR/FMLN PRESS CONFERENCE IN MEXICO, AFTER AGREEING WITH PRESIDENT MAGANA TO KEEP THE PROPOSAL CON-

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Special Project (1993)

IENTIAL, WAS EVIDENCE OF THIS. FINALLY, THERE IS AMPLE
IDENCE THAT THE FMLN LEADERS ARE NOT INTERESTED IN
NGING DEMOCRACY TO EL SALVADOR. HISTORICAL PRECEDENT
MS THAT WHEN DEMOCRATIC FORCES ATTEMPT TO NEGOTIATE
IER WITH TOTALITARIAN FORCES, THE DEMOCRATIC FORCES
IE OUT THE LOSERS. EL SALVADOR IS IN THE PROCESS OF
LDING A DEMOCRACY, ON WHICH THERE HAS BEEN SIGNIFICANT
IGRESS. TO ABANDON THAT PROCESS WOULD LEAD TO ANY
IBER OF SCENARIOS, ANY OF WHICH WOULD YIELD A HIGH
IBABILITY OF LEFTIST VICTORY. IN SUCH A CASE, THE
ERNATIVE TO THE PRESENT GOVERNMENT WOULD BE WORSE
: BOTH THE U.S. AND THE MAJORITY OF SALVADORANS.

STEIN, RAMOS, AND HERNANDEZ COUNTERED WITH THE LITANY
LEFTIST CRITICISMS OF THE GOVERNMENT: THE ELECTIONS
IE FAKE, BECAUSE THE PEOPLE VOTED OUT OF FEAR. ONLY
: RIGHT IS PARTICIPATING IN THE GOVERNMENT. DIALOGUE
:S NOT MEAN POWER-SHARING. NOTHING COULD BE WORSE THAN
: PRESENT SYSTEM. THE U.S. SHOULD CEASE PROLONGING
: KILLING BY STOPPING ITS SUPPORT OF THE ARMED FORCES.

THE AMBASSADOR RESPONDED BY SAYING THAT THE HUMAN

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PAGE 01 SAN SA 01768 02 OF 02 021806Z
ACTION ARA-16

INFO OCT-00 COPY-01 ADS-00 AID-07 INR-10 SS-10 CIAE-00
DODE-00 H-01 IO-15 NSC-01 NSAE-00 HA-08 L-03
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AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HTS PN

[redacted] SECTION 02 OF 02 SAN SALVADOR 01768

RIGHTS ORGANIZATIONS WERE GUILTY OF PROLONGING THE WAR BY DISTORTING THE HUMAN RIGHTS PICTURE, AND OPPOSING U.S. AID BEFORE CONGRESS. HE SAID THE U.S. HAS NO INTENTION *TO INTERVENE MILITARILY IN EL SALVADOR, BUT WILL CONTINUE TO ASSIST THE GOVERNMENT AS LONG AS STATES ALIGNED WITH* THE SOVIET UNION CONTINUED TO ASSIST THE INSURGENTS. ALTHOUGH PROGRESS HAS BEEN SLOW, THE U.S. IS WORKING CONSTANTLY TO INFLUENCE IMPROVEMENT IN ARMED FORCES HUMAN RIGHTS PRACTICES. THE RECENT APPREHENSION OF SUSPECTS IN THE NOVEMBER LA FLORIDA MASSACRE, BROUGHT ABOUT THROUGH U.S. PRESSURE IS A CASE IN POINT. ONE THING THE HUMAN RIGHTS ORGANIZATIONS COULD DO IS PROVIDE ADEQUATE *INFORMATION ON SPECIFIC CASES THAT WOULD ALLOW THE EMBASSY TO ACT ON HUMAN RIGHTS VIOLATIONS.*

9. RICARDO STEIN SAID THAT THE NEED FOR CHANGE IN THE ARMED FORCES WAS ABOUT THE ONLY POINT THEY AGREED [redacted]

PAGE 02 SAN SA 01768 02 OF 02 021806Z

WITH THE AMBASSADOR ON. US POLITICAL PRESSURE ON THE GOVERNMENT WAS ENTIRELY INADEQUATE GIVEN THE MAGNITUDE

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OF THE PROBLEM, HOWEVER. THE HUMAN RIGHTS ORGANIZATIONS ARE NOT GUILTY OF DISTORTING THE HUMAN RIGHTS SITUATION, HE SAID. THEY BASE THEIR ANALYSES ON "OBJECTIVE REALITIES," AND THEIR PERCEPTIONS ARE SHARED THROUGHOUT THE WORLD. HE SAID THE AMBASSADOR WAS WRONG TO "PREJUDGE OUTCOMES" BY ASSUMING THE ALTERNATIVE TO THE PRESENT GOVERNMENT WOULD NECESSARILY BE WORSE. WITH THE REST OF THE GROUP AGREEING, HE COMMENTED THAT, "WE ARE EVEN MORE CONCERNED ABOUT THE SITUATION AND US POLICY NOW THAT WE HAVE MET WITH YOU."

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El Salvador: Human Rights
Special Project (1993)

10 COMMENT. NOTHING REALLY NEW AROSE IN THIS MEETING, BUT THIS WAS THE FIRST TIME THE AMBASSADOR AND THE HUMAN RIGHTS REPRESENTATIVES DISCUSSED GEOPOLITICS AND HUMAN RIGHTS FROM SUCH BLATANTLY OPPOSITE SIDES OF THE FENCE. THEY HEARD AND LISTENED CAREFULLY TO A POINT OF VIEW THEY DO NOT SHARE BUT WHICH THEY NEED TO TAKE INTO ACCOUNT. THEY ALSO PRESUMABLY NOTED THE AMBASSADOR'S EFFORTS TO PUT A FEW WEDGES INTO THEIR COMMON FRONT, E.I. STRONGER CENTER -- ATTACKS AGAINST RAMOS, MARXIST VIEWS, SOME APPRECIATION FOR RELATIVE OBJECTIVITY OF MARIA JULIA'S WORK, DISDAIN FOR

PARTIALITY AND EXAGGERATION OF RAMOS AND MARTINEZ WHO ATTACKED VIDES CASANOVA, AND INTELLECTUAL FENCING WITH STEIN, WHOSE THINKING MIGHT EVOLVE, ALBEIT SLOWLY, IN THE RIGHT DIRECTION.
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El Salvador: Human Rights
Special Project (1993)

EXCESSIVE USE OF UNSUPPORTED MATERIAL AND FAILED TO GIVE DUE CREDIT TO THE GOES FOR SUCH NOTABLY SUCCESSFUL EFFORTS AS THE AGRARIAN REFORMS THEY HAVE INITIATED AND THE DEMOCRATIC ELECTION HELD IN MARCH 1982. HE DREW ATTENTION TO THE DIFFICULTY OF ESTABLISHING SUCH FACTS AS WHETHER VICTIMS WERE COMBATANTS OR NOT.

9. HE SAID EL SALVADOR CANNOT ACCEPT RECOMMENDATIONS CONCERNING DECISIONS WHICH MUST BE MADE BY THE PEOPLE OF EL SALVADOR ALONE. SMAEBE

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PAGE 01 SAN SA 02951 01 OF 03 0617312
ACTION ARA-16

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El Salvador: Human Rights
Special Project (1993)

[redacted] SECTION 01 OF 03 SAN SALVADOR 02951

E.O. 12356: DECL: 4/5/89
TAGS: PROG, PINS, EAGR, ELAB, ES
SUBJECT: (U) FEAR IN SAN VICENTE

1. S--ENTIRE TEXT.

2. LABOFF VISITED SAN VICENTE DEPARTMENT ON 3/28/83. PP
HE SPOKE WITH [redacted]. LABOFF DISCUSSED A NUMBER OF
OUTSTANDING ISSUES, [redacted]

3. AFTER SKIRTING THE ISSUE FOR SOME TIME [redacted] PP
(FULLY PROTECT)
TOLD LABOFF THAT DEPARTMENTAL COMMANDER COL. JOSE
ALEJANDRO CISNEROS SHOULD BE REPLACED. CISNEROS DOES
NOT KEEP HIS SOLDIERS UNDER A TIGHT LEASH AND THEY
CONTINUE COMMITTING ABUSES AGAINST CIVILIANS. THESE

[redacted]

PAGE 02 SAN SA 02951 01 OF 03 0617

ACTS ARE INCREASING IN FREQUENCY [redacted]

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[redacted] EXCISE

CRIMES BY THE SOLDIERY RANGE FROM RAPE AND ROBBERY TO CAPRICIOUSLY CLEARING BARS OF CUSTOMERS AT GUNPOINT. ABUSES OF THIS TYPE ARE MORE COMMON IN VILLAGES AND TOWNS SURROUNDING SAN VICENTE (SANTA CLARA, SAN ILDEFONSO, SAN ESTEBAN CATARINO, ETC.). THESE ARE MUNICIPALITIES WHERE THE SAN VICENTE BRIGADE DETACHES TROOPS WHICH ARE RELIEVED EVERY TWO WEEKS OR SO. IN THE MEANTIME, THESE TROOPS REMAIN OUT OF CONTROL AND DO WHAT THEY PLEASE.
[redacted] LABOFF ABOUT A POOR FARMER IN SAN ESTEBAN CATARINO WHO WAS CRIPPLED FOR LIFE WHEN A SOLDIER SHOT HIM WITH AN M-16 AFTER AN EXTORTION ATTEMPT FAILED.

4. [redacted] SAID THAT THE PREVIOUS COMMANDER, COL. NAPOLEON ALVARADO, KEPT THE ARMY UNDER STRICTER DISCIPLINE. IT NOW ACTS AS IF IT HAS THE RUN OF THE PLACE. [redacted] FEELS THAT NOTHING CAN BE EXPECTED FROM THE NEW COMMANDER, COL. CISNEROS, AND THAT SAN VICENTE IS BACKSLIDING IN ITS RELATIONSHIP WITH THE ARMY. BY LATE '82 THE PEOPLE HAD FINALLY BECOME SICK OF THE GUERRILLAS AND COL. ALVARADO WAS APPROACHABLE AND FORTHCOMING WITH THE CIVILIAN AUTHORITIES. [redacted] CANNOT FIGURE OUT WHY DEFMIN GARCIA REPLACED ALVARADO AT ALL. [redacted] HAS BEEN UNABLE TO GAIN ACCESS TO CISNEROS OR DEVELOP A WORKING RELATIONSHIP WITH THE COMMANDER.

5. CISNEROS HAS ALSO REFUSED TO RELEASE A NUMBER OF SCHOOL-AGE ADOLESCENTS HE RECENTLY ORDERED FORCIBLY IMPRESSED INTO THE ARMY. THE CONCERNED AND OUTRAGED PARENTS HAVE ASSIDUOUSLY PETITIONED THE CIVILIAN [redacted]

PAGE 03 SAN SA 02951 01 OF 03 0617312

AUTHORITIES BUT NO ONE HAS BEEN ABLE TO CONVINCE CISNEROS TO RETURN THE CHILDREN. ACCORDING TO [redacted] CISNEROS IS A DANGEROUS ALCOHOLIC WHO CAN BE EXPECTED TO REACT VIOLENTLY AND IRRATIONALLY. HE ALSO FAVORS WRONG-HEADED SUBORDINATES WHO CARRY OUT ALL SORTS OF ABUSES. [redacted] BASICALLY FEARS THAT THE ARMY WILL START KILLING CAMPESINOS IF CISNEROS IS NOT TRANSFERRED SOON.

6. [redacted] TOLD LABOFF THAT

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EROS WILL NOT RESPOND TO A LETTER HE WROTE ASKING TO DESIST FROM DESTROYING MUNICIPAL PROPERTY IN OF WILLFUL VANDALISM. HINTED THAT EROS WAS PERSONALLY INVOLVED IN ONE INCIDENT WHEN OCK OF STREET LIGHTS WAS MACHINE-GUNNED BY SOLDIERS. ALSO COMPLAINED THAT CISNEROS HAS BEEN USING PROPERTY TO QUARTER HIS TROOPS WITHOUT THE CIVIL ORITIES' PERMISSION.

RELATIONS BETWEEN THE CAMPESINOS AND THE ARMY.

EXPLAINED RELATIONS BETWEEN THE CAMPESIONS AND THE ARMY HAVE R BEEN VERY GOOF IN SAN VICENTE. THEY ARE NOW DEDLY WORSE. THE CAMPESINOS CLAIM THAT THEY HAVE AIRED OF SEEKING RELIEF FROM ABUSES, SUCH AS RAPE, H ARE NOW COMMONPLACE. ACCORDING TO THE CAMPESINO N, THE ARMY IN SAN VICENTE CONTINUES TO ACTIVELY SE THE CLAIMING OF LAND UNDER DECREE 207 OF THE RIAN REFORM (LAND TO THE TILLER PROGRAM). POINTED OUT THAT A NOTORIOUS ARMY NCO, A EANT CARRILLO, HAS BEEN TRANSFERRED MANY TIMES

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PAGE 01 SAN SA 02951 02 OF 03 0617332
ACTION ARA-16

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Special Project (1993)

SECTION 02 OF 03 SAN SALVADOR 02951

DUE TO HIS NUMEROUS ABUSES OF AUTHORITY, HE IS NOW LOCAL COMMANDER OF QUEZALTEPEQUE. BOTH ALSO CRITICIZED THE NOROTIOUS LOCAL COMMANDER OF TECOLUCA, REPORTEDLY A MAN WITH A VISCERAL HATRED OF CAMPESINOS.

B. CIVILIAN DEFENSE UNITS.

ACCORDING TO BOTH PRACTICALLY ALL THE SAN VICENTE MUNICIPALITIES COMPLAIN OF THE COST OF MAINTAINING THE CIVIL DEFENSE GROUPS. MOST OF THESE AREAS DEPEND ON AGRICULTURE FOR 75 PERCENT OF THEIR PROCEEDS AND HAVE DIFFICULTY MAKING ENDS MEET DUE TO VIOLENCE AND GUERRILLA THEFT. THEY ARE ALSO AFFECTED BY THE DECIDEDLY UNDIPLOMATIC WAY THE CIVILIAN DEFENSE DUES COLLECTORS GO ABOUT THEIR BUSINESS. THEIR TACTICS INCLUDE DEMANDS MADE AT GUNPOINT, AND OUTRIGHT THEFT. WHILE THIS IS A GENERAL

PAGE 02 SAN SA 02951 02 OF 03 0617332

PROBLEM, IT IS FELT MORE ACUTELY IN SOME SPECIFIC AREAS AROUND SAN VICENTE.

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9. VIOLENCE AND SUBVERSION

SAN ESTEBAN CATARINO, A VILLAGE ONLY 7 KMS. AWAY FROM SAN VICENTE, WAS TAKEN OVER BY GUERRILLAS FROM 1600 HOURS ON 3/27 UNTIL DAWN THE FOLLOWING DAY.

[redacted] THE GUERRILLAS SACKED THREE SAN ESTEBAN BUILDINGS AND CAPTURED CIVIL DEFENSE WEAPONS. [redacted] THAT THE GUERRILLAS ARE RETURNING TO POSITIONS THEY PREVIOUSLY HELD IN THE ENVIRONS OF SAN VICENTE, AND SAN ESTEBAN IS A VULNERABLE SPOT. SAN VICENTE HAS ALWAYS RECEIVED A LOT OF ATTENTION FROM THE GUERRILLAS. OF THE SIX LOCAL CAMPESINO COOPERATIVES ONLY TWO ARE ABLE TO SHOW A CLEAR PROFIT. OTHERS WERE DENIED CREDIT BY THE AGRICULTURAL DEVELOPMENT BANK (BFA). (THEY DEFAULTED ON A LARGE LOAN DUE TO THE THEFT OF CATTLE AND PRODUCE BY THE GUERRILLAS.)

10. CURRENT AND ONGOING ECONOMIC PROBLEMS

THE ENDLESS STREAM OF DISPLACED PERSONS WHO ARRIVE IN SAN VICENTE HAS EXACERBATED THIS DEPARTMENT'S ALREADY ENDEMIC OVERPOPULATION, UNEMPLOYMENT, WELFARE AND HEALTH PROBLEMS. THE CITY IS SEEKING CREDITS FOR THE CONSTRUCTION OF A NEW MARKET AND IT ALSO WANTS TO REBUILD THE SAN VICENTE HOSPITAL (BUILT CIRCA 1820). [redacted] PET PROJECT IS TO OBTAIN AID TO GIVE THE CITY A MACHINE THAT MAKES BRICKS -- THEY ALREADY HAVE ALL THE BASIC MATERIALS. [redacted] COMPLAINED

[redacted]

[redacted] HAS NO VOICE IN AID PROJECTS AND THAT THEIR VIEWS ON PRIORITY NEEDS ARE NOT TAKEN INTO CONSIDERATION. [redacted] POINTED OUT THAT THERE ARE MANY STRAY CHILDREN AND ADULTS IN THE CITY NOW AND HEALTH PROBLEMS ARE BECOMING SERIOUS. DUE TO THE INFLUX OF DISPLACED PERSONS, EVEN THE SAN VICENTE POOR FACED BY THIS NEW COMPETITION FOR WELFARE -- ARE NOW WORSE OFF. BOTH [redacted] SEE THE NEED TO GENERATE JOBS AND MAKE THE ECONOMIC PRODUCE. THEY SEE THE PRESENT SITUATION FOSTERINGAN UNHEALTHY DEPENDENCE ON WELFARE MEASURES AND GENERAL DISCONTENT

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[redacted] WITHIN THE SYSTEM. [redacted] BOTH FEEL THE SITUATION IS REACHING A CRITICAL STAGE.

11. COMMENT

UNDER AID PROJECT 519-028 HEALTH AND JOBS FOR DISPLACED PERSONS, AID HAS PROJECTS OPERATING IN 11 MUNICIPALITIES OF THE DEPARTMENT OF SAN VICENTE, INCLUDING 24 PROJECTS WITHIN THE CITY OF SAN VICENTE. ALL PROJECTS FOR THE CITY OF SAN VICENTE AS IN ALL MUNICIPALITIES ARE APPROVED BY THE LOCAL MAYOR. THE SAN VICENTE PROJECTS INCLUDE HEALTH, STREET REPAIR, SANITATION AND LETRINIZATION. ON SEVERAL OCCASIONS, MAYORS HAVE REQUESTED ASSISTANCE FOR PROJECTS SUCH AS CONSTRUCTION OF MARKETS OR HOSPITAL BUILDINGS. THESE KINDS OF PROJECTS ARE BEYOND THE SCOPE OF THE DISPLACED PERSONS PROJECT, WHICH IS DESIGNED TO GENERATE EMPLOYMENT FOR UNSKILLED DISPLACED PERSONS AND MAY THUS ACCOUNT FOR [redacted] COMMENT THAT PROJECTS ARE NOT FULLY RESPONSIVE TO PRIORITIES [redacted] SUGGESTION REGARDING LOCAL BLOCK-MAKING PROJECT SOUNDS

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ACTION ARA-16

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AMEMBASSY SAN JOSE
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[redacted] SECTION 03 OF 03 SAN SALVADOR 02951

LIKE A GOOD ONE ALTHOUGH THIS IS THE FIRST THAT WE HAVE HEARD OF IT.
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Special Project (1993)

PAGE 01 MEXICO 03529 0822152
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DODE-00 H-01 NSC-01 NSAE-00 L-03 PA-01 USIE-00
SP-02 PRS-01 /058 W
----------233037 0823422 /60
R 0822102 MAR 83
FM AMEMBASSY MEXICO
TO SECSTATE WASHDC 7346
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY MADRID
AMEMBASSY MANAGUA
AMEMBASSY PANAMA
AMEMBASSY SAN JOSE
AMEMBASSY SAN SALVADOR
AMEMBASSY TEGUCIGALPA
USINT HAVANA

[redacted] MEXICO 03529

E.O. 12356:OADR
TAGS: PREL, SP, XK
SUBJECT: FMLN-FDR REJECTS MAGANA'S CALL FOR ELECTIONS;
- FELIPE GONZALEZ AS POSSIBLE MEDIATOR IN
- CENTRAL AMERICA

1. SUMMARY: THE MEXICAN PRESS HIGHLIGHTS FMLN-FDR'S REJECTION OF PRESIDENT MAGANA'S ANNOUNCEMENT DURING THE POPE'S VISIT OF HIS GOVERNMENT'S INTENTION TO HOLD ELECTIONS IN 1983. THE FMLN-FDR SPOKESMAN IN MEXICO CALLED THE ELECTIONS "A MANEUVER BY THE U.S. GOVERNMENT TO STIFLE THE GAINS MADE BY THE REVOLUTIONARY FORCES." THE SAME SPOKESMAN SAID THAT FELIPE GONZALEZ COULD BECOME THE KEY POLITICAL MEDIATOR TO RESOLVE [redacted]

PAGE 02 MEXICO 03529 0822152

THE CENTRAL AMERICAN CONFLICT. END OF SUMMARY.

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: THEODORE HEAVNER
Date: 06/10/94
Case ID: 9940034D

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[redacted]

2. ON MARCH 7, THE MEXICAN PRESS GAVE PROMINENCE TO THE FMLN-FDR'S REJECTION OF MAGANA'S CALL FOR ELECTIONS IN DECEMBER. HECTOR OQUELI, REPRESENTATIVE OF THE POLITICAL DIPLOMATIC COMMISSION OF THE FMLN-FDR REPORTEDLY SAID DURING A PRESS CONFERENCE IN MEXICO THAT THE ADVANCEMENT OF ELECTIONS IN EL SALVADOR WILL NOT RESOLVE THE SALVADORAN CONFLICT. "THE ADVANCEMENT OF ELECTIONS IN EL SALVADOR ARE PART OF THE U.S. STRATEGY TO GAIN SUPPORT FROM THOSE U.S. CONGRESSMEN WHO ARE CRITICAL OF THE REAGAN ADMINISTRATION'S DESIRE TO INCREASE MILITARY SPENDING IN THE AREA," OQUELI IS QUOTED AS SAYING.

3. DURING THE SAME PRESS CONFERENCE, OQUELI SAID THAT FELIPE GONZALEZ COULD MEDIATE THE CENTRAL AMERICAN CONFLICT, FOLLOWING THE FRAMEWORK ESTABLISHED AT THE CONTADORA MEETING. ACCORDING TO THE FMLN-FDR, GONZALEZ'S PPLAN WOULD FIRST DEAL ON BILATERAL ISSUES, E.G., WITH RESPECT TO NICARAGUA, THERE WOULD BE A MEETING BETWEEN NICARAGUA, HONDURAS, AND THE U.S.; WITH RESPECT TO EL SALVADOR, THERE WOULD BE A MEETING BETWEEN THE U.S., THE MAGANA GOVERNMENT AND THE FMLN-FDR REPRESENTATIVES. AFTER THESE BILATERAL CONFLICTS ARE RESOLVED, THERE WOULD THEN BE A MULTI-LATERAL MEETING TO RESOLVE OTHER ISSUES OF CONCERN, E.G., THE PRESENCE OF OUTSIDE MILITARY FORCES IN THE AREA. THESE EFFORTS, THE FMLN-FDR SOURCES SAID, WOULD STIFLE U.S. EFFORTS TO DIVIDE THE FMLN FROM THE FDR FORCES. (DRAFTED: GGUERRA-MONDRAGON) HIGH

[redacted]

RELEASED
El Salvador: Human Rights Special Project (1993)

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TEXT OF TELEGRAM 82MEXICO03302

UNCLASSIFIED

RELEASED IN PART
A5, PP

ADP823
[redacted]

PAGE 01 MEXICO 03302 01 OF 02 092332Z
ACTION ARA-16

INFO OCT-00 ADS-00 INR-10 EUR-12 SS-10 NSCE-00 SSO-00
PM-09 INRE-00 SP-02 /059 W
------------------054277 100022Z /62

O 092329Z MAR 82
FM AMEMBASSY MEXICO
TO SECSTATE WASHDC IMMEDIATE 8824
INFO AMEMBASSY BELIZE
AMEMBASSY GUATEMALA
AMEMBASSY LONDON
AMEMBASSY MANAGUA
AMEMBASSY PANAMA
AMEMBASSY SAN JOSE
AMEMBASSY SAN SALVADOR
AMEMBASSY TEGUCIGALPA
USSOUTHCOM QUARRY HTS PN
[redacted]

[redacted] SECTION 01 OF 02 MEXICO 03302

E.O. 12065: GDS 03/09/88
TAGS: PEPR, PINR, ES
SUBJECT: FMLN/FDR PROPOSALS FOR NEGOTIATION

REF: (A) MEXICO 3065 (NOTAL)

1. FOLLOWING IS THE TEXT AND TRANSLATION OF A LETTER BY JOSE RODRIGUEZ RUIZ OF THE POLITICAL AND DIPLOMATIC COMMISSION OF THE FDR IN MEXICO CITY TO A[redacted]

A5

PP

PRESENTE.

[redacted]

PAGE 02 MEXICO 03302 01 OF 02 092332Z

ESTIMADO SENOR:

DE ACUERDO CON NUESTRA CONVERSACION DEL DIA DE AYER, ESPECIFICO A USTED LOS PUNTOS DE LA ULTIMA PROPUESTA DE NEGOCIACION DEL FMLN/FDR:

1) CONSTITUCION DE GOBIERNO: LA MAS AMPLIA PARTICIPACION EN EL:

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: LANDFAIR, WILLIAM E
Date: 05/20/94
Case ID: S940034A

UNCLASSIFIED

DECLASSIFIED IN PART

DECLASSIFIED IN PART

UNCLASSIFIED

2) ELECCIONES: UN REFERENDUM A SEIS MESES PLAZO PARA RATIFICAR O NO EL GOBIERNO SURGENTE;
3) POLITICA EXTERIOR: RELACIONES CON TODO LOS PAISES DEL MUNDO Y NO ALINEAMIENTO;
4) POLITICA ECONOMICA Y SOCIAL: NO MAS REFORMAS, REALIZACION DE LAS ACTUALES;

5) SEGURIADAD NACIONAL: SUJETOS PRINCIPALES: EL EJERCITO DEPURADO Y NUESTRAS FUERZAS ARMADAS; RESPETO A LAS FRONTERAS NATURALES;
6) PRESERVACION DE LA INSTITUCIONALIDAD DE LA FUERZA ARMADA:

A. SEPARACION INSTITUCIONAL DEL EJERCITO Y LOS SERVICIOS DE SEGURIDAD;

B. GARANTIA DE AUTODEPURACION;

C. DISOLUCION DE LOS SERVICIOS DE SEGURIDAD ACTUALES;
D. CREACION DE NUEVOS SERVICIOS DE SEGURIDAD;

E. NEGOCIAR LA INCORPORACION DE LAS FUERZAS DEL FMLN;

7. CESE DEL FUEGO: UNA VEZ INICIADA LA NEGOCIACION

[redacted]

PAGE 03 MEXICO 03302 01 OF 02 0923322

Y ENCONTRANDOSE ESTA EN UNA SITUACION AVANZADA, SE PROCEDERIA A PACTAR EL CESE DEL FUEGO. END TEXT.
2. FOLLOWING IS AN INFORMAL EMBASSY TRANSLATION OF THE LETTER:

A5

MARCH 5, 1981

[redacted]
MEXICO CITY

PP

DEAR SIR:

IN ACCORDANCE WITH OUR CONVERSATION OF YESTERDAY, I SPECIFY FOR YOU THE POINTS OF THE LATEST NEGOTIATING PROPOSAL OF THE FMLN/FDR:
1) CONSTITUTION OF GOVERNMENT: THE MOST AMPLE PARTICIPATION IN THE GOVERNMENT.

2) ELECTIONS: A REFERENDUM IN 6 MONTHS TIME TO RATIFY OR REJECT THE GOVERNMENT THAT EMERGED.

3) FOREIGN POLICY: RELATIONS WITH ALL THE COUNTRIES OF THE WORLD AND NON-ALIGNMENT.

4) SOCIAL AND ECONOMIC POLICY: NO MORE REFORMS, IMPLEMENTATION OF THE CURRENT ONES.

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5) NATIONAL SECURITY: PRINCIPAL SUBJECTS: THE PURGED ARMY AND OUR ARMED FORCES; RESPECT FOR NATURAL FRONTIERS.

6) PRESERVATION OF THE INSTITUTIONALITY OF THE ARMED FORCES:

A. INSTITUTIONAL SEPARATION OF THE ARMY AND THE

[redacted]

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TEXT OF TELEGRAM 82MEXICO003302

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ADP924

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PAGE 01 MEXICO 03302 02 OF 02 092333Z
ACTION ARA-16

INFO OCT-00 ADS-00 INR-10 EUR-12 SS-10 NSCE-00 SSO-00
PM-09 INRE-00 SP-02 /059 W
------------------054305 100023Z /62

O 092329Z MAR 82
FM AMEMBASSY MEXICO
TO SECSTATE WASHDC IMMEDIATE 8825
INFO AMEMBASSY BELIZE
AMEMBASSY GUATEMALA
AMEMBASSY LONDON
AMEMBASSY MANAGUA
AMEMBASSY PANAMA
AMEMBASSY SAN JOSE
AMEMBASSY SAN SALVADOR
AMEMBASSY TEGUCIGALPA
USSOUTHCOM QUARRY HTS PN

[redacted] SECTION 02 OF 02 MEXICO 03302

SECURITY SERVICES.

B. GUARANTEE OF SELF-PURGING.
C. DISSOLUTION OF THE CURRENT SECURITY SERVICES.

D. CREATION OF NEW SECURITY SERVICES.

E. NEGOTIATION TO INCORPORATE THE FORCES OF THE FMLN

7) CEASE FIRE: ONCE THE NEGOTIATIONS HAVE BEGUN AND ARE IN AN ADVANCED STATE, AN AGREEMENT ON A CEASE FIRE WOULD PROCEED.

JOSE RODRIGUEZ RUIZ
DIPLOMATIC AND POLITICAL COMMISSION
END TEXT. (DRAFTED: WILLIAM S. DIEDRICH) GAVIN

[redacted]

PAGE 02 MEXICO 03302 02 OF 02 092333Z

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PAGE 01 GENEVA 02362 091849Z
ACTION IO-15

INFO OCT-00 COPY-01 ADS-00 INR-10 SS-10 CIAE-00 DODE-00
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R 091743Z MAR 83
FM USMISSION GENEVA
TO SECSTATE WASHDC 9089
INFO USMISSION USUN NEW YORK
AMEMBASSY SANTIAGO

Chile Project (#S199900030)
U.S. Department of State
Release X Excise Deny
Declassify: In Part In Full
Exemption(s)

UNCLAS GENEVA 02362

E.O. 12356: N/A
TAGS: SHUM, PREL, UNHRC
SUBJECT: 39TH HUMAN RIGHTS COMMISSION (HRC): ADOPTION OF RESOLUTION ON CHILE

1. ON MARCH 8 THE HUMAN RIGHTS COMMISSION ADOPTED RESOLUTION L.49/REV 1 INTRODUCED BY MEXICO CONCERNING HUMAN RIGHTS IN CHILE BY A VOTE OF 29-6(US)-8. URUGUAY MADE A STRONG STATEMENT IN SUPPORT OF CHILE. FRG NOTED THAT IT HAD CONSIDERED TABLING AN AMENDMENT ENDING THE SEPARATE AGENDA ITEM ON CHILE AND PLACING IT IN ITEM 12. AUSTRALIA EXPRESSED ITS SUPPORT FOR THIS IDEA. COLOMBIA, WHICH ABSTAINED, MADE A STATEMENT REGRETTING THE IMBALANCED NATURE OF THE RESOLUTION. COSTA RICE EXPLAINED THAT IT ABSTAINED IN THE HOPE THAT CHILE WOULD SOON RETURN TO A MULTIPARTY DEMOCRATIC SYSTEM. US EXPLANATION OF VOTE FOLLOWED THE LINES OF THAT DELIVERED AT 37TH UNGA (SEE 82 USUN 3950), EMPHASIZING US DESIRE THAT CHILE BE CONSIDERED UNDER ITEM 12 RATHER THAN UNDER SEPARATE AGENDA ITEM.

2. VOTES IN FAVOR: AUSTRALIA, BULGARIA, CANADA, CUBA, CYPRUS, FINLAND, FRANCE, GAMBIA, FRG, GHANA, INDIA,
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UNCLASSIFIED

PAGE 02 GENEVA 02362 091849Z

IRELAND, ITALY, LIBYA, MEXICO, MOZAMBIQUE, NETHERLANDS, NICARAGUA, POLAND, RWANDA, SENEGAL, TOGO, UGANDA, UKSSR, USSR, UK, TANZANIA, YUGOSLAVIA, ZIMBABWE. AGAINST: ARGENTINA, BRAZIL, PAKISTAN, PHILIPPINES, US, URUGUAY. ABSTAINING: BANGLADESH, CHINA, COLOMBIA, COSTA RICA, FIJI, JAPAN, JORDAN, ZAIRE.

3. FRG HAD DECIDED EARLY MARCH 8 NOT TO TABLE AMENDMENT ELIMINATING SEPARATE AGENDA ITEM BECAUSE THERE WAS INSUFFICIENT SUPPORT FOR ITS ADOPTION. SWAEBE

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E3 SAN SALVADOR 2311 [redacted]

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PAGE 01 SAN SA 02311 1620432
ACTION ARA-16
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L-03 SIL-01 /039 W
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R 1620452 MAR 83
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 5139
S E C R E T SAN SALVADOR 02311
E.O. 12356: DECL: OADR
TAGS: ELAB, PINS, ES
SUBJECT: (C) FENASTRAS LEADER ON SPEAKING TOUR IN U.S.
REF: STATE 64852
1. [redacted] ENTIRE TEXT.
2. SINCE LATE 1980 -- EARLY 1981, ALEJANDRO MOLINA LARA, A MEMBER OF THE UNITED POPULAR ACTION FRONT (FAPU) AND AN ACTIVIST IN THE FAPU CONTROLLED NATIONAL FEDERATION OF SALVADORAN TRADE UNIONS (FENASTRAS) HAS BEEN ACTIVELY INVOLVED IN FUND RAISING AND OTHER SOLIDARITY ACTIVITIES IN THE U.S. ON BEHALF OF THE FAPU AND ITS MILITARY ARM, THE ARMED FORCES OF NATIONAL RESISTANCE (FARN). MOLINA'S EFFORTS INCLUDE THE COLLECTION OF FUNDS FROM INDIVIDUALS AND GROUPS IN THE U.S., OSTENSIBLY FOR THE LATIN AMERICAN SOLIDARITY COMMITTEE WHICH IS LARGELY INFLUENCED AND DIRECTED BY THE FAPU/FARN. THE FUNDS ARE FORWARDED TO THE INSURGENTS IN EL SALVADOR VIA MEXICO WHERE THE FAPU/FARN IS REPRESENTED BY FRANCISCO ELISEO ORTIZ RUIZ, A SALVADORAN LAWYER AND A MEMBER OF THE DEMOCRATIC REVOLUTIONARY FRONT (FDR).

[redacted]

PAGE 02 SAN SA 02311 1620432
3. A SALVADORAN LEFTIST LABOR LEADER IN SAN SALVADOR CLAIMS THAT IN JANUARY 1983 HE RECEIVED FROM MOLINA A COPY OF A LETTER FROM AN AMERICAN LABOR FEDERATION ADDRESSED TO THE U.S. PRESIDENT AND THE U.S. CONGRESS REQUESTING ASSISTANCE IN ARRANGING THE RELEASE OF BERNABE RECINOS, SECRETARY GENERAL OF FENASTRAS AND THE ELECTRICAL WORKERS UNION (STCEL), AS WELL AS OTHER STCEL LEADERS CURRENTLY UNDER ARREST IN MARIONA PRISON. MOLINA SENT A COPY OF THIS LETTER TO EL SALVADOR AS AN EXAMPLE OF HIS WORK IN THE U.S. ON BEHALF OF FENASTRAS OF WHICH STCEL IS A MEMBER UNION.
4. ALTHOUGH RECINOS HAS BEEN IN PRISON SINCE 1980, WHEN STCEL WAS OFFICIALLY DECLARED ILLEGAL, HE RETAINS THE TITLE OF FENASTRAS' SECRETARY GENERAL. HE PROVIDES SOME GUIDANCE TO FENASTRAS THROUGH INDIVIDUALS WHO VISIT HIM IN PRISON. MARIO ERNESTO CABRERA, FENASTRAS' SECRETARY FOR ORGANIZATIONS, IS THE FEDERATION'S [redacted]

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PAGE 1

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: JOHNSTON, DONALD
Date: 08/22/94
Case ID: 9940034D

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ELLIS LULA J 03/23/83 094040 PRINTER: WG
83 SAN SALVADOR 2311 [redacted]

ACTING SECRETARY GENERAL.
5. IN 1980, MOLINA WAS CAPTURED IN SAN SALVADOR DURING A RAID BY THE NATIONAL POLICE ON A SAFEHOUSE WHICH CONTAINED FAPU AND FDR PROPAGANDA MATERIAL. HE SERVED AN EIGHT MONTH SENTENCE IN MARTONA PRISON AND, UPON HIS RELEASE, FLED TO THE U.S. WHERE HE HAS RESIDED SINCE EXCEPT FOR A BRIEF VISIT TO SAN SALVADOR IN DECEMBER 1982. MOLINA, WHO WAS AN ORGANIZER OF THE FISHING INDUSTRY UNION (SIP), DOES NOT HOLD A SPECIFIC OFFICE IN FENASTRAS.
BLEAKLEY
[redacted]

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UNCLASSIFIED

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ELLIS LULA J 03/23/83 094040 PRINTER: WG
83 SAN SALVADOR 2311

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R 162045Z MAR 83
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 5139
S E C R E T SAN SALVADOR 02311
E.O. 12356: DECL: OADR
TAGS: ELAB, PINS, ES
SUBJECT: (C) FENASTRAS LEADER ON SPEAKING TOUR IN U.S.
REF: STATE 64852
1. [redacted]-ENTIRE TEXT.
2. SINCE LATE 1980 -- EARLY 1981, ALEJANDRO MOLINA LARA, A MEMBER OF THE UNITED POPULAR ACTION FRONT (FAPU) AND AN ACTIVIST IN THE FAPU CONTROLLED NATIONAL FEDERATION OF SALVADORAN TRADE UNIONS (FENASTRAS) HAS BEEN ACTIVELY INVOLVED IN FUND RAISING AND OTHER SOLIDARITY ACTIVITIES IN THE U.S. ON BEHALF OF THE FAPU AND ITS MILITARY ARM, THE ARMED FORCES OF NATIONAL RESISTANCE (FARN). MOLINA'S EFFORTS INCLUDE THE COLLECTION OF FUNDS FROM INDIVIDUALS AND GROUPS IN THE U.S., OSTENSIBLY FOR THE LATIN AMERICAN SOLIDARITY COMMITTEE WHICH IS LARGELY INFLUENCED AND DIRECTED BY THE FAPU/FARN. THE FUNDS ARE FORWARDED TO THE INSURGENTS IN EL SALVADOR VIA MEXICO WHERE THE FAPU/FARN IS REPRESENTED BY FRANCISCO ELISEO ORTIZ RUIZ, A SALVADORAN LAWYER AND A MEMBER OF THE DEMOCRATIC REVOLUTIONARY FRONT (FDR).

[redacted]

PAGE 02 SAN SA 02311 162043Z
3. A SALVADORAN LEFTIST LABOR LEADER IN SAN SALVADOR CLAIMS THAT IN JANUARY 1983 HE RECEIVED FROM MOLINA A COPY OF A LETTER FROM AN AMERICAN LABOR FEDERATION ADDRESSED TO THE U.S. PRESIDENT AND THE U.S. CONGRESS REQUESTING ASSISTANCE IN ARRANGING THE RELEASE OF BERNABE RECINOS, SECRETARY GENERAL OF FENASTRAS AND THE ELECTRICAL WORKERS UNION (STCEL), AS WELL AS OTHER STCEL LEADERS CURRENTLY UNDER ARREST IN MARIONA PRISON. MOLINA SENT A COPY OF THIS LETTER TO EL SALVADOR AS AN EXAMPLE OF HIS WORK IN THE U.S. ON BEHALF OF FENASTRAS OF WHICH STCEL IS A MEMBER UNION.
4. ALTHOUGH RECINOS HAS BEEN IN PRISON SINCE 1980, WHEN STCEL WAS OFFICIALLY DECLARED ILLEGAL, HE RETAINS THE TITLE OF FENASTRAS' SECRETARY GENERAL. HE PROVIDES SOME GUIDANCE TO FENASTRAS THROUGH INDIVIDUALS WHO VISIT HIM IN PRISON. MARIO ERNESTO CABRERA, FENASTRAS' SECRETARY FOR ORGANIZATIONS, IS THE FEDERATION'S [redacted]

RELEASED
El Salvador: Human Rights
Special Project (1993)

UNCLASSIFIED

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: JOHNSTON, DONALD
Date: 06/22/94
Case ID: 9400340

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ELLIS LULA J 03/23/83 094040 PRINTER: WG
83 SAN SALVADOR 2311 [redacted]

ACTING SECRETARY GENERAL.
5. IN 1980, MOLINA WAS CAPTURED IN SAN SALVADOR DURING A RAID BY THE NATIONAL POLICE ON A SAFEHOUSE WHICH CONTAINED FAPU AND FDR PROPAGANDA MATERIAL. [redacted] HE SERVED AN EIGHT MONTH SENTENCE IN MARIONA PRISON AND, UPON HIS RELEASE, FLED TO THE U.S. WHERE HE HAS RESIDED SINCE EXCEPT FOR A BRIEF VISIT TO SAN SALVADOR IN DECEMBER 1982. MOLINA, WHO WAS AN ORGANIZER OF THE FISHING INDUSTRY UNION (SIP), DOES NOT HOLD A SPECIFIC OFFICE IN FENASTRAS.
BLEAKLEY
[redacted]

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el salvador: Human Rights
Special Project (1993)

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El Salvador: Human Rights
Special Project (1993)

WASHINGTON POST col 1

file

U.S. Is 'Concerned' Over New Delay in Salvadoran Trial

Associated Press

The State Department expressed concern yesterday over a new delay in trials of four national guardsman in El Salvador accused in the 1980 murders of four American churchwomen. An official said the United States "wants justice as rapidly as possible."

John Hughes, the department's chief spokesman, said an official on the staff of the U.S. Embassy in San Salvador will review court documents.

A U.S. official, speaking on the condition he not be named, said, "There just isn't any question that we are deeply concerned about reports coming out of there. We want to measure these reports against the facts." He said the embassy official would check reports that the judge's delay might have been the result of threats.

A court ruling Wednesday, in which the judge asked a lower court for more evidence to support accusations that the murdered women's van was robbed, could delay the trial of the guardsmen for months, court sources said.

United Press International added:

The exiled Salvadoran Human Rights Commission said in Mexico City that its president, Marianela Garcia Villas, was killed by the military during a visit to El Salvador to gather information on allegations of Army use of chemicals. The organization denied Army reports that Garcia was killed during a guerrilla attack on an Army patrol.

In San Salvador, a panel appointed by President Alvaro Magana gave him an amnesty plan designed to let leftist guerrillas participate in December elections.

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~~CONFIDENTIAL~~

PAGE 01 STATE 076386
ORIGIN ARA-16

INFO	OCT-00	COPY-01	ADS-00	INR-10	EUR-12	SS-10	CIAE-00
	EB-08	DODE-00	H-01	IO-15	NSCE-00	NSAE-00	COME-00
	SSO-00	HA-08	L-03	LAB-04	PM-09	PA-01	STR-14
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ARA/SC:NSSMITH
ARA/SC:RBHOWARD
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FM SECSTATE WASHDC
TO AMEMBASSY SANTIAGO IMMEDIATE IMMEDIATE
INFO AMEMBASSY ROME PRIORITY IORITY
AMEMBASSY BRUSSELS PRIORITY
AMEMBASSY MADRID PRIORITY
AMEMBASSY OTTAWA PRIORITY
USMISSION GENEVA PRIORITY

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

~~C O N F I D E N T I A L~~ STATE 076386

E.O. 12356: DECL: OADR
TAGS: ELAB, SHUM, CI
SUBJECT: ASSISTANT SECRETARY ENDERS MEETS WITH CHILEAN LABOR LEADERS

REF: A, MADRID 2556 NOTAL,, B SANTIAGO 1390 NOTAL

1. ~~CONFIDENTIAL~~ - ENTIRE TEXT.

2. BEGIN SUMMARY: ASSISTANT SECRETARY ENDERS MET ON MARCH 15 WITH THE CHILEAN LABOR LEADERS PARTICIPATING IN THE AFL-CIO CONFERENCE ON HUMAN AND TRADE UNION RIGHTS IN CHILE. THE UNION LEADERS INFORMED HIM OF THEIR VIEWS REGARDING TRADE UNION REPRESSION AND HUMAN RIGHTS CONFIDENTIAL

~~CONFIDENTIAL~~

PAGE 02 STATE 076386

VIOLATIONS IN CHILE AND APPEALED FOR A MORE ACTIVIST U.S. APPROACH TO THE CHILEAN SITUATION. AMBASSADOR ENDERS REAFFIRMED U.S. CONCERN ABOUT THESE ISSUES AND OUR DESIRE FOR SIGNIFICANT IMPROVEMENTS, WHILE NOTING THAT IT WOULD BE INAPPROPRIATE FOR THE U.S. TO BECOME INVOLVED IN THE DEBATE OVER CHILEAN POLITICAL TRANSITION PROPOSALS. END

SUMMARY.

3. ASSISTANT SECRETARY ENDERS MET WITH FIVE CHILEAN LABOR LEADERS - EDUARDO RIOS, PRESIDENT OF THE UNION OF DEMOCRATIC WORKERS (UDT); HERNOL FLORES, SECRETARY GENERAL OF THE UDT; MANUEL BUSTOS, LEADER OF THE EXILE BASED CHILEAN LABOR COMMITTEE AND PAST PRESIDENT OF THE COORDINADORA NACIONAL SINDICAL (CNS); MIGUEL VEGA, PRESIDENT OF THE CNS; AND EUGENIO LOPEZ, SECRETARY GENERAL OF THE MINEWORKERS FEDERATION - PLUS AIFLD'S BILL DOHERTY AND ORIT SECRETARY GENERAL TULIO CUEVAS ON MARCH 15 FOLLOWING THE AFL-CIO SPONSORED CONFERENCE ON TRADE UNION REPRESSION IN CHILE.

4. ENDERS OPENED THE DISCUSSION BY STATING OUR AWARENESS OF THE DIFFICULT ECONOMIC AND SOCIAL SITUATION IN CHILE EPITOMIZED BY MORE THA 20 PERCENT UNEMPLOYMENT. HE NOTED THAT WE ARE WORKING WITH THE INTERNATIONAL BANKING COMMUNITY WHICH IS MOST INTERESTED IN FINDING A SOLUTION TO CHILE'S FOREIGN DEBT PROBLEMS, AND THAT THIS EFFORT PRESUMABLY WOULD HELP CREATE JOBS AND BENEFIT THE CHILEAN PEOPLE. IN RESPONSE, FLORES AND BUSTOS CITED UNEMPLOYMENT FIGURES IN EXCESS OF 30 PERCENT AND IN SOME AREAS MUCH HIGHER. THEY SEVERELY CRITICIZED PINOCHET'S ECONOMIC POLICIES. FLORES POINTED OUT THAT SALVADOR ALLENDE WAS DEPOSED PARTLY BECAUSE HIS GOVERNMENT HAD INCREASED CHILE'S FOREIGN DEBT TO DOLLARS 4 BILLION, CONFIDENTIAL

~~CONFIDENTIAL~~

PAGE 03 STATE 076386

WHEREAS UNDER PINOCHET IT HAD REACHED THE FIGURE OF DOLLARS 18 BILLION. UNEMPLOYMENT, HE SAID, WAS NOW FIVE TIMES HIGHER THAN THE 6 PERCENT FIGURE UNDER ALLENDE. DOHE,TY ARGUED THAT ADDITIONAL CAPITAL FOR CHILE COULD ENRICH THE GOVERNMENT AND NOT THE PEOPLE. HE STRESSED THAT LANE KIRKLAND AND THE AFL-CIO ADVOCATE A FREEZE ON INTERNATIONAL FINANCIAL ASSISTANCE TO THE PINOCHET GOVERNMENT IN CHILE AS LEVERAGE TO PROMOTE HUMAN RIGHTS IMPROVEMENT. THE CHILEAN LEADERS ARGUED THAT FOREIGN LENDING BE STOPPED SINCE THE BENEFIT TO THE PEOPLE WAS SMALL WHEREAS THE BENEFIT TO REGIME WAS CONSIDERABLE. AMBASSADOR ENDERS REPLIED THAT WITHOUT ADJUSTMENT OF THE FOREIGN DEBT IT WOULD NOT BE POSSIBLE TO REACTIVATE THE CHILEAN ECONOMY AND PROVIDE JOBS FOR CHILEAN WORKERS.

5. MANUEL BUSTOS MAINTAINED THAT RENEGOTIATION OF THE CHILEAN DEBT WOULD BE SEEN PRIMARILY AS AN AFFIRMATION OF SUPPORT FOR THE PINOCHET GOVERNMENT. EDUARDO RIOS STRESSED THAT ALL CHILE'S PROBLEMS STEM FROM PINOCHET'S

POLICIES AND PERFORMANCE. HE DEPLORED THE EXPULSION OF BUSTOS FOR PROTESTING AGAINST THE DISASTROUS ECONOMIC SITUATION, AND SAID THAT THE GOVERNMENT IS CONCENTRATING THE ATTACK ON DEMOCRATIC OPPOSITION LEADERS, THEREBY DANGEROUSLY POLARIZING THE COUNTRY. HE DESCRIBED THE EXILE RETURN PROGRAM AS A MOCKERY (BURLA). HE ASKED THAT THE USG MAKE A DEMARCHE TO THE GOC ADVOCATING THE RETURN OF BUSTOS AND OTHER POLITICALLY PROMINENT CHILEAN DEMOCRATS. DOHERTY ADDED THAT THE AFL-CIO WOULD BACK SUCH AN EFFORT TOTALLY. AMBASSADOR ENDERS INDICATED THAT ANY USG INTEREST IN THE RETURN OF BUSTOS WOULD BE INCORPORATED IN THE LARGER SCOPE OF U.S. CONCERN ABOUT CHILEAN HUMAN RIGHTS ISSUES, SUCH AS EXILE RETURNES.

6. TURNING TO GENERAL HUMAN RIGHTS MATTERS, ENDERS AGREED WITH HIS VISITORS THAT THERE SEEMED TO HAVE BEEN LITTLE IN THE WAY OF SIGNIFICANT HUMAN RIGHTS PROGRESS IN CONFIDENTIAL

~~CONFIDENTIAL~~

PAGE 04 STATE 076386

CHILE SINCE 1979. HE INDICATED THAT THE SITUATION MAY EVEN HAVE DETERIORATED IN SOME RESPECTS. REGARDING GOC AUTHORIZATION FOR THE RETURN OF EXILES, ENDERS NOTED OUR INTEREST IN THIS INITIATIVE, AND OUR DISAPPOINTMENT WITH RESULTS TO DATE. NEVERTHELESS, HE EXPRESSED OUR HOPE THAT THE GOC WOULD CONTINUE THE PROCEDURE AND PERMIT EVER GREATER NUMBERS TO RE-ENTER THE COUNTRY.

7. RIOS STATED THAT 1,200,000 CHILEANS WERE IN EXILE AND, AT THE PRESENT RATE OF RETURN, THE PROCESS WOULD TAKE MANY YEARS. OTHERS LATER MODIFIED THAT FIGURE SUBSTIANTALLY DOWNWARD WHEN REFERRING TO POLITICAL EXILES. HE SPECIFICALLY CRITICIZED THE CONTINUED EXCLUSION OF DEMOCRATIC LEADERS ZALDIVAR AND CASTILLO. WHY DOESN'T THE GOC, HE SUGGESTED, ANNOUNCE WHO CAN NOT RETURN TO CHILE AND PROVIDE GENERAL AUTHORIZATION FOR ALL THE REST? HE POINTED OUT THAT WHILE A CHILEAN COURT HAS DECIDED THAT BUSTOS SHOULD BE PERMITTED TO RETURN, THE MINISTER OF INTERIOR HAS SAID HE WILL NOT BE ALLOWED BACK UNDER ANY CIRCUMSTANCES.

8. WARMING TO A MORE POLITICAL THEME, RIOS DESCRIBED THE PINOCHET REGIME AS THE WORST GOVERNMENT IN CHILEAN HISTORY, AND SAID THAT ALTHOUGH 1,200 UNIO LEADERS HAVE SIGNED PETITIONS CALLING FOR ECONOMIC CHANGE AND MEASURES TO RELIEVE POPULAR SUFFERING, NO GOVERNMENT OFFICIAL WILL MEET WITH THEM. AS AN ALTERNATIVE TO THE PRESENT SITUATION, RIOS ADVOCATED A "CLEAN" PLEBESCITE TO DECIDE WHETHER OR NOT THE MILITARY GOVERNMENT SHOULD CONTINUE TO

GOVERN CHILE. HE THEN DESCRIBED THE PLAN OF A NEW MULTI-PARTY GROUP, FORMED WITHOUT COMMUNIST OR ULTRA RIGHT REPRESENTATION, WHICH CALLS FOR A 2 YEAR TRANSITION PERIOD DURING WHICH AN ELECTED ONE HOUSE CONGRESS WOULD CONFIDENTIAL

~~CONFIDENTIAL~~

PAGE 05 STATE 076386

FUNCTION, TO BE FOLLOWED BY GENERAL ELECTIONS. HE STRESSED THAT THE OPPOSITION IS WILLING TO PROVIDE SPECIFIC ASSURANCES TO CONCERNED GROUPS THAT SOCIAL PEACE

WILL BE MAINTAINED AND NO VENGEANCE WILL BE TAKEN FOLLOWING THE RESTORATION OF DEMOCRACY. UNFORTUNATELY, RIOS SAID, THE GOVERNMENT HAS REMAINED SILENT REGARDING THE PROPOSAL AND WILL NOT CONSIDER SOLUTIONS TO THE PRESENT IMPASSE. BUSTOS INTERJECTED THAT IF THE TRANSITION TO DEMOCRACY IS DELAYED INDEFINITELY, LEFTISTS AND EXTREMISTS WHO ARE PRESENTLY ORGANIZING AND WORKING, WILL GAIN GREATER STRENGTH AND BECOME A MAJOR POLITICAL FORCE.

9. IN RESPONSE, AMBASSADOR ENDERS STRESSED OUR COMMON DESIRE FOR SIGNIFICANT IMPROVEMENT IN THE HUMAN AND TRADE UNION RIGHTS SITUATION. HUMAN RIGHTS, HE SAID, CONSTITUTE A UNIVERSAL CONCERN WHICH EFFECTS US ALL AND ONE ON WHICH WE ARE ALL ENTITLED TO SPEAK OUT. IN CONTRAST, HOWEVER, HE WENT ON TO SAY THAT IT WOULD BE INAPPROPRIATE FOR THE U.S. TO BECOME INVOLVED IN THE DEBATE OVER SPECIFIC PROPOSALS FOR A CHILEAN POLITICAL TRANSITION, SINCE THAT WAS A PURELY DOMESTIC MATTER FOR CHILEANS TO DECIDE AMONG THEMSELVES.

10. THE ASSISTANT SECRETARY INQUIRED ABOUT THE PRESENT STATE OF THE TUCAPEL JIMENEZ MURDER INVESTIGATION. FLORES REPLIED THAT NOTHING HAS BEEN DONE TO 0RING THOSE RESPONSIBLE TO JUSTICE AND NO SUBSTANTIVE INVESTIGATION IS BEING PURSUED. WHILE THE GOVERNMENT AT FIRST TRIED TO QUALIFY THE MURDER AS A CRIME OF PASSION OR ROBBERY, MOTIVES SOON DISCREDITED BY THE GENERAL PUBLIC, IT HAS NEVER SERIOUSLY INVESTIGATED THE POLITICAL ASPECTS OF THE CRIME WHICH MANY IN CHILE BELIEVE WAS DELIBERATELY CARRIED OUT BY GOVERNMENT AGENTS. AMBASSADOR ENDERS SAID THE TIME HAS COME TO AGAIN EXPRESS OUR DISAPPOINTMENT CONFIDENTIAL

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PAGE 06 STATE 076386

WITH THE LACK OF PROGRESS IN THIS INVESTIGATION.

11. BUSTO INFORMED THE ASSISTANT SECRETARY THAT THE OTHER FOUR UNION LEADERS WOULD BE RETURNING TO CHILE SHORTLY AND ASKED IF THIS MEETING COULD BE MENTIONED PUBLICLY. HE NOTED THAT PUBLIC RECOGNITION WOULD PROBABLY HAVE A MORE SERIOUS EFFECT ON THE GOC AND HELP PROVIDE GREATER PROTECTION FOR THE RETURNING UNION LEADERS. ENDERS ANSWERED THAT THE MEETING COULD BE PUBLICLY MENTIONED, ALTHOUGH HE DID NOT THINK IT WOULD BE HELPFUL IF U.S. VIEWS AS EXPRESSED IN THE MEETING WERE TO BE PUBLICLY AIRED.

12. AIFLD'S DOHERTY INFORMED AMBASSADOR ENDERS THAT SENATOR PERCY AND CONGRESSMAN ZABLOCKI, IN MEETING WITH THE UNION LEADERS, HAD EXPRESSED THEIR WILLINGNESS TO SEND A LETTER TO THE GOC REQUESTING THAT BUSTOS BE

ALLOWED TO RETURN TO CHILE. HE ASKED IF THE LETTER SHOULD BE SENT THROUGH THE DEPARTMENT OF STATE. THE ASSISTANT SECRETARY SAID HE THOUGHT THE LETTER SHOULD BE SENT DIRECTLY FROM THE LEGISLATORS TO GOC OFFICIALS. SHULTZ

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PAGE 01 STATE 076068
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AMEMBASSY LISBON
AMEMBASSY CARACAS
AMEMBASSY BUENOS AIRES
AMEMBASSY BOGOTA
AMEMBASSY OTTAWA
AMEMBASSY SAN SALVADOR
AMEMBASSY BONN
AMEMBASSY MEXICO
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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

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BRUSSELS FOR USEC
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PAGE 02 STATE 076068

E.O. 12356: DECL: OADR
TAGS: ELAB, ICFTU, CI
SUBJECT: WASHINGTON CONFERENCE ON LABOR REPRESSION IN CHILE

REF: (A) MADRID 2556 (NOTAL) (B) SANTIAGO 1390 (NOTAL)

1. (C) SUMMARY: IN THE WASHINGTON FOLLOW UP TO THE ICFTU CONFERENCE ON REPRESSION OF TRADE UNION RIGHTS IN CHILE, THE AFL-CIO, WHILE FAILING TO ELIMINATE ALL DIFFERENCES WITH OTHER MEMBERS OF THE ICFTU, LARGELY ACHIEVED ITS GOALS OF BRINGING CONDITIONS IN CHILE TO THE ATTENTION OF POLICY MAKERS, STRENGTHENING THE POSITION OF THE UNION OF DEMOCRATIC WORKERS (UDT) WITHIN THE ICFTU, AND PREVENTING ICFTU ENDORSEMENT OF MANUEL BUSTOS' UNITED FRONT CHILE LABOR COMMITTEE, BASED IN ROME. END SUMMARY.

2.(U) A TWO DAY CONFERENCE ON REPRESSION OF TRADE UNION RIGHTS IN CHILE CONVENED AT AFL-CIO HEADQUARTERS IN WASHINGTON MARCH 14 - 15 AS A FOLLOW-ON TO AN ICFTU-SPONSORED MEETING IN MADRID. THE CONFERENCE RATIFIED A DECLARATION PREPARED IN MADRID WHICH NOTED "WITH GREAT DISMAY AND INDIGNATION" CHILE'S TEN YEARS OF

MILITARY DICTATORSHIP. THE DECLARATION PROTESTED THE GOC'S ECONOMIC POLICIES WHICH IT BLAMED FOR AN UNPRECEDENTED REDUCTION IN NATIONAL INCOME, IMPOVERISHMENT OF THE POPULATION, AND FOR TURNING THE ARMED FORCES INTO A "WARTIME OCCUPATION ARMY AGAINST THE PEOPLE OF CHILE." THE ASSEMBLY CALLED UPON THE ICFTU AND THE TRADE CONFIDENTIAL

PAGE 03 STATE 076068

SECRETARIATS TO ADOPT MEASURES: (BEGIN QUOTE)

- -- TO FOMENT THE UNITY OF ACTION OF THE DEMOCRATIC TRADE UNION MOVEMENT OF CHILE -- WELCOMING ALL INITIATIVES ALREADY ADOPTED IN THIS DIRECTION -- AND TO STIMULATE UNDERSTANDING AMONG ALL DEMOCRATIC SOCIAL AND POLITICAL FORCES OF THE COUNTRY WITH THE OBJECTIVE OF DEFINING A DEMOCRATIC ALTERNATIVE TO THE DICTATORIAL REGIME OF PINOCHET.

- -- TO CONTINUE DENOUNCING TO THE ILO AND OTHER INTERGOVENMENT ORGANIZATIONS THE ABUSES OF THE CHILEAN MILITARY REGIME.

- -- IN CLOSE COLLOBORATION WITH THE INTERNATIONAL TRADE SECRETARIATS, TO COMMIT THE INTERNATIONAL DEMOCRATIC LABOR MOVEMENT TO ADOPT THE APPROPRIATE INITIATIVES

AGAINST THOSE TRANSNATIONALS THAT ARE PRESENTLY OPERATING IN CHILE IN CONFLICT WITH HUMAN AND TRADE UNION RIGHTS.

- -- TO INTENSIFY TRADE UNION ACTION THROUGH ALL MEANS IN ORDER TO ISOLATE POLITICALLY AND ECONOMICALLY THE DICTATORSHIP OF PINOCHET.

- -- TO OBTAIN THE COMMITMENT OF ALL AFFILIATED ORGANIZATIONS TO PUT PRESSURE ON THEIR RESPECTIVE GOVERNMENTS, WITH THE OBJECTIVE OF GUARANTEEING THAT ALL INTERNATIONAL, POLITICAL, ECONOMIC, AND FINANCIAL RELATIONS WITH CHILE ARE CONDITIONAL UPON THE RESPECT OF HUMAN AND TRADE UNION RIGHTS, INCLUDING THE RETURN OF EXILES. THE ASSEMBLY ALSO CALLS FOR THE SUSPENSION OF ALL MILITARY AID TO THE PRESENT REGIME. (END QUOTE)

3. (U) INTERNATIONAL PARTICIPATION: AFL-CIO PRESIDENT LANE KIRKLAND WAS FULL TIME CHAIRMAN OF THE MEETING, SUPPORTED BY INTERNATIONAL AFFAIRS DIRECTOR IRVING BROWN CONFIDENTIAL

PAGE 04 STATE 076068

AND AIFLD EXECUTIVE DIRECTOR DOHERTY. ICFTU SECRETARY GENERAL VANDERVEKEN, AIDED BY LATIN AMERICAN REPRESENTATIVE ENZO FRISO AND ORIT SECRETARY GENERAL TULIO CUEVAS, HEADED THE NINETEEN INTERNATIONAL DELEGATES REPRESENTING DEMOCRATIC LABOR FEDERATIONS IN BELGIUM, CANADA, ECUADOR, EL SALVADOR, FRG, ISRAEL, ITALY, JAPAN, AND SPAIN. FIVE TRADE SECRETARIATS WERE ALSO

REPRESENTED. THE CHILEAN DELEGATION INCLUDED UDT PRESIDENT EDUARDO RIOS; UDT SECRETARY GENERAL HERNOL FLORES; THE LEADER OF THE EXILE-BASED CHILE LABOR COMMITTEE, MANUEL BUSTOS; CNS PRESIDENT MIGUEL VEGA; AND SECRETARY GENERAL OF THE MINEWORKERS, EUGENIO LOPEZ.

4.(U) CONFERENCE HIGHLIGHTS: THE DELEGATES PRESENTED THEIR VIEWS ON MARCH 14 TO SENATOR PERCY AND REPRESENTATIVES ZABLOCKI AND BROOMFIELD DURING A MEETING AT THE RAYBURN OFFICE BUILDING. ASSISTANT SECRETARY ABRAMS MET WITH THE DELEGATES FOR A FREE RANGING DISCUSSION (OFF THE RECORD) OF HUMAN RIGHTS ISSUES. ABRAMS SAID THAT WHEN THE REAGAN ADMINISTRATION CAME INTO POWER THE GOC ANTICIPATED THAT THE USG WOULD IMMEDIATELY CERTIFY CHILE. THIS HAS NOT HAPPENED.

CHILE, HE SAID, WILL BE CERTIFIED WHEN HUMAN RIGHTS

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IMPROVEMENTS MAKE IT POSSIBLE TO CERTIFY. ABRAMS EXPRESSED THE HOPE THAT THE GOC WOULD BE INFLUENCED BY PROGRESS NOW BEING MADE IN THE STATUS OF HUMAN RIGHTS IN ARGENTINA, BRAZIL, AND URUGUAY. HE THEN EXPLAINED THIS ADMINISTRATION'S PRACTICE OF USING WHATEVER MEANS IS MOST EFFECTIVE TO OBTAIN IMPROVEMENTS IN HUMAN RIGHTS. IN COUNTRIES WHERE THE U.S. HAS INFLUENCE IT USES TRADITIONAL DIPLOMATIC CHANNELS: WHERE THE U.S. DOES NOT CONFIDENTIAL

PAGE 05 STATE 076068

HAVE INFLUENCE THEN THE ONLY RECOURSE TO THE U.S. TO INFLUENCE EVENTS IN A COUNTRY IS VIA PUBLIC STATEMENTS. HE ADDED THAT IF THERE IS A CONTINUING LACK OF RESPONSE FROM THE GOC ON HUMAN RIGHTS QUESTIONS THEN THIS WILL LEAD TO PUBLIC CRITICISM. ABRAMS ENDED HIS OPENING REMARKS BY TAKING ISSUE WITH ICFTU VANDERVEKEN'S RECENT REMARKS IN EUROPE LAMENTING THE END OF A U.S. HUMAN RIGHTS POLICY. ABRAMS STATED THAT THE ADMINISTRATION IS STILL SUFFERING FROM AN UNDESERVED REPUTATION THAT IT WOULD DROP HUMAN RIGHTS. THIS HAS NOT HAPPENED. NO AMBASSADORS ARE AS ACTIVE ON QUESTIONS OF HUMAN RIGHTS AS ARE AMERICAN AMBASSADORS. ABRAMS WAS QUESTIONED ABOUT THE SIGNIFICANCE OF THE DISTINCTION BETWEEN "AUTHORITARIAN AND TOTALITARIAN" GOVERNMENTS. IN RESPONDING TO THE QUESTION ABRAMS SAID THAT THE SIGNIFICANT DIFFERENCE IS THAT SOME AUTHORITARIAN GOVERNMENTS HAVE BEEN FOLLOWED BY DEMOCRATIC GOVERNMENTS AS IS HAPPENING NOW IN ARGENTINA BUT NO COMMUNIST TOTALITARIAN GOVERNMENT HAS EVER BEEN SUCCEEDED BY A DEMOCRATIC GOVERNMENT. THIS DIFFERENCE, HOWEVER, DID NOT HAVE MUCH IMPACT ON THE WAY OUR HUMAN RIGHTS POLICY IS CONDUCTED. THE ADMINISTRATION IS CONCERNED ABOUT HUMAN RIGHTS PROBLEMS IN ALL COUNTRIES. POINTS ABRAMS EMPHASIZED WERE GENERALLY WELL RECEIVED AND SEVERAL WERE

REPEATED BY LANE KIRKLAND DURING CLOSING PRESS CONFERENCE. MARCH 15 PROGRAM CENTERED AROUND PRESS CONFERENCE AND SUBSEQUENT MEETING BETWEEN CHILEAN DELEGATES AND ASSISTANT SECRETARY ENDERS AT THE STATE DEPARTMENT. AMBASSADOR ENDERS LISTENED TO PRESENTATION BY RIOS FOR PROPOSED TRANSITIONAL GOVERNMENT. ENDERS NOTED THAT THE USG CAN LEGITIMATELY INTEREST ITSELF IN HUMAN AND TRADE UNION RIGHTS ISSUES SUCH AS THE LACK OF PROGRESS IN THE INVESTIGATION OF THE TUCAPEL JIMENEZ MURDER BUT THAT IT WOULD BE INAPPROPRIATE FOR HIM TO COMMENT ON THE INTERNAL POLITICAL PROPOSALS. HE

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PAGE 06 STATE 076068

INDICATED THAT THE USG'S INTEREST IN THE EXPULSION OF BUSTOS FROM CHILE WOULD BE INCORPORATED IN THE LARGER SCOPE OF U.S. CONCERN OF HUMAN RIGHTS ISSUES IN CHILE. IT WAS AGREED THERE WAS NO OBJECTION IF THE CHILEANS MADE PUBLIC THE FACT THAT A MEETING WITH ASSISTANT SECRETARY ENDERS HAD TAKEN PLACE. (SEPTEL WILL FOLLOW),.

5.(C) RESULTS OF THE CONFERENCE: PARTICIPANTS UNIVERSALLY SEEMED WELL PLEASED WITH THE CONFERENCE. THERE WAS GENERAL AGREEMENT THAT THE WASHINGTON SESSION WAS THE MORE IMPORTANT OF THE TWO SESSIONS AND THAT IT ACHIEVED ITS GOAL OF CALLING ATTENTION OF POLICY MAKERS TO CONTINUING REPRESSION IN CHILE.

- -- THE CHILEAN LABOR ATTACHE HAS INFORMALLY TOLD THE DEPARTMENT THAT THE GOC WILL PERMIT BUSTOS TO RETURN TO CHILE WITHIN THE NEXT FEW WEEKS. IF THE SUPREME COURT DOES NOT RULE IN FAVOR OF BUSTOS' APPEAL OF HIS EXPULSION ORDER THEN THE GOVERNMENT WILL INCLUDE BUSTOS IN THE NEXT LIST OF THOSE ALLOWED TO RETURN. AT THIS POINT WE ARE UNABLE TO CONFIRM THE REPORTED DECISION ON BUSTOS' RETURN OR IDENTIFY ITS SOURCE. IF TRUE, HOWEVER, THE GOC HAS PROBABLY RECOGNIZED THAT IT IS TO ITS ADVANTAGE TO HAVE BUSTOS IN CHILE RATHER THAN SERVING AS THE FOCUS OF AN EXILE LABOR COMMITTEE IN ROME, PARTICULARLY WHEN THAT COMMITTEE MIGHT ATTRACT BROAD SUPPORT FROM THE EUROPEANS. EVEN IN THE EVENT THAT BUSTOS DECIDES NOT TO RETURN TO CHILE, THE GOC'S PROJECTED ACTION WOULD REMOVE HIS "EXILE" STATUS AND IF HE DECIDED TO REMAIN OUTSIDE CHILE THIS WOULD UNDERCUT HIS POSITION AS REPRESENTATIVE OF DEMOCRATIC LABOR. FYI: IF LABOR ATTACHES INFORMATION ON BUSTOS' RETURN DOES NOT PROVE CORRECT, WE MAY CONSIDER ADVISABILITY OF MAKING SUBSEQUENT INQUIRY TO GOC CONFIDENTIAL

PAGE 07 STATE 076068

ON PROSPECTS FOR HIS RETURN SEE SEPTEL).

- -- THE CONFERENCE DID NOT RESOLVE POLICY DIFFERENCES BETWEEN THE AFL-CIO AND OTHER MEMBERS OF THE ICFTU REGARDING CHILE. MOST EUROPEAN DELEGATES STILL SEEM

INCLINED TO CONTINUE PAST ICFTU POLICY OF SUPPORTING THE

CHILEAN COORDINADORA NACIONAL SINDICAL (CNS) IN SPITE OF THE HIGH DEGREE OF COMMUNIST PENETRATION IN THAT ORGANIZATION. THE AFL-CIO, IN CONTRAST, HAS LIMITED ITS SUPPORT TO THE UDT. THE ICFTU DID AGREE TO PROVIDE THE UDT SOME 50,000 DOLLARS ANNUALLY IN SUPPORT IN ADDITION TO THE STILL UNDERTERMINED FINANCIAL SUBSIDY GIVEN TO THE CNS. ALTHOUGH THE ICFTU AGREED NOT TO SUPPORT BUSTOS' CHILEAN LABOR COMMITTEE IN ROME, IT IS POSSIBLE THAT INDIVIDUAL FEDERATIONS MAY GIVE THAT ORGANIZATION SOME ASSISTANCE.

--- THE AFL-CIO'S HIDDEN AGENDA FOR THE WASHINGTON CONFERENCE WAS PARTLY TO CONVINCE THE EUROPEANS THAT THE AFL-CIO IS AS CONCERNED BY RIGHT WING AS BY LEFT WING OPPRESSION WHILE AT THE SAME TIME STRENGTHENING THE POSITION OF THE UDT AND PREVENTING ICFTU ENDORSEMENT OF BUSTOS' UNITED FRONT CHILE LABOR COMMITTEE IN ROME. IN THESE OBJECTIVES THE AFL-CIO WAS LARGELY SUCCESSFUL.

6. COPIES OF CONFERENCE DOCUMENTATION POUCHED TO BRUSSELS (USEC), MEXICO, AND SANTIAGO FOR LABATTS.
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<< END OF DOCUMENT >>

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20 MAR 83

INTERNAL SECURITY LOG: MARCH 20, 1983 - MARCH 26, 1983

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March 20

-- Carabineros broke up a protest demonstration in the poblacion "La Victoria" in San Miguel, arresting one individual. According to residents of San Miguel, instigators from outside the poblacion organized the demonstration and also attempted to recruit residents of "La Victoria" to participate in a larger demonstration in downtown Santiago on the 24th.

March 23

-- Security agents presumed to be CNI personnel arrested five members of CODEJU in their homes and are holding them incommunicado in an unidentified detention center. The five are Javier Saez Paiba, president of CODEJU, Patricia Torres, Ricardo Scheihing Villarroel, Cesar Fuenzalida, and Hernan Caceres Fuentes.

March 24

-- Bombs exploded in nine separate localities in Santiago, in what appears to be a coordinated action which ended in a street demonstration later in the day. The targets included a subway station, government-sponsored community centers and construction projects, and gas and water mains. As a result of the bombings, two youths were seriously injured and two adults and five children were slightly injured. (See Santiago 1708).

-- As approximately 7:00 p.m., a series of street demonstrations, organized by the coordinera Nacional de Pobladores, generally considered to be a Communist Party front, occurred at several localities in downtown Santiago. While the press estimated the demonstrators at about 1,000, they were easily contained by Carabinero units. Approximately twenty Carabineros and one journalist were injured. According to press sources, 217 men and 10 women were arrested.

-- In Concepcion, two buses were damaged by Molotov cocktails and a street demonstration was broken up by police using tear gas. Security forces arrested twelve demonstrators.

-- In Valparaiso, two electrical power outages occurred as a result of extremist actions and street demonstrations which took place in several parts of the city.

-- In Ancud, tires were damaged by "miguelitos."

-- In Valdivia, a large explosion occurred in the center of the city but did not cause any injuries or notable damage.

Chile Project (#S199900030)
U.S. Department of State
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Declassify: In Part ____ In Full ____
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-- In Linares, four members of an alleged Communist Party cell were detained with "miguelitos" and subversive pamphlets in their possession. The four are Hector Darwin Lopez Mesa, Juan Castillo Reyes, Palmenio Salgado Cisterna, and Delia de las Mercedes Sepulveda Martinez.

-- Heriberto Mena Bastias, an alleged extremist who escaped from a prison in San Antonio last month, has been recaptured and is being punished by fifteen days in solitary confinement.

-- According to columnist Jack Anderson, a fellow prisoner has revealed the new identity of Michael Townley, who was given a false identity to protect him while he serves a prison sentence for the murder of Orlando Letelier and Ronni Moffit.

-- The prosecutor in the Nicolas Galanakis Tapia case has asked for Galanakis' expulsion from Chile.

March 26

-- Cristian Alberto Galaz Garcia, a journalism student who was reported missing by his parents after he was detained in downtown Santiago on March 23, has been released by security agents after a two-day detention.

-- The Archbishop of Santiago, Raul Silva Henriquez, requested and was denied permission to speak on Channel 13 concerning the expulsion of three foreign priests from Chile.

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PAGE 01 GUATEM 02211 212221Z
ACTION HA-08

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UNCLAS GUATEMALA 02211

E.O. 12356: N/A
TAGS: PINR, PINS, SHUM, GT
SUBJECT: VIOLENCE AND HUMAN RIGHTS REPORT:
- FEBRUARY

1. OFFICIAL GOG BULLETIN ISSUED IN THE PRESS GIVE A TOTAL OF 88 DEAD FOR FEBRUARY.

2. IN TWELVE ARMY ATTACKS ON GUERRILLAS:

-- MILITARY KIA: 1
-- MILITARY WOUNDED: 43
-- GUERRILLAS KIA: 4

IN FOUR GUERRILLA ATTACKS:

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PAGE 02 GUATEM 02211 212221Z

-- MILITARY KIA: 1
-- MILITARY WOUNDED: 9
-- GUERRILLAS KIA: 3

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PA Exemptions

TOTAL KILLED IN MILITARY/GUERRILLA CLASHES: 48

3. EXECUTIONS

-- TOTAL EXECUTED BY THE RIGHT: 0
-- TOTAL EXECUTED BY THE LEFT: 1
-- TOTAL EXECUTED BY THE GOG: 4
(THIS WAS AN UNAUTHORIZED EXECUTION BY A MILITARY
- PATROL.)

4. KILLED BY UNKNOWN ASSAILANTS: 35

5. NUMBER OF PEOPLE ABDUCTED: 11

-- ABDUCTED BY IDENTIFIED RIGHT: 0
-- ABDUCTED BY IDENTIFIED LEFT: 0
-- ABDUCTED BY UNKNOWN ASSAILANTS: 11

6. OCCUPATIONS AND ETHNIC ORIGINS OF THOSE KILLED,
WHEN NOTED:

-- GUERRILLAS: 46
-- SOLDIERS: 3
-- INDIANS/CAMPESINOS: 26
-- FINCA OWNERS: 2
-- ANTHROPOLOGIST: 1
-- OCCUPATION UNKNOWN: 10

7. OCCUPATIONS OF KIDNAP VICTIMS, WHEN NOTED:
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PAGE 03 GUATEM 02211 212221Z

-- STUDENTS: 1
-- BUSINESSMEN: 2
-- OCCUPATION UNKNOWN: 8

CHAPIN

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U.S. Department of State
Release Y Excise Deny
Declassify In Part In Full
Exemption(s)

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Barnes Amendment - Talking Points

The Foreign Assistance Act as amended in 1981 (sections 725 and 726) state that the U. S. shall not provide military assistance or sales to Argentina or Chile until the President certifies that both nations have made "significant human rights improvements".

The Barnes amendment stipulates that no assistance or sales may be provided to Argentina or Chile until a restoration of civilian government in both countries. It would also prohibit all security assistance for FY 84 and 85 in the event of certification before a civilian government is elected in October and takes office in January 1984. While the Administration is not planning to certify Chile in the foreseeable future, the case for Argentine certification is very strong and under active consideration.

General Objections

-- The proposed amendment, significantly changes the scope of the certification requirement and could negatively affect U.S. national interests. It makes certification dependent not only on improvement in the area of human rights but also on the form of government regardless of the situation with regard to human rights.

-- It would be viewed as outside interference and set a difficult precedent for our relations with many other countries in the world, including some in LA, which do not have elected civilian government.

-- Should we require that U.S. aid go only to democratically elected governments, we would have to cut relations with many nations in the world. Why, therefore, should we suddenly single out Argentina and Chile.

-- The intent of the certification requirement was to work for real human rights improvement in both countries. To impose this requirement now, changes the rules of the game. It is inconsistent with Congress' earlier position, which in the case of Argentina has already helped bring results.

Argentina

-- In Argentina there have been significant human rights improvements (no disappearances since 1981, accelerated release of political prisoners, freer press, renewed political party and labor union activity).

-- Most importantly, elections are scheduled for October 1983 with the transition to civilian government to follow in January 1984.

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-- Good relations with Argentina should further our interests in maintaining peace in the South Atlantic and Southern Cone. It would promote increased cooperation on hemispheric and global issues, and help prevent Soviet inroads into the area.

-- The Argentine military is committed to transferring power to a civilian government and will remain an important institutional force.

-- It is in our national interest now to develop a cooperative relationship with the Argentine military which will play an important role in future GOA policy and in the peaceful settlement of the Falklands/Malvinas and Beagle Channel disputes.

-- This amendment, if passed, would severely reduce our ability to exert a moderating influence and strengthen those who oppose nationalist adventurism and/or a closer identification with the non-aligned and the Soviet Union.

-- Certification would not signify a significant resumption of military sales to Argentina. This would be made as a case-by-case basis and reviewed in the context of our desire to maintain regional balance and support a peaceful settlement of the Beagle Channel dispute with Chile and the Falklands/Malvinas problem with the UK.

CHILE

-- We want to see further improvement in Chile's human rights performance. The fact that we are not proposing Chile certification at this time shows that we take certification requirements seriously. A rigid new certification condition now, however, is not the best way to achieve this objective.

-- It is in our national interest to work constructively for both democratic improvements within Chile and to maintain regional balance in the Southern Cone.

-- Imposition of an absolute requirement for a return to civilian government will be regarded as infringement on Chilean sovereignty. As such, it will reduce, not increase our leverage to promote further human rights improvements.

-- As such, it could provoke a strongly negative reaction, circumscribe our relations, and limit our ability to induce the GOC to take positive steps in other areas related to human rights.

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-- This new certification requirement would be seen as a repudiation of the Chilean Constitution. In a national plebiscite on September 11, 1980, the Chilean people approved their constitution by a 67 percent majority. The constitution specifies that President Pinochet will serve an eight year presidential term until 1989, with legislative elections to be held in 1990.

-- The practical impact of the amendment would be to prohibit any security assistance relationship with Chile until 1989, prevent cooperative contact with the Chilean military and remove our diplomatic flexibility in the conduct of bilateral relations.

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Chile Project (#S199900030)
U.S. Department of State
Release X Excise _____ Deny _____
Declassify: In Part _____ In Full _____
Exemption(s) _____

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R

REQUIREMENTS FOR ASSISTANCE, SALES AND SALES CREDITS FOR CHILE

Sec. --- (a) Section 726(a) of the International Security and Development Cooperation Act of 1981 is repealed.

(b) Notwithstanding any other provision of law --

(1) Assistance furnished under chapter 2,4,5,6, of part II of the Foreign Assistance Act of 1961 to Chile;

(2) sale of defense articles or services made under the Arms Export Control Act to Chile;

(3) credits extended and loans guaranteed under the Arms Export Control Act with repsect to Chile; and

(4) export licenses issued under the Arms Export Control Act to or for the Government of Chile;

shall be accompanied by a letter of confirmation from the President or his designated representative to the Speaker of the House of Representatives and Chairman of the Committee on Foreign Relations of the Senate indicating

(a) that such sales, credits or licenses serve the national interests of the United States; and

(b) that such sales are consistent with United States support for the return in Chile to an elected civilian government.

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DRAFT WESTERN HEMISPHERE SUBCOMMITTEE RECOMMENDATION

R

Add the following at an appropriate place in the bill:

Chile Project (#S19990030)
U.S. Department of State
Release ✓ Excise ___ Deny ___
Declassify: In Part ___ In Full ___
Exemption(s) ___

ASSISTANCE AND SALES TO ARGENTINA AND CHILE

SEC. ____. (a) Section 725(b) of the International Security and Development Cooperation Act of 1981 is amended--

(1) by striking out ''and'' at the end of paragraph (1);

(2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof ''; and''; and

(3) by inserting the following new paragraph immediately after paragraph (2):

''(3) an elected civilian government is in power in Argentina.''.

(b) Section 726(b) of such Act is amended--

(1) by striking out ''and'' at the end of subparagraph (B);

(2) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof ''; and''; and

(3) by inserting the following new subparagraph immediately after subparagraph (C):

''(D) an elected civilian government is in power in

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Chile.''.

(c)(1) This section shall take effect on the date of enactment of this Act.

(2) If, prior to that date, the President--

(A) submits a certification with respect to Argentina under section 725(b) of the International Security and Development Cooperation Act of 1981, or

(B) submits a certification with respect to Chile under section 726(b) of that Act,

then no assistance, financing, sales, or licenses described in that section may be provided to that country for ~~either~~ fiscal year 1984 ~~or 1985~~.

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S. Hrg. 98-36

EL SALVADOR MILITARY AND ECONOMIC REPROGRAMING

HEARING

3/22/83

BEFORE A

SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS, UNITED STATES SENATE

United States Congress, Senate, Committee on Appropriations, Subcommittee on Foreign Operations.

NINETY-EIGHTH CONGRESS

FIRST SESSION

SPECIAL HEARING

Printed for the use of the Committee on Appropriations

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DEPARTMENT OF STATE

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18-357 O WASHINGTON : 1983

NOTED MORE THAN A YEAR AGO THAT WESTERN WRITERS HAVE A WEAKNESS FOR SEEING UNFRIENDLY FORCES AS ALWAYS REPRESENTATIVE OF THE MASSES, ALWAYS MORE ADMIRABLE THAN THE FORCES THAT ARE FRIENDLY TO US AND SHARE OUR VALUES.

IN AN INTERVIEW, ALEKSANDR SOLZHENITSYN SPOKE OF THE FAILURE OF THE WEST TO RECOGNIZE WHAT WAS GOING ON IN CUBA AND VIETNAM AND NICARAGUA, THAT TOTALITARIAN GANGS WERE ACTING TO SEIZE POWER. HE WAS ASKED WHY IT IS SO FASHIONABLE TO PRAISE THE REGIMES IN NICARAGUA AND VIETNAM, THE TERRORISTS IN EL SALVADOR. HE REPLIED:

> "THAT IS THE FATAL HISTORICAL MISTAKE OF LIBERALISM, NOT TO SEE THE ENEMY ON THE LEFT, TO CONSIDER THAT THE ENEMY IS ALWAYS ON THE RIGHT, AND THAT THERE IS NO ENEMY ON THE LEFT. IT IS THE SAME MISTAKE WHICH RUINED RUSSIAN LIBERALISM IN 1917. THEY OVERLOOKED THE DANGER OF LENIN. AND THE SAME THING IS BEING REPEATED TODAY -- THE MISTAKE OF RUSSIAN LIBERALISM IS BEING REPEATED ON A WORLDWIDE SCALE EVERYWHERE."

WE SEE THAT SAME MISTAKE TODAY IN THIS COUNTRY, AND EVEN IN THE SENATE. WE CAN ONLY HOPE AND PRAY THAT IT WILL NOT BE FATAL. LET US USE OUR WISDOM TO SEE WHAT WE FACE, AND ACT UPON THAT KNOWLEDGE WITH WILL AND DETERMINATION.

INTRODUCTION OF SENATOR STENNIS

Senator KASTEN. We are pleased to have Senator Stennis, t ranking member of the full Appropriations Committee. Sena Stennis, do you have an opening statement?

Senator STENNIS. Thank you, Mr. Chairman. Thank you v much. I am delighted to be here.

Senator KASTEN. Mr. Secretary, if you would proceed.

~~STATEMENT OF SECRETARY SHULTZ~~

Secretary SHULTZ. Thank you, Mr. Chairman. I appreciate y opening comments and particularly your statement on areas which we all agree. It seems to me that is a very important st ing place for us.

Senator Inouye, I also appreciate your comments, and I too t the large attendance, which I attribute to the subject and its s ousness. I would have to say, it has never been my aspiration draw a crowd. But at any rate, here we are, and I certainly proach this matter in exactly the spirit that you have said serious question that is before all of us, and we have to talk it and try to reason our way through it. Whether we agree or agree, if we can find some areas of common ground I think it all to the good.

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Act (1993)

PREPARED STATEMENT

I appreciate this opportunity to testify, Mr. Chairman. Before beinning my testimony, I ask that my prepared statement be includ d in the record.

Senator KASTEN. It will be inserted in the record at this point. [The statement follows:]

PREPARED STATEMENT OF HON. GEORGE P. SHULTZ, SECRETARY OF STATE

Mr. Chairman: Thank you for this opportunity to testify.

On March 10, the President described very clearly the national security stake we ve in Central America and the Caribbean. Many factors are involved and the medies are complex, but the basic issues are relatively simple: Central America is transition, trying to resolve the tensions of the past by developing democratic in- itutions and workable reforms. Violent, anti-democratic minorities with close mili- ry and ideological ties to Cuba and the Soviet Union are attempting to disrupt is effort and seize power by force of arms. Central America is too close and of too uch strategic importance for us to stand idly by while that happens. Our security at stake, and our most basic principles are being tested.

It is not surprising that our consultations with a wide spectrum of the Congress er the last three weeks have convinced the President and all of us that a bipartin consensus on goals does as you suggested in fact exist. No one wants to see Comunist guerrillas take power in El Salvador. No one wants to see a second or third fourth Nicaragua in Central America. We are unanimous in wanting the outcome the crisis in the region to be peaceful and democratic.

So I would like to focus today on the means to achieve these common objectives. I uld like to review our regional strategy and explain why we believe the political ategy the President set forth in his March 10 speech can help end the war and oduce a democratic outcome in El Salvador. I will then discuss the resources we ed to make it work.

OUR REGIONAL STRATEGY

Our strategy proceeds from an analysis that recognizes, in fact emphasizes, that ere are legitimate social, economic and political grievances in many parts of the ion. For example, many of El Salvador's problems stem directly from failings of st Salvadoran governments—failings that often go back decades, but which must addressed now.

The second critical factor is the decision by Cuba with Soviet-bloc support to orga- e and arm guerrilla forces under Marxist-Leninist control. This tactic—and its ults—are evident in Nicaragua, which since 1979 has become a base for the export violence to its neighbors. Almost immediately after the Sandinista takeover in caragua, El Salvador became a target, with the expectation that Communist bloc ining and supplies would bring a quick military victory to Cuban-backed extrem- s.

Our conclusion is that we face two related challenges: to help alleviate longstand- political, economic, and social problems, and to help counter a Communist strat- which seeks to aggravate and exploit these problems and so to seize power by ce of arms.

The strategy we have developed is comprehensive and regional. Much of it has n elaborated in consultation with the region's democracies. It consists of six mu- ally reinforcing elements. Each is necessary to ensure the success of the whole. The first and critical component is support for democracy, reform and the protec- n of human rights. Violence feeds on the failure of local institutions to provide ponsive government, justice under law, or means to achieve peaceful social and nomic change. We know that democratic governments are far less likely to abuse ir citizens than dictatorial regimes whether of the right or left And we know t democracy cannot flourish in the presence of extreme inequalities in access to d, opportunity, or justice. We cannot hope to succeed unless we address these t-order concerns.

The second element is support for economic development. Underdevelopment, re- ion, and in the case of El Salvador, the guerrillas' "prolonged war" against jobs, sport, and crops create human hardship and misery that are being exploited by enemies of democracy. Three-quarters of the resources in support of our Central erican policy go to economic assistance

The third element is support for the security of the nations of the region. We must provide El Salvador and our other friends struggling for democracy enough military training and assistance to protect against the military power of the guerrillas so that non-military solutions can be found. Security assistance is not an end in itself, but a shield for the region's democratization and development.

The fourth element is to give the area hope in the future. That is why our economic efforts go beyond the traditional forms of assistance: the President's Caribbean Basin Initiative proposes unique long-term incentives to spur the sustained economic growth these countries have demonstrated in the past they are capable of achieving.

The fifth element is to deter the Sandinista attempt to promote a "revolution without frontiers," their phrase. We are providing essential economic and security support to Costa Rica and Honduras. And together with other democratic countries of the region, we are working to persuade the Sandinistas that they should come to the bargaining table ready to come to terms with their own society and their neighbors.

The sixth element is support for peaceful solutions. Internal reconciliation—through democratic elections, guarantees of personal security, and amnesty—can be an alternative to violence and the consequences of violence for all concerned. Similarly, regional agreements can strengthen democracy and reduce sources of conflict and militarization.

All six of these elements must be applied and sustained for the strategy to succeed. No amount of reform alone can bring peace so long as the guerrillas expect and seek military victory. No amount of economic assistance alone can suffice if the guerrillas can destroy basic infrastructures again and again with impunity. And even sustained government military superiority alone will not bring sustained peace in the absence of more freedom and of better opportunities for social and economic development.

THE SITUATION IN EL SALVADOR

Let me turn now to El Salvador. How is our strategy working there?

First, respect for human rights has grown slowly, but steadily. Political violence against non-combatants is a serious problem but is down markedly since our assistance began three years ago. Military operations have resulted in the capture of prisoners. The treatment of individuals in prison for security reasons has improved: international access to detained individuals is regular and prison facilities are cleaner and better-administered. Even so, the criminal justice system remains a major concern—one I will examine in greater detail in a moment.

Second, in three short years and despite determined guerrilla opposition, El Salvador's government has redistributed more than 20 percent of all arable land. Some 450,000 people—about one Salvadoran in every ten—have benefitted directly. Strong peasant organizations have emerged. An AID-financed study by independent consultants visiting El Salvador reported that: "Members of the team. . . . were under the impression that the conservative coalition that won the March 1982 election has attempted to annul the reforms. During two months of field work, however, we discovered that reforms were still very much alive." The recent extension of land reform legislation confirms this judgment. The distributive aspects of the reform, if continued at the present pace, can be completed this year.

Third, the general economic situation is poor. In the last four years, the Salvadoran economy has contracted by 25 percent. Overall unemployment is in the neighborhood of 40 percent. Imports of medicines and food have been hampered. To maintain even zero growth in real terms, El Salvador needs substantial assistance to import materials, intermediate goods, and essential agricultural inputs for which it lacks foreign exchange.

Part of the problem is that the international recession has depressed commodity and agricultural markets on which El Salvador depends for foreign exchange. But the more serious weak point is that since the failure of their 1981 so-called "final offensive" the guerrillas have moved against the economic infrastructure. They have destroyed 55 of the country's 260 bridges and damaged many more. The national water authority is carrying out 112 reconstruction projects to restore facilities damaged by guerrilla action. Two hundred forty-nine separate attacks have caused millions of dollars of damages to the telephone system. Electrical systems have suffered over 5,000 power interruptions in a 22-month period ending last November—an average of almost 8 a day. The eastern region was blacked out for over a third of the year in both 1981 and 1982. Thirteen crop-dusting planes have been destroyed o

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damaged since last October. Over 200 buses were destroyed in 1982 alone. Less than half the rolling stock of the railways remains operational.

In short, guerrilla sabotage is depriving the people of El Salvador of food, water, transportation, light, sanitation and work.

It cannot be stressed enough that this guerrilla campaign of "rule or ruin" is contrary to the will of the overwhelming majority of Salvadorans. The Archbishop of El Salvador put it this way on March 18: "The population wants there to be peace. I do not see that the guerrillas, who have progressed militarily and in experience, have popular support. . . . There have been about four or five offensives and who knows how many more to come. But the people want [peace]."

This brings me to a fourth point. The military situation is not desperate, but could become so if we fail to help. The Salvadoran armed forces face the difficult task of fighting mobile and well-trained enemy units supported from the outside, while also protecting static targets and population and production centers. Ten days ago, we had to provide an emergency airlift of critically needed small arms ammunition. The Salvadoran soldier, when well-trained and well-led, is capable: guerrilla operations have for the most part been localized to certain areas of the country, and the government forces we have trained are performing effectively. The three U.S.-trained units conduct themselves professionally both on the battlefield and in their relations with non-combatant populations. But only 10 percent at most of the Salvadoran armed forces have received our training.

Fifth, democracy and reconciliation have made major advances this past year. The Constituent Assembly has engaged a wide and diverse political spectrum from ARENA on the right to Christian Democracy on the left. It has not been easy for often bitter political rivals to deal with each other in a parliamentary forum with the outside world watching skeptically. But gradually they are coming to listen to each other, moderate, compromise, accommodate. In addition to working on a new constitution, the Assembly has reached agreement on a Government of National Unity guided by the multi-party Pact of Apaneca, and proceeded seriously with land reform including the vital Land to the Tiller program.

As envisioned in the Pact of Apaneca, the Salvadoran Government has designated three high level Commissions: on the political process, on human rights, and on peace. The Peach Commission is specifically charged with developing measures of national reconciliation. Its members include a Catholic Bishop and two civilians, one a representative of the political parties, the other a former Foreign Minister. On March 17, this independent commission formally proposed legislation providing for a general amnesty.

It is this atmosphere—the yearning for peace, the viability of El Salvador's new democratic institutions, and what Archbishop Rivera has called "a desire for understanding more then revenge"—that gives impetus to the decision to hold Presidential elections this year—a decision greeted with hope and approval by all, including his Holiness Pope John Paul II, when it was announced.

In sum, despite continued human rights problems and troubled economic and security conditions particulary outside major population centers heartening progress has been made in political, economic and social reform. Essential groundwork has been laid for progress in national reconciliation.

RESOURCE NEEDS AND OBJECTIVES

Let me now turn to our resource needs and policy objectives.

Economic assistance is vitally needed to permit the purchase of essential imports and to help restore basic services and infrastructure disrupted by the guerrillas. It is needed to strengthen the agrarian reform and to help finance labor-intensive reconstruction that will provide work to those deprived of it by guerrilla sabotage. It is needed to help the private sector, now cut off from capital markets, regain access to credit for critical imports.

To accomplish these objectives, we are planning to provide El Salvador some $227 million in FY 1983 economic assistance, including economic support funds, development assistance and PL-480 commodity financing. This includes $67.1 million the President has proposed to reallocate for El Salvador from current funds. This additional assistance—for which no new appropriations are being sought—will be heavily committed to public services, medical needs, and food imports. A major component will support a comprehensive new program of services and reconstruction in two parts of the country most critically affected by the guerrilla war.

To continue building the kind of disciplined, skilled armed forces that can take and hold the initiative while respecting the rights of its people, we submitted to Congress on March 10 a notification of our intent to reprogram $60 million in FMS

loan guarantees to El Salvador. We are also planning to reallocate to El Salvador $50 million in grant MAP funds from our January supplemental request. As with economic assistance, none of this increase will involve funds other than those previously requested.

We are not planning to send El Salvador advanced heavy weapons like the Soviet tanks acquired by Nicaragua. Nor have we any intention of Americanizing the fighting by introducing US combat advisors. Rather our emphasis is on greatly expanded training for Salvadoran soldiers, with all or most of the additional training taking place outside El Salvador if funds permit. The funds we have requested would enable us to train some 50 percent of El Salvador's main fighting units, compared to 10 percent until now. They would also help El Salvador's armed forces to increase force mobility with additional helicopters, small naval craft and trucks and to acquire necessary munitions and spare parts. Some of this military assistance will also be used for engineering equipment and medical supplies to provide relief for the people suffering from the effects of the guerrilla war.

Time is important to this objective. The more quickly we help these armed forces become more effective and responsible instruments of El Salvador's national policy, the sooner their shield will be available to protect the emerging democracy and developing economy we all seek. To quote Senator Jackson, "if you're going to have the ballot box free and open, there must be a shield behind which the people can participate."

Let me return here to one problem that is not primarily a question of resources: the deeply troubling ineffectiveness of El Salvador's system of criminal justice. It is true that this stems directly from the larger problem of violence. But it is equally true that efforts to protect human rights and instill respect for the law are gravely hampered if the courts are unable to bring cases to a timely and impartial conclusion.

The Salvadoran Peace Commission and Human Rights Commission together have a mandate to review all laws and procedures governing political crimes, and to make recommendations for improving the judicial system as a whole. Some problems may be subject to relatively prompt action: for example, increasing security for judges and other court officials or transferring jurisdiction over military offenders to military courts. Other problems, such as reviewing rules of evidence and substantive criminal law or upgrading case management, investigative techniques, and judicial administration will by their very nature take longer.

We have been asked for help in this delicate area and want to be of assistance. However, because El Salvador's judicial system is quite different from our own, specific recommendations will require more detailed knowledge and cooperative programs than we have now. We are working on both. And we hope that Latin American democracies, like Costa Rica and Venezuela, whose legal systems are closer to that of El Salvador, will also help.

NEGOTIATIONS

Let me now address the question of negotiations.

The President has emphasized our support for negotiations aimed at "expanding participation in democratic institutions—at getting all parties to participate in free, non-violent elections." We will not support negotiations that short circuit the democratic process and carve up power behind the people's back. We will support negotiations to help provide guarantees of electoral fairness and protection for voters and candidates of all persuasions.

For eighteen months, the government of El Salvador has been attempting to open democratic political processes to all political forces including the Marxist ones. The Peace Commission has the specific mandate to help incorporate all social and political groups in the elections this year. The President of the Constituent Assembly has called for the main political unit of the guerrillas, the Frente Democratico Revolucionario, FDR, to take part in the election.

As the President indicated, we are willing to help. Surely there will be interest in measures which would guarantee the personal security of candidates and their supporters, in the provision of observers to encourage fairness and discourage coercion or intimidation, and in specific ways to ensure access to media, an accurate tally, and—ultimately—respect for the results.

We will be making proposals to the Salvadorans on how we, the Organization of American States and other concerned countries can help to achieve each of these objectives. We are fully committed to this course.

We also support negotiations among countries, as the President has said, to strengthen democracy, to halt subversion, to stop the flow of arms, to respect bor-

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dera, and ... remove all the foreign military advisors—the Soviets, Cubans, East Germans, PLO, as well as our own—from the region." Eight democratic countries of the region, meeting in San Jose, Costa Rica in October 1982 called on Nicaragua to join them in pledging an end to cross-border support of guerrilla violence, a freeze on the growth of military arsenals, and freedom of action for peaceful democratic groups. Nicaragua refused to discuss these principles. The San Jose proposals, if accepted, would reduce East-West tensions in Central America and contribute to a regional political solution.

Discussion now centers on the possibility of a meeting of Foreign Ministers of the five Central American countries, Costa Rica, El Salvador, Honduras, Nicaragua and Guatemala, observed by the Foreign Ministers of five other countries within the region—Colombia, the Dominican Republic, Mexico, Panama, and Venezuela, the so-called five plus five meeting. This is what the President referred to in saying that a regional peace initiative is emerging. Nicaragua would be engaged in the process. Its good faith, or lack of it, will be tested.

REGIONAL DEVELOPMENT AND SECURITY

Pending a peaceful solution, we must also seek to bolster Honduras and Costa Rica, two democracies with troubled economies where major externally-directed terrorist incidents have occurred. These nations—on the borders of Nicaragua—feel most strongly the growing threat of Nicaraguan military power, which is fortified by some 2,000 Cuban and Soviet bloc military advisors.

Both Honduras and Costa Rica have democratic systems. Yet they too are prey to self-proclaimed Marxist "liberators" who despise democracy and attack reform. By strengthening these democracies and by helping them to pass through difficult economic times, we can help both countries to provide stability and hope even in the midst of regional crisis.

We therefore plan to provide an additional $101 million in economic assistance in fiscal year 1983 for Honduras, Costa Rica and Belize. With the critical $67.1 million in additional economic assistance for El Salvador, this is a region-wide economic assistance increase of $168 million, of which $65 million has been added to our January supplemental request. With respect to military assitance, we are increasing our January supplemental request for MAP funding by $20 million, mainly for Honduras, with some assistance for Costa Rica and the Panama Canal Area Schools. Thus, as called for by the President, total additional military assistance for Central America, including El Salvador, will be $130 million in fiscal year 1983.

CONCLUSION

Let me conclude, Mr. Chairman, with a final observation. The President eloquently set forth the reasons why the outcome of the current conflict in Central America is important to our national security. I would like to suggest an additional reason. Our Communist adversaries the world over depict the United States as a reactionary, status quo power standing in the way of legitimate aspirations for change. Their propaganda dismisses the relevance of political democracy to the problems of the developing world and asserts that we seek weak, unstable neighbors that we can dominate and exploit.

These assertions are lies. We are, in fact, allied with progressive forces working for economic development, reform, and democracy. We seek not weak, exploitable neighbors, but ones that are strong, secure, and independent. Nor is democracy irrelevant to the problems faced by the developing nations. Democracy, not Communism, is the best way to deal with their problems. That is what the struggle in Central America is all about.

BASIC ISSUES

Secretary SHULTZ. On March 10, the President described very clearly the national security stake we have in Central America and the Caribbean. Many factors are involved and the remedies are complex, but the basic issues are relatively simple. Central America is in transition, trying to resolve the tensions of the past by developing democratic institutions and workable reforms.

Violent, antidemocratic minorities with close military and ideological ties to Cuba and the Soviet Union are attempting to disrupt this effort and seize power by force of arms. Central America is too

close and of too much strategic importance for us to stand idly by while that happens. Our security is at stake, and our most basic principles are being tested.

It is not surprising that our consultations with a wide spectrum of the Congress over the last 3 weeks have convinced the President and all of us that a bipartisan consensus on goals does, as you suggested, in fact exist. No one wants to see Communist guerrillas take power in El Salvador. No one wants to see a second or third or fourth Nicaragua in Central America. We are unanimous in wanting the outcome of the crisis in the region to be peaceful and democratic.

CENTRAL AMERICA STRATEGY

So I would like to focus today on the means to achieve these common objectives. I would like to review our regional strategy and explain why we believe the political strategy the President set forth in his March 10 speech can help end the war and produce a democratic outcome in El Salvador. I will then discuss the resources we need to make it work.

Our strategy proceeds from an analysis that recognizes, in fact emphasizes, that there are legitimate social, economic, and political grievances in many parts of the region. For example, many of El Salvador's problems stem directly from failings of past Salvadoran Governments, failings that often go back decades, but which must be addressed now.

The second critical factor is the decision by Cuba with Soviet-bloc support to organize and arm guerrilla forces under Marxist-Leninist control. This tactic, and its fruits, are evident in Nicaragua, which since 1979 has become a base for the export of violence to its neighbors. Almost immediately after the Sandinista takeover in Nicaragua, El Salvador became a target, with the expectation that Communist bloc training and supplies would bring a quick military victory to Cuban-backed extremists.

Our conclusion is that we face two related challenges: to help alleviate longstanding political, economic, and social problems, and to help counter a Communist strategy which seeks to aggravate and exploit these problems and so to seize power by force of arms.

The strategy we have developed is comprehensive and regional. Much of it has been elaborated in consultation with the region's democracies. It consists of six mutually reinforcing elements. Each is necessary to insure the success of the whole.

I might just refer, I believe each is necessary and insufficient by itself. So I think we have the old mathematical analogy for a proof that has to be both necessary and sufficient. So we need all of these elements working together to form a workable strategy.

CRITICAL COMPONENTS FOR WORKABLE STRATEGY

The first and critical component is support for democracy, reform and the protection of human rights. Violence feeds on the failure of local institutions to provide responsive government, justice under law, or means to achieve peaceful social and economic change. We know that democratic governments are far less likely to abuse their citizens than dictatorial regimes whether of the

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right or left. We know that democracy cannot flourish in the presence of extreme inequalities in access to land, opportunity, or justice. We cannot hope to succeed unless we address these first-order concerns.

The second element is support for economic development. Underdevelopment, recession, and in the case of El Salvador, the guerrillas' "prolonged war" against jobs, transport, and crops creates human hardship and misery that are being exploited by the enemies of democracy. Three-quarters of the resources in support of our Central American policy go to economic assistance.

The third element is support for the security of the nations of the region. We must provide El Salvador and our other friends struggling for democracy enough military training and assistance to protect against the military power of the guerrillas so that nonmilitary solutions can be found. Security assistance is not an end in itself, but a shield for the region's democratization and development.

The fourth element is to give the area hope in the future. That is why our economic efforts go beyond the traditional forms of assistance. The President's Caribbean Basin Initiative (CBI) proposes unique long-term incentives to spur the sustained economic growth these countries have demonstrated in the past they are capable of achieving.

The fifth element is to deter the Sandinista attempt to promote a "revolution without frontiers," their phrase. We are providing essential economic and security support to Costa Rica and Honduras. Together with other democratic countries of the region, we are working to persuade the Sandinistas that they should come to the bargaining table ready to come to terms with their own society and their neighbors.

The sixth element is support for peaceful solutions. Internal reconciliation, through democratic elections, guarantees of personal security, and amnesty, can be an alternative to violence and the consequences of violence for all concerned. Similarly, regional agreements can strengthen democracy and reduce sources of conflict and militarization.

All six of these elements must be applied and sustained for the strategy to succeed. No amount of reform alone can bring peace so long as the guerrillas expect and seek military victory. No amount of economic assistance alone can suffice if the guerrillas can destroy basic infrastructures again and again with impunity. Even sustained government military superiority alone will not bring sustained peace in the absence of more freedom and of better opportunities for social and economic development.

CENTRAL AMERICA STRATEGY—EL SALVADOR

Let me turn now to El Salvador. How is our strategy working there?

First, respect for human rights has grown slowly, but steadily. Political violence against noncombatants is a serious problem but is down markedly since our assistance began 3 years ago. Military operations have resulted in the capture of prisoners. The treatment of individuals in prison for security reasons has improved. International access to detained individuals is regular and prison facilities are cleaner and better administered. Even so, the criminal justice system remains a major concern, one I will examine in greater detail in a moment.

Second, in 3 short years and despite determined guerrilla opposition, El Salvador's Government has redistributed more than 20 percent of all arable land. Some 450,000 people, about 1 Salvadoran in every 10, have benefited directly. Strong peasant organizations have emerged. An AID-financed study by independent consultants visiting El Salvador reported that "members of the team were under the impression that the conservative coalition that won the March 1982 election had attempted to annul the reforms. During 2 months of field work, however, we discovered that reforms were still very much alive." The recent extension of land reform legislation confirms this judgment. The distributive aspects of the reform, if continued at the present pace, can be completed this year.

Third, the general economic situation is poor. In the last 4 years, the Salvadoran economy has contracted by 25 percent. Overall unemployment is in the neighborhood of 40 percent. These are staggering numbers, if you think about them at all.

Imports of medicines and food have been hampered. To maintain even zero growth in real terms, El Salvador needs substantial assistance to import materials, intermediate goods, and essential agricultural inputs for which it lacks foreign exchange.

GUERRILLA MOVE AGAINST ECONOMIC STRUCTURE

Part of the problem is that the international recession has depressed commodity and agricultural markets on which El Salvador depends for foreign exchange. But the more serious weak point is that since the failure of their 1981 so-called "final offensive" the guerrillas have moved against the economic infrastructure. They have destroyed 55 of the country's 260 bridges and damaged many more. The national water authority is carrying out 112 reconstruction projects to restore facilities damaged by guerrilla action. Two hundred forty-nine separate attacks have caused millions of dollars of damage to the telephone system. Electrical systems have suffered over 5,000 power interruptions in a 22-month period ending last November, an average of almost eight a day. The eastern region was blacked out for over a third of the year in both 1981 and 1982. Thirteen crop-dusting planes have been destroyed or damaged since last October. Over 200 buses were destroyed in 1982 alone. Less than half the rolling stock of the railways remains operational.

So if people say, can the guerrillas do anything, the answer is yes, they have done quite a lot. In short, guerrilla sabotage is depriving the people of El Salvador of food, water, transportation, light, sanitation and work.

It cannot be stressed enough that this guerrilla campaign of "rule or ruin" is contrary to the will of the overwhelming majority of Salvadorans. The Archbishop of El Salvador put it this way on March 18. "The population wants there to be peace. I do not see that the guerrillas, who have progressed militarily and in experience, have popular support. There have been about four or five of-

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want p[illegible] knows how many [illegible]e to come. But the people

MILITARY SITUATION IN EL SALVADOR

This brings me to a fourth point. The military situation is not desperate, but could become so if we fail to help. The Salvadoran armed forces face the difficult task of fighting mobile and well-trained enemy units supported from the outside, while also protecting static targets and population and production centers. Ten days ago, we had to provide an emergency airlift of critically needed small arms ammunition.

The Salvadoran soldier, when well-trained and well-led, is capable. Guerrilla operations have for the most part been localized to certain areas of the country, and the government forces we have trained are performing effectively. The three U.S.-trained units conduct themselves professionally both on the battlefield and in their relations with noncombatant populations. But I think both those points are worth noting. Only 10 percent at most of the Salvadoran armed forces have received our training.

Fifth, democracy and reconciliation have made major advances this past year. The Constituent Assembly has engaged a wide and diverse political spectrum, from ARENA on the right to Christian Democracy on the left. It has not been easy for often bitter political rivals to deal with each other in a parliamentary forum with the outside world watching skeptically. But, gradually, they are coming to listen to each other, moderate, compromise, accommodate. In addition to working on a new constitution, the assembly has reached agreement on a Government of National Unity guided by the multiparty Pact of Apaneca, and proceeded seriously with land reform including the vital Land to the Tiller program.

As envisioned in the Pact of Apaneca, the Salvadoran Government has designated three high level commissions, on the political process, on human rights, and on peace. The peace commission is specifically charged with developing measures of national reconciliation. Its members include a Catholic bishop and two civilians, one a representative of the political parties, the other a former foreign minister. On March 17, this independent commission formally proposed legislation providing for a general amnesty.

It is this atmosphere, the yearning for peace, the viability of El Salvador's new democratic institutions, and what Archbishop Rivera has called "a desire for understanding more than revenge," that gives impetus to the decision to hold presidential elections this year—a decision greeted with hope and approval by all, including His Holiness Pope John Paul II, when it was announced.

In sum, despite continued human rights problems and troubled economic and security conditions particularly outside major population centers, heartening progress has been made in political, economic, and social reform. Essential groundwork has been laid for progress in national reconciliation.

RESOURCE NEEDS AND POLICY OBJECTIVES

Let me now turn to our resource needs and policy objectives. Economic assistance is vitally needed to permit the purchase of essential imports and to help restore basic services and infrastructure disrupted by the guerrillas. It is needed to strengthen the agrarian reform and to help finance labor intensive reconstruction that will provide work to those deprived of it by guerrilla sabotage. It is needed to help the private sector, now cut off from capital markets, regain access to credit for critical imports.

To accomplish these objectives, we are planning to provide El Salvador some $227 million in fiscal year 1983 economic assistance, including economic support funds, development assistance and Public Law 480 commodity financing. This includes $67,100,000 the President has proposed to reallocate for El Salvador from current funds.

This additional assistance—for which no new appropriations are being sought—will be heavily committed to public services, medical needs, and food imports. A major component will support a comprehensive new program of services and reconstruction in two parts of the country most critically affected by the guerrilla war.

To continue building the kind of disciplined, skilled armed forces that can take and hold the initiative while respecting the rights of its people, we submitted to Congress on March 10 a notification of our intent to reprogram $60 million in FMS loan guarantees to El Salvador. We are also planning to reallocate to El Salvador $50 million in grant MAP funds from our January supplemental request. As with economic assistance, none of this increase will involve funds other than those previously requested.

We are not planning to send El Salvador advanced heavy weapons like the Soviet tanks acquired by Nicaragua. Nor have we any intention of Americanizing the fighting by introducing U.S. combat advisers. Rather our emphasis is on greatly expanded training for Salvadoran soldiers, with all or most of the additional training taking place outside El Salvador if funds permit.

The funds we have requested would enable us to train some 50 percent of El Salvador's main fighting units, compared to 10 percent until now. They would also help El Salvador's armed forces to increase force mobility with additional helicopters, small naval craft and trucks, and to acquire necessary munitions and spare parts. Some of this military assistance will also be used for engineering equipment and medical supplies to provide relief for the people suffering from the effects of the guerrilla war.

Time is important to this objective. The more quickly we help these armed forces become more effective and responsible instruments of El Salvador's national policy, the sooner their shield will be available to protect the emerging democracy and developing economy we all seek. To quote Senator Jackson, "if you're going to have the ballot box free and open, there must be a shield behind which the people can participate."

EL SALVADOR'S SYSTEM OF CRIMINAL JUSTICE

Let me return here to one problem that is not primarily a question of resources, the deeply troubling ineffectiveness of El Salvador's system of criminal justice. It is true that this stems directly from the larger problem of violence. But it is equally true that efforts to protect human rights and instill respect for the law are

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gravely hampered if the courts are unable to bring cases to a timely and impartial conclusion.

The Salvadoran Peace Commission and Human Rights Commission together have a mandate to review all laws and procedures governing political crimes, and to make recommendations for improving the judicial system as a whole. Some problems may be subject to relatively prompt action. For example, increasing security for judges and other court officials or transferring jurisdiction over military offenders to military courts. Other problems, such as reviewing rules of evidence and substantive criminal law or upgrading case management, investigative techniques, and judicial administration will by their very nature take longer.

We have been asked for help in this delicate area and want to be of assistance. However, because El Salvador's judicial system is quite different from our own, specific recommendations will require more detailed knowledge and cooperative programs than we have now. We are working on both. We hope that Latin American democracies, like Costa Rica and Venezuela, whose legal systems are closer to that of El Salvador, will also help.

NEGOTIATIONS

Let me address now the question of negotiations.

The President has emphasized our support for negotiations aimed at "expanding participation in democratic institutions, at getting all parties to participate in free, nonviolent elections." We will not support negotiations that short circuit the democratic process and carve up power behind the people's back. We will support negotiations to help provide guarantees of electoral fairness and protection for voters and candidates of all persuasions.

For 18 months, the Government of El Salvador has been attempting to open democratic political processes to all political forces including the Marxist ones. The Peace Commission has the specific mandate to help incorporate all social and political groups in the elections this year. The president of the Constituent Assembly has called for the main political unit of the guerrillas, the Frente Democratico Revolucionario [FDR] to take part in the election.

As the President indicated, we are willing to help. Surely there will be interest in measures which would guarantee the personal security of candidates and their supporters, in the provision of observers to encourage fairness and discourage coercion or intimidation, and in specific ways to insure access to media, an accurate tally, and ultimately, respect for the results.

We will be making proposals to the Salvadorans on how we, the Organization of American States and other concerned countries can help to achieve each of these objectives. We are fully committed to this course.

We also support negotiations among countries, as the President has said, "To strengthen democracy, to halt subversion, to stop the flow of arms, to respect borders, and to remove all the foreign military advisors, the Soviets, Cubans, East Germans, PLO, as well as our own, from the region."

Eight democratic countries of the region, meeting in San Jose, Costa Rica in October 1982 called on Nicaragua to join them in pledging an end to cross-border support of guerrilla violence, a freeze on the growth of military arsenals, and freedom of action for peaceful democratic groups. Nicaragua refused to discuss these principles. The San Jose proposals, if accepted, would reduce East-West tensions in Central America and contribute to a regional political solution.

Discussion now centers on the possibility of a meeting of foreign ministers of the five Central American countries, Costa Rica, El Salvador, Honduras, Nicaragua, and Guatemala, observed by the foreign ministers of five other countries within the region, Colombia, the Dominican Republic, Mexico, Panama, and Venezuela, this so-called five-plus-five meeting. This is what the President referred to in saying that a regional peace initiative is emerging. Nicaragua would be engaged in the process. Its good faith, or lack of it, will be tested.

ECONOMIES OF HONDURAS AND COSTA RICA

Pending a peaceful solution, we must also seek to bolster Honduras and Costa Rica, two democracies with troubled economies where major externally directed terrorist incidents have occurred. These nations, on the borders of Nicaragua, feel most strongly the growing threat of Nicaraguan military power, which is fortified by some 2,000 Cuban and Soviet bloc military advisers.

Both Honduras and Costa Rica have democratic systems. Yet they too are prey to self-proclaimed Marxist "liberators" who despise democracy and attack reform. By strengthening these democracies and by helping them to pass through difficult economic times, we can help both countries to provide stability and hope even in the midst of regional crisis.

We, therefore, plan to provide an additional $101 million in economic assistance in fiscal year 1983 for Honduras, Costa Rica, and Belize. With the critical $67.1 million in additional economic assistance for El Salvador, this is a regionwide economic assistance increase of $168 million, of which $65 million has been added to our January supplemental request.

With respect to military assistance, we are increasing our January supplemental request for MAP funding by $20 million, mainly for Honduras, with some assistance for Costa Rica and the Panama Canal area schools. Thus, as called for by the President, total additional military assistance for Central America, including El Salvador, will be $130 million in fiscal year 1983.

CONCLUSION

Let me conclude, Mr. Chairman, with a final observation. The President eloquently set forth the reasons why the outcome of the current conflict in Central America is important to our national security. I would like to suggest an additional reason.

Our Communist adversaries the world over depict the United States as a reactionary, status quo power standing in the way of legitimate aspirations for change. Their propaganda dismisses the relevance of political democracy to the problems of the developing world and asserts that we seek weak, unstable neighbors that we can dominate and exploit.

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El Salvador: Human Rights Special Project (1993)

These assertions are lies. We are, in fact, allied with progressive forces working for economic development, reform, and democracy. We seek not weak, exploitable neighbors, but ones that are strong, secure, and independent. Nor is democracy irrelevant to the problems faced by the developing nations. Democracy, not communism, is the best way to deal with their problems. That is what the struggle in Central America is all about.

I thank you, Mr. Chairman.

Senator KASTEN. Mr. Secretary, thank you very much.

The subcommittee this morning will operate on a 10-minute rule, and I will ask the subcommittee staff to operate the light system.

ELECTIONS IN EL SALVADOR

Mr. Secretary, many guerrilla leaders have said that true elections in El Salvador are impossible because of the attitude of the Government in power there. What makes you think that the Government would be willing to hold fair elections, and would, in fact, fair elections be impossible under the present circumstances?

Secretary SHULTZ. Well, in the first place, an election was held that I think on the whole had astonishing results, so there is a piece of experience there. Second, they have declared their intention to do so, and, in fact, moved the date a little bit closer than had been originally scheduled.

Beyond that, their constituent assembly has been actively working on the ways in which this election would be held and the various commissions I referred to in my testimony are in various ways directed toward the problems of how to conduct a fair, open, free election. Perhaps the key ingredient, at least in the questions of whether or not this can come about, is whether there can be genuine negotiations with the guerrillas about entering the democratic process and taking part in these elections.

Obviously, no one can know what they will do, but it seems to me it is clear to everyone, and we must do everything we can to help produce the situation where there can be assurance of personal safety, and there can be a presumption of accepting the results, and there can be fair access to media, and so forth, and those are proper inducements for people to join this process and take advantage of amnesty.

Personally, I think as long as they feel they can win a military victory, they are unlikely to take part, but if they feel that that is in question, perhaps they will if what is offered is clear and has a solid basis for it.

Senator KASTEN. Well, let me see if I have this right. You say you would support negotiations on everything to do with the elections, in other words, access to media, security, et cetera. Now, are you saying that the Peace Commission is going to, in fact, contact the opposition parties? What would happen if the opposition parties want to talk now about power sharing, or even power sharing in terms of how the election would be held?

Secretary SHULTZ. Well, I think the idea of having an election, establishing a government, and then having a negotiation to share power in that government with the people who, by armed efforts, tried to make the election impossible is sort of counterproductive, and not a workable way to go about it.

We all know and subscribe to, as you said in your opening statement, the proper way to lend legitimacy to not only a government, but to participation by individuals in it, namely, by having a proper election. So it seems to me that negotiation over the electoral process is quite important and necessary. However, negotiation to develop a shared power government before the election is not appropriate.

THE CLERGY IN CENTRAL AMERICA

Senator KASTEN. Mr. Secretary, in testimony before our subcommittee a few weeks ago, we had some discussion of, in your words, so-called Marxist clerics. What is your reaction today to the Pope's visit to Central America in light of your criticism of Marxist clerics?

Secretary SHULTZ. Well, I do not think that I phrased my answer to questions on that subject with the greatest felicity. Nevertheless, the meaning that I had was that if members of the clergy take certain actions which, though not necessarily wanting them that way, result in an increase in Soviet power, in the development of a system like that, that is antithetical to basic religious objectives, because the record shows that such regimes are not sympathetic to freedom of worship.

That was the intent that I had, and I do not want to try to quote His Holiness on this subject, but it did seem to me that the reception that he got in Nicaragua was perhaps a marker, and his own comment about the importance of church people preaching about religious doctrine, and foregoing a kind of militant liberal church approach are very much to the point.

BALANCE BETWEEN ECONOMIC AND MILITARY ASSISTANCE

Senator KASTEN. Mr. Secretary, much of the public discussion on this issue has focused on the military aid and the dollar numbers plus possible restrictions by the Congress. However, you are also requesting a significant number of dollars, $168 million, for economic assistance overall, including some of the money that has already been appropriated, compared to $130 million in military assistance.

Are we finding ourselves for political reasons having to balance the military with some economic aid, or is there really a need for as much economic aid as the administration is asking for?

Secretary SHULTZ. Well, there is certainly a need. I think you can see the need in terms of just the things that need to be reconstructed just by themselves. There is a need in terms of the depressed state of the economy, in part because of the damage to infrastructure, but also because of economic conditions generally.

So, there is a need there, without any doubt. I think a fair question is whether the use of these resources, say, to reconstruct bridges, just to take an example, is going to turn out to be worthwhile in the sense that what has been built can be destroyed, and

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here I think we see the interaction between the importance of providing a shield and the importance of providing help to developments in the economy.

JUDICIAL SYSTEM IN EL SALVADOR

Senator KASTEN. Mr. Secretary, a continuing concern of not only the Congress but clearly the American public, and I know it is of particular interest to a number of Members of this subcommittee, is the inability to bring to trial those accused in the murders of U.S. citizens, and the larger problem of the overall judicial system.

You talked briefly about that in your opening statement. It was with this concern in mind that last week I sent a telegram to the El Salvadoran Defense Minister in which I urged him to get the military involved and committed to bringing to trial those accused in the murders of U.S. citizens.

Can you give the subcommittee any additional information on the progress being made in this regard, and specifically what has come out of the meeting of the high command of the Salvadoran military last week? Are we in the process of making real progress in this important area of judicial reform?

Secretary SHULTZ. Well, I hope we are, and it is desperately needed. I do not have any answer to the critics other than to agree with them, and I say we hope we are. I know the old saying that the proof of the pudding is in the eating, so the proof of whether or not there is progress will be in whether or not things actually take place. It takes more than hope. It takes more than plans. It takes behavior in a court.

So, as I said in my testimony, we are working on it. We have been applying all of the good offices and sense of determination and pressure that we can. I do not think the results to date are remotely satisfactory, but I think there is a very considerable prospect of making genuine headway.

Senator KASTEN. Senator Inouye?

Senator INOUYE. Thank you, Mr. Chairman.

MILITARY ASSISTANCE REQUEST

Mr. Secretary, I am certain that this subcommittee will be most responsive and favorably inclined to your request for economic—commodity—Public Law 480 or developmental assistance. The matter before this committee is the reprograming request submitted by the President for $60 million in military assistance. Therefore, I would like to focus most of my attention on the military aspect of this problem.

In the Congressional presentation, you have indicated that 60 percent of the $60 million would be used for immediate ammunition and spare parts replacement requirements. It has been reported rather widely in the press and by certain diplomats, however, that Salvadoran forces will not fight at night, and are often reluctant to leave their barracks, and this raises a question of how much ammunition they are actually using.

Second, recently it has been reported very widely that many of the guerrillas' weapons are captured, or even bought, from government troops.

Now, do you have any information as to these two charges?

Secretary SHULTZ. I think each of the points you make are important points, but I do not think they represent the true picture. The Salvadoran armed forces have fought, and will. I think particularly the ones that we train have sustained very high rates of casualties and kept going. They have managed to maintain protection of main population centers, so they have achieved a lot and they have distinguished themselves in quite a number of respects.

No doubt there are instances of the capture by guerrillas of American-supplied arms, but the vast bulk of the arms have been provided through the Soviet Union and Cuba and Nicaragua to the guerrillas. Some of those arms are American arms captured in Vietnam. They have been identified by serial numbers.

So, there have been some American arms that have come by that route.

AVAILABLE ARMS SUPPLY

Senator INOUYE. How many days' supply would you say is on hand in El Salvador at this time?

Secretary SHULTZ. I do not have an answer to that question. Obviously, it depends upon the rate at which it is being used. It is one of those things that is hard to estimate. I do know that we had to airlift some small arms ammunition a couple of weeks ago to keep their inventory up, so it is a definite problem.

Senator INOUYE. If we are not able to determine the rate of expenditure, how can we possibly determine the amount that they need?

Secretary SHULTZ. Well, of course, Senator, in part the rate at which they expend has to be related to what they think is available to them, and I know you recall that in fiscal year 1982 I think our level of military aid was roughly $60 million, and in fiscal year 1983, under the continuing resolution under which we are operating, so to speak, they are operating, that level is about $25 million.

So, prudence, I suppose, suggests that you pace yourself, recognizing that it may be enough, but you do not want to run out.

GUERRILLA MILITARY SUCCESSES

Senator INOUYE. According to history, we have been training and providing subsistence to the Salvadoran armed forces now for over 30 years. In the past 2 years alone we have provided $117,500,000 in military assistance to this country. Yet, as noted by the March 15 presentation, the guerrillas have gained the military initiative. How has this happened?

Secretary SHULTZ. Well, I do not know about the military initiative. I think they have demonstrated a capacity to destroy. They have demonstrated a capacity to disrupt the countryside. They have not successfully disrupted the main population centers at all. They have not demonstrated capacity to take and hold a given area.

So, there is a certain initiative, no doubt, but I do not think that that is quite the word that should be applied to it. It must be said in the light of the history that you cite that the efforts that have been made are short of the mark.

The type of evidence that I think can be cited in support of the possibility of achieving things by further military efforts as well as economic efforts and the general strategy described is the fact that the recent U.S.-trained battalions have performed quite well in both senses that I mentioned in my testimony, and there has been a reasonable amount of progress in the nonmilitary aspects of those objectives.

Senator INOUYE. Well, I was quoting from the Department of State program justification, dated March 15, in which you said the guerrillas had gained the military initiative notwithstanding the support we are providing. What reason do you have to believe that we can do better next year than we have in the past 30 years?

Secretary SHULTZ. Well, I have tried to cite some of those reasons. I think there is evidence in terms of the performance of the U.S.-trained battalions. There is determination, renewed determination toward the democratic process. Maybe we are seeing the emergence of a brighter and stronger world economy which will help everybody, including El Salvador.

There are a number of things that can be helpful, but I do not come here saying that I have some sort of magic ability to give you a total assurance. I think it is a big problem. It is our problem. It is their problem. And there are things we can do about it, and I feel we should do them.

MILITARY SOLUTION IN EL SALVADOR

Senator INOUYE. Do you believe there is a military solution to this problem?

Secretary SHULTZ. No, sir.

Senator INOUYE. Don't you think——

Secretary SHULTZ. I think if I could explain just briefly, I think, as I said in my testimony, you have to approach this with a strategy that has a number of strands, and each strand is necessary. If all you have is a military program you are not going to succeed. You are going to have to have other things going as well. But I think a military component under the circumstances is essential.

NEGOTIATIONS IN EL SALVADOR

Senator INOUYE. What are your thoughts on discussions, negotiations or dialog—whatever word is appropriate—that are without condition? I ask this because in all of the presentations I have heard so far it appears that the United States is setting forth certain conditions. We will first have the elections before we negotiate. You must come in to share this election, otherwise we will not talk.

Don't you believe that this is an El Salvadoran problem that should be resolved in El Salvador by Salvadorans?

Secretary SHULTZ. Yes, sir, I do. I think negotiations about the electoral process, obviously, have to take place before the election and not after.

Senator INOUYE. Then why does the statement about the elections always come first?

Secretary SHULTZ. I did not make that statement. I said that the Peace Commission has a mandate—the Salvadoran Peace Commission which we are helping, and which we are supporting. But, as you properly point out, in the end we are not in a position to say do thus and so. It is up to them.

But one of their main tasks is to design that election so that all parties in El Salvador can participate, and in order to do that there is no doubt about the fact that they will have to have a dialog or whatever you want to call it about the ways in which that election will be conducted and the ways in which security will be assured and so on.

CIVIC ACTION PROGRAM

Senator INOUYE. I understand that the administration is planning to provide about $27 million for a civic action program by the Salvadoran armed forces. Is this a rebirth of the village pacification programs which we carried out unsuccessfully in Vietnam?

Secretary SHULTZ. It is an effort to say to the military forces that as an area is secured it is not enough to use, in your phrase, to think in terms of a military victory. You have to think in terms of a human victory, an economic victory, a psychological victory, a political victory, and that means that you need to give attention to the pattern of life and what it takes to improve it as an armed force is able to get control of an area.

I think that, to my mind, is a very good thing.

Senator INOUYE. Why put this program under the auspices of the armed forces? Why not civilians?

Secretary SHULTZ. Well, the armed forces are there, and they represent an organized body, so I think it is a reasonably natural role for them, but presumably, as time goes on, it is basically a civilian governmental function surely.

Senator INOUYE. I have been advised that my time is up.

ADMINISTRATION NEEDS

Senator HATFIELD. Mr. Secretary, does the emergency aid request in this particular package combined with the regular 1984 request fulfill the administration's total needs, meeting the political, economic, military, social objectives, or has it been tempered to take into account certain negative political realities?

Secretary SHULTZ. I am not sure what negative political realities you are referring to. There are lots of them around. Could you be more explicit?

Senator HATFIELD. Perhaps we should start by saying list for us the positive political realities that exist in El Salvador. I think the negative political realities are obvious, the problems they are facing with the insurgency such as their problems of infrastructure being destroyed, their problems of trying to negotiate elections and various and sundry other political realities—not knowing how they are going to turn out.

Secretary SHULTZ. Exactly. The request represents our best estimate of the funds needed and usable in a constructive way in the time period involved to implement the strategy that is outlined. I am sure that more money—you could find reasons for more money, but I think that it is important to take the approach that you

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El Salvador Project
Policy Publications, 1983

should only put in the funds that can be used in a reasonable manner.

Senator HATFIELD. So you think it will be sufficient to meet those objectives that you have set forth in your strategy?

Secretary SHULTZ. I think so.

MILITARY SITUATION IN EL SALVADOR

Senator HATFIELD. Mr. Secretary, Ambassador Hinton told the American Chamber of Commerce in San Salvador in October—in fact, October 29, 1982, to be precise—and I quote, "that El Salvador's army is slowly but surely winning the war."

At that point the Salvadoran army had suffered over 4,000 casualties and the civilian population had experienced somewhere between 3,500 and 8,000 politically-motivated deaths in a little over 1 year. Now, 5 months later, we get an assessment that we are possibly witnessing the danger of El Salvador losing the war—that is, the established government—unless the U.S. Government provides greatly increased amounts of military aid.

Could you give us briefly the conditions that have created this change of assessment between the time when Ambassador Hinton's cautiously optimistic statement was made and now, because a while ago you were indicating this aid is going to give us hope of improving the political-economic-social problems down there?

I am just wondering, considering this reversal from 5 months ago until today, how do we expect this to be turned around by this particular package?

Secretary SHULTZ. No doubt there are many causes of the fluctuations of fortunes. My belief is that a major one is a very sharp reduction in the annual rate of military aid coming from the United States, from an annual rate of around $60 million to an annual rate of around $25 million. When you do that to an armed force it is bound to have adverse consequences, particularly when the other side gets better organized and built up.

Senator HATFIELD. Considering what was already in the pipeline, do you attribute this reversal from Ambassador Hinton's assessment to your assessment solely and exclusively on that particular point?

Secretary SHULTZ. No, sir, I prefaced my comment on that point by saying that no doubt there are various factors that explain the tides in any war or battle. But the flow of resources to the respective sides and their estimate of what is likely must contribute and contribute importantly.

Senator HATFIELD. Mr. Secretary, I believe you indicated before to me and others that you believe the ultimate solution is political.

POLITICAL SOLUTION

Secretary SHULTZ. Yes, sir.

Senator HATFIELD. When you say "political" I am sure you include economic factors that undergird the political. If you were part of the insurgency, and you saw how much damage you were able to achieve against the established government in destroying the infrastructure, just in cold calculation, what would be the incentive to throw down your arms and give up this particular role that you now enjoy as a part of an insurgency?

This economic aid package is only looking at zero growth and maintaining the present status of almost economic collapse. What is the incentive of the insurgency to move to some kind of a change of mind?

Secretary SHULTZ. Well, you ask it in terms of if I were part of the insurgency. If I were part of the insurgency, which I can't imagine, but nevertheless, if I were——

Senator HATFIELD. This is very hypothetical.

Secretary SHULTZ. Yes; it is very hypothetical.

Senator LEAHY. You do not have enough hair, Mr. Secretary.

Secretary SHULTZ. Gosh, my children keep telling me that, too, but who are you to talk?

Senator LEAHY. I know that. [Laughter.]

Secretary SHULTZ. I would like to think that I was part of that insurgency for reasons connected with the well-being of the people of El Salvador, and so if I saw that there were a chance for reform in human treatment or genuine assistance to economic growth and stability, to the development of a democratic process that I can participate in, I would like to think that would have a lot of appeal to me, if I felt that the amnesty and safety conditions were real.

Now whether the motivations of the Communist guerrillas are that or not I think is a very open question, and it seems to me more likely their object is to get control for themselves and to run the state in the manner that other Communist societies are run, in which case, if they believe that a military victory for them is possible, they are unlikely to take part.

At the same time, I think the likelihood of willingness to take part will be enhanced if it is shown that there is a determination and an ability militarily as well as in these other dimensions that I mentioned to resist their aggression.

UNCONDITIONAL NEGOTIATIONS

Senator HATFIELD. Mr. Secretary, if the ultimate solution is to be political, and if we have ways to at least engage in conjecture about what the motivations are in the guerrillas or in the insurgency, why not put them to the true test where they have offered to embark and engage in unconditional negotiations? Why are we so reluctant to move in testing their sincerity, testing their willingness to do that, putting them in that kind of situation?

It seems like we would get the offensive in that propaganda warfare, if it is only propaganda.

Secretary SHULTZ. Well, we think that we have the moral offensive in calling for elections, an electoral process, calling for them to take part in that, and willing to engage in a dialog to set up the conditions under which that could take place in a fair and open and safe manner.

I think in a sense the condition of being willing to negotiate about power-sharing is the obverse of that. So our condition is only to say that we do not intend to spend a lot of time negotiating over people shooting their way into the government because we are not going to go along with that.

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El Salvador Appeal (1983)

into the ernment, but, on the other hd, I do not consider that the only issue to be discussed in negotiations is necessarily power-sharing at this particular point. Elections are a part of this whole program, and it seems to me to restrict it to the kind of a role that we are discussing now for the Peace Commission is narrowing the focus so much that we are leaving them the offensive again.

Secretary SHULTZ. Well, I do not know. What would you suggest would be among the things discussed other than that covered? What do you have in mind?

Senator HATFIELD. I think there are probably many issues, and it is difficult for me to think in terms of being a member of the insurgency, like you, but if I were part of that I would think there would be all kinds of economic issues, all kinds of social issues, all kinds of matters affecting the future political direction of the country. I think there would be a lot of issues, not necessarily how many seats we would have in the constituent assembly or something of that kind.

Secretary SHULTZ. Well, I think it is for the election to determine how many seats somebody has and for the electoral process to elicit from people what they believe the future road of the country should be and to go to the people and advocate their point of view, whatever it is.

So I would expect a wide variety of economic issues would be discussed and no doubt available information should be available to the people. So part of a discussion of a proper election would not be simply on the purely technical aspects of the election.

Senator HATFIELD. Of course, no one is predetermined to accept any conclusion on negotiations results. We do not go into negotiations saying we have to accept some kind of results. We can refuse unreasonable negotiations, if that turns into that.

It seems to me we ought to test their sincerity and get them on the defensive in this general feeling that I think the public has that we have restricted negotiations to only election procedures.

Secretary SHULTZ. Well, I think that is the main point of the negotiations and I do not see that we are in a position to negotiate about what action a government will take after it has been elected. That is for the people who get elected to figure out.

Senator HATFIELD. My time is up.

PUBLIC SUPPORT FOR EL SALVADOR PROGRAM

Mr. Secretary, I just want to make one closing remark. I hope the administration is looking carefully at what kind of public support they have for this program. According to my mail it is diminishing very rapidly, and I do not think we can expect to come back year after year after year with more requests to continue a policy that seems not to be succeeding at this point, at least as we evaluate the period between 1982 and Mr. Hinton's evaluation and where we are today.

It seems like we are on a downward incline rather than upward.

Secretary SHULTZ. Well, if I could just comment on that, I think that there are measures of improvement that can be identified so that I do not think it is correct to describe the situation as one that has been in a genera e of deterioration. Quite to contrary, I think there are a nu r of things—and I refer to so of them in my testimony—that are on the plus side.

The big thing we have to do is really get a strong shield up there for these plus things to take hold.

Senator HATFIELD. Hopefully money will buy that.

Secretary SHULTZ. Money will help. Money never is the solution by itself. It takes people, and it takes determination, and it takes spirit, drive, encouragement, and sustainability. All of these things are very human qualities.

Senator HATFIELD. Senator Johnston?

HUMAN RIGHTS IN EL SALVADOR

Senator JOHNSTON. Mr. Secretary, I am very concerned about what it takes in the certification process to satisfy the United States as to progress in El Savador on human rights. In December 1980 four American nuns disappeared and were later found bound hand and foot, murdered, in a grave. Two labor leaders, Americans, have disappeared in the meantime, and no apparent progress has been made on any of those cases or on others involving U.S. citizens.

In October of last year Ambassador Hinton reported in a speech in El Salvador that 30,000 civilians have been killed since 1979, all noncombatants, and only 200 convictions had been obtained. Recently, as a matter of fact in March 1983, the bar of the City of New York issued a report on the criminal justice system in El Salvador. In this report they pointed out that the justice system is marked by corruption, intimidation, and inadequate training. In short, if you are rich in El Salvador you will never need to go to jail, but if you are anybody else, it is very difficult to obtain justice.

In 1982, this same report from the bar of the city of New York, commenting on the number of murders in 1982, reports that there are four sources for determining those murders—the Socorro Juridico reported 5,967; the Tutela Legal, 5,399; the Human Rights Commission 5,553—all of those based upon reports as to time and place of disappearance and other apparently objective, well-documented facts. Our Embassy admits only to 2,600, that based apparently on generally pro-government press reports. Even if it is the lesser number, it is still a huge number.

Now, with this kind of picture, with this kind of pattern, with this kind of report from the bar of the city of New York, it appears to me that little real progress is being made in human rights, fewer murdered, perhaps, down from 5,000 a year maybe to 3,000 or whatever the figure is, but still a huge number of murders.

As a lawyer concerned about due process, I do not want to tell the Salvadorans how to go about their business, but after a while, after over 2 years have passed in the cases of nuns and after months and months have passed on those of our labor leaders, the El Salvadorans are apparently thumbing their noses at us, and we know what kind of system they have. It seems like too much is too much and our patience ought to be exhausted.

Now my question is. Why shouldn't we now put more specific linkage between our aid and specific progress on human rights,

RELEASED
Salvadoran Human Rights Update
Central Intelligence Agency

specifically the nuns' cases, the labor leaders, and other issues involved in El Salvador?

Secretary SHULTZ. We should. I think this is—the things that you cite are—there is no way to stand up and say there is anything remotely acceptable about them. So it seems to me that we have to keep pushing very hard on all of these things and——

Senator JOHNSTON. I am not talking about pushing. I am saying no aid unless you have a trial within a certain period of time.

Secretary SHULTZ. Well, I am for pressure on these things. I do not know if I want to get myself totally locked in where I have no room for maneuver, where we have no room for maneuver. But I will join anybody in condemning the lack of attention to the dignity of the individual as represented here, and I know we are very concerned about the nuns' case. We are very concerned about the labor leaders, and properly so.

But I think we have to be concerned about the vast numbers of Salvadorans as well as those, the Americans, who are involved. So I do not disagree with you.

Senator JOHNSTON. The problem is, it looks to me like all maneuver and no real pressure. After a certain period of time there ought to be pressure that says either you do it or you just do not get any more money.

Now specfically it has been recommended that there be—and I am again referring to this report of the bar of the city of New York, a new Ministry of Justice which would be a great step forward, that the Human Rights Commission ought to be given subpoena powers over military files and empowered to make investigations into security force personnel. It seems to me these kind of pressures, to demand as an incident of our aid that they do these things, ought to be done.

Secretary SHULTZ. These kind of procedural reforms are being worked on and proposed. The Peace Commission or the Human Rights Commission has been working on this. So that kind of thing is under way.

But I repeat what I said earlier in response to another question. The proof of the pudding is in the eating, and after all the procedural work and everything is out of the way, do people get apprehended and convicted if they are guilty and dealt with. That is the end point.

DETENTION OF AMERICAN VISITORS TO EL SALVADOR

Senator JOHNSTON. Mr. Secretary, on another subject involving human rights, I wanted to bring to your personal attention a series of events which occurred during the summer of 1982 trip to Central America by two sisters of St. Joseph who were part of a 13-member group visiting the Salvadoran refugee camps in Honduras. These two nuns happen to be from my State.

This group, upon entering Honduras, was detained for several hours by the Honduran military and was not allowed to make a phone call while they were held. All group members were very upset inasmuch as they had proper identification and were there with the permission of the local relief services. I wrote to Assistant Secretary Enders about this incident on February 18, 1983, and requested that an investigation into this incident be made by our local embassy.

To date, I have not received a reply. It is true that there was no violence involved in the sense of people being shot or tortured or injured, but I think it is the kind of incident that bears out investigation. I am wondering if you will speak to the proper authorities in your department and get a prompt report.

LETTER FROM THOMAS ENDERS

Secretary SHULTZ. I will speak to the proper authorities and get a prompt report. It is being investigated. I think it is a fair statement that the record in Honduras in these matters is pretty good, and so this is an incident. It is something that needs to be looked into, but it does not represent a pattern in Honduras. They do not have the degree of the problem that they have in El Salvador by any means.

[The letter follows:]

LETTER FROM THOMAS O. ENDERS

APRIL 9, 1983.

Dear Senator JOHNSTON: As I indicated to your Administrative Assistant on April 9, the American Embassy in Tegucigalpa has been actively inquiring into the incidents Sisters Redmond and Connell reported following their trip to Honduras last year. My interim reply to your original inquiry, I understand, was lost—at least temporarily—in the mails.

The passage of time between the occurrence and reporting of the incidents has complicated the process of investigation. Since our contacts with the San Pedro Sula local police have not sufficiently clarified the situation, our Ambassador, John Negroponte, is bringing this matter to the attention of the commanding officer of the Honduran Public Security Forces. Ambassador Negroponte sent us the following message on the situation as of April 9:

Embassy has been pursuing investigation with Honduran authorities orally since apprised of details of this issue by Honduran desk officer Dixon. Our efforts have been directed to San Pedro Sula office of DNI (the local police). Description of where subjects were detained seems to confirm that DNI was the branch of the military referred to in subjects' "Memorandum of Verbal Request to Senator Johnston." Official contacts have been unable so far to confirm fact of detention, much less any details.

Ambassador plans to send to the commanding officer of the Fuerza de Seguridad Publica (FUSEP) Colonel Daniel Bali Castillo on Monday, 4/11/83, a letter which reads as follows:

"I wish to inform you that the Department of State in Washington D.C. has asked me to investigate the circumstances concerning the detention of sisters Robin Cornell and Gay Redmond. Both are religious persons and are United States citizens. Apparently both sisters were detained by the Departmento Nacional de Investigacion (DNI) in San Pedro Sula during the month of December, 1982.

"We understand that sisters Connell and Redmond were detained on December 20 and held for several hours in the detention center on the roof of the DNI building in San Pedro Sula. We have been told that this occurred despite the fact that they had identification which established their United States citizenship and which indicated their association with local religious persons. They also stated that they were denied the opportunity to make phone calls while detained and were quite frightened by this incident.

"I would appreciate if you could look into the facts of this matter and advise me as quickly as possible."

We have every reason to believe that Honduran officials will conduct a serious investigation, and that they will be forthcoming with the results. Ambassador Negroponte is devoting his personal attention to the case. I would also like to assure

you once again of my own concern and interest. You can expect more information from me in the near future.

Sincerely,

THOMAS O. ENDERS.

NUMBER OF ADVISERS

Senator JOHNSTON. Mr. Secretary, one final question. It has been suggested by Senator Inouye and others that we put a legislative limit of 55 Americans in El Salvador as part of our military training team. We spoke about this the other day, and you testified to it in your original statement, to the effect that you might not need more than 55 so long as you had the rest of the aid.

If you did not get the rest of the aid, you would need more than 55. I take it, then, if you get the rest of the aid or at least a reasonable amount to train Salvadorans in the United States that you would have no objection to putting a legislative limit of 55 American military advisers in El Salvador.

Secretary SHULTZ. Well, sir, we do not plan to have any military advisers working with them. These are trainers.

Senator JOHNSTON. Trainers or whatever you call them.

Secretary SHULTZ. So they are presumed not to be engaged in combat roles in a direct way. The number 55 sort of came out of the air, as I understand it. It was here when I got here, and nobody has been able to tell me exactly where it came from.

Senator JOHNSTON. Most numbers do around here.

Secretary SHULTZ. Anyway, it is a rough order of magnitude and, as I understand it, it has never been exceeded. Our numbers are about there at this moment. Obviously, if you say that training is essential—and the relatively good record of those who have been trained would suggest that it is essential—then you want to do it, and it takes money, and it takes money especially if you do it out of country. It is much more expensive.

If you do it out of the country, then the trainers are not in the country. But if you do not have the money to do it out of the country, then the implication is that you need more people to do it.

Now what kind of multiplier effect can take place as training proceeds, multiplier in the sense of you train future trainers, is a question in my mind. I know that that is what you ought to be trying to achieve, I think, in any training program, and presumably we are trying to achieve that.

Senator JOHNSTON. Thank you, Mr. Secretary.

Secretary SHULTZ. In other words, I am dancing around your legislative ceiling. I do not particularly like it.

Senator JOHNSTON. I know that.

Senator HATFIELD. Mr. Secretary, for the record, Walter Stoessel was the gentleman who in a closed meeting or briefing of this committee indicated that 55 was the number.

Secretary SHULTZ. Yes; but where did he get it from?

Senator HATFIELD. We never question where the State Department gets anything. [Laughter.]

Secretary SHULTZ. May I take that as a stipulation, Mr. Chairman?

Senator HATFIELD. That is a comment.

Senator LEAHY. That was the number we ended up with in Vietnam, Mr. Chairman.

Senator HATFIELD. The Chair now recognizes the Senator from New York, Mr. D'Amato.

PREPARED STATEMENT

Senator D'AMATO. Mr. Chairman, I would like to submit my statement for the record.

[The statement follows:]

PREPARED STATEMENT OF HON. ALFONSE M. D'AMATO, U.S. SENATOR FROM NEW YORK

Mr. Chairman, Mr. Secretary, the Subcommittee on Foreign Operations meets today to review the President's request for a significant increase in U.S. assistance to the troubled nation of El Salvador and the region of Central America. Many do not realize the strategic importance of Central America to the United States. For example, 44 percent of our foreign trade passes through this region. In addition, a significant portion of U.S. oil imports travel through the Caribbean.

The increased activities of the Soviet Union and Cuba in the region present a clear and present danger to the interest of not only the United States but to all people committed to the principles of democratic government. We have only to look at events in Nicaragua to realize the potential impact of guerrilla activities in El Salvador and other nations in the region upon the people of Central America.

Some have proposed that the United States terminate all assistance to El Salvador. Clearly this would not be in the interest of the United States nor would it be in the interest of the people of El Salvador.

Nevertheless, serious questions remain with respect to the proper level of U.S. assistance to the troubled nation of El Salvador and the role of U.S. personnel in that country.

I look forward to hearing Secretary Shultz's assessment of the pending proposal and his response to a number of questions which I have with regard to the President's request.

INVESTIGATION OF MURDERS OF U.S. CITIZENS

Senator D'AMATO. Thank you, Mr. Chairman.

Mr. Secretary, I have supported the certification requirements that the government of El Salvador make a good faith effort to investigate the murders of American citizens before U.S. assistance is provided to that nation. Going a little further or following up my colleague from Louisiana, Senator Johnston, I have to indicate to you my deep concern that we are being given lip service and that condemning these acts serves little purpose if this matter continues to go unresolved—I am specifically disturbed over the circumstances surrounding the murders of the four American nuns.

It has become quite clear that, as Archbishop Rivera recently reported, the case of five National Guardsmen accused of killing the women is revived only when economic and military aid is sought by the Salvadoran Government. He said this should not be subject to foreign aid but that the purpose of the trial should be to achieve justice.

What are we going to do? Are we really saying that we are not in a position to say to the Salvadorans we want this matter resolved? We are tired. We are tired of the situation that is put on the front burner only when the American people and the Congress speak out and threaten the loss of aid. If that is the kind of people we are dealing with, what kind of social justice, what kind of long-

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term solutions can we expect and should our aid then go to this element?

Secretary SHULTZ. I can tell you what I say to them, and it is that in the end the American people will not continue support unless this human rights record is vastly improved and the judicial system is vastly improved. That is not threatening to cut off aid immediately or to say unless you act on this case we will do so and so—that kind of one-for-one relationship. But I think it is a fact that is what is going to take place no matter what.

I do not mind saying that because I believe that we just must get a better performance. I think there are definite signs and capacities to get a better performance, but, as I have said in response to several questions, I am not going to sit here and try to make excuses for that performance. I do not excuse it.

Senator D'AMATO. Well, Mr. Secretary, what, if anything, do you see coming about? What can we do, and what will be done with respect to this particular case? I do not believe that it is sufficient for us——

Secretary SHULTZ. What case are you speaking of?

Senator D'AMATO. The four nuns.

Secretary SHULTZ. As I understand it——

Senator D'AMATO. As recent as the Archbishop indicate, the Salvadoran authorities focus attention on the investigation only when the issue of U.S. assistance is raised. Thus, it appears as though these officials perceive of this matter only when it is politically expedient to do so.

I can speak on behalf of many of my constituents who are outraged over the delays in bringing this matter to justice. This case troubles them and troubles me very deeply. They have identified very clearly that there was a massive effort at covering up this situation. It was only because of an outcry that the Government undertook an investigation, pressure from this Government, and now there is another judicial glitch.

Now it is not good enough, I do not believe, Mr. Secretary, to say that we cannot become involved in the internal affairs of this nation when we are pouring, and we are asked to pour, hundreds of millions of dollars into that nation. I think we certainly can, and I think it represents to many of us the fine line that is important in saying who are we supporting. What kinds of people are these? Are they going to work with us?

If they want our money and, by the same token, say to us do not tell us how to run our court system, when it involves the loss of life of four American citizens, I think I would like to know what are we going to do with respect to this matter? Do you have any particular plans to bring pressure in connection with this particular case?

Secretary SHULTZ. Not only with respect to this particular case but with respect to cases in general. There is no doubt that there is widespread support in El Salvador for better handling of cases of this kind, and their own cases, which far outnumber those obviously involving U.S. citizens. There are plans under way and efforts being made for a reform of the judicial system to engage in the sort of procedural things Senator Johnston talked about, and I think there is a developing determination to make them work.

Clearly, this is a country that is in the process of rearranging itself. Whether it can do so successfully—which we believe it can is, of course, yet to be proven. The system of justice is one of the key ingredients that is in question. There are patterns there, and I think a developing willpower there.

CASE INVOLVING MURDERED NUNS

As far as the case of the churchwomen are concerned, the nuns, let me read to you the information that we had so I am a little careful on it because I know it is a case of great concern and importance.

On November 15—that is, last year—the judge ordered the churchwomen's case to trial, and on December 6 he appointed defense counsel for the five accused. Defense counsel then appealed the court order raising the case to a plenary jury trial stage, citing insufficient evidence. The appellate court ruled that the trial judge failed to provide the defense attorneys with formal notification prior to ordering the case to plenary—so you talk about procedures and lawyers.

Complying with the appellate court ruling on January 11, the judge formally notified the defense attorneys of his order raising the case to the trial state. Subsequently, the defense attorneys appealed the order raising the case to the plenary stage. They asked that the charges against the guardsmen be dropped for lack of evidence.

On Friday, March 11, the appellate court in San Vicente revoked a lower court motion raising the case to jury trial. They returned the case to lower court in—I cannot pronounce the word—Zacatecoluca for investigation and clarification of evidence.

In its decision, however, the appellate court confirmed the validity of the evidence presented against their defendants. In other words, the charge of aggravated homicide stands, and the appellate court's decision in no way changes the continued detention of the five ex-national guardsmen.

So, I know there have been reports that somehow the indictments have been thrown out or the people are free and so on. That is not the case. They were not thrown out. The charged have not been freed, and there is a presumption on the strength of the statement of the Attorney General that the trial will take place within 6 weeks to 3 months.

Now, what all of this legal business means exactly, I do not know. That is the kind of thing that lawyers engage in. Goodness knows, they sure engage in it in the United States. It is unbearable. I do not know how many of you are lawyers, but it is a problem you create for us.

Senator D'AMATO. Well, Mr. Secretary, I would suggest that this is a matter which is and should be of great concern to us.

Secretary SHULTZ. I agree with you.

Senator D'AMATO. Given the length of time—and the fact is this goes back to December 1980—and we are talking about legal parrying and thrusting, and I do not believe that this Congress should continue to feel that the requirements under the certification process that they are making—progress in this area, particularly as it

RESTRICTED
El Salvador: Human Rights Update
(October 1983)

...answering.

I would suggest in whatever manner that would be appropriate diplomatically that they be told of this, and that they be told that those who have supported aid are looking very carefully, because I, for one, may not be so anxious or so ready to continue where I see good faith efforts have not been forthcoming.

LAND REFORM PROGRAM

One other question, Mr. Secretary, with respect to the land reform package. There has been some question with respect to whether or not the government indeed wants to—I understand the constituent assembly has recently reaffirmed support for the program, but what are the prospects that it will have sufficient funds to pay for these lands, or will that be an impediment and do you see a going forward?

Secretary SHULTZ. Well, I think it is going forward. That decision has been made. The process of redistriction has been quite pronounced. I think that is one of the elements of progress that can be cited and, as I said in my testimony, some 450,000 people have been directly affected, and if the rate of action is sustained, then it will be possible to complete the so-called Land of the Tiller program by the end of this year, so you will have created a different kind of situation where people own the land they till, and that gives them a different attitude, I am sure, toward this subject.

Peter McPherson, the Director of our AID program, has been digging into this explicitly. I would like, if I may, to ask him to make a comment about it.

Mr. MCPHERSON. Yes, Senator, you mentioned compensation. Under the so-called Helms amendment, the U.S. Government is prohibited from providing money to either plan for or to provide compensation for land reform or for land in El Salvador. Compensation is a bit of a problem because it would be in the interest of the program to be able to pay more faster. There is no question about that.

There has been some progress on that point. About 30 percent of the phase 1 program has been paid for in cash and bonds, and at this time there is quite an active market in bonds. That is not to say, Senator, that compensation is complete at this juncture, and it does remain a problem.

NUMBER OF TRAINERS

Senator D'AMATO. Mr. Chairman, I see my time has expired. I am wondering if the Secretary would address one question. The President has indicated we are not going to have American combat soldiers that would be sent to El Salvador. How would the pending proposal affect the level of U.S. personnel in El Salvador? You have not really quite addressed that.

Would there be any change in the level of troops in El Salvador as a result of the reprograming that you are asking for?

Secretary SHULTZ. We do not have any troops there.

Senator D'AMATO. American servicemen.

...have to adjust upward in addition to our em-
bassy personnel but ... the trainers that have been the focal
point of attention ... which includes ... [illegible] ... the total of
... million ... [illegible] ... the total ought to be
possible to do this training out of the country and, therefore, you
would not need to increase the number of trainers that are cur-
rently planned.

So, there is an interplay between the funding and the number of people needed to perform the function.

Senator D'AMATO. I think that is very important that the American public understand that the level of trainers or American personnel will not increase—that is what you are saying—if indeed these funds are made available because it will provide for training outside of El Salvador. Is that what you are saying?

Secretary SHULTZ. That is correct.

Senator D'AMATO. Thank you very much, Mr. Secretary.

Senator KASTEN. Senator Leahy?

Senator LEAHY. Thank you, Mr. Chairman.

WASHINGTON POST ARTICLE

Mr. Secretary, before we start I wonder if I might put, Mr. Chairman, for the record—it will save me telling everybody tales about how people in Vermont feel about this—an article in this morning's Post by Mary McGrory entitled "A Vermont Town Plays the Tune," et cetera, et cetera. If that could be included in the record.

Senator KASTEN. The article will be included as part of the record.

[The material referred to follows.]

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El Salvador: Human Rights
Special Project (1993)

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PAGE 01 GUATEM 02329 250002Z
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UNCLAS GUATEMALA 02329

E.O. 12356: N/A
TAGS: PINR, PINS, SHUM, GT
SUBJECT: VIOLENCE AND HUMAN RIGHTS REPORT: FEBRUARY

REF: GUATEMALA 2211

PLEASE CORRECT PARA 2 OF REFTEL AS FOLLOWS:

2. IN TWELVE ARMY ATTACKS ON GUERRILLAS:

-- MILITARY KIA: 1
-- MILITARY WOUNDED: 0
-- GUERRILLAS KIA: 43

IN FOUR GUERRILLA ATTACKS:

-- MILITARY KIA: 1
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PAGE 02 GUATEM 02329 250002Z

-- GUERRILLAS KIA: 3
-- MILITARY WOUNDED 9

TOTAL KILLED IN MILITARY/GUERRILLA CLASHES: 48.

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DEPARTMENT OF STATE IM/ITS/CRDB Date: 2/20/98
(X) RELEASE ( ) DECLASSIFY
( ) EXCISE ( ) DECLASSIFY 20 Citations
( ) DENY IN PART
FOIA Exemptions ( ) CLASSIFY as ( ) S or ( ) C Sec. TS authority to
PA Exemptions ( ) DOWNGRADE TS to ( ) S or ( ) C

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*** Current Handling Restrictions *** n/a
*** Current Classification *** UNCLASSIFIED

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Department of State

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El Salvador: Human Rights
Special Project (1993)

PAGE 01 SAN SA 02649 01 OF 03 2518062 5667
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TO SECSTATE WASHDC 5360

[redacted] SECTION 01 OF 03 SAN SALVADOR 02649

E. O. 12356: DECL: 3/24/89
TAGS: PGOV, ES
SUBJECT: INDEX TO FILES ON CHURCHWOMEN'S CASE

REF: (A) STATE 57327, (B) SAN SALVADOR 1526

1. IN RESPONSE TO REFTEL (A) REQUEST, EMBASSY HAS PREPARED THE FOLLOWING INDEX TO PART OF OUR FILES RELATING TO THE CHURCHWOMEN'S CASE. NOT INCLUDED ARE THE CHRONOLOGICAL FILES OF CABLE TRAFFIC AND CORRESPONDENCE AND THE AMBASSADOR'S EXDIS FILE. AS WE REPORTED IN REFTEL (B) REGARDING MICHAEL POSNER'S FOIA REQUEST, THE FILES ARE VOLUMINOUS AND WE WOULD NEED TDY HELP TO CONDUCT THE SEARCH.

2. THE TITLES OF THE FILES ARE SELF-EXPLANATORY EXCEPT FOR THE CONS 4 FILE WHICH IS SO-NAMED BECAUSE THE CHURCHWOMEN'S CASE BEGAN AS A CONSLAR MATTER. RESPONSE TO THE OTHER REQUESTS IN REFTEL WILL BE FORWARDED IN SEPTEL.

-- INDEX OF CHURCHWOMEN'S FILE

1) FBI REPORTS

- FINGERPRINTS OF COLINDRES ALEMAN ET AL
- LAB REPORT ON CARTRIDGES AND BULLETS
- LAB REPORT ON SKIN TISSUE OF DOROTHY KAZEL
- LAB REPORT ON VEHICLE-BURNED TOYOTA
- MEDICAL EXAMINER'S REPORT ON DONOVAN AND KAZEL
- NATIONAL POLICE FINGERPRINTS OF CLARKE AND FORD
- MASFERRER AUTOPSY
- IMMIGRATION RECORDS OF CLARK AND FORD
- LAB REPORT ON FINGERPRINTS ON LETTERS
- REPORT ON FINGERPRINTS ON SIGN
- POLYGRAPH TEST RESULTS ON COLINDRES ALEMAN ET AL

2) MEXICO FILE

- CABLES RELATING TO MORAN INTERVIEW IN MEXICO
  (B1 MEXICO 12811, 13214)
- CABLE ON OMAYA (B1 PANAMA 09619)
- EMBASSY ON CORTEZ AND BOURGEOIS (10/22/81)

3) MEDRANO WORKING GROUP REPORT

4) CONS 4 FILE

- EMBASSY CABLE ON COMMISSION AND ALVERGUE
  (80 SAN SALVADOR 8962)
- CABLE OF REPORT SUBMITTED TO PRESIDENT ON MURDERS
  (80 STATE 331487)
- EMBASSY MEMO ON POSSIBLE MILITARY INVOLVEMENT IN MURDERS (12/6/80)
- LEGAL ATTACHE MEMO ON FBI TEAM (12/15/80)
- STATEMENT BY CES (SALVADORAN ECUMENICAL COMMITTEE) (12/5/80)
- STATEMENT BY EPISCOPAL CONFERENCE IN U.S. (12/4/80)
- USIHFO CABLE ON MURDERS (80 STATE 3590513)
- LEGAL ATTACHE MEMCON ON MONTERROSA (12/12/80)
- CABLE TO LEGAL ATTACHE ON RIGHT-WING TERRORISM (81 STATE 10460)
- DUARTE LETTER ASKING -OR INVESTIGATION REPORT (1/8/81)
- DRAFT OF AMBASSADOR WHITE STATEMENT ON BOWDLER MISSION
- DRAFT OF POSSIBLE LETTER FOR CHAVEZ MENA
- EMBASSY LETTER TO GARCIA (12/8/80)
- RIVERA Y DAMAS STATEMENT ON MURDERS (12/80 ?)
- SCOPE PAPER FOR BOWDLER MISSION (?)
- EMBASSY CABLE ON TALK WITH MARYKNOLL HEAD. (80 SAN SALVADOR 8551)
- EMBASSY CABLE ON BONKER INTERVIEW (80 SAN SALVADOR 8551)
- DRAFT OF BOWDLER MISSION REPORT (?)
- EMBASSY CABLE ON MURDERS (80 SAN SALVADOR 8499)
- REPORT TO DIRECTOR GENERAL OF NATIONAL POLICE OF INVESTIGATION BY DETECTIVE HECTOR ELIAS ZELAYA (12/6/80)
- STATEMENT OF WITNESS GUADALUPE GOMEZ ALFARO BEFORE FIRST PENAL COURT IN ZACATECOLUCA

5) FORD AND CONGRESS FILE

- FORD LETTER WITH QUESTIONS (10/9/81)
- AMBASSADOR'S CABLE RESPONSE TO FORD LETTER (81 SAN SALVADOR 8309)
- DEPARTMENT'S AMENDMENTS TO AMBASSADOR'S REPONSE (81 STATE 311855)
- ROE/FAIRBANKS CORRESPONDENCE (9/29/81)

Department of State IS/FPC/CDR, El Salvador SP Date 9/22/93
Declassified under EO 12356 (X) in full; ( ) in part;
portions withheld: classified ( ); deliberative ( );
law enforcement ( ); privacy ( ), statutory ( );
not relevent to El Salvador ( ).

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Department of State

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PAGE 01 SAN SA 02649 02 OF 03 251957Z 967#
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TO SECSTATE WASHDC 5361

[redacted]ECTION 02 OF 03 SAN SALVADOR 02649

- EMBASSY MEMO AND CABLE ON "MISSING" FBI REPORT ON
- KEROSENE (81 SAN SALVADOR 8752)
- AMBASSADOR'S CABLES TO ROE SUPPLEMENTING FAIRBANKS
- REPLY OF 9/24/81 (81 SAN SALVADOR 7827; 8284)
- LIST OF QUESTIONS SUBMITTED BY CONGRESSMAN STUDDS
- DUARTE LETTER ON DOCUMENTS SENT TO CONGRESSWOMAN
- OAKAR (11/3/81)
- EMBASSY MEMO ON FBI ASSISTANCE AND AIFLD (11/12/81)
- EMBASSY CABLE TO DEPT. REQUESTING CONFIRMA ION OF
- OAKAR'S RECEIPT OF DOCUMENTS (81 SS 8512)
- OAKAR LETTER TO RIVAS-GALLONT (10/6/81)
- DEPT. CABLES REQUESTING ANSWERS TO STUDD'S
- QUESTIONS (81 STATE 276017, 81 STATE 279866,
- 82 STATE 282000)
- EMBASSY CABLES RESPONDING TO DEPT. REQUEST ABOVE
- (81 SS 7832, 81 SS 8042)
- EMBASSY MEMCON OF TALK WITH FORD AND ROE (8/24/81)
- DRAFTS OF RESPONSES TO FORD AND ROE
- EMBASSY CABLE REQUESTING DEPT. APPROVAL OF RESPONSE
- TO ROE (81 SS 1887)
- TRANSCRIPT OF DUARTE, HINTON, HICKEY ET AL MEETING
- WITH FAMILIES (9/28/81)
- FORD LETTER TO ENDERS AND DEPT. CABLE (81 STATE
- 232159)
- DUARTE LETTER TO RIVAS GALLONT ANSWERING OAKAR
- QUESTIONS (10/28/81)
- DEPT. CABLE ON USE OF EVIDENCE ON U.S. (82 STATE
- 281882)
- EMBASSY CABLE ON TALK WITH URRUTIA (82 SS 8413)
- FORD LETTER TO AMBASSADOR AND CABLE (82 SS 1243)
- DEPT. REQUEST FOR ANSWERS TO QUESTIONS
- (82 STATE 45527)

6) NATIONAL GUARD REPORT (ORIGINAL INVESTIGATION
- REPORT DATED 8/10/81)

- TESTIMONY OF:

- LT. DANIEL MEJIA
- SGT. AUGUSTIN SEGOVIA DIAZ
- SUB-SGT. EDGARDO COREAS RODRIGUEZ
- JOSE ALEJANDRO MEDINA GAITAN
- JOSE ALBERTO GARCIA JOVEL
- SGT. INOCENTE ARNOLDO RECINOS
- (SEPARATE REPORT BY EDGARDO COREAS RODRIGUEZ)
- JOSE ANTONIO MELENDEZ AVALOS
- JUAN JOSE MENJIVAR MERINO
- ATILIO REALAJENO OR REALIGUENO
- ALFONSO MANJIVAR MARTINEZ
- JOSE DELORES MELENDEZ
- REPORT OF DETECTIVE HECTOR ELIAS ZELAYA AND
- SUB-INSPECTOR SAUL TADEO SALAZAR ARDON (12/6/80)
- RADIO REPORT OF FINDING OF BODIES

- MORE TESTIMONY OF:

- GUADALUPE GOMEZ ALFARO AND WIFE
- FULGENCIO GUZMAN RIVAS
- IGNACIO FERNANDEZ ROSALES
- ALBERTO DELGADO LOVO
- SANTIAGO ARTIGA IRAHETA
- MARIA SERRANO RAMOS
- ELIANA ORDONEZ VALLE
- FRANCISCO SERVELLON JULE Y SAUL ANTONIO CHIQUILLO
- FRANCISCO ANASTACIO VILLALTA SOMOZA

- DISINTERMENT ORDER
- MORE TESTIMONY OF:

- LUIS ANTONIO COLINDRES ALEMAN
- VIDAL CRUZ PICHE
- JOSE LUIS MONTERROSA
- LUIS NAPOLEON CORNEJO

- SUMMARY OF EVIDENCE
- ARREST ORDER FOR THE GUARDSMEN
- TESTIMONY OF COLINDRES ALEMAN

- DANIEL CANALES RAMIREZ
- FRANCISCO ORLANDO CONTRERAS RECINOS
- JOSE ROBERTO MORENO CANJURA
- JOSE ELIAS SANCHEZ
- ADRIAN RAMIREZ PALACIOS

FBI REPORT ON COLINDRES ALEMAN FINGERPRINT AND CARTRIDGE

- TESTIMONIES OF AIRPORT PERSONNEL

- MIGUEL GOMEZ
- GUILLERMO FERNANDO CORDOVA

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Department of State

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PAGE 01 SAN SA 02649 03 OF 03 251908Z
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TO SECSTATE WASHDC 5362

[redacted] SECTION 03 OF 03 SAN SALVADOR 02649

- RAMIRO ANTONIO MIRANDA MINERO
- DUQUE MARAVILLA PORTILLO
- IGNACIO CANIZALES VALENCIA

INVESTIGATION OF COMMAND POST AND TESTIMONIES OF:

- SALVADOR LOPEZ TOBAR
- MARGARITO PEREZ NIETO
- ALIRIO ELBER ORANTES MENJIVAR
- CARLOS JOAQUIN CONTRERAS PALACIOS

AMPLIFICATION OF TESTIMONIES OF COLINDRES ALEMAN AND
- CANJURA

- TESTIMONIES OF:

- ERASMO AYALA AVELAR
- MARIANO RIGOBERTO RODRIGUEZ

AMPLIFICATION OF TESTIMONIES OF:

- DANIEL CANALES RAMIREZ
- FRANCISCO ORLANDO CONTRERAS RECINOS
- JOSE ELIAS SANCHEZ
- ADRIAN RAMIREZ PALACIOS

SUMMATION OF CASE BY ZEPEDA VELASCO

7. JUDICIAL RECORD FILE (FORWARDED BY POUCH TO DEPT.)

- FIRST, SECOND AND THIRD "PIECES" OF COURT RECORD

- CRIMINAL APELLATE COURT IN SAN VICENTE'S MARCH 11,
- 1983, DECISION ON REFERRAL TO TRIAL MOTION
- (ELEVACION AL PLENARIO) AND DEFENSE APPEAL.

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Case Number: 200000044

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PAGE 01 BUENOS 01884 251348Z
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ARGENTINA PROJECT (S200000044)
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Margaret P. Grafeld, Director
(X) Release ( ) Excise ( ) Deny
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Declassify: ( ) In Part ( ) In Full
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UNCLAS BUENOS AIRES 01884

ROME FOR THE VATICAN

E.O. 12356: N/A
TAGS: SHUM, AR
SUBJECT: CELAM SECGEN CHALLENGED

REF: A) BUENOS AIRES 1764; B) BUENOS AIRES 1560

1. MSGR. ANTONIO QUARRACINO, BISHOP OF AVELLANEDA NAMED EARLIER THIS MONTH HEAD OF THE LATIN AMERICAN BISHOPS CONFERENCE (CELAM) (REF A), FOUND HIMSELF THIS WEEK EMBROILED PUBLICLY WITH ONE OF ARGENTINA'S BEST-KNOWN HUMAN RIGHTS ADVOCATES. EMILIO MIGNONE, WHOSE DAUGHTER MONICA DISAPPEARED IN 1976, CHALLENGED QUARRACINO TO IDENTIFY "THOSE ALLEGED DISAPPEARED WHO ARE ALIVE AND OUT OF THE COUNTRY", AS HE IS REPORTED TO HAVE CLAIMED THERE WERE DURING A PRESS CONFERENCE IN HAITI LAST WEEK. SHOULD HE NOT CLARIFY HIS STATEMENT THE MIGNONES SAID THEY ARE READY TO START LEGAL ACTIONS AGAINST
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PAGE 02 BUENOS 01884 251348Z

HIM FOR "FALSE TESTIMONY", CONCEALMENT, CALUMNY AND RELATED CHARGES.

2. THE CHALLENGE, SENT IN A REGISTERED LETTER WHICH HAS LEGAL STANDING IN COURT ACTIONS, CALLED ON THE BISHOP "TO ANNOUNCE PUBLICLY THE NAMES OF THOSE DETAINED-DISAPPEARED DENOUNCED ON THE LISTS OF THE PERMANENT ASSEMBLY FOR HUMAN RIGHTS, WHO, ACCORDING TO YOUR STATEMENT, ARE LIVING ABROAD". THE MIGNONES' LETTER GIVES QUARRACINO TEN DAYS TO CLARIFY THE MATTER.

3. COMMENT: THE DEMAND ON QUARRACINO IS THE LATEST OUTCROPPING OF A CONTINUING DISPUTE BETWEEN THE ARGENTINE HUMAN RIGHTS MOVEMENT AND PROMINENT MEMBERS OF THE CHURCH HIERARCHY. REMARKS BY CARDINAL ARAMBURU ON HIS RETURN FROM HAITI LAST WEEK SEEMING TO FAVOR AN AMNESTY LAW, ECHOING SIMILAR STATEMENTS BY QUARRACINO IN PORT AU PRINCE, PRODUCED DISPLEASURE IN THE MOVEMENT; ARAMBURU HAD AROUSED THE WRATH OF HUMAN RIGHTS ORGANIZATIONS LAST NOVEMBER WHEN HE DENIED THE EXISTENCE IN ARGENTINA OF COMMON GRAVES CONTAINING REMAINS OF PERSONS WHO DISAPPEARED IN THE DIRTY WAR. ARGENTINA'S OTHER CARDINAL, RAUL PRIMATESTA, HAS ALSO BEEN SINGLED OUT AS UNSYMPATHETIC TO THE CAUSE. THE MOTHERS OF THE PLAZA DE MAYO HAVE GONE SO FAR AS TO COMPLAIN WHILE IN ROME TO SEE THE POPE IN EARLY MARCH THAT THE ARGENTINE CHURCH HAD ABANDONED THEM (REF B). SHLAUDEMAN

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El Salvador: Human Rights
Special Project (1993)

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PAGE 01 SAN SA 02729 282208Z
ACTION ARA-16

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[redacted] SAN SALVADOR 02729

E.O. 12356: DECL 3/28/83
TAGS: SHUM, ELAB, EAGR, ES
SUBJECT: ANIS LEADERS FEAR FOR THEIR LIVES

REF: A) SAN SALVADOR 2179, B) SAN SALVADOR 1948,
- C) SAN SALVADOR 1753, D) SAN SALVADOR 1745,
- E) SAN SALVADOR 1661

1. C. ENTIRE TEXT.

2. LABOFF MET WITH SALVADORAN NATIONAL INDIAN ASSOCIATION (ANIS) LEADERS ADRIAN ESQUINO LIZCO AND ANDRES REFUGIO SANCHEZ ON 26 MARCH AT THE AIFLD RESIDENCE. ESQUINO AND SANCHEZ TOLD LABOFF THAT THEY EXPECT TO BE KILLED BY COL. ELMER GONZALEZ ARAUJO AT ANY MOMENT.

3. AFTER EXPLAINING THE SONSONATE KILLINGS TO VISITING AIFLD REGIONAL OFFICER MIKE VERDU, ESQUINO AND SANCHEZ [redacted]

PAGE 02 SAN SA 02729 282208Z

ASKED TO MEET WITH LABOFF PRIVATELYM ESQUINO SAID THAT

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Department of State IR/PAG/GDS El Salvador SP Date 9/17/97
Declassified under EO 12356 (X in full; ( ) in part;
portions withheld: classified ( ); deliberative ( );
law enforcement ( ); privacy ( ), statutory ( );
not relevant to El Salvador ( ).

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El Salvador: Human Rights
Special Project (19

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ON THE MORNING OF 25 MARCH HE WAS SUMMONED TO THE OFFICES OF THE DEFENSE MINISTRY BY COL. CANAS. CANAS EXPLAINED TO ESQUINO HE HAD JUST RECEIVED A REPORT FROM SONSONATE DEPARTMENT COMMANDER, COL. GONZALEZ ARAUJO. THE REPORT STATES THAT ESQUINO LIZCO'S FATHER OWNS A CERTAIN AMOUNT OF LAND IN SONSONATE WHICH AT ONE POINT WAS CLAIMED BY PREVIOUS TENANTS UNDER 207 OF THE AGRARIAN REFORM (THE LAND TO THE TILLER PROGRAM). ACCORDING TO GONZALEZ ARAUJO'S REPORT, ESQUINO LIZCO TALKED THE TENANTS OUT OF CLAIMING HIS FATHER'S LAND AND PROMISED TO GET THEM ALTERNATE PLOTS TO OWN AND CULTIVATE. WHEN HIS PROMISE WAS NOT KEPT, GONZALEZ ARAUJO CLAIMS, THE INDIAN CAMPESINOS WHOM ESQUINO ALLEGEDLY DECEIVED DECIDED TO KILL ESQUINO LIZCO. COL. CANAS ALSO TOLD ESQUINO THAT GONZALEZ ARAUJO STATED HE WAS SUBMITTING THE REPORT OF HIS INVESTIGATION BECAUSE HE DOES NOT WANT TO BE BLAMED SHOULD SOMETHING HAPPEN TO ESQUINO LIZCO.

4. ESQUINO AND SANCHEZ ALSO TOLD LABOFF THAT THERE HAVE BEEN ATTEMPTS ON THEIR LIVES. CIVILIAN DEFENSE MEMBER AND SONSONATE KILLINGS PARTICIPANT MARIO PEREZ, ALLEGEDLY TOLD A SONSONATE WIDOW THAT HE HAD TWO BULLETS WITH THE NAMES OF ESQUINO AND SANCHEZ, RESPECTIVELY. DURING THE EVENING OF 23 MARCH, UNKNOWN INDIVIDUALS THREW HEAVY STONES ON THE ROOF AND PORCH OF SANCHEZ'S HOME IN AN EVIDENT ATTEMPT TO ROUSE HIM OUT. DURING THE WHOLE OF THE FOLLOWING DAY, ONE CIVILIAN AND TWO MEN IN UNIFORM SHOWED UP FREQUENTLY IN THE ENVIRONS OF ESQUINO'S HOUSE, EVIDENTLY LOOKING FOR HIM. ON 17 MARCH MORE THAN 14 MEN ARRIVED AND SURROUNDED ESQUINO'S HOME. FORTUNATELY FOR ESQUINO, HE NO LONGER SLEEPS

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AT HOME AND WAS NOT THERE DURING ANY OF THESE OCCASIONS. HE NOW HAS A FRIEND SLEEPING AT HIS HOME WHO IS REPORTEDLY WELL ARMED. HE HOPES TO BE ABLE TO SHOOT ANY POSSIBLE ATTACKERS AND THUS SHOW PROOF OF A PLOT TO KILL ESQUINO. (LABOFF TOLD HIM THIS IS NOT A GOOD IDEA.)

4. ESQUINO SAYS GONZALEZ' STORY IS FALSE. HIS 105 YEAR-OLD FATHER HAS NEVER OWNED LAND. ESQUINO AND SANCHEZ ARE CONVINCED THAT COL. GONZALEZ ARAUJO IS USING

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RELEASED
El Salvador: Human Rights
Special Project (1993)

UNCLASSIFIED

THE REVENGE STORY AS A CRAFTY BUT TRANSPARENT FABRICATION TO COVER HIMSELF SHOULD ESQUINO BE KILLED. ESQUINO AND SANCHEZ BELIEVE THAT THEY WILL BE KILLED OVER THE EASTER HOLIDAYS. DURING THIS PERIOD THE GOVERNMENT OFFICES WILL BE CLOSED AND GONZALEZ ARAUJO -- IF THAT IS HIS INCLINATION -- WILL HAVE PLENTY OF TIME AND LOTS OF OPPORTUNITY TO ARRANGE A HIT. LABOFF SUGGESTED TO ESQUINO AND SANCHEZ THAT, SINCE THEY HAVE GOOD RELATIONS WITH THE NATIONAL GUARD, THEY SHOULD ASK THIS INSTITUTION TO MAKE THEM SUPERNUMERARY VOLUNTEERS. THIS WILL ENABLE THEM TO DEPEND ON THE NATIONAL GUARD'S PROTECTION.
THE ANIS LEADERS' STRONG SENSE OF TRIBAL RESPONSIBILITY HAS HERETOFORE PREVENTED THEM FROM ABANDONING SONSONATE TO SEEK SAFETY.
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PAGE 01 SAN SA 02843 01 OF 04 312147Z
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[redacted] SECTION 01 OF 04 SAN SALVADOR 02843

E. O. 12356: DECL: OADR
TAGS: OREP, PREL, MARR, MASS, EAID, EGEN, ES
SUBJECT: CODEL FOWLER

1. [redacted] ENTIRE TEXT.)

2. SUMMARY: REP. WYCHE FOWLER (D-GA), ACCOMPANIED BY HIS AIDE RICHARD GIZA, VISITED EL SALVADOR MARCH 29-30. CODEL MET WITH DEFENSE MINISTER GENERAL GARCIA, FIRST BRIGADE COMMANDER COL. BLANDON, AND LEADERS OF THE PARTIDO DEMOCRATA CRISTIANO (PDC). THEY ALSO TOURED THE EASTERN PART OF EL SALVADOR BY HELICOPTER, MET WITH THE COUNTRY TEAM, AND LUNCHED WITH PRESIDENT MAGANA. END SUMMARY.

3. CODEL OVERFLEW EASTERN EL SALVADOR BY HELICOPTER. THEY SAW THE DESTRUCTION IN BERLIN, DOWNED POWER TOWERS,

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PAGE 02 SAN SA 02843 01 OF 04 312147Z

THE DESTROYED PUNTE DE ORO BRIDGE, AND THE BODY DUMP AT

United States Department of State
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Review Authority: JOHNSTON, DONALD
Date: 06/22/94
Case ID: S9400340

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PUERTO DEL DIABLO. THEY ALSO SAW THE SAN LORENZO HYDROELECTRIC DAM PROJECT.

4. DEFENSE MINISTER
- CODEL FOWLER AND STAFFDEL HAYES-SKLAR, ACCOMPANIED BY THE AMBASSADOR AND THE AARMA, CALLED ON GENERAL JOSE GUILLERMO GARCIA AT THE MINISTRY OF DEFENSE. THE SESSION, WHICH LASTED ABOUT 90 MINUTES, DEALT WITH A VARIETY OF ISSUES--INCLUDING GARCIA'S POSSIBLE RESIGNATION AND THE RAMIFICATIONS OF THE OCHOA REBELLION; PERFORMANCE OF THE ARMED FORCES; GUERRILLA RESUPPLY BY NICARAGUA; RELATIONS WITH GUATEMALA AND HONDURAS; HOW TO INSURE/GUARANTEE LEFTIST PARTICIPATION IN THE ELECTORAL PROCESS; AND PROBLEMS WITH THE JUDICIAL SYSTEM.

(A) POSSIBLE RESIGNATION: GARCIA STATED THAT THE PROBLEMS RAISED BY LTC OCHOA HAVE BEEN OVERCOME. THERE HAVE BEEN RUMORS ABOUT GARCIA'S RESIGNATION FOR TWO YEARS, YET HE IS STILL THE MOD. HE HAS NO PLANS TO RESIGN ANYTIME SOON, AND CERTAINLY WILL NOT DO SO AS A RESULT OF OCHOA'S DEMANDS. HE DESCRIBED OCHOA'S REBELLION AS A CLASSIC ACT OF INSUBORDIRATION THAT, IN "NORMAL" TIMES, WOULD HAVE RESULTED IN HIS BEING THROWN IN JAIL OR SHOT. HE UNDERSCORED ARENA'S ROLE IN THIS INCIDENT, AND ADMITTED THAT SOME OFFICERS WITHIN THE ARMED FORCES ARE POLITICALLY MOTIVATED, WHICH CAUSES PROBLEMS. HE THEN TALKED ABOUT AN AP OR UPI STORY (IT WAS UPI--HOWEVER, NO U.S. REPRESENTATIVE WAS IN COUNTRY WHEN THE STORY WAS FILED) WHICH CLAIMED GARCIA WOULD TRANSFER COLONEL BLANDON (1ST BRIGADE COMMANDER) AND COLONEL BUSTILLO (AIR FORCE COMMANDER) AT THE END OF THE

[redacted]

MONTH. HE STATED CATEGORICALLY THAT IT WAS NOT TRUE, THAT IT WAS PART OF AN ONGOING DISINFORMATION CAMPAIGN, THAT HE HAD REQUESTED A RETRACTION, AND THAT HE WOULD INITIATE A LAWSUIT.

(B) MILITARY PERFORMANCE: THE MILITARY SITUATION IS NOT GOOD. GUERRILLAS HAVE THE INITIATIVE (THEY CHOOSE WHEN, WHERE, AND HOW TO ATTACK) AND THE RESULTANT ADVANTAGE OF SURPRISE. THUS, THE ARMED FORCES MUST REACT TO GUERRILLA ACTIONS. HE ADMITTED THAT THERE WAS A NEED

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TO CHANGE TACTICS, BUT POINTED OUT THAT THIS WAS DIFFICULT TO IMPLEMENT. THE KEY, HE SAID, WAS TO ADAPT TO THE NEW TACTICS--NOT ADOPT THEM.

[redacted] GUERRILLA RESUPPLY: ASKED TO PROVIDE SPECIFIC EXAMPLES OF GUERRILLA RESUPPLY, GENERAL GARCIA GAVE TWO EXAMPLES. ONE WAS THE CAPTURE OF A NICARAGUAN PILOT WHOSE AIRPLANE, FULL OF ARMS AND AMMUNITION, WAS ON A RESUPPLY MISSION (THIS OCCURRED ABOUT JANUARY, 1981). THE OTHER WAS THE CAPTURE OF TARDENCILLAS, A NICARAGUAN WHO ALLEGEDLY WAS LEADING A COMBAT PATROL IN FEBRUARY, 1981. (THIS IS THE INDIVIDUAL WHO WAS BROUGHT TO WASHINGTON WITH GREAT FANFARE, AND SUMMARILY RECANTED HIS STORY.) ASKED TO PROVIDE RECENT EXAMPLES OF GUERRILLA RESUPPLY, GARCIA SAID HE COULDN'T. HE BELIEVES THAT NICARAGUANS HAVE BEEN KILLED IN COMBAT, BUT THERE IS NO WAY TO LEGALLY PROVE IT. HE SAID THAT THE BEST WAY TO STOP THE RESUPPLY FROM NICARAGUA WAS TO SUPPORT THE "CONTRA" EFFORT UNDERWAY IN NICARAGUA. THIS IS THE OPPORTUNE MOMENT TO GET RID OF THE SANDINISTA GOVERNMENT. IF IT IS NOT DONE NOW, HE SAID, IT WILL NEVER BE DONE.

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PAGE 01 SAN SA 02843 02 OF 04 312150Z
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[redacted] SECTION 02 OF 04 SAN SALVADOR 02843

(D) RELATIONS WITH GUATEMALA AND HONDURAS: GUATEMALA PROVIDES MORAL SUPPORT. THERE HAS BEEN AN EXCHANGE OF IDEAS FOR POSSIBLE COMBINED EFFORTS, BUT THIS IS STILL HYPOTHETICAL. COOPERATION WITH HONDURAS IS MORE EXTENSIVE, ESPECIALLY DURING OPERATIONS NEAR THE COMMON BORDER.

(E) ELECTORAL GUARANTEES: POINTING OUT THE ALLEGED ABUSES OF RIGHT WING DEATH SQUADS AND THE TREASURY POLICE, THE DELEGATIONS ASKED SEVERAL QUESTIONS CONCERNING HOW THE PARTICIPATION OF THE LEFT IN THE UPCOMING ELECTIONS COULD/WOULD BE GUARANTEED. GENERAL GARCIA POINTED OUT THAT THE ARMED FORCES FIGHT *SUBVERSION IN GENERAL, BE IT FROM THE LEFT OR THE RIGHT. HE CLAIMED THAT "RIGHTISTS" HAD BEEN JAILED UNDER DECREE* 507. HE SAID THAT THE ARMED FORCES HAD A MORAL RESPONSIBILITY TO GUARANTEE THE PARTICIPATION OF ALL

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PAGE 02 SAN SA 02843 02 OF 04 312150Z

THOSE WHO WISH TO JOIN THE POLITICAL PROCESS. DISCUSSIONS ABOUT HOW THIS SHOULD BE DONE AND WHAT GUARANTEES ARE

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NECESSARY SHOULD BE DONE BY OTHER GOVERNMENT AGENCIES (PEACE COMMISSION OR ELECTORAL COMMISSION). THE ARMED FORCES WOULD ENFORCE THE GUARANTEES.

(F) THE JUDICIAL SYSTEM: GENERAL GARCIA SAID THAT HE WAS IN AGREEMENT WITH THE CRITICISMS OF THE JUDICIAL SYSTEM, BUT IT WAS SOMETHING THAT WAS OUT OF THE MILITARY'S HANDS. CHANGES WERE NECESSARY, HE SAID, BUT WERE DIFFICULT AND WOULD BE SLOW IN COMING. LT. LOPEZ SIBRIAN IS A CASE IN POINT. THE MILITARY DID EVERYTHING THEY COULD, PROVIDED EVIDENCE, AND TURNED THE CASE OVER TO THE JUDICIAL AUTHORITIES AS IS REQUIRED. THE SYSTEM FAILED AND SET LOPEZ SIBRIAN FREE. THE PROBLEM IS WITH THE SYSTEM, AND THE ARMED FORCES CANNOT CHANGE IT.

(G) PRISONERS: GARCIA SAID THAT PRISONERS ARE CAPTURED. OFFICERS ARE INSTRUCTED TO DO SO, BUT NOT ALL OFFICERS AGREE WITH THIS POLICY. GUERRILLA PRACTICE OF CAPTURING AND QUICKLY RELEASING SOLDIERS UNHARMED HAS NOT LOWERED MORALE NOR WILLINGNESS TO FIGHT. GARCIA CLAIMED, CONFIDENTIALLY, THAT THE ARMED FORCES CONTINUALLY TURN PRISONERS BACK TO THE GUERRILLAS THROUGH THE RED CROSS, BUT DO SO WITHOUT PUBLICITY.

(H) CODEL FOWLER SUGGESTED THAT GARCIA, AS A GENERAL, SHOULD HAVE THE "LAST WORD," AND ASKED THAT HE OUTLINE WHAT THE MILITARY'S PRIORITIES WERE FOR THE PROPOSED AID. GARCIA POINTED OUT THE NEED FOR MOBILITY, WEAPONS, AMMUNITION, AND SUPPORT TO THE NATIONAL

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CAMPAIGN PLAN.

5. PARTIDO DEMOCRATA CRISTIANO (PDC)
- CODEL FOWLER AND STAFFDEL HAYES MET WITH PDC LEADERS DR. ANTONIO MORALES ERLICH, PARTY SECGEN "FITO" REY PRENDES, ATILIO VIEYTEZ, OVIDIO HERNANDEZ AND VICE PRESIDENT PABLO MAURICIO ALBERGUE OVER BREAKFAST AT THE AMBASSADOR'S RESIDENCE. EX-JRG PRESIDENT NAPOLEON DUARTE AND FOREIGN MINISTER FIDEL CHAVEZ MENA WERE INVITED BUT WERE NOT ABLE TO ATTEND. AMONG THE TOPICS DISCUSSED WERE:

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---THE SELECTION OF THE PDC PRESIDENTIAL CANDIDATE: ALL AGREED THAT THE CONTEST WAS NOW EVEN. BOTH PRINCIPALS ARE EXPECTED TO MEET AND WORK OUT AN ARRANGEMENT. (COMMENT: EVEN THOUGH THREE OF THE FIVE ARE "FIDELISTAS," CHAVEZ MENA'S CAMPAIGN HAS COME A LONG WAY. WHEN HE STARTED, EVEN HIS SUPPORTERS EXPECTED TO LOSE.)

---THE TAX PACKAGE: THE PDC ADMITTED THAT NOBODY REALLY WANTED TO DEAL WITH A TAX INCREASE DURING AN ELECTION YEAR. FURTHER, THEY SAID THE PACKAGE WAS A CONGLOMERATION OF REGRESSIVE MEASURES. ONE MEASURE--A STAMP TAX--WOULD BRING IN 166 MILLION COLONES OF THE 219 MILLION THE PACKAGE IS SUPPOSED TO RAISE. REY PRENDES SAID THAT THE PACKAGE SHOULD BE APPROVED BY EVERYBODY--SO THAT EVERYBODY CAN SHARE THE BLAME--OR DEFEATED BY EVERYBODY.

---THE CAMPAIGN: MORALES ERLICH SAID THAT THE PDC HAD TO CONCENTRATE DURING THIS CAMPAIGN ON BRINGING THE MIDDLE CLASS BACK TO THE PDC. THE PDC, AS THE AGENT

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[redacted] SECTION 03 OF 04 SAN SALVADOR 02843

OF REFORM DURING THE JUNTA, HAD BEEN SUCCESSFULLY PAINTED BY THE RIGHT WING PRESS OF EL SALVADOR AS ATTACKING THE MIDDLE CLASS' RIGHT TO PRIVATE PROPERTY. HE THOUGHT THAT CAMPESINO AND LABOR ORGANIZATIONS WERE ALREADY INCLINED TO VOTE PDC.

---ON THE LEFT AND ELECTIONS: THIS PART OF THE CONVERSATION WAS LET FOR THE MOST PART BY ALBERGUE AND MORALES ERLICH. YES, THE LEFT SHOULD PARTICIPATE IN THE ELECTIONS. ONLY THE FDR, AS OPPOSED TO THE FMLN, WOULD CONSIDER SUCH A MOVE. THE FMLN DOES NOT HAVE ELECTIONS ON ITS AGENDA. WERE THE FDR TO AGREE, THE FDR/FMLN WOULD SPLIT. THEREFORE, THEY SUGGESTED THAT A WELL THOUGHT PROPAGANDA CAMPAIGN FOLLOWED UP WITH SWIFT ACTION MIGHT HAVE A CHANCE TO CAUSE THIS SPLIT.
---ON U.S. PERCEPTIONS OF EL SALVADOR: ALBERGUE WAS ELOQUENT ON HIS CRITICISMS OF U.S. PERCEPTIONS OF EL

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SALVADOR. SOMETIMES HE WONDERS WHEN READING COMMENTARY ABOUT THE COUNTRY COMING OUT OF THE CONGRESS, IF HE IS

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LIVING IN THE SAME COUNTRY THEY ARE TALKING ABOUT. FOR THE U.S. THE IMPORTANT ITEMS ON THE AGENDA ARE THE KILLING OF THE NUNS AND THE TWO LABOR ADVISORS. THESE ARE NOT THE MOST IMPORTANT ITEMS FOR SALVADORANS. HERE PEOPLE ARE PREOCCUPIED WITH THEIR SURVIVAL, POLITICALLY AND ECONOMICALLY. FURTHER, NO CREDIT IS GIVEN FOR THE VAST CHANGES THAT HAVE TAKEN PLACE IN THE COUNTRY OVER THE PAST THREE YEARS, CHANGES WHICH WOULD NOT HAVE TAKEN PLACE IF THE COUNTRY HAD NOT GONE THROUGH ITS CRUCIBLE.

---ON CONDITIONS FOR U.S. ASSISTNACE: THE AMBASSADOR ASKED IF THEY (THE PDC) THOUGHT THE CONGRESS SHOULD ATTACH A CONDITION ON FURTHER U.S. ASSISTANCE INSISTING ON "DIALOGUE" WITH THE LEFT. MORALES ERLICH UNDERSTOOD THE REASON WHY CONGRESS IS FRUSTRATED AND WHY IT THEREFORE MIGHT WANT TO DO SUCH A THING. HE CAUTIONED THAT SUCH A MOVE WOULD UNDULY--AND UNNECESSARILY--COMPLICATE THE INTERNAL SITUATION IN THE COUNTRY. SUCH A DIALOGUE, WERE IT TO TAKE PLACE, WOULD BE ESSENTIALLY BETWEEN AN UNDEMOCRATIC ARMY AND AN EVEN LESS DEMOCRATIC GUERRILLA FORCE. WHAT WOULD BE THE FUTURE OF DEMOCRACY IN THAT KIND OF DIALOGUE? ON THE OTHER HAND, A STRONG EXECUTIVE, ELECTED IN A FREE ELECTION, COULD PROVIDE THE LEADERSHIP REQUIRED TO MOVE THE COUNTRY TO RECONCILIATION.

6. COLONEL BLANDON:
- CODEL, ACCOMPANIED BY DATT, MET WITH THE COMMANDER, 1ST INFANTRY BRIGADE, COL. ADOLFO BLANDON, AT THE SAN CARLOS CUARTEL. BLANDON COMMENTED ON THE FOLLOWING:

---MOD GARCIA. THE OCHOA AFFAIR WAS THE LAST STRAW IN [redacted]

- A GROWING ACCUMULATION OF ABUSES OF AUTHORITY AND DERELICTION OF DUTY BY GARCIA AND HIS COHORTS (NFI). THE OFFICERS WHO OPPOSED THE MOD IN NO WAY CONDONED OCHOA'S INSUBORDINATION. HOWEVER, THEY WERE NOT GOING *TO STAND IDLY BY AND ALLOW OCHOA TO TAKE THE HEAT* ALONE FOR MAKING CRITICISMS THEY ALL BELIEVED IN. THE MOD MUST GO AT SOME TIME DURING THE PERIOD 1-15 APRIL. WE ARE AWARE THAT HE HAS STATED THAT HE WILL RETIRE ONLY IF FORCED TO DO SO BY PRESIDENT MAGANA. WE HOPE THAT THE PRESIDENT WILL DO THIS, BUT IN ANY CASE WE WILL RESPECT HIS DECISION, WHATEVER IT MAY BE.

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---IMMEDIATE REACTION BATTALIONS. EL SALVADOR NEEDS THREE ADDITIONAL IMMEDIATE REACTION BATTALIONS AS SOON AS POSSIBLE. THERE IS NO SHORTAGE OF MANPOWER IN EL SALVADOR. ACCORDINGLY, RECRUITING WON'T BE A PROBLEM. WHAT IS NEEDED IS U.S. HELP IN TRAINING AND EQUIPMENT. THE THREE UNITS SHOULD BE TRAINED IN COUNTRY. IF WE HAD AT LEAST ANOTHER BATTALION AVAILABLE IN THE INVENTORY DURING THE LAST PHASE OF OPERATION GUAZAPA IN FEBRUARY WHEN WE HAD THE GUERRILLAS TRAPPED (FOR ADDITIONAL *INFORMATION SEE IR 6829007883*), *WE WOULD HAVE HAD A MUCH* MORE SUCCESSFUL OPERATION.

---PSYCHOLOGICAL WARFARE. THIS HAS BEEN A MAJOR WEAKNESS OF ESAF OPERATIONS AND THE GUERRILLAS ARE WAY AHEAD OF US ON THIS ONE. ONCE AGAIN, IT IS A QUESTION OF THE ESTADO MAYOR NOT DOING ITS JOB. THERE IS A PSYCHOLOGICAL WARFARE SECTION AT THE ESTADO MAYOR WHICH WAS FORMED OVER SIX MONTHS AGO, YET IT HAS JUST GOTTEN AROUND TO DIRECTING THAT UNITS SPEND AT LEAST 15 MINUTES A DAY

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PAGE 01 SAN SA 02843 04 OF 04 312152Z
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[redacted] SECTION 04 OF 04 SAN SALVADOR 02843

REVIEWING WHAT THEY ARE FIGHTING FOR, AND WHY IT IS NECESSARY TO MAKE SACRIFICES. 1ST BRIGADE UNITS GO ONE STEP FURTHER. EACH SOLDIER DURING THIS PERIOD MUST STRIVE TO ANSWER THE QUESTION: WHAT HAVE I DONE TODAY *TO HELP MY COUNTRYMEN.*

---ESAF POW'S. WE RECOGNIZE THAT THE GUERRILLA EFFORT OF CAPTURING SOLDIERS AT ISOLATED OUTPOSTS, DISARMING THEM AND THEN RETURNING THEM TO GOVERNMENTAL CONTROL SHORTLY THEREAFTER THROUGH THE INTERNATIONAL RED CROSS IS A VIABLE TACTIC. OUR RESPONSE HAS BEEN TO CONTINUE *TO WORK AT INDOCTRINATING OUR SOLDIERS TO STAND AND* FIGHT, NOT TO GIVE UP. FOR THOSE WHO ARE RETURNED TO OUR CONTROL, WE OFFER TWO OPTIONS: THEY MAY REMAIN ON ACTIVE DUTY BUT TRANSFERRED TO ANOTHER UNIT, OR THEY MAY RETURN TO CIVILIAN LIFE. TO DATE, MOST HAVE ELECTED THE FORMER.

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PAGE 02 SAN SA 02843 04 OF 04 312152Z

7. LUNCH WITH PRESIDENT MAGANA. CODEL, JOINED BY STAFFDEL

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HAYES-SKLAR, AMBASSADOR AND DCM, LUNCHED WITH PRESIDENT MAGANA AT AMBASSADOR'S RESIDENCE MARCH 30. THE PRESIDENT WAS FATIGUED AND NOT INCLINED TO DISCUSS SPECIFIC ITEMS OF SUBSTANCE. HE EXPRESSED HIS CONFIDENCE THAT THE GOES WOULD WIN THE WAR. HE IDENTIFIED THE MILITARY AS HIS MAJOR PROBLEM BUT SAID HE HAD FIRMLY ESTABLISHED THE PRINCIPLE OF A CIVILIAN COMMANDER IN CHIEF FOR THE FIRST TIME. MAGANA EXPRESSED OPTIMISM THAT, FOR THE FIRST TIME IN YEARS, THE ECONOMY WOULD SHOW A POSITIVE RATE OF GROWTH IN 1983. AT THE SAME TIME, HE CLEARLY CONVEYED THE PRESSURE THAT THE MULTIPLE DEMANDS OF HIS OFFICE WAS PLACING UPON HIM AND ASKED FOR THE COMPREHENSION AND SUPPORT OF THE CODEL/ TAFFDEL.
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Special Project (1993)

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PAGE 01 SAN SA 02836 01 OF 02 3118402
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[redacted] SECTION 01 OF 02 SAN SALVADOR 02836

E. O. 12356: DECL: OADR
TAGS: PINS, PGOV, SHUM, ES
SUBJECT: MEETING AT EMBASSY WITH UCA MEMBERS

1. (S - ENTIRE TEXT.)

2. STAFFDELS MCCALL, HAYES AND SKLAR, ACCOMPANIED BY AMBASSADOR HINTON AND POLOFF, MET WITH CENTRAL AMERICAN UNIVERSITY (UCA) RECTOR FATHER IGNACIO ELLACURIA, FATHER JOHN CORTINA AND DR. RICARDO STEIN ON 3/29/83 AT THE EMBASSY CONFERENCE ROOM. STAFFDEL MCCALL OPENED THE MEETING BY ANNOUNCING THAT SENATOR BYRD'S INCREASING CONCERN WITH THE SALVADORAN SITUATION SUGGESTED A NEED FOR A FIRST HAND REPORT. STAFFDEL EXPLAINED THEY WERE COMMISSIONED TO TALK TO AS MANY PEOPLE AS POSSIBLE IN EL SALVADOR. MCCALL THEN REQUESTED VIEWS ON WHERE EL SALVADOR IS TODAY AND WHERE IT IS GOING. FATHER ELLACURIA RESPONDED BY

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PAGE 02 SAN SA 02836 01 OF 02 3118402

SAYING HE WOULD CONTRIBUTE SOME COMMENTS ON THE SITUATION.

Department of State IS/FPC/CDR El Salvador SF Date 9/23/93
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portions withheld: classified ( ); deliberative ( );
law enforcement ( ); privacy ( ), statutory ( );
not relevant to El Salvador ( ).
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HE THEN PROCEEDED TO READ FROM WELL-PREPARED NOTES A CAREFUL, ALMOST TAUTOLOGICAL, ANALYSIS OF THE SITUATION IN EL SALVADOR.

3. ACCORDING TO ELLACURIA'S "PERSONAL OPINION," REAGAN ADMINISTRATION POLICIES HAVE YIELDED SOME GOOD RESULTS BUT HAVE NOT SOLVED THE REAL PROBLEM IN EL SALVADOR. THE ADMINISTRATION HAS BEEN SUCCESSFUL IN THAT THE FMLN HAS NOT ACHIEVED POWER, THERE IS A RELATIVE IMPROVEMENT IN THE HUMAN RIGHTS SITUATION, AND THERE IS MORE ACTIVITY BY POLITICAL PARTIES. BUT, ON THE OTHER HAND, THE FMLN'S POSITION HAS NOT WEAKENED; ITS MILITARY STRENGTH IS LARGER THAN TWO YEARS AGO. NEITHER HAS ITS POLITICAL POTENTIAL DIMINISHED, NATIONALLY OR INTERNATIONALLY. IMPORTANT POLITICAL RESOURCES HAVE BEEN SQUANDERED IN A FUTILE SEARCH FOR A SOLUTION WHICH IS NOT NEARER NOW THAN BEFORE; INDEED, IT SEEMS FARTHER AWAY. THE COST OF THESE EFFORTS, HOWEVER, HAS BEEN TREMENDOUSLY HIGH.

4. ACCORDING TO ELLACURIA, PRESIDENT REAGAN'S NEW POLICY DOES NOT SOLVE THE PROBLEM OF EL SALVADOR BECAUSE IT RELIES ON A FAILED SCHEME. THE POLICY EMERGES FROM TWO ASSUMPTIONS: (1) THAT A MARXIST REGIME IS SO UNACCEPTABLE THAT ANYTHING, INCLUDING WAR AND REPRESSION, WOULD BE PREFERABLE; AND, (2) THAT THE NEGOTIATED PRESENCE OF THE FMLN IN A POWER-SHARING OR REPRESENTATION SCHEME WILL INEVITABLY USHER A MARXIST REGIME INTO POWER. REAGAN'S NEW POLICY IS CHARACTERIZED BY TWO METHODS: (1) TO SEEK THE PROGRESSIVE MILITARY DEFEAT OF THE FMLN, AND (2) TO SEEK A POLITICAL FACADE THAT IS ABLE TO LEGITIMIZE THE MILITARY STRUGGLE AND MUSTER NATIONAL CONSENSUS BEHIND IT.

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PAGE 03 SAN SA 02836 01 OF 02 3118402

5. ELLACURIA AFFIRMS THAT THIS POLICY WILL FAIL BECAUSE REAGAN'S ADMINISTRATION WILL NOT WEAKEN THE FMLN IN THE TIME IT HAS LEFT IN POWER. THERE IS ALSO NO REASON TO EXPECT A RAPID DECLINE IN THE INCREASING MILITARY POWER OF THE FMLN. TO IGNORE THOSE FACTS NECESSARILY IMPLIES CONTINUATION OF THE VIOLENCE AND CARNAGE. THIS POLICY ALSO CREATES CONDITIONS INADMISSIBLE FOR HOLDING FREE ELECTIONS: NECESSARY LEGAL INSTRUMENTS ARE MISSING; THERE WILL BE TOO LITTLE LIBERTY AND SECURITY FOR THE OPPOSITION;

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Special Project (1993)

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AND, FINALLY, THE GOVERNMENT THAT WILL EMERGE FROM THE ELECTIONS WILL BE ABLE TO DO VERY LITTLE TO DEAL WITH THE REALITIES OF THE WAR.

6. ELLACURIA PROPOSES THAT THE U.S. ADMINISTRATION SHIFT POLICIES AND ATTEMPT A "PRE-DIALOGUE" WITH THE FMLN THROUGH A PERSONAL, OFFICIAL AND SECRET EMISSARY FROM PRESIDENT REAGAN. THE RATIONALE BEHIND THIS PROPOSAL, ELLACURIA STATED, IS THAT THE U.S. AND THE FMLN ARE THE TWO REAL PROTAGONISTS IN THIS CONFLICT. THE ADMINISTRATION WILL BE ABLE TO CONVINCE EVERYONE--EXCEPT ARENA--TO JOIN IN THE DIALOGUE. WITHOUT THIS INITIATIVE AS A FIRST STEP, A RAPID SOLUTION TO THE PROBLEM WILL NOT BE POSSIBLE. AT ANY RATE, IT IS A MEASURE WHOSE VALUE HAS NOT BEEN TESTED YET AND SHOULD BE CAREFULLY CONSIDERED.
7. FOR THE OPPOSITION TO JOIN THE DEMOCRATIC PROCESS, HOWEVER, CERTAIN CONDITIONS MUST BE MET. MILITARY AID TO EL SALVADOR SHOULD BE CONDITIONED TO THE CESSATION OF REPRESSION IN REAL TERMS, NOT ONLY IN THE GENERIC ASPECT OF HUMAN RIGHTS. IF REPRESSION

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PAGE 01 SAN SA 02836 02 OF 02 311841Z
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[redacted] SECTION 02 OF 02 SAN SALVADOR 02836

IS NOT EFFECTIVELY STOPPED, THE OPPOSITION WILL CONTINUE TO HAVE NO ALTERNATIVE BUT THE MILITARY SOLUTION.

8. AN INITIAL POINT IN THE PROPOSED PRE-DIALOGUE NEGOTIATIONS COULD BE TO AGREE ON THE CONCEPT OF A CLEAN WAR. THE ARMY WOULD STOP ALL MASSIVE BOMBING OF THE CIVILIAN POPULATION AND THE FMLN WOULD UNDERTAKE NOT TO HARRASS THE CIVILIAN POPULATION. AS A LAST POINT, NEGOTIATIONS SHOULD ALLOW THE FMLN TO HAVE ACCESS TO ALL OTHER PROGRESSIVE FORCES IN SALVADORAN SOCIETY. THIS PRE-DIALOGUE, THEN, IS IMPORTANT BECAUSE IT CAN LEAD TO OTHER, DEEPER FORMS OF DIALOGUE. THE ADMINISTRATION AND THE FMLN WOULD BE IN THE BEST POSITION TO FIND OUTWHAT EACH OTHER WANTS. ACCORDING TO FATHER ELLACURIA, THE FMLN IS NOW READY TO SPEAK SERIOUSLY WITH ANY SECTOR IN THIS COUNTRY WHICH IS NOT EXTREMELY RIGHTIST NOR TOO

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PAGE 02 SAN SA 02836 02 OF 02 311841Z

DIRECTLY INVOLVED IN THE KILLINGS. THE FMLN IS READY *TO SPEAK TO PRIVATE ENTERPRISE AND TO THE MILITARY!*

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AS IT NOW SPEAKS TO THE TOP HIERARCHY OF THE CHURCH. THERE IS NO LACK OF A WILL TO DIALOGUE WITHIN THE FDR/FMLN; BUT TO DO SO IN EL SALVADOR IS A CRIME. THEREFORE, TOP LEVEL DIALOGUE SHOULD BE THE FIRST STEP. ONCE THE U.S. AND THE FMLN GET TOGETHER, EVERYTHING ELSE WILL FALL IN PLACE.

9. ELLACURIA ADMITTED THAT, EVEN THOUGH THE FMLN IS WILLING TO NEGOTIATE, THE TWO MAIN GUERRILLA GROUPS--THE FPL AND THE ERP--MUST STILL BE CONVINCED THAT IT IS NOT NECESSARY TO CONTINUE THE WAR TO WIN. THIS COULD BE ACHIEVED IF THE ADMINISTRATION MAKES THE FIRST MOVE AND SENDS A SECRET PERSONAL EMISSARY OF PRESIDENT REAGAN TO MEET WITH THE FMLN.

10. MS. HAYES ASKED FATHER ELLACURIA WHETHER HIS PROPOSAL DID NOT CONDEMN THIS COUNTRY'S FUTURE TO BE DETERMINED BY THE U.S. AGAIN. SHE FURTHER STATED THAT THE ULTIMATE SOLUTION TO THIS CONFLICT SEEMS TO RESIDE ON CLEAR SUPPORT FOR THIS DIALOGUE ON THE PART OF THE SALVADORAN PEOPLE. FATHER ELLACURIA RESPONDED THAT FOR DIALOGUE TO TAKE PLACE IT IS ESSENTIAL TO STOP ARMY AND OLIGARCHICAL REPRESSION. THIS CAN BE ACHIEVED ONLY BY THE U.S. OR BY A VICTORIOUS FMLN. THE IMPROVEMENTS ALREADY ACHIEVED IN THIS FIELD ARE DUE TO U.S. PRESSURE ON THE ARMY AND ON ARENA. U.S. INTERVENTION IS A FACT OF LIFE, RICARDO STEIN INTERPOSED. IF THE U.S. HAD NOT STEPPED IN WHEN IT DID, THE FMLN WOULD HAVE WON. "INTERVENTION," HE CONTINUED, "IS A REALITY; LET US MAKE SOMETHING POSITIVE OUT OF IT."

11. FATHER ELLACURIA CLOSED BY SAYING THAT, EVEN THOUGH

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THE OPPOSITION WILL DENOUNCE THE CREDIBILITY ASPECT OF THE ELECTIONS, THEY DO FOSTER HOPE THAT THE NEXT GOVERNMENT WILL BE A LITTLE ABLER TO NEGOTIATE FREELY. NONETHELESS, HE CONCLUDED, WHOEVER WINS THE ELECTIONS WILL NOT HAVE THE POWER TO MAKE CHANGES. THAT POWER WILL RESIDE, AS IT DOES NOW, IN THE ARMY, THE OLIGARCHY, AND THE U.S. EMBASSY. HINTON

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United States Department of State

Washington, D.C. 20520

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RELEASE

April 2, 1983

MEMORANDUM FOR MR. WILLIAM P. CLARK
THE WHITE HOUSE

SUBJECT: Editorial Comment on El Salvador and the Human Rights Report

The following are editorial comments made by major U.S. newspapers on the subjects of El Salvador and the "Country Reports on Human Rights Practices for 1982."

I. EL SALVADOR

Between February 23 and March 17, 50 major U.S. dailies commented on the Administration request for increased aid for Salvador; the suggestion that more trainers may be sent; and application of the domino theory to Central America.

Slightly less than one-third of the papers (15 of 50) generally support present U.S. policy. Of the remaining 35 papers, fourteen called for some form of dialogue or negotiation; nine criticized the GOES and questioned our continued support; five opposed further U.S. military personnel involvement; eleven criticized Administration analysis of the situation (domino theory) and/or criticized U.S. policy in general. (NB: Total is more than 50 because some editorials made more than one major point, such as criticizing the GOES and opposing further military involvement.)

A. Favorable Comment Cites Communist Threat

Comment in support of current U.S. policy stressed the Soviet threat to the region. Several papers specifically mentioned Mexico as the "ultimate domino": "The Communists know El Salvador, in Communist hands, would position them better for the final attack on target Mexico" (Richmond NEWS LEADER); Mexico, with all of its internal problems, is the eventual target" (Detroit NEWS); "It should be obvious that we cannot tolerate a string of Soviet client states in Latin America" (Charleston [West Virginia] DAILY MAIL).

Three papers mentioned broadcasts on Radio Venceremos as proof that the "leftist insurgency in El Salvador is part of a wider regional conflict to topple other pro-U.S. governments" (Dallas TIMES HERALD). Also the Detroit NEWS and Washington TIMES. Three papers opposed "pluralism": "Communists do not enter coalition governments to share power but to seize power" (Memphis PRESS-SCIMITAR); "Let's not use the word [pluralism] to excuse a cop-o to communism" (Shreveport TIMES). The Pittsburgh PRESS made a like comment.

Department of State [illegible] Date 9/23/93
Declassified under EO 12356 ( ) in full: ( ) in part;
portions withheld: classified ( ); deliberative ( );
law enforcement ( ); privacy ( ); statutory ( );
not relevant to the El Salvador [illegible]

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Special Project (1993)

B. Critical Comment Focused on Four Themes

1. Dialogue or Negotiations Viewed Essential--Fourteen papers called for some form of dialogue between the factions in El Salvador: "Pope John Paul II had a better idea: 'sincere dialogue' between the government and the rebels.... It is the approach espoused by Mexico.... Surely there is merit in the advice..." (Chicago SUN-TIMES); "The Administration needs to dra the choices more clearly.... It is a case of negotiations vs. a all-out American commitment to a long, hard war with no guarante that El Salvador can salvage democracy at the end" (Des Moines REGISTER); "Short of 'power-sharing' with the left, negotiations will obviously have to include such weighty subjects as a cease-fire; an end to the state of siege; creation of an international peace-keeping force; confinement of armed forces to barracks and of guerrilla forces to encampment areas; security guarantees for candidates, voters, and campaign workers; access of all parties to the media; and a range of technical issues surrounding the election" (Boston GLOBE).

2. Administration Analysis Faulted--Ten papers cited lack of "clear thinking and straight talking" regarding the pres ent situation: "The Reagan administration...hit the panic butto (New York DAILY NEWS); "President Reagan's bombastic overstatements, his exaggerations and inconsistencies, have weakened his arguments...for more money to keep the war going in El Salvador" (Portland OREGONIAN); "The American public is confused.... With better vision, the administration and the Congress might be able to settle on a Central American policy which will be understood both here and there" (Ft. Worth STAR-TELEGRAM).

Others calling for a reassessment were the CHRISTIAN SCIENCE MONITOR, Detroit FREE PRESS, Minneapolis STAR AND TRIBUNE, Newar STAR-LEDGER, San Jose MERCURY, Salem [Oregon] STATESMAN-JOURNAL, Tucson DAILY STAR.

3. "Oppressive" Salvadoran Regime Blamed--Nine papers criticized the GOES and questioned continued American support fo a government that has "brutalized its own people...all the while being anti-Marxist" (Denver POST); "Pouring in more resources to prop up a government that has tenuous claim to popular support hardly serves Mr. Reagan's professed goal of protecting vital U. and Western interests" (Philadelphia INQUIRER); "What has been tried is military support for an oppressive government. It is n working" (St. Louis POST-DISPATCH); "Ironically, it is the oppre siveness of a regime like El Salvador's that provides the left with all the fuel needed to keep its campaign in high gear" (Cleveland PLAIN DEALER).

RELEASED
El Salvador: Human Rights
Special Project (1993)

Others critical of the GOES were the Albuquerque JOURNAL, Charleston (West Virginia) GAZETTE, Ft. Myers NEWS-PRESS, Louisville COURIER-JOURNAL, New York DAILY NEWS, Salt Lake City DESERET NEWS.

4. Increased Involvement of U.S. Military Personnel Opposed--Five papers condemned the use of more trainers or expanded missions for those now in-country. All tied this increase to the spectre of Vietnam: "The 'slippery slope' lesson of Vietnam is not unforgotten by many of us. We hope it is remembered by those who are mulling these next small steps down what could be a perilous path" (Atlanta JOURNAL); "Putting them [military advisers the State Department calls trainers] closer to combat areas is an extremely dangerous step that could open the way for another Vietnam. It should be nipped in the bud right now" (New York DAILY NEWS). The Pittsburgh Post-Gazette, Harrisburg PATRIOT, and Minneapolis STAR AND TRIBUNE made similar comments.

C. Marshall Plan for Central America

To date, we have received comment on this topic from only three papers: "A strong program of help for Central America as called for by Mrs. Kirkpatrick should be the centerpiece of U.S. policy" (CHRISTIAN SCIENCE MONITOR); "Ambassador Kirkpatrick's recommendation deserves unqualified support from Americans of every political persuasion" (Miami HERALD); "If so visible a figure as UN Ambassador Jeane Kirkpatrick is going to call for a Marshall Plan for Central America, it becomes a cruel joke if there's no money where her mouth is" (Baltimore SUN).

II. HUMAN RIGHTS REPORT

We have comment from nine papers on the "Country Reports on Human Rights Practices for 1982." Four papers praised its balance: "It is encouraging that more emphasis is being put on the uncivilized behavior of friendly nations as well as hostile ones" (Providence JOURNAL); "...comprehensive and balanced, sparing neither ally nor adversary in its criticism" (Detroit FREE PRESS).

Both the New York TIMES and the Louisville TIMES approved the report but felt it did not "make up for the President's own selective declarations."

Two papers were encouraged by gains in Latin America: "If there is any consolation in the surveys, it is the inching forward of freedom in Latin America" (San Diego UNION); "One of the bright spots mentioned...was Costa Rica" (Dallas TIMES-HERALD).

Two others mentioned continued abuses in the Soviet Union: "The Soviet record on human rights is abominable, but few around the world have spoken up in behalf of those it oppresses" (Chattanooga NEWS-FREE PRESS).

Most papers agreed human rights surveys are useful: "The truth is that America's ability to foster human rights is painfully limited. That does not mean, however, that the campaign in their behalf is unworthy or futile. One lesson of the past few decades is that public discussion does have some effect" (Detroit FREE PRESS); "This nation must continue to shine a bright light on the darkness of human rights violations--wherever they occur" (Dallas TIMES-HERALD).

Charles Hill
Executive Secretary

Current
Policy No. 502

Secretary Shultz, [illegible]

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Comprehensive Strategy for Central America

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El Salvador: Human Rights
Special Project (1993)

August 4, 1983

RELEASE

United States Department of State
Bureau of Public Affairs
Washington, D.C.

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Following is the prepared statement of Secretary Shultz before the Senate Foreign Relations Committee, August 4, 1983.

I welcome this opportunity to discuss with you developments in Central America. Our policy toward Central America today is just as the President set it forth to the nation before the joint session of Congress on April 27. That night he identified our objectives as being to prevent a wider crisis and to bring about a lasting peace. And to achieve those ends, the President defined four activities to which we have committed ourselves: support for democracy, reform, and human rights; support for economic development; support for dialogue and negotiations among the countries of the region and within each country; and support for the security of the region's threatened nations as a shield for democratization, development, and diplomacy.

Every step we have taken since then is consistent with this comprehensive strategy. Let me sum up each element as it stands today and as it relates to the others and to the whole.

Before I do so, however, let me say that a key aspect of the President's statement of April 27 was his appeal for a bipartisan approach to Central America's increasing importance. With the counsel and support of many members of the Congress, the President has now named a National Bipartisan Commission on Central America headed by Henry Kissinger. Americans have begun to realize that we must pay more attention to our own neighborhood. An effort to look at the future, and to do so in a bipartisan spirit, has long been needed. I hope everyone will provide the commission as much assistance as possible as it begins its work.

Today, however, I want to discuss the current thrust of our four-part policy.

Support for Democracy, Reform, and Human Rights

First—and it belongs first—support for democracy, reform, and human rights: What we seek is a Central America more like Costa Rica than Cuba. We seek genuine democracy—not totalitarian charades but respect for human freedom and the rule of law, not repression but governments committed to the welfare of their own people.

Last year we observed with admiration Costa Rica's typically enthusiastic and meticulous national election. Today we are working with the Costa Rican Government, its prestigious Supreme Electoral Tribunal, and the new regional Center for Electoral Assistance to help other countries improve their electoral systems.

In 1981–82, we supported the transition to democracy in Honduras. Today defense of the constitutional democratic order in Honduras is a key objective.

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El Salvador: Human Rights
Special Project (1993)

In El Salvador, the Constituent Assembly elections a year ago last March were a stunning success, demonstrating that democracy can advance even in the face of guerrilla violence.

To help with the next Salvadoran elections, two prominent elections experts traveled to El Salvador in May accompanied by officers from the State Department and the Agency for International Development (AID). We have now developed a project to help provide technical assistance and international observers to support the coming elections. Our goal is to help the Salvadoran people build on the success of March 1982, not just the next time but many times in the future.

We are also working to help rebuild El Salvador's tragically inadequate criminal justice system. The Attorney General visited there in April to underline the importance we attach to legal reform in the development of a working democracy. Legal experts from a variety of U.S. agencies are following up and have visited Honduras and Costa Rica as well as El Salvador. In addition, at my invitation, Judge Harold G. Tyler is conducting a review of all materials available to us concerning the 1980 murder of four American churchwomen in El Salvador and will recommend further actions we might take to advance the prosecution of those responsible for this crime.

Democracy has not been the historical norm in most of Central America, and its construction will not be easy. But the amnesty in El Salvador, the scheduling of elections for a Constituent Assembly in Guatemala, the vibrancy of democracy in Costa Rica and Honduras—all are indications of the progress Central America is making.

What is happening in Central America will be further advanced by the President's democracy initiative. We have begun consultations—bipartisan, both at home and abroad—to build support for improved cooperation among political parties and other groups committed to democracy.

Economic Development

Second, economic development: Between 1960 and 1979, the nations of Central America had high per capita growth rates. But rising expectations clashed with outmoded and unresponsive political institutions; then economic slowdown brought additional conflict and instability. In recent years, falling prices of export commodities, rising import prices, the "rule or ruin" strategy of the guerrillas in El Salvador, and the growing uncertainty caused by Nicaragua's policies have created an acute economic crisis, increasing the region's vulnerability to communist strategies.

The United States has responded to these underlying economic problems with both generosity and imagination. Much of the $610 million in economic assistance budgeted for Central America this fiscal year is concentrated on stabilization efforts—to provide hard currency for essential imports to maintain production and employment. With the rest, AID is supporting about 120 individual development projects. To take just one critical area, the agrarian reform in El Salvador, our assistance has helped that program to benefit more than 500,000 persons or roughly 1 Salvadoran in every 10. Other AID projects are developing Costa Rica's northern zone, upgrading Honduras' forestry and livestock industries, and helping Guatemala's highland Indians. Regionwide, U.S. economic assistance is three times greater than our military aid.

Finally, we have worked hard with other nations and with you in the Congress to develop a new approach to assisting economic development—the Caribbean Basin Initiative (CBI). The CBI provides 12 years of free trade guarantees and incentives for investment in Central America and the Caribbean. It will be a powerful, long-term instrument for development and the creation of new jobs. The Congress passed the bill just a few days ago; the President will sign it shortly. The CBI is a good example of bipartisan cooperation in the national interest. I am confident its contribution will prove enduring.

Dialogue and Negotiations

Third, dialogue and negotiations: Our diplomacy is designed to help develop political solutions to Central America's national and regional problems. In Nicaragua, the new Sandinista regime did not respond to U.S. efforts at "constructive engagement." We then sought to resolve our differences through dialogue. And when bilateral approaches in 1981 and 1982 proved fruitless, we participated in the multilateral peace process launched last October in San Jose. From its beginning this year, we have supported the efforts of Colombia, Mexico, Panama, and Venezuela—the Contadora Group. That support continues today.

In El Salvador, we have consistently and systematically tried to facilitate reconciliation with those among the guerrillas and their associates who might prove willing to test their appeal in honest elections. We are now actively supporting the efforts of El Salvador's Peace Commission to open a dialogue with the Revolutionary Democratic Front (FDR)—the political arm of the guerrillas—to assure the safe participation of all parties in the democratic process.

Since his appointment by the President last April, your former colleague—now mine—Dick Stone [Richard B. Stone, Ambassador at Large and special representative of the President to Central America] has worked hard to encourage dialogue within El Salvador and in the region as a whole. He has met repeatedly with leaders of all the countries involved in the Contadora process, including the Nicaraguans. Last weekend, with the help of President Betancur of Colombia, Ambassador Stone had a first contact with a political representative of the Salvadoran guerrillas. We hope additional contacts will take place, and that they will facilitate a direct and detailed dialogue between the guerrillas and the Salvadoran Peace Commission.

Let me also note that there are important areas of convergence between the July 17 Cancun declaration of the Contadora presidents and the principles subscribed to by the United States last fall in the San Jose Final Act. The regional dialogue, though still very difficult, is gradually clarifying the essential conditions for democracy and peace.

Military Assistance and Cooperation

And, fourth, military assistance and cooperation: We seek a security shield, not as any kind of end in itself, but to provide the necessary protection for the political, economic, and diplomatic goals I have just described.

The military components of the President's policy have been carefully calculated to do just that. Two kinds of activities are involved—activities to help others defend themselves and activities to underline our own deterrent capability.

Military assistance is based on demonstrated needs in each country as measured against the threat to the country's security. The Administration's requests for fiscal year 1984 are as follows: for Belize—$500,000 in grant aid and $100,000 in training; for Costa Rica—$2 million grant aid and $150,000 for training; for El Salvador—$55 million in grants, $1.3 million in training, and $30 million sales credits; for Guatemala—no grant aid but $250,000 in training and $10 million in credit; and for Honduras—$40 million grant aid and $1 million for training.

Our readiness and deterrent capacity will be enhanced by the joint and combined exercises to take place with Honduran forces under the designation of "Big Pine II" in conjunction with fleet units. These exercises will serve two related objectives:

- To improve the training and readiness of our own forces and those of Honduras; and
- To provide a credible assurance to all parties that the United States has the capability to muster a protective shield in the face of any challenge to the inter-American system and our international legal obligations.

Evidence of Change

These are the elements of the policy. All four are essential to our strategy. And precisely because of the interplay among them, they give us both the strength and the flexibility to achieve results.

Our support for democracy is slowly having an impact. A basis is being laid for renewed and more equitable economic growth once the shooting stops. And a critical interplay is underway between the military and diplomatic aspects of our policy.

Nations as well as men need incentives to change their behavior. At least until recently, there has been no incentive for the Sandinistas, no incentive for the Salvadoran guerrillas, no incentive for Fidel Castro, and no incentive for the Soviets to believe that anything credible, anything difficult stood in the way of imposition of communist rule by armed force in El Salvador and in the rest of Central America. For what reason, then, would the Salvadoran far left be interested in participation in the political process? Why should the Sandinistas under such circumstances refrain from their "revolution without frontiers"? Why should Cuba act any differently in Central America than in Africa?

But something has now begun to happen. The evidence is there—in the interest in dialogue by the Salvadoran guerrillas, even in the words of Ortega [Daniel Ortega, Coordinator of Nicaragua's Junta of National Reconstruction] and Castro. Messages have been sent. By the solidarity among the Central American democracies, by the Contadora countries, by private remonstrances from Nicaragua's international supporters, by a popular insurgency inside Nicaragua, by the recent advances of the Salvadoran Armed Forces, and by the United States of America.

The substance of these messages is this: a victory by the far left and its foreign supporters through armed force is not in the cards. The people of Central America are intent on resisting that force. They are increasingly capable of doing so because of their own efforts and because the United States is helping them. The United States and Honduras, in our current military exercises, are demonstrating what cooperative training and deterrence are all about.

Our adversaries' options—which have so far stressed force—must be narrowed toward negotiation and dialogue. And I believe it is the responsibility of the Administration and the Congress to make certain that nothing is done to weaken the tools that can bring this about.

Our strategy is well constructed for the problems we face. It is sophisticated, realistic, and flexible. It is showing results. It deserves your support and that of the American people. ■

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Special Project (1993)

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PAGE 01 TEGUCI 03327 01 OF 02 072121Z
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UNCLAS SECTION 01 OF 02 TEGUCIGALPA 3327

EO 12356: NA
TAGS: PREL MILI PINS HO NU ES
SUBJ: GOH REVEALS PROOF OF FMLN INSURGENTS INFILTRATING FROM NICARAGUA TO EL SALVADOR

REF: TEGUCIGALPA 3061

1. ALL HONDURAN MEDIA PROMINENTLY PLAYED ON 5 MARCH GOH ARMY ACCUSATIONS THAT IN SUPPORT OF SALVADORAN GUERRILLAS THE FSLN IS VIOLATING HONDURAS' NATIONAL SOVEREIGNTY AND IS ACTIVELY INVOLVED
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PAGE 02 TEGUCI 03327 01 OF 02 072121Z

IN ARMED AGGRESSION.

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: SLOTT, DICK
Date: 06/14/94
Case ID: 9940034E

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2. THE HONDURAN ARMY ISSUED A COMMUNIQUE TO THE NATIONAL AND INTERNATIONAL MEDIA WHICH PROVIDES DETAILS ON THE ENCOUNTER BETWEEN A POLICE PATROL AND A GUERRILLA UNIT ON 25 MARCH; A LIST OF WEAPONS AND OTHER ITEMS CONFISCATED; AND CONCLUDES THAT THE SANDINISTAS HAVE ESTABLISHED A CORRIDOR IN HONDURAS TO SEND MEN, WEAPONS AND EQUIPMENT TO SALVADORAN GUERRILLAS. INFORMAL EMBASSY TRANSLATION OF THE GOH ARMY COMMUNIQUE FOLLOWS:

BEGIN TEXT
EVIDENCE OF VIOLATION OF THE NATIONAL SOVEREIGNTY AND ARMED AGGRESSION ON THE PART OF A GROUP OF SUBVERSIVE ELEMENTS OF THE SANDINISTA NATIONAL LIBERATION FRONT - 4 APRIL 1983.

IN ORDER TO ONCE AGAIN INFORM THE NATIONAL AND INTERNATIONAL PUBLIC OPINION MEDIA OF THE SUBVERSIVE ACTIVITIES WHICH NICARAGUAN REVOLUTIONARY LEADERS ARE CARRYING OUT IN COORDINATION WITH SUBVERSIVES OF THE SALVADORAN "FARABUNDO MARTI FRONT", THROUGHOUT THE HONDURAN TERRITORY, IN AN EVIDENT EFFORT TO SUPPORT OPERATIONS WITH THE END OF DESTABILIZING THE GOVERNMENTS OF THE CENTRAL AMERICAN REGION, WE WISH TO PRESENT EVIDENCE OF THE DISRESPECT SHOWN BY THE SANDINISTAS WHICH THEY NATURALLY DENY IN ORDER TO DISSOCIATE THEMSELVES FROM ALL GUILT FOR THEIR IRRESPONSIBLE ACTIONS.

FACTS

ON SATURDAY, MARCH 26, AT 1600 HOURS OUR POLICE FORCES IN NACAOME, DEPARTMENT OF VALLE, WERE ALERTED BY RESIDENTS OF THE COMMUNITY TO THE EXISTENCE OF A GROUP OF SUBVERSIVE ELEMENTS ARMED WITH RIFLES, WEARING OLIVE-GREEN UNIFORMS AND BEARING MILITARY EQUIPMENT.
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PAGE 03 TEGUCI 03327 01 OF 02 072121Z

ON THE HILLS OF LAS CUEVITAS, APPROXIMATELY 5 KM FROM NACAOME, A GROUP OF SUBVERSIVES WERE TAKEN BY SURPRISE BY A POLICE PATROL. REALIZING THAT THEY WERE SURROUNDED, THEY OPENED FIRE WITH THEIR RIFLES AND FLED, LEAVING PART OF THEIR EQUIPMENT BEHIND.

THE OUTCOME OF THE ARMED CONFRONTATION BETWEEN THE POLICE FORCE AND THE SUBVERSIVES WAS THE DEATH OF ONE OF THE SUBVERSIVES AND THE ESCAPE OF THE REST OF THE GROUP, ONE OF WHOM WAS BADLY WOUNDED. HIS BODY WAS LATER FOUND BESIDE HIS WEAPONS AND

MILITARY EQUIPMENT IN A STATE OF DECONPOSITION ON THE 28TH OF MARCH, AT 1400 HOURS, IN A PLACE KNOWN AS LOS ESTACONES.

WEAPONS AND EQUIPMENT CONFISCATED

1. THREE M-16 RIFLES, SERIAL 9194099, 9124758 AND 9192482;
2. ONE 7.65 CALIBER S.M.E. SUBMACHINE GUN, SERIAL P8997;
3. NINE M-16 LOADERS WITH 45 PROJECTILES;
4. FOUR SUBMACHINE LOADERS WITH 73 PROJECTILES, 7.65 CALIBER;
5. SEVEN CARTRIDGE POUCHES;
6. THREE HARNESSES;
7. ONE SUBMACHINE GUN COVER;
8. ONE PORTABLE SPILBURY, 4 CHANNEL RADIO TRANSMITTER;
9. FIVE OLIVE-GREEN CAPS;
10. FIVE OLIVE-GREEN PACKS;
11. TWO OLIVE-GREEN FATIGUE TROUSERS;
12. TWO OLIVE-GREEN FATIGUE SHIRTS;
13. ONE SPECKLED FATIGUE SHIRT;
14. ONE PONCHO;
15. A PAIR OF COMBAT BOOTS;
16. TWO CANTEEN COVERS;
17. SEVEN CANTEENS;
18. THREE BLACK PLASTIC BAGS;
19. ONE ROLL OF WIRE FOR COMMUNICATIONS EQUIPMENT;
20. A FLAG OF THE SANDINISTA NATIONAL LIBERATION FRONT;
21. THREE HANDBOOKS, ONE OF THE FARABUNDO MARTI FRONT AND TWO OF

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THE SANDINISTA NATIONAL LIBERATION FRONT;
22. TWO NOTEBOOKS WITH INFORMATION REGARDING CODES, ESTIMATES OF DISTANCES COVERED ON A DAILY BASIS, GENERAL ROUTES TAKEN BY SANDINISTAS TO GET PERSONNEL AND WEAPONS ACROSS TO EL SALVADOR THROUGH HONDURAS;
23. THREE BELTS, THREE PAIRS OF SOCKS, ONE UNDERPANT, ONE

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PAGE 01 TEGUCI 03327 02 OF 02 072122Z
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UNCLAS SECTION 02 OF 02 TEGUCIGALPA 3327

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CONCLUSIONS

A. THE AFOREMENTIONED DISCOVERY CONFIRMS THE FACT THAT THE SANDINISTAS ARE MAKING USE OF AN IMPORTANT STRETCH OF HONDURAN TERRITORY TO TRANSPORT MEN, WEAPONS AND OTHER SUPPLIES TO EL SALVADOR. THE POSSIBILITY THAT PART OF THIS CONTINGENT OF MEN AND ARMAMENTS IS BEING DESTINED TO REMAIN IN HONDURAN TERRITORY *TO DESTABILIZE THE DEMOCRATIC SYSTEM CANNOT BE DISCARDED.*
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PAGE 02 TEGUCI 03327 02 OF 02 072122Z

B. THE PURSUIT OF THE SUBVERSIVE ELEMENTS CONTINUES IN VIEW OF

CONCRETE INFORMATION THAT THEY HAVE NOT BEEN ABLE TO LEAVE HONDURAN TERRITORY FOR THEIR OPERATION BASES IN NICARAGUAN TERRITORY.

C. ACCORDING TO THE ESTIMATES OF THE DISTANCES COVERED WHICH APPEAR IN THEIR NOTEBOOKS, THE SUBVERSIVES, IN GROUPS OF 10-12, HAVE MADE USE OF THE ROUTE TO TRANSPORT PEOPLE AND SUPPLIES IN SUPPORT OF THE SALVADORAN SUBVERSIVES.

D. THE ROUTE IS THE FOLLOWING: FROM NICARAGUA TO HONDURAS THEY CROSS AT THE BLIND PASS BETWEEN GUASAULE AND EL ESTRIBO, CONTINUING ALONG THE HACIENDA LAS HORMIGAS, SAN BERNARDO, NAMASIGUE, HACIENDA SAN JOSE, PAYANA, SAN JERONIMO, JICARO GALAN, NACAOME, LANGUE, ARAMECINA; ENTERING EL SALVADOR THROUGH CONCEPCION DE ORIENTE. END TEXT
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El Salvador: Human Rights
Special Project (1993)

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PAGE 01 SAN SA 03095 01 OF 03 111704Z

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INFO OCT-00 COPY-01 ADS-00 AID-07 INR-10 SS-10 OIC-02
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Department of State IS/FPC/CDR El Salvador SP Date 9/23/93
Declassified under EO 12356 (X) in full; ( ) in part;
portions withheld: classified ( ); deliberative ( );
law enforcement ( ); privacy ( ), statutory ( );
not relevant to El Salvador ( ).

[redacted] SECTION 01 OF 03 SAN SALVADOR 03095

E. O. 12356: DECL: 4/11/89
TAGS: SHUM, ES
SUBJECT: AMBASSADOR'S MEETING WITH HUMAN RIGHTS COMMISSION

REF: STATE 83045 *

1. C. ENTIRE TEXT.

2. SUMMARY: ON APRIL 8, HUMAN RIGHTS COMMISSION MEMBER MARIO LUIS VELASCO AND COMMISSION EXECUTIVE SECRETARY BANJAMIN CESTONI LUNCHED WITH THE AMBASSADOR AND EMBOFFS. IN RESPONSE TO THE AMBASSADOR'S QUESTION AS TO HOW THE U.S. MIGHT HELP THE COMMISSION FULFILL ITS OBJECTIVES, THE MEMBERS OUTLINED THE COMMISSION'S MAJOR NEEDS. THESE INCLUDE AN INVESTIGATIVE STAFF AND EQUIPMENT, FUNDS FOR PUBLICITY, AND FUNDS TO CONTRACT INDEPENDENT [redacted]

[redacted]

PAGE 02 SAN SA 03095 01 OF 03 111704Z

STUDIES OF HUMAN RIGHTS-RELATED ISSUES. THE COMMISSION HAS PROPOSED A BUDGET TO THE EMBASSY, AND MEMBERS EXPECT TO HAVE A RATIONALE WITH PRIORITIES FOR PRESENTATION TO THE DEPARTMENT DURING NEXT WEEK'S VISIT TO WASHINGTON. THE COMMISSION MEMBERS ALSO DISCUSSED AMNESTY, THE NEED FOR JUDICIAL REFORM, AND THE PROBLEM OF HUMAN RIGHTS VIOLATIONS AND THE ARMED FORCES. END, SUMMARY.

3. ON APRIL 8, HUMAN RIGHTS COMMISSION MEMBER MARIO LUIS VELASCO AND COMMISSION EXECUTIVE SECRETARY BENJAMIN CESTONI LUNCHED WITH THE AMBASSADOR, DCM, AND POLOFF. THE AMBASSADOR OPENED THE CONVERSATION BY ASKING VELASCO AND CESTONI FOR THEIR ASSESSMENT OF THE COMMISSION'S WORK TO DATE AND FOR THEIR OPINIONS ON WHAT THE COMMISSION NEEDS TO IMPROVE ITS PERFORMANCE.

4. VELASCO RESPONDED FIRST BY SAYING THAT THE HUMAN RIGHTS COMMISSION IS WORKING WELL, AND ITS MEMBERS ARE DEDICATED TO IMPROVING HUMAN RIGHTS. HE THEN SAID COMMISSION NEEDS THE CONSISTENT MORAL BACKING OF THE UNITED STATES TO HELP ENSURE THE GOVERNMENT MAINTAINS ITS COMMITMENT TO HUMAN RIGHTS. THE AMBASSADOR REPLIED THAT THE COMMISSION COULD BE ASSURED OF CONTINUED U.S. SUPPORT OF ITS EFFORTS, AND ADDED THAT HE WAS CERTAIN PRESIDENT MAGANA WAS ALSO CONCERNED THAT THE HUMAN RIGHTS COMMISSION ACHIEVE ITS OBJECTIVE.

5. VELASCO AND CESTONI THEN DISCUSSED WHAT THEY CONSIDERED TO BE THE COMMISSION MOST IMPORTANT RESOURCE NEEDS:

-- AN INVESTIGATIVE STAFF. AS THE COMMISSION HAS GAINED EXPERIENCE WITH SPECIFIC HUMAN RIGHTS CASES [redacted]

PAGE 03 SAN SA 03095 01 OF 03 111704Z

THEY HAVE FOUND THAT JUST TAKING TESTIMONIES FROM FAMILY MEMBERS OF DISAPPEARED PERSONS IS NOT ENOUGH. WHAT IS NEEDED ARE TRAINED INVESTIGATORS, PERHAPS LOCATED IN REGIONAL OFFICES EASILY ACCESSABLE TO THE RURAL POPULATION, WHO CAN GO TO LOCATIONS AND CONDUCT ADEQUATE INVESTIGATIONS. IN ADDITION, THE COMMISSION SHOULD BE EQUIPPED WITH ADEQUATE VEHICLES, CAMERAS, AND OTHER INVESTIGATIVE TOOLS THAT COULD BE USED TO BUILD A BODY OF EVIDENCE THAT WOULD STAND UP IN COURT.

-- PUBLICITY. THE COMMISSION HAS A MEAGER [redacted]

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El Salvador: Human Rights
Special Project (1993)

BUDGET. IT IS UNABLE TO FULFILL ITS GOAL OF
LARGE NUMBERS CONSISTENTLY WITH EDUCATIONAL
ON HUMAN RIGHTS. SOME PUBLICITY FIRMS ARE
ING BY CHARGING THE COMMISSION HALF THE NORMAL
STILL THEY DO NOT HAVE ENOUGH.

INDEPENDENT STUDIES. THE COMMISSION NEEDS A
CONTRACT INDEPENDENT STUDIES OF HUMAN RIGHTS
ISSUES. STUDIES ON JUDICIAL REFORM RELATED TO
SHTS AND ON THE ORIGINS OF VIOLENCE WOULD PROVIDE
S FOR MAKING FUNDAMENTAL IMPROVEMENTS IN RESPECT
N RIGHTS. FOR EXAMPLE, IT IS THOUGHT THAT THE
GE OF COMBAT EXPERIENCED SOLDIERS INTO CIVILIAN
WHERE THE ECONOMY IS DEPRESSED AND THERE IS
CHANCE FOR SELF IMPROVEMENT IS ONE OF THE SOURCES
ENT CRIME IN EL SALVADOR. THIS IS A LONG-TERM
REQUIRING SPECIAL MEASURES TO REINCORPORATE THE
INTO SOCIETY. AN INDEPENDENT STUDY OR STUDIES,
BY A UNIVERSITY CONTRACT TEAM, THAT WOULD DEFINE
MENSIONS AND EXTENT OF THIS PROBLEM WOULD BE VERY
NT.
STONI AND VELASCO SAID THAT THEY HAVE FOUND THE

Y OC/T: *REFTEL BELIEVED TO BE STATE 083046

4 SAN SA 03095 01 OF 03 111704Z

PAGE 01 SAN SA 03095 02 OF 03 111706Z
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TO SECSTATE WASHDC IMMEDIATE 5688
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SECTION 02 OF 03 SAN SALVADOR 03095

COMMISSION'S BUDGET OF JUST OVER 700,000 COLONES TO BE INADEQUATE. (PRESIDENT MAGANA AND THE ASSEMBLY GAVE THEM WHAT THEY HAD ASKED FOR.) CESTONI HAS DRAWN UP A PRELIMINARY SUPPLEMENTAL BUDGET AND PRESENTED IT TO THE EMBASSY (SEPTEL). HE INTENDS TO REVISE IT AND TO DRAW UP A LIST OF PRIORITIES WITH THE OTHER COMMISSION MEMBERS FOR PRESENTATION TO THE DEPARTMENT DURING NEXT WEEK'S VISIT. THE AMBASSADOR SAID THE U.S. WOULD EXPLRE IN WHAT WAY IT COULD BEST BE OF ASSISTANCE TO THE COMMISSION. HE THOUGHT THE IDEA OF CONDUCTING INDEPENDENT STUDIES TO BE COMMENDABLE.

7. ON THE ISSUES OF AMNESTY AND JUDICIAL REFORM, CESTONI AND VELASCO SAID THEY THOUGHT THE HUMAN RIGHTS COMMISSION HAS A PERMANENT CONTRIBUTION TO MAKE. DR. JOSE MARIA MENDEZ (WHO IS EMBASSY ADVISOR ON THE CHRUCHWOMEN AND SHERATON CASES) IS DRAWING UP A DRAFT ARTICLE WHICH WOULD CREATE THE COMMISSION AS A PERMANENT

PAGE 02 SAN SA 03095 02 OF 03 111706Z

BODY IN THE NEW CONSTITUTION. CESTONI RETURNED TO THE ISSUE OF INVESTIGATION OF HUMAN RIGHTS CASES, SAYING

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[redacted]

AT THE ASPECT OF THE CRIMINAL JUSTICE SYSTEM MOST IN
ED OF REFORM IS THE PROCEDURES OF EVIDENCE. THESE ARE
ITDATED, NOT ADMITTING TECHNICAL OR SCIENTIFIC
PLICATIONS. JUDGES ARE SIMPLY NOT ORIENTED BY
AINING TO MAKE LOGICAL DETERMINATIONS WHERE THE CODES
ACK PROVISIONS FOR ADMITTING EVIDENCE DERIVED BY MODERN
ETHODS. THE AMBASSADOR COMMENTED THAT OUR EXPERIENCE
N THE CASES OF MURDERED U.S. CITIZENS UPHELD THAT
ONCLUSION.

. THE AMBASSADOR NOTED THAT PRESIDENT MAGANA WAS
XTREMELY INTERESTED IN PURSUING AMNESTY. HE SAID HE
OPED THE COMMISSION WAS PREPARED TO ANNOUNCE IMMEDIATELY
THE RELEASE OF 30 POLITICAL PRISONERS FROM MARIONA
PRISON THIS MONTH. CONVERSATION REVEALED THAT THE
COMMISSION HAD NO RECOLLECTION OF HAVING RECEIVED FROM
THE PRESIDENT A LIST OF PRISONERS DETAINED UNDER DECREE
507 WHO HAD RECENTLY BEEN RELEASED. CESTONI SAID HE HAD
HEARD ABOUT IT FROM FAMILY MEMBERS OF THOSE RELEASED.
THEY AGREED TO FOLLOW UP IMMEDIATELY WITH THE PRESIDENT
AND TO PUBLICIZE THE LIST.

9. VELASCO AND CESTONI SAID THE AMNESTY WAS STILL IN
COMMITTEE AT THE ASSEMBLY; THEY HOPED THE ASSEMBLY WOULD
PASS IT OUT SOON. CESTONI ARGUED THAT THE PROCEDURES
OF THE AMNESTY WERE NOT AS IMPORTANT AS THE INTENDED
RESULT -- A DECREASE IN VIOLENCE. THUS THE JOINT
PEACE AND HUMAN RIGHTS COMMISSION BOARDS WILL HAVE TO
MINIMIZE POTENTIAL PROBLEMS SUCH AS ARMED FORCES INTEREST
IN AMNESTY RECIPIENTS AND REVENGE SEEKING AGAINST
INDIVIDUALS IDENTIFIED AS FORMER GUERRILLAS.

[redacted]

10. THE AMBASSADOR SUGGESTED THAT THE RELEASE OF DECREE
507 POLITICAL PRISONERS PRESENTS SPECIAL PROBLEMS,
ESPECIALLY BECAUSE THE CURRENT DRAFT AMNESTY LAW IS
AMBIGUOUS ABOUT JUST WHO WILL BE RELEASED. CESTONI
EXPLAINED THAT NOT ONLY DID THE AMNESTY REQUIRE CLARIFI-
CATION ON THIS ISSUE, BUT DECREE 507 REQUIRES REFORM AS
WELL. MOST IMPORTANTLY, THE 15 SECRET MILITARY TRIBUNALS
ARE ACTIVE DUTY OFFICERS WITH NO PARTICULAR LEGAL
EXPERIENCE, AND OTHER DUTIES, INCLUDING COMBAT. ONCE
THESE OFFICERS HAVE REVIEWED CASES THEY PASS THEM TO THE
SINGLE MILITARY JUDGE. ONE JUDGE IS SIMPLY NOT ENOUGH

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TO REVIEW THE OVER 700 CASES OF POLITICAL PRISONERS.
ANTICIPATING THE RELEASE OF SOME OF THE POLITICAL
PRISONERS UNDER THE AMNESTY, THE HUMAN RIGHTS COMMISSIO
HAS SPOKEN WITH CANADIAN FOREIGN MINISTRY OFFICIALS
ABOUT RESETTLEMENT IN CANADA. ACCORDING TO CESTONI,
THE CANADIANS ARE RECEPTIVE TO THE IDEA.

11. VELASCO TOUCHED ON THE CENTRAL PROBLEM OF HUMAN
RIGHT VIOLATIONS AND THE ARMED FORCES. HE SAID THAT
MUCH OF THE PROBLEM IS DUE TO, "A LACK OF UNDERSTANDIN
BETWEEN THE ARMED FORCES AND THE SALVADORAN PEOPLE.
THE LION IS NOT SO FIERCE AS IT SEEMS."
FOR EXAMPLE, WHEN THE HUMAN RIGHTS COMMISSION
INVESTIGATED THE LAS HOJAS MASSACRE IN SONSONATE, (THE
REPORT ON WHICH CESTONI CONFIRMED HAD BEEN GIVEN TO
MINDEF) IT ONLY INTERVIEWED SURVIVORS AND WITNESSES
IT MADE NO ATTEMPT TO INTERVIEW THE ARMY, WHO THEY
CLAIMED WAS RESPONSIBLE. THE SAME THING ALMOST HAPPENE
WITH THEIR INVESTIGATION OF THE DEATH OF MARIENELA
GARCIA VILLAS. AT FIRST THE COMMISSION HAD NOT
WANTED TO INTERVIEW MEMBERS OF THE MILITARY, BUT HAD
FINALLY DONE SO WITH GOOD RESULT. THE AMBASSADOR

[redacted]

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[redacted] SECTION 03 OF 03 SAN SALVADOR 03095

) THAT THE CASES OF LAS HOJAS AND GARCIA
: QUITE DIFFERENT. IN THE LATTER MEMBERS
/ KILLED HER IN COMBAT WITH GUERRILLAS.
IE FORMER ALL INDICATIONS WERE THAT MEMBERS
/ ASSASSINATED CIVILIANS. VELASCO BELATEDLY
: STATED THAT THE HUMAN RIGHTS COMMISSION
:NT COOPERATION WITH SOME OFFICERS WHO
:ITTED TO RESPECTING HUMAN RIGHTS. PERHAPS
.ITTLE, THROUGH CONSTANT COMMUNICATION, THE
COULD CHANGE THINGS. WHEREAS CESTONI HAD
T THE COMMISSION SHOULD BE COMPLETELY
:ROM THE ARMED FORCES, VELASCO ARGUED THAT
.ATIONSHIP WAS NECESSARY TO MAINTAIN MUTUAL
EFFECTIVE COMMUNICATION. IN THE BROADER
H OF THE HUMAN RIGHTS PROBLEM STEMS FROM THE /
ES DOMINATION OF POLITICS OVER THE PAST
CADES. THE HUMAN RIGHTS COMMISSION CAN
AL
AL

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TO THE WITHDRAWAL OF THE MILITARY FROM
Y CONTINUALLY WORKING TO MAKE IT ACCOUNTABLE

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FOR ITS ACTIONS, AND BRINGING ABOUT RESPECT FOR HUMAN RIGHTS AND THE LAW. IN THIS RESPECT SHOULD BE MENTIONED MONSIGNOR FREDDY DELGADO'S INVITATION TO MEET WITH SECURITY FORCES AND ARMY OFFICERS TO TALK ABOUT HUMAN RIGHTS.
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RELEASED
El Salvador: Human Rights Special Project

BRUSSELS FOR USEC LABATT

E. O. 12356: DECL 4/12/89
TAGS: SHUM, EAGR, PINS, ES
SUBJECT: SPECIAL ATTORNEYS NAMES IN THE LAS HOJAS CASE

REF: SAN SALVADOR 1661

1. [redacted] ENTIRE TEXT.

2. THE DIRECTOR GENERAL OF THE GOES HUMAN RIGHTS COMMISSION, DR. BENJAMIN CESTONI, TOLD [redacted] THAT TWO SPECIAL PROSECUTORS HAVE BEEN NAMED TO THE LAS HOJAS CASE. CESTONI EXPLAINED [redacted] COURT HAS A RESIDENT ATTORNEY (FISCAL DE PLANTA) WHO DEALS WITH ROUTINE CASES. WHEN THE DELICATE NATURE OF A CASE CALLS FOR IT, SPECIAL DISTRICT ATTORNEYS ARE CALLED IN. THESE SPECIAL ATTORNEYS (FISCALES ESPECIFICOS) ARE AMONG THE HIGHEST-RANKING OFFICIALS IN THE SALVADORAN LEGAL SYSTEM.

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E.O.12356: DECL: 4/12/89
TAGS: PINS, GT, SHUM
SUBJECT: (U) PEACE BRIGADES INTERNATIONAL IN GUATEMALA

1. (U) - ENTIRE TEXT.

2. ON APRIL 8 EMBOFF SPOKE AT LENGTH WITH ONE PAUL STANFIELD, AN AMERICAN CITIZEN AND A MEMBER OF "PEACE BRIGADES INTERNATIONAL." THE LATTER IS A PACIFIST ORGANIZATION FUNDED, STANFIELD SAID, BY THE AMERICAN FRIENDS SERVICE COMMITTEE, THE MENNONITE CHURCH AND VARIOUS OTHER PROTESTANT AND ROMAN CATHOLIC AGENCIES. THE INTERNATIONAL SECRETARY OF PEACE BRIGADES INTERNATIONAL IS DANIEL CLARK, P.O.BOX 1222, WALLAH WALLAH, WASHINGTON, 98306.

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PAGE 02 GUATEM 02837 122154Z UNCLASSIFIED

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3. STANFIELD SAID HE WAS LEADING A THREE-MAN "OBSERVATION TEAM" IN GUATEMALA AND THAT THEY INTENDED TO STAY HERE FOR FOUR OR FIVE MONTHS. THE OTHER MEMBERS OF HIS TEAM ARE FATHER RICHARD, A FRENCH FRANCISCAN PRIEST, AND HAZEL TULLICKY, ANOTHER AMERICAN CITIZEN. THEIR MISSION IS TO SIMPLY OBSERVE THE HUMAN RIGHTS AND POLITICAL SITUATIONS IN GUATEMALA WHILE SIMULTANEOUSLY "WITNESSING" THE DICTATES OF THEIR PACIFISM.

4. STANFIELD TOLD EMBOFF THAT HIS TEAM WISHED TO SPEAK TO "EVERYBODY INVOLVED IN THE CONFLICT," FROM GOG OFFICIALS TO GUERRILLAS IN THE FIELD. HE HAD ALREADY MADE CONTACT WITH THE OFFICE OF PRESIDENTIAL PUBLIC RELATIONS. STANFIELD SAID THAT HIS GROUP INTENDED TO BE "COMPLETELY OPEN" WITH THE GOG, INCLUDING INFORMING THE GOVERNMENT THAT HIS TEAM WOULD ATTEMPT TO CONTACT GUERRILLAS IN THE COUNTRYSIDE. (STANFIELD SAID HE HAD NO IMMEDIATE PLANS TO TRAVEL OUTSIDE OF GUATEMALA CITY; HE TOLD EMBOFF HE WOULD CONTACT THE EMBASSY BEFORE DOING SO.)

5. EMBOFF TOLD STANFIELD THAT THE GUERRILLAS CONSIDERED THEMSELVES TO BE IN A STATE OF WAR WITH THE GOG AND THAT THE GOG HEARTILY RECIPROCATED THIS ATTITUDE. EMBOFF THEN TOLD STANFIELD THAT IT WAS NOT AT ALL CERTAIN THAT THE GOC WOULD ENJOY OR EVEN COUNTENANCE HIS GROUP MEETING WITH GUERRILLAS OR GUERRILLA FRONT GROUPS OPERATING CLANDESTINELY IN GUATEMALA. STANFIELD STATED THAT HE WAS VERY AWARE OF THIS BUT THAT HE NEVER-

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THELESS HOPED THAT HIS GROUP'S "OPENNESS" AND PACIFISM WOULD CARRY THEM THROUGH. ALL THIS, HE ADDED, WAS PART OF HIS GROUP'S "WITNESSING FOR INTERNATIONAL CONSCIENCE" IN THE CASE OF GUATEMALA.

6. STANFIELD HAS AGREED TO KEEP IN TOUCH WITH US; WE HAVE HIS LOCAL ADDRESS. TAYLOR

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04-12-83

EXCISE

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P 86

Box Project (#S1999000030)
U.S. Department of State
Case: ____ Excise: X Deny: ____
Partially: In Part: ____ In Full: ____
Exemption(s): B6

Honorable Barber B. Conable, Jr.
311 Federal Bldg.
Rochester, New York 14614

Dear Honorable Barber B. Conable, Jr.:

As an international businessman and a New York State resident, I would like to take this opportunity to express my views concerning the Human Rights Certification for Chile.

I do not believe that Congress, up to now, has fully heard the Chilean point of view regarding certification. I have recently travelled in Chile and have talked extensively with Chilean citizens of many political persuasions. I saw no indication that human rights were repressed. Instead, I saw groups of busy and industrious people striving to support their families, build a better community and improve the standard of living. This is no different from the expectations of citizens of the United States.

If the United States intends to be a major factor positively influencing and supporting the Latin American Governments, I urge you to see that the Chilean view on this subject be afforded fair and equal treatment in Congress. The perception in Chile is that the Administration and Congress has a distorted view of this sophisticated and mature nation.

Under the auspices of Human Rights, the U. S. bans exports to Chile of certain items either on the munitions control list or on the special commodities list. I hope that this is not part of a strategy to frustrate the Chileans. However, I believe that it reflects overreaction on the part of various government agencies to "limit technology exports" and regulate commerce.

Embargoes and export restrictions of items which can readily be purchased from European and Japanese allies and from Israel do not serve any useful purpose. This practice not only adds to an already unfavorable balance of trade but negatively impacts our friendship and political relations with these neighbors.

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I urge you to give fair and equal time to the Chilean point of view regarding human rights, to urge the Administration to certify Chile quickly and also to strive in Congress to stop the over control of exports by governmental bureaucracies.

Very truly yours,

[redacted]

JAR/am

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Department of State TELEGRAM

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El Salvador: Human Rights
Special Project (1995)

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UNCLAS SAN SALVADOR 03317

BRUSSELS FOR USEC LABATT

E. O. 12356: NA
TAGS: PINS, SHUM, EAGR, PGOV, ELAB, ES
SUBJECT: PROGRESS IN THE LAS HOJAS CASE

REF: SAN SALVADOR 01661

1. THE APRIL 12 ISSUES OF LOCAL DAILIES PRENSA GRAFICA AND EL DIARIO LATINO REPORTED THAT THE GOES MINISTER OF DEFENSE, GEN. JOSE GUILLERMO GARCIA, ORDERED THE HOUSE ARREST OF ARMY CAPTAIN SALVADOR FIGUEROA MORALES, PENDING A FULL INVESTIGATION OF HIS ROLE IN THE LAS HOJAS KILLINGS (REFTEL). PRESIDENTIAL MINISTER FRANCISCO GUERRERO AND GOES HUMAN RIGHTS COMMISSION DIRGEN, DR. BENJAMIN CESTONI, CONFIRMED PRESS REPORTS OF
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PAGE 02 SAN SA 03317 161913Z

FIGUEROA MORALES' DETENTION.

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2. DR. CESTONI ALSO CONFIRMED REPORTS THAT THE ATTORNEY GENERAL, AT THE REQUEST OF THE HUMAN RIGHTS COMMISSION, HAS NAMED TWO SPECIAL PROSECUTORS (FISCALES ESPECIFICOS) TO DEAL WITH THE LAS HOJAS CASE. CESTONI EXPLAINED THAT EACH LOCAL CIVIL COURT HAS A RESIDENT PROSECUTOR (FISCAL DE PLANTA) WHO DEALS WITH ROUTINE CASES. HOWEVER, SPECIAL PROSECUTORS ARE CALLED IN AS PROSECUTORS IN CASES OF A DELICATE NATURE. THESE SPECIAL PROSECUTORS ARE AMONG THE HIGHEST RANKING OFFICIALS IN THE SALVADORAN LEGAL SYSTEM.
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Washington, D.C. 20520

April 9, 1983

Dear Mr. Loeffler:

Thank you for your letter of March 18 concerning El Salvador on behalf of your constituent, [redacted] PP

The number of U.S. trainers assisting the Salvadoran military remains below the Administration's self-imposed ceiling of 55. The average monthly number over the past two years has consistently stood below the ceiling. Neither the Salvadorans nor the Administration has sought an increased U.S. presence or combat role.

There are several important and fundamental distinctions between the character of the guerrilla insurgencies in Vietnam and El Salvador:

— El Salvador is experiencing an insurgency which began less than four years ago -- Vietnam's lasted some thirty years before it ended.

— El Salvador is a country which achieved independence more than a hundred and fifty years ago -- the Vietnam conflict reflected the after effects of a bitter colonial war in which the country was divided into North and South and where the communist government in Hanoi was able to portray its military intervention as being nationalistic in purpose.

— El Salvador's neighbors include democratic, free enterprise countries such as Honduras, Costa Rica and Mexico -- Vietnam is bordered on the north by the People's Republic of China, a country of one billion inhabitants which had long established its dominion throughout South East Asia.

— El Salvador is a country of five million people the size of Massachussetts -- the Vietnam conflict involved not only the 25 million inhabitants in South Vietnam, but extended through safe havens in Laos and Cambodia to North Vietnam and the People's Republic of China: a huge geographic area of well over a billion people.

The Honorable
Tom Loeffler,
House of Representatives.

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: SLOTT, DICK
Date: 06/14/94
Case ID: S940034E

El Salvador is linked in a chain of contiguous nations fifteen hundred miles from the U.S. Mexican border -- the Vietnam conflict took place half way around the globe in South East Asia.

In the end, Vietnam fell not because of a domestic insurgency or popular support for communism, but because of direct armed aggression by forces from North Vietnam. While Nicaragua supports and directs the Salvadoran guerrilla movement, we do not anticipate that this would lead to actual military intervention by Sandinista forces.

There is, however, a disturbing parallel to be drawn between El Salvador and Vietnam. The establishment of a communist regime in South Vietnam resulted in the massive exodus of hundreds of thousands of refugees many of whom were resettled in the U.S. -- the implication vis-a-vis El Salvador and the Central American region forebodes a more numerous and direct impact on the United States.

The President has made clear that we are not going to Americanize the conflict by involving U.S. military personnel in combat in Central America. We recognize that there are serious economic, social and political problems in El Salvador and we support the Government of El Salvador in its efforts to bring about peaceful change. El Salvador has already achieved significant accomplishments: an ongoing land reform program which claims a half million beneficiaries thus far, and can expect an additional 35,000 by the end of this year; a sharp decline in political violence; and Constituent Assembly elections in which 80 percent of eligible voters participated. The Salvadoran people have demonstrated their desire for democratic change and the government of President Magana has and continues to be responsive. Preparations are underway for presidential elections by the end of this year -- open to all prepared to participate peacefully.

It should be emphasized that our assistance to El Salvador is principally economic, but to bring about meaningful change through the democratic process, there must be the military shield necessary to assure that reforms and the popular will of the people will not be menaced by violent minorities -- be they guerrilla insurgents or rightists.

Sincerely,

Powell A. Moore
Assistant Secretary for
Congressional Relations

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E.O. 12356: DECL: OADR

TAGS: PEPR

SUBJECT: LEBANON

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1. ~~(SECRET~~ - ENTIRE TEXT)

2. AS PROMISED, FOLLOWING ARE MY PERSONAL THOUGHTS TO YOU CONCERNING CONSIDERATIONS WHICH IMPACT ON YOUR PROPOSED NEXT STEPS IN THE LEBANON NEGOTIATIONS. AS YOU KNOW, SECRETARY HAS JUST RETURNED FROM MEXICO, WE HAVE HAD ONE MEETING WITH HIM, AND ARE MEETING WITH HIM AGAIN IN 45 MINUTES AFTER WHICH WE WILL COMMUNICATE AGAIN EITHER IN THIS CHANNEL OR BY PHONE.

3. IT APPEARS ALMOST CERTAIN THAT SECRETARY WILL BE VISITING MIDDLE EAST NEXT WEEK. THERE IS GROWING PRESSURE FROM SENIOR ADMINISTRATION SOURCES IN CONTEXT OF PRESS CRITICISM OF OUR HANDLING OF LEBANON (DIRECTED AT US NOT REPEAT NOT YOU) AND PEACE PROCESS ISSUES. UNDER CIRCUMSTANCES, SECRETARY BELIEVES AND WHITE HOUSE WILL PROBABLY INSIST ON VISIT BY SECRETARY TO ENGAGE WITH YOU IN LEBANESE NEGOTIATIONS. FINAL DECISION WILL PROBABLY BE TAKEN TOMORROW IN MEETING WITH PRESIDENT.

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4. UNDER CIRCUMSTANCES WE ALL WISH TO ENSURE SECRETARY'S PERSONAL PARTICIPATION WILL BE AS PRODUCTIVE AS POSSIBLE. DRAWING ON HIS OWN EXTENSIVE NEGOTIATING EXPERIENCE HE DOES NOT REPEAT NOT WISH TO BE INJECTED INTO A SITUATION WHERE THERE IS AN ALREADY STRUCTURED AND HIGHLY VISIBLE CONFRONTATION WITH ISRAEL. HENCE OUR INSTRUCTIONS NOT REPEAT NOT TO MOVE AHEAD ON YOUR SCENARIO AS YOU PROPOSED. SPECIFICALLY, WE AGREE THAT THE LEBANESE SHOULD TABLE A DRAFT (SUBJECT TO YOUR VIEWS) BUT WE WOULD NOT COME OUT PUBLICLY OR PRIVATELY IN ALL-OUT SUPPORT OF THE LEBANESE POSITIONS. WE RECOGNIZE THAT THIS MIGHT RESULT IN A SOMEWHAT DIFFERENT LEBANESE DRAFT, AT LEAST IN SOME RESPECTS, THAN OTHERWISE WOULD HAVE BEEN THE CASE. SAM TELLS US THE ISRAELIS WANT AND EXPECT A LEBANESE DRAFT. IF ONE IS PUT ON THE TABLE TOMORROW, THE ISRAELIS COULD START PROCESS OF CONSIDERATION AND RESPONDING TO IT AND WE WOULD ENVISAGE YOU CONTINUING TO DISCUSS AND PRESS YOUR POINTS WITH BOTH SIDES.

5. A PROBABLE SCENARIO FOR A SECRETARIAL VISIT WOULD BE THE FOLLOWING:

-- ANNOUNCEMENT MADE BY WHITE HOUSE ON MONDAY. THIS WOULD SPECIFY THE SECRETARY'S PURPOSE WOULD BE TO WORK WITH YOU TO ACHIEVE POSITIVE RESOLUTION OF ISRAELI-LEBANESE NEGOTIATIONS. WE WOULD HOPE TO BE ABLE TO ANNOUNCE AT SAME TIME SECRETARY WOULD BE GOING TO CAIRO ON WAY TO ISRAEL AND LEBANON AND WOULD HAVE CHIEFS OF MISSION MEETING, PROBABLY ON WEDNESDAY.

-- SECRETARY WOULD PLAN TO STAY IN AREA FOR ABOUT TEN DAYS. WE WOULD NOT SUGGEST ANY OTHER VISITS BUT DEPENDING UPON TIME AVAILABLE AND RESULTS OF LEBANESE ENDEAVORS SUCH . VISITS WOULD OF COURSE BE POSSIBLE.

6. WE HAVE FULL UNDERSTANDING OF RISKS AND ADANTAGES OF SECRETARY'S INVOLVEMENT.

7. YOU SHOULD UNDERSTAND WE AGREE FULLY WITH YOU THAT THE ISSUE IS HOW RPT HOW BEST TO RESOLVE LEBANON IN THE NEAR FUTURE. WE AGREE WITH THE URGENCY. WE ARE REALLY TALKING ABOUT TACTICS WITHIN THE SAME TIME FRAME THAT YOU PROPOSED AND ALLOWING THE SECRETARY INITIALLY AT LEAST TO COME INTO THE GAME AS A MEADIATOR. OBVIOUSLY THERE ARE NO GUARANTEES THAT CONFRONTATION WILL NOT RESULT. OBIOUSLY WE WOULD SEEK TO AVOID THIS AND ACHIEVE AGREEMENT WITHOUT IT, IF POSSIBLE.

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8. I REGRET WE HAVE BEEN UNABLE TO BE AS RESPONSIVE TO

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YOU AS QUICKLY AS WE SHOULD HAVE BEEN. BEAR WITH US. WE WILL COME BACK TO YOU QUICKLY.

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RELEASED
El Salvador: Human Rights
Special Project (1993)

Department of State IS/FPO/CDR El Salvador SP Date 9/17/93
Declassified under EO 12356 (X) in full; ( ) in part;
portions withheld: classified ( ); deliberative ( );
law enforcement ( ); privacy ( ), statutory ( );
not relevant to El Salvador ( ).

E.O. 12356: DECL: 4/21/89
TAGS: SHUM, PINS, ELAB, ES
SUBJECT: (C) AD DENOUNCES "DISINFORMATION" ON LAS - HOJAS; ANIS SECGEN RETURNS

REF: SAN SALVADOR 3142

1. C--ENTIRE TEXT.

2. SUMMARY. A 4/16/83 FULL-PAGE AD IN LOCAL DAILY DENOUNCED LAS HOJAS AFFAIR AS PART OF A DISINFORMATION CONSPIRACY ACTUATED BY "DARK FORCES" SEEKING TO DISCREDIT THE SALVADORAN ARMED FORCES. MEANWHILE, UPON HIS RETURN FROM THE UNITED STATES, ANIS SECGEN ADRIAN ESQUINO LIZCO DESCRIBED TO LABOFF HIS TESTIMONY BEFORE CONGRESS. ESQUINO ALSO EXPRESSED CONTINUED CONCERN FOR HIS PERSONAL SAFETY IN VIEW OF FURTHER THREATS AGAINST HIM, HIS RELATIVES AND OTHER MEMBERS OF ANIS. END SUMMARY.

3. THE SELF-STYLED "CIVIC FORCES OF SONSONATE" PUBLISHED A FULL-PAGE AD IN THE 4/16/83 ISSUE OF ULTRA-CONSERVATIVE LOCAL DAILY "EL DIARIO DE HOY." THE AD, PURPORTEDLY WRITTEN BY SONSONATE RESIDENTS IN SOLIDARITY WITH THE ARMED FORCES AND THE SECURITY FORCES THERE, CLAIMS THAT THE LAS HOJAS INCIDENT WAS PART OF A PLAN TO DISCREDIT THE ARMED FORCES. THE AD EXPRESSED THE "ENERGETIC PROTEST OF THE SONSONATE CITIZENRY" AND AFFIRMS THE ARMED FORCES CONDUCTED THEMSELVES CORRECTLY. THE AD CONTAINED AN OBLIQUE BUT UNMISTAKABLE THREAT: THAT THE CITIZENS OF SONSONATE WILL REMAIN VIGILANT FROM NOW ON, AND WILL HOLD "THOSE FORCES OF DARKNESS" RESPONSIBLE FOR ANYTHING THAT MAY RESULT FROM THEIR EVIL INTENTIONS. EQUALLY THREATENING WAS THE AD'S REFERENCE TO SONSONATE'S SUPPORT FOR THE ARMED FORCES DURING THE 1932 CAMPESINO UPRISING (KNOWN IN SALVADORAN HISTORY AS "THE MASSACRE"). THE AD VOWED THAT

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THE SONSONATE CIVILIANS AND MILITARY ARE "READY ONCE MORE TO SAVE OUR FATHERLAND, EL SALVADOR, EVEN AT THE COST OF OUR LIVES."

4. COMMENT: IT IS NOTEWORTHY THAT THE AD CLAIMED THE LAS HOJAS "INCIDENT" WAS PART OF A PLOT TO DISCREDIT THE ARMED FORCES. INDEED, THE AD ALMOST SUGGESTED SOMEONE ELSE WAS RESPONSIBLE FOR THE KILLINGS. THE AD'S REFERENCE TO THE INCIDENT SEEMS TO CONTRADICT THE VERSION RENDERED BY SONSONATE ARMY COMMANDER COL. ELMER GONZALEZ ARAUJO TO CONGRESSMAN OBERSTAR LAST MONTH. AT THAT TIME COL. GONZALEZ ARAUJO TERMED THE LAS HOJAS AFFAIR A MILITARY ACTION DIRECTED AGAINST AN ARMED GUERRILLA GROUP. EVIDENTLY, GONZALEZ ARAUJO NOW REALIZES THIS VERSION IS NOT LONGER TENABLE. SINCE GONZALEZ ARAUJO SEEMS UNABLE TO DIG HIMSELF OUT OF A HOLE WITHOUT ENLARGING IT CONSIDERABLY, HIS SUPPORTERS -- WHOEVER THEY MAY BE -- ARE REACHING FOR DEMONOLOGICAL TERMS AND BLAMING THE WHOLE AFFAIR ON THE "FORCES OF DARKNESS." END COMMENT.

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5. UPON HIS RETURN FROM THE UNITED STATES, WHERE HE TESTIFIED BEFORE CONGRESS, NATIONAL SALVADORAN INDIAN ASSOCIATION (ANIS) SECGEN, ADRIAN ESQUINO LIZCO (REFTEL), PAID A VISIT TO LABOFF'S RESIDENCE. ESQUINO EXPRESSED HIS CONCERN REGARDING THE ABOVE-MENTIONED AD AND THE REPERCUSSIONS OF HIS PERFORMANCE BEFORE THE U.S. CONGRESS.

6. AFTER ALMOST TWO MONTHS OF EYE-OF-THE-HURRICANE INVOLVEMENT WITH THE HUMAN RIGHTS CASE OF LAS HOJAS, ESQUINO IS BEGINNING TO SHOW SIGNS OF NERVOUS STRAIN. UPON HIS RETURN FROM THE STATES HE WAS MET AT THE AIRPORT BY A NATIONAL POLICE PROTECTIVE DETAIL SENT BY NP CHIEF COL. LOPEZ NUILA. THIS UNEXPECTED RECEPTION PROMPTED THE UNDERSTANDABLY SKITTISH AND SUSPICIOUS ESQUINO TO SEEK LABOFF'S ASSURANCE THAT EVERYTHING WAS INDEED ALRIGHT. LABOFF SOUGHT TO CALM HIM DOWN AND ASSURED HIM THAT COL. LOPEZ NUILA WAS A WELL-MEANING AND TRUSTWORTHY MEMBER OF THE GOES HUMAN RIGHTS COMMISSION. ESQUINO THEREFORE COULD NOT BE IN BETTER HANDS. NP OFFICER GUARDING ESQUINO ASSURED LABOFF THAT THE DETACHMENT WOULD TAKE ESQUINO TO SONSONATE.

AND PASS THE BATON TO THE LOCAL NATIONAL POLICE UNIT TO AFFORD ESQUINO AND ANIS CONTINUED PROTECTION. ESQUINO WAS FURTHER CALMED BY THE NEWS THAT CAPTAIN FIGUEROA MORALES, THE ARMY UNIT LEADER DIRECTLY RESPONSIBLE FOR THE SONSONATE KILLINGS, IS NOW UNDER HOUSE ARREST (SEPTEL).

7. ESQUINO INFORMED LABOFF THAT, DURING ESQUINO'S ABSENCE, INDIVIDUALS DRESSED IN CIVILIAN CLOTHES SHOWED UP FREQUENTLY IN THE ENVIRONS OF HIS HOUSE IN SONSONATE, EVIDENTLY SEARCHING FOR HIM. NOTWITH-STANDING THEIR GARB, ESQUINO'S ASSOCIATES IDENTIFIED THESE INDIVIDUALS AS ARMY RESERVISTS FROM CARRIZAL, A CANTON NEARBY TO ESQUINO'S HOME. THEIR NAMES ARE: VICTORIANO RAMIREZ, ADRIAN SANTIAGO NOLASCO AND MANUEL HERNANDEZ SANCHEZ. ANIS ASSOCIATES TOLD ESQUINO UPON HIS ARRIVAL THAT THESE INDIVIDUALS HAVE CARRIED OUT FREQUENT SEARCHES IN THE AREA AROUND ESQUINO'S HOME, AND AVAILED THEMSELVES OF SEVERAL RUSES TO ASCERTAIN ESQUINO'S PRESENCE IN SONAONATE. WHEN WORD GOT AROUND THAT ESQUINO WAS IN THE UNITED STATES, THESE NIGHT SEARCHES STOPPED.

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El Salvador: Human Rights
Special Project (1993)

8. ESQUINO TOLD LABOFF THAT HE MADE THE FOLLOWING POINTS TO THE MEMBERS OF CONGRESS WITH WHOM HE HAD SPOKEN: ANIS WAS SEEKING JUSTICE AND PROTECTION FROM THE SALVADORAN GOVERNMENT. ANIS DID NOT OPPOSE U.S. AID TO EL SALVADOR (INDEED, HE HAD VOLUNTEERED HIS OPINION THAT DOLS 110,000,000 WAS NOT ENOUGH AND SUGGESTED THAT DOLS 300,000,000 WOULD BE MORE ADEQUATE TO MEET SALVADORAN NEEDS). ALL ANIS DEMANDED WAS JUSTICE FOR THE VICTIMS AND THEIR WIDOWS AND ORPHANS, AS WELL AS CONTINUED PROTECTION FOR ANIS'S COOPERATIVE LANDS. ESQUINO SAID HE HAD PRAISED THE U.S. EMBASSY'S INTEREST IN THE LAS HOJAS AFFAIR TO HIS CONGRESSIONAL AUDIENCE. HE FURTHER STATED THAT HE HAD PHOTOS OF LABOFF SHAKING HANDS WITH ANIS LEADERSHIP PUBLISHED IN THE U.S. PRESS. ESQUINO SAID THAT BOTH REPUBLICANS AND DEMOCRATS RECEIVED HIM WELL IN CONGRESS, AND THAT BOTH SIDES PRAISED HIS COURAGE AND POLITICAL PRUDENCE. HINTON
END OF MESSAGE

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QUOTE:

UNCLAS TEGUCIGALPA 3327

EO 12356: NA
TAGS: PREL MILI PINS HO NU ES
SUBJ: GOH REVEALS PROOF OF FMLN INSURGENTS INFILTRATING FROM NICARAGUA TO EL SALVADOR

REF: TEGUCIGALPA 3041

1. ALL HONDURAN MEDIA PROMINENTLY PLAYED ON 5 MARCH GOH ARMY ACCUSATIONS THAT IN SUPPORT OF SALVADORAN GUERRILLAS THE FSLN IS VIOLATING HONDURAS' NATIONAL SOVEREIGNTY AND IS ACTIVELY INVOLVED IN ARMED AGGRESSION.

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PAGE 02 STATE 111909

2. THE HONDURAN ARMY ISSUED A COMMUNIQUE TO THE NATIONAL AND

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: HOFFENBERG, MARV
Date: 06/14/94
Case ID: S940034E

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INTERNATIONAL MEDIA WHICH PROVIDES DETAILS ON THE ENCOUNTER BETWEEN A POLICE PATROL AND A GUERRILLA UNIT ON 25 MARCH; A LIST OF WEAPONS AND OTHER ITEMS CONFISCATED; AND CONCLUDES THAT THE SANDINISTAS HAVE ESTABLISHED A CORRIDOR IN HONDURAS TO SEND MEN, WEAPONS AND EQUIPMENT TO SALVADORAN GUERRILLAS. INFORMAL EMBASSY TRANSLATION OF THE GOH ARMY COMMUNIQUE FOLLOWS:

BEGIN TEXT
EVIDENCE OF VIOLATION OF THE NATIONAL SOVEREIGNTY AND ARMED AGGRESSION ON THE PART OF A GROUP OF SUBVERSIVE ELEMENTS OF THE SANDINISTA NATIONAL LIBERATION FRONT - 4 APRIL 1983.

IN ORDER TO ONCE AGAIN INFORM THE NATIONAL AND INTERNATIONAL PUBLIC OPINION MEDIA OF THE SUBVERSIVE ACTIVITIES WHICH NICARAGUAN REVOLUTIONARY LEADERS ARE CARRYING OUT IN COORDINATION WITH SUBVERSIVES OF THE SALVADORAN "FARABUNDO MARTI FRONT", THROUGHOUT THE HONDURAN TERRITORY, IN AN EVIDENT EFFORT TO SUPPORT OPERATIONS WITH THE END OF DESTABILIZING THE GOVERNMENTS OF THE CENTRAL AMERICAN REGION, WE WISH TO PRESENT EVIDENCE OF THE DISRESPECT SHOWN BY THE SANDINISTAS WHICH THEY NATURALLY DENY IN ORDER TO DISSOCIATE THEMSELVES FROM ALL GUILT FOR THEIR IRRESPONSIBLE ACTIONS.

FACTS

ON SATURDAY, MARCH 26, AT 1600 HOURS OUR POLICE FORCES IN NACAOME, DEPARTMENT OF VALLE, WERE ALERTED BY RESIDENTS OF THE COMMUNITY TO THE EXISTENCE OF A GROUP OF SUBVERSIVE ELEMENTS ARMED WITH RIFLES, WEARING OLIVE-GREEN UNIFORMS AND BEARING MILITARY EQUIPMENT.

ON THE HILLS OF LAS CUEVITAS, APPROXIMATELY 5 KM FROM NACAOME, A

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GROUP OF SUBVERSIVES WERE TAKEN BY SURPRISE BY A POLICE PATROL. REALIZING THAT THEY WERE SURROUNDED, THEY OPENED FIRE WITH THEIR RIFLES AND FLED, LEAVING PART OF THEIR EQUIPMENT BEHIND.

THE OUTCOME OF THE ARMED CONFRONTATION BETWEEN THE POLICE FORCE AND THE SUBVERSIVES WAS THE DEATH OF ONE OF THE SUBVERSIVES AND THE ESCAPE OF THE REST OF THE GROUP, ONE OF WHOM WAS BADLY WOUNDED. HIS BODY WAS LATER FOUND BESIDE HIS WEAPONS AND MILITARY EQUIPMENT IN A STATE OF DECOMPOSITION ON THE 28TH OF MARCH, AT 1400 HOURS, IN A PLACE KNOWN AS LOS ESTACONES.

WEAPONS AND EQUIPMENT CONFISCATED

1. THREE M-16 RIFLES, SERIAL 9194099, 9124758 AND 9192482;
2. ONE 7.62 CALIBER S.M.E. SUBMACHINE GUN, SERIAL P8997;
3. NINE M-16 LOADERS WITH 45 PROJECTILES;
4. FOUR SUBMACHINE LOADERS WITH 73 PROJECTILES, 7.65 CALIBER;
5. SEVEN CARTRIDGE POUCHES;
6. THREE HARNESSES;
7. ONE SUBMACHINE GUN COVER;
8. ONE PORTABLE SPILBURY, 4 CHANNEL RADIO TRANSMITTER;
9. FIVE OLIVE-GREEN CAPS;
10. FIVE OLIVE-GREEN PACKS;
11. TWO OLIVE-GREEN FATIGUE TROUSERS;
12. TWO OLIVE-GREEN FATIGUE SHIRTS;
13. ONE SPECKLED FATIGUE SHIRT;
14. ONE PONCHO;
15. A PAIR OF COMBAT BOOTS;
16. TWO CANTEEN COVERS;
17. SEVEN CANTEENS;
18. THREE BLACK PLASTIC BAGS;
19. ONE ROLL OF WIRE FOR COMMUNICATIONS EQUIPMENT;
20. A FLAG OF THE SANDINISTA NATIONAL LIBERATION FRONT;
21. THREE HANDBOOKS, ONE OF THE FARABUNDO MARTI FRONT AND TWO OF THE SANDINISTA NATIONAL LIBERATION FRONT;
22. TWO NOTEBOOKS WITH INFORMATION REGARDING CODES, ESTIMATES OF

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DISTANCES COVERED ON A DAILY BASIS, GENERAL ROUTES TAKEN BY SANDINISTAS TO GET PERSONNEL AND WEAPONS ACROSS TO EL SALVADOR THROUGH HONDURAS;
23. THREE BELTS, THREE PAIRS OF SOCKS, ONE UNDERPANT, ONE HANDKERCHIEF.

CONCLUSIONS

A. THE AFOREMENTIONED DISCOVERY CONFIRMS THE FACT THAT THE SANDINISTAS ARE MAKING USE OF AN IMPORTANT STRETCH OF HONDURAN TERRITORY TO TRANSPORT MEN, WEAPONS AND OTHER SUPPLIES TO EL SALVADOR. THE POSSIBILITY THAT PART OF THIS CONTINGENT OF MEN AND ARMAMENTS IS BEING DESTINED TO REMAIN IN HONDURAN TERRITORY TO DESTABILIZE THE DEMOCRATIC SYSTEM CANNOT BE DISCARDED.

B. THE PURSUIT OF THE SUBVERSIVE ELEMENTS CONTINUES IN VIEW OF

CONCRETE INFORMATION THAT THEY HAVE NOT BEEN ABLE TO LEAVE HONDURAN TERRITORY FOR THEIR OPERATION BASES IN NICARAGUAN TERRITORY.

C. ACCORDING TO THE ESTIMATES OF THE DISTANCES COVERED WHICH APPEAR IN THEIR NOTEBOOKS, THE SUBVERSIVES, IN GROUPS OF 10-12, HAVE MADE USE OF THE ROUTE TO TRANSPORT PEOPLE AND SUPPLIES IN SUPPORT OF THE SALVADORAN SUBVERSIVES.

D. THE ROUTE IS THE FOLLOWING: FROM NICARAGUA TO HONDURAS THEY CROSS AT THE BLIND PASS BETWEEN GUASAULE AND EL ESTRIBO, CONTINUING ALONG THE HACIENDA LAS HORMIGAS, SAN BERNARDO, NAMASIGUE, HACIENDA SAN JOSE, PAYANA, SAN JERONIMO, JICARO GALAN, NACAOME, LANGUE, ARAMECINA, ENTERING EL SALVADOR THROUGH CONCEPCION DE ORIENTE. END TEXT
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~~S E C R E T~~ SECTION 01 OF 02 SANTIAGO 2379

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Deception

EO 12356: DECL: OADR
TAGS: ELAB PINT CI
SUBJECT: POSSIBLE NEW LEAD IN CASE OF TUCAPEL JIMENEZ ASSASSINATION

REF: SANTIAGO 1172

1.(S-ENTIRE TEXT).

2. SUMMARY: ACCORDING TO SEVERAL SOURCES, THE WEAPON USED TO KILL TUCAPEL JIMENEZ MAY HAVE BEEN FOUND, THE THE VICARIATE OF SOLIDARITY REPORTEDLY HAVE A SIGNED DECLARATION FROM GALVARINO ANCAVIL HERNANDEZ WHO, WITH THE HELP OF THE INTER-GOVERNMENTAL COMMITTEE ON MIGRATION (CIM) IS NOW IN FRANCE. HE ALLEGEDLY ISSUED THE WEAPON USED TO KILL JIMENEZ. THE POLICE HAVE APPARENTLY FOUND A WEAPON WHERE INDICATED IN HIS DECLARATION, BUT BALISTIC TESTS ARE NOT CONCLUSIVE. ANCAVIL HAS REPORTEDLY IMPLICATED SEVERAL GOC OFFICIALS IN THE KILLING (UNDER A SO-CALLED DELTA PLAN). PUBLIC KNOWLEDGE OF THIS POTENTIAL BREAKTHROUGH COULD BE VERY DAMAGING TO THE GOC. SOME OF THOSE REPORTEDLY INVOLVED HAVE ALREADY BEEN IN THE PRESS AS TARGETS OF A JUDICIAL

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PAGE 02 SANTIA 02379 01 OF 02 271435Z

REQUEST TO TESTIFY. WE BELIEVE ADDITIONAL ALLEGATIONS WILL LEAK OUT TO THEPUBLIC IN THE NEAR FUTURE. END SUMMARY.

3. ALDO SIGNORELLI, LAWYER FOR THE NATIONAL ASSOCIATION OF PUBLIC EMPLOYEES (ANEF) IN THE TUCAPEL JIMENEZ CASE, RECENTLY INFORMED THE EMBASSY OF A POSSIBLE BREAK-

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THROUGH. (JIMENEZ, DEPARTEMENT WILL RECALL, WAS THE UDT AND ANEF PRESIDENT AND DEMOCRATIC LABOR LEADER WHO WAS MURDERED ON FEBRUARY 25, 1982.) SIGNORELLI SAID A FORMER JUNIOR ARMY OFFICER WITH DIRECTORATE GENERAL OF RECRUITMENT AND MOBILIZATION OF THE ARMED FORCES, GALVARINO ANCAVIL HERNANDEZ, WAS LOANED OUT TO THE NATIONAL INFORMATION CENTER (CNI) WHERE HE WAS INVOLVED IN WEAPONS REGISTRATION. HE HAD CONFESSED TO A PRIEST THAT HE KNEW WHO KILLED TUCAPEL JIMENEZ, HOW IT WAS DONE, AND EVEN THAT HE HAD A ROLE. HE ALLEGEDLY TOLD THE PRIEST HE HAD ISSUED THE GUN. ANCAVIL SIGNED A NOTARIZED DECLARATION NOVEMBER 17, 1982 ON THE RECOMMENDATION OF THE VICARIATE OF SOLIDARITY, RELATING THE "FACTS" INCLUDING THE NAMES OF FIVE CNI AGENTS WHO HE CLAIMED WERE THE ASSASSINS, AND THE CURRENT LOCATION OF THE WEAPON USED; HE ALSO CLAIMED THAT INTERIOR MINISTER MONTERO, CNI CHIEF GORDON, AND UNDERSECRETARY OF GOVERNMENT HORMAZABAL ARE AMONG THOSE WHO HAD APPROVED OF A SO-CALLED DELTA PLAN TO PREVENT JIMENEZ OR OTHER LABOR LEADERS FROM UNITING THE LABOR OPPOSITION TO PINOCHET. ANCAVIL ASKED FOR ASYLUM FOR HIMSELF AND HIS FAMILY IN FRANCE, WHERE THEY WENT ON JANUARY 25, 1983. ACCORDING TO SIGNORELLI, THE ORIGINAL OF ANCAVIL'S DELCARATION IS IN THE HANDS OF THE [redacted] AND THE VICARIATE OF SOLIDARITY HAS A COPY.

4. SIGNORELLI SAID THAT HE LEARNED OF THE VICARIATE'S

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PAGE 03 SANTIA 02379 01 OF 02 271435Z

INVOLVEMENT, AND ASKED VICARIATE STAFF MEMBERS FOR A COPY OF THE DECLARATION. AFTER WEEKS OF FRUSTRATION, HE HAD RECENTLY SEEN A PORTION OF THE DOCUMENT FROM WHICH HE HAD TAKEN NOTES, BUT THE VICARIATE REFUSED TO PROVIDE A COPY. IN THE INTERIM, HOWEVER, THE VICARIATE HAD PROVIDED INFO ON THE WHEREABOUTS OF THE WEAPON. SIGNORELLI AND HIS LAW PARTNERS THEN ALERTED THE POLICE (INVESTIGACIONES) WHO LOCATED THE WEAPON, WHICH IN TURN WAS IDENTIFIED AS ISSUED BY THE INDIVIDUAL WHO HAD REPORTEDLY RECEIVED ASYLUM IN FRANCE.

5. THE EMBASSY HAS DEVELOPED FROM SEVERAL SOURCES THE FOLLOWING INFORMATION:

--AN INDIVIDUAL NAMED GALVARINO ANCAVIL HERNANDEZ SOUGHT AND OBTAINED ASSISTANCE FROM THE INTER-GOVERNMENTAL COMMITTEE ON MIGRATION (CIM) TO ENTER FRANCE. HE DEPARTED CHILE JANUARY 25, 1983. ANCAVIL HAD APPROACHED CIM AT THE SUGGESTION OF THE [redacted] ANCAVIL HAD GONE TO [redacted] THE VICARITE OF SOLIDARITY

(WE ARE NOT CERTAIN OF THE SEQUENCE) WITH ALLEGED INFORMATION ON THE JIMENEZ MURDER. HE SIGNED A DECLARATION BEFORE A NOTARY (WE DO NOT KNOW WHERE) WHICH CONTAINS INFO SUBSTANTIALLY SIMILAR TO THAT RELATED TO SIGNORELLI;

--THE VICARIATE HAS A COPY OF THE SIGNED DECLARATION.

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--A VICARIATE SOURCE CLAIMED THE INDIVIDUAL (ANCAVIL'S NAME WAS NOT SPECIFICALLY MENTIONED) HAD GONE FIRST TO [redacted] TO MAKE A DECLARATION AND TO SEEK ASYLIM. [redacted] HAD SUBSEQUENTLY SOUGHT ADVISE FROM THE VICARIATE AS TO HOW TO PROCEED.

--THE SAME VICARIATE SOURCE OPINED THAT PARTICULARLY THE PORTION OF THE DECLARATION DEALING WITH THE WEAPON ALLEGEDLY USED IN THE MURDER SEEMED TO BE AN IMPORTANT NEW DEVELOPMENT IN THE CASE. BECAUSE THE FIVE BULLETS (22 CALIBRE) WERE ALL BUT DESTROYED ON IMPACT, THE BALLISTICS TEST DETERMINED THAT THE GUN "COULD BE"

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PAGE 02 SANTIA 02379 02 OF 02 271513Z

THAT USED IN THE KILLING. THE OTHER CHARGE MAY HAVE BEEN ONLY SECONDHAND INFORMATION OF UNDETERMINED VALIDITY.

6. ORIGINALLY SIGNORELLI SIAD HE WOULD PROVIDE US A COPY OF HIS NOTES. LATER,HE SAID THAT AFTER CONSULTING WITH HIS PARTNERS IT WAS DECIDED THAT THE MATTER WAS TOO DELICATE. WE CHOSE NOT TO PRESS HIM. THEN, ON APRIL 22, SIGNORELLI AND ONE OF HIS PARTNERS, JORGE SAAVEDRA, REQUESTED MEETING WITH EMBOFF. SAAVEDRA EXPRESSED CONCERN THAT EMBASSY'S INQUIRIES MIGHT CAUSE OTHERWISE COOPERATIVE SOURCES TO REFRAIN FROM HELPING THEM IN THE CASE. HE REFERRED TO BOTH THE CIM AND VICARIATE SOURCES AS BEING AFRAID THE GOC MIGHT FIND OUT ABOUT THEIR ROLES IN THE LATEST DEVELOPMENTS.
EMBOFF ASSURED SAAVEDRA THAT OUR INQUIRES HAD BEEN DISCREET AND THAT BOTH OF THESE SOURCES HAD APPEARED WILLING TO TALK TO US. NEVERTHELESS, THE EMBASSY HAD NO INTENTION OF INTERFERING IN THE CASE. SAAVEDRA RESPONDED POSITIVELY THAT THE THREE JIMENEZ LAWYERS WOULD BE PLEASED TO KEEP THE EMBASSY INFORMED OF DEVELOPMENTS. HE SAID THEY HAD MET APRIL 21 WITH CARDINAL SILVA WHO, ACCORDING TO SAAVEDRA, WAS UNAWARE OF THE VICARIATE'S ROLE. SAAVEDRA SAID SILVA ASSURED HIM THAT HE WOULD URGE THE VICARIATE TO COOPERATE WITH THEM. FINALLY, SAAVEDRA SAID THE ANCAVIL DECLARATION COVERS MUCH MORE THAN THE JIMENEZ ASSASSINATION. IT REPORTEDLY CONTAINS ALLEGATIONS ABOUT POSSIBLE CNI INVOLVEMENT IN A NUMBER OF ASSASSINATIONS.

7. COMMENT: EMBASSY VIEWS THE DEVELOPMENT AS A POSSIBLE IMPORTANT BREAKTHROUGH IN THE CASE,BUT IN THE ABSENCE OF ADDITIONAL INFORMATIN FROM THE SUPPOSED DECLARATION AND CONFIRMATION OF ALLEGATIONS THEREIN,
~~SECRET~~

~~SECRET~~

PAGE 03 SANTIA 02379 02 OF 02 271513Z

WE AREUNABLE TO PROPERLY EVALUATE IT. WE ARE PUZZLED BY DENIAL OF ANY ROLE; THIS STORY MAY BE HEARSAY FROM AN UNTESTED AND LOW-LEVEL SOURCE(ANCAVIL) BUT IT IS STILL POTENTIALLY EXPLOSIVE AND DAMAGING

TO THE GOC. WE THINK THAT SOONER RATHER THAN LATER MUCHIF NOT ALL OF THE FOREGOING WILL BEGIN LEAKING OUT TO THE PUBLIC IN GENERAL. WE KNOW THAT HERNOL FLORES, SUCCESSOR TO JIMENEZ AS ANEF PRESIDENT, HAS ALREADY TOLD SEVERAL OF HIS CONTACTS SOME OF IT, BUT HE DOES NOT KNOW THE DETAILS.
THEBERGE

~~SECRET~~

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PAGE 01 BUENOS 02776 272050Z
ACTION L-03

INFO OCT-00 COPY-01 ADS-00 ARA-16 OCS-06 CA-01 JUSE-00
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R 272043Z APR 83
FM AMEMBASSY BUENOS AIRES
TO SECSTATE WASHDC 7132
INFO AMEMBASSY SANTIAGO

Chile Project (#S199900030)
U.S. Department of State
Release X Excise Deny
Declassify: In Part In Full
Exemption(s)

UNCLAS BUENOS AIRES 02776

E.O. 12356: N/A
TAGS: CFED, US, AR
SUBJECT: POSSIBLE EXTRADITION REQUEST: MICHAEL TOWNLEY

REF: BUENOS AIRES 2568

1. ON 27 APRIL 83, THE BUENOS AIRES MORNING NEWSPAPER, "CLARIN", CARRIED AN ARTICLE CONCERNING THE POSSIBLE EXTRADITION TO ARGENTINA OF MICHAEL V. TOWNLEY, ACCUSED OF THE MURDER OF CHILEAN GENERAL CARLOS PRATS-GONZALEZ AND HIS WIFE IN SEPTEMBER 1974 IN BUENOS AIRES.

2. "CLARIN" REPORTS THAT EDUARDO F. MARQUARDT, JUDGE OF FIRST INSTANCE, HAD REQUESTED THE EXTRADITION OF TOWNLEY AND THAT THE FONOFF RETURNED THE DOCUMENTS SUBMITTED BY THE JUDGE BECAUSE THEY WERE NOT ACCOMPANIED BY ENGLISH TRANSLATIONS. "CLARIN" SAYS THAT AS SOON AS THE TRANSLATION REQUIREMENT IS MET THE MATTER CAN BE HANDLED QUICKLY TO ENABLE IT TO REACH A JUDGE IN THE US WHO COULD INTERVENE IN THE MATTER BEFORE TOWNLEY IS RELEASED MAY 5.
3. THE ARTICLE ALSO REPORTED THAT THE JUDGE MIGHT SIMULTANEOUSLY SEND A REQUEST FOR THE APPREHENSION OF TOWNLEY THROUGH INTERPOL.
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PAGE 02 BUENOS 02776 272050Z

4. "CLARIN" REPORTS THAT EXTRADITION FROM CHILE OF ARMANDO FERNANDEZ LAMOS MIGHT BE REQUESTED BY THE SAME JUDGE.

5. EMBASSY COMMENT: WE HAVE NOT BEEN CONTACTED BY GOA OR JUDICIAL AUTHORITIES REGARDING THIS MATTER.

SHLAUDEMAN

UNCLASSIFIED

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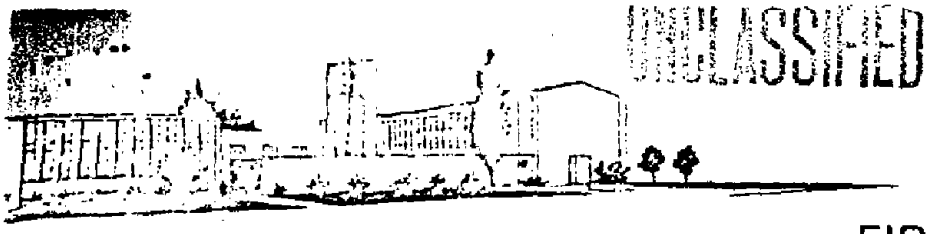

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Ne080d

R

FIRST CHRISTIAN CHURCH
(Disciples of Christ)

Telephone 624-8695
Pastors:
George L. Tolman
James E. Symons

740 East Speedway . Tucson, Arizona

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____

April 27, 1983

RECEIVED
APR 28 1983
REGISTRY
TUCSON, ARIZONA

Senator Barry Goldwater
Federal Building
301 W. Congress
Tucson, Az. 85701

Dear Senator Goldwater,

It is reported that Rene Riquelme Maturana, who lives in Santiago, was arrested last Spring. Government authorities said he had painted a car for some persons who were charged with being subversive to the present regime. He is incarcerated in the Santiago Prison, Centro de Rehabilitacion.

This prisoner is suffering from arthritis and has some severe heart problems. He is 61 years old and has not been active in politics. He is greatly needed by his friends and family.

I know of your concern for human rights and the violation of same, and for people who are unjustly incarcerated. I feel that we need to bring moral pressure and a bit of embarrassment to the authorities who are trying to improve their image on human rights, and continue open relationships with the United States government. Several prisoners with questionable charges have been released when authorities know that they have people concerned about justice and their rights in the United Stages. I would appreciate it if you could give me any further information on this matter: the legal status of the prisoner, whether he has been brought to court, whether there are formal charges against him, and when there might be a possibility of his release.

Sincerely,

George L. Tolman

GLT/swc

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No 038 1N/65

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GBR
show to L
and ask if they
regard as serious
enough for our
participation in
some manner
TOM

April 28, 1983

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____

20316

Mr. Thomas Colwell, Director
Office of Aviation
Department of State
22nd and C Streets, N.W.
Washington, D.C. 20520

Re: Letelier v. LAN-Chile

Dear Tom:

Enclosed please find a copy of our answering brief served on April 22 in connection with the attempt by judgment creditors against the Republic of Chile to execute their judgment against LAN-Chile assets including its aircraft in the United States. I had called George Bouton's attention to this matter a couple of weeks ago (you were out of the office) and he asked that we send on a copy of our response.

As you can see from our brief, it is undisputed that LAN-Chile is a legally separate entity from the Republic and is responsible for its own obligations and not for the obligations of the Republic under the law of Chile. We believe that a precedent allowing execution against state-owned enterprises, particularly enterprises in international aviation, to satisfy tort judgments against their government, would be legally unfounded and severely detrimental to international aviation relations. Attaching aircraft or assets of Aeroflot, CAAC or even Air France for debts of their respective governments would not be beyond the realm of possibility if such a precedent is established.

I hope you will find our brief interesting on the subject and I look forward to discussing it with you.

Sincerely,

Robert Reed Gray

Enclosure
RRG:nec

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Department of State

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AN: 0830242-0483

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PAGE 01 SAN JO 02908 01 OF 02 291442Z
ACTION ARA-16

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UNCLAS SECTION 01 OF 02 SAN JOSE 02908

E.O. 12356: N/A
TAGS : PREL, ES, CU, CS
SUBJECT : FMLN/FDR SPOKESMEN APPEAR BEFORE LEGISLATIVE ASSEMBLY COMMITTEE

1. RESIDENT FMLN/FDR REPRESENTATIVES IN COSTA RICA, MARIO AGUINADA AND JORGE VILLACORTA, MET WITH SPECIAL COMMITTEE OF LEGISLATIVE ASSEMBLY APRIL 27. THE COMMITTEE IS COMPOSED OF SEVEN DEPUTIES AND COVERS THE SPECTRUM OF THE ASSEMBLY'S MORE RADICAL MEMBERS. COMMITTEE IS COMPOSED OF ONE REPRESENTATIVE FROM EACH PARTY, EVEN THOSE WITH ONLY ONE MEMBER. AS A RESULT THE MAJORITY PARTY (WITH 33 OF 57 SEATS), THE PLN, HAS ONE MEMBER WHILE THE LARGEST OPPOSITION GROUP, THE UNIDAD COALITION, IS REPRESENTED BY A CHRISTIAN DEMOCRAT AND A CALDERONISTA. COMMUNIST
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PAGE 02 SAN JO 02908 01 OF 02 291442Z

(PUEBLO UNIDO) DEPUTIES ERIC ARDON AND ALVARO MONTERO

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United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: SLOTT, DICK
Date: 06/14/94
Case ID: 9940034E

MEJIA ARE MEMBERS AS WELL AS RIGHTIST GUILLERMO MALAVASSI. INDEPENDENT ALAJUELA DEMOCRATIC ACTION PARTY REPRESENTATIVE, OSCAR VALVERDE, ROUNDS OUT THE GROUP. GATHERING MATERIAL FOR THE COMMITTEE, THREE OF THEM HAVE ALREADY VISITED NICARAGUA - ROBERTO RODRIGUEZ, UNIDAD CHRISTIAN DEMOCRAT, SOCIALIST MONTERO AND VALVERDE. SOURCE AT LEGISLATIVE ASSEMBLY TOLD POLOFF THAT MALAVASSI REFUSED TO GO. OTHER COMMITTEE MEMBERS ARE SCHEDULED TO GO TO BOTH EL SALVADOR AND TO THE U.S. EXACT DATES ARE NOT YET SCHEDULED. THE COMMITTEE HAS A BUDGET TO CONDUCT THEIR STUDY. WHILE THEIR PRECISE ASSIGNMENT REMAINS FUZZY, THE PRINCIPAL TASK, APPARENTLY, IS TO GATHER INFORMATION FOR FORMULATION OF A PEACE PLAN FOR CENTRAL AMERICA. WHAT FORM THE COMMITTEE'S FINAL REPORT WILL TAKE IS, AS YET, UNSPECIFIED.

2. THE FMLN/FDR SPOKESMEN APPEARED FOR THEIR HEARING WIT XEROX HANDOUTS. THEIR VERBAL PRESENTATION CLOSELY FOLLOW ED THE PRINTED MATTER IN CONTENT. GENERALLY THEY LAMBAST ED U.S. POLICY, NOT ONLY IN EL SALVADOR, BUT IN CENTRAL AMERICA IN GENERAL. THERE WERE NO SURPRISES. U.S. CENTRA AMERICAN POLICY WAS CRITICIZED FOR BEING HEGEMONISTIC AND IMPERIALISTIC. THE SPOKESMEN CALLED FOR BILATERAL MEETINGS BETWEEN USG AND GRN AND HONDURAS AND GRN AND DISCOUNTED NEED FOR REGIONAL MULTILATERAL NEGOTIATIONS. THE PRAISED EFFORTS OF THE CONTADORA FOUR IN THEIR SEARCH FOR SOLUTIONS THROUGH BILATERAL MEETINGS. THE PANAMA MEETING OF THE AREA'S FOREIGN MINISTERS AND CONTADORA FOUR WAS CAST AS A BILATERAL.

-- THE FMLN/FDR REPRESENTATIVES VOWED TO FIGHT ON UNTIL U.S. CEASES MILITARY AND POLITICAL "INTERVENTION" IN EL

SALVADOR. THEY REJECTED ANY SOLUTION WHICH, THEY CLAIM, IGNORES REALITIES AND THE RIGHT OF SELF-DETERMINATION, I.E., ANY SOLUTION IN WHICH THEY AREN'T GRANTED A SHARE OF POWER. THEY CLAIM THE U.S. HAS PLAYED THE "SALVADOR CARD" IN THE CENTRAL AMERICAN GAME, THE OBJECT OF THAT GAME BEING A MILITARY VICTORY. THEY CHARACTERIZED THE UPCOMING ELECTIONS AS JUST PART OF THE SAME GAME PLAN.

-- THE FMLN/FDR SPOKESMEN REITERATED OFFER TO ENTER INTO NEGOTIATIONS WITH THE GOES WITHOUT PRE-CONDITIONS. THEY

TOLD COSTA RICAN DEPUTIES THAT SUCH NEGOTIATIONS HAVE BEEN URGED BY UN GENERAL ASSEMBLY, NON-ALIGNED MOVEMENT AND U.S. CONGRESSMEN.

3. A HANDOUT DISTRIBUTED BY AGUINADA AND VILLACORTA GAVE STATISTICS ON FMLN PROGRESS IN THE SALVADORAN CONFLICT FO FIRST QUARTER OF THIS YEAR: 1221 "ENEMY" DEAD, 126 PRISONERS, SOME 1,000 ASSORTED ARMS, 267,860 ROUNDS OF AMMUNITION, 17 RADIOS, AND VARIOUS ODDS AND ENDS OF EQUIP MENT AND SUPPLIES CAPTURED.

4. NEITHER THE DEPUTIES, NOR THE PRESS FOLLOWING THE MEETING, ASKED ANY HARD QUESTIONS. AT PRESS CONFERENCE THE PAIR CLAIMED THEIR ORGANIZATIONS WOULD NOT PARTICIPAT IN THE SCHEDULED ELECTIONS UNDER ANY CIRCUMSTANCES. WHEN ASKED ABOUT SOURCES OF SUPPORT THEY MENTIONED VARIOUS CHURCH GROUPS. THEY CHARACTERIZED THE SALVADORAN ARMY AS PAMPERED BY U.S. GOES TROOPS IN THE FIELD RECEIVE "COKES" AND "KENTUCKY FRIED CHICKEN" DELIVERED TO THEM BY HELICOPTERS AT LUNCHTIME.

5. REPRESENTATIVES OF NICARAGUAN EXILE GROUP, ARDE, ARE SCHEDULED TO APPEAR BEFORE THE COMMITTEE ON APRIL 28.

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PAGE 01 SAN JO 02908 02 OF 02 291442Z
ACTION ARA-16

INFO OCT-00 COPY-01 ADS-00 AID-07 INR-10 SS-10 CIAE-00
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R 291439Z APR 83
FM AMEMBASSY SAN JOSE
TO SECSTATE WASHDC 6342
INFO AMEMBASSY BOGOTA
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AMEMBASSY SAN SALVADOR
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HTS PN

UNCLAS SECTION 02 OF 02 SAN JOSE 02908

E.O. 12356: N/A
TAGS : PREL, ES, CU, CS
SUBJECT : FMLN/FDR SPOKESMEN APPEAR BEFORE LEGISLATIVE ASSEMBLY COMMITTEE

MCNEIL

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04-29-83 KH 1134

Case Project =S1999000030
U.S. Department of State
Case_____ Excise X Deny____
Declassify In Part_____ In Full_____
Exemption(s) B6

EXCISE

Dear Mrs Goldwater

This letter is in regards to a 61 year old man who lives in Santiago, Chile Jaime Espindola Manzano

He was arrested last spring for leaving a car for persons charged with subversive activities He has not been active in politics

I realize that he is one of many many cases, but we do have the attorney's motion and this might bring new evidence to other questions.

Has he been brought to court? — or what charges? What is the legal status?

I would appreciate any help you can give me concerning this man

Thank you for your time and concern,

UNCLASSIFIED

(NLO80c) P B6

Chile Project (#S199900030)
U.S. Department of State
Release_____ Excise X Deny_____
Declassify: In Part_____ In Full_____
Exemption(s) B6

April 29, 1983

Dear Mr. Goldwater

This letter is in regards to a 61-year old man who lives in Santiago, Chile. Rene Reguelmo Maturana

He was arrested last spring for painting a car for persons charged with subversive activities He has not been active in politics

I realize that he is one of many unjustly jailed, but we do have the above information and this might bring us answers to other questions.

Has he been brought to court? — on what charges? What is his legal status?

I would appreciate any help you can give me concerning this man.

Thank you for your time and concern,

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UNCLASSIFIED

EXCISE E10

TAGS= PHUM, PREL, PGOV, SHUM, GT, US, AMERICAS WATCH

[redacted]

P

(B1)

PAGE 01 GUATEM 03361 01 OF 02 291853Z
ACTION ARA-16

INFO OCT-00 COPY-01 ADS-00 INR-10 EUR-12 SS-10 CIAE-00
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O 291847Z APR 83
FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC IMMEDIATE 4557
AMEMBASSY OTTAWA IMMEDIATE
INFO USMISSION USUN NEW YORK

[redacted] SECTION 01 OF 02 GUATEMALA 03361

E.O.12356: N/A
TAGS: PREL, PGOV, GT, US, SHUM
SUBJECT: (U) STATEMENTS OF AMERICAS WATCH
- REPRESENTATIVE IN RE HUMAN RIGHTS
- IN GUATEMALA

REF: OTTAWA 2263

1. [redacted]

2. REFTEL ALERTED US TO AMERICAS WATCH SPOKESMAN ROBERT (NOT PAUL) GOLDMAN'S ALLEGATIONS ON CANADIAN TELEVISION THAT AMEMBASSY GUATEMALA WAS "INDIFFERENT" TO HUMAN RIGHTS VIOLATIONS HERE AND THAT THE EMBASSY "REFUSED TO INVESTIGATE SERIOUSLY" WHAT GOLDMAN CALLED A "SYSTEMATIC CAMPAIGN OF GOVERNMENT TERROR." MR. GOLDMAN'S ASSERTIONS, TO BE FRANK, WERE ERRONEOUS, TENDENTIOUS AND BORDERED ON BAD FAITH.

3. MR. GOLDMAN, ACCOMPANIED BY ORVILLE SCHELL, RUSSEL KARP AND AMERICAS WATCH STAFFER CYNTHIA [redacted]

UNCLASSIFIED

PAGE 02 GUATEM 03361 01 OF 02 291853Z

BROWN, VISITED GUATEMALA FROM OCTOBER 20 TO THE

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DEPARTMENT OF STATE
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(X) DECLASSIFY IN PART
INTERAGENCY Date: 2/20/98
EO Citations
FOIA Exemptions (B1)
PA Exemptions
( ) CLASSIFY as ( ) S or ( ) C Sec.
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TS authority to

24TH, 1982. IT IS OUR UNDERSTANDING THAT THIS GROUP SPENT ONE DAY IN THE FIELD, ACCOMPANIED BY GUATEMALAN ARMY OFFICERS. THIS, WE PRESUME, CONSTITUTES MR. GOLDMAN'S "INVESTIGATIVE FIELD TRIPS" MENTIONED IN REFTEL. IN FAIRNESS TO GOLDMAN, HOWEVER, WE MUST ADD THAT HE HAS VISITED GUATEMALAN REFUGEE CAMPS ON THE MEXICAN SIDE OF THE BORDER ON TWO DIFFERENT OCCASIONS.

5. FOR OTTAWA'S INFORMATION, BEFORE AND SINCE THE DEPARTURE OF THE AMERICAS WATCH TEAM WE HAVE VISITED THE FOLLOWING AREAS OF HUMAN RIGHTS INTEREST. THIS LISTING IS BUT A PARTIAL ONE, REFLECTING TRIPS TO CONFLICT ZONES MADE WITH THE SOLE INTENTION OF INVESTIGATING THE HUMAN RIGHTS SITUATION; INDEED, MANY OF THESE TRIPS WERE MADE BECAUSE OF CONCERNS VOICED BY AMERICAS WATCH, CONGRESSMAN CLARENCE LONG AND OTHER INTERESTED PARTIES.

4. WHILE THE AMERICAS WATCH TEAM WAS IN GUATEMALA, MUCH OF THEIR TIME WITH EMBASSY STAFF WAS SPENT DISCUSSING THE PITFALLS AND DIFFICULTIES OF HUMAN RIGHTS INVESTIGATIONS IN THE GUATEMALAN COUNTRYSIDE. THUS, WE ARE SOMEWHAT BEMUSED BY MR. GOLDMAN'S STATEMENT THAT WE "REFUSED TO INVESTIGATE" WHEN OUR INVESTIGATIONS FORMED THE BASIS OF DISCUSSION.

6. AREAS OF INTEREST TO AMERICAS WATCH: THE ENTIRE REGION OF NORTHERN EL QUICHE, A DEPARTMENT OF GUATEMALA. THE VILLAGES VISITED INCLUDE SAN JUAN

[redacted]

UNCLASSIFIED

IXCAN, XALBAL AND SANTIAGO IXCAN. AS FAR AS WE KNOW, NO REPRESENTATIVES OF AMERICAS WATCH HAVE BEEN IN THIS AREA.

7. AREAS OF INTEREST TO CONGRESSMAN LONG: AGAIN, NORTHERN EL QUICHE. THE VILLAGES INCLUDE SAN ALFONSO, SANTO TOMAS, SANTA MARIA DOLORES AND SANTIAGO IXCAN. CONGRESSMAN LONG DECLINED TO VISIT THIS AREA WHILE IN GUATEMALA. THE EMBASSY HAS INVESTIGATED THIS AREA EXTENSIVELY.

8. AREAS OF INTEREST TO THE EMBASSY OR OTHER INTERESTED PARTIES: THE DEPARTMENT OF EL PETEN,

INCLUDING THE VILLAGES OF POPTUN, LA LIBERTAD, JULEQUE AND LAS CRUCES. THE DEPARTMENT OF EL QUICHE, INCLUDING NEBAJ, SAN JUAN COTZAL, JOYABAJ, CHICHICASTENANGO, SANTA CRUZ DEL QUICHE, XEABAJ, CHAJUL AND THE VILLAGES NOTED IN PARAS 6 AND 7. THE DEPARTMENT OF CHIMALTENANGO, INCLUDING CHOATALUM, SAN MARTIN JILOTEPEQUE, SAN JOSE POAQUIL, COMALAPA, SAN ANDRES ITZAPA AND PATZUN. THE DEPARTMENT OF HUEHUETENANGO, INCLUDING HUEHUETENANGO CITY, NENTON AND THE ENTIRE BORDER REGION. MANY OF THESE SITES HAVE BEEN VISITED ON MORE THAN ONE OCCASION; ALL WERE VISITED BECAUSE OF THE NECESSITY FOR ON-SITE HUMAN RIGHTS INVESTIGATION. ALMOST ALL ARE IN ZONES OF CONTINUED WARFARE BETWEEN THE GOVERNMENT OF GUATEMALA AND THE REVOLUTIONARY GUERRILLAS.

9. THESE INVESTIGATIONS DO NOT ALWAYS ABSOLVE THE GOVERNMENT OF CULPABILITY. MR. GOLDMAN WAS CORRECT TO NOTE THAT BOTH SIDES IN

[redacted]

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PAGE 01 GUATEM 03361 02 OF 02 291853Z
ACTION ARA-16

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TO SECSTATE WASHDC IMMEDIATE 4558
AMEMBASSY OTTAWA IMMEDIATE
INFO USMISSION USUN NEW YORK

[redacted] SECTION 02 OF 02 GUATEMALA 03361

GUATEMALA'S WAR HAVE BEEN GUILTY OF KILLING INNOCENTS. OUR POINT HAS BEEN THAT THE GUATEMALAN ARMY HAS BEEN CHANGING ITS TACTICS AND IMPROVING ITS BEHAVIOR SINCE THE COUP D'ETAT OF MARCH 23, 1982; MR. GOLDMAN'S POINT OF VIEW SEEMS TO BE THAT THE ARMY HAS A POLICY OF SYSTEMATIC TERROR WHILE THE GUERRILLAS USE A MORE SELECTIVE BRAND OF INDIVIDUAL MURDERS. WE REJECT THE FORMER ASSERTION; THERE IS AMPLE EVIDENCE FOR THE SECOND.

10. FINALLY, TWO BRIEF POINTS. MR. GOLDMAN WAS WELL AWARE THAT THE EMBASSY PERFORMED AND CONTINUES TO PERFORM ON-SITE HUMAN RIGHTS INVESTIGATIONS. THE REASONS HE CHOSE TO DENY THIS ARE BEST ADDRESSED TO HIM. AS FOR OUR SILENCE ON THE AMERICAS WATCH REPORT OF NOVEMBER, 1982, WE FELT THAT ITS TONE, CONTENT AND BIAS DID NOT MERIT A REPLY. WE HAVE, OF COURSE, REPLIED TO OTHER INTERESTED GROUPS AND WILL CONTINUE TO DO SO.

11. FYI: [redacted]

(B1)

CHAPIN

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PAGE 01 SANTIA 02464 292027Z
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R 292011Z APR 83
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 5442

Chile Project (#S199900030)
U.S. Department of State
Release X Excise_____ Deny_____
Declassify: In Part_____ In Full_____
Exemption(s)_____

LIMITED OFFICIAL USE SANTIAGO 2464

E.O. 12356: N/A
TAGS: ELAB, PINT, CI
SUBJECT: PRESS REPORTS WEAPON USED TO KILL TUCAPEL JIMENEZ MAY HAVE BEEN FOUND

REF: SANTIAGO 2379

DEVELOPMENTS IN THE ASSASSINATION CASE OF LABOR LEADER TUCAPEL JIMENEZ HAVE STARTED LEAKING OUT TO THE GENERAL PUBLIC. SANTIAGO MORNING PRESS APRIL 29 REPORTED THAT THE INVESTIGATING JUDGE IN THE CASE "HAS IN HIS POSSESSION A GUN THAT ALLEGEDLY WAS USED BY THE KILLERS". THE INFO WAS REVEALED BY SOURCES CONNECTED WITH THE 10TH CRIMINAL COURT WHICH HAS JURISDICTION IN THE CASE. ACCORDING TO THE PRESS, IT WAS STATED UNOFFICIALLY THAT THE WEAPON IS BEING SUBJECTED TO BALLISTICS TESTS WHICH WILL BE PROVIDED TO THE JUDGE WITHIN THE NEXT FEW DAYS. THEBERGE

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AMCHAM CHILE

Santiago, May 2, 1988

MR. POWELL MOORE
ASSISTANT SECRETARY OF STATE
OF CONGRESSIONAL RELATIONS
DEPARTMENT OF STATE
2201 C. STREET N.W.
WASHINGTON D.C. 20520

Dear Mr. Secretary,

In view of recent indications that the US. Government may resume military sales and other assistance to Argentina, but not to Chile, we who are doing business in Chile feel strongly that the same treatment should be given to both countries.

Equal treatment will help to maintain an optimum balance in this part of the hemisphere, and would undoubtedly have a most salutary effect on the trend towards enhanced democratic institutions and practices in both countries.

We, therefore, repectfully urge you to lend your valuable support toward those policies which will bring about equal treatment and an improved democratic environment in our part of the world.

Looking forward to hearing from you in due course and thanking you in advance, I remain respectfully yours.

Rolando Santana
Vice President
Coca-Cola Latin America
and Member of the
Chamber of Commerce of the
United States of America
in Chile

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____

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PAGE 01 SANTIA 02496 041454Z
ACTION ARA-16

INFO	OCT-00	COPY-01	ADS-00	AID-07	INR-10	EUR-12	SS-10
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P R 031359Z MAY 83
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 5457
INFO AMEMBASSY ATHENS
AMEMBASSY PARIS

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Chile Project (#S199900030)
U.S. Department of State
Release X Excise_____ Deny_____
Declassify: In Part_____ In Full_____
Exemption(s)_____

C O R R E C T E D C O P Y ADD EO, TAGS, SUBHJ

E.O. 12356: N/A
TAGS: PINS, SHUM, CI
SUBJECT: NICOLAS GALANAIS TAPIS ABSOLVED AND FREED ON BAIL.

1. NICOLAS GALANAKIS TAPIS, ALLEGED MEMBER OF THE OUTLAWED SOCIALIST PARTY, WAS ABSOLVED OF ALL CHARGES BY A FIRST INSTANCE COURT ON APRIL 27. HE WAS ORIGINALLY ARRESTED ON JANARY 8 AND CHARGED WITH VILATION OF THE INTERNAL SECURITY LAW. FOLLOWING HIS ABSOLUTION, THE INVESTIGATING JUDGE ORDERED HIS RELEASE ON BAIL PENDING AN APPEAL OF THE DECISION BY BOTH THE MINISTRY OF INTERIOR AND THE PROSECUTING ATTORNEY OF THE SANTIAGO COURT OF APPEALS, WHO HAD ORIGINALLY RQUESTED HIS EXPULSION FROM CHILE FOR 1082 DAYS.
2. ALTHOUGH NEWSPAPER ARTICLES HAVE VARIOUSLY CLAIMED HE WAS GIVEN GREEK CITIZENSHIP AND A PASSPORT BY THE GREEK CONSUL, AS WELL AS A FRENCH RESIDENCE VISA, GALANAKIS REMAINS IN CHILE PENDING RESOUTION OF GOC APPEALS. NEWSPAPER PHOTOS PRINTED AT THE TIME OF HIS RELEASE INDICATE THAT HE HAS RECOVERED FROM A GUNSHOT WOUND SUFFERED AT THE
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PAGE 02 SANTIA 02496 041454Z

TIME OF HIS ARREST.
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Department of State TELEGRAM

~~SECRET~~ UNCLASSIFIED DTG: 030247-0782

EXCISE

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PAGE 01 GUATEM 03451 01 OF 02 030007Z
ACTION ARA-16

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O 0300022 MAY 83
FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC IMMEDIATE 4611
INFO AMEMBASSY BELIZE
AMEMBASSY MANAGUA
AMEMBASSY MEXICO
AMEMBASSY PANAMA
AMEMBASSY SAN JOSE
AMEMBASSY SAN SALVADOR
AMEMBASSY TEGUCIGALPA
USMISSION USUN NEW YORK
USCINCSO QUARRY HTS PN

DEPARTMENT OF STATE 9300626 S/FPC/CDR Hearn Date: 8/23/96
(X) RELEASE ( ) DECLASSIFY
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FOIA Exemptions B6
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MR Cases Only:
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~~SECRET~~ SECTION 01 OF 02 GUATEMALA 03451

E.O.12356: DECL: 5/2/89
TAGS: PINS, PGOV, GT, SHUN
SUBJECT: (S) ALLEGATIONS OF PEACE BRIGADES INTERNATIONAL IN RE HUMAN RIGHTS

REFS: A) GUATEMALA 2837 B) GUATEMALA 3091
C) BLOHM/MARTINEZ TELCON 29 APRIL 83

1. ~~SECRET~~ ENTIRE TEXT.

2. SUMMARY: [redacted] A LOCAL USCIT B6
REPRESENTING "PEACE BRIGADES INTERNATIONAL" (REF A), B6
VISITED EMBOFF ON APRIL 29. [redacted] HIS WORK -
"WITNESSING FOR INTERNATIONAL PACIFISM" - IS GOING
WELL. HE BROUGHT IN COPIES OF REPORTS ON ALLEGED
HUMAN RIGHTS VIOLATIONS THAT HE IS MAILING TO
~~SECRET~~
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PAGE 02 GUATEM 03451 01 OF 02 030007Z

CONGRESSMAN MIKE LOWRY. [redacted] ALLOWED EMBOFF B6

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TO COPY ALL THE DOCUMENTS; THEY RELATE TO AN ALLEGED MASSACRE NEAR QUIEJ CHIP, CHIANTLA, HUEHUETENANGO, THE MURDER OF A KARATE TEACHER ON THE CAMPUS OF SAN CARLOS UNIVERSITY, AND, FINALLY, AN ALLEGED MASSACRE IN THE VILLAGE OF XEABAJ, JOYABAJ, EL QUICHE. GUATEMALA 3091 REPORTED OUR APRIL 19 INVESTIGATION OF THIS LAST INCIDENT AND FOUND IT BE FALSE. [redacted] INFORMED THAT SOME OF HIS LOCAL "SOURCES" MAY BE UNSOUND. END SUMMARY. B6

3. [redacted] HAVE MADE CONTACT WITH A NUMBER OF SOURCES IN THE "HUMAN RIGHTS FIELD" IN GUATEMALA AND HE FEELS COMPELLED TO REPORT HIS FINDINGS TO CONGRESSMAN LOWRY. THE FIRST INCIDENT [redacted] CONCERNS AN ALLEGED MASSACRE OF SOME 300 PEOPLE NEAR QUIEJ CHIP, CHIANTLA, HUEHUETENANGO. ACCORDING [redacted] THE ARMY WAS USING MASSED CIVIL DEFENSE PATROLS TO FLUSH OUT GUERRILLAS IN HUEHUETENANGO, THE ARMY FOLLOWING THE PATROLS LIKE RIDERS TO THE HOUNDS. AFTER "TWO OR THREE DAYS OF THIS" THE CIVIL DEFENSE PATROL ALLEGEDLY RAN UP AGAINST A LARGE GROUP OF PEOPLE FLEEING UP A MOUNTAINSIDE. THE ARMY THEN PURPORTEDLY CUT DOWN THE ENTIRE LOT, CALLING IN A HELICOPTER TO ASSIST IN THE SLAUGHTER. THIS INCIDENT IS ALLEGED TO HAVE TAKEN PLACE ON APRIL 19 OR SLIGHTLY BEFORE. [redacted] THAT TWO DIFFERENT SOURCES REPORTED THIS; HE ALSO CLAIMED TO HAVE SPOKEN TO AN EYEWITNESS. [redacted] THAT HE COULD NOT VOUCH FOR THE TRUTH OF ALL THIS, BUT HE DID FEEL STRONGLY ENOUGH ABOUT IT TO FORWARD THE INFORMATION TO CONGRESSMAN LOWRY. B6 B6 B6 B6 B6

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4. AS FOR XEABAJ, EMBOFF TOLD [redacted] THE EMBASSY HAD JUST INVESTIGATED THIS VILLAGE AND THAT, AS FAR AS WE KNEW, NOTHING UNTOWARD HAD TAKEN PLACE THERE. [redacted] JOTTED THIS FACT DOWN ON HIS REPORT AND SAID HE WOULD SEND IT ON ANYWAY. EMBOFF [redacted] IF HIS SOURCES FOR ALL THIS INFORMATION WERE RELIABLE, ESPECIALLY IN VIEW OF THE APPARENT FALSITY OF THE XEABAJ STORY. [redacted] SOME OF HIS SOURCES ARE PEOPLE HE B6 B6 B6

IS PERSONALLY FAMILIAR WITH AND THEREFORE TRUSTS: OTHER SOURCES, HE ADMITTED, WERE SECOND OR THIRD-HAND ACCOUNTS. EMBOFF [redacted] THAT HIS ALLEGATIONS WERE OF A VERY SERIOUS NATURE AND THAT IF HIS SOURCES WISHED TO SPEAK TO AN EMBASSY OFFICER, SUCH AN INTERVIEW COULD BE ARRANGED. ON THE OTHER HAND, SHOULD HIS SOURCES PREFER NOT TO SPEAK WITH THE EMBASSY AND IN LIGHT OF THE INACCURACY OF HIS XEABAJ ALLEGATION, THE EMBASSY WOULD CONTINUE TO TAKE HIS ALLEGATIONS SERIOUSLY BUT NATURALLY WOULD REMAIN CONCERNED ABOUT BOTH THE SOURCES AND ACCURACY OF [redacted] INFORMATION. HE SAID HE UNDERSTOOD THIS AND THAT HE WOULD CONTINUE TO TRY TO COOPERATE WITH THE EMBASSY. B6 B6

5. [redacted] ALLEGATION CONCERNED A KARATE TEACHER WHO WAS SUPPOSEDLY SHOT TO DEATH ON THE CAMPUS OF SAN CARLOS UNIVERSITY. THIS ACT WAS ALLEGEDLY HUSHED UP, THE WITNESS BEING WARNED TO REMAIN SILENT. [redacted] IMPLIED THAT GOG SECURITY FORCES WERE B6 B6

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PAGE 01 GUATEM 03451 02 OF 02 030007Z
ACTION ARA-16

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FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC IMMEDIATE 4612
INFO AMEMBASSY BELIZE
AMEMBASSY MANAGUA
AMEMBASSY MEXICO
AMEMBASSY PANAMA
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AMEMBASSY SAN SALVADOR
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~~S E C R E T~~ SECTION 02 OF 02 GUATEMALA 03451

RESPONSIBLE FOR THE SHOOTING. THE INFORMATION ON THIS INCIDENT CAME FROM A STILL CLANDESTINE GROUP IN GUATEMALA CITY KNOWN AS THE "ASOCIACION GUATEMALTECA DE DERECHOS HUMANOS"(AGDH); [redacted] THAT PREFERS TO REMAIN UNDERGROUND FOR THE TIME BEING. B6

6. WE WILL ATTEMPT TO CHECK THE STORY OF QUIEJ CHIP. PER REF C, WE WILL DECLASSIFY GUATEMALA 3091 BY SEPTEL, AS CONGRESSMAN LOWRY WILL HAVE THE XEABAJ ALLEGATION SHORTLY AND THE CABLE TO BE DECLASSIFIED DOES NOT MENTION THE SOURCE OF OUR INFORMATION. [redacted] WOULD KEEP IN TOUCH. CHAPIN B6

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PAGE 01 SANTIA 02505 01 OF 02 031641Z
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R 031542Z MAY 83
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 5462
INFO AMEMBASSY BRUSEELS
AMEMBASSY BUENOS AIRES
USMISSION GENEVA

Chile Project (#S199900030)
U.S. Department of State
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C O N F I D E N T I A L SECTION 01 OF 02 SANTIAGO 2505

BRUSSELS FOR USEC LABATT

E.O. 12356: DECL: 05/02/89
TAGS: ELAB, PINT, CI
SUBJECT: MAY DAY 1983: FEWER ARRESTS, BUT MORE CRACKED HEADS

REFS: (A) SANTIAGO 2436; (B) SANTIAGO 634; (C) 82 SANTIAGO 7380; (D) 82 -,58-&9 2663

1. (U) SUMMARY: MAY DAY 1983 SAW FEWER ARRESTS THAN LAST YEAR (50 TO 60 IN SANTIAGO VS. 100 LAST YEAR), BUT THE POLICE WERE FIRMER IN BREAKING UP ONE UNAUTHORIZED DEMONSTRATION. PRESIDENT PINOCHET PRESIDED OVER THE OFFICIAL CELEBRATION WHICH WAS A ROUTINE AFFAIR. THE UNION OF DEMOCRATIC WORKERS (UDT), JOINED BY TWO OTHER DEMOCRATIC LABOR ORGANIZATIONS, HELD A PEACEFUL MEETING AT THE HEADQUARTERS OF THE NATIONAL PUBLIC EMPLOYEES ASSOCIATION (ANEF). THEY ENDORSE THE NATIONAL STRIKE MAY 11 CALLED FOR BY THE COPPERWORKERS CONFEDERATION (CTC), BUT THE UDT URGED IT BE CONVERTED INTO A NATIONAL DAY OF SOCIAL PROTEST, WITH A VARIETY OF POSSIBLE PROTEST
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PAGE 02 SANTIA 02505 01 OF 02 031641Z

MEASURES. THE CATHOLIC CHURCH SPONSORED A MAY DAY CELEBRATION APRIL 30 TO HONOR RETIRING CARDINAL SILVA.

2. (C) THE USE OF FORCE TO BREAK UP A DEMONSTRATION, INCLUDING THE BEATING UP OF MEMBERS OF THE NEWS MEDIA, INDICATES THE GOC CONTINUES TO GIVE HIGHER PRIORITY TO

INTERNARL SECURITY THAN TO ITS IMAGE. END SUMMARY.

3. (U) MAY DAY 1983 WAS CLOSE TO A REPETITION OF 1982. APPROXIMATELY 50 TO 60 PERSONS WERE DETAINED FOLLOWING AN ABORTIVE EFFORT ORGANIZED BY THE NATIONAL LABOR COORDINATOR (CNS) TO HOLD AN UNAUTHORIZED RALLY AT THE PLAZA DE ARTESANOS, NOT FAR FROM THE CENTER OF SANTIAGO. SIMILAR TO THE POLICE ACTION LAST DECEMBER TO BREAK UP ANOTHER RALLY (REF C), MEN IN CIVILIAN DRESS, WIDELY ASSUMED TO BE MEMBERS OF A SPECIAL POLICE SQUAD, MOVED IN ON THE CROWD WITH CLUBS AND RUBBER TRANCHENS BEFORE THE RALLY GOT STATED AND BEAT SEVERAL PEOPLE INCLUDING MEMBERS OF THE PRESS. THERE WERE NO REPORTS OF SERIOUS INJURIES, HOWEVER. SOME OF THE CROWD (300 OR SO) SHIFTED LOCATIONS TO ANOTHER PARK. THERE UNIFORMED POLICE DISPERSED THEM AND DETAINED 50 PR 60. MOST OF THOSE DETAINED WERE RELEASED LATER IN THE DAY, BUT 17 REPORTEDLY REMAINED IN CUSTODY MAY 2. THERE WERE REPORTS ALSO OF MINOR DPTURBANCES IN OTHER CITIES AND A FEW ARRESTS.

4. (U) OTHERWISE, PRESIDENT PINOCHET PRESIDED OVER THE OFFICIAL MAY DAY FESTIVITIES, ATTENDED BY 3,000 LABOR AND BUSINESS REPRESENTATIVES. THE PRESIDENT, HEADING A LIST OF SPEAKERS INCLUDING LABOR MINISTER MARDONES AND UNION LEADER PEDRO BRICENO, DID NOT ANNOUNCE ANY NEW INITIATIVES. HE DENOUNCED BUSINESSMEN WHO VIOLATE THE LABOR LAW AND UNION LEADERS WHO ENGAGED IN POLITICS. MARDONES SAID THE WORST OF THE ECONOMIC CRISIS WAS BEHIND, THAT THE LABOR PLAN WAS CONFIDENTIAL

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PAGE 03 SANTIA 02505 01 OF 02 031641Z

WORKING WELL BUT MIGHT NEED SOME FINE-TUNING, AND WARNED THAT THE GOVERNMENT WOULD NOT TOLERATE ACTS WHICH VIOLATED THE LAW, APPARENTLY REFERRING TO THE PROPOSED ILLEGAL STRIKE CALLED FOR MAY 11 BY THE COPPERWORKERS CONFEDERATION (REF A). BRICENO CALLED FOR UNSPECIFIED REVISIONS IN THE LABOR PLAN WITH INPUT FROM LABOR. HE, TOO, DENOUNCED THOSE EMPLOYERS WHO VIOLATE THE LAW. HE ALSO CALLED FOR THE ESTABLISHMENT OF THE TRIPARTITE LABOR COUNCIL, WHICH HAS BEEN ON THE BOOKS BUT NO IMPLEMENTED SINCE 1978.

5. (LOU) MEANWHILE, THE NATIONAL ASSOCIATION OF PUBLIC EMPLOYEES (ANEF) HOSTED A GATHERING OF OPPOSITION UNION, INCLUDING THE UNION OF DEMOCRATIC WORKERS (UDT), THE UNIFIED WORKERS FRONT (FUT) AND THE CONFEDERATION OF PRIVATE WORKERS (CEPCH). ANEF PRESIDENT HERNOL FLORES PAID HOMAGE TO TUCAPEL JIMENEZ, THE ASSASSINATED ANEF LEADER. ANEF FOUNDER CLOTORIO BLEST, NOW 83, REMINISCED. FUT PRESIDENT SOTO AND CEPCH LEADER MUJICA SPOKE STRONGLY ON THE NEED FOR UNITY OF THE DEMOCRATIC LABOR

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PAGE 01 SANTIA 02505 02 OF 02 031658Z
ACTION ARA-16

INFO	OCT-00	COPY-01	ADS-00	AID-07	INR-10	EUR-12	SS-10
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R 031542Z MAY 83
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 5463
INFO AMEMBASSY BRUSSELS
AMEMBASSY BUENOS AIRES
USMISSION GENEVA

C O N F I D E N T I A L SECTION 02 OF 02 SANTIAGO 2505

BRUSSELS FOR USEC LABATT

FORCES AND SUPPORTED THE CALL FOR A NATIONAL STRIKE. UDT PRESIDENT RIOS ATTACKED THE PINOCHET GOVERNMENT FOR DESTROYING THE GAINS MADE BY LABOR SINCE 924. HE ATTACKED HARSHLY FORMER LABOR MINITER PINERA FOR AUTHORING THE LABOR PLAN (PINERA'S FATHER WAS IN ATTENDANCE AND APPLAUDED RIOS' REFERENCE TO THE FORMER LABOR MINISTER). RIOS APPEALED TO PRESIDENT PINOCHET TO HOLD A NEW PLEBISCITE TO DETERMINE IF THE CHILEAN PEOPLE STILL WANT HIM TO CONTINUE IN POWER, THUS REPEATING THE MESSAGE CONTAINED IN THE JANUARY 31, 1983 LETTER SENT TO PINOCHET BY 1,197 DEMOCRATIC OPPOSITION UNION LEADERS (REF B). RIOS AND THE UDT SUPPORTED THE CALL FOR A STRIKE IN PRINCIPLE BUT PREFERRED TO CONVERT IT INTO A SO-CALLED NATIONAL DAY OF SOCIAL PROTEST IN WHICH THE ORGANIZATIONS NOT ABLE OR WILLING TO ENGAGE IN AN ILLEGAL STRIKE COULD CHOOSE ANOTHER FORM OF ACTION, E.G. WORK SLOWDOWN, FASTING, OR MASSIVE "SICK" LEAVE. THE MEETING ENDED PEACEFULLY, WITHOUT INCIDENT, ALTHOUGH TWO BUSLOADS OF POLICE AND A WATER CANOON WERE NEARBY.
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PAGE 02 SANTIA 02505 02 OF 02 031658Z

6. (U) ON APRIL 30, THE CATHOLIC CHURCH'S LABOR VICARIATE HOSTED A CELEBRATION. THAT GATHERING, TO HONOR

CARDINAL SILVA, WHO WILL RETIRE SOON, WAS ATTENDED BY 3-4,000 GUESTS. THE CARDINAL SAID: "THERE ARE THOSE WHO HAVE CRITICIZED ME FOR INVOLVING MYSELF IN AREAS THAT ARE NONE OF MY BUSINESS, BUT FOR ME IT HAS ALWAYS BEEN AN IRREFUTABLE TASK TO DEFEND THE COMPETENCE OF THE CHURCH IN THESE (LABOR AND HUMAN RIGHTS) FIELDS."

7. (C) COMMENT: AS WAS THE CASE LAST DECEMBER, THE APPEARANCE OF MEN IN CIVILIAN DRESS, MOST LIKELY MEMBERS OF THE POLICE, TO CRACK HEADS, INCLUDING THOSE OF SOME MEMBERS OF THE NEWS MEDIA, SUGGESTS THE GOC HAS GREATER INTEREST IN CROWD CONTROL AND INTERNAL SECURITY THAN IN ITS DOMESTIC AND INTERNATIONAL IMAGE. THEBERGE

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Chile Project (#S199900030)
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Exemption(s) ____

-- My return to Washington provides an important opportunity to determine the prospects for certification for either or both of the two countries.

-- As I have explained before, the rapid changes in Argentina are creating different attitudes toward that country, while the perception of Chile by many in Washington is that there has been little or no positive change in the last two years; some critics even claim that the government is becoming harder.

-- The Administration remains committed to the objective of restoring military cooperation with both countries, but that objective can only be achieved within the reality of the circumstances and means available to us.

-- There are obviously things that could change in Chile that would facilitate that closer cooperation sought by both our governments, just as there are events or trends that make cooperation more difficult.

-- The Administration has never tried to use the certification requirement as an instrument of pressure, and any ideas that we have as to what could facilitate cooperation are not demands or conditions, but rather our views regarding changes that would most effectively answer reasonable doubts that moderate US sectors may have about the situation here.

-- For example, the practice of forced exile is very controversial in the US and many Western countries, in large part because of the use of it by the Soviet Union. Anything that might be done to permit the return of larger numbers and more significant figures

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to return to Chile would therefore be positive, in order to overcome the concern that the Exile Commission was largely a symbolic gesture.

-- Further, anything that demonstrates that non-violent political dissent is tolerated, rather than being treated on the same basis as extremist violence, will be helpful to overcome doubts about the intention and ability of the government to distinguish political opposition from subversion. This is particularly important in connection with what are perceived as flagrant violations of individual rights, such as torture or police mistreatment in secret detention facilities not subject to effective judicial review, which cannot be accepted by any civilized government.

-- Finally, any steps that show progress toward a new and open political system would be very helpful, since they help illustrate the commitment of the government to achieve a real transition which gradually provides greater participation and liberty. Implementation of the municipal reforms and election of CODECO members could be such a useful step, consistent with the government's own plans and declarations.

-- Let me reiterate that these ideas are not any US scheme as to what is best for Chile, but simply our views of what could help bring about more positive understanding for the need for closer cooperation, especially among moderate groups in Congress.

-- Needless to say, events or trends that seem to move in opposite directions can only defeat that purpose, and make it harder for us to cooperate to strengthen the security of both countries.

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TO SECSTATE WASHDC PRIORITY 4621
INFO AMEMBASSY BELIZE
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DEPARTMENT OF STATE 9700620 IS/FPC/CDR Date: 8/23/96
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E.O.12356: DECL: 5/3/89
TAGS: PINS, PGOV, GT, SHUM
SUBJECT: ALLEGATION OF MASSACRE IN QUIEJ CHIP, HUEHUETENANGO

REF: GUATEMALA 3451

1. S - ENTIRE TEXT.

2. THE EMBASSY HAS CHECKED THE ALLEGATION COUNTAINED IN REFTEL THAT THE ARMY KILLED SOME 300 PEOPLE NEAR QUIEJ CHIP, CHIANTLA, HUEHUETENANGO. WE FOUND AN ARMY BULLETIN DATED APRIL 20 THAT STATES THAT A GUERRILLA CAMP WAS FOUND NEAR QUIEJ CHIP ON APRIL 19. THE CAMP WAS SAID TO HOLD CORN PATCHES,
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PAGE 02 GUATEM 03459 031909Z

LOFTS FOR CORN STORAGE AND 70 SHEEP. THE

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ARMY BULLETIN STATED THAT THE LOFTS WERE BOOBY-TRAPPED. THERE WAS NO MENTION OF AN ARMED CLASH.

3. [redacted] SOURCE OF THE ALLEGATION, TOLD EMBOFF THAT HE HAD SPOKEN WITH A MAN (REFTEL) WHO CLAIMED TO BE A WITNESS TO THIS MASSACRE. THE WITNESS WAS PURPORTEDLY A MEMBER OF A CIVIL DEFENSE PATROL THAT WAS FORCED TO ASSIST THE ARMY IN THIS OPERATION. THERE IS SOMETHING ODD ABOUT THIS. IN AREAS OF CONFLICT, THE ARMY WILL OFTEN STRICTLY CONTROL THE MOVEMENT OF CIVILIANS, THIS TO DISTINGUISH ROVING GUERRILLAS FROM TRAVELING NONCOMBATANTS. IN AREAS LIKE THIS, PERMISSION FROM MILITARY AUTHORITIES IS OFTEN NECESSARY TO TRAVEL TO THE CAPITAL OR TO THE SOUTH COAST. IF [redacted] WAS INDEED PRESENT AT THIS ALLEGED MASSACRE, HOW COULD HE SO EASILY OBTAIN PERMISSION TO TRAVEL TO THE CAPITAL AND SO QUICKLY FIND [redacted] WHOSE PRESENCE HERE IS NOT WIDELY KNOWN?

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4. NEVERTHELESS, IN VIEW OF THE SERIOUSNESS OF THE ALLEGATION AND THE FACT THAT IT IS ON ITS WAY TO CONGRESSMAN MIKE LOWRY, WE WILL FURTHER CHECK THIS STORY AS QUICKLY AS POSSIBLE. TAYLOR

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DEPARTMENT OF STATE

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Chile Project (#S1999000630)
U.S. Department of State
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Exemption(s) Bosworth
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POLICY PLANNING TALKS
May 2-3 1983
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Policy Planning Talks

Agenda

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CHILE: DOMESTIC SITUATION/FOREIGN POLICY

The Pinochet Government, which has directed a long term program of economic and political restructuring in Chile since 1973, still seems firmly entrenched. Nevertheless, there is rising popular discontent fueled by serious economic problems and opposition political groups, and pressures for change toward a more representative system are building up. The first Congressional elections are not scheduled until 1990, political parties remain banned and even elements of the conservative government coalition favor some transitional moves. Two wide ranging political opposition groupings, PRODEN (National Development Project) and the MULTIPARTIDARIA non-marxist multi-party coalition, have been formed recently. These groups seek to assemble broad-based popular movements advocating the return of democratic government and a major overhaul of economic policy. Pinochet has rejected their aims, but has countered with the creation of a commission to write new organic laws relating to elections, political parties, etc.

After significant improvement in the human rights situation from 1976-79, there has been little improvement since 1980. Demonstrations protesting economic and political conditions have increased recently, resulting in numerous arrests. While most of those detained are released shortly thereafter, activists have been charged, some have been internally banished and a few have been sent into foreign exile. A commission set up in October to review the cases of exiles who wished to return to Chile, has been disappointing. To date about 350 of the estimated 10,000 exiles have been authorized to return and the lists have not included politically prominent persons.

Despite Pinochet's increasing problems, there is no indication yet that he has lost significant support among the military. Neither is there at present any evidence that the President is contemplating any kind of a political opening or dialogue with his detractors. While terrorist activity continues, mainly in the form of bombings and robberies, the problem is not now of major proportions.

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DECL: OADR

Chilean real economic growth, which had averaged 7 percent during the 1976-1981 period, declined in 1982 by about 13 percent. Unemployment rose to approximately 25 percent, and the number of business failures became ominous. Inflation, which had hovered around zero in the early months of 1982, jumped to over 40 percent in the second half of the year but is expected to stabilize at about 20 percent in 1983. Servicing Chile's external debt of more than $18 billion became increasingly troublesome. Nevertheless, the Government remained committed to free market economic policies while showing greater flexibility in interpreting the model.

In 1983 Chile has faced a severe liquidity crisis because of a bunching of debt repayments and an erosion of confidence in Chile following the Government's intervention of a number of financial institutions in January. To stem reserve losses and allow time to reschedule $3 billion in 1983-84 repayments, the GOC announced a 90-day standstill on debt repayments effective February 1. Although replacement of the economic team in mid-February temporarily delayed progress of the debt renegotiations, announcement of a pragmatic emergency economic plan on March 22, which included a temporary increase in tarrifs and a domestic debt refinancing program, helped restore the momentum. Since then, the GOC has made substantial progress on the debt restructuring and on a $1.46 billion medium term loan. Chile must still cover its short-term borrowing needs of about $450 million through July 15.

The Bank Advisory Group has approved in principle a $180 million short-term loan and Chile is seeking $300 million from the BIS and some official USG assistance. Their request for an ESF loan from Treasury was turned down last month; they are now inquiring about the possibility of a gold backed loan from the Federal Reserve Bank.

After signing an IMF Standby Agreement in January, Chile missed its March targets on domestic credit expansion and international reserves. The IMF has agreed to seek a waiver from the Board if the GOC were in compliance with its shadow program by June 30, and if the commercial banks had a written agreement to provide the medium term loan.

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The U.S. Government has authorized $144.5 million in CCC in blended agricultural credits and CCC credit guarantees. EXIM Bank is optimistic about obtaining board approval for a $50 million medium term credit program. We have expressed strong support for Chile and its economic model in our continuing discussions with the international banking community.

While Chilean-US relations have improved greatly during the past two years, efforts to fully normalize them have been impeded by Chile's lack of meaningful human rights progress and our continuing legislative ban on security assistance and military sales. The Presidential certification to the Congress necessary for the resumption of such assistance and sales requires, among other things, significant human rights progress and Chilean cooperation in bringing the Letelier/Moffitt assasins to justice. To date we have not been able to justify certification on these issues. A Customs investigation of illegal exports to Chile, has added a new complication to the certification question.

The Chilean Government feels isolated internationally and remains apprehensive about Argentine intentions in the Beagle Channel area. Not surprisingly it has entered into an increasingly closer relationship with the United Kingdom where it is obtaining military material unavailable from the United States. Nevertheless, the Chileans support us on most security, political and economic issues. Chile's strongly anti-Soviet/Cuban foreign policy and its market oriented economic policies facilitate bilateral hemispheric and global cooperation. The GOC agrees with the US on Central American issues and supports us on maintenance of Israeli representation in international organizations. On the question of a Bolivian outlet to the sea, the US continues to believe that the best hope for an agreement lies in renewed bilateral discussion. Unfortunately, Chile and Bolivia have held no talks on this matter since Bolivia broke off diplomatic relations in 1978.

April 25, 1983

CONFIDENTIAL

UNCLASSIFIED

CHILE: Domestic Situation/Foreign Policy

Drafted:ARA/SC:DIKemp:dmt
ECP:BRichardson
4/21/83 x22575 #3663S

Cleared:ARA/SC:NSSmith
ARA/CA:CAllen
NEI/IAI:JHerbst (substance)
PM/SAS:EVargas
EB/OMA:GHMaybarduk
ARA/SC:RBHoward

UNCLASSIFIED

PAGE 01 SAN JO 03010 041508Z
ACTION ARA-16

INFO OCT-00 COPY-01 ADS-00 AID-07 INR-10 EUR-12 SS-10
CIAE-00 DODE-00 H-01 IO-15 NSCE-00 NSAE-00 SSO-01
SY-06 HA-08 L-03 PM-08 PA-01 INRE-00 SAL-01
ANAE-00 RP-10 ACDA-12 SYE-00 USIE-00 SP-02 SR-06
SNP-01 PRS-01 /132 W
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O 041505Z MAY 83
FM AMEMBASSY SAN JOSE
TO SECSTATE WASHDC IMMEDIATE 5419
INFO AMEMBASSY BOGOTA PRIORITY
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AMEMBASSY GUATEMALA PRIORITY
AMEMBASSY MANAGUA IMMEDIATE
AMEMBASSY MEXICO PRIORITY
AMEMBASSY PANAMA PRIORITY
AMEMBASSY SAN SALVADOR IMMEDIATE
AMEMBASSY TEGUCIGALPA PRIORITY
USCINCSO QUARRY HTS PN PRIORITY

[redacted] SAN JOSE 03010

E.O. 12356: N/A
TAGS: PINS, PREL, NU, CS
SUBJECT: NICARAGUANS REPORTED FIGHTING WITH FMLN

REF: SAN JOSE 2969

1. POLOFF HAS DEBRIEFED OWNER OF TRUCKING COMPANY WHO FLEW TO HONDURAS TO RETRIEVE COSTA RICAN DRIVER OF TRUCK CAUGHT IN APRIL 29 FIREFIGHT BETWEEN GOES TROOPS AND INSURGENTS AT EL HATILLO BORDER CROSSING. THE DRIVER, EDWIN MONTERO, WAS HELD SEVERAL HOURS BY GUERRILLAS IN A SMALL HOUSE AND HE HAD [redacted]

PAGE 02 SAN JO 03010 041508Z

DIRECT CONTACT WITH SOME 15 OF THEM. MONTERO [redacted]

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: SLOTT, DICK
Date: 06/14/94
Case ID: S940034E

DECONTROLLED/UNCLASSIFIED

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[redacted]SE

HAD COMPLETED CUSTOMS CLEARANCES AND WAS SLEEPING ON SALVADORAN SIDE OF BORDER AT TIME OF ATTACK. HIS TRUCK WAS COMPLETELY DESTROYED BY INCENDIARY BOMBS.

2. MONTERO IDENTIFIED ABOUT HALF OF THE FIFTEEN GUERRILLAS WHOM HE PERSONALLY HEARD SPEAK AS NICARAGUANS. HE HAS BEEN AN EMPLOYEE OF THE COSTA RICAN OWNED ARWEST TRUCKING COMPANY FOR TEN YEARS, AND HAS BEEN MAKING THE RUN FROM PANAMA TO MEXICO DURING THIS TIME. IT IS THEREFORE A PRETTY GOOD BET THAT HE RECOGNIZES VARIOUS CENTRAL AMERICAN ACCENTS. MONTERO ALSO SAID THAT THE COMMANDER OF THE GUERRILLA GROUP WAS CUBAN (WE DO NOT KNOW WHAT EXPERTISE HE HAS TO MAKE THAT CALL). HE FURTHER OBSERVED THAT FOUR WOMEN IN THE GROUP WITH WHOM HE CAME INTO CONTACT DID NOT APPEAR TO BE CENTRAL AMERICANS -- BLUE-EYED, ETC., AND THEY CAREFULLY AVOIDED SPEAKING IN THE PRISONER'S PRESENCE.

3. MONTERO ALSO TOLD HIS EMPLOYER THAT THE GUERRILLAS FINISHED OFF THEIR WOUNDED RATHER THAN SEE THEM CAPTURED AND BURNED THE BODIES. THIS MAY CONFIRM THAT FOREIGNERS WERE IN THE ATTACKING GROUP, AND GUERRILLAS WERE ANXIOUS TO ELIMINATE POSSIBILITY OF THEIR DETECTION. MCNEIL

[redacted]

[redacted]

UNCLASSIFIED

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OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNCLASSIFIED

UNITED STATES GOVERNMENT

Memorandum

CONFIDENTIAL

TO : The Ambassador

FROM : POL - Michael L. Durkee

DATE: May 4, 1983

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

SUBJECT: Analysis of Human Rights in Chile, 1980 Through March 1983

Below are two tables which summarize the data you requested on human rights in Chile:

TABLE I
TOTALS BY CATEGORY, 1980 THROUGH MARCH 1983

	Vicariate of Solidarity				Commission	
	1980	1981	1982	Jan-Mar 1983	1982	Jan-Mar 1983
Individual Arrests	678	646	312	119	306	111
Mass Arrests	451	263	901	434	1483	440
Total Arrests	1129	909	1213	553	1789	551
Torture Complaints	100	68	57	17	100	37
Political Prisoners	156	226	249	253		
In Jail	106	134	126	104		
Out On Bail	43	82	113	122		
Convicted and Serving Sentences	7	20	10	27		
Administrative Relegations	106	60	66	35	66	35
Administrative Expulsions	1	6	4	-	12	3

TABLE II
MONTHLY TOTALS FOR INDIVIDUAL AND MASS ARRESTS
1980 THROUGH MARCH 1983

	1980		1981		1982		1983	
	Ind.	Mass	Ind.	Mass	Ind.	Mass	Ind.	Mass
January	17	-	61	-	30	91	31	2
February	5	-	53	-	23	35	14	130
March	25	144	115	-	38	198	74	302
April	68	-	61	-	39	2		
May	126	57	50	239	32	42		
June	17	150	35	-	27	-		
July	113	7	46	15	16	38		
August	56	19	27	-	17	41		
September	109	15	33	-	34	68		

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DECL: 05/04/89

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	1980		1981		1982		1983	
	Ind.	Mass	Ind.	Mass	Ind.	Mass	Ind.	Mass
October	39	36	31	9	11	163		
November	78	-	96	-	19	12		
December	25	23	38	-	26	211		
TOTALS	678	451	646	263	312	901		

Analysis

While the two tables summarized above are largely self-explanatory, I would like to draw your attention to the following points:

1. INDIVIDUAL ARRESTS: Individual arrests over the past three years have shown a steady downward trend: 678; 646; and 312 (see Table I).

2. MASS ARRESTS: The trend on mass arrests has been uneven: 451; 263; and 901 (see Table II). However, the great majority of the arrests can be explained by specific and isolated events, such as illegal political demonstrations or illegal seizures of vacant land, most of which have been sponsored or encouraged by the extreme Left. Reference to Table II clearly demonstrates the relationship between illegal protest acts, mass arrests and a consequent "hyping" of human rights violations statistics. For example:

-- March 1980 (144 arrested) - demonstration for the Dia de la Mujer.

-- June 1980 (150 arrested) - hunger march.

-- May 1981 (239 arrested) - May Day demonstrations.

-- January 1982 (91 arrested) - funeral of Eduardo Frei.

-- March 1982 (198 arrested) - tomo de terreno.

-- October 1982 (163 arrested) - university student demonstrations.

-- December 1982 (211 arrested) - multigremial demonstrations of agricultural producers in Temuco and CNS workers in Santiago in early December plus street demonstration on December 15.

-- February 1983 (130 arrested) - tomo de terreno and illegal strike at MADECO.

-- March 1983 (302 arrested) - street demonstration on March 24.

In almost all cases, demonstrators were released without charges in periods ranging from a few hours to the maximum period of five days detention without charge.

3. RELEGATIONS: The trend for administrative relegations has been uneven: 106; 60; and 66 (see Table I). Once again, however, a relationship can be discerned between illegal demonstrations and relegations. For example:

-- October 1982 - 5 relegated for university student demonstration.

-- December 1982 - 15 relegated for street demonstration.

-- March 1983 - 34 relegated for street demonstration.

4. EXPULSIONS: In the case of administrative expulsions, the yearly totals are so small (1, 6 and 4) as to be statistically meaningless. However, once again a relationship with illegal activities may be discerned. For example:

-- 1981 - 4 of the 6 were expelled for signing a petition supporting the illegal CNS.

-- 1982 - 3 of the 4 were expelled for participating in the December multigremial demonstrations.

5. TORTURE: Complaints of torture registered with the Vicaria have shown a downward trend the past three years: 100; 68; and 57 (see Table I).

6. POLITICAL PRISONERS: Although Table I would indicate an increase in the number of political prisoners in Chile, our sources at the Vicaria say the monthly and annual variations in the statistics are more closely related to the rapidity or slowness of the judicial process than anything else.

Attachments

Copies of cables by Mary Porto and Ed Vazquez have been included to clarify statistical differences between the monthly reports of the Vicaria and the Commission and to throw light on other aspects of the statistical picture. A memo from Mary Porto on MIRistas killed or captured in the past twenty months is included to help explain the background of Commission claims of phony enfrentamientos.

ATTACHED:

1. 82 Santiago 4941.
2. 83 Santiago 1843.
3. Porto memo to AMB 2/25/83.

POL:DBHarrington/MLPorto:cga

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AN: D830256-0693

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FM SECSTATE WASHDC
INFO USMISSION USUN NEW YORK IMMEDIATE

[redacted] STATE 123712

FOLLOWING REPEAT SENT ACTION SECSTATE INFO BOGOTA CARACAS GUATEMALA MANAGUA MEXICO PANAMA SAN SALVADOR TEGUCIGALPA USCINCSO QUARRY HTS PN MAY 3
QUOTE
[redacted] SAN JOSE 02969

E.O. 12356: DECL: OADR
TAGS: PINS, PREL, NU, CS
SUBJECT: NICARAGUANS FIGHTING WITH THE FMLN?

1. WE ARE INVESTIGATING, BUT HAVE PRELIMINARY INFORMATION THAT TWO COSTA RICAN TRUCK DRIVERS, WHO WERE CAUGHT UP IN THE FMLN ATTACK ON THE BRIDGE OVER THE RIVER GOASCORAN BETWEEN SALVADOR AND HONDURAS, SAY THEY RECOGNIZED, BY THEIR ACCENTS, NUMBERS OF NICARAGUANS AMONG THE FMLN ATTACKERS. IF TRUE, IT COULD PROVIDE A SMOKING GUN OF CONSIDERABLE UTILITY BOTH IN THE WAR IN WASHINGTON AND IN TERMS OF THE DIPLOMATIC TRACK AND THE CONTADORA FOUR. WILL REPORT FURTHER SOONEST. MCNEIL

[redacted]

PAGE 02 STATE 123712

UNQUOTE OAM

[redacted]

UNCLASSIFIED

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: SLOTT, DICK
Date: 06/14/94
Case ID: S940034E

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Case Number: s199900030

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PAGE 01 SANTIA 02549 051212Z
ACTION SS-25

INFO OCT-00 COPY-01 ADS-00 SSO-01 /027 W
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FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 5478
INFO RUENVLOUSMISSION USUN NEW YORK 2449

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

~~S E C R E T~~ SANTIAGO 2549

EXDIS DECAPTION

DEPARTMENT PLEASE PASS CINCSO - LTC NUTTING

E.O. 12356: DECL: OADR
TAGS: PGOV, PREL, SHUM, CI
SUBJECT: FOREIGN MINISTER SCHWEITZER ON DOMESTIC POLITICS, FOREIGN RELATIONS AND HUMAN RIGHTS

1. S - ENTIRE TEXT.

2. WE HAD ANOTHER LONG AND FRANK CONVERSATION ON MAY 3 WITH FOREIGN MINISTER SCHWEITZER, IN ORDER TO RESPOND TO HIS EARLIER REQUEST FOR OUR IDEAS ON THOSE AREAS IN WHICH CHANGES MIGHT IMPROVE FOREIGN PERCEPTIONS OF CHILE AND THUS CONTRIBUTE TO CLOSER COOPERATION WITH THE US AND OTHER WESTERN GOVERNMENTS. WE MADE CLEAR FROM THE OUTSET THAT OUR THINKING ON SUCH SENSITIVE INTERNAL AFFAIRS WAS BEING OFFERED IN THE SPIRIT OF OPEN DIALOGUE THAT HE HAD ASKED FOR, AND THAT THERE WAS NO INTENT TO USE CERTIFICATION AS A MEANS TO IMPOSE CONDITIONS OR DEMANDS.

3. THE THREE SPECIFIC AREAS WHICH WE MENTIONED AS HAVING MAJOR POTENTIAL FOR IMPROVEMENT WERE THE RETURN OF EXILES, GREATER TOLERANCE FOR NON-VIOLENT POLITICAL DISSENT (INCLUDING MEASURES TO PREVENT PHYSICAL ABUSE OF PEOPLE

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PAGE 02 SANTIA 02549 051212Z

DETAINED OUTSIDE THE NORMAL JAIL SYSTEM), AND IMPLEMENTATION OF CONCRETE TRANSITION MEASURES THAT WOULD PERMIT GREATER PUBLIC PARTICIPATION, SUCH AS THROUGH ELECTED MUNICIPAL COUNCILS. WE ALSO NOTED THAT IN THE ABSENCE OF NEW POLITICAL INITIATIVES AND CONSISTENT GOC POLITICAL MANAGEMENT, THE COURSE OF INTERNAL AFFAIRS WOULD BE LARGELY DETERMINED BY

THE DISCONTENT AND FRUSTRATIONS GENERATED BY THE RECESSION, WITH THE RESULTING EROSION OF GOVERNMENT SUPPORT THAT INTERIOR MINISTER MONTERO HAD RECENTLY DESCRIBED IN HIS SPEECH TO THE CONFERENCE OF MAYORS.

4. SCHWEITZER ACKNOWLEDGED THAT THE PRESENT SITUATION WAS VERY DIFFICULT AND DANGEROUS. HE ACCEPTED OUR COMMENTS IN THE SPIRIT INTENDED AND SAID HE WOULD NOT TAKE REFUGE IN THE POSITION THAT FOREIGN GOVERNMENTS HAD NO ROLE IN DOMESTIC AFFAIRS. BUT WE MUST UNDERSTAND, HE WENT ON, THAT THE GOVERNMENT WAS BEING CONFRONTED BY AN ESCALATING CAMPAIGN OF CRITICISM AND ATTEMPTED DEMONSTRATIONS WHICH THEY HAD REASON TO BELIEVE WOULD CONTINUE INTO SEPTEMBER, CULMINATING WITH THE TENTH ANNIVERSARY OF THE TAKEOVER. THE VIOLENT DEMONSTRATION IN MARCH, THE INCIDENTS ON MAY DAY AND NOW THE CALLS BY THE COPPER WORKERS FOR A NATIONAL STRIKE ON MAY 11 WERE OF GREAT CONCERN TO THE GOVERNMENT, AND MANY GOC LEADERS BELIEVED THAT THE GOVERNMENT WOULD HAVE TO TAKE DIRECT PREVENTIVE MEASURES TO KEEP THINGS FROM GETTING OUT OF HAND. WHILE HE AND OTHERS IN THE CABINET WERE TRYING TO HOLD THE LINE, TO KEEP INTERNAL SECURITY MEASURES WITHIN THE JUDICIAL SYSTEM, THE PRESIDENT AND OTHER OFFICIALS WERE MORE SENSITIVE TO THE SERIOUS RISK THAT LARGER, MORE SUCCESSFUL DEMONSTRATIONS COULD SET OFF A CHAIN OF EVENTS THAT WOULD BE VERY DANGEROUS.

5. SCHWEITZER WENT ON TO SAY THAT HE FULLY UNDERSTOOD THE
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PAGE 03 SANTIA 02549 0512122

NEED FOR THE GOVERNMENT TO ACT SO AS TO REGAIN THE POLITICAL INITIATIVE. A NEW LIST OF EXILES APPROVED FOR RETURN WOULD SOON BE RELEASED, AND THIS PROCESS WOULD CONTINUE, DESPITE THE FACT THAT NO ONE HAD ANYTHING GOOD TO SAY ABOUT IT. HE WAS ALSO TRYING, WITH OTHERS, TO PROCEED WITH THE VARIOUS REFORM PROGRAMS THAT WERE ESSENTIAL TO LAY THE BASIS FOR A STABLE DEMOCRACY. THE FERNANDEZ COMMISSION WOULD BE A VALUABLE MECHANISM TO ENCOURAGE THE PARTICIPATION OF SECTORS OUTSIDE THE GOVERNMENT IN PLANNING THE TRANSITION. AND HE WAS VERY AWARE OF THE ENORMOUS POLITICAL COST OF ALLEGED ABUSES OF DETAINEES, EVEN THOUGH HE BELIEVED THAT MANY SUCH ALLEGATIONS WERE POLITICALLY-MOTIVATED INVENTIONS. HE CONCLUDED BY SAYING THAT HE BELIEVED THAT THE US AND CHILEAN OBJECTIVES WERE VERY SIMILAR, IN THAT BOTH GOVERNMENTS WANTED TO SEE A PEACEFUL TRANSITION TO DEMOCRACY, AND THAT WE SHOULD BE PATIENT AND HAVE CONFIDENCE THAT POSITIVE CHANGES COULD BE ACCOMPLISHED.

6. COMMENT: AS IN OUR PREVIOUS CONVERSATIONS, SCHWEITZER

WAS VERY OPEN AND PREPARED FOR CANDID DISCUSSIONS. HIS DESCRIPTION OF THE DECISION-MAKING PROCESS WITHIN THE GOVERNMENT RINGS TRUE, GIVEN THE TOP PRIORITY THAT THE PRESIDENT OBVIOUSLY GIVES TO MAINTAINING HIS CONTROL. THE BELIEF THAT THE OPPOSITION IS GATHERING ITS STRENGTH FOR A MAJOR CAMPAIGN, AIMED AT THE SEPTEMBER 11 ANNIVERSARY, IS SOMETHING WE HAVE BEEN HEARING LATELY, THOUGH WE ARE LESS SURE THAT THE COPPER WORKERS' CALL FOR A PROTEST ON MAY 11 IS PART OF A COORDINATED STRATEGY. BUT OF MORE CONCERN IS THE APPARENT INABILITY OF THE GOVERNMENT TO DEVELOP A POSITIVE STRATEGY OF ITS OWN, AND BEING COMPELLED TO RESPOND TO EVENTS RATHER THAN TRYING TO INFLUENCE THEM. THEBERGE

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05-05-05 (ARLOO)

PR20061-0315

Congress of the United States
House of Representatives
Washington, D.C. 20515

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77

May 5, 1989

ACTION
Is assigned to
ARA

Office of Congressional Liaison
Department of State
Washington, D. C. 20520

Dear Sir:

Enclosed is a letter from one of my constituents concerning the Human Rights certification required for aid to Chile.

I would appreciate having your comments, and any explanation which might increase his understanding of our policy in this matter.

Sincerely,

Barber B. Conable, Jr.

enclosure

C/t

State Project (#S19990058)
U.S. Department of State
Release___X_ Excise_____ Deny_____
Declassify: In Part_____ In Full_____
Exemption(s)_____

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DEPARTMENT OF STATE
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PAGE 01 SANTIA 02578 061412Z
ACTION SS-25

INFO OCT-00 COPY-01 ADS-00 SSO-01 /027 W
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FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 5488
INFO USMISSION USUN

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

~~S E C R E T~~ SANTIAGO 2578

EXDIS

DEPT PLEASE PASS USCINCSO FOR LTG NUTTING

E.O. 12356: DECL: OADR
TAGS: PGOV, PREL, CI
SUBJ: MEETING WITH GENERAL SANTIAGO SINCLAIR: CHILE'S INTERNAL PROCESS

1. S-ENTIRE TEXT.

2. AT THE REQUEST OF GENERAL SANTIAGO SINCLAIR, MINISTER SECRETARY GENERAL OF THE PRESIDENCY, I MET WITH HIM AT LA MONEDA OVER LUNCH YESTERDAY (MAY 5). THE GENERAL WAS VERY FRIENDLY AND THE CONVERSATION WAS CORDIAL THROUGHOUT. HE SAID THAT HIS GOVERNMENT WANTED TO MAINTAIN GOOD RELATIONS WITH THE UNITED STATES. IN AN ASIDE, HE STATED THAT THE CHILEAN GOVERNMENT WASNTED ALSO TO HAVE CORDIAL RELATIONS WITH THE CATHOLIC CHURCH, AND HE CONFIDED THAT HE BELIEVED THAT THE NEXT ARCHBISHOP OF SANTIAGO, THE REPLACEMENT OF CARDENAL SILVA, WOULD BE A MODERATE BISHOP AND NOT HOSTILE TO THE GOVERNMENT. HE EXPRESSED THE APPRECIATION OF THE CHILEAN GOVERNMENT FOR THE HELPFUL ATTITUDE OF THE USG IN THE EXTERNAL DEBT RENEGOTIATIONS.
3. GENERAL SINCLAIR SAID HE HAD BEEN TOLD BY THE FOREIGN MINISTER OF MY CONVERSATION WITH HIM ON THE PREVIOUS DAY
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PAGE 02 SANTIA 02578 061412Z

(SEE 2549), AND WANTED TO HEAR DIRECTLY WHAT I THOUGHT HIS GOVERNMENT COULD DO TO IMPROVE CHILE'S INTERNATIONAL IMAGE. I RESPONDED BY SAYING THAT PERHAPS THE SINGLE MOST EFFECTIVE STEP THAT THE GOVERNMENT COULD TAKE WOULD BE TO DEMONSTRATE ITS COMMITMENT TO THE POLICY OF ALLOWING EXILES TO RETURN. SO FAR, I SAID, THE SMALL

NUMBERS AND ABSENCE OF POLITICALLY SIGNIFICANT PERSONALITIES HAD BEEN A DISAPPOINTMENT WITHIN AND OUTSIDE OF CHILE. IF THE GOVERNMENT RELEASED A LARGE LIST, PERHAPS A THOUSAND, AT THE EARLIEST MOMENT, THE SERIOUSNESS OF THE CHILEAN GOVENMENT'S COMMITMENT TO ITS EXILE RETURN POLICY WOULD BE EVIDENT. HE THOUGHT THAT THIS WAS AN IDEA WITH MERIT WHICH HE SAID HE WOULD TAKE UP WITH THE PRESIDENT.
4. HE THEN POSED THE QUESTION OF WHAT ELSE COULD THE GOVERNMENT DO. I SAID THAT ANY CONCRETE STEP THAT WAS TAKEN BY THE GOVERNMENT WHICH DEMONSTRATED ITS INTENTION OF RETURNING CHILE TO DEMOCRACY WOULD BE WELL RECEIVED IN THE UNITED STATES AND OTHER DEMOCRATIC COUNTRIES. HE SAID THAT THE MUNICIPAL LEGISLATION, ESTABLISHING LEGISLATIVE COUNCILS CONSISTING OF REPRESENTATIVES OF ORGANIZED SECTORS OF EACH COMMUNITY, WAS ALREADY DRAFTED AND WAS BEING CONSIDERED FOR APPROVAL. I ASKED WHETHER THESE BASE ORGANIZATIONS WOULD ELECT THEIR REPRESENTATIVES, AND HE SAID THAT THEY WOULD. I SAID THAT IT WAS ESSENTIAL THAT DEMOCRATIC AND UNRESTRICTED ELECTIONS BE ALLOWED UNDER THE LEGISLATION, SO THAT THE PEOPLE'S WILL IS EXPRESSED AT THE LOCAL LEVEL. IF THAT HAPPENED, IT WOULD BE AN IMPORTANT STEP FORWARD ON THE TRANSITIONAL PATH.
5. I TOLD GENERAL SINCLAIR THAT RECENTLY I HAD NOTED A SERIOUS DETERIORATION OF SUPPORT FOR THE GOVERNMENT, A LOSS OF CREDIBILITY AND A DEEP CONCERN ABOUT THE APPARENT ABSENCE OF A TRANSITION STRATEGY ON THE PART OF SERIOUS

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PAGE 03 SANTIA 02578 061412Z

GOVENMENT SUPPORTERS WHO WANTED A PEACEFUL, ORDERLY RETRUN TO DEMOCRACY IN ACCORDANCE WITH THE CONSTITUTION. THIS WAS THE BUSINESS OF THE GOVERNMENT, OF COURSE, AND I WAS ONLY RELAYING WHAT I HAD HEARD FROM SEVERAL PROMINENT SUPPORTERS OF THE PINOCHET GOVERNMENT. WHILE NO DOUBT THE ECONOMIC RECESSION HAD ACCELERATED THE DECLINE IN GOVERNMENT SUPPORT, IT APPEARED THAT THE GOVERNMENT WAS SUFFERING ALSO FROM A LONG-TERM EXHAUSTION WHICH WAS A FUNCTION OF TIME IN POWER.
6. I ADDED THAT, IN OUR VIEW, THE INTEREST IN A STABLE DEMOCRACY COULD ONLY BE DAMAGED BY A POLARIZATION OF THE SOCIETY WHICH LEFT THE MILITARY ISOLATED AND DISCREDITED. THAT WAS A DANGER WHICH REQUIRED THE MOST THOUGHT BY THE CHILEAN GOVERNMENT AND ARMED FORCES. RESTORATION OF DEMOCRATIC PROCESS WAS A WAY TO AVOID SUCH AN UNHAPPY PROSPECT. GENERAL SINCLAIR REPLIED THAT HE AGREED WITH MUCH OF WHAT I HAD SAID AND THAT HE APPRECIATED MY FRANK COMMENTS AND EVIDENT DESIRE TO BE HELPFUL.

7. COMMENT: SINCLAIR'S INTEREST IN HAVING THIS CONVERSATION AND HIS APPARENT RECEPTIVITY TO WHAT I SAID LEAVES ME WITH THE IMPRESSION, AS DID THE EARLIER DISCUSSION WITH SCHWEITZER, OF DEEP CONCERN WITH THE GOVERNMENT ABOUT ITS DECLINING POPULARITY AND SUPPORT. BOTH MEN SEEM TO BE GROPING FOR APOLITICAL STRATEGY TO ARREST THE DRIFT OF RECENT MONTHS. THEIR EVIDENT INTEREST IN OUR VIEWS MAY MEAN THAT THEY ARE LOOKING FOR IDEAS AND ARGUMENTS TO USE IN OVERCOMING THE RESISTANCE OF THE PRESIDENT AND OTHER GOVERNMENT SECTORS TO TAKING NEW MEASURES.
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ISABEL MOREL DE LETELIER, MICHAEL MAGGIO, as personal representative of Orlando Letelier, CHRISTIAN A. LETELIER, JOSE I. LETELIER, FRANCISCO J. LETELIER, JUAN PABLO LETELIER, MICHAEL MOFFITT, individually, and as personal representative of Ronni Karpen Moffitt, MURRAY H. KARPEN, and HILDA KARPEN,

Judgment Creditors,

-against-

THE REPUBLIC OF CHILE, also doing business as LINEA AEREA NACIONAL-CHILE,

Judgment Debtor,

-and-

LINEA AEREA NACIONAL-CHILE,

Garnishee-Respondent.

Civ. A. No. M 18-302

REPLY BRIEF IN SUPPORT OF JUDGMENT CREDITORS' MOTION FOR APPOINTMENT OF RECEIVER FOR INTERESTS OF CHILE IN UNITED STATES COMMERCIAL ASSETS OF LAN-CHILE AIRLINE

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Dated: May 6, 1983

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____

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TABLE OF CONTENTS

Page

REPLY BRIEF IN SUPPORT OF JUDGMENT CREDITORS MOTION FOR APPOINTMENT OF RECEIVER FOR INTERESTS OF CHILE IN UNITED STATES COMMERCIAL ASSETS OF LAN-CHILE AIRLINE..... 1

I. LAN-CHILE'S CROSS-MOTION TO SET ASIDE OR INVALIDATE THE JUDGMENT AGAINST CHILE AND TO STRIKE EVIDENTIARY EXHIBITS IS DEVOID OF MERIT..... 3

A. LAN-CHILE'S CHALLENGE TO THE JUDGMENT IS FRIVOLOUS..... 4

B. TOWNLEY'S PRIOR SWORN TESTIMONY BEARS INDICIA OF RELIABILITY, WAS FULLY ADMISSIBLE IN THE DISTRICT OF COLUMBIA, AND IS ADMISSIBLE HERE..... 7

C. THERE IS NOTHING "UNCONSTITUTIONAL" ABOUT ENFORCING THE JUDGMENT AGAINST A GARNISHEE -- LAN-CHILE -- WHICH EITHER (1) HAS COMPORTED ITSELF AS AN ALTER EGO OF THE JUDGMENT DEBTOR OR (2) HAS PROPERTY WHICH THE JUDGMENT DEBTOR WOULD BE ENTITLED TO CLAIM..... 10

II. THE JUDGMENT CREDITORS' MOTION FOR APPOINTMENT OF A RECEIVER SHOULD BE GRANTED BECAUSE CHILE POSSESSES A PROPERTY INTEREST IN LAN-CHILE ASSETS WHICH LACKS SOVEREIGN IMMUNITY AND IS PROPERLY SUBJECT TO RECEIVERSHIP..... 13

A. SINCE CHILE CAUSED LAN-CHILE TO PLAY A KEY ROLE IN THE WRONGFUL ACTIVITY ON WHICH THE JUDGMENT IS BASED, COMITY TOWARD CHILE DOES NOT REQUIRE THE COURT TO TREAT LAN-CHILE AS A SEPARATE ENTITY AND IT SHOULD BE IDENTIFIED WITH CHILE AS AN "ALTER EGO" FOR PURPOSES OF ENFORCEMENT OF THE JUDGMENT..... 19

UNCLASSIFIED

Page

B. EVEN IF LAN-CHILE IS DEEMED TO BE A SEPARATE JURIDICAL PERSON, CHILE NONETHELESS IS THE EQUITABLE OWNER OF ITS ASSETS..... 29

C. CHILE'S INTEREST IN THE COMMERCIAL UNITED STATES ASSETS OF LAN-CHILE IS WITHOUT IMMUNITY FROM EXECUTION BECAUSE CHILE USED THOSE ASSETS IN COMMERCIAL ACTIVITY WHICH FORMS A PART OF THE BASIS FOR THE JUDGMENT..... 36

D. RECEIVERSHIP IS AN APPROPRIATE ENFORCEMENT REMEDY WHERE THE RECEIVER MUST EXERCISE EQUITABLE OWNERSHIP RIGHTS TO GAIN POSSESSION OF ASSETS HELD IN THE NAME OF A NOMINAL THIRD PARTY..... 45

CONCLUSION..... 50

UNCLASSIFIED

UNCLASSIFIED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ISABEL MOREL DE LETELIER, MICHAEL MAGGIO, as personal representative of Orlando Letelier, CHRISTIAN A. LETELIER, JOSE I. LETELIER, FRANCISCO J. LETELIER, JUAN PABLO LETELIER, MICHAEL MOFFITT, individually, and as personal representative of Ronni Karpen Moffitt, MURRAY H. KARPEN, and HILDA KARPEN, Judgment Creditors, -against- THE REPUBLIC OF CHILE, also doing business as LINEA AEREA NACIONAL-CHILE, Judgment Debtor, -and- LINEA AEREA NACIONAL-CHILE, Garnishee-Respondent.	Civ. A. No. M 18-302 REPLY BRIEF IN SUPPORT OF JUDGMENT CREDITORS' MOTION FOR APPOINTMENT OF RECEIVER FOR INTERESTS OF CHILE IN UNITED STATES COMMERCIAL ASSETS OF LAN-CHILE AIRLINE

The Judgment Creditors submit this reply brief in support of their motion for appointment of a receiver for the property interests of the Republic of Chile in United States commercial assets of the LAN-Chile airline operation and in opposition to the "cross motion" in which LAN-Chile seeks invalidation of the judgment against Chile, the striking of certain evidentiary exhibits, and related relief.

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Despite the plethora of argument contained in LAN-Chile's 87 page brief and its several dissertations on Chilean law, the Judgment Creditors submit that the questions presented on their motion for receivership remain clear.

(1) Since Chile caused LAN-Chile to play a key role in the wrongful activity on which the judgment is based, should LAN-Chile be treated as an alter ego of Chile for purposes of enforcement of the judgment?

(2) If LAN-Chile were to be treated as a separate jural entity, despite Chile's use of its United States assets and facilities in the wrongful activity, does Chile nonetheless have an equitable interest in those assets which may be subjected to some form of execution?

(3) Has Chile lost its claim to sovereign immunity for those assets as a result of its use of the assets in commercial activity which formed a part of the basis for the judgment?

(4) If Chile has an interest in the assets and that interest is without sovereign immunity, is receivership an appropriate means to execute on that interest?

We submit that each of the foregoing questions should clearly be answered in the affirmative.

Before proceeding to reply to LAN-Chile on these issues, we deal with LAN-Chile's cross-motion, since that

UNCLASSIFIED

motion, however frivolous, purports to attack the judgment itself and the constitutionality of its application to assets held by LAN-Chile.

I. LAN-CHILE'S CROSS-MOTION TO SET ASIDE OR INVALIDATE THE JUDGMENT AGAINST CHILE AND TO STRIKE EVIDENTIARY EXHIBITS IS DEVOID OF MERIT

LAN-Chile maintains that it would be "unconstitutional" to enforce a judgment against Chile in such a manner as to deprive LAN-Chile of assets or capital which reflect Chile's equity investment in the airline. Memorandum of Law in Opposition to Judgment Creditors' Motion to Appoint a Receiver (hereinafter "LAN Br.") 75-77. LAN-Chile also suggests that the judgment against Chile should be set aside because Judge Green considered the prior sworn testimony of the confessed Chilean agent, Townley, rather then seeking to compel his production from the federal witness protection program. LAN Br. 11-12, 77. Desperation may explain resort to arguments of this caliber.

Chile is a judgment debtor under a final judgment that it carried out a conspiracy to kill Orlando Letelier and Ronni Karpen Moffitt. That judgment has been registered in this district under 28 U.S.C. § 1963. This proceeding is being held to determine whether LAN-Chile holds property of the judgment debtor. This court has jurisdiction to make that

determination, and LAN-Chile does not deny that this is so. LAN-Chile is entitled to due process of law in proceedings leading to a determination that it is equitably owned by Chile and that it is and was an instrumentality of Chile which directly participated in the murders. LAN-Chile is receiving due process of law in connection with the resolution of those questions, the only ones before this Court and the only ones on which it is entitled to a hearing.

Thus, the entire labored discussion at LAN Br. 75-82 is beside the point. However, common law lawyers, like common law judges, have the right -- and perhaps the duty -- to spear a red herring, cf., United States v. Cheung Kia Ping, 555 F.2d 1069, 1073 (2d Cir. 1977), and we therefore reply to LAN-Chile's efforts to assert claims that belonged to its alter ego-parent, Chile, in the now-concluded District of Columbia litigation.

A. LAN-CHILE'S CHALLENGE TO THE JUDGMENT IS FRIVOLOUS

While a garnishee may be allowed to attack a judgment which is wholly void for lack of jurisdiction (see Morris v. Jones, 329 U.S. 545 (1947); Milliken v. Meyer, 311 U.S. 457 (1940); Covington Indus., Inc. v. Resintex A.G., 629 F.2d 730 (2d Cir. 1980)), Judge Green clearly had jurisdiction to decide her own jurisdiction over Chile under the FSIA, 28 U.S.C. § 1605(a)(5), and she made her decision

in light of memoranda of law which had been submitted on Chile's behalf. DeLetelier v. Chile, 488 F. Supp. 665, 674 (D.D.C. 1980). See Chilean Memorandum of Law attached as Exhibit B to Supplementary Affidavit of John J. Privitera ("Supp. Privitera Aff."). Since the matter was actually litigated and expressly decided, and since Chile elected to take no appeal, there can be no challenge to the court's jurisdiction on such grounds. See Chicot County Drainage District v. Baxter State Bank, 308 U.S. 371 (1940); Durfee v. Duke, 375 U.S. 106 (1963); Lambert v. Conrad, 536 F.2d 1183 (7th Cir. 1976).

Under Rule 60(b), Fed. R. Civ. P., a motion to set aside the judgment can only be made to "relieve a party or his legal representative" in the action and in the Court in which the judgment was rendered.* More than one year has now elapsed since the judgment, therefore, Chile could base such a motion only upon the extremely narrow ground of Rule 60(b)(6) which requires that exceptional circumstances exist to justify such relief,** which do not include technical error

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* See Fed. R. Civ. P. 60(b) advisory committee note; 7 Moore's Federal Practice ¶ 60.28[1] at 387.

** I.e., the motion must be based upon a reason other than those stated in Rule 60(b)(1)-(5), and "the other reason must be such as to justify relief". See 7 Moore's Federal Practice ¶ 60.27 [1] at 343.

which might have justified reversal on appeal.* 7 Moore's Federal Practice ¶ 60.27[1] at 348. In any case, having elected to deny in these proceedings that it is an alter ego of Chile, LAN-Chile cannot now ask that it be identified with Chile for purposes of a motion to set aside the judgment. "[T]he corporate veil is never pierced for the benefit of the corporation or its stockholders. . . . [H]aving elected to take the advantages of incorporation, it is not inequitable to subject [a sole shareholder] to the disabilities consequent upon his election." Boise Cascade Corp. v. Wheeler, 419 F. Supp. 98, 102 (S.D.N.Y. 1976), aff'd without opinion, 556 F.2d 554 (2d Cir. 1977), citing Colin v. Altman, 39 A.D.2d 200, 202, 333 N.Y.S.2d 432, 433-34 (1st Dept. 1972). Just as Chile defaulted in the action before Judge Green, it has defaulted again in this proceeding and thus there can be no question of a challenge to the validity of the judgment.

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* Cf. In re Uranium Antitrust Litigation, 617 F.2d 1248, 1256 n. 32 (7th Cir. 1980), where wholly-owned subsidiaries of a judgment debtor were allowed to participate in an interlocutory appeal from entry of the judgment. Here LAN-Chile seeks to make a collateral attack on the judgment, the time for appeal having long since passed.

B. TOWNLEY'S PRIOR SWORN TESTIMONY BEARS INDICIA OF RELIABILITY, WAS FULLY ADMISSIBLE IN THE DISTRICT OF COLUMBIA, AND IS ADMISSIBLE HERE

In stating that she would consider Townley's prior sworn testimony in the criminal proceedings, Judge Green ruled that he had become unavailable as a witness because he had been placed for his own protection in the federal witness protection program. DeLetelier v. Chile, 502 F. Supp. 259, 261 n. 3 (D.D.C. 1980). See Fed. R. Evid. 804(b)(3). Judge Green was clearly justified in her conclusion, particularly in view of the fact that Chile, Townley and the other defendants had all defaulted in the action and, under the usual rule, were deemed to have confessed the allegations of the complaint. See 6 Moore's Federal Practice ¶ 55.03[2]; Whittlesey v. Weyerhauser Co., 640 F.2d 739, 742 (5th Cir. 1981). In derogation of that usual rule, the FSIA, 28 U.S.C. § 1608(e), does require a claimant to prove his case against a defaulting sovereign, but only "by evidence satisfactory to the court," a discretionary standard which gave Judge Green ample authorization for her decision.* As a defendant in the

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* This aspect of default judgments against foreign sovereigns is discussed and documented in Tigar, The Sovereign Immunities Act and The Pursued Refugee: Lessons from Letelier v. Chile (1982) Mich. Yearbook of Int'l Legal Studies, 434-436.

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action, Townley had steadfastly refused to take part in the proceedings, refused to comply with discovery requests and was threatened with contempt -- a threat which could hold little terror for Townley since he was already lodged in federal prison under a secret identity in the witness protection program. See Supp. Privitera Aff. ¶¶ 4-11. His testimony was admissible against him as an admission of a party opponent under Fed. R. Evid. § 801(d)(2)(A) and against the Republic of Chile because it was the testimony of an agent of the Republic. Indeed, Townley's personal letters (see the original Privitera Affidavit, Exhibit D; Supp. Privitera Aff. ¶ 13 and Exhibit C) demonstrate that Townley's legal fees were paid by the Republic of Chile, that Townley made a decision to refuse to give further testimony in order to serve Chile, and that he continues to comport himself as an agent of Chile. Judge Green was thus fully justified in concluding that he was "unavailable," thus making his evidence admissible against any party in the proceeding. Fed. R. Evid. 804(b)(3). Moreover, since Townley was subject to extensive cross-examination in the criminal proceeding (see original Privitera Aff. Exhibit A), his testimony had "circumstantial guarantees of trustworthiness" sufficient to render it admissible under Fed. R. Evid. 803(24). Indeed, Chile

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itself offered some corroboration of Townley's testimony since, while denying its own responsibility, it indicated in a memorandum of law filed with Judge Green that it had dismissed the head of DINA, General Contreras, and two other DINA officials whom Townley identified as responsible for the Letelier mission. Supp. Privitera Aff. Exhibit B, ¶ 8, p. 4.

While the question of the admissibility of Townley's prior testimony thus cannot affect the basis for the judgment or the validity of findings of fact which Judge Green made against Chile, she was quite correct in admitting the testimony and it is also fully admissible in these proceedings on the question whether LAN-Chile should be deemed an alter ego of Chile.* On the alter ego issue, the testimony before the Grand Jury of LAN-Chile's own assistant station manager, Fernando Cruchaga (Privitera Aff. Exhibit D), is also admissible here against LAN-Chile pursuant to Fed. R. Evid. 801(d)(2)(D), since Cruchaga testified while an agent

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* If the Court is not prepared to adopt Judge Green's conclusion that Townley should be regarded as unavailable, the Judgment Creditors would be prepared to seek his production by the United States Marshal's Service on writ of habeas corpus ad testificandum, but we believe this would prove to be a vain act.

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of LAN-Chile concerning matters within the scope of his employment -- the airline's assistance to Chilean agent Townley and its transport of packages for him. See Mahlandt v. Wild Canid Survival and Research Center, Inc., 588 F.2d 626, 629-30 (8th Cir. 1978); Rule v. International Ass'n. of Bridge, Structural and Ornamental Iron Works, Local Union No. 396, 568 F.2d 558, 569 n.17 (8th Cir. 1977), modified on other grounds, 17 Employment Prac. Dec. (CCH) ¶ 8409 (8th Cir. 1978).*

C. THERE IS NOTHING "UNCONSTITUTIONAL" ABOUT ENFORCING THE JUDGMENT AGAINST A GARNISHEE -- LAN-CHILE -- WHICH EITHER (1) HAS COMPORTED ITSELF AS AN ALTER EGO OF THE JUDGMENT DEBTOR OR (2) HAS PROPERTY WHICH THE JUDGMENT DEBTOR WOULD BE ENTITLED TO CLAIM

LAN-Chile argues at length that it would be "unconstitutional" to subject it to the consequences of a judgment which was entered against another party, the Republic. LAN Br. 75-81. According to LAN-Chile, since

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* The FBI summary of the evidence against LAN-Chile, attached as Exhibit C to the Privitera Affidavit, is largely a summary of the Cruchaga and Townley testimony. To that extent, it need not be independently relied upon. In any event, we are prepared if necessary to subpoena the FBI agent who authored the memorandum to testify at an evidentiary hearing.

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it was not sued as a defendant in the District of Columbia proceeding (id. 13-15), it and the assets in its possession should be entirely insulated from the effects of the judgment. The argument misses the point. The Judgment Creditors seek to extract assets from LAN-Chile on one of two grounds: either (1) LAN-Chile is an alter ego of Chile, whose separate identity should properly be disregarded; or (2) while LAN-Chile may be a separate entity, it is wholly owned by Chile, and Chile as the equitable owner of its assets, would be entitled to withdraw those assets and assign them to its creditors. It is irrelevant whether the fictional entity, LAN-Chile, could be held liable as a co-conspirator in the wrongdoing on which the judgment is based.*

There is nothing "unconstitutional" about the Judgment Creditors' effort to establish in this proceeding that LAN-Chile should be regarded as the alter ego of Chile. The Court has jurisdiction over LAN-Chile to determine, in

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* The airline's involvement in the wrong is relevant as showing that airline personnel sought to facilitate the secret mission of Chilean agents, in effect operating the airline as the alter ego of the state for purposes of such secret activity. See Point II A, infra. Chile's use of commercial assets of the airline operation in the wrongful activity on which the judgment is based is also relevant as depriving those assets of sovereign immunity under 28 U.S.C. § 1610(a)(2). See Point II C, infra.

accordance with due process, whether it is an alter ego of Chile. In the very case on which LAN-Chile relies, Zenith Corp. v. Hazeltine Research, Inc., 395 U.S. 100 (1969), the Supreme Court was prepared to assume that a judgment against one corporate affiliate may well operate as a judgment against another corporate affiliate provided that the enforcing court has jurisdiction of the latter and determines that it is in fact an alter ego of the affiliate against which the judgment was initially rendered. Id. at 111. Cf. Bruezewski v. United States, 181 F.2d 419, 423 (3d Cir. 1950) (third party was bound because in privity with judgment debtor).*

Nor does LAN-Chile have a "constitutional" ground for complaint if the Court concludes that it should indeed be treated as a separate entity but that Chile, as its sole owner, has equitable ownership of its assets and the right to withdraw them for the benefit of its creditors. Any inconvenience that LAN-Chile would experience as the result of loss of its United States assets would come not because

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* Nominally separate corporations were found to be alter egos of the judgment debtor for purposes of execution upon the judgment in Central National Bank & Trust Co. of Des Moines v. Wagener, 183 N.W.2d 678 (Iowa 1971) and Central Fibre Prods. Co. v. Lorenz, 66 N.W.2d 30 (Iowa 1954).

it is being held "liable" under the judgment but because Chile is liable and Chile is paramount owner of the LAN-Chile assets. While LAN-Chile may wish to be recognized as a separate fictional entity, it cannot deny the reality that Chile, its owner, has the right to withdraw its United States assets and use them to discharge its obligation to the Judgment Creditors. If Chile is unwilling to exercise its rights in that regard, an equity court, sitting in the United States, may assign those rights in respect of United States assets to a receiver. See Point II B, infra.

II. THE JUDGMENT CREDITORS' MOTION FOR APPOINTMENT OF A RECEIVER SHOULD BE GRANTED BECAUSE CHILE POSSESSES A PROPERTY INTEREST IN LAN-CHILE ASSETS WHICH LACKS SOVEREIGN IMMUNITY AND IS PROPERLY SUBJECT TO RECEIVERSHIP

Although both sides have submitted extensive arguments concerning the relationship of LAN-Chile to the Chilean state under Chilean law, the Court, in deciding the question whether the Republic of Chile should be deemed to have a property interest in commercial assets of the LAN-Chile airline operation located in the United States, will necessarily apply United States law, including United States principles of comity and choice of law. See Hilton v. Guyot, 159 U.S. 113, 163 (1895). While those principles may, upon

analysis, direct the Court to consider foreign law and to fashion rights under United States law which are "homologous" to those which Chilean law would provide (see Guinness v. Miller, 291 Fed. 769, 770 (S.D.N.Y. 1923) (L. Hand, J.), aff'd, 299 Fed. 538 (2d Cir. 1924), modified on other grounds, 269 U.S. 71 (1925)), the rights which are thus enforced are nonetheless rights under United States law, (see, e.g., Cavers, Comment: The Two Local Law Theories, 63 Harv. L. Rev. 822 (1950)), which must reflect United States policy. Chilean law, of its own force, has no effect in the United States. "No law has any effect, of its own force, beyond the limits of the sovereignty from which its authority is derived." Hilton v. Guyot, supra, 159 U.S. at 163 (1895).

Historically, our courts have recognized that a corporation or other artificial person was but a fiction of the sovereign which created it -- indeed, a fiction which would ordinarily be deemed to exist only within the actual territory of that sovereign and which would be denied recognition outside those bounds. E.g., Bank of Augusta v. Earle, 13 Pet. 517, 588 (1839) (Taney, C.J.).*

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* Indeed, the Supreme Court's early interpretation of the Constitution called for disregard of the corporate fiction

(footnote continues)

If that early brand of judicial realism were applied today, of course, the fiction of LAN-Chile would have to be disregarded altogether and its assets would be deemed the property of the Chilean state, pure and simple.

Since the mid nineteenth century, however, as the transaction of business in corporate form increased, our courts grew far more willing to recognize the fictional

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(footnote continued)

for purposes of suit under the diversity jurisdiction, holding that a corporation was not a "citizen" of a state but permitting it to sue in federal court as nominal representative of its shareholders, provided that the citizenship of each of the shareholders was diverse from that of the opposing parties. See Commercial Railroad Bank of Vicksburg v. Slocomb, 14 Peters 60 (1840) (diversity absent where some corporate shareholders were citizens of same state as opposing party). Later cases held that a corporation was capable of being treated as a "citizen" of the state of its incorporation, Louisville, C. & C.R.R. v. Letson, 2 How. 497, 558 (1844), and sought to rationalize that conclusion on the theory that "the presumption arising from the habitat of a corporation in the place of its creation [was] conclusive as to the residence or citizenship of those who use the corporate name." Marshall v. B. & O. R.R., 16 How. 314 (1853). See McGovney, A Supreme Court Fiction: Corporations in the Diverse Citizenship Jurisdiction of the Federal Courts, 56 Harv. L. Rev. 853, 1090, 1225 (1943). Although a corporation organized under state law is now deemed a citizen for purposes of the diversity jurisdiction (28 U.S.C. § 1332(c)), the Court has always maintained that a corporation is not a "citizen" for purposes of the privileges and immunities clause. See Hemphill v. Orloff, 277 U.S. 537, 548-550 (1928).

entities created by states and foreign nations. Whereas grant of a corporate charter with limitation of liability had been a privilege reserved for the few, "the advent of laws of general incorporation, which swept the country in the late 19th century" made the privilege of limited liability available to all. See Western & Southern Life Ins. Co. v. State Board of Equalization of California, 451 U.S. 648, 659 (1981), citing Louis K. Liggett Co. v. Lee, 288 U.S. 517, 557-564 (1933) (Brandeis, J. dissenting). In 1886 the Supreme Court thought it so clear that a corporation created by a state was a "person" entitled to equal protection of that state's laws that it declined to hear argument on the point. Santa Clara County v. Southern Pac. R.R., 118 U.S. 394, 396 (1886). But the Court adhered to the view that corporations were creatures of the state which created them and had no absolute right to be recognized for the transaction of business in other states. E.g., Paul v. Virginia, 75 U.S. 168, 181 (1868); Asbury Hospital v. Cass County, 326 U.S. 207, 211 (1945). Thus, although a state's domestic corporation had to be treated as a "person" under the 14th amendment, a foreign corporation which was denied a license to do business in the state was not a "person" entitled to equal protection (Philadelphia

Fire Ass'n. v. New York, 119 U.S. 110, 116-18 (1886)), even though the corporate stockholders may themselves be persons whose rights in the corporate assets are subject to constitutional protection. Today the states may continue to attach rational conditions to their recognition of foreign corporations. See Western & Southern Life Ins. Co. v. State Board of Equalization of California, supra, 451 U.S. at 667-68.

The foregoing historical discussion suggests the terms and the basis upon which wholly-owned commercial entities of foreign states may claim to be treated as separate jural entities. Our courts would doubtless agree with the statement of Lord Wilberforce in his separate opinion in Playa Larga v. I Congreso del Partido, [1981] 3 W.L.R. 328, 332, that "[s]tate controlled enterprises, with legal personality, ability to trade and to enter into contracts of private law, though wholly subject to the control of the state, are a well-known feature of the modern commercial scene. The distinction between them and their governing state may appear artificial: but it is an accepted distinction in the Law of English and other states," citing C. Czarnikow Ltd. v. Centrale Handler Zagramacznego Rolimpex [1979] A.C. 351. Nonetheless, the distinction should not be applied slavishly or blindly.

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In the context of private corporations, the courts have long recognized that . . . "a corporation is at bottom but an association of individuals united for a common purpose and permitted by law to use a common name." A.A. Berle, The Theory of Enterprise Entity, 47 Colum. L. Rev. 343, 352 (1947). The principal reason of policy for allowing separate incorporation is the incentive for investment which results from giving the company of shareholders the benefit of limited liability. H. W. Ballantine, Ballantine on Corporations § 1 at 4 (Rev. Ed. 1946). When a sovereign enters the marketplace as a commercial trader, he too subjects himself to claims of liability (see II C, infra and thus even for a sovereign the principal reason of policy for using a separate state entity as a trading corporation is to limit liability to the enterprise itself (see, e.g., Playa Larga, supra), making the enterprise itself responsible for its commercial success or failure and permitting the state to scrutinize its performance as that of a single unit. See Supp. Velasco Aff. ¶ 7. There appears to be no reason of policy why either a company of private investors or a foreign sovereign, having placed their assets under the aegis of a separate corporate person for purposes of trade, should not be able to withdraw those assets again in order to answer for their debts. The word

"person" itself comes from the Greek word for the masks worn by actors in the early Greek drama (see Oxford Shorter English Dictionary) and the fact that a foreign government has assumed a separate persona for purposes of trade cannot prevent it from lowering the mask if it should wish to do so. Thus, although a 1969 decree of the President of Chile states that LAN-Chile is to be deemed an autonomous juridical person (Velasco Aff. Ex. A, Supp. Velasco Aff. ¶ 4), that does not require United States courts to conclude that the property of the airline operation is beyond the reach of Chile or that Chile has no interest in that property.

A. SINCE CHILE CAUSED LAN-CHILE TO PLAY A KEY ROLE IN THE WRONGFUL ACTIVITY ON WHICH THE JUDGMENT IS BASED, COMITY TOWARD CHILE DOES NOT REQUIRE THE COURT TO TREAT LAN-CHILE AS A SEPARATE ENTITY AND IT SHOULD BE IDENTIFIED WITH CHILE AS AN "ALTER EGO" FOR PURPOSES OF ENFORCEMENT OF THE JUDGMENT.

In First National City Bank v. Banco para el Comercio Exterior, 658 F.2d 913 (2d Cir.), cert. granted, ___ U.S. ___, 103 S.Ct. 253 (1982) (hereinafter "Bancec"), the Court of Appeals evidenced a recognition of the fictional nature of the separate personality attributed to foreign state agencies and suggested that the fiction would be recognized only for "some purposes."

> [A]n instrumentality of a government is not necessarily an alter ego of that government for all purposes. If the instrumentality has been created as a separate and distinct juridical entity under the laws of the state that owns it, we will normally respect its independent identity for a number of purposes. . . .
>
> "We will, on the other hand, ignore the statutory distinction between the state and its instrumentality when the subject matter of the counterclaim assertible against the state is state conduct in which the instrumentality had a key role." 658 F.2d at 918.

Here, of course, the alter ego doctrine would be applied in order to enforce a judgment upon assets of an instrumentality which the foreign sovereign used in a key role in the wrongdoing on which the judgment is based, not in order to state a counterclaim against the instrumentality. But the standard for applying the doctrine, if different at all in this context, should be more lenient in favor of the judgment creditors, since an instrumentality which allows itself to be used as a tool for the commission of a wrong must expect to continue to serve as its sovereign's tool when it comes time to pay the judgment which results from that activity.

It is not seriously disputable that LAN-Chile played a "key role" in the subject matter of the claim. Judge Green found as a fact that "[u]ncontradicted testimony demonstrated that facilities and personnel of LAN-Chile

Airlines, a foreign air carrier owned and operated by the government of Chile, were used by Townley in connection with the preparation and carrying out of the assassination of Orlando Letelier and Ronni Moffitt." DeLetelier v. Republic of Chile, supra, 502 F. Supp. at 262.* Judge Green's findings also established that Townley was acting within the scope of his employment as an agent of DINA, (Id. at 262, 266) had been dispatched on his mission by officers of that organization, effected a rendezvous with other agents at Kennedy Airport, (Id. at 262) and reported on the results and consequences of his mission to high officials, including General Contreras, the head of DINA. Id. at 264. Excerpts from prior testimony of Townley and LAN-Chile's assistant station manager, Cruchaga established that LAN-Chile personnel were used: to effect the rendevous between DINA agents Towneley and Fernandez at Kennedy Airport (Privitera Aff., ¶¶ 13, 14, Exhibit A, pp. 9-10; Exhibit B, p. 12, 13, 16); to aid in Townley's rental of a car under a false name (id., ¶ 19, Exhibit A, p. 12, 58, Exhibit B, pp. 13-15, 25);

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* Contrary to LAN-Chile's rather frivolous suggestion (LAN Br. 13), this finding of Judge Green was not idle comment on the evidence but was a holding that the evidence had "demonstrated" something i.e., that Chilean agents used LAN-Chile facilities.

to obtain tickets for Townley in false names (id., ¶¶ 12, 22, Exhibit A, pp. 7, 47, 50, 65); to provide a comfortable meeting place within LAN-Chile headquarters for co-conspirators Townley and Fernandez, (id., ¶ 17, Exhibit A, p. 42); to upgrade co-conspirator Fernandez's ticket to first class without payment, (id., Exhibit A, pp. 9, 10, Exhibit B, pp. 12-13); to assist General Manual Contreras Sepulveda, the former Director of DINA and one of the individuals who ordered the assasination, in a large cash transaction in the United States which probably resulted in cash payments to Cuban exile members of the conspiracy (id., ¶ 24, Exhibit C, p. 7); and probably to transport Townley's false documentation back to Chile and to fraudulently place an I-94 form relating to Townley's presence in the United States in a batch of I-94 forms of outgoing passengers on an Iberia Airlines flight a few days before the assassination, (id., ¶¶ 20, 21, Exhibit A, pp. 14, 17, 20, 45-49; Exhibit C, pp. 4-5); and that Cruchaga and LAN-Chile pilots and other personnel undertook to hand-carry packages for Townley which, in fact, contained explosives, electronic bomb components and the like used in the assassination. See footnote on p. 24, infra.

LAN-Chile argues that it has not been proved that its pilots and personnel knew what was in the packages which they transported for Townley and other Chilean agents other than "peanut butter and printed matter" (LAN Br. 5) and that Fernando Cruchaga, LAN-Chile's assistant station manager in New York, "testified that he did not know that Townley or the other Chileans allegedly involved were, in fact, DINA agents." Id. at 17. This argument misrepresents the record, however. Cruchaga conceded in his testimony before the grand jury that "I suspected that he [Townley] was working for the government," although Cruchaga insisted, "I never suspected that he was working for DINA." Privitera Aff. Exhibit B, p. 18. In explaining how he knew Townley worked for the Chilean government, Cruchaga gave as one reason his discovery that Townley was traveling under a false name. "Really, at that point I suspect he was an official of the government. I don't know if the jury knows that the government of the United States, in certain cases of security, a man is allowed to come to the country with another name." Id. at 25. Townley himself testified that Cruchaga "was aware that I was an agent for DINA." Privitera Aff. Exhibit A, p. 4. He later qualified that testimony by stating, "He [Cruchaga] knew that I worked for the government.

I don't know if he specifically inferred DINA to himself." Id. at 58.

Cruchaga's impression that Townley worked for the Chilean junta was doubtless reinforced by the fact that some of the packages transported for Townley contained "anti-communist material." Id. at 9. But Cruchaga did not think the packages contained only "peanut butter and printed matter," as LAN-Chile now asserts (LAN Br. 5), since he testified that some of the packages contained "electronic equipment" Id. at 5.*

While LAN-Chile argues that Townley sought to ingratiate himself with pilots and other personnel so as to obtain personal favors (LAN Br. 5, 16), he was doing so on behalf of DINA and he was able to obtain their cooperation at least in part because he let it be understood that he was a government agent.

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* LAN-Chile quotes Congressman Burton as having concluded that Townley "did not transport explosives used in the Letelier assassination on LAN-Chile aircraft." LAN Br. 18. This is a gross misstatement of fact. With the exception of a plastic explosives component, by Townley's own admission, all of the components of the bomb used in the assassination, including dynamite, modified electronic devices and detonation devices, were transported on LAN-Chile facilities. The plastics explosives component, supplied by members of the Cuban Nationalist Movement, was later replaced by Townley and sent to the Cubans using LAN-Chile facilities after the assassination along with $1,500 in cash. See Privitera Aff. ¶¶ 6, 7, 8 & 23 and testimony there cited.

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An investigative committee of the House of Representatives was not able to find evidence that higher officials of the airline knew that pilots and other personnel were being used to transport explosives and bomb components for DINA,* but that does not bind the judgment creditors and is not relevant. Whether LAN-Chile's higher management -- who had been personally appointed by decree of General Pinochet (Certificate of Secretary General of LAN-Chile annexed hereto as Exhibit A; Velasco Aff. ¶ 10, Exhibit F, Supp. Velasco Aff. ¶ 5(e)) -- would have had the courage or the inclination to direct airline personnel not to cooperate with DINA agents is most doubtful; the Junta's own involvement in lawless activity, such as the murder of President Allende and other officials, set an example for the personnel of the entire government, and we simply do not know whether higher airline officials were drawn into the extra legal activities. See Supp. Valasco Aff. ¶ 11, pp. 8-9.**

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* See H.R. Rep. No. 96-1157, 96th Cong., 2d Sess. (July 8, 1980) (Combe Aff. Ex. 7).

** LAN-Chile's insolent remark that Professor Velasco's opinion is to be discounted because he is not a "dispassionate expert", (LAN Br. 22), having been exiled

(footnote continues)

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Our law recognizes that even criminal liability may be imposed on a corporation for the wrongful acts of its employees within the scope of their employment, even if those acts are contrary to the corporation's instructions U.S. v. Hilton Hotels Corp., 467 F.2d 1000, 1004-1007; (9th Cir. 1972); cert. denied sub nom.; Western International Hotels Co. v. U.S., 409 U.S. 1125 1973); U.S. v. American

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(footnote continued)

from his homeland for his political beliefs, requires little response. Professor Velasco has impeccable credentials as an international legal scholar which far exceed the cumulative careers of the experts proferred by LAN-Chile. Professor Velasco now is domiciled in the United States, where he is free to express his opinion, and he does so contrary to the interests of a military junta which has, as the record in this case shows, pursued and murdered articulate refugees. LAN-Chile's experts live in a country which has been under an officially declared state of siege for nearly ten years and in which thousands of people have been killed or have "disappeared" because of their beliefs. The Court may take judicial notice that the governing junta has purged the country of all contrary opinion, especially opinions which might be expressed in the form of an affidavit for extra-territorial publication in a case where the junta has a financial and political interest. United Nations Economic and Social Council Commission on Human Rights, "Question of Human Rights in Chile," February 18, 1983; Amnesty International Report for 1982: a Survey of Political Imprisonment, Torture and Imprisonment, 118-123; Organization of American States Annual Report of the International Commission on Human Rights to the General Assembly, October 21, 1980, pp. 95-112. If there are any expert opinions in this case which are to be discounted as a result of political circumstance, they are those submitted by LAN-Chile.

Radiator and Standard Sanitary Corp., 433 F.2d 174, 204-05 (3d Cir. 1970) cert. denied 401 U.S. 948 (1971); Vulcan Last Co. v. State, 217 N.W. 412, 194 Wis. 636 (1928) and it is not unreasonable to hold the LAN-Chile entity responsible for the consequences of its personnel's belief that they should further secret missions of the state. While LAN-Chile argues that cooperation in slipping packages through customs violates LAN-Chile's normal operating directives (LAN Br. 61, Del Campo aff. ¶ 17, Ex. D), the relevant directives which LAN-Chile has attached to the Del Campo affidavit are dated August 31, 1977 to August 10, 1977, and October 6, 1980, well after the assassination of the victims in this case, which took place on September 21, 1976.* LAN-Chile's directives to its personnel are thus an example of efforts to modify administrative practices after a scandal has occurred.

Moreover, at the time when DINA sent Townley and other operatives on their missions, article 14 of the decree law of 1969 specifically provided that agents of Chile were to fly the LAN-Chile airline or be denied reimbursement for

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* The one directive which seems to predate the assassination (May, 1976) appears to refer to charging full tariff for excess baggage carried by personnel on the airline, rather than the more sinister kind of services afforded to Townley.

their travel costs. Velasco Aff. ¶ 14 and Exhibit C, article 14; Supp. Velasco Aff. ¶ 13. Thus, officials of both DINA and LAN-Chile were on notice that DINA would be using LAN-Chile in its missions.*

LAN-Chile also seeks to evade the whole question of its key role in Chile's wrongdoing, arguing that the Court should not even reach the question of that role since LAN-Chile has a long history of operation as a separate enterprise in other respects. LAN Br. 61. However, LAN-Chile has declined to give the Judgment Creditors their requested discovery on that issue and its selective revelation of facts can carry little weight on an issue "where motive and intent play leading roles, the proof is largely in the hands of the alleged conspirators, and hostile witnesses thicken the plot." Poller v. Columbia Broadcasting System, Inc., 368 U.S. 464, 473 (1962). Moreover, LAN-Chile

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* While LAN-Chile's affiant, del Campo, states that "government employees purchase airline tickets from commercial travel agents and may fly on whatever carrier they wish" (del Campo Aff. ¶ 90), he simply ignores the prior provision of the Law which required government employees, such as Townley and other DINA agents, to fly Lan-Chile. That provision was set aside by decree at the same time General Pinochet named six individuals to exercise the power of LAN-Chile's board of directors. See Supp. Privitera Aff. ¶ 2, and Exhibit A, Appendix B.

misses the point that a foreign state entity may be treated as a separate entity for some purposes and an alter ego for others. It is only comity toward Chile which requires our courts to attribute separate juridical existence to LAN-Chile. Hilton v. Guyot, supra, 159 U.S. at 163-64. Since Chile has chosen to involve its airline in nefarious activities of the Chilean state which cut across normal corporate organization, no breach of comity occurs if the airline is identified with its sole owner for purposes of those activities. LAN-Chile cannot deny that Chile has the right and the power to dispose of LAN-Chile as it may see fit and, in causing the airline to deviate from its corporate purpose to serve the supposed interests of the state, Chile, through DINA, has pierced any corporate veil by its own acts, leaving it to our courts merely to recognize that fact.

B. EVEN IF LAN-CHILE IS DEEMED TO BE A SEPARATE JURIDICAL PERSON, CHILE NONETHELESS IS THE EQUITABLE OWNER OF ITS ASSETS

While counsel for LAN-Chile argue that Chile has no "property interest" in the airline's assets (LAN Br. 63), it is indisputable that LAN-Chile is a wholly-owned commercial enterprise of the Chilean state under the "supervigilencia" of the President; that he has appointed its governing board

by special decree; and has the right and power under Chilean organic law to enter other decrees which could terminate the airline's existence or withdraw or otherwise dispose of its assets. Supp. Velasco Aff. ¶¶ 5, 6, 9. United States law recognizes that, even though a corporation is validly created and existing, the shareholders are the equitable owners of the corporate assets. E.g., Camp v. Gress, 250 U.S. 308, 320 (1919) (sole shareholder was "equitable owner with power to require an immediate conveyance of the legal title"); Socony-Vacuum Oil Co. v. Sheehan, F. Supp. 1010, 1012 (E.D. Mo. 1943) App. Dismissed 144 F.2d 252 (8th Cir. 1944); Suffolk Plastic Surfaces, Inc. v. Manor Cabinet and Building Supply Corp., 208 N.Y.S.2d 100, 102 (N.Y. Sup. Ct. 1960). A sole shareholder, or all shareholders together by unanimous agreement, may bind the corporation or dispose of its assets, even in a manner which constitutes waste or violates the by-laws. See Bangor Punta Operations, Inc. v. Bangor & A.R. Co., 417 U.S. 703, 710-11 (1974); L.R. Schmaus Co. v. Commissioner of Internal Revenue, 406 F.2d 1044, 1045 (7th Cir. 1969). While LAN-Chile argues that application of these cases would be "parochial" (LAN Br. 47), the evidence is clear that Chile has power over LAN-Chile's assets which is as great as or greater than that which a sole shareholder would have over the assets of an American corporation. Moreover, the

evidence shows that LAN-Chile is in fact quite closely controlled by the state, e.g., the President of the Republic has personally interfered in its organization to appoint named individuals to manage it at his pleasure. Velasco Aff. ¶ 9, Exhibits E, F; Supp. Velasco Aff. ¶¶ 5(e), 11. Clearly there is no reason of policy why this Court should afford LAN-Chile a greater privilege of independence against its owner than an American corporation would have. This Court's decision as to equitable ownership of United States assets is a matter of United States law which should reflect foreign legal relationships but must also reflect the policy of our own law.

Assuming that LAN-Chile is to be deemed a separate entity, Chile nonetheless has equitable rights to withdraw the United States assets of the airline operation assets - equitable rights which our courts would sustain if Chile sought to regain the assets from local LAN-Chile management, and equitable rights which this Court may properly assign to a receiver for the benefit of creditors.

In opposition to the theory of equitable ownership, LAN-Chile cites language from Brock v. Poor, 216 N.Y. 387, 401, 111 N.E. 229 (1915), that "even complete ownership of capital stock does not operate to transfer the title to corporate property and that ownership of capital stock is by no means identical with or equivalent to ownership of

corporate property." That statement, however, is correct only as far as it goes. That case held that a claim that managers of a corporation have looted and plundered the corporation must be brought derivatively, by the shareholders in the name of the corporation, not by the shareholders in their own name. Good order, of course, requires that result. Creditors of the corporate entity may have claims which are superior to the equity-owner's right to withdraw the assets of the corporation, and a recovery must therefore first be made on behalf of the corporation and then shared by participants in the corporation as their interests may appear. The quoted language was repeated in Torrey Delivery, Inc. v. Chautauqua Truck Sales & Service, Inc., 47 A.D.2d 279, 282, 366 N.Y.S.2d 506, 510 (N.Y. App. Div. 1975), where it was simply held that sale of a corporation itself did not trigger a right of first refusal with respect to corporate property on which an option had been given, although the court recognized that the shareholders were "the ultimate or equitable owners" of corporate assets. Finally, the same language was again quoted by Judge MacMahon in Boise Cascade Corp. v. Wheeler, 419 F. Supp. supra at 101-02, where he held that a sole shareholder was in effect estopped to disregard the corporate form which he had

assumed, that corporate entity being an indispensable party in the contract dispute there at issue. All of these cases are consistent with the essential principle that the sole shareholder has equitable ownership of corporate assets.

The other cases upon which LAN-Chile relies (LAN Br. 72) are also distinguishable. Thus, in Kingston Dry Dock Co. v. Lake Champlain Transp. Co., 31 F.2d 265 (2d Cir. 1929), the court held that a subsidiary corporation was not liable for a debt contracted by its parent company -- but the court left the plaintiff free to sue the parent, and it is clear that if the plaintiff sued and obtained judgment against the parent it would have been free to levy in execution of that judgment upon the parent's ownership interest in the subsidiary -- either the shares of stock reflecting that ownership or, if the shares were unavailable, then upon the subsidiary's assets. See, e.g., Udel v. Udel, 82 Misc.2d 882, 370 N.Y.S.2d 426 (N.Y. Sup. Ct. 1975) (use of receiver to extract assets from corporation whose sole shareholder was the judgment debtor) (cited in Judgment Creditors' Main Brief at 21); Ricker v. American Zinser Corporation, 506 F. Supp. 1 (E.D. Tenn. 1978), aff'd without opinion, 633 F.2d 218 (6th Cir. 1980), is simply another case in which the plaintiff was held to have no case on the merits against

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a corporate subsidiary. In American Anthracite and Bituminous Coal Corporation v. American S.S. Co., Inc., 131 F. Supp. 244 (E.D. Pa. 1955), and Packer v. Caesars World, Inc., 54 A.D.2d 676, 387 N.Y.S.2d 851 (N.Y. App. Div. 1976), the courts vacated pre-judgment attachments of ships owned by the corporate subsidiaries of parties against which claims had been pleaded. Neither case suggested that such a ship could not be reached after judgment as the equitable property of the judgment debtor. Rather, both suggested that pre-judgment attachment is an extraordinary remedy which will be narrowly applied, to tie up assets which are directly owned by the defendant but not assets whose legal title is held by a subsidiary.

In the context of default or where a judgment of liability has been rendered, courts will proceed to freeze and seize assets held in the name of the judgment debtor's wholly-owned subsidiary. Thus, the Hon. Prentice H. Marshall of the United States District Court for the Northern District of Illinois concluded in In Re Uranium Antitrust Litigation that the assets of wholly-owned subsidiaries of defaulting defendants were equitably owned by those defendants and entered injunctions against those subsidiaries, forbidding them to transfer their assets. Without purporting to pierce

the corporate veil, Judge Marshall held that a subsidiary, "Rio Algom Corporation, in my judgment, and in equity, is an asset of defaulting defendant Rio Algom Limited. The mine which Rio Algom Corporation owns in Utah, in equity, is an asset of defaulting defendant Rio Algom Limited. . . ." See page 9 of the transcript of unreported decision annexed hereto as Exhibit B. As a measure of "equitable sequestration of the assets of Rio Algom Limited," the court then entered an injunction freezing the United States assets of that company's wholly-owned subsidiary pending establishment of the amount of damages. That injunction and others were then affirmed on appeal by the Court of Appeals for the Seventh Circuit, which took note of the fact that the subsidiaries (which were allowed to participate in the appeal) "were found to be 'assets' of the defaulters and thus subject to execution on the judgment, after damages are determined." Id., 617 F.2d 1248, 1256 n.32 (7th Cir. 1980). The logical and practical result reached by Judge Marshall and the Seventh Circuit respected the fiction of separate corporate personality but recognized that there is no corporate barrier or veil which denies a judgment debtor his equitable right to control or extract the assets which he has invested in his wholly-owned corporation, an equitable right of ownership which is of course subject to post-judgment execution.

C. CHILE'S INTEREST IN THE COMMERCIAL UNITED STATES ASSETS OF LAN-CHILE IS WITHOUT IMMUNITY FROM EXECUTION BECAUSE CHILE USED THOSE ASSETS IN COMMERCIAL ACTIVITY WHICH FORMS A PART OF THE BASIS FOR THE JUDGMENT.

LAN-Chile argues that since the Court which entered judgment against Chile premised its jurisdiction on the so-called "non-commercial tort" provision of 28 U.S.C. § 1605 (a)(5), the LAN-Chile assets which Chilean agents used in perpetrating the scheme must retain their sovereign immunity because they were not, in the words of the statute, "used for the commercial activity upon which the claim is based." § 1610(a)(2). LAN Br. 26, 27. That is, LAN-Chile argues that since judgment was entered under the "noncommercial tort" provision, none of the activities on which the judgment is based can have been commercial activities. According to LAN-Chile, the "non-commercial tort" provision of 1605(a)(5) and the "commercial activity" provision of 1605(a)(2) constitute "mutually exclusive" bases for the entry of judgment, and a claim which is based partly on commercial activities and partly on non-commercial activities can be brought under neither provision.

A glance at the statute demonstrates the absurdity of that argument. Paragraph (2) of section 1605(a) authorizes claims "based upon a commercial activity. . . ." Paragraph

(5) of the same section authorizes claims "not otherwise encompassed in paragraph(2) above, in which money damages are sought against a foreign state for personal injury or death, or damages to or loss of property, occurring in the United States. . . .". A claim for money damages for personal injury or death which is based in part upon commercial activity and in part on non-commercial activity is not "encompassed" in paragraph 2, which concerns purely commercial activity, and therefore, under the plain language of the statute, it may be brought under paragraph(5). The term "encompass" is defined as "to encircle, surround, bound on all sides," "to form a circle about," "to go all round," "to surround entirely." Oxford Shorter English Dictionary. If some commercial activity is included as the basis for a claim but the claim is not wholly "encompassed" within the commercial activity provisions, it may simply be brought under the broader terms of paragraph (5).

The commercial activities which were used to effectuate the conspiracy -- the transport of explosives, electronic bomb components and secret agents by use of commercial airline facilities -- formed only a part of the activities on which the judgment was based. Since that claim was not wholly "encompassed" in the commercial activity exception, it was properly brought under paragraph (5).

UNCLASSIFIED

The only case LAN-Chile cites (LAN Br. 27) for its argument that Section 1605(a)(2) and 1605(a)(5) refer to "mutually exclusive" kinds of activity, De Sanchez v. Banco Central de Nicaragua, 515 F. Supp. 900, 914 (E.D. La. 1981), holds nothing of the sort, since it merely held that activities of a central bank in regulating foreign currency transactions were not a commercial activity. Id. at 909-910. Far from suggesting that the bases of jurisdiction enumerated under Section 1605(a) are mutually exclusive, the Court held that it had jurisdiction under two different paragraphs, (3) and (5). Id. at 912.

In support of its argument that activities which are partly commercial may not form part of the basis for a claim under Section 1605(a)(5), LAN-Chile places principal reliance on a paragraph from a student note published in 1978 in the Valparaiso (Indiana) Law Review, in which the student author discussed the "noncommercial tort" provision of the FSIA and, without citation of authority other than the text of the statute, concluded that, under "section 1605(a)(5), "[o]nly non-commercial torts may be sued upon, and [under section 1610(a)(2)] only commercial property of the foreign state is executable in aid of the tort judgment. The requirements that the property of the foreign state

UNCLASSIFIED

must be commercial and also the basis of the claim will preclude judgment enforcement. Thus no property of the foreign state will ever be subject to execution under the Act for satisfaction of a non-commercial tort judgment, unless the sovereign waives immunity." The Problem of Execution Uniformity Under the Foreign Sovereign Immunities Act of 1976 and Federal Rule of Civil Procedure 69, 12 Val. L. Rev. 569, 578 (1978). The student's error was in accepting the term "non-commercial tort" as a shorthand definition of the kind of tort which may be sued upon pursuant to §1605(a)(5). As pointed out above, that paragraph itself refers not to "non-commercial torts" but to torts not otherwise "encompassed" in the "commercial activity" provision. Thus, in predicting that "no property of the foreign state will ever be subject to execution . . . for satisfaction of a non-commercial tort judgment," the author simply overlooked the fact that a judgment under Section 1605(a)(5) might be based, as here, on a combination of commercial and non-commercial activities.

Nor can LAN-Chile take comfort from the recent letter from representatives of the ABA Section of International Law in which they urge the State Department's Legal Adviser to Support a broadening of the execution provisions of the FSIA to permit satisfaction of any valid judgment against a foreign state by execution upon its commercial assets in general,

whether or not used in the activity in which the judgment is based. See LAN Br. at 28 and letter annexed thereto. While that letter laments the fact that "there is no express provision for execution on a tort judgment under Section 1605(a)(5) except in the case of an insurance policy," we have already established that, despite the absence of an express provision geared to paragraph 5 alone, the literal terms of the statute do authorize execution in the instant case. The fact that disinterested legal scholars seek to amend the statute to assure a just result does not imply that interpretation of the statute as it presently stands will not yield a similar just result. See United States v. Gordon, 638 F.2d 886 (5th Cir.) cert. denied 452 U.S. 909 (1981). (Section of Controlled Substances Act amended to incorporate another section "does not establish that it was not incorporated before the amendment" by the original language). See also United States v. Wise, 370 U.S. 405, 411 (1961).

Moreover, the Court should recall that in interpreting the FSIA the court is not interpreting a narrow statute but rather a codification of the restrictive theory of sovereign immunity, a statute which was intended to carry that theory a step further, to authorize execution of judgments upon the commercial assets of foreign sovereigns. H. Rep. No. 94-1487, 94th Cong., 2d Sess. (1976) at 7. See

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Texas Trading v. Republic of Nigeria, 647 F.2d 300 (2d Cir. 1981), cert. denied, 454 U.S. 1148 (1982). Thus, it is a statute which should be interpreted "not technically and restrictively, but flexibly to effectuate its remedial purposes." Blue Chip Stamps v. Manor of Drug Stores, 421 U.S. 723, 748 (1975) (Rule 10b-5), quoting Affiliated Ute Citizens v. United States, 406 U.S. 128, 151 (1972). See Gomez v. Toledo, 446 U.S. 635, 639 (1980) (42 U.S.C. § 1983). The lodestar of the restrictive theory has always been that when the state descends into the commercial arena it must subject itself to liability. See Bank of the United States v. Planters Bank of Georgia, 9 Wheat 904, 907 (1824 Marshall, C.J.). "[W]hen a government becomes a partner in any trading company, it divests itself, so far as concerns that company, of its sovereign character, and takes that of a private citizen"; Ohio v. Helvering, 292 U.S. 360, 369 (1934) ("When a state enters the marketplace seeking customers it divests itself of its quasi sovereignty pro tanto, and takes on the character of a trader."); Victory Transport Inc. v. Comisaria General de Abasteciomentos y Transportes, 336 F.2d 354, 360-62 (2d Cir. 1964), cert. denied, 381 U.S. 934 (1965). The commercial exception to sovereign immunity under the FSIA should thus be given "a broad interpretation" in light of "Congress' concern with providing 'access to the courts'

UNCLASSIFIED

UNCLASSIFIED

to those aggrieved by the commercial acts of a foreign sovereign." In re Rio Grande Transport, Inc., 516 F. Supp. 1155, 1162-1163 (S.D.N.Y. 1981) (Pierce, J.), citing Texas Trading & Milling Corp. v. Federal Republic of Nigeria, supra, 647 F.2d at 313.

LAN-Chile argues in the alternative that Chile's use of the airline to import assassins and bomb components was not "commercial" if its purpose was assassination (LAN Br. 29) -- but the statute itself makes clear that the "commercial character of an activity shall be determined by reference to the nature of the course of conduct or particular transaction or act, rather than by reference to its purpose." 28 U.S.C. § 1603(d). The role of LAN-Chile assets in the wrongful activities was simply a transportation role -- the transport of agents, explosives and bomb components. Nor is it significant whether Chile paid LAN-Chile something extra for the aid its pilots and personnel gave Townley in transporting the packages. When Chile dispatched its agents on their missions into the United States, the applicable decree provided that those agents should fly on the state airline or pay for their own transportation. Thus Chile institutionalized the commercial use of the state airline as a part of such schemes.

UNCLASSIFIED

For its alternative claim that its transport of agents and explosives should not be deemed "commercial activity," LAN-Chile cites two cases, Arango v. Guzman Travel Advisors' Corp., 621 F.2d 1371 (5th Cir. 1980) and Perez v. The Bahamas, 482 F. Supp. 1208 (D.D.C. 1980), aff'd, 652 F.2d 186 (D.C. Cir.), cert. denied, 454 U.S. 865 (1981) (LAN Br. 29-32), but neither provides any support. Perez was a claim against the Bahamas for wrongful death caused by shots from a Bahamian police boat on the high seas. In disclaiming jurisdiction the district court stated, "[p]olice enforcement of Bahamian fishing law does not become commercial because it may have some commercial purpose or goal." 482 F. Supp. at 1210. In Arango, the Fifth Circuit held that acts of personnel of the Dominican national airline in forcing passengers who had been denied entry into the Dominican Republic to reboard the aircraft and leave the country were not commercial since "Dominicana [airline] was impressed into service to perform these functions. . . ." 621 F.2d at 1379. That is, airline personnel took on a kind of police role in forcing the passengers to re-board the aircraft.* In transporting

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* The Fifth Circuit also expressed the view that the expulsion was an act of state whose legality could not be placed in question in our courts. 621 F.2d at 1380.

agents and packages in this case, LAN-Chile was performing no police function. Indeed, the transport of passengers and cargo is the quintessential function of a commercial airline. The fact that LAN-Chile's commercial activities were being used by its owner for sinister political purposes is not relevant. As the Court of Appeals held in Texas Trading & Milling Corp. v. Nigeria, supra, 647 F.2d at 310, a foreign government's purchases of cement are commercial; the government's purpose for buying the cement, " -- to build roads, army barracks, whatever -- is irrelevant."*

Finally, LAN-Chile contends that while Chile may have no sovereign immunity in respect of assets of the airline operation which it used in the conspiracy, LAN-Chile should nevertheless have immunity. However, sovereign immunity is a privilege of the foreign sovereign itself, which it may waive on behalf of itself and any of its lesser

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* We note one argument that LAN-Chile does not make -- the claim that the Judgment Creditors may levy only upon the particular assets -- the particular airplane, telephone, departure lounge furniture, etc. -- that were used by Chilean agents in the wrongful scheme. The legislative history makes clear that when a commercial activity forms the basis for a claim (or part of the basis for a claim) all of the assets used in that commercial activity in general are without sovereign immunity from execution for purposes of that claim. H. R. Rep. No. 94-1487 at 28.

state entities. H.R. Rep. No. 94-1487 at 28-29; Banco de Espana v. Federal Reserve Bank, 28 F. Supp. 958, 972 (S.D.N.Y. 1939) aff'd, 114 F.2d 438, 445 (2d Cir. 1940). Since the greater must include the less, the loss of immunity of the sovereign itself in respect of particular commercial assets must necessarily involve the loss of any immunity that a lesser entity of that same sovereign might have claimed in respect of those assets. Just as LAN-Chile can assert no sovereign immunity against Chile, it can assert no immunity when this Court enforces Chile's equitable right to withdraw the assets of the airline operation for the benefit of its creditors.

D. RECEIVERSHIP IS AN APPROPRIATE ENFORCEMENT REMEDY WHERE THE RECEIVER MUST EXERCISE EQUITABLE OWNERSHIP RIGHTS TO GAIN POSSESSION OF ASSETS HELD IN THE NAME OF A NOMINAL THIRD PARTY.

In opposing receivership, LAN-Chile suggests that the Judgment Creditors should have attempted "execution or some other means of enforcement" and argues that receivership is "a remedy of last resort, [which] should not be employed absent a compelling showing that no other remedy exists." LAN Br. 83. If LAN-Chile means that the Judgment Creditors should have sought and executed upon other United States assets of Chile which lack sovereign immunity then it has failed to suggest what those assets might be, and

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they may well be as rare as the golden fleece. If LAN-Chile means that we should have sought execution directly upon assets of the airline operation, then this too is absurd since LAN-Chile claims that it has independent title to those assets, and in the face of such an encumbrance, a sheriff's sale of the equitable interest of Chile in the airline assets would have been likely to yield little return. A receiver is highly appropriate because a receiver can exercise the equitable ownership interests of Chile to clear title and gain direct possession.* Receivership procedure is also more orderly than would be a disruptive search of Kennedy and other airports for LAN-Chile assets. LAN-Chile argues that "This Court has been provided with no reason to conclude that LAN-Chile would not comply with less drastic procedures" (LAN Br. 83-84), but receivership is the effective remedy which the law authorizes, and there is no reason for the court to fashion "less drastic" remedies since the Judgment Creditors are entitled to payment now without

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* Receivership is clearly preferable where the judgment debtor's assets are complex and of uncertain value, so that they must first be monitored and untangled, marshalled and liquidated. 6 Weinstein-Korn-Miller, op. cit. supra, ¶ 5228.04; People v. Bergman, 55 A.D.2d 542, 389 N.Y.S. 2d 589 (1st Dep't 1976), appeal dism'd 41 N.Y. 2d 1007, 395 N.Y.S. 2d 450 (1977).

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conditions, and since LAN-Chile has demonstrated that it will flout court orders, such as the 5222 restraining notices previously served.

If an appointment of a receiver were "a last resort" for enforcement of a judgment as LAN-Chile argues (LAN Br. §3), then it would be fully appropriate here as it is hard to imagine another effective remedy -- and one that will make LAN-Chile's assets throughout the United States subject to execution, up to the amount due on the judgment. See 28 U.S.C. § 754. However, LAN-Chile errs in placing reliance on Bracco v. Lackner, 462 F. Supp. 436, 456 (N.D. Calif. 1978). Although that case referred to receivership as a "last resort," it did not concern enforcement of a money judgment but rather the prejudgment remedies federal courts will use to enforce federal law, and the court there found that a preliminary injunction, rather than receivership of a nursing home, would be sufficient to avert irreparable harm.

In the instant case we are seeking to enforce a federal money judgment pursuant to Rule 69, Fed. R. Civ. P., which incorporates New York procedure for the enforcement of judgments. Receivership for such purposes in New York is not a remedy of last resort. Indeed, under the predecessor statute, the Civil Practice Act, appointment of a receiver

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for enforcement of a judgment was mandatory if the judgment creditor requested it. Smith v. Smith, 187 Misc. 669, 64 N.Y.S.2d 221 (N.Y. Sup. Ct. 1946). As part of the statutory revision of 1962 receivership was made discretionary, but it is clear beyond peradventure that the discretionary standard is met in this case, in view of the sovereign immunity of the judgment debtors' other assets and the encumbering claims of LAN-Chile to the commercial airline assets.

Under the CPLR, there is no priority among the enforcement devices which would require a prior, vain attempt at execution. No enforcement device "need be used before the other. The Creditor turns to whichever suits his need whenever the need arises." CPLR, McKinneys Commentary, C 5201:1. The appointment of a receiver under §5228(a) may be employed prior to, after, or in conjunction with other enforcement devices. 6 Weinstein-Korn-Miller, New York Civil Practice ¶5228.03, 5228.17.

In opposing the appointment of Judgment Creditor Michael Moffitt, LAN-Chile argues that while he may have a knowledge of "macroeconomic theory," he may lack experience in "running a business" and knowledge of "the workings of the airline industry." LAN Br. 87. However, Michael

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Moffitt's task under the proposed receivership order will be to marshall and sell the United States assets of the airline. If an agreement were reached with LAN-Chile personnel about continuing operation of the airline while the judgment is being paid, then that agreement would be subject to Court approval and, in all likelihood, Michael Moffitt would have the advice and assistance of LAN-Chile personnel in continuing operations. The Judgment Creditors hope that appointment of a receiver will result simply in payment of the judgment. If it does not, then Michael Moffitt is fully qualified to perform the tasks set forth in the proposed receivership order. It is also highly appropriate that he be given a hand in the enforcement of the judgment. He survived the explosion which killed his wife and he possesses qualities of character -- courage and a persistent belief in the efficacy of our system of Justice -- which equip him well for the task ahead. Finally, appointment of a Judgment Creditor receiver will permit a saving of the fees of up to 5% usually charged by a receiver (CPLR 5228), and such appointment reflects the usual practice. See cases cited, Judgment Creditors' Main Br. at 37.

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CONCLUSION

This case concerns the resolve of our Courts to enforce basic tenets of order and law against the terrorist impulses of the present government of a Sister Republic -- unbridled impulses which led to an outrage on the streets of our capital itself. Despite the traditional respect we have had for Chile, there can be no doubt of our Courts' resolve to enforce the law; nor can there be doubt that the quiet and firm enforcement of the judgment will have a deterrent effect; will be recognized as just; and will help to consign this festering incident to past history.

While our Courts give proper deference to the sovereign status of foreign governments, there can be no immunity for acts of international terrorism committed on our territory. We must also recognize that, with increasing state involvement in commercial activities, there must be a broad exception to the doctrine of sovereign immunity which will not only make foreign governments liable for their commercial activities but will make the commercial assets of foreign sovereigns answerable for those liabilities.

The FSIA, as presently conceived, makes a foreign sovereign's commercial assets in the United States subject to execution if the assets were used in an activity which gave rise to the claim, and it is entirely logical and just

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that when foreign sovereigns use their United States commercial activities in a damage-causing endeavor they should expect to pay the judgment from the proceeds of the assets used in the related activity. While foreign state trading enterprises may be allowed to benefit from separate juridical personality for many purposes, if the foreign state which uses that persona for trade is itself able to control the entity and use its assets in a damage-producing scheme, then our courts should recognize the reality that the foreign state has equitable ownership of those assets and should subject its interest in them to execution to satisfy a judgment for the damages so caused.

For the reasons set forth above and in our main brief, the Judgment Creditors' motion should be granted.

Dated: May 6, 1983

Respectfully submitted,

By W G Brown
A Member of the Firm

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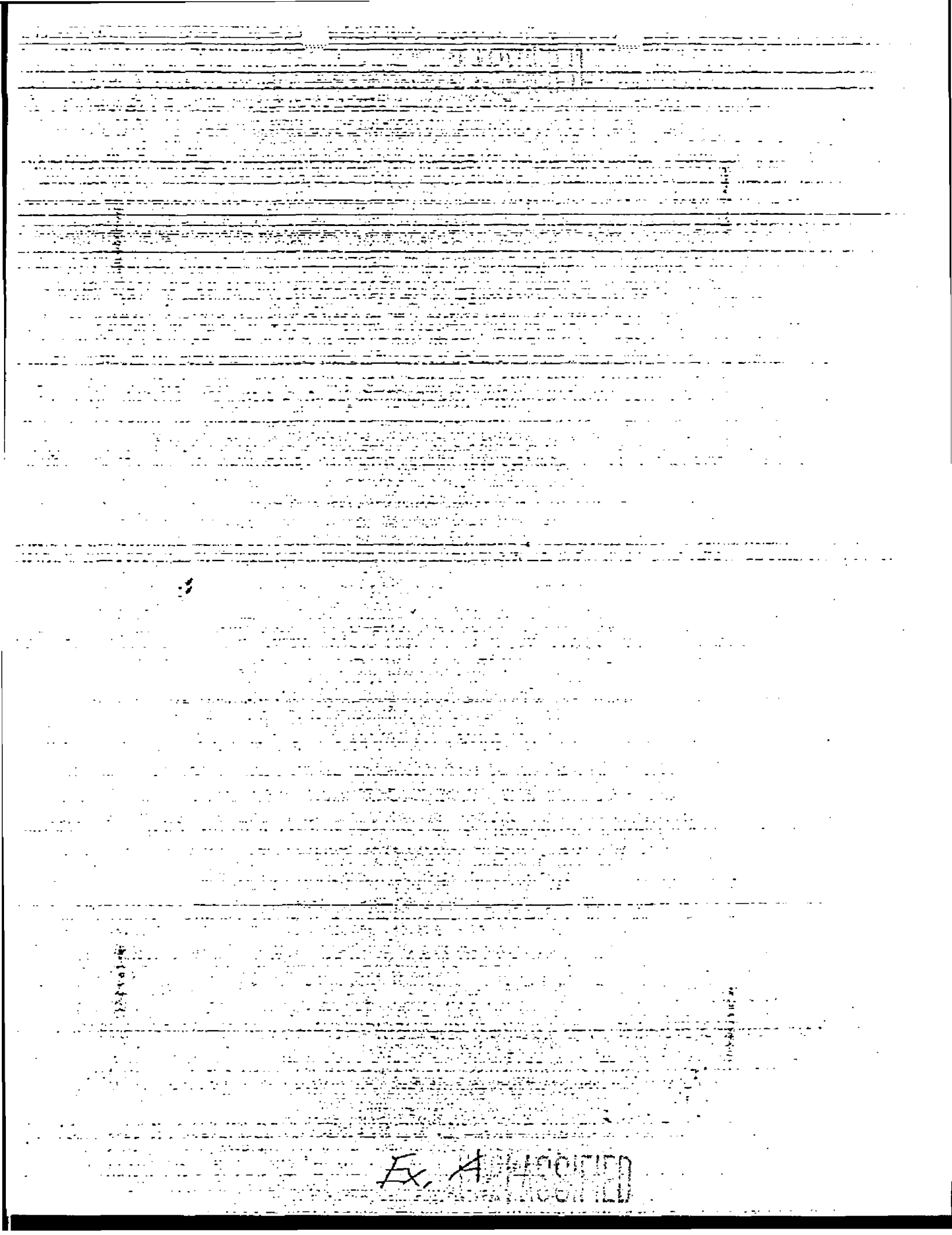
Ex. A

C E R T I F I C A T E

I, the undersigned Secretary General of LAN-CHILE, under the power granted to me in the article 3° of the Decree with Force of Law N°3 dated 1969, certify that this translation is faithful and accurate to the original in spanish of the organic law and of the by-laws of Linea Aerea Nacional-Chile, except that:

a) Articles 4 and 14 of such organic law are no longer in effect;

b) Article 12 of such organic law has been amended by other Laws which have made Linea Aerea Nacional-Chile subject to taxes; and

c) The provisions of such organic law and by-laws regarding the management of Linea Aerea Nacional-Chile have been suspended by Decree Laws 94 of 1973 and 196 of 1973 since, under the authority of such Decree Laws and of Presidential Decrees Numbers 181, 329, 330 and 335, such management has been entrusted to Messrs. Alvaro Donoso, Vivian Smith, Arturo Varela, Hugo Castro, Carlos Lathrop and Jorge Mislej, who have the full authority which such Organic Law and by-Laws grant to Linea Aerea Nacional-Chile's Board of Directors.

March ,1981

Mario Gamarra Capino
Secretario General
Linea Aerea Nacional-Chile

SECRETARIA GENERAL

FIRMO ante mi don MARIO GAMARRA CAPINO, cedula de identidad N° 2.235.474-K de Santiago.-SANTIAGO, 13 de Marzo de 1981

JAIME FLORENCE AMUNATEGUI
NOTARIO PUBLICO

Ex. B

RECEIVED
JUN 25 1979
DONOVAN LEISURE
NEWTON & IRVINE

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN RE:	)	
URANIUM INDUSTRY ANTITRUST	)	No. MDL 342, etc., et al.
LITIGATION, and related	)	
matters.	)	

TRANSCRIPT OF PROCEEDINGS

had in the above-entitled cause before the HONORABLE PRENTICE H. MARSHALL, one of the Judges of said Court, in his courtroom in the United States Courthouse, Chicago, Illinois, on Wednesday, June 20, 1979, at 4:00 o'clock p. m.

PRESENT:

MESSRS. FREEMAN, FREEMAN, ROTHE, SALZMAN, by:

LEE A. FREEMAN, JR., Esq., and
GLENNA FREEMAN, Esq.,
and
MESSRS. DONOVAN, LEISURE, NEWTON & IRVINE, by:

GEORGE S. LEISURE, JR., Esq.,
SAMUEL W. MURPHY, Jr., Esq.,
WILLIAM J. T. BROWN, Esq., and
DAVID R. JEWELL, Esq.,

on behalf of plaintiff Westinghouse Corporation;

6.20.79

RICHARD H. DAGDIGIAN, C.S.R.
Official Court Reporter
219 South Dearborn Street
Chicago, Illinois 60604
(312) 922-0033
United States District Court
Northern District of Illinois

PRESENT: (cont'd)

CHARLES W. VAN BEKE, Esq.,
Assistant General Counsel,

on behalf of Tennessee Valley Authority;

GLENN W. McGEE, Esq.,
THOMAS JOHNSTON, Esq.,
BRIAN J. REDDING, Esq.,
KEITH BODE, Esq.,
ANTON VALUKAS, Esq.,
DONALD McSWEENEY, Esq.,
ROGER PASCAL, Esq.,
WATSON TUCKER, Esq.,
GAIL GOODRICH, Esq.,
JAMES W. HATHAWAY, Esq.,
JOSEPH WRIGHT, Esq.,
SHELDON KARON, Esq.,
DANIEL LEVITT, Esq.,
THOMAS W. ALLEN, Esq.,
WILLIAM CARLISLE HERBERT, Esq.,
PAUL G. GEBHARD, Esq.,
DAVID BALABANIAN, Esq.,
ALAN J. WEINSCHEL, Esq.,

and various other unidentified counsel and parties appearing herein on behalf of defendants, etc.

THE COURT: Good afternoon, ladies and gentlemen.

Let me get my papers organized.

I suppose that we should just follow the agenda that we have. Before I get to the rulings on outstanding motions, though, let me make a brief inquiry -- Is Mr. Brown here?

MR. BROWN: Yes, your Honor.

THE COURT: Mr. Brown, you delivered to me the other day an order directed to Rio Algom Limited with respect to the shares of Atlas Alloys.

As I read that order, it is directed solely to Limited; is that correct?

MR. BROWN: That is correct, your Honor.

THE COURT: So that it is a default order, in essence, because Limited has not been here.

MR. BROWN: That's correct.

THE COURT: Okay. That was my impression of it.

MR. BROWN: We have that recurring issue, your Honor.

THE COURT: Pardon?

MR. BROWN: We have that recurring issue if Limited should give orders to someone to do something in violation of that order.

THE COURT: Oh, I understand that.

MR. BROWN: Thank you, your Honor.

THE COURT: All right. This is the 20th. Do you

want an executed copy of that order?

MR. BROWN: Yes, your Honor.

THE COURT: Okay.

MR. BROWN: Thank you, your Honor.

THE COURT: That takes care of that. All right.

The items that we have on the agenda for ruling, I had really hoped to be able to get something written for you, but the conditions that have existed around here the last 30 days have really just not permitted it.

I don't know that the out of towners are aware of it, but it is alleged, at least, that we are in a somewhat critical situation in this District respecting certain pending criminal cases, vis-a-vis the Speedy Trial Act. I shan't make any comments on the validity of that assumption, but needless to say there has been a substantial amount of frenzied activity around here the last few weeks, and I have been affected by it to an extent that I have not been able to produce anything in writing for you.

I am, however, prepared this afternoon to rule on the several matters which are still before me.

One of them, as I understand it, has been withdrawn in part.

If the prevailing parties are not satisfied with the oral remarks that I make this afternoon, with respect to the rulings, they may submit proposed findings and con-

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clusions in general conformity with the decisions that I render.

If they are satisfied with what I say this afternoon, as to its general adequacy, then they may just prepare a draft order and submit it in conformity with the ruling.

Insofar as the various discovery items are concerned, that are on Item A of the agenda, it would seem to me that the rulings that I make can just be incorporated in the pretrial order which flows from today's session.

We will take them up in the order in which they appear on the agenda.

Item A-1 is Westinghouse's motion for relief with respect to Rio Algom Corporation, which I take it is the motion which was heard in May by Westinghouse for preliminary injunctive relief against Rio Algom Corporation.

At the outset, although I find the debate over the so-called Jenner & Block invoice an interesting one with respect to the attorney-client privilege and its ramifications, I have not found it necessary to resolve that issue. I had not considered that invoice in arriving at the findings and conclusions and result that I have arrived at with respect to the motion for relief against Rio Algom Corporation.

As I perceive the situation respecting Rio Algom

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Corporation, it is in my judgment in all essential respects the same as the situation which obtained earlier in respect to Atlas Alloys, with the single exceptional circumstance, and that is that Rio Algom Corporation is, in addition to being an asset of defaulting defendant Rio Algom Limited, also a defendant in this action. And, as a consequence of that situation, it is important that Rio Algom Corporation not be affected in its ability to defend itself with respect to the charges which have been made against it, and which it -- in respect to which it has seen fit to appear and defend, indeed to defend very vigorously.

But the injunctive relief which the plaintiff Westinghouse seeks against Rio Algom Corporation, in my judgment, will in now way impair its ability to defend itself.

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The basic facts insofar as this motion are concerned, are these: In January of this year, after extensive briefing over an extended period of time, we reached the conclusion that a default judgment should be entered against Rio Algom Limited and other defaulting defendants. And a final judgment in respect to liability was entered in January of this year against Rio Algom Limited and other defaulting defendants.

Later in January, on January 15 and January 24, in aid of that judgment on liability, and to preserve the Court's jurisdiction and to preserve the plaintiff's ability to recover whatever judgment it may ultimately attain, we entered first a temporary restraining order and then a preliminary injunction which in essence restrained the defaulting defendants from removing assets from the jurisdiction of the Court; that is to say, from the jurisdiction of the United States of America.

It came to pass shortly thereafter that evidence was submitted to us in respect to a pattern of conduct on the part of Rio Algom Limited and its wholly-owned subsidiary Atlas Alloys which clearly demonstrated that the preliminary injunction order which had been in my judgment appropriately entered and served had been violated by Rio Algom Limited in conjunction with Atlas Alloys.

Rio Algom Corporation is a wholly-owned subsidiary

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of Atlas Alloys, which in turn is a wholly-owned subsidiary of defaulting defendant Rio Algom Limited. And as such, Rio Algom Corporation is, in my judgment, an asset of Rio Algom Limited. And it can't avoid the consequences of being an asset of Rio Algom Limited merely because it also enjoys some or it also enjoys separate corporate identity and also finds itself an accused conspirator on the merits of this case.

The evidence which has been adduced demonstrates that following the issuance of the injunction, there were some financial transactions engaged in by Rio Algom Corporation at the direction of officers of Rio Algom Limited who are also officers of Rio Algom Corporation.

The interlock is significant; indeed, so significant that when the president of Rio Algom Corporation testified here, he referred to those officers of Rio Algom Limited who are stationed in Canada as his financial people or his financial officers.

And he acknowledged that the financial decisions of Rio Algom Corporation, the real substance of those financial decisions, are made by persons who are officers of defaulting defendant Rio Algom Limited and are up in Canada.

Commencing in 1977, after the decision was made by Rio Algom Limited, to default in this action, a change was made with respect to the method of payment paid by American customers to Rio Algom Corporation for uranium mined by it in its mine in Utah. Rather than being paid directly to Rio Algom Corporation and deposited in American bank accounts, a change was effected by which those American customers make their payments now to a bank account in Canada.

As I say, Rio Algom Corporation, in my judgment, and in equity, is an asset of defaulting defendant Rio Algom Limited. The mine which Rio Algom Corporation owns in Utah, in equity, is an asset of defaulting defendant Rio Algom Limited, and when the value of that mine is converted by sale to cash, and the cash is then directly deposited out of the United States, in effect, Rio Algom Limited is withdrawing from the jurisdiction of the United States of America significant assets, and I believe that that type of transaction falls within the scope of the power of this Court under Rule 18(a) and under Rules 64 and 69 of the Federal Rules of Civil Procedure to restrain that dissipation of assets and to prevent the dissipation which, in turn, would

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frustrate the ability of the plaintiff Westinghouse to enforce the money judgment which it will ultimately obtain against the defaulting defendants.

Now, the argument has been made before in the Atlas Alloys situation, although it is made much more strenuously here, that Westinghouse has not effectively established what its anticipated measure of damages will be with respect to the default judgment on liability which it has obtained against the defaulting defendants. It's true that it has not. Indeed, at one of the hearing on this motion for preliminary relief, I called upon Westinghouse to advise me as to when it would be prepared to proceed to prove up its damages. I was advised by Mr. Leisure that they would be prepared in the fall.

I notice now -- and this is said really just in passing -- that one of the items that the non-defaulting defendants, presumably including Rio Algom Corporation, wish to be heard upon today is a briefing schedule to vacate that tentative setting of a damage trial against the defaulting defendants, which we have suggested for September of 1979.

The effect, then, is -- and we will come to that in due course this afternoon -- the effect is that, in one breath, the defendants are asserting Westinghouse has not established what its damages will be, and, in the next

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breath, they take the position that Westinghouse should not be permitted to establish what its damages have been.

I believe that the showing which has previously been made and which has again been made with respect to this particular motion addressed against Rio Algom Corporation is quite adequate to demonstrate a strong probability that the Westinghouse recovery will reach well into the hundreds of millions of dollars in this case at least insofar as the defaulting defendants are concerned.

The dollar amounts that are involved here, when placed against the anticipated recovery by Westinghouse against the defaulting defendants, almost border upon de minimis.

But the fact that the recovery by Westinghouse may move into the hundreds of millions of dollars, might even approach billions of dollars, is no reason to permit a defaulting defendant such as Rio Algom Limited, through its wholly-owned subsidiaries, Atlas Alloys and Rio Algom Corporation, to withdraw significant assets from this country, valued in the millions of dollars.

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I think it clear that Westinghouse in seeking this preliminary injunctive relief has met the first standard imposed by the Court of Appeals for this Circuit with respect to preliminary injunctive relief; that is to say, it has demonstrated a strong likelihood of success on the merits with respect to the equitable sequestration of the assets of Rio Algom Limited.

The day is soon forthcoming when a money judgment will be entered against Rio Algom Limited and Westinghouse will be entitled to enforce that judgment.

The second standard in this Circuit is a--second and third, are a balancing of harm, harm to the plaintiff if relief is not granted; harm to the defendant if the relief is granted.

Insofar as the plaintiff is concerned, I think the harm is clear. Assets will be removed from the country and they will not be available for recovery at a later time.

Indeed, while Canada, which is the home of Rio Algom Limited, has not yet taken the step to which I am about to refer, it is my understanding from the materials which have been submitted to me that the Commonwealth of Australia has adopted legislation prohibiting any person or any official in Australia from enforcing in any way or assisting in the enforcement in any way of the default judgment which has been entered.

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In short, there has developed here, it is regrettable, but there has developed here not only a pattern of resistance on the part of the defaulting foreign corporations, not only a pattern as I have previously characterized it of obduracy on their part and a total resistance to any acknowledgment of the exercise of this Court's jurisdiction; but the same pattern has now begun to emerge with respect to the countries of incorporation of certain of the defendants.

In these circumstances, Westinghouse being an incipient judgment creditor in a substantial amount, being a domestic corporation of the United States of America, is entitled, in my judgment, to the equitable assistance of a United States District Court in aid of the judgment which it will soon obtain. And that if that relief is not accorded to it, it clearly will suffer irreparable harm.

Turning to the harm with respect to Rio Algom Corporation, and it is here, I believe, that its dual capacity emerges; as I have said, it is here in two ways. It is here as an asset of defaulting defendant Rio Algom Limited; it is also here as a defendant on the merits of the anti-trust conspiracy with which it has been charged. It is imperative that it not be hampered in its defense of those charges; but the relief which Westinghouse seeks against it will not, in my judgment, in any way impair Rio Algom Corpo-

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ration from defending itself; indeed, it will not inflict any harm upon Rio Algom Corporation other than to prevent it at the instance and direction of the officers of Rio Algom Limited from removing assets from the United States.

The funds which it generates from the sale of its uranium will be available to it for its regular business. The funds will be available to it for the defense of this action. A certain amount of supervision will be exercised over it with respect to the disbursement of its funds, but in no way are the funds being taken from it.

Turning to the fourth and final consideration in this Circuit, namely, the question of public interest, this is a sort of an ephemeral standard. In one instance, the Court of Appeals for this Circuit has directed us that we should not issue preliminary injunctions unless it is in the public interest to do so. In other instances, the test has been stated in terms that the injunction should not be issued if it is contrary to the public interest.

It seems to me that regardless of where we put the negative in the standard, the standard is not as far as this situation is concerned.

We have here a case that directly involves the economic health of this nation with respect to its energy supply. It is a case clearly affected with the public interested, from both sides, not just from Westinghouse's

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side, but from both sides. It goes to the question of the existence or non-existence of a free market with respect to the production and sale of uranium.

And in making these remarks, I have in no way lost sight of the counterclaims which have been made by the non-defaulting defendants against Westinghouse in which they accuse Westinghouse of antigrowth, anticompetitive behavior. But clearly, this is a lawsuit in which there is a distinct public interest. And it is a lawsuit which is committed to the jurisdiction of this Court, indeed, the exclusive jurisdiction of this Court.

In those circumstances, as I have said on an earlier occasion, it cannot be contrary to the public interest; indeed, it must be in the public interest for a United States District Court to do that which is within its power to do, to see to it that subject matters which are committed to it over which it has jurisdiction are adjudicated in an orderly way.

I realize that the defaulting defendants disagree with my exercise of jurisdiction. I know that. If they didn't disagree with it, I assume they would be here. But after very thoughtful consideration and after what I have previously characterized as a vicarious representation far exceeding that which I have ever seen accorded to a defaulting defendant, we came to the conclusion that we have juris-

diction over these people; that we had jurisdiction of the subject matter; and that the plaintiff in light of the defaulting defendants' failure to appear are entitled to the relief that they seek.

In having reached those conclusions, it is incumbent, I believe, in the public interest for any District Judge to take those steps which are available to him or her fairly to enforce the judgment of the Court. And this is particularly true when the harm which will be done to Rio Algom Corporation in this situation is, in my judgment, minimal.

One final specific comment, and that is the reliance of Rio Algom Corporation upon the De Beers case, 325 United States 212. The situation there was markedly different than the situation here. There, the plaintiffs sought pretrial, prejudgment relief, somewhat akin to the relief sought here, against an active defendant who did not occupy the dual position that Rio Algom Corporation occupies here. The injunction which is being entered against Rio Algom Corporation today is not being entered against it as a defendant in the conspiracy charge which has been made against it in which it is here defending. It is being entered against it in its capacity as a wholly-owned subsidiary of, a wholly-owned subsidiary of a defaulting defendant.

The Westinghouse motion for preliminary injunctio

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will be granted, in accord with the prayers that appear at Pages 6 and 7 of the order to show cause, subparagraphs c through h inclusive, with the exception that subparagraph g, in light of some of the experiences that we have had in this case, I believe subparagraph g should be modified to raise the dollar amount from 10,000 to $20,000 per transaction.

But the presumption, and I am going to strike out "irrebuttable", I don't know that it is an unrebuttable presumption by any means, but the presumption that multiple transfers to the same transferee on the same day in aggregate amounts exceeding $20,000 are outside the ordinary course of business, that language may stand. So that Rio Algom Corporation will be enjoined from effecting transfers of its United States assets to Canada.

Rio Algom Corporation will be required to receive or deposit the revenues of its Utah mining operations and other business in United States banks. It will be forbidden from making deposits in bank accounts outside the United States. It will be forbidden from making transfers in any amount directly or indirectly to defaulting defendant Rio Algom Limited or its affiliated companies without 20 days' prior notice to the Court and to the plaintiff.

It will be forbidden from making transfers to any other person in amounts exceeding $20,000 or outside the

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ordinary course of business without 20 days' prior notice to the Court and plaintiff, there being a presumption that multiple transfers to the same transferee on the same day in an aggregate amount exceeding $20,000 are outside the ordinary course of business.

And the officers and employees of Rio Tinto's Inc. Corporation Limited and Rio Algom Limited are forbidden from making withdrawals from or serving as signatories with respect to the bank accounts of Rio Algom Corporation.

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PAGE 01 SANTIA 02597 01 OF 02 091429Z
ACTION ARA-16

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TO SECSTATE WASHDC PRIORITY 5500
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Chile Project (#S199900030)
U.S. Department of State
Release X Excise_____ Deny____
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Exemption(s)_____

C-O-N-F-I-D-E-N-T-I-A-L SECTION 01 OF 02 SANTIAGO 2597

BRUSSELS FOR USEC LABATT

EO 12356: DECL: OADR
TAGS: ELAB PINT CI
SUBJECT: PROPOSED NATIONAL STRIKE CONVERTED INTO
PROPOSED DAY OF NATIONAL PROTEST

REFS: A) SANTIAGO 2436; B) SANTIAGO 2505

1.(C-ENTIRE TEXT.

2. SUMMARY: THE NATIONAL WORK STOPPAGE CALLED FOR MAY 11 BY THE COPPERWORKERS CONFEDERATION (CTC) HAS BEEN DEFERRED. INSTEAD, MAY 11 WILL BE PROMOTED AS A DAY OF NATIONAL PROTEST, WITH OPPOSITION LABOR FORCES AND OTHERS ENGAGING IN SUCH ACTIVITIES AS WORK SLOWDOWNS, FASTING, KEEPING CHILDREN HOME FROM SCHOOL, REFUSING TO USE COMPANY TRANPORTATION AND POUNDING POTS AND PANS AT AN AGREED HOUR. THE CHANGE IN PLANS WAS PROMPTED BY THE LEADERS OF THE UNION OF DEMOCRATIC WORKERS (UDT), WHO SAW ENTHUSIASM FOR THE STRIKE WANING, EVEN IN THE COPPER CONFIDENTIAL

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PAGE 02 SANTIA 02597 01 OF 02 091429Z

SECTOR. FEAR OF STRONG GOC REPRISALS WAS ALSO A FACTOR, SINCE GOC LEADERS BELIEVE AND HAVE WARNED THAT THE PROPOSED STRIKE WAS PART OF AN ORCHESTRATED INTERNATIONAL CAMPAIGN CULMINATING ON SEPTEMBER 11 (THE TENTH ANNIVERSARY OF ALLENDE'S DOWNFALL) WITH A MAJOR CONFRONTATION BETWEEN THE GOC AND THE OPPOSITION FORCES.

WHILE DENYING ANY KIND OF CONSPIRACY, OPPOSITION LABOR LEADERS MAY NOW BE CONSIDERING FURTHER ACTION ON JUNE 11, DEPENDING ON THE RESULTS OF MAY 11. FOR THE TIME BEING THE POSSIBILITIES FOR A CONFRONTATION APPEAR LESS THAN WHAT WOULD HAVE BEEN THE CASE WITH A NATIONAL STRIKE BUT TENSIONS ARE NONETHELESS GROWING. END SUMMARY.

3. THE CHILEAN COPPERWORKERS CONFEDERATION (CTC) HAS DECIDED TO CONVERT THE PROPOSED NATIONAL STRIKE FOR MAY 11, 1983 (REF A) INTO A DAY OF NATIONAL PROTEST ALONG THE LINES OF THAT PROPOSED ON MAY 1, BY UNION OF DEMOCRATIC WORKERS (UDT) PRESIDENT EDUARDO RIOS (REF B). THE STRIKE WILL BE POSTPONED RATHER THAN CANCELLED. INSTEAD, THE CTC AND OTHER ORGANIZATIONS WISHING TO PROTEST THE GOVERNMENTS POLITICAL, ECONOMIC AND SOCIAL POLICIES WILL ENCOURAGE THEIR MEMBERS TO ENGAGE IN SUCH ACTS AS WORK SLOWDOWNS, FASTING, REFUSAL TO USE COMPANY TRANSPORTATION, KEEPING CHILDREN HOME FROM SCHOOL FOR THE DAY AND AT 8 PM BANGING PANS (A SYMBOLIC GESTURE WIDELY USED PRIOR TO THE OVERTHROW OF ALLENDE). THE GOAL WILL BE TO DEMONSTRATE WIDESPREAD DISCONTENT IN A VISIBLE WAY WITHOUT CONFRONTING THE GOC DIRECTLY AND THUS LESSENING THE RISK OF REPRISAL.

4. THE CTC DECISION WHICH WILL BE FORMALLY ANNOUNCED MAY 9 IS IN PART A FACESAVING MEASURE. FOLLOWING EARLY ENTHUSIASM WITHIN MUCH OF THE COPPER SECTOR FOR THE STRIKE, WORKER SUPPORT BEGAN ERODING AS THE REALIZATION SET IN THAT THE CONFIDENTIAL

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PAGE 03 SANTIA 02597 01 OF 02 091429Z

STRIKERS COULD END UP BEING FIRED FOR ENGAGING IN AN ILLEGAL STRIKE (DURING A PERIOD OF SEVERE ECONOMIC DIFFICULTIES, THE COPPERWORKERS REMAIN A RATHER PRIVILEGED GROUP WITH JOB STABILITY AND GENERALLY BETTER WAGES AND BENEFITS THAN OTHER LABOR SECTORS. WITH HIGH UNEMPLOYMENT THERE IS A LARGE MANPOWER SOURCE TO REPLACE MALCONTENTS).

5. THE UDT AND OTHER ORGANIZATIONS WHILE JOINING THE SPIRIT OF THE CALL FOR A NATIONAL STRIKE, HAD BEEN IRRITATED THAT THEY HAD NOT BEEN CONSULTED BEFOREHAND. RIOS AND OTHERS REASONED THAT WHILE A NATIONAL STRIKE MIGHT AT SOME TIME BE APPROPRIATE IT WOULD HAVE TO BE CAREFULLLY PLANNED AND THE CONSEQUENCES AND GOALS CONSIDERED BEFORE UNDERTAKING SUCH AN EXTREME MEASURE.

6. CTC PRESIDENT SEGUEL AND SECRETARY GENERAL CARAVAJAL OBVIOUSLY FEELING UNDER PRESSURE, CALLED ON THE EMBASSY TWICE DURING THE WEEK (MAY 2 AND 4). SEGUEL, PARTICULARLY CAME ACROSS AS A DEDICATED SINCERE INEXPERIENCED YOUNG LEADER WHO REALIZED HE

HAD GOTTEN INTO A DIFFICULT SITUATION. HE TOLD US THE GOAL OF THE CTC WAS TO GET A DIALOGUE GOING WITH THE GOC. AS ONE OF THE LARGEST LEGAL LABOR ORGANIZATIONS, THE CTC HAD A MORAL RESPONSIBILITY TO SPEAK OUT ON BEHALF OF ALL CHILEAN WORKERS. WE OBSERVED THE CALL FOR A NATIONAL STRIKE WOULD BE A CHALLENGE TO GOC AUTHORITY. PUBLIC AND PRIVATE STATEMENTS INDICATED THE GOC WOULD BE VERY TOUGH, ALTHOUGH WE DID NOT KNOW WHAT MEASURES WOULD BE TAKEN. SEGUEL RESPONDED THAT ALL OTHER EFFORTS TO MEET WITH GOC REPS HAD FAILED. REPEATED CALLS AND LETTERS TO THE LABOR MINISTER AHD GONE UNANSWERED. THE CODELCO (NATIONAL COPPER COMPANY) MANAGEMENT WOULD NOT MEET WITH THE CTC. ON MAY 2, SEGUEL SENT A LETTER TO PRESIDENT PINOCHET AGAIN URGING A MEETING. SEGUEL FOLLOWED UP WITH STATEMENTS TO THE PRESS THAT THE CTC WANTED A DIALOGUE. HE DID NOT EXPECT PINOCHET TO RESPOND.

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PAGE 04 SANTIA 02597 01 OF 02 091429Z

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PAGE 01 SANTIA 02597 02 OF 02 091200Z
ACTION ARA-16

INFO	OCT-00	COPY-01	ADS-00	AID-07	INR-10	SS-10	CIAE-00
	EB-08	DODE-00	H-01	IO-15	NSC-01	NSAE-00	COME-00
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P 062121Z MAY 83
FM AMEMBASSY SANTIAGO
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INFO AMEMBASSY BRUSSELS
USMISSION GENEVA
AMEMBASSY BUENOS AIRES

C O N F I D E N T I AL SECTION 02 OF 02 SANTIAGO 2597

BRUSSELS FOR USEC LABATT

7. RIOS TOLD LABATT MAY 5 THAT THE UDT AND OTHER ORGANIZATIONS WOULD SEND LETTERS MAY 6 TO THE CTC OFFICIALLY REQUESTING DEFERRAL OF THE STRIKE IN ORDER TO PERMIT THE ORGANIZATIONS TO CONSULT MORE FULLY WITH THEIR AFFILIATES. HE SAID A PROTEST

COMMITTEE WOULD BE FORMED TO COORDINATE PROTEST ACTIVITIES. HE HAD HEARD FROM SOURCES WITHIN THE GOC THAT MINISTER OF INTERIOR MONTERO BELIEVED THE PROPOSED NATIONAL STRIKE WAS PART OF AN INTERNATIONAL CONSPIRACY AGAINST THE GOC. THE SO-CALLED CONSPIRACY WAS BASED ON THE FACT THAT THE ICFTU DAY OF SOLIDARITY WITH CHILE CONFERENCE HELD IN MADRID BEGAN ON MARCH 11. NOW THE STRIKE FOR MAY 11. MONTERO APPARENTLY BELIEVES THERE WILL BE A SERIES OF ACTIONS LEADING UP TO A MAJOR CONFRONTATION BETWEEN THE OPPOSITION AND THE GOC ON SEPTEMBER 11, 1983, THE ANNIVERSARY OF THE 1980 PLEBISCITE, AND THE FALL OF ALLENDE IN 1973.

8. ACCORDING TO RIOS, MONTERO'S CONCERN WAS HEIGHTENED BY THE DECLARATION OF SUPPORT FOR THE STRIKE ISSUED BY PRODEN (NATIONAL DEVELOPMENT PROJECT), AN OPPOSITION SOCIAL ACTION CONFIDENTIAL

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PAGE 02 SANTIA 02597 02 OF 02 091200Z

GROUP CUTTING ACROSS VARIOUS POLITICAL, PROFESSIONAL, AND WORKER TENDENCIES (INCLUDING THE UDT). (EMBASSY COMMENT: PRODEN HAS BECOME INCREASINGLY ACTIVE IN TRADE UNION MATTERS - VERY VISIBLE AT RECENT UDT AND AFFILIATE ACTIVITIES. IN ONE OF THE TWO CALLS ON THE EMBASSY BY CTC LEADERS, PRODEN ACTIVIST CARLOS DUPRE WAS PRESENT. PRODEN APPEARS EAER TO CONVERT LABOR ACTIVITIES INTO MEASURES TO ENHANCE PRODEN'S STATUS. MONTERO IS NOT THE ONLY ONE TO BE CONCERNED ABOUT PRODEN. THE LEADERS OF THE TRADITIONAL PARTIES, PARTICULARLY THE CHRISTIAN DEMOCRATIC PARTY (PDC), HAVE NOT FIGURED OUT HOW TO DEAL WITH THE ORGANIZATION. END

COMMENT).

9. RIOS SAID THAT THERE WAS NO CONSPIRACY HE KNEW OF. THE MAY 11 DATE WAS SELECTED ARBITRARILY, THAT ORIGINALLY THE CTC THOUGHT OF MAY 9. HOWEVER, NOW THAT THE IDEA HAD BEEN RAISED, RIOS THOUGHT IT MIGHT BE WORTH CONSIDERING ANOTHER PROTEST ACTION FOR JUNE 11. HE WOULD EXPLORE THIS WITH HIS COLLEAGUES.

10. EMBASSY COMMENT: THE VARIETY OF PROTEST MEASURES NOW PROPOSED FOR MAY 11, SHOULD BE LESS CONFRONTATIONAL THAN A NATIONAL STRIKE WOULD HAVE BEEN. BUT WE EXPECT THAT GOC LEADERS WILL CONTINUE TO REGARD SUCH ACTIVITIES, REGARDLESS OF ORIGIN OR INTENTION, AS EXTREMELY SERIOUS. THE ENTHUASTIC SUPPORT OF RADIO MOSCOW AND OF COMMUNIST LABOR GROUPS WILL LEND CREDENCE TO THE SUSPICION THAT PINOCHET'S OPPONENTS ARE PREPARING FOR A MAJOR TEST OF STRENGTH. UNDER SUCH CIRCUMSTANCES, INTERNAL SECURITY CONSIDERATIONS WILL PREVIAL OVER THE RISK OF ADVERSE FOREIGN REACTION, AND THERE IS LITTLE DOUBT THAT THE GOC WILL BE PREPARED TO TAKE ACTIONS AGAINST THE LEADERS OR PARTICIPANTS IN PROTEST ACTIONS INVOLVING UNAUTHORIZED ASSEMBLAGES, MARCHES OR VIOLENCE. MATTHEWS

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National Security Log, May 1-7, 1983

Chile Project (#S199900030)
U.S. Department of State
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Exemption(s) ____

May 1

-- Between fifty and seventy persons were detained during unauthorized Labor Day demonstrations in Downtown Santiago. Several persons were reportedly injured when civilians armed with "laques" attempted to disperse demonstrators.

-- ANEF celebrated Labor Day in its downtown headquarters without incidents.

-- An explosion in Concepcion slightly injured five persons. Police are holding all five, pending an investigation into the cause of the explosion.

May 2

-- The Vicariate Pastoral Obrera of Santiago has issued a public statement protesting the detention of one of its members during the May 1 disturbances.

-- Carlos Muñoz, Juan Carmona, and Adolfo Soto were freed unconditionally by the Second Chamber of the Court of Appeals. They had been accused of violation of the Law on Internal Security.

-- An explosion damaged electrical cables and railroad line near Talca. No one has been arrested in connection with the incident.

May 3

-- Say Renato Yuy and Hector Banda Carrasco, alleged members of the proscribed Community Party, were detained and turned over to the courts in Viña del Mar. They are accused of distributing subversive pamphlets and manufacturing explosives. Two other alleged PC members, Manuel Flores Videla and Eugenia Veronic Morales Hernandez, were also reportedly arrested.

-- Carabineros found and deactivated bombs planted near two electrical power towers in Talca.

May 4

-- The mothers of Manuel Flores Duran and German Osorio Perez, alleged extremists killed in a shoot-out with police on April 19, have filed statements with the Third Military Court, which is investigating the shoot-out.

-- Raul Enrique Flores Castillo, an alleged extremist who was detained on April 18, has been turned over to the Third Military Court for trial. He is accused of infraction of the Arms Control Law.

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May 4 (Cont'd)

-- A military prosecutor has asked for a sentence of 10 years in prison for alleged MIRista Gonzalo Gonzalez Quiroga, who is accused of participating in a triple bank robbery.

-- Manuel Almeyda Media, a surgeon who was wounded by civilians carrying "laques" during the disturbances on May 11, has filed a complaint with the First Criminal Court. Several leaders of the PDC have signed a declaration requesting an investigation into the identity of the armed civilians.

-- An explosion destroyed an electrical power tower in Concepcion.

May 5

-- Raul Enrique Flores Casillo, Blanca Rosa Carrasco Ahumada, and Jose Luis Azocar Rocha, alleged members of the MIR, were declared "reo" by the Third Military Court. They are accused of infraction of the Arms Control Law.

-- More than forty-three persons have been arrested in connection with an investigation into the fires that destroyed portions of the forest around Valparaiso last summer.

-- The Ministry of Interior filed charges against Patricia Lyon Diaz, Eduardo Vargas Ortega, Fernando Navarro Herrera, Jose Gutierrez Cavieres, Ricardo Carvajal Galdames, Maria Abarca Tobar, Mario Navarro Salina, Fermin Navarro Salinas, and Victor Huenchuman Villegas, all alleged members of the proscribed Communist Party. They are accused of distributing subversive pamphlets.

-- According to a report of the Chilean Human Rights Commission, more than 3,000 persons have been detained for political reasons since the promulgation of the new constitution.

May 6

-- Paulina Clandestino, Luis Alfaro, and Ruben Torres, accused of infraction of the Law on Internal Security, were declared "reo" and released on bail.

-- The Court of Appeals has sentenced Cecilia Rodriguez, regional director of the Association of Families of Disappeared Prisoners, to forty days in prison for infraction of the Law on Internal Security.

-- CNI agents found and deactivated a bomb near a kindergarten in Santiago.

-- Michael Townley was released from a US prison on May 5 but arrested again almost immediately on a pending minor charge. The Government of Argentina has formally requested his extradition in connection with an investigation into the assassination of Chilean General Carlos Prats and his wife in 1976.

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El Salvador: Human Rights
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Department of State **TELEGRAM**

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[redacted] ECTION 01 OF 02 SAN SALVADOR 04157

O. 12356: DECL: 5/11/89
AGS: SMUN, PINS, PGOV, ES
UBJECT: DEATH SQUAD KILLINGS TARGET THE AMNESTY

EF: SAN SALVADOR 3970

. C--ENTIRE TEXT.

. SUMMARY. THIS REPORT ON TWO RECENT KILLINGS, PPARENTLY BY DEATH SQUADS, IS BASED ON PRELIMINARY NFORMATION GATHERED FROM SEVERAL SOURCES. ON AY 6 A YOUNG SALVADORAN MALE, DRESSED IN A GUERRILLA NIFORM, WAS FOUND DEAD IN THE CAMINO REAL HOTEL ARKING LOT. A NOTE FROM THE SECRET ANTI-COMMUNIST RMY WAS ATTACHED TO THE BODY. ON MAY 8 EIGHT BODIES ND TWO SURVIVORS WERE FOUND, IN THE VICINITY OF EJICANOS AND MARIONA PENETENTIARY. AT LEAST TWO [redacted]

AGE 02 SAN SA 04157 01 OF 02 1121222

F THE DEAD WERE RECENTLY RELEASED POLITICAL PRISONERS.

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Department of State IS/FPC/CDR El Salvador SP Date 4/23/93
Declassified under EO 12356 (X) in full; ( ) in part;
portions withheld: classified ( ); deliberative ( );
law enforcement ( ); privacy ( ), statutory ( );
not relevant to El Salvador ( ).

[redacted]

ACCORDING TO THE SURVIVORS, THEY WERE SHOT BY UNIFORMED SOLDIERS. BOTH INCIDENTS WER OBVIOUSLY DIRECTED AGAINST THE AMNESTY. IT REMAINS TO BE SEEN IF VIOLENCE AGAINST AMNESTY RECIPIENTS CAN BE CONTROLLED. END SUMMARY.

3. THIS REPORT IS BASED ON SEVERAL SOURCES INCLUDING SALVADORAN HUMAN RIGHTS ORGANIZATIONS, THE NATIONAL POLICE, PRESS REPORTS, AND SALVADORAN AND AMERICAN JOURNALISTS. AS IS THE CASE WITH ALL "DEATH SQUAD" KILLINGS, IT IS NOT POSSIBLE TO PRESENT A DEFINITIVE VERSION OF "THE TRUTH."

4. ON MAY 6 AT ABOUT 9:15 P.M. AN AMERICAN TELEVISION NETWORK RECEIVED AN ANONYMOUS CALL REPORTING THAT A BODY COULD BE FOUND IN THE PARKING LOT OF THE CAMINO REAL HOTEL, HEADQUARTERS OF THE INTERNATIONAL PRESS CORPS IN EL SALVADOR. THE BODY OF A YOUNG SALVADORAN MALE, WITH A BLOW TO THE HEAD AND WITH SIGNS OF STRANGULATION, WAS FOUND IN A POOL OF BLOOD BESIDE A PARKED CAR WITH ITS HEADLIGHTS TURNED ON. THE YOUTH WAS DRESSED IN ILL-FITTING BUT CLEAN AND PRESSED MILITARY FATIGUES WITH "FMLN" SEWN ON ONE POCKET.

5. TACKED TO THE BODY WAS A NOTE FROM THE "SPECIAL EL AMATILLO COMMANDOS OF THE SECRET ANTI-COMMUNIST ARMY (ESA)." (NOTE: EL AMATILLO IS THE SALVADORAN-HONDURAN BORDER CROSSING ATTACKED BY GUERRILLAS ON APRIL 29.) THE NOTE STATED THE FOLLOWING:

-- BECAUSE SALVADORAN LAW ONLY FAVORS THE "COMMUNIST CRIMINALS" OF THE FDR/FMLN, THE ESA WAS FORCED TO HOLD [redacted]

PAGE 03 SAN SA 04157 01 OF 02 1121222

A SECRET TRIAL AGAINST THE FMLN TERRORIST FROM GUAZAPA WHO BOMBED THE ESSO GAS STATION IN APOPA. (NOTE: THE ESSO STATION, LOCATED ABOUT ONE BLOCK FROM THE NATIONAL POLICE GARRISON, WAS BURNED ON MAY 4. APOPA IS LOCATED ABOUT 15 KILOMETERS NORTH OF SAN SALVADOR, AND IS A SCENE OF FREQUENT VIOLENCE.)

-- THE ESA KNOWS ABOUT THE LINKS BETWEEN PDC DEPUTY MAURICIO MAZIER AND THE GUERRILLAS. HE SHOULD REFRAIN FROM PUBLICLY SUPPORTING THEM, OR HE WILL BE BROUGHT

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PAGE 01 SAN SA 04157 02 OF 02 112130Z
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INFO AMEMBASSY BOGOTA
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AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
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[redacted] SECTION 02 OF 02 SAN SALVADOR 04157

WHETHER THEY WERE KILLED AT THE TWO GARBAGE DUMPS WHERE THEY WERE FOUND THE NEXT MORNING, OR IF THEY WERE EXECUTED ELSEWHERE. THE TENTH BODY WAS FOUND ON A MEJICANOS STREET CORNER. SOLDIERS HAD ALLEGEDLY CAPTURED HIM THE NIGHT BEFORE AS WELL.

3. COMMENT. WHETHER OR NOT THESE TWO CASES ARE RELATED, THEY ARE VARIATIONS OF "DEATH SQUAD" POLITICAL VIOLENCE. OVER FORTY BODIES HAVE TURNED UP AT THE TWO GARBAGE DUMPS NEAR NARIONA SINCE THE BEGINNING OF THE YEAR, VIRTUALLY ALL OF THEM ANONYMOUS KILLINGS LIKE THOSE OF MAY 7. THE ESA KILLING IN THE CAMINO REAL PARKING LOT IS AN OMINOUS RECURRENCE OF THE PUBLIC DEATH SQUAD ATROCITIES WHICH INTENTIONALLY SOWED TERROR AMONG THE URBAN AND RURAL POPULATION, UNTIL THE TACTIC VIRTUALLY DISAPPEARED IN 1981. THE ESA, ALONG WITH THE MAXIMILIANO HERNANDEZ [redacted]

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PAGE 02 SAN SA 04157 02 OF 02 112130Z

MARTINEZ BRIGADE AND THE WHITE WARRIORS UNION, WAS AMONG THE MOST PROMINENT ORGANIZATIONS WHICH CLAIMED [redacted]

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TO SECRET TRIAL AND FACE THE SAME FATE AS THE ONE WHO WAS JUST TRIED. (MAZIER'S REACTION IS BEING REPORTED SEPTEL.)

-- THE ESA IS NOT MADE UP OF MEMBERS OF THE ARMED FORCES, AND THEREFORE IS NOT WILLING TO FOLLOW ORDERS WHICH TIE THEIR HANDS IN THE FIGHT AGAINST THE GUERRILLAS. WE WILL STOP OUR ACTIVITIES ONLY IF THE LEFTIST GUERRILLAS LAY DOWN THEIR WEAPONS.

4. ON MAY 8, EIGHT BODIES AND TWO SURVIVORS APPARENTLY LEFT FOR DEAD, WERE FOUND IN THREE LOCATIONS AROUND THE POOR MEJICANOS DISTRICT OF SAN SALVADOR AND NARIONA PENITENTIARY ON THE OUTSKIRTS OF TOWN NEARBY. ALL HAD GUNSHOT WOUNDS, AND AT LEAST THREE HAD BEEN SEVERELY MUTILATED. SIX OF THE TEN YOUNG MALES HAVE BEEN IDENTIFIED. TWO OF THE DEAD WERE RECENTLY RELEASED POLITICAL PRISONERS. ACCORDING O THE SURVIVORS (WHO ARE IN HIDING AND WHOSE IDENTITIES ARE UNKNOWN TO US), UNIFORMED SOLDIERS PICKED UP NINE OF THEM ON THEIR WAY HOME FROM A FUNERAL IN MEJICANOS THE NIGHT OF MAY 7. AFTER ACCUSING THEM OF BEING SUBVERSIVES, THE SOLDIERS SUMMARILY SHOT THEM. IT IS NOT CLEAR

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CREDIT FOR HUNDREDS OF SIMILAR ASSASSINATIONS. THE LAST TIME SUCH A DEATH SQUAD MADE ITSELF NATIONALLY KNOWN WAS IN MARCH 1982 WHEN THE HERNANDEZ MARTINEZ BRIGADE DISCLAIMED RESPONSIBILITY FOR THE ASSASSINATION OF PCN IDEOLOGUE "NEGRO" RODRIGUEZ. WHOEVER WAS RESPONSIBLE FOR THE SOPHISTICATED PARKING LOT KILLING, THE PERPETRATORS KNEW WHAT THEY WERE DOING. LEAVING THE BODY AT THE CAMINO REAL GUARANTEED THE INSTANT ATTENTION OF THE INTERNATIONAL PRESS CORPS. THE NOTE THREATENING THE PDC DEPUTY REVEALED A CLOSE KNOWLEDGE OF NATIONAL POLITICS, AND SPECIFICALLY OF MAZIER'S SPEECH AT THE CONSTITUENT ASSEMBLY ON MAY 4, WHERE HE WARNED OF DEATH SQUAD VIOLENCE AGAINST AMNESTY RECIPIENTS. BOTH OF THESE INCIDENTS WERE DIRECTED AGAINST THE AMNESTY. WE HAVE HEARD FROM TWO SOURCES THAT AT LEAST SOME OF THE RECENTLY RELEASED POLITICAL PRISONERS ARE IN HIDING AND FEAR FOR THEIR LIVES. NATIONAL POLICE DIRECTOR COL. LOPEZ NUILA, WHEN QUESTIONED ABOUT INVESTIGATION INTO THE PARKING LOT KILLING SAID, "WE WOULD LIKE TO CAPTURE THE GROUP RESPONSIBLE." DETECTIVES ASSIGNED TO THE CASE WERE NOT PARTICULARLY ENTHUSIASTIC. AS NOTED PARAGRAPH 9 REFTEL, IT REMAINS TO BE SEEN IF VIOLENCE AGAINST AMNESTY RECIPIENTS -- AS AGAINST OTHERS -- CAN BE CONTROLLED. THE KILLINGS NEAR MEJICANOS DEMONSTRATE THAT SUMMARY ASSASSINATIONS BY ANONYMOUS DEATH SQUADS CONTINUE. THE PARKING LOT KILLING INDICATES THAT SELF-ATTRIBUTED DEATH SQUAD TERRORISM, AND THOSE WHO CONDUCT IT, ARE STILL WITH US. THE IRONY OF THIS VIOLENCE IS THAT THE ULTIMATE BENEFICIARY WILL BE THE LEFT. HINTON

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Chile Project (#S199900030)
U.S. Department of State
Release X Excise _____ Deny _____
Declassify: In Part _____ In Full _____
Exemption(s) _____

Ex. A

C E R T I F I C A T E

I, the undersigned Secretary General of LAN-CHILE, under the power granted to me in the article 3° of the Decree with Force of Law N°3 dated 1969, certify that this translation is faithful and accurate to the original in spanish of the organic law and of the by-laws of Linea Aerea Nacional-Chile, except that:

a) Articles 4 and 14 of such organic law are no longer in effect;

b) Article 12 of such organic law has been amended by other Laws which have made Linea Aerea Nacional-Chile subject to taxes; and

c) The provisions of such organic law and by-laws regarding the management of Linea Aerea Nacional-Chile have been suspended by Decree Laws 94 of 1973 and 196 of 1973 since, under the authority of such Decree Laws and of Presidential Decrees Numbers 181, 329, 330 and 335, such management has been entrusted to Messrs. Alvaro Donoso, Vivian Smith, Arturo Varela, Hugo Castro, Carlos Lathrop and Jorge Mislej, who have the full authority which such Organic Law and by-Laws grant to Linea Aerea Nacional-Chile's Board of Directors.

March ,1981

Mario Gamarra Capino
Secretario General
Linea Aerea Nacional-Chile

SECRETARIA GENERAL

JAIME MORANDE ORREGO
NOTARIO PUBLICO
SANTIAGO DE CHILE

FIRMO ante mi don MARIO GAMARRA CAPINO, carnet de identidad N° 2.235.474-4 de Santiago.-SANTIAGO, 13 de Marzo de 1981

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PAGE 01 BUENOS 03387 01 OF 02 182054Z
ACTION ARA-16

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Margaret P. Grafeld, Director
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[redacted] SECTION 01 OF 02 BUENOS AIRES 03387

CINCSO FOR INTAFF; CINCLANT ALSO FOR POLAD

E.O. 12356: DECL:OADR
TAGS: SHUM, AR
SUBJECT: MAY 14 DEATH OF TWO LEFTISTS

1. (U) BUENOS AIRES PROVINCIAL POLICE ANNOUNCED MAY 17 THAT TWO POLITICAL ACTIVISTS, ONE A PERONIST PARTY MEMBER AND THE OTHER SAID TO HAVE EXTENSIVE CONNECTIONS WITH THE MONTONEROS TERRORIST ORGANIZATION, WERE KILLED IN A SHOOTOUT THE AFTERNOON OF MAY 14. THE PAIR HAD BEEN THE SUBJECT OF INTENSE PUBLICITY FOR THREE DAYS AFTER POLITICAL ASSOCIATES AND HUMAN RIGHTS SPOKESMEN CLAIMED EYEWITNESSES SAW THEM BEING KIDNAPPED FROM A BAR IN ROSARIO, IN THE NEIGHBORING SANTA FE PROVINCE, AT 11:00 A.M. ON MAY 14. THE POLICE VERSION, SET OUT IN A COMMUNIQUE, SAID THE TWO INDIVIDUALS WERE OBSERVED DRIVING A LIGHT FIAT THAT SATURDAY AFTERNOON ON THE PANAMERICAN HIGHWAY TRYING TO AVOID A TRAFFIC PATROL, WHICH GAVE
[redacted]

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PAGE 02 BUENOS 03387 01 OF 02 182054Z

PURSUIT. WHEN OVERTAKEN ON A DIRT ROAD OFF THE MAIN HIGHWAY, ACCORDING TO THE POLICE, THE OCCUPANTS OF THE

FIAT OPENED FIRE WITH HANDGUNS. POLICE RETURNED THE FIRE AND THE TWO FUGITIVES WERE KILLED, THE COMMUNIQUE SAID.

2. (U) VICENTE SAADI, A LEADER OF THE PERONIST LEFT, FIRST RAISED THE ALARM ABOUT THE ALLEGED MAY 14 KIDNAPPING OF OSVALDO CAMBIASSO, DESCRIBED AS A LEFTWING PERONIST MILITANT. THE PERMANENT ASSEMBLY FOR HUMAN RIGHTS SAID CAMBIASSO WAS WITH JUSTO JAVIER CORREA, LATER IDENTIFIED AS EDUARDO PEREYRA ROSSI, WHEN HEAVILY ARMED CIVILIANS WERE SEEN TO TAKE THEM FROM THE MAGNUM BAR IN ROSARIO THE MORNING OF THE 14TH. SAADI, TOGETHER WITH HUMAN RIGHTS SPOKESMEN AND POLITICIANS FROM OTHER PARTIES, TOLD A PRESS CONFERENCE FOLLOWING RELEASE OF THE POLICE COMMUNIQUE YESTERDVAY THAT THE DEATHS OF CAMBIASSO AND PEREYRA ROSSI WERE "A CLEAR CASE OF MURDER BY THE PARAPOLICE OR PARAMILITARY GROUPS". THEY SAID THEY HAD BEFB TOLD TWO A (#)OFFICERS, PATI ANDG (#)
ALCANTAAU, WERE IN CHARGE OF THE OPERATION.
THEY PINNNED RESPONSIBILITY FOV THE KILLINGS ON THE 2ND ARMY VGORPS, HEADQUARTERED IN ROSARION AND SAID THE ENTIRE MILITARY GOVERNMENT IS AN ACCOMPLICE.

3. (U) PRESIDENT REYNALDO BIGNONE, QUESTIONED ABOUT THE AFFAIR BY THE PRESS YESTERDAY ON HIS RETURN TO BUENOS AIRES FOLLOWING A PROVINCIAL TOUR, SAID HE ACCEPTED THE POLICE VERSION OF THE SHOOTING. "THERE WAS NO KIDNAPPING BY SECURITY ORGANS," HE SAID, " THE GOVERNMENT IS EXPLAINING ITS ACTIONS AND IS NOT TRYING TO HIDE THEM, AS EXPLAINED IN THE POLICE COMMUNIQUE."
[redacted]

[redacted]

PAGE 03 BUENOS 03387 01 OF 02 182054Z

THAT STATEMENT GAVE BOTH A BRIEF OFFICIAL ACCOUNT OF THE EPISODE IN WHICH CAMBIASSO AND PEREYRA DIED AND DETAILS ON THEIR POLICE RECORDS. AFTER THE SHOOTING, THE COMMUNIQUE SAID,FINGERPRINTS OF THE VICTIMS ESTABLISHED THEIR IDENTITIES. CAMBIASSO IS A 42-YEAR-OLD CHEMICAL ENGINEER WHO WAS SENTENCED TO 11 YEARS IMPRISONMENT IN 1971 ON SEVERAL COUNTS OF HAVING USED ARMS IN CRIMINAL ACTS. CORREA, IT SAID, WAS ACTUALLY PEREYRA ROSSI, WHO WAS CHARGED 10 YEARS AGO WITH ILLEGAL ARMS POSSESSION AND FORGERY OF DOCUMENTS. PEREYRA ROSSI, ACCORDING TO THE POLICE, WAS SUBSEQUENTLY HEAD OF THE MONTONEROS' "SOUTHERN COLUMN"

PARAMILITARY ORGANIZATION IN 1976, THEIR GENPERAL PRESS SECRETARY IN 1977-79, HEAD OF "SOUTHERN ZONE" OPERATIONS FOR THE MONTONEROS IN 1980, AND PROPAGANDA CHIEF FOR THE ORGANIZATION IN MEXICO THE FOLLOWING YEAR. IN ADDITION TO HAVING RETURNED TO ARGENTINA PRIOR TO HIS DEATH, THE POLICE SAID PEREYRA ROSSI HAD BEEN HERE IN 1979 TO PARTICIPATE IN THE MONTONEROS "COUNTER-OFFENSIVE CAMPAIGN" OF THAT YEAR. THE COMMUNIQUE SAID CAMBIASSO AND PEREYRA ROSSI HAD USED A 9-MM AND A 38 CAL. PISTOL IN THEIR FIGHT WITH THE POLICE. A FEDERAL JUDGE IS NOW INVESTIGATING, IT SAID.

4. [redacted] THE AFFAIR HAS THE POTENTIAL FOR FURTHER DIPLOMATIC DIFFICULTIES WITH ITALY, WHOSE GOVERNMENT HAS BEEN HIGHLY CRITICAL OF THE GOA'S APRIL 28 "FINAL REPORT" ON THE CONDUCT OF THE WAR AGAINST SUBVERSION. CAMBIASSO APPARENTLY WAS A NATURALIZED ARGENTINE OF ITALIAN ORIGIN AND WHEN HIS KIDNAPPING WAS ALLEGED, THE ITALIAN CONSUL IN ROSARIO MADE REPRESENTATUNENS. THE MAY 17 PRESS REPORTED THE CONSUL, ANTONIO D'ANDRIA, MET AGAIN WITH OFFICIALS OF THE 2ND ARMY CORPS TO SEEK ADDI-TIONAL INFORMATION ON WHAT HAPPENED.

[redacted]

[redacted]

PAGE 04 BUENOS 03387 01 OF 02 182054Z

5. [redacted] COMMENT: PERONIST VICE PRESI ENT DEOLINDO BITTEL, IN A MAY 18 CONVERSATION WITH ARA/PPC DIRECTOR EINAUDI, SAID "NOT EVEN A CHILD IS GOING TO BELIEVE

NOTE BY OC/T: (#) GARBLE/OMISSION IN PARA 2. CORRECTION TO FOLLOW.

[redacted]

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[redacted]

PAGE 01 BUENOS 03387 02 OF 02 182054Z
ACTION ARA-16

INFO	OCT-00	COPY-01	ADS-00	INR-10	EUR-12	SS-10	CIAE-00
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R 182046Z MAY 83
FM AMEMBASSY BUENOS AIRES
TO SECSTATE WASHDC 7360
INFO AMEMBASSY LONDON
AMEMBASSY ROME
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CINCLANT NORFOLK VA

[redacted] SECTION 02 OF 02 BUENOS AIRES 03387

THE OFFICIAL STORY". HE CALLED THE KILLINGS "A
DELIBERATE PROVOCATION". BITTEL FELT THAT BIGNONE,
ARMY CINC NICOLAIDES AND INTERIOR MINISTER RESTON
"MUST BE FIT TO BE TIED....THEY SINCERELY WANT A
RETURN TO CONSTITUTIONAL RULE, BUT THIS INCIDENT IS
LIKE A BOMB PLACED RIGHT UNDER THEIR DESKS. IT
COULD COMPROMISE THE POLITICAL OPENING."

5. [redacted] ON THIS ASPECT, BITTEL ALSO NOTED THAT THE
INCIDENT HAS PLACED THE POLITICAL PARTIES IN A VERY
DIFFICULT POSITION. HE SAID THAT
(#) NOW THEY HAD
ESCHEWED JOINING THE CHORUS OF HARSH INTERNAL AND
EXTERNAL CRITICISM OF THE MILITARY GOVERNMENT'S "FINAL
DOCUMENT" ON THE DISAPPEARED -- CRITICISM WHICH HE
SWMID(#) HAS SEVERELY AFFECTED THE INTERNAL SITUATION OF
THE ARMED FORCES -- BECAUSE OF THE
EFFECT IT COULD
HAVE ON THE RETURN TO DEMOCRACY.
[redacted]

[redacted]

PAGE 02 BUENOS 03387 02 OF 02 182054Z

PARANTHETICALLY,
HE NOTED THAT USG STATEMENTS ON THE
FINAL
DOCUMENT" WERE MODERATE AND THAT THAT WAS HELPFUL.
HE SAID THE PERONIST PARTY HAS ALSO RESISTED JOINING
THE HUMAN RIGHTS MARCH PLANNED FOR FRIDAY, MAY 20,
BECAUSE OF A DESIRE TO AVOID EXACERBATING THE ALREADY
TRAINED ATMOSPHERE. THE MURDER OF THESE TWO
INDIVIDUALS, HOWEVER, WILL MAKE IT DIFFICULT FOR THE
PERONISTS TO TEMPORIZE ANY LONGER, HE NOTED; THEY MAY
FEEL FORCED INTO PARTICIPATING. BITTEL CONCLUDED
THAT THE INCIDENT HAS PLAYED INTO THE HANDS OF THE

EXTREME RIGHT AND EXTREME LEFT. END COMMENT.
SHLAUDEMAN

NOTE BY OC/T: (#) GARBLES/OMISSIONS IN PARA 6. CORRECTION TO FOLLOW.

[redacted]

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PAGE 01 BUENOS 03409 201236Z
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R 191655Z MAY 83
FM AMEMBASSY BUENOS AIRES
TO SECSTATE WASHDC 7366

UNCLAS BUENOS AIRES 03409

H PASS TO CONGRESSMAN MICHAEL BARNES AND CONGRESSWOMAN BARBARA MIKULSKI

ALSO FOR ARA/SC AND HA/HR

E.O. 12356: N/A
TAGS: SHUM, AR
SUBJ: ADDITIONAL INFORMATION ON CODEL BARNES' INQUIRIES RE TWO POLITICAL PRISONERS

REF: BUENOS AIRES 1031

1. ON FEBRUARY 10 THE ARGENTINE MINISTRY OF FOREIGN RELATIONS GAVE US A FORMAL REPLY TO LETTERS FROM CONGRESSMAN BARNES AND CONGRESSWOMAN MIKULSKI CONCERNING SEVERAL INDIVIDUALS BEING DETAINED. WE SENT THAT REPLY IN THE REFERENCED TELEGRAM.

2. IN REGARD TO EMILIA GELSTEIN, A FORMER INMATE WHO HAD BEEN WITH HER AT EZEIZA PRISON RECENTLY REPORTED TO US THAT EMILIA IS IN GOOD HEALTH. QUESTIONS HAVE BEEN RAISED ABOUT POSSIBLE RIGHT OF OPTION FOR MRS. GELSTEIN. WE NOTE HER SENTENCE RUNS TO 1987. UNDER ARGENTINE LAW SHE CAN BE CONSIDERED FOR CONDITIONAL LIBERTY AFTER HAVING SERVED TWO-THIRDS OF HER SENTENCE. IN OCTOBER 1983 SHE WILL HAVE SERVED TWO-THIRDS OF THAT TERM, AND IF SHE WERE TO BE RELEASED UNDER CONUNCLASSIFIED

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PAGE 02 BUENOS 03409 201236Z

DITIONAL LIBERTY SHE WOULD BE REQUIRED TO STAY IN ARGENTINA UNTIL THE END OF HER ORIGINAL SENTENCE.

Current Class: UNCLASSIFIED
Page: 1

ARGENTINA PROJECT (S20000044)
U.S. DEPT. OF STATE, A/RPS/IPS
Margaret P. Grafeld, Director
(X) Release ( ) Excise ( ) Deny
Exemption(s): _____
Declassify: ( ) In Part ( ) In Full
( ) Classify as __ ( ) Extend as __ ( ) Downgrade to __
Date _____ Declassify on _____ Reason ____

ACCORDING TO THE ARGENTINE PENAL CODE, A PERSON GRANTED CONDITIONAL LIBERTY CANNOT BE GRANTED RIGHT OF OPTION. THEREFORE, IT WOULD APPEAR THAT ONLY BY SPECIAL ORDER COULD EMILIA BE ALLOWED TO LEAVE ARGENTINA BEFORE 1987.

3. IN REGARD TO JORGE MARIO DOMINGO MARCA, HE WAS RELEASED UNDER "SUPERVISED FREEDOM" APRIL 15, 1983. THIS IS SIMILAR TO OUR PAROLE STATUS, AND HE MUST REPORT PERIODICALLY TO AUTHORITIES. NORMALLY THOSE PAROLED RECEIVE COMPLETE FREEDOM AFTER SIX TO SEVEN MONTHS. HOWEVER, IN A FEW CASES, PERSONS HAVE CONTINUED IN PAROLE STATUS ESPECIALLY IF THEY HAD BEEN ACCUSED OF TERRORIST ACTIVITIES; MR. MARCA WAS ARRESTED UNDER A DECREE CHARGING HIM WITH ACTIVITIES CONNECTED WITH A TERRORIST GROUP. SHLAUDEMAN

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RELEASE

ıy 24, 1983

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El Salvador: Human Rights
Special Project (1993)

MEMORANDUM

FOR: Interagency Working Group on Judicial Reform

FROM: AID, GC/LAC: Robert Meighan

SUBJ: Resources Relating to Judicial Reform in Central America

The attached list of resources--human and institutional--potentially to be employed in our efforts to improve judicial systems in Central America, has been augmented somewhat since the IG meeting on May 16. The list includes some experts in Latin American criminal justice systems, even though AID cannot support assistance in areas related to law enforcement..

The experts we have contacted to broaden our list of potential resources have uniformly cautioned against our pursuing any proposed programs, including assessment teams, with visible USG involvement, especially in El Salvador. There seems to be consensus that something useful can be done if developed with care and sensitivity; that the regional approach (as opposed to focusing on El Salvador) is likely to be the only way to achieve desired objectives; and that wherever possible, we should work through private or international institutions in preference to direct assistance exclusively to governments.

Several people suggested that the best way to embark on a program in a particular area such as reform of codes, improvements in legal education, etc., would be to organize regional conferences on these topics, sponsored by either an international organization or university(s) or other private institutions from one or more of the invited countries. This would avoid highlighting the problems or deficiencies of any single state, facilitate discussion among people from different countries on common problems and the sharing of the experience of those countries which may be further advanced in certain areas, and provide a neutral setting in which to begin developing concrete programs to address specific problems.

It was recommended that assessment teams not be sent under AID or State Department auspices, but that they be sub-contracted through an intermediary organization such as a U.S. university or a regional institution. (Indeed, the willingness of many of these experts to serve on a team would depend upon the stated objectives and the sponsorship: the less apparent the USG involvement, the more likely these people are to participate.) Another suggestion was that people selected for assessment teams going to El Salvador should begin their orientation to the problems by contacting and consulting with Salvadoran lawyers and judges in exile here or in other Central American countries.

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Special Project (1993)

We should continue to seek to determine what relevant activities may already have been initiated in the area, and encourage (as appropriate) participation in--or at least awareness of--those activities by legal professionals from the Central American countries. For example, one of the research projects being supported under the AID grant to the Inter-American Institute of Human Rights (IIDH) is concerned with problems adversely affecting the administration of criminal justice in Latin American countries. A brief description of the project, including a provisional list of experts who will plan and carry out the research, is attached. (See also resource list--Experts: Eugenio Raul Zaffaroni.)

As agreed at the last IG meeting, we are moving ahead to encourage submission of project proposals by two Costa Rican institutions: the Colegio de Abogados, which has proposed organizing a regional seminar on legal reform topics, including the role of the bar; and the Law School of the University of Costa Rica, which may be able to provide, through its existing programs, expanded educational opportunities for legal professionals in other Central American countries.

It occurs to us that we should also be giving some thought to how we would respond if the request from the GOES is not of a nature requiring the assistance of a team of experts, but rather turns out to be a proposal for a home-grown project, such as a study of the problems of the judicial system by people from one or more Salvadoran universities (a possibility mentioned by a member of the new Human Rights Commission during their Washington visit).

We note a recent (May 11) cable from Honduras reiterating their request for assistance on developing programs of investigative training and technical support for prosecutors and courts. Any team organized to provide assistance in these areas, as well as in legal education (mentioned in an earlier communication), should visit both El Salvador and Honduras.

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POTENTIAL RESOURCES FOR AID ASSISTANCE IN JUDICIAL REFORM

Experts

Santiago Oñate: Mexican citizen, law professor and expert in legal education; presently head of research in Mexico's Ministry of Justice; has done research into factors that influence the length of criminal trials; vice president of the Interamerican Legal Services Association (ILSA); recently returned to Mexico following a year and a half at the University of Wisconsin Law School teaching comparative law. He would be agreeable to serving on an assessment team.

Gerhardt Mueller: U.S. citizen; internationally respected professor of criminal law; presently teaches at Rutgers University; formerly head of the United Nations Crime Prevention Control Bureau.

Eugenio Raúl Zaffarone: an Argentine judge, currently residing in San Jose, Costa Rica where he is directing a research project on Human Rights and the Penal System of Latin America under the auspices of the Inter-American Institute of Human Rights. The study deals principally with two problems affecting the administration of criminal justice: excess repression in carrying out the law enforcement function, and the inefficiency of the system resulting in prolonged detention without trial and other injustices.

Jorge Montero: Costa Rican lawyer and director of ILANUD, which is undertaking a study similar to the Institute project described above, focused on barriers and inefficiencies which inhibit speedy trials.

Luis Bates: Chilean lawyer and law professor, with expertise in legal education and documentation; a member of the ILSA board, served as its Technical Advisor and set up a Documentation Center in Santiago. He also operated a legal assistance service in the Central Prison of Santiago. There is some question re his availability, since he has returned to private practice.

Dennis O. Lynch: (U.S.), University of Miami Law School. Prof. Lynch is thoroughly familiar with Latin American legal systems, and has worked under contract to AID on two previous occasions preparing analyses of judicial systems and attendant problems in Colombia and Nicaragua.

Sonia Picado, Dean
Enrique Castillo, Professor, University of Costa Rica Law School; both have expertise in legal education; Castillo might also be helpful on procedural issues.

Oscar Salas, Cuban-American jurist, said to be particularly skilled at helping institutions to implement programs.

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Special Project (1993)

Institutions

Potential Sponsors for Seminars, Studies, Exchanges:

ILANUD
Colegio de Abogados, San Jose, Costa Rica
American Society of International Law (ASIL)
Inter-American Bar Association/Foundation
International Center for Law in Development, New York
International Center of Criminology, Montreal

Potential Technical Assistance in Documentation:

Hispanic Law Division, U.S. Library of Congress

International Association of Law Libraries (IALL)
(ASIL and the American Bar Association are members)
Stated purposes of IALL are "to promote on a cooperative, non-profit and fraternal basis the work of individuals, libraries, and other institutions and agencies concerned with the acquisition and bibliographic processing of legal materials collected on a multi-national basis, and to facilitate the research and other uses of such materials on a world-wide basis." IALL is affiliated with the International Federation of Library Associations and the Federation for International Documentation, and has working relationships with such specialized organizations as the Association of Parliamentary Libraries and the Association of International Libraries. The IALL disseminates publications, sponsors seminars or institutes, and offers a modest (four per year) scholarship program for students who plan careers in law librarianship.

ILANUD has developed a documentation center containing books and articles on criminal justice in Latin America.

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Assistance in the Area of Criminal Justice:

Even though AID is precluded from providing assistance to activities relating to law enforcement, we have nonetheless identified the following people who have expertise in the area of criminal justice to be considered for inclusion in the team(s) going to El Salvador and Honduras:

Luis Salas (Cuban-American), Criminal Justice Department, Florida International University; has worked as a consultant to U.N. in Latin America, with LEAA and as a U.N. Coordinator with ILANUD.

Jose Maria Rico (Spain), University of Montreal; associated with the International Center of Criminology, established at the university. Rico is said to be, among other things, an excellent advisor on court management, as well as on training of people involved in the criminal justice system.

Orlando Contreras Pulido (Venezuela), lawyer; head of a mayors' organization in Venezuela.

Luis Rodriguez Manzanera (Mexico), Professor, University of Mexico (UNAM)

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El Salvador Human Rights
Special Project (1993)

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Department of State

OUTGOING TELEGRAM

PAGE 01 STATE 144074
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APPROVED BY L/LEI:JHSMITH
FBI:RWETZEL (SUBS)

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[redacted] STATE 144074

SAN SALVADOR FOR POLCOUNS; MEXICO AND PANAMA FOR LEGATT

E.O. 12356 DECL: OADR
TAGS PINS, PGOV, ES
SUBJECT CHURCHWOMEN'S CASE

1. FBI HQ HAS AGREED TO PROVIDE LIST OF EVIDENCE IN POSSESSION OF FBI TO FISCAL GENERAL RIVERA AS DISCUSSED DURING MAY 21 RICHARD SMITH VISIT.

2. FBI SUGGESTS REMOVAL OF TWO ITEMS WHICH RELATE TO SENSITIVE EMBASSY SOURCE. THESE ITEMS ARE ON PAGE 2 OF THE APRIL 5, 1983 FBI MEMORANDUM FROM ASSISTANT DIRECTOR O'MALLEY TO ASSISTANT LEGAL ADVISER SMITH WHICH WAS PROVIDED TO EMBASSY DURING THE RICHARD SMITH VISIT. THEY ARE:

"FBI TECHNICAL SERVICES DIVISION REPORT DATED 6/8/81 REGARDING TAPE ENHANCEMENT -- SENT TO CHARGE D' AFFAIRES, U.S. EMBASSY, SAN SALVADOR, EL SALVADOR" AND

"TRANSLATION OF A TAPED CONVERSATION -- SENT BY BUREAU POUCH TO WILLIAM HALLMAN, COUNSELOR FOR POLITICAL AFFAIRS, U.S. EMBASSY, SAN SALVADOR, EL SALVADOR -- 5/27/81".

3. SOME EDITING OF THE LIST MIGHT ALSO BE APPROPRIATE, E.G. REMOVING SUCH COMMENTS AS "SENT TO LEGAT, PANAMA" AND "ATTN ARA." FYI: ABBREVIATION LHM STANDS FOR LETTER HEAD MEMORANDUM. END FYI.
SHULTZ

Dept. of State, RPS/IPS, Margaret P. Grafeld, Dir.
(X) Release ( ) Excise ( ) Deny (X) Declassify
Date 6/19/98 Exemption _____

Department of State IS/FPC/CDR El Salvador SP Date 9/24/93
Declassified under EO 12356 ( ) in full; (✓) in part;
portions withheld: classified (✓); deliberative ( );
law enforcement ( ); privacy ( ), statutory ( );
not relevant to El Salvador ( ).

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El Salvador: Human Rights
Special Project (1993)

Department of State IS/FPC/CDR El Salvador SP Date 9/24/96
Declassified under EO 12356 ( ) in full; ( ) in part;
( ) sanitized; ( ) deletions withheld: classified ( ); privacy ( ); statutory ( );
law enforcement ( ); protects foreign relations of the United States ( );
not responsive ( ).

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EXCISE

OUTGOING TELEGRAM

PAGE 01 OF 03 STATE 144226 2255
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[redacted] STATE 144226

LIMDIS; MEXICO AND PANAMA FOR LEGATT

E.O. 12356: DECL: OADR
TAGS: CFED, PGOV, ES, MX, PM
SUBJECT: DRAFT REPORT OF THE RICHARD/SMITH VISIT TO EL SALVADOR

1. [redacted] - ENTIRE TEXT.

2. FOLLOWING IS A DRAFT REPORT FOR YOUR COMMENT OF THE RICHARD/SMITH MISSION TO EL SALVADOR. IT WAS PREPARED BY SMITH.

3. TITLE: ASSIGNMENT OF LEGATT OR OTHER JUSTICE OFFICIAL TO EMBASSY SAN SALVADOR; VISIT OF RICHARD AND SMITH, MAY 20, 1983.

4. SUMMARY. THE JUSTICE/STATE TEAM, HEADED BY DEPUTY ASSISTANT ATTORNEY GENERAL MARK RICHARD, CONDUCTED EXTENSIVE MEETINGS WITH EMBASSY AND SALVADORAN OFFICIALS ON FRIDAY, MAY 21 CONCERNING THE POSSIBILITY OF AN ASSIGNMENT OF A LEGATT OR OTHER JUSTICE OFFICIAL TO THE EMBASSY IN SAN SALVADOR. THE TEAM REPORTED THE ATTORNEY GENERAL'S INITIAL INCLINATION THAT A LAWYER WITH PROSECUTORIAL EXPERIENCE SHOULD BE ASSIGNED RATHER THAN AN INVESTIGATOR. THE AMBASSADOR AND THE EMBASSY EMPHASIZED THE PRIMARY NEED FOR AN INVESTIGATOR TO PURSUE THE CASES. SUCH INDIVIDUAL WOULD HAVE RESPONSIBILITIES TO FOLLOW THE CASES IN SALVADORAN COURTS, PRESSURE THE SALVADORANS WHEN APPROPRIATE, AND ALSO HAVE A ROLE IN THE ADMINISTRATION OF THE JUDICIAL REFORM AID PROGRAM. BY THE END OF THE DAY IT WAS APPARENT TO THE TEAM THAT THE EMBASSY'S NEEDS COULD BEST BE MET BY TWO PEOPLE, AN INVESTIGATOR AND A LAWYER. FISCAL GENERAL RIVERA SAID THAT, ALTHOUGH HE HAD TO CHECK THE MATTER WITH THE PRESIDENT, HE ANTICIPATED NO OBJECTION FROM THE GOES ABOUT THE ASSIGNMENT OF SUCH A PERSON OR PERSONS TO THE EMBASSY. CONCERNING SPECIFIC CASES, THE TEAM FOCUSED PRINCIPALLY ON THE CHURCHWOMEN'S CASE AND THE DIFFICULTY OF INTRODUCING SUCH FBI EVIDENCE AS THE BALISTICS TEST. SEVERAL POSSIBILITIES WERE EXPLORED WITH THE FISCAL GENERAL AND WITH EMBASSY LEGAL ADVISER MENDEZ, WHO DO NOT AGREE ON THE BEST APPROACH. THE EMBASSY WILL CONVENE A MEETING OF RIVERA AND MENDEZ TO REACH AGREEMENT. THE TEAM ALSO DISCUSSED THE POSSIBILITY OF HAVING THE LAWYER ASSIGNED TO THE EMBASSY, AND PERHAPS OTHER LAWYERS FROM THE DEPARTMENT OF JUSTICE, SERVE ON A TEAM WITH A SALVADORAN LAWYER APPOINTED AS ACCUSADOR PARTICULAR ON BEHALF OF THE FAMILIES OF THE MURDERED AMERICANS. IT WAS AGREED THAT THE DEPARTMENT OF JUSTICE WILL CONTINUE TO EXPLORE THE PERSONNEL QUESTIONS; DEPARTMENT OF STATE WILL CONSULT WITH THE FBI IMMEDIATELY TO DETERMINE WHETHER A LIST OF FBI EVIDENCE COULD BE TURNED OVER THE SALVADORANS AND THE DEPARTMENT OF STATE WILL FINISH THE NOTE WHICH SUGGESTS NEXT STEPS IN THE CHURCHWOMEN'S CASE TO THE GOES. END SUMMARY.

5. ON MAY 21, 1983 A JUSTICE/STATE TEAM LEAD BY DEPUTY ASSISTANT ATTORNEY GENERAL MARK RICHARD MET WITH AMBASSADOR HINTON, OFFICIALS OF THE US EMBASSY, SALVADORAN FISCAL GENERAL RIVERA, EMBASSY LEGAL ADVISER MENDEZ, AND OTHERS TO DISCUSS THE ASSIGNMENT OF A LEGATT AND/OR PROSECUTOR TO THE EMBASSY TO ASSIST IN THE CASES OF THE MURDERED MISSING AMERICANS AND THE AID PROGRAM FOR JUDICIAL REFORM. IN ADDITION TO MR. RICHARD, DEPARTMENT OF STATE ASSISTANT LEGAL ADVISER JEFFREY SMITH, DEPARTMENT OF JUSTICE, CRIMINAL DIVISION ATTORNEY JORGE RIOS-TORRES; PANAMA LEGATT JOHN GRANT, MEXICO CITY ASSISTANT LEGATT JOHN WALSER, AND DEA AGENT RICHARD CANAS COMPRISED THE STATE/JUSTICE TEAM. FOLLOWING IS A SUMMARY OF THEIR DISCUSSIONS.

6. DISCUSSION WITH POLITICAL SECTION.. THE TEAM BEGAN ITS DAY WITH A MEETING WITH THE POLITICAL SECTION. MR. SMITH SUMMARIZED THE MEETING BETWEEN THE ATTORNEY GENERAL AND THE ACTING SECRETARY IN WHICH THE ATTORNEY GENERAL SAID IT WAS HIS BELIEF THAT THE EMBASSY'S NEEDS COULD BETTER BE SERVED BY A LAWYER WITH PROSECUTORIAL ABILITIES THAN AN INVESTIGATOR. POLCOUNS MACK POINTED OUT THAT THE EMBASSY HAD DONE MUCH MORE THAN FOLLOW THE CASES AND PRESSURE THE SALVADORANS. THE EMBASSY HAD BROKEN THE CASE THROUGH HARD INVESTIGATIVE WORK. IT WAS AGREED THAT THIS NEED FOR INVESTIGATIVE WORK WOULD CONTINUE AND THAT SOMEONE WITH "STREET SMARTS" WHO COULD RUN SOURCES WAS NEEDED. ACCORDING TO MACK, THERE IS SOME RISK ASSOCIATED WITH THIS JOB. THE GROUP ALSO DISCUSSED WHETHER SOMEONE COULD PERFORM THIS FUNCTION ON CONTRACT, SUCH AS GORDON ELLISON, THE INVESTIGATOR FOR AIFLD. MR. RICHARD ASKED ABOUT THE LENGTH OF THE TOUR, TO WHOM HE REPORTED, AND WHETHER THIS INDIVIDUAL WOULD BE EXPECTED TO OPERATE ON THE STREET. MR. MACK RESPONDED THAT THE INDIVIDUAL SHOULD REMAIN AT THE EMBASSY LONG ENOUGH TO SEE THE CASES THROUGH; THAT IT WAS TOO EARLY TO SAY TO WHOM HE SHOULD REPORT BUT THAT IT SHOULD CERTAINLY NOT BE THE GOES; AND THAT THE INDIVIDUAL WOULD NEED TO OPERATE ON THE STREET AND ACCORDINGLY WOULD NEED MONEY AND SECURITY, NEITHER OF WHICH WAS A PROBLEM. MR. RICHARD RAISED THE QUESTION OF WHETHER A JUSTICE DEPARTMENT ATTORNEY COULD SERVE AS ACCUSADOR PARTICULAR IN THESE CASES. HE SAID HE FAVORED SUCH A MOVE BECAUSE IT WOULD GIVE THE JUSTICE DEPARTMENT ATTORNEY A LEGAL POSITION AND SOME STANDING BEFORE THE SALVADORAN COURTS. WITH RESPECT TO THE CHURCHWOMEN'S CASE, THE GROUP ALSO DISCUSSED THE RECENT REQUEST FROM JUDGE RAUDA TO THE CHIEF OF STAFF OF THE ARMY TO MAKE THE GUARDSMEN'S RIFLES AVAILABLE TO THE NATIONAL POLICE FOR FORENSIC EXAMINATION. BECAUSE THE FBI HAS CONDUCTED THIS EXAM AND BECAUSE THE SALVADORANS DO NOT HAVE THE CAPACITY TO DO SO, THERE WAS DISCUSSION AS TO HOW THE FBI BALISTICS EXAMS COULD BE MADE AVAILABLE IN A FORM SO AS TO BE ADMISSIBLE IN SALVADORAN COURTS.

7. DISCUSSIONS WITH FISCAL GENERAL RIVERA. THE GROUP THEN MET WITH FISCAL GENERAL RIVERA. RIVERA SAID THAT, WITH RESPECT TO THE ASSIGNMENT OF A LEGATT OR OTHER PROSECUTOR, HE FORESAW NO PROBLEM BUT WANTED TO CHECK

Dept of State, RPS/IPS, Margaret P. Grafeld, Dir.
( ) Release ( ) Excise ( ) Deny ( ) Declassify
Date 6/27/96 Exemption

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El Salvador: Human Rights
Special Project (1993)

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TELEGRAM

WITH THE PRESIDENT. THE BULK OF THE DISCUSSION WITH THE FISCAL GENERAL WAS ON THE CHURCHWOMEN'S CASE AND EFFORTS TO HAVE THE FBI BALISTICS EVIDENCE MADE ADMISSIBLE. RIVERA SAID THAT THE SALVADORAN CODE DEMANDED THAT THE BALISTICS EXAMS BE ORDERED BY THE JUDGE AND CONDUCTED IN EL SALVADOR. HE SAID THAT HIS OFFICE COULD ONLY REQUEST THAT EVIDENCE BE COLLECTED; IT HAD TO BE ORDERED BY THE JUDGE. CONCERNING THE FBI BALISTICS TESTS, FISCAL GENERAL SAID HE WISHED TO HAVE AN INFORMAL DISCUSSION WITH THE SUPREME COURT AS TO HOW BEST TO HAVE THE EVIDENCE INTRODUCED. HE SAID THAT THE QUESTION OF HAVING THE FBI TESTS ADMITTED RAISED DELICATE INTERNAL POLITICAL PROBLEMS AND HE WISHED TO PROCEED CAREFULLY. MR. RICHARD SUGGESTED THAT THEY MIGHT CONSIDER HAVING THE TESTS PERFORMED AT THE SALVADORAN EMBASSY IN WASHINGTON, AN IDEA RIVERA FOUND ATTRACTIVE. THE TEAM POINTED OUT TO RIVERA THAT MOVING THE MICROSCOPE THAT PERFORMED THE BALISTICS EXAM FROM WASHINGTON TO EL SALVADOR WOULD BE VERY COSTLY AND COULD DAMAGE THE MICROSCOPE'S OPTICS. THEREFORE THEY URGED THAT SOME METHOD BE FOUND TO HAVE THE TEST ALREADY RUN ADMITTED OR HAVE THE TESTS PERFORMED AGAIN IN WASHINGTON BUT THIS TIME UNDER THE SUPERVISION OF THE COURT. RIVERA SUGGESTED THAT THE NATIONAL POLICE MIGHT BE PERSUADED TO ADOPT THE FBI EVIDENCE AS THEIR OWN. UNDER HIS APPROACH, THE POLICE WOULD RESPOND TO JUDGE RAUDA'S REQUEST FOR A BALISTICS EXAM BY SAYING THAT THEY DID NOT HAVE THE TECHNICAL CAPACITY TO PERFORM THE BALISTICS TEST AND THEREFORE HAD ASKED THE FBI TO CONDUCT IT." THE NATIONAL POLICE WOULD THEN SAY THAT THEY ASSUME THE FBI TESTS ARE VALID AND THAT THE COURT SHOULD THEREFORE ENTER THEM INTO THE RECORD. THE TEAM RECOGNIZED THIS AS A POSSIBILITY AND ASKED RIVERA HOW QUICKLY HE COULD CONSULT WITH THE SUPREME COURT. HE SAID THAT HE HOPED TO DO SO WITHIN THE NEXT FEW DAYS. THE TEAM VOLUNTEERED TO GIVE RIVERA THE LIST OF EVIDENCE IN THE CASE WHICH THE FBI HAS COMPILED. THE FISCAL GENERAL SAID HE DID NOT HAVE THAT LIST AND WOULD APPRECIATE IT. THE TEAM PROMISED TO PROVIDE IT AS SOON AS POSSIBLE.

8. MEETING WITH AMBASSADOR HINTON. AMBASSADOR HINTON EMPHASIZED TO THE TEAM THAT THE EMBASSY'S PRINCIPAL NEED WAS FOR A FIRST CLASS INVESTIGATOR. AN ATTORNEY/ PROSECUTOR WAS NOT NEEDED TO PROD THE SALVADORANS TO PURSUE THE CASES, AS THE EMBASSY HAD BEEN AND WOULD CONTINUE TO CARRY OUT THAT RESPONSIBILITY. THE AMBASSADOR SAID THAT THIS INDIVIDUAL WOULD ALSO HAVE SOME RESPONSIBILITY TO WORK ON THE JUDICIAL REFORM ASSISTANCE PROGRAM. MR. RICHARD REPLIED THAT THE INVESTIGATIVE FUNCTION WAS NOT SOMETHING THAT JUSTICE HAD TRADITIONALLY DONE. AMBASSADOR HINTON RESPONDED THAT IT WAS NOT TRADITIONALLY WHAT A FOREIGN SERVICE OFFICER HAD DONE EITHER BUT THAT EL SALVADOR WAS A VERY SPECIAL CASE WITH SPECIAL NEEDS. HE EMPHASIZED THAT THE SUCCESSFUL PROSECUTION OF THESE CASES WAS A CRUCIAL ELEMENT OF OUR POLICY TOWARD EL SALVADOR.

9. AMBASSADOR HINTON REVIEWED THE SPECIFIC CASES. IN THE CHURCHWOMEN'S CASE HE NOTED THAT THERE WAS NOT MUCH NEED FOR AN INVESTIGATOR UNLESS SOME OF THE UNANSWERED LEADS, PARTICULARLY THOSE THAT SOME BELIEVE SUGGEST HIGHER LEVEL INVOLVEMENT, ARE TO BE PURSUED. IN THE SHERATON CASE HE SAID THAT THERE WERE MAJOR INVESTIGATIVE QUESTIONS YET TO BE RESOLVED. HE SAID THERE WERE OUTSTANDING LEADS AND THAT THE CASE MUST BE ENTIRELY REINVESTIGATED. THESE SHOULD START, HE NOTED, WITH AN EFFORT TO LOCATE AND QUESTION CAPTAIN AVILA WHOM HE BELIEVED TO BE IN EL SALVADOR.

10. ON THE CUELLAR CASE, THE AMBASSADOR SAID THE EMBASSY WAS 75 TO 90 PERCENT CERTAIN WHO DID IT. HE SAID THERE WAS EVIDENCE TO BE FOUND BUT MUCH INVESTIGATIVE WORK REMAINED. ON THE KLINE CASE, THE AMBASSADOR SAID THAT IT WAS CHIEFLY A PROSECUTORIAL CASE. CONCERNING THE SULLIVAN CASE, THE AMBASSADOR SAID THAT PROSPECTS FOR SUCCESSFUL PROSECUTION LOOK DIM IN THE ABSENCE OF A CONFESSION. HE EMPHASIZED, HOWEVER, THAT THERE COULD ALSO BE FUTURE INVESTIGATIONS INVOLVING MISSING OR MURDERED AMERICANS.

11. MR. RICHARD SAID THAT HE UNDERSTOOD THAT MESSRS. BROWNFIELD AND GITTENGER HAD IN FACT BROKEN THESE CASES BY ACTIVE INVESTIGATION AND ASKED WHY THEY SIMPLY COULDN'T BE REASSIGNED TO SAN SALVADOR. AMBASSADOR HINTON SAID THAT WAS A POSSIBILITY BUT IT WOULD NOT BE IN THEIR BEST CAREER INTEREST IN THE FOREIGN SERVICE, EVEN IF THEY AGREED TO DO SO. MR. RICHARD SAID IT SOUNDED MORE LIKE THE RESPONSIBILITY CARRIED OUT BY DEA AGENTS WHO WERE OPERATIONAL OVERSEAS. THE AMBASSADOR CLOSED BY SUGGESTING THAT PERHAPS TWO PEOPLE WERE NEEDED, ONE INVESTIGATOR AND ONE ATTORNEY.

12. LUNCH WITH MENDEZ. DURING LUNCH AT THE POLCOUNS' HOUSE, EMBASSY LEGAL ADVISER MENDEZ SAID THAT THE FAMILIES COULD GIVE A POWER OF ATTORNEY TO A DEPARTMENT OF JUSTICE LAWYER WHO COULD IN TURN APPOINT AN ACCUSADOR PARTICULAR TO REPRESENT THEM. THE DEPARTMENT OF JUSTICE LAWYER, PRESUMABLY THE ONE ASSIGNED TO THE EMBASSY, COULD THEN GIVE INSTRUCTIONS TO THE ACCUSADOR AND PROVIDE DIRECT INVESTIGATIVE AND ADMINISTRATIVE SUPPORT. MENDEZ EMPHASIZED THAT THIS MUST BE DONE PRIOR TO THE VISTA PUBLICO PORTION OF THE TRIAL. MENDEZ BELIEVED THAT THIS WOULD BE A MAJOR STEP FORWARD AND VERY HELPFUL. HE SAID THAT THE ASSIGNMENT OF SUCH AN ATTORNEY TO THE EMBASSY WOULD BE HELPFUL EVEN IF THE FAMILIES DON'T ASK HIM TO APPOINT AN ACCUSADOR. ON AN UNRELATED POINT, MENDEZ SAID THAT THE GOVERNMENT COULD SET ASIDE A NOT-GUILTY VERDICT IF THERE WAS BEEN SUBORDINATION OR OTHER IMPROPER INFLUENCE OF THE DECISION OF THE COURT.

13. CONCERNING THE FBI EVIDENCE AND THE ADMISSION OF THE BALISTICS TEST, MENDEZ DISAGREED WITH THE FISCAL. MENDEZ SUGGESTED THAT AN FBI TECHNICIAN TRAVEL TO SALVADOR WHERE HE WOULD BE SWORN IN AS A WITNESS BEFORE JUDGE RAUDA AND ASKED TO CARRY OUT THE BALISTICS EXAM. THE TECHNICIAN COULD THEN RETURN TO WASHINGTON, CONDUCT THE EXAM, AND RETURN TO THE COURT IN SALVADOR TO REPORT HIS FINDINGS. THIS COULD BE DONE NOT ONLY FOR THE BALISTICS TEST BUT ALSO FOR ANY OTHER TECHNICAL TEST NECESSARY TO BE RUN BY THE FBI. WE RECOGNIZE THAT THERE MAY BE SOME TESTS, SUCH AS THE ACCELERANT USED TO BURN THE VAN IN WHICH THIS WOULD NOT BE POSSIBLE AS THE TESTS HAD CONSUMED ALL OF THE AVAILABLE EVIDENCE.)

14. MEETING WITH AID MISSION. THE TEAM ALSO MET WITH THE DIRECTOR, AID MISSION, TO DISCUSS THE ROLE THAT THE INVESTIGATOR/ ATTORNEY MIGHT HAVE IN THE ADMINISTRATION OF THE JUDICIAL REFORM PROGRAM. THE AID DIRECTOR SUGGESTED THAT THE MISSION WOULD NEED SOME ASSISTANCE IN ADMINISTERING THE PROGRAM. HE SAID THAT AID HAS NOT CONDUCTED A PROGRAM LIKE THIS BEFORE AND THAT IT WAS IMPERATIVE TO DEVELOP A STRATEGY. HE SAID THAT IT MIGHT BE NECESSARY TO SECURE SOME EXCEPTION TO SECTION 660 OF THE FOREIGN ASSISTANCE ACT WHICH BARS ASSISTANCE TO INTERNAL POLICE FORCES. UNDER THIS PROHIBITION AID CAN NOT EVEN PROVIDE TRAINING TO FOREIGN POLICE ORGANI-

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El Salvador: Human Rights
Special Project (1993)

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ZATIONS ON THE IMPORTANCE OF RECOGNIZING HUMAN RIGHTS. HE SAID AID WAS GIVING SOME CONSIDERATION TO ASSIGNING THE AID LEGAL ADVISER FROM TEGUCIGALPA TO SAN SALVADOR. HE SAID IT MIGHT ALSO BE NECESSARY TO HIRE A LOCAL ATTORNEY. HE SAID THAT IF AN ATTORNEY WERE ASSIGNED TO THE EMBASSY HE CLEARLY WOULD HAVE SOME ROLE IN DESIGNING AND CARRYING OUT THIS PROGRAM, DEPENDING ON WHEN HE WAS AVAILABLE AND HOW MUCH TIME HE WOULD HAVE.

15. AT THE END OF THE DAY THE TEAM MET WITH POLCOUNS AND AGREED:

--SMITH WOULD CHECK WITH FBI HEADQUARTERS TO OBTAIN THEIR PERMISSION TO PASS THE LIST OF FBI EVIDENCE TO THE FISCAL GENERAL.

--DEPARTMENT OF STATE WOULD FINISH THE COMMUNICATION TO THE GOVERNMENT OF EL SALVADOR CONCERNING NEXT STEPS IN THE CHURCHWOMEN'S CASE.

--THE EMBASSY WOULD ARRANGE A MEETING AS SOON AS POSSIBLE BETWEEN MENDEZ AND THE FISCAL GENERAL TO REACH AGREEMENT ON THE PROCEDURES FOR SEEKING INTRODUCTION OF THE FBI EVIDENCE. IT WILL ALSO BE NECESSARY TO BRING THE NATIONAL POLICE INTO THESE DISCUSSIONS AS EARLY AS POSSIBLE.

--JUSTICE WILL REVIEW THE QUESTION OF ASSIGNING ONE OR TWO PERSONS TO THE EMBASSY AS SOON AS POSSIBLE. JUSTICE WILL ALSO CONSIDER WHETHER IT WOULD BE APPROPRIATE TO EXPLORE VARIOUS ARRANGEMENTS WITH THE FAMILIES UNDER WHICH A DEPARTMENT OF JUSTICE LAWYER COULD WORK WITH AN ACCUSADOR PARTICULAR TO REPRESENT THE FAMILIES IN THE SALVADORAN COURTS.

16. THIS CONCLUDES THE DRAFT MEMORANDUM. COMMENTS OF ADDRESSEES ARE SOUGHT ASAP.
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PAGE 01 SANTIA 03045 01 OF 02 271309Z
ACTION ARA-16

INFO OCT-00 COPY-01 ADS-00 AID-07 INR-10 EUR-12 SS-10
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TO SECSTATE WASHDC 5657
INFO AMEMBASSY BUENOS AIRES
AMEMBASSY CARACAS
AMEMBASSY LIMA
AMEMBASSY MADRID
AMEMBASSY MEXICO
AMEMBASSY MONTEVIDEO
AMEMBASSY PARIS
AMEMBASSY ROME
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Chile Project (#S199900030)
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C-O-N-F-I-D-E-N-T-I-A L SECTION 01 OF 02 SANTIAGO 03045/01

E.O. 12356: DECL: OADR
TAGS: PINS, PGOV, CI
SUBJ: POLITICAL GROUPS IN CHILE: NEW TRIES AT SOCIALIST UNITY
UNITY

1. (C) SUMMARY: THE SOCIALIST MOVEMENT IN CHILE, NEVER TRULY UNITED EVEN IN THE HEYDAY DURING THE ALLENDE YEARS, HAS BECOME EVEN MORE FRAGMENTED DURING THE DECADE SINCE 1973. BUT ATTEMPTS TO RESTORE THE BASIS FOR A SOLID SOCIALIST PARTY PERSIST, MOST RECENTLY IN AN APRIL 26 DECLARATION FROM MADRID, ON THE FIFTIETH ANNIVERSARY OF THE ORIGINAL SOCIALIST PARTY OF CHILE (PS). LIKE THE CONFIDENTIAL

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PAGE 02 SANTIA 03045 01 OF 02 271309Z

PREVIOUS TRIES, THE CURRENT EFFORT SEEMS CONDEMNED TO FAIL, UNDERDMINED BY VARIOUS IDEOLOGICAL AND PERSONAL DIFFERENCES. PARALLEL EFFORTS TO PROMOTE UNITY BY OTHER SOCIALIST GROUPS ARE ALSO FALTERING, THOUGH THE "SOCIALIST CONVERGENCE" PROMOTED BY SMALL CHRISTIAN SOCIALIST GROUPS MAY BE ABLE TO PUT TOGETHER A BROADLY

ACCEPTABLE INTELLECTUAL DOCTRINE. STILL, THE PRESSURES OF MARXIST DIALECTICS AND PRACTICAL POLITICS WILL CONTINUE TO STIMULATEEFFORTS TO BRING TOGETHER THE VARIOUS SOCIALIST FACTIONS, DESPITE THE DISCOURAGING RECORD OF PAST FAILURES. END SUMMARY.
2. (LOU) INTRODUCTION: THE MOST DESIRABLE POLITICAL VEHICLE OF THE CHILEAN SOCIALIST MOVEMENT, THE SOCIALIST PARTY OF CHILE (PS) HAS BEEN PLAGUED BY INTERNAL DIVISIONS THROUGHOUT ITS FIFTY-YEAR HISTORY AND THE SITUATION HAS WORSENED SINCE IT WAS OUTLAWED FOLLOWNG THE MILITARY TAKEOVER IN 1973. A NATURAL CONSEQUENCE OF ITS ILLEGAL STATUS AND INTERNAL DIVISIONS HAS BEEN AN OVERALL DECLINE IN ACTIVE SUPPORTERS. SINCE 1981, THERE HAVE BEEN AT LEAST FOUR EFFORTS TO PATCH UP THESE DIVISIONS, BUT EVEN THE UNITY EFFORTS HAVE BEEN DIVIDED BETWEEN CHRISTIAN SOCIALIST GROUPS, SUCH AS THE IZQUIERDA CRISTIANA (IC) AND THE TWO WINGS OF THE MOVIMIENTO DE ACTION POPULAR UNITARIO (MAPU AND MAPU/OC), AND THE SECULAR SOCIALIST GROUPS, HEADED BY PS EXILE LEADERS RAUL AMPUERO, ANICETO RODRIGUEZ, CARLAS ALTAMIRANO AND CLODOMIRO ALMEYDA, PLUS A HOST OF SMALLER OFFSHOOTS (REF A).
3. (C) LATEST PS UNITY EFFORT: ON APRIL 25, SEVEN SECULAR SOCIALIST GROUPS USED THE OCCASION OF THE FIFTIETH ANNIVERSARY OF THE FOUNDING OF THE PARTY TO MAKE YET ANOTHER EFFORT AT UNITY. IN A DECLARATION ISSUED FROM MADRID BY THE COMMITTEE FOR SOCIALIST UNITY (CUP), WHICH REPORTEDLY REPLACED THE PERMANENT LIAISON
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PAGE 03 SANTIA 03045 01 OF 02 271309Z

COMMITTEE FOR SOCIALIST UNITY, SEVEN SECULAR SOCIALIST FACTIONS SIGNED A DECLARATION OF UNITY. THEY WERE THE: MOVEMENT FOR SOCIALISM (MAS); POPULAR SOCIALIST UNION (USOPO); GROUP FOR CONSENSUS; SECTION F POLITICIANS AND NTELLECTUALS; SECTION OF THE 24TH CONGRESS OF CARLOS ALTAMIRANO; A FACTION SUPPORTING ANICETO RODRIGUEZ; AND A FACTION O THE ALMEYDA GROUP. A NUMBER OF MORE RADICAL SPLINTER GROUPS WERE LEFT OUT OF THE EFFORT BECAUSE OF THEIR ADHERENCE TO ARMED VIOLENCE AND/OR THEIR LINKS WITH THE MIR AND THE COMMUNISTS.
4. (U) DELCARATION OF UNITY: THE SEVEN GROUPS AGREED ONLY ON A VERY GENERAL UNITY DOCUMENT WHICH STRESSED THAT:
--ADHERENCE TO THE MARXIST METHOD OF INTERPRETING REALITY SHOULD CONTINUE;
--SOCIALISM IS THE CORRECT POLITICAL ALTERNATIVE FOR CHILE BECAUSE IT DEVELOPS THE STRATEGY OF WORKERS' FRONTS IN ACCORDANCE WITH PREVIOUS CONGRESS DECLARATIONS;
--SOCILAISTS, AS THE REPRESENTATIVES OF BOTH

MANUAL LABORERS AND INTELLECTUCALS, SHOULD LEAD "THE PEOPLE AND THEIR ORGANIZATIONS TOWARD A FULL DEMOCRACY." --THE SOCILAIST MOVEMENT IS DEMOCRATIC, AUTONOMOUS AND NATIONAL AND ITS AIM IS TO SOCIALIZE THE PRODUCTIVE APPARATUS AND TO UTILIZE SOCIALIST PLANNING; --UNITY IS THE KEY IN THE STRUGGLE FOR DEMOCRACY.
5. (U) OTHER UNITY EFFORTS; THE SOCIALIST CONVERGENCE: AT THE SAME TIME THE CUP DECLARATION WAS BEING SIGNED IN MADRID, OTHER SOCIALIST UNITY EFFORTS WERE MAKING NEWS IN CHILE. THE "SOCIALIST CONVERGENCE" OF THE CHRISTIAN SOCIALIST GROUPS (TH IC, MAPU ANDMAPU/OC) ALSO ISSUED A DECLARATION STATING THAT, IN THEIR OPINION, A MAJORITY CONSENSUS ALREADY EXISTS FOR CHANGING THE INSTITUTIONS OF THE FUTURE PROPOSED BY THE GOVERNMENT.

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PAGE 01 SANTIA 03045 02 OF 02 271402Z
ACTION ARA-16

INFO	OCT-00	COPY-01	ADS-00	AID-07	INR-10	EUR-12	SS-10
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R 271107Z MAY 83
FM AMEMBASSY SANTIAGO
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INFO AMEMBASSY BUENOS AIRES
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AMEMBASSY MADRID
AMEMBASSY MEXICO
AMEMBASSY MONTEVIDEO
AMEMBASSY PARIS
AMEMBASSY ROME
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C O N F I D E N T I A L SECTION 02 OF 02 SANTIAGO 3045

TO AID THIS CONSENSUS, THE CONVERGENCE ACCEPTED THE MULTIPARTIDARIA, AN ADHERENCE SOUGHT BY THE CHRISTIAN DEMOCRATS (PDC). AND THE SOCIAL DEMOCRATS (PSD) SINCE MID-QOIW, BUT STRESSED THE NEED TO WIDEN AND DEEPEN THE SECTORS REPRESENTED. WHAT THE CONVERGENCE PROPOSED

WAS "A GREAT BLOC FOR CHANGE, POPULAR AND DEMOCRATIC IN CONTEXT, THAT WOULD EFFECTIVELY PROMOTE POLITICAL, ECONOMIC, SOCIAL AND CULTURAL TRANSFORMATIONS" IN CHILE. FINALLY, THE DECLARATION DROVE ITS POINT HOME BY CALLING FOR A TOTAL DEMOCRATIZATION OF CHILEAN SOCIETY INCLUDING "THE SUBORDINATION OF THE ARMED FORCES TO POPULAR SOVEREIGNTY."
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PAGE 02 SANTIA 03045 02 OF 02 271402Z

6. (C) RELATIONS WITH THE EXTREME LEFT: A CONTINUING PROBLEM FOR THE WOULD-BE UNIFIERS OF THE PS IS THE QUESTION OF RELATIONS WITH THE EXTREME LEFT. AT THE SAME TIME AS THE ABOVE, RADIO HAVANA ANNOUNCED THE SIGNING IN HAVANA OF A UNITY OF THE LEFT PACT BY LUIS CORVALAN, SECRETARY GENERAL OF THE CHILEAN COMMUNIST PARTY (PCCH), ANDRES PASCAL ALLENDE, SECRETARY GENERAL OF THE MIR, AND CLODOMIRO ALMEYDA, SECRETARY GENERAL OF TH PS/ALMEYDA FACTION. THE PACT PROPOSED A NATIONAL COMMITTEE TO COORDINATE ALL OPPOSITION GROUPS IN CHILE AND CALLED FOR INCREASED AGITATION AND DEMONSTRATIONS LEADING TO A NATIONAL STRIKE.
7. (C) CONCLUSION: WHILE A GENUINE DESIRE FOR UNITY AMONG THEMANY PS FACTIONS PERSISTS, SO DO THEIR DIVISIONS OVER SUCH FUNDAMENTAL ISSUES AS: ARMED ACTION VS PEACEFUL STRUGGLE; MARXISTS-LENINISTS VS MARXISTS THEORETICIANS; RELATIONS WITH THE EXTREME LEFT; ADHERENCE TO DEMOCRATIC COALITION EFFORTS; AND PERSONAL ELEMENTS IN THE STRUGGLE BETWEEN THE INTERNAL AND EXTERNAL LEADERSHIPS OF THE FACTIONS. EVEN THE UNITY EFFORTS ARE DIVIDED, BETWEEN SECULAR AND CHRISTIAN EFFORTS AT A CONVERGENCE, ALTHOUGH THE CHRISTIAN SOCIALISTS OF THE SOCIALIST CONVERGENCE APPEAR NEARER TO SOME SORT OF INTELLECTUAL UNITY THAN THE MORE POLITICALLY-MINDED SECULARISTS. THE UPSHOT OF ALL THIS IS THAT, WHILE HOPES FOR PS UNITY ARE CONSTANTLY BEING SHATTERED, MANY OF THEM STILLBORN FROM THEIR MOMENT OF INCEPTION, AS APPEARS TO BE THE LATEST EFFORT FROM MADRID, ATTEMPTS TO GAIN UNITY WILL CONTINUE.
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FM AMEMBASSY MANAGUA
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AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
AMEMBASSY SAN SALVADOR
AMEMBASSY GUATEMALA
AMEMBASSY PANAMA
AMEMBASSY MEXICO

UNCLAS MANAGUA 2375

C O R R E C T E D C O P Y (REF NUMBER ADDED)

EO 12356: N/A
TAGS: PREL, XK, US
SUBJ: US AMBASSADOR ON FSLN RADIO PROGRAM

REF: MANAGUA 2424

1. THE NICARAGUAN DAILIES APPEARED NOT TO KNOW HOW TO HANDLE THE UNPRECEDENTED LIVE RADIO INTERVIEW OF AMBASSADOR QUAINTON ON THE FSLN STATION THE AFTERNOON OF MAY 31 (REPORTED REFTEL).

2. ALTHOUGH REPORTERS FROM FSLN ORGAN "BARRICADA" AND PRO-GRN "EL NUEVO DIARIO" PLUS THE CORRESPONDENT FROM MEXICO'S "EXCELSIOR" (THE BROTHER OF COMANDANTE VICTOR
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PAGE 02 MANAGU 02375 092150Z

TIRADO), WERE PRESENT DURING THE RADIO BROADCAST. THE

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Review Authority: SLOTT, DICK
Date: 06/14/94
Case ID: S940034E

DIRECTOR OF RADIO SANDINO CAUTIONED THEM AGAINST USING ANYTHING NOT SAID DURING THE ACTUAL BROADCAST.

3. "END" DEVOTED A LENGTHY PAGE ONE STORY TO THE INTERVIEW, REPEATING MANY OF THE AMBASSADOR'S ARGUMENTS AND ONLY DISTORTING GROSSLY TWO KEY POINTS, ONE OF THE TWISTS WAS USED BY "END" FOR THEIR HEADLINE WHICH CLAIMED THAT "QUAINTON ADMITS SUPPORT FOR THE COUNTERREVOLUTION".

ACCORDING TO "END" THE FACT THAT THE AMBASSADOR RAISED THE SUBJECT OF ALLEGED NICARAGUAN SUPPORT FOR THE GUERRILLAS IN EL SALVADOR WAS "A CLEAR ADMISSION THAT THE USG IS HELPING THE SOMOCISTA COUNTERREVOLUTION." IN ANOTHER WILD LEAP OF LOGIC, "END" SAID THAACKNOWLEDGING THE CONSTRUCTION OF A LARGE US MILITARY BASE IN HONDURAS, QUAINTON CONTRADICTED HIS ASSERTION THAT THE USG DID NOT WISH TO OVERTHROW THE GRN.

4. "BARRICADA" COVERAGE WAS LESS PROMINENT, MORE EXTENSIVE AND MORE CONFUSING. THE REPORT OF THE RADIO INTERVIEW ITSELF WAS BRIEF AND SARCASTIC, REFERRING TO THE AMBASSADOR'S "INSOLENT" AFFIRMATION THAT THE US BASE IN HONDURAS WOULD BE "DEFENSIVE", AND ASSERTING THAT HIS COMMENTS ON THE BORGE VISA CASE WERE "CONTRADICTORY".

5. "BARRICADA" ALSO CARRIED A LONG COMMENTARY WHICH SAID QUAINTON'S "LIES" ABOUT NICARAGUA, FOR EXAMPLE ABOUT THE LACK OF FREE EXPRESSION, WERE EXPOSED BY HIS RIGHT TO SPEAK FREELY ON RADIO SANDINO TO SPREAD HIS "CONCEPTS OF IMPERIALISM AND EXPLOITATION." ACCORDING TO THE ARTICLE, THE AMBASSADOR'S REMARKS JUSTIFIED CALLING SUCH PEOPLE "ENEMIES OF HUMANITY".

6. FINALLY A "BARRICADA" SIDE-BAR RESERVED FOR SATIRICAL COMMENTS

NOTED THAT AT TIMES QUAINTON SEEMED TO BE RUNNING THE RADIO INTERVIEW, QUOTED SEVERAL GROSS DISTORTIONS OF THE AMBASSADOR'S COMMENTS, AND OPINED THAT THE PLUG SHOULD HAVE BEEN PULLED ON THE SHOW.

7. INDEPENDENT "LA PRENSA" WHICH CAME IN FOR HEAVY CRITICISM DURING THE RADIO SANDINO INTERVIEW, AND WHICH WAS NOT INVITED TO BE PRESENT, OBTAINED A RECORDING OF THE INTERVIEW FROM THE PAO. "LA PRENSA" DEVOTED ITS PAGE ONE STORY TO THE INTERVIEW UNDER THE HEADLINE "QUAINTON RESPONDS" AND REPRODUCED

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ALMOST THE ENTIRE TRANSCRIPT OF THE PROGRAN.
QUAINTON

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Department of State

TELEGRAM

Department of State Declassified under EO 12356 (X) in full ( ) in part; portions withheld: classified ( ), privacy ( ), law enforcement ( ), other ( ), not relevant to El Salvador ( ).
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PAGE 01 STATE 152371
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TO AMEMBASSY SAN SALVADOR

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E.O. 12356: DECL: OADR
TAGS: SNAR, PINT, ES
SUBJECT: DUARTE'S VISIT TO DEPARTMENT

1. ENTIRE TEXT.

2. SUMMARY-IN A MAY 18 MEETING WITH HA ASSISTANT SECRETARY ELLIOTT ABRAMS EL SALVADORAN CHRISTIAN DEMOCRATIC LEADER NAPOLEON DUARTE SAID THAT HE EXPECTED TO WIN THE DECEMBER PRESIDENTIAL ELECTIONS. DUARTE SAID THAT HE FAVORED POSTPONEMENT OF THE CONGRESSIONAL ELECTIONS BECAUSE THIS WOULD GIVE THE NEWLY ELECTED PRESIDENT TIME TO IMPROVETHE HUMAN RIGHTS SITUATION AND THUS IMPROVE THE POSSIBILITIES OF LATER INDUCING THE LEFT TO PARTICIPATE IN LEGISLATIVE ELECTIONS. DUARTE TRACED THE ORIGINS OF THE DEATH SQUADS IN EL SALVADOR AND EXPLAINED WHY THERE HAS BEEN A RECENT UPSURGE IN THEIR ACTIVITIES. DUARTE SAID THAT LOPEZ SIBRIAN HAS BENEFITED FROM A WELL DEVELOPED SYSTEM OF PROTECTION IN EL SALVADOR AND BLAMED AIFLD FOR INSISTING ON PROSECUTION OF LOPEZ SIBRIAN WITHOUT SUFFICIENT EVIDENCE

PAGE 02 STATE 152371

ADMISSABLE UNDER SALVADORAN LAW. DUARTE EXPRESSED SERIOUS DOUBTS ABOUT THE LEFT'S WILLINGNESS TO PARTICIPATE IN SERIOUS NEGOTIATIONS AT THE PRESENT TIME AND OPINED THAT IT WILL NOT BE POSSIBLE TO SEPARATE GUILLERMO UNGO FROM THE MORE EXTREME ELEMENTS IN THE FDR. DUARTE ALSO CRITICIZED THE US FOR HISTORICALLY SUPPORTING RIGHT WING MILITARY GOVERNMENTS IN LATIN AMERICA. HE ATTRIBUTED NASCENT ANTI-AMERICANISM IN EL SALVADOR TO EXCESSIVE PRESSURE PLACED ON THE COUNTRY BY LIBERAL CONGRESSIONAL FIGURES, BUT ADDED THAT SOME HUMAN RIGHTS PROGRESS HAS OCCURRED ONLY BECAUSE OF US PRESSURE. END SUMMARY.

3. IN A MEETING MAY 18 WITH ASSISTANT SECRETARY ELLIOTT ABRAMS AND OTHER HA OFFICERS CHRISTIAN DEMOCRATIC LEADER NAPOLEAN DUARTE SAID THAT HE WAS CURRENTLY ON A TRIP TO THE US, VENEZUELA AND EUROPE TO DISCUSS WITH KEY PEOPLE THE SITUATION IN EL SALVADOR, INCLUDING HUMAN RIGHTS PROBLEMS. DUARTE SAID THAT EL SALVADOR HAS A "STRUCTURE" THAT HAS CREATED AN ENVIRONMENT FOR VIOLENCE FROM ONE SIDE WHICH HAS SPARKED A VIOLENT REACTION FROM THE OTHER SIDE AND THUS THE VIOLENCE HAS FED UPON ITSELF AND GROWN IN INTENSITY. "WE LIVE IN A JUNGLE AND WE HAVE TO BUILD UP OUR MORALS AND VALUES AND FOR THIS WE NEED DISCIPLINE." DUARTE ADDED THAT SALVADOR NEEDS A STRONG GOVERNMENT THAT CAN PUT EVERYONE UNDER THE LAW. IF THIS CAN BE ESTABLISHED, THEN THE PEOPLE CAN BE SHOWN THAT FIGHTING IS NOT THE ONLY WAY TO RESOLVE PROBLEMS.

4. ELECTIONS: ASKED HOW HE EXPECTED TO DO IN THE ELECTIONS, DUARTE RESPONDED THAT HE THOUGHT HE WOULD WIN. A RECENT POLL GAVE THE CHRISTIAN DEMOCRATS 37 PERCENT OF THE VOTE AND ARENA SOME 16-18 PERCENT. DUARTE SAID HE HAD

PAGE 03 STATE 152371

OFFERED THE VICE PRESIDENTIAL NOMINATION TO FOREIGN MINISTER FIDEL CHAVEZ MENA, BUT CHAVEZ MENA HAD NOT YET ACCEPTED IT.

5. DUARTE SAID HE FAVORED PRESIDENTIAL ELECTIONS ALONE IN DECEMBER FOLLOWED BY CONGRESSIONAL ELECTIONS. ALTHOUGH THIS WOULD BE MORE EXPENSIVE FOR THE GOVERNMENT, IT WOULD GIVE THE NEWLY ELECTED PRESIDENT TIME TO RESOLVE THE PROBLEM OF ABUSES OF AUTHORITY WITHIN THE SECURITY FORCES AND THUS INCREASE THE CHANCES THAT THE LEFT WOULD BE

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WILLING TO PARTICIPATE IN THE CONGRESSIONAL ELECTIONS THAT WOULD BE HELD LATER.

6. DEATH SQUADS: DUARTE SAID THAT THE ARMY IS NOT THE ONLY ORGANIZATION RESPONSIBLE FOR DEATH SQUADS. IN 1986 THE DEATH SQUADS STARTED WHEN PEOPLE COMPLETELY OUTSIDE OF THE ARMY TRIED TO HIRE MILITARY MEN TO LAUNCH A COUP. THE ORGANIZERS OF THESE DEATH SQUADS PAID FOR SPECIFIC PERSONS TO BE KILLED, BUT THEY ALSO WANTED TO CREATE A GENERAL ATMOSPHERE OF TERROR IN THE COUNTRY. THEN THE NATIONAL GUARD REALIZED THAT THEY TOO COULD KILL PEOPLE AND BLAME THE DEATH SQUADS. OTHER PEOPLE WITHIN THE ARMY THEN

ALSO BEGAN TO DRESS IN CIVILIAN GARB WHILE CARRYING OUT KILLINGS. IN EVERY TOWN THE SECURITY FORCES HAD A LIST OF PEOPLE WHOM IT WANTED TO ELIMINATE, INCLUDING LEFTISTS AND PEOPLE WHO WERE TARGETTED FOR PERSONAL OR FINANCIAL REASONS. SOME PEOPLE PAID THE SECURITY FORCES TO HAVE THEIR ENEMIES ELIMINATED, BUT MOST MURDERS WERE DONE SIMPLY AS FAVORS FOR FRIENDS AND RELATIVES. DUARTE STATED HIS BELIEF THAT A SPECIFIC MURDER WHICH WAS A PAID KILLING WAS THAT OF ARCHBISHOP ROMERO.

7. DUARTE SAID THAT THE DEATH SQUADS HAVE NEVER REALLY DISAPPEARED IN EL SALVADOR. DURING THE PAST YEAR OR SO THEY HAVE SIMPLY REDUCED THEIR ACTIVITY SOMEWHAT AND

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STOPPED LEAVING NOTES IDENTIFYING WHICH GROUPS WERE RESPONSIBLE FOR VARIOUS KILLINGS. NOW, HOWEVER, IN ORDER TO CREATE A NEW ATMOSPHERE OF TERROR WITHIN THE COUNTRY, THEY HAVE BEGUN TO PICK UP THEIR ACTIVITY AND AGAIN LEAVE NOTES. ASKED WHETHER ANOTHER OBJECTIVE OF THE DEATH SQUADS MIGHT BE TO ALIENATE US PUBLIC OPINION SO AS TO LEAD TO A CUTOFF OF US ASSISTANCE TO SALVADOR, DUARTE RESPONDED AFFIRMATIVELY BECAUSE THE EXTREME RIGHT HAD RESENTED US EFFORTS TO INHIBIT ITS ABILITY TO KILL ANYONE IT CONSIDERS TO BE A SUPPORTER OF THE EXTREME LEFT.

8. ASKED WHY RIOS MONTT OF GUATEMALA WAS ABLE TO ELIMINATE THE DEATH SQUADS SO QUICKLY AND EL SALVADOR HAD NOT, DUARTE RESPONDED THAT RIOS MONTT HAD THE POLITICAL WILL TO DO IT. "IT CAN BE DONE AND I WILL DO IT," HE SAID, REFERRING TO HIS EXPECTATION TO BE ELECTED PRESIDENT OF EL SALVADOR IN THE DECEMBER ELECTIONS. ASKED WHETHER HE WOULD BE ABLE TO CONTROL THE SECURITY FORCES AND WHETHER THE SECURITY FORCES COULD CONTROL ALL OF THEIR MEN, DUARTE RESPONDED THAT THE GOVERNMENT WOULD HAVE TO CONTROL BOTH THE MILITARY AND THE CIVILIANS. HE SAID THAT THE GOVERNMENT KNOWS WHO THE LEADERS OF THESE DEATHS SQUADS ARE. DUARTE ADDED THAT IT WAS ALSO ESSENTIAL TO CONTROL THE ARMED FORCES: NOT ONLY WAS VERTICAL DISCIPLINE ESSENTIAL BUT IT WAS ALSO IMPORTANT TO CHANGE THE CONCEPT OF THE ARMED FORCES AS AN INTERNAL SECURITY FORCE. AT THE PRESENT TIME THE ARMY WAS THE MOST POWERFUL FORCE IN SALVADOR AND HAD AN OFFICER IN EVERY DEPARTMENT. THAT OFFICER WAS "KING" OF HIS DEPARTMENT AND HAD ABSOLUTE POWER THERE TO INITIATE ACTION AND EXERCISE LEADERSHIP. THIS SAME PATTERN CONTINUED DOWN THROUGH THE SMALLER TOWNS.

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9. DUARTE SAID THERE WAS AN INCREASED THREAT OF VIOLENCE NOW, BECAUSE THE EXTREME RIGHT IS AFRAID THAT THEY ARE LOSING CONTROL OF THE COUNTRY. THE EXTREME RIGHT HAD

THOUGHT THAT BY FORCING A CHANGE IN THE MINISTER OF DEFENSE THEY WOULD BE ABLE TO KEEP CONTROL.

10. LOPEZ SIBRIAN: DUARTE SAID THE REASON THAT IT HAS BEEN SO DIFFICULT TO ARREST LOPEZ SIBRIAN IS BECAUSE HE IS THE BENEFICIARY OF A SYSTEM OF PROTECTION THAT HAS DEVELOPED DURING THE PAST 50 YEARS. DUARTE SAID THAT HE HAD TOLD BILL DOHERTY OF AIFLD NOT TO INITIATE ACTION AGAINST LOPEZ UNTIL HE HAD SUFFICIENT PROOF. INSTEAD, DOHERTY MADE THE MISTAKE OF THINKING THAT THE CONFESSIONS OF THE TWO ACTUAL KILLERS WOULD BE ENOUGH TO IMPLICATE LOPEZ. BUT CONFESSIONS OF DEFENDANTS IMPLICATING OTHERS ARE NOT ADMISSABLE UNDER SALVADORAN LAW. DUARTE SAID HE WAS URGED DOHERTY TO PUBLICLY RELEASE THE OTHER EVIDENCE HE HAS.

11. UNGO: DUARTE SAID IT WAS NOT POSSIBLE TO SEPARATE GUILLERMO UNGO FROM THE GUERRILLAS. DUARTE SAID THAT HE AND UNGO GREW UP TOGETHER AND DUARTE KNOWS HIM WELL. UNGO IS NOW TOO COMMITTED TO THE COMMUNIST SIDE. DUARTE AGREED WITH ABRAMS THAT THE COMMUNISTS MIGHT KILL UNGO IF

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HE TRIED TO WITHDRAW FROM HIS SUPPORT OF THE COMMUNISTS.

12. NEGOTIATIONS: DUARTE SAID THAT THE EXTREME LEFT HAS NO DESIRE TO NEGOTIATE ABOUT THE ELECTORAL PROCESS. INSTEAD, THEY WANT ONLY A "TACTICAL DIALOGUE" FOR PUBLICITY PURPOSES TO WEAKEN THE GOES, PARTICULARLY IN THE EYES OF THE AMERICAN PUBLIC. DUARTE ADDED THAT IN 1981, WHEN HE WAS PRESIDENT OF EL SALVADOR AND THE GUERRILLAS WANTED TO TALK TO HIM, HE SENT A REPRESENTATIVE TO PANAMA TO TALK TO THEM AND ON ONE OTHER OCCASION HE SENT A REPRESENTATIVE TO COSTA RICA TO TALK WITH THE FDR. HE

FOUND OUT, HOWEVER, THAT THE GUERRILLAS DID NOT REALLY WANT A DIALOGUE: THEY ONLY WANTED THE RESIGNATION OF THE GOVERNMENT.

13. THE WAR EFFORT: DUARTE SAID THAT HE DOES NOT BELIEVE IN A MILITARY WAR, ONLY A POLITICAL WAR. MILITARILY, HOWEVER, THE SITUATION IS WORSE THAN WHEN HE LEFT THE GOVERNMENT. AT THAT TIME THERE WERE 5,000-7,000 GUERRILLAS AND NOW THERE ARE 10-15,000. THERE HAS ALSO BEEN AN INCREASE IN THE QUALITY OF THE GUERRILLA WAR EFFORT. THEY ARE NOW TAKING MORE INITIATIVE, AND THEY HAVE A STRATEGY, IN DRAMATIC CONTRAST TO THE ARMY. HOWEVER, THE LEFT'S STRATEGY HAS NOT BEEN WORKING VERY WELL. THEY WANTED TO HAVE A "POSITION WAR" (AN APPARENT REFERENCE TO SEIZING AND HOLDING TERRITORY), BUT THE ARMY HAS DEMONSTRATED THAT IT CAN ALWAYS FORCE THE GUERRILLAS OUT OF ANY AREA EVEN THOUGH THE GUERRILLAS HAVE DEMONSTRATED THAT THEY CAN

ALWAYS RETURN ONCE THE ARMY LEAVES. THE ARMY IS UNABLE TO PERMANENTLY CONTROL AN AREA THAT THE GUERRILLAS WANT. "THE FIELDS ARE IN THE HANDS OF THE GUERRILLAS AND THE CITIES IN THE HANDS OF THE GOVERNMENT." ASKED WHETHER HE EXPECTED TO SEE AN IMPROVEMENT UNDER THE NEW MINISTER OF DEFENSE, VIDES CASANOVA, DUARTE RESPONDED THAT VIDES MUST OVERCOME THE PROBLEMS OF DISCIPLINE AND INTERNAL DIVISIONS IN THE ARMY.

14. NASCENT ANTI-AMERICANISM: DUARTE SAID THAT THERE IS SOME ANTI-AMERICANISM IN EL SALVADOR BECAUSE, WHILE US OBJECTIVES THERE HAVE BEEN GOOD, US METHODS FOR ACHIEVING THOSE OBJECTIVES HAVE SOMETIMES BEEN BAD. DUARTE

SPECIFICALLY CITED INCIDENTS WHERE THE US HAS GIVEN EL SALVADOR 30 DAYS OR SO TO PREPARE A PROGRAM. HE SAID HE

HAS TALKED TO PEOPLE LIKE THE DANTE FASCELLS AND CHRISTOPHER DODDS IN CONGRESS AND WHILE THEY WANT TO HELP THEY ALSO WANT TO KEEP THE PRESSURE ON. THIS LEADS TO RESENTMENT. NONETHELESS, DUARTE VOLUNTEERED THAT SOME PROGRESS HAS OCCURRED IN EL SALVADOR, SUCH AS IN THE NUNS' CASE, ONLY BECAUSE THE US HAS KEPT UP THE PRESSURE.

15. CHURCH: DUARTE SAID THAT ARCHBISHOP RIVERA Y DAMAS HAS "MATURED" A LOT. WHEN HE FIRST ASSUMED OFFICE HE WAS COMPLETELY SURROUNDED BY LEFTIST PRIESTS. NOW, HOWEVER, HE HAS BECOME MORE INDEPENDENT AND HAS REDUCED THE INFLUENCE OF THE LEFT ON HIM. HE NOW ALSO BLAMES THE EXTREME LEFT FOR HUMAN RIGHTS VIOLATIONS.

16. ECONOMIC ASSISTANCE: DUARTE SAID THAT SALVADOR IS RECEIVING A CREDIT LINE OF $50,000,000 FROM ARGENTINA, SOME $2-5,000,000 FROM GERMANY AND AN UNSTATED AMOUNT FROM VENEZUELA AND MEXICO. THE CHRISTIAN DEMOCRATIC PARTY ITSELF IS RECEIVING NO ASSISTANCE.

17. COMMENT: WHILE DUARTE EXPRESSED CONFIDENCE THAT THE CHRISTIAN DEMOCRATS WOULD WIN THE UPCOMING PRESIDENTIAL ELECTIONS, NOTHING HE SAID SUGGESTED THAT HE BELIEVES THAT THERE IS ANY SHORT-TERM SOLUTION, POLITICAL OR MILITARY, TO EL SALVADOR'S CIVIL STRIFE. SHULTZ

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PAGE 01 MANAGU 02484 01 OF 02 082137Z
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~~C O N F I D E N T I A L~~ SECTION 01 OF 02 MANAGUA 2484

EO 12356: DECL : 6/7/89
TAGS/ ASEC AFIN OREP NU
SUBJECT: CODEL NELSON MEETING WITH JUNTA MEMBER RAMIREZ

REF: MANAGUA 2471

1. ~~CONFIDENTIAL~~ ENTIRE TEXT.

2. SUMMARY: DURING THEIR JUNE 4 VISIT TO NICARAGUA (REFTEL), CODEL NELSON MET WITH GRN JUNTA MEMBER SERGIO RAMIREZ MERCADO. THEY QUESTIONED HIM ABOUT SOLUTIONS TO THE CENTRAL AMERICAN CONFLICT INCLUDING GRN SUPPORT FOR THE SALVADORAN GUERRILLAS, THE STATE OF CIVIL LIBERTIES IN NICARAGUA, AND GRN RELATIONS WITH THE SOVIET BLOC AND THE US. END SUMMARY.
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PAGE 02 MANAGU 02484 01 OF 02 082137Z

3. AS THE LAST ITEM ON THE AGENDA OF THEIR JUNE 4 VISIT TO

NICARAGUA. CODEL NELSON MET WITH GRN JUNTA MEMBER SERGIO RAMIREZ MERCADO. RAMIREZ GREETED THE CODEL BY SAYING THAT HE ALWAYS HAD AN OPEN DOOR FOR CONGRESSMEN AND HAD HAD TALKS WITH SOME 40 TO 50 CONGRESSMEN IN THE LAST FOUR YEARS. IN RESPONSE TO QUESTIONS POSED BY CODEL MEMBERS, RAMIREZ EXPRESSED HIS VIEWS ON THE FOLLOWING TOPICS.

4. SOLUTIONS TO THE CENTRAL AMERICAN CONFLICT: EL SALVADOR IS EXPERIENCING A MILITARY/POLITICAL CONFLICT AND THE GOES WITH USG ASSISTANCE CANNOT IMPOSE A MILITARY SOLUTION. THE GRN WANTS PEACE QUICKLY IN CENTRAL AMERICA THROUGH NEGOTIATIONS. THE SALVADORAN GUERRILLAS ARE NOT CRIMINALS AND HAVE A RIGHT TO PARTICIPATE IN THE AFFAIRS OF THAT COUNTRY. THE GRN SUPPORTS THAT PARTICIPATION. THE SITUATIONS IN EL SALVADOR AND NICARAGUA ARE SOMEWHAT SIMILAR (E.G., THE DESTRUCTION OF ECONOMIC INFRASTRUCTURE AND LOSS OF LIFE), BUT WITH ONE BIG DIFFERENCE THE GRN WILL QUICKLY DEFEAT THE "COUNTERREVOLUTIONARIES", BUT UNLESS THERE ARE NEGOTIATIONS, THE CONFLICT IN EL SALVADOR WILL GO ON AND ON. THE GRN REJECTS THE ACCUSTION THAT IT IS SUPPLYING OR TRANSHIPPING ARMS TO SALVADORAN GUERRILLAS: THE USG HAS NOT PROVEN THAT ALLEGATION AND UNDER THE US JUDICIAL SYSTEM, ONE IS INNOCENT UNTIL PROVEN GUILTY BY A PREPONDERANCE OF EVIDENCE.

5. CIVIL LIBERTIES IN NICARAGUA: THE MISKITO INDIANS WERE REMOVED FROM THEIR ANCESTRAL HOMELANDS FOR SECURITY REASONS MANY OTHERS IN THE DEPARTMENTS ALONG THE HONDURAN BORDER WERE RELOCATED AS WELL, NOT JUST MISKITOS. THE NEWSPAPER LA PRENSA IS CENSORED BECAUSE OF THE STATE OF EMERGENCY. THE THREAT OF WAR HAS IMPOSED A NEW SET OF ELEMENTS ON THE

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NICARAGUAN DOMESTIC SCENE WHICH ARE NOT PERMANENT. IF THE US FACED AN ATTACK OF 600,000 ON ITS NORTHERN BORDER, THE U WOULD NOT ALLOW A NEWSPAPER TO SUPPORT THAT ATTACK. AN EX-LA PRENSA OFFICIAL IS NOW THE HEAD OF THE INSURGENT RADIO 15TH OF SEPTEMBER. THE GRN HAD NOT RENEGED ON ITS COMMITMEN TO ELECTIONS: IT HAD ANNOUNCED IN AUGUST 1980 THAT ELECTION WOULD BE HELD IN 1985 AND IT CONTINUES TO ADHERE TO THAT SCHEDULE. ELECTIONS COULD NOT HAVE BEEN HELD IN THE PAST NOR AT THE PRESENT TIME BECAUSE THE ELECTORAL INFRASTRUCTUR DOES NOT EXIST. THE FSLN COULD HAVE IN THE PAST, COULD TODA AND WILL IN THE FUTURE WIN ANY ELECTIONS. THE FIRST ELECTIO

WILL BE TO CHOOSE A NATIONAL CONSTITUENT ASSEMBLY, WHICH WILL DRAFT A CONSTITUTION. ALL POLITICAL PARTIES PRESENTLY IN EXISTENCE AND THOSE THAT WILL BE FORMED BETWEEN NOW AND THE HOLDING OF ELECTIONS WILL BE ABLE TO PARTICIPATE IN THE ELECTIONS. THERE WILL BE A SECRET BALLOT. COUNCIL OF STATE DELEGATIONS ARE PRESENTLY STUDYING WESTERN EUROPEAN AND SOUTH AMERICAN ELECTORAL SYSTEMS TO AID IN THE DRAFTING OF A NICARAGUAN ELECTORAL LAW. IT HAS NOT BEEN DECIDED WHETHER THE NICARAGUAN ELECTORAL SYSTEM WILL BE BASED ON DISTRICTS OR LISTS. THERE ARE NO "PRISONERS OF CONSCIENCE" IN NICARAGUA; DUE PROCESS DOES EXIST. IT IS FALSE THAT THE GRN PROHIBITED THE TEACHING OF CATECHISM IN CATHOLIC SCHOOLS (REFTEL). (NOTE: RAMIREZ CLAIMED HE WAS NOT AWARE OF PRIOR CENSORSHIP OF LIVE MASSES AND THE SUBSEQUENT INABILITY OF RADIO CATOLICA TO BROADCAST MASSES. END NOTE).

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PAGE 01 MANAGU 02484 02 OF 02 082128Z
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6. NICARAGUAN RELATIONS WITH THE U.S. AND THE SOVIET UNION: NICARAGUA IS NOT RUNNING INTO THE ARMS OF THE SOVIET BLOC. IT MAINTAINS BROADER RELATIONS WITH THE U.S. THAN MOST PEOPLE REALIZE. NICARAGUAN RELATIONS WITH THE USSR ARE NO CLOSER THAN BRAZILIAN AND MEXICAN RELATIONS WITH THE USSR.NICARAGUA HAS NO SECRUTIY TREATIES OR DEFENSE PACTS WITH THE USSR. IT WAS NOT THE USSR WHO BOUGHT THE SUGAR THAT THE U.S. DECLINED TO BUY: IT WAS ALGERIA. NICARAGUAN PETROLEUM COMES FROM MEXICO AND VENEZUELA. NICARAGUA BUYS AUTO PARTS, INSECTICIDES AND MANY OTHER PRODUCTS FROM THE U.S. IT TRIED TO BUY HELICOPTERS IN SAN ANTONIO, TEXAS, UNTIL THEY WERE IMPOUNDED BY THE USG. NICARAGUA SELLS ITS MEAT, SEAFOOD AND BANANAS TO THE U.S. THE GRN IS STUDYING
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PAGE 02 MANAGU 02484 02 OF 02 082128Z

AN AIR FLORIDA PETITION TO PROVIDE SERVICE TO NICARAGUA. THE GRN RECENTLY PAID A $500,000 INDEMNITY TO ARCO MINING

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COMPANY FOR ITS PROPERTIES THAT WERE NATIONALIZED AFTER THE REVOLUTION. NICARAGUA HAS PAID MORE THAN $100 MILLION IN DEBT SERVICE SINCE THE REVOLUTION AND HAS RECENTLY RENEGOTIATED ITS FOREIGN DEBT WITH 12 U.S. BANKS. SEVENTY PERCENT OF THE NICARAGUAN ECONOMY REMAINS IN PRIVATE HANDS. THE THIRTY PERCENT IN GRN HANDS REPRESENTS FORMER SOMOZA HOLDINGS. THE LARGEST SUGAR PRODUCER IN NICARAGUA IS THE PELLAS FAMILY, WHO PROTESTED TO AMBASSADOR QUAINTON WHEN THE NICARAGUAN SUGAR QUOTA WAS CUT. THE GRN HAS HELPED THE PELLAS FAMILY SEEK FINANCING FROM BRAZIL AND SPAIN TO EXPAND ITS SUGAR PRODUCTION CAPACITY. NICARAGUAN PETROLEUM IS PROCESSED BY ESSO. ESSO, TEXACO, SHELL, AND CHEVRON DISTRIBUTE GASOLINE IN NICARAGUA. THERE HAS BEEN NO SINGLE ACT OF HOSTILITY AGAINST A U.S. COMPANY SINCE THE REVOLUTION.

7. COMMENT: RAMIREZ HAD QUICK AND SEEMINGLY PLAUSIBLE ANSWERS FOR ALL OF THE CONGRESSMEN'S QUESTIONS. HOWEVER, HAVING JUST LUNCHED WITH DEMOCRATIC OPPOSITON LEADERS, WHO *TOLD OF POLITICAL PRISONERS, LACK OF BASIC RIGHTS, AND CAPRI-*CIOUS CONFISCATIONS, THE CONGRESSMEN FOUND THAT RAMIREZ' REMARKS RANG A BIT HOLLOW.
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~~C O N F I D E N T I A L~~ MANAGUA 2471

EO 12356: DECL: 6/7/89
TAGS: AFIN ASEC OREP NU
SUBJECT: CODEL NELSON

1. ~~CONFIDENTIAL~~ ENTIRE TEXT.

2. SUMMARY: DURING THEIR JUNE 4 VISIT, CODEL NELSON MET WITH ARCHBISHOP OBANDO Y BRAVO AND GRN JUNTA MEMBER SERGIO RAMIREZ, RECEIVED A SANDINISTA MILITARY BRIEFING AND LUNCHED WITH REPRESENTATIVES OF THE PRIVATE SECTOR, OPPOSITION POLITICAL PARTIES AND THE INDEPENDENT NEWSPAPER LA PRENSA. THE SANDINISTAS FOCUSED THEIR PRESENTATIONS ON ALLEGED US SUPPORT FOR ANTI-SANDINISTA INSURGENTS, BUT THE CONGRESSMEN QUESTIONED THE GRN ON ITS INVOLVEMENT WITH THE SALVADORAN GUERRILLAS AND ON THE DETERIORATION OF BASIC HUMAN RIGHTS AND CIVIL LIBERTIES IN NICARAGUA. END SUMMARY.

3. CONGRESSMEN BILL NELSON, EARL HUTTO, NORMAN CHUMWAY AND
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PAGE 02 MANAGU 02471 081559Z

GEORGE WORTLEY VISITED NICARAGUA JUNE 4. AFTER A COUNTRY

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TEAM BRIEFING, IN WHICH THE CONGRESSMEN RECEIVED AN OVERVIEW OF THE INTERNAL POLITICAL AND ECONOMIC SITUATION. THE CODEL MET WITH ARCHBISHOP MIGUEL OBANDO Y BRAVO. THEY QUESTIONED HIM ABOUT SANDINISTA PRESSURES ON THE CHURCH AND ITS SCHOOLS AND ABOUT THE RELIGIOUS AND IDEOLOGICAL ORIENTATION OF FSLN LEADERS AND THE NICARAGUAN PEOPLE. THE ARCHBISHOP TOLD THEM THAT UNDER SOMOZA, MOBS HAD NEVER ATTACKED CHURCHES AND PRIESTS AS HAD BEEN DONE BY THE SANDINISTAS. HE LAMENTED THAT LIVE MASSES COULD NO LONGER BE BROADCAST ON RADIO CATOLICA BECAUSE OF THE GRN'S PRIOR CENSORSHIP REQUIREMENTS. THE ARCHBISHOP CHARGED THAT THE GRN'S REQUIRED EDUCATIONAL CURRICULUM WAS MATERIALISTICALLY ORIENTED AND LEFT NO TIME FOR THE TEACHING OF SPIRITUAL MATTERS DURING THE NORMAL SCHOOL HOURS. HE SAID SOME OF THE FSLN MEMBERS WERE CATHOLICS, BUT THE TOP LEADERS WERE MATERIALISTIC. THE NICARAGUAN PEOPLE, HE SAID, WERE VERY RELIGIOUS; EVERYONE HAD AGREED THAT SOMOZA MUST GO AND THE CHURCH HAD SUPPORTED HIS OUSTER, AS WELL. BUT SINCE THE REVOLUTION, MANY FORMER SANDINISTAS AND OTHERS WHO OPPOSED SOMOZA HAD LEFT THE COUNTRY BECAUSE OF THEIR DISENCHANTMENT WITH THE FSLN LEADERSHIP. IN RESPONSE TO A QUESTION ABOUT HIS ATTITUDES TOWARD THE ANTI-SANDINISTA INSURGENTS, OBANDO Y BRAVO QUOTED SAINT THOMAS, SAYING THAT HE WAS A PEACEFUL MAN, WHO ABHORRED VIOLENCE, BUT VIOLENCE WAS JUSTIFIED IF ALL PEACEFUL MEANS HAD BEEN EXHAUSTED. HE ADDED, HOWEVER, THAT IT WAS OFTEN DIFFICULT TO TELL WHEN THE POINT HAD BEEN REACHED.

4. THE CODEL NEXT MET WITH SANDINISTA ARMY POLITICAL CHIEF, COMANDANTE DE BRIGADA HUGO TORRES, WHO GAVE THE STANDARD EXPOSE ON THE DEVELOPMENT OF THE TWO-FRONT ANTI-SANDINISTA INSURGENT CAMPAIGN, THE RESULTANT PROPERTY DAMAGE AND LOSS OF HUMAN LIFE, AND US AIR AND SEA INCURSIONS INTO NICARAGUAN TERRITORY. CONGRESSMAN NELSON POINTED OUT THAT TORRES' DES-

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CRIPTION OF THE DESTRUCTION OF LIFE AND PROPERTY IN NICARAGUA WAS VERY SIMILAR TO THE SITUATION IN EL SALVADOR AND ASKED WHY THE GRN SUPPLIED AND TRANSHIPPED ARMS TO THE SALVADORAN GUERRILLAS. TORRES REPLIED THAT THAT ALLEGATION HAD NOT BEEN PROVEN.

5. THE CODEL LUNCHED WITH LEADERS OF THE PRIVATE SECTOR, OPPOSITION POLITICAL PARTIES, AND THE INDEPENDENT DAILY LA PRENSA. THE LEADERS TOLD OF THE DIFFICULTIES OF DOING BUSINESS IN NICARAGUA TODAY, ARRESTS OF POLITICAL AND BUSINESS LEADERSN

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AND THE VAGARIES OF CENSORSHIP. VIOLETA CHAMORRO, FORMER GRN JUNTA MEMBER AND WIDOW OF MARTYRED LA PRENSA EDITOR PEDRO JOAQUIN CHAMORRO, OFFERED A TOAST TO THE CODEL, STATING THAT SHE HAD JOINED THE GRN IN HOPES OF A DEMOCRATIC FUTURE FOR NICARAGUA, BUT THAT HOPE HAD BEEN BETRAYED AND SHE WOULD CONTINUE TO FIGHT FOR FREEDOM IN NICARAGUA. JAIME BENGOECHEA, CHAMBER OF INDUSTRIES DIRECTOR, OFFERED ANOTHER TOAST AND ASKED THAT THE DEMOCRATIC ASPIRATIONS OF THE NICARAGUAN PEOPLE NOT BE ABANDONED BY THE US IN THE SEARCH FOR A SOLUTION TO THE PROBLEMS OF CENTRAL AMERICA.

6. THE CODEL'S FINAL MEETING WAS WITH GRN JUNTA MEMBER SERGIO RAMIREZ MERCADO (SEPTEL).

7. COMMENT: THE CODEL SEEMED TO ENJOY THEIR MEETINGS WITH ARCHBISHOP OBANDO Y BRAVO AND OPPOSITION LEADERS, WHILE THEY HIT THE SANDINISTAS HARD ON THEIR SUPPORT FOR THE SALVADORAN GUERRILLAS AND THE DECLINE OF CIVIL LIBERTIES IN NICARAGUA. THE CODEL RECEIVED AN ACCURATE VIEW OF THE PROBLEMS AND CONCERNS OF THE INTERNAL DEMOCRATIC OPPOSITION AND OF THE SANDINISTAS' ABILITY TO GIVE A SLICK, ONE-SIDED PRESENTATION OF THE FACTS.
QUAINTON

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Department of State **TELEGRAM**

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AN: D830332-0553

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PAGE 01 MEXICO 08874 102307Z
ACTION ARA-16

INFO OCT-00 COPY-01 ADS-00 AID-07 INR-10 SS-10 OIC-02
CIAE-00 DODE-00 H-01 IO-15 NSC-01 NSAE-00 HA-08
L-03 PM-08 PA-02 SAL-01 ANAE-00 USIE-00 SP-02
SNP-01 PRS-01 /089 W
------------------354524 102343Z /62
P 102308Z JUN 83
FM AMEMBASSY MEXICO
TO SECSTATE WASHDC PRIORITY 9134
INFO AMEMBASSY BOGOTA
AMEMBASSY BELIZE
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY PANAMA
AMEMBASSY MANAGUA
AMEMBASSY PANAMA
AMEMBASSY SAN JOSE
AMEMBASSY SAN SALVADOR
AMEMBASSY TEGUCIGALPA
USMISSION USUN NEW YORK
USINT HAVANA

RELEASED
El Salvador: Human Rights
Special Project (1993)

UNCLAS MEXICO 08874

MANAGUA FOR AMBASSADOR STONE AND PARTY

E.O. 12356:DECL:N/A
TAGS: MX, EX, XK
SUBJECT: FMLN/FDR CALL PUBLICLY FOR MEETING WITH AMBASSADOR STONE

1. SUMMARY: IN A PRESS CONFERENCE ON JUNE 9 IN MEXICO CITY, FMLN/FDR SPOKESMAN STATED THAT FMLN/FDR HAD SENT A MESSAGE TO AMBASSADOR STONE ASKING TO MEET WITH HIM IN THE UNITED STATES TOGETHER WITH U.S. MEMBERS OF CONGRESS AND POSSIBLY ALSO REPRESENTATIVES
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PAGE 02 MEXICO 08874 102307Z

OF THE CONTADORA GROUP. END SUMMARY.

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United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: SLOTT, DICK
Date: 06/14/94
Case ID: S940034E

[redacted]

2. DURING THE PRESS CONFERENCE AT THE FOREIGN PRESS ASSOCIATION IN MEXICO CITY, THE FMLN/FDR RELEASED THE FOLLOWING JOINT STATEMENT: "WE HAVE SENT A MESSAGE TO MR. STONE PROPOSING THAT WE START A DIRECT DIALOGUE IN WHICH WE CAN DISCUSS THE PATHS TOWARD A POLITICAL SOLUTION, AND THAT THIS TAKE PLACE ON U.S. TERRITORY AND IN THE PRESENCE OF WITNESSES FROM THAT COUNTRY'S CONGRESS. IN THIS DIALOGUE, IT IS NECESSARY TO HAVE THIRD PARTY WITNESSES. WE CONSIDER IT TO BE CONVENIENT THAT THE DIALOGUE TAKE PLACE WITHIN THE FRAMEWORK OF A FORUM WHERE ALL PARTIES FEEL A SPIRIT OF TRUST AND SECURITY. THE CONTADORA GROUP COULD BE PART OF THIS FORUM SINCE THEY CONSTITUTE A REALISTIC AND OBJECTIVE GROUP IN THE ATTAINMENT OF PEACE." MOREOVER, "OTHER INITIATIVES OF GOOD OFFICES ARE NOT EXCLUDED."

3. THE STATEMENT ALSO SAID THAT AMBASSADOR STONE WOULD HAVE TO BE CONSIDERED "AS A REPRESENTATIVE OF ONE OF THE PARTIES DIRECTLY INVOLVED IN OUR WAR, AND NOT AS A MEDIATOR". AT ANY ACTUAL NEGOTIATIONS, THE STATEMENT MAINTAINS THAT THE EL SALVADOR GOVERNMENT AND THE U.S. SHOULD SIT TOGETHER ON ONE SIDE OF THE TABLE. AS PRINCIPAL SPOKESMAN DURING THE PRESS CONFERENCE, RUBEN ZAMORA ADDED PERSONAL VIEW THAT CONDITIONS ARE STILL NOT COMPLETELY RIPE, BUT THEY ARE "RIPENING" TOWARDS A NEGOTIATION. CONTRIBUTING FACTORS IN HIS VIEW WERE THE CONTADORA GROUP'S EFFORTS AND THE RECENT U.N. SECURITY COUNCIL RESOLUTION.

4. AFTER THE MESSAGE HAD BEEN DELIVERED TO STONE, THE FMLN/FDR REPRESENTATIVES REPORTEDLY SAID, IT WAS ALSO
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DELIVERED TO MEXICAN FOREIGN MINISTER SEPULVEDA, AND TO THE OTHER FOREIGN MINISTERS OF THE CONTADORA GROUP. ONE OF THE REPRESENTATIVES IS QUOTED TO THE EFFECT THAT "WE ARE EXPECTING AN ANSWER."

5. BESIDES ZAMORA, PARTICIPANTS IN THE PRESS CONFERENCE WERE OSCAR ACEVEDO AND OSCAR BONILLA REPRESENTING THE FMLN, AND MARIO AGUINADA AND HECTOR OQUELI FROM THE FDR. (DRAFTED:GGUERRA-MONDRAGON) HIGH

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El Salvador: Human Rights
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Chile Project (#S199900030)
U.S. Department of State
Release ✓ Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____

(No 156)

NATIONAL SECURITY LOG - JUNE 12-18, 1983

R

June 12:

-- The National Council of Ground Transportationists announces its support for the upcoming June 14 protest.

-- The "multipartidaria" joins the protest.

June 13:

-- On the eve of the second national protest day to be called by the labor organizations as a demand for the restoration of democracy in Chile, demonstrators gathered in small groups in various sites in Santiago, then were later disbanded by carabineros. No arrests were reported, though some journalists and demonstrators were beaten by the police.

June 14:

-- The "National Day of Protest" is carried out by means of peaceful protests during the day, with much student participation.

-- A group of seven lawyers and law students is detained at El Palacio de los Tribunales. The seven are Roberto Morales Puelma, Carmen Hermosilla Molina, Pedro Munoz Solís, Jaime Figueroa, Jorge Arratia and Sergio Aquiló.

-- The protestors turned to acts of violence during the night, including the scattering of "miguelitos", robbery, dynamiting of train tracks, bombing of buses, and the deliberate burning down of the Huerfanos Theatre.

-- Throughout the country, 1351 people were detained, dozens were wounded, including several carabineros, and four were left dead.

-- Though he claims the communists are behind the violent acts of protest, and he had only called for a peaceful demonstration, Rodolfo Seguel, labor organizer, is arrested.

June 15:

-- Rodolfo Seguel is released, but awaits trial for infringement upon the State Security Law.

-- A recurso de amparo was presented on behalf of the lawyers and law students detained yesterday. The seven were later released.

-- President Pinochet states that the Committees for Human Rights and Against Torture are comprised mostly of Communists.

-- Critics of Pinochet worldwide in Mexico, France, England, the US Spain and Italy have indicated their support of yesterday's demonstrations.

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AN: DB30341-0755

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PAGE 01 SAN SA 05413 152319Z
ACTION ARA-16

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R 152320Z JUN 83
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INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
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AMEMBASSY SAN JOSE
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El Salvador: Human Rights
Special Project (1993)

[redacted] SAN SALVADOR 05413

E. O. 12356: NA
TAGS: PINS, PGOV, ES
SUBJECT: GOES PEACE INITIATIVE

REF: A) SAN SALVADOR 4775, B) SAN SALVADOR 5022,
C) SAN SALVADOR 5281

1. POST IS CONCERNED THAT WITH SO MUCH INTERNATIONAL PRESS ATTENTION FOCUSED ON FDR RESPONSE IN MEXICO TO THE STONE MISSION, RECENT STATEMENTS MADE BY THE GOVERNMENT OF EL SALVADOR PEACE COMMISSION INVITING THE FDR TO BEGIN A DIALOGUE HAVE GONE LARGELY UNNOTICED. AS WE REVIEW THE RECORD, WE FIND THAT IN ADDITION TO THE STATEMENTS REPORTED IN REFTELS, PERHAPS THE CLEAREST CALL BY THE PEACE COMMISION FOR DIALOGUE WAS CONTAINED IN A PREPARED SPEECH BY PEACE COMMISSION PRESIDENT FRANCISCO QUINONES BEFORE THE AMERICAN CHAMBER OF [redacted]

PAGE 02 SAN SA 05413 152319Z

COMMERCE JUNE 3 (REF B). OUR TEXTUAL TRANSLATION OF

[redacted]

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: SLOTT, DICK
Date: 06/14/94
Case ID: S940034E

[redacted]

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[redacted]

RELEVANT PASSAGES FOLLOW IN PARA 3.

2. WE CAN CITE, THEREFORE, THREE SEPARATE OCCASIONS ON WHICH THE PEACE COMMISSION HAS INVITED THE FDR TO TALK AND THE COMMISSION HAS OFFERED TO GO ANYWHERE INCLUDING NICARAGUA AND CUBA FOR SUCH TALKS. WE REMIND THE DEPARTMENT THAT BECAUSE THE GOVERNMENT OF EL SALVADOR DOES NOT WISH TO GIVE BELLIGERENT STATUS TO THE FDR/FMLN, THEY HAVE BEEN CAREFUL TO ISSUE ALL INVITATIONS IN THE NAME OF THE PEACE COMMISSION. THE DEPARTMENT'S PRESS GUIDANCE SHOULD ALSO REFER TO THE INVITATION OF THE PEACE COMMISSION, NOT OF THE GOES.
3. BEGIN TEXT:

- WHEN RECENTLY WE INVITED EVERYONE, INCLUDING THE FDR, TO INITIATE A CONSTRUCTIVE REFLECTION, WE DID IT BECAUSE WE ARE CONVINCED OF OUR SUPPORT, IMAGE, CHARACTER AND CREDIBILITY. WE HAVE SAID THAT WE DO NOT SHY AWAY FROM CONVERSATIONS. ON THE CONTRARY WE SEEK THEM OUT TO PROMOTE THE INCORPORATION OF ALL INTO THE DEMOCRATIC PROCESS. IN THIS PROCESS, WHICH IS DYNAMIC, ELECTIONS HAVE BEEN PLANNED IN THE NEAR FUTURE.

- DOES THE FDR WANT TO PARTICIPATE IN THEM? WE ARE READY TO DIALOGUE ABOUT THAT PARTICIPATION, HERE OR WHEREVER IS BELIEVED TO BE MORE APPROPRIATE. IF THE FDR FEELS MORE AT HOME IN NICARAGUA OR CUBA, LET THEM TELL US, EVEN THOUGH IT WOULD BE IRONIC TO CARRY OUT CONVERSATIONS ABOUT DEMOCRATIC ELECTIONS IN COUNTRIES WHOSE GOVERNMENTS HAVE DENIED THEIR PEOPLE THE FUNDAMENTAL RIGHT TO VOTE.

[redacted]

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- LET US GO AND DIALOGUE AS THE POPE HAS SAID: "NOT AS A TACTICAL TRUCE TO STRENGTHEN POSITIONS IN ORDER TO PROSECUTE THE WAR, BUT RATHER WITH THE SINCERE EFFORT TO RESPOND TO THOSE OF US WHO SEEK PEACE BY MEANS OF THE AUTHENTIC DEMOCRATIC WAY THAT CULMINATES IN AN ELECTORAL PROCESS."

- BUT DIALOGUE WILL BE DIFFICULT AND STERILE, AS THE POPE TELLS US "WHEN SOME PARTIES ARE FED BY IDEOLOGIES THAT, IN SPITE OF THEIR DECLARATIONS, OPPOSE THE DIGNITY

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OF THE HUMAN PERSON, AND THEIR JUST ASPIRATIONS, WHO OPPOSE THE HEALTHY AIMS OF REASON, OF NATURAL AND ETERNAL LAW, IDEOLOGIES THAT SEE IN STRUGGLE THE MOTOR OF HISTORY, IN FORCE THE SOURCE OF LAW, IN THE CLASSIFICATION OF THE ENEMY THE A-B-C OF POLITICS."

- THE PEACE COMMISSION HAS EXPOUNDED ITS POSITION, CLEARLY AND WITHOUT VAGUE, EMPTY AND CHEAP RHETORIC. LET'S SEE WHAT THOSE OF THE FDR/FMLN SAY. MEANWHILE, LET US CONTINUE STRUGGLING TO CONQUER THE PEACE.
END TEXT.
BLEAKLEY

[redacted]

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El Salvador: Human Rights
Special Project (1993)

[redacted]

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P830083-1338

FRANK R. WOLF
10TH DISTRICT, VIRGINIA

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130 CANNON BUILDING
WASHINGTON, D.C. 20515
(202) 225-5136

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1651 OLD MEADOW RD.
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(703) 777-4422

Congress of the United States
House of Representatives
Washington, D.C. 20515

COMMITTEES:
PUBLIC WORKS AND TRANSPORTATION
SUBCOMMITTEES:
AVIATION
SURFACE TRANSPORTATION
POST OFFICE AND CIVIL SERVICE
SUBCOMMITTEES:
CIVIL SERVICE
POSTAL PERSONNEL AND MODERNIZATION
SELECT COMMITTEE ON CHILDREN, YOUTH AND FAMILIES

June 17, 1983

4

ACTION
is assigned to
PA/R

Action: RS
DM
DE
Due: 7/7

Mr. Powell A. Moore
Assistant Secretary for
Congressional Relations
Department of State
2201 C Street, NW
Washington, D.C. 20520

Dear Mr. Moore:

I have received the enclosed correspondence regarding human rights violations in Chile, Haiti, Malawi, and Korea.

I would appreciate any information you could provide concerning these cases and the United States response, if any.

Thank you for your attention.

Sincerely,

Frank R. Wolf
Member of Congress

FRW:laf

FORWARDED BY DEPARTMENT OF STATE
1983 JUN 22 PM 3:30
FAIM/IAP/WI

Chile Project (#S199900030)
U.S. Department of State
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Exemption(s) B6

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DOCUMENT ANALYSIS

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Case Number: s199900030

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ACTION SIL-01

INFO	OCT-00	COPY-01	ADS-00	INR-10	EUR-12	SS-10	CIAE-00
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	STR-14	USIE-00	SP-02	SNP-01	PRS-01	/124 W	

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FM AMEMBASSY BRUSSELS
TO SECSTATE WASHDC 5830
AMEMBASSY LONDON
AMEMBASSY PARIS
AMEMBASSY ROME
AMEMBASSY SANTIAGO
AMEMBASSY MADRID
AMEMBASSY MEXICO
USMISSION GENEVA

Chile Project (#S199900030)
U.S. Department of State
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Declassify: In Part_____ In Full_____
Exemption(s)_____

UNCLAS BRUSSELS 08395

USEC

SANTIAGO FOR LABOR ATTACHE; DEPARTMENT FOR S/IL AND ARA - POVENMIRE

E.O. 12356: N/A
TAGS: ELAB, SHUM, ICFTU, CI
SUBJECT: ICFTU PROTESTS DETENTION AND ABDUCTIONS OF CHILEAN TRADE UNIONISTS.

1. IN A TELEGRAM TO GENERAL PINOCHET AND A REQUEST FOR URGENT ILO INTERVENTION WITH THE CHILEAN AUTHORITIES, THE BRUSSELS-BASED INTERNATIONAL CONFEDERATION OF FREE TRADE UNIONS (ICFTU) HAS SOUGHT THE FREEING OF TWO ABDUCTED COPPER WORKERS TRADE UNIONISTS AS WELL AS THE IMMEDIATE RELEASE OF ALL PERSONS DETAILED DURING THE JUNE 14 NATIONAL DAY OF PROTEST IN CHILE. AN ICFTU PRESS STATEMENT ABOUT THESE
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PAGE 02 BRUSSE 08395 171415Z

ACTIONS AND REITERATING THE ICFTU'S SUPPORT FOR CHILEAN TRADE UNION'S EFFORTS TO RESTORE DEMOCRACY, ISSUED ON JUNE 16, FOLLOWS:

2. BEGIN TEXT.

n/a
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THE GENERAL SECRETARY OF THE INTERNATIONAL CONFEDERATION OF FREE TRADE UNIONS, JOHN VANDERVEKEN, HAS CONDEMNED THE BRUTAL REPRESSION DIRECTED AGAINST THOSE WHO TOOK PART IN THE NATIONAL DAY OF PROTEST IN CHILE ON JUNE 14. THE ICFTU REITERATES ITS FULL SUPPORT FOR THE UNITED TRADE UNION COMMAND (CUS)AND ALL TRADE UNION ORGANIZATIONS THAT ARE CALLING FOR A RETURN TO DEMOCRACY IN CHILE. THE ICFTU DEMANDS THE IMMEDIATE RELEASE OSE DETAINED DURING THE JUNE 14 DEMONSTRATIONS.

IN A TELEGRAM TO GENERAL PINOCHET, JOHN VANDERVEKEN EXPRESSES INDIGNATION AT THE VIOLENT ABDUCTION AT 2.A.M. IN THE NIGHT OF JUNE 15 BY MEN IN CIVILIAN CLOTHES OF RODOLFO SEGUEL AND HERNAN GARREDO. THEY ARE RESPECTIVELY THE PRESIDENT AND THE DRIVER OF THE COPPER WORKERS CONFEDERATION (CTC). VANDERVEKEN SAID THAT THIS INCIDENT IS FURTHER PROOF THAT CHILE IS A POLICE STATE. THE TWO MEN'S PRESENT WHEREABOUTS ARE UNKNOWN. VANDERVEKEN HAS ALSO ASKED FRANCIS BLANCHARD, DIRECTOR GENERAL OF THE ILO, TO INTERVENE URGENTLY WITH THE CHILEAN GOVERNMENT IN ORDER TO PROTECT THE TWO MEN'S LIVES AND LIBERTY.
END TEXT.
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United States Department of State

Washington, D.C. 20520

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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
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Exemption(s) ____

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Dear Mr. Wolf:

Thank you for your letter of June 17, 1983 inquiring into human rights questions in Haiti, Korea, Chile and Malawi.

Our information on Park Ki-Rae in Korea generally conforms with that given by your constituent. According to the most recent information available to the Department, Mr. Park was being held in prison in Seoul. (As a point of interest, it may be noted that Mr. Park was born and educated in Japan and that his family still lives there). Copies of your constituent's correspondence are being forwarded to our Embassy in Seoul.

Regarding the case of Orton and Vera Chirwa, they were convicted on May 5 on treason charges by a traditional court in Malawi, and they received a death sentence. However, the Chirwas have filed an appeal of their sentence, and the appeal is to be heard by the National Traditional Appeals Court. A final decision date on the appeal is not known, but we understand that the appeal process can take several months. We understand that the Chirwas son, Fumbani, also is being held by the Malawi authorities.

Our Ambassador to Malawi has made known to high officials of the Malawian government our deep concern in the Chirwas' case, in particular the human rights aspects, and our interest is seeing that full due process is followed. Our Embassy in Malawi and we in the Department will continue to closely monitor all developments in the case.

The Honorable
Frank R. Wolf,
House of Representatives.

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In regard to the recent arrest of Frederic Denise and Antoine Phanor and three other individuals, Assistant Secretary for Human Rights and Humanitarian Affairs Elliott Abrams expressed our concern over these arrests to Haitian Ambassador Fritz Cineas, and our ambassador in Port-au-Prince has raised the issue with both the Foreign Minister and Minister of Interior.

The five were officially accused by Haitian government prosecutors of subversive actions and conspiracy to undermine the security of the state at a June 6 hearing at the civil court. The government's charges are being studied by a judge of inquiry who will decide whether or not to return an indictment. In the meantime the detainees, all apparently in good health, have been transferred from the Casernes Dessalines (internal security police headquarters) to the national penitentiary awaiting the judge's decision. While in the penitentiary, the arrestees will have access to family and can receive mail and personal items. We have received assurances from the government of Haiti that they will not be mistreated.

We have no information in our files on Raul Flores Castillo, Jose Luis Azocar Rocha and Blanca Rosa Carrasco Ahumada. I have therefore sent a copy of your correspondence to our Embassy in Santiago with a request that they communicate with you directly concerning your inquiry.

With cordial regards,

Sincerely,

Powell A. Moore
Assistant Secretary
for Legislative and
Intergovernmental Affairs

Drafted:HA/HR:DRoberts/DMatthews/RESnyder:js
7/25/83 - x22126
#83-1338

Clearances:EA/K:FMDavenport
HA/HR:TTull
HA:GMatthews
ARA/SC:DKemp (info)
:SLysyshyn (info)

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TEXT OF TELEGRAM 83SAN SA006515

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PA-02 USIE-00 SP-02 SNP-01 PRS-01 /071 W
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R 2017002 JUN 83
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 7341
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HTS PM

UNCLAS SAN SALVADOR 06515

ARA FOR AMBASSADOR PICKERING

E.O. 12356: N/A
TAGS: PGOV, ES
SUBJECT: D'AUBUISSON CALLS FOR UNITY AGAINST A COMMON ENEMY

1. SUMMARY. A LEADING LOCAL DAILY PUBLISHED AN EXCLUSIVE INTERVIEW WITH CONSTITUENT ASSEMBLY PRESIDENT AND ARENA LEADER MAJOR ROBERTO D'AUBUISSON IN ITS 6/17/83 ISSUE. D'AUBUISSON EXPLAINED IN THE INTERVIEW THAT EL SALVADOR'S PLIGHT COULD NOT BE CALLED A CIVIL WAR BUT RATHER, THE RESULT OF INTERNATIONAL COMMUNIST AGGRESSION. THE DAILY ALSO REPORTED D'AUBUISSON'S 6/16/83 TELECAST TO THE NATION IN WHICH HE ASKED OTHER DEMOCRATIC POLITICAL PARTIES TO UNITE IN A COMMON FRONT AGAINST THE REAL ENEMY, THE GUERRILLAS. END SUMMARY.
UNCLASSIFIED
UNCLASSIFIED

PAGE 02 SAN SA 06515 2017022

2. ULTRA-CONSERVATIVE LEADING LOCAL DAILY EL DIARIO DE HOY PUBLISHED AN EXCLUSIVE INTERVIEW WITH CONSTITUENT ASSEMBLY PRESIDENT AND ARENA LEADER MAJOR ROBERTO D'AUBUISSON IN ITS 6/17/83 ISSUE. D'AUBUISSON WAS QUOTED AS STATING THAT EL SALVADOR IS NOT UNDERGOING A CIVIL WAR BUT RATHER "AN ACT OF MARXIST AGGRESSION AGAINST THE PEOPLE OF EL SALVADOR." HE AFFIRMED THAT IT

TEXT OF TELEGRAM 83SAN SA006515

IS NECESSARY FOR THE SALVADORANS TO ADOPT A POSTURE OF SELF-DEFENSE AGAINST THIS FOREIGN AGGRESSION. MAJOR D'AUBUISSON TOLD NEWSMEN THAT A DISINFORMATION CAMPAIGN AT AN INTERNATIONAL LEVEL HAS PLACED EL SALVADOR IN DIRE STRAITS. HE CRITICIZED FOREIGN CORRESPONDENTS WHO DO NOT SEEK OUT THE TRUTH BUT RATHER WAIT IN HOTELS UNTIL IT IS TIME TO LISTEN TO RADIO VENCEREMOS, THE INSURGENTS' CLANDESTINE RADIO.

3. IN ANOTHER ITEM IN THE SAME ISSUE OF THE DIARIO DE HOY, THE DAILY REPORTED D'AUBUISSON'S PUBLIC TELECAST ON THE EVENING OF 6/16/83. THE ARTICLE REPORTS THAT D'AUBUISSON CALLED UPON ALL SALVADORAN DEMOCRATS TO WORK TOGETHER TO DEFEAT THE COMMON ENEMY: THE FDR-FMLN GUERRILLAS. SPECIFICALLY, D'AUBUISSON URGED ALL SALVADORANS TO COME FORWARD AND JOIN THE CIVIL DEFENSE UNITS IN SUPPORT OF THE ARMED FORCES' EFFORT AGAINST SUBVERSION. THE NEWS ITEM REPORTS THAT, DURING THE TELECAST, D'AUBUISSON CALLED UPON ALL POLITICAL PARTIES REPRESENTED IN THE CONSTITUENT ASSEMBLY TO HELP FULFILL THE WILL EXPRESSED BY THE SALVADORANS ON THE 3/28/82 NATIONAL ELECTIONS. D'AUBUISSON REPORTEDLY STATED THAT THIS SHOULD BE DONE BY WORKING AS "A TEAM TO DEFEND THE FATHERLAND FROM THE IMPETUOUS ATTACK OF COMMUNISM."
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PAGE 03 SAN SA 06515 2017022

4. ANOTHER LOCAL DAILY, THE MODERATELY CONSERVATIVE LA PRENSA GRAFICA, PUBLISHED D'AUBUISSON TELECAST SPEECH IN FULL IN ITS 6/17/83 ISSUE. THE SPEECH IS A DECISIVE CALL FOR THE UNITY OF ALL PARTIES REPRESENTED IN THE CONSTITUENT ASSEMBLY. IT URGES THEM TO LAY ASIDE MATTERS OF "SECONDARY IMPORTANCE" AND TO MEET TOGETHER TO ADOPT A PLAN OF ACTION WHICH WILL RESULT IN THE GREATER UNITY OF THE SALVADORAN PEOPLE AGAINST THEIR COMMON ENEMY. D'AUBUISSON STATED THAT HE FELT THAT THE LEADERSHIP OF OTHER POLITICAL PARTIES IS AS CONCERNED AS HE IS ABOUT THE SITUATION AND TRUSTS THAT HIS CALL FOR NATIONAL UNITY WILL BE HEEDED AND PUT INTO EFFECT. OTHERWISE, D'AUBUISSON WARNED, "WE FACE THE IMMINENT DANGER OF A TOTALITARIAN GOVERNMENT--LIKE THAT OF NICARAGUA"--BEING SET UP IN EL SALVADOR. BLEAKLEY

P830084-0837

United States Senate

6/20/83 WASHINGTON, D.C. 20510

Respectfully referred to:

Congressional Liaison
Department of State
Washington, D. C. 20520

Re: Attached letter from [redacted] concerning the imprisonment of people in Haiti, Korea, Chile, and Malawi.

Chile Project (#S199900030)
U.S. Department of State
Release_____ Excise X Deny_____
Declassify: In Part_____ In Full_____
Exemption(s) B6

Your consideration of the attached correspondence from a constituent will be appreciated. Your findings and views in duplicate form, along with return of the enclosures, are requested.

Thank you for your cooperation.

John Warner
U.S.S.

JWW/kjk

ACTION
is assigned to
PA/HC

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DOCUMENT ANALYSIS

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El Salvador: Human Rights Project (199

UNCLASSIFIED [redacted] Department of State INCOMING TELEGRAM

PAGE 01 SAN SA 05818 01 OF 02 292007Z 311#
ACTION ARA-08

INFO OCT-00 COPY-01 ADS-00 AID-00 INR-10 EUR-00 SS-00
AF-06 CIAE-00 DODE-00 H-01 NSC-01 NSAE-00 SY-05
HA-05 L-03 LAB-04 PM-05 PA-01 MCT-02 OMB-01
STL-01 SAL-01 USIE-00 SP-01 SMP-01 PRS-01 /107 W
------------------015677 292122Z /70

P 292004Z JUN 83
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC PRIORITY 7534
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HTS PN
AMEMBASSY BRUSSELS
AMEMBASSY LAGOS

[redacted] SECTION 01 OF 02 SAN SALVADOR 05818

BRUSSELS FOR USEC LABATT

LAGOS FOR AMBASSADOR PICKERING

E.O. 12356: DECL: 6/29/89
TAGS: SHUM, PGOV, ELAB, ES
SUBJECT: NEW TWISTS IN THE LAS HOJAS CASE

REF: (A) SAN SALVADOR 03999, (B) SAN SALVADOR 03509,
(C) SAN SALVADOR 01661

1. [redacted] - ENTIRE TEXT.

2. DURING A MEETING AT AIFLD HEADQUARTERS, NATIONAL INDIAN ASSOCIATION OF EL SALVADOR (ANIS) SECRETARY GENERAL, ADRIAN ESQUINO LIZCO, TOLD LABOFF THAT ANIS TREASURER FERMIN GARCIA GUARDADO WAS ARRESTED UNDER SUSPICION OF ATTEMPTED MURDER ON 6/24/83 IN SONSONATE DISTRICT. ESQUINO LIZCO ALSO INFORMED LABOFF THAT ESQUINO'S ELDEST SON DISAPPEARED ON THE EVENING OF 6/23/83, SHORTLY AFTER RETURNING HOME TO SAN ANTONIO DEL MONTE (SONSONATE) FROM HIS JOB IN THE CAPITAL. THIS LAST ITEM TURNED OUT TO BE A FALSE ALARM. ESQUINO JR. TURNED UP SAFE AND SOUND ON 6/25/83.

3. FERMIN GARCIA GUARDADO IS THE FATHER OF ONE OF THE VICTIMS OF THE LAS HOJAS MASSACRE OF 2/22/83 (REFTEL B). HE TRAVELED WITH ESQUINO LIZCO TO THE U.S. LAST APRIL AND MET WITH SENATOR KENNEDY AND OTHER MEMBERS OF CONGRESS TO TESTIFY ON THE LAS HOJAS CASE (REFTEL A). LABOFF AND SALVADORAN COMMUNAL UNION (UCS) LEGAL ADVISOR, JOSE MARIA MENDEZ, JR., CALLED SONSONATE AUTHORITIES AND WERE ABLE TO ASCERTAIN THAT GARCIA GUARDADO HAD BEEN DETAINED FOR SUSPICION OF ATTEMPTED MURDER ON THE PERSON OF ONE SERMENO. SERMENO, ONE OF THE SUSPECTED FINGERMEN IN THE LAS HOJAS MASSACRE, WAS WOUNDED IN A GUNFIGHT IN MARCH. MENDEZ BELIEVES THAT THE CHARGES AGAINST GARCIA GUARDADO ARE FALSE AND MAY INDICATE AN ATTEMPT TO INTIMIDATE ANIS INTO BACKING OFF THIS LAS HOJAS COURT CASE.

4. AS WAS PREVIOUSLY REPORTED, TESTIMONIES HAVE BEEN TAKEN FROM ALL WITNESSES (INCLUDING SURVIVORS, WIDOWS AND ORPHANS) IN THE LAS HOJAS CASE, AND THE CASE WOULD APPEAR RIPE FOR ELEVATION TO THE TRIAL STAGE (PLENARIO). OFFICIAL EVIDENCE INCLUDES THE REPORT OF THE GOES HUMAN RIGHTS COMMISSION ON ITS INVESTIGATIVE FINDINGS AND THE [redacted] OFFICIAL RECORDS OF THE JUSTICE OF THE PEACE OF SAN ANTONIO DEL MONTE, WHO REGISTERED THE DEATHS OF THE VICTIMS. ON 6/21/83 BENJAMIN CESTONI, EXECUTIVE DIRECTOR OF THE GOES HUMAN RIGHTS COMMISSION, TOLD LABOFF THAT HE FELT THAT THERE WAS ENOUGH EVIDENCE AT THAT TIME TO WARRANT THE JUDGE ORDERING THE ARREST OF THE SUSPECTS IDENTIFIED BY WITNESSES. CESTONI COULD ONLY SPECULATE THAT THE JUDGE IN SONSONATE WAS AFRAID TO ORDER THE PROCEDURALLY CORRECT DETENTIONS. UCS LEGAL ADVISOR MENDEZ TOLD LABOFF THAT HE HAD WARNED ANIS BEFOREHAND THAT A REPRISAL (GARCIA'S ARREST) COULD BE IN THE WORKS. MENDEZ IRONICALLY COMMENTED THAT JUST WHEN THE STATE HAS ENOUGH EVIDENCE TO ARREST MEMBERS OF THE ARMED FORCES AND INFLUENTIAL LANDOWNERS, IT ARRESTED INSTEAD THE FATHER OF ONE OF THE VICTIMS, WITH FRAMED-UP CHARGES.

5. UPON BEING ADVISED OF GARCIA'S ARREST, POLCOUNS IMMEDIATELY CONTACTED PRESIDENTIAL MINISTER FRANCISCO GUERRERO. DATT CASH WAS ALSO NOTIFIED AND HE CONTACTED THE CHIEF OF THE NATIONAL GUARD, COLONEL MONTES. (COMMENT: LABOFF WAS INFORMED THAT GARCIA GUARDADO WAS ARRESTED BY THE NATIONAL GUARD IN SONSONATE. END COMMENT.)

6. ON 6/27, PRESIDENTIAL MINISTER FRANCISCO GUERRERO TOLD CHARGE AND POLCOUNS THAT FERMIN GARCIA GUARDADO'S ARREST WAS LEGALLY CORRECT. SINCE THE CASE IS ALMOST CERTAINLY BASED ON TRUMPED-UP EVIDENCE HE, GUERRERO, PROMISED TO TALK TO THE JUDGE AND HAVE THE CHARGES AGAINST GARCIA DROPPED. GUERRERO TOLD EMBOFFS THAT HE BELIEVED GENERAL GONZALEZ ARAUJO SHOULD BE REMOVED FROM HIS POST AS MILITARY COMMANDER OF SONSONATE DEPARTMENT.

yes!

~~This is very helpful just before confirmation.~~

O SHUM
Salvador
Atrocities

Department of State IS/FPC/CDR El Salvador SP Date 9/17/93
Declassified under EO 12356 (X) in full: ( ) in part;
portions withheld: classified ( ); deliberative ( );
law enforcement ( ); privacy ( ); statutory ( );
not relevant to El Salvador ( ).

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UNCLASSIFIED [redacted] Department of State

INCOMING
TELEGRAM

PAGE 01 SAN SA 05818 02 OF 02 292008Z 3116
ACTION ARA-00

INFO	OCT-00	COPY-01	ADS-00	AID-00	INR-10	EUR-00	SS-00
	AF-00	CIAE-00	DODE-00	H-01	NSC-01	NSAE-00	SY-06
	HA-08	L-03	LAB-04	PM-08	PA-01	MCT-02	OMB-01
	SIL-01	SAL-01	USIE-00	SP-02	SNP-01	PRS-01	/107 W

----------015705 292124Z /70

P 292004Z JUN 83
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC PRIORITY 7535
INFO AMEMBASSY BOGOTA
AMEMBASSY [redacted]ACAS
AMEMBASSY GUATEMALA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HTS PN
AMEMBASSY BRUSSELS
AMEMBASSY LAGOS

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El Salvador: Human P
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[redacted] SECTION 02 OF 02 SAN SALVADOR 05818

7. COMMENT: DURING A MEETING WITH ANIS REPS AND WITH DEFENSE MINISTER VIDES CASANOVA LAST MONTH, SONSONATE MILITARY COMMANDER COL. ELMER GONZALEZ ARAUJO TRIED TO "MAKE PEACE" WITH ANIS LEADERS. WHEN ESQUINO LIZCO TOLD HIM THAT HE COULD NOT MAKE PEACE WITH THE MURDERER OF HIS BROTHERS WITHOUT JUSTICE BEING DONE, GONZALEZ ARAUJO WARNED HIM--IN THE DEFMIN'S PRESENCE--THAT HE HAD SPENT 10,000 COLONIES (OVER DOLS 2,564 U.S.) FOR HIS DEFENSE LAWYERS. AS PREVIOUSLY REPORTED, GONZALEZ ARAUJO GAVE THE ORDER FOR THE "MILITARY ACTION" THAT LED TO THE MASSACRE IN LAS HOJAS. DURING THE MEETING (ANIS LEADERS LATER REPORTED) GONZALEZ ARAUJO WARNED THE ASSOCIATION MEMBERS THAT IF THEY DID NOT DESIST FROM PRESSING CHARGES AGAINST HIM, THEY, AND NOT HIM, WOULD COME OUT LOSERS. END COMMENT. HINTON

I wonder what U.S. reaction was to the statement

[redacted]

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Department of State

TELEGRAM

Department of State IS/FPC/CDR 9/23/93
Declassified under EO 12356 (X) in full; ( ) in part;
portions withheld: classified ( ); deliberative ( );
law enforcement ( ); privacy ( ), statutory ( );
not relevant to El Salvador ( ).

[redacted]

AN: 0830301-0192

PAGE 01 SAN SA 00910 01 OF 02 0820072
ACTION ARA-16

INFO OCT-00 COPY-01 ADS-00 AID-07 INR-10 SS-10 OIC-02
AF-10 CIAE-00 EB-08 DODE-00 H-01 10-15 NSCE-00
NEAE-00 SSO-01 NA-00 L-03 TRSE-00 PM-00 PA-01
PC-01 OMB-01 INRE-00 RP-10 USIE-00 SP-02 SR-06
SNP-01 PRS-01 /123 W
----------233341 0820102 /61
O 0820072 JUL 83
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 7668
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY LAGOS
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HTS PM
USMISSION GENEVA

[redacted] SECTION 01 OF 02 SAN SALVADOR 00910

LABOR FOR AMBASSADOR PICKERING

E.O. 12356: DECL: T/6/89
TAGS: SNAR, PGOV, ES
SUBJECT: (U) MAGANA'S JULY 1ST SPEECH

1. (U) ON JULY 1, PRESIDENT MAGANA APPEARED BEFORE THE SALVADORAN CABINET, MEMBERS OF THE INDEPENDENT AGENCIES OF THE GOVERNMENT, THE ASSEMBLY, AND THE DIPLOMATIC CORPS TO RENDER AN ACCOUNTING OF HIS 14-MONTH ADMINISTRATION. HIS SPEECH WAS PRUDENT AND BALANCED, AND BROKE LITTLE NEW GROUND. HE WAS MOST FORCEFUL ON DEVELOPMENT OF INSTITUTIONAL DEMOCRACY AND REJECTION OF
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PAGE 02 SAN SA 00910 01 OF 02 0820072

POWER-SHARING NEGOTIATIONS WITH THE FAR LEFT. HE ALSO DISCUSSED HIS RECENT VISIT TO WASHINGTON, AND NOTED HIS DENUNCIATION IN THE OAS AGAINST AGGRESSION BY CUBA, NICARAGUA AND THE SOVIET BLOC. HIGHLIGHTS FOLLOW.

2. (U) GOVERNMENT OF NATIONAL UNITY. THE EFFORT AT REACHING A BROAD GOVERNMENT CONSENSUS HAS WORKED "SURPRISINGLY WELL" IN PURSUING HIS ADMINISTRATION'S GOALS: PEACE, HUMAN RIGHTS, ECONOMIC RECOVERY, DEMOCRACY, AND STRENGTHENING THE REFORMS. HIS ADMINISTRATION HAS SEEN AN END TO "PRESIDENTIALISM" AND "PERSONALISM" AND THE DEVELOPMENT OF STRONGER INSTITUTIONS AND SEPARATION OF POWERS.

3. (U) ELECTIONS: MAGANA LOOKS FORWARD TO HOLDING FREE, HONEST ELECTIONS THIS YEAR AND TO TURNING POWER OVER TO WHOMEVER THE PEOPLE ELECT. "ELECTIONS WITH THE PARTICIPATION OF ALL SALVADORANS WITHOUT DISTINCTION, ARE THE ONLY REAL WAY TO ACHIEVE A DEFINITIVE PEACE AND AT LAST ESTABLISH A PLURALISTIC SYSTEM WHICH WILL STRENGTHEN DEMOCRACY."

4. (U) HUMAN RIGHTS. MAGANA HIGHLIGHTED THE ESTABLISHMENT OF THE HUMAN RIGHTS COMMISSION, WHICH HE CREDITED WITH THE NEW AMNESTY LAW. HE EMPHASIZED THE CURRENT EFFORT AT JUDICIAL REFORM, INCLUDING THE RECENT REPORT BY SALVADORAN LAWYERS RECOMMENDING CHANGES IN THE JUDICIAL SYSTEM. HE NOTED THAT ONE ASPECT OF JUDICIAL REFORM ALREADY ACHIEVED IS THE FREEDOM OF THE JUDICIARY FROM [redacted]

PAGE 03 SAN SA 00910 01 OF 02 0820072

PRESSURE BY THE EXECUTIVE. HE EMPHASIZED THE INDEPENDENCE OF THE JUDICIARY AND THE OFFICE OF THE PROSECUTOR GENERAL.

5. (U) NEGOTIATIONS. MAGANA NOTED THAT THE PEACE COMMISSION HAS INVITED "ALL POLITICAL SECTORS" TO PARTICIPATE IN THE COMING ELECTIONS. MAGANA REJECTED NEGOTIATIONS WITH THE FAR LEFT FOR POWER SHARING AS "TREASON" TO THOSE WHO ELECTED HIM. SUCH NEGOTIATIONS WOULD "OPEN THE DOOR TO CHAOS IN

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El Salvador: Human Rights
Special Project (1993)

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AN ACT OF UNJUSTIFIED WEAKNESS." SUCH NEGOTIATIONS ARE, "THE ONLY, *DEFINITELY* THE ONLY THING WHICH MY GOVERNMENT CANNOT DO FOR PEACE."

6. (U) THE ECONOMY. ECONOMIC ACTIVITY HAS STABILIZED SINCE THE END OF 1982. NAGANA UNDERSTANDS THE SACRIFICES WHICH THE VARIOUS SECTORS ARE MAKING AND ASKS THEIR UNDERSTANDING OF THE FISCAL AND MONETARY DISCIPLINE NECESSARY TO STRENGTHEN THE ECONOMY.

7. (U) THE ECONOMIC AND AGRARIAN REFORMS. NAGANA REITERATED THE IMPORTANCE OF THE REFORMS AS REAFFIRMED IN THE PACT OF APANECA AND AS RATIFIED BY THE CONSTITUENT ASSEMBLY WHEN IT WAS FIRST CONVENED. HE STRESSED THAT THE REFORMS SHOULD NOT ONLY BE EVALUATED IN TERMS OF ECONOMIC EFFICIENCY, BUT ALSO *IN TERMS OF SOCIAL PARTICIPATION AND AS A* WAY TO RELIEVE THE TENSIONS WHICH GAVE RISE TO THE PRESENT CONFLICT.

8. (U) *INTERNATIONAL.* NAGANA ASSERTED THAT THE INTERNATIONAL CAMPAIGN OF DISINFORMATION HAS BEEN BROKEN AND THAT THE WORLD NOW KNOWS WHAT IS REALLY

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PAGE 01 SAN SA 06910 02 OF 02 0320402
ACTION ARA-16

INFO OCT-00 COPY-01 ADS-00 AID-07 INR-10 SS-10 OIC-02
AF-10 CIAE-00 ED-00 DODE-00 H-01 IO-10 NSCE-00
NSAE-00 SSO-01 NA-00 L-03 TRSE-00 PM-00 PA-01
PC-01 SNB-01 INRE-00 RP-10 USIE-00 SP-02 SR-04
SNP-01 PRS-01 /123 W
----------333393 0320212 /61
O 0320072 JUL 03
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 7669
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY LAGOS
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
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USMISSION GENEVA

[redacted] SECTION 02 OF 02 SAN SALVADOR 06910

HAPPENING IN EL SALVADOR. HE EXPRESSED GRATITUDE FOR THE SOLIDARITY OF HIS CENTRAL AMERICAN NEIGHBORS AND EMPHASIZED THE IMPORTANCE OF THE VISIT OF THE POPE. HE DISCUSSED EXTENSIVELY HIS TWO MEETINGS WITH PRESIDENT REAGAN AND THE SUCCESS OF HIS RECENT VISIT TO WASHINGTON. NAGANA ALSO EMPHASIZED HIS DECLARATION BEFORE THE OAS THAT E. SALVADOR IS A VICTIM OF SOVIET BLOC AGGRESSION CARRIED OUT THROUGH CUBA AND NICARAGUA. HE REITERATED EL SALVADOR'S RIGHT TO DEFEND ITSELF AGAINST EXTERNAL AGGRESSION, DESTRUCTION OF THE NATION'S ASSETS, ATTACKS ON ITS SOVEREIGNTY AND ARMED SUBVERSION.

[redacted]

PAGE 02 SAN SA 06910 02 OF 02 0320402

9. (U) THE WORK HE EXPRESSED SATISFACTION FOR THE ARMED FORCES FOR BEING THE "[illegible]

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El Salvador. Human Rights
Special Project (1993)

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SERVED TO PROTECT THE PEOPLE. HE EXPRESSED SPECIAL SYMPATHY FOR THE CITIZENS IN THE EASTERN ZONE.

10. (U) THE CONSTITUTION. MABANA CONGRATULATED AND THANKED THE CONSTITUENT ASSEMBLY FOR ITS EFFORTS TO FINISH THE CONSTITUTION, WHICH WILL CONTAIN FUNDAMENTAL GUARANTEES AND WHICH WILL MAKE THE OBJECTIVES OF THE GOVERNMENT OF NATIONAL UNITY A PERMANENT REALITY.

11. (C) COMMENT: MABANA'S PRESENTATION HAS A CAREFULLY DRAFTED POLITICAL SPEECH, WITH SOMETHING FOR ALMOST EVERYONE AND A LIGHT TOUCH ON CONTROVERSIAL ISSUES. THE REMARK THAT JUDICIAL REFORM PRECLUDES PRESSURE FROM THE EXECUTIVE MAY HAVE BEEN MEANT FOR US. WE HAD ALSO HOPED FOR SOME STATEMENT ON REVISION OF DECREE 507, A DRAFT OF WHICH WE HAVE POUCHED TO THE DEPARTMENT. BUT WE ARE INTRIGUED BY MABANA'S EMPHATIC STATEMENT THAT IN THE SEARCH FOR PEACE ONLY POWER-SHARING NEGOTIATIONS ARE RULED OUT. THIS WOULD SEEM TO LEAVE MUCH ROOM FOR DIALOGUE WITH THE LEFT. HINTON

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Department of State **TELEGRAM**

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AN: D830391-0390

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PAGE 01 SAN JO 04665 0917462
ACTION ARA-16

INFO OCT-00 COPY-01 ADS-00 INR-10 CIAE-00 DODE-00 NSAE-00
SSO-01 PA-02 INRE-00 SP-02 PRS-01 /033 W
----------044643 0917492 /50
O 0917472 JUL 83
FM AMEMBASSY SAN JOSE
TO USIA WASHDC IMMEDIATE 1738
INFO SECSTATE WASHDC IMMEDIATE 6538
AMEMBASSY MEXICO IMMEDIATE
AMEMBASSY SAN SALVADOR IMMEDIATE
USCINCSO QUARRY HTS PN IMMEDIATE
AMEMBASSY MANAGUA PRIORITY
AMEMBASSY GUATEMALA PRIORITY
AMEMBASSY TEGUCIGALPA PRIORITY
AMEMBASSY PANAMA PRIORITY

UNCLAS SAN JOSE 04665

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El Salvador: Human Rights
Special Project (1993)

FOR P/PPL, VOA/BL, AR

STATE FOR ARA

USCINCSO FOR SCPA

E.O. 12356: /A
TAGS: SCOM, CS
SUBJECT: MEDIA COVERAGE OF AMBASSADOR STONE'S ARRIVAL

1. AMBASSADOR STONE'S ARRIVAL IN SAN JOSE 7/8 MADE FRONT PAGES OF 7/9 DAILIES. LEADING SAN JOSE DAILY "LA NACION" HAD PHOTO OF AMB. STONE UNDER HEADLINE "STONE ARRIVED TO DIALOG WITH SALVADORAN GUERRILLAS." FRONT PAGE SUMMARY ARTICLE SPECULATED ON IF AND WHEN THE MEETING WOULD TAKE PLACE. LONGER ARTICLE INSIDE THE PAPER, ACCOMPANIED BY PHOTO OF FOREIGN MINISTER VOLIO GREETING AMB. STONE.
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PAGE 02 SAN JO 04665 0917462

QUOTED THE FOREIGN MINISTER AS SAYING THAT "THE

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United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: SLOTT, DICK
Date: 06/14/94
Case ID: S9400034E

[redacted]

EFFORT OF STONE WOULD ASSIST WITH OTHERS THAT ARE TAKING PLACE IN THE AREA AND ARE SUPPORTED BY COSTA RICA.". "LA NACION" ALSO QUOTED UNNAMED SOURCES AS SAYING THAT AMB. STONE WAS SUPPOSED TO MEET WITH FOR LEADERS LAST NIGHT, BUT THAT THE MEETING WAS CANCELLED "AT THE LAST MINUTE."

2. SECOND MORNING DAILY "LA REPUBLICA" ALSO PLACED PHOTO OF AMBASSADOR STONE'S ARRIVAL ON ITS FRONT PAGE, WITH HEADLINE "STONE SAYS THAT THE TIME TO HAVE PEACE IN CENTRAL AMERICA IS EXHAUSTING ITSELF." ACCORDING TO "LA REPUBLICA," HE WILL BE LEAVING TODAY, EITHER FOR PANAMA OR NICARAGUA. MCAFEE SPARKS

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Special Project (1993)

Department of State **TELEGRAM**

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AN: 0830391-0754

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PAGE 01 SAN JO 04671 1020322
ACTION ARA-16

INFO OCT-00 COPY-01 ADS-00 AID-07 INR-10 SS-10 OIC-02
CIAE-00 DODE-00 H-01 IO-15 NSC-01 NSAE-00 SSO-01
HA-08 L-03 PM-08 PA-02 OMB-01 INRE-00 SAL-01
USIE-00 SP-02 SNP-01 PRS-01 /091 W
----------053070 1020392 /60
O 1020322 JUL 83 ZFF4
FM AMEMBASSY SAN JOSE
TO SECSTATE WASHDC NIACT IMMEDIATE 6545
AMEMBASSY SAN SALVADOR NIACT IMMEDIATE
INFO AMEMBASSY BOGOTA IMMEDIATE
AMEMBASSY CARACAS IMMEDIATE
AMEMBASSY GUATEMALA IMMEDIATE
AMEMBASSY MANAGUA IMMEDIATE
AMEMBASSY MEXICO IMMEDIATE
AMEMBASSY PANAMA IMMEDIATE
AMEMBASSY TEGUCIGALPA IMMEDIATE
USMISSION USUN NEW YORK IMMEDIATE
USCINCSO QUARRY HTS PN IMMEDIATE
NSC WASHDC IMMEDIATE

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UNCLAS SAN JOSE 04671

S/S-O NOTIFY ARA
NSC FOR CHARLES HILL

E.O. 12356: N/A
TAGS: PREL, ES, CS
SUBJECT: FDR/FMLN COMMUNIQUE ON STONE VISIT

1. FOLLOWING PRESS RELEASE WAS READ OVER PHONE TO US NEWSMEN IN COSTA RICA SUNDAY MORNING, JULY 10, BY WIFE OF RESIDENT FDR/FMLN REPRESENTATIVE IN COSTA RICA (VILLACORTE). US NEWSMAN MADE HIS TRANSLATION OF THE RELEASE AVAILABLE TO EMBASSY INFORMATION OFFICER JUST AFTER DEPARTURE OF AMBASSADOR STONE'S AIRCRAFT AT 1228
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PAGE 02 SAN JO 04671 1020322

HOURS CST.

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Office of FOI, Privacy, & Classification Review
Review Authority: SLOTT, DICK
Date: 06/14/94
Case ID: 9940034E

2. BEGIN TEXT. THROUGH THE INITIATIVE OF PRESIDENT MONGE, A MEETING HAD BEEN ARRANGED ON JULY 9 BETWEEN THE SPECIAL ENVOY OF PRESIDENT REAGAN, RICHARD STONE, AND REPRESENTATIVES OF THE FDR/FMLN OF EL SALVADOR. UNFORTUNATELY, IT WAS NOT POSSIBLE TO REACH AGREEMENT OVER PROCEDURAL ASPECTS WHICH PREVENTED THE MEETING FROM TAKING PLACE. THE PROPAGANDISTIC ATMOSPHERE WHICH PRECEDED IT WAS ALSO NOT HELPFUL. IN SPITE OF THE FACT THAT IT WAS DESIGNED TO BE PRIVATE, OUR FRONTS WANT TO MAKE IT CLEAR THAT THEY SLOUSLY ADHERED TO THE AGREEMENT ON THE CHARACTER OF THE MEETING. IN SPITE OF THE PRECEDING, WE CONSIDER THAT THE EFFORTS UNDERTAKEN PERMITTED A BEGINNING OF COMMUNICATION, THROUGH A HIGHLY QUALIFIED INTERMEDIARY, BETWEEN AMBASSADOR STONE AND OUR FRONTS. WE ARE GRATEFUL TO THE PRESIDENT OF COSTA RICA FOR THE EFFORTS THAT HE MADE, AS WELL AS THE EFFORTS CARRIED OUT TO BE ABLE TO OVERCOME THE POINTS OF DISAGREEMENT. THE DELEGATION OF THE FDR/FMLN DEMONSTRATED TO PRESIDENT MONGE THE DISPOSITION OF OUR FRONTS TO CONTINUE WORKING TO ACHIEVE A DIALOGUE AS WELL AS OUR DESIRE THAT PRESIDENT MONGE ACTIVELY MAINTAIN HIS EFFORTS IN THIS REGARD. THE FDR/FMLN REITERATES ITS WILLINGNESS FOR A DIALOGUE AND HOPES THAT IN THE NEAR FUTURE THIS CAN BE ACHIEVED WITH AMBASSADOR RICHARD STONE WITHOUT PRIOR CONDITIONS BASED ON AN OPEN AGENDA AND RELYING ON AN ADEQUATE FRAMEWORK.
THE DELEGATION OF THE FDR/FMLN WAS MADE UP OF THE FOLLOWING: GUILLERMO UNGO, PRESIDENT OF THE FDR; AND FROM THE POLITICAL-DIPLOMATIC COMMISSION, DR. RUBEN ZAMORA RIVAS; MARIO AQUINADA CARRANZA; ND PROFESSOR JOSE MARIO LOPEZ. END TEXT.
JONES

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PAGE 01 SAN JO 04707 112143Z
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AMEMBASSY SAN SALVADOR

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UNCLAS SAN JOSE 04707

FOR USIA P/PPL, VOA/BL, AR
- STATE AMBASSADOR STONE AND ARA

E.O. 12356: N/A
TAGS: CS, XKM PREL, ECPS
SUBJECT: COSTA RICAN MEDIA ON FDR/FMLN-AMBASSADOR
- RICHARD STONE MEETING

1. COSTA RICAN MEDIA CHARACTERIZED THE MUCH-RUMORED MEETING BETWEEN AMBASSADOR STONE AND FDR/FMLN REPRESENTATIVES AS HAVING "FAILED" IN THEIR 7/10 EDITIONS, BUT ON 7/11 FRONT PAGE OF LEADING SAN JOSE DAILY "LA NACION" HAD ARTICLE ENTITLED "GUERRILLAS ASK MONGE TO CONTINUE EFFORTS FOR DIALOGUE."

2. FRONT PAGE "LA NACION" STORY ON 7/10 REPORTED THAT "LAST MINUTE PROBLEMS" PREVENTED THE MEETING FROM TAKING PLACE. THE UNIDENTIFIED SOURCES TOLD "LA NACION" THAT "INTRANSIGENCE ON THE PART OF REPRESENTATIVES OF THE ARMED LEADERS" WAS THE CAUSE. MEANWHILE, SECOND MORNING DAILY "LA REPUBLICA," ALSO ON 7/10, ATTRIBUTED THE PROBLEM TO FACT THAT

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PAGE 02 SAN JO 04707 112143Z

"STONE DID NOT ACCEPT CONDITIONS OF FMLN LEADERS."

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United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: SLOTT, DICK
Date: 06/14/94
Case ID: S940034E

3. ON 7/11, "LA REPUBLICA" PUBLISHED THE TEXT OF THE FDR/FMLN COMMUNIQUE, UNDER HEADLINE "GUERRILLA LEADERS SAY ROAD TO DIALOGUE OPENED."

4. "LA NACION," ALSO ON 7/11, INCLUDED THE FOLLOWING IN ITS COVERAGE:

- ---"THE INTERVIEW THAT WAS TO TAKE PLACE IN COSTA RICA HAD AS ITS PURPOSE TO DISCUSS A PROPOSAL TO ACHIEVE A CEASEFIRE IN EL SALVADOR. THIS IS WHAT STONE SAID LAST FRIDAY IN THE SALVADORAN CAPITAL BEFORE COMING HERE."

- ---IN GOING FROM SAN SALVADOR AND THEN ON TO WASHINGTON, STONE "CANCELLED A TEN-DAY VISIT THAT WAS TO INCLUDE NICARAGUA, PANAMA, COLOMBIA, VENEZUELA AND MEXICO."

- ---"THE DELEGATES OF THE (SALVADORAN) FRONTS WERE ANNOYED THAT THE PROPER RESERVE WAS NOT MAINTAINED. 'THE EXCESS OF INFORMATION THAT WAS GENERATED AFFECTED THINGS QUITE A BIT. BEFORE HE LEFT WASHINGTON, CBS ALREADY COMMENTED ON WHAT HE WAS GOING TO TALK ABOUT,' ADDED A SPOKESMAN, WHO REQUESTED THAT HIS NAME NOT BE USED." IN EL SALVADOR THE FAILURE, ACCORDING TO A REBEL SOURCE THERE, "WAS ATTRIBUTED TO THE FACT THAT TWO GUERRILLA COMMANDERS FROM THE MILITARY WING OF THE FMLN OPPOSED THE MEETING."

MCAFEE SPARKS

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PAGE 01 SANTIA 04094 01 OF 02 181559Z
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Chile Project (#S199900030)
U.S. Department of State
Release X Excise Deny
Declassify: In Part In Full X
Exemption(s)

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C O N F I D E N T I A L SECTION 01 OF 02 SANTIAGO 4094

BRUSSELS FOR USEC LABATT

E.O. 12356: DECL: OADR
TAGS: ELAB, ICFTU, CI
SUBJECT: ICFTU MISSION TO CHILE ON AGAIN OVER OBJECTIONS OF SEVERAL CHILEAN OPPOSITION LABOR ORGANIZATIONS

REF: STATE 195586 (NOTAL); BRUSSELS 9729 (NOTAL)

1. (C) - ENTIRE TEXT.

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PAGE 02 SANTIA 04094 01 OF 02 181559Z

2. SUMMARY: AN ICFTU MISSION LED BY ENZO FRISO, HEAD OF THE ICFTU LATIN AMERICAN DEPARTMENT, IS APPARENTLY COMING TO CHILE JULY 19. THERE HAS BEEN CONSIDERABLE CONTROVERSY IN THE CHILEAN LABOR MOVEMENT ABOUT THE VALUE OF SUCH A MISSION, PARTICULARLY OVER THE ROLE OF THE COMMUNIST-DOMINATED NATIONAL LABOR COORDINATOR (CNS) IN ARRANGING

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THE VISIT. IN PART IN REACTION TO THE VISIT, HERNOL FLORES, SECRETARY-GENERAL OF THE AFL-CIO SUPPORTED UNION OF DEMOCRATIC WORKERS (UDT), IS TRAVELING TO COLOMBIA JULY 18 TO MEET WITH TULIO CUEVAS, PRESIDENT OF THE INTER-AMERICAN REGION LABOR ORGANIZATION (ORIT) AND THEN ON TO WASHINGTON TO MEET WITH AFL-CIO REPRESENTATIVES ON JULY 20-21. THE UDT, AND OTHER NON-MARXIST LABOR ORGANIZATIONS, BELIEVE THE ICFTU HAS BETRAYED AN UNDERSTANDING REACHED AT THE MARCH 11-12 MADRID MEETING THAT NO OFFICIAL STATUS WOULD BE GRANTED TO THE ROME-BASED CHILEAN LABOR COMMITTEE, COMPOSED OF LEFTIST EXILES. IN OUR VIEW, CONTINUED ICFTU SUPPORT FOR THE CNS UNDERMINES THE AUTHENTIC FREE AND DEMOCRATIC TRADE UNIONS IN CHILE. END SUMMARY.

3. AS OF JULY 17, WE UNDERSTAND AN ICFTU MSSION WILL ARRIVE IN CHILE ON JULY 19. THE COMPOSITION OF THE ICFTU DELEGATION IS REPORTED TO BE NOT AT THE HIGH LEVEL ORIGINALLY PLANNED AND WILL BE HEADED BY ENZO FRISO, THE LEFT-LEANING ICFTU REPRESENTATIVE FOR LATIN AMERICA, AND ALLEGEDLY WILL INCLUDE THREE NORDICS, TWO ITALIANS AND A SPANIARD, AND REPRESENTATIVES FROM LATIN AMERICA AND THE U.S. WE ALSO UNDERSTAND THAT THER IS SOME QUESTION AS TO WHETHER THE LATIN AMERICAN AND U.S. REPS WILL IN FACT PARTICIPATE.

4. EMBASSY LABOR SOURCES INDICATE THERE HAS BEEN CONSIDERABLE CONTROVERSY IN CHILE AND AMONG ICFTU MEMBERS ABOUT THE

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ICFTU MISSION. IN CHILE, THE AFL-CIO SUPPORTED UNION OF DEMOCRATIC WORKERS (UDT), A MAJROITY OF THE EXECUTIVE BOARD OF THE COPPERWORKERS CONFEDERATION (CTC-GREATLY DEBILITATED IN THE AFTERMARH OF RECENT PROTEST AND STRIKE ACTIONS AGAINST THE GOC), THE CONEDERATION OF PRIVATE EMPLOYEES (CEPCH) AND THE UNITED WORKERS FEDERATION (FUT) ARE SKEPTICAL ABOUT THE MISSION AND ITS VALUE. THEY OPPOSE ISSUING AN INVITATION TO THE ICFTU (AS REQUESTED BY THE ICFTU) SINCE THE LATTER APPARENTLY PASSED A RESOLUTION AT ITS OSLO CONGRESS JUNE 23-30 CALLING FOR A "HIGH-LEVEL" MISSION, WITHOUT CONSULTING THE INTERESTED PARTIES IN CHILE, AND BECAUSE THE MISSION IS BEING COORDINATED THROUGH THE NOMINALLY CHRISTIAN-DEMOCRAT-LED BUT COMMUNIST-DOMINATED NATIONAL LABOR COORDINATOR (CNS).

5. THE UDT LEADERS, PARTICULARLY, ARE INCENSED BY WHAT THEY INTERPRET AS A VIOLATION OF AN UNDERSTANDING WITH ICFTU LEADERS REACHED AT THE EARLIER MADRID CONFERENCE ON CHILE MARCH 11-12, THAT NO ICFTU OFFICIAL STATUS WOULD BE

GRANTED TO THE ROME-BASED CHILEAN LABOR COMMITTEE FORMED BY MANUEL BUSTOS (THE EXILED PRESIDENT OF THE CNS, WHO IS A LEFT-WING CHRISTIAN DEMOCRAT) AND LEFTIST AND EXTREMIST ELEMENTS (INCLUDING THE TERRORIST MOVEMENT OF THE REVOLUTIONARY LEFT --MIR). THE UDT HAS TOLD US THAT BUSTOS

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PAGE 01 SANTIA 04094 02 OF 02 181552Z
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C O N F I D E N T I A L SECTION 02 OF 02 SANTIAGO 4094

BRUSSELS FOR USEC LABATT

ADDRESSED THE ICFTU OSLO CONGRESS IN THE NAME OF THE CHILEAN LABOR COMMITTEE. FURTHMORE, CNS INTERNATIONAL REPRESENTATIVE HERNAN MERY APPARENTLY ATTENDED THE OSLO CONGRESS (WE HAVE NO IDEA WHO INVITED HIM) AND OBTAINED PROMISES OF CONSIDERABLE FINANCIAL SUPPORT THROUGH THE CNS (TRADITIONALLY SUPPORTED BY THE EUROPEAN AFFILIATES OF THE ICFTU) FOR TRADE UNIONISTS WHO HAVE LOST THEIR JOBS OR HAVE OTHERWISE BEEN PUNISHED FOR RECENT PROTEST ACTIONS AGAINST THE GOC.
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PAGE 02 SANTIA 04094 02 OF 02 181552Z

6. DURING THE PAST SEVERAL DAYS A SWEDISH WOMAN, VARIOUSLY IDENTIFIED AS REPRESENTING SWEDISH HUMAN RIGHTS GROUPS, THE SWEISH LABOR ORGANIZATION (LO) AND THE ICFTU (THE EMBASSY HAS BEEN UNABLE TO ESTABLISH HER TRUE IDENTIFY), HAS BEEN OFFERING MONEY HERE FOR LEGAL DEFENSE AND OTHER DOCUMENTED EXPENSES FOR CTC LEADERS AND MEMBERS OF THE CNS WHO WERE RELEGATED TO ISOLATED PARTS OF CHILE BY GOC ADMINISTRATIVE ACTION (ALL EIGHT OF THE LATTER ARE NOT ONLY MEMBERS OF THE CNS, BUT ARE ALSO COMMUNISTS). THE UDT SUSPECTS THAT THE WOMAN IS IN CHILE BECAUSE OF THE FRISO-MERY CONNECTION.

7. FINALLY, THE UDT, CEPCH, FUT AND CTC MAJORITY, WE ARE TOLD, OPPOSE ANY ICFTU MISSION WHICH DOES NOT SEEK AN APPOINTMENT WITH PRESIDENT PINOCHET (OR ANOTHER HIGH-LEVEL GOC MEMBER) TO REGISTER CONCERN AND OFFICIALLY PLANT ICFTU POSITIONS ABOUT THE LACK OF FREE TRADE UNIONISM IN CHILE. ON THE OTHER HAND, OUR SOURCES INDICATE THAT THE CNS, WHILE FAVORING AN ICFTU DELEGATION VISIT, OPPOSES ANY ICFTU CONTACT WITH THE GOC.

8. WE HAVE LEARNED THAT UDT SECRETARY GENERAL HERNOL FLORES WILL VISIT COLOMBIA JULY 18-19 TO DISCUSS THESE DIFFERENCES WITH INTER-AMERICAN LABOR ORGANIZATION (ORIT) PRESIDENT TULIO CUEVAS AND THEN GO ON TO WASHINGTON JULY 20-21 TO TALK WITH AFL-CIO INTERNATIONAL REP IRVING BROWN AND AIFLD DIRECTOR DOHERTY. WE UNDERSTAND THAT FLORES, ON BEHALF OF UDT, HAS LOBBIED HARD FOR NO U.S. OR ORIT PARTICIPATION IN THE ICFTU DELEGATION. (FLORES HAS HAD TO POST A BOND OF 100,000 PESOS TO LEAVE THE COUNTRY AS HE IS UNDER INDICTMENT FOR ALLEGEDLY ORGANIZING AN ABORTIVE NATION-WIDE STRIKE JUNE 23).
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PAGE 03 SANTIA 04094 02 OF 02 181552Z

9. COMMENT: ONCE AGAIN WE ARE STRUCK BY THE SINGLE-MINDED ICFTU SUPPORT FOR THE CNS, WHICH IS COMMUNIST-DOMINATED. WE RECOGNIZE THAT THE PINOCHET GOVERNMENT'S EARLY EXILE POLICIES RESULTED IN SOME EXTREME LEFTISTS RESIDING IN WESTERN EUROPE, WHERE THEY ESTABLISHED TIES WITH DEMOCRATIC ORGANIZATIONS SUCH AS THE ICFTU. NEVERTHELESS, OVER THE YEARS IT SHOULD HAVE BECOME OBVIOUS THAT THE PRINCIPLES ESPOUSED BY THESE INDIVIDUALS AND THOSE OF TRUE DEMOCRATS IN SUCH ORGANIZATIONS AS THE ICFTU, WERE MILES APART. ICFTU SUPPORT FOR

THE CNS, PARTICULARLY THAT WHICH GOES TO COMMNUNISTS, RELIEVES THE COMMUNIST PARTY OF ITS RESPONSIBILITY CONCERNING ITS MEMBERS WHILE PROVIDING NO BENEFIT TO FREE AND DEMOCRATIC TRADE UNIONS IN CHILE. IF THE RETURN OF THE AFL-CIO TO THE ICFTU WAS TO RESULT IN SOME POSITIVE ICFTU SUPPORT FOR AUTHENTIC FREE AND DEMOCRATIC UNION, WE HAVE YET TO SEE ANY CONCRETE STEPS IN THAT DIRECTION IN CHILE. THEBERGE

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Chile Project (#S199900030)
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DEPARTMENT FOR S/IL--WARNOCK AND ARA--DYELS
SANTIAGO FOR LABOR ATTACHE STEPHENS

E.O. 12356: N/A
TAGS: ELAB, ICFTU, ILO, CI
SUBJECT: ICFTU SEEKS ILO INTERVENTION ON BEHALF OF ALLEGEDLY TORTURED CHILEAN LABOR LEADERS

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PAGE 02 BRUSSE 09771 181446Z

1. ON JULY 15, THE INTERNATIONAL CONFEDERATION OF FREE TRADE UNIONS (ICFTU) SENT TELEGRAMS TO ILO DIRECTDR GENERAL BLANCHARD AND RAFAEL RETAMAL, PRESIDENT OF THE CHILEAN SUPREME COURT, REQUESTING THEIR INTERVENTION WITH THE CHILEAN AUTHORITIES ON BEHALF OF TWO CHILEAN TRADE UNION LEADERS, MARIA ROZAS AND ANSELMO NAVARRETE, WHO WERE ALLEGEDLY SEVERELY TORTURED WHILE IN DETENTION. AN IN-

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Case Number: s199900030

FORMAL TRANSLATION OF THE SPANISH TEXT OF THE CABLE TO BLANCHARD FOLLOWS.

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2. BEGIN TEXT. TO: DIRECTOR-GENERAL, ILO.

THE ICFTU HAS BEEN INFORMED THAT TWO CHILEAN TRADE UNION LEADERS, MARIA ROZAS AND ANSELMO NAVARRETE, HAD BEEN DETAINED IN THE NATIONAL CENTER FOR INFORMATION AND THAT THESE PEOPLE WERE BRUTALLY TORTURED AND THAT BOTH OF THEM ARE IN VERY GRAVE SITUATION AS FAR AS THEIR HEALTH IS COED. WE, THEREFORE, REQUEST THAT THE DIRECTOR-GENERAL URGENTLY REQUEST A MEDICAL STATEMENT BY AN EXPERT FROM THE UN IN ORDER TO DETERMINE THE SERIOUSNESS AND IMPORTANCE OF THE TORTURE INFLICTED. AT THE SAME TIME, WE REQUEST THAT THE RESULTS OF THIS MEDICAL INQUIRY BE INCORPORATED IN OUR COMPLAINT SUBMITTED TO YOU AGAINST THE MILITARY GOVERNMENT OF CHILE. THESE TWO COLLEAGUES PRESENTLY ARE RESPECTIVELY DETAINED IN A WOMEN'S PRISON, BUEN PASTOR, AND IN THE PUBLIC PRISON IN SANTIAGO.

SIGNED JOHN VANDERVEKEN, ICFTU GENERAL SECRETARY
END TEXT.
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Chile Project (#S199900030)
U.S. Department of State
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C O N F I D E N T I A L SANTIAGO 4123

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C O R R E C T E D C O P YREF

BRUSSELS FOR USEC LABATT

E.O. 12356: DECL: OADR
TAGS: ELAB, ICFTU, ILO, CI
SUBJ: ICFTU SEEKS ILO INTERVENTION ON BEHALF OF ALLEGEDLY TORTURED CHILEAN LABOR LEADERS; MEANWHILE ALL HAVE BEEN RELEASED FROM JAIL

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PAGE 02 SANTIA 04123 201359Z

REF: BRUSSELS 9771

1. (U) ON JULY 16, A SANTIAGO JUDGE ORDERED THE UNDONDITIONAL RELEASE FROM JAIL OF FIVE MEMBERS OF THE COMMUNIST-DOMINATED NATIONAL LABOR COORDINATOR (CNS). THE FIVE INCLUDE MARIA ROZAS AND ANSELMO NAVARRETE,

ON WHOSE BEHALF THE ICFTU ASKED THE ILO TO INTERVENE (REFTEL), BECAUSE OF ALLEGATIONS THAT THEY HAD BEEN TORTURED. ALL HAD BEEN ACCUSED BY THE GOC OF VIOLATING INTERNAL SECURITY LAWS IN CONNECTION WITH THE PROTEST AGAINST THE GOC WHICH OCCURRED JULY 12. THEY WERE PICKED UP BY MEMBERS OF THE NATIONAL INFORMATION CENTER (CNI) ON JULY 7 AT CNS HEADQUARTERS, WHERE 100,000 BULLETINS SUPPORTING THE PROTEST WERE REPORTEDLY FOUND. ALL HAD BEEN HELD INCOMMUNICADO SINCE THEIR ARREST.

2. (LOU) TWO WOMEN MEMBERS OF THE CNS CALLED ON LABATT JULY 14 REQUESTING EMBASSY INTERVENTION WITH GOC AUTHORITIES ON BEHALF OF ROZAS AND NAVARRETE AND THE THREE OTHERS. THEY CLAIMED AT THE TIME THAT ROZAS HAD BEEN TORTURED, BUT BECAME DEFENSIVE AND UNCERTAIN WHEN ASKED HOW THEY KNEW SINCE SHE HAD BEEN HELD INCOMMUNI-CADO, AND THUS UNABLE TO SPEAK WITH ANYONE EXCEPT GOC AND JUDICIAL AUTHORITIES. ROZAS, INTERVIEWED BY THE PRESS AND RADIO ON HER RELEASE, SAID SHE WAS DELIGHTED TO BE OUT OF JAIL, AND WOULD CONTINUE TO FIGHT FOR THE RETURN TO DEMOCRACY IN CHILE AND WOULD CONTINUE TO MILITATE IN THE CNS. SHE MADE NO MENTION OF TORTURE OR MISTREATMENT.

3. (C) SPOKESMEN FOR THE CHILEAN HUMAN RIGHTS COMMISSION AND THE CATHOLIC CHURCH'S VICARIA DE SOLIDARIDAD INFORMED THE EMBASSY THAT THEY WERE AWARE OF SUCH CHARGES OF TORTURE AND

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PAGE 03 SANTIA 04123 201359Z

WERE INVESTIGATING. THEY SAID THEY WERE UNABLE TO CONFIRM OR DENY THE CHARGES AT THIS TIME.

4. (C) COMMENT: WE HAVE NO FURTHER INFORMATION ON THESE CASES BUT WILL BE ALERT TO NEW DEVELOPMENTS. PENDING NEW EVIDENCE, IT APPEARS THAT OPPONENTS OF THE PINOCHET GOVERNMENT HAVE ATTEMPTED TO MAKE POLITICAL USE OF THE ARRESTS IN ORDER TO STIMULATE NEW INTERNATIONAL PROTESTS AND PRESSURES ON THE GOC.
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United States Department of State

Washington, D.C. 20520

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July 25, 1983

Chile Project (#S199900030)
U.S. Department of State
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Declassify: In Part_____ In Full_____
Exemption(s)_____

Political Officer
Political Section
U.S. Embassy
Santiago, Chile

Dear Sir:

Attached are copies of two letters received from Senator John Warner and Congressman Frank Wolf inquiring into human rights violations in Chile. A copy of the Department's interim response is also attached.

Please respond directly via an H pass cable slugged for ARA and HA as well.

Sincerely,

Robert E. Snyder
Regional Officer
for Latin America
Bureau of Human Rights and
Humanitarian Affairs

Attachments:

As stated.

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
----------X

ISABEL MOREL DE LETELIER, MICHAEL MAGGIO, as personal representative of Orlando Letelier, CHRISTIAN A. LETELIER, JOSE I. LETELIER, FRANCISCO J. LETELIER, JUAN PABLO LETELIER MICHAEL MOFFITT, individually, and as personal representative of Ronni Karpen Moffitt, MURRAY H. KARPEN, and HILDA KARPEN,

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ✓
Exemption(s) ____

Judgment Creditors,

-against-

M18-302

THE REPUBLIC OF CHILE, also doing business as LINEA AEREA NACIONAL-CHILE,

Judgment Debtor,

-and-

LINEA AEREA NACIONAL-CHILE,

Garnishee-Respondent.
----------X

TIGAR & BUFFONE, ESQS.
1302 18th Street, N.W.
Suite 601
Washington, D. C. 20036
Of Counsel: MICHAEL E. TIGAR, ESQ.
JOHN J. PRIVITERA, ESQ.

DONOVAN, LEISURE, NEWTON & IRVINE, ESQS.
30 Rockefeller Plaza
New York, New York 10112
Of Counsel: WILLIAM J.T. BROWN, ESQ.
JOSEPH P. CYR, ESQ.

Attorneys for Judgment Creditors

HALE RUSSELL & GRAY, ESQS.
101 Park Avenue
New York, New York 10178
Attorneys for Judgment Debtor
Of Counsel: THOMAS F. ENGEL, ESQ.
GERALD D. MORGAN, JR., ESQ.
CARTER K. COMBE, ESQ.
KAREN GROSS, ESQ.

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LASKER, D.J.

The personal representatives and survivors of Orlando Letelier and Ronni Moffitt ("judgment creditors") move pursuant to Fed. R. Civ. Pr. 69 and N.Y.C.P.L.R. § 5228 for the appointment of Michael Moffitt as receiver of the property interests of the Republic of Chile in the Chilean national airline, Linea Aerea Nacional-Chile ("LAN"). The judgment against Chile was entered in the United States District Court for the District of Columbia, and has been filed in this court pursuant to the requirements of 28 U.S.C. § 1963.

The action arose from the tragic deaths of Orlando Letelier, the former Chilean ambassador to the United States, and his secretary, Ronni Moffitt. The two were killed on September 21, 1976, in Washington, D.C., when the car in which they were driving exploded as the result of the detonation of a bomb which had been placed under the driver's seat. Investigations into the murders were conducted by, among others, the Federal Bureau of Investigation. ("FBI"), the Federal Aviation Administration ("FAA"), and the United States House of Representatives Subcommittee on Government Activities and Transportation.

The FBI investigation culminated in indictments against nine individuals. One, Michael Vernon Townley, a United States citizen employed by Direccion de Intelligencia Nacional ("DINA"), the Chilean intelligence agency,

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pled guilty to conspiracy to murder a foreign official. Three of the defendants were tried and convicted, but the convictions were reversed on appeal,[1/] after which, upon retrial, the jury acquitted. The remaining five defendants could not be tried because either Chile refused to extradite them or the FBI was unable to apprehend them.

The present action, a civil suit against the Republic of Chile, Townley, and the other defendants in the criminal action, was commenced in November, 1978. The complaint alleged that the individual defendants, acting at the direction and with the assistance of the Republic of Chile, caused the deaths of Letelier and Moffitt. None of the defendants answered the complaint, and defaults were entered against them. Subsequently, the Republic of Chile sent a "diplomatic note" and a memorandum of law to the Clerk of the Court via the Department of State, urging that the court lacked jurisdiction over Chile under the Foreign Sovereign Immunities Act of 1976, 28 U.S.C. § 1602 et seq. ("FSIA"). Despite what the court described as Chile's "unorthodox" means of communication with the court, the default was reopened to consider the jurisdictional arguments. After thorough analysis of the language and history of the FSIA, Chile was found amenable to jurisdiction under § 1605(a)(5) which allows the exercise of jurisdiction against foreign states "in any case ... in which money damages are sought against a foreign state for personal injury or death ... occurring in the United States and

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caused by the tortious act or omission of that foreign state." 488 F.Supp. 665, 669 (D.D.C. 1980)(Green, J.).

Under § 1608(e) of the FSIA, a judgment by default may not be entered against a foreign state unless "the claimant establishes his claim or right to relief by evidence satisfactory to the court." Accordingly, after the finding of jurisdiction was made, a hearing was held to allow for the submission of evidence to establish the plaintiffs' right to relief. No appearance was made by Chile. After reviewing the evidence, particularly Townley's testimony at the criminal trial, Judge Green concluded that it satisfactorily established that

> "employees of the Republic of Chile, acting within the scope of their employment and at the direction of Chilean officials who were acting within the scope of their office, committed tortious acts of assault and battery and negligent transportation and detonation of explosives that were the proximate cause of the deaths of Orlando Letelier and Ronni Moffitt."

502 F.Supp. 259, 266 (D.D.C. 1980). A default judgment was accordingly entered against Chile.

LAN, the garnishee-respondent on the present application, is a commercial airline wholly owned by the Republic of Chile. It has not been named as a defendant. No findings were made by Judge Green as to its role, if any, in the assassinations, with the exception of the observation that "[u]ncontradicted testimony demonstrated that facilities and personnel of LAN ... were used by Town-

UNCLASSIFIED

ley in connection with the preparation and carrying out of the assassination." 502 F.Supp. at 262.

However, inquiry was made into LAN's role by the House of Representatives Subcommittee on Government Activities and Transportation, whose findings are contained in a report entitled "Alleged Violations of U.S. Aviation Laws and Regulations by LAN Chile Airlines," H.R. Rep. No. 1157, 96th Cong., 2d Sess. (1980)("The Report"). The Report was based on a hearing at which the subcommittee heard testimony from the FBI, the United States Attorney's Office, the Department of State, the FAA, the Civil Aeronautics Board ("CAB"), and a representative of LAN, Fernando Cruchaga, the assistant station manager of LAN's Kennedy International Airport office at the time of the assassination. In addition, the subcommittee examined the transcripts of the criminal proceedings and the FAA and CAB's records concerning the events in question.

In the section of the Report entitled "The Relationship Between LAN Chile Airlines and the Letelier Assassination," the following points were made:

1. "[O]n numerous occasions LAN Chile Airlines was used by the assassins in ways which were illegal, and which created a serious threat to the safety and security of LAN Chile passengers and cargo." (Report at 4).

2. "In order to carry out the assassination, Townley (who was in Chile) had made arrangements to work with members of the Cuban Nationalist Movement ("CNM") in the

United States.... Townley forwarded ... plastic explosives and ... TNT to the CNM via LAN." (Id.)

3. "[T]he CNM sent Townley ... paging devices which he modified to serve as remote control detonation for explosives which he later shipped back to the CNM. The paging devices were shipped to and from Chile via LAN ..." (Id.).

4. Townley flew to the United States via LAN on September 8, 1976, on a ticket issued under an alias, carrying "a substance which the FBI believes was lead trinitroresorcinate, a highly volatile, unstable, primary explosive, and several flash caps (used to ignite explosives)." (Report at 5).

5. Townley met with other DINA agents and a LAN employee on September 9, 1976, in the LAN VIP lounge, and "arranged ... to rent a car for them in New York under a false name." (Id.).

6. After placing the explosives in Letelier's car, Townley was unable to return to Chile under the alias by which he entered the country, so he "approached a LAN Chile pilot, Ronald Berger, who used his internal account to arrange for the issuance of a new ticket under ... another of Townley's fictitious identities." (Id.)

7. "LAN Chile personnel participated in a number of currency transactions that were undertaken in order to pay off various participants in the assassination scheme." (Id.)

UNCLASSIFIED

Additional information concerning Townley's use of LAN in connection with the assassination is contained in the testimony of Townley at the criminal trial (Exhibit A to Affidavit of John Privitera in support of the motion), the testimony of Fernando Cruchaga, LAN's former assistant manager at the Kennedy International Airport facility, before the grand jury which indicted Townley and others (Exhibit B to Privitera Affidavit), and an interim FBI report on LAN's role in the assassination, dated January 25, 1980 (Exhibit C to Privitera Affidavit).

* * * * * *

I.

Before delving into the parties' arguments, it is appropriate to review the present posture of the case. First, the current application is an attempt to execute on a judgment. Chile litigated the question of the trial court's jurisdiction; its arguments were rejected. It was given an opportunity to litigage the merits, but chose to default. No appeal has been taken from Judge Green's decisions.

Second, and of equal importance, the defendant in this action is the Republic of Chile, not LAN. LAN was never served with process in this action, and had no opportunity to offer evidence or cross-examine witnesses before Judge Green. Although LAN's activities and personnel have been the subjects of Congressional and FBI investigations,

UNCLASSIFIED

no findings against LAN have been made by a court of law in connection with the events out of which this action arose.

LAN argues that it is a separate juridical entity from the Republic of Chile and not liable for the Republic's debts. It asserts that the judgment creditors have made no showing which would warrant piercing the corporate veil between LAN and the Republic; and that the evidence proffered linking LAN to the assassinations is hearsay, lacking in trustworthiness, and even if credited, of little probative value. Moreover, LAN argues that even if it could be deemed liable on Chile's debt, the FSIA bars execution on LAN's assets. Finally, LAN contends that execution on LAN's assets to satisfy a judgment against Chile would violate LAN's right to due process of law, because LAN was not a party to the action in which liability was found.

The judgment creditors respond that LAN, as a wholly-owned subsidiary of Chile, is simply an asset of the Republic, and that, as judgment creditors of the Republic, they can levy on any of the Republic's assets. In the alternative, the judgment creditors assert that they are entitled to pierce the corporate veil and reach LAN's assets because the evidence produced reveals that, in carrying out the assassinations, Chile disregarded LAN's separate status and treated it as an alter ego. With respect to the FSIA, the judgment creditors contend that Chile's interest in LAN is leviable under § 1610(a)(2)

which permits execution upon "property ... used for the commercial activity upon which the claim is based." Finally, the judgment creditors argue that LAN's due process rights are not violated by execution upon Chile's interest in LAN: Chile may, should it choose to do so, use LAN's assets to satisfy a Chilean debt, so LAN cannot complain if Chile is forced to use those assets for the same purpose.

II.

The question whether a foreign juridical entity may be held accountable for the acts and liabilities of its sovereign parent has been the subject of a recent ruling by the United States Supreme Court in First National City Bank v. Banco Para El Comercio Exterior de Cuba ("Bancec"), 51 U.S.L.W. 4820 (U.S. June 17, 1983). The Bancec decision is of profound importance to the difficult questions presented here, and bears close analysis.

The Bancec action arose from the issuance of an irrevocable letter of credit by First National City Bank ("Citibank") in favor of Bancec, a bank wholly owned by the Republic of Cuba, in August, 1980. Less than a month after the issuance of the letter of credit, Cuba nationalized Citibank's property through forced expropriation. Undaunted, Bancec brought suit on the letter of credit in February, 1961, in federal court in the United States. A few weeks after the filing of the complaint, Cuba dissolved

UNCLASSIFIED

Bancec and transferred its assets to the Cuban Ministry of Foreign Trade and Cuba's central bank, Banco Nacional de Cuba. Within the week, the assets were again transferred to another government entity, referred to as Empresa, and from it to the current holder, yet another juridical entity, referred to as Cubazucar. Cubazucar is a Cuban "trading company" which is apparently still in existence. Id. at 4822. A motion to substitute Cubazucar as plaintiff was denied by the district court because of concerns that it would further complicate the litigation.

Citibank admitted liability on the letter of credit. However, it sought to set off, against its liability, Cuba's liability to it for the assets seized in the nationalization. Bancec argued that both it and Cubazucar were separate juridical entities, and could not be held responsible for any liability that Cuba might have to Citibank.

The Court ruled that there is a presumption that "government instrumentalities established as juridical entities distinct and independent from their sovereign should normally be treated as such." Id. at 4824-25. However, the presumption may be overcome when, applying "internationally recognized equitable principles," it is necessary to do so to avoid injustice. Id. at 4826. The Court found that the presumption was overcome in Bancec because Bancec's assets had devolved upon the Cuban Ministry of Foreign Trade, making Cuba the real beneficiary of any recovery. "Giving effect to Bancec's separate juridi-

UNCLASSIFIED

cal status in these circumstances, even though it has long been dissolved, would permit the real beneficiary of such an action, the ... Republic of Cuba, to obtain relief in our courts that it could not obtain in its own right without waiving its sovereign immunity and answering for the seizure of Citibank's assets ..." Id. Nor was the Court persuaded by the fact that Bancec's assets had been, since 1962, owned by Cubazucar, another independent juridical entity: "To hold otherwise would permit governments to avoid the requirements of international law simply by creating juridical entities whenever the need arises." Id.

Both parties argue that Bancec supports their respective positions. LAN emphasizes the ruling that juridical entities are to be presumed independent, and argues that even if all of the evidence proffered by the judgment creditors were accepted as truth, it would not demonstrate that LAN is an "alter ego" of the Republic. The judgment creditors rely on the ruling that equitable principles control, and urge that, under traditional equitable principles, Chile's disregard of the separateness of the corporate entity as demonstrated by its abuse of LAN to carry out the assassination suffices to warrant a "piercing of the juridical veil."

If the evidence proffered by the judgment creditors is to be credited, and we defer momentarily the question of the admissibility and weight of the proofs submitted, it indicates that Chile used LAN to carry out the assassina-

tion. There is evidence that LAN was used to transport the assassin back and forth, to transport explosives on several occasions, and to assist with currency transactions involved in paying off the co-conspirators. The LAN VIP lounge was used as a meeting place for the co-conspirators, and a LAN pilot used his "internal account" to arrange for Townley to exit the United States under an alias after the assassination. If these events occurred, and we make no finding at this time as to whether or not they did, they constitute significant steps in the conspiracy. If Chile used LAN in these respects, we believe that would constitute a gross abuse of the corporate form.

LAN's argument that even the sum of the facts set forth above does not make LAN an "alter ego" of Chile misses the point. The Supreme Court did not find that Bancec or Cubazucar were "shams" or alter egoes of Cuba; in fact, the Court explicity warned against placing excessive emphasis on such "epithets," id. at 4824, or "mechanical formulas," id. at 4826. Instead, the Court concluded that, under the circumstances presented, it would violate internationally accepted equitable principles to adhere to the corporate form.

We conclude that it would violate similar equitable principles to adhere to the corporate form in the instant action if the facts are as asserted by the judgment creditors. As the record presently stands, the judgment creditors have made a threshold showing that Chile used LAN to

facilitate the events in question. If Chile ignored LAN's separate existence in accomplishing the wrong, it may not now invoke that separate existence in order to deny the injured a remedy.[2/]

* * * * * *

We turn now to the question of the admissibility and weight of the evidence in the present record. Much of the evidence appears admissible under various exceptions to the hearsay rule. For example, Congressional reports and statements by various government agencies at House hearings are admissible under F.R.E. 803(8)(C) as reports or statements of public agencies setting forth "factual findings resulting from an investigation made pursuant to authority granted by law." However, the Rule explicitly provides that such statements are inadmissible if "circumstances indicate lack of trustworthiness." Similarly, LAN assistant manager Cruchaga's testimony before the House is admissible as a statement by LAN's "agent or servant concerning a matter within the scope of his agency or employment, made during the existence of the relationship" under F.R.E. 801(d)(2)(D).

While we consider seriously LAN's contentions that the House Report and Hearings are lacking in trustworthiness,[3/] we believe that the "[j]ustification for the exception [--] the assumption that a public official will perform his duty properly," Advisory Committee Notes to Excep-

tions 803(8) -- must be particularly strong in the case of the report of a subcommittee of the United States House of Representatives, and that a substantial showing must be made to support the contention that "circumstances indicate lack of trustworthiness."

In any event, the record as it stands is inadequate to prove either that Chile did intentionally use LAN to facilitate the assassination or that it did not. While the showing against Chile is considerable, in a matter of this significance a more fully developed record is appropriate, if not essential. The applicable rules provide the means for discovery in aid of execution.[4/]

It should be emphasized that if Chile failed to comply with the judgment creditors' relevant and reasonable discovery demands, and, in effect, defaulted on this second "bite at the apple," the judgment creditors would be entitled to invoke the ordinary rules of evidence and the sanctions provided in Fed. R. Civ. Pr. 37(b).

III.

As an alternative theory, the judgment creditors argue that, without a showing that would warrant piercing the corporate veil, a judgment creditor is entitled to levy on any assets of its judgment debtor, including corporate shares. Should the judgment debtor be the sole owner of a corporation, the creditor could levy on all of the shares and then liquidate the company. If the shares are secret-

ed, judgment creditors assert, the creditor should be allowed to reach the assets directly. Here, where Chile's ownership in LAN is not represented by shares, the judgment creditors argue that the same principle applies.

LAN argues that the assets of a corporate entity are not subject to execution unless the requirements for piercing the corporate veil are met. Even if such requirements were met here, LAN continues, LAN is not a state-owned corporation analogous to a wholly-owned American subsidiary company; rather, it is an independent juridical entity.

The judgment creditors are correct that under New York law, a judgment creditor may satisfy his judgment by levying on shares of stock owned by the judgment debtor. Claude Neon, Inc. v. Birrell, 177 F.Supp. 706, 711 (S.D.N.Y. 1959). A court will order the debtor, or his transferee if the shares have been transferred, to "turn over" the shares to the judgment creditor. Clarkson Co. Ltd. v. Shaheen, 540 F.Supp. 636 (S.D.N.Y. 1982); Jack London Productions, Inc. v. Samuel Bronston Productions, Inc., 23 A.D.2d 870, 254 N.Y.S.2d 309 (1st Dept. 1964); Udell v. Udell, 370 N.Y.S.2d 426 (N.Y.C. Civ. Ct. 1975).

However, allowing execution on LAN's assets under this theory alone, without any further proof, ignores the Bancec analysis of the role of government instrumentalities. After a discussion of the importance to governments, particularly governments of developing countries, of the

UNCLASSIFIED

presumption of separate juridical entities, the Court states:

> "Freely ignoring the separate status of government instrumentalities would result in substantial uncertainty over whether an instrumentality's assets would be diverted to satisfy the claim against a sovereign, and might thereby cause third parties to hesitate before extending credit to a government instrumentality without the government's guarantee."

51 U.S.L.W. at 4824. Acceptance of the judgment creditors' "equitable ownership" theory would "result in substantial uncertainty over whether an instrumentality's assets [may] be diverted to satisfy [a] claim against the sovereign," and, accordingly, the theory must be rejected in the circumstances of this case.

IV.

Having determined that, on an appropriate showing, LAN's assets may be levied upon as Chile's to satisfy the present judgment, the question remains whether execution against Chile's assets is permissible under the FSIA, 28 U.S.C. § 1602 et seq. The FSIA, enacted in 1976, provides that unless the action is within one of the specified exceptions, a foreign sovereign is immune from the assertion of federal and state jurisdiction. Sections 1605-1607 set forth the circumstances under which immunity is lifted for purposes of liability; sections 1610-1611 enumerate the circumstances in which assets of a foreign sovereign are without immunity from attachment or execution to satisfy a

UNCLASSIFIED

judgment. Sections 1610-1611 are more limited than sections 1605-1607; that is, only certain assets of a foreign sovereign may be levied upon to satisfy a judgment which is validly entered under 1605-1607.

The judgment creditors argue that they may execute upon Chile's interests in LAN under § 1610(a)(2), which provides:

> "The property in the United States of a foreign state, ... used for a commercial activity in the United States, shall not be immune from attachment in aid of execution, or from execution, ... if -- ... the property is or was used for the commercial activity upon which the claim is based."

It has been established above that LAN's United States assets will be deemed "[t]he property in the United States of a foreign state," Chile, if an appropriate showing is made as set forth in section II of this opinion. Further, it is undisputed that the airplanes on which the judgment creditors seek to execute are "used for a commercial activity in the United States." The applicability and interpretation of the remaining provisions of the section, however, are subject to vigorous dispute.

LAN argues that § 1610(a)(2) is unavailable to the judgment creditors because they secured their judgment under the jurisdictional provision allowing for tort claims, § 1605(a)(5), as opposed to the jurisdictional provision for commercial claims, § 1605(a)(2). In addition, LAN argues that even if § 1610(a)(2) is available to the judgment creditors, its terms are not met because LAN's

UNCLASSIFIED

conduct, even if proven, is not "commercial activity," and, even if it is commercial activity, it is not "the commercial activity upon which the claim is based."

The judgment creditors answer that there is no indication in the statute that § 1610(a)(2) execution was intended to be unavailable for tort claims, and that, in any event, they did not assert jurisdiction solely on the basis of the tort provision, § 1605(a)(5). They further argue that the activities of LAN on which the claim is based are commercial activities -- in fact, that they are the standard commercial activities of an airline --providing and assisting with the air transport of passengers and their baggage. In addition, they argue that LAN advocates too narrow an interpretation of the words "upon which the claim was based": the judgment creditors propose that any activity which was a significant step in giving rise to the cause of action is an activity "upon which the claim is based."

One would be hard pressed to exaggerate the difficulty of interpreting the Foreign Sovereign Immunities Act. As Judge Kaufman recently explained, the statute was deliberately left vague, so as to provide only "'very modest guidance' on issues of preeminent importance. For answers to these most difficult questions, the authors of the law 'decided to put [their] faith in the U.S. courts.'" Texas Trading & Milling Corp. v. Federal Republic of Nigeria, 647 F.2d 300, 302, 303 (2d Cir. 1981), quoting Hearings on H.R.

UNCLASSIFIED

11315 Before the Subcommittee on Administrative Law and Governmental Relations of the House Committee on the Judiciary, 94th Cong., 2d Sess. 53 (1976), cert. denied, 454 U.S. 1148 (1982). One point that does emerge clearly from the legislative history, however, is that the burden of establishing FSIA immunity lies with the party claiming it. H.R. Rep. No. 94-1487, 94th Cong., 2d Sess., reprinted in [1976] U.S. Code Cong. & Admin. News 6604.

A. Are §§ 1610(a)(2) and 1605(a)(5) "Mutually Exclusive?"

As noted above, LAN argues that a plaintiff who asserts jurisdiction under the tort section, 1605(a)(5), may not collect on his judgment under § 1610(a)(2), which LAN contends is available only in commercial cases.[5/]

As an initial matter, there is nothing logically inconsistent about the judgment creditors' contention that the same asset can be used simultaneously in both tortious and commercial activity. Any number of activities may be both commercial and tortious, such as, for example, the conduct giving rise to a garden-variety products liability suit. Thus, the fact that Congress indicated in § 1610(a)(2) its intent to permit execution only on commercial assets used for commercial activities does not, by itself, demonstrate an intent to preclude § 1610(a)(2) from being available to satisfy claims grounded in tort, so long as the assets on which the judgment creditor seeks to exe-

cute were also used commercially in the activity giving rise to the claim.

LAN is correct that there is a strong verbal similarity between the provision lifting jurisdictional immunity in commercial cases, § 1605(a)(2)[6/] and the provision in question, § 1610(a)(2), which lifts execution immunity as to commercial assets. However, the verbal similarity between the two sections is not dispositive because a statute must be read and interpreted as a whole.

In addition to the exception to execution immunity in § 1610(a)(2) for "property used for the commercial activity upon which the claim is based," the statute also excepts from execution immunity a foreign sovereign's assets where the judgment in question established rights to property:

(a) which was taken in violation of international law, § 1610(a)(3);

(b) which was acquired by succession or gift, § 1610(a)(4)(A); or

(c) which is "immovable," § 1610(a)(4)(B).

A foreign sovereign's assets may also be executed upon if the sovereign has waived its execution immunity, § 1610(a)(1), or, to the extent of its insurance coverage, if the sovereign has taken out a liability insurance policy covering the claim in question, § 1610(a)(5). Nothing in the statute, of course, requires a sovereign to acquire liability insurance.

Viewing the statute as a whole, one notes that, if LAN's interpretation of the statute were correct, a judgment creditor on a tort claim could not execute upon his judgment unless the foreign sovereign magnanimously chose to waive its execution immunity or to take out insurance in order to satisfy possible judgments from which it would otherwise be immune from execution. Having determined to grant jurisdiction in both commercial and tort claims, it appears out of joint to conclude that Congress intended the surprising result of allowing only commercial creditors to execute on their judgments.

While both parties' interpretations of the literal language of § 1610(a)(2) are supportable, we favor the judgment creditors' interpretation because, in the absence of a clear indication of Congressional intent, a statute is not ordinarily interpreted to create a right without a remedy.[7/] Accordingly, we conclude that § 1610(a)(2) and 1605(a)(5) are not mutually exclusive.

B. Is LAN's Conduct "Commercial Activity?"

Section 1610(a)(2) allows for execution only on assets used in the "commercial activity upon which the claim is based." The commercial activity on which the judgment creditors rely is LAN's assistance to and transportation of Townley and his lethal equipment. LAN argues that any services it provided to Townley and his cohorts were noncommercial because (a) according to the judgment creditors' view of the facts, the services were provided at

UNCLASSIFIED

the government's behest, which, it is claimed, makes them noncommercial under Arango v. Guzman Travel Advisors Corp., 621 F.2d 1371 (5th Cir. 1980); and (b) services for which a corporation does not receive compensation are by definition noncommercial. The judgment creditors respond that carriage of passengers and goods is the archetypal commercial activity of an airline, and that the issues whether LAN acted at government direction and whether LAN was compensated go to the reasons for the activity, which, under the statutory language, are not pertinent.

"Commercial activity" is defined by the statute as follows:

> "A 'commercial activity' means either a regular course of commercial conduct or a particular commercial transaction or act. The commercial character of an activity shall be determined by reference to the nature of the course of conduct or particular transaction or act, rather than by reference to its purpose."

28 U.S.C. § 1603(d). (Emphasis added). The statutory admonition to look to the "nature of the course of conduct ... rather than ... its purpose" firmly supports the judgment creditors' position that the issue is what LAN did, not why they did it.

The question of what constitutes commercial activity under the FSIA has been the subject of several decisions in this Circuit, the seminal case being Texas Trading, supra, in which Judge Kaufman provided the following rule of thumb: "if the activity is one in which a private

UNCLASSIFIED

person could engage, it is not entitled to immunity" as noncommercial activity. 647 F.2d at 309. Texas Trading involved Nigeria's breach of a contract to buy cement. The court ruled: "Nigeria's activity here is in the nature of a private contract for the purchase of goods. Its purpose -- to build roads, army barracks, whatever -- is irrelevant." Id. at 310.

Further elaboration of the "commercial activity" concept is provided by Gibbons v. Udaras na Gaeltachta, 549 F.Supp. 1094 (S.D.N.Y. 1982). Gibbons concerned an action against two instrumentalities of the Republic of Ireland that established an office in the United States to encourage American companies to open plants in Ireland. As a defense against claims by American businesses which alleged that they had been fraudulently induced to relocate in Ireland, the entities contended that their activities -- arranging government grants, facilitating relations with Irish companies, promoting investment in Ireland -- were not "commercial activities," but rather governmental activities, intended, not for profit, but to foster the Irish government's goals. Applying Judge Kaufman's rule of thumb, the court found that the entities were involved in "commercial activity":

> "While it may well be ... that IDA exists in order to serve a purpose integral to the Irish government's plans ... the promotional activities that IDA ... allegedly engaged in here are, by nature, no different at all from the promotional activities engaged by a private public relations firm."

UNCLASSIFIED

549 F.Supp. at 1110 (emphasis in original). See also United Euram Corp. v. U.S.S.R., 461 F.Supp. 609 (S.D.N.Y. 1978)(action of Soviet "concert society" in arranging to send Soviet artists abroad pursuant to American-Soviet cultural exchange agreement is "commercial activity" because the nature of the activity is the sale of services).

Having reviewed the precedent on point in this Circuit, we turn to the cases decided in other circuits upon which LAN relies, in particular, Arango v. Guzman Travel Advisors Corp., supra, and Perez v. The Bahamas, 482 F.Supp. 1208 (D.D.C. 1980), aff'd 652 F.2d 186 (D.C. Cir.), cert. denied, 454 U.S. 865 (1981). Arango was a suit by Americans who had signed up for a package vacation tour in the Dominican Republic, but who, upon arrival in Santo Domingo, were forcibly placed back on the airplane by Dominican immigration officials and airline personnel, and sent, against their will, to Puerto Rico. The court held that their claims for false imprisonment and battery involved noncommercial conduct, but that their claim for nonperformance of the package vacation tour was commercial.

The result in Arango is entirely consistent with Judge Kaufman's rule of thumb: a private person, acting without government sanction, could not force someone onto an airplane and deport him to a foreign country. Such action is not commercial -- it may be criminal. Nor would it be of consequence that the private actor had been paid a

UNCLASSIFIED

fee: kidnapping, if that is what it was, for profit would still be kidnapping.

To the extent that the Arango decision turned on the court's view that the activities were noncommercial because performed at the behest of the government, the case is not persuasive. In the first place, such a rationale would not even be consistent within the Arango decision itself: cancellation of the package vacation tour was equally at the behest of the government, yet it was deemed commercial.

More important to deem an activity "commercial" on the grounds that it is performed at the government's behest would be inconsistent with the statute, which requires the court to look at what the defendant did, not whether he did it to follow the government's instructions or for any other reason. For that matter, the cancellation of the cement contracts in Texas Trading was done at government behest, yet it was deemed commercial activity.

Little additional comment is needed on Perez v. The Bahamas, supra, an action arising from the Bahamian marine police shooting at an American fishing boat suspected of violating Bahamian fishing laws. Again, the conduct of the Bahamian police in shooting at a fishing boat is not an activity "in which a private person could engage," Texas Trading, supra.

Applying the case law cited above to the circumstances at issue, we conclude that LAN's actions in assist-

UNCLASSIFIED

ing and transporting Townley are "commercial activity" within the meaning of the FSIA. Transporting and assisting a passenger is an activity in which a private person could engage; LAN's motives are of no relevance on this point.

Nor is it pertinent whether or not LAN received a fee for its various tasks.[8/] For the purpose of the statute, noncommercial activity is not converted into commercial activity by the receipt of compensation; a private person cannot shoot at another fishing boat whether he is paid to do so or not. The reverse is also true: commerical airlines routinely assist passengers beyond the requirements of the contract of passage, by, for example, arranging car rentals, allowing them to use airline lounges, and permitting them to carry excess baggage on board the plane. Because such actions are actions "in which a private person could engage," the fact that Townley may not have paid a fee does not make the nature of the conduct noncommercial. See Gibbons v. Udaras va Gaeltachta, supra, 549 F.Supp. at 1110.

C. Is LAN's Conduct "The Commercial Activity Upon Which the Claim is Based?"

LAN argues that the "activity upon which the claim is based" should be interpreted to mean the central or pivotal activity on which the claim is based, which, in this case, is the assassination itself.

The judgment creditors urge a broader reading of the statute: they argue that any activity from which the

UNCLASSIFIED

claim arose may serve as the "basis" of the claim for the purposes of §1610(a)(2).

No authority has been found on the interpretation of this aspect of § 1610(a)(2). However, several cases have construed the similar phrase, "based upon commercial activity," that appears in FSIA § 1605(a)(2):

> "A foreign state shall not be immune from the jurisdiction of courts of the United States ... in any case ... in which the action is based upon a commercial activity carried on in the United States by a foreign state."

The courts of this Circuit have given a very broad reading to the question of whether an action is "based upon" a given activity. Gemini Shipping, Inc. v. Foreign Trade Organization, 647 F.2d 317 (2d Cir. 1981)(Kaufman, J.), was an action by a vessel charterer against the owner of the vessel's cargo for demurrage incurred as a result of a 115-day delay in a Syrian port. The cargo owner had guaranteed that it would pay for all demurrages. The cargo, rice, had been purchased by two Syrian instrumentalities through bids solicited in the United States under the "P.L. 480" food purchase program, 7 U.S.C. 1691 et seq. The district court ruled that the claim was not "based upon a commercial activity carried on in the United States by a foreign state" under § 1605(a)(2), because the vessel charterer was not involved in the purchase and sale of the rice, and that there was thus "no nexus between the demurrages and the guarantee thereof and such activities as the

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plaintiff would ascribe to the defendant occurring in the United States." 496 F. Supp. 256, 258 (S.D.N.Y. 1980).

The Court of Appeals rejected the district court's interpretation of the basis of the claim as being too "niggardly." 647 F.2d at 319. The court ruled that the charterer's suit for demurrages was "'based upon' the commercial activity because the guarantee [of the demurrages] was part and parcel of the rice sale." Id.

The Second Circuit has recently affirmed the Gemini interpretation of "based upon" in Ministry of Supply v. Universe Tankships, Inc., No. 83-7106 (2d Cir. May 23, 1983)(Friendly, J.). Ministry of Supply concerned a complaint by the charterer of a vessel against the Egyptian Ministry of Supply. The charterer alleged that the Ministry had "wrongfully halted the discharge [of the vessel] at Port Said[, Egypt] and thus wrongfully denied [the charterer] its rightful use of the vessel." Slip op. at 4017. The Ministry, like the Syrian instrumentalities in Gemini, had purchased the cargo which was on the vessel through the United States P.L. 480 program, which involved actions by the Ministry in the United States. The court found that the Ministry was subject to jurisdiction under § 1605(a)(2) because the charterer's claim that the Ministry "wrongfully halted the discharge" in Egypt was "'based upon' [the Ministry's] entire course of activity in arranging in the United States for the purchase of the wheat and its transportation to Egypt, not simply on the acts done (or not

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done) by [the Ministry] in the course of unloading at Port Said." Slip op. at 4020.

The Third Circuit has taken an even broader view of the "basis" of an FSIA claim. In Sugarman v. Aeromexico, Inc., 626 F.2d 270 (3d Cir. 1980), an American traveler claimed that he had been forced to endure 15 hours in a Mexican airport "under extremely brutal conditions" because Aeromexico, from whom he had purchased a ticket, had failed to "exercise due care." The district court held that jurisdiction as to Aeromexico did not lie under § 1605(a)(2) because the action was not based on commercial activity in the United States, but rather a tort in Mexico. The Third Circuit reversed, stating:

> "The record contains ... information which tends to show a nexus between Sugarman's grievance and Aeromexico's commercial activity carried on in the United States."

626 F.2d at 272 (emphasis added). See also In re Rio Grande Transport, Inc., 516 F.Supp. 1155, 1161-62 (S.D.N.Y. 1981)(Pierce, J.)(action on collision between two ships in the Mediterranean sea "based upon a commercial activity carried on in the United States" because the defendant's vessels called regularly at United States ports).

These decisions compel the conclusion that LAN's interpretation of the phrase "activity upon which the claim is based" as including only the central or pivotal activity is too "niggardly," in the words of the Court of Appeals in Gemini. The judgment creditors' claim here is "based upon

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the entire course of activity," Ministry of Supply, supra, at 4020, in arranging, facilitating, and carrying out the assassination. The record indicates a substantial "nexus" between the judgment creditors' grievance and LAN's commercial activity. See Sugarman v. Aeromexico, supra, at 272.

For the reasons stated above, we conclude that § 1610(a)(2) lifts execution immunity from LAN and the Republic of Chile in the circumstances of this case.

V.

LAN's final argument is that permitting execution against its assets to satisfy Chile's liability would violate due process because LAN had no opportunity to defend on the merits against the judgment creditors' claim. This position has been implicitly rejected by the discussion above concerning piercing the corporate veil; that is, if internationally recognized principles of equity require the piercing of the corporate veil, it follows that general notions of due process are not thereby offended.

Moreover, if due process precluded execution on LAN's assets, it would equally have precluded the result in Bancec. To reiterate briefly, Citibank was permitted to assert against Bancec a debt owed to Citibank by the Republic of Cuba, although Bancec was not a party to any proceedings adjudicating the liability of Cuba to Citibank. We are confident that the Supreme Court would not have allowed Citibank's set-off against Bancec had it violated

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Bancec's due process rights, and we see no basis for distinguishing LAN's position in this respect from Bancec's.

* * * * * *

Conclusion

As we have observed above, the record is incomplete as to whether Chile's conduct was such that, under the analysis of Section II, supra, it would warrant disregarding LAN's separate juridical status. Accordingly, decision on the application is reserved pending submission of a more fully developed record.[9/] It bears repeating that, should Chile default on its obligations to produce pertinent witnesses and documents, the ordinary presumptions against a party that fails to produce evidence could be invoked.

It is so ordered.

Dated: New York, New York
July 28, 1983

MORRIS E. LASKER

U.S.D.J.

UNCLASSIFIED

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FOOTNOTES

1. The opinion of the Court of Appeals for the District of Columbia, United States v. Sampol, 636 F. 2d 621 (D.C. Cir. 1980), contains a lengthy description of the evidence adduced at trial concerning the Letelier assassination.

2. Surely the equitable principle involved here is at least as strong as that invoked by the Court in Bancec, where the only connection with the central government of Cuba was a period of less than a week during which Bancec's assets passed through the Cuban Ministry of Foreign Trade.

3. LAN argues that the House Report is not based on first-hand knowledge, and that the information on which it is based is of dubious credibility.

4. Rule 69, Fed. R. Civ. Pr., provides that "[i]n aid of the judgment or execution, the judgment creditor ... may obtain discovery from any person ... in the manner provided in these rules or in the manner provided by the practice of the state in which the district court is held."

5. It is unnecessary to dwell at length on the judgment creditors' argument that jurisdiction of the action was not based solely on § 1605(a)(5). Judge Green's decision opinion finding jurisdiction discussed only § 1605(a)(5). 488 F.Supp. 665. While it may be that, as the judgment creditors contend, Judge Green focused on § 1605(a)(5) because that was the provision to which Chile's memorandum of law addressed itself, the fairer reading of the opinion is that jurisdiction was found to be available under § 1605(a)(5) without consideration of the other possible bases.

6. Section 1605(a)(2) provides "A foreign state shall not be immune from the jurisdiction of courts of the United States ... in any case ... in which the action is based upon a commercial activity carried on in the United Statess by a foreign state."

7. The fact that the statute, as interpreted by LAN, would allow tort creditors to collect on judgments where foreign sovereigns had waived their immunity or taken out insurance in favor of possible claimants is hardly persuasive. Had Congresss intended tort victims to be relegated to relying on the munificence of foreign sovereigns, it would have been unlikely to lift sovereign immunity over tort

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claims. The ordinary assumption is that where one has a legal right to sue, he will have a legal right to collect.

8. The record does not establish whether or not Townley paid LAN.

9. It is unnecessary to reach, at this time, the question whether appointment of a receiver is the appropriate mechanism for execution on this judgment. However, there appears to be considerable merit to the judgment creditors' approach. See generally, 6 New York Civil Practice, J. Weinstein, H. Korn, & A. Miller, ¶ 5228.04 (1982 ed.)(standards for appointment of a receiver).

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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____

July 23

-- Ten persons who were arrested in their homes during the past week have been relegated to remote regions of the country for ninety days. (Santiago 4397)

July 25

-- Jacobo Riffo Ramos, Fernando Cantillana Azua, Mario Garrido Montt, and Alberto Chagneau were released on bail by the Court of Appeals. They were arrested on July 12 in Pudahuel and are charged with infraction of the Internal Security Law.

-- Ines Peyreau Norambuena, an alleged MIRista charged with illegal possession of arms, has been freed on bail by a military court.

July 29

-- The Supreme Court upheld but limited the Court of Appeals ruling on the release of Gabriel Valdes and five others in the pamphlets case. (Santiago 4396)

July 30

-- Military and police forces arrested 400 persons during a round-up in a poor neighborhood in Osorno. Police reported finding a large quantity of Communist Party propaganda and plans for subversive actions during the operation.

UNCLASSIFIED

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UNCLASSIFIED

PAGE 01 GUATEM 06253 01 OF 04 301513Z
ACTION ARA-16

INFO OCT-00 COPY-01 ADS-00 AID-07 INR-10 EUR-12 SS-10
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AMEMBASSY TEGUCIGALPA
USMISSION USUN NEW YORK
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UNCLAS SECTION 01 OF 04 GUATEMALA 06253

ROME FOR VATICAN

E.O. 12356: N/A
TAGS: PINS, PGOV, GT, SHUM
SUBJECT: RECENT HUMAN RIGHTS INVESTIGATIONS:
- EL QUICHE, HUEHUETENANGO AND SAN MARCOS
1. SUMMARY: THE EMBASSY CONTINUES TO RECEIVE SERIOUS ALLEGATIONS OF HUMAN RIGHTS VIOLATIONS IN THE GUATEMALAN COUNTRYSIDE. AMONG RECENT AREAS OF CONCERN ARE SOUTH-CENTRAL EL QUICHE AND THE BORDER AREAS OF HUEHUETENANGO AND SAN MARCOS. FOR INSTANCE, SENATOR KASSENBAUM (R-KANSAS) INSERTED A STATEMENT INTO THE CONGRESSIONAL RECORD ON JUNE 16, EXPRESSING CONCERN ABOUT AN UNCONFIRMED
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PAGE 02 GUATEM 06253 01 OF 04 301513Z

REPORT OF A MAY MASSACRE IN EL QUICHE IN WHICH 100 PEOPLE WERE ALLEGED TO HAVE BEEN KILLED.

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DEPARTMENT OF STATE ( ) DECLASSIFY E.O. Citations
( ) RELEASE ( ) DECLASSIFY IN PART
( ) EXCISE
( ) DENY
FOIA Exemptions ( ) CLASSIFY as ( ) S or ( ) C Sec.
PA Exemptions ( ) DOWNGRADE TS to ( ) S or ( ) C
TS authority to

A CANADIAN HUMAN RIGHTS GROUP, THE INTER-CHURCH COMMITTEE ON HUMAN RIGHTS IN LATIN AMERICA, RELEASED A REPORT ON MAY 9 ALLEGING A "MASS SLAUGHTER" IN A VILLAGE IDENTIFIED AS "XORAXAJ", ALSO IN EL QUICHE. THIS MASSACRE WAS SAID TO HAVE OCCURRED ON APRIL 15. THE TOWN OF XEABAJ, EL QUICHE, WAS ALSO IDENTIFIED TO THE EMBASSY AS A SITE OF A PURPORTED MASSACRE.

2. REPORTS FROM THE BORDER AREA HAVE ALSO BEEN DISTURBING. AMERICAN AND MEXICAN PRESS ITEMS HAVE ALLEGED THAT GUATEMALANS CONTINUE TO FLEE TO MEXICO, ALMOST ALL THE STORIES ASSERTING THAT GOVERNMENT SECURITY FORCES HAVE BEEN RESPONSIBLE FOR THE FLOW OF REFUGEES. IN LIGHT OF THE ABOVE ALLEGATIONS, THE EMBASSY HAS RECENTLY INVESTIGATED THE FOLLOWING VILLAGES IN EL QUICHE, HUEHUETENANGO AND SAN MARCOS: JOYABAJ, XEABAJ, CHORRAXAJ, SANTA ROSA CHUCUYUB, XUMANZANA, SAN RAFAEL CHICHOP AND PACHALUM IN EL QUICHE; HUEHUETENANGO PROPER, CHIANTLA, AGUA ZARLA AND GRACIAS A DIOS IN HUEHUETENANGO; AND, FINALLY, MALACATAN IN SAN MARCOS. THE EMBASSY FOUND NO EVIDENCE OF RECENT HUMAN RIGHTS VIOLATIONS IN THE ABOVE VILLAGES OF EL QUICHE. ON THE BORDER IN HUEHUETENANGO AND SAN MARCOS, VILLAGERS WERE PLAGUED BY RATHER CONSTANT GUERRILLA INCURSIONS FROM MEXICO AND ONE VILLAGE, AGUA ZARCA, HAD IN LATE MAY FOUGHT OFF A BAND OF INSURGENTS. FOUR VILLAGERS WERE KILLED IN THE ACTION. END SUMMARY.

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3. IN EL QUICHE, THE EMBASSY HAD PICKED UP REPORTS OF ALLEGED MASSACRES IN OR AROUND THE TOWNS OF XEABAJ AND "XORAXAJ". THE FORMER TOWN WAS VISITED ON APRIL 19, 1983, AND WAS THE SUBJECT OF A SEPARATE EMBASSY MESSAGE (GUATEMALA 3091). THE MAJOR PROBLEM IN THE AREA OF XEABAJ HAS BEEN AND IS ROVING BANDS OF EGP GUERRILLAS. THE ONLY RECENT VIOLENCE IN XEABAJ WAS ON APRIL 5 WHEN THE LOCAL CIVIL DEFENSE PATROL ATTEMPTED TO INTERCEPT A BAND OF 20 WELL-ARMED GUERRILLAS. THE VILLAGERS, HAVING AT THAT TIME BUT ONE SHOTGUN AMONG THE LOT OF THEM, WERE ROUTED IN SHORT ORDER. THE VILLAGERS TOLD AN EMBASSY OFFICER THAT THIS SAME GUERRILLA BAND LATER KILLED 13 PEOPLE IN AND AROUND THE

SMALL FARMS SCATTERED THROUGHOUT THE AREA.

4. MORE PERSISTENT AND HENCE MORE TROUBLESOME WERE ALLEGATIONS OF A MASSACRE OF MORE THAN 100 PEOPLE IN A VILLAGE CALLED "XORAXAJ", LIKE XEABAJ LOCATED IN THE MUNICIPALITY OF JOYABAJ. THE INTER-CHURCH COMMITTEE ON HUMAN RIGHTS IN LATIN AMERICA, A CANADIAN HUMAN RIGHTS ORGANIZATION, ISSUED A NEWS RELEASE ON MAY 9, 1983, ALLEGING THAT "MORE THAN 100 MEN, WOMEN AND CHILDREN" WERE KILLED BY THE GUATEMALAN ARMY IN "XORAXAJ" ON APRIL 15, 1983. THE NEWS RELEASE SAID THAT TESTIMONY TO THIS MASSACRE "HAD BEEN PREPARED BY EVANGELICAL CHRISTIANS WITH DIRECT KNOWLEDGE OF THE EVENTS DESCRIBED". THIS RELEASE, COMBINED WITH SENATOR KASSENBAUM'S STATEMENT OF CONCERN ABOUT A PURPORTED MASSACRE IN EL QUICHE, LED THE EMBASSY TO CONDUCT AN INVESTIGATION OF THIS INCIDENT.

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PAGE 01 GUATEM 06253 02 OF 04 301515Z
ACTION ARA-16

INFO OCT-00 COPY-01 ADS-00 AID-07 INR-10 EUR-12 SS-10
CIAE-00 DODE-00 H-01 IO-15 NSC-01 NSAE-00 SY-06
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AMEMBASSY ROME
AMEMBASSY SAN JOSE
AMEMBASSY SAN SALVADOR
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UNCLAS SECTION 02 OF 04 GUATEMALA 06253

ROME FOR VATICAN

E.O. 12356: N/A
TAGS: PINS, PGOV, GT, SHUM
SUBJECT: RECENT HUMAN RIGHTS INVESTIGATIONS:

5. THE MOST IMMEDIATE PROBLEM WAS FINDING "XORAXAJ", AS NO TOWN BY THAT NAME EXISTS. NO MAP OR GEOGRAPHICAL GAZETEER CONTAINED SUCH A NAME. THERE WAS, HOWEVER, A TOWN CALLED CHORRAXAJ NEAR JOYABAJ WHICH, WHEN PRONOUNCED, SOUNDS VERY MUCH LIKE "XORAXAJ". AN EMBASSY OFFICER VISITED CHORRAXAJ ON JULY 8. THE TOWN ITSELF
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CONSISTED OF NO MORE THAN FOUR OR FIVE BUILDINGS, A SCHOOLHOUSE AND THE OUTLYING FARMS. THE CHILDREN WERE IN SCHOOL, THE MEN WERE WORKING THE FIELDS OR OUT ON PATROL AND THERE WAS NO SIGN OF RECENT VIOLENCE. THE VILLAGERS CONFIRMED THIS IMPRESSION. SOME NEIGHBORING HAMLETS HAD HAD TROUBLE WITH GUERRILLAS IN THE PAST FEW MONTHS, BUT EVEN THESE ACTIONS WERE BEING REDUCED. IT WAS CLEAR THAT NO MASSACRE OF ANY TYPE HAD TAKEN PLACE IN CHORRAXAJ.

6. THE EMBASSY WAS SUBSEQUENTLY ABLE TO PROVE THAT "XORAXAJ" WAS INDEED CHORRAXAJ. THE JUNE 15,1983 NUMBER OF "NOTICIAS DE GUATEMALA", A PRO-GUERRILLA PUBLICATION, CARRIED AN ALLEGATION OF AN APRIL 15 MASSACRE OF MORE THAN 100 PEOPLE IN CHORRAXAJ. WHAT IS MORE, THE ALLEGATION OF THE PRO-GUERRILLA NEWS SHEET WAS WORD FOR WORD THE SAME AS THAT OF THE CANADIAN HUMAN RIGHTS GROUP, ONLY THE SPELLING OF THE TOWN DIFFERED. "NOTICIAS" GAVE THE

SOURCE OF THE STORY AS THE "GUATEMALAN PEACE AND JUSTICE COMMITTEE", ANOTHER ORGANIZATION RATHER INCLINED TO THE GUERRILLA CAUSE. IN ANY CASE, THE ALLEGATION PROVED FALSE; UNFORTUNATELY, IT WAS ALSO WIDESPREAD AND GIVEN CREDENCE BY ORGANIZATIONS WITH AN INTEREST IN HUMAN RIGHTS IN GUATEMALA.

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7. EMBASSY OFFICERS ALSO VISITED THE TOWNS OF SANTA ROSA CHUCUYUB, XUMANZANA AND SAN RAFAEL CHICHOP -- ALL IN EL QUICHE. IN SAN RAFAEL CHICHOP THE LOCAL PEASANT LEAGUE ("LIGA CAMPESINA") WAS ORGANIZED AND IN GOOD SHAPE. THE LOCAL UNCLASSIFIED

INDIANS HAD PURCHASED THE LAND COLLECTIVELY IN 1974 AND HAD PAID OFF THE MORTGAGE BY 1978. THEY STAYED ON THEIR LAND DURING THE WORST OF THE FIGHTING AND ALL THEY WANT NOW IS PEACE AND A SMALL CASH ADVANCE TO BUY FERTILIZERS. LOCAL PEASANT LEAGUE LEADERS BELIEVE THE LOAN CAN BE ARRANGED.

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8. SANTA ROSA CHUCUYUB AND XUMANZANA HAVE NOT BEEN AS FORTUNATE AS SAN RAFAEL. PEASANT LEAGUE ORGANIZERS IN SANTA ROSA HAVE BEEN THREATENED WITH DEATH, LABELLED "COMMUNISTS" AND GENERALLY INTIMIDATED. THE SOURCE OF THESE THREATS IS UNKNOWN. THE AREA OF XUMANZANA (SOUTHERN EL QUICHE) WAS DESERTED FOR ALMOST A YEAR. IN LATE 1981 THE ENTIRE POPULATION FLED; THE VILLAGERS TOLD AN EMBASSY OFFICER THAT THEY FEARED THE ARMY WAS GOING TO KILL THEM ALL. IN THE MONTHS FOLLOWING THE COUP D'ETAT OF MARCH 23, 1982, THE VILLAGERS BEGAN TO RETURN TO THE AREA. THE PEASANT LEAGUE IS AGAIN ACTIVE IN XUMANZANA; ITS MAJOR PROBLEMS ARE OBTAINING FERTILIZER FOR THE FIELDS AND FINANCIAL ASSISTANCE FOR THE 80 WIDOWS THAT LIVE IN THE VILLAGE. THE INDIAN PEASANTS OF XUMANZANA STILL FEAR GOVERNMENT SECURITY FORCES BUT THEY TOLD AN EMBASSY OFFICER THAT THEY HAVE NOT BEEN BOTHERED IN ANY WAY SINCE THEIR RETURN TO THE AREA. (ON JULY 8, THE PEASANT LEAGUE OF XUMANZANA HELD A MASS MEETING IN A SOCCER FIELD. AN ARMY PATROL SOON APPEARED. THE SERGEANT IN CHARGE OF THE PATROL WAS TOLD THAT THE PEASANT LEAGUE OF XUMANZANA WAS HOLDING A

MEETING; HE NODDED, SAID FINE, AND MOVED ON.)

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PAGE 01 GUATEM 06253 03 OF 04 301517Z
ACTION ARA-16

INFO OCT-00 COPY-01 ADS-00 AID-07 INR-10 EUR-12 SS-10
CIAE-00 DODE-00 H-01 IO-15 NSC-01 NSAE-00 SY-06
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UNCLAS SECTION 03 OF 04 GUATEMALA 06253

ROME FOR VATICAN

E.O. 12356: N/A
TAGS: PINS, PGOV, GT, SHUM
SUBJECT: RECENT HUMAN RIGHTS INVESTIGATIONS:

9. THE BORDER AREAS OF HUEHUETENANGO AND SAN MARCOS HAVE ALSO BEEN AREAS OF CONCERN. RECENT PRESS REPORTS HAVE INDICATED THAT YET MORE GUATEMALANS WERE FLEEING TO MEXICO, THE GIST OF THE STORIES BEING THAT REPRESSION BY LOCAL GOG SECURITY FORCES WAS RESPONSIBLE FOR THIS INCREASED FLOW. IN LIGHT OF THESE REPORTS, EMBASSY OFFICERS
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VISITED THE BORDER REGIONS OF HUEHUETENANGO AND SAN MARCOS ON JULY 13.

10. THE BORDER AREA REMAINS DELICATE. THERE ARE LARGE AREAS OF NORTHWESTERN HUEHUETENANGO THAT REMAIN ABANDONED -- GUERRILLA INCURSIONS FROM MEXICO MAKE LIFE VERY DIFFICULT. THE TOWN OF AGUA ZARCA, FOR EXAMPLE, WAS ATTACKED BY GUERRILLAS ON MAY 25. (AGUA ZARCA IS THREE KILOMETERS FROM THE MEXICAN BORDER.) SOME 30 GUERRILLAS SURPRISED A CIVIL DEFENSE OUTPOST AROUND 1300 HOURS. ONE CD PATROL MEMBER ESCAPED AND ALERTED THE VILLAGE. THE VILLAGERS HAD 13 RIFLES AND SHOTGUNS AMONG THEM, JUST ENOUGH FIREPOWER TO HOLD THE GUERRILLAS OFF. A RUNNER WAS SENT TO ALERT THE ARMY (THE VILLAGERS NOT HAVING ANY RADIOS). FOUR HOURS LATER AN ARMY PATROL APPEARED AND THE GUERRILLAS SCATTERED. FOUR VILLAGERS WERE DEAD AND FIVE MORE WERE WOUNDED. EMBASSY OFFICERS WERE TOLD THAT ALL THE GUERRILLAS WERE DRESSED IN DARK GREEN UNIFORMS AND, FURTHERMORE, THAT THEY SEEMED INTENT ON SHOOTING THE VILLAGERS INSTEAD OF -- AS WAS OFTEN THE CASE IN THE PAST -- CONVERTING THEM TO THE INSURGENT CAUSE. THE ARMY, THE VILLAGERS SAID, TRIED TO OFFER AS MUCH PROTECTION AS POSSIBLE BUT DID NOT HAVE THE MANPOWER TO KEEP TROOPS IN THE TOWN AT ALL TIMES. THE VILLAGERS OF AGUA ZARCA OWN THEIR OWN LAND; THEY SAID THEY WOULD CONTINUE TO FIGHT TO HOLD IT.

11. THE "FINCA GRACIAS A DIOS" IS LOCATED IN THE FAR NORTHWESTERN TIP OF HUEHUETENANGO; THE
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VILLAGE'S WESTERN AND NORTHERN LIMITS ARE THE MEXICAN BORDER. GRACIAS A DIOS IS NO LONGER A FINCA; THE VILLAGERS RECENTLY BOUGHT THE LAND FROM A PRIVATE HOLDER AND THEY, LIKE THE INHABITANTS OF AGUA ZARCA, WISH TO HOLD THIS LAND AGAINST THE GUERRILLAS. BECAUSE OF THE LOCATION OF GRACIAS A DIOS, IT IS OFTEN COMPLETELY SURROUNDED BY GUERRILLAS. THE ARMY MAINTAINS A COMPANY OF SOLDIERS IN THE TOWN. ALTHOUGH THE VILLAGERS OWN THE LAND, AS OFTEN AS NOT THEY CANNOT WORK IT BECAUSE OF HEAVY GUERRILLA INFILTRATION. THE ARMY CANNOT PROVIDE DAILY PROTECTION FOR EACH SMALL-HOLDER AND THE MERE PLANTING OF CROPS HAS BECOME AN EXERCISE IN PLANT-AND-RUN AGRICULTURE. GOVERNMENT TROOPS HAVE RECENTLY BEEN ABLE TO DISCOVER AND DISMANTLE A FEW GUERRILLA ARMS CACHES IN THE AREA BUT GUERRILLA INCURSIONS FROM MEXICO CONTINUE TO PLAGUE THE VILLAGE.

12. EMBASSY OFFICERS ALSO VISITED ON JULY 13 THE TOWN OF MALACATAN, SAN MARCOS. ORPA GUERRILLAS OPERATE IN THE AREA OF MALACATAN AND THE SMALL BORDER VILLAGES TO THE IMMEDIATE WEST OF THE TOWN ARE PARTICULARLY VULNERABLE TO GUERRILLA ATTACKS. THESE SMALL VILLAGES -- SANTA ANA, EL MARISCAL, LOS ANGELES, ORIZADA AND EL DANUBIO -- ARE ALL INHABITED AND LOCAL AUTHORITIES IN MALACATAN WERE PETITIONING THE CENTRAL GOVERNMENT FOR FERTILIZERS AND SOME BASIC FOODSTUFFS. THERE ARE NO GOVERNMENETROOPS IN MALACATAN; THE TOWN DEFENDS ITSELF WITH A SIZABLE CIVIL DEFENSE PATROL. THE MEXICAN BORDER IS 15 KILOMETERS TO THE WEST. RECENT ARMY OPERATIONS HAVE HELPED TO STABILIZE

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PAGE 01 GUATEM 06253 04 OF 04 301517Z
ACTION ARA-16

INFO OCT-00 COPY-01 ADS-00 AID-07 INR-10 EUR-12 SS-10
CIAE-00 DODE-00 H-01 IO-15 NSC-01 NSAE-00 SY-06
HA-08 L-03 TRSE-00 PM-08 PA-02 MCT-02 OMB-01
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UNCLAS SECTION 04 OF 04 GUATEMALA 06253

ROME FOR VATICAN

E.O. 12356: N/A
TAGS: PINS, PGOV, GT, SHUM
SUBJECT: RECENT HUMAN RIGHTS INVESTIGATIONS:

THE AREA, BUT ROVING ORPA BANDS STILL INTERDICT LOCAL ROADWAYS. EMBASSY OFFICERS COULD FIND NO EVIDENCE OF A RECENT REFUGEE FLOW TO MEXICO.

13. CONCLUSIONS: THE EMBASSY INVESTIGATIONS OUTLINED ABOVE ADMIT OF SEVERAL CONCLUSIONS.

1) NO MASSACRES OF "MORE THAN 100 PEOPLE" HAVE
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PAGE 02 GUATEM 06253 04 OF 04 301517Z

RECENTLY TAKEN PLACE IN EL QUICHE AS REPORTED BY INTERESTED HUMAN RIGHTS ORGANIZATIONS AND PRO-GUERRILLA PUBLICATIONS. EVERY KNOWN LEAD WAS CHECKED, ON-SITE, AND FOUND TO BE FALSE.

2) IN THE BORDER REGIONS, IF THE VILLAGERS OWN THEIR OWN LAND THEY WILL FIGHT THE GUERRILLAS TO KEEP IT. AGUA ZARCA AND GRACIAS A DIOS ARE SO CLOSE TO THE BORDER THAT THE VILLAGERS, IF THEY WISHED TO DO SO, COULD CROSS TO MEXICO AT ANY TIME. THEY HAVE NOT DONE SO.

3) PEASANT LEAGUE ORGANIZERS MOVE ABOUT EL QUICHE FREELY, HOLDING MEETINGS AND ATTEMPTING TO REBUILD THE "LIGA CAMPESINA". IN SOME AREAS, PEASANT ORGANIZERS AND THEIR FOLLOWERS STILL FEAR GOVERNMENT SECURITY FORCES, ALTHOUGH THEIR WORK HAS GONE ON WITHOUT GOVERNMENT INTERFERENCE.

4) WHILE IN HUEHUETENANGO AND SAN MARCOS, EMBASSY OFFICERS COULD NOT CONFIRM A RENEWED FLOW OF GUATEMALANS TO MEXICO. CHAPIN

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El Salvador: Human Rights
Special Project (1993)

Department of State **TELEGI**

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PAGE 01 SAN SA 06850 01 OF 02 0121082
ACTION ARA-16

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[redacted] SECTION 01 OF 02 SAN SALVADOR 0685

ARA FOR AMBASSADOR PICKERING

ROME FOR VATICAN OFFICE

E.O. 12356: DECL: 8/1/89
TAGS: PINS, SHUM, ES
SUBJECT: (U) CONVERSATIONS WITH AMNESTY BENEFICIARIES

1. [redacted] ENTIRE TEXT.

2. SUMMARY: ON JULY 19 POLOFF SPOKE WITH SEVERAL AMNESTY BENEFICIARIES AT THE AMNESTY CENTER. THE "AMNESTIADOS," MANY OF WHOM REMAIN VERY CRITICAL OF GOES AND U.S. POLICY IN THE REGION, COMPLAINED BITTERLY ABOUT THE LACK OF IMMIGRATION OPPORTUNITIES. THEY FEAR THEY WILL SOON BE TURNED BACK OUT ON THE STREETS IMPOVERISHED AND WITHOUT WORK, ONLY TO BE PERSECUTED [redacted]

PAGE 02 SAN SA 06850 01 OF 02 0121082

BY BOTH GOES AUTHORITIES AND THEIR FORMER COMRADES.

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Department of State IS/FPC/CDR El Salvador SP Date 9/23/93
Declassified under EO 12356 (X) in full; ( ) in part;
portions withheld: classified ( ); deliberative ( );
law enforcement ( ); privacy ( ), statutory ( );
not relevant to El Salvador ( ).

[redacted]

MANY PERSONS APPEAR TO HAVE TURNED THEMSELVES IN SIMPLY BECAUSE THEY BECAME TIRED AND DISCOURAGED. END SUMMARY.

3. ON JULY 19 POLOFF VISITED THE LIVING QUARTERS OF AMNESTY BENEFICIAIRES AT THE AMNESTY CENTER AND SPOKE SINGLY AND IN LARGE AND SMALL GROUPS WITH ABOUT 25 PERSONS. HE CAME AWAY CONVINCED THAT A HEALTHY NUMBER OF THE AMNESTY BENEFICIAIRES WERE IN FACT COMBATANTS. THESE FORMER GUERRILLAS ALL COMPLAINED BITTERLY ABOUT THE LACK OF IMMIGRATION OPPORTUNITIES. THEY NOTED THAT FORMER POLITICAL PRISONERS WERE RECEIVING ALL THE OPPORTUNITIES FOR MIGRATION TO OTHER COUNTRIES. THEY SAID THEY ARE IN A QUANDARY. THEY TURNED THEMSELVES IN IN THE HOPES OF MOVING TO ANOTHER COUNTRY AND STARTING NEW LIVES. NOW THEY ARE FACED WITH THE REAL POSSIBILITY AFTER AUGUST 15 OF BEING BACK IN THE STREETS WITHOUT WORK, IMPOVERISHED, AND PERSECUTED BY BOTH GOES AUTHORITIES AND THEIR FORMER COMRADES-IN-ARMS.

4. MOST OF THE AMNESTY BENEFICIAIRES REMAIN STRONGLY CRITICAL OF BOTH THEIR GOVERNMENT AND U.S. POLICY IN THE REGION. THEY HAVE NO FAITH IN THEIR GOVERNMENT'S ABILITY TO PROTECT OR CARE FOR THEM ONCE THE AMNESTY PERIOD IS OVER. THEY CONTINUE TO SEE THE MILITARY AND THE AUTHORITIES AS THEIR ENEMIES. THEY BELIEVE THE UNITED STATES HAS THE RESPONSIBILITY TO AID THEM. AS THEY PUT IT, "THE AMNESTY WAS DONE FOR THE U.S." THE AMNESTY BENEFICIAIRES HAD SEVERAL OTHER COMPLAINTS. THEY SAID THE POLICE THAT ARE GUARDING THE AMNESTY CENTER ARE ABUSIVE BOTH TO THEM AND TO THEIR VISITING FAMILIES, AND THAT ON ONE OCCASION REGULAR ARMY TROOPS HAD COME TO [redacted]

PAGE 03 SAN SA 06850 01 OF 02 0121082

INTERROGATE AN AMNESTY BENEFICIARY. ONE BENEFICIARY SAID HE TURNED HIMSELF IN IN SONSONATE AND WAS SENT TO THE AMNESTY CENTER WITH THREE OTHER PERSONS VIA A SMALL HOLDING CELL AT THE ESTADO MAYOR (HIGH COMMAND) HEADQUARTERS IN SAN SALVADOR. HE SAID ONLY TWO OF THE FOUR MADE IT TO THE AMNESTY CENTER. ANOTHER MAN SAID THAT HE WAS PICKED UP IN HIS HOME IN MORAZAN DURING AN ARMY SWEEP AND WAS SURPRISED TO FIND HIMSELF BEING SENT TO THE AMNESTY CENTER. HE SAID HE WAS NOT A GUERRILLA, BUT WAS A SYMPATHIZER. TWO OTHER MEN HAD RETURNED TO THE [redacted]

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El Salvador: Human Rights
Special Project (1993)

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PAGE 01 SAN SA 06859 02 OF 02 0121082
ACTION ARA-16

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[redacted] SECTION 02 OF 02 SAN SALVADOR 06859

ARA FOR AMBASSADOR PICKERING

ROME FOR VATICAN OFFICE

E.O. 12356: DECL: 8/1/89
TAGS: PINS, SHUM, ES
SUBJECT: (U) CONVERSATIONS WITH AMNESTY BENEFICIAIRES

FORCES SUCCESSES HAVE PROBABLY CONTRIBUTED TO PUTTING THE PRESSURE ON THE GUERRILLAS. JUDGING FROM THE FORMER GUERRILLAS' APPEARANCE AND STORIES, AND FROM TALKS OVER THE PAST FEW MONTHS WITH PRISONERS, CAMP FOLLOWERS, JOURNALISTS, PERSONS ABDUCTED BY THE GUERRILLAS, AND PERSONS WHO REGULARLY TRAVEL IN GUERRILLA AREAS, LIFE IN THE GUERRILLA IS NOT EASY, AND IS GROWING MORE DIFFICULT. MANY OF THE AMNESTY BENEFICIAIRES PROBABLY SAW THE OPPORTUNITY TO MAKE A BETTER LIFE FOR THEMSELVES. MANY

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PAGE 02 SAN SA 06859 02 OF 02 0121082

OTHERS, ESPECIALLY THE VERY YOUNG AND THE VERY POOR AND ILLITERATE (IT IS HARD TO DESCRIBE ADEQUATELY THE

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CENTER AFTER HAVING BEEN RELOCATED ALONG WITH OTHER FAMILIES ON A GOVERNMENT FARM IN THE WEST. THEY SAID THEY RETURNED TO THE CENTER BECAUSE THE LAND AND LIFE OFFERED TO THEM UNDER THE PROGRAM DID NOT APPEAR TO HOLD MUCH OF A FUTURE.

5. POLOFF ALSO SPOKE WITH AN AMNESTY BENEFICIARY WHO WAS JUST RETURNING FROM A TRIP TO HIS HOME IN LA UNION. HE HAD BROUGHT BACK TWO OTHER PERSONS SEEKING AMNESTY. HE SAID THAT ON HIS TRIP HE HAD TO SHOW HIS AMNESTY DOCUMENTS TO SOLDIERS AND OTHER AUTHORITIES ON NUMEROUS OCCASIONS AND THAT THESE DOCUMENTS WERE ALWAYS RESPECTED. HE ALSO SAID HE HAD HEARD THE GUERRILLAS HAD KILLED HIS BROTHER, WHO WAS ALSO A GUERRILLA, IN RETRIBUTION FOR HIS DECISION TO ACCEPT AMNESTY.

6. COMMENT: IT IS HARD TO SPECULATE ON WHY THE AMNESTY BENEFICIAIRES TURNED THEMSELVES IN. WHEN ASKED, MOST MUMBLE PLATITUDES ABOUT HAVING COME TO THE REALIZATION THAT THE ARMED STRUGGLE IS WRONG. WHAT IS MORE LIKELY, HOWEVER, IS THAT MANY OF THEM HAD SIMPLY BECOME TIRED AND BEGAN TO SEE THE STRUGGLE AS FRUITLESS. RECENT ARMED

[redacted]

SOCIO-ECONOMIC LEVEL, AND THE LEVEL OF DEPRIVATION OF THE POOREST OF THE POOR IN EL SALVADOR), CLAIM THEY WERE PRESSURED TO JOIN THE GUERRILLAS. THEY ARE PROBABLY TELLING THE TRUTH IN THAT IN GUERRILLA CONTROLLED AREAS YOUNG MEN NATURALLY END UP IN THE GUERRILLA, ESPECIALLY IF THE SHOTS ARE BEING CALLED BY THE SLICKER AND MORE EDUCATED GUERRILLA LEADERS FROM THE CITY. THIS TYPE OF GUERRILLA RECRUIT HAS NO IDEOLOGICAL COMMITMENT TO REMAIN IN THE GUERRILLA WHEN THINGS GET TOUGH, OR WHEN GIVEN THE OPPORTUNITY TO TAKE AN EASIER WAY OUT. BLEAKLEY

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Exemption(s) ____

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E.O. 12356: N/A
TAGS: PGOV, SHUM, CI
SUBJECT: GABRIEL VALDES EXPRESSES APPRECIATION FOR U.S. CONCERN OVER HIS DETENTION

1. PDC PRESIDENT GABRIEL VALDES SENT AMBASSADOR FOLLOWING LETTER DATED JULY 26 (INFORMAL EMBASSY TRANSLATION):

--"I WRITE TO YOU TO EXPRESS MY SINCERE APPRECIATION FOR THE CONCERN INDICATED BY YOUR GOVERNMENT WITH REGARD TO THE DETENTION AND SOLITARY CONFINEMENT THAT I SUFFERED A FEW DAYS AGO.

--"THE SOLIDARITY RECEIVED FROM SO MANY GOVERNMENTS AND PERSONALITIES HAS BEEN A POWERFUL STIMULANT TO ENDURE THE DIFFICULT DAYS IN PRISON AND TO CONTINUE WITH OUR STRUGGLE FOR THE RE-ESTABLISHMENT OF DEMOCRACY IN CHILE. AMONG THESE DEMONSTRATIONS (OF CONCERN), I VALUE IN A VERY SPECIAL WAY THE CONCRETE AND ENCOURAGING EXPRESSIONS OF THE DEPARTMENT OF STATE OF YOUR GOVERNMENT, FOR WHICH I AM DEEPLY APPRECIATIVE AND TO WHOSE AUTHORITIES I ASK THAT YOU CONVEY MY TANKS.
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PAGE 02 SANTIA 04361 011226Z

--"PLEASE ACCEPT MY GRATITUDE FOR YOUR PERSONAL INTEREST IN OBTAINING MY LIBERTY."

2. WE PLAN NO WRITTEN RESPONSE OR PUBLIC COMMENT ON THIS LETTER BUT WILL USE NEXT APPROPRIATE OPPORTUNITY TO THANK VALDES FOR HIS COMMENTS AND TO REITERATE U.S. SUPPORT FOR EFFORTS TO RECONCILE THE DIVISIONS WITHIN CHILEAN SOCIETY

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AND TO ACHIEVE THE CONSENSUS NEEDED FOR A PEACEFUL TRANSITION. THEBERGE

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EXCISE

[redacted] Secretary of State

[redacted] January 1, 1983

Dear Senator Goldwater:

Thank you for your inquiry of June 29 on behalf of [redacted] concerning the arrest in Chile of [redacted].

The Department of State does not have any information concerning Mr. Riquelme. We are asking our Embassy in Santiago to contact you directly with any information they may have on the case.

With cordial regards.

Sincerely,

Chile Project (#S199900030)
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Exemption(s) B6

Powell A. Moore
Assistant Secretary
for Legislative and
Intergovernmental Affairs

Enclosure:
Correspondence Returned

The Honorable
Barry Goldwater,
United States Senate.

Drafted: ARA/SC:DiRenzo:jgm
Disk #5044S 7/28/83
ARA #83-2661, FAIM #0872048

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Washington, D.C. 20520

Chile Project (#S199900030)
U.S. Department of State
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August 1, 1983

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B6

Dear Senator Goldwater:

Thank you for your inquiry of June 28 on behalf of your constituents concerning the arrest in Chile of Rene Riquelme Maturana.

The Department of State does not have any information concerning Mr. Riquelme. We are asking our Embassy in Santiago to contact you directly with any information they may have on the case.

With cordial regards.

Sincerely,

Powell A. Moore
Assistant Secretary
for Legislative and
Intergovernmental Affairs

Enclosure:
Correspondence Returned

The Honorable
Barry Goldwater,
United States Senate.

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Case Number: s199900006

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C O N F I D E N T I A L SANTIAGO 4424

ROME FOR VATICAN OFFICE

E.O. 12365: DECL: OADR
TAGS: SCUL, PGOV, PREL, CI
SUBJ: PRESIDENT PINOCHET'S LETTER TO POPE PROMISES DECISIVE STEPS

REF: SANTIAGO 4336 (NOTAL)

1. (C) SUMMARY: RUMORS OF IMMINENT POLICY AND CABINET CHANGES HAVE BEEN GIVEN FRESH IMPETUS BY GOC PUBLICATION OF PINOCHET LETTER TO POPE. MESSAGE INCLUDED THREE MAIN POINTS: AGREEMENT ON IMPORTANCE OF PROMOTING DIALOGUE; NEED TO CONSTRUCT A FREE SOCIETY BASED ON DIGNITY OF MAN; AND
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PAGE 02 SANTIA 04424 031415Z

WILLINGNESS TO TAKE "DECISIVE STEPS" TO CONSOLIDATE NEW GOVERNMENT INSTITUTIONS. PUBLIC COMMENT HAS BEEN PREDICTABLE WITH GOC SUPPORTERS HIALING THE LETTER AS A POSITIVE STEP FORWARD WHILE OPPOSITION LEADERS HAVE ADOPTED A WAIT-AND-SEE ATTITUDE. END SUMMARY.
2. (C) INTRODUCTION: INSISTENT RUMORS OF IMMINENT

POLICY AND CABINET CHANGES WERE GIVEN FRESH IMPETUS BY THE PUBLICATION IN ALL MEDIA OVER THE WEEKEND OF THE TEXT OF A LETTER FROM PRESIDENT PINOCHET TO THE POPE. THE PRESIDENT GAVE THE LETTER ON JULY 27 TO PAPAL NUNCIO ANGELO SODANO TO DELIVER TO ROME, WHERE THE NUNCIO WAS ABOUT TO DEPART ON VACATION AND CONSULTATIONS. AT THE TIME, THE LOCAL SPECULATION FOCUSED ON POSSIBLE LINKAGE OF THE LETTER TO THE PAPAL MEDIATION OF THE BORDER DISPUTE WITH ARGENTINA, WHCIH HAD LATELY BEEN IN THE PUBLIC EYE BECAUSE OF CONFLICTING CHILEAN AND ARGENTINE MFA STATEMENTS REGARDING THE DESIRABILITY OF A "TREATY OF PERMANENT PEACE" AS A STEP TOWARD A COMPREHENSIVE SETTLEMENT. THE PUBLICAION OF THE TEXT OF THE LETTER ON JULY 31 MADE CLEAR THAT PINOCHET'S MESSAGE WAS INSTEAD A RESPONSE TO THE EARLIER PUBLIC CALL BY THE POPE FOR DIALOGUE AND AVOIDANCE OF VIOLENCE TO OVERCOME CHILE'S CURRENT PROBLEMS.

3. (U) SUBSTANTIVE POINTS OF PINOCHET'S LETTER: PINOCHET BEGAN THE LETTER BY EXPRESSING CHILE'S GRATITUDE FOR THE POPE'S MESSAGE OF JULY 13, AS WELL AS HIS MEDIATION EFFORTS WITH ARGENTINA. HE THEN REVIEWED THE RECENT HISTORY OF CHILE AND THE ROLE OF HIS GOVENMENT IN OVERCOMING A POLITICAL-INSTITUTIONAL CRISIS AND ESTABLISHING THE FOUNDATIONS FOR THE FUTURE DEMOCRATIC DEVELOPMENT OF THE COUNTRY. THREE KEY PARAGRAPHS STOOD OUT FROM THE LETTER:

--"...I AGREE AS TO THE MAXIMUM IMPORTANCE OF

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USING EFFICACIOUS WAYS FOR (PROMOTING) DIALOGUE...."

--"IN ADDITION TO PRESERVING THE LEGITIMATE RIGHT OF THE PEOPLE OF CHILE TO RESOLVE THEIR INTERNAL PROBLEMS WITHOUT FOREIGN INTERFERENCE, WE ARE ENGAGED IN THE CONSTRUCTION OF A FREE AND SOLID SOCIETY, BASED ON THE REQUIREMENTS DERIVED FROM THE DIGNITY OF MAN AND HIS TRANSCENDENT DESTINY."

--"...WE ARE WILLING TO TAKE DECISIVE STEPS FOR THE CONSLIDATION OF THE INSTITUTIONS DESIRED BY THE GREAT MAJORITY OF CHILEANS, WHOSE ASPIRATION IS TO LIVE IN PEACE AND LIBERTY, PRESERVING THEIR NATIONAL IDENTITY AND POPULAR SOVEREIGNTY."

4. (U) PUBLIC COMMENT: TO DATE, PUBLIC COMMENT ON THE PINOCHET LETTER HAS BEEN PREDICTABLE. CHURCH LEADERS, INCLUDING ARCHBISHOP FRESNO, VIEWED THELETTER AS A POSITIVE RESPONSE TO THE PAPAL MESSAGE AND AS A CONTRIBUTION TO THE CHILEAN DESIRE FOR UNITY. GOC SUPPORTERS, SUCH AS GREMIALIST LEADER JUAN ANTONIO COLOMA, HAILED THE LETTER AS "A VERY POSITIVE STEP

FOR CONSOLIDATING UNITY AMONG CHILEANS," WHILE OPPOSITION LEADRS, SUCH AS PDC VICE PRESIDENT PATRICIO AYLWIN, TOOK A MORE WAIT-AND-SEE ATTITUDE PENDING "THE IMPELMENTATION O THESE GOOD PROPOSALS." IN A JULY 31 EDITORIAL, "EL MERCURIO" UNDERLINED THE IMPORTANCE OF THE THREE PARAGRAPHS CITED ABOVE AND PRAISED THEM AS A CLEAR STATMENT OF GOC INTENTIONS, AS DID AUGU 1 AND 2 EDITORIALS IN "LA SEGUNDA" AND "LA TERCERA."

5. (C) COMMENT: THE PUBLICATION OF PINOCHET'S LETTER IS ANOTHER SIGN THAT THE GOVERNMENT IS ON THE VERGE OF NEW DECISIONS ON HOW TO DEAL WITH THE POLITICAL CRISIS WHICH HAS UNFOLDED ALONG WITH, AND AGGRAVATED BY, THE ECONOMIC CRISIS. LOGICALLY, NEW POLICY DECISIONS WOULD BE ACCOMPANIED BY CABINET CHANGES, AND THERE HAS BEEN MUCH SPECULATION ABOUT NEW FACES. INCLUDING THE POSSIBILITY THAT FORMER NATIONAL PARTY PRESIDENT AND NOW AMBASSADOR SERGIO ONOFRE JARPA

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PAGE 04 SANTIA 04424 031415Z

WOULD LEAVE HIS EMBASSY IN BUENOS AIRES TO ASSUME A QUASI-PREMIER POSITION AND TO DIRECT A GRADUAL POLITICAL OPENING. HOW MUCH OF THIS SPECULATION IS WISHFUL THINKING IS NOT CLEAR,BUT THE GOC PUBLICATION OF THE LETTER HAS CLEARLY WHETTED APPETITES. IT IS ALSO NOT CLEAR WHEN DECISIONS WOULD BE ANNOUNCED, EITHER IN THE NEXT FEW DAYS, IN ORDER TO UNDERCUT OPPOSITION EFFORTS TO STAGE ANOTHER PROTEST ON AUGUST 11, OR LATER IN THE MONTH OR EVEN ON SEPTEMBER 11, TO CELEBRATE THE REGIME'S TENTH ANNIVERSARY IN POWER. BUT THERE IS NO DOUBT THAT SOME CHANGES ARE IN THE OFFING, AND WE WILL NEED TO BE ALERT TO OPPORTUNITIES TO REINFORCE CONCRETE TRANSITION STEPS.

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C O N F I D E N T I A L SANTIAGO 4422

E.O. 12356: DECL: OADR
TAGS: SHUM, PINS, CI
SUBJECT: VICARIATE OF SOLIDARITY CLAIMS INCREASE IN FREQUENCY AND SEVERITY OF TORTURE ALLEGATIONS

REFS: (A) SANTIAGO 3802; (B) SANTIAGO 4123; (C) SANTIAGO 3967

1. C - ENTIRE TEXT.

2. IN REFTEL A, EMBASSY REPORTED AN APPARENT HIATUS IN CREDIBLE TORTURE CLAIMS AGAINST GOC SECURITY FORCES. HOWEVER, RECENT INFORMATION OBTAINED FROM THE VICARIATE OF SOLIDARITY INDICATES THAT THE NUMBER OF ALLEGATIONS OF TORTURE THUS FAR DURING 1983 HAS INCREASED RELATIVE TO 1982, AS HAS THE REPORTED SEVERITY OF METHODS OF TORTURE ALLEGEDLY USED. BECAUSE OF THE VICARIATE POLICY OF DOCUMENTING ALL TORTURE CLAIMS WITH SWORN STATEMENTS AND MEDICAL REPORTS, INFORMATION ON MOST RECENT CASES WAS NOT AVAILABLE UNTIL THIS WEEK.

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PAGE 02 SANTIA 04422 022123Z

3. ON JULY 22, ALEJANDRO GONZALEZ, HEAD OF THE LEGAL DEPARTMENT OF THE VICARIATE OF SOLIDARITY, TOLD EMBOFF THAT IN THE MONTH OF JULY THE VICARIATE REGISTERED 11 ALLEGATIONS OF TORTURE THAT HAVE RESULTED IN FORMAL COMPLAINTS TO THE COURTS AND ANOTHER 10 THAT ARE PRESENTLY CONSIDERED TO BE CREDIBLE BUT ARE BEING INVESTIGATED MORE THOROUGHLY BH HIS

LEGAL STAFF. ALL OF THE VICTIMS ARE PRESUMED COMMUNISTS WHO WERE PICKED UP BY CNI BETWEEN JUNE 18 AND JULY 20 AND SUBSEQUENTLY RELEGATED TO REMOTE REGIONS UNDER ADMINISTRATIVE DECREESILE THE GOVERNMENT HAS NOT JUSTIFIED THE RELEGATIONS IN ALL CASES, MOST ARE ACCUSED OF ORGANIZING OR PARTICIPATING IN THE RCENT MONTHLY ANTI-GOC PROTESTS WITH THEIR ATTENDANT ANTI-GOVERNMENT VIOLENCE. THEIR CASES BRING THE NUMBER OF ALLEGATIONS OF TORTURE REGISTERED BY THE VICARIATE IN THE FIRST SEVEN MONTHS OF 1983 TO 51-61 (DEPENDING ON WHETHER THE TEN CASES UNDER INVESTIGATION ARE REGISTERED), COMPARED TO 33 ALLEGATIONS FOR THE SAME PERIOD LAST YEAR AND 57 FOR THE ENTIRE YEAR OF 1982. GONZALEZ SAID THAT SOME OF THE METHODS OF TORTURE ALLEGEDLY USED IN THESE CASES WERE MORE SOPHISTICATED AND SEVERE THAN THOSE USED IN THE PAST BY GOC SECURITY FORCES. HE EXPLAINED THAT THE VICARIATE ESTIMATED THE SEVERITY OF THE TORTURE BOTH BY THE TESTIMONY OF THE VICTIMS AND BY THE RESULTS OF MEDICAL EXAMINATIONS, AND PROMISED TO PROVIDE MORE DOCUMENTATION NEXT WEEK.

4. GONZALEZ INFORMED EMBOFF THAT NEITHER THE FIVE PEOPLE ARRESTED AT THE HEADQUARTERS OF THE COMMUNIST-DOMINATED COORDINADOR (CNS) ON JULY 11 (REFTEL B) NOR THE SIX PDC MEMBERS ARRESTED BETWEEN JULY 7 AND JULY 11 IN CONNECTION WITH THE PAMPHLETS CASE (REF C) HAVE PRESENTED CREDIBLE CLAIMS OR EVIDENCE OF TORTURE, DESPITE CLAIMS IN THE PRESS THAT SEVERAL WERE MISTREATED.

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PAGE 03 SANTIA 04422 0221232

5. COMMENT: THERE HAS ALREADY BEEN SOME PRESS ATTENTION TO THE RECENT COMPLAINTS OF TORTURE IN THE VICARIATE'S MONTHLY NEWSLETTER "SOLIDARIDAD" AND WE EXPECT TO SEE MORE DEOMSTIC AND FOREIGN COMMENT IN THE DAYS TO COME. RENEWED FOCUS ON THIS ASPECT OF GOC EFFORTS TO DEAL WITH RISING ANTI-GOVERNMENT ACTIVITY WILL OF COURSE PROVIDE NEW AMMUNITION TO THE GOC'S MOST INTRANSIGENT OPPONENTS AND UNDERMINE EFFORTS BY MODERATES TO FIND ENOUGH MIDDLE GROUND BETWEEN GOVERNMENT OPPOSITION TO SUPPORT A PEACEFUL TRANSITION. DESPITE THE NEGATIVE TREND, THE LACK OF EVIDENCE OR CREDIBILITY OF TORTURE CLAIMS MADE RENG THE COORDINADORA ARRESTEES ILLUSTRATES THAT AT LEAST SOME TORTURE CLAIMS MAY BE FABRICATED OR EXAGGERATED BY CERTAIN OPPOSITION POLITICAL GROUPS TO ATTACH THE PINOCHET GOVERNMENT. THEBERGE

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E.O. 12356: DECL: OADR
TAGS: PGOV, PINS, SHUM, CI
SUBJ: SUPREME COURT UPHOLDS BUT LIMITS LOWER COURT RULING ON RELEASE OF VALDES AND OTHERS IN PAMPHLETS CASE

REF: SANTIAGO 4063

1. (U) SUMMARY: ON JULY 29, THE SUPREME COURT UPHELD A COURT OF APPEALS DECISION IN FAVOR OF WRITS OF HABEAS CORPUS FILED ON BEHALF OF CHRISTIAN DEMOCRAT LEADER GABRIEL

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PAGE 02 SANTIA 04396 021533Z

VALDES AND FIVE OTHERS, REJECTING A MINISTRY OF INTERIOR APPEAL. THE SUPREME COURT BASED ITS DECISION ON LACK OF SUFFICIENT EVIDENCE AGAINST THE ACCUSED, SIDESTEPPING THE LOWER COURT'S BROADER RULING THAT ACTS OF PEACEFUL PROTEST ARE NOT ILLEGAL UNDER THE INTERNAL SECURITY LAW. BOTH THE GOC AND OPPOSITION LAWYERS HAVE CLAIMED THE

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SUPREME COURT DECISION AS A VICTORY FOR THEIR RESPECTIVE POSITIONS. END SUMMARY.

2. (U) ON JULY 28, BY A VOTE OF FOUR TO ONE, THE FIRST CHAMBER OF THE SUPREME COURT UPHELD A COURT OF APPEALS DECISION IN FAVOR OF WRITS OF HABEAS CORPUS FILED ON BEHALF OF CHRISTIAN DEMOCRAT LEADERS GABRIEL VALDES, JOAVANDERO, JOSE DE GREGORIO, TWO YOUNG MEN, AND THE WOMAN OWNER OF A PRINTING PLANT. ALL HAD BEEN DETAINED IN CONNECTION WITH PAMPHLETS CALLING FOR A NON-VIOLENT PROTEST ON JULY12. IN A POTENTIALLY FAR-REACHING DECISION (REFTEL), THE LOWER COURT HELD ON JULY 13 THAT THE SECTION OF THE SECURITY LAW UNDER WHICH THE SIX WERE DETAINED APPLIED ONLY TO ACTS THAT WOULD PROMOTE CIVIL INSURRECTION AND THAT THE ACTS OF PEACEFUL PROTEST IN QUESTION ARE LEGAL. IN RESPONSE TO AN APPEAL BY THE MINISTRY OF INTERIOR, THE SUPREME COURT UPHELD THE COURT OF APPEALS' RULING TO FREE THE SIX CHRISTIAN DEMOCRATS BUT DID NOT ADDRESS THE LOWER COURT'S FINDING THAT PEACEFUL PROTESTS ARE LEGAL. THE MAJORITY OPINION REJECTED THE INISNTRY OF INTERIOR APPEAL ONLY ON THE BASIS THAT THE EVIDENCE PREXENTED SO FAR WAS INSUFFICIENT TO DETERMINE THAT "THE ILLEGAL ACTS OF HICH THE SIX ARE ACCUSED WERE COMMITTED." THE DISSENTING JUDGE ARGUED THAT THE EVIDENCE PRESENTED BY THE MINISTRY OF INTERIOR IS SUFFICIENT TO DETAIN AND TRY, IF NOT NECESSARILY TO CONVICT, THE SIX.

3. (U) ONE OF THE FOUR JUDGES VOTING TO UPHOLD THE

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PAGE 03 SANTIA 04396 021533Z

LOWER COURT DECISION SUBMITTED A SEPARATE OPINION, WHICH ADDRESSES THE ISSUE OF THE LEGALITY OF THE ACTS. HE MAINTAINED THAT WHILE AN INDIVIDUAL ACT OF PEACEFUL PROTEST MUST BE CONSIDERED ONLY A MANIFESTATION OF OPINION, REPEATED ACTS SUCH AS THE MONTHLY PROTEST COULD BE INTERPRETED AS PART OF A PLAN DESIGNED TO SUBVERT PUBLIC ORDER. FURTHERMORE, HE ARGUED THAT THE ACTS OF PASSIVE RESISTANCE, SUCH AS NOT SHOPPING, ADVOCATED IN THE PAMPHLETS TEND TO DISRUPT PUBLIC ORDER AND THAT THE PRINTING AND DISTRIBUTION OF PAMPHLETS SANCTIONING THESE ACTS COULD FALL WITHIN THE FRAMEWORK OF THE LAW ON INTERNAL SECURITY.

4. (U) AMBROSIO RODRIGUEZ, CHIEF LEGAL ADVISER OF THE MINISTRY OF INTERIOR, TOLD NEWSMEN THAT THE SUPREME COURT RULING INDICATES THAT THE AC WHICH THE SIX WERE ACCUSED ARE ILLEGAL AND LEAVES THE CASE OPEN TO FURTHER INVESTIGATION. HE INTERPRETED THE DECISION AS A VICTORY FOR THE GOC. OPPOSITION LAWYERS, ON THE OTHER HAND, PUBLICLY HAILED THE DECISION AS A VICTORY

FOR THEIR SIDE. PATRICIO AYLWIN, ONE OF THEMEMBERS OF THE DEFENSE TEAM, ARGUED THAT THE SUPREME COURT DECISION CONFIRMED THAT THE ACTS ON WHICH THE CASE CENTERED ARE NOT A CRIME AND THAT THEREFORE CALLING FOR A PROTEST AND PRINTING PAMPHLETS AR LEGAL ACTS.
5. (C) COMMENT: THE GOC HOPED THAT THE SUPREME COURT WOULD NARROW THE SCOPE OF THE LOWER COURT DECISION AND CLAIMS THAT IT HAS DONE SO. ON THE OTHER HAND, THE OPPOSITION IS CLEARLY UNWILLING TO RELINQUISH THE IMPORTANT VICTORY GAINED UNDER THE LOWER COURT RULING. IN PRIVATE CONVERSATIONS, OPPOSITION LAWYERS TELL US THAT INDEED THE SUPREME COURT DECISION HS THE EFFECT OF SETTING ASIDE THE GROUNDSOF THE LOWER COURT RULING AND THUS LIMITS ITS SIGNIFICANCE. THE SAME SOURCES ACKNOWLEDGE HOWEVER, THAT THE OPPOSITION NOW HAS A MORE FAVORABLE JURIDICAL SITUAION THAN BEFORE THE PAMPHLETS CASE, EVEN IF THE LEGAL LIMITS OF WHAT CONSTITUTES PEACEFUL
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PAGE 04 SANTIA 04396 021533Z

PROTEST REMAIN SOMEWHAT AMBIGUOUS. THE NET EFFECT SHOULD BE TO ENCOURAGE NEW EFFORTS TO TEST THOSE LIMITS IN THE PROTEST BEING ORGANIZED FOR AUGUST 11.
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PAGE 01 SANTIA 04397 021535Z
CTION ARA-16

INFO OCT-00 ADS-00 INR-10 OIC-02 CIAE-00 EB-08 DODE-00
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TO SECSTATE WASHDC 6124
INFO AMEMBASSY BUENOS AIRES
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Chile Project (#S199900030)
U.S. Department of State
Release Excise Deny
Declassify: In Part In Full
Exemption(s)

C O N F I D E N T I A L SANTIAGO 4397

E.O. 12356: DECL: 8/1/89
TAGS: SHUM, PINS, CI
SUBJ: GOC RELEGATES THIRTEEN MORE PRESUMED COMMUNISTS IN JULY

REF: SANTIAGO 3802

1. (U) THE GOC USED ITS EXECUTIVE POWERS UNDER TRANSITORY ARTICLE 24 TO RELEGATE THRITEEN MORE PESUMED COMMUNISTS IN JULY, BRINGING TO TWENTY-THREE THE NUMBER RELEGATED SINCE JUNE 28, WHEN MINISTER OF INTERIOR MONTERO ANNOUNCED THATTHE GOC WOULD RELY MAINLY ON THE COURTS TO DEAL WITH THOSE ENDANGERING NATIONAL SECURITY, ALTHOUGH IT WOULD CONTINUE TO USE EXECUTIVE POWERS AGAINST COMMUNISTS. WHILE THE GOC HAS NOT PUBLICLY JUSTIFIED THE RELEGATIONS IN ALL CASES,MOST ARE PRESUMED TO BE COMMUNISTS WHO HAVE ORGANIZED OR PARTICIPATED IN THE RECENT MONTHLY ANTI-GOVERNMENT PROTESTS.
2. (C) FIVE OF THOSE RELEGATED IN JULY WERE PICKED UP DURING THE JULY12 DISTURBANCES, WHILE THE OTHER EIGHT WERE ARRESTED INDIVIDUALLY IN THE WEEK FOLLOWING THE

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DISTURBANCES. A SOURCE AT THE VICARIATE OF SOLIDARITY, WHICH PROVIDED LEGAL ASSISTANCE TO THE THIRTEEN DETAINEES, TOLD EMBOFF THAT ALL ARE PRESUMED TO HAVE PLAYED LEADING ROLES IN ORGANIZING ANTI-GOVERNMENT PROTESTS IN THE POORER REGIONS OF SANTIAGO, WHERE DISTURBANCES HAVE BEEN PARTICULARLY WIDESPREAD AND VIOLENT. THE SOURCE

COULD NOT VERIFY WHETHER THE THIRTEEN ARE COMMUNISTS, BUT INDICATED THAT HE HAD NO REASON TO DTHAT THE GOC IS STICKING TO ITS ANNOUNCED POLICY OF RELYING ON THE COURTS TO DEAL WITH NON-COMMUNISTS WHILE APPLYING ADMINISTRATIVE MEASURES AGAINST COMMUNISTS.

3. (U) WE UNDERSTAND THESE RELGATIONS ARE TOO SMALL TOWNS AND VILLAGES IN REMOTE AREAS OF CHILE. RELEGATIONS ARE AFOR A MAXIMUM OF 90 DAYS (USUALLY EXACTLY 90 DAYS). THOSE RELEGATED NORMALLY ARE ALLOWED TO MAKE THEIR OWN LIVING ARRANGEMENTS, TO WORK IF THEY CAN FIND A JOB, TO RECEIVE VISITORS, AND TO MOVE ABOUT WITHIN THE TOWN OR VILLAGE AREA PROVIDED THEY REPORT TO THE POLICE AT LEAST TWICE A DAY. RELEGATION WAS USED BY PREVIOUS CHILEAN GOVENMENTS, GENERALLY FOR SPECIFIC CASES.

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00-04-05 17:15:47

P830103-1951 KH137

United States Senate

August 4, 1983

EXCISE

Respectfully referred to:

Office of Congressional Relations
Department of State

Because of the desire of this office to be responsive to all inquiries and communications, your consideration of the attached is requested. Your findings and views, in duplicate form, along with return of the enclosure, will be appreciated by

JH

Barry Goldwater
U.S.S.

Form #2

[redacted] Project (#5199900030)
U.S. Department of State
[redacted] Excise X Deny
[redacted] Partially in Part [redacted] in Full
Exemption(s) B6

re: The arrest of Rene Riquelme Matamala in Santiago

from [redacted]

RECEIVED
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PAGE 01 SANTIA 04497 01 OF 02 052056Z
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INFO	OCT-00	COPY-01	ADS-00	INR-10	EUR-12	SS-10	OIC-02
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C O N F I D E N T I A L SECTION 01 OF 02 SANTIAG 4497

E.O. 12356: DECL: 8/5/89
TAGS: PINS, PGOV, SHUM, SCUL, CI
SUBJECT: PINOCHET ANNOUNCES COUNCIL OF STATE WILL STUDY NEW LAWS ON FUNCTIONING OF POLITICAL PARTIES, ELECTROCAL SYSTEM AND NATIONAL CONGRESS

REF: SANTIAGO 4424

1. (C) SUMMARY: ON AUGUST 4, PRESIDENT PINOCHET ANNOUNCED THAT THE COUNCIL OF STATE WOULD PREPARE A STUDY OF THE IMPLEMENTING LEGISLATION FOR THE FUTURE FUNCTIONING OF POLITICAL PARTIES, THE ELECTORAL SYSTEM, THE NATIONAL CONGRESS AND THE ELECTORAL COMMISSION. IN RESPONSE TO REPORTERS' QUESTIONS, HE REAFFIRMED 1989 AS THE END DATE FOR

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PAGE 02 SANTIA 04497 01 OF 02 052056Z

THE TRANSITION, SAID OPPOSITION LEADERS WOULD BE CONSULTED FOR THE STUDY, AND NOTED THAT THE CONSTITUTION OF 1980 WOULD PROVIDE THE FRAMEWORK FOR THE NEW LAWS. PRELIMINARY REACTIONS FROM VARIOUS POLITICAL SECTORS REFLECT CAUTION ABOUT THE SIGNIFICANCE OF THE ANNOUNCEMENT, BUT THE OPENING OF BROAD-BASED DEBATE ON POLITICAL PARTIES AND

OTHER MAJOR ISSUES COULD SERVE AS A SIGNIFICANT STEP FORWARD IN THE TRANSITION OF CHILE BACK TO DEMOCRACY. END SUMMARY.

2. (U) PRESIDENTIAL ANNOUNCEMENT: ON AUGUST 4, PRESIDENT PINOCHET ANNOUNCED THAT HE HAD CHARGED THE CONSULTATIVE COUNCIL OF STATE WITH THE TASK OF PREPARING A STUDY OF THE IMPLEMENTING LEGISLATION FOR THE FUTURE FUNCTIONING OF THE POLITICAL PARTIES, THE ELECTORAL SYSTEM, THE NATIONAL CONGRESS AND THE ELECTORAL COMMISSION. HE ALSO ANNOUNCED THAT OPPOSITION LEADERS WOULD BE INCLUDED IN THE CONSULTATIVE PROCESS, WHICH IS SCHEDULED TO BEGIN IN OCTOBER.

3. (U) RESPONSES TO QUESTIONS: IN RESPONSE TO REPORTERS' QUESTIONS, PINOCHET:
--SAID THAT THE ANNOUNCEMENT DID NOT REPRESENT AN ACCELERATION OF THE TRANSITION;
--GOOD-HUMOREDLY SIDESTEPPED A QUESTION ON WHETHER OR NOT THIS ANNOUNCEMENT WAS PART OF A POLITICAL OPENING;
--NOTED THAT 1989 WAS STILL THE DATE FOR COMPLETING THE TRANSITION;
--AGREED THAT THE ANNOUNCEMENT FELL WITHIN THE LINES SUGGESTED IN HIS RECENT LETTER TO THE POPE (REFTEL);
--EXPRESSED THE HOPE THAT OPPOSITION LEADERS WOULD OFFER "HEALTHY AND WELL-INTENTIONED OPINIONS";
--STATED THAT THE CONSTITUTION OF 1980 PROVIDES TME RULES UNDER WHICH THE NEW CONSTITUTIONAL LAWS WILL FALL;
--SAID THAT THE STUDY WILL BE CONDUCTED BY THE COUNCIL OF
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PAGE 03 SANTIA 04497 01 OF 02 052056Z

STATE UNDER THE LEADERSHIP OF ITS PRESIDENT, MIGUEL SCHWEITZER SPEISKY (FATHER OF THE FOREIGN MINISTER); AND
--NOTED THAT THE COUNCIL OF STATE HAS NO DEADLINE FOR ITS REPORT.

4. (U) FERNANDEZ COMMISSION: LATER THAT AFTERNOON, FORMER MINISTER OF INTERIOR SERGIO FERNANDEZ ANNOUNCED THAT THE COMMISSION FOR THE STUDY OF ORGANIC CONSTITUTIONAL LAWS, WHICH HE CHAIRS, WOULD BE DISSOLVED AND INCORPORATED INTO THE COUNCIL OF STATE AS SOON AS THE LAW GOVERNING THE COUNCIL CAN BE NODIFIED.

5. (U) STREET DEMONSTRATIONS CONTINUE: THE SAM EVENING, UP TO SEVERAL HUNDRED YOUNG PEOPLE HELD AN APPARENTLY UNRELATED PEACEFUL DEMONSTRATION AT TWO LOCATIONS IN DOWN-TOWN SANTIAGO IN AN ATTEMPT TO BUILD SUPPORT FOR THE DEMONSTRATIONS PLANNED FOR AUGUST 11. THE DEMONSTRATORS WERE QUICKLY DISBANDED WITHOUT VIOLENCE BY SPECIAL CARABINERO UNITS AND TWENTY-SIZ YOUTHS WERE ARRESTED, ALL OF WHOM HAVE SINCE BEEN RELEASED. A SMALL PEACEFUL DEMONOSTRATION OF

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PAGE 01 SANTIA 04497 02 OF 02 052041Z
ACTION ARA-16

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	COME-00	SSO-01	HA-08	L-03	LAB-04	PM-08	PA-01
	PC-01	OMB-01	STR-14	SIL-01	INRE-00	RP-10	USIE-00
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FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 6161
INFO AMEMBASSY BUENOS AIRES
USMISSION GENEVA
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C O N F I D E N T I A L SECTION 02 OF 02 SANTIAGO 4497

PERHAPS 200 YOUTHS IN VALPARAISO WAS ALSO QUICKLY BROKEN UP
BY CARABINEROS WITH ABOUT TEN YOUTHS DETAINED.
6. (U) PUBLIC COMMENT: WHILE PUBLIC REACTIONS TO THE ANNOUNCEMENT WERE UNIVERSALLY FAVORABLE, OPPOSITION LEADERS CAUTIOUSLY HEDGED THEIR COMMENTS BY POINTING OUT THAT ONLY TIME WILL TELL WHAT WOULD REALLY COME OF THIS INITIATIVE BY THE GOVERNMENT. BISHOP SANTOS, PRESIDENT OF THE CHILEAN BISHOPS CONFERENCE, VIEWED THE ANNOUNCEMENT AS POSITIVE AND EXPRESSED THE HOPE THAT THE POLITICAL PARTIES WOULD USE THE OPENING INTELLIGENTLY IN ORDER TO SATISFY THE ASPIRATIONS OF ALL CHILEANS. THERE HAS NOT YET BEEN TIME FOR ANY EDIORIAL OPINION ON THE ANNOUNCEMENT BUT WE EXPECT IT WILL BE FAVORABLE AND WILL ATTEMPT TO ENCOURAGE AN OPENING BY THE GOVERNMENT AS HAS BEEN THE GENERAL TREND

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PAGE 02 SANTIA 04497 02 OF 02 052041Z

OF EDITORIAL COMMENTARY FOR SOME MONTHS.

7. (C) COMMENT: THE SIGNIFICANCE OF PRESIDENT PINOCHET'S ANNOUNCEMENT CAN ONLY BE MEASURED OVER TIME, AS THE VARIOUS POLITICAL ACTORS DEFINE THEIR POSITION. IT IS NOT, AS *SOME HEADLINES AND RADIO REPORTS HAVE SUGGESTED*, A LIFTING OF THE BAN ON POLITICAL ACTIVITIES. IT IS A PRESIDENTIAL ANNOUNCEMENT OF A STUDY COMMISSION COMPOSED MOSTLY OF CONSERVATIVE GOVERNMENT SUPPORTERS OPERATING WITHINT THE GUIDELINES OF THE 1980 CONSTITUTION. THEY WILL, ACCORDING TO THE ANNOUNCEMENT, BE FREE TO CONSIDER ALL ASPECTS OF THE QUESTION FULLY, CONSULT WITH WHOMEVER THEY CHOOSE AND ISSUE A FINAL REPORT WHEN READY. THE PRESIDENT MAY THEN ACCEPT, REJECT OR MODIFY THE RECOMMENDATIONS OF THE REPORT AS HE SEES FIT. THE MAJOR OPPOSITION PARTIES WILL NOT RUSH TO EMBRACE THE PROPOSAL,
AND THE FAR LEFT WILL OBVIOUSLY ATTACK IT. CAVEATS ASIDE, HOWEVER, THE ANNOUNCEMENT DOES REPRESENT A POTENTIALLY SIGNIFICANT STEP FORWARD IN THE TRANSITION OF CHILE BACK TO DEMOCRACY, SIMPLY BY OPENING FAIRLY BROAD-BASED DEBATE ON SERIOUS POLITICAL ISSUES IF SO, IT MAY HAVE IMPORTANT EFFECTS GOING BEYOND PINOCHET'S OWN INTENTIONS, WHICH ARE STILL NOT CLEAR. THEBERGE

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[redacted]

August 3, 1983

The Honorable George P. Shultz
Secretary of State
Department of State
Washington, D.C. 20520

[redacted]

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s)

Dear Mr. Secretary:

We were pleased to see the Department of State's July 11, 1983 statement expressing "support for the right to peaceful dissent" in Chile and recognizing the need "for the transition to democracy sought by the vast majority of Chileans."

As you know, we are approaching the tenth anniversary of the military coup that interrupted a long tradition of democratic government in Chile. Despite the passage of years, it is evident that the Chilean people have maintained their attachment to democratic principles. Recently, virtually all sectors of the population have joined in pressing for an early resumption of democratic government. In keeping with the high priority that you have given to the promotion of democracy as a goal of American foreign policy, we call upon the Department of State to aid the movement to restore democracy in Chile to the maximum degree that is consistent with respect for Chilean sovereignty.

Specifically, we believe that it would be helpful for the Department to condemn publicly all efforts by the Chilean military junta to use repressive measures such as exile, political imprisonment and torture to crush the movement towards democracy. In addition to speaking out on such human rights matters, we hope the Department will follow up on its July 11 statement by making it unmistakably clear that the U.S. supports a speedy and peaceful restoration of democratic government in Chile.

Sincerely,

Sam Gejdenson

Michael D. Barnes
Chairman
Subcommittee on Western
Hemisphere Affairs

Lawrence J. Smith

George W. Crockett, Jr.

Barney Frank

Carroll Hubbard, Jr.

Norman J. Mitchell

Anthony C. Beilenson

Gerry E. Studds

Fortney H. Stark

Bill Richardson

Mike Synar

Dan Glickman

Mickey Leland

Pat Williams

Tony Hall

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Chile Project (#S19990003) U.S. Department of State
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JULY 27:

-- Javier Reyes Castillo reportedly died on July 14 from a beating by carabineros on July 12.

-- Bishop Oviedo sharply criticized the July 30 police round-up in Osorno as brutal and degrading. Residents of the area have filed a formal complaint with the court. (Santiago 4609).

AUGUST 1:

-- CNI agents arrested four regional communist leaders in Arica. They are Alberto Barraza Veliz, Luis Carlos Gomez Garrido, Armando Guerra Olmos, and Oscar Pavelic. CNI reported finding explosives, pamphlets calling for subversive action on August 11, and guns in a subsequent search of their homes. The four communists are being held incommunicado. (Santiago 4609)

AUGUST 2:

-- Minister of Interior Montero announced that a new exile list will be ready before September 11. There is speculation that the list may contain only names of those who will not be allowed to return to Chile.

-- The Ministry of Interior has charged Blanca Carrasco Ahumada, Raul Flores Castillo, and Jose Luis Azocar Rocha with six violations each under the Law on Internal Security and one violation under military justice. (See Santiago 4587). The three alleged MIRistas are being held incommunicado.

-- The Ministry of Interior announced that it would not pursue the case against Gabriel Valdes and five others accused of printing and plotting to distribute subversive pamphlets.

-- The Supreme Court received a petition requesting an investigation into the eight deaths that occurred during the last three national protests.

AUGUST 3:

-- The Court of Appeals has completed the investigative (summary) phase in the case against Roberto Seguel and five other CODELCO labor leaders. Recommendations by the court will be made within six days.

-- The Ministry of Interior stated that it is investigating allegations by Gabriel Valdes that he has received anonymous letters and pamphlets threatening him and his family.

-- Four of those detained during the police round-up in Osorno have been charged and bound over for trial, while all others have been released without charges. Official sources now estimate the number detained at 540.

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-- A military court in Chillan acquitted Isaac Nelson Aedo Vargas, who had been charged with illegal possession of arms. The court confirmed the sentences of two other persons: Jose Hipolito Cabrera, an ex-Army major sentenced on three counts for a total of six years in prison, under the Arms Control Law; and Lautaro Chavez Molina, sentenced to 541 days in prison under the same law.

-- The Ministry of Interior denied a report by a U.S. citizen of Cuban origins who claimed that he had been detained and mistreated in Chile.

AUGUST 4:

-- Two Italian communist members of the European Parliament were denied entry into Chile.

-- Thirty-six youths were detained during apparently unrelated demonstrations in Santiago and Valparaiso. All of those detained have been released without charges. Police used tear gas to break-up a similar demonstration in Concepcion; no arrests were reported. (Santiago 4609)

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August 8, 1983

DRAFT

ACTION MEMORANDUM

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____

TO: L - Mike Kozak

FROM: L - Steve Asher

SUBJECT: L Response to Efforts to Execute Letelier Judgment Against LAN-Chile Airlines

Although I have not heard from LAN-Chile's lawyers since last week, I think that the problems created by Judge Lasker's decision are not going to go away and that we should be in a position to understand the pros and cons of the options before us. Therefore, if we are called upon to take a quick decision at some point in this case, we would be in a better position to act decisively and intelligently.

To this end, I will attempt to sketch out in preliminary form my rough efforts to generate what I see as the plausible options facing L and the pros and cons of each.

Option 1: Tell LAN USG will not play any role at any stage

Under this option, we would simply tell LAN's lawyers that we have taken the decision not to get involved in the case at any stage and that they should pursue the suit on their own.

PROS:

-- This would reaffirm our view that sovereign immunity issues are for the courts and that L is out of the sovereign immunity business.

-- This would avoid possibly harsh criticism and conceivable publicity attendant to any USG effort which is perceived as helping Chile "get away" with the murder of Letelier and Ronni Moffitt in Washington, D.C.

-- If we think at the end of the day we are not going to get involved it would be more helpful to LAN to say so now so it can plan accordingly.

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CONS: -- We could be saddled with Lasker's unfavorable and erroneous conclusions concerning (1) the ability of plaintiffs with a judgment based on a noncommercial tort [§ 1605(a)(5)] to execute that judgment against commercial assets under a provision allowing execution only against commercial assets "used for the commercial activity upon which the claim is based" [§ 1610(a)(2)], (2) letting a judgment creditor pierce the veil of a foreign sovereign agency or instrumentality on an extremely weak showing of equitable circumstances justifying judicial disregard of the entity's separate status, (3) imposition of sanctions on LAN-Chile for Chile's failure to comply with discovery requests. Any one of these unfavorable precedents could have signficant effects in other cases, and lead to serious foreign policy problems with affected stastes.

-- ARA/SC has previously indicated support for USG intervention on LAN-Chile's side in the interest of good bilateral relations.

-- The aviation office has expressed its concern that reaching assets of a state-owned airline to satisfy a judgment against the state could have harmful effects on other state-owned airlines.

-- A decision against LAN-Chile could conceivably have harmful effects in the Huguang Railroad Bonds case. Although Lasker's theory of veil-piercing--that use of LAN-Chile equipment and invovlement of low-level personnel in the scheme to assassinate Letelier constitutes Chilean "disregard" of LAN's separate status--is not directly relevant to a future effort by bondholders to execute against CAAC, the opinion does suggest a readiness to disregard separate status which could be cited by bondholders.

Option 2: Intervene Now

Under this option, the United States Government would file a suggestion of interest or a memorandum amicus curiae (assuming concurrence of the Department of Justice and the U.S. Attorney's Office for the Southern District of New York) in District Court in Foley Square. There are a number of suboptions involving the grounds for any such statement. These suboptions can be combined.

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GENERAL PROS:

-- Intervening now would "get it over with" and at least raise the possibility of disposing of the litgation at the District Court level. It would be fairer to plaintiffs not to string them out if indeed we will eventually intervene on the other side.

-- This would win us the most political credit with Chile.

GENERAL CONS:

-- L has had a policy of not intervening or otherwise getting involved in cases in the District Court because it has been our experience that District Courts often do the right thing without L prompting and because trial court factfinding often clarifies the issues in dispute.

-- Our chances of success with Lasker must be discounted because he has already gone on record on these issues and in effect we would be asking him to take back what he has already said.

-- It is still possible that Lasker could decide on the basis of further discovery that LAN was not involved in the conspiracy and thus is not the alter ego of Chile in the assassination. Such a decision would obviate the need for L action.

Suboption 2(a): Suggest that the judgment cannot be satisfied by execution pursuant to § 1610(a)(2).

In this suboption we argue that a judgment based upon a non-commercial tort, here political assassination, cannot be executed by use of section 1610(a)(2), which provides for execution against foreign state commercial property which "is or was used for the commercial activity upon which the claim is based." Although I could not find any cases on point after a preliminary search, it does seem that Lasker's reading of this language to cover transport of personnel and materiel used in the assassination is strained. The claim, which was solely against Chile, not LAN, was not based on commercial activity. It was for political assassination. It arose under section 1605(a)(5), a section to be used only for claims which do not arise under any of the other provisions, including section 1602(a)(2), which is actions based on commercial activity.

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PROS: -- Judge Lasker's views of the execution provision are not based on a natural reading of the text and therefore L's position would be legally sound.

-- Establishing the position that noncommercial tort suits against foreign sovereigns cannot be executed by reliance on this provision would eliminate future embarrassing efforts to execute political tort judgments against foreign sovereigns.

-- Probably execution of these sorts of political tort suits are the most objectionable to other foreign sovereigns.

-- L is traditionally thought to have a continuing responsibility to guide judicial interpretation of the FSIA. Therefore, it would not be incongruous for L to take a position on this matter.

CONS: -- There may be increased pressure in Congress to amend the FSIA to allow unlimited execution of all tort judgments against any foreign sovereign commercial assets if L successfully asserts that 1610(a)(2) is not available, especially in a notorious case such as this one.

-- The import of the L position is that a noncommercial tort judgment is essentially a shell, especially in political tort cases. This view is likely to engender considerable criticism, and would be viewed as allowing foreign sovereigns which commit egregious crimes in the U.S. to "get away with it."

Suboption 2(b): Suggest that the court has applied the wrong standards in determining when one entity should be responsible for the acts of another

Under this suboption we would argue that Judge Lasker simply applied the wrong standards to allow the judgment against Chile to be executed against LAN-Chile. Judge Lasker wrote:

> As the record presently stands, the judgment creditors have made a threshold showing that Chile used LAN to facilitate the events in question. If Chile ignored LAN's separate existence in accomplishing the wrong, it may not now invoke that separate existence in order to deny the injured a remedy.

Letelier v. Republic of Chile d/b/a LAN-Chile, memorandum op. M18-302 (S.D.N.Y. July 28, 1983) at 11-12.

The court seems to have misapplied the Supreme Court's decision in First National City Bank v. Banco para el Comercio Exterior de Cuba, No. 81-984 (U.S. June 17, 1983) [Bancec]. Although the Court did say that equitable considerations may be used to pierce the veil of a foreign sovereign entity, the prime consideration found by the Supreme Court was that Bancec was a plaintiff in U.S. courts, suing a U.S. entity which had claims against Cuba. The Court did not suggest that the separate status of such an entity be lightly disregarded and did not lay down new standards outside the counterclaim context.

At any rate the court made no finding that high-level LAN officials knew of the conspiracy or that they collaborated with DINA in it. All of the judgment creditors' allegations of overt acts could have been asserted with equal plausibility had LAN been private. Even in that situation, some of LAN's working level officials could have decided to help their country's intelligence operatives further a scheme about which they knew nothing. We could argue with some force that had plaintiffs wished to demonstrate LAN's involvement in the conspiracy, they could have sued LAN in the original action in Washington.

PROS: -- As suggested above, our legal position is strong.

-- Unlike option 2(a), this position would not lead to pressure to revise the FSIA.

-- Unlike option 2(a), this position would not be as offensive to human-rights advocates because it would not foreclose the possibility of executing a political tort judgment.

CONS: -- We will still come in for heavy criticism for helping Chile "get away with it." In addition, we will be criticized for suggesting the corporate veil be pierced when the state is Cuba, as in Bancec, and for suggesting that the veil not be pierced when the state is Chile.

-- Even if we only state our views on this one point, we may be pressured to give our views on the FSIA execution point.

Suboption 2(c): Suggest that it is improper to invoke Rule 37 sanctions against LAN-Chile for Chile's failure to comply with discovery requests

Under this suboption, we would take issue with Lasker's warning on p. 13 of his opinion that if Chile fails to comply with "judgment creditors' reasonable and relevant discovery demands . . , the judgment creditors would be entitled to invoke the ordinary rules of evidence and the sanctions provided in Fed. R. Civ. P. 37(b)." Under Rule 37, Lasker is entitled to make findings of fact adverse to parties who fail to comply with discovery requests, and to award a default judgment to the requesting party in whole or in part.

The problem with this of course is that whether Chile is a party to an execution proceeding against LAN-Chile is the ultimate question in fact. To invoke discovery sanctions against LAN because of inaction by Chile is to beg the question, which is whether the faults of Chile may be visited upon the airline.

We could file a suggestion of interest (probably amicus is not appropriate in that we are dealing with procedural matters) stating that (1) discovery requests against foreign sovereigns should take into account their sovereign nature (the Abu Dhabi point) and (2) any sanctions against LAN for Chile's failure to answer constitutes prejudging the ultimate question.

PROS:

-- Again, we would have a good legal argument.

-- L involvement on the discovery point only would be much less offensive to human rights advocates that on other issues, but would still reassure the Republic of Chile that we had not forsaken them.

-- Since District Court judges are granted wide latitude in managing discovery, it would probably not be wise to wait to the appellate stages to raise the point.

CONS: -- Any action on this point might be premature since Lasker's statement was a threat, not a ruling. We could make a statement if and when he is actuaally prepared to invoke Rule 37.

Suboption 2(d): Support LAN's efforts to certify the case to the Second Circuit

LAN's lawyers have stated that they will likely seek certification of case upon interlocutory appeal to the Second Circuit. Their chances are uncertain, especially given Lasker's view that more facts need be found. We could support the certification on the ground that impotant and controlling questions of law are presented whose resolution would materially advance the litigation, the statutory standard. This seems true enough.

PROS: -- This gets the matter to the Second Circuit, where a favorable decision on the merits is more likely than before Judge Lasker.

-- This could also avoid the discovery battle mentioned above.

-- This would be cause a minimum level of offense to the human rights community and provide significant reassurance to Chile.

CONS: -- Certification is hard to get and the chances of success are not good even with our participation.

-- Once we are in, we have to be prepared to take some kind of position on the merits before the Second Circuit.

Option 3: Wait until the appeal to become involved

Under this option, we would do nothing but I would hope we would take a tentative decision about what we would say on appeal, depending of course on what Lasker's opinion finally says. We would tell LAN we have not made up our minds yet, so they do not make any representations to the court that are not consistent with what we want to say. On appeal we would have the grounds in suboptions 2(a), execution under the FSIA, and 2(b), alter ego.

PROS: We need not take any decision today, so this leaves some of our options open.

This is consistent with the usual practice of the office, which is to wait until the appellate level.

Most of the pros related to suboptions 2(a) and 2(b) would be applicable to raising those arguments on appeal.

It is still possible that Lasker could resolve the case in LAN's favor, thus avoiding the need to take any action at all.

CONS: The same cons related to suboptions 2(a) and 2(b) would still apply.

We would probably lose the chance to raise the discovery issue, or at least face much more uncertain chances of success if it were raised on appeal.

If certification is denied, and discovery continues we would be stringing LAN, the plaintiffs and the court along if we knew we were going to file a statement on appeal that we should realize would be of great significance.

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RELEASED
El Salvador: Human Rights
Special Project (1993)

RELEASE

1980

December

02 Murders; Death threats in Chalatenango.

03 Schindler reports nuns missing; National Police order search; discovery of van; bodies found and buried; "Act of Inspection."

04 U.S. Ambassador notified of grave; bodies exhumed and taken to funeral home; no autopies at that time; "Act of Exhumation"; junta orders Vides Casanova to investigate.

05 Cornejo saw Colindres Aleman and others burn woman's clothing; Zepeda begins investigation ordered by Vides Casanova.

06 Zepeda acknowledges order and appoints Sergeant Canales as secretary; Mejia report to Zepeda; Zepeda takes testimony of National Guard at burial site.

07 Colindres Aleman tells Giron "They were subversives . . ."

08 Ambassaor meeting with junta; informed of formation of investigative commission; met with commission.

09 FBI legal attache (legat) arrives in El Salvador; Vides Casanova meeting with local commanders? Did Colindres Aleman tell Martinez of his involvement?

10 Commisson requests autopsies of women buried in U.S.

11 Thomas Bracken notifies U.S. Embassy of information about murders; Embassy requests FBI techical assistance.

12 [redacted] technicians in El Salvador; find latent prints; [redacted] paint scraping and debris from van for analysis; [redacted] mission members visit murder site and question peasants there.

14 FBI technicians depart El Salvador.

15 Legat interview with priest in Chalatenango re threat letter.

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El Salvador: Human Rights
Special Project (1993)

December - 1980

16 FBI receives latent prints from van.

17 Bracken killed; request for autopsies.

20 Commission begins Christmas break; Legat returns to Panama; threat letter sent to FBI labs.

23 Kazel autopsy; FBI takes prints from Donovan body.

30 Martinez retires from National Guard.

31 FBI lab report on autopsies.

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El Salvador: Human Rights
Special Project (1993)

1981

January

02 Legat report on status of investigation.

05 Commission returns from Christmas break; "Moran" letter to Vides Casanova?

06 Legat returns to El Salvador.

07 FBI receives paint scrapings, threat sign and letter; FBI lab report on debris from van.

08 FBI fingerprint report regarding van prints and Kazel and Donovan; Legat departs El Salvador.

09 Zepeda interviews Airport personnel Colindres Aleman, Cruz Piche, Monterrosa and Cornejo.

10 Zepeda's findings.

12 FBI lab report on hair and clothing samples.

13 Legat in El Salvador; meets with Monterrosa and gives him FBI lab reports and authopsy reports on Kazel and Donovan; Colonel Monterrosa said no fingerprints; interview with Heather Foote.

16 Legat and Ambassador meet with Duarte; give him 11 point memo on investigation.

19 Legat leaves El Salvador; legat and Poloff meet with Morales Erlich and give him memo of investigation leads; Zepeda ends investigation.

26 [redacted] office informs EMOFF that autopies would be performed on 28th January.

28 [redacted] copies of Ford and Clarke; FBI fingerprint report.

30 FBI lab report on scrapings, etc. and turbo fuel.

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El Salvador: Human Rights
Special Project (1993)

1981

February

03 Sisters Dorsey and Alexander deliver to Embassy letter regarding money carried by nuns.

07 Sister Dorsey calls Embassy regarding money carried by nuns.

10 Charge and DCM meet with Duarte regarding investigation; Embassy official meets with Monterrosa, wanted information regarding money carried by nuns.

17 Embassy official meets with Monterrosa, sees end of work.

18 Deputy AG tells Embassy officials that autopsies would be finished tomorrow.

20 Deputy AG tells Poloff that investigation had shifted from Monterrosa investigation to AG; he had taken testimony from witnesses at site.

25 Legat returns to El Salvador.

26 Deputy AG informs Poloff and Legat that Duarte ordered him to investigate; commission says work complete except prints of Gaitan, Coreas, Monterrosa, Cubas and Piche.

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El Salvador: Human Rights
Special Project (1993)

1981

March

02 Duarte gives 2 cartridge cases and 3 bullets found by AG team to Ambassador.

04 Legat departs El Salvador for Washington, D.C. with cartridges, bullets, and full sets of prints.

05 Evidence received at FBI lab.

09 Letter from Duarte to Colonel Monterrosa - list of all personnel, fingerprints, collected weapons, ballistic tests.

17 FBI report shows bullets from G3 rifle.

18 FBI fingerprint report.

22 FBI lab report - document exams.

26 FBI lab reports - cartridge cases, bullets, tooth.

30 Duarte request for FBI ballistics tests.

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El Salvador: Human Rights
Special Project (1993)

1981

April

01 Charge meeting with Duarte and Gutierrez regarding ballistics test; Legat in El Salvador.

02 Fingerprint report on "Senor White" threat letter; Legat memo - guardsmen prints do not match.

03 Embassy official meeting with Monterrosa regarding collecting of weapons.

12 Embassy source ID's Colindres Aleman.

13 Embassy official meets with Monterrosa regarding FBI fingerprint results; notes that Colindres Aleman's were missing.

21 Meeting between Charge and Duarte - Colindres Aleman's name given to Duarte.

22 Poloff call from informant; meeting; said Zepeda knew.

23 Legat to El Salvador.

24 Poloff call from information; names of Orlando Contreas and Moreno Conjura.

26 Charge and DCM meeting with Vides Casanova and Guillermo Garcia.

28 Six guardsmen in custody.

29 Zepeda reopens investigation.

30 Vides Casanova gives fingerprints of six suspects to Legat.

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El Salvador: Human Rights
Special Project (1993)

1981

May

01 National Guard seizes weapons to be tested; DCM delivers sets of prints; FBI fingerprint report.

02 Zepeda note to Vides Casanova stating that fingerprints and weapons taken.

04 FBI receives special evidence; Colindres Aleman testimony to Zepeda and testimony of others.

05 Legat leaves El Salvador for Washington, D.C. with weapons.

06 Legat arrives in United States with rifles.

07 FBI lab receives six National Guard rifles for ballistics test; FBI matches latent print from van with Colindres Aleman.

13 Cartridges matched with one of rifles by FBI; FBI fingerprint report; FBI translates tape.

19 Embassy official meeting with AG re FBI reports

21 Charge gives translation of FBI reports to Garcia and CofS.

27 Translation of special evidence.

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El Salvador: Human Rights
Special Project (1993)

1981

June

08 FBI lab report on special evidence.

25 Zepeda orders testimony of guardsmen at airport.

26 Zepeda testimony from Lopez Toban, Perez Nieto, Orantes Menjivar and Contreras.

27 Zepeda orders amplification of Colindres Aleman and Canjura testimony.

30 Guardsmen's testimony to Zepeda.

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El Salvador: Human Rights
Special Project (1993)

1981

July

01 Zepeda's findings - Part II - report to Vides Casanova.

21 Letter to Congress regarding killings.

22 Moran contacts United States Embassy Mexico City.

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El Salvador: Human Rights
Special Project (1993)

1981

August

10 National Guard file on investigation sent by Vides Casanova to Defense Minister Garcia.

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Special Project (1993)

1981

September

04 Ambassador receives copy of National Guard investigation file.

22 Garcia tells Ambassador that El Salvador wants to solve murders but may need U.S. help.

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Special Project (1993)

1981

October

27 Government of El Salvador request for technical law enforcement assistance.

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Special Project (1993)

1981

December

01 United States reponse to government of El Salvador request for assistance.

04 DCM and Legat meeting with Salvadoran Attorneys; recommend accusador particular and working group.

05 DCM and Legat meeting with commission; commission agrees to working group; Legat leaves El Salvador.

07 DCM and Legat meet with AG and Deputy AG; agree to working group of commission; Monterrosa advised of assistance to working group.

08 Ambassador and Legat meeting with Duarte on case; Duarte to make "radio message" contact available.

09 Medrano group initiated by order of Vides Casanova.

10 Medrano group begins work; airport fuel workers testimony; duty roster from airport.

11 Medrano interviews Cruz Piche.

12 Medrano group interviews guards of Hector Herrera.

14 Legat and Poloff meet with Medrano group; statements from airport fuel personnel.

15 Testimony by Cruz Piche.

16 Legat and Poloff meet with Medrano group; statements from Piche, Monterrosa and Santiago Chavez; Legat departs El Salvador; fuel operator Mendez Valasquez interview.

17 [redacted]timony of Monterrosa, Cornejo, Giron, and Ayala [redacted]ior.

18 Embassy official meets with Medrano group; statements from Cornejo and Giron.

19 Testimony of Santiago Chevez?

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El Salvador: Human Rights
Special Project (1993)

1981

November

21 Poloff meeting with source; Martinez key; Vides Casanova afraid of exposing Zepeda's cover up.

30 Legat in El Salvador.

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Special Project (1993)

December - 1981

21 Working group tells Embassy official they will finish by second week in January.

22 Testimony of Perez Nieto.

23 Testimony of DeDios Barrera.

24 Testimony of Maria Realejeno.

28 Embassy official meets with Medrano group; statements from Nieto, DeDios Barrera, and Marina Realejeno.

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El Salvador: Human Rights
Special Project (1993)

1982

January

05 Contreras Palacios located by working group and detained.

06 Poloff meeting with working roup regarding witnesses and evidence; testimony of Melgar Garay and Lopez.

07 FBI interview with Rosales, fuel crew chief at airport on 12/2/80; FBI interview with Martinez; Legat in El Salvador.

08 Testimony of Ramirez Palacios.

12 Statement of Elias Sanchez; Duarte tells Ambassador that case would go to civil court in February.

13 FBI interview with Sister Rieckleman; polygraph examiners to El Salvador.

14 FBI interview of Contreras Palacios - confession; working group interview of Contreras Recinos and polygraph.

15 Umana-Funes statement to FBI; FBI interview of Rivera Franco and Perez Nieto, Canales Ramirez, Elias Sanchez.

16 FBI polygraph of Canales Ramirez and Moreno Canjura -Deception Indicated.

18 FBI polygraph of Colindres Aleman - Deception indicated except for "higher orders."

19 FBI polygraphers return.

20 Legat departs El Salvador.

22 [redacted] tells Ambassador case may go to civilian court the week of January 25.

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El Salvador: Human Rights
Special Project (1993)

1982

February

02 Poloff and political counselor meeting with Dr. Alvergue, Minister of Presidency concerning "radio message."

08 Deputy AG informs Embassy that six National Guard will be remanded to court; National Guard accused are discharged and arrested.

09 Duarte confirmed to Ambassador and DCM that six National Guard will be turned over to court on February 10; copy of National Guard report to court; statements of Contreras Palacios, Rivera Franco, Orlando Contreras, Moreno Canjura, Canales Ramirez, and Colindres Aleman; Medrano gives files to Vides Casanova.

10 Martinez sworn statement to FBI implicating Colindres Aleman; accused transferred to San Salvador penitentiary; Martinez polygraphed.

13 Sumario or Instruction phase.

17 Letter from FBI to Poloff; original of Martinez statement.

25 FBI interview with Colonel Bosch.

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Special Project (1993)

1982

March

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Special Project (1993)

1982

April

14 Legat to El Salvador.

21 Legat leaves El Salvador.

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Special Project (1993)

1982

May

06 Legat to El Salvador.

11 Legat departs El Salvador.

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Special Project (1993)

1982

June

21 Legat questions Moran in Mexico City.

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Special Project (1993)

1982

July

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Special Project (1993)

1982

August

04 Legat to El Salvador.

07 Legat leaves El Salvador.

09 FBI gets 8 statements from Maryknoll for El Salvador.

13 Embassy receives judicial statement of Curranza, Cornejo, Medrano and Zepeda.

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Special Project (1993)

1982

September

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Special Project (1993)

1982

October

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Special Project (1993)

1982

November

15 Case ordered to plenary.

16 Poloff notified by government of El Salvador that prosecutors need physical evidence and reports from FBI.

19 Colonel Pena interviewed by U.S. Army Attache in Hondoruas.

24 Letter from FBI to government of El Salvador regarding fingerprints.

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Special Project (1993)

1982

December

06 Defense Counsel appointed by Judge Rauda.

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Special Project (1993)

1983

January

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Special Project (1993)

1983

February

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Special Project (1993)

1983

March

11 Appeals court returns case to trial court for further evidence.

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Special Project (1993)

1983

April

25 Letter from judge asking for Embassy help in locating van, etc.

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1983

May

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Special Project (1993)

1983

June

14 Request for FBI technical assistance to El Salvador National Police for ballistics tests.

20 FBI lab examiner in El Salvador to assist in ballistics tests.

28 Posner and O'Sullivan meet with Department of State regarding "Moran" letter.

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El Salvador: Human Rights
Special Project (1993)

1983

July

05 FBI lab examiner departs El Salvador.

06 Poloff advises Salvadoran prosecutors they want copies of fingerprints.

08 Posner and Greathead visit with judge; gave him "Moran" letter; Embassy request to AG not to go to plenary.

14 Judge orders Posner and Greathead to appear regarding "Moran" letter.

22 Letter from Maryknoll regarding nuns; Martinez c[redacted]-tacted by Los Angeles FBI.

27 Meeting with Gettinger and Martinez.

30 Martinez returns to El Salvador and makes 12 page statement.

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El Salvador: Human Rights
Special Project (1993)

1983

August

03 FBI lab report on 2 additional rifles.

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Special Project (1993)

R

Monday, Aug. 8

Memcon of Rivera meeting

RELEASE

Rivera was looking very down at the mouth today, having just returned from a vacation in Mexico where he did not have a good time. He complained on constant headaches which he was able to have checked out in Mexico and blamed the pressure of his work, especially the Churchwomen's case. It was therefore not the best time to have talked with him about the following:

1. FOIA request: He said his original intention to permit the FBI to hand over evidence only to the families. He was personally not disposed to [redacted] give the FBI such authorizatio in the first place but he did so on instructions from Chachi Guerrero. He said he would discuss the issue with Guerrero when he returned from Israel.

2. Cordero: Rivera said he was the coordinator of the case but all the fiscals would be invovled in presenting the case to the jury. (My impression is that the job of coordinator is more of a gofer than anything else since he is the one that has to run to Zacatecoluca to deliver papers etc.

3. On the issue of how to proceed with the fingerprint compari sons, Rivera said we should talk to Vides Casanova. I did not press him on this because he looked so tired and depressed.

4. Moran letter: Rivera said that Moran had failed to appear twice at the Juzgado to offer his deposition in the case. Cordero planned to leave Tuesday to take deposition of Judge in San Luis Talpa in the case. Vides Casanova has yet to testify.

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Special Project (1993)
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5. Q: Will the FBI release the transcript of the polygraph examinations?

A: There is no transcript available of the polygraph examinations. The polygraph examiner conducted his examination from a work sheet. Most of the questions from the work sheet are control questions designed to relax the examinee and provide a scientific basis upon which to compare his physical reactions to the substantive questions. In the case of the suspects in the churchwomen's case, the FBI examiner prepared a polygraph report for each examination. This report includes the examiner's general conclusion about whether the subject was lying. In the case of Colindres Aleman, the report also provides the specific questions and responses in which the examiner noted deception. The FBI has informed us that it will not release these polygraph reports.

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Special Project (1993)

8. Q: What questions was Colindres asked while on the polygraph about the involvement of other higher officials? Have we made a diplomatic approach to President Duarte about his statement in the press over the past weekend that no senior officials were involved?

A: The following question was asked of Colindres Aleman while he was on the polygraph: (English translation) "Did you receive instructions or orders to attack (atentara) those women?"

Colindres Aleman responded "No." No deception was noted on the polygraph machine. The polygraph examination was administered by experienced FBI examiners, with standard control procedures. It was clear to the interviewers that Colindres Aleman fully understood what the question implied. On all other substantive questions put to Colindres Aleman concerning his personal involvement in the crime, his negative answers did indicate deception on the polygraph.

The Embassy has not made a formal diplomatic approach to former President Duarte concerning his statement to the press about no involvement by senior officials. Duarte made this statement in response to a direct question on this matter by a member of the press. His response was apparently based upon his personal assessment of all of the evidence. There is no indications that President Duarte attempted at any time in the course of this investigation to interfere with the process of justice. In fact, given the dominant role which judges are supposed to play in the Salvadoran judicial system and the nature of Salvadoran society today, it is very unlikely that a simple, public statement by Duarte would have much if any effect on a criminal case.

RELEASED
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Special Project [illegible]

15. Q: Where are the various telephones located at the airport that are the subject of the investigation, i.e., the telephone of the guard house, etc.?

A: There are eight pay telephones located in the airport terminal building. Four are located in the downstairs lobby and four are located upstairs in the immigration area. Each of the airlines has a private line located in the office behind its counter. In addition, the immigration service has a private line located in its office upstairs, and the Salvadoran Customs Service has a private line in its office at the ground floor customs area. The airport administration and the flight control tower have outside lines as well, but airport sources report that the National Guard personnel rarely enter those sections of the terminal building.

The National Guard airport command post is located nearly one mile north of the terminal building. The building is at the perimeter of the airport grounds. The command post telephone is located in the Administrative office in the command post building. Our Embassy cannot guarantee that the telephones were located at these same places in December 1980. Airport sources state that they believe that the phone location have not changed since 1980. Airport sources have informed our Embassy, however, that they believe that the phone locations have not changed since 1980.

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Special Project (1993)

19. Q: Can we investigate whether there was any communication between US officers Col. Cruz, Col. Cummings and Col. Bosch and members of the government or the oligarchy concerning the churchwomen? Mr. Ford reports that he had been given a rumor that Hans Krist got a communication from an American colonel that the churchwomen were coming and would be interfered with. The source reportedly is the man named Cortez whom we have attempted unsuccessfully to contact through Moran. Cortez supposedly was an employee of Hans Krist. Cortez also is alleged to have driven the van to pick up the soldiers to carry out the deed. Could Cortez be the missing witness? Moran reportedly has a son who is now in El Salvador but has sought asylum in Mexico. Would we make arrangements to get Moran's two children out of El Salvador before he talks with us?

A: None of the three military officers named in the question held any discussion of the churchwomen, by name or in general, with Salvadoran government officials or members of the "oligarchy" prior to the murders. After the murders the three served on occasion as liaison between those in the Embassy working directly on the case and the Salvadoran military. They did so with the full approval and coordination of Embassy officers as part of our ongoing effort to urge the Salvadoran government to pursue the investigation vigorously.

The Legal Attache at the Embassy in Mexico City contacted Juan Moran on June 21, 1982. Moran was asked if he would voluntarily submit to a polygraph examination conerning his allegations about the connection of a man named Cesar Cortez with the murders of the churchwomen. Moran failed to cooperate with USG officials. He stated that under no circumstances would he submit to a polygraph examination. He further warned that if he were contacted by USG officials during a planned trip to Houston, Texas in July that he would immediately leave the country.

Moran continues to maintain that he does not know the whereabouts of Cesar Cortez. Unfortunately, we have not been able to locate Mr. Cortez or determine if indeed Cortez exists.

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El Salvador: Human Rights
Special Project (1993)

20. Q: Two of the family members said that their sisters had reported being followed by a Huey helicopter. One of them was being followed while on the road between Santa Rosa and La Libertad. This took place approximately three weeks prior to the killing. Has this been investigated?

A: The Salvadoran government had no Huey helicopters until January 1981. There was one US-manned OAS Huey helicopter in El Salvador in November-December 1980. For the most part, this helicopter patrolled the northern border with Honduras in Chalatenango and Cabanas Departments. It is possible that a helicopter would follow either of the two main roads by which one would travel from Santa Rosa to La Libertad for some distance while returning from Chalatenango to Ilopango Air Base. Helicopter logs for El Salvador do not indicate routes followed. They indicate only place of departure, places of all intermediate landings, and place of final landing for the day. Our Embassy is attempting, nevertheless, to obtain copies of the logs.

RELEASE
El Salvador: Human
Special Project (

22. Q: Did anyone talk with a man named Carlos Paredes, who is alleged to have information about the murders?

A: To our knowledge, no one from the US Embassy in San Salvador has spoken with Carlos Paredes about the murders. Mr. Paredes left his post in the Salvadoran government as Sub-Secretary of Planning in January 1981. He is reported to be residing in Mexico. We are attempting to contact Mr. Paredes through our Embassy in Mexico City. We will report the results of these efforts.

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PAGE 01 SANTIA 04537 091259Z
ACTION ARA-16

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USMISSION GENEVA
AMEMBASSY LIMA
AMEMBASSY LONDON
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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
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Exemption(s) ____

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C O N F I D E N T I A L SANTIAGO 4537

E.O. 12356: DECL: OADR
TAGS: PREL, SHUM, EC, CI
SUBJECT: ITALIAN COMMUNIST MEMBERS OF EUROPEAN PARLIAMENT
DENIED ENTRY INTO CHILE

REF: BUENOS AIRES 5374 (NOTAL)

1. (U) TWO ITALIAN COMMUNIST MEMBERS OF THE EUROPEAN PARLIAMENT WERE DENIED ENTRY INTO CHILE ON AUGUST 4. THE TWO WERE PART OF A GROUP OF SEVEN EUROPEAN PARLIAMENTARIANS WHO HAD JUST COMPLETED A VISIT TO ARGENTINA. ACCORDING TO PRESS ACCOUNTS, FOUR NON-COMMUNIST MEMBERS OF THE GROUP WERE PERMITTED TO ENTER CHILE. A SEVENTH MEMBER HAD REPORTEDLY RETURNED TO EUROPE DIRECTLY FROM ARGENTINA.

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PAGE 02 SANTIA 04537 091259Z

2. (U) A STATEMENT RELEASED ON AUGUST 5 BY THE CHILEAN FOREIGN MINISTRY MADE THE FOLLOWING POINTS:
--IN ACCORDANCE WITH THE LAWS IN FORCE CONCERNING FOREIGNERS, COMMUNIST PARTY DEPUTIES PANCRAZIO DI PASQUEALE AND GUIDO FANTI, WHO ARE MEMBERS OF THE EUROPEAN PARLIAMENT, WERE NOT PERMITTED TO ENTER CHILE.

--FOUR OTHER MEMBERS OF THE EUROPEAN PARLIAMENT WERE PERMITTED TO ENTER. THEY ARE M. PEDINI, G. BARBAGLI, M.A. MACCIOCHI, AND ERNEST GLINNE. IN CONTRAST TO THE MEASURES AFFECTING THE COMMUNIST PARLIAMENTARIANS, THERE WERE NO MEASURES BARRING THE ENTRY OF THESE FOUR REPRESENTATIVES OF DEMOCRATIC PARTIES.
--DESPITE THE FACT THAT THERE HAVE BEEN REPORTS FROM ARGENTINA WHICH INDICATE THAT SOME OF THE EUROPEAN PARLIAMENTARIANS HAVE CARRIED OUT ACTIVITIES THAT INTERFERED IN THE INTERNAL AFFAIRS OF THAT COUNTRY, THE GOC HAS ALLOWED THEM TO ENTER CHILE SINCE THEY CLAIM TO BE HERE ON A PRIVATE VISIT FOR PURPOSES OF TOURISM. THE GOC HOPES THAT THEIR CONDUCT DURING THE VISIT WILL BE IN KEEPING WITH THEIR STATED PURPOSE.

3. (U) THE "GROUP OF 24", AN OPPOSITION COALTION STUDY GROUP WHICH REPORTEDLY PLANNED TO MEET THE VISITING PARLIAMENTARIANS, ISSUED A PUBLIC STATEMENT CONDEMNING THE GOVERNMENT'S ACTIONS. THERE HAVE BEEN NO OTHER REPORTED INCIDENTS IN CONNECTION WITH THE PARLIAMENTARIANS' VISIT AND PRESS COVERAGE OF THEIR ACTIVITIES HERE HAS BEEN MINIMAL.

4. (U) BEFORE DEPARTING CHILE ON AUGUST 6, GLINNE AND MACCIOCHI RELEASED A STATEMENT TO THE PRESS IN WHICH THEY EXPRESSED SOLIDARITY WITH THE TWO COMMUNIST PARLIAMENTARIANS WHO WERE NOT PERMITTED TO ENTER CHILE. THEY CLAIMED THAT DURING THEIR VISIT HERE THEY HAD MET WITH EC DELEGATES IN

SANTIAGO, WITH CARDINAL SILVA, WITH REPRESENTATIVES OF THE CHILEAN HUMAN RIGHTS COMMISSION AND THE VICARIATE OF SOLIDARITY, AND WITH VARIOUS OTHER POLITICAL AND HUMAN RIGHTS FIGURES. THEY ALSO INFORMED THE PRESS THAT THEY HAD TRAVELLED TO VINA DEL MAR TO ATTEND A CEREMONY AT THE GRAVE OF SALVADOR ALLENDE. THEY INDICATED THAT THEY WOULD RELEASE THEIR IMPRESSIONS OF CHILE AFTER RETURNING TO EUROPE.

5. (C) COMMENT: THE GOC'S DECISION TO DENY ENTRY TO THE TWO COMMUNIST PARLIAMENTARIANS WAS UNDOUBTEDLY INFLUENCED IN PART BY REPORTS THAT THE GROUP HAD "ENGAGED IN CONTROVERSIAL POLITICAL ACTIVITIES" IN ARGENTINA (SEE REFTEL). THE FACT THAT THE FOUR NON-COMMUNISTS WERE ALLOWED TO ENTER WHILE THE TWO COMMUNISTS WERE BARRED IS CONSISTENT WITH THE GOC'S RECENT POLICY ON TARGETING COMMUNISTS WHILE ATTEMPTING TO SHOW MORE TOLERANCE TOWARDS NON-COMMUNISTS. ALTHOUGH GOC CRITICS AT HOME AND ABROAD WILL PROBABLY CITE THE INCIDENT AS FURTHER EVIDENCE OF GOC REPRESSION, THE GOC APPEARS TO HAVE EXERCISED RESTRAINT IN THIS CASE, CONSIDERING

THE REPORTS FROM ARGENTINA AND ITS OWN DEEP FEAR OF FOREIGN INTERFERENCE IN DOMESTIC AFFAIRS. THEBERGE

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Case Number: s199900006

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PAGE 01 SANTIA 04554 092033Z
ACTION ARA-16

INFO OCT-00 COPY-01 ADS-00 AID-07 EB-08 SSO-01 LAB-04
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Chile Project (#s199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

O R 091920Z AUG 83
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 6181
INFO AMEMBASSY BUENOS AIRES

UNCLASSIFIED

C O N F I D E N T I A L SANTIAGO 4554

STATE FOR WARNOCK/S/IL--PLEASE PASS TO AIFLD DIRECTOR DOHERTY; BUENOS AIRES--PLEASE INFORM AIFLD REGIONAL REP. TORRES-LAZO

E.O. 12356: DECL: OADR
TAGS: ELAB, CI
SUBJ: UNION OF DEMOCRATIC WORKERS (UDT) REQUESTS AFL-CIO FINANCIAL AID IN CASE OF TUCAPEL JIMENEZ ASSASSINATION

REF: SANTIAGO 2379 (NOTAL)

1. (C)-ENTIRE TEXT.
2. IN ABSENCE OF AIFLD REPRESENTATIVE IN CHILE TORRES, WHO IS OUT OF THE COUNTRY ON VACATION, THE UNION OF DEMOCRATIC WORKERS (UDT), WHICH RECEIVES ASSISTANCE FROM THE AFL-CIO, HAS ASKED EMBASSY'S ASSISTANCE IN PASSING FOLLOWING REQUEST TO AIFLD DIRECTOR DOHERTY.
3. LAWYERS FOR THE NATIONAL ASSOCIATION OF PUBLIC EMPLOYEES (ANEF) HAVE REACHED A POSSIBLE IMPORTANT BREAKTHROUGH IN THE CASE OF THE ASSASSINATED FORMER ANEF LEADER, TUCAPEL JIMENEZ. THE LAWYERS HAVE LEARNED THAT AN INDIVIDUAL WITH APPARENTLY SIGNIFICANT INFORMATION BOUT THE MURDER AND THOSE WHO MIGHT BE IMPLICATED IS CURRENTLY IN FRANCE. THIS INDIVIDUAL PROVIDED SOME INDICATIONS OF HIS KNOWLEDGE O THE CRIME TO PERSONS CONNECTED WITH THE

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PAGE 02 SANTIA 04554 092033Z

CHURCH PRIOR TO LEAVING CHILE AT THE BEGINNING OF THE YEAR. IT HAS TAKEN THE ANEF LAWYERS SOME TIME TO TRACK DOWN THE INDIVIDAUL, BUT THEY HAVE NOW LOCATED HIM AND WISH TO INTERIEW HIM DIRECTLY IN FRANCE. NEITHER ANEF NOR THE UDT HAVE FUNDS TO PAY THE COST OF TRAVEL TO FRANCE. THEY HAVE THEREFORE REQUESTED THE EMBASSY

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TO ASK AIFLD DIRECTOR DOHERTY FOR HELP, IF THERE IS ANY POSSIBLE WAY HE COULD DO SO. THE UDT HAS REQUESTED TRAVEL FUNDS FOR ALDO SIGNORELLI AND ALVARO VARELA (THE LATTER WORKS FOR THE VICARIATE OF SOLIDARITY). THEY HOPE TO TRAVEL NO LATER THAN AUGUST 15 (ALTHOUGH WE ARE UNAWARE OF THE IMPORTANCE OF THIS TIMING).
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TEXT OF TELEGRAM 83SAN SA007030

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PAGE 01 SAN SA 07030 091707Z
ACTION ARA-16

INFO OCT-00 COPY-01 ADS-00 INR-10 EUR-12 SS-10 CIAE-00
DODE-00 H-01 IO-15 NSCE-00 NSAE-00 SSO-01 HA-08
L-03 PM-08 PA-01 OMB-01 INRE-00 SAL-01 SP-02
SNP-01 PRS-01 /092 W
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UNCLASSIFIED

O 0917012 AUG 83
FM AMEMBASSY SAN SALVADOR
TO USIA WASHDC IMMEDIATE 1308
SECSTATE WASHDC IMMEDIATE 8364
INFO AMEMBASSY BELIZE
AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY MANAGUA
AMEMBASSY MEXICO
AMEMBASSY PANAMA
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HTS PN

[redacted] SAN SALVADOR 07030

USIA

USIA FOR AR, P/CENTAM, P/RM
STATE FOR ARA/CEN, AMBASSADOR STONE, AMBASSADOR PICKERING
SOUTHCOM FOR SCJ-3-SOD, SCPA

E.O. 12356: N/A
SUBJECT: MEDIA REACTION: STONE MEETS WITH ZAMORA

1. (U) NEWSPAPER REACTION TO SENATOR STONE'S MEETING WITH RUBEN ZAMORA IS NOTABLE FOR ITS NEAR INVISIBILITY. NEXT DAY COVERAGE WAS BASED ON WIRE SERVICE STORIES AND BURIED [redacted]

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El Salvador: Human Rights
Special Project (1993)

PAGE 02 . SAN SA 07030 091707Z

IN TEXT OF INSIDE PAGES. AS OF PM 8 AUGUST THERE HAS BEEN NO, RPT NO, COMMENTARY. EVEN ALLOWING FOR LAST WEEK'S AUGUST HOLIDAYS WE EXPECTED SOMETHING BY NOW.

2. (U) RADIO COVERAGE HAS BEEN MUCH MORE EXTENSIVE, WITH REBROADCASTS OF INTERVIEWS WITH ZAMORA FROM COLOMBIA AND GUILLERMO UNGO FROM COSTA RICA. WE FIND THE WILLINGNESS AND ABILITY OF LOCAL RADIO TO BROADCAST INTERVIEWS WITH FDR LEADERS, EVEN WHEN THEY ORIGINATED WITH OTHERS, TO

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United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: HOFFENBERG, MARY
Date: 06/10/94
Case ID: 9940034F

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BE NOTEWORTHY. SUCH A THING WOULD HAVE BEEN UNTHINKABLE SEVERAL MONTHS AGO. THE ONLY RADIO COMMENTARY THAT WE ARE AWARE OF WAS A PROGRAM ON "LA VOZ PANAMERICANA" IN WHICH THE NON-GOVERNMENTAL HUMAN RIGHTS COMMISSION "GREETED WITH RENEWED OPTIMISM THE ATTAINMENT OF POLITICAL DIALOGUE."

3. (U) AS ADDRESSEES AWARE, RADIO VENCEREMOS HAS ATTACKED STONE AS A "SOLDIER OF INTERVENTION" AND INSISTED THAT HE IS A PARTY TO THE CONFLICT AND CANNOT ACT AS A MEDIATOR.

4. [redacted]IN POST'S VIEW, LOCAL NEWSPAPERS' SILENCE IS REMINISCENT OF THE SHERLOCK HOLMES STORY WHERE THE SIGNIFICANT ELEMENT WAS THE "DOG THAT DIDN'T BARK IN THE NIGHT." THE UNIFORM SILENCE PROBABLY REFLECTS THE MISGIVINGS OF THE MORE CONSERVATIVE ELEMENTS HERE SINCE THE LOCAL PAPERS GENERALLY MIRROR THEIR VIEWS VERY CLOSELY. LIKEWISE THE THRUSDAY ATTACK BY RADIO VENCEREMOS, WHICH HAD PREVIOUSLY REMAINED SILENT, PROBABLY INDICATES THE DISMAY OF SOME ELEMENTS IN THE GUERRILLAS WHO ARE UNCOMFORTABLE ABOUT HAVING TO PUT UP OR SHUT UP ON A POLITICAL SETTLEMENT.
HAMILTON

[redacted]

PAGE 03 SAN SA 07030 0917072

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Special Project (1993)

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AN: D830455-0531

PAGE 01 SAN SA 07043 0923352
ACTION HA-00

INFO OCT-00 COPY-01 ADS-00 INR-10 SS-10 OIC-02 CIAE-00
H-01 IO-15 NSCE-00 ARA-16 NSAE-00 SSO-01 SY-06
L-01 PM-08 PA-01 HCT-02 OMB-01 INRE-00 SAL-01
SYE-00 SP-02 SNP-01 PRS-01 /090 W
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FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 8371
INFO DIA WASHDC IMMEDIATE
AMEMBASSY BOGOTA
USMCINCSO QUARRY HTS PM
USSA WASHDC 1310

RELEASE

[redacted] SAN SALVADOR 07043

ARA FOR AMBASSADOR PICKERING

USIA FOR AR AND P/CENTAM

E.O. 12356: N/A
TAGS: SHUM, ES
SUBJECT: ALLEGATION OF HUMAN RIGHTS ABUSES

REF: STATE 217631

1. IN RESPONSE TO REFTEL REQUEST, THERE FOLLOWS ALL AVAILABLE INFORMATION ON THE TWO ALLEGED HUMAN RIGHTS ABUSES IN SAN VICENTE DEPARTMENT.

[redacted]

PAGE 02 SAN SA 07043 0923352

2. THE 7/12/83 ISSUE OF LEADING LOCAL DAILY LA PRENSA GRAFICA PUBLISHED A NEWS ITEM WHICH REPORTED THAT A CLANDESTINE CEMETERY BELONGING TO SUBVERSIVES WAS DISCOVERED BY THE PIPIL BATTALION IN THE VICINITY OF SAN JUAN BUENAVISTA, SAN VICENTE DEPARTMENT. THE HEADQUARTERS OF THE GOES ARMED FORCES (EMGFA) REPORTED TO THE PRESS THAT THE NUMBER OF GRAVES DISCOVERED CORRESPONDED ROUGHLY TO THE NUMBER OF ESTIMATED ENEMY CASUALTIES DURING BATTLES IN THE DEPARTMENTS OF SAN VICENTE, USULUTAN, AND SAN MIGUEL.

3. ACCORDING TO THE OFFICE OF THE U.S. DEFENSE ATTACHE (DAO), THE 7/23/83 HAVANA DOMESTIC SERVICE CHARGE BEARS NO RESEMBLANCE TO ANY KNOWN AMBUSH OR OTHER SALVADORAN ARMED FORCES ACTIVITY IN SAN VICENTE OR ELSEWHERE. DAO FURTHER REPORTS THERE WERE NO KNOWN INCIDENTS OF LARGE NUMBERS OF EX-COMBATANTS OR INSURGENT FOLLOWERS TAKEN TO SAN VICENTE DURING THE MONTH OF JULY.

4. DR. MARIA JULIA HERNANDEZ, OF THE ARCHBISHOPRIC'S OFFICE OF LEGAL ASSISTANCE, TOLD EMBOFF THAT HER OFFICE HAS RECEIVED NO CONFIRMATION WHATSOEVER ON THE ALLEGED VIOLATIONS AND THAT NO ONE HAS COME FORWARD TO PRESS CHARGES OR DENOUNCE ABUSES CORRESPONDING TO THE TWO ALLEGED EVENTS.

5. COMMENT. BOTH HUMAN RIGHTS VIOLATIONS REPORTS APPEAR TO BE TOTAL FABRICATIONS BY THE GUERRILLAS, PUBLISHED IN AN ATTEMPT TO GARNER SYMPATHY FOR MILITARY REVERSES. IT SHOULD BE NOTED, MOREOVER, THAT THE "REPORTS" WERE PUBLISHED IN A TIME FRAME COINCIDENTAL WITH CONGRESSIONAL CERTIFICATION OF THE HUMAN RIGHTS SITUATION IN EL SALVADOR END COMMENT. BLEAKLEY

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PAGE 03 SAN SA 07043 0923352

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El Salvador: Human Rights
Special Project (1993)

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AN: DBJ0458-0695

PAGE 01 SAN SA 07054 1000332
ACTION ARA-16

INFO OCT-00 COPY-01 ADS-00 INR-10 SS-10 CIAE-00 EB-08
DODE-00 H-01 NSCE-00 NSAE-00 CONE-00 SSO-01 SY-05
HA-08 L-03 LAB-04 PM-08 PA-01 HCT-02 OMB-01
STR-14 SIL-01 INRE-00 SAL-01 SYE-00 SR-02 SNP-01
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P 1000302 AUG 83
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC PRIORITY 8302
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
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USIA WASHDC 1316

[redacted] SAN SALVADOR 07054

ARA FOR AMBASSADOR PICKERING

USIA FOR AR AND P/CENTAM

E.O. 12356: DECL: 8/9/89
TAGS: SHUM, PINS, ES
SUBJECT: ANIS TREASURER RELEASED: LAS HOJAS CASE BACK ON TRACK

REF: SAN SALVADOR 5810

1. [redacted] ENTIRE TEXT.

2. ADRIAN ESQUINO LISCO AND FERMIN GARCIA GUARDADO, SALVADORAN NATIONAL INDIAN ASSOCIATION (ANIS) SECGEN AND TREASURER, RESPECTIVELY, VISITED LABOFF ON 8/9/83.

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PAGE 02 SAN SA 07054 1000332

ANIS REPS INFORMED LABOFF THAT GARCIA, JAILED ON TRUMPED-UP CHARGES ON 6/24/83 (SEE REFTEL), WAS FREED ON 7/30/83, AFTER PRESIDENTIAL MINISTER FRANCISCO "CHACHI" GUERRERO SPOKE WITH THE SALVADORAN ATTORNEY GENERAL IN ESQUINO'S PRESENCE AND SECURED A RELEASE ORDER. ACCORDING TO ESQUINO, GUERRERO ALSO ASSURED ANIS REPS THAT THE JUDGE IN CHARGE OF THE LAS HOJAS CASE WILL SOON ORDER THE DETENTION OF THE "FINGERMEN" INVOLVED IN THE KILLINGS. THE CASE WILL THEN PASS OVER TO THE TRIAL (PLENARIO) STAGE. (NOTE: THE INVESTIGATION PHASE (FASE DE INSTRUCCION) IS OVER AND DETENTION OF THE SUSPECTS IS PREREQUISITE FOR THE ELEVATION OF THE CASE TO THE PLENARIO STAGE).

3. AS NOTED, GARCIA WAS JAILED ON TRUMPED-UP CHARGES ON 6/24/83. HE IS THE FATHER OF ONE OF THE VICTIMS OF THE LAST HOJAS MASSACRE AND A MATERIAL WITNESS IN THE ONGOING COURT CASE. ESQUINO AND GARCIA APPEARED OPTIMISTIC AND RELIEVED BY THE RECENT TURN OF EVENTS. ESQUINO TOLD LABOFF HE TRUSTS GUERRERO WILL KEEP HIS PROMISE TO ENSURE THAT JUSTICE WILL BE DONE AND THAT THE WIDOWS AND ORPHANS OF LAS HOJAS WILL BE COMPENSATED FOR THEIR GRIEVOUS LOSS.

4. ESQUINO AND GARCIA EXPRESSED THEIR APPRECIATION FOR THE MISSION'S SUCCESSFUL INTERCESSION ON BEHALF OF GARCIA GUARDADO'S FREEDOM. THEY WERE ESPECIALLY GRATEFUL THAT CHARGE BLEAKLEY EXPRESSED POST'S CONCERN IN THE CASE TO NOD VIDES CASANOVA. ANIS REPS CONSIDER THIS ACTION A CRUCIAL STEP IN SECURING GARCIA'S FREEDOM. ANIS ALSO SENT TELEX TO THE EMBASSY (ADDRESSED TO AMBASSADOR PICKERING) EXPRESSING THE ASSOCIATION'S THANKS FOR ITS

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PAGE 03 SAN SA 07054 1000332

EFFORTS TOWARD SECURING THE LIBERTY OF GARCIA GUARDADO.
BLEAKLEY

RELEASED
El Salvador: Human Rights Special Project (1993)

Department of State IS/FPC/CDR El Salvador SP Date 9/21/93
Declassified under EO 12356 (✓) in full; ( ) in part;
portions withheld: classified ( ); deliberative ( );
law enforcement ( ); privacy ( ), statutory ( );
not relevant to El Salvador ( ).

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TELEGRAM

INDICATE COLLECT / CHARGE TO

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FROM	CLASSIFICATION
AMEMBASSY SANTIAGO	UNCLASSIFIED 1019422

12356
E.O. ~~11652~~:
TAGS: N/A
SUBJECT: SHUM, CI
RESPONSE TO CONGRESSIONAL INQUIRY ON ARREST AND DETENTION OF BLANCA CARRASCO AHUMADA, RAUL FLORES CASTILLO AND JOSE LUIS AZOCAR ROCHA

~~ACTION~~:

ACTION: SECSTATE WASHDC

14 AUG 83

UNCLASSIFIED SANTIAGO 4586
DEPARTMENT ALSO FOR ARA AND HA
H PASS: HONORABLE FRANK WOLF
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ✓
Exemption(s) ____

AMB
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1. ASSISTANT SECRETARY OF STATE MOORE HAS ASKED ME TO RESPOND TO YOUR LETTER OF JUNE 3 CONCERNING THE ARREST AND DETENTION OF BLANCA CARRASCO AHUMADA, RAUL FLORES CASTILLO, AND JOSE LUIS AZOCAR ROCHA.

2. THEY WERE THREE OF FIVE INDIVIDUALS ARRESTED IN SANTIAGO ON APRIL 18, 1983, FOR SUSPECTED INVOLVEMENT IN TERRORIST ACTIVITY. AFTER QUESTIONING BY ~~GOC~~ GOVERNMENT SECURITY AGENTS, DELIA FLORES AND MARIA ANGELICA ESPINOZA WERE RELEASED ON APRIL 20 WITHOUT CHARGES. BLANCA CARRASCO, JOSE LUIS AZOCAR, AND RAUL FLORES WERE IDENTIFIED AS MEMBERS OF THE MOVEMENT OF THE REVOLUTIONARY LEFT (MIR), (WHICH IS HOSTILE TO THE UNITED STATES.) A LEFT-WING TERRORIST GROUP. ON AUGUST 8, THE INVESTIGATING

DRAFTED BY:	DRAFTING DATE	TEL. EXT.	CONTENTS AND CLASSIFICATION APPROVED BY:
POL:DBHarrington:dw	8/9/83	243	ADCM:MLDurkee

CLEARANCES:

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CLASSIFICATION

50153-101

OPTIONAL FORM 153
(Formerly FS-413)
January 1975
Dept. of State

Lot 85E 114 Box 61

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JUDGE OF THE COURT OF APPEALS, MARTA OSSA RAYGADAS, BOUND THEM OVER FOR TRIAL ON CHARGES OF SIX VIOLATIONS EACH OF THE LAW ON INTERNAL SECURITY. THEY ARE ALSO CHARGED WITH ONE VIOLATION UNDER MILITARY JUSTICE. THE CHARGES ARE:

a) ATTEMPTED SUBVERSION OF MILITARY DISCIPLINE;

b) ORGANIZATION OF PRIVATE MILITIAS (BOTH A CIVIL AND A MILITARY CHARGE);

c) PROPAGATING DOCTRINES AGAINST THE SOCIAL ORDER;

d) PHYSICAL ATTACKS ON OTHER PERSONS;

e) PROVOKING VIOLENCE; AND DOCTRINES OF VIOLENCE.

f) DEFENDING [redacted] IN PUBLIC JAILS

ALL THREE ARE BEING HELD INCOMMUNICADO AT THE ORDERS OF THE INVESTIGATING JUDGE WHILE AWAITING TRIAL..

3. I TRUST THAT THIS INFORMATION WILL BE HELPFUL TO YOU. PLEASE LET ME KNOW IF I CAN BE OF FURTHER ASSISTANCE.

JAMES D. THEBERGE
AMBASSADOR
AMERICAN EMBASSY
SANTIAGO, CHILE

UNCLASSIFIED
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PAGE 01 SANTIA 04808 231131Z
ACTION ARA-16

INFO	OCT-00	COPY-01	ADS-00	AID-07	INR-10	EUR-12	SS-10
	CIAE-00	DODE-00	H-01	IO-15	NSCE-00	NSAE-00	SSO-01
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	SAL-01	USIE-00	SP-02	SNP-01	PRS-01	/099 W	

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FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 6279
INFO AMEMBASSY BONN
AMEMBASSY BRUSSELS
AMEMBASSY BUENOS AIRES
USMISSION GENEVA
AMEMBASSY LONDON
AMEMBASSY MADRID
AMEMBASSY MEXICO
AMEMBASSY MONTEVIDEO
AMEMBASSY PARIS
AMEMBASSY ROME
USMISSION USUN NEW YORK
CINCLANT NORFOLK VA
USCINCSO QUARRY HTS PN

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

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C O N F I D E N T I A L SANTIAGO 4808

E.O. 12356: DECL: 8/22/89
TAGS: SHUM, PINS, PGOV, CI
SUBJECT: GOS ISSUES LARGE NEW LIST OF EXILES AUTHORIZED TO RETURN, INCLUDING JAIME CASTILLO

REFS: (A) SANTIAGO 3940 (NOTAL); (B) SANTIAGO 1374 (NOTAL)

1. (U) ON AUGUST 19, THE MINISTRY OF INTERIOR RELEASED A NEW LIST OF 1,190 EXILES WHO WILL BE PERMITTED TO RETURN TO CHILE UNCONDITIONALLY. THIS BRINGS THE TOTAL OF THOSE ALLOWED TO RETURN SINCE THE NEW POLICY WAS ANNOUNCED LATE

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PAGE 02 SANTIA 04808 231131Z

LAST YEAR TO 1,837, INCLUDING MOST OF THE PROMINENT NON-COMMUNIST POLITICIANS WHO WERE THEN IN EXILE. (SEE PARA 5 REF B FOR WIDELY CONFLICTING ESTIMATES OF TOTAL NUMBER OF CHILEAN EXILES.) THE LATEST LIST INCLUDES THE NAMES OF SEVERAL WELL-KNOWN POLITICAL LEADERS, INCLUDING JAIME CASTILLO, FORMER PRESIDENT OF THE CHRISTIAN DEMOCRATIC PARTY (PDC),

JUSTICE MINISTER IN THE FREI ADMINISTRATION AND PRESIDENT OF THE CHILEAN COMMISSION FOR HUMAN RIGHTS. OTHER WELL-KNOWN POLITICAL FIGURES ON THE LIST INCLUDE: ALBERTO JEREZ, FORMER SENATOR AND LEADER OF THE IZQUIERDA CRISTIANANA; GERARDO ESPINOZA CARRILLO, FORMER SOCIALIST DEPUTY AND MINISTER OF INTERIOR UNDER THE UP; ALCALAUZ CORONEL, FORMER LEFTIST LEADER OF THE RADICAL PARTY AND IN EXILE IN THE SOVIET UNION SINCE 1973; AND JORGE DAVID LEBON, FORMER LEADER OF THE INDEPENDENT POPULAR ACTION PARTY AND MINISTER OF MINES UNDER THE UP.

2. (U) PUBLIC REACTION: VIRTUALLY ALL POLITICAL SECTORS IN CHILE REACTED FAVORABLY TO THE LATEST EXILE RETURN LIST WITH MOST CHARACTERIZING IT AS AN IMPORTANT STEP IN PACIFYING THE COUNTRY. EVEN PEOPLE NORMALLY CRITICAL OF THE SLOWNESS OF THE EXILE RETURN PROCESS AND THE SAMLL SIZE OF THE PREVIOUS EXILE LISTS HAVE BEGUN TO TAKE A MUCH MORE POSITIVE VIEW OF THE PROCESS NOW, WHILE CONTINUING TO PRESS FOR A GENERAL RETURN OF ALL EXILES WITH THE EXCEPTION OF A SHORT LIST OF THOSE NOT PERMITTED TO RETURN. SEVERAL WERE INCLINED TO GIVE CREDIT FOR THIS STEP FORWARD TO THE INCLUSION OF JARPA IN THE NEW CABINET. CASTILLO, FOR EXAMPLE, CHARACTERIZED JARPA'S ROLE IN HIS RETURN AS "QUALITATIVELY IMPORTANT" AND JARPA'S INCORPORATION IN THE NEW CABINET AS "VERY IMPORTANT FOR THE COUNTRY". CASTILLO ALSO EXPRESSED THE HOPE THAT RECENT AND EXPECTED MEASURES OF THE GOVERNMENT WILL LEAD TO A "GREATER POLITICAL OPENING".

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EVEN RADOMIRO TOMIC, EX-SENATOR AND PDC PRESIDENTIAL CANDIDATE IN 1970, REFERRED TO A POLITICAL OPENING UNDER JARPA.

3. (U) GOC STATEMENT: THE GOC SPOKESMAN, UNDER-SECRETARY OF INTERIOR GERMAN GARDEWEG, ALSO PROMISED THAT A NEW LIST OF THOSE PERMITTED TO RETURN WOULD BE ISSUED IN THE NEAR FUTURE AS AN INTERMEDIATE STEP, WHILE THE GOVERNMENT CONTINUED EXPLORING THE POSSIBILITY OF A GENERAL RETURN OF ALL EXILES EXCEPT FOR A LIMITED LIST OF THOSE NOT PERMITTED TO RETURN.

4. (C) COMMENT: WITH THE PUBLICATION OF A LARGE AND POLITICALLY SIGNIFICANT LIST OF EXILES PERMITTED TO RETURN--AND THE PROMISE OF MORE TO COME INCLUDING A POSSIBLE FINAL SOLUTION TO THE EXILE PROBLEM--JARPA APPEARS TO HAVE SEIZED THE INITIATIVE ON THIS SENSITIVE ISSUE. WE WOULD BE WISE TO EMULATE ARCHBISHOP FRESNO IN PRAISING SUCH CONRETE ADVANCES AS A WAY OF STRENGTHENING JARPA'S

Case Number: s199900006

HAND IN THE EVEN MORE DIFFICULT TASK OF HAMMERING OUT A TRANSITION PLAN THAT CAN BRIDGE THE STILL SIZEABLE GAP BETWEEN WHAT THE OPPOSITION DEMANDS AND WHAT THE MILITARY CAN ACCEPT. THEBERGE

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TEXT OF TELEGRAM 83STATE 245353

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PAGE 01 STATE 245353
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TO AMEMBASSY SAN SALVADOR IMMEDIATE
AMEMBASSY SAN JOSE IMMEDIATE
AMEMBASSY BOGOTA IMMEDIATE
INFO AMEMBASSY PANAMA PRIORITY
AMEMBASSY MEXICO PRIORITY
AMEMBASSY CARACAS PRIORITY
AMEMBASSY TEGUCIGALPA PRIORITY

[redacted] STATE 245353

EXDIS, SAN SALVADOR FOR AMBASSADOR STONE

E.O 12356: DECL: OADR
TAGS: PREL, PINS, ES
SUBJECT: MEETING BETWEEN SALVADORAN PEACE COMMISSION - FDR/FMLN

REF: WATSON-EISNER TELCON

1. [redacted] EMBASSY BOGOTA CONFIRMS THAT PEACE COMMISSION MEMBERS QUINONEZ AND REVELO ARE MEETING WITH FDR/FMLN REPS OSCAR BONILLA AND CARLOS ALBERTO MOLINA MORNING OF AUGUST 29. BOGOTA IS SEEKING TO OBTAIN A READOUT FROM QUINONEZ, AND WILL CABLE IT NIACT IMMEDIATE TO SAN JOSE AND SAN SALVADOR FOR AMBASSADOR STONE.

[redacted]

PAGE 02 STATE 245353

2. (U) DEPARTMENT PRESS GUIDANCE FOR AUGUST 29 AND AUGUST 30 IS AS FOLLOWS:

BEGIN TEXT: Q: WHERE IS AMBASSADOR STONE TODAY, AND WHAT IS HIS NEXT STOP?

A: AMBASSADOR STONE IS IN SAN SALVADOR TODAY, AND WILL BE TRAVELING TO SAN JOSE, COSTA RICA THIS AFTERNOON.

CAPTION REMOVED BY S/S (EK) ON 6/10/94

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Office of FOI, Privacy, & Classification Review
Review Authority: HOFFENBERG, MARV
Date: 06/10/94
Case ID: S940034F

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Q: WILL AMBASSADOR STONE BE MEETING WITH THE SALVADORAN LEFT THIS WEEK?

A: AS WE'VE SAID BEFORE, SUCH A MEETING IS POSSIBLE, BUT I DON'T HAVE ANY OTHER INFORMATION FOR YOU. WE'VE MADE IT CLEAR THAT AN IMPORTANT ELEMENT OF AMBASSADOR STONE'S MISSION OF FACILITATING DIALOGUE BOTH WITHIN AND BETWEEN THE NATIONS OF CENTRAL AMERICA IS CONFIDENTIALITY ABOUT DETAILS OF HIS ACTIVITIES. THUS, WE WILL CONTINUE OUR POLICY OF NOT DISCUSSING AMB. STONE'S PLANS IN DETAIL OR IN ADVANCE.

Q: CAN YOU CONFIRM REPORTS THAT THE SALVADORAN PEACE COMMISSION WILL MEET WITH THE LEFT THIS WEEK AS WELL?

A: NO, I DON'T HAVE ANYTHING ON THAT FOR YOU. AS YOU KNOW, WE'VE GIVEN OUR FULL SUPPORT TO SUCH A MEETING, BUT THE DETAILS WOULD BE FOR THE PARTIES CONCERNED TO ADDRESS. END TEXT. SHULTZ

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Special Project (1993)

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TEXT OF TELEGRAM 83PANAMA08382

ADP331
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PAGE 01 PANAMA 08382 2922522
ACTION SS-25

INFO OCT-00 ADS-00 SSO-01 (AS-01 CIAE-00 DODE-00 NSCE-00
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FM AMEMBASSY PANAMA
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INFO AMEMBASSY BOGOTA
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AMEMBASSY GUATEMALA
AMEMBASSY MANAGUA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE IMMEDIATE
AMEMBASSY SAN SALVADOR
AMEMBASSY TEGUCIGALPA

[redacted] PANAMA 08382

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EXDIS
SAN JOSE FOR AMBASSADOR STONE

E.O. 12356: DECL: OADR
TAGS: PREL, ES, US, PM
SUBJECT: CONTACTS WITH SALVADORAN REBELS

1. [redacted] - ENTIRE TEXT)

2. PRESIDENT DE LA ESPRIELLA (RLE) INFORMED ME THIS AFTERNOON THAT COLOMBIA'S BETANCUR HAD TELEPHONED HIM TO REPORT THAT THE FIRST MEETING BETWEEN THE GOES AND THE FMLN IN BOGOTA THIS MORNING HAD GONE VERY WELL, AND THAT HE UNDERSTOOD AMBASSADOR STONE WOULD BE MEETING WITH A SEPARATE GROUP OF THE SALVADORAN LEFT TOMORROW IN SAN JOSE. TODAY'S MEETING HAD INVOLVED OSCAR BONILLA AND CARLOS MOLINA (AS HEARD BY RLE OVER A POOR CONNECTION--HE COULD NOT CATCH THE NAME OF THE THIRD SALVADORAN REBEL):
[redacted]

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Office of FOI, Privacy, & Classification Review
Review Authority: HOFFENBERG, MARY
Date: 06/10/94
Case ID: 9940034F

PAGE 02 PANAMA 08382 2922522

TOMORROW'S IN SAN JOSE WOULD BE HEADED BY GUILLERMO UNGO AND ZAMORA. THE PRESIDENT SAID HE DID NOT KNOW HOW TO MEASURE THE FACT THAT THE BOGOTA MEETING HAD BEEN WITH FMLN GUERRILLAS, WHEREAS TOMORROW'S WOULD BE WITH FDR TYPES.

3. FOR SAN JOSE: RLE EXPRESSED GREAT INTEREST IN TALKING TO AMBASSADOR STONE, AND SAID TIME WOULD BE SET ASIDE FRIDAY AFTERNOON, SEPTEMBER 2. WE ARE WORKING ON THE REST OF YOUR FRIDAY SCHEDULE AND WILL ADVISE. IN A SEPARATE

PAGE NO. 1

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TEXT OF TELEGRAM 83PANAMA008382

39

CONVERSATION, GEN. GORMAN CONFIRMED HE WILL LUNCH WITH YOU
ON CONTADORA SEPTEMBER 3. BRIGGS

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El Salvador: Human Rights
Special Project (1995)

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Case Number: s199900006

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PAGE 01 SANTIA 04993 301359Z
ACTION ARA-16

INFO	OCT-00	COPY-01	ADS-00	AID-07	INR-10	EUR-12	SS-10
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AMEMBASSY LONDON
AMEMBASSY MADRID
AMEMBASSY MEXICO
AMEMBASSY MONTEVIDEO
AMEMBASSY PARIS
AMEMBASSY ROME
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U.S. Department of State
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Exemption(s)

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C O N F I D E N T I A L SANTIAGO 4993

EO 12356: DECL: 8/29/89
TAGS: SHUM PINS PGOV CI
SUBJECT: GOC RELEASES SECOND LARGE LIST OF EXILES AUTHORIZED TO RETURN

REF: SANTIAGO 4808

1.(U) EIGHTH EXILE RETURN LIST: ON AUGUST 27 THE MINISTRY OF INTERIOR RELEASED ITS SECOND LARGE LIST

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PAGE 02 SANTIA 04993 301359Z

WITHIN TEN DAYS OF THOSE EXILES AUTHORIZED TO RETURN UNCONDITIONALLY TO CHILE. THE LIST CONTAINED 1,160 NAMES, BRINGING THE TOTAL OF THOSE ALLOWED TO RETURN SINCE THE NEW POLICY WAS ANNOUNCED LATE LAST YEAR TO 2,997, INCLUDING A NUMBER OF PROMINENT POLITICIANS. THE LATEST LIST INCLUDED THE NAMES OF SEVERAL WELL-KNOWN LEFTIST POLITICAL

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LEADERS, INCLUDING ANIBAL PALMA, UP MINISTER OF EDUCATION FROM THE LEFT WING OF THE RADICAL PARTY; JOSE VIERA GALLO, UP UNDERSECRETARY OF JUSTICE AND A LEADER OF THE IZQUIERDA CRISTIANA; CAMILO SALVA, FORMER RADICAL PARTY DEPUTY; AND ANTI -PINOCHET AUTHOR ARIEL DORFMAN.

2.(U) JAIME CASTILLO AND OTHERS RETURN: ON THE DAME DAY THE NEW LIST WAS ANNOUNCED HUMAN RIGHTS COMMISSION CHAIRMAN AND PDC ACTIVIST JAIME CASTILLO RETURNED TO CHILE TO BE GREETED AT THE AIRPORT BY HUNDREDS OF WELL-WISHERS; INCLUDING GABRIEL VALDES AND OTHER PDC LEADERS; SOME OF WHOM LATER CONDUCTED A PEACEFUL MARCH ON THE MIAN STREET OF SANTIAGO. IN HIS ARRIVAL STATE-MENT CASTILLO EXPRESSED HIS SATISFACTION AT BEING BACK IN CHILE AFTER TWO YEARS OF EXILE AND PRAISED THE RECENT LIFTING OF THE STETE OF EMERGENCY AND THE
POLITICAL OPENING BY THE GOVERNMENT. ON THE NEXT DAY, FORMER COMMUNIST DEPUTY CESAR GODOY URRUTIA AND IZQUIERDA CRISTIANA LEADER LUIS MAIRA (MAIRA IS HERE ONLY FOR A ONE-MONTH FAMILY EMERGENCY VISIT) ARRIVED AT THE AIRPORT IN SANTIAGO TO BE GREETED BY A REPORTED 300 PERSONS CARRYING SINGS AND SHOUTING SLOGANS OF THE ILLEGAL PARTIES. THE DEMONSTRATIONS FOR THE THREEE RETURNEES WERE CONDUCTED PEACEFULLY, WITHOUT ANY REPORTED INCIDENTS, AND SECRETARY GENERAL OF THE GOVERNMENT, MARQUEZ DE LA PLATA, EVEN HD WORDS OF PRAISE FOR THE BEHAVIOR OF THOSE GREETING THE RETURNING CASTILLO.

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PAGE 03 SANTIA 04993 301359Z

3.(C) COMMENT: IN ANNOUNCING THE NEW LIST, THE MINISTRY OF INTERIOR SPOKESMAN SAID THAT ANOTHER LARGE LIST WOULD BE PUBLISHED SOON AND THAT A FINAL LIST OF THOSE NOT PERMITTED TO RETURN WOULD BE RELEASED SOON THEREAFTER, PRESUMABLY ON SEPTEMBER 11. INTERIOR MINISTER JARPA IS ALREADY ON RECORD AS FAVORING SUCH A LIST RATHER THAN A CONTINUING SERIES OF LISTS OF THOSE ALLOWED TO RETURN. THE LATEST LIST BRINGS THE TOTAL ALLOWED TO RETURN TO ABOUT 380 PERCENT OF THE ESTIMATED 10,000 POLITICAL EXILES, AND MANY OF THEM HAVE RETURNED ACCOMPANIED BY THEIR FAMILIES WHO FOLLOWED THEM INTO EXILE. NO ONE KNOWS HOWEVER, WHAT PROPORTION OF THIS SECOND GROUP (FAMILY MEMBERS) ESTIMATED AT 20,000 HAVE ACTUALLY RETURNED, BUT GOC SOURCES TELL US THAT ALL MAY RETURN AS THEIR NAMES DO NOT APPEAR ON ANY LIST. A MINISTRY OF INTERIOR SOURCE PRIVATELY CONFIRMED TO US THAT THE EARLIER REQUIREMENT THAT EXILES PETITION THE GOVERNMENT TO RETURN IS NO LONGER BEING REQUIRED FOR THESE LISTS.
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TEXT OF TELEGRAM 83SAN JO005900

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PAGE 01 SAN JO 05900 01 OF 04 310125Z
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FM AMEMBASSY SAN JOSE
TO USIA WASHDC IMMEDIATE 1894
INFO SECSTATE WASHDC IMMEDIATE 0470
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AMEMBASSY CARACAS IMMEDIATE
AMEMBASSY GUATEMALA IMMEDIATE
AMEMBASSY MANAGUA IMMEDIATE
AMEMBASSY MEXICO IMMEDIATE
AMEMBASSY PANAMA IMMEDIATE
AMEMBASSY SAN SALVADOR IMMEDIATE
AMEMBASSY TEGUCIGALPA IMMEDIATE

UNCLAS SECTION 01 OF 04 SAN JOSE 05900

FOR P/PPL, VOA/BL, AR
- STATE ARA

E.O. 12356: N/A
TAGS: OVIP, CS (STONE, RICHARD)
SUBJECT: COMMUNIQUE AND PRESS CONFERENCE REMARKS
- FOLLOWING STONE/FDR-FMLN MEETING IN SAN JOSE

HEREWITH SPANISH AND ENGLISH TEXTS OF JOINT COMMUNIQUE READ BY PRESIDENT MONGE AT 15:15 PRESS CONFERENCE HELD AT THE CASA PRESIDENCIAL IN SAN JOSE FOLLOWING MEETING EARLIER IN THE DAY BETWEEN AMBASSADOR STONE AND REPRESENTATIVES OF THE FDR/FMLN. OPENING REMARKS BY PRESIDENT MONGE WERE FOLLOWED BY A READING OF THE COMMUNIQUE IN SPANISH AND ENGLISH AND SUBSEQUENT REMARKS, THANKING COSTA RICA AND PRESIDENT MONGE, BY
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PAGE 02 SAN JO 05900 01 OF 04 310125Z

AMBASSADOR STONE AND GUILLERMO UNGO. FULL TEXT OF REMARKS ALSO FOLLOWS.
-
-
COMUNICADO DE PRENSA
-
CON MUCHA SATISFACCION DESEO COMUNICAR A LA PRENSA Y A LA OPINION INTERNACIONAL, QUE ESTE DIA SE HA REALIZADO UNA REUNION ENTRE LOS DELEGADOS DEL FRENTE FARA-

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Office of FOI, Privacy, & Classification Review
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Date: 06/10/94
Case ID: 9940034F

BUNDO MARTI PARA LA LIBERACION NACIONAL Y EL FRENTE DEMOCRATICO REVOLUCIONARIO, FMLN-FDR, DE EL SALVADOR, CON EL ENVIADO ESPECIAL DEL GOBIERNO DE LOS ESTADOS UNIDOS, EMBAJADOR RICHARD STONE.

LA REUNION SE REALIZO CON AGENDA ABIERTA, EN UN AMBIENTE DE FRANQUEZA Y RESPETO MUTUO. EN ELLA SE ACORDO MANTENER ABIERTA LA COMUNICACION.

LOS PARTICIPANTES EN LA REUNION FUERON: POR FMLN-FDR, DR. GUILLERMO MANUEL UNGO, RUBEN ZAMORA, JOSE MARIO LOPEZ Y MARIO AGUINADA CARRANZA; POR LA PARTE DE LOS ESTADOS UNIDOS, EL SENOR EMBAJADOR RICHARD STONE Y LOS ASISTENTES ROGER FONTAINE, JOHN GLASSMAN Y TODD GREENTREE.

SAN JOSE, 30 DE AGOSTO DE 1983

TEXT OF COMMUNIQUE

WITH GREAT SATISFACTION I WISH TO COMMUNICATE TO THE PRESS AND INTERNATIONAL OPINION THAT TODAY A MEETING TOOK PLACE BETWEEN DELEGATES OF THE FMLN-FDR OF EL

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PAGE 03 SAN JO 05900 01 OF 04 310125Z

SALVADOR AND THE SPECIAL ENVOY OF THE GOVERNMENT OF THE UNITED STATES, AMBASSADOR RICHARD B. STONE.

THE MEETING TOOK PLACE WITH AN OPEN AGENDA, IN AN ATMOSPHERE OF FRANKNESS AND MUTUAL RESPECT.

IT WAS AGREED TO MAINTAIN COMMUNICATIONS.

THE PARTICIPANTS IN THE MEETING WERE:

FOR THE FMLN/FDR, DR. GUILLERMO MANUEL UNGO, RUBEN ZAMORA, JOSE MARIO LOPEZ, AND MARIO AGUINADA CARRANZA; FOR THE UNITED STATES, AMBASSADOR RICHARD STONE, AND ASSISTANTS ROGER FONTAINE, JON GLASSNAN (SIC), AND TODD GREENTREE.

SAN JOSE, AUGUST 30, 1983.

REMARKS: PRESIDENT LUIS ALBERTO MONGE (SPANISH)

ME ES SUMAMENTE GRATO HABER PODIDO CONTRIBUIR A ESTE PRIMER CONTACTO ENTRE EL EMBAJADOR ESPECIAL DEL PRESIDENTE REAGAN RICHARD STONE Y SU COMITIVA Y LOS REPRESENTANTES DEL FDR DE EL SALVADOR Y DEL FMLN. HACE

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Special Project (1993)

UNOS MESES TODAVIA LA POSIBILIDAD DE ESTE ENCUENTRO
PARECIA REMOTA Y COSTA RICA SIEMPRE ESTUVO ABIERTA
Y DISPUESTA A COLABORAR PARA QUE PUDIERA PRODUCIRSE
ESTE CONTACTO Y NOS SENTIMOS COMO CENTROAMERICANOS,
NO SOLAMENTE COMO COSTARRICENSES, MUY CONTENTOS DE QUE

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El Salvador: Human Rights
Special Project (1993)

ADP272
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PAGE 01 SAN J0 05900 02 OF 04 310125Z
ACTION ARA-16

INFO OCT-00 COPY-01 ADS-00 INR-10 SS-10 CIAE-00 DODE-00
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FM AMEMBASSY SAN JOSE
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INFO SECSTATE WASHDC IMMEDIATE 0471
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AMEMBASSY GUATEMALA IMMEDIATE
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AMEMBASSY PANAMA IMMEDIATE
AMEMBASSY SAN SALVADOR IMMEDIATE
AMEMBASSY TEGUCIGALPA IMMEDIATE

UNCLAS SECTION 02 OF 04 SAN JOSE 05900

FOR P/PPL, VOA/BL, AR
- STATE ARA

E.O. 12356: N/A
TAGS: OVIP, CS (STONE, RICHARD)
SUBJECT: COMMUNIQUE AND PRESS CONFERENCE REMARKS
- FOLLOWING STONE/FDR-FMLN MEETING IN SAN JOSE

SE HAYA LOGRADO ESTE PRIMER ENCUENTRO. HEMOS DECLARA-
DO, Y LO CONOCE LA PRENSA LOCAL E INTERNACIONAL QUE
COSTA RICA DESEA FERVOROSAMENTE CONTRIBUIR A LA
PACIFICACION, DESEA CONTRIBUIR A QUE SE FRENE EL
BANO DE SANGRE QUE AFECTA A NUESTROS PUEBLOS, DESEA
CONTRIBUIR PARA QUE SE EVITE UNA GUERRA ENTRE PUE-
BLOS HERMANOS Y HEMOS CREIDO QUE LA VIA DEL DIALOGO
Y DE LA CONVERSACION ES LA UNICA A TRAVES DE LA CUAL
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PAGE 02 SAN JO 05900 02 OF 04 310125Z

QUEREMOS HACER NUESTRA CONTRIBUCION. DESDE SIEMPRE,
PERO MAS DESDE LOS ULTIMOS TIEMPOS, COSTA RICA SE
RESERVA UNA PARTICIPACION EN TODOS ESTOS CONFLICTOS
Y EN TODAS ESTAS CRISIS EXCLUSIVAMENTE PACIFICADORA
CONCILIADORA Y HUMANITARIA. NO ESTAMOS EN EL ANIMO
DE NINGUN OTRO TIPO DE PARTICIPACION. SOMOS UN
PAIS SIN EJERCITO, UN PAIS QUE SE DESARMO UNILATERAL-
MENTE EN 1948 Y EN 1949 Y AHORA HEMOS DECLARADO Y
VAMOS A PROCLAMAR TAMBIEN UNILATERALMENTE UN ESTA-

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Special Project (1993)

TUTO DE NEUTRALIDAD PERPETUA Y ACTIVA DE TAL MODO QUE ESE ESTATUTO NO NOS HACE INSENSIBLES AL DOLOR Y A LA TRAGEDIA DE LOS PUEBLOS HERMANOS DE CENTRO AMERICA Y DE OTRAS AREAS DEL MUNDO,PERO NO NOS PERMITE OTRA ACCION QUE NO SEA PACIFICADORA, MEDIADORA Y HUMANITARIA.

-

YO ESTOY SEGURO DE QUE EL PUEBLO SALVADORENO Y LOS PUEBLOS CENTROAMERICANOS VEN EN ESTE PRIMER ENCUENTRO UNA ESPERANZA DE QUE PUEDA TERMINARSE CON EL BANO DE SANGRE Y CON LA GUERRA EN NUESTROS PAISES, Y NOSOTROS HEMOS ESTADO PROFUNDAMENTE CONMOVIDOS DE LA TRAGEDIA QUE AZOTA A LOS PUEBLOS HERMANOS DE CENTRO AMERICA. NO POR EL HECHO DE QUE HEMOS LOGRADO PRESERVAR NUESTRA PAZ Y NUESTRO SISTEMA INSTITUCIONAL HEMOS SIDO INSENSIBLES O HEMOS QUERIDO IGNORAR--NO HABRIAMOS PODIDO HACERLO-- TODO EL DOLOR Y TODA LA TRAGEDIA QUE MALTRATAN A LOS PUEBLOS HERMANOS DE CENTRO AMERICA. DEBO REITERAR QUE DESDE QUE ACEPTE, SER UN PUENTE, UN VEHICULO DE COMUNICACION ENTRE LOS AMIGOS SALVADORENOS, LOS AMIGOS NORTEAMERICANOS, ENCONTRE EN LOS DOS GRUPOS UNA AMPLIA DISPOSICION, UN ESPIRITU MUY ABIERTO, YA EN UNA OCASION EN QUE NO SE PUDO PRODUCIR ESTE ENCUENTRO TUVE CONVERSACIONES CON ELLOS Y LA
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PAGE 03 SAN JO 05900 02 OF 04 3101252

ACTITUD FUE MUY POSITIVA, MUY CONSTRUCTIVA. EN ESA OCASION EN QUE NO SE PRODUJO EL ENCUENTRO, CONVINIMOS EN QUE HARIAMOS DECLARACIONES QUE DEJARAN LA PUERTA ABIERTA. TODOS CUMPLIMOS. ASI FUERON LAS DECLARACIONES DE LOS DOS FRENTES, SALVADORENOS, ASI FUERON LAS DECLARACIONES DE LA CASA BLANCA, Y ASI, FUE LA DECLARACION MIA. ESO FUE EN CONVENIO DE CABALLEROS, NO FUE POR ESCRITO,QUE NO DIRIAMOS NADA QUE CERRARA LAS PUERTAS PARA QUE PUDIERA PRODUCIRSE EN ALGUN MOMENTO ESTE CONTACTO. HAY UNA DECLARACION MUY BUENA QUE ME VOY A PERMITIR LEER: (LEYO LA DECLARACION)"

-

-

REMARKS: LUIS ALBERTO MONGE (ENGLISH TRANSLATION)

-

QUOTE IT IS A GREAT PLEASURE FOR ME TO HAVE BEEN ABLE TO CONTRIBUTE TO THIS FIRST CONTACT BETWEEN PRESIDENT REAGAN'S SPECIAL AMBASSADOR RICHARD STONE AND HIS COMMITTEE AND THE REPRESENTATIVES OF THE FDR OF EL SALVADOR AND OF THE FMLN.A FEW MONTHS AGO THE POSSIBILITY OF THIS MEETING APPEARED REMOTE AND COSTA RICA WAS ALWAYS OPEN AND DISPOSED TO COLLABORATE IN ORDER TO BE ABLE TO PRODUCE THIS CONTACT AND WE FEEL AS CENTRAL AMERICANS, NOT ONLY AS COSTA RICANS, VERY HAPPY THAT THIS FIRST MEETING HAS BEEN ACHIEVED. WE HAVE DECLARED, AND THE LOCAL AND INTERNATIONAL PRESS KNOW

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Special Project (1993)

VERY WELL, THAT COSTA RICA FERVENTLY DESIRES TO CONTRI-
BUT TO PACIFICATION; DESIRES TO CONTRIBUTE SO THAT
THE BLOOD BATH THAT AFFECTS OUR COUNTRIES STOPS:
DESIRES TO CONTRIBUTE SO THAT A WAR BETWEEN SISTER
COUNTRIES IS AVOIDED; AND WE HAVE BELIEVED THAT THE
WAY OF DIALOGUE, OF CONVERSATION, IS THE ONLY WAY
THROUGH WHICH WE WANT TO MAKE OUR CONTRIBUTION.
ALWAYS, BUT PARTICULARLY RECENTLY, COSTA RICA
RESERVES AN EXCLUSIVELY PACIFIC, CONCILIATORY AND

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PAGE 04 SAN JD 05900 02 OF 04 3101252

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Special Project (1993)

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PAGE 01 SAN JO 05900 03 OF 04 3101252
ACTION ARA-16

INFO OCT-00 COPY-01 ADS-00 INR-10 SS-10 CIAE-00 DODE-00
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FM AMEMBASSY SAN JOSE
TO USIA WASHDC IMMEDIATE 1866
INFO SECSTATE WASHDC IMMEDIATE 0472
AMEMBASSY BOGOTA IMMEDIATE
AMEMBASSY CARACAS IMMEDIATE
AMEMBASSY GUATEMALA IMMEDIATE
AMEMBASSY MANAGUA IMMEDIATE
AMEMBASSY MEXICO IMMEDIATE
AMEMBASSY PANAMA IMMEDIATE
AMEMBASSY SAN SALVADOR IMMEDIATE
AMEMBASSY TEGUCIGALPA IMMEDIATE

UNCLAS SECTION 03 OF 04 SAN JOSE 05900

FOR P/PPL, VOA/BL, AR
- STATE ARA

E.O. 12356: N/A
TAGS: OVIP, CS (STONE, RICHARD)
SUBJECT: COMMUNIQUE AND PRESS CONFERENCE REMARKS
- FOLLOWING STONE/FDR-FMLN MEETING IN SAN JOSE

HUMANITARIAN PARTICIPATION IN ALL THESE CONFLICTS AND ALL THESE CRISES. WE'RE NOT INTERESTED IN ANY OTHER TYPE OF PARTICIPATION. WE ARE A COUNTRY WITHOUT AN ARMY, A COUNTRY WHICH DISARMED UNILATERALLY IN 1948-1949. AND NOW WE HAVE DECLARED, AND WE ARE GOING TO PROCLAIM, ALSO UNILATERALLY, A STATUTE OF NEUTRALITY, PERPETUAL AND IN FORCE, IN SUCH A WAY THAT THIS STATUTE DOES NOT MAKE US INSENSITIVE TO THE PAIN AND TRAGEDY
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PAGE 02 SAN JO 05900 03 OF 04 3101252

OF THE SISTER COUNTRIES OF CENTRAL AMERICA AND OF OTHER AREAS OF THE WORLD. BUT IT DOES NOT PERMIT US ANY OTHER ACTION EXCEPT PACIFIC, MEDIATING AND HUMANITARIAN. I AM SURE THAT THE SALVADORAN PEOPLE AND THE CENTRAL AMERICAN PEOPLE SEE IN THIS FIRST ENCOUNTER A HOPE THAT THE BLOOD BATH AND WAR IN OUR COUNTRIES CAN BE ENDED. AND WE HAVE BEEN VERY MOVED BY THE TRAGEDY THAT ASSAULTS OUR SISTER COUNTRIES OF CENTRAL AMERICA. DESPITE THE FACT THAT WE HAVE SUCCEEDED IN ACHIEVING THE PRESERVA-

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El Salvador: Human Rights
Special Project (1994

TION OF OUR PEACE AND OUR INSTITUTIONAL SYSTEM, WE
HAVE NOT BEEN INSENSITIVE NOR HAVE WE WISHED TO
IGNORE--WE HAVEN'T BEEN ABLE TO DO IT--
ALL THE PAIN, ALL THE TRAGEDY THAT ABUSES THE SISTER
COUNTRIES OF CENTRAL AMERICA. I OUGHT TO REITERATE
THAT SINCE I ACCEPTED TO BE A BRIDGE, A COMMUNICATION
VEHICLE, BETWEEN SALVADORAN FRIENDS AND NORTHAMERICAN
FRIENDS, I FOUND IN THE TWO GROUPS AN AMPLE DISPOSITION,
A VERY OPEN SPIRIT. ON ONE OCCASION WHEN THIS MEETING
COULD NOT BE ACCOMPLISHED,I HAD CONVERSATIONS WITH THEM
AND THE ATTITUDE WAS VERY POSITIVE, VERY CONSTRUCTIVE.
ON THIS OCCASION WHEN THE MEETING WAS NOT ACCOMPLISHED,
WE AGREED THAT WE WOULD MAKE DECLARATIONS THAT LEFT
THE DOOR OPEN. EVERYONE COMPLIED. SUCH WERE THE
DECLARATIONS OF THE TWO SALVADORAN FRONTS, AND SUCH
WERE THE DECLARATIONS OF THE WHITE HOUSE, AND SUCH
WAS MY DECLARATION. THIS WAS A GENTLEMEN'S AGREEMENT.
IT WAS NOT WRITTEN...THAT WE WOULD NOT SAY ANYTHING
THAT WOULD CLOSE THE DOORS IN ORDER TO BE ABLE TO
PRODUCE IN SOME MOMENT THIS CONTACT. THERE IS A VERY
BRIEF DECLARATION THAT I AM GOING TO ALLOW MYSELF TO
READ. UNQUOTE.

REMARKS AMBASSADOR STONE (SPANISH)
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PAGE 03 SAN JO 05900 03 OF 04 3101252

POR PARTE DE LOS ESTADOS UNIDOS QUEREMOS EXPRESAR LAS
GRACIAS QUE TENEMOS Y RESPETOS PARA LA GRAN DEMOCRACIA
DE COSTA RICA Y SU EXCELENTISIMO PRESIDENTE SR. MONGE
POR SUS ESFUERZOS, APOYOS, EN ASISTIR Y FACILITAR ESTA
REUNION. TODOS NOSOTROS AGRADECEMOS, MUCHISIMAS GRA-
CIAS SENOR PRESIDENTE.

REMARKS AMBASSADOR STONE (ENGLISH)

I WANT TO EXPRESS THE THANKS OF THE UNITED STATES AND OUR
PERSONAL THANKS FOR THE WONDERFUL AND CONTINUAL AND
EFFECTIVE ASSISTANCE PROVIDED US BY THE DEMOCRACY OF
COSTA RICA AND BY ITS EXCELLENT PRESIDENT SR. MONGE.
WITHOUT HIS EFFORTS AND THE EFFORT OF COSTA RICA,THIS
MEETING WOULD NOT HAVE BEEN POSSIBLE AND WE ALL AP-
PRECIATE IT VERY MUCH.

PALABRAS DEL DR. UNGO (ESPANOL)

SR. PRESIDENTE,EN NOMBRE DEL FMLN Y DEL FDR Y DE CADA
UNO DE LOS MIEMBROS DE LA DELEGACION NUESTRA,QUEREMOS
EXPRESAR EN PRIMER LUGAR NUESTRA COMPLACENCIA DE EN-
CONTRARNOS AQUI EN SAN JOSE EN SUELO HERMANO, EN ESTA
TIERRA COSTARRICENSE Y TAMBIEN EXPRESARLE NUESTRO
AGRADECIMIENTO A USTED, A SU GOBIERNO, A LOS MINISTROS

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Special Project (1993)

DE LA PRESIDENCIA Y VICE-MINISTRO DE LA PRESIDENCIA POR SUS GESTIONES, SU INTERES Y SU HOSPITALIDAD, QUE HAN SIDO UN FACTOR IMPORTANTE PARA QUE ESTA PRIMERA REUNION SE HAYA REALIZADO. LE REPETIMOS NUESTRA GRATITUD SENOR PRESIDENTE.

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El Salvador: Human Rights
Special Project (1993)

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PAGE 01 SAN JO 05900 04 OF 04 310125Z
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AMEMBASSY MEXICO IMMEDIATE
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AMEMBASSY SAN SALVADOR IMMEDIATE
AMEMBASSY TEGUCIGALPA IMMEDIATE

UNCLAS SECTION 04 OF 04 SAN JOSE 05900

FOR P/PPL, VOA/BL, AR
- STATE ARA

E.O. 12356: N/A
TAGS: OVIP, CS (STONE, RICHARD)
SUBJECT: COMMUNIQUE AND PRESS CONFERENCE REMARKS
- FOLLOWING STONE/FDR-FMLN MEETING IN SAN JOSE

REMARKS OF DR. UNGO (ENGLISH)
-
MR. PRESIDENT, IN THE NAME OF THE FMLN AND THE FDR AND OF EACH ONE OF THE MEMBERS OF OUR DELEGATION, WE WANT TO EXPRESS IN THE FIRST PLACE, OUR SATISFACTION IN BEING HERE IN SAN JOSE, ON SISTER SOIL IN THIS COSTA RICAN LAND, AND ALSO TO EXPRESS OUR THANKS TO YOU, TO YOUR GOVERNMENT, TO THE MINISTER OF THE PRESI-
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PAGE 02 SAN JO 05900 04 OF 04 310125Z

DENCY AND TO THE VICE-MINISTER OF THE PRESIDENCY FOR YOUR EFFORTS, YOUR INTEREST AND YOUR HOSPITALITY, THAT HAVE BEEN AN IMPORTANT FACTOR SO THAT THIS FIRST MEETING COULD TAKE PLACE. I REITERATE TO YOU MY GRATITUDE MR. PRESIDENT. MCAFEE SPARKS

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Special Project (1993)

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PAGE 01 PANAMA 08531 012303Z
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FM AMEMBASSY PANAMA
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INFO AMEMBASSY BELIZE
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AMEMBASSY GUATEMALA
AMEMBASSY MANAGUA
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AMEMBASSY SAN JOSE
AMEMBASSY SAN SALVADOR
AMEMBASSY TEGUCIGALPA
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RUEOLGA/47OTHMI FT CLAYTON PN
AFOSI HOWARD AFB PN

[redacted] PANAMA 08531

E.O. 12356: DECL: OADR
TAGS: PREL, XK, ES, NU, PM
SUBJECT: NICARAGUAN AID TO SALVADORAN GUERRILLAS

REF: STATE 248405 (NOTAL).

1. [redacted] ENTIRE TEXT).

2. A FONMIN OFFICIAL WHO WAS PRESENT DURING THE JULY 29-30 CONTADORA MEETING HAS CONFIRMED TO EMBOFF THAT D'ESCOTO DID ADMIT THAT NICARAGUA WAS GIVING AID TO THE FMLN. ALTHOUGH THIS MET WITH AN ANGRY OUTBURST FROM THE SALVADORAN
[redacted]

PAGE 02 PANAMA 08531 012303Z

FONMIN, ACCORDING TO SOURCE, THE SUBJECT WAS THEN DROPPED. BRIGGS

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: HOFFENBERG, MARV
Date: 06/10/94
Case ID: S940034F

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El Salvador: Human Rights
Special Project (1993)

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TEXT OF TELEGRAM 83STATE 252862

ADP379 [redacted]

PAGE 01 STATE 252862
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TO AMEMBASSY SAN SALVADOR IMMEDIATE

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Department of State IS/FPC/CDR El Salvador SP Date 9/22/93
Declassified under EO 12356 (X) in full: ( ) in part;
portions withheld: classified ( ); deliberative ( );
law enforcement ( ); privacy ( ), statutory ( );
not relevant to El Salvador ( ).

E O 12356 DECL: 9/3/89
TAGS: PGOV, ES
SUBJECT: CHURCHWOMEN'S CASE: NEXT STEPS

1. (C) - ENTIRE TEXT.

2. SUMMARY: THIS MESSAGE OUTLINES A PLAN FOR COMPLETING INVESTIGATIVE STAGE OF PROCEEDINGS IN THE CHURCHWOMEN'S CASE AND ELEVATING CASE TO PLENARIO AT THE EARLIEST POSSIBLE DATE. IT INCORPORATES SUGGESTIONS MADE BY JUDGE TYLER, MICHAEL POSNER AND THE LAWYERS COMMITTEE, THE EMBASSY AND ATTORNEY-ADVISER DONALD KOBLITZ. EMBASSY IS REQUESTED TO BEGIN IMPLEMENTING AS MUCH OF THE PLAN AS POSSIBLE. ASSISTANT LEGAL A;VISER SMITH AND FSO GETTINGER WILL VISIT EL SALVADOR LATE NEXT WEEK TO ASSIST IN IMPLEMENTATION AND JUDGE TYLER WILL JOIN THEM THE FOLLOWING WEEK TO COMPLETE HIS REVIEW. END SUMMARY

3. SCHEDULE: THE CASE SHOULD BE ELEVATED TO PLENARIO [redacted]

PAGE 02 STATE 252862

AND A DATE FOR PRESENTATION TO JURY ANNOUNCED BY SEPTEMBER 14. (WE RECOGNIZE THAT ONLY JUDGE RAUDA CAN SET A DATE FOR ELEVATION TO PLENARIO, BUT WE ALSO UNDERSTAND THAT HE WILL NOT DO SO UNTIL PETITIONED TO

DO SO BY THE FISCAL.) IF POSSIBLE, PRESENTATION TO JURY SHOULD OCCUR IN LATE SEPTEMBER OR EARLY OCTOBER. EMBASSY IS REQUESTED TO INFORM APPROPRIATE SALVADORAN AUTHORITIES OF OUR DESIRES.

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El Salvador: Human Rights Special Project (1993)

4. ASSISTANT LEGAL ADVISER SMITH WOULD TRAVEL TO EL SALVADOR ON SEPTEMBER 8 TO MEET WITH THE FISCAL AND AUXILIARY PROSECUTOR TO AGREE ON SPECIFIC TIME TABLE AND STEPS TO COMPLETE PROCEEDINGS. IN THE MEANTIME, EMBASSY SHOULD BEGIN PRESSING GOES HARD FOR ACTION ON THESE MEASURES AS DESCRIBED BELOW. (WE CANNOT ASSURE THE GOES THAT THE LIST IS FINAL, AS JUDGE TYLER HAS NOT FINISHED HIS REVIEW, BUT, BASED ON CONSULTATIONS WITH HIM, DO NOT ANTICIPATE ANY NEW MAJOR RECOMMENDATIONS.)

5. JUDGE TYLER PLANS TO TRAVEL TO SALVADOR DURING WEEK OF SEPTEMBER 11, BUT WILL NOT HAVE A DEFINITIVE SCHEDULE UNTIL SEPTEMBER 7. JUDGE TYLER WOULD LIKE SMITH AND FSO CARL GETTINGER PRESENT DURING HIS VISIT IN SALVADOR. DEPARTMENT AGREES, AND PLANS TO SEND GETTINGER WITH SMITH AND HAVE THEM STAY FOR THE TYLER VISIT. TYLER HAS ALSO REQUESTED THAT THE FBI SEND A LEGATT AND IT IS PRESENTLY CONTEMPLATED THAT ASSISTANT LEGATT WALSER WOULD TRAVEL TO SAN SALVADOR FROM MEXICO ON OR ABOUT SEPTEMBER 12.

6. SUGGESTED NEXT STEPS ARE:

[redacted]

PAGE 03 STATE 252862

A. PERSONS TO BE REINTERVIEWED (EMBASSY SHOULD ASK FISCAL TO MAKE ARRANGEMENTS FOR INTERVIEWS DURING SMITH VISIT. SMITH IS PREPARING SPECTFIC Q;ESTIONS FOR INTERVIEWS.)

--MARGARITO PEREZ NIETO (NATIONAL GUARDSMAN WHO FIRST REPORTED TO SUBSERGEANT COLINDRES ALEMAN THAT THE NUNS WERE AT THE AIRPORT AND APPEARED TO BE "SUBVERSIVE"). HE ALLOWED THE CHURCHWOMEN'S VAN TO PASS THE CHECKPOINT. HE SHOULD BE QUESTIONED IN MORE DETAIL ABOUT HIS CONVERSATIONS WITH SUBSERGEANT COLINDRES ALEMAN AND HIS REASONS FOR MAKING THE CALL. HAD HE BEEN INSTRUCTED TO WATCH FOR THE NUNS? FOR SUBVERSIVES? FOR LIBERALS OR CHURCHWOMEN? IN PARTICULAR, HE SHOULD BE ASKED WHETHER THE THREE NUNS AND THE LAY WORKER WERE IN ANY WAY IDENTIFIABLE AS CHURCHWOMEN. DID THE WOMEN WEAR CROSSES? ANY OTHER IDENTIFIABLE MARKS? IN WHAT WAY DID THEY LOOK "LIBERAL" OR "SUBVERSIVE"?

--CARLOS JOAQUIN CONTRERAS PALACIOS (GUARDSMAN WHO CONFESSED TO PARTICIPATION IN THE MURDER). HE SHOULD BE QUESTIONED AT FAR GREATER LENGTH ABOUT THE DETAILS. HE SHOULD BE QUESTIONED ABOUT THE ROBBERY OF THE VICTIMS AND ANY OTHER DETAILS THAT MIGHT REFLECT PREMEDITATION.

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El Salvador: Human Rights
Special Project (1993)

--SALVADOR RIVERA FRANCO (GUARDSMAN WHO WATCHED OVER THE MALFUNCTIONING JEEP DURING THE PERIOD WHEN THE MURDERS OCCURRED). HE SHOULD BE REINTERVIEWED ALONG THE LINES SUGGESTED ABOVE FOR CONTRERAS.

--ISABEL AQUINO GIRON (SECOND IN COMMAND AT THE AIRPORT ON THE EVENING OF DECEMBER 2). HE IS THE MAN WHO WAS PUT IN CHARGE AT THE AIRPORT BY SUBSERGEANT COLINDRES ALEMAN WITH INSTRUCTIONS TO "BE VERY CAREFUL". LATER,

[redacted]

THE SUBSERGEANT CALLED AQUINO GIRON FROM EL ROSARIO, LA PAZ, AT THE TIME WHEN THE JEEP WAS BROUGHT INTO THAT PLACE. AQUNIO GIRON SHOULD BE CLOSELY QUESTIONED ABOUT THE SUBSTANCE OF THAT PHONE CALL.

--JOSE LUIS MONTEROSA. WE BELIEVE THAT THIS MAN KNOWS FAR MORE THAN HE HAS SAID, PARTICULARLY ABOUT THE GUILT OF COLINDRES. HE SHOULD BE MORE CLOSELY QUESTIONED THAN HE HAS BEEN HERETOFORE.

--COLONEL RICARDO PENA RABAIZA.

--THE IMMEDIATE SUPERIORS OF SERGEANT COLINDRES ALEMAN, INCLUDING LIEUTENANT RAFAEL ANTONIO CORNEJO, LIEUTENANT DANILE MEJIA RIVAS, AND CAPTAIN OSCAR ARNANDO CARRANZA.

--ANY SECURITY FORCE PERSONNEL (INCLUDING POLICE) ON DUTY AT AIRPORT ON NIGHT OF MURDER AND WHO HAVE NOT BEEN INTERVIEWED, TO ASCERTAIN WHETHER THERE WERE RELEVANT COMMUNICATIONS WITH GUARDSMEN.

--REINTERVIEW OF NATIONAL GUARD MEMBERS JULIO CESAR VALLE ESPINOZA, JOSE ELIAS SANCHEZ, AND ADRIAN RAMIREZ PALACIOS.

--CONSIDERATION SHOULD ALSO BE GIVEN TO WHETHER SUBSERGEANT COLINDRES SHOULD BE REINTERVIEWED. IT SEEMS TO US THAT, IF HE WERE TO CONFESS, AND ADDRESS THE QUESTION OF HIGH-LEVEL INVOLVEMENT, MANY OF THE QUESTIONS IN THIS CASE COULD BE RESOLVED. A CONFESSION ALSO VIRTUALLY ELIMINATES THE POSSIBILITY OF AN ACQUITTAL. IN AN AMERICAN PROSECUTION, THE PROSECUTOR

[redacted]

WOULD CONTINUE TO TRY TO GAIN COOPERATION OF A POTENTIAL DEFENDANT THROUGHOUT THE INVESTIGATION, EVEN

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El Salvador: Human Rights
Special Project (1993)

UP TO THE EVE OF TRIAL. WE RECOGNIZE THERE MAY BE DIFFICULTIES WITH THIS APPROACH IN THE SALVADORAN SYSTEM, BUT WE SUGGEST THAT EMBASSY EXPLORE WITH THE FISCAL'S OFFICE AND MENDEZ THE ADVISIBILITY OF FURTHER INTERVIEWS OF COLINDRES. HE IS OBVIOUSLY THE BEST WITNESS TO RESOLVE THE QUESTIONS WHICH HAVE BEEN RAISED ABOUT HIS MOTIVATIONS IN THIS CASE.

B. FURTHER INVESTIGATIVE STEPS:

--FOLLOWING INTERVIEWS OF ABOVE-IDENTIFIED PERSONS, CONSIDERATION SHOULD BE GIVEN TO HAVING STATEMENTS FROM THEM INCLUDED IN COURT RECORD THROUGH DEPOSITION BEFORE JUDGE RAUDA.

--EFFORTS MUST BE MADE TO ENTER INTO THE RECORD COLINDRES' THUMBPRINT WHICH THE FBI LIFED FROM THE VAN. IS ITPOSSIBLE THAT THE FBI AGENT WHO LIFTED THE PRINT COULD RETURN TO SALVADOR AND TESTIFY, TOGETHER WITH THE FBI FINGERPRINT EXPERT FROM WASHINGTON WHO MATCHED THE PRINTS?

--FILES INDICATE THAT THERE WAS A SMALL NATIONAL GUARD POST WITH ONE OR TWO GUARDSMEN (WHOSE NAMES ARE NOT KNOWN) AT EL ROSARIO, LA PAZ, ON THE EVENING OF DECEMBER 2. SUBSERGEANT COLINDRES ALEMAN PLACED HIS CALL FOR HELP FOR THE DISABLED JEEP FROM THIS LOCATION. JUDGE TYLER BELIEVES THAT THESE GUARDSMEN SHOULD BE IDENTIFIED AND QUESTIONED, BECAUSE OF THE POSSIBILITY THAT COLINDRES MAY HAVE DISCUSSED WITH THEM AND PERHAPS OTHERS AT THE SCENE THE WOMEN (WHO, OF COURSE, WERE ALIVE AT THE TIME) AND THE SUBSERGEANT'S PLANS FOR THE WOMEN.

[redacted]

--IF NOT ALREADY ACCOMPLISHED, THE EMBASSY AND THE FISCAL NEED TO RESOLVE QUESTIONS ABOUT THE APPARENTLY FORGED MORAN LETTER. HAS JUDGE RAVDA DECIDED WHAT TO DO ABOUT LETTER?

--EFFORTS SHOULD BE MADE TO IDENTIFY THE FINGERPRINTS THAT THE FBI FOUND ON THE THREAT LETTER RECEIVED BY THE CHURCHWOMEN. WE UNDERSTAND THE EMBASSY BELIEVES THE FBI MAY HAVE THE LETTER. THE FBI HAS ADVISED US THAT IT RETURNED THE LETTER, TOGETHER WITH THE PHOTOGRAPHS OF THE FINGERPRINTS, TO THE EMBASSY THROUGH THE LEGATT IN JANUARY 1981. PRESUMABLY THEY WERE THEN PASSED TO

THE SALVADORAN INVESTIGATIVE COMMISSION WHICH SHOULD STILL HAVE THEM.

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Special Project (1993)

7. ADDITIONAL CONSIDERATIONS:

--WE UNDERSTAND THE CASE WI-L BE MOVED TO SAN SALVADOR. ARE ARRANGEMENTS MADE FOR THAT TRANSFER? WHAT JUDGE WILL HANDLE THE CASE IN SAN SALVADOR? AS WE UNDERSTAND IT, THE PURPOSE OF SHIFTING THE CASE TO SAN SALVADOR IS TO ASSURE AN INDEPENDENT JURY. IF SO, WOULD IT BE POSSIBLE FOR JUDGE RAUDA, WHO HAS IMPRESSED THE FAMILIES AND OTHERS WHO WORKED WITH HIM, TO PRESIDE OVER THE CASE IN SAN SALVADOR?

--WE HAD PREVIOUSLY BEEN INFORMED THAT THE PLENARIO STAGE OF THE TRIAL WOULD TAKE SOME TIME AND THAT WITNESSES WOULD TESTIFY IN OPEN COURT. WE UNDERSTOOD THERE WAS A FIFTEEN DAY "PERIOD OF PROOF" AND A "VISTA PUBLICA" WHICH WOULD INVOLVE APPEARANCES OF THE KEY WITNESSES AND ARGUMENTS BEFORE THE COURT. WE ARE NOW [redacted]

PAGE 07 STATE 252862

TOLD THAT THE MATTER WILL TAKE ONLY ONE OR TWO DAYS AND NO WITNESSES WILL APPEAR. EMBASSY IS REQUESTED TO CLARIFY WHAT WILL HAPPEN IN PLENARIO.

--THE FISCAL SHOULD CONSOLIDATE EVIDENCE WHICH HAS BEEN PREVIOUSLY PROVIDED TO THE GOVERNMENT OF EL SALVADOR BY THE FBI (THE LIST GIVEN TO THE FISCAL AFTER THE SMITH/RICHARD VISIT IN MAY OF 1983). EMBASSY SHOULD GO OVER THAT LIST WITH THE FISCAL TO MAKE SURE FIRST, THAT HE HAS ALL EVIDENCE; SECOND, THAT ALL PROBATIVE EVIDENCE IS AVAILABLE IN A FORM THAT IS ADMISSIBLE; AND THIRD, THAT EVIDENCE IS ORGANIZED FOR PRESENTATION IN A COHERENT, PERSUASIVE WAY. SHULTZ

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E.01 12356 DECL: OADR
TAGS: PREL, UNGA
SUBJECT: 38TH UN GENERAL ASSEMBLY: US STRATEGY AND OBJECTIVES

1. ~~CONFIDENTIAL~~ - ENTIRE TEXT

2. GENERAL INSTRUCTIONS: SEPTEL CONTAINS A SUMMARY OF U.S. POSITIONS AND OBJECTIVES AT THE 38TH UNGA FOR POSTS TO USE WITH FOREIGN MINISTER AS NON PAPER. OUTLINED BELOW IS A MORE DETAILED DISCUSSION OF U.S. VIEWS ON KEY ISSUES FOR POSTS' USE IN ELICITING HOST GOVERNMENT VIEWS AND SUPPORT. POSTS SHOULD CONSULT, INTER ALIA, WHERE FEASIBLE WITH THE OPERATING HEAD OF THE GA DELEGATION. ALL POSTS PLEASE REPORT REACTIONS, INFO USUN, BY SEPTEMBER 15.

3. SETTING AND OBJECTIVES: THE 38TH GA COMES AT A

TIME WHEN, DOMESTICALLY, USG AND US PUBLIC CONCERN CONTINUES OVER THE IMPACT OF BUDGET DEFICITS ON THE STATE OF THE ECONOMY. FOR THIS REASON, A GOOD DEAL OF U.S. ATTENTION REMAINS FOCUSSED ON THE COST AND EFFECTIVENESS OF THE UN SYSTEM. WE HAVE MADE PROGRESS IN THIS AREA, BUT MORE NEEDS TO BE DONE. AMERICAN SENSITIVITIES TO ABUSE OF UN MACHINERY REMAIN A POINT OF SERIOUS CONCERN, AND THE OUSTER OF ISRAEL OR A UNGA VOTE WHICH CHALLENGES THE STATUS OF PUERTO RICO COULD MAKE IMPOSSIBLE CONTINUED FULL U.S. PARTICIPATION IN THE UN SYSTEM.

4. THE 38TH UNGA TAKES PLACE DURING A PERIOD OF INCREASED REGIONAL TENSIONS. CENTRAL AMERICA HAS BECOME POTENTIALLY EXPLOSIVE, AND REGIONAL EFFORTS TO DEFUSE THE SITUATION RISK BEING SUPERSEDED BY GLOBALIZATION OF THE ISSUE IN THE GENERAL ASSEMBLY. LEBANON, THE ARAB-ISRAELI DISPUTE IN THE MIDDLE EAST WILL CONTINUE TO PROVOKE DIVISION AND CONTROVERSY. THE LIBYAN INTERVENTION IN CHAD IS YET ANOTHER ISSUE LIKELY TO IMPACT ON THE GA DELIBERATIONS. THE RESULTS OF THE UNCTAD VI MEETING IN BELGRADE DID LITTLE TO EASE THE STRAIN ON RELATIONS BETWEEN THE U.S. AND THE MAJORITY OF THE G-77, AND WE CAN EXPECT RENEWED LDC EFFORTS TO PUSH THE INDUSTRIALIZED COUNTRIES INTO DOING MORE

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FORTHCOMING ON INTERNATIONAL ECONOMIC POLICY.

5. A NEW WRINKLE IN THIS YEAR'S SESSION IS MRS. GANDHI'S INVITATION TO WORLD LEADERS TO ATTEND THE 38TH UNGA WITH THE AIM OF EXCHANGING VIEWS ON INTERNATIONAL ISSUES -- A PROPOSAL ADOPTED BY THE NON ALIGNED MOVEMENT AT ITS SUMMIT IN NEW DELHI MARCH. 1983. AT PRESENT, SOME 40 EUROPEAN AND NON ALIGNED LEADERS, INCLUDING PRESIDENTS MITTERRAND AND MUBARAK, HAVE REPORTEDLY INDICATED THEIR INTENTION TO ATTEND SUCH A MEETING. (WE HAVE BEEN TOLD MANY OF THESE LEADERS WOULD HAVE ATTENDED ANYWAY) THE U.S. HAS BEEN NONCOMMITAL ABOUT THE PRESIDENT'S ATTENDANCE BUT PRIVATELY NEGATIVE TO THE IDEA SINCE WE SEE NO GAIN TO U.S. INTERESTS AND SOME HAZARDS IN SUCH AN UNSTRUCTURED NAM SPONSORED FORUM IN WHICH THERE MAY BE STRONG ANTI-WESTERN THEMES. THE USSR HAS INDICATED THAT ANDROPOV WILL NOT ATTEND.

6. THE U.S. HAS BEEN AND REMAINS AT THE CENTER OF DIPLOMATIC PROCESSES SEEKING A RESOLUTION OF THE LONG STANDING MIDDLE EAST PROBLEMS, AS WELL AS AN END TO THE LAST MAJOR VESTIGE OF COLONIALISM IN AFRICA - NAMIBIA. THE U.S ALSO ACTIVELY SUPPORTS THE CONTADORA EFFORTS TO ACHIEVE A REGIONAL SOLUTION IN CENTRAL AMERICA. THESE PROCESSES ARE THE MOST REALISTIC WAY OF DEALING WITH PROBLEMS ON THE INTERNATIONAL HORIZON. THE USSR, BY CONTRAST, REMAINS AT SERIOUS ODDS WITH THE INTERNATIONAL COMMUNITY ON AFGHANISTAN AND KAMPUCHEA -- AND THE SOVIETS ARE BOTH IRRELEVANT TO AND UNWILLING TO JOIN IN INTERNATIONAL EFFORTS TO MEET THE NEEDS OF LESS DEVELOPED COUNTRIES.

7. THE UN SYSTEM SUFFERS FROM THREE MAJOR FAILURES: POLITICIZATION, FAILURE TO CONTROL BUDGETS, AND THE PROMOTION OF STATIST THEORIES. TO OVERCOME THESE, OUR BASIC OBJECTIVES WILL CONTINUE TO BE TO REASSERT U.S. LEADERSHIP IN MULTILATERAL AFFAIRS, STRENGTHEN OUR INFLUENCE IN THE UN AND ITS AGENCIES, PROMOTE FISCAL RESPONSIBILITY IN THE BUDGETARY PROCESS, INCREASE THE NUMBER OF U.S. NATIONALS ON INTERNATIONAL STAFFS. AND AUGMENT PRIVATE SECTOR INVOLVEMENT IN UN PROGRAMS AND ACTIVITIES. IN PURSUIT OF THESE OBJECTIVES, WE WILL ACTIVELY PROMOTE INITIATIVES ON COST EFFECTIVENESS, AND PROPOSALS IN SUCH AREAS AS HUMAN RIGHTS AND DISARMAMENT. MOREOVER, WE WILL MAKE CLEAR OUR FIRM STAND ON MATTERS OF PRINCIPLE; MAXIMIZE UNGA SUPPORT FOR POSITIONS WE FAVOR OR ISSUES OF IMPORTANCE TO US SUCH AS ISRAELI REPRESENTATION, PUERTO RICO. AFGHANISTAN, AND KAMPUCHEA; REITERATE U.S. SUPPORT FOR AND COMMITMENT TO THE UN; AND MAINTAIN COHESION WITH

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~~CONFIDENTIAL~~ SECTION 02 OF 17 STATE 254281

OUR ALLIES AND FRIENDS.

8. KEY ISSUES: IN THE FOLLOWING DISCUSSION, WE IDENTIFY TWO CATEGORIES OF ISSUES: THOSE OF PARTICULAR IMPORTANCE TO THE U.S. AND WHICH POSTS MUST RAISE WITH HOST GOVERNMENTS, AND THOSE OF SIGNIFICANT IMPORTANCE WHICH POSTS MAY RAISE IN THEIR DISCRETION. (SEPTEL COVERS THE ISSUES LISTED IN THIS CABLE AND IS SPECIFICALLY AIMED AT CATCHING FOREIGN MINISTER'S ATTENTION ON WIDE RANGE OF U.S. CONCERNS. FOR MORE DISCUSSIONS AT LOWER LEVEL, POSTS HAVE DISCRETION ON WHETHER TO TAILOR THEIR APPROACHES ALONG LINES OF SUMMARY.) WHERE PRE-UNGA CONSULTATIONS HAVE OCCURRED, POSTS MAY ADJUST THEIR APPROACHES ACCORDINGLY. POSTS MAY IN THEIR DISCRETION INCORPORATE THESE POINTS IN A NON-PAPER TO BE LEFT AT THE FOREIGN MINISTRY. TALKERS WILL BE TRANSMITTED IN FRENCH, PORTUGUESE AND SPANISH FOR POSTS USE AS SOON AS AVAILABLE. AS WE GET MORE IMFORMATION, WE MAY ASK POSTS TO MAKE SEPARATE DEMARCHES ON ISSUES OF PARTICULAR IMPORTANCE.

9. ISSUES THAT MUST BE RAISED:

A.- PUERTO RICO: FYI: LAST YEAR, THE GENERAL ASSEMBLY VOTED DOWN CUBA'S ATTEMPT TO INSCRIBE PUERTO RICO ON THE AGENDA (70-30 WITH 43 ABSTENTIONS). DESPITE CUBAN APPEALS TO LATIN AND NON-ALIGNED SOLIDARITY, FEW NON-SOVIET-DOMINATED MEMBERS SUPPORTED THE CUBAN PROPOSAL. AT THE NEW DELHI NAM SUMMIT IN FEBRUARY, CUBA USED ITS PROMINENT POSITION TO OBTAIN ANOTHER NAM STATEMENT SUPPORTING PUERTO RICAN INDEPENDENCE. CUBA PUSHED THE ISSUE AGAIN IN THE DECOLONIZATION COMMITTEE WHICH WAS WELL ATTENDED BY SPOKESMEN FOR THE PUERTO RICAN SOCIALISTS AND INDEPENDENTISTAS. THE RESOLUTION APPROVED BY THE COMM,TTEE CONDEMNED THE U.S. FOR INCREASED MILITARIZATION OF THE ISLAND AND FOR "REPRESSIVE MEASURES" AGAINST PUERTO RICAN INDEPENDENCE FORCES BUT DID NOT CALL FOR UNGA CONSIDERATION. WE CLEARLY OPPOSE THE BASELESS CHARGES CONTAINED IN THE RESOLUTION AND WILL WANT TO BE PREPARED TO DEAL WITH ANY CHALLENGE.

WE WILL WANT TO STRESS EMPHATICALLY OUR CLEAR OPPOSITION TO ANY DISCUSSION OF PUERTO RICO, AN ISSUE OF PRIME IMPORTANCE TO THE U.S. OUR POSITION ON THE

QUESTION OF GA CONSIDERATION OF PUERTO RICO IS BASED ON PREVIOUS ACTIONS OF THE GA ITSELF. IN 1953 THE GA REMOVED PUERTO RICO FROM THE LIST OF NON-SELF-GOVERNING TERRITORIES AFTER PUERTO RICO BECAME A COMMONWEALTH OF THE U.S. THIS ACTIO; HAS BEEN REAFFIRMED TWICE - IN 1971 AND 1982 - WHEN THE GENERAL COMMITTEE VOTED DOWN A CUBAN REQUEST THAT PR BE INCLUDED ON THE GA AGENDA. EFFORTS TO BRING THE ISSUE TO THE UN CONSTITUTE AN INTERFERENCE IN THE INTERNAL AFFAIRS OF A MEMBER STATE, WHICH IS PROHIBITED BY ARTICLE 2, SECTION 7 OF THE UN CHARTER. IN YOUR DISCUSSIONS YOU SHOULD STRESS THE EVIDENCE OF EXTREMELY LOW SUPPORT IN PUERTO RICO FOR INDEPENDENCE. END FYI

— U.S. INTERESTS AND REPUTATION ARE DIRECTLY AND SPECIFICALLY INVOLVED IN ANY ACTION DEALING THE STATUS OF PUERTO RICO. FEW OTHER ISSUES DIRECTLY INVOLVE THE U.S.

— THE U.S. HOPES AND EXPECTS THAT IT CAN COUNT ON ITS FRIENDS TO SUPPORT IT ON THESE FEW ISSUES WITH THEIR VOTES AND THEIR SPEECHES.

— THE ISSUE OF PUERTO RICO'S RELATIONSHIP TO THE U.S. AND ITS STATUS IS CLEAR -- LEGALLY, POLITICALLY AND MORALLY.

— (FOR C-24 MEMBERS ONLY): THE C-24 RESOLUTION WAS HOSTILE AND MENDACIOUS. IT WAS DESIGNED TO DAMAGE AND EMBARRASS THE U.S. WE DEEPLY REGRET U.S. FRIENDS DID NOT ACT TO DEFEND US AGAINST SUCH UNFAIR ATTACKS.

— WE EXPECT (AND HOPE) THAT ALL U.S. FRIENDS WILL OPPOSE ANY EFFORT TO INSCRIBE PUERTO RICO ON THE AGENDA OF THE GENERAL ASSEMBLY AND WILL OPPOSE ANY RESOLUTIONS DEALING WITH THIS SUBJECT.

— WE WERE VERY PLEASED WITH THE VOTE LAST YEAR BY THE GENERAL ASSEMBLY TO REJECT THE ATTEMPT TO HAVE THE ASSEMBLY CONSIDER THE QUESTION OF PUERTO RICO.

— BY THIS ACTION, AS BY ITS DECISION IN 1953 TO REMOVE P.R. FROM THE LIST OF NON-SELF-GOVERNING TERRITORIES FOLLOWING THE ASSUMPTION OF COMMONWEALTH STATUS FOR THE ISLAND, THE ASSEMBLY HAS REAFFIRMED ITS RESPECT FOR THE WISHES OF THE PEOPLE OF PUERTO RICO TO DETERMINE THEIR OWN FUTURE.

— CONTRARY TO SOME CLAIMS, THE VAST MAJORITY OF PUERTO RICANS DO NOT WANT INDEPENDENCE. IN POLLS AND ELECTIONS THE INDEPENDENCE OPTION HAS NEVER GAINED
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SUPPORT FROM MORE THAN ABOUT 6 PERCENT OF THE POPULATION. THE RELATIONSHIP BETWEEN THE PEOPLE OF PUERTO RICO AND THE REST OF THE UNITED STATES IS ONE OF

FREE SELF-DETERMINATION, NOT/NOT COLONIALISM.

-- THIS QUESTION IS A MATTER OF GREAT IMPORTANCE OF THE U.S.; WE HOPE THAT IF IT IS AGAIN RAISED IN THE GENERAL ASSEMBLY YOUR GOVERNMENT WILL SUPPORT US.

B.- MIDDLE EAST: FYI:

ISRAELI CREDENTIALS: ALTHOUGH WE HOPE THAT THE DEFEAT THEY SUFFERED LAST YEAR WILL PERSUADE COUNTRIES WISHING TO CHALLENGE ISRAEL'S RIGHT TO PARTICIPATE IN THE UNGA NOT TO PURSUE THIS AGAIN, WE MUST REMAIN VIGILANT AGAINST A POSSIBLE RENEWAL OF THE CHALLENGE. OTHER COUNTRIES SHOULD BE INFORMED OF OUR STAND ON THIS TOPIC AND SHOULD BE REMINDED OF OUR POSITION AS STATED IN SECRETARY SHULTZ'S PUBLIC STATEMENT OF LAST OCTOBER 16, I.E. THAT "IF ISRAEL WERE EXCLUDED FROM THE GENERAL ASSEMBLY OR ANY OTHER BODY, THE UNITED STATES WOULD WITHDRAW FROM PARTICIPATION IN THE ASSEMBLY AND WOULD WITHHOLD PAYMENTS TO THE UNITED NATIONS, UNTIL ISRAEL'S RIGHT TO PARTICIPATE IS RESTORED."

ANTI-ISRAELI BIAS IN UNGA RESOLUTIONS: AS IN PREVIOUS YEARS, WE EXPECT THAT THE ARABS TO SPONSOR A SERIES OF RESOLUTIONS ON ARAB-ISRAELI ISSUES CONTAINING POLEMICAL LANGUAGE AGAINST ISRAEL, AND IN SOME CASES AGAINST U.S. SUPPORT FOR ISRAEL. WE HAVE VIRTUALLY NO CHANCE OF STOPPING ADOPTION OF THESE RESOLUTIONS, BUT WE CAN TRY TO BUILD UP THE NUMBER OF NEGATIVE VOTES AGAINST THE WORST TEXTS. THE U.S. IS WILLING TO ENGAGE IN SUBSTANTIVE DISCUSSION WITH THE MODERATE ARABS AND OTHER UN DELEGATIONS TOWARD SECURING A U.S. ABSTENTION OR POSITIVE VOTE ON CERTAIN MIDDLE EAST RELATED DRAFT RESOLUTIONS, PROVIDING THE RESULTING RESOLUTIONS ARE SUPPORTIVE OF U.S. EFFORTS TO OBTAIN A NEGOTIATED AND FAIR SOLUTION TO THE MIDDLE EAST CONFLICT ALONG THE LINES PROPOSED BY PRESIDENT REAGAN ON SEPTEMBER 1, 1982.

LEBANON AND UNIFIL: THOUGH NOT A UNGA ITEM, OUR CONCERN ON THIS SUBJECT SHOULD BE CONVEYED WHEREVER SUITABLE, URGING SUPPORT FOR A UNIFIL ROLE MEETING

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LEBANON'S EXPRESSED NEEDS. ONCE UNAUTHORIZED FOREIGN TROOPS WITHDRAW FROM LEBANESE SOIL AND THE MAY 17 ISRAEL-LEBANON AGREEEMENT ENTERS INTO IMPLEMENTATION, WE ENVISAGE A UNIFIL ROLE THROUGHOUT THE COUNTRY CONFORMING TO THE AGREEMENT'S TERMS IN SOUTHERN LEBANON AND ALSO GIVING UNIFIL A MEANINGFUL ROLE IN OTHER PARTS OF THE COUNTRY. END FYI

-- WE HOPE VERY MUCH THAT THERE WILL BE NO CHALLENGE TO ISRAELI CREDENTIALS THIS YEAR IN THE UNGA. SUCH A CHALLENGE WOULD BE INAPPROPRIATE. WE WOULD BE INTERESTED TO KNOW IF YOU HAVE ANY INDICATIONS OF A PROSPECTIVE CHALLENGE OF THIS KIND. THE U.S. POSITION ON THIS ISSUE REMAINS AS FIRM AS EVER, NAMELY THAT THE U.S. WILL WITHDRAW FROM PARTICIPATION IN THE ASSEMBLY AND WITHHOLD PAYMENTS TO THE UN IF ISRAEL IS EXCLUDED FROM THE GA. WE HOPE WE CAN COUNT ON YOUR GOVERNMENT'S SUPPORT IN CASE THE QUESTION ARISES. (NOTE: POSTS IN ARAB CAPITALS SHOULD TAILOR THIS POINT AS NEEDED, BUT SHOULD GET ACROSS THE BASIC MESSAGE THAT OUR OPPOSITION TO SUCH CHALLENGES IS UNDIMINISHED BASED ON FIRM USG COMMITMENT TO THE PRINCIPLE OF UNIVERSALITY.)

-- WE HOPE THE ARAB DELEGATIONS AT THE UNGA WILL AVOID THE CONFRONTATIONAL APPROACH OF THE PAST AGAINST ISRAEL AND THE U.S. WHICH ONLY EXACERBATES ARAB-ISRAELI TENSIONS AND HARMS THE CAUSE OF RECONCILIATION AND PEACE. WE NEED ;OUR GOVERNMENT'S SUPPORT IN SEEKING AN END TO THIS STERILE RHETORIC AND, IF NECESSARY, OPPOSING IT. (NOTE: POSTS IN ARAB CAPITALS SHOULD TAILOR THIS POINT AS NEEDED. ARAB MODERATE GOVERNMENTS SHOULD BE ESPECIALLY URGED TO WORK AGAINST EXTREME RHETORIC.)

-- THE USG REMAINS COMMITTED TO THE ISRAEL-LEBANON AGREEMENT AND TO AN IMPORTANT ROLE FOR UNIFIL IN FUTURE LEBANESE PEACEKEEPING. WE EXPECT THE UN SECURITY COUNCIL WILL DEFINE, AT THE APPROPRIATE TIME, A MANDATE FOR UNIFIL RESPONDING TO LEBANON'S NEEDS AND MEETING THE STANDARDS OF THE UN AND THE TROOP CONTRIBUTORS ON THE FUNCTIONS OF A UN PEACEKEEPING FORCE.

C.- CENTRAL AMERICA: FYI: A NUMBER OF INTERNATIONAL FORA HAVE BEEN INVOLVED IN A SEARCH FOR PEACE IN CENTRAL AMERICA. THE OAS PERMANENT COUNCIL HAS ACTIVELY CONSIDERED THE PROBLEM. THE CONTADORA STATES (MEXICO, VENEZUELA, COLOMBIA, PANAMA), TOGETHER WITH THE CENTRAL AMERICAN NATIONS, ARE SEEKING A SOLUTION. THE SECURITY COUNCIL WAS THE PRINCIPAL UN FORUM FOR DISCUSSION OF THE CRISIS IN CENTRAL AMERICA. WE OPPOSED NICARAGUAN EFFORTS IN 1982 AND 1983 TO BRING
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THE PROBLEMS OF CENTRAL AMERICA TO THE SC AS CONTRARY TO BOTH THE UN AND OAS CHARTERS, WHICH GIVE PRIMACY IN REGIONAL MATTERS TO REGIONAL ORGANIZATIONS, AND AS A DIVERSION TO AVOID COMING TO GRIPS WITH EFFORTS NICARAGUA'S NEIGHBORS ARE MAKING TO ACHIEVE REGIONAL SOLUTIONS. HOWEVER, IN 1983, WE ACCEPTED SC RESOLUTION

530 WHICH REQUESTS THE SECRETARY GENERAL TO REPORT ON THE SITUATION. THE SC ALSO HAS PROVIDED A PROMINENT FORUM FOR NICARAGUAN PROPAGANDA AGAINST THE U.S., A FORUM IN WHICH, UNLIKE THE OAS, THE SANDINISTAS CAN COUNT ON CONSIDERABLE SUPPORT FROM THE EASTERN BLOC AND THIRD WORLD RADICALS. HOWEVER, NICARAGUA'S BLATANT EXPLOITATION OF THE SC IN TWO MEETINGS THIS SPRING MAY HAVE BACK-FIRED; SUPPORT FOR THE GON APPEARED TO WANE DURING THE SECOND SESSION IN WHICH THE GON WAS NOT ABLE TO RALLY VOTES FOR A RESOLUTION CONDEMNING U.S. "AGGRESSION."

FOCUS ON CENTRAL AMERICA HAS SHIFTED BACK TO THE CONTADORA GROUP FOR DEVELOPMENT OF PEACEFUL SOLUTIONS TO THE REGION'S PROBLEMS. SHOULD THOSE EFFORTS FALTER THERE WILL BE MORE PRESSURE TO MOVE THE MATTER TO THE UN. WE OPPOSE EFFORTS TO MOVE IT TO THE U;, AND ARE PELUCTANT TO HAVE THE UN SECRETARY GENERAL BECOME INVOLVED.

AT PRESENT WE ARE AWARE OF NO SPECIFIC PLANS TO TAKE CENTRAL AMERICA UP BY THE GA EXCEPT IN THE CONTEXT OF THE ITEMS ON HUMAN RIGHTS IN GUATEMALA AND EL SALVADOR. HOWEVER, WE SHOULD BE PREPARED TO COUNTER ANY ATTEMPT TO INVOLVE THE GA IN THIS AREA. END FYI

-- THE U.S. IS VITALLY INVOLVED IN THE CENTRAL AMERICAN REGION, SO CLOSE TO US BOTH ECONOMICALLY AND IN TERMS OF OUR NATIONAL SECURITY INTERESTS.

-- WE ARE SERIOUSLY COMMITTED TO THE PRINCIPLE OF PEACEFUL CHANGE IN THE REGION, FREE OF OUTSIDE INTERFERENCE, AND OF DEMOCRACY AS THE BEST WAY TO INSURE THE PROTECTION OF THE HUMAN RIGHTS OF THE PEOPLE OF THIS TROUBLED REGION.

-- WE WELCOME THE PROGRESS MADE ON HUMAN RIGHTS, PARTICULARLY THE ANNOUNCEMENT OF ELECTIONS TO TAKE

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PLACE SOON IN EL SALVADOR.

-- WE CONTINUE TO SUPPORT REGIONAL APPROACHES TO THE REGIONAL PROBLEMS OF CENTRAL AMERICA, SUCH AS THE CURRENT CONTADORA INITIATIVES.

-- AS LONG AS THESE REGIONAL EFFORTS ARE CONTINUING WE WOU-D OPPOSE UN INVOLVEMENT. WE STRONGLY SUPPORT THE CONTADORA EFFORT. SHOULD THIS FALTER, THE OAS WOULD BE THE APPROPRIATE FORUM. IT IS OUR VIEW THAT UNDER BOTH THE UN AND OAS CHARTERS THE OAS HAS INITIAL PRIMACY IN

DEALING WITH THIS REGIONAL MATTER.

D. - SOUTHERN AFRICA/NAMIBIA: FYI: ALTHOUGH THE SECURITY COUNCIL REMAINS SEIZED WITH NAMIBIA AND WE BELIEVE THIS IS THE PROPER FORUM FOR CONSIDERATION OF THIS ISSUE, THE GENERAL ASSEMBLY WILL NO DOUBT TAKE UP THE NAMIBIA PROBLEM ONCE AGAIN THIS YEAR. THE UNITED STATES REMAINS FIRMLY COMMITTED TO THE IMPLEMENTATION OF UNSC RESOLUTION 435, LEADING TO THE INDEPENDENCE OF NAMIBIA. TOGETHER WITH OUR CONTACT GROUP COLLEAGUES (UK, FRG, FRANCE AND CANADA), THE US IS PLAYING A CENTRAL ROLE IN MOVING THE PARTIES TOWARD IMPLEMENTATION. A MAJOR OUTSTANDING OBSTACLE IS THE CONTINUING PRESENCE OF CUBAN TROOPS IN ANGOLA. WHILE RESOLUTION 435 MAKES NO MENTION OF THE CUBANS, THEIR PRESENCE IS A REALITY OF THE SITUATION IN SOUTHERN AFRICA THAT MUST BE DEALT WITH IF THE SOUTH AFRICANS ARE TO AGREE TO IMPLEMENTATION.

THE MOST RECENT SECURITY COUNCIL ACTION ON NAMIBIA WAS THE ADOPTION ON MAY 31 OF RESOLUTION 532. THE RESOLUTION DID NOT CALL FOR SANCTIONS AGAINST SOUTH AFRICA AND DID NOT SET A DEADLINE FOR A NAMIBIA SETTLEMENT. IT DID, HOWEVER, INSTRUCT THE SECRETARY GENERAL TO PREPARE A REPORT ON THE STATUS OF NEGOTIATIONS FOR PRESENTATION TO THE SECURITY COUNCIL BY AUGUST 31. THE SYG VISITED SOUTHERN AFRICA IN THE LATTER HALF OF AUGUST, INCLUDING SOUTH AFRICA AND NAMIBIA, TO CONSULT WITH INTERESTED PARTIES BEFORE ISSUING HIS REPORT.

DURING THE MAY SECURITY COUNCIL DEBATE, SOUTH AFRICA PROFESSED A GOOD-FAITH NEGOTIATING POSITION AND SAID EXPLICITLY THAT CUBAN TROOP WITHDRAWAL IS THE "LAST MAJOR OBSTACLE" TO NAMIBIAN INDEPENDENCE. THIS WILL MAKE IT DIFFICULT, IF AND WHEN THE CUBANS LEAVE ANGOLA, FOR SOUTH AFRICA TO RAISE FURTHER OBSTACLES TO A SETTLEMENT. WE BELIEVE A SETTLEMENT COULD BE REACHED WITHIN WEEKS OF A FIRM ANGOLAN COMMITMENT TO BEGIN
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WITHDRAWING CUBAN TROOPS. WE HOPE TO RECEIVE AN ANGOLAN PROPOSAL ON THIS IN THE PROXIMATE FUTURE. END FYI

-- WE CONTINUE TO BELIEVE UNSC RESOLUTION 435 PROVIDES THE ONLY VIABLE BASIS FOR PEACEFUL PROGRESS TOWARD NAMIBIAN INDEPENDENCE.

-- DELICATE NEGOTIATIONS AIMED AT IMPLEMENTATION ARE PROCEEDING AMONG THE PARTIES, WITH THE ASSISTANCE OF

THE CONTACT GROUP. WE WOULD CONSIDER IT MOST UNFORTUNATE IF INTEMPERATE UNGA RESOLUTIONS ON NAMIBIA WERE TO UNDERMINE THESE NEGOTIATIONS. WE ASK YOUR SUPPORT IN RESISTING ANY EFFORTS TO INTRODUCE RESOLUTIONS OF THIS KIND.

-- SOUTH AFRICA TOOK GREAT PAINS IN THE UNSC DEBATE IN MAY TO PROFESS ITS GOOD FAITH INTENTIONS TOWARD ACHIEVING A PEACEFUL INTERNATIONAL SETTLEMENT.

-- WE BELIEVE THE NAMIBIA NEGOTIATIONS ARE EVOLVING FAVORABLY AND WE ARE DETERMINED TO PERSEVERE TO A SUCCESSFUL OUTCOME.

-- WE BELIEVE A SETTLEMENT CAN BE REACHED WITHIN WEEKS OF A FIRM ANGOLAN COMMITMENT TO BEGIN WITHDRAWAL OF CUBAN TROOPS.

E.- AFGHANISTAN: FYI: THE UNGA HAS FOUR TIMES PASSED RESOLUTIONS CALLING FOR WITHDRAWAL OF THE FOREIGN (I.E., SOVIET) TROOPS FROM AFGHANISTAN. YES VOTES ON THESE RESOLUTIONS (IN JANUARY 1980, NOVEMBER 1980, NOVEMBER 1981, AND NOVEMBER 1982) WERE RESPECTIVELY 104, 111, 116 AND 114. A SIMILAR RESOLUTION WILL BE SUBMITTED TO THE 38TH UNGA. AS BEFORE, PAKISTAN WILL PROBABLY TAKE THE LEAD IN LOBBYING FOR IT, BUT WE WILL BE SUPPORTIVE WHERE NECESSARY. OUR GOAL IS TO CONTINUE THE OVERWHELMINGLY HEAVY VOTE AGAINST THE SOVIETS. THE UNGA RESOLUTIONS ESTABLISHED FOUR PRINCIPLES FOR AN AFGHAN SETTLEMENT: (1) WITHDRAWAL OF FOREIGN TROOPS, (2) RESTORATION OF AN INDEPENDENT AND NONALIGNED AFGHANISTAN, (3) SELF-DETERMINATION FOR THE AFGHAN PEOPLE, AND (4) THE RIGHT OF RETURN WITH HONOR FOR THE REFUGEES. MOSCOW MAY CITE THE ONGOING UN TALKS ON

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AFGHANISTAN AS A REASON NOT TO SUPPORT THE UNGA RESOLUTION THIS YEAR. UNTIL THE SOVIETS BECOME SERIOUS ABOUT NEGOTIATING THE WITHDRAWAL OF THEIR TROOPS, HOWEVER, THE FACT OF UN TALKS IS ALL THE MORE REASON TO CONTINUE TO SUPPORT THE RESOLUTION AND KEEP AS MUCH PRESSURE ON THE SOVIETS AS POSSIBLE. END FYI.

— PAST UNGA RESOLUTIONS SHOULD HAVE MADE CLEAR TO THE SOVIETS THAT THE VAST MAJORITY OF NATIONS SEES THE INVASION AND OCCUPATION OF AFGHANISTAN AS A THREAT TO INTERNATIONAL PEACE AND SECURITY. THE US WILL STRONGLY SUPPORT A SIMILAR RESOLUTION AT THE 38TH UNGA, AND WE WILL URGE BROADEST POSSIBLE BACKING FROM THE UNGA MEMBERS.

— THE CRUX OF UNGA RESOLUTIONS IS THAT THE SOVIETS ARE RESPONSIBLE FOR AFGHANISTAN'S PLIGHT, THE KEY TO A SOLUTION IS THE WITHDRAWAL OF THE SOVIET TROOPS.

— WE SUPPORT THE UN NEGOTIATING EFFORT ON AFGHANISTAN AS A MEANS TO ACHIEVE THE PRINCIPLES IN THE UNGA RESOLUTION, INCLUDING THE CENTRAL REQUIREMENT OF TOTAL WITHDRAWAL OF SOVIET TROOPS. WE BELIEVE THAT CONTINUED PASSAGE OF THE RESOLUTION ON AFGHANISTAN BY LARGE MAJORITIES WILL DRIVE HOME TO MOSCOW THAT THE WAY TO A NEGOTIATED POLITICAL SETTLEMENT IS BY THEIR AGREEMENT TO THE COMPLETE WITHDRAWAL OF THEIR TROOPS.

F.- KAMPUCHEA: FYI: IT IS EXPECTED THAT THE GREAT MAJORITY OF UN MEMBERS, ALIGNED AND NON-ALIGNED, WILL AGAIN SUPPORT RETENTION OF DEMOCRATIC KAMPUCHEA'S (DK) UN SEAT AND BACK A STRONG RESOLUTION, SPONSORED BY ASEAN, CALLING FOR TOTAL VIETNAMESE WITHDRAWAL FROM KAMPUCHEA AND KHMER SELF-DETERMINATION. THE COALITION OF KHMER GROUPS OPPOSED TO VIETNAMESE OCCUPATION OF KAMPUCHEA, WHICH WAS ACHIEVED WITH SIGNIFICANT ENCOURAGEMENT BY ASEAN, BRINGS TOGETHER NON-COMMUNIST GROUPS LED BY RESPECTED NATIONALISTS, PRINCE SIHANOUK AND PRIME MINISTER SON SANN, WITH THE KHMER ROUGE. THE COALITION HAS AS ITS STATED PURPOSE IMPLEMENTATION OF THE DECLARATION OF THE INTERNATIONAL CONFERENCE ON KAMPUCHEA (ICK) WHICH OUTLINES A FORMULA FOR FULL VIETNAMESE WITHDRAWAL AND UN-SUPERVISED ELECTIONS. THE COALITION IS IMPORTANT IN HOLDING KAMPUCHEA'S SEAT FOR THE KHMER RESISTANCE, DENYING IT TO THE VIETNAMESE-INSTALLED HENG SAMRIN REGIME, AND IN INCREASING POLITICAL PRESSURE ON VIETNAM TO NEGOTIATE A SETTLEMENT FEATURING ITS TOTAL WITHDRAWAL FROM KAMPUCHEA. THE COALITION PASSED THE UNGA CREDENTIALS TEST LAST YEAR. THE QUESTION OF THE DK COALITION'S LEGITIMACY, THEREFORE, IS NOT PERTINENT. THE
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VIETNAMESE MAY ATTEMPT TO PROMOTE AN "EMPTY SEAT" FORMULA, CITING AS A PRECEDENT THE WAY THE NEW DELHI NAM SUMMIT HANDLED THIS ISSUE. END FYI.

-- AS IN THE PAST, WE CONTINUE TO SUPPORT ASEAN'S POSITION ON KAMPUCHEA AND ITS GOAL OF A COMPREHENSIVE POLITICAL SETTLEMENT BASED ON THE DECLARATION OF THE ICK, CALLING FOR TOTAL WITHDRAWAL OF VIETNAMESE FORCES FROM KAMPUCHEA AND UN-SUPERVISED FREE ELECTIONS.

-- IT IS IM,ORTANT FOR THE INTERNATIONAL COMMUNITY TO CONTINUE TO SUPPORT ASEAN IN ORDER TO EXERT PRESSURE ON VIETNAM TO NEGOTIATE A COMPREHENSIVE POLITICAL

SETTLEMENT BASED ON THE ICK.

-- WE BELIEVE THAT THE COALITION GOVERNMENT OF DEMOCRATIC KAMPUCHEA CONSTITUTES AN IMPORTANT PLATFORM WHICH ALLOWS THE NON-COMMUNIST LEADERS, PRINCE SIHANOUK AND SON SANN, TO SPEAK AS REPRESENTATIVES OF THE KHMER PEOPLE. THIS SHOULD GREATLY STRENGTHEN THE POSITION OF DEMOCRATIC KAMPUCHEA IN THE UNGA.

-- THE DK COALITION WAS RECOGNIZED AS THE LEGITIMATE KAMPUCHEAN GOVERNMENT IN THE UNGA LAST YEAR. ITS CONTINUED LEGITIMACY, THEREFORE, SHOULD NOT BE IN QUESTION. A SO-CALLED "EMPTY SEAT" FORMULA WOULD MERELY CONSTITUTE THE FIRST STEP TOWARD THE SEATING OF HANOI'S PUPPET REGIME IN PHNOM PENH.

-- THE HENG SAMRIN REGIME IS NOT A SUPERIOR CLAIMANT BECAUSE IT IS THE CREATION OF THE VIETNAMESE AND IS MAINTAINED IN POWER BY 180,000 VIETNAMESE TROOPS.

-- WE EXPECT VIETNAM AND ITS ALLIES TO CHALLENGE THE DK SEAT IN THE UNGA. WE WILL CONTINUE TO SUPPORT THE DK CREDENTIALS ON THE SAME TECHNICAL GROUNDS AS IN THE PAST AND IN THE ABSENCE OF A SUPERIOR CLAIMANT.

-- AS IN THE PAST, OUR SUPPORT FOR DK CREDENTIALS WILL NOT IMPLY RECOGNITION OR SUPPORT FOR THE KHMER ROUGE, WHOSE ATROCITIES AND GROSS MISRULE WE CONTINUE TO ABHOR.

-- WE WILL CONTINUE TO DEAL WITH PRINCE SIHANOUK AND

SON SANN, BUT NOT WITH THE THIRD PARTY OF THE COALITION, THE KHMER ROUGE. WE CONTINUE TO OPPOSE THE RETURN TO POWER OF THE KHMER ROUGE.

(IF ASKED ONLY ABOUT US RECOGNITION OF COALITION)

-- WE REGARD THE COALITION AS AN ARRANGEMENT WHICH HAS AS ITS STATED PURPOSE THE IMPLEMENTATION OF THE DECLARATION OF THE ICK WHICH OUTLINES A FORMULA FOR TOTAL VIETNAMESE WITHDRAWAL AND UN-SUPERVISED FREE ELECTIONS. THEREFORE, THE ISSUE OF RECOGNITION DOES NOT ARISE FOR US.

G.- MICRONESIA (TTPI): FYI: AS LAST YEAR, THE QUESTION OF MICRONESIA MAY BE A MAJOR ISSUE IN THE SPECIAL COMMITTEE ON DECOLONIZATION (C-24) AND THE FOURTH COMMITTEE, WITH CUBA A;D EASTERN BLOC COUNTRIES PUSHING HARD TO INVOLVE THE UNGA. WE WILL STRONGLY

OPPOSE THIS EFFORT, WHICH COULD SERIOUSLY COMPLICATE OUR MOVES TO TERMINATE OUR TRUSTEESHIP OF THE ISLANDS.

THE UNITED STATES HAS ADMINISTERED THE TRUST TERRITORY OF THE PACIFIC ISLANDS (TTPI) UNDER A MANDATE FROM THE UNITED NATIONS SINCE 1947. IT IS THE LAST UN TRUSTEESHIP (OUT OF AN ORIGINAL ELEVEN) AND THE ONLY "STRATEGIC" TRUST, FINAL RESPONSIBILITY FOR WHICH WAS ASSIGNED UNDER UN CHARTER ARTICLE 83 TO THE SECURITY COUNCIL RATHER THAN THE GENERAL ASSEMBLY. (THE TRUSTEESHIP COUNCIL HAS RESPONSIBILITY TO ASSIST THE SECURITY COUNCIL IN OVERSEEING U.S. ADMINISTRATION OF THE TTPI.)

IN THE 1970'S THE TTPI SPLIT INTO FOUR ENTITIES: THE REPUBLIC OF PALAU, THE REPUBLIC OF THE MARSHALL ISLANDS, THE FEDERATED STATES OF MICRONESIA, AND THE NORTHERN MARIANA ISLANDS. IN 1975 THE NORTHERN MARIANAS VOTED TO BECOME A COMMONWEALTH OF THE U.S. AFTER 14 YEARS OF NEGOTIATIONS THE OTHER THREE JURISDICTIONS IN THE LAST TWO YEARS HAVE SIGNED THE COMPACT OF FREE ASSOCIATION, WHICH PROVIDES FOR A RELATIVELY AUTONOMOUS STATUS FOR THE THREE NATIONS, WHICH WILL BE SOVEREIGN AND HAVE FULL CAPACITY TO CONDUCT THEIR INTERNAL AND EXTERNAL AFFAIRS IN ALL AREAS EXCEPT DEFENSE AND DEFENSE-RELATED FOREIGN MATTERS, AND WILL RECEIVE SUBSTANTIAL U.S. AID. THE COMPACT IS TERMINABLE AT ANY TIME BY EITHER MUTUAL CONSENT OR BY UNILATERAL DECISION OF THE MICRONESIAN STATES AFTER PLEBISCITES, ALTHOUGH SOME RELATED DEFENSE AND ECONOMIC ARRANGEMENTS CONTINUE FOR 15 YEARS IN THE CASE OF THE FSM AND MARSHALLS AND 50 YEARS IN THE CASE

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OF PALAU.

EARLIER THIS YEAR PALAU AND THE FSM APPROVED THE COMPACT IN PLEBISCITES OBSERVED (AT OUR REQUEST) BY MISSIONS OF THE TRUSTEESHIP COUNCIL. (A RECENT COURT DECISION HAS PUT THE OUTCOME OF THE PALAU PLEBISCITE IN QUESTION. A FINAL DECISION DEPENDS ON FURTHER DISCUSSIONS WITH THE PALAUAN GOVERNMENT.) THE LAST PLEBISCITE WILL BE HELD IN THE MARSHALLS ON SEPTEMBER 7. THE COMPACT MUST ALSO BE APPROVED BY THE THREE CONSTITUTIONAL MICRONESIAN GOVERNMENTS (BY BOTH LEGISLATIVE AND EXECUTIVE BRANCHES) AND BY BOTH HOUSES OF THE U.S. CONGRESS AS A PUBLIC LAW. WE ARE NOW MOVING TO SUBMIT THE COMPACT TO CONGRESS.

FOLLOWING THE COMPLETION OF THIS PROCESS, WE PLAN TO TAKE UP THE QUESTION OF TERMINATION OF THE TRUSTEESHIP

TO THE TRUSTEESHIP COUNCIL AND THE SECURITY COUNCIL. AS THIS YEAR MAY SEE THE LAST GA BEFORE TERMINATION OF THE TRUSTEESHIP, WE CAN EXPECT ANOTHER PUSH TO ASSERT GA AUTHORITY IN THIS AREA. END FYI

-- OVER THE MORE THAN 30 YEARS OF THIS TRUSTEESHIP THE TRUSTEESHIP COUNCIL HAS CLOSELY INSPECTED OUR ADMINISTRATION OF THE TTPI ON BEHALF OF THE SECURITY COUNCIL, WHICH UNDER UN CHARTER ARTICLE 83 HAS RESPONSIBILITY FOR THIS STRATEGIC TRUST.

-- DURING THIS PERIOD, THE TC HAS SENT NUMEROUS VISITING MISSIONS TO INSPECT THE TERRITORY AND AT ITS REGULAR ANNUAL SESSION HAS HELD LENGTHY DEBATE, EXAMINING U.S. REPORTS, HEARING PETITIONERS, AND QUESTIONING THE U.S. ON ITS ADMINISTRATION. THE SECURITY COUNCIL HAS NEVER INDICATED ANY DISSATISFACTION WITH THE WORK OF THE TC.

-- THE U.S. IS COMMITTED TO EARLY TERMINATION OF OUR TRUSTEESHIP OF MICRONESIA. LAST YEA; THE REPRESENTATIVES OF THE CONSTITUTIONAL GOVERNMENTS OF MICRONESIA AND THE U.S. SIGNED INDIVIDUALIZED VERSIONS OF AN AGREEMENT TO DETERMINE THE FUTURE POLITICAL STATUS OF THE ISLANDS AND THEIR RELATIONSHIP WITH THE U.S., INCLUDING DETAILED PROVISIONS FOR SUBSTANTIAL AID. THE AGREEMENT IS NOW BEING SUBMITTED TO THE

PEOPLE OF MICRONESIA IN PLEBISCITES OBSERVED BY THE TRUSTEESHIP COUNCIL.

— ONCE THE DOMESTIC APPROVAL PROCESSES OF THE MICRONESIAN AND U.S. GOVERNMENTS ARE COMPLETED, THE U.S. INTENDS TO TAKE UP THE QUESTION OF TERMINATION OF THE TRUSTEESHIP AT THE APPROPRIATE TIME WITH THE TC AND THE SECURITY COUNCIL.

— WE BELIEVE THAT GENERAL ASSEMBLY INVOLVEMENT IN MICRONESIA IS BOTH LEGALLY IMPROPER AND UNWARRANTED BECAUSE THE TTPI IS A STRATEGIC TRUST OVER WHICH THE GENERAL ASSEMBLY HAS NO AUTHORITY. FURTHERMORE, AS A PRACTICAL MATTER, THE TRUSTEESHIP AND SECURITY COUNCIL JOINT OVERSIGHT HAS BEEN MORE THAN ADEQUATE. WE ASK YOUR GOVERNMENT'S SUPPORT AGAINST ATTEMPTS TO BRING THIS ISSUE TO THE GA.

H. - ANTARCTICA: FYI: MALAYSIA HAS CO-SPONSORED (ALONG WITH ANTIGUA/BARBUDA) A REQUEST FOR INSCRIPTION OF AN ITEM "ANTARCTICA" AT THE 38TH UNGA. THE REQUEST CALLS FOR, AMONG OTHER MATTERS, "A MORE POSITIVE AND WIDER INTERNATIONAL CONCERT THROUGH A TRULY UNIVERSAL FRAMEWORK OF INTERNATIONAL COOPERATION..." MALAYSIA ULTIMATELY SEEKS A "COMMON HERITAGE" APPROACH TO BE APPLIED TO ANTARCTICA. THE CONTRACTING PARTIES TO THE 1959 ANTARCTICA TREATY, INCLUDING THE FIVE PERMANENT MEMBERS (CHINA ACCEDED TO THE TREATY IN JUNE OF THIS YEAR) ARE RESOLVED TO RESIST THIS INITIATIVE. THE MALAYSIAN EFFORT SO FAR HAS NOT FOUND WIDE SUPPORT EVEN WITHIN THE NON-ALIGNED ALTHOUGH IT IS MENTIONED IN THE NEW DELHI COMMUNIQUE. SIGNIFICANTLY, INDIA (CHAIRMAN OF THE NON-ALIGNED) ACCEDED TO THE TREATY ON AUGUST 18 AND SEEKS IMMEDIATE CONSULTATIVE STATUS. THIS ACTION ON THE PART OF INDIA STRENGTHENS THE VALUE AND ESTEEM OF THE EXISTING TREATY REGIME. END FYI

— THE ANTARCTICA TREATY HAS BEEN A UNIQUELY SUCCESSFUL REGIME: IT HAS KEPT ANTARCTICA FREE FROM MILITARY AND NUCLEAR ACTIVITIES AND PROVIDES FOR UNILATERAL INSPECTION AND VERIFICATION PROCEDURES; , IT IS A MONUMENT OF SCIENTIFIC AND ENVIRONMENTAL COOPERATION, AND IT ENSURES THAT THE REGION IS FREE FROM INTERNATIONAL DISCORD BY, AMONG OTHER THINGS, FREEZING TERRITORIAL CLAIMS DISPUTES. THE TREATY IS OPEN TO ACCESSION AND PARTICIPATION BY ALL UN MEMBER STATES.

— ANTARCTICA IS ALREADY "INTERNATIONALIZED" DESPITE SEVERE AND COMPLEX PROBLEMS.

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-- NO MATTER HOW BENIGN OR BENEFICIAL THE MALAYSIAN INITIATIVE APPEARS TO THIRD WORLD INTERESTS, THE FACT IS IT THREATENS TO DESTABILIZE AN ENTIRE CONTINENT.

-- SPECULATIVE AND UNCERTAIN ECONOMIC WINDFALLS SHOULD NOT BE THE CATALYST WHICH PRECIPITATES DISPUTES OVER TERRITORIAL CLAIMS AND POTENTIAL MILITARIZATION.

-- THERE IS ABSOLUTELY NO REALISTIC POSSIBILITY THAT A SIMILAR TREATY SYSTEM COULD BE NEGOTIATED TODAY AND IT IS THEREFORE IRRESPONSIBLE TO TAMPER WITH THE EXISTING TREATY SYSTEM.

-- WE URGE ALL UN MEMBER STATES TO SUPPORT THE CURRENT TREATY REGIME.

I. - ARMS CONTROL: FYI: AT THE 38TH UNGA, WE WOULD LIKE THE NEUTRAL/NON-ALIGNED TO LOOK MORE CRITICALLY AT SOVIET BLOC PROPAGANDISTIC RESOLUTIONS. WE BELIEVE THAT THESE RESOLUTIONS CHEAPEN THE UNGA AS A LEGITIMATE FORUM FOR DISCUSSION OF DISARMAMENT ISSUES. EVEN SOME OF OUR WESTERN ALLIES OCCASIONALLY DO NOT OPPOSE SOME OF THESE RHETORICAL RESOLUTIONS BECAUSE THEY ARE LESS INCLINED TO RESIST UNLESS THEY FEEL THEIR INTERESTS ARE DIRECTLY ATTACKED.

WE ARE LOOKING AT INITIATIVES FOR THE 38TH UNGA IN SEVERAL AREAS: PEACE GROUPS, CHEMICAL WEAPONS, MILITARY EXPENDITURE REPORTING, CONFIDENCE BUILDING MEASURES (CBM) AND TRANSPARENCY. AT THE 37TH UNGA WE TOOK THE LEAD IN SPONSORING A RESOLUTION ON PEACE GROUPS (100J) WHICH CALLED ON STATES TO FACILITATE THE FLOW OF BROAD RANGE OF DISARMAMENT INFORMATION TO THEIR PEOPLE AND TO ENCOURAGE THEIR CITIZENS TO ORGANIZE AND MEET TO EXPRESS THEIR VIEWS ON DISARMAMENT QUESTIONS. AT THE 38TH UNGA WE WILL BE SHAPING A RESOLUTION CALLING FOR WIDER RESPECT FOR THIS RESOLUTION, AS WELL AS EXPRESSING REGRET THAT 37/100 J HAS NOT MET WITH FULL COMPLIANCE. WE HAVE WORKED CLOSELY WITH THE SPONSORS OF PREVIOUS RESOLUTIONS ON CW AND, AS LONG AS ILLEGAL USE OF CW CONTINUES, WE WILL ENSURE THAT THERE IS AN APPROPRIATE EFFORT IN THE UN TO BRING A HALT TO THIS ABHORRENT PRACTICE. THE FRG HAS GIVEN AN IMPETUS IN THE UN TO FOCUSSING ATTENTION ON THE VALUE OF

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CONFIDENCE BUILDING MEASURES (CBM). WE ARE LOOKING AT POSSIBLE WAYS TO COMPLEMENT THE FRG CBM RESOLUTION. FURTHER, AS PRESIDENT REAGAN ANNOUNCED AT SSOD II LAST YEAR, THE US IS INTERESTED IN PROMOTING COMPLIANCE WITH THE UN REQUEST FOR REPORTING MILITARY EXPENDITURES THROUGH A SPECIAL CONFERENCE. THIS PROPOSAL WAS INCORPORATED INTO THE SWEDISH RESOLUTION ON REDUCTION OF MILITARY BUDGETS LAST YEAR (95B). WE HAVE UNDER CONSIDERATION POSSIBLE RESOLUTION TO ADVANCE THIS ISSUE FURTHER THIS YEAR. ON TRANSPARENCY, WE ARE LOOKING FOR A MEANS TO CONTRAST THE WESTERN OPENNESS WITH EASTERN SECRECY IN ORDER TO HIGHLIGHT THE ASYMMETRY AS WELL AS TO EDUCATE ALL AS TO THE DIFFICULTY WHICH SECRECY CAUSES FOR PROGRESS IN ARMS CONTROL. END FYI

-- WE ARE TROUBLED BY THE INCREASING USE OF THE UNGA FOR PROPAGANDISTIC RESOLUTIONS, ESPECIALLY IN THE FIRST COMMITTEE.

-- WE SUPPORT RESOLUTIONS WHICH ADDRESS REALISTIC, SIGNIFICANT, BALANCED AND VERIFIABLE ARMS CONTROL MEASURES, BUT WE OPPOSE NON SUBSTANTIVE RHETORICAL RESOLUTIONS DESIGNED PRIMARILY FOR PROPAGANDISTIC PURPOSES SUCH AS THOSE ON THE NON-USE OF NUCLEAR WEAPONS AND THE NUCLEAR FREEZE.

-- WE STRONGLY SUPPORT RESOLUTIONS AIMED AT BRINGING A STOP TO THE ONGOING USE OF CHEMICAL WEAPONS IN VIOLATION OF INTERNATIONAL LAW WHILE NOTING THAT THESE WEAPONS ARE BEING USED AGAINST DEVELOPING COUNTRIES.

-- WE ARE CONSIDERING INTRODUCING (OR CONTRIBUTING TO) RESOLUTIONS ON PEACE MOVEMENTS, TRANSPARENCY, CONFIDENCE BUILDING MEASURES, CHEMICAL WEAPONS, AND ON MILITARY EXPENDITURE REPORTING. WE ENCOURAGE YOUR SUPPORT AND INPUT.

J.- CHEMICAL AND BIOLOGICAL WEAPONS:

"YELLOW RAIN": FYI: LETHAL CHEMICAL WEAPONS, INCLUDING PROHIBITED TOXIN WEAPONS, HAVE BEEN USED BY THE SOVIETS IN AFGHANISTAN AND BY THEIR ALLIES IN LAOS AND KAMPUCHEA. A TWO-YEAR INVESTIGATION BY A UN TEAM WAS COMPLETED IN 1982; IT REPORTED THERE WAS REASON TO BELIEVE CHEMICAL ATTACKS HAD OCCURRED. UNDER A 1982 RESOLUTION, A UN EXPERTS GROUP IS DEVELOPING MORE EFFECTIVE PROCEDURES FOR CARRYING OUT SUCH INVESTIGATIONS. (THE RESOLUTION ALSO AUTHORIZED THE SECRETARY GENERAL TO INITIATE FACT-FINDING INQUIRIES IN THE FUTURE, IF REQUESTED.) THE GROUP'S WORK IS GOING WELL BUT WILL PROBABLY NOT BE COMPLETED THIS YEAR. END BT
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— THE USE OF CHEMICAL WEAPONS ON DEFENSELESS PEOPLE IN AFGHANISTAN AND SOUTHEAST ASIA IS NOT AN EAST-WEST MATTER, BUT AN ISSUE OF UNIVERSAL IMPORT.

— WE HOPE THAT ALL COUNTRIES WHO SHARE OUR CONCERN ABOUT THE EVIDENCE OF CW USE IN VIOLATION OF INTERNATIONAL LAW WILL SUPPORT THE UN EXPERTS GROUP'S INVESTIGATION, AND WHEN POSSIBLE, PROVIDE THE GROUP WITH ADDITIONAL INFORMATION.

— OUR OBJECTIVE IN FOCUSSING WORLD ATTENTION ON CW USE IN SOUTHEAST ASIA AND AFGHANISTAN IS TO STOP THESE ATTACKS.

— WE ARE NOW CONSIDERING APPROPRIATE FOLLOW-UP RESOLUTIONS AT THE 38TH UNGA.

BIOLOGICAL AND TOXIN WEAPONS CONVENTION (BWC): FYI: THIS CONVENTION, WHICH WAS SIGNED IN 1972, BANS THE DEVELOPMENT, PRODUCTION, AND STOCKPILING OF BIOLOGICAL OR TOXIN WEAPONS. TWO SERIOUS COMPLIANCE PROBLEMS HAVE ARISEN: THE EXTRAORDINARY ANTHRAX OUTBREAK IN 1979 NEAR

A MILITARY FACILITY IN SVERDLOVSK AND THE USE OF BANNED TOXIN WEAPONS IN AFHGANISTAN AND SOUTHEAST ASIA. IN 1982, A SWEDISH RESOLUTION CALLING FOR A CONFERENCE OF BWC PARTIES TO IMPROVE THE BWC'S COMPLIANCE PROVISIONS RECEIVED OVERWHELMING SUPPORT IN THE UNGA. STEPS ARE NOW UNDERWAY TO CONVENE THE CONFERENCE. END FYI

— THE SWEDISH RESOLUTION CALLING FOR A CONFERENCE OF BWC PARTIES TO IMPROVE THE BWCS COMPLIANCE PROVISIONS RECEIVED OVERWHELMING SUPPORT AT THE 37TH UNGA.

— WE ARE DOING OUR PART, AS A DEPOSITORY OF THE CONVENTION, TO CONVENE SUCH A CONFERENCE AT THE EARLIEST POSSIBLE TIME (IF ASKED: THE USSR, HAS BEEN DECIDEDLY RELUCTANT TO CARRY OUT ITS RESPONSIBILITIES AS A DEPOSITORY STATE TO CONVENE SUCH A CONFERENCE.)

— (FOR BWC PARTIES) WE ENCOURAGE YOUR ATTENDANCE AT THIS CONFERENCE.

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CHEMICAL WEAPONS NEGOTIATIONS: FYI: THE UNITED STATES IS PARTICIPATING ACTIVELY IN NEGOTIATIONS ON A CHEMICAL WEAPONS BAN WHICH ARE UNDERWAY AT THE 40-NATION COMMITTEE ON DISARMAMENT IN GENEVA. VICE PRESIDENT BUSH LAUNCHED A US INITIATIVE, CONTAINING OUR "DETAILED VIEWS", ON A BAN AT THE CD IN FEBRUARY 1983. THE PRINCIPAL DIFFICULTY IN THE NEGOTIATIONS IS SOVIET UNWILLINGNESS TO ACCEPT AN EFFECTIVE VERIFICATION REGIME, INCLUDING SEVERAL TYPES OF SYSTEMATIC INTERNATIONAL ON-SITE INSPECTION. THE UN GENERAL ASSEMBLY ROUTINELY PASSES AT LEAST ONE RESOLUTION URGING ACCELERATION OF THE CW NEGOTIATIONS. IN RECENT YEARS THERE HAVE BEEN BOTH EASTERN AND WESTERN RESOLUTIONS IN THIS AREA. END FYI

-- THE US IS SEEKING TO NEGOTIATE A COMPLETE AND EFFECTIVE BAN ON CHEMICAL WEAPONS.

-- AS A MEASURE OF THE IMPORTANCE THE US ATTACHES, VICE PRESIDENT BUSH PRESENTED A MAJOR INITIATIVE CONTAINING OUR DETAILED VIEWS ON THE POSSIBLE CONTENTS OF SUCH AN AGREEMENT IN THE CD IN GENEVA IN FEBRUARY 1983. IN JULY 1983, WE FOLLOWED-UP WITH A DETAILED PAPER ON ILLUSTRATIVE ON-SITE VERIFICATION PROCEDURES FOR DESTRUCTION OF CHEMICAL WEAPONS.

-- WE ENCOURAGE YOU TO SUPPORT THESE AND SIMILAR EFFORTS TO NEGOTIATE A COMPLETE BAN ON CHEMICAL WEAPONS.

K.- 1985 NPT REVIEW CONFERENCE (REVCON): FYI MANY POSTS WILL HAVE ALREADY INITIATED CONSULTATIONS ON THE REVCON WITH STATES THAT ARE NPT PARTIES PURSUANT TO STATE 206059 (7/22/83) AND STATE (8/19/83). AT THE UNGA, THERE WILL BE A RESOLUTION ESTABLISHING THE MEMBERSHIP OF THE PREPARATORY COMMITTEE, AND THE UK WILL CHAIR A CAUCUS OF NPT PARTIES TO ADDRESS ISSUES SUCH AS TIMING AND VENUE OF THE PREPCOMS AND REVCON. NON NPT POSTS MAY USE TALKING POINTS BELOW AS APPROPRIATE. :ND FYI

— THE U.S. BELIEVES THE NPT PLAYS A VITAL ROLE IN PROMOTING GLOBAL STABILITY AND THAT ALL COUNTRIES HAVE A STAKE IN ENSURING ITS CONTINUED VITALITY.

— WE LOOK FORWARD TO CONSTRUCTIVE CONSULTATIONS AMONG NPT PARTIES AT THE UNGA TO DEAL WITH VARIOUS PROCEDURAL ISSUES RELATED TO PREPARATIONS FOR THE 1985 REVIEW CONFERENCE. THESE ISSUES ARE NON-CONTROVERSIAL, AND WE TRUST THAT IN A SPIRIT OF COOPERATION WE CAN GET THE PREPARATIONS FOR THIS IMPORTANT CONFERENCE OFF TO A GOOD START.
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L. - UN BUDGET: FYI: OVER THE LAST TEN YEARS, FROM 1973 TO 1982, THE UN BUDGET INCREASED FROM $275 MILLION TO $756 MILLION.

U.S. BUDGET POLICY FOR INTERNATIONAL ORGANIZATIONS FUNDED BY ASSESSED CONTRIBUTIONS, AS REITERATED BY PRESIDENT REAGAN'S FISCAL YEAR 1984 BUDGET, IS ZERO NET PROGRAM GROWTH AND SIGNIFICANT ABSORPTION OF NONDISCRETIONARY COST INCREASES. THIS POLICY RECOGNIZES THE NEED FOR NEW AND IMPROVED PROGRAMS, BUT ONLY BY MEANS OF REDUCING OR ELIMINATING LOWER PRIORITY PROGRAMS AND ACHIEVING ADMINISTRATION SAVINGS.

AS CURRENTLY FORMULATED, THE SYG'S 1984-85 DRAFT BUDGET OF $1.6 BILLION REPRESENTS AN INCREASE OF 9 PERCENT OVER 1982-83, AND PROVIDES FOR 2.7 PERCENT PROGRAM GROWTH. THE FOCUS OF OUR EFFORTS WILL BE ON SEEKING TO AVOID ANY ADD-ONS TO THE DRAFT BUDGET, A SERIOUS AND LONGSTANDING PROBLEM FOR US IN UN BUDGET HISTORY AND TO REDUCE PROPOSED BUDGETS. END FYI

-- THE PRESIDENT'S BUDGET POLICY TOWARD INTERNATIONAL ORGANIZATIONS IS ZERO NET PROGRAM GROWTH AND SIGNIFICANT ABSORPTION OF NON DISCRETIONARY COST INCREASE.

-- THIS POLICY RECOGNIZES THAT NEW AND EXPANDED PROGRAMS NEED TO BE UNDERTAKEN, BUT ONLY BY INSTITUTING ADMINISTRATIVE SAVINGS, ELIMINATING MARGINAL, OBSOLETE AND INEFFECTIVE PROGRAMS AND REDUCING OR ELIMINATING LOWER PRIORITY ACTIVITIES.

-- MOUNTING CONCERN BY OUR CONGRESS OVER UN SYSTEM BUDGET INCREASES MAY RESULT IN THE U.S. NOT BEING ABLE TO PAY ITS FULL ASSESSED CONTRIBUTIONS IN THE FUTURE.

-- UNCHECKED GROWTH IN ASSESSED BUDGETS IMPERILS OUR ABILITY TO PROVIDE FUNDS ON A BILATERAL BASIS AND TO MULTILATERAL INSTITUTIONS SUCH AS UNDP.

-- WE WOULD APPRECIATE YOUR SUPPORT IN EFFORTS TO RESTRAIN BUDGET GROWTH AND TO ACHIEVE PROGRAMS THAT ARE BENEFICIAL TO THE MEMBERSHIP AS A WHOLE.

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— IN GENERAL, WE RECOGNIZE THE CONSIDERABLE EFFORTS AT ECONOMY MADE BY THE SYG IN PREPARING THE DRAFT 1984-85 UN BUDGET. WE WOULD APPRECIATE YOUR SUPPORT IN ENSURING THAT THERE BE NO ADDITIONAL PROGRAM GROWTH OR OTHER INCREASES BEYOND THOSE ALREADY PROPOSED FOR THE BIENNUM AND INSEARCHING DILIGENTLY FOR JUSTIFIABLE REDUCTIONS.

10. ISSUES WHICH POSTS MAY RAISE AT THEIR DISCRETION:

A. - EL SALVADOR: FYI: EL SALVADOR HAS BEEN THE SUBJECT OF INTENSE INTERNATIONAL DELIBERATION SINCE 1980, WHEN THE GENERAL ASSEMBLY REQUESTED THE HUMAN RIGHTS COMMISSION (HRC) TO EXAMINE THE HUMAN RIGHTS SITUATION IN THAT COUNTRY. THE COMMISSION IN 1981 RESPONDED BY APPOINTING A SPECIAL REPRESENTATIVE, JOSE ANTONIO PASTOR RIDRUEJO, TO INVESTIGATE REPORTS OF GRAVE VIOLATIONS OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN EL SALVADOR. AT ITS 1982 SESSION, THE COMMISSION EXPRESSED ITS DEEP CONCERN AT THE DETERIORATING SITUATION IN EL SALVADOR, VOTED TO EXTEND THE SPECIAL REPRESENTATIVE'S MANDATE, REQUESTING HIM TO PRESENT AN INTERIM REPORT TO THE 37TH UNGA AND A FINAL VERSION TO THE 1983 SESSION OF THE HRC. BOTH THE INTERIM AND FINAL REPORTS REFLECT PASTOR RIDREUJO'S VISIT TO EL SALVADOR SINCE THE MARCH, 1982 ELECTION. THE COMMISSION VOTED AT ITS 1983 SESSION TO EXTEND PASTOR RIDREUJO'S MANDATE FOR ANOTHER YEAR. ALTHOUGH THE GOES REJECTED HIS REPORT AS "UNACCEPTABLE" AND "PARTIAL", IT DID NOTE THAT THE REPORT RECOGNIZED THE GOES' CONCERN FOR HUMAN RIGHTS AND HAD OFFERED

RECOMMENDATIONS WHICH WERE "INTRINSICALLY VALID, CORRECT AND IN KEEPING WITH THE GOVERNMENT'S GOALS." PASTO RIDREUJO IS SCHEDULED TO VISIT EL SALVADOR IN MID-SEPTEMBER.

THE USG HAS TAKEN THE POSITION THAT DEMOCRATIC INSTITUTIONS PROVIDE THE BEST MEANS OF PROMOTING GENUINE RESPECT FOR HUMAN RIG;TS. THE SUCCESSFUL NATIONAL ELECTIONS HELD ON MARCH 1982 WERE AN IMPORTANT STEP TOWARD THIS GOAL. SINCE THEN A NEW GOVERNMENT OF NATIONAL UNITY HAS BEEN ESTABLISHED AND A CONSTITUTION DRAFTED. THE NEXT STEP CALLS FOR ELECTIONS WHICH WILL ALLOW THE SALVADORAN PEOPLE DIRECTLY TO ELECT A NEW PRESIDENT AND VICE PRESIDENT. END FYI

-- THE GOVERNMENT OF EL SALVADOR IS MAKING PROGRESS TOWARD REDUCING THE NUMBER OF HUMAN RIGHTS VIOLATIONS IN THAT COUNTRY. EVIDENCE OF THAT INCLUDES THE REDUCED LEVELS OF VIOLENCE AGAINST CIVILIANS, COMPARED TO

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LEVELSIN 1981 AND EARLY 1982. MOREOVER, THE GOVERNMENT OF EL SALVADOR HUMAN RIGHTS COMMISSION BEGAN OPERATIONS IN EARLY 1983 AND HAS BEEN ACTIVELY INVESTIGATING ALLEGED DISAPPEARANCES AND OTHER HUMAN RIGHTS VIOLATIONS.

-- THE GOES HAS ENACTED A LAND REFORM PROGRAM WHICH WE HOPE WILL GO A LONG WAY TOWARDS IMPROVING THE SOCIO-ECONOMIC SITUATION OF A LARGE PROPORTION OF THE RURAL POPULATION. OVER TEN PERCENT (MORE THAN 500,000 PEOPLE) OF EL SALVADOR'S POPULATION HAVE BENEFITTED FROM THIS PROGRAM WHICH ENCOMPASSES 20 PERCENT OF EL SALVADOR'S FARMLAND.

-- SUCH PROGRESS IS PARTICULARLY NOTEWORTHY WHEN VIEWED AGAINST THE BACKGROUND OF VIOLENCE THAT HAS MARKED THE EFFORTS OF COMMUNIST-SUPPORTED GUERILLAS TO SEIZE POWER BY FORCE AND TOTALLY DISRUPT THE ECONOMIC INFRASTRUCTURE OF EL SALVADOR.

-- IT IS NO LONGER APPROPRIATE TO PLACE EL SALVADOR IN THE SPECIAL CATEGORY RESERVED FOR GROSS VIOLATORS OF HUMAN RIGHTS. INSTEAD, LET THE UNGA AND THE HUMAN RIGHTS COMMISSION EXPAND THEIR RANGE OF VISION TO INCLUDE OTHER COUNTRIES WHOSE PEOPLE CALL OUT IN VOICES NOT HEARD THROUGH THE ELECTORAL PROCESS NOW AVAILABLE TO THE PEOPLE OF EL SALVADOR.

B. - CHILE: FYI: THE HUMAN RIGHTS SITUATION IN CHILE HAS BEEN THE FOCUS OF INTENSE UNGA ATTENTION SINCE 1974 WHEN THE GENERAL ASSEMBLY INVITED THE NEXT SESSION OF THE HUMAN RIGHTS COMMISSION TO APPOINT AN AD HOC WORKING GROUP ON THE SITUATION OF HUMAN RIGHTS IN CHILE. IN 1978, THE UNGA ASKED THE HUMAN RIGHTS COMMISSION TO APPOINT A SPECIAL RAPPORTEUR TO REPORT TO THE COMMISSION AND GENERAL ASSEMBLY. SINCE THEN THE SPECIAL RAPPORTEUR HAS SUBMITTED REPORTS ANNUALLY, AND HIS MANDATE HAS BEEN RENEWED BY EACH SUCCEEDING SESSION OF THE HUMAN RIGHTS COMMISSION, INCLUDING THE 37TH UNGA. AT ITS 1983 SESSION, THE UNGA WILL HAVE BEFORE IT THE REPORT OF THE SPECIAL RAPPORTEUR CALLED FOR BY LAST YEAR'S RESOLUTION. THE USG HAS TAKEN THE POSITION THAT HUMAN RIGHTS ABUSES DESERVE CONDEMNATION WHEREVER THEY OCCUR. CHILE IS AN EXAMPLE, HOWEVER, OF DISPROPORTIONATE EMPHASIS REFLECTIVE OF A DOUBLE

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STANDARD BY WHICH VARIOUS REGIMES ARE JUDGED. END FYI

— THE SITUATION IN CHILE, WHEN COMPARED TO THE PERIOD PRIOR TO 1977 OR IN COMPARISON TO THE SITUATION IN MANY OTHER COUNTRIES IN THE WORLD, NO LONGER WARRANTS CONTINUATION OF THE MANDATE OF THE SPECIAL RAPPORTEUR NOR CONSIDERATION OF CHILE AS A SEPARATE ITEM ON THE HUMAN RIGHTS COMMISSION AGENDA. WE NEVERTHELESS AGREE THAT THE HUMAN RIGHTS SITUATION IN CHILE SHOULD CONTINUE TO BE CONSIDERED ALONG WITH OTHER SERIOUS HUMAN RIGHTS SITUATIONS.

-- CLEARLY, SERIOUS PROBLEMS REMAIN. DESPITE THE RETURN OF SOME EXILES, INCLUDING CERTAIN POLITICALLY PROMINENT FIGURES, THOUSANDS OF OTHER CHILEANS ARE STILL REQUIRED TO LIVE ABROAD AND RESTRICTIONS REMAIN ON POLITICAL AND TRADE UNION ACTIVITY.

— IT IS IMPORTANT TO NOTE THAT SINCE 1976, THERE HAVE BEEN NO INDEFINITE DETENTIONS WITHOUT TRIAL IN CHILE; SINCE OCTOBER 1977 THERE HAVE BEEN NO DISAPPEARANCES IN CHILE; AND MOST POLITICAL PRISONERS WERE RELEASED IN EARLY 1978.

C. - GUATEMALA: FYI: THE HUMAN RIGHTS SITUATION IN GUATEMALA UNDER THE REGIME OF LUCAS GARCIA (978-1982) WAS THE SUBJECT OF CLOSE SCRUTINY BY THE UNITED NATIONS, BOTH IN THE UNGA AND BY THE HUMAN RIGHTS COMMISSION. ALTHOUGH THAT GOVERNMENT WAS REPLACED BY RIOS MONTT IN MARCH 1982, THE UNGA, AT ITS LAST SESSION, VOTED TO CONTINUE ITS ATTEMPTS TO EVALUATE HUMAN RIGHTS CONDITIONS IN GUATEMALA AND REQUESTED THE GOG TO COOPERATE WITH THE SECRETARY GENERAL'S EFFORTS TO ESTABLISH DIRECT CONTACTS. THE HUMAN RIGHTS

COMMISSION IN 1983 REINFORCED THE GENERAL CONCERN EXPRESSED BY THE UNGA, BY VOTING TO APPOINT A SPECIAL RAPPORTEUR TO EVALUATE HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN GUATEMALA AND TO CONSIDER FURTHER EVIDENCE AT ITS 40TH SESSION. LORD COLVILLE (UK) HAS BEEN APPOINTED TO FILL THAT POSITION AND HAS VISITED GUATEMALA IN CONNECTION WITH HIS MANDATE.

IN BOTH THE UNGA AND THE HUMAN RIGHTS COMMISSION THE U.S. OPPOSED THE SPECIAL FOCUS ON GUATEMALA, WHICH SEEMED TO ENCOURAGE A PATTERN OF SELECTIVE AND POLITICALLY INSPIRED CONCENTRATION ON HUMAN RIGHTS ISSUES OF CERTAIN LATIN AMERICAN GOVERNMENTS TO THE EXCLUSION OF OTHER COUNTRIES IN THE SAME REGION AND IN OTHER PARTS OF THE WORLD. THE U.S. AGREED, HOWEVER, THAT THERE WERE SERIOUS HUMAN RIGHTS PROBLEMS IN
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GUATEMALA WHICH THE GOG WAS ADDRESSING AND URGED THE GOVERNMENT TO CONTINUE COOPERATION WITH THE SECRETARY GENERAL.

THE POSITION TAKEN BY THE USG IS THAT THE PATTERN OF HUMAN RIGHTS VIOLATIONS WAS BROKEN ON MARCH 23, 1982 WHEN A GROUP OF YOUNG OFFICERS OVERTHREW THE LUCAS GARCIA REGIME AND BROUGHT TO POWER A NEW GOVERNMENT. THE RIOS MONTT GOVERNMENT PROMISED TO ELIMINATE OFFICIAL REPRESSION AND CORRUPTION, TO IMPROVE CONDITIONS FOR ALL OF GUATEMALA'S PEOPLES. TO COMBAT THE INSURGENCY AND TO RETURN THE COUNTRY TO DEMOCRATIC RULE. SINCE MARCH MARCH 23, 1982 THE GOG HAS TAKEN A NUMBER OF SIGNIFICANT STEPS TOWARD GREATER DEMOCRACY. GENERAL OSCAR MEJIA, WHO OUSTED RIOS MONTT ON AUGUST 8, HAS PROMISED TO HOLD ELECTIONS AND RESTORE DEMOCRATIC GOVERNMENT. END FYI

-- THE GUATEMALAN GOVERNMENT IS MAKING TANGIBLE PROGRESS IN IMPROVING THE HUMAN RIGHTS SITUATION IN THAT COUNTRY.

-- WHILE BOTH THE COMMUNIST-SUPPORTED GUERILLAS AND THE SECURITY FORCES AT TIMES HAVE BEEN RESPONSIBLE FOR SOME CONTINUING VIOLATIONS OF HUMAN RIGHTS IN THE COUNTRYSIDE, THE SITUATION IS UNQUESTIONABLY SIGNIFICANTLY BETTER THAN IT WAS WHEN THE UNGA PASSED ITS RESOLUTION LAST YEAR.

-- IT IS CLEARLY IN THE INTERESTS OF THOSE TRULY CONCERNED WITH HUMAN RIGHTS TO RECOGNIZE THE CONSTRUCTIVE CHANGES THAT HAVE ALREADY TAKEN PLACE AND TO WORK WITH THE GUATEMALAN AUTHORITIES TO BRING ;BOUT

FURTHER IMPROVEMENTS, INCLUDING THE DEVELOPMENT OF A FULLY DEMOCRATIC GOVERNMENT.

-- THEREFORE, THE U.S. BELIEVES THAT IT IS NO LONGER APPROPRIATE TO CONTINUE THE SPECIAL ATTENTION FOCUSSED ON GUATEMALA THAT WAS REFLECTED IN THE RESOLUTIONS PASSED DURING THE RECENT SESSIONS OF THE UNGA AND THE HUMAN RIGHTS COMMISSION.

D. - FALKLANDS/MALVINAS: FYI: FOLLOWING THE GA VOTE LAST YEAR IN FAVOR OF THEIR RESOLUTION ON THE

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FALKLANDS, ARGENTINA WILL AIM FOR AT LEAST AS MUCH SUPPORT WHEN THE QUESTION COMES UP THIS YEAR. THE UK ON THE OTHER HAND MAY ENDEAVOR TO DECREASE THAT SUPPORT. ARGENTINA WILL PUSH FOR SOME CRITICISM OF THE UK FOR ITS REFUSAL TO RETURN TO THE NEGOTIATING TABLE. HELPED BY THE SECRETARY GENERAL'S REPORT ON THE SITUATION, WHICH WILL NOTE THAT NO PROGRESS HAS BEEN MADE IN THE PAST YEAR. WE WILL CONTINUE TO PROMOTE A PEACEFUL RESOLUTION, AVOID TAKING SIDES ON THE SOVEREIGNTY ISSUE, AND AVOID ATTEMPTS TO PRESSURE EITHER SIDE TO NEGOTIATE WITHIN AN UNREALISTIC TIME-FRAME. END FYI

-- WE HOPE THIS ISSUE WILL NOT BE A MATTER OF CONTENTION AT THIS YEAR'S UNGA.

-- WE WISH TO CONTINUE TO PROMOTE A PEACEFUL RESOLUTION OF THIS TRAGIC DISPUTE.

-- WE WILL BE STUDYING THE LANGUAGE OF ANY RESOLUTION THAT IS INTRODUCED VERY CAREFULLY. WE HOPE THAT THE RESOLUTION WILL BE BALANCED AND WILL NOT PREJUDGE THE ISSUE.

E. - CYPRUS: FYI: THE UN PROVIDES A PEACEKEEPING FORCE IN CYPRUS (UNFICYP) WHICH SEPARATES THE GREEK AND TURKISH CYPRIOT FORCES WHILE INTERCOMMUNAL TALKS ARE CONDUCTED UNDER THE AEGIS OF THE SECRETARY GENERAL. AFTER A TWO YEAR SUSPENSION, THESE TALKS WERE RESUMED IN LATE 1980. PROGRESS IN THE INTERCOMMUNAL TALKS AND SUPPORT FOR THEM BY THE US AND OUR ALLIES AS WELL AS NON-ALIGNED COUNTRIES CONVINCED THE PARTIES TO THE DISPUTE NOT TO RAISE THE CYPRUS ISSUE IN THE 35TH OR 36TH UNGA. HOWEVER, AT THE RESUMED 37TH UNGA SESSION IN MAY 1983, THE GREEK CYPRIOTS GAINED SUPPORT FOR A RESOLUTION WHICH FAVORED THEIR POSITION. THE RESOLUTION, IN TURN, TRIGGERED TURKISH CYPRIOT RENEWED INTEREST IN A UNILATERAL DECLARATION OF INDEPENDECE.

THIS ACRIMONIOUS ATMOSPHERE HAS MADE IT DIFFICULT TO RESUME THE INTERCOMMUNAL TALKS UNDER THE AEGIS OF THE SECRETARY GENERAL'S SPECIAL REPRESENTATIVE, AMBASSADOR GOBBI. IN EARLY AUGUST, PEREZ DE CUELLAR CAME FORWARD WITH A NEW SET OF IDEAS FOR A CYPRUS SETTLEMENT WHICH GOBBI PRESENTED TO BOTH SIDES FOR A REACTION BY 15 SEPTEMBER. ALTHOUGH INITIAL REACTION WAS ALONG ESTABLISHED LINES, BOTH SIDES ARE STILL CONSIDERING THE IDEAS. WE DO NOT EXPECT THE PARTIES TO EMBRACE THE IDEAS AS PRESENTED OR TO REJECT THEM OUTRIGHT. END FYI

-- THE US STRONGLY BELIEVES THAT THE INTERCOMMUNAL

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TALKS UNDER THE AEGIS OF THE SYG'S REPRESENTATIVE ARE THE MOST PROMISING PATH TO A SOLUTION OF THE CYPRUS ISSUE.

-- THE US STRONGLY BELIEVES THAT "INTERNATIONALIZATION" OF THE CYPRUS QUESTION WOULD BE A SERIOUS MISTAKE IN THAT IT COULD POISON THE ATMOSPHERE FOR CONTINUATION OF THE INTERCOMMUNAL TALKS.

-- WE HOPE THAT ALL THE PARTIES TO THE DISPUTE WILL RECEIVE CONSISTENT AND STRONG COUNSEL TO AVOID REOPENING THE ISSUE IN THE UNGA.

-- WE ARE TROUBLED BY THE DANGEROUS AND UNHELPFUL DIRECTION OF EVENTS IN CYPRUS SINCE THE RESUMED SESSION OF THE 37TH UNGA IN MAY.

-- WE HOPE ALL THE FRIENDS OF THE PARTIES INVOLVED WILL COUNSEL RESUMPTION OF THE TALKS AND ESCHEWAL OF FURTHER RECOURSE TO INTERNATIONALIZATION OF THE PROBLEM.

F. - WESTERN SAHARA: FYI: THE OAU'S DECISION NOT TO SEAT THE SDAR AT THE 19TH OAU SUMMIT IN ADDIS ABABA IN JUNE, DESPITE THE MOVEMENT'S FORMAL RECOGNITION BY A SLIM MAJORITY OF AFRICA STATES, WAS A VICTORY FOR THE MODERATES, INCLUDING MOROCCO. THE OAU RESOLUTION ON THE WESTERN SAHARA ADOPTED BY THE SUMMIT SET A DEADLINE OF DECEMBER 1983 FOR A REFERENDUM UNDER OAU AND UN AUSPICES AND "DIRECTED" THE IMPLEMENTATION COMMITTEE TO RENEW ITS EFFORTS TO MEET THIS GOAL. IT ALSO "URGED" DIRECT NEGOTIATIONS ON A CEASEFIRE BETWEEN THE PARTIES TO THE CONFLICT, WHICH WERE NAMED FOR THE FIRST TIME AS MOROCCO AND THE POLISARIO FRONT (NOT THE SDAR). THE RESOLUTION DID NOT CRI;ICIZE MOROCCO, DID NOT CALL FOR MOROCCAN WITHDRAWAL, AND STOPPED SHORT OF URGING MOROCCO TO NEGOTIATE THE DETAILS OF THE REFERENDUM WITH THE POLISARIO.

THE U.S. HAS BEEN APPROACHED BY THE OAU INTERIM SECRETARY GENERAL AND SEVERAL AFRICAN GOVERNMENTS, INCLUDING POLISARIO SYMPATHIZERS, TO URGE MOROCCO TO ENTER INTO DIRECT TALKS WITH THE POLISARIO. MODERATE AFRICANS, INCLUDING PRESIDENT DIOUF OF SENEGAL, A MOROCCAN SUPPORTER, HAVE ALSO APPROACHED US URGING THAT WE ENCOURAGE THE MOROCCANS AND ALGERIANS TO COOPERATE

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WITH THE OAU IN RESOLVING THE DISPUTE. WE HAVE DECLINED TO URGE THE MOROCCANS TO ENTER INTO DIRECT TALKS, IN PART BECAUSE OF THE POLISARIO'S JULY/AUGUST ATTACKS ON MSEID INSIDE MOROCCO PROPER. IN PART BECAUSE WE SUPPORT THE OAU'S MEDIATION EFFORT AND BELIEVE IT IS PRIMARILY AN OAU RESPONSIBILITY. AND IN PART BECAUSE WE DO NOT BELIEVE IT PRUDENT TO PRESS ONLY ONE PARTY TO THE DISPUTE. END FYI

-- U.S. CONTINUES TO SUPPORT THE OAU MEDIATION EFFORT, WHICH CALLS FOR A CEASEFIRE AND A REFERENDUM IN THE TERRITORY.

-- WE HOPE THAT ANY UNGA RESOLUTION WILL ENDORSE THE OAU CALL FOR A CEASEFIRE AND REFERENDUM IN THE WESTERN SAHARA.

-- WE HOPE YOU WILL JOIN WITH US IN URGING ALL PARTIES TO REFRAIN FROM INTRODUCING A RESOLUTION IN THE FOURTH COMMITTEE OR THE PLENARY THAT WOULD CONTRADICT THE OAU CALL FOR A REFERENDUM ON THE TERRITORY'S FUTURE STATUS.

G. - IOZP: FYI: THE INDIAN OCEAN ZONE OF PEACE WAS PROCLAIMED IN A 1971 UNGA RESOLUTION ON WHICH WE ABSTAINED. THE RESOLUTION CALLED FOR THE ELIMINATION OF ALL GREAT POWER NAVAL PRESENCE FROM THE INDIAN OCEAN. THIS APPROACH IGNORED THE REAL THREAT TO THE REGION FROM SOVIET LAND-BASED MILITARY FORCES. THE SOVIETS, WITH THE HELP OF SOME NON-ALIGNED COUNTRIES LED BY INDIA, HAVE BEEN PUSHING IN THE UNGA'S AD HOC COMMITTEE (AHC) ON THE INDIAN OCEAN FOR A CONFERENCE TO IMPLEMENT THE IOZP. IN 1980, FOLLOWING THE AFGHANISTAN INVASION, THE US JOINED THE AHC IN ORDER TO HEAD OFF AN IOZP CONFERENCE AND TO USE THE FORUM TO FOCUS ATTENTION ON AFGHANISTAN (A HINTERLAND STATE OF THE INDIAN OCEAN), TO STRENGTHEN TIES WITH THE NON-ALIGNED, AND TO CHANGE IOZP TERMS IN A DIRECTION MORE FAVORABLE TO WESTERN SECURITY INTERESTS.

OUR PARTICIPATION IN THE AHC HAS NOT BEEN A VERY SUCCESSFUL DIPLOMATIC EXPERIMENT. ON THE PLUS SIDE WE

AND OUR ALLIES (G-11) HAVE USED AHC DISCUSSIONS TO FOCUS ON SOVIET AGGRESSION IN AFGHANISTAN. MANY OF THE NON-ALIGNED HAVE DONE THIS ALSO. AT THE SAME TIME, HOWEVER, THE NON-ALIGNED, LED BY INDIA AND BACKED BY THE SOVIETS, HAVE CONTINUED TO PRESS FOR A CONFERENCE AND DOCTRINAIRE APPLICATION OF THE 1971 IOZP DOCTRINE.

WE HAVE BEEN ABLE TO PREVENT MOVEMENT TOWARD A CONFERENCE BECAUSE OF THE CONSENSUS RULE AND GENERAL
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SHARED OPPOSITION TO A CONFERENCE BY OUR ALLIES. WE HAVE ALSO PERSUADED OUR ALLIES TO JOIN WITH US IN A NEW WESTERN IOZP INITIATIVE TO REPLACE THE 1971 DOCTRINE WITH NEW BENIGN IOZP PRINCIPLES WITH NO ARMS CONTROL CONTENT.

THE RECENT DECISION BY THE AUSTRALIAN LABOR GOVERNMENT TO TAKE A SOFTER POSITION ON THE CONFERENCE ISSUE MAKES CONTINUED WESTERN UNITY EVEN MORE PROBLEMATICAL. THE NEW GOVERNMENT HAS SAID IT WILL NOT BLOCK A CONSENSUS TO HOLD AN IOZP CONFERENCE AND WOULD ATTEND SUCH A CONFERENCE. MOST RECENTLY THE INDIANS HAVE PRIVATELY SUGGESTED TO US THAT THEY MAY BE WILLING TO PUT THE AHC ON A BACK BURNER IN LIGHT OF THE CURRENT IMPASSE. THIS IDEA APPEARS TO BE MOTIVATED AS MUCH BY THE GOI'S PERCEPTION THAT IT IS BECOMING MORE ISOLATED IN ITS HARD-LINE ADHERENCE TO THE 1971 DOCTRINE AS BY THE MUTUALLY EXCLUSIVE US AND INDIAN POSITIONS. THIS DEVELOPMENT MAKES IT DOUBLY IMPORTANT TO MAINTAIN WESTERN UNITY NOW. END FYI

-- THE 1971 IOZP DOCTRINE WHICH CALLS FOR THE REMOVAL OF ALL GREAT POWER NAVAL PRESENCE FROM THE INDIAN OCEAN PLAYS IS INHERENTLY ONE SIDED. THE REAL THREAT TO THE REGION IS FROM SOVIET LAND-BASED MILITARY FORCES BORDERING ON AND IN THE REGION. (AFGHANISTAN IS AN INDIAN OCEAN HINTERLAND COUNTRY.)

-- WE OPPOSE AN IOZP CONFERENCE WHILE SOVIET TROOPS REMAIN IN AFGHANISTAN BECAUSE WE BELIEVE TO ATTEND A CONFERENCE UNDER CURRENT CIRCUMSTANCES WOULD BE SEEN AS ACQUIESCING IN THE INVASION, WHATEVER WAS SAID AT THE CONFERENCE.

-- GIVEN THE OBVIOUS IMPASSE IN THE AHC, WE ARE OPEN TO ANY SUGGESTIONS ON HOW BEST TO APPROACH THIS ISSUE IN THE FUTURE. (WE SHOULD NOT MENTION THE INDIAN FEELERS TO ANYONE PUBLICLY, GIVEN INDIAN SENSITIVITIES ABOUT BEING SEEN AS COLLABORATING WITH THE US ON THIS ISSUE.)

E. - UNCTAD VI: FYI: THE U.S. FEELS IT ACHIEVED ITS MINIMUM OBJECTIVES AT THE CONFERENCE BY PREVENTING SIGNIFICANT ENCROACHMENT ON THE SPECIALIZED AGENCIES, AVOIDING NEW MOMENTUM OR BROADENING OF PARTICIPATION IN ANY FUTURE MONETARY CONFERENCE AND DEVELOPING

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SIGNIFICANT UNITY AND SUPPORT WITHIN GROUP B. AT ITS SIXTH SESSION UNCTAD ONCE AGAIN FAILED TO BRIDGE THE BASIC DIFFERENCES BETWEEN THE G-77 AND THE DEVELOPED COUNTRIES ON QUESTIONS OF INTERNATIONAL ECONOMIC POLICY AND ECONOMIC DEVELOPMENT. WHETHER THE CONFERENCE MADE ANY PROGRESS TOWARD A MORE PRAGMATIC NORTH/SOUTH DIALOGUE REMAINS UNCLEAR. THE GENERAL REACTION AMONG THE G-77 TO THE CONFERENCE OUTCOME WAS DISAPPOINTMENT OVER THE "MEAGER RESULTS." END FYI

-- UNCTAD VI PROVIDED A USEFUL FORUM FOR CONTINUING DIALOGUE ON IMPORTANT QUESTIONS OF ECONOMIC POLICY AND ECONOMIC DEVELOPMENT.

-- THE U.S. WAS PLEASED THAT AGREEMENT WAS REACHED ON ALMOST ALL OF THE RESOLUTIONS PUT FORWARD AT THE CONFERENCE.

-- NEVERTHELESS, WE FELT COMPELLED TO DISASSOCIATE OURSELVES FROM THE FINAL STATEMENT OF THE CONFERENCE FEELING THAT IT WAS AN OVERLY PESSIMISTIC PICTURE OF THE WORLD ECONOMIC SITUATION.

-- WE PLAN TO REVIEW CAREFULLY THE RESULTS OF THE CONFERENCE AND WE HOPE OTHERS WILL DO AS WELL, AS MUCH REMAINS TO BE DONE TO OVERCOME REMAINING DIFFERENCES OF VIEW BETWEEN THE DEVELOPED AND DEVELOPING COUNTRIES.

I. - GLOBAL NEGOTIATIONS/IMMEDIATE MEASURES: FYI: GLOBAL NEGOTIATIONS HAVE TAKEN A BACK SEAT TO THE G-77 DESIRE TO SEE PROGRESS ON THE "IMMEDIATE MEASURES" FIRST OUTLINED AT THE NAM SUMMIT IN NEW DELHI AND LATER CODIFIED IN DRAFT RESOLUTIONS BY THE G-77 AT ITS MINISTERIAL MEETING IN BUENOS AIRES. THERE IS NO SERIOUS EXPECTATION THAT GNS WILL GET UNDERWAY ANY TIME SOON. THE IMMEDIATE MEASURES, IN FACT, CONTAIN LITTLE THAT IS NEW AND IN GENERAL REFLECT TRADITIONAL G-77 POSITIONS ON THE BROAD RANGE OF ECONOMIC AND FINANCIAL ISSUES. END FYI

-- THE U.S. POSITION ON GLOBAL NEGOTIATIONS REMAINS AS STATED BY PRESIDENT REAGAN AT THE CANCUN SUMMIT WHERE HE SPECIFIED THE "FOUR UNDERSTANDINGS" WHICH WOULD BE REQUIRED BEFORE THE U.S. WOULD ENTER INTO GN'S. THESE

WERE: (1) GN'S SHOULD HAVE A PRACTICAL ORIENTATION; (2) THE TALKS SHOULD RESPECT THE COMPETENCE, FUNCTIONS, AND POWERS OF THE SPECIALIZED INTERNATIONAL AGENCIES; (3) THE TALKS MUST BE ORIENTED TOWARD ACHIEVING MUTUALLY BENEFICIAL INTERNATIONAL GROWTH AND DEVELOPMENT, TAKING INTO ACCOUNT DOMESTIC ECONOMIC POLICIES; AND (4) THE
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TALKS SHOULD TAKE PLACE IN A COOPERATIVE ATMOSPHERE.

— ADDITIONALLY, THE U.S. MADE A MAJOR CONCESSION AT THE VERSAILLES MEETING WHEN THE PRESIDENT AGREED TO ENTER INTO GN'S BEFORE AGENDA AND PROCEDURES WERE ESTABLISHED IN RETURN FOR AGREEMENT AT THE HIGHEST LEVELS ON THE IMPORTANCE OF THE SPECIALIZED AGENCIES.

— WE FEEL OUR POSITION IS A REASONABLE ONE AND ACCEPTABLE TO AMNY OF THE DEVELOPING COUNTRIES.

— IT IS OUR VIEW THAT "THE BALL IS IN THE G-77'S COURT."

— THE IMMEDIATE MEASURES PUT FORWARD BY THE NAM IN ITS ECONOMIC DECLARATION OF NEW DELHI DO NOT, IN OUR OPINION, REPRESENT SIGNIFICANT FORWARD PROGRESS. THEY CONTINUE TO REFLECT TRADITIONAL POSITIONS ON WHICH OUR VIEWS ARE WELL KNOWN.

J. - SECURITY COUNCIL ELECTIONS: FYI: THE SEATS CURRENTLY OCCUPIED BY GUYANA, JORDAN, POLAND, TOGO, AND ZAIRE BECOME VACANT AT YEAR'S END. FINAL REGIONAL GROUP DECISIONS IN THE UNDECIDED RACES ARE NOT EXPECTED UNTIL SOMETIME IN SEPTEMBER. BARBADOS AND PERU ARE VYING FOR THE LATIN AMERICAN SEAT BEING VACATED BY GUYANA; AND ALGERIA, LIBYA, AND MOROCCO FOR THE AFRICAN SEAT BEING VACATED BY ZAIRE. UPPER VOLTA AND THE UKRAINIAN S.S.R. HAVE RECEIVED THEIR RESPECTIVE REGIONAL GROUP'S ENDORSEMENT FOR THE SEATS BEING VACATED BY TOGO AND POLAND. INDIA IS THE ONLY ANNOUNCED CANDIDATE FOR THE ASIAN SEAT CURRENTLY HELD BY JORDAN. OTHER NON-PERMANENT MEMBERS REMAINING ON THE COUNCIL ARE MALTA, NETHERLANDS, NICARAGUA, PAKISTAN, AND ZIMBABWE. A TWO-THIRDS VOTE OF THE UNGA PRESENT AND VOTING IS REQUIRED FOR ELECTION. BALLOTING IS SECRET. OUR TRADITIONAL POLICY IS THAT EXCEPT UNDER EXTRAORDINARY CIRCUMSTANCES WE DO NOT REVEAL OUR VOTE. END FYI

— WE WILL WAIT FOR THE RESPECTIVE REGIONAL GROUPS TO EXPRESS THEIR PREFERENCES FOR THE SECURITY COUNCIL SEATS BEFORE WE TAKE A POSITION.

K. - UN ADMINISTRATION - RAISING THE MANDATORY AGE

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FYI: FOR THE SECOND TIME, THE UN PENSION BOARD IS RECOMMENDING RAISING THE MANDATORY RETIREMENT AGE TO 62, WHILE RETAINING OPTIONAL RETIREMENT WITH FULL BENEFITS AT 60. THE INTERNATIONAL CIVIL SERVICE COMMISSION IS DIVIDED ON THE ISSUE. THE U.S. STRONGLY SUPPORTS THE PENSION BOARD STANCE, AS A WAY OF REDUCING ACTUARIAL DEFICIT OF THE PENSION FUND, AND OF OBVIATING THE NEED TO RAISE ASSESSMENTS IN ORDER TO MAINTAIN CURRENT BENEFIT LEVELS. UNDER-REPRESENTED COUNTRIES HAVE OPPOSED THIS MEASURE AS ONE THAT WOULD PERPETUATE THEIR UNDER-REPRESENTATION. END FYI

-- THE U.S. BELIEVES THAT UN EMPLOYEES SHOULD BE PERMITTED TO WORK UNTIL AGE 62 IF THEY WISH TO DO SO, AND THEREFORE FAVORS RAISING THE AGE AT WHICH RETIREMENT IS MANDATORY TO 62 WHILE STILL ALLOWING VOLUNTARY RETIREMENT AT THE AGE OF 60.

-- ADOPTION OF THIS MEASURE WILL BE NECESSARY TO AVOID INCREASED ASSESSMENTS OF ALL MEMBER STATES, WHICH WILL OTHERWISE BE NEEDED TO PAY FOR CURRENT RETIREMENT BENEFITS.

-- INCREASING TO 62 THE AGE AT WHICH RETIREMENT IS REQUIRED WILL NOT WORK AGAINST THE DEVELOPING COUNTRIES WHICH NOW HAVE A FAIR SHARE OF SENIOR LEVEL POSITIONS.

-- THE U.S. SEEKS THE SUPPORT OF YOUR GOVERNMENT FOR THIS MEASURE.

L. TEN PERCENT REDUCTION IN CONFERENCE DAYS: FYI: AT THE FIRST SUSBTANTIVE SESSION OF THE COMMITTEE ON CONFERENCES IN MAY, THE USDEL INTRODUCED A PROPOSAL CALLING FOR AN OVERALL REDUCTION IN CONFERENCE DAYS BY TEN PERCENT. THE USDEL PROPOSED THAT THE COMMITTEE REQUEST THE SECRETARIAT TO PREPARE AN ALTERNATIVE CALENDAR (TO ACCOMPANY THE REGULAR DRAFT CALENDAR OF CONFERENCES FOR 1984-85) WHICH WOULD REFLECT AN OVERALL TEN PERCENT REDUCTION COMPARED TO THE 1982-83 CALENDAR. THE PROPOSAL RAN INTO STIFF OPPOSITION. ALTHOUGH NOT ADOPTED, IT IS STILL ON THE TABLE AND WE PLAN TO RAISE THE ISSUE AGAIN DURING THE 38TH UNGA. END FYI

-- AN OVERALL REDUCTION IN CONFERENCE DAYS OFFERS MEMBER STATES A COMPROMISE BETWEEN THE CONFLICTING GOALS OF REDUCING CONFERENCE COSTS AND NOT ELIMINATING

ANY SPECIFIC CONFERENCE.

-- THE U.S. IS NOT NECESSARILY ADVOCATING THE
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ELIMINATION OF CONFERENCES IN ORDER TO ACHIEVE THE TEN PERCENT REDUCTION. THE U.S. PROPOSAL SIMPLY REQUIRES GREATER EFFICIENCY IN TIME MANAGEMENT AT CONFERENCES.

— CONFERENCE DAYS ARE A LIMITED RESOURCE (IN TERMS OF THE AVAILABILITY OF BOTH FACILITIES AND DELEGATES) IN MUCH THE SAME WAY THAT DOLLARS ARE A LIMITED RESOURCE. THEREFORE, JUST AS PROGRAMS ARE BUDGETED AGAINST A FIXED DOLLAR TOTAL, WE BELIEVE IT WOULD BE USEFUL TO CONSIDER SCHEDULING CONFERENCES AGAINST A TOTAL NUMBER OF CONFERENCE DAYS.

M. - CHANGES IN POST ADJUSTMENT INDICES IN ROME, PARIS, MONTREAL AND VIENNA: FYI: THE INTERNATIONAL CIVIL SERVICE COMMISSION (ICSC) WILL MEET IN NOVEMBER TO CONSIDER TECHNICAL STUDIES INDICATING A NEED FOR SIGNIFICANT REDUCTIONS IN POST ADJUSTMENT PAYMENTS IN ROME, VIENNA, PARIS, AND MONTREAL. THE STUDIES HAVE INDICATED THAT EXCHANGE RATE FLUCTUATIONS HAVE LED TO WINDFALL PAYMENTS FOR SEVERAL THOUSAND PROFESSIONAL EMPLOYEES IN THESE CITIES. THE AFFECTED STAFF ARE SEEKING TO HAVE THE FINDINGS OF THESE STUDIES OVERTURNED. THE U.S. SUPPORTS IMMEDIATE REDUCTIONS IN POST ADJUSTMENT AS A WAY OF ACHIEVING A COMBINED SAVINGS OF OVER $40 MILLION DURING THE NEXT BIENNAL BUDGET PERIOD, IN THE UN, FAO, UNESCO, IAEA, AND ICAO. THE ICSC MAY OPT INSTEAD FOR A POST ADJUSTMENT FREEZE, LOSING THE SAVINGS IN ORDER NOT TO INCUR STAFF DISPLEASURE, OR MAY EVEN BOW ENTIRELY TO STAFF PRESSURE AND REFUSE TO ACCEPT THE FINDINGS OF THE STUDIES. WE WISH TO ALERT OTHER GOVERNMENTS TO THE POTENTIAL NEED FOR ACTION ON THE FLOOR OF THE GA REGARDING THIS MATTER. END FYI

— THE U.S. NOTES TECHNICAL FINDINGS OF THE ADVISORY COMMITTEE ON POST ADJUSTMENT QUESTIONS INDICATING POST ADJUSTMENT OVERPAYMENTS IN ROME, VIENNA, PARIS AND MONTREAL.

— THE U.S. SUPPORTS TERMINATION OF THESE UNEARNED WINDFALL PAYMENTS, AMOUNTING TO OVER FORTY MILLION DOLLARS SYSTEM-WIDE, AS A WAY OF SAVING RESOURCES DESPERATELY NEEDED FOR UN PROGRAMS.

— THE U.S. SEEKS YOUR SUPPORT IN INCORPORATING THESE

REDUCTIONS INTO THE 1984-85 BUDGET OF THE UN AND

AFFECTED SPECIALIZED AGENCIES.

N. - IRAN-IRAQ WAR: FYI: THE IRAQI UN DELEGATION RECENTLY REQUESTED THAT THE SE-RETARY GENERAL INCLUDE ON THE AGENDA OF THE 38TH UNGA AN ADDITIONAL ITEM, "CONSEQUENCES OF THE PROLONGATION OF THE ARMED CONFLICT BETWEEN IRAN AND IRAQ." THE 37TH UNGA HAD PASSED A RESOLUTION ON THIS ITEM BY A VOTE OF 119 US,-1 IRAN -15. IT REITERATED CLAUSES CONTAINED IN SECURITY COUNCIL RESOLUTIONS PASSED IN 1980 AND 1982 CALLING FOR AN IMMEDIATE CEASE-FIRE, WITHDRAWAL OF FORCES TO INTERNATIONALLY RECOGNIZED BOUNDARIES AND CONTI;UATION OF MEDIATION EFFORTS BY THE SECRETARY GENERAL.

THE USG POSITION REGARDING THE IRAN/IRAQ WAR HAS BEEN ONE OF NEUTRALITY. THE WAR'S CONTINUATION HAS RESULTED ONLY IN CONSIDERABLE LOSS OF HUMAN LIFE AND MATERIAL AND ENVIRONMENTAL ;FROM THE PERSIAN GULF OIL SPILL. DAMAGE. WE SUPPLY ARMS TO NEITHER SIDE AND HAVE CALLED FOR AN END TO THE WAR ON THE BASIS OF THE INDEPENDENCE AND TERRITORIAL INTEGRITY OF BOTH STATES. WE HAVE SUPPORTED UNGA AND UNSC ACTIONS REGARDING THE CONFLICT AND WILL CONTINUE TO SUPPORT OBJECTIVELY WORDED ITEMS CALLING FOR AN END TO HOSTILITIES BASED ON THESE PRINCIPLES. END FYI
ONLY IF ASKED

—THE USG HAS SUPPORTED PAST UNGA AND UNSC ACTIONS REGARDING THE IRAN/IRAQ WAR WHICH CALL FOR A CEASEFIRE, WITHDRAWAL OF FORCES TO INTERNATIONALLY RECOGNIZED BOUNDARIES AND CONTINUATION OF MEDIATION EFFORTS BY THE SECRETARY GENERAL. WE CAN SUPPORT A SIMILARLY WORDED RESOLUTION IN THIS YEAR'S UNGA.

—AS YOU KNOW, THE USG HAS TAKEN A POSITION OF NEUTRALITY TOWARD THIS CONFLICT WHICH WE VIEW AS WASTEFUL OF HUMAN LIFE AND MATERIAL RESOURCES AND WHICH CONTRIBUTES TO REGIONAL TENSIONS.
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AMEMBASSY MONTEVIDEO
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E.O. 12356: N/A
TAGS: ELAB, PINS, PGOV, CI
SUBJ: COPPERWORKER LEADER RODOLFO SEGUEL IN DEEPER LEGAL TROUBLE

REF: SANTIAGO 4956 (NOTAL)

1. THE GOC HAS FILED ADDITIONAL CHARGES AGAINST RODOLFO SEGUEL, PRESIDENT OF THE COPPERWORKERS CONFEDERATION (CTC)
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PAGE 02 SANTIA 05214 072022Z

AS WELL AS THE NATIONAL WORKERS COMMAND (CNI). THE GOC HAS DECIDED TO CHARGE SEGUEL WITH DEFAMATION OF CHARACTER UNDER THE INTERNAL SECURITY LAWS FOR WORDS HE ALLEGEDLY USED TO DESCRIBE PRESIDENT PINOCHET IN A RECENT INTERVIEW WITH THE MEXICAN NEWSPAPER EXCELSIOR. THE GOC DECIDED ON THE ADDITIONAL CHARGES FOLLOWING AN INTERVIEW WITH A SANTIAGO NEWSPAPER, IN WHICH SEGUEL ADMITTED HE HAD,

IN THE EXCELSIOR INTERVIEW, DESCRIBED PINOCHET AS A FANATICAL, OBSESSED AND ABSURD DICTATOR. HE ALSO APPARENTLY USED SUCH PHAMSES AS "CONCENTRATION CAMP," "NUREMBERG SITUATION" TO DESCRIBE THE POLITICAL CLIMATE IN CHILE.

2. SEGUEL, WHO IS FREE ON BAIL FOLLOWING 35 DAYS IN JAIL IN CONNECTION WITH ALLEGED VIOLATION OF THE INTERNAL SECURITY LAWS FOR THE PROTEST DEMONSTRATIONS OF MAY 11 AND JUNE 14 AGAINST THE PINOCHET GOVERNMENT, NOW FINDS THE CASE OF THE GOC EXPANDED AT ABOUT THE TIME WHEN THE INVESTIGATING JUDGE WAS TO MAKE A RULING ON THE ORIGINAL CHARGES. IN ADDITION, THE GOC CHARGES FOLLOW A MEETING BETWEEN MINISTER OF INTERIOR JARPA AND THE LEADERS OF THE CTC DURING WHICH SEGUEL SAID HE WAS A TRADE UNIONIST AND NOT MIXED UP IN POLITICS, AND DURING WHICH SEGUEL APPEALED TO JARPA TO DROP THE CHARGES AGAINST SEGUEL AND SEVERAL OTHER CTC LEADERS FOR THE PROTEST ACTS. THE OPPOSITION COALITION "DEMOCRATIC ALLIANCE," WHICH IS NEGOTIATING A POLITICAL OPENING WITH JARPA AND THE GOC, HAD INCLUDED THE CHARGES AGAINST THE COPPERWORKER LEADERS AMONG THE POINTS TO BE RESOLVED WITH JARPA. INSTEAD OF NEARING A RESOLUTION OF THE LEGAL ACTION, SEGUEL, THROUGH CARELESS REMARKS TO A FOREIGN REPORTER, NOW FINDS HIMSELF IN DEEPER TROUBLE.

3. FOR MEXICO: WE WOULD APPRECIATE A COPY OF THE SEGUEL INTERVIEW IN EXCELSIOR, WHICH WE UNDERSTAND

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CAPTION REMOVED BY S/S (EK) ON 6/10/94

EXDIS FOR AMBASSADOR GAVIN
STADIS //

E.O. 12356: DECL:OADR
TAGS: PREL, XK, ES, MX
SUBJECT: STONE MISSION: MEETING WITH MEXICAN FOREIGN SECRETARY SEPULVEDA

1. [redacted] - ENTIRE TEXT.

2. PLEASE REVIEW FOLLOWING AND RE-TRANSMIT TO SECSTATE AND WHITE HOUSE WASHINGTON, DC (EXDIS) IMMEDIATE FROM STONE AND GAVIN INFO BOGOTA, CARACAS, GUATEMALA, MANAGUA, PANAMA, SAN JOSE, SAN SALVADOR, TEGUCIGALPA.

3. AMBASSADOR GAVIN AND I MET, SEPTEMBER 5, IN MEXICO CITY WITH MEXICAN FOREIGN SECRETARY BERNARDO SEPULVEDA. ALSO PRESENT ON MEXICAN SIDE WERE UNDERSECRETARIES ROSENZWEIG-DIAZ, FLORES OLEA, VALERO, AND MEXICAN AMBASSADOR TO THE U.S. ESPINOSA DE LOS REYES. PRESENT ON THE U.S. SIDE WERE GLASSMAN, FONTAINE, ADCM LIMON, AND GREENTREE. SEPULVEDA AND HIS ASSOCIATES FOCUSED THE MEETING EXCLUSIVELY ON THE SALVADORAN INTERNAL
[redacted]

PAGE 02 STATE 255575

DIALOGUE.

4. I OPENED THE MEETING BY DESCRIBING MY BOGOTA AND SAN JOSE CONVERSATIONS WITH THE SALVADORAN FDR/FMLN, AND THE SALVADORAN PEACE COMMISSION'S INITIAL CONTACT

ITH THE GUERRILLAS. I POINTED OUT THAT THE GUERRILLAS' ADVANCING OF MAXIMAL DEMANDS IN PRIVATE CONVERSATIONS WAS, PERHAPS, UNDERSTANDABLE AS AN OPENING NEGOTIATING MOVE.

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Office of FOI, Privacy, & Classification Review
Review Authority: HOFFENBERG, MARV
Date: 06/10/94
Case ID: 9940034F

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THEIR USE OF THEIR AUGUST 30 SAN JOSE PRESS CONFERENCE. HOWEVER, TO PROPAGANDIZE THEIR DEMANDS NOT ONLY CREATED A BAD ATMOSPHERE FOR DIALOGUE IN SAN SALVADOR, BUT-ALSO PAINTED THE GUERRILLAS INTO A CORNER IN TERMS OF THEIR OWN NEGOTIATING POSITION. I SAID THAT THE FDR/FMLN WOULD DO WELL TO RESTRAIN THEMSELVES PUBLICLY, AS SUGGESTED BY COLOMBIAN PRESIDENT BETANCUR.

5. SEPULVEDA THEN RAISED A SERIES OF QUESTIONS CONCERNING THE FDR/FMLN'S PURPOSE IN PRESSING DEMANDS FOR A NEW GOVERNMENT: DID THEY, IN FACT, WANT DOMINANCE GRANTED TO THEM OR WERE THEY WILLING SIMPLY TO ACCEPT AN INFLUENCE IN DETERMINING APPROPRIATE CONDITIONS FOR AN ELECTION? I RESPONDED THAT SOME IN THE FDR/FMLN HAVE DEEP RESERVATIONS ABOUT DIALOGUE, ACQUIESCING IN TALKS ONLY TO PROVIDE A BALANCE TO MILITARY ACTION. THE HARD LINE PLACATES THESE PEOPLE. AT THE SAME TIME, I NOTED, WE ARE IN A PERIOD OF MILITARY TESTING. IF THE FMLN IS UNABLE TO REGAIN THE MILITARY INITIATIVE WITHIN TWO-THREE MONTHS, THE VICTORY OPTION FOR THE GUERRILLAS MAY LOSE CREDIBILITY. I ADDED THAT WE NEED TO BE PATIENT DURING THIS PERIOD. WE SHOULD AVOID PUSHING EITHER SIDE TOO HARD ON THE DIALOGUE ISSUE UNTIL THE UNDERLYING BALANCE OF MILITARY FORCE IS CLARIFIED. (COMMENT: MY INTENTION WAS TO [redacted]

SIGNAL TO SEPULVEDA THAT, NOTWITHSTANDING THE GUERRILLAS' ANNOUNCED OFFENSIVE, TIME IS ON OUR SIDE.)

6. SEPULVEDA AND HIS ASSOCIATES THEN QUERIED ME ABOUT POTENTIAL ELECTORAL COALITIONS IN EL SALVADOR AND THE ATTITUDE OF THE ARMED FORCES AND THE ARENA PARTY TOWARD DIALOGUE. WITH REGARD TO COALITIONS, I HYPOTHESIZED THAT TWO-GREAT COALITIONS, ONE CENTER-LEFT AND ONE RIGHTIST, MIGHT EMERGE. I DESCRIBED HOW BOTH THE ARMED FORCES AND ARENA SUPPORTED DIALOGUE AS LONG AS IT FOCUSED ONLY ON ELECTORALPARTICIPATION, NOT ON A GRANT OF POWER TO THE FDR/FMLN.

7. I SAID THAT POLLING HAS SHOWN THAT THE EXTREME LEFT COULD TURN OUT AT MOST, ABOUT 12-14 PERCENT OF THE ELECTORATE IN A FAIR ELECTION. I SAID THAT, WHILE THE LEFT COULD PROBABLY NOT ELECT A PRESIDENT SINGLE HANDEDLY, THEY COULD PROBABLY PRODUCE A RESPECTABLE LEGISLATIVE AND MUNICIPAL REPRESENTATION IN FOLLOW-UP ELECTIONS. IF WE MAINTAIN OPEN THE DIALOGUE OPTION, AND THE GUERRILLAS BEGIN TO SEE THE PROSPECTS OF MILITARY VICTORY RECEDE, THE DESIRABILITY OF GAINING SOME POLITICAL REPRESENTATION MIGHT BE MORE APPEALING TO THEM.

8. SEPULVEDA SAID THAT IT WOULD BE DESIRABLE TO HAVE THE

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LEFT PARTICIPATING IN ELABORATION OF PRESIDENTIAL ELECTION PROCEDURES SINCE THESE WILL LIKELY SERVE AS PRECEDENTS FOR SUBSEQUENT LEGISLATIVE AND MUNICIPAL ELECTIONS. I FULLY AGREED AND SAID THAT, FOLLOWING APPROVAL OF THE CONSTITUTION (PERHAPS IN OCTOBER), WORK ON THE ELECTORAL LAW WILL HAVE TO TAKE PLACE. THIS PROVIDES A WINDOW FOR FDR/FMLN INVOLVEMENT, IF THEY CHOOSE TO ABANDON THEIR CURRENT ANTI-ELECTIONS STANCE.

9. SEPULVEDA SAID THAT, AN INTERIM GOVERNMENT, AS NOW [redacted]

PROPOSED BY THE LEFT, WOULD NOT SERVE TO PACIFY EL SALVADOR. A BODY -TO ESTABLISH RULES OF PLAY FOR AN ELECTION, ON THE OTHER HAND, MIGHT BE VALUABLE. SUCH A BODY, HE SAID, SHOULD BE A COMBINATION OF THE CURRENT ELECTORAL AND POLITICAL COMMISSIONS--AN ORGAN REPRESENTATIVE OF ALL THE "REAL FACTORS OF POWER." (COMMENT: SEPULVEDA WAS SEEKING TO BRIDGE THE DIFFERENCE BETWEEN THE GOES AND FDR/FMLN POSITIONS BY ;SUGGESTING, AS AN ALTERNATIVE TO THE FDR/FMLN INTERIM GOVERNMENT PROPOSAL, THE FORMATION OF AN ELECTORAL COMMISSION WITH AUTHORITATIVE, QUASI-GOVERNMENTAL POWERS. HE DID NOT ELABORATE ON THE FATE OR POWERS OF THE ESTABLISHED GOES UNDER SUCH A SCHEME, ALTHOUGH THE IMPLICATION WAS THAT THE NEW ORGAN MIGHT SOMEHOW SUPERSEDE THE GOES. THE TERM "REAL FACTORS OF POWER," USED BY SEPULVEDA, WAS MENTIONED REPEATEDLY BY MARIO AGUINADA OF THE SALVADORAN COMMUNIST PARTY DURING MY SAN JOSE TALKS. HE SAID IT REFERS INTERNALLY TO THE CURRENT GOES, THE SALVADORAN ARMED FORCES, AND THE FDR/FMLN.)

10. SEPULVEDA SAID THAT HE AGREED THAT IT WOULD BE USEFUL TO WAIT TWO-THREE MONTHS BEFORE PRESSING THE PARTIES ON DIALOGUE. HE ASKED WHAT SHOULD BE DONE, HOWEVER, SHOULD THE PROCESS REMAIN STALEMATED AT THE TIME. I REPLIED THAT THE MOST IMPORTANT THING OUTSIDE POWERS COULD DO WOULD BE TO ENCOURAGE CONTINUING CONTACTS BETWEEN THE PEACE COMMISSION AND THE LEFT. INITIALLY, SUBSTANCE SHOULD NOT BE PRESSED IN THESE CONTACTS TO ALLOW CONFIDENCE TO BE BUILT UP. PERHAPS A SECOND AND THIRD FDR/FMLN-PEACE COMMISSION MEETING MIGHT FOCUS ONLY ON AGENDA, A FOURTH MEETING MIGHT, FOR EXAMPLE, ESTABLISH A TECHNICAL WORKING GROUP ON PARTS OF THE AGENDA. THE IMPORTANT THING WOULD BE TO MAINTAIN CONTINUING CONTACT WITHOUT PRESSURE FOR DECISION. PERHAPS, MORE DIRECT COMMUNICATIONS MIGHT BE [redacted]

ESTABLISHED--ELIMINATING THE CURRENT INTERMEDIARIES INVOLVED IN THE PASSING OF MESSAGES. THE MOST IMPORTANT

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THING, I SAID, WOULD BE TO AVOID A BREAKDOWN OF TALKS AND A CONSEQUENT SENSE THAT DIALOGUE ON A POLITICAL SOLUTION IS A FORECLOSED OPTION.

11. SEPULVEDA GENERALLY AGREED AND, IN CONCLUSION, SAID THAT THE DIALOGUE EFFORT MUST BE NURTURED CAREFULLY.

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Special Project (1993)

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PAGE 01 SANTIA 05222 01 OF 02 081433Z
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S E C R E T SECTION 01 OF 02 SANTIAGO 5222

E.O. 12356: DECL: OADR
TAGS: PGOV, CI
SUBJECT: CHILE''S PROTEST MOVEMENT: OUTLOOK UNTIL AND ABOUT SEPTEMBER 11

REF: SANTIAGO 5221

1. SECRET - ENTIRE TEXT.

2. BEGIN SUMMARY. VIOLENT AND NON-VIOLENT PROTESTS AGAINST THE PINOCHET REGIME HAVE INTENSIFIED IN THE PAST FEW DAYS AND IS EXPECTED TO REACH PEAK INTENSITY ON SEPTEMBER 8 AND TO AND AROUND SEPTEMBER 11. THERE ARE TWO PROTEST MOVEMENTS, ONE NON-VIOLENT ORGANIZED BY THE DEMOCRATIC ALLIANCE, THE OTHER VIOLENT, LED BY THE CHILEAN COMMUNIST PARTY, WITH SOME COORDINATION BETWEEN THEM. THE DEMOCRATIC LEADERS OF THE PEACEFUL PROTEST HAVE INCOMPLETE CONTROL OVER THEIR MORE MILITANT BASE GROUPS. THE UNRESOLVED ECONOMIC CRISIS FUELS SOCIAL DISCONTENT AND MAKES LIKELY THE CONTINUATION OF VIOLENT AND PEACEFUL PROTESTS BEYOND SEPTEMBER 11, THOUGH ON A MORE

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LIMITED SCALE. THE GOVERNMENT HAS BEEN UNABLE TO RESTORE BUSINESS CONFIDENCE OR MOVE THE ECONOMY OFF DEAD CENTER. PRESSURES FROM MANY SECTORS HAVE INCREASED IN RECENT WEEKS AGAINST THE ECONOMIC TEAM, WHICH COULD BE REPLACED IN THE NEAR FUTURE. THE ECONOMY CONTINUES TO BE THE ACHILLE'S HEEL OF THE PINOCHET REGIME, AND THREATENS THE POLITICAL OPENING AND A

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PEACEFUL TRANSITION TO DEMOCRACY. END SUMMARY.

3. THERE HAS BEEN A NOTICEABLE INCREASE IN PEACFULESTS (MARCHES AND DEMONSTRATIONS WITHOUT SERIOUS INCIDENT IN SANTIAGO) AND VIOLENT ACTS (BOMBINGS OF BUILDINGS AND VEHICLES) ON SEPTEMBER 6 AND 7. THE PEACEFUL PROTEST CALLED BY THE DEMOCRATIC ALLIANCE (AD) AND THE LABOR COMMAND FOR SEPTEMBER 8 IS LIKELY TO BE AS LARGE, AND POSSIBLY LARGER THAN AUGUST 11. THE AD IS DIVIDED OVER THE WISDOM OF THE PROTEST AND ITS POTENTIAL FOR WEAKENING JARPA AND THREATENING THE LIBERALIZATION PROCESS. NEVERTHELESS, THE DECISION WAS MADE TO GO AHEAD WITH THE PROTEST DESPITE A SECOND MEETING WITH JARPA ON SEPTEMBER 5, WHICH WAS DESCRIBED BY THE OPPOSITION AS POSITIVE AND CONSTRUCTIVE. THE CHRISTIAN DEMOCRATIC PARTY (PDC) LEADERSHIP FEELS IT CANNOT AFFORD TO ABANDON THE PROTESTS AND ALLOW THE STREET TO BE TAKEN OVER BY THE COMMUNISTS (PCCH) AND OTHER EXTREMISTS ON THE LIEFT. FOLLOWING MOSCOW'S CURRENT LINE AS USUAL, THE PCCH IS INTENT ON LEADING THE VIOLENT ANTI-PINOCHET STRUGGLE SO AS TO AVOID HAVING THE REVOLUTIONARY VANGUARD ROLE TAKEN OVER BY OTHERS, AS HAPPENED IN CUBA AND NICARAGUA. FAILURE TO GAIN ENTRANCE TO THE DEMOCRATIC ALLIANCE APPEARS TO HAVE REINFORCED THE VIOLENT LINE. IN VIEW OF THE COMMITMENT OF THE PCCH, THE MIR AND OTHER EXTREMISTS TO REVOLUTIONARY VIOLENCE TO TOPPLE THE PINOCHET REGIME, STREET VIOLENCE AND OTHER VIOLENT ACTS ARE LIKELY TO CONTINUE FOR SOME TIME. THE GOAL IS THE ANCIENT ONE OF PROVOKING GOVERNMENT REPRESSION, CREATING NEW MARTYRS, AND MOBILIZING

WIDER POPULAR SUPPORT BEHIND THE ARMED STRUGGLE. SIGNIFICANT ELEMENTS OF THE PCCH LEADERSHIP APPEAR TO BELIEVE THAT CONSIDITIONS IN CHILE ARE RIPE FOR VIOLENT REVOLUTION, AND THAT PINOCHET CAN BE OVERTHROWN BY THIS METHOD.

4. THE COMPLEXITY OF THE PROTEST MOVEMENT, THE RELATIONSHIP BETWEEN THE POLITICAL SUPERSTRUCTURE AND BASE GROUPS, AND BETWEEN THE PEACEFUL AND VIOLENT PROTESTORS, MAKES IT DIFFICULTREDICT OUTCOMES. THERE ARE, IN FACT, TWO PROTEST MOVEMENTS PROCEEDING LARGELY BUT NOT ENTIRELY IN PARALLEL: THE PEACEFUL PROTESTS ORGANIZED BY THE PDC AND OTHER ALLIANCE PARTIES, WITH LABOR COOPERATION, AND THE VIOLENT PROTEST MOVEMENT LED BY THE PCCH, WITH MIR, SOCIALIST AND OTHER FAR LEFT SUPPORT. THERE ARE CONTACTS BETWEEN THE POLITICAL LEADERSHIP OF THE PDC AND THE PCCH CONCERNING PROTEST STRATEGY, AS PDC PRODEN PRESIDENT LAVANDERO AND OTHERS HAVE TOLD US. THERE ALSO APPEARS TO BE SOME CONTACT AND COORDINATION BETWEEN THE BASE GROUPS OF THE VIOLENT AND NON-VIOLENT OPPOSITION AS WELL. BUT WHAT COMPLICATES MATTERS EVEN MORE IS THAT THERE

IS A CONSIDERABLE BREACH BETWEEN THE OPPOSITION POLITICAL LEADERS--POLITICAL AND TRADE UNION CHIEFS--AND THE MASS OF DISCONTENTED WORKERS, UNIVERSITY STUDENTS, UNEMPLOYED, DELINQUENTS AND OTHERS WHO RESPOND AT THE LOCAL LEVEL, ON THE STREETS AND IN THE URBAN SLUMS, TO MILITANT CHURCH, PDC AND PCCH LEADERSHIP. THUS, THE PDC LEADERS EXERCISE AT BEST INCOMPLETE CONTROL OVER ITS OWN BASE GROUPS, AND CANNOT AFFORD TO LAG BEHIND THE DEMANDS AND VIEWS EXPRESSED AT THIS LEVEL. THEY HAVE ADMITTED TO US THEY ARE UNCERTAIN THEMSELVES ABOUT THE OUTCOME OF ANY CALL TO HALT THE PROTESTS.

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PAGE 01 SANTIA 05222 02 OF 02 081241Z
ACTION ARA-16

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S E C R E T SECTION 02 OF 02 SANTIAGO 5222

5. TAKING THIS INTO ACCOUNT, OUR BEST ESTIMATE FOR THE NEXT SEVERAL DAYS TO AND AROUND SEPTEMBER 11 IS AS FOLLOWS: --THE LIMITED VIOLENT ACTS WHICH BEGAN ON AUGUST 30 AND INCREASED IN THE PAST FEW DAYS WILL IKELY INTESIFY ON SEPT 8 (TO COINCIDE WITH THE AD'S NATIONAL DAY OF PEACEFUL PROTEST) AND UP TO THE SYMBOLIC DATE OF SEPT 11, THE DAY BY WHICH SO MANY OPPOSITION FIGURES HAVE HOPED TO BE ABLE TO OVERTHROW THE PINOCHET REGIME. THE GOVERNMENT RECOGNIZES THIS PERIOD, AND PERHAPS A FEW DAYS BEYOND, AS THE PERIOD OF MAXIMUM VIOLENCE AND HAS TAKEN PRECAUTIONS. THE UNIVERSTIRIES AND SCHOOLS HAVE BEEN CLOSED EARLIER THAN USUAL FOR THE NATIONAL HOLIDAYS, STARTING AT NOON ON SEPTEMBER 7 AND REOPENING ON SEPTEMBER 20. WHILE THE GOVERNMENT HAS ANNOUNCED THAT MINMIMUM FORCE WILL BE APPLIED TO MAINTAIN ODER, AND THAT ONLY THE STREET-TRAINED NATIONAL POLICE WILL BE ENGAGED IN THAT TASK, THE ARMY IS BEING KEPT IN RESERVE AND ON ALERT IN THE EVENT SERIOUS DISTURBANCES REQUIRE THEIR INTERVENTION AFTER

SEPTEMBER 11 WE EXPECT LIMITED ACTS OF VIOLENCE AND SABOTAGE TO CONTINUE BUT AT A LOWER LEVEL.
--THE PEACEFUL PROTEST LED BY THE AD FOR SEPTEMBER 8 IS LIKELY

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PAGE 02 SANTIA 05222 02 OF 02 081241Z

TO BE AT ON THE SAME SCALE, AND PERHAPS GREATER THAN THE AUGUST 11 PROTEST DAY. IT IS POSSIBLE BUT LESS LIKELY THAT PEL PROTEST WILL BE SOMEWHAT LESS THAN LAST MONTH'S PROTEST DAY, BECAUSE THE UNDERLYING SOCIAL AND ECONOMIC DIS-CONTENT CONTINUES WITH NO SIGNS OF DIMINISHING, DESPITE THE POLITICAL OPENING. THE POLITICAL CHANGES HAVE NO EFFECT ON THE CRITICAL PROBLEMS OF THE UNEMPLOYED, THE URBAN PPOR, LABOR, INDUSTRIAL, PROFESSIONAL AND OTHER SECTORS, WHOSE DISCONTENT DERIVES LARGELY FROM THE ECONOMIC CRISIS.

6. CURRENT GOVERNMENT ECONOMIC POLICY OFFERS LITTLE HOPE FOR EVEN A MODERATELY STRONG ECONOMIC RECOVERY OVER THE NEXT SEVERAL MONTHS, DESPITE GOVERNMENT CLAIMS THAT THE LAST QUARTER WILL SHOW A 5 PERCENT ANNUALIZED GDP GROWTH RATE. WIDE-SECTORS--THE ENTIRE POLITICAL OPPOSITION, MUCH OF THE CENTER-RIGHT, MANY GOVERNMENT SUPPORTERS--HAVE LOST CONFIDENCE IN THE PRESENT ECONOMIC TEAM, LED BY FINANCE MINISTER CACERES. FOREIGN BANKING CONFIDENCE IN CHILE'S ECONOMIC MANAGEMENT (DUE TO THE SKILLFUL, SUCCESSFUL EXTERNAL DEBT RENEGOTIATION AND MAINTENANCE OF IMF PERFORMANCE TARGETS) APPEARS TO HAVE BEEN RE-ESTABLISHED, BUT CACERS HAS BEEN UNABLE TO RESTORE DOMESTIC CONFIDENCE. THE LONG PROMISED ECONOMIC RECOERY HAS NOT ARRIVED. LAST JUNE THERE WAS A SENSE OF THE ECONOMY HAVING BOTTOMED OUT AND SOME SIGNS OF INCREASED ACTIVITY WERE EVIDENT IN MANY ECONOMIC SECTORS. NOW, BUSINESS CONFIDENCE IS VERY DEPRESSED, AND PRESSURES TO GET PINOCHET TO REMOVE CACERES AND THE REMAINING CHICAGO BOYS SCATTERED THROUGHOUT THE MIDDLE LEVELS OF THE FINANCE MINISTRY AND CENTRAL BANK HAVE INCREASED SHARPLY IN RECENT WEEKS. THERE IS MUCH SPECULATION THAT THE ECONOMIC TEAM WILL BE REPLACED SOON IN AN ATTEMPT TO CREAT THE IMAGE, AND THE REALITY, OF A MORE EXPANSIONIST, LESS DOCTRINAIRE ECONOMIC POLICY, CAPABLE OF MOVING THE ECONOMY OFF DEAD CENTER. WHILE GOVERNMENT OPTIONS ARE SEVERELY LIMITED

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PAGE 03 SANTIA 05222 02 OF 02 081241Z

BY THE REDUCED AVAILABILITY OF EXTERNAL CAPITAL AND BY THE IMF COONS, IT IS FELT BY IMPORTANT BUSINESS SECTORS THAT CACERES HAS NOT BEEN AGGRESSIVE ENOUGH IN CONSIDERING AND ADOPTING VARIOUS ALTERNATIVES (SUCH AS HIGHER, DIFFERENTIATED

TARIFFS) AVAILABLE THAT ARE OPPOSED BY THE STILL INFLUENTIAL CHICAGO SCHOOL ECONOMISTS IN THE MIDDLE AND UPPER LEVELS OF THE STATE BUREAUCRACY.

7. FAILURE TO RESTORE BUSINESS CONFIDENCE AND CREATE NEW JOBS ON A SIGNIFICANT SCALE CONTINUE TO POSE A SERIOUS THREAT TO THE GOVERNMENT'S POLITICAL OPENING, TO THE ORDERLY AND PEACEFUL TRANSITION TO DEMOCRACY, AHD THE SURVIVAL OF THE PINOCHET GOVERNMENT. THE ECONOMY CONTINUES TO BE THE ACHILLE'S HEEL OF THE PINOCHET REGIME. THEBERGE

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PAGE 01 SANTIA 05286 092200Z
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C O N F I D E N T I A L SANTIAGO 5286

BRUSSELS FORUSEC LABATT

E.O. 12356: DECL: 9/9/89
TAGS: ELAB, PINS PGOV, CI
SUBJ: COPPERWORKERS LEADER SEGUEL BACK IN JAIL

REF: SANTIAGO 5214

1. (U) PER REFEL, RODOLFO SEGUEL HAD BEEN THE OBJECT
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PAGE 02 SANTIA 05286 092200Z

OF NEW CHARGES BY THE GOC MINISTRY OF INTERIOR THAT HE VIOLATED THE NTERNAL SECURITY LAW BY ALLEGEDLY DEFAMING THE CHARACTER OF (OR SLANDERING) PRESIDNT PINOCHET IN REMARKS REPORTEDLY MADE BY SEGUEL RECENTLY TO THE MEXICAN NEWSPAPER EXCELSIOR.
2.(U) ON SEPT 9, SEGUEL APPEARED IN COURT,

AND THE INVESTIGATING JUDGE ORDERED HIS IMMEIDIATE DETENTION. SEGUEL, WHO WAS OUT OF JAIL ON BAIL STEMMING FROM ANOTHER CHARGE, WAS SENT TO THE SAME JAIL WHERE HE HAD PREVIOUSLY BEEN DETAINED. HE IS ABLE TO RECIEVE VISITORS. ACCORDING TO SEGUEL'S LAWYER, SEGUEL HAS ANNOUNCED AN INDEFINITE HUNGER STRIKE BECAUSE HE FEELS HE IS BEING PERSECUTED BY GOC AUTORITIES.

3. (U) THE EMBASSY UNDERSTNDS THAT, ACCORDING TO CHILEAN PROCEEDINGS, THE INVESTIGATING JUDGE HAD NO RECOURSE BUT TO RETURN SEGUEL TO JAIL BECAUSE, SINCE HE WAS ALREADY OUT ON BAIL, THE ADDITIONAL INFRACION LEGALLY REQUIRED REVOCATION OF BAIL. THE JUDGE HAS FIVE DAYS TO DETERMINE IF THE CHARGES AGAINST SEGUEL MERIT FURTHER INVESTIGATION. SEGUEL IS CERTIN TO REMAIN IN JAIL AT LEAST THROUGH THIS WEEKEND AND POSSIBLY FOR CONSIDERABLY MORE TIME, PROBABLY AT LEAST UNTIL ONE OR THE OTHER OF THE CASES IS RESOLVED.

4. (C) COMMENT: INTERNATIONAL ATTENTION IS BOUND TO FOCUS ON SEGUEL'S DTENTION. SO FAR AS WE CAN DETERMINE AT THIS TIME, THE PROCESS AAINST SEGUEL AND THE RENEWED DETENTION FOLLOW NORMAL JUDICIAL PROCEEDINGS, WITH THEIR ROOTS ESTABLISHED LONG BEFORE THE PINOCHET REGIME. ONE DEMOCRATIC OPPOSITION LEADER COMMENTED PRIVATELY THAT A MEASURE OF THE NEW ATMOSPHERE UNDER INTERIOR MINISTER JARPA IS THAT EVEN IN THE RECENT PAST THE INSULTING PERSONAL

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PAGE 03 SANTIA 05286 092200Z

COMMENTS ABOUT PINOCHET WOULD HAVE RESULTED IN SEGUEL'S EXPULSION AND INDEFINITE EXILE RATHER THAN THE LEGAL PROCEEDINGS NOW INITIATED.
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MORI DocID: 754603

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CIA HAS NO OBJECTION TO
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RELEASE OF THIS DOCUMENT
DATE: APR 2007
BY: 0664393

TO THE CONGRESS OF THE UNITED STATES:

R

When the Congress approved humanitarian assistance for the Nicaraguan democratic resistance last year, it assured the survival of those fighting for democracy in Nicaragua. However, this assistance has not been sufficient to bring about changes in the policies of the communist Government of Nicaragua that would make possible a peaceful resolution of the conflict in Central America.

Determinations

Negotiations based on the Contadora Document of Objectives of September 9, 1983, have failed to produce an agreement, and other trade and economic measures have failed to resolve the conflict. At the same time, the legislation for even humanitarian assistance is about to expire. If no further action is taken it is clear that the Nicaraguan communists will steadily intensify their efforts to crush all opposition to their tyranny, consolidating their ability to use Nicaragua, in concert with their Soviet-bloc patrons, as a base for intimidating the democratic nations of Central America and spreading subversion and terrorism in our hemisphere.

DO 104165

7 49/2

MORI DocID: 754603

In these circumstances, the laws providing for humanitarian assistance to the Nicaraguan democratic resistance permit me to request authority to provide additional assistance, and specify expediated procedures for action by the Congress on my request. I am transmitting herewith a formal request for such additional assistance. As required by law, I have consulted with the Congress in formulating this request.

Why Negotiations and Other Measures Have Failed

In reports that I transmitted to the Congress in November 1985 and February 1986, I described the continued efforts by the United States to promote a negotiated settlement in Central America and in Nicaragua based on the Contadora Document of Objectives. All efforts to achieve a peaceful solution have failed to resolve the conflict because Nicaragua has refused to accept meaningful negotiations. Communist attempts to circumvent Contadora, apparent from the beginning of the negotiating process, have been increasingly obvious. In most recent months, Nicaragua has repeatedly frustrated negotiations aimed at producing a final, comprehensive Contadora treaty.

Recent Contadora meetings to discuss a comprehensive, verifiable regional agreement have been inconclusive largely due to Nicaraguan intransigence on key issues. Following two

DO 104164 7 49/2

MORI DocID: 754603

rounds of talks in October, on November 11, 1985, Nicaragua made public a letter from President Ortega to the Contadora Group and Support Group governments setting forth objections to the September 12, 1985, draft agreement tabled by the Contadora Group governments. Nicaragua argued that it could not assume the obligations of a Contadora agreement unless it reached a prior accommodation with the United States.

On December 3, President Ortega formally requested a suspension in Contadora negotiations until May 1986, that is until after the governments to be elected in Costa Rica, Honduras and Guatemala will have been installed. Costa Rica, Honduras and Guatemala, however, joined 25 other OAS member states in voting for a resolution at the OAS General Assembly in Cartagena that urged continuation of the Contadora negotiations. Of all OAS members, only Nicaragua voted against that resolution. Subsequently, Nicaragua's refusal to resume Contadora talks was a major factor in the failure in the United Nations General Assembly to achieve consensus on a resolution of support for the Contadora process.

On January 12, the Foreign Ministers of the Contadora Group and Support Group issued a joint statement intended to revitalize the process. The Foreign Ministers of the five Central American states, including Nicaragua, signed the "Declaration of Guatemala" on January 15, endorsing the

DO 104163 749/2

MORI DocID: 754603

Carabelleda message. Afterwards, the Government of Nicaragua issued a press communique which, although claiming "total adherence" to the Caraballeda Message, characterized the various actions suggested in the Caraballeda Message as prerequisites to resumption of Contadora negotiations. This communique also reaffirmed the Nicaraguan position of November 11 objecting to the Contadora draft agreement.

On February 5, President Ortega repeated this position in his speech to the Third Cuban Communist Party Congress in Havana noting that "the peace document that the Contadora Group submitted in September 1985 is unacceptable to Nicaragua."

On February 10, Secretary of State Shultz met with the Foreign Ministers of the Contadora Group and Support Group. The Secretary welcomed the good offices of the two Contadora groups to promote national reconciliation as expressed in the Caraballeda Message, and offered to resume bilateral talks with Nicaragua simultaneously with the beginning of Sandinista dialogue with the democratic resistance. Secretary Shultz also informed the Foreign Ministers that the United States was prepared to take further steps in response to changes in Nicaraguan behavior on the four key issues of concern -- support of subversion, the Cuban/Soviet presence, the military buildup and internal repression. He pointed out

DO 104162 7 49/2

MORI DocID: 754603

that a dialogue and ceasefire would mean that cessation of the application of force and the process of national reconciliation would go forward at the same time. My Special Emissary, Ambassador Harry Shlaudeman, began consultation with the Contadora and Support Group governments the week of February 16 on this initiative.

Meanwhile, the Sandinistas have rejected a February 6 proposal from opposition political parties in Nicaragua for suspension of hostilities, an effective general amnesty law for reconciliation of all Nicaraguans, a repeal of the state of emergency, an agreement for the establishment and observance of a new electoral process, effective fulfillment of Nicarauga's commitments for democratization and international assistance in the implementation of these demands. Also, another Contadora negotiating session held February 14-15 was inconclusive because of continued Nicaraguan refusal to address the remaining issues to be resolved in the current Contadora draft agreement.

Description of Request

The request transmitted herewith asks your approval for the transfer of $100,000,000 from funds already appropriated for the Department of Defense so that those funds would also be available for assistance to the Nicaraguan democratic resistance. I am requesting this transfer authority, in lieu

DO 104161 7 49/2

MORI DocID: 754603

of a supplemental appropriation, because I regard this request as a matter of high priority for the national security of the United States. Including a proposal for additional funds in this request would have diverted attention from the basic national security issues here involved. However, the resulting reduction in the funds available for the Department of Defense, if ~~not soon~~ remedied, will inevitably impair ongoing efforts to restore and maintain the readiness of the armed forces. ~~This~~ I will address impairment in defense readiness must be addressed separately.

The $100,000,000 to be made available for assistance to the Nicaraguan democratic resistance would include funds that have been appropriated to remain available for obligation until September 30, 1987. Obligations will be made on an incremental basis, with 25 percent available when the request is approved and an additional 15 percent to become available at 90 day intervals as reports are provided to the Congress on actions to achieve a resolution of the conflict in Central America.

Of the $100,000,000, $30,000,000 will be for a program of humanitarian assistance administered by the present Nicaraguan Humanitarian Assistance Office, including $3,000,000 exclusively for strengthening the observance and advancement of human rights.

DO 104160 7 49/2

MORI DocID: 754603

Should a peaceful settlement of the conflict in Central America be achieved during the period these funds remain available, the remaining funds could then be used for assistance to Central American countries, including Nicaragua, for relief, rehabilitation and reconstruction.

Approval of this request will permit me to use any department or agency in the Executive Branch, including agencies involved in intelligence activities, in carrying out programs and activities to assist the Nicaraguan democratic resistance. The statutory requirements for Congressional approval of the use of such agencies, as well as statutes requiring prior authorization for the use of appropriated funds will be satisfied by the approval of my request.

Finally, the request contains a series of undertakings by me, which I am asking the Congress to accept. These undertakings, which were developed in consultations with the Congress, are intended to assure that a clear and explicit understanding exists between the Executive and Legislative Branches as to the purposes of the requested assistance to the Nicaraguan democratic resistance and United States objectives in Central America.

In particular, I am undertaking in this request:

-- That United States policy toward Nicaragua will be based on Nicaragua's responsiveness to our well-known

MORI DocID: 754603

concerns about the Government of Nicaragua's close military and security ties to Cuba and the Soviet Union, its military buildup, its unlawful support for subversion and terrorism, its internal repression, and its refusal to negotiate in good faith with its neighbors or its own people;

-- That, in addition to support for the democratic resistance, the United States will rely on economic, political and diplomatic measures to address these concerns. In this regard, I am publicly affirming two offers that I have previously made through diplomatic channels in an effort to obtain a peaceful resolution of the conflict. First, we will engage in formal bilateral discussions with the Nicaraguan Government, to commence simultaneously with a church-mediated national dialogue in Nicaragua, as has been proposed by the United Nicaraguan Opposition. Second, we will take other positive actions in response to Nicaraguan steps toward meeting our concerns.

In determining how to implement these offers, I will consult with the Congress and will be guided by the observable behavior of the Government of Nicaragua. We will not be satisfied with expressions of intent. But we will respond to changes of behavior in areas such as freedom of the press and religion, reductions of foreign arms and military personnel, respect for a cease-fire, and cessation of support for insurgents and terrorists.

DO 104158 7 49/2

MORI DocID: 754603

My request affirms that our actions are consistent with our right to defend ourselves and assist our allies, and are directed toward achieving peace based on the Contadora Document of Objectives and a democratic reconciliation in Nicaragua, all without the use of force by the United States. I do not intend to introduce the armed forces of the United States into combat against the Government of Nicaragua, and I affirm that I will not regard approval of my request for assistance as authorizing any such action.

The final undertaking in this request responds to the desire of the Congress to be kept informed about efforts to achieve resolution of the conflict in Central America. I am undertaking to report every ninety days on progress toward a negotiated settlement, as well as on the disbursement of assistance funds and on human rights issues. The continued availability of assistance funds will be contingent upon the receipt by Congress of these periodic reports.

The Need For This Assistance

Since the beginning of my first Administration, there has been no foreign policy issue more directly affecting United States national interests than the conflict in Central America, for this conflict challenges not only our strategic position but the very principles upon which this nation is founded. We can be justifiably proud of progress in the

DO 104157 7 49/2

MORI DocID: 754603

region to alleviate and ultimately eliminate the causes of that conflict. With strong support from the United States, democracy, the basic foundation of peace, has made dramatic gains. Guatemala, Honduras and El Salvador have held free and open elections. Costa Rica continues its tradition as a vigorous democratic example. U.S. economic, political and military support have strengthened the moderate center in Central America and reversed the tragic polarization on the left and right which threatened to engulf the region in endless violence. As a result, the only president in Central America who wears a military uniform today is Daniel Ortega of Nicaragua. But Ortega presides over a repressive regime, armed to the teeth by the Soviets and Cubans, which is the most immediate threat to the progress of its neighbors.

Few now question that the rulers of Nicaragua are Marxist-Leninists, or that they are dedicated to the consolidation of a totalitarian communist state. Their recent history of brutal repression leaves little room for doubt. Nor should there be any dispute over their commitment to exporting their ideology through terrorism and subversion to neighboring countries. Their neighbors' success in offering democracy as a viable alternative for the people of Central America is a major threat to the system they advocate. The Sandinistas have been constrained principally

DO 104156 7 49/2

MORI DocID: 754603

because they have not yet crushed opposition to their regime at home. The struggle of the Nicaraguan democratic resistance for democracy in their own homeland has provided a shield for democratic progress in other Central American countries. But the Sandinistas, with massive Soviet and Cuban military assistance, have clearly made the elimination of these freedom fighters their number one priority. If they achieve that goal, there will be no obstacle to their efforts to destabilize neighboring states.

Despite this threat to peace, we do not accept that conflagration is inevitable in Central America. The path to peace is clear. The origin of the conflict in Nicaragua is the revolt of the Nicaragua people themselves against tyranny. Dialogue, serious negotiations between the Sandinistas and the external and internal opposition, including the armed resistance, is the place to begin. The United States strongly supports such negotiations, and we welcome the efforts of the Latin American nations of the Contadora Group and Support Group to promote national reconciliation talks to resolve the Nicaraguan conflict. We will steadfastly support the Contadora process in its efforts to find a solution in Central America which will be the basis for lasting peace. We will also continue to look for

DO 104155

7 49/2

MORI DocID: 754603

flexibility in the Nicaraguan position, and are prepared to respond with appropriate measures to encourage them to come to terms with their own people in a democratic framework.

At the same time, we can entertain no illusions that the Sandinistas will enter negotiations on steps to allow legitimate democratic dissent unless democratic forces in Nicaragua can credibly and forcefully assert their right to a voice in Nicaragua's future. The Sandinistas' record of repression of democratic opposition groups leaves little hope that they will willingly follow such a course. They will not embrace open, democratic norms unless confronted with undeniable demands from steadily growing numbers of Nicaraguans prepared to fight for liberty and for their right to participate in their country's political life.

Our experience with the Sandinistas over six and a half years points unmistakably to the need to accompany diplomatic policy with substantial pressure focussed on the same objectives. The Sandinistas will not take meaningful steps toward national reconciliation until they realize that opposition to the consolidation of a Marxist-Leninist regime is too strong to be repressed. With approval of this request, the United States will be in a position to provide assistance which will permit the resistance to conduct sustained operations in Nicaragua and expand their area of

DO 104154
7 49/2

MORI DocID: 754603

operations. The resistance will be able to incorporate more of the thousands of volunteers waiting to join their forces but who cannot be accepted for lack of supplies. They will be able to establish a stronger presence among a larger segment of the Nicaraguan population, thus increasing the pressure on the Sandinistas to enter into dialogue with all opposition elements, and to negotiate seriously in the Contadora process.

The cause of the United States in Nicaragua, as in the rest of Central America, is the cause of freedom. Those fighting for freedom in Nicaragua deserve and desperately need our help. The humanitarian assistance approved by the Congress in 1985 has proven insufficient. Cuban and Soviet military aid in the form of training and hardware have taken their toll. If the Nicaraguan democratic resistance is to continue its struggle, and if peace, democracy and security are to ensue, the United States must help by giving it what is necessary to carry on the fight.

Your approval of the request I am transmitting to you will provide the necessary help. I urge the prompt enactment of a joint resolution expressing that approval.

DO 104153

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TEXT OF TELEGRAM 83PANAMA08916

AD8924
[redacted]

PAGE 01 PANAMA 08916 142019Z
ACTION INR-10

INFO OCT-00 COPY-01 ADS-00 ARA-16 PM-08 PA-01 PRS-01
/037 W
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R 141931Z SEP 83
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TO SECSTATE WASHDC 9079
INFO AMEMBASSY BELIZE
AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY MANAGUA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY SAN SALVADOR
AMEMBASSY TEGUCIGALPA
USCINCSO
193INFBDE FT CLAYTON PN
470THMI FT CLAYTON PN
AFOSI HOWARD AFB PN

[redacted] PANAMA 08916

E.O. 12356: DECL: OADR
TAGS: PREL, XK, ES, NU, PM
SUBJECT: NICARAGUAN ADMISSION OF AID TO SALVADOREAN
- GUERRILLAS

REFS: (A) STATE 256636; (B) FBIS PA 270400

1. [redacted] ENTIRE TEXT.)

2. CONFIRMATION OF THE ADMISSION BY D'ESCOTO OF AID TO THE FMLN CAME FROM A CONFIDENTIAL SOURCE IN GOP FONMIN WHO SHOULD NOT BE PUBLICLY IDENTIFIED.

[redacted]

PAGE 02 PANAMA 08916 142019Z

3. THE STATEMENT BY D'ESCOTO, HOWEVER, IS ALREADY PUBLIC INFORMATION. REFERENCE TO IT WAS MADE ON SAN SALVADOR RADIO CADENA SONORA AUGUST 25 (REFTEL B).
PRYCE

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: HOFFENBERG, MARV
Date: 06/10/94
Case ID: 9940034F

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TEXT OF TELEGRAM 83SAN SA008380

ADP247 [redacted]

PAGE 01 SAN SA 08380 1422552
ACTION ARA-16

INFO OCT-00 COPY-01 ADS-00 INR-10 SS-10 CIAE-00 SY-06
INSE-00 VO-05 CA-01 FBIE-00 /049 W
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R 142241Z SEP 83
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TO SECSTATE WASHDC 9224
INFO AMEMBASSY GUATEMALA
AMEMBASSY MANAGUA
AMEMBASSY MEXICO
AMEMBASSY PANAMA
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA

[redacted] SAN SALVADOR 08380

E.O. 12356: DECL: 9/14/89
TAGS: PINS, ES
SUBJECT: REQUEST FOR SAO

REF: (A) STATE 255430, (B) SAN SALVADOR 7784,
(C) MANAGUA 3910

1. [redacted] ENTIRE TEXT.

2. OUR KNOWLEDGE OF RUBEN ZAMORA'S ANNOUNCEMENT OF THE AUTHENTICITY OF THE CLAIM OF THE FPL TO HAVE BEEN RESPONSIBLE FOR THE ASSASSINATION OF LT. COMMANDER SCHAUFELBERGER IS REPORTED BELOW.

3. THE COMMUNIQUE CLAIMING FMLN RESPONSIBILITY FOR THE MURDER OF LT. COMMANDER SCHAUFELBERGER IN EL SALVADOR MAY 25, 1983 WAS ACTUALLY LEFT AT A RADIO STATION IN SAN SALVADOR THE FOLLOWING DAY, MAY 26, NOT MAY 25 AS WAS REPORTED IN REFTEL. JULIA PRESTON, CORRESPONDENT FOR THE BOSTON GLOBE, AND CHRISTOPHER DICKEY, CORRESPONDENT FOR [redacted]

RELEASE
El Salvador: Human
Special Project (1

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PAGE 02 SAN SA 08380 1422552

THE WASHINGTON POST WERE IN MANAGUA AT THE TIME. THEY BOTH TOLD PAO THAT THEY CALLED ZAMORA (WE BELIEVE HE TOO WAS IN MANAGUA) TO ASK HIM IF THE COMMUNIQUE WAS AUTHENTIC. HE SAID HE WOULD CHECK AND, ACCORDING TO THEM, "WITHIN 15 MINUTES" WAS ABLE TO VERIFY THAT THE COMMUNIQUE WAS AUTHENTIC. WE BELIEVE THIS PUBLIC ACKNOWLEDGEMENT WAS CARRIED IN THE PRESS BUT HAVE NO SPECIFIC REFERENCES.

United States Departme
Office of FOI, Privacy, &
Review Authority: HOFF
Date: 06/10/94
Case ID: S940034F

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4. THIS MISSION BELIEVES THAT IN THE LIGHT OF THE PUBLIC STATEMENTS WHICH RUBEN ZAMORA MADE ABOUT THE KILLING IN WASHINGTON (REF B) HE AND OTHER MEMBERS OF THE FDR/FMLN TERRORIST ORGANIZATION SHOULD NOT BE GRANTED VISA WAIVERS TO VISIT THE UNITED STATES EXCEPT FOR MEETING WITH ADMINISTRATION OFFICIALS OR OTHER SIMILAR PURPOSES IN OUR OWN INTEREST. PICKERING

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RELEASED
El Salvador: Human Rights
Special Project (1993)

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PAGE 01 MANAGU 04057 01 OF 03 171505Z
ACTION ARA-16

INFO OCT-00 COPY-01 ADS-00 AID-07 INR-10 EUR-12 SS
CIAE-00 EB-08 DODE-00 H-01 NSC-01 NSAE-00 HA-08
L-03 TRSE-00 PM-08 PA-01 PC-01 MCT-02 OMB-01
SMS-01 SAL-01 USIE-00 SP-02 SNP-01 PRS-01 /096 W
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R 162114Z SEP 83
FM AMEMBASSY MANAGUA
TO SECSTATE WASHDC 7924
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
USINT HAVANA
AMEMBASSY MEXICO
AMEMBASSY MOSCOW
AMEMBASSY PANAMA
AMEMBASSY SAN JOSE
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AMEMBASSY TEGUCIGALPA

DEPARTMENT OF STATE 920243 IS/FPC/CDR 8/2 Date: 9-5-
(X) RELEASE ( ) DECLASSIFY
( ) EXCISE ( ) DECLASSIFY IN PART
( ) DENY
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FOIA Exemptions
PA Exemptions
MR Cases Only:
EO Citations
TS authority
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~~C O N F I D E N T I A L~~ SECTION 01 OF 03 MANAGUA 4057

EO 12356 : DECL: 9/16/93
TAGS: PREL, US, NU
SUBJ : CODEL DAVIS' MEETING WITH DANIEL ORTEGA

1. ~~CONFIDENTIAL~~ ENTIRE TEXT.

2. SUMMARY: ON SEPTEMBER 11, CONGRESSMEN DAVIS AND KRAMER MET WITH JUNTA COORDINATOR ORTEGA, FOREIGN MINISTER D'ESCOTO, AND VICE FOREIGN MINISTER NORA ASTORGA. THE DELEGATION EXPRESSED ITS CONCERNS ABOUT SOVIET AND CUBAN INFLUENCE IN NICARAGUA AS WELL AS THE DANGERS POSED TO OTHER CENTRAL AMERICAN COUNTRIES AND MEXICO BY AN AGGRESSIVE WELL-ARMED NICARAGUAN ARMY, SUPPORTED BY THE SOVIETS AND CUBANS, WHICH

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PAGE 02 MANAGU 04057 01 OF 03 171505Z

WAS INTENT ON SPREADING REVOLUTION THROUGHOUT THE REGION.

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ORTEGA RESPONDED THAT THE USG WAS THE ROOT OF ALL EVIL IN THE REGION AND THAT THE NICARAGUAN GOVERNMENT STOOD READY TO NEGOTIATE ON ALL ISSUES. ORTEGA FURTHER STATED THAT THE NICARAGUAN GOVERNMENT HAD NO INTEREST IN CHANGING ANY OTHER GOVERNMENT AND THAT REVOLUTIONS COULD NOT BE CREATED BY EXTERNAL FORCES, AS WAS EVIDENCED BY CUBAN FAILURES TO DO JUST THAT. END SUMMARY.

3. THE MEETING OPENED WITH AN EXCHANGE OF CORDIALITIES AND A BRIEF STATEMENT BY COMANDANTE ORTEGA ASKING FOR GREATER U.S. UNDERSTANDING OF PROBLEMS IN CENTRAL AMERICA. COMANDANTE ORTEGA SAID THAT THE REAGAN ADMINISTRATION HAD COMPLICATED THE SITUATION IN CENTRAL AMERICA AND NEEDED TO BE MORE REALISTIC IN RELATING TO THE PEOPLES AND COUNTRIES OF LATIN AMERICA.

4. CONGRESSMAN DAVIS ASKED WHAT THE NICARAGUAN GOVERNMENT WOULD HAVE THE U.S. DO DIFFERENTLY. THE COMANDANTE14# O-SPONSE WAS TO REFER TO THE EIGHT-POINT PROPOSAL MADE BY THE USG IN 1982 AND THE GRN'S OWN PROPOSALS, AND TO INSIST THAT THE TWO SIDES SHOULD ESTABLISH A MEANINGFUL DIALOGUE WITHOUT PRECONDITIONS. HE FELT THAT PROGRESS HAD BEEN MADE IN TALKS WITH HONDURAS IN 1981 DESIGNED TO SET UP LAND AND SEA PATROLS AND AN EXCHANGE OF MILITARY INTELLIGENCE. WHEN ASSISTANT SECRETARY ENDERS ENTERED THE SCENE LATER, ORTEGA SAID HE HAD ADVISED ENDERS TO URGE HONDURAS TO IMPLEMENT THE EARLIER UNDERSTANDING ABOUT MEASURES TO STOP ARMS AND MEN FROM FLOWING IN EITHER DIRECTION OVER THE NICARAGUAN BORDER. THESE MEASURES WOULD ALSO HAVE STOPPED ARMS TRAFFICKING TO EL SALVADOR.

5. CONGRESSMAN DAVIS ASKED WHAT NICARAGUA COULD OFFER THE U.S. ORTEGA'S RESPONSE WAS THAT IT COULD OFFER VERY LITTLE, EXCEPT FOR A WILLINGNESS TO ENTER INTO NEGOTIATIONS WITH HONDURAS AND THE UNITED STATES. THE U.S., HE INSISTED,

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WAS THE DECISIVE FORCE IN THE AREA. NICARAGUA WANTED TO SIT DOWN FOR DISCUSSIONS SO THAT NEITHER SIDE WOULD FEEL THREATENED.

6. CONGRESSMAN KRAMER POINTED OUT THAT THE CARTER ADMINISTRATION HAD BEEN RELATIVELY SUPPORTIVE OF THE REVOLUTION AND HAD HELPED BRING ABOUT THE TRANSITION FROM THE SOMOZA TO THE SANDINISTA REGIME. THE SANDINISTA RESPONSE, DESPITE OVER $100 MILLION IN AID, HAD BEEN TO SEND ARMS TO SALVADOR. ALTHOUGH MANY ROUTES MIGHT HAVE BEEN USED TO TRANSPORT ARMS, MOST CAME VIA THE GULF OF FONSECA. THE CONGRESSMAN

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FURTHER POINTED OUT THAT HE WAS CONCERNED THAT CENTRAL AMERICA NOT BE DOMINATED BY SOVIET AND CUBAN INFLUENCE. HE INDICATED THAT THIS INFLUENCE CREATED A SECURITY PROBLEM FOR THE U.S.

7. ORTEGA RESPONDED THAT HAD THE GRN'S IDEAS ON JOINT PATROLS BEEN ACCEPTED, THERE WOULD HAVE BEEN NO ARMS FLOW PROBLEM. THE PATROLS WOULD HAVE BEEN A PRACTICAL MEASURE WHI(WOULD HAVE REDUCED TENSION, SUPPOSING THAT COUNTERREVOLUTION/ ACTIVITY IN HONDURAS ALSO CEASED. THERE WAS NO USE NOW IN TRYING TO DECIDE WHO WAS ORIGINALLY RESPONSIBLE.

8. ON THE SUBJECT OF SOVIET INFLUENCE, ORTEGA STATED THAT WERE SOVIET INFLUENCE IN CENTRAL AMERICA TO GROW, IT WOULD BE A DIRECT RESULT OF AMERICAN POLICIES IN THE AREA. HE DID NOT BLAME THIS SPECIFICALLY ON THE REAGAN ADMINISTRATION, BUT INSTEAD ON LONG-STANDING AMERICAN POLICIES, GOING BACK BEFORE THE RUSSIAN REVOLUTION, OF SUPPORTING "FEROCIOUS" DICTATORSHIPS LIKE THAT OF SOMOZA AND THE ONE IN GUATEMALA. HE EXPLAINED HIS VIEW OF AMERICAN INTERVENTION IN NICARAGUA, STARTING IN 1857 AND INCLUDING INTERVENTIONS IN 1909, 1912 AND 1926 DOWN TO ITS CURRENT SUPPORT FOR CONTRA GROUPS. THESE RECENT POLICIES HAD AFFECTED NICARAGUA'S ABILITY TO HAVE A DEMOCRATIC REVOLUTION AND HAD NOT PERMITTED THE STABILIZATION OF ITS POLITICAL SYSTEM.

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PAGE 01 MANAGU 04057 02 OF 03 171454Z
ACTION ARA-16

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L-03 TRSE-00 PM-08 PA-01 PC-01 MCT-02 OMB-01
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R 162114Z SEP 83
FM AMEMBASSY MANAGUA
TO SECSTATE WASHDC 7925
INFO AMEMBASSY BOGOTA
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~~C O N F I D E N T I A L~~ SECTION 02 OF 03 MANAGUA 4057

9. CONGRESSMAN DAVIS ASKED IF THE NICARAGUAN PEOPLE WERE BETTER OFF NOW THAN UNDER SOMOZA. THE COMANDANTE ANSWERED YES. CONGRESSMAN DAVIS SAID HE THOUGHT ORTEGA PUT TOO MUCH EMPHASIS ON THE U.S. ROLE. HE THEN ASKED WHY IT WAS NECESSARY TO CENSOR LA PRENSA. ORTEGA RESPONDED THAT IN A REVOLUTIONARY SITUATION IT WAS VERY IMPORTANT TO MAINTAIN MAXIMUM STABILITY. EVEN AFTER THE AMERICAN REVOLUTION IT *TOOK MANY YEARS BEFORE THE UNITED STATES RECOG-*NIZED THE CIVIL RIGHTS OF ITS BLACK POPULATION. HE SAID THE U.S. WAS A VERY STRONG AND THREATENING COUNTRY WHICH WAS DEDICATED TO DESTROYING THE REVOLUTION. NICARAGUA WAS A SMALL COUNTRY VERY VULNERABLE TO U.S. PRESSURES. ORTEGA FURTHER STATED THAT NICARAGUA HAD HAD TO TAKE INTO ACCOUNT

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PAGE 02 MANAGU 04057 02 OF 03 171454Z

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WHAT HAD HAPPENED ELSEWHERE. IN CHILE, ALLENDE ALLOWED A FREE PRESS, FREE TRADE UNIONS, POLITICAL PARTIES, AND AN

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INDEPENDENT ARMY, AND THE U.S. USED THESE INSTITUTIONS *TO DESTABILIZE AND DESTROY THE CHILEAN REVOLUTION. A FREE* PRESS COULD NOT BE PERMITTED IN NICARAGUA AT THIS TIME BECAUSE IT WOULD BE EXPLOITED BY THE U.S. TO DESTABILIZE THE REVOLUTION. IF NICARAGUA HAD A LITTLE SECURITY, IT WOULD HAVE ABSOLUTE FREEDOM OF THE PRESS. WITH ECONOMIC SECURITY, THE SYSTEM WOULD BE IMMUNE FROM THREATS AND LA PRENSA COULD PLAY A CONSTRUCTIVE CRITICAL ROLE.

10. CONGRESSMAN KRAMER ASKED: IF THE U.S. PRESENTED NO THREAT AND BEHAVED AS ORTEGA WOULD HAVE IT BEHAVE, WHAT WOULD NICARAGUA'S ATTITUDE BE TOWARDS THE OTHER CENTRAL AMERICAN COUNTRIES WHICH NICARAGUA CONSIDERED REPRESSIVE? WOULD NICARAGUA HAVE TO BE INVOLVED IN SOCIAL CHANGES IN GUATEMALA AND HONDURAS? ORTEGA RESPONDED THAT NICARAGUA'S POLICY WOULD BE INDEPENDENT OF WHETHER OR NOT THERE WERE UNJUST POLITICAL OR ECONOMIC SYSTEMS. WHILE RIOS MONTT WAS IN POWER IN GUATEMALA, THE GRN HAD HAD POSITIVE CONTACTS AND GENERALLY FELT THAT THE SITUATION WAS GOING WELL. COMMUNICAT'ON HAD BEEN ESTABLISHED WITH THE CURRENT GOVERNMENT IN GUATEMALA, NOTWITHSTANDING SOME OF ITS PUBLIC STATEMENTS.

11. RELATIONS WITH COSTA RICA WERE GOOD, ALTHOUGH SOMEWHAT STRAINED BY THE CURRENT SITUATION. THE NEXT DAY (SEPTEMBER 12) THERE WOULD BE A MEETING WITH COSTA RICAN AUTHORITIES TO DISCUSS THE RECENT AIR ATTACKS ORIGINATING FROM COSTA RICAN TERRITORY. IT HAS PROVEN IMPOSSIBLE TO ESTABLISH GOOD RELATIONS WITH HONDURAS, ALTHOUGH THE NICARAGUAN GOVERNMENT WAS INTERESTED IN GOOD RELATIONS. EL SALVADOR WAS A SPECIAL CASE; THE SALVADORAN REVOLUTION PREDATED THE NICARAGUAN REVOLUTION AND WAS VERY SPECIAL TO THE SANDINISTAS. THE NICARAGUAN GOVERNMENT HAD NO DESIRE

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TO CHANGE THE GOVERNMENT IN ANY OF ITS NEIGHBORING COUNTRIES OR, INDEED, IN ANY COUNTRY. HOWEVER, IF OTHER GOVERNMENTS TRIED TO AFFECT NICARAGUA'S SYSTEM, IT WOULD HAVE TO TAKE DEFENSIVE MEASURES. THE RESULT HAD BEEN A SPIRAL OF TENSION.

12. ORTEGA WENT ON TO EXPLAIN THAT THE U.S. COULD SOLVE ALL OF CENTRAL AMERICA'S PROBLEMS IF IT CHOSE TO DO SO. HE SAID THAT REVOLUTIONS COULD NOT BE ARTIFICALLY CREATED. CUBA HAD A LONG HISTORY OF TRYING TO PROMOTE REVOLUTION AND THERE HAD BEEN MANY FAILURES. THE CUBAN ATTITUDE HAD BEEN UNREALISTIC AND ROMANTIC. IF SOCIAL AND

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ECONOMIC CONDITIONS EXISTED WHICH REQUIRED REVOLUTIONARY CHANGE, THERE WOULD BE REVOLUTIONS. IF, FOR EXAMPLE, IN GUATEMALA THE USG MAINTAINED ITS SUPPORT FOR GOVERNMENTS WHERE THERE WERE UNJUS CONDITIONS AND REPRESSION, AND REGARDED DEMANDS FOR CHANGE AS COMMUNISTIC, SOONER OR LATER THE U.S. WOULD FIND ITSELF CONFRONTING A REVOLUTIONARY SITUATION. EL SALVADOR HAS SUCH SOCIAL AND ECONOMIC CONDITIONS AND THEREFORE THE REVOLUTION THERE WOULD CONINUE. IF A REVOLUTIONARY SITUATION EXISTED, IT WAS NOT BECAUSE OF THE USSR.

13. CONGRESSMAN DAVIS VOICED HIS CONCERN ABOUT EXTERNAL INFLUEENCES ON THE SITUATION IN EL SALVADOR. THE U.S. WOULD NOT HAVE BEEN INVOLVED IF OTHERS HAD NOT COME IN. CONGRESSMAN KRAMER ASKED IF ORTEGA THOUGHT THAT THERE HAD BEEN SOCIAL AND POLITICAL PROGRESS IN EL SALVADOR AS A RESULT OF THE "GENTLE PERSUASION" OF THE U.S. ORTEGA RESPONDED THAT HE DID NOT THINK SO. THERE HAD BEEN A DETERIORATION IN THE SITUATION, NOT PROGRESS. THE U.S., HE INSISTED, DID NOT UNDERSTAND THE LATIN AMERICAN REALITY.

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ACTION ARA-16

INFO OCT-00 COPY-01 ADS-00 AID-07 INR-10 EUR-12 SS-1
CIAE-00 EB-08 DODE-00 H-01 NSC-01 NSAE-00 HA-08
L-03 TRSE-00 PM-08 PA-01 PC-01 MCT-02 OMB-01
SMS-01 SAL-01 USIE-00 SP-02 SNP-01 PRS-01 /096 W
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R 162114Z SEP 83
FM AMEMBASSY MANAGUA
TO SECSTATE WASHDC 7926
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
USINT HAVANA
AMEMBASSY MEXICO
AMEMBASSY MOSCOW
AMEMBASSY PANAMA
AMEMBASSY SAN JOSE
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AMEMBASSY SAN SALVADOR
AMEMBASSY TEGUCIGALPA

~~C O N F I D E N T I A L~~ SECTION 03 OF 03 MANAGUA 4057

14. CONGRESSMAN KRAMER ASKED IF THE SAME SOCIAL PROBLEMS APPEARED TO EXIST IN MEXICO. ORTEGA RESPONDED THAT THERE WERE SOCIAL PROBLEMS IN MEXICO, BUT THE MEXIAN GOVERNMENT UNDERSTOOD AND RESPONDED TO THEM BETTER THAN THE GOVERNMENT IN GUATEMALA. HE SAID THAT THE ECONOMIC POWER OF MEXICO HAD ALLOWED IT TO RESPOND BETTER, ALTHOUGH IT STILL DID NOT HAVE A DESIRABLE LEVEL OF SOCIAL JUSTICE. CONGRESSMAN KRAMER ASKED IF ORTEGA SAW A REVOLUTION DEVELOPING IN MEXICO; THE ANSWER WAS A QUICK NO. MEXICO, ORTEGA INSISTED, WAS ABLE TO ADDRESS ITS OWN PROBLEMS.
15. CONGRESSMAN DAVIS SAID HE UNDERSTOOD NICARAGUA'S DESIRE FOR SECURITY, BUT WHY DID IT NEED SUCH A HUGE MILITARY? THE U.S. WAS ALREADY CONCERNED AT THE SOVIET
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MILITARY BUILD-UP IN CUBA. NICARAGUA SOME DAY MIGHT BE IN THE SAME POSITION AS CUBA TODAY. ORTEGA SAID THAT AN ARMY

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HAD HAD TO BE CREATED FROM SCRATCH, ALTHOUGH HE DISAGREED THAT THERE HAD BEEN A MASSIVE BUILD-UP. ALL THE OTHER COUNTRIES IN THE REGION HAD ARMIES. SOMOZA'S ARMY HAD BEEN A REPRESSIVE FORCE DIRECTED ENTIRELY AGAINST THE NICARAGUAN PEOPLE. HE HAD FACED NO EXTERNAL THREAT. ALTHOUGH THE REVOLUTIONARY GOVERNMENT HAD HAD TO DEVELOP AN ARMY TO DEAL WITH AN EXTERNAL THREAT, IT FACED NO INTERNAL THREAT. ORTEGA WENT ON TO SAY THAT AFTER THE REVOLUTION HE HAD APPEALED TO THE U.S. TO SUPPLY AND DQUIP THE ARMY THAT HAD TO BE BUILT, BUT THE U.S. OFFERED ONLY MEDICAL SUPPLIES, CLOTHING, AND RATIONS, BUT "NOT A SINGLE BULLET." WHEN THE NICARAGUAN GOVERNMENT ATTEMPTED *TO PURCHASE HELICOPTERS IN THE U.S.N THEY WERE STOPPED BY THE* FBI. THE REVOLUTIONARY GOVERNMENT SOUGHT TO REMAIN NON-ALIGNED AND HAD HAD TO SEEK AID FROM ALL SOURCES, BUT IN THE AR OF MILITARY ASSISTANCE, THE U.S. HAD BEEN UNWILLING TO HELP.

16. CONGRESSMAN DAVIS ASKED IF THE NICARAGUAN GOVERNMENT CONSIDERED ITSELF NON-ALIGNED. COMANDANTE ORTEGA RESPONDED IN THE AFFIRMATIVE, BUT THE U.S. WAS ATTEMPTING TO FORCE IT *TO ALIGN ITSELF. HE SAID THE U.S. ATTITUDE WAS THAT A* COUNTRY WAS EITHER WITH IT OR AGAINST IT. HE WENT ON TO EXPRESS HIS DISAPPOINTMENT OVER THE REDUCTION NICARAGUA'S SUGAR QUOTAN STATING THAT THIS TYPE OF ACTION HAD FORCED NICARAGUA TO FIND OTHER MARKETS FOR ITS PRODUCTS, EVEN THOUGH THE U.S. WAS ITS NATURAL MARKET. THE PARTICULAR ACT OF CUTTING THE SUGAR QUOTA HAD HURT THE PRIVATE SECTOR MORE THAN THE GOVERNMENT.

17. CONGRESSMAN DAVIS THANKED THE COMANDANTE FOR HIS TIME AND FRANK DISCUSSION. HE HOPED MEMBERS OF CONGRESS WOULD CONTINUE THE DIALOGUE. ORTEGA ADDED THAT HIS GOVERNMENT WANTED GOOD RELATIONS WITH THE U.S., BUT THE SITUATION WAS EXTREMELY DIFFICULT. THE PACE OF MILITARY ACTIVITY WAS

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INCREASING FASTER THAN THE PACE OF NEGOTIATION. EVEN IN THE MIDST OF AGGRESSION, NICARAGUA WISHED TO DIALOGUE AND TO FIND AN UNDERSTANDING WITH THE U.S.

18. COMMENT: THROUGHOUT THE DISCUSSION THERE AS A DISCERNIBLE LACK OF COMMUNICATION. THE CONGRESSMEN WERE CONCERNED ABOUT POLITICAL PLURALISM AND THE DEGREE OF SOVIET AND CUBAN INFLUENCE IN THE AREA, AND ORTEGA WAS CONCERNED WITH THE CONTRAS. NO MEANINGFUL DIALOGUE TOOK PLACE AS THE CONGRESSMEN ASKED QUESTIONS, HEARD THE RESPONSES AND THEN WENT ON TO OTHER QUESTIONS. AT THE END OF THE MEETING ORTEGA, WHILE NOT ANGRY, SEEMED FRUSTRATED. THERE

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WAS NO DISCUSSION OF THE RECENT AIR ATTACKS, NOR OF CONTRA ACTIVITIES IN GENERAL. THIS MEETING DID NOT BREAK ANY NEW GROUND, BUT IT ONCE AGAIN DEMONSTRATED TO ORTEGA WHAT WERE THE PRIMARY CONCERNS OF THE AMERICAN CONGRESSMEN.
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PAGE 01 SANTIA 05447 201621Z
ACTION ARA-16

INFO OCT-00 COPY-01 ADS-00 AID-07 INR-10 EUR-12 SS-10
OIC-02 CIAE-00 EB-08 DODE-00 H-01 IO-15 NSC-01
NSAE-00 COME-00 HA-08 L-03 LAB-04 PM-08 PA-02
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P R 161819Z SEP 83
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 6514
INFO AMEMBASSY BRASILIA
AMEMBASSY BRUSSLES
AMEMBASSY BUENOS AIRES
USMISSION GENEVA
AMEMBASSY LIMA
AMEMBASSY LONDON
AMEMBASSY MADRID
AMEMBASSY MEXICO
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AMEMBASSY PARIS
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USMISSION USUN NEW YORK
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Chile Project (#S199900030)
U.S. Department of State
Release ___ Excise ___ Deny ___
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Exemption(s)

UNCLAS SANTIAGO 5447

C O R R E C T E D C O P Y REF

BRUSSELS FOR USEC LABATT

E.O. 12356: N/A
TAGS: ELAB, PINS, PGOV, CI
SUBJECT: COPPERWORKERS LEADER SEGUEL HELD FOR TRIAL ON SLANDER CHARGES REMAINS IN JAIL

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PAGE 02 SANTIA 05447 201621Z

REF: SANTIAGU 5286

1. PER REFTEL, RODOLFO SEGUEL, PRESIDENT OF THE COPPER-WORKERS CONFEDERATION (CTC) WAS ACCUSED BY THE GOC MINISTRY OF INTERIOR OF SLANDERING PRESIDENT PINOCHET. THE INVESTIGATING JUDGE COMPLETED HIS PRELIMINARY INVESTIGATION ON SEPTEMBER 14

AND DETERMINED THAT THE CHARGES AGAINST SEGUEL WARRANT HIS BEING HELD FOR TRIAL. SEGUEL REMAINS IN JAIL, WHERE HE HAS BEEN SINCE SEPTEMBER 9. SEGUEL PROMISED TO CONTINUE HIS INDEFINITE HUNGER STRIKE, AND HIS LAWYERS SAID THEY WILL APPEAL THE JUDGE'S DECISION.

2. MEANWHILE, A FISCAL (PUBLIC PROSECUTOR) COMPLETED HIS REVIEW OF THE JUDGE'S FINDINGS IN THE EARLIER CASE AGAINST SEGUEL FOR VIOLATION OF THE INTERNAL SECURITY LAWS, IN CONNECTION WITH THE MAY 11 "DAY OF PROTEST" AND THE JUNE 17 ABORTIVE COPPERWORKERS STRIKE. THE FISCAL HAS RECOMMENDED THAT THOSE CHARGES AGAINST SEGUEL BE DROPPED. IF HIS RECOMMENDATION IS ACCEPTED BY THE JUDGE, AND IF THE GOC DOES NOT SUCCESSFULLY APPEAL THE JUDGE'S DECISION, SEGUEL WOULD HAVE ONLY ONE REMAINING CHARGE AGAINST HIM AND THUS COULD BE RELEASED ON BAIL WHILE THE SLANDER CHARGE WORKS ITS WAY THROUGH THE JUDICIAL SYSTEM. ON THE OTHER HAND, SHOULD THE JUDGE REJECT THE RECOMMENDATION, AND INSTEAD SENTENCE SEGUEL, IT IS LIKELY THAT SEGUEL WILL HAVE TO REMAIN IN JAIL FOR SOME CONSIDERABLE PERIOD. IN ANY CASE, SEGUEL WILL REMAIN IN JAIL PRESUMABLY CONTINUING WITH ACCESS TO VISITORS ON VISITNG DAYS AT LEAST THROUGH THE LONG HOLIDAY WEEKEND, SEPTEMBER 17-19. THEBERGE

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P R 201809Z SEP 83
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 6538
INFO AMEMBASSY BRASILIA
AMEMBASSY BRUSSELS
AMEMBASSY BUENOS AIRES
USMISSION GENEVA
AMEBASSY LIMA
AMEMBASSY LONDON
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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ✓
Exemption(s) ____

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BRUSSELS FOR USEC LABATT

E.9. 12356: N/A
TAGS: ELAB, PINS, PGOV, CI
SUBJ: COPPERWORKERS LEADER SEGUEL TO BE RELEASED FROM JAIL: PRESIDENT PINOCHET ORDERS INTERIOR MINISTRY TO WITHDRAW SLANDER CHARGES

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PAGE 02 SANTIA 05491 201851Z

REF: SANTIAGO 5447

1. SUMMARY: RODOLFO SEGUEL, PRESIDENT OF THE COPPER-WORKERS CONFEDERATION (CTC) IS EXPECTED TO BE RELEASED FROM JAIL SEPT 20. PRESIDENT PINOCHET ORDERED THE MINISTRY OF INTERIOR TO WITHDRAW THE SLNDER CHARGES AGAINST SEGUEL, IN RESPONSE TO APPEAL FROM SANTIAGO

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ARCHBISHOP FRESNO. SEGUEL WILL REMAIN FREE ON BOND STEMMING FROM EARLIER CHARGES AGAINST HIM FOR ALLEGEDLY VIOLATING THE INTERNAL SECURITY LAWS. A SANTIAGO JUDGE ISSUED A PRELIMINARY FINDING SEPT 16 THAT SEGUEL AND SEVERAL OTHER CTC LEADERS WERE GUILTY OF CALLING A SO-CALLED "DAY OF NATINAL PROTEST" WITH THE ILLEGAL INTENTIN OF DESTABILIZING THE GOC, AND FOR CALLING AN ILLEGAL NATIONAL COPPERWORKERS STRIKE JUNE 17. THE APPEALS PROCESS WILL AKE SOME TIME. SEGUEL ALSO CONTINUES TO FACE LABOR CURT PROCEEDINGS RELATED TO HIS DISMISSAL FROM HIS JOB IN THE EL TENIENTE COPPER ZONE. IF HE LOSES HIS APPEAL AGAINST DISMISSAL, HE AUTOMATICALLY LOSES HIS UNION POSITION. HE UNDOUBTEDLY WILL BE REPLACED AS CTC PRESIDENT IN JANUARY, 1984 NO MATTER WHAT HAPPENS IN THE LEGAL PROCEEDINGS. END SUMMARY.

2. ON SEPT 19, IN YET ANOTHER TWIST IN THE SAGA OF RODOLFO SEGUEL, PRESIDENT OF THE COPPERWORKERS CONFEDERATION (CTC), PRESIDENT PINOCHET ORDERED THE MINISTRY OF INTERIOR TO DROP THE CHARGES AGAINST SEGUEL FOR ALLEGEDLY SLANDERING THE PRESIDENT. SEGUEL IS EXPECTED TO BE RLEASED FROM JAIL DURING THE COURSE OF SEPT 20, WHICH HAPPENS TO BEHIS 30TH BIRTHDAY.

3. PRESIDENT PINOCHET TOOK THE ACTION IN RESPONSE TO AN APPEAL ON SEGUEL'S BEHALF BY SANTIAGO ARCHBISHOP FRESNO, SEPT 19. FRESNO'S APPEAL FOLLOWED RECEIPT OF A LETTER FROM SEGUEL ASKING FOR FRESNO'S INTER-

VENTION, STATING THAT HE HAD NOT MEANT TO SLANDER THE PRESIDENT AND THATHIS REMARKS (TO THEMEXICAN NEWSPAPER EXCELSIOR) HAD BEEN MISINTERPRETED.

4. SEGUEL HAD BEEN ON A HUNGER STRIKE FOR TEN DAYS. INITIALLY HIS PLIGHT DID NOT ATTRACT MUCH ATTENTION, BUT IT WAS BECOMING AN ISSUE DURING THE COURSE OF THE LONG WEEKEND COINCIDING WITH THE DAY OF THE ARMY.

5. ACCORDING TO PRESS REPORTS, FRESNO HAD SENT TWO VICARS TO SEE SEGUEL SEPT 17, AND TO SOLICIT THE LETTER FROM SEGUEL. (THE EMBASSY UNDERSTANDS FROM OTHER SOURCES THAT FATHER BAEZA, VICAR OF THE WORKERS PASTORAL, ACTUALLY WROTE THE LETTER FOR SEGUEL.)

6. SEGUEL'S EXPECTED RELEASE FROM JAIL DOESNOT BY ANY MEANS MEAN HIS TROUBLES ARE OVER. ON SEPT 16, A SANTIAGO JUDGE FOUND SEGUEL AND OTHER CTC LEADERS GUILTY OF VIOLATING THE INTERNAL SECURITY LAWS IN CONNECTION WITH THE MAY 11 "DAY OF PROTEST" AND THE JUNE 17 ABORTIVE STRIKE BY COPPERWORKERS. (SEGUEL HAD BEEN FREE ON BOND IN CONNECTION WITH THESE CHARGES BEFORE THE DEVELOPMENT OF THE SLANDER CASE). THE

JUDGE REJECTED THE RECOMMENDATION OF THE PUBLIC PROSECUTOR THAT THERE WAS INSUFFICIENT EVIDENCE AGAINST THE CTC LEADERS. THE COURT OF APPEALS MUST REVIEW THE JUDGE'S FINDINGS, AND IT IS LIKELY THE SUPREME COURT WILL EVENTUALLY HAVE TO DEAL WITH THE CASE.
7. ADDITIONALLY THE CHILEAN COPPER CORPORATION (CODELCO) FIRED SEGUEL (AND 32 OTHER LEADERS OF CTC AFFILIATES) IN CONNECTION WITH THE JUNE 17 ATTEMPTED STRIKE. HE AND THE OTHERS HAVE APPEALED THE FIRINGS, AND RETAIN THEIR UNION POSITIONS IN THE INTERIM. IF THE APPEALS ARE UNSUCCESSFUL, ALL AUTOMATICALLY LOSE THEIR UNION POSITIONS BECAUSE UNDER CHILEAN LABOR LAW INDIVIDUALS CAN ONLY HOLD UNION LEADERSHIP POSITIONS IN COMPANIES WHERE THEY ARE EMPLOYED. EVEN IF THEY WERE TO WIN THE APPEALS, THE COMPANY COULD FIRE ONE OR ALL, PAYING SEVERANCE PAY,
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PAGE 04 SANTIA 05491 201851Z

AND POSSIBLY A FINE. THUS SEGUEL COULD STILL FIND HIMSELF WITHOUT EITHER A JOB OR A LEGAL UNION POSITION. THE JUDICIAL AND LABOR PROCEEDINGS COULD LAST FOR SEVERAL MORE MONTHS. IN JANUARY 1984 THE CTC EXECUTIVE BOARD MUST BE ELECTED. UNDER THE CTC CONSTITUTION, THE PRESIDENCY MUST BE ROTATED EACH TWO YEARS AMONG THE FIVE ZONES MAKINGUP CODELCO. THIS PERIOD 1984-86 CORRESPONDS TO ANDINA. SEGUEL IS FROM EL TENIENTE. THEREFORE, UNLESS AN EXTRAORDINARY CTC CONGRESS WERE TO BE CALLED IN TIME TO AMEND THE CONSTITUTION IN A TIMELY FASHION, SEGUEL WILL NO LONGER BE CTC PRESIDENT, PROBABLY BEFORE ANY OF THE PROCESSES AGAINST HIM ARE DECIDED DEFINITIVELY.
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TEXT OF TELEGRAM 83SAN SA008603

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PAGE 01 SAN SA 08603 212157Z
ACTION L-03

INFO OCT-00 COPY-01 ADS-00 EUR-12 ARA-16 /032 W
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FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 9385
INFO AMEMBASSY PANAMA
AMEMBASSY ROME
AMEMBASSY MEXICO

[redacted] SAN SALVADOR 08603

Department of State IS/FPC/CDR El Salvador
Declassified under E.O. 12356 (X) (1) (2) (3) (4) (5) (6)
portion withheld: classified ( ), sensitive ( )
law enforcement ( ); privacy ( ), statutory
not relevant to El Salvador ( )

FOR L/ECP DENNIS FORMAN FROM SMITH: CONTAINS PRIVILEGED
LEGAL ADVICE IN ANTICIPATION OF LITIGATION

PANAMA FOR LEGATT
ROME FOR VATICAN
MEXICO FOR LEGATT

E. O. 12356: DECL: OADR
TAGS: PGOV, PINS, ES
SUBJECT: CHURCHWOMEN'S CASE: FOIA REQUEST

REF: SAN SALVADOR 7853, STATE 195011

1. [redacted]
2. FISCAL GENERAL RIVERA TOLD ME ON SEPTEMBER 17 THAT HE DOES NOT, RPT NOT, WANT THE FBI INFORMATION IN THE CHURCHWOMEN'S CASE DISCLOSED TO THE PUBLIC. HE DID NOT UNDERSTAND THAT UNDER OUR LAW, IF THE FAMILIES HAVE ACCESS TO THE INFORMATION, ANY OTHER MEMBER OF THE PUBLIC COULD ALSO HAVE ACCESS. HE SAID THAT HE INTENDED HIS PREVIOUS STATEMENTS TO MEAN THAT THE FAMILIES COULD SEE, BUT NOT RETAIN OR MAKE NOTES ABOUT, THE INFORMATION. I SHOWED HIM MICHAEL POSNER'S AFFIDAVIT OF JULY 26, 1983 AND READ HIM THE RELEVANT PASSAGES. I ALSO INFORMED HIM ABOUT THE [redacted]

PAGE 02 SAN SA 08603 212157Z

DECISION OF JUDGE SWEET IN NEW YORK AND THE OTHER SUIT FOR THE SAME INFORMATION BY DIFFERENT PLAINTIFFS IN THE DISTRICT OF COLUMBIA. DR. RIVERA SAID THAT THE RELEASE OF THE INFORMATION WOULD BE DETRIMENTAL TO THE CASE, WHICH HE BELIEVES WILL BE ELEVATED TO PLENARIO ON NOVEMBER 15. HE WAS ALSO CONCERNED THAT PUBLIC DISCLOSURE OF THIS INFORMATION MIGHT DAMAGE THE REPUTATION OF INNOCENT PERSONS WHO WERE INVESTIGATED, INTERVIEWED, POLYGRAPHED, OR MENTIONED IN THE INVESTIGATION. THESE

PERSONS MIGHT BE EXPOSED TO SOME RISK AND MIGHT SUE THE GOES. DR. RIVERA SAID THAT ULD ANSWER THE FBI LETTER (REF B) EXPRESSING HIS OPPOSITION TO RELEASE.

3. COMMENT: I WAS VERY CAREFUL IN DISCUSSING THE CASE WITH HIM SO AS NOT TO PREJUDICE HIS DECISION. HE DID NOT ASK FOR MY VIEWS, NOR DID I PROVIDE THEM. HE WAS EMPHATIC THAT HE DOES NOT WANT THIS INFORMATION RELEASED TO THE PUBLIC. THERE APPEARS TO HAVE BEEN A MISUNDER-STANDING BETWEEN RIVERA AND POSNER. END COMMENT.
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El Salvador Human Rights
Special Project (1993)

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PAGE 01 SAN SA 08576 01 OF 04 211519Z
ACTION L-03

INFO OCT-00 ADS-00 INR-10 EUR-12 SS-10 CIAE-00 H-01
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Release

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R 211513Z SEP 83
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 9360
INFO AMEMBASSY MEXICO
AMEMBASSY PANAMA
AMEMBASSY ROME

Dept. of State, RPS/IPS, Margaret P. Grafeld, Dir.
(X) Release ( ) Excise ( ) Deny (X) Declassify
Date 6/19/98 Exemption _____

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El Salvador Human Rights
Special Project (1993)

[redacted] SECTION 01 OF 04 SAN SALVADOR 08576

MEXICO FOR LEGATT, ROME FOR VATICAN

E.O. 12356: DECL: OADR
TAGS: PGOV, ES
SUBJECT: CHURCHWOMEN'S CASE: MEETING WITH MENDEZ AND
- RIVERA RE: NEXT STEPS

REF: (A) STATE 252862, (B) SAN SALVADOR 8288

1. [redacted] - ENTIRE TEXT.

2. SUMMARY: ASSISTANT LEGAL ADVISER SMITH AND EMBOFFS, AFTER MEETING WITH EMBASSY LEGAL ADVISER MENDEZ, MET WITH FISCAL GENERAL RIVERA AND SPECIAL PROSECUTOR CASTILLO OF HIS OFFICE TO OBTAIN A COMMITMENT FROM GOES ON NEXT STEPS IN THE CHURCHWOMEN'S CASE AND A TIMETABLE TO ACCOMPLISH THEM. MENDEZ AND CASTILLO HAVE DEVELOPED A "CHRONOGRAM" WHICH INCLUDES ALL OF OUR SUGGESTED STEPS EXCEPT TWO, BUT ADDS A FEW OTHERS. THEY HAVE BEGUN TO IMPLEMENT THE PLAN, BUT MENDEZ AND CASTILLO HAVE NOT BEEN THROUGH THE ENTIRE LENGTHY RECORD COMPILED [redacted]

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PAGE 02 SAN SA 08576 01 OF 04 211519Z

BY JUDGE RAUDA AND SO HAVE NOT MASTERED THE FACTS. RIVERA ASKED FOR A LETTER "OFFICIALLY" TRANSFERRING THE FBI EVIDENCE TO THE GOES. THE CHRONOGRAM CALLS FOR THE NEXT STEPS TO BE COMPLETED BY OCT. 15, THE CASE TO BE ELEVATED TO PLENARIO ON NOV. 15 AND THEN TAKE TWO TO TWO AND ONE HALF MONTHS TO COMPLETE, DESPITE PRESIDENT MAGANA'S RECENT STATEMENT TO THE AMBASSADOR THAT THE PLENARIO STAGE COULD BE LIMITED TO TWO WEEKS. RIVERA CHARACTERIZED THIS AS "UNREALISTIC." SMITH WILL CONTINUE TO MEET WITH MENDEZ, CASTILLO AND RIVERA TO PRESS FOR ACTION. SEPTELS REPORT OTHER DEVELOPMENTS, INCLUDING

ARRANGEMENTS FOR JUDGE TYLER'S VISIT. END SUMMARY.

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Project (1993)

3. PRESIDENT MAGANA RECENTLY TOLD THE AMBASSADOR THAT HE THOUGHT THE CASE COULD BE ELEVATED TO PLENARIO BY OCT. 15 AND THEN COMPLETED WITHIN TWO WEEKS. IN A PRELIMINARY MEETING WITH ASSISTANT LEGAL ADVISER SMITH, THE AMBASSADOR RECOGNIZED THAT THIS WAS PROBABLY NOT POSSIBLE. AMBASSADOR PICKERING ALSO EXPRESSED THE VIEW THAT SMITH SHOULD SEEK TO OBTAIN A FIRM COMMITMENT FROM RIVERA AS TO THE NEXT STEPS AND A TIMETABLE PRIOR TO HIS RETURN TO WASHINGTON. THIS COULD BE USED TO BRIEF CONGRESS AND THE FAMILIES. AMBASSADOR PICKERING ALSO SAID THAT WE MUST PRESS THE GOES TO FOLLOW ANY LEADS THAT DEVELOP ABOUT HIGHER LEVEL OR LATERAL INVOLVEMENT, ALTHOUGH PERHAPS THE ISSUE OF COVER UP COULD BE DEALT WITH IN A SUBSEQUENT TRIAL AS IT WOULD BE IN THE UNITED STATES. FINALLY THE AMBASSADOR REPEATED THE URGENT NEED FOR THE EMBASSY TO HAVE A FULL TIME PROFESSIONAL ATTORNEY/INVESTIGATOR TO FOLLOW THE CASES OF THE MURDERED AMERICANS.

4. IN A MEETING ON SEPTEMBER 16 WITH EMB LEGAL ADVISER [redacted]

[redacted]

MENDEZ, THE FOLLOWING WAS DISCUSSED:

- -- A. MENDEZ SAID HE HAD NO OBJECTION TO THE POLYGRAPHING OF PEREZ NIETO, ALTHOUGH HE EMPHASIZED THAT IT HAD TO BE DONE EXTRAJUDICIALLY. COMMENT: AFTER THIS CABLE WAS DRAFTED, WE LEARNED THAT NATIONAL GUARD DIRECTOR COL MONTES HAD INFORMED FISCALIA THAT MARGARITO PEREZ NIETO WAS REPORTED MISSING IN ACTION ON JANUARY 13, 1983 IN GUERRILLA ATTACK ON THE TOWN OF CACAOPERA, IN MORAZAN DEPARTMENT. THEREFORE ISSUE OF POLYGRAPHING HIM IS RENDERED MUTE. END COMMENT.

- -- B. MENDEZ SAID THAT HE THOUGHT IT HIGHLY UNLIKELY THAT COLINDRES ALEMAN WOULD ASSERT THE DEFENSE OF SUPERIOR ORDERS. TO DO SO WOULD BE A CONFESSION THAT HE HAD COMMITTED THE CRIME, AND COULD SUBJECT HIM TO PERJURY CHARGES FOR INCONSISTENT PRIOR STATEMENTS TO THE JUDGE. MENDEZ ALSO THOUGHT THAT NONE OF THE DEFENDANTS WOULD CALL WITNESSES DURING THE PLENARIO STAGE OF THE TRIAL, ALTHOUGH THEY HAVE THAT RIGHT. THOSE THINGS ARE NOT DONE HERE, MENDEZ SAID.
-
- -- C. WE HAVE NOTICED THAT VALLE ESPINOZA'S TESTIMONY AS TO THE STOPPING OF THE VAN VARIES FROM OTHER TESTIMONY. MENDEZ AGREES THAT THE DIFFERENCE IS IMPORTANT AND MUST BE CLARIFIED.

- -- D. MENDEZ HAS TAKEN OVER BEHIND THE SCENES AND APPEARS TO BE GIVING DIRECTION TO CASTILLO. HE

SAID THAT HE AND CASTILLO WOULD CAREFULLY GO THROUGH JUAGE RAUDA'S RECORD IN ORDER TO FIND AND CORRECT ANY ERRORS.

RELEASED
El Salvador Human Rights
Special Project (1995)

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PAGE 01 SAN SA 08576 02 OF 04 211520Z
ACTION L-03

INFO OCT-00 ADS-00 INR-10 EUR-12 SS-10 CIAE-00 H-01
NSC-01 ARA-16 NSAE-00 SY-06 HA-08 OCS-06 CA-01
JUSE-00 FBIE-00
(ADS) W

----------305543 212215Z /44

R 211513Z SEP 83
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 9361
INFO AMEMBASSY MEXICO
AMEMBASSY PANAMA
AMEMBASSY ROME

[redacted] SECTION 02 OF 04 SAN SALVADOR 08576

MEXICO FOR LEGATT, ROME FOR VATICAN

E.O. 12356: DECL: OADR
TAGS: PGOV, ES
SUBJECT: CHURCHWOMEN'S CASE: MEETING WITH MENDEZ AND
- -- E. MENDEZ ADVISED AGAINST TRYING TO INTRODUCE COLINDRES' THUMBPRINT TAKEN FROM THE VAN BECAUSE IT WAS NOT DONE PURSUANT TO AN ORDER OF JUDGE RAUDA, AND THEREFORE NOT ADMISSABLE. PRESSED AS TO WHY THE FBI AGENT WHO HAD LIFTED THE PRINT COULD NOT RETURN TO EL SALVADOR, TESTIFY AS TO HIS ACTIONS, IDENTIFY THE PRINT, AND THEN HAVE THE NATIONAL POLICE CONDUCT THE COMPARISON, MENDEZ SAID THAT MIGHT WORK BUT IT WOULD HAVE A VERY NEGATIVE IMPACT ON THE JURY WHO WOULD FEEL THAT THE U.S. WAS INTERVENING AND PRESSURING THE SALVADORANS TO PROSECUTE THESE "POOR" EX-GUARDSMEN. HE SUGGESTED THAT THE FBI EVIDENCE BE INTRODUCED IN THE

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El Salvador Human Rights
Special Project (1995)

"VISTA PUBLICA" PORTION OF THE TRIAL. IT WOULD BE FOR THE INFORMATION OF THE JURY AND WOULD NOT HAVE JUDICIAL WEIGHT. THE JURY WOULD BE TOLD THAT THEY COULD CONSIDER THE FBI EVIDENCE IF THEY WISHED, BUT WERE NOT REQUIRED [redacted]

[redacted]

TO CONSIDER IT. MENDEZ IS SO WORRIED ABOUT THE POTENTIAL PREJUDICIAL EFFECT OF THE FBI EVIDENCE, THAT HE SUGGESTS WE NOT MAKE THE DECISION TO INTRODUCE IT UNTIL WE SEE WHETHER THE DEFENSE COUNSELS ARE TRYING TO PLAY ON U.S. INTERVENTION TO GAIN SYMPATHY FOR THEIR CLIENTS. SMITH SAID IT WOULD BE VERY DIFFICULT TO EXPLAIN THIS APPROACH IN THE U.S. AND THAT IF THERE WERE AN ACQUITTAL AND IF WE HAD NOT INTRODUCED THE FINGERPRINT WE WOULD "CATCH HELL."

-- F. MENDEZ SAID IT WAS ENTIRELY POSSIBLE THAT THE DEFENSE COUNSELS, WHO WILL NOT BE APPOINTED UNTIL THE CASE IS ELEVATED TO PLENARIO, WILL TRY TO PRESSURE THE JURY. THEREFORE, HE SAID THAT THEY PLAN TO HAVE THE JUDGE SELECT THE JURY IN SECRET, EMPANEL THEM AT THE LAST MINUTE AND MOVE VERY QUICKLY WITH THE VISTA PUBLICA PORTION (ONE OR TWO DAYS, HE THINKS) TO MINIMIZE THE RISK OF JURY TAMPERING.

5. MEETING WITH RIVERA AND CASTILLO:

-- A. ON SEPT. 17, SMITH, POLCOUNS MACK, EMBOFF BROWN AND MENDEZ MET WITH RIVERA AND CASTILLO AT THE FISCALIA. SMITH INFORMED RIVERA THAT HE HAD BEEN ASKED TO COME TO EL SALVADOR TO REACH AGREEMENT WITH THE GOES ON THE NEXT STEPS TO BE TAKEN IN THE CHURCHWOMEN'S CASE AND OBTAIN A COMMITMENT AS TO WHEN THEY WILL BE ACCOMPLISHED. SMITH AND MACK EMPHASIZED THE IMPORTANCE OF SALVADORAN ACTION AS CONGRESS COULD NOT BE COUNTED UPON TO PASS THE CONTINUING RESOLUTION FOR EL SALVADOR UNLESS SATISFACTORY PROGRESS WAS MADE IN THIS CASE. SMITH SAID THAT IT WOULD BE HIS RESPONSIBILITY TO EXPLAIN AND DEFEND GOES ACTIONS IN WASHINGTON, WHICH HE WAS [redacted]

[redacted]

PREPARED TO DO IF THEY REPRESENTED GOOD FAITH EFFORTS TO PURSUE THE CASE VIGOROUSLY, BUT IF THEY DID NOT, HE COULD NOT DEFEND THEM.

-- B. CASTILLO AND MENDEZ THEN DISCUSSED THE CHART, OR "CHRONOGRAM," THEY HAD DEVELOPED. IT HAS SIX STEPS WHICH APPEAR TO INCORPORATE ALL OF THE NEXT STEPS CONTAINED IN REF A, EXCEPT TWO (LOCATION AND INTERVIEW

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UNCLASSIFIED
El Salvador Human Rights Special Project (1993)

OF OTHER SECURITY FORCE PERSONNEL INCLUDING POLICE, AND RE-INTERVIEW OF COLINDRES). SMITH RAISED THESE POINTS WITH RIVERA (SEE BELOW). THE "CHRONOGRAM" DOES, HOWEVER ADD USEFUL STEPS. THE SIX STEPS ARE:

- --- STEP 1 - OBTAIN LETTER FROM U.S. DEPARTMENT OF JUSTICE FORMALLY TRANSMITTING THE FBI EVIDENCE TO THE FISCALIA. AS DISCUSSED WITH MENDEZ, FISCALIA DOES NOT PLAN TO INTRODUCE IT IN THE RECORD, BUT WILL WAIT AND USE IT, IF IT LOOKS ADVISABLE, IN THE VISTA PUBLICA STAGE. SMITH REPEATED HIS WARNING THAT IF THERE IS AN ACQUITTAL AND IF THIS EVIDENCE, PARTICULARLY COLINDRES' THUMBPRINT, IS NOT INTRODUCED THERE WOULD BE AN OUTCRY. WE POINTED OUT TO RIVERA THAT THIS MIGHT BE DIFFICULT AS MOST OF THE REPORTS WERE PASSED TO THE GOES IN LATE DECEMBER 1980 AND EARLY 1981. WE ALSO URGED THEM TO CONTACT THE MOD AND GN TO GET THE RECORDS OF THE MONTERROSA AND ZEPEDA INVESTIGATIVE COMMISSIONS WHICH SHOULD CONTAIN THE FBI REPORTS. THEY HAD LITTLE ENTHUSIASM FOR THIS IDEA, BUT WE WILL CONTINUE TO PRESS. FYI: LEGATT WALSER, WHO IS NOW IN SAN SALVADOR FOR TYLER VISIT HAS PREPARED DRAFT LETTER WHICH HE WILL FORWARD TO FBI HQS. END FYI.
-
- -- STEP 2 - R
E-EXAMINE THE WITNESSES SUGGESTED BY

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[redacted]

PAGE 01 SAN SA 08576 03 OF 04 211522Z
ACTION L-03

INFO OCT-00 ADS-00 INR-10 EUR-12 SS-10 CIAE-00 H-01
NSC-01 ARA-16 NSAE-00 SY-06 HA-08 OCS-06 CA-01
JUSE-00 FBIE-00
(ADS) W

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R 211513Z SEP 83
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 9362
INFO AMEMBASSY MEXICO

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El Salvador Human Rights
Special Project (1993)

MEXICO FOR LEGATT, ROME FOR VATICAN

E.O. 12356: DECL: OADR
TAGS: PGOV, ES
SUBJECT: CHURCHWOMEN'S CASE: MEETING WITH MENDEZ AND USG. THE FISCAL GENERAL HAS WRITTEN DEFMIN GEN VIDES CASANOVA FOR ASSISTANCE IN LOCATING THE WITNESSES STILL ON ACTIVE DUTY AND REQUESTING THE IDENTITY OF THE GUARDS WHO WERE ON DUTY AT EL ROSARIO. (FYI: THE FISCALIA HAS RECEIVED A LIST FROM NATIONAL GUARD CMDR COL. MONTES. IT APPEARS THAT MANY OF THESE PERSONS HAVE LEFT THE NATIONAL GUARD, ARE MISSING IN ACTION, OR ARE DEAD. MENDEZ POINTED OUT THAT THE INTERVIEWS COULD NOT BE CONDUCTED EXTRAJUDICIALLY, AS TO DO SO WOULD PREJUDICE THE CASE. MENDEZ, CASTILLO AND EMBASSY WILL CONTINUE TO PREPARE QUESTIONS FOR THESE WITNESSES. END FYI.)

-- STEP 3 - THE MORAN LETTER. THIS EPISODE CONTINUES TO THROW THE CASE OFF TRACK. CASTILLO SAID THE FISCALIA WAS GOING TO USE AN INDEPENDENT SALVADORAN EXPERT WHO COULD USE A MACHINE IN GUATEMALA TO DETERMINE [redacted]

[redacted]

WHETHER MORAN'S SIGNATURE WAS SUPERIMPOSED ON THE LETTER. WE HOPE THIS EXPERT WILL BE SWORN IN BY JUDGE RAUDA EARLY THE WEEK OF THE 19TH. THE INDIVIDUAL'S FEE IS 5,000 COLONES WHICH THE EMBASSY HAS AGREED TO PAY. RIVERA HAS ALSO WRITTEN TO VIDES AND THE HEAD OF THE TREASURY POLICE ASKING THEM TO PROVIDE DETAILS ON THE FORMAT OF THEIR CORRESPONDENCE. THESE STEPS HAVE ALREADY BEEN ACCOMPLISHED; THE LETTERS ARE NECESSARY TO INTRODUCE THE RESULTS IN COURT.

-- STEP 4 - THE THREATENING NOTE TO NUNS IN CHALATENANGO: RIVERA SAID FISCALIA DOES NOT HAVE THE ORIGINAL LETTER. AGAIN, WE URGED THEM TO LOOK IN THEIR FILES. IN THE MEANTIME, THE FISCALIA HAS OBTAINED THE FINGERPRINTS OF FOUR PERSONS WHO MIGHT HAVE HANDLED THE LETTER. THEY ARE: COL. RICARDO RENA ARBAIZA, LT. DANIEL MEJIA RIVAS, CAPT. OSCAR ARMANDO CARRANZA, AND LT RAFAEL ANTONIO CORNEJO. THEIR PRINTS WILL THEN BE MATCHED AGAINST THE PRINTS TAKEN BY THE FBI FROM THE LETTER BY THE SAME EXPERT WHO IS DOING THE MORAN LETTER. THIS IS, OF COURSE, EXTRAJUDICIAL AND IF A MATCH IS MADE, THE PROCESS WILL HAVE TO BE REPEATED UNDER JUDGE RAUDA'S ORDER.

-- STEP 5 - SUPERIOR ORDERS: THE FISCAL HAS ASKED

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THAT ALL OF COLINDRES ALEMAN SUPERIORS, NOT JUST THOSE WE ASKED ABOUT, BE IDENTIFIED FOR ADDITIONAL QUESTIONING BEFORE JUDGE RAUDA AS TO THEIR KNOWLEDGE ABOUT HIGHER ORDERS.

-- STEP 6 - FOLLOW UP NEW LEADS AND CORRECT MISTAKES: CASTILLO AND MENDEZ HAVE LEFT THEMSELVES SOME TIME AT THE END OF THEIR SCHEDULE TO FOLLOW UP AND [redacted]

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RELEASED
El Salvador: Human Rights
Special Project (1993)

CORRECT THE ERRORS THEY FIND. THIS INCLUDES ANY ADDITIONAL INTERVIEWS, IF NECESSARY.

-- C. CONCERNING TIMING, CASTILLO AND RIVERA SAID THAT THESE STEPS SHOULD BE COMPLETED BY OCTOBER 15 AND THE CASE ELEVATED TO PLENARIO ON NOVEMBER 15. THE INTERVENING MONTH WILL BE USED TO COMPLETE ANY REMAINING ITEMS AND CONDUCT ONE FINAL REVIEW. THE PLENARIO PORTION OF THE TRIAL HAS TIME PERIODS WHICH ARE FIXED BY LAW AND CANNOT BE ALTERED. PLENARIO SHOULD TAKE TWO TO TWO AND A HALF MONTHS TO COMPLETE AFTER IT IS ELEVATED. MENDEZ POINTED OUT, HOWEVER, THAT THE DEFENSE WILL SURELY APPEAL ELEVATION. THE COURT OF APPEALS SHOULD DEAL WITH THE CASE QUICKLY, AS THEY HAVE PREVIOUSLY SEEN IT, BUT THE APPEAL COULD DELAY THE CASE ANOTHER MONTH OR TWO.

-- D. IN RESPONSE TO A QUESTION, MENDEZ AND RIVERA SAID THAT JUDGE RAUDA COULD NOT CALL COLINDRES BACK TO TESTIFY ABOUT THE INCRIMINATING EVIDENCE THAT HAS BEEN GATHERED AGAINST HIM. SMITH PRESSED THIS POINT BECAUSE, TO AN AMERICAN LAWYER ACCUSTOMED TO CONFRONTATIONS WITH WITNESSES AND DEFENDANTS, IT MAKES SENSE TO CONFRONT COLINDRES WITH THE EVIDENCE AGAINST HIM AND SEEK HIS EXPLANATION OR COOPERATION. MENDEZ, CASTILLO AND RIVERA WERE EMPHATIC THAT THIS COULD NOT BE DONE AS THEY DO NOT HAVE PLEA BARGAINING IN EL SALVADOR. A JUDGE, HOWEVER, MAY CALL WITNESSES BACK TO EXPLAIN INCONSISTENCIES BETWEEN THEIR STATEMENTS AND THOSE OF OTHER WITNESSES BUT DEFENDANTS MAY NOT BE CALLED BACK. SMITH SAID THIS SEEMED ODD, ESPECIALLY AS COLINDRES IS BETTER ABLE THAN ANYONE TO EXPLAIN WHAT REALLY HAPPENED. AFTER CONSIDERABLE DISCUSSION, MENDEZ SUG-

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El Salvador Human Rights
Special Project (1993)

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PAGE 01 SAN SA 08576 04 OF 04 211522Z
ACTION L-03

INFO OCT-00 ADS-00 INR-10 EUR-12 SS-10 CIAE-00 H-01
NSC-01 ARA-16 NSAE-00 SY-06 HA-08 OCS-06 CA-01
JUSE-00 FBIE-00
(ADS) W

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R 211513Z SEP 83
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 9363
INFO AMEMBASSY MEXICO
AMEMBASSY PANAMA
AMEMBASSY ROME

[redacted] SECTION 04 OF 04 SAN SALVADOR 08576

MEXICO FOR LEGATT, ROME FOR VATICAN

E.O. 12356: DECL: OADR
TAGS: PGOV, ES
SUBJECT: CHURCHWOMEN'S CASE: MEETING WITH MENDEZ AND
GESTED THAT COLINDRES COULD BE BROUGHT BACK TO TESTIFY
BEFORE JUDGE RAUDA AND ASKED QUESTIONS ABOUT ASPECTS
OF HIS STATEMENT, OTHER THAN THE CRIME ITSELF. MENDEZ
THOUGHT THAT, BY SKILLFUL QUESTIONS, WE MIGHT LEARN
MORE FROM COLINDRES AND THERE WAS EVEN A REMOTE CHANCE
THAT HE MIGHT CONFESS. MENDEZ WILL CONSIDER THIS MATTER
FURTHER.

-- E. SMITH SAID THAT ONE OF THE MAJOR UNANSWERED
QUESTIONS WAS WHY COLINDRES HAD SINGLED OUT THESE WOMEN.
HE SAID WE WERE PLEASED THAT THE GOES WAS GOING TO
QUESTION HIGHER-UPS AND PEREZ NIETO, BUT WONDERED WHETHER
WE SHOULD NOT PURSUE THE POSSIBILITY THAT COLINDRES
RECEIVED INFORMATION ABOUT THE WOMEN FROM A LATERAL
SOURCE, SUCH AS THE POLICE. SMITH SUGGESTED THAT
POLICE OFFICIALS FROM LA LIBERTAD AND CHALATENANGO

[redacted]

[redacted]

PAGE 02 SAN SA 08576 04 OF 04 211522Z

BE IDENTIFIED AND QUESTIONED AS TO WHETHER THEY HAD
DISCUSSED THE WOMEN WITH COLINDRES OR HAD EVER EXPRESSED
ANY INVESTIGATIVE INTEREST IN THE CHURCHWOMEN WHICH MIGHT
HAVE SOMEHOW GOTTEN BACK TO COLINDRES. THERE WAS

ABSOLUTELY NO INTEREST AT ALL IN THIS SUGGESTION.

-- F. SMITH THEN DISCUSSED THE FOIA CASE WITH RIVERA WHICH IS REPORTED IN SEPTEL.

RELEASED
El Salvador Human Rights
Special Project (1993)

6. IN ORDER TO UNDERSTAND THIS CASE BETTER, THE EMBASSY IS PREPARING A DETAILED CHRONOLOGY OF THE EVENTS OF DECEMBER 2, 1980, BASED ON STATEMENTS IN THE COURT RECORD AND IS SUMMARIZING THE KEY STATEMENTS.

7. JUDGE TYLER'S SCHEDULE IS NEARLY COMPLETE. HE SHOULD BE ABLE TO SEE NEARLY EVERYONE HE WISHES TO SEE. DETAILS FOLLOW SEPTEL.

8. EMBASSY'S COMMENTS ON SENATOR SPECTER'S LETTER FOLLOW IN SEPTEL.

9. SMITH AND EMBOFFS WILL CONTINUE TO MEET WITH MENDEZ, CASTILLO AND RIVERA TO FOLLOW UP. PICKERING

[redacted]

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*** Current Handling Restrictions *** n/a
*** Current Classification *** [redacted]

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El Salvador Human Rights
Special Project (1993)

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R 211440Z SEP 83
FM SECSTATE WASHDC
TO INFO RUEHZP / AMEMBASSY PANAMA
RUEHRO / AMEMBASSY ROME
RUEHME / AMEMBASSY MEXICO
BT
[redacted] WASHDC 08571

CLASS: CONFIDENTIAL
CHRGE: PROG 9/20/83
APPRV:
DRFTD:
CLEAR:
DISTR: POL3 AMB DCM
ECON:R ECON:L DAO
USIS AID ANA

FOR L/ECP DENNIS FORMAN FROM SMITH: CONTAINS PRIVILEGED LEGAL ADVICE IN ANTICIPATION OF LITIGATION

PANAMA FOR LEGATT
ROME FOR VATICAN
MEXICO FOR LEGATT

Department of State IS/FPC/CDR [illegible]
[illegible] classified under EO 12356 (X)
portions withheld: classified ( ); [illegible]
law enforcement ( ); privacy ( ), [illegible]
not relevant to El Salvador

9-23-93

E.O. 12356: DECL: OADR
TAGS: PGOV, PINS, ES
SUBJECT: CHURCHWOMEN'S CASE: FOIA REQUEST

REF: (A) SAN SALVADOR 7253, (B) STATE 195011

1. [redacted] - ENTIRE TEXT.

2. FISCAL GENERAL RIVERA TOLD ME ON SEPTEMBER 17 THAT HE DOES NOT, RPT NOT, WANT THE FBI INFORMATION IN THE CHURCHWOMEN'S CASE DISCLOSED TO THE PUBLIC. HE DID NOT UNDERSTAND THAT UNDER OUR LAW, IF THE FAMILIES HAVE ACCESS TO THE INFORMATION, ANY OTHER MEMBER OF THE PUBLIC COULD ALSO HAVE ACCESS. HE SAID THAT HE INTENDED HIS PREVIOUS STATEMENTS TO MEAN THAT THE FAMILIES COULD SEE, BUT NOT RETAIN OR MAKE NOTES ABOUT, THE INFORMATION. I SHOWED HIM MICHAEL POSNER'S AFFIDAVIT OF JULY 26, 1983 AND READ HIM THE RELEVANT PASSAGES. I ALSO INFORMED HIM ABOUT THE DECISION OF JUDGE SWEET IN NEW YORK AND THE OTHER SUIT FOR THE SAME INFORMATION BY DIFFERENT PLAINTIFFS IN THE DISTRICT OF COLUMBIA. DR. RIVERA SAID THAT THE RELEASE OF THE INFORMATION WOULD BE DETRIMENTAL TO THE CASE, WHICH HE BELIEVES WILL BE ELEVATED TO PLENARIO ON NOVEMBER 15. HE WAS ALSO CONCERNED THAT PUBLIC DISCLOSURE OF THIS INFORMATION MIGHT DAMAGE THE REPUTATION OF INNOCENT PERSONS WHO WERE INVESTIGATED, INTERVIEWED, POLYGRAPHED, OR MENTIONED IN THE INVESTIGATION. THESE PERSONS MIGHT BE EXPOSED TO SOME RISK AND MIGHT SUE THE GOES. DR. RIVERA SAID THAT HE WOULD ANSWER THE FBI LETTER (REF B) EXPRESSING HIS OPPOSITION TO RELEASE.

3. COMMENT: I WAS VERY CAREFUL IN DISCUSSING THE CASE WITH HIM SO AS NOT TO PREJUDICE HIS DECISION. HE DID NOT ASK FOR MY VIEWS, NOR DID I PROVIDE THEM. HE WAS EMPHATIC THAT HE DOES NOT WANT THIS INFORMATION RELEASED TO THE PUBLIC. THERE APPEARS TO HAVE BEEN A MISUNDERSTANDING BETWEEN RIVERA AND POSNER. END COMMENT.
PICKERING
BT

UNCLASSIFIED
CONFIDENTIAL

PAGE 01 SANTIA 05596 231609Z
ACTION ARA-16

INFO	OCT-00	COPY-01	ADS-00	INR-10	EUR-12	SS-10	OIC-02
	CIAE-00	EB-08	DODE-00	H-01	IO-15	NSC-01	NSAE-00
	COME-00	HA-08	L-03	LAB-04	TRSE-00	PM-08	PA-01
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P 231531Z SEP 83
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 6579
INFO AMEMBASSY BRASILIA
AMEMBASSY BRUSSELS
AMEMBASSY BUENOS AIRES
USMISSION GENEVA
AMEMBASSY LIMA
AMEMBASSY LONDON
AMEMBASSY MADRID
AMEMBASSY MEXICO
AMEMBASSY MONTEVIDEO O
AMEMBASSY PARIS
AMEMBASSY ROME
USMISSION USUN NEW YORK
USCINCSO QUARRY HTS PN
CINCLANT NORFOLK VA
AMEMBASSY PANAMA

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

C O N F I D E N T I A L SANTIAGO 5596

BRUSSELS FOR USEC LABATT, PANAMA: PASS TO S/IL FREEMAN AND DOL DEP. UNDER SEC. SEARBY

E.O. 12356: DECL: OADR
TAGS: ELAB, PINS, PGOV, CI (BUSTOS, MANUEL)
SUBJECT: NATIONAL LABOR COORDINATOR PRESIDENT MANUEL BUSTOS DEFINITELY ALLOWED TO RETURN TO CHILE

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 SANTIA 05596 231609Z

REF: A) SANTIAGO 5465 (NOTAL), B) SANTIAGO 0543, C) SANTIAGO 5491

1. (U) AS ANTICIPATED IN REF A, THE GOC HAS ANNOUNCED OFFICIALLY THAT NATIONAL LABOR COORDINATEOR (CNS) PRESIDENT MANUEL BUSTOS CAN RETURN TO CHILE AT ANY TIME. BUSTOS

WAS EXPELLED FROM CHILE LAST DECEMBER FOR ORGANIZING AN ILLEGAL DEMONSTRATION AGAINST THE GOC, AND HAS BEEN LIVING SINCE THEN IN ROME.

2. (U) CNS OFFICIALS TOLD THE EMBASSY SEPTEMBER 21 THAT BUSTOS IS SCHEDULED TO ARRIVE IN SANTIAGO SEPTEMBER 29. ACCORDING TO THE SEPTEMBER 22 PRESS, BUSTOS WILL INITIALLY RETURN FOR 30 DAYS AND WILL BE ACCOMPANIED BY UNNAMED ITALIAN LABOR LEADERS, WHO WILL MEET WITH THE NATIONAL COMMAND OF WORKERS (CNT) AND THE COPPERWORKERS CONFEDERATION (CTC). THE PRESIDENT OF BOTH THE CNT AND CTC IS RODOLFO SEGUEL WHO WAS RELEASED FROM JAIL SEPTEMBER 20 (REF C). BUSTOS REPORTEDLY WILL THEN RETURN TO ROME TO PLAN HIS FINAL RETURN AT SOME UNSPECIFIED FUTURE DATE.

3. (C) THE CIRCUMSTANCES SURROUNDING THE GOC ANNOUNCEMENT ARE NOT YET CLEAR. BUSTOS' NAME APPARENTLY WILL NOT APPEAR ON A LIST OF EXILES ALLOWED TO RETURN TO CHILE. (LISTS HAVE BEEN THE NORMAL CHANNEL USED TO ANNOUNCE RETURNING EXILES.) BUSTOS HAS BEEN PROCESSED SEPARATELY UNDER A SPECIAL DECREE. RE REF B, WE UNDERSTAND THAT THE GOC MAY HAVE LEARNED THAT THE SURPREME COURT, WHICH HAS BEEN REVIEWING FOR SOME TIME A LEGAL APPEAL ON BUSTOS' BEHALF, PROBABLY WOULD RULE IN FAVOR OF BUSTOS. THUS, THE GOC BY THIS ACCOUNT, DECIDED INSTEAD TO REVOKE THE BAN AGAINST HIS RETURN. THE GOC MAY HAVE WISHED TO AVOID A DIRECT RULING BY THE COURT AGAINST THE GOC'S USE OF ARTICLE 24 OF THE CONFIDENTIAL

CONFIDENTIAL

PAGE 03 SANTIA 05596 231609Z

TRANSITORY ARTICLES OF THE CONSTITUTION PERMITTING ADMINISTRATIVELY-ORDERED EXPULSIONS.

4. (U) FOR ROME AND BRUSSELS: WE WOULD APPRECIATE ANY INFO YOU CAN PROVIDE ABOUT BUSTOS AND THE ITALIANS WHO WILL ACCOMPANY HIM. PLEASE INFO PANAMA WEEK OF SEPTEMBER 26, DURING ARA LABOR ATTACHE CONFERENCE. THEBERGE

CONFIDENTIAL

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Page: 1

9-23-83 P

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EXCISE

PAGE 01 SANTIA 05629 232212Z
ACTION ARA-16

INFO OCT-00 COPY-01 ADS-00 INR-10 EUR-12 OIC-02 CIAE-00
EB-08 IO-15 NSAE-00 COME-00 HA-08 L-03 LAB-04
PA-01 STR-14 SIL-01 RP-10 USIE-00 PRS-01 /106 W
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P R 232111Z SEP 83
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 6594
INFO AMEMBASSY BRASILIA
AMEMBASSY BRUSSELS
AMEMBASSY BUENOS AIRES
USMISSION GENEVA
AMEMBASSY LIMA
AMEMBASSY LONDON
AMEMBASSY MADRID
AMEMBASSY MEXICO
AMEMBASSY MONTEVIDEO
AMEMBASSY PANAMA
AMEMBASSY ROME
AMEMBASSY PARIS
USMISSION USUN NEW YORK
USCINCSO QUARRY HEIGHTS
CINCLANT CORFOLK

Chile Project (#S199900030)
U.S. Department of State
Release ____ Excise X Deny ____
Declassify: In Part X In Full ____
Exemption(s) B1

Dept. of State, RPS/IPS, Margaret P. Grafeld, Dir.
(✓) Classify as (C) Extend as ( ) Downgrade to ____
Date 1/30/01 Declassify on 9/23/18 Reason X6

~~C O N F I D E N T I A L~~ SANTIAGO 5629

BRUSSELS FOR USEC LABATT

PANAMA PASS TO S/IL FREEMAN AND DOL DEP. UNDER SEC SEARBY

E.O. 12356: DECL: 9/23/89
TAGS: ELAB, PGOV, PINS, CTC, CI
SUBJ: GOC DROPS LEGAL CHARGES AGAINST COPPERWORKER CONFEDERATION (CTC) LEADERS

REF: (A) SANTIAGO 5491; (B) SANTIAGO 5596
~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 02 SANTIA 05629 232212Z

1. (C) SUMMARY: PRESIDENT PINOCHET HAS ORDERED ALL MINISTRY OF INTERIOR CHARGES DROPPED AGAINST COPPERWORKERS CONFEDERATION (CTC) LEADERS FOR VIOLATING THE INTERNAL SECURITY LAWS STEMMING FROM THE MAY 11 POLITICAL PROTEST AGAINST THE GOC AND THE ABORTIVE ILLEGAL COPPERWORKERS STRIKE JUNE 17. THE DECISION WAS ANNOUNCED SEPT 22

BY A MINITRY OF INTERIOR SPOKESMAN, WHICH HE SAID WAS OFFERED BY PINOCHET IN A SPIRIT OF COOPERATION DURING THI PERIOD OF A POLITICAL OPENING. THE TROUBLES OF THE CTC LEAERS ARE NOT OVER, HOWEVER, THEY STILL HAVE LABOR COURT CASES PENDING, APPEALING THEIR DISMISSAL BY THE CHILEAN COPPER COOPERATION (CODELCO) FOR THE JUNE 17 STRIKE. THE GOC ACTION APPEARS TO BE AN OLIVE BRANCH TO THE DEMOCRATIC ALLIANCE (AD) TO GET THE STALLED POLITICAL DIALOGUE RESTARTED. END SUMMARY.

2. (U) IN A MOVE CATCHING ALL OF CHILE BY SURPRISE, THE GOC ANNOUNCED SEPT 22 THAT IT WAS DROPPING LEGAL CHARGES AGINST RODOLFO SEGUEL, PRESIDENT OF THE COPPERWORKERS CONFEDERATION (CTC), AND SIX OTHER LEADERS. PER REFTELS A AND B, SEGUEL HAD BEEN RELASED FROM JAIL SEPT 20 FOLLOWING PRESIDENT PINOCHET'S DECISION TO WITHDRAW SLANDER CHARGES AGAINST SEGUEL. NOW, PRESIDENT PINOCHET HAS DECIDED TO ORDER DROPPED OTHER CHARGES AGAINST SEGUEL AND THE OTHER LEADERS TEMMING FROM THE MAY 11 SO-CALLED DA OF NATIONAL PROTEST AND THE ABORTIVE JUNE 17 ILLEGAL COPPERWORKERS STRIKE. A JUDGE HAD ISSUED A PRELIMINARY FINDING SEPT 16 THAT THESE UNION LEADERS WERE GUILTY.

3. (U) A MINISTRY OF INTERIOR OFFICIAL TOLD THE PRESS PRESIDENT PINOCHET HAD ORDERED THE LATEST WITHDRAWAL OF CHARGES IN ORDER TO "UNITE GOOD SPIRITS DURING THIS PERIOD OF A (POLITICAL) OPENING." THE PROBLEMS OF ~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 03 SANTIA 05629 232212Z

SEGUEL, 7 OTHER MEMBERS OF THE CTC EXECUTIVE BOARD, AND 25 OTHER LEADERS OF COPPER UNIONS AND SEVERAL HUNDRED OTHER COPPERWORKERS ARE NOT OER, HOWEVER. ALL HAVE BEEN FIRED BY THE CHILEAN COPPER CORPORATION (CODELCO) FOR THE ILLEGAL STRIKE JUNE 17. AS EXPLAINED PARA 7, REFTEL A, MANY OF THOSE FIRED HAVE APPEALED, AND THAT PROCESS COULD TAKE SOME TIME TO BE RESOLVED. CODELCO, A GOVERNMENT-OWNED COMPANY, COULD FOLLOW THE GOC LEAD AND DROP THE LABOR COURT PROCEEDING. HOWEVER, THERE IS NO INDICATION YET THAT CODELCO HAS THIS IN MIND.

4. (C) COMMENT: THE GOC DECISION APPEARS TO BE AN OLIVE BRANCH TO THE OPPOSITION GROUPS IN THE DEMOCRATIC ALLIANCE (AD) TO SHOW THE GOC IS PREPARED TO CONTINUE WITH THE DIALOGUE AND OPENING.

B-1

THE AD HADINCLUDED THE DROPPING OF THE CHARGES AGAINST THE CTC LEADERS (AND THE RESINTSTATMENT OF ALL WORKERS FIRED AS A RESULT OF THE JUNE 17 STRIKE) AMONG ITS

UNCLASSIFIED
Case Number: n/a 1999000006

ORIGINAL 8 POINTS AS A BASIS FOR A DIALOGUE. SNCE THE DROPPING OF THE LEGAL CHARGES WAS AN EASY STEP (ESPECIALLY FOLLOWING THE INITIAL FINDING OF "GUILTY," THUS UPHOLDING THE GOC CASE), THE GOC MAY HAVE DECIDED ON THIS AS A MEANS OF DEMONSTRATING GOOD FAITH, OPENING THE WAY FOR THE AD TO MADE THE NEXT MOVE. FROM A PUBLIC RELATIONS VIEWPOINT AT LEAST, THE GOC SHOULD GAIN A FEW POINTS BY ITS DECISION. WE DO NOT BELIEVE THAT THE GOC IS YET PREPARED TO ENCOURAGE CODELCO TO FOLLOW ITS LEAD, AT LEAST NOT BEFORE INITIAL DECISIONS FROM THE VARIOUS LABOR COURTS ARE FORTHCOMING.
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Case Number: s199900006

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PAGE 01 BRUSSE 12944 261723Z
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R 261723Z SEP 83
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TO SECSTATE WASHDC 8026
INFO AMEMBASSY MEXICO
AMEMBASSY PANAMA
AMEMBASSY ROME
AMEMBASSY SANTIAGO

Chile Project (#S199900030)
U.S. Department of State
Release X Excise Deny
Declassify: In Part In Full ✓
Exemption(s)

UNCLAS BRUSSELS 12944

USEC

PANAMA: PASS TO S/IL FREEMAN AND DOL DEPUTY UNDER SECRETARY SEARBY

E.O. 12356: N/A
TAGS: ELAB, PINS, CI
SUBJECT: RETURN TO CHILE OF NATIONAL LABOR COORDINATOR PRESIDENT MANUEL BUSTOS

REF: SANTIAGO 005596

- ACCORDING TO ICFTU SOURCES, LUIGI CAL OF THE ITALIAN LABOR CONFEDERATIDN, CISL, WILL BE ACCOMPANYING MANUEL BUSTOS ON HIS RETURN TO CHILE. THEY WERE NOT CERTAIN OF THE EXACT DATE OF HIS RETURN.
VEST

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TEXT OF TELEGRAM 83STATE 275983

RELEASED
El Salvador: Human Rights
Special Project (1993)

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PAGE 01 STATE 275983
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AMEMBASSY PANAMA IMMEDIATE
AMEMBASSY MEXICO IMMEDIATE

[redacted] STATE 275983

Department of State IS/FPC/CDR El Salvador SP Date 9/22/93
Declassified under EO 12368 (X) in full; ( ) in part;
persons withheld: classified ( ); deliberative ( );
law enforcement ( ); privacy ( ), statutory ( );
not relevant to El Salvador ( ).

ROME FOR VATICAN, PANAMA FOR LEGATT, MEXICO FOR LEGATT

E.O. 12356: DECL: OADR
TAGS: PGOV, ES
SUBJECT: CHURCHWOMEN'S CASE: WRAP-UP OF JUDGE TYLER AND SMITH VISIT

REF: SAN SALVADOR 8576

1. [redacted] - ENTIRE TEXT.

2. FOLLOWING, FOR EMBASSY'S FILES, IS A REPORT PREPARED BY ASSISTANT LEGAL ADVISER SMITH ON HIS RETURN TO WASHINGTON. IT SUMMARIZES THE ITEMS WHICH THE EMBASSY WILL FOLLOW UP ON AND CONTAINS ONE ACTION REQUEST (PARA. 9).

3. ON FRIDAY, SEPTEMBER 23, SMITH DELIVERED THE FOLLOWING MESSAGE TO DR. CASTILLO AT THE FISCAL'S OFFICE. EMBASSY LEGAL ADVISER AND EMBASSY OFFICER BROWN WERE [redacted]

PAGE 02 STATE 275983

ALSO PRESENT. THE FISCAL GENERAL, DR. RIVERA, WAS NOT PRESENT AS HE HAD BEEN HOSPITALIZED THAT AFTERNOON FOR BACK TREATMENT. THE LETTER HAD BEEN CLEARED BY JUDGE TYLER AND, IN SUBSTANCE, WITH AMBASSADOR PICKERING.

BEGIN TEXT;

DR. MARIO ADALBERTO RIVERA
FISCALIA GENERAL DE LA REPUBLICA

RELEASED
El Salvador: Human Rights
Special Project (1993)

TEXT OF TELEGRAM 83STATE 275983

CENTRO DE GOBIERNO
SAN SALVADOR

DEAR MR. ATTORNEY GENERAL:

IT HAS BEEN A GREAT PLEASURE TO MEET WITH YOU AND DR. CASTILLO TO DISCUSS THE CHURCHWOMEN'S CASE OVER THESE PAST FEW DAYS. MY COLLEAGUES FROM THE EMBASSY AND I, AND JUDGE TYLER AND HIS COLLEAGUES, HAVE LEARNED A GREAT DEAL ABOUT YOUR LEGAL SYSTEM AND ABOUT YOUR EFFORTS TO INVESTIGATE AND PROSECUTE THIS TRAGIC CASE. I AM VERY PLEASED AT THE PROGRESS YOU HAVE RECENTLY MADE AND WILL REPORT THIS PROGRESS TO THE DEPARTMENT OF STATE, THE CONGRESS, THE FAMILIES AND INTERESTED MEMBERS OF THE AMERICAN PUBLIC.

ALL OF US RECOGNIZE THE DIFFICULTIES THIS CASE HAS PRESENTED FOR YOU AND WE RECOGNIZE THAT OUR LEGAL SYSTEM AND TRADITIONS ARE DIFFERENT FROM YOURS. HOWEVER, WE ALSO HAVE A GOOD DEAL OF EXPERIENCE IN INVESTIGATING AND PROSECUTING MAJOR CRIMINAL CASES, AND IT IS IN THAT SPIRIT THAT WE HAVE MADE PREVIOUS SUGGESTIONS TO YOU ABOUT WAYS IN WHICH THE CASE CAN BE ENHANCED. BASED UPON OUR DISCUSSIONS THIS WEEK, INCLUDING [redacted]

PAGE 03 STATE 275983

THOSE OF JUDGE TYLER AND HIS COLLEAGUES, WE BELIEVE THAT THE FOLLOWING ADDITIONAL STEPS COULD BE TAKEN. I WISH TO EMPHASIZE THAT WE INTEND THIS LIST TO BE OUR FINAL RECOMMENDATIONS, ALTHOUGH I AM CERTAIN YOU RECOGNIZE THAT AS THE ADDITIONAL INTERVIEWS ARE CONDUCTED, NEW INFORMATION MAY DEVELOP WHICH WILL REQUIRE FURTHER INVESTIGATION.

CONCERNING THE CHRONOGRAM DEVELOPED BY YOUR OFFICE, I AM PLEASED TO REPORT THAT WE ARE PREPARING THE LETTER FROM THE ATTORNEY GENERAL OF THE UNITED STATES TO YOU TRANSFERRING THE INFORMATION COLLECTED AND ANALYZED BY THE FBI.

WITH REGARD TO ADDITIONAL INTERVIEWS WHICH WE BELIEVE SHOULD BE JUDICIALLY CONDUCTED, WE SUGGEST THAT THE FOLLOWING PERSONS BE INTERVIEWED, OR, IN SOME CASES, RE-INTERVIEWED.

GUARDSMAN ORANTES MENJIVAR
GARDSMAN JOSE VIDAL CRUZ ,ICHE
THE INDIVIDUALS WHO WERE IN COMMAND OF THE NATIONAL POLICE AND NATIONAL GUARD DETACHMENTS AT LA LIBERTAD AND CHALATANANGO AT THE TIME OF THE CRIME

WE ALSO BELIEVE, AS WE HAVE DISCUSSED, THAT IT COULD BE

RELEASED
El Salvador: Human Rights
Special Project (1993)

TEXT OF TELEGRAM 83STATE 275983

VERY PRODUCTIVE TO RE-INTERVIEW SUB-SERGEANT COLINDRES ALEMAN TO DETERMINE IF HE WILL PROVIDE ADDITIONAL INFORMATION.

WE SUGGEST THAT YOUR OFFICE ASK THE APPROPRIATE SECURITY FORCES WHETHER THEY HAVE ANY INFORMATION LINKING THE FOLLOWING GROUPS OR INDIVIDUALS WITH THE CRIME:

MAURICIO BORGONOVO ANTICOMMUNIST BRIGADE
ROBERTO FOGELBACH PEREZ, COORDINATOR OF THE ANTICOMMUNIST
[redacted]

PAGE 04 STATE 275983

FRONT
MAXIMILIANO HERNANDEZ MARTINEZ

WE ALSO SUGGEST THAT THE MINISTRY OF DEFENSE BE ASKED TO DETERMINE WHETHER ANY OF THE DEFENDANTS WERE EVER ASSIGNED TO LA LIBERTAD OR CHALATANANGO. SUCH AN INQUIRY WAS SUGGESTED BY ONE OF THE INVESTIGATING COMMISSIONS AND MIGHT SHED LIGHT ON POSSIBLE MOTIVES FOR THE CRIMES.

THE LETTER SUPPOSEDLY SENT BY COL. MORAN HAS BEEN, AS YOU KNOW, A SOURCE OF FRUSTRATION FOR US ALL. UNDER OUR LAW IT WOULD BE POSSIBLE FOR THE JUDGE TO DETERMINE THAT THE LETTER IS A FAKE AND THEREFORE NOT ADMIT IT INTO EVIDENCE. IF JUDGE RAUDA HAS ALREADY MADE THE LETTER PART OF THE RECORD, WE SUGGEST THAT, IF POSSIBLE, THE LETTER BE STRICKEN FROM THE RECORD. IF IT HAS NOT BEEN MADE PART OF THE RECORD, WE SUGGEST THAT IT NOT BE INTRODUCED.

FINALLY, WE ARE STILL CONCERNED ABOUT THE SAFETY OF THE JUDGE AND JURY IN THIS CASE. AS JUDGE TYLER DISCUSSED WITH YOU, WE BELIEVE THAT YOU SHOULD SERIOUSLY CONSIDER TAKING STEPS TO PROTECT THEM.

ONE POSSIBILITY WOULD BE TO IDENTIFY JURORS ONLY BY NUMBER ALTHOUGH OTHER PERSONAL INFORMATION ABOUT THE JURORS, SUCH AS AGE AND PROFESSION, COULD BE MADE AVAILABLE. THERE ARE OTHER PROTECTIVE MEASURES WHICH COULD BE TAKEN AND THE UNITED STATES STANDS READY TO PROVIDE ANY TECHNICAL ASSISTANCE YOU MAY NEED.

IN CLOSING LET ME REPEAT MY GRATITUDE FOR YOUR COOPERA-
[redacted]

PAGE 05 STATE 275983

TION AND ASSISTANCE DURING MY VISIT AND COMMEND YOU AND DR. CASTILLO FOR THE FINE EFFORTS YOU HAVE MADE. I

RELEASED
El Salvador: Human Rights
Special Project (1993)

LOOK FORWARD TO CONTINUING TO WORK WITH YOU AND IF I MAY BE OF ANY ASSISTANCE, PLEASE LET ME KNOW.

SINCERELY
JEFFREY H. SMITH
ASSISTANT LEGAL ADVISER
DEPARTMENT OF STATE
END TEXT

4. AFTER READING THE LETTER, DR. CASTILLO AGREED TO DO ALL OF THESE STEPS AND POINTED OUT THAT THEY WERE ALREADY PLANNING TO PERFORM MANY OF THEM. HE REITERATED THAT THEY EXPECT TO COMPLETE ALL OF THE ITEMS BY OCTOBER 15. HE SAID THAT THEY HAD REQUESTED THE APPEARANCE OF THE GUARDS AT EL ROSARIO AND EXPECTED TO BEGIN TAKING THEIR STATEMENTS NEXT WEEK (THE WEEK OF SEPTEMBER 26). HE ADDED THAT THE MORAN LETTER WAS IN THE RECORD AND COULD NOT BE STRICKEN. GIVEN THE OTHER EVIDENCE ABOUT THE LETTER, HOWEVER, CASTILLO BELIEVES THEY CAN COUNTER ANY EFFORTS BY THE DEFENSE TO USE IT.

5. SMITH EMPHASIZED TO DR. CASTILLO THE NEED TO PROVIDE PROTECTION FOR THE JUDGE AND JURY DURING THE TRIAL. DR. CASTILLO SAID THEY WERE CONSIDERING THAT, BUT ADDED THAT HE WAS ALSO CONCERNED FOR HIS OWN SECURITY AND THAT OF HIS FAMILY. HE SAID IT MAY BE NECESSARY FOR HIM TO ASK FOR A VISA TO COME TO THE UNITED STATES AFTER THE TRIAL. SMITH REPLIED THAT WE WERE PLEASED THEY WERE THINKING ABOUT THE ISSUE OF PROTECTION AND THAT THE UNITED STATES WAS PREPARED TO PROVIDE SPECIFIC SUGGESTIONS AND ADDITIONAL ASSISTANCE AS APPROPRIATE.

6. THE EMBASSY LEGAL ADVISER AND DR. CASTILLO AND HIS STAFF HAVE BEEN PREPARING QUESTIONS FOR THE WITNESSES. [redacted]

THE EMBASSY WILL PROVIDE SUGGESTED QUESTIONS DRAWN UP BY MICHAEL POSNER, THE LAWYER FOR THE FAMILIES, TO DR. CASTILLO AND WILL WORK WITH THEM IN DEVELOPING QUESTIONS FOR THE ADDITIONAL WITNESSES.

7. AT A FINAL MEETING BETWEEN JUDGE TYLER AND AMBASSADOR PICKERING, IT WAS AGREED THAT THE EMBASSY WOULD CONTINUE TO FOLLOW A NUMBER OF ISSUES, INCLUDING PROVIDING ADEQUATE SECURITY FOR THE JUDGE, JURY AND PROSECUTORS DURING THE TRIAL. JUDGE TYLER EXPRESSED HIS VIEW THAT THE JURY WAS A "WEAK LINK" IN WHAT IS NOW A VERY STRONG CASE AGAINST THE DEFENDANTS AND AGREED TO PROVIDE A MEMORANDUM TO THE DEPARTMENT CONTAINING HIS SPECIFIC SUGGESTIONS FOR PROTECTING THE JURY. THE JUDGE ALSO WILL MEET WITH THE FAMILIES IN ORDER TO CLARIFY SOME CONFUSION ABOUT THE DETAILS OF THE VARIOUS THREATENING

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El Salvador: Human Rights
Special Project (1993)

TEXT OF TELEGRAM 83STATE 275983

NOTES GIVEN TO THE CHURCHWOMEN.
8. THE EMBASSY WILL ALSO FOLLOW UP ON RECENT QUESTIONS THAT HAVE BEEN RAISED IN THE PRESS ABOUT THOMAS BRACKEN. MR. BRACKEN WAS A US CITIZEN IN EL SALVADOR WHO WAS KILLED SHORTLY AFTER THE CHURCHWOMEN. UPI HAS SURFACED AN ALLEGATION THAT MR. BRACKEN APPROACHED THE EMBASSY WITH INFORMATION ABOUT THE CHURCHWOMEN'S CASE BUT WAS KILLED BEFORE HE WAS ABLE TO GIVE THAT INFORMATION TO THE EMBASSY.

9. POSNER CALLED ON SMITH ON SEPTEMBER 26 TO GET A REPORT OF THE SMITH/TYLER VISIT. POSNER WAS PLEASED AT THE PROGRESS AND REQUESTED COPIES OF THE DECLARATIONS BY GEN. VIDES CASANOVA AND COL. MORAN ON THE ALLEGED MORAN LETTER. EMBASSY IS REQUESTED TO OBTAIN THOSE DECLARATIONS, IF POSSIBLE, AND FORWARD THEM TO DEPARTMENT. DAM

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PAGE 07 STATE 275983

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El Salvador: Human Rights
Special Project (1993)

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PAGE 01 SAN SA 08921 01 OF 02 2918102
ACTION ARA-16

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INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY MEXICO
AMEMBASSY ROME
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
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RELEASE

UNCLAS SECTION 01 OF 02 SAN SALVADOR 08921

ROME FOR VATICAN OFFICE

E.O. 12356: N/A
TAGS: PINS, SHUM, ES
SUBJECT: VIOLENCE REPORT FOR SEPTEMBER 1-15

1. PRESS REPORTS FOR THE PERIOD SEPTEMBER 1-15, INCLUDE THE FOLLOWING:

- POLITICAL DEATHS
- (BY GUERRILLAS) 4
- (BY UNKNOWN ASSAILANT) 37

- FOUND DEAD 25 (GUNSHOT WOUNDS 10, KNIFED 4, BEATEN TO DEATH 7, NOT SPECIFIED 4, TORTURED 4)

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PAGE 02 SAN SA 08921 01 OF 02 2918102

- CIVILIAN KIA 3

UNCLASSIFIED

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- GUERRILLA KIA 197
- MILITARY KIA 86
- CRIMINAL DEATHS 17
- TOTAL DEATHS 339

CIVILIAN DEATHS ATTRIBUTED TO TOTAL	POLITICAL VIOLENCE	MILITARY	GUERRILLA
THIS PERIOD	69	56	197
LAST PERIOD	56	29	118
YEAR TO DATE	1294	1333	2072

2. STATISTICAL BREAKDOWN BY LOCATION, OCCUPATION, SEX, AND AGE:

A. LOCATION

SAN SALVADOR	42	SANTA ANA	26
USULUTAN	111	SAN MIGUEL	123
CHALATENANGO	3	LA UNION	4
AHUACHAPAN	1	CUSCATLAN	29
LA PAZ	1	SONSONATE	1
CABANAS	1	SAN VICENTE	5
LA LIBERTAD	1		

B. OCCUPATION

UNCLASSIFIED
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PAGE 03 SAN SA 08921 01 OF 02 2918102

GUERRILLAS	197
SOLDIERS	43
NATIONAL GUARDS	7
CIVIL DEFENSE	3
NATIONAL POLICE	2
CUSTOMS POLICE	1
FARMERS	4
MEMBER OF ISTA COOP.	1
PROFESSIONALS	4
THIEF	1
MECHANIC	1

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El Salvador: Human Rights
Special Project (1993)

LABORERS	5
BUSINESSMEN	3
TAXI DRIVERS	3
HOUSEWIVES	2
EMPLOYEES	3
WATCHMAN	1
BARBER	1
STUDENTS	2
UNKNOWN	57

C. AGE

17 AND UNDER	18 TO 35	36 AND OVER	UNKNOWN
4	44	26	268

D. SEX

MALES	329
FEMALES	10

3. OTHER ACTS OF WAR OR TERRORISM:

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PAGE 01 SAN SA 00921 02 OF 02 291818Z
ACTION ARA-16

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TO SECSTATE WASHDC 9806
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY MEXICO
AMEMBASSY ROME
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
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UNCLAS SECTION 02 OF 02 SAN SALVADOR 00921

ROME FOR VATICAN OFFICE

- CIVILIAN DISAPPEARANCES 25
- MILITARY ENCOUNTERS 37
- BOMBINGS 32
- OTHER 60

PICKERING

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PAGE 01 SANTIA 05874 052143Z
ACTION ARA-16

INFO OCT-00 COPY-01 ADS-00 INR-10 EUR-12 OIC-02 CIAE-00
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AMEMBASSY BURNOS AIRES
USMISSION GENEVA
AMEMBASSY LIMA
AMEMBASSY LONDON
AMEMBASSY MADRID
AMEMBASSY MEXICO
AMEMBASSY MONTEVIDEO
AMEMBASSY PARIS
AMEMBASSY ROME
USMISSION USUN NEW YORK
USCINCSO QUARRY HTS PN
CINCLANT NOFORLK VA

Chile Project (#S199900030)
U.S. Department of State
Release N Excise Deny
Declassify: In Part In Full N
Exemption(s)

C O N F I D E N T I A L SANTIAGO 5874

BRUSSELS FOR USEC LABATT

EO 12356: DECL: 10/5/89
TAGS: ELAB PGOV PINS CTC (SEGUEL, RODOLFO) CI
SUBJECT: POLICE PREVENT MARCH BY FIRED COPPERWORKERS FROM EL TENIENTE ZONE TO SANTIAGO; CTC LEADER SEGUEL AND OTHERS BRIEFLY DETAINED

REF: SANTIAGO 5629

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PAGE 02 SANTIA 05874 052143Z

1.(U) RODOLFO SUEGUEL THE PRESIDENT OF THE COPPERWORKERS CONFEDERATION (CTC) WHO RECENTLY SPENT TIME IN JAIL FOR CHARGES CONNECTED WITH THE EARLIER PROTEST DEMONSTRATIONS AGAINST THE GOVERNMENT AND SUBSEQUENT ALLEGED SLANDER AGAINST PRESIDENT PINOCHET, UNTIL THE GOC DECIDED TO DROP ALL CHARGES, CONTINUES TO MAKE NEWS. ON OCTOBER 4,

IN VERY CONFUSING CIRCUMSTANCES, HE AND SEVERAL OTHER UNION LEADERS FROM THE EL TENIENTE COPPER ZONE ATTEMPTED TO LEAD A MARCH FROM THE TOWN OF RANCAGUA TO SANTIAGO, TO JOIN A RALLY ORGANIZED BY YOUTH GROUPS OPPOSED TO THE GOC WHICH IS SCHEDULED TO TAKE PLACE LATE OCTOBER 5. THE MINERS CLAIMED TO HAVE PERMISSION FOR THE MARCH FROM THE PROPER GOVERNMENT AUTHORITIES, BUT LOCAL GOVERNMENT SOURCES STATED THAT THE MARCH WAS NOT AUTHORIZED BECAUSE OF INEVITABLE INTERFERENCE WITH TRAFFIC ON THE MAIN THOROUGHFARE BETWEEN THE TWO CITIES, AND BECAUSE OF THE DANGER TO THE MARCHERS FROM TRAFFIC. IN THE EVENT, CARABINEROS STOPPED THE MARCH BEFORE IT GOT STARTED.

2.(U) PRESS REPORTS HAVE PROVIDED VARYING ACCOUNTS OF THE EVENT. ESTIMATES OF THE NUMBERS OF PARTICIPANTS RANGE FROM 100 TO 1,000 (THE EMBASSY TENDS TO BELIEVE THE NUMBERS WERE CLOSER TO THE LOWER FIGURE BASED ON A PHOTO AND EARLY NEWS REPORTS FROM RADIO COOPERATIVA, A GENERALLY ANTI GOVERNMENT STATION WHICH PLACED THE NUMBERS AT 200). SOME OF THE PRESS REPORTED THAT SEGUEL AND 5 OR 6 OTHER LEADERS OF THE MARCH WERE DETAINED EITHER FOR A FEW MINUTES OR UP TO A COUPLE OF HOURS, WHEREAS GOVERNMENT SOURCES STATED THAT NO ONE WAS DETAINED , ALTHOUGH SEVERAL (INCLUDING SEGUEL) WERE TAKEN TO THE LOCAL POLICE STATION WHERE THEY WERE GIVEN SUMMONSES FOR DISTURBING THE PEACE. LATER IN THE DAY, THE MARCHERS WERE TRANSPORTED TO SAN BERNARDO ON THE OUTSKIRTS OF SANTIAGO, WHERE SOME OF THEM APPARENTLY ATTEMPTED TO STAGE ANOTHER MARCH
CONFIDENTIAL

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PAGE 03 SANTIA 05874 052143Z

WHICH WAS BROKEN UP QUICKLY BY THE CARABINEROS AGAIN UNDER CONFUSING CIRCUMSTANCES. SEGUEL, INTERVIEWED ON THE RADIO, CLAIMED THE CARABINEROS USED BRUTE FORCE TO BREAK UP THE MARCH, USING TEAR GAS AND BATONS. REPORTEDLY 17 PROTESTORS WERE DETAINED, AND THERE WERE CLAIMS BY THE PROTESTERS THAT AT LEAST 50 PERSONS WERE INJURED. GOVERNMENT SOURCES DENIED THERE WERE ANY INJURIES, BUT FAILED TO MENTION WHETHER FORCE WAS USED. THE MARCHERS SPENT THE NIGHT AT A LOCAL CHURCH.

3.(U) ALTHOUGH THE MARCH WAS TO BE COMPLETED IN TWO STAGES, SEGUEL ANNOUNCED EARLY OCTOBER 5 THAT THE PROTESTORS WOULD BE TRANSPORTED TO A PARK DURING THE AFTERNOON OF OCTOBER 5, WHERE THEY WILL JOIN A RALLY SPONSORED BY THE SO CALLED YOUTH COMMAND FOR DEMOCRACY.

4.(C) THIS LATEST SEGUEL LED LABOR PROTEST ACTION IS DESIGNED TO PRESSURE CODELCO TO REHIRE ALL MINERS FIRED AS A RESULT OF THE ILLEGAL STRIKE OF JUNE 17. THE GOC DROPPED THE JUDICIAL PROCEEDINGS AGAINST SEGUEL AND OTHER LEADERS

OF THE CTC ONLY AFTER A LOWER COURT JUDGE HAD FOUND SEGUEL AND OTHERS GUILTY OF VIOLATING THE INTERNAL SECURITY LAWS (A SEPARATE CHARGE AGAINST SEGUEL FOR ALLEGEDLY SLANDERING PRESIDENT PINOCHET WAS WITHDRAWN BEFORE ANY FINDING--SEE REFTEL). NEVERTHELESS, THE SEPARATE LABOR COURT PROCEEDINGS INVOLVING 32 CTC AND ZONAL LEADERS CONTINUE. THEY WERE FILED BY CODELCO AND HAVE APPEALED THAT ACTION. IT IS UNLIKELY CODELCO WILL ECONSIDER ANY OF THE CASES UNTIL THE LABOR COURT DECIDES ONE WAY OR THE OTHER--THUS, THE PRESSURE FROM SEGUEL AND THE OTHER AFFECTED LEADERS. MEANWHILE, CODELCO HAS OVER A PERIOD OF TIME REINCORPORATED NEARLY ALL OF THE NEARLY 2,000 ORIGINALLY FIRED, EXCEPT FOR THOSE WHO OPTED, MAN ALLEGEDLY UNDER PRESSURE, TO "RESIGN VOLUNTARILY", THEREBY SAVING THEIR SEVERANCE BENEFITS AND MAINTAINING THE RIGHT TO UNEMPLOYMENT BENEFITS. MANY OF THOSE REHIRED WERE THE RESULT OF THE INTERVENTION OF GUILLERMO MEDINA, THE PRO GOVERNMENT LEADER FROM EL TENIENTE, WHO TOOK HIS UNION OUT OF THE CTC EARLIER THIS YEAR. OUR SOURCES IN
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PAGE 04 SANTIA 05874 052143Z

EL TENIENTE HAVE TOLD US THAT SEGUEL HAS LOST MUCH SUPPORT AMONG THE WORKERS IN THAT ZONE WHICH MAY ACCOUNT FOR THE RELATIVELY POOR TURNOUT IN THIS LATEST EVENT.
MATTHEWS

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Case Number: s199900006

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PAGE 01 SANTIA 05858 051744Z
ACTION ARA-16

INFO	OCT-00	COPY-01	ADS-00	AID-07	INR-10	EUR-12	SS-10
	CIAE-00	DODE-00	H-01	IO-15	NSCE-00	NSAE-00	SSO-01
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FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 6690
INFO AMEMBASSY BONN
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AMEMBASSY BUENOS AIRES
USMISSION GENEVA
AMEMBASSY LIMA
AMEMBASSY LONDON
AMEMBASSY MADRID
AMEMBASSY MEXICO
AMEMBASSY MONTEVIDEO
AMEMBASSY PARIS
AMEMBASSY ROME
USMISSION USUN NEW YORK
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CINCLANT NORFOLK VA

Chile Project (#S199900030)
U.S. Department of State
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Declassify: In Part In Full X
Exemption(s)

C O N F I D E N T I A L SANTIAGO 5858

EO 12356: DECL: 10/5/89
TAGS: SHUM PINS PGOV CI
SUBJECT: GOC RELEASES NINTH LIST OF EXILES AUTHORIZED TO RETURN

REF: SANTIAGO 4993

1. (U) NINTH EXILE RETURN LIST: ON OCTOBER 4, THE MINISTRY OF INTERIOR RELEASED ITS NINTH LIST OF THOSE EXILES AUTHORIZED TO RETURN UNCONDITIONALLY TO CHILE. THE LIST CONTAINED 594 NAMES, BRINGING THE TOTAL OF

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PAGE 02 SANTIA 05858 051744Z

THOSE ALLOWED TO RETURN SINCE THE NEW POLICY WAS ANNOUNCED LATE LAST YEAR TO 3591. ON THIS LIST, THE ONLY PERSON OF ANY POLITICAL IMPORTANCE WAS GONZALO MARTNER GARCIA, FORMER DIRECTOR OF THE NATIONAL PLANNING OFFICE (ODEPLAN) DURING THE GOVERNMENT OF ALLENDE.

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2.(C) COMMENT: A SOURCE IN THE MINISTRY OF INTERIOR CONFIRMED WAHT THE NEW UNDERSECRETARY OF INTERIOR, LUIS SIMON FIGUEROA, TOLD THE CHARGE LAST WEEK, NAMELY THAT THE LIST HAD ORIGINALLY HAD ABOUT 1200 NAMES BUT, DUE TO THE RECENT CHANGE IN UNDERSECRETARIES AND THE CONCERN OF INTERIOR MINISTER JARPA AND OTHERS THAT THE RETURNEES MIGHT CONTRIBUTE TO COMMUNIST MACHINATIONS, AN EXTENDED DELAY HAD OCCURRED IN NG THE LIST. FINALLY, TO OVERCOME THE DELAY AND PRESENT A NEW LIST AS SOON AS POSSIBLE, THE ORIGINAL LIST WAS CUT IN HALF WITH ALL THE CONTROVERSIAL NAMES LEFT FOR THE NEXT LIST WHICH, OUR SOURCE INDICATED, WOULD BE ISSUED QUITE SOON. OUR SOURCE WENT ON TO COMMENT THAT FUTURE LISTS OF THOSE ALLOWED TO RETURN COULD BE EXPECTED AS WORK WAS PROCEEDING SLOWLY ON THE CONCEPT OF A "NEGATIVE LIST" (I.E., A LIST OF THOSE NOT ALLOWED TO RETURN WHILE ALL OTHERS WOULD BE ALLOWED BACK AUTOMATICALLY). THE PROBLEM, SAID OUR SOURCE, WAS THAT THE SECURITY FORCES WERE HOLDING OUT FOR A MUCH LONGER NEGATIVE LIST THAN WAS POLITICALLY FEASIBLE--SOME 2000 ALLEGED COMMUNISTS AND TERRORISTS, WHICH WOULD BE ABOUT 20 PERCENT OF THE ORIGINAL ESTIMATED 10,000 CHILEAN EXILES--WHILE JARPA AND THE MINISTRY OF INTERIOR WERE TRYING TO CUT THAT NUMBER DRASTICALLY AND ALLOW BACK ALL BUT TERRORISTS AND A FEW PROMINENT COMMUNIST LEADERS.
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PAGE 03 SANTIA 05858 051744Z

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UNCLASSIFIED
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PAGE 01 SANTIA 05912 062051Z
ACTION ARA-16

INFO OCT-00 COPY-01 ADS-00 AID-07 INR-10 EUR-12 OIC-02
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INFO AMEMBASSY BRASILIA
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AMEMBASSY MEXICO
AMEMBASSY MONEVIDEO
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USMISSION USUN NEW YORK
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Exemption(s)

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C O N F I D E N T I A L SANTIAGO 5912

BRUSSELS FOR USEC LABATT

E.O. 12356: DECL: 10/6/89
TAGS: ELAB, PGOV, PINS, CTC (SEGUEL, RODOLFO), CI
SUBJ: MINOR INCIDENTS FOLLOWING LEFTIST YOUTH RALLY MARS OTHERWISE PEACEFUL DEMONSTRATION

REF: SANTIAGO 5874

1. (U) DIVERSE BUT PREDOMINANTLY LEFTIST YOUTH GROUPS
CONFIDENTIAL
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PAGE 02 SANTIA 05912 062051Z

HELD AN AUTHORIZED AND GENERALLY PEACEFUL ANTI-GOVERNMENT RALLY OCTOBER 5 AT A PUBLIC SQUARE IN DOWNTOWN SANTIAGO. THE RALLY LASTED ABOUT FOUR HOURS, BEGINNING AT 5 P.M. IT WAS ATTENDED BY A REPORTED 5,000-6,000 PEOPLE, INCLUDING 2-300 COPPERWORKERS AND SYMPATHIZERS FROM THE EL TENIENTE ZONE. THE COPPERWORKERS WERE FIRED BY CODELCO FOR THE ILLEGAL

STRIKE LAST JUNE 17 (REFTEL). THE COPPERWORKERS, WHO HAD PLANNED TO MARCH FROM RANCAGUA TO SANTIAGO TO JOIN THE RALLY, WRE FINALLY TRANSPORTED TO THE EVENT WHEN POLICE BROKE UP ATTEMPS TO ORGANIZE THE UNAUTHORIZED MARCH. THE PRIMARY ORGANIZER OF THE YOUTH RALLY WAS A RECENTLY FORMED GROUP CALLED THE YOUTH COMMAND FOR THE RECOVERY OF DEMOCRACY.

2. (U) ACCOFDING TO PRSS REPORTS, THE PROTESTERS DISPLAYED PRO-ALLENDE POSTERS, AS WELL AS BANNERS OF THE VIOLENCE-PRONE MIR AND OF THE COMMUNIST PARTY THE PROTESTERS WERE ENTERTAINED BY FOLKSINGERS SINGING PROTEST SONGS FROM THE ALLENDE ERA. THE ORATORS, WHO INCLUDED LEFT-WING CHRISTIAN DEMOCRATIC AND COMMUNIST YOUTHS, DENOUNCED THE GOVERMENT AS EXPECTED. RODOLFO SEGUEL, PRESIDENT OF THE COPPERWORKERS CONFEDERATION (CTC), AND MANUEL BUSTOS, PRESIDENT OF THE NATIONAL LABOR COORDINATOR (CNS), RECENTLY RETURNED FROM 10 MONTHS IN EXILE IN ROME, WERE AMONG THE PARTICIPANTS, BUT NEITHER SPOKE.

3. (U) AS THE RALLY BROKE UP, A GROUP OF DEMONSTRATORS ATTEMPTED TO MARCH TOWARDS ONE OF THE MAIN THOROUGHFARES, ALTHOUGH THEY WERE ADMONISHED BY THE ORGANIZERS TO LEAVE PEACEFULLY AND WITHOUT CAUSING TROUBLE. THE CARABINEROS MOVED IN QUICKLY AT THAT POINT WITH TEAR GAS AND A WATER CANNON TO DISPERSE THE CROWD, AND PREVENT THEM FROM REACHING THAT THOROUGHFARE, REPORTEDLY WITHOUT SERIOUS INJURY TO ANYONE. THERE WERE APPARENTLY NO ARRESTS.

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PAGE 03 SANTIA 05912 062051Z

4. (C) COMMENT: THE RESTRAINT SHOWN BY THE LEFTIST YOUTH AND OTHERS WAS PROBABLY DESIGNED TO AVOID THE GOVERNMENT FINDING AN EXCUSE TO CALL OFF THE LARGER AND MORE IMPORTANT PROTESTS SCHEDULED FOR LATER, BEGINNING WITH THE OCTOBER 11 MARCH CALLED BY THE DEMOCRATIC ALLIANCE. SINCE THE ORGANIZERS HAD FOLLOWED THE LEGAL PROCEDURES AND RECEIVED AUTHORIZATION FROM THE SANTIAGO INTENDENT, THE CARABINEROS OBSERVED THE RALLY BUT DID NOT INTERVENE UNTIL SOME OF THE CROWD TRIED TO FROM A MARCH NOT COVERED BY THE AUTHORIZATION. TIME WILL TELL HOW LONG THE MUTUAL RESTRAINT WILL LAST.

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Case Number: s199900006

UNCLASSIFIED
CONFIDENTIAL

PAGE 01 SANTIA 05894 01 OF 02 061549Z
ACTION ARA-16

INFO	OCT-00	COPY-01	ADS-00	AID-07	INR-10	EUR-12	SS-10
	CIAE-00	DODE-00	H-01	NSC-01	NSAE-00	HA-08	L-03
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INFO AMEMBASSY BRASILIA
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AMEMBASSY LIMA
AMEMBASSY MONTEVIDEO
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AMEMBASSY MEXICO
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AMEMBASSY PARIS
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C O N F I D E N T I A L SECTION 01 OF 02 SANTIAGO 5894

EO 12356: DECL: 10/5/89
TAGS: PGOV PINS KPRP CI
SUBJECT: POLITICAL GROUPS IN CHILE: POLITICAL OPENING PRODUCES NEW ALIGNMENTS ON THE LEFT

REFS: (A) SANTIAGO 3045; (B) SANTIAGO 4844; (C) SANTIAGO 5255; (D) SANTIAGO 5816

1. C-ENTIRE TEXT.

2. SUMMARY: DIALOGUE OF GOC AND DEMOCRATIC ALLIANCE HAS FORCED OTHER POLITICAL GROUPS TO DEFINE THEMSELVES ON FEASIBILITY OF NEGOTIATED TRANSITION AND OTHER KEY ISSUES. ACCOMPANYING POLITICAL OPENING HAS BENEFITED THE LEFT CONFIDENTIAL

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PAGE 02 SANTIA 05894 01 OF 02 061549Z

MORE THAN THE RIGHT BY PERMITTING LEFTIST GROUPS AND INDIVIDUALS TO RESUME PUBLIC ROLES AFTER TEN YEARS OF CLANDESTINITY. SEVERAL SOCIALIST FACTIONS HAVE AFFILIATED WITH THE ALLIANCE WHILE ALSO JOINING WITH OTHER MARXIST GROUPS TO FORM THE SOCIALIST BLOC, THE LARGEST SOCIALIST UNITY EFFORT TO DATE. EXCLUSION OF THE COMMUNIST PARTY FROM BOTH THE ALLIANCE AND

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THE BLOC HAS LED T FORMATION OF A FRONT GROUP, THE POPULAR DEMOCRATIC MOVEMENT, WHICH ALIGNS THE PCCH WITH SEVERAL OTHER SMALL, HARD-LINE GROUPS. EFFECT OF THESE REALIGNMENTS HAS BEEN TO REMIND CHILEANS OF SOCIALISM AS A PERMANENT HISTORICAL FACTOR ON THE DOMESTIC POLITICAL SCENE AND TO OPEN NEW SPACE FOR ITS SOCIAL DEMOCRATIC TENDENCIES. THE SMALL LEFTIST GROUPS, SUCH AS THE IZQUIERDA CRISTIANA AND THE TWO MAPU'S ARE BEING SQUEEZED AS ORGANIZATIONS AND DILUTED AS INTELLECTUAL INFLUENCES. THESE SHIFTS ARE STILL FLUID, HOWEVER AND DESIRE FOR AN ALL-EOCOMPASSING UNITY SHOULD NOT BE UNDERESTIMATED. EVENTS SURROUNDING THE ALLIANCE RALLY ON OCTOBER 11 AND THE LEFTIST PROTEST ON OCTOBER 13 MAY HELP CLARIFY SITUATION, PARTICULARLY DEGREE TO WHICH COMMUNISTS WILL SHOW MODERATION AND ABILITY OF ALLIANCE TO KEEP COMMUNISTS AT AN ARM'S LENGTH. END SUMMARY.

3. INTRODUCTION: THE DIALOGUE BETWEEN THE GOC AND THE DEMOCRATIC ALLIANCE HAS FORCED POLITICAL GROUPS OF BOTH THE LEFT AND THE RIGHT TO DEFINE THEMSELVES ON WHETHER A NEGOTIATED TRANSITION IS FEASIBLE, ON THE LEGITIMACY OF REBELLION, AND ON A VARIETY OF OTHER ISSUES. THE RESULT IS A FLURRY OF ACTIVITY AS NUMEROUS GROUPS SCRAMBLE FOR A SLICE OF THE POLITICAL SPECTRUM. INITIAL EMPHASIS HAS BEEN ON THE FORMATION OF COALITIONS AS A MEANS OF ENTERING OR FINFLUENCING THE DIALOGUE, RATHER THAN ATTEMPTS TO RECONSTITUTE SINGLE PARTIES. FOLLOWING IS A SUMMARY AND ANALYSIS OF THE CURRENT LINE-UP ON THE MARXIST LEFT IN CHILE.(SEPTEL WILL ANALYZE THE RIGHT).

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PAGE 03 SANTIA 05894 01 OF 02 061549Z

4. THE LEFT REJOINS THE PUBLIC DEBATE: THE RECENT POLITICAL OPENING AND THE WILLINGNESS OF THE GOC TO RELAX ITS STRUCTURES AGAINST POLITICAL PARTY ACTIVITIES HAVE BENEFITED THE LEFT MORE THAN THE RIGHT, SINCE THE MARXIST PARTIES OF THE UNIDAD POPULAR WERE LEGALLY PROSCRIBED IN 1973 AND SYSTEMATICALLY REPRESSED THEREAFTER, WHILE THE NON-MARXIST PARTIES WERE MERELY RECESSED IN 1977. THERE HAVE BEEN MANY INDICATIONS OF GREATER POLITICAL TOLERANCE BY THE GOVERNMENT BUT PARTICULARLY NOTE-WORTHY ARE RECENT PUBLIC PRESSS CONFERENCES OF THE COMMUNIST PARTY (PCCH) SOME OF THE SOCIALIST PARTY (PS) FACTIONS, THE IZQUIERDA CRISTIANA (IC) AND THE UNITARY POPULAR ACTION MOVEMENT (MAPU) GROUPS. THE PUBLIC APPEARANCES OF THESE GROUPS, WITH NO VISIBLE POLICE REACTIONS, STAND IN STARK CONTRAST TO THEIR CLANDESTINITY OF ONLY A FEW MONTHS AGO.

5. SOCIALIST BLOC: FROM THE INCEPTION OF THE "DEMOCRATIC ALLIANCE", SIX FACTIONS OF THE FORMER SOCIALIST PARTY, GROUPED TOGETHER AS THE POLITICAL UNITY COMMITTEE (CPU) HAVE BEEN INCLUDED AS TITULAR MEMBERS OF THE DEMOCRATIC OPPOSITION. AND,

FROM THE BEGINNING,THEY HAVEMADE INTERNAL AGREEMENT DIFFICULT FOR THE ALLIANCE. SINCE THE DIALOGUE BEGAN IN AUGUST, THE SIX PS FACTIONS HAVE REFUSED TO PARTICIPATE IN THE DIALOGUE AS LONG AS PRESIDENT PINOCHET REMAINS IN POWER. HOWEVER, ONE OF THEIR MEMBERS, FORMER SENATOR RAMON SILVA ULLOA OF THE POPULAR SOCIALIST UNION (USOPA), HAS ATTENDED THE MEETINGS WITH INTERIOR MINISTER JARPA IN THE GUISE OF A "SOCIALIST PERSONAGE" AND THE OTHER FACTIONS HAVE REMAINED AS FULL MEMBERS OF THE ALLIANCE. ANOTHER POINT OF FRICTION HAS BEEN THE ATTEMPTS OF SOME SOCIALIST FIGURES, PARTICULARLY JULIO STUARDO, TO GET THE PCCH INCLUDED IN THE ALLIANCE. UNTIL RECENTLY, IT APPEARED THAT THIS MIGHT BE ACHIEVED INDIRECTLY BY HAVING THE SOCIALISTS PARTICIPATE BOTH IN THE ALLIANCE AND IN ANOTHER COALITION WHICH INCLUDED THE PCCH. THAT HIS IDEA HAD FAILED, FOR THE MOMENT AT LEAST, BECAME CLEAR ON SEPTEMBER 16, WHEN THE "REINTEGRATION" OF THE SOCIALIST PARTY OF CHILE WAS ANNOUNCED. THE NEW COALITION IS CALLED THE GRAN PROPUESTA DEMOCRATICA POPULAR,
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PAGE 04 SANTIA 05894 01 OF 02 061549Z

MORE COMMONLY KNOWN AS THE "SOCIALIST BLOC", AND OSTENSIBLY INCLUDES THE SIX FACTIONS OF THE CPU, THE TWO MAPU GROUPS AND THE IC, PLUS SEVERAL OTHER MORE MODERATE MARXIST SECTORS CALLED THE "SOCIALIST

CONFIDENTIAL

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PAGE 01 SANTIA 05894 02 OF 02 061603Z
ACTION ARA-16

INFO	OCT-00	COPY-01	ADS-00	AID-07	INR-10	EUR-12	SS-10
	CIAE-00	DODE-00	H-01	NSC-01	NSAE-00	HA-08	L-03
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TO RUEHC/SECSTATE WASHDC PRIORITY 6696
INFO AMEMBASSY BRASILIA
AMEMBASSY BUENOS AIRES
AMEMBASSY LIMA
AMEMBASSY MONTEVIDEO
USCINCSO QUARRY HTS PN
CINCLANT NORFOLK VA
AMEMBASSY MEXICO

AMEMBASSY MADRID
AMEMBASSY PARIS
AMEMBASSY CARACAS

C O N F I D E N T I A L SECTION 02 OF 02 SANTIAGO 5894

CONVERGENCE". "SOCIALIST BLOC" LEADERS ANNOUNCED THAT "THE PROCESS OF REUNIFICATION HAS CULMINATED" AND CALLED FOR THE INCLUSION OF ALL DEMOCRATIC FORCES INTO THE ALLIANCE, EXPLICITLY ABANDONED THE "VIA ARMADA" AND DECLARED THEIR CONTINUED SUPPORT FOR THE MONTHLY PROTESTS. WHETHER OR NOT THE SOCIALIST BLOC, THE LARGEST EFFORT TOWARD SOCIALIST UNITY TO DATE, WILL GET ANY FATHER THAN ITS NUMEROUS PREDECESSORS (REF A) IN UNITING THE BADLY FACTIONALIZED PS REMAINS AN OPEN QUESTION, PARTICULARLY SINCE AT LEAST ONE OF THE LARGEST PS FACTIONS, THE PS/ALMEYDA, REMAINS APART. (DEMOCRACTIC ALLIANCE MEMBER JULIO STUARDO WAS LONG A LEADER OF THE ALMEYDA FACTION BUT WAS REPORTEDLY READ OUT OF THE GROUP IN MARCH WHEN HE JOINED THE ALLINACE. THIS INTRODUCED YET ANOTHER SPLIT IN PS RANKS, AS THE STUARDO-LED ALMEYDISTAS CONFIDENTIAL

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PAGE 02 SANTIA 05894 02 OF 02 061603Z

HAS BEEN VIEWED AS ONE OF THE LARGEST PS GROUPS IN CHILE.)

6. MOVIMIENTO DEMOCRATICO POPULAR (MDP): THE INCORPORATION OF SOME PS FACTIONS INTO THE ALLIANCE HAS, FOR THE MOMENT AT LEAST, BROKEN THE TRADITIONAL AXIS BETWEEN THE PS AND THE PCCH (COMMUNIST PARTY) IN CHILE. IT HAS ALSO LED THE PCCH, AFTER FRUITLESSLY DEMANDING ENTRY INTO THE ALLIANCE FOR SOME MONTHS, TO FORM ITS OWN COALITION. ON SEPTEMBER 20, APPARENTLY IN RESPONSE TO THE FAILURE TO REACH AGREEMENT WITH THE SOCIALIST BLOC, THE PCCH ORGANIZED A PRESS CONFERENCE OF 93 LEFTIST SO-CALLED LEADERS TO ANNOUNCE THE FORMATION OF THE MDP. WHILE THE MDP IS OFFICIALLY COMPOSED OF ONLY THE PCCH AND PART OF THE PS/ALMEYDA FACTION, IT ALSO APPEARS TO HAVE INCORPORATED A GROUP ANNOUNCED ONLY A FEW DAYS EARLIER, THE FRENTE DE LA IZQUIERDA, WHICH INCLUDED SOME HARDER-LINE IC, MAPU AND PS/ALMEYDA ELEMENTS. (ALSO, WHILE ITS INCORPORATION INTO THE MDP HAS NEVER BEEN OFFICIALLY ANNOUNCED, THE MIR - CHILE'S MOST ACTIVE TERRORIST ORGANIZATION - HAS STATED ITS SUPPORT FOR AND AGREEMENT WITH THE OBJECTIVES OF THE GROUP.) THE PARTICIPANTS IN THE PRESS CONFERENCE ANNOUNCING THE FORMATION OF THE MDP WERE CAREFUL NOT TO CLOSE THE DOOR TO COOPERATION WITH THE ALLIANCE, HOWEVER, AND DESCRIBED THEIR POSITION ONLY AS A "POINT OF REFERENCE" DISTINCT FROM BUT NOT CONTRADICTORY TO THE ALLIANCE. FURTHER, THE MDP SPECIFICALLY DECLARED ITS AGREEMENT WITH THREE MAIN POINTS OF THE AUGUST 22 DECLARATION OF THE ALLIANCE, WHICH CALLED FOR PINOCHET'S

RESIGNATION, AN IMMEDIATE CONSTITUENT ASSEMBLY AND AN EMERGENCY ECONOMIC PLAN.

7. CONCLUSION: THE MOST SIGNIFICANT CHANGE ON THE LEFT IN RECENT YEARS HAS BEEN THE INCORPORATION OF REPRESENTATIVES OF THE RELATIVELY MORE MODERATE SOCIALISTS IN CHILE INTO THE DEMOCRATIC ALLIANCE AND LATER INTO THE SOCIALIST BLOC.

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PAGE 03 SANTIA 05894 02 OF 02 061603Z

THE IMPORTANCE OF THESE MOVES IS TWOFOLD: (1) THE RE-EMERGENCE OF THE SOCIALISTS IN CHILE AS INDEPENDENT FACTORS ON THE POLITICAL SCENE; AND (2) THE AT LEAST TEMPORARY RUPTURE OF THE HISTORIC PS/PCCH AXIS WITH A CONSEQUENT STRENGTHENING OF DEMOCRATIC AS OPPOSED TO HARD-LINE MARXIST/LENINIST TENDENCIES IN THE SOCIALIST MOVEMENT. WHILE THE EMOTIONAL AND POLITICAL ATTRACTIONS OF LEFTIST UNITY AND ALL-EMBRACING COALITIONS SHOULD NOT BE DISCOUNTED, RECENT ALIGNMENTS OFFER SOME PROSPECT FOR A MODERATE OPPOSITION CONSENSUS THAT COVERS AT LEAST PART OF THE LEFT. ALSO NOTEWORTHY IS THE VISIBLE DECLINE OF THE IC AND THE TWO MAPU GROUPS, NOT ONLY AS POLITICAL GROUPS BUT ALSO AS INTELLECTUAL INFLUENCES. THE BETTING OF MOST OBSERVERS IS THAT THEY WILL EVENTUALLY BE ABSORBED INTO THE SOCIALIST PARTY OR PARTIES, WHERE THEIR VOICES AND INFLUENCE WILL BE FURTHER MUTED. FINALLY, THE EXCLUSION OF THE PCCH, BOTH FROM THE ALLIANCE AND THE SOCIALIST BLOC, COULD HAVE THE SOMEWHAT PARADOXICAL EFFECT OF MODERATING THEIR BEHAVIOR, ALTHOUGH IN THE NEAR TERM THE COMMUNISTS WILL PROBABLY STAY WITH THE "VIA ARMADA" AND TRY TO UNDERMINE THE POLITICAL DIALOGUE. HOWEVER, THE SITUATION ON THE LEFT IS STILL VERY FLUID AND THE PRESSURES FOR LEFTIST UNITY AND/OR ALL-EMBRACIN COALITIONS SHOULD NOT BE UNDERESTIMATED. THE AMBIGUOUS AND EVEN CONTRADICTORY ANNOUNCEMENTS REGARDING THE PARTICIPATION OF ALL THE OPPOSITION GROUPS IN THE ALLIANCE RALLY ON OCTOBER 11 INDICATE THAT THE MODERATE OPPOSITION LEADERS FIND IT VERY DIFFICULT TO REJECT SUPPORT FROM THE LEFT. THE RALLY, AS WELL AS THE MDP-SPONSORED DAY OF PROTEST ON OCTOBER 13, SHOULD HELP CLARIFY THE SITUATION SOMEWHAT AS THEY WILL TEST THE DRAWING POWER OF THE OPPOSITION COALITIONS AND ALSO TEST THE ABILITY OF THE ALLIANCE TO MAINTAIN ITS DISTANCE FROM THE COMMUNISTS. MATTHEWS

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Case Number: s199900006

CONFIDENTIAL

PAGE 01 SANTIA 05880 061357Z
ACTION ARA-16

INFO	OCT-00	COPY-01	ADS-00	INR-10	EUR-12	SS-10	OIC-02
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TO SECSTATE WASHDC 6693
INFO AMEMBASSY BRUSSELS
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AMEMBASSY BUENOS AIRES
USMISSION GENEVA
AMEMBASSY MEXICO
AMEMBASSY OSLO
AMEMBASSY PARIS
AMEMBASSY ROME
AMEMBASSY STOCKHOLM

Chile Project (#S199900030)
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Exemption(s) ___

C O N F I D E N T A L SANTIAGO 5880

DEPARTMENT FOR S/IL

BRUSSELS FOR USEC

E.O. 12356: DECL: 10/5/89
TAGS: ELAB, PINS, PGOV, CI (BUSTOS, MANUEL)
SUBJ: NATIONAL LABOR COORDINATOR (CNS) PRESIDENT MANUEL BUSTOS BACK IN TOWN; RETURNS TO WORK; INSISTS HE HAS NOT CHANGED AND THAT HE WILL FIGHT FOR DEMOCRACY IN CHILE.

REFS: (A) SANTIAGO 5596; (B) BRUSSELS 12883 (NOTAL)
1. (U) NATIONAL LABOR COORDINATOR (CNS) PRESIDENT MANUEL BUSTOS RETURNED TO CHILE OCTOBER 1 AFTER 10 MONTHS IN EXILE. HE HAD BEEN SENT OUT OF THE COUNTRY FOR ATTEMPTING

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CONFIDENTIAL

PAGE 02 SANTIA 05880 061357Z

TO HOLD AN UNAUTHORIZED RALLY TO PROTEST AGAINST THE PINOCHET GOVERNMENT LAST DECEMBER 1982. HE HAD BEEN LIVING IN ROME SINCE THEN AS THE GUEST OF THE ITALIAN LABOR MOVEMENT.BUSTOS, ACCOMPANIED BY ITALIAN LABOR REPRESENTATIVE LUIGI CAL, RETURNED TO A WELCOMING CROWD OF ABOUT 200 WELL-WISHERS, INCLUDING CHRISTIAN DEMOCRATS

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ANDRES ZALDIVAR AND JAIME CASTILLO WHO HAD ALSO RECENTLY RETURNED TO CHILE FROM EXILE. BUSTOS WAS ALSO WELCOMED BY OTHER MEMBERS OF THE CHRISTIAN DEMOCRATIC PARTY (OF WHICH HE IS A LEFT-WING MEMBER) AND BY CNS ACTING PRESIDENT MIGUEL VEGA, CNS MEMBERS HERNAN MERY AND MARIA ROZAS, COPPERWORKERS CONFEDERAION (CTC) PRESIDENT RODOLFO SEGUEL, AS WELL AS TWO REPRESENTATIVES FROM THE RIVAL UNION OF DEMOCRATIC WORKERS (UDT), ANTONIO MIMIZA AND ERNESTO VOGEL.

2.(U) IN AN AIRPORT STATEMENT, BUSTOS SAID HE WAS HAPPY TO BE BACK IN CHILE, AND THAT EXILE WAS VERY CRUEL. HE SAID: "I PREFER TO BE IN JAIL A THOUSAND TIMES TO EXILE." HE CALLED FOR "THE UNITY FO ALL LABOR ORGANIZATIONS IRRESPECTIVE OF IDEOLOGICAL DISTINCTION, CONCENTRATING ON THE THINGS THAT UNITE RATHER THAN THOSE THAT DIVIDE US." FOLLOWING THE AIRPORT RECEPTION, A MOTORCADE ACCOMPANIED BUSTOS TO CNS HEADQUARTERS WHERE HE RESUMED LEADERSHIP OF THE ORGANIZATION. POLICE OBSERVED BUT DID NOT INTERFERE WITH THE WELCOMING CEREMONIES AND MOTORCADE.

3. (U) ON OCTOBER 4, FOLLOWING A MEETING OF THE NATIONAL WORKERS COMMAND (CNT), PRESIDED OVER BY SEGUEL, AND WHICH WAS RESPONSIBLE FOR CALLING THE FIRST SO-CALLED DAY OF NATIONAL SOCIAL PROTEST LAST MAY 11, BUSTOS PRAISED SEGUEL AND THE CNT. HE STRESSED THE NEED FOR THE AUTONOMY OF LABORORGANIZATIONS FROM POLITICAL PARTIES. HE ALSO RECOGNIZED THENEED FOR A CONFIDENTIAL

CONFIDENTIAL

PAGE 03 SANTIA 05880 061357Z

DIALOGUE WITH THE GOC BECAUSE "WE HAVE TO TALK TO THOSE WITH POWER, NOT BECAUSE WE SUPPORT THE GOVERNMENT BUT RATHER TO CHANGE IT."

4. (U) LATER BUSTOS CALLEDON SUPREME COURT PRESIDENT RETAMAL, WHO HE PRAISED FOR HAVING OPPOSED THE USE OF EXILE, PARTICULARLY UNDER ADMINISTRATIVE DECREE. BUSTOS USED THE OCCASION IN THE COMPANY OF LAWYERS TO PRESENT A WRIT OF HABEAS CORPUS ON BEHALF OF HECTOR CUEVAS. CUEVAS, PRESIDENT OF THE CONSTRUCTION WORKERS CONFEDERATION AND A KNOWN COMMUNIST, WAS EXPELLED WITH BUSTOS.BUSTOS STATED THAT SINCE CUEVAS AND HE WERE EXPELLED FOR THE SAME REASON IT WAS UNJUST FOR CUEVAS NOT TO BE ALLOWED TO RETURN. FINALLY, BUSTOS WAS ABLE TO RETURN TO HIS PREVIOUS JOB AT THE SUMAR TEXTILE FACTORY. (MIGUEL VEGA HAD EARLIER TOLD THE EMBASSY THAT THEMANAGEMENT OF SUMAR HAD DECIDED TO HOLD OPEN A JOB FOR BUSTOS INDEFINITELY.)

5. (C) EMBASSY COMMENT: BUSTOS' RETURN HAS BEEN LOW-KEY, AND SO FAR HE SEEMS TO HAVE PLAYED IS ROLE

OF THE RETURNING VETERAN LEADER RATHER WELL. HIS AIRPORT STATEMENT, HOWEVER, SHOULD GIVE FOOD FOR THOUGHT TO THE ICFTU ORGANIERS OF THE PLANNED "SEMINAR ON CHILE WHICH WOULD EXCLUDE THE COMMUNIST MEMBERS OF THE CNS FROM PARTICIPATING" (REF B). WE HAVE NO DOUBT THAT BUSTOS CAN GET AUTHORIZATION FROM HE COMMUNIST-DOMINATED CNS TO ATTEND SUCH A SEMINAR, PARTICULARLY IF THERE IS A POSSIBILITY OF ADDITIONAL ICFTU EUROPEAN AFFILIATE FINANCING FOR THE CNS. WE HAVE GRAVE DOUBTS, HOWEVER, ABOUT THE SIGNIFICANCE OF SUCH A SEMINAR FOR PROMOTING DEMOCRATIC TRADE UNION UNITY IN CHILE. BUSTOS IMPLY CONTINUES TO BELIEVE THAT HE AND THE COMMUNISTS CAN WORK TOGETHER EFFECTIVELY FOR A COMMON PURPOSE, I.E., THE OUTER OF THE PINOCHET GOVERNMENT. HE IS NOT WORRIED AT THIS POINT ABOUT THE AFTERMATH. WE CONTINUE TO BELIEVE THIS APPROACH IS VERY DANGEROUS FOR THE FUTURE OF THE DEMOCRATIC AND INDEPENDENT TRADE
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PAGE 04 SANTIA 05880 061357Z

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Archival Project (1993)

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TELEGRAM

PAGE 01 SAN SA 09396 131659Z 2390

ACTION ARA-00

INFO OCT-00 COPY-01 ADS-00 AID-00 INR-10 SS-00 CIAE-00
EB-08 DODE-00 H-01 NSCE-00 NSAE-00 ISO-00 SY-00
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E.O. 12356: N/A
TAGS: PGOV, PINS, ELAB, ES
SUBJECT: D'AUBUISSON REPEATS ACCUSATIONS AGAINST FINATA, AID AND UPD

1. LEADING LOCAL JOURNALS EL DIARIO DE HOY AND LA PRENSA GRAFICA PUBLISHED STATEMENTS BY MAJOR D'AUBUISSON IN THEIR OCTOBER 12 ISSUES. ACCORDING TO THE NEWSPAPER REPORTS, D'AUBUISSON CALLED A PRESS CONFERENCE TO "DENOUNCE FINATA CORRUPTION AND THE ILLEGAL MEASURES IT IS TAKING IN REGARD TO THE IMPLEMENTATION OF DECREE 207 AND TO ANNOUNCE THAT ARENA WILL ORGANIZE A COMMITTEE FOR THE DEFENSE OF DECREE 207."

2. D'AUBUISSON TOLD NEWSMEN THAT HE CONSIDERED FINATA (GOES PHASE III INSTITUTION) DIRECTOR GALILEO TORRES TO BE A TRAITOR (VENDEPATRIA) WHO HAS PERMITTED ABUSES TO TAKE PLACE IN THE IMPLEMENTATION OF THE THIRD PHASE OF THE AGRARIAN REFORM AND HAS FOSTERED "CLASS HATREDS AMONG THE CAMPESINOS." D'AUBUISSON CHARGED THAT THESE ABUSES ARE TAKING PLACE ALL OVER THE COUNTRY, BUT MORE FREQUENTLY IN THE WESTERN AND NORTHERN DEPARTMENTS. D'AUBUISSON SPECIFICALLY CHARGED TORRES AND FINATA WITH THREATENING SMALL LANDOWNERS WITH EXPROPRIATIONS AND LAND INVASIONS THROUGH THE USE OF FALSE WITNESSES, FORCE, AND OTHER UNSAVORY PROCEDURES.

3. D'AUBUISSON WENT ON TO CRITICIZE DECREE 207 ITSELF, WHICH, HE CLAIMED, WAS BROUGHT TO THIS COUNTRY BY "ROY PROSTERMAN, A SELF-STYLED TECHNICIAN WHO IMPLANTED THE SAME SYSTEM IN VIET NAM, WHERE HE FAILED. USING EL SALVADOR AS A GUINEA PIG, PROSTERMAN IS ALSO IMPLANTING HIS THESIS HERE, TO SEE IF IT FINALLY WORKS." D'AUBUISSON THEN PRESENTED NEWSMEN WITH A SERIES OF FINATA EXPROPRIATIONS UNDER DECREE 207 WHICH HE CONSIDERED TO BE IN FLAGRANT VIOLATION OF THE LAW.

4. D'AUBUISSON REPEATED HIS CHARGES AGAINST UCS LEADER AND UPD POLITICAL COMMISSION MEMBER SAMUEL MALDONADO, WHOM HE ACCUSED OF HAVING HAD DIRECT CONTACT WITH THE ERP AND FARN GUERRILLA GROUPS OVER THE YEARS. HE ALSO REITERATED HIS CHARGES THAT "THE UCS IS INFILTRATED BY THE GUERRILLA AND CHANNELS AID MONEY TO THE SUBVERSIVES." D'AUBUISSON SAID THAT AS MUCH AS FIVE MILLION DOLLARS A YEAR IN AID MONEY HAS BEEN ROUTED TO THE SUBVERSIVES VIA THE UCS. D'AUBUISSON SPECIFIED THAT AID ITSELF IS NOT DIRECTLY RESPONSIBLE FOR THIS MISUSE AND EVEN EXTOLLED THE AGENCY'S WORK IN OTHER AREAS.

5. COMMENT. ALTHOUGH WE HAVE NOT YET RECEIVED A COMPLETE TRANSCRIPT OF D'AUBUISSON'S PRESS CONFERENCE, UPD LEADER JORGE CAMACHO TOLD LABOFF THAT D'AUBUISSON ACTUALLY WENT INTO SOME DETAIL REGARDING MALDONADO'S ALLEGED CONTACTS WITH THE GUERRILLAS. CAMACHO ALSO SAID THAT D'AUBUISSON--WHOSE CONFERENCE WAS BROADCAST OVER THE RADIO--TOLD NEWSMEN THAT THE "ONLY UPD LEADER WHO HAD HIS RESPECT WAS ACOPAI PRESIDENT JORGE CAMACHO, WHO WORKED WITH ME IN SENSAL." SENSAL WAS THE ARMY INTELLIGENCE SERVICE. CAMACHO INFORMED LABOFF THAT HE IS PREPARING HIS OWN PRESS CONFERENCE TO REPUDIATE THESE UNWANTED COMPLIMENTS. EMBASSY WILL CABLE COPY OF THE COMPLETE TRANSCRIPT OF D'AUBUISSON'S PRESS CONFERENCE AS SOON AS IT BECOME AVAILABLE. END COMMENT.
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PAGE 01 MANAGU 04576 01 OF 03 132146Z
ACTION ARA-16

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CONFIDENTIAL SECTION 01 OF 03 MANAGUA 4576

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EO 12356: DECL OADR
TAGS: ECON PINS PGOV PREL OREP NU
SUBJECT: CONGRESSMAN SENSENBRENNER MEETS WITH DANIEL ORTEGA

1. C-ENTIRE TEXT.

2. SUMMARY. IN AN OCTOBER 11 MEETING WITH REP. JAMES SENSENBRENNER AND CONSERVATIVE CAUCUS EXECUTIVE SECRETARY ANDY MESSING, GRN JUNTA COORDINATOR DANIEL ORTEGA SAID THAT RECENT COUNTERREVOLUTIONARY ATTACKS WERE CONTRIBUTING TO ECONOMIC DECLINE, AND WERE REDUCING THE POLITICAL SPACE AVAILABLE TO ACHIEVE A PEACEFUL SOLUTION
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PAGE 02 MANAGU 04576 01 OF 03 132146Z

TO THE PROBLEMS OF THE REGION. REITERATING THE SANDI-

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NISTA POSITION THAT AN AGREEMENT BETWEEN THE USG AND THE GRN WAS A CRUCIAL PREREQUISTITE FOR THE SUCCESS OF OTHER NEGOTIATING EFFORTS, HE SAID THAT BOTH SIDES SHOULD CEASE ATTEMPTS TO PLACE BLAME ON THE OTHER AND INSTEAD TAKE "CONCRETE INITIATIVES". SPECIFICALLY , ORTEGA SUGGESTED THAT IF THE U.S. WOULD CEASE SUPPORT FOR THE COUNTERREVOLUTIONARIES AND WITHDRAW ITS NAVAL FORCES FROM THE REGION, THE GRN WOULD "ADDRESS" AND "MEET" U.S. SECURITY CONCERNS. HE SAID THE GRN WAS WILLING TO AGREE TO "EQUILIBRIUM LEVELS" OF OFFENSIVE WEAPONRY IN THE REGION. ORTEGA DENIED THAT THE GRN HAD A POLICY OF "REVOLUTION WITHOUT FRONTIERS". ASKED ABOUT HUMAN RIGHTS ISSUES, ORTEGA RESPONDED THAT THE SANDINISTA POLICY TOWARD THE MISKITO INDIANS "HAD FAILED", BUT SAID THAT MESSING WAS "MISINFORMED" ABOUT PRISON CONDITIONS, PERSECUTION OF THE JEWS, AND THE LACK OF RELIGIOUS FREEDOM IN NICARAGUA. ORTEGA ACKNOWLEDGED THAT A RELAXATION OF PRESS CENSORSHIP WOULD BE NECESSARY TO HOLD FREE ELCTIONS IN 1985, BUT SAID THAT UNDER "CURRENT CONDITIONS" SUCH A RELAXATION WAS NOT POSSIBLE. DURING THE INTERVIEW, ORTEGA APPEARED RELATIVELY SUBDUED AND PREOCCUPIED. THE ATTACK ON THE PETROLEUM TANKS AT CORINTO THE PREVIOUS EVENING, WHERE FIRES WERE STILL RAGING, WAS PROBABLY ON HIS MIND. END SUMMARY.

3. CULMINATING A ONE-DAY VISIT TO NICARAGUA OCTOBER 11, REP. JAMES SENSENBRENNER (R-WISCONSIN) WAS RECEIVED BY GRN JUNTA COORDINATOR DANIEL ORTEGA. SENSENBRENNER WAS ACCOMPANIED BY ANDY MESSING, EXECUTIVE SECRETARY OF THE CONSERVATIVE CAUCUS, AMBASSADOR QUAINTON AND ECONOFF. ATTENDING WITH ORTEGA WERE ACTING FOREIGN MINISTER NORA ASTORGA AND FOREIGN MINISTRY NORTH AMERICAN AFFAIRS DIR-

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ECTOR SAUL ARANA. ORTEGA APPEARED RELATIVELY SUBDUED AND PREOCCUPIED DURING THE INTERVIEW, PERHAPS BECAUSE OF THE ATTACK ON THE PETROLEUM TANKS AT CORINTO THE PREVIOUS EVENING. THE TANK FARM WAS STILL BURNING AT THE TIME OF THE MEETING. NEVERTHELESS, ORTEGA HANDLED ALL QUESTIONS SMOOTHLY AND WITH POISE.

4.THE CURRENT SITUATION. REP. SENSENBRENNER THANKED ORTEGA FOR ARRANGING THE MEETING AND ASKED FOR HIS VIEWS REGARDING THE CURRENT SITUATION. ORTEGA BEGAN BY SAYING

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THAT HE WELCOMED VISITS BY U.S. CONGRESSMEN SUCH AS REP. SENSENBRENNER BECAUSE THEY ALLOWED A PERSONAL EXCHANGE OF VIEWS. NICARAGUA DESIRED "GOOD AND NORMAL" RELATIONS WITH THE UNITED STATES, BUT THE CURRENT SITUATION WAS " DIFFICULT". EACH SIDE WAS BLAMING THE OTHER, WHILE CONDITIONS CONTINUED TO DETERIORATE. ORTEGA REFERRED TO THE OCOTBER 10 ATTACK ON FUEL TANKS AT CORINTO, WHERE HE SAID A 1.6 MILLION GALLON DIESEL TANK WAS BURNING "OUT OF CONTROL". THE GRN HAD ASKED FOR INTERNATIONAL ASSISTANCE TO PUT OUT THE FIRE, AND HAD RECEIVED OFFERS OF TECHNICAL TEAMS FROM COLOMBIA AND MEXICO. ORTEGA SAID THIS KIND OF ACTION CAUSED ECONOMIC DECLINE IN NICARAGUA AND DECREASED THE "POLITICAL SPACE" AVAILABLE FOR FINDING A SOLUTION TO THE REGION'S PROBLEMS. "NOW IS NOT THE TIME FOR FINDING CULPRITS", ORGEGA SAID. THE MOST IMPORTANT THING WAS TO FIND SOLUTIONS. NICARAGUA HAD MADE "CONCRETE INITIATIVES" BUT HAD NOT YET RECEIVED A RESPONSE FROM THE U.S., OTHER THAN "CONTINUED MILITARY ESCALATION".

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~~C O N F I D E N T I A L~~ SECTION 02 OF 03 MANAGUA 4576

5. ORTEGA ACKNOWLEDGED U.S. CONCERNS THAT NICARAGUA MIGHT POSE A THREAT TO ITS SECURITY. NICARAGUA ALSO HAD SECURITY CONCERNS. HE PROPOSED THAT THE TWO GOVERNMENTS REACH AGREEMENTS TO SOLVE MUTUAL CONCERNS AND REDUCE TENSIONS, AND TO GUARANTEE THE SECURITY OF BOTH SIDES. AN ESSENTIAL STEP IN THIS DIRECTION WOULD BE FOR THE U.S. TO STOP ITS SUPPORT FOR COVERT OPERATIONS. A DEAL COULD THEN BE NEGOTIATED REGARDING ARMS AND FOREIGN ADVISORS. THE GRN WOULD AGREE TO THE REMOVAL OF ALL FOREIGN MILITARY ADVISORS FROM CENTRAL AMERICA AND AN "EQUILIBRIUM" FOR LEVELS OF OFFENSIVE WEAPONS. PREREQUISITE FOR SUCH AGREEMENTS WOULD BE SECURITY FOR NICARAGUA. WITHOUT SECURITY, NICARAGUA WAS FORCED TO INCREASE ITS MILITARY FORCES. RECENT AIR ATTACKS, FOR EXAMPLE, HAD FORCED THE
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GRN TO AUGMENT ITS ANTI-AIRCRAFT DEFENSES. THE MILIATRY SITUATION WAS BECOMING MORE COMPLICATED EVERY

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DAY AND MADE THE SEARCH FOR A PEACEFUL SOLUTION MORE DIFFICULT.

6. NEGOTIATIONS, THE CONTRAS, AND "REVOLUTION WITHOUT FRONTIERS". MESSING ASKED ORTEGA WHAT CONCRETE STEPS THE GRN WOULD BE PREPARED TO TAKE IF THE U.S. ENDED ITS SUPPORT FOR THE COUNTERREVOLUTIONARIES AND WITHDREW ITS NAVAL FORCES FROM THE REGION. ORTEGA RESPONDED THAT THE GRN WOULD BE READY TO DISCUSS KEY AREAS OF CONCERN TO THE U.S. ASSURANCES WOULD BE GIVEN REGARDING ADVISORS, ARMS LEVELS, AND SUPPORT FOR TOEHR REVOLUTONARY MOVEMENTS IN THE REGION. IT THE U.S. TOOK THE ACTIONS MENTIONED BY MESSING, NICARRAGUA " WOULD MEET U.S. CONCERNS", ORTEGA SAID. SENSENBRENNER ASKED ORTEGA IF THE GRN WOULD BE WILLING TO RENOUNCE PERMANENTLY THE "REVOLUTION WITHOUT FRONTIERS". ORTEGA SIAD HE COULD ASSURE MESSING THAT REVOLUTION WITHOUT FRONTIERS WAS NOT GRN POLICY. IT PRIDED ITSELF ON THE INDEPENDENCE OF ITS THOUGHT AND IDEOLOGY. THE GRN VIEWED THE NICARAGUAN REVOLUTION IN A "VERY CONCRETE CONTEXT", ESPECIALLY IN TERMS OF GEOGRAPHY, AND RECOGNIZED THAT "WE HAVE TO LOOK FOR AN UNDERSTANDING WITH THE UNTIED STATES,AND THEY WITH US". THIS CONTEXT PRECLUDED THE POSSIBILITY OF A "REVOLUTION WITHOUT FRONTIERS".

7. MESSING ASKED ORTEGA IF THE GRN WOULD AGREE TO A UN PEACEKEEPING FORCE ON THE NORTHERN FRONTIER. ORTEGA SAID THAT THE UNITED NATIONS WAS VERY IMPORTANT, BUT THERE WERE OTHER PRACTICAL STEPS WHICH WOULD YIELD "CONCRETE SUCIRITY". HE SUGGESTED NICARAGUAN-HONDURAN JOINT BORDER PATROLS WHICH COULD APPEAL TO THE UN IN CASE OF DISPUTES. THE UN WAS BETTER THAN THE OAS FOR THIS MEDIATION, ACCORD-

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ING TO ORTEGA, BUT THE CONTADORA COUNTREIS"COULD ALSO PLAY A ROLE". AN UNDERSTANDING BETWEEN THE USG AND THE GRN "WOULD LEAD RAPIDLY" TO AN UNDERSTANDING BETWEEN NICARAGUA AND HONDURAS, ORTEGA SAID. HE CITED A 1980 AGREEMENT BETWEEN THE GRN AND GOH REGARDING SECURITY AND FRONTIERS, WHICH HE SAID WAS NEVER IMPLEMENTED BECAUSE "THE SITUATION CHANGED" .

8. MESSING ASKED ORTEGA WHETHER IN VIEW OF RECENT FDN SUCCESSES THE GRN WOULD BE WILLING TO NEGOTIATE WITH THE FDN, FOR EXAMPLE, WITH CALERO. ORTEGA SAID CALERO WAS A

CIA AGENT, AND THE REST OF THE FDN LEADERSHIP WAS FORMER LEADERS OF SOMOZA'S NATIONAL GUARD. HE SAID THE FDN HAD NOT ACHIEVED ANY SUCCESSES EXCEPT SABOTAGE, AND SAID THE SABOTAGE WAS PERFOMED BY THE CIA AND NOT THE FDN. "WE CAN HANDLE THE FDN", ORTEGA SAID. ACCORDIN TO ORTEGA, NICARAGUA WOULD NOT NEGOTIATE WITH GROUPS WHICH WERE INVADING IT.

9. HUMAN RIGHTS ISSUES. MESSING SAID THAT CONDITIONS IN NICARAGUAN PRISONS AND JAILS WERE REPORTED TO BE VERY POOR. HE REFERRED TO A RECENT INCIDENT AT A PRISON IN TIPITAPA (SEPTEL) WHERE SEVERAL PEOPLE WERE RUMORED TO HAVE BEEN KILLED. HE ASKED ORTEGA WHETHER THE GRN WOULD AUTHORIZE AN "IMPARTIAL INVESTIGATION" OF THIS INCIDENT AND OF PRISON CONDITIONS IN NICARAGUA. ORTEGA REPLIED THAT IT WAS REGRETTABLE THAT THE DELEGATION WAS IN NICARAGUA FOR SUCH A SHORT VISIT. WITH MORE TIME, THE GRN WOULD ARRANGE FOR THE CODEL TO VISIT PRISONS AS DO "MANY INTERNATIONAL GROUPS". WHILE NICARAGUA DID NOT HAVE THE MATERIAL RESOURCES TO HAVE PRISONS ON THE STANDARDS OF THE U.S., JOILS HERE COMPARED VERY FAVORABLY WITH THOSE IN COSTA RICA, FOR EXAMPLE. REFERRING TO THE TIPITAPA INCIDENT, ORTEGA SAID THAT SIX FORMER NATIONAL GUARDSMEN HAD ESCAPED AND HAD NOT YET BEEN CAUGHT. HE DENIED THAT ANY ONE HAD BEEN KILLED, EITHER DURING OR AFTER THE INCIDENT.
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10. ASKED ABOUT THE MISKITO INDIAN ISSUE, ORTEGA SIAD IT WAS A VERY COMPLEX PROBELM, ANALOGOUS TO THE 200- YEAR STRUGGLE OF U.S. BLACKS TO ACHIEVE LEGAL RECOGNITION OF THEIR CIVIL RIGHTS. THE MISKITOS HAD ALWAYS HAD SEPARATIST TENDENCIES, AND UNDER THE SOMOZA REGIME WERE ESSENTIALLY IGNORED. AFTER THE REVOLUTION, THE SANDINISTAS ATTEMPTED TO BRING THE MISKITOS INTO THE MAINSTREAM OF NATIONAL LIFE. ORTEGA HIMSELF HAD HELPED ORGANIZE A MISKITO POLITICAL ORGANIZATION WHICH WAS REPRESENTED IN THE COUNCIL OF STATE BY STEADMAN FAGOTH, CURRENTLY LEADER OF THE ANTI-SANDINISTA MISURA GUERRILLAS. AS THIS POLICY BEGAN TO DEVELOP, THE "NATIONAL GUARD" BEGAN TO PRESSURE THE MISKITOS INTO TAKING UP ARMS AGAINST THE GRN. AT THE TIME THE SANDINISTAS HAD "ALMOST NO SOLDIERS" ON THE EAST COAST, WHICH FACILITATED THE SUBVERSIVE EFFORTS OF THE MISKITOS. NOW, SAID ORTEGA, THE GRN AND THE COUNTERREVO-

LUTIONARIES WERE ENGAGED IN A STRUGGLE FOR THE MISKITO POPULATION, WHICH HAD CREATED "VERY DIFFICULT CONDITONS" FOR THE GRN. " ALL THE INITIAL SANDINISTA EFFORTS ON BEHALF OF THE MISKITOS HAVE FAILED" ORTEGA SAID.

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PAGE 01 MANAGU 04576 03 OF 03 132205Z
ACTION ARA-16

INFO OCT-00 COPY-01 ADS-00 AID-07 INR-10 EUR-12 SS-10
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~~C O N F I D E N T I A L~~ SECTION 03 OF 03 MANAGUA 4576

11. MESSING ASKED ABOUT RELIGIOUS FREEDOM IN NICARAGUA, CITING THE TREATMENT OF THE POPE, THE BISMARCH CARBALLO INCIDENT, AND THE PRESECUTION OF THE JEWS.ORTEGA SAID THERE HAD BEEN NO PERSECUTION OF THE JEWS IN NICARAGUA. PEOPLE HAD BEEN PUNISHED FOR ASSOCIATION WITH THE SOMOZA DICTATORSHIP, BUT THIS WAS NOT RELATED TO THEIR RELIGIOUS BELIEFS. THERE WAS, HE INSISTED, COMPLETE FREEDOM OF WORSHIP FOR CATHOLICS, PROTESTANTS AND JEWS. CONCERNING THE CATHOLIC CHURCH, ORTEGA SAID THE GRN HAD BEEN A VICTIM OF A "CAMPAIGN OF DISINFORMATION" ORCHESTRATED BY THE INTERNATIONAL PRESS. NICARAGUANS HAD NOT INSULTED THE POPE, HE SAID,UNLESS YELLING "WE WANT PEACE" COULD BE CONSIDERED AN INSULT. THE CURRENT POLITICAL SITUATION IN NICARAGUA WAS SO TENSE THAT EVERYTHING WAS MANIPULATED

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PAGE 02 MANAGU 04576 03 OF 03 132205Z

FOR POLITICAL PURPOSES. "SOME PEOPLE USE THEIR CATHOLICISM AS A POLITICAL TOOL, SO THEY GET INTO POLITICAL CON-

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FRONTATIONS", ORTEGA CONCLUDED. THIS INCLUDED CHRISTIAN REVOLUTIONARIES.

12.THE 1985 ELECTIONS AND FREEDOM OF THE PRESS. REP. SENSENBRENNER TOLD ORTEGA THAT FREEDOM TO CRITICIZE THE GOVERNMENT WA NECESSARY FOR FREE ELECTIONS, AND ASKED IF THE GRN INTENDED TO LIFT PRESS CENSORSHIP PRIOR TO ITS 1985 ELECTION. ORTEGA RESPONDED THAT IN THE ELECTORAL PROCESS THERE WOULD BE A "MEDIA OPENING", BUT THAT THIS WOULD REQUIRE THAT CERTAIN OTHER CONDITIONS BE FULFILLED. THE PRESENT SITUATION WAS NOT CONDUCIVE TO SUCH CONDITIONS AND, THEREFORE, AN ELECTION COULD NOT REASONABLY BE HELD NOW.HE SAID THE GRN HAD A COMMITMENT TO ITS PEOPLE TO HOLD ELECTIONS IN 1985. RESTRICTIONS ON LA PRENSA WERE NOT DESIRED BY THE GRN, BUT WERE FORCED BY EXTERNAL PRESSURE. ORTEGA SIAD LATIN AMERICAN EXPERIENCE PROVED THAT PRESS FREEDOM COULD BE USED TO UNDERMINE AND BRING DOWN A FREELY-ELECTED GOVERNMENT, AS WAS THE CASE IN CHILE UNDER ALLENDE. SENSENBRENNER POINTED OUT THAT THE SAME ARGUMENT APPLIED IN THE CASE OF RICHARD NIXON. ORTEGA REPLIED THAT THE DIFFERENCE WAS THAT IT HAS BEEN PROVEN IN THE UNITED STATE THAT THE CIA USED THE CHILEAN PRESS TO DESTABILIZE THE ALLENDE GOVERNMENT.

13. THE FUTURE OF THE PRIVATE SECTOR. MESSING SAID THE GRN APPEARED TO BE DRIFTING TOWARD INCREASINGLY MARXIST, SOCIALIST OR COMMUNIST POLICIES.HE ASKED WHETHER THERE WAS A FUTURE FOR A MIXED ECONOMY. ORTEGA SAID THE GRN WAS TRYING TO HAVE A MIXED ECONOMY, BUT THAT U.S. POLICIES MADE IT DIFFICULT. THE CUT IN NICARAGUA' S SUGAR QUOTA, FOR EXAMPLE, HAD BEEN A BLOW TO THE PELLAS FAMILY WHO ARE

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LARGE PRIVATE SUGAR PRODUCERS. THE PELLAS' WERE SAVED, HE SAID, BECAUSE IRAN, A GOVERNMENT UNFRIENDLY TO THE U.S., HAD AGREED TO BUY THE SUGAR THE U.S. WAS NOW TURNING DOWN. THE ATTACK ON CORINTO ALSO DESTROYED PROPERTY BELONGING *TO THE PRIVATE SECTOR. IN GENERAL, THE PROSPECTS FOR A* MIXED ECONOMY WERE BEING THREATENED BY CONTRA ATTACKS.

14. CONCLUSION. ORTEGA CONCLUDED THE MEETING BY SAYING THAT THERE WAS AN HISTORIC COMMUNICATIONS PROBLEM BETWEEN THE U.S. AND NICARAGUA. THE REVOLUTION WAS A PRODUCT OF POOR U.S. POLICY. PRIOR TO 1979 THE U.S. HAD NOT BEEN

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CONCERNED FOR DEMOCRACY. THE U.S. BORE THE MAJOR RESPONSIBILITY TO REGAIN NICARAGUANS' TRUST. SENSENBRENNER REPLIED THAT MEETINS SUCH AS THIS ONE WERE VERY USEFUL, SO THAT UNDERSTANDING BETWEEN THE TWO COUNTRIES COULD BE INCREASED.

14. COMMENT.ORTETA'S MANNER AND REMARKS WERE INDICATIVE OF THE DEGREE TO WHICH THE SANDINISTA GOVERNMENT FEELS ITSELF UNDER PRESSURE. HIS CALL FOR BOTH SIDES TO STOP PAOINTING THE FINGER AT ONE ANOTHER AND GET DOWN TO SERIOUS DISCUSSIONS INDICATED A PREOCCUPATION WITH THE NEED *TO ADDRESS CONCRETE SOLUTIONS.*
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TELEGRAM

PAGE 01 SAN SA 09483 01 OF 03 142308Z 0169

ACTION ARA-00

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	SY-05	H4-00	L-03	LAB-04	PM-02	PA-01	NCT-02
	OMB-01	STR-10	SIL-01	CAL-01	SYE-00	SP-02	SNP-01
	PRC-01	/119 W					

152328Z 150023Z /72

P 142308Z OCT 83
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC PRIORITY 9936
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HTS PN
USIA WASHDC 1638
AMEMBASSY BRUSSELS

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[redacted] SECTION 01 OF 03 SAN SALVADOR 09483

BRUSSELS FOR USEC LABATT
DEPT PLEASE PASS TO DOL/ILAB
USIA FOR AR AND P/CENTAM

E.O. 12356: DECL: 10/14/89
TAGS: ELAB, SHUM, ES
SUBJECT: RIGHTIST VIOLENCE CONTINUES AGAINST LABOR AND CAMPESINO LEADERS

REF: SAN SALVADOR 09417

1. [redacted] ENTIRE TEXT.

2. SUMMARY: THERE HAS BEEN AN ADDITIONAL UPSURGE IN RIGHTIST VIOLENCE COUPLED WITH POLICE OPERATIONS AGAINST LABOR AND CAMPESINO LEADERS IN THE DAYS IMMEDIATELY FOLLOWING THE SEPTEMBER 27 UPD DEMONSTRATION IN SUPPORT OF THE AGRARIAN REFORM. IN AN OCTOBER 5 PRESS CONFERENCE, THE UPD DEFENDED UPD LEADER SAMUEL MALDONADO AGAINST ROBERTO D'AUBUISSON'S CHARGES THAT MALDONADO WAS IN CONTACT WITH GUERRILLA GROUPS. THE UPD BELIEVES THAT RECENT RIGHTIST ACTIVITIES ARE A REACTION TO THE UPD DRIVE TO AMEND THOSE CRAFT ARTICLES IN THE CONSTITUTION WHICH DEAL WITH LAND TENURE. THE UPD IS RUEFUL ABOUT ITS POSSIBLE EMERGING ROLE AS THE ONLY REMAINING SPOKESMAN FOR THE AGRARIAN REFORM. IT SENSES THAT THE PDC, ITS ONLY NATURAL ALLY IN THE ASSEMBLY, IS BACKING OFF FROM FULL SUPPORT OF THE THIRD PHASE OF THE REFORM, PERHAPS AS A RESULT OF THIS CLIMATE OF INTIMIDATION AND A POSSIBLE PDC SENSE OF A DRIFT TO THE RIGHT IN THE POLITICAL SCENE. END SUMMARY.

3. THE AFL-CIO-LINKED POPULAR DEMOCRATIC UNITY (UPD) AN THE LOCAL AIFLD OFFICE ARE ALARMED AT THE RECENT INCREASE OF VIOLENT ACTS DIRECTED AGAINST LABOR AND CAMPESINO ACTIVISTS OVER MOST OF EL SALVADOR. THESE INCIDENTS INCLUDE THE SEPTEMBER 28 MURDER OF LORENZO MIRA, AN ACOPAI PROMOTER IN LA PAZ. MIRA WAS TAKEN FROM HIS HOME AT MIDNIGHT BY ARMED CIVILIANS; HIS FAMILY WAS TOLD HE WAS BEING EXECUTED FOR HIS PARTICIPATION IN THE SEPTEMBER 27 UPD DEMONSTRATION IN SUPPORT OF THE AGRARIAN REFORM PROCESS. TWO GOES AGRARIAN LITERACY PROMOTERS WERE ALSO MURDERED THAT SAME WEEK IN SANTA TECLA, A SUBURB OF SAN SALVADOR. ADDITIONALLY, AIFLD IS ALSO CONCERNED ABOUT A "DISINFORMATION CAMPAIGN" AGAINST THE UCS AND ACOPAI -- THE TWO CAMPESINO AFFILIATES OF THE UPD -- IN SANTA ANA, AHUACHAPAN, AND SONSONATE. ACCORDING TO AIFLD, UCS PROMOTERS IN SANTA ANA AND AHUACHAPAN HAVE BEEN ACCUSED BY LOCAL MILITARY COMMANDERS, OF BELONGING TO GUERRILLA GROUPS WHO HAVE ALSO THREATENED THEM WITH DEATH. PROMOTERS AND AFFILIATES OF ACOPAI IN SONSONATE HAVE BEEN ACCUSED OF BEING COMMUNISTS AFTER A SERIES OF DISPUTES, REGARDIN DECREE 207 CLAIMS, WITH LOCAL LANDOWNERS. ONE OF THESE INCIDENTS REPORTED BY AIFLD AND ACOPAI, RESULTED IN THE IMPRISONMENT OF FOUR ACOPAI MEMBERS AND THE DEATH OF TWO CHILDREN, SHOT BY THE NATIONAL GUARD SOLDIERS MAKING THE ARRESTS. IN SAN SALVADOR, FOUR MEMBERS OF THE NATIONAL CENTRAL OF WORKERS (CTS) WERE ARRESTED OVER THE PAST WEEK ON VARIOUS UNSPECIFIED CHARGES. NON-UPD LABOR LEADERS HAVE BEEN ALSO ARRESTED IN SIGNIFICANT NUMBERS. EYEWITNESSES TOLD US THAT ROSENDO MEJIA CARPIO, SECRETARY GENERAL OF THE STRIKING URBAN HOUSING INSTITUTE WORKERS UNION (SETIVU), WAS ARRESTED ON SEPTEMBER 29 BY UNIFORMED MEMBERS OF THE NATIONAL POLICE. (COMMENT: WE ARE SEEKING CONFIRMATION.) SANTIAGO HERNANDEZ, SECRETARY GENERAL OF THE LEGAL LEFTIST LABOR UNION UNITY FEDERATION (FUSS) WAS KIDNAPP BY ARMED CIVILIANS ON SEPTEMBER 26, WHILE ON HIS WAY TO A PRESS CONFERENCE; CHIS BODY WAS LATER FOUND--SEE SEPTEL! TWO MEMBERS OF THE CENTRIST GENERAL CONFEDERATI OF LABOR UNIONS (CGS) WERE ARRESTED ON SEPTEMBER 29 AND FIRED FROM THEIR GOVERNMENT JOBS UPON THEIR RELEASE.

4. UPD LEADERS RECENTLY VISITED DEF MIN VIDES CASANOVA TO PETITION FOR HELP IN THE SECURITY OF THEIR MEMBERS AND, ACCORDING TO AIFLD SOURCES, WERE TOLD BY VIDES THAT "I HAVE THREATS AGAINST ME, TOO," AND THAT HE COULD NO NOTHING TO HELP THEM. IN VIEW OF THIS SITUATION, THE UPD IS TRYING TO WORK OUT A WAY TO HELP

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Department of State IB/EPO/CDC By Sebastian NF Date 9/24/93
Declassified under EO 12356 (X) in full; ( ) in part;
portions withheld: classified ( ); confidential ( );
law enforcement ( ); personal privacy ( ); [illegible]

lot 25025
box 20/17

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PAGE 01 SAN SA 09483 02 OF 03 142303Z 8172
ACTION ARA-06

INFO OCT-00 COPY-01 ADS-00 AID-00 INR-10 EUR-00 SS-00
CIAE-00 EB-04 DODE-00 H-01 NSC-01 NSAE-00 COME-00
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OMB-01 STR-14 SIL-01 SAL-01 SYE-00 SP-02 SNP-01
PRS-01 /119 W
------------------162340 150024Z /72

P 142303Z OCT 83
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC PRIORITY 9997
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HTS PN
USIA WASHDC 1639
AMEMBASSY BRUSSELS

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El Salvador: Human Rights
Special Project (1993)

[redacted] SECTION 02 OF 03 SAN SALVADOR 09483

BRUSSELS FOR USEC LABATT
DEPT PLEASE PASS TO DOL/ILAB
USIA FOR AR AND P/CENTAM

ITS LEADERS DEFEND THEMSELVES. AMONG THE ALTERNATIVES BEING CONSIDERED IS A "UPD GUARD FORCE," WHICH WOULD INCLUDE APPROXIMATELY FORTY GUARDS. IT IS POSSIBLE, HOWEVER, THAT THESE EXTRAORDINARY MEASURES WOULD BE REQUIRED ONLY DURING THE PERIOD PRIOR TO THE ELECTIONS, I.E., ABOUT SIX MONTHS.

5. ON OCTOBER 5, THE UPD HELD A PRESS CONFERENCE IN WHICH UPD POLITICAL COMMITTEE MEMBER MIGUEL ANGEL VAZQU PUBLICLY CHARGED THAT CONSTITUENT ASSEMBLY PRESIDENT MAJOR ROBERTO D'AUBUISSON HAD FALSELY ACCUSED UPD LEADER SAMUEL MALDONADO OF HAVING CONTACTS WITH GUERRIL GROUPS. VAZQUEZ SAID THAT D'AUBUISSON'S ATTACK AGAINST MALDONADO WAS A VICIOUS ATTEMPT TO CRIPPLE THE UPD'S DRIVE TO HAVE THE AGRARIAN REFORM ENSHRINED IN THE CONSTITUTION. VAZQUEZ STATED THAT THE UPD HOLDS D'AUBUISSON RESPONSIBLE FOR ANY ATTACK ON MALDONADO AS A RESULT OF THE D'AUBUISSON CHARGES. VAZQUEZ ALSO CALLED D'AUBUISSON A HYPOCRITE, REFERRING TO THE LATTER'S STATEMENT THAT HE RESPECTED ALL OTHER UPD LEADERS EXCEPT MALDONADO. THE UPD SPOKESMAN ALSO POINTED OUT THAT AT LEAST FIVE OTHER POLITICAL AND LABO LEADERS (INCLUDING ARCHBISHOP ROMERO AND UCS LEADER RODOLFO VIERA) WERE ALL KILLED SHORTLY AFTER JUST SUCH A D'AUBUISSON ATTACK. VAZQUEZ VOWED THAT THE UPD WOULD CONTINUE ITS DEMOCRATIC STRUGGLE AND THAT IT WILL USE ALL LEGAL MEANS AT ITS DISPOSAL TO SAFEGUARD THE LIVES OF ITS MEMBERS AND LEADERS.

6. LATER ON OCTOBER 5, AIFLD DIRECTOR RUPERT SCOFIELD TOLD AMBASSADOR PICKERING THAT MALDONADO MAY HAVE PARTICIPATED IN A FEW CONVERSATIONS WITH FAPU ACTIVISTS IN 1979. SCOFIELD BELIEVES THAT MALDONADO HAS HAD NO FURTHER CONTACTS WITH THESE GROUPS AND HAS UNIMPEACHABLE DEMOCRATIC CREDENTIALS. THE AMBASSADOR TOLD SCOFIELD THAT HE SENT A MESSAGE TO D'AUBUISSON AS SOON AS THE CHARGES WERE MADE PUBLIC AND REQUESTED TO MEET WITH HIM. THE AMBASSADOR RECOUNTED THE GIST OF THE MEETING WITH D'AUBUISSON, DURING WHICH THE LATTER MAINTAINED THAT THE EVIDENCE OF MALDONADO'S LINKS WITH THE GUERRILLA GROUPS WAS IN THE HANDS OF THE SECURITY FORCES. SCOFIELD TOLD AMBASSADOR PICKERING ABOUT INCREASED AIFLD/UPD CONCERN ABOUT PHYSICAL SECURITY.

AIFLD SECURITY ADVISER GORDON ELLISON SAID THAT AIFLD IS TRYING TO CONVINCE DEFMIN VIDES CASANOVA OFFICIALLY TO SUPPORT UPD EFFORTS TO UPGRADE THEIR SECURITY ARRANGEMENT, INCLUDING OFFICIAL PROTECTION OF UPD LEADERS AND INSTALLATIONS.

7. THE UPD BELIEVES THAT RECENT RIGHTIST ACTIVITIES AR A REACTION TO THE UPD'S DEFENSE OF THE AGRARIAN REFORM. UPD LEGAL ADVISER JOSE MARIA "CHEMITA" MENDEZ, JR. SAYS THAT THE PDC IS NOT BARGAINING IN GOOD FAITH REGARDING THE AMENDMENTS TO THE CONSTITUTIONAL DRAFT ARTICLES ON LAND TENURE. MENDEZ ADMITTED, HOWEVER, THAT THE UPD AND THE PDC SEE EYE TO EYE ON THE FUTURE OF PHASE I AND COULD EASILY REACH A COMPROMISE ON PHASE II. THE STICKING POINTS, MENDEZ SAID, ARE MOSTLY ON THE FUGURE OF PHASE III. ACCORDING TO MENDEZ, THE PDC IS DESPERATELY TRYING TO HAVE THE UPD ENDORSE COMPROMISE LANGUAGE THAT THE PDC HAS TENTATIVELY CLEARE WITH THE PCN, PAISA AND AD PARTIES. THE UPD CONSIDERS THE PDC PROPOSAL SO FAR UNACCEPTABLE BECAUSE IT ALLEGED LY DOES NOT AFFORD PHASE III WITH BASIC PROTECTION UNDE THE CONSTITUTION AND WOULD INSTEAD RELY ON REVERSIBLE LEGISLATION. MENDEZ AND ACOPAI PRESIDENT JORGE CAMACHO EXPRESSED FRUSTRATUION OVER WHAT THEY CONSIDER IS THE PDC'S RELUCTANCE TO PUSH STRONGLY FOR THE ORIGINAL UPD REVISION TO THE DRAFT ARTICLES DEALING WITH LAND TENURE (WHICH THE PDC HAS ADMITTED IT IS COMMITTED TO SUPPORT). MENDEZ AND CAMACHO BELIEVE THAT THE PDC'S TIMIDITY IS MOSTLY DUE TO THE FACT THAT THE PDC SENSES A SHIFT TO THE RIGHT IN THE POLITICAL SCENE AND COULD BE INTIMIDATED BY THE RECENT SHOW OF

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[redacted] Department of State INCOMING TELEGRAM UNCLASSIFIED

PAGE 01 SAN SA 09483 03 OF 03 142309Z 0966
ACTION ARA-00

INFO	OCT-00	COPY-01	ADS-00	AID-00	INR-10	EUR-00	SS-00
	CIAE-00	EB-08	DODE-00	H-01	NSC-01	NSAE-00	COME-00
	SY-05	HA-08	L-03	LAB-04	PM-08	PA-01	MCT-02
	OMB-01	STR-14	SIL-01	SAL-01	SYE-00	SP-02	SNP-01
	PRS-01	/119 W					

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P 142303Z OCT 83
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC PRIORITY 9898
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HTS PN
USIA WASHDC 1640
AMEMBASSY BRUSSELS

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El Salvador: Human Rights
Special Project (1993)

[redacted] SECTION 03 OF 03 SAN SALVADOR 09483

BRUSSELS FOR USEC LABATT
DEPT PLEASE PASS TO DOL/ILAB
USIA FOR AR AND P/CENTAM

RIGHTIST VIOLENCE. MENDEZ SAYS HE IS WORRIED THAT THE PDC IS NOT INTERESTED IN THE AGRARIAN REFORM ANY MORE, OR AT LEAST NOT CHAMPIONING IT WITH THE SAME FERV. OF YORE. HE NOTES THAT IN THE CASE OF ECREE 207 (PHASE III), THE PDC IS PUSHING FOR OUTRIGHT TERMINATION OF THE LATEST EXTENSION BEFORE ITS NATURAL EXPIRATION DATE OF DECEMBER 31, 1983. THE QUID PRO QUO FOR EARLY TERMINATION WOULD BE TO GUARANTEE FINAL TITLE TO ALL PHASE III APPLICANTS REGARDLESS OF LANDLORD OPPOSITION. MENDEZ RUEFULLY FORECASTS THAT IF THE UPD IS ALLOWED TO BECOME THE ONLY BULWARK OF THE AGRARIAN REFORM IN EL SALVADOR, WITH NO POLITICAL PARTY TO CHAMPION ITS VIEWS AND THOSE OF THE CAMPESINOS, THE UPD WILL GRADUALLY LOSE ITS POLITICAL SPACE AND WIL BE SUBJECTED TO AN EVEN FIERCER PERSECUTION BY RIGHTIST

8. COMMENT: THE DRAFT ARTICLES ON LAND TENURE WILL BE PROBABLY DISCUSSED, FINALLY, DURING THE WEEK OF OCTOBER 17-21. ALTHOUGH THE UPD IS APPARENTLY HANGING TOUGH ON ANY COMPROMISE LANGUAGE, UPD REPS TOLD AMBASSADOR ON OCTOBER 8 THAT THEY WOULD BE WILLING TO ACCEPT THE PDC PROPOSAL TO GIVE PERMANENT TITLES AUTOMATICALLY TO ALL REGISTERED PHASE III BENEFICIARIES UP UNTIL DECEMBER 31, 1983, WITH NO EXTENSIONS BEYOND THAT DATE (REFTEL). THEY ALSO BELIEVE THAT AN ACCEPTABLE COMPROMISE COULD BE REACHED ON PHASE II. WE DO NOT BELIEVE THAT THE PDC HAS LOST ANY OF ITS INTEREST IN AN EQUITABLE AGRARIAN REFORM. THE PDC MAY INDEED BE SOMEWHAT INTIMIDATED BY THE RECENT UPSURG IN RIGHTIST VIOLENCE AND IS NATURALLY BEHAVING MORE TIMIDLY THAN USUAL. UNLIKE THE UPD, MOREOVER, THE PDC IS A POLITICAL PARTY CONCERNED WITH THE ART OF THE POSSIBLE AND WILL BE PROBABLY MORE INCLINED TO ACCEPT A COMPROMISE WHICH THE "ALL OR NOTHING" UPD MAY HAVE MORE TROUBLE SWALLOWING. END COMMENT. PICKERING

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Specia' Project (1993)

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PAGE 01 SAN SA 09483 01 OF 03 142308Z
ACTION ARA-16

INFO OCT-00 COPY-01 ADS-00 AID-07 INR-10 EUR-12 SS-10
CIAE-00 EB-08 DODE-00 H-01 NSC-01 NSAE-00 COME-00
SY-06 HA-08 L-03 LAB-04 PM-08 PA-01 MCT-02
OMB-01 STR-14 SIL-01 SAL-01 SYE-00 SP-02 SNP-01
PRS-01 /119 W
------------------162321 1509232 /72
P 142303Z OCT 83
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC PRIORITY 9996
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HTS PN
USIA WASHDC 1638
AMEMBASSY BRUSSELS

[redacted] SECTION 01 OF 03 SAN SALVADOR 09483

BRUSSELS FOR USEC LABATT
DEPT PLEASE PASS TO DOL/ILAB
USIA FOR AR AND P/CENTAM

E.O. 12356: DECL: 10/14/89
TAGS: ELAB, SHUM, ES
SUBJECT: RIGHTIST VIOLENCE CONTINUES AGAINST LABOR AND CAMPESINO LEADERS

REF: SAN SALVADOR 09417

1. CONFIDENTIAL - ENTIRE TEXT.

2. SUMMARY: THERE HAS BEEN AN ADDITIONAL UPSURGE IN [redacted]

PAGE 02 SAN SA 09483 01 OF 03 142308Z

RIGHTIST VIOLENCE COUPLED WITH POLICE OPERATIONS

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Department of State IS/FPC/CDR El Salvador SP Date 9/23/93
Declassified under EO 12356 (X) in full: ( ) in part;
portions withheld: classified ( ); deliberative ( );
law enforcement ( ); privacy ( ); statutory ( );
not relevant to El Salvador ( ).

AGAINST LABOR AND CAMPESINO LEADERS IN THE DAYS IMMEDIATELY FOLLOWING THE SEPTEMBER 27 UPD DEMONSTRATION IN SUPPORT OF THE AGRARIAN REFORM. IN AN OCTOBER 5 PRESS CONFERENCE, THE UPD DEFENDED UPD LEADER SAMUEL MALDONADO AGAINST ROBERTO D'AUBUISSON'S CHARGES THAT MALDONADO WAS IN CONTACT WITH GUERRILLA GROUPS. THE UPD BELIEVES THAT RECENT RIGHTIST ACTIVITIES ARE A REACTION TO THE UPD DRIVE TO AMEND THOSE DRAFT ARTICLES IN THE CONSTITUTION WHICH DEAL WITH LAND TENURE. THE UPD IS RUEFUL ABOUT ITS POSSIBLE EMERGING ROLE AS THE ONLY REMAINING SPOKESMAN FOR THE AGRARIAN REFORM. IT SENSES THAT THE PDC, ITS ONLY NATURAL ALLY IN THE ASSEMBLY, IS BACKING OFF FROM FULL SUPPORT OF THE THIRD PHASE OF THE REFORM, PERHAPS AS A RESULT OF THIS CLIMATE OF INTIMIDATION AND A POSSIBLE PDC SENSE OF A DRIFT TO THE RIGHT IN THE POLITICAL SCENE. END SUMMARY.

3. THE AFL-CIO-LINKED POPULAR DEMOCRATIC UNITY (UPD) AN THE LOCAL AIFLD OFFICE ARE ALARMED AT THE RECENT INCREASE OF VIOLENT ACTS DIRECTED AGAINST LABOR AND CAMPESINO ACTIVISTS OVER MOST OF EL SALVADOR. THESE *INCIDENTS INCLUDE THE SEPTEMBER 29 MURDER OF LORENZO* MIRA, AN ACOPAI PROMOTER IN LA PAZ. MIRA WAS TAKEN FROM HIS HOME AT MIDNIGHT BY ARMED CIVILIANS; HIS FAMILY WAS TOLD HE WAS BEING EXECUTED FOR HIS PARTICIPATION IN THE SEPTEMBER 27 UPD DEMONSTRATION IN SUPPORT OF THE AGRARIAN REFORM PROCESS. TWO GOES AGRARIAN LITERACY PROMOTERS WERE ALSO MURDERED THAT SAME WEEK IN SANTA TECLA, A SUBURB OF SAN SALVADOR. ADDITIONALLY, AIFLD IS ALSO CONCERNED ABOUT A "DISINFORMATION CAMPAIGN" AGAINST THE UCS AND ACOPAI -- THE TWO CAMPESINO AFFILIATES OF THE UPD -- IN SANTA ANA, AHUACHAPAN, AND [redacted]

PAGE 03 SAN SA 09483 01 OF 03 142308Z

SONSONATE. ACCORDING TO AIFLD, UCS PROMOTERS IN SANTA ANA AND AHUACHAPAN HAVE BEEN ACCUSED BY LOCAL MILITARY COMMANDERS, OF BELONGING TO GUERRILLA GROUPS WHO HAVE ALSO THREATENED THEM WITH DEATH. PROMOTERS AND AFFILIATES OF ACOPAI IN SONSONATE HAVE BEEN ACCUSED OF BEING COMMUNISTS AFTER A SERIES OF DISPUTES, REGARDIN DECREE 207 CLAIMS, WITH LOCAL LANDOWNERS. ONE OF THESE INCIDENTS REPORTED BY AIFLD AND ACOPAI, RESULTED IN THE IMPRISONMENT OF FOUR ACOPAI MEMBERS AND THE DEATH OF TWO CHILDREN, SHOT BY THE NATIONAL GUARD SOLDIERS

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Special Project (1994)

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MAKING THE ARRESTS. IN SAN SALVADOR, FOUR MEMBERS OF THE NATIONAL CENTRAL OF WORKERS (CTS) WERE ARRESTED OVER THE PAST WEEK ON VARIOUS UNSPECIFIED CHARGES. NON-UPD LABOR LEADERS HAVE BEEN ALSO ARRESTED IN SIGNIFICANT NUMBERS. EYEWITNESSES TOLD US THAT ROSENDO MEJIA CAMPIO, SECRETARY GENERAL OF THE STRIKING URBAN HOUSING INSTITUTE WORKERS UNION (SETIVU), WAS ARRESTED ON SEPTEMBER 29 BY UNIFORMED MEMBERS OF THE NATIONAL POLICE. (COMMENT: WE ARE SEEKING CONFIRMATION.) SANTIAGO HERNANDEZ, SECRETARY GENERAL OF THE LEGAL LEFTIST LABOR UNION UNITY FEDERATION (FUSS) WAS KIDNAPP BY ARMED CIVILIANS ON SEPTEMBER 26, WHILE ON HIS WAY TO A PRESS CONFERENCE: (HIS BODY WAS LATER FOUND--SEE SEPTEL) TWO MEMBERS OF THE CENTRIST GENERAL CONFEDERATI OF LABOR UNIONS (CGS) WERE ARRESTED ON SEPTEMBER 29 AND FIRED FROM THEIR GOVERNMENT JOBS UPON THEIR RELEASE.

4. UPD LEADERS RECENTLY VISITED DEF MIN VIDES CASANOVA TO PETITION FOR HELP IN THE SECURITY OF THEIR MEMBERS AND, ACCORDING TO AIFLD SOURCES, WERE TOLD BY VIDES THAT "I HAVE THREATS AGAINST ME, TOO," AND THAT HE COULD NO NOTHING TO HELP THEM. IN VIEW OF THIS SITUATION, THE UPD IS TRYING TO WORK OUT A WAY TO HELP

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PAGE 01 SAN SA 09483 02 OF 03 1423092
ACTION ARA-16

INFO OCT-00 COPY-01 ADS-00 AID-07 INR-10 EUR-12 SS-10
CIAE-00 EB-08 DODE-00 H-01 MSC-01 NSAE-00 COME-00
SY-05 HA-08 L-03 LAB-04 PM-08 PA-01 NCT-02
OMB-01 STR-14 SIL-01 SAL-01 SYE-00 SP-02 SNP-01
PRS-01 /119 W
----------162340 150024Z /12
P 142303Z OCT 83
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC PRIORITY 9997
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HTS PM
USIA WASHDC 1639
AMEMBASSY BRUSSELS

[redacted] SECTION 02 OF 03 SAN SALVADOR 09483

BRUSSELS FOR USEC LABATT
DEPT PLEASE PASS TO DOL/ILAB
USIA FOR AR AND P/CENTAR

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5. ON OCTOBER 6, THE UPD HELD A PRESS CONFERENCE IN WHICH UPD POLITICAL COMMITTEE MEMBER MIGUEL ANGEL VAIQU PUBLICLY CHARGED THAT CONSTITUENT ASSEMBLY PRESIDENT

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PAGE 02 SAN SA 09483 02 OF 03 1423092

MAJOR ROBERTO D'AUBUISSON HAD FALSELY ACCUSED UPD LEADER SAMUEL MALDONADO OF HAVING CONTACTS WITH GUERRIL

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El Salvador: Human Rights
Special Project (1993)

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GROUPS. VAZQUEZ SAID THAT D'AUBUISSON'S ATTACK AG MALDONADO WAS A VICIOUS ATTEMPT TO CRIPPLE THE UPD DRIVE TO HAVE THE AGRARIAN REFORM ENSHRINED IN THE CONSTITUTION. VAZQUEZ STATED THAT THE UPD HOLDS D'AUBUISSON RESPONSIBLE FOR ANY ATTACK ON MALDONADO AS A RESULT OF THE D'AUBUISSON CHARGES. VAZQUEZ ALSO CALLED D'AUBUISSON A HYPOCRITE, REFERRING TO THE LATTER'S STATEMENT THAT HE RESPECTED ALL OTHER UPD LEADERS EXCEPT MALDONADO. THE UPD SPOKESMAN ALSO POINTED OUT THAT AT LEAST FIVE OTHER POLITICAL AND LABO LEADERS (INCLUDING ARCHBISHOP ROMERO AND UCS LEADER RODOLFO VIERA) WERE ALL KILLED SHORTLY AFTER JUST SUCH A D'AUBUISSON ATTACK. VAZQUEZ VOWED THAT THE UPD WOULD CONTINUE ITS DEMOCRATIC STRUGGLE AND THAT IT WILL USE ALL LEGAL MEANS AT ITS DISPOSAL TO SAFEGUARD THE LIVES OF ITS MEMBERS AND LEADERS.

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El Salvador: Human Rights
Special Project (1993)

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ACTION ARA-16

INFO OCT-00 COPY-01 ADS-00 AID-07 INR-10 EUR-12 SS-10
CIAE-00 EB-08 DODE-00 H-01 NSC-01 NSAE-00 COME-00
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P 142303Z OCT 83
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC PRIORITY 9990
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
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[redacted] SECTION 03 OF 03 SAN SALVADOR 09483

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RIGHTIST VIOLENCE. MENDEZ SAYS HE IS WORRIED THAT THE PDC IS NOT INTERESTED IN THE AGRARIAN REFORM ANY MORE, OR AT LEAST NOT CHAMPIONING IT WITH THE SAME FERV OF YORE. HE NOTES THAT IN THE CASE OF ECREE 207 (PHASE III), THE PDC IS PUSHING FOR OUTRIGHT TERMINATION OF THE LATEST EXTENSION BEFORE ITS NATURAL EXPIRATION DATE OF DECEMBER 31, 1983. THE QUID PRO QUO FOR EARLY TERMINATION WOULD BE TO GUARANTEE FINAL TITLE TO ALL PHASE III APPLICANTS REGARDLESS OF LAND-LORD OPPOSITION. MENDEZ RUEFULLY FORECASTS THAT IF

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THE UPD IS ALLOWED TO BECOME THE ONLY BULWARK OF THE AGRARIAN REFORM IN EL SALVADOR, WITH NO POLITICAL PARTY TO CHAMPION ITS VIEWS AND THOSE OF THE CAMPESINOS, THE UPD WILL GRADUALLY LOSE ITS POLITICAL SPACE AND WILL BE SUBJECTED TO AN EVEN FIERCER PERSECUTION BY RIGHTIST

8. COMMENT: THE DRAFT ARTICLES ON LAND TENURE WILL BE PROBABLY DISCUSSED, FINALLY, DURING THE WEEK OF OCTOBER 17-21. ALTHOUGH THE UPD IS APPARENTLY HANGING *TOUGH ON ANY COMPROMISE LANGUAGE, UPD REPS TOLD AMBAS-* SADOR ON OCTOBER 6 THAT THEY WOULD BE WILLING TO ACCEPT THE PDC PROPOSAL TO GIVE PERMANENT TITLES AUTOMATICALLY TO ALL REGISTERED PHASE III BENEFICIARIES UP UNTIL DECEMBER 31, 1983, WITH NO EXTENSIONS BEYOND THAT DATE (REFTEL). THEY ALSO BELIEVE THAT AN ACCEPTABLE COMPROMISE COULD BE REACHED ON PHASE II. WE DO NOT BELIEVE THAT THE PDC HAS LOST ANY OF ITS INTEREST IN AN EQUITABLE AGRARIAN REFORM. THE PDC MAY INDEED BE SOMEWHAT INTIMIDATED BY THE RECENT UPSURG IN RIGHTIST VIOLENCE AND IS NATURALLY BEHAVING MORE TIMIDLY THAN USUAL. UNLIKE THE UPD, MOREOVER, THE PDC IS A POLITICAL PARTY CONCERNED WITH THE ART OF THE POSSIBLE AND WILL BE PROBABLY MORE INCLINED TO ACCEPT A COMPROMISE WHICH THE "ALL OR NOTHING" UPD MAY HAVE MORE TROUBLE SWALLOWING. END COMMENT. PICKERING

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Special Project (1993)

'Hopeless but not serious'

By William E. Griffith

COMMENTARY

They used to say in pre-1914 Vienna that the situation was "hopeless but not serious." When I left Central America last month, I felt and still do that the same is true for us in Central America. Central America will long continue to be strife-torn, recalcitrant and hopeless. But minimal US efforts can keep Soviet and Cuban influence there from spreading. What Central America does or rather does not do for itself is its own business.

Central America is hopeless because it is poverty stricken. It has no natural resources. And it is split between Spanish-speaking urban dwellers and Indians who remain outside modern society. It has all the Spanish tradition of blood-drenched civil strife plus more of its own. Our long history of ignorant, blundering, repressive and thoughtless imperialism toward it makes us less knowledgeable, more incapable and thus more unsuitable to deal with its problems than anyone else.

So why don't we just quit Central America entirely? Aren't we doing more harm than good there? Why try to save something unsalvageable? To try to answer why we should not quit, let me set forth where, I think, Reagan is right about Central America and where he is wrong.

REAGAN IS RIGHT:

1. Not to quit. Central America is too close to us and even closer to Mexico. It is too weak alone to resist foreign influence. And if we quit, the guerrillas, the Nicaraguans, the Russians and the Cubans will not quit. So we and Mexico would have more Cubas to our south. The junta in Nicaragua and the guerrillas in El Salvador are what they say they are: Marxists-Leninists; convinced that only they can, and must, fight for social justice by trampling on democracy and civil rights. That they will corrupt their countries and themselves they neither think of now nor will care later. To keep their power will become, as it always does, their supreme goal. We find it rightly difficult, and should find it more so, to come to terms with anti-Communist tyrants. We cannot do so with pro-Soviet ones.

2. To see the El Salvadoran guerrillas as a victory for Managua, Havana and Moscow. And he is right to try to prevent this. True, Moscow and Havana did not support and do not control the guerrilla risings, and to claim that they do is to discredit one's own efforts. But they are scavengers of revolution, and without our efforts they will greatly profit from a guerrilla victory.

3. He is right to harass Nicaragua as long as it finances, trains, arms and helps direct the El Salvador guerrillas. Unilateral disarmament never works with tyrants of the right or the left. It will not work with Managua or Havana any more than it has worked with Moscow. The President's show of naval force has spoken to Managua, Havana and Moscow and pushed them somewhat toward moderation.

4. Finally, he is right to negotiate with and harass the guerrillas, and we should do the same with Nicaragua and Cuba. More accurately, congressional pressure has brought Reagan to this correct double-track strategy.

REAGAN IS WRONG:

1. To harass Nicaragua with "contras" (anti-Communist guerrillas), most of whom never fought Somoza's bloody, corrupt dictatorship (which we all too long supported), some of whom were in Somoza's National Guard and few of whom were in the Sandinista revolution against him. To split the Sandinista revolutionaries and thereby win popular support in Nicaragua is a reasonable objective. But invading Nicaragua is unreasonable, and fortunately Congress has made it impossible. But one cannot split revolutionaries with Somoza's remnants. Revolution is fought and won by politics even more than by arms. Reagan is supporting the wrong contras.

2. To have much too large a military presence in Honduras. It will turn much of the country against us and the rest of Latin America as well, for it is too reminiscent of our imperialist past and therefore counterproductive in our political struggle to defeat the guerrillas.

3. To have a military presence in Honduras and El Salvador that makes a mockery of his declarations about pushing the extreme right there out of power. Their corrupt and incompetent military leaders prop up their outmoded, exploiting oligarchies. Reagan talks about helping to move these countries toward the political center. But not only does he not do it politically, but his basically apolitical military presence there helps the very right-wing military and the oligarchies he claims he wants to push out of power. We cannot help to win, and eventually we will help to lose, the counter-guerrilla struggle unless we force reforms on the extreme right in El Salvador. It will not reform itself, and we are sabotaging ourselves as long as we don't do what we say we want.

William E. Griffith is a professor of political science at Massachusetts Institute of Technology.

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El Salvador Human Rights
Project (1993)

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Department of State
TELEGRAM

PAGE 01 SAN SA 05577 181928Z 3165
ACTION ARA-06

INFO OCT-06 COPY-01 ADS-00 AID-00 INR-10 SS-00 CIAE-00
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UNCLAS SAN SALVADOR 05577

USIA FOR AR AND P/CENTAM

E.O. 12356: N/A
TAGS: ELAB, PGOV, SHUM, ES
SUBJECT: UPD BLASTS D'AUBUISSON AGAIN

REF: SAN SALVADOR 05336

1. SUMMARY: THE UPD POLITICAL COMMISSION HELD A PRESS CONFERENCE ON OCTOBER 14 TO RESPOND TO MAJOR ROBERTO D'AUBUISSON'S OCTOBER 11 CHARGES AGAINST UCS LEADER AND UPD POLITICAL COMMISSION MEMBER SAMUEL MALDONADO (REFTEL). THE PRINCIPAL UPD SPOKESMAN WAS ACCIDAL PRESIDENT JORGE RUIZ CAMACHO, WHOM D'AUBUISSON HAD CALLED "THE ONLY UPD LEADER WHO HAS MY RESPECT..., AND WHO WORKED WITH ME IN SENSAL" (NOTE: SENSAL WAS THE ARMY INTELLIGENCE SERVICE). CAMACHO DELIVERED WHAT MANY ATTENDING JOURNALISTS DESCRIBED WAS THE MOST DEVASTATING VERBAL ATTACK AGAINST D'AUBUISSON EVER TO HAVE BEEN PUBLICLY EXPRESSED WITHIN EL SALVADOR END SUMMARY.

2. CAMACHO INVEIGHED HEAVILY AGAINST D'AUBUISSON'S "DESPERATE" DEFAMATION CAMPAIGN TO HAMSTRING THE UPD'S EFFORTS TO ENSURE THAT THE AGRARIAN REFORM WILL BE ENSHRINED IN THE NEW CONSTITUTION. (COMMENT: LAND TENURE ARTICLES OF THE CONSTITUTION WILL PROBABLY BE DISCUSSED DURING THE WEEK OF OCTOBER 17-21. END COMMENT.) THE UPD ATTRIBUTED D'AUBUISSON'S ACCUSATIONS AGAINST THE UCS AND MALDONADO TO "INTERNAL PRESSURE WHICH D'AUBUISSON IS RECEIVING FROM THE AGRICULTURAL SECTOR OF HIS PARTY, ARENA", AND FROM A POWERFUL ARENA MINORITY WHICH IS AFFECTED BY THE CONTINUING IMPLEMENTATION OF DECREE 207 ("THE LAND TO THE TILLER PROGRAM"). DESPAIRING OF ACHIEVING HIS ENDS THROUGH PURELY DEMOCRATIC MEANS, THE UPD ARGUED, D'AUBUISSON CHOSE TO REVERT TO TYPE AND FALSELY ACCUSED POLITICAL OPPONENTS OF HAVING LINKS WITH THE GUERRILLAS. THIS TACTIC, THE UPD SAID, IS INTENDED TO DESTROY THE GROWING DEMOCRATIC CENTER IN EL SALVADOR. D'AUBUISSON EMBARKED UPON IT WITH THE CERTAINTY THAT IT WOULD ENDANGER THE LIVES OF THOSE WHO "REPRESENT THE ONLY BARRIER" AGAINST THE REPRESSIVE AND VIOLENT "MODEL," HE IS "ATTEMPTING TO IMPOSE ON EL SALVADOR."

3. CAMACHO CALLED D'AUBUISSON A "DROWNING MAN" WHO IN HIS DEATH THROES, IS KICKING OUT AT THE UPD. CAMACHO STATED THAT THESE TACTICS WERE ALREADY OUTDATED AND ARE NOW COUNTERPRODUCTIVE. THE COUNTRY IS BECOMING INCREASINGLY MORE DEMOCRATIC AND THEREFORE, ACCORDING TO CAMACHO, D'AUBUISSON'S ATTACKS HAVE ONLY SERVED TO UNMASK HIM FOR GOOD. CAMACHO, HIS VOICE HEAVY WITH MOCK COMPASSION, TOLD THE PRESS THAT D'AUBUISSON'S BACKERS HAD PRESENTED HIM WITH THE BILL FOR THEIR SUPPORT AND REQUESTED HE FULFILL HIS PROMISES TO ROLL BACK THE AGRARIAN REFORM AND ELIMINATE THE LEFTIST THREAT. UNABLE TO ACCOMPLISH THE GOALS FOR WHICH HE WAS ENDORSED, D'AUBUISSON IS NOW BLINDLY TRYING TO GET EVEN WITH THOSE ELEMENTS IN THE DEMOCRATIC CENTER WHO HAVE DONE MOST TO MAKE DEMOCRACY SUCCEED IN EL SALVADOR. CAMACHO GLEEFULLY "REMINDED" D'AUBUISSON THAT HE HAD EVEN FAILED TO IDENTIFY HIS ENEMY CORRECTLY: WHILE D'AUBUISSON IS BUSY ATTACKING THE CENTER, PAISA, HIS NEW DE FACTO CONSERVATIVE ALLY, IS SYPHONING OFF MANY ARENA BACKERS AND SUPPORTERS. "IT IS NOT FROM PREVIOUS PCN SUPPORTERS THAT PAISA IS GARNERING MOST OF ITS STRENGTH," CAMACHO STATED, "BUT FROM GROUPS WHO HAVE BEEN SUPPORTING ARENA."

4. FINALLY, THE UPD COMMISSION TOLD THE PRESS THAT THEY CONTINUE TO HOLD MAJOR D'AUBUISSON PERSONALLY RESPONSIBLE FOR ANY ATTACK ON THE PERSON OF SAMUEL MALDONADO. THE LATTER, THEY ANNOUNCED, IS RETURNING TO EL SALVADOR FROM THE UNITED STATES DURING THE WEEK OF OCTOBER 17. THE UPD ALSO INFORMED NEWSMEN THAT THEY HAD SPOKEN WITH NATIONAL POLICE DIRECTOR REYNALDO LOPEZ NUILA ON THE VERY MORNING OF THE PRESS INTERVIEW AND WERE PROMISED THAT THE POLICE WOULD SEND PROTECTIVE DETACHMENTS TO GUARD ALL UPD INSTALLATIONS, ON A 24-HOUR BASIS. PICKERING

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PAGE 01 MANAGU 04779 01 OF 02 221908Z
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FM AMEMBASSY MANAGUA
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~~C O N F I D E N T I A L~~ SECTION 01 OF 02 MANAGUA 4779

EXDIS

Dept. of State, RPS/IPS, Margaret P. Grafeld, Dir.
(X) Release ( ) Excise ( ) Deny (X) Declassify
Date 2/27/02 Exemption _____

EO 12356 : DECL: OADR
TAGS : PREL, NU, XK
SUBJ : TOUR D'HORIZON WITH TOMAS BORGE

1. ~~CONFIDENTIAL~~ - ENTIRE TEXT.

2. SUMMARY: IN A MEETING WITH ME OCTOBER 22, INTERIOR MINISTER BORGE STRESSED THE HIGH COSTS FOR THE US OF ANY DIRECT INTERVENTION IN NICARAGUA. HE INDICATED HIS OBJECTION TO ANY PROVOCATIVE ACTIONS BY THE GRN IN HONDURAS AND SAID HE WOULD BE TAKING A DIRECT PERSONAL INTEREST IN WAYS TO GUARANTEE POLITICAL PARTIES' ACTIVITIES. HE ALSO SUGGESTED HE WOULD BE WORKING ON WAYS TO MODIFY PRESS CENSORSHIP. END SUMMARY.

2. IN PREPARATION FOR THE SAN SALVADOR CHIEFS OF MISSION MEETING, I CALLED ON INTERIOR MINISTER BORGE OCTOBER 22 FOR A TOUR D'HORIZON. BORGE RECEIVED ME ALONE IN HIS HOME IN A LOWER MIDDLE CLASS SUBURB OF MANAGUA. WEDISCUSSED AT SOME LENGTH BOTH THE MILITARY AND POLITICAL SITUATION IN THE COUNTRY.

4. I BEGAN BY EXPLAINING MY INTEREST IN OBTAINING AN UP-TO-DATE STATEMENT OF NICAFAGUA'S VIEWS BEFORE I MET WITH
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PAGE 02 MANAGU 04779 01 OF 02 221908Z

THE SECRETARY ON MONDAY. BORGE RESPONDED BY SAYING THERE WAS ONE ESSENTIAL POINT THAT WE SHOULD KEEP IN MIND. IF THE US INTERVENED MILITARILY IN NICARAGUA, THE COSTS WOULD BE VERY HIGH, NOT ONLY INTERNATIONALLY BUT ALSO IN TERMS OF LIVES. THE REVOLUTION WAS ARMING THE PEOPLE AND WOULD DEFEND ITSELF. HE NOTED, HOWEVER, THAT THE GRN HAD BEEN VERY PATIENT IN THE FACE OF RECENT ATTACKS. IT WOULD HAVE BEEN JUSTIFIED IN AIDING REVOLUTIONARY GROUPS IN NEIGHBORING COUNTRIES AT A TIME WHEN SO MANY MEN WERE BEING ARMED AND TRAINED AGAINST THE REVOLUTION. I SAID I HOPED NICARAGUA WOULD NOT TAKE ANY PROVOCATIVE STEPS IN NEIGHBORING COUNTRIES IN AN EFFORT TO DISRUPT WHAT SEVERAL SANDINISTAS HAD CALLED THE "ENEMY'S REAR GUARD." BORGE INSISTED THA HE WAS

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PERSONALLY OPPOSED TO ANY PROVOCATIVE ACTION OF THIS KIND.

5. THE CONVERSATION THEN TURNED TO THE RECENT NICARAGUAN PEACE PROPOSALS. I SAID THEY CONTAINED SOME POSITIVE FEATURES BUT MADE NO PROVISION FOR DEMOCRATIZATION OR FOR RECONCILIATION BETWEEN THE GOVERNMENT AND ITS NICARAGUAN ADVERSARIES. THE COMANDANTE IMMEDIATELY SAID THERE WAS NO POSSIBILITY OF SUBSTANTIVE NEGOTIATIONS WITH THE COUNTERREVOLUTION. THE ONLY SUBJECT TO BE DISCUSSED WAS THE SURRENDER OF THE CONTRAS. THERE WAS NO PLACE IN NICARAGUA'S POLITICAL LIFE FOR THE EX-GUARDIA OR PASTORA. IT MIGHT, HOWEVER, BE POSSIBLE TO NEGOTIATE A FUTURE ROLE FOR POLITICIANS SUCH AS ARTURO CURZ, ALFREDO CESA AND EVEN ADOLPHO CALERO.

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PAGE 01 MANAGU 04779 02 OF 02 221915Z
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EXDIS

6. BORGE WENT ON TO SAY THAT HE PERSONALLY CONTINUED TO SUPPORT GENUINE DEMOCRACY AND PLURALISM IN NICARAGUA. HE CITED THE RECENT POLITICAL PARTIES LAW AS PROGRESS BUT ALSO INDICATED THAT THERE WOULD NOW BE DELAYS IN MOVING FORWARD ON THE ELECTORAL LAW BECAUSE OF THE DIFFICULT SITUATION WIICH EXISTED IN THE COUNTRY. I POINTED OUT TO HIM A SENTENCE IN AN EDITORIAL IN TODAY'S EL NUEVO DIARIO WHICH SAID CATEGORICALLY THERE WOULD BE NO REPRESENTATIVE DEMOCRACY IN NICARAGUA.

BORGE SEEMED SURPRISED, BUT SAID THAT WAS NOT HIS VIEW. UNCLAS
THE PROBLEM, HE CLAIMED, IN CREATING DEMOCRACY IN NICARAGUA
WAS THE VERY WEAKNESS OF THE POLITICAL PARTIES, BOTH INSIDE
AND OUTSIDE THE GOVERNMENT COALITION. HE SAID HE HAD TOLD
HIS INTERLOCUTORS IN EUROPE THAT GIVEN THE WEAKNESS OF THE
POLITICAL PARTIES, A STRONG DEMOCRACY COULD NOT QUICKLY BE
CREATED. HE REPEATEDLY REFERRED TO THE PROBLEMS OF THE
SOCIAL CHRISTIANS, MENTIONING THAT HE HAD HEARD A LOT ABOUT
THEM DURING HIS EUROPEAN TOUR, PARTICULARLY THOSE THAT WERE
IN JAIL. HE INSISTED THAT THE PSC MEMBERS WHO WERE IMPREISONED
HAD BEEN ARRESTED FOR CONSPIRATIORIAL ACTIVITIES AND IN ONE CASE,
DRUP DEALING, BUT NOT BECAUSE OF THEIR POLITICAL VIEWS.
NEVERTHELESS, HE SAID THAT HE INTENDED TO MEET WITH THE SOCIAL
CHRISTIAN LEADERSHIP TO SEE WHETHER SOME OF THEIR PROBLEMS
COULD BE WORKED OUT AND TO CLARIFY THE DIFFERENCE BETWEEN
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LEGITIMATE POLITICAL ACTIVITIES AND CONSPIRATORIAL ACTIONS.

7. I SAID THAT, FRANKLY SPEAKING, I THOUGHT IT WAS UNLIKELY
THAT NICARAGUA WOULD MAKE MUCH PROGRESS ON ITS NEGOTIATING
PROPOSALS IF THERE WERE NOT SOME PROGRESS INTERNALLY.
NICARAGUA'S NEIGHBORS SAW A SITUATION THAT WAS BECOMING MORE
RADICALIZED AND MORE MILITARIZED. THIS SITUATION WAS A
SOURCE OF GREAT CONCERN TO THEM. WHAT WAS NEEDED WAS A
RELAXATION OF PRESS CENSORSHIP AND CONCRETE ACTIONS TO
DEMOCRATIZE THE REVOLUTION. BORGE ACKNOWLEDGED THE
POINT AND SAID HE WOULD ALSO BE LOOKING AT PRESS CENSOR-
SHIP. PEDRO JARQUIN CHAMORRO WAS A SENSIBLE MAN AND HE
INTENDED TO SPEAK WITH HIM. THERE WERE ENTHUSIASTS
IN THE CENSORSHIP OFFICE WHO OFTEN WENT TOO FAR.

8. I TOOK ADVANTAGE OF THE MEETING TO EXPRESS MY CONCERN
ABOUT RECENT STATEMENTS BY PHILIP AGEE CALLING FOR ACTS
AGAINST THE AMERICAN EMBASSY AND ITS PERSONNEL. I SAID I
HOPED THAT THERE WOULD NOT BE ANY HOSTILE ACTION AGAINST US.
BORGE IMMEDIATELY RESPONDED THAT NO MATTER HOW DIFFICULT THE
SITUATION BECAME, AND EVEN IF THERE WERE WAR, HE COULD
ASSURE ME THERE WOULD BE NO VIOLENT ATTACKS ON THE
EMBASSY AND THAT OUR SECURITY WOULD BE MAINTAINED.

9. AS I WAS LEAVING, BORGE ASKED ABOUT HIS VISA. I TOLD
HIM THAT I WAS AUTHORIZED TO GRANT HIM A VISA BUT HAD
NO IDEA ABOUT HIS PLANS. HE MADE CLEAR THAT HE HAD NO
IMMEDIATE PLANS TO TRAVEL TO THE US. HE WISHED TO PREPARE
THE VISIT CAREFULLY, TO GO WITH ONLY A SMALL DELEGATION, AND
TO LIMITED THE NUMBER OF HIS PUBLIC COMMITMENTS. HE
COLUNTEERED THAT THE VISIT WOULD NOT BE FOR THE PURPOSE
OF MAKING ANTI-AMERICAN PROPAGANDA.

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10. COMMENT: UNLIKE DANIEL ORTEGA LAST WEEK, BORGE WAS ENTIRELY NON-CONFRONTATIONAL. HE HADE NO ACCUSATIONS AGAINST THE US OR THE ADMINISTRATION. HIS ASSURANCES ABOUT HIS DEMOCRATIC PROCLIVITIES, OF COURSE, NEED TO BE TAKEN WITH A MASSIVE GRAIN OF SALT. NONETHELESS, HE SEEMED TO GRASP THE ESSENTIAL INTERRELATIONSHIP BETWEEN NICARAGUA'S SECURITY AGENDA AND ITS INTERNAL POLITICAL EVOLUTION.
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*** Current Classification *** [redacted]

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PAGE 01 GUATEM 09119 01 OF 20 242323Z
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[redacted] SECTION 01 OF 20 GUATEMALA 09119

E.O.12356: DECL: OADR
TAGS: SHUM, GT
SUBJECT: 1983 REPORT ON HUMAN RIGHTS PRACTICES -
- GUATEMALA.

REF: STATE 261750

1. [redacted]

2. SUBMITTED HEREWITH IS THE EMBASSY'S DRAFT HUMAN RIGHTS REPORT FOR GUATEMALA.

INTRODUCTION

GUATEMALA REMAINED UNDER A DE FACTO MILITARY GOVERNMENT IN 1983. GENERAL EFRAIN RIOS MONTT, WHO HAD BEEN INSTALLED AS LEADER OF A THREE-OFFICER MILITARY JUNTA ON MARCH 23, 1982, AND WHO SUBSEQUENTLY DISSOLVED THE JUNTA AND WAS NAMED PRESIDENT ON JUNE 9, 1982, WAS REMOVED BY MILITARY OFFICERS ON AUGUST 8, 1983. MINISTER OF DEFENSE, GENERAL OSCAR HUMBERTO MEJIA VICTORES, WAS DESIGNATED AS CHIEF OF STATE TO SUCCEED RIOS MONTT. GUATEMALA IS PRIMARILY AN AGRICULTURAL COUNTRY.
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PAGE 02 GUATEM 09119 01 OF 20 242323Z

COMMERCIAL AND PEASANT AGRICULTURE, TAKEN TOGETHER, IS THE LEADING ECONOMIC SECTOR IN TERMS OF OUTPUT, EMPLOYMENT, AND FOREIGN EXCHANGE EARNINGS. MANUFACTURING, WHICH SERVES THE INTERNAL MARKET AND CENTRAL AMERICA, GREW

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RAPIDLY IN THE POST-WORLD WAR II PERIOD, BUT THE SCALE OF PRODUCTION IS SMALL, AND IN GENERAL IT IS NOT NOW COMPETITIVE OUTSIDE THE REGION. ECONOMIC GROWTH DURING THE PAST 30 YEARS RAISED GUATEMALA TO THE MIDDLE RANK OF DEVELOPING COUNTRIES, AS MEASURED BY PER CAPITA GNP AND OTHER ECONOMIC INDICATORS, BUT THIS GROWTH ALSO ACCENTUATED THE CONTRAST BETWEEN THE MODERN SECTOR AND THE RURAL POPULATION, WHICH HAS EXPERIENCED RELATIVELY LITTLE PROGRESS. INCOME DISTRIBUTION, CONSEQUENTLY, IS HIGHLY SKEWED. ECONOMIC ACTIVITY IS OVERWHELMINGLY IN PRIVATE HANDS; PRIVATE PROPERTY IS RESPECTED IN LAW AND PRACTICE. THE PUBLIC SECTOR IS PROPORTIONATELY AMONG THE SMALLEST IN THE WESTERN HEMISPHERE. GUATEMALA IS WELL-ENDOWED BY SOIL AND CLIMATE, HYDRO-ELECTRIC RESOURCES, HARD MINERALS, AND PERHAPS PETROLEUM.

THE COUNTRY CONTINUED TO SUFFER AN ACTIVE INSURGENCY FOMENTED BY FOUR DISTINCT MARXIST LENINIST GUERRILLA GROUPS, ALTHOUGH THE GOVERNMENT MADE SIGNIFICANT GAINS IN CONTROLLING EXTENSIVE AREAS WHERE THE GUERRILLAS HAD BEEN PREVIOUSLY ENTRENCHED. FOR MUCH OF THE YEAR THE INSURGENCY WAS CONCENTRATED IN THE WESTERN HIGHLANDS. PART OF THE GOVERNMENT'S SUCCESS COULD BE [redacted]

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ATTRIBUTED TO PROGRAMS INTENDED TO PROVIDE THE INDIGENOUS COMMUNITIES THE ALTERNATIVE OF FOOD, SHELTER, WORK AND SECURITY, RATHER THAN VIOLENT WARFARE, WHICH ASSOCIATION WITH THE GUERRILLA GROUPS ENTAILED. THE ACTUAL VALUE OF FOOD AND SHELTER DISTRIBUTED APPEARS LIMITED, ALTHOUGH A SIGNIFICANT AND OFTEN DECISIVE CONTRIBUTION TO THE BENEFICIARIES. COMPLETE DATA IS LACKING. THE MILITARY ALSO PROMOTED THE ESTABLISHMENT OF A STILL-EXPANDING CIVIL DEFENSE PATROL SYSTEM THAT TOTALED AN ESTIMATED 700,000 MEMBERS BY OCTOBER, 1983. THIS SELF-DEFENSE FORCE ASSUMED MUCH OF THE BURDEN FOR MAKING LOCAL COMMUNITIES SECURE AGAINST ATTACK, WHILE AT THE SAME TIME ACTIVELY PATROLLING TO SEARCH FOR AND ENGAGE GUERRILLAS. NOT UNEXPECTEDLY, THE PATROLS THEMSELVES

FREQUENTLY HAVE BECOME A TARGET OF THE INSURGENCY.

THE RIOS MONTT GOVERNMENT, BEFORE ITS REMOVAL, REFORMED THE POLITICAL PARTIES LAW AND ESTABLISHED A BODY, THE SUPREME ELECTORAL TRIBUNAL, TO SUPERVISE AND ADMINISTER PLANNED CONSTITUENT ASSEMBLY ELECTIONS IN 1984 AND SUBSEQUENT NATIONAL ELECTIONS. UNDER THE NEW LAWS, SOME THIRTY-SIX PRE-PARTY COMMITTEES HAVE BEEN FORMED TO PARTICIPATE IN THE CONSTITUENT ASSEMBLY ELECTIONS. THESE COMMITTEES ARE NOW PURSING THE ESTABLISHED PROCEDURES TO OBTAIN 4,000 VALID SIGNATURES EACH AND OBTAIN FORMAL REGISTRATION ON THE BALLOT FOR THE

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PAGE 01 GUATEM 09119 02 OF 20 242324Z
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[redacted] SECTION 02 OF 20 GUATEMALA 09119

E.O.12356: DECL: OADR
TAGS: SHUM, GT
SUBJECT: 1983 REPORT ON HUMAN RIGHTS PRACTICES -

CONSTITUENT ASSEMBLY ELECTIONS. THE DATE FOR THESE ELECTIONS WAS ANNOUNCED BY RIOS MONTT AS JULY 1, 1984, AND WAS RECONFIRMED BY HIS SUCCESSOR, GENERAL MEJIA. ALTHOUGH SOME POLITICAL LEADERS REMAIN TO BE CONVINCED, THE POLITICAL SECTOR IS ACTIVELY PREPARING TO PARTICIPATE, AND UNIVERSALLY ANTICIPATES THAT THE CURRENT MILITARY GOVERNMENT WILL BE REPLACED IN 1985 BY AN ELECTED CIVILIAN GOVERNMENT AFTER THE COMPLETION OF A NEW CONSTITUTION BY THE CONSTITUENT ASSEMBLY.

HUMAN RIGHTS PRACTICES IMPROVED IN 1983. VIOLENCE AND POLITICAL DEATHS REGISTERED A SIGNIFICANT DROP. AFTER GENERAL MEJIA VICTORES ASSUMED POWER ON AUGUST 8, THE STATE OF EMERGENCY WAS LIFTED; THE SECRET SPECIAL TRIBUNALS WERE ABOLISHED; AND THE DEATH PENALTY REMOVED FOR CRIMES TRIED BEFORE THE SPECIAL TRIBUNALS. BOTH MILITARY GOVERNMENTS IN POWER DURING THE [redacted]

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YEAR COOPERATED WITH HUMAN RIGHTS INVESTIGATORS, ALTHOUGH THERE CONTINUED TO BE CASES OF SPECIFIC VIOLATIONS INVOLVING GOVERNMENT SECURITY FORCES AND DEEP DIFFERENCES OF PERCEPTION AS TO THE ROOT CAUSES OF THE VIOLENCE BETWEEN THE GUATEMALAN AND INTERNATIONAL OBSERVERS. BECAUSE THE INSURGENCY IS STILL ACTIVE, AND IN FACT, HAS BEEN STEPPED UP AGAINST THE MEJIA GOVERNMENT, HUMAN RIGHTS VIOLATIONS WILL UNDOUBTEDLY CONTINUE TO OCCUR.

GUATEMALA IS A COUNTRY WITH A VERY LARGE INDIGENOUS POPULATION. THE DISPARATE SOCIO-ECONOMIC STATE OF THIS SECTOR IS SUCH THAT IT HAS BEEN A TARGET OF OPPORTUNITY FOR INSURGENT CAUSES FOR OVER TWENTY YEARS. THE PROBLEMS OF THIS SECTOR HAVE BEEN ADDRESSED WITH VARYING BUT LIMITED LEVELS OF RESOURCES AND COMMITMENT BY A SUCCESSION OF GOVERNMENTS. THESE EFFORTS HAVE NOT RESULTED IN FUNDAMENTAL CHANGES. BOTH THE INDIGENOUS AND MODERN SECTORS ARE CONSERVATIVE, TRADITIONAL AND HAVE BEEN LITTLE SWAYED BY

REVOLUTIONARY CAUSES. THERE IS A HISTORY OF ARTICULATED COMMITMENT TO DEMOCRATIC PRINCIPLES, HOWEVER IMPERFECTLY APPLIED, AND A STRONG AND INDEPENDENT NATIONAL IDENTITY ON THE PART OF THE MODERN SECTOR, AND AN EQUALLY STRONG CULTURAL IDENTITY ON THE PART OF THE INDIGENOUS SECTOR. A PRINCIPAL THRUST OF DOMESTIC CRITICISM IS THAT THE EXISTING SYSTEM DOES NOT ADEQUATELY GUARANTEE HUMAN RIGHTS OF THE CITIZENRY.

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1. (A) UNLAWFUL OR ARBITRARY DEPRIVATION OF LIFE

VIOLENCE CONTINUED TO BE A SERIOUS PROBLEM DURING 1983, BUT POLITICALLY RELATED DEATHS IN THE FIRST NINE MONTHS WERE DOWN MORE THAN 50 PERCENT FROM THE SAME PERIOD IN 1982. THE VIOLENCE THAT DID OCCUR DURING 1983 CAME FROM MANY SOURCES.

THERE WERE FOUR SELF-PROCLAIMED MARXIST-LENINIST INSURGENT GROUPS OPERATING IN GUATEMALA DURING 1983, DEDICATED TO THE VIOLENT OVERTHROW OF THE EXISTING SOCIO-ECONOMIC ORDER. THESE GROUPS ARE: REVOLUTIONARY ORGANIZATION OF THE PEOPLE IN ARMS (ORPA), THE GUERRILLA ARMY OF THE POOR (EGP), THE REBEL ARMED FORCES (FAR), AND THE GUATEMALAN COMMUNIST PARTY (PGT). THE FOUR GROUPS ARE NOMINALLY UNDER AN UMBRELLA COMMAND, THE GUATEMALAN NATIONAL REVOLUTIONARY UNION (URNG).

IN ADDITION, THE GUATEMALAN MILITARY HAS BEEN A FACTOR IN THE VIOLENCE IN ITS EFFORTS TO END THE ARMED INSURGENCY. IN SPITE OF A GOVERNMENT POLICY TO INCREASE AWARENESS OF HUMAN RIGHTS AMONG THE MILITARY, CASES OF ABUSE CONTINUED TO OCCUR.

STILL ANOTHER FACTOR IN GUATEMALA'S VIOLENCE IS THE APPROXIMATELY 700,000 MEMBERS OF THE CIVIL DEFENSE PATROLS. THERE HAVE BEEN REPORTS OF VIOLENCE BETWEEN NEIGHBORING CIVIL DEFENSE PATROLS OVER LAND DISPUTES OR PERSONAL VENDETTAS.

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PAGE 01 GUATEM 09119 03 OF 20 242325Z
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[redacted] SECTION 03 OF 20 GUATEMALA 09119

E.O.12356: DECL: OADR
TAGS: SHUM, GT
SUBJECT: 1983 REPORT ON HUMAN RIGHTS PRACTICES -

IN ADDITION, THE CIVIL DEFENSE PATROLS ARE POORLY TRAINED REGARDING RESPECT FOR HUMAN RIGHTS.

THERE WERE ALSO REPORTS OF VIOLENCE BETWEEN MEMBERS OF DIFFERENT RELIGIOUS GROUPS. THIS AROSE DURING THE REGIME OF GENERAL RIOS MONTT, WHO WAS A HIGHLY PROMINENT MEMBER OF AN EVANGELICAL PROTESTANT CHURCH. IT WAS CHARGED THAT PROTESTANTS RECEIVED PREFERENTIAL TREATMENT BY THE GOVERNMENT, AND THAT THE GOVERNMENT WAS ACTIVELY ANTI-CATHOLIC. AFTER THE AUGUST 8 COUP WHICH REPLACED RIOS MONTT WITH A TRADITIONALIST CATHOLIC, GENERAL MEJIA VICTORES, SOME PROTESTANT PREACHERS HAVE BEEN PHYSICALLY ATTACKED AND ACCUSED OF POSSIBLE ATTACKS AGAINST CATHOLIC CHURCHES AND ASSISTANCE TO THE MILITARY IN

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IDENTIFYING CATHOLICS AS INSURGENTS OR SYMPATHIZERS.

ANOTHER CONTRIBUTING FACTOR TO THE VIOLENCE IS THE TRADITIONAL ANIMOSITY AND DISTRUST BETWEEN [redacted]

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LADINOS (MIXED EUROPEAN AND INDIAN ANCESTRY) AND INDIANS; THIS HOSTILITY HAS EXISTED FOR MORE THAN 400 YEARS.

PARTIALLY DUE TO THE LEGION OF OPPOSING AND HOSTILE GROUPS IN GUATEMALA, IT IS NOT POSSIBLE IN MANY CASES POSITIVELY TO ATTRIBUTE RESPONSIBILITY FOR MANY OF THE POLITICALLY RELATED DEATHS THAT OCCURRED IN 1983. ANOTHER FACT THAT SERVES TO CONFUSE THE ISSUE IS THE ALLEGATION THAT BOTH THE INSURGENTS AND THE ARMY ON OCCASION USE EACH OTHER'S TYPES OF WEAPONS, TACTICS, UNIFORMS, ETC., IN AN EFFORT TO PLACE BLAME ON THE OTHER. IN ADDITION, BODIES FREQUENTLY APPEAR WITH NO EVIDENCE OF WHO IS RESPONSIBLE FOR THE MURDER, OR WHETHER THERE WAS A POLITICAL MOTIVE AT ALL.

IT IS ESTIMATED THAT GUATEMALA SUFFERED APPROXIMATELY 1,150 DEATHS THAT WERE JUDGED TO BE POLITICALLY MOTIVATED DURING THE FIRST NINE MONTHS OF 1983. RESPONSIBILITY FOR SOME 476 OF THOSE DEATHS WERE ATTRIBUTED TO THE GOVERNMENT. MOST OF THESE VICTIMS WERE GUERRILLA FIGHTERS KILLED BY SECURITY FORCES IN COMBAT. SOME 340 OF THESE DEATHS OCCURRED IN THE FIRST SEVEN MONTHS OF 1983, WHILE 136 OCCURRED IN THE TWO MONTHS AFTER THE AUGUST 8 COUP.

REPORTS OF MASSACRES AND OTHER ATROCITIES CONTINUED TO APPEAR BOTH IN GUATEMALA, AND IN THE INTERNATIONAL MEDIA. MOST OF THE INCIDENTS WERE REPORTED TO HAVE OCCURRED IN ISOLATED [redacted]

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AREAS OF THE WESTERN HIGHLANDS WHERE GUATEMALAN GOVERNMENT FORCES CONTINUED TO PURSUE AND ENGAGE

HOSTILE GUERRILLA INSURGENTS. SOME REPORTED INCIDENTS WERE INVESTIGATED AT THE SITE AND DETERMINED TO HAVE EITHER BEEN EXAGERATED, OR NOT TRUE.

REPORTS OF SOME MASSACRES ACTUALLY APPEAR TO BE PART OF INSURGENT OR MARXIST DISINFORMATION CAMPAIGNS, SUCH AS A REPORT OF A MASS SLAUGHTER BY THE GUATEMALAN MILITARY OF 100 PEASANTS IN XORAXAJ, OR CHORRAXAJ, QUICHE. THE FIRST REPORT OF THIS ALLEGED MASSACRE WAS PUBLISHED BY A CANADIAN HUMAN RIGHTS GROUP. LATER, A PRO-GUERRILLA PUBLICATION PRINTED THE SAME STORY WORD FOR WORD, WITH THE EXCEPTION OF THE SPELLING OF THE TOWN. AN ON-SITE INVESTIGATION PROVED THE STORY TO BE FALSE; NO MASSACRE HAD TAKEN PLACE INDEED, THE VILLAGERS STATED THAT THEIR MAJOR PROBLEM WAS ROVING BANDS OF GUERRILLA UNITS IN THE VICINITY.

OTHER TIMES IT WAS POSSIBLE TO OBTAIN RELIABLE INFORMATION CONCERNING REPORTS THAT DID INDICATE OFFICIAL RESPONSIBILITY FOR INCIDENTS, SUCH AS ONE THAT OCCURRED IN SEPTEMBER NEAR CHICHI-CASTENANGO, QUICHE. THIS INVOLVED THE KILLING OF 22 MEN BY MEMBERS OF A CIVIL DEFENSE PATROL.

ONE NOTABLE CASE OF ARBITRARY MURDER CARRIED OUT BY THE ARMY RESULTED FROM THE DETENTION OF PATRICIO ORTIZ MALDONADO, A GUATEMALAN EMPLOYEE OF AN AMERICAN COMPANY HOLDING AN AID

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[redacted] SECTION 04 OF 20 GUATEMALA 09119

E.O.12356: DECL: OADR
TAGS: SHUM, GT
SUBJECT: 1983 REPORT ON HUMAN RIGHTS PRACTICES -

CONTRACT FOR WORK WITH THE GUATEMALAN MINISTRY OF EDUCATION ON A PILOT BILINGUAL EDUCATION PROJECT. HE, TWO EMPLOYEES OF THE MINISTRY OF EDUCATION AND THE MOTHER OF ONE OF THE LATTER, WERE ARBITRARILY DETAINED ON FEBRUARY 9 BY A MILITARY PATROL AND, ACCORDING TO A PRESS COMMUNIQUE ISSUED BY THE MINISTRY OF DEFENSE ON MARCH 8, THEY WERE KILLED BY RIFLE FIRE WHILE ATTEMPTING TO ESCAPE DOWN A RIVER BANK FROM A VEHICLE WHICH WAS CARRYING THEM. THE CIRCUMSTANCES CONCERNING THIS INCIDENT HAVE NEVER BEEN SATISFACTORILY CLARIFIED. THIS CASE, WHICH ATTRACTED EXTENSIVE PRESS COVERAGE, LED TO THE TEMPORARY RECALL OF THE AMERICAN AMBASSADOR IN MARCH 1983, AS AN EXPRESSION OF DEEP CONCERN.

SOME 385 DEATHS WERE ATTRIBUTED IN 1983 TO THE FOUR GUERRILLA GROUPS. WHILE MANY OF THE VICTIMS OF THE GUERRILLA VIOLENCE WERE MEMBERS OF THE GOVERNMENT SECURITY FORCES, THE INSURGENTS CONTINUED THEIR PRACTICE OF KILLING MUNICIPAL

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PAGE 02 GUATEM 09119 04 OF 20 242326Z

WORKERS, OWNERS AND MANAGERS OF LARGE AND SMALL FARMS, AND OTHER CIVILIANS. IN SEPTEMBER IN EL QUICHE, GUERRILLA AMBUSHES OF MILITARY VEHICLES IN TOWNS KILLED CIVILIAN BYSTANDERS. IN MAY, VILLAGERS NEAR THE MEXICAN BORDER IN AGUA ZARCA, HUEHUETENANGO, FOUGHT OFF A BAND OF GUERRILLAS; FOUR VILLAGERS WERE KILLED. IN ADDITION, VILLAGERS NEAR XEABAJ, QUICHE,

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REPORTED IN APRIL THAT GUERRILLAS HAD KILLED 13 PEOPLE IN AND AROUND THE SMALL FARMS NEAR THEIR VILLAGE.

THE GUERRILLAS RETURNED TO URBAN TERRORISM AS A TACTIC IN 1983. IN SEPTEMBER, THE INSURGENTS EXPLODED A POWERFUL BOMB IN GUATEMALA CITY ALONG A MAJOR THOROUGHFARE, DESTROYING A TELEPHONE CONNECTION FACILITY. NO ONE WAS KILLED BY THE BLAST, BUT THE SAME DAY MEMBERS OF THE POLICE IN GUATEMALA CITY DISMANTLED ANOTHER POWERFUL BOMB THAT HAD BEEN PLACED BY THE GUERRILLAS UNDER A HEAVILY TRANSITTED BRIDGE DURING RUSH HOUR TRAFFIC.

IT IS NOT POSSIBLE TO DETERMINE RESPONSIBILITY IN THE OTHER APPROXIMATELY 290 POLITICALLY RELATED DEATHS WHICH OCCURRED IN 1983. ALL THE VARIOUS FACTIONS CONTRIBUTING TO GUATEMALA'S VIOLENCE BLAME OTHER GROUPS FOR THESE MURDERS.

THERE IS NO PUBLIC EVIDENCE THAT THE GOVERNMENT OF GUATEMALA PUNISHES MEMBERS OF ITS SECURITY FORCES FOR THE ARBITRARY DEPRIVATION OF LIFE, IF THE KILLINGS APPEAR TO THE GOVERNMENT [redacted]

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TO BE RELATED TO COMBATTING THE INSURGENCY. NEVERTHELESS, SOME 265 MEMBERS OF THE POLICE HAVE BEEN ARRESTED AND TRIED FOR CRIMINAL ACTS SINCE THE ADVENT OF THE FORMER RIOS MONTT GOVERNMENT. IN ADDITION, GUATEMALA'S MILITARY ACADEMY NOW REQUIRES ALL FUTURE OFFICERS TO COMPLETE A COURSE IN HUMAN RIGHTS DURING THEIR FIRST SEMESTER AT SCHOOL. COURSES IN THE REST OF THE FIVE SEMESTERS INCLUDE CONSTITUTIONAL AND HUMAN RIGHTS STUDY.

IN MARCH 1983, THE GOVERNMENT ANNOUNCED A 60 DAY AMNESTY WHICH ALLOWED ANY GUERRILLA SUPPORTER TO SURRENDER. APPROXIMATELY 1,400 PEOPLE TOOK ADVANTAGE OF THIS OPPORTUNITY TO RETURN TO THEIR HOMES AND LAY DOWN THEIR ARMS. ON AUGUST 11, THREE DAYS AFTER THE COUP WHEN HE ASSUMED OFFICE AS CHIEF OF STATE, GENERAL MEJIA VICTORES ANNOUNCED A 90 DAYS AMNESTY.

1. (B) DISAPPEARANCES

DURING THE FIRST NINE MONTHS OF 1983, 215 PEOPLE WERE ABDUCTED, OR AN AVERAGE OF 24 PEOPLE PER MONTH. THE GUATEMALAN PENAL CODE STIPULATES A SENTENCE OF EIGHT TO FIFTEEN YEARS FOR KIDNAPPING OR ABDUCTION, AND A DEATH SENTENCE IF THE VICTIM DIES. THE SPECIAL TRIBUNAL DECREE WHICH WAS IN EFFECT FROM JANUARY THROUGH SEPTEMBER, IMPOSED THE DEATH PENALTY FOR ALL KIDNAPPINGS. FOLLOWING THE CANCELLATION OF THE SPECIAL TRIBUNALS THE REGULAR PENAL CODE HAS BEEN APPLIED. AFTER ASSUMING POWER, THE

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PAGE 01 GUATEM 09119 05 OF 20 242327Z
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[redacted]SECTION 05 OF 20 GUATEMALA 09119

E.O.12356: DECL: OADR
TAGS: SHUM, GT
SUBJECT: 1983 REPORT ON HUMAN RIGHTS PRACTICES -

GOVERNMENT OF RIOS MONTT DISBANDED SEVERAL GROUPS THAT HAD ALLEGEDLY BEEN RESPONSIBLE FOR ABDUCTIONS

DURING THE REGIME OF GENERAL LUCAS GARCIA. IN THE PROCESS, A SAN CARLOS UNIVERSITY PROFESSOR APPARENTLY KIDNAPPED BY LUCAS GOVERNMENT SECURITY FORCES WAS RESCUED ALIVE. SINCE THE AUGUST 8 COUP THAT PLACED GENERAL MEJIA VICTORES IN POWER, THE GOVERNMENT HAS ACCUSED THE GUERRILLAS OF BEING RESPONSIBLE FOR AN UPSURGE IN KIDNAPPINGS.

KIDNAPPINGS ARE CARRIED OUT BY THE GUATEMALAN SECURITY FORCES, THE GUERRILLAS, BY PRIVATE GROUPS FOR RANSOM, AND BY CRIMINAL BANDS SEEKING PERSONAL VENDETTA, OR DISPUTES IN DRUG WARS. SECURITY FORCES, ALTHOUGH OFFICIALLY DENYING SUCH ACTIVITY, TRADITIONALLY "CAPTURE" SUSPECTED SUBVERSIVES FOR QUESTIONING. IT IS BELIEVED THEY UTILIZE THIS METHOD IN ORDER QUIETLY TO OBTAIN INTELLIGENCE ON SUBVERSIVE ACTIVITIES WITHOUT ALERTING ALLEGED SUBVERSIVE ASSOCIATES OF THE CAPTURED VICTIM ABOUT THE ACTION.

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THERE HAVE BEEN SOME CASES OF SUCH PERSONS BEING SET FREE, PRESUMABLY WHEN THEY HAD BEEN ABLE TO DEMONSTRATE NO CONNECTION WITH THE INSURGENCY. THE MAJORITY OF PERSONS WHO HAVE DISAPPEARED DO NOT RETURN ALIVE. MANY OF THE MOST NOTABLE CASES INVOLVE THE NATIONAL UNIVERSITY OF SAN CARLOS (USAC), WHERE UNIVERSITY LEADERSHIP HAS CHARGED THAT 45 PERSONS DISAPPEARED BETWEEN SEPTEMBER 1982 AND THE OVERTHROW OF PRESIDENT RIOS MONTT IN AUGUST 1983. EIGHT OF THOSE WERE SUBSEQUENTLY ACCOUNTED FOR BY THE GOVERNMENT; SOME WERE RELEASED, WHILE OTHERS WERE TURNED OVER TO THE SPECIAL TRIBUNALS. THE FATE OF THOSE IN CUSTODY OF THE SPECIAL TRIBUNALS IS UNKNOWN FOLLOWING THE ABOLISHMENT OF THOSE SECRET COURTS. SAN CARLOS UNIVERSITY LEADERSHIP HAS CHARGED THAT AN ADDITIONAL EIGHT VICTIMS DISAPPEARED SINCE THE AUGUST COUP THAT PLACED GENERAL MEJIA IN POWER. THE UNIVERSITY GROUNDS ARE THE LOCALE OF MUCH OF GUATEMALA CITY'S NARCOTICS TRAFFICKING, AND SOME OF THE VIOLENCE IS KNOWN BY UNIVERSITY OFFICIALS TO RESULT FROM THIS SITUATION. USAC WILL NOT WAIVE ITS AUTONOMY TO PERMIT GOVERNMENT SECURITY FORCES TO OPENLY PURSUE THE TRAFFICKERS IN FEAR OF GREATER VIOLENCE.

IN 1983 THE GUERRILLAS WERE RESPONSIBLE FOR A SERIES OF ABDUCTIONS OF PROMINENT BUSINESSMEN, FARMERS AND FARM MANAGERS, A NEWSPAPER PUBLISHER, AND SISTERS OF BOTH FORMER PRESIDENT RIOS MONTT AND CURRENT CHIEF OF STATE MEJIA. IN 1982 INSURGENTS ALSO KIDNAPPED THE DAUGHTER OF [redacted]

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HONDURAN PRESIDENT SUAZO CORDOVA WHO WAS LIVING IN GUATEMALA, THE NEPHEW OF RIOS MONTT, THE SON OF THE MINISTER OF THE INTERIOR, AND A NEWSPAPER EDITOR. PRESIDENT RIOS MONTT'S NEPHEW WAS FREED BY THE SECURITY FORCES WHEN THEY DISCOVERED HIS CAPTORS' HIDEOUT. ONE OF THE BUSINESSMEN WAS KILLED BY HIS CAPTORS, PURPORTEDLY MEMBERS OF THE OUTLAWED GUATEMALAN COMMUNIST PARTY (PGT), AFTER SECURITY FORCES DISCOVERED THE SAFEHOUSE WHERE HE WAS BEING HELD. ANOTHER YOUNG BUSINESSMAN WAS KILLED BY HIS CAPTORS IN AUGUST AS A MESSAGE TO OTHERS TO PAY RANSOM DEMANDS IMMEDIATELY, OR SUFFER THE CONSEQUENCES.

IN AUGUST 1983, THE ACTING ARCHBISHOP OF GUATEMALA ANNOUNCED THAT SPANISH PRIEST CARLOS PEREZ ALONSO HAD BEEN CAPTURED, ASSASSINATED, AND BURIED IN 1981. THIS ANNOUNCEMENT WAS INTENDED TO END SPECULATION THAT THE SPANISH PRIEST WAS STILL ALIVE. THE CHURCH CONDUCTED ITS OWN INVESTIGATION AND PRONOUNCED PEREZ ALONSO "ANOTHER VICTIM OF THE 1979-81 PERIOD DURING WHICH 12 PRIESTS, INCLUDING FOREIGNERS, WERE KILLED."

1. (C) TORTURE AND CRUEL, OR DEGRADING TREATMENT OR PUNISHMENT

BOTH GUATEMALAN CIVIL AND CRIMINAL CODES EXPRESSLY PROHIBIT PHYSICAL OR MENTAL TORTURE. THE PRESENT STATUTE OF GOVERNMENT PROVIDES FOR THE PUNISHMENT OF PUBLIC OFFICIALS OR EMPLOYEES WHO ENGAGE IN SUCH PRACTICES. DURING THE 17 MONTH REGIME OF

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PAGE 01 GUATEM 09119 06 OF 20 242327Z
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[redacted] SECTION 06 OF 20 GUATEMALA 09119

E.O.12356: DECL: OADR
TAGS: SHUM, GT
SUBJECT: 1983 REPORT ON HUMAN RIGHTS PRACTICES -

GENERAL RIOS MONTT (MARCH 1982-AUGUST 1983), ORDERS WERE ISSUED THROUGHOUT THE MILITARY TO THE EFFECT THAT IF AN OFFICER WAS DISCOVERED TO BE PRACTICING OR CONDONING TORTURE, OR DEGRADING PUNISHMENT, HE WOULD BE LIABLE FOR PROSECUTION. NEVERTHELESS, THERE WERE REPORTED INCIDENTS WHERE MILITARY PERSONNEL TURNED OVER INSURGENTS OR SUSPECTED INSURGENTS TO CIVIL DEFENSE PATROLS FOR SUMMARY PUNISHMENT. THERE WAS A SPECIFIC ALLEGATION OF TORTURE OF TWO BROTHERS CONSIGNED TO THE SPECIAL TRIBUNALS, BUT THIS COULD NOT BE SUBSTANTIATED.

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HOWEVER, IT IS EVIDENT THAT TORTURE OCCURS. THE GUATEMALAN PRESS HAS REPORTED THE DISCOVERY OF BODIES SHOWING EVIDENCE OF SUCH TREATMENT. IN ONLY A FEW CASES HAS THE IDENTITY OF THE PERPETRATORS BEEN ESTABLISHED. SEVERAL MEMBERS OF ONE CRIMINAL GANG WERE AMONG THE 15 PERSONS EXECUTED BY THE RIOS MONTT GOVERNMENT AFTER

BEING CONDEMNED BY THE SPECIAL TRIBUNALS. ANOTHER [redacted]

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GROUP OF TOWN INHABITANTS THAT TERRORIZED THE COMMUNITY OF SAN PEDRO DE LA LAGUNA FOR AN EXTENDED PERIOD OF MONTHS WAS ARRESTED BY GUATEMALAN AUTHORITIES IN RESPONSE TO A PETITION BY THE COMMUNITY.

THERE ARE ALSO RELIABLE REPORTS THAT GUERRILLA GROUPS HAVE RESORTED TO TORTURE AND HARSH TREATMENT TO PREVENT COMMUNITIES FROM COOPERATING WITH THE GUATEMALAN GOVERNMENT.

GENERAL PRISON CONDITIONS DEPEND LARGELY ON THE TYPE AND BEHAVIOR OF THE INDIVIDUAL PRISONER. THE MAIN PRISON, GRANJA PAVON, IS LOCATED NEAR GUATEMALA CITY. ORIGINALLY DESIGNED TO HOUSE 700, IT CURRENTLY CONTAINS ABOUT 2,100 PRISONERS. TWO OTHER PRISONS, ONE LOCATED ON THE OUTSKIRTS OF QUEZALTENANGO, AND THE OTHER IN ESQUINTLA, EACH HOUSE SOME 400-500 PRISONERS. THERE ARE TWO MAJOR WOMEN'S DETENTION CENTERS, ONE LOCATED NEXT TO PAVON, AND ONE IN GUATEMALA CITY. THE FORMER CONTAINS ABOUT 70, AND THE LATTER A MODERN AND MODEL FACILITY CALLED SANTA TERESA, HOUSES ABOUT 200.

INDIVIDUAL BEHAVIOR IS ONE OF THE MOST IMPORTANT FACTORS IN TREATMENT RECEIVED. BETTER-BEHAVED PRISONERS ARE ALLOWED INDIVIDUAL, UNBARRED ROOMS WITHIN A CELL-BLOCK. THESE PRISONERS ARE ALLOWED TO OWN TELEVISIONS, RADIOS, AND OTHER AMENITIES. THE MORE DANGEROUS OR UNMANAGEABLE ARE KEPT IN OVERCROWDED, BARRED CELLS. INMATES ARE ABLE TO PURCHASE LUXURIES NOT PROVIDED BY [redacted]

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THE INSTITUTION.

PAVON WAS THE SITE OF HUNGER STRIKES IN OCTOBER. THE PRINCIPAL COMPLAINT HAS BEEN LACK OF DECENT FOOD AND OVERCROWDING. DURING THE

PRESIDENCY OF RIOS MONTT, HOWEVER, VISITING HOURS WERE EXTENDED, ALLOWING INMATES' FAMILIES OR FRIENDS TO BRING ADDITIONAL FOOD OR MONEY TO SUPPLEMENT WHAT WAS PROVIDED BY THE INSTITUTION. PRISONERS PARTICIPATING IN THE HUNGER STRIKES LIKELY HAVE LITTLE MONEY AVAILABLE TO PURCHASE ADDITIONAL FOOD, AND POSSIBLY DO NOT RECEIVE PACKAGES FROM RELATIVES.

THERE IS NO POLICY FOR PHYSICAL PUNISHMENT OF PRISONERS AT PAVON, OR THE OTHER FORMAL DETENTION CENTERS. SOCIAL CLASS, RACE, OR RELIGION DO NOT APPEAR TO AFFECT THE TREATMENT PRISONERS RECEIVE. THE ONLY DISCERNABLE DIFFERENCE IN TREATMENT IS BASED ON BEHAVIOR EXHIBITED AND MONEY ON HAND.

1. (D) ARBITRARY ARREST, DETENTION, OR EXILE

MOST CASES OF ARBITRARY DETENTION ARE PERSONS SUSPECTED BY THE SECURITY FORCES OF BEING INVOLVED WITH THE INSURGENCY. THESE INDIVIDUALS ARE USUALLY KIDNAPPED BY GROUPS OF ARMED MEN IN CIVILIAN ATTIRE.

GUATEMALANS' RIGHTS AND PRIVILEGES ARE FOUND IN THE STATUTE OF GOVERNMENT (DECREE LAW 24-82) AS AMENDED. THIS DOCUMENT IS SIMILAR IN ITS

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E.O.12356: DECL: OADR
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SUBJECT: 1983 REPORT ON HUMAN RIGHTS PRACTICES -

LEGAL GUARANTEES TO THE CANCELLED 1965 CONSTITUTION. IT PROVIDES FOR PROTECTION AGAINST ARBITRARY ARREST OR DETENTION. IT FURTHER STATES THAT A PERSON CAN ONLY BE DETAINED FOR A CRIME BY VIRTUE OF A WRIT OR WARRANT ISSUED BY A COMPETENT JUDGE. IT ALSO CONTAINS THE RIGHT OF APPEAL OF HABEAS CORPUS, ALTHOUGH IN PRACTICE THIS RIGHT IS NOT EFFECTIVE. ACCORDING TO THE DECREE, A PERSON MUST BE CHARGED WITHIN 48 HOURS OF ARREST, OR BE RELEASED. AMPARO, THE RIGHT OF A PERSON IN DETENTION TO BE CHARGED OR RELEASED WITHIN A CERTAIN PERIOD OF TIME OR BE INFORMED OF THE CHARGES AGAINST HIM, IS NOT PRACTICED IN GUATEMALA.

DURING MOST OF 1983, THESE RIGHTS WERE OFFICIALLY SUSPENDED IN CERTAIN CASES DUE TO THE DECLARATION OF A STATE OF SIEGE, AND LATER, A STATE OF EMERGENCY. AFTER THE AUGUST 8 COUP THAT PLACED HIM IN POWER, GENERAL MEJIA VICTORES LIFTED THE STATE OF EMERGENCY, ABOLISHED THE [redacted]

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PAGE 02 GUATEM 09119 07 OF 20 242329Z

SPECIAL TRIBUNALS, AND REINSTATED DUE PROCESS OF LAW. NEVERTHELESS, IN PRACTICE, ARBITRARY DETENTIONS CONTINUE TO OCCUR. WHILE A WARRANT IS THEORETICALLY NECESSARY FOR ARREST OR DETENTION, IN PRACTICE SECURITY FORCES RESORT TO EXTRA-JUDICIAL INTERROGATION AND DETENTION OF SUSPECTED SUBVERSIVES FOR VARYING PERIODS OF TIME UNTIL SATISFIED AS TO THEIR GUILT OR INNOCENCE. LEGITIMATE SUSPICIONS, OR BUSINESS, FAMILY OR NEIGHBORHOOD RIVALRIES CAN LEAD TO ACCUSATIONS AGAINST INDIVIDUALS BEING MADE TO GUATEMALAN

UNCLASSIFIED

SECURITY FORCES. SUCH INDIVIDUALS MAY THEN DISAPPEAR, EITHER TEMPORARILY OR PERMANENTLY. OFFICIAL KNOWLEDGE OF THE ACTION IS USUALLY DENIED WHEN FAMILY OR FRIENDS OF THE MISSING MAKE FORMAL INQUIRIES. REAPPEARANCE OF THE INDIVIDUAL INDICATES THAT SECURITY FORCES ARE SATISFIED AS TO THEIR INNOCENCE. IT IS IMPOSSIBLE TO OBTAIN ACCURATE NUMBERS OF THE TOTAL OF THOSE MISSING. INFORMATION FROM RURAL AREAS IS PARTICULARLY DIFFICULT TO OBTAIN OR TO VERIFY.

1. (E) DENIAL OF FAIR PUBLIC TRIAL

GUATEMALA'S CIVIL COURT SYSTEM IS HEADED BY THE COUNTRY'S NINE MEMBER SUPREME COURT AND ADMINISTERED BY THE COURT SITTING AS A FULL BENCH. ALTHOUGH CONSIDERED A CO-EQUAL BRANCH OF THE GOVERNMENT ALONG WITH THE EXECUTIVE AND LEGISLATIVE, SINCE THE MARCH 23, 1982, COUP THE PRESENT JUSTICES OF THE SUPREME COURT HAVE BEEN NAMED BY THE HEAD OF STATE IN HIS DE FACTO LEGISLATIVE CAPACITY. IN GENERAL

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PRACTICE, HOWEVER, THE INDEPENDENCE OF THE CIVIL JUDICIARY HAS BEEN RESPECTED. THE COURT HAS HAD EXTENSIVE INFLUENCE ON APPOINTMENTS TO LOWER COURTS.

PERSONS ARRESTED HAVE THE RIGHT TO LEGAL COUNSEL AND HAVE THE RIGHT TO BE CHARGED OR RELEASED WITHIN 48 HOURS OF ARREST. THEY ARE ALLOWED THE RIGHT TO HAVE LEGAL COUNSEL PRESENT AT ALL HEARINGS. IF THE DEFENDANT CANNOT AFFORD A LAWYER, HE IS PROVIDED ONE BY THE STATE. DEFENDANTS IN SOME CASES MAY BE RELEASED AFTER POSTING BAIL. MAGISTRATES ARE CHARGED WITH DETERMINING THE GUILT OR INNOCENCE OF THE ACCUSED AND IN ADDITION TO HEARING FROM GOVERNMENT PROSECUTORS AND PRIVATE PARTIES MAY UNDERTAKE THEIR OWN INVESTIGATIONS TOWARD THIS END.

THE SYSTEM OF SPECIAL COURTS WAS ESTABLISHED JULY 1, 1982, AND ABOLISHED AS OF SEPTEMBER 1, 1983. PROCEEDINGS IN THESE COURTS WERE SECRET. ONE FACTOR LEADING TO THEIR CREATION WAS THE BELIEF THAT FAIR PUBLIC TRIALS FOR SUBVERSIVES OR

PROMINENT CRIMINALS HAD BECOME IMPOSSIBLE DUE TO THE INTIMIDATION OF JUDGES ASSIGNED TO THE CASES. THIS INTIMIDATION FREQUENTLY TOOK THE FORM OF THREATS OF VIOLENCE OR KIDNAPPING AGAINST THE JUDGE OR MEMBERS OF HIS FAMILY.

UNDER PROVISIONS OF THE DECREE ABOLISHING THE SPECIAL COURTS, CASES NOT YET TRIED (ESTIMATED AT LESS THAN TEN) BY SEPTEMBER 1, 1983, WERE TRANSFERRED TO THE CIVIL COURT SYSTEM FOR

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PAGE 01 GUATEM 09119 08 OF 20 242329Z
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FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC IMMEDIATE 7615

[redacted] SECTION 08 OF 20 GUATEMALA 09119

E.O.12356: DECL: OADR
TAGS: SHUM, GT
SUBJECT: 1983 REPORT ON HUMAN RIGHTS PRACTICES -

DISPOSITION. GOVERNMENT SPOKESMEN INDICATED AT THE TIME THE COURTS WERE ABOLISHED THAT THE RECORDS OF INDIVIDUALS CONVICTED AND SENTENCED BY THE SPECIAL COURTS WOULD ULTIMATELY BE TRANSFERRED TO THE SUPREME COURT FOR REVIEW

AND POSSIBLE REDUCTION OF SENTENCE IF CIVIL LAW PROVIDED FOR A MORE LENIENT PENALTY THAN THAT IMPOSED BY THE SPECIAL COURTS. BY LATE OCTOBER, 1983, SIXTY-ONE SUCH CASES HAD BEEN RECEIVED BY THE COURT. ON OCTOBER 14 THE SUPREME COURT ANNOUNCED THAT THE SENTENCE OF GAVIOLA BROOKS, WHO HAD ORIGINALLY BEEN SENTENCED TO SIX YEARS IN PRISON ON APRIL 19, 1983, HAD BEEN REDUCED TO THREE YEARS IN THE REVIEW PROCESS.

IN 1983 ELEVEN PERSONS WERE EXECUTED BY THE RIOS MONTT REGIME AFTER BEING CONVICTED BY THE SPECIAL COURTS, SIX ON MARCH 3, 1983, AND FIVE ON MARCH 21, 1983. THE SIX EXECUTIONS ON THE EVE OF THE VISIT OF POPE JOHN PAUL II TO THE COUNTRY WERE WIDELY INTERPRETED BY GUATEMALANS

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AS AN AFFRONT TO THE POPE. THE INTER-AMERICAN HUMAN RIGHTS COMMISSION DENOUNCED THE EXECUTIONS, AS DID MANY GUATEMALAN LAWYERS WHO WERE TROUBLED BY THE ABSENCE OF PUBLIC DUE PROCESS. GENERAL MEJIA VICTORES' DECREE ABOLISHING THE SPECIAL COURTS ALSO ABOLISHED THE DEATH PENALTY FOR CRIMES TRIED BEFORE THE SPECIAL COURTS. HOWEVER, THE DEATH PENALTY REMAINS IN EFFECT FOR CERTAIN CRIMES LISTED IN THE CIVIL CRIMINAL CODE IN GUATEMALA. NO SUCH SENTENCES HAVE BEEN HANDED DOWN SINCE GENERAL MEJIA ASSUMED OFFICE.

THE STATE OF SIEGE IMPOSED ON JULY 1, 1982, WAS LIFTED MARCH 23, 1983. HOWEVER, A STATE OF EMERGENCY WAS REIMPOSED FOLLOWING A POLITICAL CRISIS ON JUNE 29, 1983. PROVISIONS OF THE STATE OF EMERGENCY SUSPENDED HABEAS CORPUS AND THE NEED TO OBTAIN ARREST WARRANTS OF INDIVIDUALS. GENERAL RIOS MONTT'S SUCCESSOR IN OFFICE, GEN. MEJIA VICTORES, RESTORED HABEAS CORPUS OFFICIALLY AND THE RIGHT OF THE INDIVIDUAL NOT TO BE ARRESTED OR DETAINED EXCEPT UNDER A WARRANT SIGNED BY AN APPROPRIATE LEGAL AUTHORITY. ALSO RESTORED BY DECREE 91-83 WAS THE RIGHT OF THE INDIVIDUAL TO BE INFORMED OF THE SPECIFIC CHARGES AGAINST HIM.

ALTHOUGH GUATEMALANS AGAIN HAVE THE RIGHT

OF LEGAL COUNSEL IN ALL PROCEEDINGS, CRIMINAL AND CIVIL, ACCESS TO PROFESSIONAL LEGAL ADVICE OF THEIR OWN CHOOSING IS RESTRICTED IN PRACTICE BY A VARIETY OF FACTORS. THE OVERWHELMING

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MAJORITY OF THE COUNTRY'S LAWYERS RESIDE IN OR NEAR THE CAPITAL CITY, MAKING ACCESS TO LEGAL COUNSEL DIFFICULT IN THE COUNTRYSIDE. WHILE THE COUNTRY'S LAW SCHOOLS MAINTAIN ONE OR MORE LEGAL CLINICS WHERE STUDENTS PROVIDE THE POOR WITH BASIC LEGAL ASSISTANCE, GENERALLY THE COUNTRY'S RURAL POOR HAVE LITTLE RECOURSE TO PROFESSIONAL LEGAL ASSISTANCE. AT THE SAME TIME, LOW SALARIES AND THE LACK OF ON-GOING TRAINING PROGRAMS MAKE IT DIFFICULT TO RECRUIT AND RETAIN QUALIFIED JUDGES.

IN OCTOBER, 1983, DR. ANTONIO GARCIA BORRAJO, A REPRESENTATIVE OF THE INTERNATIONAL FEDERATION OF HUMAN RIGHTS ACCUSED THE GUATEMALAN GOVERNMENT OF HOLDING 35 POLITICAL PRISONERS AND THREATENING TO EXECUTE THEM IF GUERRILLAS KILLED THE KIDNAPPED SISTERS OF HEAD OF STATE MEJIA VICTORES AND EX-PRESIDENT RIOS MONTT. THE GUATEMALAN GOVERNMENT TWICE PUBLICLY DENIED THIS STORY. THE INTERNATIONAL CONFEDERATION OF FREE TRADE UNIONS CHARGED THAT NINE INDIVIDUALS, SOME OF WHOM HAVE BEEN CONNECTED WITH THE LABOR MOVEMENT, HAD BEEN ARRESTED FOR POLITICAL REASONS.

WITH THE EXCEPTION OF THESE UNVERIFIED CHARGES, REPORTS OF POLITICAL PRISONERS IN GUATEMALA ARE EXTREMELY RARE.

1.F ARBITRARY INTERFERENCE WITH PRIVACY, FAMILY, HOME OR CORRESPONDENCE

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PAGE 01 GUATEM 09119 09 OF 20 242330Z
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TO SECSTATE WASHDC IMMEDIATE 7616

[redacted] SECTION 09 OF 20 GUATEMALA 09119

E.O.12356: DECL: OADR
TAGS: SHUM, GT
SUBJECT: 1983 REPORT ON HUMAN RIGHTS PRACTICES -

THE STATE OF SIEGE IMPOSED ON JULY 1, 1982, WAS LIFTED ON MARCH 23, 1983. A STATE OF EMERGENCY WAS AGAIN DECREED BY GEN. RIOS MONTT ON JUNE 29, 1983, UNDER WHICH THE GOVERNMENT COULD RESTRICT MOVEMENT WITHIN THE COUNTRY, EXAMINE CORRESPONDENCE AND PRIVATE DOCUMENTS, AND ENTER PRIVATE RESIDENCES WITHOUT SEARCH WARRANTS. HEAD OF STATE GENERAL MEJIA VICTORES LIFTED THE STATE OF EMERGENCY ON AUGUST 8, 1983.

GOVERNMENT ROADBLOCKS ARE SET UP PERIODICALLY ALONG HIGHWAYS TO CHECK DOCUMENTS OF TRAVELERS AND CARRY OUT VEHICLE SEARCHES FOR KIDNAPPED PERSONS. SECURITY FORCES HAVE SEARCHED NEIGHBORHOODS FOR SUSPECTED GUERRILLA SAFEHOUSES OR ARMS CACHES. WHILE MAIL IS RANDOMLY OPENED AND EXAMINED, THERE IS NO INTERFERENCE WITH FOREIGN RADIO BROADCASTS. PROGRAMS FROM CUBA AND NICARAGUA ARE EASILY RECEIVED IN GUATEMALA BY INDIVIDUALS WITH APPROPRIATE EQUIPMENT.

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THERE IS NO GOVERNMENT POLITICAL PARTY, NOR REQUIRED MEMBERSHIP IN ANY POLITICAL GROUP, NOR AN ORGANIZED SYSTEM OF NEIGHBORHOOD INFORMERS. A NUMBER OF PERSONS HAVE BEEN KILLED BY GUERRILLA GROUPS IN THE INTERIOR, WHO AFTERWARDS BRANDED THEIR VICTIMS AS GOVERNMENT INFORMERS. INDIVIDUALS ARE ALSO FREE TO PRACTICE THE RELIGION OF THEIR CHOICE. THERE IS NO PROHIBITION AGAINST THE USE OF THEIR NATIVE TONGUES BY THE COUNTRY'S INDIGENOUS GROUPS. GUATEMALA CURRENTLY HAS 23 INDIGENOUS LANGUAGES IN ACTIVE USE.

2. (A) FREEDOM OF SPEECH AND PRESS

THE STATE OF SIEGE, IMPOSED JULY 1, 1982, AND A STATE EMERGENCY WERE TWO INHIBITING FACTORS FOR THE GUATEMALAN PRESS. THE STATES OF SIEGE AND EMERGENCY INCLUDED A PROHIBITION ON THE PUBLICATION OF POLITICALLY-RELATED NEWS, MANIFESTOS OR DECLARATIONS. THE GOVERNMENT ISSUED REGULATIONS ENJOINING THE MEDIA FROM PUBLISHING REPORTS ON GUERRILLA ACTIVITIES AND FROM COMMENTING OR EDITORIALIZING ON DOMESTIC POLITICS. ALTHOUGH THE STATES OF EXCEPTION ARE NO LONGER IN EFFECT, NEWSPAPERS AND RADIO AND TV NEWSCASTS ARE PERMITTED ONLY TO REPORT ON THE GUATEMALAN ARMED FORCES' ACTIONS TAKEN AGAINST "CRIMINAL SUBVERSIVES," BUT THE WORD "GUERRILLA" IS NOT TO BE USED IN COPY.

DESPITE THE PROHIBITIONS DURING RIOS MONTT'S

GOVERNMENT, CRITICISM OF THE GOVERNMENT WAS EXPRESSED AND OPPOSITION VIEWS WERE PUBLISHED. IN FACT, INTERVIEWS WITH OPPOSITION LEADERS BROADCAST OVER ONE OF THE COUNTRY'S TWO TV NEWS PROGRAMS, PRECIPITATED THE CRISIS WHICH ULTIMATELY LED TO RIOS MONTT'S REMOVAL FROM POWER. SINCE MEJIA VICTORES ASSUMED POWER, THE MEDIA HAS WIDELY PUBLISHED OPPOSITION VIEWS

WHICH ARE, BY AND LARGE, DEVOTED TO THE NEED FOR THE REINSTITUTION OF DEMOCRACY AND THE HOLDING OF ELECTIONS FOR A CONSTITUTIONAL ASSEMBLY. THE MEDIA HAVE FOCUSED ATTENTION ON COMMENTS REAFFIRMING THE NEED FOR FREEDOM OF THE PRESS. THERE HAVE BEEN CRITICAL REPORTS ON TV NEWSCASTS POINTING TO INADEQUATE PUBLIC SERVICES FOR GUATEMALANS. THE MEDIA, HOWEVER, HAVE REFRAINED FROM CRITICAL EDITORIAL COMMENT ON GOVERNMENT POLICIES, A FORM OF SELF-CENSORSHIP, A TRADITIONAL PRACTICE FOR THE GUATEMALAN MEDIA. BECAUSE OF SELF-CENSORSHIP THE MEDIA, WITH FEW EXCEPTIONS, HAS NOT TESTED THE PARAMETERS WITHIN WHICH THEY MUST OPERATE OR THE LIMITS OF ACCEPTABLE PUBLIC CRICITISM OF GOVERNMENT POLICIES. ALSO, THERE IS NO TRADITION OF INVESTIGATIVE REPORTING IN GUATEMALA.

THERE WAS SOME VIOLENCE AGAINST JOURNALISTS DURING THE REPORTING YEAR. "PRENSA LIBRE" PUBLISHER PEDRO JULIO GARCIA WAS KIDNAPPED BY THE GUATEMALAN COMMUNIST PARTY (PGT) OCTOBER 8. THE PGT DEMANDED THE PUBLICATION IN THE GUATEMALAN MEDIA OF A MANIFESTO AS A PART OF THE CONDITIONS FOR HIS RELEASE. THE MANIFESTO'S

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PAGE 01 GUATEM 09119 10 OF 20 242331Z
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TO SECSTATE WASHDC IMMEDIATE 7617

[redacted] SECTION 10 OF 20 GUATEMALA 09119

E.O.12356: DECL: OADR
TAGS: SHUM, GT
SUBJECT: 1983 REPORT ON HUMAN RIGHTS PRACTICES -

PUBLICATION OCTOBER 13 CREATED A POSSIBLE CONFRONTATIONAL SITUATION BETWEEN THE GOVERNMENT AND THE MEDIA BECAUSE OF A 1963 LAW WHICH PROHIBITED THE PUBLICATION OF SUBVERSIVE MATERIALS. IN ORDER TO FORECLOSE THIS STERILE DEBATE THE GOVERNMENT PARTIALLY REPEALED ARTICLES OF THE OUTDATED LAW, AND THE PRESS, WHICH HAD NOT TESTED THE LAW WHEN THE GUERRILLAS KIDNAPPED THE SISTERS OF RIOS MONTT AND MEJIA AND DEMANDED PUBLICATION OF A MANIFESTO, SUBSEQUENTLY PUBLISHED THE FAR MANIFESTO. GARCIA WAS FREED ON OCTOBER 22 AFTER THE KIDNAPPERS' DEMANDS HAD BEEN MET.

MORALES MULL, OWNER OF RADIO FRATERNIDAD, A STATION IN QUEZALTENANGO, HIS SON AND AN EMPLOYEE, WERE ASSASSINATED IN MAY, 1983. MORALES MULL, A CHRISTIAN DEMOCRAT, WAS KNOWN TO HAVE REFUSED SEVERAL TIMES TO BROADCAST PROPAGANDA MATERIALS OF BOTH THE EXTREME LEFT AND RIGHT.

THE GUATEMALAN GOVERNMENT OPERATES ONE [redacted]

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PAGE 02 GUATEM 09119 10 OF 20 242331Z

TELEVISION STATION AND TWO RADIO STATIONS (ONE AM AND ONE FM). THE BROADCAST CONTENT OF ALL THREE IS GENERALLY OF THE CULTURAL/FOLK VARIETY. THERE ARE FOUR PRIVATELY-OWNED TELEVISION STATIONS IN THE COUNTRY. TWO INDEPENDENT TV NEWS PROGRAMS BUY SPACE ON TWO OF THE STATIONS. THE STATIONS ARE NOT RESPONSIBLE FOR THE CONTENT OF THE NEWS PROGRAMS. THE SAME SYSTEM OPERATES IN THE PRIVATELY-OWNED RADIO STATIONS IN THE COUNTRY. THERE ARE OVER 20 INDEPENDENT RADIO NEWS PROGRAMS. THERE ARE SIX MAJOR DAILIES PUBLISHED IN THE CAPITAL. THE GOVERNMENT ALSO PUBLISHES A DAILY WHICH CONTAINS NEWS ITEMS AND OFFICIAL ANNOUNCEMENTS AND DECREES, A KIND OF OFFICIAL

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GAZETTE.

THERE ARE THREE MAJOR PRIVATE UNIVERSITIES AND A FOURTH SMALL ONE, PLUS THE NATIONAL SAN CARLOS UNIVERSITY (USAC) IN GUATEMALA. THE PRIVATE UNIVERSITIES MAINTAIN AN APOLITICAL PROFILE. USAC WITH A STUDENT BODY OF OVER 40 THOUSAND, IS AUTONOMOUS. IT RECEIVES AN ANNUAL ALLOCATION FROM THE NATIONAL BUDGET, A RIGHT STIPULATED IN THE NOW ABANDONED CONSTITUTION. THIS ALLOCATION MAY BE INCREASED BY OTHER STATE REVENUES, AS WAS THE CASE WHEN THE MEJIA GOVERNMENT AUGMENTED THE CURRENT BUDGET TO ENABLE ADMISSION OF AN ENLARGED FRESHMAN CLASS.

SAN CARLOS HAS BEEN THE SCENE OF NUMEROUS KIDNAPPINGS AND DISAPPEARANCES OF STUDENTS, FACULTY AND STAFF.

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SAN CARLOS WAS NOT THE ONLY ACADEMIC INSTITUTION AFFECTED BY VIOLENCE. NINE HIGH SCHOOL STUDENTS IN THE INTERIOR AND TWO STUDENTS FROM LANDIVAR UNIVERSITY (EXTENSION) WERE REPORTED KIDNAPPED. ALSO FOUR PRIMARY AND SECONDARY TEACHERS IN THE CAPITAL AND INTERIOR DISAPPEARED, ACCORDING TO PUBLISHED REPORTS.

CONTRASTING THE PHYSICAL VIOLENCE DONE TO THE ACADEMIC COMMUNITY, IS FREEDOM OF THOUGHT. THERE IS NO CENSORSHIP OF BOOKS, EITHER FOREIGN OR LOCALLY-PUBLISHED. EVEN TRADITIONAL SOCIALIST TRACTS CAN BE FOUND IN LIBRARIES.

2.B FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION

UNDER THE STATE OF SIEGE IN EFFECT BETWEEN JULY 1, 1982, AND MARCH 23, 1983, THE RIGHTS OF PEACEFUL ASSEMBLY, POLITICAL PARTIES AND POLITICAL ACTIVITY WERE BANNED. THE EXECUTIVE ALSO HAD THE AUTHORITY TO SUSPEND THE FUNCTIONING OF ANY GROUP WHOSE ACTIONS WERE DEEMED CONTRARY TO PUBLIC ORDER AND SECURITY. THE BASIC STATUTE OF GOVERNMENT (DECREE LAW 24-83), ISSUED ON APRIL 28, 1982, RESTORED THE

RIGHTS OF PETITION, ASSEMBLY, AND POLITICAL ASSOCIATION. HOWEVER, THE STATE OF EMERGENCY DECLARED ON JUNE 29, 1983, AGAIN PROHIBITED THE PUBLICATION OF "POLITICALLY-RELATED NEWS, MANIFESTOS OR DECLARATIONS" AND SUSPENDED VARIOUS PROVISIONS OF THE BASIC STATUTE INCLUDING THE FREEDOM OF TRAVEL, TRADE UNION ACTIVITY,

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PAGE 01 GUATEM 09119 11 OF 20 242332Z
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[redacted] SECTION 11 OF 20 GUATEMALA 09119

E.O.12356: DECL: OADR
TAGS: SHUM, GT
SUBJECT: 1983 REPORT ON HUMAN RIGHTS PRACTICES -

POLITICAL ACTIVITY, HABEAS CORPUS, AND THE RIGHT TO PETITION THE GOVERNMENT. GEN. MEJIA VICTORES LIFTED THE STATE OF EMERGENCY ON AUGUST 8, 1983.

- THERE ARE OFFICIALLY NO POLITICAL PARTIES OPERATING IN GUATEMALA AT PRESENT. THIRTY-SIX GROUPS HAVE REGISTERED THEIR INTENTION TO

BECOME PARTIES AND ARE IN VARIOUS STAGES OF MEETING THE STATUTORY REQUIREMENTS SET FORTH IN THE ELECTORAL LAW.

- POLITICAL ACTIVITY IN AREAS OF CONTINUING GUERRILLA ACTIVITY IS CONSIDERED BY THE COMMITTEES TO BE DANGEROUS.

- GUATEMALAN LAW PROTECTS THE RIGHTS OF LABOR TO ORGANIZE. THE LABOR CODE DEFINES A LABOR UNION AS "ANY PERMANENT ASSOCIATION OF WORKERS, OR EMPLOYERS, OR SELF-EMPLOYED WORKERS, FORMED SOLELY FOR THE STUDY, IMPROVEMENT,

AND PROTECTION OF THEIR COMMON ECONOMIC AND SOCIAL INTERESTS." FREEDOM TO ORGANIZE IS ILLUSTRATED BY THE FACT THAT LEGALLY ORGANIZED TRADE UNION CONFEDERATIONS RUN THE GAMUT FROM THE COMMUNIST FASGUA (THE AUTONOMOUS LABOR UNION FEDERATION OF GUATEMALA) TO THE RECENTLY ORGANIZED(MAY 1, 1983) DEMOCRATIC TRADE UNION CONFEDERATION CUSG (CONFEDERATION OF SYNDICALIST UNITY OF GUATEMALA). IN A SEPTEMBER 22 PRESS COMMUNIQUE, HOWEVER, FASGUA ASSERTED THAT THE DECEMBER 14, 1982 DISAPPEARANCE AND MURDER OF TWO OF ITS UNION LEADERS ILLUSTRATES THAT THE GUATEMALAN GOVERNMENT DOES NOT PERMIT "FREEDOM OF ASSOCIATION." IN THIS CONTEXT, IF SHOULD BE NOTED THAT FOUR TRADE UNION LEADERS CONNECTED WITH EXTREME LEFTIST UNIONS HAVE DISAPPEARED SINCE DECEMBER 1982. SOME OF THESE DISAPPEARANCES HAVE BEEN BROUGHT TO THE ATTENTION OF THE INTERNATIONAL LABOR ORGANIZATION AND ARE CURRENTLY UNDER INVESTIGATION BY THAT BODY. GOVERNMENT CULPABILITY FOR THESE DISAPPEARANCES, HOWEVER, HAS YET TO BE ESTABLISHED.

- ACCORDING TO GOVERNMENT STATISTICS COMPLIED IN MAY 1983, 645 UNIONS ARE LEGALLY INSCRIBED; OF THIS NUMBER, 318 ARE INACTIVE. THERE ARE TWO REASONS WHY SO MANY UNIONS ARE INACTIVE: FIRST, THE REPRESSION DIRECTED AGAINST LEFT-WING UNIONS BY THE FORMER LUCAS GARCIA GOVERNMENT; AND SECOND, THE DECLINING ECONOMY.

IN ANY EVENT, ORGANIZED LABOR HAS ALWAYS

OSCILLATED BETWEEN A LOW 10 TO 15 PERCENT OF THE GUATEMALAN WORKFORCE. WITH A 1983 WORKFORCE OF 2.4 MILLION, THIS EQUATES TO ABOUT 240,000 MEMBERS. IT IS PROBABLY NOW LESS THAN 10 PERCENT.

- ALTHOUGH THE 1956 AND 1965 CONSTITUTIONS MADE IT ILLEGAL TO ORGANIZE UNIONS IN THE PUBLIC SECTOR, SUCH UNIONS WERE LEGAL UNDER THE 1946 CONSTITUTION, AND ALL THOSE WITH LEGAL STANDING UNDER THAT CONSTITUTION WERE ALLOWED TO CONTINUE. MANY SUCH PUBLIC SECTOR UNIONS ARE STILL ACTIVE.

- THE CURRENT STATUTE OF GOVERNMENT RECOGNIZES THE RIGHT TO STRIKE IN CONFORMANCE WITH THE LABOR CODE, BUT ONLY AFTER NEGOTIATIONS AND CONCILIATION PROCEDURES HAVE FAILED. THESE PROCEDURES MAKE IT EXTREMELY DIFFICULT FOR A LEGAL STRIKE EVER TO TAKE PLACE. UNDER ARTICLE 243 OF THE LABOR CODE, FARM WORKERS MAY NOT STRIKE DURING HARVESTS, NOR MAY WORKERS IN INDUSTRIAL PLANTS OR SERVICE INDUSTRIES STRIKE IF THE GOVERNMENT DECIDES THE IMPACT ON THE ECONOMY WOULD BE TOO NEGATIVE. IF THE GOVERNMENT FORMALLY SUSPENDS THE RIGHTS TO STRIKE UNDER ARTICLE 243, HOWEVER, THEN MANAGEMENT AND LABOR MUST PROCEED TO COMPULSORY ARBITRATION. AS IN THE UNITED STATES, GOVERNMENT EMPLOYEES ARE NOT PERMITTED BY LAW TO STRIKE.

- THE GOVERNMENT RESTRICTED NORMAL TRADE UNION ACTIVITIES UNDER STATE OF SIEGE FROM

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PAGE 01 GUATEM 09119 12 OF 20 242333Z
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[redacted] SECTION 12 OF 20 GUATEMALA 09119

E.O.12356: DECL: OADR
TAGS: SHUM, GT
SUBJECT: 1983 REPORT ON HUMAN RIGHTS PRACTICES -

JULY 1982 TO MARCH 23, 1983; AND A STATE OF EMERGENCY FROM JUNE 29 TO AUGUST 9, 1983. DURING THESE TWO PERIODS, HOWEVER, DECREE LAW 62-82 PERMITTED ALL UNIONS WITH LEGAL RECOGNITION TO RETAIN LEGAL STANDING, FOR THEIR EXECUTIVE BOARDS TO REMAIN IN OFFICE, AND FOR THESE BOARDS TO NEGOTIATE COLLECTIVE BARGAINING AGREEMENTS WITH EMPLOYERS.

- THE PRINCIPAL DEVELOPMENT ON THE 1983 UNION FRONT WAS THE FORMATION OF THE CUSG (CONFEDERATION OF SYNDICALIST UNITY OF GUATEMALA) ON MAY 1, 1983. THIS CONFEDERATION IS COMPOSED OF EIGHT FEDERATIONS (URBAN AND RURAL) WITH 275 LOCALS AND APPROXIMATELY 100,000 MEMBERS. THE CUSG HAS MADE IT CLEAR THAT WHILE PAST RADICAL POLITICAL UNIONISM HAD ITS SOURCE IN THE INTRANSIGENCE OF EMPLOYERS, THE CONFEDERATION WOULD EMPHASIZE ECONOMIC UNIONISM AND WOULD WORK TO IMPROVE MANAGEMENT-WORKER RELATIONS.

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PAGE 02 GUATEM 09119 12 OF 20 242333Z

THE LABOR MINISTRY APPROVED CUSG'S BYLAWS ON OCTOBER 3, AND FORWARDED THEM TO THE EXECUTIVE FOR APPROVAL. WHEN THE CHIEF OF STATE SIGNS THE BYLAWS, THE CUSG WILL HAVE LEGAL RECOGNITION.

- GOVERNMENT OFFICIALS HAVE EMPHASIZED THAT THEY ARE IN FAVOR OF ECONOMIC UNIONISM BUT WILL NOT TOLERATE POLITICAL UNIONISM; NEVERTHELESS, UNIONS ASSOCIATED WITH A LEFTIST VIEWPOINT ARE WELCOME TO ORGANIZE. IN THE PAST, UNIONISM IN GUATEMALA INCLUDED UNIONS AND UNION LEADERS SUPPORTED AND FINANCED BY THE GOVERNMENT, INDEPENDENT DEMOCRATIC TRADE UNIONS, AND LEFTIST UNIONS OPPOSED TO THE GOVERNMENT. THE PRESENT GOVERNMENT'S POLICY IS TO SUPPLY NO SUBSIDIES OF ANY KIND TO ANY UNIONS OR UNION LEADERS. WHILE THE PRINCIPAL EXTREME LEFTIST UNIONS, SUCH AS THE COMMUNIST CONFEDERATION FASGUA AND THE CNT (NATIONAL WORKERS CONFEDERATION) WERE QUIESCENT IN 1983 DUE TO THE EARLIER LUCAS GARCIA REPRESSION, THEY CAN BE EXPECTED TO STRESS POLITICAL UNIONISM ONCE THEIR LEVEL OF ACTIVITY INCREASES AGAIN.

DEMOCRATIC TRADE UNION LEADERS, HOWEVER, CAN BE EXPECTED TO CONTINUE TO FOCUS ON ECONOMIC UNIONISM; AMONG OTHER REASONS, THEY EXPRESS PROFOUND PESSIMISM ABOUT THE INTEREST OF POLITICAL PARTIES IN THE NEEDS OF THE URBAN AND RURAL WORKING CLASS. THEY SEE A STRONG DEMOCRATIC UNION MOVEMENT AS

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THE ONLY CREDIBLE MEANS OF IMPROVING THE ECONOMIC AND SOCIAL CONDITIONS OF GUATEMALA'S MANY POOR. WHILE THE TRADE UNION MOVEMENT HAS ALWAYS BEEN SMALL IN GUATEMALA, ITS IMPORTANCE POLITICALLY HAS PROBABLY OUTWEIGHED ITS ECONOMIC IMPACT. IT HAS PLAYED--AND IS PLAYING--THE ROLE OF SPOKESMAN FOR THE URBAN AND PEASANT WORKERS.

- DEMOCRATIC TRADE UNION LEADERS HAVE RECENTLY ACHIEVED GOVERNMENT ATTENTION TO

THEIR COMPLAINTS THAT THE LABOR CODE, WHILE ITSELF NEUTRAL, IS OFTEN IMPLEMENTED TO FAVOR MANAGEMENT. THE LABOR COURTS' DILATORY PROCEDURES, FOR EXAMPLE, SEVERELY DISADVANTAGE THE WORKER WHEN HE SUES HIS EMPLOYER. THE GOVERNMENT HAS AGREED TO REFORM THE LABOR CODE TO SPEED UP LABOR COURT PROCEDURES.

- TRADE UNIONS AND PROFESSIONAL ASSOCIATIONS ARE FREE TO MAINTAIN RELATIONS WITH INTERNATIONAL BODIES. TRADE UNION CONFEDERATIONS HAVE BEEN AFFILIATED WITH SUCH BODIES AS THE ICFTU (INTERNATIONAL CONFEDERATION OF FREE TRADE UNIONS) AND THE SOVIET-SPONSORED WFTU (WORLD FEDERATION OF TRADE UNIONS), AS WELL AS WITH REGIONAL BODIES SUCH AS THE CHRISTIAN DEMOCRATIC CLAT (CONFEDERACION LATINOAMERICANA DE TRABAJO), WFTU'S REGIONAL ORGANIZATION CPUSTAL (THE PERMANENT CONGRESS FOR THE TRADE UNION UNITY OF LATIN AMERICAN WORKERS), AND ICFTU'S ORIT. THE AIFLD (AMERICAN INSTITUTE FOR FREE LABOR

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[redacted] SECTION 13 OF 20 GUATEMALA 09119

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TAGS: SHUM, GT
SUBJECT: 1983 REPORT ON HUMAN RIGHTS PRACTICES -

DEVELOPMENT)--THE INTERNATIONAL ARM OF THE AFL-CIO--MAINTAINS AN OFFICE IN GUATEMALA. IT IS ACTIVE IN ASSISTING THE DEMOCRATIC TRADE UNION MOVEMENT IN GUATEMALA AND TRAINS GUATEMALAN TRADE UNION LEADERS BOTH WITHIN GUATEMALA AND IN THE UNITED STATES.

- THERE ARE NUMEROUS PROFESSIONAL AND TRADE ASSOCIATIONS IN GUATEMALA. TRADE ASSOCIATIONS REPRESENTING AGRO-INDUSTRY, COMMERCE, AND INDUSTRY HAVE GREAT POLITICAL INFLUENCE. THERE HAVE BEEN NO REPORTS IN 1983 OF INTIMIDATION OR PERSECUTION OF PROFESSIONAL GROUPS, INCLUDING SCIENTIFIC BODIES, LAWYERS' ASSOCIATIONS, AND OTHER INDEPENDENT ORGANIZATIONS.

2.C. FREEDOM OF RELIGION

THE FUNDAMENTAL STATUTE OF GOVERNMENT ESTABLISHES THE INDIVIDUAL'S RIGHT TO FREEDOM OF CONSCIENCE [redacted]

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AND THE FREE EXERCISE OF RELIGION; IT ALSO GRANTS LEGAL RECOGNITION TO ALL DENOMINATIONS. THUS THE OPEN PRACTICE OF ALL RELIGIOUS FAITHS IS PERMITTED. THIS HAS BEEN TRUE SINCE 1871 WHEN A GOVERNMENT DECREE DISESTABLISHED THE ROMAN CATHOLIC CHURCH AND OPENED THE WAY FOR EVANGELICAL MISSIONARIES. AT LEAST 75 PERCENT OF THE POPULATION ADHERE TO THE ROMAN CATHOLIC FAITH. MANY INDIANS, HOWEVER, PRACTICE A SYNCRETISTIC RELIGION WHICH COMBINES ROMAN CATHOLIC TENETS WITH ELEMENTS OF THE TRADITIONAL MAYAN RELIGION. EVANGELICAL CHURCHES HAVE GROWN RAPIDLY--ESPECIALLY AMONGST INDIANS--SINCE THE 1976 EARTHQUAKE WHEN AMERICAN EVANGELICAL CHURCHES SENT NOT ONLY MATERIAL AID BUT ALSO MISSIONARIES. EVANGELICAL BELIEVERS PROBABLY NUMBER ABOUT 20 PERCENT OF THE POPULATION. IN ADDITION, THERE IS A SMALL JEWISH COMMUNITY.

BECAUSE IT IS THE CHURCH OF THE MAJORITY, THE ROMAN CATHOLIC CHURCH HAS ALWAYS HAD POLITICAL INFLUENCE. THE GROWTH OF EVANGELICAL CHURCHES SINCE 1976 HAS STIRRED UP SOME SECTARIAN TENSIONS. A FEW ZEALOUS ADHERENTS IN RURAL AREAS HAVE BEEN KNOWN TO CONFRONT EACH OTHER OVER "IDOLATRY" OR BIBLICAL REFERENCES. AT THE SAME TIME, MOST WORKING-LEVEL PRIESTS AND PASTORS COOPERATE HARMONIOUSLY. THE ROMAN CATHOLIC CHURCH, WHOSE PRIESTS UNDER THE LUCAS GARCIA GOVERNMENT HAD EXPERIENCED THREATS, EXPULSIONS, AND ASSASSINATIONS, FELT THAT UNDER THE RIOS MONTT GOVERNMENT THE SITUATION HAD IMPROVED ENOUGH TO REOPEN WORK IN THE DEPARTMENT OF EL QUICHE BY APPOINTING AN APOSTOLIC ADMINISTRATOR FOR THE DIOCESE OF EL QUICHE IN DECEMBER, 1982.

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IN ADDITION, THE TITULAR BISHOP, MONSIGNOR JUAN GERARDA, RETURNED TO GUATEMALA FROM EXILE.

IN THE FIGURE OF GENERAL RIOS MONTT, GUATEMALA HAD ITS FIRST EVANGELICAL PRESIDENT; SOME OF HIS CLOSEST ADVISORS WERE ALSO EVANGELICALS. WHEN BISHOP PROSPERO PENADOS WAS ASKED ABOUT RELATIONS BETWEEN THE CATHOLIC CHURCH AND THE EVANGELICAL MOVEMENT AT THE TIME OF HIS ANNOUNCEMENT IN NOVEMBER, 1982 OF THE FORTHCOMING VISIT OF THE POPE, HE REPLIED THAT THERE WAS NO ANTIPATHY BETWEEN ROMAN CATHOLICS AND EVANGELICALS. LATER, HOWEVER, MANY LEADERS IN THE ROMAN CATHOLIC CHURCH BEGAN TO COMPLAIN THAT RIOS MONTT WAS USING THE FULL WEIGHT OF THE GOVERNMENT TO FAVOR EVANGELICALS. THERE WERE ALSO WIDESPREAD ALLEGATIONS THAT MANY RURAL RESIDENTS WERE BEING PRESSURED TO JOIN, OR IDENTIFY WITH, PROTESTANT CHURCHES IN THEIR AREA AS PROOF OF THEIR ANTI-GUERRILLA BONA FIDES. ONE OF THE PRINCIPAL REASONS THE MILITARY COUNCIL GAVE FOR THE AUGUST 8, 1983 COUP WAS THAT "A RELIGIOUS, FANATIC, AND AGGRESSIVE GROUP, TAKING ADVANTAGE OF THE POSITIONS OF POWER HELD BY ITS HIGHEST MEMBERS, HAS USED AND ABUSED THE MEANS OF GOVERNMENT FOR ITS OWN BENEFIT, IGNORING THE ESSENTIAL PRINCIPLE OF SEPARATION OF CHURCH AND STATE." EVANGELICALS DENIED THIS. IN TESTIMONY BEFORE THE INTER-AMERICAN HUMAN RIGHTS COMMISSION (IAHRC), ROMAN CATHOLIC OFFICIALS CHARGED THAT UNDER THE RIOS

GOVERNMENT IMMIGRATION OFFICIALS BLOCKED VISAS AND WORK PERMITS FOR ITS FOREIGN RELIGIOUS WORKERS. (EVANGELICALS MADE THIS SAME CHARGE AFTER THE MEJIA GOVERNMENT TOOK POWER.) IN ADDITION, ROMAN

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PAGE 01 GUATEM 09119 14 OF 20 242335Z
ACTION HA-08

INFO OCT-00 COPY-01 ADS-00 INR-10 SS-10 EB-08 ARA-16
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[redacted] SECTION 14 OF 20 GUATEMALA 09119

E.O.12356: DECL: OADR
TAGS: SHUM, GT
SUBJECT: 1983 REPORT ON HUMAN RIGHTS PRACTICES -

CATHOLIC CHURCH AUTHORITIES CHARGED THAT THE ARMY HAD BURNED, OR APPROPRIATED AND OCCUPIED, MANY OF ITS CHURCHES--ESPECIALLY IN EL QUICHE. (AS NOTED, UNDER THE LUCAS GARCIA GOVERNMENT THE ROMAN CATHOLIC CHURCH HAD WITHDRAWN ALL BUT ONE PRIEST FROM EL QUICHE.) ROMAN CATHOLIC BISHOPS ALSO COMPLAINED THAT MANY MILITARY COMMANDERS IN THE CONFLICT ZONES GRANTED PERMITS FOR RELIGIOUS GATHERINGS TO PROTESTANT EVANGELISTS BUT NOT TO ROMAN CATHOLIC CATHECHISTS. IN AN EARLIER PASTORAL LETTER (APRIL 83), THE COUNTRY'S ROMAN CATHOLIC BISHOPS

CONDEMNED THE SUBHUMAN CONDITIONS IN WHICH MOST GUATEMALANS LIVE, CRITICIZED THE INSTITUTIONALIZATION OF VIOLENCE IN RURAL AREAS (I.E., THE CREATION AND OPERATION OF CIVILIAN SELF-DEFENSE PATROLS), AND CALLED FOR URGENT, DRAMATIC, AND FUNDAMENTAL SOCIAL AND ECONOMIC REFORMS.

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AFTER THE AUGUST 8 CHANGE OF LEADERSHIP, THERE WERE SOME PROTESTANT COMPLAINTS OF HARRASSMENT BY THE AUTHORITIES. AN AUGUST 21 PRESS REPORT, FOR [redacted]

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PAGE 02 GUATEM 09119 14 OF 20 242335Z

INSTANCE, STATED THAT CERTAIN PROTESTANT CHURCHES WERE CLAIMING THAT THEIR MINISTERS AND FAITHFUL HAD BEEN SUBJECT TO INTIMIDATION BY THE NATIONAL POLICE. ACCORDING TO THE REPORT, SEVERAL PROTESTANT CHURCHES IN GUATEMALA CITY HAD BEEN UNDER SURVEILLANCE AND VARIOUS CHURCH MEMBERS QUESTIONED BY POLICE AGENTS. THE POLICE PURPORTEDLY TOLD MEMBERS SO QUESTIONED THAT THEY WERE MERELY FOLLOWING ORDERS. THE GOVERNMENT PROMISED AN INVESTIGATION. ON AUGUST 22, THE OFFICE OF PUBLIC RELATIONS OF GUATEMALA'S NATIONAL POLICE DECLARED THAT ORDERS HAD BEEN SENT TO POLICE CHIEFS THROUGHOUT GUATEMALA THAT THEY WERE NOT TO INTERFERE WITH ANY LEADERS OF EVANGELICAL SECTS. THE ORDERS ALSO REMINDED POLICE OFFICIALS THAT EVANGELICAL LEADERS AND THEIR FOLLOWERS ARE FREE TO PURSUE THEIR RELIGIOUS ACTIVITIES WITHOUT FEAR OF INTERFERENCE OR PERSECUTION IN GUATEMALA.

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IN AN OCTOBER 17 PRESS CONFERENCE ON THE IAHRC HUMAN RIGHTS REPORT, THE FOREIGN MINISTER OBSERVED THAT THE CURRENT GOVERNMENT HAD PUT AN END TO THE DISCRIMINATION AGAINST, AND PERSECUTION OF, CATHOLICS AND CATHOLIC PRIESTS AT THE HANDS OF THE FORMER EVANGELICAL ADVISORS TO GENERAL RIOS MONTT. THE CURRENT GOVERNMENT, HE ASSERTED, NOW GUARANTEED FREEDOM OF CONSCIENCE TO ALL AND WAS WORKING TO REDUCE THE POLARIZATION BETWEEN RELIGIONS WHICH HAD ARISEN UNDER RIOS MONTT.

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THAT RELIGIOUS TENSION BETWEEN ROMAN CATHOLICS AND EVANGELICALS INCREASED IN 1983 IS CERTAIN. THAT THIS WAS THE RESULT OF A DELIBERATE PATTERN OF CONFIDENTIAL

DISCRIMINATION AGAINST THE ROMAN CATHOLIC CHURCH BY THE RIOS MONTT GOVERNMENT, OR AGAINST THE EVANGELICALS BY THE MEJIA GOVERNMENT, IS HIGHLY DUBIOUS. FOREIGN ROMAN CATHOLIC CLERGY AND RELIGIOUS WORKERS REMAINED IN PLACE DURING THE RIOS MONTT GOVERNMENT AND CONTINUED THEIR WORK AND TRAVELS WITHIN THE COUNTRY; FOREIGN EVANGELICAL CLERGY REMAIN IN GUATEMALA UNDER THE MEJIA GOVERNMENT AND CONTINUE THEIR MISSIONARY WORK AND TRAVEL WITHIN THE COUNTRY. SCATTERED ACTS OF PETTINESS BY MINOR OFFICIALS AGAINST BOTH ROMAN CATHOLIC AND EVANGELICAL CLERGY UNDER THE TWO GOVERNMENTS HAVE NOT HINDERED THE FREE EXERCISE OF RELIGION BY CLERGY AND FAITHFUL OF ALL DENOMINATIONS. FRICTIONS AND INCIDENTS NOW OCCURRING BETWEEN CATHOLICS AND PROTESTANTS APPEAR NOT TO BE PART OF ANY OFFICIALLY SANCTIONED CAMPAIGN, BUT RATHER A REACTION TO THE ACCUMULATION OF INDIVIDUAL GRIEVANCES UNDER THE RIOS MONTT REGIME.

2.D FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FOREIGN TRAVEL, EMIGRATION, AND REPATRIATION

AFTER A PERIOD OF IMPROVEMENT IN 1982 AND THE FIRST HALF OF 1983, THE GUATEMALAN GOVERNMENT HAS PUBLICLY ACKNOWLEDGED THAT THE CYCLE OF CONFLICT TURNED UP LATE IN 1983. GUERRILLA ACTIONS INCREASED AFTER THE AUGUST CHANGE OF MILITARY LEADERS. AS A CONSEQUENCE, TRAVEL IS NOT TOTALLY SAFE IN SUCH DEPARTMENTS AS HUEHUETENANGO, SAN MARCOS, EL QUICHE, ALTA AND BAJA VERAPAZ, SOLOLA AND CHIMALTENANGO. USUALLY MILITARY PATROLS ARE THE TARGET OF MINES OR

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PAGE 01 GUATEM 09119 15 OF 20 242336Z
ACTION HA-08

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[redacted] SECTION 15 OF 20 GUATEMALA 09119

E.O.12356: DECL: OADR
TAGS: SHUM, GT
SUBJECT: 1983 REPORT ON HUMAN RIGHTS PRACTICES -

HAND GRENADES, BUT BUSES AND CARS MAY BE STOPPED AND THE OCCUPANTS ROBBED. IN APRIL A GUERRILLA UNIT KILLED A BUS DRIVER AND ONE PASSENGER IN CHIMALTENANGO AFTER MAKING THE OTHER PASSENGERS DISEMBARK. CONTRAINTS ON FOREIGN TRAVEL CONTINUE TO BE PRINCIPALLY ECONOMIC AND NOT POLITICAL, WITH LITTLE INDICATION OF ANY CHANGE IN THE NORMAL PATTERN OF GUATEMALAN TRAVELERS. MEMBERS OF THE GOVERNMENT DEPOSED BY THE MILITARY IN AUGUST ARE FREE TO TRAVEL AS THEY WISH. A SMALL NUMBER OF YOUNG MILITARY OFFICERS WHO SERVED AS ADVISORS TO RIOS MONTT WERE SENT ABROAD AS MILITARY ATTACHES. GUATEMALAN REFUGEES FROM AREAS OF CONFLICT CONTINUE TO MOVE BOTH WAYS ACROSS THE MEXICAN BORDER, AND A MUCH SMALLER NUMBER OF REFUGEES REMAINED IN HONDURAS. THE NUMBER OF REFUGEES IN MEXICO IS UNCERTAIN AND CONTROVERSIAL, DEPENDING UPON THE SOURCE OF THE ESTIMATE. THE UNITED NATIONS HIGH COMMISSION FOR REFUGEES HAS ESTIMATED THE

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PAGE 02 GUATEM 09119 15 OF 20 242336Z

NUMBER AT AROUND 35,000 (DEPARTMENT SHOULD UPDATE). SOME HUMAN RIGHTS ORGANIZATIONS HAVE

CLAIMED UP TO HUNDREDS OF THOUSANDS. THE GUATEMALAN RED CROSS, WHOSE REPRESENTATIVES TOURED REFUGEE CAMPS IN MEXICO, ESTIMATED APPROXIMATELY 13,000. THE GUATEMALAN GOVERNMENT'S POLICY IS TO ENCOURAGE VOLUNTARY RETURN BY THE REFUGEES AND ASSISTANCE IN RESETTLEMENT IN THE REFUGEES VILLAGES OF ORIGIN, TO THE EXTENT THAT IT IS SAFE TO DO SO. THE GUATEMALAN GOVERNMENT HAS PUBLICLY OFFERED TO COOPERATE WITH THE UNHCR IN EFFECTING REPATRIATION FROM MEXICO. WITHIN GUATEMALA, THE NUMBER OF DISPLACED PERSONS IS ALSO NOT PRECISELY KNOWN. IN MAY, A RELIEF ORGANIZATION CLOSELY ASSOCIATED WITH THE CATHOLIC CHURCH ESTIMATED THE NUMBER AT 300,000, A MAJOR REDUCTION FROM EARLIER ESTIMATES OF UP TO ONE MILLION. HOWEVER, MANY CLOSE OBSERVERS BELIEVE THAT THIS FIGURE IS STILL TOO HIGH, AS THERE IS ONLY ONE DISPLACED PERSONS CAMP IN THE COUNTRY, WHERE THE INHABITANTS ARE ESTIMATED TO NUMBER BETWEEN 3,000 AND 5,000.

NORMAL IMMIGRATION CONTINUES, AND SOME PERSONS WHO HAD LIVED IN VOLUNTARILY EXILE PRIOR TO THE RIOS MONTT GOVERNMENT RETURNED TO THE COUNTRY IN 1983, INCLUDING PROFESSIONAL AND RELIGIOUS PERSONS. IT WAS CHARGED THAT ONE LABOR ACTIVIST WHO RETURNED SUBSEQUENTLY DISAPPEARED. FORCED REPATRIATION DOES NOT OCCUR. MANY EXILES FROM OTHER CENTRAL

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AMERICAN COUNTRIES HAVE BEEN GRANTED ASYLUM IN GUATEMALA.

3. THE RIGHT OF CITIZENS TO CHANGE THEIR GOVERNMENT

IN 1983 GUATEMALA CONTINUED TO BE RULED BY A DE FACTO, MILITARY-CONTROLLED GOVERNMENT. UNTIL REMOVED FROM POWER ON AUGUST 8, GENERAL RIOS MONTT RULED WITH THE SUPPORT OF THE GROUP OF JUNIOR OFFICERS WHO HAD STARTED THE MARCH 23, 1982 COUP. THE AUGUST 1983 ACTION RESTORED THE MILITARY HIERARCHY. GENERAL MEJIA ASSUMED THE TITLE OF CHIEF OF STATE RATHER THAN THAT OF PRESIDENT AND HE ALSO RETAINS

THE TITLE OF MINISTER OF DEFENSE. HE RECEIVES ADVICE AND CONSENT FROM THE MILITARY HIGH COMMAND. THERE ARE CIVILIANS OCCUPYING MINISTERIAL POSTS IN THE GOVERNMENT. THE LAST CIVILIAN PRESIDENT TO BE ELECTED IN GUATEMALA WAS JULIO CESAR MENDEZ MONTENEGRO IN 1966. BEGINNING IN 1970, A SUCCESSION OF FOUR RECENTLY-RETIRED SENIOR MILITARY OFFICERS WERE ELECTED PRESIDENT AS CANDIDATES OF ONE OR MORE POLITICAL PARTIES. THE FOURTH, ELECTED IN MARCH 1982, NEVER TOOK OFFICE. THE THREE OPPOSITION CIVILIAN CANDIDATES CHARGED, WITHOUT PRESENTING SUPPORTING EVIDENCE, THAT THE ELECTIONS HAD BEEN FRAUDULENT. THIS, TOGETHER WITH A PUBLIC WEARINESS OF MILITARY CONTINUITY, SET THE STAGE FOR A COUP BY JUNIOR OFFICERS THAT, IN FACT, BROUGHT TO POWER ANOTHER MILITARY OFFICER, ALTHOUGH ONE WHO HAD BEEN INACTIVE FOR SEVERAL YEARS. THIS OFFICER, GENERAL EFRAIN RIOS MONTT, WAS INITIALLY POPULAR BECAUSE HE PROMISED TO REFORM THE POLITICAL SYSTEM

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PAGE 01 GUATEM 09119 16 OF 20 242337Z
ACTION HA-08

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TO SECSTATE WASHDC IMMEDIATE 7623

[redacted] SECTION 16 OF 20 GUATEMALA 09119

E.O.12356: DECL: OADR
TAGS: SHUM, GT
SUBJECT: 1983 REPORT ON HUMAN RIGHTS PRACTICES -

AND RETURN THE COUNTRY TO CONSTITUTIONAL GOVERNMENT. HIS BORN-AGAIN EVANGELICAL RELIGIOUS FAITH, HOWEVER, INCREASINGLY BECAME CONTENTIOUS WITHIN THE FRAMEWORK OF A CONSERVATIVE, CATHOLIC COUNTRY. IT WAS CHARGED THAT HE FAVORED THE GROWTH OF EVANGELICAL PROTESTANTISM, UTILIZING STATE RESOURCES. HIS WEEKLY SERMONETTES ON NATIONAL TELEVISION ADDED TO THIS PERCEPTION.

RIOS MONTT WAS REMOVED FROM OFFICE 17 MONTHS AFTER TAKING POWER FOR A NUMBER OF REASONS, ONE OF WHICH WAS THE PERCEPTION WITHIN THE MILITARY HIGH COMMAND THAT HE WAS NOT COMMITTED TO AN ACCEPTABLE DATE FOR A RETURN TO CONSTITUTIONAL GOVERNMENT. BEYOND SETTING A DATE FOR A CONSTITUENT ASSEMBLY ELECTION, RIOS MONTT HAD NOT, IN FACT, ANNOUNCED A TIMETABLE FOR THE SUBSEQUENT STEPS LEADING TO AN ELECTED GOVERNMENT. HIS GOVERNMENT HAD ISSUED A NEW POLITICAL PARTIES LAW, AND PERMITTED THE RESUMPTION OF POLITICAL ORGANIZATIONAL ACTIVITIES.
GENERAL MEJIA, AFTER TAKING OVER AS CHIEF OF STATE,

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MET WITH POLITICAL GROUPS ON AUGUST 23 AND ANNOUNCED THAT THE GOVERNMENT WOULD HONOR THE PREVIOUSLY AGREED DATES FOR CONVOKING, HOLDING AND INSTALLING A CONSTITUENT ASSEMBLY, WHICH ARE RESPECTIVELY MARCH 23, JULY 1, AND SEPTEMBER 15, 1984. THE GOVERNMENT HAS STATED THAT THE MANDATE OF THE CONSTITUENT ASSEMBLY WILL BE EXCLUSIVELY THAT OF DRAFTING A NEW CONSTITUTION, WITH THE CURRENT DE FACTO MILITARY REGIME GOVERNING THE COUNTRY UNTIL AN ELECTED GOVERNMENT TAKES OFFICE. THE MEJIA GOVERNMENT ON SEVERAL OCCASIONS, MOST RECENTLY IN THE FOREIGN MINISTER'S SPEECH TO THE UN GENERAL ASSEMBLY'S FALL 1983 SESSION, HAS INDICATED THAT NATIONAL ELECTIONS WILL TAKE PLACE IN 1985. SPECIFICALLY, THE GOVERNMENT PUBLIC RELATIONS SUBSECRETARY STATED ON SEPTEMBER 26 THAT THE GOVERNMENT WOULD BE TURNED OVER TO AN ELECTED PRESIDENT ON JULY 1, 1985. TECHNICALLY, HOWEVER, THE CONSTITUENT ASSEMBLY WILL HAVE THE RESPONSIBILITY TO SET THE ELECTION SCHEDULE WITHIN THE CONTEXT OF DRAFTING

THE PROVISIONS OF THE NEW CONSTITUTION.

A NEW DECREE-LAW ON POLITICAL PARTIES (#)
EFFECT ON MARCH 23, (#)
TION IN THE POLITICAL PROCESS. BY LATE OCTOBER
SOME 36 PRE-PARTY POLITICAL COMMITTEES HAD ANNOUNCED
THEIR INTENTION TO ORGANIZE PARTIES. TO BECOME
ACTUAL POLITICAL PARTIES, THE COMMITTEES ARE
REQUIRED TO COMPLETE A SERIES OF OBLIGATORY STEPS.
THEY MUST OBTAIN 4,000 SIGNATURES NATIONALLY REPRE-
SENTING 50 MUNICIPALITIES--THERE ARE 327 MUNICIPALI-
TIES IN THE COUNTRY--AND 12 DEPARTMENTS OUT OF A
TOTAL OF 22. THEN, IN THE CONSTITUENT ASSEMBLY

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ELECTIONS A COMMITTEE MUST OBTAIN FOUR PERCENT OF
THE TOTAL VOTE TO BE CERTIFIED AS A PARTY AND EARN
THE RIGHT TO PARTICIPATE IN THE SUBSEQUENT NATIONAL
ELECTIONS. THE PREVIOUS POLITICAL PARTIES LAW
REQUIRED 50,000 SIGNATURES TO REGISTER A NEW PARTY.
AS ONE MEANS OF COMPLYING WITH A PROMISE OF EARLY
NATIONAL ELECTIONS, THE MEJIA GOVERNMENT CANCELLED
A PROJECT TO INTRODUCE NEW NATIONAL IDENTITY CARDS,
CLAIMING THAT THE PROCESS WOULD COST AT LEAST $10
MILLION TO CARRY OUT AND TAKE SEVERAL YEARS TO
COMPLETE. INSTEAD, VOTER IDENTIFICATION WILL BE BY
MEANS OF THE EXISTING CEDULA DE VECINDAD, WHICH
CONTAINS A PICTURE OF THE BEARER AND WHICH, BY
LAW, MUST BE OBTAINED AT AGE EIGHTEEN.

THE ELECTION PROCESS WILL BE ADMINISTERED BY A
SUPREME ELECTORAL TRIBUNAL, ESTABLISHED BY DECREE-
LAW ON MARCH 23, 1983. THE FIVE MEMBERS OF THE
TRIBUNAL, ALL WELL-KNOWN LAWYERS, WERE SWORN IN ON
JUNE 30 BY THE CHIEF JUSTICE. THE TRIBUNAL ANNOUNCED
SUBSEQUENTLY THAT PREPARATION OF VOTER LISTS WOULD
BEGIN IN NOVEMBER 1983 WITH A GOAL OF POSSIBLY
THREE MILLION INSCRIPTIONS BY THE DATE OF THE
CONSTITUENT ASSEMBLY ELECTIONS. SOME INFORMED
OBSERVERS, AS WELL AS SOME POLITICAL LEADERS,
BELIEVE THAT IT WILL NOT BE POSSIBLE TO ACHIEVE
THIS LEVEL OF REGISTRATION, BUT NONE OF THE POLITICAL
COMMITTEES SUPPORTS A POSTPONEMENT OF THE ELECTIONS
FOR THE REASON OF INCREASING THE REGISTERS OF
VOTERS. THE SUPREME ELECTORAL TRIBUNAL PUBLICLY
COMPLAINED IN THE FIRST MONTHS AFTER BEING
ESTABLISHED THAT IT LACKED FUNDS TO CONDUCT ITS

NOTE BY OC/T: (#)OMISSION, CORRECTION TO FOLLOW.

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PAGE 01 GUATEM 09119 17 OF 20 242338Z
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TO SECSTATE WASHDC IMMEDIATE 7624

[redacted] SECTION 17 OF 20 GUATEMALA 09119

E.O.12356: DECL: OADR
TAGS: SHUM, GT
SUBJECT: 1983 REPORT ON HUMAN RIGHTS PRACTICES -

WORK, A PROBLEM THAT REPORTEDLY WAS BEING REMEDIED BY THE MEJIA GOVERNMENT.

4. GOVERNMENTAL ATTITUDES REGARDING INTERNATIONAL AND NON-GOVERNMENTAL INVESTIGATION OF ALLEGED VIOLATIONS OF HUMAN RIGHTS

NUMEROUS HUMAN RIGHTS, CHURCH, AND OTHER PRIVATE GROUPS VISITED GUATEMALA IN 1983 TO DETERMINE, AT FIRSTHAND, THE HUMAN RIGHTS SITUATION. THE GOVERNMENT OF GUATEMALA RECEIVED THEM AND INDICATED ITS

WILLINGNESS TO RECEIVE THE REPRESENTATIVES OF ANY LEGITIMATE HUMAN RIGHTS GROUPS. IT ALSO PUBLICLY INDICATED THAT SUCH INTERNATIONAL VISITORS WOULD BE FREE TO TOUR GUATEMALA WITHOUT HINDRANCE.

DURING 1983, SUCH VISITORS INCLUDED DELEGATIONS FROM THE UNITARIAN-UNIVERSALIST SERVICE COMMITTEE [redacted]

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(JANUARY), THE ANTI-DEFAMATION LEAGUE OF B'NAI B'RITH (APRIL), EUROPEAN PARLIAMENT (JULY), BISHOPS REPRESENTING THE NATIONAL CONFERENCE OF CATHOLIC BISHOPS OF THE UNITED STATES (AUGUST), LUTHERAN BISHOPS (SEPTEMBER), AND REPRESENTATIVES OF THE AMERICAN ANTHROPOLOGICAL ASSOCIATION (OCTOBER). IN SEPTEMBER, THE GUATEMALAN VICE MINISTER OF FOREIGN RELATIONS TRAVELED TO EUROPE AND MET WITH A CHAPTER OF AMNESTY INTERNATIONAL IN BELGIUM.

THE GOVERNMENT OF GUATEMALA FACILITATED THE VISIT OF THE UNITED NATIONS HUMAN RIGHTS COMMISSION SPECIAL RAPPORTEUR ON GUATEMALA, VISCOUNT COLVILLE OF CULROSS, IN JUNE, 1983. LORD COLVILLE MET WITH BOTH GOVERNMENT OFFICIALS AND NUMEROUS PRIVATE CITIZENS. HE ALSO TOURED THE COUNTRYSIDE. HIS REPORT WAS TO BE SUBMITTED TO THE THIRD COMMITTEE OF THE UNGA IN NOVEMBER 1983.

IN OCTOBER, 1983, THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS PUBLISHED THE RESULTS OF ITS SEPTEMBER 1982 ON-SITE INVESTIGATION. ITS MAJOR CONCLUSIONS WERE THAT THE GOVERNMENT OF GUATEMALA HAD DONE NOTHING TO PROSECUTE THOSE RESPONSIBLE FOR ILLEGAL EXECUTION COMMITTED PRIOR TO MARCH 23, 1982; THAT FEWER LIVES WERE LOST UNDER RIOS MONTT THAN UNDER PREVIOUS GOVERNMENTS; AND THAT THE SPECIAL TRIBUNALS CONDEMNED 15 MEN TO DEATH FOR CRIMES THAT DID NOT JUSTIFY THE IMPOSITION OF CAPITAL PUNISHMENT. THE COMMISSION ALSO STATED THAT WHILE THE GUERRILLAS WERE RESPONSIBLE FOR ACTS OF VIOLENCE IN RURAL AREAS, A LARGE SHARE OF BLAME FOR THOSE INCIDENTS

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BELONGED TO THE SECURITY FORCES. THE COMMISSION SAID THAT NEITHER HABEAS CORPUS NOR AMPARO WERE RESPECTED BY THE GOVERNMENT, AND THAT ARBITRARY DETENTIONS CONTINUED TO OCCUR AT THE HANDS OF SECURITY FORCES. THE REPORT ALSO CHARGES THE GOVERNMENT WITH CONDUCTING A CAMPAIGN OF TORTURE, NOT ONLY ON THOSE INDIVIDUALS BEING ARBITRARILY DETAINED, BUT IN RURAL AREAS ON PEASANTS SUSPECTED OF COLLABORATION WITH THE INSURGENCY. OTHER COMMENTS OF THE REPORT INCLUDED MENTION OF CATHOLIC-PROTESTANT FRICTION WITH THE RESULT OF IMPINGING ON THE ABILITY OF CATHOLIC PRIESTS TO FUNCTION IN THEIR MINISTRIES PROPERLY; THE PLIGHT OF THE THOUSANDS OF REFUGEES WHO HAD FLED THEIR HOMES IN GUATEMALA; AND THE PLIGHT OF THE THOUSANDS OF DISPLACED PERSONS WITHIN GUATEMALA WHO HAD BEEN FORCED TO FLEE THEIR TRADITIONAL HOMES AND BE RESETTLED ELSEWHERE WITHIN THE COUNTRY.

THE GOVERNMENT OF GUATEMALA HAS ANSWERED THESE CHARGES PARTIALLY ACCEPTING RESPONSIBILITY IN SOME CASES BY STATING HOW THE PROBLEM HAS BEEN CORRECTED BY THE MEJIA REGIME, AND REBUTTING OTHER CHARGES.

GUATEMALA DISAGREES WITH THE COMMISSION'S FINDINGS ABOUT THE MILITARY'S RESPONSIBILITY FOR THE MAJORITY OF VIOLENCE IN THE HIGHLANDS. IT ALSO POINTS OUT THAT THE COMMISSION DID NOT CENSURE THE GUERRILLAS FOR THE KIDNAPPINGS OF PROMINENT BUSINESSMEN, JOURNALISTS AND THE SISTERS OF RIOS MONTT AND MEJIA VICTORES.

THE GOVERNMENT ALSO STATED THAT HUMAN RIGHTS

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PAGE 01 GUATEM 09119 18 OF 20 242339Z
ACTION HA-08

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[redacted] SECTION 18 OF 20 GUATEMALA 09119

E.O.12356: DECL: OADR
TAGS: SHUM, GT
SUBJECT: 1983 REPORT ON HUMAN RIGHTS PRACTICES -

ORGANIZATIONS SHOULD LIMIT THEMSELVES IN THEIR REPORTS TO STATE WHAT COMPLAINTS HAVE BEEN MADE AND MAKE RECOMMENDATIONS, WITHOUT EMITTING VALUE JUDGEMENTS. THE HUMAN RIGHTS GROUPS, THE GOVERNMENT ADDED, SHOULD NOT GIVE ACCUSATIONS THE APPEARANCE OF FACT WITHOUT PROOF, AT THE SAME TIME DISREGARDING CLARIFICATIONS FORMULATED BY THE GOVERNMENT.

IN 1982, THE ILO CONFERENCE COMMITTEE ON APPLICATION OF CONVENTIONS AND RECOMMENDATIONS REMOVED GUATEMALA FROM A SPECIAL CITATION RESERVED FOR COUNTRIES THAT FAIL TO COMPLY WITH A RATIFIED CONVENTION, IN THIS CASE, CONVENTION 87 ON "FREEDOM OF ASSOCIATION". GUATEMALA HAD BEEN ON THIS "BLACK LIST" FOR A NUMBER OF YEARS. IN 1983, THIS SAME COMMITTEE NOTED THAT WHILE GUATEMALA CONTINUED TO MAKE PROGRESS IN ITS COMPLIANCE WITH ILO CONVENTIONS ON ORGANIZED LABOR, THE ILO STILL HAD QUESTIONS ABOUT THE LEGAL BAN ON UNION PARTICIPATION IN ELECTORAL POLITICS AND THE PROHIBITION OF PUBLIC EMPLOYEES' RIGHT TO STRIKE. IT DID NOTE,HOWEVER, A POSITIVE DEVELOPMENT:

[redacted]

[redacted]

PAGE 02 GUATEM 09119 18 OF 20 242339Z

GUATEMALA HAD REMOVED THE PROHIBITION ON THE REELECTION OF TRADE UNION LEADERS. AS OF 1983, GUATEMALA IS NOT INCLUDED IN THE "BLACK LIST."

AT PRESENT, THE ILO IS PROCESSING THREE COMPLAINTS

AGAINST GUATEMALA, ALL CONCERNING THE RECENT DISAPPEARANCES OF TRADE-UNION LEADERS. THE INTERNATIONAL CONFEDERATION OF FREE TRADE UNIONS FILED ONE COMPLAINT, AND THE PERMANENT CONGRESS OF TRADE UNION UNITY OF LATIN AMERICA (CPUSTAL)--THE REGIONAL ORGANIZATION OF THE SOVIET WORLD FEDERATION OF TRADE UNIONS (WFTU)--FILED THE OTHERS. THE ILO HAS THESE THREE CASES UNDER INVESTIGATION.

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

THE CONTRAST IN LIVING STANDARDS IS VERY MARKED BETWEEN A SMALL STRATUM OF WELL-EDUCATED GUATEMALANS, WHO ENJOY LIVING STANDARDS EQUIVALENT TO THOSE IN DEVELOPED COUNTRIES, AND THE RURAL MAJORITY OF THE POPULATION, TO WHOM PEASANT AGRICULTURE, SEASONAL AGRICULTURAL LABOR, AND COTTAGE INDUSTRY PROVIDE LITTLE MORE THAN BASIC NECESSITIES. THE BULK OF THE POPULATION OF 7.8 MILLION (AS OF MID-1983) IS STILL RURAL. HEALTHY ECONOMIC GROWTH UNDER A FREE ENTERPRISE ECONOMIC SYSTEM, THAT RAISED GNP TO $1,141 PER CAPITA IN 1981, COMBINED WITH RAPID POPULATION GROWTH (3.1 PERCENT IN 1983), HAS INCREASED THE CONTRAST BETWEEN THE MODERN AND TRADITIONAL SECTORS OF GUATEMALAN SOCIETY OVER THE PAST SEVERAL DECADES. THE CONTRAST INVOLVES RACE, LANGUAGE, AND CULTURE, AS WELL AS INCOME LEVELS.

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EMPLOYMENT GENERATED BY ECONOMIC GROWTH SURPASSED THE RATE OF POPULATION GROWTH FROM THE 1950'S THROUGH 1970'S, BUT IT DROPPED SHARPLY IN 1981-83. OFFICIAL FIGURES PLACE UNEMPLOYMENT AND UNDEREMPLOYMENT (MAINLY THE LATTER) ABOVE 40 PERCENT IN 1983.

FOOD AVAILABILITY IS GENERALLY ADEQUATE AND IS LIMITED PRIMARILY BY PURCHASING POWER. IN 1977 THE CALORIE SUPPLY AVAILABLE FOR CONSUMPTION MET 92.2 PERCENT OF NUTRITIONAL REQUIREMENTS. THE SUPPLY OF STAPLES, CORN AND BEANS, HAS BEEN SUFFICIENT AT CONTROLLED PRICES. HEALTH SERVICES AND SANITATION ARE FAIR TO GOOD (DEPENDING ON INCOME LEVEL) IN GUATEMALA CITY AND A FEW OTHER URBAN CENTERS, BUT GENERALLY POOR IN RURAL AREAS. DESPITE CONSIDERABLE PUBLIC INVESTMENT IN POTABLE

WATER PROJECTS, MEDICAL CENTERS AND CLINICS, FINANCED WITH THE ASSISTANCE OF THE IDB, ONLY ABOUT 15 PERCENT OF THE LOWEST INCOME GROUP LIVING IN THE RURAL AREAS IS REACHED. IN 1976, 40 PERCENT OF THE POPULATION HAD ACCESS TO SAFE WATER, BUT THIS BREAKS DOWN TO 87 PERCENT IN URBAN AREAS AND 14 PERCENT IN RURAL AREAS. THE INFANT MORTALITY RATE WAS A HIGH 62 PER 1,000 IN 1983, AND THE LIFE EXPECTANCY AT BIRTH WAS 58.9 YEARS IN 1981. THE MINISTRY OF HEALTH HAS UNDERTAKEN A PILOT PROGRAM IN THREE DEPARTMENTS TO PROVIDE BASIC PRIMARY HEALTH CARE ON A WIDE SCALE.

FOR THE MOST PART, GOVERNMENT SOCIAL POLICY TOWARD

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PAGE 01 GUATEM 09119 19 OF 20 242340Z
ACTION HA-08

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FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC IMMEDIATE 7626

[redacted] SECTION 19 OF 20 GUATEMALA 09119

E.O.12356: DECL: OADR
TAGS: SHUM, GT
SUBJECT: 1983 REPORT ON HUMAN RIGHTS PRACTICES -

INDIAN PEOPLE (LIKE ECONOMIC POLICY) HAS BEEN LAISSEZ-FAIRE. INDIGENOUS GROUPS HAVE MAINTAINED THEIR CULTURES BY CHOICE, BUT TIMES ARE CHANGING. POPULATION PRESSURE ON THE LAND, CONTACT WITH ECONOMIC DEVELOPMENT, AND OTHER PRESSURES ARE CAUSING A STEADY DRIFT FROM TRADITIONAL INTO NON-INDIAN SOCIETY. THERE ARE NO LEGAL BARRIERS TO CULTURAL CHANGE OR SOCIAL MOBILITY, BUT PROGRAMS TO ASSIST THAT DIFFICULT PROCESS ARE FAR FROM ADEQUATE AND DEPEND GREATLY ON EXTERNAL ASSISTANCE. ONE OF THE MAJOR STEPS TAKEN IN RECENT YEARS, THE TRIPLING OF THE MINIMUM WAGE IN 1980, HAS BEEN OFFSET BY DECLINING EMPLOYMENT OPPORTUNITIES IN THE CURRENT RECESSION.

PRIMARY EDUCATION AND ADULT LITERARY HAVE RECEIVED MODERATE ATTENTION AND PUBLIC EXPENDITURE IN RECENT YEARS, ALSO WITH SOME EXTERNAL ASSISTANCE AND FINANCIAL SUPPORT, BUT THERE IS A LONG WAY TO GO. THE ADULT LITERACY RATE MAY HAVE IMPROVED SOMEWHAT FROM A FIGURE OF 46.1 PERCENT IN 1973, BUT PRIMARY

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SCHOOL ENROLLMENT IS FAR SHORT OF UNIVERSAL, 69 PERCENT IN 1980. LITERACY IS A PARTICULARLY GREAT PROBLEM IN GUATEMALA BECAUSE HALF THE POPULATION IS OF INDIAN CULTURE, HAVING TO LEARN SPANISH (IF AT ALL) AS A SECOND LANGUAGE.

ECONOMIC, SOCIAL, AND CULTURAL SITUATION SUBSECTION ON THE STATUS OF WOMEN IN GUATEMALA

GUATEMALA IS A TRADITIONAL LATIN SOCIETY IN WHICH WOMEN CONTINUE TO PLAY, FOR THE MOST PART, THEIR TRADITIONAL ROLES OF MOTHER, HOUSEHOLD MANAGER AND (IN RURAL AREA) INCOME PROVIDER. DISCRIMINATION AGAINST WOMEN IS NOT GROUNDED IN THE COUNTRY'S MODERN LEGAL CODES, BUT ROOTED IN CENTURIES OF CULTURAL AND SOCIETAL PRACTICE.

ONLY 14 PERCENT OF WOMEN IN GUATEMALA ARE CONSIDERED TO BE EMPLOYED IN NON-TRADITIONAL LABOR MARKETS. THE VAST MAJORITY OF THESE ARE WORKING IN THE SERVICE SECTOR AS MAIDS, COOKS, OR LAUNDRY WOMEN. IN GENERAL, WOMEN IN GUATEMALA OCCUPY THE LOWEST

PAYING UNSKILLED JOBS. THEY ALSO SUFFER FROM WAGE DISCRIMINATION. ACCORDING TO A 1978 STUDY, IN ALL OCCUPATIONAL LEVELS WOMEN EARN AN AVERAGE OF 44 PERCENT LESS THAN DO MEN WORKING IN COMPARABLE POSITIONS.

RECENT ESTIMATES ARE THAT ONE-QUARTER OF THE STUDENTS ENROLLED IN GUATEMALAN UNIVERSITIES ARE WOMEN. OVERALL, SEVEN PERCENT OF URBAN WOMEN RESIDENTS REPORT HAVING SOME UNIVERSITY EDUCATION, BUT THIS

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DECLINES TO .004 PERCENT IN RURAL AREAS. THEY MAJOR, AS A RULE, IN "SAFE" AREAS SUCH AS PSYCHOLOGY, LAW, TEACHING, OR NURSING AND GO ON TO CAREERS AS HEALTH WORKERS, TEACHERS, OR OFFICE WORKERS. ON A STATISTICAL BASIS, THE NUMBER OF WOMEN OCCUPYING HIGHER-LEVEL PROFESSIONAL AND MANAGERIAL POSITIONS IS VERY, VERY SMALL.

IT IS FROM THE ELITE SUB-GROUP OF UNIVERSITY GRADUATES THAT SOME WOMEN, ON AN INDIVIDUAL BASIS, HAVE GAINED RECOGNITION AND AUTHORITY. THE CURRENT HEAD OF STATE, GEN. OSCAR HUMBERTO MEJIA VICTORES, FOR EXAMPLE, HAS APPOINTED ISABEL TEJADA DE PUTZEYS AS MINISTER OF EDUCATION, MAKING HER GUATEMALA'S FIRST WOMAN CABINET MINISTER. A WOMAN ALSO SERVES IN THE DUAL ROLE AS A MEMBER OF GUATEMALA'S SUPREME COURT AND DEAN OF THE LAW FACULTY AT FRANCISCO MARROQUIN UNIVERSITY, AND OTHER WOMEN SERVE AS JUDGES OF LOWER COURTS, PRINCIPALLY IN THE AREA OF FAMILY LAW. THE COUNCIL OF STATE, AN APPOINTIVE CONSULTATIVE BODY CREATED BY EX-PRESIDENT JOSE EFRAIN RIOS MONTT, INCLUDED FOR THE FIRST TIME AT A NATIONAL LEVEL REPRESENTATIVES OF GUATEMALAN WOMENS' ORGANIZATIONS.

THE PARTICIPATION OF WOMEN IN THE POLITICAL PROCESS IS RESTRICTED. A 1976 STUDY FOUND, FOR EXAMPLE, THAT ONLY 16 PERCENT OF ELIGIBLE WOMEN VOTED THAT YEAR. IN THE LAST 35 YEARS, ONLY THREE WOMEN HAVE BEEN ELECTED TO THE NATIONAL CONGRESS, AND WOMEN HAVE NOT PLAYED MAJOR ROLES IN THE COUNTRY'S POLITICAL PARTIES, WITH THE POSSIBLE EXCEPTION OF THE RIGHT-OF-CENTER NATIONAL LIBERATION MOVEMENT (MLN) PARTY.

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PAGE 01 GUATEM 09119 20 OF 20 242341Z
ACTION HA-08

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FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC IMMEDIATE 7627

[redacted] SECTION 20 OF 20 GUATEMALA 09119

E.O.12356: DECL: OADR
TAGS: SHUM, GT
SUBJECT: 1983 REPORT ON HUMAN RIGHTS PRACTICES -
-
WOMEN IN RURAL GUATEMALA FACE A MORE PRECARIOUS EXISTENCE THAN DO THEIR URBAN COUNTERPARTS. ONLY 15 PERCENT OF THE COUNTRY'S RURAL POPULATION HAS ACCESS TO MODERN MEDICAL CARE. HALF OF ALL RURAL WOMEN ARE MARRIED BY AGE 19, WHILE CHILDBIRTH IS ONE OF THE FIVE LEADING CAUSES OF DEATH AMONG WOMEN. GUATEMALA HAS, ALONG WITH HAITI AND BOLIVIA, THE HIGHEST ILLITERACY RATE IN LATIN AMERICA. IN 1973 A STUDY FOUND THAT 55 PERCENT OF ALL WOMEN IN THE COUNTRY WERE ILLITERATE. IN RURAL AREAS THIS FIGURE ROSE TO 78 PERCENT. OVERALL, OVER HALF THE FEMALE POPULATION OF GUATEMALA REPORTS RECEIVING NO FORMAL EDUCATIONAL TRAINING AND 94 PERCENT OF WOMEN RESIDING IN RURAL AREAS REPORT LESS THAN THREE YEARS OF SCHOOLING ACCORDING TO 1978 DATA.
-
THE MAJORITY OF GUATEMALAN WOMEN LIVE IN THE COUNTRY-

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SIDE AND ENGAGE IN COTTAGE INDUSTRIES SUCH AS TEXTILE WEAVING, SELLING HANDICRAFTS AND AGRICULTURAL PRODUCE AT TRADITIONAL MARKETS, OR GARDENING AND ANIMAL-RAISING, IN ADDITION TO AGRICULTURAL FIELD WORK.

[redacted]

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THEIR DOMINANCE IN THE TEXTILE INDUSTRY HAS LED ONE WOMAN TO BECOME SECRETARY-GENERAL OF A NATIONAL FEDERATION OF TEXTILE WORKERS. RECENT LEADERSHIP TRAINING COURSES OF THE AMERICAN INSTITUTE FOR FREE LABOR DEVELOPMENT (AIFLD) FOR CAMPESINO UNION MEMBERS HAVE ALSO INCLUDED WOMEN AMONG THEIR PARTICIPANTS.

WHILE GUATEMALA IS NO EXCEPTION TO THE GENERAL IN LATIN AMERICA THAT WOMEN OUTNUMBER MEN IN URBAN AREAS, THE YEARS OF GUERRILLA INSURGENCY HAVE EXTENDED THIS PROBLEM TO THE COUNTRYSIDE. IN RURAL VILLAGES IN THE HIGHLAND AREAS OF GUATEMALA, THE MAJORITY OF THE POPULATION FREQUENTLY CONSISTS OF WOMEN AND CHILDREN AND THE ELDERLY. THUS, IN ADDITION TO THEIR USUAL TASKS OF CARING FOR ANIMALS, CHILD REARING AND HOUSEHOLD MAINTENANCE, THESE WOMEN FACE THE BURDEN OF ASSUMING BOTH THE RESPONSIBILITIES OF THE HEAD OF THE HOUSEHOLD AND BEING THE FAMILY'S PRINCIPAL SOURCE OF SUPPORT. THE HIGH ILLITERACY LEVEL, TOGETHER WITH AN UNDER-EMPLOYMENT RATE APPROACHING 40 PERCENT, MEANS THAT FOR THESE RURAL WOMEN THEIR DAY-TO-DAY EXISTENCE IS TENUOUS.

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PAGE 01 GUATEM 09151 01 OF 02 251718Z
ACTION ARA-16

INFO OCT-00 COPY-01 ADS-00 AID-07 INR-10 SS-10 CIAE-00
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R 251713Z OCT 83
FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC 7653
INFO AMEMBASSY BELIZE
AMEMBASSY MEXICO
AMEMBASSY PANAMA
AMEMBASSY SAN JOSE
AMEMBASSY SAN SALVADOR
AMEMBASSY TEGUCIGALPA
USMISSION USUN NEW YORK
USCINCSO QUARRY HTS PN

UNCLAS SECTION 01 OF 02 GUATEMALA 09151

A/SY/TAG

E.O.12356: N/A
TAGS: ASEC, PGOV, PINR, PINS, GT, SHUM
SUBJECT: VIOLENCE AND HUMAN RIGHTS REPORT: AUGUST

1. OFFICIAL GOG BULLETINS, INDEPENDENT PRESS REPORTS, AND GUERRILLA PRESS RELEASES (REPORTED BY FBIS) GIVE A TOTAL OF 98 DEATHS IN AUGUST.

2. IN 16 ARMY, POLICE, AND CIVIL DEFENSE PATROL ATTACKS ON GUERRILLAS:

-- MILITARY KIA: -- 7
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PAGE 02 GUATEM 09151 01 OF 02 251718Z

-- GUERRILLAS KIA: 50

IN 5 GUERRILLA ATTACKS ON GOG SECURITY FORCES:

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DEPARTMENT OF STATE IM/ITS/CRVB Date: 2/20/98
(X) RELEASE ( ) DECLASSIFY ( ) DECLASSIFY EO Citations
( ) EXCISE ( ) DECLASSIFY IN PART
( ) DENY
FOIA Exemptions ( ) CLASSIFY as ( ) S or ( ) C Soc.
PA Exemptions ( ) DOWNGRADE TS to ( ) S or ( ) C
TS authority to

-- MILITARY KIA: 10
-- GUERRILLAS KIA: 0
-- MILITARY WIA: 3

OF THE 17 MILITARY KILLED, 5 WERE MEMBERS OF CIVIL DEFENSE PATROLS.

TOTAL KILLED IN MILITARY/GUERRILLA CLASHES: 67

3. IN 3 VILLAGE TAKEOVERS BY THE LEFT:

-- GUERRILLAS KIA: 0
-- CIVILIANS MURDERED: 1

IN ONE OF THE INCIDENTS, THE GUERRILLAS TOOK OVER THE FINCA ADELAIDA, HELD A RALLY, AND KILLED THE CHAUFFEUR OF THE FINCA. IN ANOTHER INCIDENT, THE GUERRILLAS OCCUPIED A FARM BETWEEN SAN DIEGO AND NARAJO VILLAGES AND DISTRIBUTED PROPAGANDA, AND IN THE THIRD TAKEOVER, THE INSURGENTS OCCUPIED EL RETALTECO VILLAGE AND HELD A RALLY.

4. IN 7 OTHER TERRORIST DISRUPTIVE ACTS:

IN SEPARATE ACTIONS BETWEEN AUGUST 8-10 IN EL PETEN, TERRORISTS SET OFF A BOMB AT THE TELEPHONE OFFICE TOWER IN PURUSILA, ATTACKED A WEATHER STATION ON THE USUMACINTA RIVER
UNCLASSIFIED

KILLING THE TECHNICIAN, AND BURNED A TRAILER ON THE ROAD TO FLORES. ON AUGUST 22, AND AGAIN ON AUGUST 25, ARMED MEN DRESSED IN OLIVE GREEN UNIFORMS BURNED A PUBLIC BUS ON THE FLORES-POPTUN ROAD.

ON AUGUST 9 IN GUATEMALA CITY, A GROUP PURPORTING TO BE YOUNG MILITARY OFFICERS BROADCASTED ANTI-GOG MESSAGES ON SOME RADIO STATIONS.

TOTAL KILLED IN THIS CATEGORY: 1

5. EXECUTIONS:

-- TOTAL EXECUTED BY THE RIGHT: 0

-- TOTAL EXECUTED BY THE LEFT: 4

THOSE EXECUTED INCLUDED: FINCA OWNER ROBERTO MATHEU, A COUSIN OF A FORMER MINISTER OF ECONOMY UNDER RIOS MONTT; EGP COMMANDER "CAMILO" IN A SHOOT-OUT; A RETIRED POLICEMAN; AND A SECURITY GUARD.

6. KILLED BY UNKNOWN ASSAILANTS: 25

7. OCCUPATIONS AND ETHNIC ORIGINS OF THOSE KILLED IN AUGUST, WHEN NOTED:

-- GUERRILLAS: 50
-- MILITARY: 12
-- CIVIL DEFENSE PATROLMEN: 5
-- BUSINESSMEN: 1

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PAGE 01 GUATEM 09151 02 OF 02 251718Z
ACTION ARA-16

INFO OCT-00 COPY-01 ADS-00 AID-07 INR-10 SS-10 CIAE-00
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FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC 7654
INFO AMEMBASSY BELIZE
AMEMBASSY MEXICO
AMEMBASSY PANAMA
AMEMBASSY SAN JOSE

AMEMBASSY SAN SALVADOR
AMEMBASSY TEGUCIGALPA
USMISSION USUN NEW YORK
USCINCSO QUARRY HTS PN

UNCLAS SECTION 02 OF 02 GUATEMALA 09151

A/SY/TAG

E.O.12356: N/A
TAGS: ASEC, PGOV, PINR, PINS, GT, SHUM
SUBJECT: VIOLENCE AND HUMAN RIGHTS REPORT: AUGUST

-- WEATHER TECHNICIAN: 1
-- SECURITY GUARD: 1
-- CHAUFFEUR: 1
-- LABORERS: 3
-- INDIANS: 2
-- POET, SONGWRITER: 1
-- UNKNOWN: 21

8. NUMBER OF PEOPLE ABDUCTED: 12

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-- KIDNAPPED BY IDENTIFIED RIGHT: 0
-- KIDNAPPED BY IDENTIFIED LEFT: 0
-- KIDNAPPED BY UNKNOWN ASSAILANTS: 12

9. OCCUPATIONS AND ETHNIC ORIGINS OF KIDNAP VICTIMS, WHEN NOTED:

-- BUSINESSMEN: 1
-- PROFESSIONALS: 2
-- PEASANTS: 1
-- LABORERS: 3
-- UNKNOWN: 5

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PAGE 01 GUATEM 09249 262346Z
ACTION HA-08

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TO SECSTATE WASHDC PRIORITY 7703
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AMEMBASSY SAN JOSE
AMEMBASSY SAN SALVADOR
AMEMBASSY TEGUCIGALPA
USMISSION USUN NEW YORK
USCINCSO QUARRY HTS PN

UNCLAS GUATEMALA 09249

A/SY/TAG

E.O.12356: N/A
TAGS: ASEC, PGOV, PINR, PINS, GT, SHUM
SUBJECT: MONTHLY POLITICAL VIOLENCE AND HUMAN RIGHTS
REPORT FOR SEPTEMBER

1. MONTHLY POLITICAL VIOLENCE AND HUMAN RIGHTS REPORT FOR SEPTEMBER, TAKEN FROM OFFICIAL GOG BULLETINS, INDEPENDENT NEWS REPORTS, AND GUERRILLA COMMUNIQUES AS REPORTED BY FBIS.

2. DEATHS:

CIVILIAN:
UNCLASSIFIED

UNCLASSIFIED

PAGE 02 GUATEM 09249 262346Z

-- BY RIGHT: 0
-- BY GUERRILLA: 0
-- BY UNKNOWN ASSAILANTS: 54

9403950
DEPARTMENT OF STATE IM/IRS/CB/TB Date: 2/20/98
(X) RELEASE ( ) DECLASSIFY
( ) EXCISE ( ) DECLASSIFY EO Citations
( ) DENY IN PART
( ) CLASSIFY as ( ) S or ( ) C Sec.
( ) DOWNGRADE TS to ( ) S or ( ) C
TS authority to
FOIA Exemptions
PA Exemptions

MILITARY:

-- MILITARY KIA: 21
-- GUERRILLA KIA: 86
-- CIVILIAN KIA: 2

	CIVILIAN	GUERRILLAS	MILITARY	TOTAL
-- THIS MONTH:	56	86	21	163
-- YEAR-TO-DATE:	366	475	293	1134

OCCUPATION OF VICTIM, WHERE NOTED:

-- MILITARY: 18
-- GUERRILLA: 86
-- POLICE: 3
-- PEASANT: 22
-- STUDENT: 1
-- UNION LEADER: 1
-- GUARD: 1
-- UNKNOWN: 31

3. ABDUCTIONS:

ATTRIBUTED TO:	UNKNOWN	GUERRILLA	RIGHT	TOTAL
THIS MONTH:	56	0	0	56
YEAR-TO-DATE:	206	11	0	217

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OCCUPATION OF VICTIM, WHERE NOTED:

-- CO-OP LEADER: 1
-- PEASANT: 15
-- CD MEMBER: 1
-- DOCTOR: 1
-- UNIVERSITY STUDENT: 2
-- PROFESSIONAL: 1
-- LABORER: 2
-- TEACHER: 3
-- GOVERNMENT WORKER: 1
-- UNKNOWN: 29

THERE WERE SIX WOMEN AND FIVE CHILDREN INCLUDED

IN THESE TOTALS OF ABDUCTIONS. ONE OF THE WOMEN WAS THE SISTER OF CHIEF OF STATE, GENERAL MEJIA VICTORES.

4. ACTS OF TERRORISM OR WAR NO.: 31 OF WHICH:

-- MILITARY-GUERRILLA CLASHES: 27
-- BOMBINGS: 2
-- OTHER: 2 (SEE FOOTNOTE)

FOOTNOTE: GUERRILLAS BURNED A SMALL PLANE IN EL PETEN, AND SABOTAGED POWER LINES IN PAXTOCA, TOTONICAPAN.

CHAPIN

UNCLASSIFIED

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*** Current Handling Restrictions *** n/a
*** Current Classification *** UNCLASSIFIED

DECLASSIFIED

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TEXT OF TELEGRAM 83SAN SA010113

UNCLASSIFIED RELEASED

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PAGE 01 SAN SA 10113 01 OF 05 0120332
ACTION ARA-16

INFO OCT-00 COPY-01 ADS-00 AID-07 INR-10 SS-10 CIAE-00
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TO SECSTATE WASHDC 0437
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HTS PN
USIA WASHDC 1710

[redacted] SECTION 01 OF 05 SAN SALVADOR 10113
USIA FOR AR AND P/CENTAM

E.O. 12356: DECL: 10/31/89
TAGS: PINS, ES
SUBJECT: SALVADORAN GUERRILLAS

1. [redacted] ENTIRE TEXT.

2. SUMMARY: THIS CABLE REPORTS IMPRESSIONS ON THE SALVADORAN GUERRILLAS BASED ON INTERVIEWS WITH AMNESTY BENEFICIARIES. THE GUERRILLA ORGANIZATIONS APPEAR TO BE WELL ORGANIZED AND HIGHLY STRUCTURED. ACCORDING TO THESE SOURCES, THE GUERRILLAS REMAIN STRONG, BUT THEY HAVE BEEN HURT BY RECENT MILITARY OPERATIONS. MORALE IS STILL HIGH, ESPECIALLY AMONG GUERRILLA COMBATANTS, BUT IS QUITE A BIT LOWER AMONG THE "MILITIA" AND THE [redacted]

PAGE 02 SAN SA 10113 01 OF 05 0120332

"MASAS." THE GUERRILLAS DO NOT FIND WIDESPREAD SUPPORT AMONG THE POPULATION, THE ONE EXCEPTION BEING AREAS WHERE THE GOES MILITARY HAS COMMITTED SERIOUS ABUSES. A SIGNIFICANT AMOUNT OF SUPPLIES ARE REPORTEDLY RECEIVED FROM NICARAGUA. FINALLY, NO ONE SEES A QUICK RESOLUTION OF THE WAR, AND FEW BELIEVE THERE WILL BE A BETTER TOMORROW FOR EL SALVADOR. END SUMMARY.

3. EMBOFFS INTERVIEWED ABOUT 130 AMNESTY BENEFICIARIES

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: HOFFENBERG, MARV
Date: 06/10/94
Case ID: 9940034F

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DECLASSIFIED

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FOR ADMISSION TO THE U.S. UNDER THE REFUGEE PROGRAM. THE FREQUENTLY IN-DEPTH INTERVIEWS PROVIDED A PICTURE OF THE STRUCTURE AND OPERATION OF THE GUERRILLA ORGANIZATIONS. WHILE IT MUST BE REMEMBERED THAT THE AMNESTY BENEFICIARIES ARE BASICALLY DESERTERS, AND THEIR STATEMENTS WERE OFTEN PROBABLY SELF-SERVING OR INTENTIONALLY MISLEADING, A NUMBER OF FACTS AND CONCLUSIONS CAN BE DRAWN FROM THE INTERVIEWS.

4. THE GUERRILLA ORGANIZATIONS APPEAR TO BE WELL STRUCTURED AND ORGANIZED, AND CONSIST OF SEVERAL COMPONENTS. AT THE BOTTOM OF THE STRUCTURE ARE THE "MASAS," OR CAMP FOLLOWERS. THESE ARE THE OLD MEN, WOMEN, AND CHILDREN WHO TRAVEL WITH THE GUERRILLAS AND COOK AND MAINTAIN THEIR CAMPS. THE NEXT LEVEL IS THE MILITIA, COMPOSED OF CAMP GUARDS, LOGISTICAL WORKERS, MESSENGERS, PROPAGANDISTS, RECRUITERS, PART-TIME OR SECOND LINE COMBATANTS, AND PERSONS IN TRAINING TO BECOME GUERRILLA COMBATANTS. THE MILITIA IS OFTEN FURTHER BROKEN DOWN INTO SPECIALIZED UNITS CALLED "CUADRAS." A "CUADRA DE EXPANSION" (EXPANSION UNIT) IS THE MOST OFTEN HEARD TERM. THESE UNITS OPERATE BOTH IN AND OUTSIDE OF GUERRILLA CONTROLLED ZONES, AND ARE TASKED WITH DISSEMINATING PROPAGANDA, RECRUITING, PURCHASING SUPPLIES, MAINTAINING

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SAFE HOUSES, COMMUNICATIONS, TRANSPORTATION, ETC. A MEMBER OF A "CUADRA DE ALIMENTACION" (MESS UNIT) WOULD BE INVOLVED IN THE FEEDING OF GUERRILLA BANDS OR, PREVIOUSLY, PARTICIPANTS IN LARGE STREET DEMONSTRATIONS. MILITIA MEMBERS LIVING IN GOVERNMENT CONTROLLED ZONES ARE OFTEN ONLY PART-TIME COLLABORATORS, AND MAINTAIN JOBS, HOUSES ETC. (WHEN THEIR COVER IS BLOWN THEY MOVE TO THE MOUNTAINS.) MILITIA MEMBERS SOMETIMES CARRY ARMS, ESPECIALLY WHEN OPERATING IN GUERRILLA CONTROLLED AREAS BUT DO NOT GO OUT ON OFFENSIVE COMBAT OPERATIONS, EXCEPT AS TRAINEES OR TO PROVIDE REAR-GUARD SECURITY, CARRY MORTARS, ETC.

5. THE GUERRILLA, OR COMBATANT, IS AT THE TOP OF THE STRUCTURE. GUERRILLA COMBATANTS MUST HAVE A CERTAIN LEVEL OF MILITARY KNOWHOW, INTELLIGENCE, COURAGE, AND POLITICAL FORMATION AND CONVICTION. TRAINING GENERALLY LASTS ABOUT TWO TO THREE MONTHS, AND MANY PEOPLE REPORTEDLY NEVER MAKE THE GRADE. THE GUERRILLAS STILL APPEAR TO BE FAIRLY SELECTIVE IN FORMING THEIR OFFENSIVE COMBAT UNITS. ONE FORMER GUERRILLA SAID THAT JOAQUIN VILLALOBOS, COMMANDER OF THE REVOLUTIONARY ARMY OF THE PEOPLE (ERP), OFTEN SAYS THAT TEN PEOPLE WITH REVOLUTIONARY CONSCIOUSNESS ARE BETTER THAN 100 PEOPLE LACKING IT.

6. THE MAJORITY OF COMMANDERS APPEAR TO BE FROM THE

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LARGER TOWNS AND CITIES, AND TO HAVE A FAIR AMOUNT OF EDUCATION (AT LEAST EIGHT YEARS). ONE FAIRLY WELL-EDUCATED AMNESTY BENEFICIARY, WHO WAS CONSCRIPTED BY FORCE TO WORK AS A SORT OF COMPANY CLERK IN CHALATENANGO, ESTIMATED THAT ABOUT 25 PERCENT OF THE GUERRILLAS HAVE FAIRLY GOOD EDUCATIONS. SOME PEASANTS, HOWEVER, RISE IN THE RANKS AND BECOME SMALL UNIT LEADERS, ESPECIALLY OF

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TEXT OF TELEGRAM 83SAN SA010113

ADP396

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PAGE 01 SAN SA 10113 02 OF 05 012034Z
ACTION ARA-16

INFO OCT-00 COPY-01 ADS-00 AID-07 INR-10 SS-10 CIAE-00
DODE-00 H-01 NSC-01 NSAE-00 SY-05 HA-08 L-03
TRSE-00 PM-08 PA-01 MCT-02 OMB-01 SAL-01 SP-02
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R 012029Z NOV 83
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 0438
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HTS PN
USIA WASHDC 1711

[redacted] SECTION 02 OF 05 SAN SALVADOR 10113

USIA FOR AR AND P/CENTAM

FIVE TO EIGHT MEMBER SQUADS.

7. THE MAJORITY OF AMNESTY BENEFICIARIES APPEAR TO HAVE BEEN MILITIA MEMBERS. THIS IS NOT SURPRISING, GIVEN THAT "GUERRILLAS" SUPPOSEDLY HAVE A HIGHER LEVEL OF IDEOLOGICAL COMMITMENT AND ARE THUS LESS LIKELY TO TURN THEMSELVES IN. THERE WERE A FAIRLY HIGH NUMBER OF "NE'ER-DO-WELLS" WHO DRIFTED INTO THE GUERRILLAS, NEVER REALLY MADE THE GRADE, AND DESERTED WHEN THE AMNESTY PRESENTED THE OPPORTUNITY. MANY OF THESE PEOPLE WOULD NEVER MAKE IT IN ANY MAN'S ARMY. ANOTHER SIZEABLE GROUP OF BENEFICIARIES CLAIMED TO HAVE SPENT RELATIVELY LITTLE TIME, USUALLY ONLY TWO TO THREE MONTHS WITH THE GUERRILLAS. MANY IN THIS GROUP WERE POOR PEASANTS WHO

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PAGE 02 SAN SA 10113 02 OF 05 012034Z

LIVED IN OR NEAR GUERRILLA CONTROLLED ZONES AND WERE PRESS-GANGED OR INCORPORATED INTO THE GUERRILLA BANDS IN A SORT OF NATURAL COURSE OF EVENTS IN THEIR AREAS. THESE PEOPLE LACKED ANY IDEOLOGICAL COMMITMENT AND DESERTED WHEN THE OPPORTUNITY PRESENTED ITSELF. MOST HARD-CORE GUERRILLAS WHO TURNED THEMSELVES IN APPEAR TO HAVE DONE SO BECAUSE THEY SAW NO HOPE OF VICTORY, AND WANTED OUT. MANY ALSO EXPRESSED CONCERN FOR THEIR FAMILIES. THESE PEOPLE OFTEN MAINTAINED THAT THE GUERRILLA

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CAUSE IS JUST, AND EXPRESSED LITTLE HOPE THAT THERE WILL EVER BE ANY JUSTICE OR DEMOCRACY IN EL SALVADOR.

8. AMNESTY BENEFICIARIES GAVE VARIOUS REASONS FOR JOINING THE GUERRILLAS. SOME CLAIMED IDEOLOGICAL COMMITMENT, POINTING TO THE COUNTRY'S LONG HISTORY OF INJUSTICE. SEVERAL SAID THEY JOINED TO REVENGE THE DEATHS OF LOVED ONES AT THE HANDS OF GOVERNMENT AUTHORITIES. OTHERS, MOSTLY YOUNG MEN FROM GUERRILLA CONTROLLED AREAS, SAID THEY JOINED TO PROTECT THEMSELVES FROM THE ARMY. MANY OF THE URBAN POOR APPEAR TO HAVE DRIFTED INTO THE GUERRILLAS BECAUSE OF LACK OF EMPLOYMENT OPPORTUNITIES. SEVERAL MENTIONED JOINING AFTER LOSING THEIR JOBS, AND SAID THEY FIRST BEGAN COLLABORATING WITH THE GUERRILLAS AS PAID MESSENGERS AND LOGISTICAL WORKERS, AND SOON FOUND THEMSELVES COMPROMISED BEYOND THEIR ORIGINAL INTENTIONS. THE REVOLUTION HAS ALSO ATTRACTED ITS SHARE OF OPPORTUNISTS, AND COMMON CRIMINALS.

9. A SUBSTANTIAL NUMBER OF POOR PEASANTS APPEAR TO HAVE BEEN INCORPORATED INTO THE GUERRILLAS AS A NATURAL COURSE OF EVENTS SIMPLY BECAUSE THEY LIVED IN OR NEAR GUERRILLA CONTROLLED AREAS. MANY OF THESE SAID THEY WERE FORCEFULLY RECRUITED, AND APPEARED TO BE TELLING THE TRUTH.

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PAGE 03 SAN SA 10113 02 OF 05 012034Z

MOST OF THESE PERSONS WERE "PRESS-GANGED" IN THE PAST YEAR, LEADING TO THE POSSIBILITY THAT THE PRACTICE WAS NOT AS COMMON PREVIOUSLY. PRESS-GANGED RECRUITS ARE FIRST INCORPORATED INTO THE MILITIA, AND ATTEMPTS ARE MADE TO GIVE THEM A POLITICAL EDUCATION. IF THESE ATTEMPTS ARE SUCCESSFUL THE RECRUIT CAN BECOME A COMBATANT OR RISE TO A POSITION OF RESPONSIBILITY IN THE MILITIA. MANY PERSONS, AFTER SPENDING A CERTAIN AMOUNT OF TIME WITH THE GUERRILLAS, FEEL THEY ARE COMPROMISED AND HAVE NO CHOICE BUT TO STAY WITH THE GUERRILLAS. AMNESTY GAVE THEM ANOTHER OPTION.

10. "MASAS" ARE THE FAMILIES OF GUERRILLAS, OR PEOPLE WHO HAVE LONG LIVED IN GUERRILLA CONTROLLED AREAS. THEY EXPRESS VARYING DEGREES OF IDEOLOGICAL COMMITMENT DEPENDING ON HOW LONG THEY HAVE BEEN WITH THE GUERRILLAS, IF THERE ARE COMBATANTS IN THE FAMILY, ETC.

11. AMNESTY APPEARS TO HAVE HURT THE GUERRILLAS. BENEFICIARIES SAID PEOPLE WERE SKEPTICAL ABOUT THE PROGRAM AT FIRST, SINCE MANY PERSONS WHO TURNED THEMSELVES IN UNDER PREVIOUS AMNESTIES HAD BEEN KILLED. GRADUALLY, HOWEVER, CONFIDENCE AND TRUST IN THE PROGRAM GREW. THE GUERRILLAS HEARD ABOUT THE PROGRAM ON THE RADIO AND THROUGH THE GRAPEVINE. LEAFLETS WERE ALSO APPARENTLY EFFECTIVE, AS MANY PERSONS REPORTED SEEING

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THEM. SEVERAL PERSONS REPORTED HEARING GUERRILLAS COMMANDERS EXPRESS CONCERN OVER THE AMNESTY, AND IT APPEARS THAT CAMP SECURITY WAS BEEFED UP VIRTUALLY EVERYWHERE TO AVOID DESERTIONS. THE PENALTY FOR DESER-

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EMBOFF WAS TOLD OF ONE SUCH CASE
MANY PERSONS, ESPECIALLY MASAS AND
CENTE AND USULUTAN, REPORTED THAT
THE CAMPS WOULD LIKE TO TAKE
r, BUT WERE UNABLE TO ESCAPE.

THE AMNESTY BENEFICIARIES HAD OB-
IZED IN MARXIST-LENINIST DOGMA.
TH SOME OF THE TERMINOLOGY, NONE
HEMSELVES WITH THE COMMUNIST PARTY.
LIEVE THEY WERE FIGHTING TO INSTALL
EVOLUTIONARY SOCIETY. A FEW PERSONS,
EY HAD COME TO BELIEVE THEY WERE
ERNATIONAL COMMUNISM.

SA 10113 03 OF 05 012035Z

ERVIEWEES SAID THAT MORALE, WHILE ON
LL HIGH AMONG THE GUERRILLA
RANKING AND MORE HIGHLY "EDUCATED"
TO EXHIBIT THE HIGHEST MORALE.
Y MUCH LOWER (AND IN MANY INSTANCES
G THE MILITIA AND THE MASAS, AND
L IS REPORTED TO BE NECESSARY TO

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E GUERRILLAS, AS MIGHT BE EXPECTED,
ED AS TOUGH. CONDITIONS VARY, HOWEVER,
F REGIONS. THE "FRANCISCO SANCHEZ
MORAZAN APPEERS TO ENJOY THE BEST
E IS STILL HIGH. WORKSHOPS CHURN OUT
BANDA MATERIAL. THERE IS FAIR TO
INTELLIGENCE AND LOGISTICAL SYSTEMS
ARE SUPPORTED BY MANY LOCAL RESIDENTS.
ELIO PONCE SAYS MASSES. FORMER ARMY
AL CONDUCTS REGULAR MILITARY TRAINING
ILLAS HOLD BIG FIESTAS TO BOOST
GUERRILLA POLITICAL OFFICER SAID THE
MORAZAN AREA ARE NUMEROUS ENOUGH TO
F CORN PER DAY (A SACK WEIGHS 200
SED FOR TRANSPORT. WHEN THE ARMY
UERRILLAS MOVE OUT, AND RETURN WHEN

IVELY GOOD FOR THE GUERRILLAS IN SAN
DES LAUNCHED OPERATION "PEACE AND
. AT THAT POINT MOST WERE DRIVEN
TMENT. MEDICAL CARE WAS GOOD AND
MEDICINE. THE FOOD SUPPLY WAS

SA 10113 03 OF 05 012035Z

AS ROAMED FREELY ABOUT THE DEPARTMENT.
A LIVED FOR TWO YEARS IN A CAMP OF
SOUTHERN PART OF THE DEPARTMENT.

EVIOUSLY A SHOWCASE, OFTEN VISITED
S CAME IN OVERLAND FROM NICARAGUA
HOWEVER, THE GUAZAPA AREA HAS NOW
NT PRESSURE FOR A LONG TIME. THE
UNITS THERE, BUT IT IS TOUGH DUTY.
AND MORALE IS NOT SO HIGH. THE AMNESTY
ERRILLAS ARE KEPT ON THE MOVE AND
T, WELL ORGANIZED EVACUATIONS TO THE
OF CHALATENANGO AND CABANAS. FREQUENT
GUERRILLAS, BUT USUALLY ONLY KILL

S AREA IN SOUTH WESTERN USULUTAN WAS
, A REAL GUERRILLA BASTION. ALL THE
HAD CAMPS THERE. ARMS AND SUPPLIES
RAGUA BY SEA. MEDICAL CARE WAS AMPLE.
EN TRES CALLES WAS SWEPT BY THE
JUNE 1983. THE SWEEP HURT. THE
S OF SUPPLIES AND PERSONNEL. LIFE
E AREA NOW.

TO BE RELATIVELY FEW AMNESTY BENE-
GUERRILLA STRONGHOLDS IN NORTHERN
JTH EASTERN USULUTAN. PROBABLY BECAUSE

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SSURE ON THE GUERRILLAS IN THOSE
BENEFICIARY FROM NORTHERN

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SECTION 04 OF 05 SAN SALVADOR 10113

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E GROUP HE WAS WITH HAD 80 NEW
ERE ILLITERATE AND OF LOW QUALITY.
AT THE GROUP HAD RECEIVED AN ARMS
ORE HE TURNED HIMSELF IN, AND THAT
SUFFICIENT AMMUNITION. HE DID NOT
SHIPMENT HAD COME FROM.

RRILLAS IN ANY POSITION TO KNOW
RECEIVE A SIGNIFICANT AMOUNT OF
. AND OTHER SUPPLIES FROM NICARAGUA.
ONED INFILTRATION ROUTE WAS BY SEA,
IN USULUTAN DEPARTMENT. SEVERAL
ID SUPPLIES WERE STILL ARRIVING WHEN
ES IN.

A 10113 04 OF 05 012036Z

AMNESTY BENEFICIARIES HAD SEEN
GUERRILLAS, BUT VERY FEW OF THEM.
DOCTORS OR NEWSMEN. SEVERAL PERSONS
TORS WORKING IN THE GUERRILLA
TH AMERICANS AND EUROPEANS. SEVERAL
D THAT NICARAGUANS ARE SOMETIMES
OR ADVISORY POSITIONS. A COUPLE OF
T THIS SOMETIMES CAUSED FRICTION.

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WITH SALVADORANS CHAFING UNDER THE DIRECTION OF NICARAGUANS. A SOURCE FROM CHALATENANGO REPORTED THAT TWO TO THREE FOREIGNERS ARRIVED REGULARLY ABOUT ONCE A WEEK IN HIS CAMP, A MAJOR HEADQUARTERS.

21. MOST AMNESTIED PERSONS SAID THAT THE GUERRILLAS FIND VERY LITTLE SUPPORT AMONG THE POPULATION. THEY REPORT THAT THE POPULATION IN GENERAL FEARS BOTH THE GUERRILLAS AND THE ARMY, BUT COOPERATES WITH WHICHEVER SIDE IS IN THE AREA, OUT OF OBVIOUS NECESSITY. THE ONE EXCEPTION IS IN AREAS WHERE THE ARMY HAS COMMITTED ABUSES. THE GUERRILLAS FIND SUCH AREAS TO BE FERTILE RECRUITING GROUNDS.

22. ONLY THE MORE INTELLIGENT FORMER GUERRILLAS AND POLITICAL OFFICERS HAD ANY IDEA OF OVERALL FDR/FMLN STRATEGY. THEY REPORTED THAT THE GUERRILLAS WERE SPLIT ON THE ISSUE OF DIALOGUE: SOME FOR, SOME AGAINST. NONE, HOWEVER, BELIEVED THAT A DIALOGUE WOULD BEAR ANY FRUIT. HARDLY ANY PERSONS EVEN GAVE THE ISSUE MUCH THOUGHT. THEY BELIEVE BOTH SIDES INTEND TO GO ON FIGHTING.

23. AS WOULD BE EXPECTED, NONE OF THE AMNESTY BENEFI-

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CIARIES BELIEVE THE GUERRILLAS CAN WIN THE WAR. THE MOST OFTEN GIVEN REASONS ARE U.S. SUPPORT FOR THE GOES AND LACK OF SUPPORT FROM THE POPULATION FOR THE GUERRILLAS HARDLY ANY SEE A QUICK RESOLUTION OF THE WAR OR A BETTER TOMORROW FOR EL SALVADOR, HOWEVER. THEY CITE TRADITIONAL INJUSTICE, AND NOTE THAT THE GUERRILLAS ARE SUFFICIENTLY STRONG TO CONTINUE FIGHTING FOR THE FORESEEABLE FUTURE.

24. TWO OF THE AMNESTY BENEFICIARIES INTERVIEWED HAD RECEIVED TRAINING IN GUERRILLA WARFARE ABROAD. ONE IN CUBA, AND ONE IN NICARAGUA.

25. VIRTUALLY ALL THE AMNESTY BENEFICIARIES REPORTED THEY RECEIVED GOOD FREATMENT LFTER TURNING THEMSELVES IN, AND MOST HAD SURRENDERED TO THE MILITARY. A FEW SINGLED OUT COL. DOMINGO MONTEROSA BY NAME AS HAVING TREATED THEM WELL WHEN THEY TURNED THEMSELVES IN TO HIS "ATLACATL" BATTALION IN MORAZAN.

26. POLOFF SPOKE WITH SEVERAL OF THE MORE INTELLIGENT FORMER GUERRILLAS ABOUT THE CURRENT "LEGAL" POLITICAL SCENE. THE ONLY PERSON THEY EVER MENTIONED AS REPRESENTING SOME SORT OF A POSSIBLE SOLUTION FOR EL SALVADOR WAS THE CHRISTIAN DEMOCRATIC PRESIDENTIAL CANDIDATE NAPOLEON DUARTE. HOWEVER, MOST HAD LITTLE HOPE THAT DEMOCRACY WOULD EVER TAKE ROOT IN EL SALVADOR.

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TEXT OF TELEGRAM 83SAN SA010113

27. ALMOST ALL INTERVIEWEES SAID THE GUERRILLAS HAVE GOOD INTELLIGENCE, "EVERYWHERE."

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TEXT OF TELEGRAM 83SAN SA010113

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PAGE 01 SAN SA 10113 05 OF 05 012036Z
ACTION ARA-16

INFO OCT-00 COPY-01 ADS-00 AID-07 INR-10 SS-10 CIAE-00
DODE-00 H-01 NSC-01 NSAE-00 SY-05 HA-08 L-03
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R 012029Z NOV 83
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 0441
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HTS PN
USIA WASHDC 1714

C O N F I D E N T I A L SECTION 05 OF 05 SAN SALVADOR 10113

USIA FOR AR AND P/CENTAM

28. THERE WERE SEVERAL REPORTS OF A CONSIDERABLE AMOUNT OF VIOLENCE IN THE GUERRILLA CAMPS DUE TO PETTY SQUABLES AND ATTEMPTS TO MAINTAIN DISCIPLINE.

29. A FORMER POLITICAL OFFICER FROM GUAZAPA DETAILED TO POLOFF HOW OFFICERS AND MEN FROM THE FIRST BRIGADE SOLD ARMS TO THE GUERRILLAS IN 1982. HE DID NOT KNOW IF THE MOTIVE FOR THE SALES WAS IDEOLOGICAL CONVICTION OR JUST BUSINESS.

30. COMMENT: IT MUST BE REMEMBERED THAT INTERVIEWING OFFICERS HAVE NO REAL FRAMEWORK OR BODY OF KNOWLEDGE IN WHICH TO CROSS-REFERENCE THESE IMPRESSIONS. THE CABLE HAS BEEN REVIEWED BY SEVERAL SECTIONS OF THE EMBASSY.
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PAGE 02 SAN SA 10113 05 OF 05 012036Z

HOWEVER, AND IT IS GENERALLY FELT THAT THE REPORT PAINTS A VALID PICTURE. PICKERING

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Department of State TELEGRAM

PAGE 01 SAN SA 10473 110003Z 6494
ACTION ARA-06

INFO OCT-00 COPY-00 ADS-00 INR-10 SS-00 CIAE-00 DODE-00
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R 110003Z NOV 93
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 0638
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HTS PN
USIA WASHDC 1766

RELEASED
El Salvador: Human Rights
Special Project (1993)

UNCLAS SAN SALVADOR 10473

USIA FOR AR AND P/CENTAR

E.O. 12356: N/A
TAGS: SHUM, ELAB, PGOV, ES
SUBJECT: ANIS REQUESTS CONTINUATION OF THE LAS HOJAS COURT CASE

REF: (A) SAN SALVADOR 7854, (B) SAN SALVADOR 1661

1. ADRIAN ESQUINO LISCO, THE SECRETARY GENERAL OF THE NATIONAL INDIAN ASSOCIATION OF EL SALVADOR (ANIS), TOLD LABOFF ON NOVEMBER 1 THAT THE MEMBERS OF HIS ORGANIZATION WERE INCENSED AND DESPERATE OVER THE SEEMINGLY ENDLESS SERIES OF OBSTRUCTIONS TO THE SONSONATE TRIAL ON THE LAS HOJAS MASSACRE. LISCO CHARGED THAT THE LAWYER REPRESENTING THE MILITARY COMMANDER OF SONSONATE IS EMPLOYING DILATORY TACTICS TO SHEPHERD THE CASE INTO OBLIVION. ONE OF THESE TACTICS IS TO CALL IN ANIS* CHILDREN TO GIVE TESTIMONY ON THE MASSACRE. ANIS LEGAL ADVISOR JOSE MARIA MENDEZ, JR. TOLD LABOFF THAT THE CASE SHOULD HAVE BEEN ELEVATED TO THE PLENARIO (COURT TRIAL) STAGE MONTHS AGO, BUT THAT THE PROCESS IS BEING HINDERED BY LAWYERLY TRICKS AND BY THE OBVIOUS FEAR WHICH PREYS ON THE SONSONATE JUDGE WHO IS HANDLING THE CASE.

2. LOCAL DAILY EL DIARIO LATINO PUBLISHED A PRESS INTERVIEW WITH ESQUINO LISCO IN ITS NOVEMBER 9 ISSUE. IN IT, ESQUINO SAID THE INTERNATIONAL INDIAN ASSOCIATIONS ARE DEMANDING THAT THE LAS HOJAS CASE BE FINALLY SOLVED AND RULED UPON BY THE SALVADORAN COURTS. HE ADDED THAT IT IS WIDELY ACCEPTED THAT THERE IS ENOUGH TESTIMONY IN THE COURTS TO PROVE THAT THE MASSACRE WAS CARRIED OUT BY LOCAL SOLDIERS AND THAT IT WAS ORDERED BY THE MILITARY COMMANDER OF SONSONATE DEPARTMENT. NONETHELESS, HE SAID, THE CASE HAS STAGNATED BEFORE THE FIRST PENAL COURT OF SONSONATE. HE EXPLAINED THAT ONE OF THE INTERNATIONAL INDIAN ASSOCIATIONS INTERESTED IN THE LAS HOJAS CASE IS THE WORLD COUNCIL OF INDIAN PEOPLES, OF BOLIVIA, BRAZIL, WHO HAS ASKED FOR DOCUMENTS ON THE MASSACRE.

3. IN THE PRESS INTERVIEW, ESQUINO CHARGED THAT NOT ONLY IS THERE NO DESIRE ON THE PART OF THE SALVADORAN AUTHORITIES TO SEE JUSTICE DONE, BUT THAT IT IS THE ANIS MEMBERS THEMSELVES WHO FEEL THREATENED; "IT IS MORE LIKELY THAT WE SHALL BE THE ONES TO BE EXECUTED, INSTEAD OF THE PERPETRATORS OF THE MASSACRE." ESQUINO CRITICIZED THE GOES HUMAN RIGHTS COMMISSION, ACCUSING IT OF HARBORING POLITICAL SYMPATHIES. HE STATED THAT THE COMMISSION SHOULD BE IMPARTIAL AND MADE UP OF MEMBERS WHO HAVE NO LINKS TO ANY POLITICAL PARTY. ESQUINO ALSO CHARGED THAT THE NON-GOVERNMENTAL HUMAN RIGHTS COMMISSION (CDHES) IS INEFFECTIVE SINCE IT IS CONTROLLED BY THE LEFT FOR ITS OWN PURPOSES.

4. COMMENT: ESQUINO HAS HAD IT WITH THE GLACIAL AND TRUCULENT CONDUCT OF THE LAS HOJAS COURT CASE. ALL AVAILABLE AND RESPONSIBLE SOURCES CONFIRM THAT THE CASE IS BEING MANIPULATED BY THE DEFENSE LAWYER. ESQUINO TOLD LABOFF RECENTLY THAT PRESIDENTIAL MINISTER FRANCISCO "CHACHI" GUERRERO ADMITTED TO HIM THAT HE COULD DO NOTHING REGARDING THE ARMY'S STAUNCH DEFENSE OF COL. GONZALEZ ARAUJO. NOW IT APPEARS THAT NOT EVEN THE "FINGERMEN" IN THE LAS HOJAS MASSACRE WILL BE BROUGHT TO TRIAL. IN THE MEANTIME, ESQUINO AND ALL ANIS MEMBERS CONTINUE TO LIVE IN FEAR THAT ANOTHER MASSACRE WILL OVERTAKE THEM. AS HE HAS DONE IN THE PAST, ESQUINO HAS REACHED OUT TO HIS INTERNATIONAL CONTACTS AND IS SEEKING HELP FROM THOSE SOURCES. HE FEARS HIS LOCAL FRIENDS HAVE FAILED HIM. PICKERING

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Department of State IS/FPC/CDR El Salvador SF Date 9/23/93
Declassified under EO 12356 (X) in full; ( ) in part;
portions withheld: classified ( ); deliberative ( );
law enforcement ( ); privacy ( ); statutory ( );
not relevant to El Salvador ( ).

RELEASED
El Salvador: Human Rights
Special Project (1993)

Department of State **TELEGR** **UNCLASSIFIED**

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PAGE 01 STATE 332895
ORIGIN IO-15

INFO OCT-00 COPY-01 ADS-00 INR-10 EUR-12 SS-10 OIC-02
CIAE-00 DODE-00 H-01 ARA-16 NSAE-00 HA-08 L-03
PM-08 PA-01 OMB-01 SIG-03 USIE-00 SP-02 SNP-01
PRS-01 /095 R

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R 220523Z NOV 83
FM SECSTATE WASHDC
TO AMEMBASSY OTTAWA
INFO USMISSION GENEVA
AMEMBASSY MEXICO
AMEMBASSY PARIS
AMEMBASSY SAN SALVADOR
USMISSION USUN NEW YORK

[redacted] STATE 332595

E.O. 12356 DECL: 11/21/89
TAGS: UNHRC, SHUM, PREL, ES, CA
SUBJECT: 40TH SESSION UN HUMAN RIGHTS COMMISSION:
- EL SALVADOR

1. [redacted] ENTIRE TEXT.)

2. U.S. REPRESENTATIVE TO UN HUMAN RIGHTS COMMISSION (UNHRC) RICHARD SCHIFTER MET ON NOVEMBER 3, 1983 WITH RODERICK BELL, CANADIAN REPRESENTATIVE IN THE UNGA THIRD COMMITTEE, FOR A DISCUSSION OF THE TREATMENT OF EL SALVADOR AT THE FORTHCOMING UNHRC MEETING. SCHIFTE[redacted]

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PAGE 02 STATE 332595

INQUIRED WHETHER CANADA WOULD BE PREPARED TO PUT FORWARD A RESOLUTION ON EL SALVADOR WHICH THE UNITED STATES COULD SUPPORT, AS IT DID AT THE 1983 SESSION. BELL RESPONDED THAT BOTH HE AND AMBASSADOR BEAULNE, WHO WOULD AGAIN HEAD THECANADIAN DELEGATION TO THE COMMISSION, WOULD SUPPORT A MOVE BY CANADA TO INTRODUCE AT THE 1984 SESSION A RESOLUTION SIMILAR TO THAT PROPOSED BY CANADA IN 1983. HE RECOMMENDED THAT THE U.S. INITIATE DISCUSSIONS IN OTTAWA WITH GABRIEL WARREN, DIRECTOR GENERAL OF THE MULTILATERAL AND INTERGOVERNMENTAL AFFAIRS BUREAU OR BOB MIDDLETON, DIRECTOR OF THE UN AFFAIRS DIVISION.

3. TO AVOID A REPETITION OF THE EXPERIENCE AT THE 1982 SESSION, WHERE THE ONLY PROPOSAL PLACED BEFORE THE COMMISSION ON THE ISSUE OF EL SALVADOR WAS A MEXICAN DRAFT, WHICH WENT FAR BEYOND THE ISSUE OF HUMAN RIGHTS AND WAS STRONGLY ANTAGONISTIC TO THE GOVERNMENT OF EL SALVADOR, CANADA AT THE 1983 SESSION TABLED A RESOLUTION, AFTER CONSULTATION WITH THE U.S., WHICH THE U.S. SUPPORTED. THE CANADIAN TEXT IS SET FORTH IN PARAGRAPH 6 (E/CN.4/1983/L.18). MEXICO, WITH FRENCH SUPPORT, THEN TABLED A RESOLUTION SIMILAR TO ITS 1982 VERSION. THE TEXT IS SET FORTH IN PARAGRAPH 7 (E/CN.4/1983/L.48). MEXICO THEN MOVED THAT ITS RESOLUTION BE GIVEN PRIORITY OVER THE CANADIAN RESOLUTION AND THIS MOTION CARRIED BY THE NARROW MARGIN OF 18 TO 17. IF CANADA, AT THE 1984 SESSION, IS PREPARED TO SPONSOR A RESOLUTION SIMILAR TO THAT OFFERED BY IT IN 1983, USG WILL MAKE AN EFFORT TO WIN SUPPORT FOR THAT RESOLUTION.

4. ACTION REQUESTED: THE HEAD OF THE POLITICAL SECTION AT EMBASSY OTTAWA IS REQUESTED TO MEET WITH MR. WARREN FOR DISCUSSION OF CANADA'S POSITION ON EL SALVADOR AT [redacted]

PAGE 03 STATE 332595

THE 1984 SESSION OF THE UNHRC. ATTENTION SHOULD BE DIRECTED TO THE FACT THAT U.S. SHARES CANADIAN CONCERN ABOUT HUMAN RIGHTS VIOLATIONS BY LEFTISTS AND RIGHTISTS IN EL SALVADOR AND CONSIDERS IT APPROPRIATE FOR THE COMMISSION TO CONDEMN SUCH HUMAN RIGHTS VIOLATIONS IN AN EVENHANDED MANNER. ATTENTION SHOULD BE DRAWN, IN THAT CONTEXT, TO THE REPORTS FILED BY THE SPECIAL REPRESENTATIVE OF THE COMMISSION ON THE ISSUE OF EL SALVADOR, WHICH WOULD FULLY SUPPORT SUCH AN EVENHANDED APPROACH. WHAT SHOULD BE OPPOSED IS A TOTALLY POLITICIZED RESOLU-

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TION, WHICH TAKES THE SIDE OF THE GUERRILLAS AGAINST THE GOVERNMENT, GOING FAR BEYOND THE SPHERE OF RESPONSIBILITY OF THE HUMAN RIGHTS COMMISSION.

5. IN HIS DISCUSSION ON NOVEMBER 3 WITH SCHIFTER, BELL INDICATED THAT, HAVING SERVED FOUR SUCCESSIVE TERMS ON THE COMMISSION, CANADA IS NOT LIKELY TO SEEK RE-ELECTION IN 1984. BELL ALSO POINTED OUT THAT THIS WILL BE AMBASSADOR BEAULNE'S LAST SESSION, AS HE PLANS TO RETIRE FROM THE FOREIGN SERVICE AT THE END OF THE NEXT COMMISSION SESSION.

6. FOLLOWING IS TEXT OF CANADIAN UNHRC RESOLUTION (E/CN.4/1983/L.18): BEGIN TEXT:

THE COMMISSION ON HUMAN RIGHTS

REAFFIRMING THAT ALL MEMBER STATES HAVE AN OBLIGATION TO PROMOTE AND PROTECT HUMAN RIGHTS AND FUNDAMENTAL

FREEDOMS AND TO FULFILL THE OBLIGATIONS THEY HAVE UNDERTAKEN UNDER VARIOUS INTERNATIONAL INSTRUMENTS,

DETERMINED TO REMAIN VIGILANT WITH REGARD TO VIOLATIONS OF HUMAN RIGHTS WHEREVER THEY OCCUR AND TO TAKE APPROPRIATE MEASURES TO RESTORE RESPECT FOR HUMAN RIGHTS AND

FUNDAMENTAL FREEDOMS,

RECALLING THAT IN ITS RESOLUTION 37/185 OF 17 DECEMBER 1982, THE GENERAL ASSEMBLY EXPRESSED ITS DEEPEST CONCERN AT THE CONTINUED VIOLATIONS OF HUMAN RIGHTS IN EL SALVADOR AND AT THE CONSEQUENT SUFFERING OF THE SALVADORIAN PEOPLE,

RECALLING ALSO ITS OWN RESOLUTION 1982/28 OF 11 MARCH 1982 IN WHICH THE COMMISSION DECIDED TO EXTEND FOR ANOTHER YEAR THE MANDATE OF THE SPECIAL REPRESENTATIVE ON THE SITUATION OF HUMAN RIGHTS IN EL SALVADOR,

HAVING CAREFULLY EXAMINED THE REPORT OF THE SPECIAL REPRESENTATIVE WHICH CONFIRMS THE PERSISTENCE OF THE GRAVEST VIOLATIONS OF HUMAN RIGHTS AND FUNDAMENTAL

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FREEDOMS IN EL SALVADOR AND THE INABILITY OF THE JUDICIARY TO FULFILL ITS DUTIES TO UPHOLD THE RULE OF LAW,

TAKING NOTE OF RESOLUTION 1982/26 OF THE SUBCOMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES,

TAKING NOTE ALSO OF THE RECENT CREATION OF A NATIONAL COMMISSION ON HUMAN RIGHTS IN EL SALVADOR AND EXPRESSING THE HOPE THAT IT WILL BE GIVEN THE APPROPRIATE MEANS AND FREEDOM OF ACTION TO DISCHARGE ITS MANDATE EFFECTIVELY,

REITERATING ITS APPEAL TO ALL THE SALVADORIAN PARTIES INVOLVED, MADE IN ITS RESOLUTION 1982/28, TO REACH A PEACEFUL SETTLEMENT AND THUS TO PUT AN END TO VIOLENCE IN ORDER TO PREVENT FURTHER LOSS OF LIVES AND TO ALLEVIATE THE SUFFERING OF THE PEOPLE OF EL SALVADOR,

WELCOMING THE COOPERATION OF THE GOVERNMENT OF EL SALVADOR WITH THE SPECIAL REPRESENTATIVE,

1. COMMENDS THE SPECIAL REPRESENTATIVE FOR HIS REPORT ON THE SITUATION OF HUMAN RIGHTS IN EL SALVADOR;

2. EXPRESSES ITS DEEPEST CONCERN THAT, AS NOTED IN THE REPORT OF THE SPECIAL REPRESENTATIVE, VIOLATIONS OF HUMAN RIGHTS OFTHE MOST SERIOUS NATURE CONTINUE IN EL SALVADOR, THAT AS A RESULT THE PEOPLE OF EL SALVADOR CONTINUE TO SUFFER AND THAT APPEALS FOR THE CESSATION OF VIOLENCE MADE BY THE GENERAL ASSEMBLY, THE COMMISSION AND THE INTERNATIONAL COMMUNITY IN GENERAL HAVE NOT BEEN HEEDED;

3. AFFIRMS THAT THE SITUATION IN EL SALVADOR, AS CLEARLY SHOWN IN THE REPORT OF THE SPECIAL REPRESENTATIVE, DEMANDS FROM ALL PARTIES CONCERNED AGREEMENT ON THE COMPLETE RESTORATION OF CIVIL PEACE AS A PREREQUISITE FOR THE FULL EXERCISE OF CIVIL, POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS;

4. RECALLS THAT IN ITS RESOLUTION 37/185 THE GENERAL ASSEMBLY STRONGLY URGED THE GOVERNMENT OF EL SALVADOR

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TO FULFILL ITS OBLIGATIONS TOWARDS ITS CITIZENS AND TO ASSUME ITS INTERNATIONAL RESPONSIBILITIES IN THIS REGARD BY TAKING THE NECESSARY STEPS TO ENSURE THAT HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS ARE FULLY RESPECTED BY ALL ITS AGENCIES, INCLUDING ALL SECURITY FORCES OPERATING UNDER ITS AUTHORITY OR WITH ITS PERMISSION;

5. REAFFIRMS THE RIGHT OF THE PEOPLE OF EL SALVADOR TO DETERMINE FREELY THEIR POLITICAL, ECONOMIC AND SOCIAL FUTURE WITHOUT INTERFERENCE FROM OUTSIDE AND IN AN ATMOSPHERE FREE FROM TERROR AND INTIMIDATION BY ALL

PARTIES;

6. URGES THE APPROPRIATE AUTHORITIES OF EL SALVADOR TO CREATE THE CONDITIONS NECESSARY TO ENABLE THE JUDICIARY TO FULFILL ITS RESPONSIBILITIES TO UPHOLD THE RULE OF LAW AND URGES THESE AUTHORITIES TO PROSECUTE AND PUNISH ALL THOSE FOUND RESPONSIBLE FOR ACTS OF VIOLENCE;

7. CALLS AGAIN UPON ALL SALVADORIAN PARTIES TO COOPERATE FULLY AND NOT TO INTERFERE WITH THE ACTIVITIES OF HUMANITARIAN ORGANIZATIONS DEDICATED TO ALLEVIATING THE SUFFERING OF THE CIVILIAN POPULATION WHEREVER THESE ORGANIZATIONS OPERATE IN EL SALVADOR;

8. DECIDES TO EXTEND THE MANDATE OF THE SPECIAL REPRESENTATIVE FOR ANOTHER YEAR AND REQUESTS HIM TO PRESENT HIS REPORT ON FURTHER DEVELOPMENTS IN THE SITUATION OF HUMAN RIGHTS IN EL SALVADOR TO THE GENERAL ASSEMBLY AT ITS THIRTY-EIGHTH SESSION AND TO THE COMMISSION ON HUMAN RIGHTS AT ITS FORTIETH SESSION;

9. REQUESTS THE SECRETARY-GENERAL TO GIVE ALL NECESSARY ASSISTANCE TO THE SPECIAL REPRESENTATIVE OF THE COMMISSION;

10. CALLS UPON THE GOVERNMENT OF EL SALVADOR AS WELL AS ALL OTHER PARTIES TO EXTEND THEIR FULL COOPERATION TO THE SPECIAL REPRESENTATIVE OF THE COMMISSION;

11. DECIDES TO CONSIDER THE QUESTION OF HUMAN RI
IN EL SALVADOR AT ITS FOR IETH SESSION AS A MATTE

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HIGH PRIORITY. END TEXT OF CANADIAN RESOLUTION.

7. FOLLOWING IS TEXT OF MEXICAN UNHRC RESOLUTION (E/CN.4/1983/L.48). BEGIN TEXT:

THE COMMISSION ON HUMAN RIGHTS,

REAFFIRMING THAT ALL MEMBER STATES HAVE AN OBLIGATION TO PROMOTE AND PROTECT HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS AND TO FULFILL THE OBLIGATIONS THEY HAVE UNDERTAKEN UNDER VARIOUS INTERNATIONAL INSTRUMENTS,

DETERMINED TO REMAIN VIGILANT WITH REGARD TO VIOLATIONS OF HUMAN RIGHTS WHEREVER THEY OCCUR AND TO TAKE APPROPRIATE MEASURES TO RESTORE RESPECT FOR HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS,

RECALLING THAT, IN RESOLUTIONS 35/192 OF 15 DECEMBER 1980, 36/155 OF 6 DECEMBER 1981 AND 37/185 OF 17 DECEMBER 1982, THE GENERAL ASSEMBLY HAS REPEATEDLY EXPRESSED ITS DEEPEST CONCERN FOR THE CONTINUOUS VIOLATIONS OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS AND THE SUFFERING OF THE SALVADORIAN PEOPLE, WHICH ARE CAUSED BY THE CLIMATE OF VIOLENCE AND INSECURITY PREVAILING IN THAT COUNTRY,

RECALLING ALSO ITS OWN RESOLUTION 32 (XXXVIII) OF 11 MARCH 1981, IN WHICH THE COMMISSION DECIDED TO APPOINT A SPECIAL REPRESENTATIVE ON THE SITUATION OF HUMAN RIGHTS IN EL SALVADOR, AND RESOLUTION 1982/28 OF 11 MARCH 1982, WHEREBY IT EXTENDED THE MANDATE OF THE SPECIAL REPRESENTATIVE FOR ANOTHER YEAR, REQUESTING HIM INTER ALIA TO REPORT TO THE GENERAL ASSEMBLY AT ITS THIRTY-SEVENTH SESSION,

HAVING CAREFULLY EXAMINED THE REPORT OF THE SPECIAL REPRESENTATIVE, WHICH CONFIRMS THE CONTINUATION OF GRAVE, MASSIVE AND PERSISTENT VIOLATIONS OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN EL SALVADOR, THE FAILURE OF THE CONFIDENTIAL

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JUDICIARY TO FULFILL ITS TASK OF UPHOLDING THE RULE OF LAW AND THE IMPUNITY OF PARAMILITARY FORCES AND OTHER ARMED GROUPS,

TAKING NOTE OF RESOLUTIONS 10 (XXXIV) AND 1982/26 OF THE SUBCOMMISSION FOR THE PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES,

OBSERVING IN THE CONCLUSIONS IN THE REPORT OF THE SPECIAL REPRESENTATIVE THAT, CONTRARY TO ALL EXPECTATIONS, THE SITUATION OF HUMAN RIGHTS IN EL SALVADOR HAS NOT CHANGED SINCE HIS PREVIOUS REPORT TO THE COMMISSION, PRECISELY BECAUSE OF THE PERSISTENCE OF THE GRAVE CIVIL CONFLICT WHICH CONTINUES TO EXIST IN THAT COUNTRY,

REITERATING ITS APPEAL TO ALL SALVADOREAN PARTIES INVOLVED, AS EXPRESSED IN ITS RESOLUTIONS 32 (XXXVII) AND 1982/28, TO REACH A NEGOTIATED PEACEFUL SETTLEMENT AND TO CEASE ALL ACTS OF VIOLENCE IN ORDER TO END THE LOSS OF LIVES AND THE SUFFERING OF THE PEOPLE OF EL SALVADOR,

ALARMED AT THE RECENT REPORTS OF BOMBINGS AND INDISCRIMINATE ROCKETING OF URBAN AREAS IN EL SALVADOR, WHICH ARE NOT MILITARY TARGETS, SUCH AS IN THE CITY OF BERLIN IN THE DEPARTMENT OF USULUTAN,

1. *COMMENDS THE SPECIAL REPRESENTATIVE* FOR HIS REPORT ON THE SITUATION OF HUMAN RIGHTS IN EL SALVADOR;

2. EXPRESSES ITS DEEPEST CONCERN THAT, AS NOTED IN THE REPORT OF THE SPECIAL REPRESENTATIVE, VIOLATIONS OF HUMAN RIGHTS OF THE MOST SERIOUS NATURE CONTINUE IN [redacted]

PAGE 09 STATE 332595

EL SALVADOR, THAT AS A RESULT THE PEOPLE OF EL SALVADOR CONTINUE TO SUFFER AND DEPLORES THAT APPEALS FOR THE CESSATION OF VIOLENCE MADE BY THE GENERAL ASSEMBLY, THE COMMISSION AND THE INTERNATIONAL COMMUNITY IN GENERAL HAVE NOT BEEN HEEDED;

3. DECLARES ONCE MORE THAT THE RULES OF INTERNATIONAL LAW, AS CONTAINED IN ARTICLE 3 COMMON TO THE [redacted] CONVENTIONS OF 12 AUGUST 1949 ON THE LAWS OF WAR, ARE APPLICABLE TO ARMED CONFLICTS NOT OF AN INTERNATIONAL CHARACTER, SUCH AS THE PRESENT CONFLICT IN EL SALVADOR, AND REQUESTS ALL SALVADOREAN PARTIES INVOLVED TO APPLY A MINIMUM STANDARD OF PROTECTION OF HUMAN RIGHTS AND OF HUMAN TREATMENT TO THE CIVILIAN POPULATION;

4. NOTES THAT THE SITUATION IN EL SALVADOR, AS CLEARLY SHOWN BY THE SPECIAL REPRESENTATIVE IN HIS TWO REPORTS THUS FAR SUBMITTED TO THE COMMISSION, HAS ITS ROOT *CAUSES IN INTERNAL POLITICAL, ECONOMIC AND SOCIAL* FACTORS, AND REAFFIRMS THE RIGHT OF THE SALVADOREAN PEOPLE TO FREELY DETERMINE THEIR POLITICAL, ECONOMIC AND SOCIAL FUTURE WITHOUT INTERFERENCE FROM OUTSIDE AND IN AN ATMOSPHERE FREE FROM INTIMIDATION AND TERROR;

5. REITERATES ONCE MORE ITS APPEAL TO ALL STATES TO ABSTAIN FROM INTERVENING IN THE INTERNAL SITUATION IN EL SALVADOR AND TO SUSPEND ALL SUPPLIES OF ARMS AND ANY TYPE OF MILITARY ASSISTANCE, SO AS TO ALLOW THE POLITICAL FORCES IN THAT COUNTRY TO RESTORE PEACE AND SECURITY AND THE ESTABLISHMENT OF A DEMOCRATIC SYSTEM;

6. REGRETS THAT THE GOVERNMENT OF EL SALVADOR HAS NOT RESPONDED TO SUGGESTIONS TO INITIATE, THROUGH AVAILABLE CHANNELS, CONTACTS TO NEGOTIATE A PEACEFUL SETTLEMENT WITH ALL REPRESENTATIVE POLITICAL FORCES IN THAT COUNTRY AND TO SEEK AN END TO ALL ACTS OF VIOLENCE IN ORDER TO [redacted]

PAGE 10 STATE 332595

END THE LOSS OF LIVES AND THE SUFFERING OF THE PEOPLE OF EL SALVADOR;

7. *AFFIRMS THAT, AS CLEARLY SHOWN IN THE REPORT OF THE* SPECIAL REPRESENTATIVE, THE SITUATION EXISTING IN EL SALVADOR DEMANDS THAT ALL SALVADOREAN PARTIES CONCERNED WORK TOGETHER TOWARDS A COMPREHENSIVE NEGOTIATED POLITICAL SOLUTION IN ORDER TO BRING ABOUT THE APPROPRIATE CONDITIONS FOR THE FULL EXERCISE OF CIVIL, POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS AND FOR THE ESTABLISHMENT OF A GOVERNMENT ELECTED THROUGH FREE AND UNHAMPERED ELECTIONS;

8. [redacted] THE STRONG APPEAL MADE BY THE GENERAL

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ASSEMBLY IN ITS RESOLUTION 37/188, URGING THE GOVERNMENT IN EL SALVADOR TO FULFILL ITS OBLIGATIONS TOWARDS ITS CITIZENS AND TO ASSURE ITS INTERNATIONAL RESPONSIBILITIES IN THIS REGARD BY TAKING THE NECESSARY STEPS TO ENSURE THAT HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS ARE FULLY RESPECTED BY ALL ITS AGENCIES, INCLUDING ALL SECURITY FORCES AND OTHER ARMED ORGANIZATIONS OPERATING UNDER ITS AUTHORITY OR WITH ITS PERMISSION;

9. URGES THE COMPETENT AUTHORITIES IN EL SALVADOR TO ESTABLISH THE CONDITIONS NECESSARY TO ENABLE THE JUDICIARY TO UPHOLD THE RULE OF LAW AND URGES FURTHER THE JUDICIARY TO PROSECUTE AND PUNISH THOSE RESPONSIBLE FOR ACTS OF VIOLENCE AND FOR VIOLATIONS OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS;

10. CALLS AGAIN UPON ALL SALVADOREAN PARTIES TO COOPERATE FULLY AND NOT TO INTERFERE WITH THE ACTIVITIES OF HUMANITARIAN ORGANIZATIONS DEDICATED TO ALLEVIATING

PAGE 11 STATE 332595

THESUFFERING OF THE CIVILIAN POPULATION WHEREVER THESE ORGANIZATIONS OPERATE IN EL SALVADOR;

11. DECIDES TO EXTEND THE MANDATE OF THE SPECIAL REPRESENTATIVE FOR ANOTHER YEAR AND REQUESTS HIM TO PRESENT HIS REPORT ON FURTHER DEVELOPMENTS IN THE SITUATION OF HUMAN RIGHTS IN EL SALVADOR TO THE GENERAL ASSEMBLY AT ITS THIRTY-EIGHTH SESSION AND TO THE COMMISSION AT ITS FORTIETH SESSION;

12. REQUESTS THE SECRETARY-GENERAL TO GIVE ALL NECESSARY ASSISTANCE TO THE SPECIAL REPRESENTATIVE OF THE COMMISSION;

13. CALLS UPON THE GOVERNMENT OF EL SALVADOR AS WELL AS ALL OTHER PARTIES TO EXTEND THEIR FULL COOPERATION TO THE SPECIAL REPRESENTATIVE OF THE COMMISSION;

14. DECIDES TO CONSIDER THE QUESTION OF HUMAN RIGHTS IN EL SALVADOR AT ITS FORTIETH SESSION AS A MATTER OF HIGH PRIORITY. END TEXT OF MEXICAN RESOLUTION. SHULTZ

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PAGE 01 GUATEM 10209 01 OF 02 232328Z
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INFO AMEMBASSY BELIZE
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AMEMBASSY PANAMA
AMEMBASSY SAN JOSE
AMEMBASSY SAN SALVADOR
AMEMBASSY TEGUCIGALPA
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UNCLAS SECTION 01 OF 02 GUATEMALA 10209

A/SY/TAG

E.O.12356: N/A
TAGS: PGOV, PINR, PINS, GT, ASEC, SHUM
SUBJECT: MONTHLY POLITICAL VIOLENCE AND HUMAN RIGHTS
- REPORT FOR OCTOBER

1. MONTHLY POLITICAL VIOLENCE AND HUMAN RIGHTS REPORT FOR OCTOBER, TAKEN FROM OFFICIAL GOG BULLETINS, INDEPENDENT NEWS REPORTS, AND GUERRILLA COMMUNIQUES AS REPORTED BY FBIS.

2. DEATHS:

CIVILIAN

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PAGE 02 GUATEM 10209 01 OF 02 232328Z

-- BY RIGHT: 1
-- BY GUERRILLA: 3
-- BY UNKNOWN: 23

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(X) RELEASE ( ) DECLASSIFY
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FOIA Exemptions ( ) CLASSIFY as ( ) S or ( ) C Sec.
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TS authority to

MILITARY

-- MILITARY KIA: 10
-- GUERRILLA KIA: 138
-- CIVILIAN KIA: 43

	CIVILIAN	GUERRILLA	MILITARY	TOTAL
-- THIS MONTH	70	138	10	218
-- YEAR-TO-DATE	436	613	393	1442

OCCUPATION OF VICTIM, WHERE NOTED:

-- MILITARY: 6
-- GUERRILLA: 138
-- POLICE: 2
-- PEASANTS: 46
-- BUSINESSMEN: 2
-- CIVIL DEFENSE PATROLMEN: 2
-- MUNICIPAL WORKER: 1
-- STUDENT: 1
-- UNKNOWN: 20

NOTE: THE FIGURES FOR CIVILIAN KIA INCLUDE 42 PEASANTS REPORTED KILLED BY CIVIL DEFENSE FORCES IN HAMLETS NEAR CHICHICASTENANGO, EL QUICHE. IT IS UNCLEAR EXACTLY WHEN THESE INCIDENTS OCCURRED, OR IF THE FIGURES ARE CORRECT. NEVERTHELESS, THEY ARE REPORTED IN UNCLASSIFIED

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THIS MONTH'S TOTAL BECAUSE THEY APPEARED IN THE GUATEMALAN PRESS IN OCTOBER AND WERE UNREPORTED IN PREVIOUS MONTHLY REPORTS.

3. ABDUCTIONS:

ATTRIBUTED TO:	UNKNOWN	GUERRILLA	RIGHT	TOTAL
-- THIS MONTH:	33	1	0	34
-- YEAR-TO-DATE:	238	13	0	251

OCCUPATION OF VICTIM, WHERE NOTED:

-- POLITICIAN: 2
-- JOURNALIST: 1

-- SOCIAL/RURAL WORKER: 4
-- TEACHER: 1
-- MEDICAL DOCTOR: 2
-- UNKNOWN: 24

TWO OF THE KIDNAP VICTIMS WERE WORKING IN AID-RELATED BILINGUAL PROJECTS. ONE VICTIM WAS DIRECTOR GENERAL OF ONE OF GUATEMALA'S MAJOR DAILY NEWSPAPERS.

4. ACTS OF TERRORISM OR WAR: 37

-- MILITARY-GUERRILLA CLASHES: 24
-- GUERRILLA BOMBS DISMANTLED: 3
-- GUERRILLA BOMBINGS: 7
-- OTHER: 3 (SEE NOTE)

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PAGE 01 GUATEM 10209 02 OF 02 232328Z
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O 232324Z NOV 83
FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC IMMEDIATE 8267
INFO AMEMBASSY BELIZE
AMEMBASSY MEXICO
AMEMBASSY PANAMA
AMEMBASSY SAN JOSE
AMEMBASSY SAN SALVADOR

AMEMBASSY TEGUCIGALPA
USMISSION USUN NEW YORK
USCINCSO QUARRY HTS PN

UNCLAS SECTION 02 OF 02 GUATEMALA 10209

A/SY/TAG

E.O.12356: N/A
TAGS: PGOV, PINR, PINS, GT, ASEC, SHUM
SUBJECT: MONTHLY POLITICAL VIOLENCE AND HUMAN RIGHTS

NOTE: GUERRILLAS BURNED THE MUNICIPAL BUILDING IN PALIN, ESCUINTLA, TOOK OVER THE FINCA, SANTA ANA LA ISLA, SAN MARCOS, AND ATTACKED A FORESTRY STATION IN SAN LUCAS CHIPO, ALTA VERAPAZ.

PLEASE CORRECT GUATEMALA 9249, PARAGRAPH THREE, ABDUCTIONS: THE KIDNAPPING OF MEJIA VICTORES' SISTER WAS INCORRECTLY ATTRIBUTED TO UNKNOWN ASSAILANTS. SHE WAS KIDNAPPED BY GUERRILLA ELEMENTS OF THE REBEL ARMED FORCES. THIS CORRECTION HAS ALREADY BEEN MADE IN THIS REPORT'S TOTALS.
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PAGE 02 GUATEM 10209 02 OF 02 232328Z

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THE CHURCHWOMEN MURDERS:

A REPORT TO THE SECRETARY OF STATE

Harold R. Tyler, Jr.

New York, New York
December 2, 1983

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Special Project (1993)

THE CHURCHWOMEN MURDERS:

A REPORT TO THE SECRETARY OF STATE

		Page
INTRODUCTION		1
SUMMARY		5
I.	THE MURDERS	12
II.	THE INVESTIGATIONS	21
	A. The Zepeda and Monterrosa Investigations	22
	B. The Cover-Up Is Defeated	31
	C. The Medrano Working Group	34
	D. The Civil Investigation	47
III.	INVOLVEMENT OF HIGHER AUTHORITIES	50
IV.	FALSE LEADS	64
	A. Thomas Bracken	65
	B. The Canadians	66
	C. The Hacienda Police	68
	D. Money and Valuables	70
	E. The Moran Letter	72
	F. and Cortez	73
	G. The Radio Message	75
	H. Abduction at the Airport	77
	I. The .22 Magnum	78
	J. Sister Maria Rieckelman	79
	K. Sister Maura Clarke and the Nicaraguan Connection	79

P940126-0373

RELEASED
El Salvador: Human Rights
Special Project (1993)

V. PROSPECTS FOR A SUCCESSFUL PROSECUTION. 82

A. The Record. 83

B. The Prosecutors 86

C. The Presiding Judge 87

D. The Jury. 88

E. Freedom From Outside Interference. 90

VI. RECOMMENDATIONS. 91

FOOTNOTES

APPENDIX

P840126-0374

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El Salvador: Human Rights
Special Project (1993)

THE CHURCHWOMEN MURDERS:
A REPORT TO THE SECRETARY OF STATE

INTRODUCTION

In the early days of December, 1980, four American churchwomen, Ita Ford, Maura Clarke, Dorothy Kazel and Jean Donovan, disappeared and were later found murdered in the Central American Republic of El Salvador. Occurring at a time of increasing concern about the growing violence in that country, the killings and the resulting criminal investigations have provoked intense interest, frequent frustration and occasional dismay in the United States as the citizens of this country have observed the workings of the Salvadoran justice system as it first investigated, and eventually sought to prosecute, those responsible for the killings.

From the outset, the handling of the case by Salvadoran authorities has been caught up in Congressional deliberations about the larger questions of American military, diplomatic and economic involvement with the Republic of El Salvador. But many of the questions, in Congress and out, focused on this case: Have the true killers been identified? Were higher-ups involved? Was there an attempt to cover-up the crime or conceal the murderers? Do the Salvadoran authorities have the will and the capacity to

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Special Project (1993)

handle the prosecution of this and similar crimes of violence involving members of the security forces?

By the spring of 1983, five National Guardsmen had been accused of the crime, but their detention for over two years did not make the prospect of a speedy trial seem propitious. Increasingly, members of Congress, the families of the murdered churchwomen and other citizens asked with legitimate concern whether the Salvadoran government was serious about prosecuting the responsible parties and whether the United States was doing as much as it could to encourage the prosecution.

On April 26, 1983, the Secretary of State reported to the Chairman of the Foreign Operations Subcommittee of the House Appropriations Committee that he had directed an "independent and high-level review of all the evidence available to the United States government pertaining to the churchwomen's case."[1/] By a letter dated May 23, 1983, Deputy Assistant Secretary of State for Inter-American Affairs James H. Michel, on behalf of the Department of State, requested that I conduct this review.[2/] Mr. Michel, and thereafter, the Deputy Secretary of State, Kenneth Dam, pledged the full cooperation of all concerned Federal agencies.

Together with my colleagues, Togo D. West, Jr. and Gregory L. Diskant, I have reviewed the evidence. In the

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Special Project (1993)

process, we have received the cooperation that was pledged to us. Since May, we have had access to pertinent State Department files, both classified and unclassified, including the numerous cables that had been transmitted between the State Department and the United States Embassy in San Salvador on this matter. We have had similar access to the classified and unclassified files of the Federal Bureau of Investigation (FBI), and of other pertinent agencies as well. No documents necessary to our inquiry have been withheld from us.

We have talked extensively with present and former government officials of both countries who have been involved in the various investigations of this unfortunate tragedy. The State Department and the Federal Bureau of Investigation have been especially helpful in bringing their personnel from locations far removed from the cities of Washington, D.C. and New York, our principal bases of operations, for whatever interviews we have deemed necessary. Our discussions have included interviews with personnel presently assigned to the United States Embassy in San Salvador and with those who were assigned to that Embassy during the time of the earlier investigations into the murders. We have consulted with Salvadoran prosecutors, with Salvadoran attorneys in and out of government, and with representatives of the Catholic Church in both this country and El Salvador.

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El Salvador: Human Rights
Special Project (1993)

For obvious reasons, we have sought to maintain a particularly close liaison with the representatives of the families of the victims. Our conversations with those representatives, the Lawyers' Committee for International Human Rights Under Law, and with members of the Maryknoll Order, have been characterized by candor and cooperativeness on the part of those who met with us. These groups have made their files available to us and have patiently assisted us in our efforts to determine how we could increase the likelihood that the perpetrators of these crimes will be brought to justice.

Our mission has had both sobering and heartening aspects. To an extent that is impossible to detail in this report, the criminal justice system in El Salvador is in a state of disrepair.[3/] A handful of inexperienced, under-educated, and occasionally corrupt prosecutors represent a society that seems to have lost its will to bring to justice those who commit serious crimes against it. Intimidation and corruption of prosecutors, judges and juries are wide-spread, and a rigid legal system renders successful prose-cutions all the more difficult. The military exerts a pervasive influence over the nation and, as will be docu-mented herein, has sought to shield from justice even those who commit the most atrocious crimes.

There are some bright spots. Some Salvadorans, most notably Judge Bernardo Rauda Murcia and Lieutenant

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RELEASED
El Salvador: Human Rights
Special Project (1993)

Colonel Jose Adolfo Medrano, have exhibited the courage, independence and fortitude to pursue an unpopular investigation of the crime in a country where the price for such vigilance is all too often sudden and brutal death. Representatives of United States Government agencies, particularly the Department of State and the Federal Bureau of Investigation, have been vigorous and effective in pressing the Salvadorans to investigate and prosecute this crime and, when the prosecution was finally underway, in rendering critical investigative and technical assistance. At least one United States Government officer has repeatedly exposed himself to great personal danger to obtain evidence crucial to the investigation. We believe the American public, and the families, can ask no more than that from their representatives.

SUMMARY

Five former members of the El Salvador National Guard are now in custody and charged with the murder of the four churchwomen: Luis Antonio Colindres Aleman, Carlos Joaquin Contreras Palacios, Francisco Orlando Contreras Recinos, Daniel Canales Ramirez and Jose Roberto Moreno Canjura. Perhaps our most important conclusion is that these men in fact committed the crime and that the evidence of their guilt is overwhelming. Not all of the evidence is admissible in the Salvadoran courts, but that which is

RELEASED
El Salvador: Human Rights
Special Project (1993)

remains compelling. The admissible evidence consists of partially incriminating statements by the defendants themselves, including one complete confession; statements by their former colleagues in the National Guard, including those who participated in the abduction of the women and those to whom the defendants made incriminating statements following the crime; statements of other third-party witnesses; and technical evidence developed by the Federal Bureau of Investigation in the form of ballistics tests linking two of the defendants' weapons to the crime.

The inadmissible evidence renders the guilt of the defendants even more clear. This consists of polygraph examinations that the defendants failed, a fingerprint of Subsergeant Colindres Aleman found on the van in which the churchwomen were traveling, and highly confidential information collected by the United States Embassy through the efforts of an Embassy official at great personal risk. The reliability of this information has been proved certain, but we are convinced that lives would be endangered by public revelation of this evidence or its sources. (We shall refer to this information in our report as "special Embassy evidence.") With respect to each category of inadmissible evidence, we have explored whether in some manner it could be introduced as part of the prosecution case. In each instance, although with varying degrees of certainty, we have concluded that the evidence cannot be used.

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RELEASED
El Salvador: Human Rights
Special Project (1993)

The evidence taken as a whole shows irrefutably that the five defendants, following the orders of Subsergeant Colindres Aleman, kidnapped the women at a checkpoint outside the El Salvador Airport on December 2, 1980. They rode through the countryside to a remote location some fifteen miles from the airport, where they raped and murdered the women. Thereafter, the National Guardsmen drove the church-women's van to another remote location and set it afire.

The first reaction of the Salvadoran authorities to the murder was, tragically, to conceal the perpetrators from justice. Evidence available to the United States, including the special Embassy evidence, shows beyond question that Colindres Aleman confessed his involvement in the crime to ranking members of the National Guard within days of the murder. They responded by concealing this fact from the outside world, and ordering the transfer of the killers from their airport posts and the switching of their weapons to make detection more difficult.

At a minimum, then Major Lizandro Zepeda Velasco, the National Guard officer in charge of the Guard's internal investigation, was aware of the identity of the killers and participated in these acts. Sergeant Dagoberto Martinez, Colindres Aleman's immediate superior, has admitted that he also knew of Colindres Aleman's guilt. We believe it is probable that Colonel Roberto Monterrosa, head of the government's official investigation of the crime, was aware

RELEASED
El Salvador: Human Rights
Special Project (1993)

of the identity of the killers and, further, that he participated in the cover-up by purposely failing to provide Colindres Aleman's fingerprints to the United States for analysis. We believe as well that it is quite possible that Colonel Carlos Eugenio Vides Casanova, then head of the National Guard and now a General and Minister of Defense, was aware of, and for a time acquiesced in, the cover-up.

The cover-up was shattered in April, 1981, when officials of the United States Embassy identified the killers through their own investigation. This effort, although significantly assisted by ballistics and fingerprint work performed by the FBI, came principally by the development of the special Embassy evidence by an Embassy officer. The special Embassy evidence first provided identification of the perpetrators to the United States. When the Embassy learned the defendants' names, it pressed Salvadoran authorities to arrest them. At that point, Colonel Vides Casanova, the Director of the Salvadoran National Guard, ordered the arrest of the men.

Thereafter, Salvadoran prosecution efforts continued to stall, although the men were at least incarcerated. Finally, in December, 1981, a year after the killings and again responding to United States pressure, the Salvadoran government undertook a serious investigation of the crime. National Guard Major (now Lieutenant Colonel) Adolfo Medrano led a group of detectives from the Salvadoran

RELEASED
El Salvador: Human Rights
Special Project (1993)

National Police and others in the first concentrated gathering of evidence by the Salvadoran authorities. With technical assistance from the FBI, the Medrano working group collected statements of witnesses tying the defendants to the crime, including reports of extrajudicial confessions by Colindres Aleman. This evidence supported the discharge of the accused guardsmen from the National Guard in February, 1982, so that they could be tried in the civilian courts and their remand to the custody of the civilian trial judge. The evidence gathered by the Medrano working group remains the principal evidence against the accused.

The technical support provided the Salvadoran authorities by the FBI has been simply outstanding. Fingerprint and ballistics tests by Bureau personnel provided initial corroboration of the special Embassy evidence and directly linked the defendants to the crime. Beyond technical expertise, however, Bureau agents in the United States thoroughly interviewed relevant witnesses and obtained significant information. By the artful use of the polygraph as an investigative tool, the Bureau obtained a statement from Colindres Aleman's former superior reporting a critical confession by Colindres. The FBI sent polygraph examiners to El Salvador, who interviewed the defendants and other witnesses and, again by using the test as an investigative tool, produced important incriminatory statements.

RELEASED
El Salvador: Human Rights
Special Project (1993)

The question whether Colindres Aleman was ordered to commit this crime by higher-ups is a troubling one. To the extent the Salvadoran authorities have investigated this matter, their inquiry is not nearly as complete as we would have liked. There is some evidence suggesting the involvement of higher-ups: most importantly, two low ranking guardsmen have testified that, in ordering them to participate, Colindres Aleman told them he was acting on higher orders.

On the other hand, there is evidence to the contrary, which we tend to credit. As we set forth in detail below, the circumstances of the crime itself and Colindres Aleman's behavior during its commission are, in our view, inconsistent with an assault on the churchwomen ordered from above. Post-murder statements by Colindres Aleman to his colleagues and his superior, along with the special Embassy evidence, provide what we believe to be additional compelling evidence of lack of higher involvement. Although it is unlikely that a dispositive answer will ever be known, we record here our best judgment: on the basis of the evidence available to us, we believe that Colindres Aleman acted on his own initiative.

Although the evidence of the defendants' guilt is, in our view, substantial, we cannot be certain that the case will be successfully prosecuted. In October, 1983, the case was finally elevated to the plenario, essentially the trial

P840126-0384

RELEASED
El Salvador: Human Rights
Special Project (1993)

stage, after over a year and a half in the sumario or investigative stage. This means that, at best, we can expect a trial by the spring of 1984. The newly-assigned senior prosecutor is a veteran attorney and, based on our discussions with him, appears competent to present the prosecution's case.

Nonetheless, the prosecutor must convince a majority of a jury of five, and in El Salvador juries have, understandably, been routinely subject to intimidation. Moreover, we are told that corruption of both juries and judges is an everyday event. Finally, if the system were not already weak enough, we are under the impression that this case is a relatively rare effort to prosecute members of the Salvadoran military in the civilian courts for crimes committed on duty. For these reasons, we view the likelihood of a conviction of the defendants by a jury of Salvadoran citizens to depend substantially on whether the jurors can be assured that they can vote their consciences without fear.

Under current Salvadoran procedures, the jurors must be publicly identified and hear the evidence in public. These procedures are, of course, desirable in a stable society, but hardly leave a jury with any sense of security in the Salvadoran system. We have pressed the Salvadoran authorities to undertake a variety of novel means to protect the jury or guarantee their anonymity. Unfortunately, for

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El Salvador: Human Rights
Special Project (1993)

whatever reasons, the authorities have not yet looked with favor upon the introduction of unprecedented methods into their system of jury selection and protection. Thus, we must reluctantly close on a discouraging note: unless the jury can be safeguarded, we would be foolhardy to predict the conviction of these defendants.

I. THE MURDERS

As in any criminal prosecution, the facts of the crime are disputed, at least by the defendants. Although one of the defendants has confessed, the remaining accused killers maintain their innocence and present a joint alibi. In analyzing the facts of the crime, we have weighed all of the information available to us, whether or not admissible under the Salvadoran system and whether or not public. We have rejected the alibis of the non-confessing defendants as self-serving fabrications. We set forth below what we believe actually happened, resolving differences in the testimony by giving greater weight to the witnesses whose reliability we believe to have been proven. Significant differences between the facts stated herein and the testimony of other witnesses are indicated in the footnotes.

In the fall of 1980, El Salvador was suffering through a period of severe political volatility. Increasing violence by both right-wing and left-wing groups had heightened tensions. Terrorist acts were being committed against

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RELEASED
El Salvador: Human Rights
Special Project (1993)

government officials, ministry buildings, foreign embassies, universities, churches and factories with growing regularity. Thousands of Salvadorans had been murdered as part of a vicious reign of terror, the majority allegedly by rightist elements.[4]

On November 27, 1980, yet another outbreak of political killing occurred. Six leaders of the Salvadoran opposition, the Democratic Revolutionary Front (FDR), were tortured and murdered after their abduction from a school in San Salvador by a band of several hundred men. The bodies of the slain leaders lay in state at the Cathedral in San Salvador for several days, and their funeral was to be held on December 3, 1980.[5] Their supporters urged a large turnout for the funeral, and many in the Salvadoran government and military feared an outburst of public violence, possibly as great as that experienced during the funeral of Archbishop Oscar Arnuldo Romero in March, 1980. The country was gripped by palpable tension and fear.

On November 26, 1980, the day before the FDR assassinations, Sisters Ita Ford and Maura Clarke of the Maryknoll Order had traveled from their station at Chalatenango, El Salvador, to an annual gathering of Central American Maryknolls in Managua, Nicaragua.[6] Upon their return to El Salvador on December 2, 1980, the day before the FDR funerals, they, along with two other Maryknoll nuns (Sisters Madeline Dorsey and Teresa Alexander), were to be

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El Salvador: Human Rights
Special Project (1993)

met at the airport by Sister Dorothy Kazel, an Ursuline nun, and Ms. Jean Donovan, a lay volunteer.[7] Sisters Ford and Clarke, returning to El Salvador from Nicaragua in the midst of unprecedented tension throughout El Salvador, never reached their destination; nor did their escorts, Sister Kazel and Ms. Donovan.

From the available evidence, events unfolded on that tragic December 2 as follows. Some time after midday, Sister Kazel and Ms. Donovan drove to the International Airport to meet the four Maryknoll nuns in a white Toyota "Hiace" van.[8] They parked in the parking lot in front of the main passenger terminal at about 2:00 p.m.[9] Their arrival was noticed by a Salvadoran National Guardsman patrolling in front of the terminal, Margarito Perez Nieto.[10] His attention, he later stated, was attracted by the fact that one of the churchwomen had returned to the vehicle to retrieve a large bag capable of carrying a weapon, and by their apparently watchful attitude toward him. Perez Nieto mentally recorded their arrival and returned to his patrol.

Inside the terminal, the Lanica flight that Sister Kazel and Ms. Donovan were to meet arrived at 2:30 p.m., carrying only two of the four nuns expected, Sisters Madeline Dorsey and Teresa Alexander.[11] Sister Kazel and Ms. Donovan determined that they would drive the two nuns to La Libertad and return later to meet the remaining two Maryknoll nuns.[12] Guardsman Perez Nieto observed their departure in the white

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RELEASED
El Salvador: Human Rights
Special Project (1993)

Toyota van at about 3:15 p.m. He telephoned his detachment commander at the airport, Subsergeant Luis Antonio Colindres Aleman, to report that he suspected the women of having weapons in their travel bags. Colindres Aleman told Perez Nieto to be careful.[13]

Sister Kazel and Ms. Donovan returned to the airport to meet Sisters Ford and Clarke, the remaining two Maryknoll nuns, sometime between 4:30 and 6:00 p.m.[14] Sisters Ford and Clarke arrived on a COPA (Campania Panamena de Aviacion, the Panamanian Airlines) flight at about 6:30 p.m.,[15] and were met by Sister Kazel and Ms. Donovan. At some point, the churchwomen were again observed by Guardsman Perez Nieto, who apparently notified Subsergeant Colindres Aleman again of their activities.[16] Perez Nieto's tour of duty ended at 7:00 p.m. and at that time (or earlier) he returned to the National Guard barracks. He reported his observations in greater detail to Colindres Aleman.[17]

At this point, we believe, Colindres Aleman decided that he would stop the churchwomen. Although there is no evidence that he knew their identities, he apparently believed, based on his guard's observations, that they were "subversives." Although in our system these observations would usually not be enough even to justify an airport stop for questioning, in El Salvador in 1980, particularly on the eve of the burial of the FDR leaders, these grounds for suspicion were more than adequate. If Colindres Aleman could obtain

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El Salvador: Human Rights
Special Project (1993)

evidence that the women were carrying weapons, or even "subversive" literature, his status in the Guard would be enhanced.

There is no reason to believe that Colindres Aleman necessarily had murder on his mind from the outset. At a minimum, however, he knew he was up to no good. He ordered five guardsmen, Carlos Joaquin Contreras Palacios, Francisco Orlando Contreras Recinos, Daniel Canales Ramirez, Jose Roberto Moreno Canjura, and Salvador Rivera Franco, to change out of their uniforms into civilian clothes. He instructed the five men to accompany him with their service rifles and ammunition.[18] Shortly after 7:00 p.m., Colindres Aleman, the five guardsmen in civilian attire and Perez Nieto, in uniform, drove in a National Guard jeep to the traffic checkpoint near the airport entrance.[19]

At the checkpoint, Colindres Aleman instructed Perez Nieto to stop all traffic at the checkpoint for approximately ten minutes, but to allow the "white van" carrying the churchwomen to pass without hinderance.[20] Colindres Aleman left Perez Nieto at the checkpoint, along with the uniformed guardsmen already on duty there, Luis Napoleon Cornejo Cubas, Jose Vidal Cruz Piche, and Jose Luis Monterrosa.[21] After rounding a bend in the airport access road, and nearing the first toll station for the as yet unfinished highway between San Salvador and the airport,

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El Salvador: Human Rights
Special Project (1993)

Colindres Aleman and the five guardsmen, all in civilian clothes, took up positions on the road and awaited the arrival of the white van.[22]

Meanwhile, at the airport, the four churchwomen retrieved the luggage of Sisters Ford and Clarke and left the terminal in their white van. At the airport traffic checkpoint, Guardsman Perez Nieto, following instructions, allowed the van to pass through. He detained all other traffic for about ten minutes,[23] and then returned to the National Guard headquarters.

Passing the checkpoint, the churchwomen arrived at Subsergeant Colindres Aleman's position. They were stopped and ordered to vacate the van.[24] The guardsmen searched the van and questioned the women. Thereupon, Colindres Aleman ordered them back into the van together with Guardsmen Contreras Recinos, Canales Ramirez and Moreno Canjura.[25] Contreras Recinos drove the van and, with Colindres Aleman and Guardsmen Contreras Palacios and Rivera Franco following in the National Guard jeep,[26] the small convoy started its journey fifteen miles into the hills of El Salvador.

Shortly thereafter the jeep developed engine trouble. After a brief stop for temporary repair, the two vehicles made it to the National Guard command post at the town of El Rosario La Paz.[27] There, Subsergeant Colindres Aleman telephoned the airport and instructed his second in command, Corporal Isabel Aquino Giron, to send another

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El Salvador: Human Rights
Special Project (1993)

vehicle to El Rosario to retrieve them.[28] The jeep was then left at the Guard post, with Guardsman Rivera Franco to guard it.[29]

The five other guardsmen crowded into the small van with the four churchwomen and proceeded in the direction of Zacatecoluca. At the intersection of the road to San Pedro Nonualco, the van left the main road and drove for another six kilometers, finally turning off onto a dirt lane.[30] At a deserted site along the lane, Subsergeant Colindres Aleman directed Guardsman Contreras Recinos to bring the van to a halt, and ordered the women out of the van.[31] The guardsmen sexually assaulted the women. Then, at Colindres Aleman's orders, they shot the women dead with their service rifles, leaving the bodies along the roadside as they fell.[32] The guardsmen, upon completion of their grisly mission, then returned to El Rosario La Paz in the van.

In the interim, Corporal Giron had sought from the commander of the Customs Police at the airport, Juan de Dios Barrera Rivera, a vehicle with which to pick up Colindres Aleman and his men.[33] Barrera Rivera assigned Victor Melgar Garay to drive a blue Customs Police pick-up truck[34] to El Rosario La Paz, where, accompanied by Guardsman Julio Cesar Valle Espinoza, Melgar Garay found Guardsman Rivera Franco guarding the disabled jeep.[35] The three were waiting when Subsergeant Colindres Aleman and the other guardsmen returned without the women at approximately 11:00 p.m.[36]

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RELEASED
El Salvador: Human Rights
Special Project (1993)

Climbing into the cab of the truck, Subsergeant Colindres Aleman instructed Melgar Garay to drive back onto the highway in the direction of La Libertad.[37] Followed by the white Toyota Hiace van, the truck proceeded along the coast road until ordered by Colindres Aleman to stop.[38] After the guardsmen had removed several items from the van to the blue Customs pick-up truck,[39] Guardsman Contreras Recinos opened the middle door of the van and, with the help of Contreras Palacios and Moreno Canjura, poured aviation fuel on the inside and outside of the van and set it afire.[40]

Near midnight, Subsergeant Colindres Aleman and his men returned to the airport in the blue pick-up truck.[41] Upon his return, Colindres Aleman took the van's spare tire and jack, and several articles of women's clothing to the barracks.[42] Later, several of the guardsmen, with Colindres Aleman, burned this clothing and certain other articles taken from the churchwomen.[43] On December 3, Colindres Aleman took the spare tire and jack to a nearby farm camp and left them there with a friend for safekeeping.[44]

Early in the morning of December 3, 1980, villagers from Santiago Nonualco, a remote village fifteen miles northeast of the airport, found the bodies of the four churchwomen sprawled along the roadside.[45] One of the villagers contacted the local Militia Commander, Jose Dolores Melendez, to report the discovery.[46] Shortly thereafter, two National Guardsmen and three Civil Guardsmen

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El Salvador: Human Rights
Special Project (1993)

arrived at the scene, and ordered the preparation of a common grave.[47] The local Justice of the Peace, Juan Santos Ceron, was summoned by the Militia Commander, and authorized the immediate burial of the women as "unknowns," an unfortunate practice that had become common in El Salvador.[48]

When Sister Kazel and Ms. Donovan failed to return to La Libertad, Father Paul Schindler, an American priest working in La Libertad, contacted the United States Consul in San Salvador, Patricia Lasbury (now Patricia Lasbury Hall), on December 3.[49] Ms. Lasbury then informed the Chief of National Police of the women's disappearance. Salvadoran Defense Minister Garcia was also notified.[50] A nationwide search was promised.

In an attempt to locate the women himself, Father Schindler set out to search along the coastal road leading from La Libertad to the airport. On the evening of December 3, he found the burned-out shell of the churchwomen's van where it had been abandoned along the coastal road.[51] Its license plates were missing, and the van could be identified only by the serial numbers on the engine block.[52]

Meanwhile, word began to circulate in the community that four female Caucasian "unknowns" had been found dead and buried in Santiago Nonualco. A local parish priest heard the news and informed the Vicar of the San Vicente diocese. In turn, the Vicar notified the United States Embassy that the bodies of the American churchwomen had been found.[53]

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RELEASED
El Salvador: Human Rights
Special Project (1993)

Upon learning the news, United States Ambassador Robert White went immediately to the murder site, where he found Father Schindler, who also had been notified by the parish priest of the discovery of the bodies.[54] The Secretary of the Justice of the Peace arrived and gave permission for the removal of the bodies from the grave.[55] All four women had been shot in the head; the face of one had been destroyed.[56] The underwear of three of the women was found separately, along with bloody bandanas.[57] Brief medical examinations were performed that day, but no autopsies.[58] Sisters Ford and Clarke were buried in Chalatenango; Sister Kazel and Ms. Donovan, in the United States.[59]

II. THE INVESTIGATIONS

Despite the numbing regularity with which innocents in El Salvador have been subjected to crimes of violence, the rape and murder of the four American churchwomen provoked immediate international outrage. The Salvadoran government responded by publicly promising a full investigation, and the United States pledged its complete assistance. The actions of the United States and its representatives to investigate the crime and to bring the perpetrators to justice have been remarkable. Quite simply, we believe that the killers would never have been identified and the evidence of their guilt never properly assembled had it not been for the efforts, often courageous, of United States personnel.

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RELEASED
El Salvador: Human Rights
Special Project (1993)

The efforts of Salvadoran officials, on the other hand, have been mixed. Despite the public promise of a full and complete investigation, the actual initial Salvadoran government response appears to have been to do everything possible to conceal the perpetrators of the crime. The identities of the killers were known to officials of the Salvadoran National Guard within days of the murders. Nonetheless, the official response to this information ranged from indifference to active cover-up. It was only after a year had passed, and the killers had been identified by the United States, that a competent group of Salvadoran officials undertook a thorough investigation of the crime and assembled the evidence that forms the basis for the prosecutions. The men who performed that task, led by Major Medrano, and the judge who inherited the case and completed the investigation, Judge Bernardo Murcia Rauda, performed difficult work under the most dangerous of circumstances. They deserve the praise and gratitude of all those who have sought to see justice done in this case.

A. The Zepeda and Monterrosa Investigations

Within days of the murders, Salvadoran authorities commissioned two investigations, one public and one private, both with apparently the same objective: to create a written record absolving the Salvadoran security forces of responsibility for the murders. The public investigation was in the

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El Salvador: Human Rights
Special Project (1993)

form of a commission headed by Colonel Roberto Monterrosa, then director of the Armed Forces Studies Center and later commander of the Salvadoran Navy. The private investigation, commissioned by the National Guard itself, was headed by Major Lizandro Zepeda Velasco. In his interview with us, Colonel Monterrosa was surprisingly candid about his purpose. He stated that his investigatory commission had flatly rejected the possibility that security forces were involved in the murder, not because of the absence of evidence, but because their involvement, if proved, would cause serious consequences for the armed forces "from a political point of view."[60/]

The failure of either Zepeda or the Monterrosa Commission to pursue a serious investigation is obvious, for the evidence of the defendants' culpability was readily available for gathering. As we will note below, the murderers made no attempt whatever to conceal their culpability from other National Guardsmen. Not only had several guardsmen witnessed the churchwomen's abduction, but the defendants repeatedly conceded their guilt to their colleagues following the killing. For instance, at a meeting called by Colonel Vides Casanova within days of the murders to ask whether any National Guardsmen were responsible, Subsergeant Colindres Aleman approached his immediate supervisor, Sergeant Dagoberto Martinez and reported that, "the problem regarding the nuns is me." Martinez advised Colindres Aleman to be silent

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RELEASED
El Salvador: Human Rights
Special Project (1993)

about the crime, but to admit his role if questioned by a National Guard officer.[61]

The National Guard officer assigned in December, 1980 to investigate the crime was Major Zepeda.[62] Zepeda interviewed Colindres Aleman, as well as other guardsmen on duty at the airport on the night of December 2.[63] Although all the witnesses whom Zepeda purportedly interviewed had at least partial knowledge of the facts of the crime--knowledge that they later confessed to Major Medrano--Zepeda blithely reported that no one remembered anything out of the ordinary about that evening. His perfunctory written report, turned over to the United States many months later, concludes "[i]t is not proven in this report that elements of the National Guard had any participation in the death of the four North American religious [sic]."[64]

In fact, the written Zepeda report was a sham. Indeed, it made so little an impression on Major Zepeda himself that, when we interviewed him in September, 1983, he insisted that his reporting had been oral only.[65] He persisted in this position even when we told him that we had seen copies of written reports. Zepeda may have remembered only an oral report because it was undoubtedly only orally that he would have communicated his true findings: that National Guardsmen led by Colindres Aleman had committed the murders.

RELEASED
El Salvador: Human Rights
Special Project (1993)

Information derived by the United States Embassy from the special Embassy evidence shows unequivocably that Subsergeant Colindres Aleman followed precisely Sergeant Martinez' recommendation. When Major Zepeda questioned Colindres Aleman in the days following the crime, he confessed his role in the murders to the National Guard investigating officer.

Major Zepeda did not betray Subsergeant Colindres Aleman's trust. Rather, he undertook a course of action in the winter and spring of 1981 to protect Colindres Aleman and the other killers. Of course, he issued a written report absolving the guardsmen of blame. Moreover, according to the special Embassy evidence, Major Zepeda caused the murderers to be transferred away from their airport post, thus making it more difficult for outsiders to determine who had been in a position to undertake the killings or to interview military witnesses at the airport. Knowing that the FBI had performed ballistics tests on shells and casings associated with the crime, Major Zepeda also, according to the special Embassy evidence, ordered the killers to switch their rifles with others so as to make detection more difficult. (This effort did not ultimately prevent linking the murder weapons with the defendants. Major Zepeda either failed to, or could not, alter the Salvadoran military's written records identifying which rifles were assigned to the defendants.)

RELEASED
El Salvador: Human Rights
Special Project (1993)

Although we have no direct proof, we think it is quite possible that Major Zepeda informed his superior, then Colonel Vides Casanova, of his activities. Vides Casanova appointed Zepeda, and Zepeda reported directly to him. It seems unlikely that a mid-level officer like Zepeda would have undertaken the obstructive actions he did without approval or encouragement from someone higher. Moreover, when we interviewed now General Vides Casanova, we found him evasive; he professed a disturbing lack of knowledge of Zepeda's investigation, despite evidence that he was aware of and received reports concerning Zepeda's efforts throughout the investigation.[66] In his answers to us, General Vides Casanova attempted to distance himself as completely as possible from all investigations of the crime.

We believe it probable that Major Zepeda informed Colonel Monterrosa of his findings. Indeed, in his discussion with us, Colonel Monterrosa asserted that he was responsible for Zepeda's appointment as investigating officer. Certainly the activity undertaken by the Monterrosa Commission--or, more accurately, its inactivity--suggests the absence of any serious interest in identifying the killers. Nonetheless, for the first few weeks of its existence, the commission managed to suggest to the outside world that it was undertaking a serious mission.

The commission's appointment was announced on December 8, 1980.[67] On that day the members of the

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El Salvador: Human Rights
Special Project (1993)

commission received United States Ambassador Robert White and a team of distinguished Americans sent by President Carter to investigate the crime.[68] The commissioners purported to welcome investigative assistance from the United States, including technical expertise and assistance in planning the investigation. The Ambassador willingly agreed. A team of FBI technicians flew to El Salvador and gathered various evidence for laboratory analysis, including fingerprints and debris taken from the white van, and items of clothing found at the gravesite.[69]

Over the next few days the commission requested that autopsies be performed on the two churchwomen buried in the United States;[70] it visited the murder site and questioned residents of the area;[71] it took a statement from a Salvadoran priest, Father Britto,[72] who had been stopped at a military checkpoint near the airport on the evening of December 2, 1980; and it requested the assistance of the United States in locating six Canadians who had also been stopped at that checkpoint with Father Britto.[73]

Despite its initial show of activity, the Monterrosa Commission soon slowed its pace. On December 20, 1980, the commission adjourned for the traditional three-week Christmas recess,[74] and when the commission eventually resumed its "investigation" in January, 1981, its efforts were unimpressive. Consistent with Colonel Monterrosa's statement to us that the commission had no serious interest in connecting

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El Salvador: Hum
Special Project

security forces with the crime, the commission obtained and relied upon false exculpatory statements from guardsmen on duty substantially identical to those collected by Major Zepeda.[75]

Although the United States was, as requested, providing investigative assistance, that assistance was largely ignored. United States suggestions that the most elementary investigative steps be taken were greeted with distrust or disinterest. Thus, the United States repeatedly requested, to no avail, that guardsmen at the checkpoint and the burial site be fingerprinted; that airport guardsmen be vigorously questioned about the events of December 2; that the weapons of guardsmen at the airport be confiscated for testing; and the like.[76] When pressed to explain his reason for failing to fingerprint the potential suspects, Colonel Monterrosa lamely explained, "one must understand the political situation in El Salvador."[77] He later claimed that the commission did not have the authority to fingerprint the men in question.[78]

Thereafter, in February, 1981, Colonel Monterrosa began the first of his many efforts to conclude the commission's activities.[79] One might be tempted to conclude that the Monterrosa Commission's failure to uncover useful information was the result of mere indifference or fear. We conclude that it is more probable that Major Zepeda informed Colonel Monterrosa of Colindres Aleman's guilt and that

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El Salvador: Human Rights
Special Project (1993)

Colonel Monterrosa purposely chose to conceal the truth. According to Monterrosa himself in his discussion with us, Zepeda reported everything he knew to him.

More telling than the lines of authority, however, was an event that occurred on February 26, 1981. On that date after much prodding from the United States, Colonel Monterrosa delivered to an Embassy official fingerprints and palm prints of three of the four guardsmen from whom the commission had taken written statements: Jose Luis Monterrosa, Luis Napoleon Cornejo Cubas, and Vidal Cruz Piche, all guardsmen stationed at the airport checkpoint on the day of the murders.[80] Of course, since none of these men was involved in the murders, their fingerprints were essentially meaningless. The significant event of that day, however, was Colonel Monterrosa's pointed failure to produce the fingerprints of the fourth guardsmen who had given a statement: Subsergeant Colindres Aleman.

A month and a half later, after the special Embassy evidence had provided the Embassy an indication of Subsergeant Colindres Aleman's guilt, but before the Embassy had revealed that knowledge to the Salvadorans, an Embassy official asked Colonel Monterrosa why Colindres Aleman had not been fingerprinted.[81] Colonel Monterrosa immediately became defensive and claimed he had taken fingerprints only from those persons requested by the Embassy. From all the circumstances, however, we believe that Colonel Monterrosa

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RELEASED
El Salvador: Human Rights
Special Project (1993)

did not provide Colindres Aleman's fingerprints because he knew--since Major Zepeda had told him--that Colindres Aleman was responsible for the murders. Monterrosa feared that providing Colindres Aleman's fingerprints would enable him to be identified.

In the period between January and April, 1981, frustrated at the inaction of the Monterrosa Commission, and still uncertain that a purposeful cover-up was underway, Embassy officials continued to apply direct and indirect pressure upon Colonel Monterrosa. They asked the ruling junta to press Monterrosa to conduct a meaningful inquiry.[82] President Jose Napoleon Duarte, whom we interviewed and who appeared to have a sincere interest in the prosecution of this case, complied with the various requests of the United States, and repeatedly instructed Colonel Monterrosa to undertake pertinent investigative steps: to identify all security force personnel near the airport; to fingerprint those personnel; and to collect, secure and test their weapons.[83] Despite instructions from his civilian superior, Colonel Monterrosa did as little as possible throughout the early spring of 1981. Taken together, the Monterrosa and Zepeda investigations provide distressing evidence of the willingness of the Salvadoran military to protect their own, no matter what the cost.

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El Salvador: Human Rights
Special Project (1993)

B. The Cover-Up Is Defeated

Distressed at the apparent inability of the Monterrosa Commission to make substantial progress, and unaware of the cover-up engineered by Major Zepeda, officers of the United States Embassy determined to do what they could to identify the killers. In February, 1981, an Embassy officer developed information that promised eventual discovery of the identity of the killers. Over the next two months, this special Embassy evidence was proven reliable. The Embassy learned the identity of the killers; of other witnesses who could prove the killers' identity in court, most notably Sergeant Dagoberto Martinez; and obtained convincing evidence of the cover-up.

A significant piece of corroboration came from FBI analysis of two cartridge casings and three spent bullets provided to the Embassy by the Salvadoran government on March 2, 1981.[84/] On March 17, 1981, the FBI laboratories identified the casings and bullets as coming from Heckler and Koch G-3 assault rifles,[85/] standard issue to the Salvadoran security forces. Other corroborating evidence cannot be set forth here because it would tend to disclose and thus endanger the nature and sources of the special Embassy evidence. In any event, after several months of testing, through the use of corroborating evidence, the Embassy was convinced that the special Embassy evidence was both genuine and sound.

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El Salvador: Human Rights
Special Project (1993)

By April, 1981, the Embassy had concluded that only extraordinary pressure would result in the arrest and prosecution of the killers, and it determined to inform the Salvadoran authorities of the information it had learned, but not its source. On April 21, 1981, the Embassy identified Subsergeant Colindres Aleman to President Duarte. Several days later the Embassy named to Defense Minister Garcia five other guardsmen identified by the special Embassy evidence.[86] The United States demanded that the killers be arrested. Upon learning this news, Colonel Vides Casanova ordered the arrest of the guardsmen who had been identified. The men were taken into custody on April 29, 1981.[87]

The arrest of the guardsmen enabled the FBI to complete the scientific tests it had begun some months before. On April 30, the FBI obtained the defendants' fingerprints and shortly thereafter matched a thumbprint of Subsergeant Colindres Aleman with a print found on the churchwomen's van.[88] On May 1, the weapons of the guardsmen were seized,[89] and by May 17, the FBI reported that one of the seized weapons, which later was identified as belonging to Guardsman Moreno Canjura, had fired a cartridge found at the murder site.[90]

Although the cover-up had been thwarted, and evidence of the defendants' guilt produced, the military apparently remained ambivalent about the extent to which it would cooperate in the prosecution. Major Zepeda remained

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RELEASED
El Salvador: Human Rights
Special Project (1993)

in charge of the National Guard's internal "investigation," and the disclosure of the true facts apparently did little to deter him from his course of concealment. In the period following the arrests, Zepeda took two more written statements from Subsergeant Colindres Aleman.[91] In the first, Colindres Aleman again denied participation in the murders. In the second, recorded after the FBI had linked his fingerprint to the nuns' van, Colindres Aleman claimed that he might have touched the van in the airport parking lot and again denied his guilt. Major Zepeda also interviewed Guardsman Moreno Canjura, who blandly claimed that his rifle could not have been involved in the murder because he had possessed it continuously and he had not been involved in the murder.[92]

On July 1, 1981, Major Zepeda submitted a second report to Colonel Vides Casanova.[93] He still concluded that he could not determine the guilt of the guardsmen because of the "difficulty" in resolving a case so "delicate." He concluded that only the civilian courts could make a determination of guilt and that he had exhausted the resources at his disposal. Other than Major Zepeda's meager efforts, Salvadoran attempts to investigate and prosecute the guardsmen were virtually nonexistent throughout the summer and fall of 1981.

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RELEASED
El Salvador: Human Rights
Special Project (1993)

C. The Medrano Working Group

By the fall of 1981, the United States Embassy recognized that the Salvadoran authorities were evidently content to let the defendants remain in prison while doing nothing to prosecute the crime. The Embassy determined to press all the harder for a serious investigation, which, for political reasons, would have to come under the aegis of the Monterrosa Commission.

On December 4, 1981, the Commission agreed to the appointment of a working group, composed of professional investigators and backed by technical assistance from the United States, to conduct the investigation.[94/] On December 7, 1981, the Fiscal General (the chief Salvadoran prosecutor) and his deputy agreed to this concept as well.[95/] The working group was formally established on December 9 by order of Colonel Vides Casanova.[96/] National Guard Major Jose Adolfo Medrano was appointed to head the group.

The work of the Medrano working group is one of the encouraging chapters in the Salvadoran handling of the churchwomen murders case. It stands in sharp contrast to the previous two investigations described herein, and was pursued with thoroughness and persistence. The Medrano working group was the first successful attempt by an agency of the Salvadoran government to investigate the murders in a systematic and determined way. In two months time, the working group, under the able leadership of Major Medrano,

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RELEASED
El Salvador: Human Rights
Special Project (1993)

was able to question more than a dozen important witnesses, gain a confession, and gather valuable physical evidence.

One of the reasons the Medrano working group was so successful was that, with its establishment, ongoing technical assistance was provided by the FBI at every step. Similarly, Embassy personnel were present for every session of the Medrano working group. Thus, the Medrano working group became an organized, joint effort by Major Medrano of the National Guard, detectives of the National Police, the FBI Regional legal attache and his FBI colleagues who appeared from time to time to carry out special activities such as polygraphing, ballistics, or fingerprint analysis, and representatives from the United States Embassy. Representatives from the office of the Fiscal General also participated in working group sessions.

Within days of his appointment on December 9, 1981, Major Medrano had interviewed two of the airport fuel workers who were on duty on the day of the murders concerning the dispensing of airplane fuel possibly used by the guardsmen in their jeep;[97] Jose Vidal Cruz Piche, one of the guardsmen stationed at the airport;[98] the four guards of Hector Herrera's estate, who witnessed the van passing back and forth to the murder site that evening[99] and Jose Luis Monterrosa, another guardsman stationed at the airport.[100] These interviews were crucial to the case. They provided

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RELEASED
El Salvador: Human Rights
Special Project (1993)

the first public evidence of the facts surrounding the crime.

The first important break for Major Medrano was his interview on December 11 of Guardsman Cruz Piche.[101] Cruz Piche, whom Major Medrano had known previously[102] and who apparently felt comfortable with the investigator, confided that on the night of the murders he had seen Colindres Aleman, Contreras Recinos, Moreno Canjura, Canales Ramirez, and two others depart the airport in the post's Toyota jeep shortly after 7:00 p.m., passing through the checkpoint where Cruz Piche was stationed with Guardsmen Luis Monterrosa and Cornejo Cubas. Cruz Piche said that when he returned to the detachment headquarters at the end of his tour, he found that the six who had left earlier were drunk and appeared nervous.[103]

Medrano reinterviewed Guardsman Cruz Piche on December 15, 1981.[104] Cruz Piche amplified his previous statement, saying that Subsergeant Colindres Aleman ordered Guardsman Perez Nieto to remain at the checkpoint to detain all airport traffic for the next ten minutes, and that Perez Nieto had allowed a white microbus to pass without inspection. Cruz Piche reported that he later overheard Colindres Aleman say "What's done is done," and, "If fate is against us, we will have to pay," or words to that effect. This testimony was the first public revelation that Colindres Aleman had ever acknowledged his guilt.

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El Salvador: Human Rights
Special Project (1993)

Guardsman Cruz Piche also testified that three days later he heard a guardsman say that he had been told by guardsmen who had accompanied Colindres Aleman that the victims were "subversive nuns," that "we took subversive propaganda from them," and that another guardsman had somehow obtained 5,000 dollars or colones. He said that eight days later he saw Subsergeant Colindres Aleman selling ladies' watches in the airport area.

Guardsman Jose Luis Monterrosa confirmed Cruz Piche's statement to the Medrano group and named the six guardsmen he saw depart the airport: Colindres Aleman, Jose Elias Sanchez, Francisco Orlando Contreras Recinos, Jose Roberto Moreno Canjura, Adrian Ramirez, and Daniel Canales Ramirez.[105] Two days after the murders, Luis Monterrosa saw Colindres Aleman with a large amount of money purchasing a television set, furniture, and other items, as well as selling a tape recorder, watches, rings, and eyeglasses. Luis Monterrosa testified that he overheard guardsmen say that "they were subversive nuns and had subversive propaganda," and that Colindres Aleman said "It happened today: if our turn comes up, we'll have to pay for it."

During this period the Medrano group also took statements of Luis Napoleon Cornejo Cubas, the third guardsman at the airport checkpoint, Corporal Isabel Aquino Giron, the deputy commander of the airport National Guard detachment, and Guardsman Perez Nieto, who had been on patrol at

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El Salvador: Human Rights
Special Project (1993)

the terminal and had spotted the nuns. Taken together, the statements significantly tightened the chain of evidence of guilt and provided a fairly complete picture of the events of December 2, 1980.

In his December 17, 1981 statement,[106] airport Guardsman Luis Napoleon Cornjeo Cubas confirmed the statements of Guardsman Cruz Piche and Luis Monterrosa, and revealed that he had learned that on the night of the murders Colindres Aleman brought back a spare tire, which a few days later he gave to a friend at the nearby "Macondo" cotton plantation. He also saw Colindres Aleman and his five companions burn women's clothing behind the National Guard command post several days after the killings.

Corporal Giron testified that about 5:30 p.m., he overheard Subsergeant Colindres Aleman talking by telephone with Reyes Nieto, who was in the airport terminal.[107] Thereafter, Giron swore, Colindres Aleman ordered five guardsmen to dress in civilian clothes, and they departed with him in the detachment jeep at about 7:00 p.m. Giron testified that later that evening he received a telephone call from Colindres Aleman, asking for a replacement vehicle. Giron borrowed a blue pickup truck and a driver from the commander of the airport Customs Police, and directed the driver to proceed to El Rosario La Paz to meet Colindres Aleman.

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El Salvador: Human Rights
Special Project (1993)

Giron further stated that he saw the pickup truck return with the guardsmen shortly before midnight, observed the guardsmen remove a tire and several cartons from the truck, and later heard that Subsergeant Colindres Aleman took the tire to a friend at the "Macondo" cotton plantation the next day. Finally, Giron said that on or about December 7, 1980, Colindres Aleman told him that "they were subversive women. I do not think there will be a problem." This implicit acknowledgment of guilt by Colindres Aleman constitutes his third extrajudicial confession in the record.

On December 22, 1981, Margarito Perez Nieto, the guardsman on patrol in front of the airport terminal who had identified the nuns, gave a deceptive statement.[108/] Although Perez Nieto acknowledged reporting to Subsergeant Colindres Aleman that two "suspicious looking foreign women were in the airport terminal," he claimed that Colindres Aleman only ordered him to go to the checkpoint to search all out-going traffic, which he claimed he did for five or ten minutes without singling out any particular vehicle. He stated that one of the three white vans he remembered seeing may have been driven by one of the women he had seen earlier in the terminal. At this initial interview, Perez Nieto failed to reveal that he had seen Colindres Aleman depart with five other guardsmen in civilian clothes to stop the white van. He likewise only obscurely alluded to Colindres Aleman's instructions to him to hold all traffic except for the white van, and his compliance with those instructions.

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El Salvador: Human Rights
Special Project (1993)

On December 23, the Medrano working group interviewed the airport Customs commander.[109] He corroborated Corporal Giron's statement that at about 11:00 p.m. on the night of the murders, Giron asked him to loan the Customs Police vehicle in order to pick up Colindres Aleman and the others. He said that he sent his vehicle and driver to get the guardsmen and that his driver later informed him that the guardsmen had put bloodstained women's clothing in the truck. The following day, Christmas Eve, the Medrano group interviewed Mariana Realejeno, the maid at the National Guard airport barracks,[110] who testified that in late December, 1980, a guardsman gave her a woman's skirt as a gift.

Early in January, 1982, the Medrano working group interviewed Victor Melgar Garay, the Customs Police duty driver who had picked up the group of guardsmen in El Rosario La Paz on the night of the murders.[111] Melgar Garay described the unloading and burning of the white microbus on the highway to La Libertad, and testified that he had been warned to keep silent about what he had seen. In the same period, the Medrano group began to amass the physical evidence that linked the six guardsmen to the crime. The wheel, tire, and jack stolen from the churchwomen's van were recovered by the working group from the nearby plantation where they had been taken by Colindres Aleman.[112]

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El Salvador: Human Rights
Special Project (1993)

The working group interviewed Adrian Ramirez Palacios and Jose Elias Sanchez Guzman, guardsmen detained together with the killers, on January 11 and 12, 1982. Each confirmed that he had seen Subsergeant Colindres Aleman and his group depart from the airport on the night of December 2, 1980, and that Colindres Aleman had later possessed personal articles from the van.[113/]

Sanchez Guzman added critical incriminating statements he had heard from the defendants during his period of incarceration with them.[114/] He stated that while in prison Guardsman Moreno Canjura had admitted that after the women were shot, Moreno Canjura saw that one of them was still alive and that he had used his own rifle to kill her. Sanchez Guzman swore as well that he and Ramirez Palacios were threatened by the defendants that they would be killed if they talked about the case after they were released. Finally, Sanchez Guzman provided an important clarification about the culpability of Guardsman Rivera Franco, which later enabled the prosecution to use Rivera Franco as a witness against the killers: although Rivera Franco had participated in the kidnapping of the women, he was not one of the killers; he had stayed behind with the disabled jeep at Rosario La Paz.

The various witnesses' statements had regularly identified one guardsmen not in custody, Carlos Joaquin Contreras Palacios, as among the six men who had abducted

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RELEASED
El Salvador: Human Rights
Special Project (1993)

the churchwomen and, at the same time, had generally omitted mention of one guardsmen in custody, Adrian Ramirez Palacios. This evidence, together with the similarity in names, led the working group to conclude by late December that Ramirez Palacios was not involved in the murders.[115] During the first week in January, 1982 the Medrano working group had located Contreras Palacios for questioning.[116]

On January 14, 1982, the working group received a major break: Contreras Palacios confessed to his participation in the murders.[117] Because Contreras Palacios had been belatedly identified and had not been incarcerated with the other five defendants, he apparently had not been subject to group pressure to present a joint alibi. Rather, remorseful over having raped and murdered women who he later learned were nuns, Contreras Palacios, when apprehended, provided the first participant account of the crime.

Under Salvadoran law (common in many civil law countries), the testimony of a participant in the crime cannot be used against the others.[118] Thus, Contreras Palacios' confession was, technically, admissible only against him. It was significant nonetheless. First, it provided full corroboration of the evidence initially provided by the special Embassy evidence and thereafter painstakingly developed by the FBI and the Medrano working group. Second, the confession would be admissible against Contreras Palacios at the joint trial of all the defendants.

RELEASED
El Salvador: Human Rights
Special Project (1993)

Thus, although it was technically of limited admissibility, it would still have a significant psychological effect on the jurors, assuring them of the defendants' guilt.

Contreras Palacios swore that he and the others, dressed in civilian clothes, left the airport command post at 7:00 p.m., and stopped and searched the churchwomen's van about a half mile from the airport.[115] He said that they then drove with the van towards El Rosario La Paz, but that they had engine trouble with the jeep, forcing them to leave it in El Rosario, with a guardsman (Rivera Franco) to safeguard it. Thereafter, they drove to a deserted spot several miles southwest of San Pedro Nonualco, where Colindres Aleman ordered them to stop and the churchwomen to get out.

The guardsmen proceeded to rape the women and then, at Colindres Aleman's orders, shot and killed them. They then returned to El Rosario, picked up the guardsman left there, and drove down the coastal highway, where they burned the van. Contreras Palacios stated that he did not know of any other orders that the women be killed and that only Colindres Aleman ordered them to kill the "subversive" nuns. (When Contreras Palacios was reinterviewed, partially at our suggestion, in October, 1983, he altered this last testimony and claimed that Colindres Aleman told him he had been ordered to kill the women, but that Colindres regularly used such explanations to justify his orders.)

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RELEASED
El Salvador: Human Rights
Special Project (1993)

On the same day that the working group obtained Contreras Palacios' confession, it began the process of administering polygraph examinations to the suspects. Although polygraph evidence is inadmissible in El Salvador, as it is in the United States, the working group recognized, at the urging of United States representatives, that the skilled use of the polygraph can be an important investigative tool. It can provide a basis for evaluating the credibility of witnesses. More importantly, many a witness, confronted with an impending polygraph examination or the fact that he has failed one, decides to tell the truth. This happened three times during the course of the polygraph examinations in this case, all of which were administered by an experienced Spanish speaking FBI polygrapher.

Three of the suspects did not alter their testimony concerning the murders either before or after the polygraph exam: Guardsman Francisco Orlando Contreras Recinos,[120] Guardsman Daniel Canales Ramirez[121] and Guardsman Jose Roberto Moreno Canjura.[122] Nonetheless, the FBI polygrapher concluded that all three--and a fourth, Subsergeant Colindres Aleman[123]--were lying when they denied involvement in the crime. During the polygraph examination, Colindres Aleman was also asked whether he had been ordered by anyone to commit the crime. Significantly, the polygrapher concluded that his denial of receiving higher orders was truthful.[124]

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RELEASED
El Salvador: Human Rights
Special Project (1993)

Although Subsergeant Colindres Aleman did not confess during the course of his polygraph examination, he did alter his previous testimony in an incriminating way.[125] Prior to the polygraph examination, Colindres Aleman had consistently claimed that he and his men were on duty at the airport on the night of December 2. During the course of the pre-examination interview, Colindres Aleman altered his testimony to concede significant incriminating details. For the first time, Colindres Aleman admitted receiving a telephone call from Perez Nieto at about 3:00 p.m. on December 2, 1980, reporting two suspicious persons at the airport, thus conceding he was on notice of the churchwomen's presence at the airport.

Subsergeant Colindres Aleman also altered his testimony to link all the suspects together. He admitted that at about 7:00 p.m. he ordered Francisco Orlando Contreras Recinos, Daniel Canales Ramirez, Carlos Joaquin Contreras Palacios, Salvador Rivera Franco and Jose Roberto Moreno Canjura, the remaining suspects, to change into civilian clothes so that they could all drive into El Rosario La Paz. Despite this critical concession, Colindres Aleman claimed that the purpose of the trip was only to get gas for the unit stove, and that they returned at about 10:00 p.m.

Margarito Perez Nieto, the airport guardsman who called Subsergeant Colindres Aleman to report to him the movements of the churchwomen from the airport, had significantly understated his knowledge at his initial interview.

RELEASED
El Salvador: Human Rights
Special Project (1993)

In January, 1982 he took and failed a polygraph, and then elected to tell the truth.[126] On January 15, 1982 Perez Nieto confessed that he had been ordered by Subsergeant Colindres Aleman to allow the churchwomen's van to pass through the checkpoint, and that he had done so. He added that he had had no previous instructions to look for the churchwomen at the airport and that he was unaware of any such instructions to anyone in the National Guard unit at the airport.

Salvador Rivera Franco, the guardsman who accompanied Subsergeant Colindres Aleman and the churchwomen to El Rosario La Paz, where he remained behind to guard the jeep, also provided significant additional information upon being confronted with the polygraph.[127] Initially, Rivera Franco had offered no useful evidence in the investigation. At the commencement of the polygraph session, however, Rivera Franco indicated that he wished to make a statement, and did so. Rivera Franco thereupon identified the guardsmen who had accompanied Colindres Aleman and the nuns from the airport access road; described the search of the churchwomen's van on the airport access road; described the return from El Rosario La Paz after the murders along the coastal road to the spot where the van was burned; and stated that several of the suspects had confessed to him that they had killed the women.

RELEASED
El Salvador: Human Rights
Special Project (1993)

Finally, a polygraph examination helped to exonerate another of the earlier accused, Guardsman Jose Elias Sanchez Guzman. Like Ramirez Palacios, he had been imprisoned as one of the original six accused, but then was released upon the development of exonerating evidence, including the confession of Contreras Palacios and the statements of various witnesses excluding Sanchez Guzman from the group of six guardsmen who had abducted the women. As a final test, Sanchez Guzman was submitted to a polygraph examination, which he passed. Thereupon, the working group concluded that his continued denial of participation in the murders was truthful.[128/]

On February 9, 1982, the Medrano working group having completed its activities, Major Medrano forwarded the investigative file to General Vides Casanova.[129/] General Vides Casanova, in turn, forwarded the file, with the jack, tire, and skirt seized during the investigation, to the First Penal Judge in Zacatecoluca on February 10. At the same time, he consigned to the court Colindres Aleman, Contreras Recinos, Moreno Canjura, Contreras Palacios, Canales Ramirez and Rivera Franco, stating that they had been discharged from the National Guard and arrested for their participation in the deaths of the four churchwomen.[130/]

D. The Civil Investigation

The evidence assembled by the Medrano working group remains the principal evidence of the defendants'

RELEASED
El Salvador: Human Rights
Special Project (1993)

guilt. Nonetheless, as the civil authorities created their own record to support the prosecution during the ensuing months, several significant pieces of additional evidence were developed.

Perhaps most important of these was the evidence of Subsergeant Colindres Aleman's confession to his superior, Sergeant Dagoberto Martinez. The special Embassy evidence identified Sergeant Martinez in 1981 as one to whom Colindres Aleman had confided his guilt. By January, 1982, Martinez was living in Los Angeles, having left El Salvador and the National Guard in January, 1981. He was located there and interviewed by the FBI, but he denied any knowledge whatsoever about the events of the murder.[131]

When the FBI reported these results back to El Salvador, Embassy officials knowledgeable about the special Embassy evidence were unsatisfied. They suggested that the FBI reinterview Sergeant Martinez with the assistance of a polygraph examination.[132] Once again, the threat of the lie detector provoked a change in testimony. Faced with the test, Martinez confessed that, shortly after the killings and during a meeting of the National Guard called by Colonel Vides Casanova to ask whether any guardsmen were responsible, Subsergeant Colindres Aleman approached Martinez and conceded that he was responsible for the "problem regarding the nuns."[133] Martinez explained that he had advised Colindres Aleman to keep that information to himself for the moment, but to confess it to

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RELEASED
El Salvador: Human Rights
Special Project (1993)

the Director of the National Guard in accord with the Director's request.

Another significant piece of additional evidence was obtained in July, 1983. Judge Rauda had refused, under Salvadoran law, to admit into the trial record evidence obtained outside the territorial boundaries of El Salvador or outside his supervision.[134] For this reason, he rejected the admissibility of both the ballistics and fingerprint evidence obtained by the FBI. As the case was readied for trial in the summer of 1983, and in part at our suggestion, the FBI agreed to transport its ballistics equipment to El Salvador and train a Salvadoran national in the testing process.[135] When this was done, Judge Rauda was able to produce two more weapons, previously unknown, attributable to the defendants. The ballistics test linked one of these newly discovered weapons, that of Contreras Palacios, to the crime, thereby providing another direct link between the defendants and the murder.[136]

Unfortunately, it was impossible to replicate the fingerprint evidence linking Subsergeant Colindres Aleman to the nuns' van. The original fingerprint had been obtained by an FBI technician in December, 1980, shortly after the killings, and processed in Washington.[137] According to Judge Rauda, it was inadmissible for two reasons: (1) the fingerprint had been taken from the van without the authority of the investigating judge; and (2) it had been analyzed by a non-Salvadoran.[138] In 1983, an effort was made to

RELEASED
El Salvador: Human Rights
Special Project (1993)

duplicate the process in an admissible fashion.[139] The Salvadoran authorities had done nothing, however, to preserve the van and, not surprisingly, the fingerprint could no longer be located some two and one-half years later.

During our trip to El Salvador, we attempted to explore ways in which the fingerprint obtained by the FBI could nonetheless be used. Both the prosecutors and private attorneys retained by the Embassy persuaded us that the fingerprint would not be admitted during the investigatory stage of the proceedings.[140] It is possible, however, as we shall explain below, that the fingerprint could nonetheless be used in the argument section of the trial, when otherwise inadmissible evidence may be presented to the jury.

III. INVOLVEMENT OF HIGHER AUTHORITIES

Since the day the bodies of the churchwomen were found, there has been a widely held suspicion, at least in the United States, that higher officers in the Salvadoran security forces were involved in the murders. Indeed, at the outset of our mission, we shared that suspicion. We frankly doubted that an enlisted National Guard member would have undertaken on his own initiative the rape and murder of four North American women, even in a society as violent as El Salvador. For this reason, we considered it an important part of our mission to do what we could to help resolve the

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El Salvador: Human Rights
Special Project (1993)

question. The Salvadorans had done little to address it directly. It had taken enough American effort simply to persuade the prosecutors to pursue the murders themselves, and we saw little hope that a full-fledged investigation of possible higher involvement would ever be undertaken, at least absent concrete evidence of the sort used to force the investigation of Subsergeant Colindres Aleman and guardsmen under his command.

We resolved, therefore, to do what we could to urge the prosecuting authorities to gather evidence relevant to the question of higher involvement, while at the same time carefully reviewing the evidence available to us in an attempt to resolve the question for ourselves. In particular, we wished the Salvadorans to reinterview guardsmen Perez Nieto and Contreras Palacios. Perez Nieto had first spotted the churchwomen at the airport and his conversations with Colindres Aleman apparently led to their abduction. We did not believe he had been sufficiently questioned about these subjects. We hoped that new questioning would illuminate Colindres Aleman's specific motivation. Unfortunately, we learned that, after giving his statement to Judge Rauda, Perez Nieto had been reported missing in action since January, 1983.[141/]

We asked that Contreras Palacios be reinterviewed because, as the sole confessing guardsman, he was in a

RELEASED
El Salvador: Human Rights
Special Project (1993)

position to shed light about what, if anything, Colindres Aleman had said about his orders, a subject on which we believed Contreras Palacios had been insufficiently questioned earlier. Contreras Palacios did give new testimony in which he expanded, and contradicted, his earlier testimony by stating that Colindres Aleman had indeed claimed, in directing the guardsmen to kill the women, that the orders came from higher up.[142/] Contreras Palacios added that Colindres Aleman regularly used this sort of justification with his troops. For reasons set out below, we ultimately discounted the significance of this testimony, but it served further to underscore the importance of a resolution of the higher-up question.

We also asked the Salvadoran authorities to investigate links between the killers and security forces in Chalatenango and La Libertad, where the churchwomen had lived and worked. We sought to clarify, to the extent possible, whether any of the defendants had contacts with those cities that would suggest their participation in a conspiracy to murder, or whether officers in those cities had had contacts with the airport that would suggest the same. At the same time, we asked that fingerprints of guardsmen in Chalatenango be obtained so that they could be compared with fingerprints found on documents that threatened the churchwomen in Chalatenago. Although fingerprints have

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RELEASED
El Salvador: Human Rights
Special Project (1993)

now been obtained from the security forces commanders at Chalatenango and analyzed without positive results, to the best of our knowledge, other security forces personnel stationed there have yet to be fingerprinted.

Thus, the record from which we have had to work is not as complete as we would have liked, or as would have been assembled for a comparable murder investigation in the United States. Nonetheless, we deem the issue too important to leave without discussion. We have undertaken to weigh the evidence available to us as best we can. We have analyzed the testimony of the witnesses and the circumstances under which the testimony was taken. We have made judgments about the credibility of particular witnesses. We have applied our various experiences as prosecutors and judge to the facts of this case. And, contrary to our initial supposition, we have concluded that, from the evidence now available to us, it is unlikely that Subsergeant Colindres Aleman received higher orders to commit this crime. We believe that he acted on his own initiative.

An analysis of the higher orders question begins with a definition of terms. In the broadest sense, higher orders could simply mean an understanding among the security forces in El Salvador, fostered by their superiors, that crimes of violence, no matter how outrageous or unjustified, would not be prosecuted. We do not believe that is what concerns those who believe Subsergeant Colindres Aleman was ordered to commit this crime. Nonetheless, the existence of

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El Salvador: Human Rights
Special Project (1993)

this atmosphere is important in resolving the more particular question, for it is clear to us that in El Salvador in 1980, and perhaps still today, there was a general tolerance of crimes of violence by the military. At the time of this crime, so far as we are aware, few, if any, national guardsmen had ever been civilly prosecuted for murder, even though estimates of murdered civilians ran up to 40,000, many allegedly at the hands of the military. Thus, we conclude that officers of the Salvadoran military forces, whether by direction, inactivity or tolerance, encouraged the notion that their troops were above the law.

This brings us to the more direct higher-up questions. Did some higher officer (or officers) order Subsergeant Colindres Aleman to murder the women he had abducted at the El Salvador airport, either after hearing of Guardsman Perez Nieto's suspicions or because he had previously planned to murder some or all of the women, knowing that they would be at the airport on the night of December 2?

The most direct evidence that some higher officer ordered the killing comes from the statements of Guardsmen Contreras Palacios and Valle Espinosa. Contreras Palacios has testified in his second interview that, in directing the guardsmen to shoot the women, Subsergeant Colindres Aleman said he was doing so because of superior orders.[143/] In addition, Valle Espinosa has testified that Colindres Aleman said substantially the same in ordering him to participate in the roadblock.[144/]

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El Salvador: Human Rights
Special Project (1993)

In addition to the direct testimony of Contreras Palacios and Valle Espinosa, there is certain circumstantial evidence as well. To some American observers at least, it seems unlikely that Subsergeant Colindres Aleman would abandon his duty post at the airport, together with five of his troops, unless he had authorization to do so. More generally, there is evidence of hostility between the military and the church in El Salvador and, in particular, between the military and church workers in Chalatenango. Our interviews with Salvadoran officers reinforced this conclusion: their animosity towards the church was obvious. Colonel Monterrosa was perhaps most blunt. He openly speculated that the churchwomen were probably subversives, and that the military might well have wished them dead.[145/]

This hostility manifested itself directly with respect to churchworkers in Chalatenango, where Sisters Ford and Clarke were based. Military personnel stationed there regularly harassed churchworkers by, for example, blocking entry to the church with their cars and haranguing them about their alleged subversive activities.[146/] By the fall of 1980, this hostility had become even more threatening.

In November, 1980, a sign was posted on the parish door in Chalatenango that could be read to threaten the lives of those working with the church there.[147/] On December 2, the day of the murders, Father Efrain Lopez, the parish priest in Chalatenango, reportedly received a letter

RELEASED
El Salvador: Human Rights
Special Project (1993)

threatening those working for the church in Chalatenango.[148] Later on December 2, the sacristan of the Chalatenango church allegedly was approached and shown a list of people to be killed that included the names of Sisters Ford and Clarke.[149]

Moreover, a possible opportunity existed for the military to learn that the churchwomen would be at the airport on December 2. In November, 1980, Maryknoll nun Madeline Dorsey sent a telegram to Sister Ita Ford describing her travel plans to the Managua Conference and suggesting that Sisters Ford and Clarke return with her to El Salvador on December 2.[150] If the telegram were intercepted by Salvadoran intelligence officers, the possibility existed for arranging an ambush.

Ominous though the above recital may sound, it is nonetheless quite a ways distant from direct proof of higher involvement. More importantly, upon analysis, we believe some of this evidence is more ambiguous than it may seem, and supports the theory that Subsergeant Colindres Aleman acted on his own initiative as readily as the theory that he received higher orders. The remaining evidence, we believe, is both of dubious probative value and substantially outweighed by the evidence inclining against higher involvement.

First, we believe the testimony of Guardsman Contreras Palacios and Valle Espinosa to be, upon analysis, neutral. Although both have testified that, in the course

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El Salvador: Human Rights
Special Project (1993)

of ordering them to participate, Subsergeant Colindres Aleman told them that he had "superior orders" and although we have no reason to disbelieve this testimony, it is not conclusive of anything. It would not be surprising if a non-commissioned guardsman of inferior rank like Colindres Aleman used the guise of "superior orders" to motivate his troops, whether he had such orders or not, particularly when asking his men to commit a blatantly illegal act. Indeed, Contreras Palacios's own statement supports this conclusion. He observed that Colindres Aleman regularly justified his orders on such a basis, and speculated that Colindres Aleman had done so this time so that he would not have to bear the full responsibility for his order. Thus, the testimony of Contreras Palacios and Valle Espinosa does not necessarily support an inference either way.

We also conclude that the general animosity between the church and the military does not necessarily support a conclusion of higher-up involvement. The belief, tolerated and even encouraged by officers of the security forces, that the Church and its workers were subversive could well lead lower-ranking soldiers to believe that church workers were fair game for harassment or worse. Thus, we believe the animosity serves as well to explain Colindres Aleman's own motives for the crimes--and his own belief that his acts were justified--as it does to suggest that his superiors were necessarily involved.

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El Salvador: Human Rights
Special Project (1993)

Colindres Aleman's willingness to abandon his airport post also does not support an inference either way. His action was, we believe, consistent with the structure within the National Guard at the time. As we learned in the course of our mission, Subsergeant Colindres Aleman had wide latitude in the daily functions of the unit he commanded.[151] His superiors visited his post only occasionally, and this lack of command control was and is a major concern of the Salvadoran high command. Until recently, the number of officers was quite low in proportion to the number of posts and guardsmen to supervise.[152] Moreover, transportation and communication facilities were limited, making it difficult for officers to control men in the field.

We also do not accord much weight to Sister Dorsey's telegram as providing an opportunity for the military to learn about the churchwomen's travel plans. As we learned, the intelligence network in El Salvador is quite primitive.[153] There is no reason to believe that the telegram was intercepted and, if it had been, we doubt that it would have been read by anyone with a particular interest in Sisters Ford and Clarke. Moreover, even if the telegram were intercepted and routed to a person interested in securing the demise of the nuns, the telegram did no more than suggest that they travel on December 2. It was, it seems to us, an insufficient basis on which to construct a plan to abduct and murder the women.

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El Salvador: Human Rights
Special Project (1993)

Finally, we conclude that there is no likely connection between the Chalatenango death threats and the murders. The threats were not directed at Sisters Clarke and Ford in particular, and thus suggest no reason why those nuns would be singled out for detention and murder at the airport, some distance from Chalatenango. Moreover, if the threats were serious, we see no reason why they would not have been implemented in Chalatenango--where they would have the maximum deterent effect on the local church workers--rather than in another, far away part of the country. Implementing the threats in a distant military district would have required a level of coordination and cooperation that we have neither observed nor understood to be present in the Salvadoran security forces. At the same time, if such coordination were arranged, it would have necessarily involved additional guardsmen in the killings and thus needlessly increased the chances that the conspirators would be exposed.

If the threats were causally connected with the killings, Subsergeant Colindres Aleman would necessarily have had to be on the alert for the churchwomen. The evidence of Perez Nieto, which we credit and discuss further below, however, demonstrates that Colindres Aleman was not anticipating the arrival of the churchwomen. Finally, in our experience, death threats rarely lead so directly to murder, at least without their authors leaving sufficient time for the threat to have its desired intimidating effect.

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El Salvador: Human Rights
Special Project (1993)

If the authors of the death threats truly intended immediately to kill the churchwomen, there was no reason to issue the threats.

In sum, much of the evidence allegedly supporting higher involvement in the murder is, in our view, actually neutral and supports either conclusion. The remaining evidence is of dubious probative value. More importantly, however, there is substantial evidence that, we believe, points the other way.

First, there is the evidence of Subsergeant Colindres Aleman's behavior during the crime itself. In this regard, the testimony of Perez Nieto, the airport guard, is crucial. As an initial matter, we regard his testimony as truthful because of the manner in which it was given: an initial deception, followed by significant revelations after failing a polygraph examination. If truthful, his testimony is inconsistent with higher orders. Were there a prearranged plan to abduct the women, it is inconceivable to us that Colindres Aleman would not have warned Perez Nieto to be on the alert for them. Not only did Perez Nieto affirmatively deny any such orders, but he also simultaneously provided a plausible and independent explanation for why the churchwomen were stopped: because he believed they were suspicious. Perez Nieto's report to Colindres Aleman of his suspicions is likewise inconsistent with higher orders. If Colindres Aleman in fact were

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El Salvador: Human Rights
Special Project (1993)

awaiting the arrival of the women, but for some reason had neglected to warn Perez Nieto of that fact, Perez Nieto's report of their arrival would likely have provoked a more forthcoming response than merely "be careful."

Second, Subsergeant Colindres Aleman's statements to his colleagues after the murder are, in our view, inconsistent with higher involvement. The premise for this conclusion is that, if he had been ordered to commit the crime, Colindres Aleman would have felt secure thereafter that his actions would be protected from prosecution. His statements following the crime show no such security. On December 4, 1980, Colindres Aleman told Cruz Piche that "what's done is done" and "if fate is against us, we will have to pay,"[154] or words to that effect. On December 5, 1980, Colindres Aleman told Guardsman Luis Monterrosa "if our turn comes up, we will have to pay for it."[155] On December 7, 1980, Colindres Aleman told Corporal Giron that "they were subversive women. I don't believe there will be any problem."[156] These are not the words of a felon secure in the protection of his patrons. If he acted at the order of superiors, Colindres Aleman would, we believe, not have been so concerned about "fate," having to "pay," or whether he would have a "problem."

Third, Colindres Aleman's confession to Sergeant Dagoberto Martinez is inconsistent with the view that superiors were involved. If Colindres Aleman were ordered

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El Salvador: Human Rig
Special Project (1993

to kill the women by a superior, there was simply no reason for him apprehensively to confess his guilt to his immediate supervisor, a sergeant. Or, if he had felt the need to confess, we believe it likely that he would have explained that the "problem" he had created was ordered from above. In making this analysis, like our analysis of Perez Nieto's evidence, we necessarily treat as credible Sergeant Dagoberto Martinez's testimony, and for like reasons.

Fourth, the information obtained from the special Embassy evidence is consistent with the information from Sergeant Dagoberto Martinez. According to the special Embassy information, Subsergeant Colindres Aleman confessed his guilt to Major Zepeda without implicating any higher-ups. This, again, does not seem to us to be a likely course of events if Colindres Aleman's superiors were in fact involved. More definitively, the special Embassy evidence also provided direct proof, which unfortunately we are unable to reveal without endangering lives, that Colindres Aleman has conceded acting on his own.

Fifth, the evidence of the Zepeda/Monterrosa cover-up, which we have outlined above, shows, we think, a clear attempt to cover up a crime committed by lower-ranking soldiers, and no effort that we can discern to prevent the identification of higher-ups.

Sixth, we are convinced that, in light of all the evidence, the polygraph results are worth crediting.

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El Salvador: Human Rights
Special Project (1993)

Subsergeant Colindres Aleman was asked directly, during his polygraph exam, whether the assault had been ordered from above. The polygraph examiner deemed his denial to be truthful. Some critics have suggested that the question was too narrowly phrased to encompass all possible higher orders. After review of the question and careful questioning of the polygrapher, we conclude this criticism is not well-founded. During the pre-examination interview, Colindres Aleman was clearly informed of the scope of the question and, as we understand it, would have indicated an emotional response to the question if there had been any such orders, even if the question were inartfully put.[157/]

Taken as a whole, we think the evidence of lack of higher involvement is persuasive and the evidence to the contrary largely, if not entirely, speculative. As we noted at the outset, the investigation of this question has not been commensurate with its importance, and all the facts are not known. We welcome the development of further information on this important issue, and would view new evidence with an open mind. Nonetheless, we believe it would be a disservice not to record here our view, based on the evidence now available, that Subsergeant Colindres Aleman acted at his own initiative.

Before we leave the subject of the involvement of others, we should note that there is some indication in the special Embassy evidence that Colindres Aleman may have had

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El Salvador: Human Rights
Special Project (1993)

communications about the churchwomen with the National Police in La Libertad at some point prior to the murders. This evidence suggested not that higher-ups in La Libertad had ordered the killings, but rather that the police in La Libertad had advised Subsergeant Colindres Aleman of some of the churchwomen's involvement in alleged "subversive" activities.

We have done what we could, with the limited resources available to us, to verify this allegation. We have found nothing to confirm it, and some evidence to refute it. In particular, the special Embassy evidence, contains an unsubstantiated suggestion that the churchwomen might have been previously arrested by the National Police. All those who worked with Ms. Donovan and Sister Kazel in the period prior to their murder, and who would have known of such an arrest, denied to us that any such event had occurred.[158/] Thus, we record some reason to doubt the allegation, but cannot consider it disproved. Nonetheless, from all the evidence known to us, if such a communication occurred, it would have been in the course of an exchange of intelligence information and would not have amounted to orders--higher or otherwise--to kill the women.

IV. FALSE LEADS

We believe that in the course of the investigations described above a coherent picture has emerged of the

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El Salvador: Human Rights
Special Project (1993)

events of the night of December 2, 1980. Even so, in virtually every investigation, and particularly in a well-publicized one such as this, a substantial number of leads, tips, rumors, and apparent facts arise that must be explored, even though the vast majority turn out to be immaterial, incapable of confirmation or refutation, or simply wrong. These are the proverbial "red herrings."

The investigations of the churchwomen's murders have grown their own crop of these issues. Many questions have been resolved by the Salvadoran investigations, with the assistance of the United States Government. Others may be explained by this report. A few undoubtedly will never be explained. In order to reach the conclusions set forth in the preceding sections, we have had to analyze each such false lead as completely as possible. We discuss them below in light of the available evidence.

A. Thomas Bracken

On December 17, 1980, Thomas N. Bracken, a United States citizen, was killed in a shoot-out in the streets of San Salvador. Just one week prior, on December 11, 1980, Bracken had gone to the United States Embassy in San Salvador to offer information about the churchwomen murders. The proximity of the two events has caused some speculation as to whether Bracken's appearance at the Embassy and his subsequent murder were causally connected.

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El Salvador: Human Rights
Special Project (1993)

We have found no such connection. Bracken was interviewed at the Embassy prior to his death, and had no specific evidence concerning the crimes.[159] He offered the theory that the murders had been committed by a right-wing splinter group, but had no evidence to support the charge. Bracken's stated purpose in coming forward was to trade his vague rumors for dismissal of a criminal warrant outstanding against him in El Paso, Texas. It seems to us clear that his offer of information was merely the act of a desperate man trying to find a way to return to the United States.

An inventory of Bracken's quarters, after his death, revealed twenty-five molotov cocktails, wiretapping equipment, handguns, ammunition and military manuals. He had told the Embassy that he was employed as an instructor for the Salvadoran National Police. It was in this capacity that he appears to have met his death. Bracken accompanied several National Police officers who were chasing armed suspects and, in the process of attempting to make the apprehension, was shot dead by one or more of the suspects. In turn, the National Police shot and killed two of the suspects.[160] Based on these facts, we find no connection between Bracken's contact with the Embassy and his death.

B. The Canadians

A group of six Canadians together with a Salvadoran priest, Father Britto, was stopped at a military checkpoint

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El Salvador: Human Rights
Special Project (1993)

outside the San Salvador International Airport on December 2, 1980, between about 6:30 p.m. and 7:00 p.m.[161] Because they provided the first evidence of military activity around the airport, their testimony and their description of the guardsmen were initially thought to be significant. We conclude that their evidence is of little consequence to an understanding of the facts.

The Canadians came to El Salvador to attend the FDR funerals to be held on December 3. At the airport, they met briefly with Sister Kazel and Ms. Donovan, who were awaiting the arrival of Sisters Ford and Clarke. The Canadians then left the terminal, before the arrival of Sisters Ford and Clarke, with Father Britto and the others from the Archdiocese, and an American, , to whom they offered a ride.[162]

Down the road from the airport, near a traffic control post, they were stopped by several uniformed, armed guardsmen, who briefly questioned them and searched the vehicles.[163] Because the guardsmen were in uniform, it is fairly certain that they were not Subsergeant Colindres Aleman and his civilian-attired accomplices. Likewise, because the stop occurred prior to the arrival of Sisters Ford and Clarke and before Colindres Aleman's orders were issued to stop traffic at the checkpoint (except for the white van) the stop was not connected with the abduction of the churchwomen. Rather, we conclude that the stop was one

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El Salvador: Human Rights
Special Project (1993)

undertaken by guardsmen at the traffic control checkpoint, consistent with the heightened tensions in the area on the night prior to the FDR funerals. It otherwise has no significance to this case.

C. The Hacienda Police

Father Paul Schindler, the American priest who worked with Sister Kazel and Ms. Donovan in La Libertad and who found the burned out van, has alleged that the Hacienda Police may have been involved in the crime because (1) the Canadians were stopped at a roadblock near the turnoff for a local Hacienda Police station, and (2) there is evidence that a red pickup truck belonging to the Hacienda Police was used during the abduction.[164/]

The first point, we conclude, is based on a misapprehension of the facts. The guardsmen have uniformly placed the location of the checkpoint at which traffic was stopped for 10 minutes at a position on the main access road to the airport, near the reinforced concrete guard post (which is permanently maintained in the broad median strip of the access road to provide security for nearby electrical installations). This location is some distance removed from the turnoff to the Hacienda Police station at San Juan Talpa. To verify the guardsmen's testimony, we contacted Patricia Lasbury Hall, at the time of the events in question, United States Consul in El Salvador.[165/] Together with

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El Salvador: Human Rights
Special Project (1993)

On December 12, 1980, FBI technicians took scrapings of the paint smear.[166] These scrapings were analyzed in the FBI Laboratory, which concluded that none of the paint particles were of a kind used for the original paint finish on any motor vehicles.[167] Because Father Schindler had identified the pickup truck as a Toyota, the Maryknoll Order sent a copy of the FBI analysis to Toyota. Toyota responded specifically that the paint was not used on their vehicles.[168]

Father Schindler told us that he believes the Toyota pickup truck had been repainted, so that it is possible that a non-standard paint was used. Even if that were so, however, it is likely that particles from the underlying original coat of paint would have been present in the red smear as well. None was found.

We find the connection between the red smear and the red pickup truck to be based entirely on supposition. Moreover, it is inconsistent with testimony that we believe to be truthful from several of the participants in the abduction (Guardsman Rivera Franco and Contreras Palacios), and with the testimony of those who witnessed the activities of December 2. We have found no credible evidence that the Hacienda Police were involved in the murders.

D. Money and Valuables

In the days following the murders, several of the accused were seen with money and valuables.[169] Guardsman

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El Salvador: Human Rights
Special Project (1993)

Cruz Piche reported that another guardsman claimed that Canales Ramirez was seen with 5,000 dollars or colones.[170] The allegation, albeit second hand, is of concern because possession of such a large sum of money, in excess of any amounts conceivably taken from the churchwomen, might suggest that the guardsmen had been paid by some unknown party for participation in the murders.

To clarify the allegation, we asked that Guardsman Cruz Piche be reinterviewed on the subject. At the time of writing this report, Cruz Piche cannot be located by Salvadoran authorities. Nonetheless, based on the evidence available to us, we believe that the churchwomen's missing personal property has been satisfactorily traced to Colindres Aleman and the guardsmen, and that it probably accounts for any perceived increase in Colindres Aleman's personal wealth.

When the nuns left the airport, they had with them the personal belongings of Sisters Clarke and Ford, including clothing and books. Sister Ford was carrying some cash (originally thought to be $900, now apparently only $175)[171] and three checks, two for $1,800 each (to help buy a new jeep to replace one lost earlier that year) and one for $243 (to be used to pay local accounts).[172]

According to several witnesses, the books were burned by the accused soon after the murders, along with articles of clothing and some jewelry.[173] Several witnesses testified that Subsergeant Colindres Aleman was seen

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El Salvador: Human Rights
Special Project (1993)

selling women's watches, rings, eyeglasses and a tape recorder, and buying a television set and furniture.[174] One of the other accused, Guardsman Contreras Palacios, gave Guardsman Sanchez Guzman eighty dollars to exchange into colones for him, and Canales Ramirez offered to sell Sanchez Guzman a woman's watch.[175] The checks were never negotiated and, according to the Embassy's special evidence, were destroyed by Colindres Aleman.

Other than the second hand accounts crediting Guardsman Canales Ramirez with 5,000 dollars or colones, there is no evidence attributing an amount of money to any of the guardsmen in excess of the cash and valuables possessed by the churchwomen. We conclude from this evidence in the record that Colindres Aleman and others of the accused looted the churchwomen's belongings after the murders, taking what they believed to be valuable and burning the rest. There is no credible evidence that Colindres Aleman, Canales Ramirez, or anyone else received payment from an unknown source for his role in the murders.

E. The Moran Letter

Perhaps no red herring has been so patently fabricated as the Moran letter. In the late spring of 1983, the Maryknoll Order received, through an anonymous source, a copy of a letter, purportedly written by Lt. Colonel Antonio Moran, the Chief of the Hacienda Police, to Colonel Vides

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El Salvador: Human Rights
Special Project (1993)

Casanova, the Director of the National Guard, on January 5, 1981.[176] The letter states that six individuals--not the defendants--had been detained by the police and were being referred to Vides Casanova for the murders of the churchwomen. If true, the letter would cast immediate doubt on the validity of the entire prosecution.

The letter is, however, a crude forgery, obviously created by unknown third parties--whether of the right or the left--with an interest in disrupting the prosecution. Colonel Moran has testified he never sent the letter,[177] and Vides Casanova that he never received it.[178] Moreover, the signature and seal are forgeries, according to handwriting experts appointed by Judge Rauda,[179] and the letter does not bear either the code numbers or the formal salutation that a genuine piece of Treasury Police correspondence would include.

F. _____ and Cortez

In September, 1981, an annonymous letter addressed to the United States Congress was received by the State Department.[180] The letter, dated July 21, 1981, stated that the writer was a witness to the killings of the churchwomen, and that if Congress were interested in the identity of the assassins, it should place an advertisement in several Mexican newspapers. The State Department placed the advertisement in late September, which led to a meeting between

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El Salvador: Human Rights
Special Project (1993)

two United States Embassy officials and [181/] said that he had no direct information concerning the murders. He identified the author of the letter to Congress as one Cesar Cortez, allegedly a driver employed by Hans Crist, a suspect in the January, 1981, murders of the American Institute of Free Labor Development workers. He said that Cortez had fled El Salvador several months before, passing through Mexico City on his way to the United States. On October 6, told the Embassy in Mexico City that Cortez had written to him from Chicago, but that he still had no address for him.

On October 15, 1981, John McAward, Executive Director of the Unitarian-Universalist Service Committee, reported to the State Department that he also had met in Mexico City.[182/] According to McAward, claimed that a Cesar Cortez had approached him in Mexico City and described the murders. Cortez allegedly told that he had been instructed by his employer to drive a pickup truck from "the Hacienda" with two Hacienda guards to La Libertad, where he was to pick up three guardsmen, and then proceed to the airport "to do a job"--the abduction of the churchwomen. stated that Cortez denied participation in the rapes and murders, but claimed to have seen what happened.

Thereafter, the State Department and the FBI pursued a number of false leads in attempting to trace the

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El Salvador: Human Rights
Special Project (1993)

mysterious Cortez.[183] Finally, responding to a suggestion from Representative Mary Rose Oakar, the State Department sought to submit to a polygraph examination concerning Cortez.[184] Despite repeated requests and assurances of safety, repeatedly refused to submit to a polygraph examination.[185] With 's refusal, the effort to locate Cortez and to verify his story reached a dead end.

We are convinced that the /Cortez episode has no bearing on our understanding of the facts. Cortez' alleged story, as described by through McAward, is inconsistent with the facts outlined above. It may be that fabricated the story in an attempt to gain a visa to the United States.[186] Whatever 's motivation, Cortez' alleged story, unsupported even by the existence of Cortez and contradicted by the facts, is of no apparent validity

G. The Radio Message

In December 1980, it was reported that a witness had overheard a radio transmission at the airport between members of the security forces.[187] There is conflicting information about what was said. According to one version, a guardsman was heard stating, "we missed them on this flight."[188] According to another version, the conversation focused on the fact that the churchwomen were carrying a large amount of money.[189] Any such conversation, if true, would be significant because it could suggest that the

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El Salvador: Human Rights
Special Project (1993)

National Guard was awaiting the arrival of the churchwomen, and thus that a prearranged plot was in effect.

Although the source of the information was fairly quickly identified, he resisted several attempts by Embassy officials to persuade him to come forward and make a formal statement. President Duarte finally prevailed upon the witness to submit to an interview, attended by Embassy officials, in mid-March 1982 by Deputy Fiscal General Benjamin Cestoni.[190] The witness said that he was in the airport terminal on December 2, 1980, awaiting an incoming flight. While there, he claimed he overheard a telephone--not radio--conversation of a uniformed guardsman speaking from a pay telephone in the lobby. He said that the gist of the conversation was "we missed them on this flight." The witness said that he then saw the arrival of two women he believed to be two churchwomen, who were greeted by two others and who departed at about 4:00-4:30 p.m. in a white van. He averred that he was sure about the time because he himself left shortly after 4:30 p.m.[191]

Although Cestoni and the Embassy officials all believed that the witness was not purposely attempting to deceive them, they unanimously concluded that his recollection was nonetheless confused and highly unreliable. Under close questioning, the witness offered varying accounts of what he had heard, at different times claiming that the communication was by radio or by telephone, and

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El Salvador: Human Rights
Special Project (1993)

that it concerned either money in the churchwomen's possession or their delayed arrival. Indeed, at one point, in the course of three interviews with Embassy personnel, the witness stated that he had only seen a radio being used and had not heard what was said.[192] Moreover, if true, the witness's testimony means that at least Guardsman Perez Nieto and Cruz Piche are lying in giving their accounts of Perez Nieto's telephone conversation with Subsergeant Colindres Aleman. Because of all of this, we discount the report of the witness.

H. Abduction at the Airport

Father Schindler has suggested to us that the churchwomen had been abducted at the airport, not at the roadblock manned by Subsergeant Colindres Aleman and his guardsmen.[193] He said he believed this had happened because witnesses to whom he spoke had said they were the last to leave the airport and the white van remained behind. He further told us that Ms. Hall had indicated to him that a secret Embassy source had confirmed that the abduction was actually at the airport. Ms. Hall denied to us making any such statement.[194] Moreover, our review of the Embassy files and our conversations with Embassy officials convinces us that no such source or information exists. Finally, the allegation is completely contrary to all the existing evidence in the case with respect to the location of the abduction.

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El Salvador: Human Rights
Special Project (1993)

I. The .22 Magnum

When the bodies of the churchwomen where taken to a local funeral home in San Salvador on December 4, 1980, a Maryknoll priest, Father John Spain, was present to witness the post-mortem examination.[195] Father Spain heard the funeral home attendant say that the wounds of at least one of the women were caused by a .22 magnum, allegedly a favorite weapon of the Salvadoran death squads. Father Spain observed that the wounds of Sisters Ford and Clarke were small, did not disturb their facial features and were in other respects different from those of Sister Kazel and Ms. Donovan. The physician and judge present were noncommittal about the wounds, and the subsequent autopsies performed on the churchwomen drew no conclusions about the caliber of the weapons used.

We can give little weight to the opinion of the funeral home attendant. The theory that a small caliber weapon was used does not comport with the confession of Guardsman Contreras Palacios, who testified that he and the others had used their service weapons. It is likewise inconsistent with the ballistics analysis of those shells and casings that were recovered. It is, of course, possible that a guardsman may have had a .22 magnum pistol, and could have used it to kill one or more of the women. Even if such a weapon were used, however, it does not add any evidence one way or the other about the involvement of others in the murders.

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El Salvador: Human Rights
Special Project (1993)

J. Sister Maria Rieckelman

On the night of murders, Sister Maria Rieckelman, a Maryknoll nun who attended the Managua conference together with Sisters Ford and Clarke, was questioned by uniformed Salvadorans when her plane landed at the International Airport in El Salvador.[196] This event had led some to conclude that some coordinated harassment of churchwomen was underway on the evening of December 2, 1980. We do not share that conclusion.

Without more, the questioning of passengers aboard a plane just arrived from Sandinista Nicaragua, suppliers of the rebels fighting the Salvadoran government, on the night before the FDR funeral, does not seem to us extraordinary. Rather, like the stop of the Canadians, it seems to us simply to be further proof of the heightened tensions of the time, tensions that may have caused Colindres Aleman to believe he could abduct and murder the churchwomen.

K. Sister Maura Clarke and the Nicaraguan Connection

Sisters Maura Clarke and Ita Ford were returning from an annual gathering of Central American Maryknolls in Nicaragua at the time of their murder. During our visit to El Salvador, we heard allegations that the Catholic Church, and specifically the Maryknoll Order, are linked in the minds of the military in El Salvador with support of leftist and revolutionary causes in Central America, especially as

RELEASED
El Salvador: Human Rights
Special Project (1993)

exemplified by Maryknoll links to the Sandinista government in Nicaragua. When we learned that a former Sandinista intelligence officer, Major Miguel Bolonas, had testified to at least one subcommittee of Congress (Senator Jeremiah Denton's Subcommittee on Security and Terrorism of the Senate Judiciary Committee) that Sister Maura Clarke had a role in those alleged links, we felt obliged to interview Major Bolonas.[197] We did so not because his allegations against a murdered woman could justify such a senseless and wanton act, but to determine whether such charges were likely to have been made known to Subsergeant Colindres, Aleman or his superiors. We found our interview with Major Bolonas largely unhelpful.

Major Bolonas claimed that he met Sister Maura Clarke when she was working in Managua with other Maryknolls and a priest known as Father Miguel in a poor area of the city called "Open Three" in the period 1974-1975. Later in 1979, Bolonas claimed, during his work as an intelligence officer both prior to the revolution in Nicaragua and thereafter for the Sandinistas, he learned from another intelligence officer that Sister Clarke and other Maryknolls, along with Father Miguel, were routinely helpful to the Sandinistas both in their charitable activities and in clandestine activities. Major Bolonas stated that at the time of the murder of the nuns in El Salvador, when news of their deaths and their identities was reported in the Nicaraguan press,

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RELEASED
El Salvador: Human Rights
Special Project (1993)

stories appeared pointing out Maura Clarke's role in assisting the Sandinista revolution.

We have not had an opportunity to discuss Major Bolonas' charges with members of the Maryknoll Order, although we have learned from the State Department that the Maryknolls believe Major Bolonas to be mistaken in his information. We have been told that Maryknoll records indicate that Sister Maura Clarke was not in Nicaragua during the period 1976-1980, but rather was in Boston. It is our view, in any event, that the truth or falsity of Major Bolonas' charges is irrelevant for our purposes. What could be relevant is whether these charges were known to and believed by the Salvadoran government, and became such a concern that Salvadoran officials, believing that they knew Sister Maura Clarke to be a Sandinista ally, ordered her execution.

We do not believe that this occurred. First, although Major Bolonas' credibility is apparently high with United States intelligence agencies, we have received no other confirmation of his charges. Second, we have no indication that these alleged activities of Sister Maura Clarke were ever brought to the attention of the Salvadoran government or that they became the kind of common knowledge among the Salvadorn security forces that Major Bolonas claimed existed within the intelligence circles of the Sandinistas in Nicaragua. Third, as described in our "Higher-Ups" section, we have concluded that Subsergeant Colindres

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RELEASED
El Salvador: Human Rights
Special Project (1993)

Aleman probably acted on his own initiative. With this in mind, it does not appear likely that he somehow became aware of these allegations and decided to carry out the removal of four churchwomen in order to protect the Republic of El Salvador from infiltration by Sister Maura Clarke.

V. PROSPECTS FOR A SUCCESSFUL PROSECUTION

El Salvador is a civil law state. Virtually every step of a criminal investigation and prosecution is specified in the Salvadoran code, and we found the procedures to be formalistic and largely inflexible.

In an effort to understand how the prosecution is likely to unfold, we held discussions with Judge Rauda, Fiscal General Rivera, Dr. Castillo, the coordinating prosecutor, and former Deputy Fiscal General Benjamin Cestoni. We talked as well with members of the private bar in San Salvador, including the Salvadoran legal advisor to the United States Embassy. Finally, we discussed this matter with representatives of the United States Department of Justice, and with lawyers in the office of the Legal Adviser of the United States Department of State.

As we learned, the trial, or plenario, stage of this case will be quite unlike an American trial. There will be no live witnesses. Rather, the evidence will be read to the jury from the written statements taken from the witnesses during the investigatory, or sumario, stage.

RELEASED
El Salvador: Human Rights
Special Project (1993)

Thereafter, the lawyers will argue their respective sides to the jury based on the written record. During this argument stage, the lawyers may refer to any documents they wish, even if they are not part of the record.

We believe that a successful prosecution of this case must include at least the following elements:

(1) a carefully prepared record that demonstrates the guilt of the defendants and negates their defenses;

(2) a capable prosecutor willing to pursue vigorously members of the Salvadoran security forces;

(3) a courageous and astute judge;

(4) a jury well insulated from the potential for corruption or intimidation; and

(5) freedom from efforts by other Salvadorans, whether in or out of government, to interfere with the proceedings of the trial.

A. The Record

In the course of detailing the investigations of this case, we have already catalogued the principal evidence now in the record against Subsergeant Colindres Aleman and the other guardsmen. During the sumario, or investigatory, phase, Judge Rauda took testimony from the five accused and at least twenty-five other witnesses.[198/] He admitted into

RELEASED
El Salvador: Human Rights
Special Project (1993)

evidence the spare tire and jack taken from the churchwomen's van and the ballistics evidence linking the guardsmen to the shell casings at the murder site. We believe that the evidence is substantial, and sufficient to convict the five accused guardsmen. We will not recount it again here.

Dr. Castillo, the chief prosecutor, advised us that he anticipates the defendants will rely on two principal defenses. First, he believes they will challenge the prosecution's reliance on extra-judicial confessions, rather than those given before a judge. In El Salvador, prosecutions that do not feature a confession by the defendant to the investigating judge are relatively rare. Although this is a sad commentary on the state of justice in El Salvador, it nonetheless presents a reality: Salvadoran juries are unused to balancing conflicting accounts of a crime.

Salvadoran law permits the admission of a defendant's extra-judicial confession, but only if it is corroborated by another witness. As we understand it, the two witness rule does not mean two witnesses to the same confession, but only two witnesses each reporting a confession. The record should adequately meet this requirement. Of course, there is Subsergeant Colindres Aleman's direct confession to Sergeant Dagoberto Martinez. That confession should be adequately supported by Colindres Aleman's implicit confessions to Guardsmen Cruz Piche ("If fate is against us, we will have to pay"), Aquino Giron ("They were subversives.

RELEASED
El Salvador: Human Rights
Special Project (1993)

I do not think there will be a problem."), and Luis Monterrosa ("Today it happened; if our time is up, we will have to pay.").

Second, Dr. Castillo believes the defense will argue that there was excessive American involvement in this prosecution. In essence, the argument will be an appeal to nationalism and a suggestion that there has been undue influence from a foreign power. It was for this reason that the prosecutors were anxious to have Salvadoran witnesses even for evidence actually developed in the United States. It is also for this reason that the prosecutors were hesitant to urge aggressively the admission of the fingerprint and the polygraph evidence, when admission of those tests would not be ordinary under Salvadoran law and would only underscore the influence of the United States on this prosecution. In our discussions with Dr. Castillo, he seemed to be cognizant of the problem and able to deal with it effectively in argument.

A third defense suggested by some is that the defendants were acting on higher orders. As Dr. Castillo advised us, such a defense is not available under the Salvadoran code when the order is to commit an illegal act. The depravity of the crime, amply documented in the record, will provide a basis for a strong argument that no guardsman could have thought such an order was justified. We doubt, in any event, that the argument will be seriously pressed because it will necessarily involve an admission of the

RELEASED
El Salvador: Human Rights
Special Project (1993)

crime and a disavowal of the defendants' prior sworn statements.

No experienced prosecutor can confidently predict that an accused's defenses will necessarily be rejected by the jury. We are convinced, however, that there is sufficient evidence in the record from which the prosecutors can argue that the defenses should be disregarded.

B. The Prosecutors

As the sumario stage of the case neared its conclusion, serious questions were raised about the experience and competence of the prosecutors handling the preparations for trial. In September, 1983, in part at the urging of the United States, an experienced prosecutor, Dr. Juan Geronimo Castillo, was assigned to coordinate the prosecution.

We spoke with Dr. Castillo and were, in general, favorably impressed. Dr. Castillo seemed in command of the case and at ease with the tasks he would have to undertake to complete the preparations for the plenario phase. He responded knowledgably to our questions about tactics and about Salvadoran procedures. We believe that Dr. Castillo is capable of doing a competent job in prosecuting the case.

As we describe below, during our visit to El Salvador, we made a number of suggestions concerning the reinterviews that might be necessary to complete the

RELEASED
El Salvador: Human Rights
Special Project (1993)

investigation of this case and its preparation for trial. Although we have received reports concerning the follow-up on those suggestions by Dr. Castillo and his team, we do not have a complete picture of how thoroughly he has completed his investigation. From the reports we have seen, however, most of the investigatory work appears to be near completion.

We understand as well that the Embassy legal advisor, a professor of law and member of the private criminal bar in San Salvador, will assist Dr. Castillo in the preparation of the case. The Embassy legal advisor has advised the United States Embassy about Salvadoran law and procedures throughout the investigation. We believe this cooperation will provide important support for Dr. Castillo's efforts.

C. The Presiding Judge

Judge Rauda has presided over the sumario phase of the churchwomen murders case for most of its life, and has been reasonably thorough about the collection of evidence. Judge Rauda has thrice referred the case to the plenario stage, to be twice overruled by the appeals court. The two reversals resulted from technical difficulties (the first, a failure to give sufficient notice to the defense attorneys and, the second, a concern about additional evidence in support of the theft charges) and in its ruling on the first appeal, the appeals court specifically indicated that there was sufficient evidence to support the murder charges. The

RELEASED
El Salvador: Human Rights
Special Project (1993)

judge took the opportunity of each reversal to add more evidence into the trial record. There has been an appeal of Judge Rauda's most recent decision to refer the matter to plenario, and we are advised by a variety of local lawyers that the appeal is likely to be decided quickly because the same appellate court has heard the two previous appeals and is familiar with the facts.

Judge Rauda has shown himself to be a man of considerable courage, capable of resisting pressures brought to bear on him from either side of the case. He is also a diligent worker, and during our visit with him, displayed an encyclopedic knowledge of the contents of the trial record.

D. The Jury

The trial will be held before a jury of five, with a majority vote necessary to convict. Whether a jury can be assembled in El Salvador today that will have the courage to convict five former National Guardsmen of murder is an open question, and one that has concerned us greatly.

The selection of the jury does not differ substantially from our system. The trial judge will chose, from a large body of potential jurors, a panel of twelve whose identities he will (or should) keep secret until the day of trial. Under Salvadoran law, we were told the identities of the jurors will then be made public, although their addresses may be kept secret (if they do not leak

RELEASED
El Salvador: Human Rights
Special Project (1993)

out). At the beginning of the trial, defense counsel and the prosecutor may each exercise one peremptory challenge against the panel, and two challenges for cause. Challenges for cause are rarely granted, and there should thus be no difficulty in selecting five jurors from the panel of twelve.

What will be more difficult, we believe, is guaranteeing the jurors security from intimidation or corruption so that they will be able to vote their consciences without fear. We believe that the notoriety of this case will make the jury (as well as the judge and prosecutor) fair game for those who wish to see the prosecution thwarted, whether because they do not believe the guardsmen should be prosecuted for murder or because they wish to demonstrate that the Salvadoran system is incapable of policing itself. For these reasons, we have discussed at length with the Embassy possible mechanisms to protect the jury.

Our recommendations in this regard have been set forth in detail in an earlier memorandum to the Department of State, and need only be summarized here. Our principal recommendation is that the jurors be accorded anonymity, as is sometimes done with notorious prosecutions in this country where a threat of jury intimidation exists. We have also suggested shielding the jurors, but not the trial, from public view; selecting jurors from a remote province for a trial in another province; offering to relocate the jurors,

RELEASED
El Salvador: Human Rights
Special Project (1993)

whether in or out of the country, after trial; providing physical protection to the jurors, and perhaps their families, during the trial and for a reasonable time thereafter; and sequestering the jury during the trial.

This is hardly an exhaustive list of possibilities, but we have not been heartened by the resistance to these ideas by the Salvadoran authorities. The Salvadoran system simply must be flexible enough to adopt novel means when its very integrity is at stake. We must state in the strongest possible terms that we do not believe a successful conviction can occur without the adoption of some adequate means of protecting the jury, and we hope that the Salvadoran authorities continue to consider ways to protect the integrity of the jury system and the physical well being of the jurors themselves.

E. Freedom From Outside Interference

Skeptics have told us that a successful prosecution depends entirely upon the will of the military in El Salvador. In this view, if the military thinks it is to its advantage for the defendants to be convicted, they will be convicted; if the military thinks otherwise, they will be acquitted or never go to trial. Whether that view is correct or not, we must acknowledge that there are many Salvadorans unhappy about this prosecution and, further, that there already have been attempts to influence its outcome.

RELEASED
El Salvador: Human Rights
Special Project (1993)

Major Medrano, we were told, has received multiple threats upon his life for his active role in pressing the investigation. In more recent months, we have learned that a Deputy of the constituent assembly suddenly appeared to observe the proceedings in Judge Rauda's courtroom, an event viewed by Embassy observers as ominous. At the same time, we learned that the Acting President of the Supreme Court may have interceded with Judge Rauda to direct that he not complete his investigation aimed at disproving the bogus Moran letter. To date, Judge Rauda has been remarkably courageous in resisting such efforts at intimidation.

We do not believe that there is much that the United States can do to prevent such internal efforts at disrupting the prosecution. We can only advise the Salvadoran leadership, as others have done, that the ability of its system to prosecute this case will be seen by many as a test of the system's ability to right itself after too many years of lawlessness.

VI. RECOMMENDATIONS

We were asked to determine whether the Salvadoran and United States Governments have done as much as could be done to assure a successful prosecution. If not, we were asked to suggest what might be done. Many of our recommendations have been set forth above. In each case, we have passed them along to the Department of State immediately

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RELEASED
El Salvador: Human Rights
Special Project (1993)

without waiting for the completion of this report, so that there would be time for action to be taken. To the extent that our conclusions and recommendations have not already been set forth, we include them in this section.

1. An Accusador Particular. In El Salvador, as in many civil law countries, it is possible for the family of the victim of a crime to hire its own lawyer, an accusador particular, to prosecute the case in addition to the government attorney. The device is obviously a desirable one where, as here, there have been doubts regularly expressed about the competence and willingness of the government prosecutors to pursue the case. Accordingly, we have endorsed the State Department's recommendation that the families hire an accusador particular. We have urged that view in several meetings with the families and their representatives and promised the families that, if they agreed, we would press the State Department to pay for the services of the accusador.

To our regret, the families have consistently refused taking this step. As we understand their reasoning, they are distrustful of participating in the Salvadoran system itself and further doubt that a suitable attorney could be obtained. While we understand their reservations, the device provides a rare opportunity for Americans sincerely interested in the prosecution to have direct influence over the way the case is presented in the courtroom.

RELEASED
El Salvador: Human Rights
Special Project (1993)

Thus, we regret the families' refusal to participate in this proposal.

On the other hand, as matters now stand, we think the loss is less serious than it might have been. As noted above, we are generally impressed with Dr. Castillo and believe him to be more competent than some of his predecessors. Moreover, Dr. Castillo has forged a solid working relationship with the Embassy's legal advisor. Through the legal advisor, American views about the prosecution can readily be transmitted to the prosecutor, even if the families lack a direct voice in court.

2. A Special Prosecutor. Rather than hiring an accusador particular, the families and the Lawyers Committee for International Human Rights under Law have suggested the United States persuade the Salvadoran government to name a special prosecutor to handle the churchwomen murders case. We do not endorse this suggestion. We do not believe that, in the Salvadoran system, the label the prosecutor bears is of any significance to his effectiveness or to his freedom from interference. Moreover, in a real sense, Dr. Castillo is essentially a special prosecutor. He was especially reassigned from his duties as head of a separate section of the prosecutor's office to prosecute this case.

3. An American Prosecutor. None of the American Embassy officials in San Salvador with responsibility for this case is a practicing attorney, much less an experienced

RELEASED
El Salvador: Human Rights
Special Project (1993)

prosecutor. While these officials have been diligent, successful and often courageous in pushing the Salvadorans to prosecute the defendants, as the case approaches trial it is apparent to us that American views could more usefully be presented by an experienced criminal prosecutor. Such a prosecutor could deal more effectively with the Salvadoran attorneys involved in the case in terms of making useful suggestions, understanding the problems of the prosecution and analyzing the tactics used by both sides. We have therefore suggested that a Spanish speaking Justice Department prosecutor be made available to assist the Embassy during the plenario proceeding.

4. The Fingerprint Evidence. Because the analysis of Colindres Aleman's fingerprint, taken from the churchwomen's van, was done outside of Salvadoran territorial limits and not under the supervision of the trial judge, the Salvadoran code prohibits its introduction into evidence. We were frankly surprised at this result and, because the evidence was so important, sought to explore ways to obtain its admission. Our every suggestion was unavailing, and we ultimately concluded, as Dr. Castillo and the Embassy legal advisor both told us, that we could not expect to achieve formal admission of the fingerprint into the record.

Although the fingerprint will not be part of the trial record, it still may be used at the trial. During the

RELEASED
El Salvador: Human Rights
Special Project (1993)

vista publica, or public presentation, stage of the proceedings, lawyers may display to the jury and rely upon any documentary evidence, even from outside the record. Thus, it is possible for the fingerprint evidence to be used. Because Dr. Castillo expects the defense to be based upon excessive American involvement in the prosecution, he was nonetheless reluctant to use the fingerprint in this way unless absolutely necessary. An argument based upon a fingerprint taken by United States personnel and inadmissible under Salvadoran law will only reinforce the point that Dr. Castillo expects the defense to make. Thus, he, will wait until his reply argument to determine whether the defense is indeed attacking American involvement and whether the fingerprint will be useful. We concur in this analysis.

5. Ballistics Evidence. The initial ballistics tests taken by the FBI were inadmissible for the same reasons as the fingerprint evidence. We encouraged the FBI, as recounted above, to transport its equipment to El Salvador and train a Salvadoran national to duplicate the tests. This was done with success, as set forth above. This proof is a substantial link in the chain of evidence against the accused.

6. Sergeant Dagoberto Martinez' Testimony. Although the record of the trial consists entirely of sworn written statements of the witnesses, the sworn statement of Sergeant Dagoberto Martinez, obtained by the FBI in Los Angeles and sworn to in the Salvadoran Consulate office in

RELEASED
El Salvador: Human Rights
Special Project (1993)

that city, was deemed inadmissible by both the judge and the prosecutor. The statement's flaw was that it was not sworn to before the investigating judge. We recommended, as did others, that Sergeant Martinez be flown to El Salvador at American expense so that his statement could be duplicated before Judge Rauda. This was done successfully in July, 1983, and forms another important part of the trial record.

7. Polygraph Evidence. Although the polygraph evidence is inadmissible in both El Salvador and the United States, we believe that such evidence is useful, when taken together with other available evidence and obtained by a skilled examiner. We considered whether an effort should be made to persuade the court to admit the evidence, and ultimately concluded that this was not the case in which to press El Salvador to accept evidence that would be inadmissible in the United States.

We are told that the polygraph examinations could be used in the vista publica in the same manner as the fingerprint evidence. Dr. Castillo has told us that he will await his reply argument before making a decision with respect to whether to use them. We agree with this decision, but would generally be inclined against using this evidence.

8. The Special Embassy Evidence. The special evidence developed by the United States Embassy is directly probative of the defendants' guilt and, as well, extremely important in explaining our conclusions about the cover-up

RELEASED
El Salvador: Human Rights
Special Project (1993)

and the question of higher-up involvement. Accordingly, we believed it desirable, if at all possible, to present this evidence to the court.

At our suggestion, the State Department carefully considered this issue, including contacting those whose lives would be put at risk by disclosure. Based on the information thus collected, both we and the State Department concluded that the risk of loss of life that would result from public release was too great. We also note that the information has already been highly useful to the United States since, without it, we doubt the prosecution would ever have been undertaken.

9. The Cover-up. As we have detailed above, it is clear to us that elements of the Salvadoran military undertook an initial attempt to protect the perpetrators of the crime. In El Salvador such an effort, at least by the active participants, could constitute a separate crime and some have urged that a criminal investigation be initiated. We believe that it would be dangerous to initiate such an investigation prior to a successful resolution of the underlying murder case. The cooperation that the United States has achieved to date with Salvadoran authorities has been hard to win, and could be easily lost. A cover-up investigation would necessarily threaten several high ranking Salvadoran officials. If these officials feel personally threatened, they may well attempt to scuttle the underlying

RELEASED
El Salvador: Human Rights
Special Project (1993)

prosecution on the theory that there could be no cover-up prosecution if the defendants were not found guilty. We believe this poses an unacceptable risk to the success of the murder prosecution, and thus have recommended that any effort to pursue the cover-up be delayed.

10. Additional Interviews. To flush out various gaps or inconsistencies in the record, we recommended last summer that several additional interviews occur:

(a) Margarito Perez Nieto, the National Guardsman who first noticed the nuns at the airport, to obtain more detail about his conversations with Colindres Aleman, and his spotting of the women.

(b) Carlos Joaquin Contreras Palacios, the confessed participant, about details that might reflect or discredit the fact of premeditation.

(c) Salvador Rivera Franco, the guardsman who watched over the malfunctioning jeep, for greater details that might reflect premeditation.

(d) The two guardsmen at the guardpost at El Rosario, La Paz, to determine whether they discussed the women with Subsergeant Colindres and whether he informed them about his plans for the women.

(e) Isabel Aquino Giron, Colindres Aleman's second in command at the airport, for further detail about the substance of his phone conversation late on the evening of December 2.

RELEASED
El Salvador: Human Rights
Special Project (1993)

(f) Jose Luis Monterrosa, who according to the special Embassy evidence, knew more than he had said about the guilt of Colindres Aleman.

In our discussions with the United States Embassy in San Salvador, and with the Department of State, we also agreed that certain other interviews or reinterviews would be appropriate: Colonel Pena Arbaiza, the Army commander in Chalatenango; Second Lieutenant Daniel Mejia Rivas, the officer who was the acting company commander with overall responsibility for the Airport National Guard detachment; and Lieutenant Colonel Oscar Armando Carranza, an officer currently assigned to National Guard Headquarters staff. We also agreed that additional guardsmen who had been on duty at the airport that night, Jose Vidal Cruz Piche, Rafael Antonio Cornejo, Jose Elias Sanchez Guzman, Julio Cesar Valle Espinoza, Adrian Ramirez Palacios, and Orantes Menjivar, should also be interviewed or reinterviewed.

We have been informed that the two guardsmen at the Guard post at El Rosario have been interviewed, but we have not seen their statements. Guardsman Margarito Perez Nieto has been missing in action for almost ten months, and Corporal Isabel Aquino Giron is dead, killed while on active duty. We also understand, for a number of practical reasons, that the Salvadoran prosecutors have determined that they would not at this time reinterview Salvador Rivera Franco.

RELEASED
El Salvador: Human Rights
Special Project (1993)

Colonel Pena Arbaiza, Lieutenant Mejia Rivas and Lieutenant Colonel Armando Carranza have also been interviewed, as have Guardsmen Contreras Palacios and Luis Monterrosa. Their testimony adds very little to the available evidence concerning the murders. Guardsmen Jose Elias Sanchez Guzman and Jose Vidal Cruz Piche have not been reinterviewed, because they cannot be located, and a planned "confrontation" by the Fiscal General between Julio Cesar Valle Espinoza and Adrian Ramirez Palacios to resolve apparent discrepancies in their testimonies has not occurred because of a refusal by Valle Espinoza to cooperate further. Guardsman Orantes Menjivar, whose reinterview had been planned, is dead, and it has been determined that Lieutenant Antonio Cornejo, whose interview had been planned, was not on duty at the airport on the crucial night.

11. Reinterview of Colindres Aleman. Colindres Aleman, more than any other person, knows whether he is protecting higher officers by his silence. Thus, securing his cooperation would be a key step in any possible higher-up investigation. We suggested that efforts be made in that direction when we returned in September, 1983, from our trip to El Salvador. So far as we were aware at the time of our suggestion, no military or civilian authorities involved with the investigation of the case had spoken with Colindres Aleman since his polygraph examination in January, 1982. We suggested that, if Colindres Aleman heard the totality of

RELEASED
El Salvador: Human Rights
Special Project (1993)

the evidence now accumulated against him, he might decide it was in his interest to cooperate.

At first, we were told that Salvadoran procedures do not encourage such reinterviews. The prosecutors agreed, however, that there could be reinterviews for the purpose of clearing up ambiguities in testimony or otherwise explaining previous testimony. On October 11, 1983, Colindres Aleman was reinterviewed and we have reviewed the English language translation of his statement. Unfortunately, we do not find in the reinterview statement the cooperativeness for which we had hoped, nor any further information that would be helpful to us on the issue of the involvement of higher-ups. In his reinterview, however, Colindres Aleman did provide a further indication of his guilt by admitting his discussion with Perez Nieto concerning the churchwomen and by providing a wholly incredible explantion of his whereabouts on the night of the murders.

12. Change of Venue. For some time, the prosecutors have been giving serious consideration to requesting a change of venue to San Salvador for the plenario stage of the trial. We have supported a change of venue. Judge Rauda's small and rustic courtroom in Zacatecoluca has struck us as a less than desirable location for a trial involving a substantial risk of jury intimidation. Moreover, the more cosmopolitan San Salvador jury pool, we have thought, presents a far better opportunity for assembling a

RELEASED
El Salvador: Human Rights
Special Project (1993)

jury that could resist such intimidation. If the trial were to be transferred to San Salvador, however, we are told that it would be unlikely, if not impossible, for Judge Rauda to preside over the trial.

Thus, a transfer to San Salvador would necessitate a change of trial judge, which necessarily presents some risk. We were told by both Dr. Benjamin Cestoni and the Embassy's Salvadoran legal advisor that only three San Salvador judges would be desirable, from the standpoint of experience, competence and sophistication, to preside over the plenario stage. Selection of another, less qualified judge could cause problems for the prosecution, although they might be minimized by the extremely low-profile role that the judge plays in the plenario proceeding. On balance, we would have some concern that the selection of the trial judge might be politicized. The selection would be made by the Salvadoran Supreme Court, at least one member of which, we were told, has already tried to restrict Judge Rauda's investigation.

We have learned most recently that Dr. Castillo is leaning against seeking a change of venue because of a growing belief in El Salvador that the United States is interfering unduly in the internal judicial affairs of the country, a feeling that could result in sympathy for the accused as scapegoats, and thus distract the jury from issues of guilt or innocence. In view of this concern and of the conflicting factors outlined above, we are inclined to rely on

RELEASED
El Salvador: Human Rights
Special Project (1993)

Dr. Castillo's on-the-spot resolution of this sensitive issue of local trial tactics.

Harold R. Tyler, Jr.

Togo D. West, Jr.

Gregory L. Diskant

Dated: December 2, 1983
New York, New York

RELEASED
El Salvador Human Rights
Special Project (1993)

FOOTNOTES

1/ Letter from George P. Shultz, Secretary of State, to The Honorable Clarence D. Long, Chairman, Foreign Operations Subcommittee, House Committee on Appropriations (April 26, 1983).

2/ Letter from James H. Michel, Deputy Assistant Secretary of State for Inter-American Affairs, to Harold R. Tyler, Jr. (May 23, 1983).

3/ For a discussion of the Salvadoran criminal justice system, see DeWind and Kass, Justice in El Salvador: A Report of a Mission of Inquiry of the Association of the Bar of the City of New York, 38 Rec. A. B. City N.Y. No. 2 (March 1983).

4/ See generally K. Larry Storrs, El Salvador--from 1931 to the March 1982 Elections: A Chronological Study of Politics, Parties, and Conflicts, Congressional Reference Service (March 23, 1982).

5/ Id. at 55.

6/ Cable from Secretary of State to United States Embassy, San Salvador (December 15, 1980) (hereinafter "Bowdler/Rogers Report"). This cable transmitted the text of the report of a special Presidential mission sent to El Salvador to report on the churchwomen's murders, consisting of William D. Rogers, William G. Bowdler, and Luigi R. Einaudi.

7/ Id.

8/ Id.

9/ Letter from Clerk of the Court of Appeals of the Third Central Section, San Vicente, El Salvador to the Presiding Judge of the Criminal Court, Zacatecoluca (March 17, 1983) (forwarding transcript of Court of Appeals' decision) at 29. References are to the translation by Division of Language Services, Department of State (No. 109614) (hereinafter cited as "Appellate Court Decision").

10/ Letter from General Eugenio Vides Casanova, Director, National Guard, to Presiding Judge of the Criminal Court, Zacatecoluca (February 10, 1982), at 43 (statement of Perez Nieto). This letter transmitted a report on the investigation of the murders conducted by Major Jose Adolfo Medrano, including statements by most of the important witnesses. References are to the translation by the Division of Language Services, Department of State (No. 105328)

RELEASED
El Salvador: Human Rights
Special Project (1993)

(hereinafter referred to as "Medrano Report at ___, _____ Statement").

11/ Statement of Sister Madeline Maria Dorsey, M.M. (March 8, 1983).

12/ Bowdler/Rogers Report.

13/ Medrano Report at 43, 44 (Perez Nieto Statement); and 89 (Colindres Aleman Statement).

14/ The exact time of Sister Kazel's and Ms. Donovan's return to the airport is unknown. We estimate their return to be during this period based on the statements of various witnesses at the airport and estimates of others familiar with the events of that day. See, e.g., Letter from Sister Helene O'Sullivan, M.M., to The Honorable William H. Webster, Director, FBI (July 29, 1982), wherein Sister O'Sullivan states that Sister Kazel and Ms. Donovan returned to the airport at about 6:00 p.m. Perez Nieto stated that the women returned at about 5:00 p.m., with two men, in a coffee-colored car, and the van was driven by a man alone. We believe that Perez Nieto was confused by the arrival of Father Britto and his group, who arrived at the airport to meet the Canadian delegation to the FDR funerals in a jeep and a white van. See Medrano Report at 44 (Perez Nieto Statement) and Statement of John C. Hilborn (January 14, 1981).

15/ Bowdler/Rogers Report.

16/ Medrano Report at 38 (Giron Statement). Neither Perez Nieto nor Colindres Aleman have admitted to a second telephone call. In fact, Perez Nieto denied seeing the women return to the airport, see Medrano Report at 44. However, Colindres Aleman's second in command, Aquino Giron, swore that Colindres Aleman received a call from Perez Nieto at about 5:30 p.m. (his subsequent court testimony put the time at between 4:30 p.m. and 5:00 p.m., see Appellate Court Decision at 16) concerning suspicious women in the airport. This suggests that there may have been a second call. If Giron was confused as to the times, of course, there may have been only one call, but we do not regard the number of calls from Perez Nieto to be of critical importance.

17/ Medrano Report at 43, 44 (Perez Nieto Statement). Perez Nieto returned to the barracks at some point prior to or at the end of his scheduled duty (7:00 p.m.). In his recent statement, Colindres Aleman admitted that Perez Nieto returned to the barracks about 6:00 p.m. and discussed the earlier departure of Sister Kazel and Ms. Donovan. While acknowledging this conversation, he again denied his guilt.

RELEASED
El Salvador: Human Rights
Special Project (1993)

However, his admission is a significant addition to the evidence against him. See Testimony of Luis Antonio Colindres Aleman before the Court of First Instance, Quezaltepeque, El Salvador (October 11, 1983). References are to the translation made by the Division of Language Services, Department of State (No. 111213-C).

18/ Id. at 74 (Rivera Franco Statement).

19/ Id. at 44 (Perez Nieto Statement).

20/ Id. at 33 (Cornejo Cubas Statement), and 25 (Cruz Piche Statement).

21/ Id.

22/ Id. at 70 (Contreras Palacios Statement), and 75 (Rivera Franco Statement).

23/ Id. at 25 (Cruz Piche Statement).

24/ Id. at 70 (Contreras Palacios Statement), and 75 (Rivera Franco Statement). Retired Guardsman Julio Cesar Valle Espinoza, in his testimony of August [illegible], 1982 (see Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (September 22, 1982)), stated that he was part of another checkpoint between the traffic control post (which probably was the Cornejo Cubas/Luis Monterrosa/Cruz Piche checkpoint) and Colindres Aleman's position. He testified that several guardsmen boarded the churchwomen's van at the traffic control post, and then drove to his location, where he and two more guardsmen boarded the van. He said that the van proceeded to Colindres Aleman's site, where he (Valle Espinoza) and the other guardsmen in the van left the churchwomen and returned to the airport on foot. Although this testimony is consistent with the churchwomen's abduction by Colindres Aleman, its description of the mechanics of the kidnapping is contradicted by statements of the guardsmen at the checkpoint, and by the two guardsmen with Colindres Aleman who have admitted their roles in the abduction and murders. We thus reject this testimony as, whatever Valle Espinoza's motivations, inaccurate.

25/ Id. at 70 (Contreras Palacios Statement).

26/ Id.

27/ Medrano Report at 70 (Contreras Palacios Statement).

28/ Id. at 38-39 (Giron Statement).

29/ Id. at 70 (Contreras Palacios Statement).

RELEASED
El Salvador: Human Rights
Special Project (1993)

30/ Appellate Court Decision at 28.

31/ Id.

32/ Medrano Report at 71 (Contreras Palacios Statement).

33/ Id. at 39 (Giron Statement), and 48 (Barrera Rivera Statement).

34/ Id. at 48 (Barrera Rivera Statement).

35/ Id. at 57-58 (Melgar Garay Statement); and 76 (Rivera Franco Statement).

36/ Id. at 76 (Rivera Franco Statement).

37/ Id. at 58 (Melgar Garay Statement).

38/ Id.

39/ Id.

40/ Appellate Court Record at 28, 33. We assume that the "Contreras" mentioned on 33 is Contreras Recinos, since he was driving the van, see 27.

41/ Medrano Report at 39 (Giron Statement).

42/ Id. at 39 (Giron Statement); 49 (Barrera Rivera Statement); and 59 (Melgar Garay Statement). Melgar Garay described them removing a "shovel," which probably was the tire jack.

43/ Id. at 36 (Cornejo Cubas Statement); Appellate Court Record at 26.

44/ Medrano Report at 53 (Chavez Valiente Statement).

45/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D. C. (September 14, 1981) (hereinafter the "Zepeda Valasco Cable").

46/ Id.

47/ Bowdler/Rogers Report.

48/ Id.

49/ Id.

50/ Id.

51/ Id.

P8901126-0480

RELEASED
El Salvador: Human Rights
Special Project (1993)

52/ Id.

53/ Id.

54/ Id.

55/ Id.

56/ Id.

57/ Id.

58/ Id.

59/ Cable from United States Embassy, San Salvador to Secretary of State, Washington, D.C. (December 11, 1980).

60/ Interview with Colonel Roberto Monterrosa, San Salvador, El Salvador (September 22, 1983).

61/ FBI report from Los Angeles Field Office (February 10, 1982) (hereinafter "Martinez Statement"). Martinez stated to the FBI that he told Colindres Aleman to tell the Director (Vides Casanova) of his crime. However, according to the special Embassy evidence, which we deem more reliable, Martinez actually told Colindres Aleman to tell of his involvement only to a National Guard superior investigating the matter.

62/ Zepeda Velasco Cable.

63/ Id.

64/ Id.

65/ Interview with Lieutenant Colonel Lizandro Zepeda Velasco, San Salvador, El Salvador (September 21, 1983) (hereinafter "Zepeda Velasco Interview").

66/ Interview with General Carlos Euginio Vides Casanova, San Salvador, El Salvador (September 21, 1983).

67/ Bowdler/Rogers Report.

68/ Id.

69/ Cable from Legal Attache, Panama, to Director, FBI (December 23, 1980); Interview with FBI Agent Washington, D.C. (August 18, 1983); and Memorandum to the President (January 5, 1981).

RELEASED
El Salvador: Human Rights
Special Project (1993)

70/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (December 11, 1980).

71/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (December 12, 1980).

72/ Id.

73/ Id.

74/ Memorandum to the President (January 5, 1981).

75/ Compare Zepeda Velasco Cable to Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (January 17, 1981).

76/ Cable from Legal Attache, Panama, to Director, FBI (January 26, 1981).

77/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (January 17, 1981).,

78/ Id.

79/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (February 19, 1981).

80/ Memorandum from Legal Attache, Panama, to Director, FBI (February 27, 1981). Two other sets of prints were turned over to the FBI; those of two guardsmen at the burial site, Medina Gaitan and Rodriguez Coreas.

81/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (April 14, 1981) (hereinafter "April 14, 1981 Cable").

82/ See, e.g., Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (January 19, 1981).

83/ Cable from Legal Attache, Panama, to Director, FBI (April 2, 1981).

84/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (March 3, 1981).

85/ FBI Memorandum from T. F. Kelleher, Jr., to Mr. Mullen (March 17, 1981).

RELEASED
El Salvador: Human Rights
Special Project (1993)

86/ Cable from Legal Attache, Panama, to Director, FBI (April 22, 1981); and Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (April 30, 1981) (hereinafter "April 30, 1981 Cable"). Two of the guardsmen arrested at this time were released when further investigation showed they were not involved in the murders, Sanchez Guzman and Ramirez Palacios.

87/ Zepeda Velasco Cable; and April 30, 1981 Cable.

88/ April 30, 1981 Cable; and Report of the Latent Fingerprint Section, Identification Division, FBI (May 7, 1981).

89/ Zepeda Velasco Cable. Zepeda Velasco reported to Vides Casanova on May 2, 1981, that the weapons had been seized. We assume that they were taken on May 1.

90/ FBI Laboratory Report No. 10507024 (May 13, 1981).

91/ Zepeda Velasco Cable.

92/ Id.

93/ Id.

94/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (December 5, 1981).

95/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (December 7, 1981).

96/ Medrano Report at 3 (Order from General Vides Casanova, December 9, 1981).

97/ Medrano Report at 5 (Pacheco Aragon Statement); and 22 (Mendez Velasquez Statement). The third was interviewed in the United States by the FBI, see Cable from FBI Los Angeles Field Office, to Director, FBI (January 8, 1982).

98/ Interview with Lieutenant Colonel Jose Adolfo Medrano San Salvador, El Salvador (September 12, 1983) (hereinafter "Medrano Interview); and Medrano Report at 24 (Cruz Piche Statement).

99/ Medrano Report at 13 (Melendez Avalos Statement); 15 (Mejivar Martinez Statement); 17 (Menjivar Merino Statement); and 18 (Realejeno Gonzalez Statement).

100/ Medrano Report at 29 (Luis Monterrosa Statement).

101/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (December 15, 1981).

RELEASED
El Salvador: Human Rights
Special Project (1993)

102/ Medrano Interview.

103/ December 15, 1981 Cable.

104/ Medrano Report at 24 (Cruz Piche Statement).

105/ Id. at 29 (Luis Monterrosa Statement). Although Sanchez Guzman and Ramirez Palacios were named by Luis Monterrosa as accompanying Colindres Aleman, further investigation revealed that they were not involved in the abduction or murders.

106/ Id. at 33 (Cornejo Cubas Statement).

107/ Id. at 38 (Giron Statement).

108/ Id. at 43, 44; and Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (December 29, 1981).

109/ Medrano Report at 48 (Barrera Rivera Statement).

110/ Id. at 51 (Marina Realejeno Statement).

111/ Id. at 57 (Melgar Garay Statement).

112/ Id. at 53 (Chavez Valiente Statement).

113/ Id. at 63 (Ramirez Palacios Statement).

114/ Id. at 66 (Sanchez Guzman Statement); and Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (January 15, 1983).

115/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (December 29, 1981).

116/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (January 7, 1982).

117/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (January 15, 1982) (hereinafter "Contreras Palacios Cable"); and Medrano Report at 69 (Contreras Palacios Statement).

118/ See Memorandum of Law submitted by the Salvadoran Ambassador to the United States to Representative Michael D. Barnes (August 17, 1982). Translated by the Congressional Research Service, The Library of Congress.

119/ Contreras Palacios Cable; and Medrano Report at 69 (Contreras Palacios Statement).

RELEASED
El Salvador: Human Rights
Special Project (1993)

120/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (January 15, 1982).

121/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (January 19, 1982) (hereinafter January 19, 1982 Cable).

122/ Id.

123/ Id.; and Memorandum from Director, FBI, to Special Agent (February 4, 1982) (hereinafter "Colindres Alemar polygraph"). The polygraph examination worksheet is in Spanish and was translated by Special Agent during his interview on August 17, 1983.

124/ Colindres Aleman polygraph and Interview.

125/ January 19, 1982 Cable.

126/ Interview, and January 16, 1982 Cable.

127/ January 16, 1982 Cable, and Interview.

128/ January 16, 1982 Cable.

129/ Medrano Report at 91.

130/ Medrano Report at 1.

131/ Cable from FBI Field Office, Los Angeles, to Director, FBI (January 8, 1982).

132/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (January 20, 1982).

133/ Martinez Statement.

134/ Interview with Judge Bernardo Rauda Murcia, Zacatecoluca, El Salvador (September 21, 1983) (hereinafter Rauda Interview); and Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (May 24, 1983).

135/ Cable from Legal Attache, Panama, to Director, FBI (July 8, 1983).

136/ Id.

137/ Memorandum to the President (January 5, 1981).

138/ Rauda Interview.

139/ Memorandum to Director, FBI (August 3, 1983).

RELEASED
El Salvador: Human Rights
Special Project (1993)

140/ Interview with Doctor Juan Geronimo Castillo, San Salvador, El Salvador (September 20, 1983); and Interview with United States Embassy Legal Advisor, San Salvador, El Salvador (September 20, 1983).

141/ Letter from Colonel Aristides Napoleon Montes, Director, National Guard of El Salvador, to the Minister of Defense and Public Security (September 13, 1983). References are to the translation by the Division of Language Services, Department of State (No. 110833A).

142/ Statement by Carlos Joaquin Contreras Palacios before the Second Criminal Court, Santa Ana, El Salvador (September 27, 1983). References are to the translation by the Division of Language Services, Department of State (No. 1108070-A) (hereinafter "Second Contreras Palacios Statement").

143/ Second Contreras Palacios Statement. We are also aware of a statement from an anonymous political prisoner who claims to have been imprisoned with Colindres Aleman between April 7 and 29, 1982. He said that Colindres Aleman had followed the movements of the churchwomen from the time they left El Salvador, and that Colonel Vides Casanova gave instructions concerning the capture of the churchwomen. We have no means of evaluating the veracity of this statement. It was taken by the Maryknoll Order from a Salvadoran who is a political refugee in Mexico, and whose identity was kept secret from us. According to Michael Posner from the Lawyers' Committee on International Human Rights, it is difficult to judge the veracity of such statements. Given this, the source's apparent bias, and the absence of supporting evidence, we cannot accept this hearsay statement as probative.

144/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (September 22, 1982).

145/ Monterrosa Interview.

146/ Chronology of Death Threats and the Conflict Between the Army (under Colonel Pena Arbaiza) and the Church in Chalatenango (undated). Contained in materials delivered to Harold R. Tyler, Jr., by Sister Helene O'Sullivan, M.M. (July 12, 1983).

147/ Memorandum from Legal Attache, Panama, to Director, FBI (December 23, 1980).

148/ Id., see also Statement of Sister Madeline Maria Dorsey, M.M., entitled "Death Threats Received in Chalatenago" (March 8, 1983), wherein Sister Dorsey gives the date as December 3.

RELEASED
El Salvador: Human Rights
Special Project (1993)

149/ Did Salvadoran Troops Kill Nuns in Murder Plot? Atlanta Constitution, July 12, 1981 at 25, 26. Again, Sister Dorsey gives the date of this incident as December 3, 1980. See fn. 148, supra.

150/ Statement by Sister Madeline Maria Dorsey, M.M. (March 8, 1983).

151/ Vides Casanova Interview.

152/ Id. and Interview with Colonel Brian J. Bosch, USA, Washington, D.C. (August 26, 1983).

153/ Id.

154/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (December 16, 1981). See also Appellate Court Decision at 25, and Medrano Report at 27 (Cruz Piche Statement).

155/ Medrano Report at 31 (Luis Monterrosa Statement).

156/ Id. at 39 (Giron Statement).

157/ Interview.

158/ Interview with Rev. Paul Schindler, New York City (September 27, 1983) (hereinafter "Schindler Interview"); Interview ith Monsignor Richardo Urioste, San Salvador, El Salvador (September 23, 1983); and Interviews with Ms. Anna May Mayer and Father Daniel Reidy, La Libertad, El Salvador (September 21, 1983).

159/ FBI Memorandum, Subject: Thomas Norman Bracken (December 31, 1980); and Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (December 12, 1980).

160/ Id.; Cables from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (December 23, 1980 and October 11, 1983).

161/ Statements of Rev. Thomas Gregory Chisholm (January 8, 1981, and July 10, 1982).

162/ Cable from Washington Field Office, FBI, to Director, FBI (January 16, 1981) (Interview of , January 13, 1981).

163/ Id.

164/ Schindler Interview.

PB401Z6-0487

RELEASED
El Salvador: Human Rights
Special Project (1993)

165/ Telephone interview with Patricia Lasbury Hall (October 4, 1983) (hereinafter "Lasbury Hall Interview").

166/ Cable from Legal Attache, Panama, to Director, FBI (December 23, 1980).

167/ FBI Laboratory Report No. 10107002 (January 30, 1981).

168/ Interview with Sister Helene O'Sullivan, M.M., New York, New York (September 27, 1983).

169/ See, e.g., Medrano Report at 27 (Cruz Piche Statement); 31 (Luis Monterrosa Statement); and 36 (Cornejo Cubas Statement).

170/ Medrano Report at 27 (Cruz Piche Statement); see also 31 (Luis Monterrosa Statement).

171/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (February 12, 1981), wherein Sister Madeline Dorsey reportly said that Sister Ita Ford had been given $900 in cash at the Managua Conference. Subsequent Maryknoll reports indicate that Sister Ford had only $175.

172/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (February 19, 1981).

173/ See, e.g., Medrano Report at 36 (Cornejo Cubas Statement) and 66 (Sanchez Guzman Statement).

174/ See, e.g., Medrano Report at 36 (Cornejo Cubas Statement) and 31 (Luis Monterrosa Statement).

175/ Medrano Report at 66 (Sanchez Guzman Statement).

176/ Cable from Secretary of State, Washington, D.C., to United States Embassy, San Salvador (June 29, 1983).

177/ Testimony of Colonel Francisco Antonio Moran Reyes before the Second Criminal Court, San Salvador (August 18, 1983). References are to the translation made by the Division of Language Services, Department of State (No. 110870-B) (hereinafter "Moran Statement").

178/ Statement of General Carlos Eugenio Vides Casanova (August 19, 1983). References are to the translation made by the Division of Language Services, Department of State (No. 111213-A).

RELEASED
El Salvador: Human Rights
Special Project (1993)

179/ Moran Statement; and testimony of Juan Ramiro Diaz and Jose Edmundo Reyes Castellanos before the First Criminal Court, Zacatecoluca (October 22, 1983). References are to the translation made by the Division of Language Services, Department of State (No. 111213-L).

180/ Cable from Director, FBI, to FBI Field Office, Houston (July 2, 1982) (hereinafter "Houston Cable").

181/ Id.

182/ Cable from Secretary of State, Washington, D.C., to United States Embassy, San Salvador (October 20, 1981).

183/ Houston Cable.

184/ Cable from Secretary of State, Washington, D.C., to United States Embassy, San Salvador (June 19, 1982).

185/ Houston Cable.

186/ Houston Cable.

187/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (February 6, 1982) (hereinafter "February 6, 1982 Cable").

188/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (June 7, 1982) (hereinafter "June 7, 1982 Cable").

189/ February 6, 1982 Cable.

190/ June 7, 1982 Cable.

191/ Id.

192/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (September 23, 1982); see also Interview with Benjamin Cestoni, San Salvador, El Salvador (September 20, 1983).

193/ Schindler Interview.

194/ Lasbury Hall Interview.

195/ Memorandum prepared by Maryknoll Order entitled "Guns and Ballistics Tests," attached to letter from Sister Helene O'Sullivan, M.M. (March 21, 1982).

RELEASED
El Salvador: Human Rights
Special Project (1993)

196/ Transcript of tape recording made by Sister Maria Rieckelman, M.M. (February 8, 1982), provided by Sister Helene O'Sullivan, M.M.

197/ Interview with Major Miguel Bolonas, Washington, D.C. (November 2, 1983).

198/ Index of Court Record. Informal translation by H. Carl Gettinger, Department of State.

P8401276-0996

RELEASED
El Salvador: Human Rights
Special Project (1993)

APPENDIX

List of Persons Interviewed

Bleakley, (Deputy Chief of Mission) Kenneth - United States Embassy, San Salvador

Bolonas (Major) Miguel - Former Intelligence Officer, Nicaraguan Army

Bosch, (Colonel) Brian J. - United States Army, former Defense Attache, United States Embassy, San Salvador

Brownfield, William R. - Former Political Officer, United States Embassy, San Salvador

Castaneda, (Dr.) Ricardo - Member of the Private Bar, El Salvador

Castillo, (Dr.) Juan Geronimo - Coordinating Prosecutor

Cestoni, (Dr.) Benjamin - Executive Director of the Government of El Salvador Human Rights Commission, and Former Deputy Fiscal General

Duarte, Jose Napoleon - Former President, El Salvador

- Special Agent, Federal Bureau of Investigation, Fingerprint Division

Ford, William P. - Trial lawyer and brother of Ita Ford

Gettinger, H. Carl - Former Political Officer, United States Embassy, San Salvador

Greathead, R. Scott - International Human Rights Committee, Association of the Bar of the City of New York

(Special Agent) - Federal Bureau of Investigation, Polygrapher

Hall, Patricia Lasbury - Former Consul, United States Embassy, San Salvador

Hinton, (Ambassdor) Deane R. - Former United States Ambassador to El Salvador

Mayer, Anna May - Catholic lay worker in La Libertad, El Salvador

RELEASED
El Salvador: Human Rights
Special Project (1993)

Medrano, (Lieutenant Colonel) Jose Adolfo - National Guard of the Republic of El Salvador

Monterrosa, (Colonel) Roberto - Commander, Salvadoran Navy

O'Sullivan, (Sister) Helene - Maryknoll Order

Otto, (Assistant Director) John E. - Federal Bureau of Investigation

Pickering, (Ambassador) Thomas R. - United States Ambassador to ElSalvador

(Special Agent) -

Posner, Michael H. - Executive Director, Lawyers' Committee for International Human Rights

Rauda Murcia, (Judge) Bernardo - Criminal Court in Zacatecoluca, El Salvador

Reidy, (Father) Daniel - Missionary priest in La Libertad, El Salvador

Richard, Mark M. - Deputy Assistant Attorney General, Criminal Division, United States Department of Justice

Rivera, (Fiscal General, Dr.) Mario Adalberto - Fiscal General, El Salvador

Schindler, (Father) Paul E. - Former missionary priest in El Salvador

Uriosta, (Monsignor) Ricardo - The Catholic Church in El Salvador

Vides Casanova, (General) Carlos Eugenio - Minister of Defense, El Salvador

(Special Agent) - Federal Bureau of Investigation,

(Special Agent) - Federal Bureau of Investigation

White, (Ambassador) Robert E. - Former United States Ambassador to El Salvador

Zepeda Velasco , (Lieutenant Colonel) Lizandro - National Guard of the Republic of El Salvador

THE CHURCHWOMEN MURDERS:

A REPORT TO THE SECRETARY OF STATE

Department of State, IS/FPC/CDR, 9/20/03
Declassified under EO 12356 ( )
portions withheld: classified ( )
law enforcement ( ); privacy ( )
not relevant to E.O.

Harold R. Tyler, Jr.

New York, New York
December 2, 1983

THE CHURCHWOMEN MURDERS:

A REPORT TO THE SECRETARY OF STATE

		Page
INTRODUCTION		1
SUMMARY		5
I.	THE MURDERS	12
II.	THE INVESTIGATIONS	21
	A. The Zepeda and Monterrosa Investigations	22
	B. The Cover-Up Is Defeated	31
	C. The Medrano Working Group	34
	D. The Civil Investigation	47
III.	INVOLVEMENT OF HIGHER AUTHORITIES	50
IV.	FALSE LEADS	64
	A. Thomas Bracken	65
	B. The Canadians	66
	C. The Hacienda Police	68
	D. Money and Valuables	70
	E. The Moran Letter	72
	F. [redacted] and Cortez	73
	G. The Radio Message	75
	H. Abduction at the Airport	77
	I. The .22 Magnum	78
	J. Sister Maria Rieckelman	79
	K. Sister Maura Clarke and the Nicaraguan Connection	79

V. PROSPECTS FOR A SUCCESSFUL PROSECUTION. 82

A. The Record. 83

B. The Prosecutors 86

C. The Presiding Judge 87

D. The Jury. 88

E. Freedom From Outside Interference. 90

VI. RECOMMENDATIONS. 91

FOOTNOTES

APPENDIX

RELEASED
El Salvador: Human Rights
Special Project (1993)

THE CHURCHWOMEN MURDERS:
A REPORT TO THE SECRETARY OF STATE

INTRODUCTION

In the early days of December, 1980, four American churchwomen, Ita Ford, Maura Clarke, Dorothy Kazel and Jean Donovan, disappeared and were later found murdered in the Central American Republic of El Salvador. Occurring at a time of increasing concern about the growing violence in that country, the killings and the resulting criminal investigations have provoked intense interest, frequent frustration and occasional dismay in the United States as the citizens of this country have observed the workings of the Salvadoran justice system as it first investigated, and eventually sought to prosecute, those responsible for the killings.

From the outset, the handling of the case by Salvadoran authorities has been caught up in Congressional deliberations about the larger questions of American military, diplomatic and economic involvement with the Republic of El Salvador. But many of the questions, in Congress and out, focused on this case: Have the true killers been identified? Were higher-ups involved? Was there an attempt to cover-up the crime or conceal the murderers? Do the Salvadoran authorities have the will and the capacity to

RELEASED
El Salvador: Human Rights
Special Project (1993)

handle the prosecution of this and similar crimes of violence involving members of the security forces?

By the spring of 1983, five National Guardsmen had been accused of the crime, but their detention for over two years did not make the prospect of a speedy trial seem propitious. Increasingly, members of Congress, the families of the murdered churchwomen and other citizens asked with legitimate concern whether the Salvadoran government was serious about prosecuting the responsible parties and whether the United States was doing as much as it could to encourage the prosecution.

On April 26, 1983, the Secretary of State reported to the Chairman of the Foreign Operations Subcommittee of the House Appropriations Committee that he had directed an "independent and high-level review of all the evidence available to the United States government pertaining to the churchwomen's case."[1] By a letter dated May 23, 1983, Deputy Assistant Secretary of State for Inter-American Affairs James H. Michel, on behalf of the Department of State, requested that I conduct this review.[2] Mr. Michel, and thereafter, the Deputy Secretary of State, Kenneth Dam, pledged the full cooperation of all concerned Federal agencies.

Together with my colleagues, Togo D. West, Jr. and Gregory L. Diskant, I have reviewed the evidence. In the

RELEASED
El Salvador: Human Rights
Special Project (1993)

process, we have received the cooperation that was pledged to us. Since May, we have had access to pertinent State Department files, both classified and unclassified, including the numerous cables that had been transmitted between the State Department and the United States Embassy in San Salvador on this matter. We have had similar access to the classified and unclassified files of the Federal Bureau of Investigation (FBI), and of other pertinent agencies as well. No documents necessary to our inquiry have been withheld from us.

We have talked extensively with present and former government officials of both countries who have been involved in the various investigations of this unfortunate tragedy: The State Department and the Federal Bureau of Investigation have been especially helpful in bringing their personnel from locations far removed from the cities of Washington, D.C. and New York, our principal bases of operations, for whatever interviews we have deemed necessary. Our discussions have included interviews with personnel presently assigned to the United States Embassy in San Salvador and with those who were assigned to that Embassy during the time of the earlier investigations into the murders. We have consulted with Salvadoran prosecutors, with Salvadoran attorneys in and out of government, and with representatives of the Catholic Church in both this country and El Salvador.

RELEASED
El Salvador: Human Rights
Special Project (1993)

For obvious reasons, we have sought to maintain a particularly close liaison with the representatives of the families of the victims. Our conversations with those representatives, the Lawyers' Committee for International Human Rights Under Law, and with members of the Maryknoll Order, have been characterized by candor and cooperativeness on the part of those who met with us. These groups have made their files available to us and have patiently assisted us in our efforts to determine how we could increase the likelihood that the perpetrators of these crimes will be brought to justice.

Our mission has had both sobering and heartening aspects. To an extent that is impossible to detail in this report, the criminal justice system in El Salvador is in a state of disrepair.[3/] A handful of inexperienced, under-educated, and occasionally corrupt prosecutors represent a society that seems to have lost its will to bring to justice those who commit serious crimes against it. Intimidation and corruption of prosecutors, judges and juries are widespread, and a rigid legal system renders successful prosecutions all the more difficult. The military exerts a pervasive influence over the nation and, as will be documented herein, has sought to shield from justice even those who commit the most atrocious crimes.

There are some bright spots. Some Salvadorans, most notably Judge Bernardo Rauda Murcia and Lieutenant

RELEASED
El Salvador: Human Rights
Special Project (1993)

Colonel Jose Adolfo Medrano, have exhibited the courage, independence and fortitude to pursue an unpopular investigation of the crime in a country where the price for such vigilance is all too often sudden and brutal death. Representatives of United States Government agencies, particularly the Department of State and the Federal Bureau of Investigation, have been vigorous and effective in pressing the Salvadorans to investigate and prosecute this crime and, when the prosecution was finally underway, in rendering critical investigative and technical assistance. At least one United States Government officer has repeatedly exposed himself to great personal danger to obtain evidence crucial to the investigation. We believe the American public, and the families, can ask no more than that from their representatives.

SUMMARY

Five former members of the El Salvador National Guard are now in custody and charged with the murder of the four churchwomen: Luis Antonio Colindres Aleman, Carlos Joaquin Contreras Palacios, Francisco Orlando Contreras Recinos, Daniel Canales Ramirez and Jose Roberto Moreno Canjura. Perhaps our most important conclusion is that these men in fact committed the crime and that the evidence of their guilt is overwhelming. Not all of the evidence is admissible in the Salvadoran courts, but that which is

RELEASED
El Salvador: Human Rights
Special Project (1993)

remains compelling. The admissible evidence consists of partially incriminating statements by the defendants themselves, including one complete confession; statements by their former colleagues in the National Guard, including those who participated in the abduction of the women and those to whom the defendants made incriminating statements following the crime; statements of other third-party witnesses; and technical evidence developed by the Federal Bureau of Investigation in the form of ballistics tests linking two of the defendants' weapons to the crime.

The inadmissible evidence renders the guilt of the defendants even more clear. This consists of polygraph examinations that the defendants failed, a fingerprint of Subsergeant Colindres Aleman found on the van in which the churchwomen were traveling, and highly confidential information collected by the United States Embassy through the efforts of an Embassy official at great personal risk. The reliability of this information has been proved certain, but we are convinced that lives would be endangered by public revelation of this evidence or its sources. (We shall refer to this information in our report as "special Embassy evidence.") With respect to each category of inadmissible evidence, we have explored whether in some manner it could be introduced as part of the prosecution case. In each instance, although with varying degrees of certainty, we have concluded that the evidence cannot be used.

RELEASED
El Salvador: Human Rights
Special Project (1993)

The evidence taken as a whole shows irrefutably that the five defendants, following the orders of Subsergeant Colindres Aleman, kidnapped the women at a checkpoint outside the El Salvador Airport on December 2, 1980. They rode through the countryside to a remote location some fifteen miles from the airport, where they raped and murdered the women. Thereafter, the National Guardsmen drove the church-women's van to another remote location and set it afire.

The first reaction of the Salvadoran authorities to the murder was, tragically, to conceal the perpetrators from justice. Evidence available to the United States, including the special Embassy evidence, shows beyond question that Colindres Aleman confessed his involvement in the crime to ranking members of the National Guard within days of the murder. They responded by concealing this fact from the outside world, and ordering the transfer of the killers from their airport posts and the switching of their weapons to make detection more difficult.

At a minimum, then Major Lizandro Zepeda Velasco, the National Guard officer in charge of the Guard's internal investigation, was aware of the identity of the killers and participated in these acts. Sergeant Dagoberto Martinez, Colindres Aleman's immediate superior, has admitted that he also knew of Colindres Aleman's guilt. We believe it is probable that Colonel Roberto Monterrosa, head of the government's official investigation of the crime, was aware

RELEASED
El Salvador: Human Rights
Special Project (1993)

of the identity of the killers and, further, that he participated in the cover-up by purposely failing to provide Colindres Aleman's fingerprints to the United States for analysis. We believe as well that it is quite possible that Colonel Carlos Eugenio Vides Casanova, then head of the National Guard and now a General and Minister of Defense, was aware of, and for a time acquiesced in, the cover-up.

The cover-up was shattered in April, 1981, when officials of the United States Embassy identified the killers through their own investigation. This effort, although significantly assisted by ballistics and fingerprint work performed by the FBI, came principally by the development of the special Embassy evidence by an Embassy officer. The special Embassy evidence first provided identification of the perpetrators to the United States. When the Embassy learned the defendants' names, it pressed Salvadoran authorities to arrest them. At that point, Colonel Vides Casanova, the Director of the Salvadoran National Guard, ordered the arrest of the men.

Thereafter, Salvadoran prosecution efforts continued to stall, although the men were at least incarcerated. Finally, in December, 1981, a year after the killings and again responding to United States pressure, the Salvadoran government undertook a serious investigation of the crime. National Guard Major (now Lieutenant Colonel) Adolfo Medrano led a group of detectives from the Salvadoran

RELEASED
El Salvador: Human Rights
Special Project (1993)

National Police and others in the first concentrated gathering of evidence by the Salvadoran authorities. With technical assistance from the FBI, the Medrano working group collected statements of witnesses tying the defendants to the crime, including reports of extrajudicial confessions by Colindres Aleman. This evidence supported the discharge of the accused guardsmen from the National Guard in February, 1982, so that they could be tried in the civilian courts and their remand to the custody of the civilian trial judge. The evidence gathered by the Medrano working group remains the principal evidence against the accused.

The technical support provided the Salvadoran authorities by the FBI has been simply outstanding. Fingerprint and ballistics tests by Bureau personnel provided initial corroboration of the special Embassy evidence and directly linked the defendants to the crime. Beyond technical expertise, however, Bureau agents in the United States thoroughly interviewed relevant witnesses and obtained significant information. By the artful use of the polygraph as an investigative tool, the Bureau obtained a statement from Colindres Aleman's former superior reporting a critical confession by Colindres. The FBI sent polygraph examiners to El Salvador, who interviewed the defendants and other witnesses and, again by using the test as an investigative tool, produced important incriminatory statements.

RELEASED
El Salvador: Human Rights
Special Project (1993)

The question whether Colindres Aleman was ordered to commit this crime by higher-ups is a troubling one. To the extent the Salvadoran authorities have investigated this matter, their inquiry is not nearly as complete as we would have liked. There is some evidence suggesting the involvement of higher-ups: most importantly, two low ranking guardsmen have testified that, in ordering them to participate, Colindres Aleman told them he was acting on higher orders.

On the other hand, there is evidence to the contrary, which we tend to credit. As we set forth in detail below, the circumstances of the crime itself and Colindres Aleman's behavior during its commission are, in our view, inconsistent with an assault on the churchwomen ordered from above. Post-murder statements by Colindres Aleman to his colleagues and his superior, along with the special Embassy evidence, provide what we believe to be additional compelling evidence of lack of higher involvement. Although it is unlikely that a dispositive answer will ever be known, we record here our best judgment: on the basis of the evidence available to us, we believe that Colindres Aleman acted on his own initiative.

Although the evidence of the defendants' guilt is, in our view, substantial, we cannot be certain that the case will be successfully prosecuted. In October, 1983, the case was finally elevated to the plenario, essentially the trial

RELEASED
El Salvador: Human Rights
Special Project (1993)

stage, after over a year and a half in the sumario or investigative stage. This means that, at best, we can expect a trial by the spring of 1984. The newly-assigned senior prosecutor is a veteran attorney and, based on our discussions with him, appears competent to present the prosecution's case.

Nonetheless, the prosecutor must convince a majority of a jury of five, and in El Salvador juries have, understandably, been routinely subject to intimidation. Moreover, we are told that corruption of both juries and judges is an everyday event. Finally, if the system were not already weak enough, we are under the impression that this case is a relatively rare effort to prosecute members of the Salvadoran military in the civilian courts for crimes committed on duty. For these reasons, we view the likelihood of a conviction of the defendants by a jury of Salvadoran citizens to depend substantially on whether the jurors can be assured that they can vote their consciences without fear.

Under current Salvadoran procedures, the jurors must be publicly identified and hear the evidence in public. These procedures are, of course, desirable in a stable society, but hardly leave a jury with any sense of security in the Salvadoran system. We have pressed the Salvadoran authorities to undertake a variety of novel means to protect the jury or guarantee their anonymity. Unfortunately, for

RELEASED
El Salvador: Human Rights
Special Project (1993)

whatever reasons, the authorities have not yet looked with favor upon the introduction of unprecedented methods into their system of jury selection and protection. Thus, we must reluctantly close on a discouraging note: unless the jury can be safeguarded, we would be foolhardy to predict the conviction of these defendants.

I. THE MURDERS

As in any criminal prosecution, the facts of the crime are disputed, at least by the defendants. Although one of the defendants has confessed, the remaining accused killers maintain their innocence and present a joint alibi. In analyzing the facts of the crime, we have weighed all of the information available to us, whether or not admissible under the Salvadoran system and whether or not public. We have rejected the alibis of the non-confessing defendants as self-serving fabrications. We set forth below what we believe actually happened, resolving differences in the testimony by giving greater weight to the witnesses whose reliability we believe to have been proven. Significant differences between the facts stated herein and the testimony of other witnesses are indicated in the footnotes.

In the fall of 1980, El Salvador was suffering through a period of severe political volatility. Increasing violence by both right-wing and left-wing groups had heightened tensions. Terrorist acts were being committed against

RELEASED
El Salvador: Human Rights
Special Project (1993)

government officials, ministry buildings, foreign embassies, universities, churches and factories with growing regularity. Thousands of Salvadorans had been murdered as part of a vicious reign of terror, the majority allegedly by rightist elements.[4/]

On November 27, 1980, yet another outbreak of political killing occurred. Six leaders of the Salvadoran opposition, the Democratic Revolutionary Front (FDR), were tortured and murdered after their abduction from a school in San Salvador by a band of several hundred men. The bodies of the slain leaders lay in state at the Cathedral in San Salvador for several days, and their funeral was to be held on December 3, 1980.[5/] Their supporters urged a large turnout for the funeral, and many in the Salvadoran government and military feared an outburst of public violence, possibly as great as that experienced during the funeral of Archbishop Oscar Arnuldo Romero in March, 1980. The country was gripped by palpable tension and fear.

On November 26, 1980, the day before the FDR assassinations, Sisters Ita Ford and Maura Clarke of the Maryknoll Order had traveled from their station at Chalatenango, El Salvador, to an annual gathering of Central American Maryknolls in Managua, Nicaragua.[6/] Upon their return to El Salvador on December 2, 1980, the day before the FDR funerals, they, along with two other Maryknoll nuns (Sisters Madeline Dorsey and Teresa Alexander), were to be

RELEASED
El Salvador: Human Rights
Special Project (1993)

met at the airport by Sister Dorothy Kazel, an Ursuline nun, and Ms. Jean Donovan, a lay volunteer.[7] Sisters Ford and Clarke, returning to El Salvador from Nicaragua in the midst of unprecedented tension throughout El Salvador, never reached their destination; nor did their escorts, Sister Kazel and Ms. Donovan.

From the available evidence, events unfolded on that tragic December 2 as follows. Some time after midday, Sister Kazel and Ms. Donovan drove to the International Airport to meet the four Maryknoll nuns in a white Toyota "Hiace" van.[8] They parked in the parking lot in front of the main passenger terminal at about 2:00 p.m.[9] Their arrival was noticed by a Salvadoran National Guardsman patrolling in front of the terminal, Margarito Perez Nieto.[10] His attention, he later stated, was attracted by the fact that one of the churchwomen had returned to the vehicle to retrieve a large bag capable of carrying a weapon, and by their apparently watchful attitude toward him. Perez Nieto mentally recorded their arrival and returned to his patrol.

Inside the terminal, the Lanica flight that Sister Kazel and Ms. Donovan were to meet arrived at 2:30 p.m., carrying only two of the four nuns expected, Sisters Madeline Dorsey and Teresa Alexander.[11] Sister Kazel and Ms. Donovan determined that they would drive the two nuns to La Libertad and return later to meet the remaining two Maryknoll nuns.[12] Guardsman Perez Nieto observed their departure in the white

RELEASED
El Salvador: Human Rights
Special Project (1993)

Toyota van at about 3:15 p.m. He telephoned his detachment commander at the airport, Subsergeant Luis Antonio Colindres Aleman, to report that he suspected the women of having weapons in their travel bags. Colindres Aleman told Perez Nieto to be careful.[13]

Sister Kazel and Ms. Donovan returned to the airport to meet Sisters Ford and Clarke, the remaining two Maryknoll nuns, sometime between 4:30 and 6:00 p.m.[14] Sisters Ford and Clarke arrived on a COPA (Campania Panamena de Aviacion, the Panamanian Airlines) flight at about 6:30 p.m.,[15] and were met by Sister Kazel and Ms. Donovan. At some point, the churchwomen were again observed by Guardsman Perez Nieto, who apparently notified Subsergeant Colindres Aleman again of their activities.[16] Perez Nieto's tour of duty ended at 7:00 p.m. and at that time (or earlier) he returned to the National Guard barracks. He reported his observations in greater detail to Colindres Aleman.[17]

At this point, we believe, Colindres Aleman decided that he would stop the churchwomen. Although there is no evidence that he knew their identities, he apparently believed, based on his guard's observations, that they were "subversives. Although in our system these observations would usually not be enough even to justify an airport stop for questioning, in El Salvador in 1980, particularly on the eve of the burial of the FDR leaders, these grounds for suspicion were more than adequate. If Colindres Aleman could obtain

RELEASED
El Salvador: Human Rights
Special Project (1993)

evidence that the women were carrying weapons, or even "subversive" literature, his status in the Guard would be enhanced.

There is no reason to believe that Colindres Aleman necessarily had murder on his mind from the outset. At a minimum, however, he knew he was up to no good. He ordered five guardsmen, Carlos Joaquin Contreras Palacios, Francisco Orlando Contreras Recinos, Daniel Canales Ramirez, Jose Roberto Moreno Canjura, and Salvador Rivera Franco, to change out of their uniforms into civilian clothes. He instructed the five men to accompany him with their service rifles and ammunition.[18] Shortly after 7:00 p.m., Colindres Aleman, the five guardsmen in civilian attire and Perez Nieto, in uniform, drove in a National Guard jeep to the traffic checkpoint near the airport entrance.[19]

At the checkpoint, Colindres Aleman instructed Perez Nieto to stop all traffic at the checkpoint for approximately ten minutes, but to allow the "white van" carrying the churchwomen to pass without hinderance.[20] Colindres Aleman left Perez Nieto at the checkpoint, along with the uniformed guardsmen already on duty there, Luis Napoleon Cornejo Cubas, Jose Vidal Cruz Piche, and Jose Luis Monterrosa.[21] After rounding a bend in the airport access road, and nearing the first toll station for the as yet unfinished highway between San Salvador and the airport,

RELEASED
El Salvador Human Rights
Special Project (1993)

Colindres Aleman and the five guardsmen, all in civilian clothes, took up positions on the road and awaited the arrival of the white van.[22]

Meanwhile, at the airport, the four churchwomen retrieved the luggage of Sisters Ford and Clarke and left the terminal in their white van. At the airport traffic checkpoint, Guardsman Perez Nieto, following instructions, allowed the van to pass through. He detained all other traffic for about ten minutes,[23] and then returned to the National Guard headquarters.

Passing the checkpoint, the churchwomen arrived at Subsergeant Colindres Aleman's position. They were stopped and ordered to vacate the van.[24] The guardsmen searched the van and questioned the women. Thereupon, Colindres Aleman ordered them back into the van together with Guardsmen Contreras Recinos, Canales Ramirez and Moreno Canjura.[25] Contreras Recinos drove the van and, with Colindres Aleman and Guardsmen Contreras Palacios and Rivera Franco following in the National Guard jeep,[26] the small convoy started its journey fifteen miles into the hills of El Salvador.

Shortly thereafter the jeep developed engine trouble. After a brief stop for temporary repair, the two vehicles made it to the National Guard command post at the town of El Rosario La Paz.[27] There, Subsergeant Colindres Aleman telephoned the airport and instructed his second in command, Corporal Isabel Aquino Giron, to send another

RELEASED
El Salvador: Human Rights
Special Project (1993)

vehicle to El Rosario to retrieve them.[28] The jeep was then left at the Guard post, with Guardsman Rivera Franco to guard it.[29]

The five other guardsmen crowded into the small van with the four churchwomen and proceeded in the direction of Zacatecoluca. At the intersection of the road to San Pedro Nonualco, the van left the main road and drove for another six kilometers, finally turning off onto a dirt lane.[30] At a deserted site along the lane, Subsergeant Colindres Aleman directed Guardsman Contreras Recinos to bring the van to a halt, and ordered the women out of the van.[31] The guardsmen sexually assaulted the women. Then, at Colindres Aleman's orders, they shot the women dead with their service rifles, leaving the bodies along the roadside as they fell.[32] The guardsmen, upon completion of their grisly mission, then returned to El Rosario La Paz in the van.

In the interim, Corporal Giron had sought from the commander of the Customs Police at the airport, Juan de Dios Barrera Rivera, a vehicle with which to pick up Colindres Aleman and his men.[33] Barrera Rivera assigned Victor Melgar Garay to drive a blue Customs Police pick-up truck[34] to El Rosario La Paz, where, accompanied by Guardsman Julio Cesar Valle Espinoza, Melgar Garay found Guardsman Rivera Franco guarding the disabled jeep.[35] The three were waiting when Subsergeant Colindres Aleman and the other guardsmen returned without the women at approximately 11:00 -- [36]

RELEASED
El Salvador: Human Rights
Special Project (1993)
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El Salvador: Human Rights
Special Project (1993)

Climbing into the cab of the truck, Subsergeant Colindres Aleman instructed Melgar Garay to drive back onto the highway in the direction of La Libertad.[37] Followed by the white Toyota Hiace van, the truck proceeded along the coast road until ordered by Colindres Aleman to stop.[38] After the guardsmen had removed several items from the van to the blue Customs pick-up truck,[39] Guardsman Contreras Recinos opened the middle door of the van and, with the help of Contreras Palacios and Moreno Canjura, poured aviation fuel on the inside and outside of the van and set it afire.[40]

Near midnight, Subsergeant Colindres Aleman and his men returned to the airport in the blue pick-up truck.[41] Upon his return, Colindres Aleman took the van's spare tire and jack, and several articles of women's clothing to the barracks.[42] Later, several of the guardsmen, with Colindres Aleman, burned this clothing and certain other articles taken from the churchwomen.[43] On December 3, Colindres Aleman took the spare tire and jack to a nearby farm camp and left them there with a friend for safekeeping.[44]

Early in the morning of December 3, 1980, villagers from Santiago Nonualco, a remote village fifteen miles northeast of the airport, found the bodies of the four churchwomen sprawled along the roadside.[45] One of the villagers contacted the local Militia Commander, Jose Dolores Melendez, to report the discovery.[46] Shortly thereafter, two National Guardsmen and three Civil Guardsmen

RELEASED
El Salvador: Human Rights
Special Project (1993)

arrived at the scene, and ordered the preparation of a common grave.[47] The local Justice of the Peace, Juan Santos Ceron, was summoned by the Militia Commander, and authorized the immediate burial of the women as "unknowns," an unfortunate practice that had become common in El Salvador.

When Sister Kazel and Ms. Donovan failed to return to La Libertad, Father Paul Schindler, an American priest working in La Libertad, contacted the United States Consul in San Salvador, Patricia Lasbury (now Patricia Lasbury Hall), on December 3.[49] Ms. Lasbury then informed the Chief of National Police of the women's disappearance. Salvadoran Defense Minister Garcia was also notified.[50] A nationwide search was promised.

In an attempt to locate the women himself, Father Schindler set out to search along the coastal road leading from La Libertad to the airport. On the evening of December 3, he found the burned-out shell of the churchwomen's van where it had been abandoned along the coastal road.[51] Its license plates were missing, and the van could be identified only by the serial numbers on the engine block.[52]

Meanwhile, word began to circulate in the community that four female Caucasian "unknowns" had been found dead and buried in Santiago Nonualco. A local parish priest heard the news and informed the Vicar of the San Vicente diocese. In turn, the Vicar notified the United States Embassy that the bodies of the American churchwomen had been

RELEASED
El Salvador: Human Rights
Special Project (1993)

Upon learning the news, United States Ambassador Robert White went immediately to the murder site, where he found Father Schindler, who also had been notified by the parish priest of the discovery of the bodies.[54] The Secretary of the Justice of the Peace arrived and gave permission for the removal of the bodies from the grave.[55] All four women had been shot in the head; the face of one had been destroyed.[56] The underwear of three of the women was found separately, along with bloody bandanas.[57] Brief medical examinations were performed that day, but no autopsies Sisters Ford and Clarke were buried in Chalatenango; Sister Kazel and Ms. Donovan, in the United States.[59]

II. THE INVESTIGATIONS

Despite the numbing regularity with which innocents in El Salvador have been subjected to crimes of violence, the rape and murder of the four American churchwomen provoked immediate international outrage. The Salvadoran government responded by publicly promising a full investigation, and the United States pledged its complete assistance. The actions of the United States and its representatives to investigate the crime and to bring the perpetrators to justice have been remarkable. Quite simply, we believe that the killers would never have been identified and the evidence of their guilt never properly assembled had it not been for the efforts, often courageous, of United States personnel.

RELEASED
El Salvador: Human Rights
Special Project (1993)

The efforts of Salvadoran officials, on the other hand, have been mixed. Despite the public promise of a full and complete investigation, the actual initial Salvadoran government response appears to have been to do everything possible to conceal the perpetrators of the crime. The identities of the killers were known to officials of the Salvadoran National Guard within days of the murders. Nonetheless, the official response to this information ranged from indifference to active cover-up. It was only after a year had passed, and the killers had been identified by the United States, that a competent group of Salvadoran officials undertook a thorough investigation of the crime and assembled the evidence that forms the basis for the prosecutions. The men who performed that task, led by Major Medrano, and the judge who inherited the case and completed the investigation, Judge Bernardo Murcia Rauda, performed difficult work under the most dangerous of circumstances. They deserve the praise and gratitude of all those who have sought to see justice done in this case.

A. The Zepeda and Monterrosa Investigations

Within days of the murders, Salvadoran authorities commissioned two investigations, one public and one private, both with apparently the same objective: to create a written record absolving the Salvadoran security forces of responsibility for the murders. The public investigation was in the

RELEASED
El Salvador: Human Rights
Special Project (1993)

form of a commission headed by Colonel Roberto Monterrosa, then director of the Armed Forces Studies Center and later commander of the Salvadoran Navy. The private investigation, commissioned by the National Guard itself, was headed by Major Lizandro Zepeda Velasco. In his interview with us, Colonel Monterrosa was surprisingly candid about his purpose. He stated that his investigatory commission had flatly rejected the possibility that security forces were involved in the murder, not because of the absence of evidence, but because their involvement, if proved, would cause serious consequences for the armed forces "from a political point of view."60/

The failure of either Zepeda or the Monterrosa Commission to pursue a serious investigation is obvious, for the evidence of the defendants' culpability was readily available for gathering. As we will note below, the murderers made no attempt whatever to conceal their culpability from other National Guardsmen. Not only had several guardsmen witnessed the churchwomen's abduction, but the defendants repeatedly conceded their guilt to their colleagues following the killing. For instance, at a meeting called by Colonel Vides Casanova within days of the murders to ask whether any National Guardsmen were responsible, Subsergeant Colindres Aleman approached his immediate supervisor, Sergeant Dagoberto Martinez and reported that, "the problem regarding the nuns is me." Martinez advised Colindres Aleman to be silent

RELEASED
El Salvador: Human Rights
Special Project (1993)

about the crime, but to admit his role if questioned by a National Guard officer.[61]

The National Guard officer assigned in December, 1980 to investigate the crime was Major Zepeda.[62] Zepeda interviewed Colindres Aleman, as well as other guardsmen on duty at the airport on the night of December 2.[63] Although all the witnesses whom Zepeda purportedly interviewed had at least partial knowledge of the facts of the crime--knowledge that they later confessed to Major Medrano--Zepeda blithely reported that no one remembered anything out of the ordinary about that evening. His perfunctory written report, turned over to the United States many months later, concludes "[i]t is not proven in this report that elements of the National Guard had any participation in the death of the four North American religious [sic]."[64]

In fact, the written Zepeda report was a sham. Indeed, it made so little an impression on Major Zepeda himself that, when we interviewed him in September, 1983, he insisted that his reporting had been oral only.[65] He persisted in this position even when we told him that we had seen copies of written reports. Zepeda may have remembered only an oral report because it was undoubtedly only orally that he would have communicated his true findings: that National Guardsmen led by Colindres Aleman had committed the murders.

RELEASED
El Salvador: Human Rights
Special Project (1993)

Information derived by the United States Embassy from the special Embassy evidence shows unequivocably that Subsergeant Colindres Aleman followed precisely Sergeant Martinez' recommendation. When Major Zepeda questioned Colindres Aleman in the days following the crime, he confessed his role in the murders to the National Guard investigating officer.

Major Zepeda did not betray Subsergeant Colindres Aleman's trust. Rather, he undertook a course of action in the winter and spring of 1981 to protect Colindres Aleman and the other killers. Of course, he issued a written report absolving the guardsmen of blame. Moreover, according to the special Embassy evidence, Major Zepeda caused the murderers to be transferred away from their airport post, thus making it more difficult for outsiders to determine who had been in a position to undertake the killings or to interview military witnesses at the airport. Knowing that the FBI had performed ballistics tests on shells and casings associated with the crime, Major Zepeda also, according to the special Embassy evidence, ordered the killers to switch their rifles with others so as to make detection more difficult. (This effort did not ultimately prevent linking the murder weapons with the defendants. Major Zepeda either failed to, or could not, alter the Salvadoran military's written records identifying which rifles were assigned to the defendants.)

RELEASED
El Salvador: Human Rights
Special Project (1993)

Although we have no direct proof, we think it is quite possible that Major Zepeda informed his superior, then Colonel Vides Casanova, of his activities. Vides Casanova appointed Zepeda, and Zepeda reported directly to him. It seems unlikely that a mid-level officer like Zepeda would have undertaken the obstructive actions he did without approval or encouragement from someone higher. Moreover, when we interviewed now General Vides Casanova, we found him evasive; he professed a disturbing lack of knowledge of Zepeda's investigation, despite evidence that he was aware of and received reports concerning Zepeda's efforts throughout the investigation.[66] In his answers to us, General Vides Casanova attempted to distance himself as completely as possible from all investigations of the crime.

We believe it probable that Major Zepeda informed Colonel Monterrosa of his findings. Indeed, in his discussion with us, Colonel Monterrosa asserted that he was responsible for Zepeda's appointment as investigating officer. Certainly the activity undertaken by the Monterrosa Commission--or, more accurately, its inactivity--suggests the absence of any serious interest in identifying the killers. Nonetheless, for the first few weeks of its existence, the commission managed to suggest to the outside world that it was undertaking a serious mission.

The commission's appointment was announced on December 8, 1980.[67] On that day the members of the

RELEASED
El Salvador: Human Rights
Special Project (1993)

commission received United States Ambassador Robert White and a team of distinguished Americans sent by President Carter to investigate the crime.[68] The commissioners purported to welcome investigative assistance from the United States, including technical expertise and assistance in planning the investigation. The Ambassador willingly agreed. A team of FBI technicians flew to El Salvador and gathered various evidence for laboratory analysis, including fingerprints and debris taken from the white van, and items of clothing found at the gravesite.[69]

Over the next few days the commission requested that autopsies be performed on the two churchwomen buried in the United States;[70] it visited the murder site and questioned residents of the area;[71] it took a statement from a Salvadoran priest, Father Britto,[72] who had been stopped at a military checkpoint near the airport on the evening of December 2, 1980; and it requested the assistance of the United States in locating six Canadians who had also been stopped at that checkpoint with Father Britto.[73]

Despite its initial show of activity, the Monterrosa Commission soon slowed its pace. On December 20, 1980, the commission adjourned for the traditional three-week Christmas recess,[74] and when the commission eventually resumed its "investigation" in January, 1981, its efforts were unimpressive. Consistent with Colonel Monterrosa's statement to us that the commission had no serious interest in connecting

RELEASED
El Salvador: Human Rights
Special Project (1993)

security forces with the crime, the commission obtained and relied upon false exculpatory statements from guardsmen on duty substantially identical to those collected by Major Zepeda.[75]

Although the United States was, as requested, providing investigative assistance, that assistance was largely ignored. United States suggestions that the most elementary investigative steps be taken were greeted with distrust or disinterest. Thus, the United States repeatedly requested, to no avail, that guardsmen at the checkpoint and the burial site be fingerprinted; that airport guardsmen be vigorously questioned about the events of December 2; that the weapons of guardsmen at the airport be confiscated for testing; and the like.[76] When pressed to explain his reason for failing to fingerprint the potential suspects, Colonel Monterrosa lamely explained, "one must understand the political situation in El Salvador."[77] He later claimed that the commission did not have the authority to fingerprint the men in question.[78]

Thereafter, in February, 1981, Colonel Monterrosa began the first of his many efforts to conclude the commission's activities.[79] One might be tempted to conclude that the Monterrosa Commission's failure to uncover useful information was the result of mere indifference or fear. We conclude that it is more probable that Major Zepeda informed Colonel Monterrosa of Colindres Aleman's guilt and that

RELEASED
El Salvador: Human Rights
Special Project (1993)

Colonel Monterrosa purposely chose to conceal the truth. According to Monterrosa himself in his discussion with us, Zepeda reported everything he knew to him.

More telling than the lines of authority, however, was an event that occurred on February 26, 1981. On that date, after much prodding from the United States, Colonel Monterrosa delivered to an Embassy official fingerprints and palm prints of three of the four guardsmen from whom the commission had taken written statements: Jose Luis Monterrosa Luis Napoleon Cornejo Cubas, and Vidal Cruz Piche, all guardsmen stationed at the airport checkpoint on the day of the murders.[80] Of course, since none of these men was involved in the murders, their fingerprints were essentially meaningless. The significant event of that day, however, was Colonel Monterrosa's pointed failure to produce the fingerprints of the fourth guardsmen who had given a statement: Subsergeant Colindres Aleman.

A month and a half later, after the special Embassy evidence had provided the Embassy an indication of Subsergeant Colindres Aleman's guilt, but before the Embassy had revealed that knowledge to the Salvadorans, an Embassy official asked Colonel Monterrosa why Colindres Aleman had not been fingerprinted.[81] Colonel Monterrosa immediately became defensive and claimed he had taken fingerprints only from those persons requested by the Embassy. From all the circumstances, however, we believe that Colonel Monterrosa

RELEASED
El Salvador: Human Rights
Special Project (1993)

did not provide Colindres Aleman's fingerprints because he knew--since Major Zepeda had told him--that Colindres Aleman was responsible for the murders. Monterrosa feared that providing Colindres Aleman's fingerprints would enable him to be identified.

In the period between January and April, 1981, frustrated at the inaction of the Monterrosa Commission, and still uncertain that a purposeful cover-up was underway, Embassy officials continued to apply direct and indirect pressure upon Colonel Monterrosa. They asked the ruling junta to press Monterrosa to conduct a meaningful inquiry.[82] President Jose Napoleon Duarte, whom we interviewed and who appeared to have a sincere interest in the prosecution of this case, complied with the various requests of the United States, and repeatedly instructed Colonel Monterrosa to undertake pertinent investigative steps: to identify all security force personnel near the airport; to fingerprint those personnel; and to collect, secure and test their weapons.[83] Despite instructions from his civilian superior, Colonel Monterrosa did as little as possible throughout the early spring of 1981. Taken together, the Monterrosa and Zepeda investigations provide distressing evidence of the willingness of the Salvadoran military to protect their own, no matter what the cost.

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El Salvador: Human Rights
Special Project (1993)

B. The Cover-Up Is Defeated

Distressed at the apparent inability of the Monterrosa Commission to make substantial progress, and unaware of the cover-up engineered by Major Zepeda, officers of the United States Embassy determined to do what they could to identify the killers. In February, 1981, an Embassy officer developed information that promised eventual discovery of the identity of the killers. Over the next two months, this special Embassy evidence was proven reliable. The Embassy learned the identity of the killers; of other witnesses who could prove the killers' identity in court, most notably Sergeant Dagoberto Martinez; and obtained convincing evidence of the cover-up.

A significant piece of corroboration came from FBI analysis of two cartridge casings and three spent bullets provided to the Embassy by the Salvadoran government on March 2, 1981.[84] On March 17, 1981, the FBI laboratories identified the casings and bullets as coming from Heckler and Koch G-3 assault rifles,[85] standard issue to the Salvadoran security forces. Other corroborating evidence cannot be set forth here because it would tend to disclose and thus endanger the nature and sources of the special Embassy evidence. In any event, after several months of testing, through the use of corroborating evidence, the Embassy was convinced that the special Embassy evidence was both genuine and sound.

RELEASED
El Salvador: Human Rights
Special Project (1993)

By April, 1981, the Embassy had concluded that only extraordinary pressure would result in the arrest and prosecution of the killers, and it determined to inform the Salvadoran authorities of the information it had learned, but not its source. On April 21, 1981, the Embassy identified Subsergeant Colindres Aleman to President Duarte. Several days later the Embassy named to Defense Minister Garcia five other guardsmen identified by the special Embassy evidence.[86] The United States demanded that the killers be arrested. Upon learning this news, Colonel Vides Casanova ordered the arrest of the guardsmen who had been identified. The men were taken into custody on April 29, 1981.[87]

The arrest of the guardsmen enabled the FBI to complete the scientific tests it had begun some months before. On April 30, the FBI obtained the defendants' fingerprints and shortly thereafter matched a thumbprint of Subsergeant Colindres Aleman with a print found on the churchwomen's van.[88] On May 1, the weapons of the guardsmen were seized,[89] and by May 17, the FBI reported that one of the seized weapons, which later was identified as belonging to Guardsman Moreno Canjura, had fired a cartridge found at the murder site.[90]

Although the cover-up had been thwarted, and evidence of the defendants' guilt produced, the military apparently remained ambivalent about the extent to which it would cooperate in the prosecution. Major Zepeda remained

RELEASED
El Salvador: Human Rights
Special Project (1993)

in charge of the National Guard's internal "investigation," and the disclosure of the true facts apparently did little to deter him from his course of concealment. In the period following the arrests, Zepeda took two more written statements from Subsergeant Colindres Aleman.91/ In the first, Colindres Aleman again denied participation in the murders. In the second, recorded after the FBI had linked his fingerprint to the nuns' van, Colindres Aleman claimed that he might have touched the van in the airport parking lot and again denied his guilt. Major Zepeda also interviewed Guardsman Moreno Canjura, who blandly claimed that his rifle could not have been involved in the murder because he had possessed it continuously and he had not been involved in the murder.92/

On July 1, 1981, Major Zepeda submitted a second report to Colonel Vides Casanova.93/ He still concluded that he could not determine the guilt of the guardsmen because of the "difficulty" in resolving a case so "delicate." He concluded that only the civilian courts could make a determination of guilt and that he had exhausted the resources at his disposal. Other than Major Zepeda's meager efforts, Salvadoran attempts to investigate and prosecute the guardsmen were virtually nonexistent throughout the summer and fall of 1981.

RELEASED
El Salvador: Human Rights
Special Project (1993)

C. The Medrano Working Group

By the fall of 1981, the United States Embassy recognized that the Salvadoran authorities were evidently content to let the defendants remain in prison while doing nothing to prosecute the crime. The Embassy determined to press all the harder for a serious investigation, which, for political reasons, would have to come under the aegis of the Monterrosa Commission.

On December 4, 1981, the Commission agreed to the appointment of a working group, composed of professional investigators and backed by technical assistance from the United States, to conduct the investigation.[94] On December 7, 1981, the Fiscal General (the chief Salvadoran prosecutor) and his deputy agreed to this concept as well.[95] The working group was formally established on December 9 by order of Colonel Vides Casanova.[96] National Guard Major Jose Adolfo Medrano was appointed to head the group.

The work of the Medrano working group is one of the encouraging chapters in the Salvadoran handling of the churchwomen murders case. It stands in sharp contrast to the previous two investigations described herein, and was pursued with thoroughness and persistence. The Medrano working group was the first successful attempt by an agency of the Salvadoran government to investigate the murders in a systematic and determined way. In two months time, the working group, under the able leadership of Major Medrano,

RELEASED
El Salvador: Human Rights
Special Project (1993)

was able to question more than a dozen important witnesses, gain a confession, and gather valuable physical evidence.

One of the reasons the Medrano working group was so successful was that, with its establishment, ongoing technical assistance was provided by the FBI at every step. Similarly, Embassy personnel were present for every session of the Medrano working group. Thus, the Medrano working group became an organized, joint effort by Major Medrano of the National Guard, detectives of the National Police, the FBI Regional legal attache and his FBI colleagues who appeared from time to time to carry out special activities such as polygraphing, ballistics, or fingerprint analysis, and representatives from the United States Embassy. Representatives from the office of the Fiscal General also participated in working group sessions.

Within days of his appointment on December 9, 1981, Major Medrano had interviewed two of the airport fuel workers who were on duty on the day of the murders concerning the dispensing of airplane fuel possibly used by the guardsmen in their jeep;[97] Jose Vidal Cruz Piche, one of the guardsmen stationed at the airport;[98] the four guards of Hector Herrera's estate, who witnessed the van passing back and forth to the murder site that evening[99] and Jose Luis Monterrosa, another guardsman stationed at the airport.[100] These interviews were crucial to the case. They provided

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El Salvador: Human Rights
Special Project (1993)

the first public evidence of the facts surrounding the crime.

The first important break for Major Medrano was his interview on December 11 of Guardsman Cruz Piche.[101] Cruz Piche, whom Major Medrano had known previously[102] and who apparently felt comfortable with the investigator, confided that on the night of the murders he had seen Colindres Aleman, Contreras Recinos, Moreno Canjura, Canales Ramirez, and two others depart the airport in the post's Toyota jeep shortly after 7:00 p.m., passing through the checkpoint where Cruz Piche was stationed with Guardsmen Luis Monterrosa and Cornejo Cubas. Cruz Piche said that when he returned to the detachment headquarters at the end of his tour, he found that the six who had left earlier were drunk and appeared nervous.[103]

Medrano reinterviewed Guardsman Cruz Piche on December 15, 1981.[104] Cruz Piche amplified his previous statement, saying that Subsergeant Colindres Aleman ordered Guardsman Perez Nieto to remain at the checkpoint to detain all airport traffic for the next ten minutes, and that Perez Nieto had allowed a white microbus to pass without inspection. Cruz Piche reported that he later overheard Colindres Aleman say "What's done is done," and, "If fate is against us, we will have to pay," or words to that effect. This testimony was the first public revelation that Colindres Aleman had ever acknowledged his guilt.

RELEASED
El Salvador: Human Rights
Special Project (1993)

Guardsman Cruz Piche also testified that three days later he heard a guardsman say that he had been told by guardsmen who had accompanied Colindres Aleman that the victims were "subversive nuns," that "we took subversive propaganda from them," and that another guardsman had somehow obtained 5,000 dollars or colones. He said that eight days later he saw Subsergeant Colindres Aleman selling ladies' watches in the airport area.

Guardsman Jose Luis Monterrosa confirmed Cruz Piche's statement to the Medrano group and named the six guardsmen he saw depart the airport: Colindres Aleman, Jose Elias Sanchez, Francisco Orlando Contreras Recinos, Jose Roberto Moreno Canjura, Adrian Ramirez, and Daniel Canales Ramirez.[105] Two days after the murders, Luis Monterrosa saw Colindres Aleman with a large amount of money purchasing a television set, furniture, and other items, as well as selling a tape recorder, watches, rings, and eyeglasses. Luis Monterrosa testified that he overheard guardsmen say that "they were subversive nuns and had subversive propaganda," and that Colindres Aleman said "It happened today: if our turn comes up, we'll have to pay for it."

During this period the Medrano group also took statements of Luis Napoleon Cornejo Cubas, the third guardsman at the airport checkpoint, Corporal Isabel Aguino Giron, the deputy commander of the airport National Guard detachment, and Guardsman Perez Nieto, who had been on patrol at

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El Salvador: Human Rights
Special Project (1993)

the terminal and had spotted the nuns. Taken together, the statements significantly tightened the chain of evidence of guilt and provided a fairly complete picture of the events of December 2, 1980.

In his December 17, 1981 statement,[106] airport Guardsman Luis Napoleon Cornjeo Cubas confirmed the statements of Guardsman Cruz Piche and Luis Monterrosa, and revealed that he had learned that on the night of the murders Colindres Aleman brought back a spare tire, which a few days later he gave to a friend at the nearby "Macondo" cotton plantation. He also saw Colindres Aleman and his five companions burn women's clothing behind the National Guard command post several days after the killings.

Corporal Giron testified that about 5:30 p.m., he overheard Subsergeant Colindres Aleman talking by telephone with Perez Nieto, who was in the airport terminal.[107] Thereafter, Giron swore, Colindres Aleman ordered five guardsmen to dress in civilian clothes, and they departed with him in the detachment jeep at about 7:00 p.m. Giron testified that later that evening he received a telephone call from Colindres Aleman, asking for a replacement vehicle. Giron borrowed a blue pickup truck and a driver from the commander of the airport Customs Police, and directed the driver to proceed to El Rosario La Paz to meet Colindres Aleman.

RELEASED
El Salvador: Human Rights
Special Project (1993)

Giron further stated that he saw the pickup truck return with the guardsmen shortly before midnight, observed the guardsmen remove a tire and several cartons from the truck, and later heard that Subsergeant Colindres Aleman took the tire to a friend at the "Macondo" cotton plantation the next day. Finally, Giron said that on or about December 7, 1980, Colindres Aleman told him that "they were subversive women. I do not think there will be a problem." This implicit acknowledgment of guilt by Colindres Aleman constitutes his third extrajudicial confession in the record.

On December 22, 1981, Margarito Perez Nieto, the guardsman on patrol in front of the airport terminal who had identified the nuns, gave a deceptive statement.[108/] Although Perez Nieto acknowledged reporting to Subsergeant Colindres Aleman that two "suspicious looking foreign women were in the airport terminal," he claimed that Colindres Aleman only ordered him to go to the checkpoint to search all out-going traffic, which he claimed he did for five or ten minutes without singling out any particular vehicle. He stated that one of the three white vans he remembered seeing may have been driven by one of the women he had seen earlier in the terminal. At this initial interview, Perez Nieto failed to reveal that he had seen Colindres Aleman depart with five other guardsmen in civilian clothes to stop the white van. He likewise only obscurely alluded to Colindres Aleman's instructions to him to hold all traffic except for the white

RELEASED
El Salvador: Human Rights
Special Project (1993)

On December 23, the Medrano working group interviewed the airport Customs commander.[109] He corroborated Corporal Giron's statement that at about 11:00 p.m. on the night of the murders, Giron asked him to loan the Customs Police vehicle in order to pick up Colindres Aleman and the others. He said that he sent his vehicle and driver to get the guardsmen and that his driver later informed him that the guardsmen had put bloodstained women's clothing in the truck. The following day, Christmas Eve, the Medrano group interviewed Mariana Realejeno, the maid at the National Guard airport barracks,[110] who testified that in late December, 1980, a guardsman gave her a woman's skirt as a gift.

Early in January, 1982, the Medrano working group interviewed Victor Melgar Garay, the Customs Police duty driver who had picked up the group of guardsmen in El Rosario La Paz on the night of the murders.[111] Melgar Garay described the unloading and burning of the white microbus on the highway to La Libertad, and testified that he had been warned to keep silent about what he had seen. In the same period, the Medrano group began to amass the physical evidence that linked the six guardsmen to the crime. The wheel, tire, and jack stolen from the churchwomen's van were recovered by the working group from the nearby plantation where they had been taken by Colindres Aleman.[112]

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El Salvador: Human Rights
Special Project (1993)

The working group interviewed Adrian Ramirez Palacios and Jose Elias Sanchez Guzman, guardsmen detained together with the killers, on January 11 and 12, 1982. Each confirmed that he had seen Subsergeant Colindres Aleman and his group depart from the airport on the night of December 2, 1980, and that Colindres Aleman had later possessed personal articles from the van.[113/]

Sanchez Guzman added critical incriminating statements he had heard from the defendants during his period of incarceration with them.[114/] He stated that while in prison Guardsman Moreno Canjura had admitted that after the women were shot, Moreno Canjura saw that one of them was still alive and that he had used his own rifle to kill her. Sanchez Guzman swore as well that he and Ramirez Palacios were threatened by the defendants that they would be killed if they talked about the case after they were released. Finally, Sanchez Guzman provided an important clarification about the culpability of Guardsman Rivera Franco, which later enabled the prosecution to use Rivera Franco as a witness against the killers: although Rivera Franco had participated in the kidnapping of the women, he was not one of the killers; he had stayed behind with the disabled jeep at Rosario La Paz.

The various witnesses' statements had regularly identified one guardsmen not in custody, Carlos Joaquin Contreras Palacios, as among the six men who had abducted

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El Salvador: Human Rights
Special Project (1993)

the churchwomen and, at the same time, had generally omitted mention of one guardsmen in custody, Adrian Ramirez Palacios. This evidence, together with the similarity in names, led the working group to conclude by late December that Ramirez Palacios was not involved in the murders.[115] During the first week in January, 1982 the Medrano working group had located Contreras Palacios for questioning.[116]

On January 14, 1982, the working group received a major break: Contreras Palacios confessed to his participation in the murders.[117] Because Contreras Palacios had been belatedly identified and had not been incarcerated with the other five defendants, he apparently had not been subject to group pressure to present a joint alibi. Rather, remorseful over having raped and murdered women who he later learned were nuns, Contreras Palacios, when apprehended, provided the first participant account of the crime.

Under Salvadoran law (common in many civil law countries), the testimony of a participant in the crime cannot be used against the others.[118] Thus, Contreras Palacios' confession was, technically, admissible only against him. It was significant nonetheless. First, it provided full corroboration of the evidence initially provided by the special Embassy evidence and thereafter painstakingly developed by the FBI and the Medrano working group. Second, the confession would be admissible against Contreras Palacios at the joint trial of all the defendants.

RELEASED
El Salvador: Human Rights
Special Project (1993)

Thus, although it was technically of limited admissibility, it would still have a significant psychological effect on the jurors, assuring them of the defendants' guilt.

Contreras Palacios swore that he and the others, dressed in civilian clothes, left the airport command post at 7:00 p.m., and stopped and searched the churchwomen's van about a half mile from the airport.[119/] He said that they then drove with the van towards El Rosario La Paz, but that they had engine trouble with the jeep, forcing them to leave it in El Rosario, with a guardsman (Rivera Franco) to safeguard it. Thereafter, they drove to a deserted spot several miles southwest of San Pedro Nonualco, where Colindres Aleman ordered them to stop and the churchwomen to get out.

The guardsmen proceeded to rape the women and then, at Colindres Aleman's orders, shot and killed them. They then returned to El Rosario, picked up the guardsman left there, and drove down the coastal highway, where they burned the van. Contreras Palacios stated that he did not know of any other orders that the women be killed and that only Colindres Aleman ordered them to kill the "subversive" nuns. (When Contreras Palacios was reinterviewed, partially at our suggestion, in October, 1983, he altered this last testimony and claimed that Colindres Aleman told him he had been ordered to kill the women, but that Colindres regularly used such explanations to justify his orders.)

RELEASED
El Salvador: Human Rights
Special Project (1993)

On the same day that the working group obtained Contreras Palacios' confession, it began the process of administering polygraph examinations to the suspects. Although polygraph evidence is inadmissible in El Salvador, as it is in the United States, the working group recognized, at the urging of United States representatives, that the skilled use of the polygraph can be an important investigative tool. It can provide a basis for evaluating the credibility of witnesses. More importantly, many a witness, confronted with an impending polygraph examination or the fact that he has failed one, decides to tell the truth. This happened three times during the course of the polygraph examinations in this case, all of which were administered by an experienced Spanish speaking FBI polygrapher.

Three of the suspects did not alter their testimony concerning the murders either before or after the polygraph exam: Guardsman Francisco Orlando Contreras Recinos,[120] Guardsman Daniel Canales Ramirez[121] and Guardsman Jose Roberto Moreno Canjura.[122] Nonetheless, the FBI polygrapher concluded that all three--and a fourth, Subsergeant Colindres Aleman[123]--were lying when they denied involvement in the crime. During the polygraph examination, Colindres Aleman was also asked whether he had been ordered by anyone to commit the crime. Significantly, the polygrapher concluded that his denial of receiving higher orders was truthful.[124]

RELEASED
El Salvador: Human Rights
Special Project (1993)

Although Subsergeant Colindres Aleman did not confess during the course of his polygraph examination, he did alter his previous testimony in an incriminating way.[125] Prior to the polygraph examination, Colindres Aleman had consistently claimed that he and his men were on duty at the airport on the night of December 2. During the course of the pre-examination interview, Colindres Aleman altered his testimony to concede significant incriminating details. For the first time, Colindres Aleman admitted receiving a telephone call from Perez Nieto at about 3:00 p.m. on December 2, 1980, reporting two suspicious persons at the airport, thus conceding he was on notice of the churchwomen's presence at the airport.

Subsergeant Colindres Aleman also altered his testimony to link all the suspects together. He admitted that at about 7:00 p.m. he ordered Francisco Orlando Contreras Recinos, Daniel Canales Ramirez, Carlos Joaquin Contreras Palacios, Salvador Rivera Franco and Jose Roberto Moreno Canjura, the remaining suspects, to change into civilian clothes so that they could all drive into El Rosario La Paz. Despite this critical concession, Colindres Aleman claimed that the purpose of the trip was only to get gas for the unit stove, and that they returned at about 10:00 p.m.

Margarito Perez Nieto, the airport guardsman who called Subsergeant Colindres Aleman to report to him the movements of the churchwomen from the airport, had signifi-

RELEASED
El Salvador: Human Rights
Special Project (1993)

In January, 1982 he took and failed a polygraph, and then elected to tell the truth.[126] On January 15, 1982 Perez Nieto confessed that he had been ordered by Subsergeant Colindres Aleman to allow the churchwomen's van to pass through the checkpoint, and that he had done so. He added that he had had no previous instructions to look for the churchwomen at the airport and that he was unaware of any such instructions to anyone in the National Guard unit at the airport.

Salvador Rivera Franco, the guardsman who accompanied Subsergeant Colindres Aleman and the churchwomen to El Rosario La Paz, where he remained behind to guard the jeep, also provided significant additional information upon being confronted with the polygraph.[127] Initially, Rivera Franco had offered no useful evidence in the investigation. At the commencement of the polygraph session, however, Rivera Franco indicated that he wished to make a statement, and did so. Rivera Franco thereupon identified the guardsmen who had accompanied Colindres Aleman and the nuns from the airport access road; described the search of the churchwomen's van on the airport access road; described the return from El Rosario La Paz after the murders along the coastal road to the spot where the van was burned; and stated that several of the suspects had confessed to him that they had killed the women.

RELEASED
El Salvador: Human Rights
Special Project (1993)

Finally, a polygraph examination helped to exonerate another of the earlier accused, Guardsman Jose Elias Sanchez Guzman. Like Ramirez Palacios, he had been imprisoned as one of the original six accused, but then was released upon the development of exonerating evidence, including the confession of Contreras Palacios and the statements of various witnesses excluding Sanchez Guzman from the group of six guardsmen who had abducted the women. As a final test, Sanchez Guzman was submitted to a polygraph examination, which he passed. Thereupon, the working group concluded that his continued denial of participation in the murders was truthful.[128/]

On February 9, 1982, the Medrano working group having completed its activities, Major Medrano forwarded the investigative file to General Vides Casanova.[129/] General Vides Casanova, in turn, forwarded the file, with the jack, tire, and skirt seized during the investigation, to the First Penal Judge in Zacatecoluca on February 10. At the same time, he consigned to the court Colindres Aleman, Contreras Recinos, Moreno Canjura, Contreras Palacios, Canales Ramirez and Rivera Franco, stating that they had been discharged from the National Guard and arrested for their participation in the deaths of the four churchwomen.[130/]

D. The Civil Investigation

The evidence assembled by the Medrano working group remains the principal evidence of the defendants'

RELEASED
El Salvador: Human Rights
Special Project (1993)

guilt. Nonetheless, as the civil authorities created their own record to support the prosecution during the ensuing months, several significant pieces of additional evidence were developed.

Perhaps most important of these was the evidence of Subsergeant Colindres Aleman's confession to his superior, Sergeant Dagoberto Martinez. The special Embassy evidence identified Sergeant Martinez in 1981 as one to whom Colindres Aleman had confided his guilt. By January, 1982, Martinez was living in Los Angeles, having left El Salvador and the National Guard in January, 1981. He was located there and interviewed by the FBI, but he denied any knowledge whatsoever about the events of the murder.131/

When the FBI reported these results back to El Salvador, Embassy officials knowledgeable about the special Embassy evidence were unsatisfied. They suggested that the FBI reinterview Sergeant Martinez with the assistance of a polygraph examination.132/ Once again, the threat of the lie detector provoked a change in testimony. Faced with the test, Martinez confessed that, shortly after the killings and during a meeting of the National Guard called by Colonel Vides Casanova to ask whether any guardsmen were responsible, Subsergeant Colindres Aleman approached Martinez and conceded that he was responsible for the "problem regarding the nuns."1 Martinez explained that he had advised Colindres Aleman to kee that information to himself for the moment, but to confess it

RELEASED
El Salvador: Human Rights
Special Project (1993)

the Director of the National Guard in accord with the Director request.

Another significant piece of additional evidence was obtained in July, 1983. Judge Rauda had refused, under Salvadoran law, to admit into the trial record evidence obtained outside the territorial boundaries of El Salvador or outside his supervision.[134] For this reason, he rejected the admissibility of both the ballistics and fingerprint evidence obtained by the FBI. As the case was readied for trial in the summer of 1983, and in part at our suggestion, the FBI agreed to transport its ballistics equipment to El Salvador and train a Salvadoran national in the testing process.[135] When this was done, Judge Rauda was able to produce two more weapons, previously unknown, attributable to the defendants. The ballistics test linked one of these newly discovered weapons, that of Contreras Palacios, to the crime, thereby providing another direct link between the defendants and the murder.[136]

Unfortunately, it was impossible to replicate the fingerprint evidence linking Subsergeant Colindres Aleman to the nuns' van. The original fingerprint had been obtained by an FBI technician in December, 1980, shortly after the killings, and processed in Washington.[137] According to Judge Rauda, it was inadmissible for two reasons: (1) the fingerprint had been taken from the van without the authority of the investigating judge; and (2) it had been analyzed

[138] In 1982 an effort was made to

RELEASED
El Salvador: Human Rights
Special Project (1993)

duplicate the process in an admissible fashion.[139] The Salvadoran authorities had done nothing, however, to preserve the van and, not surprisingly, the fingerprint could no longer be located some two and one-half years later.

During our trip to El Salvador, we attempted to explore ways in which the fingerprint obtained by the FBI could nonetheless be used. Both the prosecutors and private attorneys retained by the Embassy persuaded us that the fingerprint would not be admitted during the investigatory stage of the proceedings.[140] It is possible, however, as we shall explain below, that the fingerprint could nonetheless be used in the argument section of the trial, when otherwise inadmissible evidence may be presented to the jury.

III. INVOLVEMENT OF HIGHER AUTHORITIES

Since the day the bodies of the churchwomen were found, there has been a widely held suspicion, at least in the United States, that higher officers in the Salvadoran security forces were involved in the murders. Indeed, at the outset of our mission, we shared that suspicion. We frankly doubted that an enlisted National Guard member would have undertaken on his own initiative the rape and murder of four North American women, even in a society as violent as El Salvador. For this reason, we considered it an important part of our mission to do what we could to help resolve the

RELEASED
El Salvador: Human Rights
Special Project (1993)

question. The Salvadorans had done little to address it directly. It had taken enough American effort simply to persuade the prosecutors to pursue the murders themselves, and we saw little hope that a full-fledged investigation of possible higher involvement would ever be undertaken, at least absent concrete evidence of the sort used to force the investigation of Subsergeant Colindres Aleman and guardsmen under his command.

We resolved, therefore, to do what we could to urge the prosecuting authorities to gather evidence relevant to the question of higher involvement, while at the same time carefully reviewing the evidence available to us in an attempt to resolve the question for ourselves. In particular, we wished the Salvadorans to reinterview guardsmen Perez Nieto and Contreras Palacios. Perez Nieto had first spotted the churchwomen at the airport and his conversations with Colindres Aleman apparently led to their abduction. We did not believe he had been sufficiently questioned about these subjects. We hoped that new questioning would illuminate Colindres Aleman's specific motivation. Unfortunately, we learned that, after giving his statement to Judge Rauda, Perez Nieto had been reported missing in action since January, 1983.141/

We asked that Contreras Palacios be reinterviewed because, as the sole confessing guardsman, he was in a

RELEASED
El Salvador: Human Rights
Special Project (1993)

position to shed light about what, if anything, Colindres Aleman had said about his orders, a subject on which we believed Contreras Palacios had been insufficiently questioned earlier. Contreras Palacios did give new testimony in which he expanded, and contradicted, his earlier testimony by stating that Colindres Aleman had indeed claimed, in directing the guardsmen to kill the women, that the orders came from higher up.142/ Contreras Palacios added that Colindres Aleman regularly used this sort of justification with his troops. For reasons set out below, we ultimately discounted the significance of this testimony, but it served further to underscore the importance of a resolution of the higher-up question.

We also asked the Salvadoran authorities to investigate links between the killers and security forces in Chalatenango and La Libertad, where the churchwomen had lived and worked. We sought to clarify, to the extent possible, whether any of the defendants had contacts with those cities that would suggest their participation in a conspiracy to murder, or whether officers in those cities had had contacts with the airport that would suggest the same. At the same time, we asked that fingerprints of guardsmen in Chalatenango be obtained so that they could be compared with fingerprints found on documents that threatened the churchwomen in Chalatenago. Although fingerprints have

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pecial Project (1993)

now been obtained from the security forces commanders at Chalatenango and analyzed without positive results, to the best of our knowledge, other security forces personnel stationed there have yet to be fingerprinted.

Thus, the record from which we have had to work is not as complete as we would have liked, or as would have been assembled for a comparable murder investigation in the United States. Nonetheless, we deem the issue too important to leave without discussion. We have undertaken to weigh the evidence available to us as best we can. We have analyzed the testimony of the witnesses and the circumstances under which the testimony was taken. We have made judgments about the credibility of particular witnesses. We have applied our various experiences as prosecutors and judge to the facts of this case. And, contrary to our initial supposition, we have concluded that, from the evidence now available to us, it is unlikely that Subsergeant Colindres Aleman received higher orders to commit this crime. We believe that he acted on his own initiative.

An analysis of the higher orders question begins with a definition of terms. In the broadest sense, higher orders could simply mean an understanding among the security forces in El Salvador, fostered by their superiors, that crimes of violence, no matter how outrageous or unjustified, would not be prosecuted. We do not believe that is what concerns those who believe Subsergeant Colindres Aleman was ordered to commit this crime. Nonetheless, the existence of

RELEASED
El Salvador: Human Rights
Special Project (1993)

this atmosphere is important in resolving the more particular question, for it is clear to us that in El Salvador in 1980, and perhaps still today, there was a general tolerance of crimes of violence by the military. At the time of this crime, so far as we are aware, few, if any, national guardsmen had ever been civilly prosecuted for murder, even though estimates of murdered civilians ran up to 40,000, many allegedly at the hands of the military. Thus, we conclude that officers of the Salvadoran military forces, whether by direction, inactivity or tolerance, encouraged the notion that their troops were above the law.

This brings us to the more direct higher-up questions. Did some higher officer (or officers) order Subsergeant Colindres Aleman to murder the women he had abducted at the El Salvador airport, either after hearing of Guardsman Perez Nieto's suspicions or because he had previously planned to murder some or all of the women, knowing that they would be at the airport on the night of December 2?

The most direct evidence that some higher officer ordered the killing comes from the statements of Guardsmen Contreras Palacios and Valle Espinosa. Contreras Palacios has testified in his second interview that, in directing the guardsmen to shoot the women, Subsergeant Colindres Aleman said he was doing so because of superior orders.[143/] In addition, Valle Espinosa has testified that Colindres Aleman said substantially the same in ordering him to participate

RELEASED
El Salvador: Human Rights
Special Project (1993)

In addition to the direct testimony of Contreras Palacios and Valle Espinosa, there is certain circumstantial evidence as well. To some American observers at least, it seems unlikely that Subsergeant Colindres Aleman would abandon his duty post at the airport, together with five of his troops, unless he had authorization to do so. More generally, there is evidence of hostility between the military and the church in El Salvador and, in particular, between the military and church workers in Chalatenango. Our interviews with Salvadoran officers reinforced this conclusion; their animosity towards the church was obvious. Colonel Monterrosa was perhaps most blunt. He openly speculated that the churchwomen were probably subversives, and that the military might well have wished them dead.[145/]

This hostility manifested itself directly with respect to churchworkers in Chalatenango, where Sisters Ford and Clarke were based. Military personnel stationed there regularly harassed churchworkers by, for example, blocking entry to the church with their cars and haranguing them about their alleged subversive activities.[146/] By the fall of 1980, this hostility had become even more threatening.

In November, 1980, a sign was posted on the parish door in Chalatenango that could be read to threaten the lives of those working with the church there.[147/] On December 2, the day of the murders, Father Efrain Lopez, the parish priest in Chalatenango, reportedly received a letter

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El Salvador: Human Rights
Special Project (1993)

threatening those working for the church in Chalatenango.[148] Later on December 2, the sacristan of the Chalatenango church allegedly was approached and shown a list of people to be killed that included the names of Sisters Ford and Clarke.[149]

Moreover, a possible opportunity existed for the military to learn that the churchwomen would be at the airport on December 2. In November, 1980, Maryknoll nun Madeline Dorsey sent a telegram to Sister Ita Ford describing her travel plans to the Managua Conference and suggesting that Sisters Ford and Clarke return with her to El Salvador on December 2.[150] If the telegram were intercepted by Salvadoran intelligence officers, the possibility existed for arranging an ambush.

Ominous though the above recital may sound, it is nonetheless quite a ways distant from direct proof of higher involvement. More importantly, upon analysis, we believe some of this evidence is more ambiguous than it may seem, and supports the theory that Subsergeant Colindres Aleman acted on his own initiative as readily as the theory that he received higher orders. The remaining evidence, we believe, is both of dubious probative value and substantially outweighed by the evidence inclining against higher involvement.

First, we believe the testimony of Guardsman Contreras Palacios and Valle Espinosa to be, upon analysis, neutral. Although both have testified that, in the course

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El Salvador: Human Rights
Special Project (1993)

of ordering them to participate, Subsergeant Colindres Aleman told them that he had "superior orders" and although we have no reason to disbelieve this testimony, it is not conclusive of anything. It would not be surprising if a non-commissioned guardsman of inferior rank like Colindres Aleman used the guise of "superior orders" to motivate his troops, whether he had such orders or not, particularly when asking his men to commit a blatantly illegal act. Indeed, Contreras Palacios's own statement supports this conclusion. He observed that Colindres Aleman regularly justified his orders on such a basis, and speculated that Colindres Aleman had done so this time so that he would not have to bear the full responsibility for his order. Thus, the testimony of Contreras Palacios and Valle Espinosa does not necessarily support an inference either way.

We also conclude that the general animosity between the church and the military does not necessarily support a conclusion of higher-up involvement. The belief, tolerated and even encouraged by officers of the security forces, that the Church and its workers were subversive could well lead lower-ranking soldiers to believe that church workers were fair game for harassment or worse. Thus, we believe the animosity serves as well to explain Colindres Aleman's own motives for the crimes--and his own belief that his acts were justified--as it does to suggest that his superiors were necessarily involved.

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Salvador: Human Rights
Special Project (1993)

Colindres Aleman's willingness to abandon his airport post also does not support an inference either way. His action was, we believe, consistent with the structure within the National Guard at the time. As we learned in the course of our mission, Subsergeant Colindres Aleman had wide latitude in the daily functions of the unit he commanded.[151] His superiors visited his post only occasionally, and this lack of command control was and is a major concern of the Salvadoran high command. Until recently, the number of officers was quite low in proportion to the number of posts and guardsmen to supervise.[152] Moreover, transportation and communication facilities were limited, making it difficult for officers to control men in the field.

We also do not accord much weight to Sister Dorsey's telegram as providing an opportunity for the military to learn about the churchwomen's travel plans. As we learned, the intelligence network in El Salvador is quite primitive.[153] There is no reason to believe that the telegram was intercepted and, if it had been, we doubt that it would have been read by anyone with a particular interest in Sisters Ford and Clarke. Moreover, even if the telegram were intercepted and routed to a person interested in securing the demise of the nuns, the telegram did no more than suggest that they travel on December 2. It was, it seems to us, an insufficient basis on which to construct a plan to abduct and murder the women.

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El Salvador: Human Rights
Special Project (1993)

Finally, we conclude that there is no likely connection between the Chalatenango death threats and the murders. The threats were not directed at Sisters Clarke and Ford in particular, and thus suggest no reason why those nuns would be singled out for detention and murder at the airport, some distance from Chalatenango. Moreover, if the threats were serious, we see no reason why they would not have been implemented in Chalatenango--where they would have the maximum deterent effect on the local church workers--rather than in another, far-away part of the country. Implementing the threats in a distant military district would have required a level of coordination and cooperation that we have neither observed nor understood to be present in the Salvadoran security forces. At the same time, if such coordination were arranged, it would have necessarily involved additional guardsmen in the killings and thus needlessly increased the chances that the conspirators would be exposed.

If the threats were causally connected with the killings, Subsergeant Colindres Aleman would necessarily have had to be on the alert for the churchwomen. The evidence of Perez Nieto, which we credit and discuss further below, however, demonstrates that Colindres Aleman was not anticipating the arrival of the churchwomen. Finally, in our experience, death threats rarely lead so directly to murder, at least without their authors leaving sufficient

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El Salvador: Human Rights
Special Project (1993)

If the authors of the death threats truly intended immediately to kill the churchwomen, there was no reason to issue the threats.

In sum, much of the evidence allegedly supporting higher involvement in the murder is, in our view, actually neutral and supports either conclusion. The remaining evidence is of dubious probative value. More importantly, however, there is substantial evidence that, we believe, points the other way.

First, there is the evidence of Subsergeant Colindres Aleman's behavior during the crime itself. In this regard, the testimony of Perez Nieto, the airport guard, is crucial. As an initial matter, we regard his testimony as truthful because of the manner in which it was given: an initial deception, followed by significant revelations after failing a polygraph examination. If truthful, his testimony is inconsistent with higher orders. Were there a prearranged plan to abduct the women, it is inconceivable to us that Colindres Aleman would not have warned Perez Nieto to be on the alert for them. Not only did Perez Nieto affirmatively deny any such orders, but he also simultaneously provided a plausible and independent explanation for why the churchwomen were stopped: because he believed they were suspicious. Perez Nieto's report to Colindres Aleman of his suspicions is likewise inconsistent with higher orders. If Colindres Aleman in fact were

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El Salvador: Human Rights
Special Project (1993)

awaiting the arrival of the women, but for some reason had neglected to warn Perez Nieto of that fact, Perez Nieto's report of their arrival would likely have provoked a more forthcoming response than merely "be careful."

Second, Subsergeant Colindres Aleman's statements to his colleagues after the murder are, in our view, inconsistent with higher involvement. The premise for this conclusion is that, if he had been ordered to commit the crime, Colindres Aleman would have felt secure thereafter that his actions would be protected from prosecution. His statements following the crime show no such security. On December 4, 1980, Colindres Aleman told Cruz Piche that "what's done is done" and "if fate is against us, we will have to pay,"[154] or words to that effect. On December 5, 1980, Colindres Aleman told Guardsman Luis Monterrosa "if our turn comes up, we will have to pay for it."[155] On December 7, 1980, Colindres Aleman told Corporal Giron that "they were subversive women. I don't believe there will be any problem."[156] These are not the words of a felon secure in the protection of his patrons. If he acted at the order of superiors, Colindres Aleman would, we believe, not have been so concerned about "fate," having to "pay," or whether he would have a "problem."

Third, Colindres Aleman's confession to Sergeant Dagoberto Martinez is inconsistent with the view that superiors were involved. If Colindres Aleman were ordered

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El Salvador: Human Rights
Special Project (1993)

to kill the women by a superior, there was simply no reason for him apprehensively to confess his guilt to his immediate supervisor, a sergeant. Or, if he had felt the need to confess, we believe it likely that he would have explained that the "problem" he had created was ordered from above. In making this analysis, like our analysis of Perez Nieto's evidence, we necessarily treat as credible Sergeant Dagoberto Martínez's testimony, and for like reasons.

Fourth, the information obtained from the special Embassy evidence is consistent with the information from Sergeant Dagoberto Martinez. According to the special Embassy information, Subsergeant Colindres Aleman confessed his guilt to Major Zepeda without implicating any higher-ups. This, again, does not seem to us to be a likely course of events if Colindres Aleman's superiors were in fact involved. More definitively, the special Embassy evidence also provided direct proof, which unfortunately we are unable to reveal without endangering lives, that Colindres Aleman has conceded acting on his own.

Fifth, the evidence of the Zepeda/Monterrosa cover-up, which we have outlined above, shows, we think, a clear attempt to cover up a crime committed by lower-ranking soldiers, and no effort that we can discern to prevent the identification of higher-ups.

Sixth, we are convinced that, in light of all the evidence, the polygraph results are worth crediting.

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El Salvador Human Rights
Special Project (1993)

Subsergeant Colindres Aleman was asked directly, during his polygraph exam, whether the assault had been ordered from above. The polygraph examiner deemed his denial to be truthful. Some critics have suggested that the question was too narrowly phrased to encompass all possible higher orders. After review of the question and careful questioning of the polygrapher, we conclude this criticism is not well-founded. During the pre-examination interview, Colindres Aleman was clearly informed of the scope of the question and, as we understand it, would have indicated an emotional response to the question if there had been any such orders, even if the question were inartfully put.157/

Taken as a whole, we think the evidence of lack of higher involvement is persuasive and the evidence to the contrary largely, if not entirely, speculative. As we noted at the outset, the investigation of this question has not been commensurate with its importance, and all the facts are not known. We welcome the development of further information on this important issue, and would view new evidence with an open mind. Nonetheless, we believe it would be a disservice not to record here our view, based on the evidence now available, that Subsergeant Colindres Aleman acted at his own initiative.

Before we leave the subject of the involvement of others, we should note that there is some indication in the special Embassy evidence that Colindres Aleman may have had

RELEASED
El Salvador: Human Rights
Special Project (1993)

communications about the churchwomen with the National Police in La Libertad at some point prior to the murders. This evidence suggested not that higher-ups in La Libertad had ordered the killings, but rather that the police in La Libertad had advised Subsergeant Colindres Aleman of some of the churchwomen's involvement in alleged "subversive" activities.

We have done what we could, with the limited resources available to us, to verify this allegation. We have found nothing to confirm it, and some evidence to refute it. In particular, the special Embassy evidence, contains an unsubstantiated suggestion that the churchwomen might have been previously arrested by the National Police. All those who worked with Ms. Donovan and Sister Kazel in the period prior to their murder, and who would have known of such an arrest, denied to us that any such event had occurred.[158/] Thus, we record some reason to doubt the allegation, but cannot consider it disproved. Nonetheless, from all the evidence known to us, if such a communication occurred, it would have been in the course of an exchange of intelligence information and would not have amounted to orders--higher or otherwise--to kill the women.

IV. FALSE LEADS

We believe that in the course of the investigations described above a coherent picture has emerged of the

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El Salvador: Human Rights
Special Project (1993)

events of the night of December 2, 1980. Even so, in virtually every investigation, and particularly in a well-publicized one such as this, a substantial number of leads, tips, rumors, and apparent facts arise that must be explored, even though the vast majority turn out to be immaterial, incapable of confirmation or refutation, or simply wrong. These are the proverbial "red herrings."

The investigations of the churchwomen's murders have grown their own crop of these issues. Many questions have been resolved by the Salvadoran investigations, with the assistance of the United States Government. Others may be explained by this report. A few undoubtedly will never be explained. In order to reach the conclusions set forth in the preceding sections, we have had to analyze each such false lead as completely as possible. We discuss them below in light of the available evidence.

A. Thomas Bracken

On December 17, 1980, Thomas N. Bracken, a United States citizen, was killed in a shoot-out in the streets of San Salvador. Just one week prior, on December 11, 1980, Bracken had gone to the United States Embassy in San Salvador to offer information about the churchwomen murders. The proximity of the two events has caused some speculation as to whether Bracken's appearance at the Embassy and his subsequent murder were causally connected.

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El Salvador: Human Rights
Special Project (1993)

We have found no such connection. Bracken was interviewed at the Embassy prior to his death, and had no specific evidence concerning the crimes.[159/] He offered the theory that the murders had been committed by a right-wing splinter group, but had no evidence to support the charge. Bracken's stated purpose in coming forward was to trade his vague rumors for dismissal of a criminal warrant outstanding against him in El Paso, Texas. It seems to us clear that his offer of information was merely the act of a desperate man trying to find a way to return to the United States.

An inventory of Bracken's quarters, after his death, revealed twenty-five molotov cocktails, wiretapping equipment, handguns, ammunition and military manuals. He had told the Embassy that he was employed as an instructor for the Salvadoran National Police. It was in this capacity that he appears to have met his death. Bracken accompanied several National Police officers who were chasing armed suspects and, in the process of attempting to make the apprehension, was shot dead by one or more of the suspects. In turn, the National Police shot and killed two of the suspects.[160/] Based on these facts, we find no connection between Bracken's contact with the Embassy and his death.

B. The Canadians

A group of six Canadians together with a Salvadoran priest, Father Britto, was stopped at a military checkpoint

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El Salvador: Human Rights
Special Project (1993)

outside the San Salvador International Airport on December 2, 1980, between about 6:30 p.m. and 7:00 p.m.[161] Because they provided the first evidence of military activity around the airport, their testimony and their description of the guardsmen were initially thought to be significant. We conclude that their evidence is of little consequence to an understanding of the facts.

The Canadians came to El Salvador to attend the FDR funerals to be held on December 3. At the airport, they met briefly with Sister Kazel and Ms. Donovan, who were awaiting the arrival of Sisters Ford and Clarke. The Canadians then left the terminal, before the arrival of Sisters Ford and Clarke, with Father Britto and the others from the Archdiocese, and an American, , to whom they offered a ride.[162]

Down the road from the airport, near a traffic control post, they were stopped by several uniformed, armed guardsmen, who briefly questioned them and searched the vehicles.[163] Because the guardsmen were in uniform, it is fairly certain that they were not Subsergeant Colindres Aleman and his civilian-attired accomplices. Likewise, because the stop occurred prior to the arrival of Sisters Ford and Clarke and before Colindres Aleman's orders were issued to stop traffic at the checkpoint (except for the white van) the stop was not connected with the abduction of the churchwomen. Rather, we conclude that the stop was one

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El Salvador: Human Rights
Special Project (1993)

undertaken by guardsmen at the traffic control checkpoint, consistent with the heightened tensions in the area on the night prior to the FDR funerals. It otherwise has no significance to this case.

C. The Hacienda Police

Father Paul Schindler, the American priest who worked with Sister Kazel and Ms. Donovan in La Libertad and who found the burned out van, has alleged that the Hacienda Police may have been involved in the crime because (1) the Canadians were stopped at a roadblock near the turnoff for a local Hacienda Police station, and (2) there is evidence that a red pickup truck belonging to the Hacienda Police was used during the abduction.[164/]

The first point, we conclude, is based on a misapprehension of the facts. The guardsmen have uniformly placed the location of the checkpoint at which traffic was stopped for 10 minutes at a position on the main access road to the airport, near the reinforced concrete guard post (which is permanently maintained in the broad median strip of the access road to provide security for nearby electrical installations). This location is some distance removed from the turnoff to the Hacienda Police station at San Juan Talpa. To verify the guardsmen's testimony, we contacted Patricia Lasbury Hall, at the time of the events in question, United States Consul in El Salvador.[165/] Together with

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El Salvador: Human Rights
Special Project (1993)

Ambassador White, Ms. Hall drove the Canadians to the airport on the day after they were stopped. At that time, Ms. Hall told us, the Canadians identified for her the location of the checkpoint. It was, she said, just as the guardsman had it: near the existing concrete guard post in the median strip of the airport access road.

The claim that a police pickup truck was involved is based on the alleged correlation of a fresh smear of red paint on the burned out van with a red Toyota pickup truck of the same shade at the Hacienda Police station in San Juan Talpa on the day after the murders. Father Schindler noticed the red paint smear on the left front bumper of the van when he found it on the roadside on December 3, 1980. Because he was the person responsible for the maintenance of the church vehicles in La Libertad, he was familiar with the condition of the van and is confident that the smear had not been there before December 2.

In his subsequent search for the women, Father Schindler visited a nearby Hacienda Police station in San Juan Talpa where he saw a red Toyota pickup truck. Although he was unable to inspect the truck thoroughly for paint damage and although none was visible to him, he concluded that the pickup truck and the paint smear were of the same color. As a result, he suggested that the Hacienda Police from that station might have been involved in the church-women murders. We cannot draw that conclusion.

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El Salvador: Human Rights
Special Project (1993)

On December 12, 1980, FBI technicians took scrapings of the paint smear.[166] These scrapings were analyzed in the FBI Laboratory, which concluded that none of the paint particles were of a kind used for the original paint finish on any motor vehicles.[167] Because Father Schindler had identified the pickup truck as a Toyota, the Maryknoll Order sent a copy of the FBI analysis to Toyota. Toyota responded specifically that the paint was not used on their vehicles.[168]

Father Schindler told us that he believes the Toyota pickup truck had been repainted, so that it is possible that a non-standard paint was used. Even if that were so, however, it is likely that particles from the underlying original coat of paint would have been present in the red smear as well. None was found.

We find the connection between the red smear and the red pickup truck to be based entirely on supposition. Moreover, it is inconsistent with testimony that we believe to be truthful from several of the participants in the abduction (Guardsman Rivera Franco and Contreras Palacios), and with the testimony of those who witnessed the activities of December 2. We have found no credible evidence that the Hacienda Police were involved in the murders.

D. Money and Valuables

In the days following the murders, several of the accused were seen with money and valuables.[169] Guardsman

RELEASED
El Salvador: Human Rights
Special Project (1993)

Cruz Piche reported that another guardsman claimed that Canales Ramirez was seen with 5,000 dollars or colones.[170] The allegation, albeit second hand, is of concern because possession of such a large sum of money, in excess of any amounts conceivably taken from the churchwomen, might suggest that the guardsmen had been paid by some unknown party for participation in the murders.

To clarify the allegation, we asked that Guardsman Cruz Piche be reinterviewed on the subject. At the time of writing this report, Cruz Piche cannot be located by Salvadoran authorities. Nonetheless, based on the evidence available to us, we believe that the churchwomen's missing personal property has been satisfactorily traced to Colindres Aleman and the guardsmen, and that it probably accounts for any perceived increase in Colindres Aleman's personal wealth.

When the nuns left the airport, they had with them the personal belongings of Sisters Clarke and Ford, including clothing and books. Sister Ford was carrying some cash (originally thought to be $900, now apparently only $175)[171] and three checks, two for $1,800 each (to help buy a new jeep to replace one lost earlier that year) and one for $243 (to be used to pay local accounts).[172]

According to several witnesses, the books were burned by the accused soon after the murders, along with articles of clothing and some jewelry.[173] Several witnesses testified that Subsergeant Colindres Aleman was seen

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El Salvador: Human Rights
Special Project (1993)

selling women's watches, rings, eyeglasses and a tape recorder and buying a television set and furniture.[174] One of the other accused, Guardsman Contreras Palacios, gave Guardsman Sanchez Guzman eighty dollars to exchange into colones for him, and Canales Ramirez offered to sell Sanchez Guzman a woman's watch.[175] The checks were never negotiated and, according to the Embassy's special evidence, were destroyed by Colindres Aleman.

Other than the second hand accounts crediting Guardsman Canales Ramirez with 5,000 dollars or colones, there is no evidence attributing an amount of money to any of the guardsmen in excess of the cash and valuables possessed by the churchwomen. We conclude from this evidence in the record that Colindres Aleman and others of the accused looted the churchwomen's belongings after the murders, taking what they believed to be valuable and burning the rest. There is no credible evidence that Colindres Aleman, Canales Ramirez, or anyone else received payment from an unknown source for his role in the murders.

E. The Moran Letter

Perhaps no red herring has been so patently fabricated as the Moran letter. In the late spring of 1983, the Maryknoll Order received, through an anonymous source, a copy of a letter, purportedly written by Lt. Colonel Antonio Moran, the Chief of the Hacienda Police, to Colonel Vides

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El Salvador: Human Rights
Special Project (1993)

Casanova, the Director of the National Guard, on January 5, 1981.[176] The letter states that six individuals--not the defendants--had been detained by the police and were being referred to Vides Casanova for the murders of the churchwomen. If true, the letter would cast immediate doubt on the validity of the entire prosecution.

The letter is, however, a crude forgery, obviously created by unknown third parties--whether of the right or the left--with an interest in disrupting the prosecution. Colonel Moran has testified he never sent the letter,[177] and Vides Casanova that he never received it.[178] Moreover, the signature and seal are forgeries, according to handwriting experts appointed by Judge Rauda,[179] and the letter does not bear either the code numbers or the formal salutation that a genuine piece of Treasury Police correspondence would include.

F. _____ and Cortez

In September, 1981, an annonymous letter addressed to the United States Congress was received by the State Department.[180] The letter, dated July 21, 1981, stated that the writer was a witness to the killings of the churchwomen, and that if Congress were interested in the identity of the assassins, it should place an advertisement in several Mexican newspapers. The State Department placed the advertisement in late September, which led to a meeting between

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El Salvador: Human Rights
Special Project (1993)

two United States Embassy officials and [181/] said that he had no direct information concerning the murders. He identified the author of the letter to Congress as one Cesar Cortez, allegedly a driver employed by Hans Crist, a suspect in the January, 1981, murders of the American Institute of Free Labor Development workers. He said that Cortez had fled El Salvador several months before, passing through Mexico City on his way to the United States. On October 6, told the Embassy in Mexico City that Cortez had written to him from Chicago, but that he still had no address for him.

On October 15, 1981, John McAward, Executive Director of the Unitarian-Universalist Service Committee, reported to the State Department that he also had met in Mexico City.[182/] According to McAward, claimed that a Cesar Cortez had approached him in Mexico City and described the murders. Cortez allegedly told that he had been instructed by his employer to drive a pickup truck from "the Hacienda" with two Hacienda guards to La Libertad, where he was to pick up three guardsmen, and then proceed to the airport "to do a job"--the abduction of the churchwomen. stated that Cortez denied participation in the rapes and murders, but claimed to have seen what happened.

Thereafter, the State Department and the FBI pursued a number of false leads in attempting to trace the

RELEASED
El Salvador: Human Rights
Special Project (1993)

mysterious Cortez.[183] Finally, responding to a suggestion from Representative Mary Rose Oakar, the State Department sought to submit to a polygraph examination concerning Cortez.[184] Despite repeated requests and assurances of safety, repeatedly refused to submit to a polygraph examination.[185] With 's refusal, the effort to locate Cortez and to verify his story reached a dead end.

We are convinced that the /Cortez episode has no bearing on our understanding of the facts. Cortez' alleged story, as described by through McAward, is inconsistent with the facts outlined above. It may be that fabricated the story in an attempt to gain a visa to the United States.[186] Whatever 's motivation, Cortez' alleged story, unsupported even by the existence of Cortez and contradicted by the facts, is of no apparent validity.

G. The Radio Message

In December 1980, it was reported that a witness had overheard a radio transmission at the airport between members of the security forces.[187] There is conflicting information about what was said. According to one version, a guardsman was heard stating, "we missed them on this flight."[188] According to another version, the conversation focused on the fact that the churchwomen were carrying a large amount of money.[189] Any such conversation, if true, would be significant because it could suggest that the

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El Salvador: Human R
Special Project (19

National Guard was awaiting the arrival of the churchwomen, and thus that a prearranged plot was in effect.

Although the source of the information was fairly quickly identified, he resisted several attempts by Embassy officials to persuade him to come forward and make a formal statement. President Duarte finally prevailed upon the witness to submit to an interview, attended by Embassy officials, in mid-March 1982 by Deputy Fiscal General Benjamin Cestoni.[190] The witness said that he was in the airport terminal on December 2, 1980, awaiting an incoming flight. While there, he claimed he overheard a telephone--not radio--conversation of a uniformed guardsman speaking from a pay telephone in the lobby. He said that the gist of the conversation was "we missed them on this flight." The witness said that he then saw the arrival of two women he believed to be two churchwomen, who were greeted by two others and who departed at about 4:00-4:30 p.m. in a white van. He averred that he was sure about the time because he himself left shortly after 4:30 p.m.[191]

Although Cestoni and the Embassy officials all believed that the witness was not purposely attempting to deceive them, they unanimously concluded that his recollection was nonetheless confused and highly unreliable. Under close questioning, the witness offered varying accounts of what he had heard, at different times claiming that the communication was by radio or by telephone, and

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... Project (1993)

that it concerned either money in the churchwomen's possession or their delayed arrival. Indeed, at one point, in the course of three interviews with Embassy personnel, the witness stated that he had only seen a radio being used and had not heard what was said.[192] Moreover, if true, the witness's testimony means that at least Guardsman Perez Nieto and Cruz Piche are lying in giving their accounts of Perez Nieto's telephone conversation with Subsergeant Colindres Aleman. Because of all of this, we discount the report of the witness.

H. Abduction at the Airport

Father Schindler has suggested to us that the churchwomen had been abducted at the airport, not at the roadblock manned by Subsergeant Colindres Aleman and his guardsmen.[193] He said he believed this had happened because witnesses to whom he spoke had said they were the last to leave the airport and the white van remained behind. He further told us that Ms. Hall had indicated to him that a secret Embassy source had confirmed that the abduction was actually at the airport. Ms. Hall denied to us making any such statement.[194] Moreover, our review of the Embassy files and our conversations with Embassy officials convinces us that no such source or information exists. Finally, the allegation is completely contrary to all the existing evidence in the case with respect to the location of the abduction.

RELEASED
El Salvador: Human Rights
Special Project (1993)

I. The .22 Magnum

When the bodies of the churchwomen where taken to a local funeral home in San Salvador on December 4, 1980, a Maryknoll priest, Father John Spain, was present to witness the post-mortem examination.[195] Father Spain heard the funeral home attendant say that the wounds of at least one of the women were caused by a .22 magnum, allegedly a favorite weapon of the Salvadoran death squads. Father Spain observed that the wounds of Sisters Ford and Clarke were small, did not disturb their facial features and were in other respects different from those of Sister Kazel and Ms. Donovan. The physician and judge present were noncommittal about the wounds, and the subsequent autopsies performed on the churchwomen drew no conclusions about the caliber of the weapons used.

We can give little weight to the opinion of the funeral home attendant. The theory that a small caliber weapon was used does not comport with the confession of Guardsman Contreras Palacios, who testified that he and the others had used their service weapons. It is likewise inconsistent with the ballistics analysis of those shells and casings that were recovered. It is, of course, possible that a guardsman may have had a .22 magnum pistol, and could have used it to kill one or more of the women. Even if such a weapon were used, however, it does not add any evidence one way or the other about the involvement of others in the

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El Salvador: Human Rights
Special Project (1993)

J. Sister Maria Rieckelman

On the night of murders, Sister Maria Rieckelman, a Maryknoll nun who attended the Managua conference together with Sisters Ford and Clarke, was questioned by uniformed Salvadorans when her plane landed at the International Airport in El Salvador.[196/] This event had led some to conclude that some coordinated harassment of churchwomen was underway on the evening of December 2, 1980. We do not share that conclusion.

Without more, the questioning of passengers aboard a plane just arrived from Sandinista Nicaragua, suppliers of the rebels fighting the Salvadoran government, on the night before the FDR funeral, does not seem to us extraordinary. Rather, like the stop of the Canadians, it seems to us simply to be further proof of the heightened tensions of the time, tensions that may have caused Colindres Aleman to believe he could abduct and murder the churchwomen.

K. Sister Maura Clarke and the Nicaraguan Connection

Sisters Maura Clarke and Ita Ford were returning from an annual gathering of Central American Maryknolls in Nicaragua at the time of their murder. During our visit to El Salvador, we heard allegations that the Catholic Church, and specifically the Maryknoll Order, are linked in the minds of the military in El Salvador with support of leftist and revolutionary causes in Central America, especially as

RELEASED
El Salvador Human Rights
Special Project (1993)

exemplified by Maryknoll links to the Sandinista government in Nicaragua. When we learned that a former Sandinista intelligence officer, Major Miguel Bolonas, had testified to at least one subcommittee of Congress (Senator Jeremiah Denton's Subcommittee on Security and Terrorism of the Senate Judiciary Committee that Sister Maura Clarke had a role in those alleged links, we felt obliged to interview Major Bolonas.[197] We did so not because his allegations against a murdered woman could justify such a senseless and wanton act, but to determine whether such charges were likely to have been made known to Subsergeant Colindres, Aleman or his superiors. We found our interview with Major Bolonas largely unhelpful.

Major Bolonas claimed that he met Sister Maura Clarke when she was working in Managua with other Maryknolls and a priest known as Father Miguel in a poor area of the city called "Open Three" in the period 1974-1975. Later in 1979, Bolonas claimed, during his work as an intelligence officer both prior to the revolution in Nicaragua and thereafter for the Sandinistas, he learned from another intelligence officer that Sister Clarke and other Maryknolls, along with Father Miguel, were routinely helpful to the Sandinistas both in their charitable activities and in clandestine activities. Major Bolonas stated that at the time of the murder of the nuns in El Salvador, when news of their deaths and their identities was reported in the Nicaraguan press,

RELEASED
El Salvador: Human Rights
Special Project (1993)

stories appeared pointing out Maura Clarke's role in assisting the Sandinista revolution.

We have not had an opportunity to discuss Major Bolonas' charges with members of the Maryknoll Order, although we have learned from the State Department that the Maryknolls believe Major Bolonas to be mistaken in his information. We have been told that Maryknoll records indicate that Sister Maura Clarke was not in Nicaragua during the period 1976-1980, but rather was in Boston. It is our view, in any event, that the truth or falsity of Major Bolonas' charges is irrelevant for our purposes. What could be relevant is whether these charges were known to and believed by the Salvadoran government, and became such a concern that Salvadoran officials, believing that they knew Sister Maura Clarke to be a Sandinista ally, ordered her execution.

We do not believe that this occurred. First, although Major Bolonas' credibility is apparently high with United States intelligence agencies, we have received no other confirmation of his charges. Second, we have no indication that these alleged activities of Sister Maura Clarke were ever brought to the attention of the Salvadoran government or that they became the kind of common knowledge among the Salvadorn security forces that Major Bolonas claimed existed within the intelligence circles of the Sandinistas in Nicaragua. Third, as described in our "Higher-Ups" section, we have concluded that Subsergeant Colindres

RELEASED
El Salvador: Human Rights
Special Project (1993)

Aleman probably acted on his own initiative. With this in mind, it does not appear likely that he somehow became aware of these allegations and decided to carry out the removal of four churchwomen in order to protect the Republic of El Salvador from infiltration by Sister Maura Clarke.

V. PROSPECTS FOR A SUCCESSFUL PROSECUTION

El Salvador is a civil law state. Virtually every step of a criminal investigation and prosecution is specified in the Salvadoran code, and we found the procedures to be formalistic and largely inflexible.

In an effort to understand how the prosecution is likely to unfold, we held discussions with Judge Rauda, Fiscal General Rivera, Dr. Castillo, the coordinating prosecutor, and former Deputy Fiscal General Benjamin Cestoni. We talked as well with members of the private bar in San Salvador, including the Salvadoran legal advisor to the United States Embassy. Finally, we discussed this matter with representatives of the United States Department of Justice, and with lawyers in the office of the Legal Adviser of the United States Department of State.

As we learned, the trial, or plenario, stage of this case will be quite unlike an American trial. There will be no live witnesses. Rather, the evidence will be read to the jury from the written statements taken from the witnesses during the investigatory, or sumario, stage.

RELEASED
El Salvador: Human Rights
Special Project (1993)

Thereafter, the lawyers will argue their respective sides to the jury based on the written record. During this argument stage, the lawyers may refer to any documents they wish, even if they are not part of the record.

We believe that a successful prosecution of this case must include at least the following elements:

(1) a carefully prepared record that demonstrates the guilt of the defendants and negates their defenses;

(2) a capable prosecutor willing to pursue vigorously members of the Salvadoran security forces;

(3) a courageous and astute judge;

(4) a jury well insulated from the potential for corruption or intimidation; and

(5) freedom from efforts by other Salvadorans, whether in or out of government, to interfere with the proceedings of the trial.

A. The Record

In the course of detailing the investigations of this case, we have already catalogued the principal evidence now in the record against Subsergeant Colindres Aleman and the other guardsmen. During the sumario, or investigatory, phase, Judge Rauda took testimony from the five accused and at least twenty-five other witnesses.[198/] He admitted into

RELEASED
El Salvador: Human Rights
Special Project (1993)

evidence the spare tire and jack taken from the churchwomen's van and the ballistics evidence linking the guardsmen to the shell casings at the murder site. We believe that the evidence is substantial, and sufficient to convict the five accused guardsmen. We will not recount it again here.

Dr. Castillo, the chief prosecutor, advised us that he anticipates the defendants will rely on two principal defenses. First, he believes they will challenge the prosecution's reliance on extra-judicial confessions, rather than those given before a judge. In El Salvador, prosecutions that do not feature a confession by the defendant to the investigating judge are relatively rare. Although this is a sad commentary on the state of justice in El Salvador, it nonetheless presents a reality: Salvadoran juries are unused to balancing conflicting accounts of a crime.

Salvadoran law permits the admission of a defendant's extra-judicial confession, but only if it is corroborated by another witness. As we understand it, the two witness rule does not mean two witnesses to the same confession, but only two witnesses each reporting a confession. The record should adequately meet this requirement. Of course, there is Subsergeant Colindres Aleman's direct confession to Sergeant Dagoberto Martinez. That confession should be adequately supported by Colindres Aleman's implicit confessions to Guardsmen Cruz Piche ("If fate is against us, we will have to pay"), Aquino Giron ("They were subversives.

RELEASED
El Salvador: Human Rights
Special Project (1993)

I do not think there will be a problem."), and Luis Monterrosa ("Today it happened; if our time is up, we will have to pay.").

Second, Dr. Castillo believes the defense will argue that there was excessive American involvement in this prosecution. In essence, the argument will be an appeal to nationalism and a suggestion that there has been undue influence from a foreign power. It was for this reason that the prosecutors were anxious to have Salvadoran witnesses even for evidence actually developed in the United States. It is also for this reason that the prosecutors were hesitant to urge aggressively the admission of the fingerprint and the polygraph evidence, when admission of those tests would not be ordinary under Salvadoran law and would only underscore the influence of the United States on this prosecution. In our discussions with Dr. Castillo, he seemed to be cognizant of the problem and able to deal with it effectively in argument.

A third defense suggested by some is that the defendants were acting on higher orders. As Dr. Castillo advised us, such a defense is not available under the Salvadoran code when the order is to commit an illegal act. The depravity of the crime, amply documented in the record, will provide a basis for a strong argument that no guardsman could have thought such an order was justified. We doubt, in any event, that the argument will be seriously pressed because it will necessarily involve an admission of the

RELEASED
El Salvador: Human Rights
Special Project (1993)

crime and a disavowal of the defendants' prior sworn statements.

No experienced prosecutor can confidently predict that an accused's defenses will necessarily be rejected by the jury. We are convinced, however, that there is sufficient evidence in the record from which the prosecutors can argue that the defenses should be disregarded.

B. The Prosecutors

As the sumario stage of the case neared its conclusion, serious questions were raised about the experience and competence of the prosecutors handling the preparations for trial. In September, 1983, in part at the urging of the United States, an experienced prosecutor, Dr. Juan Geronimo Castillo, was assigned to coordinate the prosecution.

We spoke with Dr. Castillo and were, in general, favorably impressed. Dr. Castillo seemed in command of the case and at ease with the tasks he would have to undertake to complete the preparations for the plenario phase. He responded knowledgably to our questions about tactics and about Salvadoran procedures. We believe that Dr. Castillo is capable of doing a competent job in prosecuting the case.

As we describe below, during our visit to El Salvador, we made a number of suggestions concerning the reinterviews that might be necessary to complete the

RELEASED
El Salvador: Human Rights
Special Project (1993)

investigation of this case and its preparation for trial. Although we have received reports concerning the follow-up on those suggestions by Dr. Castillo and his team, we do not have a complete picture of how thoroughly he has completed his investigation. From the reports we have seen, however, most of the investigatory work appears to be near completion.

We understand as well that the Embassy legal advisor, a professor of law and member of the private criminal bar in San Salvador, will assist Dr. Castillo in the preparation of the case. The Embassy legal advisor has advised the United States Embassy about Salvadoran law and procedures throughout the investigation. We believe this cooperation will provide important support for Dr. Castillo's efforts.

C. The Presiding Judge

Judge Rauda has presided over the sumario phase of the churchwomen murders case for most of its life, and has been reasonably thorough about the collection of evidence. Judge Rauda has thrice referred the case to the plenario stage, to be twice overruled by the appeals court. The two reversals resulted from technical difficulties (the first, a failure to give sufficient notice to the defense attorneys and, the second, a concern about additional evidence in support of the theft charges) and in its ruling on the first appeal, the appeals court specifically indicated that there was sufficient evidence to support the murder charges. The

RELEASED
El Salvador: Human Rights
Special Project (1993)

judge took the opportunity of each reversal to add more evidence into the trial record. There has been an appeal of Judge Rauda's most recent decision to refer the matter to plenario, and we are advised by a variety of local lawyers that the appeal is likely to be decided quickly because the same appellate court has heard the two previous appeals and is familiar with the facts.

Judge Rauda has shown himself to be a man of considerable courage, capable of resisting pressures brought to bear on him from either side of the case. He is also a diligent worker, and during our visit with him, displayed an encyclopedic knowledge of the contents of the trial record.

D. The Jury

The trial will be held before a jury of five, with a majority vote necessary to convict. Whether a jury can be assembled in El Salvador today that will have the courage to convict five former National Guardsmen of murder is an open question, and one that has concerned us greatly.

The selection of the jury does not differ substantially from our system. The trial judge will chose, from a large body of potential jurors, a panel of twelve whose identities he will (or should) keep secret until the day of trial. Under Salvadoran law, we were told the identities of the jurors will then be made public, although their addresses may be kept secret (if they do not leak

RELEASED
El Salvador: Human Rights
Special Project (1993)

out). At the beginning of the trial, defense counsel and the prosecutor may each exercise one peremptory challenge against the panel, and two challenges for cause. Challenges for cause are rarely granted, and there should thus be no difficulty in selecting five jurors from the panel of twelve.

What will be more difficult, we believe, is guaranteeing the jurors security from intimidation or corruption so that they will be able to vote their consciences without fear. We believe that the notoriety of this case will make the jury (as well as the judge and prosecutor) fair game for those who wish to see the prosecution thwarted, whether because they do not believe the guardsmen should be prosecuted for murder or because they wish to demonstrate that the Salvadoran system is incapable of policing itself. For these reasons, we have discussed at length with the Embassy possible mechanisms to protect the jury.

Our recommendations in this regard have been set forth in detail in an earlier memorandum to the Department of State, and need only be summarized here. Our principal recommendation is that the jurors be accorded anonymity, as is sometimes done with notorious prosecutions in this country where a threat of jury intimidation exists. We have also suggested shielding the jurors, but not the trial, from public view; selecting jurors from a remote province for a trial in another province; offering to relocate the jurors,

RELEASED
El Salvador: Human Rights
Special Project (1993)

whether in or out of the country, after trial; providing physical protection to the jurors, and perhaps their families, during the trial and for a reasonable time thereafter; and sequestering the jury during the trial.

This is hardly an exhaustive list of possibilities, but we have not been heartened by the resistance to these ideas by the Salvadoran authorities. The Salvadoran system simply must be flexible enough to adopt novel means when its very integrity is at stake. We must state in the strongest possible terms that we do not believe a successful conviction can occur without the adoption of some adequate means of protecting the jury, and we hope that the Salvadoran authorities continue to consider ways to protect the integrity of the jury system and the physical well being of the jurors themselves.

E. Freedom From Outside Interference

Skeptics have told us that a successful prosecution depends entirely upon the will of the military in El Salvador. In this view, if the military thinks it is to its advantage for the defendants to be convicted, they will be convicted; if the military thinks otherwise, they will be acquitted or never go to trial. Whether that view is correct or not, we must acknowledge that there are many Salvadorans unhappy about this prosecution and, further, that there already have been attempts to influence its outcome.

RELEASED
El Salvador: Human Rights
Special Project (1993)

Major Medrano, we were told, has received multiple threats upon his life for his active role in pressing the investigation. In more recent months, we have learned that a Deputy of the constituent assembly suddenly appeared to observe the proceedings in Judge Rauda's courtroom, an event viewed by Embassy observers as ominous. At the same time, we learned that the Acting President of the Supreme Court may have interceded with Judge Rauda to direct that he not complete his investigation aimed at disproving the bogus Moran letter. To date, Judge Rauda has been remarkably courageous in resisting such efforts at intimidation.

We do not believe that there is much that the United States can do to prevent such internal efforts at disrupting the prosecution. We can only advise the Salvadoran leadership, as others have done, that the ability of its system to prosecute this case will be seen by many as a test of the system's ability to right itself after too many years of lawlessness.

VI. RECOMMENDATIONS

We were asked to determine whether the Salvadoran and United States Governments have done as much as could be done to assure a successful prosecution. If not, we were asked to suggest what might be done. Many of our recommendations have been set forth above. In each case, we have passed them along to the Department of State immediately

RELEASED
El Salvador: Human Rights
Special Project (1993)

without waiting for the completion of this report, so that there would be time for action to be taken. To the extent that our conclusions and recommendations have not already been set forth, we include them in this section.

1. An Accusador Particular. In El Salvador, as in many civil law countries, it is possible for the family of the victim of a crime to hire its own lawyer, an accusador particular, to prosecute the case in addition to the government attorney. The device is obviously a desirable one where, as here, there have been doubts regularly expressed about the competence and willingness of the government prosecutors to pursue the case. Accordingly, we have endorsed the State Department's recommendation that the families hire an accusador particular. We have urged that view in several meetings with the families and their representatives and promised the families that, if they agreed, we would press the State Department to pay for the services of the accusador.

To our regret, the families have consistently refused taking this step. As we understand their reasoning, they are distrustful of participating in the Salvadoran system itself and further doubt that a suitable attorney could be obtained. While we understand their reservations, the device provides a rare opportunity for Americans sincerely interested in the prosecution to have direct influence over the way the case is presented in the courtroom.

RELEASED
El Salvador: Human Rights
Special Project (1993)

Thus, we regret the families' refusal to participate in this proposal.

On the other hand, as matters now stand, we think the loss is less serious than it might have been. As noted above, we are generally impressed with Dr. Castillo and believe him to be more competent than some of his predecessors. Moreover, Dr. Castillo has forged a solid working relationship with the Embassy's legal advisor. Through the legal advisor, American views about the prosecution can readily be transmitted to the prosecutor, even if the families lack a direct voice in court.

2. A Special Prosecutor. Rather than hiring an accusador particular, the families and the Lawyers Committee for International Human Rights under Law have suggested the United States persuade the Salvadoran government to name a special prosecutor to handle the churchwomen murders case. We do not endorse this suggestion. We do not believe that, in the Salvadoran system, the label the prosecutor bears is of any significance to his effectiveness or to his freedom from interference. Moreover, in a real sense, Dr. Castillo is essentially a special prosecutor. He was especially reassigned from his duties as head of a separate section of the prosecutor's office to prosecute this case.

3. An American Prosecutor. None of the American Embassy officials in San Salvador with responsibility for this case is a practicing attorney, much less an experienced

RELEASED
El Salvador: Human Rights
Special Project (1993)

prosecutor. While these officials have been diligent, successful and often courageous in pushing the Salvadorans to prosecute the defendants, as the case approaches trial it is apparent to us that American views could more usefully be presented by an experienced criminal prosecutor. Such a prosecutor could deal more effectively with the Salvadoran attorneys involved in the case in terms of making useful suggestions, understanding the problems of the prosecution and analyzing the tactics used by both sides. We have therefore suggested that a Spanish speaking Justice Department prosecutor be made available to assist the Embassy during the plenario proceeding.

4. The Fingerprint Evidence. Because the analysis of Colindres Aleman's fingerprint, taken from the churchwomen's van, was done outside of Salvadoran territorial limits and not under the supervision of the trial judge, the Salvadoran code prohibits its introduction into evidence. We were frankly surprised at this result and, because the evidence was so important, sought to explore ways to obtain its admission. Our every suggestion was unavailing, and we ultimately concluded, as Dr. Castillo and the Embassy legal advisor both told us, that we could not expect to achieve formal admission of the fingerprint into the record.

Although the fingerprint will not be part of the trial record, it still may be used at the trial. During the

RELEASED
El Salvador: Human Rights
Special Project (1993)

vista publica, or public presentation, stage of the proceedings, lawyers may display to the jury and rely upon any documentary evidence, even from outside the record. Thus, it is possible for the fingerprint evidence to be used. Because Dr. Castillo expects the defense to be based upon excessive American involvement in the prosecution, he was nonetheless reluctant to use the fingerprint in this way unless absolutely necessary. An argument based upon a fingerprint taken by United States personnel and inadmissible under Salvadoran law will only reinforce the point that Dr. Castillo expects the defense to make. Thus, he will wait until his reply argument to determine whether the defense is indeed attacking American involvement and whether the fingerprint will be useful. We concur in this analysis.

5. Ballistics Evidence. The initial ballistics tests taken by the FBI were inadmissible for the same reasons as the fingerprint evidence. We encouraged the FBI, as recounted above, to transport its equipment to El Salvador and train a Salvadoran national to duplicate the tests. This was done with success, as set forth above. This proof is a substantial link in the chain of evidence against the accused.

6. Sergeant Dagoberto Martinez' Testimony. Although the record of the trial consists entirely of sworn written statements of the witnesses, the sworn statement of Sergeant Dagoberto Martinez, obtained by the FBI in Los Angeles and sworn to in the Salvadoran Consulate office in

RELEASED
El Salvador: Human Rights
Special Project (1993)

that city, was deemed inadmissible by both the judge and the prosecutor. The statement's flaw was that it was not sworn to before the investigating judge. We recommended, as did others, that Sergeant Martinez be flown to El Salvador at American expense so that his statement could be duplicated before Judge Rauda. This was done successfully in July, 1983, and forms another important part of the trial record.

7. Polygraph Evidence. Although the polygraph evidence is inadmissible in both El Salvador and the United States, we believe that such evidence is useful, when taken together with other available evidence and obtained by a skilled examiner. We considered whether an effort should be made to persuade the court to admit the evidence, and ultimately concluded that this was not the case in which to press El Salvador to accept evidence that would be inadmissible in the United States.

We are told that the polygraph examinations could be used in the vista publica in the same manner as the fingerprint evidence. Dr. Castillo has told us that he will await his reply argument before making a decision with respect to whether to use them. We agree with this decision, but would generally be inclined against using this evidence.

8. The Special Embassy Evidence. The special evidence developed by the United States Embassy is directly probative of the defendants' guilt and, as well, extremely important in explaining our conclusions about the cover-up

RELEASED
El Salvador: Human Rights
Special Project (1993)

and the question of higher-up involvement. Accordingly, we believed it desirable, if at all possible, to present this evidence to the court.

At our suggestion, the State Department carefully considered this issue, including contacting those whose lives would be put at risk by disclosure. Based on the information thus collected, both we and the State Department concluded that the risk of loss of life that would result from public release was too great. We also note that the information has already been highly useful to the United States since, without it, we doubt the prosecution would ever have been undertaken.

9. The Cover-up. As we have detailed above, it is clear to us that elements of the Salvadoran military undertook an initial attempt to protect the perpetrators of the crime. In El Salvador such an effort, at least by the active participants, could constitute a separate crime and some have urged that a criminal investigation be initiated. We believe that it would be dangerous to initiate such an investigation prior to a successful resolution of the underlying murder case. The cooperation that the United States has achieved to date with Salvadoran authorities has been hard to win, and could be easily lost. A cover-up investigation would necessarily threaten several high ranking Salvadoran officials. If these officials feel personally threatened, they may well attempt to scuttle the underlying

RELEASED
El Salvador: Human Rights
Special Project (1993)

prosecution on the theory that there could be no cover-up prosecution if the defendants were not found guilty. We believe this poses an unacceptable risk to the success of the murder prosecution, and thus have recommended that any effort to pursue the cover-up be delayed.

10. Additional Interviews. To flush out various gaps or inconsistencies in the record, we recommended last summer that several additional interviews occur:

(a) Margarito Perez Nieto, the National Guardsman who first noticed the nuns at the airport, to obtain more detail about his conversations with Colindres Aleman, and his spotting of the women.

(b) Carlos Joaquin Contreras Palacios, the confessed participant, about details that might reflect or discredit the fact of premeditation.

(c) Salvador Rivera Franco, the guardsman who watched over the malfunctioning jeep, for greater details that might reflect premeditation.

(d) The two guardsmen at the guardpost at El Rosario, La Paz, to determine whether they discussed the women with Subsergeant Colindres and whether he informed them about his plans for the women.

(e) Isabel Aquino Giron, Colindres Aleman's second in command at the airport, for further detail about the substance of his phone conversation late on the evening of December 2.

RELEASED
El Salvador: Human Rights
Special Project (1993)

(f) Jose Luis Monterrosa, who according to the special Embassy evidence, knew more than he had said about the guilt of Colindres Aleman.

In our discussions with the United States Embassy in San Salvador, and with the Department of State, we also agreed that certain other interviews or reinterviews would be appropriate: Colonel Pena Arbaiza, the Army commander in Chalatenango; Second Lieutenant Daniel Mejia Rivas, the officer who was the acting company commander with overall responsibility for the Airport National Guard detachment; and Lieutenant Colonel Oscar Armando Carranza, an officer currently assigned to National Guard Headquarters staff. We also agreed that additional guardsmen who had been on duty at the airport that night, Jose Vidal Cruz Piche, Rafael Antonio Cornejo, Jose Elias Sanchez Guzman, Julio Cesar Valle Espinoza, Adrian Ramirez Palacios, and Orantes Menjivar, should also be interviewed or reinterviewed.

We have been informed that the two guardsmen at the Guard post at El Rosario have been interviewed, but we have not seen their statements. Guardsman Margarito Perez Nieto has been missing in action for almost ten months, and Corporal Isabel Aquino Giron is dead, killed while on active duty. We also understand, for a number of practical reasons, that the Salvadoran prosecutors have determined that they would not at this time reinterview Salvador Rivera Franco.

RELEASED
El Salvador: Human Rights
Special Project (1993)

Colonel Pena Arbaiza, Lieutenant Mejia Rivas and Lieutenant Colonel Armando Carranza have also been interviewed, as have Guardsmen Contreras Palacios and Luis Monterrosa. Their testimony adds very little to the available evidence concerning the murders. Guardsmen Jose Elias Sanchez Guzman and Jose Vidal Cruz Piche have not been reinterviewed, because they cannot be located, and a planned "confrontation" by the Fiscal General between Julio Cesar Valle Espinoza and Adrian Ramirez Palacios to resolve apparent discrepancies in their testimonies has not occurred because of a refusal by Valle Espinoza to cooperate further. Guardsman Orantes Menjivar, whose reinterview had been planned, is dead, and it has been determined that Lieutenant Antonio Cornejo, whose interview had been planned, was not on duty at the airport on the crucial night.

11. Reinterview of Colindres Aleman. Colindres Aleman, more than any other person, knows whether he is protecting higher officers by his silence. Thus, securing his cooperation would be a key step in any possible higher-up investigation. We suggested that efforts be made in that direction when we returned in September, 1983, from our trip to El Salvador. So far as we were aware at the time of our suggestion, no military or civilian authorities involved with the investigation of the case had spoken with Colindres Aleman since his polygraph examination in January, 1982. We suggested that, if Colindres Aleman heard the totality of

RELEASED
El Salvador: Human Rights
Special Project (1993)

the evidence now accumulated against him, he might decide it was in his interest to cooperate.

At first, we were told that Salvadoran procedures do not encourage such reinterviews. The prosecutors agreed, however, that there could be reinterviews for the purpose of clearing up ambiguities in testimony or otherwise explaining previous testimony. On October 11, 1983, Colindres Aleman was reinterviewed and we have reviewed the English language translation of his statement. Unfortunately, we do not find in the reinterview statement the cooperativeness for which we had hoped, nor any further information that would be helpful to us on the issue of the involvement of higher-ups. In his reinterview, however, Colindres Aleman did provide a further indication of his guilt by admitting his discussion with Perez Nieto concerning the churchwomen and by providing a wholly incredible explantion of his whereabouts on the night of the murders.

12. Change of Venue. For some time, the prosecutors have been giving serious consideration to requesting a change of venue to San Salvador for the plenario stage of the trial. We have supported a change of venue. Judge Rauda's small and rustic courtroom in Zacatecoluca has struck us as a less than desirable location for a trial involving a substantial risk of jury intimidation. Moreover, the more cosmopolitan San Salvador jury pool, we have thought, presents a far better opportunity for assembling a

RELEASED
El Salvador: Human Rights
Special Project (1993)

jury that could resist such intimidation. If the trial were to be transferred to San Salvador, however, we are told that it would be unlikely, if not impossible, for Judge Rauda to preside over the trial.

Thus, a transfer to San Salvador would necessitate a change of trial judge, which necessarily presents some risk. We were told by both Dr. Benjamin Cestoni and the Embassy's Salvadoran legal advisor that only three San Salvador judges would be desirable, from the standpoint of experience, competence and sophistication, to preside over the plenario stage. Selection of another, less qualified judge could cause problems for the prosecution, although they might be minimized by the extremely low-profile role that the judge plays in the plenario proceeding. On balance, we would have some concern that the selection of the trial judge might be politicized. The selection would be made by the Salvadoran Supreme Court, at least one member of which, we were told, has already tried to restrict Judge Rauda's investigation.

We have learned most recently that Dr. Castillo is leaning against seeking a change of venue because of a growing belief in El Salvador that the United States is interfering unduly in the internal judicial affairs of the country, a feeling that could result in sympathy for the accused as scapegoats, and thus distract the jury from issues of guilt or innocence. In view of this concern and of the conflict-

RELEASED
El Salvador: Human Rights
Special Project (1993)

Dr. Castillo's on-the-spot resolution of this sensitive issue of local trial tactics.

Harold R. Tyler, Jr.

Togo D. West, Jr.

Gregory L. Diskant

Dated: December 2, 1983
New York, New York

RELEASED
El Salvador: Human Rights
Special Project (1993)

FOOTNOTES

1/ Letter from George P. Shultz, Secretary of State, to The Honorable Clarence D. Long, Chairman, Foreign Operations Subcommittee, House Committee on Appropriations (April 26, 1983).

2/ Letter from James H. Michel, Deputy Assistant Secretary of State for Inter-American Affairs, to Harold R. Tyler, Jr. (May 23, 1983).

3/ For a discussion of the Salvadoran criminal justice system, see DeWind and Kass, Justice in El Salvador: A Report of a Mission of Inquiry of the Association of the Bar of the City of New York, 38 Rec. A. B. City N.Y. No. 2 (March 1983).

4/ See generally K. Larry Storrs, El Salvador--From 1931 to the March 1982 Elections: A Chronological Study of Politics, Parties, and Conflicts, Congressional Reference Service (March 23, 1982).

5/ Id. at 55.

6/ Cable from Secretary of State to United States Embassy, San Salvador (December 15, 1980) (hereinafter "Bowdler/Rogers Report"). This cable transmitted the text of the report of a special Presidential mission sent to El Salvador to report on the churchwomen's murders, consisting of William D. Rogers, William G. Bowdler, and Luigi R. Einaudi.

7/ Id.

8/ Id.

9/ Letter from Clerk of the Court of Appeals of the Third Central Section, San Vicente, El Salvador to the Presiding Judge of the Criminal Court, Zacatecoluca (March 17, 1983) (forwarding transcript of Court of Appeals' decision) at 29. References are to the translation by Division of Language Services, Department of State (No. 109614) (hereinafter cited as "Appellate Court Decision").

10/ Letter from General Eugenio Vides Casanova, Director, National Guard, to Presiding Judge of the Criminal Court, Zacatecoluca (February 10, 1982), at 43 (statement of Perez Nieto). This letter transmitted a report on the investigation of the murders conducted by Major Jose Adolfo Medrano, including statements by most of the important witnesses. References are to the translation by the Division of Language Services, Department of State (No. 105328)

RELEASED
El Salvador: Human Rights
Special Project (1993)

(hereinafter referred to as "Medrano Report at ___, _____ Statement").

11/ Statement of Sister Madeline Maria Dorsey, M.M. (March 8, 1983).

12/ Bowdler/Rogers Report.

13/ Medrano Report at 43, 44 (Perez Nieto Statement); and 89 (Colindres Aleman Statement).

14/ The exact time of Sister Kazel's and Ms. Donovan's return to the airport is unknown. We estimate their return to be during this period based on the statements of various witnesses at the airport and estimates of others familiar with the events of that day. See, e.g., Letter from Sister Helene O'Sullivan, M.M., to The Honorable William H. Webster, Director, FBI (July 29, 1982), wherein Sister O'Sullivan states that Sister Kazel and Ms. Donovan returned to the airport at about 6:00 p.m. Perez Nieto stated that the women returned at about 5:00 p.m., with two men, in a coffee-colored car, and the van was driven by a man alone. We believe that Perez Nieto was confused by the arrival of Father Britto and his group, who arrived at the airport to meet the Canadian delegation to the FDR funerals in a jeep and a white van. See Medrano Report at 44 (Perez Nieto Statement) and Statement of John C. Hilborn (January 14, 1981).

15/ Bowdler/Rogers Report.

16/ Medrano Report at 38 (Giron Statement). Neither Perez Nieto nor Colindres Aleman have admitted to a second telephone call. In fact, Perez Nieto denied seeing the women return to the airport, see Medrano Report at 44. However, Colindres Aleman's second in command, Aquino Giron, swore that Colindres Aleman received a call from Perez Nieto at about 5:30 p.m. (his subsequent court testimony put the time at between 4:30 p.m. and 5:00 p.m., see Appellate Court Decision at 16) concerning suspicious women in the airport. This suggests that there may have been a second call. If Giron was confused as to the times, of course, there may have been only one call, but we do not regard the number of calls from Perez Nieto to be of critical importance.

17/ Medrano Report at 43, 44 (Perez Nieto Statement). Perez Nieto returned to the barracks at some point prior to or at the end of his scheduled duty (7:00 p.m.). In his recent statement, Colindres Aleman admitted that Perez Nieto returned to the barracks about 6:00 p.m. and discussed the earlier departure of Sister Kazel and Ms. Donovan. While acknowledging this conversation, he again denied his guilt.

RELEASED
El Salvador: Human Rights
Special Project (1993)

However, his admission is a significant addition to the evidence against him. See Testimony of Luis Antonio Colindres Aleman before the Court of First Instance, Quezaltepeque, El Salvador (October 11, 1983). References are to the translation made by the Division of Language Services, Department of State (No. 111213-C).

18/ Id. at 74 (Rivera Franco Statement).

19/ Id. at 44 (Perez Nieto Statement).

20/ Id. at 33 (Cornejo Cubas Statement), and 25 (Cruz Piche Statement).

21/ Id.

22/ Id. at 70 (Contreras Palacios Statement), and 75 (Rivera Franco Statement).

23/ Id. at 25 (Cruz Piche Statement).

24/ Id. at 70 (Contreras Palacios Statement), and 75 (Rivera Franco Statement). Retired Guardsman Julio Cesar Valle Espinoza, in his testimony of August 9, 1982 (see Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (September 22, 1982)), stated that he was part of another checkpoint between the traffic control post (which probably was the Cornejo Cubas/Luis Monterrosa/Cruz Piche checkpoint) and Colindres Aleman's position. He testified that several guardsmen boarded the churchwomen's van at the traffic control post, and then drove to his location, where he and two more guardsmen boarded the van. He said that the van proceeded to Colindres Aleman's site, where he (Valle Espinoza) and the other guardsmen in the van left the churchwomen and returned to the airport on foot. Although this testimony is consistent with the churchwomen's abduction by Colindres Aleman, its description of the mechanics of the kidnapping is contradicted by statements of the guardsmen at the checkpoint, and by the two guardsmen with Colindres Aleman who have admitted their roles in the abduction and murders. We thus reject this testimony as, whatever Valle Espinoza's motivations, inaccurate.

25/ Id. at 70 (Contreras Palacios Statement).

26/ Id.

27/ Medrano Report at 70 (Contreras Palacios Statement).

28/ Id. at 38-39 (Giron Statement).

29/ Id. at 70 (Contreras Palacios Statement).

RELEASED
El Salvador: Human Rights
Special Project (1993)

30/ Appellate Court Decision at 28.

31/ Id.

32/ Medrano Report at 71 (Contreras Palacios Statement).

33/ Id. at 39 (Giron Statement), and 48 (Barrera Rivera Statement).

34/ Id. at 48 (Barrera Rivera Statement).

35/ Id. at 57-58 (Melgar Garay Statement); and 76 (Rivera Franco Statement).

36/ Id. at 76 (Rivera Franco Statement).

37/ Id. at 58 (Melgar Garay Statement).

38/ Id.

39/ Id.

40/ Appellate Court Record at 28, 33. We assume that the "Contreras" mentioned on 33 is Contreras Recinos, since he was driving the van, see 27.

41/ Medrano Report at 39 (Giron Statement).

42/ Id. at 39 (Giron Statement); 49 (Barrera Rivera Statement); and 59 (Melgar Garay Statement). Melgar Garay described them removing a "shovel," which probably was the tire jack.

43/ Id. at 36 (Cornejo Cubas Statement); Appellate Court Record at 26.

44/ Medrano Report at 53 (Chavez Valiente Statement).

45/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D. C. (September 14, 1981) (hereinafter the "Zepeda Valasco Cable").

46/ Id.

47/ Bowdler/Rogers Report.

48/ Id.

49/ Id.

50/ Id.

51/ Id.

RELEASED
El Salvador: Human Rights
Special Project (1993)

52/ Id.

53/ Id.

54/ Id.

55/ Id.

56/ Id.

57/ Id.

58/ Id.

59/ Cable from United States Embassy, San Salvador to Secretary of State, Washington, D.C. (December 11, 1980).

60/ Interview with Colonel Roberto Monterrosa, San Salvador, El Salvador (September 22, 1983).

61/ FBI report from Los Angeles Field Office (February 10, 1982) (hereinafter "Martinez Statement"). Martinez stated to the FBI that he told Colindres Aleman to tell the Director (Vides Casanova) of his crime. However, according to the special Embassy evidence, which we deem more reliable, Martinez actually told Colindres Aleman to tell of his involvement only to a National Guard superior investigating the matter.

62/ Zepeda Velasco Cable.

63/ Id.

64/ Id.

65/ Interview with Lieutenant Colonel Lizandro Zepeda Velasco, San Salvador, El Salvador (September 21, 1983) (hereinafter "Zepeda Velasco Interview").

66/ Interview with General Carlos Euginio Vides Casanova, San Salvador, El Salvador (September 21, 1983).

67/ Bowdler/Rogers Report.

68/ Id.

69/ Cable from Legal Attache, Panama, to Director, FBI (December 23, 1980); Interview with FBI Agent Washington, D.C. (August 18, 1983); and Memorandum to the President (January 5, 1981).

RELEASED
El Salvador: Human Rights
Special Project (1993)

70/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (December 11, 1980).

71/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (December 12, 1980).

72/ Id.

73/ Id.

74/ Memorandum to the President (January 5, 1981).

75/ Compare Zepeda Velasco Cable to Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (January 17, 1981).

76/ Cable from Legal Attache, Panama, to Director, FBI (January 26, 1981).

77/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (January 17, 1981).

78/ Id.

79/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (February 19, 1981).

80/ Memorandum from Legal Attache, Panama, to Director, FBI (February 27, 1981). Two other sets of prints were turned over to the FBI; those of two guardsmen at the burial site, Medina Gaitan and Rodriguez Coreas.

81/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (April 14, 1981) (hereinafter "April 14, 1981 Cable").

82/ See, e.g., Cable from United States Embassy, San Salvador to Secretary of State, Washington, D.C. (January 19, 1981).

83/ Cable from Legal Attache, Panama, to Director, FBI (April 2, 1981).

84/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (March 3, 1981).

85/ FBI Memorandum from T. F. Kelleher, Jr., to Mr. Mullen (March 17, 1981).

RELEASED
El Salvador: Human Rights
Special Project (1993)

86/ Cable from Legal Attache, Panama, to Director, FBI (April 22, 1981); and Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (April 30, 1981) (hereinafter "April 30, 1981 Cable"). Two of the guardsmen arrested at this time were released when further investigation showed they were not involved in the murders, Sanchez Guzman and Ramirez Palacios.

87/ Zepeda Velasco Cable; and April 30, 1981 Cable.

88/ April 30, 1981 Cable; and Report of the Latent Fingerprint Section, Identification Division, FBI (May 7, 1981).

89/ Zepeda Velasco Cable. Zepeda Velasco reported to Vides Casanova on May 2, 1981, that the weapons had been seized. We assume that they were taken on May 1.

90/ FBI Laboratory Report No. 10507024 (May 13, 1981).

91/ Zepeda Velasco Cable.

92/ Id.

93/ Id.

94/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (December 5, 1981).

95/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (December 7, 1981).

96/ Medrano Report at 3 (Order from General Vides Casanova, December 9, 1981).

97/ Medrano Report at 5 (Pacheco Aragon Statement); and 22 (Mendez Velasquez Statement). The third was interviewed in the United States by the FBI, see Cable from FBI Los Angeles Field Office, to Director, FBI (January 8, 1982).

98/ Interview with Lieutenant Colonel Jose Adolfo Medrano San Salvador, El Salvador (September 22, 1983) (hereinafter "Medrano Interview); and Medrano Report at 24 (Cruz Piche Statement).

99/ Medrano Report at 13 (Melendez Avalos Statement); 15 (Mejivar Martinez Statement); 17 (Menjivar Merino Statement); and 18 (Realejeno Gonzalez Statement).

100/ Medrano Report at 29 (Luis Monterrosa Statement).

101/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (December 15, 1981).

RELEASED
El Salvador: Human Rights
Special Project (1993)

102/ Medrano Interview.

103/ December 15, 1981 Cable.

104/ Medrano Report at 24 (Cruz Piche Statement).

105/ Id. at 29 (Luis Monterrosa Statement). Although Sanchez Guzman and Ramirez Palacios were named by Luis Monterrosa as accompanying Colindres Aleman, further investigation revealed that they were not involved in the abduction or murders.

106/ Id. at 33 (Cornejo Cubas Statement).

107/ Id. at 38 (Giron Statement).

108/ Id. at 43, 44; and Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (December 29, 1981).

109/ Medrano Report at 48 (Barrera Rivera Statement).

110/ Id. at 51 (Marina Realejeno Statement).

111/ Id. at 57 (Melgar Garay Statement).

112/ Id. at 53 (Chavez Valiente Statement).

113/ Id. at 63 (Ramirez Palacios Statement).

114/ Id. at 66 (Sanchez Guzman Statement); and Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (January 15, 1983).

115/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (December 29, 1981).

116/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (January 7, 1982).

117/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (January 15, 1982) (hereinafter "Contreras Palacios Cable"); and Medrano Report at 69 (Contreras Palacios Statement).

118/ See Memorandum of Law submitted by the Salvadoran Ambassador to the United States to Representative Michael D. Barnes (August 17, 1982). Translated by the Congressional Research Service, The Library of Congress.

119/ Contreras Palacios Cable; and Medrano Report at 69 (Contreras Palacios Statement).

RELEASED
El Salvador: Human Rights
Special Project (1993)

120/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (January 15, 1982).

121/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (January 19, 1982) (hereinafter January 19, 1982 Cable).

122/ Id.

123/ Id.; and Memorandum from Director, FBI, to Special Agent (February 4, 1982) (hereinafter "Colindres Aleman polygraph"). The polygraph examination worksheet is in Spanish and was translated by Special Agent during his interview on August 17, 1983.

124/ Colindres Aleman polygraph and : Interview.

125/ January 19, 1982 Cable.

126/ Interview, and January 16, 1982 Cable.

127/ January 16, 1982 Cable, and Interview.

128/ January 16, 1982 Cable.

129/ Medrano Report at 91.

130/ Medrano Report at 1.

131/ Cable from FBI Field Office, Los Angeles, to Director, FBI (January 8, 1982).

132/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (January 20, 1982).

133/ Martinez Statement.

134/ Interview with Judge Bernardo Rauda Murcia, Zacatecoluca, El Salvador (September 21, 1983) (hereinafter Rauda Interview); and Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (May 24, 1983).

135/ Cable from Legal Attache, Panama, to Director, FBI (July 8, 1983).

136/ Id.

137/ Memorandum to the President (January 5, 1981).

138/ Rauda Interview.

139/ Memorandum to Director, FBI (August 3, 1983).

RELEASED
El Salvador: Human Rights
Special Project (1993)

140/ Interview with Doctor Juan Geronimo Castillo, San Salvador, El Salvador (September 20, 1983); and Interview with United States Embassy Legal Advisor, San Salvador, El Salvador (September 20, 1983).

141/ Letter from Colonel Aristides Napoleon Montes, Director, National Guard of El Salvador, to the Minister of Defense and Public Security (September 13, 1983). References are to the translation by the Division of Language Services, Department of State (No. 110833A).

142/ Statement by Carlos Joaquin Contreras Palacios before the Second Criminal Court, Santa Ana, El Salvador (September 2 1983). References are to the translation by the Division of Language Services, Department of State (No. 1108070-A) (hereinafter "Second Contreras Palacios Statement").

143/ Second Contreras Palacios Statement. We are also aware of a statement from an anonymous political prisoner who claims to have been imprisoned with Colindres Aleman between April 7 and 29, 1982. He said that Colindres Aleman had followed the movements of the churchwomen from the time they left El Salvador, and that Colonel Vides Casanova gave instructions concerning the capture of the churchwomen. We have no means of evaluating the veracity of this statement. It was taken by the Maryknoll Order from a Salvadoran who is a political refugee in Mexico, and whose identity was kept secret from us. According to Michael Posner from the Lawyers' Committee on International Human Rights, it is difficult to judge the veracity of such statements. Given this, the source's apparent bias, and the absence of supporting evidence, we cannot accept this hearsay statement as probative.

144/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (September 22, 1982).

145/ Monterrosa Interview.

146/ Chronology of Death Threats and the Conflict Between the Army (under Colonel Pena Arbaiza) and the Church in Chalatenango (undated). Contained in materials delivered to Harold R. Tyler, Jr., by Sister Helene O'Sullivan, M.M. (July 12, 1983).

147/ Memorandum from Legal Attache, Panama, to Director, FBI (December 23, 1980).

148/ Id., see also Statement of Sister Madeline Maria Dorsey, M.M., entitled "Death Threats Received in Chalatenago" (March 8, 1983), wherein Sister Dorsey gives the date as December 3.

RELEASED
El Salvador: Human Rights
Special Project (1993)

149/ Did Salvadoran Troops Kill Nuns in Murder Plot? Atlanta Constitution, July 12, 1981 at 25, 26. Again, Sister Dorsey gives the date of this incident as December 3, 1980. See fn. 148, supra.

150/ Statement by Sister Madeline Maria Dorsey, M.M. (March 8, 1983).

151/ Vides Casanova Interview.

152/ Id. and Interview with Colonel Brian J. Bosch, USA, Washington, D.C. (August 26, 1983).

153/ Id.

154/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (December 16, 1981). See also Appellate Court Decision at 25, and Medrano Report at 27 (Cruz Piche Statement).

155/ Medrano Report at 31 (Luis Monterrosa Statement).

156/ Id. at 39 (Giron Statement).

157/ Interview.

158/ Interview with Rev. Paul Schindler, New York City (September 27, 1983) (hereinafter "Schindler Interview"); Interview ith Monsignor Richardo Urioste, San Salvador, El Salvador (September 23, 1983); and Interviews with Ms. Anna May Mayer and Father Daniel Reidy, La Libertad, El Salvador (September 21, 1983).

159/ FBI Memorandum, Subject: Thomas Norman Bracken (December 31, 1980); and Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (December 12, 1980).

160/ Id.; Cables from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (December 23, 1980 and October 11, 1983).

161/ Statements of Rev. Thomas Gregory Chisholm (January 8, 1981, and July 10, 1982).

162/ Cable from Washington Field Office, FBI, to Director, FBI (January 16, 1981) (Interview of , January 13, 1981).

163/ Id.

164/ Schindler Interview.

RELEASED
El Salvador: Human Rights
Special Project (1993)

165/ Telephone interview with Patricia Lasbury Hall (October 4 1983) (hereinafter "Lasbury Hall Interview").

166/ Cable from Legal Attache, Panama, to Director, FBI (December 23, 1980).

167/ FBI Laboratory Report No. 10107002 (January 30, 1981).

168/ Interview with Sister Helene O'Sullivan, M.M., New York, New York (September 27, 1983).

169/ See, e.g., Medrano Report at 27 (Cruz Piche Statement); 31 (Luis Monterrosa Statement); and 36 (Cornejo Cubas Statement).

170/ Medrano Report at 27 (Cruz Piche Statement); see also 31 (Luis Monterrosa Statement).

171/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (February 12, 1981), wherein Sister Madeline Dorsey reportly said that Sister Ita Ford had been given $900 in cash at the Managua Conference. Subsequent Maryknoll reports indicate that Sister Ford had only $175.

172/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (February 19, 1981).

173/ See, e.g., Medrano Report at 36 (Cornejo Cubas Statement) and 66 (Sanchez Guzman Statement).

174/ See, e.g., Medrano Report at 36 (Cornejo Cubas Statement) and 31 (Luis Monterrosa Statement).

175/ Medrano Report at 66 (Sanchez Guzman Statement).

176/ Cable from Secretary of State, Washington, D.C., to United States Embassy, San Salvador (June 29, 1983).

177/ Testimony of Colonel Francisco Antonio Moran Reyes before the Second Criminal Court, San Salvador (August 18, 1983). References are to the translation made by the Division of Language Services, Department of State (No. 110870-B) (hereinafter "Moran Statement").

178/ Statement of General Carlos Eugenio Vides Casanova (August 19, 1983). References are to the translation made by the Division of Language Services, Department of State (No. 111213-A).

RELEASED
El Salvador: Human Rights
Special Project (1993)

179/ Moran Statement; and testimony of Juan Ramiro Diaz and Jose Edmundo Reyes Castellanos before the First Criminal Court, Zacatecoluca (October 22, 1983). References are to the translation made by the Division of Language Services, Department of State (No. 111213-L).

180/ Cable from Director, FBI, to FBI Field Office, Houston (July 2, 1982) (hereinafter "Houston Cable").

181/ Id.

182/ Cable from Secretary of State, Washington, D.C., to United States Embassy, San Salvador (October 20, 1981).

183/ Houston Cable.

184/ Cable from Secretary of State, Washington, D.C., to United States Embassy, San Salvador (June 19, 1982).

185/ Houston Cable.

186/ Houston Cable.

187/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (February 6, 1982) (hereinafter "February 6, 1982 Cable").

188/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (June 7, 1982) (hereinafter "June 7, 1982 Cable").

189/ February 6, 1982 Cable.

190/ June 7, 1982 Cable.

191/ Id.

192/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (September 23, 1982); see also Interview with Benjamin Cestoni, San Salvador, El Salvador (September 20, 1983).

193/ Schindler Interview.

194/ Lasbury Hall Interview.

195/ Memorandum prepared by Maryknoll Order entitled "Guns and Ballistics Tests," attached to letter from Sister Helene O'Sullivan, M.M. (March 21, 1982).

RELEASED
El Salvador: Human Rights
Special Project (1993)

196/ Transcript of tape recording made by Sister Maria Rieckelman, M.M. (February 8, 1982), provided by Sister Helene O'Sullivan, M.M.

197/ Interview with Major Miguel Bolonas, Washington, D.C. (November 2, 1983).

198/ Index of Court Record. Informal translation by H. Carl Gettinger, Department of State.

RELEASED
El Salvador: Human Rights
Special Project (1993)

APPENDIX

List of Persons Interviewed

Bleakley, (Deputy Chief of Mission) Kenneth - United States Embassy, San Salvador

Bolonas (Major) Miguel - Former Intelligence Officer, Nicaraguan Army

Bosch, (Colonel) Brian J. - United States Army, former Defense Attache, United States Embassy, San Salvador

Brownfield, William R. - Former Political Officer, United States Embassy, San Salvador

Castaneda, (Dr.) Ricardo - Member of the Private Bar, El Salvador

Castillo, (Dr.) Juan Geronimo - Coordinating Prosecutor

Cestoni, (Dr.) Benjamin - Executive Director of the Government of El Salvador Human Rights Commission, and Former Deputy Fiscal General

Duarte, Jose Napoleon - Former President, El Salvador

- Special Agent, Federal Bureau of Investigation, Fingerprint Division

Ford, William P. - Trial lawyer and brother of Ita Ford

Gettinger, H. Carl - Former Political Officer, United States Embassy, San Salvador

Greathead, R. Scott - International Human Rights Committee, Association of the Bar of the City of New York

(Special Agent) - Federal Bureau of Investigation, Polygrapher

Hall, Patricia Lasbury - Former Consul, United States Embassy, San Salvador

Hinton, (Ambassdor) Deane R. - Former United States Ambassador to El Salvador

Mayer, Anna May - Catholic lay worker in La Libertad, El Salvador

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El Salvador: Human Rights
Special Project (1993)

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THE CHURCHWOMEN MURDERS:

A REPORT TO THE SECRETARY OF STATE

Harold R. Tyler, Jr.

New York, New York
December 2, 1983

[redacted]

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El Salvador: Human Rights
Special Project (1993)

THE CHURCHWOMEN MURDERS:

A REPORT TO THE SECRETARY OF STATE

		Page
INTRODUCTION		1
SUMMARY		5
I.	THE MURDERS	12
II.	THE INVESTIGATIONS	21
	A. The Zepeda and Monterrosa Investigations	22
	B. The Cover-Up Is Defeated	31
	C. The Medrano Working Group	34
	D. The Civil Investigation	47
III.	INVOLVEMENT OF HIGHER AUTHORITIES	50
IV.	FALSE LEADS	64
	A. Thomas Bracken	65
	B. The Canadians	66
	C. The Hacienda Police	68
	D. Money and Valuables	70
	E. The Moran Letter	72
	F. Moran and Cortez	73
	G. The Radio Message	75
	H. Abduction at the Airport	77
	I. The .22 Magnum	78
	J. Sister Maria Rieckelman	79
	K. Sister Maura Clarke and the Nicaraguan Connection	79

RELEASED
El Salvador: Human Rights
Special Project (1993)

V. PROSPECTS FOR A SUCCESSFUL PROSECUTION. 82

A. The Record. 83

B. The Prosecutors 86

C. The Presiding Judge 87

D. The Jury. 88

E. Freedom From Outside Interference. 90

VI. RECOMMENDATIONS. 91

FOOTNOTES

APPENDIX

RELEASED
El Salvador: Human Rights
Special Project (1993)

THE CHURCHWOMEN MURDERS:

A REPORT TO THE SECRETARY OF STATE

INTRODUCTION

In the early days of December, 1980, four American churchwomen, Ita Ford, Maura Clarke, Dorothy Kazel and Jean Donovan, disappeared and were later found murdered in the Central American Republic of El Salvador. Occurring at a time of increasing concern about the growing violence in that country, the killings and the resulting criminal investigations have provoked intense interest, frequent frustration and occasional dismay in the United States as the citizens of this country have observed the workings of the Salvadoran justice system as it first investigated, and eventually sought to prosecute, those responsible for the killings.

From the outset, the handling of the case by Salvadoran authorities has been caught up in Congressional deliberations about the larger questions of American military, diplomatic and economic involvement with the Republic of El Salvador. But many of the questions, in Congress and out, focused on this case: Have the true killers been identified? Were higher-ups involved? Was there an attempt to cover-up the crime or conceal the murderers? Do the Salvadoran authorities have the will and the capacity to

RELEASED
El Salvador: Human Rights
Special Project (1993)

handle the prosecution of this and similar crimes of violence involving members of the security forces?

By the spring of 1983, five National Guardsmen had been accused of the crime, but their detention for over two years did not make the prospect of a speedy trial seem propitious. Increasingly, members of Congress, the families of the murdered churchwomen and other citizens asked with legitimate concern whether the Salvadoran government was serious about prosecuting the responsible parties and whether the United States was doing as much as it could to encourage the prosecution.

On April 26, 1983, the Secretary of State reported to the Chairman of the Foreign Operations Subcommittee of the House Appropriations Committee that he had directed an "independent and high-level review of all the evidence available to the United States government pertaining to the churchwomen's case."[1/] By a letter dated May 23, 1983, Deputy Assistant Secretary of State for Inter-American Affairs James H. Michel, on behalf of the Department of State, requested that I conduct this review.[2/] Mr. Michel, and thereafter, the Deputy Secretary of State, Kenneth Dam, pledged the full cooperation of all concerned Federal agencies.

Together with my colleagues, Togo D. West, Jr. and Gregory L. Diskant, I have reviewed the evidence. In the

RELEASED
El Salvador: Human Rights
Special Project (1993)

process, we have received the cooperation that was pledged to us. Since May, we have had access to pertinent State Department files, both classified and unclassified, including the numerous cables that had been transmitted between the State Department and the United States Embassy in San Salvador on this matter. We have had similar access to the classified and unclassified files of the Federal Bureau of Investigation (FBI), and of other pertinent agencies as well. No documents necessary to our inquiry have been withheld from us.

We have talked extensively with present and former government officials of both countries who have been involved in the various investigations of this unfortunate tragedy. The State Department and the Federal Bureau of Investigation have been especially helpful in bringing their personnel from locations far removed from the cities of Washington, D.C. and New York, our principal bases of operations, for whatever interviews we have deemed necessary. Our discussions have included interviews with personnel presently assigned to the United States Embassy in San Salvador and with those who were assigned to that Embassy during the time of the earlier investigations into the murders. We have consulted with Salvadoran prosecutors, with Salvadoran attorneys in and out of government, and with representatives of the Catholic Church in both this country and El Salvador.

RELEASED
El Salvador: Human Rights
Special Project (1993)

For obvious reasons, we have sought to maintain a particularly close liaison with the representatives of the families of the victims. Our conversations with those representatives, the Lawyers' Committee for International Human Rights Under Law, and with members of the Maryknoll Order, have been characterized by candor and cooperativeness on the part of those who met with us. These groups have made their files available to us and have patiently assisted us in our efforts to determine how we could increase the likelihood that the perpetrators of these crimes will be brought to justice.

Our mission has had both sobering and heartening aspects. To an extent that is impossible to detail in this report, the criminal justice system in El Salvador is in a state of disrepair.[3/] A handful of inexperienced, under-educated, and occasionally corrupt prosecutors represent a society that seems to have lost its will to bring to justice those who commit serious crimes against it. Intimidation and corruption of prosecutors, judges and juries are widespread, and a rigid legal system renders successful prosecutions all the more difficult. The military exerts a pervasive influence over the nation and, as will be documented herein, has sought to shield from justice even those who commit the most atrocious crimes.

There are some bright spots. Some Salvadorans, most notably Judge Bernardo Rauda Murcia and Lieutenant

RELEASED
El Salvador: Human Rights
Special Project (1993)

Colonel Jose Adolfo Medrano, have exhibited the courage, independence and fortitude to pursue an unpopular investigation of the crime in a country where the price for such vigilance is all too often sudden and brutal death. Representatives of United States Government agencies, particularly the Department of State and the Federal Bureau of Investigation, have been vigorous and effective in pressing the Salvadorans to investigate and prosecute this crime and, when the prosecution was finally underway, in rendering critical investigative and technical assistance. At least one United States Government officer has repeatedly exposed himself to great personal danger to obtain evidence crucial to the investigation. We believe the American public, and the families, can ask no more than that from their representatives.

SUMMARY

Five former members of the El Salvador National Guard are now in custody and charged with the murder of the four churchwomen: Luis Antonio Colindres Aleman, Carlos Joaquin Contreras Palacios, Francisco Orlando Contreras Recinos, Daniel Canales Ramirez and Jose Roberto Moreno Canjura. Perhaps our most important conclusion is that these men in fact committed the crime and that the evidence of their guilt is overwhelming. Not all of the evidence is admissible in the Salvadoran courts, but that which is

RELEASED
El Salvador: Human Rights
Special Project (1993)

remains compelling. The admissible evidence consists of partially incriminating statements by the defendants themselves, including one complete confession; statements by their former colleagues in the National Guard, including those who participated in the abduction of the women and those to whom the defendants made incriminating statements following the crime; statements of other third-party witnesses; and technical evidence developed by the Federal Bureau of Investigation in the form of ballistics tests linking two of the defendants' weapons to the crime.

The inadmissible evidence renders the guilt of the defendants even more clear. This consists of polygraph examinations that the defendants failed, a fingerprint of Subsergeant Colindres Aleman found on the van in which the churchwomen were traveling, and highly confidential information collected by the United States Embassy through the efforts of an Embassy official at great personal risk. The reliability of this information has been proved certain, but we are convinced that lives would be endangered by public revelation of this evidence or its sources. (We shall refer to this information in our report as "special Embassy evidence.") With respect to each category of inadmissible evidence, we have explored whether in some manner it could be introduced as part of the prosecution case. In each instance, although with varying degrees of certainty, we have concluded that the evidence cannot be used.

RELEASED
El Salvador: Human Rights
Special Project (1993)

The evidence taken as a whole shows irrefutably that the five defendants, following the orders of Subsergeant Colindres Aleman, kidnapped the women at a checkpoint outside the El Salvador Airport on December 2, 1980. They rode through the countryside to a remote location some fifteen miles from the airport, where they raped and murdered the women. Thereafter, the National Guardsmen drove the church-women's van to another remote location and set it afire.

The first reaction of the Salvadoran authorities to the murder was, tragically, to conceal the perpetrators from justice. Evidence available to the United States, including the special Embassy evidence, shows beyond question that Colindres Aleman confessed his involvement in the crime to ranking members of the National Guard within days of the murder. They responded by concealing this fact from the outside world, and ordering the transfer of the killers from their airport posts and the switching of their weapons to make detection more difficult.

At a minimum, then Major Lizandro Zepeda Velasco, the National Guard officer in charge of the Guard's internal investigation, was aware of the identity of the killers and participated in these acts. Sergeant Dagoberto Martinez, Colindres Aleman's immediate superior, has admitted that he also knew of Colindres Aleman's guilt. We believe it is probable that Colonel Roberto Monterrosa, head of the government's official investigation of the crime, was aware

RELEASED
El Salvador: Human Rights
Special Project (1993)

of the identity of the killers and, further, that he participated in the cover-up by purposely failing to provide Colindres Aleman's fingerprints to the United States for analysis. We believe as well that it is quite possible that Colonel Carlos Eugenio Vides Casanova, then head of the National Guard and now a General and Minister of Defense, was aware of, and for a time acquiesced in, the cover-up.

The cover-up was shattered in April, 1981, when officials of the United States Embassy identified the killers through their own investigation. This effort, although significantly assisted by ballistics and fingerprint work performed by the FBI, came principally by the development of the special Embassy evidence by an Embassy officer. The special Embassy evidence first provided identification of the perpetrators to the United States. When the Embassy learned the defendants' names, it pressed Salvadoran authorities to arrest them. At that point, Colonel Vides Casanova, the Director of the Salvadoran National Guard, ordered the arrest of the men.

Thereafter, Salvadoran prosecution efforts continued to stall, although the men were at least incarcerated. Finally, in December, 1981, a year after the killings and again responding to United States pressure, the Salvadoran government undertook a serious investigation of the crime. National Guard Major (now Lieutenant Colonel) Adolfo Medrano led a group of detectives from the Salvadoran

RELEASED
El Salvador: Human Rights
Special Project (1993)

National Police and others in the first concentrated gathering of evidence by the Salvadoran authorities. With technical assistance from the FBI, the Medrano working group collected statements of witnesses tying the defendants to the crime, including reports of extrajudicial confessions by Colindres Aleman. This evidence supported the discharge of the accused guardsmen from the National Guard in February, 1982, so that they could be tried in the civilian courts and their remand to the custody of the civilian trial judge. The evidence gathered by the Medrano working group remains the principal evidence against the accused.

The technical support provided the Salvadoran authorities by the FBI has been simply outstanding. Fingerprint and ballistics tests by Bureau personnel provided initial corroboration of the special Embassy evidence and directly linked the defendants to the crime. Beyond technical expertise, however, Bureau agents in the United States thoroughly interviewed relevant witnesses and obtained significant information. By the artful use of the polygraph as an investigative tool, the Bureau obtained a statement from Colindres Aleman's former superior reporting a critical confession by Colindres. The FBI sent polygraph examiners to El Salvador, who interviewed the defendants and other witnesses and, again by using the test as an investigative tool, produced important incriminatory statements.

RELEASED
El Salvador: Human Rights
Special Project (1993)

The question whether Colindres Aleman was ordered to commit this crime by higher-ups is a troubling one. To the extent the Salvadoran authorities have investigated this matter, their inquiry is not nearly as complete as we would have liked. There is some evidence suggesting the involvement of higher-ups: most importantly, two low ranking guardsmen have testified that, in ordering them to participate, Colindres Aleman told them he was acting on higher orders.

On the other hand, there is evidence to the contrary, which we tend to credit. As we set forth in detail below, the circumstances of the crime itself and Colindres Aleman's behavior during its commission are, in our view, inconsistent with an assault on the churchwomen ordered from above. Post-murder statements by Colindres Aleman to his colleagues and his superior, along with the special Embassy evidence, provide what we believe to be additional compelling evidence of lack of higher involvement. Although it is unlikely that a dispositive answer will ever be known, we record here our best judgment: on the basis of the evidence available to us, we believe that Colindres Aleman acted on his own initiative.

Although the evidence of the defendants' guilt is, in our view, substantial, we cannot be certain that the case will be successfully prosecuted. In October, 1983, the case was finally elevated to the plenario, essentially the trial

RELEASED
El Salvador: Human Rights
Special Project (1993)

stage, after over a year and a half in the sumario or investigative stage. This means that, at best, we can expect a trial by the spring of 1984. The newly-assigned senior prosecutor is a veteran attorney and, based on our discussions with him, appears competent to present the prosecution's case.

Nonetheless, the prosecutor must convince a majority of a jury of five, and in El Salvador juries have, understandably, been routinely subject to intimidation. Moreover, we are told that corruption of both juries and judges is an everyday event. Finally, if the system were not already weak enough, we are under the impression that this case is a relatively rare effort to prosecute members of the Salvadoran military in the civilian courts for crimes committed on duty. For these reasons, we view the likelihood of a conviction of the defendants by a jury of Salvadoran citizens to depend substantially on whether the jurors can be assured that they can vote their consciences without fear.

Under current Salvadoran procedures, the jurors must be publicly identified and hear the evidence in public. These procedures are, of course, desirable in a stable society, but hardly leave a jury with any sense of security in the Salvadoran system. We have pressed the Salvadoran authorities to undertake a variety of novel means to protect the jury or guarantee their anonymity. Unfortunately, for

RELEASED
El Salvador: Human Rights
Special Project (1993)

whatever reasons, the authorities have not yet looked with favor upon the introduction of unprecedented methods into their system of jury selection and protection. Thus, we must reluctantly close on a discouraging note: unless the jury can be safeguarded, we would be foolhardy to predict the conviction of these defendants.

I. THE MURDERS

As in any criminal prosecution, the facts of the crime are disputed, at least by the defendants. Although one of the defendants has confessed, the remaining accused killers maintain their innocence and present a joint alibi. In analyzing the facts of the crime, we have weighed all of the information available to us, whether or not admissible under the Salvadoran system and whether or not public. We have rejected the alibis of the non-confessing defendants as self-serving fabrications. We set forth below what we believe actually happened, resolving differences in the testimony by giving greater weight to the witnesses whose reliability we believe to have been proven. Significant differences between the facts stated herein and the testimony of other witnesses are indicated in the footnotes.

In the fall of 1980, El Salvador was suffering through a period of severe political volatility. Increasing violence by both right-wing and left-wing groups had heightened tensions. Terrorist acts were being committed against

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El Salvador: Human Rights
Special Project (1993)

government officials, ministry buildings, foreign embassies, universities, churches and factories with growing regularity. Thousands of Salvadorans had been murdered as part of a vicious reign of terror, the majority allegedly by rightist elements.[4/]

On November 27, 1980, yet another outbreak of political killing occurred. Six leaders of the Salvadoran opposition, the Democratic Revolutionary Front (FDR), were tortured and murdered after their abduction from a school in San Salvador by a band of several hundred men. The bodies of the slain leaders lay in state at the Cathedral in San Salvador for several days, and their funeral was to be held on December 3, 1980.[5/] Their supporters urged a large turnout for the funeral, and many in the Salvadoran government and military feared an outburst of public violence, possibly as great as that experienced during the funeral of Archbishop Oscar Arnuldo Romero in March, 1980. The country was gripped by palpable tension and fear.

On November 26, 1980, the day before the FDR assassinations, Sisters Ita Ford and Maura Clarke of the Maryknoll Order had traveled from their station at Chalatenango, El Salvador, to an annual gathering of Central American Maryknolls in Managua, Nicaragua.[6/] Upon their return to El Salvador on December 2, 1980, the day before the FDR funerals, they, along with two other Maryknoll nuns (Sisters Madeline Dorsey and Teresa Alexander), were to be

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El Salvador: Human Rights
Special Project (1993)

met at the airport by Sister Dorothy Kazel, an Ursuline nun, and Ms. Jean Donovan, a lay volunteer.[7] Sisters Ford and Clarke, returning to El Salvador from Nicaragua in the midst of unprecedented tension throughout El Salvador, never reached their destination; nor did their escorts, Sister Kazel and Ms. Donovan.

From the available evidence, events unfolded on that tragic December 2 as follows. Some time after midday, Sister Kazel and Ms. Donovan drove to the International Airport to meet the four Maryknoll nuns in a white Toyota "Hiace" van.[8] They parked in the parking lot in front of the main passenger terminal at about 2:00 p.m.[9] Their arrival was noticed by a Salvadoran National Guardsman patrolling in front of the terminal, Margarito Perez Nieto.[10] His attention, he later stated, was attracted by the fact that one of the churchwomen had returned to the vehicle to retrieve a large bag capable of carrying a weapon, and by their apparently watchful attitude toward him. Perez Nieto mentally recorded their arrival and returned to his patrol.

Inside the terminal, the Lanica flight that Sister Kazel and Ms. Donovan were to meet arrived at 2:30 p.m., carrying only two of the four nuns expected, Sisters Madeline Dorsey and Teresa Alexander.[11] Sister Kazel and Ms. Donovan determined that they would drive the two nuns to La Libertad and return later to meet the remaining two Maryknoll nuns.[12] Guardsman Perez Nieto observed their departure in the white

RELEASED
El Salvador: Human Rights
Special Project (1993)

Toyota van at about 3:15 p.m. He telephoned his detachment commander at the airport, Subsergeant Luis Antonio Colindres Aleman, to report that he suspected the women of having weapons in their travel bags. Colindres Aleman told Perez Nieto to be careful.[13/]

Sister Kazel and Ms. Donovan returned to the airport to meet Sisters Ford and Clarke, the remaining two Maryknoll nuns, sometime between 4:30 and 6:00 p.m.[14/] Sisters Ford and Clarke arrived on a COPA (Campania Panamena de Aviacion, the Panamanian Airlines) flight at about 6:30 p.m.,[15/] and were met by Sister Kazel and Ms. Donovan. At some point, the churchwomen were again observed by Guardsman Perez Nieto, who apparently notified Subsergeant Colindres Aleman again of their activities.[16/] Perez Nieto's tour of duty ended at 7:00 p.m. and at that time (or earlier) he returned to the National Guard barracks. He reported his observations in greater detail to Colindres Aleman.[17/]

At this point, we believe, Colindres Aleman decided that he would stop the churchwomen. Although there is no evidence that he knew their identities, he apparently believed, based on his guard's observations, that they were "subversives." Although in our system these observations would usually not be enough even to justify an airport stop for questioning, in El Salvador in 1980, particularly on the eve of the burial of the FDR leaders, these grounds for suspicion were more than adequate. If Colindres Aleman could obtain

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El Salvador: Human Rights
Special Project (1993)

evidence that the women were carrying weapons, or even "subversive" literature, his status in the Guard would be enhanced.

There is no reason to believe that Colindres Aleman necessarily had murder on his mind from the outset. At a minimum, however, he knew he was up to no good. He ordered five guardsmen, Carlos Joaquin Contreras Palacios, Francisco Orlando Contreras Recinos, Daniel Canales Ramirez, Jose Roberto Moreno Canjura, and Salvador Rivera Franco, to change out of their uniforms into civilian clothes. He instructed the five men to accompany him with their service rifles and ammunition.[18] Shortly after 7:00 p.m., Colindres Aleman, the five guardsmen in civilian attire and Perez Nieto, in uniform, drove in a National Guard jeep to the traffic checkpoint near the airport entrance.[19]

At the checkpoint, Colindres Aleman instructed Perez Nieto to stop all traffic at the checkpoint for approximately ten minutes, but to allow the "white van" carrying the churchwomen to pass without hinderance.[20] Colindres Aleman left Perez Nieto at the checkpoint, along with the uniformed guardsmen already on duty there, Luis Napoleon Cornejo Cubas, Jose Vidal Cruz Piche, and Jose Luis Monterrosa.[21] After rounding a bend in the airport access road, and nearing the first toll station for the as yet unfinished highway between San Salvador and the airport,

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El Salvador: Human Rights
Special Project (1993)

Colindres Aleman and the five guardsmen, all in civilian clothes, took up positions on the road and awaited the arrival of the white van.[22]

Meanwhile, at the airport, the four churchwomen retrieved the luggage of Sisters Ford and Clarke and left the terminal in their white van. At the airport traffic checkpoint, Guardsman Perez Nieto, following instructions, allowed the van to pass through. He detained all other traffic for about ten minutes,[23] and then returned to the National Guard headquarters.

Passing the checkpoint, the churchwomen arrived at Subsergeant Colindres Aleman's position. They were stopped and ordered to vacate the van.[24] The guardsmen searched the van and questioned the women. Thereupon, Colindres Aleman ordered them back into the van together with Guardsmen Contreras Recinos, Canales Ramirez and Moreno Canjura.[25] Contreras Recinos drove the van and, with Colindres Aleman and Guardsmen Contreras Palacios and Rivera Franco following in the National Guard jeep,[26] the small convoy started its journey fifteen miles into the hills of El Salvador.

Shortly thereafter the jeep developed engine trouble. After a brief stop for temporary repair, the two vehicles made it to the National Guard command post at the town of El Rosario La Paz.[27] There, Subsergeant Colindres Aleman telephoned the airport and instructed his second in command, Corporal Isabel Aquino Giron, to send another

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El Salvador: Human Rights
Special Project (1993)

vehicle to El Rosario to retrieve them.[28] The jeep was then left at the Guard post, with Guardsman Rivera Franco to guard it.[29]

The five other guardsmen crowded into the small van with the four churchwomen and proceeded in the direction of Zacatecoluca. At the intersection of the road to San Pedro Nonualco, the van left the main road and drove for another six kilometers, finally turning off onto a dirt lane.[30] At a deserted site along the lane, Subsergeant Colindres Aleman directed Guardsman Contreras Recinos to bring the van to a halt, and ordered the women out of the van.[31] The guardsmen sexually assaulted the women. Then, at Colindres Aleman's orders, they shot the women dead with their service rifles, leaving the bodies along the roadside as they fell.[32] The guardsmen, upon completion of their grisly mission, then returned to El Rosario La Paz in the van.

In the interim, Corporal Giron had sought from the commander of the Customs Police at the airport, Juan de Dios Barrera Rivera, a vehicle with which to pick up Colindres Aleman and his men.[33] Barrera Rivera assigned Victor Melgar Garay to drive a blue Customs Police pick-up truck[34] to El Rosario La Paz, where, accompanied by Guardsman Julio Cesar Valle Espinoza, Melgar Garay found Guardsman Rivera Franco guarding the disabled jeep.[35] The three were waiting when Subsergeant Colindres Aleman and the other guardsmen returned without the women at approximately 11:00 p.m.[36]

RELEASED
El Salvador: Human Rights
Special Project (1993)

Climbing into the cab of the truck, Subsergeant Colindres Aleman instructed Melgar Garay to drive back onto the highway in the direction of La Libertad.[37] Followed by the white Toyota Hiace van, the truck proceeded along the coast road until ordered by Colindres Aleman to stop.[38] After the guardsmen had removed several items from the van to the blue Customs pick-up truck,[39] Guardsman Contreras Recinos opened the middle door of the van and, with the help of Contreras Palacios and Moreno Canjura, poured aviation fuel on the inside and outside of the van and set it afire.[40]

Near midnight, Subsergeant Colindres Aleman and his men returned to the airport in the blue pick-up truck.[41] Upon his return, Colindres Aleman took the van's spare tire and jack, and several articles of women's clothing to the barracks.[42] Later, several of the guardsmen, with Colindres Aleman, burned this clothing and certain other articles taken from the churchwomen.[43] On December 3, Colindres Aleman took the spare tire and jack to a nearby farm camp and left them there with a friend for safekeeping.[44]

Early in the morning of December 3, 1980, villagers from Santiago Nonualco, a remote village fifteen miles northeast of the airport, found the bodies of the four churchwomen sprawled along the roadside.[45] One of the villagers contacted the local Militia Commander, Jose Dolores Melendez, to report the discovery.[46] Shortly thereafter, two National Guardsmen and three Civil Guardsmen

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El Salvador: Human Rights
Special Project (1993)

arrived at the scene, and ordered the preparation of a common grave.[47] The local Justice of the Peace, Juan Santos Ceron, was summoned by the Militia Commander, and authorized the immediate burial of the women as "unknowns," an unfortunate practice that had become common in El Salvador.[48]

When Sister Kazel and Ms. Donovan failed to return to La Libertad, Father Paul Schindler, an American priest working in La Libertad, contacted the United States Consul in San Salvador, Patricia Lasbury (now Patricia Lasbury Hall), on December 3.[49] Ms. Lasbury then informed the Chief of National Police of the women's disappearance. Salvadoran Defense Minister Garcia was also notified.[50] A nationwide search was promised.

In an attempt to locate the women himself, Father Schindler set out to search along the coastal road leading from La Libertad to the airport. On the evening of December 3, he found the burned-out shell of the churchwomen's van where it had been abandoned along the coastal road.[51] Its license plates were missing, and the van could be identified only by the serial numbers on the engine block.[52]

Meanwhile, word began to circulate in the community that four female Caucasian "unknowns" had been found dead and buried in Santiago Nonualco. A local parish priest heard the news and informed the Vicar of the San Vicente diocese. In turn, the Vicar notified the United States Embassy that the bodies of the American churchwomen had been found.[53]

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El Salvador: Human Rights
Special Project (1993)

Upon learning the news, United States Ambassador Robert White went immediately to the murder site, where he found Father Schindler, who also had been notified by the parish priest of the discovery of the bodies.[54] The Secretary of the Justice of the Peace arrived and gave permission for the removal of the bodies from the grave.[55] All four women had been shot in the head; the face of one had been destroyed.[56] The underwear of three of the women was found separately, along with bloody bandanas.[57] Brief medical examinations were performed that day, but no autopsies.[58] Sisters Ford and Clarke were buried in Chalatenango; Sister Kazel and Ms. Donovan, in the United States.[59]

II. THE INVESTIGATIONS

Despite the numbing regularity with which innocents in El Salvador have been subjected to crimes of violence, the rape and murder of the four American churchwomen provoked immediate international outrage. The Salvadoran government responded by publicly promising a full investigation, and the United States pledged its complete assistance. The actions of the United States and its representatives to investigate the crime and to bring the perpetrators to justice have been remarkable. Quite simply, we believe that the killers would never have been identified and the evidence of their guilt never properly assembled had it not been for the efforts, often courageous, of United States personnel.

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El Salvador: Human Rights
Special Project (1993)

The efforts of Salvadoran officials, on the other hand, have been mixed. Despite the public promise of a full and complete investigation, the actual initial Salvadoran government response appears to have been to do everything possible to conceal the perpetrators of the crime. The identities of the killers were known to officials of the Salvadoran National Guard within days of the murders. Nonetheless, the official response to this information ranged from indifference to active cover-up. It was only after a year had passed, and the killers had been identified by the United States, that a competent group of Salvadoran officials undertook a thorough investigation of the crime and assembled the evidence that forms the basis for the prosecutions. The men who performed that task, led by Major Medrano, and the judge who inherited the case and completed the investigation, Judge Bernardo Murcia Rauda, performed difficult work under the most dangerous of circumstances. They deserve the praise and gratitude of all those who have sought to see justice done in this case.

A. The Zepeda and Monterrosa Investigations

Within days of the murders, Salvadoran authorities commissioned two investigations, one public and one private, both with apparently the same objective: to create a written record absolving the Salvadoran security forces of responsibility for the murders. The public investigation was in the

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El Salvador: Human Rights
Special Project (1993)

form of a commission headed by Colonel Roberto Monterrosa, then director of the Armed Forces Studies Center and later commander of the Salvadoran Navy. The private investigation, commissioned by the National Guard itself, was headed by Major Lizandro Zepeda Velasco. In his interview with us, Colonel Monterrosa was surprisingly candid about his purpose. He stated that his investigatory commission had flatly rejected the possibility that security forces were involved in the murder, not because of the absence of evidence, but because their involvement, if proved, would cause serious consequences for the armed forces "from a political point of view."60/

The failure of either Zepeda or the Monterrosa Commission to pursue a serious investigation is obvious, for the evidence of the defendants' culpability was readily available for gathering. As we will note below, the murderers made no attempt whatever to conceal their culpability from other National Guardsmen. Not only had several guardsmen witnessed the churchwomen's abduction, but the defendants repeatedly conceded their guilt to their colleagues following the killing. For instance, at a meeting called by Colonel Vides Casanova within days of the murders to ask whether any National Guardsmen were responsible, Subsergeant Colindres Aleman approached his immediate supervisor, Sergeant Dagoberto Martinez and reported that, "the problem regarding the nuns is me." Martinez advised Colindres Aleman to be silent

RELEASED
El Salvador: Human Rights
Special Project (1993)

about the crime, but to admit his role if questioned by a National Guard officer.[61]

The National Guard officer assigned in December, 1980 to investigate the crime was Major Zepeda.[62] Zepeda interviewed Colindres Aleman, as well as other guardsmen on duty at the airport on the night of December 2.[63] Although all the witnesses whom Zepeda purportedly interviewed had at least partial knowledge of the facts of the crime--knowledge that they later confessed to Major Medrano--Zepeda blithely reported that no one remembered anything out of the ordinary about that evening. His perfunctory written report, turned over to the United States many months later, concludes "[i]t is not proven in this report that elements of the National Guard had any participation in the death of the four North American religious [sic]."[64]

In fact, the written Zepeda report was a sham. Indeed, it made so little an impression on Major Zepeda himself that, when we interviewed him in September, 1983, he insisted that his reporting had been oral only.[65] He persisted in this position even when we told him that we had seen copies of written reports. Zepeda may have remembered only an oral report because it was undoubtedly only orally that he would have communicated his true findings: that National Guardsmen led by Colindres Aleman had committed the murders.

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El Salvador: Human Rights
Digital Project (1993)

Information derived by the United States Embassy from the special Embassy evidence shows unequivocably that Subsergeant Colindres Aleman followed precisely Sergeant Martinez' recommendation. When Major Zepeda questioned Colindres Aleman in the days following the crime, he confessed his role in the murders to the National Guard investigating officer.

Major Zepeda did not betray Subsergeant Colindres Aleman's trust. Rather, he undertook a course of action in the winter and spring of 1981 to protect Colindres Aleman and the other killers. Of course, he issued a written report absolving the guardsmen of blame. Moreover, according to the special Embassy evidence, Major Zepeda caused the murderers to be transferred away from their airport post, thus making it more difficult for outsiders to determine who had been in a position to undertake the killings or to interview military witnesses at the airport. Knowing that the FBI had performed ballistics tests on shells and casings associated with the crime, Major Zepeda also, according to the special Embassy evidence, ordered the killers to switch their rifles with others so as to make detection more difficult. (This effort did not ultimately prevent linking the murder weapons with the defendants. Major Zepeda either failed to, or could not, alter the Salvadoran military's written records identifying which rifles were assigned to the defendants.)

RELEASED
El Salvador: Human Rights
Special Project (1993)

Although we have no direct proof, we think it is quite possible that Major Zepeda informed his superior, then Colonel Vides Casanova, of his activities. Vides Casanova appointed Zepeda, and Zepeda reported directly to him. It seems unlikely that a mid-level officer like Zepeda would have undertaken the obstructive actions he did without approval or encouragement from someone higher. Moreover, when we interviewed now General Vides Casanova, we found him evasive; he professed a disturbing lack of knowledge of Zepeda's investigation, despite evidence that he was aware of and received reports concerning Zepeda's efforts throughout the investigation.[66] In his answers to us, General Vides Casanova attempted to distance himself as completely as possible from all investigations of the crime.

We believe it probable that Major Zepeda informed Colonel Monterrosa of his findings. Indeed, in his discussion with us, Colonel Monterrosa asserted that he was responsible for Zepeda's appointment as investigating officer. Certainly the activity undertaken by the Monterrosa Commission--or, more accurately, its inactivity--suggests the absence of any serious interest in identifying the killers. Nonetheless, for the first few weeks of its existence, the commission managed to suggest to the outside world that it was undertaking a serious mission.

The commission's appointment was announced on December 8, 1980.[67] On that day the members of the

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El Salvador: Human Rights
Special Project (1993)

commission received United States Ambassador Robert White and a team of distinguished Americans sent by President Carter to investigate the crime.[68] The commissioners purported to welcome investigative assistance from the United States, including technical expertise and assistance in planning the investigation. The Ambassador willingly agreed. A team of FBI technicians flew to El Salvador and gathered various evidence for laboratory analysis, including fingerprints and debris taken from the white van, and items of clothing found at the gravesite.[69]

Over the next few days the commission requested that autopsies be performed on the two churchwomen buried in the United States;[70] it visited the murder site and questioned residents of the area;[71] it took a statement from a Salvadoran priest, Father Britto,[72] who had been stopped at a military checkpoint near the airport on the evening of December 2, 1980; and it requested the assistance of the United States in locating six Canadians who had also been stopped at that checkpoint with Father Britto.[73]

Despite its initial show of activity, the Monterrosa Commission soon slowed its pace. On December 20, 1980, the commission adjourned for the traditional three-week Christmas recess,[74] and when the commission eventually resumed its "investigation" in January, 1981, its efforts were unimpressive. Consistent with Colonel Monterrosa's statement to us that the commission had no serious interest in connecting

RELEASED
El Salvador: Human Rights
Special Project (1993)

security forces with the crime, the commission obtained and relied upon false exculpatory statements from guardsmen on duty, substantially identical to those collected by Major Zepeda.[75/]

Although the United States was, as requested, providing investigative assistance, that assistance was largely ignored. United States suggestions that the most elementary investigative steps be taken were greeted with distrust or disinterest. Thus, the United States repeatedly requested, to no avail, that guardsmen at the checkpoint and the burial site be fingerprinted; that airport guardsmen be vigorously questioned about the events of December 2; that the weapons of guardsmen at the airport be confiscated for testing; and the like.[76/] When pressed to explain his reason for failing to fingerprint the potential suspects, Colonel Monterrosa lamely explained, "one must understand the political situation in El Salvador."[77/] He later claimed that the commission did not have the authority to fingerprint the men in question.[78/]

Thereafter, in February, 1981, Colonel Monterrosa began the first of his many efforts to conclude the commission's activities.[79/] One might be tempted to conclude that the Monterrosa Commission's failure to uncover useful information was the result of mere indifference or fear. We conclude that it is more probable that Major Zepeda informed Colonel Monterrosa of Colindres Aleman's guilt and that

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El Salvador: Human Rights
Special Project (1993)

Colonel Monterrosa purposely chose to conceal the truth. According to Monterrosa himself in his discussion with us, Zepeda reported everything he knew to him.

More telling than the lines of authority, however, was an event that occurred on February 26, 1981. On that date, after much prodding from the United States, Colonel Monterrosa delivered to an Embassy official fingerprints and palm prints of three of the four guardsmen from whom the commission had taken written statements: Jose Luis Monterrosa, Luis Napoleon Cornejo Cubas, and Vidal Cruz Piche, all guardsmen stationed at the airport checkpoint on the day of the murders.[80] Of course, since none of these men was involved in the murders, their fingerprints were essentially meaningless. The significant event of that day, however, was Colonel Monterrosa's pointed failure to produce the fingerprints of the fourth guardsmen who had given a statement: Subsergeant Colindres Aleman.

A month and a half later, after the special Embassy evidence had provided the Embassy an indication of Subsergeant Colindres Aleman's guilt, but before the Embassy had revealed that knowledge to the Salvadorans, an Embassy official asked Colonel Monterrosa why Colindres Aleman had not been fingerprinted.[81] Colonel Monterrosa immediately became defensive and claimed he had taken fingerprints only from those persons requested by the Embassy. From all the circumstances, however, we believe that Colonel Monterrosa

RELEASED
El Salvador: Human Rights
Special Project (1993)

did not provide Colindres Aleman's fingerprints because he knew--since Major Zepeda had told him--that Colindres Aleman was responsible for the murders. Monterrosa feared that providing Colindres Aleman's fingerprints would enable him to be identified.

In the period between January and April, 1981, frustrated at the inaction of the Monterrosa Commission, and still uncertain that a purposeful cover-up was underway, Embassy officials continued to apply direct and indirect pressure upon Colonel Monterrosa. They asked the ruling junta to press Monterrosa to conduct a meaningful inquiry.[82/] President Jose Napoleon Duarte, whom we interviewed and who appeared to have a sincere interest in the prosecution of this case, complied with the various requests of the United States, and repeatedly instructed Colonel Monterrosa to undertake pertinent investigative steps: to identify all security force personnel near the airport; to fingerprint those personnel; and to collect, secure and test their weapons.[83/] Despite instructions from his civilian superior, Colonel Monterrosa did as little as possible throughout the early spring of 1981. Taken together, the Monterrosa and Zepeda investigations provide distressing evidence of the willingness of the Salvadoran military to protect their own, no matter what the cost.

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El Salvador: Human Rights
Special Project (1993)

B. The Cover-Up Is Defeated

Distressed at the apparent inability of the Monterrosa Commission to make substantial progress, and unaware of the cover-up engineered by Major Zepeda, officers of the United States Embassy determined to do what they could to identify the killers. In February, 1981, an Embassy officer developed information that promised eventual discovery of the identity of the killers. Over the next two months, this special Embassy evidence was proven reliable. The Embassy learned the identity of the killers; of other witnesses who could prove the killers' identity in court, most notably Sergeant Dagoberto Martinez; and obtained convincing evidence of the cover-up.

A significant piece of corroboration came from FBI analysis of two cartridge casings and three spent bullets provided to the Embassy by the Salvadoran government on March 2, 1981.[84/] On March 17, 1981, the FBI laboratories identified the casings and bullets as coming from Heckler and Koch G-3 assault rifles,[85/] standard issue to the Salvadoran security forces. Other corroborating evidence cannot be set forth here because it would tend to disclose and thus endanger the nature and sources of the special Embassy evidence. In any event, after several months of testing, through the use of corroborating evidence, the Embassy was convinced that the special Embassy evidence was both genuine and sound.

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El Salvador: Human Rights
Special Project (1993)

By April, 1981, the Embassy had concluded that only extraordinary pressure would result in the arrest and prosecution of the killers, and it determined to inform the Salvadoran authorities of the information it had learned, but not its source. On April 21, 1981, the Embassy identified Subsergeant Colindres Aleman to President Duarte. Several days later the Embassy named to Defense Minister Garcia five other guardsmen identified by the special Embassy evidence.[86] The United States demanded that the killers be arrested. Upon learning this news, Colonel Vides Casanova ordered the arrest of the guardsmen who had been identified. The men were taken into custody on April 29, 1981.[87]

The arrest of the guardsmen enabled the FBI to complete the scientific tests it had begun some months before. On April 30, the FBI obtained the defendants' fingerprints and shortly thereafter matched a thumbprint of Subsergeant Colindres Aleman with a print found on the churchwomen's van.[88] On May 1, the weapons of the guardsmen were seized,[89] and by May 17, the FBI reported that one of the seized weapons, which later was identified as belonging to Guardsman Moreno Canjura, had fired a cartridge found at the murder site.[90]

Although the cover-up had been thwarted, and evidence of the defendants' guilt produced, the military apparently remained ambivalent about the extent to which it would cooperate in the prosecution. Major Zepeda remained

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El Salvador: Human Rights
Special Project (1993)

in charge of the National Guard's internal "investigation," and the disclosure of the true facts apparently did little to deter him from his course of concealment. In the period following the arrests, Zepeda took two more written statements from Subsergeant Colindres Aleman.[91] In the first, Colindres Aleman again denied participation in the murders. In the second, recorded after the FBI had linked his fingerprint to the nuns' van, Colindres Aleman claimed that he might have touched the van in the airport parking lot and again denied his guilt. Major Zepeda also interviewed Guardsman Moreno Canjura, who blandly claimed that his rifle could not have been involved in the murder because he had possessed it continuously and he had not been involved in the murder.[92]

On July 1, 1981, Major Zepeda submitted a second report to Colonel Vides Casanova.[93] He still concluded that he could not determine the guilt of the guardsmen because of the "difficulty" in resolving a case so "delicate." He concluded that only the civilian courts could make a determination of guilt and that he had exhausted the resources at his disposal. Other than Major Zepeda's meager efforts, Salvadoran attempts to investigate and prosecute the guardsmen were virtually nonexistent throughout the summer and fall of 1981.

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El Salvador: Human Rights
Special Project (1993)

C. The Medrano Working Group

By the fall of 1981, the United States Embassy recognized that the Salvadoran authorities were evidently content to let the defendants remain in prison while doing nothing to prosecute the crime. The Embassy determined to press all the harder for a serious investigation, which, for political reasons, would have to come under the aegis of the Monterrosa Commission.

On December 4, 1981, the Commission agreed to the appointment of a working group, composed of professional investigators and backed by technical assistance from the United States, to conduct the investigation.[94] On December 7, 1981, the Fiscal General (the chief Salvadoran prosecutor) and his deputy agreed to this concept as well.[95] The working group was formally established on December 9 by order of Colonel Vides Casanova.[96] National Guard Major Jose Adolfo Medrano was appointed to head the group.

The work of the Medrano working group is one of the encouraging chapters in the Salvadoran handling of the churchwomen murders case. It stands in sharp contrast to the previous two investigations described herein, and was pursued with thoroughness and persistence. The Medrano working group was the first successful attempt by an agency of the Salvadoran government to investigate the murders in a systematic and determined way. In two months time, the working group, under the able leadership of Major Medrano,

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El Salvador: Human Rights
Special Project (1993)

was able to question more than a dozen important witnesses, gain a confession, and gather valuable physical evidence.

One of the reasons the Medrano working group was so successful was that, with its establishment, ongoing technical assistance was provided by the FBI at every step. Similarly, Embassy personnel were present for every session of the Medrano working group. Thus, the Medrano working group became an organized, joint effort by Major Medrano of the National Guard, detectives of the National Police, the FBI Regional legal attache and his FBI colleagues who appeared from time to time to carry out special activities such as polygraphing, ballistics, or fingerprint analysis, and representatives from the United States Embassy. Representatives from the office of the Fiscal General also participated in working group sessions.

Within days of his appointment on December 9, 1981, Major Medrano had interviewed two of the airport fuel workers who were on duty on the day of the murders concerning the dispensing of airplane fuel possibly used by the guardsmen in their jeep;[97/] Jose Vidal Cruz Piche, one of the guardsmen stationed at the airport;[98/] the four guards of Hector Herrera's estate, who witnessed the van passing back and forth to the murder site that evening[99/] and Jose Luis Monterrosa, another guardsman stationed at the airport.[100/] These interviews were crucial to the case. They provided

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El Salvador: Human Rights
Special Project (1993)

the first public evidence of the facts surrounding the crime.

The first important break for Major Medrano was his interview on December 11 of Guardsman Cruz Piche.[101] Cruz Piche, whom Major Medrano had known previously[102] and who apparently felt comfortable with the investigator, confided that on the night of the murders he had seen Colindres Aleman, Contreras Recinos, Moreno Canjura, Canales Ramirez, and two others depart the airport in the post's Toyota jeep shortly after 7:00 p.m., passing through the checkpoint where Cruz Piche was stationed with Guardsmen Luis Monterrosa and Cornejo Cubas. Cruz Piche said that when he returned to the detachment headquarters at the end of his tour, he found that the six who had left earlier were drunk and appeared nervous.[103]

Medrano reinterviewed Guardsman Cruz Piche on December 15, 1981.[104] Cruz Piche amplified his previous statement, saying that Subsergeant Colindres Aleman ordered Guardsman Perez Nieto to remain at the checkpoint to detain all airport traffic for the next ten minutes, and that Perez Nieto had allowed a white microbus to pass without inspection. Cruz Piche reported that he later overheard Colindres Aleman say "What's done is done," and, "If fate is against us, we will have to pay," or words to that effect. This testimony was the first public revelation that Colindres Aleman had ever acknowledged his guilt.

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El Salvador: Human Rights
Special Project (1993)

Guardsman Cruz Piche also testified that three days later he heard a guardsman say that he had been told by guardsmen who had accompanied Colindres Aleman that the victims were "subversive nuns," that "we took subversive propaganda from them," and that another guardsman had somehow obtained 5,000 dollars or colones. He said that eight days later he saw Subsergeant Colindres Aleman selling ladies' watches in the airport area.

Guardsman Jose Luis Monterrosa confirmed Cruz Piche's statement to the Medrano group and named the six guardsmen he saw depart the airport: Colindres Aleman, Jose Elias Sanchez, Francisco Orlando Contreras Recinos, Jose Roberto Moreno Canjura, Adrian Ramirez, and Daniel Canales Ramirez.[105/] Two days after the murders, Luis Monterrosa saw Colindres Aleman with a large amount of money purchasing a television set, furniture, and other items, as well as selling a tape recorder, watches, rings, and eyeglasses. Luis Monterrosa testified that he overheard guardsmen say that "they were subversive nuns and had subversive propaganda," and that Colindres Aleman said "It happened today: if our turn comes up, we'll have to pay for it."

During this period the Medrano group also took statements of Luis Napoleon Cornejo Cubas, the third guardsman at the airport checkpoint, Corporal Isabel Aquino Giron, the deputy commander of the airport National Guard detachment, and Guardsman Perez Nieto, who had been on patrol at

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El Salvador: Human Rights
Special Project (1993)

the terminal and had spotted the nuns. Taken together, the statements significantly tightened the chain of evidence of guilt and provided a fairly complete picture of the events of December 2, 1980.

In his December 17, 1981 statement,[106] airport Guardsman Luis Napoleon Cornjeo Cubas confirmed the statements of Guardsman Cruz Piche and Luis Monterrosa, and revealed that he had learned that on the night of the murders Colindres Aleman brought back a spare tire, which a few days later he gave to a friend at the nearby "Macondo" cotton plantation. He also saw Colindres Aleman and his five companions burn women's clothing behind the National Guard command post several days after the killings.

Corporal Giron testified that about 5:30 p.m., he overheard Subsergeant Colindres Aleman talking by telephone with Perez Nieto, who was in the airport terminal.[107] Thereafter, Giron swore, Colindres Aleman ordered five guardsmen to dress in civilian clothes, and they departed with him in the detachment jeep at about 7:00 p.m. Giron testified that later that evening he received a telephone call from Colindres Aleman, asking for a replacement vehicle. Giron borrowed a blue pickup truck and a driver from the commander of the airport Customs Police, and directed the driver to proceed to El Rosario La Paz to meet Colindres Aleman.

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El Salvador: Human Rights
Special Project (1993)

Giron further stated that he saw the pickup truck return with the guardsmen shortly before midnight, observed the guardsmen remove a tire and several cartons from the truck, and later heard that Subsergeant Colindres Aleman took the tire to a friend at the "Macondo" cotton plantation the next day. Finally, Giron said that on or about December 7, 1980, Colindres Aleman told him that "they were subversive women. I do not think there will be a problem." This implicit acknowledgment of guilt by Colindres Aleman constitutes his third extrajudicial confession in the record.

On December 22, 1981, Margarito Perez Nieto, the guardsman on patrol in front of the airport terminal who had identified the nuns, gave a deceptive statement.[108/] Although Perez Nieto acknowledged reporting to Subsergeant Colindres Aleman that two "suspicious looking foreign women were in the airport terminal," he claimed that Colindres Aleman only ordered him to go to the checkpoint to search all out-going traffic, which he claimed he did for five or ten minutes without singling out any particular vehicle. He stated that one of the three white vans he remembered seeing may have been driven by one of the women he had seen earlier in the terminal. At this initial interview, Perez Nieto failed to reveal that he had seen Colindres Aleman depart with five other guardsmen in civilian clothes to stop the white van. He likewise only obscurely alluded to Colindres Aleman's instructions to him to hold all traffic except for the white van, and his compliance with those instructions.

RELEASED
El Salvador: Human Rights
Special Project (1993)

On December 23, the Medrano working group interviewed the airport Customs commander.[109] He corroborated Corporal Giron's statement that at about 11:00 p.m. on the night of the murders, Giron asked him to loan the Customs Police vehicle in order to pick up Colindres Aleman and the others. He said that he sent his vehicle and driver to get the guardsmen and that his driver later informed him that the guardsmen had put bloodstained women's clothing in the truck. The following day, Christmas Eve, the Medrano group interviewed Mariana Realejeno, the maid at the National Guard airport barracks,[110] who testified that in late December, 1980, a guardsman gave her a woman's skirt as a gift.

Early in January, 1982, the Medrano working group interviewed Victor Melgar Garay, the Customs Police duty driver who had picked up the group of guardsmen in El Rosario La Paz on the night of the murders.[111] Melgar Garay described the unloading and burning of the white microbus on the highway to La Libertad, and testified that he had been warned to keep silent about what he had seen. In the same period, the Medrano group began to amass the physical evidence that linked the six guardsmen to the crime. The wheel, tire, and jack stolen from the church-women's van were recovered by the working group from the nearby plantation where they had been taken by Colindres Aleman.[112]

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El Salvador: Human Rights
Special Project (1993)

The working group interviewed Adrian Ramirez Palacios and Jose Elias Sanchez Guzman, guardsmen detained together with the killers, on January 11 and 12, 1982. Each confirmed that he had seen Subsergeant Colindres Aleman and his group depart from the airport on the night of December 2, 1980, and that Colindres Aleman had later possessed personal articles from the van.[113/]

Sanchez Guzman added critical incriminating statements he had heard from the defendants during his period of incarceration with them.[114/] He stated that while in prison Guardsman Moreno Canjura had admitted that after the women were shot, Moreno Canjura saw that one of them was still alive and that he had used his own rifle to kill her. Sanchez Guzman swore as well that he and Ramirez Palacios were threatened by the defendants that they would be killed if they talked about the case after they were released. Finally, Sanchez Guzman provided an important clarification about the culpability of Guardsman Rivera Franco, which later enabled the prosecution to use Rivera Franco as a witness against the killers: although Rivera Franco had participated in the kidnapping of the women, he was not one of the killers; he had stayed behind with the disabled jeep at Rosario La Paz.

The various witnesses' statements had regularly identified one guardsmen not in custody, Carlos Joaquin Contreras Palacios, as among the six men who had abducted

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El Salvador: Human Rights
Special Project (1993)

the churchwomen and, at the same time, had generally omitted mention of one guardsmen in custody, Adrian Ramirez Palacios. This evidence, together with the similarity in names, led the working group to conclude by late December that Ramirez Palacios was not involved in the murders.[115] During the first week in January, 1982 the Medrano working group had located Contreras Palacios for questioning.[116]

On January 14, 1982, the working group received a major break: Contreras Palacios confessed to his participation in the murders.[117] Because Contreras Palacios had been belatedly identified and had not been incarcerated with the other five defendants, he apparently had not been subject to group pressure to present a joint alibi. Rather, remorseful over having raped and murdered women who he later learned were nuns, Contreras Palacios, when apprehended, provided the first participant account of the crime.

Under Salvadoran law (common in many civil law countries), the testimony of a participant in the crime cannot be used against the others.[118] Thus, Contreras Palacios' confession was, technically, admissible only against him. It was significant nonetheless. First, it provided full corroboration of the evidence initially provided by the special Embassy evidence and thereafter painstakingly developed by the FBI and the Medrano working group. Second, the confession would be admissible against Contreras Palacios at the joint trial of all the defendants.

RELEASED
El Salvador: Human Rights
Special Project (1993)

Thus, although it was technically of limited admissibility, it would still have a significant psychological effect on the jurors, assuring them of the defendants' guilt.

Contreras Palacios swore that he and the others, dressed in civilian clothes, left the airport command post at 7:00 p.m., and stopped and searched the churchwomen's van about a half mile from the airport.[119/] He said that they then drove with the van towards El Rosario La Paz, but that they had engine trouble with the jeep, forcing them to leave it in El Rosario, with a guardsman (Rivera Franco) to safeguard it. Thereafter, they drove to a deserted spot several miles southwest of San Pedro Nonualco, where Colindres Aleman ordered them to stop and the churchwomen to get out.

The guardsmen proceeded to rape the women and then, at Colindres Aleman's orders, shot and killed them. They then returned to El Rosario, picked up the guardsman left there, and drove down the coastal highway, where they burned the van. Contreras Palacios stated that he did not know of any other orders that the women be killed and that only Colindres Aleman ordered them to kill the "subversive" nuns. (When Contreras Palacios was reinterviewed, partially at our suggestion, in October, 1983, he altered this last testimony and claimed that Colindres Aleman told him he had been ordered to kill the women, but that Colindres regularly used such explanations to justify his orders.)

RELEASED
El Salvador: Human Rights
Special Project (1993)

On the same day that the working group obtained Contreras Palacios' confession, it began the process of administering polygraph examinations to the suspects. Although polygraph evidence is inadmissible in El Salvador, as it is in the United States, the working group recognized, at the urging of United States representatives, that the skilled use of the polygraph can be an important investigative tool. It can provide a basis for evaluating the credibility of witnesses. More importantly, many a witness, confronted with an impending polygraph examination or the fact that he has failed one, decides to tell the truth. This happened three times during the course of the polygraph examinations in this case, all of which were administered by an experienced Spanish speaking FBI polygrapher.

Three of the suspects did not alter their testimony concerning the murders either before or after the polygraph exam: Guardsman Francisco Orlando Contreras Recinos,[120/] Guardsman Daniel Canales Ramirez[121/] and Guardsman Jose Roberto Moreno Canjura.[122/] Nonetheless, the FBI polygrapher concluded that all three--and a fourth, Subsergeant Colindres Aleman[123/]--were lying when they denied involvement in the crime. During the polygraph examination, Colindres Aleman was also asked whether he had been ordered by anyone to commit the crime. Significantly, the polygrapher concluded that his denial of receiving higher orders was truthful.[124/]

RELEASED
El Salvador: Human Rights
Special Project (1993)

Although Subsergeant Colindres Aleman did not confess during the course of his polygraph examination, he did alter his previous testimony in an incriminating way.[125/] Prior to the polygraph examination, Colindres Aleman had consistently claimed that he and his men were on duty at the airport on the night of December 2. During the course of the pre-examination interview, Colindres Aleman altered his testimony to concede significant incriminating details. For the first time, Colindres Aleman admitted receiving a telephone call from Perez Nieto at about 3:00 p.m. on December 2, 1980, reporting two suspicious persons at the airport, thus conceding he was on notice of the churchwomen's presence at the airport.

Subsergeant Colindres Aleman also altered his testimony to link all the suspects together. He admitted that at about 7:00 p.m. he ordered Francisco Orlando Contreras Recinos, Daniel Canales Ramirez, Carlos Joaquin Contreras Palacios, Salvador Rivera Franco and Jose Roberto Moreno Canjura, the remaining suspects, to change into civilian clothes so that they could all drive into El Rosario La Paz. Despite this critical concession, Colindres Aleman claimed that the purpose of the trip was only to get gas for the unit stove, and that they returned at about 10:00 p.m.

Margarito Perez Nieto, the airport guardsman who called Subsergeant Colindres Aleman to report to him the movements of the churchwomen from the airport, had significantly understated his knowledge at his initial interview.

RELEASED
El Salvador: Human Rights
Special Project (1993)

In January, 1982 he took and failed a polygraph, and then elected to tell the truth.[126] On January 15, 1982 Perez Nieto confessed that he had been ordered by Subsergeant Colindres Aleman to allow the churchwomen's van to pass through the checkpoint, and that he had done so. He added that he had had no previous instructions to look for the churchwomen at the airport and that he was unaware of any such instructions to anyone in the National Guard unit at the airport.

Salvador Rivera Franco, the guardsman who accompanied Subsergeant Colindres Aleman and the churchwomen to El Rosario La Paz, where he remained behind to guard the jeep, also provided significant additional information upon being confronted with the polygraph.[127] Initially, Rivera Franco had offered no useful evidence in the investigation. At the commencement of the polygraph session, however, Rivera Franco indicated that he wished to make a statement, and did so. Rivera Franco thereupon identified the guardsmen who had accompanied Colindres Aleman and the nuns from the airport access road; described the search of the churchwomen's van on the airport access road; described the return from El Rosario La Paz after the murders along the coastal road to the spot where the van was burned; and stated that several of the suspects had confessed to him that they had killed the women.

RELEASED
El Salvador: Human Rights
Special Project (1993)

Finally, a polygraph examination helped to exonerate another of the earlier accused, Guardsman Jose Elias Sanchez Guzman. Like Ramirez Palacios, he had been imprisoned as one of the original six accused, but then was released upon the development of exonerating evidence, including the confession of Contreras Palacios and the statements of various witnesses excluding Sanchez Guzman from the group of six guardsmen who had abducted the women. As a final test, Sanchez Guzman was submitted to a polygraph examination, which he passed. Thereupon, the working group concluded that his continued denial of participation in the murders was truthful.[128/]

On February 9, 1982, the Medrano working group having completed its activities, Major Medrano forwarded the investigative file to General Vides Casanova.[129/] General Vides Casanova, in turn, forwarded the file, with the jack, tire, and skirt seized during the investigation, to the First Penal Judge in Zacatecoluca on February 10. At the same time, he consigned to the court Colindres Aleman, Contreras Recinos, Moreno Canjura, Contreras Palacios, Canales Ramirez and Rivera Franco, stating that they had been discharged from the National Guard and arrested for their participation in the deaths of the four churchwomen.[130/]

D. The Civil Investigation

The evidence assembled by the Medrano working group remains the principal evidence of the defendants'

RELEASED
El Salvador: Human Rights
Special Project (1993)

guilt. Nonetheless, as the civil authorities created their own record to support the prosecution during the ensuing months, several significant pieces of additional evidence were developed.

Perhaps most important of these was the evidence of Subsergeant Colindres Aleman's confession to his superior, Sergeant Dagoberto Martinez. The special Embassy evidence identified Sergeant Martinez in 1981 as one to whom Colindres Aleman had confided his guilt. By January, 1982, Martinez was living in Los Angeles, having left El Salvador and the National Guard in January, 1981. He was located there and interviewed by the FBI, but he denied any knowledge whatsoever about the events of the murder.[131/]

When the FBI reported these results back to El Salvador, Embassy officials knowledgeable about the special Embassy evidence were unsatisfied. They suggested that the FBI reinterview Sergeant Martinez with the assistance of a polygraph examination.[132/] Once again, the threat of the lie detector provoked a change in testimony. Faced with the test, Martinez confessed that, shortly after the killings and during a meeting of the National Guard called by Colonel Vides Casanova to ask whether any guardsmen were responsible, Subsergeant Colindres Aleman approached Martinez and conceded that he was responsible for the "problem regarding the nuns."[133/] Martinez explained that he had advised Colindres Aleman to keep that information to himself for the moment, but to confess it to

RELEASED
El Salvador: Human Rights
Special Project (1993)

the Director of the National Guard in accord with the Director's request.

Another significant piece of additional evidence was obtained in July, 1983. Judge Rauda had refused, under Salvadoran law, to admit into the trial record evidence obtained outside the territorial boundaries of El Salvador or outside his supervision.[134] For this reason, he rejected the admissibility of both the ballistics and fingerprint evidence obtained by the FBI. As the case was readied for trial in the summer of 1983, and in part at our suggestion, the FBI agreed to transport its ballistics equipment to El Salvador and train a Salvadoran national in the testing process.[135] When this was done, Judge Rauda was able to produce two more weapons, previously unknown, attributable to the defendants. The ballistics test linked one of these newly discovered weapons, that of Contreras Palacios, to the crime, thereby providing another direct link between the defendants and the murder.[136]

Unfortunately, it was impossible to replicate the fingerprint evidence linking Subsergeant Colindres Aleman to the nuns' van. The original fingerprint had been obtained by an FBI technician in December, 1980, shortly after the killings, and processed in Washington.[137] According to Judge Rauda, it was inadmissible for two reasons: (1) the fingerprint had been taken from the van without the authority of the investigating judge; and (2) it had been analyzed by a non-Salvadoran.[138] In 1983, an effort was made to

RELEASED
El Salvador: Human Rights
Special Project (1993)

duplicate the process in an admissible fashion.[139] The Salvadoran authorities had done nothing, however, to preserve the van and, not surprisingly, the fingerprint could no longer be located some two and one-half years later.

During our trip to El Salvador, we attempted to explore ways in which the fingerprint obtained by the FBI could nonetheless be used. Both the prosecutors and private attorneys retained by the Embassy persuaded us that the fingerprint would not be admitted during the investigatory stage of the proceedings.[140] It is possible, however, as we shall explain below, that the fingerprint could nonetheless be used in the argument section of the trial, when otherwise inadmissible evidence may be presented to the jury.

III. INVOLVEMENT OF HIGHER AUTHORITIES

Since the day the bodies of the churchwomen were found, there has been a widely held suspicion, at least in the United States, that higher officers in the Salvadoran security forces were involved in the murders. Indeed, at the outset of our mission, we shared that suspicion. We frankly doubted that an enlisted National Guard member would have undertaken on his own initiative the rape and murder of four North American women, even in a society as violent as El Salvador. For this reason, we considered it an important part of our mission to do what we could to help resolve the

RELEASED
El Salvador: Human Rights
Special Project (1993)

question. The Salvadorans had done little to address it directly. It had taken enough American effort simply to persuade the prosecutors to pursue the murders themselves, and we saw little hope that a full-fledged investigation of possible higher involvement would ever be undertaken, at least absent concrete evidence of the sort used to force the investigation of Subsergeant Colindres Aleman and guardsmen under his command.

We resolved, therefore, to do what we could to urge the prosecuting authorities to gather evidence relevant to the question of higher involvement, while at the same time carefully reviewing the evidence available to us in an attempt to resolve the question for ourselves. In particular, we wished the Salvadorans to reinterview guardsmen Perez Nieto and Contreras Palacios. Perez Nieto had first spotted the churchwomen at the airport and his conversations with Colindres Aleman apparently led to their abduction. We did not believe he had been sufficiently questioned about these subjects. We hoped that new questioning would illuminate Colindres Aleman's specific motivation. Unfortunately, we learned that, after giving his statement to Judge Rauda, Perez Nieto had been reported missing in action since January, 1983.[141/]

We asked that Contreras Palacios be reinterviewed because, as the sole confessing guardsman, he was in a

RELEASED
El Salvador: Human Rights
Special Project (1993)

position to shed light about what, if anything, Colindres Aleman had said about his orders, a subject on which we believed Contreras Palacios had been insufficiently questioned earlier. Contreras Palacios did give new testimony in which he expanded, and contradicted, his earlier testimony by stating that Colindres Aleman had indeed claimed, in directing the guardsmen to kill the women, that the orders came from higher up.142/ Contreras Palacios added that Colindres Aleman regularly used this sort of justification with his troops. For reasons set out below, we ultimately discounted the significance of this testimony, but it served further to underscore the importance of a resolution of the higher-up question.

We also asked the Salvadoran authorities to investigate links between the killers and security forces in Chalatenango and La Libertad, where the churchwomen had lived and worked. We sought to clarify, to the extent possible, whether any of the defendants had contacts with those cities that would suggest their participation in a conspiracy to murder, or whether officers in those cities had had contacts with the airport that would suggest the same. At the same time, we asked that fingerprints of guardsmen in Chalatenango be obtained so that they could be compared with fingerprints found on documents that threatened the churchwomen in Chalatenago. Although fingerprints have

RELEASED
El Salvador: Human Rights
Special Project (1993)

now been obtained from the security forces commanders at Chalatenango and analyzed without positive results, to the best of our knowledge, other security forces personnel stationed there have yet to be fingerprinted.

Thus, the record from which we have had to work is not as complete as we would have liked, or as would have been assembled for a comparable murder investigation in the United States. Nonetheless, we deem the issue too important to leave without discussion. We have undertaken to weigh the evidence available to us as best we can. We have analyzed the testimony of the witnesses and the circumstances under which the testimony was taken. We have made judgments about the credibility of particular witnesses. We have applied our various experiences as prosecutors and judge to the facts of this case. And, contrary to our initial supposition, we have concluded that, from the evidence now available to us, it is unlikely that Subsergeant Colindres Aleman received higher orders to commit this crime. We believe that he acted on his own initiative.

An analysis of the higher orders question begins with a definition of terms. In the broadest sense, higher orders could simply mean an understanding among the security forces in El Salvador, fostered by their superiors, that crimes of violence, no matter how outrageous or unjustified, would not be prosecuted. We do not believe that is what concerns those who believe Subsergeant Colindres Aleman was ordered to commit this crime. Nonetheless, the existence of

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El Salvador: Human Rights
Special Project (1993)

this atmosphere is important in resolving the more particular question, for it is clear to us that in El Salvador in 1980, and perhaps still today, there was a general tolerance of crimes of violence by the military. At the time of this crime, so far as we are aware, few, if any, national guardsmen had ever been civilly prosecuted for murder, even though estimates of murdered civilians ran up to 40,000, many allegedly at the hands of the military. Thus, we conclude that officers of the Salvadoran military forces, whether by direction, inactivity or tolerance, encouraged the notion that their troops were above the law.

This brings us to the more direct higher-up questions. Did some higher officer (or officers) order Subsergeant Colindres Aleman to murder the women he had abducted at the El Salvador airport, either after hearing of Guardsman Perez Nieto's suspicions or because he had previously planned to murder some or all of the women, knowing that they would be at the airport on the night of December 2?

The most direct evidence that some higher officer ordered the killing comes from the statements of Guardsmen Contreras Palacios and Valle Espinosa. Contreras Palacios has testified in his second interview that, in directing the guardsmen to shoot the women, Subsergeant Colindres Aleman said he was doing so because of superior orders.[143/] In addition, Valle Espinosa has testified that Colindres Aleman said substantially the same in ordering him to participate in the roadblock.[144/]

RELEASED
El Salvador: Human Rights
Special Project (1993)

In addition to the direct testimony of Contreras Palacios and Valle Espinosa, there is certain circumstantial evidence as well. To some American observers at least, it seems unlikely that Subsergeant Colindres Aleman would abandon his duty post at the airport, together with five of his troops, unless he had authorization to do so. More generally, there is evidence of hostility between the military and the church in El Salvador and, in particular, between the military and church workers in Chalatenango. Our interviews with Salvadoran officers reinforced this conclusion; their animosity towards the church was obvious. Colonel Monterrosa was perhaps most blunt. He openly speculated that the churchwomen were probably subversives, and that the military might well have wished them dead.[145/]

This hostility manifested itself directly with respect to churchworkers in Chalatenango, where Sisters Ford and Clarke were based. Military personnel stationed there regularly harassed churchworkers by, for example, blocking entry to the church with their cars and haranguing them about their alleged subversive activities.[146/] By the fall of 1980, this hostility had become even more threatening.

In November, 1980, a sign was posted on the parish door in Chalatenango that could be read to threaten the lives of those working with the church there.[147/] On December 2, the day of the murders, Father Efrain Lopez, the parish priest in Chalatenango, reportedly received a letter

RELEASED
El Salvador: Human Rights
Special Project (1993)

threatening those working for the church in Chalatenango.[148] Later on December 2, the sacristan of the Chalatenango church allegedly was approached and shown a list of people to be killed that included the names of Sisters Ford and Clarke.[149]

Moreover, a possible opportunity existed for the military to learn that the churchwomen would be at the airport on December 2. In November, 1980, Maryknoll nun Madeline Dorsey sent a telegram to Sister Ita Ford describing her travel plans to the Managua Conference and suggesting that Sisters Ford and Clarke return with her to El Salvador on December 2.[150] If the telegram were intercepted by Salvadoran intelligence officers, the possibility existed for arranging an ambush.

Ominous though the above recital may sound, it is nonetheless quite a ways distant from direct proof of higher involvement. More importantly, upon analysis, we believe some of this evidence is more ambiguous than it may seem, and supports the theory that Subsergeant Colindres Aleman acted on his own initiative as readily as the theory that he received higher orders. The remaining evidence, we believe, is both of dubious probative value and substantially outweighed by the evidence inclining against higher involvement.

First, we believe the testimony of Guardsman Contreras Palacios and Valle Espinosa to be, upon analysis, neutral. Although both have testified that, in the course

RELEASED
El Salvador: Human Rights
Special Project (1993)

of ordering them to participate, Subsergeant Colindres Aleman told them that he had "superior orders" and although we have no reason to disbelieve this testimony, it is not conclusive of anything. It would not be surprising if a non-commissioned guardsman of inferior rank like Colindres Aleman used the guise of "superior orders" to motivate his troops, whether he had such orders or not, particularly when asking his men to commit a blatantly illegal act. Indeed, Contreras Palacios's own statement supports this conclusion. He observed that Colindres Aleman regularly justified his orders on such a basis, and speculated that Colindres Aleman had done so this time so that he would not have to bear the full responsibility for his order. Thus, the testimony of Contreras Palacios and Valle Espinosa does not necessarily support an inference either way.

We also conclude that the general animosity between the church and the military does not necessarily support a conclusion of higher-up involvement. The belief, tolerated and even encouraged by officers of the security forces, that the Church and its workers were subversive could well lead lower-ranking soldiers to believe that church workers were fair game for harassment or worse. Thus, we believe the animosity serves as well to explain Colindres Aleman's own motives for the crimes--and his own belief that his acts were justified--as it does to suggest that his superiors were necessarily involved.

RELEASED
El Salvador: Human Rights
Special Project (1993)

Colindres Aleman's willingness to abandon his airport post also does not support an inference either way. His action was, we believe, consistent with the structure within the National Guard at the time. As we learned in the course of our mission, Subsergeant Colindres Aleman had wide latitude in the daily functions of the unit he commanded.[151] His superiors visited his post only occasionally, and this lack of command control was and is a major concern of the Salvadoran high command. Until recently, the number of officers was quite low in proportion to the number of posts and guardsmen to supervise.[152] Moreover, transportation and communication facilities were limited, making it difficult for officers to control men in the field.

We also do not accord much weight to Sister Dorsey's telegram as providing an opportunity for the military to learn about the churchwomen's travel plans. As we learned, the intelligence network in El Salvador is quite primitive.[153] There is no reason to believe that the telegram was intercepted and, if it had been, we doubt that it would have been read by anyone with a particular interest in Sisters Ford and Clarke. Moreover, even if the telegram were intercepted and routed to a person interested in securing the demise of the nuns, the telegram did no more than suggest that they travel on December 2. It was, it seems to us, an insufficient basis on which to construct a plan to abduct and murder the women.

RELEASED
El Salvador: Human Rights
Special Project (1993)

Finally, we conclude that there is no likely connection between the Chalatenango death threats and the murders. The threats were not directed at Sisters Clarke and Ford in particular, and thus suggest no reason why those nuns would be singled out for detention and murder at the airport, some distance from Chalatenango. Moreover, if the threats were serious, we see no reason why they would not have been implemented in Chalatenango--where they would have the maximum deterent effect on the local church workers--rather than in another, far away part of the country. Implementing the threats in a distant military district would have required a level of coordination and cooperation that we have neither observed nor understood to be present in the Salvadoran security forces. At the same time, if such coordination were arranged, it would have necessarily involved additional guardsmen in the killings and thus needlessly increased the chances that the conspirators would be exposed.

If the threats were causally connected with the killings, Subsergeant Colindres Aleman would necessarily have had to be on the alert for the churchwomen. The evidence of Perez Nieto, which we credit and discuss further below, however, demonstrates that Colindres Aleman was not anticipating the arrival of the churchwomen. Finally, in our experience, death threats rarely lead so directly to murder, at least without their authors leaving sufficient time for the threat to have its desired intimidating effect.

RELEASED
El Salvador: Human Rights
Special Project (1993)

If the authors of the death threats truly intended immediately to kill the churchwomen, there was no reason to issue the threats.

In sum, much of the evidence allegedly supporting higher involvement in the murder is, in our view, actually neutral and supports either conclusion. The remaining evidence is of dubious probative value. More importantly, however, there is substantial evidence that, we believe, points the other way.

First, there is the evidence of Subsergeant Colindres Aleman's behavior during the crime itself. In this regard, the testimony of Perez Nieto, the airport guard, is crucial. As an initial matter, we regard his testimony as truthful because of the manner in which it was given: an initial deception, followed by significant revelations after failing a polygraph examination. If truthful, his testimony is inconsistent with higher orders. Were there a prearranged plan to abduct the women, it is inconceivable to us that Colindres Aleman would not have warned Perez Nieto to be on the alert for them. Not only did Perez Nieto affirmatively deny any such orders, but he also simultaneously provided a plausible and independent explanation for why the churchwomen were stopped: because he believed they were suspicious. Perez Nieto's report to Colindres Aleman of his suspicions is likewise inconsistent with higher orders. If Colindres Aleman in fact were

RELEASED
El Salvador: Human Rights
Special Project (1993)

awaiting the arrival of the women, but for some reason had neglected to warn Perez Nieto of that fact, Perez Nieto's report of their arrival would likely have provoked a more forthcoming response than merely "be careful."

Second, Subsergeant Colindres Aleman's statements to his colleagues after the murder are, in our view, inconsistent with higher involvement. The premise for this conclusion is that, if he had been ordered to commit the crime, Colindres Aleman would have felt secure thereafter that his actions would be protected from prosecution. His statements following the crime show no such security. On December 4, 1980, Colindres Aleman told Cruz Piche that "what's done is done" and "if fate is against us, we will have to pay,"154/ or words to that effect. On December 5, 1980, Colindres Aleman told Guardsman Luis Monterrosa "if our turn comes up, we will have to pay for it."155/ On December 7, 1980, Colindres Aleman told Corporal Giron that "they were subversive women. I don't believe there will be any problem."156/ These are not the words of a felon secure in the protection of his patrons. If he acted at the order of superiors, Colindres Aleman would, we believe, not have been so concerned about "fate," having to "pay," or whether he would have a "problem."

Third, Colindres Aleman's confession to Sergeant Dagoberto Martinez is inconsistent with the view that superiors were involved. If Colindres Aleman were ordered

RELEASED
El Salvador: Human Rights
Special Project (1993)

to kill the women by a superior, there was simply no reason for him apprehensively to confess his guilt to his immediate supervisor, a sergeant. Or, if he had felt the need to confess, we believe it likely that he would have explained that the "problem" he had created was ordered from above. In making this analysis, like our analysis of Perez Nieto's evidence, we necessarily treat as credible Sergeant Dagoberto Martinez's testimony, and for like reasons.

Fourth, the information obtained from the special Embassy evidence is consistent with the information from Sergeant Dagoberto Martinez. According to the special Embassy information, Subsergeant Colindres Aleman confessed his guilt to Major Zepeda without implicating any higher-ups. This, again, does not seem to us to be a likely course of events if Colindres Aleman's superiors were in fact involved. More definitively, the special Embassy evidence also provided direct proof, which unfortunately we are unable to reveal without endangering lives, that Colindres Aleman has conceded acting on his own.

Fifth, the evidence of the Zepeda/Monterrosa cover-up, which we have outlined above, shows, we think, a clear attempt to cover up a crime committed by lower-ranking soldiers, and no effort that we can discern to prevent the identification of higher-ups.

Sixth, we are convinced that, in light of all the evidence, the polygraph results are worth crediting.

RELEASED
El Salvador: Human Rights
Special Project (1993)

Subsergeant Colindres Aleman was asked directly, during his polygraph exam, whether the assault had been ordered from above. The polygraph examiner deemed his denial to be truthful. Some critics have suggested that the question was too narrowly phrased to encompass all possible higher orders. After review of the question and careful questioning of the polygrapher, we conclude this criticism is not well-founded. During the pre-examination interview, Colindres Aleman was clearly informed of the scope of the question and, as we understand it, would have indicated an emotional response to the question if there had been any such orders, even if the question were inartfully put.[157/]

Taken as a whole, we think the evidence of lack of higher involvement is persuasive and the evidence to the contrary largely, if not entirely, speculative. As we noted at the outset, the investigation of this question has not been commensurate with its importance, and all the facts are not known. We welcome the development of further information on this important issue, and would view new evidence with an open mind. Nonetheless, we believe it would be a disservice not to record here our view, based on the evidence now available, that Subsergeant Colindres Aleman acted at his own initiative.

Before we leave the subject of the involvement of others, we should note that there is some indication in the special Embassy evidence that Colindres Aleman may have had

RELEASED
El Salvador: Human Rights
Special Project (1993)

communications about the churchwomen with the National Police in La Libertad at some point prior to the murders. This evidence suggested not that higher-ups in La Libertad had ordered the killings, but rather that the police in La Libertad had advised Subsergeant Colindres Aleman of some of the churchwomen's involvement in alleged "subversive" activities.

We have done what we could, with the limited resources available to us, to verify this allegation. We have found nothing to confirm it, and some evidence to refute it. In particular, the special Embassy evidence contains an unsubstantiated suggestion that the churchwomen might have been previously arrested by the National Police. All those who worked with Ms. Donovan and Sister Kazel in the period prior to their murder, and who would have known of such an arrest, denied to us that any such event had occurred.[158/] Thus, we record some reason to doubt the allegation, but cannot consider it disproved. Nonetheless, from all the evidence known to us, if such a communication occurred, it would have been in the course of an exchange of intelligence information and would not have amounted to orders--higher or otherwise--to kill the women.

IV. FALSE LEADS

We believe that in the course of the investigations described above a coherent picture has emerged of the

RELEASED
El Salvador: Human Rights
Special Project (1993)

events of the night of December 2, 1980. Even so, in virtually every investigation, and particularly in a well-publicized one such as this, a substantial number of leads, tips, rumors, and apparent facts arise that must be explored, even though the vast majority turn out to be immaterial, incapable of confirmation or refutation, or simply wrong. These are the proverbial "red herrings."

The investigations of the churchwomen's murders have grown their own crop of these issues. Many questions have been resolved by the Salvadoran investigations, with the assistance of the United States Government. Others may be explained by this report. A few undoubtedly will never be explained. In order to reach the conclusions set forth in the preceding sections, we have had to analyze each such false lead as completely as possible. We discuss them below in light of the available evidence.

A. Thomas Bracken

On December 17, 1980, Thomas N. Bracken, a United States citizen, was killed in a shoot-out in the streets of San Salvador. Just one week prior, on December 11, 1980, Bracken had gone to the United States Embassy in San Salvador to offer information about the churchwomen murders. The proximity of the two events has caused some speculation as to whether Bracken's appearance at the Embassy and his subsequent murder were causally connected.

RELEASED
El Salvador: Human Rights
Special Project (1993)

We have found no such connection. Bracken was interviewed at the Embassy prior to his death, and had no specific evidence concerning the crimes.[159] He offered the theory that the murders had been committed by a right-wing splinter group, but had no evidence to support the charge. Bracken's stated purpose in coming forward was to trade his vague rumors for dismissal of a criminal warrant outstanding against him in El Paso, Texas. It seems to us clear that his offer of information was merely the act of a desperate man trying to find a way to return to the United States.

An inventory of Bracken's quarters, after his death, revealed twenty-five molotov cocktails, wiretapping equipment, handguns, ammunition and military manuals. He had told the Embassy that he was employed as an instructor for the Salvadoran National Police. It was in this capacity that he appears to have met his death. Bracken accompanied several National Police officers who were chasing armed suspects and, in the process of attempting to make the apprehension, was shot dead by one or more of the suspects. In turn, the National Police shot and killed two of the suspects.[160] Based on these facts, we find no connection between Bracken's contact with the Embassy and his death.

B. The Canadians

A group of six Canadians together with a Salvadoran priest, Father Britto, was stopped at a military checkpoint

RELEASED
El Salvador: Human Rights
Special Project (1993)

outside the San Salvador International Airport on December 2, 1980, between about 6:30 p.m. and 7:00 p.m.[161] Because they provided the first evidence of military activity around the airport, their testimony and their description of the guardsmen were initially thought to be significant. We conclude that their evidence is of little consequence to an understanding of the facts.

The Canadians came to El Salvador to attend the FDR funerals to be held on December 3. At the airport, they met briefly with Sister Kazel and Ms. Donovan, who were awaiting the arrival of Sisters Ford and Clarke. The Canadians then left the terminal, before the arrival of Sisters Ford and Clarke, with Father Britto and the others from the Archdiocese, and an American, Heather Foote, to whom they offered a ride.[162]

Down the road from the airport, near a traffic control post, they were stopped by several uniformed, armed guardsmen, who briefly questioned them and searched the vehicles.[163] Because the guardsmen were in uniform, it is fairly certain that they were not Subsergeant Colindres Aleman and his civilian-attired accomplices. Likewise, because the stop occurred prior to the arrival of Sisters Ford and Clarke and before Colindres Aleman's orders were issued to stop traffic at the checkpoint (except for the white van) the stop was not connected with the abduction of the churchwomen. Rather, we conclude that the stop was one

RELEASED
El Salvador: Human Rights
Special Project (1993)

undertaken by guardsmen at the traffic control checkpoint, consistent with the heightened tensions in the area on the night prior to the FDR funerals. It otherwise has no significance to this case.

C. The Hacienda Police

Father Paul Schindler, the American priest who worked with Sister Kazel and Ms. Donovan in La Libertad and who found the burned out van, has alleged that the Hacienda Police may have been involved in the crime because (1) the Canadians were stopped at a roadblock near the turnoff for a local Hacienda Police station, and (2) there is evidence that a red pickup truck belonging to the Hacienda Police was used during the abduction.[164/]

The first point, we conclude, is based on a misapprehension of the facts. The guardsmen have uniformly placed the location of the checkpoint at which traffic was stopped for 10 minutes at a position on the main access road to the airport, near the reinforced concrete guard post (which is permanently maintained in the broad median strip of the access road to provide security for nearby electrical installations). This location is some distance removed from the turnoff to the Hacienda Police station at San Juan Talpa. To verify the guardsmen's testimony, we contacted Patricia Lasbury Hall, at the time of the events in question, United States Consul in El Salvador.[165/] Together with

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El Salvador: Human Rights
Special Project (1993)

Ambassador White, Ms. Hall drove the Canadians to the airport on the day after they were stopped. At that time, Ms. Hall told us, the Canadians identified for her the location of the checkpoint. It was, she said, just as the guardsman had it: near the existing concrete guard post in the median strip of the airport access road.

The claim that a police pickup truck was involved is based on the alleged correlation of a fresh smear of red paint on the burned out van with a red Toyota pickup truck of the same shade at the Hacienda Police station in San Juan Talpa on the day after the murders. Father Schindler noticed the red paint smear on the left front bumper of the van when he found it on the roadside on December 3, 1980. Because he was the person responsible for the maintenance of the church vehicles in La Libertad, he was familiar with the condition of the van and is confident that the smear had not been there before December 2.

In his subsequent search for the women, Father Schindler visited a nearby Hacienda Police station in San Juan Talpa where he saw a red Toyota pickup truck. Although he was unable to inspect the truck thoroughly for paint damage and although none was visible to him, he concluded that the pickup truck and the paint smear were of the same color. As a result, he suggested that the Hacienda Police from that station might have been involved in the church-women murders. We cannot draw that conclusion.

RELEASED
El Salvador: Human Rights
Special Project (1993)

On December 12, 1980, FBI technicians took scrapings of the paint smear.[166] These scrapings were analyzed in the FBI Laboratory, which concluded that none of the paint particles were of a kind used for the original paint finish on any motor vehicles.[167] Because Father Schindler had identified the pickup truck as a Toyota, the Maryknoll Order sent a copy of the FBI analysis to Toyota. Toyota responded specifically that the paint was not used on their vehicles.[168]

Father Schindler told us that he believes the Toyota pickup truck had been repainted, so that it is possible that a non-standard paint was used. Even if that were so, however, it is likely that particles from the underlying original coat of paint would have been present in the red smear as well. None was found.

We find the connection between the red smear and the red pickup truck to be based entirely on supposition. Moreover, it is inconsistent with testimony that we believe to be truthful from several of the participants in the abduction (Guardsman Rivera Franco and Contreras Palacios), and with the testimony of those who witnessed the activities of December 2. We have found no credible evidence that the Hacienda Police were involved in the murders.

D. Money and Valuables

In the days following the murders, several of the accused were seen with money and valuables.[169] Guardsman

RELEASED
El Salvador: Human Rights
Special Project (1993)

Cruz Piche reported that another guardsman claimed that Canales Ramirez was seen with 5,000 dollars or colones.[170] The allegation, albeit second hand, is of concern because possession of such a large sum of money, in excess of any amounts conceivably taken from the churchwomen, might suggest that the guardsmen had been paid by some unknown party for participation in the murders.

To clarify the allegation, we asked that Guardsman Cruz Piche be reinterviewed on the subject. At the time of writing this report, Cruz Piche cannot be located by Salvadoran authorities. Nonetheless, based on the evidence available to us, we believe that the churchwomen's missing personal property has been satisfactorily traced to Colindres Aleman and the guardsmen, and that it probably accounts for any perceived increase in Colindres Aleman's personal wealth.

When the nuns left the airport, they had with them the personal belongings of Sisters Clarke and Ford, including clothing and books. Sister Ford was carrying some cash (originally thought to be $900, now apparently only $175)[171] and three checks, two for $1,800 each (to help buy a new jeep to replace one lost earlier that year) and one for $243 (to be used to pay local accounts).[172]

According to several witnesses, the books were burned by the accused soon after the murders, along with articles of clothing and some jewelry.[173] Several witnesses testified that Subsergeant Colindres Aleman was seen

RELEASED
El Salvador: Human Rights
Special Project (1993)

selling women's watches, rings, eyeglasses and a tape recorder, and buying a television set and furniture.[174] One of the other accused, Guardsman Contreras Palacios, gave Guardsman Sanchez Guzman eighty dollars to exchange into colones for him, and Canales Ramirez offered to sell Sanchez Guzman a woman's watch.[175] The checks were never negotiated and, according to the Embassy's special evidence, were destroyed by Colindres Aleman.

Other than the second hand accounts crediting Guardsman Canales Ramirez with 5,000 dollars or colones, there is no evidence attributing an amount of money to any of the guardsmen in excess of the cash and valuables possessed by the churchwomen. We conclude from this evidence in the record that Colindres Aleman and others of the accused looted the churchwomen's belongings after the murders, taking what they believed to be valuable and burning the rest. There is no credible evidence that Colindres Aleman, Canales Ramirez, or anyone else received payment from an unknown source for his role in the murders.

E. The Moran Letter

Perhaps no red herring has been so patently fabricated as the Moran letter. In the late spring of 1983, the Maryknoll Order received, through an anonymous source, a copy of a letter, purportedly written by Lt. Colonel Antonio Moran, the Chief of the Hacienda Police, to Colonel Vides

RELEASED
El Salvador: Human Rights
Special Project (1993)

Casanova, the Director of the National Guard, on January 5, 1981.[176/] The letter states that six individuals--not the defendants--had been detained by the police and were being referred to Vides Casanova for the murders of the churchwomen. If true, the letter would cast immediate doubt on the validity of the entire prosecution.

The letter is, however, a crude forgery, obviously created by unknown third parties--whether of the right or the left--with an interest in disrupting the prosecution. Colonel Moran has testified he never sent the letter,[177/] and Vides Casanova that he never received it.[178/] Moreover, the signature and seal are forgeries, according to handwriting experts appointed by Judge Rauda,[179/] and the letter does not bear either the code numbers or the formal salutation that a genuine piece of Treasury Police correspondence would include.

F. Moran and Cortez

In September, 1981, an annonymous letter addressed to the United States Congress was received by the State Department.[180/] The letter, dated July 21, 1981, stated that the writer was a witness to the killings of the churchwomen, and that if Congress were interested in the identity of the assassins, it should place an advertisement in several Mexican newspapers. The State Department placed the advertisement in late September, which led to a meeting between

RELEASED
El Salvador: Human Rights
Special Project (1993)

two United States Embassy officials and Ingeniero Juan Jose Moran, a former city manager of San Salvador.[181] Moran said that he had no direct information concerning the murders. He identified the author of the letter to Congress as one Cesar Cortez, allegedly a driver employed by Hans Crist, a suspect in the January, 1981, murders of the American Institute of Free Labor Development workers. He said that Cortez had fled El Salvador several months before, passing through Mexico City on his way to the United States. On October 6, Moran told the Embassy in Mexico City that Cortez had written to him from Chicago, but that he still had no address for him.

On October 15, 1981, John McAward, Executive Director of the Unitarian-Universalist Service Committee, reported to the State Department that he also had met Moran in Mexico City.[182] According to McAward, Moran claimed that a Cesar Cortez had approached him in Mexico City and described the murders. Cortez allegedly told Moran that he had been instructed by his employer to drive a pickup truck from "the Hacienda" with two Hacienda guards to La Libertad, where he was to pick up three guardsmen, and then proceed to the airport "to do a job"--the abduction of the churchwomen. Moran stated that Cortez denied participation in the rapes and murders, but claimed to have seen what happened.

Thereafter, the State Department and the FBI pursued a number of false leads in attempting to trace the

RELEASED
El Salvador: Human Rights
Special Project (1993)

mysterious Cortez.[183] Finally, responding to a suggestion from Representative Mary Rose Oakar, the State Department sought to submit Moran to a polygraph examination concerning Cortez.[184] Despite repeated requests and assurances of safety, Moran repeatedly refused to submit to a polygraph examination.[185] With Moran's refusal, the effort to locate Cortez and to verify his story reached a dead end.

We are convinced that the Moran/Cortez episode has no bearing on our understanding of the facts. Cortez' alleged story, as described by Moran through McAward, is inconsistent with the facts outlined above. It may be that Moran fabricated the story in an attempt to gain a visa to the United States.[186] Whatever Moran's motivation, Cortez' alleged story, unsupported even by the existence of Cortez and contradicted by the facts, is of no apparent validity.

G. The Radio Message

In December 1980, it was reported that a witness had overheard a radio transmission at the airport between members of the security forces.[187] There is conflicting information about what was said. According to one version, a guardsman was heard stating, "we missed them on this flight."[188] According to another version, the conversation focused on the fact that the churchwomen were carrying a large amount of money.[189] Any such conversation, if true, would be significant because it could suggest that the

RELEASED
El Salvador: Human Rights
Special Project (1993)

National Guard was awaiting the arrival of the churchwomen, and thus that a prearranged plot was in effect.

Although the source of the information was fairly quickly identified, he resisted several attempts by Embassy officials to persuade him to come forward and make a formal statement. President Duarte finally prevailed upon the witness to submit to an interview, attended by Embassy officials, in mid-March 1982 by Deputy Fiscal General Benjamin Cestoni.[190/] The witness said that he was in the airport terminal on December 2, 1980, awaiting an incoming flight. While there, he claimed he overheard a telephone--not radio--conversation of a uniformed guardsman speaking from a pay telephone in the lobby. He said that the gist of the conversation was "we missed them on this flight." The witness said that he then saw the arrival of two women he believed to be two churchwomen, who were greeted by two others and who departed at about 4:00-4:30 p.m. in a white van. He averred that he was sure about the time because he himself left shortly after 4:30 p.m.[191/]

Although Cestoni and the Embassy officials all believed that the witness was not purposely attempting to deceive them, they unanimously concluded that his recollection was nonetheless confused and highly unreliable. Under close questioning, the witness offered varying accounts of what he had heard, at different times claiming that the communication was by radio or by telephone, and

RELEASED
El Salvador: Human Rights
Special Project (1993)

that it concerned either money in the churchwomen's possession or their delayed arrival. Indeed, at one point, in the course of three interviews with Embassy personnel, the witness stated that he had only seen a radio being used and had not heard what was said.[192] Moreover, if true, the witness's testimony means that at least Guardsman Perez Nieto and Cruz Piche are lying in giving their accounts of Perez Nieto's telephone conversation with Subsergeant Colindres Aleman. Because of all of this, we discount the report of the witness.

H. Abduction at the Airport

Father Schindler has suggested to us that the churchwomen had been abducted at the airport, not at the roadblock manned by Subsergeant Colindres Aleman and his guardsmen.[193] He said he believed this had happened because witnesses to whom he spoke had said they were the last to leave the airport and the white van remained behind. He further told us that Ms. Hall had indicated to him that a secret Embassy source had confirmed that the abduction was actually at the airport. Ms. Hall denied to us making any such statement.[194] Moreover, our review of the Embassy files and our conversations with Embassy officials convinces us that no such source or information exists. Finally, the allegation is completely contrary to all the existing evidence in the case with respect to the location of the abduction.

RELEASED
El Salvador: Human Rights
Special Project (1993)

I. The .22 Magnum

When the bodies of the churchwomen where taken to a local funeral home in San Salvador on December 4, 1980, a Maryknoll priest, Father John Spain, was present to witness the post-mortem examination.[195/] Father Spain heard the funeral home attendant say that the wounds of at least one of the women were caused by a .22 magnum, allegedly a favorite weapon of the Salvadoran death squads. Father Spain observed that the wounds of Sisters Ford and Clarke were small, did not disturb their facial features and were in other respects different from those of Sister Kazel and Ms. Donovan. The physician and judge present were noncommittal about the wounds, and the subsequent autopsies performed on the churchwomen drew no conclusions about the caliber of the weapons used.

We can give little weight to the opinion of the funeral home attendant. The theory that a small caliber weapon was used does not comport with the confession of Guardsman Contreras Palacios, who testified that he and the others had used their service weapons. It is likewise inconsistent with the ballistics analysis of those shells and casings that were recovered. It is, of course, possible that a guardsman may have had a .22 magnum pistol, and could have used it to kill one or more of the women. Even if such a weapon were used, however, it does not add any evidence one way or the other about the involvement of others in the murders.

RELEASED
El Salvador: Human Rights
Special Project (1993)

J. Sister Maria Rieckelman

On the night of murders, Sister Maria Rieckelman, a Maryknoll nun who attended the Managua conference together with Sisters Ford and Clarke, was questioned by uniformed Salvadorans when her plane landed at the International Airport in El Salvador.[196/] This event had led some to conclude that some coordinated harassment of churchwomen was underway on the evening of December 2, 1980. We do not share that conclusion.

Without more, the questioning of passengers aboard a plane just arrived from Sandinista Nicaragua, suppliers of the rebels fighting the Salvadoran government, on the night before the FDR funeral, does not seem to us extraordinary. Rather, like the stop of the Canadians, it seems to us simply to be further proof of the heightened tensions of the time, tensions that may have caused Colindres Aleman to believe he could abduct and murder the churchwomen.

K. Sister Maura Clarke and the Nicaraguan Connection

Sisters Maura Clarke and Ita Ford were returning from an annual gathering of Central American Maryknolls in Nicaragua at the time of their murder. During our visit to El Salvador, we heard allegations that the Catholic Church, and specifically the Maryknoll Order, are linked in the minds of the military in El Salvador with support of leftist and revolutionary causes in Central America, especially as

RELEASED
El Salvador: Human Rights
Special Project (1993)

exemplified by Maryknoll links to the Sandinista government in Nicaragua. When we learned that a former Sandinista intelligence officer, Major Miguel Bolonas, had testified to at least one subcommittee of Congress (Senator Jeremiah Denton's Subcommittee on Security and Terrorism of the Senate Judiciary Committee) that Sister Maura Clarke had a role in those alleged links, we felt obliged to interview Major Bolonas.[197/] We did so not because his allegations against a murdered woman could justify such a senseless and wanton act, but to determine whether such charges were likely to have been made known to Subsergeant Colindres Aleman or his superiors. We found our interview with Major Bolonas largely unhelpful.

Major Bolonas claimed that he met Sister Maura Clarke when she was working in Managua with other Maryknolls and a priest known as Father Miguel in a poor area of the city called "Open Three" in the period 1974-1975. Later in 1979, Bolonas claimed, during his work as an intelligence officer both prior to the revolution in Nicaragua and thereafter for the Sandinistas, he learned from another intelligence officer that Sister Clarke and other Maryknolls, along with Father Miguel, were routinely helpful to the Sandinistas both in their charitable activities and in clandestine activities. Major Bolonas stated that at the time of the murder of the nuns in El Salvador, when news of their deaths and their identities was reported in the Nicaraguan press,

RELEASED
El Salvador: Human Rights
Special Project (1993)

stories appeared pointing out Maura Clarke's role in assisting the Sandinista revolution.

We have not had an opportunity to discuss Major Bolonas' charges with members of the Maryknoll Order, although we have learned from the State Department that the Maryknolls believe Major Bolonas to be mistaken in his information. We have been told that Maryknoll records indicate that Sister Maura Clarke was not in Nicaragua during the period 1976-1980, but rather was in Boston. It is our view, in any event, that the truth or falsity of Major Bolonas' charges is irrelevant for our purposes. What could be relevant is whether these charges were known to and believed by the Salvadoran government, and became such a concern that Salvadoran officials, believing that they knew Sister Maura Clarke to be a Sandinista ally, ordered her execution.

We do not believe that this occurred. First, although Major Bolonas' credibility is apparently high with United States intelligence agencies, we have received no other confirmation of his charges. Second, we have no indication that these alleged activities of Sister Maura Clarke were ever brought to the attention of the Salvadoran government or that they became the kind of common knowledge among the Salvadorn security forces that Major Bolonas claimed existed within the intelligence circles of the Sandinistas in Nicaragua. Third, as described in our "Higher-Ups" section, we have concluded that Subsergeant Colindres

RELEASED
El Salvador: Human Rights
Special Project (1993)

Aleman probably acted on his own initiative. With this in mind, it does not appear likely that he somehow became aware of these allegations and decided to carry out the removal of four churchwomen in order to protect the Republic of El Salvador from infiltration by Sister Maura Clarke.

V. PROSPECTS FOR A SUCCESSFUL PROSECUTION

El Salvador is a civil law state. Virtually every step of a criminal investigation and prosecution is specified in the Salvadoran code, and we found the procedures to be formalistic and largely inflexible.

In an effort to understand how the prosecution is likely to unfold, we held discussions with Judge Rauda, Fiscal General Rivera, Dr. Castillo, the coordinating prosecutor, and former Deputy Fiscal General Benjamin Cestoni. We talked as well with members of the private bar in San Salvador, including the Salvadoran legal advisor to the United States Embassy. Finally, we discussed this matter with representatives of the United States Department of Justice, and with lawyers in the office of the Legal Adviser of the United States Department of State.

As we learned, the trial, or plenario, stage of this case will be quite unlike an American trial. There will be no live witnesses. Rather, the evidence will be read to the jury from the written statements taken from the witnesses during the investigatory, or sumario, stage.

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El Salvador: Human Rights
Special Project (1993)

Thereafter, the lawyers will argue their respective sides to the jury based on the written record. During this argument stage, the lawyers may refer to any documents they wish, even if they are not part of the record.

We believe that a successful prosecution of this case must include at least the following elements:

(1) a carefully prepared record that demonstrates the guilt of the defendants and negates their defenses;

(2) a capable prosecutor willing to pursue vigorously members of the Salvadoran security forces;

(3) a courageous and astute judge;

(4) a jury well insulated from the potential for corruption or intimidation; and

(5) freedom from efforts by other Salvadorans, whether in or out of government, to interfere with the proceedings of the trial.

A. The Record

In the course of detailing the investigations of this case, we have already catalogued the principal evidence now in the record against Subsergeant Colindres Aleman and the other guardsmen. During the sumario, or investigatory, phase, Judge Rauda took testimony from the five accused and at least twenty-five other witnesses.[198/] He admitted into

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El Salvador: Human Rights
Special Project (1993)

evidence the spare tire and jack taken from the churchwomen's van and the ballistics evidence linking the guardsmen to the shell casings at the murder site. We believe that the evidence is substantial, and sufficient to convict the five accused guardsmen. We will not recount it again here.

Dr. Castillo, the chief prosecutor, advised us that he anticipates the defendants will rely on two principal defenses. First, he believes they will challenge the prosecution's reliance on extra-judicial confessions, rather than those given before a judge. In El Salvador, prosecutions that do not feature a confession by the defendant to the investigating judge are relatively rare. Although this is a sad commentary on the state of justice in El Salvador, it nonetheless presents a reality: Salvadoran juries are unused to balancing conflicting accounts of a crime.

Salvadoran law permits the admission of a defendant's extra-judicial confession, but only if it is corroborated by another witness. As we understand it, the two witness rule does not mean two witnesses to the same confession, but only two witnesses each reporting a confession. The record should adequately meet this requirement. Of course, there is Subsergeant Colindres Aleman's direct confession to Sergeant Dagoberto Martinez. That confession should be adequately supported by Colindres Aleman's implicit confessions to Guardsmen Cruz Piche ("If fate is against us, we will have to pay"), Aquino Giron ("They were subversives.

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El Salvador: Human Rights
Special Project (1993)

I do not think there will be a problem."), and Luis Monterrosa ("Today it happened; if our time is up, we will have to pay.").

Second, Dr. Castillo believes the defense will argue that there was excessive American involvement in this prosecution. In essence, the argument will be an appeal to nationalism and a suggestion that there has been undue influence from a foreign power. It was for this reason that the prosecutors were anxious to have Salvadoran witnesses even for evidence actually developed in the United States. It is also for this reason that the prosecutors were hesitant to urge aggressively the admission of the fingerprint and the polygraph evidence, when admission of those tests would not be ordinary under Salvadoran law and would only underscore the influence of the United States on this prosecution. In our discussions with Dr. Castillo, he seemed to be cognizant of the problem and able to deal with it effectively in argument.

A third defense suggested by some is that the defendants were acting on higher orders. As Dr. Castillo advised us, such a defense is not available under the Salvadoran code when the order is to commit an illegal act. The depravity of the crime, amply documented in the record, will provide a basis for a strong argument that no guardsman could have thought such an order was justified. We doubt, in any event, that the argument will be seriously pressed because it will necessarily involve an admission of the

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El Salvador: Human Rights
Special Project (1993)

crime and a disavowal of the defendants' prior sworn statements.

No experienced prosecutor can confidently predict that an accused's defenses will necessarily be rejected by the jury. We are convinced, however, that there is sufficient evidence in the record from which the prosecutors can argue that the defenses should be disregarded.

B. The Prosecutors

As the sumario stage of the case neared its conclusion, serious questions were raised about the experience and competence of the prosecutors handling the preparations for trial. In September, 1983, in part at the urging of the United States, an experienced prosecutor, Dr. Juan Geronimo Castillo, was assigned to coordinate the prosecution.

We spoke with Dr. Castillo and were, in general, favorably impressed. Dr. Castillo seemed in command of the case and at ease with the tasks he would have to undertake to complete the preparations for the plenario phase. He responded knowledgably to our questions about tactics and about Salvadoran procedures. We believe that Dr. Castillo is capable of doing a competent job in prosecuting the case.

As we describe below, during our visit to El Salvador, we made a number of suggestions concerning the reinterviews that might be necessary to complete the

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El Salvador: Human Rights
Special Project (1993)

investigation of this case and its preparation for trial. Although we have received reports concerning the follow-up on those suggestions by Dr. Castillo and his team, we do not have a complete picture of how thoroughly he has completed his investigation. From the reports we have seen, however, most of the investigatory work appears to be near completion.

We understand as well that the Embassy legal advisor, a professor of law and member of the private criminal bar in San Salvador, will assist Dr. Castillo in the preparation of the case. The Embassy legal advisor has advised the United States Embassy about Salvadoran law and procedures throughout the investigation. We believe this cooperation will provide important support for Dr. Castillo's efforts.

C. The Presiding Judge

Judge Rauda has presided over the sumario phase of the churchwomen murders case for most of its life, and has been reasonably thorough about the collection of evidence. Judge Rauda has thrice referred the case to the plenario stage, to be twice overruled by the appeals court. The two reversals resulted from technical difficulties (the first, a failure to give sufficient notice to the defense attorneys and, the second, a concern about additional evidence in support of the theft charges) and in its ruling on the first appeal, the appeals court specifically indicated that there was sufficient evidence to support the murder charges. The

RELEASED
El Salvador: Human Rights
Special Project (1993)

judge took the opportunity of each reversal to add more evidence into the trial record. There has been an appeal of Judge Rauda's most recent decision to refer the matter to plenario, and we are advised by a variety of local lawyers that the appeal is likely to be decided quickly because the same appellate court has heard the two previous appeals and is familiar with the facts.

Judge Rauda has shown himself to be a man of considerable courage, capable of resisting pressures brought to bear on him from either side of the case. He is also a diligent worker, and during our visit with him, displayed an encyclopedic knowledge of the contents of the trial record.

D. The Jury

The trial will be held before a jury of five, with a majority vote necessary to convict. Whether a jury can be assembled in El Salvador today that will have the courage to convict five former National Guardsmen of murder is an open question, and one that has concerned us greatly.

The selection of the jury does not differ substantially from our system. The trial judge will chose, from a large body of potential jurors, a panel of twelve whose identities he will (or should) keep secret until the day of trial. Under Salvadoran law, we were told the identities of the jurors will then be made public, although their addresses may be kept secret (if they do not leak

RELEASED
El Salvador: Human Rights
Special Project (1993)

out). At the beginning of the trial, defense counsel and the prosecutor may each exercise one peremptory challenge against the panel, and two challenges for cause. Challenges for cause are rarely granted, and there should thus be no difficulty in selecting five jurors from the panel of twelve.

What will be more difficult, we believe, is guaranteeing the jurors security from intimidation or corruption so that they will be able to vote their consciences without fear. We believe that the notoriety of this case will make the jury (as well as the judge and prosecutor) fair game for those who wish to see the prosecution thwarted, whether because they do not believe the guardsmen should be prosecuted for murder or because they wish to demonstrate that the Salvadoran system is incapable of policing itself. For these reasons, we have discussed at length with the Embassy possible mechanisms to protect the jury.

Our recommendations in this regard have been set forth in detail in an earlier memorandum to the Department of State, and need only be summarized here. Our principal recommendation is that the jurors be accorded anonymity, as is sometimes done with notorious prosecutions in this country where a threat of jury intimidation exists. We have also suggested shielding the jurors, but not the trial, from public view; selecting jurors from a remote province for a trial in another province; offering to relocate the jurors,

RELEASED
El Salvador: Human Rights
Special Project (1993)

whether in or out of the country, after trial; providing physical protection to the jurors, and perhaps their families, during the trial and for a reasonable time thereafter; and sequestering the jury during the trial.

This is hardly an exhaustive list of possibilities, but we have not been heartened by the resistance to these ideas by the Salvadoran authorities. The Salvadoran system simply must be flexible enough to adopt novel means when its very integrity is at stake. We must state in the strongest possible terms that we do not believe a successful conviction can occur without the adoption of some adequate means of protecting the jury, and we hope that the Salvadoran authorities continue to consider ways to protect the integrity of the jury system and the physical well being of the jurors themselves.

E. Freedom From Outside Interference

Skeptics have told us that a successful prosecution depends entirely upon the will of the military in El Salvador. In this view, if the military thinks it is to its advantage for the defendants to be convicted, they will be convicted; if the military thinks otherwise, they will be acquitted or never go to trial. Whether that view is correct or not, we must acknowledge that there are many Salvadorans unhappy about this prosecution and, further, that there already have been attempts to influence its outcome.

Major Medrano, we were told, has received multiple threats upon his life for his active role in pressing the investigation. In more recent months, we have learned that a Deputy of the constituent assembly suddenly appeared to observe the proceedings in Judge Rauda's courtroom, an event viewed by Embassy observers as ominous. At the same time, we learned that the Acting President of the Supreme Court may have interceded with Judge Rauda to direct that he not complete his investigation aimed at disproving the bogus Moran letter. To date, Judge Rauda has been remarkably courageous in resisting such efforts at intimidation.

We do not believe that there is much that the United States can do to prevent such internal efforts at disrupting the prosecution. We can only advise the Salvadoran leadership, as others have done, that the ability of its system to prosecute this case will be seen by many as a test of the system's ability to right itself after too many years of lawlessness.

VI. RECOMMENDATIONS

We were asked to determine whether the Salvadoran and United States Governments have done as much as could be done to assure a successful prosecution. If not, we were asked to suggest what might be done. Many of our recommendations have been set forth above. In each case, we have passed them along to the Department of State immediately

RELEASED
El Salvador: Human Rights
Special Project (1993)

RELEASED
El Salvador: Human Rights
Special Project (1993)

without waiting for the completion of this report, so that there would be time for action to be taken. To the extent that our conclusions and recommendations have not already been set forth, we include them in this section.

1. An Accusador Particular. In El Salvador, as in many civil law countries, it is possible for the family of the victim of a crime to hire its own lawyer, an accusador particular, to prosecute the case in addition to the government attorney. The device is obviously a desirable one where, as here, there have been doubts regularly expressed about the competence and willingness of the government prosecutors to pursue the case. Accordingly, we have endorsed the State Department's recommendation that the families hire an accusador particular. We have urged that view in several meetings with the families and their representatives and promised the families that, if they agreed, we would press the State Department to pay for the services of the accusador.

To our regret, the families have consistently refused taking this step. As we understand their reasoning, they are distrustful of participating in the Salvadoran system itself and further doubt that a suitable attorney could be obtained. While we understand their reservations, the device provides a rare opportunity for Americans sincerely interested in the prosecution to have direct influence over the way the case is presented in the courtroom.

RELEASED
El Salvador: Human Rights
Special Project (1993)

Thus, we regret the families' refusal to participate in this proposal.

On the other hand, as matters now stand, we think the loss is less serious than it might have been. As noted above, we are generally impressed with Dr. Castillo and believe him to be more competent than some of his predecessors. Moreover, Dr. Castillo has forged a solid working relationship with the Embassy's legal advisor. Through the legal advisor, American views about the prosecution can readily be transmitted to the prosecutor, even if the families lack a direct voice in court.

2. A Special Prosecutor. Rather than hiring an accusador particular, the families and the Lawyers Committee for International Human Rights under Law have suggested the United States persuade the Salvadoran government to name a special prosecutor to handle the churchwomen murders case. We do not endorse this suggestion. We do not believe that, in the Salvadoran system, the label the prosecutor bears is of any significance to his effectiveness or to his freedom from interference. Moreover, in a real sense, Dr. Castillo is essentially a special prosecutor. He was especially reassigned from his duties as head of a separate section of the prosecutor's office to prosecute this case.

3. An American Prosecutor. None of the American Embassy officials in San Salvador with responsibility for this case is a practicing attorney, much less an experienced

RELEASED
El Salvador: Human Rights
Special Project (1993)

prosecutor. While these officials have been diligent, successful and often courageous in pushing the Salvadorans to prosecute the defendants, as the case approaches trial it is apparent to us that American views could more usefully be presented by an experienced criminal prosecutor. Such a prosecutor could deal more effectively with the Salvadoran attorneys involved in the case in terms of making useful suggestions, understanding the problems of the prosecution and analyzing the tactics used by both sides. We have therefore suggested that a Spanish speaking Justice Department prosecutor be made available to assist the Embassy during the plenario proceeding.

4. The Fingerprint Evidence. Because the analysis of Colindres Aleman's fingerprint, taken from the churchwomen's van, was done outside of Salvadoran territorial limits and not under the supervision of the trial judge, the Salvadoran code prohibits its introduction into evidence. We were frankly surprised at this result and, because the evidence was so important, sought to explore ways to obtain its admission. Our every suggestion was unavailing, and we ultimately concluded, as Dr. Castillo and the Embassy legal advisor both told us, that we could not expect to achieve formal admission of the fingerprint into the record.

Although the fingerprint will not be part of the trial record, it still may be used at the trial. During the

RELEASED
El Salvador: Human Rights
Special Project (1993)

vista publica, or public presentation, stage of the proceedings, lawyers may display to the jury and rely upon any documentary evidence, even from outside the record. Thus, it is possible for the fingerprint evidence to be used. Because Dr. Castillo expects the defense to be based upon excessive American involvement in the prosecution, he was nonetheless reluctant to use the fingerprint in this way unless absolutely necessary. An argument based upon a fingerprint taken by United States personnel and inadmissible under Salvadoran law will only reinforce the point that Dr. Castillo expects the defense to make. Thus, he will wait until his reply argument to determine whether the defense is indeed attacking American involvement and whether the fingerprint will be useful. We concur in this analysis.

5. Ballistics Evidence. The initial ballistics tests taken by the FBI were inadmissible for the same reasons as the fingerprint evidence. We encouraged the FBI, as recounted above, to transport its equipment to El Salvador and train a Salvadoran national to duplicate the tests. This was done with success, as set forth above. This proof is a substantial link in the chain of evidence against the accused.

6. Sergeant Dagoberto Martinez' Testimony. Although the record of the trial consists entirely of sworn written statements of the witnesses, the sworn statement of Sergeant Dagoberto Martinez, obtained by the FBI in Los Angeles and sworn to in the Salvadoran Consulate office in

RELEASED
El Salvador: Human Rights
Special Project (1993)

that city, was deemed inadmissible by both the judge and the prosecutor. The statement's flaw was that it was not sworn to before the investigating judge. We recommended, as did others, that Sergeant Martinez be flown to El Salvador at American expense so that his statement could be duplicated before Judge Rauda. This was done successfully in July, 1983, and forms another important part of the trial record.

7. Polygraph Evidence. Although the polygraph evidence is inadmissible in both El Salvador and the United States, we believe that such evidence is useful, when taken together with other available evidence and obtained by a skilled examiner. We considered whether an effort should be made to persuade the court to admit the evidence, and ultimately concluded that this was not the case in which to press El Salvador to accept evidence that would be inadmissible in the United States.

We are told that the polygraph examinations could be used in the vista publica in the same manner as the fingerprint evidence. Dr. Castillo has told us that he will await his reply argument before making a decision with respect to whether to use them. We agree with this decision, but would generally be inclined against using this evidence.

8. The Special Embassy Evidence. The special evidence developed by the United States Embassy is directly probative of the defendants' guilt and, as well, extremely important in explaining our conclusions about the cover-up

RELEASED
El Salvador: Human Rights
Special Project (1993)

and the question of higher-up involvement. Accordingly, we believed it desirable, if at all possible, to present this evidence to the court.

At our suggestion, the State Department carefully considered this issue, including contacting those whose lives would be put at risk by disclosure. Based on the information thus collected, both we and the State Department concluded that the risk of loss of life that would result from public release was too great. We also note that the information has already been highly useful to the United States since, without it, we doubt the prosecution would ever have been undertaken.

9. The Cover-up. As we have detailed above, it is clear to us that elements of the Salvadoran military undertook an initial attempt to protect the perpetrators of the crime. In El Salvador such an effort, at least by the active participants, could constitute a separate crime and some have urged that a criminal investigation be initiated. We believe that it would be dangerous to initiate such an investigation prior to a successful resolution of the underlying murder case. The cooperation that the United States has achieved to date with Salvadoran authorities has been hard to win, and could be easily lost. A cover-up investigation would necessarily threaten several high ranking Salvadoran officials. If these officials feel personally threatened, they may well attempt to scuttle the underlying

RELEASED
El Salvador: Human Rights
Special Project (1993)

prosecution on the theory that there could be no cover-up prosecution if the defendants were not found guilty. We believe this poses an unacceptable risk to the success of the murder prosecution, and thus have recommended that any effort to pursue the cover-up be delayed.

10. Additional Interviews. To flush out various gaps or inconsistencies in the record, we recommended last summer that several additional interviews occur:

(a) Margarito Perez Nieto, the National Guardsman who first noticed the nuns at the airport, to obtain more detail about his conversations with Colindres Aleman, and his spotting of the women.

(b) Carlos Joaquin Contreras Palacios, the confessed participant, about details that might reflect or discredit the fact of premeditation.

(c) Salvador Rivera Franco, the guardsman who watched over the malfunctioning jeep, for greater details that might reflect premeditation.

(d) The two guardsmen at the guardpost at El Rosario, La Paz, to determine whether they discussed the women with Subsergeant Colindres and whether he informed them about his plans for the women.

(e) Isabel Aquino Giron, Colindres Aleman's second in command at the airport, for further detail about the substance of his phone conversation late on the evening of December 2.

RELEASED
El Salvador: Human Rights
Special Project (1993)

(f) Jose Luis Monterrosa, who according to the special Embassy evidence, knew more than he had said about the guilt of Colindres Aleman.

In our discussions with the United States Embassy in San Salvador, and with the Department of State, we also agreed that certain other interviews or reinterviews would be appropriate: Colonel Pena Arbaiza, the Army commander in Chalatenango; Second Lieutenant Daniel Mejia Rivas, the officer who was the acting company commander with overall responsibility for the Airport National Guard detachment; and Lieutenant Colonel Oscar Armando Carranza, an officer currently assigned to National Guard Headquarters staff. We also agreed that additional guardsmen who had been on duty at the airport that night, Jose Vidal Cruz Piche, Rafael Antonio Cornejo, Jose Elias Sanchez Guzman, Julio Cesar Valle Espinoza, Adrian Ramirez Palacios, and Orantes Menjivar, should also be interviewed or reinterviewed.

We have been informed that the two guardsmen at the Guard post at El Rosario have been interviewed, but we have not seen their statements. Guardsman Margarito Perez Nieto has been missing in action for almost ten months, and Corporal Isabel Aquino Giron is dead, killed while on active duty. We also understand, for a number of practical reasons, that the Salvadoran prosecutors have determined that they would not at this time reinterview Salvador Rivera Franco.

RELEASED
El Salvador: Human Rights
Special Project (1993)

Colonel Pena Arbaiza, Lieutenant Mejia Rivas and Lieutenant Colonel Armando Carranza have also been interviewed, as have Guardsmen Contreras Palacios and Luis Monterrosa. Their testimony adds very little to the available evidence concerning the murders. Guardsmen Jose Elias Sanchez Guzman and Jose Vidal Cruz Piche have not been reinterviewed, because they cannot be located, and a planned "confrontation" by the Fiscal General between Julio Cesar Valle Espinoza and Adrian Ramirez Palacios to resolve apparent discrepancies in their testimonies has not occurred because of a refusal by Valle Espinoza to cooperate further. Guardsman Orantes Menjivar, whose reinterview had been planned, is dead, and it has been determined that Lieutenant Antonio Cornejo, whose interview had been planned, was not on duty at the airport on the crucial night.

11. Reinterview of Colindres Aleman. Colindres Aleman, more than any other person, knows whether he is protecting higher officers by his silence. Thus, securing his cooperation would be a key step in any possible higher-up investigation. We suggested that efforts be made in that direction when we returned in September, 1983, from our trip to El Salvador. So far as we were aware at the time of our suggestion, no military or civilian authorities involved with the investigation of the case had spoken with Colindres Aleman since his polygraph examination in January, 1982. We suggested that, if Colindres Aleman heard the totality of

RELEASED
El Salvador: Human Rights
Special Project (1993)

the evidence now accumulated against him, he might decide it was in his interest to cooperate.

At first, we were told that Salvadoran procedures do not encourage such reinterviews. The prosecutors agreed, however, that there could be reinterviews for the purpose of clearing up ambiguities in testimony or otherwise explaining previous testimony. On October 11, 1983, Colindres Aleman was reinterviewed and we have reviewed the English language translation of his statement. Unfortunately, we do not find in the reinterview statement the cooperativeness for which we had hoped, nor any further information that would be helpful to us on the issue of the involvement of higher-ups. In his reinterview, however, Colindres Aleman did provide a further indication of his guilt by admitting his discussion with Perez Nieto concerning the churchwomen and by providing a wholly incredible explantion of his whereabouts on the night of the murders.

12. Change of Venue. For some time, the prosecutors have been giving serious consideration to requesting a change of venue to San Salvador for the plenario stage of the trial. We have supported a change of venue. Judge Rauda's small and rustic courtroom in Zacatecoluca has struck us as a less than desirable location for a trial involving a substantial risk of jury intimidation. Moreover, the more cosmopolitan San Salvador jury pool, we have thought, presents a far better opportunity for assembling a

RELEASED
El Salvador: Human Rights
Special Project (1993)

jury that could resist such intimidation. If the trial were to be transferred to San Salvador, however, we are told that it would be unlikely, if not impossible, for Judge Rauda to preside over the trial.

Thus, a transfer to San Salvador would necessitate a change of trial judge, which necessarily presents some risk. We were told by both Dr. Benjamin Cestoni and the Embassy's Salvadoran legal advisor that only three San Salvador judges would be desirable, from the standpoint of experience, competence and sophistication, to preside over the plenario stage. Selection of another, less qualified judge could cause problems for the prosecution, although they might be minimized by the extremely low-profile role that the judge plays in the plenario proceeding. On balance, we would have some concern that the selection of the trial judge might be politicized. The selection would be made by the Salvadoran Supreme Court, at least one member of which, we were told, has already tried to restrict Judge Rauda's investigation.

We have learned most recently that Dr. Castillo is leaning against seeking a change of venue because of a growing belief in El Salvador that the United States is interfering unduly in the internal judicial affairs of the country, a feeling that could result in sympathy for the accused as scapegoats, and thus distract the jury from issues of guilt or innocence. In view of this concern and of the conflicting factors outlined above, we are inclined to rely on

RELEASED
El Salvador: Human Rights
Special Project (1993)

Dr. Castillo's on-the-spot resolution of this sensitive issue of local trial tactics.

Harold R. Tyler, Jr.

Togo D. West, Jr.

Gregory L. Diskant

Dated: December 2, 1983
New York, New York

RELEASED
El Salvador: Human Rights
Special Project (1993)

FOOTNOTES

1/ Letter from George P. Shultz, Secretary of State, to The Honorable Clarence D. Long, Chairman, Foreign Operations Subcommittee, House Committee on Appropriations (April 26, 1983).

2/ Letter from James H. Michel, Deputy Assistant Secretary of State for Inter-American Affairs, to Harold R. Tyler, Jr. (May 23, 1983).

3/ For a discussion of the Salvadoran criminal justice system, see DeWind and Kass, Justice in El Salvador: A Report of a Mission of Inquiry of the Association of the Bar of the City of New York, 38 Rec. A. B. City N.Y. No. 2 (March 1983).

4/ See generally K. Larry Storrs, El Salvador--From 1931 to the March 1982 Elections: A Chronological Study of Politics, Parties, and Conflicts, Congressional Reference Service (March 23, 1982).

5/ Id. at 55.

6/ Cable from Secretary of State to United States Embassy, San Salvador (December 15, 1980) (hereinafter "Bowdler/Rogers Report"). This cable transmitted the text of the report of a special Presidential mission sent to El Salvador to report on the churchwomen's murders, consisting of William D. Rogers, William G. Bowdler, and Luigi R. Einaudi.

7/ Id.

8/ Id.

9/ Letter from Clerk of the Court of Appeals of the Third Central Section, San Vicente, El Salvador to the Presiding Judge of the Criminal Court, Zacatecoluca (March 17, 1983) (forwarding transcript of Court of Appeals' decision) at 29. References are to the translation by Division of Language Services, Department of State (No. 109614) (hereinafter cited as "Appellate Court Decision").

10/ Letter from General Eugenio Vides Casanova, Director, National Guard, to Presiding Judge of the Criminal Court, Zacatecoluca (February 10, 1982), at 43 (statement of Perez Nieto). This letter transmitted a report on the investigation of the murders conducted by Major Jose Adolfo Medrano, including statements by most of the important witnesses. References are to the translation by the Division of Language Services, Department of State (No. 105328)

RELEASED
El Salvador: Human Rights
Special Project (1993)

(hereinafter referred to as "Medrano Report at ___, _____ Statement").

11/ Statement of Sister Madeline Maria Dorsey, M.M. (March 8, 1983).

12/ Bowdler/Rogers Report.

13/ Medrano Report at 43, 44 (Perez Nieto Statement); and 89 (Colindres Aleman Statement).

14/ The exact time of Sister Kazel's and Ms. Donovan's return to the airport is unknown. We estimate their return to be during this period based on the statements of various witnesses at the airport and estimates of others familiar with the events of that day. See, e.g., Letter from Sister Helene O'Sullivan, M.M., to The Honorable William H. Webster, Director, FBI (July 29, 1982), wherein Sister O'Sullivan states that Sister Kazel and Ms. Donovan returned to the airport at about 6:00 p.m. Perez Nieto stated that the women returned at about 5:00 p.m., with two men, in a coffee-colored car, and the van was driven by a man alone. We believe that Perez Nieto was confused by the arrival of Father Britto and his group, who arrived at the airport to meet the Canadian delegation to the FDR funerals in a jeep and a white van. See Medrano Report at 44 (Perez Nieto Statement) and Statement of John C. Hilborn (January 14, 1981).

15/ Bowdler/Rogers Report.

16/ Medrano Report at 38 (Giron Statement). Neither Perez Nieto nor Colindres Aleman have admitted to a second telephone call. In fact, Perez Nieto denied seeing the women return to the airport, see Medrano Report at 44. However, Colindres Aleman's second in command, Aquino Giron, swore that Colindres Aleman received a call from Perez Nieto at about 5:30 p.m. (his subsequent court testimony put the time at between 4:30 p.m. and 5:00 p.m., see Appellate Court Decision at 16) concerning suspicious women in the airport. This suggests that there may have been a second call. If Giron was confused as to the times, of course, there may have been only one call, but we do not regard the number of calls from Perez Nieto to be of critical importance.

17/ Medrano Report at 43, 44 (Perez Nieto Statement). Perez Nieto returned to the barracks at some point prior to or at the end of his scheduled duty (7:00 p.m.). In his recent statement, Colindres Aleman admitted that Perez Nieto returned to the barracks about 6:00 p.m. and discussed the earlier departure of Sister Kazel and Ms. Donovan. While acknowledging this conversation, he again denied his guilt.

RELEASED
El Salvador: Human Rights
Special Project (1993)

However, his admission is a significant addition to the evidence against him. See Testimony of Luis Antonio Colindres Aleman before the Court of First Instance, Quezaltepeque, El Salvador (October 11, 1983). References are to the translation made by the Division of Language Services, Department of State (No. 111213-C).

18/ Id. at 74 (Rivera Franco Statement).

19/ Id. at 44 (Perez Nieto Statement).

20/ Id. at 33 (Cornejo Cubas Statement), and 25 (Cruz Piche Statement).

21/ Id.

22/ Id. at 70 (Contreras Palacios Statement), and 75 (Rivera Franco Statement).

23/ Id. at 25 (Cruz Piche Statement).

24/ Id. at 70 (Contreras Palacios Statement), and 75 (Rivera Franco Statement). Retired Guardsman Julio Cesar Valle Espinoza, in his testimony of August 9, 1982 (see Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (September 22, 1982)), stated that he was part of another checkpoint between the traffic control post (which probably was the Cornejo Cubas/Luis Monterrosa/Cruz Piche checkpoint) and Colindres Aleman's position. He testified that several guardsmen boarded the churchwomen's van at the traffic control post, and then drove to his location, where he and two more guardsmen boarded the van. He said that the van proceeded to Colindres Aleman's site, where he (Valle Espinoza) and the other guardsmen in the van left the churchwomen and returned to the airport on foot. Although this testimony is consistent with the churchwomen's abduction by Colindres Aleman, its description of the mechanics of the kidnapping is contradicted by statements of the guardsmen at the checkpoint, and by the two guardsmen with Colindres Aleman who have admitted their roles in the abduction and murders. We thus reject this testimony as, whatever Valle Espinoza's motivations, inaccurate.

25/ Id. at 70 (Contreras Palacios Statement).

26/ Id.

27/ Medrano Report at 70 (Contreras Palacios Statement).

28/ Id. at 38-39 (Giron Statement).

29/ Id. at 70 (Contreras Palacios Statement).

RELEASED
El Salvador: Human Rights
Special Project (1993)

30/ Appellate Court Decision at 28.

31/ Id.

32/ Medrano Report at 71 (Contreras Palacios Statement).

33/ Id. at 39 (Giron Statement), and 48 (Barrera Rivera Statement).

34/ Id. at 48 (Barrera Rivera Statement).

35/ Id. at 57-58 (Melgar Garay Statement); and 76 (Rivera Franco Statement).

36/ Id. at 76 (Rivera Franco Statement).

37/ Id. at 58 (Melgar Garay Statement).

38/ Id.

39/ Id.

40/ Appellate Court Record at 28, 33. We assume that the "Contreras" mentioned on 33 is Contreras Recinos, since he was driving the van, see 27.

41/ Medrano Report at 39 (Giron Statement).

42/ Id. at 39 (Giron Statement); 49 (Barrera Rivera Statement); and 59 (Melgar Garay Statement). Melgar Garay described them removing a "shovel," which probably was the tire jack.

43/ Id. at 36 (Cornejo Cubas Statement); Appellate Court Record at 26.

44/ Medrano Report at 53 (Chavez Valiente Statement).

45/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D. C. (September 14, 1981) (hereinafter the "Zepeda Valasco Cable").

46/ Id.

47/ Bowdler/Rogers Report.

48/ Id.

49/ Id.

50/ Id.

51/ Id.

RELEASED
El Salvador: Human Rights
Special Project (1993)

52/ Id.

53/ Id.

54/ Id.

55/ Id.

56/ Id.

57/ Id.

58/ Id.

59/ Cable from United States Embassy, San Salvador to Secretary of State, Washington, D.C. (December 11, 1980).

60/ Interview with Colonel Roberto Monterrosa, San Salvador, El Salvador (September 22, 1983).

61/ FBI report from Los Angeles Field Office (February 10, 1982) (hereinafter "Martinez Statement"). Martinez stated to the FBI that he told Colindres Aleman to tell the Director (Vides Casanova) of his crime. However, according to the special Embassy evidence, which we deem more reliable, Martinez actually told Colindres Aleman to tell of his involvement only to a National Guard superior investigating the matter.

62/ Zepeda Velasco Cable.

63/ Id.

64/ Id.

65/ Interview with Lieutenant Colonel Lizandro Zepeda Velasco, San Salvador, El Salvador (September 21, 1983) (hereinafter "Zepeda Velasco Interview").

66/ Interview with General Carlos Euginio Vides Casanova, San Salvador, El Salvador (September 21, 1983).

67/ Bowdler/Rogers Report.

68/ Id.

69/ Cable from Legal Attache, Panama, to Director, FBI (December 23, 1980); Interview with FBI Agent Stanley Pimentel, Washington, D.C. (August 18, 1983); and Memorandum to the President (January 5, 1981).

RELEASED
El Salvador: Human Righ
Special Project (1993)

70/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (December 11, 1980).

71/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (December 12, 1980).

72/ Id.

73/ Id.

74/ Memorandum to the President (January 5, 1981).

75/ Compare Zepeda Velasco Cable to Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (January 17, 1981).

76/ Cable from Legal Attache, Panama, to Director, FBI (January 26, 1981).

77/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (January 17, 1981).

78/ Id.

79/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (February 19, 1981).

80/ Memorandum from Legal Attache, Panama, to Director, FBI (February 27, 1981). Two other sets of prints were turned over to the FBI; those of two guardsmen at the burial site, Medina Gaitan and Rodriguez Coreas.

81/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (April 14, 1981) (hereinafter "April 14, 1981 Cable").

82/ See, e.g., Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (January 19, 1981).

83/ Cable from Legal Attache, Panama, to Director, FBI (April 2, 1981).

84/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (March 3, 1981).

85/ FBI Memorandum from T. F. Kelleher, Jr., to Mr. Mullen (March 17, 1981).

RELEASED
El Salvador: Human Rights
Special Project (1993)

86/ Cable from Legal Attache, Panama, to Director, FBI (April 22, 1981); and Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (April 30, 1981) (hereinafter "April 30, 1981 Cable"). Two of the guardsmen arrested at this time were released when further investigation showed they were not involved in the murders, Sanchez Guzman and Ramirez Palacios.

87/ Zepeda Velasco Cable; and April 30, 1981 Cable.

88/ April 30, 1981 Cable; and Report of the Latent Fingerprint Section, Identification Division, FBI (May 7, 1981).

89/ Zepeda Velasco Cable. Zepeda Velasco reported to Vides Casanova on May 2, 1981, that the weapons had been seized. We assume that they were taken on May 1.

90/ FBI Laboratory Report No. 10507024 (May 13, 1981).

91/ Zepeda Velasco Cable.

92/ Id.

93/ Id.

94/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (December 5, 1981).

95/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (December 7, 1981).

96/ Medrano Report at 3 (Order from General Vides Casanova, December 9, 1981).

97/ Medrano Report at 5 (Pacheco Aragon Statement); and 22 (Mendez Velasquez Statement). The third was interviewed in the United States by the FBI, see Cable from FBI Los Angeles Field Office, to Director, FBI (January 8, 1982).

98/ Interview with Lieutenant Colonel Jose Adolfo Medrano San Salvador, El Salvador (September 22, 1983) (hereinafter "Medrano Interview); and Medrano Report at 24 (Cruz Piche Statement).

99/ Medrano Report at 13 (Melendez Avalos Statement); 15 (Mejivar Martinez Statement); 17 (Menjivar Merino Statement); and 18 (Realejeno Gonzalez Statement).

100/ Medrano Report at 29 (Luis Monterrosa Statement).

101/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (December 15, 1981).

RELEASED
El Salvador: Human Rights
Special Project (1993)

102/ Medrano Interview.

103/ December 15, 1981 Cable.

104/ Medrano Report at 24 (Cruz Piche Statement).

105/ Id. at 29 (Luis Monterrosa Statement). Although Sanchez Guzman and Ramirez Palacios were named by Luis Monterrosa as accompanying Colindres Aleman, further investigation revealed that they were not involved in the abduction or murders.

106/ Id. at 33 (Cornejo Cubas Statement).

107/ Id. at 38 (Giron Statement).

108/ Id. at 43, 44; and Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (December 29, 1981).

109/ Medrano Report at 48 (Barrera Rivera Statement).

110/ Id. at 51 (Marina Realejeno Statement).

111/ Id. at 57 (Melgar Garay Statement).

112/ Id. at 53 (Chavez Valiente Statement).

113/ Id. at 63 (Ramirez Palacios Statement).

114/ Id. at 66 (Sanchez Guzman Statement); and Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (January 15, 1983).

115/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (December 29, 1981).

116/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (January 7, 1982).

117/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (January 15, 1982) (hereinafter "Contreras Palacios Cable"); and Medrano Report at 69 (Contreras Palacios Statement).

118/ See Memorandum of Law submitted by the Salvadoran Ambassador to the United States to Representative Michael D. Barnes (August 17, 1982). Translated by the Congressional Research Service, The Library of Congress.

119/ Contreras Palacios Cable; and Medrano Report at 69 (Contreras Palacios Statement).

RELEASED
El Salvador: Human Rights
Special Project (1993)

120/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (January 15, 1982).

121/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (January 19, 1982) (hereinafter January 19, 1982 Cable).

122/ Id.

123/ Id.; and Memorandum from Director, FBI, to Special Agent Sinecio Gutierrez (February 4, 1982) (hereinafter "Colindres Aleman polygraph"). The polygraph examination worksheet is in Spanish and was translated by Special Agent Gutierrez during his interview on August 17, 1983.

124/ Colindres Aleman polygraph and Gutierrez Interview.

125/ January 19, 1982 Cable.

126/ Gutierrez Interview, and January 16, 1982 Cable.

127/ January 16, 1982 Cable, and Gutierrez Interview.

128/ January 16, 1982 Cable.

129/ Medrano Report at 91.

130/ Medrano Report at 1.

131/ Cable from FBI Field Office, Los Angeles, to Director, FBI (January 8, 1982).

132/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (January 20, 1982).

133/ Martinez Statement.

134/ Interview with Judge Bernardo Rauda Murcia, Zacatecoluca, El Salvador (September 21, 1983) (hereinafter Rauda Interview); and Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (May 24, 1983).

135/ Cable from Legal Attache, Panama, to Director, FBI (July 8, 1983).

136/ Id.

137/ Memorandum to the President (January 5, 1981).

138/ Rauda Interview.

139/ Memorandum to Director, FBI (August 3, 1983).

RELEASED
El Salvador: Human Rights
Special Project (1993)

140/ Interview with Doctor Juan Geronimo Castillo, San Salvador, El Salvador (September 20, 1983); and Interview with United States Embassy Legal Advisor, San Salvador, El Salvador (September 20, 1983).

141/ Letter from Colonel Aristides Napoleon Montes, Director, National Guard of El Salvador, to the Minister of Defense and Public Security (September 13, 1983). References are to the translation by the Division of Language Services, Department of State (No. 110833A).

142/ Statement by Carlos Joaquin Contreras Palacios before the Second Criminal Court, Santa Ana, El Salvador (September 27, 1983). References are to the translation by the Division of Language Services, Department of State (No. 1108070-A) (hereinafter "Second Contreras Palacios Statement").

143/ Second Contreras Palacios Statement. We are also aware of a statement from an anonymous political prisoner who claims to have been imprisoned with Colindres Aleman between April 7 and 29, 1982. He said that Colindres Aleman had followed the movements of the churchwomen from the time they left El Salvador, and that Colonel Vides Casanova gave instructions concerning the capture of the churchwomen. We have no means of evaluating the veracity of this statement. It was taken by the Maryknoll Order from a Salvadoran who is a political refugee in Mexico, and whose identity was kept secret from us. According to Michael Posner from the Lawyers' Committee on International Human Rights, it is difficult to judge the veracity of such statements. Given this, the source's apparent bias, and the absence of supporting evidence, we cannot accept this hearsay statement as probative.

144/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (September 22, 1982).

145/ Monterrosa Interview.

146/ Chronology of Death Threats and the Conflict Between the Army (under Colonel Pena Arbaiza) and the Church in Chalatenango (undated). Contained in materials delivered to Harold R. Tyler, Jr., by Sister Helene O'Sullivan, M.M. (July 12, 1983).

147/ Memorandum from Legal Attache, Panama, to Director, FBI (December 23, 1980).

148/ Id., see also Statement of Sister Madeline Maria Dorsey, M.M., entitled "Death Threats Received in Chalatenago" (March 8, 1983), wherein Sister Dorsey gives the date as December 3.

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El Salvador: Human Rights
Special Project (1993)

149/ Did Salvadoran Troops Kill Nuns in Murder Plot? Atlanta Constitution, July 12, 1981 at 25, 26. Again, Sister Dorsey gives the date of this incident as December 3, 1980. See fn. 148, supra.

150/ Statement by Sister Madeline Maria Dorsey, M.M. (March 8, 1983).

151/ Vides Casanova Interview.

152/ Id. and Interview with Colonel Brian J. Bosch, USA, Washington, D.C. (August 26, 1983).

153/ Id.

154/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (December 16, 1981). See also Appellate Court Decision at 25, and Medrano Report at 27 (Cruz Piche Statement).

155/ Medrano Report at 31 (Luis Monterrosa Statement).

156/ Id. at 39 (Giron Statement).

157/ Gutierrez Interview.

158/ Interview with Rev. Paul Schindler, New York City (September 27, 1983) (hereinafter "Schindler Interview"); Interview ith Monsignor Richardo Urioste, San Salvador, El Salvador (September 23, 1983); and Interviews with Ms. Anna May Mayer and Father Daniel Reidy, La Libertad, El Salvador (September 21, 1983).

159/ FBI Memorandum, Subject: Thomas Norman Bracken (December 31, 1980); and Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (December 12, 1980).

160/ Id.; Cables from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (December 23, 1980 and October 11, 1983).

161/ Statements of Rev. Thomas Gregory Chisholm (January 8, 1981, and July 10, 1982).

162/ Cable from Washington Field Office, FBI, to Director, FBI (January 16, 1981) (Interview of Heather Foote, January 13, 1981).

163/ Id.

164/ Schindler Interview.

RELEASED
El Salvador: Human Rights
Special Project (1993)

179/ Moran Statement; and testimony of Juan Ramiro Diaz and Jose Edmundo Reyes Castellanos before the First Criminal Court, Zacatecoluca (October 22, 1983). References are to the translation made by the Division of Language Services, Department of State (No. 111213-L).

180/ Cable from Director, FBI, to FBI Field Office, Houston (July 2, 1982) (hereinafter "Houston Cable").

181/ Id.

182/ Cable from Secretary of State, Washington, D.C., to United States Embassy, San Salvador (October 20, 1981).

183/ Houston Cable.

184/ Cable from Secretary of State, Washington, D.C., to United States Embassy, San Salvador (June 19, 1982).

185/ Houston Cable.

186/ Houston Cable.

187/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (February 6, 1982) (hereinafter "February 6, 1982 Cable").

188/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (June 7, 1982) (hereinafter "June 7, 1982 Cable").

189/ February 6, 1982 Cable.

190/ June 7, 1982 Cable.

191/ Id.

192/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (September 23, 1982); see also Interview with Benjamin Cestoni, San Salvador, El Salvador (September 20, 1983).

193/ Schindler Interview.

194/ Lasbury Hall Interview.

195/ Memorandum prepared by Maryknoll Order entitled "Guns and Ballistics Tests," attached to letter from Sister Helene O'Sullivan, M.M. (March 21, 1982).

RELEASED
El Salvador: Human Rights
Special Project (1993)

165/ Telephone interview with Patricia Lasbury Hall (October 4, 1983) (hereinafter "Lasbury Hall Interview").

166/ Cable from Legal Attache, Panama, to Director, FBI (December 23, 1980).

167/ FBI Laboratory Report No. 10107002 (January 30, 1981).

168/ Interview with Sister Helene O'Sullivan, M.M., New York, New York (September 27, 1983).

169/ See, e.g., Medrano Report at 27 (Cruz Piche Statement); 31 (Luis Monterrosa Statement); and 36 (Cornejo Cubas Statement).

170/ Medrano Report at 27 (Cruz Piche Statement); see also 31 (Luis Monterrosa Statement).

171/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (February 12, 1981), wherein Sister Madeline Dorsey reportly said that Sister Ita Ford had been given $900 in cash at the Managua Conference. Subsequent Maryknoll reports indicate that Sister Ford had only $175.

172/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (February 19, 1981).

173/ See, e.g., Medrano Report at 36 (Cornejo Cubas Statement) and 66 (Sanchez Guzman Statement).

174/ See, e.g., Medrano Report at 36 (Cornejo Cubas Statement) and 31 (Luis Monterrosa Statement).

175/ Medrano Report at 66 (Sanchez Guzman Statement).

176/ Cable from Secretary of State, Washington, D.C., to United States Embassy, San Salvador (June 29, 1983).

177/ Testimony of Colonel Francisco Antonio Moran Reyes before the Second Criminal Court, San Salvador (August 18, 1983). References are to the translation made by the Division of Language Services, Department of State (No. 110870-B) (hereinafter "Moran Statement").

178/ Statement of General Carlos Eugenio Vides Casanova (August 19, 1983). References are to the translation made by the Division of Language Services, Department of State (No. 111213-A).

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El Salvador: Human Rights
Special Project (1993)

196/ Transcript of tape recording made by Sister Maria Rieckelman, M.M. (February 8, 1982), provided by Sister Helene O'Sullivan, M.M.

197/ Interview with Major Miguel Bolonas, Washington, D.C. (November 2, 1983).

198/ Index of Court Record. Informal translation by H. Carl Gettinger, Department of State.

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El Salvador: Human Rights
Special Project (1993)

APPENDIX

List of Persons Interviewed

Bleakley, (Deputy Chief of Mission) Kenneth - United States Embassy, San Salvador

Bolonas (Major) Miguel - Former Intelligence Officer, Nicaraguan Army

Bosch, (Colonel) Brian J. - United States Army, former Defense Attache, United States Embassy, San Salvador

Brownfield, William R. - Former Political Officer, United States Embassy, San Salvador

Castaneda, (Dr.) Ricardo - Member of the Private Bar, El Salvador

Castillo, (Dr.) Juan Geronimo - Coordinating Prosecutor

Cestoni, (Dr.) Benjamin - Executive Director of the Government of El Salvador Human Rights Commission, and Former Deputy Fiscal General

Duarte, Jose Napoleon - Former President, El Salvador

DuHadway, Thomas - Special Agent, Federal Bureau of Investigation, Fingerprint Division

Ford, William P. - Trial lawyer and brother of Ita Ford

Gettinger, H. Carl - Former Political Officer, United States Embassy, San Salvador

Greathead, R. Scott - International Human Rights Committee, Association of the Bar of the City of New York

Gutierrez, (Special Agent) Sinecio - Federal Bureau of Investigation, Polygrapher

Hall, Patricia Lasbury - Former Consul, United States Embassy, San Salvador

Hinton, (Ambassdor) Deane R. - Former United States Ambassador to El Salvador

Mayer, Anna May - Catholic lay worker in La Libertad, El Salvador

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El Salvador: Human Rights
Special Project (1993)

Medrano, (Lieutenant Colonel) Jose Adolfo - National Guard of the Republic of El Salvador

Monterrosa, (Colonel) Roberto - Commander, Salvadoran Navy

O'Sullivan, (Sister) Helene - Maryknoll Order

Otto, (Assistant Director) John E. - Federal Bureau of Investigation

Pickering, (Ambassador) Thomas R. - United States Ambassador to ElSalvador

Pimentel, (Special Agent) Stanley A. - Formerly FBI Legal Attache, United States Embassy, Panama City

Posner, Michael H. - Executive Director, Lawyers' Committee for International Human Rights

Rauda Murcia, (Judge) Bernardo - Criminal Court in Zacatecoluca, El Salvador

Reidy, (Father) Daniel - Missionary priest in La Libertad, El Salvador

Richard, Mark M. - Deputy Assistant Attorney General, Criminal Division, United States Department of Justice

Rivera, (Fiscal General, Dr.) Mario Adalberto - Fiscal General, El Salvador

Schindler, (Father) Paul E. - Former missionary priest in El Salvador

Urioste, (Monsignor) Ricardo - The Catholic Church in El Salvador

Vides Casanova, (General) Carlos Eugenio - Minister of Defense, El Salvador

Walser, (Special Agent) John M. - Federal Bureau of Investigation, Legal Attache, United States Embassy, Mexico City

Wetzel, (Special Agent) Roy - Federal Bureau of Investigation

White, (Ambassador) Robert E. - Former United States Ambassador to El Salvador

Zepeda Velasco , (Lieutenant Colonel) Lizandro - National Guard of the Republic of El Salvador

Department of State **TELE**

[redacted]

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[redacted] SAN SALVADOR 11218

USIA FOR AR AND P/CENTAN

E.O. 12356: DECL: 12/5/89
TAGS: ELAB, SHUM, PGOV, ES
SUBJECT: UPD REPS MEET WITH CHARGE

REF: (A) SAN SALVADOR 11133, (B) SAN SALVADOR 9417

1. [redacted] ENTIRE TEXT.

2. CHARGE MET WITH THREE MEMBERS OF THE UPD AT THEIR REQUEST ON NOVEMBER 29. THE VISITORS WERE SAMUEL MALDONADO, SECRETARY OF ORGANIZATION OF THE UCS; JORGE CAMACHO, PRESIDENT OF ACOPAI AND HIS DEPUTY, MARCOS SALAZAR. ALSO PRESENT AT THE MEETING WERE THE POLITICAL [redacted] AND THE LABOR OFFICER.

PAGE 02 SAN SA 11218 0518312

3. SAMUEL MALDONADO SAID THAT THE UPD'S ONLY CONCERN IS [redacted]

Department of State IR/FPC/CDR El Salvador 8P Date 9/23/03
Declassified under EO 12356 ( ) in full; (X) in part;
portions withheld: classified (X); deliberative ( );
law enforcement ( ); privacy ( ), statutory ( );
not relevant to El Salvador ( ).

[redacted] CABLE

WITH THE AGRARIAN REFORM: THE UPD SEES THE NEW CONSTITUTION AS A MEANS OF ENSHRINING (AND THEREFORE PROTECTING) THE AGRARIAN REFORM. HE SAID THAT THE UPD WILL CONTINUE TO URGE RETENTION OF THE CONCEPT OF 100--150 HECTARES AS THE LIMIT FOR RESERVE RIGHTS, AS SPECIFIED IN DECREE 153 (SEE REFTEL A). MALDONADO EXPLAINED THAT THE UPD SEES THE UPCOMING ELECTIONS AS A MEANS OF FURTHERING THE DEMOCRATIZATION PROCESS AND THEREFORE STRENGTHENING LAND REFORM AND ENSURING ITS CONTINUATION. FOR THIS SAME REASON, HE SAID, THE UPD BELIEVES THAT THE ELECTIONS SHOULD BE GENERAL (E.G., FOR DEPUTIES AND MAYORS AS WELL AS FOR PRESIDENT AND VICE PRESIDENT). QUERIED BY THE CHARGE ON THIS POINT, MALDONADO STATED THAT THE UPD BELIEVES THAT IF NEW DEPUTIES ARE NOT ELECTED ALONG WITH A NEW PRESIDENT, THE LATTER WILL BE POWERLESS IN OFFICE, NO MATTER HOW STRONG HIS POPULAR BASE TURNS OUT TO BE.

4. AT THIS POINT, CAMACHO UNFOLDED AN ALMOST UNINTELLIGIBLE ACCOUNT OF A DIFFICULT MEETING HE RECENTLY HAD WITH PDC LEADER NAPOLEON DUARTE. APPARENTLY CONCERNED, CAMACHO EXPLAINED THAT HE BELIEVES THAT DUARTE IS SO ANXIOUS TO BRING THE PCN AND AD PARTIES OVER TO HIS SIDE OF THE ASSEMBLY THAT HE WILL BEGIN PLAYING POLITICS TO THE DETRIMENT OF THE PDC'S STANDING COMMITMENT TO DEFEND THE UPD'S 100-150 HECTARES LIMIT FOR RESERVE RIGHTS. CAMACHO SAID THAT THE UPD POSITION ON AGRARIAN REFORM COULD BE ITEMIZED AS FOLLOWS: (1) 100--150 HECTARES MAXIMUM RESERVE RIGHTS, (2) 72,000 PHASE III BENEFICIARIES TO RECEIVE PERMANENT TITLES (WITHOUT LEGAL OPPOSITION), AND (3) THE EXTENSION OF DECREE 207 (THE LAND TO THE TILLER PROGRAM) BEYOND DECEMBER 31, 1983 -- WHEN IT IS SCHEDULED TO EXPIRE.

[redacted]

PAGE 03 SAN SA 11218 0518312

CAMACHO TOLD CHARGE THAT THE UPD WOULD BE WILLING TO LIMIT THE EXTENSION OF 207 TO THOSE CONFLICTIVE AREAS WHERE IT HAS BEEN IMPOSSIBLE TO IMPLEMENT IT YET.

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El Salvador: Human Rights
Special Project (1993)

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5. MALDONADO BELIEVES THAT CAMACHO WANTS [redacted] LEADER OF THE UPD.

PICKERING

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R

DANIEL P. MOYNIHAN
NEW YORK

ACTION
is assigned to
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United States Senate
WASHINGTON, D.C. 20510

December 6, 1982

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____

The enclosed inquiry is from a constituent of mine. Would you please respond?

Please send to me your written answer in duplicate, along with the letter from my constituent.

Thank you!

Daniel P. Moynihan

United States Senator

Ms. Lucille Loiselle
c/o Sen. D.P. Moynihan
733 Third Ave.
New York, N.Y. 10017
212-661-5150

re: imprisonment of Alejandro Mario Diaz & Fermin Montes Garcia in Chilean prison
from Ruth H. Wilson

FORWARDED BY DEPARTMENT OF STATE
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S E C R E T SANTIAGO 7092

E.O. 12356: DECL: OADR
TAGS: OVIP, PGOV, CI
SUBJECT: GOC INVITATION TO VICE PRESIDENT BUSH

REF: STATE 345214

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

1. SECRET - ENTIRE TEXT.

2. DURING A LUNCHEON YESTERDAY IN THE CLUB DE UNION, WE SPOKE BRIEFLY WITH FOREIGN MINISTER SCHWEITZER. AS REQUESTED IN REFTEL WE EXPRESSED VICE PRESIDENT BUSH'S SINCERE REGRET THAT HE IS UNABLE TO ACCEPT THE FOREIGN MINISTER'S KIND INVITATION TO VISIT CHILE AFTER THE ALFONSIN INAUGURATION DUE TO TIGHT SCHEDULING COMMITMENTS AND TRAVEL PLANS. SCHWEITZER ASKED IF ASSISTANT SECRETARY MOTLEY WOULD BE ABLE TO VISIT SANTIAGO. WE EXPLAINED THAT HIS SCHEDULE MADE IT IMPOSSIBLE BUT THAT AMBASSADOR MOTLEY HOPED TO BE ABLE TO TRAVEL TO CHILE IN THE FUTURE.

3. THE FOREIGN MINISTER STATED THAT HE WAS VERY DISAPPOINTED THAT CHILE'S FRIENDS NEVER SEEM TO HAVE TIME TO VISIT WHILE CRITICS ALWAYS ARE ABLE TO COME. HE SAID THAT IT IS IMPORTANT FOR SENIOR ADMINISTRATION OFFICIALS TO VISIT SANTIAGO TO SEE FOR THEMSELVES THE SYSTEMATIC DISTORTION OF CHILEAN REALITY BY GOVERNMENT CRITICS. IN REPLY WE POINTED OUT THAT AMBASSADOR WALTERS, WHO HAS THE CONFIDENCE OF SECRETARY SHULTZ AND PRESIDENT REAGAN, WAS ARRIVING NEXT WEEKEND FOR CONVERSATIONS WITH THE PRESIDENT AND MEMBERS OF THE CHILEAN GOVERNMENT. SCHWEITZER SAID THAT US-CHILEAN RELATIONS WERE ENTERING A PERIOD OF FRICTION AND TENSION. HE SAID THE GOVERNMENT WAS DISTURBED AT THE NEGATIVE US VOTE AT THE IDB ON THE CODELCO LOAN. NOW, THE REAGAN ADMINISTRATION WAS ABOUT TO CERTIFY ARGENTINA, WHICH ADVERSELY AFFECTED CHILE'S NATIONAL SECURITY.

4. COMMENT WE HAVE NOTICED A HARDENING OF OFFICIAL ATTITUDES TOWARDS THE UNITED STATES IN RECENT WEEKS, PARTICULARLY ON THE PART OF THE FOREIGN MINISTER. DURING THE DELICATE PERIOD AHEAD, WE MUST ALL BE ESPECIALLY ALERT TO AVOID ACTIONS AND STATEMENTS, (E.G. BY ANONYMOUS US OFFICIALS) THAT COULD CONTRIBUTE UNNECESSARILY TO THE GROWING STRAIN IN OUR BILATERAL RELATIONS. THEBERGE

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INFO USMISSION GENEVA
AMEMBASSY SANTIAGO

Chile Project (#S199900030)
U.S. Department of State
Release X Excise Deny
Declassify: In Part In Full
Exemption(s)

UNCLAS SECTION 01 OF 03 USUN NEW YORK 03700

E.O. 12356: N/A
TAGS: UNGA, SHUM, CI
SUBJECT: 38TH UNGA: THIRD COMMITTEE: DRAFT RESOLUTION ON HUMAN RIGHTS SITUATION IN CHILE A/C.3/38/L.63, AGENDA ITEM 12

REF: USUN 3546

1. SUMMARY: FOLLOWING IN PARA 2 IS TEXT OF DRAFT RESOLUTION DN HUMAN RIGHTS SITUATION IN CHILE TO BE PUBLISHED DECEMBER 7 AS A/C.3/38/L.63. CD-SPONSORS ARE ALGERIA, CUBA, DENMARK, FRANCE, GREECE, IRELAND, ITALY, MEXICO, NETHERLANDS, SPAIN, SWEDEN AND YUGOSLAVIA. DIFFERENCES BETWEEN THIS TEXT AND THAT REPORTED IN REFTEL APPEAR STYLISTIC IN NATURE. END SUMMARY.

2. BEGIN TEXT:

THE GENERAL ASSEMBLY,

AWARE OF ITS RESPONSIBILITY TO PROMOTE AND ENCOURAGE
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PAGE 02 USUN N 03700 01 OF 03 070354Z

THE RESPECT FOR HUMAN RIGHTS AND FUNDMENTAL FREEDOMS FOR ALL, AND RESOLVED TO REMAIN VIGILANT WITH REGARD TO VIOLATIONS OF HUMAN RIGHTS WHEREVER THEY OCCUR,

STRESSING THE OBLIGATION OF GOVERNMENTS TO PROMOTE AND PROTECT HUMAN RIGHTS AND TO CARRY OUT THE

RESPONSIBILITIES THEY HAVE UNDERTAKEN BY VIRTUE OF VARIOUS INTERNATIONAL INSTRUMENTS,

RECALLING ITS RESDLUTIONS 3219 (XXIX), OF NOVEMBER 6, 1974, 3448 (XXX) OF DECEMBER 9, 1975, 31/124 OF DECEMBER 16, 1976, 32/118 OF DECEMBER 16, 1977, 33/175 OF DECEMBER 20, 1978, 34/179 OF DECEMBER 17, 1979, 35/188 OF DECEMBER 15,, 36/157 OF DECEMBER 16, 1981 AND 37/183 OF DECEMBER 17, 1982 ALL OF THEM RELATED TO THE SITUATION OF HUMAN RIGHTS IN CHILE, AS WELL AS ITS RESOLUTION 33/173 OF DECEMBER 20, 1978 ON DISAPPEARED PERSONS,

RECALLING ALSO, THE RESOLUTIONS OF THE COMMISSION OF HUMAN RIGHTS ON THE SITUATION OF HUMAN RIGHTS IN CHILE AND IN PARTICULAR THE RESOLUTION 1983/38 OF MARCH 8, 1983, IN WHICH THE COMMISSION DECIDED INTER ALIA TO EXTEND FOR A YEAR THE MANDATE OF THE SPECIAL RAPPORTEUR ON THE SITUATION OF HUMAN RIGHTS IN CHILE,

DEPLORING ONCE AGAIN THE FACT THAT THE REPEATED APPEALS OF THE GENERAL ASSEMBLY, OF THE COMMISSION OF HUMAN RIGHTS AND OTHER INTERNATIONAL BODIES FOR THE RESTORATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS HAVE NOT BEEN HEEDED BY THE CHILEAN AUTHORITIES, WHO CONTINUE TO REFUSE TO COOPERATE WITH THE COMMISSION OF HUMAN RIGHTS AND ITS SPECIAL RAPPORTEUR,
UNCLASSIFIED

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PAGE 03 USUN N 03700 01 OF 03 070354Z

EXPRESSING ITS PROFOUND CONCERN THAT, ACCORDING TO THE CONCLUSIONS OF THE SPECIAL RAPPORTEUR, THE PERFORMANCE OF THE CHILEAN AUTHORITIES WITH REGARD TO THE SITUATION OF HUMAN RIGHTS HAS BEEN GENERALLY NEGATIVE AND THAT THEY HAVE NOT BEEN RESPONSIVE IN THE RESOLUTIONS OF THE GENERAL ASSEMBLY AND THE COMMISSION OF HUMAN RIGHTS,

OBSERVING THAT THE CHILEAN AUTHORITIES HAVE PERMITTED A LIMITED NUMBER OF CHILEAN NATIONALS TO RETURN TO THEIR COUNTRY BUT NOTING THAT THE MEASURES TAKEN TO THAT EFFECT HAVE BEEN ARBRITRARY AND RESTRICTIVE,

- 1. COMMENDS THE SPECIAL RAPPORTEUR FOR HIS REPORT ON THE SITUATION OF HUMAN RIGHTS IN CHILE PREPARED IN ACCORDANCE WITH RESOLUTION 1983/38 OF MARCH 8, 1983 FOR THE COMMISSION OF HUMAN RIGHTS;

- 2. REITERATES ITS GRAVE CONCERN AT THE

PERSISTANCE AND INCREASE OF SERIOUS AND SYSTEMATIC VIOLATIONS OF HUMAN RIGHTS IN CHILE, AS DESCRIBED IN THE REPORT OF THE SPECIAL RAPPORTEUR;

- 3. EXPRESSES ONCEN ITS CONCERN AT THE DISRUPTION OF THE TRADITIONAL DEMOCRATIC LEGAL ORDER AND ITS INSTITUTIONS THROUGH THE MAINTENANCE OF EXCEPTIONAL LEGISLATION, THE INSTITUTIONALIZATION OF VARIOUS STATES OF EMERGENCY AND THE EXISTENCE OF A CONSTITUTION WHICH OOES NOT REFLECT A FREELY EXPRESSED POPULAR WILL AND THE PROVISIONS OF WHICH NOT ONLY FAIL TO GUARANTEE THE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS BUT ALSO SUPPRESS, SUSPEND OR

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PAGE 01 USUN N 03700 02 OF 03 070354Z
ACTION IO-15

INFO OCT-00 COPY-01 ADS-00 INR-10 EUR-00 SS-00 OIC-02
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O 070348Z DEC 83
FM USMISSION USUN NEW YORK
TO SECSTATE WASHDC IMMEDIATE 0952
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AMEMBASSY SANTIAGO

UNCLAS SECTION 02 OF 03 USUN NEW YORK 03700

E.O. 12356: N/A
TAGS: UNGA, SHUM, CI
SUBJECT: 38TH UNGA: THIRD COMMITTEE: DRAFT RESOLUTION

RESTRICT THE ENJOYMENT AND EXERCISE OF HUMAN RIGHTS AND FUNDAMENTAL FREEDONS;

- 4. REITERATES ALSO ITS SERIOUS CONCERN AT THE INEFFICACY OF THE RECOURSES OF HABEAS CORPUS OR AMPARO AND OF PROTECTION, IN NEW OF THE FACT THAT THE JUDICIARY IN CHILE DOES NOT EXERCISE ITS FUNCTIONS FULLY IN THIS RESPECT, EXCEPT WITH CONSIDERABLE RESTRICTIONS;

- 5. DNCE AGAIN REQUESTS THE CHILEAN AUTHORITIES TO RESPECT AND PROMOTE HUMAN RIGHTS IN COMPLIANCE WITH

THE OBLIGATIONS THEY HAVE ASSUMED UNDER VARIOUS INTERNATIONAL INSTRUMENTS AND IN PARTICULAR TO LIFT THE REGIME OF EXCEPTION AND ESPECIALLY THEM PRACTICE OF DECLARING STATES OF EMERGENCY UNDER WHICH SERIOUS AND CONTINUING VIOLATIONS OF HUMAN RIGHTS OCCUR AND TO RESTORE THE PRINCIPLE OF LEGALITY, DEMOCRATIC
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PAGE 02 USUN N 03700 02 OF 03 070354Z

INSTITUTIONS AND THE EFFECTIVE ENJOYMENT AND EXERCISE OF CIVIL AND POLITICAL RIGHTS AND FUNDAMENTAL FREEDOMS WITHOUT ANY DISCRIMINATION;

- 6. ONCE MORE URGES THE CHILEAN AUTHORITIES TO INVESTIGATE AND CLARIFY THE FATE OF THE PERSONS WHO HAVE DISAPPEARED FOR POLITICAL REASONS, TO INFORM THEIR FAMILIES OF THE RESULTS OF THE INVESTIGATIONS AND TO BRING TAL AND PUNISH THOSE RESPONSIBLE FOR THEIR DISAPPEARENCE;

- 7. REITERATES ITS APPEAL TO THE CHILEAN AUTHORITIES TO PUT AN END TO INTIMIDATION AND PERSECUCTION AS WELL AS ARBITRARY DETENTIONS AND IMPRISONMENT IN SECRET PLACES AND THE PRACTICE OF TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT WHICH HAVE RESULTED IN UNEXPLAINED DEATHS AND TO RESPECT THE RIGHT OF PERSONS TO LIFE AND PHYSICAL INTEGRITY;

- 8. EXPRESSES ITS CONCERN AT THE VIOLENT SUPPRESSION OF THE EVER LARGER AND MORE WIDESPREAD POPULAR PROTESTS IN THE FACE OF THE INCAPACITY OF THE AUTHORITIES TO RESTORE HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, AS REPORTED BY THE SPECIAL RAPPORTEUR, WHICH HAVE RESULTED IN SERIOUS, FLAGRANT AND SYSTEMATIC VIOLATION OF HUMAN RIGHTS, INCLUDING MASS DETENTIONS AND NUMEROUS DEATHS;

- 9. URGES ONCE AGAIN THE CHILEAN AUTHORITIES TO RESPECT THE RIGHT OF CHILEANS TO LIVE AND FREELY ENTER AND LEAVE THEIR COUNTRY, WITHOUT RESTRICTIONS OR CONDITIONS AND TO CEASE THE PRACTICE OF "RELEGATION"
UNCLASSIFIED

UNCLASSIFIED

PAGE 03 USUN N 03700 02 OF 03 070354Z

(ASSIGNMENT OF FORCED RESIDENCE) AND FORCED EXILE;

- 10. RENEWS ITS APPEAL TO THE CHILEAN AUTHORITIES TO RESTORE THE FULL ENJOYMENT AND EXERCISE OF TRADE UNION RIGHTS, IN PARTICULAR THE RIGHT TO ORGANIZE TRADE UNIONS, THE RIGHT TO COLLECTIVE BARGAINING AND THE RIGHT TO STRIKE;

- 11. ONCE MORE URGES THE CHILEAN AUTHORITIES TO PROTECT AND RESTORE THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS OF THE POPULATION AND IN PARTICULAR TO RESPECT THE RIGHTS INTENDED TO PRESERVE THE CULTURAL IDENTIFY AND IMPROVE THE SOCIAL STATUS OF THE INDIGENOUS POPULATION;

- 12. CONCLUDES ON THE BASIS OF THE REPORT OF THE SPECIAL RAPPORTEUR THAT IT IS NECESSARY TO KEEP UNDER CONSIDERATION THE SITUATION OF HUMAN RIGHTS IN CHILE;

- 13. CALLS AGAIN ON THE CHILEAN AUTHORITIES TO COOPERATE WITH THE SPECIAL RAPPORTND TO SUBMIT THEIR COMMENT ON HIS REPORT TO THE COMMISSION OF HUMAN RIGHTS AT ITS 40TH SESSION;

- 14. INVITES THE COMMISSION OF HUMAN RIGHTS TO STUDY IN DEPTH THE REPORT OF THE SPECIAL RAPPORTEUR AT ITS FORTIETH SESSION AND TO TAKE THE MOST APPROPRIATE STEPS, INCLUDING THE EXTENSION OF THE MANDATE OF THE SPECIAL RAPPORTEUR FOR ONE MORE YEAR, FOR THE EFFECTIVE RESTORATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN CHILE, AND REQUESTS THE COMMISSION TO REPORT, THROUGH THE ECONOMIC AND SOCIAL COUNCIL, TO THE GENERAL ASSEMBLY AT ITS THIRTY-NINTH SESSION.

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PAGE 01 USUN N 03700 03 OF 03 070354Z
ACTION IO-15

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AMEMBASSY SANTIAGO

UNCLAS SECTION 03 OF 03 USUN NEW YORK 03700

E.O. 12356: N/A
TAGS: UNGA, SHUM, CI
SUBJECT: 38TH UNGA: THIRD COMMITTEE: DRAFT RESOLUTION

END TEXT.

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INTERNAL SECURITY LOG - DECEMBER 4-10, 1983

Chile Project (#S199900030)
U.S. Department of State
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Exemption(s) ____

December 4

-- Three individuals identified as members of the Manuel Rodriguez Revolutionary Front robbed a gunstore owned by Oscar Ricci and escaped with approximately 70,000 pesos worth of arms.

-- The state of incommunication has been lifted in the case of Mario Candelaria Acevedo Saez. She remains in the Centro de Orientacion Femenina in Concepcion. (She is the daughter of the self-immolated man.)

-- In Concepcion, a group of professors, in a public declaration, protested the arrest of academic Miguel Aurelio Cid Gonzalez.
-- A bomb located in a courthouse building in Concepcion caused minor damage.
-- In Valparaiso: A special investigating judge has been requested by the Human Rights Commission of the Fifth Region to investigate the case of Abraham Munoz Bustos.

December 5

-- Intendant Guillard presented charges before the Court of Appeals against four students accused of violating the Internal Security Law. The four are identified as: Viviana Hortensia Diaz, Gema del Rosario Montiel, Victor Manuel Lorenzo Seladier and Patricio Ernesto Peralta.

December 6

-- In Iquique, a bomb explosion partially destroyed a kiosk owned by the Corporacion de Proteccion a la Ancianidad CONPRAN. The responsibility of the crime was claimed by a group called "Martyrs of Pisagua."

-- Five PEM workers were arrested during the incidents in La Granja. The workers were holding protests asking for the majority of their salaries as a result of the abolishment of the PEM program.

-- Five individuals assaulted and threatened the Administrative Director of Radio Carrera, Pedro Salas. The attackers intended to assault Oscar Pizarro, who is the radio station's General Manager of radio broadcasts, accusing him of only giving air time to "anti-patriots."

December 7

-- The Court of Appeals has agreed to consider a write of habeas corpus on behalf of POJH member Sergio Soto Lopez, who was arrested on December 3 by Investigaciones.

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-- Five individuals attacked a truck carrying copies of the daily newspapers "Las Ultimas Noticias" and "El Mercurio," setting fire to the papers.

-- The Court of Appeals has requested that four individuals be placed at its disposition rather than the Investigaciones. The four individuals, who were arrested during POJH disturbances in Renca, are: Manuel Valenzuela Camus, Maria Cruz Sandoval, Gato Cruz Ibarra and Sergio Soto Lopez.

December 8

-- The Court of Appeals has accepted a writ of habeas corpus on behalf of Socialist Party member Tomas Fernando Inostroza Catalan, who has been residing in Mexico since September 1981.

-- The Supreme Court has declared that a Council of War during peacetime is unconstitutional. This decision is in relation to the case of the assassination of Gen. Carol Urzua and his two bodyguards.

-- Ambassador to the UN, Jean Kirkpatrick stated that she believed that the assassins of Gen. Urzua were Cuba-trained.

December 9

-- Considerable damage was caused by a powerful bomb explosion placed by unknown persons in the Quinta Vergara near Vina del Mar.

-- The Ministry of Interior has appealed the decision by the Court of Appeals which had previously accepted a writ of habeas corpus on behalf of Socialist Party member Fernando Inostroza Catalan, who has been living in exile in Mexico and wishes to return to Chile.

-- The Association of Radio Broadcasters of Chile presented a public declaration condemning the attack against Pedro Salas, the Administrative Director of Radio Carrera who was assaulted by five unknown people on December 6.

-- In Vallenar, the body of Juan Menares Menares was found after he had been missing since November 29, after having allegedly participated in disturbances in that city.

-- A bomb exploded at a light tower near Vina del Mar, causing considerable damage.

-- The Ministry of Interior appealed a resolution handed down by the Court of Appeals involving exiled Socialist Party councilman Fernando Inostroza Catalan. A writ of habeas corpus has now been accepted by the Appellate Court on his behalf. Inostroza is currently living in Mexico.

December 10

-- The Alianza Democratica announced plans for 4 demonstrations the weekend of December 17 & 18. The proposal will be brought before the Intendant for approval. The locations are San Miguel, La Cisterna, Conchali, Nunoa, La Reina and Pudahuel.

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-- Three leaders of the Youth Department of the Coordinadora Nacional Sindical were arrested and placed at the disposition of the Ministry of Interior for reading a document of greetings to the new Argentine President in public. The arrests took place when the group refused to relocate from in front of the Argentine Embassy. The three arrested were Enrique Nunez Estrella, Raul Sanchez Reballedo and Gerardo Hormazabal Lagos.

-- The Group of Families of Political Prisoners clarified that the arrests of Claudio I. Saavedra Leiva, Sergio M. Godoy Troncoso, Heriberto Ossandon and Ema Norma Coronel Barredo were arrested when they attended a church ceremony with the relatives of Abraham Munoz Bustos, and not because of any connection with the assault and assassination of a carabinero for which Munoz had been arrested. The four have since been released.

-- Beginning December 12 for two days, Pres. Pinochet will hold meetings with high government officials.

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UNCLASSIFIED ~~CONFIDENTIAL~~ UNCLASSIFIED Page: 1

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Case Number: S199900030

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PAGE 01 SANTIA 07139 01 OF 02 121705Z
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Chile Project (#S199900030)
U.S. Department of State
Release ✓ Excise ____ Deny ____
Declassify: In Part ____ In Full ✓
Exemption(s) ____

~~C O N F I D E N T I A L~~ SECTION 01 OF 02 SANTIAGO 7139

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DEPARTMENT FOR THE SECRETARY AND ASSISTANT SECRETARY MOTLEY
FROM AMBASSADOR WALTERS;
DEPT PLEASE PASS TO S/AL, INR FOR MR. MONTGOMERY;
WHITE HOUSE FOR VICE PRESIDENT BUSH

EO 12356: DECL: OADR
TAGS: PREL PGOV MASS CI
SUBJECT: AMBASSADOR WALTERS' MEETING WITH PRESIDENT PINOCHET

1. CONFIDENTIAL - ENTIRE TEXT.

2. AT 7:30 AM ON 12 DECEMBER I HAD BREAKFAST ALONE WITH PRESIDENT PINOCHET IN HIS OFFICE AT MONEDA PALACE. WE SPOKE FOR AN HOUR IN SPANISH.HE GREETED ME WITH "WELL OLD FRIEND, WHAT ARE YOU AMERICANS TRYING TO DO TO ME?". I REPLIED THAT WE ARE TRYIING TO HELP HIM BUILD A FREE AND PROSPEROUS CHILE.

2. HE THEN BEGAN IN A GOOD NATURED AVUNCULAR WAY TO COMMENT ON US POLICY. "YOU ADVISED THESHAH TO HOLD ELECTIONS AND TO BE MORE OPEN TO HIS OPPOSITION AND YOU HAD TRAGEDY. YOU TOLD BANZER TO HOLD ELECTIONS AND BOLIVIA IS IN CHAOS. YOU ADVISED BELAUNDE TERRY TO HOLD ELECTIONS AND THEY PROVED A ~~CONFIDENTIAL~~

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PAGE 02 SANTIA 07139 01 OF 02 121705Z

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Page: 1

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DISASTER AND BROUGHT VICTORY TO A MARXIST SOCIALIST AS MAYOR OF LIMA. BY PRESSURING FOR SUCH ELECTIONS WITHOUT REGARD TO THE NATURE OF THE SOCIETY AND THE TIMING OF EVENTS, YOU ARE BRINGING TO POWER ENEMIES OF THE UNITED STATES. LOOK AT BUENOS AIRES. YOU CERTIFIED THE ARGENTINES AND VICE PRESIDENT BUSH WAS BOOED IN THE STREETS OF BUENOS AIRES. ALFONSIN IS NO FRIEND OF THE UNITED STATES AND YOU WILL HAVE A GREAT DEAL OF TROUBLE WITH HIM. BY CONTRAST WE HAVE ALWAYS SUPPORTED THE US IN THE UN AND ELSEWHERE. NO ONE BURNS AMERICAN FLAGS BEFORE YOUR EMBASSY HERE. CHILE HAS ALWAYS BEEN YOUR FRIEND SINCE I HAVE BEEN PRESIDENT. YOU HAVE NOT RECIPROCATED. YOUR POLICY TOWARDS CHILE IS REALLY NOT MUCH DIFFERENT FROM THAT OF THE CARTER ADMINISTRATION.

4. I PAUSED FOR A MOMENT TO TAKE IN HIS COMMENTS AND THEN REPLIED, "MR PRESIDENT, YOU HAVE MORE FRIENDS IN THE US GOVERNMENT THAN YOU THINK. I ASSURE YOU THAT THE UNITED STATES IS NOT TRYING TO UNDERMINE YOUR GOVERNMENT AND THERE ARE DIFFERENCES BETWEEN THE POLICIES OF PRESIDENT REAGAN AND THOSE OF PRESIDENT CARTER". I THEN SUMMARIZED FOR HIM SEVERAL INSTANCES OF US SUPPORT FOR CHILE IN THE UN AND OTHER INTERNATIONAL BODIES. I DID POINT OUT THAT AMBASSADOR JEANNE KIRKPATRICK HAD SPOKEN OUT VERY FORTHRIGHTLY ON THE MEXICAN AND CUBAN SPONSORED RESOLUTION CONDEMNING CHILE IN THE UNITED NATIONS. HE SAID THAT HE HAD READ HER SPEECH IN GREAT DETAIL AND FELT IT WAS A POSITIVE ONE. HE COMMENTED IRONICALLY ON MEXICO AND CUBA - "TWO GREAT REPRESENTATIVE DEMOCRACIES" - SPONSORING SUCH A RESOLUTION. I POINTED OUT THAT CERTIFICATION OF ARGENTINA DOES NOT MEAN THE US INTENDS TO SELL ARMS TO THE ARGENTINES INDISCIMINATELY. WE WILL WEIGH EACH ARMS REQUEST CAREFULLY. IN THE MALVINAS, WE OPPOSED ARGENTINA IN THE END ON THE PRINCIPLE OF THE
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PAGE 03 SANTIA 07139 01 OF 02 121705Z

NON-USE OF FORECE TO SETTLE TERRITORIAL DISPUTES.

5. HE POINTED OUT THAT AN ARTICLE IN THE MORNING PAPER QUOTED VICE PRESIDENT BUSH AS SAYING THAT IF ARGENTINA ATTACKED CHILE OVER THE BEAGLE CHANNEL, THE AFFAIR WOULD BE NONE OF THE US GOVERNMENT'S BUSINESS. I SAID I HAD READ THE ARTICLE AND UNDERSTOOD THE VICE PRESIDENT'S STATEMENT TO BE THAT

THE US WOULD NOT BE RESPONSIBLE IF ARGENTINA RESORTED TO FORCE OVER THE BEAGLE DISPUTE. PINOCHET NODDED AND DID NOT DISPUTE MY INTERPRETATION.

6. PRESIDENT PINOCHET THEN SAID THAT HE DID NOT BELIEVE THAT ALFONSIN WOULD REMAIN IN POER IN ARGENTINA FOR LONG. THE PERONISTAS AND THE MILITARY WILL BRING HIM DOWN SOONER OR LATER; PROBABLY SOONER. CONCEIVABLY THE NEW ARGENTINE PRESIDENT COULD, IN THE DUPHORIA OF HIS FIRST DAYS IN POWER, ACCEPT THE PAPAL MEDIATION ON THE BEAGLE CHANNLE ISSUE. IF HE DOES NOT DO SO QUITE QUICKLY, HOWEVER, IT WILL BECOME INCREASINGLY DIFFICULT FOR HIM TO ACCEPT IT LATER. PINOCHET EXPRESSED THE BELIEF THAT THE ARGENTINES ARE CARRYING OUT A FULL RANGE OF NUCLEAR ACTIVITIES THAT WILL LEEAD TO THE CONSTRUCTION OF NUCLEAR WEAPONSM I SAID THAT WE HAVE THE MEANS OF ASCERTAINING THAT. IF THAT PROVES TO BE THE CASE, EXISTING US LEGISLATION WILL PREVENT FURTHER ASSISTANCE TO THE ARGENTINES.

7. PRESIDENT PINOCHET SAID THAT THE ARGENTINES CAN NOT BE TRUSTED AND HE WILL HAVE TO SPEND CONSIDERABLE FUNDS TO DEVELOP CHILEAN LIGHT ARMS INDUSTRY. VERY SHORTLY CHILE WILL BE MANUFACTURING LIGHT INFANTRY AUTOMATIC WEAPONS, MORTARS, AND MACHINE GUNS. HE SAID THAT THE POOR ARGENTINE MILITARY PERFORMANCE IN THE FALKLANDS IS ONE OF THE FEW ELEMENTS OF REASSURANCE THE CHILEANS HAVE HAD RECENTLY.

8. PRESIDENT PINOCHET THEN TOOK OUT SEVERAL SHEETS OF CONFIDENTIAL

CONFIDENTIAL

PAGE 04 SANTIA 07139 01 OF 02 121705Z

YELLOW PAPER WICH HE CLAIMED TO BE AN INTELLIGENCE REPORT FROM AN INFORMANT IN SPAIN. HE SIAD THIS MAN CLAIMS TO HAVE PERSONAL KNOWLEDGE THAT THE US GOVERNMENT THROUGH ITS VARIOUS BRANCHES, IS ACTIVELY ENGAGED IN DE-STABILIZING HIS GOVERNMENT. I REPLIED THAT THIS IS FALSE. I HAD CHECKED INTO SUCH REPORTS AND GAVE HIM MY WORD OF HONOR THAT THERE IS NO TRUTH IN THIS ACCUSATION. HE REPLIED "THAT IS GOOD ENOUGH FOR ME".

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PAGE 01 SANTIA 07139 02 OF 02 121717Z
ACTION SS-25

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INFO WHITE HOUSE WASHDC IMMEDIATE
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DEPARTMENT FOR THE SECRETARY AND ASSISTANT SECRETARY MOTELY
FROM AMBASSADOR WALTERS; PLEASE PASS TO S/AL, INR FOR
MR. MONTGOMERY, THE WHITE HOUSE FOR VICE PRESIDENT BUSH

9. RETURNING TO ARGENTINA, HE SAID THAT THEU.S. WAS MISTAKEN TO CERTIFY ARGENTINA ON THE SIMPLE BASIS OF HOLDING AN ELECTION, MUCH MORE IMPORTANT IT WHAT THE NEWLY ELECTED PRESIDENT WILL DO. IN AGENTINA THERE ARE 20,000 DISAPPEARANCES AND IN CHILE THERE WERE 475. THERE IS A CERTAIN INEQUITY BETWEEN THE TWO CASES. IN ANY EVENT HE PROMISED NOT TO MAKE ANY DIFFICULTIES FOR THE UNITED STATES IN AN ELECTION YEAR. HE WILL NOT CARRY ON A POLEMIC WITH US AS THE RESULT OF THIS CERTIFICATION. CHILE HAS STOOD WITH THE UNITED STATE BEFORE AND WILL DO SO AGAIN. ANYTHING WE WANT DONE IN CENTRAL AMERICAN, THE CHILEANS WILL TRY TO DO. I SAID THAT I HOPED THEY WILL CONTINUE THEIR PROGRAM OF TRAINING CNETRAL AMERICAN MILITARY PERSONNEL IN CHILE. HE SAID THEY WOULD DO SO.

10. HE SAID THAT CIRCUMSTANCES WOULD, OF COURSE, COMPEL HIM TO MOVE CLOSER TO THE BRITISH, SINCE BOTH THEY AND HE FELT THREATENED BY THE ARGENTINES. HE SAID THAT HE HAD RENDERED THE UK SOME SERVICES.

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PAGE 02 SANTIA 07139 02 OF 02 121717Z

11. I THEN ASKED HIM HOW HE SAW THE INTERNAL SITUATION IN CHILE. HE SAID THAT THE TENTH ANNIVERSARY OF THE REVOLUTION AND THE CURRENT ECONOMIC DIFFICULTIES HAD BEEN USED TO MOBILIZE THE OLD LEFT AND SOME FRUSTRATED NON-LEFTIST AGAINST HIM. THEY HAD SUCCEEDED IN MOUNTING SEVERAL LARGE DEMONSTRATIONS AGAINST HIM THAT HAD UNFORTUNATELY LED TO SOME BLOODSHED AND VIOLENCE. HOWEVER, THE PEOPLE ARE GROWING TIRED OF THIS. THE MIDDLE CLASS WAS INITIALLY AGITATED BY ECONOMIC DIFFICULTIES. HAVING SEEN THE BANNERS AND HAVING LOOKED AGAIN INTO THE FACE OF ALLENDISM, THE

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MIDDLE CLASS HAD DRAWN BACK FROM OPPOSITION TO HIM. HIS OWN VIEW IS THAT AFTER REACHING A LOW POINT, ACCEPTANCE OF HIS GOVERNMENT IS ON THE RISE AGAIN. THERE ARE GREAT ECONOMIC DIFFICULTIES BUT THEY ARE IN NO WAY INSUPERABLE. CONFIDENCE MUST BE RESTORED AND HE WILL DO EVERYTHING IN HIS POWER TO DO SO. THE OPPOSITION IS ATTACKING HIS PROPOSED MINING LAW, BUT THE ATTACK IS SIMPLY TO EMBARASS HIM AND TO FRIGHTEN OFF FOREIGN INVESTORS. THEY REALLY DO NOT THINK IT TO BE A BAD LAW.

12. I THEN ASKED HOW HE SEES THE FUTURE IN CHILE. HE REPLIED THAT HIS POLICY IS TO OPEN ALL THE DOORS WIDELY. THERE COULD BE SOME ADVANCE ON THE RETURN OT DEMOCRACY FORSEEN IN THE CONSTITUTION. THERE ALREADY IS IN CHILE FREEDOM OF SPEECH, FREEDOM OF THE PRESS, AND FREEDOM OF RELIGION. ALL I HAD TO DO WAS TO READ "HOY" (A PRO CHRISTIAN DEMOCRAT NEWS MAGAZINE) TO REALIZE THAT IS INDEED A FACT. WHAT CHILE DOES NOT HAVE IS A CONGRESS, BUT THAT WILL COME IN ITS TIME. HOWEVER, EACH OF THE MEMBERS OF THE JUNTA HAS AROUND HIM SOME SIXTY PEOPLE REPRESENTATIVE OA MANY TENDENCIES. IN THESE GROUPS LEGISLATION IS PROPOSED AND MEASURES ARE DEBATED. I SAID THAT THIS IS PART OF HIS PROBLEM. THE ABSENCE OF A REPRESENTATIVE BODY IS A TARGET FOR HIS OPPONENTS
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PAGE 03 SANTIA 07139 02 OF 02 121717Z

NOT JUST IN THE U.S., BUT ALL OVER THE WORLD. HE ACCEPTED THIS WITHOUT COMMENT AND SEEMED TO UNDERSTAND ITS MEANING.

13. HE SAID THAT HE HAS THE OVERWHELMING LOYALTY OF THE ARMED FORCES AND MANY OTHER CHILEANS WHO REMEMBER THAT THE COUNTRY HAD BEEN TO THE EDGE OF THE ABYSS IN 1973 AND HAVE NO DESIRE TO RETURN THERE. HE THEN SAID "SOY EL JEFE Y SIGO SIENDOLO". (I AM THE CHIEF AND WILL REMAIN SO.)

14. I SAID THAT THE LACK OF A REPRESENTATIVE PUBLIC BODY IS ONE OF HIS MAIN PUBLIC IMAGE PROBLEMS IN THE UNITED STATES AND ELSEWHERE. HE SAID THAT THE COMMUNISTS AND SOCIALISTS ARE ATTEMPTING TO PROVOKE HIS GOVERNMENT INTO MAJOR REPRESEEIVE ACTION SO THAT THEY CAN PILLORY HIM BEFORE WORLD OPINION. HE WILL NOT FALL INTO THIS TRAP. HE PROMISED TO GIVE ME, THIS AFTERNOON, A LIST OF THE ACTS OF TERRORISM COMMITTED BY THE FAR LEFT IN CHILE IN THE LAST FEW MONTHS.

HOPED THAT I WOULD BRING IT TO THE ATTENTION OF THE PRESIDENT, VICE PRESIDENT, AND SECY SHULTZ. WE SHOULD REMEMBER THAT THE SAME CONDITIONS DO NOT PREVAIL IN CHILE AS IN THE UNITED STATES.

15. HE THANKED ME FOR COMING AND ASKED ME TO CONVEY HIS FRIENDLY GREETINGS TO THE PRESIDENT AND SECRETARY OF STATE. I COULD TELL THEM THAT HE WOULD DO NOTHING TO ADD TO THE ENORMOUS BURDENS THEY BEAR, EVEN THOUGH HE REGARDS U.S. CERTIFICATION OF ARGENTINA AS ONE SIDED AND UNFAIR. HE UNDERSTANDS THAT THIS IS AN ELECTORAL YEAR IN THE UNITED STATES AND THAT THE ENEMIES OF PRESIDENT REAGAN WOULD USE ANY EXCUSE TO ATTACK HIM. HE CLOSED BY SAYING "CHILE IS YOUR FRIEND AND WILL REMAIN YOUR FRIEND, BUT WE WILL NOT BEG."

16. COMMENT: PRESIDENT PINOCHET APPEARED IN GOOD HEALTH AND UNCHANGED SINCE I LAST SAW HIM A YEAR AND A HALF AGO. HE DID TAKE THREE SMALL WHITE PILLS WITH A GLASS OF WATER BEFORE BREAKFAST. HE SEEMED CALM AND ASSURED. HE CERTAINLY CONFIDENTIAL

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PAGE 04 SANTIA 07139 02 OF 02 121717Z

DID NOT GIVE THE IMPRESSION OF A MAN UNSURE OF HIMSELF OR FEARFUL FOR HIS FUTURE. THERE WAS NO TREMOR IN HIS HAND BUT HE DID TALK IN A LOW ALMOST CONSPIRATORIAL VOICE, AND DID NOT SPEAK WHILE A WAITER WAS IN THE ROOM. HE SPOKE IN A QUOTE MORE IN SORROW THAN IN ANGER TONE UNQUOTE AND WAS PERSONALLY VERY CORDIAL IN DEALING WITH ME. I BELIEVE HE TOOK CAREFUL NOTE OF WHAT I TOLD HIM ABOUT THE LACK OF PUBLIC REPRESENTATIVE BODY, BUT GAVE NO DIRECT COMMITMENT ON THIS SCORE. CERTAINLY HE APPEARED MUCH MORE MEASURED THAN IN HIS INITIAL REACTION TO THE NEWS OF ARGENTINE CERTIFICATION REPORTED LAST WEEK BY AMBASSADOR THEBERGE. THEBERGE

Case Number: s199900006

CONFIDENTIAL

PAGE 01 USUN N 03814 01 OF 06 142311Z
ACTION IO-15

INFO OCT-00 COPY-01 ADS-00 INR-10 EUR-00 SS-00 OIC-02
AF-00 CIAE-00 EA-00 DODE-00 H-01 NEA-06 NSCE-00
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USIE-00 SP-02 SNP-01 PRS-01 SLPD-01 /062 W
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R 142248Z DEC 83
FM USMISSION USUN NEW YORK
TO SECSTATE WASHDC 1133
INFO AMEMBASSY ATHENS
AMEMBASSY BONN
AMEMBASSY BRUSSELS
AMEMBASSY COPENHAGEN
USMISSION GENEVA
AMEMBASSY GUATEMALA
AMEMBASSY HELSINKI
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AMEMBASSY THE HAGUE
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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

C O N F I D E N T I A L SECTION 01 OF 06 USUN NEW YORK 03814

BRUSSELS ALSO FOR USEC
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 USUN N 03814 01 OF 06 142311Z

VIENNA ALSO FOR UNVIE

DEPARTMENT PASS ALL ARA CAPITALS EXCEPT FOR GUATEMALA,
MEXICO, SAN SALVADOR, AND SANTIAGO

E.O. 12356: DECL: OADR

TAGS: UNGA, SHUM, CI, ES, GT
SUBJECT: 38TH UNGA: THIRD COMMITTEE ADOPTS RESOLUTIONS ON HUMAN RIGHTS SITUATIONS IN CHILE, EL SALVADOR, AND GUATEMALA

1. (C) SUMMARY: THIRD COMMITTEE ADOPTED RESOLUTIONS ON HUMAN RIGHTS SITUATIONS IN CHILE (A/C.3/38/L.63), EL SALVADOR (A/C.3/38/L.62, AS AMENDED), AND GUATEMALA (A/C.3/38/L.57) DECEMBER 9 BY VOTES OF 86-15(US)-32, 78-13(US)-41, AND 80-14(US)-36 RESPECTIVELY. TWO IMPROVEMENTS WERE MADE IN EL SALVADOR DRAFT PRIOR TO VOTE. US VOTED AGAINST ALL THREE RESOLUTIONS AS BEING TOO BIASED AND ONE-SIDED. US POSITION WAS FORCEFULLY SET FORTH BY AMBASSADOR KIRKPATRICK IN DECEMBER 8 STATEMENT ON HUMAN RIGHTS SO NO SEPARATE EXPLANATIONS OF VOTE WERE MADE. NONETHELESS, THE RESOLUTIONS ON EL SALVADOR AND GUATEMALA CAN BE CONSIDERED MORE BALANCED THAN THOSE CONSIDERED AT THE 37TH UNGA. AS A RESULT TEN COUNTRIES SWITCHED FROM AN ABSTENTION TO A YES VOTE ON THE EL SALVADOR RESOLUTION WHILE THE FRG WAS ONE OF FOUR COUNTRIES WHICH MADE A SIMILAR SWITCH ON THE GUATEMALA RESOLUTION. SEVERAL WESTERN EUROPEAN COUNTRIES WERE CO-SPONSORS OF THE RESOLUTIONS THIS YEAR, INCLUDING FRANCE WHICH WE ARE INFORMED PLAYED ROLE IN RESISTING INTRODUCTION OF FURTHER BALANCE INTO CERTAIN RESOLUTIONS. OVERALL, CONSIDERATION OF THESE ISSUES WAS CONFIDENTIAL

CONFIDENTIAL

PAGE 03 USUN N 03814 01 OF 06 142311Z

LESS CONTENTIOUS THAN LAST YEAR. END SUMMARY

2. (C) THIRD COMMITTEE CONSIDERATION OF REPORTS ON HUMAN RIGHTS SITUATIONS IN CHILE, EL SALVADOR AND GUATEMALA FEATURED A LARGE EUROPEAN ROLE IN DRAFTING THE THREE RESOLUTIONS. THUS IN CONTRAST TO 37TH UNGA WHEN SEVERAL AMENDMENTS WERE OFFERED TO IMPROVE THE TEXTS, SEVERAL EUROPEAN COUNTRIES WERE AMONG THE MOST ACTIVE PARTICIPANTS IN DRAFTING THE RESOLUTIONS AND THE DRAFTS UNDERWENT RELATIVELY LITTLE CHANGE AFTER THEY WERE TABLED. SWEDEN MAINTAINED ITS POSITION AS DRAFTER OF THE GUATEMALA RESOLUTION AND HAD AS CO-SPONSORS AUSTRIA, CANADA, DENMARK, FRANCE, GREECE, NETHERLANDS, NORWAY AND SPAIN. MEXICO AGAIN WAS THE SPONSOR OF THE RESOLUTIONS ON CHILE AND EL SALVADOR (WE ARE TOLD THAT MEXICO DOES NOT PLAY THE SAME LEADING ROLE ON GUATEMALA RESOLUTIONS BECAUSE OF A PRESIDENTIAL DECISION BASED ON THEIR GEOGRAPHIC PROXIMITY.) CO-SPONSORS FOR CHILE WERE ALGERIA, CUBA, DENMARK, FRANCE, GREECE, IRELAND, ITALY, NETHERLANDS, SPAIN, SWEDEN AND YUGOSLAVIA AND FOR EL

SALVADOR WERE ALGERIA, DENMARK, FRANCE, GREECE, NETHERLANDS, NORWAY, SPAIN, SWEDEN AND YUGOSLAVIA. MEXICO (MONTANA) WAS MORE MODERATE IN ITS APPROACH TO THE RESOLUTIONS THAN LAST YEAR WHEN GONZALEZ DE LEON DID EVERYTHING IN HIS POWER TO MAKE THE RESOLUTIONS MORE SEVERE. ON THE OTHER HAND, WE UNDERSTAND FRENCH DELEGATION, WHICH PLAYED ACTIVE ROLE THIS YEAR, RESISTED EFFORTS TO INCREASE BALANCE IN TEXTS ESPECIALLY THAT ON GUATEMALA. MISOFF WAS TOLD THAT FRENCH DELEGATION SUCCESSFULLY RESISTED BOTH EXPRESSION OF APPRECIATION TO GUATEMALAN GOVERNMENT FOR ITS COOPERATION WITH SPECIAL RAPPORTEUR IN EC STATEMENT AND WARMER THANKS IN TEXT OF RESOLUTION. PARTICIPATION OF SPAIN (WHICH IS ABOUT TO

NOTE BY OC/T: NOT PASSED TO ARA CAPITALS.

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PAGE 04 USUN N 03814 01 OF 06 142311Z

CONFIDENTIAL

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PAGE 01 USUN N 03814 02 OF 06 142312Z
ACTION IO-15

INFO	OCT-00	COPY-01	ADS-00	INR-10	EUR-00	SS-00	OIC-02
	AF-00	CIAE-00	EA-00	DODE-00	H-01	NEA-06	NSCE-00
	ARA-00	NSAE-00	HA-08	L-03	PM-09	PA-01	OMB-01
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FM USMISSION USUN NEW YORK
TO SECSTATE WASHDC 1134
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AMEMBASSY BONN
AMEMBASSY BRUSSELS
AMEMBASSY COPENHAGEN
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AMEMBASSY SANTIAGO
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AMEMBASSY THE HAGUE
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C O N F I D E N T I A L SECTION 02 OF 06 USUN NEW YORK 03814

BRUSSELS ALSO FOR USEC
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PAGE 02 USUN N 03814 02 OF 06 142312Z

VIENNA ALSO FOR UNVIE

DEPARTMENT PASS ALL ARA CAPITALS EXCEPT FOR GUATEMALA, MEXICO, SAN SALVADOR, AND SANTIAGO

E.O. 12356: DECL: OADR
TAGS: UNGA, SHUM, CI, ES, GT
SUBJECT: 38TH UNGA: THIRD COMMITTEE ADOPTS RESOLUTIONS

BECOME A MEMBER OF THE COMMISSION ON HUMAN RIGHTS) AS CO-SPONSOR INDICATES A SPECIAL INTEREST IN THE HUMAN RIGHTS SITUATION IN LATIN AMERICA.

3. (C) THE LIST OF CO-SPONSORS IS PARTICULARLY INTERESTING SINCE IT WAS CLEAR THROUGHOUT THE DRAFTING PROCESS THAT THERE WAS LITTLE OR NO INTEREST IN NEGOTIATING DRAFTS THAT WOULD HAVE ENABLED US TO ABSTAIN OR VOTE YES, DESPITE THE PREPONDERANCE OF WESTERN EUROPEAN COUNTRIES. SWEDEN WAS FAIRLY GOOD ABOUT GIVING US TEXTS AND WAS COURTEOUS ENOUGH TO PROVIDE A COPY OF THE DRAFT ON GUATEMALA RIGHT AFTER IT WAS TABLED. THE SAME COULD NOT BE SAID ABOUT THE OTHER TWO RESOLUTIONS AND THE DELAY IN TABLING THEM AND HAVING THEM PUBLISHED MAY HAVE BEEN PARTIALLY INTENTIONAL. MISOFF ALONG WITH DELEGATES FROM UK AND AUSTRALIA FINALLY GOT TEXTS OF CHILE AND EL SALVADOR RESOLUTIONS FROM COMMITTEE SECRETARIAT AT 7 P.M. TUESDAY DECEMBER 6 -- AND VOTING ON THESE RESOLUTIONS WAS THEN SCHEDULED FOR DECEMBER 8. WE SUBMITTED CHANGES SUGGESTED BY DEPARTMENT ON EL SALVADOR AND GUATEMALA TO CO-SPONSORS MORNING OF DECEMBER 8 BUT MET WITH LITTLE INTEREST IN REVISING DRAFTS ACCORDINGLY. (ONE SUGGESTION ON EL SALVADOR TEXT WAS SUBSEQUENTLY

CONFIDENTIAL

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PAGE 03 USUN N 03814 02 OF 06 142312Z

ACCEPTED IN PART.) WE ALSO PROVIDED SELECTED OTHER DELEGATIONS WITH OUR SUGGESTED CHANGES SO THEY COULD SEE WHAT WOULD HAVE MADE THESE RESOLUTIONS ACCEPTABLE TO US.

4. (C) UNGA CONSIDERATION OF SPECIFIC HUMAN RIGHTS SITUATIONS IS LARGELY BASED ON REPORTS BY SPECIAL RAPPORTEURS APPOINTED BY THE COMMISSION ON HUMAN RIGHTS. THUS THERE WERE THREE REPORTS BEFORE THE THIRD COMMITTEE, I.E. A/38/385 (CHILE), A/38/503 (EL SALVADOR), AND A/38/485 (GUATEMALA). THE QUALITY OF THE REPORTS VARIED A GREAT DEAL, RANGING FROM THE THOROUGH AND BALANCED DOCUMENT PRODUCED BY LORD COLVILLE IN HIS FIRST YEAR AS SPECIAL RAPPORTEUR ON GUATEMALA TO THE CUT AND PASTE JOB OF INORDINATE LENGTH PRODUCED BY THE NEW RAPPORTEUR ON CHILE. THE LATTER APPEARS LARGELY BASED ON MATERIAL LEFT BY THE PREVIOUS -AND HOSTILE -- RAPPORTEUR PRIOR TO HIS DEATH. UNFORTUNATELY, NEGATIVE COMMENTS APPEAR TO BE IMMEDIATELY ACCEPTED WHILE MORE FAVORABLE COMMENTS ARE DISCOUNTED. THUS, FOR EXAMPLE, THE DRAFT RESOLUTION ON GUATEMALA IS NOT AS BALANCED AS THE REPORT NOR IS THE GOVERNMENT OF GUATEMALA ADEQUATELY PRAISED FOR ITS COOPERATION. AMBASSADOR KIRKPATRICK DETAILED MANY OF OUR PROBLEMS WITH THE RESOLUTIONS IN HER DECEMBER 8 STATEMENT (WHICH IS BEING TRANSMITTED SEPTEL TO MANY ADDRESSES OF THIS CABLE.) SHE ALSO ADDRESSED THE OVERALL FRAMEWORK IN WHICH THESE RESOLUTIONS ARE CONSIDERED INCLUDING A DESCRIPTION OF THEM AS PART OF AN EFFORT TO FURTHER WEAKEN GOVERNMENTS THAT HAVE BEEN TARGETED BY TOTALITARIAN GROUPS. THIS PARTICULAR ASPECT OF HER SPEECH ELICITED SOME CRITICAL COMMENTS FROM DELEGATES OF DENMARK, NETHERLANDS AND NORWAY AND HAS BEEN ESPECIALLY NOTED BY OTHER WESTERN CO-SPONSDRS. (MISOFF HAS BEEN INFORMED THAT THE NETHERLANDS MAY BE REEVALUATING ITS

CONFIDENTIAL

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PAGE 01 USUN N 03814 03 OF 06 142313Z
ACTION IO-15

INFO	OCT-00	COPY-01	ADS-00	INR-10	EUR-00	SS-00	OIC-02
	AF-00	CIAE-00	EA-00	DODE-00	H-01	NEA-06	NSCE-00
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USIE-00 SP-02 SNP-01 PRS-01 SLPD-01 /062 W
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R 142248Z DEC 83
FM USMISSION USUN NEW YORK
TO SECSTATE WASHDC 1135
INFO AMEMBASSY ATHENS
AMEMBASSY BONN
AMEMBASSY BRUSSELS
AMEMBASSY COPENHAGEN
USMISSION GENEVA
AMEMBASSY GUATEMALA
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AMEMBASSY THE HAGUE
AMEMBASSY VIENNA

C O N F I D E N T I A L SECTION 03 OF 06 USUN NEW YORK 03814

BRUSSELS ALSO FOR USEC
CONFIDENTIAL

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PAGE 02 USUN N 03814 03 OF 06 142313Z

VIENNA ALSO FOR UNVIE

DEPARTMENT PASS ALL ARA CAPITALS EXCEPT FOR GUATEMALA, MEXICO, SAN SALVADOR, AND SANTIAGO

E.O. 12356: DECL: OADR
TAGS: UNGA, SHUM, CI, ES, GT
SUBJECT: 38TH UNGA: THIRD COMMITTEE ADOPTS RESOLUTIONS

POLICY ON THESE HUMAN RIGHTS RESOLUTIONS.)

5. (U) THE ONLY TEXTUAL CHANGES IN THE TEXTS AS TABLED WERE MADE IN THE EL SALVADOR RESOLUTION (AS REPORTED IN USUN 3698) JUST BEFORE THE VOTE. THE MOROCCAN DELEGATE

(WARZAZI) HAD PROPOSED TWO AMENDMENTS. ONE WOULD HAVE ALTERED OPERATIVE PARAGRAPH 10 TO READ AS "DEPLORES THE SUFFERING CAUSED TO THE POPULATION OF EL SALVADOR BY ACTS OF SABOTAGE AGAINST PRIVATE PROPERTY AND THE ECONOMIC INFRASTRUCTURE ATTRIBUTABLE FOR THE MOST PART, ACCORDING TO THE SPECIAL REPRESENTATIVE'S REPORT, TO THE OPPOSITIDN FORCES." THE OTHER WAS TO ELIMINATE "OR WITH ITS PERMISSION" FROM OPERATIVE PARAGRAPH 11. WHEN THE CO-SPONSORS ACCEPTED THE LATTER SUGGESTION, SHE WITHDREW HER OTHER AMENDMENT BUT SAID SHE MIGHT INSIST ON THE POINT IN THE FUTURE. (MOROCCO SUBSEQUENTLY ABSTAINED ON THE RESOLUTION AFTER VOTING NO LAST YEAR.) IT SHOULD BE NOTED THAT OPERATIVE 10 WAS THE ONLY ONE PLACING PRIMARY BLAME ON THE GUERRILLAS. WE UNDERSTAND THAT THE USSR WAS SEEKING ITS DELETION. MEXICO ON BEHALF OF THE CO-SPONSORS ALSO ANNOUNCED THAT THE PHRASE "REPRESENTATIVE POLITICAL FORCES" IN OPERATIVE PARAGRAPH 6 SHOULD BE CHANGED TO "OTHER POLITICAL FORCES." WHILE CONFIDENTIAL

CONFIDENTIAL

PAGE 03 USUN N 03814 03 OF 06 142313Z

FALLING SHORT OF OUR SUGGESTION, I.E. THE SUBSTITUTION OF "INSURGENTS," THE CHANGE DID RECOGNIZE OUR OBJECTION TO CHARACTERIZING THE GUERRILLAS AS REPRESENTATIVE.

6. (U) AN ANALYSIS OF THE VOTES SHOWS SOME SHIFTS FROM LAST YEAR. WE HAVE USED THE VOTES IN PLENARY RATHER THAN COMMITTEE FOR THIS COMPARISION BECAUSE THERE WAS GREATER THAN USUAL VARIATION BETWEEN VOTES IN COMMITTEE AND PLENARY DURING THE 37TH UNGA DUE TO AMENDMENTS ADOPTED IN COMMITTEE (WHICH LEFT SOME DELEGATIONS UNSURE HOW TO VOTE) AND REJECTED THEREAFTER IN PLENARY. OTHER THAN VOTE CHANGES DESCRIBED BELOW, DIFFERENCES IN THE TOTAL CAN BE ASCRIBED TO THE ABSENCE OF DELEGATES FROM SMALL DELEGATIONS, ESPECIALLY THOSE OF SMALL CARIBBEAN COUNTRIES WHOSE RESOURCES ARE STRETCHED TO THE FULL IN COVERING THE UNGA BUT WHO ARE OFTEN PRESENT TO VOTE IN PLENARY. THESE DELEGATIONS NORMALLY ABSTAIN ON THESE RESOLUTIONS ALTHOUGH ANTIGUA AND BARBUDA HAS VOTED NO.

A) GENERAL OBSERVATIONS: BOLIVIA JOINED VENEZUELA IN ANNOUNCING THAT THEY WERE NOT PARTICIPATING IN THE VOTE; BOLIVIA HAD ABSTAINED ON ALL THREE RESOLUTIONS LAST YEAR. ARGENTINA WAS PRESENT BUT NEITHER VOTED NOR OFFERED AN EXPLANATION, WE SUSPECT BECAUSE THEY LACKED INSTRUCTIONS DUE TO THE CHANGE IN GOVERNMENT. LAST YEAR THEY VOTED AGAINST ALL THREE RESOLUTIONS. IT WILL THEREFORE BE INTERESTING TO SEE HOW THEY VOTE IN PLENARY. LIBERIA, SAUDI ARABIA AND UPPER VOLTA SHIFTED

FROM ABSTENTIONS TO AFFIRMATIVE VOTES ON ALL THREE RESOLUTIONS. SEVERAL DELEGATIONS ABSTAIN ON ALL THREE RESOLUTIONS SINCE THEY DO NOT APPROVE OF SINGLING OUT ONLY A FEW COUNTRIES FOR SPECIAL ATTENTION. A VARIATION ON THIS MOTIVATION IS THAT OF MANY LATIN COUNTRIES WHO

CONFIDENTIAL

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CONFIDENTIAL

PAGE 01 USUN N 03814 04 OF 06 142314Z
ACTION IO-15

INFO	OCT-00	COPY-01	ADS-00	INR-10	EUR-00	SS-00	OIC-02
	AF-00	CIAE-00	EA-00	DODE-00	H-01	NEA-06	NSCE-00
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FM USMISSION USUN NEW YORK
TO SECSTATE WASHDC 1136
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AMEMBASSY VIENNA

C O N F I D E N T I A L SECTION 04 OF 06 USUN NEW YORK 03814

BRUSSELS ALSO FOR USEC
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 USUN N 03814 04 OF 06 142314Z

VIENNA ALSO FOR UNVIE

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E.O. 12356: DECL: OADR
TAGS: UNGA, SHUM, CI, ES, GT
SUBJECT: 38TH UNGA: THIRD COMMITTEE ADOPTS RESOLUTIONS

OBJECT TO SINGLING OUT ONLY COUNTRIES FROM THEIR REGION. THERE ARE ALSO SOME DELEGATIONS WHO VOTE NO OR OPPOSE THESE RESOLUTIONS OUT OF FEAR THAT THEIR COUNTRIES MIGHT LIKEWISE BE SINGLED OUT IN THE FUTURE.

B) ON CHILE, LIBERIA, SAUDI ARABIA AND UPPER VOLTA SHIFTED FROM ABSTENTIONS TO YES, WHILE GUINEA AND THE SUDAN ABSTAINED RATHER THAN VOTING FOR THE RESOLUTION. (A SUDANESE DELEGATE TOLD MISOFF THEY HAD DECIDED TO ABSTAIN ON ALL THREE RESOLUTIONS IN PROTEST AGAINST SELECTIVE APPROACH; THE GUINEA VOTE WAS NOT EXPLAINED AND MIGHT SIMPLY MEAN LACK OF INSTRUCTIONS.)

C) MOROCCO ABSTAINED ON THE EL SALVADOR RESOLUTION RATHER THAN VOTE NO. THE FOLLOWING VOTED FOR THE RESOLUTION AFTER ABSTAINING LAST YEAR: AUSTRALIA, BELGIUM, CANADA, JAMAICA, LIBERIA, NEW ZEALAND, PORTUGAL, SAUDI ARABIA, TUNISIA, AND UPPER VOLTA. GUINEA ABSTAINED INSTEAD OF VOTING FOR THE RESOLUTION.

D) FOUR COUNTRIES WHICH HAD ABSTAINED ON THE GUATEMALAN RESOLUTION LAST YEAR VOTED FOR THIS YEAR'S RESOLUTION. THEY WERE THE FRG, LIBERIA, SAUDI ARABIA AND UPPER VOLTA. CONFIDENTIAL

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PAGE 03 USUN N 03814 04 OF 06 142314Z

7. (U) FOLLOWING IS A BREAKDOWN OF THE VOTES ON THE RESOLUTIONS:

VOTE ON DRAFT RESOLUTION ON HUMAN RIGHTS IN GUATEMALA (A/C.3/38/L.57): 80-14-(US)36:

IN FAVOUR: AFGHANISTAN, ALGERIA, ANGOLA, AUSTRALIA, AUSTRIA, BAHRAIN, BARBADOS, BELGIUM, BENIN, BOTSWANA, BULGARIA, BURUNDI, BYELORUSSIA, CANADA, CAPE VERDE, CONGO, CUBAA, CYPRUS, CZECHOSLOVAKIA, DEMOCRATIC YEMEN,

DENMARK, ETHIOPIA, FINLAND, FRANCE, GAMBIA, GERMAN DEMOCRATIC REPUBLIC, FEDERAL REPUBLIC OF GERMANY, GREECE, GUINNEA-BISSAU, GUYANA, HUNGARY, ICELAND, IRAN, IRAQ, IRELAND, ITALY, JAMAICA, KENYA, KUWAIT, LAO PEOPLE'S DEMOCRATIC REPUBLIC, LESOTNO, LIBERIA, LIBYA, LUXEMBOURG, MADAGASCAR, MALI, MAURITANIA, MEXIC. MONGOLIA, MDZAMOIQUE, NETHERLANDS, NEW ZEALAND, NICARAGUA, NIGERIA, NORWAY, PAPUA NEW GUINEA, POLAND, PORTUGAL, QATAR, RWANDA, SAO TOME AND PRINCIPE, SAUDI ARABIA, SENEGAL, SEYCHELLES, SPAIN, SWEDEN, SYRIA, TOGO, TUNISIA, UGANDA, UKRAINE, USSR, UNITED ARAB EMIRATES, UNITED KINGDOM, UNITED REPUBLIC OF TANZANIA, UPPER VOLTA, VIET NAM, YUGOSLAVIA, ZAMBIA, ZIMBABWE.

AGAINST: BRAZIL, CHILE, EL SALVADOR, GUATEMALA, HAITI, HONDURAS, INDONESIA, ISRAEL, MOROCCD, PAKISTAN, PARAGUAY, PHILIPPINES, UNITED STATES, URUGUAY.

ABSTAINING: BAHAMAS, BANGLADESH, BHUTAN, BURMA, CHINA, COLOMBIA, COSTA RICA, DEMOCRATIC KAMPUCHEA, DOMINICAN REPUBLIC, ECUADOR, EGYPT, FIJI, GABON, INDIA, IVORY COAST, JAPAN, JORDAN, LEBANON, MALAWI, MALALYSIA,

CONFIDENTIAL

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PAGE 01 USUN N 03814 05 OF 06 142315Z
ACTION IO-15

INFO	OCT-00	COPY-01	ADS-00	INR-10	EUR-00	SS-00	OIC-02
	AF-00	CIAE-00	EA-00	DODE-00	H-01	NEA-06	NSCE-00
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R 142248Z DEC 83
FM USMISSION USUN NEW YORK
TO SECSTATE WASHDC 1137
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AMEMBASSY THE HAGUE
AMEMBASSY VIENNA

C O N F I D E N T I A L SECTION 05 OF 06 USUN NEW YORK 03814

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CONFIDENTIAL

PAGE 02 USUN N 03814 05 OF 06 142315Z

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DEPARTMENT PASS ALL ARA CAPITALS EXCEPT FOR GUATEMALA, MEXICO, SAN SALVADOR, AND SANTIAGO

E.O. 12356: DECL: OADR
TAGS: UNGA, SHUM, CI, ES, GT
SUBJECT: 38TH UNGA: THIRD COMMITTEE ADOPTS RESOLUTIONS

MALDIVES, NEPAL, NEGER, OMAN, PANAMA, PERU, ROMANIA SINGAPORE, SRI LANKA, SUDAN, SURINAME, THAILAND, TRINIDAD AND TOBAGO, TURKEY, UNITED REPUBLIC OF CAMEROON, ZAIRE.

ABSENT (OR NOT VOTING): ALBANIA, ANTIGUA AND BARBUDA, ARGENTINA, BELIZE, BOLIVIA, CENTRAL AFRICAN REPUBLIC, CHAD, COMOROS, DJIBOUTI, DOMINICA, EQUATORIAL GUINEA, GHANA, GRENADA, GUINEA, MALTA, MAURITIUS, SAINT CHRISTOPHER AND NEVIS, SAINT LUCIA, SAINT VINCENT, SAMOA, SIERRA LEONE, SOLOMON ISLANDS, SOMALIA, SWAZILAND, VANUATU, VENEZUELA, YEMEN.

VOTE ON DRAFT ON HUMAN RIGHTS IN EL SALVADOR (A/C.3/38/L.62), AS AMENDED, 78-13(US)41:

IN FAVOUR: AFGHANISTAN, ALGERIA, ANGOLA, AUSTRALIA, AUSTRIA, BAHRAIN, BELGIUM, BENIN, BULGARIA, BURUNDI, BYELORUSSIA, LCANADA, CAPE VERDE, CONGO, CUBA, CYPRUS, CZECHOSLOVAKIA, DEMOCRATIC YEMEN, DENMARK, ETHIOPIA, FINLAND, FRANCE, GAMBIA, GERMAN DEMOCRATIC REPUBLIC, GREECE, GUINEA-BISSAU, GUYANA, HUNGARY, ICELAND, INDIA, IRAN, IRAQ, IRELAND, ITALY, JAMAICA, KENYA, KUWAIT, LAO

PEOPLE'S DEMOCRATIC REPUBLIC, LESOTHO, LIBERIA, LIBYA,
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PAGE 03 USUN N 03814 05 OF 06 142315Z

LUXEMBOURG, MADAGASCAR, MALI, MAURITANIA, MEXICO, MONGOLIA, MOZAMBIQUE, NETHERLANDS, NEW ZEALAND, NICARAGUA, NIGERIA, NORWAY, PAPUA NEW GUINEA, POLAND, PORTUGAL, QATAR, RWANDA, SAO TOME AND PRINCIPE, SAUDI ARABIA, SENEGAL, SEYCHELLES, SIERRA LEONE, SPAIN, SYRIA, TOGO, TUNISIA, UGANDA, UKRAINE, USSR, UNITED ARAB EMIRATES, UNITED REPUBLIC OF TANZANIA, UPPER VOLTA, VIET NAM, YEMEN, YUGOSLAVIA, ZAMBIA, ZIMBABWE.

AGAINST: BRAZIL, CHILE, EL SALVADOR, GUATEMALA, HAITI, HONDURAS, INDONESIA, ISRAEL, PAKISTAN, PARAGUAY, PHILIPPINES, UNITED STATES, URUGUAY.

ABSTAINING: BAHAMAS, BANGLADESH, BARBADOS, BHUTAN, BOTSWANA, BURMA, CHINA, COLOMBIA DEMOCRATIC KAMPUCHEA, DOMINICAN REPUBLIC, ECUADOR, EGYPT, FIJI, GABON, FEDERAL REPUBLIC OF GERMANY, GUINEAS, IVORY COAST, JAPAN, JORDAN, LEBANON, MALAWI, MALAYSIA, MALDIVES, MOROCCO, NEPAL, NIGER DMAN, PANAMA, PERU, ROMANIA, SINGAPORE, SRI LANKA, SUDAN, SURINAME, SWEDEN, THAILAND, TRINIDAD AND TOGABO, TURKEY, UNITED KINGDOM, UNITED REPUBLIC OF CAMEROON, ZAIRE.

ABSENT (OR NOT VOTING): ALBANIA, ANTIGUA AND BARBUDA, ARGENTINA, BELIZE, BOLIVIA, CENTRAL AFRICAN REPUBLIC, CHAD, COMOROS, COSTA RICA, DJIBOUTI, DOMINICA, EQUATORIAL GUINEA, GHANA, GRENADA, MALTA, MAURITIUS, SAINT CHRISTOPHER AND NEVIS, SAINT LUCIA, SAINT VINCENT, SAMOA, SOLOMON ISLANDS, SOMALIA, SWAZILAND, VANUATU, VENEZUELA.

VOTE ON DRAFT ON HUMAN RIGHTS IN CHILE (A/C.3/38/L.63): 86-L5(US)-32.

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PAGE 01 USUN N 03814 06 OF 06 142316Z
ACTION IO-15

INFO	OCT-00	COPY-01	ADS-00	INR-10	EUR-00	SS-00	OIC-02
	AF-00	CIAE-00	EA-00	DODE-00	H-01	NEA-06	NSCE-00
	ARA-00	NSAE-00	HA-08	L-03	PM-09	PA-01	OMB-01

USIE-00 SP-02 SNP-01 PRS-01 SLPD-01 /062 W
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R 142248Z DEC 83
FM USMISSION USUN NEW YORK
TO SECSTATE WASHDC 1138
INFO AMEMBASSY ATHENS
AMEMBASSY BONN
AMEMBASSY BRUSSELS
AMEMBASSY COPENHAGEN
USMISSION GENEVA
AMEMBASSY GUATEMALA
AMEMBASSY HELSINKI
AMEMBASSY JIDDA
AMEMBASSY LONDON
AMEMBASSY LUXEMBOURG
AMEMBASSY MEXICO
AMEMBASSY MONROVIA
AMEMBASSY MOSCOW
AMEMBASSY OSLO
AMEMBASSY PARIS
AMEMBASSY RABAT
USELO RIYADH
AMEMBASSY ROME
AMEMBASSY SAN SALVADOR
AMEMBASSY SANTIAGO
AMEMBASSY STOCKHOLM
AMEMBASSY THE HAGUE
AMEMBASSY VIENNA

C O N F I D E N T I A L SECTION 06 OF 06 USUN NEW YORK 03814

BRUSSELS ALSO FOR USEC
CONFIDENTIAL

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PAGE 02 USUN N 03814 06 OF 06 142316Z

VIENNA ALSO FOR UNVIE

DEPARTMENT PASS ALL ARA CAPITALS EXCEPT FOR GUATEMALA, MEXICO, SAN SALVADOR, AND SANTIAGO

E.O. 12356: DECL: OADR
TAGS: UNGA, SHUM, CI, ES, GT
SUBJECT: 38TH UNGA: THIRD COMMITTEE ADOPTS RESOLUTIONS

IN FAVOUR: AFGHANISTAN, ALGERIA, ANGOLA, AUSTRALIA, AUSTRIA, BAHRAIN, BARBADOS, BELGIUM, BENIN, BOTSWANA, BULGARIA, BURUNDI, BYELORUSSIA, CANADA, CAPE VERDE, CONGD, COSTA RICA, CUBA, CYPRUS, CZECHOSLOVAKIA, DEMOCRATIC YEMEN, DENMARK, ETHIOPIA, FINLAND, FRANCE,

GAMBIA, GERMAN DEMOCRATIC REPUBLIC, GHANA, GREECE, GUINEA-BISSAU, GUYANA, HUNGARY, ICELAND, INDIA, IPAN, IRAQ, IRELAND, ITALY, JAMAICA, KENYA, KUWAIT, LAO PEOPLE'S DEMOCRATIC REPUBLIC, LESOTHO, LIBERIA, LIBYA, LUXEMBOURG, MADAGASCAR, MALDIVES, MALI, MAURITANIA, MEXICO, MONGOLIA, MOZAMBIQUE, NETHERLANDS, NEW ZEALAND, NICARAGUA, NIGERIA, NORWAY, PAPUA NEW GUINEA, POLAND, PORTUGAL, QATAR, ROMANIA, RWANDA, SAO TOME AND PRINCIPE, SAUDI ARABIA, SENEGAL, SEYCHELLES, SIERRA LEONE, SPAIN, SRI LANKA, SWEDEN, SYRIA, TOGO, TUNISIA, JGANDA, UKRAINE, USSR, UNITED ARAB EMIRATES, UNITED REPUBLIC OF TANZANIA, UPPER VOLTA, VIET NAM, YEMEN, YUGOSLAVIA, ZAMBIA, ZIMBABWE.

AGAINST: BRAZIL, CHILE, EL SALVADOR, GUATEMALA, HAITI, HONDURAS, INDONESIA, ISRAEL, LEBANON, MOROCCO, PAKISTAN, PARAGUAY, PHILIPPINES, UNITED STATES, URUGUAY.

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PAGE 03 USUN N 03814 06 OF 06 142316Z

ABSTAINING: BAHAMAS, BHUTAN, BURMA, CHINA, COLOMBIA, DELMOCRATIC KAMPUCHEA, DOMINICAN REPUBLIC, ECUADOR, EGYPT, FIJI, GBON, FEDERAL REPUBLIC OF GERMANY, GUINEAS, IVORY COAST, JAPAN, JORDAN, MALAWI, MALAYSIA, NEPAL, NIGER, OMAN, PANAMA, PERU, SINGAPORE, SUDAN, SURINAME, THAILAND, TRINIDAD AND TOBAGO, TURKEY, UNITED KINGDOM, UNITED REPUBLIC OF CAMEROON, ZAIRE.

ABSENT OR NOT VOTING): ALBANIA, ANTIGUA AND BARBUDA, ARGENTINA, BANGLADESH, BELIZE, BOLIVIA, CENTRAL AFRICAN REPUBLIC, CHAD, COMOROS, DJIBOUTI, DOMINICA, EQUATORIAL GUINEA, GRENADA, MALTA, MAURITIUS, SAINT CHRISTOPHER AND NEVIS, SAINT LUCIA, SAINT VINCENT, SAMOA, SOLOMON ISLANDS, SOMALIA, SWAZILAND, VANUATU, VENEZUELA.
KIRKPATRICK

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PAGE 01 GUATEM 10851 01 OF 02 142343Z
ACTION SY-06

INFO OCT-00 COPY-01 ADS-00 INR-10 SS-00 CIAE-00 DODE-00
IO-15 NSCE-00 ARA-00 NSAE-00 SSO-00 HA-08 PM-09
MCT-02 INRE-00 A-02 SYE-00 SP-02 SLPD-01 /056 W
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O 142339Z DEC 83
FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC IMMEDIATE 8638
INFO AMEMBASSY BELIZE
AMEMBASSY MEXICO
AMEMBASSY PANAMA
AMEMBASSY SAN JOSE
AMEMBASSY SAN SALVADOR
AMEMBASSY TEGUCIGALPA
USMISSION USUN NEW YORK
USCINCSO QUARRY HTS PN

UNCLAS SECTION 01 OF 02 GUATEMALA 10851

A/SY/TAG

E.O.12356: N/A
TAGS: PGOV, PINR, PINS, GT, ASEC, SHUM
SUBJECT: MONTHLY POLITICAL VIOLENCE AND HUMAN RIGHTS
- REPORT FOR NOVEMBER

1. MONTHLY POLITICAL VIOLENCE AND HUMAN RIGHTS REPORT FOR NOVEMBER, TAKEN FROM OFFICIAL GOG BULLETINS, INDEPENDENT NEWS REPORTS, AND GUERRILLA COMMUNIQUES AS REPORTED BY FBIS.

2. DEATHS

CIVILIAN

-- BY RIGHT: - 0
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PAGE 02 GUATEM 10851 01 OF 02 142343Z

-- BY LEFT: 5
-- BY UNKNOWN: 28

MILITARY

94013990
DEPARTMENT OF STATE IM/IRS/GRP Date: 2/20/96
(X) RELEASE ( ) DECLASSIFY ( ) DECLASSIFY EO Citations
( ) EXCISE ( ) DECLASSIFY IN PART
( ) DENY
FOIA Exemptions ( ) CLASSIFY as ( ) S or ( ) C Sec. TS authority to
PA Exemptions ( ) DOWNGRADE TS to ( ) S or ( ) C

-- MILITARY KIA: 16
-- GUERRILLA KIA: 62
-- CIVILIAN KIA: 4

	CIVILIAN	GUERRILLA	MILITARY	TOTAL
-- LAST MONTH:	70	138	10	218
-- THIS MONTH:	37	62	16	115
-- YEAR-TO-DATE:	473	675	409	1557

OCCUPATION OF VICTIM, WHERE NOTED:

-- MILITARY: 12
-- GUERRILLA: 62
-- POLICE: 4
-- CIVIL DEFENSE PATROLMEN: 4
-- PRIEST: 1
-- VETERINARIAN: 1
-- GOVERNMENT EMPLOYEE: 2
-- UNIVERSITY PROFESSOR: 1
-- BUSINESSMAN: 1
-- PEASANT: 1
-- UNKNOWN: 26

NOTE: THE DEATHS INCLUDE FATHER RAMIREZ OF
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THE FRANCISCAN CHURCH IN ANTIGUA, LIC. CARRILLO,
THE FORMER RECTOR OF SAN CARLOS UNIVERSITY,
AND COL. REBULLI, THE SOLOLA MILITARY ZONE
COMMANDER.

3. ABDUCTIONS:

ATTRIBUTED TO:	UNKNOWN	GUERRILLA	RIGHT	TOTAL
-- LAST MONTH:	33	1	0	34
-- THIS MONTH:	30	0	0	30
-- YEAR-TO-DATE:	268	13	0	281

OCCUPATION OF VICTIM, WHERE NOTED:

-- POLICE: 3
-- POLITICIAN: 2
-- STUDENT: 3
-- LABOR UNION: 1
-- ECONOMIST: 1
-- LINGUIST: 1
-- FARM ADMINISTRATOR: 1
-- LABORERS: 2
-- HOUSEWIFE: 1
-- UNKNOWN: 15

THE LINGUIST WAS WORKING ON AN AID-RELATED

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PAGE 01 GUATEM 10851 02 OF 02 142343Z
ACTION SY-06

INFO OCT-00 COPY-01 ADS-00 INR-10 SS-00 CIAE-00 DODE-00
IO-15 NSCE-00 ARA-00 NSAE-00 SSO-00 HA-08 PM-09
MCT-02 INRE-00 A-02 SYE-00 SP-02 SLPD-01 /056 W
---------- 314633 142352Z /62
O 142339Z DEC 83
FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC IMMEDIATE 8639
INFO AMEMBASSY BELIZE
AMEMBASSY MEXICO
AMEMBASSY PANAMA
AMEMBASSY SAN JOSE
AMEMBASSY SAN SALVADOR

AMEMBASSY TEGUCIGALPA
USMISSION USUN NEW YORK
USCINCSO QUARRY HTS PN

UNCLAS SECTION 02 OF 02 GUATEMALA 10851

A/SY/TAG

E.O.12356: N/A
TAGS: PGOV, PINR, PINS, GT, ASEC, SHUM
SUBJECT: MONTHLY POLITICAL VIOLENCE AND HUMAN RIGHTS

BILINGUAL PROJECT.

4. ACTS OF TERRORISM OR WAR: 41

-- MILITARY-GUERRILLA CLASHES: 33
-- GUERRILLA BOMBINGS: 2
-- GUERRILLA BOMBS DISMANTLED: 1
-- OTHER: 5 (SEE NOTE)

NOTE: GUERRILLAS SHOT AT THE U.S. AMBASSADOR'S
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RESIDENCE, BUT DID NOT CAUSE ANY SERIOUS DAMAGE.
IN TWO SEPARATE OCCASSIONS, GUERRILLAS BURNED
BUSES, ONE IN EL PETEN, AND ONE IN SOLOLA.
IN ADDITION, FAR CLAIMED THAT IT HAD TAKEN
OVER TWO HAMLETS IN LA LIBERTAD, EL PETEN.

TAYLOR

ACTION COPY

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Department of State

INCOMING TELEGRAM

PAGE 01 SANTIA 07183 141432Z 2416

ACTION SAL-01

INFO OCT-00 COPY-01 ADS-00 SS-00 ARA-00 PM-09 SP-02
/013 W

305516 142011Z /53

R 141410Z DEC 83
FM AMEMBASSY SANTIAGO
TO SECSTATE WSSHDC 7218

C O N F I D E N T I A L SANTIAGO 7183

DEPARTMENT FOR AMBASSADOR WALTERS AND ASSISTANT SECRETARY MOTLEY FROM AMBASSADOR THEBERGE

EO 12356: DECL: OADR
TAGS: OVIP (WALTERS, VERNON A).
SUBJECT: APPRECIATION FOR AMBASSADOR WALTERS' VISIT TO CHILE

1. CONFIDENTIAL ENTIRE TEXT.

2. I WISH TO EXPRESS MY APPRECIATION FOR YOUR HELP IN AVOIDING SERIOUS EROSION OF US RELATIONS WITH CHILE DURING THE MORE COMPLEX AND SENSITIVE PHASE WE HAVE ENTERED AFTER US CERTIFICATION OF ARGENTINA. YOU SUCCEEDED IN ESTABLISHING CLOSE RAPPORT WITH PRESIDENT PINOCHET AND SENIOR GOC OFFICIALS AT A MOST DELICATE MOMENT. YOU WERE ABLE TO OVERCOME THE TENSENESS THAT WE HAVE NOTED CREEPING INTO OUR RELATIONS OVER CERTIFICATION ISSUE. NEVERTHELESS, AN UNDERLYING UNEASINESS REMAINS. FOREIGN MINISTER SCHWEITZER TODAY (DECEMBER 13) SAID YOUR PERFORMANCE LAST NIGHT WAS A MASTERFUL ONE. YOU MAINTAINED CORDIAL ATMOSPHERE. AGREED TO LOOK INTO SOME TROUBLESOME (FOR THE CHILEANS) QUESTIONS, AND YET GAVE NOTHING AWAY. THE IMPACT OF YOUR VISIT, BOTH IN MEETINGS WITH THE PRESIDENT AND GOVERNMENT OFFICIALS AND IN YOUR DEPARTING PRESS CONFERENCE WAS ALTOGETHER POSITIVE AND CONSTRUCTIVE.

3. AGAIN, MANY THANKS FOR YOUR HELP. I LOOOK FORWARD TO A RETURN VISIT NEXT YEAR.
THEBERGE

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

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Santiago

12-14-83 ARA/SC - Dlouhy

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DEPARTMENT OF STATE

Washington, D.C. 20520

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R

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ✓
Exemption(s) ____

December 14, 1983

MEMORANDUM

TO: PM/MC - Mr. Robinson

FROM: L/PM - Mary E. McLeod

SUBJECT: Licenses for Arms Exports to Chile under Section 38 of the Arms Export Control Act (AECA)

As I have indicated to you over the telephone, I have been contacted by a Mr. Laskin at the National Science Foundation concerning the denial of a license to NSF's contractor, Aura, for export of a Cincinnati Electronics Model 3201 element InSb/multiplexor evaluation system to Chile. This item is on the Munitions Control List. Aura operates the Cerro Tololo Inter-American Observatory in Chile as NSF's contractor.

Mr. Laskin told me that your office had informed him that the license was denied pursuant to Section 726 of the International Security and Development Cooperation Act of 1981. He indicated that he was puzzled by this rationale, because section 726 appears to bar only the issuance of licenses "to or for the Government of Chile" and the license in question was not to or for the Government of Chile.

After receiving Mr. Laskin's call, I looked into the legislative history of section 726. While it is true that its predecessor, section 406 of the International Security Assistance and Arms Export Control Act of 1976, barred the issuance of export licenses under section 38 for any defense article destined to Chile, whether or not the license was to or for the Government of Chile, the express language of section 726 is limited to exports to or for the Government of Chile. Moreover, there is no indication in the legislative history of Section 726 that Congress, despite Section 726's narrower language, intended to maintain the breadth of the section 406 prohibition. In addition, it is my understanding that identical language in the Argentina certification provision, section 725 of the International Security and Development Cooperation Assistance Act, has been interpreted as not constituting a legal bar to the issuance of licenses for

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Munition Lists items when such licenses are for non-governmental parties and not to or for the Government of Argentina (i.e., the non-governmental parties are not acting on behalf of the Government of Argentina).*

We know of no legal bar to issuing Article 38 licenses for the export of Munitions List items to Chile which are not "to or for the Government of Chile." Of course, there may nonetheless be policy reasons in individual cases for denying such licenses. In addition, we understand that no such licenses have been granted since section 726 was adopted, based on a perception that Congress, although the language did not expressly say so, intended the section 726 bar on Article 38 licenses to apply to any export to Chile, whether or not the export was to or for the Chilean Government. A change in practice might, of course, invite Congressional scrutiny of licensing policy toward Chile.

Based on the legal analysis set forth above, you may wish to propose to NSF that they resubmit (or reactivate) their application so that a policy determination may be made as to whether a license should be granted. Please let me know if you have any questions or require further information.

cc: PM:TMcNamara
PM/MC:JSmaldone
ARA/RPP:FLee
ARA:JMichel
ARA/SC:DDlouhy
L/ARA:KSGudgeon

*The legislative history of the predecessor to Section 725, Section 620C of the Foreign Assistance Act, contains this interpretation. The Conference Report on the International Security Assistance Act of 1977 provided:

> The committee of conference adopted the Senate provision with an amendment specifying that the prohibition on granting of export licenses is intended to apply only to licensed sales of defense articles or services to or for the Government of Argentina (which would include any agency or representative of the Government of Argentina).

Conference Report to accompany H.R. 6884, the International Security Assistance Act of 1977, H.R. Report No. 95-503, at p. 27.

Drafted: L/PM:MEMcLeod
12/14/83 x27838 #8088L

Clearances: L:MMatheson by mc, IV
L:MKozak (subs) by mc, IV
L/PM:JThessin (subs) by mc, IV

DEPARTMENT OF STATE
AMBASSADOR AT LARGE
WASHINGTON

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MB021

F

16 December 1983

TO: The Secretary

FROM: S/AL - Vernon A. Walters

SUBJECT: Trip Report

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part X In Full ____
Exemption(s) NR

Since I've been gone for the past 44 days travelling almost 48,000 miles to thirteen countries, I thought I should offer you a brief summary of my conclusions and observations during the trip. Knowing your time limitations I will stick to the highlights but am, of course, ready to discuss any point in more detail at your convenience.

Primary Conclusions

ASEAN

NH

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NR

South America

1. The situation in Chile is strikingly similar to that in the Philippines. The opposition can probably command fairly wide support but is so divided that Pinochet struck me as secure and confident.

2. Pinochet is upset about the certification of Argentina but intends to make no trouble for President Reagan whom he considers the best President of the U.S. for Chile's interests.

3. Freedoms of speech, press, and within limits, assembly are generally in evidence in Santiago. Chile still lacks the elected Congress or Parliament although

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Pinochet did receive considerable support in the last election. Pinochet says he is committed to returning to civilian control but in a disciplined Chilean way.

4. If we push Chile too hard, too fast, and too publicly, we run the risk of violating Sun Tsu's maxium, "Never completely surround an enemy; he will fight to the death." Pinochet considers himself a loyal, proven friend of the U.S. We could run the risk of surrounding a friend who will fight as tenaciously as a foe.

C

NR

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Attachments

1. List of Reporting Cables
2. Trip Itinerary

12-16-83 KH236 8338573

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Chile Project (#S1999000530) Washington, D.C. 20520

U.S. Department of State
Release X Excise ____ Deny ____
Declassify In Part ____ In Full X
Exemption(s) ____

SECRET

'83 DEC 16 P7:34

MEMORANDUM FOR MR. ROBERT C. MCFARLANE
THE WHITE HOUSE

Subject: Chilean Request for Presidential Appointment to Deliver Personal Letter from President Pinochet

On instruction from the Foreign Ministry in Santiago, the Chilean Embassy has delivered a diplomatic note requesting that Ambassador Enrique Valenzuela be granted a brief appointment with President Reagan. The purpose of the call would be to deliver personally President Pinochet's reply to the President's letter of December 7 (attachment), informing the Chilean leader of the United States decision to certify Argentina. At Embassy Santiago's request, President Pinochet personally received Ambassador Theberge on December 6 for a brief meeting to deliver President Reagan's message.

The Department believes that a short meeting between President Reagan and Ambassador Valenzuela to receive President Pinochet's reply would be an appropriate and reciprocal response which would help ease the current strains in our bilateral relations resulting from sole US certification of Argentina. It would also demonstrate our interest in maintaining cooperative relations with Chile and maintain the access we need to encourage a return to democracy.

Ambassador Valenzuela has resigned his position as Chilean Ambassador in Washington and would appreciate this opportunity to bid a personal farewell to President Reagan. Since the purpose of the call is to deliver President Pinochet's reply to the President's letter, the appointment, if approved, should be scheduled as soon as possible.

Charles Hill
Executive Secretary

Attachment:

As stated

NSC/S REVIEW
Caption removed;
Marked to O/FADRC
Not marked to O/FADRC
With additional access
Restricted by S/S
Released by S/S
[illegible] Kelly Jr 7/30/99

UNCLASSIFIED
SECRET

DECL: OADR

Drafted: ARA/SC - RHoward:jl
12/16/83 X22401
(72288)

Cleared: ARA - LCKilday
ARA/SC - RBMorley
P - RPerry

12/6.83 JE00439

Case Number: S199900006 UNCLASSIFIED

P B6

UNCLASSIFIED

EXCISE

PAGE 01 SANTIA 07254 161838Z
ACTION HCRE-02

INFO OCT-00 COPY-01 ADS-00 H-01 ARA-00 HA-08 /012 W
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FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 7251

Chile Project (#S199900030)
U.S. Department of State
Release_____ Excise_X_ Deny_____
Declassify: In Part_____ In Full_____
Exemption(s) B6

UNCLAS SANTIAGO 7254

H PASS

E.O. 12356: N/A
TAGS: SHUM, CI
SUBJ: CONGRESSIONAL INQUIRY REGARDING CASES OF JORGE HERNAN MULLER SILVA AND CARMEN BUENO CIFUENTES

TO: HONORABLE HOWARD M. METZENBAUM
U.S. SENATE
WASHINGTON, D.C. 20510

1. I AM RESPONDING TO YOUR LETTER OF NOVEMBER 29, 1983, CONCERNING THE CASES OF JORGE HERNAN MULLER SILVA AND CARMEN BUENO CIFUENTES, BROUGHT TO YOUR ATTENTION BY YOUR CONSTITUENT OF COLUMBUS, OHIO.

2. WE HAVE CHECKED THE SUBJECT CASES WITH THE VICARIATE OF SOLIDARITY OF THE CATHOLIC CHURCH, WHICH HAS ACTIVELY FOLLOWED CASES OF DISAPPEARED PERSONS AND WHICH IN 1979 PUBLISHED "DONDE ESTAN" (WHERE ARE THEY?), A SERIES OF BOOKS DESCRIBING THOSE CASES WHICH THE VICARIATE CONSIDERED ADEQUATELY DOCUMMENTED BY SWORN STATEMENTS OF WITNESSES. ACCORDING TO "DONDE ESTAN?", MR. MULLER AND MISS BUENO WERE ARRESTED ON NOVEMBER 29, 1974. BOTH WERE ALLEGEDLY SEEN ON SEVERAL OCCASIONS IN THE DINA DETENTION CENTERS VILLA GRIMALDI AND CUATRO ALAMOS IN EARLY DECEMBER 1974, BUT WERE NEVER SEEN THEREAFTER.
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PAGE 02 SANTIA 07254 161838Z

3. IN EARLY DECEMBER 1974, THE FAMILIES OF BOTH FILED WRITS OF HABEAS CORPUS, WHICH WERE DENIED IN EARLY 1975 BY THE SANTIAGO COURT OF APPEALS. THE FAMILIES CONTINUED A SERIES OF LEGAL ACTIONS THEREAFTER, THE LATEST OF WHICH WAS THE FILING OF A WRIT TO REPOPEN THE CASE ON JANUARY 16, 1978, BUT

n/a
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THE COURT TOOK NO FURTHER ACTION ON THE CASE. THE CASES OF BOTH WERE CONFIRMED AS TEMPORARILY SUSPENDED BY A CHILEAN COURT ON MARCH 30, 1978. TO DATE, NO NEW INFORMATION HAS BECOME PUBLIC AND VICARIATE LAWYERS TELL US THAT FURTHER EVIDENCE IS UNLIKELY.

4. I TRUST THAT ALL THIS INFORMATION WILL BE HELPFUL TO YOU. PLEASE LET ME KNOW IF I CAN BE OF FURTHER ASSISTANCE.

JAMES D. THEBERGE
AMBASSADOR

AMERICAN EMBASSY
SANTIAGO, CHILE

THEBERGE

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Letter file/Chile 12/16/83

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United States Department of State

Washington, D.C. 20520

Chile Project (#8199900030)
U.S. Department of State
Release ✓ Excise ____ Deny ____
Declassify: In Part ____ In Full ✓
Exemption(s) ____

December 16, 1983

WC 042

UNCLASSIFIED

OFFICIAL-INFORMAL
CONFIDENTIAL

The Honorable
James D. Theberge
American Embassy
Santiago

Dear Jim:

In addition to the fallout from Argentine certification, the LAN Chile civil suit promises over the next several weeks to become a visible issue in our relations with Chile. We have communicated to you telegraphically all the relevant documents and memoranda of conversation. I am enclosing with this letter, per your request, copies of the December 10, 1976 circular diplomatic note explaining how the Foreign Sovereign Immunities Act of 1976 would be implemented. Also enclosed is the letter from then-Legal Advisor Monroe Leigh, currently counsel for the Republic of Chile in this case, to the Attorney General explaining how the Department would interpret the FSIA.

Our decision to respond in the negative to the GOC request that we intervene with the court to contest jurisdiction is well-founded, legal in character and consistent with the 1976 note and the accompanying interpretation. Paragraph six of the note clearly states that "the new statute precludes the Department of State from making determinations on state immunity. Such decisions must be made exclusively by the courts...." Paragraph 5 notes the provisions of Section 1610 permitting attachment for judgment (as opposed to jurisdictional attachment). Monroe Leigh's letter states that after January 19, 1977 "...execution may be obtained against foreign government property only upon court order...."

Leigh's letter goes on to note that the Department will continue to play a role in sovereign immunity litigation appearing as amicus curiae. Such appearances, however, are not designed to contest the court's jurisdiction or to usurp the role assigned by the FSIA to the court in sovereign immunity decisions, but rather, to communicate to the court how the issue under discussion affects U.S. relations with the government in question.

This then, brings up the question of whether we would appear in court as amicus curiae in the LAN Chile suit. We cannot do so unless and until the GOC addresses the court directly. If the GOC continues to refuse to respond to the suit we can play no role. Monroe Leigh, having authored the relevant interpretations of the FSIA, is certainly aware of the requirement that the GOC appear and of the possibility that the

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Department would appear as amicus curiae. In reviewing our response to their diplomatic note I would hope that these considerations will be carefully weighed.

The Department, in the interim intends to maintain a scrupulously neutral posture in this case. If Chile does not address the court there is no reason to believe that the court will reverse its clear intention to execute judgment against LAN. We must, therefore, be prepared over the next several weeks for a finding by the court and for a probable appeal by LAN to the Circuit court for a stay of execution of judgment. If the GOC still refuses to appeart in court I see little reason to be optimistic that the Circuit court will block execution. I do not believe that Mrs. Letelier and Mr. Moffitt want to go this far . It appears that they will settle out of court for a cash award for damages. I also do not think that the GOC will agree to this.

We have just wrapped up the latest customs violation incident. I have to tell you that this is absolutely the last straw for Customs and the Office of Munitions Control. We were able to resolve this problem informally but in the future there are likely to be more drastic consequences. After the several previous episodes the Chilean Embassy assured us that they were completely familiar with the Munitions Control licensing requirements. That they brought in Munitions Control licensable items without without advising us in advance was both provocative and naive. Had they discussed this question at the time of seeking overflight clearance we would have had the opportunity to remind them that we cannot issue an in-transit license because of the same legal restrictions we cannot issue a Munitions Control export license. That they did not so inform us sugests some duplicity on their part. We intend to make it perfectly clear to the Chilean Embassy here that no item on the Munitions Control List to or for the Government of Chile may be exported from the United States, either directly or in-transit. In the future, Customs intends to seize any Munitions Control licensable item which enters the United States.

On a more positive note, we should have completed by next week the necessary steps to revise the Munitions Control licensing procedures which have prevented all munitions control exports to Chile, not just those to or for the Government of Chile. Since the International Security and Development Assistance Act of 1981 was passed, L has interpreted the statute as applying to both Chile and the Government of Chile. The law clearly

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states that the restrictions only apply to the Government of Chile. The broader interpretation was based on what I believe was an erroneous interpretation of the legislative history. This change will permit resolution of the immediate problem of the equipment for Cerro Tololo and in the future, other exports not to or for the Government of Chile. I am passing on to you a copy of the memo we requested that L prepare on this issue. The memo will be sent to PM/MC once it has PM front office approval which we expect next week.

I mentioned the growing copper problem in my previous letter. We successfully turned around Eximbank on the Fluor and Bechtel loans but had to go all the way to Eagleburger for help. As the U.S. Presidential election heats up, I anticipate several moves against Chile by key Republican legislators designed to pacify the copper lobby. It is clear that Chile will take a back seat to domestic Republican interests. The decision of Treasury Secretary Regan to oppose the CODELCO IDB loan and Eximbank Chairman Draeper's effort to substitute financial guarantees for direct subsidized financing are only the first indications. USTR head Bill Brock has now agreed to accomodate the industry's request for an investigation and an inter-agency working group has been established. Having set up this group there will be tremendous pressure for recommendations to be made as well as analysis of the copper market. At a minimum I expect that in 1984 we will see a U.S. delegation in Chile talking about production policy. It is noteworthy that attention is focussed on CODELCO, totally ignoring the private (American) producers. We intend to raise this anomaly in the inter-agency group. I am enclosing the Bureau of Mines analysis of the IDB loan which should help in the long run to address some of the concerns about Chilean production policy.

On December 14 the President approved a $1 billion increase in the CCC budget. State and USDA had requested a $5 billion allocation. Treasury supported a $2.6 billion increase and OMB opposed any increase. The President's decision was a positive gesture but will not go very far. As you know, we had Chile primed at the top of the list for any additional funds which might become available. Lowell Kilday has personally pursued this matter with the various agencies involved. Of the $1 billion increase, the Department is recommending that Latin America get $625 million. Of this amount, Brazil will receive $350 million. After initially proposing that Mexico receive an

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equal amount, their allocation was cut to a proposed $125 million, one-third of their original request. This reduction would permit greater allocations for the rest of the bureau, including $40 million for Chile. ARA/ECP argued that Chile should get $20 million. Lowell helped to boost this to $40 million, which would bring their total for the year to $75 million.

We are meeting later today with Ambassador Walters for a de-briefing on his meetings in Chile. I am pleased that the timing of this visit worked out in terms of the certification announcement. He appears to have established a good rapport with Pinochet and to have set the right tone we wanted to establish in terms of our non-certification decision. I assume from the comments I saw in your reporting cables that the GOC now understands that there will be no certification of Chile in the near future and that they fully understand what has to be done to obtain certification. If and when political parties are legalized next year, and if other steps toward the transition to democracy are taken, we might have a basis to review the issue. In the interim, we have now established the new parameters for our relationship in the southern cone and will have to be sensitive in our execution of the policy. Per your request, I am sending you the Symington and Glenn amendments concerning nuclear related restrictions on arms exports. Our evening note to Tony Motley summarizes where we are on the Glenn/Symington requirements.

With warm personal regards,

Sincerely,

Robert B. Morley
Director
Office of Southern Cone Affairs

Attachments:

As stated

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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part X In Full ____
Exemption(s) NR

Perth: December 1-3, 1983

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Easter Island, Santiago: December 10-12, 1983

Purpose: The stop on Easter Island was merely a transit point on the way to Santiago. Objectives of my visit to Chile: (1) The primary objective is to urge Pinochet to commit himself to a peaceful transition toward democratic government. (2) Another key objective is to reassure Pinochet that U.S. certification of Argentina does not imply a U.S. tilt toward Argentina and that we do not intend to follow certification with actions that will endanger Chilean security interests. (3) Objective three is to restate our reasons for non-certification of Chile; the point being that we would have preferred to certify both countries at once, but the simple fact of the matter is that with its return to elected government and substantial progress in the human rights area,

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Argentina has met the requirements of U.S. law while Chile has not. (4) Finally, it is important that you reassure Pinochet that our inability to certify Chile in no way alters our desire to maintain and, where possible, improve our cooperative relationship with Chile or our intention to continue to support Chile where possible in coping with its difficult debt and economic situation.

At 0730 on 12 December I had breakfast alone with President Pinochet in his office at La Moneda Palace. We spoke for an hour in Spanish. He greeted me with "Well, old friend, what are you Americans trying to do to me?" I replied that we are trying to help him build a free and prosperous Chile.

He then began in a good natured avuncular way to comment on U.S. policy. "You advised the Shah to hold elections and to be more open to his opposition and you had tragedy. You told Banzer to hold elections and Bolivia is in chaos. You advised Belaunde Terry to hold elections and they proved a disaster and brought victory to a Marxist socialist as Mayor of Lima. By pressuring for such elections without regard to the nature of the society and the timing of events, you are bringing to power enemies of the United States. Look at Buenos Aires. You certified the Argentines and Vice President Bush was booed in the streets of Buenos Aires. Alfonsin is no friend of the United States and you will have a great deal of trouble with him. By contrast we have always supported the U.S. in the UN and elsewhere. No one burns American flags before your Embassy here. Chile has always been your friend since I have been President. You have not reciprocated. Your policy towards Chile is really not much different from that of the Carter Administration.

I paused for a moment to take in his comments and then replied, "Mr. President, you have more friends in the U.S. Government than you think. I assure you that the United States is not trying to undermine your Government and there are differences between the policies of President Reagan and those of President Carter. I then summarized for him several instances of U.S. support for Chile in the UN and other international bodies. I pointed out that certification of Argentina does not mean the U.S. intends to sell arms to the Argentines indiscriminately. We will weigh each arms request carefully. In the Malvinas, we opposed Argentina in the end on the principle of the non-use of force to settle territorial disputes.

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I asked him how he saw the internal situation in Chile. He said that the 10th anniversary of the revolution and the current economic difficulties had been used to mobilize the old left and some frustrated non-leftist against him. They had succeeded in mounting several large demonstrations against him that had unfortunately led to some bloodshed and violence. However, the people are growing tired of this. The middle class was initially agitated by economic difficulties. His own view is that after reaching a low point, acceptance of his

government is on the rise again. There are great economic difficulties but they are in no way insuperable. Confidence must be restored and he will do everything in his power to do so.

I then asked how he sees the future in Chile. He replied that his policy is to open all the doors widely. There could be some advance on the return to democracy foreseen in the Constitution. There already is in Chile freedom of speech, freedom of the press, and freedom of religion. What Chile does not have in a Congress, but that will come in time. However, each of the members of the Junta has around him some sixty people representative of many tendencies. In these groups legislation is proposed and measures are debated. I said that this is part of his problem. The absence of a representative body is a target for his opponents, not just in the U.S., but all over the world. He accepted this without comment and seemed to understand its meaning.

He said he has the overwhelming loyalty of the Armed Forces.

I said that the lack of a representative public body is one of his main public image problems in the U.S. and elsewhere. He said that the Communists and Socialists are attempting to provoke his government into major repressive action so that they can pillory him before world opinion. He will not fall into this trap.

He thanked me for coming and asked me to convey his friendly greetings to the President and Secretary of State. I could tell them he would do nothing to add to the enormous burdens they bear, even though he regards U.S. certification of Argentina as one-sided and unfair. He closed by saying, "Chile is your friend and will remain your friend, but we will not beg."

Comment: President Pinochet appeared in good health and unchanged since I last saw him a year and a half ago. He did take three small white pills with a glass of water before breakfast. He seemed calm and assured. He certainly did not give the impression of a man unsure of himself or fearful for his future. There was no tremor in his hand but he did talk in a low almost conspiratorial voice, and did not speak while a waiter was in the room. He spoke in a "more sorrow than in anger tone" and was personally very cordial in dealing with me. I believe he took careful note of what I told him about the lack of public representative body, but gave no direct commitment on this score. Certainly he appeared much more measured than in his initial reaction to the news of Argentine certification reported last week by Ambassador Theberge.

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Ambassador Walters had a second meeting with President Pinochet on December 12 in the company of key Cabinet Ministers. Ambassador Walters assured the President and assembled Ministers that certification of Argentina did not automatically commit the USG to arms sales to Argentina. He emphasized U.S. opposition to the use of force to settle border disputes, U.S. interest in maintaining a military balance, discouraging conflict and commitment to a solution to the Beagle Channel dispute. The President reaffirmed his commitment to a steady, orderly transition to democracy, he refused to establish a concrete political plan with dates because it would fail to satisfy the opposition and set off more political haggling and demands.

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Chilean Christian democracy was severely criticized for cooperating with the Communists and Marxist Socialist, in a joint effort to overthrow the Chilean Government, a sharp distinction was made between the anti-Communist Christian Democratic Parties in Italy and Germany and the Chilean Christian Democratic Party's traditional sympathy for alliances with anti-democratic Communist and Marxist Socialist parties. Foreign Minister Schweitzer complained that the numerous State Department public declarations about the internal Chilean political process were excessive, and constituted interference in Chile's internal affairs. The last Department declaration on dialogue and democracy in Chile just prior to Counselor Derwinski's visit was singled out as particularly unfortunate and ill-timed, causing confusion about the state of U.S-Chilean realtions.

Ambassador Walters established sympathetic rapport with his interlocutors and clearly explained and persuasively defended U.S. policy towards Chile and Argentine certification. Sensitive issues were discussed in friendly spirit. Ambassador Walter's visit was especially timely coming as it did immediately after U.S. certification of Argentina. It made an important contribution to strengthening U.S.-Chilean relations by providing reassurance about U.S. intentions and constancy of U.S. policy towards Chile.

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During the course of December 12, local radio reports based on unidentified GOC sources revealed the visit of Ambassador Walters. Later in the day, Secretary of Government Alfonso Marquez de la Palta confirmed that Ambassador Walters had met with President Pinochet that morning and would be meeting again with the President and part of his cabinet that afternoon. Consequently, reporters were waiting at La Moneda when Ambassadors Walters and Theberge arrived for the afternoon meeting. Ambassador Walters responded briefly to reporters' questions on departure.

At a separate meeting (on December 13) with Ambassador Theberge (after Ambassador Walters' visit) the Foreign Minister said that he wished to warn against interpreting the friendly atmosphere of the discussions as an indication that the Chilean Government and Armed Forces were not deeply disturbed about U.S. certification of Argentina, and the continued unfair and discriminatory treatment of Chile by the Reagan Administration. He did not want Ambassador Walters to return to Washington with a misleading impression of how the Chilean authorities felt about the failure of the United States to certify Chile, a country that is a consistent friend and supporter of the Reagan Administration's struggle to contain Soviet expansionism.

Miami, Palm Beach: December 13-16, 1983

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unnumbered - presumably enclosure to Doc MB 022 [redacted]

12/16/83

OFFICE OF
THE SECRETARY OF STATE
WASHINGTON

(MB0256)

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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part X In Full ____
Exemption(s) NR

MEMORANDUM FOR: THE PRESIDENT

From: The Secretary

Subject: Visit to ASEAN Countries and to Chile by Ambassador-at-Large Vernon A. Walters

In Chile Walters met with President Pinochet and his cabinet. Pinochet is upset about the certification of Argentina but intends to make no trouble for the U.S. because of his high regard for you and his belief that you are the best President of the U.S. for Chile's interests. Pinochet's situation is similar to that of Marcos. The Chilean opposition is divided and Pinochet struck Walters as secure and confident. Pinochet considers himself a loyal, proven friend of the U.S.

I believe it would be helpful to you to have Ambassador Walters brief you in more detail on his impressions.

Recommendation:

That you agree to briefing by Ambassador Walters on his trip to ASEAN countries.

Approve _____ Disapprove _____

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PAGE 01 USUN N 03932 01 OF 03 222142Z
ACTION IO-15

INFO	OCT-00	COPY-01	ADS-00	INR-10	EUR-00	SS-00	OIC-02
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	SAL-01	USIE-00	SP-02	SNP-01	PRS-01	SLPD-01	/063 W

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INFO AMEMBASSY BANGKOK
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AMEMBASSY CONAKRY
AMEMBASSY DHAKA
USMISSION GENEVA
AMEMBASSY GABORONE
AMEMBASSY GUATEMALA
AMEMBASSY JIDDA
AMEMBASSY MONROVIA
USELO RIYADH
AMEMBASSY SAN SALVADOR
AMEMBASSY SANAA
AMEMBASSY SANTIAGO
AMEMBASSY STOCKHOLM
AMEMBASSY TEL AVIV
AMEMBASSY VIENNA

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

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C O N F I D E N T I A L SECTION 01 OF 03 USUN NEW YORK 03932

VIENNA FOR UNVIE

E.O. 12356: DECL: OADR
TAGS: UNGA, SHUM, CI, ES, GT
SUBJECT: 38TH UNGA: PLENARY ADOPTION OF RESOLUTIONS ON HUMAN RIGHTS SITUATIONS IN CHILE, EL SALVADOR AND GUATEMALA

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PAGE 02 USUN N 03932 01 OF 03 222142Z

REF: USUN 3814 (NOTAL)

1. (U) SUMMARY: RESOLUTIONS ON HUMAN RIGHTS SITUATIONS IN CHILE, EL SALVADOR AND GUATEMALA WERE ADOPTED IN UNGA PLENARY DECEMBER 16 BY VOTES OF 89-17(US)-38, 84-14(US)-45, AND 85-15(US)-44 RESPECTIVELY. VOTE

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CHANGES FROM THIRD COMMITTEE (86-15(US)-32, 78-13(US)-41, AND 80-14(US)-36 RESPECTIVELY) ARE ANALYZED IN PARA 2 AND VDTES ARE DETAILED IN PARA 3. END SUMMARY.

2. (C) THE DIFFERENCES BETWEEN VOTING TOTALS ARE LARGELY EXPLAINED BY THE PRESENCE OF COUNTRIES IN PLENARY WHICH HAD BEEN ABSENT IN THE THIRD COMMITTEE. TWO COUNTRIES, HOWEVER, DID CHANGE THEIR VOTES ON ALL THREE RESOLUTIONS. LIBERIA CHANGED ITS YES VOTES TO ABSTENTIONS FOLLOWING CALL FROM USUN TO LIBERIAN DEL. BANGLADESH VOTED NO AFTER ABSTAINING IN COMMITTEE; THIS ALSO REPRESENTS A SHIFT FROM LAST YEAR'S ABSTENTIONS. YEMEN, WHICH HAD NOT VOTED IN COMMITTEE ON GUATEMALA, CHANGED ITS YES VOTES ON EL SALVADOR AND CHILE TO ABSTENTIONS. PRESENT FOR THE PLENARY VOTE AND ABSTAINING ON ALL THREE RESOLUTIONS WERE BELIZE, CENTRAL AFRICAN REPUBLIC, CHAD, DOMINICA, AND EQUITORIAL GUINEA. SAINT LUCIA VOTED NO ON EL SALVADOR AND ABSTAINED ON THE OTHER TWO RESOLUTIONS. PRESENT AND VOTING IN FAVOR OF ALL THREE RESOLUTIONS WERE GRENADA (TAYLOR OCCUPYING THE CHAIR), MALTA, MAURITIUS AND VANUATU. FINALLY, ARGENTINA DID NOT VOTE ON THESE RESOLUTIONS IN PLENARY BUT AGAIN DID NOT EXPLAIN ITS POSITION. BOLIVIA AND VENEZUELA MAINTAINED THEIR POLICY OF NON-PARTICIPATION.

A) CHILE : OTHER THAN THE GENERAL CHANGES DETAILED ABOVE, THE ONLY CHANGES WERE THAILAND'S SWITCH FROM AN CONFIDENTIAL

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PAGE 03 USUN N 03932 01 OF 03 222142Z

ABSTENTION TO A NEGATIVE VOTE AND THE FACT THAT QATAR, WHICH HAD VOTED YES IN COMMITTEE, DID NOT PARTICIPATE IN THE PLENARY VOTE.

B) EL SALVADOR: IN ADDITION TO CHANGES ABOVE, ISRAEL DID NOT PARTICIPATE IN VOTE IN PLENARY, COSTA RICA ABSTAINED AFTER NOT VOTING IN COMMITTEE, WHILE GUINEA, BOTSWANA AND SWEDEN VOTED YES AFTER ABSTAINING EARLIER. MISOFF LEARNED THAT ISRAEL DID NOT VOTE IN PLENARY TO INDICATE DISPLEASURE WITH SEVERAL EL SALVADOR VOTES ON ANTI-ISRAELI ISSUES DURING THE COURSE OF THE UNGA. IN THE CASE OF SWEDEN, ABSTENTION IN COMMITTEE WAS MISTAKE -- GIVEN SWEDISH CO-SPONSORSHIP OF RESOLUTION -- NOTED JUST AFTER VOTE SO CHANGE WAS EXPECTED.

C) GUATEMALA: THE ONLY VARIATION FROM THE GENERAL CHANGES WAS THAT GUINEA ABSTAINED AFTER NOT VOTING IN COMMITTEE.

3. (U) PLENARY VOTES: DECEMBER 16, 1983
CHILE: 89-17(US)-38

- IN FAVOR: AFGANISTAN, ALGERIA, ANGOLA, AUSTRALIA, AUSTRIA, BAHRAIN, BARBADOS, BELGIUM, BENIN, BOTSWANA, BULGARIA, BURUNDI, BYELORUSSIA, CANADA, CAPE VERDE, CONGO, COSTA RICA, CUBA, CYPRUS, CZECHOSLOVAKIA, DEMOCRATIC YEMEN, DENMARK, ETHIOPIA, FINLAND, FRANCE, GAMBIA, GDR, GHANA, GREECE, GRENADA, GUINEA-BISSAU. GUYANA, HUNGARY, ICELAND, INDIA, IRAN, IRAQ, IRELAND, ITALY, JAMAICA, KENYA, KUWAIT, LAOS, MADAGASCAR, MALDIVES, MALI, MALTA, MAURITANIA, MAURITIUS, MEXICO, MONGOLIA, MOZAMBIQUE, NETHERLANDS, NEW ZEALAND, NICARAGUA, NIGERIA, NORWAY, PAPUA NEW GUINEA, POLAND, PORTUGAL, ROMANIA, RWANDA, SAO TOME AND PRINCIPE, SAUDI

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PAGE 01 USUN N 03932 02 OF 03 222143Z
ACTION IO-15

INFO	OCT-00	COPY-01	ADS-00	INR-10	EUR-00	SS-00	OIC-02
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	NSAE-00	HA-08	L-03	TRSE-00	PM-09	PA-01	OMB-01
	SAL-01	USIE-00	SP-02	SNP-01	PRS-01	SLPD-01	/063 W

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INFO AMEMBASSY BANGKOK
AMEMBASSY BUENOS AIRES
AMEMBASSY CONAKRY
AMEMBASSY DHAKA
USMISSION GENEVA
AMEMBASSY GABORONE
AMEMBASSY GUATEMALA
AMEMBASSY JIDDA
AMEMBASSY MONROVIA
USELO RIYADH
AMEMBASSY SAN SALVADOR
AMEMBASSY SANAA
AMEMBASSY SANTIAGO
AMEMBASSY STOCKHOLM
AMEMBASSY TEL AVIV
AMEMBASSY VIENNA

C O N F I D E N T I A L SECTION 02 OF 03 USUN NEW YORK 03932

VIENNA FOR UNVIE

E.O. 12356: DECL: OADR
TAGS: UNGA, SHUM, CI, ES, GT
SUBJECT: 38TH UNGA: PLENARY ADOPTION OF RESOLUTIONS ON

ARABIA, SENEGAL, SEYCHELLES, SIERRA LEONE, SPAIN, SRI LANKA, SWAZILAND, SWEDEN, SYRIA, TOGO, TUNISIA, UGANDA,
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PAGE 02 USUN N 03932 02 OF 03 222143Z

UKRAINE, USSR, UNITED ARAB EMIRATES, UNITED REPUBLIC OF TANZANIA, UPPER VOLTA, VANUATU, VIET NAM, YUGOSLAVIA, ZAMBIA, ZIMBABWE

- AGAINST: BANGLADESH, BRAZIL, CHILE, EL SALVADOR, GUATEMALA, HAITI, HONDURAS, INDONESIA, ISRAEL, LEBANON, MOROCCO, PAKISTAN, PARAGUAY, PHILIPPINES, THAILAND, UNITED STATES, URUGUAY

- ABSTAINING: BAHAMAS, BELIZE, BHUTAN, BURMA, CENTRAL AFRICAN REPUBLIC, CHAD, CHINA, COLOMBIA, DEMOCRATIC KAMPUCHEA, DOMINICA, DOMINICAN REPUBLIC, ECUADOR, EGYPT, EQUATORIAL GUINEA, FIJI, GABON, FRG, IVORY COAST, JAPAN, JORDAN, LIBERIA, MALAWI, MALAYSIA, NEPAL, NIGER, OMAN, PANAMA, PERU, SAINT LUCIA, SINGAPORE, SUDAN, SURINAME, TRINIDAD AND TOBAGO, TURKEY, UK, UNITED RPUBLIC OF CAMEROON, YEMEN, ZAIRE

- ABSENT OR NOT VOTING: ALBANIA, ANTIGUA AND BARBUDA, ARGENTINA, BOLIVIA, COMOROS, DJIBOUTI, QATAR, SAINT CHRISTOPHER AND NEVIS, SAINT VINCENT, SAMOA, SOLOMON ISLANDS, SOMALIA, VENEZUELA

EL SALVADOR: 84-14(US)-45

- IN FAVOR: AFGHANISTAN, ALGERIA, ANGOLA, AUSTRALIA, AUSTRIA, BAHRAIN, BELGIUM, BENIN, BOTSWANA, BULGARIA, BURUNDI, BYELORUSSIA, CANADA, CAPE VERDE, CONGO, CUBA, CYPRUS, CZECHOSLOVAKIA, DEMOCRATIC YEMEN, DENMARK, ETHIOPIA, FINLAND, FRANCE, GAMBIA, GERMAN DEMOCRATIC REPUBLIC, GHANA, GREECE, GRENADA, GUINEA, GUINEA-BISSAU, GUYANA, HUNGARY, ICELAND, INDIA, IRAN, IRAQ, IRELAND, ITALY, JAMAICA, KENYA, KUWAIT, LAO PEOPLE'S DEMOCRATIC
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PAGE 03 USUN N 03932 02 OF 03 222143Z

REPUBLIC, LESOTHO, LIBYA, LUXEMBOURG, MADAGASCAR, MALI, MALTA, MAURITANIA, MAURITIUS, MEXICO, MONGOLIA, MOZAMBIQUE, NETHERLANDS, NEW ZEALAND, NICARAGUA, NIGERIA, NORWAY, PAPUA NEW GUINEA, POLAND, PORTUGAL, QATAR, RWANDA, SAO TOME AND PRINCIPE, SAUDI ARABIA, SENEGAL, SEYCHELLES, SIERRA LEONE, SPAIN, SWEDEN, SYRIA, TOGO, TUNISIA, UGANDA, UKRAINE, USSR, UNITED ARAB EMIRATES, UNITED REPUBLIC OF TANZANIA, UPPER VOLTA, VANUATU, VIET NAM, YUGOSLAVIA, ZAMBIA, ZIMBABWE.

- AGAINST: BANGLADESH, BRAZIL, CHILE, EL SALVADOR, GUATEMALA, HAITI, HONDURAS, INDONESIA, PAKISTAN, PARAGUAY, PHILIPPINES, SAINT LUCIA, UNITED STATES, URUGUAY.

- ABSTAINING: BAHAMAS, BARBADOS, BELIZE, BHUTAN, BURMA, CENTRAL AFRICAN REPUBLIC, CHAD, CHINA, COLOMBIA, COSTA RICA, DEMOCRATIC KAMPUCHEA, DOMINICA, DOMINICAN REPUBLIC, ECUADOR, EGYPT, EQUATORIAL GUINEA, FIJI, GABON, FEDERAL REPUBLIC OF GERMANY, IVORY COAST, JAPAN, JORDAN, LEBANON, LIBERIA, MALAWI, MALAYSIA, MALDIVES, MOROCCO, NEPAL, NIGER, OMAN, PANAMA, PERU, ROMANIA, SINGAPORE, SRI LANKA, SUDAN, SURINAME, THAILAND, TRINIDAD AND TOBAGO, TURKEY, UNITED KINGDOM, UNITED REPUBLIC OF CAMEROON, YEMEN, ZAIRE.

- ABSENT OR NOT VOTING: ALBANIA, ANTIGUA AND BARBUDA, ARGENTINA, BOLIVIA, COMOROS, DJIBOUTI, SAINT CHRISTOPHER AND NEVIS, SAINT VINCENT, SAMOA, SOLOMON ISLANDS, SOMALIA, SWAZILAND, VENEZUELA.

GUATEMALA: 85-15(US)-44

- IN FAVOR: AFGHANISTAN, ALGERIA, ANGOLA, AUSTRALIA,

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PAGE 01 USUN N 03932 03 OF 03 222144Z
ACTION IO-15

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AMEMBASSY GUATEMALA
AMEMBASSY JIDDA
AMEMBASSY MONROVIA
USELO RIYADH
AMEMBASSY SAN SALVADOR
AMEMBASSY SANAA
AMEMBASSY SANTIAGO
AMEMBASSY STOCKHOLM
AMEMBASSY TEL AVIV
AMEMBASSY VIENNA

C O N F I D E N T I A L SECTION 03 OF 03 USUN NEW YORK 03932

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E.O. 12356: DECL: OADR
TAGS: UNGA, SHUM, CI, ES, GT
SUBJECT: 38TH UNGA: PLENARY ADOPTION OF RESOLUTIONS ON

AUSTRIA, BAHRAIN, BARBADOS, BELGIUM, BENIN, BOTSWANA, BULGARIA, BURUNDI, BYELORUSSIA, CANADA, CAPE VERDE, CONFIDENTIAL

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PAGE 02 USUN N 03932 03 OF 03 222144Z

CONGO, CUBA, CYPRUS, CZECHOSLOVAKIA, DEMOCRATIC YEMEN, DENMARK, ETHIOPIA, FINLAND, FRANCE, GAMBIA, GERMAN DEMOCRATIC REPUBLIC, FEDERAL REPUBLIC OF GERMANY, GHANA, GREECE, GRENADA, GUINEA-BISSAU, GUYANA, HUNGARY, ICELAND, IRAN, IRAQ, IRELAND, ITALY, JAMAICA, KENYA, KUWAIT, LAO PEOPLE'S DEMOCRATIC REPUBLIC, LESOTHO, LIBYA, LUXEMBOURG, MADAGASCAR, MALI, MALTA, MAURITANIA, MAURITIUS, MEXICO, MONGOLIA, MOZAMBIQUE, NETHERLANDS, NEW ZEALAND, NICARAGUA, NIGERIA, NORWAY, PAPUA NEW GUINEA, POLAND, PORTUGAL, QATAR, RWANDA, SAO TOME AND PRINCIPE, SAUDI ARABIA, SENEGAL, SEYCHELLES, SIERRA LEONE, SPAIN, SWEDEN, SYRIA, TOGO, TUNISIA, UGANDA, UKRAINE, USSR, UNITED ARAB EMIRATES, UNITED KINGDOM, UNITED REPUBLIC OF TANZANIA, UPPER VOLTA, VANUATU, VIET NAM, YUGOSLAVIA, ZAMBIA, ZIMBABWE.

- AGAINST: BANGLADESH, BRAZIL, CHILE, EL SALVADOR, GUATEMALA, HAITI, HONDURAS, INDONESIA, ISRAEL, MOROCCO, PAKISTAN, PARAGUAY, PHILIPPINES, UNITED STATES, URUGUAY.

- ABSTAINING: BAHAMAS, BELIZE, BHUTAN, BURMA, CENTRAL AFRICAN REPUBLIC, CHAD, CHINA, COLOMBIA, COSTA RICA, DEMOCRATIC KAMPUCHEA, DOMINICA, DOMINICAN REPUBLIC, ECUADOR, EGYPT, EQUATORIAL GUINEA, FIJI, GABON, GUINEA, INDIA, IVORY COAST, JAPAN, JORDAN, LEBANON, LIBERIA, MALAWI, MALAYSIA, MALDIVES, NEPAL, NIGER, OMAN, PANAMA, PERU, ROMANIA, SAINT LUCIA, SINGAPORE, SRI LANKA, SUDAN, SURINAME, THAILAND, TRINIDAD AND TOBAGO, TURKEY, UNITED REPUBLIC OF CAMEROON, YEMEN, ZAIRE.

- ABSENT OR NOT VOTING: ALBANIA, ANTIGUA AND BARBUDA, ARGENTINA, BOLIVIA, COMOROS, DJIBOUTI, SAINT CHRISTOPHER AND NEVIS, SAINT VINCENT, SAMOA, SOLOMON ISLANDS, CONFIDENTIAL

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PAGE 03 USUN N 03932 03 OF 03 222144Z

SOMALIA, SWAZILAND, VENEZUELA.
LICHENSTEIN

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O R R E C T E D C O P Y TEXT

E: 12356: DECL: OADR
S: PINS, PGOV, MARR, MASS, SHUM, ES
BJECT: - DRAFT REPORT TO CONGRESS - PART II.
. CONFIDENTIAL - ENTIRE TEXT

1. THIS IS PART II OF THE ROUGH, UNCLEARED DRAFT OF THE PORT TO CONGRESS. PART I TRANSMITTED SEPTEL WITH QUEST FOR EMBASSY COMMENT. TEXT FOLLOWS:
DEVELOPMENT ASSISTANCE:

ECONOMIC SUPPORT FUNDS (ESF)
HAS BECOME THE SINGLE MOST IMPORTANT ELEMENT OF OUR NOMIC ASSISTANCE PACKAGE FOR EL SALVADOR, ACCOUNTING R APPROXIMATELY 60 PERCENT OF OUR TOTAL BILATERAL NOMIC ASSISTANCE IN FISCAL YEARS 1982 AND 1983, WITH SAME RELATIONSHIP PLANNED FOR FY 1984. FROM FY 1981, N WE BEGAN PROVIDING SIGNIFICANT AMOUNTS OF ESF FOR

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ANCE OF PAYMENTS SUPPORT, THROUGH THE END OF FY 1983, OUR MAIN PURPOSE IN PROVIDING ESF WAS TO STABILIZE THE ECONOMY (I.E. ARREST THE PRECIPITATE FOUR-YEAR DECLINE IN GDP).
THE PRINCIPAL USE OF ESF HAS BEEN TO FINANCE IMPORTS FROM THE US OF RAW MATERIALS, INTERMEDIATE GOODS, PARTS AND EQUIPMENT NEEDED TO MAINTAIN PRIVATE BUSINESS ACTIVITY AND EMPLOYMENT. OUR STRATEGY HAS BEEN PARTIALLY SUCCESSFUL: THE PROVISION OF $220 MILLION IN FY 1982 AND 1983 AS EMERGENCY CASH TRANSFERS TO ADDRESS THE BALANCE OF PAYMENTS CRISIS IS EXPECTED TO PERMIT EL SALVADOR TO RECORD ZERO GDP GROWTH IN 1983. HOWEVER, SINCE THE ECONOMY CONTRACTED BY 25 PERCENT BETWEEN 1978-1982, STABILIZATION AT THE CURRENT LOW LEVELS OF ECONOMIC ACTIVITY IS NOT A SATISFACTORY RESPONSE. OUR IMMEDIATE OBJECTIVE IS TO ACHIEVE POSITIVE REAL GROWTH BY PROVIDING INCREASED BALANCE OF PAYMENTS SUPPORT AND BY ENCOURAGING THE GOVERNMENT OF EL SALVADOR TO IMPLEMENT POLICY CHANGES CONDUCIVE TO INCREASED PRODUCTION, EMPLOYMENT AND EXPORTS.

A SECONDARY BUT VITALLY IMPORTANT USE OF ESF IN EL SALVADOR HAS BEEN TO FINANCE THE RESTORATION AND REPLACEMENT OF VITAL INFRASTRUCTURE. THUS FAR, $28 MILLION HAS BEEN USED FOR THE REPAIR OF THE ELECTRICAL DISTRIBUTION SYSTEM, ROADS AND BRIDGES, RAILROADS, TELECOMMUNICATIONS, AND MUNICIPAL WATER SYSTEMS DAMAGED OR DESTROYED BY GUERRILLAS. THIS ASSISTANCE COVERS ONLY A FRACTION OF THE TOTAL AMOUNT OF INFRASTRUCTURE DAMAGE, BUT, BECAUSE IT IS QUICKLY DISBURSED, IT ALLOWS THE SALVADORAN GOVERNMENT TO QUICKLY ADDRESS ITS MOST URGENT INFRASTRUCTURE PRIORITIES. AN ADDITIONAL $12 MILLION IS

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PAGE 03 STATE 363427

BUDGETED FOR THIS PURPOSE IN BOTH FY 84 AND FY 85.

2. A.I.D. DEVELOPMENT STRATEGY

IN RECENT YEARS, A.I.D. FINANCIAL SUPPORT HAS PROVIDED KEY ASSISTANCE IN ARRESTING THE DECLINE OF THE SALVADORAN ECONOMY. NEVERTHELESS, THE DECLINE HAS CONTINUED AND, GIVEN THE CURRENT DIMINISHED STATE OF THE ECONOMY, STABILIZATION (MINIMALLY DEFINED AS A ZERO RATE OF GROWTH) IS NO LONGER AN ATTAINABLE TARGET. CONTINUED

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LACK OF SECURITY, LOW COMMODITY PRICES AND LACK OF BUSINESS CONFIDENCE PRESENT FORMIDABLE OBSTACLES TO ACHIEVING SIGNIFICANT MEASURABLE GROWTH IN EL SALVADOR'S ECONOMY. CURRENT PROJECTIONS INDICATE THAT THE SALVADORAN GOVERNMENT WILL REQUIRE ABOUT $283 MILLION IN BALANCE-OF-PAYMENTS SUPPORT TO ACHIEVE ZERO OR MINIMAL POSITIVE GROWTH IN FY 1985. U.S. ECONOMIC SUPPORT FUNDS AND P.L. 480 CONCESSIONAL CREDITS FOR FOOD IMPORTS WILL HELP SATISFY PART, BUT NOT ALL, OF THIS REQUIREMENT. A.I.D.'S STRATEGY IS TO COMBINE THIS BALANCE-OF-PAYMENTS SUPPORT WITH PROMOTION OF MACROECONOMIC POLICIES THAT ENCOURAGE PRODUCTION, EMPLOYMENT, FOREIGN EXCHANGE GENERATION, INDUSTRIAL STABILIZATION AND RECOVERY, AND CONTINUED SUPPORT FOR THE AGRARIAN REFORM PROGRAMS. A.I.D. ALSO WILL SUPPORT THE GRADUAL EXTENSION OF THE SALVADORAN GOVERNMENT'S COMBINED SECURITY AND DEVELOPMENT PROGRAM INITIATED IN SAN VICENTE DEPARTMENT AND DESIGNED TO BRING SECURITY, REACTIVATE THE ECONOMY, AND RESTORE BASIC SERVICES. GIVEN THE LEVELS OF A.I.D. SUPPORT REQUESTED BY THE ADMINISTRATION, SIGNIFICANT INCREASES IN THE ASSISTANCE PROVIDED BY THE INTERNATIONAL MONETARY FUND AND WORLD BANK, INCREASED PRICES FOR SALVADORAN EXPORT CROPS, AND AN IMPROVED WORLD ECONOMY, POSITIVE GROWTH WOULD BE A DIFFICULT, BUT ACHIEVABLE GOAL.

DETERIORATING SOCIAL SERVICES REQUIRE IMMEDIATE

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ATTENTION, PARTICULARLY IN THE HEALTH AND EDUCATION SECTORS. A.I.D. ASSISTANCE IS ESSENTIAL TO HELP STRENGTHEN THE SALVADORAN GOVERNMENT'S PRESENCE AT THE GRASS-ROOTS LEVEL, TO PROVIDE FOR THE BASIC HUMAN NEEDS OF THE MAJORITY OF SALVADORANS, TO ARREST FURTHER INSTITUTIONAL DETERIORATION, AND TO PROTECT PRIOR INVESTMENTS IN THESE SECTORS. A.I.D.'S STRATEGY IS TO DEAL IMMEDIATELY WITH THE SYMPTOMS (E.G., ABSENCE OF MEDICINES AND SUPPLIES, CLOSED SCHOOLS AND LACK OF TEXTBOOKS) WHILE STRENGTHENING WEAK POINTS OF THE SYSTEMS (E.G., HEALTH LOGISTICS AND EDUCATION ADMINISTRATION).

A.I.D. THUS PROPOSES TO COMBINE A PROGRAM WHICH SLOWS THE RATE OF ECONOMIC DETERIORATION WITH INITIATIVES TO IMPROVE THE QUALITY OF SOCIAL SERVICES. WHILE THIS PROGRAM TAKES EFFECT, A.I.D. INTENDS TO EXPAND AND

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IMPROVE CURRENT HUMANITARIAN ASSISTANCE PROGRAMS, INCLUDING THE RESTORATION OF STRIFE-TORN AREAS AND THE RESETTLEMENT OF DISPLACED PERSONS.

ECONOMIC STABILIZATION AND RECOVERY: AS THE CURRENT ECONOMIC CRISIS IN EL SALVADOR THREATENS SOCIAL AND POLITICAL STABILITY, THE A.I.D. PROGRAM IS DESIGNED TO DIRECT RESOURCES TO MAINTAIN AND EXPAND ECONOMIC ACTIVITY. SPECIFICALLY, A.I.D. PROGRAMS ARE DESIGNED TO:

--MAINTAIN OR INCREASE IMPORTS WHICH SUPPORT AGRICULTURAL AND INDUSTRIAL PRODUCTION;

--GUARANTEE FOOD STOCKS;
--RESTORE DAMAGED INFRASTRUCTURE;

--ENCOURAGE DEVELOPMENT OF EXPORTS AND EXPANDED

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PRODUCTION OF PRIVATE BUSINESSES, BOTH SMALL AND LARGE, EMPHASIZING ENTERPRISES WHICH CONTRIBUTE TO FOREIGN EXCHANGE EARNINGS AND GENERATE EMPLOYMENT;

--UTILIZE TO ADVANTAGE THE SPECIAL OPPORTUNITIES PRESENTED BY THE CARIBBEAN BASIN INITIATIVE; AND

--SUPPORT KEY PUBLIC SECTOR EFFORTS IN EMPLOYMENT, AGRARIAN REFORM, SERVICES RESTORATION, AND HUMANITARIAN EFFORTS.

HUMANITARIAN ASSISTANCE. WHILE SUPPORTING EFFORTS TO ADDRESS THE IMMEDIATE PROBLEM OF HUMAN SUFFERING, A.I.D.-SUPPORTED PROGRAMS SEEK TO:

--PROVIDE EMERGENCY FOOD AND HEALTH CARE TO THE POOR OR DISPLACED WHO CANNOT PROVIDE FOR THEMSELVES OR THEIR FAMILIES;

--PROVIDE WORK FOR DISPLACED AND UNEMPLOYED HEADS OF HOUSEHOLDS ON PROJECTS OF IMPORTANCE TO THE COMMUNITIES IN WHICH THEY RESIDE OR WHICH IMPROVE THE HEALTH AND SANITATION OF REFUGEE CAMPS OR RESETTLEMENT SITES; AND

--HELP DISPLACED PERSONS TAKE ADVANTAGE OF OPPORTUNITIES

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FOR PERMANENT RESETTLEMENT BY PROVIDING FOR FOOD, LOANS, BASIC TOOLS AND EQUIPMENT, ACCESS TO LAND, AND LOW-COST HOUSING.

A.I.D.'S STRATEGY ALSO EMPHASIZES EXPANDED PARTICIPATION OF PRIVATE VOLUNTARY ORGANIZATIONS (PVOS) TO HELP ADDRESS PROBLEMS OF DISPLACED PERSONS.

SOCIAL DEVELOPMENT. EL SALVADOR IS FACED WITH THE NEED TO CORRECT HISTORICAL IMBALANCES IN ITS ECONOMIC AND SOCIAL STRUCTURE. THE COUNTRY'S HIGH POPULATION DENSITY

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AND CONTINUED HIGH FERTILITY RATES (SEE SECTION F BELOW), ITS DEPENDENCE ON A FEW EXPORT CROPS, HIGHLY SKEWED INCOME LEVELS, AND A LACK OF NATURAL RESOURCES PRESENT A FORMIDABLE CHALLENGE TO SUCCESSFUL SOCIAL DEVELOPMENT.

AN IMPROVED ECONOMIC ENVIRONMENT AND GREATER ACCESS TO PRODUCTION INPUTS OFFERS GREATER PROMISE FOR PARTICIPATION BY POOR SALVADORANS IN A FREE, MODERNIZING ECONOMY. ACCESS TO BASIC SOCIAL SERVICES -- AND TO THE POLITICAL RIGHTS WHICH GUARANTEE THIS ACCESS -- ARE ESSENTIAL TO ACHIEVING THIS PARTICIPATION. THE A.I.D. STRATEGY THUS SUPPORTS PROGRAMS WHICH:

--RESTORE HEALTH AND EDUCATION SYSTEMS AND INFRASTRUCTURE IN AREAS WHERE GUERRILLA ACTION HAS DESTROYED OR JEOPARDIZED THE VIABILITY OF THE SYSTEMS WHICH EXIST, AND RESTORE THE QUALITY AND EFFICIENCY OF THOSE SYSTEMS THROUGHOUT THE COUNTRY TO PRE-CONFLICT LEVELS OR BETTER;

--PROVIDE INFORMATION ON AND ACCESS TO MATERNAL HEALTH AND FAMILY PLANNING SERVICES;

--PROVIDE IMPROVED HOUSING AND COMMUNITY SERVICES FOR PEOPLE WHOSE ACCESS TO START-UP CAPITAL HAS BEEN LIMITED; AND

--STRENGTHEN DEMOCRATIC INSTITUTIONS, SUCH AS THE CENTRAL ELECTIONS COUNCIL, WHICH HELP ASSURE EQUAL ACCESS TO ECONOMIC, SOCIAL, AND POLITICAL BENEFITS.

IN CONCERT WITH THIS EFFORT, A.I.D. WILL CONTINUE TO

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SUPPORT SALVADORAN EFFORTS TO ASSURE THE POOR A GREATER STAKE IN THE ECONOMY THROUGH:

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--CONSOLIDATION OF THE LAND REFORM PROGRAM DESIGNED TO GIVE FARMERS THE OPPORTUNITY TO OWN THE LAND THEY FARM;

--CREDIT PROGRAMS WHICH PROVIDE CAPITAL TO SMALL FARMERS AND BUSINESSMEN WHO ARE PARTICIPATING, OFTEN FOR THE FIRST TIME, AS FULL PARTNERS IN THE PRIVATE ENTERPRISE ECONOMY;

--TRAINING AND EXTENSION SUPPORT TO INCREASE THE ACCESS OF POOR PEOPLE TO APPROPRIATE MODERN TECHNOLOGIES;

--DEVELOPMENT OF INFRASTRUCTURE, SUCH AS SMALL IRRIGATION SYSTEMS AND ACCESS ROADS, TO PERMIT MAXIMUM YIELDS, BETTER MARKET ACCESS AND MAXIMUM PROFITS FOR NEW LAND AND BUSINESS OWNERS; AND

--MARKETING EFFICIENCIES WHICH MAKE LOCAL PRODUCERS MORE COMPETITIVE.

A.I.D.'S DEVELOPMENT STRATEGY IN EL SALVADOR INCORPORATES TO A CONSIDERABLE EXTENT THE ASSISTANCE OF U.S. AND LOCAL PVOS. THESE AGENCIES BRING TO THE DEVELOPMENT EFFORT TECHNICAL SKILLS AND PROGRAM APPROACHES WELL ADAPTED TO THIS SOCIETY, AND THEY PROVIDE AN ACCESS TO THE PERSPECTIVES AND ASPIRATIONS OF ELEMENTS OF THE SOCIETY WHICH FORMAL GOVERNMENT RELATIONSHIPS CANNOT PROVIDE.

3. CARIBBEAN BASIN INITIATIVE

THE CARIBBEAN BASIN ECONOMIC RECOVERY ACT (CBERA), WHICH WILL COME INTO EFFECT ON JANUARY 1, 1984, ELIMINATES DUTIES ON VIRTUALLY ALL US IMPORTS IF THEY ORIGINATE IN DESIGNATED CARIBBEAN BASIN COUNTRIES. THE PRESIDENT DESIGNATED EL SALVADOR AS A BENEFICIARY ON DECEMBER..., 1983.

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THE IMMEDIATE BENEFITS OF THE ACT FOR E. SALVADOR WILL BE MODEST. SALVADORAN PRODUCERS OF PRESENTLY DUTIABLE EXPORTS TO THE US WILL RECEIVE HIGHER REVENUES AS A RESULT OF THE DUTY ELIMINATION. HOWEVER, OF THE PRODUCTS WHICH E. SALVADOR NOW EXPORTS ($310 MILLION IN 1982), MOST ($217 MILLION IN 1982) ALREADY ENTER THE US FREE OF DUTY UNDER EITHER THE GENERAL PROVISIONS OF THE US TARIFF SCHEDULE (I.E. MFN -- MOST FAVORED NATION) OR THE SPECIAL PROVISIONS FOR DEVELOPING COUNTRIES (I.E. GSP - THE GENERALIZED SYSTEM OF PREFERENCES).

OVER THE LONGER-TERM, THE EFFECTS OF THIS TRADE BENEFIT COULD BE VERY SIGNIFICANT. THE OBJECTIVE OF THIS PROGRAM IS TO STIMULATE NEW INVESTMENT AND PRODUCTION, AND HENCE CREATE NEW JOBS. THOUSANDS OF PRODUCTS NOT NOW PRODUCED IN OR EXPORTED FROM E. SALVADOR HAVE BECOME DUTY-FREE AS A RESULT OF THE CBERA. HOWEVER, IT WILL BE UP TO INVESTORS IN EACH OF THE BENEFICIARY COUNTRIES TO IDENTIFY WHICH NEW PRODUCTS THEY CAN EXPORT EFFICIENTLY TO THE US, GIVEN LOCAL CIRCUMSTANCES. FOR THE FULL EFFECT OF THE CBERA'S TRADE INCENTIVE TO BE REALIZED, OTHER CONDITIONS RELEVANT TO INVESTMENT DECISIONS (E.G., REASONABLE POLITICAL STABILITY, APPROPRIATE GOVERNMENTAL ECONOMIC AND LABOR POLICIES, ETC.) WOULD ALSO HAVE TO BE POSITIVE. IT IS CLEAR, HOWEVER, THAT IMPORTANT NEW OPPORTUNITIES HAVE BEEN OPENED UP BY THE CBERA, PARTICULARLY FOR EL SALVADOR IN THE AREAS OF HORTICULTURE, PROCESSED AGRICULTURAL GOODS AND LIGHT MANUFACTURING.

THE OTHER SIGNIFICANT BENEFIT OF THE CBERA IS "NORTH AMERICAN TAX TREATMENT" FOR CONVENTIONS. THIS SECTION OF THE ACT PROVIDES THAT EXPENSES INCURRED BY US CITIZENS

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PAGE 09 STATE 363427

ATTENDING BUSINESS CONVENTIONS IN ELIGIBLE CARIBBEAN BASIN COUNTRIES ARE TAX DEDUCTIBLE IN THE SAME WAY AS IF THE CONVENTIONS WERE HELD IN THE US. THIS HAS THE POTENTIAL TO BOOST TOURISM, BUT WILL PROBABLY NOT HAVE MAJOR REPERCUSSIONS IN E. SALVADOR IN THE NEAR TERM. TO QUALIFY FOR THIS BENEFIT, A COUNTRY MUST NEGOTIATE AN AGREEMENT WITH THE US TO EXCHANGE INFORMATION RELATING TO ENFORCEMENT OF TAX LAWS. EL SALVADOR HAS NOT YET BEGUN

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DISCUSSIONS OF THIS ISSUE WITH US.

F. IMPLICATIONS OF POPULATION GROWTH

EL SALVADOR, WITH 225 PEOPLE PER SQUARE KILOMETER, IS THE MOST DENSELY POPULATED COUNTRY IN LATIN AMERICA. ITS POPULATION OF 4.8 MILLION IS GROWING RAPIDLY (2.4 PERCENT ANNUALLY) AND IS EXPECTED TO REACH 7.8 MILLION BY THE YEAR 2000. CONTINUED HIGH GROWTH IN POPULATION WILL EXACERBATE SOCIAL AND POLITICAL TENSIONS AND UNDERMINE DEVELOPMENT EFFORTS. GOVERNMENT GOALS TO PROVIDE PUBLIC SERVICES, CLASSROOMS, HOUSING, AND BASIC HEALTH CARE ARE MADE INCREASINGLY DIFFICULT BY THE GROWING NUMBERS. GAINS IN AGRICULTURAL PRODUCTION, FOR EXAMPLE, ARE NOT EXPECTED TO KEEP PACE WITH THE RAPID GROWTH IN DEMAND FOR FOOD. LIKEWISE, INCREASING DEMAND FOR FIREWOOD WILL ADD TO THE DEPLETION OF FORESTS AND DETRACT FROM COMMERCIAL LUMBER USES. PERHAPS MOST DRAMATIC IS THE GROWTH IN THE LABOR FORCE. WITH NEARLY HALF OF EL SALVADOR'S POPULATION UNDER AGE 15, GROWTH OF THE LABOR FORCE WILL BE RAPID. THE RESULTING UNEMPLOYMENT, URBANIZATION, AND MIGRATION ARE POTENTIAL SOURCES OF POLITICAL AND ECONOMIC INSTABILITY.

RAPID GROWTH ALSO AFFECTS THE HEALTH OF MOTHERS AND CHILDREN. CHILD SPACING, MATERNAL AGE, AND ORDER OF BIRTH ARE ALL RELATED TO INFANT MORTALITY. IN EL SALVADOR, INFANT MORTALITY RANGES FROM 60 TO 80 DEATHS PER THOUSAND LIVE BIRTHS FOR THE FIRST FOUR CHILDREN.

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PAGE 10 STATE 363427

FOR THE FIFTH AND SUBSEQUENT BIRTHS, THE INFANT MORTALITY RATE MORE THAN DOUBLES TO 160 DEATHS PER 1,000 LIVE BIRTHS. ON AVERAGE, EL SALVADOR'S WOMEN HAVE OVER 6 CHILDREN.

SINCE THE EARLY 1970'S, SALVADORAN LEADERS HAVE RECOGNIZED THE IMPACT OF RAPID POPULATION GROWTH ON DEVELOPMENT. AMBITIOUS GOVERNMENT PROGRAMS HAVE BEEN LAUNCHED THROUGH THE MINISTRY OF HEALTH, BUT HAVE BEEN PLAGUED BY IMPLEMENTATION PROBLEMS AND POLITICAL DISRUPTIONS.

IN RECENT YEARS, THE PRIVATE SECTOR, LED BY THE SALVADORAN DEMOGRAPHIC ASSOCIATION (THE INTERNATIONAL PLANNED PARENTHOOD AFFILIATE), HAS GREATLY STRENGTHENED ITS PROGRAM, DESPITE THE CIVIL STRIFE. HOWEVER, EVEN

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WITH THE SUCCESS AND THE CONTINUITY OF THE PRIVATE SECTOR EFFORT, ONLY ABOUT 35 PERCENT OF MARRIED WOMEN OF CHILDBEARING AGE USE FAMILY PLANNING METHODS.

U.S. POPULATION ASSISTANCE, THROUGH THE AGENCY FOR INTERNATIONAL DEVELOPMENT, BEGAN IN 1966. BILATERAL ASSISTANCE, WHICH EQUALLED ABOUT $1.8 MILLION IN 1983, IS EXPECTED TO INCREASE TO $2 MILLION IN 1984. IN ADDITION, NON-GOVERNMENTAL ORGANIZATIONS RECEIVE U.S. SUPPORT FOR SUCH INNOVATIVE PROJECTS AS COMMUNITY BASED DISTRIBUTION OF CONTRACEPTIVES AND CONTRACEPTIVE RETAIL SALES. EL SALVADOR ALSO RECEIVES MULTILATERAL POPULATION ASSISTANCE FROM THE UN FUND FOR POPULATION ACTIVITIES (TO WHICH THE U.S. IS A MAJOR CONTRIBUTOR).

V. SECURITY

IN ORDER FOR DEMOCRATIC AND ECONOMIC DEVELOPMENT TO TAKE PLACE, THE ARMED FORCES OF EL SALVADOR (ESAF) MUST BE

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CAPABLE OF ESTABLISHING A SECURE ENVIRONMENT WITHIN WHICH THE SALVADORAN PEOPLE CAN PEACEABLY MOVE TOWARD SOCIO-ECONOMIC REFORM AND RESOLUTION OF THEIR POLITICAL DIFFERENCES THROUGH DEMOCRATIC AND PLURALISTIC PROCESSES. IN THE PURSUIT OF THIS GOAL, THE ARMED FORCES AND SECURITY FORCES OF EL SALVADOR FACE A FORMIDABLE CHALLENGE. THE EXERCISE OF POLITICAL POWER BY THE DEMOCRATICALLY CONSTITUED GOVERNMENT IS BEING CONTESTED BY VARIOUS GURRILLA GROUPS DIFFERING SOMEWHAT IN IDEOLOGY AND METHODS BUT UNITED UNDER THE UMBRELLA OF THE FMLN.

THE ULTIMATE GOAL OF THE FARABUNDO MARTI NATIONAL LIBERATION FRONT-(FMLN) IS TO BRING DOWN THE EXISTING GOVERNMENT OF EL SALVADOR AND REPLACE IT WITH AN FMLN GOVERNMENT. THE FMLN IS PURSUING ITS GOAL THROUGH A TWO-PRONGED APPROACH:

-- (1) GUERRILLA WARFARE, AND

-- (2) A COORDINATED POLITICAL STRATEGY TO GAIN INTERNATIONAL SYMPATHY AND RECOGNITION.

THE MILITARY STRATEGY HAS CONSISTED OF A WAR OF ATTRITION

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AGAINST THE SALVADORAN ECONOMY AND ARMED FORCES. THE GUERRILLAS HAVE TARGETED KEY INSTALLATIONS AND LINES OF COMMUNICATION (BRIDGES, HIGHWAYS, PROCESSING PLANTS, TELECOMMUNICATIONS, AND ELECTRICAL INFRASTRUCTURE) AS WELL AS EXPORT CROPS AND COMMERCIAL TRANSPORT VEHICLES. THEIR MILITARY TARGETS HAVE BEEN SMALL, ISOLATED MILITARY AND SECURITY FORCE OUTPOSTS AND, MORE RECENTLY, LARGER AND BETTER TRAINED, BUT UNSEASONED, GOVERNMENT UNITS AND GARRISONS. THEY HAVE ALSO FREQUENTLY OVERRUN HIGHLY DEFENDED URBAN AREAS, AND HAVE RECENTLY (SEPTEMBER) ATTACKED A DEPARTMENT CAPITAL. THE ULTIMATE AIM IS TO BRING DOWN THE GOVERNMENT THROUGH EITHER TOTAL ECONOMIC COLLAPSE OR DISINTEGRATION OF THE MILITARY FROM THE

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BOTTOM UP. AS AN INTERMEDIATE STEP, THEIR STRATEGY IS DESINGED TO IMPROVE THE BARGAINING POSITION OF THE FMLN POLITICAL LEADERSHIP.

MOREOVER, THEIR POLITICAL STRATEGY HAS CONSISTED OF ATTEMPTING TO DISCREDIT THE ELECTORAL PROCESS AND FORCE POWER-SHARING WITH THE CURRENT GOVERNMENT. THEY HAVE AGREED TO NEGOTIATE WITH THE GOVERNMENT, BUT INSIST ON POWER-SHARING RATHER THAN PARTICIPATION IN THE ELECTIONS AS THE CONDITION FOR A NEGOTIATED SETTLEMENT. THIS IS PROBABLY DESIGNED AS A DELAYING TACTIC TO GAIN TIME FOR THE MILITARY EFFORT AND TO PROMOTE AN IMAGE OF THE DEMOCRATIC SALVADORAN AND U.S. GOVERNMENTS AS INTRANSIGENT. POWER-SHARING IS SEEN AS AN INTERMEDIATE STAGE AS A PRELUDE TO THE CONSOLIDATION OF POWER BY THE FMLN.

THE SUCCESS OF THE FMLN POLITICAL STRATEGY IS DEPENDENT UPON TWO ELEMENTS:

-- (1) THE ATTAINMENT OF SUCCESSES ON THE BATTLEFIELD SUFFICIENT TO FORCE THE SALVADORAN GOVERNMENT INTO POWER-SHARING AS ITS ONLY CHANCE FOR SURVIVAL.
(2) THE FMLN'S ABILITY TO USE PROPAGANDA EFFECTIVELY TO CREATE ADDITIONAL PRESSURE ON THE GOVERNMENT OF EL SALVADOR.

A. MILITARY SITUATION
SALVADORAN MILITARY STRATEGY SINCE JUNE 1983 HAS CENTERED

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Special Project (1993)

AROUND THE IMPLEMENTATION OF A NATIONAL CAMPAIGN PLAN, - ESPECIALLY IN THE AREA OF CURRENT NATIONAL PRIORITY -- SAN VICENTE AND USULUTAN. PRIMARY MISSIONS INHERENT IN THIS STRATEGY HAVE BEEN, UNTIL RECENTLY, TO DISLODGE THE

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GUERRILLAS FROM STRONGHOLDS, DISRUPT THEIR LOGISTIC NETWORKS, SECURE THE GUERRILLA-CONTROLLED AREAS, AND, IN COORDINATION WITH CIVILIAN AGENCIES INTITIATE A CIVIC ACTION PROGRAM TO REBUILD THE SOCIAL AND ECONOMIC INFRASTRUCTURE. THIS CIVIC ACTION PROGRAM CONSISTS OF REOPENING SCHOOLS, ROAD BUILDING, ESTABLISHING PUBLIC HEALTH AND VACCINATION PROGRAMS, DISTRIBUTION OF FOOD, CONDUCT OF OUTREACH AND AMNESTY PROGRAMS, AND TRAINING LOCAL CIVIL DEFENSE FORCES TO PROTECT THEMSELVES FOLLOWING THE DEPARTURE OF THE MILITARY.

WHEN THE MILITARY HAS CONDUCTED AGGRESSIVE PATROLLING, IT HAS HAD SUCCESS; HOWEVER, WHEN THIS HAS NOT OCCURRED, THE FMLN GUERRILLAS HAVE BEEN ABLE TO MASS AND MOVE UNNOTICED AND UNCONTESTED. THE COMMAND AND CONTROL SYSTEM HAS EXHIBITED SOME COORDINATION BREAKDOWNS AND A LACK OF DETAILED PLANNING AND TIMELY RESPONSIVENESS AT THE GENERAL STAFF AND DEPARTMENTAL LEVEL. OTHER SHORTFALLS EXIST IN THE AREAS OF MOBILITY AND TRANSPORT, MEDICAL CARE, AND OPERATIONAL AND LOGISTIC PLANNING.

THE MILITARY STRATEGY OF THE INSURGENTS HAS BEEN SUCCESSFUL IN SERIOUSLY DAMAGING THE SALVADORAN ECONOMY. HOWEVER, THE GUERRILLAS CONTINUE TO BE AN INFERIOR COMBAT FORCE WHEN COMPARED TO U.S.-TRAINED GOVERNMENT UNITS. ALTHOUGH MORALE WITHIN THE SALVADORAN MILITARY HAS FLUCTUATED WITH THE ERRATIC PERFORMANCE ON THE BATTLEFIELD, THE ARMED FORCES ARE NOT JUDGED TO BE IN ANY DANGER OF DISINTEGRATING.
DURING THE SUMMER AND EARLY FALL OF 1983, THE ESAF MANAGED TO ACT WITH INITIATIVE AND VIGOR ON THE BATTLEFIELD AND SAW A GREAT MEASURE OF SUCCESS FROM THE NATIONAL CAMPAIGN IN SAN VICENTE. THIS WAS DUE IN LARGE PART TO ACTIVE PATROLLING AND A VISIBLE MILITARY PRESENCE THROUGHOUT THE COUNTRYSIDE. BEGINNING IN EARLY SEPTEMBER, THE GUERRILLA FORCES MOUNTED A

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COUNTEROFFENSIVE IN OCTOBER/NOVEMBER WHICH DID MEET WITH LIMITED SUCCESS AND CREATED CONFUSION AND HESITATION WITHIN THE ESAF.
THE OVERALL RESULT ON THE BATTLEFIELD HAS BEEN A STALEMATE. GOVERNMENT FORCES, WHILE ABLE TO DEPLOY ANYWHERE IN THE COUNTRY, HAVE NOT BEEN ABLE TO DEAL A DECISIVE BLOW TO THE GUERRILLAS. RECENT KEY COMMAND AND STAFF CHANGES, HOWEVER, HAVE IMPROVED GOVERNMENT COMMAND AND CONTROL. BY THE GENERAL STAFF AND MORE VIGOROUS OPERATIONS UNDER NEW AND AGGRESSIVE COMMANDERS ARE BEING CARRIED OUT IN THE EARTERN PART OF THE COUNTRY. IF THESE OPERATIONS ARE SUCCESSFUL, THE GOVERNMENT FORCES MAY BE ABLE TO RETAKE THE INITIATIVE AND SIGNIFICANTLY REDUCE INSURGENT CAPABILITIES. THE ORGANIZATION OF THE SALVADORAN MILITARY FOR UNCONVENTIONAL WARFARE IS AT PRESENT INADEQUATE, BUT A REORGANIZATION IS UNDERWAY TO AUGMENT EXISTING FORCES WITH ADDITIONAL U.S.-TRAINED IMMEDIATE REACTION BATTALIONS AS WELL AS LIGHT INFANTRY, "COUNTER-SUBVERSION" BATTALIONS.
AT THE PRESENT LEVEL OF MANNING AND SUPPORT, THE SALVADORAN ARMED FORCES CAN, AT BEST, ONLY MAINTAIN A STATUS QUO WITH THE INSURGENTS. THE GROWTH IN THE OVERALL STRENGTH HAS NOT BEEN ACCOMPANIED BY AN ATTENDANT INCREASE IN THE UPPER LEVELS OF THE OFFICER CORPS. THE U.S. TRAINING OF OVER 950 CADETS HAS BEGUN TO ALLEVIATE THE PROBLEMS ASSOCIATED WITH A LACK OF JUNIOR OFFICERS. HOWEVER, THE SHORTAGE OF FIELD GRADE OFFICERS TO RUN STAFF AND LOGISTICSACTIVITIES CONTINUES TO BE ACUTE. THE PERCENTAGE OF FIELD GRADES/EXERCISES IN THE MILITARY HAS DECLINED FROM ABOUT FIVE PERCENT IN 1979 TO ABOUT ONE PERCENT CURRENTLY (COMMENT: AS DRAFTED, CLARIFICATION BEING SOUGHT. END COMMENT). AT PRESENT, SALVADORAN INSURGENT STRENGTH IS ESTIMATED AT 6,000 OR ABOVE.

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INCLUDING FULL AND PART TIME FORCES. ALTHOUGH COUNTERINSURGENCY CAPABILITIES HAVE IMPROVED GREATLY SINCE 1981, ADDITIONAL FORCE EXPANSION AND TRAINING IS STILL NEEDED TO CONTINUE TO IMPROVE THE GOVERNMENT'S FORCES.

B. ASSISTANCE REQUIREMENTS

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THE FY 1984 SECURITY ASSISTANCE PROGRAM HAS BEEN DESIGNED TO ASSIST THE SALVADORAN ARMED FORCES IN THEIR GOALS OF DESTROYING THE GUERRILLAS' WILL AND CAPABILITY TO FIGHT, WHILE PROTECTING THE ECONOMIC INFRASTRUCTURE AND REESTABLISHING PUBLIC ORDER. THE ECONOMIC RECOVERY OF EL SALVADOR HAS BEEN COMPLICATED BY THE GUERRILLA'S SABOTAGE CAMPAIGN WHICH IS DESIGNED TO DESTROY THE COUNTRY'S ECONOMIC INFRASTRUCTURE AND PERPETUATE A CLIMATE OF FEAR, UNCERTAINTY, AND LOSS OF CONFIDENCE IN THE GOVERNMENT AMONGST THE POPULACE.

PROPOSED ACQUISITIONS, WITH U.S. ASSISTANCE, OF MILITARY MATERIEL AND SERVICES WOULD HAVE A DIRECT IMPACT ON THE ECONOMY BY IMPROVING THE SECURITY SITUATION AND PROTECTING THE ECONOMIC INFRASTRUCTURE FROM ATTACK. IN ADDITION, BY CONTRIBUTING TO ESTABLISHING A SECURE ENVIRONMENT CONDUCIVE TO DEVELOPMENT, MILITARY ASSISTANCE HELPS THE GOVERNMENT CONTINUE THE PROCESS OF SOCIAL, POLITICAL AND ECONOMIC REFORM.

THE PROGRAM IS INTENDED TO HELP CORRECT SUBSTANTIAL DEFICIENCIES WHICH CURRENTLY PREVENT THE ARMED FORCES FROM CONTROLLING ALL OF THE COUNTRYSIDE ON A SUSTAINED BASIS. THE SALVADORAN ARMED FORCES ARE FULLY COMMITTED TO A SUCCESSFUL NEW SALVADORAN-DESIGNED STRATEGY TO TAKE THE WAR TO THE GUERRILLA, PACIFY THE COUNTRYSIDE AND REDEVELOP THE NATION ALONG DEMOCRATIC LINES. DURING

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FY-83, THE ARMED FORCES INCREASED BY NEARLY 7,000 MEN AND IN FY-84 THE PROJECTED INCREASE IS ABOUT 6,500. THESE INCREASES ARE PERMITTING THE REORGANIZATION OF THE TOTAL FORCE TO INCLUDE 36 HIGHLY MOBILE, SMALL AND EASY-TO-CONTROL "COUNTER-SUBVERSION" BATTALIONS. SUFFICIENT FUNDING FOR SECURITY ASSISTANCE PROGRAMS IS CRITICAL FOR ACHIEVING THESE GOALS, AND EVEN THE FULL LEVELS OF THE ADMINISTRATION'S REQUESTS NEITHER-ALLOW A MARGIN FOR NEW CONTINGENCIES NOR PERMIT FULL EXPLOITATION OF SUCCESSES.

THE SPECIFIC OBJECTIVES TO BE SERVED BY ASSISTANCE PROGRAMS ARE TO:

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-- ASSIST THE ARMED FORCES IN OVERCOMING THE FOREIGN-SUPPORTED, MARXIST GUERRILLAS;

-- PROVIDE CRITICAL RESOURCES NECESSARY TO MAINTAIN A VIABLE FIGHTING FORCE;

-- CONTINUE TO MODERNIZE, STANDARDIZE AND PROFESSIONALIZE THE FORCE;

-- HELP THE MILITARY TO SUCCESSFULLY PROJECT THE NATIONAL CAMPAIGN PLAN TO THE ENTIRE COUNTRY THROUGH CONTINUED FORCE EXPANSION, INCREASED OPERATIONAL CAPABILITY, EFFECTIVENESS AND EFFICIENCY; AND

-- PROVIDE SUFFICIENT SUPPLIES OF AMMUNITION AND OTHER MATERIEL TO ENABLE THE ESAF TO MAINTAIN TROOPS ACTIVELY PATROLLING IN THE FIELD RATHER THAN IN A DEFENSIVE POSTURE.

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DURING A PERIOD OF EXPANSION OF THE CAMPAIGN PLAN INTO OTHER DEPARTMENTS OF EL SALVADOR, RESUPPLY OF AMMUNITION, SPARE PARTS AND CONSUMABLES NEEDED FOR HEAVILY COMMITTED COMBAT TROOPS COULD TAKE PRIORITY OVER TRAINING AND HUMANITARIAN SERVICES SUCH AS MEDICAL EQUIPMENT AND SUPPLIES. DURING FY-83, AMMUNITION USAGE ALONE WAS $22.8M.

PROGRAM COMPONENTS SUCH AS IMPROVEMENT OF THE GROUND FORCE, TRAINING AND SUSTAINING SUPPORT ARE CURRENTLY FACED WITH REDUCED FUNDING. PROGRAMS WITHIN THESE COMPONENTS, SUCH AS PROVIDING IMPROVED COMMUNICAITON CAPABILITIES, WILL ALSO BE AFFECTED. THE QUICK REACTION CAPABILITY OF THE ESAF COULD BE REDUCED BY THE FAILURE TO DEVOTE SUFFICIENT FUNDING TO THE ACQUISITION OF HELICOPTERS, TROOP TRANSPORT AIRCRAFT AND VEHICLES. THESE FACTORS ARE OF CONSIDERABLE IMPORTANCE TO MAINTAINING COMMAND AND CONTROL OVER TROOPS IN THE FIELD, WITH IMPLICATTIONS FOR BOTH THE COUNTER-GUERRILLA EFFORT AND THE EFFORT TO CONTROL HUMAN RIGHTS ABUSES.

C. CONTROL OF THE ARMED FORCES

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DURING THE PAST SIX MONTHS, CONTROL OVER THE ARMED AND SECURITY FORCES OF EL SALVADOR HAS BEEN STRENGTHENED, AND A DROP IN THE NUMBER OF VIOLENT INCIDENTS ATTRIBUTED TO THE MILITARY APPEARS TO HAVE TAKEN PLACE.

-- INCIDENTS OF HUMAN RIGHTS ABUSE ATTRIBUTED TO THE
-- ARMED FORCES

THE ARMED FORCES OF EL SALVADOR HAVE BEEN IN COMBAT WITH THE GUERRILLAS SINCE 1979. FROM THAT TIME TO THE PRESENT, THEY HAVE TRIPLED IN STRENGTH. THE ESAF NOW CONSISTS OF AN ARMY OF ABOUT 26,000; A NAVY OF 500 WHICH INCLUDES A NAVAL COMMANDO COMPANY; AND AN AIR FORCE OF

APPROXIMATELY 500 PERSONNEL. THE PUBLIC SECURITY FORCES (NATIONAL GUARD, NATIONAL POLICE AND TREASURY POLICE) ARE APPROXIMATELY 10,000 IN NUMBER. THE WAR BEING FOUGHT BY THE ARMED FORCES HAS BEEN BLOODY AND, AT TIMES, BRUTAL. CHARGES OF INDISCRIMINATE AND POLITICALLY MOTIVATED VIOLENCE HAVE BEEN LEVELED AGAINST THE ARMED FORCES.

SOME OF THESE CHARGES, SUCH AS WERE LEVELED AGAINST THE ATLACTL BATTALION IN A NOVEMBER 3 ACTION NEAR CINQUERA IN CABANAS DEPARTMENT, HAVE BEEN FOUND TO BE EXAGGERATED AND PERHAPS MISLEADING. IN THIS PARTICULAR CASE, AFTER THE ALLEGED MASSACRE WAS PUBLICIZED BY THE GUERRILLAS' RADIO VENCEREMOS, JOURNALISTS VISITED THE VILLAGE OF COPAPAYO, WHERE GOVERNMENT TROOPS WERE ACCUSED OF HERDING 20 CIVILIANS INTO A HOUSE AND THEN MURDERING THEM. ALTHOUGH THE TRUTH IS STILL FAR FROM CLEAR, THERE WAS APPARENTLY NO EVIDENCE OF GUNFIRE WITHIN THE HOUSE WHERE THE BODIES WERE FOUND, GIVING CREDIBILITY TO THE GOVERNMENT'S ACCOUNT OF A MAJOR MILITARY ENGAGEMENT -- NOT WHERE THE HOUSE WAS LOCATED BUT IN A NEARBY AREA.

INVESTIGATIONS ARE STILL UNDERWAY ON THE INCIDENTS AT LAS HOJAS (SEE SECTION III.B.3), WHERE THERE IS EVIDENCE THAT AN ARMY UNIT KILLED UNARMED CAMPESINOS. IN ZARAGOZA, LA LIBERTAD DEPARTMENT, THERE ARE INDICATIONS THAT THE LOCAL CIVIL DEFENSE FORCE MAY HAVE BEEN INVOLVED IN THE RECENT KIDNAPPING OF SEVEN MEN AND TWO WOMEN LATER FOUND DEAD IN A NEARBY RAVINE. THIS INCIDENT IS UNDER INVESTIGATION.

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WHAT IS EVIDENT, HOWEVER, IS THAT THE FREQUENCY OF SUCH

OCCURRENCES ATTRIBUTED TO THE ARMED FORCES HAS DECLINED. MINISTER OF DEFENSE VIDES CASANOVA SPOKE TO EL SALVADOR'S COMMAND AND GENERAL STAFF COLLEGE GRADUATES. IN HIS

SPEECH, HE MADE AN APPEAL FOR THEIR ASSISTANCE IN STRENGTHENING THE ARMED FORCES. HE HIGHLIGHTED SEVEN PROCLAMATIONS WHICH HAVE THE FIRM AND SOLID SUPPORT OF THE HIGH COMMAND. THESE PROCLAMATIONS INCLUDE SUPPORT FOR THE DEMOCRATIC PROCESS; MAINTAINING OF THE ABSOLUTE APOLITICAL NATURE OF THE ARMED FORCES; AND SUSTAINING OF THE OBLIGATION OF ALL MEMBERS OF THE ARMED FORCES TO PROFESS FULL RESPECT FOR THE HUMAN RIGHTS OF THE PEOPLE. THE MINISTER OF DEFENSE HAS ALSO ASKED KEY MEMBERS OF THE INVESTIGATIVE AND INTELLIGENCE STAFF SECTIONS THROUGHOUT THE ARMED FORCES AND SECURITY FORCES TO SEEK OUT ALL INFORMATION AVAILABLE TO DEVELOP PROOF ON ABUSES BY THE UNIFORMED SERVICES. THESE RECENT STATEMENTS ARE ALL ENCOURAGING. (FURTHER WORK REQUIRED TO FILL IN ANY FOLLOW-UP TO THE WORDS.)

-- ACCUSATIONS OF SECURITY FORCE INVOLVEMENT IN RIGHT
WING TERRORISM ACTIVITY.

BEGINNING IN THE FALL OF 1983, THE VIOLENT RIGHT BECAME MORE ACTIVE, PERHAPS FEARING THAT THE NEW CONSTITUTION WOULD DEFINITIVELY LEGALIZE THE LAND REFORM AND CARRY FORWARD THE OTHER REFORMS BEGUN FOLLOWING THE 1979 COUP D'ETAT. DURING SEPTEMBER AND OCTOBER 1983, SEVERAL RIGHT WING DEATH SQUAD KIDNAPPINGS AND MURDERS TOOK PLACE. INCREASINGLY, INFORMATION BECAME KNOWN THAT SOME MEMBERS OF THE MILITARY COULD BE IMPLICATED IN THESE TERRORIST ACTIVITIES. AS PREVIOUSLY DISCUSSED, U.S. AND SALVADORAN OFFICIALS HAVE ROUNDLY CONDEMNED RIGHT-WING TERRORISM, AND THE MILITARY HIGH COMMAND AND HEADS OF ARMED AND SECURITY FORCE ORGANIZATIONS ROUNDLY ENDORSED THE PARTICULARLY STRONG WORDS OF THE MINISTER OF DEFENSE (APPENDICES ... AND ...), AND VISITS ARE BEING MADE TO MILITARY UNITS IN THE COUNTRYSIDE TO APPRAISE THEM OF THEIR COMMANDERS' VIEWS.

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MORE IMPORTANTLY, SOME PRELIMINARY ACTIONS HAVE BEEN TAKEN. OFFICERS SUSPECTED OF INVOLVEMENT IN TERRORIST ACTIVITIES WERE REMOVED FROM THEIR POSITIONS. -THE NATIONAL POLICE ACTED ON 30 NOVEMBER TO ARREST, WITHIN 48 HOURS OF THE CRIME, THREE MEMBERS OF THE SECURITY PERSONNEL SECTION OF THE CONSTITUENT ASSEMBLY CHARGED WITH KIDNAPPING AND HOLDING FOR RANSOM A PROMINENT SAN SALVADOR BUSINESSMAN. TWO OF THOSE ARRESTED WERE FORMER MEMBERS OF THE NATIONAL POLICE AND NATIONAL GUARD RESPECTIVELY. (THIS SECTION WILL NEED FURTHER STRENGTHENING.)
IT IS (MAY BE) TOO EARLY TO ASSESS THE EXTENT TO WHICH THE STRONG WORDS OF SALVADORAN MILITARY LEADERS WILL RESULT IN STRONG ACTIONS. EVEN IF THE WILL IS THERE, THE TASK IS INEVITABLY COMPLICATED BY THE DIFFICULTY OF PROVING COMPLICITY OF INDIVIDUALS IN ABUSES AND TERRORIST ACTIVITY. THE SAME PROBLEMS PLAGUING THE LEGAL SYSTEM IN OTHER CASES INEVITABLY AFFECT CASES OF RIGHT WING TERRORISM. NEVERTHELESS, THE TREND BEGUN DURING THE END OF LAST YEAR IS A HEALTHY SIGN AND WILL HAVE THE ADMINISTRATION'S CLOSE ATTENTION.

D. REFUGEES AND DISPLACED PERSONS

THE POLITICAL STRIFE IN EL SALVADOR CONTINUES TO DISPLACE LARGE PORTIONS OF THE POPULATION. AN ESTIMATED 58,000-67,000 SALVADORANS HAVE TAKEN REFUGE OUTSIDE THEIR COUNTRY. THIS IS APPROXIMATELY 42 PERCENT OF THE TOTAL REFUGEE POPULATION IN THE REGION. OF THESE, 18-20,000 SALVADORANS HAVE CROSSED THE BORDER INTO HONDURAS; 10-12,000 ARE IN MEXICO; 15-18,000 ARE IN COSTA RICA, AND 15-17,000 ARE IN NICARAGUA.

AN ADDITIONAL 465,000 SALVADORANS, OR NEARLY TEN PERCENT OF THE POPULATION, ARE INTERNALLY DISPLACED. MOST OF THE DISPLACED PERSONS RESIDE WITH FRIENDS AND RELATIVES AWAY FROM AREAS OF CONFLICT. OTHERS HAVE BUILT TEMPORARY SETTLEMENTS ON UNOCCUPIED LAND THROUGHOUT THE COUNTRY. SOME LIVE IN SPECIAL CAMPS ADMINISTERED BY THE ROMAN CATHOLIC CHURCH OR OTHER ORGANIZATIONS. APPROXIMATELY SEVENTY FIVE PERCENT OF THE ESTIMATED DISPLACED POPULATION RECEIVES ASSISTANCE FROM THE GOVERNMENT OF EL SALVADOR THROUGH ITS NATIONAL COMMISSION FOR DISPLACED PERSONS (CONADES). PRIVATE LOCAL AS WELL AS INTERNATIONAL CONTRIBUTORS ARE HELPING THESE DISPLACED. THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC) ASSISTS DISPLACED PERSONS IN AREAS INACCESSIBLE TO OTHER RELIEF ORGANIZATIONS BECAUSE OF THE CONFLICT.

THE LIVING-CONDITIONS OF THE DISPLACED PERSONS VARY GREATLY, DEPENDING ON FACTORS SUCH AS THEIR WILLINGNESS TO REGISTER FOR ASSISTANCE WITH CONADES, THEIR ECONOMIC WELL-BEING PRIOR TO DISPLACEMENT, AND THE PUBLIC INFRASTRUCTURE IN THE AREA WHERE THEY HAVE SETTLED. SIMILARLY, INFRASTRUCTURE AND AVAILABLE MANAGEMENT HELP EXPLAIN SOME OF THE DIFFERENCES EVEN AMONG CAMPS RUN BY THE SAME GROUP. IN GENERAL, HOWEVER, THE LIVING CONDITIONS OF THE SALVADORAN DISPLACED PERSONS ARE CONSIDERED THE WORST OF ALL THE GROUPS UPROOTED BY THE CONFLICT IN CENTRAL AMERICA.

THE ADMINISTRATION, THROUGH THE DEPARTMENT OF STATE AND A.I.D., HAS BEEN WORKING TO IMPROVE CONDITIONS IN THE CAMPS. CONGRESS HAS EARMARKED $10 MILLION OF FY 1984 FUNDS FOR THE DISPLACED PERSONS OF EL SALVADOR. WORKING THROUGH THE UN WORLD FOOD PROGRAM, CONADES, AND INTERNATIONAL AND LOCAL PRIVATE VOLUNTARY ORGANIZATIONS, THE U.S. GOVERNMENT HAS PROVIDED SOME OF THE BASIC NECESSITIES FOR THE REFUGEE POPULATION WHICH IS

REGISTERED WITH CONADES.

THE PRINCIPAL U.S. HUMANITARIAN ASSISTANCE EFFORT IS THE EMERGENCY HEALTH AND JOBS FOR DISPLACED PERSONS PROJECT OF A.I.D. AND THE DEPARTMENT OF STATE'S REFUGEE BUREAU. THIS PROJECT PROVIDES PREVENTATIVE HEALTH AND OTHER MEDICAL ASSISTANCE AND EMPLOYMENT IN PUBLIC WORKS PROJECTS. PL 480 COMMODITY ASSISTANCE PROVIDES BASIC FOODSTUFFS TO DISPLACED PERSONS, FOOD FOR WORK PROGRAMS, AND MATERNAL CHILD CARE PROGRAMS.

THE ULTIMATE GOAL OF ADMINISTRATION POLICY REMAINS THE

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Special Project (1993)

SPEEDY AND VOLUNTARY RETURN OF REFUGEES AND DISPLACED PERSONS TO THEIR HOMES. IN THIS RESPECT, EFFORTS OF THE GOVERNMENT OF EL SALVADOR TOWARD DEMOCRATIZATION AND ENDING THE GUERRILLA THREAT ARE IMPORTANT REQUIREMENTS FOR ESTABLISHING A CLIMATE OF PEACE AND DEVELOPMENT IN THOSE AREAS FROM WHICH THE DISPLACED AND REFUGEES AND FLED.

IN THE SHORTER TERM, MUCH REMAINS TO BE DONE TO IMPROVE HEALTH FACILITIES, TO PROVIDE EMPLOYMENT, TO REACH THOSE PEOPLE WHO DO NOT CURRENTLY RECEIVE ADEQUATE ASSISTANCE, AND TO IMPROVE THE DELIVERY OF BASIC COMMODITIES TO DISPLACED PERSONS.

SPECIFIC INITIATIVES CURRENTLY BEEN PURSUED BY THE US ARE:

-- TO HELP DEVELOP EFFECTIVE PUBLIC HEALTH PROGRAMS IN THE AREAS WHERE DISPLACED PERSONS HAVE SETTLED,

-- TO ENCOURAGE COORDINATION AMONG THE 26 DIFFERENT

GROUPS PROVIDING ASSISTANCE TO DISPLACED SALVADORANS, AND

-- TO ENCOURAGE AN INTERNATIONAL ORGANIZATION OR A PRIVATE NON-GOVERNMENT GROUP TO ASSUME THE ROLE OF

OVERALL COORDINATOR OF THE PROGRAMS FOR SALVADORAN DISPLACED PERSONS.

THE US GOVERNMENT WILL CONTINUE TO WORK THROUGH INTERNATIONAL ORGANIZATIONS SUCH AS THE UN AND THE ICRC, AND THROUGH PRIVATE VOLUNTARY ORGANIZATIONS TO AMELIORATE THE SITUATION OF REFUGEES AND DISPLACED PERSONS BY ADDRESSING THEIR OVER-ALL LIVING CONDITIONS.

VI. DIALOGUE

THE GOVERNMENT OF EL SALVADOR HAS UNDERTAKEN A MAJOR INITIATIVE TO PROMOTE A PEACEFUL, DEMOCRATIC POLITICAL SOLUTION TO THE ARMED CONFLICT IN THAT COUNTRY. THE GOVERNMENT AND THE POLITICAL PARTIES OF WHICH IT IS COMPOSED AGREE THAT THE POLITICAL FUTURE OF EL SALVADOR SHOULD BE DETERMINED THROUGH DEMOCRATIC ELECTIONS IN WHICH THE ENTIRE POPULATION CAN EXPRESS ITS POLITICAL PREFERENCES. THEY ARE OPPOSED, HOWEVER, TO A DIVISION OF POLITICAL POWER ON THE BASIS OF A DEAL WITHOUT POPULAR ELECTIONS (I.E., THE GUERRILLAS' DEMAND FOR POWER-SHARING).

IN ORDER TO ESTABLISH FAIR CONDITIONS FOR DEMOCRATIC ELECTIONS, THE SALVADORAN PEACE COMMISSION (COMPOSED OF A PROMINENT BUSINESSMAN AND PARTY LEADER, A LEADING BISHOP, AND AN EX-FOREIGN MINISTER) WAS CREATED BY THE GOVERNMENT'S POLITICAL COMMISSION TO SERVE AS A VEHICLE FOR DIALOGUE WITH THE ARMED AND UNARMED ELEMENTS IN OPPOSITION TO THE GOVERNMENT. THE PEACE COMMISSION REPORTS DIRECTLY TO THE AUTHORITATIVE POLITICAL

COMMISSION (A GROUP COMPOSED OF THE PRESIDENT, THREE VICE-PRESIDENTS, DEFENSE AND FOREIGN MINISTERS, AND REPRESENTATIVES OF THE MAJOR PARTIES).

THE ADMINISTRATION FULLY SUPPORTS EL SALVADOR'S DETERMINATION TO ALLOW ITS POPULATION TO DECIDE ITS OWN POLITICAL FUTURE. TO THIS END, PRESIDENT REAGAN HAS CHARGED HIS SPECIAL ENVOY FOR CENTRAL AMERICAN NEGOTIATIONS, AMBASSADOR RICHARD B. STONE, WITH THE TASK OF SUPPORTING AND FACILITATING DIALOGUE BETWEEN THE SALVADORAN PEACE COMMISSION AND OPPOSITION ELEMENTS. AMBASSADOR STONE IS ALSO TASKED WITH CONSULTING WITH PARTICIPANTS IN THE CONTADORA PROCESS -- A REGIONAL DIPLOMATIC EFFORT DESIGNED TO ADVANCE PEACE, DEMOCRATIZATION AND ECONOMIC COOPERATION IN THE REGION.

A. INTERNAL DIALOGUE

ON JULY 9, 1983, PURSUANT TO A REQUEST OF THE SALVADORAN POLITICAL COMMISSION, AMBASSADOR STONE SOUGHT TO MEET IN SAN JOSE, COSTA RICA WITH REPRESENTATIVES OF THE GUERRILLA FMLN COALITION AND THE FDR POLITICAL COALITION WHICH HAS ALLIED ITSELF WITH THE GUERRILLAS. THE PURPOSE OF THE SAN JOSE CONTACT WAS TO FACILITATE A MEETING BETWEEN THE FMLN/FDR AND THE PEACE COMMISSION. THE STONE MEETING, HOWEVER, DID NOT TAKE PLACE BECAUSE OF UNACCEPTABLE PRE-CONDITIONS POSED BY THE FMLN/FDR FOR

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El Salvador Human Rights
Special Project (1993)

WHAT WAS SUPPOSED TO BE A MEETING WITHOUT CONDITIONS.

ON JULY 3L, L983, AMBASSADOR STONE, WITH THE AUTHORIZATION OF THE SALVADORAN POLITICAL COMMISSION, HELD A PRELIMINARY CONTACT IN BOGOTA, COLOMBIA WITH A REPRESENTATIVE OF THE FMLN/FDR. AS A RESULT OF THIS

MEETING, THE FMLN/FDR DROPPED ITS EARLIER PRE-CONDITIONS FOR A MORE FORMAL MEETING.

ACCORDINGLY, ON AUGUST 30, 1983, AMBASSADOR STONE MET WITH AN FMLN/FDR DELEGATION IN SAN JOSE, COSTA RICA TO DISCUSS THE ESTABLISHMENT OF DIRECT CONTACT BETWEEN THE FMLN/FDR AND THE PEACE COMMISSION. SIMULTANEOUSLY, ON AUGUST 29, L983, IN BOGOTA, COLOMBIA, THE PEACE COMMISSION HELD ITS FIRST PRELIMINARY CONTACT WITH THE FMLN/FDR TO WORK OUT PROCEDURES FOR A SUBSTANTIVE MEETING.

THE SUBSTANTIVE MEETING OF THE PEACE COMMISSION AND THE FMLN/FDR WAS HELD IN BOGOTA, COLOMBIA ON SEPTEMBER 20, L983. THE PEACE COMMISSION OFFERED TO BEGIN DISCUSSIONS WITH THE FMLN/FDR ON ALL RELEVANT ISSUES (SUCH AS CANDIDATES' SECURITY AND ACCESS TO MASS MEDIA) RELATED TO THE HOLDING OF DEMOCRATIC ELECTIONS. THE FMLN/FDR REJECTED THE OFFER AND RESPONDED WITH ITS VIEW THAT IT SHOULD BE GIVEN AN IMMEDIATE SHARE OF POLITICAL POWER. MOREOVER, IT DEMANDED THAT ITS GUERRILLA FIGHTERS BE INTEGRETATED INTACT INTO THE SALVADORAN ARMED FORCES WHILE RESERVING FOR ITSELF THE RIGHT TO PURGE AND REORGANIZE THE GOVERNMENT'S MILITARY. THE LEFTISTS' DEMANDS WERE CONSIDERED COMPLETELY UNACCEPTABLE AND ANTI-DEMOCRATIC BY THE GOVERNMENT.

WITH THE EXCEPTION OF INFORMAL COMMUNICATIONS, THERE HAVE BEEN NO FURTHER MEETING OF AMBASSADOR STONE OR THE PEACE COMMISSION WITH THE FMLN/FDR. THE SALVADORAN PEACE COMMISSION HAS INDICATED, HOWEVER, THAT IT IS READY TO RESUME DIALOGUE AS SOON AS THE FMLN/FDR ALTERS ITS CURRENT OPPOSITION TO DISCUSSION OF ELECTIONS AND THE DEMOCRATIC PROCESS.

B. THE CONTADORA PROCESS

THE GOVERNMENT OF EL SALVADOR HAS BEEN AN ACTIVE

PARTICIPANT IN THE CONTADORA PROCESS ALONG WITH ITS FOUR CENTRAL AMERICAN NEIGHBORS (INCLUDING NICARAGUA) AND THE CONTADORA GROUP (MEXICO, VENEZUELA, COLOMBIA, AND PANAMA). THE UNITED STATES HAS SUPPORTED SUCH PARTICIPATION, AND AMBASSADOR STONE HAS CONSULTED REPEATEDLY WITH THE SALVADORAN AND OTHER GOVERNMENTS ON DESIRABLE STEPS IN THE CONTADORA PROCESS. IN THESE CONSULTATIONS AND THE CONTADORA MINISTERIALS AND TECHNICAL GROUP MEETINGS, THE GOVERNMENT OF EL SALVADOR HAS PRODUCED A NUMBER OF CONSTRUCTIVE SUGGESTIONS FOR FACILITATING PROGRESS.

THE GOVERNMENT OF EL SALVADOR APPROVED THE DOCUMENT OF OBJECTIVES WHICH EMERGED FROM THE CONTADORA MINISTERIAL OF SEPTEMBER 7-10, L983. UNDER THE 21 POINTS INCLUDED IN THE DOCUMENT, THE SALVADORAN GOVERNMENT AND THE OTHER GOVERNMENTS OF CENTRAL AMERICA COMMIT THEMSELVES TO AGREE ON VERIFIABLE MEASURES TO END SUBVERSION OF ONE STATE BY ANOTHER, LIMIT ARMS AND FOREIGN ADVISORS, AND PROMOTE DEMOCRATIZATION AND NATIONAL RECONCILIATION.

CURRENTLY, THE GOVERNMENT OF EL SALVADOR IS PARTICIPATING IN EFFORTS WITHIN THE CONTADORA PROCESS TO ELABORATE A TREATY OR TREATIES COMPREHENSIVELY IMPLEMENTING THE 2L OBJECTIVES. THE ADMINISTRATION HAS FULLY SUPPORTED, THROUGH THE STONE MISSION AND IN OTHER FORUMS, COMPREHENSIVE IMPLEMENTATIONM OF THE CONTADORA 2L OBJECTIVES ON A REGIONAL BASIS. THE ADMINISTRATION VIEWS SUCH A REGIONAL, COMPREHENSIVE, PEACEFUL SOLUTION AS THE BEST FORMULA FOR ENSURING LONG-TERM STABILITY IN THE AREA.

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UNCLAS SANTIAGO 7428

E.O. 12356: N/A
TAGS: EAIR, PREL, PINT, SHUM, CI
SUBJECT: LETELIER/MOFFITT CIVIL SUIT: FOREIGN MINISTRY STATEMENTS AND LAN CHILE DECISION TO POST BOND

REF: STATE 361040

1. SUMMARY: ON DECEMBER 22, LAN CHILE PRESIDENT SEPULVEDA ANNOUNCED THAT AIRLINE WOULD POST THE BOND AND APPEAL THE JUDGEMENT. THIS FOLLOWED A DECEMBER 21 PRESS INTERVIEW BY UNDERSECRETARY FOR FOREIGN AFFAIRS JULIO, WHO SUGGESTED THAT LAN CHILE "SHOULD" POST BOND IN THE LETELIER/MOFFITT CIVIL CASE IN ORDER TO PROTECT ITS RIGHTS TO APPEAL THE JUDGEMENT. THE NEXT DAY, VICE FOREIGN MINISTER COVARRUBIAS REITERATED THAT FOREIGN MINISTRY WAS NOT INVOLVED IN THE CASE. END SUMMARY.

2. LAN CHILE ANNOUNCEMENT: ON DECEMBER 22, LAN CHILE PRESIDENT PATRICIO SEPULVEDA TOLD REPORTERS THE AIRLINE WOULD POST THE FOUR MILLION DOLLAR BOND SET BY THE NEW YORK COURT AND WOULD APPEAL THE CASE, EXPRESSING CONFIDENCE THAT THE AIRLINE POSITION WOULD BE UPHELD BY THE HIGHER COURTS.

3. STATEMENTS OF UNDERSECRETARY JULIO: THE LAN CHILE
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PAGE 02 SANTIA 07428 231911Z

ANNOUNCEMENT FOLLOWED A DECEMBER 21 PRESS INTERVIEW BY LT.COL. HUMBERTO JULIO, UNDERSECRETARY FOR FOREIGN RELATIONS, IN WHICH HE MADE THE FOLLOWING COMMENTS ON THE LETELIER/ MOFFITT CIVIL SUIT

--JULIO SUGGESTED THAT LAN "SHOULD" POST THE FOUR MILLION

DOLLAR BOND FIXED BY THE JUDGE.

--HE DISCLAIMED ANY KNOWLEDGE OF WHAT ACTION LAN WOULD TAKE BUT NOTED THAT POSTING THE BOND WOULD PERMIT LAN TO APPEAL THE JUDGEMENT.

--JULIO WENT ON TO COMMENT THAT THE CASE WAS BEING HANDLED BY THE COUNCIL FOR THE DEFENSE OF THE STATE, A GOVERNMENT GROUP WHICH DEFENDS GOC INTERESTS BEFORE THE COURTS. (THE PRESIDENT OF THE COUNCIL SUBSEQUENTLY DENIED JULIO'S STATEMENT, SAYING THAT THE COUNCIL ACTED ONLY AS REPRESENTATIVES OF THE GOC IN CHILE AND DID NOT INVOLVE THEMSELVES IN PRIVATE CASES. ON DECEMBER 22, JULIO CLARIFIED HIS STATEMENT, SAYING THAT THE COUNCIL WAS NOT PART OF THE JUDICIAL PROCESS, AS LAN HAD ITS OWN LEGAL REPRESENTATIVES, BUT ADDED THAT THE COUNCIL "COULD OFFER ADVICE WHEN CONSULTED".)

--HE SAID THE CASE WOULD AFFECT US/CHILEAN RELATIONS ONLY WITH RESPECT TO OUR DIFFERING INTERPRETATIONS OF JUDICIAL IMMUNITY IN THIS CASE. HE THEN WENT ON TO REITERATE THE GOC POSITION THAT THE DOCTRINE OF SOVEREIGN IMMUNITY DID NOT ALLOW ONE GOVERNMENT TO BE BROUGHT BEFORE THE COURTS OF ANOTHER GOVERNMENT, ADDING THAT IT WAS ALSO UNCLEAR WHY LAN CHILE WAS BEING TREATED AS AN EXTENSION OF THE GOC, RATHER THAN AN AUTONOMOUS COMPANY.
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PAGE 03 SANTIA 07428 231911Z

--HIS LAST COMMENT ON THE CASE WAS THAT THE POSTING OF THE BOND DID NOT IMPLY ACCEPTANCE OF RESPONSIBILITY FOR THE LETELIER CRIME.

4. STATEMENT BY VICE FOREIGN MINISTER COVARRUBIAS: ON DECEMBER 22, VICE FOREIGN MINISTER LT. GEN (R) SERGIO COVARRUBIAS STATED THAT THE FOREIGN MINISTRY HAD NOTHING TO DO WITH THE LAN CHILE CASE AND REFERRED ALL QUESTIONS ON THE MATTER TO THE AIRLINE. THEBERGE

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RELEA

GUATEMALA

Guatemala remained under a de facto military Government in 1983. On August 8, military officers ousted General Efrain Rios Montt, who had become President in March 1982, and General Oscar Humberto Mejia Victores, Minister of Defense, was designated Chief of State.

Serious human rights problems continued in Guatemala in 1983, but there were improvements in some important areas. Most importantly, reports of violence and political deaths, especially in the countryside, continued but registered a significant drop compared to levels in 1982. Also, in March the Rios Montt Government announced a 60-day amnesty for the guerrillas. The Rios Montt Government, however, maintained some restrictions on civil and political liberties, including freedoms of the press and association, and continued to operate the controversial special courts which had been established to try individuals charged with crimes against the state or public order.

After the new Government of General Mejia assumed power on August 8, it ended the state of emergency, under which political and civil liberties had been restricted, abolished the special courts, announced a 90-day amnesty on August 11, and then extended it in November for 60 more days. However, incidents of politically related disappearances increased somewhat after August, although they remain well below the 1980-1982 period.

The Rios Montt Government revised the law governing political parties and established a Supreme Electoral Tribunal to supervise Constituent Assembly elections in 1984 and subsequent national elections. Under the new law, 37 groups have formed committees which have begun pursuing the required procedures to register themselves formally as political parties on the ballot for the Constituent Assembly elections. The date for these elections was announced by Rios Montt as July 1, 1984, and was reconfirmed by General Mejia. A draft electoral law was issued in December 1983. The Mejia Government has also announced that it will hold national elections and transfer power to an elected civilian government in 1985 after the Constituent Assembly drafts a new constitution.

Both military governments in power during the year cooperated with human rights investigators.

Guatemala continued to suffer from a guerrilla conflict in which four distinct Marxist-Leninist guerrilla groups sought to overthrow the Government. Nevertheless, the Government made significant gains in reestablishing control over extensive areas where the guerrillas had been previously entrenched. For much of the year guerrillas were concentrated in the western highlands. The Government countered them in part by providing to rural Indian communities the alternative of limited amounts of food and shelter, along with work and security, rather than violent warfare, which association with the guerrilla groups entailed.

The military also established a Civil Defense patrol system that totaled an estimated 700,000 members and was still expanding in late 1983. This self-defense force assumed much of the burden for making local communities secure against attack, while at the same time patrolling to search for and

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engage guerrillas. The patrols themselves became targets of the guerrillas. Although service in Civil Defense patrols is voluntary, members were frequently pressured into joining. UN Special Rapporteur Lord Colville said in his November 1983 report that "where recruitment was needed and a man was reluctant, he was more likely to be shamed into joining by his community than compelled." There have been credible reports of incidents in which the patrols abused their authority and participated in illegal killings. However, Lord Colville concluded that these patrols generally functioned properly.

One Agency for International Development (AID) contract employee, two employees of the Ministry of Education, and the mother of one of the latter were killed following their detention by security forces in February. The Government failed to provide an accounting of these killings that was fully consistent with well-known facts.

Besides continuing their military operations in rural areas, the guerrillas also returned to urban terrorism in 1983. In September, for example, they exploded a powerful bomb in Guatemala City along a major thoroughfare, destroying a telephone facility. Overall, guerrilla activities have increased since the August 8 change in government.

Guatemala is primarily an agricultural country. Commercial and peasant agriculture together comprise the leading economic sector in terms of output, employment, and foreign exchange earnings. While the country has experienced substantial economic growth during the past 30 years, this growth has accentuated the contrast between the modern sector and the largely Indian rural population, which has experienced relatively little economic progress. Between these two groups there has existed traditional animosity which has resulted in violence.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Unlawful or Arbitrary Deprivation of Life

Approximately 1,600 persons are believed to have been killed for political reasons in 1983, less than half the number of persons estimated to have been killed for these reasons in 1982. Of this total, approximately 500 were civilians while the other 1,100 were military and guerrilla casualties. Most of the deaths attributable to the Government were guerrillas killed by security forces in combat. It is not clear who was responsible for each of the estimated 500 civilian deaths, although some were persons clandestinely arrested and then killed by Guatemalan security forces. A few others were persons killed by members of the Civil Defense forces who charged that the victims were guerrilla supporters. Some of the civilian deaths were attributable to the guerrillas.

Reports of massacres and other atrocities continued. However, there was a dramatic decline in reports of violence and political deaths in the countryside, in sharp contrast to 1982 when there were many allegations of abuses against Guatemala's Indian population, some of which were confirmed. Most of the

alleged incidents reported in 1983 occurred in isolated areas of the western highlands where Guatemalan Government forces continued to engage hostile guerrillas. Some reported incidents were investigated at the site and determined to have been exaggerated or false.

UN Special Rapporteur Lord Colville in his report said that some stories of massacres were "intentionally selective" and called one report a "total fabrication." He cited the widespread allegations that a massacre took place in the village of Parraxtut in Quiche on December 22, 1982. An onsite investigation by reliable foreign observers determined that no massacre had taken place. Lord Colville also concluded that the Civil Defense patrols generally functioned correctly and denied that there was a government genocide campaign directed at the Indian population.

There was another report in 1983 of the slaughter by the Guatemalan military of 100 peasants in Xoraxaj, Quiche. The first report of this alleged massacre was published by a Canadian human rights group. Later, a proguerrilla publication printed the same story. An onsite investigation by diplomatic officials proved the story to be false; no massacre had taken place. Indeed, the villagers stated that their major problem was roving guerrilla bands.

Nevertheless, Government security forces, including the Army, were responsible for an unspecified number of arbitrary deaths and disappearances in 1983. One notable case resulted from the detention of Patricio Ortiz Maldonado, a Guatemalan employee of an American company holding an AID contract for work with the Ministry of Education. He, two employees of the Ministry of Education, and the mother of one of the employees were detained on February 9 by a military patrol and, according to a press communique issued by the Ministry of Defense on March 8, were killed by rifle fire while attempting to escape down a river bank. The circumstances concerning this incident have never been clarified, and the explanations offered by the Government have been contradictory and not fully consistent with other aspects of the known record.

Three other apparently politically related killings in November received considerable attention. On October 7, Maria Julieta Esperanza Sanchez Castillo, a Ministry of Education employee, and her adult daughter, Piedad Esperanza Barrios Sanchez, were abducted by unidentified armed men. Jose Felipe Ralac Xiloj, an anthropologist/linguist working on a project to improve bilingual primary education, disappeared on or about October 18 together with his wife, Celia Chet de Ralac. On November 11 the bodies of Sanchez Castillo and Ralac were found in a burned-out automobile and that of Barrios Sanchez next to the car. The whereabouts of Celia Chet de Ralac is unknown. Although the Guatemalan Government has maintained that the three persons died in an automobile accident after a trip to Mexico, there are major discrepancies in this explanation which raise serious questions as to the possible involvement of members of the Guatemalan security forces in these deaths.

There were four self-proclaimed Marxist-Leninist guerrilla groups operating in Guatemala during 1983 dedicated to the violent overthrow of the government. These groups are the Revolutionary Organization of the People in Arms, the Guerrilla

Army of the Poor, the Rebel Armed Forces, and the Guatemalan Communist Party. The four groups are nominally under an umbrella command, the Guatemalan National Revolutionary Union.

Many of the victims of the guerrilla violence were members of the Government security forces, but the guerrillas continued killing municipal workers, farm owners and managers, and other civilians. In September in several towns in the department of Quiche, guerrilla ambushes of military vehicles killed civilian bystanders. In May, villagers near the Mexican border in Agua Zarca, Huehuetenango, fought off a band of guerrillas; four villagers were killed. Villagers near Xeabaj, Quiche, also reported in April that guerrillas had killed 13 people in and around the small farms near their village.

Killings were also committed by some of the 700,000 members of the Civil Defense patrols, sometimes in clashes between neighboring patrols or between Civil Defense members and civilians over land disputes and personal vendettas. In one case, a Civil Defense patrol killed 25 men between May and August near Chichicastenango, El Quiche, allegedly because the victims had had connections with the guerrillas. There were also reported incidents where military personnel turned over guerrillas or suspected guerrillas to Civil Defense patrols for summary punishment.

There is no evidence that the Government has punished members of the security forces for arbitrary killings. However, it has tried to increase awareness of human rights among the military. The military academy, for instance, has integrated human rights concerns into its curriculum.

Often it is not clear who was responsible for some of the deaths that occurred in 1983. The guerrillas and the army on occasion used the same weapons, tactics, and uniforms in an effort to place blame on the other. Bodies also frequently appeared with no evidence of who was responsible for the murders or whether there were any political motives.

b. Disappearances

During the year more than 300 people disappeared. The majority of them have not reappeared and are presumed dead.

After the Government of Rios Montt assumed power in March 1982, it disbanded several groups which had reportedly been responsible for disappearances during the previous regime of General Lucas Garcia. After General Mejia came to power in August 1983, there was an initial increase in the number of disappearances, but this trend reversed itself at the end of the year. These kidnappings were carried out by Guatemalan security forces, the guerrillas, private gangs demanding ransom, or narcotics traffickers. The security forces have for a long time taken suspects for questioning about subversive activities, while officially denying that they have done so. They have usually also denied knowledge of the whereabouts of the disappeared persons when family or friends inquired about them. People sometimes have disappeared either temporarily or permanently after business, family, or neighborhood rivals accused them of being subversives. In some instances, suspects have reappeared after they convinced their abductors that they had no connections with the guerrillas.

Many of the most notable disappearances occurred at the National University of San Carlos. University officials charged that 45 persons disappeared between September 1982 and the overthrow of President Rios Montt in August 1983. Eight of these subsequently reappeared. The fate of the rest is unknown. University leaders charged that at least eight more victims disappeared after the August change in government. Some of these disappearances were widely attributed to Government security forces acting against suspected leftist sympathizers or their supporters.

In 1983, the guerrillas abducted prominent businessmen, farmers and farm managers, a newspaper publisher, and the sisters of former President Rios Montt and of current Chief of State Mejia. One of the businessmen was killed by his captors, purportedly members of the outlawed Guatemalan Communist Party, after security forces discovered the house where he was being held. Another young businessman was killed by his captors in August after his ransom was not paid immediately.

In August 1983, the Acting Archbishop of Guatemala announced that Spanish priest Carlos Perez Alonso had been captured, killed, and buried in 1981. This announcement was intended to end speculation that the Spanish priest was still alive. The Church conducted its own investigation and said that Perez Alonso had been "another victim of the 1979-81 period during which 12 priests, including foreigners, were killed."

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Although Guatemalan civil and criminal codes expressly prohibit physical or mental torture, torture continues. The Guatemalan press has reported the discovery of bodies showing evidence of such treatment. In only a few cases has the identity of the perpetrators been established, but it appears that torture is employed by many groups, including Guatemalan security forces.

The Statute of Government, which guarantees individual rights, provides for the punishment of public officials or employees who engage in torture. Under the Government of General Rios Montt (March 1982-August 1983), military orders were issued that officers would be prosecuted if they practiced or condoned torture or degrading punishment. No one was ever prosecuted, however.

There are also reliable reports that guerrilla groups resorted to torture and harsh treatment to prevent peasants from cooperating with the Government.

The main prison, Granja Pavon, near Guatemala City was designed to house 700 prisoners but currently contains about 2,100. In October prisoners went on hunger strikes, complaining mainly about the lack of decent food and overcrowding. There was no policy of physical punishment of prisoners at Pavon or the other prisons. The treatment individual prisoners receive is based on their behavior, the crimes of which they were convicted, and whether they have money to buy extra food and incidentals.

d. Arbitrary Arrest, Detention, or Exile

During 1983 the security forces were responsible for the arbitrary arrest of a number of persons for alleged involvement with leftist forces. The Statute of Government provides protection against arbitrary arrest or detention and provides that a person can only be detained on the basis of a warrant issued by a judge. During most of 1983, however, these rights were suspended in security cases under the provisions of a state of siege and later of a state of emergency. After General Mejia came to power in [illegible] August, he lifted the state of emergency, abolished the special courts, and reinstated due process of law. Nevertheless, [illegible] security forces continued to detain suspected subversives without warrants and to hold them for interrogation [illegible]

e. Denial of Fair Public Trial

Guatemala's civil court system is headed and administered by the country's Supreme Court of nine members. Since the March 1982 coup, the justices of the Supreme Court have been named by the [illegible] state. In general practice, however, the independence of the civil judiciary has been respected. [illegible]

Persons arrested have the right to legal counsel at all hearings, and lawyers are provided by the state if defendants cannot afford them. In practice, however, since the overwhelming majority of the country's lawyers reside in or near the capital city, it is difficult to retain legal counsel in the countryside.

Defendants in some cases may be released after posting bail. Magistrates are charged with determining the guilt or innocence of the accused and, in addition to hearing from government prosecutors and private parties, may undertake their own investigations toward this end.

The system of special courts established in July 1982 was abolished on September 1, 1983. Since proceedings in these courts were secret, there was widespread concern about the possible absence of due process. The courts were established principally because the Government believed that judges and their families were frequently threatened, thereby making it difficult to hold fair public trials for subversives or prominent criminals.

In March 1983 eleven persons were executed by the Rios Montt regime after being convicted by the special courts. The Inter-American Human Rights Commission denounced the executions, as did many Guatemalan lawyers who were troubled by the apparent absence of due process.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Although the state of siege imposed in July 1982 was lifted in March 1983, a state of emergency was decreed in June. Under this decree the Government could restrict movement within the country, examine correspondence and private documents, and enter private residences without search warrants. Chief of State General Mejia lifted the state of emergency in August.

Government roadblocks were set up periodically along highways to check documents of travelers and carry out vehicle searches for kidnapped persons. Security forces have searched neighborhoods and entered homes without warrants looking for guerrilla safehouses or arms caches. Mail was randomly opened and examined even after the state of emergency was lifted.

There is no organized system of Government neighborhood informers. Guerrilla groups killed a number of persons, however, whom they accused of being government informers.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Under the Mejia Government, freedom of press and speech was not abridged by legal restrictions, and criticism of the Government did occur. The press was free to report on events and editorialize, although in practice a certain measure of self-restraint and self-censorship did limit the exercise of this freedom. Under the state of siege (June 1982 to March 1983) and subsequently under the state of emergency (June 1983 to August 1983), the Government enjoined the media from reporting on political news or guerrilla activities and from commenting on domestic politics.

Despite the restrictions during the Rios Montt Government, criticism of the Government was expressed and opposition views were published. Since General Mejia assumed power, the media has regularly published opposition views and has focused on the need for guarantees for freedom of the press. The media, however, has generally refrained from editorial criticism of government policies.

There was some violence against journalists during the year. Prensa Libre publisher Pedro Julio Garcia was kidnaped by the Guatemalan Communist Party on October 8. The kidnapers demanded the publication in the Guatemalan media of a party manifesto as one of the conditions for his release. The manifesto's publication on October 13 was in violation, however, of a 1963 law prohibiting the publication of subversive materials. To avoid a confrontation with the press, the Government repealed some articles of the law. Garcia was freed on October 22 after the kidnapers' demands had been met.

Morales Mull, owner of Radio Fraternidad, a station in Quezaltenango, his son, and an employee, were murdered in May 1983. Morales Mull, a Christian Democrat, had refused several times to broadcast propaganda materials of both the extreme left and right.

The Guatemalan Government operates one television station and two radio stations. There are four privately owned television stations in the country and two independent television news programs which buy space on two of these stations. The privately owned radio stations also carry some independent news programs. In addition, six major daily newspapers are published in the capital, and the Government also publishes a daily which contains news items and official announcements and decrees.

There are three major private universities and a fourth small one, in addition to the National San Carlos University.

San Carlos, with a student body of over 40,000, is autonomous. Persons associated with the University of San Carlos continued to be victims of disappearances and killings in 1983.

There is no censorship of either local or foreign books.

b. Freedom of Peaceful Assembly and Association

The Statute of Government, issued in April 1982, restored the rights of petition, assembly, and political association. However, under the state of siege, in effect from July 1982 to March 1983, the rights of peaceful assembly and association were banned. The Government also had the authority to suspend the functioning of any group whose actions were deemed contrary to public order and security. The state of emergency declared in June 1983 again prohibited the publication of "politically-related news, manifestos, or declarations." It also suspended various provisions of the Statute including those dealing with freedom of travel, trade union activity, political activity, habeas corpus, and the right to petition the government. General Mejia lifted the state of emergency in August 1983, thus reinstating the freedoms which had previously been restored in the April 1982 Statute of Government.

Officially, no political parties operated legally in Guatemala in 1983, but 37 groups have registered and begun meeting the requirements of the electoral law. With the ending of the state of emergency, restrictions on political activity were also removed. Political activity in areas of continuing guerrilla operations was considered by the groups to be dangerous, however.

Only 10 to 15 percent of the Guatemalan labor force has ever been organized. According to government statistics compiled in May 1983, 645 unions were legally inscribed, but only 327 were active. The remainder were inactive because of the repression against left-wing unions by the Lucas Garcia Government prior to 1982 and also because of the declining economy.

Trade union organizations run the gamut from the communist Autonomous Labor Union Federation of Guatemala (FASGUA) to the democratic Confederation of Trade Union Unity of Guatemala (CUSG) organized in May 1983 and legalized in November. The Confederation is composed of 11 federations (urban and rural) with 275 locals and approximately 100,000 members.

In a September 22 press communique, FASGUA asserted that the disappearance and murder of two of its leaders in December 1982 illustrated that the Guatemalan government did not permit "freedom of association." Four trade union leaders connected with extreme leftist unions have disappeared since December 1982. Some of these disappearances have been brought to the attention of international labor organizations and are currently under investigation.

The Statute of Government recognizes the right to strike in conformance with the labor code but only after negotiations and conciliation procedures have failed. These procedures make it difficult for a legal strike ever to take place. Moreover, the Government restricted normal trade union activities under the state of siege and the state of emergency. During that time, however, a decree law permitted the executive boards of legally

inscribed unions to remain in office and to negotiate collective bargaining agreements with employers.

Trade unions and professional associations are free to maintain relations with international bodies. Guatemalan trade union confederations have been affiliated with the International Confederation of Free Trade Unions (ICFTU) and the World Federation of Trade Unions (WFTU), as well as with the Latin American Labor Confederation and the regional organizations of the ICFTU and WFTU.

There are numerous professional and trade associations in Guatemala. Trade associations representing agro-industry, commerce, and industry have great political influence. There were no reports in 1983 of intimidation or persecution of any professional groups.

c. Freedom of Religion

The Statute of Government recognizes the individual's right to freedom of conscience and to the free exercise of religion. These rights are respected in practice. The Statute of Government also grants legal recognition to all denominations.

At least 75 percent of the population adhere to the Roman Catholic faith. Many Indians, however, practice a religion which combines Roman Catholic tenets with elements of the traditional Mayan religion. Evangelical churches have grown rapidly, especially among Indians, and their followers number about 20 percent of the population. In addition, there is a small Jewish community.

On November 7 unknown assailants murdered a Franciscan priest, Father Augusto Rafael Ramirez Monasterio, the first time a priest had been killed since the Lucas regime was overthrown in 1982. Although some officials of the Catholic Church condemned the Government as responsible for the crime, no evidence came to light to substantiate this belief, and the Government denied involvement. There were no reliable reports that any clergy have been threatened since the death of Father Ramirez. However, on December 12, a Catholic seminarian was shot and killed by a Civil Defense patrol in Huehuetenango when he failed to heed a warning to stop. In late December an American priest in the Peten area was briefly detained by the Army, questioned, and released unharmed into the custody of the Church. In addition, on December 18 two evangelical pastors were kidnaped in the Peten area after preaching to a youth convention held in an area of intense guerrilla activity. They have not been heard from since, and no evidence has come to light regarding the identity of the perpetrators.

Rios Montt was Guatemala's first evangelical president, and some of his closest advisors were also evangelicals. In 1983 many leaders in the Roman Catholic Church began to complain that Protestants received preferential treatment from the Rios Montt Government. There were also allegations that many rural residents were being pressured to join, or to identify with, Protestant churches in their area as proof that they opposed the guerrillas. One of the principal reasons the military gave for its August 1983 coup was that "a religious, fanatical, and aggressive group, taking advantage of the positions of power held by its highest members, has used and abused the means of

government for its own benefit, ignoring the essential principle of separation of church and state." Evangelicals denied this.

In testimony before the Inter-American Human Rights Commission, Roman Catholic officials charged that, under Rios Montt, immigration officials had blocked visas and work permits for Catholic religious workers from abroad. In addition, Roman Catholic Church authorities said that under Rios Montt the army had burned, or appropriated and occupied, many of its churches --especially in El Quiche. Roman Catholic bishops also complained that many military commanders in the areas of fighting had granted permits for religious gatherings to Protestant evangelists but not to Roman Catholic missionaries.

After the August 8 change in government, there were some Protestant complaints of harrassment by the authorities. Evangelicals charged that immigration officials were now blocking the entry of foreigners from their churches. Some Protestant churches claimed that their ministers and followers had been subject to intimidation by the National Police. Subsequently, the National Police declared that instructions had been sent to police chiefs throughout Guatemala ordering them not to interfere with any leaders of evangelical sects.

While religious tensions between Roman Catholics and evangelicals increased in 1983, there does not appear to have been a deliberate pattern of discrimination against the Roman Catholic Church by the Rios Montt Government or against the evangelicals by the Mejia Government. Foreign Roman Catholic clergy and religious workers continued their work and travels within the country under the Rios Montt Government, and foreign evangelical clergy remained in Guatemala and continued their missionary work after General Mejia came to power. Scattered petty acts by minor officials against both Roman Catholic and evangelical clergy under the two governments have not hindered the free exercise of religion.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

After declining in 1982 and the first half of 1983, guerrilla activity increased after the August change of military leaders. As a consequence, travel was not totally safe in all parts of such departments as Huehuetenango, San Marcos, Quiche, Alta and Baja Verapaz, Solola, and Chimaltenango. Usually military patrols were the targets, but buses and cars were also stopped and the occupants robbed.

There were no restrictions imposed by the Government on foreign travel.

Guatemalan Indians from areas of conflict continued to move back and forth across the Mexican border. The United Nations High Commission for Refugees (UNHCR) has estimated that there are approximately 35,000 displaced persons in Mexican camps. Others have claimed that there are hundreds of thousands, while the Guatemalan Red Cross, whose representatives toured the camps in Mexico, has estimated that there were only about 13,000. A much smaller number of displaced persons was in Honduras. The Guatemalan Government's policy was to encourage the voluntary return of all refugees and to assist in their resettlement in their villages of origin, to the extent that it

was safe to do so. The Government has publicly offered to cooperate with the UNHCR in effecting repatriation from Mexico. UN Special Rapporteur Lord Colville said in his November 1983 report on Guatemala that he believed that there was continuing contact with Guatemalan guerrillas and Guatemalan refugees now living in Mexican camps near the border. There have also been some reports that Guatemalan troops have crossed the border to enter these camps.

In May, a relief organization associated with the Catholic Church estimated that there were 300,000 displaced persons within Guatemala. Although estimates vary widely, the best estimates place the number of displaced persons between 300,000 and 400,000.

Some persons, including professionals and members of the clergy, who had lived in voluntary exile before the Rios Montt Government took office in 1982, returned to the country in 1983. It was charged that one labor activist who returned subsequently disappeared. Normal immigration continued, and exiles from other Central American countries were granted asylum in Guatemala.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

In 1983 Guatemala continued to be ruled by a de facto military-controlled government. General Rios Montt ruled with the support of the group of junior officers who had started the March 1982 coup. Following the August 1983 military coup, General Mejia assumed the title of Chief of State, rather than that of President, and retained his position as Minister of Defense. Both civilians and military officers occupy ministerial posts in the Government, but the real basis of power is the Military Commanders Council.

One of the main reasons Rios Montt was ousted was that members of the military reportedly believed that he was not committed to a date for a return to constitutional government. Rios Montt had set July 1, 1984, as the date for a Constituent Assembly election, but had not announced a timetable for the steps leading to an elected government and had not provided the budget resources necessary to finance the process. His Government did, however, issue a new political parties law, and it permitted the resumption of political organizational activities.

General Mejia announced to the political groups on assuming office that the Government would honor the previously agreed dates of July 1, 1984, for holding Constituent Assembly elections, and September 15, 1984, for installing the new body. His actions since then point toward the carrying out of this pledge. The Constituent Assembly will be charged with drafting a new constitution but will not be empowered to act as a legislature or elect a provisional president. The current de facto military regime will continue governing the country until an elected government takes office. The Mejia Government promised that national elections for President and Congress will take place in 1985, although the Constituent Assembly is to set the exact election schedule.

The election process will be administered by a Supreme Electoral Tribunal, established in March 1983. Over 600,000 Guatemalans out of an estimated voting population of 3 million had registered to vote by December.

Section 4. Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

Throughout the year the Government of Guatemala permitted human rights groups to visit Guatemala to investigate the human rights situation. Government officials facilitated these visits by meeting with the representatives and allowing them to tour Guatemala without hindrance.

During 1983, such visitors included delegations from the Unitarian-Universalist Service Committee, the Anti-Defamation League of B'nai B'rith, the European Parliament, the National Conference of Catholic Bishops of the United States, Lutheran bishops, the American Anthropological Association, and Americas Watch. In September, the Guatemalan Vice Minister of Foreign Relations traveled to Europe and met with a chapter of Amnesty International in Belgium.

The Government facilitated the visits of the United Nations Human Rights Commission Special Rapporteur on Guatemala, Viscount Colville of Culross, in June and November 1983. Lord Colville met with both government officials and numerous private citizens and visited rural areas to prepare a report on the human rights situation in Guatemala.

In this report, which was transmitted to the United Nations General Assembly in November, Lord Colville specifically cited the cooperation and assistance given him by the Guatemalan Government. Lord Colville asserted that some allegations of massacres were without any foundation and noted that efforts were made by the Guatemalan military to curb and correct abusive behavior. The report pointed out that the Guatemalan Government had introduced a "credible program" to improve civil, political, and human rights, and that the Mejia Government had "indicated an intention to continue on this path." The report concluded that "in 1983 there has been a marked improvement" in the human rights situation, while recognizing that "the fundamental right to life has unquestionably been violated, even since March 1982, in circumstances where confrontation in the civil war cannot provide an excuse." The Special Rapporteur's report recommended that the "international community look with benevolence" on the Government's plans and projects as they affect human rights and "recognise the signs of a sincere intention to fulfill them."

In October 1983, the Inter-American Commission on Human Rights published the results of its September 1982 investigation in Guatemala. Its major conclusions were that the Government of Guatemala had done nothing to prosecute those responsible for illegal executions prior to March 23, 1982; that fewer lives were lost under Rios Montt than under previous governments; and that the special courts condemned 15 men to death for crimes that did not justify the imposition of capital punishment. The Commission also stated that the guerrillas were responsible for many acts of violence in rural areas and that government

security forces also shared responsibility for such incidents. The Commission said that habeas corpus was not respected by the Government and that arbitrary detentions continued to occur at the hands of security forces. The report charged the government with conducting a campaign of torture, not only of individuals detained arbitrarily, but also of peasants suspected of collaboration with the guerrillas in rural areas. The report also discussed the plight of the thousands of displaced persons who had fled Guatemala and those within the country.

In 1982, the International Labor Organization (ILO) Conference Committee on the Application of Conventions and Recommendations removed Guatemala from a special citation reserved for countries that fail to comply with a ratified convention, in this case, Convention 87 on "Freedom of Association." Guatemala had been so cited for a number of years. In 1983, the Committee noted that, while Guatemala continued to make progress in its compliance with ILO conventions on organized labor, the ILO still had reservations. It did note, however, that Guatemala had removed the prohibition on the reelection of trade union leaders.

At present, the ILO is investigating three complaints against Guatemala, all concerning the recent disappearances of trade union leaders.

Freedom House in its 1983 report described Guatemala as "not free". In its 1983 report Amnesty International expressed concern that in 1982 there were widespread extrajudicial executions, arrests often without warrants, disappearances, and torture. Amnesty International concluded that official security units, sometimes in plain clothes, were responsible for the vast majority of abuses.

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

While a few Guatemalans enjoy a high standard of living, the majority of the population of 7.8 million (mid-1983) lives in rural areas where peasant agriculture, seasonal agricultural labor, and cottage industry provide little more than basic necessities. The economic growth under a free enterprise economic system that raised the Gross National Product per capita to $1,141 in 1981, combined with the rapid population growth rate of 3.1 percent in 1983, has increased the gap between the modern and traditional sectors of Guatemalan society. The contrast involves race, language, and culture, as well as income. Employment dropped sharply from 1981 to 1983, and official figures stated that unemployment and under-employment were above 40 percent in 1983.

In 1977 the calorie supply available for consumption was 92.2 percent of nutritional requirements. Health services and sanitation are generally poor in rural areas. Despite considerable public investment in potable water projects, medical centers, and clinics, many in rural areas still do not have access to these services. In 1976, 40 percent of the total population, but only 14 percent of those in rural areas, had access to safe drinking water. The infant mortality rate was 62 per 1,000 live births in 1983, and the life expectancy at birth was 58.9 years in 1981.

The adult literacy rate may have increased from the figure of 44.1 percent in 1973, but primary school enrollment in 1980 was still only 69 percent. Literacy is a particularly great problem in Guatemala because half the population are Indians who learn Spanish as a second language. The Government has initiated a bilingual education program to address the educational needs of the Indian populace and to attack the literacy problem.

For the most part, the Government has not interfered with the Indian culture. While population growth, economic development, and other pressures are causing a steady drift away from the traditional Indian society, the incorporation of the rural Indian population into the political, economic, and social mainstream of the modern sector remains a difficult and slow process. This situation is made more difficult by the long-standing, traditional animosities which separate the Indians and the Ladinos, who are at least partly of European descent.

Guatemala is a Latin society in which most women play the traditional roles of mother, household manager, and income provider in rural areas. There is no discrimination against women by law although de facto discrimination is rooted in centuries of cultural practice.

Only 14 percent of women in Guatemala are considered to be employed in non-traditional labor markets. The vast majority of these work in the service sector as maids, cooks, or laundry women. In general, women occupy the lowest paying unskilled jobs. According to a 1978 study, women earn an average of 44 percent less than do men working in comparable positions.

The majority of Guatemalan women live in rural areas where they engage in cottage industries such as textile weaving, sell handicrafts and agricultural produce, garden and raise animals, and do agricultural field work. Their dominance in the textile industry has led one woman to be chosen secretary general of the National Federation of Textile Workers.

It is estimated that one quarter of the students enrolled in Guatemalan universities are women. They generally study psychology, law, teaching, or nursing and go on to careers as health workers, teachers, or office workers. The number of women occupying professional and managerial positions is very small.

Some women university graduates have risen to high positions. General Mejia appointed Isabel Tejada de Putzeys as Minister of Education, making her Guatemala's first woman cabinet minister. A woman also serves in the dual role as a member of Guatemala's Supreme Court and as Dean of the Law Faculty at Francisco Marroquin University, and other women serve as judges of lower courts, principally in the area of family law. The Council of State, an appointed national consultative body created by former President Rios Montt and abolished by Chief of State Mejia, included representatives of Guatemalan women's organizations and of the Indian population.

The participation of women in politics has been limited. In 1976, for example, it is estimated that only 16 percent of the eligible women voted. In the last 35 years, only three women have been elected to the National Congress, and women have not played major roles in the country's political parties.

In 1973 it was estimated that 55 percent of all women in the country were illiterate, but this figure was 78 percent in rural areas. Over half the female population of Guatemala has not been educated and 94 percent of the women residing in rural areas had less than three years of schooling in 1978.

U.S.OVERSEAS LOANS AND GRANTS OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: GUATEMALA

	1981	1982	1983
I ECON ASSIST.-TOTAL...	19.0	15.5	29.6
LOANS.....	5.6	3.0	17.5
GRANTS.....	13.4	12.5	12.1
A.AID.....	9.1	8.2	22.3
LOANS.....	5.5	3.0	17.5
GRANTS.....	3.8	5.2	4.8
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	7.5	5.6	5.4
LOANS.....	0.0	0.0	0.0
GRANTS.....	7.5	5.6	5.4
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN $-LOANS....	0.0	0.0	0.0
PAY. IN FOR. CURR....	0.0	0.0	0.0
TITLE II-TOTAL.....	7.5	5.6	5.4
E RELIEF,EC.DEV & NFP.	0.3	1.3	1.1
VOL.RELIEF AGENCY....	7.2	4.3	4.3
C.OTHER ECON. ASSIST...	2.4	1.7	1.9
LOANS.....	0.1	0.0	0.0
GRANTS.....	2.3	1.7	1.9
PEACE CORPS.....	2.0	1.7	1.9
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.3	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING ...	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.0	0.0	0.0
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III TOTAL ECON. & MIL...	19.0	15.5	29.6
LOANS.....	5.6	3.0	17.5
GRANTS.....	13.4	12.5	12.1
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1981	1982	1983	1946-83
TOTAL.....	26.5	45.9	101.8	946.4
IBRD	0.0	0.0	18.5	296.0
IFC	0.0	0.0	0.0	18.2
IDA	0.0	0.0	0.0	0.0
IDB	25.5	42.5	83.3	599.3
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	0.0
UNDP	1.0	0.9	0.0	21.8
OTHER-UN	0.0	2.5	0.0	11.3
EEC	0.0	0.0	0.0	0.0

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PAGE 01 SANTIA 00099 01 OF 02 052058Z
ACTION H-03

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AMEMBASSY SAN SALVADOR

Chile Project (#S199900030)
U.S. Department of State
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Exemption(s)_____

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PLEASE PASS CODEL SOLARZ

E.O. 12356: N/A
TAGS: OREP, CI
SUBJECT: CODEL SOLARZ VISIT TO CHILE

REFS: A) 83 STATE 337943, B) 83 STATE 344706, C) 83 STATE 345160, D) 83 STATE 360248, D) 83 SANTIAGO 7068

SCHEDULE FOR CODEL SOLARZ IN SANTIAGO. (FOLLOWING ARE PROGRAM ACTIVITIES BUT EXACT TIMES MAY BE SUBJECT TO CHANGE AS REQUESTS FOR OFFICIAL MINISTER AL VISITS ARE STILL PENDING.)

WEDNESDAY, JANUARY 11

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PAGE 02 SANTIA 00099 01 OF 02 052058Z

1825 ARRIVAL ON AV 083 FROM LIMA (MET AT AIRPORT BY CONTROL OFFICER HARRINGTON)
1915 ARRIVAL AT SHERATON HOTEL
1930 TENIIS OR REST PERIOD
2045 ADMINISTRATIVE BRIEFING BY CONTROL OFFICER
2100 DINNER AT THE SHERATON FOR:

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PARTICIPATNS: REP. STEPHEN SOLARZ, RICHARD BUSH, FRANCISCO BULNES, MEMBER OF COUNCIL OF STATE; JUAN LUIS OSSA, NATIONAL UNITY MOVEMENT; DCM WADE MATTHEWS; DONALD HARRINGTON (CONTROL OFFICER)

THURSDAY, JANUARY 12

0800 TENNIS
1000 COUNTRY TEAM BRIEFING WITH AMBASSADOR
1130 ARCHBISHOP JUAN FRANCISCO FRESNO
1300-1645 LUNCH AND MEETINGS AT FOREIGN MINISTRY
1700 CHILEAN COMMISSION FOR HUMAN RIGHTS
PARTICIPANTS: JAIME CASTILLO, PRESIDENT; MAXIMO PACHECO, VICE PRESIDENT; GERMAN MOLINA, NATIONAL SECRETARY; GONZALO TABORGA, INTERNATIONAL SECRETARY; ANDRES DOMINGUEZ, COORDINATOR

1900 RECEPTION FOR LABOR LEADERS AT HOME OF EMBASSY LABOR ATTACHE JOHN C. STEPHENS (GUEST LIST WILL BE PROVIDED)

2100 HOST A DINNER FOR: PARTICIPANTS: JUAN GABRIEL VALDES, LEADER OF THE MAPU; TWO OTHERS OF THE LEFT; CONTROL OFFICER HARRINGTON

FRIDAY, JANUARY 13

0830 TOUR SUMAR TEXTILES AND MEET WITH CNS PRESIDENT
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PAGE 03 SANTIA 00099 01 OF 02 052058Z

MANUEL BUSTOS, CND VICE PRESIDENT MIGUEL VEGA AND OWNERS OF SUMAR, SALOMON SUMAR OR CESAR SUMAR (ACCOMPANIED BY LABOR ATTACHE STEPHENS)

1000 MEET WITH LEADERS OF ALIANZA DEMOCRATICA
1130-1230 MEETING WITH FLACSO: PARTICIPANTS: JOSE JOAQUIN BRUNNER, DIRECTOR; ANGEL FLISFISCH, EX-DIRECTOR

1330-1500 LUNCH WITH CIEPLAN (ACCOMPANIED BY JOHN MORAN, EMBASSY ECONOMIC OFFICER)

PARTICIPANTS: ALEJANDRO FOXLEY, PRESIDENT; RICARDO FFRECH-DAVIS, VICE PRESIDENT

1530 INSTITUTE FOR INTERNATIONAL STUDIES

PARTICIPANTS: PILAR AMANET, DIRECTOR; HERALDO MUNOZ

1700 VICARIATE OF SOLIDATIRY

PARTICIPANTS: MONS. IGNACIO GUTIERREZ, VICAR; ENRIQUE PALET, EXECUTIVE SECRETARY; ALEJANDRO GONZALEZ, HEAD OF LEGAL DEPARTMENT

1830 TENIIS

FREE FOR DINNER

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PAGE 01 SANTIA 00099 02 OF 02 052105Z
ACTION H-03

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AMCONSUL RIO DE JANEIRO PRIORITY
AMCONSUL SAO PAUL PRIORITY
INFO SECSTATE WASHDC 7377
AMEMBASSY BOGOTA
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USINT HAVANA
AMEMBASSY LIMA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY SAN SALVADOR

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PLEASE PASS CODEL SOLARZ

SATURDAY, JANUARY 14

0800 TENNIS
1000-1200 VISIT TO SQUATTERS VILLAGE AND TOUR OF CATHOLIC CHURCH AID PROJECTS

1300-1500 EVALUATION AND LUNCH AT RESIDENT OF AMBASSADOR THEBERGE

PARTICIPATS: AMBASSADOR THEBERGE, REP. STEPHEN SOLARZ, RICHARD BUSH, DONALD HARRINGTON

1530 PREPARATION FOR DEPARTURE
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PAGE 02 SANTIA 00099 02 OF 02 052105Z

1615 DEPART FOR AIRPORT

1730 DEPART ON AV 081 TO BUENOS AIRES

TENTATIVE SCHEDULE FOR MRS. SOLARZ

THURSDAY, JANUARY 12

1345-1600 VISIT TO SOCIAL AID PROJECT IN POOR AREA OF LA FLORIDA (THIS IS A JOINT PROJECT OF CATHOLIC UNIVERSITY, THE MUNICIPAL GOVERNMENT AND THE INTER-AMERICAN FOUNDATION) - TOUR WILL BE GIVEN BY MRS. MONICA JIMENEZ DE BARROS AND TWO U.S. PARTICIPANTS IN THE PROJECT. (ACCOMPANIED BY EMILY JEFFERS, EMBASSY POLITICAL OFFICER)

FRIDAY, JANUARY 13:

1000 MEET WITH MS. LUISA DRUKE, REPRESENTATIVE OF THE U.N. HIGH COMMISSIONER FOR REFUGEES IN CHILE (ACCOMPANIED BY MRS. CARMEN FRIEDMANN)

1300 HOST A LUNCH FOR MRS. ANGELA BACHELET OF THE CHILEAN COMMISSION FOR HUMAN RIGHTS (ACCOMPANIED BY EMILY JEFFERS)

1630-1730 ACCOMPANY REP. SOLARZ TO A MEETING WITH THE VICARIATE OF SOLIDARITY, THE HUMAN RIGHTS ORGANIZATION OF THE CATHOLIC CHURCH IN CHILE

SATURDAY, JANUARY 14:

1000-1200 ACCOMPANY REP. SOLARZ ON VISIT TO SQUATTERS VILLAGE

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PAGE 03 SANTIA 00099 02 OF 02 052105Z

N.B. WE HAVE NOT INCLUDED MRS. SOLARZ IN THE LUNCHEON WITH AMBASSADOR THEBERGE ON THE ASSUMPTION SHE WOULD PREFER TO SPEND THOSE HOURS WITH HER DAUGHTER BEFORE HER DEPARTURE AT 1400 ON EA1 TO BUENOS AIRES. THEBERGE

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PAGE 01 MANAGU 00082 01 OF 03 062254Z
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~~C O N F I D E N T I A L~~ SECTION 01 OF 03 MANAGUA 0082

EO 12356 : DECL: 1/6/90
TAGS : OREP, PGOV, PREL, NU, CU, ES
SUBJ : SENATOR KASTEN'S MEETING WITH COMANDANTE BORGE

1. ~~CONFIDENTIAL~~-ENTIRE TEXT.

2. SUMMARY: INTERIOR MINISTER BORGE TOLD SENATOR KASTEN THAT ALTHOUGH THE FSLN FAVORED THE SALVADORAN GUERRILLAS, IT DID NOT BELIEVE THEY COULD WIN IN THE NEAR TERM. THE GRN THEREFORE ADVOCATED A NEGOTIATED SOLUTION AND WAS WILLING TO HAVE A CONTROL MECHANISM ESTABLISHED UNDER THE CONTADORA PROCESS WHICH COULD VERIFY THAT THE GRN WAS NOT TRAFFICKING IN ARMS. BORGE SAID NO SALVADORAN GUERRILLA LEADERS WERE PRESENTLY IN NICARAGUA. HE ALSO SAID 1,200 OF THE 2,000 CUBAN TEACHERS HAD BEEN WITHDRAWN PERMANENTLY. NICARAGUA NEEDED ITS 200 CUBAN MILITARY ADVISERS, BUT WAS WILLING TO SEE THEM LEAVE AS PART OF A COMPREHENSIVE REGIONAL SETTLEMENT. HE INSISTED NICARAGUA DID NOT POSE A THREAT TO ITS NEIGHBORS, AND SHOULD IT ATTACK THEM, IT WOULD PROVOKE IMMEDIATE U.S. INTERVENTION. BORGE INSISTED THAT CUBA AND THE SOVIET UNION DID NOT DICTATE NICARAGUA'S POLICIES, BUT HE ADDED THAT THEY TOO DESIRED A POLITICAL SETTLEMENT IN CENTRAL AMERICA. BORGE SAID THAT ELECTIONS WOULD TAKE PLACE IN ABOUT ONE YEAR
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PAGE 02 MANAGU 00082 01 OF 03 062254Z

AND THAT THE DETAILS WERE BEING HAMMERED OUT. HE SAID THE

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BIGGEST PROBLEM WAS MAKING PLURALISM WORK WHEN THE OPPOSITON PARTIES WERE SO WEAK. END SUMMARY.

3. ON JANUARY 3, SENATOR ROBERT KASTEN, ACCOMPANIED BY SENATE STAFF MEMBER JAMES BOND, CAPTAIN HENRY DAVIS, AND THE AMBASSADOR, CALLED ON INTERIOR MINISTER TOMAS BORGE. IN THE PRESENCE OF THE PRESS, BORGE WELCOMED THE SENATOR AND EXPRESSED HIS HOPE THAT THE VISIT WOULD ALLOW HIM TO SEE THE REALITY OF THE NICARAGUAN REVOLUTION. HE ASSERTED THAT NICARAGUA DESIRED PEACE BUT WAS DETERMINED TO DEFEND ITSELF. HE NOTED THAT DESPITE THE POLICIES OF THE U.S. GOVERNMENT, THE NICARAGUAN PEOPLE RESPECTED THE AMERICAN PEOPLE. BORGE STATED THAT NICARAGUA WANTED TO ESTABLISH A RELATIONSHIP OF MUTUAL RESPECT WITH THE USG. HE INSISTED THAT IT WAS NOT TOO LATE TO ACHIEVE THIS; THE SITUATION WAS NOT IRREVERSIBLE, AND A WAY COULD BE FOUND TO COEXIST.

4. KASTEN TOLD BORGE THAT HIS STATE OF WISCONSIN HAD LONG ENJOYED A SPECIAL RELATIONSHIP WITH NICARAGUA THROUGH THE PARTNERS OF THE AMERICAS PROGRAM. THE PEOPLE OF WISCONSIN HAD SPONSORED A VARIETY OF PROJECTS SUCH AS ARADIO STATION ON THE ATLANTIC COAST, A SEAMSTRESS SHOP, AND PROVISION OF MEDICINES. BORGE REPLIED THAT HOPEFULLY SOMEDAY ALL THE U.S. WOULD BE SUCH GOOD FRIENDS WITH NICARAGUA. KASTEN THEN NOTED THAT THESE PROGRAMS DID NOT MEAN THAT EVERYONE IN HIS STATE SUPPORTED THE WAY IN WHICH THE REVOLUTION WAS DEVELOPING. BORGE COMMENTED THAT NEIGHBORS CAN DISAGREE, BUT THAT IT WAS IMPORTANT THAT THEY NOT RESORT TO VIOLENCE TO SETTLE THEIR DISPUTES, ESPECIALLY IF ONE WERE FAR LARGER THAN THE OTHER. AT THIS POINT, BORGE'S AIDES USHERED OUT THE PRESS.

5. KASTEN EXPLAINED THAT HE WAS ON A FACT-FINDING MISSION.

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AS CHAIRMAN OF THE FOREIGN OPERATIONS APPROPRIATIONS SUB-COMMITTEE, HE WAS HEAVILY INVOLVED WITH U.S. EXPENDITURES IN CENTRAL AMERICA. HE ANTICIPATED THAT AID TO THE AREA WOULD EXPAND SIGNIFICANTLY, PARTICULARLY IN VIEW OF THE EXPECTED RECOMMENDATIONS OF THE KISSINGER COMMISSION. THEREFORE, KASTEN SAID, HE HAD UNDERTAKEN THIS TRIP TO LEARN ABOUT THE REGION. ONE AREA OF PARTICULAR CONCERN WAS NICARAGUA'S RELATIONSHIPS WITH THE SALVADORAN INSURGENTS. KASTEN HAD HEARD REPORTS THAT THE SANDINISTAS WERE CUTTING BACK ON THEIR CONTACTS WITH THE GUERRILLAS AND THAT THE POLITICA

LEADERS OF THE FDR/FMLN HAD LEFT NICARAGUA. HE ASKED IF THIS DISTANCING WOULD CONTINUE AND IF THE GUERRILLA COMMAND AND CONTROL CENTER IN NICARAGUA WOULD BE CLOSED. BORGE REPLIED THAT IT WAS IMPERIATIVE TO BE SERIOUS AND RESPONSIBLE. THE SANDINISTAS FAVORED THE GUERRILLAS, HE READILY ACKNOWLEDGED, AND WOULD WELCOME THEIR VICTORY. HOWEVER, THE FSLN JUDGED THAT SUCH VICTORY WAS NOT IN THE OFFING. THUS, THE ONLY SOLUTION TO THE CONFLICT IN EL SALVADOR WAS A NEGOTIATED POLITICAL SETTLEMENT. BORGE CONCEDED THAT SALVADORAN GUERRILLAS VISITED NICARAGUA, AND SAID THAT THE CASE OF COMANDANTE ANA MARIA AND SALVADOR CAYETANO CARPIO WAS WELL KNOWN. HE HASTENED TO ADD THAT GUERRILLA LEADERS ALSO OPERATED IN NUMEROUS OTHER COUNTRIES, SUCH AS MEXICO AND PANAMA, WHERE THEY WERE DEVELOPING A POLITICAL BASE. HE STATED FLATLY THAT THERE WERE NO SALVADORAN GUERRILLA LEADERS IN NICARAGUA AT THE PRESENT TIME. BORGE SAID HE WOULD NEITHER CONFERN NOR DENY ALLEGATIONS THAT NICARAGUA WAS TRANSPORTING ARMS TO THE GUERRILLAS. HE ADDED THAT THE IMPORTANT THING WAS TO ESTABLISH A CONTROL MECHANISM, THROUGH THE CONTADORA PROCESS, TO MONITOR THE BORDERS AND VERIFY THAT NO ARMS TRAFFICKING TOOK PLACE.

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~~C O N F I D E N T I A L~~ SECTION 02 OF 03 MANAGUA 0082

6. KASTEN THEN BROACHED THE SUBJECT OF THE GRN'S RELATIONSHIP WITH CUBA. HE SAID THAT LARGE NUMBERS OF CUBANS HAD DEPARTED NICARAGUA; WERE THEY LEAVING PERMANENTLY OR JUST FOR THEIR ANNUAL VACATION? HE FOLLOWED UP BY ASKING IF CUBAN MILITARY ADVISERS WOULD ALSO BE WITHDRAWN. BORGE REPLIED THAT THE TEACHERS AND MILITARY ADVISERS WERE TWO DISTINCT ISSUES. SOME 1,200 OF THE 2,000 CUBAN TEACHERS HAD RETURNED PERMANENTLY *TO CUBA AND WOULD BE REPLACED BY NEWLY-TRAINED NICARAGUAN* TEACHERS. THE OTHER 800 WOULD PARTICIPATE IN THE 1984 SCHOOL YEAR. BORGE E PLAINED THAT THE ISSUE OF MILITARY ADVISERS WAS FAR MORE COMPLEX. ANY UNDERDEVELOPED COUNTRY NEEDED FOREIGN EXPERTS TO ADVISE ITS ARMY. THIS WAS PARTICULARLY THE CASE IN NICARAGUA, WHERE AFTER 1979 THE GRN HAD *TO CONVERT A GUERRILLA BAND INTO A PERMANENT ARMY. NICARAGUA* HAD SOLICITED HELP FROM A VARIETY OF COUNTRIES, INCLUDING THE U.S. WHILE THE U.S. HAD REJECTED THIS REQUEST, CUBA HAD OFFERED GENEROUS HELP. NEVERTHELESS, THE GRN WAS WILLING TO SEND THE CUBAN ADVISERS HOME AS PART OF A GLOBAL NEGOTIATED SETTLEMENT. BORGE INSISTED THAT UNLIKE OTHER COUNTRIES IN THE REGION, NICARAGUA DID NOT NEED AN ARMY TO SUPPRESS INTERNAL OPPOSITION BUT ONLY TO COMBAT EXTERNAL AGGRESSION.

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7. BORGE SCOFFED AT THE NOTION THAT NICARAGUA'S ARMY POSED A THREAT TO ITS NEIGHBORS. NOT ONLY DID THE GRN HAVE NO

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DESIRE TO BE AGGRESSIVE, HE INSISTED, BUT IT RECOGNIZED THAT ANY ATTACK ON HONDURAS WOULD PRECIPITATE IMMEDIATE U.S. INTERVENTION. HE ADDED THAT IF HONDURAS ATTACKED NICARAGUA, THE U.S. MIGHT ALSO INTERVENE, BUT NOT TO PROTECT NICARAGUA. THE GRN EARNESTLY DESIRED TO AVERT SUCH A CONFLICT AND HAD PROPOSED A NON-AGGRESSION PACT WITH HONDURAS AND THE WITHDRAWA OF FOREIGN MILITARY ADVISERS. KASTEN ASKED IF THIS TRANSLATED INTO TRADING OFF CUBAN ADVISERS FOR AMERICAN ADVISERS, NOTING THAT THE NUMBERS WERE DISPROPORTIONATE. BORGE REPLIED THAT THERE WERE ONLY 200 CUBAN MILITARY ADVISERS IN NICARAGUA. KASTEN PRESSED BORGE ON THIS MATTER, AND BORGE INSISTED THAT THERE WERE NO SOVIET, EAST GERMAN, OR BULGARIAN MILITARY OR SECURITY ADVISERS IN NICARAGUA. HE ACKNOWLEDGED THAT TWO VIETNAMESE HAD BEEN IN NICARAGUA PREVIOUSLY, BUT NOTED THAT IT WAS PANAMA WHO HAD PROVIDED ADVISERS TO TRAIN THE SANDINISTA POLICE. HE REITERATED THAT THE GRN WAS WILLING TO SEE THE CUBAN ADVISERS GO, BUT SUGGESTED THAT IT WOULD BE STUPID TO WITHDRAW THEM WITHOUT NEGOTIATIONS. BORGE ADDED THAT HE WAS NOT TERRIBLY CONCERNED BY THE MERE PRESENCE OF U.S. ADVISERS IN THE REGION; THE IMPORTANT THING WAS THAT THES ADVISERS NOT BE USED TO PROMOTE AGGRESSION.

8. KASTEN STATED THAT THE AVOIDANCE OF A WIDER CONFLICT WAS A GOAL WHICH HE SHARED AND WHICH MANY MEMBERS OF CONGRESS FELT STRONGLY ABOUT. HOWEVER, THERE WAS A GENERAL PERCEPTION THAT NICARAGUA WAS A PART OF THE PROBLEM OF INSTABILITY, AND THAT CUBA AND NICARAGUA WERE ACTIVELY SUPPORTING THE SALVADORA GUERRILLAS. HE RETURNED TO THE QUESTION OF THE FMLN COMMAND AND CONTROL CENTER WHICH OPERATED INSIDE NICARAGUA AND SAID THAT THE CONGRESS WANTED THESE LINKS SEVERED. BORGE ASSURED THE SENATOR THAT THE SANDINISTAS WERE VERY JEALOUS OF THEIR

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NATIONAL DIGNITY AND INSISTED THAT ADVISERS ONLY GAVE ADVICE, AND IT WAS NICARAGUANS WHO MADE THE DECISIONS. HE CLAIMED SOME TEACHERS WHO HAD VIOLATED THE PROHIBITION ON POLITICAL ACTIVITY HAD BEEN RECALLED. BORGE INSISTED THAT REVOLUTIONS COULD NOT BE EXPORTED NOR COULD THEY BE CONTROLLED FROM ABROAD SUCCESSFULLY. CUBA CERTAINLY DID NOT CONTROL WHAT WENT ON IN NICARAGUA, AND NEITHER DID THE SOVIET UNION. HE SAID THAT THE KREMLIN DESIRED A NEGOTIATED SETTLEMENT EVEN MORE THAN THE GRN, SINCE THE STRIFE IN THE REGION COULD LEAD TO A GENERALIZED CONFLICT.

9. KASTEN, WHO HAD BEEN IN GRENADA ONLY A FEW HOUS EARLIER,

NOTED THAT DURING HIS BRIEF VISIT TO THE ISLAND HE HAD OBTAINED THE IMPRESSION THAT IT WAS THE CUBANS WHO WERE BEING CONSERVATIVE AND THE SOVIETS WHO WERE AGGRESSIVE. MAURICE BISHOP HAD BEEN CLOSE TO THE CUBANS, BUT HE HAD BEEN OUSTED BY COARD AND AUSTIN, WHOSE TIES WERE TO MOSCOW. BORGE RESPONDED THAT THE SITUATION WAS ACTUALLY MORE COMPLEX THAN KASTEN HAD SUGGESTED. HE EXPLAINED THAT WHILE COARD AND AUSTIN WERE INDEED RADICALS AND PRO-MOSCOW, THEY WERE NOT UNDER THE CONTROL OF THE SOVIET UNION. HE COMPARED THIS WITH THE SITUATION IN NICARAGUA, WHERE THE COMMUNIST PARTY WAS STRONGLY PRO-SOVIET, BUT MOSCOW CHOSE TO MAINTAIN ITS TIES WITH THE FSLN. COARD AND AUSTIN WERE PRONE TO VIOLENCE, AND ON THEIR OWN THEY TOOK ACTIONS WHICH HAD KILLED THE REVOLUTION. BORGE RECALLED THAT CASTRO HAD RECENTLY TOLD HIM THAT HE HAD URGED BISHOP TO BE CAUTIOUS. ACCORDING TO CASTRO, BISHOP HAD NOT EVEN MENTIONED THE TROUBLE THAT WAS BREWING, AND THAT MEANT THAT HE UNDERESTIMATED THE SERIOUSNESS OF THE THREAT.

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PAGE 01 MANAGU 00082 03 OF 03 071506Z
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INFO CONTADORA COLLECTIVE
AMEMBASSY GRENADA
AMEMBASSY MOSCOW
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~~C O N F I D E N T I A L~~ SECTION 03 OF 03 MANAGUA 0082

10. BORGE STATED THAT CUBA RESPECTED THE FACT THAT NICARAGUA MADE THEIR OWN DECISIONS. AT TIMES, THESE DECISIONS COINCIDED WITH CUBAN ADVICE, AND AT OTHER TIMES THEY DID NOT. THE GRN'S RELATIONS WITH THE SOVIET UNION WERE GOOD/ BUT MORE DISTANT, AND THE GRN DID NOT SEE A ROLE FOR THE USSR IN THE REGIONAL CONTEXT. TO EMPHASIZE HIS POINT OF GRN AUTONOMY, HE RECALLED THAT DURING HIS FIRST TRIP TO MOSCOW, HE HAD TOLD THE SOVIETS THAT NICARAGUA WOULD WELCOME SOVIET ASSISTANCE, BUT ONLY IF THERE WERE NO POLITICAL CONDITIONS. HE ADDED THAT WHEN THE FIRST SOVIET AMBASSADOR ARRIVED IN MANAGUA, HE WAS MIFFED THAT HE WAS NOT MET AT A HIGH LEVEL. BORGE STATED THAT HE PERSONALLY TOLD THE SOVIET ENVOY THAT IF HE WERE UNHAPPY, HE COULD "GO TO HELL". BORGE THEN NOTED THAT WHEN THE USSR HAD INVATED AFGHANISTAN, VISITING U.S. CONGRESSMEN OFFERED $70 MILLION IN AID IF NICARAGUA WOULD VOTE IN THE UN TO CONDEMN THE SOVIETS; BORGE SAID NICARAGUA WOULD NOT BE BOUGHT, AND SUBSEQUENTLY ABSTAINED. HE ASSERTED THAT THESE ANECDOTES DEMONSTRATED THAT NICARAGUA WOULD NOT PERMIT ANYONE TO DICTATE ITS POLICY.

11. BORGE THEN ARGUED THAT THE REVOLUTION WAS EXTREMELY POPULAR IN NICARAGUA AND THAT IT HAD THE SUPPORT OF THE WORKERS AND PEASANTS. KASTEN MOVED ON TO THE SUBJECT OF
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PAGE 02 MANAGU 00082 03 OF 03 071506Z

ELECTIONS AND SAID THAT COMANDANTE JAIME WHEELOCK HAD TOLD HIM SOME TWO YEARS AGO THAT ELECTIONS WOULD BE HELD SOON.

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KASTEN ASKED WHAT WAS CURRENTLY SCHEDULED AND WHETHER THE OPPOSITION WOULD HAVE ACCESS TO THE MEDIA. BORGE REPLIED THAT ELECTIONS WOULD TAKE PLACE IN ABOUT ONE YEAR AND THAT THE ELECTORAL PROCESS WOULD COMMENCE AT THE END OF JANUARY. HE SAID THAT A MEETING WOULD BE HELD THE FOLLOWING DAY (JANUARY 4) TO HAMMER OUT SOME OF THE DETAILS SUCH AS THE PRECISE DATE AND THE TERMS OF THE ELECTIONS. HE EXPLAINED THAT THE PROBLEM WAS NOT TO GIVE FREEDOM TO POLITICAL PARTIES, BUT HOW TO MAKE THE SYSTEM FUNCTION WHEN THE OPPOSITION PARTIES WERE ALL SO WEAK. BORGE STATED THAT MANY WERE MINISCULE AND THAT SOME HAD ONLY 10 TO 15 ACTIVISTS IN CONTRAST, THE FSLN ENJOYED WIDE POPULAR SUPPORT, BORGE ASSERTED, AND COULD TURN OUT 500,000 PEOPLE IN THE MANAGUA AREA ALONE. KASTEN PRESSED BORGE ON THE ISSUE OF ACCESS TO THE ELECTRONIC MEDIA, AND BORGE RESPONDED THAT NO DECISION HAD BEEN REACHED BUT IN PRINCIPLE HE FAVORED ALLOWING EQUAL TIME TO ALL PARTIES.

12. COMMENT: BORGE WAS HIS TYPICAL AFFABLE YET CAGEY SELF, AND THE TONE OF THE MEETING WAS CORDIAL AND OPEN. IN RESPONSE TO KASTEN'S PROBES ABOUT THE FSLN'S TIES WITH THE SALVADORAN GUERRILLAS, CUBA AND THE SOVIET UNION, BORGE DISSEMBLED ON SOME ITEMS, SUCH AS THE PRESENCE OF ADVISERS, BUT DID YIELD SOME NEW INFORMATION, PARTICULARLY THE STATUS OF THE CUBAN TEACHERS. HIS LACK OF CONCERN OVER THE PRESENCE OF U.S. ADVISERS IN THE REGION SUGGESTS HE MAY BE ON A SOMEWHAT DIFFERENT WAVELENGTH THAN OTHER COMANDANTES. HE PROBABLY WISHES TO KEEP BUBAN ADVISERS AND DOUBTS THAT ANY AGREEMENT WILL BE REACHED TRADING OFF CUBANS FOR AMERICANS.
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Department of State IS/FPC/CDR El Salvador SP Date 4/23/93
Declassified under EO 12356 ( ) in full; ( ) in part;
portions withheld: classified ( ); deliberative ( );
law enforcement ( ); privacy ( ), statutory ( );
not relevant to El Salvador ( ).

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TO AMEMBASSY SAN SALVADOR PRIORITY
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PAGE 02 STATE 010976

AMEMBASSY KIGALI PRIORITY

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E.O. 12356: DECL:OADR
TAGS: UNHRC, SHUM, ES
SUBJECT: SALVADORAN RESOLUTION AT THE 44TH SESSION OF THE UN HUMAN RIGHTS COMMISSION (UNHRC)

REF: GENEVA 078

1. [redacted] - ENTIRE TEXT.

PAGE 03 STATE 010976

2. SUMMARY. THE USG SEEKS A BALANCED, FACTUAL RESOLUTION ON EL SALVADOR AT THE FORTHCOMING UNHRC SESSION. ACTION ADDRESSEES SHOULD BEGIN DISCUSSIONS WITH HOST COUNTRIES (WHO, EXCEPT FOR EL SALVADOR, VENEZUELA AND PANAMA, ARE MEMBERS OF THE UNHRC) DIRECTED AT ACHIEVING THIS GOAL. A REPORT ON HOST COUNTRY RESPONSES AND ANY EMBASSY RECOMMENDATIONS ON ADDITIONAL FOLLOW UP ACTIONS IS REQUESTED BY JANUARY 30. END SUMMARY

3. THE 44TH SESSION OF T[redacted] WILL MEET IN GENEVA

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FEBRUARY 6-MARCH 16, 1984. ONE OF THE ITEMS ON ITS AGENDA, TO WHICH THE USG ATTACHES SPECIAL IMPORTANCE, WILL BE THE SITUATION OF HUMAN RIGHTS IN EL SALVADOR. THE UNHRC'S CONSIDERATION WILL CENTER UPON A REPORT WHICH

WILL BE PRESENTED BY ITS SPECIAL RAPPORTEUR, PROFESSOR PASTOR RIDRUEJO, WHO WAS REQUESTED IN THE RESOLUTION ADOPTED AT LAST YEAR'S SESSION TO REPORT ON FURTHER DEVELOPMENTS IN THE SITUATION OF HUMAN RIGHTS IN EL SALVADOR.

4. THE UNHRC'S RESOLUTION ADOPTED AT ITS LAST SESSION (RES. 1983/29) WAS APPROVED BY A VOTE OF 23-6, WITH 10 ABSTENTIONS. VOTING AGAINST WERE ARGENTINA, BANGLADESH, BRAZIL, PAKISTAN, USA AND URUGUAY. (CANADA, COLOMBIA AND COSTA RICA DID NOT PARTICIPATE IN THE VOTE.) AT THE 39TH SESSION THE U.S. HAD BEEN PREPARED TO SUPPORT A BALANCED, FACTUAL RESOLUTION WHICH HAD BEEN PUT FORWARD BY THE DELEGATION OF CANADA. THE RESOLUTION WHICH WAS ADOPTED BY THE UNHRC WAS THAT WHICH HAD BEEN SPONSORED BY UNHRC MEMBERS FRANCE, MEXICO AND YUGOSLAVIA, AND LATER BY NICARAGUA. IN A CLOSE PROCEDURAL VOTE (18-17-7) ON A MOTION PROPOSED BY MEXICO, THE COMMISSION DECIDED TO GIVE PRIORITY TO THE FRANCE-MEXICO DRAFT RESOLUTION OVER THE CANADIAN.

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5. AT THE 40TH UNHRC IT WILL AGAIN BE OUR AIM TO PROMOTE A BALANCED, FACTUAL RESOLUTION ON THE HUMAN RIGHTS SITUATION IN EL SALVADOR WHICH IS BASED UPON AN ACCURATE AND COMPLETE UNDERSTANDING OF THE EXISTING HUMAN RIGHTS SITUATION IN THAT COUNTRY AND WHICH AVOIDS EXTRANEOUS POLITICAL ISSUES, SUCH AS NEGOTIATION WITH THE GUERRILLAS AND THE SUPPLY OF MILITARY ASSISTANCE.

6. EMBASSY OTTAWA IS REQUESTED TO FOLLOW-UP AS SOON AS POSSIBLE EARLIER CONVERSATIONS WITH GOC (STATE 332595, OTTAWA 8914, 8917) TO DETERMINE WHETHER IT WILL AGREE TO AGAIN SPONSOR A RESOLUTION ON EL SALVADOR WHICH THE U.S. COULD SUPPORT. EMBASSIES MEXICO AND PARIS ARE REQUESTED TO ASCERTAIN HOST COUNTRY PLANS FOR A RESOLUTION AND WHETHER THEY ARE AMENABLE TO DISCUSSING IT WITH US WITH A VIEW TO CONSIDERING OUR CONCERNS.

7. IN THE NEXT SEVERAL WEEKS, DEPARTMENT WILL PROVIDE ADDRESSEE POSTS WITH MATERIAL ON THE SALVADORAN HUMAN RIGHTS SITUATION THAT THEY CAN USE WITH HOST GOVERNMENT OFFICIALS AND THE MEDIA. THE FIRST SUCH REPORT, ON SALVADORAN LAND REFORM, WILL BE CABLED TO POSTS THIS WEEK. A FACT SHEET ON THE SALVADORAN HUMAN RIGHTS SITUATION WILL BE CABLED NEXT WEEK (A LONGER, MORE DETAILED STUDY ON THE SITUATION IN EL SALVADOR BACKING UP THE DATA IN THE FACT SHEET WILL BE POUCHED TO POSTS). BEGINNING IN LATE JANUARY-EARLY FEBRUARY, WE WILL PROVIDE POSTS WITH PERIODIC REPORTS ON THE STATUS OF THE MARCH

25, 1984, SALVADORAN PRESIDENTIAL ELECTIONS, INCLUDING EFFORTS BY THE SALVADORAN GOVERNMENT'S PEACE COMMISSION TO ENCOURAGE THE GUERRILLAS TO PARTICIPATE IN THIS

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DEMOCRATIC PROCESS AND INVITATIONS BY THE SALVADORAN GOVERNMENT TO FOREIGN OBSERVERS TO BE PRESENT FOR THE ELECTIONS.

8. FOR ACTION POSTS IN UNHRC-MEMBER STATES. YOU SHOULD DRAW ON THE MATERIAL WE WILL BE SENDING YOU TO ESTABLISH A CLEARER HOST COUNTRY APPRECIATION OF THE OVERALL PROGRESS THAT THE SALVADORAN GOVERNMENT IS MAKING IN KEY HUMAN RIGHTS AREAS DESPITE HAVING TO PURSUE SIMULTANEOUSLY A MAJOR GUERRILLA WAR. SALVADORAN SUCCESS IN THE LAND PROGRAM IS PARTICULARLY NOTEWORTHY SINCE THERE APPEARS TO BE LITTLE INTERNATIONAL UNDERSTANDING OF THIS DYNAMIC AND SWEEPING REFORM. WHERE APPROPRIATE, ACTION POSTS SHOULD ALSO HIGHLIGHT THE USG'S OWN COMMITMENT TO SUPPORT THESE MAJOR REFORMS. AS AN EXAMPLE, THE USG HAS PROVIDED DURING THE LAST FOUR YEARS OVER DOLLARS 200 MILLION OF ECONOMIC ASSISTANCE TO SUPPORT SALVADORAN LAND REFORM.

9. FOR CARACAS AND PANAMA. ALTHOUGH NOT UNHRC MEMBERS, VENEZUELA AND PANAMA ARE INFLUENTIAL MEMBERS OF THE CONTADORA GROUP THAT IS PROMOTING A PACIFIC RESOLUTION OF THE CENTRAL AMERICA CONFLICT. AS SUCH, THEIR VIEWS ON SALVADORAN HUMAN RIGHTS PROGRESS WILL HAVE CONSIDERABLE WEIGHT WITH UNHRC MEMBERS, AND THEY SHOULD BE ENCOURAGED TO MAKE KNOWN TO UNHRC MEMBERS THEIR SUPPORT FOR THE

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SALVADORAN ELECTORAL PROCESS, ETC. SPECIFICALLY, IT WOULD BE HIGHLY BENEFICIAL WERE THE VENEZUELA AND PANAMANIAN GOVERNMENTS TO INSTRUCT THEIR REPRESENTATIVES AT GENEVA TO SUPPORT A MODERATE RESOLUTION. (UNDER THE UNHRC RULES OF PROCEDURE, UN MEMBERS NOT MEMBERS OF THE UNHRC MAY SPEAK ON AND COSPONSOR DRAFT RESOLUTIONS PUT FORWARD IN THE HRC). ADDITIONALLY, WE BELIEVE THAT AS CONTADORA COUNTRIES THEY ARE IN A POSITION TO SUGGEST TO MEXICO THAT ITS PARTICIPATION IN THE CONTADORA GROUP ENTAILS THE OBLIGATION TO HARMONIZE ITS PUBLIC ACTIONS

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TOWARD ANY OF THE CENTRAL AMERICAN COUNTRIES WITH THE OTHER MEMBERS. THEY SHOULD SUGGEST THAT MEXICO EITHER DROP ITS SPONSORSHIP OF THE RESOLUTION ON EL SALVADOR IN THE UNHRC OR WORK WITH THEM TO ACHIEVE CONSENSUS ON THE TEXT.

10. FOR GENEVA AND SAN SALVADOR. WE NOTE THAT UNHRC WILL NOT HAVE UP-TO-DATE INFORMATION ON THE SITUATION IN EL SALVADOR BECAUSE THE SPECIAL RAPPORTEUR'S REPORT WAS PREPARED THIS FALL PRIOR TO AGREEMENT BY THE CONSTITUENT

ASSEMBLY ON CONSTITUTIONAL PROVISIONS WHICH ENSURE THE CONTINUATION OF THE LAND REFORM PROGRAM. IT ALSO WILL NOT REFLECT A DECREASED LEVEL OF DEATH SQUAD VIOLENCE OR THE SALVADORAN GOVERNMENT'S RECENTLY ANNOUNCED COMMITMENT TO CONFRONT THIS HUMAN RIGHTS ABUSE. EMBASSY SAN SALVADOR AND US MISSION GENEVA SHOULD EXPLORE WITH THEIR INTERLOCUTORS THE FEASIBILITY AND/OR ADVISABILITY OF SEEKING A RETURN VISIT OF THE RAPPORTEUR TO PROVIDE AN UPDATE OF HIS REPORT IN TIME FOR THE UNHRC SESSION.

11. INFO ADDRESSEES, AT THEIR DISCRETION, MAY DRAW ON THE MATERIAL WE ARE SENDING TO INFORM HOST GOVERNMENTS ON RECENT DEVELOPMENTS IN EL SALVADOR.

12. POSTS AT UNHRC-MEMBER STATES ARE REQUESTED TO PROVIDE BY JANUARY 30 (ACTION STATE, INFO GENEVA, USUN NY AND SAN SALVADOR) AN ASSESSMENT OF THE POSITION THAT THEIR HOST GOVERNMENT WILL TAKE ON THE SALVADORAN HUMAN RIGHTS RESOLUTION. CARACAS AND PANAMA SHOULD PROVIDE BY THAT DATE THEIR ASSESSMENT OF THE HELP WE MIGHT EXPECT FROM HOST GOVERNMENTS. ADDITIONALLY, WE WOULD WELCOME

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ANY SUGGESTIONS ON FURTHER ACTIONS THAT MIGHT BE TAKEN TO

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ASSURE A BALANCED RESOLUTION.

13. FOR PARIS: FYI: FRENCH EMBASSY DCM CALLED ARA DAS JOHNSTONE TO THANK DEPARTMENT FOR RECENT USG EFFORTS WHICH RESULTED IN CLEARING UP OF PROBLEM FRENCH HAD IN EMBASSY IN SAN SALVADOR. JOHNSTONE TOOK OPPORTUNITY TO STRESS THAT FRENCH SHOULD THANK SALVADORANS, NOT U.S., AND THAT U.S. HOPED THAT GOF WOULD PLAY A CONSTRUCTIVE ROLE AT THIS YEAR'S UNHRC MEETING. JOHNSTONE NOTED THAT IN PAST FRENCH HAD BEEN SURPRISINGLY UNHELPFUL ON THIS ISSUE IN THIS FORUM. CHARGE TOOK POINT AND PROMISED TO CONVEY IT TO PARIS WITH (ALLEGEDLY) STRONG RECOMMENDATION THAT FRENCH BE GENUINELY HELPFUL. HE SAID HE WOULD REPORT BACK.

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TEXT OF TELEGRAM 84STATE 011960

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S E C R E T STATE 011960

EXDIS HANDLE AS SPECAT EXCLUSIVE

FOLLOWING GUATEMALA 00093 DATED JAN 5, SENT SECSTATE BEING REPEATED FOR YOUR INFO.

QUOTE: S E C R E T GUATEMALA 00093

EXDIS

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DECAPTIONED

FOR ASSISTANT SECRETARY MOTLEY FROM CHARGE

E. O. 12356: DECL: OADR
TAGS: PGOV, PINS, PINT, SHUM, GT
SUBJECT: GUATEMALAN PERFORMANCE IN LIGHT OF
- REPRESENTATIONS BY GENERAL GORMAN AND
- THE VICE PRESIDENT.

REF: (A) 83 GUATEMALA 11221, (B) 83 GUATEMALA 11188,
- (C) GUATEMALA 0026, (D) 83 GUATEMALA 10924,
- (E) 83 GUATEMALA 11108, (F) 83 GUATEMALA 11194
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PAGE 02 STATE 011960

- (G) 83 GUATEMALA 10958, (H) 83 STATE 362677.

1. (S - ENTIRE TEXT.)

2. SUMMARY AND COMMENT: THE MEJIA GOVERNMENT SEEMS TO HAVE ORDERED A STAND DOWN IN THE EXTRA-LEGAL OPERATIONS OF THE ARCHIVOS, RESPONSIBLE FOR THE GOVERNMENT'S MOST NOTORIOUS, DELIBERATE ASSASSINATIONS AND KIDNAPPINGS, PROBABLY INCLUDING THE AID-RELATED

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: OLSON, OSCAR
Date: 06/21/96
Case ID: 9512220l

DEATHS IN NOVEMBER. AN UNCONFIRMED REPORT JUST RECEIVED FROM A RELIABLE SOURCE CHARGES, HOWEVER, THAT ARMY TROOPS CAPTURED EIGHTY-SEVEN CIVILIAN INDIANS IN HUEHUETENANGO THE LAST WEEK OF DECEMBER. OVERALL STATISTICS ON DEATHS WERE DOWN IN DECEMBER COMPARED WITH OCTOBER AND NOVEMBER, IF MILITARY CLASHES ARE NOT COUNTED. I WOULD CAUTION AGAINST MUCH RELIANCE ON SUCH STATISTICS, HOWEVER, GIVEN THE UNRELIABILITY OF THE DATA AND THE PROBLEM WITH DRAWING CONCLUSIONS FROM A SMALL SAMPLE.

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- THE GUATEMALAN GOVERNMENT HAS FAILED TO ACT ON MOST OF THE SPECIFIC RECOMMENDATIONS GENERAL GORMAN WAS INSTRUCTED TO MAKE TO GENERAL MEJIA DECEMBER 4 IN THE HUMAN RIGHTS AREA. DESPITE AN OFFER BY THE FOREIGN MINISTER DECEMBER 20 TO PROVIDE A WRITTEN ASSURANCE THAT WORKERS IN THE AID-FINANCED BILINGUAL EDUCATION PROGRAM WOULD ENJOY GOVERNMENT PROTECTION, NO SUCH PAPER HAS BEEN PROVIDED. SIMILARLY, THE SPECIFIC POINTS ON REGIONAL COOPERATION CONTAINED IN GENERAL GORMAN'S BRIEF REMAIN TO BE IMPLEMENTED, ALTHOUGH GUATEMALAN COOPERATION IN THE CONTADORA PROCESS SHOULD BE JUDGED AS ENTHUSIASTIC AND CONSTRUCTIVE.

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- GENERAL MEJIA CONTINUES TO MOVE DELIBERATELY TOWARD ELECTIONS IN JULY FOR A CONSTITUENT ASSEMBLY.

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- RECENT DECISIONS BY THE ADMINISTRATION TO CERTIFY GUATEMALA FOR PARTICIPATION IN THE TRADE BENEFITS OF THE CBI, TO CONSIDER EXTENDING THE BILINGUAL EDUCATION PROJECT AND TO PROVIDE $25 THOUSAND IN RELIEF FOR DISPLACED PERSONS HAVE BEEN WELL RECEIVED BY A GUATEMALAN GOVERNMENT IN FEAR OF BEING OSTRACIZED BY ITS PRINCIPAL BENEFACTOR, WITH DESTABILIZING CONSEQUENCES FOR THE MEJIA REGIME.

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3. WE HAVE MADE EVERY EFFORT TO MONITOR GUATEMALAN PERFORMANCE DURING THE PAST MONTH, TO DIVINE ANY CHANGES IN BEHAVIOR WHICH MIGHT HAVE BEEN INITIATED BY THE VISIT OF GENERAL GORMAN DECEMBER 5 OR THE VICE PRESIDENT'S MEETING WITH GENERAL MEJIA IN BUENOS AIRES. THE FOLLOWING ASSESSMENT DRAWS ON THE WISDOM AND OBSERVATIONS OF ALL RELEVANT MISSION ELEMENTS BUT, GIVEN THE SENSITIVITY OF GENERAL GORMAN'S INSTRUCTIONS AND THE TALKING POINTS PREPARED FOR THE VICE PRESIDENT, I HAVE NOT SHARED THE FOLLOWING ASSESSMENT IN ITS PRESENT FORM.

TEXT OF TELEGRAM 84STATE 011960

4. FOLLOWING THE STRUCTURE OF THE PLAN OF ACTION LAID OUT IN GENERAL GORMAN'S INSTRUCTIONS:

I. A. "PROSECUTE IN THE FUTURE ANY PERSON OR GROUP WHO ORDERS OR PARTICIPATES IN AN ILLEGAL ARREST OR ABDUCTION, CRUEL OR UNUSUAL PUNISHMENT OF A PRISONER, OR ILLICIT EXECUTION." ONE INDICATION THAT THE GUATEMALANS MIGHT BE TAKING THIS APPROACH WAS THE ANNOUNCEMENT LAST WEEK BY
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PAGE 04 STATE 011960

THE MINISTER OF GOVERNMENT THAT SOME MEMBERS OF THE HACIENDA POLICE WOULD BE PROSECUTED IF AN INVESTIGATION HE WAS INITIATING REVEALED THAT THEY HAD ACTED IMPROPERLY IN THE ARREST AND ALLEGED BEATING OF SEVERAL HONG KONG CITIZENS WHO MAY HAVE ENTERED GUATEMALA ILLEGALLY (83 GUATEMALA 11221). THIS PROCEDURE SHOULD NOT, HOWEVER, BE CONSIDERED NOVEL IN GUATEMALA. WE HAVE SEEN AND REPORTED PREVIOUS PROSECUTIONS OF POLICE PERSONNEL FOR IMPROPER ACTIVITIES, EVEN CARRIED OUT IN CONNECTION WITH THEIR DUTIES. WHAT WOULD BE NOVEL, HELPFUL AND UNPRECEDENTED WOULD BE THE PUBLICLY-ACKNOWLEDGED PROSECUTION OF AN ARMY OFFICER RESPONSIBLE FOR VIOLATING HUMAN RIGHTS.

B. "OPEN PUBLICATION OF A GENERAL ORDER OR REGULATION MAKING YOUR POLICY EXPLICIT FOR GUATEMALANS WOULD BE USEFUL." NO SUCH GENERAL ORDER HAS BEEN PUBLISHED OPENLY OR INTERNALLY, NOR ARE WE AWARE OF ANY STATEMENT BY GENERAL MEJIA TO ANY SIGNIFICANT GROUP OF ARMY OFFICERS WHICH COULD BE CONSTRUED AS HAVING A SIMILAR EFFECT. THE FURTHEST GENERAL MEJIA HAS GONE WAS HIS NEW YEAR'S STATEMENT THAT "WE WILL SPARE NO EFFORTS TO CONTINUE IMPROVING, AND JUST AS SOME ISOLATED VIOLATIONS OF HUMAN RIGHTS HAVE OCCURRED RECENTLY, IT IS ALSO NECESSARY TO STRESS THAT SUBVERSIVE FORCES HAVE RESORTED TO TERRORISM AS A DESPERATE TACTIC AND HAVE TRIED TO CREATE THE IMPRESSION THAT THEIR DESPICABLE ACTIONS ARE THE WORK OF PARAMILITARY GROUPS."
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PAGE 05 STATE 011960

C. "OPENLY INVITE ICRC AND/OR UNHCR OBSERVERS

INTO GUATEMALA." NOTHING HAS BEEN DONE TO OUR KNOWLEDGE ON THIS POINT DURING THE PAST MONTH.

D. "EXTEND YOUR AMNESTY PROGRAM." THE AMNESTY WAS EXTENDED NOVEMBER 17 FOR SIXTY DAYS.

E. "REAFFIRM SUPPORT FOR CIVIC ACTION AND RESETTLEMENT." GENERAL MEJIA AND HIS GOVERNMENT COUNT AMONG THEIR PRINCIPAL ACCOMPLISHMENTS THE REBUILDING OF THE VILLAGE OF SAN JUAN ACUL IN RECORD SPEED. THE NEW MODEL VILLAGE WAS DEDICATED DECEMBER 22 WITH HOMES AND OTHER AMENITIES FOR SOME 240 FAMILIES, ALTHOUGH THAT PROJECT HAD BEEN STARTED IN SEPTEMBER, WELL OUTSIDE THE TIME FRAME OF THIS ASSESSMENT. GENERAL MEJIA HAS UNDERSCORED HIS INTENTION TO REPLICATE IT. THE EXCEPTIONALLY HIGH FINANCIAL AND ADMINISTRATIVE COSTS OF THE PROJECT CAST SOME DOUBT, HOWEVER, ON WHETHER THE GUATEMALANS WILL BE ABLE TO REPEAT THE EXERCISE VERY OFTEN (83 GUATEMALA 11188). THE GUATEMALANS REMAIN DEDICATED TO THE GOAL OF ATTRACTING THEIR CITIZEN REFUGEES BACK FROM MEXICO BUT THE FOREIGN MINISTER TOLD US DURING AMBASSADOR STONE'S VISIT JANUARY 3 THAT THE MEXICANS WERE DRAGGING THEIR FEET ON GOVERNMENT-TO-GOVERNMENT COOPERATION TO FACILITATE THIS MOVE.

F. "YOU MAY WANT TO SET UP A GRIEVANCE COMMISSION HEADED BY A CLERIC." THE GUATEMALANS HAVE DONE NOTHING ON THIS POINT, TO OUR KNOWLEDGE.

G. "YOU KNOW BEST HOW TO ACHIEVE THE OBJECTIVE; THE IMPORTANT FACTOR IS THAT THE EXTRA LEGAL VIOLENCE STOP." GUATEMALA 0026 SHOWS THAT THE LEVEL OF POLITICAL VIOLENCE FELL SOMEWHAT IN DECEMBER

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COMPARED WITH EARLIER MONTHS, IF MILITARY CLASHES ARE NOT COUNTED. THE STATISTICS ARE HELPFUL IN GAUGING TRENDS. THEY CANNOT, HOWEVER, BE READ TOO CLOSELY, ESPECIALLY WHEN IT COMES TO FIXING BLAME AND THEREBY ASSESSING GOVERNMENT PERFORMANCE.

-. MORE IMPORTANTLY, WE HAVE LEARNED, MAINLY THROUGH LIAISON AND [redacted] B1 THAT THE CHIEF OF STATE'S INTELLIGENCE UNIT, THE SO-CALLED ARCHIVOS, HAS BEEN ORDERED TO STAND DOWN ON EXTRA-LEGAL OPERATIONS. SOME OF THE ARMY OFFICERS ASSIGNED TO THAT UNIT, WIDELY ASSUMED TO BE RESPONSIBLE FOR SPECIFIC KIDNAPPINGS AND ASSASSINATIONS AGAINST GOVERNMENT OPPONENTS IN THE PAST, HAVE EVEN BEGUN TO SEEK OTHER EMPLOYMENT. [redacted] B1

[redacted]

B1

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- A REPORT RECEIVED JANUARY 4 FROM A U.S. MISSIONARY WHO HAS PROVED RELIABLE IN THE PAST CLAIMS THAT ARMY UNITS CAPTURED SOME EIGHTY-SEVEN INDIAN CIVILIANS FROM THEIR HOMES IN HUEHUETENANGO

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DEPARTMENT DURING THE LAST WEEK OF DECEMBER. WE ARE URGENTLY SEEKING FURTHER INFORMATION.

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- WE HAVE REPORTED SEPARATELY THAT THE RECENT DISAPPEARANCES OF TWO DIFFERENT PAIRS OF LABOR ACTIVITISTS MIGHT BE LINKED TO THE GOVERNMENT BUT OUR INFORMATION IS INCOMPLETE (SEE 83 GUATEMALA 10924 AND 83 GUATEMALA 11108). TWO OTHER CASES DURING DECEMBER WHICH INVOLVED AMERICAN CITIZENS SHOWED THAT THE GOG IS CAPABLE OF COOPERATING TO AVERT POTENTIALLY DISASTEROUS CONSEQUENCES. IN ONE WE WERE INFORMED BY A SENIOR ARMY OFFICER THAT CERTAIN UNNAMED OFFICERS HAD DECIDED THAT AN AMERICAN TEACHER IN THE COLEGIO ALEMAN SHOULD BE ASSASSINATED FOR ALLEGEDLY HAVING SAID THINGS TO HIS STUDENTS WHICH WERE CRITICAL OF THE GUATEMALAN ARMY'S TREATMENT OF CIVILIANS. WE WERE ABLE TO EFFECT THE TEACHER'S SAFE DEPARTURE FROM GUATEMALA (83 GUATEMALA 11049). IN THE OTHER CASE, A ROMAN CATHOLIC PRIEST WHO WAS STOPPED IN EL PETEN ALLEGEDLY WITH A GRENADE FUSE IN HIS CAR, WAS RELEASED TO HIS CHURCH AFTER QUESTIONING (83 GUATEMALA 11194).

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II. A. "PROCEED WITH ARRANGEMENTS FOR ELECTIONS ON A DATE CERTAIN IN MID-1984." CONSISTENTLY DESCRIBING HIS GOVERNMENT AS "TRANSITORY AND PROVISIONAL," MEJIA RAPIDLY ADOPTED THE POLITICAL CALENDAR DEVELOPED BY RIOS MONTT AND SOON ACHIEVED A HIGH DEGREE OF CREDIBILITY THAT HE MEANT IT. THE CALENDAR CALLS FOR ELECTIONS JULY 1, 1984 FOR A CONSTITUENT ASSEMBLY TO BE SEATED ON SEPTEMBER 15, 1984. IN HIS NEW YEAR'S ADDRESS, MEJIA SAID, "WE

HOPE TO HOLD GENERAL ELECTIONS IN 1985," BUT THAT DATE REMAINS DEPENDENT UPON THE PACE OF WORK ON A NEW CONSTITUTION. THE NEW ELECTORAL LAW WILL BE
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PAGE 08 STATE 011960

PROMULGATED THIS MONTH AFTER EXTENSIVE CONSULTATIONS WITH POLITICAL GROUPS.

B. "YOU CAN SUPPORT THIS WITH PUBLIC STATEMENTS INVITING OAS AND OTHER INTERNATIONAL OBSERVERS TO THE ELECTIONS." NOTHING HAS BEEN HEARD ON THIS POINT, AND I DOUBT THE GUATEMALANS WILL EVER ACT ON IT.

III. A. "COMMUNICATE TO EL SALVADOR, HONDURAS, PANAMA, AND COSTA RICA YOUR SUPPORT FOR COOPERATIVE MEASURES TO ENHANCE THE SECURITY OF ALL." WE KNOW OF NO SUCH COMMUNICATION. THE FOREIGN MINISTER AND TOP MILITARY OFFICERS HAVE REPEATEDLY EXPRESSED THEIR SERIOUS CONCERN ABOUT THE MILITARY SITUATION IN EL SALVADOR AND THERE HAS BEEN INTERNAL DEBATE OVER THE COMPETITIVE NEEDS TO DEFEND THE PETEN AND HELP EL SALVADOR WITH TROOPS ALONG THE BORDER INSIDE GUATEMALA IF NOT IN EL SALVADOR. AS REPORTED (83 GUATEMALA 10958), THE FOREIGN MINISTER GAVE ME HIS "PERSONAL OPINION" THAT GUATEMALA WOULD SEND TROOPS TO EL SALVADOR IF THEY WERE NEEDED TO SAVE THE SITUATION, BUT THIS REFLECTED NEITHER A DECISION NOR A COMMITMENT. IN HIS NEW YEAR'S SPEECH, MEJIA RECITED THE PRINCIPLE OF "NON-INTERVENTION IN THE INTERNAL AFFAIRS OF OTHER STATES, AND SELF-DETERMINATION (ALTHOUGH HE SUGGESTED NOTHING OF "NEUTRALITY," AS REPORTED IN THE INTERNATIONAL PRESS). I DO NOT BELIEVE GUATEMALA WOULD BE INHIBITED BY THESE PRINCIPLES IN ALL CIRCUMSTANCES. ANDRADE HAS, OF COURSE, BEEN ACTIVE AND HELPFUL WITH THE CORE FOUR IN THE CONTADORA PROCESS.

B. "AS A STEP TOWARD REGIONAL SELF-SUFFICIENCY,
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PAGE 09 STATE 011960

OFFER TO SUPPLY THEM SMALL ARMS AMMUNITION AND INDICATE YOUR WILLINGNESS TO DISCUSS OTHER STEPS TOWARD STANDARDIZATION, INTER-OPERABILITY AND THE RATIONALIZATION OF DEFENSE PRODUCTION." NONE OF THIS HAS HAPPENED, TO OUR KNOWLEDGE.

C. "IF SOME REPLY, AS I SUSPECT EL SALVADOR AND HONDURAS WILL, THAT MILITARY COOPERATION MUST COME AFTER SOME POLITICAL AND ECONOMIC FRAMEWORK

IS ESTABLISHED, SUPPORT THE LATTER ALSO." SUCH COOPERATION BECAME MORE REMOTE DURING DECEMBER AS GUATEMALA CLOSED ITS BORDERS WITH EL SALVADOR AND HONDURAS TO FORCE A SETTLEMENT OF TRADE DISPUTES OVER THE PAYMENT OF EXPORTS. THEY HAVE NOT YET ACHIEVED SUCH A SETTLEMENT.

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5. RECENT U.S. ACTIONS. SINCE GENERAL MEJIA'S MEETING WITH GENERAL GORMAN AND VICE PRESIDENT BUSH, THE ADMINISTRATION HAS MOVED TO:

-

---INDICATE A WILLINGNESS TO EXTEND THE BILINGUAL EDUCATION PROGRAM IF CERTAIN SECURITY STEPS COULD BE COMPLETED,

-

---PROVIDE $25 THOUSAND IN DISASTER RELIEF FUNDS FOR DISPLACED PERSONS IN NEBAJ, AND

-

---CERTIFY GUATEMALA FOR PARTICIPATION IN THE TRADE BENEFITS OF THE CBI.

-

THESE STEPS HAVE PROVOKED PALPABLE RELIEF IN A GUATEMALAN GOVERNMENT AFRAID OF BEING FROZEN OUT BY ITS PRINCIPAL SUPPORTER, WITH DESTABILIZING EFFECT.

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6. AT THE SAME TIME, THE GUATEMALANS HAVE ACTED

AMBIGUOUSLY ON THE MATTER OF A WRITTEN COMMITMENT TO PROTECT AID WORKERS. A COMMITMENT IN WRITING WAS FIRST OFFERED BY ANDRADE ON DECEMBER 20. IN RESPONSE, I TOLD HIM I THOUGHT SUCH A PAPER WOULD BE HELPFUL AND THEN FOLLOWED UP WITH HIM FOUR SEPARATE TIMES IN LINE WITH THE INSTRUCTIONS PROVIDED IN 83 STATE 362677. EACH TIME HE SAID HE WAS WORKING ON A NOTE AND WE WOULD HAVE IT "IF NOT TODAY, TOMORROW." HE GAVE THE SAME REPLY DECEMBER 28 AFTER I INFORMED HIM THAT THE MINISTER OF EDUCATION HAD TOLD THE AID DIRECTOR WE WOULD NOT GET ANYTHING IN WRITING. MOST RECENTLY, ANDRADE TOLD ME AFTER LUNCH WITH AMBASSADOR STONE JANUARY 3 THAT HE HAD DISCUSSED THE PAPER WITH GENERAL MEJIA BECAUSE STONE HAD RAISED IT AND WE WOULD HAVE A DOCUMENT "IF NOT THIS AFTERNOON, TOMORROW." TAYLOR UNQUOTE SHULTZ

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Because the Xerox copies of the following message were illegible, the proceeding typwritten copy was included with a copy of the original telex cable.

January 16, 1984

Paris 01719

To: Senators/Congressmen Baker, Kennedy, Helms, East, Warner, Sasser, Moynihan, Tsongas, Heflin, Pascell, Barnes, Bonker, Duncan, Gore, Boucher, and Zablocki:

1. The State Department has asked the erbassy to respond to Senator Jim Sasser's letter of November 9, 1983 concerning th case of Jack Ross Shelton.

2. Embassy has received a letter dated December 14 from Mercedes Pascual translated as follows:

"I have just received your search notice but I am sorry to reply in the negative. I did cross the border between Mexico and Guatemala in July, 1981, but I do not remember this face, having had several problems regarding the crossing and because of these, I was obliged to make requests of the Guatemalan consulate (We assume she means in Mexico prior to entering Guatemala). I really regret not being able to be helpful and I hope that yuou will succeed in your attempt to find this individual."

3. Embassy has not yet received any response to our latest letters to Alips and Pedelabat-Lrtigau, which were worded with a strong appeal for some answer, even a negative one, in order to assure the Shelton family that all possible leads had been explored. We hope the family will be more successful in their efforts at direct contact with Alips and P-L. Department will be informed immediately if replies ar received. Maresca.

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 06/23/95
Case ID: 95122201

[redacted] DECLASSIFIED DRAFT 1/10-pm E2412

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REPORT ON THE SITUATION IN EL SALVADOR
January 16, 1984

TABLE OF CONTENTS

I. INTRODUCTION: RECONFIRMING OUR JOINT RESOLVE 1

II. A LEGACY OF VIOLENCE AND SOCIAL INEQUITY 3

A. The Political Background: 1932-1979 4
B. The Social Background: Concentration of Land Ownership and Population Growth 6
C. The Explosion: 1979-1982 7
D. Nicaraguan and Cuban Activities 8

III. POLITICAL DEVELOPMENT 13

A. The March 1982 Elections 13
B. Institutional Evolution 14
C. Human Rights 16
D. The Legal System 28
E. Dialogue 34

IV. ECONOMIC DEVELOPMENT 38

A. Overview 38
B. Land Reform 40
C. Other Reforms 44
D. Organized Labor 46
E. U.S. Economic Assistance 48
F. Population Growth 53

V. SECURITY 54

A. The Military Situation 55
B. Assistance Requirements 56
C. Refugees and Displaced Persons 58

APPENDICES

A. Speech by Ambassador Pickering
B. Speech by Minister of Defense Vides Casanova
C. Declaration by the Salvadoran Armed Forces

[redacted] United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: COX, DAVID
Date: 05/20/94
Case ID: S9400346

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I. INTRODUCTION: RECONFIRMING OUR JOINT RESOLVE

On November 30, 1983, the President withheld approval of H.R. 4042, an enrolled bill that would have made the provision of most assistance to El Salvador dependent upon two presidential certifications regarding El Salvador in 1984.

In announcing this decision, the White House spokesman gave particular emphasis to the President's continued commitment to the protection of human rights, economic and political reform, the holding of elections and progress in prosecuting the cases of murdered U.S. citizens.

Referring to Ambassador Pickering's November 25 speech condemning the actions of the violent right, the White House spokesman said:

> "Working with he leadership of the Government of El Salvador, we will reconfirm our joint resolve to take whatever action is necessary to help the Government of El Salvador to end the reprehensible activities of the violent right as well as the violent left (emphasis added)."

This report, the first that the President has directed be provided periodically to the Congress and the American public, is an assessment of the situation in El Salvador and a public accounting of our efforts to give tangible meaning to this reconfirmation of our joint resolve.

It addresses all the elements previously required under Section 728 (d) and (e) of the International and Security and Development Cooperation Act of 1981: Salvadoran efforts to comply with internationally recognized human rights; to improve control over its armed forces; to make progress on land and other economic and political reforms; to conduct elections and dialogue to achieve a political settlement; and to investigate the murders of U.S. citizens and bring to justice those responsible.

In order to provide the Congress and the United States public a comprehensive, current assessment of all aspects of the situation in El Salvador affecting U.S. foreign policy objectives, the report also covers:

-- the historical, social, economic and political sources of conflict;

-- Cuban and Nicaraguan activities;

-- guerrilla terrorism;

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-- Salvadoran efforts to reform the criminal justice system and U.S. support for the administration of justice;

-- the current economic situation and U.S. assistance programs; and

-- the security situation, including military activity, requirements for external assistance and the impact of war on refugees and displaced persons.

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II. A LEGACY OF VIOLENCE AND SOCIAL INEQUITY

In the late 1970's, El Salvador began to experience increasingly intense civil disturbances and violent political protest. The proximate cause, against the background of El Salvador's long legacy of economic underdevelopment and social inequity, was arrested democratic development, aggravated by destabilizing activities and events originating in Cuba and Nicaragua.

The catalyst was the absence of democratic institutions capable of responding to popular aspirations for social, economic and political change. Popular demands for change grew throughout the 1960's and 1970's not because there was no economic progress, but for the opposite reason -- because rapid economic growth placed overwhelming demands upon traditional social and political relationships.

From the establishment of the Central American Common Market in 1960 until 1979, the economy of every country in Central America grew faster than in the United States. Annual real growth rates averaged from 4.4 percent in Honduras to 6.3 percent in Costa Rica. In El Salvador, growth averaged 5.3 percent. Real per capita growth was nearly 2 percent per year. Capital formation in relation to gross domestic product rose from 10.5 percent in the 1950's, to 13 percent in the 1960's, to near 20 percent in 1970-78. Although substantial underemployment existed in both rural and urban areas, unemployment was low. For twenty years prior to the 1973 oil shock, inflation averaged about 1 percent a year.

For three reasons, however, this rapid growth coincided with increased social and political tensions in El Salvador, providing a fertile basis for exploitation by those who favored a Marxist-Leninist approach:

-- Control of the economy by a numerically small elite kept the fruits of growth from being widely shared;

-- the army's rejection of the results of the 1972 presidential elections conveyed a message that peaceful political change was not possible; and

-- recourse to violence became deeply ingrained on both the political left and right.

Policies to address these causes of conflict in El Salvador -- social inequity, political underdevelopment and violence -- are central to U.S. efforts to help El Salvador develop peaceful solutions to its problems.

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A. The Political Background: 1932-1979

On January 22, 1932, a violent uprising enflamed by Augustin Farabundo Marti and his embryonic Communist Party led to a chain reaction of massacres and brutalities in which almost ten thousand people died. The savagery of 1932 was interpreted by Salvadoran authorities to mean that only strong governments could maintain order. The Army became El Salvador's strongest institution; military commanders, almost all of middle class or more humble origins, dominated succeeding governments in concert with the landed wealthy.

During the 1940's, 1950's and 1960's, political violence was rare. Sustained economic growth (averaging more than 5 percent a year) stimulated urban growth and new political parties. In 1964, Jose Napoleon Duarte, one of the founders of the Christian Democratic Party (PDC), was elected Mayor of San Salvador. After additional electoral success in 1968, Duarte ran in the 1972 presidential elections. Guillermo Manuel Ungo of the small social-democratic National Revolutionary Movement (MNR) was his running mate. Most observers believed Duarte had won the vote, but the candidate of the governing National Conciliation Party (PCN), Col. Arturo Armando Molina, was proclaimed President. After an attempted opposition coup within the army failed, Duarte was arrested, tortured, and sent into exile.

Molina increased public services and in 1976 attempted a minor land reform by expropriating 56,000 hectares in Usulutan, but he failed to overcome conservative resistance to change. Unemployment and income maldistribution were exacerbated by rising energy costs, unstable coffee prices, and a severe drought.

The Roman Catholic Church, which after Vatican Council II had become increasingly committed to work among the underprivileged, began to call for greater social justice. Archbishop Oscar Arnulfo Romero regularly detailed abuses against the poor in statements during Sunday mass.

Political strains increased during the mid-seventies. The validity of the election of Gen. Carlos Humberto Romero as President in 1977 was disputed. That year, Foreign Minister Mauricio Borgonovo was murdered by leftists; Father Rutilio Grande, a priest known for his support of working-class causes, was assassinated by rightists. Opposition parties boycotted the 1978 National Assembly elections. Violence and counterviolence escalated steadily thereafter. ORDEN, a largely rural organization with close ties to the local security forces and to the White Warriors Union, a clandestine group of far rightists, assassinated teachers and priests.

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On the extreme left, youthful radicals denounced the electoral approach of the Moscow-line Communist Party of El Salvador (PCES) and broke away to seek an armed path to power. In the late 1970's, these breakaway groups carried out several spectacular embassy seizures and kidnapped or murdered Salvadoran, U.S., European and Japanese businessmen, as well as the Swiss Charge d'Affaires and the Ambassador of South Africa. Terrorism and kidnappings enabled the violent left to obtain $50-100 million in ransom and protection payments.

The growing militancy of the violent left moved Archbisop Romero to warn in August 1979:

> "When I returned from Rome in April, I found their bombs in the Cathedral. Our popular groups have been taken over by the far left. They want the Church to support ever thing, not only justice but all their strategies."

The largest of the radical left groups was the Popular Liberation Forces (FPL). It was founded in 1970 by Salvador Cayetano Carpio, the Cuban-trained former Communist Party Secretary General, who is said to have committed suicide in April 1983, in Managua, after admitting that he had ordered the murder of a key lieutenant.

While the FPL advocated violence as part of a "prolonged war" strategy, the People's Revolutionary Army (ERP), a group of young Maoists and Castroites headed by Joaquin Villalobos, called for attacks on public officials to spark an immediate popular revolution. A tactically different perspective was embodied in the Armed Forces of National Resistance (FARN), which splintered from the ERP in 1975, again based on internal party disagreements.

The FPL helped to organize a broad coalition of worker, student, and teacher groups into the Popular Revolutionary Bloc (BPR). The FARN attracted several peasant organizations and unions into the United Popular Action Front (FAPU). The 28 February Popular League (LP-28) organized by the ERP began as and remained a largely student-based organization.

El Salvador's violent left received a major psychological boost in July 1979 when the Nicaraguan National Guard dissolved under pressure, the Somoza dynasty collapsed and the Sandinistas assumed power. Unlike Somoza's guard, El Salvador's professional Army was dedicated to protecting the nation, not the particular regime in power (as was shown by the October 1979 coup d'etat). Nonetheless, what before only a few had believed possible -- that the Salvadoran Army could be openly attacked and defeated -- appeared suddenly to the extreme left as an historic possibility. Moreover, having backed the Sandinistas with men and money, the FPL and the ERP were now to receive Nicaraguan support for an escalated armed struggle in El Salvador.

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As the 1970s drew to a close, traditional political and social relationships were disintegrating and El Salvador fragmented into armed camps. The economic elite was split between advocates of harsh repression and moderate reform. Gen. Romero had neither the will to impose nor the credibility to undertake reforms. Except for scattered individuals like the still exiled Duarte, there was an acute absence of credible or willing alternative leadership.

B. The Social Background: Concentration of Land Ownership and Population Growth

Until the late 19th century, large haciendas existed, but rural land tenure was predominantly communal. With the introduction of coffee during the 1880's, private landowners (with government concurrence and assistance) began to absorb communal lands, creating a large class of landless peasants. Most became migrant workers who were fully employed only during the harvest season. Better-off peasants owned or rented small plots for growing their own food needs, or found permanent employment as sharecroppers. This consolidation into fewer units continued during the 20th century. A phenomenon of the mid-1960's, for example, was the expansion of large-scale livestock raising for both domestic and export markets. As meat prices rose and credit became more widely available, many large farm owners allocated more land to grazing, instead of relying on confined feeding to fatten their animals, thereby putting additional pressure on the land.

In 1971, about 40 percent of the total land was concentrated in the hands of about one percent of the owners. Seventy percent of all farmers were sharecroppers, laborers or owned fewer than 5 hectares (12.5 acres) of land. By 1980, the numbers of farms with holdings in excess of 500 hectares (1,240 acres) had grown.

This century-long trend toward the concentration of land into large holdings occurred as El Salvador's population increased from 783,000 in 1900, to 2.6 million in 1960, to 3.5 million in 1970, and to a level in 1982 of about 4.8 million. Population density reached 225 persons per square kilometer, or 580 per square mile, three times the figure for any other Latin American country. The pressure on the labor market has grown and will grow into the foreseeable future. Salvadoran migration into relatively land-abundant Honduras was a major factor leading to the 1969 war between the two countries.

Urbanization has not been as rapid in El Salvador as elsewhere in Latin America, but it is nonetheless pronounced. The urban population increased from 25 percent of the total in 1950 to 39.5 percent in 1980. Total urban population is expected to increase from 1.9 million in 1980 to 3.2 million by 2000.

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Demographic pressures also caused immense pressure on El Salvador's resource base. Soil loss, deforestation, pesticide runoff and water pollution are serious problems. In metropolitan San Salvador, more than half the total population live in overcrowded inner city tenements or in illegal peripheral subdivisions. Even in urban areas only 49 percent of the population has access to piped water; less than 2 percent of the rural population has access to sewerage. In 1977, for example, water-related diseases caused 4,200 deaths and the economic incapacitation of 150,000 people.

C. The Explosion: 1979-1982

On October 15, 1979, a group of reformist military officers overthrew the Romero government. A broadly representative coalition government was created, but failed to function. In January 1980, the Armed Forces and the Christian Democratic Party formed a government together which, with some reshuffling, governed until elections for a Constituent Assembly took place in March 1982.

This period saw the initiation of a major land reform, a banking nationalization, nationalization of the marketing abroad of coffee and sugar, development of stronger campesino organizations in farming areas and, most importantly, reactivation of political parties and the holding of free and honest elections.

But it was also to witness levels of violence unknown since the 1930's. Violence against civilians, already on the increase, crested. The growing military strength of the guerrillas, expressed in violence and terrorism, provoked a strong reaction. At the same time, the sweeping reforms begun in March 1980 brought some of the extreme right to respond with violence against the government, moderates and the left.

During 1980 and 1981, Cuban and Soviet bloc assistance channelled through Nicaragua permitted the Salvadoran groups on the extreme left to coordinate their activities, accumulate massive supplies of war materiel and upgrade their fighting capability. In January 1981, the guerrillas launched a "final offensive" consisting of combined military operation and a call for a popular uprising. The appeal for popular support was generally ignored and the Salvadoran Armed Forces beat back the guerrillas' military initiative in short order. Following this setback, the guerrillas returned for a time to skirmishing and night-time bombings.

In May 1981, the guerrillas began a strategy of "guerra prolongada" (prolonged war), which included a gradual build-up of strength and materiel supplied through Nicaragua, concentration of military action in rural districts punctuated

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by high-profile sabotage operations, and increased targeting of factories, bridges, agricultural installations, the transportation system, the electrical system, water pumping stations and other economic infrastructure. This military strategy continues today, complemented by a political/diplomatic effort calling for power-sharing negotiations with the Salvadoran government.

D. Nicaraguan and Cuban Activity

Havana gave support and counsel but relatively little tangible assistance to revolution in El Salvador before the July 1979 Sandinista take-over in Nicaragua. However, the overthrow of Somoza led the Cubans to reevaluate the chances for a successful insurgency elsewhere in Central America. The Sandinista victory suggested to Havana that a national army could be beaten by an armed uprising; and, perhaps more importantly, Nicaragua also provided Cuba with a base from which to begin supplying regional guerrilla movements. The Sandinistas began training guerrillas from El Salvador and other Central American countries. This was the beginning of a steadily expanding partnership between Cuba and the Sandinistas in exporting subversion to El Salvador.

While the Sandinistas were consolidating their hold in Nicaragua, Havana focused increased attention and resources on El Salvador. Castro urged that the separate leftist groups join forces in return for Cuban and Soviet bloc support.

In December 1979, to overcome differences over tactics, Castro hosted the leaders of the leftist terrorist groups and the Salvadoran Communist Party in Havana. This meeting produced agreement to form a coordinating committee, as was announced publicly in January 1980. It was also at this meeting that Castro reportedly outlined his strategy: El Salvador and Guatemala would be "next," with Honduras to be used as a corridor for the transit of guerrillas and arms.

Having achieved the unified command for the extreme left, a communist-led "broad coalition," and some noncommunist international support, Cuba moved to increase the military strength of the Salvadoran guerrillas with full but discreet support from the Soviets. In April 1980, Salvadoran guerrilla representatives met in the Hungarian Embassy in Mexico City with representatives of Cuba, the USSR, Bulgaria, East Germany, Poland and Vietnam. In June and July 1980, the Secretary General of the Salvadoran Communist Party went to Moscow and then with Soviet endorsement visited East Germany, Bulgaria, Vietnam and Ethiopia -- all of which promised military and other support.

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Special Project (1993)

The Cuban/Soviet bloc military supply operation used western weapons (some from Vietnam) for "cover" and covertly shipped weapons through Cuba and Nicaragua to arm the Salvadoran guerrillas for their intense but unsuccessful "final offensive" in January 1981.

Although the offensive failed, it led President Carter to authorize U.S. military aid for arms, ammunition and equipment for the first time since 1977 to "support the Salvadoran government in its struggle against left-wing terrorism supported covertly with arms, ammunition, training, and political and military advice by Cuba and other communist nations."

Throughout 1981, Cuba, Nicaragua and the Soviet bloc aided in rebuilding, rearming and improving the Salvadoran guerrilla forces, which expanded their operations in the fall. The FMLN headquarters in Nicaragua evolved into an extremely sophisticated command-and-control center -- more elaborate in fact, than that of the Sandinistas against Somoza. Guerrilla planing and operations are guided from this headquarters, where Cuban and Nicaraguan officers are involved in command and control. The FMLN headquarters in Nicaragua also coordinates propaganda and logistical support for the insurgents, including food, medicines, clothing, money and -- most important -- weapons and ammunition.

In December 1981, after meetings in Havana with Salvadoran guerrilla leaders, Castro directed that external supplies of arms to FMLN units be stepped up to launch an offensive to disrupt the elections. During the first three months of 1982, arms shipments into El Salvador surged. Cuban-Nicaraguan arms flowed through Honduras into El Salvador by sea, air, and overland routes.

In addition to vitally-needed ammunition, these supply operations included greater quantities of more sophisticated heavy weapons. Deliveries in 1982 included M-60 machine guns, M-79 grenade launchers and M-72 antitank weapons, significantly increasing the guerrillas' firepowr. One guerrilla unit received several thousand sticks of TNT and detonators from Nicaragua (only five sticks are needed to blow up an electrical pylon). Individual units regularly received tens of thousands of dollars for routine purchases of supplies on commercial markets and for payments (including bribes) to enable the clandestine pipeline to function. On March 15, 1982, the Costa Rican Judicial Police announced the discovery in San Jose of a sizable cache of arms, explosives, uniforms, passports, documents, false immigration stamps from more than 30 countries, and vehicles with hidden compartments -- all connected with arms smuggling through Costa Rican territory, and through Nicaragua or via third countries, to the Salvadoran guerrillas.

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El Salvador: Human Rights
Special Project (1993)

Following their manifest repudiation in the 1982 elections, the FMLN leaders reacted as they had after their failed 1981 "final offensive." They consulted with Nicaraguan and Cuban officials to plan strategy and to obtain more and better military equipment for their forces. For the next six months, they continued terrorist harassment and economic sabotage. In mid-October 1982, they used their expanded capabilities to begin a new series of military attacks. By early 1983 the guerrillas had controlled about a dozen towns for more than two months, and their morale recovered as continued Cuban, Nicaraguan and Soviet bloc support enabled them to sustain operations despite their rejection by the Salvadoran people. During 1982, guerrilla operations resulted in about 2,500 government troops wounded and 1,300 killed.

Recent press reports contain Sandinista claims that they are modifying their relationship with the Salvadoran guerrilla groups. Some guerrilla representatives are said to have departed Nicaragua, implying reduced support for the fighting in El Salvador. In addition, Sandinista leaders recently have proposed a regional agreement to halt arms trafficking, albeit without proposals for verification.

It is too early to determine conclusively whether the Sandinistas are in fact reducing their support for Salvadoran guerrilla forces. Our observations of this covert support have not borne out a sense of important changes. As of late December, there was no evidence that command-and-control operations had been transferred from Nicaragua. Sandinista public gestures, such as providing several thousand Cuban teachers with year-end leaves and extensively publicizing their departure follow familiar patterns. They appear to be more tactical maneuvers to improve the Sandinista political position than a fundamental change in policy.

Cuba's and Nicaragua's record of false denials of assistance to guerrillas in El Salvador, and the covert nature of their assistance, place the burden of credibility on them. The United States will remain alert to any indication of genuine movement and is prepared to respond accordingly.

Because of the covert nature of Cuban and Nicaraguan assistance for the Salvadoran guerrillas, confidential intelligence sources and methods must be relied upon for much of our information. As a result, relatively little of the accummulated data can be made public. Three major instances of external military support for the Salvadoran guerrillas can be cited, however, because they do not relate to continuing operations or because the information was developed through non-intelligence channels.

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El Salvador: Human Rights Special Project (1993)

The use of Papalonal airfield is a example of the smuggling of weapons from Nicaragua to guerrillas in El Salvador. Papalonal is a commercially-underdeveloped area 23 miles north of Managua. The airfield is accessible only by dirt roads. In late July 1980, the airfield was an agricultural dirt airstrip approximately 800 meters long, but by early 1981 the strip had been lengthened by 50 per cent to approximately 1,200 meters. Hangars were constructed to stockpile arms for the Salvadoran guerrillas. C-47 flights from the airbase were confirmed by photographic evidence and unidentified aircraft were frequently sighted in El Salvador. Several pilots who regularly flew the route into El Salvador have been identified in Nicaragua. This particular route has been closed down, but air infiltration over new routes continues to this day.

On September 21, 1983, the Washington Post carried a wire service article about the fishing village of Estero de Padre Ramos, on the Gulf of Fonseca, only a short distance by boat from southeastern El Salvador. The article began: "A radio-equipped warehouse and boat facility disguised as a fishing cooperative on an island in northwestern Nicaragua, has served for three years as a transshipment point for smuggling arms to El Salvador, numerous residents say." Village residents told the reporter of a 14-boat fleet, including large dugout canoes capable of carrying "thousands of pounds of cargo," which made regular bi-weekly trips to El Salvador. The island had been off-limits to local residents for years and "reporters could find no evidence that it had ever been used for fishing."

A third example relates either to the on-going military build-up in Nicaragua, or to the continued provisioning of the Salvadoran guerrillas, probably both. It also illustrates that Cuba is not the only nation supplying arms to anti-democratic forces in Central America, and indicates how each expansion paves the way for further "revolutionary internationalism." On April 18, 1983, the Brazilian Government seized three Libyan aircraft ostensibly ferrying medical supplies to Nicaragua; in reality the planes were loaded with arms, explosives, military spare parts, and other military equipment. In addition to this clear evidence of clandestine arms shipments to Central America, it is noteworthy that, had the airfield on Grenada been completed, the Libyan cargo plans would not have had to refuel in Brazil, so the shipment would have proceeded without impediment.

The House Permanent Select Committee on Intelligence, which has extensively reviewed intelligence data on Central America, wrote in its report published on May 13, 1983 that the guerrillas in El Salvador "are well trained, well equipped with modern weapons and supplies, and rely on the use of sites in Nicaragua for command and control and for logistical support.

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El Salvador: Human Rights
Special Project (1993)

The intelligence supporting these judgements provided to the Committee is convincing." The Committee also concluded: "Cuban and Sandinista political support for the Salvadoran insurgents had been unequivocable for years. The Committee concludes that similar strong military support has been the hidden complement of overt support."

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El Salvador: Human Rights
Special Project (1993)

III. POLITICAL DEVELOPMENT

The 1979 coup d'etat by reformist military officers broke traditional oligarchical control of the government, and El Salvador has since witnessed a rapid political evolution. This section explores some of the steps taken and the problems that remain in the process of developing the requisite climate and institutions for a more democratic and just society within El Salvador.

A. The March 1982 Elections

The March 1982 elections were a key milestone in El Salvador's political evolution. Representing the potential vigor of participatory democracy, they marked the initial consolidation of the political center which began to emerge around the 1979 coup and the 1980 reforms. On March 28, 1982, some 1.5 million Salvadorans went to the polls to elect deputies to the Constituent Assembly. The political front of the guerrilla movement had been invited to field candidates in the elections, but claimed that the proper conditions did not exist. Although the guerrillas attempted to disrupt the elections by violence, six parties ran candidates and roughly eighty percent of eligible voters cast their ballots. Over 200 international observers and some 700 members of the international press attended. There was general agreement that the elections were fair and honest.

Following the March elections, the Junta transferred authority to a provisional government named by the Constituent Assembly. The Provisional President, Alvaro Magana, selected as a consensus candidate, is a political independent. Three vice-presidents represent the three parties receiving the most votes: the Christian Democratic Party (PDC), the Republican National Alliance (ARENA), and the Party of National Conciliation (PCN).

Except for the Democratic Action Party, all of the political parties that had won seats in the Constituent Assembly signed the Pact of Apaneca of the "Government of National Unity" on August 3, 1982. The pact establishes goals for the government under headings of pacification, human rights, economic recuperation, reforms, confidence and security, and strengthening El Salvador's international position. The pact also called for the formation of Political, Peace, and Human Rights Commissions, all of which are now functioning. Subsequently, a joint government-private sector Commission for Economic Reactivation was established.

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El Salvador: Human Rights
Special Project (1993)

The period since elections has not been without setbacks -- including a renewal of death squad activity in September-November of 1983 -- but its accomplishments have been substantial:

-- a new, more liberal constitution was drafted and approved by the Constituent Assembly and put into force on December 20, 1983;

-- an amnesty for guerrillas and political prisoners was carried out to the benefit of more than 1,100 individuals;

-- the land reform program has witnessed further consolidation and progress, to the benefit of more than 500,000 Salvadorans. The new constitution protects the reform and provides for action for the first time in Phase II. Phase III has again been extended with support from the President, military, and legislature.

-- a dialogue was begun with the guerrilla opposition and its political front. Although presently interrupted, the government is willing to renew the dialogue at any time;

-- the government's case against persons charged in the murder of four U.S. citizen churchwomen has gone to the trial stage, and a key arrest has been made in the case of murdered U.S. labor advisers;

-- the political parties and the democratic political process have been significantly revitalized, providing an increasingly strong framework for the holding of presidential elections now set for March 25, 1984; and

-- the government has intensified efforts to reduce and eliminate the infrastructure and activities of the violent right.

B. Institutional Evolution

The new constitution, completed on December 20, 1983, strengthens the rights of the individual; establishes safeguards against excessive provisional detention and unreasonable searches; establishes a republican, pluralistic form of government and strengthens the legislative and judicial branches. The constitution also increases guarantees for labor, particularly rural workers. In an effort to curb violence by extremists, the Assembly outlawed the existence of any armed group except for the government's Armed and Security Forces (and followed up with a strong public denouncement of terrorists of both the left and the right).

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El Salvador: Human Rights
Special Project (1993)

The process of drafting and promulgating the new constitution raised a variety of contentious issues to the surface of Salvadoran political life. One such issue, the future of the country's land reform, was eventually resolved with an agreement that protected two ongoing phases of the reform while enacting a compromise version of a third segment. During the debate over the articles covering the land reform, the Assembly was lobbied intensely by both campesino groups favoring the reform and private sector and other interests opposed to it.

The Assembly responded positively to the Archbishop of San Salvador on such matters as education and religious freedoms under a state of emergency. The Supreme Court and lawyers' association members were active in discussion of provisions relating to the legal system. Following a deadlock of several weeks over the death penalty, the Assembly's President and another key conservative changed their votes and it was abolished in all but one unusual circumstance.

In several cases, as can be expected in any democratic exercise, the resulting constitutional provision was not wholly satisfactory to everyone. But in the final analysis, the political parties proved their capacity to operate and reach legitimate compromise on a full spectrum of political issues, and they did so under close public scrutiny.

Concurrent with the drafting of the constitution -- which includes basic legal provisions concerning elections -- the Central Elections Council has been preparing an electoral law and an electoral register. The Legislative Assembly is expected to deal with the electoral law in the near future. Under the proposed law, elections will be open to all registered political parties. Any party, regardless of its ideology, that wishes to participate peacefully in the nation's political life will be allowed to register, providing it meets the technical administrative requirements established by the Central Elections Council. Efforts are underway to prepare an electoral register, with the assistance of the United States Agency for International Development, that could give an extra measure of integrity to the elections.

On November 22, 1983, the Constituent Assembly decreed that presidential elections will be held on March 25, 1984. All six of the parties represented in the Legislative Assembly now have chosen presidential candidates and a vigorous campaign is underway. Following the ratification of the new constitution, the Constituent Assembly was disbanded by President Magana and reconstituted -- with the same membership -- as the Legislative Assembly. Transitory articles in the new constitution stipulate that Legislative Assembly deputies and mayors will remain in their offices until April 30, 1985. Elections for these offices are thus expected to take place in the early part of 1985.

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El Salvador: Human Rights
Special Project (1993)

Participation of El Salvador's far left in elections remains problematical. El Salvador's Peace Commission has offered to discuss with the armed left and its political associates the modalities of participation in free elections, including physical security for candidates and access to media, but its offers have not been accepted. In two meetings held outside of El Salvador, guerrilla representatives have rejected participation in the elections. The guerrillas have been unable to show that they have a sizeable popular constituency, as demonstrated by their inability to disrupt the 1982 elections and their failure to match their military prowess with political gains. Many informed observers, including the Catholic Church, have publicly commented on the guerrillas' lack of a popular base. Nevertheless, it would clearly be best for El Salvador's institutional development if the far left were to accede to competition at the polls, participate fully in the national dialogue represented by the electoral process, and reflect the sentiments of its supporters through the mechanisms of representative democracy. The Administration will continue to foster this participation.

C. Human Rights

Many factors, some cultural and historical, others directly related to current political conflicts, have made violence endemic in El Salvador, which even before the beginning of the recent period of civil strife and terrorism was known for having the highest per capita rate of homicide in Central America. The uncertain security situation works against resolution of what was already a complicated problem. It should be noted, for example, that some crimes attributed to death squads probably actually involves common criminal activity disguised as political terrorism. Nevertheless, important progress has been made on the several fronts related to human rights.

1. A Decline in Violence against Civilians?

The number of press-reported civilian deaths attributable to political violence continues at an unacceptably high rate, but has dropped significantly. The number of disappearances reported in the press remained stable throughout the year except for an increase in September, the same month death squads began openly targeting university professors and trade union leaders suspected of "leftist" sympathies.

The last six months of 1983 saw a sharp decline in press-reported civilian deaths attributable to political violence. The average number of such deaths fell from 177 per month during the first half of 1983 to 104 per month during the last six months of 1983, a 41 percent decrease. The average

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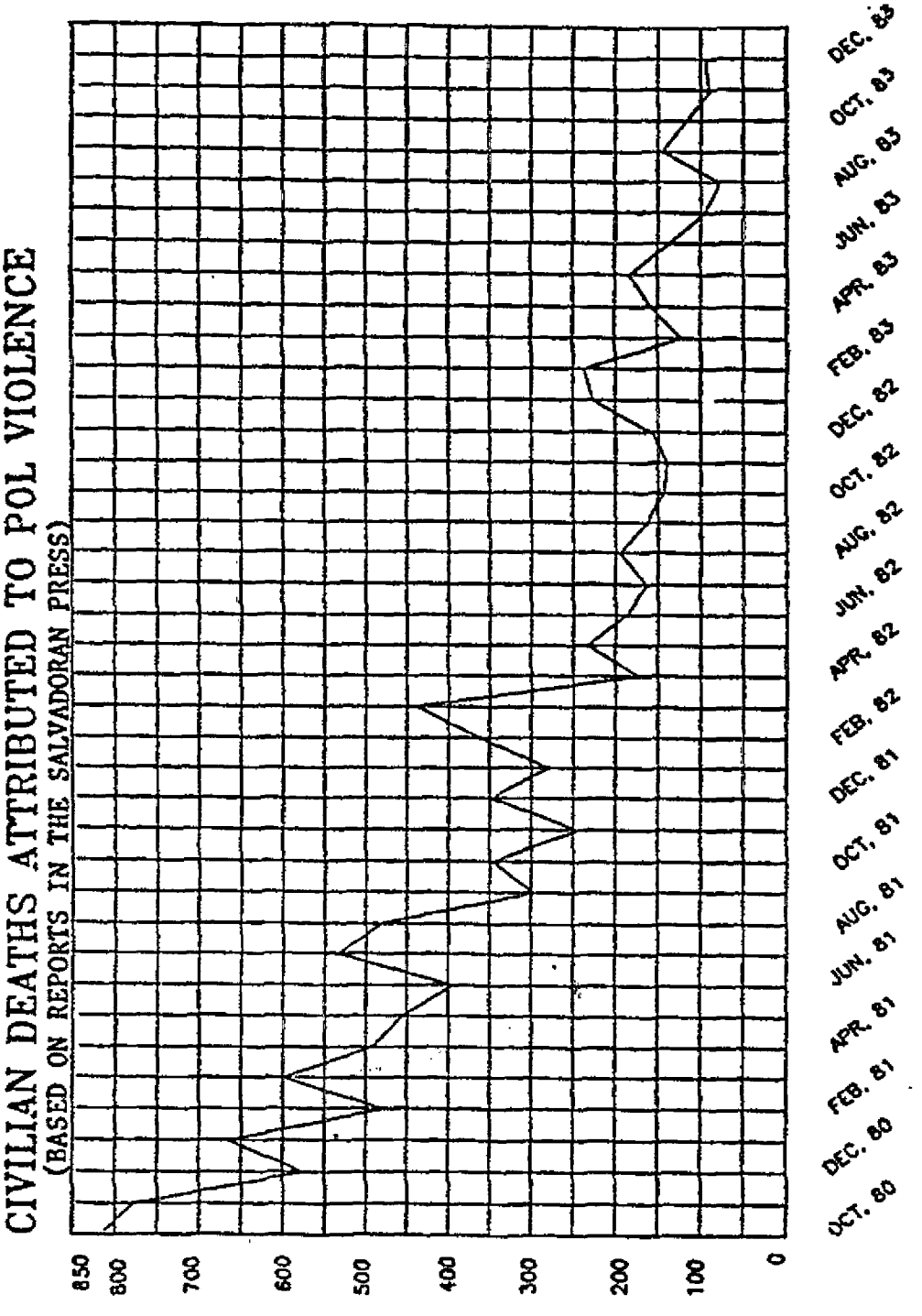
El Salvador: Human Rights
Special Project (1993)



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El Salvador: Human Rights
Special Project (1993)

for all of 1983 was 140 deaths per month compared to 219 in 1982 and 444 in 1981. Moreover, for four of the last six months in 1983 the number of press-reported deaths per month fell below 100 for the first time in recent years.

Statistics published by various private human rights organizations conflict with each other, some indicating a increase, some a decrease and some no change in civilian deaths. Monthly averages for the first six months of 1983, compared with the monthly average for July-November reported by these groups, are as follows: Human Rights Commission of El Salvador (CDHES): 378/414; Socorro Juridico Cristiano: 470/510: Oficina de Tutela Legal: 428/427; the Universidad Centroamericana's (UCA) Center for Documentation and Information: 188/106 (for July-October). Eleven-month totals for civilian deaths, by source, are: CDHES: 4342; Socorro Juridico Cristiano: 5373; Oficina de Tutela Legal: 4705; UCA: 1555 (10 months). (It should be noted that private human rights groups include as "civilian deaths" all battlefield casualties other than those suffered by the military.)

2. Right-Wing Violence

The overall decline in the number of civilian deaths attributable to political violence occurred despite a significant increase in death squad activity against prominent individuals, especially academics and labor leaders. The resurgence, which began in the second half of the year, appears to be a reaction to a number of significant political developments in El Salvador, including the ongoing, albeit limited, dialogue with the left; the upcoming presidential elections; labor-organized political strikes and intensive lobbying of the Constituent Assembly by unions in support of the land reform program; and an increasing concern on the part of the extreme right that it is losing influence in El Salvador.

Many right-wing death squads operate in El Salvador. They engage in kidnappings and assassinations and are characterized by their opposition to ongoing reform programs and by their targeting of persons with what they see as leftist sympathies. Most of these squads appear to have been operating for several years, but with varying degrees of openness and publicity. In July, the Secret Anti-Communist Army, joined in September by the Maximiliano Hernandez Martinez Brigade, began demanding and getting front-page coverage by newspapers and other media, which were often threatened with reprisals for failure to publicize the squads' communiques. Both of these groups have publicly claimed responsibility for kidnappings and murders. The squads sometimes attach placards or messages to the bodies of their tortured victims before dumping them in public places. Less publicity-hungry death squads operate in rural areas, kidnapping, torturing, and murdering their victims without claiming responsibility for these acts.

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El Salvador: Human Rights
Special Project (1993)

Since early September 1983, death squads have claimed responsibility for bombing the homes or establishments of persons and organizations thought by the right to have leftist sympathies, and for the kidnapping and murder of a number of university professors and labor leaders. Archbishop Rivera y Damas and Auxiliary Archbishop Rosa Chavez have been threatened. Political leaders have also received threatening phone calls. The Secret Anti-Communist Army has claimed to have captured three guerrilla leaders and offered to exchange them for three Salvadoran Army officers being held by the guerrillas.

The United States Government reacted strongly against the resurgence of death squad activity. Both President Reagan and Vice President Bush vigorously condemned the death squads. On November 25, 1983, Ambassador Pickering delivered a major speech in San Salvador calling for action by the government and a national consensus to repudiate the death squads. (Text at Appendix A)

Salvadoran government officials have also spoken out forcefully against this attempt by the extreme right to disrupt the political process, and some unprecedented initial actions have been taken to bring the death squads under control.

On September 23, 1983, El Salvador's Ministry of Defense issued a statement repudiating "all terrorist actions from whatever source because they constitute violations of human rights." On December 2, Minister of Defense Vides Casanova pledged "to bring before the law the members of these terrorist bands -- whoever they may be and whatever reasons they might give to justify their illegal activity" (text at Appendix B). On December 15, the High Command of the Salvadoran Armed Forces and commanders of the military and the Public Security Forces issued a statement endorsing the position of the Minister of Defense and pledging "to fight the death squads and the terrorist groups with all the means at our disposal until they are definitively eradicated from our country" (text at Appendix C). President Magana, in his December 23rd Christmas message to the nation, also spoke forcefully against the death squads, saying that to permit such activity is to promote a return to the law of the jungle. The President underscored his commitment and that of the Armed Forces' commanders to ensuring the physical security of the citizenry. The government's Political Commission and the Constituent Assembly have also spoken out forcefully against terrorists, including the death squads, as have political parties with a wide range of political philosophies.

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RELEASED
El Salvador: Human Rights
Special Project (1993)

In consonance with these statements, several officers who had been linked to the death squads were transferred to other posts in late November. In December, some of them were also ordered transferred to posts out of the country. On December 2, the National Police announced the arrest on charges of kidnapping of three members of the Constituent Assembly's security force. The arrests were made within 48 hours of the crime, and the suspects have since been consigned to the courts. The chief of that force, who has often been linked in the public mind with death squad activity, left his position with the change in Assembly leadership in late December. On December 18, the Minister of Defense announced that a specialized investigative unit would be organized to investigate and combat the death squads. The unit is expected to be operational in early 1984.

3. Government Forces

Elements of the Security Forces are believed to have been involved in or responsible for many disappearances. The number of press-reported civilian disappearances remained at 39 per month during the last six months of 1983, the same level as during the first half of the year. Two private human rights organizations report a decline in disappearances. Their monthly averages for January-June and July-November are as follows: CDHES: 34/22; Tutela Legal: 77/38.

It is not apparent to what extent government forces were involved in disappearances. In some cases of reported disappearances, the individuals were later found to be legally in government custody; in other cases, rightist and leftist terrorist groups are believed to have been responsible.

Charges of indiscriminate and politically-motivated violence have been leveled against the the Armed Forces. Investigations are still underway on the incident at Las Hojas where there is evidence that an army unit killed at least 18 unarmed campesinos in February, 1982. The local judge has completed his investigation into the February 1983 killings and expects to move the case to trial in the next few months. (The government's Human Rights Commission carried out its own investigation and delivered its report to President Magana.) In Zaragoza, La Libertad Department, there are indications that a civil defense force was involved in the November, 1982, kidnapping of seven men and two pregnant women later found dead in a ravine. This incident is under investigation. The Government of El Salvador has thus far not taken any action to investigate and bring to justice those responsible for the killings that occurred at Santa Elena and La Florida in 1982.

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El Salvador: Human Rights
Special Project (1993)

Some of the charges against government forces, such as those leveled against the Atlacatl Battalion in a November 3 action near Cinquera in Cabanas Department, appear to be exaggerated, misleading and probably false. In this particular case, after the alleged massacre was publicized by the guerrillas' Radio Venceremos, journalists visited the village of San Nicolas near Copapayo, where government troops were accused of herding 20 civilians into a house and then murdering them. Although the facts are still far from clear, there was apparently no evidence of gunfire within the house where the bodies were found, giving credibility to the government's account of a major military engagement in a nearby area from which bodies may have been brought to the house.

Salvadoran soldiers continue to be convicted and punished for common crimes including flagrant and violent abuse of authority. However, the Salvadoran government has not taken sufficient action to bring to justice those responsible for the incidents of major human rights abuse discussed above. To the Department's knowledge, no members of the Salvadoran armed forces have been convicted for any politically-inspired human rights abuse. However, on December 19, the National Police arrested Captain Eduardo Avila, who was wanted for questioning concerning the 1981 murder of two AIFLD officials and the head of the Salvadoran land reform agency.

Minister of Defense Vides Casanova has spoken out forcefully on the need to respect human rights, and he has taken some actions to demonstrate his determination in this matter. In November, he spoke to El Salvador's Command and General Staff College graduates. In his speech, he made an appeal for their assistance in strengthening the Armed Forces. He highlighted seven major points which have the solid support of the High Command, including support for the democratic process; maintaining the apolitical nature of the Armed Forces; and stressing the obligation of all members of the Armed Forces to fully respect the human rights of the people. The Minister of Defense has asked members of the Armed Forces and Security Forces to seek out all information available to develop evidence on any abuses committed by the uniformed services. As a follow-up to his points on the democratic process and the role of the Armed Forces, Gen. Vides directed on January 3 that the Armed Forces remain apolitical and non-partisan in the ongoing electoral campaigning being waged by the political parties. He ordered regional commanders to prepare regional plans to guarantee the electoral process and to cooperate as appropriate with elections officials.

On December 14, 1983, Gen. Vides issued a general order requiring Security Force members to be in uniform in virtually all cases when conducting arrests, to identify themselves while making the arrest, and to notify the Armed Forces Chiefs of

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El Salvador: Human Rights
Special Project (1993)

Staff, the ICRC, the government's Human Rights Commission and the detainee's relatives. The order permits incarceration only in officially recognized places of detention and outlaws the use of torture.

The government's Human Rights Commission has continued both to investigate reports of human rights abuses and to speak to units of the Salvadoran Armed and Security Forces on the importance of respecting human rights. It has regular channels of communication to the military and Security Forces. From July to December 20 the Commission received 413 new complaints or inquiries, which were resolved as follows: 47 received protection from the Commission; 5 were found to have been kidnapped by the FMLN/FDR; 127 were under custody of the security forces; 18 were amnesty law beneficiaries; 11 were found to have been assassinated; and 205 cases remain under investigation. The Salvadoran government is now processing the Commission's request for additional funds to open, furnish and staff three new regional offices in Santa Ana, San Miguel and San Vicente and to expand the central office in San Salvador. At the Commission's instigation, local newspapers now carry regular features and columns on human rights issues in an effort to broaden public awareness of their importance. Minister of Defense Vides Casanova and Commission member Monsignor Fredy Delgado have visited various military instalations to speak about human rights, and National Police Director and Commission member Col. Lopez Nuila has presided over a conference on human rights and also addressed the National Salvadoran Indian Association on the topic.

Dr. Angel Ibarra, whose arrest in April 1983 by the National Police received extensive publicity in the United States, was released from custody on October 26 by order of President Magana. Other cases have been concluded by release of the detainee, including the extensively publicized cases of Dr. Ricardo Calderon of the University of El Salvador and Mardoqueo Carranza, a Protestant minister.

The Department of State continued to receive during 1983 reports that some prisoners held by the National Police have been subjected to torture either as arbitrary punishment or in an effort to extract information. Forms of alleged mistreatment include electric shock, beatings, and deprivation of food, water and sleep. In general, however, conditions at Salvadoran prisons are relatively decent, routine visits of the International Committee of the Red Cross (ICRC -- which also has access to National Police jails) are permitted, and there have been no recent allegations of mistreatment once a prisoner is remanded to prison. Measures to revitalize the legal system (Part D of this Section), along with the ongoing effort by the Salvadoran High Command to exert meaningful control over its forces, address some of the fundamental deficiencies underlying mistreatment of prisoners.

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El Salvador: Human Rights
Special Project (1993)

4. The Guerrillas

The guerrillas continue to be responsible for significant human rights violations, including murders. At least two labor leaders were killed by leftists this past year. Former CNT (ARENA Labor Front) Director Salvador "Bobby" Jimenez Molina died in Houston, Texas in December, 1983, of surgical complications following an assassination attempt by two presumed FPL terrorists. The FPL also claimed responsiblity in June, 1983, for the assassination of ARENA Deputy and former labor leader Rene Barrios Amaya. Barrios, along with Bobby Jimenez, was one of the founders of the CNT. Several retired and active duty officers have been gunned down on the streets of San Salvador, away from battle areas. In some instances, the guerrillas have taken credit for these attacks.

Guerrilla units also stage kidnappings for ransom. Because the families of kidnap victims generally try to avoid publicity in order to negotiate their release, these guerrilla kidnappings receive little media coverage. In addition to the 41 civilian deaths directly attributable to them by press reports during the July-November period, the guerrillas are also responsible for the deaths of a significant if indeterminate number of civilians who were forcibly recruited by the guerrillas and then used as a shield against government forces in combat situations. The guerrillas have conducted attacks on buses in which non-combatants, including minors, have been killed. They also interfere with the military's battlefield communications to redirect fire from military to civilian targets. Their responsibility for civilian casualties resulting from hostilities against the government is also obvious.

The guerrillas view political instability and economic chaos as key to their strategy of assuming power, and have proven adept at denying an atmosphere conducive to reform and democratic development. Because of guerrilla attacks against the economy, supplies of potable water are far worse than normal, pharmaceuticals are often in short supply, and unemployment has increased. Seasonal employment during the year-end harvest has been disrupted, particularly in the East, by guerrilla harassment. The guerrillas have fired on crop-dusting planes and in several cases wounded the pilots in an effort to prevent successful cultivation and harvest of crops. Guerrillas have vigorously attempted, with significant success, to disrupt the resettlement of displaced persons and refugees in their homes. The FPL was responsible for the massacres of two groups of military prisoners in 1983 and the murder of LT. Commander Albert Schaufelberger (below).

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Special Project (1993)

5. Murders and Disappearances of U.S. Citizens

There have been no reports of U.S. citizen disappearances since July, 1982, and no U.S. citizen is known to have been killed in El Salvador since the assassination of Lt. Commander Schaufelberger on May 25, 1983.

The Churchwomen

The case against ex-National Guardsmen accused of the December 1980 murder of four U.S. citizen churchwomen has continued to move through the Salvadoran judicial system and now seems likely to reach completion in early 1984. The ex-guardsmen remain in detention.

In December of 1982, the Salvadoran investigating judge eleva ed the case against the five ex-National Guardsmen to the plenario or final stage of the trial. The defense attorneys for the ex-guardsmen promptly appealed the judge's ruling. On March 11, 1983, an appellate court confirmed that the judge had properly elevated the case to the plenario with respect to the murder charges, but returned the case for further clarification concerning certain ancillary crimes such as theft. (Under Salvadoran law, a defendant must be tried simultaneously for all crimes committed during a criminal act.) This remand created the opportunity to admit into the record certain evidence analyzed by the FBI, such as ballistics tests, that had not been previously admissible because of the requirement of Salvadoran law that all such tests be conducted in El Salvador. With the help of an FBI ballistics expert, the National Police were also able to link a second defendant directly to the crime through examination of a rifle not available to the FBI during its initial tests. This evidence has been legally admitted and considerably strengthens the case against the defendants.

In response to congressional suggestions, the Secretary of State invited Judge Harold G. Tyler, a former Deputy Attorney General, to conduct a review of all materials available to the United States Government concerning this case and to recommend any further actions that the United States government might take to be helpful in these prosecutions. Judge Tyler has submitted his report, which the Department has provided to the Foreign Affairs Committee in the House and the Foreign Relations Committee in the Senate. The report has not been publicly released out of concern for its possible effect on the trial. The Government of El Salvador has accepted and substantially accomplished all of the recommendations made by Judge Tyler.

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Special Project (1993)

On October 28, 1983, the investigating judge once again elevated the case to plenario. The defense has now appealed the elevation and the Department expects a decision from the Court of Appeals early this year. If, as is hoped, the court sustains the elevation, the plenario stage will continue. It should take two to two-and-a-half months to complete the plenario stage, which ends with the vista publica, or presentation of the case to the jury for a verdict.

The American Institute for Free Labor Development (AIFLD) Consultants

The Salvadoran Attorney General is continuing to pursue the prosecution in the murders of Michael Hammer and Mark Pearlman, which has been plagued by adverse rulings by the Salvadoran courts. Last April 29, the Appellate Court in San Vicente denied the Attorney General's appeal of the investigating judge's decision to dismiss provisionally charges against Lt. Rodolfo Lopez Sibrian and to dismiss definitively the charges against Ricardo Sol Meza and Hans Christ. Unless overturned by the Supreme Court, this decision closes judicial proceedings against Sol Meza and Christ. Although the court ordered the charges against Hans Christ dismissed for lack of evidence, there remain unanswered questions concerning the extent of his involvement in the murders.

The dismissal of charges against Lopez Sibrian was a major setback, particularly because of the substantial body of evidence indicating that Lopez Sibrian ordered two guardsmen to commit the murders. Given the substance of the available information, the Department believes that, in the interest of justice, the extent of the alleged participation of Lopez Sibrian and Christ in the murders should be determined by a full trial on the merits. In an effort to reverse the Appellate Court decision, the Attorney General has appealed that decision to the Supreme Court, claiming that substantial procedural errors were committed by the courts below. If the Supreme Court concurs with the Attorney General, the case against Sibrian, Christ and Sol Meza could be returned to the trial court and the merits of the substantive case reopened. The Department remains hopeful that the Supreme Court's decision will be rendered soon. Even in the Supreme Court rules against the Attorney General, until April 1984 he may exercise a legal right to introduce new evidence against Lt. Lopez Sibrian. After that time, the case against him will be definitively closed.

In a positive devopment in a companion case, the Appellate Court affirmed a lower court decision to commence full trial proceedings against the two ex-guardsmen who have confessed to being directly responsible for carrying out the murders. Under Salvadoran procedural rules, the trial of the ex-guardsmen

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El Salvador: Human Rights
Special Project (1993)

cannot take place, however, while the remainder of the murder case is before the Supreme Court. If the Court upholds the dismissal of charges against Sol Meza and Christ, then the trial of the ex-guardsmen can proceed. If, however, the Supreme Court strikes down the decision to dismiss charges, the trial will have to wait the outcome of further proceedings against Sol Meza and Christ.

The arrest of Capt. Avila in December, 1983, is a major development in this case. He had been charged with an infraction of military discipline which carries a penalty of 30 days' detention. The Attorney General intends to take advantage of his arrest to question him concerning his role in this case. According to the testimony of the confessed gunmen, Avila and Lopez Sibrian provided them with the weapons they used to murder the AIFLD advisers.

In spite of threats, intimidation, and adverse judicial rulings affecting the prosecution of the AIFLD murder case, the Salvadoran executive branch continues to make a good faith effort to bring to justice those responsible.

John Sullivan

John J. Sullivan was killed in El Salvador, apparently during the night of December 28, 1980. His body, mutilated beyond recognition, was found near Nuevo Cuscatlan on the morning of December 29, 1980, and buried the following day. Based on an anonymous tip, the Salvadoran authorities located Mr. Sullivan's body in June 1982, and it was positively identified in the United States in February 1983. The American medical examiner was unable to determine the cause of Mr. Sullivan's death, nor was he able to find any forensic evidence that might assist in finding the killers. The anonymous tip indicating the location of Sullivan's grave came from a man who chanced to pick up local gossip while passing through Nuevo Cuscatlan. The Salvadoran authorities continue to investigate the circumstances surrounding Sullivan's death, but they have been able to make little progress in learning the identity of his killers.

Michael Kline

Salvadoran soldiers shot and killed Michael Kline on October 13, 1982. He had been traveling through El Salvador by public bus en route to Costa Rica. The soldiers stopped his bus at a checkpoint. Apparently, the soldiers decided that there was something suspicious about Mr. Kline, so they took him off the bus and put him on a truck with the intention of taking him to their headquarters at San Francisco Gotera. The soldiers killed Mr. Kline before they got to San Francisco Gotera, claiming that he tried to grab a gun and, failing that, tried to escape. Although the soldiers originally stated that they shot Mr. Kline from a distance during an escape attempt, an autopsy revealed that the shots were fired at close range.

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El Salvador: Human Rights
Special Project (1993)

The Salvadoran military began an investigation into the killing. The Salvadoran Minister of Defense turned the three soldiers present at the shooting over to the civilian courts. Currently the three soldiers remain under detention on suspicion murder. The judge in San Francisco Gotera who was conducting his own investigation of the killing was transferred. A new judge was very recently named, and has already begun to implement the steps necessary to complete the investigative stage of case. The new judged stated that he was told by the Supreme Court to give top priority to this case.

Lt. Commander Albert Schaufelberger

Lt. Commander Albert Schaufelberger, Deputy Commander of the U.S. Military Assistance Group in El Salvador, was killed on the campus of the University of Central America in San Salvador on May 25, 1983. The Popular Liberation Forces (FPL), an extreme left-wing guerrilla faction, and the Farabundo Marti National Liberation Front (FMLN), the umbrella organization of the five guerrilla organizations, claimed responsibility for the murder. Salvadoran authorities arrested and obtained a confession from an FPL member, Daniel Alvarado Rivera. However, after an investigation involving polygraphic examinations and a comparison of the confession with the physical evidence, the United States Government has concluded that the accused was not involved in the murder and that he had confessed to the crime under duress. Additional leads are now being developed and investigated.

Patricia Cuellar

Patricia Cuellar, a dual Salvadoran-American citizen, disappeared from her residence in San Salvador on July 18, 1982. Twenty-four hours later her Salvadoran father, an executive director of a major businessmen's association, and his maid, also disappeared. An eyewitness interviewed by the National Police and polygraphed by the FBI was unable to offer any information that would have identified the abductors. President Magana and then-Defense Minister Garcia assured the Embassy that no branch of the Government of El Salvador was involved in the abductions. There are still no leads as to Ms. Cuellar's whereabouts. The Salvadoran Government investigators are continuing their investigation into the case.

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El Salvador: Human Rights
Special Project (1993)

D. The Legal System

At the heart of any free society are legal institutions with popular confidence and respect. Where the system of justice is slow, uncertain, open to influence or closed to the poor, the respect for law and order which must lie at the base of any democratic system will corrode.

El Salvador's leaders have gradually come to accept that the need for a major renovation of their legal system can be openly and freely discussed, and is allied with, not hostile to, the democratic values and objectives under attack from political extremes.

1983 saw a major shift in attitude toward legal reform and the first tangible steps to address the problems plaguing the administration of justice. It has been just over a year since then-Ambassador Deane Hinton, in an address to the American Chamber of Commerce in San Salvador on October 29, 1982, forcefully reviewed the failures of the legal system and challenged Salvadorans to admit these flaws and come to terms with them. The reaction then was to bristle at "foreign intervention" in domestic affairs, and there are factions that continue to find the disabilities of the judicial system to be in their own interest. A consensus is slowly forming, nonetheless, that changes are overdue. The United States stands ready to lend assistance to this process. Legal authorities and funding available for ongoing initiatives to support legal reform activities have just been expanded by the U.S. Congress. Discussions with Salvadoran authorities are underway.

The Challenges to the Legal System

The roots of current problems in El Salvador are historical and political and have resulted in a theoretical structure voided by a lack of respect for and faith in the law. The courts have suffered from lack of independence in matters of political importance and from a chronic indifference toward the resource and other needs of an effective judicial system. The recent cycle of political violence and economic depression has brought about strains that even a more healthy judicial system would have difficulty accommodating. In the case of El Salvador, the result has been the effective collapse of the administration of criminal justice in cases with political overtones.

The renovation of the legal system is directly tied to the success or failure of democracy in El Salvador. The host of problems facing the legal system have practical manifestations, but practical solutions addressed to particular resource, training or structual problems alone cannot suffice in

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RELEASED
El Salvador: Human Rights
Special Project (1993)

themselves. Beyond that, there must be a change of societal will to construct a fair and effective legal system that will defend order and convict perpetrators of violence. It must be recognized that this will take time. The acute deficiencies that Salvadoran legal reform must address touch all parts of the legal process and are fundamentally interrelated:

-- The judicial career, below the level of the Supreme Court, is not prestigious. The independence of the judiciary has been limited by political appointments, short tenure, and a lack of authority to make constitutional law with effect beyond the particular case before the courts. Cases of subversion, terrorism, and political crimes covered by state of emergency Decree 507 have been removed from the jurisdiction of the civilian the regularly-constituted military courts.

-- The resources of the court system are minimal. Salaries are very low, judges earning half or less of what they might expect to earn in private practice. Outside practice is the norm, thus giving rise to possible conflicts of interest. The court system's budget, which is 1.2 percent of normal government revenues, permits only part-time operation. Some courts of first instance have only five dollars per month for overhead. The legal system is plagued by the unavailability of basic legal materials. There is no training program for judges or staff. In fact, local justices of the peace not only are untrained in the law, but often are uneducated. The Supreme Court's medical examiners lack trained personnel and the equipment to perform their functions.

-- The budget and other resources of the Fiscal, or Solicitor General, responsible in the Executive Branch for prosecution of all criminal cases in the country, likewise are severely constrained. Like the courts, the Fiscalia works half-days at low salaries. There are only 30 lawyers on its staff; most of the work is done by the approximately 60 law students in its employ. Training is acquired on the job.

-- At present, El Salvador has no effective ability to conduct sophisticated criminal investigations. The National Police have some trained investigators and a modest criminal laboratory capability. But there is much reliance on confessions obtained under questionable circumstances, which are routinely thrown out by the courts. Neither the Fiscalia, nor the courts (charged in the civil law system with investigation and preparation of evidence for trial) have the trained personnel or the technical resources to conduct adequate criminal investigations, and they do not have jurisdiction over Security Force investigations. The inability of police to cogently investigate a case, the Fiscalia to prosecute it effectively, and the courts to remedy

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investigative defects or produce convictions contributed, with the special strains of a guerrilla war, to the rise of extra-legal means of action by Security Forces and others in the society.

--The Judiciary, the Fiscalia and police are all competitors in the acquisition of the technical means to conduct modern criminal investigation. This competition among decentralized players makes the process of introducing sophisticated investigative techniques all the more difficult, and remedial measures are under study. Many advanced civil law systems in the region have fashioned their own responses through such devices as the judicial investigative organ of the Costa Rican Supreme Court, a possible model for El Salvador.

-- The poor rate of convictions in criminal cases -- and the slow pace of procedure -- are glaring. These problems are most acute in politically sensitive cases, particularly cases of abuse of authority by members of the Security Forces, cases of murder of U.S. citizens, and cases falling under Decree 507. While any discussion based on available Salvadoran statistics must be highly qualified, of over 1,100 such proceedings initiated in the courts in the past three years only a handful have resulted to date in a full trial and conviction. Almost all abuse-of-authority cases referred to the civilian courts have been routinely dismissed.

As Americans well know from watching developments in the cases of murdered U.S. citizens, proceedings move slowly. A 1978 case has just resulted in a verdict of guilty against six ex-National University policemen accused of murdering a dean, a student and two others during campus disturbances. This case illustrates that when murders with any political overtones are prosecuted at all, prosecution is difficult and time-consuming. Even in politically, less-sensitive cases of murder and other felonies, the rate of conviction is estimated at only 10-20 percent.

-- The problem of intimidation is subtle. Any outspoken or prominent person in El Salvador is subject to great personal risk. Incidents of attacks on judges or their families have been relatively infrequent. Overt threats are also rare. Although inicdents of attack or explicit threat are fewer than most Americans would imagine, the intimidation factor works more pervasively and less visibly. Adjudication of a complaint against a Security Force member, for example, would simply be assumed to court a risk of retaliation, even if unstated. In this climate, physical security measures for participants in sensitive cases -- judges, lawyers, jurors, witnesses -- are necessary and urgent. There are now none. Because of the risks to personal safety, and the low income from court appointments, there are few competent defense lawyers in the country, and fewer still willing to take on particularly sensitive cases.

UNCLASSIFIED DECLASSIFIED

UNCLASSIFIED

DECLASSIFIED

RELEASED
El Salvador: Human Rights
Special Project (1993)

-- The emergency Decree 507, as amended by Decree 943, has failed to assure due process to political and terrorist detainees, and, in the absence of virtually any trial activity, has become a system of preventive detention. Of over 565 Decree 507 detainees release by presidential action or amnestied this year, none had ever been in court. The civilian court system has limited power to intervene in Decree 507 cases, but the Supreme Court may review cases under the Writ of Exhibicion Personal (personal exhibition) -- analogous to habeas corpus and order the release of deatinees. A constitutional challenge to the emergency law has been pending before the Supreme Court since early 1983.

-- Salvadoran codes and procedures require modernization in a number of areas, despite the relatively recent date of the criminal and criminal procedure codes. Evidentiary rules are cumbersome and outdated, and still emphasize eyewitness and documentary testimony. There are frequent opportunities for interlocutory appeals, which have greatly delayed the progress of cases such as that of the American churchwomen.

-- Legal educational standards have fallen. The former seven-year curriculum for law students has been shortened to five. Libraries are poor. The five law schools in the country have varying reputations; but in general the Salvadoran bar considers the quality of today's law school graduates to be low.

-- The bar itself is also part of the problem. It has resisted creation of a mandatory, unified bar organization, and has been reluctant until this year to engage in lobbying on issues of concern to it. There are five, largely social associations of lawyers with no role in legal education or providing basic services to bar members, enforcement of professional standards or judicial selection.

Salvadoran Initiatives

President Magana, himself a former law professor, has taken the lead in fostering steps to address the systemic failure of the administration of justice. He constituted a Judicial Reform Study Commission in the spring, composed of representatives of the Supreme Court, the Constituent Assembly Legislative and Constitutional Committees and Executive Branch agencies. This commission was charged with laying the groundwork for the current public phase of legal reform activity, and with preparation of a revision of Decree 507. A revision was drafted, designed to afford greater due process to detainees and more timely procedures; but futher action on replacing Decree 507 was deferred to await completion of work on the constitution.

UNCLASSIFIED

DECLASSIFIED

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RELEASED
El Salvador: Human Rights
Special Project (1993)

The preparatory work led to the announcement of creation of two commissions to carry on legal reform work. On September 26, 1983, President Magana signed Decree 81 establishing the Revisory Commission on Penal Legislation, subsequently re-styled the Revisory Commission for the Judicial Criminal System, the Criminal Code, and the Criminal Procedural Code. The Decree takes note of the need for "complete revision of the present legislation regarding investigation, trial and sentencing of criminal acts" and for complementary changes in "systems or procedures to guarantee its efficient application." The Revisory Commission, which was sworn in on December 21, is composed of seven members, led by a former deputy foreign minister and representing a variety of public and private institutions. The Revisory Commission is charged with a broad mandate to recommend to the President codal and procedural reforms in the criminal justice field, and legal or regulatory changes to improve the judical system generally. The recommendations of the law faculties and private bar groups will be sought by the new commission, which will report within six months.

The Supreme Court, on September 9, 1983, created a Commission on Penal Reform, composed of three Supreme Court justices headed by Justice Samuel Cardenas, an appellate judge, and two private attorneys experienced in the field of criminal law. The creation of the Supreme Court commission reflects the formal role of the Court under the 1962 Constitution in proposing legislation, a feature curtailed in the new Constitution (see below). The two Commissions plan to work independently but will collaborate wherever possible.

The Constitution that went into effect on December 20, 1983 addressed certain critical problems in the Articles on the Judiciary. Among the changes:

-- A new Constitutional Law Chamber of the Supreme Court was created composed of five justices, with the power of constitutional review of all laws (at present, Supreme Court decisions on the constitutionality of laws affect only the particular case before it); this Chamber will also process Writs of Personal Exhibition which is expected to accelerate disposition of these cases.

-- The Supreme Court's previous power to initiate bills along with the Executive and the Legislature is limited. This power will henceforth be confined to proposing laws relating to the Judiciary and notarial functions. There was concern that expanded powers to review the constitutionality of laws could involve potential conflicts of interest in cases in which the Court had proposed the legislation under attack.

UNCLASSIFIED DECLASSIFIED

UNCLASSIFIED DECLASSIFIED

RELEASED
El Salvador: Human Rights
Special Project (1993)

-- The Supreme Court is empowered to prepare its own budget presentation, and the Executive must transmit it to the legislature without change as part of the general budget.

-- Judges of the second instance (appellate level), as well as first instance and justices of the peace will now be named by the Supreme Court instead of being elected by the Legislature.

-- A National Council of the Judiciary will be established to propose individuals for first and second instance judgeships and to oversee their performance. Implementing legislation will decide the membership of the Council, but the purpose is to include the various lawyers' associations in the process along with judicial officials.

-- Supreme Court terms have been lengthened to five-year renewable terms; the entire Supreme Court will be elected by the Legislature pursuant to these provisions.

-- Judges of the first and second instance will be appointed to three-year terms, which are to be automatically renewed unless the incumbent is removed for professional or ethical reasons.

-- The long-deferred law on the judicial career is to be enacted, regulating judicial qualifications and standards of performance.

-- The constitution provides that the Fiscal may organize and direct an Office of Criminal Investigation. The precise functions of this office and its relationship with the investigative function of the Security Forces is now clear.

The Articles relating to the Judiciary were approved with relatively little controversy in the Constituent Assembly, but saw for the first tinme in recent years vigorous public discussion and lobbying by the Bar associations and the Judiciary. This activism itself is a very positive development.

On balance, the changes point toward greater judicial independence and provide a basis on which further reform activity can be built. The actions of the Constituent Assembly, and the attendant lobbying, are encouraging signs that the necessity of legal reforms has been recognized and accepted.

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El Salvador: Human Rights
Special Project (1993)

U.S. Actions

Existing funding authorities for certain legal reform activities under the Foreign Assistance Act of 1961, as amended have been helpfully expanded by the Congress in order to permit the United States to more actively assist the Salvadoran Government in critical areas. The FY-1984 Continuing Resolution earmarks not less than $3,000,000 of economic support fund monies for programs and projects in El Salvador to promote the creation of judicial investigative capabilities, protection for key participants in pending judicial cases, and modernization of penal and evidentiary codes. These programs may be funded notwithstanding the provisions of Section 660 of the Act, which otherwise prohibits assistance to law enforcement forces."

The Continui.g Resolution has opened the possiblity of significant support for the activities of the Legal Reform Commissions, and discussions have begun about possible areas of assistance. Pursuant to this authority, the United States is working with the Salvadoran Government on development of a pilot project to provide protection for participants in the judicial process. A team of U.S. Marshals traveled to El Salvador last July to discuss United States programs and practices in this area, and will return to El Salvador in January, 1984, to help refine a concrete proposal. The United States will assist with technical advice, professional training, and needed detection and other equipment. Similar efforts are underway to provide the Judiciary with a professional investigative capability. As noted previously, creation of such a capability raises difficult bureaucratic questions which the Salvadoran Government has yet to resolve.

The Administration has signaled its great concern about renovation of the Salvadoran legal system in a series of visits, including that of Attorney General Smith last April, and a number of working-level and technical delegations. Senator Arlen Specter has visited Salvador twice this year to reinforce congressional concerns about progress in legal reforms and the pending case of the murdered U.S. churchwomen. Successful conclusion of this case will be an important achievement, for both countries, and would be evidence in itself of the revival of Salvadoran legal institutions.

A number of ongoing U.S. initiatives, in El Salvador and regionally, are also making a contribution. Under a grant to the Latin American Institute for the Prevention of Crime and Treatment of Offenders (ILANUD), based in San Jose, Costa Rica, an expert team will visit El Salvador, as well as other countries in the region, to meet with the Legal Reform Commission and other groups, and to develop specific, cooperative proposals for further action. An ILANUD team is

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El Salvador: Human Rights
Special Project (1993)

expected to visit El Salvador in February, 1984. In July and August, 1983, seven Salvadoran lawyers participated in a four-week, international-visitors grant program in the United States, and another Salvadoran attorney was able to attend an international conference on the independence of the judiciary held on Montreal (this attorney is now Executive Secretary of the Revisory Commission). The United States has provided a list of specialized U.S. Government training courses open to qualified candidates, and has funded a regional conference, to be held by the Costa Rican Bar Association in March, 1984, on the role of bar associations in Central America. A graduate scholarship program in criminal, agrarian and administrative law to be held by the University of Costa Rica Law School will include Salvadorans. Other initiatives, such as a regional judicial training course for judges, are under development. Given the similar range of problems affecting the legal systems of Central American and Caribbean Basin countries, whose legal systems are based on civil rather than common law, cooperative programs by national institutions and regional organs such as the OAS (which is developing a legal reform assistance program with U.S. encouragement) and ILANUD are a potentially important complement to bilateral programs.

E. Dialogue

The Government of El Salvador has undertaken a major initiative to promote a peaceful, democratic political solution to the armed conflict in that country. The government and the political parties of which it is composed agree that the political future of El Salvador should be determined through democratic elections in which the entire population can express its political preferences. They are opposed, however, to a division of political power on the basis of a deal without popular elections (i.e., the guerrillas' demand for power-sharing).

In order to establish fair conditions for democratic elections, the Salvadoran Peace Commission (composed of a prominent businessman and party leader, a leading bishop, and an ex-foreign minister) was created by the government's Political Commission to serve as a vehicle for dialogue with the armed and unarmed elements in opposition to the government. The Peace Commission reports directly to the authoritative Political Commission (a group composed of the President, three Vice Presidents, Defense and Foreign Ministers, and representatives of the major parties).

The Administration fully supports El Salvador's determination to allow its population to decide its own political future. To this end, President Reagan has charged his Special Envoy for Central American Negotiations, Ambassador Richard B. Stone, with the task of supporting and facilitating

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El Salvador: Human Rights
Special Project (1993)

dialogue between the Salvadoran Peace Commission and opposition elements. Ambassador Stone is also tasked with consulting with participants in the Contadora process -- a regional diplomatic effort designed to advance peace, democratization and economic cooperation in the region.

Internal Dialogue

On July 9, 1983, pursuant to a request of the Salvadoran Political Commission, Ambassador Stone sought to meet in San Jose, Costa Rica with representatives of the guerrilla FMLN coalition and the FDR political coalition which has allied itself with the guerrillas. The purpose of the San Jose contact was to facilitate a meeting between the FMLN/FDR and the Peace Commission. The Stone meeting, however, did not take place because of unacceptable pre-conditions posed by the FMLN/FDR for what was supposed to be a meeting without conditions.

On July 31, 1983, Ambassador Stone, with the authorization of the Salvadoran Political Commission, held a preliminary contact in Bogota, Colombia with the representative of the FMLN/FDR. As a result of this meeting, the FMLN/FDR dropped its earlier pre-conditions for a more formal meeting.

Accordingly, on August 30, 1983, Ambassador Stone met with an FMLN/FDR delegation in San Jose, Costa Rica to discuss the establishment of direct contact between the FMLN/FDR and the Peace Commission. Simultaneously, on August 29, 1983, in Bogota, Colombia, the Peace Commission held its first preliminary contact with the FMLN/FDR to work out procedures for a substantive meeting.

The substantive meeting of the Peace Commission and the FMLN/FDR was held in Bogota, Colombia on September 29, 1983. The Peace Commission offered to begin discussions with the FMLN/FDR on all relevant issues (such as candidates' security and access to mass media) related to the holding of democratic elections. The FMLN/FDR rejected the offer and responded with its view that it should be given an immediate share of political power. Moreover, it demanded that its guerrilla fighters be integrated intact into the Salvadoran Armed Forces while reserving for itself the right to purge and reorganize the government's military. The leftists' demands were considered completely unacceptable and antithetical to the democratic process which began with the election in 1982.

With the exception of informal communications, there have been no further meetings of Ambassador Stone or the Peace Commission with the FMLN/FDR. The Salvadoran Peace Commission has indicated, however, that it is ready to resume dialogue as soon as the FMLN/FDR alters its current opposition to discussion of elections and the ongoing democratic process.

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RELEASED
El Salvador: Human Rights
Special Project (1993)

The Contadora Process

The Government of El Salvador has been an active participant in the Contadora process along with its four Central American neighbors (including Nicaragua) and the Contadora group (Mexico, Venezuela, Colombia, and Panama). The United States has supported such participation, and Ambassador Stone has consulted repeatedly with the Salvadoran and other governments on the Contadora process. In these consultations and the Contadora ministerials and technical group meetings, the Government of El Salvador has produced a number of constructive suggestions for facilitating progress.

The Government of El Salvador approved the Document of Objectives which emerged from the Contadora Ministerial of September 7-10, 1983. Under the 21 points included in the document, the Salvadoran Government and the other governments of Central America commit themselves to agreed on verifiable measures to end subversion of one state by another, limit arms and foreign advisors, and promote democratization and national reconciliation.

Currently, the Government of El Salvador is participating in efforts within the Contadora process to elaborate a treaty or treaties comprehensively implementing the 21 objectives. At the January 7-8, 1984 meeting of the Contadora group, El Salvador and the other Central American states agreed on the establishment of three working groups to develop specific recommendations to implement and verify commitments on political, security, and socio-economic issues. The Administration has fully supported, through the Stone mission and in other forums, comprehensive implementation of the Contadora 21 objectives on a regional basis. The Administration views such a regional, comprehensive, peaceful formula as the best formula for ensuring long-term stability in the area.

UNCLASSIFIED

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RELEASED
El Salvador: Human Rights
Special Project (1993)

IV. ECONOMIC DEVELOPMENT

The preceding section on political development addresses fundamental issues regarding an individual's right to a voice in the conduct of government, to freedom from repressive measures against body and mind, and to an effective and equitable system of institutional justice. The failure of Salvadoran society to provide adequately for these rights has played a major role in creating the problems now faced by the country. Equally important, however, has been the historical pattern of economic injustice, a pattern not easily ended, but now being aggressively tackled by the Salvadoran government. Along with the problems inherent in reversing old societal structures are the more current problems of guerrilla sabotage of the economic infrastructure and an international climate that is not conducive to growth in El Salvador's traditional fields of economic endeavor. This section discusses the economic obstacles to improving the lot of Salvadorans as well as the steps and reforms being taken to overcome them.

A. Economic Overview

Before 1960, the economy of El Salvador was depended mainly on a few subsistence crops and coffee. However, the creation of the Central American Common Market (CACM) stimulated the development of the manufacturing sector. This helped El Salvador to achieve average real growth during the 1960s and 1970s of more than 5 percent a year. At the same time, however, population increased from 2.6 million in 1960 to 4.8 million in 1980. Industry was unable to provide jobs for most new entrants into the labor force, and the country's limited size and concentration of land ownership stifled opportunities for the growing campesino population to become independent landholders.

The military leadership installed by the October 1979 coup supported -- and in some cases directly implemented -- a series of sweeping economic reforms, including expropriation of agrarian lands and nationalization of the financial system and of coffee and sugar marketing operations. The reformist junta led by Jose Napoleon Duarte (March 1980-May 1982) and the Government of National Unity in power since May 1982 have subsequently faced the problems of a rapidly deteriorating economy amidst violence from both the extreme left and extreme right.

Since 1979, gross domestic product (GDP) has fallen by about 25 percent in real terms, exports have dropped by 40 percent, and unemployment and chronic underemployment may be as high as 40 percent. The violence has triggered large-scale capital flight, reduced public and private investment by 48 and 74 percent respectively, interfered with production and

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RELEASED
El Salvador: Human Rights
Special Project (1993)

exports, and generated fear and uncertainty in the private sector. Depressed commodity prices, declining CACM and developed country demand for manufactured goods, high interest rates and the sharp oil price increases of 1979-80 have been costly to the Salvadoran operations and maintaining public and social services also has contributed to a growing and increasingly onerous debt burden.

Short-term economic prospects for El Salvador remain poor. Although GDP is not expected to decline again in 1983, the economy has stagnated at an intolerably low level of activity. Urban unemployment remains high and has been exacerbated by large numbers of displaced persons from the regions affected by the fighting. Inflation is not yet a major problem, but at 10-13 percent and climbing, it is high by Salvadoran standards. Recovery is hampered by the financial and economic effects of fighting an ongoing guerrilla war.

The economic fall-out of the guerrilla violence is a concern of the first order for the Government of El Salvador. Indeed, the guerrillas themselves acknowledge that economic deterioration is a key ingredient in their strategy to bring down the government. The attacks by guerrillas on the basic infrastructure, especially the transportation and electrical energy sectors, have been persistent, successful and extremely costly. Direct damage to the economy from guerrilla sabotage is estimated to be more than $800 million since 1979. Recently the guerrillas have, with disturbing success, increased their attacks on the agricultural sector, which accounts for a quarter of GDP, nearly half of employment, and two-thirds of the country's exports.

In addition, Salvadoran economic recovery is prevented by a scarcity of foreign exchange. Political and security uncertainties caused foreign private credit to contract by about $250 million between 1978 and 1982; this contraction has had a particularly depressing effect on imports on spare parts, machinery and raw materials. At the same time, the unrest has led to a further reduction of foreign exchange availabilities through capital flight.

To ameliorate the foreign exchange problem and help El Salvador toward economic stabilization, a one-year International Monetary Fund standby credit for $47.4 million was put in place during 1982. A $36.2 million compensatory financing facility was approved at the same time. The performance of the Salvadoran Government in meeting the IMF-imposed targets was good, and all IMF funds were disbursed. Negotiation of a new standby for 1984 is expected to begin once a new Salvadoran Government has been elected.

Additional balance of payments support from the U.S. Agency for International Development is discussed below.

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El Salvador: Human Rights Special Project (1993)

B. Land Reform

The Government of El Salvador continues to make documented progress on implementing the agrarian reform program. Over the past three and a half years, much has been accomplished through land reform despite efforts of extremists on both the left and the right to obstruct the program. Under the land reform's two currently active phases, landless farm laborers and tenant farmers are purchasing the land they have tilled while payments are being made to former owners by the Salvadoran Government. A new stage of the reform will make additional land available for the landless.

Approximately 23 percent of the country's land in farms has now been handed over to campesinos and cooperatives. As of the end of November 1983, some 90,951 farmers had received land through the land reform program, as compared to 83,183 in June 1983. Including their families, more than 545,000 people -- some 18 percent of the rural population -- are now benefitting from the reform. This is an increase of 45,000 over the June 1983 total.

Phase I: Under Decree 154 (dated March 5, 1980), individual land holdings in excess of 1,235 acres (500 hectares) and some smaller properties voluntarily offered for sale have been taken by the government and turned into cooperatives of former workers and tenants. Fifteen percent of the country's farmland has been affected by Phase I, and 317 cooperatives have been formed. Most will soon begin their fourth year of operation. These cooperatives have 31,359 members or about 188,000 beneficiaries when family members are included.

With the exception of sugar and rice, yields of basic grains and export crops are higher than the national average. Phase I farms recorded increases in yields per hectare for the important crops of coffee and cotton in 1983 compared to 1982 harvests. However, there was a drop of 15 percent in area planted from 1982 to 1983 because of continued low world market prices for exports and violence in the countryside.

The quality of farm management is a critical factor in the success of agrarian reform cooperatives. ISTA, the GOES agency responsible for the implementation of Phase I, has inaugurated a program to strengthen the managerial capacity of the agrarian reform cooperatives. Toward this end, in cooperation with lending institutions and campesino organizations, a list of 105 qualified and approved farm managers and 45 accountants has recently been developed. As of November 16, 1983, twenty-three farm managers had been placed, and twenty-one additional requests for farm managers were being processed. One farm accountant has been placed.

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El Salvador: Human Rights
Special Project (1993)

Phase II: The original agrarian reform law provided for transfer of ownership of all farms over 247 acres (100 hectares) not covered by Phase I. The administrative complexity and economic costs of such a massive dislocation soon forced even the reform's authors to concede the unworkability of Phase II under that definition. After more than two years of national discussion, and extended debate in the Constituent Assembly, the new constitution, promulgated December 20, 1983, contains an article which will restructure and revive Phase II. Under Article 105, owners of more than 605 acres (245 hectares) will be required to sell the excess within three years to campesinos, their associations, or other small farmers. Failure to comply will permit the government to immediately expropriate the land without prior compensation. Although the new cutoff is higher than that sought by campesino groups, it represents a major compromise by El Salvador's more conservative factions, and is a clear step forward from the state of limbo in which Phase II had previously languished.

The farms to be affected under Phase II are medium-sized and among El Salvador's most productive. Observers estimate that the amount of land to be affected will range from 30,000 to 70,000 acres. By relying on private market sales, Phase II should escape much of the political rancor surrounding the other two Phases. It is too early to comment on implementation of the redefined Phase II, but the new structure is fully consistent with the goals of the land reform to reduce the concentration of agricultural production in a few hands and to open the land to new ownership. The new Phase II will also serve to resolve owner uncertainty and free all Phase II lands for sale immediately, which whould stimulate agricultural production and investment in the short term.

Phase III: Under Decree 207 of April 28, 1980, former tenant farmers and shareholders are entitled to purchase the land they worked at a price determined by the implementing agency of the Salvadoran Government, FINATA. Compensation is to be based on the former owner's assessment of the value of the land in his 1976-1977 tax declarations. In the absence of these tax declarations, a fair value is computed based on the soil characteristics of the land. Implementation of Phase III follows three basic steps:

(1) Acceptance by FINATA of the beneficiary's application. This gives provisional title to the applicant, user rights and certain provisional legal rights of ownership. In effect, this represents de facto implementation of the reform, since the beneficiary no longer owes rent and can cultivate the land as his own.

(2) A field inspection by FINATA agents develops a land survey and provides most of the information necessary to final titling.

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El Salvador: Human Rights Special Project (1993)

(3) Payment of compensation and issuance of final title represents de jure implementation and completes the process of transferring ownership.

Numerous problems have surfaced between the initial issuance of a provisional title and the final determinations necessary for final titling. Some delays are based on resistance by former owners, who can impede the process by suing for higher compensation. Guerrilla attacks and threats against FINATA inspectors have impeded the land surveys necessary.

But, as of mid-December 1983, 60,366 persons had filed petitions for land, or 53 percent of those estimated to be eligible by the Government of El Salvador. This ratio stood at 43 percent in June, 1983. Including family members, more than 357,000 Salvadorans are now moving under Phase III toward ownership of the land they work. The number of property owners compensated stood at 480 in November, an increase of 375 during 1983.

In July 1983, FINATA, the Phase III implementing agency, began a mobile campaign to increase the number of applicants as well as to speed up the compensation process and the granting of definitive titles. During the period July 25, 1983, when the campaign began, to December 9, 1983:

-- 9,246 farmers filed title petitions for 10,624 parcels of land.
-- 11,458 provisional titles were issued.
-- 2,170 definitive titles were completed.
-- 176 landowners were compensated.

Evictions: Illegal evictions of and violence against Decree 207 beneficiaries by disgruntled former owners continue to be a problem. As the criteria for Phase III land transfers involve the way owners used land, as opposed to the size of their holdings, many who have lost land under Phase III are not wealthy. There is some evidence that most violence and illegal evictions come from the former owners of the smallest, not largest, Phase III farms. The Armed Forces have shown strong support for Phase III through their actions to reinstall beneficiaries on their new land.

Defining an evictee as anyone for whatever reason who is unable to work land to which he feels entitled, some peasant organizations have claimed that over ten thousand farmers have been evicted. In an effort to get an accurate measure of the dimensions of the eviction problem, the Government of El Salvador's Office of Agrarian Reform Evaluation (PERA) undertook a survey in June 1983. The study obtained estimates of the number of Phase III beneficiaries who had been illegally evicted from their lands by interviewing as many campesinos as possible on 330 properties chosen at random throughout the

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El Salvador: Human Rights
Special Project (1993)

country. (Evictees are defined by FINATA as those who had filed a Decree 207 application and subsequently been denied access to the property.) PERA's study indicated that 11.0 percent of Phase III benificiaries had been evicted.

Evictions of Decree 207 beneficiaries and legal "oppositions" by former owners are still a problem, and the upcoming election campaign followed by the planting season will likely aggravate the situation. Close monitoring and continued quick action by FINATA and the Armed Forces in making reinstallations will be required to minimize the devestating effect on the program. Since clear title to the land for beneficiaries is tied to compensation to former owners, a key issue in reducing illegal evictions and violence is the provision of sufficient resources to the Government to speed up the compensation process.

Compensation: The Salvadoran government continues to honor its obligation as provided for in agrarian reform legislation to compensate former owners of land affected by the agrarian reform. Compensation in Phase I of the reform is in long-term, interest-bearing bonds for land, and a mix of cash and short-term bonds for livestock, machinery, and equipment. As of November 1983, compensation paid totaled the equivalent of $120.1 million including $9.1 million in cash and $111 million in bonds. Interest payments on Phase I bonds now stand at $14.9 million. The government is current in its interest payments due on agrarian reform bonds.

Cash compensation paid under Phase III is now the equivalent of $2,262,200 plus $321,200 in interest payments. (The compensation schedule on Phase III transactions is 50 percent cash and 50 percent bonds for affected properties under 100 hectares. For properties over 100 hectares, the compensation schedule is 25 percent cash and 75 percent in bonds.) Phase III compensation as of December 1983 in both bonds and cash totaled the equivalent of $9.62 million.

The Salvadoran Government has indicated that its 1984 budget will include the equivalent of $20,353,240 for agrarian reform compensation. The government continues efforts to make bonds a more attractive instrument of payment. Interest coupons can be used to pay some taxes and are traded (at a discount) on a secondary market. In cooperation with the private sector, the government is investigating ways in which the bonds would be directly traded in exchange for shares in businesses now publicly owned. Section 620(g) of the Foreign Assistance Act of 1961, as amended, precludes the use of U.S. assistance for the purpose of land reform compensation.

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Special Project (1993)

C. Other Reforms:

The other principal reforms consist of banking and commodity marketing nationalization.

On March 7, 1980 El Salvador's eleven domestic commercial banks and eight savings and loan associations were nationalized. As previously organized, ownership of these institutions was concentrated in the hands of a small group of wealthy families and individuals -- largely the same group that owned the largest landholdings -- and these owners tended to allocate a disproportionate amount of credit to themselves. Decree 158 of 1980 resulted in the government's expropriation of all shares of the banks and savings and loan institutions with a commitment to sell 49 percent of the shares back to the public. Former owners were compensated with five-year, 9 percent bonds. No individual may hold more than 1 percent ownership of any financial institution.

The principal goals of the nationalization were fourfold:

-- to improve access to credit for a large majority of Salvadoran individuals and firms;

-- to assure credit access for agrarian reform beneficiaries;

-- to direct domestic savings toward productive investments to improve overall development prospects; and

-- to improve income distribution through the increased participation of ordinary Salvadoran citizens in the ownership of the financial institutions.

These basic goals are fundamentally political and social in nature, and there was no pretense that economic efficiency would necessarily be improved.

Judged against social criteria, the results of nationalization have been mixed, but with clear successes. Commercial banks are now financing roughly half of the agrarian reform while savings and loan institutions have increased their financing of low and middle-income housing by almost 25 percent over pre-reform levels. It is premature to judge whether commercial credit will in fact expand into other productive sectors, such as light industry. Business attitudes toward expansion, and the general public's view of new ventures, are wary at best. The test of increased accessibility to the banking system will have to await an overall improvement of the investment climate. The objective of distributing the ownership of financial institutions suffers from the same lack

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Special Project (1993)

of investor confidence, perhaps coupled with overpricing of the shares offered. The Central Reserve Bank estimates that $56.8 million worth of shares are available for sale to the public, but applications for only about $120,000 have been received. (This may also reflect unfamiliarity with public share offerings in a country that does not have a stock market.)

Judged against financial efficiency, the results are less good. Until the business climate improves, it will be difficult to assess what impact -- if any -- the reform has had on banking efficiency. Deposit growth has been relatively strong, but has not been matched by loan growth. Profitability has fallen. It is impossible, however, to lay blame for these negative indices exclusively on the reform. The business climate is not conducive to aggressive lending or borrowing. World markets for traditional exports are weak, and foreign exchange is difficult to obtain even for inputs necessary for production. Foreign credit lines to Salvadoran commercial banks have dropped precipitously. Although there has been some recovery since a 1980 low, banks are also faced with a heightened level of non-performing loans, due both to market conditions and guerrilla destruction of productive enterprises and their supporting infrastructure.

Reforms in the marketing of two major export crops have affected the financial sectors as well as the agricultural sector. Early in 1980, the Salvadoran government nationalized the marketing of coffee and sugar and established two state-owned companies, INCAFE and INAZUCAR, to promote the marketing of coffee and sugar abroad and domestically, to administer El Salvador's obligations under international commodity agreements, to purchase the raw production from the farmers, and in some cases to manage crop processing. The removal of private commodity exporters from the scene has left them without an incentive to provide production credits, and the commercial banking system has had to fill the gap.

An initial purpose of the marketing reforms was to give the government control over the flow of foreign exchange receipts from commodity exports. Coffee growers in particular are unhappy with the new arrangement, and would like to see a return to private sector marketing. Part of the problem stems from weak international prices for coffee and International Coffee Organization quotas which severely limit export possibilities. There are, however, specific internal complaints. INCAFE pays growers based upon the world price calculated in U.S. dollars, but the Central Bank transfers receipts to INCAFE at the official rate of 2.5 colones to the dollar. The resulting price paid growers (in colones) is often not remunerative. There can also be delays in purchasing growers' crops because INCAFE already carries a large surplus stock. Finally, quality premiums earned by private exporters

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El Salvador: Human Rights
Special Project (1993)

are no longer available. Many growers believe they can do better through private marketing mechanisms. Sugar producers, though initially opposed to the reform on principle, are being paid renumerative prices by INAZUCAR and are relatively satisfied.

D. Organized Labor:

The work force of El Salvador is largely agricultural. In addition, the number of workers in manufacturing, construction and service industries has declined steadily over the past five years. The world economic recession and El Salvador's guerrilla war have taken their toll on the nation's economy. As a result, organized labor in El Salvador has been required to devote much of its attention to easing the effects of a three-year old wage freeze law, a continuing high rate of layoffs, missed government salary payments, and the high rate of unemployment. Rapid population growth will exert even more pressure on the economy's limited ability to provide jobs (see section F, below). These problems, however, have apparently strengthened union cohesion.

Total union membership peaked in 1977, with over 76,000 registered members, and dropped to a low of 55,200 the following year. Membership had climbed back to 71,000 by 1980, and to 74,000 by 1983.

There are three major political umbrella groups for labor. Largest and most important of these is the Popular Democratic Unity (UPD), which brings together independent federations of slightly differing but democratic political tendencies into a centrist coalition lobby for union and political rights. Although not a legally recognized trade union confederation (becuase the previous constitution did not permit agricultural workers the right to organize formally), the UPD represents the point of view of the moderate center-left democratic urban unions and campesino associations. The AFL-CIO has worked with some UPD affiliates for years and, through the American Institute for Free Labor Development (AIFLD), is a strong supporter of the UPD. The urban federation members of the UPD have been hard hit by the unemployment crisis, and the UPD campesino associations are vigorously pushing the agrarian reform process.

Further to the right is an informal alliance of the General Confederation of Unions (CGS) and the National Confederation of Workers (CNT). The CGS, which is much smaller than the UPD, was affiliated with the Inter-American Regional Organization of Workers (ORIT), an arm of the International Confederation of Free Trade Workers (ICTFU), until expulsion in 1979 on charges of corruption and domination by the military-oriented National Conciliation Party (PCN). The CGS is trying to recover and still maintains some contact with AIFLD. The newer and smaller CNT is yet further to the right.

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El Salvador: Human Rights
Special Project (1993)

The third umbrella association is the left-leaning Unitary Labor and Brotherhood Movement of El Salvador (MUSYGES), a loose grouping of unions with an assortment of philosophies on both politics and labor activism. Also operating within the labor left are groups -- some underground -- with close ties to the armed, violent left. They are collectively not representative of more than 13,000 workers and campesinos. Leadership is often political rather than trade union oriented.

There is general agreement that the labor code of El Salvador is outmoded and ineffective in supporting meaningful labor-management relations. It is particularly weak where workers' rights are concerned. Collective bargaining is virtually non-existent. The weak labor code and the wage freeze law (which severely limits salary increases for public and most private employees) effectively hinder labor negotiations. Moreover, claims of worker harassment and union busting efforts by management are very common, as is the claim that the Ministry of Labor has been unable to assume a definitive role in protecting against these practices.

The Ministry of Labor recently formed a tripartite (business, labor and government) commission to study the labor code and recommend reform measures. The commission's report and recommendations should soon be presented to the Legislative Assembly for discussion and approval now that the new national constitution has been adopted. Labor's view is that labor-related articles in the new constitution fail to provide sufficient worker protection. Labor leaders hope that the labor code commission will be able to strengthen workers' rights through additional labor code legislation.

U.S. Government relations with organized urban and campesino labor in El Salvador are indirect: the American Institute for Free Labor Development (AIFLD) is funded jointly by the U.S. Government and the AFL-CIO. Although it has recently decided to pay more attention to urban labor, during the past three or four years AIFLD has been primarily engaged in supporting agrarian reform and the campesino movement.

Recent AIFLD objectives have been to help develop competent trade union leadership, to impart technical training to Phase I agrarian reform cooperatives, and to help ensure the success of the reform's Phase III. The latter is accomplished through assisting promotional campaigns for the registration of remaining potential Decree 207 land reform beneficiaries and supplying other technical and financial assistance. AIFLD's program include leadership training, seminars, scholarship to the George Meany Center for Advanced Labor Studies and community development projects. In addition to the traditional workers' representation role, El Salvador's major democratic labor confederations have increased their political involvement

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El Salvador: Human Rights
Special Project (1993)

in recent months. In order to combat the political involvement of leftist unions that have been more plitical than unionist in their orientation, the UPD and others have begun to assert political muscle. Demonstrations and lobbying for such issues as the land reform have become increasingly common and will likely continue as the elections approach.

In a significant precedent, the Christian Democratic Party-backed General Confederation of Workers (CGT) organized a two-day conference in November 1983, to discuss the general situation in El Salvador, the status of its democratic experiment and the prospects for peace. The conference was a well-attended success and clearly showed a greater openness to labor/campesino views of the nation's problems and a more courageous outspokenness about obstacles to peace.

Reactions from the left and the right have sometimes been extreme. Abductions and murders of labor leaders have been a serious problem. Nine union leaders disappeared or were murdered this past year, and a number of other labor activists suffered a similar fate.

E. U.S. Economic Assistance:

1. Economic Support Funds (ESF)

ESF has become the single most important element of our economic assistance package for El Salvador, accounting for over 50 percent of our total bilateral economic assistance in fiscal years 1982 and 1983, with the same relationship planned for FY 1984. From FY 1981, when we began providing significant amounts of ESF for balance of payments support, through the end of FY 1983, our main purpose in providing ESF has been to stabilize the economy by arresting the precipitate four-year decline in GDP.

The principal use of ESF has been to finance imports from the U.S. of raw materials, intermediate goods, and parts and equipment needed to maintain private business activity and employment. Our strategy has been partially successful; the provision of $220 million over FY1982/83 as emergency cash transfers to address the balance of payments crisis is expected to permit El Salvador to record no GDP decline in 1984. However, since the economy contracted by 25 percent between 1978-1982, stabilization at the current low levels of economic activity is not a satisfactory result. Our immediate objective is to achieve positive real growth by providing increased balance of payments support and by encouraging the Government of El Salvador to implement policy changes conducive to increased production, employment and exports.

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El Salvador: Human Rights
Special Project (1993)

A secondary but vitally important use of ESF in El Salvador has been to finance the restoration and replacement of vital infrastructure. Thus far, $28 million has been used for the repair of the electrical distribution system, roads and bridges, railroads, telecommunications, and municipal water systems damaged or destroyed by guerrillas. This assistance covers only a fraction of the total amount of infrastructure damage, but, because it is quickly disbursed, it allows the Salvadoran government to address quickly its most urgent infrastructure priorities.

2. AID Development Strategy

In recent years, Agency for International Development (AID) financial support has provided key assistance in arresting the decline of the Salvadoran economy. The decline continued through 1982; 1983 may be the first year since 1979 without a decline. Lack of security, low commodity prices and lack of business confidence present formidable obstacles to achieving significant measurable growth in El Salvador's economy.

Preliminary projections indicate that the Salvadoran government will require about $310 million in balance of payments support to achieve 3 percent GDP growth in FY 1985. U.S. economic support funds and P.L. 480 concessional credits for food imports will satisfy only part of this requirement. AID's strategy is to combine this balance of payments support with promotion of macroeconomic policies that encourage production, employment, foreign exchange generation, industrial stabilization and recovery, and continued support for the agrarian reform programs.

AID also will directly support the agrarian reform programs as well as the gradual extension of the Salvadoran government's combined security and development program initiated in San Vicente Department and designed to bring security, reactivate the economy, and restore basic services. Given the levels of AID support requested by the Administration, increases in the level of assistance provided by the International Monetary Fund and World Bank, somewhat better prices for Salvadoran export crops, an improved world economy, and, above all, some improvement in the security situaton and in the investment climate, significant positive growth is an achievable goal.

Deteriorating social services require immediate attention, particularly in the health and education sectors. AID assistance is essential to help strengthen the Salvadoran Government's presence at the grass-roots level, to provide for the basic human needs of the majority of Salvadorans, to arrest further institutional deterioration, and to protect prior investments in these sectors. AID's strategy is to deal immediately with the symptoms (e.g., absence of medicines and supplies, closed schools and lack of textbooks) while strengthening weak points of the systems (e.g., health logistics and education administration.)

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El Salvador: Human Rights
Special Project (1993)

AID thus proposes to combine a program which reverses the process of economic deterioration with initiatives to improve the quality of social services. While this program takes effect, AID intends to expand and improve current humanitarian assistance programs, including the restoration of strife-torn areas and the resettlement of displaced persons.

Economic stabilization and recovery: As the current economic crisis in El Salvador threatens social and political stability, the AID program is designed to direct resources to maintain and expand economic activity. Specifically, the program is designed to:

-- maintain or increase imports which support agricultural and industrial production;

-- guarantee food stocks;

-- restore damaged infrastructure;

-- encourage development of exports and expanded production of private businesses, both small and large, emphasizing enterprises which contribute to foreign exchange earnings and generate employment;

-- utilize the special opportunities presented by the Caribbean Basin Initiative; and

-- support public sector efforts in employment, agrarian reform, services restoration, and humanitarian efforts.

Humanitarian Assistance. While supporting efforts to address the immediate problem of human suffering, AID-supported programs provided $10.5 million in both FY1982 and '83 for emergency relief for the displaced. AID programs seek to:

-- provide emergency food and health care to the poor or displaced who cannot provide for themselves or their families;

-- provide work for displaced and unemployed heads of households on projects of importance to the communities in which they reside or which improve the health and sanitation of refugee camps or settlements; and

-- help displaced persons take advantage of opportunities for permanent resettlement by providing for food, loans, basic tools and equipment, access to land, and low-cost housing materials.

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El Salvador: Human Rights
Special Project (1993)

AID's strategy also emphasizes expanded participation of private voluntary organizations (PVOs) to help address problems of displaced persons. Further information on relief efforts for the displace is contained later in this report.

Social Development. El Salvador is faced with the need to correct historical imbalances in its economic and social structure. The country's high population density and continued high fertility rates (see section F below), its dependence on a few export crops, skewed income distribution, and a lack of natural resources present a formidable challenge to successful social development.

The AID strategy thus supports programs which:

-- restore health and education systems and infrastructure in areas where guerrilla action has destroyed or jeopardized the viability of existing systems, and restore the quality and efficiency of those systems throughout the country to pre-conflict levels or better;

-- provide access to maternal health and family planning services;

-- improve housing and community services for people whose access to start-up capital has been limited; and

-- strengthen democratic institutions, such as the Central Elections Council.

In FY 1983, AID provided $16.7 million for a Health Systems Revitalization Project and $1.8 million for a demographic grant for family planning purposes. An education systems revitalization program is currently being designed.

AID also supports Salvadoran efforts to assure the poor a greater stake in the economy through:

-- consolidation of the land reform program designed to give farmers the opportunity to own the land they farm and to farm on a cooperative basis large tracts (of 500 hectares or more) formerly owned and operated by individual landowners;

-- credit programs which provide capital to small farmers and businessmen who are participating, often for the first time, as full partners in the private enterprise economy;

-- training and extension support to increase the access of poor people to appropriate modern technologies;

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El Salvador: Human Rights
Special Project (1993)

-- development of infrastructure, such as small irrigation systems and access roads, to improve yields and market access for new landowners; and

-- marketing efficiencies which make local producers more competitive. (AID's Small Producer Development Project received over $2 million in funding during FYs 1982-83.)

AID's development strategy in El Salvador utilizes the experience and assistance of U.S. and local private voluntary organizations. These agencies bring to the development effort technical skills and program approaches well adapted to this society, and they provide an access to the perspectives and aspirations of elements of the society which formal government relationships cannot provide.

3. Caribbean Basin Initiative

The Caribbean Basin Economic Recovery Act, which came into effect on January 1, 1984, eliminates duties on virtually all U.S. imports if they originate in designated Caribbean Basin countries. The President designated El Salvador as a beneficiary on December 29, 1983.

The immediate benefits of the Act for El Salvador will be modest. Salvadoran producers of presently dutiable exports to the U.S. will receive higher revenues as a result of the duty elimination. However, of the products which El Salvador now exports ($310 million in 1982), most ($217 million in 1982) already enter the U.S. free of duty under either the general provisions of the U.S. tariff schedule (i.e. MFN -- most favored nation) or the special provisions for developing countries (GSP -- the Generalized System of Preferences).

Over the longer-term, the effects of this trade benefit could be significant. The objective of this program is to stimulate new investment and production, and hence create new jobs. Thousands of products not now produced in or exported from El Salvador have become duty-free. Salvadoran investors must now identify which new products they can export efficiently to the U.S., given local circumstances. For the full effect of this trade incentive to be realized, other conditions relevant to investment decisions (e.g. reasonable political stability, appropriate governmental investment, economic and labor policies, etc.) would also have to be positive. It is clear, however, that important new opportunities have been opened up for El Salvador, particularly in the areas of horticulture, processed agricultural goods and light manufacturing.

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El Salvador: Human Rights
Special Project (1993)

F. Population Growth

El Salvador, with 225 people per square kilometer, is the most densely populated non-insular country in the hemispere. Its population of 4.8 million is growing rapidly (2.6 percent annually), and at the current rate of growth, it would reach 7.8 million by the year 2000. Continued high growth in population will exacerbate social and political tensions and undermine development efforts. Government goals to provide public services, classrooms, housing, and basic health care are made increasingly difficult by the growing numbers. Gains in agricultural production, for example, are not expected to keep pace with the rapid growth in demand for food. Likewise, increasing demand for firewood will add to the depletion of forests and detract from commercial lumber uses. Perhaps most dramatic is the growth in the labor force. With nearly half of El Salvador's population under age 15, growth of the labor force will be rapid. The resulting unemployment, urbanization, and migration are potential sources of political and economic instability.

Rapid growth also affects the health of mothers and children. Child spacing, maternal age, and number of births per mother are all related to infant mortality. In El Salvador, infant mortality ranges from 60 to 80 deaths per thousand live births for the first four children. For the fifth and subsequent births, the infant mortality rate more than doubles to 160 deaths per 1,000 live births. On average, El Salvador's women have over six children.

Since the early 1970s, Salvadoran leaders have recognized the impact of rapid population growth on development. Ambitious government programs have been launched through the Ministry of Health, but have been plagued by implementation problems and political disruptions.

In recent years, the private sector, led by the Salvadoran Demographic Association (the International Planned Parenthood affiliate), has greatly strengthened its program, despite the civil strife. However, even with the success and the continuity of both the public and private sector's effort, only about 35 percent of married women of childbearing age use family planning methods. The picture is somewhat more positive in urban areas where approximately 50 percent of women in the same group are using family planning methods.

U.S. population assistance, through AID, began in 1966. Bilateral assistance, which equalled about $1.8 million in 1983, is expected to increase in FY 1984. In addition, non-governmental organizations receive multilateral population assistance from the UN Fund for Population Activities (to which the U.S. is a major contributor).

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El Salvador: Human Rights
Special Project (1993)

V. SECURITY

In order for democratic and economic development to take place, the Armed Forces of El Salvador (ESAF) must be capable of establishing a secure environment within which the Salvadoran people can peaceably implement socio-economic reform and resolve their political differences through democratic and pluralistic processes. In pursuit of this goal, the Armed Forces and Security Forces of El Salvador face a formidable challenge from an array of guerrilla groups differing somewhat in ideology and methods but united under the umbrella of the FMLN.

The ultimate goal of the Farabundo Marti National Liberation Front (FMLN) is to bring down the existing government of El Salvador through guerrilla warfare and a coordinated political strategy to gain international recognition and support.

The FMLN's military strategy amounts to a war of attrition against the Salvadoran economy and Armed Forces. The guerrillas have targeted key installations and lines of communication (bridges, highways, processing plants, telecommunications and electrical infrastructure) as well as export crops and commercial transport vehicles. Their military targets have been small, isolated military and Security Force outposts and, most recently, larger and better trained, but unseasoned, government units and garrisons. They have also frequently overrun better defended areas. In September and December, guerrillas attacked the capitals of San Miguel and Chalatenango Departments. The ultimate aim is to bring down the government through either total economic collapse or disintegration of the military from the bottom up.

The FMLN's political strategy and actions have consisted of attempting to discredit the electoral process and force power-sharing with the current government. They have agreed to negotiate with the government, but insist on power-sharing rather than participation in the elections as the condition for a negotiated settlement. This is probably designed as a delaying tactic to gain time for the military effort and to promote an image that the democratic Salvadoran and U.S. governments are intransigent. Power-sharing is likely seen as a prelude to the consolidation of power by the FMLN.

The success of the FMLN political strategy is dependent upon successes on the battlefield sufficient to force Salvadoran government officials into power sharing as their only chance for survival. The FMLN's ability to use propaganda effectively to create pressure on allies of the Government of El Salvador is integral to this strategy.

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El Salvador: Human Rights
Special Project (1993)

A. Military Situation

Salvadoran government strategy since June 1983 has centered on a National Campaign Plan, especially in the area of current national priority -- San Vicente and Usulutan. Primary missions in this strategy have been to dislodge the guerrillas from strongholds, disrupt their logistic networks, secure the guerrilla-controlled areas, and, in coordination with civilian agencies, initiate a civic action program to rebuild the social and economic infrastructure. This program consists of reopening schools, road building, establishing public health and vaccination programs, distribution of food, conduct of outreach and amnesty programs, and training local civil defense forces to protect themselves following the departure of the military.

When the military has conducted aggressive patrolling, it has had success. When this has not occurred, the FMLN guerrillas have been able to mass and move uncontestedly. The command and control system has exhibited some coordination breakdowns and a lack of detailed planning and timely responsiveness at the general staff and departmental level. Other shortfalls exist in the areas of mobility and transport, medical care, and operational and logistic planning.

The military strategy of the guerrillas has seriously damaged the Salvadoran economy. Although morale within the Salvadoran military has fluctuated with the erratic performance on the battlefield, the Armed Forces are not in any danger of disintegrating.

During the summer and early fall of 1983, the Armed Forces acted with initiative and vigor on the battlefield and saw a great measure of success from the National Campaign Plan in San Vicente. This was due in large part to active patrolling and a visible military presence throughout the countryside. Beginning in early September, the guerrilla forces mounted a counteroffensive lasting through November which did meet with limited success and encouraged a propensity by the military to adopt a "defend and respond" posture, giving up the initiative.

The overall result on the battlefield has been a stalemate. Government forces, while able to deploy anywhere in the country, have not been able to deal a decisive blow to the guerrillas. Recent key command and staff changes, and improved government command and control by the General Staff,have begun to facilitate more vigorous operations under new and aggressive commanders in the eastern part of the country.

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El Salvador: Human Rights
Special Project (1993)

The recent successful guerrilla attack on the Fourth Military Brigade headquarters at the garrison near El Paraiso in Chalatenango Department, and the destruction of the Cuscatlan Bridge across the Lempa River on the borders of San Vicente and Usulutan Departments, were setbacks for the government forces. They were, however, localized in both time and impact. They do not indicate any new capability of the guerrillas either to extend the area of their influence or to control areas they strike. Two other major guerrilla attacks launched in Chalatenango simultaneously with that on the Fourth Military Brigade were repulsed by government defenders with a marked display of courage and tenacity. If the concern and effort by the present military staff can make itself felt on the tactical level, the government forces should be able to retake the initiative and keep the guerrillas off balance.

The organization of the Salvadoran military for unconventional warfare is still admittedly inadequate. Existing forces will be increased in 1984 by two additional U.S.-trained immediate reaction battalions and by eight new light infantry, "counter-subversion" battalions.

Even with improved organization, at the present level of manning and support, the Salvadoran Armed Forces can do little more than maintain a stalemate with the guerrillas. The growth in the overall strength has not been accompanied by an attendant increase in the upper levels of the officer corps. The U.S. training of over 950 cadets has begun to alleviate the problems associated with a lack of junior officers. However, the shortage of field grade officers to run staff and logistics activities continues to be acute. With major expansion of the Army, the percentage of field grade officers in the military has declined from about five percent in 1979 to about one percent currently.

At present, Salvadoran guerrilla strength is estimated at 9,000-11,000 armed insurgents, including militia. Guerrilla capabilities have improved greatly since 1981, particularly in such areas as communications and in demolition. Many guerrillas, however, would be vulnerable to an effective psychological warfare program, and would be expected to return to land or jobs in government-controlled areas if their personal security could be assured. Additional force expansion and training of government forces is still needed to continue to improve the government's military posture and achieve a more favorable force ratio to prosecute successfully this type of war.

B. Assistance Requirements

The FY-1984 military assistance program has been designed to assist the Salvadoran Armed Forces in their goals of

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El Salvador: Human Rights Special Project (1993)

destroying the guerrillas' will and capability to fight, while protecting the economic infrastructure and reestablishing public order. The economic recovery of El Salvador has been complicated by the guerrillas' sabotage campaign, which is designed to destroy the country's economic infrastructure and perpetuate a climate of fear, uncertainty, and loss of confidence in the government among the populace.

Proposed acquisitions, with U.S. assistance, of military materiel and services would have a direct impact on the economy by improving security and protecting the economic infrastructure from attack. In addition, by contributing to establishing a secure environment conducive to development, military assistance helps the government continue the process of social, political and economic reform.

The program is intended to help correct substantial deficiencies which currently prevent the Armed Forces from securing all of the economically important and populated areas of the country on a sustained basis. The Armed Forces are fully committed to a promising new Salvadoran-designed strategy to take the war to the guerrilla and pacify the countryside in order to allow the nation to redevelop along democratic lines. Since 1979, the Armed Forces have tripled in strength and comprise the following: an Army of approximately 26,000; a Navy of about 500 (including a Naval Commando company); and an Air Force of some 500 personnel. The Public Security Forces (National Guard, National Police, and Treasury Police) number approximately 10,000 in total strength. During FY-83 alone, the Armed Forces increased by nearly 7,000 men and in FY-84 the projected increase is about 6,500. These increases will permit the establishment of 36 highly mobile, small (350 men) "counter-subversion" battalions. A sufficient level of security assistance is essential if these goals are to be achieved. The Administration is currently reviewing its requests to Congress in light of recent assessments of the military picture and the ESAF's requirements.

The specific objectives to be served by Military Assistance Programs are to:

-- provide resources necessary to maintain a viable fighting force;

-- continue to modernize, standardize and professionalize the force;

-- deny the FMLN a military victory in El Salvador;

-- enable El Salvador's government to maintain the edge over the guerrillas, receive technical and professional military training, and to purchase needed defense articles.

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El Salvador: Human Rights
Special Project (1993)

-- help the military to project successfully the National Campaign Plan to the entire country through continued force expansion, increased operational capabililty, effectiveness and efficiency; and

-- provide the sufficent supplies of ammunition and other materiel to enable the ESAF to maintain troops actively patrolling in the field rather than in a defensive posture.

During a period of expansion of the campaign plan into the eastern departments of El Salvador, resupply of ammunition, spare parts and consumables needed for heavily committed combat troops could take priority over training and humanitarian services such as medical equipment and supplies. During FY-83, ammunition usage alone was $22.8 million.

The quick reaction capability of the ESAF could suffer from insufficient funding for the acquisition of helicopters, small troop transport aircraft and vehicles. These factors are of considerable importance to maintaining command and control over troops in the field, with implications for both the counter-guerrilla effort and the effort to control human rights abuses.

C. Refugees and Displaced Persons

Military strife in El Salvador continues to displace large portions of the population. An estimated 58,000-67,000 Salvadorans have taken refuge outside their country. This is approximately 42 percent of the total refugee population in Central America and roughly equal to the number of Nicaraguan refugees. 18-20,000 Salvadorans have crossed the border into Honduras; 10-12,000 are in Mexico; 15-18,000 are in Costa Rica, and 15-17,000 are in Nicaragua.

An estimated additional 465,000 Salvadorans, or nearly ten percent of the population, are internally displaced. Most of the displaced persons reside with friends and relatives away from areas of conflict. Others have built temporary settlements on unoccupied land throughout the country. Some live in special camps administered by the Roman Catholic Church or other organizations. Approximately seventy-five percent of the estimated displaced population receives assistance from the Government of El Salvador through its National Commission for Displaced Persons (CONADES). Private local as well as international contributors are helping these displaced. The International Committee of the Red Cross (ICRC) assists displaced persons in areas inaccessible to other relief organizations because of the conflict.

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El Salvador: Human Rights
Special Project (1993)

The living conditions of the displaced persons vary greatly, depending on factors such as their willingness to register for assistance with CONADES, their economic well-being prior to displacement, and the public infrastructure in the area where they have settled. Similarly, infrastructure and available management help explain some of the differences even among camps run by the same group. In general, however, the living conditions of the Salvadoran displaced persons are considered to be as bad as for any of the groups uprooted by the conflict in Central America.

The Administration, through the Department of State and A.I.D., has been working to improve conditions in the camps and contributed $10.5 million for this purpose during FYs 1982-83. Congress has earmarked $10 million of FY 1984 funds for the displaced persons of El Salvador. Working through the UN World Food Program, CONADES and international and local private voluntary organizations, the U.S. Government has provided some of the basic necessities for the refugee population which is registered with CONADES.

The principal U.S. humanitarian assistance effort is the Emergency Health and Jobs for Displaced Persons Project of AID and the Department of State's Refugee Bureau. This project provides preventive health and other medical assistance and cash employment in small community and camp improvement projects. PL 480 commodity assistance provides basic food supplements to displaced persons participating in the work programs. World Food Program also provides PL 480 commodities to persons residing in camps throughout the country.

The ultimate goal of Administration policy remains the speedy and voluntary return of refugees and displaced persons to their homes. In this respect, efforts of the Government of El Salvador toward democratization and ending the guerrilla threat are important requirements for establishing a climate of peace and development in those areas from which the displaced and refugees have fled.

In the shorter term, much remains to be done to improve health facilities, to provide employment, to reach those people who do not currently receive adequate assistance, and to improve the delivery of basic commodities to displaced persons.

Specific initiatives currently being pursued by the U.S. are:

-- to help develop effective public health programs in the areas where displaced persons have settled.

-- to encourage coordination among the 26 different groups providing assistance to displaced Salvadorans, and

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El Salvador: Human Rights
Special Project (1993)

-- to encourage an international organization or a private non-government group to assume the role of overall coordinator of the programs for Salvadoran displaced persons. (The local PVO Coordination Committee has begun to meet and discuss coordination issues.)

The U.S. Government will continue to work through international organizations such as the UN and the ICRC, and through private voluntary organizations to ameliorate the situation of refugees and displaced persons by addressing their overall living conditions.

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El Salvador: Human Rights
Special Project (1993)

Appendix A

Thomas R. Pickering
United States Ambassador to El Salvador
Address before the American Chamber of Commerce
in San Salvador
November 25, 1983

I am pleased to follow a Salvadoran tradition by making my first general address to the American Chamber of Commerce. I hope my remarks are as interesting and stimulating to you as those of my predecessor proved to be.

Since I have arrived, my new Salvadoran friends have frequently asked me how I like El Salvador. I like it very much. This is a beautiful country. The people are friendly, hard-working and courageous.

But I think what they really are asking is this: How do I see the current situation? How do I see the future? And, perhaps most importantly, does my presence mean American policy has changed?

A new Ambassador in a country of El Salvador's importance makes these questions obvious and natural. This speech will try to answer them.

The policy question is perhaps the easiest.

The truth is there is no change.

Last April President Reagan outlined our policy before a joint session of Congress. It is clear, straightforward and easy to remember because of the four "Ds" describing the four pillars of our policy: democracy, development, diplomacy, and defense.

Permit me to begin with defense, because without an adequate defense none of the other areas of the policy can survive. But even a perfect defense, a "military victory," assures neither long range security nor the basic goals of political and economic change shared by El Salvador and the United States.

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Special Project (1993)

So, with the caveat that our policy cannot rest on defense alone, I would like to share my views on the military situation with you.

Your armed forces have demonstrated great valor in confronting an elusive enemy under difficult circumstances. Their real accomplishments have too often been ignored while at times they have been harder hit on the front pages of the newspapers than they have by the guerrillas.

The truth is that over the past three years the armed forces have greatly advanced as a fighting force. Even so, both the armed forces and the U.S. still recognize there is a considerable distance to go. For example, just over 20 percent have received U.S. training.

Since June the Salvadoran military has been constantly in the field, beginning first in San Vicente Department, where three months of steady effort have laid a solid foundation for the National Plan.

The plan was designed to provide security, followed by rebuilding the infrastructure, resettling refugees, and finally by instituting and continuing the economic development of the country. The plan is working. It is working despite the fact that nothing of this magnitude has ever been attempted here and much has had to be learned. It is working despite the new guerrilla offensive.

As for the long-predicted guerrilla offensive, the capacity of the guerrillas to initiate frequent actions against small and weakly-defended or undefended villages and towns is inherent in the nature of the struggle. Warfare in El Salvador has been so in the past, and until training and equipment can turn the balance, it is likely to remain so.

The army's reaction to the offensive has been much better than commonly assumed. They have managed to relieve or retake more than 75 towns attacked by the guerrillas within 6 to 36 hours. They have stayed in the field. They have improved their capacity for patrolling, conducted several counteroffensives, and are steadily improving their communications, air support, and the use of intelligence.

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Special Project (1993)

While the Army has gotten stronger and improved and consolidated its position, the guerrillas, too, continue to be strong. It is clear that the guerrillas have received good training and considerable foreign advice and support. They have good communications systems and a good intelligence network.

But for all that, and in spite of not having to defend fixed installations or bases, the guerrilla victories have been those of propaganda rather than of military effect. They have not significantly enlarged their control over the population, the economy or the national territory. Their offensive has cost them blood and war materiel. They are short on supplies in some key areas and there are signs the offensive may be winding down.

For the future, the carrying of the San Vicente operation into its next stage in Usulutan and retaking the initiative nationwide are vital. We are convinced that the government and the armed forces intend and have the capability to do so.

One unknown element in the future of the military conflict is the question of how successful we will be in persuading the Congress to provide the funds for continued assistance and training. But this is a point I will discuss in connection with human rights. First I would like to discuss economic development.

We are beginning to see some small, early signs of positive change in the economy. It is far too early to be even guardedly optimistic. But it is soon enough to begin to point out some of the favorable signals.

While all the results are not in, it appears that the disastrous decline in the real growth rate -- 25 percent in the past four years -- will be arrested this year. For the future, we intend to change our approach and target our assistance programs on the positive growth we believe possible.

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El Salvador: Human Rights
Special Project (1993)

-- Recent estimates of agricultural production indicate that earlier predictions were too low.

-- There have been some imaginative suggestions made on reviving Salvadoran industry.

-- The Caribbean Basin Initiative -- the Reagan Plan -- provides a new door which is open to large and increasing American markets. We are encouraged by the fact that in spite of the tough conditions which must be met, Salvadorans are taking a hard and energetic look at how to compete in the world's richest market. Progress in taking advantage of the initiative in the coming year would do much to restore faith and dynamism to the economy. This is a clear challenge to you in the private sector to combine support for the country with personal enterprise.

-- There is animated, and I hope serious, discussion about agricultural diversification.

-- The economic part of the national plan is moving ahead, albeit slowly and with growing pains.

-- Other signs, however small, are also encouraging. The U.S. economy and parts of the world economy are improving. Coffee quotas and prices are up slightly. Salvador has received a larger share of the U.S. sugar quota. The housing market in San Salvador is firmer, and there are other indications of internal economic strengthening.

There are also indications that the long, bitter debate on agrarian reform may be coming to an end. As you know, support for agrarian reform remains a cornerstone of U.S. policy since we believe it essential to social and economic progress. So we are heartened when, in our discussions with each of the political parties, we find broad consensus on the fundamentals of agrarian reform. All of the parties seem to agree that:

-- Phases I and III should be completed and perfected. They cannot and should not be reversed.

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El Salvador: Human Rights
Special Project (1993)

-- There should be greater equity in land tenure and reasonable limits on the amount of land that any individual or family can hold. Since the Government of El Salvador does not now have the wherewithal to carry out Phase II, a market mechanism which takes into account the needs of campesinos should be implemented in order to achieve these ends by a given date.

We believe that an effective compromise on agararian reform in the Constituent Assembly is well within reach. Such an action on the agrarian reform would further solidify U.S. support for El Salvador. It would also "unfreeze" Phase 11 lands. It would permit investment and productive development for the future, while providing new opportunities for landless campesinos to enjoy the benefits of holding their own farms.

Finally, we support a balanced budget, new taxes required to cover deficits, and then increase in government austerity so that essential expenditures can be covered. The government deserves congratulations and support for its steps in this direction.

For all of this, we must not forget what remains to be done:

--- To rebuild what is destroyed;

--- To generate new sources of employment and production;

--- To expand humanitarian relief for refugees;

--- To improve foreign exchange reserves;

--- To rebuild the regional common market;

--- And, perhaps most importantly, to renew efforts to improve the lives of the poor through nutrition, education, access to health facilities and decent housing.

Strengthening democracy here in El Salvador presents the toughest and the most important challenge. President Reagan listed this aspect before all others in his address last April.

As with headline writers, we are all too often tempted to focus only on sensational events or the bad news, while the small quiet steps that add up to progress are overlooked.

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El Salvador: Human Rights
Special Project (1993)

Let's look at the signs. The Assembly has become the nations's arena for healthy and vigorous public debate. This is as it should be. The Assembly has been much maligned for taking too long to resolve issues before it. But I would counsel patience. What we are witnessing is a phenomenon that is new for El Salvador -- open debate in a body where there is no permanent majority, and where the outcome is not a foregone conclusion.

Coalitions form around specific issues only to break up and coalesce in different shapes. The Assembly has shown its mettle by taking on controversial issues such as a painful but necessary tax package, the extension of Phase III of the land Reform and the amnesty program. The Constituent Assembly has set presidential elections for March 25, 1984, thereby fulfilling the goal of the Pact of Apaneca. These elections are essential for establishing a constitutional democracy with a mandate to govern effectively.

The United States Government unreservedly supports these elections and applauds the Assembly's action. We remain firmly committed to helping the Salvadoran government hold free and honest elections such as those of March 1982, which won the respect of democratic governments the world over. We are already providing $3.4 million in assistance to the Central Elections Council.

Democracy has registered gains in other areas:

-- The executive and judicial branches of Government have recognized the serious need for judicial reform and both have named commissions to deal with the problem and recommended changes.

-- The democratic labor movement has begun to lobby forcefully but peacefully on issues it considers of vital importance. Such activity is intrinsic to any truly democratic society. It is a tribute to the growing maturity of Salvadoran democracy that the government has allowed peaceful demonstrations of labor's growing strength to take place.

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El Salvador: Human Rights
Special Project (1993)

— The Peace Commission has held initial contacts with the representatives of the guerrillas. While the guerrilla's rejection of election participation has been discouraging, the democratic forces in El Salvador have made it clear that the door remains open to those who wish to resolve the nation's problems through the democratic process. There is room for moderates on both sides to come together.

But for all these signs of progress, the essential stumbling block to democracy in El Salvador remains extremist terror.

In the last few months this terror has once again surged. This terror can undo all the progress which has been made. It can destroy democracy in El Salvador.

— I don't care what their ideology is, my government and I are opposed to terrorism, be it terrorism of the left, terrorism of the right, or simple criminal terror which knows no ideology.

The important thing is that the terrorists are murderers, torturers and kidnappers. As such they deserve nothing less from society than open and honest punishment for such crimes.

There is information available to many of us about some of the personalities involved. I am keenly aware that much of that information may not at present be sufficient for a court of law. My deep concern is that no one seems to be trying to develop evidence which would stand up in court. There is now a starting point. We are certain that these individuals are as well known to the security forces as they are to those of us who have been in the country only a short time. In fact, information has been recently published in the foreign press repeating much of what is already known about death squad activities.

There has been little doubt of the commitment of the authorities to dealing with terror by the FMLN. There may be lack of means, but there is no lack of resolve. What has distressed my government is the lack of parallel action against those who murder and kidnap university professors, doctors, labor leaders, capesinos and government workers. We know by their selection of victims and other information that the Maximiliano Hernandez Martinez Brigade and the secret Anti-Communist Army are not guerrilla organizations. It is another case of fascists serving the Communist cause and this is all the more reason why the investigations must take place.

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El Salvador: Human Rights
Special Project (1993)

None of us can afford to continue in the self-deluding belief that nothing is really known about the shadowy world of these individuals and, therefore, nothing can be done. The cost is too great for both our nations.

The costs indeed are real. The U.S. Congress has reduced this year's military aid to El Salvador by $22 million and conditioned the remainder. (Our President's request for $86 million in military aid has yielded only $64 million.) There is little doubt that the reappearance of death squad activities was the cause.

What does the loss of $22 million mean?

-- It means that your homes, farms and businesses will have less protection than they otherwise would have.

-- It means that the army will expand by several thousand troops less than it otherwise would have.

-- It means that the troops who are fighting for your country in the hills right now will have to get along with less and that surely more officers and men will be wounded and die as a result.

But more than $22 million in bullets and helicopters and training is at stake. The future of your society is at stake. No one wants to live in a country where no efforts are made to find out who dumps bodies in gas stations and parking lots. No one wants his children to grow up in fear that almost anything his children say may be taken as "subversive."

Just over a year ago, in this very forum, my predecessor focused his remarks on this same topic. I am sorry to say that while there has been increased recognition of the problems of the judicial system here, too little has changed.

It was said by some that his remarks did not reflect Washington's views on the matter. But I say this is clearly not so. The White House, the Department of State, and Department of Defense have all spoken out condemning the actions of the death squads. The President of El Salvador, the Political Commission and the Minister of Defense have all condemned the death squads.

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El Salvador: Human Rights
Special Project (1993)

Some day, and today is not too soon, Salvadorans will have to begin to create the national consensus that such actions are not only reprehensible merely as a matter of rhetoric, but are issues on which they and their fellow citizens must be heard. What is wrong should not only be called wrong, there should be a national consensus that it is wrong.

I am surprised that the consensus has not emerged. Less than three weeks ago nine strangled bodies stuffed into sacks were found in Zaragoza. Among the dead were two obviously pregnant women. Is there anyone in this room who can find any pretext, any excuse, to justify this? Where are the condemnations? Why hasn't the private sector, which regularly issues statements on political matters, publicly condemned such outrages? Why haven't the daily papers done so? Is the condemnation of murder the business only of human rights organizations, some government leaders, the Roman Catholic Church and the U.S. Government and its embassy? The whole world noted, how, this October 21, one million Spaniards in over 40 cities peacefully demonstrated their repudiation of violence.

Failure to take the necessary steps now risks turning El Salvador over to anarchy in the short run and later to the Communists who will benefit most from the anarchy.

For the moment those in a fool's paradise may cite examples of places where terror supposedly turned the tide in favor of stable, but autocratic, governments. A neighboring state comes to mind, but its condition is no less perilous today for such actions. These short range successes have almost always engendered long-range disasters and it is most often the left that enters with its own form of tyranny as a result. While the events of 1932 may have engendered some years of stability, they form part of the background for the problems of today.

Several times during the last century the United States has itself had to deal with the murderous excesses of secret terror squads like the Ku Klux Klan. Even now shabby remnants of that hate-filled organization continue to exist. The struggle to break the power of the Klan organization was long and painful. Brave men and women lost their lives in that fight. The struggle was difficult for many of the same reasons that your struggle is difficult. The organizations are secret. They do not hestitate to intimidate or kill those who oppose them. And perhaps most importantly, too many "decent people" refuse to recognize that these terrorists are not espousing any social or political order worth upholding. You can be certain that my government will continue to cooperate with the Government of El Salvador to isolate and punish such criminals.

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El Salvador: Human Rights
Special Project (1993)

My words on these issues are no easier for me to say than they are for you to hear -- especially since I count myself a friend of El Salvador. Even though I have been here only a short time, I believe the time has come for me to say, as a friend, what I believe to be true and to say what must be said.

And what I have said here has been said to me in turn by many Salvadoran friends. Out of fear or other emotion they have not said so publicly. However, I can do no better, and certainly no worse, than to repeat for you here and now, as I just have, the clear meaning of these discussions with friends.

It is clear that the perilous and depressed times in which El Salvador and Central America now find themselves, provide the leaders of the region with extraordinary challenges. We do not focus enough on the historically unprecedented opportunities which these times also provide.

The common heritage and common geographic conditions of the region have frequently offered not a case for unity but a cause for competition, even armed competition. Likewise, there has at times been a lack of a sense of shared purpose with their great neighbor to the north, with Mexico, and with the equally dynamic nations to the south, Panama, Colombia, and Venezuela.

The coming together of the five Central American nations with their four neighbors in the Contadora process is an important development in the search for a solution to regional problems. It is unfortunate that the proximate cause of this unprecedented diplomatic event is the tension injected onto the Central American mainland by Nicaragua. Nonetheless, the reliance on diplomacy through the Contadora process is a milestone in the development of relations among the countries of the region.

The common adversity faced by the democratic countries of Central America has strengthened regional solidarity. The principles developed by the Central American Democratic Community at San Jose provide not only a formula of peace for the region but also a basis for solidarity. We support and welcome the skillful diplomacy of the leaders of the democratic nations of Central America. Particularly we salute President Alvaro Magana and Foreign Minister Fidel Chavez Mena for their efforts toward regional solidarity.

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El Salvador: Human Rights
Special Project (1993)

The increasing level of political cooperation in Central America provides a framework for cooperation and future progress. First and foremost this is true in the economic arena. The free enterprise systems of the four countries have shown remarkable resilience in dealing with a series of economic blows that would have crippled many states, including those with the centrally directed economies of the communist world. We in the United States are now pledged to help through the Caribbean Basin Initiative, through support for the Common Market and through long-range development plans being studied by the Bipartisan Commission and others.

Markets are essential to this effort. We must all recognize that the small, fragmented markets of the individual Central American countries will not by themselves be able to provide sufficient economic growth in the years ahead. Maximum advantage must be taken of the 17 million-person regional market. The integration of this market contributed to real growth of well over five percent a year in all Central American Common Market member countries during the 1960's. But, of even more fundamental importance, the countries of the region should increasingly reach out to the great markets of the United States, Europe and Japan. Competing in these markets, however, requires more than simple production. It requires the sort of environment towards which El Salvador is striving -- one in which businessmen, laborers, and campesinos have confidence in the security of the enterprises to which they dedicate themselves. One in which there is respect for their rights under the law -- both personal rights and property rights. When the rights of anyone are treated recklessly, then all have reason to fear and the very environment which is essential to future prosperity is destroyed.

To close my thoughts tonight, it may well be that in years to come historians will look back on this time of great challenge to Central America as a decisive period in the region's history. A period when the nations under challenge responded by strengthening their democratic and pluralistic institutions, developing new levels of economic dynamism, and a new sense of how best to protect their own security.

This will also be, I hope, a period when Central America enhances its cooperative relationships with its nearest neighbors. This is the hope of my country for the region and for El Salvador.

I am glad to be joining you all in this endeavor, an effort based on our respect for one another as individuals and on our Nations' respect for one another as sovereign independent states.

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APPENDIX B

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El Salvador: Human Rights
Special Project (1993)

STATEMENT BY THE MINISTER OF DEFENSE OF EL SALVADOR
GENERAL CARLOS EUGENIO VIDES CASANOVA
San Salvador, November 2, 1983

(Excerpt)

...Our people have been treacherously attacked by the Marxist forces of Nicaragua, Cuba and Russia, with the complicity of others. These forces have burned our crops destroyed our infrastructure and industry, and murdered our people. However, despite the terrorist tactics employed against them, the Salvadoran people have not faltered and have continued their struggle to fight for the cause of freedom. The armed forces of our country are fighting alongside the people to protect and defend them from these criminal attacks. Although they face many problems in their war for a fervently desired peace, our forces are still sufficiently strong and they retain their unshakeable determination to support a democracy that will enable us to fully exercise our rights as citizens in complete and unrestricted freedom.

Democracy is a political system for which no equal has yet been found, or even a comparable replacement. Moreover, it is the most human system of government because it allows for the full realization of personal potential, equality among people, and the satisfaction of individual and collective needs. Accordingly, we are happy to note that the National Constituent Assembly has finished the long and necessary study it conducted for approval of our Constitution. With this document, the aspirations of all Salvadorans have become reality, and we have become a nation under the rule of law, a necessary step if our society is to enjoy peaceful coexistence and a rule to which the free peoples of the world voluntarily submit. We were among the first to consider what this new charter of liberties should contain, and we will be the most ardent defenders of its continued existence and observance, because we are convinced that his document will give reason to our lives.

I have clearly stated our unwavering determination to combat terrorist acts and organizations, whenever and wherever they occur, and regardless of their political persuasion, because no such acts or organizations are justifiable; they are, rather, aberrant expressions of the excessive and selfish ambitions of certain persons who seek political power at any cost.

RELEASED
El Salvador: Human Rights
Special Project (1993)

The death squads must disappear forever to prove our determination to combat them and our faith in the democratic process. All Salvadorans must oppose and denounce them so that they will not only be illegal but condemned by everyone. As one voice we must proclaim that no cause can justify their existence.

Those persons who resort to ignoble activities do so because they have lost their moral force and are attempting to subdue us through physical force and terror. The fact that the enemy is using perfidious, illegal methods does not in any way authorize anyone to ignore legal and moral precepts and attempt to impose their own will through fear.

In view of the foregoing I would like everyone to be fully aware that the armed forces are determined to make the members of those terrorist bands answer to the law, regardless of their identity or any reasons they may give to justify their illegal activities. We will do this in order to fulfill our commitment to the Salvadoran people, the only power to which we have an obligation.

There is no such thing as democracy through terror because one negates the other. Either there is respect for the individual and the legal system or else we sink into the depths of the law of the jungle, in which case we may very well destroy democracy and cease to exist as a freedom-loving people.

The only reason for an armed force to exist is to protect the people, and therefore abuses of authority should never occur. Such abuses would be contrary to the essence of the armed forces' mission. In order to prevent such a situation from arising there are regulations that clearly and fully govern the conduct of the armed forces and cover the various situations in which our prestige, our mission, and our sincerity could be compromised. All members of the military must therefore abide by those regulations.

I have read articles in some publications that were authorized by the death squads in which attempts are made to justify illegal actions and the Ministry of Defense is warned not to interfere with their ominous goals. I would like to respond to them by stating that I will never approve of the inhuman, illegal methods that they are attempting to use and that I am very well aware of the duties and responsibilities imposed upon me by my position and no person or force can prevent me from performing my duty.

I have strong convictions and I will fight for them now and always regardless of the price I have to pay, because I will never betray our people's noblest aspirations or the honor of the armed forces.

Appendix C

RELEASED
El Salvador: Human Rights
Special Project (1993)

Declaration of the Salvadoran Armed Forces on the Issue of Death Squads

The High Command of the Armed Forces of El Salvador and the commanders of the military and public security forces of the country in a meeting held on December 13 of the current year unanimously declare:

1. Their absolute endorsement of the declarations and decisions made by the Minister of Defense and Public Security General Carlos Eugenio Vides Casanova regarding the "death squads", since they reflect the thinking and sentiments of all the members of the Armed Forces.
2. Call on the Salvadoran people to provide to the competent authorities any information that contributes to the identification and capture of the death squads.
3. Reiterate our firm decision to fight the death squads and the terrorists groups with all the means at our disposal until they are definitively eradicated from our country.
4. Urge the judicial system to apply the maximum force of the law to these terrorist groups, whether they be of the left or of the right, reiterating again their total support.

(Signed)

Col. Adolfo O. Blandon, Chief of Staff of the Armed Force;
Gen. Rafael Flores Lima, Vice Minister of Defense and Public Security;
Col. Jaime E. Flores, Commander, 1st Infantry Brigade;
Col. Oscar E. Casanova Vejar, Commander, 2nd Infantry Brigade;
Lt. Col. Domingo Monterrosa, Commander, 3rd Infantry Brigade;
Col. Ramon A. Morales Ruiz, Commander, 4th Infantry Brigade;
Lt. Col. Roberto Rodriguez Murcia, Commander, 5th Infantry Brigade;
Lt. Col. Julio Cesar Yanez L., Commander, 6th Infantry Brigade;
Lt. Col. Leopoldo A. Hernandez, Commander, Artillery Brigade;
Lt. Col. Oscar Campos Anaya, Commander, Cavalry Regiment;
Major Jose Azmitia Melara, Acting Commander, Atlacatl Battalion;
Lt. Col. Napoleon H. Calitto, Commander, Atonal Battalion;
Lt. Col. Rene Emilio Ponce, Commander, Belloso Battalion;
Lt. Col. Roberto M. Staben, Commander, Arce Battalion;
Lt. Col. Rolando R. Ramos, Commander, CITFA;
Lt. Col. Mario Denis Moran, Commander, CIIFA;
Lt. Col. Jorge A. Cruz, Commander, CICFA;
Col. Juan R. Bustillo, Commander, Air Force;
Col. Roberto de J. Monterrosa, Commander, National Navy;
Col. Saul Zelaya, Commander, Maestranza;
Lt. Col. Carlos A. Araujo, Commander, D.M. I;
Lt. Col. Carlos A. Rivas, Commander, D.M. II;
Lt. Col. Miguel A. Vasconcelos, Commander, D.M. III;
Lt. Col. Oscar Amaya Perez, Commander, D.M. V;
Col Jose Dionisio Hernandez, Commander, D.M. VI;
Lt. Col. Augusto C. Maravilla Reyes, Commander, D.M. VII;
Col. Luis Adalberto Landaverde, Director,
Military Academy "Capt. Gen. Gerardo Barrios";
Col. Aristides Napoleon Montes, Director, Ntional Guard;
Col. Carlos R. Lopez Nuila, Director, National Police;
Col. Nicolas Carranza H., Director, Treasury Police;
Col. Tomas H. German, Director General, National Firemen.

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Case Number: s199900030

Chile Project (#S199900030)
U.S. Department of State
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PAGE 01 SANTIA 00373 01 OF 02 171851Z
ACTION H-03

INFO OCT-00 COPY-01 ADS-00 SS-10 NSCE-00 ARA-10 SSO-00
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R 171737Z JAN 84
FM AMEMBASSY SANTIAGO
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INFO AMEMBASSY BOGOTA
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AMEMBASSY BUENOS AIRES
USINT HAVANA
AMEMBASSY LIMA
AMEMBASSY MEXICO
AMCONSUL RIO DE JANEIRO
AMEMBASSY SAN JOSE
AMEMBASSY SAN SALVADOR
AMCONSUL SAO PAULO
USCINCSO QUARRY HEIGHTS PN/INTAFF

~~C O N F I D E N T I A L~~ SECTION 01 OF 02 SANTIAGO 0373

E.O. 12356: DECL: OADR
TAGS: OREP, SHUM, PGOV, PREL, CI
SUBJ: CODEL SOLARZ VISIT TO SANTIAGO, JANUARY 11-14

REF: SANTIAGO 0099

1.(C)-ENTIRE TEXT
2.SUMMARY: REP STEPHEN SOLARZ AND HIS DELEGATION WERE RECEIVED CORDIALLY DIRING THEIR JANUARY 11-14 VISIT TO SANTIAGO ANDHAD USEFUL DISCUSSIONS WITH A WIDE VARIETY OF CHILEAN LEADERS. FOREIGN MINISTRY OFFICALS EXPRESSED GUARDED OPTIMISM THAT RECENT PROGRESS IN THE PAPAL MEDIATION WOULD LEAD TO A FINAL SETTLEMENT WITH ARGENTINA IN THE FAR SOUTH AND EXPLAINED HOW, IN THEIR VIEW, CHILE HAD MET THE REQUIREMENTS FOR USG CERTIFICATION ON THE
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PAGE 02 SANTIA 00373 01 OF 02 171851Z

LETELIER/MOFFITT MATTERS OPPOSITION LEADERS WERE EMPHATIC ABOUT WHAT WAS WRONG WITH THE CURRENT GOVERNMENT, LESS CLEAR ABOUT JUST HOW THE RESTORATION OF DEMOCRACY COULD BE BROUGHT ABOUT IN A PEACEFUL MANNER, AND VAGUE IN THEIR IDEAS FOR A SUCCESSFUL RESOLUTION OF CHILE'S ECONOMIC PROBLEMS. END SUMMARY.

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3. PROGRAM FOR CODEL: THE PROGRAM FOR CODEL SOLARZ PROVIDED WIDE EXPOSURE TO OFFICIAL AND NON-GOVERNMENT SPOKESMEN. THE OFFICIAL SIDE WAS COVERED BY A WORKING LUNCH WITH FOREIGN MINISTRY OFFICIALS, HOSTED BY ACTING DIRECTOR GENERAL ULDARICIO FIGUEROA, A CALL ON ACTING UNDERSECRETARY OF INTERIOR JUAN IGNACIO GARCIA, AND A CONVERSATION WITH FINANCE MINISTER CARLOS CACERES AT A RECEPTION IN THE RESIDENCE. (FOREIGN MINISTER DEL VALLE, PRESIDENT PINOCHET AND THE MEMBERS OF THE JUNTA, AND INTERIOR MINISTER JARPA WERE ALL AWAY FROM SANTIAGODURING CODEL VISIT.) NON-GOVERNMENTAL MEETINGS INCLUDED SESSIONS WITH HUMAN RIGHTS GROUPS (VICARIATE OF SOLIDARITY AND THE CHILEAN COMMISSION ON HUMA RIGHTS), POLITICAL OPPOSITION LEADERS, TRADE UNION LEADERS, PROMINENT CHILEAN INTELLECTUALS AND ARCHBISHOP FRESNO. A RECEPTION OFFERED BY THE AMBASSADOR PROVIDED AN OPPORTUNITY TO SPEAK WITH CHILEAN ECONOMIC AND BUSINESS LEADERS. MRS. SOLARZ ALSO HAD A CHANCE TO PURSUE HER INTERESTS IN REFUGEES, PRIVATE AND GOVERNMENT SOCIAL WELFARE PROJECTS, AND HUMAN RIGHTS.
4. QUESTIONS USED BY REP. SOLARZ: ON THE AVERAGE, REP. SOLARZ'S 20 SEPARATE MEETINGS LASTED ABOUT ONE HOUR AND CONSISTED OF A SERIES OF QUESTIONS DESIGNED TO ELICIT A FULL RANGE OF OPINIONS WHICH WERE NOTED BY THE SUB-COMMITTEE STAFF AIDE, RICHARD BUSH. THE QUESTIONS USED WERE FUNDAMENTALLY THE SAME FOR ALL GROUPS AND
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PAGE 03 SANTIA 00373 01 OF 02 171851Z

INCORPORATED ELEMENTS OF THE FOLLOWING:
--HOPES FOR RESTORAION OF DEMOCRACY-WHEN-HOW-CONSTITUTIONAL/POLITICA CHANGES NECESSARY.
--DEGREE OF SUPPORT FOR PINOCHET AND FOR ALIANZA DEMOCRATICA-NEGOTIATING POSITIONS OF BOTH SIDES-ESTIMATED MINIMAL POSITIONS
--STRENGTH OF LEFT-PROSPECTS IF ELECTIONS-DEGREE OF COMMITMENT TO PLURALISM
--LIKELY SCENARIOS FOR FORESEEABLE FUTURE
--WHAT US CAN DO TO HELP RESTORE DEMOCRACY
--CAUSES OF CURRENT ECONOMIC PROBLEMS AND PROSPECTS FOR FUTURE
--SHOULD THE US CERTIFY CHILE-EVIDENCE FOR AND AGAINST-LIKELY CHILEAN REACTION TO CERTIFICATION OR NON-CERTIFICATION.
5. FOREIGN MINISTRY WORKING LUNCH: AT A LUNCH OFFERED BY MFA ACTING DIRECTOR GENERAL ULDARICIO FIGUEROA, REP. SOLARZ ASKED ABOUT THE PROSPECTS AND IMPLICATIONS OF A SETTLEMENT OF THE BORDER

DISPUTE WITH ARGENTINA. FIGUEROA, ECHOED BY ACTING BILATERAL AFFAIRS DIRECTOR FERNANDO COUSINO, DESCRIBED THE HISTORY OF THE DISPUTE AND EXPRESSED GUARDED OPTIMISM THAT THE RECENT PROGRESS IN THE PAPAL MEDIATION WOULD LEAD TO A FINAL SETTLEMENT IN THE FAR SOUTH; THE CHILEANS ADDED, HOWEVER, THAT ARGENTINA WOULD CONTINUE TO CONSTITUTE A SECURITY PROBLEM FOR CHILE BECAUSE OF THE MILTARY IMBALANCE BETWEEN THE TWO COUNTRIES AND BECAUSE ARGENTINA NATIONALISTS CONTINUED TO PROMOTE THE GO-POLITICAL DOCTRINE THAT ARGENTINE DESTINY RQUIRED THAT ARGENTINA CONTROL THE SOUTHERN ATLANTIC. REP. SOLARZ ALSO USED THE LUNCH TO SOLICIT MFA VIEWS ON THE CERTIFICATION RQUIREMENTS FOR THE RENEWAL OF US MILITARY SALES AND TRAINING. HE ASKED SPECIFICALLY WHETHER THEY BELIEVED THAT THE LETELIER/MOFFITT REQUIRMENT HAD BEEN MET. MFA HUMAN RIGHTS ADVISER
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PAGE 04 SANTIA 00373 01 OF 02 171851Z

MARIO CALDERON REVIEWED THE EXTRADITION CASE AND THE SUPREME COURT DECISION THAT DENIED EXTRADITION BUT ALSO DIRECTED THE MILITARY COURT TO INVESTIGAGE ALLEGATIONS OF PASSPORT FRAUD AND OTHER VILATIONS OF CHILEAN LAW. CALDERON NOTED THAT THE LETELIER

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PAGE 01 SANTIA 00373 02 OF 02 171906Z
ACTION H-03

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R 171737Z JAN 84
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TO SECSTATE WASHDC PRIORITY 7479
INFO AMEMBASSY BOGOTA
AMEMBASSY BRASILIA
AMEMBASSY BUENOS AIRES
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AMEMBASSY MEXICO
AMCONSUL RIO DE JANEIRO
AMEMBASSY SAN JOSE

AMEMBASSY SAN SALVADOR
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USCINCSO QUARRY HEIGHTS PN/INTAFF

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FAMILY HAD BEEN ADMITTED AS A PARTY TO THE MILITARY COURT PROCEEDING AND THAT ATTORNEYS FOR THE FAMILY HAD CLAIMED THEY HAD NEW EVIDENCE ON THE INVOLVEMENT OF THE INDICTED ARMY OFFICERS. ALTHOUGH NO SUCH EVIDENCE HAD BEEN PRODUCED, THEMILITARY COURT HAD BEEN INSTRUCTED BY THE SUPREME COURT TO KEEP THE CASE OPEN. AFTER RECALLING THAT THE GOC HAD COOPERATED WITH THE US DEPARTMENT OF JUSTICE AND HAD TURNED OVER MICHAEL TOWNLEY, WHO WAS THE KEY WITNESS FOR THE PROSECUTION, CALDERON SAID THAT IN HIS VIEW THE GOC HAD TAKEN ALL THE APPROPRIATE STEPS UNDER CHILEAN LAW TO PURSUE THE CASE AND THAT THE USG COULD SO CERTIFY THAT POINT.

6. HUMAN RIGHTS: THE VICARIATE OF SOLIDARITY AND THE CHILEAN COMMISSION ON HUMA RIGHTS GAVE SEPARATE

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PAGE 02 SANTIA 00373 02 OF 02 171906Z

BRIEFINGS TO CODEL AND PROVIDED IT WITH NUMEROUS STATISTICAL AND POLICTY DOCUMENTS (BEING POUCHED SEPARATELTY TO STAFF AIDE RICHARD BUSH). THE MAIN POINTS OF THE BRIEFING CENTERED ON THEIR CLAIM THAT THE SITUATION HAD DETERIORATED IN 1983. BOTH GROUPS OPPOSED CERTIFICATION AS UNJUSTIFIED BY THE OBJECTIVE CONDITIONS, HELD THAT IT SHOULD BE CONSIDERED ON CONCRETE IMPROEMENTS IN HUMAN RIGHTS MATTERS, AND EMPHASIZED IMPORTANCE OF US OPINION TO GOC AS A LEVER FOR IMPROVEMENT AND THE RESTORATION OF DEMOCRACY. IN A SEPARATE MEETING WITH PRESIDENT OF JEWISH COMMUITY IN CHILE, REP. SOLARZ WAS TOLD THAT THERE WAS NO GOVERNMENT DISCRIMINATION AGAINST JEWS.

7. DEMOCRATIC POLITICAL OPPOSITION: CODEL MET ALIANZA DEMOCRATICA LEADER MARIO SHARPE, PRESIDENT FOR JANUARY, WHO PROVIDED A DETAILED DISCUSSION OF GOC/AD MEETINGS TO DATE. CODEL ALSO MET WITH NUMEROUS OTHER OPPOSITION GROUPS SEPARATELY, INCLUDING THE CHRISTIAN DEMOCRATS, THE SOCIAL DEMOCRATS, MAPU AND THE CHRISTIAN LEFT AND THE SOCIALISTS, ALTHOUGH A SCHEDULED MEETING WITH A COMMUNIST PARTY LEADER, UNDER THE AUSPICES OF A LEFTIST THINK-TANK, FELL THROUGH WHEN THE CP LEADER FAILED TO ATTEND THE MEETING. WHILE ALL GROUPS WERE EMPHATIC IN THE REASONS

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FOR THEIR OPPOSITION TO THE CURRENT REGIME, THEY WERE LESS CLEAR ON THEIR PLANS FOR SOCIAL MOBILIZATION AND ITS POSSIBLE EFFECTS IN 1984. THEY WERE EVEN LESS CONVINCING IN THEIR SUGGESTED SOLUTIONS TO CHILE'S ECNOMIC PROBLEMS. THE OPPOSITION GROUPS DID NOT OFFER ANY CRITICISMS OF CURRENT US POLICY TOWARDS CHILE.
8. TRADE UNION LEADERS: AS USUAL, THE UNION LEADERS
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PAGE 03 SANTIA 00373 02 OF 02 171906Z

WERE VERY OUTSPOKEN ON ALLEGED GOC REPRESSION OF THE DEMOCRATIC LABOR MOVEMENT AND RAISED THE SPECTER OF SOCIETAL AND POLITICAL POLARIZATION OF SIGNIFICANT CHANGES DID NOT OCCUR SOON. THEY WERE ALSO CRITICAL OF THE FAILURES OF OPPOSITION LEADERSHIP DURING THE PAST YEAR.
9. VISITS TO SOCIALPROJECTS: THE VISIT CONCLUDED WITH A VISIT TO A NEWLY ESTABLISHED SQUATTERS VILLAGE ON THE OUTSKIRTS OF SANTIAGO, WHERE THE ENTIRE CODEL WAS ABLE TO DISCUSS WITH THE VILLAGE'S LEADER HIS IDEAS (COMMUNIST), THE LEVEL OF ORGANIZATION (I PRESSIVE) AND SOURCES OF FINANCIAL HELP (CONSIDERABLE, NATIONAL AND INTERNATIONAL, AND FUNNELED THROUGH THE CATHOLIC CHURCH). EARLIER MRS. SOLARZ HAD VISITED A SOCIAL PROJECT FOR CHILDREN, MODELED ON THE US HEAD START PROGRAM, WHCH IS JOINTLY SPONSORED BY CATHOLIC UNIVERSITY, THE INTER-AMERICAN FOUNDATION AND THE MUNICIPALITY OF LA FLORIDA.
10. PRESS COVERAGE: TO DATE, THE ONLY MENTION OF THE CODEL VISIT TO SANTIAGO WAS A SHORT ARTICLE IN "LA TERCERA" ON JAN 15, WHICH DESCRIBED MRS SOLARZ' VISIT TO THE SOCIAL PROJECT FOR CHILDREN (SEE PARA 9 ABOVE). REP SOLARZ MADE NO PUBLIC STATEMENTS. A PLANNED PRIVATE DEPARTURE INTERVIEW WITH RICHARD BOUDREAU OF AP FAILED TO MATERIALIZE AS MR. BOUDREAU DID NOT KEEP HIS APPOINTMENT.
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Case Number: s199900030

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PAGE 01 SANTIA 00390 181334Z
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INFO AMEMBASSY BUENOS AIRES
AMEMBASSY ROME
USMISSION USUN NEW YORK
USCINCSO QUARRY HEIGHTS PN

~~C O N F I D E N T I A L~~ SANTIAGO 0390

ROME FOR VATICAN

E.O. 12356: DECL: OADR
TAGS: PTER, SHUM, VT, CI
SUBJ: ACCUSED MIRISTAS SNEAK INTO NUNCIATURA IN ASYLUM ATTEMPT

1. (U) AT 7:30 A.M., THURSDAY, JANUARY 16, FOUR HEAVILY ARMED INTRUDERS CLIMBED OVER THE WALL OF THE RESIDENCE/OFFICE OF THE PAPAL NUNCIO AND ASKED FOR ASYLUM. THE FOUR WERE SUBSEQUENTLY IDENTIFIED AS JOSE HECTOR AGUILERA SUAZO, JAIME ROLANDO YOVANOVICH PRIETO, ELBA DUARTE VALLE AND PAMELA DEL CARMEN CORDERO CORDERO.
2. (U) ACCORDING TO A GOVERMENT REPORT ISSUED BY DINACOS LATER IN THE DAY, THE FOUR BELONG TO THE PROSCRIBED FAR LEFT TERRORIST GROUP, MIR, AND, THREE OF THEM ARE SUSPECTED OF PARTICIPATING IN THE ASSASSINATION OF AUGUST 30, 1983 OF MAJOR GENERAL (R) CAROL URZUA, THE SANTIAGO REGIONAL INTENDANT, AS WELL AS IN OTHER TERRORIST ACTS. TWO OF THE OUR, JAIME ROLANDO

PAGE 02 SANTIA 00390 181334Z

YOVANOVICH PRIETO AND ELBA DUARTE VALLE, WERE THE SUBJECTS OF DECREES ISSUED IN 1981 PROHIBITING THEIR ENTRY INTO CHILE. THEIR PRESENCE, ACCORDING TO THE DINACOS STATEMENT, PROVES THE EXISTENCE OF "PLAN RETURN," UNDER THE AUSPICES OF WHICH EXTREMISTS WERE SUPPOSED TO RETURN SECRETLY TO CHILE IN ORDER TO CARRY

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OUT TERRORIST ACTIVITIES. PRESS REPORTS BASED ON POLICE SOURCES CLAIM THAT DUARTE FIRED AGAINST URZUA AND HIS GUARDS AND THAT YOVANOVICH DROVE ONE OF THE VEHICLES USED IN THE ATTACK.

3. THE PAPAL NUNCIO, MONSIGNOR ANGELO SODANO, CALLED IN ALEJANDRO GONZALEZ, THE HEAD OF THE LEGAL DEPARTMENT OF THE CATHOLIC CHURCHES VICARIATE OF SOLIDARITY, TO CONSULT ON THE REQUEST FOR ASYLUM, GONZALES TOLD THE PRESS ON LEAVING THAT, ALTHOUGH THE HOLY SEE HAD NOT SIGNED ANY AGREEMENT ON ASYLUM WITH CHILE, THE NUNCIO WOULD TREAT THE FOUR IN ACCORDANCE WITH "DIPLOMATIC PRACTICES." HE ADDED THAT THERE HAVE BEEN PREVIOUS CASES IN WHICH PEOPLE HAD TAKEN REFUGE IN THE NUNCIATURA AND HAD LATER OBTAINED SAFE CONDUCT FOR LEAVING THE COUNTRY. SPECIFICALLY, THE NUNCIO ARRANGED A SAFE CONDUCT IN 1975 FOR NELSON GUTIERREZ, A MIR LEADER WHO HAD ALSO SOUGHT REFUGE. THE ONLY PUBLIC STATE-MENT FROM THE NUNCIATURA SAID THAT FOUR INDIVIDUALS WITHOUT AUTHORIZATION HAD ENTERED THE DIPLOMATIC MISSION AND SOUGHT ASYLUM AND THAT THE NUNCIO, WITH THE MINISTER OF FOREIGN RELATIONS, WAS SEEKING A SOLUTION TO THE PROBLEM.

4. (C) COMMENT: THE ASYLUM ATTEMPT FROM HEAVILY ARMED APPARENT TERRORISTS WILL POSE SENSITIVE ISSUES FOR THE GOC AND THE VATICAN, NOT LEAST BECAUSE FOREIGN MINISTER DEL VALLE LEAVES IN A FEW DAYS FOR ROME AND AN IMPORTANT MEETING ON THE BEAGLE CHANNEL MEDIATION ALTHOUGH THE SECURITY FORCES
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PAGE 03 SANTIA 00390 181334Z

MAY WANT THE GOVERNMENT TO TRY TO GET THE NUNCIATURA TO TURN THE FOUR OVER FOR TRIAL, WE RECALL THAT ON AT LEAST ONE PRIOR OCCASION THE GOC PERMITTED AN ACCUSED TERRORIST TO LEAVE THE COUNTRY AFTER TAKING REFUGE IN THE FRENCH EMBASSY. (FYI: THE EMBASSY HAS NO INFORMATION IN ITS FILES THAT WOULD CONFIRM THAT THE FOUR HAVE BEEN INVOLVED IN TERRORIST ACTIVITIES OR ARE MEMBERS OF THE MIR. IN A TELEPHONE CONVERSATION WITH THE AMBASSADOR, HOWEVER, THE NUNCIO SAID THAT HE BELIEVED THE FOUR WERE MIRISTAS.)

5. (C) AS THIS CABLE WAS BEING FINISHED, WE LEARNED THAT EACH INTRUDER CARRIED A SUB-MACHINE GUN, A PISTOL AND NUMEROUS ROUNDS OF AMMUNITION. THEY ALSO CARRIED HAND GRENADES AND BOMB-TYPE EXPLOSIVES. THE WEAPONS AND MUNITIONS WERE TURNED OVER BY THE NUNCIATURA TO THE CHILEAN SECURITY POLICE (CNI).
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FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 7502
INFO AMEMBASSY BUEOS AIRES
AMEMBASSY MONTEVIDEO
USMISSION USUN NEW YORK

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

~~S E C R E T~~ SANTIAGO 0435

3.O. 12356: DECL: OADR
TAGS: PREL, SHUM, CI
SUBJ: CHILEAN FOREIGN MINISTER ON US CERTIFICATION POLICY

REF: STATE 003484 (NOTAL)

1. (S)-ENTIRE TEXT.
2. DURING A MEETING WITH THE AMBASSADOR ON JANUARY 17, DURING WHICH THE PAPAL MEDIATION AND POLICY PLANNING CONSULTATIONS WERE DISCUSSED (SEE SEPTELS), FOREIGN MINISTER DEL VALLE EXPRESSED HIS DEEP CONCERN ABOUT HA ASSISTANT SECRETARY ABRAMS' LETTER OF DEC 23 TO THE WASHINGTON POST. THE FOREIGN MINISTER SAID THAT THE ABRAMS LETTER RAISED THE QUESTION WHETHER THERE HAD BEEN A CHANGE IN US CERTIFICATION POLICY. IN RESPONSE TO DEL VALLE'S REQUEST, THE AMBASSADOR OUTLINED US POLICY ON CERTIFICATION.
3. THE AMBASSADOR TOLD DEL VALLE THAT THE REAGAN ADMINISTRATION WOULD CERTIFY CHILE AS SOON AS THE SITUATION PERMITTED THE LEGAL REQUIREMENTS TO BE MET. HE EXPLAINED THAT A RETURN TO DEMOCRACY, WHICH THE USG SUPPORTED, WAS NOT A LEGAL CONDITION FOR CERTIFICATION.
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PAGE 02 SANTIA 00435 191414Z

PROGRESS TOWARDS DEMOCRACY OBVIOUSLY WOULD BE HELPFUL IN MAKING A CASE FOR CERTIFICATION BUT THAT THE INSTALLATION OF A DEMOCRATIC GOVERNMENT WAS NOT A PRIOR CONDITION FOR RE-ESTABLSHMENT OF US MILITARY RELATIONS WITH CHILE. THE AMBASSADOR ADDED THAT THE USG COULD HAVE CERTIFIED ARGENTINA, SINCE ARGENTINA MET THE CERTIFICATION

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CONDITIONS, PRIOR TO THE INAUGURATION OF THE NEW GOVERNMENT OF DECEMBER 10. ONCE THE CERTIFICATION CONDITIONS WERE MET, THE TIMING OF THE CERTIFICATION ANNOUNCEMENT WAS A TACTICAL MATTER.
4. DEL VALLE SAID THAT HE WAS REASSURED THAT THERE HAD BEEN NO CHANGE IN US CERTIFICATION POLICY BUT THAT THE ABRAMS LETTER HAD RAISED QUESTIONS WITHIN THE CHILEAN GOVERNMENT REGARDING US INTENTIONS.
5. COMMENT: THE ABRAMS LETTER TO THE WASHINGTON POST, COMING AFTER VICE PRESIDENT BUSH'S REMARKS ON CHILE TO REPORTERS IN BUENOS AIRES DURING THE ALFONSIN INAUGURATION, HAS FED SPECULATION ABOUT US POLICY AND INTENTIONS TOWARD CHILE. THE SPECULATION AND CONFUSION ARE OF CONCERN ESPECIALLY BUT NOT ONLY TO THE CHILEAN GOVERNMENT. MANY CHILEANS EITHER FEAR OR HOPE THAT THE USG MAY BE MOVING TOWARD IMPOSING A NEW CONDITION, THE RE-ESTABLISHMENT OF DEMOCRACY, FOR CERTIFICATION OF CHILE AND THE NORMALIZATION OF BILATERAL MILITARY TIES. IN OUR EFFORTS TO EXPLAIN AND ADVANCE THE FULL RANGE OF US POLITICAL, SECURITY, ECONOMIC AND OTHER INTERESTS IN CHILE, WE CONDINTUE TO POINT OUT THAT NOWHERE DOES THE STATUTORY HISTORY OR LANGUAGE CALL FOR PROGRESSS TOWARD DEMOCRACY OR ELECTION OF A NEW GOVERNMENT AS NECESSARY PRIOR CONDITIONS FOR 1 LIFTING THE PROHIBITION ON MILITARY SALES AND ASSISTANCE. SINCE OBIVIOUS, OF COURSE, AND SO WE UNDERSTAND THE RESPONSE BY VICE PRESIDENT BUSH TO
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PAGE 03 SANTIA 00435 191414Z

PRESS QUERIES,THT PROGRESS TOWARD DEMOCRACY WILL ALLOW THE ADMINISTRATION TO MAKE A STRONGER CASE FOR CERTIFICATION AND FOR GREATER COOPERATION WITH CHILE. GIVEN THE SENSITIVITY OF THIS ISSUE AND THE NEED TO AVOID ANY CONFUSION REGARDING US POLICY, WE REQUEST AGAIN THAT THE DEPARTMENT CONSULT WITH THE EMBASS ON ALL PUBLIC COMMUNICATIONS ON US POLICY TOWARD CHILE, WITH THE OBVIOUS EXCEPTION OF OCCASIONS WHEN AN ADMINISTRATION SPOKESMAN RESPONDS TO SPONTANEOUS PRESS INQUIRIES.
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PAGE 01 GUATEM 00791 01 OF 02 242339Z
ACTION ARA-00

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INFO AMEMBASSY BELIZE
AMEMBASSY MEXICO
AMEMBASSY PANAMA
AMEMBASSY SAN JOSE
AMEMBASSY SAN SALVADOR
AMEMBASSY TEGUCIGALPA
USMISSION USUN NEW YORK
USCINCSO QUARRY HTS PN

UNCLAS SECTION 01 OF 02 GUATEMALA 00791

A/SY/TAG

E.O.12356: N/A
TAGS: PGOV, PINR, PINS, GT, ASEC, SHUM
SUBJECT: MONTHLY POLITICAL VIOLENCE AND HUMAN RIGHTS
- REPORT FOR DECEMBER

REF: GUATEMALA 26

1. MONTHLY POLITICAL VIOLENCE AND HUMAN RIGHTS REPORT FOR DECEMBER, TAKEN FROM OFFICIAL GOG BULLETINS, INDEPENDENT NEWS REPORTS, AND GUERRILLA COMMUNIQUES AS REPORTED BY FBIS.

2. DEATHS

UNCLASSIFIED

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PAGE 02 GUATEM 00791 01 OF 02 242339Z

CIVILIAN

-- BY RIGHT: 1
-- BY LEFT: 0

940359
DEPARTMENT OF STATE IM/IPS/CRB/LW Date: 2/20/98
(X) RELEASE ( ) DECLASSIFY ( ) DECLASSIFY EO Citations
( ) EXCISE ( ) DECLASSIFY IN PART
( ) DENY
FOIA Exemptions ( ) CLASSIFY as ( ) S or ( ) C Sec. TS authority to
PA Exemptions ( ) DOWNGRADE TS to ( ) S or ( ) C

-- BY UNKNOWN: 19

MILITARY

-- MILITARY KIA: 33
-- GUERRILLA KIA: 38
-- CIVILIAN KIA: 6

	CIVILIAN	GUERRILLA	MILITARY	TOTAL
-- LAST MONTH:	37	62	16	115
-- THIS MONTH:	25	38	33	97
-- YEAR-TO-DATE:	498	713	352	1564

OCCUPATION OF VICTIM, WHERE NOTED:

-- MILITARY: 26
-- GUERRILLA: 38
-- POLICE: 7
-- CIVIL DEFENSE: 6
-- TAXI DRIVER: 3
-- POLITICIAN: 1
-- STUDENT: 1
-- SEMINARIAN: 1
-- UNKNOWN: 14

NOTE: THE FIGURES OF 352 MILITARY DEATHS AND 1564
UNCLASSIFIED

UNCLASSIFIED

PAGE 03 GUATEM 00791 01 OF 02 242339Z

TOTAL DEATHS FOR THE YEAR REFLECT A CORRECTION OF AN ERROR IN ADDITION THAT OCCURRED IN THE OCTOBER REPORT. THESE FIGURES DO NOT INCLUDE AN ORPA CLAIM THAT 40 SOLDIERS WERE AMBUSHED AND KILLED DECEMBER 12 IN SAN MARCOS. THE GOG DENIES THE REPORT, AND FROM OUR INFORMATION, THE INCIDENT DID NOT OCCUR. THE FINAL DECEMBER TOTAL IS LOWER THAN THE PRELIMINARY ESTIMATE OF REFTEL, BECAUSE THE PRELIMINARY FIGURE INCLUDED THE ORPA CLAIM.

3. ABDUCTIONS:

ATTRIBUTED TO:	UNKNOWN	GUERRILLA	RIGHT	TOTAL

-- LAST MONTH: 30 0 0 30
-- THIS MONTH: 19 1 6 26
-- YEAR-TO-DATE: 287 14 6 307

OCCUPATION OF VICTIM, WHERE NOTED:

-- LABOR UNION: 4
-- PASTOR: 2
-- STUDENT: 2
-- BUTCHER: 2
-- PEASANT: 2
-- POLICE: 1
-- PROFESSOR: 1
-- UNKNOWN: 12

UNCLASSIFIED

NNN

UNCLASSIFIED

PAGE 01 GUATEM 00791 02 OF 02 242339Z
ACTION ARA-00

INFO OCT-00 COPY-01 ADS-00 INR-10 SS-00 CIAE-00 DODE-00
IO-15 NSAE-00 SSO-00 SY-06 HA-08 PM-09 MCT-03
INRE-00 A-02 SYE-00 SLPD-01 /055 W
--------036502 242355Z /62
O 242341Z JAN 84
FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC IMMEDIATE 9374
INFO AMEMBASSY BELIZE
AMEMBASSY MEXICO
AMEMBASSY PANAMA
AMEMBASSY SAN JOSE
AMEMBASSY SAN SALVADOR

AMEMBASSY TEGUCIGALPA
USMISSION USUN NEW YORK
USCINCSO QUARRY HTS PN

UNCLAS SECTION 02 OF 02 GUATEMALA 00791

A/SY/TAG

E.O.12356: N/A
TAGS: PGOV, PINR, PINS, GT, ASEC, SHUM
SUBJECT: MONTHLY POLITICAL VIOLENCE AND HUMAN RIGHTS

4. ACTS OF TERRORISM OR WAR

-- MILITARY-GUERRILLA CLASHES: 18
-- GUERRILLA BOMBINGS: 3
-- GUERRILLA BOMBS DISMANTLED: 9
-- OTHER: 17 (SEE NOTE)

NOTE: THE URNG CLAIMED THAT GUERRILLAS TOOK OVER 10 FARMS ON THE SOUTH COAST. GUERRILLAS TOOK OVER SEMUJ, CHISEC, ALTA VERAPAZ. FAR BURNED TWO TRUCKS
UNCLASSIFIED

UNCLASSIFIED

IN EL PETEN. ORPA BURNED CHIEF OF STATE'S OFFICE OF PUBLIC RELATIONS IN GUATEMALA CITY. IN ADDITION, A NEW RIGHT-WING GROUP, COUNTERREVOLUTIONARY SOLIDARITY, ATTACKED BOTH THE NICARAGUAN AND MEXICAN EMBASSIES.

CHAPIN

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El Salvador: Human Rights
Project (1993)

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Department of State

INCOMING
TELEGRAM

PAGE 01 SAN SA 00928 01 OF 03 262044Z 6167 ARA4519
ACTION ARA-08

ACTION OFFICE ELSA-02
INFO FILE-01 ARA-05 OAS-01 RPP1-01 ECP-01 PPC-01 NSCA-01
DCEN-01 RPP2-01 STDN-01 REIC-03 REG-01 VILA-01
/021 A2 YC

INFO OCT-00 COPY-01 ADS-00 INR-10 SS-00 CIAE-00 DODE-00
H-01 NSAE-00 HA-05 L-03 PM-09 PA-02 OMB-01
SP-02 SNP-01 PRS-01 /039 W
227426 272104Z /66

R 262041Z JAN 84
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 2411
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HEIGHTS PN
USIA WASHDC 2129

UNCLAS SECTION 01 OF 03 SAN SALVADOR 00928

USIA FOR AR AND P/CENTAM

E.O. 12356: N/A
TAGS: SHUM, PGOV, ES
SUBJECT: GOES ACTIONS AGAINST MILITARY ABUSES OF POWER

REFS: (A) 83 STATE 353096
- (B) 83 SAN SALVADOR 12090
- (C) 83 SAN SALVADOR 4157
- (D) 83 SAN SALVADOR 10469
- (E) SAN SALVADOR 0560
- (F) 83 SAN SALVADOR 11579

1. SUMMARY: A PRELIMINARY LOOK AT THE ISSUE OF THE ABUSE OF AUTHORITY AND HUMAN RIGHTS BY THE MILITARY INDICATES THAT THE GOES IS TAKING SOME ACTION TO IDENTIFY AND PUNISH THE GUILTY. END SUMMARY.

2. REF A CITED THREE CASES IN WHICH THE GOES APPEARED TO BE MOVING AGAINST MILITARY ABUSES OF POWER AND ASKED FOR EMBASSY'S EVALUATION OF THIS APPARENT DEVELOPMENT. WE WERE ALREADY STUDYING THIS ISSUE AND MADE INQUIRIES WITH VARIOUS GOES OFFICIALS TO FOLLOW UP ON SEVERAL CASES (INCLUDING THE THREE MENTIONED IN REF A). FOLLOWING IS A SUMMARY OF THE REPORTED FACTS OF EACH CASE AND THE ACTIONS TAKEN TO DATE BY THE GOES.

3. ZARAGOZA MURDERS: REF B REPORTED THAT THE NATIONAL GUARD HAD COMPLETED ITS INVESTIGATION INTO THE KILLINGS. NATIONAL GUARD DIRECTOR COL. MONTES CONFIRMED TO POLOFF THAT HE HAD SUBMITTED THE REPORT TO MOD VIDES CASANOVA. WE WILL CLOSELY MONITOR THE PROGRESS IN THIS CASE.

4. SEGUEDA BROTHERS: THE TWO MEJICANOS MUNICIPAL POLICEMEN AND THE TAXI DRIVER CHARGED WITH THE MURDERS OF JUAN ANTONIO AND FRANCISCO OCTAVIO SEGUEDA ON JULY 12, 1983, ARE IN MARICHA PRISON AWAITING THE CONCLUSION OF THE COURT'S INVESTIGATION. THE COURT SECRETARY ADVISES AS WE ARE WELL AWARE THAT THIS INVESTIGATIVE STAGE CAN TAKE MANY MONTHS TO CONCLUDE. ACCORDING TO PRESS REPORTS, THE THREE MEN CONFESSED TO THE NATIONAL POLICE THAT THEY HAD ASSAULTED OTHER PERSONS AS WELL. WE HAVE NO INFORMATION TO INDICATE IF THIS CASE IS LINKED IN ANY WAY TO THE MEJICANOS KILLINGS REPORTED IN REF C.

SAN SA 00928 01 OF 03 262044Z 6167 ARA4519

5. SANTA ANA DOCTOR (REF D): HOSPITAL DIRECTOR DR. FELIX MAGANA DE PAZ, DR. CORDOVA MENJIVAR, AND MUNICIPAL POLICEMEN ANGEL DE JESUS CRUZ CASTILLO, MARIANO DE JESUS FUENTES CARRERA, AND MANUEL DE JESUS MEJIA LINARES WERE ARRESTED BY SANTA ANA NATIONAL POLICE ON NOVEMBER 9, 1983, FOR ARRANGING AND CARRYING OUT THE ARREST ON FALSE CHARGES OF JULIO LINARES RAMIREZ. THE JUDGE INFORMS US THAT ALL FIVE WERE RELEASED ON NOVEMBER 11 FOR LACK OF SUFFICIENT EVIDENCE.

6. SANTA ANA FARMERS: IN REF E, USIS REPORTED THE ARREST OF FIVE MEMBERS OF THE CIVIL DEFENSE OF GUARNESIA, SANTA ANA DEPARTMENT FOR THE MURDER OF DECEMBER 13, 1983 OF FARMERS MIGUEL FRANCISCO, MENENDEZ AND JUAN FERMIN SANCHEZ. WITNESSES CLAIMED THAT THE BAND, PASSING THEMSELVES OFF AS GUERRILLAS, HAD CARVED OUT SEVERAL MURDERS, RAPES, AND OTHER ASSAULTS. THE MODUS OPERANDI USED BY THE FIVE IN THE FARMERS' MURDERS CERTAINLY RESEMBLES DEATH SQUAD ACTIVITY AND THE MEN SUPPOSEDLY CONFESSED TO THE POLICE THAT THE FARMERS WERE KILLED BECAUSE THEY COLLABORATED WITH THE GUERRILLAS. HOWEVER, THIS GROUP IS CLEARLY NOT A DEATH SQUAD OF THE MORE OPENLY IDEOLOGICAL "SECRET ANTI-COMMUNIST ARMY" TYPE AND THIS CASE ILLUSTRATES THE VARIETY OF CRIMINAL ACTIVITY CURRENTLY LABELLED "DEATH SQUAD."

7. SAN VICENTE: ALL THE AFOREMENTIONED CASES HAVE BEEN REPORTED IN THE PRESS. FOR SAN VICENTE WE HAVE THREE PRESS REPORTED CASES AND INFORMATION ON THREE ADDITIONAL CASES WE OBTAINED FROM THE ESTADO MAYOR AND WHICH, TO OUR KNOWLEDGE, WERE NOT PUBLICIZED.

-- A) IN LATE MARCH 1983, THREE SOLDIERS OF THE FIFTH INFANTRY BRIGADE WERE EXPELLED FROM THE SERVICE AND CONSIGNED TO THE CIVIL COURT FOR THE RAPE, TORTURE AND MURDER OF MODESTA MERINO ON MARCH 16 IN CANTON SAN JUAN

MCAP-4

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89D46 #1

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El Salvador Human Rights
Special Project (1993)

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Department of State

INCOMING
TELEGRAM

PAGE 01 SAN SA 00928 02 OF 03 262045Z 6194 ARA4529
ACTION ARA-00

ACTION OFFICE ELSA-02
INFO FILE-01 ARA-05 OAS-01 RPP1-01 ECP-01 PPC-01 NBCA-01
OCEN-01 RPP2-01 STON-01 REIC-03 REG-01 VILA-01
/021 A2 YC

INFO OCT-00 COPY-01 ADS-00 INR-10 SS-00 CIAE-00 DODE-00
H-01 NSAE-00 HA-06 L-03 PM-05 PA-02 OMB-01
SP-02 SNP-01 PRS-01 /039 W
-----------227431 272109Z /66

R 262041Z JAN 84
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 2412
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HEIGHTS PN
USIA WASHDC 2138

UNCLAS SECTION 02 OF 03 SAN SALVADOR 00928

USIA FOR AR AND P/CENTAM

E.O. 12356: N/A
TAGS: SHUM, PGOV, ES
SUBJECT: GOES ACTIONS AGAINST MILITARY ABUSES OF POWER

DE MERINO, APOSTEPEQUE. THE PRESS ARTICLE DESCRIBED THE ACTION TAKEN AGAINST THE ACCUSED AS A DEMONSTRATION OF "THE VALUE OF JUSTICE AND THE RESPECT FOR HUMAN RIGHTS" IN EL SALVADOR. WE WILL FOLLOW-UP ON STATUS OF THE CASE.

-- B) REF F RECOUNTED A DECEMBER 8, 1983 PRESS REPORT OF THE CONVICTION OF TWO SOLDIERS FOR THE RAPE OF AN 11-YEAR OLD GIRL IN CANTON SAN FELIPE. THE COURT INFORMS US THAT THE SOLDIERS REMAIN UNDER ARREST IN THE SAN VICENTE PRISON, AWAITING SENTENCING.

-- C) THE EL MUNDO OF JANUARY 14, 1984 REPORTED THAT THE FORMER COMMANDER OF THE MILITARY PATROL IN BARRIO SAN JUAN DE DIOS, IN THE CITY OF SAN VICENTE WAS SENTENCED TO 23 YEARS IN PRISON FOR THE DECEMBER 30, 1982 MURDER OF SEAMAN JOSE ISRAEL MEJIA LEMUS AND THE WOUNDING OF PETRONA SANTOS RODRIGUEZ HERNANDEZ. THE ARTICLE SAYS THAT THE COMMANDANTE, ACCOMPANIED BY SUBORDINATES TOOK THE VICTIM OUT OF HIS HOUSE AND SHOT HIM ON THE PATIO IN FRONT OF HIS WIFE. NO MOTIVE WAS MENTIONED.

-- D) (THIS AND THE FOLLOWING TWO CASES APPARENTLY WENT UNREPORTED IN THE PRESS.) IN SEPTEMBER 1983, THE SANTO DOMINGO, SAN VICENTE CIVIL DEFENSE COMMANDER AND THREE OF HIS MEN WERE ARRESTED AND CONSIGNED TO THE CIVIL COURT ON CHARGES OF EXTORTING MONEY FROM TRAVELLERS ON THE PAN AMERICAN HIGHWAY. THE COURT INFORMS US THAT THE ACCUSED WERE RELEASED FOR LACK OF EVIDENCE.

-- E) ON OCTOBER 4, 1983, THE MAN WHO HAD REPLACED THE SANTO DOMINGO CIVIL DEFENSE COMMANDER DISCHARGED IN CASE D WAS HIMSELF CHARGED, ALONG WITH EIGHT OF HIS MEN, WITH THE MURDER OF A WOMAN, AND THE THEFT OF HER OXEN, IN CANTON EL PARAISO, SAN SEBASTIAN. THE COMMANDER ESCAPED, THE OTHER EIGHT CIVIL DEFENSE MEMBERS ARE UNDER ARREST AND AWAITING TRIAL.

-- F) IN SEPTEMBER 1983, A SOLDIER WAS ARRESTED AND CHARGED WITH STEALING A WATCH AND THREATENING THE LIFE

SAN SA 00928 02 OF 03 262045Z 6194 ARA4529
OF THE OWNER. THE SOLDIER IS CURRENTLY UNDER ARREST WHILE THE INVESTIGATION IS UNDERWAY.

-- G) ON DECEMBER 26, 1983, JOANNE BERNAL, A U.S. TOURIST, AND HER RESIDENT ALIEN HUSBAND WERE STOPPED, BEATEN WITH RIFLE BUTTS AND THREATENED WITH "DISAPPEARANCE" BY MEMBERS OF THE CIVIL DEFENSE FORCE WHILE DRIVING BY THEIR HEADQUARTERS LOCATED AT SOYAPANGO, EL SALVADOR. MINISTER OF DEFENSE VIDES CASANOVA LAUNCHED AN IMMEDIATE INVESTIGATION, FINDING THE LOCAL COMMANDER OF THE CIVIL DEFENSE GUILTY OF ABUSIVE CONDUCT. HE HAS BEEN SENTENCED TO 30 DAYS ARREST. THE THREE OTHER MEMBERS OF THE CIVIL DEFENSE FORCE INVOLVED IN THE INCIDENT ARE BEING HELD FOR CIVIL TRIAL BY THE JUDGE OF PEACE OF SOYAPANGO ON THE CHARGES OF "ABUSE OF AUTHORITY."

8. THESE CASES OF MILITARY CRIMINAL ACTIVITY RUN THE GAMUT FROM SIMPLE THEFT TO MURDER. A NUMBER OF THE MURDER CASES CERTAINLY FIT THE GENERAL PATTERN OF DEATH SQUAD ACTIVITY, IN THE SENSE THAT A GROUP OF ARMED MEN SUMMARILY SEIZED AND EXECUTED THEIR VICTIMS. HOWEVER, THE MOTIVES, THE LEADERSHIP, AND THE POLITICAL SIGNIFICANCE BEHIND THESE CRIMES, FACTORS THAT SURELY MUST BE CONSIDERED IN LABELLING A KILLING A DEATH SQUAD ACT, ARE UNCLEAR.

9. THE QUESTION, RAISED IN REF A, OF WHETHER THE GOES IS MOVING AGAINST SUCH ABUSES OF AUTHORITY IS DIFFICULT TO ANSWER WITH ANY CERTAINTY AT THIS POINT THOUGH THE EARLY SIGNS ARE ENCOURAGING. THERE IS NO DOUBT THAT MORE OF THESE CASES ARE APPEARING IN THE PRESS BUT WE HAVE NO IDEA YET WHETHER THIS IS BECAUSE THERE ARE, INDEED, MORE INSTANCES OF THE ARREST AND TRIAL OF THE MILITARY FOR CRIMINAL ACTIVITY OR WHETHER THE PRESS IS SIMPLY REPORTING MORE OF THESE INCIDENTS. NONETHELESS, EVEN IN THE LATTER CASE, GREATER PUBLIC AWARENESS OF THE PUNISHMENT OF ABUSES OF AUTHORITY MAY ENCOURAGE PEOPLE

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Department of State

INCOMING TELEGRAM

RELEASED
El Salvador Human Rights
Project (1993)

PAGE 01 SAN SA 00928 03 OF 03 262045Z 6211 ARA4534
ACTION ARA-00

ACTION OFFICE ELSA-02
INFO FILE-01 ARA-05 OAS-01 RPP1-01 ECP-01 PPC-01 NBCA-01
DCEN-01 RPP2-01 STON-01 REIC-03 REG-01 VILA-01
/021 A2 YC

INFO OCT-00 COPY-01 ADS-00 INR-10 SS-00 CIAE-00 DODE-00
H-01 NSAE-00 HA-08 L-03 PM-09 PA-02 OMB-01
SP-02 SNP-01 PRS-01 /039 W
----------227427 272110Z /66

R 262041Z JAN 84
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 2413
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HEIGHTS PN
USIA WASHDC 2131

UNCLAS SECTION 03 OF 03 SAN SALVADOR 00928

USIA FOR AR AND P/CENTAM

E.O. 12356: N/A
TAGS: SHUM, PGOV, ES
SUBJECT: GOES ACTIONS AGAINST MILITARY ABUSES OF POWER

TO BEGIN TO RELY ON THE LEGAL AND JUDICIAL SYSTEM WITH
SOME HOPE OF SEEING JUSTICE DONE.
PICKERING

89D46 '1

Department of State IS/FPC/CDR
Declassified under EO 12356
portions withheld: classified; law enforcement ( ); privacy; not relevant to FOIA
9-22-93

UNCLASSIFIED

TEXT OF TELEGRAM 84SAN SA000964

[redacted]

PAGE 01 SAN SA 00964 271640Z
ACTION ARA-00

INFO OCT-00 COPY-01 ADS-00 INR-10 SS-00 CIAE-00 EB-08
ODDE-00 H-01 NSAE-00 HA-08 L-03 PM-09 PA-01
DMB-01 SP-02 SNP-01 PRS-01 SLPD-01 /047 W
244542 280627Z /12

R 2716392 JAN 84
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 2435
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HEIGHTS PN
USIA WASHDC 2135

[redacted] SAN SALVADOR 00964

USIA FOR AR AND P/CENTAM

E.O. 12356: DECL: 1/27/90
TAGS: PINS, PGOV, ES
SUBJECT: D'AUBUISSON WARNS FOLLOWERS OF CONSPIRACY AGAINST HIS CANDIDACY

1. CONFIDENTIAL ENTIRE TEXT.

2. SUMMARY: ARENA PRESIDENTIAL CANDIDATE MAJOR ROBERTO D'AUBUISSON HAS CHARGED THAT "FOREIGN INTERESTS, HIDING BEHIND THE CHRISTIAN DEMOCRATS" WERE TRYING TO MANUFACTURE EVIDENCE AND TESTIMONIES INVOLVING HIM IN "ACTS (DEATHS AND MURDERS) IN WHICH I HAVE NEVER TAKEN PART" IN ORDER TO SABOTAGE HIS ELECTION PROSPECTS. END SUMMARY.

3. IN TV BROADCAST JANUARY 24, D'AUBUISSON ALLEGED THAT [redacted]

PAGE 02 SAN SA 00964 271640Z

FOREIGN INTERESTS ARE FUNNELING A LARGE AMOUNT OF DOLLARS TO THE CHRISTIAN DEMOCRATIC PARTY (PDC) AND TO THE SALVADORAN GOVERNMENT TO PAY FOR THE TESTIMONY OF FALSE WITNESSES. HE SAID THEY ARE TRYING TO DEVELOP A CASE AGAINST HIM WHICH WOULD BE USED TO PREVENT HIS INSCRIPTION AS A PRESIDENTIAL CANDIDATE IN THE UPCOMING NATIONAL ELECTIONS. D'AUBUISSON ALSO SAID THAT "BAD NORTH AMERICANS, OF THE ILK OF (EX-U.S. AMBASSADOR) ROBERT WHITE, ARE BEHIND THIS INTRIGUE. THEY ARE ACTING

TEXT OF TELEGRAM 84SAN SA000964

JUST LIKE THE NEFARIOUS DEPARTMENT OF STATE UNDER PRESIDENT CARTER. THEY ARE SEEKING TO IMPOSE A GOVERNMENT OF PUPPETS OPERATED BY CARTER-LIKE MANIPULATORS. I HAVE DEFINITE PROOF OF THIS AND, AT THE APPROPRIATE TIME, I WILL DEDICATE A FULL TV PROGRAM TO EXPOSE THIS THING."

4. D'AUBUISSON'S STATEMENTS, UTTERED DURING A JAN 22 CAMPAIGN SPEECH IN THE MELARA COOPERATIVE FARM IN LA LIBERTAD, WERE TELECAST OVER CHANNEL 2, A COMMERCIAL T STATION ON THE EVENING OF JANUARY 24. THE 30-MINUTE PROGRAM, PAID FOR BY ARENA, ALSO INCLUDED EXCERPTS OF OTHER CAMPAIGN SPEECHES BY D'AUBUISSON AND ARENA VICE PRESIDENTIAL CANDIDATE HUGO BARRERA. D'AUBUISSON'S MAIN THEME THROUGHOUT WAS AN INCESSANT ATTACK AGAINST NAPOLEON DUARTE AND THE PDC BRANDING THEM AS THE CORRUPT DESTROYERS OF THE SALVADORAN ECONOMY AND FORMER ASSOCIATES OF THE PRESENT GUERRILLA LEADERSHIP. IN A MORE CONSTRUCTIVE VEIN, HUGO BARRERA DEFENDED THE AGRARIAN REFORM AND PROMISED HIS PREDOMINANTLY CAMPESI LISTENERS THAT ARENA WOULD DO NOTHING TO REVERSE THE REFORM PROCESS.

5. COMMENT: THE ARENISTAS LOVE TO DISCOVER CONSPIRAC [redacted]

PAGE 03 SAN SA 00964 271640Z

AGAINST THEIR ANTI-COMMUNIST CRUSADE. IN THIS CASE, THEY HAVE LINKED THE "WHITE COMMISSION" CHARGES OF D'AUBUISSON'S INVOLVEMENT WITH DEATH SQUAD ACTIVITY TO HIS VISA DENIAL AND THE EMBASSY'S FORTHRIGHT DENUNCIAT OF DEATH SQUAD ACTIVITY. TO D'AUBUISSON'S WAY OF THINKING, AND THAT OF HIS CLOSEST FOLLOWERS, THESE INCIDENTS ARE PART OF A PLOT -- ABETTED BY UNRECONSTRU CARTERITES HIDDEN IN THE CURRENT ADMINISTRATION -- TO DENY HIM THE PRESIDENCY. PICKERING

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TEXT OF TELEGRAM 84SAN SA001011

ADP952 [redacted]

PAGE 01 SAN SA 01011 280037Z
ACTION ARA-00

INFO OCT-00 COPY-01 ADS-00 INR-10 SS-00 CIAE-00 EB-08
DODE-00 H-01 IO-15 NSAE-00 HA-08 L-03 LAB-04
PM-09 PA-01 OMB-01 SIL-01 USIE-00 SP-02 SNP-01
PRS-01 /066 W
----------256524 281528Z /50

R 280035Z JAN 84
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC PRIORITY 2468
AMEMBASSY MEXICO PRIORITY

[redacted] SAN SALVADOR 01011

E.O. 12356: DECL: OADR
TAGS: ELAB, PINS, ES
SUBJECT: MEXICAN PARTICIPATION IN SUPPORT OF FMLN

REF: SAN SALVADOR 851

1. [redacted] - ENTIRE TEXT.

2. PRESIDENT MAGANA TELLS ME THAT MEXICAN UNIVERSITY STUDENT, MARIA RAQUEL GARCIA SANMIGUEL (REFTEL), ADMITTED TO POLICE FREELY AND SIGNED A DOCUMENT INDICATING AN ADMISSION THAT MEXICAN GOVERNMENT WAS A CONTRIBUTOR TO THE SALVADORAN SOLIDARITY FRONT.

3. MAGANA INTENDS TO WRITE A PERSONAL AND PRIVATE LETTER TO PRESIDENT DE LA MADRID CONCERNING THIS SUPPORT IN THE HOPES THAT HE CAN GET IT CUT OFF OR CUT DOWN.
PICKERING

[redacted]

NNN

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El Salvador: Human Rights Special Project (1993)

UNCLASSIFIED

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: COX, DAVID
Date: 05/23/94
Case ID: 9940034G

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TEXT OF TELEGRAM 84MEXICO001748

UNCLASSIFIED

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ADP307 [redacted]

PAGE 01 MEXICO 01748 312258Z
ACTION ARA-00

INFO OCT-00 COPY-01 ADS-00 INR-10 SS-00 CIAE-00 EB-08
DODE-00 H-01 IO-15 NSCE-00 NSAE-00 SSO-00 HA-08
L-03 LAB-04 PM-09 PA-01 OMB-01 SIL-01 INRE-00
USIE-00 SP-02 SNP-01 PRS-01 SLPD-01 /067 W
----------002627 312309Z /12

O 312300Z JAN 84
FM AMEMBASSY MEXICO
TO SECSTATE WASHDC IMMEDIATE 5690
AMEMBASSY SAN SALVADOR IMMEDIATE
[redacted] MEXICO 01748

E.O. 12356:DECL:OADR
TAGS: PINS, PREL, ES, MX
SUBJECT: MEXICAN PARTICIPATION IN SUPPORT OF FMLN

REF: SAN SALVADOR 1011

1. IT IS GENERALLY ACCEPTED THAT THE GOM HAS TRADITIONALLY GIVEN REFUGE TO A WIDE VARIETY OF POLITICAL EXILES OF ALL POLITICAL COLORS AS A BASIC TENET OF ITS LIBERAL FOREIGN POLICY. FOR ALMOST FORTY YEARS, MEXICO MAINTAINED SURREALISTIC RELATIONS WITH THE LONG-DEFUNCT SPANISH REPUBLIC, REPORTEDLY GOING SO FAR AS TO FULLY SUBSIDIZE THE REPUBLICAN EMBASSY AND ITS PERSONNEL. AFTER THE FALL OF ALLENDE, MEXICO RECEIVED A GREAT NUMBER OF CHILEAN EXILES AND THEN-PRESIDENT ECHEVERRIA OFFERED MANY OF THEM GOVERNMENT JOBS. THERE ARE STILL A FEW CHILEANS IN ADVISORY POSITIONS IN THE GOM TODAY, ALTHOUGH MOST HAVE MOVED ON TO MORE STRICTLY ACADEMIC PURSUITS.

2. THE GOM HAS HISTORICALLY OFFERED A HOME FOR MEMBERS OF EXILED POLITICAL GROUPS, ALLOWING SOME TO SET UP HEADQUARTERS IN MEXICO CITY AND ENGAGE IN FUND RAISING [redacted]

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El Salvador: Human Rights
Special Project (1993)

UNCLASSIFIED

PAGE 02 MEXICO 01748 312258Z

AND SUPPORT ACTIVITIES FOR INSURGENT MOVEMENTS IN THEIR HOMELANDS. THERE HAVE BEEN REPORTS, WHICH WE HAVE BEEN UNABLE TO CONFIRM, THAT THE GOM ACTUALLY FINANCES THE HEADQUARTERS ACTIVITIES OF THESE GROUPS, INCLUDING THE FMLN, HELPING THEM TO MEET THE STAFF PAYROLL, ETC. ON THE OTHER HAND, IT IS ALSO REPORTED THAT THE GOM HAS LONG ALLOWED CUBAN EXILES, AND MORE RECENTLY NICARAGUAN ANTI-SANDINISTAS TO GO ABOUT THEIR BUSINESS UNHINDERED. THE BASIC RULE SEEMS TO BE "LIVE AND LET

United States Department of State
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Review Authority: COX, DAVID
Date: 05/23/94
Case ID: S940034G

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TEXT OF TELEGRAM 84MEXICO01748

LIVE," AS LONG AS THE EXILE GROUPS DO NOT INVOLVE THEMSELVES DIRECTLY IN MEXICAN DOMESTIC POLITICS.

3. COMMENT: WE ENCOURAGE THE IDEA OF PRESIDENT MAGANA ASKING PRESIDENT DE LA MADRID ABOUT THE GOM'S ALLEGED SUPPORT OF THE SALVADORAN SOLIDARITY FRONT. SUCH AN APPROACH BY MAGANA SHOULD BE VERY SPECIFIC IF IT IS TO BE EFFECTIVE. ALTHOUGH WE ARE NOT SANGUINE ABOUT MEXICO GENERALLY CHANGING ITS WAYS ON SUCH MATTERS, WE BELIEVE THIS ISSUE SHOULD BE BROUGHT TO THE ATTENTION OF THE GOM.

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COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1983

REPORT

SUBMITTED TO THE

COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES

AND THE

COMMITTEE ON FOREIGN RELATIONS
U.S. SENATE

BY THE

DEPARTMENT OF STATE

IN ACCORDANCE WITH SECTIONS 116(d) AND 502B(b) OF THE FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED

FEBRUARY 1984

Prepared for the use of the Committees on Foreign Affairs and Foreign Relations of the House of Representatives and the Senate respectively

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EL SALVADOR

Salvador is a democratic republic governed by a multiparty overnment of National Unity which was named by a Constituent Assembly elected freely in 1982. Democracy in El Salvador continues to be limited by the state of siege which suspends some constitutional rights in a response to the military mergency resulting from guerrilla attacks. The armed forces emain a significant political force in the country, and the xtreme left does not participate in the political system. In tober 1979 a right-wing military government was overthrown by roup of reformist military officers. This military junta s replaced in January 1980 by a joint Christian Democratic rty-Armed Forces government. After decades of social equality and repression, this Government initiated major conomic and political reforms. These reforms continue to rogress although their benefits have been reduced by violent esistance from the extreme right and by relentless guerrilla rfare from the extreme left abetted by Cuba and Nicaragua. 1983 El Salvador adopted a new constitution drafted by the onstituent Assembly in preparation for a presidential election n March 1984. With this election, the democratic structure nvisaged by the coup of 1979 will be in place.

he Salvadoran Government's authority is currently being ontested by the Farabundo Marti National Liberation Front FMLN)--a coalition of Marxist/Leninist-led guerrilla rganizations. The political affiliate of this organization, he Revolutionary Democratic Front (FDR), includes elements of cial democratic origin. One of the strategies of the FMLN volves the destruction of the Salvadoran economic nfrastructure. Also targeted are municipal and national overnment installations, military personnel, and alleged overnment collaborators. The guerrillas and the FDR have blished a general public program for a future government ich includes a mixed economy and maintenance of certain dividual liberties. In internal documents and speeches to eir own organizations, FMLN leaders embrace the concepts of ictatorship of the proletariat, of the vanguard role of the evolutionary movement with regard to the rest of society, and f democratic centralism or disciplined adherence to decisions assed down by leaders. Political decisionmaking within the uerrilla movement takes place in some cases by bargaining mong the leaders of its constituent factions, in other cases y intimidation and assassination. During 1983 one FMLN ader, Comandante Ana Maria (Melinda Amaya Montes) was dered on the orders of another guerrilla leader Cayetano lo, who committed suicide when his involvement in the der was discovered.

use of human rights remains a central problem, despite forts of the government to end violence from right-wing death uads, some of which have links to the security forces, and om its own security forces, as well as from the guerrilla ft. The level of political violence remains high, but oncombatant deaths have declined steadily since a peak in 80. The number of disappearances in 1983 remained at about e same level as in 1982. Elements within the Government curity forces are still believed to use torture as arbitrary nishment or to extract information from suspected leftists.

Individuals can be and are arrested without warrants, detained for investigation, sometimes for long periods before charges are brought, and, if charged with such crimes as sedition and treason, rarely brought to trial.

All human rights conditions in El Salvador are strongly affected by the ongoing civil strife. As is common during civil strife, the achievement of a public order that would protect each person's rights has been disrupted by military operations, partisan hatreds, acts of revenge, the satisfaction of personal grudges, pervasive fear, and a prevailing uncertainty dominated by violence. This situation contributed to, and is complicated by, the near-paralysis of the judicial system, which is caused in part by corruption and intimidation and which is most evident when crimes of a political nature are being considered.

The allocation of responsibility for specific crimes done by certain rightist elements or by the members of the security forces associated with them has been difficult. It is characteristic of Salvadoran society that personal loyalties to relatives or locally powerful individuals are strong and often compete with loyalties to legal superiors within the organizations of the Government or to officers within the military chain of command. Thus, it is often difficult to know whether, in taking a given action, a member of the security force is obeying orders handed down through a military or government chain of command, carrying out the wishes of some local patron, or acting on his own.

The most profound recent change has been the opening up of the political system and the restoration of government accountability through elections. This new political dynamic began with elections for a Constituent Assembly in March 1982. Some 1.5 million Salvadorans voted; only the extreme left refused to participate. The March 1982 elections produced an Assembly in which no party held an absolute majority but which proved capable of drafting and approving a modern, liberal constitution. A multiparty Government of National Unity, named by the Constitutent Assembly, has functioned slowly but successfully by consensus.

The new Constitution, which entered into force on December 20, 1983, establishes a republican, pluralistic form of government; strengthens the legislative branch and enhances judicial independence; improves safeguards for individual rights; establishes safeguards against excessive provisional detention and unreasonable searches; and protects the legal bases of land reform.

Presidential elections will be held on March 25, 1984. Six candidates are actively campaigning for the presidency. Legislative and mayoral elections are planned for early 1985.

The Government of El Salvador is seeking a political solution to the armed conflict through a dialogue on democratic elections within El Salvador and participation in the regional Contadora process. El Salvador's Peace Commission remains prepared to meet with the armed left and its political associates to discuss their participation in free elections, including physical security for candidates and access to the media.

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Special Project (1993)

In 1980 the civilian-military junta enacted a wide-sweeping program of land reform to transfer land ownership from a small number of large holders to farmers who had previously worked the land as laborers, renters, or sharecroppers. Although plagued by problems including illegal evictions of beneficiaries, difficulties in compensating former owners, and violence, the land reform is making steady progress.

Major efforts are underway to ensure more effective functioning of the criminal justice system, including provision of greater judicial independence under the new Constitution and the creation of two legal reform commissions. The Government of El Salvador is developing programs to improve investigative capacities and protection for participants in the legal process and to modernize penal and evidentiary codes.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Unlawful or Arbitrary Deprivation of Life

El Salvador continues to suffer from politically motivated violence engendered in part by continuing political polarization, as well as a traditional recourse to violence in disputes of any nature (political, economic, or even private feuds). Extremists of the right and left are guilty of politically motivated civilian deaths as are some members of the Armed Forces. The climate created by the guerrilla violence has further depreciated the value of human life.

Extremists of both sides employed assassination to eliminate perceived enemies, to intimidate, and to make their political points. Catholic Archbishop Rivera y Damas has appealed to the Government and the Armed Forces to put an end to the repression caused by the security forces, the paramilitary bands, and fanatic organizations.

Far right death squads, some of which have had links with elements in the security forces, assumed a higher profile during the last half of 1983 by targeting prominent individuals and forcing the media to carry their communiques. The "Maximiliano Hernandez Martinez Anti-Communist Brigade," which had been relatively quiet since the March 1982 Constituent Assembly elections, resurfaced in September 1983 and claimed responsibility for a series of kidnappings and murders. Another group, the "Secret Anti-Communist Army," claimed responsibility for the murder of two civil servants in late June and for the torture and murder on September 10 of two Ministry of Education literacy campaign workers. More secretive squads operate in rural areas, kidnapping, torturing, and murdering their victims without claiming responsibility for these acts.

Some units and individuals of the Armed Forces (which include the army, the security forces, and the civil defense) have committed violent abuses. On February 22, at least 18 farmers at the Las Hojas farm cooperative were killed, apparently by elements of a Salvadoran army unit. The judge has completed

his investigation and expects to move the case to trial in the next few months. (The Government's Human Rights Commission carried out its own investigation and delivered its report to President Magana.) In Zaragoza, La Libertad Department, there are indications that a civil defense force was involved in the November 1983 kidnapping of seven men and two pregnant women later found dead in a ravine. This incident is under investigation.

Some of the charges against government forces appear to be exaggerated, misleading, or false, such as those leveled against the Atlacatl Battalion in a November 3, 1983, action near Cinquera in Cabanas Department. In this particular case, after the alleged massacre was publicized by the guerrillas' Radio Venceremos, journalists visited the village of San Nicolas near Copapayo, where government troops were accused of herding 20 civilians into a house and then murdering them. Although the facts are still far from clear, there was apparently no evidence of gunfire within the house to support the allegation of a cold-blooded murder. This lends credibility to the Government's account of a major military engagement in a nearby area from which bodies may have been brought to the house.

Once a member of the military has been charged with a civil crime, he is dismissed from military service and tried in a civilian court as a civilian. In the first eight months of 1983, 127 members of the Armed Forces were turned over to civilian courts for trial. For example, in August, 1983, Sergeant Jose Mario Solozano, Commander of the civil defense in Verapaz, San Vicente Department, was sentenced to 30 years imprisonment for the murder of a seminary student in November 1981. Several members of the security forces are now facing trial for politically motivated human rights violations, but none has yet been convicted.

The Government has stepped up its campaign against death squad activity in response to the upsurge in killings claimed by death squads of the extreme right. On September 23, 1983, El Salvador's Ministry of Defense issued a statement repudiating "all terrorist actions from whatever source, because they constitute violations of human rights." On December 2, Minister of Defense Vides Casanova pledged "to bring before the law the members of these terrorist bands--whoever they may be and whatever reasons they might give to justify their illegal activity." On December 15, in an unusual act, the High Command of the Salvadoran Armed Forces and commanders of the military and the public security forces issued a statement endorsing the position of the Minister of Defense and pledging "to fight the death squads and the terrorist groups with all the means at our disposal until they are definitively eradicated from our country." President Magana, in his December 23 Christmas message to the nation, also spoke forcefully against the death squads, saying that to permit such activity is to promote a return to the law of the jungle. The President underscored his commitment and that of the Armed Forces' commanders to ensure the physical security of the citizenry. The Government's Political Commission and the Constituent Assembly have also spoken out forcefully against terrorists, including the death squads, as have political parties with a wide range of political philosophies.

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Special Project (199

...asonance with these statements, several officers with ...ed ties to the death squads were transferred to other ... in late November. In December, some of these officers ... transferred out of the country. On December 2, the ...onal Police announced the arrest of three members of the ...tituent Assembly's security force on charges of kidnaping. ... arrests were made within 48 hours of the crime, and the ...ects have since been consigned to the courts. The chief of ... force, who has been linked in the press with death squad ...vity, left his position with the change in Assembly ...ership in late December. On December 18, the Minister of ...se announced that a specialized investigative unit would ...rganized to investigate and combat the death squads. The ... is expected to be operational in early 1984.

... guerrillas continue to be responsible for significant human ...hts violations, including murder. Former National ...federation of Workers (CNT) director Salvador "Bobby" ...nez Molina died in December 1983, following an ...assination attempt by two presumed terrorists of the Popular ...beration Forces (FPL), an extreme left guerrilla group. The ...L also claimed responsiblity in June 1983 for the ...ssassination of ARENA (National Republican Alliance) Deputy ...nd former labor leader Rene Barrios Amaya. Barrios, along ...lth Bobby Jimenez, was one of the founders of the CNT. During ...anuary 1984, ARENA party member Maria Ovidia Amaya, mayor of ...amabal, Morazan Department, was dragged from her home and shot ...o death, and ARENA assembly deputy from Usulutan Department ...licardo Arnoldo Pohl was assassinated. Several retired and ...ctive duty officers have been gunned down on the streets of ...an Salvador, away from battle areas. In some instances, the ...guerrillas have taken credit for these attacks. The FPL was ...responsible for the massacres of two groups of military ...prisoners in 1983 and the murder of an American official, Lt. ...Commander Albert Schaufelberger.

In addition to the civilian deaths which the press directly attributed to the guerrillas, the guerrillas are also responsible for the deaths of a significant, if indeterminate, number of civilians who are forcibly used as a shield against government forces in combat situations. The guerrillas have interfered with the Armed Forces battlefield communications to redirect military fire from the guerrillas themselves to civilian targets.

Sources of information on political violence include newspapers, the armed forces, court records, human rights organizations, leftist organizations, and personal testimonies. Each of these is subject to limitations and/or biases. The four press dailies do report on violence. Although access to some rural areas is limited, press reports of deaths are considered a valid basis for data on political violence in rural areas. The armed forces have increased the release of information to the public, including casualty figures. Government information on guerrilla casualties, however, is subject to exaggeration. Court records list victims of violence identified by justices of the peace throughout the country. Such reports yield little additional information in cases of political violence, since witnesses rarely come forward. However, they are useful to determine trends.

...organizations which report on violence, besides the ...Government's Human Rights Commission, include the Legal Aid ...Office of the Archdiocese Commission for Justice and Peace ...(Tutela Legal), Christian Legal Aid (Socorro Juridico ...Christiano), the Committee of Mothers and Relatives of ...Political Prisoners and the Disappeared, and the El Salvador ...Human Rights Commission. In addition, the Center of ...Investigation and Documentation of the Jesuit-run University of ...Central America is a human rights information clearing house. These groups rely primarily on newspaper reporting, supplemented by other sources such as announcements by guerrilla groups and personal testimony. In an effort to overcome what many in the Government feel is the leftist bias of these human rights groups, President Magana created the Human Rights Commission, composed of leaders of the church, labor, private sector, and the National Police. The Commission monitors and analyzes the human rights situation.

According to these groups, the monthly averages for such deaths in the first six months of 1983 varied from 161 to 470. According to press reports, the monthly average was 177, compared to 269 in the first half of the previous year. During the last six months of 1983, the monthly average dropped to 104, a 41 percent decrease. The average for all of 1983 was 140 deaths per month compared to 219 in 1982 and 444 in 1981. Moreover, for four of the last six months of 1983 the number of press-reported deaths per month fell below 100 for the first time in recent years. Tutela Legal's figures on civilian deaths, mostly of guerrilla supporters (masas) that occur during military engagements or operations, now account for almost 80 percent of Tutela Legal's overall total of civilian victims of political violence. When civilian battlefield-related deaths are subtracted, Tutela Legal's violence figures for the last six months of 1983 are remarkably similar to the number of civilian deaths attributable to political violence reported in the Salvadoran press.

b. Disappearance

The number of press-reported civilian disappearances averaged 39 per month in 1983. This compares with 160 per month in 1981 and 38 per month in 1982. Disappearances occur under a variety of circumstances. Newspaper and eyewitness accounts often describe "armed men in civilian dress" as the perpetrators of the seizures. Some persons reported to have disappeared are later found assassinated; others may actually be in hiding; still others subsequently are found to have been arrested under state of seige provisions and detained in security force facilities.

Many of the disappearances of private citizens are attributed to government forces. Counterinsurgency units of the different security forces routinely practice arbitrary arrest and clandestine detention, the former legally permitted by the broad provisions of the state of siege Decree 507. The police can legally hold a prisoner for only up to 72 hours before bringing charges; in practice, prisoners are frequently held for longer periods. Family members of individuals detained in this way often make inquiries at the different security force headquarters to find out where their relatives are being held. In late 1983 "disappearances" often turned into reappearances within the criminal enforcement system.

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El Salvador: Human Rights Special Project (1993)

On December 14, 1983, the Minister of Defense issued a general order requiring security force members to be in uniform in virtually all cases when conducting arrests, to identify themselves while making the arrest, and to notify the Armed Forces Chiefs of Staff, the International Committee of the Red Cross (ICRC), the Government's Human Rights Commission and the detainees' relatives. The order permits incarceration only in officially recognized places of detention and reinforces the prohibition against the use of torture.

Guerrilla units stage kidnappings for ransom. Because the families of kidnap victims generally try to avoid publicity in order to negotiate their release, these guerrilla kidnappings receive little media coverage. In his January 8, 1984, homily during Sunday mass at San Salvador's Metropolitan Cathedral, Auxiliary Archbishop Rosa Chavez publicly called upon the guerrilla leadership to release the people they had kidnapped. He made particular reference to Luis Ernesto Meardi Borlasca, who has been held by the guerrillas since November 23, 1983, and who is blind and suffering from heart problems. There are continued reports that guerrillas have kidnapped civilians in order to recruit them.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

During 1983, elements within the security forces used psychological and physical torture as arbitrary punishment or to extract information from those suspected of assisting the armed guerrilla movement. It is believed that torture almost exclusively occurred during the initial stages of detention. Electric shock, severe beatings, and deprivation of food, water and sleep are the most frequently mentioned types of coercion. There is evidence that the use of torture often has been prolonged and extreme. It is not possible to establish the prevalence of torture because valid and systematic means for documenting cases do not exist.

d. Arbitrary Arrest, Detention, or Exile

Decree 507 permits arrest without a warrant, and people are commonly taken from their homes at night by armed men in civilian clothes who refuse to identify themselves. Arrests are often made on the basis of another person's denunciation of the suspect's alleged subversive links. In fact, the real motive for denunciation may be different, such as a purely personal dispute or for personal gain. People have given testimony of being held in clandestine jails before being transferred to one of the security force headquarters.

Decree 507, as amended by Decree 943, allows the Armed Forces to detain an individual for investigation, without charges, for up to 15 days. Then they are required either to release the person or remand him to the military tribunal. Once remanded to a tribunal, individuals may be held for up to 180 days during a preliminary investigation period, which the tribunal may extend. Security forces often hold prisoners, particularly those they do not acknowledge holding, much longer for investigation. As of mid-September 1983, Mariona Prison had 376 Decree 507 prisoners; Ilopango Prison had 52 Decree 507 prisoners. The National Police headquarters in San Salvador is

the largest security force detention center, holding up to 250 individuals. A person acting on behalf of someone who has disappeared can file a writ of "personal exhibition" with the Supreme Court, which has jurisdiction over all such petitions. The Court then names a "Judge Executor" who tries to locate the individual. If successful, the "Judge Executor" analyzes for the Supreme Court the validity of the legal grounds necessary for continued detention. However, if security forces do not acknowledge a person's detention, the writ is of little value because of the difficulty of locating the person. During 1983, the Supreme Court reviewed 1048 such writs and ordered the release of the prisoner in over 10 percent (112) of the cases.

Conditions in the penal centers are generally good. Visitors to Mariona and Ilopango confirm that these facilities, where political prisoners, along with common criminals, are kept, are clean and well-run and provide the basic necessities. There have been no recent complaints of ill-treatment by prisoners once they are confined within these prisons. The National Police have recently allowed representatives from the Archdiocese's Legal Aid Office (Oficina de Tutela Legal) unimpeded access to the detention facilities.

e. Denial of Fair Public Trial

After four years of civil war, the historically weak and ineffective criminal justice system in El Salvador is in a state of near collapse. Delays of two to three years or longer in the prosecution of criminal cases are common. In one recent case, six former university policemen were convicted of murders which occurred in 1978. Regardless of the type of crime, judges, lawyers, witnesses, and jury members have been subject to bribery, threats, and intimidation.

In addition to the promulgation of the Constitution, there were two developments of major significance to the justice system in El Salvador in 1983: the amnesty program and the movement toward judicial reform. On May 4 the Constituent Assembly unanimously passed an amnesty law drafted by the Government's Peace Commission. Under the program, which was in effect from May 16 to August 15, the Government offered amnesty to:

- (1) Salvadorans in armed rebellion against the government;
- (2) Prisoners detained under Decree 507 who were charged with crimes, the penalties for which did not exceed four years, and who had spent at least six months in prison; and
- (3) Prisoners already sentenced under Decree 507 whose sentences did not exceed four years.

An Amnesty Board along with the Government's Human Rights Commission and the Intergovernmental Committee for Migration (ICM) assisted some beneficiaries and family members to resettle abroad. The Committee also assisted those beneficiaries wishing to remain in El Salvador to settle on government-owned farms.

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El Salvador: Human Rights
Special Project (1993)

hen the program ended on August 15, 1,159 individuals had enefitted from the amnesty; 562 were political prisoners eleased from prison and 597 were persons who turned themselves) and were processed as amnesty beneficiaries. Amnesty Board mbers believe that 60 to 70 percent of the men in the second roup were actual guerrilla combatants. At the end of 1983 here were 494 political prisoners being held by the Government.

Major efforts are underway to ensure more effective functioning f the criminal justice system. In June, President Magana appointed a Judicial Reform Study Commission composed of government officials. The Commission proposed that Decree 507 be revised to eliminate prolonged detention and to ensure a greater measure of due process. A follow-on commission on reform of the criminal justice system was created by President Magana on September 26 and is charged with a broad mandate to recommend to the President code and procedural reforms and legal or regulatory changes to improve the judicial system generally.

In a related development, the Supreme Court announced on September 9 the formation of its own Penal Reform Commission on revision of criminal laws, which will be composed of three justices and two private lawyers expert in criminal law.

Most political cases are dealt with under Decree 507 by the military and not by the civilian courts. Most crimes against the state, such as treason and sedition, and associated crimes related to subversion or terrorism are subject to trial by military tribunals. Once remanded to the tribunals, individuals may be held for up to 180 days during a preliminary nvestigatory period, which the tribunals may extend. Most of : political prisoners are in this extended status. They are t permitted legal representation during this period, nor are awyers permitted access to evidence. The tribunals have uthority to determine admissibility of evidence, including xtrajudicial confessions and denunciations. Identities of the embers of the tribunals, who are active duty military fficers, are secret. The Supreme Court has the authority to verturn decisions taken by these tribunals; however, this is arely the case.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.

The Government of El Salvador does not interfere in personal life except in matters it considers related to the guerrilla war, although this exception has had a considerable impact on rivate life. Little is known of guerrilla behavior within their own organizations. Both the Government and the guerrillas utilize networks of informers. Phone numbers for making denunciations to the armed forces are publicized, and security forces rely on these informers and anonymous enunciations about alleged criminal and subversive activities.

ecree 507 authorizes search and seizure without a warrant, and members of the Armed Forces regularly use forced entry to carry ut arrests and investigations. The Government's Human Rights Commission reported 45 cases of forced entry into a home or orkplace the first six months of 1983.

The National Telephone Company has the ability to monitor telephone conversations.

The constitutional provision protecting the inviolability of correspondence is suspended under the state of siege. Postal officials have the authority to inspect correspondence, and it is believed they do so on occasion.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

State of siege Decree 507 suspends the constitutional rights of freedom of speech and press, but the greatest impediments to free expression and speech are violent political polarization and fear of reprisals, which have made many Salvadorans afraid to express their views.

Most San Salvador newspapers reflect a conservative point of view, and criticism of the Government from the right is common and often quite vigorous. News of a controversial nature is almost always provided by international wire services rather than by local reporters. Opinion from the left is limited by the newspapers themselves, but to varying degrees they accept paid advertisements from organizations loosely associated with the left. Spirited and often acrimonious debates are conducted through paid ads from groups across the political spectrum. In 1983, newspapers were not the target of terrorist bombings, as in the past, but radio stations have been bombed and attacked by both rightist and leftist armed groups. News from the major radio stations tends to be the most balanced and thorough. Foreign correspondents regularly file reports without censorship or delays and find the country and its leaders and citizens very accessible.

The only prominent 1983 example of active government control of the media occurred during the mutiny of Lt. Colonel Sigfriedo Ochoa, who in January announced that he would not obey orders from the Minister of Defense. After several days the Government forbade the publication in the local media of any information on the subject of the Ochoa mutiny which did not come from an official source. Agents were placed at all newspapers, radio stations, and television news organizations to ensure compliance. The international press was not affected by this order and continued to send uncensored accounts out of the country.

In spite of pervasive fear of extremist reprisals, a number of sources publish dissenting opinions. Most prominent are the frequent news release from Salvadoran organizations denouncing human rights abuses. The Jesuit-run University of Central America (UCA) publishes a bimonthly journal which often supports the guerrilla point of view and which advocates negotiations for power sharing with the guerrillas. A recent edition was dedicated entirely to the subject of "U.S. intervention" in Central America. The UCA also publishes a weekly analysis of national and international events with a leftist perspective. National University and Archdiocese publications are also critical, although the Archdiocese in its publication criticizes the guerrillas as well as the Government.

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Academic freedom is constitutionallly guaranteed. Although the National University campus has been closed and occupied by the military since 1980, it continues to operate in a number of rented locales. There are over 25 private universities in El Salvador. While the Government puts no formal restrictions on academic freedom, virtually all universities control or limit the teaching of subjects which could be considered controversial. Political activity is prohibited by statute at most of the major private universities, and only one university offers a degree in political science. In September, three law professors from the National University were kidnapped and one law professor from the same university was assassinated. A right-wing death squad claimed responsibility for two of the kidnappings.

b. Freedom of Peaceful Assembly and Association

Decree 507 suspends the constitutional right to free assembly and association. Beginning with the 1982 Constituent Assembly election campaign, however, the Salvadoran Government reinstated the right of assembly for political parties and peaceful organizations, including the Catholic Church and democratic labor groups, but not for the organizations of the revolutionary left.

Salvadoran unions are independent and free from government control. There is no government-sponsored labor federation. The Salvadoran Labor Code recognizes labor's right to strike, organize, and negotiate. The right to strike, however, is limited in part by Decree 296, which prohibits labor activity with potential repercussions on the economy. Although public employees are not allowed by the Constitution to organize as unions, there were, in fact, a number of well-organized public sector strikes in 1983 which elicited no significant reaction from the Government.

Less than 20 percent of the work force belongs to any labor organization, including peasant organizations which are not recognized formally as labor unions. El Salvador's labor organizations maintain close relations with most of the important international labor movements. The relative weakness of the organized labor movement in El Salvador during the past three years is due primarily to the catastrophic state of the economy and to political violence. Recent public labor demonstrations are an indication that labor strength is again on the rise.

The Popular Democratic Unity (UPD), a federation of farmer organizations and labor unions, on March 1, 1983, held a mass demonstration in support of the extension of the third phase of the agrarian reform. On September 27, the UPD held another, larger demonstration in support of agrarian reform.

The strength of the organized leftist labor federations has dissipated in recent years, and the continuing political crisis and terrorism have driven some leftist labor leaders and organizations underground. Nonetheless, they still exist as legal organizations and have been recently successful in convincing some democratic labor groups to join their common front, the Movement of Labor Union Unity (MUSYGES). MUSYGES held its May Day Congress at which participants, protected by the Armed Forces, criticized the Government.

Reaction from the left and the right to union activity has sometimes been extreme. Abductions and murders of labor leaders have been a serious problem. Nine union leaders of both leftist and rightist orientation disappeared or were murdered during 1983, and a number of other labor activists suffered a similar fate.

c. Freedom of Religion

Freedom of religion is guaranteed under the Constitution. The Catholic Church, headed by Archbishop Arturo Rivera y Damas, is one of El Salvador's most influential institutions. The hierarchy continues to speak out against human rights abuses by all parties, including the army and the security forces, and to call for a dialogue between the left and the Government.

The Church expressed its views on articles in the draft Constitution which related to religion and the role of the Church and succeeded in obtaining some of the changes it sought.

The clergy generally was no longer as much a target of rightist violence as it was before 1982. However, the "Secret Anti-Communist Army" did claim responsibility for the bombing without casualties in September of the residence of the Jesuits who run the University of Central America. The Archbishop and Auxiliary Bishop Rosa Chavez have also received threatening phone calls. Church lay workers at times were suspected by the Government of aiding or collaborating with the guerrillas. In July, six laymen who worked with the Archdiocese's refugee program were arrested by the National Police on suspicion of membership in a guerrilla group. Two of the six have been released for lack of evidence. The other four were in prison pending submission of their cases to a military court under Decree 507.

Foreign missionaries were able to enter the country to proselytize. Fundamentalist Christian groups continued to attract new members.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

Although the state of siege decree formally suspended the constitutional right to free movement, this suspension continued to have little effect in practice. The continuing civil strife displaced an estimated 465,000 persons within El Salvador, primarily in the northern and eastern departments. Another 58,000 to 67,000 displaced Salvadorans lived in camps outside El Salvador, primarily in Honduras, Nicaragua, Costa Rica, and Mexico. Governments, including that of El Salvador, international organizations, and private voluntary organizations assisted the displaced.

There were no restrictions on emigration. The Government assisted those amnesty beneficiaries who wished to leave the country to resettle elsewhere.

Salvadorans who were deported back to or, for other reasons, returned to El Salvador were not subject to any official penalties, harassment, or reprisals. They were free to resume their lives in the country. Claims have been made repeatedly

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El Salvador: Human Rights
Special Project (19[illegible])

that Salvadorans returned from the United States were being singled out for persecution, primarily because they had been in the United States. All efforts to find evidence to support these claims have been unsuccessful.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

El Salvador is a country in transition to multiparty democracy. In 1982 four of the parties in the Constitutent Assembly signed the Pact of Apaneca establishing the "Government of National Unity" and setting common goals for government. The pact also established the Political Commission composed of the President, a political independent; the three vice presidents, each representing one of the three major parties; and the ministers of defense and foreign affairs. The Political Commission acts in effect as the Government's executive committee. The Armed Forces, which have historically dominated the Salvadoran political scene, wield considerable power in key decisions. Six parties are represented in the 60-member Constituent Assembly, elected in 1982. Presidential elections are scheduled for March 25, 1984. A new contitution was promulgated on December 20, and with its approval the Constitutent Assembly became the Legislative Assembly.

The new Constitution strengthens the rights of private citizens. Presumption of innocence pending proof of guilt is codified in the Constitution for the first time. Measures have also been taken to strengthen the judiciary. The Attorney General is to be appointed by the legislature, rather than by the executive, and will have new investigatory powers. The Supreme Court's budget will be incorporated unchanged into the Government's general budget. There is also provision for enhanced judicial review of legislation.

The Government is also attempting to incorporate all Salvadorans into the democratic electoral process. The Government's Peace Commission met twice with representatives of the guerrilla organizations and their political allies in 1983 to discuss participation in the upcoming elections and the ongoing democratic process.

Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

The Government has been forthcoming with visiting human rights missions, providing information, making its officials available for discussion, and permitting the inspection of detention centers. In recognition of the situation in El Salvador, the Government created an official Human Rights Commission to represent individual citizen interests vis-a-vis the security forces and justice system.

The United Nations Human Rights Commission's Special Representative visited the country in 1983 for the third consecutive year and received substantial cooperation from the Government. Representatives of Americas Watch and Amnesty International made factfinding visits, as did a group cosponsored by the American Association for the Advancement of Science and the International League for Human Rights. Other private organizatons also sent delegations to report on El Salvador's human rights situation; each has been received and briefed at the highest levels.

The International Committee of the Red Cross (ICRC) continued to be active in El Salvador with the cooperation of the Government. The ICRC visited prisoners held in the country's prisons and detention facilities and provided medical assistance in areas not under the control of the Government of El Salvador.

Within El Salvador, there are five nongovernmental organizations which have the defense of human rights as their stated objective: The Archdiocese's Oficina de Tutela Legal (the Legal Protection Office); Socorro Juridico Cristiano (Christian Legal Aid); the El Salvador Human Rights Commission; the Committee of Mothers and Relatives of Political Prisoners and the Disappeared; and the University Center for Investigation and Documentation at the Jesuit-run University of Central America.

Generally these groups accept inquiries in individual human rights cases, file writs of personal exhibition on behalf of the disappeared, and publish statistics. These organizations are highly critical of government policy; they denounce both the Government and the Armed Forces for human rights violations but normally do not criticize the guerrillas for similar abuses. These groups generally are not harassed by the Government. However, the nongovernmental Human Rights Commission was attacked in the press by the Armed Forces Press Committee this summer for alleged links to the guerrillas.

During 1983 the Salvadoran Government created an official Human Rights Commission. Its members include lawyers, a peasant leader, a representative of the Roman Catholic Church, and the Director of the National Police. The official Human Rights Commission initiates investigations within 24 hours after receipt of an inquiry or complaint. The Commission played an important role in denouncing and then investigating the Las Hojas massacre in February. During 1983, the Commission received 917 complaints or inquiries. Included in this total were 45 people under detention by the military who were freed; 218 people reported to have disappeared who were found to be under military detention; 83 persons who received protection from the Commission; 14 persons reported as missing who were found dead and for whom investigations were requested; and 18 amnesty beneficiaries. The Commission aided 152 amnesty beneficiaries in emigrating from El Salvador to Canada, Australia, the U.S., and Belgium. The Commission received increasing cooperation from the security forces in responding to inquiries.

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

El Salvador has a per capita Gross National Product of approximately $717. Production is largely based on agriculture. Guerrilla attacks on the economic infrastructure, increasing population pressure on scarce land, and investment uncertainties have curtailed production and growth. Civil strife during the last four years, however, has disrupted development, particularly in rural areas. Leftist guerrillas have targeted the economic infrastructure, attacking the power grid, bridges, roads, railroads, bases, the telephone system, and crop processing and storage facilities.

El Salvador's economy faces severe structural problems with an extremely high population density for an agriculturally-based economy, high unemployment and underemployment, a lack of mineral wealth, and an inadequate health and education infrastructure.

lvador's estimated population of five million has a growth f 2.9 percent per year which places constant pressure on ...rds of living and on meager government revenues. The 1980 infant mortality rate was 78 per 1,000 live births. Roughly 10 percent of the population has an inadequate caloric intake. Some 53 percent of the population has easy access to potable water.

Literacy has risen to 62 percent of the total adult population. Some 82 percent of all primary school-age children are enrolled in school, with virtually no discrimination on the basis of sex.

n March of 1980, El Salvador instituted sweeping social and onomic reforms designed in part to transfer ownership of lands from the small number of large landholders to those o worked the land. Under Phase I of the Land Reform Program, l farms of more than 500 hectares (1,235 acres) were nverted into worker cooperatives to be managed jointly by the embers themselves and the Government Land Reform Institute ntil the cooperatives are able to manage themselves; at that oint the Government would withdraw and the cooperatives would become autonomous. The number of beneficiaries under Phase I is 31,359 (or about 188,000 beneficiaries when family members are included). Phase II is clarified in the new Salvadoran Constitution by establishing a ceiling of 245 hectares (605 cres) that an individual may own and giving affected owners three years to sell property in excess of that limit to peasants or peasant organizations. The state can expropriate without prior compensation any excess land not disposed of during the three-year period. Under Phase III of the land reform process, farms previously rented or sharecropped can be claimed in parcels of up to seven hectares (17.3 acres) by the former renters or sharecroppers. Potential beneficiaries under this phase are estimated to number as many as 117,000, excluding family members. By late December 1983, some 60,733 persons had filed petitions for land under Phase III, over 50 percent of those estimated to be eligible. Including family members, more than 364,000 Salvadorans are now moving under Phase III toward ownership of the land they work. The number of property owners compensated now stands at 499, an increase of 394 in 1983.

Landowners affected by Phase III have resisted strongly, often with violence and forced eviction of beneficiaries. Many who have lost land are not wealthy, and there is some evidence that most violence and illegal evictions come from the owners of the smallest, not largest, farms. Many landowners have filed "oppositions" with the Government, thus contesting the peasant's claim and keeping the applicant from the land until the case is resolved. Peasant organizations have complained that the adjudication process takes too long and is too often decided in favor of the landlord.

Although the Government of El Salvador has traditionally supported and continues to support private property rights, compensation of former owners has been partial and paid very slowly, principally because of lack of funds. To date 203 Phase I properties out of 426 have been compensated.

Women are active in almost all aspects of political activity. There are six women deputies in the Assembly, 10 percent of the membership, including one who served in 1[illegible] as a vice president of the Assembly. Women are also active in political [illegible] leadership outside the Assembly and occupy municipal as [illegible] national government offices. There are several

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: EL SALVADOR	1981	1982	1983
I.ECON. ASSIST.-TOTAL...	114.0	182.2	245.6
LOANS.....	80.0	63.8	86.6
GRANTS.....	34.0	118.4	159.0
A.AID	78.3	154.6	198.8
LOANS.....	53.8	43.9	47.6
GRANTS.....	24.5	110.7	151.2
(SEC.SUPP.ASSIST.)...	44.9	115.0	140.0
B.FOOD FOR PEACE.....	35.3	27.6	46.8
LOANS.....	26.2	19.9	39.0
GRANTS.....	9.1	7.7	7.8
TITLE I-TOTAL.....	26.2	19.9	39.0
REPAY. IN $-LOANS.....	26.2	19.9	39.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	9.1	7.7	7.8
E.RELIEF.EC.DEV & WFP.	4.2	5.5	6.2
VOL.RELIEF AGENCY.....	4.9	2.2	1.6
C.OTHER ECON. ASSIST...	0.4	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.4	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.4	0.0	0.0
II.MIL. ASSIST.-TOTAL...	35.5	82.0	81.3
LOANS.....	10.0	16.5	46.5
GRANTS.....	25.5	65.5	34.8
A.MAP GRANTS.....	25.0	63.5	33.5
B.CREDIT FINANCING...	10.0	16.5	46.5
C.INTL MIL.ED.TRNG....	0.5	2.0	1.3
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	149.5	264.2	326.9
LOANS.....	90.0	80.3	133.1
GRANTS.....	59.5	183.9	193.8
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1981	1982	1983	1946-83
TOTAL.....	40.5	112.8	52.9	778.8
IBRD	0.0	0.0	0.0	215.1
IFC	0.0	0.0	0.0	1.0
IDA	0.0	0.0	0.0	25.6
IDB	40.4	112.4	52.9	509.8
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	0.0
UNDP	0.1	0.4	0.0	21.3
OTHER-UN	0.0	0.0	0.0	6.0
EEC	0.0	0.0	0.0	0.0

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PAGE 01 SAN SA 01312 041924Z
ACTION ARA-00

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DODE-00 H-01 NSAE-00 HA-08 L-03 PM-09 PA-01
DNB-01 USIE-00 SP-02 SNP-01 PRS-01 /038 W
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R 041921Z FEB 84
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 2677
INFO AMEMBASSY GUATEMALA
AMEMBASSY SAN JOSE
AMEMBASSY PANAMA
AMEMBASSY TEGUCIGALPA
AMEMBASSY MEXICO
AMEMBASSY ROME

RELEASE

[redacted] SAN SALVADOR 01312

ROME FOR VATICAN

E.O. 12356: N/A
TAGS: SHUM, ES
SUBJECT: ARCHBISHOP ORDERS TWO PRO-LEFT HUMAN RIGHTS OFFICES OUT OF THE ARCHBISHOPRIC'S GROUNDS

REFS: (A) SAN SALVADOR 0571; (B) SAN SALVADOR 0048

1. (LOU) WE HAVE LEARNED THAT ARCHBISHOP RIVERA Y DAMAS HAS ORDERED THE COMITE DE MADRES AND THE NON-GOVERNMENTAL HUMAN RIGHTS COMMISSION OF EL SALVADOR (CDHES) PHYSICALLY OUT OF THEIR OFFICES IN THE ARCHBISHOPRIC'S BUILDING. THE COMITE DE MADRES IS AN ORGANIZATION OF MOTHERS AND RELATIVES OF DISAPPEARED PERSONS WHICH, LIKE CDHES, IS VULNERABLE TO FAR LEFT POLITICAL MANIPULATION. BOTH GROUPS HAD BEEN SHARING OFFICE SPACE WITH THE ARCHBISHOPRIC'S HUMAN RIGHTS [redacted]

PAGE 02 SAN SA 01312 041924Z

ORGANIZATION, CALLED TUTELA LEGAL, WHICH PROVIDES ASSISTANCE TO VICTIMS OF HUMAN RIGHTS VIOLATION AND COMPILES STATISTICS ON ALLEGED ABUSES. IT IS ALSO STRONGLY OPPOSED TO THE GOES.

2. (LOU) DURING A FEBRUARY 1ST VISIT TO THE ARCHBISHOPRIC, EMBOFF LEARNED THAT BOTH THE MOTHERS' COMMITTEE AND CDHES WERE NOW CONDUCTING BUSINESS UNDER A TREE ON THE ARCHBISHOPRIC GROUNDS. MS. MARITZA RUIZ OF THE MOTHERS' COMMITTEE TOLD EMBOFF THEY BELIEVE THAT MONS. RIVERA IS UNDER PRESSURE FROM THE BISHOPS' CONFERENCE TO DISTANCE HIMSELF FROM THESE CONTROVERSIAL ORGANIZATIONS. HOWEVER, RUIZ SAID THAT THE ARCHBISHOP HAD EXPLAINED THAT HIS DECISION WAS MOTIVATED BY THE NEED TO TAKE GREATER PRECAUTIONS REGARDING THE PHYSICAL SAFETY OF THE BUILDING, NOW THAT HE IS ABOUT TO MOVE HIS LIVING QUARTERS TO THE ARCHBISHOPRIC.

3. (U) DURING HIS JANUARY 15TH HOMILY, ARCHBISHOP RIVERA Y DAMAS SAID THAT HE HAD LEARNED THAT THE MOTHERS' COMMITTEE PUBLISHED A PAID AD IN MEXICO ON DECEMBER 13 ACCUSING HIM OF TURNING HIS BACK ON THE PEOPLE BECAUSE HE HAD ASKED THE COMMITTEE TO MOVE THEIR OFFICES FROM THE ARCHBISHOPRIC'S GROUNDS. HE EXPLAINED AT THAT TIME THAT THIS ACTION DID NOT MEAN HE WAS NO LONGER CONCERNED WITH THEM OR WHAT HAPPENS TO THEM. RIVERA Y DAMAS DID NOT, HOWEVER, GO INTO THE REASONS FOR HIS DECISION IN THE HOMILY.

4. (U) IN A BROADCAST ON JANUARY 31, RADIO FARABUNDO MARTI ALLEGED THAT AMBASSADOR PICKERING REFUSED TO HEAR THE DEMANDS OF THE MOTHERS OF THE POLITICAL PRISONERS AND THE MISSING. THE OBVIOUS REFERENCE [redacted]

PAGE 03 SAN SA 01312 041924Z

WAS TO AN OCTOBER 31ST LETTER TO AMBASSADOR PICKERING IN WHICH THE COMITE DE MADRES REQUESTED TO MEET WITH HIM ON NOVEMBER 4. THE COMITE WAS EVIDENTLY PLANNING TO COORDINATE THE HOLDING OF THE MEETING WITH THE AMBASSADOR WITH A DEMONSTRATION THEY ACTUALLY HELD IN FRONT OF THE EMBASSY ON THAT SAME DAY. THE COMITE IGNORED THE AMBASSADOR'S OFFER OF NOVEMBER 3RD (REFTEL B) TO HAVE THE DCM MEET WITH THEM EARLIER ON NOVEMBER 4 THAN THEY HAD SPECIFIED.

5. (LOU) COMMENT: WHILE THERE APPEAR TO BE MOTHERS OF [redacted]

REAL DISAPPEARED PERSONS AMONG THIS GROUP, THE COMITE DE MADRES IS MORE INCLINED TO SERVE AS A TOOL OF FMLN DISINFORMATION THAN AS A BONA FIDE HUMAN RIGHTS ORGANIZATION. ARCHBISHOP RIVERA Y DAMAS MAY HAVE COME TO THIS JUDGMENT AS WELL. END COMMENT. PICKERING

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El Salvador: Human Rights
Special Project (1993)

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TEXT OF TELEGRAM 84MEXICO02171

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PAGE 01 MEXICO 02171 01 OF 02 132321Z
ACTION ARA-00

INFO OCT-00 COPY-01 ADS-00 AID-00 INR-10 EUR-00 SS-00
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USIE-00 SP-02 SNP-01 PRS-01 /090 W
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FM AMEMBASSY MEXICO
TO SECSTATE WASHDC IMMEDIATE 5880
INFO CONTADORA COLLECTIVE
AMEMBASSY OTTAWA

[redacted] SECTION 01 OF 02 MEXICO 02171

C O R R E C T E D C O P Y (YEAR IN DATE TO READ 84 VICE 83)

E.O. 12356:DECL:PADR
TAGS: PREL, PINS, PINR, ELAB, PGOV, MX, ES
SUBJECT: MEXICAN CONGRESS TO INVESTIGATE EX-SECRETARY OF PATRIMONY FOR ASSISTING SALVADORAN GUERRILLAS

REF: A) MEXICO 1748 B) MEXICO 1793
C) SAN SALVADOR 1011

1. [redacted] SUMMARY: THE PRI, PAN AND PDM SURPRISINGLY JOINED LAST WEEK IN CALLING FOR AN INVESTIGATION OF FORMER SECRETARY OF NATIONAL PATRIMONY JOSE ANDRES DE OTEYZA, WHO ALLEGEDLY CHANNELED PARASTATAL UNION FUNDS TO CENTRAL AMERICAN GUERRILLA GROUPS DURING THE LOPEZ PORTILLO ADMINISTRATION. THE MEXICAN CHAMBER OF DEPUTIES FOREIGN RELATIONS COMMITTEE CHAIRMAN ASSURED EMBOFFS THAT AN INVESTIGATION WILL BE CARRIED OUT, AS THE VERY FOUNDATION OF MEXICAN FOREIGN POLICY IS THE PRINCIPLE OF NON-INTERFERENCE IN THE DOMESTIC AFFAIRS OF OTHER STATES. PRIVATE GROUPS, HOWEVER, ARE FREE TO ENGAGE IN SUCH ACTIVITIES ACCORDING TO MEXICAN [redacted]

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El Salvador: Human Rights
Special Project (1993)

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PAGE 02 MEXICO 02171 01 OF 02 132321Z

LAW, AND A CIVILIAN VOLUNTEER "BRIGADE" OF 48 MEXICANS LEFT FEBRUARY 2 TO JOIN A NUMBER OF SIMILAR GROUPS FROM HOLLAND, NORWAY, SWEDEN ETC., TO HELP FORM A "HUMAN WALL OF PEACE" ON NICARAGUA'S BORDERS TO PRESENT FURTHER "U.S. IMPERIALIST AGGRESSION." WHILE CIVILIAN VOLUNTEER SUPPORT FOR THE SANDINISTAS HAS PRECEDENTS ELSEWHERE, THE OTEYZA CASE COULD BECOME AN ACUTE EMBARRASSMENT TO MEXICO AND ITS ROLE IN THE REGION, IF THE ALLEGATIONS ARE SUBSTANTIATED. END

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: COX, DAVID
Date: 05/23/94
Case ID: 9400346

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SUMMARY.

2. (U) THE RULING REVOLUTIONARY INSTITUTIONAL PARTY (PRI), THE NATIONAL ACTION PARTY (PAN), AND THE MEXICAN DEMOCRATIC PARTY (PDM), IN A RARELY SEEN JOINT ACTION, CALLED LAST WEEK FOR INVESTIGATION OF THE ACTIVITIES OF FORMER SECRETARY OF NATIONAL PATRIMONY JOSE ANDRES DE OTEYZA, WHO ALLEGEDLY CHANNELED NUCLEAR INDUSTRY WORKERS' UNION (SUTIN) FUNDS TO THE SALVADORAN GUERRILLAS (REF B)R AS WELL AS TO THE SANDINISTAS. THE FOREIGN RELATIONS COMMITTEE OF THE MEXICAN CHAMBER OF DEPUTIES HAS DECIDED TO OPEN AN INVESTIGATION OF THIS ALLEGED FUNDING, SAYING THAT SUCH AN ACT ACOULD PUT IN DOUBT THE VERY PRINCIPLES OF NON-INTERVENTION UPON WHICH MEXICAN FOREIGN POLICY STANDS. THE CONGRESS REPORTEDLY CONSIDERS IT INDISPENSIBLE THAT OTEYZA, PRESENTLY AMBASSADOR TO CANADA, ANSWER THE ALLEGATIONS INVOLVING HIM BY SUTIN LEADER ARTURO WHALEY. WHALEY REPORTEDLY SUBSEQUENTLY DENIED THAT THE UNION HAD BEEN ENGAGED IN ANY ILLEGAL ACTIVITY, SAYING THAT ONLY TECHNICAL ASSISTANCE WAS GIVEN BY THE NUCLEAR WORKERS AND ONLY TO THE SANDINISTAS.

3. (U) THE CONGRESS HAS REQUESTED THAT THE COMPTROLLER [redacted]

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El Salvador: Human Rights
Special Project (1993)

PAGE 03 MEXICO 02171 01 OF 02 132321Z

GENERAL AND THE ATTORNEY GENERAL INITIATE A COMPLETE INVESTIGATION OF OTEYZA, WHO IS DESCRIBED IN SOME PRESS REPORTS AS ALWAYS HAVING HAD "CLEAR MARXIST TENDENCIES." IF THE CHARGES ARE SUBSTANTIATED, OTEYZA WILL ALSO REPORTEDLY BE ASKED TO EXPLAIN WHY HE AUTHORIZED FUNDS TRANSFERS AT A TIME WHEN MEXICO WAS HAVING SUCH FINANCIAL DIFFICULTIES.

4. [redacted] AT A LUNCH IN HONOR OF VISITING HAVANA CONFERCH AT THE AMBASSADOR'S RESIDENCE ON FEBRUARY 2, CHAIRMAN OF THE FOREIGN RELATIONS COMMITTEE OF THE CHAMBER OF DEPUTIES, LUIS DANTON RODRIGUEZ, TOLD EMBOFFS THAT THE INVESTIGATION OF OTEYZA WOULD BE RIGOROUSLY PURSUED UNTIL THE TRUTH IS KNOWN AND MADE PUBLIC. DANTON RODRIGUEZ TOLD THOSE PRESENT THAT WHILE INDIVIDUALS WERE FREE AND ENTITLED TO GIVE FUNDS TO WHOMEVER THEY WISHED, THE GOM COULD NOT LEGALLY ASSIST ANY NON-GOVERNMENTAL ORGANIZATION OR INSURGENT GROUP. DANTON RODRIGUEZ WENT ON TO MENTION THE DEPARTURE OF A "BRIGADE OF VOLUNTEERS" OF 48 MEXICAN PROFESSIONALS WHO PLAN TO SPEND SIX MONTHS DOING SOCIAL RECONSTRUCTION WORK IN NICARAGUA, SAYING THAT SUCH GROUPS WERE FORMED OF PRIVATE INDIVIDUALS ACTING ON THEIR OWN AND HAD NO OFFICIAL STATUS.

5. [redacted] BACKGROUND ON DANTON RODRIGUEZ' REFERENCE TO

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VOLUNTEERS IS THAT ON FEBRUARY 2, 1984 A GROUP OF 48 MEXICAN CIVILIANS CALLING THEMSELVES THE "ARACELI PEREZ ARIAS BRIGADE OF PEACE AND SOLIDARITY WITH NICARAGUA" DEPARTED MEXICO CITY AIRPORT FOR A SIX MONTH TOUR OF "SOCIAL RECONSTRUCTION" WORK IN NICARAGUA. THE VOLUNTEER "BRIGADE" WAS REPORTEDLY ORGANIZED BY THE "COMITE MANOS FUERA DE NICARAGUA" WITH THE COLLABORATION OF SOME MEXICAN POLITICAL PARTIES (PRESUMABLY PSUM AND OTHERS). THE GROUP OF 30 MEN AND 18 WOMEN, LED BY MARTHA ZAPATA VELA, WAS NAMED IN MEMORY OF A MEXICAN [redacted]

PAGE 04 MEXICO 02171 01 OF 02 132321Z

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El Salvador: Human Rights
Special Project (1993)

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TEXT OF TELEGRAM 84MEXICO002171

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PAGE 01 MEXICO 02171 02 OF 02 132322Z
ACTION ARA-00

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O 072226Z FEB 84
FM AMEMBASSY MEXICO
TO SECSTATE WASHDC IMMEDIATE 5881
INFO CONTADORA COLLECTIVE
AMEMBASSY OTTAWA

[redacted] SECTION 02 OF 02 MEXICO 02171

C O R R E C T E D C O P Y (YEAR IN DATE TO READ 84 VICE 83)

E.O. 12356:DECL:PADR
TAGS: PREL, PINS, PINR, ELAB, PGOV, MX, ES
SUBJECT: MEXICAN CONGRESS TO INVESTIGATE EX-SECRETARY OF

"INTERNATIONALIST" KILLED IN NICARAGUA IN 1977.

6. (U) THE NICARAGUAN AMBASSADOR IN MEXICO MAURICIO CUADRA SHULTZ, WHO WAS AT THE AIRPORT TO SEE THE MEXICAN GROUP OFF, DESCRIBED THEIR MISSION AS FORMING A "WALL OF PEACE" ON THE FRONTIERS OF NICARAGUA TO PREVENT FURTHER AGGRESSION BY U.S. IMPERIALISM. THE MEXICAN VOLUNTEERS REPORTEDLY SAID THEY WERE GOING TO SHOW BY THEIR PRESENCE THE SUPPORT OF MEXICO FOR THE SANDINISTA REVOLUTION, AND TO FIGHT AGAINST THE CONTRAS WHICH HAVE BEEN ARMED BY "U.S. IMPERIALISM." THE NICARAGUAN AMBASSADOR SAID THAT ALTHOUGH THE MEXICANS WOULD BE UNARMED THEY WOULD JOIN SIMILAR VOLUNTEER GROUPS FROM HOLLAND, NORWAY, SWEDEN AND OTHER COUNTRIES IN FORMING A "HUMAN WALL OF PEACE" ON THE NICARAGUAN BORDERS TO
[redacted]

PAGE 02 MEXICO 02171 02 OF 02 132322Z

PREVENT FURTHER AGGRESSIONS. THE NICARAGUAN AMBASSADOR SAID SUCH INTERNATIONAL SOLIDARITY WOULD SHOW THE "YANKEE IMPERIALISTS" THAT THE NICARAGUAN PEOPLE ARE COMMITTED TO ACHIEVE VICTORY OR DEATH.

7. [redacted] THE SAME MORNING A GROUP OF LEADERS OF NICARAGUAN POLITICAL YOUTH ORGANIZATIONS ARRIVED IN MEXICO CITY REPORTEDLY TO PURSUE THEIR "PROFESSIONAL" STUDIES IN MEXICAN UNIVERSITIES. SUCH "CULTURAL" EXCHANGES

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El Salvador: Human Rights
Special Project (1993)

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TEXT OF TELEGRAM 84MEXICO002171

BETWEEN MEXICO AND NICARAGUA ARE RELATIVELY ROUTINE.

[redacted] COMMENT: IF CARRIED OUT THOROUGHLY, THE INVESTIGATION OF OTEYZA'S ALLEGED MISAPPROPRIATION OF FUNDS TO SUPPORT GUERRILLA ACTIVITIES IN CENTRAL AMERICA COULD BECOME AN ACUTE EMBARRASSMENT TO MEXICO AND HINDER ITS ROLE AS A REGIONAL PEACEMAKER. DESPITE THIS POSSIBILITY, OTEYZA PLAYED A KEY ROLE IN THE DISASTROUS ECONOMIC DECISIONS OF THE LAST TWO YEARS OF THE 1976-82 LOPEZ PORTILLO ADMINISTRATION. HE HAS FEW FRIENDS IN THE DE LA MADRID ADMINISTRATION AND WE DOUBT THAT ANYONE OF POLITICAL SIGNIFICANCE WOULD STAND UP FOR HIM IF AN INVESTIGATION RESULTED IN DAMAGE TO HIS REPUTATION.
(DRAFTED:POL:CCROOK-CASTAN) GAVIN

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Special Project (1993)

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Department of State

INCOMING TELEGRAM

ACTION OFFICE ELSA-02
INFO FILE-01 ARA-05 OAS-01 RPP1-01 ECP-01 PPC-01 NBCA-01
DCEN-01 RPP2-01 STON-01 REIC-03 REG-01 VILA-01
/021 A1 AS

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PM-00 PA-02 MCT-03 OMB-01 SP-02 SNP-01 PRS-01
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R 091655Z FEB 84
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 2791
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HEIGHTS PM
USIA WASHDC 2213

UNCLAS SAN SALVADOR 01469

USIA FOR AR AND P/CENTAM

E.O. 12356: N/A
TAGS: SHUM, ES
SUBJECT: SEVEN CIVIL DEFENSE MEMBERS BEING TRIED FOR MURDERS IN SANTA ANA

1. LOCAL DAILIES HAVE REPORTED SEVERAL CRIMINAL CASES INVOLVING A GROUP OF SEVEN MEMBERS OF THE SANTA ANA DEPARTMENT CIVIL DEFENSE FORCE WHO ARE NOW BEING TRIED FOR THE MURDERS OF CAMPESINOS. SOME CASES GO BACK TO 1979, OTHERS ARE AS RECENT AS JANUARY 13, 1984.

2. DR. BENJAMIN CESTONI, EXECUTIVE DIRECTOR OF THE GOES HUMAN RIGHTS COMMISSION, TOLD POLOFF THAT HIS ORGANIZATION'S INVESTIGATION OF THE SANTA ANA CASE REVEALED THAT THE CAMPESINO KILLINGS PROBABLY STEM FROM MOTIVES OF THEFT OR PERSONAL GRUDGES. CESTONI POINTED OUT THAT THERE WAS ONLY ONE PROBABLE DEATH SQUAD CASE: THE KIDNAP AND MURDER OF ONE OF THE CAMPESINOS. ALL THE REST, HE SAID, WERE COMMON CRIMES.

3. THE FEBRUARY 1ST ISSUE OF EL SALVADOR DAILY EL DIARIO DE HOY REPORTS THAT "ACCORDING TO WITNESS TESTIMONY VENGEANCE OR OTHER PERSONAL REASONS HAVE BEEN THE MOTIVATION FOR THESE CRIMES; THE VICTIMS WERE PERSONALLY KNOWN TO THEIR KILLERS." OTHER PRESS REPORTS INDICATE THAT THE ACCUSED CUSTOMARILY BEHAVED AS COMMON CRIMINALS, DISGUISING THEMSELVES AT NIGHT TO GO OUT TO ROB, RAPE AND PILLAGE.

4. COMMENT: MEMBERS OF PARAMILITARY GROUPS INCLUDING THE CIVIL DEFENSE AND THE CANTONAL GUARDS, HAVE BEEN INVOLVED IN KILLINGS SUCH AS THOSE OF LAS HOJAS (SONSONATE) AND LA FLORIDA (SANTA ANA). INDEED, THE SEVEN CD MEMBERS RECENTLY ARRESTED RECENTLY COULD CONCEIVABLY HAVE PARTICIPATED IN THE LA FLORIDA KILLINGS OF DECEMBER 1982. THE MURDERS FOR WHICH THEY ARE BEING TRIED NOW WERE ALL COMMITTED AGAINST CAMPESINOS. THIS MAY INDICATE THAT THE PERPETRATORS CASUALLY PERCEIVED CAMPESINOS AS VICTIMS TO BE ELIMINATED WITH IMPUNITY, WHATEVER THE MOTIVE. THE ARREST AND TRIAL OF THESE SEVEN OFFENDERS IN SANTA ANA MAY HELP ERODE A SENSATION OF IMPUNITY IN THE MINDS OF CRIMINALLY INCLINED MEMBERS OF

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THE CIVIL DEFENSE. END COMMENT. PICKERING

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PAGE 01 MEXICO 02494 01 OF 02 110050Z
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[redacted] SECTION 01 OF 02 MEXICO 02494

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El Salvador: Human Rig
Special Project (19

E.O. 12356:DECL:2/10/90
TAGS: PREL, PGOV, MX, EX
SUBJECT: FMLN-FDR CALLS FOR ESTABLISHMENT OF PROVISIONAL
- GOVERNMENT IN EL SALVADOR.

1. SUMMARY: IN A WIDELY-COVERED INTERNATIONAL PRESS CONFERENCE IN MEXICO CITY FEBRUARY 9, FMLN-FDR LEADERS UNGO, ZAMORA, MARTINEZ AND AGUINADA PROPOSED THE FORMATION OF A BROADLY BASED PROVISIONAL GOVERNMENT IN EL SALVADOR. CALLING FOR DIRECT AND UNCONDITIONAL TALKS BETWEEN THE FMLN-FDR AND THE GOES AND A U.S. REPRESENTATIVE, THE SALVADORAN INSURGENTS LAID DOWN 20 MEASURES TO RESOLVE THE MILITARY, SECURITY, POLITICAL, ECONOMIC AND SOCIAL PROBLEMS OF EL SALVADOR. THE STATED OBJECTIVE OF THE PROPOSALS IS TO RESCUE NATIONAL SOVEREIGNTY, DESTROY REPRESSION, ATTEND THE URGENT NEEDS OF THE PEOPLE, REACH A PEACEFUL CONCLUSION TO THE CONFLICT AND HOLD ELECTIONS. THE FMLN-FDR'S MEASURES WOULD ABOLISH THE 1983 CONSTITUTION, LEGITIMIZE THE POWER OF THE INSURGENTS, PURGE THE ARMY, DISSOLVE THE SECURITY AND PARAMILITARY FORCES, BAN THE ARENA PARTY, JUDGE AND PUNISH CIVIL AND MILITARY PERSONNEL

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PAGE 02 MEXICO 02494 01 OF 02 110050Z

INVOLVED IN POLITICAL CRIMES, DECLARE A MORATORIUM ON SMALL INDUSTRY DEBT, ETC. THE PROPOSALS CALL FOR AN EVENTUAL BILATERAL UNDERSTANDING WITH THE U.S. BANNING ANY FOREIGN MILITARY INSTALLATIONS (E.G. MISSILES) IN EL SALVADOR IN EXCHANGE FOR AN AGREEMENT NOT TO SEEK DESTABILIZATION OF THE NEW GOVERNMENT.

2. FMLN-FDR LEADERS ANA GUADALUPE MARTINEZ, GUILLERMO UNGO, RUBEN ZAMORA, AND MARIO AGUINADA GAVE A PRESS

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: COX, DAVID
Date: 05/23/94
Case ID: S940034G

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CONFERENCE TO:THE MEXICO CITY INTERNATIONAL PRESS CORPS FEBRUARY 9, 1984. THE SALVADORAN INSURGENTS CALLED FOR THE FORMATION OF A BROADLY BASED PROVISIONAL GOVERNMENT IN EL SALVADOR, SIMILAR TO OCTOBER-DECEMBER 1979 COALITION, WHICH FAILED "BECAUSE IT COULD NOT CHANGE THE POWER STRUCTURE." EMBASSY IS POUCHING FULL TEXT TO DEPARTMENT AND SAN SALVADOR.

3. THE FORMATION OF A PROVISIONAL GOVERNMENT WOULD BE BROUGHT ABOUT THROUGH A NEGOTIATION WHICH WOULD INCLUDE MEDIATORS NOMINATED BY THE VARIOUS PARTIES TO THE NEGOTIATION. THE PROCESS WOULD ALSO INCLUDE INTERNATIONAL WITNESSES SUCH AS REPRESENTATIVES OF THE CONTADORA GROUP AND OTHER DEMOCRATIC COUNTRIES. THE STEPS OF THE NEGOTIATION WOULD BE 1) DIRECT DIALOGUE, 2) DIRECT NEGOTIATION, 3) COMPROMISE AND FINAL AGREEMENT, INCLUDING THE SIGNATURES OF THE WITNESSES AS GUARANTORS. THE ENTIRE PROCESS WOULD CULMINATE WITH THE ORGANIZATION OF A SINGLE NATIONAL ARMY MADE UP OF THE INSURGENTS AND THE GOES FORCES (PURGED), BOTH OF WHICH WOULD RETAIN THEIR WEAPONS.

4. THE PROPOSAL FOR A PROVISIONAL GOVERNMENT CONTAINS 20 IMMEDIATE MEASURES TO RESOLVE THE MILITARY, SECURITY [redacted]

PAGE 03 MEXICO 02494 01 OF 02 110050Z

POLITICAL, ECONOMIC AND SOCIAL PROBLEMS OF EL SALVADOR AS WELL AS A FOREIGN POLICY PROGRAM.

5. THE PROVISIONAL GOVERNMENT'S OBJECTIVES WOULD BE TO: 1) RESCUE THE NATIONAL SOVEREIGNTY; 2) DESTROY THE "REPRESSIVE APPARATUS"; 3) ATTEND THE MOST URGENT NEEDS OF THE POPULAR MAJORITY; 4) ESTABLISH THE CONDITIONS FOR A PEACEFUL SOLUTION OF THE WAR; 5) REALIZE ELECTIONS. THE POLITICAL MEASURES TO BE TAKEN ARE: 1) ABOLISH THE CONSTITUTION OF 1983, 2) ABOLISH THE STATE OF SIEGE AND ALL THE GOES DECREES SINCE 1980 LIMITING DEMOCRACY AND LIBERTY; 3) GUARANTEE THE RIGHTS OF THE UNIONS; 4) LEGITIMIZE THE POPULAR POWER OF THE INSURGENCY.

6. THE SECURITY MEASURES PROPOSED ARE: 1) DISSOLVE THE SECURITY AND PARAMILITARY FORCES AND THE ARENA PARTY; 2) INCORPORATE THE REBEL FORCES IN THE GOES ARMY AFTER A THOROUGH PURGE OF UNDESIRABLE ELEMENTS; 3) INVESTIGATE AND PASS JUDGEMENT ON ALL CIVIL AND MILITARY PERSONNEL RESPONSIBLE FOR GENOCIDE, POLITICAL CRIMES, TORTURE, DISAPPEARANCES, AND ILLEGAL DEPRIVATION OF INDIVIDUAL LIBERTY.

7. THE RECONSTRUCTION MEASURES ARE: 1) RETURN OF THE EXILES AND REFUGEES; 2) ASSISTANCE TO THE DISPLACED,

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TEXT OF TELEGRAM 84MEXICO02494

WAR WOUNDED, DEMOBILIZED TROOPS, FAMILIES AND CITIZENS OF ALL SIDES AFFECTED BY THE WAR; 3) RECONSTRUCTION OF DAMAGED INFRASTRUCTURE.

-

8. THE ECONOMIC MEASURES ARE: 1) MORATORIUM ON DOMESTIC SMALL INDUSTRY DEBT; 2) PRICE CONTROLS; 3) FOREIGN DEBT RENEGOTIATION (WITH RECOGNITION OF PREVIOUSLY INCURRED DEBT).

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Special Project (1993)

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PAGE 01 MEXICO 02494 02 OF 02 110050Z
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TO SECSTATE WASHDC IMMEDIATE 6022
INFO CONTADORA COLLECTIVE

[redacted] SECTION 02 OF 02 MEXICO 02494

E.O. 12356:DECL:2/10/90
TAGS: PREL, PGOV, MX, EX
SUBJECT: FMLN-FDR CALLS FOR ESTABLISHMENT OF PROVISIONAL

9. THE SOCIAL MEASURES ARE: 1) MASSIVE EMPLOYMENT PLAN; 2) EMERGENCY PROGRAM TO REACTIVATE THE ECONOMY; 3) LITERACY CAMPAIGN; 4) AUTONOMY AND REORGANIZATION OF THE UNIVERSITY.

10. THE LAST MEASURE DEALS WITH ELECTIONS AND CALLS FOR A RELIABLE ELECTORAL REGISTER.

11. CONCERNING FUTURE RELATIONS WITH THE U.S. THE FMLN-FDR PLAN PROPOSES THE SIGNING OF BILATERAL AGREEMENTS GUARANTEEING THE NATIONAL SECURITY, AND THE PROSCRIPTION OF FOREIGN BASES OR MISSILES FROM THE NATIONAL TERRITORY. THE U.S. WOULD HAVE TO AGREE TO ABSTAIN FROM ANY ACTION WHICH WOULD DESTABILIZE THE PROVISIONAL GOVERNMENT AND REFRAIN FROM ANY AGGRESSION. THE SALVADORANS WOULD ALSO AGREE NOT TO ALLOW SUCH ACTIVITIES TO ORIGINATE IN THEIR TERRITORY AND WOULD NOT PERMIT THE TRANSIT OF FOREIGN TROOPS OR ARMS THROUGH THEIR COUNTRY.

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PAGE 02 MEXICO 02494 02 OF 02 110050Z

12. COMMENT: LATEST FMLN-FDR PRESS CONFERENCE DIFFERS IN SEVERAL RESPECTS FROM LAST MAJOR ONE WE CAN RECALL IN MEXICO CITY, WHICH TOOK PLACE ON 5 OCTOBER 1982 (82 MEXICO 14670). ALTHOUGH DOCUMENT RELEASED AT THAT TIME WAS SIGNED BY UNGO, ZAMORA, AND CALLES FOR FDR AND ALL FIVE COMMANDERS FOR FMLN, ONLY UNGO AND "COMANDANTE" ANA GUADALUPE WERE ACTUALLY PRESENT FOR MEETING WITH THE PRESS. ADDITIONAL PRESENCE OF ZAMORA AND AGUINADA AT YESTERDAY'S LONG-HERALDED (AND POST-PONED) PRESS

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CONFERENCE SEEMED TO PRESS OBSERVERS TO ADD SOME IMPORTANCE TO THE EVENT. SECOND, THE CONTENT OF THE DOCUMENT IS MUCH MORE SPECIFIC AND COVERS INSURGENTS' PROPOSALS IN MUCH GREATER DETAIL. 1982 DOCUMENT MERELY CALLED FOR AN OPEN DIALOGUE BETWEEN FMLN/FDR ON ONE SIDE AND SALVADORAN EXECUTIVE/CONSTITUENT ASSEMBLY/ARMED FORCES ON THE OTHER, TO BE JOINED EVENTUALLY BY OTHER SECTORS IN EL SALVADOR. DEMAND FOR OUTSIDE OBSERVERS TO WITNESS THE GOOD FAITH OF THE PARTIES HAS NOT CHANGED.

13. COMMENT OF ONE EXPERIENCED PRESS SOURCE MAY BE WORTH PASSING ON. IN HIS VIEW, WHAT FMLN/FDR REALLY WANTS IS A PRE-ELECTION COUP IN EL SALVADOR THROUGH WHICH MODERATES WOULD EFFECTIVELY SIDELINE D'AUBUISSON AND ARENA. THIS THEY BELIEVE WOULD RESULT IN A GOVERNMENT WITH WHICH THEY COULD NEGOTIATE IN GOOD FAITH. SOURCE ADMITTED THAT ISOLATING ARENA MAY BE WISHFUL THINKING OF FDR/FMLN'S PART. SAME SOURCE, WHO RECENTLY VISITED FMLN/FDR OFFICES IN MEXICO, GAVE US HIS IMPRESSION THAT NEW OFFICES ARE BETTER-EQUIPPED AND MORE PERMANENT THAN PREVIOUS TRANSIENT ONES, AND PERHAPS BETTER STAFFED. HE DID NOT HAVE AN IDEA, HOWEVER, WHETHER MORE "OPERATIONAL" FMLN PERSONNEL HAD IN FACT MOVED TO MEXICO FROM NICARAGUA. END COMMENT.

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Special Project (1993)

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PAGE NO. 6 DECLASSIFIED

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24 FEB 84

NF009 (Two weeks)

INTERNAL SECURITY LOG -- February 12-~~28~~ 24, 1984

February 12

--Police are searching for the extremists who detonated three bombs at the base of a Chilectra tower in Pudahuel. The explosion did not interrupt the flow of electricity in the area and only caused minor damage.

--A blackout affected most of Chile's populated areas for nearly an hour. Radio stations reported that it was due to an attack which destroyed high-voltage facilities.

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February 13

--A terrorist attacked a carabineros garrison in ~~Santiago~~ with machine guns. No one was injured.

--Subversives bombed a high tension tower in Pudahuel. The blast caused minor damage but no injuries.

--A judge in Pudahuel bound over for trial and issued an arrest order for a former carabinero officer, Miguel Ponce Martinez, who shot and seriously injured a young poblador.

February 15

--In Arica, members of the so-called "Defenders of the Country" commando firebombed the automobile belonging to Dr. Juan Restelli Dinamarca. Restelli is president of the Human Rights Commission of Arica.

--The courts have ordered the imprisonment of Dr. Manuel Almeyda for disturing the public order and inciting a national strike. Almeyda was taken to the Santiago public prison.

--The Foreign Ministry is gathering background material regarding the alleged detention of Hernan Toro Pinedo, a Chilean, in Peru.

--The MFA is studying the case of Hernan Toro Pinedo, who was arrested in Lima on espionage charges. Toro was placed at the disposition of the Peruvian courts.

--Dr. Manuel Almeyda was declared reo and charged with infractions of the Internal Security Law. His attorney has appealed the decision.

--Four people accused of violating the Internal Security Law by distributing pamphlets were summoned by the Ministry of Interior. The individuals are: Jaime Segundo Secuir, Victor Hugo Castro Fuentes, Lautaro Alberto Labbe and Maria Cecilia Sanchez.

--A judge has arraigned Socialist leader Julio Stuardo Gonzalez in the case involving the "Talleres Socialistas Democraticos" political movement.

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--Four persons who were questioned after having been seen distributing pamphlets in violation of the Internal Security Law have been released. They are: Cecilia Suarez, Victor Castro, Lautaro Labbe and Jaime Severin.

--The so-called "Comando Defensores de la Patria" has written slogans on a Catholic church in Santiago. The slogans reflect displeasure with the support given by the Archbishop to the Papal Nuncio in the case of the four asilees.

--A spokesman for the Vicaria de la Solidaridad has stated that that body has assumed the legal defense of Marta Soto and Susana Capriles only, and not of the other individuals being prosecuted for the assassination of Gen. Carol Urzua Ibanez and his bodyguards.

February 16

--Father Rafael Marotto denied prior reports that he had participated in the recent National Council of the MDP.

February 17

--A group of members of the Democratic Alliance visited Dr. Manuel Almeyda in prison. The group then issued a communique protesting their leader's arrest.

--The Comando de Organizaciones Populares (COP), which claimed responsibility for the recent firebombing of the car belonging to the President of the Human Rights Commission in Arica, has continued to make threats by phone announcing forthcoming attacks against so-called "traitors to the cause."

February 18

--A bomb explosion caused a power failure in the Carrillos area.

--A recurso de amparo has been filed with the Court of Appeals on behalf of four persons being held in the city of Castro. They are: Jorge Lay, Pedro Segure, Alejandro Stuardo and Alberto Verdugo.

--The Peruvian police have arrested Chilean Hernan Toro Pinedo on suspicion of spying .

February 21

--Hernan Toro Pinedo, a Chilean citizen who entered Peru clandestinely, was jailed for alleged spy activities in Peru.

February 22

--Investigaciones has arrested two members of the outlawed MAPU (United Popular Action Movement--Workers and Peasants Faction) who participated in the attack on the Evangelist Christian Aid Corporation headquarters in Santiago. Those arrested are: Marcelo Daniel Mendoza Lucero (alias Jorge Ricardo Santana Navarro) and Jaime Ivann Pinto Absloi.

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--Air Force Commander Fernando Matthei has said that he believes that there is a need for an anti-terrorist law, but he expressed some reservations about it by noting that he agrees with many of the criticisms that have been made in this regard.

--In a wave of vandalism against churches, delinquents who call themselves "Soldiers of the Fatherland" painted slogans on the door of a seminary in Santiago.

--Two alleged members of the Aparato Militar "MAPU-Garreton" were arrested for aggravated robbery and defacing public property at the Corporacion Cristiana Evangelica in Santiago. The individuals are: Jorge Ricardo Santana Navarro (alias Marcelo David Mendoza Lucero) and Jaime Pinto Agloni.

--Unknown individuals firebombed and destroyed a bus in Conchali.

February 24

--Armando Romero, a leader of the Chilean Socialist Party, has requested political asylum in Mendoza, Argentina, to escape "a massive repression system" in Chile.

--Four persons were arrested by the Intelligence Service of the Carabineros for possessing a printing press and other printing materials being used for subversive literature. Those arrested are: Carlos Lautaro Brito Castro, Jorge Enrique Munoz Wall, Eliseo Alejandro Toro Faundez and Sergio Benjamin Velasco de la Cerda. The last is president of the Group of 24 of San Antonio.

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PAGE 01 GUATEM 01757 01 OF 02 172333Z
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UNCLAS SECTION 01 OF 02 GUATEMALA 01757

E.O. 12356: N/A
TAGS: PGOV, PINR, PINS, GT, ASEC, SHUM
SUBJECT: MONTHLY POLITICAL VIOLENCE AND HUMAN RIGHTS
- REPORT FOR JANUARY

1. MONTHLY POLITICAL VIOLENCE AND HUMAN RIGHTS REPORT FOR JANUARY, 1984, TAKEN FROM OFFICIAL GOG BULLETINS, INDEPENDENT NEWS REPORTS, AND GUERRILLA COMMUNIQUES AS REPORTED BY FBIS.

2. DEATHS

CIVILIAN

	URBAN	RURAL	TOTAL
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PAGE 02 GUATEM 01757 01 OF 02 172333Z

-- BY RIGHT: 1 2 3
-- BY LEFT: 2 0 2
-- BY UNKNOWN: 12 7 19

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FOIA Exemptions
PA Exemptions

MILITARY

	URBAN	RURAL	TOTAL
-- MILITARY KIA:	7	30	37
-- GUERRILLAS KIA:	4	7	11
-- CIVILIANS KIA:	1	5	6

	CIVILIAN	GUERRILLA	MILITARY	TOTAL
-- LAST MONTH:	25	38	33	97
-- THIS MONTH:	30	11	37	78
-- YEAR-TO-DATE:	30	11	37	78

OCCUPATION OF VICTIM, WHERE NOTED:

MILITARY:	29
POLICE:	8
GUERRILLAS:	11
CD PATROL MEMBERS:	5
TAXI DRIVERS:	3
CHAUFFEUR:	1
RELIGIOUS PASTORS:	2
FARM ADMINISTRATOR:	1
BUSINESSMAN:	1
STUDENT:	1
BANK EMPLOYEE:	1
BARBER:	1

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PEASANT:	1
UNKNOWN:	13

3. ABDUCTIONS:

ATTRIBUTED TO:	UNKNOWN	GUERRILLA	RIGHT	TOTAL
-- LAST MONTH:	19	1	6	26
-- THIS MONTH:	23	0	2	25
-- YEAR-TO-DATE:	23	0	2	25

NOTE: THERE WERE 11 CASES OF URBAN KIDNAPPING, AND 14 CASES OF RURAL KIDNAPPING IN JANUARY.

OCCUPATION OF VICTIM, WHERE NOTED:

-- LABOR UNION: 3
-- TEACHERS: 2
-- STUDENTS: 2
-- POLITICIANS: 1
-- UNKNOWN: 11

4. ACTS OF TERRORISM OR WAR

-- MILITARY-GUERRILLA CLASHES: 14
-- GUERRILLA BOMBS DISMANTLED: 2
-- GUERRILLA BOMBINGS: 1
-- VILLAGE TAKEOVERS BY LEFT: 3
-- OTHER: 2 (SEE NOTE)

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PAGE 01 GUATEM 01757 02 OF 02 172333Z
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FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC IMMEDIATE 9949
INFO AMEMBASSY BELIZE
AMEMBASSY MEXICO
AMEMBASSY PANAMA
AMEMBASSY SAN JOSE
AMEMBASSY SAN SALVADOR

AMEMBASSY TEGUCIGALPA
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UNCLAS SECTION 02 OF 02 GUATEMALA 01757

E.O. 12356: N/A
TAGS: PGOV, PINR, PINS, GT, ASEC, SHUM
SUBJECT: MONTHLY POLITICAL VIOLENCE AND HUMAN RIGHTS

NOTE: THE TWO OTHER ATTACKS INCLUDED AN ATTACK ON THE PRESIDENTIAL PALACE, AND THE TAKEOVER OF A STREC H OF THE POPTUN-FLORES, PETEN, ROAD.

CHAPIN

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*** Current Handling Restrictions *** n/a
*** Current Classification *** UNCLASSIFIED

Department of State IS/[illegible] El Salvador SP Date 9/23/93
Declassified under EO 12356 (X) in full; ( ) in part;
portions withheld: classified ( ); deliberative ( );
law enforcement ( ); privacy ( ), statutory ( );
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PAGE 01 SAN SA 01855 01 OF 02 1820292
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AMEMBASSY GUATEMALA
AMEMBASSY MANAGUA
AMEMBASSY MEXICO
AMEMBASSY PANAMA
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA

[redacted] SECTION 01 OF 02 SAN SALVADOR 01855

H PASS

E.O. 12356: DECL: OADR
TAGS: PINS PGOV SHUM ES OREP
SUBJECT: CODELS DECONCINI AND ASPIN: ARCHBISHOP'S COMMENTS ON HUMAN RIGHTS, THE GUERRILLAS AND PEACE
1. C - ENTIRE TEXT.

2. SUMMARY: IN A MEETING WITH JOINT CODELS FEB 16, ARCHBISHOP RIVERA Y DAMAS SAW POSSIBLY PERMANENT IMPROVEMENT IN THE HUMAN RIGHTS SITUATION, OPINED THAT THE GUERRILLAS HAD FAILED TO WIN POPULAR SUPPORT, DEMANDED THE GOES TRY HARDER TO ACHIEVE A POLITICAL SOLUTION AND OFFERED TO MEDIATE IF ASKED BY BOTH SIDES. HIS VIEWS REFLECT A MODEST NEW OPTIMISM THAT ENDORSES OUR BELIEF THAT GOES IS ON THE RIGHT TRACK. HOWEVER, WE BELIEVE THAT A MEDIATION EFFORT BY THE CHURCH RISKS EXPLOITATION BY THE FDR/FMLN TO THE DISADVANTAGE OF [redacted]

PAGE 02 SAN SA 01855 01 OF 02 1820292

THE GOES. END SUMMARY.

3. AFTER AN EXCHANGE OF PLEASANTRIES, SEN. DECONCINI AND REP. ASPIN TOOK TURNS ASKING THE ARCHBISHOP QUESTIONS. IN REPLY TO A QUESTION AS TO WHETHER THE GOVERNMENT IS IMPROVING ITS HUMAN RIGHTS RECORD, THE ARCHBISHOP SAID THAT THERE HAS BEEN PROGRESS IN THE TREATMENT OF ARRESTEES SINCE THE RED CROSS IS NOW NOTIFIED WITHIN ONE DAY. REGARDING THE DEATH SQUADS, THERE HAS BEEN A NOTABLE DIMINUTION IN THE NUMBER OF CRIMES IN RECENT MONTHS. ONE REASON FOR THE DECLINE IN VIOLENCE HAS BEEN PRESSURE FROM THE USG. IN ADDITION, THERE HAS BEEN A GROWING CONSENSUS WITHIN THE GOES, THE MILITARY, LABOR, THE PRIVATE SECTOR, ETC. OF THE NEED TO DEAL SERIOUSLY WITH THIS PROBLEM. THIS CONSENSUS INDICATES THAT THE IMPROVEMENT MAY BE A REAL AND PERMANENT ONE, BUT THE DEATH SQUADS HAVE YET TO BE ERADICATED. SENATOR DECONCINI AND REPRESENTATIVE ASPIN BOTH APPLAUDED THE ARCHBISHOP'S PUBLIC EFFORTS IN THIS AREA AND ASKED ABOUT PROGRAMS TO EDUCATE THE MILITARY FORCES ON HUMAN RIGHTS. THE ARCHBISHOP REPLIED THAT THE MILITARY HAS ASKED FOR HELP FROM THE CLERGY IN EDUCATIONAL EFFORTS WITHIN THE MILITARY. HE OPINED THAT THE ARMY'S EFFORTS WERE IN GOOD FAITH, BUT NATURALLY THE PRESENT OVERALL CLIMATE OF FEAR AND TENSION AND VIOLENCE MADE THE EFFORT DIFFICULT: THE TROOPS BEING EDUCATED SAW THEMSELVES AS THE TARGETS OF VIOLENCE FROM THE GUERRILLAS. IT WOULD BE AN EASIER TASK IN A PEACEFUL ATMOSPHERE, BUT THE EFFORT IS IMPORTANT.
4. WHEN ASKED ABOUT THE CHANGES IN ATTITUDE, STRATEGY, AND TACTICS OF THE GUERRILLAS, THE ARCHBISHOP REPLIED THAT, HE COULD NOT COMMENT ON MILITARY ASPECTS, BUT THAT THE GUERRILLAS' EFFORTS TO WIN THE HEARTS AND MINDS OF THE PEOPLE HAVE NOT BEEN SUCCESSIUL. THE GUERRILLAS [redacted]

PAGE 03 SAN SA 01855 01 OF 02 1820292

HAD ONLY ADDED TO ECONOMIC HARDSHIPS AND THUS THEY DID NOT HAVE THE SUPPORT OF THE PEOPLE. THE ARCHBISHOP NOTED IT IS DIFFICULT FOR INDIVIDUAL GUERRILLAS TO ABANDON THE STRUGGLE BECAUSE OF REPERCUSSIONS AGAINST THEMSELVES AND THEIR FAMILIES. SOME DID TAKE ADVANTAGE OF THE AMNESTY, BUT MOST FELT THAT CONDITIONS DEMANDED THAT THEY LEAVE THE COUNTRY.
5. ASKED ABOUT THE CHURCH'S WORK WITH REFUGEES, RIVERA Y DAMAS SAID THERE IS A THREE PART PROGRAM: (1) CARE FOR THE DISPLACED PEOPLE, (2) THE EFFORT TO HUMANIZE THE

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WAR AND ENCOURAGE A PEACEFUL SOLUTION, AND (3) SPREADING THE MESSAGE OF SOCIAL REFORM (I.E., A MORE JUST DISTRIBUTION OF WEALTH). REFORMS ARE THE RESPONSIBILITY OF THE GOVERNMENT, BUT THE CHURCH'S ROLE IS TO "PUSH" THE GOVERNMENT. ASKED WHETHER THE CHURCH NEEDS MORE ASSISTANCE, THE ARCHBISHOP SAID THAT THE CHURCH GETS AID FROM THE GOVERNMENT, FROM SISTER CHURCHES OVERSEAS, FROM THE EUROPEAN COMMUNITY, AND FROM THE USG, CHANNELED THROUGH CATHOLIC RELIEF SERVICE. THE CHURCH NEEDS MORE ASSISTANCE BUT SEES THIS AS A TEMPORARY MEASURE: THE ANSWER LIES IN REOPENING TO CULTIVATION ON THE LANDS ABANDONED BECAUSE OF THE WAR.

6. IN REPLY TO A QUESTION ABOUT THE STATUS OF THE CHURCH TODAY IN EL SALVADOR AND THE ATTITUDE OF VARIOUS GROUPS WITHIN IT TOWARD THE GOVERNMENT, THE ARCHBISHOP ACKNOWLEDGED THE SITUATION IS COMPLEX BECAUSE OF DIFFERENT ATTITUDES AT DIFFERENT LEVELS WITHIN THE CHURCH. THE ATTITUDES AT UCA (THE JESUIT UNIVERSITY) ARE DIFFERENT FROM THOSE OF CATHOLICS AT OTHER UNIVERSITIES, WHO ARE MORE CONSERVATIVE. IN GENERAL, THE CLERGY TAKES AN EVEN-HANDED APPROACH: SOME FAVOR THE EXTREMES, BUT MOST SEEK PEACE AND SOCIAL/ECONOMIC IMPROVEMENT. IN

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PAGE 01 SAN SA 01855 02 OF 02 1820292
ACTION ARA-00

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AMEMBASSY TEGUCIGALPA

SECTION 02 OF 02 SAN SALVADOR 01855

H PASS

E.O. 12356: DECL: OADR
TAGS: PINS PGOV SHUM ES OREP
SUBJECT: CODELS DECONCINI AND ASPIN: ARCHBISHOP'S
THE ARCHBISHOP'S VIEW, THE GOVERNMENT HAS NOT PUSHED
HARD ENOUGH TO SEEK A POLITICAL SOLUTION TO THE CONFLICT. HE DID RECOGNIZE, THOUGH, THAT THE WAR IS NOT JUST AN INTERNAL ISSUE, AND HE CLEARLY IMPLIED THAT INTERVENTION THROUGH NICARAGUA MADE A POLITICAL SOLUTION MORE DIFFICULT. HE RESPONDED TO A QUESTION ABOUT THE LEVEL OF HUMAN RIGHTS VIOLATIONS IN NICARAGUA BY SAYING THAT THE BISHOPS IN NICARAGUA ARE CONCERNED BECAUSE OF THE RADICALIZATION OF THE SITUATION THERE, EVEN THOUGH THERE HAVE BEEN SOME POSITIVE CHANGES IN THE AREA OF JUSTICE FOR THE PEOPLE. THEY ARE WORRIED ABOUT THE PRESENCE OF FOREIGN ADVISERS AND THE MILITARIZATION OF SOCIETY. THEY ARE ALSO CONCERNED ABOUT THE LIMITATIONS PLACED ON FREEDOM OF
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PAGE 02 SAN SA 01855 02 OF 02 1820292

EXPRESSION IN NICARAGUA.

7. ASKED ABOUT HIS VIEWS ON POWER SHARING WITH THE

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Special Project (1993)

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GUERRILLAS IN EL SALVADOR, THE ARCHBISHOP SAID HE COULD NOT FORESEE ANY SOLUTION OTHER THAN "DIALOGUE LEADING TO NEGOTIATIONS IN WHICH EACH SIDE WOULD GIVE AND RECEIVE SOMETHING." IT WAS NOT UP TO THE CHURCH TO DEFINE OR RECOMMEND THE ACTUAL SHAPE OF A POLITICAL SOLUTION, AS THAT WAS UP TO THE POLITICIANS ON THE TWO SIDES. IF ASKED BY BOTH SIDES, COULD NOT HYPOTHETICALLY APPROVE THE EVENTUAL USE OF US FORCES IN EL SALVADOR SINCE THAT WOULD BE AN INDICATION THAT THE CONFLICT HAD DETERIORATED GRAVELY. HE MADE IT CLEAR HE COULD NOT DEAL WITH A HYPOTHESIS IN WHICH A SERIOUS EFFORT TO ACHIEVE A PEACEFUL SOLUTION HAD BEEN ABANDONED.

8. COMMENT: THE ARCHBISHOP'S ATTITUDE WAS ONE OF MODEST OPTIMISM BUT IT WAS CLEARLY AND SUBSTANTIALLY MORE UPBEAT THAN AT ANY TIME WE CAN RECALL. PARTICULARLY IMPORTANT, WE NOTE, WAS HIS DESCRIPTION OF A GROWING NATIONAL CONSENSUS ON THE DEATH SQUADS, EVEN AMONG THE MILITARY, AND HIS SENSE THAT THIS MAY SIGNIFY A PERMANENT IMPROVEMENT IN THE SITUATION. THIS ACCORDS WITH OUR OWN ANALYSIS. IT IS WORTH POINTING OUT, HOWEVER, THAT THE ARCHBISHOP'S VIEWS ARE DECIDEDLY NOT SHARED BY MARIA JULIA HERNANDEZ, THE HEAD OF THE OFFICIAL ARCHBISHOPRIC HUMAN RIGHTS ORGANIZATION (TUTELA LEGAL), OR BY THE BASQUE BORN RECTOR OF THE JESUIT RUN CENTRAL AMERICAN UNIVERSITY, FATHER IGNACIO ELLACURIA, S.J. BOTH PERSONS DISMISS THE DROP IN DEATH SQUAD ACTIVITY AS (1) REFLECTIVE OF A TEMPORARY SECURITY FORCES PLOY TO PROVIDE COVER TO THE REAGAN ADMINISTRATION'S PROPOSAL FOR INCREASED MILITARY ASSISTANCE, AND (2) INDICATIVE OF A SHIFT OF THE ARMED STRUGGLE TO THE RURAL AREAS WHERE, THEY CLAIM, THE ARMY'S USE OF TERROR AGAINST THE POPULATION NOT ONLY

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CONTINUES UNABATED, BUT IS VIEWED BY THE ARMY AS ABSOLUTELY ESSENTIAL TO EFFORTS TO CLING TO POWER. WHILE NEITHER HERNANDEZ NOR ELLACURIA HIDE THEIR PRO-FDR/FMLN BIAS, THEIR VIEWS DO REPRESENT A VOCAL MINORITY OF SALVADORAN CHURCH THINKING.

9. THE ARCHBISHOP'S PREVIOUS HINTS ABOUT MEDIATION HAVE NOW BECOME EXPLICIT. THE CHURCH MAY INDEED BE ABLE TO PLAY A HELPFUL ROLE, BUT WE BELIEVE A SERIOUS RISK WOULD ALSO BE INVOLVED. WHILE RIVERA Y DAMAS SEEMS TO BELIEVE THAT NEITHER SIDE HAS MADE A GOOD FAITH EFFORT TO COME TO TERMS, THEY MAY BE INCLINED TO READ POTENTIAL UTILITY IN FDR/FMLN "PROPOSALS" WHERE WE AND GOES MAY SEE NONE AT ALL. WE WOULD THEN FACE THE POSSIBILITY THAT THE SALVADORAN CHURCH WOULD FIND ITSELF JOINING THE GUERRILLAS IN CALLING FOR MOVEMENT FROM AN "UNRESPONSIVE" GOES. THE FDR/FMLN COULD NATURALLY BE EXPECTED TO EXPLOIT THE CHURCH IN SUCH A PROCESS AS IT NOW DOES IN FREQUENT PROPAGANDA USE OF CHURCH FIGURES ON HUMAN RIGHTS VIOLATIONS. IN SUM, WE BELIEVE AN EFFECTIVE MECHANISM FOR A DIALOGUE ALREADY EXISTS. WHAT IS MISSING IS SERIOUS INTEREST FROM THE GUERRILLA SIDE AND WE DOUBT IT WOULD APPEAR FROM WITHIN THE PANDORA'S BOX THAT SALVADORAN CHURCH MEDIATION WOULD OPEN UP.

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portions withheld: classified ( ); deliberative ( );
law enforcement ( ); privacy ( ), statutory ( );
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Special Project (1993)

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PAGE 01 SAN SA 01854 01 OF 02 182023Z
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AMEMBASSY TEGUCIGALPA

[redacted] SECTION 01 OF 02 SAN SALVADOR 01854

E.O. 12356: DECL: OADR
TAGS: PGOV SHUM PINS ES
SUBJECT: ARCHBISHOP UNDER FIRE IN RIGHT WING PRESS FOR ALLEGED GUERRILLA TIES
1. C - ENTIRE TEXT.

2. SUMMARY: REPORTS IN ULTRACONSERVATIVE PRESS CA LIM ARCHBISHOP RIVERA Y DAMAS AND OTHER CLERICS ARE SIDING WITH THE FDR GUERRILLAS MORALLY AND ACTIVELY. HIS PUBLISHED REBUTTAL DENIES THIS BUT HINTS AT INTERNAL PROBLEMS WITH CHURCH GROUPS THAT MAY IN FACT BE SYMPATHETIC TO THE FDR/FMLN. WE BELIEVE HE IS ATTEMPTING TO DEAL WITH THESE PROBLEMS IN HIS OWN WAY AND IN THE CONVICTION THAT HIS ROLE ABOVE ALL DEMANDS HE REFRAIN FROM EXACERBATING SOCIAL AND POLITICAL DIVISIONS. THERE REMAINS THE PROBLEM OF INCITEMENT TO VIOLENCE PRESENTED BY THE PRESS REPORTS, WHICH WE WILL NOTE TO THE GOES WHILE [redacted]

PAGE 02 SAN SA 01854 01 OF 02 182023Z

EXPRESSING ANEW OUR EXPECTATION THAT HE AND HIS [redacted] COLLEAGUES WILL BE PROTECTED. END SUMMARY.

3. BACKGROUND: ARCHBISHOP ARTURO RIVERA Y DAMAS IS A LIBERAL THINKER WHO HAS ONLY RECENTLY BEGUN TO BE A BIT OPTIMISTIC ABOUT GOES SERIOUSNESS IN DEALING WITH NATIONAL PROBLEMS RANGING FROM A SEARCH FOR A PEACEFUL SOLUTION TO DOMESTIC SOCIAL JUSTICE. THAT HAVING BEEN SAID, RIVERA Y DAMAS HAS BEEN EXTREMELY CAREFUL TO AVOID EXACERBATING THE NATIONAL CONFLICT. HE AND HIS SUBORDINATES, IN ADDRESSING THE FAITHFUL, HAVE NOT FAILED TO CONDEMN GUERRILLA ABUSES, WHEN THEY CAN DO SO ON THE BASIS OF RELIABLE INFORMATION, NOR FAILED TO NOTE THAT THE GUERRILLAS DO NOT HAVE THE SUPPORT OF THE PEOPLE. HE ALSO CALLS THE GOVERNMENT AND THE SECURITY FORCES TO TASK WHEN HE BELIEVES THEY MERIT THIS ATTENTION. THE GOES UNDERSTANDS THAT HE IS A MAN OF MODERATION AND NON-VIOLENCE AND FOR THIS REASON HAS CULTIVATED AN INCREASINGLY MORE OPEN AND PRODUCTIVE RELATIONSHIP WITH HIM, ONE ABOUT WHICH THE ARCHBISHOP HAS SPOKEN WITH REASONABLE SATISFACTION. HIS RESERVE OF SKEPTICISM MAY BE UNDERSTANDABLE, BUT HIS VIEWS AND APPROACH TO THE SALVADORAN SITUATION, AS EXPRESSED, FOR EXAMPLE, TO CODELS DECONCINI AND ASPIN (SENT FEBRUARY 16 SEPTEL) STRIKE US AS UNEXEPTIONABLE. IN THE MAIN, THEY ARE HELPFUL TO OUR OWN POSITIONS ON THE HUMAN RIGHTS AND POLITICAL SITUATIONS.

4. NOW, THE ARCHBISHOP IS COMING UNDER SHARP PUBLIC ATTACK FROM THE RIGHT. THE ULTRACONSERVATIVE, OFTEN IRRESPONSIBLE DAILY, DIARIO DE HOY, HAS TWICE CARRIED REPORTS (SEPTELS SENT FEB 15 AND 17) WHICH IT CLAIMS ARE UNIMPEACHABLY SOURCED, THAT RIVERA Y DAMAS IS [redacted]

PAGE 03 SAN SA 01854 01 OF 02 182023Z

ACTIVELY SUPPORTING THE GUERRILLAS. THE DIARIO DESCRIBED A RELIGIOUS GATHERING AT ZACAMIL LOCAL PARISH WHERE RIVERA Y DAMAS LED PRAYERS FOR GUERRILLA SUCCESS, BEGGED FORGIVENESS FOR LACKING THE COURAGE TO SIDE WITH THE GUERRILLAS OPENLY, AND COLLECTED MONEY, FOOD AND MEDICINES TO PASS TO THE REBELS. OTHERS PRESENT ALLEGEDLY INCLUDED MSGR. RICARDO URIOSTE (A SENIOR MEMBER OF THE HIERARCHY) AND BELGIAN PRIESTS CLOSE TO GUERRILLA CURATE ROGELIO PONCEL, ALONG WITH OTHER PRIESTS AND NUNS. RIVERA Y DAMAS PERSONALLY DISMISSED THE

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Special Project (1993)

REPORTS AS LIES IN PRIVATE CONVERSATION WITH US (SEPTEL SENT FEB 16) AND TOLD US HE WOULD SEND AN OPEN LETTER OF DENIAL TO THE DIARIO. THE PAPER DULY PUBLISHED THE ARCHBISHOP'S REBUTTAL BUT THE REPLY WAS SUFFICIENTLY AMBIGUOUS TO LEAD US TO BELIEVE THE SCANDAL WILL NOT QUICKLY FIZZLE.

3. RIVERA'S FIVE PART REPLY WENT THUSLY:

-- A GATHERING WAS HELD WITH THE APPROVAL OF THE ARCHBISHOPRIC) THE CENTRAL FEATURE WAS A MASS CELEBRATED BY THE ARCHBISHOP HIMSELF.

-- THE CHURCH HAS THE TEXT OF ALL REMARS MADEON THE OCCASION BY THE ARCHBISHOP AND OTHERS; TAPE RECORDINGS WERE MADE, WHICH REVEAL THAT QUOTATIONS CONTAINED IN THE DIARIO REPORT ARE FABRICATIONS. THE DIARIO REPORT IS ALSO "INEXACT" WITH REGARD TO THE COLLECTION OFFERINGS MADE AFTER THE SERMON AT THE MASS.

-- THE ARCHBISHOPRIC, IN ACCORDANCE WITH GUIDELINES ISSUED BY THE PAPACY HAS THE RESPONSIBILITY TO FOSTER THE WORK OF CLERICAL/LAY COMMUNITY ACTION GROUPS "TO THE EXTENT TO WHICH THESE CONDUCT THEMSELVES IN

PAGE 01 SAN SA 01854 02 OF 02 182024Z
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[redacted] SECTION 02 OF 02 SAN SALVADOR 01854

E.O. 12356: DECL: OADR
TAGS: PGOV SNUM PINS ES
SUBJECT: ARCHBISHOP UNDER FIRE IN RIGHT WING PRESS FOR ACCORDANCE WITH CHURCH TEACHINGS."

-- "WITH REGARD TO CERTAIN ASPECTS OF THE GATHERING HELD AT ZACAMIL PARISH, WHICH TOO PLACE OUTSIDE OF AND APART FROM THE MASS ITSELF AND WHICH COULD LEND THEMSELVES TO MISINTERPRETATIONS, OR INVOLVE AMBIGUITIES OR BE SUBJECT TO POLITICAL MANIPULATION, THE ARCHBISHOP IS IN DIALOGUE WITH THE ORGANIZERS TO CORRECT DEVIATIONS."

-- PERSONS MOTIVATED BY AUTHENTIC RELIGIOUS CONCERNS, WHO HAVE DOUBTS ABOUT THE ACTIVITIES OF THE COMMUNITIES OR OTHER WORK OF THE CHURCH, ARE WELCOME TO DISCUSS THESE WITH THE OFFICES OF THE ARCHBISHOPRIC.
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PAGE 02 SAN SA 01854 02 OF 02 182024Z

6. IN A NOTE APPENDED TO THE REPLY, THE DIARIO EDITORS INSISTED THAT THEIR ACCOUNT WAS BASED ON EYEWITNESSES,

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El Salvador: Human Rights
Special Project (1993)

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WHO ALSO REPORTED MANIFESTATIONS OF SOLIDARITY WITH CHILE AND NICARAGUA AND WHO CHALLENGED THE ARCHBISHOPRIC TO PUBLISH AND BROADCAST THE TAPE RECORDINGS OF THE PROCEEDINGS.

. APPARENTLY, THE BISHOP'S LETTER SUGGESTS SOMETHING NON-KOSHER TOOK PLACE ON THE MARGINS OF HIS MASS, AND THAT IT EXCEEDS THE BOUNDS OF AUTHORIZED POLITICAL ACTIVITY THAT HAVE BEEN ARTICULATED UNDER THE PAPACY OF JOHN PAUL II. WE INFER THAT HE IS TRYING TO DEAL WITH THE PROBLEM (WHICH DOUBTLESS IS NOT CONFINED TO ZACAMIL PARISH) AS AN INTERNAL CHURCH AFFAIR WHICH NEITHER CAN NOR SHOULD BE APPROACHED AS A STATE SECURITY MATTER. THIS WOULD BE COMPLETELY CONSISTENT WITH THE APPROACH HE TAKES TO SALVADOR'S NATIONAL PROBLEMS--THE CHURCH MUST NEVER EXACERBATE DIVISIONS, IT MUST SEEK TO RECONCILE THEM; IT MUST, IN THE SERVICE OF A HIGHER CAUSE, BE TRULY "SUPER PARTES."

8. IT IS INCONCEIVABLE TO US THAT THE ARCHBISHOP HAS SYMPATHY FOR THE POLITICAL ACTIVISM, AS OPPOSED, PERHAPS, TO THE POLITICAL IDEALS, OF CATHOLIC LEFTISTS OR "LIBERATION" THEOLOGIANS. FOR EXAMPLE, RIVERA Y DAMAS AND HIS ECCELSIASTICAL SUBORDINATES RARELY MAKE A PUBLIC STATEMENT WITHOUT REFERENCE TO THE WISDOM AND AUTHORITY OF JOHN PAUL II. THE UNCOMMON FREQUENCY OF THESE REFERENCES IS STRIKING. IN THE LATIN AMERICAN CONTEXT, IT CLEARLY REPRESENTS A REJECTION OF LIBERATION THEOLOGY AND ITS POLITICAL IMPLICATIONS, AND EL SALVADOR HAS IN FACT BEEN SPARED THE EMERGENCE OF A "POPULAR CHURCH" AS HAS DEVELOPED ELSEWHERE. AT THE SAME TIME, HE HAS NEVER DENIED THE EXISTENCE OF FACTIONS WITHIN

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THE CATHOLIC COMMUNITY THAT RANGE FROM THE OBVIOUS PRO-FDR/FMLN SYMPATHIES OF THE UCA JESUITS TO THE OBSCURANTISM OF SOME OF THE SENIOR NATIVE PRELATES. HE DEPLORES SUPPORT FOR THE EXTREMES BUT, AGAIN, INDICATES THAT HE IS WORKING TO RECONCILE THEM.

9. UNFORTUNATELY, THE ARCHBISHOP'S LETTER WILL NOT END THE SCANDAL, AND MAY INDEED EXTEND IT. IN THE MANNER USED BY DIARIO, THE SCANDAL BORDERS ON AN INCITEMENT TO VIOLENCE, WHICH IS ESPECIALLY WORRISOME SINCE RIVERA Y DAMAS AND HIS AUXILIARY GREGORIO ROSA CHAVEZ HAVE ALREADY RECEIVED THREATS FROM THE DEATH SQUAD

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(PREVIOUSLY REPORTED). WE WILL ONCE AGAIN EXPRESS TO THE GOES OUR CONCERN THAT THE ARCHBISHOPRIC IS BEING EXPOSED TO REPRISALS FROM THE TERRORIST RIGHT AS WELL AS OUR EXPECTATIONS THAT RIVERA Y DAMAS AND HIS COLLEAGUES WILL BE PROTECTED.
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PAGE 02 OF 10 SANTIA 01291 00 OF 04 191804Z C01/02 002846 NOD828
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PERSONAL FOR SECRETARY FROM ASSISTANT SECRETARY MOTLEY

PLEASE PASS NSC - PERSONAL FOR MCFARLAND

E.O. 12356: DECL: OADR
TAGS: OVIP (MOTLEY, LANGHORNE A.), PREL, SOPN, CI
SUBJECT: ASSISTANT SECRETARY MOTLEY MEETS WITH PRESIDENT PINOCHET

1. ~~SECRET~~ - ENTIRE TEXT.

2. SUMMARY. I TOLD PRESIDENT PINOCHET THAT DOMESTIC ACTIONS, SUCH AS THE STATE OF SIEGE ARE REINFORCING CHILE'S EXTERNAL ENEMIES WHO ARE, IN TURN, INCREASING THEIR SUPPORT TO PINOCHET'S OPPOSITION. MOSCOW AND HAVANA ARE GENUINELY CONTENT WITH THE PROPAGANDA VICTORY HANDED TO THEM. I EMPHASIZED THAT SUCCESSFUL POLITICAL TRANSITIONS WERE MARKED BY EQUAL ATTENTION TO THE ADVANCES TOARD DEMOCRACY AND SECURITY. PINOCHET REPEATED HIS STANDARD PHRASES BUT SEEMED TO BE ENGAGED BY THE NOTATION THAT HIS INTERNAL ACTIONS HAVE EXTERNAL REPERCUSSIONS THAT MANIFEST THEMSELVES IN GREATER INTERNAL PRESSURE ON HIM. THOUGH HE LOOKED FIT, ADMIRAL MERINO SAID PINOCHET IS ILL. THE TONE OF MY THREE HOURS WITH PINOCHET WAS FRANK AND CONSTRUCTIVE. I HAVE LAID DOWN A MARKER FOR HIM OF OUR INTEREST IN

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SEEING THAT THE MILITARY FULFILL THEIR COMMITMENT TO RETURN CHILE TO DEMOCRACY. I THINK THE WAY IS NOW OPEN FOR OTHER CONSTRUCTIVE STEPS WITH OUR UK AND FRG ALLIES, TO JOINTLY PRESS PINOCHET AND OPPOSITION TO GET ON WITH THE POLITICAL TANSITION. END SUMMARY.

3. I HAD A ONE-HOUR PRIVATE MEETING WITH PRESIDENT PINOCHET, ON FEBRUARY 18, AT HIS OFFICE IN LA MONEDA PALACE, ACCOMPANIED BY AMBASSADOR THEBERGE. PINOCHET THEN HOSTED A TWO-HOUR LUNCHEON FOR ME ATTENDED BY THE VRIOUS CABINET MINISTERS. FOREIGN MINISTER JAIME DEL VALLE AND GENRAL STANTIAGO SINCLAIR, PRESIDENTIAL SECRETARY AND CHILE'S AMBASSADOR TO THE US, WERE PRESENT AT THE PRIVATE TALK. FOLLOWING BRIEF INITIAL PLEASANTRIES, PINOCHET FIRED THE FIRST SALVO BY SAYING QUOTE FIRST OF ALL I WANT YOU TO KNOW THAT CHILE IS NOBODY'S COLONY. WE ARE NOT A COLONY OF THE UNITED STATES, OR ANY OTHER COUNTRY. I ACCEPT NO ADVICE, NO INSTRUCTIONS AND NO LECTURES. US-CHILEAN RELATIONS HAVE NEVER BEEN GOOD. YOU HAVE ALWAYS INTERFERED IN OUR INTERNAL AFFAIRS STARTING WITH THE INDEPENDENCE REVOLUTION. WE ALMOST WENT TO WAR OVER AN INCIDENT IN VALPARAISO UNQUOTE. I REPLIED THAT I RECOGNIZED CHILE WAS NOT A COLONY, HAD NO ADVICE TO GIVE HIM AND THAT HE DID NOT DISAPPOINT ME WITH IS INITIAL COMMENTS. GOOD FRIENDS HAD PREDICTED HIS OPENER ALMOST WORD FOR WORD. AFTER THIS INITIAL SKIRMISH WE GOT DOWN TO BUSINESS.

4. I EXPLAINED TO PINOCHET THAT THE PURPOSE OF MY VISIT TO CHILE WAS TO LISTEN AND LEARN ABOUT CHILEAN REALITY (I LATER LEARNED HE HAD BEEN GIVEN THE WASHINGTON POST REPORT OF MY VISIT AN ACCUSED HIS AMBASSADOR IN WASHINGTON OF SETTING HIM UP WITH ANOTHER FOREIGN INSPECTOR.) I SAID THAT THE UNITED STATES WAS INDEBTED TO THE PRESIDENT FOR PREVENTING A COMMUNIST

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TAKEOVER OF CHILE IN 1973. THIS SENTIMENT WAS SHARED BY PRESIDENT REAGAN. IT WAS A VICTORY NOT ONLY FOR CHILE BUT ALSO FOR THE WHOLE WORLD. I ALSO EXPRESSED U.S. APPRECATION FOR CHILE'S SUPPORT ON GRENADA, IN THE OAS AND ON ISSUES OF IMPORTANCE TO THE USG AT THE UNITED NATIONS. I RECALLED OUR SUPPORT FOR CHILE IN THE UN ON THE HUMAN RIGHTS ISSUE. I NOTED THAT WE WERE AWARE THAT THE U.S. POSTURE TOWARDS CHILE OVER THE YEARS HAD NOT BEEN ALTOGETHER AGREEABLE, MENTIONING CERTIFICATION VOTES IN THE IFIS, AND OTHER MEASURE. BUT THE REAGAN ADMISTRATION WAS NOT RESPONSILE FOR WHAT WENT ON BEFORE IT TOOK OFFICE. I CITED CHILE'S ECONOMIC POLICY DECISION IN THE 1970'S WHICH CORRECTED DISTORTIONS IN THE ECONOMY AND ESTABLISHED A FREE MARKET SYSTEM DESPITE THE SERIOUS ECONOMIC CRISIS IN 1982-83, LARGELY DUE TO EXTERNAL FACTORS. CHILE HAS PASSED FROM ECONOMIC ADJUSTMENT TO ECONOMIC RECOVERY, MET ITS INTERNAL DEBT OBLIGATIONS AND KEPT INFLATION DOWN BETTER THAN MOST LATIN AMERICAN COUNTRIES. THE ECONOMIC CRISIS CONFRONTED CHILE WITH RISING SOCIAL DISCONTENT, AND TERRORISM INCREASED FIVEFOLD IN TWO YEARS. AS A RESULT, THE FORCES OPPOSED TO A RETURN TO A DEMOCRACY IN CHILE HAVE BEEN GROWING STRONGE. I INDICATED RECOGNITION THAT THE GOVERNMENT HAS BEEN ABLE TO MAINTAIN ORDER BUT SOME OBSERVERS BELIEVE THAT CONTROL IS EXCSSIVE. PINOCHET INTERRUPTED AND SAID THAT WAS A DISPUTABLE ARGUMENT. I CONCLUDED BY POINTING OUT THAT CHILE WAS IN SOME WAYS THE VICTIM OF INTERNATIONAL CIRCUMSTANCES. CHILE WAS ATTRACTING MOST ATTENTION NOW BECAUSE OF THE STATE OF SIEGE, AND THE DEMOCRATIC TREND IN THE REST OF LATIN AMERICA.

5. PINOCHET ADMITTED THAT THE STATE OF SIEGE ALARMED SOME PEOPLE. HE SAID THAT IT IS NOT A

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WAR WORD, BUT A LEGAL ONE. IT DESCRIBES A LEGAL STATUS, ONE WITH A LONG HISTORY IN CHILE. CHILEANS BELIEVE IN THE LAW AND MEASURES TAKEN UNDER THE STATE OF SIEGE ARE LEGAL. THANKS TO THE STATE OF-SIEGE, SANTIAGO IS NOW SAFER THAN WASHINGTON, D.C. IN WASHINGTON, D.C. YOU CAN'T GO OUT AT NIGHT IN SOME PARTS OF THE CITY. HERE IT IS SAFE.

6. I REPLIED THAT THE STATE OF SIEGE WAS NOT SOMETHING TO BE DISMISSED LIGHTLY. IT HAS DRAWN CRITICAL INTERNATIONAL MEDIA ATTENTION, AND THE MEDIA HAVE LITTLE KNOWLEDGE OF CHILE. PINOCHET INTERRUPTED TO SAY THAT THE INTERNATIONAL MEDIA ARE WELL-PAID TO TELL LIES ABOUT CHILE. THE INTERNATIONAL PRESS HAS BEEN UNJUST FROM THE VERY FIRST DAY. I RESPONDED THAT SUCH CRITICISM GOES WITH THE OFFICE. BUT MORE IMPORTANT, THERE IS A SMALL GROUP OF PERSONS IN THE UNITED STATES AND IN EUROPE WHO ARE NOT INTERESTED IN THE RESTORATION OF CHILEAN DEMOCRACY. THEY ARE INTERESTED IN REVENGE FOR ALLENDE OR BLOOD FOR LETELIER. WHAT THEY WANT TO DO IS OVERTHROW PINOCHET. THE QUESTION TO BE FACED IS HOW CAN THIS SMALL HOSTILE GROUP BE PREVENTED FROM GAINING STRENGTH. THAT IS SOMETING THE CHILEAN GOVERNMENT MUST CONSIDER SINCE DOMESTIC ACTIONS OF THE GOVERNMENT AFFECT THE STRENGTH OF THESE FOREIGN GROUPS,

WHICH IN TURN, PORIVDE SUPPORT AND FINANCING FOR LOCAL GROUPS HOSTILE TO THE GOVERNMENT. THEREFORE, IT IS IMPORTANT HOW THE GOVERNMENT ACTS AT HOME BECAUSE IT WAS CONSEQUENCE NOT ONLY ABROAD BUT ALSO IN CHILE THROUGHA FEEDBACK PROCESS.

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7. I NOTED THAT THE US HAS A WIDE RANGE OF INTERESTS IN CHILE OF A COMMERICAL, ECONOMIC AND POLITICAL NATURE, EXPLAINING THAT THESE INTERESTS LEAD TO CONCERNS WHICH RISK BEING INTERPRETED AS INTERFERENCE IN CHILE'S INTERNAL AFFAIRS. I ADDED THAT WE INTENDED TO AVOID CROSSING OVER THAT LINE THAT DIVIDES INTEREST AND INTERFERENCE. CHILEANS ARE THE MASTERS OF THEIR DESTINY, NOT THE UNITED STATES OR THE EUROPEAN COUNTRIES. NEVERTHELES, IT WAS IMPORTANT FOR THE USG TO HAVE A CLEARER IDEA ABOUT CHILEAN GOVERNMENT PLANS FOR THE 1985-89 PERIOD. I DREW HIS ATTENTION TO WIDESPREAD OPPOSITION TO RESTRICTIONS ON FREEDOM OF EXPRESSION IN THE UNITED STATES AND AMONGST CHILEAN I HAD SPOKEN TO.

8. PINOCHET REPLIED THAT THERE WAS NO FREEDOM OF THE PRESS. THERE NEVER WAS. WHATEVER WAS PUBLISHED IN CHILE WAS ALWAYS DONE AT THE ORDER OF THE NEWSPAPER OWNERS. WITH RESPECT TO THE REMAINING YEARS OF HIS PRESIDETIAL TERM WHICH ENDS IN 1989. PINOCHET SAID THAT THE LAWS IMPLENENTNG THE CONSTITUTION ARE BEING PREPARED. NOT JUST THE POLITICAL LAWS BUT THE OTHERS AS WELL. WORK WILL CONTINUE ON THEPOLITICAL LAWS IN 1985. JUST AS PLANNING TROOP MOVEMENTS TAKES

TIME TO BE ABLE TO MOVE TROOPS IN ONE DAY. SO IT IS THE SAME FOR THE CONSTITUTIONAL LAWS. HE SAID THAT PEOPLE MUST UNDERSTAND THAT THE CHILEAN MILITARY LEADERS AND GOVERNMENT LEADERS, ARE SERIOUS MEN. THE CONSTITUTIONAL TRANSITION WILL BE COMPLTED IN STRICT ACCORDANCE WITH THE

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LAW. CHILE IS A SERIOUS COUNTRY, PERHAPS THE MOST SERIOUS IN LATIN AMERICA. IN 1989, THERE WILL BE ELECTIONS. THE ELECTORAL REGISTER LAW WILL BE ISSUED THIS YEAR. THE POLITICAL PARTY LAW WILL COME LATER: OTHERWISE THERE WILL BE POLITICAL PARTIES AND NO CONGRESS.

9. I RETURNED TO THE THEME OF FINDING WAYS TO WEAKEN THAT SMALL NON-DEMOCRATIC GROUP HOSTILE TO PRESIDENT PINOCHET. FOCUS ON CHILE IS SHARPENED BY THE TRNED TOWARDS DEMOCRACY INTHE REGION WHICH TRANSLATE TO INCREASING CRITICISM OF CHILE AND PINOCHET'S REACTONS STRENGTHEN THE COMMUNISTS. ATTENTION IS FOCUSED ON CHILE. PINOCHET RESPONDED BY SAHING HE HAD THE IMPRESSION THAT PERU COULD BE BURNING AND CHILE WOULD STILL BE THE MAIN TARGET OF INTERNATIONAL COMMUNISM AND CRITICISM.

I STATED THAT THE USG HAS INFORMATION THAT MOSCOW AND HAVANA ARE HAPPY ABOUT THE STATE OF SIEGE. PINOCHET WAS SKEPTICAL AND ASKED IF THAT HAPPINESS IN MOSCOW WAS GENUINE? I POINTED UT THAT THE CUBAN GOVERNMENT IS EFFECTIVE IN SUPPORTING TERRORISM AND ENCOURAGING AUTHORITARIAN GOVERNMENTS TO TAKE REPRESSIVE ACTIONS AGAINST THE POPULACE SO AS TO INCREASE SOCIAL RESENTMENT AND ANTI-GOVERNMENT OPPOSITION. MOSCOW KNOWS

HOW DAMAGING THE STATE OF SIEGE IS TO CHILE'S INTERNATIONAL POSITION, AND HOW EFFECTIVE IT CAN BE IN MOBILIZING OPINION AGAINST THE CHILEAN GOVERNMENT.

10. PINOCHET STATED THAT ONLY THE APPLICATION OF FORCE STOPS THE COMMUHISTS. THEY ARE NOT RESPONSIVE TO PERSUASION. THEY RESPECT ONLY FORCE. THEY ARE VERY CLEVER. THEY ARE MASTERS OF INFILTRATION. THEY HAVE INFILTRATED THE CHURCH AND THE ARMED FORCES. I ASKED

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WHETHER IT IS FEASIBLE TO CONTINUE TO USE FORCE TO REPRESS TERRORISM WHILE HOLDING OFF ON THE TRANSITION TO DEMOCRACY. IT HAS BEEN THE U.S. EXPERIENCE THAT SUCCESSFUL DEMOCRATIC TRANSITIONS ARE THOSE THAT COMBAT TERRORISM AND ADVANCE TOWARDS DEMOCRACY AT THE SAME TIME: PINOCHET INTERRUPTED AND STATED QUOTE I DID NOT SAY THAT. YOU ARE MAKING PROJECTIONS. THE CONSTITUTION WILL BE IMPLEMENTED AND PLEBISCITE WILL BE HELD IN 1989, AND WE WILL CONTINUE TO FIGHT TERRORISM. UNQUOTE. I ASKED HOW IT IS POSSIBLE TO OBTAIN SUPPORT OF THE PEOPLE FOR THE POLITICAL LAWS UNLESS THE PEOPLE PARTICIPATE IN SHAPING THEM. PINOCHET REPLIED BY SAYING THAT CHILE'S POLITICALLY ACTIVE SECTOR IS VERY SMALL IN CHILE. LESS THAN TEN PERCENT OF THE VOTING POPULATION ARE POLITICALLY ACTIVE. ALLENDE WAS ELECTED BY A MARGIN OF ONLY 40,000 VOTES. THE ONLY COUNTRY WHERE THE COMMUNISTS GAINED POWER BY THE VOTE. HE SUGGESTED THAT THE UNITED STATES KEEP ITS EYES ON NICARAGUA, ON CENTRAL AMERICAN WHICH IS THREATENED BY A COMMUNIST TAKEOVER, AND MEXICO WHICH WILL BE A MAJOR FUTURE POLITICAL PROBLEM. WATCH MEXICO BE CONCERNED ABOUT MEXICO, NOT CHILE. THAT IS YOUR REAL PROBLEM HE SAID.

11. PINOCHET WAS CONVINCED THAT INTERNATIONAL PUBLIC OPINION IS NEVER GOING TO BE FAVORABLE TO CHILE, NO MATTER WHAT HE DOES. HE SAID THAT INTERNATIONAL COMMUNISM SPENDS MILLIONS ON ANTI-CHILEAN PROPAGANDA.

CHILE IS A POOR COUNTRY AND CAN'T SPEND THE MILLIONS OF DOLLARS NEEDED TO ATTEMPT TO COMPLETE. NO MATTER WHAT WE DO HE SAID. SUCH AS ALLOW EXILES TO RETURN AS HENRY KISSINGER AND OTHER VISITORS ASKED US TO DO. WE WILL BE CRITICIZED BY THE INTERNATIONAL LEFT. WHAT MATTERS IS WHAT HAPPENS AT HOME NOT OVERSEAS. WE WILL DEFEAT OUR ENEMIES AT HOME. OUTSIDE WE ARE CONDEMNED. HE ADDED THAT CHILE RECEIVED NO HELP FROM THE UNITED STATES TO DEFEAT THE MARXISTS. NOTHING. WE THREW THEM OUT BY

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Department of State

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OURSELVES, HE SAID. NOBODY HELPED US. HE ENDED BY ASKING WHAT COUNTRY BECAME DEMOCRATIC AFTER RECEIVING U.S. ADVICE. NOT A SINGLE COUNTRY, HE SAID. HE ASKED WHAT COUNTRY BECAME DEMOCRATIC AFTER WAR. HE EXPECTED ME TO SAY CHILE. I SAID GRENADA. HE SAID, WHAT OTHER COUNTRY.

12. COMMENT: PINOCHET WAS TANNED AND HEALTHY LOOKING (ADMIRAL MERINO, WITH WHOM WE MET SEVERAL HOURS LATER SAID THAT PINOCHET'S HEALTH WAS POOR). HIS OPENING AND SUBSEQUENT REMARKS WERE VINTAGE PINOCHET; TOUGH, UNYIELDING, ON THE OFFENSIVE, AND GENERALLY SHREWD. THIS PROVOCATIVE EXCHANGE WAS DONE IN A FRIENDLY YET SERIOUS SPIRIT. HE HADE CLEAR THAT WORK WOULD PROCEED ON THE POLITICAL LAWS IN 1985 AND SUBSEQUENTLY, AND THAT THE CONSTITUTIONAL TRANSITION PLAN WOULD BE IMPLENTED WHILE SIMULTANEOUSLY COMBATTING TERRORISM. HE ASKED NOTHING FROM THE UNITED STATES AND WANTED TO BE LEFT ALONE. I LEFT HIM WITH AN IDEA THAT SEEMED TO INTEREST HIM: NAMELY THAT DOMESTIC ACTIONS NOT ONLY PROVOKED FOREIGN REACTION BUT ALSO COULD STRENGTHEN DOMESTIC ANTI-PINOCHET GROUPS WITH RESOURCES BOTH PHYSICAL AND PYSCHOLOGICAL. THIS APPARENTLY WAS NOT A NOTION HE HAD SERIUSLY ENTERTAINED BEFORE, AND IT

CLEARY LEFT HIM WITH SOMETHING TO THINK ABOUT. WHETHER IT WILL CONTINUE TO CAUSE HIM TO MODERTE HIS EXCESSES OR REMOVE THE AMBIGUTY ABOUT THE POLITICAL TRANSITION WILL HAVE TO BE SEEN. THIS CONVERSTION REAFFIRMED A NUMBER OF FAMILIAR PINOCHET VIEWS. PINOCHET APPARENTLY HAS SOME IDEA, IF NOT A CONCRETE PLAN, CONCERNING THE ORDER AND PACE WITH WHICH THE POLITICAL (AND OTHER) LAWS WILL BE ISSUED DURING THE 1985-1989 PERIOD. THE ELECTORAL REGISTRY LAW SEEMS TO BE NEAR THE TOP OF THE LIST FOR PROMULGATION IN 1985 AND THE POLITICAL PARTY LAW LATER IN THE PERIOD. PRESUMABLY CLOSER TO 1989. THE PRESIDENT AND THE

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PAGE 10 OF 10 SANTIA 01291 00 OF 04 191804Z C01/02 002846 NOD828

ARMED FORCES CLAIM THAT ARE DEEPLY COMMITTED TO IMPLEMENTING THE 1980 CONSTITUTION, WHILE COMBATTING DOMESTIC COMMUNISM AND TERRORISM. HE REPEATED HIS DEEPLY AND CONSISTENLY HELD VIEW THAT THE SUCCESSFUL MANAGEMENT OF THE DOMESTIC POLITICAL FRONT IS FUNDAMENTAL FOR REGIME SURVIVAL, AND THAT THE INTERNATIONAL FRONT IS A RELENTLESSLY HOSTILE ONE ABOUT WHICH HE CAN DO LITTLE. ALTHOUGH PINOCHET PROFESSES VIGOROUSLY TO HATE POLITICS, HE MAY BE CHILE'S BEST POLITICIAN. MY CONVERSATIONS WITH HIS SUPPORTERS AND DETRACTORS ALIKE REVEAL THEY DO NOT KNOW HOW TO HANDLE HIM. HE HAS PSYCHED FRIEND AND FOE ALIKE. I THINK THE DOOR WAS OPENED TO FURTHER EFFORTS BY THE U.S. AND THE U.K. AND FRG ALLIES TO MOVE THE SITUATION IN CHILE IN A POSITIVE DIRECTION. END COMMENT.

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United States Department of State

Washington, D.C. 20520 NF011

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February 21, 1984

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

TO: ARA - Mr. Kilday

FROM: ARA/SC - Robert B. Morley /S/

SUBJECT: Foreign Assistance Act of 1985 - Chilean Certification Requirement

ISSUE FOR DECISION

Whether to seek substitution/amendment/deletion of the Chilean certification requirement (Section 726 of the International Security and Development Cooperation Act of 1981) in the Foreign Assistance Act of 1985.

ESSENTIAL FACTORS

There has been no Foreign Assistance Act (FAA) since 1981 when the Argentine and Chilean certification requirements were established (Tab 1). In response to concerns that the Administration would certify Argentina, Rep. Barnes proposed to amend the certification requirements for both Chile and Argentina in the FY 1984 FAA to prohibit FMS and security assistance until elections were held (Tab 2). The Administration, at that time, was forced to take a position on strengthening the certification requirements and did not raise the possibility of deleting the requirements (Tab 3). However, the Foreign Assistance Act of 1984 was never passed and the issue of reformulating the certification requirements was thus rendered moot. H believes that there is a better than even chance that there will be a Foreign Assistance Act for FY 85 and that Rep. Fascell will push strongly for such a bill as a mark of his new tenure as Chairman of the House Foreign Affairs Committee. The House has begun drafting of the new legislation. Mark-up in the Senate is expected in late March. Such legislation raises the question of what to do about the Chile certification requirement.

DISCUSSION OF OPTIONS

We see four basic courses of action which may be taken:

(1) oppose strongly the incorporation of any certification requirement for Chile as a matter of principle.

If there is a Foreign Assistance Act in 1984 for FY-85, the Administration will be forced to take a position on the Chile

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certification requirement. If we take no action, the legislation will stand and the Administration will, in effect, have accepted the requirement. Such acquiescence would be contrary to stated Administration policy concerning country specific requirements, conflict with the precedent of the President's veto of the El Salvador certification requirement, and carry negative connotations for our relationship with the GOC.

(2) take no action and permit the incorporation of the 1981 language into the new bill (risking that the 1983 language might also be incorporated in which case we could put up a formal, but not spirited, objection, i.e. do not make an issue of it in an election year).

H believes that the Administration does not have the required support in the House to delete the certification requirement. An attempt to do so could provoke a counteraction designed to revive the 1983 Barnes "elections" requirement. The possibilities on the Senate side are better, but still marginal. If an approach were made to the Senate, any eventual differences would have to be resolved in conference. The real question is whether the Administration, in an election year, desires to make an issue of the Chile certification requirement, risking not only losing, but perhaps, making the certification requirements more difficult. On the other hand, if an attempt is not made, the Administration would undermine the rationale for its position on El Salvador certification and risk establishing a damaging double standard that will totally undermine what remaining leverage we have to push Pinochet toward a transition to democracy.

(3) seek to amend the 1981 requirements perhaps by deleting the Letelier/Moffitt requirement (but risking the insertion of the 1983 Barnes "elected civilian government" requirement) or by inserting a Presidential waiver of the certification requirement.

In his November 22, 1983 letter to Ambassador Theberge, Elliott Abrams stated that "his position has been that human rights progress in Chile might permit us to persuade Congress that the time has come to remove the Letelier/Moffitt provision...internationally recognized principles of human rights include free elections and representative government." In the past, HA as well as ARA have admitted privately that such an approach could be construed by opponents as a tacit admission of failure on our part to elicit further cooperation from the GOC in the Letelier/Moffitt case. It would also raise questions of definition, i.e. how much democracy, etc. and still leave us with the issue of human rights progress to be

certified. A complicating factor in this approach is that our 1983 Human Rights reports notes GOC human rights backsliding. We have not, therefore, built a strong case that the Leteleir/Moffitt requirements should be dropped because of human rights improvements (even broadly defined to include progress toward democratic government).

A variation on the "amending approach" would be to leave the certification language intact but to insert a waiver provision giving the President the discretion to set aside the requirement for certification if such action were deemed to be in the national interest. This approach is unlikely to impress those who favor certification since it would be viewed as a transparent canard designed to eliminate the certificaton requirement while leaving the statutory requirements intact. A waiver provision solves little in policy terms and any attempt to waive certification would be just as controversial as a "premature" certification of Chile.

(4) put forward a new proposal which would eliminate certification but establish a partnership with Congress in the sense of a line item Congressional veto over all Munitions Control export license applications, FMS sales and security assistance programs with the GOC.

A new, totally different certification requirement would, again, conflict with the principal of opposition to such country specific legislative requirements. Were the Administration to put forward its own certification requirement we would have given in on a major point of principle with far-reaching consequences. The issue is how to put formward a legislative initiative that at once is not "certification" but carries out the intent of Congress that our relationship should be keyed to certain political requirements.

Attached at Tab 4 is a proposed reformulation of the certification concept. Under this proposal, the Administration would put forward (in a positive gesture) legislation which would permit the reestablishment of FMS, security assistance and export of Munitions Control licensable items to the GOC on the basis of Presidential confirmation that each and every transaction meets the criteria of U.S. national interest (i.e. drawn from the existing certification requirement) and progress toward democracy (i.e. drawn from Barnes 1983 language). These letters of confirmation would be delivered to the Congress which would have, say, 30 days to express a negative view. Such an approach would establish, in effect, a Congressional line item veto authority over each transaction permitting the Congress, together with the Administration to shape the nature and extent

of a reestablished security relationship with the GOC. In return for abolishing the certification requirement we would concede to Congress a strong hand in shaping this relationship. In presenting this legislative initiative to Rep. Barnes and Senator Kennedy we could indicate that our leverage is diminishing (Chile is establishing a security relationship with the U.K.) and that if we are able to offer inducements to Pinochet such as would be possible under this proposal we might be able to encourage progress toward democracy. It could also be pointed out that, in the final analysis, it is only through democracy that the current certification requirements are going to be met, including the Letelier/Moffit requirement and that the current punitive certification requirement offers no positive inducements for good behavior.

None of the alternatives is particularly attractive. Argentina's return to democracy made it possible to avoid these tough questions with regard to the Argentine certification requirement. Now, however, Chile stands alone and there are, honestly speaking, no realistic prospects of certifying Chile in the near future. Therefore, unless we are prepared to seek to amend/modify/delete or replace the certification requirement, we must be prepared to live with the possibilty that there will no no security relationship with Chile anytime in the foreseeable future.

Any attempt to modify the current certification requirements will meet with strong opposition from entrenched domestic interest groups and from Chilean opposition political groups. Were we to oppose the certification requirement on principle, it would be negatively construed in Chile as support for Pinochet. Similarly, amending or deleting the current requiremensts would be similarly interpreted with negative consequences for our future relationship with these groups who, for there own reasons, will choose to ignore the point of principle.

RECOMMENDATION

On balance, our first preference is Option 1, to oppose, on principle, any certification requirement. Realistically speaking, however, we do not think this course of action is viable. There will be too much at stake in the FAA, not the least of which will be the Central American initiative. We cannot count on the President's veto of the FAA simply to eliminate the Chilean certification requirement.

Therefore, we believe we should put forward the legislative proposal outlined in Option 4. This proposal will require laying careful groundwork and commitment from H, HA, ARA and the Seventh Floor. We must be seen to be serious about the proposal and not trying to dodge certification. Personal approaches to Barnes and Kennedy will be required. Key Senatorial Republicans should support the concept.

An initiative to delete Section 726, to oppose any new certification requirement, and to substitute a Presidential confirmation/Congressional veto appproach is consistent with Administration policy and best serves U.S.-Chilean relations. We accept that the prospects for succeeding are poor and that this effort will be made against an uncertain background of political unrest in Chile. Nevertheless, we think it inappropriate and inconsistent for the Administration to acquiesce, even tacitly, in the continuation of the current certification requirement which, with Argentina's certification, now leaves Chile subject to such singular, and unwarranted, scrutiny.

Drafted: ARA/SC: DBDlouhy
(0763A) 2/16/84

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El Salvador Human Rights
Special Project (1993)

Department of State IR/PPS/[illegible] El Salvador SP Date 9/23/93
Declassified [illegible] in part;
portions [illegible];
law enforcement [illegible];
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TEXT OF TELEGRAM 84SAN SA001930

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PAGE 01 SAN SA 01930 01 OF 03 221915Z
ACTION ARA-00

INFO OCT-00 COPY-01 ADS-00 INR-10 SS-00 CIAE-00 DODE-00
H-01 NSAE-00 HA-08 L-03 PM-09 PA-01 DHS-01
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TO SECSTATE WASHDC 3089
INFO AMEMBASSY BOGOTA
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AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
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USIA WASHDC 2272

[redacted] SECTION 01 OF 03 SAN SALVADOR 01930

USIA FOR AR AND P/CENTAM

E.O. 12356: DECL: OADR
TAGS: PGOV, ES
SUBJECT: MIAMI EXILES ON SALVADORAN POLITICS

1. CONFIDENTIAL - ENTIRE TEXT.

2. SUMMARY. ON FEBRUARY 15 AND 16 IN MIAMI POLOFF MET SEPARATELY WITH FIVE PROMINENT MEMBERS OF THE SALVADORAN EXILE COMMUNITY. ALL BUT ONE ARE VERY MUCH INVOLVED IN CURRENT POLITICS, AND ARE USING THEIR RELATIVE POWER TO INFLUENCE THE OUTCOME OF THE PRESIDENTIAL RACE. ALL FIVE SAID THEY HAVE CONCLUDED THAT A RIGHTIST COALITION WITH SOMEONE OTHER THAN ROBERTO D'AUBUISSON AS ITS PRESIDENTIAL CANDIDATE IS NEEDED TO ENSURE BOTH CONTINUED U.S. SUPPORT AND THE DEFEAT OF THE PDC. THREE OF THEM CLAIMED THEY
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PAGE 02 SAN SA 01930 01 OF 03 221915Z

ARE ACTIVELY WORKING WITH OTHER INFLUENTIAL SALVADORANS TO ACHIEVE THAT OBJECTIVE IN THE SHORT TIME REMAINING, PERHAPS BY PLACING CHACHI GUERRERO OF THE PCN AS THE COALITION CANDIDATE. THE FIVE ARE PROBABLY OVERESTIMATING THEIR ABILITY TO INFLUENCE POLITICAL DEVELOPMENTS DIRECTLY AT THIS LATE STAGE. THEY AND THEIR ASSOCIATES IN AND OUT OF EL SALVADOR, HOWEVER, WILL CONTINUE TO BE IMPORTANT POLITICAL AND ECONOMIC AC[illegible]. END SUMMARY.

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TEXT OF TELEGRAM 84SAN SA001930

3. ON FEBRUARY 15 AND 16 IN MIAMI POLOFF MET SEPARATELY WITH FIVE PROMINENT MEMBERS OF THE SALVADORAN [illegible] COMMUNITY. THEY INCLUDED:

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TEXT OF TELEGRAM 84SAN SA001930

OFFICIALIST LEADERS IN WESTERN EL SALVADOR, THE "CACIQUES" RETAIN MUCH OF THEIR CONTROL OVER THE CAMPESINO POPULATION. IN ASSOCIATION WITH THEM, HE ALSO CLAIMS THAT ORDEN THE QUASI-MILITARY RURAL SUPPORT ORGAN FOR THE PCN BANNED FOLLOWING THE 1979 COUP, IS ALSO INTACT AND CAN BE REACTIVATED FOR POLITICAL ACTION.

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TEXT OF TELEGRAM 84SAN SA001930

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PAGE 01 SAN SA 01930 02 OF 03 221916Z
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AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
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USIA WASHDC 2273

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USIA FOR AR AND P/CENTAM

E.O. 12356: DECL: OADR
TAGS: PGOV, ES
SUBJECT: MIAMI EXILES ON SALVADORAN POLITICS

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El Salvador: Human Rights
Special Project (1993)

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b. DESPITE DISPARITIES OF VIEW FROM WITHIN THEIR CONSERVATIVE PERSPECTIVES, THE FIVE SALVADORAN EXPATRIOTS EXPRESSED REMARKABLY SIMILAR CONCLUSIONS ON THE CURRENT POLITICAL SITUATION. THEY ALL DETEST THE LAND REFORM, BUT THEY RECOGNIZE ITS IRREVERSABILITY. FOR THE EXPROPRIATED, JUST COMPENSATION REMAINS A FUNDAMENTAL ISSUE. ALL FIVE ALSO SHARE VERY CLOSE SOCIAL AND ECONOMIC TIES TO THE UNITED STATES. YET THIS ORIENTATION TOWARD THEIR HOME IN EXILE IS COMPLICATED BY RESENTMENT, AND AT TIMES HOSTILITY TOWARD THE U.S. ROLE IN EL SALVADOR. MOST SIGNIFICANTLY FOR THE CURRENT SITUATION, NO MATTER HOW MUCH ANY OF THEM MAY SYMPATHIZE POLITICALLY WITH ROBERTO D'AUBUISSON, THEY ALL SAID THEY RECOGNIZED THAT HIS VICTORY IN THE PRESIDENTIAL ELECTIONS COULD PROVOKE A CONGRESSIONAL CUTOFF OF U.S. ASSISTANCE, AND THEREFORE SPELL DISASTER FOR EL SALVADOR. BECAUSE

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DUARTE AND THE PDC ARE ANATHEMA, ALL FIVE. [redacted] SAID THEY HAVE CONCLUDED THAT A RIGHTIST COALITION WITH SOMEONE OTHER THAN D'AUBUISSON AS ITS PRESIDENTIAL CANDIDATE IS NEEDED TO KEEP U.S. SUPPORT AND DEFEAT THE PDC. [redacted] SAID THEY WERE ACTIVELY

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El Salvador: Human Rights
Special Project (ISD)

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TEXT OF TELEGRAM 84SAN SA001930

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PAGE 01 SAN SA 01930 03 OF 03 221917Z
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AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HEIGHTS PN
USIA WASHDC 2274

[redacted] SECTION 03 OF 03 SAN SALVADOR 01930

USIA FOR AR AND P/CENTAM

E.O. 12356: DECL: OADR
TAGS: PGOV, ES
SUBJECT: MIAMI EXILES ON SALVADORAN POLITICS

WORKING WITH OTHER PEOPLE OF INFLUENCE TO ACHIEVE THAT OBJECTIVE IN THE SHORT TIME REMAINING. AT A MEETING IN HOUSTON IN EARLY FEBRUARY, THE PARTIES OF THE RIGHT FAILED TO CREATE A COALITION BY THEMSELVES. DURING THE WEEK OF FEBRUARY 20, PARTY BACKERS WILL BE MEETING IN SAN SALVADOR TO SEE IF THEY COULD FORCE A SOLUTION ON THE PARTY LEADERS.

10. TWO VARIATIONS WERE DISCUSSED AS POSSIBILITIES: PLACE CHACHI GUERRERO AND THE PCN AS THE CANDIDATE OF THE RIGHT, OR FIND AN INDEPENDENT OR MINOR PARTY CANDIDATE [redacted]

PAGE 02 SAN SA 01930 03 OF 03 221917Z

TO REPRESENT THEM. ALL SAW THE DIFFICULTY OF GETTING D'AUBUISSON TO STEP ASIDE AT THIS TIME, AND NOTED THAT THE PDC HAD PICKED UP ON THE DUMP D'AUBUISSON THEME IN THEIR RECENT CAMPAIGN PROPAGANDA.

11. EACH OF THE FIVE DECRIED THE CORRUPTION OF THE ARMED FORCES, THOUGHT THAT THEIR POLITICAL NEUTRALITY WAS POSITIVE, BUT SAID THAT MORE NEEDED TO BE DONE TO "CLEAN THEM OUT." ON THE OTHER HAND, [redacted] SAID THAT ONLY THE ARMED FORCES COULD BRING ABOUT THE COALITION; THE INFLUENCE OF THE ECONOMIC ELITE WAS NOT SUFFICIENT TO OVERCOME THE AMBITIONS OF INDIVIDUAL LEADERS.

12. COMMENT. THESE REPRESENTATIVES OF THE SALVADORAN EXILE COMMUNITY ARE PROBABLY OVERESTIMATING THEIR ABILITY TO INFLUENCE POLITICAL DEVELOPMENTS DIRECTLY AT THIS LATE STAGE, AS THE RECOGNITION THAT THE MILITARY MUST TAKE ACTION TO FORCE A COALITION OF THE RIGHT INDICATES. D'AUBUISSON HAS ACQUIRED A POWERFUL BASE ON HIS OWN AND IS IN NO MOOD EITHER TO STEP ASIDE OR SERVE AS A PUPPET FOR THE MIAMI GROUP, NO MATTER HOW IMPORTANT THEIR FINANCIAL SUPPORT MAY NOW BE FOR HIM.

13. THE FIVE CONTINUE TO HOLD MAJOR INVESTMENTS IN EL SALVADOR, AND THEY SAY THEY WOULD MAKE DOLLAR INVESTMENTS AGAIN UNDER MORE CONFIDENT CONDITIONS. POLITICALLY THOUGH, THE [redacted] ARE REVANCHISTS WHO LAMENT THEIR LOSS OF STATUS AS THE ARISTOCRATS OF EL SALVADOR. REGARDLESS OF THE OUTCOME OF THE ELECTIONS ALL FIVE WILL CONTINUE TO BE IMPORTANT POLITICAL AND ECONOMIC ACTORS IN EL SALVADOR. END COMMENT.
RICKERING

[redacted]

PAGE 03 SAN SA 01930 03 OF 03 221917Z

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PAGE 01 MANAGU 00958 01 OF 04 221543Z
ACTION H-03

INFO OCT-00 COPY-01 AOS-00 SS-00 NSCE-00 ARA-10 /014
----------267607 230227Z /72
R 221235Z FEB 84
FM AMEMBASSY MANAGUA
TO SECSTATE WASHDC 9793
INFO CONTADORA COLLECTIVE
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~~C O N F I D E N T I A L~~ SECTION 01 OF 04 MANAGUA 0958

EO 12356: DECL: 2/17/90
TAGS: OREP (ASPIN, LES) NU
SUBJECT: CODEL ASPIN: MEETING WITH SERGIO RAMIREZ MERCADO OF GRN JUNTA

1. ~~CONFIDENTIAL~~ ENTIRE TEXT.

2. SUMMARY: IN CODEL ASPIN'S MEETING WITH JUNTA MEMBER SERGIO RAMIREZ FEBRUARY 13, ASPIN RAISED QUESTIONS ABOUT GRN INTENTIONS AND EXPRESSED U.S. CONCERNS REGARDING: GRN RELATIONS WITH THE U.S.; THE GRN'S VIEW OF DEMOCRACY; THE GRN'S PLAN FOR ELECTIONS; THE PROSPECTS FOR SUCCESS THROUGH CONTADORA; NICARAGUA'S CUBAN/SOVIET ALIGNMENT; AND NICARAGUAN SUPPORT FOR THE SALVADORAN GUERRILLAS. RAMIREZ EXPRESSED THE GRN'S VIEW ON CONTADORA AND OTHER PROPOSALS. HE DESCRIBED THE UPCOMING NICARAGUAN ELECTIONS AS "TRADITIONALLY LATIN AMERICAN." IF THE NICARAGUAN PEOPLE DID NOT ELECT THE SANDINISTAS, THE FSLN WOULD ACCEPT ITS DECISION. HE SAID NICARAGUAN DEMOCRACY, WHEN FACED WITH A THREAT OF WAR, COULD NOT BE PROPERLY COMPARED WITH AMERICA'S WELL-DEVELOPED SYSTEM.

3. RAMIREZ CITED NICARAGUA'S U.N. VOTING RECORD AS INDICATIVE OF ITS NON-ALIGNMENT, AND ADMITTED 4,000 CUBAN ADVISERS WERE IN NICARAGUA, OF WHOM NO MORE THAN 200 WERE MILITARY. THE GRN WOULD DISCUSS THE REMOVAL OF ADVISERS AND NICARAGUAN
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PAGE 02 MANAGU 00958 01 OF 04 221543Z

ASSISTANCE TO THE SALVADORAN INSURGENTS ONLY AS A PART OF A

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REGIONAL AGREEMENT. CONTADORA PROSPECTS FOR PEACE DEPENDED ON THE U.S. HE HOPED NICARAGUAN-U.S. RELATIONS WOULD IMPROVE, BUT INSISTED THAT FIRST THE U.S. HAD TO LEARN NOT TO B AFRAID OF CHANGE. END SUMMARY.

4. CODEL ASPIN MET WITH JUNTA MEMBER SERIO RAMIREZ MERCADO ON FEBRUARY 13, PROVIDING ASPIN THE OPPORTUNITY TO HEAR DIRECTLY FROM THE SANDINISTA LEADERSHIP. THE AMBASSADOR AND ACTING FOREIGN MINISTER VICTOR TINOCO WERE ALSO IN ATTENDANCE. AFTER INTRODUCTORY PLEASANTIRES ASPIN SAID THAT HE HAD NEVER VISITED CENTRAL AMERICA BEFORE. HE HAD MANY QUESTIONS, AND WANTED TO EXPRESS HIS VIEWS ON SOME ISSUES TO THE GRN. HE ASKED WHAT RELATIONSHIP THE GRN WANTED TO HAVE WITH THE U.S. RAMIREZ SAID THE GRN WAS TRYING TO DEVELOP A FRAMEWORK FOR COMMUNICATIONS BETWEEN THE TWO COUNTRIES THROUGH CONTADORA AND THROUGH ITS OWN PROPOSALS TO THE USG. THE GRN HAD ALSO ATTEMPTED TO ADDRESS U.S. SECURITY CONCERNS. THE GRN DID NOT WANT ISOLATION FROM THE U.S. IN THE FUTURE. ON THE OTHER HAND, NICARAGUA WANTED TO MAINTAIN ITS INDEPENDENCE. RAMIREZ SAID THAT NICARAGUA COULD NOT CHANGE THE FACT THAT THE U.S. WAS SO CLOSE AND SO POWERFUL. AT THE SAME TIME THE U.S. MUST REALIZE THAT NEITHER COULD IT CHANGE NICARAGUA'S SITUATION; NOT THROUGH THE CIA, THROUGH SUBVERSION OR THROUGH FUNDS TO THE CONTRA.

5. ACCORDING TO RAMIREZ, THE ELECTORAL PROCESS WOULD COME ABOUT SONNER THAN ANTICIPATED. HE DID NOT ELABORATE. IF PEOPLE CHOSE SOMEONE OTHER THAT THE SANDINISTAS, HE SAID, THE FSLN WOULD HAVE TO ACCEPT ITS DECISION. BUT THAT WAS NOT THE SAME AS BEING FORCED TO CHANGE BY USE OF MILITARY FORCE. NOBODY THOUGHT THE NATIONAL GUARD (GN), WHICH HAD BEEN GIVEN ARMS BY THE CIA, WAS A VIABLE POLITICAL ALTERNATIVE. BESIDES,

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THE CIA'S MONEY WAS NOT JUST BEING USED TO BUY ARMS. "MANY NEW FORTUNES" WERE BEING BORN AS WELL. TWENTY-EIGHT TO FORTY-EIGHT MILLION DOLLARS WAS A LOT OF MONEY. ASPIN REMARKED THAT IF THAT WAS WHAT THE MONEY WAS BEING USED FOR THE GRN DIDN'T HAVE TO WORRY. RAMIREZ RETORTED THAT WITH THAT MONEY, THE U.S. HAD KILLED 1,000 NICARAGUANS IN THE POST YEAR. ECONOMIC LOSSES WERE AS MUCH AS $250 MILLION, A GREAT DEAL OF MONEY FOR NICARAGUA. EQUAL TO ABOUT ONE HALF OF ITS EXPORTS.

6. ASPIN THEN ASKED RAMIREZ IF HE CONSIDERED THE CONTRAS AS ALL

FORMER SOMOCISTA NATIONAL GUARDSMEN(GN). RAMIREZ ANSWERED, "PRINCIPALLY, YES." HE SAID THAT OPERATIONAL DECISIONS WERE TAKEN BY THE FDN AND CIA OFFICIALS. THE HEADS OF THE TASK FORCES WERE EX-GN AND USED TO BE JUNIOR OFFICERS UNDER SOMOZA. WHEN ASKED ABOUT OPPOSITION IN THE SOUTH, RAMIREZ SAID THE FORCES THERE WERE NOT AS INTEGRATED AS THE FDN, WHICH WAS MORE UNIFIED BECAUSE THE CIA HAD GIVEN IT DISCIPLINE. IN THE SOUTH THERE WERE NOW 4-5 GROUPS RATHER THAN THE ORIGINAL UNIFIED FORCE, AND THEY WERE SHORT OF MONEY. PASTORA WAS A DIFFICULT PERSON AND THE CIA COULD NOT WORK WITH HIM.

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PAGE 01 MANAGU 00958 02 OF 04 221556Z
ACTION H-03

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----------267735 230231Z /72
R 221235Z FEB 84
FM AMEMBASSY MANAGUA
TO SECSTATE WASHDC 9794
INFO CONTADORA COLLECTIVE
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~~C O N F I D E N T I A L~~ SECTION 02 OF 04 MANAGUA 0958

7. ASPIN SAID THAT PEOPLE LIKE PASTORA RAISED QUESTIONS IN THE U.S. ABOUT THOSE WHO WERE ORIGINALLY SUPPORTERS OF THE REVOLUTION BUT WHO LATER MOVED TO THE OPPOSITION. THIS CAUSED POEPLE TO WONDER ABOUT THE REASONS FOR THEIR CHANGE OF HEART. IN GENERAL, ASPIN CONTINUED, U.S. PUBLIC OPINION ON NICARAGUA WAS IN A STATE OF FLUX. MANY PEOPLE DID NOT KNOW ENOUGH ABOUT IT TO MAKE INFORMED DECISIONS. ASPIN SAID THERE WAS A GROUP OF DEMOCRATS IN CONGRESS WHICH WAS VEY SUPPORTIVE OF THE SANDINISTA REVOLUTION, BUT THAT GROUP CARRIED LITTLE INFLUENCE. U.S. PUBLIC SUPPORT FOR THE ACTION IN GRENADA WAS AN EXAMPLE OF THAT.

8. THE GRN WAS NOT AFRAID OF AN ARMED OPPOSITION, ACCORDING *TO RAMIREZ. THERE WAS NO GOVERNMENT IN THE WORLD WITHOUT* SOME TYPE OF OPPOSITION. YES, THE GRN HAD DAMAGED THE INTERESTS OF SOME. THE REVOLUTION HAD NEVERTHELESS CHANGED THE DISTRIBUTION OF WEALTH FROM THE FEW HAVING ALL, TO THE MANY HAVING SOME. SOME HAD MOVED TO THE OPPOSITION CAMP IN DISAGREEMENT WITH THE SANDINISTAS, BUT THAT DID NOT GIVE THEM THE RIGHT TO SEEK FUNDS TO MOUNT AN ARMED OPPOSITION. IN THE PROCESS OF DEVELOPMENT THE GRN WOULD MAKE MANY ERRORS. SOME PEOPLE IN NICARAGUA THOUGHT THAT THINGS SHOULD BE LIKE THEY USED TO BE UNDER SOMOZA. THEY HAD TAKEN ADVANTAGE OF THE NICARAGUAN PEOPLE UNDER SOMOZA AND BENEFITED JUST AS HE HAD. THEY WERE NEVERTHELESS NOT NOW TYING TO OVERTHROW THE GRN AND
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PAGE 02 MANAGU 00958 02 OF 04 221556Z

LEARN TO UNDERSTAND THE DIFFERENCE BETWEEN OPPSOITION AND THE COUNTERREVOLUTION.

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9. ASPIN SAID THERE WAS NO SUPPORT IN THE U.S. FOR A RETURN OF SOMOZA. WHAT THERE WAS SUPPORT FOR WAS THE IDEA OF COMPETITION FOR VOTES. PERHAPS RAMIREZ HAD A DIFFERENT IDEA OF DEMOCRACY THAN DID THE U.S. RAMIREZ SAID HE KNEW ABOUT DEMOCRACY IN THE U.S., AND HE KNEW ITS MECHANI FOR EXAMPLE, HE KNEW HOW DIFFICULT IT WAS FOR A THIRD PARTY TO MAKE ANY HEADWAY IN THE SYSTEM. SOME SPOKE OF A NATURAL SELECTION OF POLITICAL FORCES, THE IDEA OF SURVIVAL OF THE FITTEST. IN NICARAGUA NOW THERE WERE ABOUT FIFTEEN DIFFERENT PARTIES (SIC). THE ELECTIONS WOULD BE A PROCESS OF NATURAL SELECTION TO SEE WHO WOULD SURVIVE. NICARAGUA WAS GOING TO ELECT A CONSTITUTIONAL ASSEMBLY AND EXECUTIVE AUTHORITIES WITH CONSITITUTIONAL POWERS, AS ALL LATIN AMERICAN COUNTRIES HAD DONE. THE GRN WOULD SELECT A SUPREME ELECTORAL COUNCIL INDEPENDENT FROM THE GOVERNMENT TO RESOLVE PROBLEMS IN THE ELECTORAL PROCESS. NICARAGUA WOULD H PLURALIST SOCIETY CHARACTERISTIC OF WESTERN EUROPEAN COUNTRI

10. RAMIREZ REITEREATED THAT NICARAGUA WAS NOT TRYING TO BREAK WITH LATIN AMERICAN TRADITIONS. IT WAS PART OF THE LATIN AMERICAN HISTORICAL CONTEXT AND WOULD REMAIN SO. ASPIN QUESTIONED THE GRN'S REAL INTENT, BEYOND THE FORMAL STEP OF HOLDING ELECTIONS, TO CREATE A TRULY PLURALISTIC SOCIETY WITH FREEDOM OF THE PRESS, ETC. THE U.S. FAVORED COMPETITION OF INTERESTS WITCH WERE EXPRESSED THROUGH ORGANIZED POLITICAL FORCES.

11. RAMIREZ SAID IT WAS THE GRN'S DESIRE TO HAVE A FUNCTIONIN DEMOCRATIC SYSTEM IN THE NICARAGUAN CONTEXT. HOWEVER, IT WAS THING TO HAVE A FUNCTIONAL DEMOCRACY UNDER A PERMANENT MILITA

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THREAT, AND ANOTHER IN CIRCUMSTANCES WHICH GAVE IT A REAL CHA IF HE, RAMIREZ, COULD CONSTRUCT THE IDEAL SCENARIO, THEN THE AND GRN WOULD SIGN AN AGREEMENT TO RID THE AREA OF ALL MILITARY ADVISERS AND MILITARY AID. AFTER THAT, IF THE GRN DID NOT HOLD FREE ELECTIONS, DID NOT PUT AN ASSEMBLY IN PLACE, AND STILL CENSORED THE PRESS, THEN THAT WOULD BE ANOTHER STORY. IT WAS NOT FAIR TO COMPARE THE U.S. SYSTEM, WHICH FUNCTIONED IN PEACE, WITH THAT IN NICARAGUA WHICH WAS FIGHTING A WAR. RAMIREZ ASKED HOW THE U.S. WOULD BE AFFECTED IF IT HAD 100,000 ARMED MEN ATTACKING FROM MEXICO EVERY DAY. PUTTING THINGS IN PERSPECTIVE, INSTEAD OF $250 MILLION

DAMAGE, HOW WOULD $2.5 BILLION AFFECT THE U.S.?

12. ASPIN ASKED WHAT WOULD HAPPEN IF THE CONTRAS WERE NOT SUPPORTED, AND DID NOT EXIST. WOULD THERE BE COMPLETE FREEDOM OF THE PRESS WITH NO CENSORHIP? RAMIREZ ANSWERED THAT THERE WOULD. "NOT ONLY THAT, BUT EVEN WITH THE SOMOZA GUARD(I.E., THE CONTRAS) WE WILL FULFILL THE MINIMUM RULES FOR FREE ELECTIONS." ASPIN POINTED OUT THAT THIS WOULD HAVE TO HAPPEN SOON ENOUGH FOR THE OPPOSITION PARTIES TO HAVE A CHANCE. HE SAID THERE WERE REASONS TO PUT LIMITS ON DEMOCRACY, CITING THE U.S. CIVIL WAR. THE U.S. CONCERN WAS THAT THOSE REASONS NOT BECOME AN EXCUSE TO CONTINUE OPPRESSION. HE WONDERED WHEN SOUTH KOREA WOULD OPEN UP ITS DEMOCRACY, FOR THE GOVERNMENT ALWAYS POINTED TO THE THREAT FROM THE NORTH. IT SEEMED THAT SUCH THINGS WERE OFTEN SPOKEN ABOUT IN PRINCIPLE, BUT SEEMINGLY WERE ALWAYS POSTPONED.

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PAGE 01 MANAGU 00958 03 OF 04 221615Z
ACTION H-03

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FM AMEMBASSY MANAGUA
TO SECSTATE WASHDC 9795
INFO CONTADORA COLLECTIVE
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13. ASPIN MOVED TO OTHER AREAS. WHAT FOREIGN POLICY GOALS DID NICRAGUA HAVE? RAMIREZ SAID IT HAD VERY CLEAR GOALS AND IT WAS NON-ALIGNED AND TRIED TO FUNCTION AS SUCH, EVEN THOUG THAT CLASHED WITH TRADITION. NICARAGUA HAD PASSED FROM NEVER HAVING VOTING AGAINST THE U.S. UNDER SOMOZA TO VOTING AGAINS U.S. MANY TIMES, BUT NOT ALWAYS WITH THE SOVIET UNION. IN DECIDING ITS VOTE, THE GRN FIRST EXAMINED ITS OWN INTERESTS. AFTER ONE YEAR ON THE U.SN. SECURITY COUNCIL, THE GRN HAD A RECORD OF INDEPENDENT VOTING. IT HAD EXCELLENT RELATIONS WITH WESTERN EUROPEAN NATIONS AND HAD CREATED BALANCE IN ITS FOREIGN POLICY.

14. ASPIN ASKED BOUT THE SOVIET UNION/CUBA CONNECTON. RAMIREZ SAID THOSE RELATIONS COULD NOT CHANGE. THE GRN HAD GOOD RELATIONS WITH THE SOVIET UNION, RESPECTFUL ONES. ITS RELATIONSHIP WITH CUBA WAS MUCH CLOSER. HE EXPALINED THAT WHILE CUBA WAS A SOCIALIST COUNTRY, IT WAS ALSO A LATIN AMERI COUNTRY WITH STRONG TIES TO NICARAGUA. THE RELATIONSHIP BETWEEN THE TWO COUNTRIES REFLECTED THOSE TIES, BUT THAT WAS NOT TO SAY THAT CUBA DICTATED NICARAGUAN POLICY.

15. TO ASPIN'S QUESTION ON THE NUMBER OF CUBAN ADVISERS IN NICARAGUA, RAMIREZ REPLIED THAT THERE WERE ABOUT 4,000 TOTAL. THESE INCLUDED 2,000 PRIMARY SCHOOL TEACHERS, 800 DOCTORS AND TECHNICIANS IN RAILROAD, HIGHWAY AND AGRICULTURAL DEVELOPMENT
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PAGE 02 MANAGU 00958 03 OF 04 221615Z

AND NO MORE THAN 200 MILITARY ADVISERS. ASPIN TURNED *TO THE TRAINING OF NICARAGUAN PERSONNEL ABROAD. " DO YOU*

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ALWAYS HAVE TO SEND THEM TO CUBA? WHY NOT OTHER COUNTRIES?" RAMIREZ CLAIMED CUBA MADE MORE OFFERS, AND TRAINING COULD BE GOTTEN IN DIVERSE FIELDS THERE. THERE WERE NEVERTHELESS MANY STUDENTS STUDYING IN MEXICO AS WELL AS IN OTHER COUNTRIES. THE GRN WOULD ACCEPT ASSISTANCE FROM ANY COUNTRY. IT ALSO HAD ADVISERS FROM THE U.S., WEST GERMANY, HOLLAND AND SPAIN. THERE WERE PERHAPS SOME 2,000 FROM WESTERN EUROPE. ASPIN INTERJECTED THAT QUESTIONS LIKE THE NUMBER OF CUBAN/SOVIET ADVISERS WERE CAUSE FOR CONCERN IN THE UNITED STATES. RAMIREZ SAID THAT PEOPLE WERE NOT WELL INFORMED. NICARAGUA PRODUCED EXCELLENT TOBACCO, AND VERY GOOD CIGARS WERE MADE FROM IT BY CUBANS LIVI HERE WHO WERE NOT FIDELISTS.

16. ARCHIE BARRETT, WHO ACCOMPANIED ASPIN, SAID THAT RAMIREZ HAD NOT MENTIONED ANOTHER PROBLEM, THAT OF NICARAGUA'S SUPPORT FOR THE GUERRILLAS IN EL SALVADOR. RAMIREZ SAID THE GRN HAD PLACED ALL ITS CARDS ON THE TABLE ON THIS SUBJECT IN OCTOBER. THE GRN WAS WILLING TO REACH AN AGREEMENT ON THE MATTER AND ON THE WITHDRAWAL OF CUBAN ADVISORS, BUT ONLY AS A PART OF A GLOBAL SOLUTION, AND AS LONG AS OTHER MILITARY ADVISERS LEFT THE REGION. THE AGREEMENT WOULD ALSO HAVE TO INCLUDE SUSPENSION OF ALL ARMAMENTS FLOWING INTO CENTRAL AMERICA. BARRETT TOLD RAMIREZ THAT HE THOU THOSE CONDITIONS WOULD BE UNACCEPTABLE TO THE U.S. THEREFORE, THE GRN SEEMED TO HAVE PLACED PROPOSITIONS ON THE TABLE WHICH W NON-NEGOTIABLE. THE U.S. WAS HELPING THE GOES BECAUSE IT WANTED ASSISTANCE. RAMIREZ RETORTED THAT THE GRN COULD LIKEWISE SAY TH WANTED CUBAN ASSISTANCE. BARRETT ASKED RAMIREZ IF HIS CONCLUSION WAS THAT IF THE U.S. COULD NOT ACCEPT THE GRN'S PROPOSALS, THEN THE GRN WOULD CONTINUE TO SUPPORT THE SALVADORA GUERRILLAS? RAMIREZ REPLIED ONLY THAT THE GRN WAS WILLING TO

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DISCUSS THE MATTER AS PART OF A REGIONAL AGREEMENT. HE ADDED THAT THE LARGEST FLOW OF ARMS TO THE GUERRILLAS WAS FROM THE GOES. THE U.S. COULD NOT ASK THE GRN TO MAKE UNILATERAL CONCESSIONS AND THEN ATTEMPT TO PUNISH NICARAGUA FOR NOT DOING SO.

17. ASPIN ASKED ABOUT CONTADORA'S CHANCES FOR SUCCESS. RAMIREZ SAID IT DEPENDED UPON THE U.S. THE MEMBER NATIONS HAD GOOD WILL, AND COMMISSIONS WERE WORKING ON CONCRETE ISSUES. WHAT WOULD HAPPEN, HE ASKED, ONCE HONDURAS SIGNED AN AGREEMENT WHICH REQUIRED IT TO TAKE ALL THE GN OUT OF A

DEMILITARIZED ZONE? THEN THE USG WOULD HAVE TO TAKE DIRECT RESPONSIBILITY FOR SUPPORTING THE CONTRAS. THE GRN WAS IN AGREEMENT WITH ALL OF THE CONTADORA PROPOSALS AND PARTICIPATED IN ALL THE COMMITTEES. ASPIN SAID THE CONTADORA PROPOSALS WOULD BE HARD TO VERIFY. RAMIREZ AGREED. THE GRN ALSO HAD ADDRESSED THAT PROBLEM IN ITS PROPOSALS.

18. ASPIN SAID HE WANTED TO KNOW FOR HIMSELF IF THE DIFFERENCES BETWEEN THE US AND THE GRN WERE REAL OR SEMANTIC: WERE THE DIFFERENCES FUNDAMENTAL, PRECLUDING AGREEMENT, OR WERE THEY JUST PROCEDURAL? RAMIREZ ESPLAINED THAT FOR THE FIRST TIME NICARAGUA WAS WORKING INDEPENDENTLY OF THE U.S., WHICH HAD NOT WANTED A CHANGE FROM SOMOZA. SOMOZA'S TIME HAD PASSED. IT WOULD TAKE TIME FOR NICARGUA TO FORGET THE SUPPORT THE U.S. HAD GIVEN HIM. IN THE MEANTIME, THE GRN WAS GOING TO KEEP A WARY EYE ON THE U.S. THE GRN WOULD NOT ACCEPT U.S. ARROGANCE IN ITS RELATIONSHIP WITH NICARAGUA.

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PAGE 01 MANAGU 00958 04 OF 04 221623Z
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TO SECSTATE WASHDC 9796
INFO CONTADORA COLLECTIVE
USCINCSO QUARRY HTS PN

~~C O N F I D E N T I A L~~ SECTION 04 OF 04 MANAGUA 0958

19. ASPIN SAID THAT AN OUTSIDE OBSERVER, JUDGING FROM THE RHETORIC ALONE, WOULD BELIEVE IT WAS NEARLY IMPOSSIBLE FOR THE U.S. AND NICARAGUA TO HAVE GOOD RELATIONS. WAS THERE SOMETHING BEYOND THE RHETORIC WHICH RAMIREZ BELIEVED COULD MAKE POSSIBLE A DECENT RELATIONSHIP? RAMIREZ REPLIED THAT THERE WAS, BECAUSE THERE WERE NO FEELINGS OF ANTI-AMERICANISM IN THE NICARAGUAN PEOPLE, ONLY ANTI-INTERVENTIONISM. NICARAGUA CARRIED WITH IT MUCH FROM U.S. CULTURE, AND THOSE TIES COULD NOT BE BROKEN. HE SAID THE SANDINISTAS WERE NOT RADICAL FANATICS. THE GRN WANTED CONDITIONS IN WHICH U.S. CULTURE AND INDUSTRY COULD HELP NICARAGUAN DEVELOPMENT.

20. ASPIN ASKED RAMIREZ HOW THE NICARAGUAN REVOLUTION DIFFERED FROM CUBA'S, WHOSE HISTORY WAS SIMILAR AND WHERE STRONG ANTI-U.S. RHETORIC WAS ALSO THE BYWORD. RAMIREZ SAID THE BAY OF PIGS HAD CAUSED A PROFOUND CHANGE IN U.S.-CUBAN RELATIONS. IN NICARAGUA, HOWEVER, AMERICANS COULD WALK THE STREETS IN PEACE. THERE WERE REGULAR FLIGHTS TO THE U.S. AND MUCH TRAVEL BETWEEN THE TWO COUNTRIES. ASPIN ASKED IF RAMIREZ WAS SAYING THAT BARRING A BAY OF PIGS, THE U.S.-NICARAGUAN RELATIONSHIP WOULD DEVELOP LIKE THAT OF THE U.S. AND BRITAIN. RAMIREZ SAID THAT WAS HOW THEY SHOULD BE. HOWEVER, THE U.S. HAD TO LEARN ONE IMPORTANT THING; NO *TO BE AFRAID OF CHANGE . THERE WOULD BE MANY MORE PROFOUND* CHANGES IN LATIN AMERICA, AND THE U.S. COULD HAVE TO LEARN
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PAGE 02 MANAGU 00958 04 OF 04 221623Z

TO ACCEPT THAT.

21. COMMENT: THE MEETING WAS NON-CONFRONTATIONAL. ASPIN,

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WORKING HIS WAY FROM POINT TO POINT, CONTROLLED THE DIRECTION OF THE CONVERSATION AND BROUGHT RAMIREZ BACK TO SPECIFICS WHEN HE STARTED TO WANDER. OF PARTICULAR SIGNIFICANCE WERE RAMIREZ' ATTEMPTS TO PORTRAY THE NICARAGUAN ELECTORAL PROCESS AS TRADITIONALLY LATIN AMERICAN. HE SAID IF THE SANDINISTAS WERE NOT ELECTED, THEY WOULD ACCEPT THE DEFEAT AND SURRENDER POWER. THE GRN DOES NOT EXPECT TO LOSE, AND SUCH STATEMENTS ARE SAFE FOR RAMIREZ OR OTHERS TO MAKE. WHILE RAMIREZ CITED ECONOMIC LOSSES OF $250 MILLION, OUR BEST ESTIMATES SHOW ACTUAL DIRECT LOSSES TO BE ABOUT ONE-TENTH OF THAT FIGURE. RAMAIREZ STOOD FIRM ON THE GRN'S PROPOSAL TO DISCUSS MILITARY ADVISERS AND SUPPORT TO THE SALVADORAN GUERRILLAS ONLY IN CONJUNCTION WITH A REGIONAL AGREEMENT.
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U.S. Department of State
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APPROVED BY ARA:LKILDAY
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HA:RSNYDER
PA:AROMBERG
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AMEMBASSY ASUNCION IMMEDIATE
AMEMBASSY PARAMARIBO IMMEDIATE
AMEMBASSY PORT AU PRINCE IMMEDIATE

UNCLAS STATE 051849

E.O. 12356 NA
TAGS: SOPN, PREL, CI, US
SUBJECT: SECRETARY'S COMMENTS ON CHILE AT BOSTON WORLD AFFAIRS COUNCIL

1. GOC EMBASSY EXPRESSED CONCERN 2/21/84 OVER REPORTED REMARKS BY THE SECRETARY CONCERNINGCHILE MADE IN THE CONTEXT OF THE SECRETARY'S SPEECH OF 2/16/84 TO THE BOSTON WORLD AFFAIRS COUNCIL ON "THE UNITED STATES AND
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PAGE 02 STATE 051849

AFRICA IN THE 1980'S."

2. TRANSCRIPT OF Q AND A'S AFTER SPEECH SHOWS FOLLOWING EXCHANGE AS LAST Q AND A OF THE EVENING:

BEGIN TEXT:

MR. ELIOT: MR. SECRETARY, I'VE TRIED TO SAVE THE EASIEST QUESTION FOR THE LAST. WHY DO WE ALWAYSEND UP ON THE WRONG SIDE IN CENTRAL AMERICA, IN LEBANON, IN THE PHILIPPINES, AND ELSEWHERE IN THE WORLD? (APPLAUSE)

SECRETARY SHULTZ: I THINK WE'RE ON THE RIGHT SIDE. (APPLAUSE) WE'RE ON THESIDE OF DEMOCRACY, WE'RE ON THE SIDE OF FREEDOM, WE'RE ON THE SIDE OF ECONOMIC DEVELOPMENT. (APPLAUSE) THERE IS A FEVER OF DEMOCRACY

RUNNING THROUGH OUR HEMISPHERE. IT'S EXCITING. I JUST SPENT ABOUT EIGHT DAYS IN CENTRAL AMERICA, IN SOUTH AMERICA, IN THE CARIBBEAN, AND PEOPLE, PARTICULARLY PEOPLE LIVING IN COUNTRIES THAT HAVE EXISTEDUNDER DICTATORSHIP, WHEN YOU TALK WITH THEM, THEY'RE SO EXCITED. OR NOT ONLY IN THE AREA THAT I MENTIONED -- TAKE PORTUGAL AND SPAIN. I DON'T KNOW WHETHERANY OF YOU HAVE VISITED AND TALKED TO PEOPLE THERE. THEY'RESO EXCITED. THEY SAY, "WE HAVE FREEDOM. IT'S WONDERFUL;"

I DON'T THINK WE AMERICANS HAVE ANYAPPRECIATION OF WHAT IT MEANS TO HAVE FREEDOM. IT'S LIKE THE AIR WE BREATH TO US, BUT TO PEOPLE WHO HAVEN'T HAD IT, IT'S WONDERFUL. AND BY THIS TIME WE CAN SAY THAT IN OUR HEMISPHERE THERE ARE LIVING UNDER CONDITIONS OF DEMOCRACY OR STATES WHICH ARE MOVING INEXORABLY TO DEMOCRACY OVER 90 PERCENT OF THE UNCLASSIFIED

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PAGE 03 STATE 051849

POPULATION. STICKING OUT LIKE A SORE THUMB.CUBA, NICARAGUA, SURINAME, CHILE. VERY DIFFERENT COUNTRIES, BUT LEAVE THAT TO THE SIDE, IT'SA PRETTY GOOD PICTURE, AND WE'RE ON THE RIGHT SIDE OF THESE ISSUES IN STICKING WITH THESE PRINCIPLES.

END TEXT.

3. SECRETARY'S RESPONSE PARALLELS LANGUAGE IN 1983 COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES WHICH READS AS FOLLOWS:

BEGIN TEXT: A TIME OF CHOICE FOR DEMOCRATIC NATIONS

....ONE OF THE MOST HOPEFUL DEVELOPMENTSIN RECENT YEARS -- THE MARCH OF DEMOCRACY INLATIN AMERICA -- HAS GONE LARGELY UNNOTICED. THE RECENT INAUGURATION OF PRESIDENT ALFONSIN OF ARGENTINA IS ONLY THE LATEST IN A SERIES OF VICTORIES FOR DEMOCRACY IN LATIN AMERICA. APART FROM CUBA, SURINAME, HAITI, GUYANA ANDPARAGUAY, THE OTHER

TWENTY SEVEN NATIONS OF LATIN AMERICAAND THE CARIBBEAN ARE EITHER BASICALLY DEMOCRATIC, ORAT LEAST NOMINALLY EMBARKED ON THE TRANSITION TO FULL DEMOCRACY. THIS PROCESS HAS ACCELERATED OVER THE LAST THREE YEARS. BETWEEN 1976 AND 1980, ONLY ONE LATIN AMERICAN NATION, ECUADOR, ELECTED A CIVILIAN PRESIDENT TOREPLACE THE MILITARY. SINCE 1980, HOWEVER, NINE LATIN AMERICAN NATIONS HAVE EITHER HELD FREE ELECTIONS, OR DECLARED THEIR INTENTION OF DOING SOSOON: ARGENTINA, BOLIVIA, BRAZIL, EL SALVADOR, GUATEMALA, HONDURAS, PANAMA, PERU AND URUGUAY. EVEN THE GOVERNMENT OF NICARAGUA, HAVING RENEGED ON EARLIER PROMISES TO HOLD FREE ELECTIONS, NOW

CLAIMS TO BE PLANNING THEM FOR 1985.

END TEXT.
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PAGE 04 STATE 051849

4. INTRODUCTION SECTION OF HUMAN RIGHTS REPORT DID NOT MENTION CHILE BY NAME. IT WAS INTENDED THAT CHILE WOULD BE INCLUDED AMONG THOSE TWENTY-SEVEN LATIN AMERICAN NATIONS NOMINALLY EMBARKED ON A TRANSITION TO FULL DEMOCRACY.

5. IN RESPONDING TO CHILEAN CONCERNS ABOUT THE SECRETARY'S REMARKS QUOTED IN PARA TWO ABOVE, EMBASSY MAY POINT OUT THE HUMAN RIGHTS REPORT'S DISTINCTION BETWEEN NON-DEMOCRATIC COUNTRIES AND THOSE IN TRANSITION TO FULL DEMOCRACY. THE SECRETARY'S WORDS ("VERY DIFFERENT COUNTRIES, BUT LEAVE THAT TO THE SIDE") ALSO INDICATE DISTINCTIONS. YOU MAY ASSURE THE CHILEANS THAT THE HUMAN RIGHTS REPORT IS OUR OFFICIAL POSITION. WE DO NOT INTEND TO ISSUE ANY FURTHER STATEMENTS ON THIS SUBJECT.

SHULTZ

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Case Number: s199900030

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
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PAGE 01 SANTIA 01222 221952Z
ACTION ARA-00

INFO	OCT-00	COPY-01	ADS-00	INR-10	SS-00	CIAE-00	DODE-00
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R 221912Z FEB 84
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INFO AMEMBASSY CARACAS
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~~C O N F I D E N T I A L~~ SANTIAGO 1222

E.O. 12356: DECL: OADR
TAGS: SHUM, CI
SUBJ: GOC ALLOWS TEMPORARY RETURN OF TWO FORMER UP LEADERS

1. (U) IN THE PAST WEEK, THE GOC HAS ANNOUNCED THAT IT WILL ALLOW THE TEMPORARY RETURN OF TWO FORMER UNIDAD POPULAR (UP) LEADERS. ON FEBRUARY 17, UNDERSECRETARY OF INTERIOR LUIS SIMON FIGUEROA ANNOUNCED THAT SERGIO BITAR, MINISTER OF MINES UNDER THE UP GOVERNMENT, WOULD BE ALLOWED TO RETURN TEMPORARILY TO CHILE. ON FEBRUARY 21, THE GOC ANNOUNCED THAT ANSELMO SULE, FORMER RADICAL PARTY PRESIDENT AND FORMER SENATOR UNDER THE UP GOVERNMENT, WOULD BE ALLOWED TO RETURN FOR EIGHT DAYS TO ATTEND THE FUNERAL OF HIS SISTER. SULE IS EXPECTED TO ARRIVE ON FEB 22 FROM HIS EXILE IN MEXICO.
2. (C) COMMENT: BOTH SULE AND BITAR HAVE BEEN ACTIVE IN OPPOSITION TO THE GOC THROUGHOUT THEIR PERIOD OF EXILE. SULE, IN PARTICULAR, HAS ASSOCIATED HIMSELF AND THE RADICAL PARTY WITH EXTREMIST GROUPS, SUCH AS THE MIR, IN CALLING FOR AN ARMED STRUGGLE TO OVERTHROW THE CHILEAN GOVERNMENT. IN RECENT MONTHS, HOWEVER, HE HAS
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PAGE 02 SANTIA 01222 221952Z

MODERATED HIS STATEMENTS UNDER PRESSURE FROM NEW, LESS STRIDENT PR LEADERS WHO HAVE LARGELY TAKEN OVER CONTROL OF THE PARTY, ALTHOUGH SULE RETAINS THE TITLE OF SECRETARY GENERAL FOR INTERNATIONAL AFFAIRS.THEBERGE

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Chile Project (#S199900030)
U.S. Department of State
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Declassify: In Part ____ In Full X
Exemption(s) ____

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PAGE 01 SANTIA 01214 221710Z
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C O N F I D E N T I A L SANTIAGO 1214

E.O. 12356: DECL: OADR
TAGS: PREL, PGOV, US, CI
SUBJECT: REPORTED COMMENT BY SECRETARY DRAWS QUICK GOC REACTION

1. (U) SANTIAGO PRESS OF FEBRUARY 18 CARRIED BRIEF AP ITEM DATELINED WASHINGTON WHICH REPORTED THAT SECRETARY SHULTZ, IN THE COURSE OF A MEETING IN BOSTON ON FEBRUARY 15, HAD SAID THAT CHILE "WAS OUT OF TUNE WITH" THE DEMOCRATIC SPIRIT BEING FELT THROUGHOUT LATIN AMERICA. THE INITIAL GOC REACTION WAS VOICED BY MFA UNDER SECRETARY LT. COL. HUMBERTO JULIO, WHO RESPONDED TO REPORTERS REQUESTS FOR COMMENTS ON FEBRUARY 20 TO THE EFFECT THAT SECRETARY SHULTZ COULD SAY WHAT HE LIKED, AS COULD THE GOC, BUT THAT THE REMARK APPEARED TO BE A PERSONAL OPINION.

2. (U) LATER ON FEBRUARY 20, INTERIOR MINISTER JARPA WAS CONFRONTED WITH THE SAME QUESTION AND GAVE A MORE EXTENSIVE RESPONSE. ACCORDING TO THE FULLEST PRESS ACCOUNT, CARRIED IN EL MERCURIO OF FEBRUARY 21, JARPA SAID: "WE SHOULD NOT BE GUIDED BY PEOPLE WHO DO NOT KNOW CHILE OR THE CHILEAN REALITY, GIVEN THAT MANY OF THE PROBLEMS THAT WE HAD IN THE 1960'S AND 70'S WERE DUE TO LISTENING TO FOREIGN RECOMMENDATIONS. I BELIEVE THAT THERE ARE MANY PEOPLES OF THE WORLD WHO REGRET HAVING FOLLOWED FOREIGN RECOMMENDATIONS.
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PAGE 02 SANTIA 01214 221710Z

ONE HAS TO PROCEED BASED ON ONE'S OWN EXPERIENCE AND TO SEEK ONE'S OWN SOLUTIONS. IT WOULD BE BETTER IF THOSE PEOPLE WOULD DEDICATE THEMSELVES TO SOLVING THEIR OWN PROBLEMS."

3. (C) COMMENT: JARPA'S RESPONSE WAS MORE POINTED THAN THE INITIAL MFA RESPONSE, PROBABLY IN PART BECASUE JARPA

IS MORE PREPARED TO TAKE ADVANTAGE OF THE ISSUE OF POSSIBLE FOREIGN INTERVENTION IN CHILE'S INTERNAL AFFAIRS IN ORDER TO COUNTER OPPOSITION POLITICAL PRESSURES. HIS REFERENCE TO CHILEAN PROBLEMS IN THE 60'S AND 70'S CAUSED BY OUTSIDE ADVICE WILL BE UNDERSTOOD BY MANY AS A REMINDER OF THE CONTROVERSIAL AGRARIAN REFORM PROGRAMS LAUNCHED BY THE FREI GOVERNMENT AND PURSUED WITH A VENGEANCE BY ALLENDE; AGRARIAN REFORM IN CHILE IS WIDELY IDENTIFIED AS A PET PROJECT OF THE ALLIANCE FOR PROGRESS. JARPA'S READINESS TO PICK UP ON A PASSING REFERENCE TO CHILE BY USG AUTHORITIES ILLUSTRATES THE SENSITIVITY TO POSSIBLE USG PRESSURES ON THE GOVERNMENT. THEBERGE

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RUEHMT/AMCONSUL MONTREAL IMMEDIATE 2952
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C O N F I D E N T I A L OTTAWA 01337

E.O. 12356: DECL: OADR
TAGS: SNAR, CA, NU
SUBJECT: RUDY PALACIOS TALEVARA--NICARAGUAN DIPLOMAT ARRESTED ON COCAINE CHARGE

REF: (A) STATE 043572, (B) OTTAWA 01154 (NOTAL)

1. (C - ENTIRE TEXT.)

2. [redacted] INFORMED EMBOFF FEB 23 THAT NICARAGUAN CHARGE WAS CALLED IN PREVIOUS AFTERNOON AND INFORMED THAT PALACIOS WAS PERSONA NON GRATA AND HAS FORTY-EIGHT HOURS TO LEAVE CANADA. [redacted] SAID AS OF MORNING OF FEB 23, PALACIOS IS STILL HERE IN OTTAWA.
ROBINSON

END OF MESSAGE CONFIDENTIAL

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PAGE 01 STATE 045347 230629Z
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E.O. 12356: N/A
TAGS: OVIP, ENRG, TRGY, OTRA, MX
SUBJECT: VISIT OF USNRC COMMISSIONER FORREST J. REMICK TO MEXICO, (MARCH 27, 1994)

BEGIN SUMMARY: U.S. NUCLEAR REGULATORY COMMISSION (USNRC) REQUESTS EMBASSY'S CONCURRENCE AND ASSISTANCE WITH VISIT TO MEXICO OF COMMISSIONER FORREST J. REMICK MARCH 2-7, 1994. COMMISSIONER REMICK WILL BE ACCOMPANIED BY HIS TECHNICAL ASSISTANT, REGIS BOYLE, AND WILLIAM UPSHAW, INTERNATIONAL

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PAGE 02 STATE 045347 230629Z
RELATIONS SPECIALIST, OFFICE OF INTERNATIONAL PROGRAMS. EMBASSY IS REQUESTED TO MAKE RESERVATIONS FOR ONE DOUBLE ROOM WITH BATH FOR COMMISSIONER REMICK AND TWO SINGLE ROOMS WITH BATH AT SHERATON MARIA ISABEL HOTEL AND TOWERS FOR NIGHTS OF MARCH 2, 4, AND 5. ARRANGEMENTS FOR ACCOMMODATIONS IN VERACRUZ ON MARCH 3 ARE BEING MADE BY THE CNSNS AND THOSE FOR CUERNAVACA ON MARCH 6 HAVE BEEN MADE DIRECTLY. EMBASSY REPRESENTATIVE IS WELCOME TO ACCOMPANY TO DISCUSSIONS AND SITE VISIT. TOUR AND MEETINGS ARE BEING

ARRANGED BY SERGIO WALLER, MANAGER, OFFICE OF TECHNOLOGY, REGULATION AND SERVICES, COMISION NACIONAL DE SEGURIDAD NUCLEAR Y SALVAGUARDIAS IN MEXICO CITY, TELEPHONE: 590 5162.

1. ITINERARY.

WEDNESDAY, MARCH 2

9:10AM DEPART WASHINGTON/NATIONAL ON CONTINENTAL 4345
2:24PM ARRIVE MEXICO CITY
EMBASSY CAR TO HOTEL:
SHERATON MARIA ISABEL HOTEL AND TOWERS
325 PASEO DE LA REFORMA
TEL: 901152-207-3933 OR 800-325-3535

THURSDAY, MARCH 3

8:30AM DEPART HOTEL IN EMBASSY CAR FOR CNSNS
9:00AM ARRIVE CNSNS FOR DISCUSSIONS WITH CNSNS
11:00AM DEPART CNSNS FOR SEMIP
11:15AM COURTESY CALL ON UNDERSECRETARY OF ENERGY
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(TENTATIVE)
11:45AM
1OON LUNCH
2:00PM

2:15PM DEPART FOR AIRPORT
3:00PM ARRIVE AIRPORT
4:05PM DEPART FOR VERACRUZ
5:00PM ARRIVE VERACRUZ
5:10PM DEPART VERACRUZ AIRPORT VIA CNSNS TRANSPORTATION
5:30PM ARRIVE HOTEL: TORREMAR RESORT
4300 BLVD. ADOLFO RUIZ CORTINES
TEL: 9-011-29-213466 OR 800-899-7797
FAX: 9-011-29-210-291

EVENING FREE

FRIDAY, MARCH 4

9:00AM DEPART HOTEL VIA CNSNS TRANSPORT FOR LAGUNA VERDE
10:00AM ARRIVE SITE AND TOUR FACILITY

1:45PM
2:00PM LUNCH
4:40PM RETURN TO HOTEL, STOPPING AT LA ANTIGUA AND ZEMPOALA

9:10PM DEPART VERACRUZ
10:05PM ARRIVE MEXICO CITY AND DEPART FOR HOTEL

EVENING FREE

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PAGE 04 STATE 045347 230629Z
SATURDAY, MARCH 5 FREE

SUNDAY, MARCH 6

AM DEPART HOTEL FOR CUERNAVACA IN EMBASSY CAR
HOSTERIA LAS QUINTAS
AVENIDA DE LAS QUINTAS NO.107
CUERNAVACA, MOR.; MEXICO

MONDAY, MARCH 7

AM ATTEND TRAC USERS GROUP MEETING
3:30PM DEPART MEXICO CITY VIA CONTINENTAL 4596
10:41PM ARRIVE WASHINGTON NATIONAL

2. BIOGRAPHICAL DATA.

DR. FORREST J. REMICK WAS SWORN IN FOR A FIVE-YEAR TERM A MEMBER OF THE UNITED STATES NUCLEAR REGLATORY COMMISSION ON DECEMBER 1, 1989.

AT THE TIME OF HIS NOMINATION TO THE COMMISSION BY PRESIDENT BUSH, DR. REMICK WAS ASSOCIATE VICE PRESIDENT FOR RESEARCH AND PROFESSOR OF NUCLEAR ENGINEERING AT THE PENNSYLVANIA STATE UNIVERSITY. HE WAS ALSO SERVING AS CHAIRMAN OF THE USNRC'S INDEPENDENT ADVISORY COMMITTEE ON REACTOR SAFEGUARDS (ACRS).

BEGINNING IN 1967, DR. REMICK HELD A VARIETY OF POSITIONS OF INCREASING RESPONSIBILITY AT PENN STATE, INCLUDING DIRECTOR OF THE INSTITUTE FOR SCIENCE AND ENGINEERING,

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PAGE 05 STATE 045347 230629Z
DIRECTOR OF INTERCOLLEGE RESEARCH PROGRAMS, DIRECTOR OF THE CURTISS-WRIGHT NUCLEAR RESEARCH LABORATORY, AND COORDINATOR OF UNIVERSITY ENERGY PROGRAMS.

DR. REMICK WAS APPOINTED TO THE ACRS IN SEPTEMBER 1982 AND WAS REAPPOINTED IN SEPTEMBER 1986. HE WAS ELECTED VICECHAIRMAN FOR 1987 AND 1988 AND CHAIRMAN FOR 1989.

HE HAS SERVED IN A NUMBER OF OTHER CAPACITIES IN THE NUCLEAR ENERGY FIELD, INCLUDING CHIEF OF THE TRAINING SECTION, DEPARTMENT OF TECHNICAL ASSISTANCE, INTERNATIONAL

ATOMIC ENERGY AGENCY, VIENNA, AUSTRIA; ADMINISTRATIVE JUDGE WITH THE USNRC'S ATOMIC SAFETY AND LICENSING BOARD; MEMBER OF THE GOVERNOR'S ENERGY COUNCIL FOR THE COMMONWEALTH OF PENNSYLVANIA; DIRECTOR OF THE NRC OFFICE OF POLICY EVALUATION; MEMBER OF THE NATIONAL NUCLEAR ACCREDITING

BOARD; AS WELL AS SERVING ON VARIOUS SCIENTIFIC AND NCLEAR SAFETY ADVISORY COMMITTEES FOR THE ARGONNE, HANFORD, IDAHO, AND SAVANNAH RIVER LABORATORIES OF THE DEPARTMENT OF ENERGY.

HE RECEIVED HIS PH.D. (1963), M.S. (1958), AND B.S. (1955) IN MECHANICAL ENGINEERING FROM PENN STATE. HE WAS ALSO GRADUATED FROM THE OAK RIDGE (TENNESSEE) SCHOOL OF REACTOR TECHNOLOGY.

DR. REMICK WAS BORN MARCH 16, 1931, IN LOCK HAVEN, PENNSYLVANIA.

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PAGE 06 STATE 045347 230629Z
3. FISCAL DATA.

TO SUPPORT VISIT FOR USNRC COMMISSIONER FORREST REMICK, EMBASSY IS AUTHORIZED TO CHARGE COST OF CAR AND DRIVER (INCLUDING OVERTIME) TO USNRC AGENCY LOCATION CODE 31-00-001, ALLOTMENT SYMBOL 31X0200.470, BOC 2120, B AND R NUMBER 470-19-601-000 AND REQUISITION NUMBER RQ70485066.

4. IF ADDITIONAL INFORMATION IS NEEDED, PLEASE CABLE DEPARTMENT TO PASS TO USNRC FOR WILLIAM UPSHAW (TEL: 301 504-2330; FAX: 3015042395). CHRISTOPHER

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*** Current Handling Restrictions *** n/a
*** Current Classification *** UNCLASSIFIED

Department of State IS/FPC/CDR El Salvador SF Date 9/23/93
Classified under EO 12356 ( ) in full; (X) in part;
portions withheld: classified ( ); deliberative ( );
law enforcement ( ): privacy (X), statutory ( );
not relevant to El Salvador ( ).

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PAGE 01 SAN SA 01977 01 OF 03 2320262
ACTION ARA-00

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INFO AMEMBASSY BOGOTA
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AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
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USIA FOR AR AND P/CENTAM

E.O. 12356: DECL: 2/23/90
TAGS: PGOV, PREL, PINS, SHUM, ES, US
SUBJECT: ARENA: COALITIONS, GOVERNMENT PROGRAM, FUTURE RELATIONS WITH U.S.

1. [redacted] ENTIRE TEXT.

2. SUMMARY

DURING LONG CONVERSATION EARLY FEBRUARY [redacted], DURING WHICH HE PREVIEWED ARENA'S GOVERNMENT PROGRAM, [redacted] TOLD POLOFF THAT A COALITION WITH PAISA AND THE PPS IS ALMOST CERTAINLY TO BE FORMED IN THE NEXT FEW DAYS. HE DESCRIBED ARENA CAMPAIGN ORATORY AGAINST THE U.S. AS ONLY TACTICAL RHETORIC; IF ELECTED HIS PARTY
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PAGE 02 SAN SA 01977 01 OF 03 2320262

WOULD SEEK GOOD RELATIONS WITH USG AND ITS CONDUCT IN OFFICE WOULD DEMONSTRATE CONVINCINGLY THAT FEARS AND ATTACKS AGAINST ARENA ARE UNJUSTIFIED. IF IT SUCCEEDS IN FORMING THE COALITION, ARENA WILL BOOST ITS CHANCES FOR TAKING SECOND PLACE IN THE FIRST ROUND VOTING. END SUMMARY.

3. COALITIONS

[redacted] CONFIRMED MUCH OF THE SPECULATION CIRCULATING ABOUT A JOINT ARENA-PAISA-PPS SLATE FOR THE FIRST ROUND IN THE PRESIDENTIAL ELECTION. ACCORDING TO THE ELECTORAL LAW, THE SLATE MUST BE REGISTERED WITH THE CENTRAL ELECTIONS COUNCIL BY FEBRUARY 26. [redacted] SAID HE WAS CONVINCED IT WOULD GEL BY THAT TIME DESPITE SOME LAST MINUTE BARGAINING TACTICS BY THE PPS. HE SHOWED POLOFF A WELL-DRAFTED, TENTATIVE LOGO FOR THE SLATE IN WHICH THE ARENA SYMBOL WOULD HAVE PAISA WRITTEN ACROSS ITS TOP, PPS ALONG ITS BOTTOM, AND THE SYMBOLS OF THESE TWO PARTIES ON EITHER SIDE. IN RETURN FOR SIGNING ON, [redacted] SAID, EACH OF THE OTHER TWO WOULD RECEIVE AN UNSPECIFIED SLICE OF THE EVENTUAL GOVERNMENT PIE. THIS WAS NOT MUCH OF A CONCESSION, [redacted] SAID, BECAUSE ARENA HAD LONG PLANNED TO INCLUDE ALL THE CONSERVATIVE PARTIES IN ITS GOVERNMENT EVEN IF IT WERE TO RUN AND WIN ALONE.

4. [redacted] CLAIMED TO BE SERENE ABOUT THE PCN'S REFUSAL TO JOIN A FIRST ROUND COALITION. HE RECOUNTED THAT PCN CHIEF CHACHI GUERRERO HAD PROPOSED A COALITION OVER TWO MONTHS AGO IN WHICH D'AUBUISSON WOULD HEAD THE TICKET AND THE PCN TAKE THE SECOND SLOT. ARENA REPORTEDLY TURNED THIS OFFER DOWN WITH THE RETORT THAT [redacted]

PAGE 03 SAN SA 01977 01 OF 03 2320262

IT EXPECTED TO RECEIVE THREE-TIMES AS MANY VOTES AS THE PCN AND WOULD THEREFORE EXPECT A UNITED ARENA EXECUTIVE TO BE FORMED. GUERRERO, ACCORDING TO [redacted] THEREUPON SUGGESTED A RENEGOTIATION AFTER THE FIRST ROUND VOTES WERE COUNTED. [redacted] SAYS THAT AT THIS POINT IN THE GAME, CHACHI IS PUSHING THE NOTION THAT HE WOULD BE ABLE TO CAST HIS LOT WITH THE POC AT SOME POINT. NEVERTHELESS, ARENA BELIEVES THIS TO BE A TOTALLY SPURIOUS OPTION SINCE, WERE GUERRERO TO RALLY EVENTUALLY TO THE POC, HE WOULD BE UNABLE TO DELIVER HIS BASE,

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El Salvador: Human Rights
Special Project (1993)

WHICH IS "NATIONALIST" LIKE ARENA AND WOULD TRANSFER ITS VOTES EN MASSE TO THE LATTER.

5. GOVERNMENT PROGRAM

[redacted] SAID ARENA WAS ON THE VERGE OF ANNOUNCING ITS PROPOSED PROGRAM FOR GOVERNMENT ON TELEVISION, BUT WANTED TO MAKE THE GESTURE OF LETTING THE EMBASSY BE THE FIRST OUTSIDE OF ARENA TO SEE IT. THE PROGRAM IS "FOUNDED" ON THE ELEVEN POINTS QUOTED BELOW:

-- THE HUMAN PERSON IS THE BASE OF THE FAMILY, OF THE SOCIETY AND OF THE STATE; AS SUCH, IT IS THE RAISON D'ETRE AND THE END OF ALL POLITICAL ACTIVITY.

-- THE HUMAN PERSON HAS RIGHTS AND LIBERTIES THAT ARE INHERENT IN THE PERSON AND WHICH MUST BE RECOGNIZED AND RESPECTED.

-- FOR THE RESPECT OF THESE RIGHTS AND LIBERTIES, THE INDIVIDUAL MUST HAVE ACCESS TO LEGAL MECHANISMS THAT ARE SWIFT AND EFFICIENT IN PROTECTING HIM AGAINST INJUSTICE AND OPPRESSION.

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PAGE 01 SAN SA 01977 02 OF 03 232027Z
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SLPO-01 /039 W
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O 232022Z FEB 84
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 3128
INFO AMEMBASSY BOGOTA
AMEMBASSY GUATEMALA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HEIGHTS PM
USIA WASHDC 2280
[redacted] SECTION 02 OF 03 SAN SALVADOR 01977

USIA FOR AR AND P/CENTAM

E.O. 12356: DECL: 2/23/90
TAGS: PGOV, PREL, PINS, SNUM, ES, US
SUBJECT: ARENA: COALITIONS, GOVERNMENT PROGRAM,

-- *NEITHER THE STATE NOR ANY OFFICIAL OF GOVERNMENT CAN* JUSTIFIABLY USE THE LAW AS A MEANS OF OPPRESSION AGAINST THE HUMAN PERSON.

-- THE RULE OF LAW AND OF JUSTICE WITHOUT DISCRIMINATION IS THE RATIONAL MEANS FOR THE PROTECTION OF THE HUMAN PERSON.

-- TO GOVERN IS TO RULE THROUGH THE WILL OF THE PEOPLE. IT IS TO SUBJECT ALL, THE GOVERNED AND THOSE WHO GOVERN, TO THE RULE OF LAW, ARRIVED AT BY PRIOR AGREE-

[redacted]

PAGE 02 SAN SA 01977 02 OF 03 232027Z

MENT, WITH THE GENERAL WELFARE AS ITS GOAL.

-- RESPECT FOR PRIVATE PROPERTY AND FOR FREE ENTERPRISE

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El Salvador: Human Rights
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IS THE BASIS FOR STIMULATING PROGRESS AND IS THE GUARANTEE OF THE WELLBEING OF THE INDIVIDUAL THE FAMILY; IT CONTRIBUTES AS WELL TO THE WEALTH OF THE NATION.

-- PEACE IS THE MOST PRECIOUS RIGHT AND ATTRIBUTION OF SOCIETY; WHEN IT IS LOST, IT IS THE DUTY OF ALL TO MAKE THE SUPREME SACRIFICE TO RECOVER IT.

-- IT IS POLITICAL DEMAGOGY TO USE DECREE-LAWS (READ LAND, BANK, AND FOREIGN COMMERCE REFORM) AS AN INSTRUMENT OF PLUNDER AND DESTRUCTION AND IT IS AS DAMAGING AS TERRORISM AND THE MACHINE GUN.

-- REPRESENTATIVE DEMOCRACY IS THE BEST SYSTEM OF GOVERNMENT AND THE MOST RATIONAL INSTRUMENT FOR THE FULL DEVELOPMENT OF THE SOCIETY.

-- EL SALVADOR, AS A STATE AND AS A NATION, HAS THE INALIENABLE RIGHT TO LEGAL EQUALITY AMONG STATES, INCLUDING THE RIGHT TO GOVERN ITSELF WITH DIGNITY AND WITHOUT FOREIGN INTERVENTION.

6. THESE PRINCIPLES ARE FLESHED OUT IN A 12-PART DOCUMENT THAT RANGES FROM THE SYSTEM OF JUSTICE, TO THE ECONOMY, AGRARIAN REFORM, HEALTH, EDUCATION, PUBLIC SERVICES, FOREIGN AFFAIRS, ETC., THAT WE WILL ANALYSE SEPTEL AND POUCH IN ORIGINAL FORM FOR DEPARTMENT'S EXAMINATION.

[redacted]

7. RELATIONS WITH THE U.S.

[redacted] SAID HE WAS AWARE THAT POLOFF HAD RECENTLY SUGGESTED THAT THE MERITS OF THE NBCCA REPORT WERE OBVIOUS AND DID NOT DESERVE TO BE ASSAULTED PUBLICLY BY ARENA CAMPAIGN SPEAKERS. HE ASKED THAT WE UNDERSTAND THAT SOME ARENA SPEAKERS WERE YOUNG, PASSIONATE AND EAGER TO DEMONSTRATE THEIR UNALLOYED NATIONALISM. REGRETTABLY THEY WERE OFTEN ILL-PREPARED FOR PUBLIC ORATORY AND THE PARTY COULD NOT HOPE TO REGULATE ALL THEIR REMARKS. [redacted] SAID HE UNDERSTOOD THE MERITS OF THE NBCCA REPORT. MORE BROADLY, NEITHER [redacted] D'AUBUISSON HARBORED REAL ILL-WILL TOWARD THE U.S. ON THE CONTRARY, THEY BOTH ADMIRED THE U.S. GREATLY AND INTENDED ALWAYS TO HAVE EXCELLENT RELATIONS WITH US DESPITE THE IRRITANTS THAT OCCASIONALLY AROSE.

8. [redacted] SAID THAT MUCH OF ARENA'S PUBLIC COMMENTARY ABOUT THE U.S. HAD TO BE SEEN AS TACTICAL RHETORIC. ARENA WAS A NATIONALISTIC PARTY AND IN ORDER TO AWAKEN NATIONALIST SENTIMENTS FULLY IT HAD TO SET UP A SCHEME OF MAJOR ENEMIES. THERE WERE ONLY TWO OUTSIZED, POTENTIAL ENEMIES AVAILABLE-- THE U.S. AND THE SOVIET UNION; THE LATTER WAS TOO REMOTE CULTURALLY, GEOGRAPHICALLY AND HISTORICALLY TO MAKE GOOD USE OF IN A CAMPAIGN. NEVERTHELESS, HE STATED, THE U.S. WOULD BE ASTONISHED AND GRATIFIED TO SEE HOW ARENA WOULD CONDUCT ITSELF IN THE PRESIDENCY, AND IT WOULD SEE THAT THE DOUBTS AND ANTAGONISM IT HAS HARBORED TOWARDS ARENA ARE COMPLETELY UNJUSTIFIED.

9. IMPUGNING THE ALVERGUE CANDIDACY

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[redacted] SECTION 03 OF 03 SAN SALVADOR 01977

USIA FOR AR AND P/CENTAM

E.O. 12356: DECL: 2/23/99
TAGS: PGOV, PREL, PINS, SNUM, ES, US
SUBJECT: ARENA: COALITIONS, GOVERNMENT PROGRAM,

[redacted] ALSO PROVIDED AN EXPLANATION OF ARENA'S EFFORT TO OBTAIN A RULING AGAINST THE VALIDITY OF MAURICIO ALVERGUE'S NOMINATION AS PDC VICE PRESIDENTIAL CANDIDATE. IN THE FIRST PLACE, ARENA THOUGHT IT EXTREMELY UNFAIR FOR ALVERGUE TO REFUSE TO RESIGN AS SERVING VICE PRESIDENT WHEN HE ACCEPTED THE NOMINATION. BY DOING SO, HE WAS SEEKING TO CLUTCH TO AND ABUSE THE PERQUISITES OF OFFICE FOR THE DURATION OF THE CAMPAIGN. WHETHER A LEGAL OBLIGATION OR NOT, ALVERGUE SHOULD HAVE HAD THE DIGNITY TO RESIGN AS HAD ALL OTHER CANDIDATES. IN ANY EVENT, [redacted] SAID, ALVERGUE'S NON-RESIGNATION VIOLATED

THE LETTER AND SPIRIT OF THE ELECTORAL LAW AND THE CONSTITUTION. IT WAS DANGEROUS AS A PRECEDENT, SINCE IT EMASCULATED THE NEW CONSTITUTIONAL PRINCIPLE AGAINST SELF-SUCCESSION IN POWER, WHICH HAD LED TO MANY OF EL SALVADOR'S HISTORICAL ABUSES AND PROBLEMS. IN ADDITION, [redacted] NOTED, THE CONSTITUTION (ART. 211) OBLIGES THE ARMED FORCES TO ENFORCE RESPECT FOR THE PRINCIPLE OF ALTERNATION (I.E., NON-SELF SUCCESSION) IN POWER. ALVERGUE'S ELECTION OR EVEN CANDIDACY WOULD GIVE THOSE IN THE ARMY WHO WANTED TO STAGE A COUP THE PRETEXT FOR ACTION: THE LAST THING EL SALVADOR NEEDED NOW WAS ANOTHER COUP D'ETAT. [redacted] OPINED THAT THE CCE'S DECISION IN FAVOR OF THE REGULARITY OF ALVERGUE'S CANDIDACY (DECIDED 3-2 FEBRUARY 19) HAD BEEN ILL CONSIDERED AND IN DUBIOUS FAITH. NONETHELESS, HE SAID, ARENA DID NOT PLAN TO TRY TO BRING THE MATTER UP BEFORE THE SUPREME COURT.

10. COMMENT

AS FAR AS WE CAN SEE, ARENA'S ARGUMENTATION ABOUT THE ALVERGUE CANDIDACY WAS INEPT. THE CANDIDACY APPARENTLY COMPLIED WITH THE LETTER OF THE LAW, WHICH IN FACT AND INEXPLICABLY EXEMPTED ONLY THE VICE PRESIDENTS FROM OBLIGATORY RESIGNATION IN ORDER TO RUN. IN ADDITION, THE CONSTITUTION'S DISCUSSION OF ALTERNATION IN POWER CLEARLY REFERS ONLY TO THE PRESIDENCY OF THE REPUBLIC, EVEN THOUGH THE POINT IS NOT SPECIFICALLY RECAPITULATED IN ART. 211. ARENA HAD A GOOD GO AT GETTING EVEN WITH THE PDC FOR RUMOR-MONGERING ABOUT D'AUBUISSON'S OWN CANDIDACY BEING IN DANGER, AND IT EVEN FORCED THE PDC TO TAKE AN HOUR OF TV TIME FEBRUARY 21 TO EXPLAIN TO THE NATION WHY THE ARENA ALLEGATION 'TAINT SO, BUT THE [redacted]

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MATTER SEEMS TO HAVE COME TO AN END.

11. ON THE MORE IMPORTANT MATTER OF THE COALITIONS, ARENA STANDS TO MAKE TWO GAINS IF IT SUCCEEDS IN THE NEXT DAYS IN FORGING A JOINT SLATE WITH PAISA AND THE PPS. FIRST, IT WILL ISOLATE THE PCN BETWEEN THE TWO REAL POLES IN EL SALVADOR. SOME OBSERVERS BELIEVE THIS WILL ACTUALLY MAKE CHACHI A GIFT OF THE POLITICAL CENTER AND ENHANCE HIS CHANCES. HOWEVER, THERE IS NO SUBSTANTIAL EVIDENCE THAT A CENTER YET EXISTS HERE IN PROPORTIONS LARGE ENOUGH TO DETERMINE THE OUTCOME OF THE VOTE.

12. SECOND, A THREE-PARTY SLATE -- ALBEIT INCLUDING TWO MINOR PARTIES -- IS ALMOST SURE TO INCREASE BOTH THE VOTE ARENA COULD GET BY ITSELF AND THEREFORE THE LIKELIHOOD OF EDGING OUT THE PCN FOR SECOND PLACE.

13. FINALLY, [redacted] COMMENTS ABOUT YOUNG ARENA SPEAKERS GETTING CARRIED AWAY IN THEIR COMMENTS ABOUT THE U.S. ARE OBVIOUS BALONEY. WE HAVE NO DOUBT THAT D'AUBUISSON COULD SHAPE ARENA ORATORY ANY WAY HE WANTS TO AND IT PROBABLY SERVES HIS PURPOSE TO HAVE THE HARSHEST COMMENTS ABOUT U.S. INTERVENTIONISM, SOFTNESS ON THE LEFT, ETC. TO COME FROM LESS THAN FULLY AUTHORITATIVE SPEAKERS. IN PART, NO DOUBT, THIS RHETORIC IN THE MOUTHS OF D'AUBUISSON AND OTHERS IS PARTLY TACTICAL. IN LARGER PART, IT IS ABSOLUTELY HEARTFELT. [redacted] INTENTIONS ABOUT EXCELLENT RELATIONS WITH THE U.S. ARE PROBABLY REAL, BUT THEY WILL HAVE TO SURMOUNT ARENA'S HEALTHY RESERVE OF RESENTMENT ABOUT THE CONDUCT OF THE U.S. ROLE WITH REGARD TO BOTH EL SALVADOR AND D'AUBUISSON HIMSELF. PICKERING

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SEVERAL MEMBERS OF THE DELEGATION, WHICH APPEARED TO ~~BEGIN~~ REPRESENT MAJORITY SENTIMENT, EXPRESSED THEIR DEEP CONCERN OVER THE EROSION ~~EX~~ OF US INFLUENCE WITH THE ARMED FORCES IN LATIN AMERICA. THEY RECOGNIZED THAT THE MILITARY IN CHILE AND ELSEWHERE IN LATIN AMERICA IS AN IMPORTANT POLITICAL FACTOR, AND WILL BE FOR THE FORSEEABLE FUTURE. THEY FELT IT SERVED US INTEREST TO MAINTAIN A MILITARY SALES AND TRAINING PROGRAM WITH COUNTRIES LIKE CHILE. ~~AT LEAST ONE MEMBER OF CONGRESS~~ THEY ALSO FELT THAT THE REAGAN ADMINISTRATION, IF PRESIDENTIAL LEADERSHIP IS EXERCISED, COULD ~~BEGIN~~ NORMALIZE US MILITARY RELATIONS WITH CHILE AND DEFEAT EFFORTS BY THE VOCAL MINORITY OPPOSED TO ~~THE~~ CHILEAN CERTIFICATION TO REIMPOSE NEW RESTRICTIONS ON US ARMS SALES SALES AND TRAINING. THEY SAID THAT THE NATIONAL INTEREST ARGUMENT FOR CERTIFICATION OF CHILE WAS ONE THAT WOULD WEIGH HEAVILY WITH THEIR COLLEAGUES IN THE US CONGRESS, ~~AND THAT CHILE RELATIONS SHOULD BE THE OVERRIDING CONCERN OF THE USG.~~ AND THAT PURSUIT OF US ~~A~~ NATIONAL INTEREST, WHICH REQUIRES MAINTAINING INFLUENCE WITH THE ARMED FORCES AND A MILITARY BALANCE IN THE ~~E~~ AREA, SHOULD BE THE OVERRIDING CONCERN OF THE USG.

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INFO AMEMBASSY COPENHAGEN
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EO 12356: NA
TAGS: SHUM PINS PTER PREL PGOV DA CI
SUBJECT: DANISH OPPOSITION LEADER REQUESTS US INTERVENTION ON BEHALF OF CHILEAN PRISONERS

REFS: (A) COPENHAGEN 01252; (B) 83 SANTIAGO 7521 (NOTAL)

1. FOR BACKGROUND IN PREPARING ANSWER TO REF A, EMBASSY SANTIAGO SUGGESTS THAT DEPARTMENT MIGHT WISH TO DRAW ON REF B (DATED 12-29-83). THE ONLY CHANGE FROM REF B IS AS FOLLOWS: CHILEAN SUPREME COURT IS STILL CONSIDERING CONSTITUTIONALITY OF COUNCIL OF WAR PROCEEDINGS AS MENTIONED IN PARA C OF REF B. BECAUSE OF SUMMER RECESS, THE CASE WILL NOT BE CONSIDERED UNTIL AT LEAST MARCH

2. ANY RESPONSE TO SUCH INQUIRIES SHOULD, OF COURSE, MAKE THE POINT THAT THE PEOPLE INVOLVED ARE ASSOCIATED WITH THE VIOLENT FAR LEFT EXTREMIST GROUP, THE MIR, AND ARE ACCUSED OF PARTICIPATING IN POLITICAL ASSASSINATIONS. THEY ARE, THEREFORE, NOT "OPPOSITION FIGURES" IN THE SENSE OF PEOPLE ATTEMPTING TO EXERCISE THEIR POLITICAL RIGHTS.
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PAGE 01 SANTIA 01346 281043Z
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AMEMBASSY PARIS
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USMISSION GENEVA

~~C O N F I D E N T I A L~~ SANTIAGO 1346

E.O. 12356: DECL: OADR
TAGS: PREL, SHUM, CI
SUBJECT: CHILEAN DEMARCHE ON UNHRC TREATMENT OF CHILE

1. (C) - ENTIRE TEXT.

2. ON FEBRUARY 24, THE MFA INITIATED A LOBBYING EFFORT REGARDING THE TREATMENT OF THE CHILE ITEM ON THE AGENDA OF THE UN HUMAN RIGHTS COMMISSION (UNHRC) FOR ITS CURRENT SESSION IN GENEVA. REPRESENTATIVES OF THE FRG, CANADIAN, FRENCH AND US EMBASSIES WERE INVITED TO A BRIEFING SESSION BY LUIS EUGENIO CADIZ, ACTING DIRECTOR FOR MULTILATERAL AFFAIRS, WHO SAID THAT THE MFA WISHED TO REINFORCE DEMARCHES THAT HAD BEEN MADE IN VARIOUS CAPITALS TO EXPLAIN THE GOC POSITION.

3. CADIZ GAVE EMBASSY REPRESENTATIVES AN AIDE MEMOIRE (COPY POUCHED ARA/SC/CH) WHICH RESTATED STANDARD GOC POSITION AS FOLLOWS:
A) TREATMENT OF ISSUE HAS BEEN CHARACTERIZED BY "SELECTIVITY

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AND POLARIZATION, WHICH HAS NOT CONTRIBUTED TO OBTAINING THE COOPERATION OF CHILE."
B) "CHILE HAS REPEATEDLY EXPRESSED THAT IT WILL NOT COOPERATE WITH THE SPECIAL RAPPORTEUR AND WILL NOT SUBMIT TO ANY SPECIAL AND IRRELEVANT PROCEEDING". "ECOSOC, THROUGH RESOLUTION 1503, ESTABLISHED A UNIVERSAL PROCEDURE FOR THE EXAMINATION OF

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COMMUNICATIONS RELEVANT TO VIOLATIONS OF HUMAN RIGHTS" WHICH REQUIRES THE CONSENT OF THE STATE FOR THE COMMISSION TO UNDERTAKE AN INVESTIGATION.
C) "THE GOVERNMENT OF CHILE GAVE ITS CONSENT FOR AN AD-HOC WORKING GROUP TO VISIT ITS TERRIROTY" IN KEEPING WITH RESOLUTION 8 (XXXI) IN 1975 OF THE HUMAN RIGHTS COMMISSION. IN THIS RESOLUTION, IT STATES THAT ONCE THE MISSION IS COMPLETED, THE WORKING GROUP WILL CEASE TO EXIST. "THE WORKING GROUP CARRIED OUT ITS MISSION IN 1978 AND THE CHILEAN GOVERNMENT DID EVERYTHING TO FACILITATE ITS TASK." IN KEEPING WITH THE ABOVE RESOLUTION, THE MANDATE OF THE WORKING GROUP EXPIRED AND THE GENERAL PROCEEDING SHOULD HAVE BEEN APPLIED.
D) "NEVERTHELESS, THE GENERAL ASSEMBLY AND THE HUMAN RIGHTS COMMISSION, WITHOUT THE CONSENT OF THE GOVERNMENT OF CHILE, REPLACED THE WORKING GROUP WITH THREE NEW PROCEEDINGS OF THE SAME CHARACTER . . . OF WHICH ONLY THE SPECIAL RAPPORTEUR FOR CHILE REMAINS."
E.) THE BUDGET FOR THE SPECIAL RAPPORTEUR FOR CHILE IS HIGHER THAN FOR OTHER SPECIAL RAPPORTEURS.
F.) "THE RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY, PARTICULARLY THAT OF THE LAST PLENARY REUNION, IS NOTABLE FOR ITS LACK OF SERIOUSNESS, IMPARTIALITY AND REALISM. IT DOES NOT RECOGNIZE ADVANCES AND PROGRESS MADE BY THE CHILEAN GOVERNMENT ON THE INSTITUTIONAL LEVEL. IT LIMITS ITSELF TO REPEATING SENTENCES AND CONCEPTS FROM REOLUTIONS ADOPTED IN PREVIOUS YEARS."
G.) CHILE CATEGORICALLY REJECTS THE INTERVENTION OF OTHER

STATES IN ITS INTERNAL AFFAIRS.
H.) "THE GOVERNMENT OF CHILE WILL AGAIN COLLABORATE WITH THE HUMAN RIGHTS COMMISSION OR THE GENERAL ASSEMBLY WHEN THESE ORGANS OF THE UN TERMINATE THE SPECIAL AND DISCRIMINATORY PROCEEDINGS".

4. FRG AND US POLOFFS RESPONDED THAT THEIR RESPECTIVE GOVERNMENTS WERE ALSO OPPOSED TO SELECTIVE AND DISCRIMINATORY TREATMENT OF HUMAN RIGHTS PROBLEMS, AS ILLUSTRATED BY THEIR UNWILLINGNESS IN PAST UNHRC SESSIONS TO SUPPORT EXTENSION OF THE SPECIAL RAPPORTEUR ON CHILE. FRG POLOFF POINTED OUT THAT CHILEAN ISSUE WAS A HARDY PERENNIAL IN THE UNHRC AND IN THE UNGA, AND THAT ANY EFFECTIVE EFFORT TO CHANGE THE OUTCOME WOULD PERFORCE HAVE TO BE LONG-TERM AND SUSTAINED, RATHER THAN A FLURRY OF ACTIVITY SHORTLY BEFORE A RESOLUTION WAS VOTED. US POLOFF NOTED THAT USUAL CO-SPONSORS OF HOSTILE RESOLUTIONS WERE ABLE TO PRESENT THEIR CASE AN AN ALL-OR-NOTHING PROPOSITION, AND THE CHILEAN POSITION, WHILE UNDERSTANDABLE, HAD THE SAME PRACTICAL EFFECT. HE SUGGESTED

THAT MFA CONSIDER WHETHER THERE MIGHT BE SOME CONCRETE INTERMEDIATE STEPS THAT COULD BE TAKEN TO BRIDGE THE GAP BETWEEN THE PRESENT UNSATISFACTORY SITUATION AND THE APPLICATION OF NORMAL PROCEDURES WHICH CHILE SAID IT COULD ACCEPT. CADIZ AGREED THE FRG AND US OBSERVATIONS WERE SENSIBLE AND THAT MFA WOULD CONSIDER THEM CAREFULLY. FRENCH POLOFF AND CANADIAN AMBASSADOR BULLIS DID NOT COMMENT.

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5. WE UNDERSTAND THAT UK, SPANISH, ITALIAN AND DUTCH EMBOFFS HEARD THE SAME PITCH LATER ON FEBRUARY 24, AND THAT SIMILAR SESSIONS ARE PLANNED FOR ASIAN AND AFRICAN EMBASSIES HERE.
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PAGE 01 SANTIA 01355 281648Z
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EO 12356: DECL: OADR
TAGS: SOPN, PREL, CI, US
SUBJECT: CHILEAN GOVERNMENT REACTION TO SECRETARY'S COMMENTS ON CHILE AT BOSTON WORLD AFFAIRS COUNCIL

REFS:A) SANTIAGO 1341; B) STATE 051849

1. SECRET-ENTIRE TEXT.

2. AS REPORTED IN REFTEL A, WE MET WITH FOREIGN MINISTRY UNDERSECRETARY HUMBERTO JULIO REYES ON FEBRUARY 27 IN LA MONEDA AT HIS REQUEST. IN ADDITION TO THE AGREMENT REQUEST, HE RAISED THE QUESTION OF THE SECRETARY'S COMMENTS ON CHILE AT THE BOSTON WORLD AFFAIRS COUNCIL. WE EXPLAINED TO THE UNDERSECRETARY THAT IT WAS OUR UNDERSTANDING THAT THE SECRETARY DID NOT INTEND TO EQUATE CHILE WITH MARXIST-LENINIST GOVERNMENTS IN CUBA AND NICARAGUA, OR SURINAME, IN WHICH THERE WAS NO INTENTION WHATSOEVER OF ESTABLISHING WESTERN-STYLE DEMOCRACIES. WE ADDED THAT THE OFFICIAL USG POSITION IS OUTLINED IN THE INTRODUCTORY SECTION OF THE HUMAN RIGHTS REPORT RECENTLY SUBMITTED TO THE US CONGRESS IN WHICH CHILE, WHILE NOT MENTIONED BY NAME, WAS INCLUDED AMONGST THOSE TWENTY SEVEN LATIN AMERICAN NATIONS NOMINALLY EMBARKED ON A TRANSITIOO TO FULL DEMOCRACY. HE REPLIED THAT IT WAS REGRETTABLE THAT

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PAGE 02 SANTIA 01355 281648Z

THE SECRETARY HAD PUBLICLY MENTIONED CHILE IN THE CONTEXT OF THOSE PARTICULAR COUNTRIES BECAUSE IT HAD AROUSED A GREAT DEAL OF MEDIA ATTENTION AND SPECULATION IN CHILE AND ELSEWHERE. HE ENDED BY SAYING THAT HE FULLY UNDERSTOOD THE US POSITION, AND THAT THE MATTER WAS CLOSED AS FAR AS HIS GOVERNMENT WAS CONCERNED.

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Case Number: s199900030

3. WE TOLD THE UNDERSECRETARY THAT THE CHILEAN GOVERNMENT IS PARTLY RESPONSIBLE FOR ANY CONFUSION ABOUT THE LOCATION OF CHILE ON THE PATH OF THE DEMOCRATIC TRANSITIONS IN LATIN AMERICA. LAST AUGUST, THE POLITICAL OPENING CONVEYED THE IMPRESSION THAT THE GOVERNMENT WAS EMBARKED ON AN ACCELERATION OF THE TRANSITION PROCESS, WITH CONGRESSIONAL ELECTIONS AHEAD OF TIME. SIX MONTHS LATER THERE ARE UNDERSTANDABLE DOUBTS AMONGST CHILEANS, AND NOT JUST THE POLITICAL OPPOSITION, AS WELL AS IN THE UNITED STATES AS TO THE COMMITMENT OF THE GOVERNMENT TO AN ACCELERATED TRANSITION PLAN. EVEN CHILEANS FRIENDLY TO THE GOVERNMENT ARE CONCERNED ABOUT THE LIMITED NATURE OF THE POLITICAL OPENING AND THE ABSENCE OF A CONSTRUCTIVE DIALOGUE ON A PEACEFUL TRANSITION. IT WAS CLEAR THAT THE MAJORITY OF THE CHILEAN PEOPLE WANTED TO BRING TO AN END GOVERNMENT BY THE ARMED FORCES AND TO REESTABLISH A STABLE DEMOCRACY BEFORE 1989. WE POINTED OUT THAT ONLY THE MOST EXTREME, ANTI-DEMOCRATIC SECTORS, LIKE THE COMMUNIST AND MARXIST SOCIALISTS, STAND TO BENEFIT FROM POLITICAL IMMOBILITY.

4. COMMENT: THIS CONVERSATION, LIKE THE QUICK CHILEAN REACTION IN QUITO TO CRITICAL PUBLIC REMARKS BY A U S EMBASSY OFFICER (QUITO 1850) ILLUSTRATES THE DEEP SENSITIVITY OF THE GOC TO USG CRITICISM. THE MOST RECENT COMMENTS PRODUCED THREE STATEMENTS BY SENIOR

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PAGE 03 SANTIA 01355 281648Z

CHILEAN OFFICIALS, TWO FROM UNDER SECRETARY JULIO AND ONE FROM INTERIOR MINISTER JARPA, THE REACTION OF JARPA BEING THE SHARPEST AND MOST NATIONALISTIC. SUCH REACTIONS CAN BE EXPECTED, AND NEED NOT ETER US FROM OCCASIONAL PUBLIC CRITICISM IF OUR COMMENTS FORM PART OF A DELIBERATE STRATEGY FOR INFLUENCING THE COURSE OF EVENTS HERE OR CLARIFYING U S POSITIONS. BUT WE SHOULD USE THIS BLUNT INSTRUMENT SPARINGLY AND WITH A CLEAR PURPOSE, SO THAT WE DO NOT NEEDLESSLY REDUCE OUR ABILITY TO PURSUE THE SAME OBJECTIVES IN PRIVATE CONTACTS WITH THE GOC.
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( ) withheld: classified ( ); deliberative ( );
law enforcement ( ); privacy ( ), statutory ( );
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USIA FOR AR AND P/CENTAM

E.O. 12356: DECL: 02/29/90
TAGS: SHUM, PINS, ES
SUBJECT: ALLEGED ARMED FORCES' TARGETING OF CIVILIAN POPULATION

1. [redacted] - ENTIRE TEXT.

2. *ALLEGATIONS THAT THE SALVADORAN ARMED FORCES (ESAF),* AND THE AIR FORCE (FAS) IN PARTICULAR, HAVE TARGETED CIVILIAN POPULATIONS FOR MILITARY ACTION HAVE BEEN MADE TO THE EMBASSY IN RECENT WEEKS. ARYEH NEIER, OF AMERICAS WATCH, CHARGED IN A JANUARY 23 LETTER TO THE AMBASSADOR THAT THE ESAF HAD ATTACKED DISPLACED CIVILIANS GATHERED TO SEE MEDICAL ASSISTANCE FROM THE INTERNATIONAL COMMIT-

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PAGE 02 SAN SA 02247 292245Z

TEE OF THE RED CROSS (ICRC). IN HIS FEBRUARY 13 RESPONSE, THE AMBASSADOR EXPLAINED THAT THE EMBASSY HAD NO INFORMATION ON SUCH ATTACKS AND THAT OUR SOURCES HAVE BEEN UNABLE TO VERIFY NEIER'S CLAIMS. ON FEBRUARY 14, NEIER MET WITH POLCOUNS AND SAID THAT AN ICRC SOURCE TOLD HIM THAT THE FAS HAD BOMBED AN ICRC MEDICAL DISPENSARY IN A CONFLICTIVE AREA OF MORAZAN DEPARTMENT WHERE CIVILIANS WERE GATHERED SHORTLY AFTER A SWISS ICRC DELEGATE HAD LEFT THE AREA. NEIER DID NOT PROVIDE A DATE AND/OR PLACE FOR THE ALLEGED ATTAC. HE ALSO CHARGED THAT THE ESAF DELIBERATELY TARGETS CIVILIANS IN CONFLICTIVE ZONES, WHERE THE ESAF BELIEVES CIVILIANS HAVE SHELTERED OR OTHERWISE ASSISTED GUERRILLAS. NEIER SAID THE TARGETED CIVILIANS WERE NOT "MASAS" (GUERRILLA CAMP FOLLOWERS WHO PROVIDE LOGISTICAL AND OTHER SUPPORT) BUT SIMPLY CIVILIANS FOUND IN TOWNS THE GUERRILLAS OCCUPY AND THEN LEAVE WHEN THE ESAF SHOW UP.

3. *ON FEBRUARY 15 THE AMBASSADOR MET WITH TWO SWISS* DELEGATES FROM THE LOCAL ICRC AND ASKED THEM ABOUT ALLEGATIONS OF ESAF USE OF THE ICRC TO LOCATE GUERRILLA SUPPORTERS AMONG THE CIVILIAN POPULATION. THE DELEGATES SAID THAT DURING THE END OF 1983, THERE WERE INSTANCES IN WHICH THE FAS BOMBED AREAS NEAR WHERE AN ICRC MEDICAL TEAM WAS WORKING OR HAD JUST LEFT. THESE INCIDENTS OCCURRED IN SOUTHERN USULUTAN DEPARTMENT, NEAR JIQUILISCO, *AND IN THE GUAZAPA AREA (DEPARTMENTS OF SAN SALVADOR* AND CUSCATLAN). WHILE THE DELEGATES DECLINED TO STATE CATEGORICALLY THAT THEY BELIEVED THAT THE NOTIFICATION *THE ICRC ALWAYS PROVIDES THE ESAF OF THEIR FIELD TRIPS* IS BEING USED TO TARGET CIVILIANS, THE DELEGATES CAUTIOUSLY AND SOMEWHAT RELUCTANTLY ADMITTED THAT THEY FELT THAT THE BOMBINGS COULD NOT BE COINCIDENTAL. THE AMBAS-

[redacted]

PAGE 03 SAN SA 02247 292245Z

SADOR OFFERED TO TAKE THIS MATTER UP WITH THE GOES, IF THE ICRC WISHED. THE DELEGATES THANKED HIM FOR THE OFFER BUT, TO DATE, HAVE NOT REQUESTED EMBASSY ASSISTANCE NOR REPORTED ANY NEW INCIDENTS.

4. THE ICRC AND AMERICAS WATCH CLAIMS RUN CONTRARY TO EMBASSY UNDERSTANDING OF AND EXPERIENCE WITH ESAF POLICY. THE FAS COMMANDER, WHILE ADMITTING THAT ERRORS *CANNOT ALWAYS BE AVOIDED, MAINTAINS THAT HIS PILOTS ARE* UNDER ORDERS NOT REPEAT NOT TO BOMB TOWNS IN WHICH GROUND

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El Salvador: Human Rights
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TROOPS HAVE MADE CONTACT WITH GUERRILLAS AND, IN THEIR TARGETING IN GENERAL, TO AVOID BOMBING IN POPULATED AREAS. WE KNOW FOR A FACT THAT THE FAS HAS CALLED OFF AIR STRIKES FOR FEAR OF BOMBING CIVILIANS OR OF BOMBING IN AREAS WHERE THE EXACT ENEMY LOCATION IS NOT CLEAR.

3. WITH REGARD TO ESAF ATTACS ON CIVILIAN POPULATIONS IN TOWNS PREVIOUSLY HELD OR OCCUPIED BY THE GUERRILLAS, OAO AND MILGP PERSONNEL ARE PROHIBITED FROM ACCOMPANYING ESAF ON OPERATIONS AND THEREFORE HAVE NO FIRST-HAND KNOWLEDGE OF ARMY BEHAVIOR IN CAPTURED TOWNS. HOWEVER, OUR PERCEPTION IS THAT COMMANDERS ARE GENUINELY INTERESTED IN WINNING OVER CIVILIAN POPULATIONS RATHER THAN TAKING PUNITIVE ACTION AGAINST THEM. THE ESAF GENERAL STAFF IS WELL AWARE THAT ITS OBSERVANCE OF HUMAN RIGHTS IS UNDER CLOSE SCRUTINY, AND WE BELIEVE IT IS SINCERELY COMMITTED TO IMPROVING THE SITUATION. IN OUR VIEW, IT WOULD NEITHER COUNTENANCE NOR TOLERATE SUCH BEHAVIOR.
BLEAKLEY

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United States Department of [illegible]

Washington, D.C. 20520

MARCH [illegible], 1984

Dear Senator Kennedy:

This is in response to your letter of January 16, enclosing correspondence from Mr. Hernan Ortega of the Chilean Socialist Party in Mexico concerning the cases of Rafael Ruiz Moscutelli, Andres Nicolas Galanakis Tapia, Gustavo Francisco Zepeda Camiliere, Victor Barcelli, Luis Enrique Lopez Mora, Ramon Moreira Barahona and Jose Morales Lisana.

Ruiz, Galanakis and Zepeda were arrested by Chilean authorities on December 28 and charged with violations of Chile's internal security laws including organizing an armed group and carrying out several of the terrorist attacks which have occured recently. Press reports indicate that a quantity of weapons and ammunition were discovered in the possession of the three individuals at the time of their arrests. Galanakis was acquitted in 1983 of other separate charges of violating internal security laws. At the time of his earlier arrest on January 8, 1983 Galanakis suffered a gunshot wound from which he apparently subsequently recovered.

Ruiz, Galanakis and Zepeda are alleged members of "La Chispa" which is known to be a pro-Cuban marxist-leninist socialist faction. La Chispa is not affiliated with the Socialist Bloc, an organization of six socialist factions and five Christian socialist groups, which is a member of the Democratic Alliance, the main Chilean democratic opposition movement. In addition to the Socialist Bloc, the Democratic Alliance includes members of the Christian Democratic, Radical, Social Democratic and Republican Right parties. The Socialist Bloc's rejection of La Chispa reportedly relates to the latter's advocacy of violence and Cuban-style communism.

Victor Barcelli was arrested on December 16, 1983 together with three other individuals and was also charged with violation of Chile's internal security laws.

According to the Catholic Church human rights organization, the Vicariate of Solidarity, Ruiz, Galanakis, Zepeda, and Barcelli remain under detention. They are not eligible for bail while the investigating judge completes the pre-trial inquiry, a process that may take several weeks. The Department has received no information alleging mistreatment.

FAIM/IAP/WI

1984 MAR -6 PM 4:35

The Honorable
Edward M. Kennedy,
United States Senate.

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Department of State

INCOMING TELEGRAM

RELEASE

SHUM-4

PAGE 01 SAN SA 02494 071944Z 3881 ARA9870
ACTION ARA-00

ACTION OFFICE ELSA-02
INFO FILE-01 ARA-05 PPC-01 ECP-01 RPP1-01 RPP2-01 OAS-01
SSE-01 SLPD-03 DCEN-01 REG-01 /019 A3 JP

INFO OCT-00 COPY-01 ADS-00 INR-10 SS-00 CIAE-00 DODE-00
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FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC PRIORITY 3480
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY MANAGUA
AMEMBASSY MEXICO
AMEMBASSY PANAMA
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
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RELEASED
El Salvador: Human Rights
Special Project (1993)

[redacted] SAN SALVADOR 02494

USIS FOR AR AND P/CENTAM

E.O. 12356: DECL: OADR
TAGS: PGOV, ES
SUBJECT: CHURCHWOMEN CASE MOVES TO THE NEXT STAGE IN - TRIAL PROCESS

1. (U) DR. GERONIMO CASTILLO, GOES CHIEF PROSECUTOR FOR THE CHURCHWOMEN'S MURDER CASE, REPORTED TO POLOFF 3/6/84 THAT THE "PROBATORY PHASE" OF THE TRIAL WAS OFFICIALLY TERMINATED ON 3 MARCH 1984. THE ATTORNEY GENERAL'S OFFICE RECEIVED OFFICIAL NOTIFICATION ON MARCH 6. NEXT STEP IN THE TRIAL PROCESS IS PREPARATION AND PRESENTATION OF THE PROSECUTION'S "ALEGATO" (LEGAL BRIEF). CASTILLO EXPECTS TO DELIVER HIS BRIEF TO THE COURT IN ZACATECOLUCA NO LATER THAN MARCH 10, 1984.

2. (C) JUDGE RAUDA CONFIRMED BY TELEPHONE FROM ZACATECOLUCA THAT THE PROBATORY PHASE OF THE CASE ENDED ON 3/3/84. HE HAS CLOSED THE COURT RECORD TO ALL ADDITIONAL EVIDENCE EXCEPT FOR DEFENSE MINISTER VIDES CASANOVA'S POSSIBLE DECLARATION. RAUDA REPORTS THAT HE OFFICIALLY NOTIFIED VIDES OF THE REQUESTED DECLARATION PRIOR TO CLOSING THE PROBATORY PHASE AND WILL THEREFORE ACCEPT HIS STATEMENT ANY TIME BEFORE THE CASE GOES TO THE JURY.

3. (C) COMMENT. SO FAR, THE CHURCHWOMEN MURDER TRIAL PROCESS IS WITHIN ONE DAY OF THE TIMETABLE WORKED OUT BY CASTILLO AND EMBASSY LEGAL ADVISER MENDEZ LAST WEEK. THE SALVADORAN CODE OF CRIMINAL PROCEDURES DOES NOT ALLOW FOR ANY ADDITIONAL APPEALS UNTIL AFTER THE JUDGE HAS PRONOUNCED FINAL SENTENCE. FURTHER DELAYS WOULD BE PRACTICAL IN NATURE (ILLNESS, CIVIL DISTURBANCES, INABILIT OR REFUSAL TO PREPARE DOCUMENTS ON TIME, AND INABILITY TO IMPANEL A JURY). CASTILLO'S ALEGATO/LEGAL BRIEF IS APPARENTLY ALREADY PREPARED. HE PLANS TO TURN IT OVER TO LEGAL ADVISER MENDEZ ON MARCH 7 FOR REVIEW AND REVISION. PICKERING

Department of State IS/FPC/CDR El Salvador SP Date 9/22/93
Declassified under EO 12356 (X) in full; ( ) in part;
portions withheld: classified ( ); deliberative ( );
law enforcement ( ); privacy ( ), statutory ( );
not relevant to El Salvador ( ).

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Chile Project (#S199900030)
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Exemption(s) 1.5 B1

PAGE 01 SANTIA 01552 071326Z
ACTION ARA-00

INFO	OCT-00	COPY-01	ADS-00	AID-00	INR-10	OIC-02	
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FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 7928
INFO AMEMBASSY MEXICO CITY

~~C O N F I D E N T I A L~~ SANTIAGO 1552

E.O. 12356: DECL: OADR
TAGS: PGOV, SHUM, MX, CI
SUBJECT: VISIT OF ANSELMO SULE TO CHILE

REF: A) MEXICO 3185; B) SANTIAGO 1222

1. CONFIDENTIAL - ENTIRE TEXT.

2. ANSELMO SULE, INTERNATIONAL SECRETARY OF THE RADICAL PARTY AND VICE PRESIDENT OF THE SOCIALIST INTERNATIONAL, RECENTLY COMPLETED HIS EIGHT DAY VISIT TO CHILE FOR THE FUNERAL OF HIS SISTER. HIS REQUEST FOR AN EXTENSION OF THE EIGHT DAYS WAS REJECTED. HE DID NOT CONTACT ANY EMBASSY OFFICERS DURING HIS STAY IN CHILE.

3. FYI: APROPOS OF COMMENTS CONTAINED REF A ON THE MODERATION OF SULE AND THE POSSIBILITY THAT HE WILL PLAY A CONSTRUCTIVE ROLE IN THE FUTURE POLITICAL LIFE OF CHILE WHEN IT RETURNS TO CIVILIAN RULE, THERE FOLLOWS A SUMMARY OF COMMENTS HE MADE ON HIS RELATIONS WITH THE MIR, THE MOST IMPORTANT TERRORIST GROUP IN CHILE, IN A NEWSPAPER INTERVIEW PUBLISHED MARCH 4, SOON AFTER HIS DEPARTURE FROM CHILE:

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--"AT THIS TIME, THE MIR IS NOT MY ENEMY, NOR IS IT MY ADVERSARY; AT THIS TIME, THE MIR DOES NOT CREATE ANY PROBLEM FOR ME IN THE STRUGGLE FOR RECOVERING DEMOCRACY IN CHILE. THUS, AT THIS TIME, I DO NOT HAVE TO WORRY ABOUT THE MIR."

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--"WHAT CONCERNS ME IS TO SEARCH FOR THE MOST AMPLE AND UNIFIED MEANS TO RECOVER DEMOCRACY. WHEN DEMOCRACY IS RECOVERED, I AM GOING TO MAINTAIN ALL THE ELEMENTS WHICH PERMIT THE PERMANENCE OF DEMOCRACY. AND, IF I HAVE TO JOIN WITH THE MIR IN THE DEFENSE OF THIS DEMOCRACY, IN AN ATTITUDE OF STRUGGLE, I WILL DO IT. NOW, WHAT I WANT TO MAKE CLEAR IS THE FOLLOWING: THE MIR IS AN OPPOSITION PARTY WHICH HAS STATED ITS METHODOLOGY IN A VERY CLEAR FORM. NEITHER THE RADICAL PARTY NOR THE OTHER POLITICAL PARTIES AGREE WITH THIS METHODOLOGY. CONSEQUENTLY, THE BEST THAT WE CAN DO AT THIS TIME IS TO BASE THE GRAND COALITION (FRENTE AMPLIO) ON THE METHODOLOGICAL UNITY OF THE PEACEFUL PATH".

--SULE THEN WENT ON TO EXPLAIN THAT HE HAD JOINED WITH THE MIR IN MEXICO IN 1981 BECAUSE THE AGREEMENT HELPED TO CREATE A WIDE OPPOSITION FRONT AT THAT TIME AND THAT HIS STANCE HAD BEEN SUPPORTED BY THE CHILEAN PEOPLE. NOW THAT A WIDER OPPOSITION FRONT, BASED ON THE POLITICAL PARTIES (DEMOCRATIC ALLIANCE) AND SUPPORTED BY THE CHILEAN PEOPLE, HAD BEEN ESTABLISHED, HE AGREED WITH THE EXCLUSION OF THE MIR FROM THAT OPPOSITION FRONT.

4. COMMENT: THE LONG, REVEALING INTERVIEW CITED ABOVE SHOWS SULE [redacted] AS [redacted] DESPITE HIS HALF-HEARTED EXCLUSION OF THE MIR FROM THE DEMOCRATIC
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PAGE 03 SANTIA 01552 071326Z

ALLIANCE (AD), FOR EXAMPLE, HE CONTINUES TO FAVOR AN ALLIANCE BETWEEN THE COMMUNIST-DOMINATED POPULAR DEMOCRATIC MOVEMENT (MDP), WHICH INCLUDES THE MIR, AND THE ANTI-COMMUNIST AD. IN FACT, AS THE INTERVIEW MAKES CLEAR, SULE IS PREPARED TO COOPERATE WITH ANY GROUP -COMMUNIST, MIR OR OTHER EXTREMIST REVOLUTIONARY FORCE-- NOT ONLY TO OVERTHROW THE DICTATORSHIP, BUT AFTER THE RESTORATION OF DEMOCRACY AS WELL, IF IT SUITS HIS OWN POLITICAL PURPOSES.
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Department of State IS/FPC/CDR El Salvador SP Date 9-22-93
Declassified under EO 12356 (X) in full; ( ) in part;
portions withheld: classified ( ); deliberative ( );
law enforcement ( ); privacy ( ), statutory ( );
not relevant to El Salvador ( ).

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TEXT OF TELEGRAM 84SAN SA002499

ADP070
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PAGE 01 SAN SA 02499 071952Z
ACTION ARA-00

INFO	OCT-00	COPY-01	ADS-00	INR-10	SS-00	CIAE-00	DODE-00
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FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC PRIORITY 3484
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
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USIA WASHDC 2389

[redacted] SAN SALVADOR 02499

USIA FOR ARA AND P/CENTAM

E.O. 12356: DECL: OADR
TAGS: PREL, PGOV, ES, US
SUBJECT: D'AUBUISSON VISA "DENIAL"

REF: STATE 064622

1. CONFIDENTIAL - ENTIRE TEXT.

2. THE TACTIC OF DISCOURAGING VISITS TO THE U.S BY ANY OFFICIAL PRESIDENTIAL CANDIDATES SEEMS TO HAVE SUBSTANTIALLY LIMITED THE POTENTIAL DAMAGE FROM THE D'AUBUISSON VISA "DENIAL." WE HAVE NOT YET SEEN D'AUBUISSON HIMSELF, ALTHOUGH AMBASSADOR IS ATTEMPTING TO DO SO THIS WEEK. HOWEVER, ARENA LEADERS HUGO

[redacted]

PAGE 02 SAN SA 02499 071952Z

BARRERA, ARMANDO CALDERON SOL AND BILLY SOL SEEMED REASONABLY MOLLIFIED DURING BREAKFAST WITH DCM AT BARRERA'S MARCH 6. BARRERA AGAIN INDICATED THAT THE NON-ISSUANCE OF A VISA PROBABLY BOOSTED SUPPORT FOR THE MAJOR ALTHOUGH HE QUIPPED THAT THE WAY THE MATTER WAS FINESSED WOULD DENY ARENA SOME JUICY MATERIAL AMMUNITION FOR ATTACKS ON THE U.S. LATER IN THE CONVERSATION, HE ALSO REPEATED (AS PREVIOUSLY REPORTED) THAT WE SHOULD NOT TAKE SERIOUSLY HIS PARTY'S RHETORICAL SALLIES AGAINS

TEXT OF TELEGRAM 84SAN SA002499

THE U.S., WHICH ARE INTENDED CHIEFLY FOR DOMESTIC CONSUMPTION TO STIR UP NATIONALIST SENTIMENTS DURING THE CAMPAIGN. INDEED, THE LENGTHY CONVERSATION WITH THESE LEADERS WAS A FRIENDLY EXCHANGE ON POLITICS AND THE ECONOMY, DURING WHICH WE DETECTED NO SIGN OF SERIOUS RESENTMENTS OR INTENTIONS OF MISCHIEF.

3. THUS FAR, AT LEAST, THE ISSUE OF THE VISA HAS HAD LITTLE PUBLIC PLAY, PROBABLY BECAUSE THE CONSERVATIVE LOCAL MEDIA HAVE HAD NO CUE FROM D'AUBUISSON TO BEGIN REND ING THEIR EDITORIAL GARMENTS. THE PDC, NOW COUNTER-ATTACKING STRONGLY AGAINST ARENA'S SUCCESSFUL IMPEACHMENT OF THE ALVERGUE VP CANDIDACY, HAS BEEN EXAMINING THE DEPARTMENT'S EXPLANATION FOR ITS POTENTIAL USE AGAINST D'AUBUISSON, BUT HAS SAID NOTHING YET.

4. IN FACT, D'AUBUISSON IS DEFENDING HIMSELF EMOTIONALLY AT THE MOMENT FROM A PDC MANEUVER (SEPTEL) TO IMPEACH HIS OWN CANDIDACY FOR THE PRESIDENCY ON GROUNDS THAT INCLUDE SUSPICION FOR THE ROMERO ASSASSINATION AND FOR DEATH SQUAD INVOLVEMENT. THESE CHARGES CLEARLY NETTLE HIM MIGHTILY. SINCE HE CANNOT RAISE THE VISA QUESTION WITHOUT ALSO BRINGING UP THE DEATH SQUAD ALLEGATIONS, HE MAY HAVE DECIDED THAT IT WOULD BE COUNTERPRODUCTIVE FOR

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PAGE 03 SAN SA 02499 071952Z

NOW TO TRY TO MILK IT FOR ITS POTENTIAL UTILITY.

5. WE HAVE RECEIVED NO INQUIRIES FROM THE OTHER PRESIDENTIAL CANDIDATES ABOUT THEIR VISA STATUS AND PLAN TO EXPLAIN THE SITUATION TO THEM AS PER REFTEL IN THE COURSE OF ROUTINE MEETINGS NOW BEING ARRANGED WITH THE AMBASSADOR.
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PAGE 01 STATE 072048
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TO USMISSION GENEVA IMMEDIATE
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AMEMBASSY BEIJING IMMEDIATE
AMEMBASSY BELGRADE IMMEDIATE
AMEMBASSY BOGOTA IMMEDIATE
AMEMBASSY BONN IMMEDIATE
AMEMBASSY BRASILIA IMMEDIATE
AMEMBASSY BUENOS AIRES IMMEDIATE
AMEMBASSY CARACAS IMMEDIATE
AMEMBASSY DAKAR IMMEDIATE
AMEMBASSY DAR ES SALAAM IMMEDIATE
AMEMBASSY DHAKA IMMEDIATE
AMEMBASSY DUBLIN IMMEDIATE
AMEMBASSY HARARE IMMEDIATE
AMEMBASSY HELSINKI IMMEDIATE
AMEMBASSY ISLAMABAD IMMEDIATE
AMEMBASSY KIGALI IMMEDIATE

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PAGE 02 STATE 072048

AMEMBASSY LOME IMMEDIATE

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AMEMBASSY LONDON IMMEDIATE
AMEMBASSY MANILA IMMEDIATE
AMEMBASSY MAPUTO IMMEDIATE
AMEMBASSY MONTEVIDEO IMMEDIATE
AMEMBASSY NAIROBI IMMEDIATE
AMEMBASSY OTTAWA IMMEDIATE
AMEMBASSY PANAMA IMMEDIATE
AMEMBASSY SAN JOSE IMMEDIATE
AMEMBASSY SAN SALVADOR IMMEDIATE
AMEMBASSY THE HAGUE IMMEDIATE
AMEMBASSY TOKYO IMMEDIATE
AMEMBASSY YAOUNDE IMMEDIATE
USMISSION USUN NEW YORK IMMEDIATE
INFO AMEMBASSY BERLIN
AMEMBASSY DAMASCUS
AMEMBASSY MADRID
AMEMBASSY MANAGUA
AMEMBASSY MEXICO
AMEMBASSY MOSCOW
AMEMBASSY NEW DELHI
AMEMBASSY PARIS
AMEMBASSY SOFIA
USINT HAVANA

[redacted] STATE 072048

E.O. 12356: OADR
TAGS: SHUM, PREL, UNHRC, ES
SUBJECT: *UN HUMAN RIGHTS COMMISSION: RESOLUTION ON EL SALVADOR*

REF: (A) GENEVA 1981; (B) GENEVA 2031

[redacted]

PAGE 03 STATE 072048

1. CONFIDENTIAL - ENTIRE TEXT

2. FOR GENEVA: USDEL IS REQUESTED TO TABLE FOLLOWING AMENDMENTS TO FRENCH-MEXICAN DRAFT RESOLUTION (REF A).

PREAMBLE

FIFTH PREAMBULAR PARAGRAPH: DELETE ENTIRE PARA

SIXTH PREAMBULAR PARAGRAPH: REPLACE "REPRESENTATIVE

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portions withheld: classified ( ); foreign ( ); privileged ( ); statutory ( );
law enforcement ( ); personal ( ); not relevant to El Salvador ( ).
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Special Project (1993)

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POLITICAL FORCES OF THAT COUNTRY" WITH "OTHER POLITICAL FORCES"; REPLACE "IS THE ONLY WAY TO ACHIEVE A COMPREHENSIVE NEGOTIATED" WITH "MAY CONTRIBUTE TO A".

ADD NEW PREAMBULAR PARAGRAPH AFTER EXISTING PARA 6:
NOTING WITH SATISFACTION THAT ACCORDING TO THE REPORT OF

THE SPECIAL REPRESENTATIVE, WHILE THE SITUATION WITH REGARD TO RESPECT FOR HUMAN LIFE IN EL SALVADOR CONTINUES TO BE VERY SERIOUS, THE NUMBER OF POLITICAL MURDERS HAS CONTINUED TO DECLINE AND THAT THE RATE OF DECLINE OF 90 PERCENT NOTED IN 1982 HAS BEEN MAINTAINED OR ACCENTUATED.

OPERATIVE PARAGRAPHS

ADD A NEW OPERATIVE PARAGRAPH 2:
"2. WELCOMES ALL EFFORTS TO IMPROVE THE HUMAN RIGHTS SITUATION IN EL SALVADOR, IN PARTICULAR THE ESTABLISHMENT AND ACTIVITY OF A HUMAN RIGHTS COMMISSION BY THE GOVERNMENT OF EL SALVADOR AS WELL AS THE PROMULGATION AND IMPLEMENTATION OF THE AMNESTY PROGRAM FOR BOTH GUERRILLAS AND POLITICAL PRISONERS,"

EXISTING OPERATIVE PARA 2: AFTER "COMMISSION," ADD "WHILE POSITIVE". REPLACE "MODIFY" WITH "DRAMATICALLY

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IMPROVE".

EXISTING OPERATIVE PARA 3: AFTER "FACTORS" ADD ", AS WELL AS FROM EXTERNAL SUPPORT FOR SUBVERSION,".

EXISTING OPERATIVE PARAGRAPH 5:
DELETE "WHICH PROVE"; REPLACE "REGULARLY RESORT TO BOMBARDING" WITH "HAVE BOMBARDED"; REPLACE "CAMPS" WITH "DISPLACED PERSON CAMPS", DELETE REST OF PARAGRAPH.

EXISTING OPERATIVE PARAGRAPH 6: AFTER "CORPS" ADD "TO THE INSURGENCY," AND REPLACE "THE RECENT DECREASE" WITH "THE CONTINUING DECREASE";

ADD A NEW OPERATIVE PARAGRAPH BETWEEN EXISTING PARAGRAPHS 7 AND 8:
"ACKNOWLEDGES THE IMPORTANCE OF THE CONTADORA PROCESS AND

[redacted]

[redacted]

URGES ALL STATES TO TAKE WHATEVER STEPS POSSIBLE TO ENCOURAGE THIS PROCESS."

EXISTING OPERATIVE PARAGRAPH 8: DELETE AND REPLACE ENTIRE PARAGRAPH WITH: "URGES ALL STATES TO ABIDE BY THE OBJECTIVES AGREED TO BY THE CONTADORA AND CENTRAL AMERICAN FOREIGN MINISTERS ON SEPTEMBER 10, 1983, WHICH INCLUDE INTER ALIA:

--TO CURB THE ARMS RACE IN ALL ITS FORMS AND TO INITIATE NEGOTIATIONS ON THE CONTROL AND REDUCTION OF THECURRENT ARMS INVENTORY AND THE NUMBER OF TROOPS,

--TO ELIMINATE THE ARMS TRAFFIC FOR PERSONS, GROUPS, OR

ORGANIZATIONS TRYING TO DESTABILIZE THE GOVERNMENTS OF

[redacted]

CENTRAL AMERICA, AND

--TO ESTABLISH CONTROL MECHANISMS FOR THIS PURPOSE;"

ADD NEW PARAGRAPH AFTER EXISTING OPERATIVE PARAGRAPH 9:
"COGNIZANT OF THE CONTADORA AND CENTRAL AMERICAN FOREIGN MINISTERS STATEMENT OF OBJECTIVES WHICH CALLS FOR PROMOTION OF NATIONAL RECONCILIATION EFFORTS WHEREVER DEEP DIVISIONS HAVE TAKEN PLACE WITHIN SOCIETY, WITH A VIEW TO FOSTERING PARTICIPATION IN DEMOCRATIC POLITICAL PROCESSES IN ACCORDANCE WITH THE LAW, RECOMMENDS EXERCISE BY THE CITIZENS OF EL SALVADOR OF THE RIGHT TO EXPRESS THEIR WILL THROUGH DEMOCRATIC ELECTIONS (ARTICLE 21 OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND ARTICLE 25 OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS) AND CALLS ON THE OPPOSITION FORCES TO HONOR THEIR PLEDGE TO REFRAIN FROM DISRUPTING THE MARCH 25 PRESIDENTIAL ELECTIONS BY FORCE OF ARMS";

EXISTING OPERATIVE PARAGRAPH 10:
REPLACE "DEPLORES" WITH "REGRETS"; DELETE "WHICH RECENTLY REITERATED THEIR WILLINGNESS TO RENEW THE TALKS WITHOUT DELAY"; DELETE "COMPREHENSIVE NEGOTIATED".

REPLACE EXISTING OPERATIVE PARAGRAPH 12 WITH:
"COMMENDS THE GOVERNMENT OF EL SALVADOR FOR THE

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IMPLEMENTATION OF REFORMS, SUCH AS AGRARIAN REFORM, NECESSARY FOR THE ECONOMIC AND SOCIAL PROBLEMS WHICH ARE AT THE ROOT OF THE INTERNAL CONFLICT IN THAT COUNTRY; AND, WHILE NOTING THE SPECIAL REPRESENTATIVE'S CONCLUSION THAT ECONOMIC, SOCIAL AND, CULTURAL RIGHTS CANNOT IMPROVE OVERNIGHT BUT ONLY THROUGH A GRADUAL PROCESS OF REFORMS;- URGES THE GOVERNMENT OF EL SALVADOR TO CONSOLIDATE AND STRENGTHEN THE REFORM PROCESS;"

ADD A NEW OPERATIVE PARAGRAPH BETWEEN PARAGRAPHS 12 AND

13:
"URGES THE INTERNATIONAL COMMUNITY TO INCREASE ECONOMIC ASSISTANCE IN ORDER EASE THE PLIGHT OF THOSE RESIDING IN DISPLACED PERSONS CAMPS, TO REBUILD THE ECONOMIC INFRASTRUCTURE DAMAGED IN THE CONFLICT, AND TO AID IN THE ECONOMIC ADVANCEMENT OF THE POOREST ELEMENTS OF SALVADORAN SOCIETY;"

RENUMBER THE PARAGRAPHS ACCORDINGLY.

3. ACTION REQUESTED: WE BELIEVE THAT THIS REDRAFT, DRAWING HEAVILY FROM THE SPECIAL REPRESENTATIVE'S REPORT AND THE CONTADORA DECLARATION OF PRINCIPLES, SHOWS OUR WILLINGNESS TO SUPPORT A BALANCED RESOLUTION WHICH, WHILE CRITICAL OF THE HUMAN RIGHTS SITUATION, RECOGNIZES THAT-- THE SITUATION IS NOT ALL BLACK AND THAT SOME PROGRESS HAS BEEN MADE. POSTS ARE REQUESTED TO MAKE DEMARCHES AT AN APPROPRIATE LEVEL TO URGE SUPPORT FOR THESE AMENDMENTS AND TO ASK HOST GOVERNMENTS TO INSTRUCT THEIR REPRESENTATIVES TO VOTE AGAINST THE RESOLUTION UNLESS IT ISAMENDED. PLEASE NOTE THAT VOTING IS SCHEDULED FOR TUESDAY, MARCH 13.

4. FOR GENEVA: THE BOTTOM LINE FOR MINIMUM MODIFICATIONS TO EXISTING LANGUAGE FOR U.S. ACCEPTANCE IS CHANGES INDICATED IN EXISTING PREAMBULAR PARAGRAPHS FIVE AND SIX, AND IN EXISTING OPERATIVE PARAGRAPHS TWO, FIVE, EIGHT, TEN, TWELVE, AND THE NEW PARAGRAPH ON ELECTIONS- AFTER EXISTING PARAGRAPH NINE. SHULTZ

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Chile Project (#S199900030)
U.S. Department of State
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PAGE 01 GENEVA 02105 01 OF 02 121758Z
ACTION IO-15

INFO OCT-00 COPY-01 ADS-00 INR-10 EUR-00 SS-00 OIC-02
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O 121746Z MAR 84
FM USMISSION GENEVA
TO SECSTATE WASHDC IMMEDIATE 2462
INFO USMISSION USUN NEW YORK
AMEMBASSY MADRID
AMEMBASSY MEXICO
AMEMBASSY SANTIAGO

~~C O N F I D E N T I A L~~ SECTION 01 OF 02 GENEVA 02105

E.O. 12356: OADR
TAGS: UNHRC, SHUM, PREL, CI
SUBJECT: UN HUMAN RIGHTS COMMISSION - RESOLUTION ON CHILE (U)

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1. ~~CONFIDENTIAL~~ - ENTIRE TEXT.

2. SPANISH DEL HAS HANDED US DEL TEXT OF RESOLUTION ON CHILE, WHICH WILL BE TABLED SHORTLY, PRESUMABLY BY MEXICO. US DEL EXPECTS TO VOTE "NO," WITH EXPLANATION OF VOTE WHICH REFERS BACK TO ANALYSIS OF CHILE IN AMB SCHIFTER'S SPEECH TO THE COMMISSION OF MARCH 9.
3. BEGIN TEXT.

THE COMMISSION ON HUMAN RIGHTS,

AWARE OF ITS RESPONSIBILITY TO PROMOTE AND ENCOURAGE RESPECT FOR HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS FOR ALL AND DETERMINED TO REMAIN VIGILANT WITH REGARD TO VIOLATIONS OF HUMAN RIGHTS WHEREVER THEY OCCUR,

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PAGE 02 GENEVA 02105 01 OF 02 121758Z

STRESSING THE OBLIGATION OF GOVERNMENTS TO RESPECT AND PROTECT HUMAN RIGHTS AND TO CARRY OUT THE RESPONSIBILITIES THEY HAVE UNDERTAKEN BY VIRTUE OF VARIOUS INTERNATIONAL INSTRUMENTS,

RECALLING ITS RESOLUTION 11 (XXXV) OF 6 MARCH 1979, IN

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WHICH IT AGREED TO APPOINT A SPECIAL RAPPORTEUR ON THE SITUATION OF HUMAN RIGHTS IN CHILE, AND ITS RESOLUTION 1983/38 OF 8 MARCH 1983 IN WHICH IT DECIDED TO EXTEND FOR ONE MORE YEAR THE MANDATE OF THE SPECIAL RAPPORTEUR, AS WELL AS GENERAL ASSEMBLY RESOLUTIONS 33/173 OF 20 DECEMBER 1978 ON DISAPPEARED PERSONS, AND 38/102 OF 16 DECEMBER 1983 IN WHICH THE GENERAL ASSEMBLY AGREED, INTER ALIA, TO INVITE THE COMMISSION ON HUMAN RIGHTS TO EXTEND THE SAID MANDATE OF THE SPECIAL RAPPORTEUR,

EXPRESSING AGAIN ITS PROFOUND CONCERN AT THE PERSISTENCE IN GENERAL OF THE SERIOUS SITUATION OF HUMAN RIGHTS IN CHILE, AS STATED BY THE SPECIAL RAPPORTEUR, WHICH HAS NOT ONLY FAILED TO IMPROVE BUT SHOWS A DETERIORATION AND THAT THE REPEATED APPEALS OF THE GENERAL ASSEMBLY AND THE COMMISSION ON HUMAN RIGHTS TO RE-ESTABLISH HUMAN RIGHTS AND FUNDAMENTAL FREEDOM HAVE BEEN IGNORED BY THE CHILEAN AUTHORITIES, WHICH CONTINUE TO REFUSE TO CO-OPERATE WITH THE COMMISSION ON HUMAN RIGHTS AND ITS SPECIAL RAPPORTEUR,

-- 1. COMMENDS THE SPECIAL RAPPORTEUR FOR HIS REPORTS ON THE SITUATION OF HUMAN RIGHTS IN CHILE, PREPARED IN ACCORDANCE WITH RESOLUTION 1983/38 OF THE COMMISSION ON HUMAN RIGHTS;

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PAGE 03 GENEVA 02105 01 OF 02 121758Z

-- 2. EXPRESSES ITS PROFOUND DISTRESS AT THE PERSISTENCE AND INCREASE OF SERIOUS AND SYSTEMATIC VIOLATIONS OF HUMAN RIGHTS IN CHILE AS DESCRIBED IN THE REPORT OF THE SPECIAL RAPPORTEUR, IN PARTICULAR THE VIOLENT REPRESSION OF POPULAR PROTESTS DUE TO THE REFUSAL OF THE AUTHORITIES TO RESTORE THE DEMOCRATIC ORDER AND HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCURRING INSTEAD NEW, SERIOUS AND FLAGRANT VIOLATIONS OF HUMAN RIGHTS ON A MASSIVE SCALE, INCLUDING DETENTIONS AND NUMEROUS DEATHS;

-- 3. MANIFESTS ITS ALARM AT THE IMPUNITY OF THE REPRESSIVE ACTION OF THE POLICE AND SECURITY BODIES, AND IN PARTICULAR, OF THE NATIONAL INFORMATION CENTER (CNI), AS INDICATED IN THE REPORTS OF THE SPECIAL RAPPORTEUR;

-- 4. REITERATES ONCE AGAIN ITS CONCERN AT THE DISRUPTION IN CHILE OF THE TRADITIONAL DEMOCRATIC LEGAL ORDER AND ITS INSTITUTIONS, ESPECIALLY THROUGH THE MAINTENANCE OF EXCEPTIONAL LEGISLATION, THE INSTITUTIONALIZATION OF STATES OF EMERGENCY, THE EXTENSION OF THE MILITARY JUDI-

CATURE AND THE ENFORCEMENT OF A CONSTITUTION WHICH DOES NOT REFLECT A FREELY EXPRESSED POPULAR WILL AND THE PROVISIONS OF WHICH NOT ONLY FAIL TO GUARANTEE HUMAN RIGHTS OF FUNDAMENTAL FREEDOM BUT ALSO SUPPRESS, SUSPEND OR RESTRICT THEIR ENJOYMENT AND EXERCISE;
-- 5. NOTES AGAIN WITH CONCERN THE INEFFICACY OF THE REMEDIES OF HABEAS CORPUS OR AMPARO AND OF PROTECTION IN VIEW OF THE FACT THAT THE JUDICIARY IN CHILE DOES NOT FULLY EXERCISE ITS POWERS OF INVESTIGATION, CONTROL AND VIGILANCE IN THIS RESPECT AND DISCHARGES ITS FUNCTIONS UNDER SEVERE RESTRICTIONS;
-- 6. ONCE AGAIN REQUESTS THE CHILEAN AUTHORITIES TO RE-ESTABLISH AND RESPECT HUMAN RIGHTS IN COMPLIANCE WITH THE

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PAGE 04 GENEVA 02105 01 OF 02 121758Z

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PAGE 01 GENEVA 02105 02 OF 02 121759Z
ACTION IO-15

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TO SECSTATE WASHDC IMMEDIATE 2463
INFO USMISSION USUN NEW YORK
AMEMBASSY MADRID
AMEMBASSY MEXICO
AMEMBASSY SANTIAGO

~~C O N F I D E N T I A L~~ SECTION 02 OF 02 GENEVA 02105

E.O. 12356: OADR
TAGS: UNHRC, SHUM, PREL, CI
SUBJECT: UN HUMAN RIGHTS COMMISSION - RESOLUTION ON

OBLIGATIONS THEY HAVE ASSUMED UNDER VARIOUS INTERNATIONAL INSTRUMENTS AND, IN PARTICULAR, TO LIFT THE REGIME OF EXCEPTION AND THE PRACTICE OF DECLARING STATES OF EMERGENCY, UNDER WHICH SERIOUS AND CONTINUING VIOLATIONS OF

HUMAN RIGHTS ARE COMMITTED, AND TO RESTORE THE PRINCIPLE OF LEGALITY, DEMOCRATIC INSTITUTIONS AND THE EFFECTIVE ENJOYMENT AND EXERCISE OF CIVIL AND POLITICAL RIGHTS AND FUNDAMENTAL FREEDOMS;

-- 7. ONCE MORE URGES THE CHILEAN AUTHORITIES TO INVESTIGATE AND CLARIFY THE FATE OF PERSONS WHO HAVE ARRESTED FOR POLITICAL REASONS AND SUBSEQUENTLY DISAPPEARED, TO INFORM THEIR FAMILIES OF THE RESULTS OF SUCH INVESTIGATION AND TO BRING TO TRIAL AND PUNISH THOSE GUILTY FOR THEIR DISAPPEARANCE;

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PAGE 02 GENEVA 02105 02 OF 02 121759Z

-- 8. REITERATES ITS APPEAL TO THE CHILEAN AUTHORITIES OF THE NEED TO PUT AN END TO INTIMIDATION AND PERSECUTION, AS WELL AS ARBITRARY OR ILLEGAL DETENTIONS AND IMPRISONMENT IN SECRET PLACES AND TO RESPECT THE RIGHT OF PERSONS TO LIFE AND PHYSICAL INTEGRITY ENDING THE PRACTICE OF TORTURE AND OTHER FORMS OF CRUEL, INHUMAN OR DEGRADING TREATMENT WHICH, ON OCCASION, LEAD TO UNEXPLAINED DEATHS;

-- 9. ONCE AGAIN URGES THE CHILEAN AUTHORITIES TO RESPECT THE RIGHT OF CHILEANS TO LIVE IN AND FREELY ENTER AND LEAVE THEIR COUNTRY, WITHOUT RESTRICTIONS OR CONDITIONS OF ANY KIND, AND TO CEASE THE PRACTICE OF "RELEGATIONS" (ASSIGNMENT OF FORCED RESIDENCE) AND FORCED EXILE;

-- 10. RENEWS ITS APPEAL TO THE CHILEAN AUTHORITIES TO RESTORE THE FULL ENJOYMENT AND EXERCISE OF LABOR RIGHTS, IN PARTICULAR THE RIGHT TO ORGANIZE TRADE UNIONS, THE RIGHT TO COLLECTIVE BARGAINING AND THE RIGHT TO STRIKE;

-- 11. ONCE MORE URGES THE CHILEAN AUTHORITIES TO PROTECT AND, WHERE APPROPRIATE, RESTORE THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS OF THE POPULATION AND, IN PARTICULAR, TO RESPECT THE RIGHTS INTENDED TO PRESERVE THE CULTURAL IDENTITY AND IMPROVE THE SOCIAL STATUS OF THE INDIGENOUS POPULATIONS;

-- 12. CALLS AGAIN UPON THE CHILEAN AUTHORITIES TO COOPERATE WITH THE SPECIAL RAPPORTEUR AND TO SUBMIT THEIR COMMENTS ON HIS REPORT TO THE COMMISSION ON HUMAN RIGHTS AT ITS FORTY-FIRST SESSION;

-- 13. DECIDES TO EXTEND FOR ONE YEAR THE MANDATE OF THE CONFIDENTIAL

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PAGE 03 GENEVA 02105 02 OF 02 121759Z

SPECIAL RAPPORTEUR AND REQUESTS HIM TO REPORT TO THE GENERAL ASSEMBLY AT ITS THIRTY-NINTH SESSION ON THE SITUATION OF HUMAN RIGHTS IN CHILE;

-

-- 14. RECOMMENDS THE ECONOMIC AND SOCIAL COUNCIL TO MAKE APPROPRIATED ARRANGEMENTS TO ENSURE THAT NECESSARY FINANCIAL RESOURCES AND SUFFICIENT STAFF ARE PROVIDED TO IMPLEMENT THIS RESOLUTION;

-- 15. DECIDES TO STUDY THE QUESTION OF THE SITUATION OF HUMAN RIGHTS IN CHILE AS A MATTER OF HIGH PRIORITY AT ITS FORTY-FIRST SESSION.

END TEXT. VAN HEUVEN

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El Salvador: Human Rights
Special Project (1993)

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PAGE 01 SAN SA 03315 01 OF 02 271625Z
ACTION RP-10

INFO OCT-00 COPY-01 ADS-00 INR-10 CIAE-00 H-01 ARA-01
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O 271620Z MAR 84
FM AMEMBASSY SAN SALVADOR
TO DIRINS WASHDC IMMEDIATE
INFO SECSTATE WASHDC 9103
AMEMBASSY MEXICO

[redacted]ON 01 OF 02 SAN SALVADOR 03315

INS FOR COEAC
DEPT FOR HA AND RPI ARA/RPP
MEXICO FOR DIRINS

E.O. 12356: N/A
TAGS: SHUM, SREF, ES
SUBJECT: EL SALVADORAN EXPELLEE TRACKING, REPORT NO. 2

1. THE SURVEY IS WELL UNDERWAY. WE HAVE HIRED THREE ADDITIONAL PERSONS TO ASSIST WITH THE FIELD INTERVIEWS. ONE IS AN ATTORNEY AND TWO ARE LAW SUTDENTS. WE ARE PAYING EACH THE EQUIVALENT OF DLS. 150.00 USC PER 40 HOUR WORK WEEK. TRANSPORTATION WAS A PROBLEM AND SO WE ARE PAYING TWO OF THESE EMPLOYEES AN ADDITIONAL EQUIVALENT OF DLS. 25.00 USC PER DAY FOR THE USE OF THEIR PERSONAL VEHICLES. ONE OF THEM DOES NOT HAVE A VEHICLE AND WE ARE FURNISHING HIM WITH A TAXI AND DRIVER FOR THE SAME AMOUNT OF THE EQUIVALENT OF DLS. 25.00 USC PER DAY. IN BOTH THESE INSTANCES THE COST IS LESS THAN RENTING CARS AS WE ARE PAYING A FLAT RATE AND DO NOT HAVE TO PAY MILAGE.

2. THE PARTIAL SURVEY CONDUCTED BY THE EMBASSY WHICH WAS [redacted]

PAGE 02 SAN SA 03315 01 OF 02 271625Z

REPORT[redacted] EARLIER HAS NOW BEEN COMBINED INTO THE PRESENT

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SURVEY AND WILL NOT BE REFERRED TO IN THE FUTURE. COMBINING THE TWO LIST (THE FIRST OF 139 NAMES AND THE SECOND OF 145 NAMES) HAS GIVEN US A RAW NUMBER OF 284 PERSONS TO BE SURVEYED. WE HAVE BROKEN THE RESULTS DOWN INTO (1) LOCATED. (2) WELFARE ESTABLISHED. THIS IS WHERE WE ARE SATISFIED THE PERSON'S WELFARE HAS BEEN ESTABLISHED (THROUGH CONTACT WITH A RELATIVE OR NEIGHBOR) SUFFICIENTLY WELL FOR US TO CLOSE THE CASE. (3) WELFARE U.S. THIS IS WHERE WE HAVE NOT ONLY ESTABLISHED TO OUR SATISFACTION THE WELFARE OF THE PERSON BUT ADDITIONALLY WE HAVE BEEN INFORMED THEY HAVE RETURNED TO THE UNITED STATES. (4) UNKNOWN. THIS IS THE CATEGORY WHERE WE HAVE GONE TO THE ADDRESS GIVEN AND EITHER IT IS FICTICIOUS BY BEING NON-EXISTANT OR THE PERSON IS COMPLETELY UNKNOWN TO THE RESIDENTS OF THE AREA. WE ARE COUNTING LETTERS RETURNED BY THE POST OFFICE FROM THE CONFLICTED AREAS AS UNKNOWN. (5) CONFLICT ZONE. THESE ARE THOSE AREAS WHICH WE CANNOT ENTER DUE TO THE DANGER FROM GUERRILLA ACTIVITIES. (6) CONFLICT ZONE CONTACTS. THESE ARE THE PERSONS WHO THOUGH LOCATED IN A CONFLICT ZONE HAVE RESPONDED TO A CALL IN LETTER OR IN SOME OTHER MANNER WERE ACCOUNTED FOR IN SUCH A WAY AS TO ALLOW US TO CLOSE THE CASE. (7) ASSIGNED. THESE ARE THOSE CASES WHICH HAVE BEEN ASSIGNED TO OUR FIELD EMPLOYEES WHERE THERE IS A CHANCE THE SOUGHT PERSON MAY BE LOCATED.

3. IT IS IMPORTANT TO KNOW THAT A LETTER HAS BEEN MAILED TO EVERY LISTEE WHO HAD SUFFICIENT INFORMATION TO ADDRESS AN ENVELOPE. IT IS THOUGHT THESE PERSONS MAY WELL CONTINUE TO WANDER INTO THE EMBASSY FOR LITERALLY WEEKS AFTER WE LEAVE.

[redacted]

PAGE 03 SAN SA 03315 01 OF 02 271625Z

TOTAL SURVEYED	LOCATED INTERVIEWED	WELFARE ESTABLISHED
- 284	51 (18 PER CENT)	23 (8.1 PER CENT)

WELFARE RET'D US	UNKNOWN FIC/ADD	CONFLICT ZONE
7 (2.5 PER CENT	78 (27.8 PER CENT)	100 (35.2 PER CENT)

CONFLICT ZONE-CLOSED	ASSIGNED SEEKING

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El Salvador: Human Rights
Special Project (1993)

27 (9.5 PER CENT) 59 (20.7 PER CENT)

4. TO DATE, NOT ONE PERSON INTERVIEWED HAS MADE ANY ALLEGATION OF HAVING BEEN MISTREATED AS A RESULT OF HAVING LEFT EL SALVADOR; HAVING GONE TO THE UNITED STATES; OR HAVING BEEN CAUGHT AND SUBSEQUENTLY RETURNED BACK HERE. ONLY ONE HAS EVEN MENTIONED AN ACT OF VIOLENCE AND THIS WAS A PERSON WHOSE FATHER WAS ALLEGEDLY KILLED BY UNKNOWN PERSONS DURING HIS ABSENCE IN THE UNITED STATES. THIS ACT SEEMS TO BE COMPLETELY UNRELATED TO THIS PERSON'S TRIP TO THE U.S.

5. THE INS DETAIL WILL REMAIN IN EL SALVADOR FOR SO LONG AS IT TAKES TO ATTEMPT TO CONTACT EVERY PERSON IN THIS SURVEY. WE WILL RETURN TO OUR RESPECTIVE STATIONS, REQUESTING THE EMBASSY TO FORWARD ANY INTERVIEW SHEETS FROM PERSONS WHO WANDER IN THEREAFTER. THOSE PERSONS NOT SATISFACTORILY ACCOUNTED FOR IN THE LOCATED OR WELFARE CATEGORIES WILL BE RUN THROUGH THE LIST OF PERSONS WHO DIED AT THE HANDS OF "DEATH SQUADS" IN THIS COUNTRY. THE POLITICAL SECTION HAS COMPILED SUCH A LIST FROM NEWS ITEMS.

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PAGE 01 SAN SA 03315 02 OF 02 271628Z
ACTION RP-10

INFO OCT-00 COPY-01 ADS-00 INR-10 CIAE-00 H-01 ARA-00
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FM AMEMBASSY SAN SALVADOR
TO DIRINS WASHDC IMMEDIATE
INFO SECSTATE WASHDC 4184
AMEMBASSY MEXICO

[redacted] SECTION 02 OF 02 SAN SALVADOR 03315

INS FOR COEAC
DEPT FOR HA AND RP; ARA/RPP
MEXICO FOR DIRINS

E.O. 12356: N/A
TAGS: SHUM, SREF, ES
SUBJECT: EL SALVADORAN EXPELLEE TRACKING, REPORT NO. 2

NOTE: THE NUMBER OF CLOSED CASES FROM THE CONFLICTED ZONES
ARE CARRIED UNDER THEIR APPROPRIATE CATEGORY AND ARE NOT AN INDIVIDUAL STATISTIC.

6. A FINAL REPORT WILL BE FORTHCOMING BEFORE THE INS TEAM LEAVES HERE.
STEELE, INS DISTRICT DIRECTOR MEXICO.
PICKERING

UNCLASSIFIED [redacted]

[redacted] DECLASSIFIED [redacted]

Department of State IB/FPC/CDR El Salvador SP Date 9/23/93
Declassified under EO 12356 (X) in full; ( ) in part;
Exemptions withheld: classified ( ); deliberative ( );
law enforcement ( ); privacy ( ), statutory ( );
not relevant to El Salvador ( ).
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El Salvador. Human Rights
Special Project (1993)

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PAGE 01 SAN SA 03648 01 OF 02 041855Z
ACTION ARA-00

INFO OCT-00 COPY-01 ADS-00 INR-10 EUR-00 SS-00 CIAE-0
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SIL-01 SAL-01 A-02 SYE-00 USIE-00 SP-02 SNP-01
PRS-01 SLPD-01 /079 W
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FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC PRIORITY 4334
INFO AMEMBASSY BOGOTA
AMEMBASSY BRUSSELS
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HEIGHTS PN
USIA WASHDC 2651

[redacted] SECTION 01 OF 02 SAN SALVADOR 03648

USIA FOR AR AND P/CENTAM
BRUSSELS FOR USEC LABATT

E.O. 12356: DECL: OADR
TAGS: ELAB, PINS, SHUM, ES
SUBJECT: PN DISCLOSES ARRESTED LABOR LEADER'S CONFESSION

REF: (A) SAN SALVADOR 03547 (B) SAN SALVADOR 01379

1. (S) SUMMARY. ON APRIL 3, LABOFF VISITED NATIONAL POLICE (PN) DIRECTOR COL. REYNALDO LOPEZ NUILA TO INQUIRE ABOUT THE MARCH 27 ARREST OF CARLOS ERNESTO VASQUEZ SOMETA, THE SECRETARY GENERAL OF THE WATERS AUTHORITY WORKERS UNION (SETA). THE TEXT OF A PN

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PAGE 02 SAN SA 03648 01 OF 02 041855Z

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DOCUMENT PURPORTING TO BE VASQUEZ'S VOLUNTARY TESTIMONY

[redacted]

IS REPORTED WITHIN THE BODY OF THIS CABLE. IT IS, SUPPOSEDLY, VASQUEZ'S RELATION OF HIS CAREER WITHIN THE FEDERATION OF SALVADORAN WORKERS (FENASTRAS) AND OF HIS PAST AND PRESENT ACTIVITIES AS A MEMBER OF THE FARN GUERRILLA GROUP.

2. (S) LABOFF MET ON APRIL 3 WITH THE DIRECTOR OF THE NATIONAL POLICE, COL. REYNALDO LOPEZ NUILA, TO INQUIRE ABOUT THE MARCH 27 ARREST OF CARLOS ERNESTO VASQUEZ, THE SECRETARY GENERAL OF SETA, THE UNION OF EMPLOYEES OF ANDA, THE WATERS AUTHORITY. LOPEZ NUILA SHOWED LABOFF AN ENTRY IN THE PN'S ARREST LOGBOOK NOTING VASQUEZ'S DETENTION FOR SUSPICION OF BEING A MEMBER OF THE FARN GUERRILLA GROUP. LOPEZ NUILA ALSO GAVE LABOFF A COPY OF A DOCUMENT ISSUED BY THE PN'S CRIMINAL INVESTIGATIONS UNIT (CIC), WHICH DOCUMENT IS, PURPORTEDLY, VASQUEZ'S DETAILED AND UNFORCED CONFESSION RELATING SUBVERSIVE ACTIVITIES AND CONTACTS WITHIN THE FARN. THERE FOLLOWS AN ABRIDGED TRANSLATION OF THIS DOCUMENT:

3. (U) BEGIN TEXT. CARLOS ERNESTO VASQUEZ SOMETA SAID HE HAS BEEN A MEMBER OF THE FARN TERRORIST ORGANIZATION SINCE DECEMBER, 1980. HE IS PRESENTLY THE SECRETARY GENERAL OF THE WATERS AUTHORITY WORKERS UNION (SETA) AND THE SECRETARY OF ORGANIZATION OF THE NATIONAL FEDERATION OF SALVADORAN WORKERS (FENASTRAS). VASQUEZ FURTHER STATED THAT HE HAS FUNCTIONED BOTH AS A LABOR AND POLITICAL ACTIVIST WITHIN SETA, FENASTRAS AND THE FARN. HE STATED THAT HIS MISSION IS TO INDOCTRINATE AND ORIENT THE SETA RANK AND FILE ON THE SOCIAL, POLITICAL AND ECONOMIC GOALS OF THE FARN'S PLANS, WHICH INCLUDE THE EVENTUAL IMPLEMENTATION OF A

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PAGE 03 SAN SA 03648 01 OF 02 041855Z

PROVISIONAL FMLN GOVERNMENT IN EL SALVADOR.

4. (U) VASQUEZ INFORMED THAT HE BEGAN TO WORK FOR ANDA IN 1978, AND ALSO JOINED SETA AT THAT TIME. IN OCTOBER, 1979, HE MET MARIO CABRERA, CODE NAME "BRIGIDO," A PROMINENT FARN LEADER (NOTE: CABRERA IS THE SECRETARY GENERAL OF FENASTRAS). ONCE HE JOINED THE FARN, VASQUEZ WAS CHOSEN TO REPRESENT FENASTRAS IN SEVERAL INTERNATIONAL EVENTS, INCLUDING RED "SUMMIT" MEETINGS IN HAVANA AND PRAGUE.

El Salvador. Human Right
Special Project (1993)

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5. (U) VASQUEZ FURTHER INFORMED THAT A FELLOW MEMBER OF SETA, FRANCISCO ANTONIO ROMERO MARTINEZ, HAS LINKS WITH THE CAYETANO CARPIO REVOLUTIONARY WORKERS' MOVEMENT (MOR), A HARD-LINE SPLINTER GROUP OF THE FPL GUERRILLA ORGANIZATION. THIS SAME ROMERO RECENTLY URGED SETA MEMBERS TO JOIN THE MOR AND TO AGITATE FOR THE RELEASE OF THE 9 FSR MEMBERS ARRESTED BY THE NATIONAL POLICE ON JANUARY 18, 1983 (SEE REFTEL B). ANOTHER SETA MEMBER, CIRILO HUEZO, A MIDDLE ECHELON MEMBER OF THE FARN, IS THE FENASTRAS LABOR/POLITICAL ADVISOR TO THE SETA WORKERS. HUEZO IS ALSO FENASTRAS' SECRETARY OF LABOR DISPUTES.

7. (U) VASQUEZ DECLARED THAT FENASTRAS RECEIVES FUNDS FROM THE MOSCOW-DOMINATED WORLD FEDERATION OF TRADE UNIONS (WFTU) AND FROM THE FDR. THESE FUNDS ARE SENT FROM MEXICO THROUGH A MEMBER OF THE PCES WHO SERVES AS A COURIER, ONE JORGE MENDOZA. MENDOZA IS ALSO A MEMBER OF THE FUSS, THE PCES' LABOR FRONT IN EL SALVADOR. VASQUEZ GAVE THE CODE NAMES (ROLANDO, SOFIA AND MICHELLE) OF MEMBERS OF THE NON-GOES HUMAN RIGHTS COMMISSION WHO HAVE ACTIVE LINKS TO THE FARN. VASQUEZ

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PAGE 01 SAN SA 03648 02 OF 02 041855Z
ACTION ARA-00

INFO OCT-00 COPY-01 ADS-00 INR-10 EUR-00 SS-00 CI
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P 041780Z APR 84
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC PRIORITY 4338
INFO AMEMBASSY BOGOTA
AMEMBASSY BRUSSELS
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HEIGHTS PN
USIA WASHDC 2652

[redacted] SECTION 02 OF 02 SAN SALVADOR 03648

USIA FOR AR AND P/CENTAM
BRUSSELS FOR USEC LABATT

E.O. 12356: DECL: OADR
TAGS: ELAB, PINS, SHUM, ES
SUBJECT: PM DISCLOSES ARRESTED LABOR LEADER'S CONFESSION

ALSO SAID THAT THE FARN/FENASTRAS LEADERSHIP SET THE GROUND RULES FOR THE RECENT SERIES OF WORK STOPPAGES BY THE SETA UNION (REFTEL A). END TEXT.

8. (S) COMMENT: AS WE HAVE PREVIOUSLY REPORTED, FENASTRAS HAS BEEN, SINCE ITS INCEPTION, THE LABOR FRONT OF THE FAPU/FARN GUERRILLA GROUP. VASQUEZ'S

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PAGE 02 SAN SA 03648 02 OF 02 041855Z

TESTIMONY, IF VALID, INDICATES THAT THERE IS ALSO SOME MOR INFLUENCE WITHIN FENASTRAS. ACCORDING TO DECREE 50

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RECENTLY PASSED BY THE NATIONAL ASSEMBLY, THE NATIONAL POLICE HAS FIFTEEN DAYS (SINCE THE MARCH 27 ARREST), TO EITHER BRING CHARGES AGAINST VASQUEZ OR RELEASE HIM. END COMMENT.

9. DEPARTMENT MAY WISH TO PASS THIS MESSAGE TO POSTS WHERE WFTU ISSUES ARE RELEVANT.
PICKERING

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Department of State **TELEG**

Department of State IS/FPC/CDR El Salvador SP Date 9/2
Declassified under EO 12356 ( ) in full; (X in part;
portions withheld: classified (X); deliberative ( );
law enforcement ( ); privacy ( ), statutory ( );
not relevant to El Salvador ( ).

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PAGE 01 SAN SA 03847 01 OF 02 0917062
ACTION ARA-00

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AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HEIGHTS PN
USIA WASHDC 2690

[redacted] SECTION 01 OF 02 SAN SALVADOR 03847

BRUSSELS FOR USEC LABATT
USIA FOR AR AND P/CENTAM

E.O. 12356: DECL: OADR
TAGS: ELAB, SHUM, PINS, ES
SUBJECT: MEETING WITH ARRESTED LEFTIST LABOR LEADER

REF: (A) SAN SALVADOR 3648, (B) SAN SALVADOR 3647

[redacted] ENTIRE TEXT.

2. ON APRIL 7, LABOFF RECEIVED PERMISSION FROM NATIONAL POLICE DIRECTOR, COLONEL REYNALDO LOPEZ NUILA, TO VISIT CARLOS VASQUEZ SOMETA, THE JAILED SECRETARY GENERAL OF THE WATERS AUTHORITY WORKERS UNION (SETA) (REFTEL A).

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PAGE 02 SAN SA 03847 01 OF 02 0917062

LABOFF'S V[redacted] WAS PROMPTED BY THE NEED T[redacted] CERTAIN RECENT (AND SO FAR PRIVATE) CHARGES MADE
UNIVERSITY PROFESSOR TO THE EFFECT THAT
ARRESTED MARCH 27, HAD BEEN BEATEN AND T
NATIONAL POLICE. COL. LOPEZ NUILA TOLD
VASQUEZ SOMETA WILL BE RELEASED ON APRIL
THE POLICE ARE CONVINCED HE IS A MEMBER
GUERRILLA GROUP (AS INDICATED BY HIS CONI
REPORTED REFTEL A). LOPEZ NUILA HAS DECI
PRESS CHARGES AGAINST HIM FOR MANY REASO
LEAST OF WHICH IS THE PROXIMITY OF PRESI
RUNOFF AND THE THREAT OF ANOTHER SETA ST

3. LABOFF WAS ALLOWED TO TALK WITH VASQ
A HALF HOUR IN TOTAL PRIVACY AT THE NATIO
DETENTION CENTER. VASQUEZ LOOKED HALE A
HAD NO VISIBLE MARKS OF TORTURE OR BEATI
HIMSELF SAID HE HAD NOT BEEN PHYSICALLY
TORTURED IN ANY WAY AND HAD BEEN VISITED
RIGHTS COMMISSION LABOR/CAMPESINO REPRESE
APRIL 5. HE CHARGED, HOWEVER, THAT HIS
CONFESSION HAD BEEN WRESTED FROM HIM UNDE
PROLONGED IMPRISONMENT IN MARIONA PRISON,
SUBVERSIVE.

PAGE 03 SAN SA 03847 01 OF 02 0

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PAGE 01 SAN SA 03847 02 OF 02 0917062
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[redacted] SECTION 02 OF 02 SAN SALVADOR 03847

BRUSSELS FOR USEC LABATT
USIA FOR AR AND P/CENTAM

E.O. 12356: DECL: OADR
TAGS: ELAB, SHUM, PINS, ES
SUBJECT: MEETING WITH ARRESTED LEFTIST LABOR LEADER

6. YASQUEZ IS AWARE THAT HIS UNION, SETA, AND THE BANKWORKERS UNION (SITRABIF) RECENTLY THREATENED TO INITIATE ANOTHER WORK STOPPAGE ON APRIL 11, UNLESS HE IS FREED BY THEN. SETA, AS PREVIOUSLY REPORTED, IS AFFILIATED TO THE FARM-LINKED FENASTRAS FEDERATION. YASQUEZ SAID HE BECAME SECRETARY GENERAL OF SETA IN 1980 AND IS ALSO SECRETARY OF ORGANIZATION WITHIN FENASTRAS.

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PAGE 01 TEGUCI 05097 01 OF 02 282139Z
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CONTADORA COLLECTIVE

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~~C O N F I D E N T I A L~~ SECTION 01 OF 02 TEGUCIGALPA 05097

E.O. 12356: DECL: 4/28/99
TAGS: OREP, PGOV, MILI, HO
SUBJECT: CODEL JOHNSTON: CALL ON MINISTER OF THE PRESIDENCY

1. CONFIDENTIAL - ENTIRE TEXT
2. SUMMARY: MINISTER OF THE PRESIDENCY FLORES DID NOT BREAK NEW GROUND IN HIS 18 APRIL CONVERSATION WITH CODEL JOHNSTON. HE BELIEVES THE UPCOMING ELECTIONS IN NICARAGUA WILL BE CONTROLLED BY THE SANDINISTAS. HE CAUTIONED AGAINST CUTTING OFF ASSISTANCE TO THE ANTI-SANDINISTA REBELS FOR FEAR THAT IT WOULD AROUSE LATENT CONCERNS AMONG LATIN AMERICAN FRIENDS ABOUT UNITED STATES RELIABILITY. FLORES CONSIDERED MEXICO TO BE A STUMBLING BLOCK WITHIN THE CONTADORA GROUP AND SAID THAT HONDURAS IS AGAINST POWER-SHARING WITH THE FMLN IN EL SALVADOR. FLORES ALSO EXPRESSED THE HOPE JOSE NAPOLEON DUARTE WILL WIN THE RUN-OFF ELECTIONS IN THAT COUNTRY IN MAY. END SUMMARY.

3. SENATORS J. BENNETT JOHNSTON (D-LA) AND LAWTON CHILES (D-FLA) CALLED ON MINISTER OF THE PRESIDENCY CARLOS FLORES FACUSSE MORNING OF 18 APRIL. IMMEDIATELY FOLLOWING THEIR CALL ON GEN. WALTER LOPEZ REYES (SEPTEL), AMBASSADOR AND STAFFERS COLLINS, OLIN AND BRUCKNER WERE

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PAGE 02 TEGUCI 05097 01 OF 02 282139Z

ALSO PRESENT. LABAIT ACTED AS NOTE-TAKER. AS IN THE

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CALL ON GEN. LOPEZ. THIS CONVERSATION WAS ALSO IN ENGLISH

4. IN RESPONSE TO QUESTIONS POSED BY THE SENATORS, FLORES MADE THE FOLLOWING POINTS:

5. ON NICARAGUA:

THE SANDINISTAS HAVE NOT ONLY BETRAYED THE REVOLUTION AT HOME BUT HAVE BECOME A DANGER TO NEIGHBORING COUNTRIES BY SUPPORTING REBELS AND TERRORISTS ELSEWHERE IN THE REGION AND BY THE INORDINATE SIZE OF THEIR ARMED FORCES. THE SANDINISTAS LACK THE SUPPORT OF THE MAJORITY OF THE NICARAGUAN PEOPLE BUT THEY ARE IN POWER THANKS TO THE BACKING OF NICARAGUA'S ARMED FORCES. HONDURAS COULD LIVE WITH A SOCIALIST NEIGHBOR, BUT NOT A COMMUNIST ONE. THE PLANNED ELECTIONS WILL BE A FARCE BECAUSE THE OPPOSITION CANNOT EXPRESS ITS VIEWS FREELY: "JUST THE WAY SOMOZA USED TO HOLD ELECTIONS AND ALWAYS WON THEM."

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6. ON THE ANTI-SANDINISTA REBELS:

THE ANTI-SANDINISTAS ARE NOT THE ONLY ONE PROBLEM INSIDE NICARAGUA. THE NICARAGUAN PEOPLE WANT DEMOCRACY. THEY DID NOT OVERTHROW SOMOZA TO HAVE ANOTHER DICTATORSHIP TAKE HIS PLACE. THE REBELS HAVE FAILED TO OUST THE SANDINISTAS, BUT HAVE SERVED TO DISTRACT THEM FROM CAUSING PROBLEMS ELSEWHERE. THEY ARE AN ELEMENT OF PRESSURE. BEFORE THE ANTI-SANDINISTAS BECAME ACTIVE, THE SANDINISTAS DIDN'T WANT TO NEGOTIATE. BUT NOW THEY DO, THANKS TO THE PRESSURES. A CUT-OFF OF USG ASSISTANCE TO THE REBELS WILL GENERATE THE SAME ADVERSE REACTION FROM LATIN AMERICAN ALLIES AS AFTER BAY OF PIGS.

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7. ON CONTADORA PROCESS:

MEXICO IS A STUMBLING BLOCK WITHIN THE CONTADORA GROUP DESPITE ALL THE ASSISTANCE IT RECEIVES FROM THE USG. MEXICO FAVORS NICARAGUA, SOMETIMES EVEN OPENLY. THE PROBLEM WITH MEXICO IS THAT IT IS CONSERVATIVE DOMESTICALLY AND RADICAL IN ITS FOREIGN RELATIONS. MEXICO MAY BE BUYING "INSURANCE" FROM CUBA. ITS PETROLEUM WORKERS ARE LEFTIST AND COULD CAUSE THE MEXICAN GOVERN-

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MENT TROUBLE IF IT WERE TO CHANGE ITS FOREIGN POLICY. CONTADORA IS LOOKING FOR MECHANISMS TO EFFECT INTERNA. RECONCILIATION IN EL SALVADOR. NICARAGUA HAS PROPOSED A GOES-FMLN DIALOGUE AS A STEP TO RECONCILIATION. HONDURAS HAS SUGGESTED A DIALOGUE CONDITIONED ON PARTICIPATION IN THE ELECTIONS. HONDURAS DOES NOT BELIEVE IT IS POSSIBLE FOR A GOVERNMENT TO SHARE POWER WITH TERRORISTS. THE FMLN WANTS TO DIVIDE THE ARMY IN HALF. "IF DUARTE FINDS IT POLITICALLY DIFFICULT TO GET ALONG WITH D'AUBUISSON, IMAGINE HOW DIFFICULT IT WOULD BE FOR THE GOES ARMY TO GET ALONG WITH THE GUERRILLAS."

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8. ELECTIONS IN EL SALVADOR

IT APPEARS THAT DUARTE WILL WIN THE UPCOMING RUN-OFF. FLORES HOPES DUARTE CAN BRING THE NATION TOGETHER.

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9. COMMENT: AS THE LIKELIHOOD OF CONGRESS CUTTING OFF AID TO THE ANTI-SANDINISTAS HAS INCREASED, FLORES HAS BECOME MORE VOCAL IN HIS ARGUMENTS IN FAVOR OF CONTINUED

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PAGE 01 TEGUCI 05097 02 OF 02 252149Z
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CONTADORA COLLECTIVE

~~C O N F I D E N T I A L~~ SECTION 02 OF 02 TEGUCIGALPA 05097

E.O. 12356: DECL: 4/25/90
TAGS: OREP, PGOV, MILI, HO
SUBJECT: CODEL JOHNSTON: CALL ON MINISTER OF THE PRESIDENCY

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PAGE 01 SANTIA 02747 01 OF 03 261321Z
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~~C O N F I D E N T I A L~~ SECTION 01 OF 03 SANTIAGO 2747

EO 12356: DECL: OADR
TAGS: PGOV KPRP CI
SUBJECT: POLITICAL GROUPS IN CHILE: UNIFICATION OF RADICAL AND SOCIAL DEMOCRATIC PARTIES AND FORMATION OF SOCIAL DEMOCRATIC FEDERATION

REF: 83 SANTIAGO 1266

1. ~~CONFIDENTIAL~~ ENTIRE TEXT.

2. SUMMARY: ON DECEMBER 20, 1983, THE RADICAL AND SOCIAL DEMOCRATIC PARTIES AGREED ON A DECLARATION OF UNITY. THE GENERAL TENOR OF THE UNITY DECLARATION WAS MODERATE IN TONE AND SOCIAL DEMOCRATIC IN IDEOLOGY. THE UNIFICATION WILL HAVE TO BE RATIFIED BY THE FULL MEMBERSHIP OF BOTH GROUPS AT THEIR CONCURRENT NATIONAL CONVENTIONS IN JUNE. ALTHOUGH ~~CONFIDENTIAL~~

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PAGE 02 SANTIA 02747 01 OF 03 261321Z

BOTH GROUPS BRING USEFUL STRENGTHS TO THE MERGER, SERIOUS PROBLEMS REMAIN, SUCH AS CAUDILLISMO, IDEOLOGICAL AND GENERATIONAL DIVISIONS, AND INFLUENCE OF LEFTIST EXILES. ON APRIL 6, THE UNITY EFFORT WENT A STEP FURTHER WHEN THE RADICAL AND SOCIAL DEMOCRATIC PARTIES AGREED ON THE FORMATION OF A SOCIAL DEMOCRATIC FEDERATION

WITH THE POPULAR SOCIALIST UNION, WHILE CONTINUING THEIR OWN EFFORTS TOWARD FULL INTEGRATION. ALTHOUGH THE REUNIFIED PARTY, AS WELL AS THE LOOSER FEDERATION. WILL PROBABLY INITIALLY APPEAL TO ONLY 10-15 PERCENT OF THE ELECTORATE, IT OFFERS A POTENTIALLY IMPORTANT ALTERNATIVE FOR THE FUTURE AND SHOULD HELP TO REINFORCE THE CHILEAN CENTER WHICH IS NEEDED FOR A SUCCESSFUL TRANSITION TO DEMOCRACY AND ESSENTIAL FOR EFFECTIVE AND STABLE GOVERNMENT THEREAFTER. END SUMMARY.

3. INTRODUCTION: JUST AFTER THE 120TH ANNIVERSARY IN DECEMBER OF THE FOUNDING OF THE RADICAL PARTY, CHILE' OLDEST PARTY, THE TWO MAIN FACTIONS OF THAT LONG-DIVIDED GROUP AGREED UPON A REUNIFICATION DECLARATION. THE DECLARATION, SIGNED ON DECEMBER 20 BY SIX OF THE TOP LEADERS OF THE TWO FACTIONS, WAS THE CULMINATION OF A LONG AND LABORIOUS PROCESS. REUNITED BY THE DECLARATION WERE THE PARTIDO RADICAL (PR) AND THE PARTIDO SOCIAL DEMOCRATA (PSD). THE DEMOCRACIA RADICAL (DR), A VERY SMALL, LARGELY PRO-GOVERNMENT GROUP, STILL REMAINS OUT-SIDE THE FOLD AND IS UNLIKELY TO BE REINCORPORATED ANY TIME SOON.

4. REUNIFICATION DECLARATION: THE JOING DECLARATION CONTAINED SIX ARTICLES AS FOLLOWS:
--THE TWO GROUPS COMMIT THEMSELVES TO CONFRONT JOINTLY THE GRAVE PROBLEMS OF THE COUNTRY ON THE BASIS OF
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PAGE 03 SANTIA 02747 01 OF 03 261321Z

SOCIAL DEMOCRATIC DOCTRINES.
--THEY AGREED TO INITIATE A UNITY PROCESS TO BE CONCLUDED UPON RATIFICATION BY THE APPROPRIATE INTERNAL ORGANS.
--THEY REAFFIRM THEIR OPPOSITION TO THE MILITARY GOVERNMENT AND ASSUME THE OBLIGATION TO ACT TOGETHER FOR A PROMPT RETURN TO INSTITUTIONALIZED DEMOCRACY.
--TO CARRY OUT THEIR ACTIVITIES, A JOINT COORDINATING COMMISSIO , WITH THREE HIGH LEVEL MEMBERS FROM EACH GROUP, WILL BE FORMED.
--THEY WILL NOT ACCEPT WITHIN THEIR RANKS ANYONE WHO HAS COLLABORATED, PARTICIPATED IN OR POLITICALLY HELPED THE DICTATORSHIP.
--THEY CALL UPON ALL WHO SHRE THEIR HUMANIST, SOCIALIST AND DEMOCRATIC IDEALS TO JOIN IN THIS NEW POLITICAL ALTERNATIVE.

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PAGE 01 SANTIA 02747 02 OF 03 261403Z
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5. PATH TO UNITY: ALTHOUGH THE IMPULSE TO REUNIVY THE PARTY HAS BEEN PRESENT SINCE THE FIRST RUPTURE IN THE LATE 1960'S SERIOUS EFFORTS BEGAN ONLY IN LATE 1982. THE FIRST STEPS WERE TAKEN BY A FORMER RADICAL PARTY MINISTER OF STATE, ALEJANDRO RIOS VALDIVIA, ACTING THROUGH THE MASONS, WHO HAVE LONG SERVED AS A RALLYING POINT FOR THE RADICALS, JUST AS THE ROMAN CATHOLIC CHURCH HAS DONE FOR THE CHRISTIAN DEMOCRATS. THE MOST IMPORTANT STEP WAS THE ELECTION OF THE WIDELY-RESPECTED ENRIQUE SILVA CIMMA AS PRESIDENT OF THE PR IN AUGUST 1983, REPLACING ANSELMO SULE'S MAN IN CHILE, AND SILVA'S ENDORSEMENT OF A MODERATE DECLARATION OF PARTY PRINCIPLES. LATER STEPS INCLUDED SILVA'S ASSERTION OF FULL CONTROL OVER THE EXTERNAL, AS WELL AS THE INTERNAL DIRECTION OF THE PARTY, THUS BREAKING ANSELMO SULE'S TEN-YEAR CONTROL OVER THE PARTY'S EXTERNAL RELATIONS, ALTHOUGH THE STRUGGLE STILL
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PAGE 02 SANTIA 02747 02 OF 03 261403Z

CONTINUES BENEATH THE SURFACE. ALSO STEPS WERE TAKEN TO DISCIPLINE THE PR'S YOUTH WING, ENDING IN THE SUSPENSION OF THE YOUTH LEADERSHIP FROM THE PARTY FOR 18 MONTHS, AS WELL AS OTHER FAR LEFTIST ELEMENTS

WITHIN THE PARTY STRUCTURE. WITHIN A SHORT TIME, THE PSD RESPONDED TO THIS NEW MODERATION BY THE PR AND TALKS CONCERNING REUNIFICATION BEGAN, CULMINATING IN THE DECLARATION OF DECEMBER 20. DURING THE PROCESS, A SMALL GROUP OF INTELLECTUALS CALLING THEMSELVES THE UNION SOCIALISTA DEMOCRATICA (USD) JOINED THE PSD AND WILL CONTINUE WITHIN THE REUNITED PARTY. THE USD LEADER, LEVIAN MUNOZ, BECAME SECRETARY GENERAL OF THE PSD.

6. STRENGTH IN UNITY: THE REUNIFICATION OF THE RADICAL PARTY, IF APPROVED BY THE PARTY FAITHFUL AT CONCURRENT NATIONAL CONVENTIONS IN JUNE, WILL STRENGTHEN BOTH GROUPS AND BRING THE RADICAL PARTY BACK TO A NATIONAL ROLE IN CHILE. BOTH GROUPS BRING IMPORTANT ASSETS TO THEIR NEW UNITY. THE PR BRINGS ITS LARGER BASE OF SYMPATHIZERS AND ITS DEEPER ROOTS IN THE
PROVINCESA, AS WELL AS TRADITIONAL TIES OF LOYALTY TO THE LONG HONORED NAME OF THE PARTY. INTERNATIONALLY, ITS STANDING IS ENHANCED BY ITS MEMBERSHIP IN THE SOCIALIST INTERNATIONAL. THE PSD, ON THE OTHER HAND, TODAY ENJOYS A MORE RESPECTABLE AND MODERATE IMAGE BACAUSE OF ITS PPOSI-TION TO THE ALLENDE GOVERNMENT, A MORE MODERAN INTELLECTUAL APPROACH TO POLITICS, AND GREATER ACCESS TO THE MEDIA IN SANTIAGO. IN ADDITION TO FUSING THESE STRENGTHS, THE RE-UNIFICATION SATISFIES A DEEP AND LONG-HELD DESIRE FOR UNITY ON THE PART OF THE PARTY FAITHFUL, PARTICULARLY IN THE PROVINCES, WHERE COOPERATION BETWEEN THE TWO GROUPS OVER THE PAST TEN YEARS HAS BEEN THE NORM RATHER THAN THE EXCEPTION. HOWEVER, EVEN THOUGH THE REUNIFICATION CONSIDERABLY STRENGTHENS
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PAGE 03 SANTIA 02747 02 OF 03 261403Z

BOTH GROUPS AND OFFERS CHILEAN YET ANOTHER POLITICAL ALTERNATIVE, THE REUNIFIED RADICAL PARTY WILL REMAIN A RELATIVELY MINOR BUT POTENTIALLY IMPORTANT PLAYER ON THE CHILEAN POLITICAL SCENE FOR THE FORSEEABLE FUTURE, AS IT PROBABLY APPEALS TO 10-15 PERCENT OF THE ELECTORATE AT BEST.

7. REUNIFICATION PROBLEMS: ALTHOUGH THE PR AND PSD HAVE FINALLY ANNOUNCED THEIR LONG-EXPECTED REUNIFICATION, ONE WHICH STILL MUST BE RATIFIED BY THE PARTY CONVENTIONS IN JUNE, SIGNIFICANT PROBLEMS REMAIN:
--CAUDILLO TENDENCIES, ALTHOUGH MORE MUTED IN CHILE THAN IN OTHER PARTS OF LATIN AMERICA, COULD PRESENT A PROBLEM IN THE MONTHS AHEAD AS THE TWO GROUPS DO NOT APPEAR TO HAVE CLEARLY WORKED OUT THE NEW LEADERSHIP STRUCTURE, THUS LEAVING OPEN THE POSSIBILITY OF TWO SETS OF LEADERS JOCKEYING FOR POSITION.
--THE PROBLEM OF ANSELMO SULE, WITH HIS FAR LEFT INTERNA-

TIONAL REPUTATION AND HIS HARD CORE OF LEFTIST SUPPORTERS WITHIN THE PR, IS THE CLEAREST EXAMPLE OF THE DANGERS OF CAUDILLISMO IN THE PARTY, AS WELL AS SERVING AS A LIGHTNING ROD FOR THOSE WITH IDEOLOGICAL COMMITMENTS OR UNSATISFIED POLITICAL AMBITIONS. FURTHER, MOST PSD LEADERS HAVE DEEP SUSPICIONS OF SULE WHICH MUST SOMEHOW BE SATISFIED IF A FULL INTEGRATION IS TO BE APPROVED. WHILE PR PRESIDENT SULVA HAS MADE A GOOD START ON THE PROBLEM, SULE CONTINUES TO ENJOY SIGNIFICANT SUPPORT WITHIN THE PARTY IN CHILE, PARTICULARLY IN THE PROVINCES, AND SOME STANDING OUTSIDE OF CHILE IN HIS VERY PUBLIC POSITION AS A REGIONAL VICE PRESIDENT OF THE SOCIALIST INTERNATIONAL.

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PAGE 01 SANTIA 02747 03 OF 03 261435Z
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~~C O N F I D E N T I A L~~ SECTION 03 OF 03 SANTIAGO 2747

--CONCNUED DISAFFECTION OF ELEMENTS OFTHE TRADI-TIONAL RADICAL PARTY-SUCH AS THE DR ON THE RIGHT AND THE YOUTH ON THE LEFT-MIGHT STIMULATE OTHER DISCONTENTED ELEMENTS AND UNDERMINE THE STILL FRAGILE PRAGMATIC CON-SENSUS FOR UNITY. A NUMBER OF IDEOLOGICAL DIFFERENCES HAVE BEEN PAPERED OVER WITH THE DECLARATION OF UNITY AND MAY WELL COME BACK TO HAUNT THE PARTY IN THE MONTHS AHEAD, ALTHOUGH BOTH GROUPS HAVE TAKEN STEPS TO PURGE SOME OF THE MORE DISAFFECTED ELEMENTS. (SOME OF THOSE JUST PURGED BY THE PSD HAVE REVIVED THE FORMER MOVIMIENTO SOCIAL DEMOCRATA (MSD), BUT THEY APPEAR TO REPRESENT ALMOST NO ONE BUT THEMSELVES.)

--FINALLY, GENERALTIONAL CONFLICTS ARE ENDEMIC IN BOTH THE PR AND THE PSD, AS THEY AREIN ALMOST ALL CHILEAN POLITICAL PARTIES, AS A FRUSTRATED YOUNGER GENERATION STRIVES TO PUSH ASIDE AN OLDER GENERATION WHICH HAS CLUNG TO PARTY LEADERSHIP FOR OVER TWENTY YEARS IN MOST CASES.
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PAGE 02 SANTIA 02747 03 OF 03 261435Z

IT IS THIS GENERATIONA CONFLICT, TOGETHER WITH THE NEED TO COUNTER GOC CLIAMS, THAT IS DRIVING THE PR AND THE PSD TOWARD MORE OPEN AND DEMOCRATIC NATIONAL CONVENTIONS IN JUNE. WHILE IT IS UNLIKELY THAT THE YOUNGER GENERATION WILL SUCCEED IN PUSHING THE OLDER GENERATION ASIDE IN JUNE, THE CONFLICTS MAY FURTHER INFLAME PASSIONS, THUS MAKING FULL UNITY THAT MUCH MORE DIFFICULT.

--THE ABOVE SOURCES OF POTENTIAL CONFLICT, COMBINED WITH THE RELATIVE SMALLNESS OF A REUNIFIED RADICAL PARTY, MAY WELL MAKE IT VULNERABLE TO SLIPPAGE TOWARD OTHER LARGER GROUPS, PARTICULARLY IF THE SOCIALIST PARTY WERE TO UNITE AND IF IT CAN OVERCOME ITS EXTREMIST IMAGE AND OFFER A NON-VIOLENT APPROACH.

8. SOCIAL DEMOCRATIC FEDERATION: THE DANGER OF A PARTIAL ABSORPTION BY A REUNITED SOCIALIST PARTY IS SOMEWHAT LESSENED, HOWEVER, BY THE FORMATION OF THE NEW SOCIAL DEMOCRATIC FEDERATION, UNITING THE PR AND THE PSD IN A FEDERATION WITH THE POPULAR SOCIALIST UNION (USOPO). ALTHOUGH THIS WILL BE A LOOSE FEDERATION OF PARTIES, WHICH WILL KEEP THEIR SEPARATE IDENTITIES BUT WILL COORDINATE THEIR POSITIONS THROUGH AN EXECUTIVE COMMITTEE OF SIX PERSONS (TWO FROM EACH OF THE THREE GROUPS), IT REPRESENTS AN IMPORTANT ATTEMPT TO OPEN THE FORMER RADICAL PARTY RANKS TO A POSSIBLE INFUSION OF MODERATE AND DEMOCRATIC SOCIALISTS. AS THE APRIL 6 DECLARATION WHICH ACCOMPANIED THE ANNOUNCEMENT OF FEDERATION STATED, THE FEDERATION IS OPEN TO ALL INTERESTED DEMOCRATIC GROUPS AND WILL OFFER A SOCIAL DEMOCRATIC ALTERNATIVE FOR CHILE. LEADERS OF THE THREE PARTIES HAVE SINCE DESCRIBED THE FEDERATION AS REPRESENTING ONE OF THE FOUR OR FIVE MAJOR CURRENTS OF POLITICAL OPINION IN CHILE AND AN IMPORTANT STEP FORWARD IN FORMING A CENTER-LEFT PARTY FOR THE FUTURE.

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PAGE 03 SANTIA 02747 03 OF 03 261435Z

9. FUTURE PROSPECTS: WHILE ACCEPTANCE OF PR AND PSD UNIFICATION BY THE RANK AND FILE IN JUNE IS LIKELY, AND

THE FORMATION OF THE SOCIAL DEMOCRATIC FEDERATION IS ALREADY A FACT, PROSPECTS FOR THE NEW GROUPINGS ARE FAR FROM CERTAIN. STILL TO BE OVERCOME ARE THE PROBLEMS OF DIVIDING POWER IN THE REDUCED HIERARCHY OF THE NEW PARTY AND BURYING HISTORICAL AND IDEOLOGICAL DISAGREEMENTS. EVEN IF UNIFICATION SUCCEEDS IN PRACTICE, THE RADICAL TRADITION CAN PROBABLY SUPPORT ONLY A MINORITY PARTY UNDER PRESENT HISTORICAL CONDITIONS AND HAS LITTLE CHANCE OF RECOVERING ITS FORMER GLORY DAYS WHEN IT WAS ABLE TO ELECT FOUR CHILEAN PRESIDENTS IN SUCCESSION BETWEEN 1938 AND 1952. STILL, A UNIFIED PR, TOGETHER WITH A LARGER FEDERATION, WILL HELP TO SERVE AS AN IDEOLOGICAL COUNTERWEIGHT TO MORE DOGMATIC MARXIST INFLUENCES AND TO STRENGTHEN THE CENTRIST FORCES SO NECESSARY TO A SUCCESSFUL TRANSITION TO DEMOCRACY IN CHILE AND TO MAINTAINING THAT DEMOCRACY ONCE IT IS RESTORED.
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Chile Project (#S199900030)
U.S. Department of State
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PAGE 01 SANTIA 02748 261453Z
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INFO	OCT-00	COPY-01	ADS-00	AID-00	INR-10	SS-00	CIAE-00
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P 261242Z APR 84
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TO SECSTATE WASHDC PRIORITY 8383
INFO AMEMBASSY BUENOS AIRES
AMEMBASSY LIMA
AMEMBASSY MONTEVIDEO
USCINCSO QUARRY HEIGHTS PN
CINCLANT NORFOLK VA

~~C O N F I D E N T I A L~~ SANTIAGO 2748

E.O. 12356: DECL: OADR
TAGS: PGOV, CI
SUBJECT: COUNCIL OF STATE GIVES DRAFT OF POLITICAL PARTY LAW TO PRESIDENT PINOCHET FOR APPROVAL

REF: SANTIAGO 0806

1. (U) DRAFT GIVEN TO PRESIDENT: ON APRIL 24, THE COUNCIL OF STATE GAVE ITS FINAL DRAFT OF THE POLITICAL PARTY LAW TO PRESIDENT PINOCHET FOR HIS APPROVAL. MIGUEL SCHWEITZER, PRESIDENT OF THE COUNCIL OF STATE, SAID THAT ONLY MINOR REVISIONS HAVE OCCURRED IN DRAFT MADE AVAILABLE FOR PUBLIC COMMENT IN LATE JANUARY (REFTEL). IN A BRIEF CONVERSATION WITH JOURNALISTS, PRESIDENT PINOCHET INDICATED HE WOULD SEND THE DRAFT TO THE LEGISLATIVE JUNTA WITHIN TEN DAYS FOR ITS REVIEW AND APPROVAL. SCHWEITZER ALSO INDICATED THAT THE FINAL DRAFT OF THE ELECTORAL TRIBUNAL LAW WOULD BE GIVEN TO THE PRESIDENT SOMETIME DURING THE WEEK OF APRIL 30.

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PAGE 02 SANTIA 02748 261453Z

2. (U) ONLY SIGNIFICANT CHANGE: AS SCHWEITZER HIMSELF NOTED, THE ONLY SIGNIFICANT CHANGE FROM THE ORIGINAL DRAFT MADE PUBLIC ON JANUARY 31 IS THE INCLUSION OF TITLE VIII DEALING WITH SANCTIONS. BELOW TITLE VIII, ARTICLES 41 TO 56 ENUMERATE A SERIES OF SANCTIONS TO BE APPLIED IN SPECIFIC INSTANCES, THE MOST IMPORTANT OF WHICH ARE SUMMARIZED BELOW:

--THE ARTICLES ESTABLISH A SYSTEM OF FINES AND/OR SUSPENSION FROM POLITICAL ACTIVITIES FOR BOTH INDIVIDUALS AND PARTIES, AS WELL AS THE POSSIBLE DISSOLUTION OF THE ENTIRE PARTY, FOR VIOLATIONS OF THE RULES GOVERNING PARTY ORGANIZATION REGISTRATION AND FINANCES. THE APPLICATION OF SANCTIONS WILL BE THE RESPONSIBILITY OF THE DIRECTOR OF THE ELECTORAL SERVICE (CURRENTLY APPOINTED BY THE JUNTA BUT EVENTUALLY TO BE APPOINTED BY THE SENATE WHEN ONE EXISTS), ALTHOUGH SANCTIONS MAY ALSO BE REQUESTED BY THE MINISTRY OF INTERIOR, THE CHAMBER OF DEPUTIES OR ANOTHER POLITICAL PARTY. THE LAW ALSO PROVIDES FOR AN APPEAL OF THE DIRECTOR'S DECISION TO AN AS-YET UNFORMED CERTIFICATION TRIBUNAL WHICH PRESUMABLY WILL BE PROVIDED FOR IN THE ELECTORAL TRIBUNAL LAW DUE OUT NEXT WEEK.

3. (C) COMMENT: DESPITE DIRE OPPOSITION PREDICTIONS TO THE CONTRARY, THE POLITICAL PARTY LAW SEEMS WELL ON ITS WAY TO RAPID ENACTMENT. ALTHOUGH THE OPPOSITION PUBLICLY CONTINUES TO DENOUNCE THE LAW AS UNSATISFACTORY AND TO INSIST THAT THEY WILL NOT PARTICIPATE UNDER IT, MOST OF THEM ADMIT PRIVATELY THEY WILL HAVE TO GO ALONG WITH IT IN ORDER TO OPERATE FULLY. FURTHERMORE, THE CENTER-RIGHT DEMOCRATIC PARTIES APPEAR WILLING TO ORGANIZE UNDER THE NEW POLITICAL LAW. THE PASSAGE OF ANY REASONABLE POLITICAL PARTY LAW REPRESENTS A SIGNIFICANT ADVANCE TOWARDS RESTORING LEGAL POLITICAL PARTY ACTIVITY. IT IS IMPORTANT TO REMEMBER C~~ONFIDENTIA~~L

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PAGE 03 SANTIA 02748 261453Z

THAT LESS THAN A YEAR AGO, PRESIDENT PINOCHET WAS STILL INSISTING THAT A POLITICAL PARTY LAW WOULD BE ONE OF THE LAST STEPS OF THE TRANSITION.

4. (U) WE ARE POUCHING TO ARA/SC/CH THE FULL TEXT OF THE DRAFT, AS PUBLISHED IN THE GOVERNMENT-OWNED NEWSPAPER "LA NACION". THEBERGE

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U.S. Department of State
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PAGE 01 SANTIA 02757 261717Z
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USCINCSO QUARRY HEIGHTS PN

UNCLAS SANTIAGO 2757

EO 12356: NA
TAGS: SHUM CI
SUBJECT: RELEASE OF CODEPU DETAINEES; POSSIBLE RELEASE ON BAIL OF CARDENAS OF "ANALISIS".

REFS: (A) SANTIAGO 2673; (B) SANTIAGO 2651

1. CODEPU: ON APRIL 25, THE INVESTIGATING JUDGE IN THE CODEPU CASE (REF A) ORDERED THE UNCONDITIONAL RELEASE OF THE SIX REMAINING DETAINEES (THE OTHER THREE ARRESTED ON APRIL 18 HAD BEEN RELEASED PREVIOUSLY, INCLUDING THE DAUGHTER OF FABIOLA LETELIER).

2. "ANALISIS" EDITOR: ALSO ON APRIL 25, THE INVESTIGATING JUDGE RECOMMENDED BAIL IN THE AMOUNT OF 50,000 PESOS (ABOUT US$560) FOR JUAN PABLO CARDENAS (REF B), EDITOR OF THE FAR LEFT NEWSMAGAZINE "ANALISIS". THE RECOMMENDATION
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PAGE 02 SANTIA 02757 261717Z

IS SUBJECT TO APPROVAL OR REJECTION BY THE SANTIAGO COURT OF APPEALS IN A HEARING SCHEDULED FOR FRIDAY, APRIL 27. MEANWHILE, CARDENAS REMAINS IN THE PUBLIC JAIL, WHERE HE IS ALLOWED NORMAL VISITATION RIGHTS.
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El Salvador: Human Rights
Special Project (1993)

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RELEAS

PAGE 01 SAN SA 04896 041617Z
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INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HEIGHTS PN
USIA WASHDC 2830

UNCLAS SAN SALVADOR 04896

USIA FOR AR AND P/CENTAM

E.O. 12356: N/A
TAGS: SHUM, PINS, ES
SUBJECT: INCREASED CIVILIAN DEATHS FROM MARCH 16 TO APRIL 15

REF: (A) SAN SALVADOR 04444 (B) SAN SALVADOR 03741

1. THE REASONS FOR THE INCREASE IN CIVILIAN DEATHS DURING THE PERIOD BETWEEN MARCH 16 AND APRIL 15, 1984 *(REFTELS), MAY INCLUDE UPSURGES IN KILLINGS COMMITTED DURING THE PERPETRATION OF ROBBERIES AND IN POLITICAL* ASSASSINATIONS BY THE GUERRILLAS.

2. REFTEL A (PARA 1) LISTS 31 POLITICAL DEATHS PERPETRATED BY MEMBERS OF THE CIVIL DEFENSE, DURING
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PAGE 02 SAN SA 04896 041617Z

LATE APRIL, HOWEVER, SEVERAL MEMBERS OF THE CIVIL

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El Salvador: Human Rights
Special Project (1993)

DEFENSE UNITS OF THE WESTERN DEPARTMENTS OF SONSONATE AND LA LIBERTAD WERE ARRESTED ON VARIOUS CHARGES OF MURDER AND ROBBERY. IT WAS ASCERTAINED AT THAT TIME THAT THE 31 CIVIL DEFENSE KILLINGS MENTIONED IN REFTEL A WERE NOT COMMITTED FOR POLITICAL, BUT FOR CRIMINAL REASONS. THE ARMED FORCES CONTINUES TO MAKE ARRESTS AND PURSUE LEADS INVOLVING OTHER POSSIBLE CIVIL DEFENSE SUSPECTS IN THESE KILLINGS.

3. ALSO INCLUDED IN REFTELS A AND B (PARA 1 OF EACH REFTEL) ARE "POLITICAL DEATHS BY UNKNOWN ASSAILANTS," SOME OF WHICH MAY NOW BE ATTRIBUTABLE TO THE GUERRILLAS OR SIMPLY TO PRIVATE MOTIVES. ESTABLISHED GUERRILLA GROUPS HAVE CLAIMED AUTHORSHIP OF SEVEN ASSASSINATIONS SO FAR THIS YEAR, AS OPPOSED TO THREE DURING THE WHOLE OF 1983. WE HAVE RECEIVED INFORMATION THAT ONE SUCH GROUP (THE MOR) AND POSSIBLY THE COMANDO SUICIDA ARE MADE UP OF UNRECONSTRUCTED FORMER FMLN MEMBERS AND MAY BE RESPONSIBLE FOR SOME OF THE KILLINGS DESCRIBED IN REFTELS AS "POLITICAL DEATHS BY UNKNOWN ASSAILANTS." ALTHOUGH THIS IS A POSSIBILITY DIFFICULT TO DOCUMENT FULLY AT PRESENT, IT COULD BE CONSIDERED A FACTOR AFFECTING THE FIGURES IN THIS CATEGORY.

4. ANOTHER FACTOR WHICH MAY HELP CLARIFY THE HIGH NUMBER OF POLITICAL DEATHS BY UNKNOWN ASSAILANT IS THE ELECTION PERIOD. BEFORE THE MARCH 1982 ELECTIONS THERE WAS ALSO JUST SUCH AN ABNORMAL INCREASE IN THE NUMBER OF CIVILIAN POLITICAL DEATHS. SOME OF THIS IS DUE TO POLITICAL DISAGREEMENTS ESCALATING TO THE LEVEL OF PERSONAL VIOLENCE, OFTEN THE EXPRESSION OF AGE OLD DISPUTES REINFLAMED AS ELECTIONS APPROACH. HOWEVER, IT

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SHOULD ALSO BE NOTED THAT THERE WAS A DRAMATIC DECREASE IN THE NUMBER OF DEATHS DURING MARCH, 1984 (149 CIVILIAN DEATHS), IN COMPARISON WITH MARCH, 1982 (438 CIVILIAN DEATHS).

5. A LAST CONTRIBUTING FACTOR TO THE INCREASE IN CIVILIAN DEATHS IS THE EASTER HOLIDAY PERIOD. SEASONALLY, CIVILIAN DEATHS HAVE INCREASED JUST BEFORE EASTER, AS CRIMINALS ZERO IN ON WOULD-BE VACATIONERS WITH EXTRA CASH IN HAND. REFTEL B, WHICH COVERS THE

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El Salvador: Human Rights
Special Project (1993)

PERIOD JUST BEFORE EASTER, SHOWS A MUCH HIGHER NUMBER OF VICTIMS "FOUND DEAD" (27), THAN THE PERIOD DURING THE EASTER HOLIDAYS (16 -- IN REFTEL A).
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El Salvador: Human Rights
Special Project (1993)

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PAGE 01 SAN SA 04896 0416172
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RELEASE

UNCLAS SAN SALVADOR 04896

USIA FOR AR AND P/CENTAM

E.O. 12356: N/A
TAGS: SHUM, PINS, ES
SUBJECT: INCREASED CIVILIAN DEATHS FROM MARCH 16 TO APRIL 15

REF: (A) SAN SALVADOR 04444 (B) SAN SALVADOR 03741

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PAGE 02 SAN SA 04896 0416172

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PAGE 01 GUATEM 04556 01 OF 02 092325Z
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USCINCSO QUARRY HTS PN

UNCLAS SECTION 01 OF 02 GUATEMALA 04556

E.O. 12356: N/A
TAGS: PINR, ASEC, SHUM, GT
SUBJECT: MONTHLY POLITICAL VIOLENCE AND HUMAN RIGHTS
- REPORT FOR MARCH

1. MONTHLY POLITICAL VIOLENCE AND HUMAN RIGHTS REPORT FOR MARCH, 1984, TAKEN FROM OFFICIAL GOG BULLETINS, INDEPENDENT NEWS REPORTS, AND GUERRILLA COMMUNIQUES AS REPORTED BY FBIS.

2. DEATHS

CIVILIAN NON-COMBAT:

	URBAN	RURAL	TOTAL
UNCLASSIFIED			

UNCLASSIFIED

–	11	39	50

COMBAT:

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FOIA Exemptions
PA Exemptions

	URBAN	RURAL	TOTAL
-- MILITARY KIA:	0	21	21
-- GUERRILLAS KIA:	1	66	67
-- CIVILIAN KIA:	0	16	16

	CIVILIAN	GUERRILLA	MILITARY	TOTAL
-- FEBRUARY:	42	14	8	64
-- MARCH:	66	67	21	154
-- YEAR-TO-DATE:	138	92	66	296

OCCUPATION OF VICTIM, WHERE NOTED:

MILITARY:	21
GUERRILLAS:	67
CD PATROL MEMBERS:	17
POLICE:	3
TEACHERS:	3
STUDENTS:	1
BUSINESSMEN:	1
LAWYERS:	1
POLITICIANS:	1
UNKNOWN:	39

NOTE: THE FIGURES FOR GUERRILLAS AND CIVIL DEFENSE PATROL MEMBERS INCLUDE SOME COMBAT DEATHS THAT OCCURRED DURING JANUARY AND FEBRUARY BUT THAT WERE NOT

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REPORTED DURING THOSE MONTHS BECAUSE THE INFORMATION WAS NOT AVAILABLE. INCLUDED AMONG THE CIVILIAN NON-COMBAT DEATHS WAS THAT OF A MAN WHO, ACCORDING TO AN OFFICIAL ARMY BULLETIN, WAS SHOT WHEN HE REFUSED TO STOP AT A MILITARY ROADBLOCK; ONE PRESS ACCOUNT, HOWEVER, STATED THAT HE WAS KILLED BY A GROUP OF ARMED MEN THAT HAD BEEN FOLLOWING HIM. TWO OTHER DEATHS IN THAT CATAGORY WERE THOSE OF JUSTO RUBEN GONZALEZ AND HIS COUSIN, JOSE ALBERTO MORENO, WHO WERE ALLEGEDLY KILLED BY TWO ARMY OFFICERS IN A PRIVATE DISPUTE REGARDING LAND. IN ADDITION, GUERRILLAS ALLEGEDLY ASSASSINATED TWO POLICEMEN AND ONE CIVIL DEFENSE PATROL MEMBER IN SEPARATE INCIDENTS.

3. ABDUCTIONS

	URBAN	RURAL	TOTAL
-- FEBRUARY:	46	46	92
-- MARCH:	12	23	35
-- YEAR-TO-DATE:	69	83	152

IN ONE KIDNAPPING, MRS. LUZ HAYDEE SANTIZO WAS TAKEN FROM HER HOME IN GUATEMALA CITY BY ARMED MEN. ACCORDING TO ONE PRESS ACCOUNT, WHEN NEIGHBORS TELEPHONED GOG SECURITY OFFICIALS TO REPORT THE INCIDENT, THEY WERE TOLD "NOT TO WORRY BECAUSE THEY ARE OFFICIALS CONDUCTING AN INVESTIGATION." ONE INDIVIDUAL, JULIO ESTEVEZ, WAS ABDUCTED BUT LATER RELEASED BY HIS CAPTORS.

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PAGE 01 GUATEM 04556 02 OF 02 092325Z
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AMEMBASSY SAN SALVADOR

AMEMBASSY TEGUCIGALPA
USMISSION USUN NEW YORK
USCINCSO QUARRY HTS PN

UNCLAS SECTION 02 OF 02 GUATEMALA 04556

E.O. 12356: N/A
TAGS: PINR, ASEC, SHUM, GT
SUBJECT: MONTHLY POLITICAL VIOLENCE AND HUMAN RIGHTS
OCCUPATION OF VICTIM, WHERE NOTED:

BUSINESSMEN: 5
LABORERS: 3
FARMERS: 2
STUDENTS: 2
CD PATROLMEN: 2
SPORT FIGURES: 2
ENGINEERS: 1
DOCTORS: 1
TEACHERS: 1
BANK EMPLOYEES: 1
PROFESSORS: 1
TAXI DRIVERS: 1
UNCLASSIFIED

UNCLASSIFIED

UNKNOWN: 13

4. ACTS OF TERRORISM OR WAR:

MILITARY-GUERRILLA CLASHES: 13
VILLAGE OR FINCA TAKEOVERS BY GUERRILLAS: 6
GUERRILLA SAFEHOUSES DISCOVERED: 6
GUERRILLA BOMBINGS: 4

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PAGE 01 GUATEM 04796 01 OF 02 152306Z
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UNCLAS SECTION 01 OF 02 GUATEMALA 04796

E.O. 12356: N/A
TAGS: PINR, ASEC, SHUM, GT
SUBJECT: MONTHLY POLITICAL VIOLENCE AND HUMAN RIGHTS
- REPORT FOR APRIL

1. MONTHLY POLITICAL VIOLENCE AND HUMAN RIGHTS REPORT FOR APRIL, 1984, TAKEN FROM OFFICIAL GOG BULLETINS, INDEPENDENT NEWS REPORTS, AND GUERRILLA COMMUNIQUES AS REPORTED BY FBIS.

2. DEATHS

CIVILIAN NON-COMBAT:

	URBAN	RURAL	TOTAL
UNCLASSIFIED			

UNCLASSIFIED

--	19	42	61

COMBAT:

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DEPARTMENT OF STATE IM/IRS/CRIR Date: 2/20/98
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( ) DENY
FOIA Exemptions ( ) CLASSIFY as ( ) S or ( ) C Sec. TS authority to
PA Exemptions ( ) DOWNGRADE TS to ( ) S or ( ) C

	URBAN	RURAL	TOTAL
-- MILITARY KIA:	0	8	8
-- GUERRILLAS KIA:	0	18	18
-- CIVILIAN KIA:	0	0	0

	CIVILIAN	GUERRILLA	MILITARY	TOTAL
-- MARCH:	66	67	21	154
-- APRIL:	61	18	8	87
-- YEAR-TO-DATE:	199	110	74	383

OCCUPATION OF VICTIM, WHERE NOTED:

MILITARY: 8
GUERRILLAS: 18
POLICE: 2
CD PATROL MEMBERS: 1
TEACHERS: 1
FARM ADMINISTRATOR: 1
POLITICIANS: 1
MILITARY COMMISSIONER: 1
UNKNOWN: 54

NOTE: SIX OF THE CIVILIAN DEATHS CAN BE ATTRIBUTED TO ASSASSINATIONS BY GUERRILLAS. THE VICTIMS INCLUDE RUTH ROMERO, THE DAUGHTER OF A MILITARY COMMISSIONER, WHO WAS KILLED IN GUATEMALA CITY; SANTOS HERNANDEZ, A UNCLASSIFIED

POLICEMAN, WHO WAS KILLED NEAR SANTA ELENA BARRILLAS, GUATEMALA; A POLICEMAN AND A CIVILIAN BYSTANDER WHO WERE KILLED IN GUATEMALA CITY; AND CARLOS VELASQUEZ, A MILITARY COMMISSIONER, AND HIS SON, WHO WERE ASSASSINATED IN COSTA CUCA, QUEZALTENANGO.

3. ABDUCTIONS

	URBAN	RURAL	TOTAL
-- MARCH:	12	23	35
-- APRIL:	22	28	50
-- YEAR-TO-DATE:	91	111	202

TWO KIDNAP VICTIMS WERE RELEASED BY THEIR CAPTORS IN

APRIL. SAN CARLOS UNIVERSITY STUDENT DAVID CALVO DRAGO WAS RELEASED ON APRIL 4. HE REFUSED TO COMMENT ON THE IDENTITY OF HIS CAPTORS. ANOTHER STUDENT, JULIO GARCIA, WAS KIDNAPPED ON APRIL 2. HE WAS RELEASED ON APRIL 4.

OCCUPATION OF VICTIM, WHERE NOTED:

WORKERS:	2
CD PATROLMEN:	2
TEACHERS:	2
STUDENTS:	1
POLICE:	1
MAID:	1
MECHANIC:	1
UNKNOWN:	40

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PAGE 01 GUATEM 04796 02 OF 02 152306Z
ACTION ARA-00

INFO OCT-00 COPY-01 ADS-00 INR-10 SS-00 OIC-02 CIAE-00
DODE-00 IO-15 NSCE-00 NSAE-00 SSO-00 SY-06 HA-08
MCT-03 INRE-00 A-02 SYE-00 /047 W
----------200631 152344Z /62
O 152301Z MAY 84
FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC IMMEDIATE 1580
INFO AMEMBASSY BELIZE
AMEMBASSY MEXICO
AMEMBASSY PANAMA
AMEMBASSY SAN JOSE
AMEMBASSY SAN SALVADOR

AMEMBASSY TEGUCIGALPA
USMISSION USUN NEW YORK
USCINCSO QUARRY HTS PN

UNCLAS SECTION 02 OF 02 GUATEMALA 04796

E.O. 12356: N/A
TAGS: PINR, ASEC, SHUM, GT
SUBJECT: MONTHLY POLITICAL VIOLENCE AND HUMAN RIGHTS

4. ACTS OF TERRORISM OR WAR:

MILITARY-GUERRILLA CLASHES: 8
FARM TAKEOVERS BY GUERRILLAS: 2
GUERRILLA BOMBINGS: 4
OTHER: 2 (SEE NOTE)

NOTE: GUERRILLAS BURNED A GOG RAILROAD OFFICE IN QUIRIGUA. GUERRILLAS ALSO ROBBED A HEALTH CENTER IN GUATEMALA CITY, SEIZING MEDICINE AND MEDICAL EQUIPMENT.

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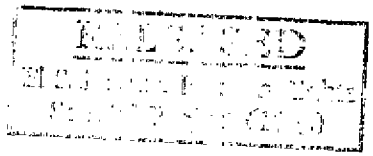

TEXT OF TELEGRAM 84SAN SA005671

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PAGE 01 SAN SA 05671 190004Z
ACTION ARA-00

INFO OCT-00 COPY-01 ADS-00 AID-00 INR-10 SS-00 CIAE-00
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SYE-00 SP-02 SNP-01 PRS-01 SLPD-01 /051 W
----------011046 190010Z /70

O 182359Z MAY 84 ZFF4
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC NIACT IMMEDIATE 5642
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USGINCSO QUARRY HEIGHTS PN
USIA WASHDC 2967

UNCLAS SAN SALVADOR 05671

USIA FOR AR AND P/CENTAM

E.O. 12356: N/A
TAGS: PGOV, PINS, ASEC, ES
SUBJECT: D'AUBUISSON SAYS ARENA PLOT TO ASSASSINATE AMBASSADOR IS FALSE

1. ARENA LEADER ROBERTO D'AUBUISSON CALLED A PRESS CONFERENCE AT 1500 HOURS ON MAY 18 AND TOLD JOURNALISTS HE WAS WARNED BY AN ASSISTANT TO SENATOR JESSE HELMS THAT ARENA WOULD BE BLAMED FOR AN ALLEGED PLOT TO ASSASSINATE U.S. AMBASSADOR PICKERING. THERE FOLLOWS AN INFORMAL ABRIDGED TRANSLATION OF D'AUBUISSON'S STATEMENTS TO THE PRESS.

2. BEGIN TEXT: I HAVE SOMETHING VERY SERIOUS TO
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PAGE 02 SAN SA 05671 190004Z

DENOUNCE. LAST NIGHT, AROUND MIDNIGHT, I RECEIVED A TELEPHONE CALL FROM AN ASSISTANT TO SENATOR HELMS IN WASHINGTON. THE INFORMATION HE GAVE ME WAS THAT THE PRESIDENT OF THE UNITED STATES HIMSELF HAD TOLD SENATOR HELMS THAT AN ATTACK AGAINST AMBASSADOR PICKERING WOULD BE STAGED BEFORE SATURDAY, IN SAN SALVADOR. PRESIDENT REAGAN ASKED THAT HELMS AND HIS ASSISTANTS TRY TO CONTACT US (ARENA) RIGHT AWAY. THEY FIRST SPOKE WITH HUGO BARRERA (ARENA VEEP). THEY WERE NOT ABLE TO CONTACT ME UNTIL

TEXT OF TELEGRAM 84SAN SA005671

LATE AT NIGHT. THE HELMS OFFICE TOLD ME THAT AMBASSADOR PICKERING HAD BEEN NOTIFIED OF THIS MATTER; BUT THEY ALSO WARNED ME THAT THE DANGER WAS THAT ARENA WOULD BE ACCUSED OF ANY ATTACK AGAINST THE AMBASSADOR. THAT IS, IF SOMETHING WERE TO HAPPEN TO THE AMBASSADOR, THE IDEA WAS TO BLAME ARENA FOR IT AND ACCUSE US AGAIN OF LEADING THE DEATH SQUADS.

IN 1980, WHEN I WAS LIVING IN GUATEMALA, THE EMBASSY WAS FIRED UPON AND ACTING AMBASSADOR CHAPIN TOLD THE PRESS THAT THE ATTACK ON THE EMBASSY WAS CARRIED OUT IN "D'AUBUISSON'S STYLE." THE ERP (AN FMLN GUERRILLA GROUP) FINALLY TOOK CREDIT FOR THIS ATTACK. THAT STATEMENT BY CHAPIN, HOWEVER, MADE THE INTERNATIONAL HEADLINES. OTHER ERP ATTACKS WERE ALSO BLAMED ON ME. THIS NEW MACHINATION IS DESIGNED TO DRAW ATTENTION AWAY FROM CHARGES OF U.S. INTERVENTION IN THE SALVADORAN ELECTORAL PROCESS, WHICH WE HAVE DENOUNCED. WE HAVE DENOUNCED SOMETHING REALLY WRONG AND FACTUALLY ASCERTAINABLE IN THE ELECTORAL PROCESS. THEREFORE, THEY HAD TO INVENT CHARGES AGAINST US WHICH ARE JUST AS BIG AND DANGEROUS, TO BE ABLE TO DRAW ATTENTION AWAY FROM OUR ACCUSATIONS.

I SPOKE WITH AN EMBASSY OFFICER, VITTORIO BROD, AND TOLD
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PAGE 03 SAN SA 05671 190004Z

HIM SOMETHING ABOUT THIS. VITTORIO HAD CALLED ME UP TO TELL ME THAT GENERAL VERNON WALTERS WILL ARRIVE THIS AFTERNOON AND WOULD LIKE TO MEET WITH ME. VITTORIO SAID HE KNEW NOTHING OF THE THREAT (AGAINST THE AMBASSADOR). I SAID I WOULD GLADLY MEET WITH GENERAL WALTERS. I ALSO WARNED COL. BLANDON (ESAF CHIEF OF STAFF) AND HE ASSURED ME THAT AMBASSADOR PICKERING WOULD BE WELL PROTECTED. BECAUSE BESIDES EXPRESSING CONCERN ABOUT THE THREAT AGAINST THE AMBASSADOR, I AM ALSO CONCERNED THAT MORE MANEUVERS SUCH AS THESE WILL BE RESORTED TO IN ORDER TO DISCREDIT OUR PARTY. END TEXT.
PICKERING

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TEXT OF TELEGRAM 84SAN SA005660 278

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PAGE 01 SAN SA 05660 182227Z
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INFO OCT-00 COPY-01 ADS-00 AID-00 INR-10 SS-00 CIAE-00
DODE-00 H-01 NSAE-00 HA-08 L-03 TRSE-00 PM-10
PA-02 OMB-01 ANAE-00 ACDA-12 SP-02 SNP-01 PRS-01
SLPD-01 /053 W
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R 182224Z MAY 84
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 5632
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY MEXICO
AMEMBASSY MANAGUA
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HEIGHTS PN
USIA WASHDC 2964

UNCLAS SAN SALVADOR 05660

USIA FOR AR

E.O. 12356: N/A
TAGS: PGOV, ES
SUBJECT: REPORT OF DUARTE REMARKS IN GUATEMALA

1. THE MAY 18 "DIARIO DE HOY" CARRIES AN ASSOCIATED PRESS STORY DATED MAY 17 FROM GUATEMALA ON REMARKS MADE TO THE PRESS BY SALVADORAN PRESIDENT-ELECT NAPOLEON DUARTE AFTER HIS VISIT WITH GUATEMALAN PRESIDENT MEJIA. DUARTE IS QUOTED SAYING:

-- "SERGIO RAMIREZ, ONE OF THE SANDINISTA JUNTA MEMBERS, SAID IN MEXICO THAT THEY (THE SANDINISTAS) ARE READY TO NEGOTIATE ABOUT THE SUPPORT AND PARTICIPATION THEY
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PAGE 02 SAN SA 05660 182227Z

PROVIDE TO THE SALVADORAN GUERRILLAS, PROVIDING THESE NEGOTIATIONS ARE OF AN INTEGRAL CHARACTER. THIS OBVIOUSLY CONFIRMS NICARAGUAN INTERVENTION IN SALVADORAN AFFAIRS. FOR THIS REASON, NICARAGUA MUST RESPECT EL SALVADOR'S SOVEREIGNTY, JUST AS WE RESPECT NICARAGUA'S SOVEREIGNTY."

-- "(HIS GOVERNMENT) WILL NOT NEGOTIATE WITH ARMS ON THE TABLE, (AND WILL DIALOGUE ONLY WITH) THOSE WHO RESPECT

PAGE NO. 1

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United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: COX, DAVID
Date: 05/23/94
Case ID: 9940034G

THE VOTE AND WANT TO DIALOGUE TO GIVE THE COUNTRY THE SECURITY IN WHICH ALL SALVADORANS WILL BE ABLE TO SLEEP PEACEFULLY."

-- "(HIS FOREIGN POLICY) WILL BE TO RESPECT ALL NATIONS AND DEMAND THE SAME IN RETURN."

2. FOR GUATEMALA AND MEXICO: WOULD APPRECIATE ANY ADDITIONAL INFORMATION, IF AVAILABLE, ON EITHER DUARTE'S OR RAMIREZ' REMARKS.

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Special Project (1993)

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El Salvador Human Rights
Special Project (1993)

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PAGE 01 SAN SA 05861 01 OF 03 232306Z
ACTION ARA-00

INFO OCT-00 COPY-01 ADS-00 INR-10 SS-00 CIAE-00 DODE-00
H-01 NSAE-00 HA-08 L-03 PM-10 PA-01 MCT-03
ONB-01 SP-02 SNP-01 PRS-01 SLPD-01 /043 W
------------------241057 2323212 /63
P 232300Z MAY 84
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC PRIORITY 5753
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HEIGHTS PN
USIA WASHDC 2989

[redacted] SECTION 01 OF 03 SAN SALVADOR 05861

USIA FOR AR AND P/CENTAM

E.O. 12356: DECL: OADR
TAGS: SHUM, PGOV, ES
SUBJECT: THE CHURCH AND BOMBING: TWO VIEWS

1. [redacted] ENTIRE TEXT.

2. SUMMARY: THE SAN SALVADOR ARCHBISHOPRIC'S OFFICIAL HUMAN RIGHTS ORGANIZATION TUTELA LEGAL (TL) HAS BEEN VEHEMENT IN ITS DENUNCIATIONS OF WHAT IT DESCRIBES AS "DELIBERATE" BOMBING OF INNOCENT CIVILIAN TARGETS BY THE SALVADORAN AIR FORCE (FAS). TL, AND ITS DIRECTOR MARIA JULIA HERNANDEZ, ARE, IN TURN, MUCH CITED BY US HUMAN RIGHTS ORGANIZATIONS AS IMPARTIAL AND INDEED UNCHALLENGE-ABLE SOURCES FOR HUMAN RIGHTS INFORMATION IN EL SALVADOR. HOWEVER, THERE IS ANOTHER AND SHARPLY DIVERGENT CHURCH

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PAGE 02 SAN SA 05861 01 OF 03 232306Z

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Department of State IB/FPC/CDR El Salvador SP Date 9/24/93
Declassified under EO 12356 ( ) in full; (✓) in part;
portions withheld: classified (✓); deliberative ( );
law enforcement ( ); privacy ( ), statutory ( );
not relevant to El Salvador ( ).

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El Salvador: Human Rights
Special Project (1993)

SCSS, ARCHBISHOP ARTURO RIVERA Y DAMAS HIMSELF. THIS DIFFERENCE WAS HIGHLIGHTED WITH UNUSUAL CLARITY DURING A VISIT BY DEPARTMENT HA OFFICIAL JAMES THYDEN, WHO IN THE SAME DAY MET WITH BOTH PERSONS. END SUMMARY.

3. MARIA JULIA: IT'S INTENTIONAL

IN THYDEN'S DISCUSSION WITH MS. HERNANDEZ ON THE BOMBING QUESTION MAY 17, SHE HAD SAID THAT THE FAS WAS DELIBERATELY BOMBING INNOCENT CIVILIANS IN THE ZONE BETWEEN THE GUAZAPA VOLCANO (A NOTORIOUS GUERRILLA STRONGHOLD IN CUSCATLAN DEPARTMENT, ABOUT 20 MILES NORTHEAST OF SAN SALVADOR), AND A NEW LAKE (SUCHITLAN), FORMED BY THE DAMNED UP LEMPA RIVER. ACCORDING TO MS. HERNANDEZ, THE OBJECTIVE OF THIS BOMBING WAS TO SEPARATE THE CIVILIANS FROM THE GUERRILLAS, THEREBY ISOLATING THEM "FROM THE PEOPLE." SHE ACKNOWLEDGED THAT THE GUERRILLAS OFTEN MOVE THROUGH THIS AREA, AND THAT SOME PEOPLE LIVING THERE HELP THEM. BUT IN THE MAIN, SHE INSISTED, THE CIVILIANS ARE SIMPLY LOCAL FOLK WHO REFUSE TO ABANDON THEIR HOMES AND HEARTHS FOR THE UNCERTAINTY AND ALIENATION OF THE SHANTYTOWNS OF SAN SALVADOR. HOWEVER, THOSE WHO REMAIN ARE FORCED TO LIVE IN HOLES (LIKE ANTS) MOST OF THE TIME TO AVOID THE FAS BOMBS AND ARE FEARFUL OF EVEN WASHING AND DRYING THEIR CLOTHES TO AVOID ATTRACTING THE ATTENTION OF THE PLANES. MS. HERNANDEZ SAID SHE HAD EYE WITNESS ACCOUNTS TO THE DEATH AND DESTRUCTION SOWN BY THE FAS ATTACKS. IN RESPONSE TO A QUESTION, SHE SAID THE VICTIMS ARE NOT "MASAS" OR GUERRILLAS. HOW DID SHE KNOW THIS? "THE PEOPLE DO NOT LIE TO THE CHURCH. IF THEY SUPPORT THE GUERRILLAS, THEY SAY SO."

[redacted]

4. REGRADING BOMBING OF ICRC DISTRIBUTION POINTS IN CONFLICTIVE ZONES, MS. HERNANDEZ SAID THERE WAS NO PATTERN OF BOMBING OF THESE SITES BUT MAINTAINED IT HAD HAPPENED "A FEW TIMES" BEFORE MARCH 25. SINCE FEBRUARY, SHE SAID, THE FAS BOMBINGS HAD BEEN MUCH MORE PRECISE THAN PREVIOUSLY, AND HIT THE VERY HOLES IN WHICH THE PEOPLE HAD TAKEN SHELTER. DID THIS MEAN, SHE WAS ASKED, THAT THE FAS HAD IN FACT BEEN HITTING LEGITIMATE MILITARY TARGETS AFTER ALL? "NO," SHE RESPONDED, THIS ONLY MEANT THAT THE FAS HAD MERELY BEEN

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RECEIVING BETTER INFORMATION ON THE PRESENCE OF THE GUERRILLAS IN THE AREA, AND THE BOMBS HAD BEEN DROPPED PRECISELY WHERE THE GUERRILLAS HAD PASSED THROUGH SHORTLY BEFORE. THE VICTIMS, SHE INSISTED, WERE INNOCENT CIVILIANS.

5. ARCHBISHOP: NO, IT ISN'T

THE SAME EVENING, THYDEN, JOINED BY ADCM AND POLOFFS DISCUSSED THE BOMBING ISSUE WITH ARCHBISHOP RIVERA Y DAMAS. ASKED TO RESPOND TO MS. HERNANDEZ' STATED VIEWS ON THE SUBJECT, THE ARCHBISHOP RESPONDED AS FOLLOWS: "PEOPLE WHO HAVE COME TO US FROM THIS AREA HAVE STATED THAT THE FAS BOMBING HAS INDEED BEEN MUCH MORE ACCURATE SINCE THE END OF FEBRUARY, NO DOUBT BECAUSE OF THE INTELLIGENCE THE US WAS PROVIDING THEM." HOWEVER, HE WAS EMPHATIC IN DENYING THAT INNOCENTS WERE BEING HIT. "NO ONE" IN THE SUCHITLAN AREA IS NOT SUPPORTING THE GUERRILLAS. "ALL THE REST LEFT A LONG TIME AGO. THE PEOPLE DON'T HIDE IN HOLES; THE GUERRILLAS DO." HE DISMISSED THOSE WHO COME TO TL TO DENOUNCE THE BOMBING AS "GUERRILLAS OR MASAS." "IF MARIA JULIA SAYS OTHER-

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Human Rights
Act (1993)

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P 232300Z MAY 84
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC PRIORITY 5754
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
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USIA WASHDC 2990

[redacted] SECTION 02 OF 03 SAN SALVADOR 05861

USIA FOR AR AND P/CENTAM

E.O. 12356: DECL: OADR
TAGS: SHUM, PGOV, ES
SUBJECT: THE CHURCH AND BOMBING: TWO VIEWS
WISE, THEN WE DISAGREE." UNDERSCORING HIS DIFFERENCES
OF VIEWS WITH MARIA JULIA, THE ARCHBISHOP AGREED THAT MANY PEOPLE HAD BEEN FLEEING NORTHERN SAN MIGUEL DEPARTMENT. HOWEVER, HE DEMURRED FROM ATTRIBUTING THAT TO FAS BOMBING, AS SHE HAD; THE CAUSE WAS NOT THE BOMBING BUT THE DESIRE TO AVOID GUERRILLA IMPRESSMENT OF THEIR CHILDREN.

6. HE LATER STATED THAT THE FAS DOES NOT BOMB VILLAGES OR TOWNS. IT DOES OCCASIONALLY BOMB "CASARIOS" (TINY GROUPS OF HOUSES IN THE CAMPO) WHEN IT DISCOVERS GUERRILLA CONCENTRATIONS THERE. THE ARCHBISHOP WAS QUITE SPECIFIC

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IN ARTICULATING THE VIEW THAT CIVILIAN BOMBING CASUALTIES WERE THE RESULT OF THE PROXIMITY OF CIVILIANS, WHICH HE

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Project (1993)

PRESUMED TO BE GUERRILLA SUPPORTERS, TO LEGITIMATE MILITARY TARGETS. THEY WERE NOT, IN HIS VIEW, THEMSELVES THE TARGETS OF BOMBING ATTACKS. IN GENERAL, HE OPINED, THE CONDUCT OF THE ARMED FORCES WITH REGARD TO THE POPULATION AS A WHOLE IN THE COURSE OF THEIR MILITARY OPERATIONS HAD CLEARLY IMPROVED. (WE RECALL EARLIER OCCASIONS ON WHICH HE HAS DESCRIBED THIS IMPROVEMENT AS PROBABLY PERMANENT AND BASED ON AN EVOLVING CONSENSUS WITHIN THE MILITARY ESTABLISHMENT OF AWARENESS OF HUMAN RIGHTS ISSUES.)

7. COMMENT: THE DIVERGENCE IN THESE VIEWS IS OF ITSELF FASCINATING. WE WOULD PRESUME THE ARCHBISHOP'S TO BE THE MORE AUTHORITATIVE, ALTHOUGH THAT IS NOT NECESSARILY UNEQUIVOCALLY TRUE. HOWEVER, HIS CONCERN ABOUT THESE ISSUES IS NOT IN DOUBT, AND WE ARE CONVINCED HIS ANALYSIS IS BASED ON A SINCERE EFFORT TO INFORM HIMSELF ABOUT EVENTS IN EL SALVADOR. WE HAVE NOTED IN THE PAST HIS DISCOMFORT WITH TL'S APPROACH TO COMPILING AND DOCUMENTING HUMAN RIGHTS VIOLATIONS.

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B. WE DO NOT OURSELVES WANT TO OBSCURE REALITY, HOWEVER DIFFICULT IT MAY ACTUALLY BE TO DEFINE HERE. THE ARCHBISHOP'S COMMENTS NOTWITHSTANDING, FAS BOMBS DO AT TIMES FALL ON INNOCENT PEOPLE (ICRC INSTANCES MAY BE AMONG SUCH CASES). HOWEVER, WE CAN NOT YET IDENTIFY ANY DELIBERATE AND SYSTEMATIC POLICY OF BOMBINGS OF NONCOMBATANT CIVILIANS. WE SUSPECT, AND SO DOES THE ARCHBISHOP, THAT A SUBSTANTIAL PORTION OF THE PROTESTS

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PAGE 01 SAN SA 05861 03 OF 03 232307Z
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P 232300Z MAY 84
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AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HEIGHTS PN
USIA WASHDC 2991

[redacted] SECTION 03 OF 03 SAN SALVADOR 05861

USIA FOR AR AND P/CENTAM

E.O. 12356: DECL: OADR
TAGS: SHUM, PGOV, ES
SUBJECT: THE CHURCH AND BOMBING: TWO VIEWS

AGAINST FAS BOMBING ARE LESS A REFLECTION OF INDISCRIMIN-
ATE ATTACKS THAN OF THE CONTRARY -- OF THE VIOLENT
LEFT'S DEEP CONCERN ABOUT THE INCREASED ACCURACY AND
INTENSITY OF FAS ATTACKS AGAINST LEGITIMATE GUERRILLA
TARGETS. END COMMENT.

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Department of State IS/FPC/CDB El Salvador SP Date 4/23/93
Department of State
classified under EO 12356 ( ) in full; (X) in part;
portions withheld: classified (X); deliberative ( );
law enforcement ( ); privacy ( ), statutory ( );
not relevant to El Salvador ( ).

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Special Project (1993)

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PAGE 01 SAN SA 05861 01 OF 03 2323062
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AMEMBASSY GUATEMALA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HEIGHTS PN
USIA WASHDC 2989

[redacted] SECTION 01 OF 03 SAN SALVADOR 05861

USIA FOR AR AND P/CENTAM

E.O. 12356: DECL: OADR
TAGS: SHUM, PGOV, ES
SUBJECT: THE CHURCH AND BOMBING: TWO VIEWS

1. [redacted] - ENTIRE TEXT.

2. SUMMARY: THE SAN SALVADOR ARCHBISHOPRIC'S OFFICIAL HUMAN RIGHTS ORGANIZATION TUTELA LEGAL (TL) HAS BEEN VEHEMENT IN ITS DENUNCIATIONS OF WHAT IT DESCRIBES AS "DELIBERATE" BOMBING OF INNOCENT CIVILIAN TARGETS BY THE SALVADORAN AIR FORCE (FAS). TL, AND ITS DIRECTOR MARIA JULIA HERNANDEZ, ARE, IN TURN, MUCH CITED BY US HUMAN RIGHTS ORGANIZATIONS AS IMPARTIAL AND INDEED UNCHALLENGEABLE SOURCES FOR HUMAN RIGHTS INFORMATION IN EL SALVADOR. HOWEVER, THERE IS ANOTHER AND SHARPLY DIVERGENT CHURCH

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SCSS, ARCHBISHOP ARTURO RIVERA Y DAMAS HIMSELF. THIS DIFFERENCE WAS HIGHLIGHTED WITH UNUSUAL CLARITY DURING A VISIT BY DEPARTMENT HA OFFICIAL JAMES THYDEN, WHO IN THE SAME DAY MET WITH BOTH PERSONS. END SUMMARY.

3. MARIA JULIA: IT'S INTENTIONAL

IN THYDEN'S DISCUSSION WITH MS. HERNANDEZ ON THE BOMBING QUESTION MAY 17, SHE HAD SAID THAT THE FAS WAS DELIBERATELY BOMBING INNOCENT CIVILIANS IN THE ZONE BETWEEN THE GUAZAPA VOLCANO (A NOTORIOUS GUERRILLA STRONGHOLD IN CUSCATLAN DEPARTMENT, ABOUT 20 MILES NORTHEAST OF SAN SALVADOR), AND A NEW LAKE (SUCHITLAN), FORMED BY THE DAMMED UP LEMPA RIVER. ACCORDING TO MS. HERNANDEZ, THE OBJECTIVE OF THIS BOMBING WAS TO SEPARATE THE CIVILIANS FROM THE GUERRILLAS, THEREBY ISOLATING THEM "FROM THE PEOPLE." SHE ACKNOWLEDGED THAT THE GUERRILLAS OFTEN MOVE THROUGH THIS AREA, AND THAT SOME PEOPLE LIVING THERE HELP THEM. BUT IN THE MAIN, SHE INSISTED, THE CIVILIANS ARE SIMPLY LOCAL FOLK WHO REFUSE TO ABANDON THEIR HOMES AND HEARTHS FOR THE UNCERTAINTY AND ALIENATION OF THE SHANTYTOWNS OF SAN SALVADOR. HOWEVER, THOSE WHO REMAIN ARE FORCED TO LIVE IN HOLES (LIKE ANTS) MOST OF THE TIME TO AVOID THE FAS BOMBS AND ARE FEARFUL OF EVEN WASHING AND DRYING THEIR CLOTHES TO AVOID ATTRACTING THE ATTENTION OF THE PLANES. MS. HERNANDEZ SAID SHE HAD EYE WITNESS ACCOUNTS TO THE DEATH AND DESTRUCTION SOWN BY THE FAS ATTACKS. IN RESPONSE TO A QUESTION, SHE SAID THE VICTIMS ARE NOT "MASAS" OR GUERRILLAS. HOW DID SHE KNOW THIS? "THE PEOPLE DO NOT LIE TO THE CHURCH. IF THEY SUPPORT THE GUERRILLAS, THEY SAY SO."

[redacted]

PAGE 03 SAN SA 05861 01 OF 03 2323062

4. REGRADING BOMBING OF ICRC DISTRIBUTION POINTS IN CONFLICTIVE ZONES, MS. HERNANDEZ SAID THERE WAS NO PATTERN OF BOMBING OF THESE SITES BUT MAINTAINED IT HAD HAPPENED "A FEW TIMES" BEFORE MARCH 25. SINCE FEBRUARY, SHE SAID, THE FAS BOMBINGS HAD BEEN MUCH MORE PRECISE THAN PREVIOUSLY, AND HIT THE VERY HOLES IN WHICH THE PEOPLE HAD TAKEN SHELTER. DID THIS MEAN, SHE WAS ASKED, THAT [redacted] THE FAS HAD IN FACT BEEN HITTING TARGETS AFTER ALL? "N[redacted] SHE

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Special Project (1993)

RECEIVING BETTER INFORMATION ON THE PRESENCE OF THE GUERRILLAS IN THE AREA, AND THE BOMBS HAD BEEN DROPPED PRECISELY WHERE THE GUERRILLAS HAD PASSED THROUGH SHORTLY BEFORE. THE VICTIMS, SHE INSISTED, WERE INNOCENT CIVILIANS.

5. ARCHBISHOP: NO, IT ISN'T

THE SAME EVENING, THYDEN, JOINED BY ADCM AND POLOFFS DISCUSSED THE BOMBING ISSUE WITH ARCHBISHOP RIVERA Y DAMAS. ASKED TO RESPOND TO MS. HERNANDEZ' STATED VIEWS ON THE SUBJECT, THE ARCHBISHOP RESPONDED AS FOLLOWS: "PEOPLE WHO HAVE COME TO US FROM THIS AREA HAVE STATED THAT THE FAS BOMBING HAS INDEED BEEN MUCH MORE ACCURATE SINCE THE END OF FEBRUARY, NO DOUBT BECAUSE OF THE INTELLIGENCE THE US WAS PROVIDING THEM." HOWEVER, HE WAS EMPHATIC IN DENYING THAT INNOCENTS WERE BEING HIT. "NO ONE" IN THE SUCHITLAN AREA IS NOT SUPPORTING THE GUERRILLAS. "ALL THE REST LEFT A LONG TIME AGO. THE PEOPLE DON'T HIDE IN HOLES: THE GUERRILLAS DO." HE DISMISSED THOSE WHO COME TO TL TO DENOUNCE THE BOMBING AS "GUERRILLAS OR MASAS." "IF MARIA JULIA SAYS OTHER-

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ACTION ARA-00

INFO OCT-00 COPY-01 ADS-00 INR-00 SS-00 CIAE-00 DODE-00
H-01 NSAE-00 HA-00 L-03 PM-10 PA-01 MCT-03
OMB-01 SP-02 SNP-01 PRS-01 SLPD-01 /043 W
----------241075 2323222 /63
P 2323002 MAY 84
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC PRIORITY 5754
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HEIGHTS PN
USIA WASHDC 2990

[redacted] SECTION 02 OF 03 SAN SALVADOR 05861

USIA FOR AR AND P/CENTAM

E.O. 12356: DECL: OADR
TAGS: SHUM, PGOV, ES
SUBJECT: THE CHURCH AND BOMBING: TWO VIEWS
WISE, THEN WE DISAGREE." UNDERSCORING HIS DIFFERENCES
OF VIEWS WITH MARIA JULIA, THE ARCHBISHOP AGREED THAT MANY PEOPLE HAD BEEN FLEEING NORTHERN SAN MIGUEL DEPARTMENT. HOWEVER, HE DEMURRED FROM ATTRIBUTING THAT TO FAS BOMBING, AS SHE HAD: THE CAUSE WAS NOT THE BOMBING BUT THE DESIRE TO AVOID GUERRILLA IMPRESSMENT OF THEIR CHILDREN.

6. HE LATER STATED THAT THE FAS DOES NOT BOMB VILLAGES OR TOWNS. IT DOES OCCASIONALLY BOMB "CASARIOS" (TINY GROUPS OF HOUSES IN THE CAMPO) WHEN IT DISCOVERS GUERRILLA CONCENTRATIONS THERE. THE ARCHBISHOP WAS QUITE SPECIFIC

[redacted]

[redacted] ARTICULATING THE VIEW THAT CIVILIAN BOMBING CASUALTIES [redacted] THE RESULT OF THE PROXIMITY [redacted] CIVILIANS, WHICH HE

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El Salvador: Human Rights
Special Project (1993)

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PRESUMED TO BE GUERRILLA SUPPORTERS, TO LEGITIMATE MILITARY TARGETS. THEY WERE NOT, IN HIS VIEW, THEMSELVES THE TARGETS OF BOMBING ATTACKS. IN GENERAL, HE OPINED, THE CONDUCT OF THE ARMED FORCES WITH REGARD TO THE POPULATION AS A WHOLE IN THE COURSE OF THEIR MILITARY OPERATIONS HAD CLEARLY IMPROVED. (WE RECALL EARLIER OCCASIONS ON WHICH HE HAS DESCRIBED THIS IMPROVEMENT AS PROBABLY PERMANENT AND BASED ON AN EVOLVING CONSENSUS WITHIN THE MILITARY ESTABLISHMENT OF AWARENESS OF HUMAN RIGHTS ISSUES.)

8. WE DO NOT OURSELVES WANT TO OBSCURE REALITY, HOWEVER DIFFICULT IT MAY ACTUALLY BE TO DEFINE HERE. THE ARCHBISHOP'S COMMENTS NOTWITHSTANDING, FAS BOMBS DO AT TIMES FALL ON INNOCENT PEOPLE (ICRC INSTANCES MAY BE AMONG SUCH CASES). HOWEVER, WE CAN NOT YET IDENTIFY ANY DELIBERATE AND SYSTEMATIC POLICY OF BOMBINGS OF NONCOMBATANT CIVILIANS. WE SUSPECT, AND SO DOES THE ARCHBISHOP, THAT A SUBSTANTIAL PORTION OF THE PROTESTS

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PAGE 01 SAN SA 05861 03 OF 03 2323072
ACTION ARA-00

INFO OCT-00 COPY-01 ADS-00 INR-10 SS-00 CIAE-00 DODE-00
H-01 NSAE-00 HA-08 L-03 PM-10 PA-01 MCT-03
OMB-01 SP-02 SNP-01 PRS-01 SLPD-01 /043 W
------------------241077 2323222 /63
P 2323002 MAY 84
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC PRIORITY 5755
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HEIGHTS PN
USIA WASHDC 2991

[redacted] SECTION 03 OF 03 SAN SALVADOR 05861

USIA FOR AR AND P/CENTAR

E.O. 12356: DECL: OADR
TAGS: SHUM, PGOV, ES
SUBJECT: THE CHURCH AND BOMBING: TWO VIEWS

AGAINST FAS BOMBING ARE LESS A REFLECTION OF INDISCRIMIN-
ATE ATTACKS THAN OF THE CONTRARY -- OF THE VIOLENT LEFT'S DEEP CONCERN ABOUT THE INCREASED ACCURACY AND INTENSITY OF FAS ATTACKS AGAINST LEGITIMATE GUERRI[illegible]

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Special Project (1993)

[redacted] Department of State

INCOMING
TELEGRAM

PAGE 01 SAN SA 05986 241938Z
ACTION ARA-00

INFO OCT-00 COPY-01 ADS-00 INR-10 SS-00 CIAE-00 H-01
NSCE-00 NSAE-00 SSO-00 SY-05 HA-03 L-03 PM-10
PA-02 MCT-03 OMB-01 INRE-00 OCS-06 CA-02 ANAE-00
SYE-00 JUSE-00 SP-02 SNP-01 PRS-01 SLPD-01 /058 W
311314 241932Z /46

O 241938Z MAY 94
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 5782
USIA WASHDC IMMEDIATE 2993
INFO AMEMBASSY CARACAS
AMEMBASSY BOGOTA
AMEMBASSY PANAMA
AMEMBASSY SAN JOSE
AMEMBASSY MANAGUA
AMEMBASSY TEGUCIGALPA
AMEMBASSY GUATEMALA
AMEMBASSY MEXICO
USSOUTHCOM QUARRY HEIGHTS PANAMA
SECDEF WASHDC

[redacted] SAN SALVADOR 05986

USIA

STATE FOR ARA/P, ARA/CEN, S/LPD
USIA FOR AR, AR/CENTAM
SECDEF FOR OASD/PA
SOUTHCOM FOR SCPA

E.O. 12356: N/A
SUBJECT: EMBASSY STATEMENT AND GUIDANCE ON VERDICT

1. IN RESPONSE TO QUERIES THE EMBASSY HAS ISSUED THE FOLLOWING STATEMENT:

2. THE SUCCESSFUL PROSECUTION OF THESE MURDERERS SHOWS THAT THE SALVADORAN CRIMINAL JUSTICE SYSTEM CAN BE MADE TO WORK. THE INVESTIGATION, PREPARATION OF THE PROSECUTION, AND THE TRIAL REQUIRED DEDICATED AND PERSISTENT EFFORTS ON THE PART OF MANY PEOPLE. WE PARTICULARLY NOTE THE EFFORTS OF JUDGE RAUDA, PROSECUTOR CASTILLO, PRESIDENTS MAGANA AND DUARTE, AND DEFENSE MINISTER VIDES CASANOVA. WE WILL CONTINUE TO SUPPORT THE EFFORTS OF THE SALVADORANS TO ACHEIVE A MORE EFFECTIVE JUSTICE SYSTEM SO THAT THOSE WHO HAVE KILLED OUR CITIZENS AND OTHERS CAN BE PUNISHED.

3. (IF ASKED) Q: WHY DO YOU PRAISE VIDES CASANOVA WHEN THE TYLER REPORT SUGGESTS HE MAY HAVE TRIED TO COVER UP?

4. A: SINCE THE POSSIBLE IDENTITIES OF THE SUSPECTS BECAME KNOWN WE HAVE FOUND VIDES CASANOVA'S EFFORTS TO BE ESSENTIAL AND CONTINUOUS.

5. (IF ASKED) Q: WHAT IS THE STATUS OF THE OTHER AMCIT CASES?

6. A: THE KLINE CASE IS PENDING APPEAL OF ELEVATION TO PLENARIO. THE CONFESSED KILLERS IN THE SHERATION CASE ARE AWAITING TRIAL AND WE EXPECT TO SEE THOSE WHO ORDERED THE KILLINGS PUNISHED AS WELL.

7. (IF ASKED) Q: FAMILY LAWYERS SAY THAT U.S. OFFICIALS HAVE ASSSURED THEM THAT THE QUESTIONS OF A COVER UP RAISED BY THE TYLER REPORT WILL BE PURSUED. CAN YOU CONFIRM THIS?

8. A: THE TYLER REPORT, WHICH WAS PREVIOUSLY CLASSIFIED, WAS ONLY MADE AVAILABLE TO THE GOES ON THE MORNING OF 24 MAY. THEY ARE NOW AWARE OF THE SPECIFIC CONCLUSIONS AND INFERENCES OF JUDGE TYLER AND HIS COLLEAGUES AND AT THIS POINT WE BELIEVE QUESTIONS ARE BEST DIRECTED TO THEM.
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El Salvador: Human Rights
Special Project (1993)

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Department of State

INCOMING
TELEGRAM

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PAGE 01 SAN SA 05898 241800Z 8772
ACTION ARA-08

INFO OCT-00 ADS-00 INR-10 SS-00 CIAE-00 NSCE-00 NSAE-00
SSO-00 HA-05 PA-02 INRE-00 SLPD-01 /021 W
316257 242152Z /52

O 241800Z MAY 84
FM AMEMBASSY SAN SALVADOR
TO USIA WASHDC IMMEDIATE 2992
SECSTATE WASHDC IMMEDIATE 5774
AMEMBASSY GUATEMALA
AMEMBASSY MANAGUA
AMEMBASSY PANAMA
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HEIGHTS PN

RELEASE

[redacted] SAN SALVADOR 05898

USIA

USIA FOR AR, P/PFL, B/BL, P/CENTAM
SECSTATE FOR ARA/CEN, ARA/P, PA, S/LPD

E.O. 12356: N/A
SUBJECT: MEDIA TREATMENT: CHURCHWOMEN'S CASE

1. PERHAPS THE MOST SIGNIFICANT DEVELOPMENT IN COVERAGE OF THE TRIAL OF THE FOUR NATIONAL GUARDSMEN ACCUSED OF THE MURDERS OF THE FOUR U.S. CHURCHWOMEN IS THAT TWO OF THE COUNTRY'S FOUR MOST IMPORTANT NEWS RADIO STATIONS --YSU AND YSKL--ARE TRANSMITTING THE TRIAL LIVE AND IN ITS ENTIRETY. THIS IS THE FIRST TIME IN THE HISTORY OF EL SALVADOR THAT A TRIAL HAS BEEN TRANSMITTED LIVE OVER THE RADIO.

2. MODERATE AFTERNOON DAILY TABLOID EL MUNDO HEADLINE ITS 5/23 EDITION "JURY INSTALLED IN NUNS' CASE," WITH STAFF WRITTEN STORY AND COURTROOM PHOTO OF ALL FIVE SUSPECTS OCCUPYING REST OF FRONT PAGE. STORY IS A FACTUAL ACCOUNT OF BACKGROUND OF CASE AND BLOW-BY-BLOW ACCOUNT OF MORNING'S EVENTS.

3. CONSERVATIVE AFTERNOON DAILY TABLOID "DIARIO LATINO" ALSO CARRIES BANNER HEADLINE "JURY INSTALLED FOR FIVE EX-GUARDS." REPORT IS CARRIED INSIDE PAGE 3 WITH STAFF-WRITTEN ACCOUNT STRESSING THE STRICT SECURITY AND LARGE NUMBER OF SPECTATORS. REPORT INCLUDES BACKGROUND OF CASE AND CONCENTRATES HEAVILY (10 COLUMN INCHES) ON TESTIMONY GIVEN BY CARLOS JOAQUIN CONTRERAS PALACIOS. THE GUARDSMEN WHO HAD PREVIOUSLY CONFESSED TO THE MURDERS. "LATINO" RELIES EXCLUSIVELY ON CONTRERAS PALACIOS'S STATEMENT TO RECONSTRUCT MURDER. ONE PARAGRAPH OF DIARIO LATINO ACCOUNT PREDICTS GUILTY VERDICT, SAYING: "THE TESTIMONY IS VOLUMINOUS AND ACCORDING TO PERSONS KNOWLEDGEABLE OF JUDICIAL MATTERS, THERE IS NO DOUBT THAT A GUILTY VERDICT COULD BE PRONOUNCED, SINCE STATEMENTS EXIST WHICH SERIOUSLY IMPLICATE THE FIVE EX-GUARDSMEN WHO COMMITTED THE ACT." ACCOUNT OF CONTRERAS PALACIOS STATEMENT FOLLOWS.

4. MORNING PAPERS OF 5/24 WENT TO BED BEFORE ANNOUNCEMENT OF VERDICT AND GIVE LESS PROMINENT PLAY TO TRIAL STORY. CONSERVATIVE "LA PRENSA GRAFICA" CARRIES PHOTO OF COURTROOM AND FIVE ACCUSED GUARDSMEN ON FRONT PAGE WITH BOLD TICKLER TO STORY ON PAGE THREE: "JURY DEVELOPS IN CASE OF THE FOUR NUNS." UPPER RIGHT CORNER PAGE 3 CARRIES STAFF WRITTEN ARTICLE ON TRISL WHICH BEGINS: "IN THE MIDST OF POPULAR EXPECTATION, WORRY ON THE PART OF JUDICIAL AUTHORITIES AND EXTREME NERVOUSNESS OF THE SECURITY FORCES THAT KEPT ORDER..." UP TO THE LAST MINUTE THE JUDICIAL AUTHORITIES FEARED THAT THE TRIAL WOULD BE FRUSTRATED BY THE ABSENCE OF THE JURY. THIS WAS DISCARDED WHEN THE TEN CITED PERSONS APPEARED." PAGES TWO AND THREE (NATIONAL NEWS) CONTAIN SEVEN TRIAL RELATED PHOTOS: ONE OF THE FIVE ACCUSED, ONE OF THE TWO PROSECUTORS, ONE OF THE JUDGE, ONE OF THE PRESS SCENE OUTSIDE THE COURTROOM, ONE OF MARYKNOLL SISTERS HELEN O'SULLIVAN AND BERNICE KITA, WHO ATTENDED THE TRIAL, AND TWO OF THE PRISONERS BEING ESCORTED INTO THE COURTROOM BY ARMED GUARDS.

5. ULTRACONSERVATIVE "EL DIARIO DE HOY" CARRIES NO MENTION OF TRIAL ON FRONT PAGE, HEADLINING INSTEAD THE LEGISLATIVE ASSEMBLY'S REFUSAL TO ALTER SHRIMP FISHING REGULATIONS. UPPER INSIDE CORNER OF PAGE TWO CONTAINS STAFF WRITTEN REPORT UNDER HEADING: "THREE MEN AND TWO WOMEN ON JURY IN ZACATECOLUCA." STORY IS STRAIGHTFORWARD ACCOUNT THAT INCLUDES FOLLOWING SENTENCE: "IT WAS SAID YESTERDAY THAT GIVEN THE QUALITY OF THE JURORS, WHICH INCLUDE TEACHERS, IT CAN BE EXPECTED THAT THEY WILL ANNOUNCE A GUILTY VERDICT." ONLY TWO TRIAL-RELATED PHOTOS APPEAR, ONE OF LOCAL RESIDENTS AWAITING ARRIVAL OF JURORS OUTS'. COURTROOM, THE OTHER OF THE FIVE ACCUSED IN THE COURTROOM.
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El Salvador: Human Rights
Special Project (1993)

[redacted] Department of State

INCOMING
TELEGRAM

PAGE 01 SAN SA 05986 241930Z

ACTION ARA-06

INFO	OCT-00	COPY-01	ADS-00	INR-10	SS-00	CIAE-00	H-01
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	PA-02	MCT-03	OMB-01	INRE-00	OCS-06	CA-02	ANAE-00
	SYE-00	JUSE-00	SP-02	SNP-01	PRS-01	SLPD-01	/058 W

311314 241932Z /46

O 241930Z MAY 84
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 5782
USIA WASHDC IMMEDIATE 2993
INFO AMEMBASSY CARACAS
AMEMBASSY BOGOTA
AMEMBASSY PANAMA
AMEMBASSY SAN JOSE
AMEMBASSY MANAGUA
AMEMBASSY TEGUCIGALPA
AMEMBASSY GUATEMALA
AMEMBASSY MEXICO
USSOUTHCOM QUARRY HEIGHTS PANAMA
SECDEF WASHDC

[redacted] SAN SALVADOR 05986

USIA

STATE FOR ARA/P, ARA/CEN, S/LPD
USIA FOR AR, AR/CENTAM
SECDEF FOR OASD/PA
SOUTHCOM FOR SCPA

E.O. 12356: N/A
SUBJECT: EMBASSY STATEMENT AND GUIDANCE ON VERDICT

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TEXT OF TELEGRAM 84SAN SA006197

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PAGE 01 SAN SA 06197 01 OF 02 311901Z
ACTION ARA-00

INFO OCT-00 COPY-01 ADS-00 INR-10 EUR-00 SS-00 CIAE-00
EB-08 DODE-00 H-01 IO-15 NSC-01 NSAE-00 COME-00
SY-06 HA-08 L-03 LAB-04 PM-10 PA-01 OMB-01
STR-14 SIL-01 A-02 SP-02 SNP-01 PRS-01 SLPD-01
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R 311859Z MAY 84
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 5973
INFO AMEMBASSY BOGOTA
AMEMBASSY BRUSSELS
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HEIGHTS PN
USIA WASHDC 3034

[redacted] SECTION 01 OF 02 SAN SALVADOR 06197

DEPT PLS PASS TO DOL/ILAB
BRUSSELS FOR USEC LABATT
USIA FOR AR

E.O. 12356: DECL: OADR
TAGS: ELAB, PINS, PTER, ASEC, ES
SUBJECT: STRIKES, INFILTRATION, AND VIOLENCE: HERE WE
- GO AGAIN

REF: (A) SAN SALVADOR 06021 (B) SAN SALVADOR 5985
- (C) SAN SALVADOR 4815

1. [redacted] - ENTIRE TEXT.
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El Salvador: Human Rights
Special Project (1993)

PAGE 02 SAN SA 06197 01 OF 02 311901Z

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2. AS REPORTED IN REFTEL B, LEFTIST LABOR LEADERS AND THEIR GUERRILLA SUPERVISORS ARE CONVINCED HOWEVER WRONGHEADEDLY THAT THE ANTI-DUARTE, CONSERVATIVE PRIVATE SECTOR IS PLANNING TO CREATE AN ECONOMIC CRISIS FOR THE NEW ADMINISTRATION. [redacted] THE LEFTISTS HAVE DECIDED TO CASH IN ON CURRENT STRIKES (WHICH THEY CLAIM HAVE BEEN PROVOKED BY PRIVATE SECTOR MANAGERS, ALTHOUGH MANAGERS TELL US THE OPPOSITE) AND

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United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: COX, DAVID
Date: 05/23/94
Case ID: S940004G

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TO RIDE EACH WAVE OF THE UPCOMING CRISIS "FOR THE ULTIMATE BENEFIT OF THE REVOLUTION." SPECIFICALLY, THE FMLN GROUPS WILL ONCE AGAIN USE THEIR LABOR "ADVISORS" IN THEIR LABOR FRONTS IN MUSYGES (SPECIALLY FENASTRAS, FUSS AND THE FSR) TO DIRECT STRIKES "PROVOKED" BY THE PRIVATE SECTOR AND TO FOMENT OTHER STRIKES OF THEIR OWN.

3. THE LEFT IS INDEED PROVOKING ITS OWN STRIES. CASTRO POINTED OUT THAT THE ONGOING POSTAL WORERS' STRIKE (SEPTEL) IS BEING LED BY NONE OTHER THAN THE POST OFFICE'S DIRECTOR OF PERSONNEL, A MAN NAMED VILLALOBOS, WHO JUST HAPPENS TO BE THE COUSIN OF TOP ERP LEADER JOAQUIN VILLALOBOS. [redacted] THAT THIS STRIKE IS 100 PERCENT LEFTIST MANUFACTURE. A9

4. THE WORKERS IN THE MINISTRY OF FINANCE (HACIENDA) WENT ON A ONE-DAY STRIKE ON MAY 29. HOWEVER, THEY ARE STILL DEMANDING HIGHER WAGES. CASTRO CONFIRMED THAT THIS SHORT-LIVED BUT POTENTIALLY VERY DAMAGING STRIKE IS YET ANOTHER EXAMPLE OF LEFTIST MANIPULATION OF WORKERS' ASPIRATIONS FOR HIGHER WAGES.

5. IN THE MEANTIME, THE STRIKE AT CEMENTO CESSA CONTINUES (REFTEL A). THE CEMENTO CESSA WORKERS' UNION IS [redacted]

PAGE 03 SAN SA 06197 01 OF 02 311901Z

A MEMBER OF THE PCES LABOR FRONT (FUSS). [redacted] A9
[redacted] FUSS HAS FEW POLITICAL OR LABOR CADRES LEFT IN THE URBAN AREAS, MOST HAVING BEEN KILLED, EXILED OR JOINED THE GUERRILLAS IN THE MOUNTAINS. THEREFORE, ACTUAL PCES/FAL MILITARY CADRES HAVE BEEN SENT TO THE CESSA SITE IN SANTA ANA DEPARTMENT (NEAR THE GUATEMALAN BORDER) TO PRESSURE THE WORKERS TO CONTINUE THE STRIKE, UNDER THEIR "PROTECTION." LAST-MINUTE REPORTS INDICATE THAT THE UNION HAS DECIDED TO CONTINUE THE STRIE THROUGH JUNE 7, WHEN THERE WILL BE ANOTHER MEETING AT THE MINISTRY OF LABOR. APPARENTLY, THE UNION WANTS TO WAIT UNTIL THE INAUGURATION OF DUARTE BECAUSE IT PROFESSES TO BELIEVE THAT DUARTE INTENDS TO TURN OVER CONTROL OF THE FACTORY TO THE WORKERS. ACCORDING TO MANAGEMENT, THE STRIKE WILL BE DECLARED ILLEGAL BY THE LABOR JUDGE ON MAY 31. IF SO, THE WORKERS WILL HAVE FIVE DAYS TO RETURN TO WORK; OTHERWISE THEY WILL BE FIRED AND LOST ALL RIGHTS AND PRIVILEGES. MANAGEMENT BELIEVES MOST (85 PERCENT) WILL RETURN TO WORK.

6. FINALLY, [redacted] INFORMED LABOFF THAT THE FMLN IS PLANNING TO STEP UP URBAN GUERRILLA WARFARE AFTER JUNE 10. [redacted] SPOKE ON MAY 29 WITH "ACCREDITED" FMLN SPOKESMEN, INCLUDING THE PRTC'S ALFREDO TORRES LOPEZ. THE FMLN TOLD [redacted] THEIR FUTURE PLANS TO SET OFF BOMBS, ATTACK THE HEADQUARTERS A9 A9 A9

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Special Project (1993)

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OF THE SECURITY FORCES, AND KILL MEMBERS OF THE CIVILIAN DEFENSE UNITS, NATIONWIDE. [redacted] THERE ARE PRESENTLY NO PLANS TO TARGET EMBASSY PERSONNEL OR PROPERTY, ALTHOUGH THIS MAY CHANGE. NEVERTHELESS, [redacted] THE LEFT DOES NOT WANT TO BE SEEN AS BEING ANY LESS ANTI-U.S. THAN THE EXTREME RIGHT; THEY ALSO CHARGE THAT THE EMBASSY HAS BEEN MEDDLING IN SALVADORAN AFFAIRS TOO MUCH.

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Special Project (1993)

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PAGE 01 SAN SA 06197 02 OF 02 311901Z
ACTION ARA-00

INFO	DCT-00	COPY-01	ADS-00	INR-10	EUR-00	SS-00	CIAE-00
	EB-08	DODE-00	H-01	IO-15	NSC-01	NSAE-00	COME-00
	SY-06	HA-06	L-03	LAB-04	PM-10	PA-01	ONB-01
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DEPT PLS PASS TO DOL/ILAB
BRUSSELS FOR USEC LABATT
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E.O. 12356: DECL: OADR
TAGS: ELAB, PINS, PTER, ASEC, ES
SUBJECT: STRIKES, INFILTRATION, AND VIOLENCE: HERE WE

7. CRYPTICALLY, THE FMLN LEADERS TOLD A9
FOLLOWING:

- 1. WE HAVE NO FAITH IN THE SECRET EMISSARIES SENT
- BY DUARTE AND THE PDC TO NEGOTIATE WITH US;

[redacted]

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PAGE 02 SAN SA 06197 02 OF 02 311901Z

- 2. WE HAVE NO FAITH IN THE MEN SENT BY THE AD PARTY
- TO NEGOTIATE WITH US.

8. COMMENT: I IS CORRECT, WE CAN A9
EXPECT ROUGH GOING AHEAD AS THE LEFT SEEKS TO MAE MATTERS DIFFICULT FOR THE NEW DUARTE ADMINISTRATION. ONCE MORE, WE ANTICIPATE THAT THE ROLE OF THE SECURITY FORCES AND THE ESAF IN GENERAL WILL BE CRUCIAL IN DECIDING THE OUTCOME OF THE DESTABILIZATION PLANS OUTLINED IN THIS CABLE.

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END COMMENT.
PICKERING

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[redacted]

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RELEASE

United States Department of State
Washington, D.C. 20520

JUN 6 1984

UNCLASSIFIED
MEMORANDUM
(With Secret Attachment)

TO: A/CDC - Ambassador John Burke

FROM: ARA - James Michel

SUBJECT: Declassification of the Tyler Report

The Department has classified Judge Tyler's Report dated December 2, 1983 [Tab 1] because the release of this document during the legal proceedings in El Salvador could have been prejudicial to the outcome of the trial of those charged with murder of four American churchwomen.

At this time, ARA and L have reviewed the full text of Judge Tyler's Report and have completed consultations with the FBI. Subject to the reductions noted below, the report is now declassified pursuant to 5 FAM 922 and cleared for release to the public.

On pages 1, 67, 73, 74, 75, footnotes 69, 123, 126, 127, 157, 162 and appendix names of FBI agents and persons who provided information under a request for anonymity, are indicated on pages at Tab 2.

Attachments:

1. Tyler Report (Secret)
2. Pages showing deletions which cause the report to be unclassified

Drafted: ARA/P:
6/4/84

Clearances:

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El Salvador Human Rig
Special Project (1993)

THE CHURCHWOMEN MURDERS:
A REPORT TO THE SECRETARY OF STATE

		Page
INTRODUCTION		1
SUMMARY		5
I.	THE MURDERS	12
II.	THE INVESTIGATIONS	21
	A. The Zepeda and Monterrosa Investigations	22
	B. The Cover-Up Is Defeated	31
	C. The Medrano Working Group	34
	D. The Civil Investigation	47
III.	INVOLVEMENT OF HIGHER AUTHORITIES	50
IV.	FALSE LEADS	64
	A. Thomas Bracken	65
	B. The Canadians	66
	C. The Hacienda Police	68
	D. Money and Valuables	70
	E. The Moran Letter	72
	F. Moran and Cortez	73
	G. The Radio Message	75
	H. Abduction at the Airport	77
	I. The .22 Magnum	78
	J. Sister Maria Rieckelman	79
	K. Sister Maura Clarke and the Nicaraguan Connection	79

RELEASED
El Salvador: Human Rights
Special Project (1993)

V. PROSPECTS FOR A SUCCESSFUL PROSECUTION. 82

A. The Record. 83

B. The Prosecutors 86

C. The Presiding Judge 87

D. The Jury. 88

E. Freedom From Outside Interference. 90

VI. RECOMMENDATIONS. 91

FOOTNOTES

APPENDIX

RELEASED
El Salvador: Human Rights
Special Project (1993)

THE CHURCHWOMEN MURDERS:

A REPORT TO THE SECRETARY OF STATE

INTRODUCTION

In the early days of December, 1980, four American churchwomen, Ita Ford, Maura Clarke, Dorothy Kazel and Jean Donovan, disappeared and were later found murdered in the Central American Republic of El Salvador. Occurring at a time of increasing concern about the growing violence in that country, the killings and the resulting criminal investigations have provoked intense interest, frequent frustration and occasional dismay in the United States as the citizens of this country have observed the workings of the Salvadoran justice system as it first investigated, and eventually sought to prosecute, those responsible for the killings.

From the outset, the handling of the case by Salvadoran authorities has been caught up in Congressional deliberations about the larger questions of American military, diplomatic and economic involvement with the Republic of El Salvador. But many of the questions, in Congress and out, focused on this case: Have the true killers been identified? Were higher-ups involved? Was there an attempt to cover-up the crime or conceal the murderers? Do the Salvadoran authorities have the will and the capacity to

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El Salvador: Human Rights
Special Project (1993)

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handle the prosecution of this and similar crimes of violence involving members of the security forces?

By the spring of 1983, five National Guardsmen had been accused of the crime, but their detention for over two years did not make the prospect of a speedy trial seem propitious. Increasingly, members of Congress, the families of the murdered churchwomen and other citizens asked with legitimate concern whether the Salvadoran government was serious about prosecuting the responsible parties and whether the United States was doing as much as it could to encourage the prosecution.

On April 26, 1983, the Secretary of State reported to the Chairman of the Foreign Operations Subcommittee of the House Appropriations Committee that he had directed an "independent and high-level review of all the evidence available to the United States government pertaining to the churchwomen's case."[1/] By a letter dated May 23, 1983, Deputy Assistant Secretary of State for Inter-American Affairs James H. Michel, on behalf of the Department of State, requested that I conduct this review.[2/] Mr. Michel, and thereafter, the Deputy Secretary of State, Kenneth Dam, pledged the full cooperation of all concerned Federal agencies.

Together with my colleagues, Togo D. West, Jr. and Gregory L. Diskant, I have reviewed the evidence. In the

process, we have received the cooperation that was pledged to us. Since May, we have had access to pertinent State Department files, both classified and unclassified, including the numerous cables that had been transmitted between the State Department and the United States Embassy in San Salvador on this matter. We have had similar access to the classified and unclassified files of the Federal Bureau of Investigation (FBI), and of other pertinent agencies as well. No documents necessary to our inquiry have been withheld from us.

We have talked extensively with present and former government officials of both countries who have been involved in the various investigations of this unfortunate tragedy. The State Department and the Federal Bureau of Investigation have been especially helpful in bringing their personnel from locations far removed from the cities of Washington, D.C. and New York, our principal bases of operations, for whatever interviews we have deemed necessary. Our discussions have included interviews with personnel presently assigned to the United States Embassy in San Salvador and with those who were assigned to that Embassy during the time of the earlier investigations into the murders. We have consulted with Salvadoran prosecutors, with Salvadoran attorneys in and out of government, and with representatives of the Catholic Church in both this country and El Salvador.

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Special Project (1993)

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For obvious reasons, we have sought to maintain a particularly close liaison with the representatives of the families of the victims. Our conversations with those representatives, the Lawyers' Committee for International Human Rights Under Law, and with members of the Maryknoll Order, have been characterized by candor and cooperativeness on the part of those who met with us. These groups have made their files available to us and have patiently assisted us in our efforts to determine how we could increase the likelihood that the perpetrators of these crimes will be brought to justice.

Our mission has had both sobering and heartening aspects. To an extent that is impossible to detail in this report, the criminal justice system in El Salvador is in a state of disrepair.[3/] A handful of inexperienced, undereducated, and occasionally corrupt prosecutors represent a society that seems to have lost its will to bring to justice those who commit serious crimes against it. Intimidation and corruption of prosecutors, judges and juries are widespread, and a rigid legal system renders successful prosecutions all the more difficult. The military exerts a pervasive influence over the nation and, as will be documented herein, has sought to shield from justice even those who commit the most atrocious crimes.

There are some bright spots. Some Salvadorans, most notably Judge Bernardo Rauda Murcia and Lieutenant

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Special Project (1993)

Colonel Jose Adolfo Medrano, have exhibited the courage, independence and fortitude to pursue an unpopular investigation of the crime in a country where the price for such vigilance is all too often sudden and brutal death. Representatives of United States Government agencies, particularly the Department of State and the Federal Bureau of Investigation, have been vigorous and effective in pressing the Salvadorans to investigate and prosecute this crime and, when the prosecution was finally underway, in rendering critical investigative and technical assistance. At least one United States Government officer has repeatedly exposed himself to great personal danger to obtain evidence crucial to the investigation. We believe the American public, and the families, can ask no more than that from their representatives.

SUMMARY

Five former members of the El Salvador National Guard are now in custody and charged with the murder of the four churchwomen: Luis Antonio Colindres Aleman, Carlos Joaquin Contreras Palacios, Francisco Orlando Contreras Recinos, Daniel Canales Ramirez and Jose Roberto Moreno Canjura. Perhaps our most important conclusion is that these men in fact committed the crime and that the evidence of their guilt is overwhelming. Not all of the evidence is admissible in the Salvadoran courts, but that which is

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Special Project (1993)

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El Salvador: Human Rights
Special Project (1993)

remains compelling. The admissible evidence consists of partially incriminating statements by the defendants themselves, including one complete confession; statements by their former colleagues in the National Guard, including those who participated in the abduction of the women and those to whom the defendants made incriminating statements following the crime; statements of other third-party witnesses; and technical evidence developed by the Federal Bureau of Investigation in the form of ballistics tests linking two of the defendants' weapons to the crime.

The inadmissible evidence renders the guilt of the defendants even more clear. This consists of polygraph examinations that the defendants failed, a fingerprint of Subsergeant Colindres Aleman found on the van in which the churchwomen were traveling, and highly confidential information collected by the United States Embassy through the efforts of an Embassy official at great personal risk. The reliability of this information has been proved certain, but we are convinced that lives would be endangered by public revelation of this evidence or its sources. (We shall refer to this information in our report as "special Embassy evidence.") With respect to each category of inadmissible evidence, we have explored whether in some manner it could be introduced as part of the prosecution case. In each instance, although with varying degrees of certainty, we have concluded that the evidence cannot be used.

The evidence taken as a whole shows irrefutably that the five defendants, following the orders of Subsergeant Colindres Aleman, kidnapped the women at a checkpoint outside the El Salvador Airport on December 2, 1980. They rode through the countryside to a remote location some fifteen miles from the airport, where they raped and murdered the women. Thereafter, the National Guardsmen drove the churchwomen's van to another remote location and set it afire.

The first reaction of the Salvadoran authorities to the murder was, tragically, to conceal the perpetrators from justice. Evidence available to the United States, including the special Embassy evidence, shows beyond question that Colindres Aleman confessed his involvement in the crime to ranking members of the National Guard within days of the murder. They responded by concealing this fact from the outside world, and ordering the transfer of the killers from their airport posts and the switching of their weapons to make detection more difficult.

At a minimum, then Major Lizandro Zepeda Velasco, the National Guard officer in charge of the Guard's internal investigation, was aware of the identity of the killers and participated in these acts. Sergeant Dagoberto Martinez, Colindres Aleman's immediate superior, has admitted that he also knew of Colindres Aleman's guilt. We believe it is probable that Colonel Roberto Monterrosa, head of the government's official investigation of the crime, was aware

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Special Project (1993)

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of the identity of the killers and, further, that he participated in the cover-up by purposely failing to provide Colindres Aleman's fingerprints to the United States for analysis. We believe as well that it is quite possible that Colonel Carlos Eugenio Vides Casanova, then head of the National Guard and now a General and Minister of Defense, was aware of, and for a time acquiesced in, the cover-up.

The cover-up was shattered in April, 1981, when officials of the United States Embassy identified the killers through their own investigation. This effort, although significantly assisted by ballistics and fingerprint work performed by the FBI, came principally by the development of the special Embassy evidence by an Embassy officer. The special Embassy evidence first provided identification of the perpetrators to the United States. When the Embassy learned the defendants' names, it pressed Salvadoran authorities to arrest them. At that point, Colonel Vides Casanova, the Director of the Salvadoran National Guard, ordered the arrest of the men.

Thereafter, Salvadoran prosecution efforts continued to stall, although the men were at least incarcerated. Finally, in December, 1981, a year after the killings and again responding to United States pressure, the Salvadoran government undertook a serious investigation of the crime. National Guard Major (now Lieutenant Colonel) Adolfo Medrano led a group of detectives from the Salvadoran

National Police and others in the first concentrated gathering of evidence by the Salvadoran authorities. With technical assistance from the FBI, the Medrano working group collected statements of witnesses tying the defendants to the crime, including reports of extrajudicial confessions by Colindres Aleman. This evidence supported the discharge of the accused guardsmen from the National Guard in February, 1982, so that they could be tried in the civilian courts and their remand to the custody of the civilian trial judge. The evidence gathered by the Medrano working group remains the principal evidence against the accused.

The technical support provided the Salvadoran authorities by the FBI has been simply outstanding. Fingerprint and ballistics tests by Bureau personnel provided initial corroboration of the special Embassy evidence and directly linked the defendants to the crime. Beyond technical expertise, however, Bureau agents in the United States thoroughly interviewed relevant witnesses and obtained significant information. By the artful use of the polygraph as an investigative tool, the Bureau obtained a statement from Colindres Aleman's former superior reporting a critical confession by Colindres. The FBI sent polygraph examiners to El Salvador, who interviewed the defendants and other witnesses and, again by using the test as an investigative tool, produced important incriminatory statements.

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The question whether Colindres Aleman was ordered to commit this crime by higher-ups is a troubling one. To the extent the Salvadoran authorities have investigated this matter, their inquiry is not nearly as complete as we would have liked. There is some evidence suggesting the involvement of higher-ups: most importantly, two low ranking guardsmen have testified that, in ordering them to participate, Colindres Aleman told them he was acting on higher orders.

On the other hand, there is evidence to the contrary, which we tend to credit. As we set forth in detail below, the circumstances of the crime itself and Colindres Aleman's behavior during its commission are, in our view, inconsistent with an assault on the churchwomen ordered from above. Post-murder statements by Colindres Aleman to his colleagues and his superior, along with the special Embassy evidence, provide what we believe to be additional compelling evidence of lack of higher involvement. Although it is unlikely that a dispositive answer will ever be known, we record here our best judgment: on the basis of the evidence available to us, we believe that Colindres Aleman acted on his own initiative.

Although the evidence of the defendants' guilt is, in our view, substantial, we cannot be certain that the case will be successfully prosecuted. In October, 1983, the case was finally elevated to the plenario, essentially the trial

stage, after over a year and a half in the sumario or investigative stage. This means that, at best, we can expect a trial by the spring of 1984. The newly-assigned senior prosecutor is a veteran attorney and, based on our discussions with him, appears competent to present the prosecution's case.

Nonetheless, the prosecutor must convince a majority of a jury of five, and in El Salvador juries have, understandably, been routinely subject to intimidation. Moreover, we are told that corruption of both juries and judges is an everyday event. Finally, if the system were not already weak enough, we are under the impression that this case is a relatively rare effort to prosecute members of the Salvadoran military in the civilian courts for crimes committed on duty. For these reasons, we view the likelihood of a conviction of the defendants by a jury of Salvadoran citizens to depend substantially on whether the jurors can be assured that they can vote their consciences without fear.

Under current Salvadoran procedures, the jurors must be publicly identified and hear the evidence in public. These procedures are, of course, desirable in a stable society, but hardly leave a jury with any sense of security in the Salvadoran system. We have pressed the Salvadoran authorities to undertake a variety of novel means to protect the jury or guarantee their anonymity. Unfortunately, for

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whatever reasons, the authorities have not yet looked with favor upon the introduction of unprecedented methods into their system of jury selection and protection. Thus, we must reluctantly close on a discouraging note: unless the jury can be safeguarded, we would be foolhardy to predict the conviction of these defendants.

I. THE MURDERS

As in any criminal prosecution, the facts of the crime are disputed, at least by the defendants. Although one of the defendants has confessed, the remaining accused killers maintain their innocence and present a joint alibi. In analyzing the facts of the crime, we have weighed all of the information available to us, whether or not admissible under the Salvadoran system and whether or not public. We have rejected the alibis of the non-confessing defendants as self-serving fabrications. We set forth below what we believe actually happened, resolving differences in the testimony by giving greater weight to the witnesses whose reliability we believe to have been proven. Significant differences between the facts stated herein and the testimony of other witnesses are indicated in the footnotes.

In the fall of 1980, El Salvador was suffering through a period of severe political volatility. Increasing violence by both right-wing and left-wing groups had heightened tensions. Terrorist acts were being committed against

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government officials, ministry buildings, foreign embassies, universities, churches and factories with growing regularity. Thousands of Salvadorans had been murdered as part of a vicious reign of terror, the majority allegedly by rightist elements.[4/]

On November 27, 1980, yet another outbreak of political killing occurred. Six leaders of the Salvadoran opposition, the Democratic Revolutionary Front (FDR), were tortured and murdered after their abduction from a school in San Salvador by a band of several hundred men. The bodies of the slain leaders lay in state at the Cathedral in San Salvador for several days, and their funeral was to be held on December 3, 1980.[5/] Their supporters urged a large turnout for the funeral, and many in the Salvadoran government and military feared an outburst of public violence, possibly as great as that experienced during the funeral of Archbishop Oscar Arnuldo Romero in March, 1980. The country was gripped by palpable tension and fear.

On November 26, 1980, the day before the FDR assassinations, Sisters Ita Ford and Maura Clarke of the Maryknoll Order had traveled from their station at Chalatenango, El Salvador, to an annual gathering of Central American Maryknolls in Managua, Nicaragua.[6/] Upon their return to El Salvador on December 2, 1980, the day before the FDR funerals, they, along with two other Maryknoll nuns (Sisters Madeline Dorsey and Teresa Alexander), were to be

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Special Project (1993)

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Special Project (1993)

met at the airport by Sister Dorothy Kazel, an Ursuline nun, and Ms. Jean Donovan, a lay volunteer.[7] Sisters Ford and Clarke, returning to El Salvador from Nicaragua in the midst of unprecedented tension throughout El Salvador, never reached their destination; nor did their escorts, Sister Kazel and Ms. Donovan.

From the available evidence, events unfolded on that tragic December 2 as follows. Some time after midday, Sister Kazel and Ms. Donovan drove to the International Airport to meet the four Maryknoll nuns in a white Toyota "Hiace" van.[8] They parked in the parking lot in front of the main passenger terminal at about 2:00 p.m.[9] Their arrival was noticed by a Salvadoran National Guardsman patrolling in front of the terminal, Margarito Perez Nieto.[10] His attention, he later stated, was attracted by the fact that one of the churchwomen had returned to the vehicle to retrieve a large bag capable of carrying a weapon, and by their apparently watchful attitude toward him. Perez Nieto mentally recorded their arrival and returned to his patrol.

Inside the terminal, the Lanica flight that Sister Kazel and Ms. Donovan were to meet arrived at 2:30 p.m., carrying only two of the four nuns expected, Sisters Madeline Dorsey and Teresa Alexander.[11] Sister Kazel and Ms. Donovan determined that they would drive the two nuns to La Libertad and return later to meet the remaining two Maryknoll nuns.[12] Guardsman Perez Nieto observed their departure in the white

Toyota van at about 3:15 p.m. He telephoned his detachment commander at the airport, Subsergeant Luis Antonio Colindres Aleman, to report that he suspected the women of having weapons in their travel bags. Colindres Aleman told Perez Nieto to be careful.[13]

Sister Kazel and Ms. Donovan returned to the airport to meet Sisters Ford and Clarke, the remaining two Maryknoll nuns, sometime between 4:30 and 6:00 p.m.[14] Sisters Ford and Clarke arrived on a COPA (Campania Panamena de Aviacion, the Panamanian Airlines) flight at about 6:30 p.m.,[15] and were met by Sister Kazel and Ms. Donovan. At some point, the churchwomen were again observed by Guardsman Perez Nieto, who apparently notified Subsergeant Colindres Aleman again of their activities.[16] Perez Nieto's tour of duty ended at 7:00 p.m. and at that time (or earlier) he returned to the National Guard barracks. He reported his observations in greater detail to Colindres Aleman.[17]

At this point, we believe, Colindres Aleman decided that he would stop the churchwomen. Although there is no evidence that he knew their identities, he apparently believed, based on his guard's observations, that they were "subversives." Although in our system these observations would usually not be enough even to justify an airport stop for questioning, in El Salvador in 1980, particularly on the eve of the burial of the FDR leaders, these grounds for suspicion were more than adequate. If Colindres Aleman could obtain

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El Salvador: Human Rights
Special Project (1993)

RELEASED
El Salvador: Human Rights
Special Project (1993)

evidence that the women were carrying weapons, or even "subversive" literature, his status in the Guard would be enhanced.

There is no reason to believe that Colindres Aleman necessarily had murder on his mind from the outset. At a minimum, however, he knew he was up to no good. He ordered five guardsmen, Carlos Joaquin Contreras Palacios, Francisco Orlando Contreras Recinos, Daniel Canales Ramirez, Jose Roberto Moreno Canjura, and Salvador Rivera Franco, to change out of their uniforms into civilian clothes. He instructed the five men to accompany him with their service rifles and ammunition.[18] Shortly after 7:00 p.m., Colindres Aleman, the five guardsmen in civilian attire and Perez Nieto, in uniform, drove in a National Guard jeep to the traffic checkpoint near the airport entrance.[19]

At the checkpoint, Colindres Aleman instructed Perez Nieto to stop all traffic at the checkpoint for approximately ten minutes, but to allow the "white van" carrying the churchwomen to pass without hinderance.[20] Colindres Aleman left Perez Nieto at the checkpoint, along with the uniformed guardsmen already on duty there, Luis Napoleon Cornejo Cubas, Jose Vidal Cruz Piche, and Jose Luis Monterrosa.[21] After rounding a bend in the airport-access road, and nearing the first toll station for the as yet unfinished highway between San Salvador and the airport,

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Colindres Aleman and the five guardsmen, all in civilian clothes, took up positions on the road and awaited the arrival of the white van.[22]

Meanwhile, at the airport, the four churchwomen retrieved the luggage of Sisters Ford and Clarke and left the terminal in their white van. At the airport traffic checkpoint, Guardsman Perez Nieto, following instructions, allowed the van to pass through. He detained all other traffic for about ten minutes,[23] and then returned to the National Guard headquarters.

Passing the checkpoint, the churchwomen arrived at Subsergeant Colindres Aleman's position. They were stopped and ordered to vacate the van.[24] The guardsmen searched the van and questioned the women. Thereupon, Colindres Aleman ordered them back into the van together with Guardsmen Contreras Recinos, Canales Ramirez and Moreno Canjura.[25] Contreras Recinos drove the van and, with Colindres Aleman and Guardsmen Contreras Palacios and Rivera Franco following in the National Guard jeep,[26] the small convoy started its journey fifteen miles into the hills of El Salvador.

Shortly thereafter the jeep developed engine trouble. After a brief stop for temporary repair, the two vehicles made it to the National Guard command post at the town of El Rosario La Paz.[27] There, Subsergeant Colindres Aleman telephoned the airport and instructed his second in command, Corporal Isabel Aquino Giron, to send another

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El Salvador: Human Rights
Special Project (1993)

vehicle to El Rosario to retrieve them.[28] The jeep was then left at the Guard post, with Guardsman Rivera Franco to guard it.[29]

The five other guardsmen crowded into the small van with the four churchwomen and proceeded in the direction of Zacatecoluca. At the intersection of the road to San Pedro Nonualco, the van left the main road and drove for another six kilometers, finally turning off onto a dirt lane.[30] At a deserted site along the lane, Subsergeant Colindres Aleman directed Guardsman Contreras Recinos to bring the van to a halt, and ordered the women out of the van.[31] The guardsmen sexually assaulted the women. Then, at Colindres Aleman's orders, they shot the women dead with their service rifles, leaving the bodies along the roadside as they fell.[32] The guardsmen, upon completion of their grisly mission, then returned to El Rosario La Paz in the van.

In the interim, Corporal Giron had sought from the commander of the Customs Police at the airport, Juan de Dios Barrera Rivera, a vehicle with which to pick up Colindres Aleman and his men.[33] Barrera Rivera assigned Victor Melgar Garay to drive a blue Customs Police pick-up truck[34] to El Rosario La Paz, where, accompanied by Guardsman Julio Cesar Valle Espinoza, Melgar Garay found Guardsman Rivera Franco guarding the disabled jeep.[35] The three were waiting when Subsergeant Colindres Aleman and the other guardsmen returned without the women at approximately 11:00 p.m.[36]

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Special Project (1993)

Climbing into the cab of the truck, Subsergeant Colindres Aleman instructed Melgar Garay to drive back onto the highway in the direction of La Libertad.[37] Followed by the white Toyota Hiace van, the truck proceeded along the coast road until ordered by Colindres Aleman to stop.[38] After the guardsmen had removed several items from the van to the blue Customs pick-up truck,[39] Guardsman Contreras Recinos opened the middle door of the van and, with the help of Contreras Palacios and Moreno Canjura, poured aviation fuel on the inside and outside of the van and set it afire.[40]

Near midnight, Subsergeant Colindres Aleman and his men returned to the airport in the blue pick-up truck.[41] Upon his return, Colindres Aleman took the van's spare tire and jack, and several articles of women's clothing to the barracks.[42] Later, several of the guardsmen, with Colindres Aleman, burned this clothing and certain other articles taken from the churchwomen.[43] On December 3, Colindres Aleman took the spare tire and jack to a nearby farm camp and left them there with a friend for safekeeping.[44]

Early in the morning of December 3, 1980, villagers from Santiago Nonualco, a remote village fifteen miles northeast of the airport, found the bodies of the four churchwomen sprawled along the roadside.[45] One of the villagers contacted the local Militia Commander, Jose Dolores Melendez, to report the discovery.[46] Shortly thereafter, two National Guardsmen and three Civil Guardsmen

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Special Project (1993)

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El Salvador: Human Rights
Special Project (1993)

arrived at the scene, and ordered the preparation of a common grave.[47] The local Justice of the Peace, Juan Santos Ceron, was summoned by the Militia Commander, and authorized the immediate burial of the women as "unknowns," an unfortunate practice that had become common in El Salvador.[48]

When Sister Kazel and Ms. Donovan failed to return to La Libertad, Father Paul Schindler, an American priest working in La Libertad, contacted the United States Consul in San Salvador, Patricia Lasbury (now Patricia Lasbury Hall), on December 3.[49] Ms. Lasbury then informed the Chief of National Police of the women's disappearance. Salvadoran Defense Minister Garcia was also notified.[50] A nationwide search was promised.

In an attempt to locate the women himself, Father Schindler set out to search along the coastal road leading from La Libertad to the airport. On the evening of December 3, he found the burned-out shell of the churchwomen's van where it had been abandoned along the coastal road.[51] Its license plates were missing, and the van could be identified only by the serial numbers on the engine block.[52]

Meanwhile, word began to circulate in the community that four female Caucasian "unknowns" had been found dead and buried in Santiago Nonualco. A local parish priest heard the news and informed the Vicar of the San Vicente diocese. In turn, the Vicar notified the United States Embassy that the bodies of the American churchwomen had been found.[53]

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El Salvador: Human Rights
Special Project (1993)

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Upon learning the news, United States Ambassador Robert White went immediately to the murder site, where he found Father Schindler, who also had been notified by the parish priest of the discovery of the bodies.[54] The Secretary of the Justice of the Peace arrived and gave permission for the removal of the bodies from the grave.[55] All four women had been shot in the head; the face of one had been destroyed.[56] The underwear of three of the women was found separately, along with bloody bandanas.[57] Brief medical examinations were performed that day, but no autopsies.[58] Sisters Ford and Clarke were buried in Chalatenango; Sister Kazel and Ms. Donovan, in the United States.[59]

II. THE INVESTIGATIONS

Despite the numbing regularity with which innocents in El Salvador have been subjected to crimes of violence, the rape and murder of the four American churchwomen provoked immediate international outrage. The Salvadoran government responded by publicly promising a full investigation, and the United States pledged its complete assistance. The actions of the United States and its representatives to investigate the crime and to bring the perpetrators to justice have been remarkable. Quite simply, we believe that the killers would never have been identified and the evidence of their guilt never properly assembled had it not been for the efforts, often courageous, of United States personnel.

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Special Project (1993)

SECRET

The efforts of Salvadoran officials, on the other hand, have been mixed. Despite the public promise of a full and complete investigation, the actual initial Salvadoran government response appears to have been to do everything possible to conceal the perpetrators of the crime. The identities of the killers were known to officials of the Salvadoran National Guard within days of the murders. Nonetheless, the official response to this information ranged from indifference to active cover-up. It was only after a year had passed, and the killers had been identified by the United States, that a competent group of Salvadoran officials undertook a thorough investigation of the crime and assembled the evidence that forms the basis for the prosecutions. The men who performed that task, led by Major Medrano, and the judge who inherited the case and completed the investigation, Judge Bernardo Murcia Rauda, performed difficult work under the most dangerous of circumstances. They deserve the praise and gratitude of all those who have sought to see justice done in this case.

A. The Zepeda and Monterrosa Investigations

Within days of the murders, Salvadoran authorities commissioned two investigations, one public and one private, both with apparently the same objective: to create a written record absolving the Salvadoran security forces of responsibility for the murders. The public investigation was in the

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form of a commission headed by Colonel Roberto Monterrosa, then director of the Armed Forces Studies Center and later commander of the Salvadoran Navy. The private investigation, commissioned by the National Guard itself, was headed by Major Lizandro Zepeda Velasco. In his interview with us, Colonel Monterrosa was surprisingly candid about his purpose. He stated that his investigatory commission had flatly rejected the possibility that security forces were involved in the murder, not because of the absence of evidence, but because their involvement, if proved, would cause serious consequences for the armed forces "from a political point of view."[60/]

The failure of either Zepeda or the Monterrosa Commission to pursue a serious investigation is obvious, for the evidence of the defendants' culpability was readily available for gathering. As we will note below, the murderers made no attempt whatever to conceal their culpability from other National Guardsmen. Not only had several guardsmen witnessed the churchwomen's abduction, but the defendants repeatedly conceded their guilt to their colleagues following the killing. For instance, at a meeting called by Colonel Vides Casanova within days of the murders to ask whether any National Guardsmen were responsible, Subsergeant Colindres Aleman approached his immediate supervisor, Sergeant Dagoberto Martinez and reported that, "the problem regarding the nuns is me." Martinez advised Colindres Aleman to be silent

SECRET

RELEASED
El Salvador: Human Rights
Special Project (1993)

SECRET

about the crime, but to admit his role if questioned by a National Guard officer.[61]

The National Guard officer assigned in December, 1980 to investigate the crime was Major Zepeda.[62] Zepeda interviewed Colindres Aleman, as well as other guardsmen on duty at the airport on the night of December 2.[63] Although all the witnesses whom Zepeda purportedly interviewed had at least partial knowledge of the facts of the crime--knowledge that they later confessed to Major Medrano--Zepeda blithely reported that no one remembered anything out of the ordinary about that evening. His perfunctory written report, turned over to the United States many months later, concludes "[i]t is not proven in this report that elements of the National Guard had any participation in the death of the four North American religious [sic]."[64]

In fact, the written Zepeda report was a sham. Indeed, it made so little an impression on Major Zepeda himself that, when we interviewed him in September, 1983, he insisted that his reporting had been oral only.[65] He persisted in this position even when we told him that we had seen copies of written reports. Zepeda may have remembered only an oral report because it was undoubtedly only orally that he would have communicated his true findings: that, National Guardsmen led by Colindres Aleman had committed the murders.

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SECRET

Information derived by the United States Embassy from the special Embassy evidence shows unequivocably that Subsergeant Colindres Aleman followed precisely Sergeant Martinez' recommendation. When Major Zepeda questioned Colindres Aleman in the days following the crime, he confessed his role in the murders to the National Guard investigating officer.

Major Zepeda did not betray Subsergeant Colindres Aleman's trust. Rather, he undertook a course of action in the winter and spring of 1981 to protect Colindres Aleman and the other killers. Of course, he issued a written report absolving the guardsmen of blame. Moreover, according to the special Embassy evidence, Major Zepeda caused the murderers to be transferred away from their airport post, thus making it more difficult for outsiders to determine who had been in a position to undertake the killings or to interview military witnesses at the airport. Knowing that the FBI had performed ballistics tests on shells and casings associated with the crime, Major Zepeda also, according to the special Embassy evidence, ordered the killers to switch their rifles with others so as to make detection more difficult. (This effort did not ultimately prevent linking the murder weapons with the defendants. Major Zepeda either failed to, or could not, alter the Salvadoran military's written records identifying which rifles were assigned to the defendants.)

SECRET

RELEASED
El Salvador: Human Rights
Special Project (1993)

RELEASED
El Salvador: Human Rights
Special Project (1993)

Although we have no direct proof, we think it is quite possible that Major Zepeda informed his superior, then Colonel Vides Casanova, of his activities. Vides Casanova appointed Zepeda, and Zepeda reported directly to him. It seems unlikely that a mid-level officer like Zepeda would have undertaken the obstructive actions he did without approval or encouragement from someone higher. Moreover, when we interviewed now General Vides Casanova, we found him evasive; he professed a disturbing lack of knowledge of Zepeda's investigation, despite evidence that he was aware of and received reports concerning Zepeda's efforts throughout the investigation.[66/] In his answers to us, General Vides Casanova attempted to distance himself as completely as possible from all investigations of the crime.

We believe it probable that Major Zepeda informed Colonel Monterrosa of his findings. Indeed, in his discussion with us, Colonel Monterrosa asserted that he was responsible for Zepeda's appointment as investigating officer. Certainly the activity undertaken by the Monterrosa Commission--or, more accurately, its inactivity--suggests the absence of any serious interest in identifying the killers. Nonetheless, for the first few weeks of its existence, the commission managed to suggest to the outside world that it was undertaking a serious mission.

The commission's appointment was announced on December 8, 1980.[67/] On that day the members of the

commission received United States Ambassador Robert White and a team of distinguished Americans sent by President Carter to investigate the crime.[68/] The commissioners purported to welcome investigative assistance from the United States, including technical expertise and assistance in planning the investigation. The Ambassador willingly agreed. A team of FBI technicians flew to El Salvador and gathered various evidence for laboratory analysis, including fingerprints and debris taken from the white van, and items of clothing found at the gravesite.[69/]

Over the next few days the commission requested that autopsies be performed on the two churchwomen buried in the United States;[70/] it visited the murder site and questioned residents of the area;[71/] it took a statement from a Salvadoran priest, Father Britto,[72/] who had been stopped at a military checkpoint near the airport on the evening of December 2, 1980; and it requested the assistance of the United States in locating six Canadians who had also been stopped at that checkpoint with Father Britto.[73/]

Despite its initial show of activity, the Monterrosa Commission soon slowed its pace. On December 20, 1980, the commission adjourned for the traditional three-week Christmas recess,[74/] and when the commission eventually resumed its "investigation" in January, 1981, its efforts were unimpressive. Consistent with Colonel Monterrosa's statement to us that the commission had no serious interest in connecting

RELEASED
El Salvador: Human Rights
Special Project (1993)

El Salvador: Human Rights
Special Project (1993)

security forces with the crime, the commission obtained and relied upon false exculpatory statements from guardsmen on duty substantially identical to those collected by Major Zepeda.[75]

Although the United States was, as requested, providing investigative assistance, that assistance was largely ignored. United States suggestions that the most elementary investigative steps be taken were greeted with distrust or disinterest. Thus, the United States repeatedly requested, to no avail, that guardsmen at the checkpoint and the burial site be fingerprinted; that airport guardsmen be vigorously questioned about the events of December 2; that the weapons of guardsmen at the airport be confiscated for testing; and the like.[76] When pressed to explain his reason for failing to fingerprint the potential suspects, Colonel Monterrosa lamely explained, "one must understand the political situation in El Salvador."[77] He later claimed that the commission did not have the authority to fingerprint the men in question.[78]

Thereafter, in February, 1981, Colonel Monterrosa began the first of his many efforts to conclude the commission's activities.[79] One might be tempted to conclude that the Monterrosa Commission's failure to uncover useful information was the result of mere indifference or fear. We conclude that it is more probable that Major Zepeda informed Colonel Monterrosa of Colindres Aleman's guilt and that

Colonel Monterrosa purposely chose to conceal the truth. According to Monterrosa himself in his discussion with us, Zepeda reported everything he knew to him.

More telling than the lines of authority, however, was an event that occurred on February 26, 1981. On that date, after much prodding from the United States, Colonel Monterrosa delivered to an Embassy official fingerprints and palm prints of three of the four guardsmen from whom the commission had taken written statements: Jose Luis Monterrosa, Luis Napoleon Cornejo Cubas, and Vidal Cruz Piche, all guardsmen stationed at the airport checkpoint on the day of the murders.[80] Of course, since none of these men was involved in the murders, their fingerprints were essentially meaningless. The significant event of that day, however, was Colonel Monterrosa's pointed failure to produce the fingerprints of the fourth guardsmen who had given a statement: Subsergeant Colindres Aleman.

A month and a half later, after the special Embassy evidence had provided the Embassy an indication of Subsergeant Colindres Aleman's guilt, but before the Embassy had revealed that knowledge to the Salvadorans, an Embassy official asked Colonel Monterrosa why Colindres Aleman had not been fingerprinted.[81] Colonel Monterrosa immediately became defensive and claimed he had taken fingerprints only from those persons requested by the Embassy. From all the circumstances, however, we believe that Colonel Monterrosa

RELEASED
El Salvador: Human Rights
Special Project (1993)

did not provide Colindres Aleman's fingerprints because he knew--since Major Zepeda had told him--that Colindres Aleman was responsible for the murders. Monterrosa feared that providing Colindres Aleman's fingerprints would enable him to be identified.

In the period between January and April, 1981, frustrated at the inaction of the Monterrosa Commission, and still uncertain that a purposeful cover-up was underway, Embassy officials continued to apply direct and indirect pressure upon Colonel Monterrosa. They asked the ruling junta to press Monterrosa to conduct a meaningful inquiry.[82] President Jose Napoleon Duarte, whom we interviewed and who appeared to have a sincere interest in the prosecution of this case, complied with the various requests of the United States, and repeatedly instructed Colonel Monterrosa to undertake pertinent investigative steps: to identify all security force personnel near the airport; to fingerprint those personnel; and to collect, secure and test their weapons.[83] Despite instructions from his civilian superior, Colonel Monterrosa did as little as possible throughout the early spring of 1981. Taken together, the Monterrosa and Zepeda investigations provide distressing evidence of the willingness of the Salvadoran military to protect their own, no matter what the cost.

El Salvador: Human Rights
Special Project (1993)

B. The Cover-Up Is Defeated

Distressed at the apparent inability of the Monterrosa Commission to make substantial progress, and unaware of the cover-up engineered by Major Zepeda, officers of the United States Embassy determined to do what they could to identify the killers. In February, 1981, an Embassy officer developed information that promised eventual discovery of the identity of the killers. Over the next two months, this special Embassy evidence was proven reliable. The Embassy learned the identity of the killers; of other witnesses who could prove the killers' identity in court, most notably Sergeant Dagoberto Martinez; and obtained convincing evidence of the cover-up.

A significant piece of corroboration came from FBI analysis of two cartridge casings and three spent bullets provided to the Embassy by the Salvadoran government on March 2, 1981.[84] On March 17, 1981, the FBI laboratories identified the casings and bullets as coming from Heckler and Koch G-3 assault rifles,[85] standard issue to the Salvadoran security forces. Other corroborating evidence cannot be set forth here because it would tend to disclose and thus endanger the nature and sources of the special Embassy evidence. In any event, after several months of testing, through the use of corroborating evidence, the Embassy was convinced that the special Embassy evidence was both genuine and sound.

El Salvador: Human Rights Special Project (1993)

RELEASED
El Salvador: Human Rights Special Project (1993)

SECRET

By April, 1981, the Embassy had concluded that only extraordinary pressure would result in the arrest and prosecution of the killers, and it determined to inform the Salvadoran authorities of the information it had learned, but not its source. On April 21, 1981, the Embassy identified Subsergeant Colindres Aleman to President Duarte. Several days later the Embassy named to Defense Minister Garcia five other guardsmen identified by the special Embassy evidence.[86/] The United States demanded that the killers be arrested. Upon learning this news, Colonel Vides Casanova ordered the arrest of the guardsmen who had been identified. The men were taken into custody on April 29, 1981.[87/]

The arrest of the guardsmen enabled the FBI to complete the scientific tests it had begun some months before. On April 30, the FBI obtained the defendants' fingerprints and shortly thereafter matched a thumbprint of Subsergeant Colindres Aleman with a print found on the churchwomen's van.[88/] On May 1, the weapons of the guardsmen were seized,[89/] and by May 17, the FBI reported that one of the seized weapons, which later was identified as belonging to Guardsman Moreno Canjura, had fired a cartridge found at the murder site.[90/]

Although the cover-up had been thwarted, and evidence of the defendants' guilt produced, the military apparently remained ambivalent about the extent to which it would cooperate in the prosecution. Major Zepeda remained

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in charge of the National Guard's internal "investigation," and the disclosure of the true facts apparently did little to deter him from his course of concealment. In the period following the arrests, Zepeda took two more written statements from Subsergeant Colindres Aleman.[91/] In the first, Colindres Aleman again denied participation in the murders. In the second, recorded after the FBI had linked his fingerprint to the nuns' van, Colindres Aleman claimed that he might have touched the van in the airport parking lot and again denied his guilt. Major Zepeda also interviewed Guardsman Moreno Canjura, who blandly claimed that his rifle could not have been involved in the murder because he had possessed it continuously and he had not been involved in the murder.[92/]

On July 1, 1981, Major Zepeda submitted a second report to Colonel Vides Casanova.[93/] He still concluded that he could not determine the guilt of the guardsmen because of the "difficulty" in resolving a case so "delicate." He concluded that only the civilian courts could make a determination of guilt and that he had exhausted the resources at his disposal. Other than Major Zepeda's meager efforts, Salvadoran attempts to investigate and prosecute the guardsmen were virtually nonexistent throughout the summer and fall of 1981.

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RELEASED
El Salvador: Human Rights
Special Project (1993)

SECRET

RELEASED
El Salvador: Human Rights
Special Project (1993)

C. The Medrano Working Group

By the fall of 1981, the United States Embassy recognized that the Salvadoran authorities were evidently content to let the defendants remain in prison while doing nothing to prosecute the crime. The Embassy determined to press all the harder for a serious investigation, which, for political reasons, would have to come under the aegis of the Monterrosa Commission.

On December 4, 1981, the Commission agreed to the appointment of a working group, composed of professional investigators and backed by technical assistance from the United States, to conduct the investigation.[94] On December 7, 1981, the Fiscal General (the chief Salvadoran prosecutor) and his deputy agreed to this concept as well.[95] The working group was formally established on December 9 by order of Colonel Vides Casanova.[96] National Guard Major Jose Adolfo Medrano was appointed to head the group.

The work of the Medrano working group is one of the encouraging chapters in the Salvadoran handling of the churchwomen murders case. It stands in sharp contrast to the previous two investigations described herein, and was pursued with thoroughness and persistence. The Medrano working group was the first successful attempt by an agency of the Salvadoran government to investigate the murders in a systematic and determined way. In two months time, the working group, under the able leadership of Major Medrano,

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was able to question more than a dozen important witnesses, gain a confession, and gather valuable physical evidence.

One of the reasons the Medrano working group was so successful was that, with its establishment, ongoing technical assistance was provided by the FBI at every step. Similarly, Embassy personnel were present for every session of the Medrano working group. Thus, the Medrano working group became an organized, joint effort by Major Medrano of the National Guard, detectives of the National Police, the FBI Regional legal attache and his FBI colleagues who appeared from time to time to carry out special activities such as polygraphing, ballistics, or fingerprint analysis, and representatives from the United States Embassy. Representatives from the office of the Fiscal General also participated in working group sessions.

Within days of his appointment on December 9, 1981, Major Medrano had interviewed two of the airport fuel workers who were on duty on the day of the murders concerning the dispensing of airplane fuel possibly used by the guardsmen in their jeep;[97] Jose Vidal Cruz Piche, one of the guardsmen stationed at the airport;[98] the four guards of Hector Herrera's estate, who witnessed the van passing back and forth to the murder site that evening[99] and Jose Luis Monterrosa, another guardsman stationed at the airport.[100] These interviews were crucial to the case. They provided

SECRET

DECLASSIFIED

El Salvador: Human Rights Special Project (1993)

RELEASED
El Salvador: Human Rights Special Project (1993)

the first public evidence of the facts surrounding the crime.

The first important break for Major Medrano was his interview on December 11 of Guardsman Cruz Piche.[101] Cruz Piche, whom Major Medrano had known previously[102] and who apparently felt comfortable with the investigator, confided that on the night of the murders he had seen Colindres Aleman, Contreras Recinos, Moreno Canjura, Canales Ramirez, and two others depart the airport in the post's Toyota jeep shortly after 7:00 p.m., passing through the checkpoint where Cruz Piche was stationed with Guardsmen Luis Monterrosa and Cornejo Cubas. Cruz Piche said that when he returned to the detachment headquarters at the end of his tour, he found that the six who had left earlier were drunk and appeared nervous.[103]

Medrano reinterviewed Guardsman Cruz Piche on December 15, 1981.[104] Cruz Piche amplified his previous statement, saying that Subsergeant Colindres Aleman ordered Guardsman Perez Nieto to remain at the checkpoint to detain all airport traffic for the next ten minutes, and that Perez Nieto had allowed a white microbus to pass without inspection. Cruz Piche reported that he later overheard Colindres Aleman say "What's done is done," and, "If fate is against us, we will have to pay," or words to that effect. This testimony was the first public revelation that Colindres Aleman had ever acknowledged his guilt.

Guardsman Cruz Piche also testified that three days later he heard a guardsman say that he had been told by guardsmen who had accompanied Colindres Aleman that the victims were "subversive nuns," that "we took subversive propaganda from them," and that another guardsman had somehow obtained 5,000 dollars or colones. He said that eight days later he saw Subsergeant Colindres Aleman selling ladies' watches in the airport area.

Guardsman Jose Luis Monterrosa confirmed Cruz Piche's statement to the Medrano group and named the six guardsmen he saw depart the airport: Colindres Aleman, Jose Elias Sanchez, Francisco Orlando Contreras Recinos, Jose Roberto Moreno Canjura, Adrian Ramirez, and Daniel Canales Ramirez.[105] Two days after the murders, Luis Monterrosa saw Colindres Aleman with a large amount of money purchasing a television set, furniture, and other items, as well as selling a tape recorder, watches, rings, and eyeglasses. Luis Monterrosa testified that he overheard guardsmen say that "they were subversive nuns and had subversive propaganda," and that Colindres Aleman said "It happened today: if our turn comes up, we'll have to pay for it."

During this period the Medrano group also took statements of Luis Napoleon Cornejo Cubas, the third guardsman at the airport checkpoint, Corporal Isabel Aquino Giron, the deputy commander of the airport National Guard detachment, and Guardsman Perez Nieto, who had been on patrol at

DECLASSIFIED

RELEASED
El Salvador: Human Rights
Special Project (1993)

RELEASED
El Salvador: Human Rights
Special Project (1993)

the terminal and had spotted the nuns. Taken together, the statements significantly tightened the chain of evidence of guilt and provided a fairly complete picture of the events of December 2, 1980.

In his December 17, 1981 statement,[106] airport Guardsman Luis Napoleon Cornjeo Cubas confirmed the statements of Guardsman Cruz Piche and Luis Monterrosa, and revealed that he had learned that on the night of the murders Colindres Aleman brought back a spare tire, which a few days later he gave to a friend at the nearby "Macondo" cotton plantation. He also saw Colindres Aleman and his five companions burn women's clothing behind the National Guard command post several days after the killings.

Corporal Giron testified that about 5:30 p.m., he overheard Subsergeant Colindres Aleman talking by telephone with Perez Nieto, who was in the airport terminal.[107] Thereafter, Giron swore, Colindres Aleman ordered five guardsmen to dress in civilian clothes, and they departed with him in the detachment jeep at about 7:00 p.m. Giron testified that later that evening he received a telephone call from Colindres Aleman, asking for a replacement vehicle. Giron borrowed a blue pickup truck and a driver from the commander of the airport Customs Police, and directed the driver to proceed to El Rosario La Paz to meet Colindres Aleman.

[redacted]

Giron further stated that he saw the pickup truck return with the guardsmen shortly before midnight, observed the guardsmen remove a tire and several cartons from the truck, and later heard that Subsergeant Colindres Aleman took the tire to a friend at the "Macondo" cotton plantation the next day. Finally, Giron said that on or about December 7, 1980, Colindres Aleman told him that "they were subversive women. I do not think there will be a problem.". This implicit acknowledgment of guilt by Colindres Aleman constitutes his third extrajudicial confession in the record.

On December 22, 1981, Margarito Perez Nieto, the guardsman on patrol in front of the airport terminal who had identified the nuns, gave a deceptive statement.[108] Although Perez Nieto acknowledged reporting to Subsergeant Colindres Aleman that two "suspicious looking foreign women were in the airport terminal," he claimed that Colindres Aleman only ordered him to go to the checkpoint to search all out-going traffic, which he claimed he did for five or ten minutes without singling out any particular vehicle. He stated that one of the three white vans he remembered seeing may have been driven by one of the women he had seen earlier in the terminal. At this initial interview, Perez Nieto failed to reveal that he had seen Colindres Aleman depart with five other guardsmen in civilian clothes to stop the white van. He likewise only obscurely alluded to Colindres Aleman's instructions to him to hold all traffic except for the white van, and his compliance with those instructions.

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El Salvador: Human Rights Special Project (1993)

SECRET

RELEASED
El Salvador: Human Rights Special Project (1993)

On December 23, the Medrano working group interviewed the airport Customs commander.[109] He corroborated Corporal Giron's statement that at about 11:00 p.m. the night of the murders, Giron asked him to loan the Customs Police vehicle in order to pick up Colindres Aleman and the others. He said that he sent his vehicle and driver to get the guardsmen and that his driver later informed him that the guardsmen had put bloodstained women's clothing in the truck. The following day, Christmas Eve, the Medrano group interviewed Mariana Realejeno, the maid at the National Guard airport barracks,[110] who testified that in late December, 1980, a guardsman gave her a woman's skirt as a gift.

Early in January, 1982, the Medrano working group interviewed Victor Melgar Garay, the Customs Police duty driver who had picked up the group of guardsmen in El Rosario La Paz on the night of the murders.[111] Melgar Garay described the unloading and burning of the white microbus on the highway to La Libertad, and testified that he had been warned to keep silent about what he had seen. In the same period, the Medrano group began to amass the physical evidence that linked the six guardsmen to the crime. The wheel, tire, and jack stolen from the church-women's van were recovered by the working group from the nearby plantation where they had been taken by Colindres Aleman.[112]

SECRET

SECRET

The working group interviewed Adrian Ramirez Palacios and Jose Elias Sanchez Guzman, guardsmen detained together with the killers, on January 11 and 12, 1982. Each confirmed that he had seen Subsergeant Colindres Aleman and his group depart from the airport on the night of December 2, 1980, and that Colindres Aleman had later possessed personal articles from the van.[113]

Sanchez Guzman added critical incriminating statements he had heard from the defendants during his period of incarceration with them.[114] He stated that while in prison Guardsman Moreno Canjura had admitted that after the women were shot, Moreno Canjura saw that one of them was still alive and that he had used his own rifle to kill her. Sanchez Guzman swore as well that he and Ramirez Palacios were threatened by the defendants that they would be killed if they talked about the case after they were released. Finally, Sanchez Guzman provided an important clarification about the culpability of Guardsman Rivera Franco, which later enabled the prosecution to use Rivera Franco as a witness against the killers: although Rivera Franco had participated in the kidnapping of the women, he was not one of the killers; he had stayed behind with the disabled jeep at Rosario La Paz.

The various witnesses' statements had regularly identified one guardsmen not in custody, Carlos Joaquin Contreras Palacios, as among the six men who had abducted

SECRET

DECLASSIFIED

El Salvador: Human Rights Special Project (1993)

RELEASED
El Salvador: Human Rights Special Project (1993)

SECRET

the churchwomen and, at the same time, had generally omitted mention of one guardsmen in custody, Adrian Ramirez Palacios. This evidence, together with the similarity in names, led the working group to conclude by late December that Ramirez Palacios was not involved in the murders.[115] During the first week in January, 1982 the Medrano working group had located Contreras Palacios for questioning.[116]

On January 14, 1982, the working group received a major break: Contreras Palacios confessed to his participation in the murders.[117] Because Contreras Palacios had been belatedly identified and had not been incarcerated with the other five defendants, he apparently had not been subject to group pressure to present a joint alibi. Rather, remorseful over having raped and murdered women who he later learned were nuns, Contreras Palacios, when apprehended, provided the first participant account of the crime.

Under Salvadoran law (common in many civil law countries), the testimony of a participant in the crime cannot be used against the others.[118] Thus, Contreras Palacios' confession was, technically, admissible only against him. It was significant nonetheless. First, it provided full corroboration of the evidence initially provided by the special Embassy evidence and thereafter painstakingly developed by the FBI and the Medrano working group. Second, the confession would be admissible against Contreras Palacios at the joint trial of all the defendants.

SECRET

Thus, although it was technically of limited admissibility, it would still have a significant psychological effect on the jurors, assuring them of the defendants' guilt.

Contreras Palacios swore that he and the others, dressed in civilian clothes, left the airport command post at 7:00 p.m., and stopped and searched the churchwomen's van about a half mile from the airport.[119] He said that they then drove with the van towards El Rosario La Paz, but that they had engine trouble with the jeep, forcing them to leave it in El Rosario, with a guardsman (Rivera Franco) to safeguard it. Thereafter, they drove to a deserted spot several miles southwest of San Pedro Nonualco, where Colindres Aleman ordered them to stop and the churchwomen to get out.

The guardsmen proceeded to rape the women and then, at Colindres Aleman's orders, shot and killed them. They then returned to El Rosario, picked up the guardsman left there, and drove down the coastal highway, where they burned the van. Contreras Palacios stated that he did not know of any other orders that the women be killed and that only Colindres Aleman ordered them to kill the "subversive" nuns. (When Contreras Palacios was reinterviewed, partially at our suggestion, in October, 1983, he altered this last testimony and claimed that Colindres Aleman told him he had been ordered to kill the women, but that Colindres regularly used such explanations to justify his orders.)

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DECLASSIFIED
El Salvador: Human Rights Special Project (1993)
RELEASED
El Salvador: Human Rights Special Project

SECRET

On the same day that the working group obtained Contreras Palacios' confession, it began the process of administering polygraph examinations to the suspects. Although polygraph evidence is inadmissible in El Salvador, as it is in the United States, the working group recognized, at the urging of United States representatives, that the skilled use of the polygraph can be an important investigative tool. It can provide a basis for evaluating the credibility of witnesses. More importantly, many a witness, confronted with an impending polygraph examination or the fact that he has failed one, decides to tell the truth. This happened three times during the course of the polygraph examinations in this case, all of which were administered by an experienced Spanish speaking FBI polygrapher.

Three of the suspects did not alter their testimony concerning the murders either before or after the polygraph exam: Guardsman Francisco Orlando Contreras Recinos,[120/] Guardsman Daniel Canales Ramirez[121/] and Guardsman Jose Roberto Moreno Canjura.[122/] Nonetheless, the FBI polygrapher concluded that all three--and a fourth, Subsergeant Colindres Aleman[123/]--were lying when they denied involvement in the crime. During the polygraph examination, Colindres Aleman was also asked whether he had been ordered by anyone to commit the crime. Significantly, the polygrapher concluded that his denial of receiving higher orders was truthful.[124/]

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Although Subsergeant Colindres Aleman did not confess during the course of his polygraph examination, he did alter his previous testimony in an incriminating way.[125/] Prior to the polygraph examination, Colindres Aleman had consistently claimed that he and his men were on duty at the airport on the night of December 2. During the course of the pre-examination interview, Colindres Aleman altered his testimony to concede significant incriminating details. For the first time, Colindres Aleman admitted receiving a telephone call from Perez Nieto at about 3:00 p.m. on December 2, 1980, reporting two suspicious persons at the airport, thus conceding he was on notice of the churchwomen's presence at the airport.

Subsergeant Colindres Aleman also altered his testimony to link all the suspects together. He admitted that at about 7:00 p.m. he ordered Francisco Orlando Contreras Recinos, Daniel Canales Ramirez, Carlos Joaquin Contreras Palacios, Salvador Rivera Franco and Jose Roberto Moreno Canjura, the remaining suspects, to change into civilian clothes so that they could all drive into El Rosario La Paz. Despite this critical concession, Colindres Aleman claimed that the purpose of the trip was only to get gas for the unit stove, and that they returned at about 10:00 p.m.

Margarito Perez Nieto, the airport guardsman who called Subsergeant Colindres Aleman to report to him the movements of the churchwomen from the airport, had significantly understated his knowledge at his initial interview.

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DECLASSIFIED

El Salvador: Human Rights Special Project (1993)

SECRET

RELEASED
El Salvador: Human Rights Special Project (1993)

In January, 1982 he took and failed a polygraph, and then elected to tell the truth.[126] On January 15, 1982 Perez Nieto confessed that he had been ordered by Subsergeant Colindres Aleman to allow the churchwomen's van to pass through the checkpoint, and that he had done so. He added that he had had no previous instructions to look for the churchwomen at the airport and that he was unaware of any such instructions to anyone in the National Guard unit at the airport.

Salvador Rivera Franco, the guardsman who accompanied Subsergeant Colindres Aleman and the churchwomen to El Rosario La Paz, where he remained behind to guard the jeep, also provided significant additional information upon being confronted with the polygraph.[127] Initially, Rivera Franco had offered no useful evidence in the investigation. At the commencement of the polygraph session, however, Rivera Franco indicated that he wished to make a statement, and did so. Rivera Franco thereupon identified the guardsmen who had accompanied Colindres Aleman and the nuns from the airport access road; described the search of the churchwomen's van on the airport access road; described the return from El Rosario La Paz after the murders along the coastal road to the spot where the van was burned; and stated that several of the suspects had confessed to him that they had killed the women.

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Finally, a polygraph examination helped to exonerate another of the earlier accused, Guardsman Jose Elias Sanchez Guzman. Like Ramirez Palacios, he had been imprisoned as one of the original six accused, but then was released upon the development of exonerating evidence, including the confession of Contreras Palacios and the statements of various witnesses excluding Sanchez Guzman from the group of six guardsmen who had abducted the women. As a final test, Sanchez Guzman was submitted to a polygraph examination, which he passed. Thereupon, the working group concluded that his continued denial of participation in the murders was truthful.[128]

On February 9, 1982, the Medrano working group having completed its activities, Major Medrano forwarded the investigative file to General Vides Casanova.[129] General Vides Casanova, in turn, forwarded the file, with the jack, tire, and skirt seized during the investigation, to the First Penal Judge in Zacatecoluca on February 10. At the same time, he consigned to the court Colindres Aleman, Contreras Recinos, Moreno Canjura, Contreras Palacios, Canales Ramirez and Rivera Franco, stating that they had been discharged from the National Guard and arrested for their participation in the deaths of the four churchwomen.[130]

D. The Civil Investigation

The evidence assembled by the Medrano working group remains the principal evidence of the defendants'

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El Salvador: Human Rights Special Project (1993)

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El Salvador: Human Rights Special Project (1993)

guilt. Nonetheless, as the civil authorities created their own record to support the prosecution during the ensuing months, several significant pieces of additional evidence were developed.

Perhaps most important of these was the evidence of Subsergeant Colindres Aleman's confession to his superior, Sergeant Dagoberto Martinez. The special Embassy evidence identified Sergeant Martinez in 1981 as one to whom Colindres Aleman had confided his guilt. By January, 1982, Martinez was living in Los Angeles, having left El Salvador and the National Guard in January, 1981. He was located there and interviewed by the FBI, but he denied any knowledge whatsoever about the events of the murder.[131/]

When the FBI reported these results back to El Salvador, Embassy officials knowledgeable about the special Embassy evidence were unsatisfied. They suggested that the FBI reinterview Sergeant Martinez with the assistance of a polygraph examination.[132/] Once again, the threat of the lie detector provoked a change in testimony. Faced with the test, Martinez confessed that, shortly after the killings and during a meeting of the National Guard called by Colonel Vides Casanova to ask whether any guardsmen were responsible, Subsergeant Colindres Aleman approached Martinez and conceded that he was responsible for the "problem regarding the nuns."[133/] Martinez explained that he had advised Colindres Aleman to keep that information to himself for the moment, but to confess it to

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the Director of the National Guard in accord with the Director's request.

Another significant piece of additional evidence was obtained in July, 1983. Judge Rauda had refused, under Salvadoran law, to admit into the trial record evidence obtained outside the territorial boundaries of El Salvador or outside his supervision.[134/] For this reason, he rejected the admissibility of both the ballistics and fingerprint evidence obtained by the FBI. As the case was readied for trial in the summer of 1983, and in part at our suggestion, the FBI agreed to transport its ballistics equipment to El Salvador and train a Salvadoran national in the testing process.[135/] When this was done, Judge Rauda was able to produce two more weapons, previously unknown, attributable to the defendants. The ballistics test linked one of these newly discovered weapons, that of Contreras Palacios, to the crime, thereby providing another direct link between the defendants and the murder.[136/]

Unfortunately, it was impossible to replicate the fingerprint evidence linking Subsergeant Colindres Aleman to the nuns' van. The original fingerprint had been obtained by an FBI technician in December, 1980, shortly after the killings, and processed in Washington.[137/] According to Judge Rauda, it was inadmissible for two reasons: (1) the fingerprint had been taken from the van without the authority of the investigating judge; and (2) it had been analyzed by a non-Salvadoran.[138/] In 1983, an effort was made to

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El Salvador: Human Rights Special Project (1993)

duplicate the process in an admissible fashion.[139] The Salvadoran authorities had done nothing, however, to preserve the van and, not surprisingly, the fingerprint could no longer be located some two and one-half years later.

During our trip to El Salvador, we attempted to explore ways in which the fingerprint obtained by the FBI could nonetheless be used. Both the prosecutors and private attorneys retained by the Embassy persuaded us that the fingerprint would not be admitted during the investigatory stage of the proceedings.[140] It is possible, however, as we shall explain below, that the fingerprint could nonetheless be used in the argument section of the trial, when otherwise inadmissible evidence may be presented to the jury.

III. INVOLVEMENT OF HIGHER AUTHORITIES

Since the day the bodies of the churchwomen were found, there has been a widely held suspicion, at least in the United States, that higher officers in the Salvadoran security forces were involved in the murders. Indeed, at the outset of our mission, we shared that suspicion. We frankly doubted that an enlisted National Guard member would have undertaken on his own initiative the rape and murder of four North American women, even in a society as violent as El Salvador. For this reason, we considered it an important part of our mission to do what we could to help resolve the

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question. The Salvadorans had done little to address it directly. It had taken enough American effort simply to persuade the prosecutors to pursue the murders themselves, and we saw little hope that a full-fledged investigation of possible higher involvement would ever be undertaken, at least absent concrete evidence of the sort used to force the investigation of Subsergeant Colindres Aleman and guardsmen under his command.

We resolved, therefore, to do what we could to urge the prosecuting authorities to gather evidence relevant to the question of higher involvement, while at the same time carefully reviewing the evidence available to us in an attempt to resolve the question for ourselves. In particular, we wished the Salvadorans to reinterview guardsmen Perez Nieto and Contreras Palacios. Perez Nieto had first spotted the churchwomen at the airport and his conversations with Colindres Aleman apparently led to their abduction. We did not believe he had been sufficiently questioned about these subjects. We hoped that new questioning would illuminate Colindres Aleman's specific motivation. Unfortunately, we learned that, after giving his statement to Judge Rauda, Perez Nieto had been reported missing in action since January, 1983.[141]

We asked that Contreras Palacios be reinterviewed because, as the sole confessing guardsman, he was in a

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El Salvador: Human Rights Special Project (1993)

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El Salvador: Human Rights Special Project (1993)

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El Salvador: Human Rights Special Project (1993)

position to shed light about what, if anything, Colindres-Aleman had said about his orders, a subject on which we believed Contreras Palacios had been insufficiently questioned earlier. Contreras Palacios did give new testimony in which he expanded, and contradicted, his earlier testimony by stating that Colindres Aleman had indeed claimed, in directing the guardsmen to kill the women, that the orders came from higher up.[142/] Contreras Palacios added that Colindres Aleman regularly used this sort of justification with his troops. For reasons set out below, we ultimately discounted the significance of this testimony, but it served further to underscore the importance of a resolution of the higher-up question.

We also asked the Salvadoran authorities to investigate links between the killers and security forces in Chalatenango and La Libertad, where the churchwomen had lived and worked. We sought to clarify, to the extent possible, whether any of the defendants had contacts with those cities that would suggest their participation in a conspiracy to murder, or whether officers in those cities had had contacts with the airport that would suggest the same. At the same time, we asked that fingerprints of guardsmen in Chalatenango be obtained so that they could be compared with fingerprints found on documents that threatened the churchwomen in Chalatenago. Although fingerprints have

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now been obtained from the security forces commanders at Chalatenango and analyzed without positive results, to the best of our knowledge, other security forces personnel stationed there have yet to be fingerprinted.

Thus, the record from which we have had to work is not as complete as we would have liked, or as would have been assembled for a comparable murder investigation in the United States. Nonetheless, we deem the issue too important to leave without discussion. We have undertaken to weigh the evidence available to us as best we can. We have analyzed the testimony of the witnesses and the circumstances under which the testimony was taken. We have made judgments about the credibility of particular witnesses. We have applied our various experiences as prosecutors and judge to the facts of this case. And, contrary to our initial supposition, we have concluded that, from the evidence now available to us, it is unlikely that Subsergeant Colindres Aleman received higher orders to commit this crime. We believe that he acted on his own initiative.

An analysis of the higher orders question begins with a definition of terms. In the broadest sense, higher orders could simply mean an understanding among the security forces in El Salvador, fostered by their superiors, that crimes of violence, no matter how outrageous or unjustified, would not be prosecuted. We do not believe that is what concerns those who believe Subsergeant Colindres Aleman was ordered to commit this crime. Nonetheless, the existence of

DECLASSIFIED

El Salvador: Human Rights Special Project (1993)

RELEASED
El Salvador: Human Rights Special Project (1993)

this atmosphere is important in resolving the more particular question, for it is clear to us that in El Salvador in 1980, and perhaps still today, there was a general tolerance of crimes of violence by the military. At the time of this crime, so far as we are aware, few, if any, national guardsmen had ever been civilly prosecuted for murder, even though estimates of murdered civilians ran up to 40,000, many allegedly at the hands of the military. Thus, we conclude that officers of the Salvadoran military forces, whether by direction, inactivity or tolerance, encouraged the notion that their troops were above the law.

This brings us to the more direct higher-up questions. Did some higher officer (or officers) order Subsergeant Colindres Aleman to murder the women he had abducted at the El Salvador airport, either after hearing of Guardsman Perez Nieto's suspicions or because he had previously planned to murder some or all of the women, knowing that they would be at the airport on the night of December 2?

The most direct evidence that some higher officer ordered the killing comes from the statements of Guardsmen Contreras Palacios and Valle Espinosa. Contreras Palacios has testified in his second interview that, in directing the guardsmen to shoot the women, Subsergeant Colindres Aleman said he was doing so because of superior orders.[143/] In addition, Valle Espinosa has testified that Colindres Aleman said substantially the same in ordering him to participate in the roadblock.[144/]

In addition to the direct testimony of Contreras Palacios and Valle Espinosa, there is certain circumstantial evidence as well. To some American observers at least, it seems unlikely that Subsergeant Colindres Aleman would abandon his duty post at the airport, together with five of his troops, unless he had authorization to do so. More generally, there is evidence of hostility between the military and the church in El Salvador and, in particular, between the military and church workers in Chalatenango. Our interviews with Salvadoran officers reinforced this conclusion; their animosity towards the church was obvious. Colonel Monterrosa was perhaps most blunt. He openly speculated that the churchwomen were probably subversives, and that the military might well have wished them dead.[145/]

This hostility manifested itself directly with respect to churchworkers in Chalatenango, where Sisters Ford and Clarke were based. Military personnel stationed there regularly harassed churchworkers by, for example, blocking entry to the church with their cars and haranguing them about their alleged subversive activities.[146/] By the fall of 1980, this hostility had become even more threatening.

In November, 1980, a sign was posted on the parish door in Chalatenango that could be read to threaten the lives of those working with the church there.[147/] On December 2, the day of the murders, Father Efrain Lopez, the parish priest in Chalatenango, reportedly received a letter

DECLASSIFIED

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El Salvador: Human Rights Special Project (1993)

SECRET

threatening those working for the church in Chalatenango.[148] Later on December 2, the sacristan of the Chalatenango church allegedly was approached and shown a list of people to be killed that included the names of Sisters Ford and Clarke.[149]

Moreover, a possible opportunity existed for the military to learn that the churchwomen would be at the airport on December 2. In November, 1980, Maryknoll nun Madeline Dorsey sent a telegram to Sister Ita Ford describing her travel plans to the Managua Conference and suggesting that Sisters Ford and Clarke return with her to El Salvador on December 2.[150] If the telegram were intercepted by Salvadoran intelligence officers, the possibility existed for arranging an ambush.

Ominous though the above recital may sound, it is nonetheless quite a ways distant from direct proof of higher involvement. More importantly, upon analysis, we believe some of this evidence is more ambiguous than it may seem, and supports the theory that Subsergeant Colindres Aleman acted on his own initiative as readily as the theory that he received higher orders. The remaining evidence, we believe, is both of dubious probative value and substantially outweighed by the evidence inclining against higher involvement.

First, we believe the testimony of Guardsman Contreras Palacios and Valle Espinosa to be, upon analysis, neutral. Although both have testified that, in the course

SECRET

of ordering them to participate, Subsergeant Colindres Aleman told them that he had "superior orders" and although we have no reason to disbelieve this testimony, it is not conclusive of anything. It would not be surprising if a non-commissioned guardsman of inferior rank like Colindres Aleman used the guise of "superior orders" to motivate his troops, whether he had such orders or not, particularly when asking his men to commit a blatantly illegal act. Indeed, Contreras Palacios's own statement supports this conclusion. He observed that Colindres Aleman regularly justified his orders on such a basis, and speculated that Colindres Aleman had done so this time so that he would not have to bear the full responsibility for his order. Thus, the testimony of Contreras Palacios and Valle Espinosa does not necessarily support an inference either way.

We also conclude that the general animosity between the church and the military does not necessarily support a conclusion of higher-up involvement. The belief, tolerated and even encouraged by officers of the security forces, that the Church and its workers were subversive could well lead lower-ranking soldiers to believe that church workers were fair game for harassment or worse. Thus, we believe the animosity serves as well to explain Colindres Aleman's own motives for the crimes--and his own belief that his acts were justified--as it does to suggest that his superiors were necessarily involved.

DECLASSIFIED

El Salvador: Human Rights Special Project (1993)

RELEASED
El Salvador: Human Rights Special Project (1993)

Colindres Aleman's willingness to abandon his airport post also does not support an inference either way. His action was, we believe, consistent with the structure within the National Guard at the time. As we learned in the course of our mission, Subsergeant Colindres Aleman had wide latitude in the daily functions of the unit he commanded.[151/] His superiors visited his post only occasionally, and this lack of command control was and is a major concern of the Salvadoran high command. Until recently, the number of officers was quite low in proportion to the number of posts and guardsmen to supervise.[152/] Moreover, transportation and communication facilities were limited, making it difficult for officers to control men in the field.

We also do not accord much weight to Sister Dorsey's telegram as providing an opportunity for the military to learn about the churchwomen's travel plans. As we learned, the intelligence network in El Salvador is quite primitive.[153/] There is no reason to believe that the telegram was intercepted and, if it had been, we doubt that it would have been read by anyone with a particular interest in Sisters Ford and Clarke. Moreover, even if the telegram were intercepted and routed to a person interested in securing the demise of the nuns, the telegram did no more than suggest that they travel on December 2. It was, it seems to us, an insufficient basis on which to construct a plan to abduct and murder the women.

Finally, we conclude that there is no likely connection between the Chalatenango death threats and the murders. The threats were not directed at Sisters Clarke and Ford in particular, and thus suggest no reason why those nuns would be singled out for detention and murder at the airport, some distance from Chalatenango. Moreover, if the threats were serious, we see no reason why they would not have been implemented in Chalatenango--where they would have the maximum deterent effect on the local church workers--rather than in another, far away part of the country. Implementing the threats in a distant military district would have required a level of coordination and cooperation that we have neither observed nor understood to be present in the Salvadoran security forces. At the same time, if such coordination were arranged, it would have necessarily involved additional guardsmen in the killings and thus needlessly increased the chances that the conspirators would be exposed.

If the threats were causally connected with the killings, Subsergeant Colindres Aleman would necessarily have had to be on the alert for the churchwomen. The evidence of Perez Nieto, which we credit and discuss further below, however, demonstrates that Colindres Aleman was not anticipating the arrival of the churchwomen. Finally, in our experience, death threats rarely lead so directly to murder, at least without their authors leaving sufficient time for the threat to have its desired intimidating effect.

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Special Project (1993)
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If the authors of the death threats truly intended immediately to kill the churchwomen, there was no reason to issue the threats.

In sum, much of the evidence allegedly supporting higher involvement in the murder is, in our view, actually neutral and supports either conclusion. The remaining evidence is of dubious probative value. More importantly, however, there is substantial evidence that, we believe, points the other way.

First, there is the evidence of Subsergeant Colindres Aleman's behavior during the crime itself. In this regard, the testimony of Perez Nieto, the airport guard, is crucial. As an initial matter, we regard his testimony as truthful because of the manner in which it was given: an initial deception, followed by significant revelations after failing a polygraph examination. If truthful, his testimony is inconsistent with higher orders. Were there a prearranged plan to abduct the women, it is inconceivable to us that Colindres Aleman would not have warned Perez Nieto to be on the alert for them. Not only did Perez Nieto affirmatively deny any such orders, but he also simultaneously provided a plausible and independent explanation for why the churchwomen were stopped: because he believed they were suspicious. Perez Nieto's report to Colindres Aleman of his suspicions is likewise inconsistent with higher orders. If Colindres Aleman in fact were

awaiting the arrival of the women, but for some reason had neglected to warn Perez Nieto of that fact; Perez Nieto's report of their arrival would likely have provoked a more forthcoming response than merely "be careful."

Second, Subsergeant Colindres Aleman's statements to his colleagues after the murder are, in our view, inconsistent with higher involvement. The premise for this conclusion is that, if he had been ordered to commit the crime, Colindres Aleman would have felt secure thereafter that his actions would be protected from prosecution. His statements following the crime show no such security. On December 4, 1980, Colindres Aleman told Cruz Piche that "what's done is done" and "if fate is against us, we will have to pay,"[154/] or words to that effect. On December 5, 1980, Colindres Aleman told Guardsman Luis Monterrosa "if our turn comes up, we will have to pay for it."[155/] On December 7, 1980, Colindres Aleman told Corporal Giron that "they were subversive women. I don't believe there will be any problem."[156/] These are not the words of a felon secure in the protection of his patrons. If he acted at the order of superiors, Colindres Aleman would, we believe, not have been so concerned about "fate," having to "pay," or whether he would have a "problem."

Third, Colindres Aleman's confession to Sergeant Dagoberto Martinez is inconsistent with the view that superiors were involved. If Colindres Aleman were ordered

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El Salvador: Human Rights Special Project (1993)

RELEASED
El Salvador: Human Rights Special Project (1993)

to kill the women by a superior, there was simply no reason for him apprehensively to confess his guilt to his immediate supervisor, a sergeant. Or, if he had felt the need to confess, we believe it likely that he would have explained that the "problem" he had created was ordered from above. In making this analysis, like our analysis of Perez Nieto's evidence, we necessarily treat as credible Sergeant Dagoberto Martinez's testimony, and for like reasons.

Fourth, the information obtained from the special Embassy evidence is consistent with the information from Sergeant Dagoberto Martinez. According to the special Embassy information, Subsergeant Colindres Aleman confessed his guilt to Major Zepeda without implicating any higher-ups. This, again, does not seem to us to be a likely course of events if Colindres Aleman's superiors were in fact involved. More definitively, the special Embassy evidence also provided direct proof, which unfortunately we are unable to reveal without endangering lives, that Colindres Aleman has conceded acting on his own.

Fifth, the evidence of the Zepeda/Monterrosa cover-up, which we have outlined above, shows, we think, a clear attempt to cover up a crime committed by lower-ranking soldiers, and no effort that we can discern to prevent the identification of higher-ups.

Sixth, we are convinced that, in light of all the evidence, the polygraph results are worth crediting.

Subsergeant Colindres Aleman was asked directly, during his polygraph exam, whether the assault had been ordered from above. The polygraph examiner deemed his denial to be truthful. Some critics have suggested that the question was too narrowly phrased to encompass all possible higher orders. After review of the question and careful questioning of the polygrapher, we conclude this criticism is not well-founded. During the pre-examination interview, Colindres Aleman was clearly informed of the scope of the question and, as we understand it, would have indicated an emotional response to the question if there had been any such orders, even if the question were inartfully put.[157]

Taken as a whole, we think the evidence of lack of higher involvement is persuasive and the evidence to the contrary largely, if not entirely, speculative. As we noted at the outset, the investigation of this question has not been commensurate with its importance, and all the facts are not known. We welcome the development of further information on this important issue, and would view new evidence with an open mind. Nonetheless, we believe it would be a disservice not to record here our view, based on the evidence now available, that Subsergeant Colindres Aleman acted at his own initiative.

Before we leave the subject of the involvement of others, we should note that there is some indication in the special Embassy evidence that Colindres Aleman may have had

DECLASSIFIED

El Salvador: Human Rights Special Project (1993)

RELEASED
El Salvador: Human Rights Special Project (1993)

communications about the churchwomen with the National Police in La Libertad at some point prior to the murders. This evidence suggested not that higher-ups in La Libertad had ordered the killings, but rather that the police in La Libertad had advised Subsergeant Colindres Aleman of some of the churchwomen's involvement in alleged "subversive" activities.

We have done what we could, with the limited resources available to us, to verify this allegation. We have found nothing to confirm it, and some evidence to refute it. In particular, the special Embassy evidence contains an unsubstantiated suggestion that the churchwomen might have been previously arrested by the National Police. All those who worked with Ms. Donovan and Sister Kazel in the period prior to their murder, and who would have known of such an arrest, denied to us that any such event had occurred.[158/] Thus, we record some reason to doubt the allegation, but cannot consider it disprpved. Nonetheless, from all the evidence known to us, if such a communication occurred, it would have been in the course of an exchange of intelligence information and would not have amounted to orders--higher or otherwise--to kill the women.

IV. FALSE LEADS

We believe that in the course of the investigations described above a coherent picture has emerged of the

events of the night of December 2, 1980. Even so, in virtually every investigation, and particularly in a well-publicized one such as this, a substantial number of leads, tips, rumors, and apparent facts arise that must be explored, even though the vast majority turn out to be immaterial, incapable of confirmation or refutation, or simply wrong. These are the proverbial "red herrings."

The investigations of the churchwomen's murders have grown their own crop of these issues. Many questions have been resolved by the Salvadoran investigations, with the assistance of the United States Government. Others may be explained by this report. A few undoubtedly will never be explained. In order to reach the conclusions set forth in the preceding sections, we have had to analyze each such false lead as completely as possible. We discuss them below in light of the available evidence.

A. Thomas Bracken

On December 17, 1980, Thomas N. Bracken, a United States citizen, was killed in a shoot-out in the streets of San Salvador. Just one week prior, on December 11, 1980, Bracken had gone to the United States Embassy in San Salvador to offer information about the churchwomen murders. The proximity of the two events has caused some speculation as to whether Bracken's appearance at the Embassy and his subsequent murder were causally connected.

DECLASSIFIED

El Salvador: Human Rights Special Project (1993)

RELEASED
El Salvador: Human Rights Special Project (1993)

We have found no such connection. Bracken was interviewed at the Embassy prior to his death, and had no specific evidence concerning the crimes.[159] He offered the theory that the murders had been committed by a right-wing splinter group, but had no evidence to support the charge. Bracken's stated purpose in coming forward was to trade his vague rumors for dismissal of a criminal warrant outstanding against him in El Paso, Texas. It seems to us clear that his offer of information was merely the act of a desperate man trying to find a way to return to the United States.

An inventory of Bracken's quarters, after his death, revealed twenty-five molotov cocktails, wiretapping equipment, handguns, ammunition and military manuals. He had told the Embassy that he was employed as an instructor for the Salvadoran National Police. It was in this capacity that he appears to have met his death. Bracken accompanied several National Police officers who were chasing armed suspects and, in the process of attempting to make the apprehension, was shot dead by one or more of the suspects. In turn, the National Police shot and killed two of the suspects.[160] Based on these facts, we find no connection between Bracken's contact with the Embassy and his death.

B. The Canadians

A group of six Canadians together with a Salvadoran priest, Father Britto, was stopped at a military checkpoint

outside the San Salvador International Airport on December 2, 1980, between about 6:30 p.m. and 7:00 p.m. Because they provided the first evidence of military activity around the airport, their testimony and the interpretation of the guardsmen were initially thought to be significant. We conclude that their evidence is of little consequence to an understanding of the facts.

The Canadians came to El Salvador to attend the FDR funerals to be held on December 3. At the airport, they met briefly with Sister Kazel and Ms. Donovan, who were awaiting the arrival of Sisters Ford and Clarke. The Canadians then left the terminal, before the arrival of Sisters Ford and Clarke, with Father Britto and the others from the Archdiocese, and an American, Heather Foote, to whom they offered a ride.[162]

Down the road from the airport, near a traffic control post, they were stopped by several uniformed, armed guardsmen, who briefly questioned them and searched the vehicles.[163] Because the guardsmen were in uniform, it is fairly certain that they were not Subsergeant Colindres Aleman and his civilian-attired accomplices. Likewise, because the stop occurred prior to the arrival of Sisters Ford and Clarke and before Colindres Aleman's orders were issued to stop traffic at the checkpoint (except for the white van) the stop was not connected with the abduction of the churchwomen. Rather, we conclude that the stop was one

DECLASSIFIED

El Salvador: Human Rights Special Project (1993)

SECRET

RELEASED
El Salvador: Human Rights Special Project (1993)

undertaken by guardsmen at the traffic control checkpoint, consistent with the heightened tension in the area on the night prior to the FDR funerals. It otherwise has no significance to this case.

C. The Hacienda Police

Father Paul Schindler, the American priest who worked with Sister Kazel and Ms. Donovan in La Libertad and who found the burned out van, has alleged that the Hacienda Police may have been involved in the crime because (1) the Canadians were stopped at a roadblock near the turnoff for a local Hacienda Police station, and (2) there is evidence that a red pickup truck belonging to the Hacienda Police was used during the abduction.[164/]

The first point, we conclude, is based on a misapprehension of the facts. The guardsmen have uniformly placed the location of the checkpoint at which traffic was stopped for 10 minutes at a position on the main access road to the airport, near the reinforced concrete guard post (which is permanently maintained in the broad median strip of the access road to provide security for nearby electrical installations). This location is some distance removed from the turnoff to the Hacienda Police station at San Juan Talpa. To verify the guardsmen's testimony, we contacted Patricia Lasbury Hall, at the time of the events in question, United States Consul in El Salvador.[165/] Together with

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Ambassador White, Ms. Hall drove the Canadians to the airport on the day after they were stopped. At that time, Ms. Hall told us, the Canadians identified for her the location of the checkpoint. It was, she said, just as the guardsman had it: near the existing concrete guard post in the median strip of the airport access road.

The claim that a police pickup truck was involved is based on the alleged correlation of a fresh smear of red paint on the burned out van with a red Toyota pickup truck of the same shade at the Hacienda Police station in San Juan Talpa on the day after the murders. Father Schindler noticed the red paint smear on the left front bumper of the van when he found it on the roadside on December 3, 1980. Because he was the person responsible for the maintenance of the church vehicles in La Libertad, he was familiar with the condition of the van and is confident that the smear had not been there before December 2.

In his subsequent search for the women, Father Schindler visited a nearby Hacienda Police station in San Juan Talpa where he saw a red Toyota pickup truck. Although he was unable to inspect the truck thoroughly for paint damage and although none was visible to him, he concluded that the pickup truck and the paint smear were of the same color. As a result, he suggested that the Hacienda Police from that station might have been involved in the church-women murders. We cannot draw that conclusion.

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DECLASSIFIED

El Salvador: Human Rights Special Project (1993)

SECRET

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El Salvador: Human Rights Special Project (1993)

On December 12, 1980, FBI technicians took scrapings of the paint smear.[166] These scrapings were analyzed in the FBI Laboratory, which concluded that none of the paint particles were of a kind used for the original paint finish on any motor vehicles.[167] Because Father Schindler had identified the pickup truck as a Toyota, the Maryknoll Order sent a copy of the FBI analysis to Toyota. Toyota responded specifically that the paint was not used on their vehicles.[168]

Father Schindler told us that he believes the Toyota pickup truck had been repainted, so that it is possible that a non-standard paint was used. Even if that were so, however, it is likely that particles from the underlying original coat of paint would have been present in the red smear as well. None was found.

We find the connection between the red smear and the red pickup truck to be based entirely on supposition. Moreover, it is inconsistent with testimony that we believe to be truthful from several of the participants in the abduction (Guardsman Rivera Franco and Contreras Palacios), and with the testimony of those who witnessed the activities of December 2. We have found no credible evidence that the Hacienda Police were involved in the murders.

D. Money and Valuables

In the days following the murders, several of the accused were seen with money and valuables.[169] Guardsman

Cruz Piche reported that another guardsman claimed that Canales Ramirez was seen with 5,000 dollars or colones.[170] The allegation, albeit second hand, is of concern because possession of such a large sum of money, in excess of any amounts conceivably taken from the churchwomen, might suggest that the guardsmen had been paid by some unknown party for participation in the murders.

To clarify the allegation, we asked that Guardsman Cruz Piche be reinterviewed on the subject. At the time of writing this report, Cruz Piche cannot be located by Salvadoran authorities. Nonetheless, based on the evidence available to us, we believe that the churchwomen's missing personal property has been satisfactorily traced to Colindres Aleman and the guardsmen, and that it probably accounts for any perceived increase in Colindres Aleman's personal wealth.

When the nuns left the airport, they had with them the personal belongings of Sisters Clarke and Ford, including clothing and books. Sister Ford was carrying some cash (originally thought to be $900, now apparently only $175)[171] and three checks, two for $1,800 each (to help buy a new jeep to replace one lost earlier that year) and one for $243 (to be used to pay local accounts).[172]

According to several witnesses, the books were burned by the accused soon after the murders, along with articles of clothing and some jewelry.[173] Several witnesses testified that Subsergeant Colindres Aleman was seen

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El Salvador: Human Rights Special Project (1993)

RELEASED
El Salvador: Human Rights
Special Project (1993)

selling women's watches, rings, eyeglasses and a tape recorder, and buying a television set and furniture.[174] One of the other accused, Guardsman Contreras Palacios, gave Guardsman Sanchez Guzman eighty dollars to exchange into colones for him, and Canales Ramirez offered to sell Sanchez Guzman a woman's watch.[175] The checks were never negotiated and, according to the Embassy's special evidence, were destroyed by Colindres Aleman.

Other than the second hand accounts crediting Guardsman Canales Ramirez with 5,000 dollars or colones, there is no evidence attributing an amount of money to any of the guardsmen in excess of the cash and valuables possessed by the churchwomen. We conclude from this evidence in the record that Colindres Aleman and others of the accused looted the churchwomen's belongings after the murders, taking what they believed to be valuable and burning the rest. There is no credible evidence that Colindres Aleman, Canales Ramirez, or anyone else received payment from an unknown source for his role in the murders.

E. The Moran Letter

Perhaps no red herring has been so patently fabricated as the Moran letter. In the late spring of 1983, the Maryknoll Order received, through an anonymous source, a copy of a letter, purportedly written by Lt. Colonel Antonio Moran, the Chief of the Hacienda Police, to Colonel Vides

Casanova, the Director of the National Guard, on January 5, 1981.[176] The letter states that six individuals--not the defendants--had been detained by the police and were being referred to Vides Casanova for the murders of the churchwomen. If true, the letter would cast immediate doubt on the validity of the entire prosecution.

The letter is, however, a crude forgery, obviously created by unknown third parties--whether of the right or the left--with an interest in disrupting the prosecution. Colonel Moran has testified he never sent the letter,[177] and Vides Casanova that he never received it.[178] Moreover, the signature and seal are forgeries, according to handwriting experts appointed by Judge Rauda,[179] and the letter does not bear either the code numbers or the formal salutation that a genuine piece of Treasury Police correspondence would include.

F. Moran and Cortez

In September, 1981, an annonymous letter addressed to the United States Congress was received by the State Department.[180] The letter, dated July 21, 1981, stated that the writer was a witness to the killings of the churchwomen, and that if Congress were interested in the identity of the assassins, it should place an advertisement in several Mexican newspapers. The State Department placed the advertisement in late September, which led to a meeting between

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El Salvador: Human Rights Special Project (1993)

RELEASED
El Salvador: Human Rights Special Project (1993)

two United States Embassy officials and Ingeniero Juan Jose Moran, a former city manager of San Salvador.[181] Moran said that he had no direct information concerning the murders. He identified the author of the letter to Congress as one Cesar Cortez, allegedly a driver employed by Hans Crist, a suspect in the January, 1981, murders of the American Institute of Free Labor Development workers. He said that Cortez had fled El Salvador several months before, passing through Mexico City on his way to the United States. On October 6, Moran told the Embassy in Mexico City that Cortez had written to him from Chicago, but that he still had no address for him.

On October 15, 1981, John McAward, Executive Director of the Unitarian-Universalist Service Committee, reported to the State Department that he also had met Moran in Mexico City.[182] According to McAward, Moran claimed that a Cesar Cortez had approached him in Mexico City and described the murders. Cortez allegedly told Moran that he had been instructed by his employer to drive a pickup truck from "the Hacienda" with two Hacienda guards to La Libertad, where he was to pick up three guardsmen, and then proceed to the airport "to do a job"--the abduction of the churchwomen. Moran stated that Cortez denied participation in the rapes and murders, but claimed to have seen what happened.

Thereafter, the State Department and the FBI pursued a number of false leads in attempting to trace the

mysterious Cortez.[183] Finally, responding to a suggestion from Representative Mary Rose Oakar, the State Department sought to submit Moran to a polygraph examination concerning Cortez.[184] Despite repeated requests and assurances of safety, Moran repeatedly refused to submit to a polygraph examination.[185] With Moran's refusal, the effort to locate Cortez and to verify his story reached a dead end.

We are convinced that the Moran/Cortez episode has no bearing on our understanding of the facts. Cortez' alleged story, as described by Moran through McAward, is inconsistent with the facts outlined above. It may be that Moran fabricated the story in an attempt to gain a visa to the United States.[186] Whatever Moran's motivation, Cortez' alleged story, unsupported even by the existence of Cortez and contradicted by the facts, is of no apparent validity.

G. The Radio Message

In December 1980, it was reported that a witness had overheard a radio transmission at the airport between members of the security forces.[187] There is conflicting information about what was said. According to one version, a guardsman was heard stating, "we missed them on this flight."[188] According to another version, the conversation focused on the fact that the churchwomen were carrying a large amount of money.[189] Any such conversation, if true, would be significant because it could suggest that the

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El Salvador: Human Rights Special Project (1993)
RELEASE
El Salvador: Human Rights Special Project (1993)

National Guard was awaiting the arrival of the churchwomen, and thus that a prearranged plot was in effect.

Although the source of the information was fairly quickly identified, he resisted several attempts by Embassy officials to persuade him to come forward and make a formal statement. President Duarte finally prevailed upon the witness to submit to an interview, attended by Embassy officials, in mid-March 1982 by Deputy Fiscal General Benjamin Cestoni.[190/] The witness said that he was in the airport terminal on December 2, 1980, awaiting an incoming flight. While there, he claimed he overheard a telephone--not radio--conversation of a uniformed guardsman speaking from a pay telephone in the lobby. He said that the gist of the conversation was "we missed them on this flight." The witness said that he then saw the arrival of two women he believed to be two churchwomen, who were greeted by two others and who departed at about 4:00-4:30 p.m. in a white van. He averred that he was sure about the time because he himself left shortly after 4:30 p.m.[191/]

Although Cestoni and the Embassy officials all believed that the witness was not purposely attempting to deceive them, they unanimously concluded that his recollection was nonetheless confused and highly unreliable. Under close questioning, the witness offered varying accounts of what he had heard, at different times claiming that the communication was by radio or by telephone, and

that it concerned either money in the churchwomen's possession or their delayed arrival. Indeed, at one point, in the course of three interviews with Embassy personnel, the witness stated that he had only seen a radio being used and had not heard what was said.[192/] Moreover, if true, the witness's testimony means that at least Guardsman Perez Nieto and Cruz Piche are lying in giving their accounts of Perez Nieto's telephone conversation with Subsergeant Colindres Aleman. Because of all of this, we discount the report of the witness.

H. Abduction at the Airport

Father Schindler has suggested to us that the churchwomen had been abducted at the airport, not at the roadblock manned by Subsergeant Colindres Aleman and his guardsmen.[193/] He said he believed this had happened because witnesses to whom he spoke had said they were the last to leave the airport and the white van remained behind. He further told us that Ms. Hall had indicated to him that a secret Embassy source had confirmed that the abduction was actually at the airport. Ms. Hall denied to us making any such statement.[194/] Moreover, our review of the Embassy files and our conversations with Embassy officials convinces us that no such source or information exists. Finally, the allegation is completely contrary to all the existing evidence in the case with respect to the location of the abduction.

DECLASSIFIED

El Salvador: Human Rights Special Project (1993)

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El Salvador: Human Rights Special Project (1993)

I. The .22 Magnum

When the bodies of the churchwomen where taken to a local funeral home in San Salvador on December 4, 1980, a Maryknoll priest, Father John Spain, was present to witness the post-mortem examination.[195] Father Spain heard the funeral home attendant say that the wounds of at least one of the women were caused by a .22 magnum, allegedly a favorite weapon of the Salvadoran death squads. Father Spain observed that the wounds of Sisters Ford and Clarke were small, did not disturb their facial features and were in other respects different from those of Sister Kazel and Ms. Donovan. The physician and judge present were noncommittal about the wounds, and the subsequent autopsies performed on the churchwomen drew no condlusions about the caliber of the weapons used.

We can give little weight to the opinion of the funeral home attendant. The theory that a small caliber weapon was used does not comport with the confession of Guardsman Contreras Palacios, who testified that he and the others had used their service weapons. It is likewise inconsistent with the ballistics analysis of those shells and casings that were recovered. It is, of course, possible that a guardsman may have had a .22 magnum pistol, and could have used it to kill one or more of the women. Even if such a weapon were used, however, it does not add any evidence one way or the other about the involvement of others in the murders.

J. Sister Maria Rieckelman

On the night of murders, Sister Maria Rieckelman, a Maryknoll nun who attended the Managua conference together with Sisters Ford and Clarke, was questioned by uniformed Salvadorans when her plane landed at the International Airport in El Salvador.[196] This event had led some to conclude that some coordinated harassment of churchwomen was underway on the evening of December 2, 1980. We do not share that conclusion.

Without more, the questioning of passengers aboard a plane just arrived from Sandinista Nicaragua, suppliers of the rebels fighting the Salvadoran government, on the night before the FDR funeral, does not seem to us extraordinary. Rather, like the stop of the Canadians, it seems to us simply to be further proof of the heightened tensions of the time, tensions that may have caused Colindres Aleman to believe he could abduct and murder the churchwomen.

K. Sister Maura Clarke and the Nicaraguan Connection

Sisters Maura Clarke and Ita Ford were returning from an annual gathering of Central American Maryknolls in Nicaragua at the time of their murder. During our visit to El Salvador, we heard allegations that the Catholic Church, and specifically the Maryknoll Order, are linked in the minds of the military in El Salvador with support of leftist and revolutionary causes in Central America, especially as

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El Salvador: Human Rights Special Project (1993)

SECRET

amplified by Maryknoll links to the Sandinista government in Nicaragua. When we learned that a former Sandinista intelligence officer, Major Miguel Bolonas, had testified to at least one subcommittee of Congress (Senator Jeremiah Denton's Subcommittee on Security and Terrorism of the Senate Judiciary Committee) that Sister Maura Clarke had a role in those alleged links, we felt obliged to interview Major Bolonas.[197] We did so not because his allegations against a murdered woman could justify such a senseless and wanton act, but to determine whether such charges were likely to have been made known to Subsergeant Colindres Aleman or his superiors. We found our interview with Major Bolonas largely unhelpful.

Major Bolonas claimed that he met Sister Maura Clarke when she was working in Managua with other Maryknolls and a priest known as Father Miguel in a poor area of the city called "Open Three" in the period 1974-1975. Later in 1979, Bolonas claimed, during his work as an intelligence officer both prior to the revolution in Nicaragua and thereafter for the Sandinistas, he learned from another intelligence officer that Sister Clarke and other Maryknolls, along with Father Miguel, were routinely helpful to the Sandinistas both in their charitable activities and in clandestine activities. Major Bolonas stated that at the time of the murder of the nuns in El Salvador, when news of their deaths and their identities was reported in the Nicaraguan press,

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stories appeared pointing out Maura Clarke's role in assisting the Sandinista revolution.

We have not had an opportunity to discuss Major Bolonas' charges with members of the Maryknoll Order, although we have learned from the State Department that the Maryknolls believe Major Bolonas to be mistaken in his information. We have been told that Maryknoll records indicate that Sister Maura Clarke was not in Nicaragua during the period 1976-1980, but rather was in Boston. It is our view, in any event, that the truth or falsity of Major Bolonas' charges is irrelevant for our purposes. What could be relevant is whether these charges were known to and believed by the Salvadoran government, and became such a concern that Salvadoran officials, believing that they knew Sister Maura Clarke to be a Sandinista ally, ordered her execution.

We do not believe that this occurred. First, although Major Bolonas' credibility is apparently high with United States intelligence agencies, we have received no other confirmation of his charges. Second, we have no indication that these alleged activities of Sister Maura Clarke were ever brought to the attention of the Salvadoran government or that they became the kind of common knowledge among the Salvadorn security forces that Major Bolonas claimed existed within the intelligence circles of the Sandinistas in Nicaragua. Third, as described in our "Higher-Ups" section, we have concluded that Subsergeant Colindres

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El Salvador: Human Rights Special Project (1993)

SECRET

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El Salvador: Human Rights Special Project (1993)

Aleman probably acted on his own initiative. With this in mind, it does not appear likely that he somehow became aware of these allegations and decided to carry out the removal of four churchwomen in order to protect the Republic of El Salvador from infiltration by Sister Maura Clarke.

V. PROSPECTS FOR A SUCCESSFUL PROSECUTION

El Salvador is a civil law state. Virtually every step of a criminal investigation and prosecution is specified in the Salvadoran code, and we found the procedures to be formalistic and largely inflexible.

In an effort to understand how the prosecution is likely to unfold, we held discussions with Judge Rauda, Fiscal General Riyera, Dr. Castillo, the coordinating prosecutor, and former Deputy Fiscal General Benjamin Cestoni. We talked as well with members of the private bar in San Salvador, including the Salvadoran legal advisor to the United States Embassy. Finally, we discussed this matter with representatives of the United States Department of Justice, and with lawyers in the office of the Legal Adviser of the United States Department of State.

As we learned, the trial, or plenario, stage of this case will be quite unlike an American trial. There will be no live witnesses. Rather, the evidence will be read to the jury from the written statements taken from the witnesses during the investigatory, or sumario, stage.

SECRET

Thereafter, the lawyers will argue their respective sides to the jury based on the written record. During this argument stage, the lawyers may refer to any documents they wish, even if they are not part of the record.

We believe that a successful prosecution of this case must include at least the following elements:

(1) a carefully prepared record that demonstrates the guilt of the defendants and negates their defenses;

(2) a capable prosecutor willing to pursue vigorously members of the Salvadoran security forces;

(3) a courageous and astute judge;

(4) a jury well insulated from the potential for corruption or intimidation; and

(5) freedom from efforts by other Salvadorans, whether in or out of government, to interfere with the proceedings of the trial.

A. The Record

In the course of detailing the investigations of this case, we have already catalogued the principal evidence now in the record against Subsergeant Colindres Aleman and the other guardsmen. During the sumario, or investigatory, phase, Judge Rauda took testimony from the five accused and at least twenty-five other witnesses.[198/] He admitted into

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RELEASED
El Salvador: Human Rights
Special Project (1993)

RELEASED
El Salvador: Human Rights
Special Project (1993)

idence the spare tire and jack taken from the churchwomen's
n and the ballistics evidence linking the guardsmen to the
ell casings at the murder site. We believe that the
vidence is substantial, and sufficient to convict the five
accused guardsmen. We will not recount it again here.

Dr. Castillo, the chief prosecutor, advised us that he anticipates the defendants will rely on two principal defenses. First, he believes they will challenge the prosecution's reliance on extra-judicial confessions, rather than those given before a judge. In El Salvador, prosecutions that do not feature a confession by the defendant to the investigating judge are relatively rare. Although this is a sad commentary on the state of justice in El Salvador, it nonetheless presents a reality: Salvadoran juries are unused to balancing conflicting accounts of a crime.

Salvadoran law permits the admission of a defendant's extra-judicial confession, but only if it is corroborated by another witness. As we understand it, the two witness rule does not mean two witnesses to the same confession, but only two witnesses each reporting a confession. The record should adequately meet this requirement. Of course, there is Subsergeant Colindres Aleman's direct confession to Sergeant Dagoberto Martinez. That confession should be adequately supported by Colindres Aleman's implicit confessions to Guardsmen Cruz Piche ("If fate is against us, we will have to pay"), Aquino Giron ("They were subversives.

I do not think there will be a problem."), and Luis Monterrosa ("Today it happened; if our time is up, we will have to pay.").

Second, Dr. Castillo believes the defense will argue that there was excessive American involvement in this prosecution. In essence, the argument will be an appeal to nationalism and a suggestion that there has been undue influence from a foreign power. It was for this reason that the prosecutors were anxious to have Salvadoran witnesses even for evidence actually developed in the United States. It is also for this reason that the prosecutors were hesitant to urge aggressively the admission of the fingerprint and the polygraph evidence, when admission of those tests would not be ordinary under Salvadoran law and would only underscore the influence of the United States on this prosecution. In our discussions with Dr. Castillo, he seemed to be cognizant of the problem and able to deal with it effectively in argument.

A third defense suggested by some is that the defendants were acting on higher orders. As Dr. Castillo advised us, such a defense is not available under the Salvadoran code when the order is to commit an illegal act. The depravity of the crime, amply documented in the record, will provide a basis for a strong argument that no guardsman could have thought such an order was justified. We doubt, in any event, that the argument will be seriously pressed because it will necessarily involve an admission of the

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El Salvador: Human Rights Special Project (1993)

RELEASED
El Salvador: Human Rights Special Project (1993)

crime and a disavowal of the defendants' prior sworn statements.

No experienced prosecutor can confidently predict that an accused's defenses will necessarily be rejected by the jury. We are convinced, however, that there is sufficient evidence in the record from which the prosecutors can argue that the defenses should be disregarded.

B. The Prosecutors

As the sumario stage of the case neared its conclusion, serious questions were raised about the experience and competence of the prosecutors handling the preparations for trial. In September, 1983, in part at the urging of the United States, an experienced prosecutor, Dr. Juan Geronimo Castillo, was assigned to coordinate the prosecution.

We spoke with Dr. Castillo and were, in general, favorably impressed. Dr. Castillo seemed in command of the case and at ease with the tasks he would have to undertake to complete the preparations for the plenario phase. He responded knowledgably to our questions about tactics and about Salvadoran procedures. We believe that Dr. Castillo is capable of doing a competent job in prosecuting the case.

As we describe below, during our visit to El Salvador, we made a number of suggestions concerning the reinterviews that might be necessary to complete the

investigation of this case and its preparation for trial. Although we have received reports concerning the follow-up on those suggestions by Dr. Castillo and his team, we do not have a complete picture of how thoroughly he has completed his investigation. From the reports we have seen, however, most of the investigatory work appears to be near completion.

We understand as well that the Embassy legal advisor, a professor of law and member of the private criminal bar in San Salvador, will assist Dr. Castillo in the preparation of the case. The Embassy legal advisor has advised the United States Embassy about Salvadoran law and procedures throughout the investigation. We believe this cooperation will provide important support for Dr. Castillo's efforts.

C. The Presiding Judge

Judge Rauda has presided over the sumario phase of the churchwomen murders case for most of its life, and has been reasonably thorough about the collection of evidence. Judge Rauda has thrice referred the case to the plenario stage, to be twice overruled by the appeals court. The two reversals resulted from technical difficulties (the first, a failure to give sufficient notice to the defense attorneys and, the second, a concern about additional evidence in support of the theft charges) and in its ruling on the first appeal, the appeals court specifically indicated that there was sufficient evidence to support the murder charges. The

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El Salvador: Human Rights Special Project (1993)

judge took the opportunity of each reversal to add more evidence into the trial record. There has been an appeal of Judge Rauda's most recent decision to refer the matter to plenario, and we are advised by a variety of local lawyers that the appeal is likely to be decided quickly because the same appellate court has heard the two previous appeals and is familiar with the facts.

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El Salvador: Human
Special Project (19

Judge Rauda has shown himself to be a man of considerable courage, capable of resisting pressures brought to bear on him from either side of the case. He is also a diligent worker, and during our visit with him, displayed an encyclopedic knowledge of the contents of the trial record.

D. The Jury

The trial will be held before a jury of five, with a majority vote necessary to convict. Whether a jury can be assembled in El Salvador today that will have the courage to convict five former National Guardsmen of murder is an open question, and one that has concerned us greatly.

The selection of the jury does not differ substantially from our system. The trial judge will chose, from a large body of potential jurors, a panel of twelve whose identities he will (or should) keep secret until the day of trial. Under Salvadoran law, we were told the identities of the jurors will then be made public, although their addresses may be kept secret (if they do not leak

out). At the beginning of the trial, defense counsel and the prosecutor may each exercise one peremptory challenge against the panel, and two challenges for cause. Challenges for cause are rarely granted, and there should thus be no difficulty in selecting five jurors from the panel of twelve.

What will be more difficult, we believe, is guaranteeing the jurors security from intimidation or corruption so that they will be able to vote their consciences without fear. We believe that the notoriety of this case will make the jury (as well as the judge and prosecutor) fair game for those who wish to see the prosecution thwarted, whether because they do not believe the guardsmen should be prosecuted for murder or because they wish to demonstrate that the Salvadoran system is incapable of policing itself. For these reasons, we have discussed at length with the Embassy possible mechanisms to protect the jury.

Our recommendations in this regard have been set forth in detail in an earlier memorandum to the Department of State, and need only be summarized here. Our principal recommendation is that the jurors be accorded anonymity, as is sometimes done with notorious prosecutions in this country where a threat of jury intimidation exists. We have also suggested shielding the jurors, but not the trial, from public view; selecting jurors from a remote province for a trial in another province; offering to relocate the jurors,

DECLASSIFIED

RELEASED
El Salvador: Human Rights
Special Project (1993)

RELEASED
El Salvador: Human Rights
Special Project (1993)

whether in or out of the country, after trial; providing physical protection to the jurors, and perhaps their families, during the trial and for a reasonable time thereafter; and sequestering the jury during the trial.

This is hardly an exhaustive list of possibilities, but we have not been heartened by the resistance to these ideas by the Salvadoran authorities. The Salvadoran system simply must be flexible enough to adopt novel means when its very integrity is at stake. We must state in the strongest possible terms that we do not believe a successful conviction can occur without the adoption of some adequate means of protecting the jury, and we hope that the Salvadoran authorities continue to consider ways to protect the integrity of the jury system and the physical well being of the jurors themselves.

E. Freedom From Outside Interference

Skeptics have told us that a successful prosecution depends entirely upon the will of the military in El Salvador. In this view, if the military thinks it is to its advantage for the defendants to be convicted, they will be convicted; if the military thinks otherwise, they will be acquitted or never go to trial. Whether that view is correct or not, we must acknowledge that there are many Salvadorans unhappy about this prosecution and, further, that there already have been attempts to influence its outcome.

Major Medrano, we were told, has received multiple threats upon his life for his active role in pressing the investigation. In more recent months, we have learned that a Deputy of the constituent assembly suddenly appeared to observe the proceedings in Judge Rauda's courtroom, an event viewed by Embassy observers as ominous. At the same time, we learned that the Acting President of the Supreme Court may have interceded with Judge Rauda to direct that he not complete his investigation aimed at disproving the bogus Moran letter. To date, Judge Rauda has been remarkably courageous in resisting such efforts at intimidation.

We do not believe that there is much that the United States can do to prevent such internal efforts at disrupting the prosecution. We can only advise the Salvadoran leadership, as others have done, that the ability of its system to prosecute this case will be seen by many as a test of the system's ability to right itself after too many years of lawlessness.

VI. RECOMMENDATIONS

We were asked to determine whether the Salvadoran and United States Governments have done as much as could be done to assure a successful prosecution. If not, we were asked to suggest what might be done. Many of our recommendations have been set forth above. In each case, we have passed them along to the Department of State immediately

DECLASSIFIED

El Salvador: Human Rights Special Project (1993)

RELEASED
El Salvador: Human Rights Special Project (1993)

SECRET

without waiting for the completion of this report, so that there would be time for action to be taken. To the extent that our conclusions and recommendations have not already been set forth, we include them in this section.

1. An Accusador Particular. In El Salvador, as in many civil law countries, it is possible for the family of the victim of a crime to hire its own lawyer, an accusador particular, to prosecute the case in addition to the government attorney. The device is obviously a desirable one where, as here, there have been doubts regularly expressed about the competence and willingness of the government prosecutors to pursue the case. Accordingly, we have endorsed the State Department's recommendation that the families hire an accusador particular. We have urged that view in several meetings with the families and their representatives and promised the families that, if they agreed, we would press the State Department to pay for the services of the accusador.

To our regret, the families have consistently refused taking this step. As we understand their reasoning, they are distrustful of participating in the Salvadoran system itself and further doubt that a suitable attorney could be obtained. While we understand their reservations, the device provides a rare opportunity for Americans sincerely interested in the prosecution to have direct influence over the way the case is presented in the courtroom.

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Thus, we regret the families' refusal to participate in this proposal.

On the other hand, as matters now stand, we think the loss is less serious than it might have been. As noted above, we are generally impressed with Dr. Castillo and believe him to be more competent than some of his predecessors. Moreover, Dr. Castillo has forged a solid working relationship with the Embassy's legal advisor. Through the legal advisor, American views about the prosecution can readily be transmitted to the prosecutor, even if the families lack a direct voice in court.

2. A Special Prosecutor. Rather than hiring an accusador particular, the families and the Lawyers Committee for International Human Rights under Law have suggested the United States persuade the Salvadoran government to name a special prosecutor to handle the churchwomen murders case. We do not endorse this suggestion. We do not believe that, in the Salvadoran system, the label the prosecutor bears is of any significance to his effectiveness or to his freedom from interference. Moreover, in a real sense, Dr. Castillo is essentially a special prosecutor. He was especially reassigned from his duties as head of a separate section of the prosecutor's office to prosecute this case.

3. An American Prosecutor. None of the American Embassy officials in San Salvador with responsibility for this case is a practicing attorney, much less an experienced

RELEASED
El Salvador: Human Rights
Special Project (19

DECLASSIFIED

RELEASED
El Salvador: Human Rights
Special Project (1993)

prosecutor. While these officials have been diligent, successful and often courageous in pushing the Salvadorans to prosecute the defendants, as the case approaches trial it is apparent to us that American views could more usefully be presented by an experienced criminal prosecutor. Such a prosecutor could deal more effectively with the Salvadoran attorneys involved in the case in terms of making useful suggestions, understanding the problems of the prosecution and analyzing the tactics used by both sides. We have therefore suggested that a Spanish speaking Justice Department prosecutor be made available to assist the Embassy during the plenario proceeding.

4. The Fingerprint Evidence. Because the analysis of Colindres Aleman's fingerprint, taken from the churchwomen's van, was done outside of Salvadoran territorial limits and not under the supervision of the trial judge, the Salvadoran code prohibits its introduction into evidence. We were frankly surprised at this result and, because the evidence was so important, sought to explore ways to obtain its admission. Our every suggestion was unavailing, and we ultimately concluded, as Dr. Castillo and the Embassy legal advisor both told us, that we could not expect to achieve formal admission of the fingerprint into the record.

Although the fingerprint will not be part of the trial record, it still may be used at the trial. During the

vista publica, or public presentation, stage of the proceedings, lawyers may display to the jury and rely upon any documentary evidence, even from outside the record. Thus, it is possible for the fingerprint evidence to be used. Because Dr. Castillo expects the defense to be based upon excessive American involvement in the prosecution, he was nonetheless reluctant to use the fingerprint in this way unless absolutely necessary. An argument based upon a fingerprint taken by United States personnel and inadmissible under Salvadoran law will only reinforce the point that Dr. Castillo expects the defense to make. Thus, he will wait until his reply argument to determine whether the defense is indeed attacking American involvement and whether the fingerprint will be useful. We concur in this analysis.

5. Ballistics Evidence. The initial ballistics tests taken by the FBI were inadmissible for the same reasons as the fingerprint evidence. We encouraged the FBI, as recounted above, to transport its equipment to El Salvador and train a Salvadoran national to duplicate the tests. This was done with success, as set forth above. This proof is a substantial link in the chain of evidence against the accused.

6. Sergeant Dagoberto Martinez' Testimony. Although the record of the trial consists entirely of sworn written statements of the witnesses, the sworn statement of Sergeant Dagoberto Martinez, obtained by the FBI in Los Angeles and sworn to in the Salvadoran Consulate office in

RELEASED
El Salvador: Human Rights
Special Project (1993)

DECLASSIFIED

El Salvador: Human Rights
Special Project (1993)

that unit, was deemed inadmissible by both the judge and the prosecutor. The statement's flaw was that it was not sworn to before the investigating judge. We recommended, as did others, that Sergeant Martinez be flown to El Salvador at American expense so that his statement could be duplicated before Judge Rauda. This was done successfully in July, 1983, and forms another important part of the trial record.

7. Polygraph Evidence. Although the polygraph evidence is inadmissible in both El Salvador and the United States, we believe that such evidence is useful, when taken together with other available evidence and obtained by a skilled examiner. We considered whether an effort should be made to persuade the court to admit the evidence, and ultimately concluded that this was not the case in which to press El Salvador to accept evidence that would be inadmissible in the United States.

We are told that the polygraph examinations could be used in the vista publica in the same manner as the fingerprint evidence. Dr. Castillo has told us that he will await his reply argument before making a decision with respect to whether to use them. We agree with this decision, but would generally be inclined against using this evidence.

8. The Special Embassy Evidence. The special evidence developed by the United States Embassy is directly probative of the defendants' guilt and, as well, extremely important in explaining our conclusions about the cover-up

and the question of higher-up involvement. Accordingly, we believed it desirable, if at all possible, to present this evidence to the court.

At our suggestion, the State Department carefully considered this issue, including contacting those whose lives would be put at risk by disclosure. Based on the information thus collected, both we and the State Department concluded that the risk of loss of life that would result from public release was too great. We also note that the information has already been highly useful to the United States since, without it, we doubt the prosecution would ever have been undertaken.

9. The Cover-up. As we have detailed above, it is clear to us that elements of the Salvadoran military undertook an initial attempt to protect the perpetrators of the crime. In El Salvador such an effort, at least by the active participants, could constitute a separate crime and some have urged that a criminal investigation be initiated. We believe that it would be dangerous to initiate such an investigation prior to a successful resolution of the underlying murder case. The cooperation that the United States has achieved to date with Salvadoran authorities has been hard to win, and could be easily lost. A cover-up investigation would necessarily threaten several high ranking Salvadoran officials. If these officials feel personally threatened, they may well attempt to scuttle the underlying

DECLASSIFIED

El Salvador: Human Rights Special Project (1993)

RELEASED
El Salvador: Human Rights Special Project (1993)

prosecution on the theory that there could be no cover-up prosecution if the defendants were not found guilty. We believe this poses an unacceptable risk to the success of the murder prosecution, and thus have recommended that any effort to pursue the cover-up be delayed.

10. Additional Interviews. To flush out various gaps or inconsistencies in the record, we recommended last summer that several additional interviews occur:

(a) Margarito Perez Nieto, the National Guardsman who first noticed the nuns at the airport, to obtain more detail about his conversations with Colindres Aleman, and his spotting of the women.

(b) Carlos Joaquin Contreras Palacios, the confessed participant, about details that might reflect or discredit the fact of premeditation.

(c) Salvador Rivera Franco, the guardsman who watched over the malfunctioning jeep, for greater details that might reflect premeditation.

(d) The two guardsmen at the guardpost at El Rosario, La Paz, to determine whether they discussed the women with Subsergeant Colindres and whether he informed them about his plans for the women.

(e) Isabel Aquino Giron, Colindres Aleman's second in command at the airport, for further detail about the substance of his phone conversation late on the evening of December 2.

(f) Jose Luis Monterrosa, who according to the special Embassy evidence, knew more than he had said about the guilt of Colindres Aleman.

In our discussions with the United States Embassy in San Salvador, and with the Department of State, we also agreed that certain other interviews or reinterviews would be appropriate: Colonel Pena Arbaiza, the Army commander in Chalatenango; Second Lieutenant Daniel Mejia Rivas, the officer who was the acting company commander with overall responsibility for the Airport National Guard detachment; and Lieutenant Colonel Oscar Armando Carranza, an officer currently assigned to National Guard Headquarters staff. We also agreed that additional guardsmen who had been on duty at the airport that night, Jose Vidal Cruz Piche, Rafael Antonio Cornejo, Jose Elias Sanchez Guzman, Julio Cesar Valle Espinoza, Adrian Ramirez Palacios, and Orantes Menjivar, should also be interviewed or reinterviewed.

We have been informed that the two guardsmen at the Guard post at El Rosario have been interviewed, but we have not seen their statements. Guardsman Margarito Perez Nieto has been missing in action for almost ten months, and Corporal Isabel Aquino Giron is dead, killed while on active duty. We also understand, for a number of practical reasons, that the Salvadoran prosecutors have determined that they would not at this time reinterview Salvador Rivera Franco.

DECLASSIFIED

El Salvador: Human Rights Special Project (1993)

RELEASED
El Salvador: Human Rights Special Project (1993)

Colonel Pena Arbaiza, Lieutenant Mejia Rivas and Lieutenant Colonel Armando Carranza have also been interviewed, as have Guardsmen Contreras Palacios and Luis Monterrosa. Their testimony adds very little to the available evidence concerning the murders. Guardsmen Jose Elias Sanchez Guzman and Jose Vidal Cruz Piche have not been reinterviewed, because they cannot be located, and a planned "confrontation" by the Fiscal General between Julio Cesar Valle Espinoza and Adrian Ramirez Palacios to resolve apparent discrepancies in their testimonies has not occurred because of a refusal by Valle Espinoza to cooperate further. Guardsman Orantes Menjivar, whose reinterview had been planned, is dead, and it has been determined that Lieutenant Antonio Cornejo, whose interview had been planned, was not on duty at the airport on the crucial night.

11. Reinterview of Colindres Aleman. Colindres Aleman, more than any other person, knows whether he is protecting higher officers by his silence. Thus, securing his cooperation would be a key step in any possible higher-up investigation. We suggested that efforts be made in that direction when we returned in September, 1983, from our trip to El Salvador. So far as we were aware at the time of our suggestion, no military or civilian authorities involved with the investigation of the case had spoken with Colindres Aleman since his polygraph examination in January, 1982. We suggested that, if Colindres Aleman heard the totality of

the evidence now accumulated against him, he might decide it was in his interest to cooperate.

At first, we were told that Salvadoran procedures do not encourage such reinterviews. The prosecutors agreed, however, that there could be reinterviews for the purpose of clearing up ambiguities in testimony or otherwise explaining previous testimony. On October 11, 1983, Colindres Aleman was reinterviewed and we have reviewed the English language translation of his statement. Unfortunately, we do not find in the reinterview statement the cooperativeness for which we had hoped, nor any further information that would be helpful to us on the issue of the involvement of higher-ups. In his reinterview, however, Colindres Aleman did provide a further indication of his guilt by admitting his discussion with Perez Nieto concerning the churchwomen and by providing a wholly incredible explantion of his whereabouts on the night of the murders.

12. Change of Venue. For some time, the prosecutors have been giving serious consideration to requesting a change of venue to San Salvador for the plenario stage of the trial. We have supported a change of venue. Judge Rauda's small and rustic courtroom in Zacatecoluca has struck us as a less than desirable location for a trial involving a substantial risk of jury intimidation. Moreover, the more cosmopolitan San Salvador jury pool, we have thought, presents a far better opportunity for assembling a

UNCLASSIFIED

El Salvador: Human Rights Special Project (1993)

RELEASED
El Salvador: Human Rights Special Project (1993)

jury that could resist such intimidation. If the trial were to be transferred to San Salvador, however, we are told that it would be unlikely, if not impossible, for Judge Rauda to preside over the trial.

Thus, a transfer to San Salvador would necessitate a change of trial judge, which necessarily presents some risk. We were told by both Dr. Benjamin Cestoni and the Embassy's Salvadoran legal advisor that only three San Salvador judges would be desirable, from the standpoint of experience, competence and sophistication, to preside over the plenario stage. Selection of another, less qualified judge could cause problems for the prosecution, although they might be minimized by the extremely low-profile role that the judge plays in the plenario proceeding. On balance, we would have some concern that the selection of the trial judge might be politicized. The selection would be made by the Salvadoran Supreme Court, at least one member of which, we were told, has already tried to restrict Judge Rauda's investigation.

We have learned most recently that Dr. Castillo is leaning against seeking a change of venue because of a growing belief in El Salvador that the United States is interfering unduly in the internal judicial affairs of the country, a feeling that could result in sympathy for the accused as scapegoats, and thus distract the jury from issues of guilt or innocence. In view of this concern and of the conflicting factors outlined above, we are inclined to rely on

Dr. Castillo's on-the-spot resolution of this sensitive issue of local trial tactics.

Harold R. Tyler, Jr.

Togo D. West, Jr.

Gregory L. Diskant

Dated: December 2, 1983
New York, New York

DECLASSIFIED

El Salvador: Human Rights Special Project (1993)

RELEASED
El Salvador-Human Rights Special Project (1993)

FOOTNOTES

1/ Letter from George P. Shultz, Secretary of State, to the Honorable Clarence D. Long, Chairman, Foreign Operations Subcommittee, House Committee on Appropriations (April 26, 1983).

2/ Letter from James H. Michel, Deputy Assistant Secretary of State for Inter-American Affairs, to Harold R. Tyler, Jr. (May 23, 1983).

3/ For a discussion of the Salvadoran criminal justice system, see DeWind and Kass, Justice in El Salvador: A Report of a Mission of Inquiry of the Association of the Bar of the City of New York, 38 Rec. A. B. City N.Y. No. 2 (March 1983).

4/ See generally K. Larry Storrs, El Salvador--From 1931 to the March 1982 Elections: A Chronological Study of Politics, Parties, and Conflicts, Congressional Reference Service (March 23, 1982).

5/ Id. at 55.

6/ Cable from Secretary of State to United States Embassy, San Salvador (December 15, 1980) (hereinafter "Bowdler/Rogers Report"). This cable transmitted the text of the report of a special Presidential mission sent to El Salvador to report on the churchwomen's murders, consisting of William D. Rogers, William G. Bowdler, and Luigi R. Einaudi.

7/ Id.

8/ Id.

9/ Letter from Clerk of the Court of Appeals of the Third Central Section, San Vicente, El Salvador to the Presiding Judge of the Criminal Court, Zacatecoluca (March 17, 1983) (forwarding transcript of Court of Appeals' decision) at 29. References are to the translation by Division of Language Services, Department of State (No. 109614) (hereinafter cited as "Appellate Court Decision").

10/ Letter from General Eugenio Vides Casanova, Director, National Guard, to Presiding Judge of the Criminal Court, Zacatecoluca (February 10, 1982), at 43 (statement of Perez Nieto). This letter transmitted a report on the investigation of the murders conducted by Major Jose Adolfo Medrano, including statements by most of the important witnesses. References are to the translation by the Division of Language Services, Department of State (No. 105328) (hereinafter referred to as "Medrano Report at ___, _____ Statement").

11/ Statement of Sister Madeline Maria Dorsey, M.M. (March 8, 1983).

12/ Bowdler/Rogers Report.

13/ Medrano Report at 43, 44 (Perez Nieto Statement); and 89 (Colindres Aleman Statement).

14/ The exact time of Sister Kazel's and Ms. Donovan's return to the airport is unknown. We estimate their return to be during this period based on the statements of various witnesses at the airport and estimates of others familiar with the events of that day. See, e.g., Letter from Sister Helene O'Sullivan, M.M., to The Honorable William H. Webster, Director, FBI (July 29, 1982), wherein Sister O'Sullivan states that Sister Kazel and Ms. Donovan returned to the airport at about 6:00 p.m. Perez Nieto stated that the women returned at about 5:00 p.m., with two men, in a coffee-colored car, and the van was driven by a man alone. We believe that Perez Nieto was confused by the arrival of Father Britto and his group, who arrived at the airport to meet the Canadian delegation to the FDR funerals in a jeep and a white van. See Medrano Report at 44 (Perez Nieto Statement) and Statement of John C. Hilborn (January 14, 1981).

15/ Bowdler/Rogers Report.

16/ Medrano Report at 38 (Giron Statement). Neither Perez Nieto nor Colindres Aleman have admitted to a second telephone call. In fact, Perez Nieto denied seeing the women return to the airport, see Medrano Report at 44. However, Colindres Aleman's second in command, Aquino Giron, swore that Colindres Aleman received a call from Perez Nieto at about 5:30 p.m. (his subsequent court testimony put the time at between 4:30 p.m. and 5:00 p.m., see Appellate Court Decision at 16) concerning suspicious women in the airport. This suggests that there may have been a second call. If Giron was confused as to the times, of course, there may have been only one call, but we do not regard the number of calls from Perez Nieto to be of critical importance.

17/ Medrano Report at 43, 44 (Perez Nieto Statement). Perez Nieto returned to the barracks at some point prior to or at the end of his scheduled duty (7:00 p.m.). In his recent statement, Colindres Aleman admitted that Perez Nieto returned to the barracks about 6:00 p.m. and discussed the earlier departure of Sister Kazel and Ms. Donovan. While acknowledging this conversation, he again denied his guilt.

DECLASSIFIED

El Salvador: Human Rights Special Project (1993)

RELEASED
El Salvador Human Rights Special Project (1993)

However, his admission is a significant addition to the evidence against him. See Testimony of Luis Antonio Colindres Aleman before the Court of First Instance, Quezaltepeque, El Salvador (October 11, 1983). References are to the translation made by the Division of Language Services, Department of State (No. 111213-C).

18/ Id. at 74 (Rivera Franco Statement).

19/ Id. at 44 (Perez Nieto Statement).

20/ Id. at 33 (Cornejo Cubas Statement), and 25 (Cruz Piche Statement).

21/ Id.

22/ Id. at 70 (Contreras Palacios Statement), and 75 (Rivera Franco Statement).

23/ Id. at 25 (Cruz Piche Statement).

24/ Id. at 70 (Contreras Palacios Statement), and 75 (Rivera Franco Statement). Retired Guardsman Julio Cesar Valle Espinoza, in his testimony of August 9, 1982 (see Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (September 22, 1982)), stated that he was part of another checkpoint between the traffic control post (which probably was the Cornejo Cubas/Luis Monterrosa/Cruz Piche checkpoint) and Colindres Aleman's position. He testified that several guardsmen boarded the churchwomen's van at the traffic control post, and then drove to his location, where he and two more guardsmen boarded the van. He said that the van proceeded to Colindres Aleman's site, where he (Valle Espinoza) and the other guardsmen in the van left the churchwomen and returned to the airport on foot. Although this testimony is consistent with the churchwomen's abduction by Colindres Aleman, its description of the mechanics of the kidnapping is contradicted by statements of the guardsmen at the checkpoint, and by the two guardsmen with Colindres Aleman who have admitted their roles in the abduction and murders. We thus reject this testimony as, whatever Valle Espinoza's motivations, inaccurate.

25/ Id. at 70 (Contreras Palacios Statement).

26/ Id.

27/ Medrano Report at 70 (Contreras Palacios Statement).

28/ Id. at 38-39 (Giron Statement).

29/ Id. at 70 (Contreras Palacios Statement).

30/ Appellate Court Decision at 28.

31/ Id.

32/ Medrano Report at 71 (Contreras Palacios Statement).

33/ Id. at 39 (Giron Statement), and 48 (Barrera Rivera Statement).

34/ Id. at 48 (Barrera Rivera Statement).

35/ Id. at 57-58 (Melgar Garay Statement); and 76 (Rivera Franco Statement).

36/ Id. at 76 (Rivera Franco Statement).

37/ Id. at 58 (Melgar Garay Statement).

38/ Id.

39/ Id.

40/ Appellate Court Record at 28, 33. We assume that the "Contreras" mentioned on 33 is Contreras Recinos, since he was driving the van, see 27.

41/ Medrano Report at 39 (Giron Statement).

42/ Id. at 39 (Giron Statement); 49 (Barrera Rivera Statement); and 59 (Melgar Garay Statement). Melgar Garay described them removing a "shovel," which probably was the tire jack.

43/ Id. at 36 (Cornejo Cubas Statement); Appellate Court Record at 26.

44/ Medrano Report at 53 (Chavez Valiente Statement).

45/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D. C. (September 14, 1981) (hereinafter the "Zepeda Valasco Cable").

46/ Id.

47/ Bowdler/Rogers Report.

48/ Id.

49/ Id.

50/ Id.

51/ Id.

DECLASSIFIED

El Salvador: Human Rights Special Project (1993)

RELEASED
El Salvador: Human Rights Special Project (1993)

52/ Id.

53/ Id.

54/ Id.

55/ Id.

56/ Id.

57/ Id.

58/ Id.

59/ Cable from United States Embassy, San Salvador to Secretary of State, Washington, D.C. (December 11, 1980).

60/ Interview with Colonel Roberto Monterrosa, San Salvador, El Salvador (September 22, 1983).

61/ FBI report from Los Angeles Field Office (February 10, 1982) (hereinafter "Martinez Statement"). Martinez stated to the FBI that he told Colindres Aleman to tell the Director (Vides Casanova) of his crime. However, according to the special Embassy evidence, which we deem more reliable, Martinez actually told Colindres Aleman to tell of his involvement only to a National Guard superior investigating the matter.

62/ Zepeda Velasco Cable.

63/ Id.

64/ Id.

65/ Interview with Lieutenant Colonel Lizandro Zepeda Velasco, San Salvador, El Salvador (September 21, 1983) (hereinafter "Zepeda Velasco Interview").

66/ Interview with General Carlos Euginio Vides Casanova, San Salvador, El Salvador (September 21, 1983).

67/ Bowdler/Rogers Report.

68/ Id.

69/ Cable from Legal Attache, Panama, to Director, FBI (December 23, 1980); Interview with FBI Agent Stanley Pimentel, Washington, D.C. (August 18, 1983); and Memorandum to the President (January 5, 1981).

70/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (December 11, 1980).

71/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (December 12, 1980).

72/ Id.

73/ Id.

74/ Memorandum to the President (January 5, 1981).

75/ Compare Zepeda Velasco Cable to Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (January 17, 1981).

76/ Cable from Legal Attache, Panama, to Director, FBI (January 26, 1981).

77/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (January 17, 1981).

78/ Id.

79/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (February 19, 1981).

80/ Memorandum from Legal Attache, Panama, to Director, FBI (February 27, 1981). Two other sets of prints were turned over to the FBI; those of two guardsmen at the burial site, Medina Gaitan and Rodriguez Coreas.

81/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (April 14, 1981) (hereinafter "April 14, 1981 Cable").

82/ See, e.g., Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (January 19, 1981).

83/ Cable from Legal Attache, Panama, to Director, FBI (April 2, 1981).

84/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (March 3, 1981).

85/ FBI Memorandum from T. F. Kelleher, Jr., to Mr. Mullen (March 17, 1981).

DECLASSIFIED

El Salvador: Human Rights Special Project (1993)

RELEASED
El Salvador: Human Rights Special Project (1993)

86/ Cable from Legal Attache, Panama, to Director, FBI (April 22, 1981); and Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (April 30, 1981) (hereinafter "April 30, 1981 Cable"). Two of the guardsmen arrested at this time were released when further investigation showed they were not involved in the murders, Sanchez Guzman and Ramirez Palacios.

87/ Zepeda Velasco Cable; and April 30, 1981 Cable.

88/ April 30, 1981 Cable; and Report of the Latent Fingerprint Section, Identification Division, FBI (May 7, 1981).

89/ Zepeda Velasco Cable. Zepeda Velasco reported to Vides Casanova on May 2, 1981, that the weapons had been seized. We assume that they were taken on May 1.

90/ FBI Laboratory Report No. 10507024 (May 13, 1981).

91/ Zepeda Velasco Cable.

92/ Id.

93/ Id.

94/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (December 5, 1981).

95/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (December 7, 1981).

96/ Medrano Report at 3 (Order from General Vides Casanova, December 9, 1981).

97/ Medrano Report at 5 (Pacheco Aragon Statement); and 22 (Mendez Velasquez Statement). The third was interviewed in the United States by the FBI, see Cable from FBI Los Angeles Field Office, to Director, FBI (January 8, 1982).

98/ Interview with Lieutenant Colonel Jose Adolfo Medrano San Salvador, El Salvador (September 22, 1983) (hereinafter "Medrano Interview); and Medrano Report at 24 (Cruz Piche Statement).

99/ Medrano Report at 13 (Melendez Avalos Statement); 15 (Mejivar Martinez Statement); 17 (Menjivar Merino Statement); and 18 (Realejeno Gonzalez Statement).

100/ Medrano Report at 29 (Luis Monterrosa Statement).

101/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (December 15, 1981).

102/ Medrano Interview.

103/ December 15, 1981 Cable.

104/ Medrano Report at 24 (Cruz Piche Statement).

105/ Id. at 29 (Luis Monterrosa Statement). Although Sanchez Guzman and Ramirez Palacios were named by Luis Monterrosa as accompanying Colindres Aleman, further investigation revealed that they were not involved in the abduction or murders.

106/ Id. at 33 (Cornejo Cubas Statement).

107/ Id. at 38 (Giron Statement).

108/ Id. at 43, 44; and Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (December 29, 1981).

109/ Medrano Report at 48 (Barrera Rivera Statement).

110/ Id. at 51 (Marina Realejeno Statement).

111/ Id. at 57 (Melgar Garay Statement).

112/ Id. at 53 (Chavez Valiente Statement).

113/ Id. at 63 (Ramirez Palacios Statement).

114/ Id. at 66 (Sanchez Guzman Statement); and Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (January 15, 1983).

115/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (December 29, 1981).

116/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (January 7, 1982).

117/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (January 15, 1982) (hereinafter "Contreras Palacios Cable"); and Medrano Report at 69 (Contreras Palacios Statement).

118/ See Memorandum of Law submitted by the Salvadoran Ambassador to the United States to Representative Michael D. Barnes (August 17, 1982). Translated by the Congressional Research Service, The Library of Congress.

119/ Contreras Palacios Cable; and Medrano Report at 69 (Contreras Palacios Statement).

DECLASSIFIED

RELEASED
El Salvador: Human Rights
Special Project (1993)

RELEASED
El Salvador: Human Rights
Special Project (1993)

120/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (January 15, 1982).

121/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (January 19, 1982) (hereinafter January 19, 1982 Cable).

122/ Id.

123/ Id., and Memorandum from Director, FBI, to Special Agent Sinecio Gutierrez (February 4, 1982) (hereinafter "Colindres Aleman polygraph"). The polygraph examination worksheet is in Spanish and was translated by Special Agent Gutierrez during his interview on August 17, 1983.

124/ Colindres Aleman polygraph and Gutierrez Interview.

125/ January 19, 1982 Cable.

126/ Gutierrez Interview, and January 16, 1982 Cable.

127/ January 16, 1982 Cable, and Gutierrez Interview.

128/ January 16, 1982 Cable.

129/ Medrano Report at 91.

130/ Medrano Report at 1.

131/ Cable from FBI Field Office, Los Angeles, to Director, FBI (January 8, 1982).

132/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (January 20, 1982).

133/ Martinez Statement.

134/ Interview with Judge Bernardo Rauda Murcia, Zacatecoluca, El Salvador (September 21, 1983) (hereinafter Rauda Interview); and Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (May 24, 1983).

135/ Cable from Legal Attache, Panama, to Director, FBI (July 8, 1983).

136/ Id.

137/ Memorandum to the President (January 5, 1981).

138/ Rauda Interview.

139/ Memorandum to Director, FBI (August 3, 1983).

140/ Interview with Doctor Juan Geronimo Castillo, San Salvador, El Salvador (September 20, 1983); and Interview with United States Embassy Legal Advisor, San Salvador, El Salvador (September 20, 1983).

141/ Letter from Colonel Aristides Napoleon Montes, Director, National Guard of El Salvador, to the Minister of Defense and Public Security (September 13, 1983). References are to the translation by the Division of Language Services, Department of State (No. 110833A).

142/ Statement by Carlos Joaquin Contreras Palacios before the Second Criminal Court, Santa Ana, El Salvador (September 27, 1983). References are to the translation by the Division of Language Services, Department of State (No. 1108070-A) (hereinafter "Second Contreras Palacios Statement").

143/ Second Contreras Palacios Statement. We are also aware of a statement from an anonymous political prisoner who claims to have been imprisoned with Colindres Aleman between April 7 and 29, 1982. He said that Colindres Aleman had followed the movements of the churchwomen from the time they left El Salvador, and that Colonel Vides Casanova gave instructions concerning the capture of the churchwomen. We have no means of evaluating the veracity of this statement. It was taken by the Maryknoll Order from a Salvadoran who is a political refugee in Mexico, and whose identity was kept secret from us. According to Michael Posner from the Lawyers' Committee on International Human Rights, it is difficult to judge the veracity of such statements. Given this, the source's apparent bias, and the absence of supporting evidence, we cannot accept this hearsay statement as probative.

144/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (September 22, 1982).

145/ Monterrosa Interview.

146/ Chronology of Death Threats and the Conflict Between the Army (under Colonel Pena Arbaiza) and the Church in Chalatenango (undated). Contained in materials delivered to Harold R. Tyler, Jr., by Sister Helene O'Sullivan, M.M. (July 12, 1983).

147/ Memorandum from Legal Attache, Panama, to Director, FBI (December 23, 1980).

148/ Id., see also Statement of Sister Madeline Maria Dorsey, M.M., entitled "Death Threats Received in Chalatenago" (March 8, 1983), wherein Sister Dorsey gives the date as December 3.

DECLASSIFIED

El Salvador: Human Rights Special Project (1993)

RELEASED
El Salvador: Human Rights
Special Project (1993)

149/ Did Salvadoran Troops Kill Nuns in Murder Plot? Atlanta Constitution, July 12, 1981 at 25, 26. Again, Sister Dorsey gives the date of this incident as December 3, 1980. See fn. 2148, supra.

150/ Statement by Sister Madeline Maria Dorsey, M.M. (March 8, 1983).

151/ Vides Casanova Interview.

152/ Id. and Interview with Colonel Brian J. Bosch, USA, Washington, D.C. (August 26, 1983).

153/ Id.

154/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (December 16, 1981). See also Appellate Court Decision at 25, and Medrano Report at 27 (Cruz Piche Statement).

155/ Medrano Report at 31 (Luis Monterrosa Statement).

156/ Id. at 39 (Giron Statement).

157/ Gutierrez Interview.

158/ Interview with Rev. Paul Schindler, New York City (September 27, 1983) (hereinafter "Schindler Interview"); Interview ith Monsignor Richardo Urioste, San Salvador, El Salvador (September 23, 1983); and Interviews with Ms. Anna May Mayer and Father Daniel Reidy, La Libertad, El Salvador (September 21, 1983).

159/ FBI Memorandum, Subject: Thomas Norman Bracken (December 31, 1980); and Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (December 12, 1980).

160/ Id.; Cables from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (December 23, 1980 and October 11, 1983).

161/ Statements of Rev. Thomas Gregory Chisholm (January 8, 1981, and July 10, 1982).

162/ Cable from Washington Field Office, FBI, to Director, FBI (January 16, 1981) (Interview of Heather Foote, January 13, 1981).

163/ Id.

164/ Schindler Interview.

165/ Telephone interview with Patricia Lasbury Hall (October 4, 1983) (hereinafter "Lasbury Hall Interview").

166/ Cable from Legal Attache, Panama, to Director, FBI (December 23, 1980).

167/ FBI Laboratory Report No. 10107002 (January 30, 1981).

168/ Interview with Sister Helene O'Sullivan, M.M., New York, New York (September 27, 1983).

169/ See, e.g., Medrano Report at 27 (Cruz Piche Statement); 31 (Luis Monterrosa Statement); and 36 (Cornejo Cubas Statement).

170/ Medrano Report at 27 (Cruz Piche Statement); see also 31 (Luis Monterrosa Statement).

171/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (February 12, 1981), wherein Sister Madeline Dorsey reportly said that Sister Ita Ford had been given $900 in cash at the Managua Conference. Subsequent Maryknoll reports indicate that Sister Ford had only $175.

172/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (February 19, 1981).

173/ See, e.g., Medrano Report at 36 (Cornejo Cubas Statement) and 66 (Sanchez Guzman Statement).

174/ See, e.g., Medrano Report at 36 (Cornejo Cubas Statement) and 31 (Luis Monterrosa Statement).

175/ Medrano Report at 66 (Sanchez Guzman Statement).

176/ Cable from Secretary of State, Washington, D.C., to United States Embassy, San Salvador (June 29, 1983).

177/ Testimony of Colonel Francisco Antonio Moran Reyes before the Second Criminal Court, San Salvador (August 18, 1983). References are to the translation made by the Division of Language Services, Department of State (No. 110870-B) (hereinafter "Moran Statement").

178/ Statement of General Carlos Eugenio Vides Casanova (August 19, 1983). References are to the translation made by the Division of Language Services, Department of State (No. 111213-A).

DeCLASSIFIED

RELEASED
El Salvador: Human Rights Special Project (1993)

RELEASED
El Salvador: Human Rights Special Project (1993)

179/ Moran Statement; and testimony of Juan Ramiro Diaz and Jose Edmundo Reyes Castellanos before the First Criminal Court, Zacatecoluca (October 22, 1983). References are to the translation made by the Division of Language Services, Department of State (No. 111213-L).

180/ Cable from Director, FBI, to FBI Field Office, Houston (July 2, 1982) (hereinafter "Houston Cable").

181/ Id.

182/ Cable from Secretary of State, Washington, D.C., to United States Embassy, San Salvador (October 20, 1981).

183/ Houston Cable.

184/ Cable from Secretary of State, Washington, D.C., to United States Embassy, San Salvador (June 19, 1982).

185/ Houston Cable.

186/ Houston Cable.

187/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (February 6, 1982) (hereinafter "February 6, 1982 Cable").

188/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (June 7, 1982) (hereinafter "June 7, 1982 Cable").

189/ February 6, 1982 Cable.

190/ June 7, 1982 Cable.

191/ Id.

192/ Cable from United States Embassy, San Salvador, to Secretary of State, Washington, D.C. (September 23, 1982); see also Interview with Benjamin Cestoni, San Salvador, El Salvador (September 20, 1983).

193/ Schindler Interview.

194/ Lasbury Hall Interview.

195/ Memorandum prepared by Maryknoll Order entitled "Guns and Ballistics Tests," attached to letter from Sister Helene O'Sullivan, M.M. (March 21, 1982).

196/ Transcript of tape recording made by Sister Maria Rieckelman, M.M. (February 8, 1982), provided by Sister Helene O'Sullivan, M.M.

197/ Interview with Major Miguel Bolonas, Washington, D.C. (November 2, 1983).

198/ Index of Court Record. Informal translation by H. Carl Gettinger, Department of State.

RELEASED
El Salvador: Human Rights
Special Project (1993)

RELEASED
El Salvador: Human Rig
Special Project (1993

APPENDIX

List of Persons Interviewed

Bleakley, (Deputy Chief of Mission) Kenneth - United States Embassy, San Salvador

Bolonas (Major) Miguel - Former Intelligence Officer, Nicaraguan Army

Bosch, (Colonel) Brian J. - United States Army, former Defense Attache, United States Embassy, San Salvador

Brownfield, William R. - Former Political Officer, United States Embassy, San Salvador

Castaneda, (Dr.) Ricardo - Member of the Private Bar, El Salvador

Castillo, (Dr.) Juan Geronimo - Coordinating Prosecutor

Cestoni, (Dr.) Benjamin - Executive Director of the Government of El Salvador Human Rights Commission, and Former Deputy Fiscal General

Duarte, Jose Napoleon - Former President, El Salvador

DuHadway, Thomas - Special Agent, Federal Bureau of Investigation, Fingerprint Division

Ford, William P. - Trial lawyer and brother of Ita Ford

Gettinger, H. Carl - Former Political Officer, United States Embassy, San Salvador

Greathead, R. Scott - International Human Rights Committee, Association of the Bar of the City of New York

Gutierrez, (Special Agent) Sinecio - Federal Bureau of Investigation, Polygrapher

Hall, Patricia Lasbury - Former Consul, United States Embassy, San Salvador

Hinton, (Ambassdor) Deane R. - Former United States Ambassador to El Salvador

Mayer, Anna May - Catholic lay worker in La Libertad, El Salvador

[redacted]

Medrano, (Lieutenant Colonel) Jose Adolfo - National Guard of the Republic of El Salvador

Monterrosa, (Colonel) Roberto - Commander, Salvadoran Navy

O'Sullivan, (Sister) Helene - Maryknoll Order

Otto, (Assistant Director) John E. - Federal Bureau of Investigation

Pickering, (Ambassador) Thomas R. - United States Ambassador to ElSalvador

Pimentel, (Special Agent) Stanley A. - Formerly FBI Legal Attache, United States Embassy, Panama City

Posner, Michael H. - Executive Director, Lawyers' Committee for International Human Rights

Rauda Murcia, (Judge) Bernardo - Criminal Court in Zacatecoluca, El Salvador

Reidy, (Father) Daniel - Missionary priest in La Libertad, El Salvador

Richard, Mark M. - Deputy Assistant Attorney General, Criminal Division, United States Department of Justice

Rivera, (Fiscal General, Dr.) Mario Adalberto - Fiscal General, El Salvador

Schindler, (Father) Paul E. - Former missionary priest in El Salvador

Urioste, (Monsignor) Ricardo - The Catholic Church in El Salvador

Vides Casanova, (General) Carlos Eugenio - Minister of Defense, El Salvador

Walser, (Special Agent) John M. - Federal Bureau of Investigation, Legal Attache, United States Embassy, Mexico City

Wetzel, (Special Agent) Roy - Federal Bureau of Investigation

White, (Ambassador) Robert E. - Former United States Ambassador to El Salvador

Zepeda Velasco , (Lieutenant Colonel) Lizandro - National Guard of the Republic of El Salvador

E24CHB

DECLASSIFIED
UNCLASSIFIED
RELEASED

LTCOL (ALBERTO [illegible]) REYES

74 - 75	NATIONAL GUARD
79 - 81	SONSONATE, BDE HQS
MAY 80	ARRESTED WITH D'AUBUISSON
OCT 80	XO, RECRUIT INSTRUCTION CENTER
FEB 81	XO, 5TH BDE
MAR 81	MILITARY ATTACHE CHILE
SEP 83	MORAZAN DEPT/CICFA CDR
JUL 84	INTER AMERICAN DEFENSE COLLEGE, WASHDC

UNCLASSIFIED

[redacted]

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: COX, DAVID
Date: 05/23/94
Case ID: S940034G

DECLASSIFIED

UNCLASSIFIED

DECLASSIFIED

[redacted]

LTCOL ([illegible]) ROBERTO MAURICIO ((STEBEN)) PERLA

11 NOV 66	GRADUATED FROM MILITARY ACADEMY
80	OPS OFFICER, PN
MAY 80	ARRESTED W/D'AUBUISSON
JUL 80	S-2/S-3 CAV REGT
SEP 80	XO, S-2/S-3 CAV REGT
NOV 80 - JUN 82	S-2/S-3 CAV REGT
NOV 83	ARCE IR BN AS CMDR

UNCLASSIFIED

[redacted]

[illegible]

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[redacted]

RANK ?

ALVARO RAFAEL ([illegible])

15 SEP 69	GRADUATED FROM MILITARY ACADEMY
NOV 70	PILOT TRAINING U.S.
MAR 72	RETURNED FROM U.S.

UNCLASSIFIED

DECLASSIFIED

[redacted]

DECLASSIFIED

[redacted]

CAPT (CDR: 31DEC79) JOSE ALFREDO ((JIMENEZ)) MORENO

DEC 72	GRADUATED FROM MILITARY ACADEMY
MAY 80	ARRESTED W/D'AUBUISSON
JUL 80	CMDR NATIONAL POLICE ACADEMY
FEB 81	INTEL SECTION PN
MAY 81	SERVING AS CDR, RECON SECTION, ATLACATL BN
AUG 81	GROUP CMDR, ATLACATL BN
JAN 84	DEPUTY D-II

UNCLASSIFIED

[redacted]

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58	APPT 2ND LT
MAY 80	CDR OF GN STUDENTS
FEB 81	MEXICO CITY (ASSISTANT TO THE MILITARY ATTACHE)
MAR 81	ON SCHOLARSHIP ABROAD (WITH THE FAS)
DEC 82	LISTED WITH EMGFA
JUN 84	COMPLETED THE PSYOPS COURSE IN TAIWAN

UNCLASSIFIED

[redacted]

DECLASSIFIED

UNCLASSIFIED DECLASSIFIED

[redacted]

CAPT EDUARDO ERNESTO ALFONSO ((AVILA)) AVILA

11 NOV 67	GRADUATED FROM THE MILITARY ACADEMY
79	DURING COUP, CO OF A COMPANY, LA UNION; AFTER COUP, LOGISTICS DEPT, MOD
MAY 80	ARRESTED W/D'AUBUISSON
	ES MILITARY ATTACHE TO COSTA RICA
FEB 81	ASSIGNED AS CDR, HQCO, NEW BN AT SITIO DEL NINO
APR 81	"DISPONIBILIDAD SIN SUELDO"
81 - 82	ES MIL ATTACHE TO COSTA RICA (AGREGADO CIVIL ?)
SEP/OCT 82	IMPLICATED IN BOMBING ATTACK IN COSTA RICA, PNG'D FROM COUNTRY.
JUN 84	"DISPONIBLE"

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[redacted]

DECLASSIFIED UNCLASSIFIED [redacted]

1ST LT (DOR: 31DEC79) HECTOR FEDERICO ((THACON)) ROSALES

DEC 75	GRADUATED FROM MILITARY ACADEMY
MAY 79	BOAT CMDR WITH ES NAVY
MAY 80	ARRESTED W/D'AUBUISSON
DEC 80	DISCHARGE FROM SERVICE FOR DESERTING(?)

UNCLASSIFIED [redacted]

DECLASSIFIED

UNCLASSIFIED

[redacted]

DECLASSIFIED

CAPT ([illegible]) [illegible] ((EF'.ETT)) ESCOBAR

1 DEC 75	GRADUATED FROM MILITARY ACADEMY
MAY 80	ARRESTED W/D'AUBUISSON
DEC 82	LISTED WITH 3D INF BDE

UNCLASSIFIED

[redacted]

DECLASSIFIED

UNCLASSIFIED DECLASSIFIED [redacted]

1ST LT RODOLFO ISIDRO ((LOPEZ)) SIBRIAN

1 DEC 75	GRADUATED FROM MILITARY ACADEMY
MAY 80	ARRESTED W/D'AUBUISSON
JUN 80	INTEL SECTION GN
FEB 81	WOUNDED BY BOMB
MAR 81	UNDER MAJ MORAN S-2, GN
APR 81	ASSIGNED TO MIL DET 3, LA UNION AS PLT LDR
JUL 81	HOUSE BOMBED
MAR 83	ADM DUTIES 4TH BDE

[redacted] DECLASSIFIED UNCLASSIFIED

UNCLASSIFIED
DECLASSIFIED

[redacted]

1ST LT CARLOS HERNAN ((MORALES)) ESTUPINIAN

1 DEC 75 GRADUATED FROM THE MILITARY ACADEMY
DEC 75 SECT CDR 4TH CO. SONSONATE

UNCLASSIFIED

[redacted]

DECLASSIFIED

DECLASSIFIED

LT [redacted] JAIME PINE [redacted]

UNCLASSIFIED

DEC 72	GRADUATED FROM MILITARY ACADEMY
MAY 80	ARRESTED W/D'ALBUISSON
JUL 80	SERVING IN MIL DET 4
NOV 80	INTEL WORK ?
APR 81	ARRESTED FOR SELLING ARMS TO CIVILIANS

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[redacted]

NOT RELEASABLE TO FOREIGN NATIONALS

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El Salvador Declassification Project

Department of State IS/FPC/CDR El Salvador SP Date 9-22-93
Declassified under EO 12356 (X) in full; ( ) in part;
portions withheld: classified ( ); deliberative ( );
law enforcement ( ); privacy ( ), statutory ( );
not relevant to El Salvador ( ).

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TEXT OF TELEGRAM 84SAN SA007308

ADP249 [redacted]

PAGE 01 SAN SA 07308 260030Z
ACTION SS-25

INFO OCT-00 COPY-01 ADS-00 SSO-00 /026 W
----------275013 260031Z /61

O 260033Z JUN 84
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 6681

[redacted] SAN SALVADOR 07308

EXDIS

E.O. 12356: DECL: OADR
TAGS: ES, PGOV
SUBJECT: CONCERNS OF ROBERTO D'AUBUISSON

1. CONFIDENTIAL - ENTIRE TEXT.

2. ROBERTO D'AUBUISSON TELEPHONED CHARGE FROM MEXICO JUNE 24 OSTENSIBLY TO GIVE HIS TRAVEL PLANS FOR VISITING THE U.S. (SEPTEL). HOWEVER, MOST OF THE CONVERSATION WAS DEVOTED TO HIS COMPLAINT THAT THE U.S. EMBASSY FAILED TO DELIVER A LETTER TO HIM FROM PRESIDENT REAGAN AND THAT THE VOICE OF AMERICA WAS BROADCASTING SCURRILOUS CHARGES ABOUT HIM. D'AUBUISSON SAID THAT HE THOUGHT THAT HE AND GENERAL WALTERS HAD ARRIVED AT AN UNDERSTANDING THAT THE U.S. GOVERNMENT WOULD NOT ATTACK HIM IN PUBLIC AND THAT HE WOULD DESIST FROM HIS CHARGES OF U.S. INTERFERENCE IN THE ELECTIONS. THE CLEAR IMPLICATION WAS THAT U.S. VIOLATION OF THIS AGREEMENT FREED HIM FROM THE QUID PRO QUO.

3. THE CHARGE EXPLAINED THAT HE UNDERSTOOD THAT AMBASSADOR WALTERS HAD PERSONALLY DELIVERED THE SENSE OF THE MESSAGE FROM THE PRESIDENT TO HIM AND THAT WASHINGTON DETERMINED THEREFORE THAT A WRITTEN TEXT WAS NOT REQUIRED. THE CHARGE ALSO SAID HE HAD NOT HEARD [redacted]

PAGE 02 SAN SA 07308 260030Z

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THE VOICE OF AMERICA BROADCAST TO WHICH MAJOR D'AUBUISSON REFERRED BUT ASSUMED IT WAS A FACTUAL REPORT ON THE JUNE 23 NEW YORK TIMES' STORY. THE CHARGE SAID THAT THE EMBASSY HAD DECLINED TO MAKE ANY COMMENT ON THE STORY AND THAT HE HAD GIVEN FIRM INSTRUCTIONS THAT THERE WAS TO BE ABSOLUTELY NO DISCUSSION OF IT WITH THE PRESS. IN ADDITION, HE EXPLAINED THAT THE VOICE OF AMERICA HAS AN INDEPENDENT NEWS POLICY FROM THAT OF THE U.S. GOVERNMENT. HOWEVER, HE WOULD CALL VOA'S ATTENTION TO

TEXT OF TELEGRAM 84SAN SA007308

THE MAJOR'S CONCERNS. MAJOR D'AUBUISSON APPEARED SOMEWHAT MOLLIFIED BUT SAID MUTUAL FRIENDS WOULD BE GETTING IN TOUCH WITH THE CHARGE TO EXPLORE THE MATTER FURTHER.

4. RICARDO VALDIVIESO TELEPHONED THE CHARGE SOMEWHAT LATER ON SUNDAY EVENING AND RECOVERED ESSENTIALLY THE SAME GROUND IN A FRIENDLY AND NON-CONFRONTATIONAL MANNER. THE CHARGE INFORMED HIM THAT IN THE INTERIM HE HAD ALREADY ASKED THE ACTING PUBLIC AFFAIRS OFFICER TO ADVISE VOA WASHINGTON OF THE MAJOR'S OBJECTIONS.

BLEAKLEY

[redacted]

MNN

EXDIS REVIEW
Cat. A - Caption remo
transferred t
Cat. B - Transferred t
with additior
controlled by
Cat. C - Caption and
retained by S
Reviewed by: Elijah
Date: 6/2

RELEASED RELEASE
El Salvador: Human Rights Special Project (1993)

DRAFT [redacted] MEMORANDUM

TO: ARA - Ambassador Enders, Assistant Secretary-Designate

FROM: HA - Stephen E. Palmer, Acting

SUBJECT: Congressional Concern Regarding Continued Abuses by Salvadoran Security Forces

Department of State [illegible] FOIA/Privacy Act
Declassified under EO 12356 ( ) ( ) ( )
portions withheld: classified ( ), privacy ( ), [illegible]
law enforcement ( ), privacy ( ), [illegible]
relevant to El Salvador ( )
9/17/93

The indiscriminate killings by Salvadoran security forces continue and are further eroding public and Congressional support of the Administration's policies in El Salvador. If the Administration is to arrest this erosion of support, Administration initiatives must be undertaken to end such killing.

With that objective in mind and in order to shore up Congressional support for the present policy, I would suggest that consideration be given to sending to San Salvador a senior Administration official who could speak with the authority of the President and of the Secretary and whose mission would be to convince the Salvadoran High Command to undertake the necessary measures to end the indiscriminate killings. As you know, General Vernon Walters has in recent weeks been sent as the Secretary's personal emissary on similarly sensitive diplomatic missions to Argentina, Haiti and Mexico. He will be going shortly to Guatemala to discuss with General Lucas abuses by the Guatemalan military and the possibility of renewed American military assistance if such abuses are ended.

Given mounting Congressional and public concern with continued security force abuses, I would suggest that a similar visit by General Walters to San Salvador is called for. President Duarte--as well meaning as he may be-- does not have the wherewithal to control the security forces. A Walters' mission therefore should be addressed to the High Command,

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El Salvador: Human Rights
Special Project (1995)

especially Defense Minister Garcia, National Guard Commander Casanova and Treasury Police Commander Moran.

As an alternative emissary one might consider Deputy Defense Secretary Frank Carlucci whose extensive diplomatic experience and whose present position would seem to eminently commend him as the candidate to undertake such a special mission.

I would welcome any reaction you might have to this proposal or any alternative suggestions you may have which would deal effectively with this problem.

cc:HA:RGraham
DShaffer

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Human Rights
Project (1993)

In their March 1988 report, Labor Rights in El Salvador, Americas Watch documents nine assassinations and five disappearances of members and leaders of unions and associations from December 1986 - March 1988. They place responsibility for most of these on members of the armed forces or civil patrols.

Documented Assassinations

1. On April 16, 1987, Antonio de Jesus Hernandez Martinez, the National Association of Agricultural Workers' (ANTA) Secretary General of the Departmental Council of San Miguel, was traveling to a coop near San Gerardo when he was captured by soldiers of the Cuscatlan Battalion. A May 18 petition filed by government prosecutor Carlos Antonio Elias Barrios alleged that Hernandez was arrested, and the body had been found with bullet holes. Villagers who found Hernandez's mutilated body on April 20 reported that he had been detained by soldiers of the Cuscatlan Battalion, and they had been warned not to touch the body or they would suffer the same fate.

Following a judicial order, the body was exhumed on May 25. According to the exhumation report, the remains were destroyed and could not be identified as Hernandez, as there appeared to be bones from several persons in the coffin. The remains were again removed on May 2, by ANTA leaders who were unable to locate part of his skull. Soldiers said that they had killed a guerilla. The Reagan Administration has cited the question of the identity of the remains as evidence that Hernandez had not been killed at all. Americas Watch reports, however, that if the remains are not Hernandez's, it is still the responsibility of the Salvadoran Government to produce Hernandez if still in custody, or prosecute those responsible if he was killed. pp. 21

2. Jose Raul Henriquez, a promoter for ANTA and former Secretary for Agrarian Matters for the Avicola poultry worker's union, was abducted from his home in Canton Malacoff, Tonacatepeque on June 29, 1987. He was taken by two members of the civil defense of Las Delicias and a National Guardsman stationed in San Martin, in the presence of his wife. His wife and other ANTA members found his body more than a month later. The local Justice of Peace had been informed of the circumstances of the capture and murder and apparently threatened by the same civil defensemen, as he recognized Henriquez's body but refused to sign the death certificate. Following the denunciation of the killing by ANTA, one of the civil defensemen appeared at the home of the widow and threatened her, after which she moved out of the area. pp. 22

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Project (1993)

3. According to sworn testimony given Tutela Legal, the human rights office of the Archdiocese of San Salvador, Rene Andrade Ponce, a leader of a peasant group affiliated with the National Peasants Association (ANC), was taken from his house on July 8, 1987, by five uniformed men. With them was a man seen earlier in town with National Guardsmen from Oratorio. The next day children found the body on a road between Palacios and San Jose Guayabal. He had been shot seven times in the face. According to ANC officials, Ponce's wife and children witnessed his abduction and recognized his captors, but have been too frightened to denounce the case in the courts and seek legal action. pp. 22

4. According to the National Association of Indigenous Salvadorans (ANIS), Eulalio Antonio Martinez Vasquez, a member of ANIS, was killed by three civil defensemen in Canton La Nueva, Acajutla on August 16, 1987. pp. 22

5. According to Ricardo Soriano, Secretary General of the pro-government Construction Industry and Transport Trade Union Federation (FESINCONSTRANS), Jose Gilberto Perez Ramos, leader of an affiliate union at the factory of Arcitex, in Guazapa, was killed by several men dressed in olive green, carrying M-16 rifles, on December 6, 1987. The union was apparently on the verge of signing a collective contract with the employer when Perez Ramos was killed. pp. 36

6. Juan Jose Mejia, who had recently been dismissed from the Mike-Mike leather goods factory in San Salvador, was found shot to death in Cojutipeque. The Cotton and Synthetics Textile Industry Workers Union (STITAS) has been (as of when this report was drafted) involved in a labor dispute with Mike-Mike management since November, 1987. There is no mention of whether Jose Mejia was a member of STITAS, an organization accused of being linked to the FMLN by Mike-Mike management. pp. 37

7. On the morning of December 18, 1987, Medardo Ceferino Ayala was murdered 100 meters from his home in Zacamil, San Salvador, while waiting for a bus to work. Ayala was an active member of the Association of Salvadoran Telecommunications Workers (ASTTEL). His assassins were armed men in civilian clothing who fired bullets into the air to scatter those who stood in line with him. pp. 68

8. Another participant in ASTTEL activities, Victor Manuel Hernandez Vasquez, was shot six times in the face and chest at close range by two men in civilian clothing on January 13, 1988. Vasquez was employed by the Torre Roble Facility of the national telephone and telegraph service (ANTEL), where he had begun receiving threats after he had made demands for better working conditions (according to Vasquez's family). pp. 68

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El Salvador: Human Rights
Special Project (1993)

9. On April 8, 1987, two armed men entered the San Carlos Cooperative in Canton San Francisco Los Reyes, Zacatecoluca. They raped several young girls and threw a grenade into the home of Daniel Ortiz, the treasurer of the cooperative. The grenade severely wounded Ortiz and his child, and killed three other adults. Ortiz later died from his wounds.

The Army arrested two reportedly former members of the armed forces, however, according to "La Prensa Grafica", the names of the four victims were included in a list prepared by the Army press office of victims of FMLN mines. pp. 23

Documented Disappearances

1. On May 1, 1987, three young men were abducted at a bus station as they returned from a May Day union march in Menendez Park, Santa Ana. Two of the men, Luis Armando Lemus Urrutia and Edwin Ernesto Vargas Aguilar, were members of the coffee processing workers' union (SICAFE), from the Montealegre plant in Chalchuapa. The other man, Julio Ernesto Garcia Lucero, was a member of the bakers union and the brother of a SICAFE official. Witnesses at the bus station identified their captors as soldiers from the Second Brigade in Santa Ana, including an Army official who is a death squad member, Mauricio Mario, known as "Chele Maria".

The men's mother's published an open letter in newspapers denouncing the Second Brigade for the abduction. The head of the Second Brigade, Colonel Ocsar Casanova Vejar, met the mothers and promised to investigate the case, but ordered them to stop denouncing the brigade. Later the mothers reported that they saw the actual vehicle used in the abduction when meeting with Colonel Casanova Vejar. The mothers gave all the information on the case to the Special Investigative Unit, a U.S. -funded police unit charged with investigating human rights abuses. pp. 37

2. On September 1, 1987, Jorge Salvador Ubau, Secretary General of the Coordinating Council of University Workers, was captured by five heavily armed plainclothes men and forced into a white pick-up. pp. 69

3. On September 16, 1987, soldiers from the First Brigade captured Jose Angel Lopez Portillo, leader of a cooperative in Suchitoto. (couldn't find in text)

RELEASED
El Salvador: Human Rights

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[redacted] UNCLASSIFIED AN: D840420-0826 EXCISE

PAGE 01 SAN SA 07550 01 OF 07 292248Z
ACTION ARA-00

INFO OCT-00 COPY-01 ADS-00 INR-10 EUR-00 SS-00 OIC-02
CIAE-00 DODE-00 H-01 IO-15 NSAE-00 HA-08 L-03
PM-10 PA-01 OMB-01 SP-02 SNP-01 PRS-01 SLPD-01
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----------152107 292317Z /66
P 292243Z JUN 84
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC PRIORITY 6851
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
AMEMBASSY LONDON
AMEMBASSY PARIS
AMEMBASSY ROME
AMEMBASSY MADRID
AMEMBASSY BONN
AMEMBASSY THE HAGUE
AMEMBASSY COPENHAGEN
AMEMBASSY OTTAWA
AMEMBASSY STOCKHOLM
AMEMBASSY REYKJAVIK
AMEMBASSY OSLO
AMEMBASSY BRUSSELS
AMEMBASSY LISBON
USMISSION GENEVA
USCINCSO QUARRY HEIGHTS PN
USIA WASHDC 3188

[redacted] SECTION 01 OF 07 SAN SALVADOR 07550

USIA FOR AR AND P/CENTAM

[redacted]

Department of State IS/FPC/CDR El Salvador SP Date 9/24/93
Declassified under EO 12356 ( ) in full; (✓) in part;
portions withheld: classified (✓); deliberative ( );
law enforcement ( ); privacy ( ), statutory ( );
not relevant to El Salvador ( ).

E.O. 12356: DECL: OADR

[redacted] UNCLASSIFIED

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El Salvador Human Rights
Special Project (1993)

TAGS: SHUM, PINT, ES
SUBJECT: TUTELA LEGAL: A MIRROR IMAGE PRESENTATION OF VIOLENCE IN EL SALVADOR

REF: A) SAN SALVADOR 7310 B) SAN SALVADOR 813 C) SAN SALVADOR 5861

1. (U) THE FREQUENCY WITH WHICH TUTELA LEGAL IS BEING CITED BY CRITICS OF THE SALVADORAN GOVERNMENT AND OF U.S. POLICY INDICATES THAT IT HAS BECOME THE PRINCIPAL AND MOST WIDELY CREDIBLE SOURCE OF ALLEGED HUMAN RIGHTS ABUSES BY THE ARMED FORCES. DEBATE, AS IT APPEARS FROM OUR PERSPECTIVE, HAS SHIFTED ITS FOCUS FROM DEATH SQUAD MURDERS; NOW, AS CONG. BARNES HAS NOTED, THE ALLEGED GRATUITOUS USE OF VIOLENCE BY THE MILITARY AGAINST INNOCENT CIVILIANS HAS BECOME THE FULCRUM OF THE HUMAN RIGHTS DEBATE. TUTELA LEGAL (TL) PUBLISHES A MONTHLY LIST OF VIOLENT DEATHS OF WHICH THE OVERWHELMING MAJORITY ARE WITHOUT QUALIFICATION ATTRIBUTED TO THE ARMED FORCES. ON THIS LIST RESTS MUCH OF THE CASE AGAINST THE GOES AND THE ARMED FORCES--ARMY (ESAF) AND AIR FORCE (FAS).

2. (C) IN THE PAST, WE HAVE LOOKED CRITICALLY AT TL STATISTICAL REPORTING AND HAVE FOUND IT AT BEST MARGINALLY USEFUL AS AN ANALYTICAL TOOL FOR DEALING WITH EL SALVADOR'S REAL HUMAN RIGHTS PROBLEMS. ONE PART OF THE DIFFICULTY IS DIMENSIONAL: TL FIGURES CANNOT BE DEEMED TO DEFINE THE ACTUAL LEVEL OF THE PROBLEM. THE OTHER IS DEFINITIONAL: HUMAN RIGHTS ARE GROSSLY ABUSED IN EL SALVADOR -- BY THE STANDARDS OF AN ENLIGHTENED WESTERN DEMOCRACY -- BUT THE [redacted]

FUNDAMENTAL ABUSES ARE NOT NECESSARILY THOSE SUGGESTED BY TL'S UNSUPPORTED COMPILATIONS OF ALLEGED ARMED FORCES MURDER.

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El Salvador: Human Rights
Special Project (1995)

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PAGE 01 SAN SA 07550 02 OF 07 292249Z
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CIAE-00 DODE-00 H-01 IO-15 NSAE-00 HA-08 L-03
PM-10 PA-01 OMB-01 SP-02 SNP-01 PRS-01 SLPD-01
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----------152126 292321Z /66
P 292243Z JUN 84
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC PRIORITY 6832
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
AMEMBASSY LONDON
AMEMBASSY PARIS
AMEMBASSY ROME
AMEMBASSY MADRID
AMEMBASSY BONN
AMEMBASSY THE HAGUE
AMEMBASSY COPENHAGEN
AMEMBASSY OTTAWA
AMEMBASSY STOCKHOLM
AMEMBASSY REYKJAVIK
AMEMBASSY OSLO
AMEMBASSY BRUSSELS
AMEMBASSY LISBON
USMISSION GENEVA
USCINCSO QUARRY HEIGHTS PN
USIA WASHDC 3189

[redacted] SECTION 02 OF 07 SAN SALVADOR 07550

USIA FOR AR AND P/CENTAM

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PAGE 02 SAN SA 07550 02 OF 07 292249Z

E.O. 12356: DECL: OADR
TAGS: SHUM, PINT, ES

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4. (C) NEVERTHELESS, AN ANALYSIS OF TL REPORTS DEMONSTRATES THAT THIS IS NOT THE CASE. TL REPORTS ARE THE NUMERICAL DESCRIPTION OF A WAR IN SOME UNREAL WORLD: IN WHICH A CONVENTIONAL ARMED FORCE REGULARLY TAKES HEAVY LOSSES BUT SLAYS ONLY INNOCENT CIVILIANS ON THE BATTLEFIELD; IN WHICH THE GUERRILLAS, BY THEIR OWN PROPAGANDA ACCOUNTS, MOUNT A SUSTAINED MILITARY CAMPAIGN BUT THEMSELVES MANAGE TO SLAY NONE OF THE INNOCENT CIVILIANS ON THE BATTLEFIELD; IN WHICH, IN THE PREPONDERANCE OF CASES, A TOTAL ABSENCE OF ANY CONCRETE SUPPORTIVE EVIDENCE IS ALLOWED TO STAND AS AN INDICTMENT OF INDIVIDUALS AND INSTITUTIONS.

5. (U) TL STATISTICS, IN OUR VIEW, SPEAK FOR THEMSELVES. TL REPORTS FOR THE MONTH OF APRIL AND MARCH

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NARNASHD
El Salvador Human Rights
Special Project (1993)

[redacted]

SUBJECT: TUTELA LEGAL: A MIRROR IMAGE PRESENTATION

OF THIS YEAR CLAIM OVER 600 POLITICAL DEATHS (NONE OF GUERRILLAS) OF WHICH ONLY 10 WERE CAUSED BY THE GUERRILLAS (7 GUERRILLA-CLAIMED ASSASSINATIONS AND THREE BYSTANDERS KILLED IN AN ATTACK ON THE DEFENSA CIVIL.) ALL OF THE REST, EXCEPTING DEATH SQUAD MURDERS, ARE ATTRIBUTED TO THE ARMED FORCES. THE TWO TYPICAL REPORTS FOR THE MONTHS OF MARCH AND APRIL BOIL DOWN TO THE FOLLOWING:

-- MARCH

TOTAL CIVILIAN DEAD: 414

BY DEATH SQUAD:	46	AGE UNKNOWN:	383
BY NATIONAL POLICE:	1	NAME UNKNOWN:	382
BY GUERRILLAS:	7	SEX UNKNOWN:	308
BY MILITARY:	360		
- (327 ARMY; 33 AIR FORCE)			

-- APRIL

TOTAL CIVILIAN DEAD: 232

BY DEATH SQUAD:	34	AGE UNKNOWN:	196
BY DEFENSA CIVIL:	14	NAME UNKNOWN:	198
BY GUERRILLAS:	3	SEX UNKNOWN:	160
BY MILITARY:	181		
- (NONE BY AIR FORCE)			

[redacted]

6. (U) ONE ITEM IN THE APRIL REPORT, ACCOUNTING FOR TEN OF THE APRIL DEATHS, IN FACT MENTIONS UNIDENTIFIED PEOPLE, "KILLED ON VARIOUS OCCASIONS, FROM 1981 TO DATE..." AND LISTS THE DEFENSA CIVIL AS RESPONSIBLE ON AN UNEXPLAINED BASIS. IT BEARS NOTING THAT TL ANNOUNCES DEATH STATISTICS FOR A GIVEN MONTH WITHOUT DRAWING ATTENTION TO THE FACT THAT A PART OF THEM, TYPICALLY UNDOCUMENTED, MAY ACTUALLY BE ATTRIBUTABLE TO AN EARLIER PERIOD. THIS METHOD OBVIOUSLY INTRODUCES A DISTORTION (E.G., THE TL CLAIM OF 83 DEATHS CITED IN THE JUNE 17 HOMILY, REFTEL A).

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Project (199

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7. (U) TL FREQUENTLY POINTS OUT THAT EMBASSY VIOLENCE REPORTING DRAWS (AS AN INDICATOR OF VIOLENCE LEVELS) ONLY ON MEDIA ACCOUNTS OF DEATHS, AND IT ASSERTS THAT ITS OWN DEATH FIGURES ARE BASED ALMOST TOTALLY ON "EYEWITNESS TESTIMONY." DESPITE THIS CLAIM, HOWEVER, WE NOTE THAT THIS EYEWITNESS TESTIMONY FAILS TO FURNISH EVEN THE SEX OR AGE, MUCH LESS THE IDENTITY, OF THE OVERWHELMING MAJORITY OF ALLEGED VICTIMS. IT SHOULD BE RECOGNIZED THAT THE MEDIA MAY NOT REPORT ALL VIOLENT DEATHS IN THE COUNTRY, BUT IT DOES REPORT ALL THE DEATHS IT HEARS ABOUT, WHICH INCLUDES ESAF (COPREFA) REPORTS OF GUERRILLA CASUALTIES.

8. (U) BY NOW, IT IS CLEAR TO US THAT TL, DESPITE ITS CLAIM TO THE CONTRARY, IN FACT USES PRESS REPORTS FOR A SUBSTANTIAL PORTION OF ITS VIOLENCE FIGURES. THIS INCLUDES REPORTED MILITARY OPERATIONS WITH GUERRILLA CASUALTY FIGURES. A COMPARISON OF TL MONTHLY REPORTS WITH PRESS REPORTS COVERING THE SAME PERIOD MAKES THIS CONCLUSION IMPOSSIBLE TO REFUTE. THE DIFFERENCE IS THAT TL TAKES ANNOUNCED GUERRILLA CASUALTY FIGURES AND PUBLISHES THEM AS CIVILIAN DEATHS. A KEY POINT TO NOTE

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PAGE 01 SAN SA 07550 03 OF 07 301335Z
ACTION ARA-00

INFO OCT-00 COPY-01 ADS-00 INR-10 EUR-00 SS-00 OIC-02
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P 292243Z JUN 84
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[redacted] SECTION 03 OF 07 SAN SALVADOR 07550

USIA FOR AR AND P/CENTAM

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PAGE 02 SAN SA 07550 03 OF 07 301335Z

E.O. 12356: DECL: OADR
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Guatemala Human Rights
Project (1994)

SUBJECT: TUTELA LEGAL: A MIRROR IMAGE PRESENTATION

IS THAT THE PRESS AND COPREFA FIGURES ARE UNIFORMLY PUBLISHED BEFORE RPT BEFORE TL FIGURES.

cc

c.s

10. (U) THE COMPARISON OF THE TL AND MEDIA REPORTS THAT FOLLOWS LISTS NUMEROUS INCIDENTS SINCE THE BEGINNING OF THE YEAR THAT CHART THE "COINCIDENCE" BETWEEN THESE REPORTS. WE NOTE THAT TL HAS LISTED THE DATE AND LOCATION OF AN ENGAGEMENT AS PUBLISHED EARLIER IN THE MEDIA, AND, IN NEARLY ALL CASES, THE IDENTICAL FIGURES FOR GUERRILLA DEATHS, BUT DESCRIBED THEM INSTEAD AS CIVILIANS. THE MOST STRIKING EXAMPLE IS THE FIRST: THE NEW YEAR'S EVE ENGAGEMENT AT EL PARAISO, CHALATENANGO. TL SAYS THE ARMY KILLED 250 UNIDENTIFIED CIVILIANS. IN FACT, THE EVENTS OF DECEMBER 31, CONSISTED OF AN ATTACK BY SEVERAL HUNDRED ARMED GUERRILLAS AGAINST THE ISOLATED FOURTH BRIGADE ARMY HEADQUARTERS IN EL PARAISO, TAKING ADVANTAGE OF DECREASED NEW YEAR'S EVE ALERTNESS. IN THE PROCESS OF OVERRUNNING THE GARRISON, AND HOLDING IT FOR OVER 24 HOURS, THE GUERRILLAS KILLED 75 SOLDIERS AND CAPTURED OVER ONE HUNDRED. NO CIVILIANS WERE ATTACKED BY THE ARMY, WHICH WAS UNABLE EVEN TO LEAVE ITS

[redacted]

DEFENSES, MUCH LESS HOLD ON TO THEM, OR MOUNT A COUNTERATTACK, AND WHICH SUFFERED A DEVASTATING DEFEAT. IN ITS SUBSEQUENT PRESS RELEASE, THE ARMY GREATLY EXAGGERATED IN CLAIMING IT HAD KILLED 250 GUERRILLAS DURING THE ENGAGEMENT. THE POINT, HOWEVER, IS THAT TL TOOK A PREVIOUSLY PUBLISHED ARMY FIGURE OF ALLEGED GUERRILLA CASUALTIES AND SUBSEQUENTLY LISTED IT AS AN ARMY ATROCITY AGAINST CIVILIANS, ALL IN A PURELY MILITARY ACTION IN WHICH NO CIVILIANS WERE INVOLVED ON EITHER SIDE. IT REMAINS UNASKED BY TL, PERHAPS BECAUSE UNANSWERABLE, HOW ONLY ARMY BULLETS COULD HAVE FOUND

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THEIR WAY INTO 250 CIVILIAN BODIES IN THE COURSE OF A POST MIDNIGHT GUERRILLA ASSAULT AGAINST AN ARMY GARRISON SEPARATED BY AT LEAST A HALF MILE FROM THE NEAREST SIGNIFICANT CIVILIAN SETTLEMENT.

11. (U) KEY: TYPE OF OPERATION: C-CONFRONTATION, S-SWEEP, A-GUERRILLA ATTACK. SOURCE: PG-PRENSA GRAFICA, M-EL MUNDO, DH-EL DIARIO DE HOY, L-EL LATINO.

TUTELA LEGAL

DATE	PLACE	TYPE OF OPERATION	CIVILIAN DEAD
12-83	EL PARAISO CHALATENANGO	C	250
2-2	TEXISTEPEQUE SANTA ANA	C	17
2-3	MERCEDES UMANA/ EL TRIUNFO, USU.	C	10

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PAGE 01 SAN SA 07550 04 OF 07 301335Z
ACTION ARA-00

INFO OCT-00 COPY-01 ADS-00 INR-10 EUR-00 SS-00 OIC-02
CIAE-00 DODE-00 H-01 IO-15 NSAE-00 HA-05 L-03
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AMEMBASSY COPENHAGEN
AMEMBASSY OTTAWA
AMEMBASSY STOCKHOLM
AMEMBASSY REYKJAVIK
AMEMBASSY OSLO
AMEMBASSY BRUSSELS
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USIA WASHDC 3191

[redacted] SECTION 04 OF 07 SAN SALVADOR 07550

USIA FOR AR AND P/CENTAM

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PAGE 02 SAN SA 07550 04 OF 07 301335Z

E.O. 12356: DECL: OADR
TAGS: SHUM, PINT, ES

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El Salvador: Human Rights Documentation Project (1993)

SUBJECT: TUTELA LEGAL: A MIRROR IMAGE PRESENTATION

*UNDATED -	*SANTA CLARA, SAN VICENTE	*C	*1
2-5 -	JUCUAPA/CHINAMECA, USU.	S	15
UNDATED	USULUTAN CITY	S	3
2-4	JOCORO, MORAZAN	C	2
UNDATED	LOWER GUAZAPA	S	8
2-7 -	CHINAMECA, SAN MIGUEL	C	3
UNDATED -	EL SEMILLERO, EL TRIUNFO, USU	S	6
UNDATED - -	S. GERARDO, SAN MIGUEL	S	16

PRESS REPORTS

DATE PUBLISHED	SOURCE	PLACE	TYPE OF OPERATION	GUERRILLA DEAD
1-4-84 -	DH	EL PARAISO CHALATENANGO	C	250

[redacted]

2-3 -	DH PG	TEXISTEPEQUE SANTA ANA	A	17
2-3 -	M	NEAR JUCUAPA, USU. (SAME AREA)	C	10
2-4 -	DH	SANTA CLARA, SAN VICENTE	C	1
2-6 -	PG	JUCUAPA/CHINAMECA, USU.	S	15

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2-6	L	USULUTAN CITY	C	3
2-6	M	JOCORO, MORAZAN	C	2
2-8	PG	CERRO GUAZAPA	C	8
2-8	M	CHINAMECA, SAN MIGUEL	C	3
2-22	PG	EL SEMILLERO, EL TRIUNFO, USU.	C	6
2-22	DH	S. GERRARDO, SAN MIGUEL	C	16

TUTELA LEGAL

DATE	PLACE	TYPE OF OPERATION	CIVILIAN DEAD
UNDATED	NORTH OF TOROLA RIVER, MORAZAN	S	12

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PAGE 01 SAN SA 07550 05 OF 07 301336Z
ACTION ARA-00

INFO OCT-00 COPY-01 ADS-00 INR-10 EUR-00 SS-00 OIC-02
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USIA WASHDC 3192

[redacted] SECTION 05 OF 07 SAN SALVADOR 07550

USIA FOR AR AND P/CENTAM

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PAGE 02 SAN SA 07550 05 OF 07 301336Z

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SUBJECT: TUTELA LEGAL: A MIRROR IMAGE PRESENTATION

MAR. -	EL RETEN, CD. BARRIOS, S.MIGUEL	S	48
UNDATED	LOS ARRIAZA, SM	S	3
UNDATED	LA CUCHILLA, SM	S	60
3-7 -	LA LAGUNA, CHALATENANGO	C	8
3-16 -	SUCHITOTO, CUSCATLAN	S	18
3-17 -	TIERRA BLANCA USULUTAN	C	7
3-18 -	LA BERMUDA, CUSCATLAN	S	8
3-20 -	S. ANTONIO POTRERILLO, USU	S	19
UNDATED -	SAN LUIS LA REINA, SM	S	12
UNDATED -	JOYAS DEL MATAZANA, SM	C	5
3-30 [redacted]	DULCE NOMBRE DE	S	15

PAGE 03 SAN SA 07550 05 OF 07 301336Z

-	MARIA, CHALATE		
4-3 -	SESORI/EL TRIUNFO, MORAZAN	C	3

PRESS REPORTS

DATE PUBLISHED	SOURCE	PLACE	TYPE OF OPERATION	GUERRILLA DEAD
2-22 -	DH	NORTH OF TOROLA RIVER, MORAZAN	C	10

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[redacted] SECTION 06 OF 07 SAN SALVADOR 07550

USIA FOR AR AND P/CENTAM

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TAGS: SHUM, PINT, ES

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Special Project (1993)

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3-6 -	DH	EL RETEN, SAN MIGUEL	C	45
3-6 -	DH	LOS ARRIAZA, SAN MIGUEL	S	3
3-6 -	DH	LA CUCHILLA, SAN MIGUEL	S	60
3-8 -	PG	LA LAGUNA, CHALATENANGO	C	8
3-17 -	M	SUCHITOTO, CUSCATLAN	C	25
3-17	M	TIERRA BLANCA,	C	7
3-20 -	PG	LA BERMUDA, CUSCATLAN	C	8

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Human Rights
(1993)

SUBJECT: TUTELA LEGAL: A MIRROR IMAGE PRESENTATION

3-20 - -	PG	S. ANTONIO POTRERILLO, USULUTAN	C	20
3-20 -	PG	SAN LUIS LA REINA, SM	C	11
3-21 -	PG	JOYAS DEL MATAZANO, SM	C	5
4-2 -	PG	DULCE NOMBRE DE MARIA, CHALATENANGO	C	15
4-4 - -	M	SESORI/EL TRIUNFO, MORAZAN	C	3

TUTELA LEGAL

DATE	PLACE	TYPE OF OPERATION	CIVILIAN DEAD
4-3 - - -	CERRO CACAHUATIQUE, CANTON S. SIMON, SALIDA A S. LUIS DE LA REINA, SM	C	49
4-4 -	CANTON CHILIN POTRERO SULA	C	19
[redacted]			

-	CHALATENANGO		
4-9 - -	EL CABALLITO, TENANCINGO CUSCATLAN	C	8
4-13	NEQR SUCHITOTO	C	4
4-13 -	PIEDRA BLANCA, MORAZAN	C	5
4-16	CANTON AGUA FRIA	C	3

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Special Project (1993)

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-	JUCUARAN, USU		
UNDATED	CIUDAD BARRIOS	C	8
-	SAN MIGUEL		
4-21	CANTON EL	C	9
-	ZAPOTE, CHALATE		
4-21	CASERIO EL	C	6
-	YURIQUE, OJOS		
-	DE AGUA, CHALATE		
UNDATED	NUEVA MIRAFLORES	C	6
-	Y EL LIMON, SANTA		
-	CRUZ MICHAPA		
-	CUSCATLAN		

PRESS REPORTS

DATE PUBLISHED	SOURCE	PLACE	TYPE OF OPERATION	GUERRILLA DEAD
4-4	M	NORTH OF CIUDAD	S	49

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El Salvador Human Rights
Special Project (1993)

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PAGE 01 SAN SA 07550 07 OF 07 292326Z
ACTION ARA-00

INFO OCT-00 COPY-01 ADS-00 INR-10 EUR-00 SS-00 OIC-02
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[redacted] SECTION 07 OF 07 SAN SALVADOR 07550

USIA FOR AR AND P/CENTAM

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PAGE 02 SAN SA 07550 07 OF 07 292326Z

E.O. 12356: DECL: OADR
TAGS: SHUM, PINT, ES

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El Salvador Human Rights
Special Project (1994)

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SUBJECT: TUTELA LEGAL: A MIRROR IMAGE PRESENTATION

-		BARRIOS, SAN MIGUEL (SAME AREA CLAIMED BY TL REPORT)		
4-5 -	M	NUEVA CONCEP- CION, CHALATENANGO (SAME AREA)	S	19
4-10 - -	L	EL CABALLITO, TENANCINGO CUSCATLAN	C	8
4-14	PG	NEAR SUCHITOTO	C	4
4-16 -	PG	PIEDRA BLANCA MORAZAN	C	5
4-17 -	DH	CANTON AGUA FRIA, USU.	C	3
3-23 4-4	PG	CIUDAD BARRIOS SM	C	6
4-25 -	PG	EL ZAPOTE CHALATE	C	9
4-25 - -	PG	CASERIO EL YUR- IQUE, OJOS DE AUGA, CHALATE	C	6

[redacted]

4-25 - - -	DH	NUEVA MIRA- FLORES Y EL LIMON, CUSCATLAN	C	6

12. (C) WE BELIEVE THE CHIEF CONCLUSION TO BE DRAWN--THAT TL FIGURES ARE NOT RELIABLE AS A BASIS FOR CRITICISM OF THE GOES OR US POLICY--HAS BECOME INCREASINGLY RELEVANT. WE SUGGEST THAT UNCLASSIFIED PORTIONS OF THIS REPORT BE USED PUBLICLY IN RESPONSE TO ALLEGATIONS OF MILITARY ABUSES, BASED ON TL AS A SOURCE, THAT MAY BE BROUGHT TO USG ATTENTION. THIS SHOULD BE DONE WITHOUT

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Special Project (1993)

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REFERENCE TO EMBASSY VIEWS ABOUT TL MOTIVATIONS: THE FIGURES SPEAK FOR THEMSELVES TO ANY REASONABLE INTERLOCUTOR. WE WOULD LIKE TO SEE THE HUMAN RIGHTS DEBATE REMAIN ON THE LEVEL OF FACTS, WHICH ALONE CAN SERVE TO ILLUMINATE A PATH TO THE SOLUTION OF REAL PROBLEMS. WE THUS DO NOT WISH TO BE SEEN LOCKED IN IDEOLOGICAL DEBATE WITH TL: EXPLANATION OF THE REASONS FOR THE EVIDENT ANOMALIES IN TL STATISTICS SHOULD BE LEFT TO TL ITSELF.

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PAGE 01 SAN SA 07834 071734Z
ACTION ARA-00

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INFO CONTADORA COLLECTIVE
AMEMBASSY BONN
AMEMBASSY THE HAGUE

[redacted] SAN SALVADOR 07834

E.O. 12356: N/A
TAGS: PINS, PREL, ES
SUBJECT: SAM-7 FUROR - DUARTE JUMPS INTO FRAY;
- FMLN RESPONDS

1. DURING AN IMPROMPTU PRESS CONFERENCE AT THE PRESIDENTIAL PALACE FOLLOWING HIS MEETING WITH HARRY SHLAUDEMAN JULY 5, PRESIDENT DUARTE WAS ASKED ABOUT RECENT PRESS REPORTS ON GUERRILLA POSSESSION OF SAM-7 MISSILES. DUARTE USED THE OCCASION TO BLAST THE GUERRILLAS' EXTERNAL SUPPORT APPARATUS.

2. DUARTE STATED THAT WHILE HE DID NOT KNOW IF THE GUERRILLAS HAD SAM-7'S, IT WAS NO SECRET THAT FOREIGN SHIPMENTS OF WEAPONS, TRAINING AND SUPPORT FOR THE GUERRILLAS HAD CONTINUED UNABATED DURING THE PAST FOUR YEARS. HE REFERRED TO THE WHITE PAPER OF THREE YEARS AGO, WHICH POINTED TO COMMITMENTS UNDERTAKEN BY SALVADORAN COMMUNIST PARTY LEADER SHAFICK HANDAL TO [redacted]

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Review Authority: COX, DAVID
Date: 05/25/94
Case ID: 9940034H

PAGE 02 SAN SA 07834 071734Z

OBTAIN OVER 800 TONS OF MILITARY SUPPLIES FROM THE USSR, CUBA, VIETNAM, LIBYA, AND CERTAIN ARAB COUNTRIES. DUARTE ALSO CHARGED THAT THE PLO HAD TRAINED PERSONNEL, INCLUDING NICARAGUANS, IN CUBA TO CARRY OUT ATTACKS AGAINST IMPORTANT SALVADORAN POLITICAL PERSONALITIES. HE STATED THAT GUERRILLA ACQUISITION OF SAM-7'S, IF TRUE, REPRESENTED A STEP-UP IN THE LEVEL OF SOPHISTICATION AND TECHNOLOGY OF ARMAMENT IN THE HANDS OF THE GUERRILLAS. SUCH EXPENSIVE HARDWARE, HE SAID, REFLECTS

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THE MASSIVE AID BEING RECEIVED FROM EXTERNAL SOURCES, FAR OVERSHADOWING THE MODEST ASSISTANCE THAT THE GOES RECEIVES. WITH OR WITHOUT MISSILES, DUARTE VOWED, EL SALVADOR WOULD CHARGE ON WITH ITS DEMOCRATIC PROCESS. "THIS IS WHAT REALLY COUNTS. WE WILL SEEK PEACE AND WE WILL ACHIEVE IT."

3. THE FMLN, APPARENTLY SMARTING FROM THE RECENT PRESS REPORTS ON SAM-7'S, HAS ISSUED A STRONG DENIAL THAT IT HAD ANY SUCH WEAPONS. IN A RADIO FARABUNDO MARTI BROADCAST JULY 8, THE FMLN STATES: "ATTENTION, SALVADORAN PEOPLE, LOCAL AND FOREIGN PRESS. WE WANT TO CALL YOUR ATTENTION TO THE FALSE REPORTS MADE BY THE CHIEF OF THE GRINGO MILITARY ADVISERS IN OUR COUNTRY WHO SAID THAT OUR FMLN HAS PURCHASED LAND TO AIR SOVIET SAM-7 MISSILES...THE FMLN WISHES TO STATE THAT IT IS NOT TRUE..." THE BROADCAST CLAIMS THAT THE REPORT COMES AT A TIME WHEN THE "SALVADORAN PUPPET ARMY" HAS SUFFERED ONE OF THE HARDEST BLOWS SINCE THE WAR BEGAN, PRESUMABLY REFERRING TO THE CERRON GRANDE ATTACK ON JUNE 28. THE FMLN CHARGES THAT "FALSE" REPORTS OF SAM-7'S ARE PART OF AN EVIL U.S. STRATEGY TO ESCALATE THE WAR, TO INCLUDING THE SENDING OF U.S. [redacted]

PAGE 03 SAN SA 07834 071734Z

TROOPS.

4. COMMENT: REUTERS CORRESPONDENT IN EL SALVADOR TOLD PAO THAT SOURCES OF INFORMATION ON SAM-7'S WERE FDR/FMLN OFFICIALS IN MEXICO. USMILGROUP COMMANDER HAS NEVER RPT NEVER CLAIMED EXISTENCE OF SAM-7S. IT IS PROBABLY MORE THAN COINCIDENTAL THAT FMLN SOUGHT TO FLOAT EXISTENCE OF SAMS AFTER ESAF'S MOST SUCCESSFUL AIRLIFT TO DATE, PERHAPS IN EFFORT TO DEFLATE EUPHORIA OVER SUCCESS OF OPERATION. DUARTE'S COMMENT NOW SENDS THEM SCURRYING TO COVER THEIR TRACKS. THE GUERRILLAS POSSIBLY FEAR THAT, LEFT UNANSWERED, THE SAM-7 CHARGE COULD LEAD A HARDLINE DUARTE TO UP THE ANTE. END COMMENT.
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July 3
Exemption(s)

INTERNAL SECURITY LOG - JULY 1-7, 1984

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--Four extremists engaged in a confrontation with CNI agents at the Macul rotunda. Two of the terrorists died and the other two escaped in a stolen car. The CNI believes that one of the dead men led the attack on the army intelligence center on June 29.

--In Concepcion, six masked terrorists bombed and seriously damaged a building being constructed for Carabinero barracks in Chiguayante. One of the terrorists, Pedro Eduardo Vasquez Soto, was arrested.

July 4

--The CNI conducted raids on three buildings in metropolitan Santiago. Six people were arrested (only one name--that of Jorge Poblete Gonzalez--has been released) and arms, explosives and literature belonging to the Manuel Rodriguez Patriotic Front were seized.

--Fabiola Letelier, head of CODEPU, claims that her organization has proof that Patricio Sobarzo a CODEPU employee) was murdered and has asked the Supreme Court to investigate his death on July 3.

--The Court of Appeals has ordered the CNI to present arrestees Silvia Bustillo Calderon and Humberto Vargas Calderon before the tribunal within 24 hours. They were arrested, along with Luis Alvarado Bustillo, during raids by the CNI on July 3. Investigating judge Raquel Camposano went to the Hospital Militar to attempt to visit Luis Alberto Belmar Erices.

--In Valparaiso, three bombs seriously damaged two Navy buildings and the private employees social security fund building.

July 5

--A recurso de amparo has been presented to the Santiago Court of Appeals on behalf of Max Berru Carrion, Jorge Teofilo Coulon Larranaga, Horacio Duran Vidal and Jose Luis Francisco Seves Sepulveda, members of the Inti-Illimani band who have been living outside of Chile since July 1973 and who wish to reenter the country.

--Enrique Silva Cimma, Juan de Dios Carmona, Julio Subercaseaux and Luis Angel Santibanez have rejected the so-called people's "right of rebellion" proclaimed by the Communist Party.

July 6

--A group of Christian Democratic lawyers (including Enrique Krauss, Alberto Jerez, Guillermo Yungue, Jaime Castillo Velasco, Eduardo Novoa, Esteban Tomic, Jose Antonio Viera Gallo, Marcos Sanchez and Jose Galiano) has sent a letter to Foreign Minister del Valle calling for the publication in the Diario Oficial of the UN Declaration of Civil and Political Rights, to which they say Chile is a signatory.

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--The so-called "Comando Salvador Allende" sent a threatening note to Raul Gonzalez Alfaro, which was printed in "Las Ultimas Noticias."

--The Mexican government denounced as "arbitrary and illegal" the Chilean government decision to refuse extradition of Jesus Chavarria Garcia, a former PEMEX employee accused of fraud.

--Socialist ex-parliamentarian Eric Schnacke, currently in exile in Spain, attended a closed conference of the Socialist Party in Santiago on July 1. He entered Chile secretly and remained for three days.

--Gen. (R) Gustavo Leigh Guzman, former Air Force commander and former member of the Junta de Gobierno, appeared before the Court of Appeals, was informed of the encargadoria de reo against him, and paid the 5,000 peso bail that the Court had fixed.

--"La Tercera" editorial on the recent statements of Hugo Rosende in referring to the case against Jaime Insunza and Leopoldo Ortega, Minister of Justice, in which Rosende declared that there could never be a conflict of authority between the Executive and Judiciary. The editorial calls for the rapid resolution of that case.

--"El Mercurio" editorial calling for the use of provisions of the 1980 Constitution to protect democracy from the MDP and other Marxist organizations.

July 7

--"El Mercurio" editorials on ADENA and the transition to democracy, and the "open letter" by four Communist former parliamentarians on a possible new "Ley de Defensa de la Democracia."

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PAGE 01 SAN SA 07981 01 OF 03 111927Z
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E.O. 12356: DECL: OADR
TAGS: ES
SUBJECT: THE CHURCH AND THE GUERRILLAS: OPEN CRITICISM

REF: (A) SAN SALVADOR 7341, (B) SAN SALVADOR 7293

1. SUMMARY: THE FMLN'S "HANDS OFF" POLICY TOWARD THE CHURCH WAS BROKEN LAST WEEK WITH A VITRIOLIC CRITICISM OF THE CHURCH, AND PARTICULARLY OF AUXILIARY BISHOP [redacted]

[redacted]

PAGE 02 SAN SA 07981 01 OF 03 111927Z

MONS. GREGORIO ROSA CHAVEZ, WHICH WAS BROADCAST OVER [redacted] RADIO YENCEREMOS. THE ATTACK BY RADIO YENCEREMOS CAME IN RESPONSE TO INCREASINGLY HARSH AND FREQUENT CRITICISM OF GUERRILLA ACTIONS BY THE CHURCH FROM THE PULPIT OF THE NATIONAL CATHEDRAL AND IN THE PAGES OF THE DIOCESAN WEEKLY NEWSPAPER "ORIENTACION." (REFTELS) END SUMMARY.

2. THE CHURCH HAS CONSISTENTLY TAKEN CARE TO CRITICIZE ABUSES BY BOTH LEFT AND RIGHT IN EL SALVADOR, PARTICULARLY SINCE THE VISIT OF POPE JOHN PAUL II IN MARCH 1983. BUT THE CHURCH HAS GONE BEYOND MERE CRITICISM OF ABUSES TO CRITICISM OF ANY SYSTEM THAT DOES NOT UPHOLD THE DIGNITY AND WORTH OF THE INDIVIDUAL, FOLLOWING UP ON A THEME RAISED REPEATEDLY BY THE PONTIFF DURING HIS VISIT. IN THIS FRAMEWORK, THE CHURCH HAS CONDEMNED BOTH EXPLOITATIVE BRANDS OF CAPITALISM AND "MATERIALISTIC" COMMUNISM, WHICH TREATS THE INDIVIDUAL AS A COMMODITY IN THE SERVICE OF THE STATE.

3. ON JUNE 17, ROSA CHAVEZ DEVOTED THE MAJOR PART OF THE "EVENTS OF THE WEEK" PORTION OF HIS HOMILY TO A CONDEMNATION OF FORCED RECRUITMENT BY THE GUERRILLAS. HE ALSO EXPRESSED THE FEAR THAT WORKERS' LEGITIMATE GRIEVANCES WERE BEING EXPLOITED FOR POLITICAL AND EVEN PERSONAL ENDS IN THE STRIKES AT THE POST OFFICE, ANDA (WATER AND SEWER AUTHORITY), AND THE TELEPHONE COMPANY.

4. ON JUNE 24, GUERRILLA FORCED RECRUITMENT AND THE RECENT BURNING OF BUSSES AND TRUCKS BY GUERRILLAS SPARKED STERN CRITICISM FROM THE EDITOR OF "ORIENTACION," WHO ASKED THE QUESTION OF EXACTLY HOW THE GUERRILLAS COULD CLAIM TO BE STRUGGLING FOR THE [redacted]

PAGE 03 SAN SA 07981 01 OF 03 111927Z

PEOPLE WHILE ATTACKING THE ECONOMY, PREYING ON SMALL BUSINESSMEN, AND ROBBING TRAVELERS ON THE ROAD UNDER THE TRANSPARENT GUISE OF COLLECTING WAR TAXES. THESE ACTIONS, SAYS THE CHURCH, ALL HURT THE COMMON PEOPLE, THE VERY PEOPLE WHOSE INTERESTS THE GUERRILLAS CLAIM TO CHAMPION. "ORIENTACION" SAYS IT WILL BE "VERY DIFFICULT FOR THE PEOPLE TO FORGIVE" THE GUERRILLAS. THIS CRITICISM FITS INTO THE CHURCH'S BASIC CRITICISM OF THE MARXISTS, I.E., THAT THEY DO NOT VALUE THE INDIVIDUAL AT ALL' THEY ONLY CLAIM TO SUPPORT A VAGUE [redacted]

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PAGE 01 SAN SA 07981 02 OF 03 111928Z
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7. THEN CAME THE ATTACK ON THE CERRON GRANDE
HYDROELECTRIC DAM. ROSA CHAVEZ, IN HIS HOMILY OF JULY 1, ISSUED HIS HARSHEST CRITICISM OF THE GUERRILLAS TO DATE, STATING THAT THE GUERRILLAS COULD NOT JUSTIFY THEIR SABOTAGE "WITH ARGUMENTS OF A STRUGGLE AGAINST THE

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PAGE 02 SAN SA 07981 02 OF 03 111928Z

GOVERNMENT, ADDING THAT "THE STRONGER THEY SHOW THEMSELVES TO BE MILITARILY, THE WEAKER THEY WILL BE ON

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ENTITY, "THE PEOPLE," WHILE SHOWING DISRESPECT FOR THE VERY INDIVIDUALS WHO COMPRISE THAT MASS.

5. ROSA CHAVEZ'S COMMENTS WERE CARRIED EXTENSIVELY BY ALL LOCAL NEWSPAPERS AND RADIO STATIONS, AND "ORIENTACION'S" EDITORIAL WAS CARRIED IN THE MODERATE AND CREDIBLE DAILY "EL MUNDO." EVEN BEFORE THE PUBLIC CHURCH CRITICISM BEGAN IN EARNEST, HOWEVER, THE GUERRILLAS RESPONDED TO GENERAL PUBLIC REVULSION BY CALLING OFF THEIR BUS AND TRUCK BURNING ON JUNE 22, STATING THAT THEY WOULD DESTROY ONLY THOSE VEHICLES BELONGING TO BIG BUSINESSES.

6. JUNE 24 WAS CORPUS CHRISTI, AND THE HOMILY IN THE CATHEDRAL WAS DEDICATED TO STRICTLY SPIRITUAL CONCERNS. IT WAS "ORIENTACION" THAT TOOK UP CRITICISM OF THE GUERRILLAS IN BOTH EDITORIAL AND NEWS ANALYSIS (REFTELS), PERHAPS COMPENSATING FOR THE AUXILIARY BISHOP'S NEED TO ADDRESS STRICTLY RELIGIOUS ISSUES FROM THE PULPIT.

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THE POLITICAL LEVEL, AND THE LESS SPACE THE PEOPLE WILL HAVE IN THEIR HEARTS FOR THEM." ROSA CHAVEZ ASKED RHETORICALLY IN HIS HOMILY, "IN WHOSE FAVOR ARE THE GUERRILLAS FIGHTING" WHEN IN THE END IT IS THE PEOPLE WHO BEAR THE CONSEQUENCES OF SABOTAGE ON THE ECONOMY AND A CRUSHING WAR THAT FORCES THOUSANDS OF CAMPESINOS TO FLEE THEIR HOMES.

8. APPARENTLY CALLING OFF ITS UNSPOKEN TRUCE WITH THE CHURCH, RADIO YENCEREMOS SAID ROSA CHAVEZ "TORE UP HIS VESTMENTS IN HIS HOMILY WHEN HE REFERRED TO THE TAKING OF THE CERRON GRANDE DAM BY THE FMLN." CALLING HIM "REACTIONARY AND PARTIAL," YENCEREMOS SAID ROSA CHAVEZ "WANTS TO SIT AT THE TABLE WITH BOTH RICH AND POOR, AND THAT IS NOT POSSIBLE." THEY THEN INVOKED THE MEMORY OF MONS. OSCAR ROMERO, WHO THEY SAID WAS "ON THE SIDE OF THE POOR."

9. IN AN INTERVIEW OVER LOCAL RADIO ON 7/5/84, ROSA CHAVEZ REPLIED TO THE GUERRILLA CHARGES BY SAYING THEY WERE "NOT BASED ON MY ARGUMENTS, BUT INSTEAD TOOK THE FORM OF WHAT WE COULD CALL A PERSONAL ATTACK." HE WENT ON TO STATE, "SOME MONTHS AGO, I WAS THREATENED WITH DEATH FOR SIDING WITH THE LEFT. THIS IS AN INDICATION OF THE INDEPENDENCE OF THE CHURCH. THIS IS THE MOST SERIOUS ASPECT OF OUR WORK: THAT WE CANNOT SEEK THE APPROVAL OF ONE PARTICULAR SECTOR OR FULFILL COMMITMENTS TO A PARTICULAR SECTOR, BUT THAT WE SEEK, ABOVE ALL, THE BENEVOLENCE OF GOD."

10. ROSA CHAVEZ MADE NO MENTION OF GUERRILLA CHARGES

AGAINST HIM IN HIS HOMILY OF JULY 8, BUT THE ISSUE OF "ORIENTACION" RELEASED THE SAME DAY AND SOLD IN ALL THE CHURCHES TOOK UP THE BANNER. THE HEADLINE READ "GUERRILLAS CANNOT JUSTIFY THEIR ACTIONS," WITH KICKER HEAD, "THE PEOPLE SUFFER," REFERRING TO THE TEXT OF THE PREVIOUS WEEK'S HOMILY. (FYI: THE TEXT OF THE PAST WEEK'S HOMILY IS ALWAYS CARRIED IN THE PAPER.) THE EDITORIAL, TITLED "RADIO YENCEREMOS IS ANGRY," WAS A CLEAR DEFENSE OF THE CHURCH'S POSITION AS REPRESENTED BY ROSA CHAVEZ. IT BEGINS, "ONE SIGN OF CREDIBILITY FOR THE CHURCH IS THE FACT THAT IT IS IMPOSSIBLE FOR IT TO MAKE EVERYONE HAPPY WHEN IT MAKES A STATEMENT OR ADOPTS AN ATTITUDE." IT ENDS WITH THE STATEMENT, "THE GUERRILLAS DO NOT WANT TO BELIEVE THAT THEY ARE NOT RIGHT IN THEIR METHODS AND THAT THE PEOPLE ARE NOT WITH THEM." (FULL TEXT SENT SEPTEL).

11. COMMENT: SINCE THE ELECTIONS, THE CHURCH HAS BEEN MORE OUTSPOKEN IN ITS CRITICISM OF THE LEFT, EFFECTIVELY DISTINGUISHING THE GUERRILLAS FROM THE LEGITIMATE MAINSTREAM IN THE EYES OF THE FAITHFUL. BY ALL ACCOUNTS, ROSA CHAVEZ'S CRITICISMS HAVE DRAWN LONG, LOUD APPLAUSE IN THE CATHEDRAL, JUST AS HIS CRITICISMS OF THE EXTREME RIGHT DO. THE STERN CRITICISM FROM THE PULPIT SEEN OVER THE PAST THREE WEEKS LAGS SOMEWHAT BEHIND THE NEWSPAPER "ORIENTACION," WHICH HAS BEEN VOCAL IN ITS VERY SPECIFIC CRITICISM AND CONDEMNATION OF THE GUERRILLAS AND THEIR FOR COUNTERPARTS FOR MOST OF 1984. THE NEWSPAPER HAS SERVED AS A STALKING HORSE FOR THE CRITICAL LINE: IT IS READ AND NOTICED, AND IS EDITED

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PAGE 01 SAN SA 07981 03 OF 03 1119292
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BY FATHER ROBERTO TORRUELLA, A PRIEST WHO IS KNOWN TO BE CLOSE TO BOTH ARCHBISHOP REYERA Y DAMAS AND PRESIDENT DUARTE. BUT ALTHOUGH "ORIENTACION" IS THE OFFICIAL ORGAN OF THE ARCHDIOCESE OF SAN SALVADOR, ITS WORDS LACK THE DRAMA, THE EXPOSURE, AND THE AUTHORITY OF

[redacted]

PAGE 02 SAN SA 07981 03 OF 03 1119292

THOSE SPOKEN BY THE ARCHBISHOP OR THE AUXILIARY BISHOP AT SUNDAY'S 8:00AM MASS. WHILE IT IS TOO EARLY TO TELL WHAT PUBLIC POSITIONS MAY EVENTUALLY BE DRAWN, IT IS CLEAR THAT THE CHURCH IS PUTTING PRESSURE ON THE GUERRILLAS AND LENDING ITS PRESTIGE TO A MODERATE SOLUTION FOR EL SALVADOR AND TO SUPPORT OF THE ELECTED GOVERNMENT. IT STILL CALLS FOR RECONCILIATION ON AN UNDEFINED BASIS, BUT HAS DISPELLED ANY IMPRESSION THAT IT CONSIDERS GOES AND FDR/FMLN AS MORAL EQUIVALENTS. CURIOUSLY, ROSA CHAVEZ HAS BEEN LESS HARSH IN HIS PAST CRITICISM OF THE GUERRILLAS THAN ANY OF THE CHURCH'S OTHER MAIN SPOKESMEN, THE ARCHBISHOP, FATHER ROBERTO TORRUELLA, AND FATHER JESUS DELGADO. BUT IN CRITICIZING MATERIALISTIC COMMUNISM AND VIOLENCE, AND BY DESIRING "TO SIT AT THE TABLE WITH THE RICH AND POOR," ROSA CHAVEZ AND THE OTHER CHURCH SPOKESMEN ARE FOLLOWING IN THE POPE'S STEPS. THE POPE, IN HIS VISIT TO EL SALVADOR, SPECIFICALLY TOLD THE CLERGY THAT ITS JOB WAS TO SERVE ALL OF THE PEOPLE, INCLUDING THE RICH MAN WHO MAY BE POOR IN SPIRIT. IN HIS RADIO INTERVIEW CITED PARA 9, ROSA CHAVEZ REFERS SPECIFICALLY TO THE POPE'S MESSAGE TO CENTRAL AMERICAN BISHOPS IN SAN JOSE. INVOKING THE MEMORY OF ARCHBISHOP ROMERO WON'T AID THE GUERRILLAS IN SILENCING THE CHURCH, EITHER, SINCE THE POPE ALSO SPECIFICALLY WARNED ALL FACTIONS NOT TO USE ROMERO'S MARTYRDOM FOR THEIR POLITICAL ENDS.
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JULY 12 1984

Dear Mr. Daniel:

Thank you for your letter of June 19 requesting, on behalf of Mrs. Kathryn R. Shelton, an update on the disappearance in Guatemala of her son, Mr. Jack Ross Shelton.

Since we last wrote in January 1983, two officers from our Embassy in Guatemala on June 9, 1983 traveled the road from La Mesilla (where Mr. Shelton crossed from Mexico into Guatemala on July 12, 1981) to the provincial capital of Huehuetenango. This trip was not possible earlier because of guerrilla activity. The Embassy officers discovered that Mr. Shelton left the Rutas Lima bus at Huehuetenango and registered at the Hotel Central for the night of July 12. Mr. Shelton signed the Hotel Central's register and gave his passport number. Unfortunately, the register indicated no onward destination. The Embassy officers checked with the local police, funeral home, hospital, and tourist spots for information about Mr. Shelton, without results. The hotel register showed that four other people (two Guatemalans, a Frenchman and a Mexican) checked into the hotel the same day as Jack Shelton. One of the Guatemalans could not be located. We were, however, able to contact the other Guatemalan and the Frenchman, but, unfortunately, neither remembers Mr. Shelton. We understand Mr. Shelton's father has just recently located the Mexican.

On June 24, 1983, the Charge d' Affaires and the Consul of our Embassy in Guatemala called on the Minister of the Interior to discuss the case of Mr. Shelton. The Minister said that he would give the case special attention and commend it to the National Police Director, who is directly under the Minister.

In April, 1984, the Spanish Consulate in Guatemala provided the U.S. Embassy, on a confidential basis, with a copy of a letter signed by an alleged Guatemalan soldier and sent to the sister of a Spanish priest who disappeared in Guatemala City around the time of Mr. Shelton's disappearance. The letter contains statements about the disappearances of both the priest and Mr. Shelton. The U.S. Embassy is attempting to verify the statements in the document. In the meantime, Mrs. Shelton has been informed of its contents.

The Honorable
Dan Daniel,
House of Representatives.

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 06/23/95
Case ID: 95122201

Both the Embassy in Guatemala and the Department of State profoundly regret that Mr. Shelton has not been located. We will continue to encourage active investigation by Guatemalan authorities of any leads into Mr. Shelton's disappearance.

I hope this information is helpful to you in responding to Mrs. Shelton. Please let me know if I can be of further assistance.

Sincerely,

Robert F. Turner
Acting Assistant Secretary
Legislative and Intergovernmental Affairs

Enclosure:
Correspondence returned.

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DEPARTMENT OF STATE

WASHINGTON

RELEASE

REPORT ON THE SITUATION IN EL SALVADOR

JULY 12, 1984

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EXECUTIVE SUMMARY

Jose Napoleon Duarte, the first democratically elected President of El Salvador in fifty years, was inaugurated on June 1, 1984. The election that he won on May 6, was the third free and open balloting in two years and was a watershed in strengthening the institutional framework for political reform in El Salvador.

President Duarte faces formidable challenges: the country's violent history, a dedicated Marxist insurgency with strong ties to and material support from Nicaragua and the Cuban/Soviet bloc, a severely depressed economy and weak institutions for public administration and the administration of justice. The new government has committed itself to work actively to end violence from the far right and far left, to strengthen the rule of law, to promote dialogue within the democratic process and to restore economic growth while protecting social reforms.

The downward trend in incidents of politically-motivated violence experienced over the past three years continued during the first half of 1984. The average for the first five months of 1984, as compiled from press reports, was 93 per month compared with an average of 140 violent deaths per month in 1983. Strong efforts will be needed to reduce further the incidence of political violence in El Salvador. In particular, the process of establishing an effective system of justice in El Salvador requires a sustained commitment over the years ahead. Building on the May conviction of the murders of the American churchwomen, President Duarte has moved forcefully to assign respected officers to head the nation's security forces, to established centralized control over those forces and to disband the Treasury Police's long suspect intelligence unit. A Judicial Protection Unit, with some initial U.S. training, carried out its first major task in protecting the judge and jurors in the churchwomen's case, and efforts are underway to strengthen investigative institutions and professional skills in order to develop evidence for the prosecution of rightist and leftist terrorists.

The Salvadoran Armed Forces have demonstrated growing professionalism and an improved aggressiveness in combat. Their success rate since January has been impressive. Loss of military equipment to the insurgents is well within tolerable levels. But the guerrillas, despite their lack of popular support (which has resulted in stepped up forced recruitments),

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continued to receive sizeable foreign assistance and retain a capacity to conduct sporadic spectacular assaults. There are indications of a major guerrilla offensive later this year. Without increased U.S. military assistance, the prolonged stalemate between the military and the guerrillas is likely to continue, with the latter emphasizing their strategy of destruction to the Salvadoran economy.

Throughout his campaign for the presidency and since, President Duarte affirmed his willingness to talk with representatives of the Farabundo Marti National Liberation Front/Revolutionary Democratic Front (FMLN/FDR). But, he will not accept giving the guerrillas a share of political power as an alternative to their competition in the democratic process.

El Salvador experienced in 1983 its first recent year without an absolute economic decline. But the economy remains severely depressed -- gross domestic product is down more than one-third from mid-1970 levels and severe levels of unemployment are exacerbated by war damage. An added burden is the number of displaced persons fleeing the conflict and guerrillas' forced recruitment drives. Efforts continue to increase the managerial expertise in, and the productivity of Phase I land reform cooperatives. Applicants for land under Phase III ("Land to the Tiller") were guaranteed that their pending applications would not be affected by the expiration of the period for filing new applications under this program on June 30. With the appointment of senior campesino representatives as Vice-Minister of Agriculture and head of the Agrarian Reform Institute, campesino groups have achieved the ability to affect directly the institutions which can improve and consolidate agrarian reform.

This report is intended to provide the Congress and the American public with a comprehensive assessment of the situation in El Salvador. It addresses all of the specific elements cited in P. L. 98-332: elections, freedom of association, administration of justice, land reform, the development of a medical evacuation and training system, the training of the armed forces, weapons and combat support equipment losses (quantified), ammunition expenditure (quantified in a separate classified submission), acquisition of support and tactical communications, and rate of spare parts usage. To give breadth to those elements, it also:

-- addresses general human rights considerations;

-- reviews the status of U.S. - citizen murder cases;

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-- assesses general economic questions and an evaluation of U.S. economic assistance programs;

-- updates the military situation;

-- provides an overview of U.S. military assistance; and

-- summarizes the status of refugees and displaced persons.

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Special Project (1993)

REPORT ON THE SITUATION IN EL SALVADOR

July 12, 1984

TABLE OF CONTENTS

I. EXECUTIVE SUMMARY

II. POLITICAL DEVELOPMENT 1

A. Elections* 1
B. Administration of Justice* 6
C. Curtailing the Activities of Death Squads* 7
D. Freedom of Association* and General Human Rights Considerations 8
E. U.S. Citizen Murder Cases 11
F. Dialogue 15

III. SECURITY 15

A. Military Situation 15
B. Overview of U.S. Military Assistance 17
C. Assistance Requirements 18
1. Development of a Medical Evacuation and Training System* 18
2. Training of the Armed Forces* 19
3. Ammunition, Weapons & Combat Support Equipment Losses & Expenditures* 18
4. Acquisition of Support & Tactical Communications* 19
5. Rate of Spare Parts Usage* 19

IV. ECONOMIC DEVELOPMENT 19

A. Overview 19
B. Land Reform* 21
C. Organized Labor 24
D. U.S. Economic Assistance 27

V. REFUGEES AND DISPLACED PERSONS 29

APPENDICES

A. Joint Communique of Presidents Reagan and Duarte
B. President Duarte's Inaugural Address (Excerpts)
C. El Salvador Election Observers' Comments
D. President Magana's Farewell Address
E. Comments by Salvadoran Church Leaders
F. Comparison Between Tutela Legal and Press Reports

* indicates items on which a determination is to be made or a description submitted under P.L. 98-332.

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POLITICAL DEVELOPMENT

A. ELECTIONS

On October 15, 1979, a group of reformist military officers overthrew the government of General Carlos Humberto Romero and, together with civilian leaders, pledged themselves to implement a series of major reforms; including land reform, banking reform, nationalization of foreign marketing of commodities, development of stronger peasant organizations in farming areas, curtailing political violence and, most importantly, reactivation of political parties and the holding of free and honest elections. Although the original members of the junta did not long remain in government, their agenda of reform has guided the policies of their successors over the past four years.

On March 28, 1982, following four months of political campaigning, some 1.5 million Salvadorans went to the polls to elect sixty deputies to form a Constituent Assembly. This elected body was authorized to develop a new national constitution and also to serve as an interim legislature. The 1982 elections were the first free elections to be held in El Salvador in over fifty years. The Central Elections Council, over 200 international observers and more than 700 members of the international press, reported that the elections were fair and honest.

Following the 1982 elections, executive authority was peacefully transferred to the provisional president selected by the Constituent Assembly, Dr. Alvaro Magana. Political debate in the Assembly and between the Assembly and the provisional government was often divisive, but the parties demonstrated that they were capable of reaching important compromises and successfully authored a new constitution. Controversial issues, such as land reform and amnesty, were heatedly debated and resolved by votes in the Assembly.

On December 20, 1983, upon promulgation of the new constitution by the Constituent Assembly, the Assembly was formally constituted as the Legislative Assembly. The Assembly was also charged with responsibility for scheduling presidential, legislative and municipal elections. The Assembly opted to conduct the electoral process in two parts, and presidential elections were scheduled for March 25, 1984. Legislative and municipal elections will be held in early 1985.

The new constitution provided the legal framework for elections, and the Transitory Electoral Law, passed on February 10, 1984, defined the procedures. It specified the rights and duties of all participants, stipulated a duty to vote, the use of an electoral register, the use of indelible ink to mark

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voters' fingers and presentation of national identity cards to identify voters at polling places. It also allowed each political party contesting the election to name one representative to monitor the municipal and departmental electoral commissions and the Central Elections Council (CCE), as well as one poll watcher for each voting table and ballot box and a computer technician to monitor activities involving the computer.

Eight parties contested the first round of elections held on March 25, 1984, following a prolonged and active period of campaigning. Despite discouraging administrative foul-ups, some 1.4 million votes were cast, representing more than 75 percent of the electorate of 1.8 million. Less than 3 percent of the ballots were blank, and the high vote count, in the face of guerrilla threats and frustrating procedural impediments, demonstrated Salvadoran enthusiasm for and commitment to a democratic system of government. As no party obtained an absolute majority of the votes, a second round between the two most successful parties, the Christian Democrats (PDC) led by Jose Napoleon Duarte and the National Republican Alliance (ARENA) of Roberto D'Aubuisson, was scheduled for May 6, 1984.

On May 6, over 1.5 million Salvadorans, more than 80 percent of the electorate, turned out to vote despite guerrilla threats and calls for a boycott. Procedurally, the election went more smoothly than the first round, with only a few Salvadorans unable to cast their vote due to administrative problems. Jose Napoleon Duarte, with 54 percent of the popular vote, emerged as the victor in the second round.

The Salvadoran Government invited more than sixty nations and international organizations to observe the March 25 elections and verify their honesty. Approximately thirty nations, which had sent observers to the first round, were invited to return to El Salvador for the second round. The U.S. sent an official delegation composed of Members of Congress, Administration officials and prominent private citizens to each round.

Most first round observers noted that there were numerous administrative problems stemming primarily from misunderstandings about and from minor errors in the new national voter registry. However, all observers commented on the fairness of the elections. There were relatively few administrative problems during the second round, and the U.S. delegation noted that, "This election was fair and honest, and ...it provided a clear and undeniable mandate to whichever candidate is elected to begin to grapple with the manifold problems that confront this country after five years of turmoil and unrest." (See Appendix C)

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No candidates representing the Farabundo Marti National Liberation Front/Revolutionary Democratic Front (FMLN/FDR) participated in El Salvador's 1984 presidential elections. In both election rounds, guerrillas sought to disrupt the vote. Before the first round, they assassinated political leaders and announced their policy: "No to the electoral farce, yes to the people's war." During the first round, guerrillas successfully blocked delivery of electoral materials to some voting locations, stole thousands of identity documents to prevent citizens from voting, and destroyed electrical switching stations on election eve so that, in some cases, electoral materials had to be delivered in the dark, resulting in missing registry pages and other problems. Because of guerrilla actions, voting could not take place in 58 of El Salvador's municipalities. Since many of these towns are small or partially abandoned, only a tiny percentage of the electorate was unable to vote because of the guerrilla effort.

During the second round, the guerrillas set off bombs in San Salvador, again stole identity documents and launched a major attack on San Miguel, the country's third largest city. The Salvadoran Army thwarted the attack and voting proceeded normally in San Miguel and almost all of the rest of the country. Only 53 small municipalities were unable to vote because of guerrilla activity.

Before the elections, El Salvador's Minister of Defense, General Eugenio Vides Casanova, ordered the military to remain strictly apolitical and non-partisan. Although permitted to vote by the constitution, the Armed Forces High Command ordered military personnel not to vote in order to prevent any hint of favoritism. Regional commanders were ordered to offer "all (possible) support within the framework of the law" to the Central Elections Commission to guarantee an electoral process which was "free, legitimate and pure."

There were charges of political favoritism, but by and large the military lived up to its promise of neutrality. Extensive offensive operations to prevent the guerrillas from massing for a major disruption were conducted and, on both occasions, the strategy proved effective although it exacted a toll of over 100 deaths of military personnel.

On June 1, 1984, Jose Napoleon Duarte was inaugurated as president. His inauguration represented a watershed in El Salvador's efforts to build democratic institutions and the culmination of a political process that, during the past two years, had witnessed three vigorously contested elections. The

ELECTION RESULTS
March 25, 1984
(first round)

DEPARTMENT	ARENA	PDC	PCN	MERCEN	PAISA	PPS	AD	FDR	TOTAL VALID	NULL VOTES	NOT MARKED	CHALLENGED	TOTAL VOTES
SAN SALVADOR	101,834	205,361	44,701	3,066	4,239	6,237	19,196	1,677	386,331	29,606	8,241	1,506	425,204
SANTA ANA	41,781	66,832	26,368	644	1,201	2,827	3,966	521	144,160	10,899	5,870	906	161,135
SAN MIGUEL	18,770	27,048	19,142	235	817	1,916	2,898	277	71,103	5,124	1,609	319	78,215
LA LIBERTAD	48,792	65,814	23,797	728	1,318	2,586	3,219	546	148,802	14,564	6,028	1,636	169,630
USULUTAN	19,184	20,708	19,932	269	1,369	2,472	1,933	302	66,169	6,328	2,141	200	74,838
SONSONATE	35,448	47,921	20,517	581	1,319	2,356	3,187	357	111,686	9,169	4,261	544	125,682
LA UNION	7,129	13,465	13,900	57	296	861	700	91	36,499	2,755	1,190	375	40,819
LA PAZ	22,050	26,306	15,330	445	1,063	1,821	2,362	241	69,618	6,301	1,993	463	78,525
CHALATENANGO	8,963	12,741	7,979	87	638	368	468	78	31,322	2,969	1,477	86	35,854
CUSCATLAN	18,544	11,509	11,158	183	738	598	1,150	148	44,028	3,766	2,100	381	50,275
AHUACHAPAN	23,763	24,299	16,954	136	937	1,354	1,011	188	68,642	5,322	2,939	232	77,135
MORAZAN	5,939	9,059	8,077	30	343	687	424	73	24,652	2,592	888	223	28,355
SAN VICENTE	11,590	11,853	8,032	135	375	688	797	101	33,571	2,749	1,545	98	37,963
CABANAS	13,130	7,581	6,469	55	737	424	398	77	31,091	2,073	1,154	371	34,689
TOTAL	376,917	549,727	244,556	6,645	15,430	24,395	43,929	4,677	1,266,276	104,357	41,736	6,924	1,419,493
	29.76	43.41	19.31	0.52	1.21	1.92	3.46	0.36	89.22		10.82		
	Percentage of Valid Votes								Percentage of Total Votes				

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EL SALVADOR - RUNOFF ELECTION - MAY 6, 1984

DEPARTMENT	ARENA Vote	ARENA %	ARENA 1st Rnd %	PDC Vote	PDC %	PDC 1st Rnd %	TOTAL VALID VOTES	BLANK VOTES	BLANK %	VOID VOTES	VOID %	CHALLENGED VOTES	CHALLENGED %	TOTAL
SAN SALVADOR	156,460	35.9	23.9	278,786	64.05	40.2	435,246	6,880	1.4	25,670	5.4	1,917	.4	469,484
SANTA ANA	66,663	41.37	25.9	87,015	56.62	41.9	153,678	3,576	2.1	8,318	5.0	490	.2	166,062
SAN MIGUEL	42,661	50.48	23.9	41,786	49.51	24.6	84,397	1,714	1.8	4,583	5.0	298	.3	90,992
LA LIBERTAD	71,279	46.27	28.8	82,756	53.73	38.3	154,035	3,619	2.1	8,990	5.9	868	.5	168,512
USULUTAN	42,174	54.74	25.6	34,842	45.25	27.7	76,986	1,973	2.3	4,606	5.3	329	.3	83,937
CUSCATLAN	57,019	48.07	20.2	65,597	55.30	38.1	118,616	2,708	2.1	6,174	4.8	363	.2	127,861
LA UNION	28,236	51.97	17.5	26,087	48.02	32.9	54,323	1,466	2.4	2,989	5.0	266	.4	59,043
LA PAZ	39,269	52.80	27.9	35,093	47.19	33.3	74,362	2,187	2.7	3,538	4.4	287	.3	80,374
CHALATENANGO	20,019	52.40	24.9	18,183	47.59	35.9	38,202	1,436	3.3	2,779	6.5	182	.4	42,598
CUSCATLAN	32,580	67.18	36.9	15,913	32.81	22.9	48,493	1,851	3.4	3,287	6.0	286	.5	53,917
MORAZAN	39,051	54.75	30.8	32,264	45.24	31.5	71,315	2,263	2.9	4,166	5.3	175	.2	77,919
MORAZAN	15,980	55.07	20.9	13,044	44.92	31.9	29,032	887	2.7	1,729	5.4	147	.4	31,795
SAN VICENTE	19,420	55.91	30.5	15,317	44.08	31.2	34,745	1,097	2.8	1,906	5.0	189	.4	37,937
CABANAS	20,991	67.85	37.6	9,942	32.14	21.7	30,933	965	2.8	1,234	3.6	326	.9	33,458

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high voter turnout on all occasions, active participation of the political parties and the military's efforts to protect the electoral process are clear indicators of the strength of the commitment of the Salvadoran Government and people to democracy.

B. ADMINISTRATION OF JUSTICE

President Duarte has made clear his Administration's commitment to improving the administration of justice in El Salvador. This will be a lengthy and difficult process involving a number of basic changes. He recognizes that the development of more effectiveness and greater equity in the system of justice is necessary for developing a more just society. By progressively strengthening the rule of law, the Duarte government intends to further diminish the violence which had long plagued El Salvador and which, although significantly reduced, continues at an unacceptable level.

During its first month in office, the new government has faced the task of integrating the measures on judicial reform taken under President Magana with its own ideas and proposals in this area. Among the principal judicial administration efforts undertaken by President Magana was the establishment of the Presidential Penal Legislation Revisory Commission. This is a commission of eminent lawyers from private practice, government ministries, the judiciary and the law faculties, tasked with conducting an in-depth study of the criminal justice system in El Salvador. Its mandate is far broader than its title; the Commission is to identify the problems, whether legislative, procedural or administrative, which prevent the judicial system from effectively administering justice and to identify solutions to those problems.

President Duarte also proposes to establish a presidential commission which would oversee investigations into extraordinary crimes. Specifically included in its mandate would be crimes committed by extremists both of the right and left; the activity of death squads would be among the principal investigative targets. As envisioned by the previous government, the Commission would direct the activities of a special unit capable of conducting successful investigations and thus directly support the Salvadoran courts in prosecuting cases involving terrorist activities. Training of personnel has begun. While the final form of the special commission hasnot been determined, President Duarte is committed to the creation of an effective investigative capability to combat the extremist terrorism which has plagued his country.

Protection of the judicial system is necessary to counter potential intimidation of judges, juries and witnesses. A

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judicial protection unit has been formed and charged with protecting participants in the judicial process. The first steps in establishing this unit have already been taken with sixty prison guards from the Ministry of Justice selected for training in the U.S. The course which they attended at the Federal Law Enforcement Training Center in Glynco, Georgia, was directed by the U.S. Marshal Service, with support from other agencies. In its first major assignment upon its return to El Salvador, the unit provided security at the trial of the five defendants accused of the 1980 murder of four U.S. churchwomen.

El Salvador is participating in regional initiatives, supported by the U.S., to strengthen the administration of justice. Representatives of Salvadoran lawyers associations participated in a March conference of Central American Bar Associations. In June, the Salvadoran Minister of Justice and representatives of the president's Penal Legislation Revisory Commission joined their colleagues from the region in meeting with the Latin American Institute for the Prevention of Crime and Treatment of Offenders, a UN-affiliated regional organization, to discuss and evaluate specific proposals for national actions.

C. CURTAILING DEATH SQUAD ACTIVITIES

The Salvadoran Government has taken several steps aimed specifically at curtailing the activities of death squads.

-- In December, several officers with alleged ties to the death squads were ordered transferred to posts out of the country and another was relieved of his command and suspended without pay.

-- On December 2, the National Police announced the arrest of three members of the Constituent Assembly's security force on charges of kidnapping. The arrests were made within 48 hours of the crime, and the suspects have since been consigned to the courts.

-- The chief of that force, who had often been linked in the public mind with death squad activity, lost his position with the change in Assembly leadership in late December.

-- New rules on arrests, discussed below, were established in December 1983 to prevent abuse, disappearances and death squad-related activities.

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-- On December 18, the Minister of Defense announced that a specialized investigative unit would be organized to investigate and combat the death squads. Training of an initial core group of investigators has begun. The future of this unit will be decided as part of the comprehensive program now being developed by President Duarte.

-- During the last week in May, several officers whose activities had been suspect were transferred abroad or removed from their posts.

-- Since coming into office June 1, President Duarte has taken important steps to assert control over the security forces, such as: establishing a Vice-Minister of Defense for Public Security, charged with monitoring security forces' activities; and the naming of two well-respected military officers untainted by allegations of human rights abuses as new Directors of the National Police and Treasury Police.

-- In the second week in June, the new Director of the Treasury Police disbanded the 110-member intelligence unit, considered by many an enclave of death squad plotting, and dispersed its members to units throughout the country.

Clearly, much remains to be done, but these steps demonstrated a renewed determination on the part of Salvadoran authorities to deal with the death squad spectre. While Salvadoran authorities generally cannot establish direct links which would stand up in court between the individuals transferred and death squad activities, its actions since January correlate with a perceptible decline in terrorist actions for which death squads have claimed responsibility or which can be reasonably attributed to them. In the past six months, the Maximiliano Hernandez Martinez Brigade has not claimed responsibility for any assassinations or other terrorist actions. The Secret Anti-Communist Army has claimed responsibility for several bombings and one assassination but has been less active in early 1984 than in late 1983.

D. FREEDOM OF ASSOCIATION AND GENERAL HUMAN RIGHTS CONSIDERATIONS

The right to freedom of association has been suspended by law in El Salvador for approximately the past five years except for periods of political campaigns and elections. This suspension has not been enforced, however, and in any event does not legally affect the right of assembly for religious,

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cultural, athletic and economic purposes. Political rallies were common even before the campaign period. The anti-government "Committee of Mothers of the Disappeared" held periodic protest rallies and large scale Salvadoran Peasant Union and Popular Democratic Unity (UCS/UPD) demonstrations were also held without incident. Despite these legal restrictions, the overall situation has continued to improve in 1984. Violence against civilians for their association with organizations perceived by some to be politically dangerous, such as trade unions, political parties and academic institutions, has declined significantly this year. No religious or trade union leaders or prominent academic figures have disappeared or been killed by death squads in 1984. Two union members did disappear in 1984, however, and both Archbishop Arturo Rivera y Damas and Auxiliary Bishop Gregorio Rosa Chavez received death threats in late 1983. The guerrillas have claimed responsibility for the assassinations of several prominent politicians, including members of the Legislative Assembly.

This improvement in the overall situation notwithstanding, the polarization that is both a cause and an effect of the ongoing guerrilla conflict has combined with legal restrictions to limit effectively the full exercise of freedom of association. People are still killed each month because they are perceived to be associated with the extreme left or right. Others receive death threats because of their membership in organizations considered suspect by the extreme right or extreme left.

Salvadoran trade unions are independent and free of government control. The right to strike, organize and negotiate is recognized by the constitution and the Salvadoran labor code. The government does prohibit labor activity with potential repercussions on the national economy, but this has not been strictly enforced in the private sector. Public employee unions have no legal status but are organized and have strong de facto influence. There have been a number of calmly resolved public sector strikes in 1984.

Three members of the National Assembly from rightist and centrist political parties were assassinated in 1984. Guerrilla groups have claimed responsibility for two of them and are believed by Salvadoran authorities to be responsible for the third. Guerrillas are also believed responsible for the murder of two prominent members of the ARENA party.

To protect the rights of persons suspected of state-of-emergency or other crimes, the Minister of Defense established new rules for making arrests in December 1983, requiring

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arresting officers to be in uniform or properly identified. Arresting officers must advise the detainee's family, the Human Rights Commission and the International Committee of the Red Cross. Initial reports indicate that the new guidelines are being followed. The new directors of the National and Treasury Police say they will be firmly enforced.

On February 24, 1984, El Salvador's Legislative Assembly unanimously passed Decree 50, a procedural law applicable to certain offenses during periods in which constitutional guarantees have been suspended, such as the current state of emergency. A proposed revision of the criminal code is intended to make Decree 50 explicitly applicable to death squad murders. Under the present code, Decree 50 procedures apply to crimes against the state such as treason, sabotage and rebellion.

Cases brought under Decree 50, are tried in the military courts. Suspects can be held under administrative detention for 15 days. Suspects have no right to counsel while being detained administratively, but can retain counsel as soon as the military investigatory judge orders provisional detention for further investigation. The military investigatory judge may hold a suspect no more than 60 days before he must send the case to the trial court.

Decree 50 replaced an earlier emergency law, Decree 507, and is intended to provide increased protection for those arrested. The periods of permissible detention before a defendant must be charged have been cut in half. If security forces hold a suspect in violation of his rights under the new decree, they can be prosecuted for false imprisonment. Extra-judicial confessions obtained by the security forces are not admissible unless they meet the requirements of the Salvadoran code of criminal procedure. Among other things, two witnesses to such a confession must swear to the military investigatory judge that no coercion was used in obtaining the confession.

Decree 50 courts were established immediately after the decree came into effect, but logistical and bureaucratic considerations continue to hinder their ability to operate. There are currently four instructional judges working on Decree 50 matters who are charged with conducting investigations in Decree 50 cases. From the beginning, these judges have been charged specifically with reducing the backlog of cases generated under Decree 507. Because the procedural terms of Decree 50 now control Decree 507 cases, the backlog has already been reduced, and an effort is underway to eliminate the backlog entirely and ensure that judicial proceedings conform to the timetable mandated by Decree 50. To date, more than 250

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Special Project (1993)

persons held under Decree 507 have been released from custody through operation of the Decree 50 courts. Remaining Decree 507 detainees, numbering approximately 500, are now being processed through the system in accordance with the terms of Decree 50.

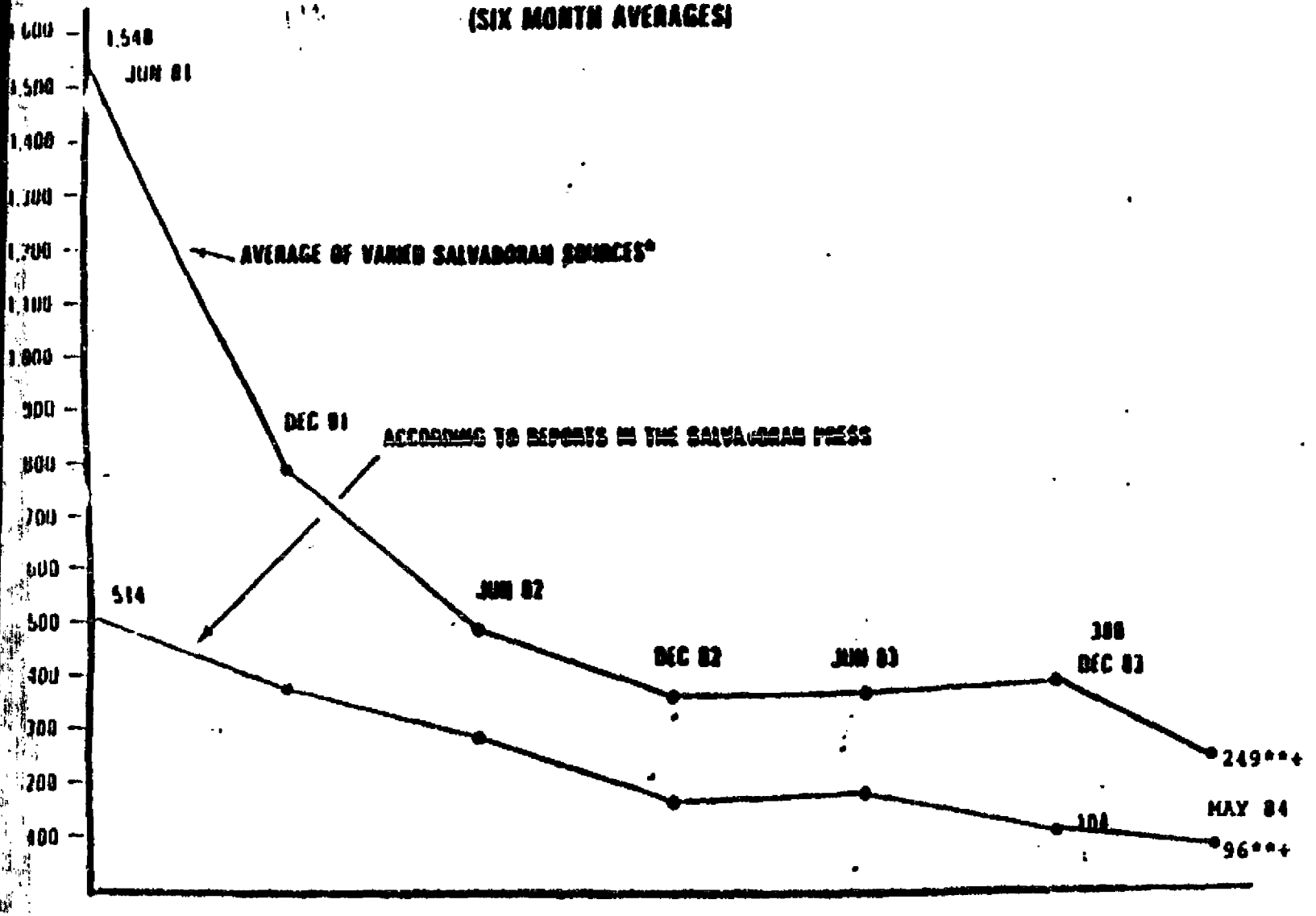
While all statistics on civilian deaths in El Salvador are unreliable except as indicators of trends, the U.S. Embassy in San Salvador has kept systematic records on published reports of political violence in El Salvador since September of 1980. For consistency's sake, these statistics are culled only from the information in the Salvadoran press. Other organizations offer other statistics which differ among themselves and with the Embassy's estimates. Tutela Legal, for example, includes in its statistics claimed civilian deaths that occur during military engagements; these comprise nearly 80 percent of Tutela Legal's total of civilian deaths. (The basis for these claims is sometimes questionable. For example, when the Salvadoran Army claimed it had inflicted 250 guerrilla casualties during the New Year's Eve attack on Fourth Brigade Headquarters in El Paraiso, Chalatenango, Tutela Legal recorded 250 civilian deaths at the hands of the armed forces. In fact, the army's claim appears to have been exaggerated and we are unaware of any civilian deaths in that engagement.) Much of Tutela Legal's data appears to be culled from the press, as evidenced in the comparison at appendix F of newspaper reports of guerrilla casualties with Tutela Legal's civilian casualty claims.

Despite the unavoidable inaccuracies, all sources indicate a positive downward trend. That is confirmed by other sources. While the Embassy's press methodology cannot record every death attributable to political violence, the figures do reflect a steady decline: an average of 93 per month in the first five months of 1984, or a total of 465. This compares with an average of 139 per month in 1983 (total for the first five months was, however, double that of 1984, or 928. The monthly average was 298 in 1982, 444 in 1981 and, over 800 when counting began in 1980).

E. U.S. CITIZEN MURDER CASES

The Churchwomen: On May 24, Subsergeant Luis Colindres Aleman and four other ex-National Guardsmen charged with the December 1980 murders of four American churchwomen, Ita Ford, Dorothy Kazel, Maura Clarke and Jean Donovan, were found guilty by a Salvadoran jury. On June 18, all of the five were sentenced to thirty years in prison with no possibility of parole, the maximum sentence allowable under Salvadoran law. The conviction provided clear evidence that the Salvadoran

EL SALVADOR
CIVILIAN DEATHS ATTRIBUTABLE TO POLITICAL VIOLENCE
(SIX MONTH AVERAGES)



*SECOND ARROW
CDHES
UCA

** Five Month Averages
+ Socorro Juridico statistic unavailable for May 1984.

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Special Project (1993)

judicial system can work and is a significant potential milestone in the establishment of an effective, functioning system of criminal justice, in which the rule of law can help to restrain and displace the political violence that has plagued El Salvador for so many years.

The AIFLD Murders: The case against the two gunmen charged with the murders of Mark Pearlman and Michael Hammer was raised to plenario, the final stage of Salvadoran judicial proceedings, on March 29, 1984. It is clear, however, that the gunmen did not act alone -- others were involved. Prosecution efforts to bring the others to trial with the gunmen have encountered difficulties. On April 27, 1983, the court provisionally dismissed charges against one of those alleged higher-ups, Lieutenant Lopez Sibrian. That dismissal was appealed by the prosecution, but in November of 1983, the appellate court ruled that the provisional dismissal was correct. Under the terms of the Salvadoran code, new evidence must be produced within one year of the effective date of dismissal. Because the provisional dismissal of the charges against Lopez Sibrian was not resolved until November 30, 1983, prosecutors believe that they have until November 30, 1984, to produce new evidence against Lopez Sibrian. But, on April 27, 1984, Lopez Sibrian's attorney requested that the original provisional dismissal granted on the same date in 1983 be declared final. The court granted the motion. Prosecutors appealed the judge's ruling on the motion, but on June 29, the appeals court upheld the lower court's definitive dismissal of charges. Prosecutors now plan to file an appeal before the Supreme Court. Coincident with the appeals action, prosecutors will continue efforts to obtain testimony from a potentially key witness, Captain Eduardo Avila.

Michael Kline: Salvadoran soldiers shot and killed Michael Kline on October 13, 1982. Mr. Kline had been travelling through El Salvador by public bus en route to Costa Rica. The soldiers stopped his bus at a checkpoint. Apparently, they believed there was something suspicious about Mr. Kline, so they took him off the bus and put him on a truck, reportedly to take him to their headquarters in San Francisco Gotera.

Michael Kline was killed before reaching San Francisco Gotera. The soldiers escorting him first claimed that he had tried to grab a gun and, failing that, tried to escape. They stated that they shot him from a distance as he fled. Autopsy evidence, however, revealed that Mr. Kline had been shot at close range. The three soldiers subsequently confessed to the murder, and the case against them was raised to plenario. Defense attorneys have appealed the judge's decision to elevate the case to plenario, and in a June ruling, the appeals court remanded the case to the Court of First Instance for further

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investigation. The accused remain under detention while the investigation continues. The compilation of evidence to bring this case to trial is now being carried out under the direction of Dr. Juan Geronimo Castillo, who successfully led the prosecution team in the case of the four murdered American churchwomen.

John Sullivan: Mr. Sullivan was killed in El Salvador, apparently during the night of December 28, 1980. His body, mutilated beyond recognition, was found near Nuevo Cuscatlan on the morning of December 29, 1980, and buried the following day. Based on an anonymous tip, Salvadoran authorities located Mr. Sullivan's body in June 1982, and it was positively identified in the United States in February 1983. The American medical examiner was unable to determine the cause of Mr. Sullivan's death, nor was he able to find any forensic evidence that might assist in finding the killers.

Salvadoran authorities continue to investigate the circumstances surrounding Mr. Sullivan's death but have been unable to learn the identity of his killers.

Lieutenant Commander Albert A. Schaufelberger, III: The Deputy Commander of the U.S. Military Assistance Group in El Salvador, Lieutenant Commander Albert Schaufelberger was murdered on the campus of the University of Central America in San Salvador on May 25, 1983. The Popular Liberation Forces (FPL), an extreme left-wing guerrilla faction, and the Farabundo Marti National Liberation Front (FMLN), the umbrella organization of the five guerrilla organizations, claimed responsibility for the murder. Salvadoran authorities, in the fall of 1983, arrested and obtained a confession from an FPL member, Daniel Alvarado Rivera. However, after an investigation involving polygraphic examinations and a comparison of the confession with the physical evidence, the United States Government concluded that the accused was not involved in the crime and that he had confessed under duress. Salvadoran authorities discontinued pursuing the assassination charge but continued to detain Alvarado on other terrorist charges. In May his case was raised to plenario. Additional leads to Lieutenant Commander Schaufelberger's killers are now being sought.

Patricia Cuellar: Ms. Cuellar, a dual Salvadoran-American citizen, disappeared from her residence in San Salvador on July 18, 1982. Later the same day, her Salvadoran father, an executive director of a major businessmen's association, and his maid, also disappeared. An eyewitness interviewed by the National Police and polygraphed by the FBI was unable to offer any information that would have identified the abductors. There are no new leads in the case.

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Linda Cancel: U.S. citizen Linda Cancel was killed early this year by guerrilla gunfire while she and her husband and two children were travelling in their vehicle on the Pan American Highway to Honduras.

John Hoagland: U.S. photographer, John Hoagland, was also killed earlier this year when the guerrillas opened fire on the Salvadoran Army unit with which he was travelling.

F. DIALOGUE

Throughout his presidential campaign and since, President Duarte repeatedly has stated his support for and openness to a dialogue with the FMLN/FDR. He has stressed his conviction that the integration of all segments of Salvadoran society into the democratic process is fundamental to achieving peace and social equity. President Duarte has also stated that he will work to forge a climate of security and confidence which will allow all elements of society which truly believe in democratic government the opportunity to seek their goals freely and openly through democratic means. At the same time, he has made it clear that he will not engage in power sharing negotiations without elections and that he will discuss the issues only with a guerrilla political leadership that can demonstrate its control over its armed factions.

While the FMLN/FDR has emphasized its flexiblity and sought to increase pressure on Duarte to accept its own agenda for dialogue, it has not modified its demand for a share of governmental power as a precondition to addressing specific programs that would lead to elections.

SECURITY

A. THE MILITARY SITUATION

There are an estimated 9,000-11,000 guerrillas in five insurgent bands unified under the Farabundo Marti National Liberation Front (FMLN) umbrella organization: the Revolutionary Party of Central American Workers (PRTC); the People's Revolutionary Army (ERP), the Armed Forces of National Resistance (FARN); the Armed Forces of Liberation (FAL); and the Farabundo Marti Popular Liberation Forces (FPL). In addition, the urban terrorists of the Clara Elizabeth Ramirez Front (CERF) have splintered from the FPL and are not part of the FMLN. The insurgent forces are able to conduct hit and run operations and economic sabotage in areas where the Salvadoran Armed Forces cannot maintain constant control due to a lack of

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Special Project (1993)

manpower and mobility. Since the fall of 1983 these groups have operated in larger units and are better able to coordinate action, but cannot hold their positions in the face of a concerted government effort.

Over the last five months, the guerrillas have claimed responsibility for or are strongly suspected of eight assassinations of politicians and retired military officers. Guerrillas have also dramatically escalated their forced recruitment tactics. Salvadoran authorities estimate that between March 1 and June 9 at least 1,500 young men were abducted by the guerrillas, while human rights organizations report that refugees fleeing into Honduras assert that they are doing so to escape guerrilla recruitment drives.

Since mid-January, the Armed Forces are more than holding their own against the guerrillas. The November 1983 restructuring of the Armed Forces has placed more competent and aggressive commanders in key posts and has streamlined command and control. The military protected the elections of March 25 and May 6, honored the results, and remain apolitical. After the June 1 inauguration, the military once again initiated a large counterinsurgency operation throughout the country, supplemented by small unit patrolling. The military strategy has been to apply pressure to rebel supply routes in order to control subversive activity, thereby keeping insurgent forces off-balance and impeding their preparation for a new offensive expected later this year.

The June 28, 1984 guerrilla attack on Cerron Grande Dam, El Salvador's largest hydroelectric plant, points up the Salvadoran military's increased effectiveness in reacting to a concerted guerrilla effort. The guerrillas attacked the dam at 2:30 am, June 28. By 3:30 am the General Staff had assembled and was coordinating the response. Between 6:00 am and first light, 600 troops of the Airborne Battalion were transported to the dam using repeated trips with only 10 helicopters. Other troops were ambushed by the guerrillas as they moved by road to the dam.

At 10:30 am, President Duarte was briefed by the General Staff and ordered Chief of Staff Blandon to retake the dam at all costs. Moments later the Airborne Battalion reported they had penetrated the perimeter and were slowly moving floor by floor through the powerhouse. By noon the entire facilty was under the control of government forces.

While the attack on the dam reflected a lapse of security, the quick response by the Salvadoran Armed Forces and President Duarte prevented greater damage by the guerrillas who threatened

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El Salvador: Human Rights
Special Project (1993)

to blow the dam. Duarte's role as commander-in-chief at the General Staff and later at the dam itself was impressive and in many respects unprecedented.

President Duarte has said that, as Commander-in-Chief of the Armed Forces, he will explore with the military the possibility of further reorganization and improvement of the military in order to enhance professionalism and inculcate full respect for human values. He has asked General Vides Casanova to remain as Minister of Defense and oversee the initial efforts of the new administration.

B. OVERVIEW OF U.S. MILITARY ASSISTANCE

The FY-1984 and 1985 military assistance program has been developed to assist the Salvadoran Armed Forces in gaining and maintaining the initiative over the guerrillas, while protecting the economic infrastructure and re-establishing public order. The Salvadoran Armed Forces have developed and are committed to a strategy designed to take the war to the guerrillas and to reassert governmental authority in rural areas, thus allowing the government to expand its reformist programs to areas which suffer from continued instability and destruction.

U.S. provided military materiel and services will directly benefit the economy by improving internal security and protecting the economic infrastructure. Furthermore, the establishment of a secure environment conducive to investor and consumer confidence will further the government's ability to address social, political and economic issues. A major component of U.S. security assistance is to provide training that stresses professionalism, discipline and respect for the fundamental rights of civilians.

Since 1979, the Armed Forces have tripled in strength and comprise the following elements: an army of approximately 29,500; a navy of about 500 (including a naval commando company); and an air force of some 500 personnel. The Public Security Forces (National Guard, National Police, and Treasury Police) number approximately 10,000 in total strength. President Duarte has centralized the command of the Security Forces under a Vice-Minister directly responsible to the Defense Minister.

Specific objectives of U.S. military assistance are to:

-- provide the resources necessary to field and sustain a professional fighting force;

-- continue the modernization and standardization of the force;

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Special Project (1993)

-- enable the Salvadoran Government to gain and maintain the initiative over the guerrillas;

-- assist the military to extend successfully the National Campaign Plan throughout El Salvador by means of continued force expansion, increased operational capability, effectiveness and efficiency; and

-- allow the Salvadoran military to continue field operations rather than adopt a defensive strategy.

The capability of the military to react quickly to sudden developments suffers from continued equipment shortages of such items as helicopters, transport aircraft, communications equipment and vehicles. These factors are of major importance in maintaining command and control over troops in the field, with implications for both the counter-guerrilla effort and the effort to curb human rights abuses.

C. ASSISTANCE REQUIREMENTS

1. Development of a Medical Evacuation and Training System

Considerable progress has been made in assisting the Salvadoran Armed Forces to develop an effective medical evacuation and training system. From June 1983 to the present, a humanitarian medical mobile training team (MTT) has been assisting and training the military's medical corps. The MTT has trained 466 combat medics, 46 medical service officers, 20 intensive care nurses, and 5 biomedical technicians. Additionally, 4 medical evacuation helicopters and 10 battlefield ambulances have been provided as the nucleus of an effective battlefield evacuation system.

2. Training of the Armed Forces of El Salvador

Training has progressed at an acceptable rate with the exception of some training in Panama deferred due to a lack of funds. The combination of training battalions at the Regional Military Training Center (RMTC) in Honduras and in El Salvador, and training individual officers and NCOs in the United States and Panama has begun to show results as demonstrated by protection/control operations during the two rounds of presidential elections.

3. Ammunition, Weapons and Combat Support Equipment Losses and Expenditures

In all insurgencies, guerrilla and terrorist forces exert considerable effort to capture arms and materiel from the

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Special Project (1993)

government they oppose. The U.S. Government has sold some 36,000 items of ordnance (rifles, grenade launchers, machine guns, mortars) to the Government of El Salvador. Of these ordnance items, under 2,500 of them have been recorded as battlefield losses, reported as stolen, or listed as missing. Even if it were assumed they all were in guerrilla hands, this would represent only about 7 percent of the ordnance items provided by the U.S. Government to El Salvador. The Salvadoran guerrillas continue to rely heavily on outside support for their weapons and supplies -- mainly transiting from Nicaragua.

Because release of statistics on expenditures of ammunition could compromise the ammunition supply system of the Salvadoran Armed Forces, this information is being supplied in a separate classified submission to the Congress.

4. Acquisition and Support of Tactical Communications

The U.S. security assistance program has recently provided 1000 sets of PRC-77 radios to assist the Salvadoran Armed Forces tactical and national strategic communications network, and the establishment of a secure command telephone network has been established enabling the General Staff and major field commanders to communicate using secure voice. With additional funds, the Armed Forces are planning to acquire an additional 600 PRC-77 radios. When additional funds become available, they also will be purchasing High Frequency (HF) PRC-70 radios for direct communications between the General Staff, the brigades and battalions operating in the field, as well as support equipment and supplies needed at their depot and organizational repair facilities. It is estimated that approximately $4 million will be required.

5. Rate of Spare Parts Usage

Based on current use and past performance, the annual rate of usage of spare parts for the past year is estimated at $12 million. We estimate that with the infusion of new equipment and with an expected rise in the level of hostilities, this rate will double in the coming year.

ECONOMIC DEVELOPMENT

A. OVERVIEW

El Salvador's economy is traditionally centered on coffee, sugar, cotton and subsistence crops (corn and beans). Development of the Central American Common Market during the

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Special Project (1993)

1960's and 1970's encouraged manufacturing industries, which led El Salvador's 5 percent average annual real growth from 1961 to 1978.

Despite a series of sweeping economic reforms since 1979, successive Salvadoran governments have faced the problems of a rapidly deteriorating economy buffeted by civil violence. Between 1978 and 1983, GDP fell by about 25 percent in real terms, exports dropped 40 percent, and unemployment increased to an estimated one-third of the work force. The violence triggered large-scale capital flight, reduced public and private investment, interfered with production and exports, and generated fear and uncertainty in the private sector. Depressed commodity prices, declining export demand for Salvadoran manufactures, high interest rates and a sharply rising oil bill exacerbated the declin-. Foreign borrowing to finance security operations and maintain vital services has led to a growing and increasingly burdensome public debt.

Recovery has been hampered by an ongoing insurrection and its financial and economic effects. Attacks by guerrillas on production facilities and the basic infrastructure, particularly transport and electrical transmission facilities, are estimated to have cost the Salvadoran economy more than $800 million since 1979. U.S. and other donor assistance is essential for recovery, aided by economic policy reforms, recently improving markets for Salvadoran exports, and progress on the political and security fronts. The decline in GDP was arrested in 1983, and El Salvador may register modest real economic growth in 1984.

Nevertheless, the Salvadoran economy faces recovery from an extremely low base. Urban unemployment remains high, and the estimated 14-16 percent inflation rate is unusually high for El Salvador. Most significant for the prospects for growth, the Salvadoran economy is crippled by a scarcity of foreign exchange to purchase needed imports of spare parts, machinery and raw materials. Continued U.S. economic assistance ($198.6 million in FY-1984, plus the legislative request of $134 million in supplemental funding for FY-1984 and $341.1 million for FY-1985) should help El Salvador achieve economic stabilization and some modest growth. The revitalization of El Salvador's private sector would benefit greatly from enactment of the requested legislative authority for short-term trade credit guarantees. In addition, the newly-installed Duarte Administration is expected to begin discussions shortly with the International Monetary Fund on a new standby arrangement, which would be an additional positive development toward stabilization and economic recovery.

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Special Project (1993)

B. LAND REFORM

El Salvador's four-year effort to bring about a more equitable distribution of land ownership and agricultural wealth has made significant progress towards its overall goals. Over 93,000 Salvadorans have received land either individually or as members of cooperatives. Including families, more than 560,000 people have benefitted from the agrarian reform, and some 23 percent of El Salvador's total farmland has been transferred to those who previously worked the land but did not own it. More than 12 percent of El Salvador's total population and perhaps 25 percent of the rural poor have benefitted.

A great deal has been accomplished to resolve both the current and the long-term problems confronting the agrarian reform program. This has been done despite depressed world agricultural prices, bad weather, the destruction of the guerrilla war and the violent opposition of the far left and far right. Continued constant attention, technical expertise, devotion of resources, and hard work will be necessary if El Salvador is to continue the momentum of the past four years.

Phase I

The first step of Phase I has been completed. All farm holdings over 500 hectares have been transformed into cooperatives by the government. The Salvadoran Institute for Agrarian Transformation (ISTA), the main implementing agency for Phase I, now has co-management responsibilities for 317 cooperatives (with 31,359 members and 188,000 beneficiaries including family members) encompassing some 426 properties. About 40 of these cooperatives have been abandoned due to violence in the countryside. Well over half of the abandoned farms are located in the departments of San Vicente and Usulutan. However, since the initiation of the National Campaign Plan, a major civilian-military effort to provide security and restore needed social services, five cooperatives have been reactivated in San Vicente. Others are seeking loans to resume planting which had ceased because of the violence. The National Plan area was extended to the department of Usulutan in February of this year.

Because the Phase I cooperatives are large, complex businesses that require an extensive knowledge of credit flows, financial management, accounting procedures, world commodity markets and basic agricultural methods, management is an essential ingredient and important priority in the Phase I effort. Obtaining managerial expertise has been a problem, but farm management capability is slowly improving. In Usulutan

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Special Project (1993)

Department six cotton-growing cooperatives, which last year planted only some 10 percent of their available land, will soon receive the managerial assistance and credit required to increase significantly plantings and production during the current crop year. Other remaining problems include compensation to former owners, completion of titling and increasing profit margins. All these areas require significant additional resources. Those cooperatives which have been abandoned because of the fighting must be made secure from guerrilla attacks and reopened.

Compensation in Phase I of the reform consists of long-term interest-bearing bonds for land, and a mix of cash and short-term bonds for livestock, machinery and equipment. As of May 30, 1984, compensation paid on 249 of the 426 properties totaled the equivalent of $165 million, including $13.6 million in cash and $151.3 million in bonds. Cumulative interest payments on Phase I bonds now stand at $14.9 million.

Phase II

The Salvadoran constitution promulgated on December 20, 1983, establishes a ceiling of 245 hectares (605 acres) on the amount of land that a corporation or individual may own. It gives affected owners up to three years to sell property in excess of the limit to campesinos or campesino associations. The land may not be sold to close relatives by either blood or marriage, and any purchaser is subject to the same constitutional ceiling on cumulative ownership. The state is empowered to expropriate without prior compensation any excess land not disposed of by the owner within the three-year period. Observers estimate the amount of excess land affected by the new Phase II ceiling to be between 20,000 and 70,000 acres.

With the constitutional clarification of the status of land affected by Phase II, it is anticipated that production on farms in this category will increase significantly. Previously, owners of medium-sized forms were often reluctant to invest in their land due to uncertainty over the amount they would be able to retain. More importantly, after four years of controversy, El Salvador has defined its Phase II objectives by a democratic process, and thus Phase II can now be implemented.

Phase III

The Salvadoran Government continued to support Phase III during the past five months:

-- 2,122 farmers filed applications for over 7,302 acres;
-- 854 provisional titles were issued;
-- 2,544 definitive titles were granted.

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Special Project (1993)

Applications in the relatively peaceful parts of the country have fallen off in recent months, suggesting that a significant percentage of the beneficiary population has applied for or received land.

The legal authority for continued Phase III land applications expired on June 30, 1984. The deadline had been thrice extended beyond its original April 1981 expiration date, and the Legislative Assembly determined that a fourth extension was not called for. Nevertheless, persons who have filed their initial applications, but not completed all of the required eligibility documents, will be allowed to complete the application process. Nearly 10,000 campesinos fall into that category. President Duarte has also noted that a special effort would be made, consistent with the constitution, to develop land ownership programs for peasants in the contested areas who have not had an opportunity to apply under Phase III because of violence and dislocation.

Throughout the country farmers are now on their way to owning the land they previously sharecropped or rented. Over the past four years, some 62,692 persons have filed title petitions. A total of 56,141 provisional titles and 10,356 definitive titles have been issued, with nearly 5,000 of the definitive titles issued since late December 1983. Some 235,711 acres, nearly seven percent of the farm land has been affected by the Phase III program.

Phase III cash compensation is now the equivalent of $5,113,058, and $554,335 in interest payments on Phase III bonds has been paid. As of May 4, 1984, the number of compensated property owners stood at 645, an increase of 146 since December 1983. (The compensation schedule on Phase III transactions is 50 percent cash and 50 percent bonds for affected properties under 100 hectares. For properties over 100 hectares, the compensation schedule is 25 percent cash and 75 percent in bonds.) Phase III compensation as of May 4, 1984, totaled the equivalent of $12.3 million in bonds and cash, and the 1984 central government budget includes the equivalent of $13.9 million for agrarian reform compensation. The government continues efforts to make bonds a more attractive instrument of payment. Interest coupons can be used to pay some taxes, and are traded (at a discount) on a secondary market. In cooperation with the private sector, the government is investigating ways in which the bonds would be directly traded in exchange for shares in businesses now publicly owned.

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Special Project (1993)

C. ORGANIZED LABOR

The work force of El Salvador is largely agricultural, while the number of workers in manufacturing, construction and service industries has declined steadily over the past five years. Organized labor has devoted much of its time reacting to the effects of the economic decline, the armed conflict, a continuing high rate of layoffs, missed government salary payments, and the high rate of unemployment. These problems have strengthened union cohesion. The resolution of several public and private sector strikes since January and the end of the wage freeze decree in December 1983 have led to rising expectations of wage increases among workers in all sectors, and pressures for wage increases have become one of the most serious challenges that the new government faces. One of the government's first priorities was to negotiate the wage strike of the nation's postal workers.

Total union membership peaked in 1977, with over 76,000 registered members and dropped to a low of 55,200 the following year. Membership climbed back to 71,000 by 1980, and to 74,000 by 1983.

There are three major political umbrella groups for labor. Largest and most important of these is the Popular Democratic Unity (UPD), which brings together independent, democratic federations into a centrist coalition lobby. The moderate, center-left UPD represents urban unions and campesino associations and routinely denounces the right's unwillingness to listen to labor demands and the left's attempt to manipulate the economic grievances of the public and private employee associations. The urban federation members of the UPD have been hard hit by the unemployment crisis, and the UPD campesino associations continue to push vigorously the agrarian reform process. Before the presidential elections of March 25, the UPD pledged to support the Christian Democratic Party (PDC). Subsequently, several UPD representatives were appointed by President Duarte to administration positions related to labor and agrarian affairs.

Further to the right is an informal alliance of the General Confederation of Unions (CGS) and the National Confederation of Workers (CNT). The CGS, much smaller than the UPD, was affiliated with the Inter-American Regional Organization of Workers (ORIT), an arm of the International Confederation of Free Trade Unions (ICTFU), until its expulsion in 1979 on charges of corruption and domination by the National Conciliation Party (PCN).

The third umbrella association is the left-leaning Labor Unity Movement of El Salvador (MUSYGES), a loose grouping of

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Special Project (1993)

unions with an assortment of philosophies on both politics and labor activism. Also operating within the labor left and MUSYGES are groups -- some underground -- with close ties to the armed, violent left. They collectively represent less than 13,000 workers and campesinos. Leadership is often political rather than trade union oriented. A peaceful May Day demonstration organized this year by MUSYGES attracted fewer than 1,000 people.

A dialogue concerning the labor code and reform measures was begun and continued among business, labor and government through the tripartite commission of the Ministry of Labor. The discussions center around workers' rights and collective bargaining. The end of the wage freeze law in December 1983 has assisted in labor negotiations. Officials of the Ministry of Labor and labor leaders are hopeful that the labor code commission will strengthen the government's role in protecting labor against offenses and that additional labor code legislation will further guarantee workers' rights.

U.S. Government relations with organized urban and campesino labor in El Salvador are largely indirect: the American Institute for Free Labor Development (AIFLD) is funded jointly by the U.S. Government and the AFL-CIO. Although it has recently devoted increased attention to urban labor, during the past three or four years AIFLD has been primarily engaged in supporting agarian reform and the campesino movement.

President Duarte has announced his support for the free trade unions and has demonstrated it through his relationship with the UPD and recent appointments of union labor leaders to important government posts. The Salvadoran President has named Jorge Camacho of the Association of Cooperatives of Integrated Livestock Products (ACOPAI), a peasant union, as Vice-Minister of Agriculture. Camacho's deputy in ACOPAI, Marco Salazar, holds a key post in the Phase III agrarian reform institution, FINATA. The Salvadoran Communal Union (UCS) Secretary General Samuel Maldonado, another peasant leader, is the new President of the Phase I agrarian reform institution, ISTA. UCS Secretary of Organization, Ramon Mendoza, has been named Vice President of the Agricultural Development Bank (BFA).

In 1984 two union activists have disappeared while no union leaders are known to have been murdered. Fifteen members of the Revolutionary Syndicate Federation (FSR), which is linked to the Popular Liberation Forces (FPL), were arrested in January 1984 while participating in a clandestine meeting. Six were released and nine are now detained in Mariona prison, accused of conspiring against the government.

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El Salvador: Human Rights
Special Project (1993)

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Special Project (1993)

D. U.S. ECONOMIC ASSISTANCE

El Salvador needs to correct historical imbalances in its economic and social structure. The country's high population density and continued high fertility rates, its dependence on a few export crops, skewed income distribution, and lack of natural resources present a formidable challenge to successful social development.

Economic Support Fund (ESF) assistance has become the single most important element of U.S. economic assistance for El Salvador, accounting for nearly 60 percent of the total in fiscal years 1982 and 1983, with the same planned for FY-1984 and FY-1985. The main purpose of ESF has been to stabilize the economy by arresting the precipitate four-year decline in GDP. Specific short-term macroeconomic goals include achievement of a 1-2 percent real GDP growth rate in 1984 and 3 percent in 1985, and establishment of a basis for long-term, broad-based growth.

The newly elected Duarte government faces serious economic problems and will require continued U.S. economic assistance to enable it to complete the economic stabilization program, undertake policy reforms aimed at sustained and equitable growth, and institutionalize democratic processes. Establishing the fundamental conditions of peace and social stability will have to accompany any major effort to address longer-term development needs. To this end, U.S. financing supports Salvadoran efforts to improve the criminal justice system, expand the free democratic labor unions and strengthen the process of democratic social reform. The development strategy utilizes the experience and assistance of U.S. and local private voluntary organizations. These agencies bring to the development effort technical skills and program approaches well adapted to this society.

U.S. economic assistance will satisfy only part of El Salvador's requirements. Significant positive growth is an achievable goal, but it will require a favorable economic policy environment, increased U.S. support, a new International Monetary Fund arrangement and increased World Bank assistance, better prices for Salvadoran export crops, an improved world economy and, above all, improvement in the security situation and investment climate.

U.S. assistance is essential to extend the coverage and improve the quality of health and education services. The strategy is to deal immediately with the symptoms (e.g., absence of medicines and supplies, closed schools and lack of

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Special Project (1993)

textbooks) while strengthening the systems (e.g., health logistics, improved training and supervision of health care providers, and education administration).

Salvadoran efforts emphasize reversing the process of economic deterioration and improving the quality of social services. Current humanitarian assistance programs will be expanded and improved, including the restoration of strife-torn areas and assisting the voluntary resettlement of displaced persons. U.S. economic assistance is designed to help the Salvadoran Government:

-- maintain or increase imports which support agricultural and industrial production;

-- guarantee food stocks;

-- restore health and education systems and infrastructure in areas where guerrilla action has destroyed or jeopardized existing systems, and restore the quality and efficiency of those systems throughout the country to pre-conflict levels or better;

-- develop new infrastructure, such as small irrigation systems and access roads, needed to improve yields and market access for new landowners;

-- support public sector efforts in employment, maternal health services and humanitarian assistance for displaced persons.

- improve housing and community services for people with limited access to start-up capital; and

-- provide financial and technical support for the land reform program;

-- encourage development of exports and expanded production of private businesses, both small and large, emphasizing enterprises which contribute to foreign exchange earnings and generate employment;

-- support credit programs which provide capital to small farmers and businessmen who are participating, often for the first time, as full partners in the private enterprise economy;

-- improve marketing efficiency so that local producers are more competitive.

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Special Project (1993)

-- strengthen democratic institutions, such as the Central Elections Council; and

-- utilize the special opportunities presented by the Caribbean Basin Initiative.

The Caribbean Basin Economic Recovery Act, also known as the Carribean Basin Initiative (CBI), came into effect on January 1, 1984, and eliminates duties on most U.S. imports if they originate in designated Caribbean Basin countries. The President designated El Salvador as a CBI beneficiary on December 29, 1983.

The immediate benefits of the Act for El Salvador will be modest. The CBI should have a longer term effect, however, in that it will encourage changes in Salvadoran production and marketing strategies. Salvadoran producers of previously dutiable exports to the U.S. will receive higher revenues as a result of the duty elimination.

REFUGEES AND DISPLACED PERSONS

Large numbers of Salvadorans have fled to neighboring nations in order to avoid military strife. An estimated 58,000-67,000 Salvadorans have taken refuge in Mexico and other Central American states. Approximately 18,000-20,000 Salvadorans have crossed the border to take refuge in Honduras; 10,000-12,000 are in Mexico; 15,000-18,000 are in Costa Rica; and 15,000-17,000 are in Nicaragua. Recently, large numbers of Salvadoran civilians have begun transitting through Honduras to reach government-controlled areas of El Salvador. Their primary reasons for leaving their homes is to avoid forced impressment into service for the guerrillas.

An estimated 450,000-500,000 Salvadorans are internally displaced. In general, displaced persons prefer to reside away from the conflict with friends and relatives, if possible. Otherwise they build temporary settlements on unoccupied land or live in special camps administered by organizations such as the Roman Catholic Church. Approximately 75 percent of the displaced population receives assistance from the Government of El Salvador through its National Commission for Displaced Persons (CONADES). Additional support comes from private local and international contributors. The International Committee of the Red Cross (ICRC) assists displaced persons in areas inaccessible to other relief organizations because of the conflict.

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Special Project (1993)

Living conditions of displaced persons depend upon factors such as their willingness to accept assistance from CONADES, their economic well-being prior to displacement, and the public infrastructure in the areas they have settled. Similarly, living conditions in camps administered by the same organization differ because of infrastructure and available management.

The United States contributed $10.5 million for displaced persons in El Salvador during fiscal years 1982 and 1983. Congress earmarked $10 million of FY 1984 funds for the displaced persons of El Salvador. The Agency for International Development has projected $20 million per year for the next three years for the continued assistance to displaced persons in El Salvador.

The principal U.S. humanitarian assistance effort has been the Emergency Health and Jobs for Displaced Persons Project, which provides preventative health, other medical assistance and employment in community and camp improvement projects. Increased emphasis will be given to the improvement of sanitation facilities in the displaced persons camps and to a nutrition program for children and nursing mothers. P.L. 480 commodity assistance will continue to provide basic food supplements to displaced persons participating in the work programs and to other displaced persons through the U.N.'s World Food Program and CARITAS.

Displaced persons not registered with CONADES have access to U.S. provided medical assistance and nutritional supplements through CARITAS. Displaced persons residing in areas of conflict are reached through the ICRC. In addition to regular payment to the world-wide operating costs of the ICRC, the U.S. has given $2 million of FY 1984 funds for the ICRC to use in its program to assist displaced persons in El Salvador.

The goal of U.S. policy remains the speedy voluntary return of refugees and displaced persons to their homes. Democratization and the ending of the guerrilla threat are important requirements for the establishment of a climate of peace and development in those areas from which the displaced and the refugees have fled.

In the shorter term, initiatives currently pursued by the U.S. to assist the displaced persons are to improve the effectiveness of the program to assist displaced persons in El Salvador and to encourage improved coordination among the approximately two dozen groups providing assistance to displaced Salvadorans. (A local Private Voluntary Organization Coordination Committee meets regularly to discuss coordination issues.)

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El Salvador: Human Rights
Special Project (1993)
APPENDIX A

JOINT COMMUNIQUE

President Ronald Reagan and President-elect Jose Napoleon Duarte have undertaken consultations together, May 21, 1984, in recognition that a new chapter in the history of El Salvador as a democratic nation is about to be enacted.

During the past three years, Salvadorans of widely differing political views have joined together in a process of building democracy which has moved successfully through the stages of elections for a Constituent Assembly in March 1982, approval of a new constitution and the presidential elections, just completed. The United States applauds this historic process and proudly welcomes President-elect Duarte as the first freely and directly elected leader of democratic El Salvador.

The two Presidents, having reviewed the problems of Central America, which are of concern to free people throughout our hemisphere, hereby express their joint views and conclusions regarding the future basis of understanding and collaboration between their two nations. We agree on three major objectives for Central America and El Salvador:

[1] The strengthening of democratic institutions;

[2] The improvement of living standards and expanded economic development;

[3] The need for an increased level of U.S. assistance to obtain peace and to defend against Communist-supported guerrillas of the extreme left and the violence of the extreme right.

The peoples of both nations look forward to the coming five year term of elected government in El Salvador as a period of consolidation of bilateral relations in a spirit of deep friendship as close neighbors in our hemisphere. Both nations will take into account their common interests and problems, maintaining the fullest respect for each other's sovereignty.

Both nations share with other countries of the Americas a fundamental interest in the strengthening of democracy and the firm rejection in this hemisphere of any form of totalitarianism or outside interference in the affairs of sovereign nations. Democracy enhances their individual and collective security. Democratic neighbors are peaceful neighbors, capable of regulating their relations in a framework of cooperation, consultation, mutual respect and peaceful settlement of differences.

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El Salvador: Human Rights
Special Project (1993)

It is a fundamental objective of the Duarte administration to broaden and strengthen El Salvador's democratic institutions. And it is the intention of the United States to provide support and assistance to help achieve that objective.

Both Presidents proclaim that democracy, justice and the rule of law require the participation and commitment of all sectors in the political and economic mainstream of the nation. The rule of law requires protection for all against violence and criminal actions. It requires full confidence that the judicial process will produce punishment of the guilty and timely justice with due process for all. Both Presidents reaffirm their staunch commitment to the promotion of human rights, which are central to the democratic process and our freedoms. They believe that there should be greater support for genuinely democratic organizations from public and private sources in the major democracies, such as in the U.S. National Endowment for Democracy.

The two Presidents pledge to work for the achievement of economic development and growth, and increased regional cooperation, to improve the standard of living of the people of El Salvador and throughout the hemisphere. President-elect Duarte joins President Reagan in support of the comprehensive legislative proposal now before the U.S. Congress which will contribute so greatly, once enacted, to Central American peace and prosperity. The two Presidents express the view that a continuing and healthy economic assistance relationship between the two countries will be needed over the years immediately ahead. Such a relationship will complement broader initiatives, such as the Caribbean Basin Initiative and the National Bipartisan Commission Report, so that El Salvador's interdependent economic and social objectives can be met.

The protection and promotion of a strong private sector, with opportunities for small, medium and large entrepreneurs, is an indispensable means of expanding wealth and creating employment. Close collaboration between the public and private sectors will enhance the revitalization of production, improvement in public health and education, reintegration of displaced persons, and national reconstruction. This collaboration is a basis for stimulating domestic confidence, ensuring access to international credit and attracting new international investment.

The consolidation of democracy requires social peace and the protection and improvement of basic reforms begun in El Salvador in the 1980's, including the finding of new ways to stimulate production, ensure clear titles to land, pay adequate compensation and guarantee land reform beneficiaries permanence and tranquility in their new ownership.

Democracy cannot survive or thrive without security. Military assistance and the existence of a strong, well-equipped national

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armed force is essential to shield democratic development. All governments have the obligation to guarantee their peoples full political participation and must have the means to protect democratic institutions against those who would subvert them, be they Marxist guerrillas and their external allies or violent internal extremist groups.

The two Presidents share the view that the armed conflict in El Salvador must be resolved through national reconciliation based on the full integration of all its people into the political processes of the country. This participation should take place within the democratic rule which establishes that the only access to power is in accordance with the will of the people expressed through free elections. They particularly welcome the efforts to achieve regional peace undertaken within the Contadora process and reaffirm their full commitment to the principles of the Contadora Document of Objectives.

The two Presidents reaffirm strongly that abandonment of El Salvador and Central America in the midst of a continuing armed struggle serves neither the interests of their two nations, nor those of the community of free countries. They support the development of strong democracies in all parts of Central America, the democratic forces in Nicaragua, and the objective of holding free, fair and democratic elections in each of the countries of the region. On the basis of common national interests and common belief in the principles of democracy and freedom, they pledge to work together toward peace with security and toward human betterment with freedom, for El Salvador and for all of Central America.

To achieve these objectives, the two Presidents have decided to maintain regular and frequent contact to carry out these joint principles, assuring that their relations are guided by considerations of dignity, equality, friendship and mutual respect.

Washington, May 21, 1984

Ronald Reagan Jose Napoleon Duarte

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APPENDIX B

Excerpts From the Inaugural Address Delivered by President Jose Napoleon Duarte, June 1, 1984, In San Salvador

President Magana; President of the honorable Legislative Assembly; President of the honorable Supreme Court; Vice Presidents of the Republic; Your Excellency, the President of Guatemala; Your Excellency, the Argentine Vice President and Senate President and wife; Your Excellency, the Vice President of Costa Rica and wife; Your Excellencies, Messrs. Foreign Ministers; Your Excellencies, chiefs and members of special missions; Ministers and Deputy Ministers; Deputies of the honorable Legislative Assembly; Magistrates of the honorable Supreme Court of Justice; Your Excellency and Reverend Archbishop of San Salvador; Your Excellencies and Reverend Bishops; Messrs. representatives of the Armed Forces; honorable special guests; ladies and gentlemen, Salvadoran people:

Salvadorans, all Salvadorans, those who hear me here or are outside and especially the 5 million Salvadorans who await a better destiny for our fatherland with faith. In the face of the immense responsibility that has been given to the government that begins today, I want to start this first address to the nation by imploring divine help, with humility and recognition, in facing the many problems that overwhelm us, asking God for the necessary wisdom and strength to permit us to find the just reply that our fatherland's problems demand and success in our search for justice and happiness.

The significance of this unique, unprecedented, and new historic moment in our fatherland is that it is the product of the unmistakable and iron will of all of the Salvadoran people, who on two consecutive occasions -- 26 March and 6 May 1984 -- went massively to the polls to freely elect their legitimate rulers.

Today, hope is strengthened in the darkness of despair. Today, a light is lit in the long night of horror being experienced by El Salvador. Today, the loud shout of happiness is heard amid tears and sorrow. The delicate plant of democracy is being born in our fatherland today. The seed of democracy was planted by the Salvadoran people with extraordinary effort. It was watered with their tears and blood and fertilized with Spartan heroism. This seed began to successfully germinate under the firm decision of the revolutionary government junta in the March 1982 elections for deputies. Today, when it has been born, it is up to us to protect it, surrounding it with all possible faith, so that it will flower with the wonders of all colors and so that we will permanently harvest the fruits that we all desire. Today, a great national effort culminates and the path to a gigantic undertaking begins.

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El Salvador: Human Rights
Special Project (1993)

The achievement of democracy has never been easy for any people throughout mankind's history. El Salvador, all of its people, have paid a high price for it. This is why our first recognition must go to the people of yesterday and today, especially all who were persecuted, deprived of their freedom, exiled from the homeland, or lost their lives. My deep recognition goes out to all of them.

In a very particular way I wish to address all who kept their faith in democracy in the most adverse conditions, and who went to vote in the three democratic elections that we have held in the 80's.

The Armed Forces -- The people's determination and faith would never have been enough to ensure that their will would be respected without the firm and determined position taken by our Armed Forces. On 15 October 1979, the Armed Forces chose their course in accordance with the responsibilities and functions that the political Constitution specifies for them, and initiated the nation's democratic development on three different occasions. Overcoming all obstacles and temptations, they have guaranteed the free exercise of suffrage. Our civilians have seen with increasing admiration how the immense majority of the soldiers, guards, and policemen protected and cared for the voters and guaranteed the results of the elections. On behalf of the civilian sector, my deepest recognition goes out to the Armed Forces for this marvelous epic.

Why did we vote? When over 80 percent of the Salvadoran people turned out to vote, it was not only because of their profound faith in the democratic system and in freedom. At the bottom of their hearts, each Salvadoran has also expressed, in voting, his profound desire to achieve peace and to create the necessary conditions for all of us to have work, the means for a decent life, and access to products in accordance with the potentials of each of us.

Salvadorans, we must bravely, frankly, and realistically acknowledge the fact that our homeland is immersed in an armed conflict that affects each and every one of us; that this armed conflict has gone beyond our borders and has become a focal point in the struggle between the big world power blocs. With the aid of Marxist governments like Nicaragua, Cuba, and the Soviet Union, an army has been trained and armed and has invaded our homeland.

Its actions are directed from abroad. Armed with the most sophisticated weapons, the Marxist forces harass our Armed Forces and constantly carry out actions intended to destroy our economy, with the loss of countless human lives and the

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Special Project (1993)

suffering of hundreds of thousands of Salvadorans. For its part, our Army has been considerably enlarged, it has received better training, and it is imbued with a profound patriotic commitment to defend the people and to keep us from falling into the hands of Marxist subversion, which seeks to establish a totalitarian dictatorship in our homeland.

For its part, my government will make efforts to promote a climate of security and confidence that will permit us, as a prior step, to begin as soon as possible a national dialogue among all democratic forces and majority sectors so that no one can doubt that such a formula is a genuine decision and an expression of the will of all of the people and that should be turned into a common, energetic, and supreme effort capable of overcoming all obstacles and of achieving the great objective of peace. For this purpose, we will appeal to the law, international solidarity, patriotic responsibility and, when circumstances demand, to the legitimate right of defense.

The structural crisis. The crisis we currently face has its origins in the unequal structures that have characterized our political, economic, and social process. But we have also recognized our weaknesses and errors so as to implement adequate reforms and begin to build democracy, social justice, and respect for human rights, and to achieve the peace that we need and desire so much. In the face of this reality, El Salvador does not need foreign ideologies. It does not need to hear the deafening language of sophisticated weapons or the materialistic clamor of an alleged specific destiny. It does not need to be an area of international dispute.

However, we need to build a new fatherland, free of an unjust past and in whose foundations there will be a predominant place for human development and freedom within a context of participatory institutions that will guarantee respect for the rights of all individuals without regard to their political position, economic condition, or social situation.

In the face of this panorama of crisis at the national, regional, and international level in which the Salvadoran and Central American society finds itself, the wise and just decisions that history demands cannot be postponed. These must be based on confidence about what we are capable of doing for our people and not on an absurd, irresponsible, and useless challenge. For this reason and fully aware of what leading all my people to their own miracle of liberation means, I called for God's assistance, and after having placed my life and will under his care I accepted the challenge that this huge responsibility represents, one that with the legitimate pride of being a Salvadoran I fully reiterate.

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At the regional level, we now have the moral solvency to endorse and give our support to the Contadora Group's efforts in the search for a political solution leading to levels of detente which smooth the way to peace, democracy, and social transformations with all the forces seeking these objectives.

Economy and development. Our major commitment is the promotion of our domestic development and economic recovery. This will permit the qualitative and quantitative strengthening of necessary and undelayable economic changes that will generate greater production, will increase the national wealth, and will diversify its distribution, raising the living standard of the Salvadoran people so they may live with the dignity and decorum they deserve as human beings. We must readjust our country's productive mechanisms in a just and balanced way that makes it possible to permanently integrate the vast majority of our people in the process of development and national recovery. Along with the just and balanced integration of the various sectors in the productive process, we will strengthen the existing mechanisms for production, commercialization, and service to generate greater wealth and more jobs. This coordinated action between the public and private sectors and between the management and labor sectors will increase efficiency and productivity, will strengthen the capacity for demand, and will create more markets, thus helping the balance of payments and improving not only the terms of trade but, naturally, our national production in general.

We are certain that, with general cooperation, the correct strengthening of the reforms already begun will permit, in the shortest time possible, an economic breakthrough that will fight unemployment and our country's lack of foreign exchange.

One of our great objectives will be to strengthen the national cooperative movement, because we feel that it is one of the most efficient mechanisms for giving participation and opportunity to all the majority sectors and for achieving economic democracy and political stability in the country. We believe that along with the qualitative changes initiated in our economic structure, a necessary and unavoidable way to increase wealth and create new jobs in accordance with the social model that we plan to establish is to protect and encourage a strong private sector with opportunities for small, medium-sized, and big businessmen, within the framework of harmonious relations and cooperation with the public sector. We are sure this will revitalize production and will help us substantially improve our objectives. Achievement of the above will be the basis for restoring and encouraging national confidence and trust, thus guaranteeing a greater attraction for foreign investment and a wider opening to international cooperation.

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Special Project (1993)

I have begun knocking on the doors of friendly nations, and I am sure that they will not leave us alone in the battle to attain the democratic destiny that awaits El Salvador and which it deserves.

Justice and integrity. The establishment, enforcement, and overall respect for human rights is inherent in the pacification and democratization of our homeland. It is for this reason that my government will endorse all the actions, initiatives, and mechanisms needed to achieve the overall betterment of our citizens so that, through the activities of the state, the individual is recognized as the origin and end of the common good. For this reason I will fight openly and tirelessly to control abuses of authority and violence of the extremes. I will fight tirelessly to eradicate from our homeland the death squads and all the problems of injustice and arrogance. No one -- because I shall not permit it -- will be able to say that this administration has violated the fundamental rights of my people. And whoever tries it will feel the full weight of the law.

Another important aspect included in my government plan is the fight to forcefully eradicate corruption, wherever it may be, especially corruption in public administration and in the administration of justice, as no one can place himself above the law or administer it in a biased or discriminatory way. The law will have to be defined and applied clearly as a means to strengthen the independence of the judicial branch.

We are aware that justice, democracy, and the legal groundwork here in El Salvador demand the participation of all the social and economic sectors of this nation and that the exercise and implementation of the law in our country must be both general and effective so that each and every Salvadoran can be sure of his rights. The legal processes must be geared toward a clear trial of the suspect and guaranteeing respect of the innocent.

Salvadoran people, in the election my party won 54 percent of the vote; in my government, in my administration, I intend to obtain the support of all, especially those who have not yet joined the democratic process. However, I will not disappoint my people to gain the support of the extremists on either side. Neither will I negotiate the mandate of my people to accept international assistance or the cooperation of any one country.

In five years, when I turn the Presidency over to my successor, I aspire to have him receive a different country. I request your support and aid in these five years, which will be crucial. I ask you not to judge my government in advance or to

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deprive me of the chance to confront problems, because any delay may mean the death of a human being, the suffering of a mother, or the hunger of a child. The poverty and the problems are real, but together we can resolve them. The people's will elected me; their hope and faith will sustain me. When my people demand that I put an end to the death squads, to the violence, and to the foreign intervention, these demands are a challenge for me. I ask you to give me your support and strengthen our decision to work together, not apart. Let us all join the social pact. Let us seek the common points, let us plant the seed of faith, and we will harvest the fruits of democracy.

My friends, the Salvadoran Indians in the (UPD) have asked me to end this message by invoking God again with the Our Father, using the Nahua language of our ancestors as a testimony of the cultural tradition of our race and our belief, which is the basis of both our history and our future [Says prayer in Indian language] With this prayer I invoke God so He may guide and help us, so the people will understand us and will have faith, and so the peoples of the world can hear the clamor of this nation, which is asking for peace. Onward Salvadorans, the future is ours. Thank you very much.

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Special Project (1993)

APPENDIX C

EL SALVADOR ELECTION OBSERVERS' COMMENTS

El Sol (Mexico): A decisive stage in the difficult path that El Salvador is traveling . . . The guerrillas failed in their attempts to discourage participation and the determination and courage of the Salvadoran people to attain peace and political stability are impressive.

The Christian Science Monitor: ...a victory for peace and moderation. For the election's promise to be realized, Salvadorans must rally around Duarte. Ultimately this, and not US influence or aid, is needed to build a democratic consensus within El Salvador.

The New York Times: ...an elected President could begin to demonstrate that democratic institutions can take root in El Salvador. In a country that has known little but tyranny, the rule of law and civilian control over the military are truly radical ideas.

If there is a center in El Salvador, Mr. Duarte alone seems able still to define it. And if Sunday's balloting gave him that chance, he will need the energetic encouragement of Americans and democrats everywhere.

The Washington Post: In Jose Napoleon Duarte, the US has a Central American leader worth betting on. A good man has won as valid an election as a realistic person can imagine in a country torn by war and social revolution. Now American policy should focus on what will help Mr. Duarte hold off the guerrillas' expected "final offensive," control his military and move toward dialogue.

US Observer Delegation to Salvadoran Election: When all is said and done, the strong message of this election is that the Salvadoran people have declared their own political solution to the crisis that challenges this country. Three successful elections in two years, are a clear repudiation of the insurgency. The people of this country have declared themselves in favor of the democratic process. The delegation calls upon all Salvadorans, including the members of the armed opposition, to heed the message of this election. It also calls upon fellow Americans and all members of the international community to provide increased support for the democratically elected government of El Salvador.

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El Salvador: Human Rights
Special Project (1993)

Jornal Do Brasil (Rio): The guerrillas say that the elections are not legitimate. The fury they unleashed against the voters, however, indicates much more than a divergence of principles. The truth is that the radical left does not like to test its voting power because it knows it will lose.

Havana Domestic Service: The FMLN could not remain indifferent to this political event, behind which hides imperialism's armed aggression and the continuation of genocide.

El Pais (Madrid): There is no doubt that considerable masses of the Salvadoran people have manifested a will to express their preference for the government of the country by means of a vote.

ABC (Madrid): The country has rejected the path of armed belligerence and of violence from the extreme right as well as the extreme left. The voting urns have broken violent bipolarization.

Havana International Service: . . . yet another farce.

El Tiempo (Bogota): . . . impartial observers -- not all of them sympathizers with the Salvadoran regime -- have expressed their admiration for the elections. Again and this time with greater order, long lines of citizens cast their votes against the guerrillas.

The Australian (Canberra): (Duarte's) success is a victory for the democratic values which he has represented for so long and with such courage. It is a defeat for the assassins of the far right and for the gunmen of the Farabundo Marti Liberation Front. It marks a step forward in the process of helping the people of Central America to achieve a just society within the framework of free institutions.

Baltimore Sun: President-elect Duarte deserves a chance to bring peace to El Salvador. He deserves this country's support in demonstrating that a viable democratic society can be built despite the dead weight of an oligarchic past and the violence of an on-going civil war. This is no time for Congress to throttle El Salvador's desperate bid for genuine democracy. If Central America becomes a consuming election-year issue, the one Salvadoran leader who will suffer most is Jose Napoleon Duarte. That hardly should be a U.S. objective.

O Estado De Sao Paulo (Brazil) . . . (El Salvador's) people, right in the middle of a bloody civil war spurred by leftist guerrillas and fomented from abroad . . . had to choose between the left, which intends to build up the regime by the force of arms, the right, which falls prey to the dialectics of

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AMEMBASSY PARIS
AMEMBASSY STOCKHOLM
AMEMBASSY OSLO
AMEMBASSY COPENHAGEN
USMISSION GENEVA

C O N F I D E N T I A L GUATEMALA 07341

E.O. 12356: DECL: OADR
TAGS: PGOV, GT, SHUM
SUBJECT: GUATEMALA PARDONS ALL PRISONERS CONVICTED BY SPECIAL TRIBUNALS

REFS: A) GENEVA 1973 B) 83 GUATEMALA 3871 (NOTAL)
C) 83 GUATEMALA 8868 (NOTAL)

1. (U) DR. RUTH GRAVIOLA BROOKS, CONVICTED IN APRIL 1983 BY THE SPECIAL TRIBUNALS OF ILLEGAL POSSESSION OF WEAPONS, WAS GRANTED AN UNCONDITIONAL PARDON AND RELEASED FROM PRISON ON JULY 18, 1984. THE PARDON CAME AS A RESULT OF A NEW DECREE LAW, NO. 74-84, IN WHICH A FULL PARDON WAS GRANTED TO ANY PERSON CONVICTED BY THE SPECIAL TRIBUNALS. DR. BROOKS IMMEDIATELY LEFT GUATEMALA, ALLEGEDLY FOR SECURITY REASONS. SHE REPORTEDLY TOLD REPORTERS AS SHE LEFT GUATEMALA THAT SHE FEARED FOR HER LIFE, SINCE HER INITIAL CONVICTION WAS ON "THE WHIM OF SECURITY FORCES".

2. (U) THE NEW LAW, WHICH WAS PROMULGATED WITHOUT ANY PRIOR NOTICE, GRANTS FULL PARDON FROM CRIMINAL CHARGES, BUT RETAINS CIVIL PENALTIES (FINANCIAL RESTITUTION TO VICTIMS OR RELATIVES IF SUIT HAS BEEN BROUGHT IN COURT) ASSESSED AGAINST SPECIAL TRIBUNAL PRISONERS. IT IS EXPECTED THAT ALL PRISONERS CONVICTED BY THE SPECIAL TRIBUNALS WILL BE RELEASED DURING THE COURSE OF THE NEXT FEW DAYS. SECRETARY GENERAL OF THE CHIEF OF STATE'S STAFF GIRON SANCHEZ STATED THAT JUSTICE MAY HAVE BEEN CIRCUMVENTED IN SOME CASES BY THE SPECIAL TRIBUNALS, AND SO, TO RESTORE JUSTICE IN GUATEMALA, ISSUED THE PARDON.

PAGE 01 GUATEM 07341 1921582 2229

3. (U) EMBASSY RECOMMENDED THAT DEPARTMENT ADVISE CONGRESSIONAL OFFICES WHICH HAVE IN THE PAST, WRITTEN ON BEHALF OF DR. BROOKS, OF HER RELEASE AND DEPARTURE FROM GUATEMALA. EMBASSY RECORD INDICATE RECEIPT OF A TELEGRAM FROM 45 MEMBERS OF CONGRESS AND LETTERS FROM SENATOR ALLAN CRANSTON AND REPRESENTATIVE JAMES SLATTERY.

4. (C) COMMENT - ISSUANCE OF A DECREE GRANTING PARDON TO PERSONS CONVICTED BY THE NON-DEFUNCT SPECIAL COURTS CAME WITHOUT FOREWARNING, AND IS A WELCOME SURPRISE. DR. BROOKS HAS BEEN THE SUBJECT OF MANY INTERNATIONAL INQUIRIES. HERE IS ONE OF THE FEW CASES OF THE GOG TAKING NOTE OF INTERNATIONAL OPINION ON AN INDIVIDUAL PRISONER.

5. (C) THE DECREE ALSO COMPLIES WITH AN ACTION URGED BY THE UNHRC AT ITS 1984 SESSION, AS STATED IN THE COMMISSION RESOLUTION ON GUATEMALA CALLING ON THE GOG TO ALLOW NEW TRIALS FOR PERSONS CONVICTED BY THE SPECIAL COURTS.

6. (U) EMBASSY WILL EVALUATE DECREE LAW AND SIGNIFICANCE OF TIMING OF ITS ISSUANCE. END COMMENT.

GRAHAM

AT - MG
I didn't know this
it's great news.
FA

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 06/23/95
Case ID: 95122201

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PAGE 01 GUATEM 07479 01 OF 02 241850Z
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UNCLAS SECTION 01 OF 02 GUATEMALA 07479

A/SY/TAG

E.O.12356: N/A
TAGS: PGOV, ASEC, SHUM, GT
SUBJECT: MONTHLY POLITICAL VIOLENCE AND HUMAN RIGHTS REPORT FOR JUNE, 1984.

1. MONTHLY POLITICAL VIOLENCE AND HUMAN RIGHTS REPORT FOR JUNE 1984, TAKEN FROM OFFICIAL GOG BULLETINS, INDEPENDENT NEWS REPORTS, AND GUERRILLA COMMUNIQUES AS REPORTED BY FBIS.

2. DEATHS

CIVILIAN NON-COMBAT:

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PAGE 02 GUATEM 07479 01 OF 02 241850Z

	URBAN	RURAL	TOTAL
	12	10	22

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COMBAT:

	URBAN	RURAL	TOTAL
MILITARY KIA:	10	22	32
GUERRILLA KIA:	1	6	7
CIVILIAN KIA:	0	0	0

	CIVILIAN	GUERRILLA	MILITARY	TOTA
MAY:	63	9	53	125
JUNE:	22	7	32	61
YEAR-TO-DATE:	284	126	159	669

OCCUPATION OF VICTIM, WHERE NOTED:

MILITARY:	24
POLICEMEN:	8

UNCLASSIFIED

UNCLASSIFIED

FARMERS:	8
GUERRILLAS:	7
UNEMPLOYED:	4
STUDENTS:	2
LABORERS:	2
UNKNOWN:	6

NOTE: TEN OF THE DEATHS WERE EXECUTIONS BY GUERRILLAS, INCLUDING TWO MILITARY OFFICERS, ONE FARM ADMINISTRATOR, AND SIX POLICEMEN. ALSO, THE MILITARY CASUALTY FIGURES INCLUDE 21 FROM A GUERRILLA COMMUNIQUE WHICH

HAS NOT BEEN VERIFIED BY OTHER SOURCES.

3. ABDUCTIONS:

	URBAN	RURAL	TOTAL
MAY:	34	28	62
JUNE:	14	16	30
YEAR-TO-DATE:	139	155	294

NOTE: TEN OF THE KIDNAP VICTIMS WERE ABDUCTED BY THE GUERRILLAS, INCLUDING A MILITARY COMMISSIONER, SIX POLICEMEN, AND A DEPUTY MAYOR.

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PAGE 01 GUATEM 07479 02 OF 02 241846Z
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UNCLAS SECTION 02 OF 02 GUATEMALA 07479

A/SY/TAG

E.O.12356: N/A
TAGS: PGOV, ASEC, SHUM, GT
SUBJECT: MONTHLY POLITICAL VIOLENCE AND HUMAN RIGHTS

OCCUPATION OF VICTIM, WHERE NOTED:

LABORERS: 8

POLICEMEN: 7

FARMERS: 6

POLITICIANS: 3

UNCLASSIFIED

UNCLASSIFIED

PROFESSIONALS: 2

STUDENTS: 1

MILITARY: 1

UNKNOWN: 2

IT IS INTERESTING THAT STEPHEN KINZER'S NEW YORK TIMES ARTICLE OF JULY 21 ESTIMATES THAT 250 GUATEMALANS HAD DISAPPEARED IN 1984; THUS, ANOTHER SOURCE TOTALLY INDEPENDENT OF THE EMBASSY, A GROUP COMPOSED OF RELATIVES OF DISAPPEARED PERSONS, INTERVIEWED BY KINZER, REPORTS DATA VERY SIMILAR TO EMBASSY ESTIMATE OF 294 FOR FIRST SIX MONTHS. DISAPPEARANCES ARE THE MOST NEGATIVE FACTOR IN THE HUMAN RIGHTS PICTURE, IN THAT THEY HAVE MORE THAN DOUBLED OVER SAME PERIOD FROM 1983.

4. ACTS OF TERRORISM OR WAR

MILITARY-GUERRILLA CLASHES: 6

VILLAGE TAKEOVERS BY GUERRILLAS: 1

TAYLOR

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*** Current Handling Restrictions *** n/a
*** Current Classification *** UNCLASSIFIED

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TEXT OF TELEGRAM 84SAN SA008994

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FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 7616
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY MADRID
AMEMBASSY MEXICO
AMEMBASSY PARIS
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HEIGHTS PN
USIA WASHDC 3353

UNCLAS SAN SALVADOR 08994

USIA FOR AR AND P/CENTAM

E.O. 12356: N/A
TAGS: PTER, ES, PINR, PINS, SHUM
SUBJECT: BANK TAKEOVER ENDS WITHOUT FURTHER VIOLENCE

REF: SAN SALVADOR 8982 (NOTAL)

1. THE BANK TAKEOVER BY FOUR MEN WHO REPORTEDLY CLAIMED TO BE MEMBERS OF THE FMLN ENDED ON AUGUST 3 WITHOUT FURTHER VIOLENCE WHEN THE FOUR MEN IN QUESTION TURNED THEMSELVES IN TO JUSTICES OF THE SUPREME COURT. THE BANK ASSAILANTS REPORTEDLY ASKED ORIGINALLY
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PAGE 02 SAN SA 08994 041650Z

FOR POLITICAL ASYLUM FROM THE MEXICAN AND SPANISH EMBASSIES AND WERE TURNED DOWN. FRENCH CHARGE TOLD US THAT HIS EMBASSY ALSO BECAME INVOLVED WHEN THE DIRECTOR OF THE BANCO AGRICOLA COMERCIAL CALLED HIM ON HIS OWN INITIATIVE TO ASK IF FRANCE WOULD BE WILLING TO ACCEPT THE PERPETRATORS. CHARGE SAID RESPONSE FROM PARIS TO HIS INQUIRY WAS THAT IT WOULD BE POSSIBLE TO "ENVISION" AN ASYLUM ARRANGEMENT. THE ISSUE WAS OVERTAKEN BY EVENTS WHEN, IN THE MEAN-

PAGE NO.

RELEASED
El Salvador: Human Rights
Special Project (1993)

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: COX, DAVID
Date: 06/25/94
Case ID: S940004H

WHILE, THE FOUR MEN AGREED TO TURN THEMSELVES OVER TO ICRC DIRECTOR MARTIN FUHRER TO BE TAKEN IN CUSTODY BY CIVIL JUDICIAL AUTHORITIES.

2. SALVADORAN RADIO STATIONS REPORTED THAT THE HOSTAGES HAD ALL BEEN RELEASED UNHARMED. THE ONLY VICTIM OF THE BANK TAKEOVER WAS ONE BANK SECURITY GUARD WHO WAS KILLED BY THE FOUR MEN WHEN THEY ENTERED THE BANK ON AUGUST 2.

3. THE FOUR MEN ARE CURRENTLY BEING H(##) OF THE PEACE GREGORIO TREJO IN SOYAPANGO. POL CONTACTED THE JUSTICE WHO STATED THAT HE WAS PROCE THE CASE AS THAT OF A COMMON CRIME. HE WAS TAKING DEPOSITIONS FROM THE FOUR PRISONERS AT THE TIME THAT POLOFF SPOKE WITH HIM. JUDGE TREJO SAID SITUATION WAS CALM AND NO SECURITY FORCES HAD ENTERED HIS PREMISES.

4. DAO PERSONNEL AT THE SCENE REPORTED THAT GOES SECURITY FORCES RECOVERED 2 UZI SUBMACHINEGUNS, 6 .38 CALIBRE PISTOLS, AND 1 HANDGRENADE, WHICH THE FOUR ASSAILANTS HAD USED TO TAKE THE BANK. THE DAO PERSONNEL ALSO SAID THAT THE GOES SECURITY FORCES SUSPECT A LINK BETWEEN THE FOUR ASSAILANTS AND THE

RELEASED
El Salvador: Human Rights
Special Project (1993)

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PAGE 03 SAN SA 08994 041650Z

FMLN, BUT THIS HAS YET TO BE CONFIRMED.

PICKERING

NOTE BY OC/T: (##) TEXT OMISSION PARA 3. CORRECTION TO FOLLOW.

P840113-2255

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(E28)

AUGUST -6 1984 E28

Dear Senator Hart:

Thank you for your inquiry of July 13 concerning the problems [redacted] have encountered in trying to adopt a baby from El Salvador. b6

Please be advised that the American Embassy at San Salvador has no information about [redacted] Apparently their I-600 petition for an adoption visa has not yet been approved by the Immigration and Naturalization Service (INS) in Denver. You may wish to contact INS Denver for information regarding the [redacted] b6 Their address and telephone number is 1787 Federal Building, 1961 Stout Street, Denver, Colorado 80202, (303) 837-3525.

According to our information a new INS policy effective May 18, 1984 requires an INS field investigation in adoption cases from Mexico, El Salvador, Guatemala and Ecuador. INS Mexico will conduct and coordinate field investigations at the request of INS offices in the United States only in orphan cases involving certain problems. If an overseas investigation is requested, the petitioners are advised not to travel until they are contacted by the consular officer.

Please note that the Immigration and Naturalization Service works closely with American Embassies abroad to protect American citizens from fraudulent adoption practices. The Service is concerned with the problem of infant smuggling and fraudulent adoption practices. Investigations have begun regarding a number of schemes in several states and in foreign countries, including El Salvador. Such schemes have left the victims bereft, with neither the child they had been promised nor the money they spent in good faith. We appreciate that any delays may inconvenience anxious adopting parents. The investigations are carefully carried out, however, in their interests as well as the U.S. Government's to ensure that the child is not the victim of kidnapping or other illegal activities. In this way the interests of the child as well as those of the adopting and natural parents will be protected.

9601910 IR/ERS/KPe 8/6/84

The Honorable
Gary Hart,
United States Senate b6

1984 AUG -7 PM 2:47

FAIR/IAP/WI

FORWARDED BY DEPARTMENT OF STATE

UNCLASSIFIED

I hope that this information will be helpful to your committee. Please contact me again if you have any further questions.

Sincerely,

W. Tapley Bennett, Jr.
Assistant Secretary
Legislative and Intergovernmental Affairs

Enclosure:
Correspondence returned

Drafted:CA/OCS/CCS/ARA:MAGaw:dgm 08/02/84
doc. 7514c #103-2368
Clearances:
CA/OCS/CCS/ARA:DBWallace
CA/VO:WStruck
CA/OCS/CCS:KWPlummer
CA/OCS:VPennedy
INS:AStrickler

RCF

INFO OCT-00 COPY-01 ADS-00 AID-00 INR-10 SS-00 CIAE-00
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R 091519Z AUG 84
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INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HEIGHTS PN
USIA WASHDC 3365

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El Salvador: Human Rights
Special Project (1993)

[redacted] SAN SALVADOR 09158

USIA FOR AR AND P/CENTAM

E.O. 12356: N/A
TAGS: SHUM, ES
SUBJECT: THE LAS HOJAS CASE

1. (C) SUMMARY: ON JULY 18 ANIS LEADERS RELEASED AN OPEN LETTER TO PRESIDENT DUARTE AND OTHER GOES OFFICIALS IN WHICH THEY CONDEMNED THE FAILURE OF THE GOES TO ACHIEVE JUSTICE IN THE CASE OF THE MURDERED LAS HOJAS COOPERATIVE MEMBERS. EMBOFFS VISITED ANIS LEADER ESQUINO LIZCO IN SONSONATE ON JULY 27 AND WERE TOLD THAT ONLY THREE OF TEN SUSPECTS FOR WHOM ARREST WARRANTS HAVE BEEN ISSUED HAVE ACTUALLY BEEN ARRESTED. ESQUINO APPEALED FOR U.S. ASSISTANCE IN CONVINCING THE GOES TO KEEP ITS PROMISES TO PROSECUTE THIS CASE. THE JUDGE IN THE CASE TOLD EMBOFFS ON JULY 27 THAT HIS HANDS ARE TIED AND THAT THE DECISIONS NECESSARY TO MOVE THE CASE FORWARD MUST COME FROM SAN SALVADOR. ON AUGUST 1 AN ANIS LEADER TOLD LABOFF THAT SIX OF THE ORIGINAL TEN SUSPECTS ARE NO LONGER IMPLICATED IN THE CASE AS A RESULT OF PRESSURE FROM THE MILITARY TO REDUCE THE NUMBER OF SUSPECTS. HE ALSO SAID THAT ESQUINO LIZCO IS NOW THE SUBJECT OF FALSE ACCUSATIONS BY THE MILITARY THAT HE HAS LINKS TO THE GUERRILLAS. END SUMMARY.

2. (U) ON JULY 18 THE NATIONAL SALVADORAN INDIGENOUS ASSOCIATION (ANIS) RELEASED AN OPEN LETTER ON THE LAS HOJAS MASSACRE TO PRESIDENT DUARTE, THE MINISTER OF DEFENSE, THE PRESIDENT OF THE SUPREME COURT, THE FISCAL GENERAL AND THE LEGISLATIVE ASSEMBLY. THE LETTER STATES THAT ON FEBRUARY 22, 1983, 74 INDIGENOUS CAMPESINOS WERE BRUTALLY MURDERED DURING A "SEARCH OPERATION" ON THE ANIS COOPERATIVE IN LAS HOJAS. THE LETTER STATES THAT SINCE THE MASSACRE ANIS HAS SOUGHT JUSTICE IN THIS CASE BY INSISTING THAT BOTH THE INTELLECTUAL AND MATERIAL AUTHORS OF THE CRIME BE JUDGED ACCORDING TO THE LAW. THOSE PETITIONS HAVE BEEN IGNORED. THE LETTER CONTRASTS THE PROMISES MADE BY GOES OFFICIALS, PARTICULARLY THOSE MADE BY THE THEN MINISTER OF THE PRESIDENCY (I.E., DR. FRANCISCO GUERRERO, NOW SUPREME COURT PRESIDENT) WITH THE REALITY OF CONTINUED PERSECUTION OF ANIS COOPERATIVE MEMBERS BY CIVIL DEFENSE MEMBERS AND THE FAILURE TO PRESECUTE THOSE RESPONSIBLE FOR THE MURDERS. THIS, ACCORDING TO THE LETTER, FLYS IN THE FACE OF PRESIDENT DUARTE'S EXPRESSED DESIRE TO SEE JUSTICE DONE. THE ANIS STATEMENT GOES ON TO DEMAND THAT THE LAW BE APPLIED AGAINST THOSE RESPONSIBLE WITHOUT FURTHER DELAYS AND THAT THE SUPREME COURT, THE FISCAL GENERAL AND THE ARMY ABIDE BY THEIR WORD TO RESPECT HUMAN RIGHTS AND SEE JUSTICE DONE IRRESPECTIVE OF WHETHER THOSE INVOLVED ARE CIVILIANS OR UNIFORMED PERSONNEL. THE LETTER ALSO DEMANDS THAT THE MEMBERS OF THE LEGISLATIVE ASSEMBLY BE AWARE OF THESE GRAVE CASES AND HELP THE PEOPLE WHO ELECTED THEM. THE ANIS LEADERSHIP CONCLUDES WITH AN APPEAL FOR HELP TO ALL THOSE WHO ARE INTERESTED IN PURSUING HUMAN RIGHTS.

3. (C) ON JULY 27 LEGAL AND LABOR OFFICERS TRAVELLED TO SONSONATE AND LAS HOJAS. EMBOFFS SPOKE WITH ADRIAN ESQUINO LIZCO AND OTHER ANIS OFFICIALS, FIRST INSTANCE JUDGE SOMOZA AND MEMBERS OF THE LAS HOJAS COOPERATIVE WHO LOST RELATIVES IN THE FEBRUARY 22 MASSACRE. ESQUINO LIZCO WAS INDIGNANT OVER THE FAILURE OF THE GOES TO TAKE ACTION ON THIS CASE. HE SAID THAT HE HAD SPOKEN EARLIER IN THE MONTH WITH PRESIDENT DUARTE, SUPREME COURT PRESIDENT GUERRERO AND OTHER GOES OFFICIALS IN AN EFFORT TO SPUR SOME ACTION ON THE PROSECUTION OF THOSE RESPONSIBLE FOR THE KILLINGS. ESQUINO IDENTIFIED COL. GONZALEZ ARAUJO AND CAPTAIN FIGUEROA MORALES AS THE INTELLECTUAL AUTHORS OF THE CRIME AND DECRIED THE INDIFFERENCE OF THE AUTHORITIES TO THEIR PARTICIPATION. GUERRERO, HE SAID, TOLD THE ANIS LEADERS TO "FORGET ABOUT" PROSECUTING EITHER GONZALEZ OR FIGUEROA. ESQUINO ALSO CONDEMNED THE INACTION OF THE GOES IN CARRYING OUT A SATISFACTORY INVESTIGATION OF THE CRIME OR COMPLYING WITH THE ARREST WARRANT ISSUED FOR TEN SUSPECTS IN THE CASE. SO FAR, HE SAID, ONLY THREE OF THOSE ON THE WARRANT HAVE BEEN ARRESTED EVEN THOUGH SEVERAL OTHERS HAVE BEEN SEEN IN AND AROUND LAS HOJAS. SOME SUSPECTS AND THEIR FRIENDS HAVE RECENTLY RENEWED THEIR PERSECUTION OF THE COOPERATIVE MEMBERS. ESQUINO APPEALED FOR U.S. ASSISTANCE IN PROMPTING A GOES DECISION TO TAKE ACTION IN THIS CASE BY ARRESTING THE SUSPECTS WHO ARE STILL AT LARGE AND BY INDICTING FIGUEROA MORALES. HE ADDED THAT FRUSTRATION AND ANGER AMONG THE ANIS MEMBERSHIP ARE MOUNTING AND HIS ASSURANCES THAT THE GOES WILL ACT TO PROSECUTE THOSE INVOLVED IN THE KILLINGS ARE INCREASINGLY THREADBARE AND DISBELIEVED BY HIS FOLLOWERS. LAS HOJAS RESIDENTS, AMONG THEM A WOMAN WHOSE TWO SONS WERE MURDERED, REFLECTED THAT FRUSTRATION. ONE COOPERATIVE MEMBER PREFACED HER DESCRIPTION OF THE DAY OF THE MURDERS BY BITTERLY ATTACKING THE ABSENCE OF ANY JUSTICE IN THIS CASE EVEN AFTER INNUMERABLE REPETITIONS OF THE EVENTS OF THE DAY OF THE MASSACRE BEFORE MANY OTHER INQUIRING VISITORS.

4. (C) JUDGE SOMOZA EVADED RESPONSIBILITY FOR THE LACK OF PROGRESS IN THE CASE BY CLAIMING THAT HIS HANDS ARE TIED. SOMOZA CONFIRMED THAT ONLY THREE OF THE TEN SUSPECTS FOR WHOM WARRANTS HAVE BEEN ISSUED HAVE ACTUALLY BEEN ARRESTED. HE ALSO CONFIRMED THAT AT LEAST ONE OF THE AT-LARGE SUSPECTS HAS BEEN SEEN IN THE AREA AND HAS HAD CONTACT WITH THE MILITARY IN SONSONATE BUT HAS NOT BEEN ARRESTED. SOMOZA STATED THAT THE EVIDENCE AGAINST THOSE IN CUSTODY IS WEAK; HE NOTED THAT THE SUSPECTS HAVE DENIED ANY INVOLVEMENT AND THAT THE WITNESSES AGAINST THEM HAVE BEEN ABLE TO IDENTIFY THEM ONLY BY CLOTHING AND BODY TYPE BUT NOT FACIAL FEATURES (AMONG THE SOLDIERS WHO KILLED THE LAS HOJAS CAMPESINOS WERE HOODED CIVIL DEFENSE MEMBERS WHO IDENTIFIED THOSE WHO SHOULD BE KILLED.) THE JUDGE WAS UNABLE TO IDENTIFY ANY WAY IN WHICH HE COULD MOVE THE CASE FORWARD. HE RECOMMENDED A

Department of State IS/FPC/CDR El Salvador SP Date 9/17/93
Declassified under EO 12356 (X) in full; ( ) in part;
portions withheld: classified ( ); deliberative ( );
law enforcement ( ); privacy ( ), statutory ( );
not relevant ( ).

RG D 230, 2

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El Salvador: Human Rights
Special Project (1993)

RECONSTRUCTION OF THE EVENTS OF THE DAY OF THE KILLINGS BUT INSISTED THAT AN ORDER FROM THE FISCAL GENERAL WAS NECESSARY IN ORDER TO TAKE THAT STEP. SOMOZA ALSO SAID THAT THE DECISION TO ARREST THE OUTSTANDING SUSPECTS MUST COME FROM THE CENTRAL GOVERNMENT. EVERYTHING MUST COME FROM SAN SALVADOR, THE JUDGE STATED COMPLACENTLY.

5. (C) ON AUGUST 1 ANDRES REFUGIO SANCHEZ OF ANIS VISITED LABOFF. SANCHEZ SAID THAT THE FISCAL IN CHARGE OF THE CASE HAS TOLD ANIS LEADERS THAT ONLY FOUR OF THE ORIGINAL TEN SUSPECTS REMAIN IMPLICATED IN THE CRIME AT THIS POINT. ACCORDING TO THE FISCAL, SANCHEZ SAID, THE PRESSURE TO REDUCE THE NUMBER OF DEFENDANTS CAME FROM THE MINISTRY OF DEFENSE. AMONG THE NAMES DROPPED ARE NASIO PEREZ AND JUAN SERMENO, BOTH OF WHOM ARE CONSIDERED BY ANIS TO BEAR A LARGE PORTION OF THE RESPONSIBILITY FOR THE CRIME. PEREZ WAS IDENTIFIED BY LAS HOJAS RESIDENTS ON THE DAY OF THE MURDERS WHEN HE RAISED HIS HOOD AND REVEALED HIS FACE. IN ADDITION, SANCHEZ SAID THAT ESQUINO LIZCO HAS NOW BECOME THE TARGET OF INVESTIGATION FOR ALLEGED LINKS TO THE GUERRILLAS, THIS IN RETALIATION FOR THE ANIS PUBLIC STATEMENT OF JULY 18. SANCHEZ CONDEMNED THE BACKSLIDING WHICH IS UNDERWAY IN THIS CASE UNDER AN ADMINISTRATION WHICH ANIS HELPED TO ELECT.

6. (C) COMMENT: LAS HOJAS CASE RISKS BECOMING A DISASTER FOR THE GOES. PRESIDENT DUARTE IS FULLY AWARE OF THE PROBLEMS INVOLVED IN IT AND WE ARE ALSO EXPLORING WAYS TO GET ARRESTS AND PROSECUTION BACK ON TRACK.
BLEAKLEY

Department of State IS/FPC/CDR El Salvador SP Date 9/21/93
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portions withheld: classified ( ); deliberative ( );
law enforcement ( ); privacy ( ), statutory ( );
not relevant to El Salvador ( ).

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PAGE 01 SAN SA 09158 01 OF 02 091530Z
ACTION ARA-06

INFO OCT-00 COPY-01 ADS-00 AID-00 INR-10 SS-00 NSAE-00
DODE-00 H-01 NSAE-00 HA-08 L-03 TRSE-00 PM-10
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R 0915192 AUG 84
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AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO[redacted]HEIGHTS PN
USIA WASHDC [redacted]

[redacted] SECTION 01 OF 02 SAN SALVADOR 09158

USIA FOR AR AND P/CENTAM

E.O. 12356: N/A
TAGS: SHUM, ES
SUBJECT: THE LAS HOJAS CASE

1. (C) SUMMARY: ON JULY 18 ANIS LEADERS RELEASED AN OPEN LETTER TO PRESIDENT DUARTE AND OTHER GOES OFFICIALS IN WHICH THEY CONDEMNED THE FAILURE OF THE GOES TO ACHIEVE JUSTICE IN THE CASE OF THE MURDERED LAS HOJAS COOPERATIVE MEMBERS. EMBOFFS VISITED ANIS LEADER ESQUINO LIZCO IN SONSONATE ON JULY 27 AND WERE TOLD THAT ONLY THREE OF TEN SUSPECTS FOR WHOM ARREST WARRANTS HAVE BEEN ISSUED HAVE ACTUALLY BEEN ARRESTED. ESQUINO APPEALED FOR U.S. ASSISTANCE IN CONVINCING THE GOES TO KEEP ITS PROMISES TO PROSECUTE THIS CASE.
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PAGE 02 SAN SA 09158 01 OF 02 091530Z

THE JUDGE IN THE CASE TOLD EMBOFFS ON JULY 2 THAT [redacted]

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HANDS ARE TIED AND THAT THE DECISIONS NECESSARY TO MOVE THE CASE FORWARD MUST COME FROM SAN SALVADOR). ON AUGUST 1 AN ANIS LEADER TOLD LABOFF THAT SIX OF THE ORIGINAL TEN SUSPECTS ARE NO LONGER IMPLICATED IN THE CASE AS A RESULT OF PRESSURE FROM THE MILITARY TO REDUCE THE NUMBER OF SUSPECTS. HE ALSO SAID THAT ESQUINO LIZCO IS NOW THE SUBJECT OF FALSE ACCUSATIONS BY THE MILITARY THAT HE HAS LINKS TO THE GUERRILLAS. END SUMMARY.

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PAGE 03 SAN SA 09158 01 OF 02 091530Z

AGAINST THOSE RESPONSIBLE WITHOUT FURTHER DELAYS AND THAT THE SUPREME COURT, THE FISCAL GENERAL AND THE ARMY ABIDE BY THEIR WORD TO RESPECT HUMAN RIGHTS AND SEE JUSTICE DONE IRRESPECTIVE OF WHETHER THOSE INVOLVED ARE CIVILIANS OR UNIFORMED PERSONNEL. THE LETTER ALSO DEMANDS THAT THE MEMBERS OF THE LEGISLATIVE ASSEMBLY BE AWARE OF THESE GRAVE CASES AND HELP THE PEOPLE WHO ELECTED THEM. THE ANIS LEADERSHIP CONCLUDES WITH AN APPEAL FOR HELP TO ALL THOSE WHO ARE INTERESTED IN PURSUING HUMAN RIGHTS.

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3. (C) ON JULY 27 LEGAL AND LABOR OFFICERS TRAVELLED TO SO[redacted]TE AND LAS HOJAS. EMBOFFS SPOKE WITH [redacted]ESQUINO LIZCO AND OTHER ANIS OFFICIALS, FIRST INSTANCE JUDGE SOMOZA AND MEMBERS OF THE LAS HOJAS COOPERATIVE WHO LOST RELATIVES IN THE FEBRUARY 22 MASSACRE. ESQUINO LIZCO WAS INDIGNANT OVER THE FAILURE OF THE GOES TO TAKE ACTION ON THIS CASE. HE SAID THAT HE HAD SPOKEN EARLIER IN THE MONTH WITH PRESIDENT DUARTE, SUPREME COURT PRESIDENT GUERRERO AND OTHER GOES OFFICIALS IN AN EFFORT TO SPUR SOME ACTION ON THE PROSECUTION OF THOSE RESPONSIBLE FOR THE KILLINGS. ESQUINO IDENTIFIED COL. GONZALEZ ARAUJO AND CAPTAIN FIGUEROA MORALES AS THE INTELLECTUAL AUTHORS OF THE CRIME AND DECRIED THE INDIFFERENCE OF THE AUTHORITIES TO THEIR PARTICIPATION. GUERRERO, HE SAID, TOLD THE ANIS LEADERS TO "FORGET ABOUT" PROSECUTING EITHER GONZALEZ OR FIGUEROA. ESQUINO ALSO CONDEMNED THE INACTION OF THE GOES IN CARRYING OUT A SATISFACTORY INVESTIGATION OF THE CRIME OR COMPLYING WITH THE ARREST WARRANT ISSUED FOR TEN SUSPECTS IN THE CASE. SO FAR, HE SAID, ONLY THREE OF THOSE ON THE WARRANT

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El Salvador: Human Rights
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PAGE 01 SAN SA 09158 02 OF 02 0915312
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USIA WASHDC 3366

[redacted] SECTION 02 OF 02 SAN SALVADOR 09158

USIA FOR AR AND P/CENTAR

E.O. 12356: N/A
TAGS: SHUM, ES
SUBJECT: THE LAS HOJAS CASE

HAVE BEEN ARRESTED EVEN THOUGH SEVERAL OTHERS
HAVE BEEN SEEN IN AND AROUND LAS HOJAS. SOME SUSPECTS AND THEIR FRIENDS HAVE RECENTLY RENEWED THEIR PERSECUTION OF THE COOPERATIVE MEMBERS. ESQUINO APPEALED FOR U.S. ASSISTANCE IN PROMPTING A GOES DECISION TO TAKE ACTION IN THIS CASE BY ARRESTING THE SUSPECTS WHO ARE STILL AT LARGE AND BY INDICTING FIGUEROA MORALES. HE ADDED THAT FRUSTRATION AND ANGER AMONG THE ANIS MEMBERSHIP ARE MOUNTING AND HIS ASSURANCES THAT THE GOES WILL ACT TO PROSECUTE THOSE INVOLVED IN THE KILLINGS ARE
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PAGE 02 SAN SA 09158 02 OF 02 0915312

INCREASINGLY THREADBARE AND DISBELIEVED BY HIS FOLLOWERS. LAS HOJAS RESIDENTS, AMONG THEM A WOMAN

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El Salvador: Human Rights
Special Project (1993)

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WHOSE TWO SONS WERE MURDERED, REFLECTED THAT FRUSTRATION. ONE COOPERATIVE MEMBER PREFACED HER DESCRIPTION OF THE DAY OF THE MURDERS BY BITTERLY ATTACKING THE ABSENCE OF ANY JUSTICE IN THIS CASE, EVEN AFTER INNUMERABLE REPETITIONS OF THE EVENTS OF THE DAY OF THE MASSACRE BEFORE MANY OTHER INQUIRING VISITORS.

4. (C) JUDGE SOMOZA EVADED RESPONSIBILITY FOR THE LACK OF PROGRESS IN THE CASE BY CLAIMING THAT HIS HANDS ARE TIED. SOMOZA CONFIRMED THAT ONLY THREE OF THE TEN SUSPECTS FOR WHOM WARRANTS HAVE BEEN ISSUED HAVE ACTUALLY BEEN ARRESTED. HE ALSO CONFIRMED THAT AT LEAST ONE OF THE AT-LARGE SUSPECTS HAS BEEN SEEN IN THE AREA AND HAS HAD CONTACT WITH THE MILITARY IN SONSONATE BUT HAS NOT BEEN ARRESTED. SOMOZA STATED THAT THE EVIDENCE AGAINST THOSE IN CUSTODY IS WEAK; HE NOTED THAT THE SUSPECTS HAVE DENIED ANY INVOLVEMENT AND THAT THE WITNESSES AGAINST THEM HAVE BEEN ABLE TO IDENTIFY THEM ONLY BY CLOTHING AND BODY TYPE BUT NOT FACIAL FEATURES (AMONG THE SOLDIERS WHO KILLED THE LAS HOJAS CAMPESINOS WERE HOODED CIVIL DEFENSE MEMBERS WHO IDENTIFIED THOSE WHO SHOULD BE KILLED.) THE JUDGE WAS UNABLE TO IDENTIFY ANY WAY IN WHICH HE COULD MOVE THE CASE FORWARD. HE RECOMMENDED A RECONSTRUCTION OF THE EVENTS OF THE DAY OF THE KILLINGS BUT INSISTED THAT AN ORDER FROM THE FISCAL GENERAL WAS NECESSARY IN ORDER TO TAKE THAT STEP. SOMOZA ALSO SAID THAT THE DECISION TO ARREST THE OUTSTANDING SUSPECTS MUST COME FROM THE CENTRAL GOVERNMENT. [illegible]THING MUST COME FROM SAN SALVADOR. THE JUDGE

STATED COMPLACENTLY.

5. (C) ON AUGUST 1 ANDRES REFUGIO SANCHEZ OF ANIS VISITED LABOFF. SANCHEZ SAID THAT THE FISCAL IN CHARGE OF THE CASE HAS TOLD ANIS LEADERS THAT ONLY FOUR OF THE ORIGINAL TEN SUSPECTS REMAIN IMPLICATED IN THE CRIME AT THIS POINT. ACCORDING TO THE FISCAL, SANCHEZ SAID, THE PRESSURE TO REDUCE THE NUMBER OF DEFENDANTS CAME FROM THE MINISTRY OF DEFENSE. AMONG THE NAMES DROPPED ARE MARIO PEREZ AND J. H SERMENO, BOTH OF WHOM ARE CONSIDERED BY ANIS TO BEAR A LARGE

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PORTION OF THE RESPONSIBILITY FOR THE CRIME. PEREZ WAS IDENTIFIED BY LAS HOJAS RESIDENTS ON THE DAY OF THE MURDERS WHEN HE RAISED HIS HOOD AND REVEALED HIS FACE. IN ADDITION, SANCHEZ SAID THAT ESQUINO LEZCO HAS NOW BECOME THE TARGET OF INVESTIGATION FOR ALLEGED LINKS TO THE GUERRILLAS, THIS IN RETALIATION FOR THE ANIS PUBLIC STATEMENT OF JULY 18. SANCHEZ CONDEMNED THE BACKSLIDING WHICH IS UNDERWAY IN THIS CASE UNDER AN ADMINISTRATION WHICH ANIS HELPED TO ELECT.

6. (C) COMMENT: LAS HOJAS CASE RISKS BECOMING A DISASTER FOR THE GOES. PRESIDENT CUARTE IS FULLY AWARE OF THE PROBLEMS INVOLVED IN IT AND WE ARE ALSO EXPLORING WAYS TO GET ARRESTS AND PROSECUTION BACK ON TRACK.
BLEAKLEY

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Department of State IS/FPC/CDR El Salvador SP Date 4
Declassified under EO 12356 (+) in full; ( ) in part;
portions withhold: classified ( ); deliberative ( );
law enforcement ( ); privacy ( ), statutory ( );
not relevant to El Salvador ( ).

Department of State

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PAGE 01 SAN SA 09767 01 OF 02 232047Z
ACTION ARA-00

INFO OCT-00 COPY-01 ADS-00 AID-00 INR-10 SS-00 CIA
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P 232042Z AUG 84
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC PRIORITY 8044
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY MEXICO
AMEMBASSY ROME
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HEIGHTS PN
USIA WASHDC 3918

[redacted] SECTION 01 OF 02 SAN SALVADOR 09767

USIA FOR AR AND P/CENTAM
ROME FOR EMBASSY VATICAN

E.O. 12356: N/A
TAGS: SHUM, ES
SUBJECT: COMMENTS ON THE AUGUST 19 HOMILY

REF: SAN SALVADOR 9666

1. CONFIDENTIAL--ENTIRE TEXT.

2. THE HOMILY FOR AUGUST 19 WAS SIGNIFICANT FOR SEVERAL RELATED REASONS. ONE KEY POINT WAS THE SERMON'S DELIVERY BY MSGR. RICARDO URIOSTE, SELDOM ACCORDED THIS RESPONSIBILITY IN THE PAST. NORMALLY, WHEN OUT OF TOWN, THE ARCHBISHOP DELEGATES HIS WEEKLY

[redacted]

PAGE 02 SAN SA 09767 01 OF 02 232047Z

SERMO[redacted] THE AUXILIARY, BISHOP ROSA[redacted]AVEZ, OR TO

UNCLASSIFIED

[redacted]

FATHER TORUELLA, EDITOR OF THE ARCHDIOCE
IN OUR VIEW, THE SELECTION OF URIOSTE MA
SPECIFICALLY RELATED TO THE PUBLIC DEFEN
TUTELA LEGAL CONTAINED IN THE HOMILY. U
FIRMLY ASSOCIATED WITH THE LEFT WING AT
ARCHDIOCESE, WHICH NOTABLY INCLUDES HIS
TUTELA LEGAL HEAD MARIA JULIA HERNANDEZ.
AND TORUELLA ARE CLEARLY MORE MODERATE F

3. TUTELA, ABOUT WHOSE REBUTTAL OF OUR
CRITIQUE AND NEW METHODOLOGY WE REPORT SI
OBVIOUSLY BEEN DISCOMFITED BY PRESS MENT
CIRCULATION OF OUR CRITIQUE. THAT IT IS
THE CHANCE TO MAKE ITS OWN CASE, HOWEVER
AND THAT THE ARCHDIOCESE IS STANDING BY
SURPRISING. AS WE HAVE REPORTED IN THE
ARCHBISHOP HIMSELF CLEARLY IS AT ODDS WI
BUT HAS OTHER OVERRIDING PRIORITIES: TO
HUMAN RIGHTS QUESTION CONTINUALLY AND OR
PRESENT IN NATIONAL AND DOMESTIC CONSCIO
AVOID A MINI-SCHISM WITHIN THE CHURCH; A
CREDIBILITY WITH BOTH SIDES AS A MEDIATO
CONFLICT.

4. ANOTHER ISSUE IN THE HOMILY WAS THE A
OF 68 CIVILIAN DEATHS JULY 18-22, APPARE
MILITARY OPERATIONS IN THE GUERRILLA-INF
WHERE THE BORDERS OF CHALATENANGO, CABAN
CUSCATLAN COME TOGETHER. WE WILL ATTEMP
TUTELA LEGAL PROVIDE US THEIR SOURCE MAT
THE CHARGE BUT IT IS IMPROBABLE THAT IT
DEFINITIVE OR THAT EMBASSY FOLLOW-UP CAN

[redacted]

PAGE 03 SAN SA 09767 01 OF 02

5. URIOSTE NOTED THE ARCHBISHOP'S ABSENC
TO LA PALMA PARISH IN NORTHERN CHALATENA
THE POINT MAY BE SIGNIFICANT BECAUSE THE
ALLEGED CIVILIAN BOMBING DEATHS RECENTLY
LA PALMA. WE FIRST HEARD OF THEM AUGUST
RADIO VENCEREMOS (FBIS CHIVA CHIVA R 161
AS HAVING TAKEN PLACE AT EL GRAMAL AND R
LOCALITIES, BUT CAREFUL OVERFLIGHT AUGUS
POLOFF, AIRATT, AND GOES HUMAN RIGHTS CO

[redacted]

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[redacted]

CHIEF CESTONI, REVEALED NO TRACE OF THE CLAIMED BOMBING ACTIVITY. FAS MISSION LOGS PREVIOUSLY MADE AVAILABLE TO US INSTEAD REPORTED THE BOMBING TO HAVE TAKEN PLACE NEAR LA PALMA AT A PLACE CALLED MIRAMUNDO, AS URIOSTE SUBSEQUENTLY REPORTED IN THE HOMILY. WE HAD CONCLUDED THAT THE FAS LOG WAS IN ERROR, SINCE THE ONLY MIRAMUNDO IN THE DMA GAZZETTEER IS A MOUNTAIN IN SANTA ANA DEPARTMENT 15 KMS WEST AND NORTH OF LA PALMA. WE THEN, ON AUGUST 22, DISCOVERED ONLY BY MINUTE INSPECTION OF A PROVISIONAL DMA MAP THAT THERE IS A TINY CLUSTER OF DWELLINGS BY THAT NAME ABOUT 10 KILOMETERS NORTH EAST OF LA PALMA, PRACTICALLY ASTRIDE THE DISPUTED SALVADORAN-HONDURAN BORDER OF BOLSON "B". WE DO NOT CONSIDER THAT AREA, WHICH IS SIMON-PURE GUERRILLA TERRITORY, TO BE SAFE FOR OVERFLIGHT INSPECTION. WE WILL, HOWEVER, SEEK TO DETERMINE WHETHER THE ARCHBISHOP LOOKED INTO THE MATTER HIMSELF AT LA PALMA AND WHAT HIS FINDINGS MIGHT HAVE BEEN.

6. URIOSTE ALSO MENTIONED THE CASE OF WILLIAM RAMOS ORELLANA, WHOSE ARREST VIOLATED PROPER PROCEDURE.

[redacted]

[redacted]

PAGE 01 SAN SA 09767 02 OF 02 232047Z
ACTION ARA-00

INFO OCT-00 COPY-01 ADS-00 AID-00 INR-10 SS-00 CIAE-00
DODE-00 NSC-01 NSAE-00 HA-08 LAB-04 TRSE-00 PA-01
SP-02 PRS-01 SLPD-01 /029 W
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P 232042Z AUG 84
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC PRIORITY 8045
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY MEXICO
AMEMBASSY ROME
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HEIGHTS PN
USIA WASHDC 3419

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El Salvador: Human Rights Special Project (1993)

[redacted]SECTION 02 OF 02 SAN SALVADOR 09767

USIA FOR AR AND P/CENTAM
ROME FOR EMBASSY VATICAN

E.O. 12356: N/A
TAGS: SHUM, ES
SUBJECT: COMMENTS ON THE AUGUST 19 HOMILY

ON AUGUST 15 COL. REVELO OF THE POLICIAN NACIONAL TOLD US THAT HE DID NOT HAVE RAMOS IN CUSTODY AND THAT THE PN DID NOT ARREST HIM. HE SAID, HOWEVER, THAT PRESIDENT DUARTE HAD ORDERED A COMPLETE INVESTIGATION--BOTH INSIDE AND OUTSIDE THE GOVERNMENT. A BRIEFCASE SAID TO HAVE BEEN LEFT BEHIND BY RAMOS AT THE TIME OF HIS ARREST WAS TURNED OVER TO THE PN, REVELO SAID. THE BRIEFCASE CONTAINED SUBVERSIVE INFORMATION, ACCORDING TO REVELO. ON AUGUST 20

[redacted]

PAGE 02 SAN SA 09767 02 OF 02 232047Z

REVELO CALLED THE EMBASSY AND ADMITTED THAT HE HAD RAMOS IN CUSTODY, BUT THAT HE DID NOT HAVE HIM

[redacted]

CONFIDENTIAL

ARRESTED. HE SAID HE HAS ALREADY NOTIFIED THE INTERNATIONAL RED CROSS, THE OFFICIAL HUMAN RIGHTS COMMISSION AND TUTELA LEGAL, AND THAT RAMOS WOULD PROBABLY BE CONSIGNED TO MARIONA PRISON.

PICKERING

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[redacted]

UNCLASSIFIED

Department of State

Department of State IS/FPC/CDR El Salvador SP Date 9/23/93
Declassified under EO 12356 (X) in full ( ) in part;
portions withheld: classified ( ); deliberative ( );
law enforcement ( ); privacy ( ), statutory ( );
not relevant to El Salvador ( ).

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U.S. Advisor: Human Rights
Special Project (1993)

[redacted]

AN: DB40546-0062

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PAGE 01 SAN SA 09911 01 OF 03 272200Z
ACTION ARA-00

INFO OCT-00 COPY-01 ADS-00 INR-10 SS-00 OIC-0
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PRS-01 SLPD-01 /068 W
------------245617 2801112 /72
R 272184Z AUG 84
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 8108
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HEIGHTS PN
USIA WASHDC 3426

[redacted] SECTION 01 OF 03 SAN SALVADOR 0

USIA FOR AR AND P/CENTAM

E.O. 12356: N/A
TAGS: SHUM, ES
SUBJECT: MOTHERS' COMMITTEE MEETS WITH THE AMBASSADOR

REF: A. R1302252 AUG 84 FBIS CHIVA CHIVA PM
B. P1322542 AUG 84 FBIS CHIVA CHIVA PM
C. R1202542 AUG 84 FBIS CHIVA CHIVA PM
D. R1104402 AUG 84 FBIS CHIVA CHIVA PM

1. CONFIDENTIAL--ENTIRE TEXT.

2. SUMMARY: AFTER DECLINING TO MEET WITH THE MOTHERS' COMMITTEE DURING THEIR DEMONSTRATION AUGUST 13 AS THEY HAD DEMANDED IN A PUBLISHED OPEN LETTER, AMBASSADOR [redacted]

PAGE 02 SAN SA 09911 01 OF 03 272200Z

PIC[redacted]NG MET WITH THEIR REPRESENT[redacted]ES AND THOSE OF FEDEFAM AUGUST 16. THE COMMITTEE REQUESTED THE AMBASSADOR'S ASSISTANCE IN PRESSURING THE GOES FOR PROGRESS ON HUMAN RIGHTS AND URGED AN END TO US MILITARY AID TO EL SALVADOR. THE AMBASSADOR REITERATED US SUPPORT FOR HUMAN RIGHTS AND OUR CONFIDENCE IN THE DUARTE GOVERNMENT'S DEDICATION TO CHANGE. THE MEETING WAS ENTIRELY CORDIAL. END SUMMARY.

3. IN A LETTER PUBLISHED IN A PAID AD ON AUGUST 9, THE COMMITTEE OF MOTHERS AND RELATIVES OF POLITICAL PRISONERS AND THE DISAPPEARED DEMANDED AN INTERVIEW WITH AMBASSADOR PICKERING AT 10 AM MONDAY AUGUST 13 TO DISCUSS THE RELEASE OF POLITICAL PRISONERS, THE WHEREABOUTS OF THE DISAPPEARED, PROSECUTION OF DEATH SQUAD MEMBERS, AND SAFETY OF THEIR OWN MEMBERS. ON AUGUST 10 THEY ANNOUNCED A DEMONSTRATION TO BE HELD AT THE EMBASSY IN CONJUNCTION WITH THEIR MEETING WITH THE AMBASSADOR. CHARGE REPLIED BY LETTER THAT THE AMBASSADOR'S PRIOR COMMITMENTS MADE AN AUGUST 10 MEETING IMPOSSIBLE, BUT OFFERED A LATER MEETING AT A MUTUALLY CONVENIENT TIME.

4. ON 13 AUGUST THE AMBASSADOR RECEIVED A SOLICITATION FOR AN INTERVIEW FROM THE LATIN AMERICAN FEDERATION OF ASSOCIATIONS OF RELATIVES OF DETAINEES AND THE DISAPPEARED (FEDEFAM). THIS IS AN UMBRELLA ORGANIZATION BASED IN VENEZUELA, OF WHICH THE MOTHERS' COMMITTEE IS A MEMBER. THE AMBASSADOR RESPONDED BY INVITING BOTH GROUPS TO A JOINT MEETING. THEY ACCEPTED AND CAME TO THE EMBASSY AUGUST 16 AS AGREED.

5. AT THE MEETING THE MOTHERS' COMMITTEE WAS [redacted]

PAGE 03 SAN SA 09911 01 OF 03 272200Z

REPRESENTED BY:
1) SRA. MARITZA RUIZ
2) ANA ISABEL FLORES
3) SRA. CARMEN CAMPOS
THE THREE PRESENTED THEMSELVES AS SIMPLE REPRESENTATIVES, WITHOUT OFFICIAL RANK IN THE COMMITTEE, WHICH BILLS ITSELF AS A NON-HIERARCHICAL GROUPING OF MOTHERS OF VICTIMS. FEDEFAM WAS REPRESENTED BY:
1) SRA. LOYOLA GUZMAN, PRESIDENT
2) FATHER PATRICIO RICE, EXECUTI[redacted]SECRETARY

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El Salvador: Human Rights
Special Project (1993)

SRA. LOYOLA GUZMAN'S BACKGROUND IS NOT KNOWN, BUT FATHER RICE IS REPORTEDLY AN IRISH PRIEST WHO RUNS FEDEFAM (REF B).

6. DURING THE MEETING, THE COMMITTEE AND FEDEFAM REPRESENTATIVES REQUESTED THAT THE AMBASSADOR USE HIS INFLUENCE TO PRESSURE THE GOES TO HASTEN PROGRESS ON HUMAN RIGHTS. SPECIFICALLY, THEY REQUESTED HIS ASSISTANCE IN SECURING ANSWERS ABOUT THE FATE OF THE DISAPPEARED, PROSECUTION OF DEATH SQUAD MEMBERS, FREEDOM FOR ALL POLITICAL PRISONERS, AND GUARANTEES OF SAFETY FOR MEMBERS OF THE COMMITTEE. THEY ALSO URGED AN END TO US ARMS SHIPMENTS TO THE GOES: "DON'T MAKE MORE MEMBERS OF OUR FAMILIES DISAPPEAR."

7. THE MOTHERS' COMMITTEE AND FEDEFAM BOTH CHARGED THAT DISAPPEARANCES CONTINUE UNDER DUARTE'S ADMINISTRATION. THEY ASK HOW THE PEOPLE SHOULD COPE WITH A THREAT "FROM PEOPLE WHO ARE SUPPOSED TO PROTECT THEM," AND SAY THAT IF A GOVERNMENT CANNOT ANSWER FOR ITS SECURITY FORCES, IT SHOWS THAT IT IS INCAPABLE OF GOVERNING. THE MOTHERS' COMMITTEE HAD ALREADY MET WITH DUARTE AND MINISTER OF THE PRESIDENCY REY PRENDES1

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PAGE 01 SAN SA 09911 02 OF 03 272201Z
ACTION ARA-00

INFO OCT-00 COPY-01 ADS-00 INR-10 SS-00 OIC-02 CIAE-00
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R 2721342 AUG 89
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC #109
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HEIGHTS PM
USIA WASHDC 3427

SECTION 02 OF 03 SAN SALVADOR 09911

USIA FOR AR'AND P/CENTAM

E.O. 12356: N/A
TAGS: SMUN, ES
SUBJECT: MOTHERS' COMMITTEE MEETS WITH THE AMBASSADOR

THEY TOLD THE AMBASSADOR THAT THE RESPONSE WAS INADEQUATE AND THAT US PRESSURE WAS REQUIRED FOR A RESOLUTION OF THE PROBLEM.

8. THE AMBASSADOR ASSURED THEM OF US SUPPORT FOR HUMAN RIGHTS IN EL SALVADOR, AND STRESSED HIS CONFIDENCE IN THE DUARTE ADMINISTRATION'S DEDICATION TO PROGRESS IN THIS AREA. HE SAID THAT ALTHOUGH GREAT STRIDES HAD ALREADY BEEN MADE, DUARTE WOULD NEED MORE TIME TO MAKE ALL THE CHANGES NEEDED. THE AMBASSADOR SAID

PAGE 02 SAN SA 09911 02 OF 03 272201Z

THAT HE WOULD FORWARD THE COMMITTEE'S LETTER TO DUARTE AND TO THE DEPARTMENT. AS PART OF OUR PROGRAM

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El Salvador Human Rights
Special Project (1993)

OF SUPPORT FOR PROGRESS IN HUMAN RIGHTS THE AMBASSADOR MENTIONED OUR SUPPORT FOR JUDICIAL REFORM, INCLUDING THE POSSIBILITY OF CREATING A SPECIAL COMMISSION TO INVESTIGATE DISAPPEARANCES AND DEATH SQUAD ACTIVITIES. HE ASSURED THEM THAT THE US IS IN EL SALVADOR "FOR THE LONG RUN" AND THAT WE ARE DEDICATED TO IMPROVING HUMAN RIGHTS CONDITIONS AND SOLVING PROBLEMS HERE. TO THEIR SURPRISE AND OBVIOUS PLEASURE, THE AMBASSADOR OFFERED TO MEET WITH THE MOTHERS AGAIN TO CONTINUE THEIR DISCUSSION. THE MEETING RECEIVED WIDE PRESS COVERAGE.

9. TEXT OF THE MOTHERS' COMMITTEE LETTER:

HONORED AMBASSADOR OF THE US
THOMAS R. PICKERING

RESPECTED SIR:

BY THIS LETTER THE MOTHERS' COMMITTEE "MONS. OSCAR ARNULFO ROMERO" AND "MARIANELLA GARCIA VILLAS" PRESENT THEIR GREETINGS TO YOU PERSONALLY AND AS THE REPRESENTATIVE OF SUCH AN IMPORTANT NATION.

THE OBJECT OF OUR PRESENTATION IS OUR DESIRE TO ESTABLISH A DIALOGUE WITH YOU DEALING WITH THE POINTS STATED IN OUR REQUEST FOR AN INTERVIEW AND REPEATED HERE:

--UNCONDITIONAL LIBERTY FOR ALL POLITICAL PRISONERS IN THE PENITENTIARIES AND IN THE CUSTODY OF THE

SECURITY FORCES.

--AN ACCEPTABLE AND IMMEDIATE ANSWER ON THE FATE OF THE DISAPPEARED--THEY TOOK THEM AWAY ALIVE, WE WANT THEM BACK ALIVE.

--PROSECUTION OF THOSE GUILTY OF ASSASSINATIONS WHO ARE PROTECTED BY ORGANIZATIONS LIKE DEATH SQUADS--THOSE WHO MASTERMIND THE OPERATIONS AS WELL AS THOSE WHO CARRY THEM OUT.

--GUARANTEES OF SECURITY FROM THE AUTHORITIES FOR

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COMMITTEE MEMBERS: WE ARE CONSTANTLY WATCHED AS IF WE WERE COMMON CRIMINALS: THEY EVEN ARRESTED, INTERROGATED, AND BEAT ONE OF OUR MEMBERS (SEE COMMENT AT END). WITH THIS TREATMENT THEY RETARD OUR HUMANITARIAN WORK WHICH WE HAVE DETERMINED TO CARRY FORWARD--WE KNOW THAT REASON IS WITH US AND WE WILL NOT YIELD BEFORE REACHING OUR OBJECTIVES.

WE ARE SURE THAT BY MAKING THIS ENCOUNTER POSSIBLE YOU ARE DEMONSTRATING THE DISPOSITION ON YOUR PART TO INITIATE AN UNDERSTANDING: THIS IS THE SECOND ATTEMPT WE HAVE MADE TO SPEAK WITH YOU, AND HAVE THE OPPORTUNITY TO CONVEY TO YOU OUR CONCERNS AND ANXIETIES.

WE BELIEVE THAT IN EXCHANGING HONEST AND SINCERE OPINIONS, AS WE ARE WITH YOUR GOVERNMENT, IT IS VERY IMPORTANT TO ESTABLISH A SERIOUS UNDERSTANDING BETWEEN YOUR GOVERNMENT AND US, IN THESE DAYS OF A NEWLY INSTALLED GOVERNMENT IN OUR COUNTRY IN WHICH THE CONFLICT AND VIOLENCE OF WAR SHARPENS.

WE NEED TO BE ABLE TO INFORM THE THOUSANDS OF RELATIVES OF THE VICTIMS ABOUT THE GAINS OBTAINED IN THIS INTERVIEW, WHICH WE HAVE FAITH COULD BE ENOUGH

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El Salvador: Human Rights
Special Project (1993)

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PRS-01 SLPD-01 /068 W
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R 272184Z AUG 84
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 8110
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HEIGHTS PM
USIA WASHDC 3428

[redacted] SECTION 03 OF 03 SAN SALVADOR 099

USIA FOR AR AND P/CENTAR

E.O. 12356: N/A
TAGS: SNUM, ES
SUBJECT: MOTHERS' COMMITTEE MEETS WITH THE AMBASSADOR

TO CARRY A BREATH OF RELIEF AND HOPE TO THE GREAT SALVADORAN FAMILY WHICH DEMANDS PEACE.

THESE ARE OUR INTENTIONS, PUT FORTH BRIEFLY (SIC) IN THIS LETTER WHICH WE PRESENT TO YOU TODAY, AND THE VERY FACT OF VISITING YOU CONSTITUTES OUR FORM OF FIGHTING THAT WE WILL NOT ABANDON UNTIL WE REALIZE OUR DEMANDS, THAT WE KNOW FROM EXPERIENCE WE WILL NOT ACHIEVE ALONE BECAUSE THE INFLUENCE OF YOUR GOVERNMENT IN THE INTERNAL AFFAIRS OF OUR SMALL NATION, IS THAT WHICH GIVES A

[redacted]

CERTAIN AUTHORITY AND POWER OF DECISION, IS THE REASON THAT WE TRY TO CREATE A DIALOGUE WITH YOUR GOVERNMENT

[redacted]

THROUGH YOU.

THE ONLY THING WHICH REMAINS IS TO THANK YOU FOR THE ATTENTION YOU HAVE GIVEN US.

ATTENTIVELY,

FOR PEACE IN EL SALVADOR*

COMMITTEE OF MOTHERS AND RELATIVES ETC.

10. COMMENT: WHILE SOME OF THE "MOTHERS" HAVE IN FACT LOST FAMILY MEMBERS, OTHERS HAVE NOT. THE GROUP DOES NOT HIDE ITS PRO-LEFT SYMPATHIES AND MAY HAVE TIES TO THE FMLN/FDR. IT ADVOCATES NEGOTIATIONS WITH THE FMLN AND THE END OF US ASSISTANCE. THE GOES HAS BEEN REASONABLY RESPONSIVE TO THE COMMITTEE'S DEMANDS. THE GROUP HAS BEEN RECEIVED BY DUARTE HIMSELF, WHO ARRANGED A SUBSEQUENT MEETING WITH REY PRENDES, AND SO HAS HAD ACCESS TO THE HIGHEST REACHES OF THE SALVADORAN GOVERNMENT. ONE MEMBER OF THE COMMITTEE RECENTLY CHARGED THAT A POLICIA NATIONAL MAN ABUSED HER. COL. REYELO ORDERED A FULL INVESTIGATION AND COULD NOT SUBSTANTIATE THE CHARGE. HE DID, HOWEVER, TAKE HER DEPOSITION AND SOLICITED TESTIMONY FROM THE EMBASSY AS WELL. IT WAS THE FIRST TIME THE PN TOOK A MOTHERS' COMMITTEE MEMBER'S COMPLAINT SERIOUSLY. END COMMENT.

PICKERING

[redacted]

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RELEASED E35B

Mexico City
28 August 1984

Commission of Human Rights
of Guatemala

Mrs. Shelton:

We are writing to you with the purpose to offer to you our solidarity and to inform you that the CDHG (Commission of Human Rights of Guatemala) has been concerned with the investigation into the disappearance of your son, Jack Shelton, in our country. At this time we are preparing a Habeas Corpus in favor (name) of your son that we will present before the Supreme Court of Justice of Guatemala(City).

We are attaching a copy of an anonymous letter that arrived at our central office in which your son is mentioned. We believe that the orders of execution have been arranged but the content of the letter may give new indications for the investigation.

With hopes that you may obtain some positive results, we write to show you are a great concern.

Jose Bernal
Executive Director

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 06/23/95
Case ID: 95122202

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PAGE 01 GUATEM 08808 01 OF 02 282240Z
ACTION SY-06

INFO OCT-00 COPY-01 ADS-00 INR-10 SS-00 OIC-02 CIAE-00
DODE-00 H-01 IO-15 NSCE-00 ARA-00 NSAE-00 HA-08
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SYE-00 USIE-00 SP-02 SNP-01 PRS-01 SLPD-01 /070 W
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P 282236Z AUG 84
FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC PRIORITY 3548
INFO AMEMBASSY BELIZE
AMEMBASSY MEXICO
AMEMBASSY PANAMA
AMEMBASSY SAN JOSE
AMEMBASSY SAN SALVADOR
AMEMBASSY TEGUCIGALPA
USMISSION USUN NEW YORK
USCINCSO QUARRY HTS PN

UNCLAS SECTION 01 OF 02 GUATEMALA 08808

A/SY/TAG

E.O.12356: N/A
TAGS: ASEC, GT, PGOV
SUBJECT: MONTHLY POLITICAL VIOLENCE AND HUMAN
- RIGHTS REPORT FOR JULY
-
1. MONTHLY POLITICAL VIOLENCE AND HUMAN RIGHTS REPORT FOR JULY, 1984, TAKEN FROM OFFICIAL GOG BULLETINS, INDEPENDENT NEWS REPORTS, AND GUERRILLA COMMUNIQUES AS REPORTED BY FBIS.

2. DEATHS

CIVILIAN NON-COMBAT:
—————— URBAN RURAL TOTAL
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PAGE 02 GUATEM 08808 01 OF 02 282240Z

- 13 22 35

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DEPARTMENT OF STATE IM/IPS/CR/IR Date: 2/20/98
(X) RELEASE ( ) DECLASSIFY ( ) DECLASSIFY EO Citations
( ) EXCISE ( ) DECLASSIFY IN PART
( ) DENY
FOIA Exemptions ( ) CLASSIFY as ( ) S or ( ) C Sec. TS authority to
PA Exemptions ( ) DOWNGRADE TS to ( ) S or ( ) C

COMBAT:

MILITARY KIA:	3	19	22
GUERRILLA KIA:	2	6	8
CIVILIAN KIA:	0	0	0

	CIVILIAN	GUERRILLA	MILITARY	TOTAL
JUNE	22	7	32	61
JULY	35	8	22	65
YEAR-TO-DATE	319	134	181	634

NOTE: ON JUNE, 1984 REPORT THE TOTAL OF YEAR-TO-DATE FIGURE OF DEATHS SHOULD READ 569 AND NOT 669.

OCCUPATION OF VICTIM, WHERE NOTED:

MILITARY:	22
POLICEMEN:	2
GUERRILLAS:	8
FARMERS:	7
CIVIL PATROL MEMBER:	1
MILITARY COMMISSIONER:	1
STUDENTS:	1
LABORERS:	6
PROFESSIONALS:	1
INMATES:	6
TAXI DRIVER:	1
UNKNOWN:	9

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NOTE: THE DEATHS OF THE SIX INMATES WERE REGARDED BY SOME AS THE KILLINGS OF AN ALLEGED DRUG TRAFFICKING ORGANIZATION, AND BY OTHERS AS THE WORK OF A "DEATH SQUAD" THAT OPERATES INSIDE THE PRISONS. PRISON AUTHORITIES WERE REMOVED AND HELD FOR QUESTIONING. FOUR OF THE CIVILIAN DEATHS, THAT OF A TREASURY POLICEMAN IN SOLOLA, A NATIONAL POLICEMAN, A MILITARY COMMISSIONER IN GUATEMALA CITY, AND A CIVIL DEFENSE MEMBER IN COATEPEQUE, QUEZALTENANGO, CAN BE ATTRIBUTED TO EXECUTIONS BY GUERRILLAS. ALSO, THE MILITARY CASUALTY FIGURES INCLUDE SIX FROM A GUERRILLA COMMUNIQUE WHICH HAS NOT BEEN VERIFIED BY OTHER SOURCES.

3. ABDUCTIONS

-	URBAN	RURAL	TOTAL
JUNE	14	16	30
JULY	12	10	22
YEAR-TO-DATE		151	165 316

OCCUPATION OF VICTIM WHERE NOTED:

FARMER:	4
LABORERS:	9
POLITICIANS:	3
PROFESSIONALS:	2
STUDENTS:	2
CIVIL DEFENSE MEMBER:	1
UNKNOWN:	1

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PAGE 01 GUATEM 08808 02 OF 02 282240Z
ACTION SY-06

INFO OCT-00 COPY-01 ADS-00 INR-10 SS-00 OIC-02 CIAE-00
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L-03 AMAD-01 PM-10 PA-02 MCT-03 OMB-01 A-02
SYE-00 USIE-00 SP-02 SNP-01 PRS-01 SLPD-01 /070 W
----------320320 282256Z /60
P 282236Z AUG 84
FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC PRIORITY 3549
INFO AMEMBASSY BELIZE
AMEMBASSY MEXICO
AMEMBASSY PANAMA

AMEMBASSY SAN JOSE
AMEMBASSY SAN SALVADOR
AMEMBASSY TEGUCIGALPA
USMISSION USUN NEW YORK
USCINCSO QUARRY HTS PN

UNCLAS SECTION 02 OF 02 GUATEMALA 08808

A/SY/TAG

E.O.12356: N/A
TAGS: ASEC, GT, PGOV
SUBJECT: MONTHLY POLITICAL VIOLENCE AND HUMAN

NOTE: FOUR OF THE KIDNAP VICTIMS REAPPEARED. TWO WERE CAN LOCAL POLITICAL PARTY LEADERS IN SAN MIGUEL ACATAN, HUEHUETENANGO,WHO HAD TURNED THEMSELVES IN TO THE ARMY AND AFTER INVESTIGATION WERE RELEASED; ANOTHER WAS A COURT CLERK WHO WAS MISTAKENLY ABDUCTED IN GUATEMALA CITY AND WAS RELEASED UNHARMED FEW HOURS LATER AND THE FOURTH WAS A CIVIL DEFENSE MEMBER ABDUCTED BY THE GUERRILLAS IN COATEPEQUE, QUEZALTENANGO, AND FOUND DAYS LATER, WOUNDED. AMONG THE OTHER KIDNAP
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PAGE 02 GUATEM 08808 02 OF 02 282240Z

VICTIMS WAS DOMINGO VASQUEZ ACEITUNO, CHRISTIAN DEMOCRATIC LOCAL LEADER IN RIO BLANCO VILLAGE, SACAPULAS, EL QUICHE.

4. ACTS OF TERRORISM OR WAR:

MILITARY-GUERRILLA CLASHES: 5
OTHER: 2

NOTE: THE MILITARY-GUERRILLA CLASHES INCLUDE ONE IN LA LIBERTAD, PETEN, REPORTED IN A GUERRILLA COMMUNIQUE, PUBLISHED IN LOCAL PAPERS, WHICH CLAIMS AN UNDETERMINED NUMBER OF ARMY CASUALTIES. THE TWO "OTHERS" WERE A COFFEE PLANTATION BURNED BY GUERRILLAS IN LA REFORMA, SAN MARCOS, AND TWO ALLEGED TERRORIST BOMBS THAT EXPLODED IN FATHER JOSE MARIA RUIZ FURLAN'S HOME IN GUATEMALA CITY.

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Declassified under EO 12356 (λ) in full; ( ) in
portions withheld: classified ( ); [illegible]ssive (
law enforcement ( ); privacy ( ), statutory (
not relevant to El Salvador ( ).

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PAGE 01 SAN SA 09941 01 OF 08 2816362
ACTION ARA-00

INFO OCT-00 COPY-01 ADS-00 AID-00 INR-10 SS-00 CIAE-
DODE-00 H-01 NSCE-00 NSAE-00 SSO-00 SY-05 NA-08
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AMEMBASSY GUATEMALA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
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USCINCSO QUARRY HEIGHTS PN
USIA WASHDC 3430

[redacted] SECTION 01 OF 08 SAN SALVADOR 09941

USIA FOR AR AND P/CENTAM

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PAGE 02 SAN SA 09941 01 OF 08 2816362

E.O. [redacted]6: DECL: OADR

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TAGS: SHUM, ES, PINT
SUBJECT: TUTELA LEGAL LAUNCHES NEW

REF: (A) SAN SALVADOR 7850 (B) SAN
- (C) SAN SALVADOR 9767
-

1. (C) SUMMARY: TUTELA LEGAL HAS
CRITIQUE OF ITS METHODOLOGY (REF A)
BOTH A REBUTTAL AND A SUPERFICIAL C
OF ITS MONTHLY REPORTS. WE ARE REP
REBUTTAL, A LENGTHY DOCUMENT THAT D
TO OUR INITIAL CRITIQUE, SEPARATELY
FULL TEXT. IN ADDITION TO TUTELA'S
ORGANIZATION WAS FIERCELY DEFENDED
URIOSTE IN THE AUGUST 19 (REFS B AN
CAST BY THE WALL STREET JOURNAL ON
ARCHDIOCESE. IN ESSENCE, TL HAS NO
INTENTIONS ON THE MATTER OF GRATUIT
AGAINST CIVILIANS. NONETHELESS, TL
ADMITTED THAT IT CANNOT DOCUMENT THI
OF ALLEGED ABUSES. OF 134 DEATHS I
POLITICAL VIOLENCE IN THE JUNE REPO
(A RECORD LOW FIGURE FOR TL), IT CL
BEING BEYOND DOUBT CIVILIANS KILLED
THE ARMED FORCES. AS OPPOSITION TO
DUARTE GOVERNMENT, TL HAS BEEN BLUN
HOWEVER, IT IS NOT SIGNIFICANTLY MO
INSTRUMENT FOR DEALING WITH REAL HU
PROBLEMS EFFECTIVELY. END SUMMARY.
-
2. (U) TUTELA LEGAL'S JUNE REPORT
ISSUED, OVER A MONTH LATE, AND REFL

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PAGE 03 SAN SA 09941 01 OF

STATISTICAL CATEGORIES WE WERE TOLD
RESPONSE TO OUR CRITIQUE. IN FACT,
SUGGEST THAT REPORTS OF DEATHS ARE
THE ONLY SIGNIFICANT CHANGE IS IN TH
SLIM MEASURE OF DOUBT AS TO WHETHER
ARE GUERRILLA "COMBATANTS, NON-COMBA
NASAS) OR CIVILIANS." NAMES, SEX AN
AS BEFORE, ARE NORMALLY NOT OFFERED.

3. (U) THE KEY CATEGORIES ON DEATHS

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REPORT, WITH JUNE FIGURES, ARE AS FOLLOWS:

A. "CIVILIAN DEAD":

- BY DEATH SQUAD	8
- BY THE CIVIL DEFENSE	1
- BY THE ARMY (AIR FORCE)	2
-	--
- TOTAL	11.

B. "VICTIMS OF POLITICAL VIOLENCE IN MILITARY ACTIONS, INCLUDING (GUERRILLA) COMBATANTS, NON-COMBATANTS AND CIVILIANS, WHOSE ACTUAL CATEGORY CANNOT BE DETERMINED FOR LACK OF ON SITE INSPECTION AND OF WHOM THE MAJORITY MAY POSSIBLY BE CIVILIANS.": 68 (NAMES, SEX, AGES NOT PROVIDED)

C. "DEAD IN AMBUSHES, CLASHES AND PATROLS, OF WHOM THE MAJORITY MAY POSSIBLY BE (GUERRILLA) COMBATANTS BUT WHOSE CATEGORY CANNOT BE DETERMINED FOR LACK OF ON SITE INSPECTION.": 50 (NAMES, SEX, AGES NOT PROVIDED)

D. "CIVILIAN DEATHS CAUSED BY THE GUERRILLAS":

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PAGE 01 SAN SA 09941 02 OF 08 2816372
ACTION ARA-00

INFO OCT-00 COPY-01 ADS-00 AID-00 INR-10 SS-00 CIAE-00
DODE-00 H-01 NSCE-00 NSAE-00 SSO-00 SY-06 HA-08
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TO SECSTATE WASHDC IMMEDIATE 8139
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AMEMBASSY GUATEMALA
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USMISSION GENEVA
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USIA WASHDC 3431

[redacted] SECTION 02 OF 08 SAN SALVADOR 09941

USIA FOR AR AND P/CENTAM

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PAGE 02 SAN SA 09941 02 OF 08 2816372

E.O. 12356: DECL: OADR
TAGS: SHUM, ES, PINT

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SUBJECT: TUTELA LEGAL LAUNCHES NEW REPORTING FORMAT

- *MURDERS BY GUERRILLAS* 2
- DEATHS ATTRIBUTABLE TO THE
- GUERRILLAS IN MILITARY
- OPERATIONS 3
- ---
- TOTAL 134 -- TL'S LOWEST FIGURE
- EVER (E.G. MARCH 214,
APRIL 232, MAY 177)

3. (U) AS WAS PREVIOUSLY THE CASE, TL LISTS ALL MILITARY CASUALTIES SEPARATELY IN ITS REPORT; THEY ARE THUS, UNLIKE GUERRILLA COMBATANT DEATHS INCLUDED IN CATEGORIES B AND C, NOT INCLUDED AMONG THE VICTIMS OF "POLITICAL VIOLENCE."

4. (U) EXAMING THE TL NUMBERS PER CATEGORY, WE NOTE THAT:

-- OF THE 11 UNQUALIFIED CIVILIAN DEAD IN CATEGORY A, ONLY TWO ARE ATTRIBUTED TO THE MILITARY, BOTH TO THE AIR FORCE. THIS IS THE ONLY SUGGESTION OF OR REFERENCE TO A BOMBING INCIDENT FOR THE MONTH OF JUNE IN THE TUTELA REPORT.

-- IN EACH CASE, INDISCRIMINATE ARMY ATTACKS ARE CITED AS RESPONSIBLE FOR THE 68 DEATHS IN CATEGORY "B" ("MAJORITY POSSIBLY CIVILIANS"). THE ONLY THREE CIVILIAN BATTLE DEATHS ATTRIBUTED TO THE GUERRILLAS, LISTED UNDER "D", ARE THE WOMAN AND CHILDREN KILLED AT

[redacted]

CERRON GRANDE. (THE FACT OF THEIR DEATH WAS UNIVERSALLY OBSERVED AND COULD HARDLY HAVE GONE UNMENTIONED IN THE TL REPORT.)

-- IN EACH CASE, THE FIFTY VICTIMS ("MAJORITY POSSIBLY (GUERRILLA) COMBATANTS") OF CATEGORY "C" ARE LISTED AS KILLED BY ARMY OR SECURITY FORCE GUNSHOT WOUNDS. THUS, ALL BOMBING VICTIMS APART FROM THE TWO MENTIONED IN CATEGORY A, IF ANY, MUST BE SUBSUMED INTO THE NON-COMBATANT GROUP IN "B". IN OTHER WORDS, ACCORDING TO THE TL REPORT, THE ESAF'S PENCHANT FOR "INDISCRIMINATE BOMBINGS" RESULTED ONLY IN THE DEATHS OF TWO PEOPLE IN JUNE.

5. (U) THE TUTELA REPORT FOR THE FIRST TIME ESTABLISHES SEPARATE REPORTING CATEGORIES FOR ALLEGED DEATHS INFORMED TO TL IN JUNE, BUT WHICH OCCURRED ON EARLIER DATES. THIS CORRESPONDS TO ONE OF OUR CRITICISMS OF THEIR METHOD, WHICH TENDED TO INFLATE PRESENT ALLEGED VIOLENCE LEVELS. THE JUNE REPORT THUS CLAIMS THAT 43 UNKNOWN CIVILIANS WERE KILLED IN FOUR "INDISCRIMINATE ATTACKS" PRIOR TO THE MONTH OF JUNE. NO DETAILS ON THE NATURE OF THE ATTACKS IS PROVIDED.

6. (U) TUTELA HAS MAINTAINED THE SEPARATE CATEGORY OF INCIDENTS FOR WHICH NEITHER NAMES NOR NUMBERS OF VICTIMS ARE KNOWN. THE JUNE REPORT LISTS 19 INCIDENTS IN WHICH AN UNDETERMINED NUMBER OF VICTIMS WERE KILLED BY THE ARMY IN "SWEEPS OR CLASHES." NONE ARE LISTED AS RESPONSIBILITY OF THE GUERRILLAS.

7. (U) TO SUM UP, THE NEW FORMAT LAUNCHED WITH THE JUNE REPORT LEADS TO THE FOLLOWING CONCLUSIONS:

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Special Project (1993)

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PAGE 01 SAN SA 09941 03 OF 08 2816382
ACTION ARA-00

INFO OCT-00 COPY-01 ADS-00 AID-00 INR-10 SS-00 CIAE-00
DODE-00 H-01 NSCE-00 NSAE-00 SSO-00 SY-06 MA-08
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USIA WASHDC 3432

[redacted]ECTION 03 OF 08 SAN SALVADOR 09941

USIA FOR AR AND P/CENTAM

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PAGE 02 SAN SA 09941 03 OF 08 2816382

E.O. 12356: DECL: OADR
TAGS: SHUM, ES, PINT

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SUBJECT: TUTELA LEGAL LAUNCHES NEW REPORTING FORMAT

A. GUERRILLAS WHO ARE KILLED ARE DEEMED TO BE AND COUNTED AMONG VICTIMS OF POLITICAL VIOLENCE (CATEGORY B AND C OF TUTELA REPORT); THE ESAF DEAD ARE NOT;

B. THIS CONSTITUTES AN ADMISSION BY ITS OWN METHODOLOGY THAT A LARGE PORTION OF THE MONTHLY TOTAL OF VICTIMS OF POLITICAL VIOLENCE ARE IN FACT GUERRILLA COMBATANTS;

C. INCREDIBLY, THE MILITARY CONTINUES TO BE HELD RESPONSIBLE FOR VIRTUALLY ALL DEATHS ARISING FROM COMBAT SITUATIONS, MANY OF WHICH ARE INITIATED BY THE GUERRILLAS;

D. TL CITES ONLY ONE SPECIFIC INCIDENT IN WHICH CIVILIANS (2) WERE KILLED BY AERIAL BOMBARDMENT.

E. TL CONTINUES TO DRAW HEAVILY ON PRESS REPORTS FOR ITS FIGURES, DATES AND LOCATIONS OF ITS ALLEGED INCIDENTS (SEE PARA 9 BELOW). WHEREAS PREVIOUSLY TL SIMPLY CONVERTED REPORTED GUERRILLA DEAD INTO CIVILIAN VICTIMS OF THE ARMED FORCES, THESE ARE NOW CLASSIFIED AS "MAJORITY POSSIBLY CIVILIAN" "OR MAJORITY POSSIBLY GUERRILLA."

F. A VERY SMALL PORTION OF TUTELA'S NUMBERS ARE BACKED UP BY TESTIMONY OF ANY SORT. TESTIMONY WAS PROVIDED REGARDING ONLY 1 CASE (2 DEATHS) OF THE 68 IN CATEGORY "B," AND FOR 6 OF THE DEATHS OF THE 43 UNKNOWN PEOPLE ALLEGED KILLED BY THE ARMY ON DATES EARLIER THAN JUNE [redacted]

PAGE 03 SAN SA 09941 03 OF 08 2816382

1984.

8. (C) COMMENT: IT IS CLEAR THAT TL HAS RELABELED ITS REPORTING CATEGORIES BUT CHANGED NEITHER ITS RESEARCH METHODOLOGY NOR ITS INTENTIONS, WHICH APPEAR -- REGRETTABLY-- TO REMAIN THE DISCREDITING OF US POLICY AND OF THE ELECTED DUARTE GOVERNMENT. THE ABSOLUTE NUMBER OF KILLINGS IS NOT IN ANY WAY HEDGED, NOR THEIR PURPORTED AUTHORSHIP. A GRUDGING LACK OF CERTAINTY IS NOW ADMITTED ONLY ABOUT THE STATUS OF THE DEAD AS GUERRILLAS OR CIVILIANS. NONETHELESS, THE CHANGE CON-

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Special Project (1993)

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STITUTES AN ADMISSION THAT TL CANNOT DOCUMENT THE VAST PREPONDERANCE OF ALLEGED ABUSES. AS A PROPAGANDA ELEMENT, THEREFORE, THE TL MONTHLY NUMBER IS NOW LESS VALUABLE AND TL'S EDGE HAS BEEN BLUNTED AS A POLITICAL TOOL. REGRETTABLY, IT IS STILL NO SHARPER AS AN INSTRUMENT THAT CAN EFFECTIVELY CONTRIBUTE TO THE USEFUL DEFINITION AND EFFECTIVE SOLUTION OF THE REAL HUMAN RIGHTS PROBLEMS THAT MUST BE RESOLVED IN EL SALVADOR. END COMMENT.

9(U)COMPARISON OF TL AND PRESS REPORTING FOR JUNE 1984:

KEY: TYPE OF OPERATION: C-CLASHES, S-MILITARY SWEEP,
- GA-GUERRILLA ATTACK, B-AERIAL BOMBING,
#-TESTIMONY PROVIDED
- SOURCE: PG-PRENSA GRAFICA, M-EL MUNDO,
- DH-EL DIARIO DE HOY, L-DIARIO LATINO

TUTELA LEGAL

- MAJORITY
- POSSIBLY

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PAGE 01 SAN SA 09941 04 OF 08 2816382
ACTION ARA-00

INFO OCT-00 COPY-01 ADS-00 AID-00 INR-10 SS-00 CIAE-00
DODE-00 H-01 NSCE-00 NSAE-00 SSO-00 SY-06 HA-08
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USCINCSO QUARRY HEIGHTS PN
USIA WASHDC 3433

[redacted]CTION 04 OF 08 SAN SALVADOR 09941

USIA FOR AR AND P/CENTAM

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UNCLASSIFIED

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PAGE 02 SAN SA 09941 04 OF 08 2816382

E.O. 12356: DECL: OADR
TAGS: SHUN, ES, PINT

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El Salvador: Human Rights
Special Project (1993)

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SUBJECT: TUTELA LEGAL LAUNCHES NEW REPORTING FORMAT

DATE (JUNE)	PLACE	TYPE OF OPERATION	CIVILIAN DEAD
1	JUTIAPA, TEJUTEPEQUE CABANAS	S	9
11	ANAMOROS, LA UNION	S	9
7	CTN. LOS YENTURA, JOCORO, MORAZAN	S	9
4	USULUTAN PROVINCE	S	4
7	JOCOAITIQUE, MORAZAN	S	19
7	PERQUIN, MORAZAN	S	2
7	ISLA MENDEZ Y ESPIRITU SANTO, USULUTAN	S	29
1	EL COROZAL, SUCHITOTO*	S	2
			POSSIBLY GUERRILLA DEATHS
2	CASERIO Y CTN. EL [redacted]	C	6

	AMATE, SAN MIGUEL		
7	CTN. LAS CRUCES, S. FCO. GOTERA, MORAZAN	C	1
5	S. JOSE PRIMERO, S. MARTIN, SAN SALVADOR	C	2
7	S. GERARDO, S. MIGUEL	C	8
7	HDA. STA. BARBARA, [redacted]	C	2
	GUAZAPA, SAN SALVADOR		
7	S. SEBASTIAN, S. VICENTE	C	1
7	CTN. LAS ALAS, CHALAT.	C	1
7 ANA	CTN. OCHUPSE, SANTA	C	1
16	FCA. S. RAFAEL, CTN. Y CASERIO DE LA LAGUNA, S. ANA	C	1
19	CASERIO LOS RIVAS, S. ANA "	C	3
21	CTN. LOS YENTURA, DELICIAS DE CONCEPCION, MOR.	C	2
24	EL PAISNAL, S.S.	C	3
27	HDA. EL TERCIO,	C	1

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RELEASED
El Salvador: Human Rights
Special Project (1993)

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ACTION ARA-00

INFO OCT-00 COPY-01 ADS-00 AID-00 INR-10 SS-00 CIAE
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USIA WASHDC 3434

[redacted] SECTION 05 OF 08 SAN SALVADOR 09941

USIA FOR AR AMD P/CENTAM

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E.O. 12356: DECL: OADR
TAGS: PHUM, ES, PINT

DECLASSIFIED

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SUBJECT: TUTELA LEGAL LAUNCHES NEW REPORTING FORMAT
USULUTAN

27 -	CERRO EL PEPETO, S.ANA	C	1
27 - -	CONCEPCION BATRES, MDA. EL SOCORRO, USULUTAN	C	2
28 -	COL. STA. LEONOR, S. ANA	C	1
28 -	CTN. STA. LUCIA, DEPTO. DE SAN VICENTE	C	6
?	AGUILARES, S. SALV.	C	8
18 -	TIERRA BLANCA, USULUTAN	C	7

PRESS REPORTS

DATE PUBLISHED	SOURCE	PLACE	TYPE OF OPERATION	GUERRILLA DEAD
14 -	DH	NORTH OF LA UNION	S	7
22 -	PG	CTN. LOS TENTURA, JOCORO, MORAZAN	S	2

[redacted]

19	DH	JOCAITIQUE, MORA.	S	10
20 -	PG	PERQUIN, MORAZAN	C	2
18 -	M	ISLA MENDEZ, ESPIRITU SANTO	C	7
5 - -	M	CASERIO Y CTN. EL AMATE, S. MIGUEL	S	6

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El Salvador: Human Rights
Special Project (1993)

[redacted]

5 - -	M	CTN. LAS CRUCES S. FCO. GOTERA, MORAZAN	S	1
7 - - -	PG	S. JOSE PRIMERO, S. MARTIN, S. S.	GA	2
9	DH	S. GERARDO, S.M.	C	8
9 - -	DH	HDA. STA. BARBARA, EL PARAISO, CHAL.	C	2
16 -	PG	S. SEBASTIAN, S. V.	GA	1
16 -	PG	CTN. LAS ALAS, CH.	C	1
16 -	PG	CTN. OCHUPSE, S.A.	C	1

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PAGE 01 SAN SA 09941 06 OF 08 2816402
ACTION ARA-00

INFO OCT-00 COPY-01 ADS-00 AID-00 INR-10 SS-00 CIAE-00
DODE-00 H-01 NSCE-00 NSAE-00 550-00 SY-05 HA-08
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TO SECSTATE WASHDC IMMEDIATE 8143
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AMEMBASSY SAN JOSE
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USMISSION GENEVA
USCINCSO QUARRY HEIGHTS PN
USIA WASHDC 3435

[redacted] SECTION 06 OF 08 SAN SALVADOR 09941

USIA FOR AR AND P/CENTAM

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DECLASSIFIED

PAGE 02 SAN SA 09941 06 OF 08 2816402

E.O. 12356: DECL: OADR
TAGS: SHUM, ES, PINT

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DECLASSIFIED

UNCLASSIFIED

RELEASED
El Salvador: Human Rights
Special Project (1993)

[redacted]

SUBJECT: TUTELA LEGAL LAUNCHES NEW REPORTING FORMAT

27 -	M	*CERRO REPETO, METAPAN, S. ANA*	C	1
20 -	M	CTN. EL RESBALADERO, S. ANA	C	3
14 -	DH	CTN. LOS VENTURA DELICIAS, MOR.	C	2
26	PG	EL PAISNAL, S.S.	C	3
27	M	HDA. EL TERCIO	C	1
27 -	M	CERRO EL PEPETO S.A.	C	1
27 -	M	CONCEPCION BATRES HDA. EL SOCORRO	C	1
29 -	DH	CTN. STA. LUCIA, SAN VICENTE	C	6
30 -	DH	AGUILARES, S. SAL.	C	8
18 - - -	M	C. LITORAL, DESVIO A S. FCO. JAVIER, US.	C	?
? -		HDA. EL ESPIRITU SANTO, SESORI, SAN MIGUEL	S	?
? -		CASERIO FLOR AMARILLA, S. ANA	C	?
11		ANAMOROS, LA UNION	S	?
11 - -		SECTORS IN CINQUERA, CASERIO LAS MESAS, CABANAS	S	?
?		CERRO EL TIGRE, S. FERNANDO	S	?
?		LOS COYOTES, SOCIEDAD, MOR.	S	?
?		MEANGUERA, MORAZAN	S	?
? -		JIQUILISCO, USULUTAN1 PLAYON EL RICO, SITIO DEL	S	?

[redacted]

[redacted]

PAGE 03 SAN SA 09941 06 OF 08 281640Z

TUTELA LEGAL

-DATE (JUNE)	PLACE	TYPE OF OPERATION	CIVILIAN DEATHS
6 -	EL COYOLITO, JIQUILISCO USULUTAN	C	?
7 -	CTN. EL OCOTILLO, NUEVA ESPARTA, LA UNION	C	?
6/7	CERRO S. PEDRO, S. VICENT[redacted]	S & B	?

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AGE 01 SAN SA 09941 07 OF 08 2816412
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M AMEMBASSY SAN SALVADOR
O SECSTATE WASHDC IMMEDIATE 8144
NFO AMEMBASSY BOGOTA
MEMBASSY CARACAS
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MEMBASSY THE HAGUE
MEMBASSY COPENHAGEN
MEMBASSY OTTAWA
MEMBASSY STOCKHOLM
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[redacted] SECTION 07 OF 08 SAN SALVADOR 09941

USIA FOR AR AND P/CENTAM

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PAGE 02 SAN SA 09941 07 OF 08 2816412

E.O. 12356: DECL: OADR
TAGS: SHUM, ES, PINT

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SUBJECT: TUTELA LEGAL LAUNCHES NEW REPORTING FORMAT
- *HUERTO, RINCON DEL BRUJO,*
- ISLA MATA DE GUINEO

?	ENTRE STO. DOMINGO Y SAN	C	?
-	SEBASTIAN, SAN VICENTE		
20	C. LITORAL, PANAMERICANA	S	?
-	Y RUTA MILITAR		
-			
?	HDA. TETULTEPEQUE, NEJAPA	GA	?
28	CERRON GRANDE, CHAL.	GA	3

PRESS REPORTS

DATE PUB-LISHED	SOURCE	PLACE	TYPE OF OPERATION	GUERRILLA DEAD
9 -	DH	CASERIO LAS MESI-TAS, JIQUILISCO	C	?
8	H	NORTH OF LA UNION	S	?
6 -	L	CERRO S. PEDRO, S. VICENTE	S	SEVERAL
14 -	DH	NORTH OF S. MIGUEL	S	SEVERAL
11	H	CASERIO FLOR	S	SEVERAL

[redacted]

PAGE 03 SAN SA 09941 07 OF 08 2816412

-		[redacted]MARILLA		
12 - -	H	ANAMOROS, LA UNION	C	9 (CIV, DEAD 6)
18 -	PG	SECTORS IN CIN-QUERA, CABANAS	S	?
16 -	PG	CERRO EL TIGRE, S.F.	S	?

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19	PG	LOS COYOTES, SOCIEDAD'	C	7
19	PG	MEANGUERA, MOR.	C	7
19	PG	JIQUILISCO, USU. PLAYON EL RICO, SITIO DEL MUERTO, RINCON DEL BRUJO, ISLA MATA GUINEO	C	7
16	M	ENTRE STO. DOMINGO Y S. SEBASTIAN, S.V.	C	1
20	PG	C. LITORAL, PANAMERICANA Y R. MILITAR	C	2
30	DH	HDA. TETULTEPEQUE	GA	7

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PAGE 01 SAN SA 09941 08 OF 08 2816412
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[redacted]ECTION 08 OF 08 SAN SALVADOR 09941

USIA FOR AR AND P/CENTAM

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PAGE 02 SAN SA 09941 08 OF 08 2816412

E.O. 12356: DECL: OADR
TAGS: SHUM, ES, PINT

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El Salvador: Human Rights
Special Project (1993)

SUBJECT: TUTELA-LEGAL LAUNCHES NEW REPORTING FORMAT

JO	*PC*	*CTN. STA. LUCIA*	*GA*	*CIV. DEAD*
-		CABANAS		- 1
29	M	CERRON GRANDE	GA	69
-				CIV. DEAD
-				- 3
9	DH	CAMPAMENTO EL	S	?
-		ZAMORANO, JIQUI-		
-		LISCO, USULUTAN		

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AMEMBASSY STOCKHOLM
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AMEMBASSY BRUSSELS
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USMISSION GENEVA
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[redacted] SECTION 01 OF 05 SAN SALVADOR 05541

USIA FOR AR AND P/CENTAM

E.O. 12356: DECL: OADR
TAGS: SHUM, ES, PINT
SUBJECT: TUTELA LEGAL LAUNCHES NEW REPORTING FORMAT

REF: (A) SAN SALVADOR 7338 (B) SAN SALVADOR 8666
(C) SAN SALVADOR 8767

SHUM-1

2. (U) TUTELA LEGAL'S JUNE REPORT HAS JUST NOW BEEN ISSUED, OVER A MONTH LATE, AND REFLECTS THE CHANGES IN STATISTICAL CATEGORIES WE WERE TOLD TO EXPECT IN RESPONSE TO OUR CRITIQUE. IN FACT, THE REPORT DOES NOT SUGGEST THAT REPORTS OF DEATHS ARE THEMSELVES IN DOUBT; THE ONLY SIGNIFICANT CHANGE IS IN THE INTRODUCTION OF A SLIM MEASURE OF DOUBT AS TO WHETHER THE DEAD REPORTED ARE GUERRILLA "COMBATANTS, NON-COMBATANTS (PRESUMABLY MASAS) OR CIVILIANS." NAMES, SEX AND AGES OF VICTIMS, AS BEFORE, ARE NORMALLY NOT OFFERED.

3. (U) THE KEY CATEGORIES ON DEATHS IN THE TUTELA REPORT, WITH JUNE FIGURES, ARE AS FOLLOWS:

A. "CIVILIAN DEAD":

- BY DEATH SQUAD 8
- BY THE CIVIL DEFENSE 1
- BY THE ARMY (AIR FORCE) 2
- --
- TOTAL 11

B. "VICTIMS OF POLITICAL VIOLENCE IN MILITARY ACTIONS, INCLUDING (GUERRILLA) COMBATANTS, NON-COMBATANTS AND CIVILIANS, WHOSE ACTUAL CATEGORY CANNOT BE DETERMINED FOR LACK OF ON SITE INSPECTION AND OF WHOM THE MAJORITY MAY POSSIBLY BE CIVILIANS.": 58 (NAMES, SEX, AGES NOT PROVIDED)

C. "DEAD IN AMBUSHES, CLASHES AND PATROLS, OF WHOM THE MAJORITY MAY POSSIBLY BE (GUERRILLA) COMBATANTS BUT WHOSE CATEGORY CANNOT BE DETERMINED FOR LACK OF ON SITE INSPECTION.": 58 (NAMES, SEX, AGES NOT PROVIDED)

D. "CIVILIAN DEATHS CAUSED BY THE GUERRILLAS":

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portions withheld: classified ( ); deliberative ( );
law enforcement ( ); privacy ( ), statutory ( );
not relevant to El Salvador ( ).

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AMEMBASSY COPENHAGEN
AMEMBASSY OTTAWA
AMEMBASSY STOCKHOLM
AMEMBASSY REYKJAVIK
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[redacted] SECTION 02 OF 04 SAN SALVADOR 09541

USIA FOR AK AND P/CENTAR

E.O. 12356: DECL: OADR
TAGS: SHUM, ES, PINT
SUBJECT: TUTELA LEGAL LAUNCHES NEW REPORTING FORMAT

- MURDERS BY GUERRILLAS 1
- DEATHS ATTRIBUTABLE TO THE
- GUERRILLAS IN MILITARY
- OPERATIONS 3
- ---
- TOTAL 134 -- TL'S LOWEST FIGURE
- EVER (E.G. MARCH 214,
APRIL 232, MAY 177)

3. (U) AS WAS PREVIOUSLY THE CASE, TL LISTS ALL MILITARY CASUALTIES SEPARATELY IN ITS REPORT; THEY ARE THUS, UNLIKE GUERRILLA COMBATANT DEATHS INCLUDED IN CATEGORIES B AND C, NOT INCLUDED AMONG THE VICTIMS OF "POLITICAL VIOLENCE."

4. (U) EXAMINING THE TL NUMBERS PER CATEGORY, WE NOTE THAT:

-- OF THE 11 UNQUALIFIED CIVILIAN DEAD IN CATEGORY A, ONLY TWO ARE ATTRIBUTED TO THE MILITARY, BOTH TO THE AIR FORCE. THIS IS THE ONLY SUGGESTION OF OR REFERENCE TO A BOMBING INCIDENT FOR THE MONTH OF JUNE IN THE TUTELA REPORT.

-- IN EACH CASE, INDISCRIMINATE ARMY ATTACKS ARE CITED

AS RESPONSIBLE FOR THE 68 DEATHS IN CATEGORY "B" ("MAJORITY POSSIBLY CIVILIANS"). THE ONLY THREE CIVILIAN BATTLE DEATHS ATTRIBUTED TO THE GUERRILLAS, LISTED UNDER "D", ARE THE WOMAN AND CHILDREN KILLED AT CERRON GRANDE. (THE FACT OF THEIR DEATH WAS UNIVERSALLY OBSERVED AND COULD HARDLY HAVE GONE UNMENTIONED IN THE TL REPORT.)

-- IN EACH CASE, THE FIFTY VICTIMS ("MAJORITY POSSIBLY GUERRILLA COMBATANTS") OF CATEGORY "C" ARE LISTED AS KILLED BY ARMY OR SECURITY FORCE GUNSHOT WOUNDS. THUS, ALL BOMBING VICTIMS APART FROM THE TWO MENTIONED IN CATEGORY A, IF ANY, MUST BE SUBSUMED INTO THE NON-COMBATANT GROUP IN "B". IN OTHER WORDS, ACCORDING TO THE TL REPORT, THE ESAF'S PENCHANT FOR "INDISCRIMINATE BOMBINGS" RESULTED ONLY IN THE DEATHS OF TWO PEOPLE IN JUNE.

5. (U) THE TUTELA REPORT FOR THE FIRST TIME ESTABLISHES SEPARATE REPORTING CATEGORIES FOR ALLEGED DEATHS INFORMED TO TL IN JUNE, BUT WHICH OCCURRED ON EARLIER DATES. THIS CORRESPONDS TO ONE OF OUR CRITICISMS OF THEIR METHOD, WHICH TENDED TO INFLATE PRESENT ALLEGED VIOLENCE LEVELS. THE JUNE REPORT THUS CLAIMS THAT 41 UNKNOWN CIVILIANS WERE KILLED IN FOUR "INDISCRIMINATE ATTACKS" PRIOR TO THE MONTH OF JUNE. NO DETAILS ON THE NATURE OF THE ATTACKS IS PROVIDED.

6. (U) TUTELA HAS MAINTAINED THE SEPARATE CATEGORY OF INCIDENTS FOR WHICH NEITHER NAMES NOR NUMBERS OF VICTIMS ARE KNOWN. THE JUNE REPORT LISTS 15 INCIDENTS IN WHICH AN UNDETERMINED NUMBER OF VICTIMS WERE KILLED BY THE ARMY IN "SWEEPS OR CLASHES." NONE ARE LISTED AS RESPONSIBILITY OF THE GUERRILLAS.

7. (U) TO SUM UP, THE NEW FORMAT LAUNCHED WITH THE JUNE REPORT LEADS TO THE FOLLOWING CONCLUSIONS:

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AMEMBASSY COPENHAGEN
AMEMBASSY OTTAWA
AMEMBASSY STOCKHOLM
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[redacted] SECTION 03 OF 08 SAN SALVADOR 09941

USIA FOR AR AND P/CENTAM

E.O. 12356: DECL: OADR
TAGS: SNUM, ES, PINT
SUBJECT: TUTELA LEGAL LAUNCHES NEW REPORTING FORMAT

A. GUERRILLAS WHO ARE KILLED ARE DEEMED TO BE AND COUNTED AMONG VICTIMS OF POLITICAL VIOLENCE (CATEGORY B AND C OF TUTELA REPORT); THE ESAF DEAD ARE NOT;

B. THIS CONSTITUTES AN ADMISSION BY ITS OWN METHODOLOGY THAT A LARGE PORTION OF THE MONTHLY TOTAL OF VICTIMS OF POLITICAL VIOLENCE ARE IN FACT GUERRILLA COMBATANTS;

C. INCREDIBLY, THE MILITARY CONTINUES TO BE HELD RESPONSIBLE FOR VIRTUALLY ALL DEATHS ARISING FROM COMBAT SITUATIONS, MANY OF WHICH ARE INITIATED BY THE GUERRILLAS;

D. TL CITES ONLY ONE SPECIFIC INCIDENT IN WHICH CIVILIANS (2) WERE KILLED BY AERIAL BOMBARDMENT.

E. TL CONTINUES TO DRAW HEAVILY ON PRESS REPORTS FOR ITS FIGURES, DATES AND LOCATIONS OF ITS ALLEGED INCIDENTS (SEE PARA 9 BELOW). WHEREAS PREVIOUSLY TL SIMPLY CONVERTED REPORTED GUERRILLA DEAD INTO CIVILIAN VICTIMS OF THE ARMED FORCES, THESE ARE NOW CLASSIFIED AS "MAJORITY POSSIBLY CIVILIAN" OR MAJORITY POSSIBLY GUERRILLA."

F. A VERY SMALL PORTION OF TUTELA'S NUMBERS ARE BACKED

UP BY TESTIMONY OF ANY SORT. TESTIMONY WAS PROVIDED REGARDING ONLY 1 CASE (2 DEATHS) OF THE 68 IN CATEGORY "B," AND FOR 6 OF THE DEATHS OF THE 43 UNKNOWN PEOPLE ALLEGED KILLED BY THE ARMY ON DATES EARLIER THAN JUNE 1984.

9. (U) COMPARISON OF TL AND PRESS REPORTING FOR JUNE 1984:

KEY: TYPE OF OPERATION: C-CLASHES, S-MILITARY SWEEP,
GA-GUERRILLA ATTACK, B-AERIAL BOMBING,
O-TESTIMONY PROVIDED
SOURCE: PG-PRENSA GRAFICA, H-EL MUNDO,
DH-EL DIARIO DE HOY, L-DIARIO LATINO

TUTELA LEGAL

- MAJORITY
- POSSIBLY

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PAGE 01 SAN SA 09341 04 OF 08 281638Z 8879 ARA7622

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[redacted] SECTION 04 OF 08 SAN SALVADOR 09341

USIA FOR AX AND P/CENTAR

E.O. 12356: DECL: OADR
TAGS: SNUM, ES, PINT
SUBJECT: TUTELA LEGAL LAUNCHES NEW REPORTING FORMAT

DATE (JUNE)	PLACE	TYPE OF OPERATION	CIVILIAN DEAD
1	JUTIAPA, TEJUTEPEQUE CABANAS	S	8
11	ANAMOROS, LA UNION	S	8
7	CTN. LOS VENTURA, JOCORO, MORAZAN	S	8
4	USULUTAN PROVINCE	S	4
7	JOCOAITIQUE, MORAZAN	S	18
7	PERQUIN, MORAZAN	S	2
7	ISLA MENDEZ Y ESPIRITU SANTO, USULUTAN	S	25
1	EL COROZAL, SUCHITOTO	S	2
			POSSIBLY GUERRILLA

SAN SA 09341 04 OF 08 281638Z 8879 ARA

			DEATHS
2	CASERIO Y CTN. EL AMATE, SAN MIGUEL	C	6
7	CTN. LAS CRUCES, S. FCO. GOTERA, MORAZAN	C	1
5	S. JOSE PRIMERO, S. MARTIN, SAN SALVADOR	C	2
7	S. GERARDO, S. MIGUEL	C	4
7	HDA. STA. BARBARA, GUAZAPA, SAN SALVADOR	C	2
7	S. SEBASTIAN, S. VICENTE	C	1
7	CTN. LAS ALAS, CHALAT.	C	1
7	CTN. OCHUPSE, SANTA ANA	C	1
16	FCA. S. RAFAEL, CTN. Y CASERIO DE LA LAGUNA, S. ANA	C	5
19	CASERIO LOS RIVAS, S. ANA	C	3
21	CTN. LOS VENTURA, DELICIAS DE CONCEPCION, MOR.	C	2
24	EL PAISNAL, S.S.	C	3
27	HDA. EL TERCIO,	C	1

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AMEMBASSY OTTAWA
AMEMBASSY STOCKHOLM
AMEMBASSY REYKJAVIK
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USIA FOR AR AND P/CENTAM

E.O. 12356: DECL: OADR
TAGS: SNUM, ES, PINT
SUBJECT: TUTELA LEGAL LAUNCHES NEW REPORTING FORMAT
- USULUTAN

27	CERRO EL PEPETO,	C	1
-	S. ANA		
27	CONCEPCION BATRES, DEPT.	C	2
-	EL SOCORRO, USULUTAN		
-			
28	COL. STA. LEONOR,	C	1
-	S. ANA		
28	CTN. STA. LUCIA,	C	6
-	DEPTO. DE SAN VICENTE		
7	AGUILARES, S. SALV.	C	8
18	TIERRA BLANCA,	C	7
-	USULUTAN		

PRESS REPORTS

DATE PUBLISHED	SOURCE	PLACE	TYPE OF OPERATION	GUERRILLA DEAD
14	DN	NORTH OF LA	S	7
-		UNION		

22	PG	CTN. LOS VENTURA,	S	2
-		JOCORO, MORAZAN		
19	DN	JOCAITIQUE, MORA.	S	18
28	PG	PERQUIN,	C	2
-		MORAZAN		
12	M	ISLA MENDEZ,	C	7
-		ESPIRITU SANTO		
5	M	CASERIO Y CTN.	S	6
-		EL AMATE, S.		
-		MIGUEL		
5	M	CTN. LAS CRUCES	S	1
-		S. FCO. GOTERA,		
-		MORAZAN		
7	PG	S. JOSE PRIMERO,	GA	2
-		S. MARTIN, S. S.		
-				
9	DN	S. GERARDO, S.M.	C	8
8	DN	HDA. STA. BAR-	C	2
-		BARA, EL PARAISO,		
-		CHAL.		
16	PG	S. SEBASTIAN,	GA	1
-		S. V.		
15	PG	CTN. LAS ALAS,	C	1
-		CH.		
15	PG	CTN. OCHUPSE,	C	1
-		S.A.		

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PAGE 01 SAN SA 03941 07 OF 08 2816412 0899 ARA7627

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USIA WASHDC 3436

[redacted] SECTION 07 OF 08 SAN SALVADOR 03941

USIA FOR AR AND P/CENTAM

E.O. 12356: DECL: OADR
TAGS: SNUM, ES, PINT
SUBJECT: TUTELA LEGAL LAUNCHES NEW REPORTING FORMAT
- MUERTO, RINCON DEL BRUJO,
- ISLA MATA DE GUINEO

7	ENTRE STO. DOMINGO Y SAN	C	7	
-	SEBASTIAN, SAN VICENTE			
28	C. LITORAL, PANAMERICANA	S	7	
-	Y RUTA MILITAR			
-				
7	HDA. TETULTEPEQUE, MEJAPA	SA	7	
28	CERRON GRANDE, CHAL.	SA	3	

PRESS REPORTS

DATE PUBLISHED	SOURCE	PLACE	TYPE OF OPERATION	GUERRILLA DEAD
9	DN	CASERIO LAS MESITAS, JIQUILISCO	C	7
8	M	NORTH OF LA UNION	S	7
6	L	CERRO S. PEDRO, S. VICENTE	S	SEVERAL

PAGE 02 SAN SA 03941 07 OF 08 2816412 0899

14	DN	NORTH OF S. MIGUEL	S	SEVERAL
11	M	CASERIO FLOR AMARILLA	S	SEVERAL
12	M	ANAMOROS, LA UNION	C	9 (CIV. DEAD 6)
16	PG	SECTORS IN CINQUERA, CABANAS	S	7
16	PG	CERRO EL TIGRE, S.F.	S	7
18	PG	LOS COYOTES, SOCIEDAD	C	7
19	PG	MEANGUERA, MOR.	C	7
19	PG	JIQUILISCO, USU. PLAYON EL RICO, SITIO DEL MUERTO, RINCON DEL BRUJO, ISLA MATA GUINEO	C	7
15	M	ENTRE STO. DOMINGO Y S. SEBASTIAN, S.V.	C	1
28	PG	C. LITORAL, PANAMERICANA Y R. MILITAR	C	2
38	DN	HDA. TETULTEPEQUE	SA	7

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PAGE 01 SAN SA 09941 08 OF 08 281641Z 0119 ARA7631
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AMEMBASSY COPENHAGEN
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USIA WASHDC 3437

[redacted] SECTION 08 OF 08 SAN SALVADOR 09941

USIA FOR AR AND P/CENTAM

E.O. 12356: DECL: OADR
TAGS: SHUM, ES, FINT
SUBJECT: TUTELA LEGAL LAUNCHES NEW REPORTING FORMAT

30	PG	CTN. STA. LUCIA	GA	CIV. DEAD
~		CABANAS		- 1
29	M	CERRON GRANDE	GA	60
~				CIV. DEAD
~				- 3
9	DH	CAMPAMENTO EL	S	7
~		ZAMORANO, JIQUI-		
~		LISCO, USULUTAN		

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Case Number: s1999 Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part X In Full ____
Exemption(s) NR

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PAGE 01 SANTIA 05762 01 OF 02 061152Z
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AMEMBASSY BUENOS AIRES
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AMEMBASSY MEXICO
AMEMBASSY MONTEVIDEO
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AMEMBASSY ROME
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USMISSION USUN NEW YORK

~~S E C R E T~~ SECTION 01 OF 02 SANTIAGO 5762

ROME ALSO FOR AMEMBASSY VATICAN

USCINCSO FOR INTAFF

USCINCLANT ALSO FOR POLAD

E.O. 12356: DECL: OADR
TAGS: PREL, CI
SUBJECT: USOAS AMBASSADOR MIDDENDORF CALLS ON FOREIGN AND INTERIOR MINISTERS

1. (S) - ENTIRE TEXT.

2. SUMMARY: ON AUGUST 30, AMBASSADOR MIDDENDORF MADE

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PAGE 02 SANTIA 05762 01 OF 02 061152Z

COURTESY CALLS ON MINISTER OF FOREIGN RELATIONS JAIME DEL VALLE AND MINISTER OF INTERIOR SERGIO ONOFRE JARPA. DEL VALLE SAID THE BEAGLE ACCORD WITH ARGENTINA IS WITHIN A WEEK OF SIGNING. RELATIONS WITH PERU ARE GOOD BUT PERUVIAN ARMS PURCHASES CONTINUE TO CONCERN THE GOC. DEL VALLE DISCUSSED BOLIVIAN ACCESS TO THE SEA

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AND CHILES CONTINUING STRAINED RELATIONSHIP WITH MEXICO. JARPA ACCUSED THE PERUVIANS OF FRUSTRATING THE BASIS OF A POSSIBLE ACCORD WITH BOLIVIA ON A PACIFIC OUTLET. JARPA SAID THAT CHILE IS INTENT ON MOVING FORWARD TOWARD FULL DEMOCRACY DESPITE SEVERE ECONOMIC PROBLEMS AND COMMUNIST INFILTRATION IN MANY POLITICAL AND SOCIAL SECTORS. THE INTERIOR MINISTER SAID THAT CHILE IS INTERESTED IN USING THE CARTAGENA GROUP TO DEVELOP A REGIONAL TRADE ZONE. DEL VALLE AND JARPA WERE CORDIAL, FRIENDLY AND FRANK THROUGHOUT THE MEETINGS. END SUMMARY.

3. ACCOMPANIED BY AMBASSADOR THEBERGE, AMBASSADOR MIDDENDORF MADE A COURTESY CALL ON CHILEAN FOREIGN MINISTER JAIME DEL VALLE ON AUGUST 30. THE FOREIGN MINISTER PROVIDED A TOUR D'HORIZON OF CHILE'S BILATERAL RELATIONS WITH ITS THREE IMMEDIATE NEIGHBORS, ARGENTINA, BOLIVIA AND PERU.

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PAGE 01 SANTIA 05762 02 OF 02 061229Z
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FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 9539
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AMEMBASSY MONEVIDEO
AMCONSUL RIO DE JANEIRO
AMEMBASSY ROME
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~~S E C R E T~~ SECTION 02 OF 02 SANTIAGO 5762

NR

7. REGARDING THE POLITICAL PROCESS, AMBASSADOR MIDDENDORF NOTED THAT THE U.S. APPLAUDS THE STEPS CHILE IS TAKING TOWARD THE RESTORATION OF DEMOCRACY. JARPA SAID CHILE IS INTENT ON MOVING FORWARD TOWARD FULL DEMOCRACY IN SPITE OF THE COMMUNISTS AND ECONOMIC SITUATION. MIDDENDORF ASKED IF THERE IS ANTYING THE U.S. CAN DO TO HELP CHILE JARPA REPLIED THAT AMBASSADOR THEBERGE IS A GOOD FRIEND AND HAS HELPED CHILE A GREAT DEAL. HE ADDED THAT CHILE'S PRINCIPAL POLITICAL PROBLEM IS THE PCCH, LED BY THE USSR, WHO DO EVERYTHING THEY CAN DO TO MAKE CHILE'S PROGRESS DIFFICULT. JARPA ACCUSED THE COMMUNISTS OF INFILTRATING THE UNIVERSITIES, INTELLECTUAL AND PROFESSIONAL GROUPS, SLUMS AND THE CHURCH, PARTICULARLY THE LABOR VICARIATE ("VICARIA OBRERA") AND THE VICARIATE OF SOLIDARITY.

NR

10. THIS CABLE WAS PREPARED AFTER AMBASSADOR MIDDENDORF'S DEPATTURE.
THEBERGE

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Case Number: s199900006

Chile Project (#S199900030)
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Release X Excise ____ Deny ____
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PAGE 01 SANTIA 05825 071231Z
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C O N F I D E N T I A L SANTIAGO 5825
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E.O. 12356: DECL: OADR
TAGS: PTER, PINS, SHUM, CI
SUBJ: PRESSURES ON CNI INCREASE IN WAKE OF AUGUST 23 SHOOT-OUT

REF: (A) SANTIAGO 5509, B) SANTIAGO 5637

1. (C) SUMMARY: THE ACTIONS OF THE CNI DURING THE AUGUST 23 SHOOT-OUT IN CONCEPCION (REFTELS) ARE COMING UNDER NCREASING SCRUTINY. ARCHBISHOP SANTOS MADE A REQUEST TO THE SUPREME COURT THAT A SPECIAL PROSECUTOR BE NAMED TO NVESTIGATE THE SHOOT-OUT. AT THE SAME TIME, THE CHILEAN HUMAN RIGHTS COMMISSION AND THE BISHOP OF TEMUCO CALLED FOR AN INQUIRY. IN A RELATED EVENT, SANTIAGO JUDGE MARIA MANRIQUEZ FILED A WRIT OF HABEAS CORPUS ON BEHALF OF HER SON, IGNACIO VIDAURRAZAGA,
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PAGE 02 SANTIA 05825 071231Z

WHO WAS ARRESTED IN CONCEPCION ON AUGUST 23, IN CONNECTION WITH THE CNI OPERATION MENTIONED PREVIOUSLY, AND LISTED AS A MEMBER OF THE MIR. IN A RELATED EVENT TWO WOMEN WERE ARRRESTD FOR BEING MEMBERS OF THE MIR AND ENGAGING IN SUBVERSIVE ACTIVITIES, ONE OF WHOM IS THE WIFE OF IGNACIO VIDAURRAZAGA. AN UNUSUAL FEATURE

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OF THE CASES THUS FAR IS THE UNPRECEDENTED DEGREE OF COOPERATION BY THE CNI WITH THE COURTS. END SUMMARY.
2. (U) ON SEPT 3 ARCHBISHOP JOSE MANUEL SANTOS PETITNED THE SUPREME COURT TO PROVIDE A SPECIAL PROSECUTOR TO INVESTIAGE THE SHOOT-OUT WHICH OCCURRED ON AUGUST 23 (REF A). PRIOR TO APPEARING BEFORE THE SUPREME COURT SANTOS SPOKE WITH RAFAEL RETAMAL, PRESIDENT OF THE SUPREME COURT. IN A STATEMENT TO REPORTERS, SANTOS CLAIMED THAT THERE WAS "SUFFICIENT EVIDENCE, Z INCLUDING PHOTOGRAPHS TAKEN BY REPORTERS AND WITNESSES AT THE SCENE, TO SHOW THERE WAS NOT A CONFRONTTION AS STATED BY THE CNI.
3. (U) ON SEPT 1, THE CHILEAN HUMAN RIGHTS COMMISSION ISSUED A STATEMENT THAT THE COURTS SHOULD INVESTIGATE THE CONTRADICTORY VERSIONS OF THE EVENTS OF AUG 23. AT THE SAME TIME, EX-PARLIAMENTARIANS FROM THE CHRISTIAN DEMOCRATS ISSUED A DECLARATION SUPPORTING THE CALL FOR AN INVESTIGATION, ADDING THAT THE JUDICIAL SYSTEM SHOULD INVESTIGATE, NOT THE SECURITY SERVICES. A THIRD CALL FOR AN INVESTIGATION CAME FROM THE BISHOP OF TEMUCO, SERGIO CONTRERAS NAVIA, WHO IS ALSO THE SECRETARY OF THE BISHOPS' CONFERENCE.
4. (U) ON SEPT 1, JUDGE MARIA YOLANDA MANRIQUEZ SEPULVEDA, OF THE ELEVENTH COURT IN SANTIAGO, SUBMITTED A WRIT OF HABEAS CORPUS ON BEHALF OF HER SON IGNACIO ENRIQUE VIDAURRAZAGA MANRIQUEZ TO THE COURT. IGNACIO VIDAURRAZAGA WAS ARRESTED BY OFFICIALS OF CNI ON

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PAGE 03 SANTIA 05825 071231Z

AUGUST 23 IN CONCEPCION. ACCORDING TO MARIA MANRIQUEZ, HER SON WAS DETAINED WITHOUT CHARGES AND WAS BEING HELD INCOMMUNICADO. IN THE WRIT, MARIA MANRIQUEZ REQUESTED THAT AN OBSERVER FROM THE COURT INVESTIGATE THE HEALTH OF HER SON, WHOM SHE BELIEVED TO BE IN "BAD PHYSICAL CONDITION." ON SEPTEMBER 2, LOCAL NEWSPAPERS REPORTED THAT A COURT OBSERVER HAD, IN FACT VISITED THE CNI DETENTION CENTER, DEMANDED CENTER RECORDS, AN INTERVIEW WITH THE DIRECTOR AND AN INTERVIEW WITH VIDAURRAZAGAM THE COURT RECORD SHOWED THAT VIDAURRAZAGA CAME INTO THE COURT ROOM FOR HIS ARRAIGNMENT ESCORTED BY TWO MEN WHO WERE SUPPORTING HIM BY HIS ARMS AND "HE HAD TROUBLE WALKING." BASED ON THESE OBSERVATIONS, THE COURT APPOINTED A DOCTOR TO EXAMINE VIDAURRAZAGA AND REPORT HIS CONDTION. THE COURT ALSO ORDERED THE DIRECTOR OF THE CNI TO COOPERATE WITH THE DOCTORS. THE COURT ANNOUNCED THAT A DECISION ON THE WRIT OF HABEAS CORPUS MIGHT BE FORTHCOMING WITHIN ONE WEEK. ON SEPTEMBER 6, THE INTENDENT OF THE EIGHT REGION ANNOUNCED THAT

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VIDAURRAZAGA HAD BEEN PLACED IN THE CARE OF THE SECOND MILITARY HOSPITAL ON CONCEPCION. THE ANNOUNCEMENT ALSO SAID THAT VIDAUURRAZAGA HAD FALSE DOCUMENTS WITH HIM AT THE TIME OF HIS ARREST AND EXPLOSIVES, A RADIO AND SUBVERSIVE DOCUMENTS WERE FOUND IN HIS HOME.
6. (U) ON SEPT 2, A SANTIAGO NEWSPAPER CARRIED A STATEMENT FROM THE MIR ADMITTNG THAT GOC SECURITY FORCES HAD DEALT THEM A "HARD BLOW" DURING THE ACTIONS FO AUGUST 23. TWO DAYS LATER, AN ALLEGED SPOKESMAN FOR THE MANUAL RODRIGUEZ PATRIOTIC FRONT, MRPF, SAID THAT HIS GROUP HAD ENDED ITS BOMBING CAMPAIGN FOR THE TIME BEING, ALTHOUGH THE MRPF STATEMENT MAY NOT BE RELATED TO THE AUGUST 23 INCIDENTS.
7. (C) COMMENTS: AN UNUSUAL FEATURE OF THE VIDAURRAZAGA CASE THUS FAR IS THE UNPRECEDENTED DEGREE OF COOPERATION PROVIDED BY THE CNI TO THE COURTS. THE STATEMENTS BY THE MIR SUGGESTS THAT RECENT GOVERNMENT ACTIONS AGAINST
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PAGE 04 SANTIA 05825 071231Z

TERRORIST GROUPS HAVE DEBILITATED THE TERRORISTS AT LEAST TEMPORARILY. END COMMENT.
THEBERGE

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Department of State [illegible] El Salvador SE Date 9/23/93
Declassified under EO 12356 (X) in full; ( ) in part;
portions withheld: classified ( ); deliberative ( );
law enforcement ( ); privacy ( ), statutory ( );
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PAGE 01 SAN SA 10461 01 OF 03 0813592
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[redacted] SECTION 01 OF 03 SAN SALVADOR 10461

E.O. 12356: DECL: OADR
TAGS: PTER, SHUM, ES
SUBJECT: GUERRILLAS DUPE TUTELA LEGAL

REF: (A) SAN SALVADOR 10087, (B) SAN SALVADOR 9849
(C) FBIS CHIYA CHIYA R 291355Z JUL 84,
(D) SAN SALVADOR 9203, (E) SAN SALVADOR 9369,
(F) SAN SALVADOR 9666, (G) SAN SALVADOR 9928

1. (C) SUMMARY. A RECENTLY CAPTURED FPL GUERRILLA DOCUMENT CONTAINING A LIST OF MID-LEVEL FPL GUERRILLA LEADERS KILLED IN A SALVADORAN AIR FORCE (FAS) BOMBING LAST MARCH CORRESPONDS ALMOST EXACTLY TO THE LIST OF ALLEGED "CIVILIANS" KILLED IN COMBAT CONTAINED IN TUTELA LEGAL'S MARCH REPORT. THE TUTELA LEGAL (TL) REPORT CONSISTS OF AN ALLEGED "EYEWITNESS'S- TESTIMONY [redacted]

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PAGE 02 SAN SA 10461 01 OF 03 0813592

DECLARE[redacted]HAT A COMBINED FAS AND ARM[redacted]ERATION KILLED

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THESE NINE CIVILIANS. WE CONCLUDE THAT THE FPL DELIBERATELY PLANTED THE STORY WITH THE ARCHBISHOPRIC'S HUMAN RIGHTS OFFICE, TUTELA LEGAL, AS PART OF A CAMPAIGN TO DISCREDIT THE SALVADORAN ARMED FORCES. WE SUSPECT STRONGLY THERE HAVE BEEN OTHER SIMILAR GUERRILLA ATTEMPTS AT DISINFORMATION, USING TL AS WITTING OR UNWITTING TOOL. BUT THE MARCH 9 BOMBING INCIDENT IS THE FIRST OPEN AND SHUT SUCH CASE WE HAVE SEEN OF A DELIBERATE FALSIFICATION BEING PERPETRATED UNDER TL'S MANTLE. WE ARE CONCERNED THAT SUCH CASES, TOGETHER WITH TL'S CONTINUING VERY QUESTIONABLE METHODOLOGY IN COMPILING HUMAN RIGHTS STATISTICS, WILL UNDERMINE THE EFFECTIVENESS OF THE CHURCH'S CRUCIALLY IMPORTANT ROLE AND MISSION HERE IN STIMULATING CONTINUED PROGRESS ON THE HUMAN RIGHTS FRONT. END SUMMARY.

2. (U) THE HANDWRITTEN GUERRILLA DOCUMENT CAPTURED BY JULY 29 IN SAN VICENTE DEPARTMENT BY THE ATLACATL IMMEDIATE REACTION BATTALION, DESCRIBED A FAS BOMBING ATTACK WHICH ALLEGEDLY OCCURRED ON MARCH 3, IN MIRANDILLA AND EL ZAPOTE, IN THE VICINITY OF GUAZAPA VOLCANO (REF A). THE DOCUMENT WAS IN THE FORM OF A DIARY, AND THE ENTRY FOR MARCH 9 INCLUDED A LIST OF THE NAMES OF THE GUERRILLAS KILLED IN THE BOMBING OF MARCH 3, APPARENTLY WHILE ATTENDING A MEETING OF FPL LEADERS IN THE AREA. THIS LIST GIVES THE NAMES OF NINE GUERRILLAS KILLED AND TWO WOUNDED IN THE ACTION, WHICH OCCURRED IN NORTHERN CUSCATLAN DEPARTMENT NEAR EL ZAPOTE AND MIRANDILLA (AN AREA REFERRED TO BY THE FPL AS THE GUAZAPA FRONT), ALONG WITH THEIR POSITIONS WITHIN THE RANKS OF THE GUERRILLAS. THE DOCUMENT GOES ON TO [redacted]

PAGE 03 SAN SA 10461 01 OF 03 0813592

DESCRIBE OTHER GUERRILLA OPERATIONS SUCH AS PLACING BOOBY TRAPS AND MINES, RECONNAISSANCE MISSIONS, AND KIDNAPPING. IT ALSO MENTIONS THREE FPL BATTALIONS BY NAME.

3. (U) WHEN WE COMPARED THE INFORMATION IN THE FPL DOCUMENT TO TUTELA LEGAL'S MARCH 1984 REPORT, WE DISCOVERED THAT TUTELA HAD PRINTED AN EYEWITNESS REPORT OF THE EXACT SAME BOMBING INCIDENT, INCLUDING A LIST OF NINE ALLEGED "CIVILIANS" KILLED IN THE ATTACK.

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THE TUTELA LIST CONTAINED 7 OF THE 9 NAMES ON THE CAPTURED GUERRILLA LIST, MANY OF THEM IN THE SAME ORDER. TUTELA EVEN MISTAKENLY REPORTED THAT THE ATTACK OCCURRED ON THE 9TH OF MARCH, WHICH WAS THE DATE THE INCIDENT WAS PHYSICALLY RECORDED IN THE GUERRILLA JOURNAL, RATHER THAN THE DATE OF THE ACTUAL FAS BOMBING ATTACK, WHICH WAS CORRECTLY NOTED ELSEWHERE IN THE GUERRILLA DOCUMENT AS MARCH 3. TUTELA'S WITNESS WAS PURPORTEDLY A 40 YEAR OLD WIDOW WHO GAVE HER TESTIMONY OF THE BOMBING ON MARCH 30, 1984. A COMPARISON OF THE NAMES ON THE TWO LISTS FOLLOWS:

GUERRILLA LIST	POSITION OF GUERRILLA AS NOTED ON GUERRILLA LIST	TUTELA LIS
-		
GUADELUPE	RESPONSIBLE FOR PROPAGANDA AND EDUCATION	GUADELUPE
-		
ORLANDO	MEMBER OF A SUB-ZONE COMMITTEE	ORLANDO
-		
ISABEL	ZONE COMMITTEE	ISABEL
UGO	CHIEF OF THE POPULAR	HUGO

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PAGE 01 SAN SA 10461 02 OF 03 0814002
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AMEMBASSY MEXICO
AMEMBASSY PANAMA
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HEIGHTS PN

[redacted] SECTION 02 OF 03 SAN SALVADOR 10461

E.O. 12356: DECL: OADR
TAGS: PTER, SHUM, ES
SUBJECT: GUERRILLAS DUPE TUTELA LEGAL

-	*LIBERATION MILITIA OF THE* GUAZAPA FRONT (FPL)	
LITO	RESPONSIBLE FOR A SUB-ZONE COMMITTEE	LITO
-		
EBARISTO	RESPONSIBLE FOR A SUB-ZONE COMMITTEE	N/A
-		
MAXIMIN	RESPONSIBLE FOR A SUB-ZONE COMMITTEE	MAXIMO
-		

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PAGE 02 SAN SA 10461 02 OF 03 0814002

WIL	CHIEF OF THE GUAZAPA COLUMN	WILL
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El Salvador: Human Rights
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[redacted] SECTION 03 OF 03 SAN SALVADOR 10461

E.O. 12356: DECL: OADR
TAGS: PTER, SHUM, ES
SUBJECT: GUERRILLAS DUPE TUTELA LEGAL

DO NOT LIE TO THE CHURCH." UNFORTUNATELY, ALTHOUGH "THE PEOPLE" MAY NOT LIE TO THE CHURCH, THE GUERRILLAS APPARENTLY HAVE NO SUCH QUALMS.

7. (C) WITH INTERNATIONAL PRESS INCREASINGLY SKEPTICAL OF THE ACCURACY OF MEDIA DIRECTLY CONTROLLED BY THE GUERRILLAS (MOST NOTABLY RADIO FARABUNDO MARTI AND RADIO VENCEREMOS), WE BELIEVE THAT GUERRILLA ATTEMPTS TO USE AN OVERLY CREDULOUS TUTELA LEGAL AS A CONDUIT TO "AUTHENTICATE" AND SPREAD DISINFORMATION AGAINST THE SALVADORAN ARMED FORCES WILL INCREASE. ALTHOUGH TUTELA'S RECENTLY-ALTERED FORMAT FINALLY ACKNOWLEDGES THE POSSI-

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BILITY THAT SOME OF THOSE KILLED IN MILITARY OPERATIONS MAY BE GUERRILLAS, IT STILL INSISTS THAT VIRTUALLY ALL "CIVILIAN" DEATHS ARE CAUSED BY THE MILITARY. AND AS LONG AS TL IS WILLING TO UNCRITICALLY ACCEPT SWORN STATEMENTS AS "FACT," IT CAN BE DUPED BY A GUERRILLA MOVEMENT DETERMINED TO SEND IN OSTENSIBLE "EYEWITNESSES" WILLING TO TESTIFYTO THE "INNOCENT CIVILIAN" STATUS OF A LARGE PROPORTION OF ANY NON-ESAF PERSONNEL KILLED IN SUCH OPERATIONS. TL MUST BE PERSUADED TO TAKE STEPS TO CHECK AND FILTER MORE CAREFULLY ITS SOURCES OF HUMAN RIGHTS INFORMATION, OR IT WILL LOSE CREDIBILITY AS A REPORTER ON HUMAN RIGHTS PRACTICES IN EL SALVADOR. THIS WOULD BE A TRAGEDY, BECAUSE IT WOULD UNDERMINE THE CHURCH AS A CONSTRUCTIVE VOICE FOR CONTINUED HUMAN RIGHTS PROGRESS. THIS WAS THE MESSAGE THE AMBASSADOR LEFT WITH THE ARCHBISHOP THIS WEEK (SAN SALVADOR 10737). PICKERING

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MATEO	SECURITY FOR UGO	N/A
N/A	N/A	TOMAS
N/A	N/A	(MALE)

4. (C) THE ALMOST EXACT CORRESPONDENCE OF THE NAMES IN THE TWO REPORTS LEADS US TO CONCLUDE THAT (1) THE VICTIMS OF THE BOMBING WERE IN FACT LOCAL FPL GUERRILLA LEADERS, AND NOT CIVILIANS AS REPORTED BY TUTELA LEGAL, AND (2) THAT THE FLP DELIBERATELY PLANTED WITH TL THE STORY THAT THE VICTIMS WERE ALL CIVILIANS WITH THE OBJECTIVE OF DISCREDITING THE SALVADORAN ARMEDFORCES.

5. (U) THE TEXT OF THE CAPTURED GUERRILLA DOCUMENT'S REFERENCES TO THE BOMBING OF MARCH 3 IS TRANSLATED BELOW:

QUOTE THREE A-37 DRAGONFLY PLANES AND TWO PUSH-AND-PULL (FORWARD AIR CONTROLLER) PLANES APPEARED AND CONCENTRATED FIRE OVER MIRANDIA (SIC) AND ZAPOTE. THEY SHOT OFF 24 BOMBS (SIC). DURING THE COURSE OF THE DAY THEY DROPPED 60-70 BOMBS AND ROCKETS. THE "CARRE" (ARMED FORCES?) FOUND THOSE ATTENDING A COURSE(CURSILLISTAS) AT MEAL TIME AND (DURING) OTHER MOVEMENTS, AND PLACED A BOMB 5 METERS FROM THE KITCHEN. RESULTS: 9 COMRADES DEAD, AMONG THEM:

GUADALUPE - RESPONSIBLE FOR PROPAGANDA AND EDUCATION
ORLANDO - OF A SUB-ZONAL COMMITTEE (OF THE GUAZAPA FRONT)
[redacted]

ISABEL - ZONAL COMMITTEE (OF THE GUAZAPA FRONT)
UGO - CHIEF OF THE POPULAR LIBERATION MILITIA OF THE FRONT (THE GUAZAPA FRONT PART-TIME COMBATANTS)
LITO - RESPONSIBLE FOR A SUB-ZONAL COMMITTEE
EBARISTO - RESPONSIBLE FOR A SUB-ZONAL COMMITTEE
MAXIMIN - RESPONSIBLE FOR A SUB-ZONAL COMMITTEE
NIL - CHIEF OF THE GUAZAPA COLUMN (NOTE: A COLUMN CONTAINS ABOUT 120 COMBATANTS)
MATEO - SECURITY FOR UGO (NOTE: THAT UGO WAS PROVIDED SECURITY ATTESTS TO HIS RELATIVE IMPORTANCE AS

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CHIEF OF THE POPULAR LIBERATION MILITIA (FPL) AT GUAZAPA.)
TWO WOUNDED:
NICHO OF THE ORGANIZATION OF THE COCAL
JUANCITO OF THE SUB-ZONAL COMMITTEE OF PROPAGANDA AND EDUCATION.
...GUAZAPA.
3 MARCH 1984. THREE A-37 BOMBARDED THE VOICES OF MIRANDIA (SIC), LA PAYA, AND EL ZAPOTE.
RESULTS: 5 HOUSES DESTROYED
- 6 DEAD (SIC)
4 MARCH 1984. DURING A COURSE ON MARXISM-LENINISM FOR CADRES OF THE ZONAL AND SUB-ZONAL COMMITTEES AND GUERRILLA CHIEFS. AT 0900, 3 PUSH-AND-PULL PLANES ROCKETED FOR AN HOUR. THEY KEPT A PUSH-AND-PULL (OBSERVATION PLANE) FLYING ALL DAY. END QUOTE.

6. (C) CONCLUSION: WE REMAIN CONCERNED ABOUT TUTELA LEGAL'S APPARENT ACCEPTANCE OF INFORMATION ON ALLEGED ARMED FORCES ABUSES FROM "WITNESSES", FRIENDS OR FAMILY MEMBERS. TUTELA DOES NOT HAVE THE MEANS TO INVESTIGATE EVERY REPORT IT RECEIVES, BUT RELIES PRIMARILY ON THE GOOD FAITH OF ITS INTERLOCUTORS. AS TL'S DIRECTOR MARIA JULIA HERNANDEZ IS WONT TO SAY, "THE PEOPLE

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PAGE 01 SAN SA 10494 101952Z
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UNCLAS SAN SALVADOR 10494

USIA FOR AR AND P/CENTAM

E.O. 12356: N/A
TAGS: SHUM, ES
SUBJECT: HAVANA RADIO DISINFORMATION EXPOSED

REF: FBIS CHIVA CHIVA PN PA 311936Z AUG 84

1. ON 31 AUGUST HAVANA RADIO BROADCAST A REPORT CLAIMING THAT REBECA GIRAL (SIC), AN OFFICIAL AT THE BENJAMIN BLOOM NATIONAL CHILDREN'S HOSPITAL, HAD SAID THAT "THE NUMBER OF CHILDREN SUFFERING KNIFE INJURIES, BEATINGS, AND RAPES COMMITTED BY ARMY TROOPS IN RURAL AREAS INCREASES DAILY."

2. ON SEPTEMBER 7 AN EMBASSY FSN EXPERIENCED IN HUMAN RIGHTS WORK INTERVIEWED LICENCIADA REBECA GIRALT, THE HEAD OF THE HOSPITAL'S DEPARTMENT OF SOCIAL WORK, ABOUT THE STATEMENTS ATTRIBUTED TO HER BY RADIO HAVANA. LIC.
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PAGE 02 SAN SA 10494 101952Z

GIRALT LABELED THE HAVANA RADIO STORY A COMPLETE FABRICATION AND DENIED CATEGORICALLY HAVING MADE SUCH STATEMENTS REGARDING ARMY CULPABILITY.

3. LIC GIRALT SAID THAT SHE HAD GIVEN AN INTERVIEW TO PACO ROMERO, A REPORTER FOR THE CONSERVATIVE DAILY DIARIO DE HOY DURING THE LAST WEEK OF AUGUST. IN THAT INTERVIEW, SHE EXPRESSED THE HOSPITAL'S DEEP CONCERN WITH THE SERIOUS PROBLEM OF CHILD ABUSE IN EL SALVADOR, AND DENOUNCED THE "ALARMING INCREASE" OF CASES OF CHILD ABUSE THE HOSPITAL HAD SEEN IN RECENT DAYS. IN HIS SUBSEQUENT ARTICLE, ROMERO HAD QUOTED HER CORRECTLY AND COMPREHENSIVELY, AND NOWHERE CHARGED THAT THESE ABUSES WERE TO BE IMPUTED TO THE SALVADORAN ARMED FORCES. ON THE CONTRARY, ACCORDING TO GIRALT, THE GREAT MAJORITY OF THE CASES CONCERN CHILD ABUSE WITHIN THE HOME OR LOCAL COMMUNITY.

4. GIRALT STATED THAT SHE KNEW OF ONLY ONE CASE INVOLVING A SOLDIER, AND THAT HAD OCCURRED SOME FOUR YEARS AGO. IN THAT CASE, A SOLDIER WAS ACCUSED OF RAPING AND WOUNDING (WITH A FIREARM) AN 11 YEAR-OLD GIRL IN CANTON EL TABLON, NEAR SUCHITOTO. THE GIRL'S FATHER WAS KILLED AND HER MOTHER RAPED AS WELL. GIRALT CATEGORICALLY DENIED HAVING STATED THAT SUCH INCIDENTS WERE INCREASING, OR THAT SUCH INCIDENTS WERE A MAJOR CONCERN AT THE HOSPITAL. SHE HAD NOT HAD A SINGLE CASE OF A SOLDIER BEING INVOLVED IN AN ASSAULT OR RAPE OF A MINOR THIS YEAR.

5. WE CONCLUDE THAT THIS HAVANA RADIO REPORT IS JUST ONE MORE EFFORT BY THE LEFT TO DISCREDIT THE ESAF AND ADD FUEL TO THE HUMAN RIGHTS PYRE IN EL SALVADOR.
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USDA/FAS CULVER/MCELVAIN
USDA/FAS GBROWN
USDA/FAS BEVIS
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UNCLAS STATE 278406

BAGHDAD FOR HAMPTON BROWN, DAMASCUS FOR AG ATT

E.O. 12356:
TAGS: EAGR, IZ
SUBJECT: CREDIT GUARANTEES APPROVED TO IRAQ

1. A DOLS. 80 MILLION GUARANTEE LINE HAS BEEN AUTHORIZED UNDER THE COMMODITY CREDIT CORPORATION (CCC) EXPORT CREDIT GUARANTEE PROGRAM (GSM-102) FOR FISCAL YEAR 1984 SO THAT IRAQ CAN BUY ADDITIONAL U.S. AGRICULTURAL COMMODITIES.

2. THIS LINE WILL PROVIDE DOLS. 17 MILLION IN CREDIT
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PAGE 02 STATE 278406

GUARANTEES FOR THE SALE OF WHEAT. DOLS. 13 MILLION FOR

BARLEY; DOLS. 30 MILLION FOR CORN; AND DOLS. 20 MILLION FOR VEGETABLE PROTEIN MEALS (COTTONSEED, SOYBEAN, LINSEED, AND SUNFLOWERSEED) AND/OR PROTEIN CONCENTRATES OF VEGETABLE OR ANIMAL ORIGIN.

3. THESE GUARANTEES ARE IN ADDITION TO THE DOLS. 601.8 MILLION ANNOUNCED EARLIER TO IRAQ. CREDIT GUARANTEES AUTHORIZED THIS FISCAL YEAR TO IRAQ NOW TOTAL DOLS. 681.8 MILLION.

4. FOLLOWING CONSULTATIONS WITH THE GOVERNMENTS OF MEXICO AND YUGOSLAVIA, A TOTAL OF DOLS. 59 MILLION HAS BEEN WITHDRAWN FROM FEED GRAINS COVERAGE FOR MEXICO, AND AMOUNTS OF DOLS. 16 MILLION IN OILSEEDS AND DOLS. 5 MILLION IN HIDES AND SKINS HAS BEEN WITHDRAWN FROM COVERAGE FOR YUGOSLAVIA. CONSULTATIONS HAD INDICATED THESE GUARANTEES WOULD NOT BE USED.

5. TO BE ELIGIBLE FOR UP TO THREE-YEAR COVERAGE ON SALES TO IRAQ, U.S. EXPORTERS MUST SUBMIT A GUARANTEE FEE TO CCC BEFORE EXPORT IS COMPLETED. ALL SHIPMENTS MUST BE COMPLETED BY DECEMBER 31, 1984. THE GUARANTOR CAN BE THE RAFIDAIN BANK AND/OR OTHER ELIGIBLE BANKS.

6. U.S. EXPORTERS REGISTERING FOR CREDIT AND/OR GUARANTEES MUST REPORT TO CCC THE ACTUAL SHIPMENT PERIOD AS PROVIDED IN THEIR CREDIT SALE AND NOT SIMPLY INDICATE THE FINAL SHIPMENT DATE AS THAT INDICATED UNDER ANNOUNCEMENTS AUTHORIZING THE CREDIT AND/OR GUARANTEE AVAILABILITY.

7. THE GUARANTEE RATES INCLUDE A CHARGE TO PROVIDE FOR A PER ANNUM INTEREST RATE COVERAGE OF UP TO 8 PERCENT ON

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THE GUARANTEED VALUE. EXPORTERS MAY APPLY FOR A GUARANTEED VALUE UP TO A MAXIMUM OF 98 PERCENT OF THE PORT VALUE.

8. BASED ON SEMIANNUAL REPAYMENTS OF PRINCIPAL, PLUS ACCRUED INTEREST, THE FEE RATE IS 15.6 CENTS PER DOLS. 100 FOR SIX MONTHS; 23.4 CENTS PER DOLS. 100 FOR ONE YEAR; 39.3 CENTS PER DOLS. 100 FOR TWO YEARS; AND 56.5 CENTS PER DOLS. 100 FOR THREE YEARS.

9. BASED ON EQUAL ANNUAL REPAYMENTS OF PRINCIPAL, PLUS

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ACCRUED INTEREST, THE FEE RATE IS 32.9 CENTS PER DOLS. 100 FOR ONE YEAR; 50.1 CENTS PER DOLS. 100 FOR TWO YEARS; AND 69.2 CENTS PER DOLS. 100 FOR THREE YEARS.

10. PUBLICLY ANNOUNCED USDA, SEPTEMBER 13, 1984. SHULTZ

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TEXT OF TELEGRAM 84STATE 282218

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AMEMBASSY SAN SALVADOR

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E.O. 12356: DECL: OADR
TAGS: PINS, OTRA, ES
SUBJECT: REY PRENDES - UNGO DEBATE

REF: A) STATE 271892; B) SAN SALVADOR 10672

1. [redacted] - ENTIRE TEXT.

2. ALLEN WEINSTEIN, DIRECTOR OF THE CENTER FOR THE STUDY OF DEMOCRATIC INSTITUTIONS AND ORGANIZER OF THE OCTOBER 12 DEBATE BETWEEN GOES AND FDR REPRESENTATIVES PASSED THE FOLLOWING INFORMATION TO THE DEPARTMENT:

-- AT THIS POINT, NO ONE HAS SAID NO. HIS (WEINSTEIN) HOPE IS THAT EACH OF THE PARTIES WILL FEAR BEARING THE ONUS FOR BEING THE FIRST TO BACK OUT AND THUS THE DEBATES WILL TAKE PLACE.

-- HE HAS SENT TELEXES TO REY PRENDES AND UNGO SETTING FORTH THE ARRANGEMENTS AS THEY NOW STAND.
[redacted]

PAGE 02 STATE 282218

-- THERE IS A STRONG POSSIBILITY THAT ARENA REPRESENTATIVES WILL PARTICIPATE, POSSIBLY EVEN

D'AUBUISSON.

3. WEINSTEIN WILL BE IN MEXICO CITY SEPTEMBER 25 THROUGH THE AFTERNOON OF SEPTEMBER 26 TO MEET WITH UNGO. HE THEN PROCEEDS TO SAN SALVADOR WHERE HE WILL MEET WITH REY

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Office of FOI, Privacy, & Classification Review
Review Authority: COX, DAVID
Date: 05/25/94
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TEXT OF TELEGRAM 84STATE 282218

PRENDES. WEINSTEIN WILL CALL THE EMBASSIES IN BOTH CAPITALS TO REQUEST MEETINGS FOR HIMSELF WITH THE AMBASSADORS.
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El Salvador: Human Rights
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PAGE 01 GUATEM 09933 01 OF 02 252150Z
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AMEMBASSY TEGUCIGALPA
USMISSION USUN NEW YORK
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UNCLAS SECTION 01 OF 02 GUATEMALA 09933

A/SY/TAG

E.O.12356: N/A
TAGS: ASEC, GT, PGOV, SHUM, PINR
SUBJECT: MONTHLY POLITICAL VIOLENCE AND HUMAN RIGHTS REPORT FOR AUGUST

1. MONTHLY POLITICAL VIOLENCE AND HUMAN RIGHTS REPORT FOR AUGUST 1984, TAKEN FROM OFFICIAL GOG BULLETINS, INDEPENDENT NEWS REPORTS, AND GUERRILLA COMMUNIQUES AS REPORTED BY FBIS.

2. DEATHS

CIVILIAN NON-COMBAT

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PAGE 02 GUATEM 09933 01 OF 02 252150Z

	URBAN	RURAL	TOTAL
-	14	44	58

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NOTE: ELEVEN OF THE CIVILIAN DEATHS WERE CIVIL DEFENSE PATROL MEMBERS. OF THOSE, NINE WERE AMBUSHED AND EXECUTED BY THE GUERRILLAS WHILE TRAVELING IN A PUBLIC BUS IN CONCEPCION CHIQUIRICHAPA, QUEZALTENANGO; THE OTHER TWO WERE SHOT IN SAN MARCOS AND SUCHITEPEQUEZ, WHILE ON PATROL. SEVEN OF THE OTHER CIVILIAN DEATHS CAN ALSO BE ATTRIBUTED TO ASSASSINATIONS BY THE GUERRILLAS: FINCA OWNER CARLOS LAVARREDA AND HIS SON MURDERED IN CUYOTENENAGO AND DIEGO ACABAL AND HIS WIFE IN CHICACAO, BOTH IN SUCHITEPEQUEZ; TWO FARMERS IN SAN PABLO JOCOPILAS, EL QUICHE ACCUSED OF WORKING AS ARMY INFORMERS AND SALVADOR ORELLANA, FINCA ADMINISTRATOR MACHINE GUNNED BY GUERRILLAS IN POCHUTA, CHIMALTENANGO. IN ADDITION, THE 44 RURAL DEATHS INCLUDE 16 CIVILIANS (AN ORPA GUERRILLA COMMUNIQUE CHARGES THAT THE FIGURE WAS HIGHER THAN 100), REPORTED KILLED BY ARMY AND AIR FORCE BOMBS IN BARRANCAS DE GALVEZ VILLAGE, SAN MARCOS, FOLLOWING MILITARY RESPONSE TO AN ORPA GUERRILLA AMBUSH. THE INCIDENT WAS DENOUNCED BY A GUATEMALAN HUMAN RIGHTS COMMISSION COMMUNIQUE REPORTED BY FBIS. THE GUATEMALAN ARMY HAS DENIED THE INCIDENT.

COMBAT

	URBAN	RURAL	TOTAL

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MILITARY KIA:	0	26	26
GUERRILLAS KIA:	0	28	28
CIVILIAN KIA:	0	0	0

NOTE ON MILITARY CASUALTY FIGURES: OFFICIAL ARMY REPORTS INCLUDED: FIVE KILLED IN A CLASH IN SAN PABLO, SAN MARCOS; 17 MEMBERS OF THE ARMY CORP OF ENGINEERS AMBUSHED AND KILLED IN NEBAJ, EL QUICHE, AND ONE ARMY INTELLIGENCE AGENT SHOT IN ZACAPA.

GUERRILLA CLAIMS OF ARMY CASUALTIES, AS REPORTED BY FBIS, AND NOT VERIFIED BY OTHER SOURCES, WOULD HAVE TOTALLED 82. THIS FIGURE INCLUDED 49 VICTIMS

IN SAN MARCOS DEPARTMENT IN FIRST SIX DAYS OF THE MONTH; TEN IN BUENA VISTA VILLAGE AND OTHER PARTS OF HUEHUETENANGO.

	CIVILIAN	GUERRILLA	MILITARY	TOTAL
JULY	35	8	22	65
AUGUST	58	28	26	112
YEAR-TO-DATE	377	162	207	746

OCCUPATION OF VICTIM, WHERE NOTED:

MILITARY 26

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PAGE 01 GUATEM 09933 02 OF 02 252151Z
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AMEMBASSY SAN JOSE

AMEMBASSY SAN SALVADOR
AMEMBASSY TEGUCIGALPA
USMISSION USUN NEW YORK
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UNCLAS SECTION 02 OF 02 GUATEMALA 09933

A/SY/TAG

E.O.12356: N/A
TAGS: ASEC, GT, PGOV, SHUM, PINR
SUBJECT: MONTHLY POLITICAL VIOLENCE AND HUMAN

GUERRILLAS 28

CIVIL PATROL MEMBERS 11

FARM OWNERS 4

LABORERS 7

FARMERS 27

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FARM ADMINISTRATOR 1

TAXI DRIVER 1

UNKNOWN 7

3. ABDUCTIONS

	URBAN	RURAL	TOTAL
JULY	12	10	22
AUGUST	10	29	39
YEAR-TO-DATE	161	194	355

NOTE: TEN OF THE KIDNAP VICTIMS WERE ABDUCTED BY THE GUERRILLAS, INCLUDING EIGHT CIVIL DEFENSE PATROL MEMBERS (FIVE IN SAN MARCOS AND THREE IN HUEHUETENANGO), AND A PATIENT AND HIS VISITOR WHO WERE BADLY WOUNDED IN A NATIONAL HOSPITAL IN

EL TUMBADOR, SAN MARCOS. ANOTHER THREE KIDNAP VICTIMS WERE RELEASED: ENIO ZABALA, A FORMER NATIONAL POLICE MEMBER IN SAN MARCOS; RENE VILLAR, A CHRISTIAN DEMOCRATIC PARTY YOUTH LEADER IN GUATEMALA CITY AND JERONIMO LOPEZ DIAZ, A LABOR LEADER IN CONGUACO, JUTIAPA. THE NUMBER OF ABDUCTIONS ALSO INCLUDES DESIDERIO BACAJAL AQUINO, A REVOLUTIONARY PARTY POLITICAL LEADER IN SOLOLA, ERICK ALFREDO NUNEZ MENDEZ, A TEACHER, WHO, ACCORDING TO HIS FATHER, WAS KIDNAPPED BY THE POLICE IN GUATEMALA CITY AND YOLANDA CONSUELO
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RODRIGUEZ ARTEAGA AND DINA PATRICIA CARDOZA RODRIGUEZ, WIFE AND DAUGHTER OF MARIO SANCHEZ, TOP LEADER OF THE PGT. HE CLAIMS THEY WERE ARRESTED BY THE ARMY ON ROAD BETWEEN COATEPEQUE AND RETALHULEU, AS REPORTED BY FBIS.

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El Salvador: Human Rights
Special Project (1993)

Department of State

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PAGE 01 SAN SA 11307 01 OF 02 2601872
ACTION IO-15

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[redacted] SECTION 01 OF 02 SAN SALVADOR 11307

USIA FOR AA AND P/CENTAM
[redacted]
E.O. 12356: DECL: OADR
TAGS: SHUM, UNHRC, ES
SUBJECT: SEPTEMBER 16-23 VISIT TO EL SALVADOR BY DR.
- JOSE ANTONIO PASTOR RIDRUEJO, UN SPECIAL
- RAPPORTEUR FOR HUMAN RIGHTS

REF: (A) SAN SALVADOR 11160 (B) STATE 7183

1. [redacted] - ENTIRE TEXT.

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PAGE 02 SAN SA 11307 01 OF 02 2601872

2. SUMMARY: ON THIS HIS FOURTH ANNUAL MISSION TO SALVADOR, UN SPECIAL RAPPORTEUR DR. PASTOR RIDRUEJO CONSULTED WITH THE KEY SALVADORAN GOVERNMENT AND MILITARY FIGURES, ARCHBISHOP RIVERA Y DAMAS, TUTELA LEGAL AND OTHER HUMAN RIGHTS ORGANIZATIONS, AND WITH AMBASSADOR PICKERING. PASTOR EXTENDED HIS VISIT AN EXTRA DAY TO CALL ON PRESIDENT DUARTE ON SEPT. 23RD. HIS OVERALL VIEW WAS THAT THERE HAD BEEN A SIGNIFICANT IMPROVEMENT OF THE HUMAN RIGHTS SITUATION IN EL SALVADOR OVER THE PAST YEAR. HE WAS ALSO OPTIMISTIC ABOUT THE FUTURE. ALTHOUGH HIS REPORT TO THE UN WILL REFLECT THIS VIEW, HE SUSPECTS THE EASTERN BLOCK/THIRD WORLD MAJORITY WILL IGNORE HIS REPORT AND CONTINUE TO USE A HARD LINE APPROACH IN AN EFFORT TO OPPOSE U.S. POLICY IN EL SALVADOR. END SUMMARY.

3. PASTOR'S GENERAL ASSESSMENT: DR. PASTOR'S OVERALL IMPRESSION IN COMPARISON TO HIS PREVIOUS VISITS IS THAT THE HUMAN RIGHTS AND GENERAL SITUATION HAS SIGNIFICANTLY IMPROVED. HE NOTED THAT SAN SALVADOR, WITH ITS SHOPS FILLED WITH GOODS AND BUSTLING POPULATION, DOES NOT APPEAR TO BE THE CAPITAL OF A COUNTRY AT WAR. ALTHOUGH HE WAS PLEASED AT THE LOWER LEVEL OF VIOLENCE IN THE CITY IN COMPARISON WITH PREVIOUS VISITS, HE OBSERVED SOME "CONFUSION" OVER DEATH STATISTICS IN THE RURAL AREAS. PASTOR, HOWEVER, APPEARED TO BE IN AGREEMENT WITH THE EMBASSY'S CRITICAL ASSESSMENT OF TUTELA LEGAL'S METHODOLOGY FOR COMPILING HUMAN RIGHTS STATISTICS AS DOCUMENTED IN THE EXTENSIVE BRIEFING BOOK POLOFFS GAVE TO PASTOR FOR HIS USE.

4. IN HIS CALL ON PRESIDENT DUARTE, PASTOR WAS IMPRESSED BY THE SINCERITY OF THE PRESIDENT'S UNQUALIFIED COMMITMENT TO ACHIEVE FURTHER HUMAN RIGHTS [redacted]

PAGE 03 SAN SA 11307 01 OF 02 2601872

GAINS. EQUALLY STRIKING, PASTOR SAID, WAS THE VIVID CONTRAST BETWEEN THE CONFIDENCE AND COMMAND THAT DUARTE EXUDED THIS TIME AS CONSTITUTIONALLY ELECTED PRESIDENT, AND HIS RESERVED AND CIRCUMSCRIBED DEMEANOR THREE YEARS AGO (AS JUNTA PRESIDENT) WHEN PASTOR HAD LAST SEEN HIM.

5. JUDICIAL REFORM: AREA OF CRITICISM: PASTOR STATED THAT ALTHOUGH JUDICIAL REFORM BY ITS VERY NATURE WILL BE A SLOW PROCESS, IT MUST BE [redacted] AREA OF CONCENTRATION

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AS THE INABILITY TO BRING THE GUILTY TO JUSTICE IS CAUSING THE POPULATION TO TAKE THE LAW INTO ITS OWN HANDS. HE BELIEVES THE "CLIMATE OF IMPUNITY BREEDS CRIME." HE COMMENTED THAT THE JUDICIAL REFORM WILL BE MADE MORE DIFFICULT BY THE LOW MORAL STANDARDS OF THE JUDGES AND POLITIZATION OF MEMBERS OF THE ATTORNEY GENERAL'S OFFICE (FISCALIA) AND SUPREME COURT, THE FORMER IN PARTICULAR WHICH HE VIEWS AS HIGHLY ANTAGONISTIC TO PRESIDENT DUARTE. HE COMMENTED THAT ARENA ATTORNEY GENERAL JOSE "PATO" GUERRERO IS VERY JEALOUS OF HIS PREROGATIVES WHILE THE PRESIDENT OF THE SUPREME COURT DR. FRANCISCO "CHACHI" GUERRERO IS MORE FLEXIBLE.

6. VISITS TO SECURITY FORCES: DR. PASTOR VISITED COL. GOLCHER, HEAD OF THE TREASURY POLICE, COL. REVELO, DIRECTOR OF THE NATIONAL POLICE AND GENERAL VIDES CASANOVA, MINISTER OF DEFENSE. HE WAS FAVORABLY IMPRESSED BY THEIR EFFORTS IN THE AREA OF HUMAN RIGHTS. THESE VISITS ALSO PROVIDED AMPLE DOCUMENTATION OF GUERRILLA ATROCITIES AND FORCED RECRUITMENT OF CHILDREN. GENERAL VIDES CASANOVA AND CHIEF OF STAFF COL. BLANDON DISCUSSED THE GOES STAND ON TREATMENT OF GUERRILLA "MASAS" AND OUTLINED ESAF PLANS TO ADD MILITARY CHAPLAINS TO THE OFFICER CORPS TO ASSIST IN EFFORTS TO RAISE HUMAN RIGHTS

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PAGE 01 SAN SA 11307 02 OF 02 2601582
ACTION IO-15

INFO OCT-00 COPY-01 ADS-00 AID-00 INR-10 SS-00 OIC-02
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AMEMBASSY MEXICO
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[redacted] SECTION 02 OF 02 SAN SALVADOR 11307

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E.O. 12356: DECL: OADR
TAGS: SHUM, UNHRC, ES
SUBJECT: SEPTEMBER 16-23 VISIT TO EL SALVADOR BY DR.

CONSCIOUSNESS OF THE TROOPS.

7. PASTOR'S OFFICIAL REPORT: DR. PASTOR SAID HE HOPED THAT THIS YEAR'S U.N. GENERAL ASSEMBLY THIRD COMMITTEE AND THE UNCHR COMMITTEE RESOLUTIONS ON THE SALVADORAN HUMAN RIGHTS SITUATION WOULD BE MORE BENEVOLENT THAN

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PAGE 02 SAN SA 11307 02 OF 02 2601582

IN PAST YEARS. THIS WOULD BOTH REFLECT HIS SENSE OF THE IMPROVED SITUATION HERE AND ENCOURAGE FURTHER IMPROVE-

CONFIDENTIAL

MENTS. HOWEVER, HE SUSPECTED THAT THE EASTERN BLOCK/THIRD WORLD MAJORITY WOULD CONTINUE TO TAKE A HARD LINE APPROACH AS A CLUB AGAINST US POLICY IN EL SALVADOR. HE LAMENTED THAT THE "UN GENERAL ASSEMBLY IS POLITICAL NOT HUMANITARIAN," AS WELL AS THE LIKELIHOOD THAT HE WOULD BE REQUESTED TO RETURN EACH YEAR TO EL SALVADOR UNTIL THE WAR ENDS.

8. COMMENT: WE SHARE PASTOR'S CONCERN THAT THE UN RESOLUTION ON EL SALVADOR WILL AGAIN BE UNBALANCED DESPITE REAL PROGRESS HERE. WE NOTE THAT IN THE PAST MEXICO HAS TAKEN THE LEAD IN PUSHING UNHELPFUL LANGUAGE. A LETTER FROM THE SECRETARY TO SEPULVEDA EMPHASIZING DEMOCRATIC PROGRESS AND THE GAINS IN HUMAN RIGHTS SITUATION IN EL SALVADOR (WHICH WILL BE THE CONCLUSION OF PASTOR'S REPORT), AND REQUESTING THAT MEXICO HELP ASSURE THAT THE RESOLUTION REFLECTS THE IMPROVEMENT IN THE HUMAN RIGHTS SITUATION, MIGHT BE HELPFUL. END COMMENT.

PICKERING

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Democracy in Latin America and the Caribbean

by Langhorne A. Motley

Based on oral and written testimony re the Subcommittee on Western Hemisphere Affairs of the House Foreign Affairs Committee on July 31, 1984. Ambassador Motley is Assistant Secretary for Inter-American Affairs.[1]

Support for democracy is one of the cardinal points of U.S. foreign policy in the Caribbean and in Latin America as a whole. Ambassador Motley's testimony discusses the status of democratic politics in the region. It concludes that democracy is proving to be a practical path to stability as well as to freedom. This conclusion, with the data that support it, parallels the finding of the National Bipartisan Commission on Central America that recent events have "destroyed the argument of the old dictators that a strong hand is essential to avoid anarchy and communism, and that order and progress can only be achieved through authoritarianism."

Selected Latin American Elections In a 20-Year Perspective

Country	Year	Type*	Total Vote (thousands)	Adult Population Voting** (%)
Argentina	1983	P, L	15,180	89
	1963	P, L	9,326	71
Brazil	1982	L	48,440	81
	1962	L	14,747	45
Colombia	1982	P	6,816	68
	1962	P	2,634	35
Costa Rica	1982	P, L	992	87
	1962	P, L	391	76
Ecuador	1984	L	2,024	53
	1962	L	709	34
El Salvador	1984	P	1,524	69
	1962	P, L	400	35
Guatemala	1984	CA	1,856	57
	1964	CA	337	18
Honduras	1981	P, L	1,171	79
	1965	L	551	70
Mexico	1982	P, L	22,523	75
	1964	P, L	9,422	59
Peru	1980	P	4,030	49
	1962	P	1,693	42
Venezuela	1983	P, L	6,741	90
	1963	P, L	3,126	91

*P = Presidential, L = Legislative, CA = Constituent Assembly.

**Estimates based on votes cast as a percentage of total population age 20 or over as reported in the *United Nations Demographic Yearbook* for the year in question.

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THE BEST MEASURE OF FREEDOM

Since November 1980, when the United States last went to the polls to elect a president, our southern neighbors have cast some 150 million votes in 33 elections in 24 countries. That is more votes in more elections in more countries than in any previous 4 years in the history of Latin America and the Caribbean.

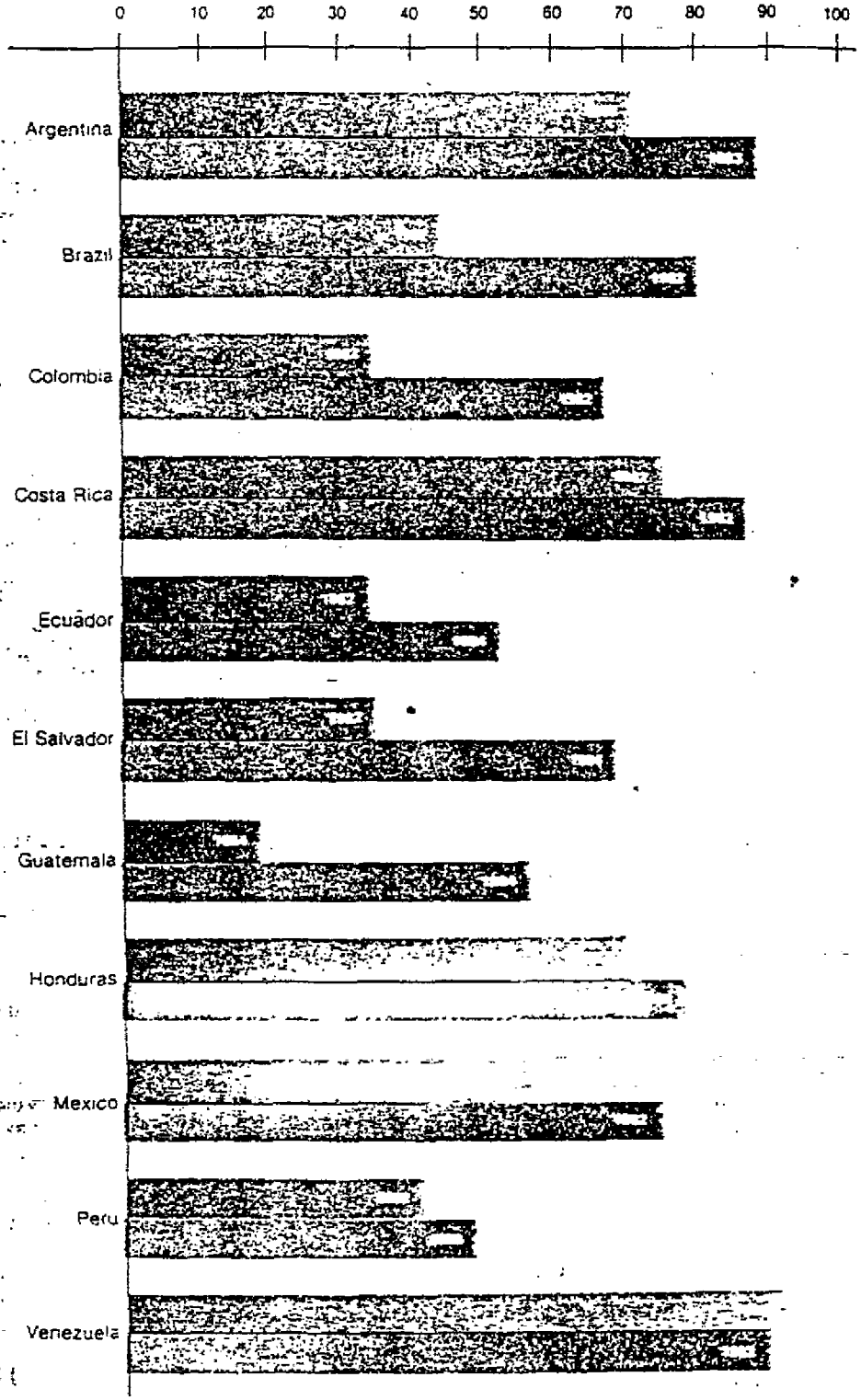
In Latin America, voter participation has increased, sometimes dramatically. In fact, recent turnouts, in some cases, have doubled those of 20 years ago in relative as well as absolute terms.

- More than 15 million Argentine voters went to the polls last fall. In the hotly contested election that ended nearly a decade of military rule, 9 out of every 10 adults voted. Raul Alfonsin became president with the largest vote in Argentine history, exceeding even Juan Peron's highest tally.
- In Brazil's 1982 congressional and municipal elections, 48.4 million Brazilians voted. This was more than three times the 14.8 million who voted in the 1962 legislative elections; the percentage of adults voting rose from 45% in 1962 to 81% in 1982.
- In May of this year, an absolute majority of all adult Salvadorans, some 1.5 million men and women, defied guerrilla violence to choose between Napoleon Duarte and Roberto D'Aubuisson. In the 1962 presidential elections, only 400,000 voters, roughly one-third of adult Salvadorans, had participated in an election dominated by an official military candidate.
- Two Constituent Assembly elections in Guatemala 20 years apart reveal a similar evolution: in May 1964, 337,000 votes were cast, 40% of those registered; in July 1984, the voters numbered 1,856,000, or 73% of those registered.

What lies behind this region-wide upsurge in democratic politics? Long-term development—including the revolutions in communications and expectations—is clearly, if slowly, making itself felt. A more immediate factor—one that has impressed many observers at recent elections—is voter desire to repudiate both dictators and guerrillas. To most Latin Americans, the uncertainties of democracy are preferable to the violence and abuse of leftist and rightist extremes.

Growth of Voter Participation in Selected Countries

(Estimate of Percent of Total Adult Population Voting)



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The force of the democratic tide and e rejection of extremism can also be en in what has *not* happened. Not a ngle country that was democractic 4 ars ago has lost its freedom. The ilitary coups predicted for El Salvador d Honduras did not take place. Bolivn democracy has not fallen. Not one errilla movement has taken power nce 1979, when the Sandinistas reaced Somoza and abandoned their romises to hold free elections. And to ast[illegible] frustration and surprise, ren[illegible]s Marxist-Leninist dictators did ot prove immune to their own abuses f power and were replaced by constitunal authorities committed to holding ee elections by the end of 1984.

Elections by themselves cannot make society or solve every problem. ut competitive elections are, as ecretary Shultz has noted, "a practical ardstick of democracy. They are an inscapable test of public accountability." t is, therefore, U.S. policy to support ree elections without reservation, seeng in them assurances that human ights will be protected, that reconciliaion will reflect the work of people and ot d[illegible]ns, and that U.S. aid and ooperation will have firm local foundaions.

The English-speaking Caribbean, Costa Rica, Colombia, and Venezuela re solidly based democracies of long standing. Over the last 5 years, elected civilian presidents have replaced military rulers in Argentina, Bolivia, Ecuador, El Salvador, Honduras, Panama, and Peru. Additional countries as different as Brazil and Uruguay, Guatemala and Grenada are now also moving toward greater democracy.

The result is that more than 90% of the people of Latin America and the Cari[illegible]an are now living in countries with[illegible]vernments that are either democractic or heading there. For a part of the world often identified with dictatorship, this is something to cheer about.

As recently as 1979, two-thirds of our neighbors lived under military or military-dominated governments of both left and right. Any shift so striking invites skepticism. But measured in voter participation and in competition at the polling booth, today's democractic resurgence is astonishingly deep.

Our neighbors deserve the credit for the progress they are making. We can, in t[illegible]be proud that we are cooperatin[illegible]th them. Freedom is not a zero-sum game. Everyone wins when democracy is strengthened.

The Military and Democracy

Essential to the survival of democracy is an apolitical military establishment—one which seeks not to defend one partisan interest or another but rather one committed to institutional democratic government. Significantly, the recent history of hemispheric democratic advance has been that of a transformation in which the military itself has taken an active part.

An example of this difficult process is today's El Salvador, which owes its agrarian reform to military support. After decades as defenders of the status quo, since 1979 El Salvador's security forces have made considerable progress toward improved field performance, greater respect for human rights, and an apolitical role in society.

Training and organizational changes are largely responsible. Merit promotion has been implemented. President Duarte has appointed a Vice Minister of Defense responsible for the three police forces, as well as new, able commanders to head each. Officers associated with human rights abuses have been removed and a unit suspected of human rights abuse disbanded.

This increased professionalism was reflected in the performance of the armed forces during this year's presidential elections and inauguration. The Salvadoran military, once considered an impediment to the establishment of political democracy, is today defending the future rather than the past.

THREATS TO DEMOCRACY

Despite this extraordinary pattern of progress, democracy in Latin America still faces many problems.

Competitive elections can help measure success or failure in dealing with particular problems; the problems themselves do not automatically disappear at the ballot box, regardless of who wins. Democracy requires elections; but elections alone are not enough.

Democracies must establish a track record as problem-solving mechanisms. If democratic institutions cannot solve problems, they cannot survive. If we are interested in the survival of democracy, we must help democratic governments deal with their problems—even though it is they, not we, who must solve them.

Internal problems include unequal access to education, justice, and employment; the clash of indigenous and immigrant cultures; great disparities in wealth; government inefficiency and corruption; civilian *caudillismo* and military intervention. These problems do not, of course, all exist in every country. But they do persist in varying degrees in the region as a whole.

External problems include increased costs for imported oil; the decline in the global economy accompanied by reductions in export earnings and forced reliance on increasingly expensive borrowed capital; and active efforts by hostile powers outside the hemisphere to exploit local grievances and economic hardship. Again, the mix can vary greatly from country to country, but these external pressures are felt throughout the hemisphere.

These problems combine to create two immediate threats to democracy in Latin America today: political extremism and economic recession. To them must be added the growing international trade in illicit drugs, which degrades the rule of law as well as human dignity.

Political Extremism. The enemies of democracy often point to underdevelopment and economic hardship to justify violence and dictatorship. The problem with their argument is that neither left nor right extremes are stable or productive.

Marxist-Leninist regimes have tended to perpetuate both the political and the economic backwardness out of which they grew. When feuding Marxist-Leninists plunged Grenada into murderous disorder, the United States, Barbados, Jamaica, and Grenada's eastern Caribbean neighbors came to the rescue. The result was restoration of legal order. This was a major defeat for the extremists and their Cuban and Soviet supporters, who nonetheless still support totalitarianism in Nicaragua and oppose the consolidation of democracy in El Salvador.

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Like leftwing extremism, extremism of the right is weakened by economic development. Unlike leftwing extremism, it has few reliable external sources of support. But the consolidation of democratic politics and reform has, nonetheless, been hindered by such phenomena as death squads and denials of elemental equity.

A Precedent for 1984?

In 1972–74, Anastasio Somoza stepped aside from the presidency of Nicaragua, continuing as commander of the National Guard, and, after the 1972 earthquake, as President of the National Emergency Committee.

In 1974, disregarding the advice of friends who thought the time had come for the family to withdraw from active politics, Somoza decided to become president again. To do so, he had the Constitution amended and barred 9 out of 10 opposition parties from the presidential election. Nicaragua's Roman Catholic bishops warned in a pastoral letter that these electoral manipulations amounted to "legal war."

Under those conditions, Somoza received a smashing 95% of the vote: 216,158 votes to 11,997 for Edmundo Paguaga Irias of the Conservative Party. But the victory was Pyrrhic. Many Nicaraguans, including former close associates of Somoza, became convinced a democratic end to the Somoza dynasty had become impossible.

Economic Recession. During the last 8–10 years, economic mismanagement and pressures for reform contributed to the decline of several unrepresentative regimes. Yet if democratic governments cannot produce economic recovery, then they, too, can lose their mandate. Today, many democracies need to restructure their economies at a time when living standards have already declined.

The countries of Latin America and the Caribbean constitute the developing world's most indebted region. External debt exceeded $330 billion at the end of 1983. In 1982 and 1983, interest payments alone added up to more than $40 billion per year. These payments were equivalent to more than 35% of the value of the region's exports of goods and services—the world's highest debt service ratio. In some individual countries the ratio exceeded 100% before debt rescheduling.

The region's real per capita gross domestic product (GDP) has dropped by over 10% from its 1980 level (by far more in some countries), and there is little doubt that per capita real economic growth will again be negative in 1984. In nearly all countries, unemployment and underemployment are at levels not seen since the Great Depression.

It hardly needs to be pointed out how dangerous such conditions are to any government that has to face elections.

The Drug Trade. Illicit narcotics trafficking and consumption also threaten democratic development by fostering disregard for the law and corrupting institutions as well as individuals. In some remote valleys, the lure of extraordinary profits and the absence of productive alternatives have broken down social and political order; lawlessness prevails and drug kings hold sway, sometimes in symbiosis with guerrillas.

In the past, many Latin Americans considered illicit drugs a "U.S. problem." Some even welcomed the increased employment and foreign exchange earnings brought by the drug trade. Today, they are increasingly aware of the enormous threat narcotics pose to the moral fiber of their own societies and to the legitimacy of their own political institutions. Democracy requires a collective victory over the traffickers and their allies.

U.S. POLICY IS TO SUPPORT DEMOCRACY

It is U.S. Government policy to support democracy and democratic institutions. This approach is neither interventionist nor a mindless export of ideology. It is legitimate, it is in our enlightened self-interest, and it works—not overnight or in 6-month increments but over time.

- Democracy is the best guarantor of human rights. A government responsible to its people cannot abuse them with impunity.
- Democracy is also the best long-term guarantor of stability. Democratic governments do not drive their people into armed opposition nor do they threaten or attack their neighbors.

American officials from the President on down have made clear our unequivocal support for democratic processes. During his trip to Latin America in 1982, President Reagan insisted that:

> The future challenges our imagination, but the roots of law and democracy and our inter-American system provide the answers. . . . Together, we will work toward the economic growth and opportunity that can only be achieved by free men and women. We will promote the democracy that is the foundation of our freedom and stand together to assure the security of our peoples, their governments, and our way of life.

Support for democracy can mean everything from a public embrace for a new president of Argentina to sending qualified election observers requested by a government in Central America. It can mean encouragement of political dialogue and communication, technical exchange programs, specialized conferences, and even analytical publications. It can mean support for a strengthened administration of justice.

Rule of Law is Key

A judicial system that is independent and fair, accessible and effective is essential to democracy.

Working with the UN-affiliated Latin American Institute for the Prevention of Crime and the Treatment of Offenders, the U.S. Government is developing a program to assist efforts by governments and private groups in Latin America and the Caribbean to strengthen legal institutions and improve the administration of justice.

During the last 4 years, it has meant all of these things—and more. We encouraged the open and competitive elections that took place in Honduras, El Salvador, and Guatemala. We urged the Sandinistas to honor the democratic promises they have abandoned and betrayed. We welcomed the return to democratic rule in Argentina. We made clear that we would favor a restoration of democracy in Chile and Uruguay. We showed our support for democratic legitimacy when President Siles was kidnaped in Bolivia. We let the Government of Paraguay know we were unhappy with the closing of the independent newspaper *ABC Color*. We let the Government of Haiti know of our con-

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Special Project (1993)

ern at the arrest and mistreatment of opposition leaders.

In country after country in Latin America and the Caribbean, U.S. Embassies are today correctly perceived as supporting democracy. Local officials and citizens recognize in growing numbers that our representatives are patiently fostering democratic dialogue, constitutional procedures, and respect for political diversity.

We also have recognized that government officials are not alone in having a role to play in promoting democratic values and traditions. Private citizens are ultimately the backbone of democracy, and we have attempted to catalyze broader private cooperation. The West German political foundations, the political internationals, our own American Institute for Free Labor Development, and many individual leaders have long proven that political cooperation among like-minded people and groups gets results.

The democratic tide has made it easier to build on these experiences. We have strengthened the ability of the U.S. Information Agency (USIA) to sponsor private exchanges. The National Endowment for Democracy and its constituent institutes are strengthening our national capacity to develop mutual support networks among democratic leaders and parties throughout the world.

Citizens: the Backbone of Democracy

U.S. Government contributions to the National Endowment for Democracy support private sector initiatives to encourage free and democratic institutions throughout the world. These initiatives involve U.S. business and labor as well as political parties. They include cooperation and organizational activities that promote the pluralism, individual freedoms, and internationally recognized human rights essential to the functioning of democratic institutions.

The new Center for Electoral Advice and Promotion in San Jose, Costa Rica, is an example of how a regional institution can help nations translate democratic theory into the nuts, bolts, and ballot boxes of an open political system.

Democratic countries have a particular obligation to reach out and assist each other and those on the path to democracy. If they do not, they leave the field to those who are opposed to democracy. As President Eisenhower said on return from his 1960 South American trip:

> . . . all nations—large or small, powerful or weak—should assume some responsibility for the advancement of humankind. . . . Cooperation among free nations is the key to common progress.

Economic Growth and Adjustment

With economic recession challenging social and political stability in several hemisphere countries, economic adjustment is not a matter of choice but of necessity. If economies are to grow, they must do so in accordance with market forces, not in opposition to them. Stable and equitable growth in the future requires economic adjustment now.

We in the United States have learned that lesson ourselves. The decisions we took to foster the resurgence of the American economy were not easy. Costs were incurred. At the height of the adjustment process, unemployment reached painfully high levels and industrial production declined markedly. But we are now reaping the benefits of the hard decisions we made earlier. Industrial production is expanding. Inflation is down and personal income is up. And in the past two quarters, our gross national product (GNP) grew much faster than anticipated.

Direct parallels cannot be drawn between the situation in the heavily indebted developing countries of Latin America and in the United States. But there is a lesson to be learned from our experience. It is clear that to achieve sustained noninflationary growth countries need policies that reflect economic realities and release the productive forces of their people.

Governments often face agonizing choices in the political management of adjustment. They must distribute the burdens of that adjustment. And they often must decide between taking hard measures at once or trying to postpone economic shocks—with the risk that those shocks will be more severe and violent later on. These are real dilemmas for which there is no simple or universal answer.

Democratic governments, with broad popular participation and support, are especially well positioned to deal with these tough decisions. As Costa Rican President Luis Alberto Monge told the International Labor Organization in Geneva on June 12, 1984:

> We have drawn back from the gulf [by adopting] some very bitter and harsh decisions in order to improve a sick economy. . . . Democracy works as a means of settling the problems of production and to win battles in the struggle against under-development and poverty.

We are acutely aware of the scope and seriousness of the economic problems confronting the hemisphere. We are concerned, and we are helping.

Costa Rica's Constitution

After the short 1948 civil war, a coalition of Costa Ricans looked at their own and their neighbors' political experiences and set out to create a legal framework to prevent abuses and assure a democratic future for the country. The document they wrote has been religiously followed since. Among other things, the Constitution of 1949:

- Permanently eliminated the army (*not* as an expression of "neutralism"—the civil war resulted partly in the explicit choice of democracy over communism—but to end any institutionalized military threat to elected civilian government);
- Created an independent "Supreme Electoral Tribunal," a fourth branch of government co-equal with the traditional three and with remarkably independent powers designed to assure scrupulously clean elections;
- Elaborated a complex system of checks, balances, and independent financing aimed at preventing undue concentration of power anywhere in the government; and
- Prohibited presidential reelection (not only of the incumbent, but of anyone in his/her cabinet or immediate family).

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El Salvador: Human Rights
Special Project (1993)

The United States and the other industrialized countries will continue to respond constructively to external debt and other economic problems. It would be a disservice to all nations to weaken the very international instruments that can help troubled economies adapt to new economic realities. But it would be an equal disservice not to recognize the need for flexibility and understanding.

The June economic summit in London carefully considered debt-related issues. The summit leaders confirmed a basic strategy centered on adjustment, growth, and support and agreed to develop it flexibly, case by case. They also agreed on measures to strengthen and broaden that strategy over time.

The summit leaders also pledged to maintain and, where possible, increase bilateral and multilateral assistance, particularly to the poorest countries. They encouraged the International Monetary Fund (IMF) to continue its key role of helping debtor countries make necessary policy changes. And they asked the World Bank to strengthen its role in fostering economic development, urging closer cooperation between the IMF and the Bank.

This approach has been successful in avoiding systematic crisis. Indeed, we have come a long way since August 1982, when Mexico's acute lack of liquidity raised fears that the international financial system might sudddenly topple.

We and other creditor governments quickly provided temporary bridge financing to deal with immediate liquidity problems and began developing continuing measures to support Mexico's economic adjustment program. We have since collaborated on the official credits involved in financial support packages for a variety of debtor countries.

The responses of the United States, other creditor governments, commercial banks, the IMF, and other institutions reflect a more activist and creative approach to the hemisphere's economic problems.

Some countries, notably Mexico and Brazil, have made significant progress in adjusting their economies. Almost no country—from Jamaica to Peru, from the Dominican Republic to Costa Rica—has escaped the crisis or has failed to act to meet it. It is important that they be able to service their debt and bring about a resumption of sustainable, non-inflationary growth.

To help make that possible, and to support democratic processes throughout the hemisphere, U.S. policy has sought to provide assistance to help governments implement adjustment measures conducive to long-term political and economic stability.

• The United States has made unprecedented use of Commodity Credit Corporation guarantees and special Export-Import Bank guarantee and insurance programs as specific debt management tools. We and our Paris Club colleagues have been flexible in rescheduling debt on a case-by-case basis. The debts of more countries are being rescheduled, including principal and interest, with longer repayment terms and grace periods.

• Our approach includes encouraging commercial bankers to maintain prudent involvement in lending and rescheduling. Commercial bank rescheduling and lending terms have improved over the past 18 months for countries which have successful adjustment programs—lower rescheduling and other fees, a drop in "spreads," lengthening repayment periods, and the rescheduling of maturities over multiyear periods.

• Adequate funding for the international financial institutions is an integral part of the solution. We have encouraged the evolution of the role of the IMF and other international financial institutions over the past 18 months. Working with the Congress last year, we secured a major increase in IMF resources. The IMF is increasingly sensitive to political and social strains accompanying painful economic adjustment programs. The Fund, for example, has been innovative in defining the public sector deficit targets for Peru and Brazil and has negotiated more liberal targets for Mexico and Chile.

• We have worked for the favorable evolution of World Bank operations, encouraging such innovations as structural adjustment loans, which offer financial support over the medium term to countries undertaking economic reforms. And we are examining development bottlenecks resulting from inadequate counterpart or local currency funds under World Bank lending.

• An important part of our strategy, and one that depends heavily on the Congress for support, is to prevent protectionist measures from inhibiting Latin American access to the U.S. market. The hemisphere's share of U.S. imports has grown from 13% ($23 billion) in 1978 to 16% in 1983 ($41.7 billion)—notwithstanding recessions, debt crises, and competition from other regions. The outlook for hemisphere exports to the United States is positive. U.S. imports from Latin America and the Caribbean in 1983 were up by 11% over 1982. And preliminary data for 1984—first quarter figures—show an increase of 31% over the first quarter of 1983.

• The Caribbean Basin Initiative (CBI) is a milestone. The CBI opens up new opportunities for trade, investment, employment, and broad-based growth in the region. Its 12-year life represents a long-term U.S. political commitment with incentives beyond its immediate trade objectives. Countries with the policy framework to promote investment and innovation will best be able to seize trade opportunities, increasing very significantly the payoff for appropriate economic policies.

• Another significant step is the trade credit guarantee program recommended for Central America by the National Bipartisan Commission on Central America, included in the foreign aid authorization bill, which passed the House in May.

Opinion Polling in Latin America

Thomas Jefferson wrote that "it is rare that the public sentiment decides immorally or unwisely, and the individual who differs from it ought to distrust and examine well his own opinion." Scientific polling is a modern reflection of that sentiment—a common practice in democratic states, including in Latin America and the Caribbean.

Several dozen respected public opinion firms, from Mexico to Argentina, engage in a wide range of political polling, from in-depth inquiries into citizen concerns to candidate popularity polls. Some are associated with well-known companies like Gallup, and internationally accepted survey methods are the rule.

Individual companies have demonstrated the validity and usefulness of polling even in disturbed areas. In Central America, for example, pollsters have elicited public attitudes on such diverse themes as regional peace talks, the impact of U.S. policies, and the effects of economic adjustment.

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El Salvador: Human Rights
Special Project (1993)

[illegible] these efforts, we are keenly aware that our programs and policies, however supportive, cannot be decisive. The main responsibility for economic development lies with the developing countries themselves. The flow of new lending from the industrialized countries is likely to remain below recent levels for an extended period of time. Yet developing countries continue to need more capital for development than they can generate internally.

Foreign direct investment is, therefore, likely to grow in importance as an engine of development in Latin America. Direct investment, particularly new equity capital, offers the recipient country many advantages over external debt.

- Equity investment is cheaper to service, especially in hard times. Although interest must be paid regardless, profits are remitted only when they are earned.
- Equity brings with it technology, jobs, and management skills that are hard to acquire in other ways.
- Direct investment encourages integration into the world system, fostering a more open trading system where protectionist pressures can be resisted more readily.

[illegible] United States is the source of nearly 60% of all foreign direct investment in Latin America and the Caribbean. Investment flows respond to economic conditions and to fiscal, trade, and exchange-rate policies in the recipient countries. Nations that choose to create an attractive climate for foreign investors can expect to attract an increased portion of the available funds. They will thus reduce their dependence on debt for growth. We encourage this.

But we recognize that the debtor countries alone, even with wise policies, cannot surmount the current crisis. Our assistance is necessary—and we will continue [illegible] provide it. The cooperation of other lending countries is vital—and it has been forthcoming. The international financial institutions have an essential role to play—and they are playing it. With this support, we believe the responsible and democratic governments of the hemisphere can meet the economic challenges that confront them.

Security

The export of violence by Cuba and Nicaragua with Soviet backing is the principal external security threat to democracy in the hemisphere. U.S. security assistance and training are essential to help our neighbors defend themselves against this threat. As a demonstration of our resolve and to improve the capability of our own and regional forces, we continue to conduct joint exercises and maneuvers in the area.

At the same time, our diplomats are working actively to contain the threat posed by Nicaragua's military ties to Cuba and the Soviet bloc, its subversive activities, militarization, and internal repression. We believe the Contadora process provides the means to negotiate a comprehensive, verifiable, and durable regional solution.

The leaders of the Caribbean understand well the vital importance of collective effort. Pioneers of economic and political cooperation in CARICOM, they helped inspire the Caribbean Basin Initiative to broaden that cooperation to include both Central America and the industrialized world. Similarly, faced with what one Caribbean leader called "an ideology of violence whose aim is to undo democracy," the democracies of the eastern Caribbean, in particular, and the Caribbean as a whole did not vacillate in cooperating to restore order in Grenada in 1983.

Defense against the illicit narcotics trade entails cooperation of a similar kind among those in the region who recognize the threat and seek our active help—primarily in helping to fund what is, after all, a war against a well-armed and ruthless enemy.

Democracy in the Caribbean

The constitutions of the English-speaking nations of the Caribbean build on the British or "Westminster" model which has been followed in the region for over 300 years. Generally speaking, each nation elects a lower house or assembly roughly equivalent to the House of Commons, based on single member constituencies for a term of no more than 5 years. The leader of the majority party or coalition becomes Prime Minister, names a cabinet, and is responsible for governing during the term. An appointed Senate with minority representation sits for the duration of the term of the lower house. In those states whose constitution provides for it, a Governor-General represents the Queen. But this connection is *only* with the monarch, not at all with the Government or Prime Minister of Great Britain. The tradition of career, nonpartisan public service also runs deep in the Caribbean.

AN END TO INDIFFERENCE?

Although its mandate was confined to Central America, the National Bipartisan Commission on Central America could not avoid a broader conclusion in its report to the President:

> Powerful forces are on the march in nearly every country of the hemisphere, testing how nations shall be organized and by what process authority shall be established and legitimized. Who shall govern and under what forms are the central issues in the process of change now under way in country after country throughout Latin America and the Caribbean.

The United States is powerful enough to make a difference in favor of democracy. But successive U.S. Administrations and Congresses, Republicans and Democrats, have learned that our own democratic example and national power are not enough to make a decisive difference in the face of indifference abroad.

The important thing—the key to understanding how the United States should be conducting itself in this hemisphere—is that today indifference toward democracy is disappearing in Latin America and the Caribbean. Recent experience demonstrates this remarkable truth—in Central America, in the Andean countries, in Brazil, in the Caribbean, and in the Southern Cone. The voting statistics, the personal testimony of election observers, the palpable solidarity felt by anyone who has attended a Latin or Caribbean inauguration over the last 5 years—all evidence the growing sense of participation in national political life.

In international political cooperation today, the Contadora process is a critical experiment. It says a great deal about the invigorated power of the democratic idea that this group of countries has reached the "revolutionary" conclusion

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El Salvador: Human Rights
Special Project (1993)

Contadora on Democracy in Central America

On September 9, 1983, all nine participants in the Contadora peace process* agreed on a 21-point "Document of Objectives"—a framework for addressing obstacles to peace in the region. Two of those objectives dealt specifically with internal democracy:

> To adopt measures conducive to the establishment and, where appropriate, improvement of democratic, representative and pluralistic systems that will guarantee effective popular participation in the decision-making process and ensure that the various currents of opinion have free access to fair and regular elections based on the full observance of citizens' rights;
>
> To promote national reconciliation efforts wherever deep divisions have taken place within society, with a view to fostering participation in democratic processes in accordance with the law. . . .

*Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, Colombia, Mexico, Panama, and Venezuela.

that democracy is absolutely essential for peace and development in Central America (see above).

Are these—and the more specific benchmarks elaborated within the process since then—not standards which we can all support? Don't they reveal both an understanding of democracy and a rejection of indifference?

Can there be any question of the results of any comparative application of these same benchmarks to the two Central American countries most often in the news: El Salvador and Nicaragua? Whose election experience or plans meet the standard? In which country is there "free access"? In which country are there "fair and regular elections"? Which country is promoting "national reconciliation efforts" on the basis of "fostering participation in democratic processes"? The answer in each case is El Salvador.

Those inclined to answer differently might ponder what Peruvian novelist Mario Vargas Llosa wrote in 1983:

> When an American or European intellectual—or liberal newspaper or institution—advocates for Latin American countries political options and methods he would never countenance in his own society, he is betraying a fundamental doubt about the capacity of the Latin American countries to achieve the liberty and the respect for the rights of others that prevail in the Western democracies. In most cases, the problem is an unconscious prejudice, an inchoate sentiment, a sort of visceral racism, which these persons—who generally have unimpeachable liberal and democratic credentials—would sharply disavow if they were suddenly made aware of it.

Vargas Llosa is right. Too many of us have not looked at what is happening in Latin America closely enough to get beyond the stereotypes.

It is time to bury the canard that Latin Americans are "incapable of democracy." The United States cannot afford ignorance, indifference, or inaction.

Our policy must be a program of understanding, of action, and of democratic solidarity. Recent history proclaims the strength of Latin America's drive for democracy. By encouraging it and supporting it, we are not "exporting" our own ideology or "imposing" something "made only in USA." We are helping our neighbors fulfill their own aspirations. And in doing so we are confirming our own deepest and most hopeful convictions.

[1]The complete transcript of the hearings will be published by the committee and will be available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. ■

The "Coordinadora" Nine Points

Following, in translation, is a summary of the nine points first made in December 1983 by the opposition Nicaraguan Democratic Coordinating Board (made up of three political parties, two labor unions, and the umbrella private sector organization) as a basis for free elections in Nicaragua.

1. Separation of State and Party. The army, the militia, the police, the Sandinista Television Service, and others must be part of the state and not of the FSLN [Sandinista National Liberation Front].

2. Repeal of Laws That Violate Human Rights. The code that restricts freedom of expression in the press, radio, and television must be abrogated. The laws that violate private ownership and others must be abolished.

3. Suspension of the State of Emergency. Suspension of the state of emergency and full exercise of freedom of expression and information.

4. Amnesty Law. A general amnesty law that will permit the participation of all Nicaraguan citizens in the electoral process.

5. Respect for Freedom of Worship. Freedom for priests, pastors, and the faithful to perform their religious ceremonies.

6. Union Freedom. The full exercise of workers' rights, including the right to strike, to organize, and to bargain collectively.

7. Autonomy of the Judicial Branch. The judicial branch to have true independence from the government party and from the legislative and executive branches.

8. Protective Law With Recourse to Unconstitutionality. Recognition of the Fundamental Statute and the Statute of Rights and Guarantees as the Supreme Law until a new constitution is enacted, so that these will not be changed at the whim of the government.

9. National Dialogue To Hold Elections in the Presence of the Contadora Group or the OAS. All political parties and movements, including those in arms, should negotiate on the elections.

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El Salvador: Human Rights

Type of Election(s) | Date of Most Recent Election(s) | Date of Next Election(s)

ominica

House of Assembly	July 1980	June 1985

rime Minister Mary Eugenia Charles n[illegible] Dominica Freedom Party (DFP) ained control of the House of Assembly n a fair and open election. The DFP urrently holds 17 of 21 seats. Opposing arties are the Dominica Labour Party, he Democratic Labour Party of Dominica, and a leftist grouping called Dominica Liberation Movement Alliance.

Dominican Republic

President, Congress	May 1982	May 1986

The Dominican Republic turned to democratic institutions after a long period of dictatorship and social and political upheaval. In spite of destabilizing economic problems, democracy continues to gain strength there, as evidenced by strongly contested elections in 1978 and 1982. Suffrage is universal and compulsory for those over 18 or married.

Three major parties contested the 1982 presidential elections in which 1.7 million citizens elected Salvador Jorge Blanco of the Dominican Revolutionary Party as president. The opposition parties, the Reformist Party and the Dominican Liberation Party, have representation at all levels of the government—federal, state, and local.

cuador

egislative, unicipal	Jan. 1984	July 1986
resident	May 1984 (2d round)	Jan. 1989

esident Leon Febres-Cordero was inaugurated on August 10, 1984, marking first transition in 24 years from one cted democratic government to ther. President Febres-Cordero, a sinessman, is a member of the Social Christian Party (PSC), which allied itself with several other parties in a coalition called the National Reconstruction Front to oppose Rodrigo Borja Cevallos, the candidate of the Democratic Left (ID), also supported by a coalition of political parties, some of which supported the outgoing government of President Osvaldo Hurtado.

El Salvador

Legislative Assembly, Municipal	Mar. 1982	1985
President	May 1984 (2d round)	1989

El Salvador's political structure is established by a constitution that entered into force in December 1983. The Constitution was written by a constituent assembly elected in a direct popular vote in 1982. The 1982 elections for the assembly were part of a program of democratization agreed to among the military officers responsible for the coup in 1979 and the Christian Democratic Party. Automatic registration for the elections was offered to the political parties allied with the guerrilla umbrella organization, the Farabundo Marti National Liberation Front (FMLN), but rejected by them.

Jose Napoleon Duarte was elected president on May 6, 1984. International observers attested to the fairness of the 1984 presidential elections. Eight candidates representing a broad political spectrum competed in the first round. Jose Napoleon Duarte, a founder of the Christian Democratic Party, won 54% of the votes in a run-off against ARENA [National Republican Alliance] candidate Roberto D'Aubuisson. Over 80% of the electorate went to the polls.

Despite communist subversion, rightwing terrorism, crushing economic difficulties, and a history of repression, the people of El Salvador have persevered in constructing democratic institutions. The legislative and municipal elections to be held in the spring of 1985 will provide a further opportunity for political parties associated with the guerrillas to compete democratically for power. The United States strongly supports President Duarte's efforts to bring about such a national reconciliation through democratic procedures.

Grenada

Parliament	Dec. 1976	By the end of 1984

The erratic rule of Sir Eric Gairy was forcibly ended on March 13, 1979, by Maurice Bishop and the New JEWEL [Joint Endeavor for Welfare, Education, and Liberation] Movement. The Constitution was suspended, elections postponed indefinitely, and an extraordinary military buildup begun under Cuban and Soviet advisers.

In October 1983, Grenada's eastern Caribbean neighbors proved their democratic mettle when they acted—without hesitation and with the support of other democratic nations, including the United States—to restore order in Grenada after the country had fallen prey to a bloody power struggle among its Marxist-Leninist leaders. Their collective action made it possible for Grenadians to resume their democratic heritage. An interim government was appointed by Governor-General Paul Scoon in November 1983. Parliamentary elections are expected to take place before the end of 1984.

Guatemala

President	Mar. 1982	1985
Constituent Assembly	July 1984	Not applicable

On March 23, 1982, Efrain Rios Montt was named president after Gen. Lucas Garcia was ousted in a bloodless coup. On August 8, 1983, Gen. Oscar Humberto Mejia Victores seized power from Rios Montt and pledged a prompt return to democracy. International observers invited to witness the Constitutent Assembly elections, held July 1, 1984, were favorably impressed by their

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TEXT OF TELEGRAM 84SAN SA012208 459

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PAGE 01 SAN SA 12208 01 OF 02 152201Z
ACTION ARA-00

INFO OCT-00 COPY-01 ADS-00 AID-00 INR-10 SS-00 CIAE-00
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PM-10 PA-01 DMB-01 INRE-00 SP-02 SNP-01 PRS-01
SLPD-01 SPD-02 /042 W
----------016267 152208Z /70 38

O 152157Z OCT 84
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 9452
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HEIGHTS PN
USIA WASHDC 3662
USAFSO HOWARD AFB PN//LAI

[redacted]E SECTION 01 OF 02 SAN SALVADOR 12208

USIA FOR AR AND P/CENTAM

E.O. 12356: N/A
TAGS: PDNT, PGOV, ES
SUBJECT: LA PALMA: OPEN CITY

REF: A. SAN SALVADOR 12151 B. SAN SALVADOR 12149

1. SUMMARY: HISTORIC MEETING BETWEEN GOES, LED BY PRESIDENT JOSE NAPOLEAN DUARTE (ACCOMPANIED BY SENIOR ADVISERS INCLUDING NOTABLY DEFENSE MINISTER VIDES CASANOVA, AND FIRST AND SECOND DESIGNATES TO PRESIDENCY ABRAHAM RODRIGUEZ AND RENE FORTIN MAGANA, PLUS MINISTER OF THE PRESIDENCY REY PRENDES) AND FMLN/FDR DELEGATION [redacted]

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El Salvador: Human Rights
Special Project (1993)

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United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: COX, DAVID
Date: 05/25/94
Case ID: S940034H

PAGE 02 SAN SA 12208 01 OF 02 152201Z

LED BY GUILLERMO UNGO, RUBEN ZAMORA, FERNAN CIENFUEGOS AND OTHERS, CONVOKED AT 10:00 AM IN LA PALMA UNDER THE AUSPICES OF ARCHBISHOP RIVERA Y DAMAS AND A WATCHFUL CROWD OF TENS OF THOUSANDS OF SALVADOREANS DEMONSTRATING SILENTLY FOR PEACE. A FEW MOMENTS LATER, AUXILIARY BISHOP ROSA Y CHAVEZ EMERGED TO ANNOUNCE THAT THE MEETING HAD BEGUN; IT WOULD LAST UNTIL AT LEAST 3 PM; LUNCH WOULD BE BROUGHT INTO THE CHURCH FOR THE DELEGATES; AND A PRESS CONFERENCE WOULD BE SET FOR SOME

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TEXT OF TELEGRAM 845AN SA012208

TIME AFTER 3 PM LOCAL TIME (5 PM WASHINGTON TIME) AT WHICH FIRST THE FMLN/FDR AND IMMEDIATELY FOLLOWING, THE GOES SIDE, WOULD PRESENT THEIR POINTS AND ANSWER QUESTIONS. END SUMMARY.

2. SALVADORAN TV COVERAGE HAS BEEN LIVE AND NEARLY NON-STOP, PORTRAYING A SCENE OF HOPEFULNESS AND, THUS FAR, TRANQUILLY UNFOLDING IN LA PALMA. TV AND PHONE REPORTS FROM EMBASSY FSN INDICATE LARGE, PEACEFUL CROWD OF AT LEAST SEVERAL THOUSAND, CONSISTING OF BOTH GOES AND FDR/FMLN SUPPORTERS. LA PALMA IS FESTOONED WITH BANNERS AND POSTERS IN FAVOR OF PEACE. MOST SEEM TO BE NON-PARTISAN BUT MANY SUPPORT THE PRESIDENT AND A FEW DEMAND AN END TO THE YANQUI PRESENCE.

3. THE ONLY OBVIOUS SECURITY OR CROWD CONTROL IS BEING PROVIDED BY UNIFORMED BOY SCOUTS, WHO SEEM TO BE DOING AN EXCELLENT JOB. RED CROSS AND GREEN CROSS ARE ON THE SCENE TO ASSIST WITH AMENITIES; WE HAVE THUS FAR HAD NO REPORTS OF INCIDENTS EITHER IN THE TOWN ITSELF OR ON ROADS LEADING INTO AND OUT OF IT. ACCORDING TO OUR FSN, LOCAL TOWNSPEOPLE HAVE RECOGNIZED NUMEROUS GUERRILLA MEMBERS LIVING IN SURROUNDING AREAS WHO BEGAN ARRIVING LAST NIGHT, DRESSED IN CIVILIAN [redacted]

PAGE 03 SAN SA 12208 01 OF 02 152201Z

CLOTHES. LEFT MADE ITS PRESENCE FELT PEACEFULLY, ORGANIZING SONGFESTS, ENTERTAINMENT, AND OTHER FRIENDLY ENCOUNTERS WITH LOCAL FOLK.

4. EVENT IS BEING COVERED FULL TIME NATIONALLY BY ALL FIVE LOCAL TV STATIONS AND SEVERAL RADIO STATIONS. WHAT WE HAVE HEARD INDICATES COVERAGE IS NON-POLEMICAL. PRINCIPAL RADIO STATION HAS CARRIED NUMEROUS MAN IN THE STREET INTERVIEWS FROM LA PALMA, WHICH CLEARLY INCLUDE SOME SUPPORTERS OF THE LEFT, INCLUDING REPS OF THE "MOTHERS COMMITTEE", WHO WERE SHRILLEST BY FAR IN ANTI-GOES RHETORIC. MOST PERSONS INTERVIEWED LIMITED THEIR COMMENTS TO EXPRESSIONS OF DESIRE FOR PEACE. "CHRISTIAN BASE COMMUNITIES" OF CHALATENANGO, A PRO-LEFT ACTIVIST CATHOLIC ORGANIZATION, WAS GIVEN AIR TIME TO WISH THE DIALOGUE WELL FROM A CLEARLY LEFTIST PERSPECTIVE. FMLN COMANDANTE TONIO WAS ALSO INTERVIEWED; HE CALLED LA PALMA A MAJOR STEP FOR PEACE AND A RECOGNITION OF THE FMLN AS A LEGITIMATE BELLIGERENT (PRESUMABLY IN GENEVA CONVENTION NOMENCLATURE.)

5. CATHOLIC CHURCH REPS ARRIVED AT LA PALMA ABOUT 9:00 AM AND INCLUDED ARCHBISHOP RIVERA Y DAMAS AUXILIARY BISHOP ROSA CHAVEZ, BISHOP CABRERA AND VATICAN CHARGE MSGR. OTONELLO. INTERVIEWED, ROSA CHAVEZ

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El Salvador: Human Rights
Special Project (1993)

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EXPRESSED OPTIMISM THAT SEEDS OF PEACE WERE BEING SOWN. THE CHURCH HAS DONE ITS UTMOST TO FACILITATE THE CONFERENCE, AND IS THE STRONG NEUTRAL BODY INSISTING ON ORDER IN THE PROCEEDINGS.

6. DUARTE AND GOES DELEGATION WALKED INTO TOWN THE LAST SEVERAL KILOMETERS ESCORTED BY AN IMPRESSIVE SQUADRON OF SEVERAL THOUSAND MARCHERS WAVING WHITE FLAGS FOR

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Special Project (1993)

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TEXT OF TELEGRAM 84SAN SA012208

ADP430 [redacted]

PAGE 01 SAN SA 12208 .02 OF 02 152202Z
ACTION ARA-00

INFO OCT-00 COPY-01 ADS-00 AID-00 INR-10 SS-00 CIAE-00
DODE-00 H-01 NSCE-00 NSAE-00 SSO-00 HA-08 L-03
PM-10 PA-01 OMB-01 INRE-00 SP-02 SNP-01 PRS-01
SLPD-01 SPD-02 /042 W
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O 152157Z OCT 84
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 9453
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HEIGHTS PN
USIA WASHDC 3663
USAFSO HOWARD AFB PN//LAI

[redacted] SECTION 02 OF 02 SAN SALVADOR 12208

USIA FOR AR AND P/CENTAN

E.O. 12356: N/A
TAGS: PDNT, PGOV, ES
SUBJECT: LA PALMA: OPEN CITY

PEACE. THEY GATHERED IN FRONT OF THE LA PALMA CHURCH ABOUT 9:45 AM. OFFICIAL PARTICIPANTS ARE THE PRESIDENT, DEFMIN GENERAL VIDES (IN HIS UNIFORM), PRESIDENCY MINISTER REY PRENDES AND PRESIDENTIAL SUBSTITUTE-DESIGNATES ABRAHAM RODRIGUEZ AND RENE FORTIN MAGANA. A NUMBER OF OTHER CABINET MINISTERS AND HIGH GOVERNMENT OFFICIALS ALSO ACCOMPANIED THE PRESIDENT; THOSE NOT ACTUALLY PARTICIPATING IN THE MEETINGS HAVE BEEN VERY [redacted]

PAGE 02 SAN SA 12208 02 OF 02 152202Z

VISIBLE IN THE CROWDS AND EVIDENT IN TV COVERAGE: SUPREME COURT PRESIDENT CHACHI GUERRERO WHO AGAIN EXPRESSED HIS PERSONAL SUPPORT FOR THE LA PALMA INITIATIVE, FORMIN TENORIO, WHO PLEADED WITH ALL SALVADORANS TO HAVE FAITH IN THE POWER OF DIALOGUE TO ARRIVE AT A PEACEFUL SETTLEMENT, CCE HEAD SAMAYOA, WHO DESCRIBED WILLINGNESS TO REGISTER LEFT PARTIES, AND NUMEROUS OTHER NOTABLES WHO WERE INTERVIEWED AS WELL. NO ONE TOOK OCCASION TO QUESTION LEFT'S GOOD

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El Salvador: Human Rights
Special Project (1993)

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FAITH; GOE'S HAS STAYED IMPECCABLY ON THE HIGH ROAD THROUGHOUT. VICE PRESIDENT CASTILLO CLARAMOUNT, WHO REMAINED BEHIND IN SAN SALVADOR, HAS BEEN PROMINENTLY FEATURED ON TELEVISION AND RADIO READING, AT LEAST THREE TIMES BY OUR COUNT, DUARTE'S PAPER (REF B)--A CLEAR CALL FOR NATIONAL UNITY AND RECONCILIATION UNDER THE CONSTITUTION AND WITHIN THE FRAMEWORK OF THE ESTABLISHED DEMOCRATIC POLITICAL PROCESS.

7. FOREIGN ATTENDANCE IS WELL REPORTED, INCLUDING PRESENCE AT LA PALMA OF SENATOR TSONGAS, VARIOUS AMERICAN CLERICS (INCLUDING A FRANCISCAN, FR. MCCOY OF SAN FRANCISCO, AND CONCERNED LAWYERS). WE HAVE NO INFORMATION ON ANY PUBLIC REMARKS THEY MIGHT HAVE MADE. FORMER VENEZUELAN AMBASSADOR TO EL SALVADOR LEOPOLDO CASTILLO WAS ON HAND AND GAVE MEDIA AN EFFUSIVE STATEMENT ABOUT DEMOCRATIC PROGRESS IN EL SALVADOR. CANADIAN AMBASSADOR FILLEUL WAS ALSO PRESENT BUT AVOIDED TAKING ANY SUBSTANTIVE POSITION ON THE TALKS IN HIS TV INTERVIEW.

8. GUERRILLA DELEGATION SHOWED UP AT CHURCH AT 10:05, MOMENTS AFTER GOES DELEGATION HAD ENTERED. WE RECOGNIZED UNGO AND ZAMORA AND NOTED PRESENCE WITH THEM OF AT [redacted]

PAGE 03 SAN SA 12208 02 OF 02 152202Z

LEAST TWO CAMOUFLAGE-CLAD GUERRILLAS. ONE IS CLEARLY FARN COMMANDER FERMAN CIENFUEGOS (JOSE EDUARDO SANCHO CASTANEDA). HOWEVER, ERP HEAD JOAQUIN VILLALOBOS DID NOT APPEAR; LENGTHY RADIO VENCEREMOS COMMUNIQUE ISSUED SHORTLY THEREAFTER, AND READ IN FULL ON LOCAL RADIO, EXPLAINED HE HAD NOT BEEN ABLE TO TRAVEL FROM "LIBERATED AND HEROIC" MORAZAN DEPARTMENT TO CHALATENANGO FOR SECURITY REASONS, BUT WAS FULLY WILLING TO JOIN IN ANY SUBSEQUENT MEETINGS TO BE HELD. (MOST OF THE REST OF THE COMMUNIQUE WAS PROPAGANDA.) OUR FSN AT LA PALMA REPORTED AT 11:00 THAT THE FOLLOWING FMLN FIGURES ARE ALSO PARTICIPATING IN LA PALMA: FACUNDO GUARDADO (A SENIOR FPL LEADER; FORMER HEAD OF THE BPR), MIDIA DIAZ (NFI) AND COMANDANT_ LUCIO (AKA SANTOS ANTONIO PERAZA, A LEADING FARN MEMBER). GUERRILLA RADIOS VENCEREMOS AND FARABUNDO MARTI, WE UNDERSTAND, ARE ON THE SCENE AND HIGHLY ACTIVE.

9. PRESS CONFERENCES AS NOW SCHEDULED WILL BE HELD BY THE LEFT FIRST, AT 15:00 LOCAL AND BY GOES AT 15:30. WE WILL REPORT HIGHLIGHTS WITH OUR COMMENTS ASAP AFTER PRESS CONFERENCE ENDS.

PICKERING

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Special Project (1993)

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TEXT OF TELEGRAM 84STATE 305234

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ADP858 [redacted]

PAGE 01 STATE 305234
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INFO OCT-00 COPY-01 ADS-00 SSO-00 /026 R

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R 151323Z OCT 84 ZEX
FM SECSTATE WASHDC
TO EC COLLECTIVE
AMEMBASSY STOCKHOLM
AMEMBASSY OSLO
AMEMBASSY REYKJAVIK
AMEMBASSY TOKYO
AMEMBASSY CANBERRA
AMEMBASSY BERN
AMEMBASSY WELLINGTON
AMEMBASSY MEXICO
AMEMBASSY VIENNA
INFO CONTADORA COLLECTIVE
USMISSION USNATO
USMISSION GENEVA
USMISSION USUN NEW YORK
USSOUTHCOM QUARRY HTS PN 0000

[redacted] STATE 305234

EXDIS: ROME ALSO FOR VATICAN

E.O. 12356: DECL: OADR
TAGS: PREL, PINR, PINS, ES
[redacted]

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El Salvador: Human Rights
Special Project (1993)

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PAGE 02 STATE 305234

SUBJECT: FDR/FLNN FUNDING

1. [redacted] - ENTIRE TEXT.

2. SUMMARY: DEPARTMENT REQUESTS ADDRESSEE POSTS IDENTIFY AND DEVELOP INFORMATION ON ORGANIZATIONS THAT ARE SUPPORTING SALVADORAN GUERRILLA FORCES. POSSIBLE SOURCES OF SUCH ASSISTANCE INCLUDE HUMANITARIAN ORGANIZATIONS, SOLIDARITY GROUPS, SOCIALIST INTERNATIONAL, AND POLITICAL

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: COX, DAVID
Date: 05/25/94
Case ID: S940034H

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TEXT OF TELEGRAM 84STATE 305234

PARTIES. DEPARTMENT IS INTERESTED BOTH IN OVERT MILITARY ASSISTANCE AS WELL AS HUMANITARIAN AID WHICH MAY BE SURREPTIOUSLY DIVERTED TO MILITARY USE BY REBEL GROUPS. END SUMMARY.

3. DEPARTMENT IS COLLECTING INFORMATION ON SOURCES OF PRIVATE NON-COMMUNIST FUNDING FOR SALVADORAN GUERRILLA FORCES. THESE INCLUDE MOSTLY PRIVATE HUMANITARIAN AND SOLIDARITY GROUPS AND POLITICAL PARTIES. SOME OPENLY SUPPORT GUERRILLA MOVEMENTS MILITARILY WHILE OTHER GROUPS PROVIDE HUMANITARIAN AID WHICH MAY BE DIVERTED TO MILITARY USES BY GUERRILLA ORGANIZATIONS, INCLUDING THE

FDR/FMLN IN EL SALVADOR AND REBEL GROUPS IN GUATEMALA.

4. IN SOME CASES, INTELLIGENCE REPORTS INDICATE EUROPEAN GOVERNMENT FUNDS PROVIDED TO PHILANTHROPIC AND HUMANITARIAN GROUPS WITH MINIMAL REQUIREMENTS TO ACCOUNT FOR THEIR ULTIMATE USE HAVE BEEN DIVERTED TO CENTRAL AMERICAN GUERRILLAS FOR MILITARY USE.

5. ORGANIZATIONS LONG KNOWN TO BE SOURCES FOR FDR/FMLN MILITARY FUNDING INCLUDE THE CENTER FOR INVESTIGATION AND SOCIAL ACTION (CIAS), BASED IN MEXICO CITY, A KNOWN FMLN

[redacted]

PAGE 03 STATE 305234

FUND-RAISING FRONT, AND THE FMLN'S COMMISSION FOR INTERNATIONAL SOLIDARITY, BASED IN MANAGUA AND MEXICO CITY. SOCIALIST INTERNATIONAL HAS BEEN AN OPEN SUPPORTER OF THE FDR/FMLN. DIVERSIONS HAVE IN SOME INSTANCES REPORTEDLY HAVE BEEN LINKED TO THE WORLD SOLIDARITY COMMITTEE, OXFAM, SOCIALIST SOLIDARITY, COMITE MISSIONAIRE DE DEVELOPMENT (CATHOLIC), THE LUND COMMITTEE (SWEDEN) AND THE FOUNDATION FOR THE DEVELOPMENT OF DISCRIMINATED AREAS THROUGH LOCAL SELF-MANAGEMENT PROJECTS (DAD-PAZ).

6. FYI: RECENT REPORTS INDICATE THAT FUNDING FOR THE FDR/FMLN FROM NON-COMMUNIST WESTERN EUROPEAN SOURCES IS DECLINING. ACCORDING TO THESE REPORTS, THE LEGITIMACY AND DEMOCRATIC IMAGE OF THE DUARTE ADMINISTRATION, GROWING BELIEF THAT THE GUERRILLAS WON'T WIN THE WAR, AND DONOR FEARS THAT HUMANITARIAN AID IS BEING DIVERTED TO ARMS PURCHASES ARE COMBINING TO REDUCE MONIES PREVIOUSLY AVAILABLE TO THE FDR/FMLN FROM HUMANITARIAN ORGANIZATIONS, SOLIDARITY GROUPS AND NON-COMMUNIST POLITICAL PARTIES.

7. THE DROP IN EUROPEAN SUPPORT IS HELPING TO CONSTRICT FDR/FMLN'S ABILITY TO MOUNT OPERATIONS AND TO EQUIP AND EXPAND ITS MILITARY FORCES. INCREASINGLY THE FMLN IS FORCED TO RELY ON FORCED RECRUITMENT, KIDNAPPINGS, THEFT

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AND COERSION TO MAINTAIN ITS FORCES. SUCH STRAINS INCREASE PRESSURE ON THE FDR/FMLN TO EXPLORE PARTICIPATION IN THE FREE ELECTION SYSTEM THAT ELECTED DUARTE AND THAT DUARTE IS DETERMINED TO STRENGTHEN FURTHER. CONTINUED FINANCIAL PRESSURES COULD ACCELERATE THE FDR/FMLN'S NEED TO SEEK SUCH A DIALOGUE.

8. DUARTE'S HISTORIC INVITATION TO FMLN LEADERS TO MEET WITH HIM UNARMED IN LA PALMA OCTOBER 15 TO DISCUSS PEACE AND PARTICIPATION IN THE UPCOMING ELECTIONS AFFORDS A

[redacted]

PAGE 04 STATE 305234

POTENTIALLY SIGNIFICANT OPPORTUNITY FOR SALVADORAN DEMOCRACY. WE FULLY SUPPORT HIS COURAGEOUS INITIATIVE AND ARE WORKING ON WAYS TO GENERATE MAXIMUM INTERNATIONAL RECOGNITION OF HIS EFFORTS. END FYI.

9. ACTION REQUESTED: ADDRESSEE POSTS ARE REQUESTED TO DEVELOP AND REPORT INFORMATION ON SOURCES AND AMOUNTS OF FUNDS--BOTH PUBLIC AND PRIVATE, DIRECT AND INDIRECT--THAT ARE BEING CHANNELED TO FDR/FMLN FOR HUMANITARIAN, SOLIDARITY OR OTHER USES AS WELL AS ANY INDICATIONS THAT SUCH AID MAY BE DIVERTED TO OTHER THAN HUMANITARIAN USES. DEPENDING ON THE OUTCOME OF OUR SOUNDINGS, DEPARTMENT WILL CONSIDER SELECTIVE GOVERNMENT-TO-GOVERNMENT APPROACHES TO ILLUSTRATE AND DISCOURAGE POTENTIAL FOR FUTURE DIVERSION. BY SEPTEL, WE WILL ALSO BE PROVIDING YOU WITH PUBLIC DIPLOMACY GUIDANCE THAT WILL ASSIST YOUR EFFORT. SHULTZ

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TEXT OF TELEGRAM 84SAN SA012335

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PAGE 01 SAN SA 12335 01 OF 03 181620Z
ACTION SS-25

INFO OCT-00 COPY-01 ADS-00 SSO-00 /026 W
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FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 9537
INFO CONTADORA COLLECTIVE

[redacted] SECTION 01 OF 03 SAN SALVADOR 12335

EXDIS

E.O. 12356: N/A
TAGS: PGOV, ES, PINT
SUBJECT: FORTIN MAGANA ON LA PALMA

REF: SAN SALVADOR 12241

1. [redacted] -ENTIRE TEXT.

2. SUMMARY: SECOND DESIGNATE TO THE PRESIDENCY (AND ACCION DEMOCRATICA LEADER) RENE FORTIN MAGANA, WHO WAS ONE OF THE GOES REPRESENTATIVES WHO PARTICIPATED WITH PRESIDENT DUARTE IN THE LA PALMA TALKS WITH THE FMLN/FDR, GAVE POLOFFS A READ OUT OF THE TALKS OCTOBER 16. ACCORDING TO FORTIN MAGANA, THE GOES TEAM FOUND THE FMLN/FDR REPRESENTATIVES UNEXPECTEDLY CORDIAL AND NON-CONFRONTATIONAL, AND, IN CONTRAST TO THE GOES SIDE, APPARENTLY NOT WELL PREPARED. PRESIDENT DUARTE HAD LED OFF THE MEETING BY MAKING CLEAR THAT HE COULD NOT EXCEED IN THE DISCUSSIONS THE LIMITS OF THE SALVADORAN CONSTITUTION. FOR THEIR PART, THE FMLN/FDR REPRESENTATIVES DID NOT PRESS THEIR TRADITIONAL DEMANDS FOR POWER SHARING, INTEGRATION OF THE GUERRILLA FORCES WITH THE ARMY, ABOLITION OF THE SECURITY FORCES OR ANY OTHER STRUCTURAL CHANGES. FORTIN MAGANA [redacted]

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El Salvador: Human Rights
Special Project (1993)

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PAGE 02 SAN SA 12335 01 OF 03 181620Z

SPECULATED THAT THIS "MODERATION" MAY BE A FUNCTION OF THE GUERRILLAS WEAKENED POSITION ON THE BATTLEFIELD AND ON THE DOMESTIC AND INTERNATIONAL POLITICAL FRONT. (NOTE: WE SEE AS ANOTHER POSSIBILITY THAT THE LEFT DID NOT WISH TO GIVE DUARTE ANY PRETEXT FOR BREAKING OFF THE TALKS AS THEY DID WITH THE GOES PEACE COMMISSION IN BOGOTA IN SEPTEMBER OF LAST YEAR. END COMMENT.) FORTIN MAGANA ADDED THAT THE LEFT'S TRUE MOTIVATIONS WOULD PROBABLY BECOME CLEARER DURING THE

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Date: 05/25/94
Case ID: S940034H

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NEXT MEETING IN NOVEMBER. END SUMMARY.

3. FORTIN MAGANA SAID THE GOES WAS IMMEASURABLY BETTER PREPARED FOR THE LA PALMA MEETING THAN THE FMLN/FDR REPRESENTATIVES. THE GOES TEAM, DUARTE, MIN. PRESIDENCY REY PRENDES, FIRST PRESIDENTIAL DESIGNATE ABRAHAM RODRIGUEZ, SECOND PRESIDENTIAL DESIGNATE RENE FORTIN MAGANA AND DEFMIN GEN. EUGENIO VIDES CASANOVA, GET ALONG WELL PERSONALLY AND HAD WORKED OUT THEIR POSITIONS WELL IN ADVANCE OF THE MEETING. THE FMLN/FDR, ON THE OTHER HAND, SEEMED TO HAVE HAD VERY LITTLE TIME TO PREPARE AND DID NOT EXHIBIT THE SAME DEGREE OF COORDINATION.

4. ATMOSPHERE: FORTIN MAGANA SAID THAT THE GOES NEGOTIATING TEAM HAD EXPECTED THAT THE LEFT WOULD ENGAGE IN A HIGHLY POLEMICAL AND HOSTILE DEBATE AND WENT TO THE MEETING PREPARED TO RESPOND IN KIND. THEY WERE SURPRISED TO FIND THE LEFT COURTEOUS AND RELATIVELY UNDEMANDING. FORTIN MAGANA CHARACTERIZED THE MEETING AS CORDIAL AND SAID THAT THE LEFTISTS WERE NON-COMBATIVE IN THEIR ATTITUDES THROUGHOUT THE DAY.

5. OPENING THE MEETING: PRESIDENT DUARTE OPENED THE [redacted]

PAGE 03 SAN SA 12335 01 OF 03 181620Z

MEETING BY HANDING THE FDR/FMLN REPRESENTATIVES A COPY OF THE SALVADORAN CONSTITUTION, SAYING THAT THE CONSTITUTION WAS HIS FRAMEWORK FOR THE DISCUSSIONS, AND THAT HE COULD NOT GO BEYOND THE POWERS DELEGATED TO HIM IN THAT DOCUMENT. WITH THIS STATEMENT OF HIS LIMITS, DUARTE LAUNCHED INTO HIS PRESENTATION OF HIS PEACE OFFER FOR GUERRILLA REINCORPORATION INTO THE EXISTING CONSTITUTIONAL AND DEMOCRATIC SYSTEM WITH GUARANTEES AND PRESENTED THE OTHER SIDE WITH THE GOES POSITION PAPER (REFTEL), SINCE MADE PUBLIC. IN SHARP CONTRAST TO THE SEPTEMBER 29, 1983 GOES PEACE COMMISSION MEETING WITH FMLN/FDR REPRESENTATIVES IN BOGOTA, THE LEFT PRESENTED NO DOCUMENT OF THEIR OWN TO COUNTER GOES POSITIONS AND FORMULATIONS, LEAVING THEM IN A WEAK TACTICAL POSITION TO NEGOTIATE, ACCORDING TO FORTIN MAGANA.

6. CHANGE IN EL SALVADOR: GUILLERMO UNGO DID REJECT DUARTE' STATEMENT THAT CONDITIONS HAD CHANGED CONSIDERABLY IN EL SALVADOR SINCE 1979. RUBEN ZAMORA, HOWEVER, WAS WILLING TO AGREE THAT ALTHOUGH THE STRUCTURE OF POWER IN THE COUNTRY HAD NOT SIGNIFICANTLY CHANGED, THE NUMBERS OF DEATH SQUAD KILLINGS HAD DROPPED DRAMATICALLY AND HUMAN RIGHTS CONDITIONS HAD INDEED IMPROVED, IF ONLY QUANTITATIVELY. FORTIN MAGANA SAID THAT FARN LEADER FERMAN CIENFUEGOS AGREED TO ZAMORA'S

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Special Project (1995)

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FORMULATION OF QUANTITATIVE CHANGE.

7. GUERRILLA POSITIONS: FORTIN MAGANA SAID THAT, IN STARK CONTRAST TO THE DEMANDS MADE IN THE SEPTEMBER 1983

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Special Project (1994)

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PAGE 01 SAN SA 12335 02 OF 03 181621Z
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FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 9538
INFO CONTADORA COLLECTIVE

[redacted] SECTION 02 OF 03 SAN SALVADOR 12335

EXDIS

BOGOTA MEETING. THE LEFT MADE NO PROPOSALS TO CHANGE THE STRUCTURE OF POWER IN EL SALVADOR WHATSOEVER. THEY DID NOT REPEAT THEIR TRADITIONAL DEMANDS FOR POWER-SHARING, DID NOT DEMAND A PROVISIONAL GOVERNMENT TO ALLOW THEM ENTRY INTO THE SYSTEM, AND DID NOT EVEN MENTION INTEGRATION OF THEIR FORCES INTO A PURGED ESAF. AS MENTIONED ABOVE, THE LEFT HAD NO LIST OF DEMANDS AS IS THE USUAL PRACTICE, AND IN FACT HAD NO DOCUMENT OF ANY KIND.

B. FDR-FMLN PROPOSALS: IN THEIR ORAL PRESENTATION, THE LEFT DID NOT ASK FOR A CEASE-FIRE AS THE GOES HAD THOUGHT THEY MIGHT (COMMENT: IN A LATER PUBLIC STATEMENT, UNGO SAID THEY HAD, AND THAT DUARTE HAD AT THE LA PALMA MEETING REFUSED TO STUDY SUCH A PROPOSAL). BUT DID ASK FOR THE FORMATION OF A "FORO AMPLIO" OR A POPULAR FORUM FOR THE DISCUSSION OF THE SITUATION IN EL SALVADOR. FORTIN MAGANA UNDERSTOOD THIS TO BE A LARGE COLLOQUIUM, IN WHICH THE PRINCIPAL NATIONAL SECTORS (E.G. CAMPESINOS, WORKERS, EMPRESARIOS, ACADEMICS) ARE TO BE REPRESENTED. THE LEFT'S OTHER PROPOSAL WAS FOR MEASURES TO "HUMANIZE" THE CONFLICT. THIS IDEA, HE SAID, HAS BEEN A POPULAR THEME OF THE CATHOLIC CHURCH, AND ESPECIALLY OF ARCHBISHOP RIVERA Y [redacted]

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El Salvador: Human Rights
Special Project (1993)

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PAGE 02 SAN SA 12335 02 OF 03 181621Z

DAMAS IN HIS WEEKLY HOMILIES, BUT FORTIN MAGANA FELT THAT THE LEFT HAD TAKEN THE IDEA TO HEART AND INCORPORATED IT INTO THEIR PLATFORM WILLINGLY. FORTIN MAGANA SURMISED THAT THE LEFT UNDERSTOOD THE TERM "HUMANIZE THE CONFLICT" TO MEAN AN END TO FAS BOMBING "OF CIVILIANS". HE ALSO SAID THAT THIS CONCEPT MIGHT BE EXPANDED LATER TO INCLUDE A CEASE-FIRE, BUT THAT NEITHER SIDE REQUESTED THIS.

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9. REINTEGRATION OF THE FMLN/FDR: WHEN THE DISCUSSION TURNED TO THE PROCESS OF REINTEGRATING THE LEFT INTO EL SALVADOR'S POLITICAL LIFE, DUARTE ASKED IF THE LEFT WAS WILLING TO REJOIN THE COUNTRY UNDER CONDITIONS IMPOSED BY THE CONSTITUTION, WITH PLURALISM AND DEMOCRACY AS THEIR GOALS. ACCORDING TO FORTIN MAGANA, THIS QUESTION EVOLVED INTO A DISCUSSION OF THE LEGITIMACY OF DUARTE'S ELECTION AND POWER, FROM THE LEFT'S POINT OF VIEW. FORTIN MAGANA ASSERTED THAT THE LEFT HELD THAT, WHILE THEY RESPECTED DUARTE'S POSITION AS PRESIDENT, THEY WOULD NOT SWEAR TO OR BE BOUND IN ANY WAY BY THE CURRENT CONSTITUTION BECAUSE THEY HAD NOT BEEN INCLUDED IN THE PROCESS OF WRITING IT. FOR THIS REASON, WHEN THE MEETING TURNED TO A DISCUSSION OF THE LANGUAGE OF THE JOINT COMMUNIQUE, THE GOES DID NOT PUSH TO INCLUDE THE FORD "CONSTITUTION" IN THE COMMUNIQUE'S CALL FOR PEACE "WITHIN A FRAMEWORK OF PLURALISM, DEMOCRACY AND SOCIAL JUSTICE." FORTIN MAGANA ASSERTED THAT THE LEFT HAD INDEED UNDERSTOOD "PLURALISM" TO BE THE SAME AS THE GOES. HE ADDED THAT HE DID NOT BELIEVE THE LEFT WOULD PARTICIPATE IN THE MARCH ELECTIONS FOR THE LEGISLATIVE ASSEMBLY AND MUNICIPAL COUNCILS BECAUSE THE LEFT WOULD NOT HAVE ENOUGH TIME TO ORGANIZE THEMSELVES IN THAT REGARD.

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El Salvador: Human Rights
Special Project (1993)

HE THOUGHT IT UNFORTUNATE THAT THE DATE FOR THE CAMPAIGN AND ELECTION WAS LOCKED IN BY THE CONSTITUTIONAL REQUIREMENT THAT OFFICE HOLDERS TAKE THEIR POSTS MAY 1.

10. ATMOSPHERICS: FORTIN MAGANA ALSO GAVE US HIS IMPRESSIONS OF THE ATMOSPHERICS OF THE MEETING. HE FELT THAT THE FDR-FMLN REPS WERE EMBARRASSINGLY UNPREPARED FOR THE MEETING, MOST PROBABLY, HE ASSERTED, BECAUSE THEY WERE TAKEN BY SURPRISE BY DUARTE'S OFFER TO TALK, AND HAD NOT HAD ENOUGH TIME TO MEET AND COORDINATE THEIR RESPONSE. (COMMENT: TO THE BEST OF OUR KNOWLEDGE, THE FDR-FMLN REPRESENTATIVES WERE NOT ABLE PHYSICALLY TO GET TOGETHER FOR MEETINGS UNTIL THE EVENING OF OCTOBER 14.) FORTIN MAGANA SAID THAT UNGO AND ZAMORA WERE BY FAR THE MOST ARTICULATE OF THE FDR/FMLN TEAM, ALTHOUGH THEY DEFERRED TO CIENFUEGOS TO A CERTAIN EXTENT. FORTIN MAGANA COMMENTED THAT HE WAS UNIMPRESSED WITH THE MENTAL AGILITY OR DEPTH OF ANY OF THE FOUR FMLN COMANDANTES PRESENT, INCLUDING CIENFUEGOS. ACCORDING TO FORTIN MAGANA, TWO OF THEM, NIDIA DIAZ AND LUCIO RIVERA, SAID NOTHING DURING THE ENTIRE MEETING.

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11. FDR-FMLN MOTIVES FOR ATTENDING THE MEETING: FORTIN MAGANA SAID IT WAS HIS OPINION THAT THE LEFT HAD LEAPED AT DUARTE'S OFFER TO TALK BECAUSE THEY ARE

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TEXT OF TELEGRAM 84SAN SA012335

IN SERIOUS DIFFICULTY AND ARE LOOKING FOR AN HONORABLE WAY OUT OF THEIR SITUATION. HE EXPLAINED THAT HE SAW

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El Salvador: Human Rights
Special Project (1993)

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El Salvador: Human Rights
Special Project (1993)

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PAGE 01 SAN SA 12335 03 OF 03 181622Z
ACTION SS-25

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FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 9539
INFO CONTADORA COLLECTIVE

[redacted] SECTION 03 OF 03 SAN SALVADOR 12335

EXDIS

THE LEFT LOSING STRENGTH BOTH POLITICALLY AND MILITARILY. HE SAID THAT DUARTE'S ELECTION AND THE LEGITIMACY IT GAVE TO THE GOVERNMENT OF EL SALVADOR HAD DIMINISHED WORLDWIDE SUPPORT FOR THE FDR/FMLN. HE SAID THAT THE INCREASE IN WESTERN EUROPEAN SUPPORT FOR THE GOES AND THE CORRESPONDING DECREASE IN SUPPORT FOR THE GUERRILLAS WAS EXACTLY WHAT HE WAS REFERRING TO AND WAS A DIRECT RESULT OF DUARTE'S ELECTION AND HIS SUBSEQUENT TRIPS TO EUROPE. FORTIN MAGANA SAID THAT THE LEFT WAS ALSO BEING PRESSED HARD MILITARILY. HE CITED THE IMPROVED PERFORMANCE OF THE ESAF AND THE CONTINUATION OF US SUPPORT AS CRUCIAL FACTORS.

12. THE NEXT STEP: FORTIN MAGANA NOTED THAT IT WAS THE FMLN/FDR THAT HAD ASKED THAT THE NEXT MEETING NOT TAKE PLACE UNTIL THE SECOND HALF OF NOVEMBER. HE SPECULATED THAT THIS TIMING WAS MOTIVATED BY THE LEFT'S DESIRE TO WAIT FOR THE RESULTS OF THE US ELECTIONS IN THE HOPE THAT THEIR PROSPECT MIGHT IMPROVE WITH A DEMOCRATIC PARTY VICTORY. FORTIN MAGANA REPEATED HIS IMPRESSION THAT THE FDR-FMLN WERE LOOKING FOR A "PUENTE DE PLATA" OR AN HONORABLE SOLUTION TO THEIR DILEMMA, BUT CAUTIONED THAT THERE WAS ALWAYS THE POSSIBILITY THAT THIS FIRST MEETING WOULD PROVE [redacted]

PAGE 02 SAN SA 12335 03 OF 03 181622Z

UNCHARACTERISTIC OF THE PROCESS OF DIALOGUE, AND THAT THE LEFT COULD ALWAYS "UNSHEATHE THEIR CLAWS" IN FUTURE MEETINGS.

13. NOVEMBER MEETING: FORTIN MAGANA EXPECTED THE GOES TO BE REPRESENTED BY THE SAME TEAM IN ANY FUTURE MEETINGS. HE DECLINED TO SPECULATE, HOWEVER, ON WHERE THE NEXT MEETING MIGHT TAKE PLACE. WHEN ASKED, HE SAID THAT HE PERSONALLY HAD NO OBJECTIONS TO HOLDING

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Special Project (1993)

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THE MEETING IN SAN SALVADOR, BUT THAT FOR SECURITY REASONS IT WAS TOO EARLY TO ANNOUNCE THE VENUE OF THE NOVEMBER MEETING.

14. COMMENT: WE FIND IT SIGNIFICANT THAT AT LA PALMA OCTOBER 15 AND IN RADIO VENCEREMOS BROADCAST ON FDR-FMLN "MAXIMUM DEMANDS TO ACHIEVE PEACE" THE FOLLOWING DAY (SEPTEL), THE LEFT DID NOT CALL FOR ANY STRUCTURAL CHANGES IN THE GOVERNMENT WHATSOEVER. BY CONTRAST, THE FMLN/FDR IN THE BOGOTA MEETING WITH THE GOES PEACE COMMISSION IN BOGOTA SEPTEMBER 19, 1983, AND IN THEIR MEXICO CITY PRESS CONFERENCE FEBRUARY 9, 1984, THE FMLN/FDR DEMANDED INTER ALIA THE DISSOLUTION OF THE ARENA PARTY, POWER-SHARING AS A RESULT OF NEGOTIATIONS, AN INTERIM GOVERNMENT, PURGE OF THE ESAF AND THE INTEGRATION OF FMLN FIGHTERS WITH WHAT WAS LEFT OF THE ARMED FORCES. IN THIS INSTANCE, FEW IF ANY OF THESE DEMANDS FOR FUNDAMENTAL AND STRUCTURAL CHANGES WERE REPEATED.

15. WE DO NOT KNOW ALL THE REASONS WHY THE LEFT LACKED A PREPARED DOCUMENT OR AT LEAST A SLATE OF DEMANDS. THEIR BEHAVIOR IN THE LA PALMA MEETING SEEMS INCONSISTENT WITH PAST BEHAVIOR AND WITH NORMAL LEFTIST [redacted]

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Special Project (1994)

NEGOTIATING PROCEDURES. WE POSIT THREE POSSIBLE EXPLANATIONS FOR THIS: 1) THE ABOVE-MENTIONED LOGISTICAL PROBLEM--THE GUERRILLAS WERE TAKEN BY SURPRISE AND HAD INADEQUATE TIME TO PREPARE A RESPONSE; 2) FEARING A REPEAT OF THE PEACE COMMISSION PERFORMANCE IN BOGOTA, THE GUERRILLAS DID NOT WANT TO PROVIDE DUARTE WITH ANY PRETEXT FOR BREAKING OFF THE TALKS; 3) THE GUERRILLAS ARE ENOUGH HARD-PRESSED TO ACCEPT MUCH LESS NOW THAN EVER BEFORE. THERE MAY WELL BE ELEMENTS OF ALL THREE IN THE RATIONALE. THE NOVEMBER MEETING WILL DO MUCH TO CLARIFY THIS. END COMMENT.

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PAGE 01 SAN SA 10005 08 OF 08 291629Z
ACTION SS-25

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TO SECSTATE WASHDC IMMEDIATE 8184
INFO CONTADORA COLLECTIVE

[redacted] SECTION 08 OF 08 SAN SALVADOR 10005

EXDIS

E.O. 12356: DECL: OADR
TAGS: XK, PREL, ES
SUBJECT: THE DUARTE GOVERNMENT: THE FIRST THREE MONTHS

HAD SERIOUS FRICTIONS WITH COFFEE GROWERS OVER PRICE POLICY.

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- MINISTER OF AGRICULTURE AQUILINO DUARTE. HE WAS A COMPETENT MINISTER OF EDUCATION UNDER MAGANA BUT HAS TAKEN AN EXTRAORDINARY LOW PROFILE IN HIS CRUCIAL NEW POSITION. HE HAS BEEN DIFFICULT TO GET TO, AND LACKING IN CONCRETE IDEAS AS TO HOW THE COUNTRY SHOULD CONFRONT ITS COMPLEX AGRICULTURAL PROGRAMS. HE HAS LARGELY LEFT PUBLIC REPRESENTATION OF THE MINISTRY TO HIS VICE MINISTER JORGE CAMACHO, WHO WAS SQUEEZED OUT OF HIS LEADERSHIP POSITION IN THE CAMPESINO FEDERATION (ACOPAI) AFTER ACCEPTING THE POSITION.

-

-- ECONOMIC ADVISER ATILIO VIEYTEZ. HE HEADED UP THE ECONOMIC TEAM DURING THE TRANSITION PERIOD AND WAS EXPECTED TO PLAY A COORDINATING ROLE WITHOUT OPERATIONAL RESPONSIBILITIES UNDER THE NEW GOVERNMENT. HOWEVER, HE HAS PLAYED NO VISIBLE ROLE SINCE DUARTE TOOK OFFICE. RECENTLY IN EXPRESSING HIS PHILOSOPHY TO US IN PRIVATE, [redacted]

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Special Project (1993)

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PAGE 02 SAN SA 10005 08 OF 08 291629Z

THIS FORMER MINISTER OF PLANNING SAID THAT HE BELIEVED ECONOMIC GROWTH MIGHT BEST BE STIMULATED BY THE PROMOTION OF INDEPENDENT SMALL ENTERPRISES IN BOTH RURAL AND URBAN AREAS, RATHER THAN THROUGH DIRECT GOVERNMENT ACTIONS OR BY THE TRADITIONAL (PRIVATE) EXPORT SECTOR.

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- MINISTER OF INFORMATION OSCAR REYES. HE RETURNED FROM A LONG TERM RESIDENCE IN WASHINGTON AND OTTAWA TO SERVE AS DUARTE'S ADVISER DURING THE CAMPAIGN AND

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NEW DUARTE ADMINISTRATION FULLY COME TO GRIPS WITH OTHER PRIORITY ISSUES WHICH HAVE BEEN THRUST UPON IT OR WHICH MERIT THEIR ATTENTION ESPECIALLY WINNING THE WAR; TACKLING CENTRAL AMERICAN ISSUES INVOLVING CONTADORA, NICARAGUA, AND RELATIONS WITH HONDURAS; RESTORING AGRICULTURAL PRODUCTION AND MAINTAINING THE LIQUIDITY OF FINANCIAL INSTITUTIONS.

PRESIDENT DUARTE HAS SOME STRONG MEMBERS ON HIS TEAM, INCLUDING MINISTER OF THE PRESIDENCY REY PRENDES, MINISTER OF PLANNING CHAVEZ MENA, AND MINISTER OF DEFENSE VIDES CASANOVA. HOWEVER, THE REMAINDER OF HIS TEAM, WHILE HONEST, IS INEXPERIENCED. THIS IS PARTICULARLY EVIDENT IN THE ECONOMIC/AGRICULTURAL AREA. DUARTE HAS BEEN UNWILLING TO GO OUTSIDE OF THE CIRCLE OF PARTY REGULARS TO ATTRACT PRIVATE SECTOR TALENT AND IS LIKELY TO COME UNDER INCREASING CRITICISM FOR THIS. IT IS ALSO CLEAR THAT HE CONTINUES TO WANT TO MAKE ALL THE KEY DECISIONS HIMSELF AND OVERSEE THE IMPLEMENTATION PERSONALLY OF KEY ISSUES. THIS IS A FORMIDABLE CHALLENGE, EVEN FOR SOMEONE AS ENERGETIC AND THOUGHTFUL AS DUARTE. WE CONCLUDE THAT HIS GOVERNMENT IS EMERGING AS ONE WHICH IS BETTER THAN COULD BE EXPECTED GIVEN THE SIZE, LEVEL OF DEVELOPMENT,

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El Salvador: Human Rights
Special Project (1993)

PAGE 03 SAN SA 10005 01 OF 08 291622Z

AND DEEP DIVISIONS WITHIN THE SOCIETY. IT IS EMERGING AS ONE WHICH IS ABLE TO HANDLE THE PRINCIPAL CHALLENGES FACING IT BUT HAS YET TO DEMONSTRATE THE ABILITY TO PROVIDE EFFECTIVE GOVERNMENT ON THE FULL RANGE OF ISSUES WHICH NEED TO BE ADDRESSED. WE ANTICIPATE THAT THE U.S. GOVERNMENT WILL CONTINUE TO EXPERIENCE FRUSTRATION IN ATTEMPTING CU(##)

NATIONAL INTERESTS. OUR SUPPORT FOR PRESIDENT DUARTE AND THE BRIGHTER MEMBERS OF HIS CABINET WILL CONTINUE TO BE ESSENTIAL IF THEY ARE TO MOVE FROM THE DEBATING STAGE TO CONCRETE SOLUTIONS TO THE NATION'S PROBLEMS. EL SALVADOR'S DEMOCRACY HAS BEGUN TO TAKE HOLD AND SKC(##)
IS IMPROVING, BUT REMAINS DELICATE AND NO DEFINITIVE SOLUTION CAN BE IN SIGHT UNTIL AFTER WE SEE WHAT HAPPENS DURING THE EXPECTED COMING GUERRILLA OFFENSIVE. EL SALVADOR'S ECONOMY HAS STABILIZED, BUT AT AN UNACCEPTABLY LOW LEVEL OF EMPLOYMENT AND ECONOMIC ACTIVITY, AND THE IMAGINATIVE THINKING REQUIRED TO GET IT OUT OF THE DOLDRUMS IS NOT YET EVIDENT.

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THIS ANALYSIS FOCUSES ON THE FIRST 3 MONTHS OF THE DUARTE ADMINISTRATION, AND WAS PREPARED BY DEPARTING DCM KENNETH BLEAKLEY ON THE BASIS OF A PERSPECTIVE EXTENDING BACK TO THE EARLY DAYS OF 1981. IT

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ON THEIR SCHEMES FOR WINNING THE WAR. HOWEVER, THE ONLY ISSUE THAT HAS STIRRED STRONG CRITICISM SO FAR WAS DUARTE'S DECISION TO SEND A DELEGATION TO THE SANDINISTA ANNIVERSARY. THIS ISSUE PASSED WHEN DUARTE REVERSED HIMSELF. HE HAS SUBSEQUENTLY CONSOLIDATED HIS POSITION BY HIS SUCCESSFUL ROLE IN SECURING ADDITIONAL U.S. MILITARY ASSISTANCE AND HIS DENUNCIATION OF

NOTE BY OC/T: (#)OMISSIONS IN TEXT.CORRECTION TO FOLLOW.

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PAGE 04 SAN SA 10005 02 OF 08 291832Z

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PAGE 01 SAN SA 12570 01 OF 04 222235Z
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INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
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E.O. 12356: DECL: OADR
TAGS: PGOV, PINT, ES
SUBJECT: LA PALMA SIDEBAR: SOME COMANDANTE ATTITUDES

1. [redacted] - ENTIRE TEXT.

2. A LOCAL POLITICAL ASSISTANT WAS PRESENT AT LA PALMA OCTOBER 14-15 AS THE GUEST OF A LOCAL RESIDENT. OUR FSN PHONED IN SOME INTERESTING INSIGHTS AND COMMENTARY AS THE EVENT UNFOLDED AND ON AN ANONYMOUS BASIS CONVERSED WIDELY WITH BOTH LA PALMA RESIDENTS AND GUERRILLA "MUCHACHOS" WHO WERE VISITING FOR THE OCCASION. SHE WAS ABLE TO TAPE RECORD THE FOLLOWING CONVERSATION BETWEEN [redacted]

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Special Project (1993)

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PAGE 02 SAN SA 12570 01 OF 04 222235Z

REPORTERS AND GUERRILLA COMANDANTES "TONO" AND "JULIO" WHICH TOOK PLACE PRIOR TO THE START OF THE TALKS. BOTH ARE IN THEIR EARLY THIRTIES, AND WELL EDUCATED; ONE SEEMED TO HAVE A PROSPEROUS FAMILY BACKGROUND. THE CONVERSATION TOOK PLACE IN A HOUSE ON THE MAIN PLAZA IN LA PALMA; WE REPORT IT AS AN INTERESTING LOOK INTO THE ATTITUDES OF TWO MEN WHO CAN BE CONSIDERED REPRESENTATIVE OF MIDDLE-LEVEL GUERRILLA LEADERSHIP.

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: COX, DAVID
Date: 05/26/94
Case ID: S9400341

PAGE NO.
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TEXT OF TELEGRAM 84SAN SA012570

3. BEGIN TEXT:

REPORTER: WHAT ARE SOME OF THE POSITIVE RESULTS -- AT A
- POLITICAL LEVEL -- THAT YOU THINK WILL COME
- OUT OF THIS MEETING?

TONO: WELL, THAT SOME SORT OF AGREEMENTS MAY BE
- REACHED. MAYBE I AM DARING TO SAY THINGS THAT
- ARE NOT NECESSARY, BUT IT WOULD BE VERY GOOD IF
- ON THE PART OF THE REGIME THIS WOULD NOT BE JUST
- A PROPAGANDA QUESTION, BUT A TRUE DESIRE FOR
- PEACE. A DESIRE OF NO MORE WAR, NO MORE
- BOMBINGS, NO MORE MASSACRES. IF THEY (THE
- GOVERNMENT) BRING THIS GOOD WILL THEN WE ARE
- ALSO WILLING...

REPORTER: DID YOU ALREADY KNOW ABOUT UNGO'S (SIC) PRO-
- POSAL (TO MEET AT LA PALMA)?

TONO: WE HAD MADE THIS PROPOSAL SINCE TWO YEARS AGO.
- WE HAVE FELT THE NEED TO SIT DOWN AND DIALOGUE
- SINCE TWO YEARS AGO.

REPORTER: WHAT GROUP DO YOU BELONG TO?
[redacted]

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Special Project (1993)

TONO: IN GENERAL TERMS, I BELONG TO THE FMLN.

REPORTER: WHAT TRUTH IS THERE TO THE RUMOR THAT THERE IS
- A DIVISION BETWEEN YOU AND THE POLITICAL PART?

JULIO: (THE POLITICAL GUERRILLA). DURING THE COURSE
- OF THIS CONFLICT WE HAVE REACHED SUCH LEVELS OF
- UNITY TO THE DEGREE THAT IT IS DR. UNGO WHO
- PRESIDES AND REPRESENTS THIS COMBINED
- FMLN/FDR DELEGATION.

REPORTER: YOU HAVE NO OBJECTION TO UNGO'S PROPOSAL?

JULIO: NONE AT ALL BECAUSE IT IS NOT UNGO'S PROPOSAL,
- BUT A PROPOSAL MADE BY THE FMLN IN CONJUNCTION
- WITH THE FDR.
-
REPORTER: THEN THERE IS UNITY BETWEEN THE POLITICAL AND
- THE GUERRILLA (MILITARY) SIDES?

JULIO: WE WANT TO CLEAR SOMETHING UP NOW. IT IS NOT
- ACCURATE TO STATE THAT THERE IS A DIVISION
- BETWEEN THE POLITICAL AND THE GUERRILLA ASPECTS
- OF THE FDR AND THE FMLN. THE FMLN IS A POLI-
- TICAL-MILITARY ORGANIZATION THAT HAS ITS

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- NASA MOVEMENTS, HAS ITS MILITARY PART OR ARMY
- AND HAS ITS POLITICAL PARTY; AND THE FDR IS
- MADE UP OF VARIOUS DEMOCRATIC AND PROGRESSIVE
- SECTORS OF THE COUNTRY. WE HAVE MADE A
- COALITION. WE HAVE BECOME ALLIES IN ORDER TO
- CONQUER OUR PEOPLE'S ASPIRATIONS.

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Special Project (1993)

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TEXT OF TELEGRAM 84SAN SA012570

ADP277 [redacted]

PAGE 01 SAN SA 12570 02 OF 04 222236Z
ACTION ARA-00

INFO OCT-00 COPY-01 ADS-00 AID-00 INR-10 SS-00 CIAE-00
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LAB-04 TRSE-00 PM-10 PA-01 OMB-01 SP-02 SNP-01
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R 222228Z OCT 84
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 9674
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HEIGHTS PN
USIA WASHDC 3722
USAFSO HOWARD AFB PN//LAI//

[redacted] SECTION 02 OF 04 SAN SALVADOR 12570

USIA FOR AR AND P/CENTAM

E.O. 12356: DECL: OADR
TAGS: PGOV, PINT, ES
SUBJECT: LA PALMA SIDEBAR: SOME COMANDANTE ATTITUDES

REPORTER: DO YOU THINK THAT TODAY'S TALKS COULD HAVE SOME
- EFFECT IN THE FMLN'S MILITARY PLANS?

JULIO: WE THINK THAT AS A RESULT OF THE CONVERSATIONS
- INITIATED TODAY WHICH WE WANT TO CONTINUE
- DEVELOPING INTO A PROCESS OF DIALOGUE/NEGOTIA-
- TIONS THAT WITH GREAT DIFFICULTY COULD COME OUT
- OF A SINGLE MEETING...

[redacted]

PAGE 02 SAN SA 12570 02 OF 04 222236Z

REPORTER: IS THERE DIVISION BETWEEN THE FPL, BPR AND
- OTHER FACTIONS WITHIN YOUR CONDITION?

JULIO: TODAY'S MEETING IS THE MOST OBJECTIVE DEMON-
- STRATION OF THE HIGH DEGREE OF UNITY ACHIEVED
- BY THE FMLN AND THE FDR. IT HAS BEEN NO
- PROBLEM FOR US TO PICK OUT OUR DELEGATES NOR
- TO REACH AN AGREEMENT REGARDING THE PROPOSALS
- TO BE PRESENTED AND I THINK IT IS PROOF OF

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Special Project (1993)

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- THE POLITICAL GROWTH THAT WE HAVE ACHIEVED.
- THERE ARE NO SUCH DIVISIONS.

REPORTER: DO YOU THINK THAT DUARTE IS ACTING IN GOOD
- FAITH?
-

JULIO: NAPOLEON DUARTE WAS A MEMBER OF THE JUNTA WHEN
- MANY THOUSANDS DIED IN THIS COUNTRY. I
- BELIEVE THAT NAPOLEON DUARTE HAS TAKEN THIS
- STEP DUE TO INTERNAL AND INTERNATIONAL
- PRESSURES. WE HOPE THAT THE MEETING AND
- THE RESULTS ACHIEVED BY IT WILL SHOW THE DEGREE
- OF SINCERITY OF NAPOLEON DUARTE.

REPORTER: DO YOU WANT A DEMOCRACY -- AN ELECTORAL PRO-
- CESS -- OR DO YOU WANT A SYSTEM AS IN NICARAGUA?

JULIO: WE PROPOSE A GOVERNMENT WITH AMPLE PARTICIPA-
- TION. IN IT ALL THE COUNTRY'S SECTORS WOULD
- PARTICIPATE; THE PRIVATE SECTOR, THE POPULAR
- SECTOR, THE DEMOCRATIC SECTOR, PRO-
- FESSIONALS. IN OTHER WORDS, A VERY AMPLE
- GOVERNMENT SO THAT WITHIN IT WE MAY BUILD
- THE POLITICAL AND SOCIAL MODEL SUITED TO THE
[redacted]

PAGE 03 SAN SA 12570 02 OF 04 222236Z

- SALVADORAN PEOPLE'S CONDITIONS. WE HAVE
- ABSOLUTELY NOTHING AGAINST ELECTORAL PROCESSES
- WITHIN OUR COUNTRY. WE BELIEVE THAT THEY CON-
- STITUTE A FORM OF EXPRESSION OF THE POPULAR
- WISHES. THEREFORE, WE ARE NOT OPPOSED TO
- PARTICIPATING IN THEM. BUT WE ARE GOING TO
- PARTICIPATE IN ELECTORAL PROCESSES THAT ARE
- GUARANTEED AND THAT WON'T BE A REPETITION OF
- THE CONTINUOUS ELECTORAL FARCES SUFFERED BY
- THE SALVADORAN PEOPLE.

JULIO: AFTER THESE TALKS THE DIFFERENCE WILL BE THAT
- -- PROVIDED THE TALKS CONTINUE -- A POLITICAL
- SPACE FOR DIALOGUE WILL HAVE BEEN OPENED,
- A POLITICAL SPACE FOR NEGOTIATIONS, AND UNLESS
- THIS POLITICAL SPACE IS WIDENED ENOUGH TO ALLOW
- FOR A CEASE FIRE, THE FIGHT WILL CONTINUE.

REPORTER: DO YOU BELIEVE THAT THIS OPENING FOR THE
- FMLN/FDR COULD ALLOW FOR A POLITICAL PRESENCE
- IN CITIES AND OTHER ZONES NOT CONTROLLED BY
- YOU?
-

JULIO: WE BELIEVE THAT IF SERIOUS AGREEMENTS ARE
- REACHED, YES. AND IT WOULD BE VERY DESIRABLE
- FOR US TO BE ABLE TO CARRY OUT OUR POLITICAL

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El Salvador: Human Rights
Special Project (1994)

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- ACTIVITIES FREELY AMONG THE SALVADORAN
- PEOPLE

REPORTER: EVEN THOUGH IT MIGHT NOT NECESSARILY BE WITHIN
- AN ELECTORAL PROCESS?

JULIO: IN OTHER WORDS, WE ARE PROPOSING THIS ACTIVITY
- (POLITICAL) AS MEANS OF POLITICALLY DEFINING
- THE COUNTRY'S SITUATION, OF CREATING

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- FAVORABLE CONDITIONS PREVIOUS TO THE

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El Salvador: Human Rights
Special Project (199[illegible]

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TEXT OF TELEGRAM 84SAN SA012570

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ADP279 [redacted]

PAGE 01 SAN SA 12570 03 OF 04 222237Z
ACTION ARA-00

INFO OCT-00 COPY-01 ADS-00 AID-00 INR-10 SS-00 CIAE-00
DODE-00 H-01 NSC-01 NSAE-00 HA-08 L-03 ANAD-01
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R 222228Z OCT 84
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 9675
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AMEMBASSY GUATEMALA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
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[redacted] SECTION 03 OF 04 SAN SALVADOR 12570

USIA FOR AR AND P/CENTAM

E.O. 12356: DECL: OADR
TAGS: PGOV, PINT, ES
SUBJECT: LA PALMA SIDEBAR: SOME COMANDANTE ATTITUDES
- REALIZATION OF AN ELECTORAL PROCESS.

REPORTER: WHY DIDN'T JOAQUIN VILLALOBOS COME?

JULIO: CDTE VILLALOBOS DID NOT COME TO LA PALMA
- BECAUSE HE'S AT SUCH A GREAT DISTANCE THAT HE
- COULD NOT WALK THROUGH THE AMPLE CORRIDORS
- THROUGHOUT THE COUNTRY WHERE WE FREELY MOVE,
- IN TIME FOR THE MEETING. IT WAS PHYSICALLY
- IMPOSSIBLE FOR HIM TO DO SO. THEREFORE WE
[redacted]

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El Salvador: Human ...
Special Project (19...

PAGE 02 SAN SA 12570 03 OF 04 222237Z

- TRIED TO RENT A PRIVATE HELICOPTER BUT THE
- INTERNATIONAL COMPANIES WOULD NOT RENT ONE DUE
- TO THE COUNTRY'S CONDITIONS RIGHT NOW. WE THEN
- ASKED DUARTE'S GOVERNMENT TO PROVIDE A
- HELICOPTER TO TRANSPORT OUR COMANDANTE AND
- WE ALSO ASKED THE RED CROSS TO PROVIDE THE
- NECESSARY PROTECTION. THE RED CROSS AGREED
- TO DO SO, BUT DUARTE'S GOVERNMENT DID NOT
- ACCEPT. THIS GIVES US AN IDEA OF THE DEGREE

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- OF POLITICAL GOOD WILL THAT DUARTE HAS TO REACH
- AN AGREEMENT.

REPORTER: BEFORE THE GAD (?) GOVERNMENT OF WIDE
- PARTICIPATION THERE WAS THE REVOLUTIONARY
- GOVERNMENT. WHY THE CHANGE IN THE GAD(?)
- GOVERNMENT?
-

JULIO: DURING THE WAR THE POLITICAL SITUATION OF THE
- COUNTRY HAS BEEN UNDERGOING CONSTANT RADICAL
- CHANGES. EL SALVADOR OF 1984 HAS VERY LITTLE
- IN COMMON WITH THE EL SALVADOR OF 1982. NEW
- POLITICAL FORCES HAVE APPEARED, OTHERS
- HAVE GROWN, OTHERS HAVE DECREASED. THIS IS
- WHAT DETERMINES OUR CHANGING IN ORDER TO
- ADAPT OURSELVES TO THE NEW SITUATIONS THAT
- HAVE BEEN CREATED.

REPORTER: WITHIN THE ZONES CONTROLLED BY YOU, WHAT
- SORT OF ACTIVITIES TAKE PLACE AMONG THE
- GENERAL POPULATION?

JULIO: WE HAVE BEEN DEVELOPING THE LOCAL POPULAR
- POWERS (PODERES POPULARES LOCALES) AS FORMS OF

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Special Project

- GOVERNMENTAL EXPRESSION; AS THE SEED OF A NEW
- FORM OF GOVERNMENT IN THE VILLAGES, CANTONES
- AND LOCALITIES UNDER OUR CONTROL. THE LOCAL
- POPULAR POWERS DEVELOP ACTIVITES OF AN
- ECONOMIC, SOCIAL AND ADMINISTRATIVE NATURE;
- AND ALSO ACTIVITIES DESIGNED TO CONTROL THE
- TERRITORY. WE HAVE POPULAR STORES WHERE
- PRICES ARE CONTROLLED TO AVOID SPECULATION AND
- USURY; WE ALSO ENCOURAGE AGRICULTURAL
- PRODUCTION -- WHICH IS QUITE GOOD IN SPITE OF
- THE FACT THAT THE ARMY DESTROYS OUR PRODUCTION
- EVERY TIME WE ARE OBJECT OF INVASIONS.
- NEVERTHELESS, WE SUPPLY OUR OWN NEEDS. THESE
- ARE SOME OF THE ACTIVITIES THAT TAKE PLACE
- WITHIN THE CONTROLLED ZONES.

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REPORTER: EDUCATION?

JULIO: WE HAVE A PERMANENT LITERACY CAMPAIGN THAT HAS
- ALREADY COMPLETED THE ADULT PHASE AND IS
- NOW CONTINUING IN THE POPULAR EDUCATION SCHOOLS
- FOR CHILDREN.

(A QUESTION ON MEDICAL CARE)
-

TONO: IT'S NOT THAT WE'RE HAVING EPIDEMICS OR ANY-

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- THING LIKE THAT, WHAT WE DO HAVE IS A VERY
- LIMITED DIET. THE PROBLEM IS THAT WITH THIS
- TYPE OF DIET, A PLAIN COLD AFFECTS US VERY
- MUCH. BUT EPIDEMICS WE DO NOT HAVE. WHAT WE
- HAVE IS A VERY COURAGEOUS PEOPLE THAT HAS
- UNDERGONE VERY STRONG SITUATIONS AND I BELIEVE
- THAT OUR MORALE AND OUR DETERMINATION IS
- GREATER THAN EATING...FRIED CHICKEN. WE ARE

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El Salvador: Human Rights
Special Project (1994

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ADP418
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PAGE 01 SAN SA 12570 04 OF 04 222238Z
ACTION ARA-00

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R 222238Z OCT 84
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 9678
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AMEMBASSY GUATEMALA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
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[redacted] SECTION 04 OF 04 SAN SALVADOR 12570

USIA FOR AR AND P/CENTAM

E.O. 12356: DECL: OADR
TAGS: PGOV, PINT, ES
SUBJECT: LA PALMA SIDEBAR: SOME COMANDANTE ATTITUDES

- HERE UNCONDITIONALLY -- EVEN IF WE JUST HAVE
- BEANS AND RICE. NEVERTHELESS, WE STILL HAVE
- FOOD.

REPORTER: HOW DO YOU TREAT YOUR WOUNDED?

TOMO: WE HAVE POPULAR HOSPITALS/CLINICS WHERE OUR
- WOUNDED ARE TREATED UNDER REALLY DARING
- CONDITIONS. WE EVEN HAVE VACCINATION CAMPAIGNS.
[redacted]

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El Salvador: Human Rights
Special Project (1993)

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PAGE 02 SAN SA 12570 04 OF 04 222238Z

- IN OTHER WORDS, WE HAVE A FAIRLY COMPLEX LEVEL
- OF ORGANIZATION IN THE CONTROLLED ZONES. WE
- LEAVE PEACEFULLY EXCEPT WHEN WE ARE
- INVADED BY THE ARMY, WHEN WE GET ATTACKED WITH
- ROCKETS OR BY THE AIR FORCE. WE EVEN HOLD
- POPULAR ELECTIONS.

REPORTER: DO THE BOMBINGS DISCOURAGE YOU?

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TEXT OF TELEGRAM 845AN SA012570

TONO: I BELIEVE ANY ONE OF US WOULD BE DISCOURAGED
- BECAUSE THE 500 LB. BOMBS HAVE THE CAPACITY TO
- DESTROY A HOUSE LIKE THIS ONE, BUT NOT EVEN THE
- AIR FORCE CAN DEMORALIZE US. WE ARE USED TO
- IT.

REPORTER: YOU ARE NOT AFFECTED?

TONO: SOME PEOPLE ARE KILLED.

REPORTER: SOME GUERRILLAS?

TONO: (VERY SOFTLY) OF COURSE, OF COURSE, EH....
- GUERRILLAS, NO. THAT IS THE PROBLEM. THEY
- COME TO KILL THE UNARMED POPULATION. THEY
- DON'T KILL GUERRILLAS. DURING COMBATS SOME
- GUERRILLAS KILLED -- THOSE THAT ARE MEANT TO
- DIE. THE PROBLEM ARISES WHEN THE PLANES COME
- AT 6 A.M. TO CHALATENANGO TO BOMB INDISCRIM-
- INATELY. AND THEY DROP THEM NOT NECESSARILY
- ON OUR TROOPS, BUT ON THE UNARMED POPULATION.

REPORTER: HOW MANY BOMBS DO THEY DROP AT A TIME?

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Special Project

PAGE 03 SAN SA 12570 04 OF 04 222238Z

TONO: THIS MAY NOT BE EXACT, BUT IT SEEMS THAT THE
- A-37 HAS THE CAPACITY TO DROP 8 BOMBS AT A
- TIME. WE ALSO GET THE PUSH-AND-PULL THAT
- FIRE ROCKETS AND THERE IS ALSO MACHINE-
- GUNNING. SO, OFTEN WE HAVE DELICIOUS BREAKFASTS
- COMPRISED OF 500, 250 AND 100 LBS. BOMBS.
- IMMEDIATELY THEREAFTER THEY FIRE ROCKETS
- AND AS A FAREWELL THEY SHOWER US WITH
- MACHINE-GUN FIRE.

REPORTER: WITH ARTILLERY?

TONO: WE DON'T HAVE ANY ARTILLERY.

REPORTER: THEY FIRE ARTILLERY?

TONO: THOSE ARE THE MORTARS. AT THE MORTAR CLASS
- WE HAVE THE 105MM THAT'S VERY IMPRESSIVE,
- THE 120MM AND THE 60MM. ALSO THE 81MM WITH
- A RESPECTABLE DESTRUCTIVE CAPACITY.

REPORTER: ARE THERE FOREIGNERS IN THE GUERRILLA?

TONO: WE MAY HAVE MEDICAL PERSONNEL.

REPORTER: BUT NOT MILITARY PERSONNEL?

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TEXT OF TELEGRAM 84SAN SA012570

TOND: NO. OUR COMANDANTES AND COMBATANTS ARE
- AUTHENTIC SALVADORANS. WE ARE NOT ADVISED BY
- ANYBODY; EVEN THOUGH DUARTE SAYS THAT RUSSIA
- IS SENDING THE ORDERS.

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Special Project (1993)

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El Salvador: Human Rights
Special Project (1993)

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PAGE 01 SAN SA 12869 01 OF 02 270043Z
ACTION ARA-00

INFO OCT-00 COPY-01 ADS-00 INR-10 SS-00 CIAE-00 DODE
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R 270043Z OCT 84
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 9868
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AMEMBASSY GUATEMALA
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AMEMBASSY TEGUCIGALPA
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[redacted] SECTION 01 OF 02 SAN SALVADOR 12869

USIA FOR AR AND P/CENTAM

E.O. 12356: DECL: OADR
TAGS: PGOV, PINR, ES, SNUM
SUBJECT: AMNESTY: HOW ABOUT THE RIGHT?

REF: SAN SALVADOR 12641

1. CONFIDENTIAL - ENTIRE TEXT.

2. SUMMARY: PRESIDENT DUARTE'S PROPOSED OFFER OF AMNESTY TO THE GUERRILLAS HAS CAUSED A WIDE DIVERGENCE OF OPINION EVEN WITHIN THE PDC AS TO THE FORM AN AMNESTY PROGRAM SHOULD TAKE. AT THIS TIME THERE IS NO DRAFT [redacted]

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PAGE 02 SAN SA 12869 01 OF 02 270043Z

LEGISLATION BEING CONSIDERED WHICH WOULD IMPLEMENT THE AMNESTY. MOREOVER, IT IS UNLIKELY THAT ANY SPECIFIC AMNESTY PROGRAM WILL BE CONSIDERED BY THE LEGISLATIVE ASSEMBLY UNTIL AFTER THE NOVEMBER MEETING BETWEEN THE GOES AND THE GUERRILLAS. JUDGING THE STRENGTH OF THE RIGHT IN THE LEGISLATIVE ASSEMBLY AND THE APPARENT FLEXIBILITY OF SOME ELEMENTS OF THE PDC, ANY FINAL PROPOSAL FOR AMNESTY LEGISLATION WILL PROBABLY APPLY TO SOME RIGHT WING PERPETRATORS OF POLITICAL VIOLENCE, IN ADDITION TO THOSE OF THE LEFT. END SUMMARY.

3. GROUPS SUCH AS THE (PRO-LEFT) NON-GOVERNMENTAL SALVADORAN HUMAN RIGHTS COMMISSION AND THE GUERRILLA RADIO VENCEREMOS HAVE DENOUNCED DUARTE'S AMNESTY PROPOSAL AS A PLOY TO PARDON THE DEATH SQUAD MEMBERS AND OTHERS INVOLVED IN THE KILLING OF ARCHBISHOP ROMERO AND THE SHERATON MURDERS. IN SPITE OF THOSE CLAIMS, NO DECISION HAS ACTUALLY BEEN REACHED ON THE SCOPE OF THE AMNESTY PROGRAM, SHOULD IT GET OFF THE GROUND.

4. THERE ARE DIFFERENCES OF OPINION WITHIN THE PDC REGARDING THE PROPOSED AMNESTY. POLOFF SPOKE WITH ANTONIO MORALES ERLICH, PDC SECRETARY GENERAL, WHO STATED THAT ANY AMNESTY WOULD ONLY PARDON POLITICAL CRIMES, NOT REGULAR CRIMES. MORALES ERLICH COMMENTED THAT ACTS OF VIOLENCE COMMITTED BY THE RIGHT WERE CRIMINAL NOT POLITICAL CRIMES, AND SHOULD BE PROSECUTED BY THE JUDICIAL BRANCH. HOWEVER, HE PREDICTED THAT, SINCE THE LEGISLATIVE ASSEMBLY WAS "CONTROLLED BY THE RIGHT," SOME FORM OF PARDON FOR THE RIGHT WOULD UNDOUBTEDLY BE INCLUDED IN THE LEGISLATIVE PROPOSAL.

5. POLOFF ALSO SPOKE WITH ANTONIO GUEVARA LACAYO, [redacted]

PAGE 03 SAN SA 12869 01 OF 02 270043Z

VICE-PRESIDENT OF THE LEGISLATIVE ASSEMBLY AND MEMBER OF THE PDC POLITICAL COMMITTEE. (SEE REFTEL) HE COMMENTED THAT ANY AMNESTY WOULD HAVE TO PARDON BOTH THE RIGHT AND LEFT TO BE JUST. NEVERTHELESS, HE STATED THAT THE MORE NOTORIOUS CASES OF LAS HOJAS, THE ASSASSINATION OF MONSIGNOR ROMERO, THE SHERATON MURDERS, AND THE KILLING OF THE DAUGHTER OF THE PDC MAYOR OF QUEZALTEPEQUE, COULD NOT BE INCLUDED IN THE AMNESTY. THIS DIFFERS SOMEWHAT FROM WHAT GUEVARA LACAYO TOLD REPORTERS: THAT THE AMNESTY SHOULD BE

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Declassified under EO 12356 (X) in full; ( ) in part;
portions withheld: classified ( ); deliberative ( );
law enforcement ( ); privacy ( ), statutory ( );
not relevant to El Salvador ( ).

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El Salvador: Human Rights
Special Project (1993)

GENERAL IN NATURE AND INCLUDE ALL POLITICAL CRIMES OF THE RIGHT AND THE LEFT. ALTHOUGH NOT YET LOUDLY, SOME POLITICIANS FROM THE RIGHT ARE ECHOING THE SAME THEME.

6. COMMENT: AT THIS TIME, THE ASSEMBLY IS NOT CONSIDERING ANY DRAFT AMNESTY LAW, (WHICH IT WOULD EVENTUALLY HAVE TO PASS). GUEVARA LACAYO TOLD POLOFF THAT NO DRAFT LEGISLATION WILL BE PREPARED UNTIL AFTER THE NOVEMBER MEETING BETWEEN THE GOES AND THE GUERRILLAS.

7. THE DIVISION WITHIN THE PDC ABOUT THE AMNESTY IS INDICATIVE OF THE DIVISIONS THROUGHOUT THE SOCIETY. ALTHOUGH MOST SECTORS SUPPORT THE IDEA OF AN AMNESTY PROGRAM, THE MYRIAD CONCEPTIONS OF THE SPECIFIC SHAPE THAT THE AMNESTY SHOULD TAKE MAKE IT IMPOSSIBLE TO PREDICT THE AMNESTY'S FINAL PROVISIONS. HOWEVER, THE STRENGTH OF THE RIGHT IN THE LEGISLATIVE ASSEMBLY AND THE APPARENT FLEXIBILITY OF SOME ELEMENTS OF THE PDC MAKES IT PREDICTABLE THAT SOME EFFORTS WILL BE MADE TO BLANKET RIGHT WING VIOLENCE IN BROADER AMNESTY PROVISIONS. WITH US POLICY IMPLICATIONS AS AN ADDED DIMENSION, THIS COULD SHAPE UP TO BE A BITTER HURDLE FOR THE GOES, WHETHER IN CONNECTION WITH DIALOGUE OR AS A DISCRETE

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PAGE 01 SAN SA 12869 02 OF 02 270043Z
ACTION ARA-00

INFO OCT-00 COPY-01 AOS-00 INR-10 SS-00 CIAE-00 DODE-00
H-01 NSC-01 NSCE-00 NSAE-00 SSO-00 SY-05 HA-05
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R 270040Z OCT 84
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 9889
INFO AMEMBASSY BOGOTA
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[redacted]SECTION 02 OF 02 SAN SALVADOR 12869

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E.O. 12356: DECL: OADR
TAGS: PGOV, PINR, ES, SHUM
SUBJECT: AMNESTY: HOW ABOUT THE RIGHT?

ISSUE. PRESUMABLY, CASES INVOLVING FOREIGNERS --
THE SHERATON CASE ET AL -- WOULD NOT FALL UNDER AMNESTY PROVISIONS. CRIMES COMMITTED BY MILITARY PERSONNEL OR OTHER GOVERNMENT EMPLOYEES CONCEIVABLY MIGHT ALSO BE EXCLUDED FROM AMNESTY AS BEING OTHER THAN STRICTLY POLITICAL -- E.G., CRIMINAL VIOLATIONS OF DUTY, OATH TO THE CONSTITUTION -- OR SOMEHOW OUTSIDE THE SCOPE OF DECREE 50. BUT IT WILL TAKE DEFT

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ARGUING BY THE GOES TO PERSUADE CONSERVATIVES THAT EXEMPTION FROM AMNESTY OF POLITICAL CRIMES BY THE RIGHT

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Special Project (1993)

IS NOT INTENTIONALLY DISCRIMINATORY. DUARTE WILL HAVE TO AVOID FALLING INTO THE WIDE-SPREAD LATTER-DAY FALLACY THAT VIOLENCE FROM THE EXTREME LEFT IS SOMEHOW WELL-INTENTIONED OR LESS ODIOUS THAN THAT FROM THE EXTREME RIGHT. AS IN ALL SUCH CASES, DUARTE WILL HAVE TO WEIGH HIS CONSTITUTIONAL DUTY AND HIS OBJECTIVE OF NATIONAL RECONCILIATION, WHICH IMPLIES PERSUASIVE EVEN-HANDEDNESS AGAINST THE CRIES FOR JUSTICE RAISED FROM BOTH SIDES IN THE CONFLICT. END COMMENT.

PICKERING

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(a) All information available to the U.S. Government concerning the murders of Father Stanley Rother, Reverend James Brewer, Brother James Miller and Mennonite missionary Kai Yutah Clouds. (3)(b) The Department of State's judgment as to whether the Government of Guatemala has made a serious attempt to investigate and bring to justice those responsible for these murders, and whether civilian or military officers were involved in any aspect of the murders or in covering up these murders.

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Father Stanley Rother: Father Stanley Rother, a Catholic priest, was killed on July 28, 1981, at his parish in Santiago de Atitlan by three unidentified assailants. At the time of his murder, there was considerable guerrilla activity in the area south of Lake Atitlan. In May 1980, ORPA guerrillas had briefly occupied Santiago. Subsequently, Guatemalan Government forces stepped up their operations in the area.

From November 1980, Father Rother had been in contact with the United States Embassy in Guatemala. At first he viewed the situation in Santiago as quiet. On January 14, 1981, however, he advised the Embassy that 17 unarmed peasants had been killed by soldiers in the area, that his catechist had been abducted, and that he had received two death threats. Despite the death threats, Father Rother said he was more concerned for the safety of his Indian assistant than for himself. On January 20, 1981, Father Rother advised the Embassy of his plans to depart Guatemala with his assistant, and did so on January 28. He returned to Guatemala later in the spring.

On the night of July 28, 1981, three assailants went to Father Rother's residence and forced the gardener to lead them to the priest's rooms where they shot Father Rother. The National Police report of their investigation included reference to the victim's ransacked room and open safe. Statements were taken from the gardener and a Mexican nun who also saw the assailants. The witnesses described the three men as Ladinos (that is, of mixed Indian and European ancestry, as opposed to Indians).

On August ~~1,~~ 1981, three Indians, who were acquaintances of Father Rother, were arrested and charged with robbery and murder. The police stated that the arrests were based upon statements provided by the Mexican nun. Guatemalan newspapers reported that the three men had confessed to the crime. Doubt persisted, however, regarding the guilt of the three men. The Mexican nun returned to Mexico where her order released a statement saying that the Guatemalan police had used her name to make false statements. The physical descriptions of the

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Review Authority: MOSKOWITZ, SAM
Date: 06/23/95
Case ID: 95122203

assailants did not match those of the arrested men. Robbery in the poor parish was considered an unlikely motive. The U.S. Embassy, which had obtained the slug and casing from the scene of the murder, delivered this evidence to the Guatemalan Government with an offer by the FBI to assist in examining them. The Guatemalan Government never requested U.S. assistance and no reports of the government's own findings have ever been made available to the U.S. or presented to the Court.

In September 1981, the U.S. Ambassador discussed this case with the Guatemalan Interior Minister, who stated his opinion that the arrested men were not guilty. The Ambassador expressed U.S. concern that there not be a miscarriage of justice. In January 1982, the three men were found guilty of murder and condemned to 8 years imprisonment and payment of a fine. After the change of government in March 1982, and at the request of the U.S. Ambassador, the Chief Justice of the Guatemalan Supreme Court agreed to review the lower court decision. On May 17, 1982, an appellate court reversed the conviction and the men were released.

Since that time, the Embassy has made numerous requests to the Guatemalan Government for the results of its investigation into the murder of Father Rother. On July 19, 1983, the Ministry of Foreign Affairs advised the Embassy that the case is of great concern to the government of Guatemala and an effort was being made to investigate it. The Ministry's note referred to the difficulty in investigating the case after the passage of so much time and the fact that people who might have been able to give testimony have not come forth for fear of reprisal. The latest communication the Embassy received on the case was dated November 8, 1983, and provides no further information.

Elements of the Guatemalan security forces could have been involved in the murder of Father Rother. Certainly, government officials, either through ineptness or intention, failed to provide evidence to the Court or others investigating the case. The arrest of the three Indians stopped any active investigation for more than six months. It is unlikely that any further information will be developed at this point, more than 30 months after the murder.

Reverend John David Troyer: Mennonite Pastor John David Troyer was shot to death on September 14, 1981, in the village of Palama, Department of Chimaltenango. According to eyewitness accounts provided by his wife, Mary Troyer, and a Mennonite missionary, Gary Miller, 10 armed men attacked the Troyer house at about 2300 hours on September 13. After ransacking the house for two hours, and burning the Mennonite mission vehicle,

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PAGE 01 SAN SA 13792 01 OF 17 170426Z
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UNCLAS SECTION 01 OF 17 SAN SALVADOR 13792

E.O. 12356: N/A
TAGS: SHUM, ES
SUBJECT: 1984 - HUMAN RIGHTS REPORT

INTRODUCTION

1. JOSE NAPOLEON DUARTE, THE FIRST SALVADORAN PRESIDENT IN FIFTY YEARS TO BE ELECTED IN A FREE, HONEST, AND DEMOCRATIC ELECTION, WAS INAUGURATED ON JUNE 1, 1984. THE ELECTION REPRESENTED THE NEXT LOGICAL STEP IN EL SALVADOR'S FIVE-YEAR EVOLUTION AS A DEMOCRATIC NATION. EL SALVADOR NOW ENJOYS A POPULARLY-ELECTED GOVERNMENT CHOSEN IN POLLS WITNESSED BY OVER 200 OBSERVERS FROM MORE THAN 35 COUNTRIES; 1,400,000 PEOPLE VOTED OUT OF A NATIONAL POPULATION OF 4,900,000 AND AN ESTIMATED TOTAL NUMBER OF 1,800,000 ELIGIBLE VOTERS. THE NEW CHRISTIAN DEMOCRATIC PRESIDENT FACES FORMIDABLE CHALLENGES: THE COUNTRY'S VIOLENT HISTORY, A DEDICATED MARXIST INSURGENCY WITH STRONG TIES TO AND MATERIAL SUPPORT FROM NICARAGUA AND THE CUBAN/SOVIET BLOC, A SEVERELY DEPRESSED ECONOMY AND STILL WEAK INSTITUTIONS FOR PUBLIC ADMINISTRATION AND THE ADMINISTRATION OF JUSTICE. THE
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PAGE 02 SAN SA 13792 01 OF 17 170426Z

NEW GOVERNMENT HAS COMMITTED ITSELF TO WORK ACTIVELY TO

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END VIOLENCE FROM THE FAR RIGHT AND FAR LEFT, STRENGTHEN THE RULE OF LAW AND THE SYSTEM OF J PURSUE THE DIALOGUE WITH THE ARMED LEFT WITHIN DEMOCRATIC, CONSTITUTIONAL FRAMEWORK, AND TO R ECONOMIC GROWTH WHILE PROTECTING SOCIAL REFORM

2. EL SALVADOR IS RECOVERING FROM A HERITAGE VIOLENCE THAT STEMS FROM THE POLITICAL, HISTOR SOCIOLOGICAL; AND CULTURAL ROOTS OF THE SOCIET THE LATE 1970S, THE TRADITIONAL AUTHORITY STRU EL SALVADOR, ALREADY ERODED BY ITS INABILITY T DEMANDS FOR SOCIAL CHANGES AND BY ECONOMIC AND DEVELOPMENT PROBLEMS, BEGAN TO DISINTEGRATE UN PRESSURE FROM LEFT AND RIGHT-WING TERRORISM.

3. IN OCTOBER 1979 A RIGHT-WING MILITARY GOVE OVERTHROWN BY A GROUP OF REFORMIST MILITARY OF WHO WERE THEMSELVES REPLACED IN JANUARY 1980 B COALITION CHRISTIAN DEMOCRATIC-ARMED FORCES GO REJECTING DECADES OF SOCIAL INEQUALITY AND REP THIS GOVERNMENT INITIATED A PROCESS OF MAJOR SOCIO-ECONOMIC CHANGE, NOTABLY THE AGRARIAN, B FOREIGN COMMERCE REFORMS. THESE REFORMS CONTI PROGRESS ALTHOUGH THEIR BENEFITS HAVE BEEN ATT VIOLENT RESISTANCE FROM THE EXTREME RIGHT, BY GUERRILLA WARFARE FROM THE EXTREME LEFT, BY LA CAPITAL AND ACCESS TO CREDIT, AND BY LACK OF A MANAGEMENT SKILLS. IN DECEMBER 1983, AFTER PR OPEN DEBATE, EL SALVADOR ADOPTED A NEW CONSTIT DRAFTED BY THE CONSTITUENT ASSEMBLY IN PREPARA PRESIDENTIAL ELECTION IN MARCH 1984. THIS REP THE GROWTH OF A COMMITMENT TO DEMOCRACY AND A
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PAGE 03 SAN SA 13792 01 OF 17 170426Z

FOR POLITICAL COHESION WHICH CULMINATED IN THE PREPARATION AND CONDUCT OF THE MARCH AND MAY EL

4. ON SUCCESSIVE OCCASIONS, IN MARCH AND MAY, PERCENT OF THE SALVADORAN ELECTORATE TURNED OUT GUERRILLA HARASSMENT, TO VOTE IN THE TWO PRESID ELECTION ROUNDS IN THE PRESENCE OF HUNDREDS OF INTERNATIONAL OBSERVERS. THE RESULTS HAVE BEEN VIRTUALLY UNIVERSALLY ACCEPTED IN EL SALVADOR A AND THE NEW PRESIDENT'S AUTHORITY RECOGNIZED AS

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LEGITIMATE. PREPARATIONS ARE ALREADY UNDER WAY FOR LEGISLATIVE AND MUNICIPAL ELECTIONS THAT WILL BE HELD IN MARCH, 1985. . ALTHOUGH SHARPLY DIVIDED ON NUMEROUS ISSUES, THE POLITICAL PARTIES HAVE BEEN CONDUCTING THEMSELVES IN THE LEGISLATIVE PROCESS WITH A SENSE OF GROWING LOYALTY TO THE CONSTITUTIONAL SYSTEM AND HAVE GENERALLY ACTED IN A SPIRIT OF COMPROMISE RATHER THAN OUTRIGHT CONFRONTATION. THE GREATEST TEST FOR THE COHESIVENESS OF THE SYSTEM CAME IN OCTOBER, WHEN PRESIDENT DUARTE ANNOUNCED HIS HISTORIC LA PALMA INITIATIVE FOR DIALOGUE WITH THE LEFT IN HIS UNGA SPEECH. THE ISSUE HAS BEEN OPENLY DEBATED, AND CRITICIZED OR EMBRACED, BUT DUARTE'S AUTHORITY TO CONDUCT THE DIALOGUE, AS LONG AS IT DOES NOT VIOLATE THE CONSTITUTION BY LEADING TO POWER SHARING WITH THE ARMED INSURGENTS ON ANY BASIS OTHER THAN ELECTORAL, HAS BEEN UNCHALLENGED.

5. THE COUNTRY CONTINUES TO SUFFER FROM AN ACTIVE INSURGENCY WITH AN ESTIMATED 9,000 - 11,000 GUERRILLAS OF THE FARABUNDO MARTI NATIONAL LIBERATION FRONT (FMLN) AND DEMOCRATIC REVOLUTIONARY FRONT (FDR), A COALITION OF ORGANIZATIONS LEAD BY MARXIST-LENINISTS. THE INSURGENT FORCES HAVE AN EXCELLENT NETWORK WHICH ENABLES THEM TO

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El Salvador: Human Rights
Special Project (1993)

PAGE 01 SAN SA 13792 02 OF 17 170427Z
ACTION HA-08

INFO OCT-00 COPY-01 ADS-00 AID-00 INR-10 EUR-00 SS-00
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UNCLAS SECTION 02 OF 17 SAN SALVADOR 13792

E.O. 12356: N/A
TAGS: SHUM, ES
SUBJECT: 1984 - HUMAN RIGHTS REPORT

CONDUCT HIT-AND-RUN OPERATIONS AND ECONOMIC SABOTAGE IN AREAS OF THE COUNTRY WHERE THE SALVADORAN ARMED FORCES LACK THE RESOURCES TO MAINTAIN A PERMANENT SECURITY PRESENCE. THE FDR-FMLN REMAINS COMMITTED TO TERRORISM AGAINST BOTH ECONOMIC AND HUMAN TARGETS. THE LOW LEVEL OF POPULAR SUPPORT EXTENDED TO THE GUERRILLAS, HOWEVER, COUPLED WITH DECLINING MORALE, DESERTIONS, AND LACK OF VOLUNTEERS, HAVE INDUCED THE GUERRILLAS TO RESORT TO FORCED RECRUITMENT TO AUGMENT THEIR RANKS, ON OCCASION SUPPLEMENTED BY TERRORIST TACTICS AND DESTRUCTION OF CIVILIAN TARGETS, HOUSING, AND INFRASTRUCTURE EVIDENTLY DESIGNED TO COERCE VILLAGERS INTO LENDING SUPPORT TO THE FMLN/FDR OR, AS A MINIMUM, INTIMIDATING THE PEOPLE INTO NOT REPORTING A GUERRILLA PRESENCE TO GOVERNMENT AUTHORITIES.

6. ALL HUMAN RIGHTS CONDITIONS IN EL SALVADOR ARE STRONGLY AFFECTED BY THE ONGOING CIVIL STRIFE. AS IS
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PAGE 02 SAN SA 13792 02 OF 17 170427Z

COMMON DURING SUCH TIMES, THE ACHIEVEMENT OF A STABLE PUBLIC ORDER SUFFICIENT TO PROTECT INDIVIDUAL RIGHTS HAS

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Special Project (1993)

BEEN DISRUPTED BY GUERRILLA AND MILITARY OPERATIONS, PARTISAN HATREDS, ACTS OF REVENGE, THE SATISFACTION OF PERSONAL GRUDGES, FEAR, AND A PREVAILING UNCERTAINTY CHARACTERIZED BY VIOLENCE. THIS SITUATION CONTRIBUTED TO, AND IS COMPLICATED BY, THE NEAR-PARALYSIS OF THE JUDICIAL SYSTEM, WHICH IS CAUSED IN PART BY CORRUPTION AND INTIMIDATION. THE GOES HAS BEEN WORKING TO UNCLOG THE COURT SYSTEM, HOWEVER, AND HAS BEEN AT LEAST PARTLY SUCCESSFUL IN ITS EFFORT TO ELIMINATE THE BACKLOG OF STATE OF EMERGENCY CASES.

7. HUMAN RIGHTS ABUSES THUS STILL REMAIN A CENTRAL ISSUE IN EL SALVADOR. HOWEVER, THERE HAS BEEN SUBSTANTIAL PROGRESS IN THE PAST YEAR AND THERE IS AMPLE REASON FOR OPTIMISM FOR CONTINUING IMPROVEMENT. THE SECURITY FORCES ARE NOW PROVIDING HUMAN RIGHTS INSTRUCTION TO THEIR TRAINEES AND A CHAPLAIN CORPS IS BEING ESTABLISHED FOR SOLDIERS IN THE FIELD. DESPITE OCCASIONAL VIOLATIONS, THE ARREST AND DETENTION RULES ISSUED IN DECEMBER 1983 BY THE MINISTER OF DEFENSE ARE BY AND LARGE BEING FOLLOWED. ACCOUNTABILITY FOR AND TREATMENT OF ARRESTEES IS THUS GREATLY IMPROVED; CREDIBLE ALLEGATIONS OF TORTURE ARE MUCH DIMINISHED IF NOT ELIMINATED. THE RULES REQUIRE THAT THE ARRESTING OFFICERS MUST BE IN UNIFORM OR PROPERLY IDENTIFIED, AND THE FOLLOWING MUST BE NOTIFIED WITHIN 24 HOURS: THE DETAINEES'S FAMILY; THE OFFICIAL HUMAN RIGHTS COMMISSION, AND THE INTERNATIONAL RED CROSS.

8. PROCEDURES FOR DEALING WITH STATE OF EMERGENCY CRIMES WERE DEFINED BY LEGISLATIVE DECREE 507 UNTIL
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FEBRUARY, 1984, WHEN THE LATTER WAS SUPPLANTED BY DECREE 50, WHICH IS INTENDED TO PROVIDE INCREASED PROTECTION FOR THOSE ARRESTED. FOR EXAMPLE, DECREE 50 CUT IN HALF THE ALLOWABLE PERIOD OF DETENTION AN ARRESTEE MAY BE HELD BEFORE BEING FORMALLY CHARGED. MEANWHILE, THE BACKLOG OF CASES AWAITING ACTION UNDER DECREE 507 HAS BEEN PROCESSED AND COMPLETELY ELIMINATED AT THE INVESTIGATIVE PHASE, WITH A VAST NUMBER OF CASES DISMISSED OUTRIGHT, USING THE DECREE 50 MECHANISM. SOME 2000 ARRESTS HAVE BEEN MADE UNDER DECREE 507/50 PROVISIONS.

9. THE MILITARY APPEARS TO HAVE ACCEPTED THAT THE ARMED FORCES ARE BOUND BY THE CONSTITUTION AND MUST REMAIN STRICTLY APOLITICAL AND NON-PARTISAN. DURING THE PRESIDENTIAL ELECTIONS AND IN THEIR RELATIONS WITH THE NEW CIVILIAN GOVERNMENT UNDER PRESIDENT DUARTE, THE MILITARY HAS MAINTAINED ITS NEUTRALITY AND HAS DEFERRED TO CIVIL AUTHORITY IN UNPRECEDENTED FASHION.

10. HOWEVER, THE ARMY CONTINUES TO BE THE FOCUS OF NUMEROUS ACCUSATIONS OF HUMAN RIGHTS ABUSES, CHIEFLY SUCH AS ALLEGATIONS OF SYSTEMATIC KILLING OF NON-COMBATANTS BY GUNFIRE OR AERIAL BOMBARDMENT. MOST OF THESE ACCUSATIONS COME, UNFORTUNATELY, FROM THE LEFT ITSELF OR FROM SOURCES CLOSE TO AND SYMPATHETIC TO THE GUERRILLAS AND ARE CLEARLY BOGUS. WE ARE SATISFIED FROM OUR OWN INVESTIGATIONS OF THESE CHARGES, THAT CIVILIAN BATTLE DEATHS TAKE PLACE ALMOST EXCLUSIVELY IN CONNECTION WITH OPERATIONS AGAINST LEGITIMATE MILITARY TARGETS WHERE "MASAS" (THE GUERRILLAS' TERM FOR THEIR UNARMED LOGISTICAL SUPPORT APPARATUS) ARE PRESENT. THIS REFLECTS THE COMMON GUERRILLA PRACTICE OF DELIBERATELY AND SYSTEMATICALLY INTERMINGLING ARMED AND UNARMED PERSONNEL, A PRACTICE DECRIED BOTH BY PRESIDENT DUARTE AND THE SALVADORAN CATHOLIC CHURCH. SOME INSTANCES OF
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Special Project (1993)

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PAGE 01 SAN SA 13792 03 OF 17 170428Z
ACTION HA-08

INFO OCT-00 COPY-01 ADS-00 AID-00 INR-10 EUR-00 SS-01
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UNCLAS SECTION 03 OF 17 SAN SALVADOR 13792

E.O. 12356: N/A
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SUBJECT: 1984 - HUMAN RIGHTS REPORT

ALLEGED USE OF GRATUITOUS VIOLENCE AGAINST CIVILIANS
ARE, HOWEVER, MORE EQUIVOCAL. THE DUARTE ADMINISTRATION AND THE MILITARY HIGH COMMAND HAVE BOTH SERVED NOTICE THAT THEY EXPECT ALL REASONABLE PRECAUTIONS TO BE TAKEN TO AVOID THE DEATH OR INJURY OF INNOCENT CIVILIANS. PRESIDENT DUARTE HAS ISSUED CLEAR GUIDELINES CONCERNING THE USE OF AERIAL BOMBARDMENT TO CODIFY AND STRENGTHEN EXISTING RULES OF ENGAGEMENT.

11. THE BRUTAL PHENOMENON KNOWN AS "DEATH SQUAD" ASSASSINATION ACTIVITY HAS NOT BEEN COMPLETELY EXTIRPATED BUT HAS DECLINED DRAMATICALLY ALONG WITH THE OVERALL LEVEL OF CIVIL VIOLENCE DESPITE ASSERTIONS TO THE CONTRARY BY THE LEFT. THE RIGHTIST MAXIMILIANO MARTINEZ BRIGADE HAS BEEN SILENT AND INACTIVE IN THE PAST YEAR; THE ESA (SECRET ANTICOMMUNIST ARMY) HAS ISSUED OCCASIONAL THREATENING BULLETINS, BUT HAS CLAIMED AUTHORSHIP OF ONLY ONE KILLING AND ONE BOMBING (NO
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PAGE 02 SAN SA 13792 03 OF 17 170428Z

INJURIES) IN ALL OF 1984. ALL INDICATORS AND STATISTICS FROM WHATEVER SOURCE, REFLECT THE DRAMATIC DROP IN

KILLINGS PRESUMED TO COME FROM "DEATH SQUAD" ACTIVITY.

12. A PRIME CONTRIBUTING FACTOR TO HUMAN RIGHTS ABUSES IS A SOMETIMES CORRUPT, GENERALLY INADEQUATE AND OFTEN INTIMIDATED JUDICIAL SYSTEM. LACK OF CONFIDENCE IN THE AVAILABILITY OF JUSTICE PROMPTS THE POPULACE TO TAKE THE LAW INTO THEIR OWN HANDS. THE DUARTE ADMINISTRATION IS MOVING TO REMEDY THIS PROBLEM BY STRENGTHENING THE ADMINISTRATION OF JUSTICE AND IS IMPLEMENTING SEVERAL INITIATIVES BEGUN UNDER THE PREVIOUS GOVERNMENT. THESE INCLUDE A REVISORY COMMISSION TO REVIEW THE JUSTICE SYSTEM, A SPECIAL INVESTIGATIVE UNIT FOR POLITICAL CRIMES AND ESPECIALLY SIGNIFICANT OR NOTORIOUS CRIMINAL CASES, A FORENSIC LABORATORY, AND A JUDICIAL PROTECTION UNIT TO SHIELD PARTICIPANTS IN THE JUDICIAL PROCESS FROM INTIMIDATION OR INJURY. THIS UNIT COMPLETED ITS FIRST MISSION WHEN IT PROVIDED PROTECTION IN THE CHURCHWOMEN'S MURDER TRIAL, ALLOWING JUSTICE FINALLY TO BE DONE IN THAT NOTORIOUS CASE THIS YEAR.

13. THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT IS PROVIDING FUNDS FOR THE REVISORY COMMISSION, WHOSE MANDATE IS TO IDENTIFY THE LEGISLATIVE, PROCEDURAL OR ADMINISTRATIVE PROBLEMS THAT PREVENT THE JUDICIAL SYSTEM FROM FUNCTIONING EFFECTIVELY AND TO IDENTIFY, DESIGN, PROPOSE AND OVERSEE THE IMPLEMENTATION OF SOLUTIONS TO THOSE PROBLEMS.

14. ON AUGUST 27, PRESIDENT DUARTE ISSUED AN EXECUTIVE DECREE ESTABLISHING AN INTERIM FIVE-MAN COMMISSION WHICH WILL INVESTIGATE SEVERAL OF THE MOST NOTORIOUS CRIMES OF
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PAGE 03 SAN SA 13792 03 OF 17 170428Z

POLITICAL VIOLENCE IN EL SALVADOR. THIS COMMISSION IS CURRENTLY CHARGED WITH INVESTIGATING THE 1980 MURDER OF ARCHBISHOP ROMERO AND THE ARMENIA CASE. THIS COMMISSION, AS SUCH, HAS NO ARREST POWERS BUT MAY SEEK JUDICIAL ORDERS FOR THE ARREST OF PERSONS THEY INVESTIGATE AND PROVE GUILTY OF CRIMINAL CONDUCT. AS CURRENTLY ESTABLISHED, THE COMMISSION REPORTS DIRECTLY TO PRESIDENT DUARTE. IT IS AN INTERIM MEASURE DESIGNED TO PRESS FORWARD ON MAJOR CRIMINAL INVESTIGATIONS PENDING PASSAGE OF LEGISLATION CREATING THE NATIONAL CRIMINOLOGICAL INSTITUTE THAT WILL HOUSE TRAINED

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Special Project (1993)

CRIMINAL INVESTIGATORS AND A FORENSIC LABORATORY.

15. THE ECONOMIC SYSTEM UNDERWENT A DRAMATIC REFORM IN 1980 WHEN THE JUNTA DECREED LAND REFORM, NATIONALIZED THE BANKS, AND MADE COTTON, SUGAR AND COFFEE EXPORTS A GOVERNMENT MONOPOLY. FOR A VARIETY OF REASONS, INCLUDING THE ARMED CONFLICT, LOW WORLD PRICES FOR EL SALVADOR'S EXPORT PRODUCTS, HIGH FUEL COSTS AND THE VIRTUAL COLLAPSE OF THE CENTRAL AMERICAN COMMON MARKET, THE ECONOMY HAS SUFFERED A 25 DECLINE OVER THE PAST FIVE YEARS. THIS DECLINE TERMINATED IN 1983, AND A SMALL INCREASE IN GDP IS PROJECTED FOR 1984. HOWEVER, FOREIGN INVESTMENT HAS YET TO RESUME, DOMESTIC PRIVATE SECTOR CONFIDENCE HAS NOT YET RECOVERED TO THE POINT WHERE MAJOR NEW INVESTMENTS ARE UNDER WAY, AND THE ECONOMY REMAINS DEPENDENT ON EXTERNAL ASSISTANCE, SUPPLIED CHIEFLY BY THE US. INDIVIDUALS REMAIN FREE TO PURSUE PRIVATE INTERESTS AND HOLD PRIVATE PROPERTY WITH THE EXCEPTIONS IMPOSED BY THE REFORMS IN LIMITING PRIVATE AGRICULTURAL LAND HOLDINGS, OPERATING PRIVATE BANKS, OR PRIVATE EXPORT OF COFFEE AND SUGAR.

16. VIEWING EL SALVADOR FROM THE PERSPECTIVE OF ITS VIOLENT HISTORY, THE FIRST NINE MONTHS OF 1984 SHOW A

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UNCLAS SECTION 04 OF 17 SAN SALVADOR 13792

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DRAMATIC DECREASE IN POLITICAL VIOLENCE. THE EMBASSY'S FIGURES FOR DEATHS POSSIBLY ATTRIBUTABLE TO POLITICAL VIOLENCE REFLECT A STEADY DECLINE. OTHER ORGANIZATIONS OFFER OTHER STATISTICS WHICH DIFFER AMONG THEMSELVES AND WITH THE EMBASSY'S ESTIMATES, BUT DESPITE THE INCONSISTENCIES AND UNAVOIDABLE INACCURACIES, ALL SOURCES INDICATE CLEAR AND SHARP DOWNWARD TRENDS.

- SECTION I - PART A

- POLITICAL KILLINGS

17. MANY DEATHS IN EL SALVADOR GO UNEXPLAINED; IT IS OFTEN IMPOSSIBLE TO DISTINGUISH THOSE THAT ARE POLITICALLY MOTIVATED (FROM EITHER EXTREME) FROM THOSE WHICH ARE DISGUISED AS SUCH IN ORDER TO EVADE CRIMINAL DETECTION. NONETHELESS, A SUBSTANTIAL NUMBER OF UNEXPLAINED DEATHS, AGAINST THE BACKGROUND OF PROLONGED

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AND BITTER CONFLICT, CAN BE PRESUMED TO BE POLITICALLY RELATED. WHILE ABSOLUTE NUMBERS FOR SUCH DEATHS CANNOT

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Special Project (1993)

BE DETERMINED, IT IS SAFE TO CONCLUDE THAT THOSE NUMBERS RISE OR FALL CORRESPONDINGLY WITH THE LEVEL OF OVERALL FIGURES FOR VIOLENT DEATHS. DEATH FIGURES USED BY THE EMBASSY FROM ALL PRESS REPORTS AS VIOLENCE LEVEL INDICATORS SINCE 1980 SUGGEST POLITICAL KILLING TO BE AT AN ALL TIME LOW: 1980 - OVER 800 PER MONTH; 1981 - 444 PER MONTH; 1982 - 298 PER MONTH; 1983 - 139 PER MONTH; JANUARY - SEPTEMBER 1984 - 73 PER MONTH.

18. THE DUARTE GOVERNMENT HAS TAKEN STEPS TO TIGHTEN DISCIPLINE AND CONTROL IN ORDER TO DEAL WITH POLITICAL CRIMINALITY WITHIN THE MILITARY AND OTHER SECURITY FORCES. OFFICERS SUSPECTED OF DEATH SQUAD TYPE ACTIVITY HAVE BEEN REMOVED FROM THEIR COMMANDS; A KEY NEW POSITION, VICE MINISTER OF DEFENSE FOR PUBLIC SECURITY, HAS BEEN CREATED TO SUPERVISE AND COORDINATE THE OPERATIONS OF THE SECURITY FORCES; TWO OFFICERS WITH IMPECCABLE REPUTATIONS NOW HEAD THE NATIONAL AND TREASURY POLICE, WHICH ARE CONTINUING TO IMPROVE STEADILY IN THEIR RESPECT FOR CIVIL AND HUMAN RIGHTS. THE NEW DIRECTOR OF THE TREASURY POLICE QUICKLY DISBANDED ITS 110 MEMBER INTELLIGENCE UNIT, LONG CONSIDERED THE SOURCE OF MANY ABUSES. IT IS NOT POSSIBLE TODAY TO SAY WHETHER, OR, IF SO, HOW MUCH RESIDUAL VIOLENCE ORIGINATES FROM INDIVIDUALS WHO ARE COLLATERALLY MEMBERS OF THE GOVERNMENT OR ITS SECURITY FORCES.

19. IN 1984, THERE HAS BEEN A SHARP DECLINE IN TERRORIST ACTIONS FOR WHICH DEATH SQUADS HAVE CLAIMED RESPONSIBILITY OR WHICH CAN BE ATTRIBUTED TO THEM. THE
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SECRET ANTI-COMMUNIST ARMY (ESA)HAS BEEN FAR LESS ACTIVE IN 1984 THAN IN LATE 1983, HAVING CLAIMED RESPONSIBILITY FOR ONLY ONE MURDER. IT HAS, HOWEVER, ISSUED SEVERAL THREATENING COMMUNIQUES AND TAKEN CREDIT FOR SEVERAL VICTIMLESS BOMBINGS. THE OTHER KNOWN DEATH SQUAD, THE "MAXIMILIANO HERNANDEZ MARTINEZ BRIGADE," WAS INACTIVE IN 1984.

20. CHARGES CONTINUE TO BE LEVELED ALMOST DAILY AT THE SALVADORAN ARMED FORCES FOR INDISCRIMINATE BOMBING ATTACKS AND GRATUITOUS VIOLENCE AGAINST INNOCENT

CIVILIANS. PRESIDENT DUARTE HAS INVESTIGATED SOME OF THE MORE SENSATIONAL CHARGES OF MASSACRES AND FOUND THEM BASELESS. HE HAS MADE IT CLEAR, HOWEVER, THAT HE WILL NOT TOLERATE THE WANTON USE OF VIOLENCE AGAINST NONCOMBATANT CIVILIANS.

21. WE HAVE SEEN NO CREDIBLE EVIDENCE TO SUGGEST THAT VIOLENCE AGAINST CIVILIANS IS EVEN TACIT GOES/ESAF POLICY, NOR THAT ITS SCALE IN ANY WAY APPROACHES THE DAILY CLAIMS OF FMLN PROPAGANDA OR THE REPORTS OF SOME HUMAN RIGHTS GROUPS. AS FAR AS WE CAN DETERMINE, THE VAST NUMBER OF ALLEGED CIVILIAN DEATHS STEMMING FROM MILITARY OPERATIONS WERE ACTUALLY GUERRILLA COMBATANTS. MOST OF THE REMAINDER WERE AMONG THE SO-CALLED "MASAS", THE GUERRILLA TERM FOR THEIR UNARMED SUPPORTERS WHO COMPRISE THE FMLN LOGISTICAL SUPPORT APPARATUS. THESE COMBAT SUPPORT PERSONNEL, ALTHOUGH THEMSELVES NOT USUALLY ARMED, ARE OFTEN PRESENT WITH OR NEAR THE GUERRILLAS DURING COMBAT OPERATIONS, AND IN GUERRILLA INSTALLATIONS WHICH REPRESENT LEGITIMATE MILITARY TARGETS AND PERIODICALLY COME UNDER ESAF ATTACK. NON-COMBATANT CIVILIAN CASUALTIES FROM AERIAL BOMBARDMENT ARE ALMOST UNIVERSALLY "MASAS" PRESENT WITH OR NEAR ARMED GUERRILLAS WHO ARE LEGITIMATE MILITARY TARGETS. SENSITIVE TO CHARGES ABOUT MISUSE OF AIR POWER, HOWEVER,
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RELEASED
El Salvador: Human Rights
Special Project (1993)

CRIMINAL INVESTIGATORS AND A FORENSIC LABORATORY.

15. THE ECONOMIC SYSTEM UNDERWENT A DRAMATIC REFORM IN 1980 WHEN THE JUNTA DECREED LAND REFORM, NATIONALIZED THE BANKS, AND MADE COTTON, SUGAR AND COFFEE EXPORTS A GOVERNMENT MONOPOLY. FOR A VARIETY OF REASONS, INCLUDING THE ARMED CONFLICT, LOW WORLD PRICES FOR EL SALVADOR'S EXPORT PRODUCTS, HIGH FUEL COSTS AND THE VIRTUAL COLLAPSE OF THE CENTRAL AMERICAN COMMON MARKET, THE ECONOMY HAS SUFFERED A 25 DECLINE OVER THE PAST FIVE YEARS. THIS DECLINE TERMINATED IN 1983, AND A SMALL INCREASE IN GDP IS PROJECTED FOR 1984. HOWEVER, FOREIGN INVESTMENT HAS YET TO RESUME, DOMESTIC PRIVATE SECTOR CONFIDENCE HAS NOT YET RECOVERED TO THE POINT WHERE MAJOR NEW INVESTMENTS ARE UNDER WAY, AND THE ECONOMY REMAINS DEPENDENT ON EXTERNAL ASSISTANCE, SUPPLIED CHIEFLY BY THE US. INDIVIDUALS REMAIN FREE TO PURSUE PRIVATE INTERESTS AND HOLD PRIVATE PROPERTY WITH THE EXCEPTIONS IMPOSED BY THE REFORMS IN LIMITING PRIVATE AGRICULTURAL LAND HOLDINGS, OPERATING PRIVATE BANKS, OR PRIVATE EXPORT OF COFFEE AND SUGAR.

16. VIEWING EL SALVADOR FROM THE PERSPECTIVE OF ITS VIOLENT HISTORY, THE FIRST NINE MONTHS OF 1984 SHOW A

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ACTION HA-08

INFO OCT-00 COPY-01 ADS-00 AID-00 INR-10 EUR-00 SS-00
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UNCLAS SECTION 04 OF 17 SAN SALVADOR 13792

E.O. 12356: N/A
TAGS: SHUM, ES
SUBJECT: 1984 - HUMAN RIGHTS REPORT

DRAMATIC DECREASE IN POLITICAL VIOLENCE. THE EMBASSY'S FIGURES FOR DEATHS POSSIBLY ATTRIBUTABLE TO POLITICAL VIOLENCE REFLECT A STEADY DECLINE. OTHER ORGANIZATIONS OFFER OTHER STATISTICS WHICH DIFFER AMONG THEMSELVES AND WITH THE EMBASSY'S ESTIMATES, BUT DESPITE THE INCONSISTENCIES AND UNAVOIDABLE INACCURACIES, ALL SOURCES INDICATE CLEAR AND SHARP DOWNWARD TRENDS.

- SECTION I - PART A

- POLITICAL KILLINGS

17. MANY DEATHS IN EL SALVADOR GO UNEXPLAINED; IT IS OFTEN IMPOSSIBLE TO DISTINGUISH THOSE THAT ARE POLITICALLY MOTIVATED (FROM EITHER EXTREME) FROM THOSE WHICH ARE DISGUISED AS SUCH IN ORDER TO EVADE CRIMINAL DETECTION. NONETHELESS, A SUBSTANTIAL NUMBER OF UNEXPLAINED DEATHS, AGAINST THE BACKGROUND OF PROLONGED

AND BITTER CONFLICT, CAN BE PRESUMED TO BE POLITICALLY RELATED. WHILE ABSOLUTE NUMBERS FOR SUCH DEATHS CANNOT

RELEASED
El Salvador: Human Rights
Special Project (1993)

UNCLASSIFIED

PAGE 01 SAN SA 13792 05 OF 17 170431Z
ACTION HA-08

INFO OCT-00 COPY-01 ADS-00 AID-00 INR-10 EUR-00
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TO SECSTATE WASHDC IMMEDIATE 0388

UNCLAS SECTION 05 OF 17 SAN SALVADOR 13792

E.O. 12356: N/A
TAGS: SHUM, ES
SUBJECT: 1984 - HUMAN RIGHTS REPORT

PRESIDENT DUARTE AND THE MILITARY COMMAND HAVE MODIFIED AND STRENGTHENED THE RULES OF AERIAL ENGAGEMENT TO ENSURE AGAINST ITS ACCIDENTAL OR INTENTIONAL MISUSE AGAINST CIVILIANS. WE HAVE INVESTIGATED MANY REPORTS, AND KNOW OF NO CONFIRMED INSTANCE IN WHICH MASAS HAVE BEEN ATTACKED WHEN NOT ACCOMPANIED BY ARMED GUERRILLAS.

22. THE FMLN-FDR CONTINUES TO COMMIT SIGNIFICANT HUMAN RIGHTS VIOLATIONS. IN JANUARY AN AMERICAN CITIZEN WAS SHOT AND KILLED WHEN THE VEHICLE IN WHICH SHE WAS RIDING WITH HER TWO SMALL CHILDREN AND HUSBAND FAILED TO STOP AT A GUERRILLA CHECK POINT. FMLN MINING OF THE RUNWAY OF A CIVILIAN AIRPORT CAUSED THREE DEATHS. IN FEBRUARY, WITNESSES CLAIM, GUERRILLA FORCES MASSACRED 29 CAPTURED SOLDIERS IN WESTERN EL SALVADOR. AN UNARMED MILITARY JUDGE WAS KILLED BY WOULD-BE KIDNAPPERS WHEN HE RESISTED ABDUCTION. GUERRILLAS KILLED TWO LOCAL RED CROSS WORKERS WHO WERE TRAVELING IN A RED CROSS AMBULANCE. A
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UNCLASSIFIED

PAGE 02 SAN SA 13792 05 OF 17 170431Z

SALVADORAN SECURITY EMPLOYEE OF THE US EMBASSY WAS FATALLY SHOT ON THE WAY TO WORK BY MEN WHO ANNOUNCED

THEMSELVES TO BE FPL ASSASSINS. THE LEFT WAS PRESUMABLY RESPONSIBLE FOR THE SHOOTING OF A STRIKE-BREAKING SCHOOL DIRECTOR IN SEPTEMBER. THE ARMED FORCES OF NATIONAL LIBERATION (FAL) SEIZED A SAN SALVADOR BANK IN AUGUST, KILLING A CIVILIAN GUARD. IN 1984, THE LEFT KILLED THREE RETIRED ARMY OFFICERS AND ANOTHER THREE CONSTITUENT ASSEMBLY DEPUTIES. THEY ATTEMPTED THE MURDER OF A FOURTH, WOUNDING HIM BADLY. ACCORDING TO PRESS REPORTS, THE LEFT CARRIED OUT 63 POLITICAL KILLINGS IN THE FIRST HALF OF 1984.

23. SOURCES OF INFORMATION ON POLITICAL VIOLENCE INCLUDE NEWSPAPERS, THE ARMED FORCES, COURT RECORDS, HUMAN RIGHTS ORGANIZATIONS, LEFTIST ORGANIZATIONS, AND PERSONAL TESTIMONIES. EACH OF THESE IS SUBJECT TO LIMITATIONS AND/OR BIASES. GOVERNMENT INFORMATION ON GUERRILLA CASUALTIES, HOWEVER, IS SUBJECT TO EXAGGERATION. COURT RECORDS LIST VICTIMS OF VIOLENCE IDENTIFIED BY JUSTICES OF THE PEACE THROUGHOUT THE COUNTRY. MOST REPORTS YIELD LITTLE INFORMATION ON POLITICAL VIOLENCE BUT ARE USEFUL TO DETERMINE TRENDS.

24. ORGANIZATIONS WHICH REPORT ON VIOLENCE, BESIDES THE GOVERNMENT HUMAN RIGHTS COMMISSION, INCLUDE THE LEGAL AID OFFICE OF THE ARCHDIOCESE (TUTELA LEGAL), CHRISTIAN LEGAL AID (SOCORRO JURIDICO CRISTIANO), AND THE UNOFFICIAL EL SALVADOR HUMAN RIGHTS COMMISSION. IN ADDITION, THE CENTER OF INVESTIGATION AND DOCUMENTATION OF THE JESUIT-RUN UNIVERSITY OF CENTRAL AMERICA IS A HUMAN RIGHTS INFORMATION CLEARING HOUSE. THESE GROUPS RELY PRIMARILY ON NEWSPAPER REPORTING, SUPPLEMENTED BY
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PAGE 03 SAN SA 13792 05 OF 17 170431Z

OTHER SOURCES SUCH AS ANOUNCEMENTS BY GUERRILLA GROUPS AND PERSONAL TESTIMONY. THE GOVERNMENTAL HUMAN RIGHTS COMMISSION, COMPOSED OF LEADERS OF THE CHURCH, LABOR, PRIVATE SECTOR, AND THE NATIONAL POLICE, ALSO MONITORS AND ANALYZES THE HUMAN RIGHTS SITUATION.

25. WHILE ALL STATISTICS ON CIVILIAN DEATHS IN EL SALVADOR ARE UNRELIABLE EXCEPT AS INDICATORS OF TRENDS, THE U.S. EMBASSY IN SAN SALVADOR HAS KEPT SYSTEMATIC RECORDS ON PUBLISHED REPORTS OF POLITICAL VIOLENCE IN EL SALVADOR SINCE SEPTEMBER OF 1980. OTHER ORGANIZATIONS

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El Salvador: Human Rights
Special Project (1993)

OFFER STATISTICS WHICH DIFFER AMONG THEMSELVES AND WITH THE EMBASSY'S ESTIMATES. TUTELA LEGAL, FOR EXAMPLE, REPORTED AN AVERAGE OF 270 POLITICAL KILLINGS OF CIVILIANS PER MONTH FOR THE FIRST FIVE MONTHS OF 1984. IN JUNE, TUTELA LEGAL CHANGED ITS REPORTING FORMAT AND BEGAN LISTING DEATHS AS "POSSIBLY GUERRILLA" OR "POSSIBLY CIVILIAN." THUS, ITS LISTING FOR JUNE IS 11 "CONFIRMED" CIVILIAN DEATHS, PLUS 68 WHO POSSIBLY WERE CIVILIANS AND 50 WHO WERE POSSIBLY GUERRILLAS, FOR A TOTAL OF 129. FOR JULY, TUTELA LEGAL REPORTED 75 "CONFIRMED" CIVILIAN DEATHS PLUS 37 POSSIBLE CIVILIANS AND 73 POSSIBLE GUERRILLAS, A TOTAL OF 185; AND FOR AUGUST, 53 "CONFIRMED" CIVILIAN DEATHS PLUS 64 POSSIBLE CIVILIANS, AND 75 POSSIBLE GUERRILLAS, A TOTAL OF 192.

- SECTION I - PART B

- DISAPPEARANCES

26. THE NUMBER OF PRESS-REPORTED CIVILIAN DISAPPEARANCES AVERAGED 14 PER MONTH FOR THE FIRST NINE MONTHS OF 1984, FOR A TOTAL OF 129. THIS COMPARES WITH 39 PER MONTH IN 1983, 38 PER MONTH IN 1982, AND 160 PER MONTH IN 1981. BY COMPARISON, TUTELA LEGAL REPORTED 107 CIVILIAN DISAPPEARANCES JAN - AUG 1984. DISAPPEARANCES

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ACTION HA-08

INFO OCT-00 COPY-01 ADS-00 AID-00 INR-10 EUR-00 SS-00
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UNCLAS SECTION 06 OF 17 SAN SALVADOR 13792

E.O. 12356: N/A
TAGS: SHUM, ES
SUBJECT: 1984 - HUMAN RIGHTS REPORT

OCCUR UNDER A VARIETY OF CIRCUMSTANCES. NEWSPAPER AND EYEWITNESS ACCOUNTS OFTEN DESCRIBE "ARMED MEN IN CIVILIAN DRESS" AS PERPETRATORS OF SEIZURES. SOME PERSONS REPORTED TO HAVE DISAPPEARED ARE LATER FOUND ASSASSINATED; OTHERS MAY ACTUALLY BE IN HIDING. STILL OTHERS SUBSEQUENTLY ARE FOUND TO HAVE BEEN ARRESTED AND REAPPEAR IN THE CRIMINAL ENFORCEMENT SYSTEM. UNDER THE ARREST AND DETENTION PROCEDURAL GUIDELINES IN FORCE SINCE DECEMBER, 1983, THIS LATTER PROBLEM HAS BEEN REDUCED.

27. THE ORDER REQUIRES SECURITY FORCE MEMBERS TO BE IN UNIFORM IN MOST CASES AND IDENTIFY THEMSELVES WHILE MAKING ARRESTS, AND TO NOTIFY THE ARMED FORCES CHIEFS OF STAFF, THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRS), THE GOVERNMENT'S HUMAN RIGHTS COMMISSION AND THE DETAINEES' RELATIVES. THE ORDER PERMITS INCARCERATION ONLY IN OFFICIAL PRISONS AND PROHIBITS THE

USE OF TORTURE.

28. GUERRILLA UNITS STAGE KIDNAPPINGS FOR RANSOM OR

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El Salvador: Human Rights
Special Project (1993)

PRISONER EXCHANGES. THEY, OF COURSE, OBSERVE NO HUMAN RIGHTS PROCEDURES OR STANDARDS FOR CONDUCT OR DETAINMENT. BECAUSE THE FAMILIES OF KIDNAP VICTIMS GENERALLY TRY TO AVOID PUBLICITY IN ORDER TO NEGOTIATE THEIR RELEASE, THESE KIDNAPPINGS RECEIVE LITTLE MEDIA COVERAGE. THE GUERRILLAS LAUNCHED A SYSTEMATIC FORCED RECRUITMENT CAMPAIGN IN THE SPRING, IN WHICH SOME 1500 YOUNG PEOPLE OF BOTH SEXES WERE ABDUCTED. THE HUMAN RIGHTS COMMUNITY HAS BEEN SLOW TO PROTEST, ALTHOUGH THE CHURCH HAS TAKEN PUBLIC NOTE OF THE EVENTS.

29. ALTHOUGH MOST DISAPPEARANCES ARE ROUTINELY ATTRIBUTED TO THE POLICE FORCES, IN THE MAJORITY OF CASES THERE IS NO OBVIOUS CONNECTION BETWEEN THE POLICE OR SECURITY FORCES AND THE BACKGROUND OF THE DISAPPEARED PERSON, OR MOTIVES FOR HIS DISAPPEARANCE WHICH WOULD SUBSTANTIATE AN ASSERTION OF INVOLVEMENT BY SECURITY OR MILITARY FORCES IN THE DISAPPEARANCE. SIMILARLY, IT IS IMPOSSIBLE TO TELL HOW MANY DISAPPEARANCES ARE ACTUALLY DESERTIONS OF FAMILY, CRIMINAL ACTS, ILLEGAL EMIGRATION (TYPICALLY TO THE U.S. OR NEIGHBORING COUNTRIES), OR ENLISTMENTS INTO GUERRILLA RANKS. GOES POLICY, TO WHICH THE CHIEFS OF THE SECURITY SERVICES ARE PUBLICLY COMMITTED, CONDEMNS VIOLATION OF HUMAN RIGHTS VIA THE DISAPPEARANCE OF SUSPECTED SUBVERSIVES. PRESIDENT DUARTE, WHO HAS LONG DEMANDED THAT THE SECURITY SERVICES ACT WITH COMPLETE LEGALITY, PERSONALLY BELIEVES THE DISAPPEARANCE PROBLEM TO BE VASTLY OVERSTATED.

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- SECTION I - PART C

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- TORTURE AND CRUEL, INHUMAN, OR DEGRADING TREATMENT
- OR PUNISHMENT

30. ALTHOUGH IT IS DIFFICULT TO GATHER HARD EVIDENCE IN TORTURE CASES, IT APPEARS THAT TORTURE AND LESSER FORMS OF MISTREATMENT HAVE FALLEN CONSISTENTLY AND THAT THIS DOWNWARD TREND CONTINUES.

31. THE CATHOLIC CHURCH'S HUMAN RIGHTS OFFICE, TUTELA LEGAL, ASSERTS THAT WHILE THE INCIDENCE OF TORTURE HAS SIGNIFICANTLY DECLINED, THE METHODS ARE MORE REFINED

WITH USE OF ELECTRIC SHOCK, PSYCHOLOGICAL TORTURE AND METHODS THAT DO NOT LEAVE MARKS. THERE HAVE BEEN REPEATED ACCUSATIONS OF RAPE BY CAPTORS.

32. INTERVIEWS WITH JAILED LEFTISTS PRODUCE NUMEROUS CLAIMS OF TORTURE ESPECIALLY DURING THE INITIAL STAGES OF DETENTION TO EXTRACT CONFESSIONS. THE VERACITY OF THESE ASCUSATIONS CANNOT BE CONFIRMED. THE NEW DIRECTORS OF THE NATIONAL AND TREASURY POLICE AND NATIONAL GUARD HAVE LAUNCHED ACTIVE CAMPAIGNS TO EDUCATE THEIR POLICE AGENTS ABOUT THE GOVERNMENT'S POLICY AGAINST TORTURE AND CRUEL AND DEGRADING TREATMENT. WE CANNOT HOWEVER DISCOUNT ALLEGATIONS THAT THIS POLICY IS IN SOME CASES VIOLATED BY INDIVIDUAL SECURITY OFFICIALS. US MILITARY TRAINERS ARE OCCASIONALLY PRESENT DURING DEBRIEFINGS OF CAPTURED GUERRILLA FIGHTERS. NONE HAS OBSERVED ANY MISTREATMENT DURING THESE SESSIONS, NOR DO WE HAVE ANY INDICATION THAT IT OCCURS DURING INTERROGATIONS AT WHICH THEY ARE NOT PRESENT.

33. THE GUERRILLAS HAVE ESTABLISHED A POOR RECORD FOR TREATMENT OF CAPTURED MEMBERS OF THE ARMED FORCES, WHILE ORDINARY SOLDIERS ARE MOST OFTEN RELEASED WITHIN A

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El Salvador: Human Rights
Special Project (1993)

UNCLASSIFIED

PAGE 01 SAN SA 13792 07 OF 17 170433Z
ACTION HA-08

INFO OCT-00 COPY-01 ADS-00 AID-00 INR-10 EUR-00
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UNCLAS SECTION 07 OF 17 SAN SALVADOR 13792

E.O. 12356: N/A
TAGS: SHUM, ES
SUBJECT: 1984 - HUMAN RIGHTS REPORT

FEW DAYS OF CAPTURE, OFFICERS AND CADETS ARE NOT, BUT ARE HELD PRISONER FOR PROLONGED PERIODS IN ORDER TO BE USED BY THE GUERRILLAS FOR LATER EXCHANGES. FREQUENTLY, PRISONERS RELEASED BY THE GUERRILLAS HAVE EXHIBITED SIGNS OF SEVERE BEATINGS, DEPRIVATION OF FOOD AND MISSING BODY PARTS.

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- SECTION I - PART D

- ARBITRARY ARREST, DETENTION OR EXILE

34. ARRESTS IN EL SALVADOR CAN BE MADE BY THE SECURITY FORCES ON THEIR OWN DETERMINATION THAT THEY HAVE PROBABLE CAUSE. THE DISPOSITION OF ARRESTED PERSONS IS DETERMINED BY AN INSTRUCTIONAL MAGISTRATE WHO, LIKE TRIAL MAGISTRATES AT VARIOUS LEVELS OF THE JUDICIAL PROCESS, MAY DECIDE ON THE RELEASE OR CONTINUED DETENTION OF A SUSPECT FOR ADDITIONAL INVESTIGATION
UNCLASSIFIED
UNCLASSIFIED

PAGE 02 SAN SA 13792 07 OF 17 170433Z

BEFORE CHARGES ARE BROUGHT OR TRIAL BEGINS. THIS PRINCIPLE APPLIES TO "POLITICAL" AND COMMON CRIMES

ALIKE. POLICE IN EL SALVADOR WHO ABUSE THEIR POWER OF ARREST MAY BE PROSECUTED FOR ILLEGAL DETENTION AND ARREST. IN PRACTICE, IT IS IMPOSSIBLE TO SAY HOW MANY ARRESTS ARE NOT BASED ON REASONABLE PROBABLE CAUSE, AS EVEN DISMISSAL OF CHARGES AT THE INSTRUCTIONAL LEVEL OFTEN REFLECT EITHER INEFFECTIVE INVESTIGATION OR ARE A MATTER OF CONVENIENCE IN AN OVERBURDENED JUDICIAL SYSTEM.

35. THE SALVADORAN CONSTITUTION PROVIDES FOR THE SUSPENSION OF CONSTITUTIONAL GUARANTEES IN TIMES OF EMERGENCY. SPECIAL LEGISLATION PROVIDES FOR SEPARATE PROCEDURES AND JUDICIAL HANDLING OF CRIMES INCLUDING TREASON, SABOTAGE, AND REBELLION AND PARTICIPATION IN ORGANIZED GROUPS DEDICATED TO THE OVERTHROW OF THE GOVERNMENT BY USE OF FORCE. ARREST FOR POLITICAL BELIEFS, AS SUCH, IS NOT CONTEMPLATED IN LAW AND WE HAVE NO REASON TO BELIEVE IT TAKES PLACE. SOME 2000 ARRESTS HAVE BEEN MADE UNDER STATE OF EMERGENCY LEGISLATION.

36. UNTIL FEBRUARY, 1984, JUDICIAL DISPOSITION OF THESE CRIMES WAS REGULATED BY DECREE 507. THIS LEGISLATION WAS REPLACED BY DECREE 50, WHICH WAS DESIGNED TO PROVIDE INCREASED PROTECTION FOR PERSONS ARRESTED FOR STATE OF EMERGENCY CRIMES. THE DECREE HALVED THE PERIODS OF PERMISSIBLE DETENTION BEFORE A DEFENDANT MUST BE CHARGED AND BROUGHT TO TRIAL. IF SECURITY FORCES HOLD A SUSPECT FOR MORE THAN 15 DAYS FOLLOWING ARREST WITHOUT CONSIGNING HIM TO AN INSTRUCTIONAL JUDGE, THEY ARE IN VIOLATION OF DECREE 50, AND MAY BE PROSECUTED FOR IMPROPER IMPRISONMENT. PERSONS ARRESTED UNDER DECREE 50 ONCE CONSIGNED TO A JUDGE MAY NOT BE HELD WITHOUT CHARGE
UNCLASSIFIED
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PAGE 03 SAN SA 13792 07 OF 17 170433Z

FOR MORE THAN 15 DAYS UNLESS FURTHER INVESTIGATION IS ORDERED BY THE INVESTIGATING JUDGE. PERSONS ARRESTED HAVE NO RIGHT TO COUNSEL BEFORE CHARGES ARE BROUGHT, BUT MAY RETAIN COUNSEL AS SOON AS CHARGED OR REMANDED TO DETENTION PENDING FURTHER INVESTIGATION. ELEVATION OF A CASE TO TRIAL ORDINARILY MUST OCCUR NO LATER THAN 75 DAYS FROM THE DATE OF ARREST BY THE SECURITY FORCES. ANY DELAY BEYOND THIS PERIOD MUST BE BASED UPON A JUDICIAL DECREE THAT ORDERS FURTHER INVESTIGATION ALONG SPECIFIED LINES.

37. SPECIAL DECREE 50 COURTS WERE ESTABLISHED

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El Salvador: Human Rights
Special Project (1993)

IMMEDIATELY AFTER THE DECREE CAME INTO EFFECT, BUT CASELOADS, RESOURCES AND MANAGEMENT OF THE SYSTEM PREVENTS THEIR WORKING AS WELL AS THEY SHOULD. NEVERTHELESS, THE ENTIRE BACKLOG OF DECREE 507 CASES IN THE INSTRUCTIONAL PHASE, WHICH AUTOMATICALLY FELL UNDER THE PROCEDURAL TERMS OF DECREE 50, HAS NOW BEEN ELIMINATED, WITH CHARGES EITHER DISMISSED (IN THE MAJORITY OF CASES) OR ELEVATION OF THE CASE TO TRIAL STAGE. AT PRESENT, 270 PERSONS ARE CHARGED AND AWAITING TRIAL. THE DECREE 50 SYSTEM DOES NOT SAFEGUARD AGAINST ARBITRARY ARREST, BUT IT DOES PRECLUDE PROLONGED ARBITRARY DETENTION IN "POLITICAL" CASES AND PROVIDES A THEORETICAL FRAMEWORK FOR REASONABLE DUE PROCESS.

38. IN COMMON CRIMINAL CASES, BAIL IS AVAILABLE UNTIL SENTENCING PROVIDED THE OFFENSE INVOLVED IS NOT PUNISHABLE BY MORE THAN THREE YEARS' IMPRISONMENT. AFTER ARREST, THE POLICE MAY DETAIN A PERSON FOR UP TO 72 HOURS BEFORE BRINGING THE CASE BEFORE AN INVESTIGATING MAGISTRATE FOR DISMISSAL OR PROVISIONAL DETENTION PENDING CRIMINAL INVESTIGATION. IN THEORY, THE INVESTIGATIONAL PHASE MAY NOT LAST MORE THAN 87 DAYS, AFTER WHICH THE TRIAL STAGE MUST BEGIN OR CHARGES BE DISMISSED. LEGAL DETENTION MAY, HOWEVER, BE
UNCLASSIFIED
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PAGE 04 SAN SA 13792 07 OF 17 170433Z

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PAGE 01 SAN SA 13792 08 OF 17 170434Z
ACTION HA-08

INFO OCT-00	COPY-01 AOS-00	AID-00	INR-10	EUR-00	SS-00	
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UNCLAS SECTION 08 OF 17 SAN SALVADOR 13792

E.O. 12356: N/A
TAGS: SHUM, ES
SUBJECT: 1984 - HUMAN RIGHTS REPORT

CONTINUED FOR FURTHER INVESTIGATION IF SO DECIDED BY THE TRIAL JUDGE OR THE APPELLATE COURT. AGAIN, THE THEORETICAL FRAMEWORK PROVIDES FOR PROTECTION OF DUE PROCESS FOLLOWING ARREST. IN PRACTICE, VIOLATIONS OF THE SYSTEM OCCUR. IF THESE VIOLATIONS CONSTITUTE ILLEGAL DETENTION, THEY PROVIDE THE BASIS FOR PROSECUTION OF RESPONSIBLE PERSONS ON THOSE CHARGES. PROLONGED DETENTION IS ORDINARILY THE RESULT OF REPEATED EXTENSIONS OF THE INSTRUCTIONAL PHASE, ALTHOUGH THE DIFFICULTY IN COPING WITH THE BACKLOG OF CASES BEFORE INVESTIGATING AND TRIAL MAGISTRATES ALSO PLAYS A ROLE IN LENGTHY DETENTIONS.

39. THE SCOPE OF THE JUDICIAL REFORM PROJECT NOW UNDER WAY WILL TAKE THESE AND OTHER ISSUES UNDER FULL CONSIDERATION. THE REVISORY COMMISSION IN CHARGE OF THE REFORM PROCESS WAS FORMALLY CONSTITUTED BY A PRESIDENTIAL DECREE ISSUED ON AUGUST 24, 1984. THIS
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PAGE 02 SAN SA 13792 08 OF 17 170434Z

COMMISSION WILL UNDERTAKE A DIAGNOSTIC EXAMINATION OF THE ENTIRE LEGAL SYSTEM, BEGINNING WITH THE AREA OF

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Special Project (1993)

CRIMINAL JUSTICE. ITS OBJECTIVE IS TO REVISE THE PENAL CODE SO THAT IT IS CONSISTENT WITH THE NEW CONSTITUTION AND WILL THUS EXAMINE EXISTING LEGISLATION GOVERNING ARREST AND DETENTION PROCEDURES AND PROPOSE THEIR MODIFICATION. THE COMMISSION IS MADE UP OF DISTINGUISHED MEMBERS OF THE BAR AND PROFESSORS OF LAW, ALL OF WHOM HAVE A BROAD COMPREHENSION OF BOTH LATIN AMERICAN JURISPRUDENCE AND OTHER SYSTEMS OF LAW, SUCH AS THAT OF THE UNITED STATES. FUNDING FOR THIS PROCESS IS BEING PROVIDED BY THE U.S. GOVERNMENT: $ 3.5 MILLION HAS BEEN ALLOCATED FOR FY 1984.

40. IN THE PAST, CLANDESTINE JAILS WERE KNOWN TO EXIST, BUT IN 1984 THE SECURITY FORCES CLAIM THEY HAVE BEEN TOTALLY ELIMINATED. THERE IS LITTLE EVIDENCE TO THE CONTRARY. REPORTS OF TEMPORARY DETENTION AT UNKNOWN LOCATIONS ARE EXTREMELY RARE BUT STILL OCCUR. MOST ARRESTS ARE MADE BY THE NATIONAL POLICE WHICH HOLDS PRISONERS IN GROUP CELLS BEFORE THEY ARE EITHER RELEASED BY THE INVESTIGATING MAGISTRATE OR TRANSFERRED TO REGULAR PRISON PENDING INVESTIGATION OF THE ACCUSATIONS AGAINST THEM.

41. CONDITIONS IN THE PENAL CENTERS ARE GENERALLY GOOD. VISITORS CONFIRM THAT THESE FACILITIES ARE CLEAN AND WELL-RUN AND PROVIDE THE BASIC NECESSITIES. THERE HAVE BEEN NO RECENT COMPLAINTS OF ILL-TREATMENT BY PRISONERS ONCE THEY ARE CONFINED WITHIN THESE PRISONS. THE NATIONAL POLICE ALLOW REPRESENTATIVES FROM THE ICRC UNIMPEDED ACCESS TO THEIR DETENTION FACILITIES.

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PAGE 03 SAN SA 13792 08 OF 17 1704342

42. THERE ARE NO LEGAL PROVISIONS FOR EXILE NOR FOR THE REVOCATION OF CITIZENSHIP.

SECTION I - PART E

DENIAL OF FAIR PUBLIC TRIAL

43. TRIALS OF COMMON OR POLITICAL CRIMINALS IN EL SALVADOR ARE NEITHER DENIED NOR UNFAIRLY CONDUCTED AS MATTERS OF GOVERNMENT POLICY, BUT THE INEFFICIENCY OF THE JUDICIAL SYSTEM OFTEN PREVENTS SPEEDY TRIAL.

44. INCARCERATED PERSONS NORMALLY WAIT FROM 6 TO 18

MONTHS BEFORE COMING TO TRIAL WHILE THEIR CASES REMAIN OPEN, THEORETICALLY UNDER INSTRUCTIONAL INVESTIGATION. IN FACT, OF A PRISON POPULATION THAT FLUCTUATES BETWEEN 3,500 AND 4,000 INMATES, ONLY 10 TO 15 PERCENT ARE ACTUALLY SERVING SENTENCES AS OPPOSED TO AWAITING TRIAL. WHEN FINALLY TRIED, HOWEVER, MOST CAN EXPECT TO HAVE CHARGES DISMISSED AT THE TRIAL STAGE OR TO BE ACQUITTED, VERY OFTEN DUE SIMPLY TO THE POOR INVESTIGATIVE CAPACITY OF THE POLICE AND MAGISTRATE.

45. AT THIS TIME, THERE IS ONLY ONE PERSON ACTUALLY SERVING A SENTENCE FOR A STATE OF EMERGENCY CRIME, A COSTA RICAN PILOT CONVICTED OF RUNNING GUNS FOR THE FDR-FMLN. SOME 40 - 50 OTHER PERSONS HAVE BEEN CONVICTED OF CRIMES UNDER DECREE 507/50 PROVISIONS. THESE PERSONS ARE NORMALLY ACCUSED OF MULTIPLE OFFENSES, USUALLY SABOTAGE OR ABETTING GUERRILLA ACTIVITIES AS WELL AS MEMBERSHIP IN A SUBVERSIVE (FDR-FMLN) ORGANIZATION. IN PRACTICE, THE INSTRUCTIONAL PHASE NORMALLY FAILS TO MEET THE REQUIREMENTS FOR PROOF FOR CONVICTION OF THE GREATER OFFENSES, SUCH AS SABOTAGE. THUS, DECREE 507/50 CONVICTIONS HAVE BEEN LIMITED TO MEMBERSHIP IN A SUBVERSIVE ORGANIZATION, PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR. SINCE TIME
UNCLASSIFIED
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PAGE 04 SAN SA 13792 08 OF 17 1704342

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IMMEDIATELY AFTER THE DECREE CAME INTO EFFECT, BUT CASELOADS, RESOURCES AND MANAGEMENT OF THE SYSTEM PREVENTS THEIR WORKING AS WELL AS THEY SHOULD. NEVERTHELESS, THE ENTIRE BACKLOG OF DECREE 507 CASES IN THE INSTRUCTIONAL PHASE, WHICH AUTOMATICALLY FELL UNDER THE PROCEDURAL TERMS OF DECREE 50, HAS NOW BEEN ELIMINATED, WITH CHARGES EITHER DISMISSED (IN THE MAJORITY OF CASES) OR ELEVATION OF THE CASE TO TRIAL STAGE. AT PRESENT, 270 PERSONS ARE CHARGED AND AWAITING TRIAL. THE DECREE 50 SYSTEM DOES NOT SAFEGUARD AGAINST ARBITRARY ARREST, BUT IT DOES PRECLUDE PROLONGED ARBITRARY DETENTION IN "POLITICAL" CASES AND PROVIDES A THEORETICAL FRAMEWORK FOR REASONABLE DUE PROCESS.

38. IN COMMON CRIMINAL CASES, BAIL IS AVAILABLE UNTIL SENTENCING PROVIDED THE OFFENSE INVOLVED IS NOT PUNISHABLE BY MORE THAN THREE YEARS' IMPRISONMENT. AFTER ARREST, THE POLICE MAY DETAIN A PERSON FOR UP TO 72 HOURS BEFORE BRINGING THE CASE BEFORE AN INVESTIGATING MAGISTRATE FOR DISMISSAL OR PROVISIONAL DETENTION PENDING CRIMINAL INVESTIGATION. IN THEORY, THE INVESTIGATIONAL PHASE MAY NOT LAST MORE THAN 87 DAYS, AFTER WHICH THE TRIAL STAGE MUST BEGIN OR CHARGES BE DISMISSED. LEGAL DETENTION MAY, HOWEVER, BE
UNCLASSIFIED
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PAGE 04 SAN SA 13792 07 OF 17 170433Z

UNCLASSIFIED

PAGE 01 SAN SA 13792 08 OF 17 170434Z
ACTION HA-08

INFO OCT-00 COPY-01 ADS-00 AID-00 INR-10 EUR-00 SS-00
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UNCLAS SECTION 08 OF 17 SAN SALVADOR 13792

E.O. 12356: N/A
TAGS: SHUM, ES
SUBJECT: 1984 - HUMAN RIGHTS REPORT

CONTINUED FOR FURTHER INVESTIGATION IF SO DECIDED BY THE TRIAL JUDGE OR THE APPELLATE COURT. AGAIN, THE THEORETICAL FRAMEWORK PROVIDES FOR PROTECTION OF DUE PROCESS FOLLOWING ARREST. IN PRACTICE, VIOLATIONS OF THE SYSTEM OCCUR. IF THESE VIOLATIONS CONSTITUTE ILLEGAL DETENTION, THEY PROVIDE THE BASIS FOR PROSECUTION OF RESPONSIBLE PERSONS ON THOSE CHARGES. PROLONGED DETENTION IS ORDINARILY THE RESULT OF REPEATED EXTENSIONS OF THE INSTRUCTIONAL PHASE, ALTHOUGH THE DIFFICULTY IN COPING WITH THE BACKLOG OF CASES BEFORE INVESTIGATING AND TRIAL MAGISTRATES ALSO PLAYS A ROLE IN LENGTHY DETENTIONS.

39. THE SCOPE OF THE JUDICIAL REFORM PROJECT NOW UNDER WAY WILL TAKE THESE AND OTHER ISSUES UNDER FULL CONSIDERATION. THE REVISORY COMMISSION IN CHARGE OF THE REFORM PROCESS WAS FORMALLY CONSTITUTED BY A PRESIDENTIAL DECREE ISSUED ON AUGUST 24, 1984. THIS
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PAGE 02 SAN SA 13792 08 OF 17 170434Z

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El Salvador: Human Rights
Special Project (1993)

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PAGE 01 SAN SA 13792 09 OF 17 170435Z
ACTION HA-08

INFO OCT-00 COPY-01 ADS-00 AID-00 INR-10 EUR-00
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TO SECSTATE WASHDC IMMEDIATE 0392

UNCLAS SECTION 09 OF 17 SAN SALVADOR 13792

E.O. 12356: N/A
TAGS: SHUM, ES
SUBJECT: 1984 - HUMAN RIGHTS REPORT

SERVED IN PRE-TRIAL DETENTION IS SUBTRACTED FROM THE SENTENCE IMPOSED, THE EFFECT THUS FAR HAS BEEN THE DISMISSAL OF ALL DEFENDANTS.

46. OVER THE PAST TEN YEARS, THE OVERALL CONVICTION RATE HAS NEVER EXCEEDED 20 PERCENT, AND IN 1983 IT WAS ONLY 14 PERCENT. A FEW PRISONERS WAIT FAR LONGER THAN NORMAL TO COME TO TRIAL. THESE ARE USUALLY SENSATIONAL OR SENSITIVE CASES WHICH REMAIN UNDER MORE OR LESS ACTIVE INVESTIGATION IN AN EFFORT TO PRODUCE EVIDENCE FOR CONVICTION. A GOOD EXAMPLE IS THE CASE OF EX-MAJOR ROEDER, A NOTORIOUS KIDNAPPER AND EXTORTIONIST WHO SPENT TWO YEARS IN DETENTION AWAITING TRIAL. WHEN TRIED, HOWEVER (AND TO WIDESPREAD OUTRAGE) HE WAS AQUITTED AMID SUSPICION THAT HE HAD BOUGHT OR INTIMIDATED THE JURY. ANOTHER EXAMPLE IS THE CASE OF THE STECEL WORKERS, FREED IN OCTOBER 1984 AFTER FOUR YEARS OF DETENTION PROLONGED IN PART BECAUSE OF PROBLEMS IN OBTAINING ADEQUATE LEGAL
UNCLASSIFIED
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PAGE 02 SAN SA 13792 09 OF 17 170435Z

REPRESENTATION AND IN PART BECAUSE OF WIDE OPPROBRIUM SURROUNDING THEIR CASE AND THE KNOWLEDGE THAT A

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CONVICTION WAS UNLIKELY.

47. AN EFFORT TO GRAPPLE WITH INTIMIDATION THROUGH THE JUDICIAL PROTECTION UNIT IS UNDER STUDY BY THE MINISTRY OF JUSTICE. IT IS INTENDED TO PROVIDE PROTECTION TO JURIES AND OFFICERS OF THE COURTS IN THOSE HARD OR SENSITIVE CASES IN WHICH INTIMIDATION COULD BE EXPECTED TO COME INTO PLAY. ALTHOUGH NOT YET OFFICIALLY CONSTITUTED, THE MINISTRY OF JUSTICE HAS COMPLETED THE PREPARATION OF REGULATIONS THAT WILL GOVERN ITS ACTIVITY AND THE UNIT SHOULD BE ACTIVATED IN THE NEAR FUTURE. RECRUITED FROM THE MOJ'S PRISON GUARDS CORPS, ITS NUCLEUS OF 60 AGENTS HAS RECEIVED US TRAINING AT GLYNCOE, GEORGIA, AND MUCH OF ITS EQUIPMENT (RADIOS, VEHICLES, UNIFORMS, ETC.) HAS ALREADY BEEN PURCHASED. THE JUDICIAL PROTECTION UNIT HAD ITS TRIAL RUN WHEN IT WAS TEMPORARILY ACTIVATED TO PROVIDE PROTECTION IN THE TRIAL OF THE MURDERERS OF THE US CHURCHWOMEN, WHICH IT DID EFFECTIVELY.

48. ONE CRUCIAL COMPONENT OF THE WORK OF THE REVISORY COMMISSION FOR JUDICIAL REFORM IS THE STUDY OF TRIAL PROCEDURES, INCLUDING RULES OF EVIDENCE. IT WILL LOOK HARD AT SUCH ELEMENTS AS THE EXTRA-JUDICIAL CONFESSION. MANY MEMBERS OF THE SALVADORAN BAR CONSIDER IT INHERENTLY UNRELIABLE, AND FAVOR OUTRIGHT ELIMINATION OF CONFESSIONS AS EVIDENCE OR AT LEAST STRICT MEASURES TO ENSURE THE VALIDITY OF CONFESSIONS.

50. THE JUDICIARY IS INDEPENDENT IN THEORY AND, FOR THE GREATEST PART, IN PRACTICE. HOWEVER, SUPREME COURT
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PAGE 03 SAN SA 13792 09 OF 17 170435Z

MAGISTRATES AND THE ATTORNEY GENERAL ARE CHOSEN BY VOTE IN THE LEGISLATIVE ASSEMBLY AFTER THEIR CANDIDACIES ARE PRESENTED BY THE POLITICAL PARTIES. THE NOMINATIONS THUS TAKE ON A HIGH POLITICAL COLORATION. THIS HAS LITTLE PRACTICAL EFFECT ON THE ADMINISTRATION OF JUSTICE AS A WHOLE, BUT DOES COME INTO PLAY AT THE FINAL APPELLATE LEVEL. A GREATER THREAT TO LACK OF JUDICIAL INDEPENDENCE HAS HISTORICALLY BEEN THE ROLE OF THE MILITARY. ALTHOUGH IT MAKES NO EFFORT TO COERCE CONVICTIONS IN EITHER CRIMINAL CASES (I.E. ROEDER) OR STATE OF EMERGENCY CASES (LIKE STECEL), THE ARMED FORCES

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El Salvador: Human Rights
Special Project (1993)

HAVE YET TO EMBRACE FULLY THE PRINCIPLE THAT THEY ARE EQUAL TO OTHER CITIZENS BEFORE THE LAW. MAGISTRATES ARE RELUCTANT TO TAKE ON THE RESPONSIBILITY OF BRINGING CHARGES AGAINST MILITARY OFFICERS OR THE POLICE FORCES, THE MEMBERS OF WHICH CANNOT BE RELIED UPON TO TESTIFY OR TO OTHERWISE COOPERATE IN PROSECUTING CRIMES ALLEGEDLY COMMITTED BY BROTHER OFFICERS.

- SECTION I - PART F

- ARBITRARY INTERFERENCE WITH PRIVACY, FAMILY, HOME, OR
- CORRESPONDENCE

51. THE GOVERNMENT OF EL SALVADOR DOES NOT INTERFERE IN PERSONAL LIFE EXCEPT IN MATTERS IT CONSIDERS RELATED TO THE ARMED CONFLICT. BOTH GOVERNMENT AND GUERRILLAS USE NETWORKS OF INFORMERS. PHONE NUMBERS FOR MAKING DENUNCIATIONS TO THE ARMED FORCES HAVE BEEN PUBLICIZED (ALTHOUGH LITTLE USED) AND SECURITY FORCES RELY ON INFORMERS AND ANONYMOUS DENUNCIATIONS ABOUT ALLEGED CRIMINAL AND SUBVERSIVE ACTIVITIES. ON THE OTHER HAND, THERE IS NO PUBLIC CAMPAIGN TO ENCOURAGE THE PUBLIC TO ACT AS INFORMANTS.

52. MEMBERS OF THE SECURITY FORCES USE FORCED ENTRY TO

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UNCLAS SECTION 10 OF 17 SAN SALVADOR 13792

E.O. 12356: N/A
TAGS: SHUM, ES
SUBJECT: 1984 - HUMAN RIGHTS REPORT

CARRY OUT ARRESTS AND INVESTIGATIONS. HOWEVER, THE PRACTICE SEEMS RESTRICTED TO CASES FOR WHICH THERE IS REASONABLE PROBABLE CAUSE. THE OFFICIAL HUMAN RIGHTS COMMISSION NO LONGER MAINTAINS STATISTICS ON FORCED ENTRY; OTHER GROUPS HAVE NEVER DONE SO. THE CONSTITUTIONAL PROVISION PROTECTING THE INVIOLABILITY OF CORRESPONDENCE IS SUSPENDED UNDER THE STATE OF SIEGE. POSTAL OFFICIAL HAVE THE AUTHORITY TO INSPECT CORRESPONDENCE, AND IT IS BELIEVED THEY DO SO ON OCCASION.

53. IT SHOULD BE NOTED THAT THESE PROVISIONS MAY BE REVISED BY THE LEGISLATURE (A LEGITIMATE, REPRESENTATIVE AND INDEPENDENT BODY) WHEN IT WISHES. THUS FAR, THEY HAVE BEEN ROUTINELY EXTENDED, USUALLY BY UNANIMOUS VOTE, ON A MONTHLY BASIS.

- SECTION II - PART 1

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- RESPECT FOR CIVIL RIGHTS

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El Salvador: Human Rights
Special Project (1993)

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PAGE 01 SAN SA 13792 11 OF 17 170437Z
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UNCLAS SECTION 11 OF 17 SAN SALVADOR 13792

E.O. 12356: N/A
TAGS: SHUM, ES
SUBJECT: 1984 - HUMAN RIGHTS REPORT

- *SECTION II - PART B*

- FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION

60. THE CONSTITUTIONAL RIGHT TO FREE ASSEMBLY AND ASSOCIATION IS ALSO SUSPENDED UNDER THE STATE OF EMERGENCY. HOWEVER, THE SALVADORAN GOVERNMENT HAS REINSTATED THE RIGHT OF ASSEMBLY FOR POLITICAL PARTIES AND PEACEFUL ORGANIZATIONS, INCLUDING CHURCH AND LABOR GROUPS, BUT NOT FOR THE FORMAL MEMBERSHIP ORGANIZATIONS OF THE REVOLUTIONARY LEFT.

61. ALTHOUGH NOW INACTIVE, TWO FDR-FMLN MEMBER ORGANIZATIONS ARE STILL RECOGNIZED AS LEGAL PARTIES, THE MNR (NATIONAL REVOLUTIONARY MOVEMENT) AND THE UDN (NATIONAL DEMOCRATIC UNION, AN EXPLICIT COMMUNIST PARTY FRONT.) PRO-LEFT SENTIMENTS ARE ALSO AIRED THROUGH THE FREEDOM OF EXPRESSION AND ASSEMBLY ACCORDED TO GROUPS
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PAGE 02 SAN SA 13792 11 OF 17 170437Z

THAT REFRAIN FROM EXPLICIT IDENTIFICATION WITH THE ARMED LEFT. THESE INCLUDE "HUMAN RIGHTS" ORGANIZATIONS SUCH

AS THE COMMITTEE OF MOTHERS OF THE DISAPPEARED, AND THE LEFT-DOMINATED MUSYGES LABOR FRONT.

62. SALVADORAN UNIONS ARE FREE AND INDEPENDENT FROM GOVERNMENT CONTROL. THERE IS NO GOVERNMENT-SPONSORED LABOR FEDERATION. THE POPULAR DEMOCRATIC UNITY (UPD), A LOOSE ASSOCIATION OF CAMPESINO ORGANIZATIONS AND LABOR UNIONS (INCLUDING EL SALVADOR'S LARGEST, SUTC), JOINED THE CHRISTIAN DEMOCRATIC PARTY (PDC) IN AN ELECTORAL AGREEMENT DURING THE 1984 PRESIDENTIAL ELECTIONS. THIS AGREEMENT, KNOWN IN EL SALVADOR AS THE "SOCIAL PACT," INCLUDED A PROMISE BY THE PDC TO NAME UPD CAMPESINO LEADERS TO TOP POSITIONS IN ALL OF THE LAND REFORM INSTITUTIONS. THUS FAR, HOWEVER, THE UPD'S PRESENCE IN THE DUARTE GOVERNMENT DOES NOT SEEM TO HAVE COMPROMISED THE INDEPENDENCE OF THE UPD MEMBER ORGANIZATIONS. RATHER, IT HAS ALLOWED THOSE MOST AFFECTED BY THE AGRARIAN REFORM TO EXERCISE DIRECT CONTROL OVER AGRARIAN REFORM INSTITUTIONS. THIS IS PROBABLY A UNIQUE PRECEDENT FOR CENTRAL AMERICA.

63. THE SALVADORAN LABOR CODE IS BEING AMENDED TO REFLECT CHANGES PERTAINING TO LABOR IN THE 1983 CONSTITUTION AND WILL RECOGNIZE THE RIGHT OF CAMPESINOS TO ORGANIZE IN LABOR UNIONS. THE STRUCTURE OF EL SALVADOR'S FIRST AGRARIAN WORKERS' UNION IS BEING STUDIED BY THE UPD, WHO EXPECT TO FLESH IT OUT BY THE TIME THE AMENDED CODE IS APPROVED BY THE LEGISLATIVE ASSEMBLY IN LATE 1984.

64. ALTHOUGH THE NEW CONSTITUTION CONTINUES TO BAR
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PAGE 03 SAN SA 13792 11 OF 17 170437Z

PUBLIC EMPLOYEES OF NON-AUTONOMOUS GOVERNMENT AGENCIES FROM ORGANIZING INTO LABOR UNIONS, THESE GOVERNMENT WORKERS ARE REPRESENTED BY PROFESSIONAL ASSOCIATIONS WHOSE FUNCTION IS SIMILAR TO THAT OF UNIONS. WAGE INCREASE DEMANDS BY MANY PUBLIC EMPLOYEES GAVE RISE IN EARLY 1984 TO A SERIES OF PUBLIC EMPLOYEE STRIKES. PUBLIC EMPLOYEE STRIKES ARE ILLEGAL IN EL SALVADOR, BUT THE GOVERNMENT ADOPTED A LARGELY CONCILIATORY APPROACH AND ULTIMATELY ENACTED A 10 PERCENT WAGE INCREASE FOR ALL GOVERNMENT EMPLOYEES.

65. EL SALVADOR'S LABOR ORGANIZATIONS MAINTAIN CLOSE

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Special Project (1993)

RELATIONS WITH MOST OF THE IMPORTANT INTERNATIONAL LABOR MOVEMENTS. FESINCONSTRANS, EL SALVADOR'S LARGEST URBAN LABOR FEDERATIONS, IS AN AFFILIATE OF ORIT, THE ICFTU'S REGIONAL CHAPTER. MANY OF THE MEMBER ORGANIZATIONS IN THE LEFTIST-LED UNITARIAN LABOR MOVEMENT OF EL SALVADOR (MUSYGES) HAVE LOOSE LINKS WITH THE WFTU AND HAVE SENT REPRESENTATIVES TO WFTU MEETING IN PRAGUE, HAVANA AND MEXICO CITY IN RECENT YEARS. THE FOUR LARGEST LEFTIST-LED MEMBERS OF MUSYGES (FENASTRAS, THE FSR, FUSS AND FESTIAVTSCES) ALL ENJOY OFFICIAL LEGAL RECOGNITION BY THE GOVERNMENT OF EL SALVADOR.

66. NINE MEMBERS OF THE LEFTIST-LED REVOLUTIONARY LABOR FEDERATION (FSR, A MEMBER OF MUSYGES) WERE ARRESTED BY THE NATIONAL POLICE IN JANUARY, 1984 FOR CONSPIRING AGAINST THE GOVERNMENT. ALTHOUGH THE GOVERNMENT DISPLAYED EVIDENCE OF THEIR PROBABLE GUILT, MOST OF THE FSR DETAINEES WERE EVENTUALLY RELEASED FROM PRISON LATER THAT YEAR. TWO OTHER LEFTIST LABOR LEADERS WERE DETAINED BRIEFLY UNDER SUSPICION OF SUBVERSIVE ACTIVITIES AND RELEASED.

67. FREEDOM OF PEACEFUL ASSEMBLY IS PROTECTED IN ARTICLE 560 OF THE CIVIL CODE AS LONG AS THE GROUP
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UNCLAS SECTION 12 OF 17 SAN SALVADOR 13792

E.O. 12356: N/A
TAGS: SHUM, ES
SUBJECT: 1984 - HUMAN RIGHTS REPORT

REQUESTING PERMISSION TO HOLD A MARCH OR DEMONSTRATION
CAN DEMONSTRATE THAT THEY HAVE A LEGITIMATE "PARTICULAR INTEREST" TO REPRESENT. THE MINISTRY OF THE INTERIOR ISSUES PERMITS FOR THESE MARCHES ALMOST AS A MATTER OF COURSE, ALTHOUGH IT HAS THE LEGAL PREROGATIVE TO TURN DOWN ANY SUCH REQUEST. DEMOCRATIC UNIONS, LEFTIST LABOR GROUPS AND ANTI-GOVERNMENT DEMONSTRATORS HAVE DEMONSTRATED FREELY WITH NATIONAL POLICE PROTECTION.

SECTION II - PART C

FREEDOM OF RELIGION

68. COMPLETE FREEDOM OF RELIGION IS CONSTITUTIONALLY GUARANTEED IN EL SALVADOR AND RESPECTED IN PRACTICE. ALTHOUGH HISTORICALLY CATHOLIC, EL SALVADOR HAS BECOME INCREASINGLY MULTICONFESSIONAL, CHIEFLY THROUGH THE
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EFFORTS OF FOREIGN MISSIONARIES NOW SUPPORTED BY NUMEROUS SALVADORAN CLERICS. THESE MISSIONARIES OPERATE

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El Salvador: Human Rights
Special Project (1993)

FREELY AND WITHOUT HARRASSMENT.

69. THE CATHOLIC CHURCH CONTINUES TO BE ONE OF THE MOST INFLUENTIAL AND RESPECTED INSTITUTIONS IN THE COUNTRY. IT USES ITS INFLUENCE AMONG THE HUGE NUMBER OF PRACTICING CATHOLICS TO SPEAK OUT FORCEFULLY ON SOCIAL ISSUES, MOST NOTABLY ON HUMAN RIGHTS MATTERS, WHETHER FROM THE PULPIT OR IN ITS CHURCH PUBLICATIONS. THREATS BY THE EXTREME RIGHT AGAINST THE ARCHBISHOP AND AUXILIARY BISHOP IN 1983 HAVE NOT BEEN REPEATED.

70. OVER THE PAST YEAR, RELATIONS BETWEEN THE CHURCH AND THE SALVADORAN GOVERNMENT, INCLUDING THE MILITARY AND SECURITY FORCES HAVE BECOME CLOSER. ALTHOUGH THE CHURCH CONTINUES TO DECRY HUMAN RIGHTS VIOLATIONS, IT HAS ON NUMEROUS OCCASIONS RECOGNIZED THE MAJOR IMPROVEMENTS IN THE OVERALL HUMAN RIGHTS SITUATION. THE CHURCH'S PRESTIGE WAS UNDERSCORED WHEN IT WAS ASKED TO COORDINATE AND PRESIDE AT THE LA PALMA MEETING BETWEEN THE GOES AND LEADERS OF THE FDR-FMLN.

SECTION II - PART D

-FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FOREIGN TRAVEL, - EMIGRATION, AND REPATRIATION

71. ALTHOUGH THE STATE OF SIEGE DECREE FORMALLY SUSPENDS THE CONSTITUTIONAL RIGHT TO FREE MOVEMENT, THIS SUSPENSION IS NOT INVOKED IN PRACTICE. THE CONTINUING ARMED CONFLICT HAS DISPLACED AN ESTIMATED 450,000 PERSONS WITHIN EL SALVADOR, PRIMARILY IN THE NORTHERN

AND EASTERN DEPARTMENTS. ANOTHER 18,000 DISPLACED SALVADORANS LIVE IN CAMPS OUTSIDE EL SALVADOR, PRIMARILY IN HONDURAS. THOUSANDS MORE ARE THOUGHT TO BE LIVING IN MEXICO ELSEWHERE IN CENTRAL AMERICA. GOVERNMENTS (INCLUDING THE SALVADORAN), INTERNATIONAL ORGANIZATIONS AND PRIVATE VOLUNTARY OGANIZATIONS ASSIST THE DISPLACED. THE GOVERNMENT HAS IMPOSED NO CONTROL ON EMIGRATION AND HAS ASSISTED AMNESTY BENEFICIARIES AND DETAINEES WHO WISH TO SETTLE ELSEWHERE AFTER RELEASE.

72. INCREASED FORCED RECRUITMENT BY THE GUERRILLAS IN

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UNCLAS SECTION 13 OF 17 SAN SALVADOR 13792

E.O. 12356: N/A
TAGS: SHUM, ES
SUBJECT: 1984 - HUMAN RIGHTS REPORT

INTERFERENCE OR INFLUENCE OF THE ARMED FORCES, WHO ADOPTED POLITICAL NEUTRALITY, SOUGHT TO SAFEGUARD THE PROCESS AND RENOUNCED THEIR RIGHT TO VOTE IN THE ELECTION. THE MILITARY HAS EXPLICITLY RECOGNIZED THE PRESIDENT'S CONSTITUTIONAL POSITION AS COMMANDER IN CHIEF OF THE ARMED FORCES.

75. SIX PARTIES HAVE BEEN REPRESENTED IN THE LEGISLATURE SINCE THE 1982 ELECTIONS. THEY WILL RUN AGAIN IN MARCH, 1985, WHEN MAYORS WILL ALSO FOR THE FIRST TIME BE DIRECTLY ELECTED. SEVERAL TINY POLITICAL PARTIES ARE NOT REPRESENTED IN THE LEGISLATURE BUT HAVE LEGAL STATUS AND FREELY ORGANIZE AND PUBLISH. RIGHT TO MEMBERSHIP IN ANY LEGALLY RECOGNIZED PARTY IS UNRESTRICTED.

76. TWO OPPOSITION PARTIES OF THE LEFT ARE LEGALLY RECOGNIZED BUT HAVE CHOSEN NOT TO PARTICIPATE IN THE

SYSTEM: THE MNR (NATIONAL REVOLUTIONARY MOVEMENT) AND THE UDN (NATIONAL DEMOCRATIC UNION, ORTHODOX

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El Salvador: Human Rights
Special Project (1993)

COMMUNIST). BOTH ARE MEMBER PARTIES OF THE FDR-FMLN. THE CONSTITUTION NOW PERMITS THE LEGALIZATION OF ALL POLITICAL PARTIES THAT DO NOT ADVOCATE ARMED OPPOSITION, PROVIDED THEY MEET THE REQUIRED MINIMUM MEMBERSHIP STANDARDS. THE GOES AND THE VAST MAJORITY OF THE CONSTITUTIONAL OPPOSITION SUPPORT THE INTEGRATION OF THE CURRENTLY ARMED LEFTIST GROUPS INTO THE SYSTEM AS DISARMED, LEGAL POLITICAL PARTIES.

77. EIGHT PARTIES CONTESTED THE FIRST ROUND OF ELECTIONS HELD ON MARCH 25, 1984, FOLLOWING A PROLONGED AND ACTIVE PERIOD OF CAMPAIGNING. DESPITE ADMINISTRATIVE PROBLEMS AND GUERRILLA INTERFERENCE SOME 1.4 MILLION VOTES WERE CAST, REPRESENTING MORE THAN 75 PERCENT OF THE ELECTORATE OF 1.8 MILLION. AS NO PARTY OBTAINED AN ABSOLUTE MAJORITY OF THE VOTES, A SECOND ROUND BETWEEN THE TWO MOST SUCCESSFUL PARTIES, THE CHRISTIAN DEMOCRATS (PDC) LED BY JOSE NAPOLEON DUARTE AND THE NATIONAL REPUBLICAN ALLIANCE (ARENA) OF ROBERTO D'AUBUISSON, WAS SCHEDULED FOR MAY 6, 1984. ON MAY 6, OVER 1.5 MILLION SALVADORANS, MORE THAN 80 PERCENT OF THE ELECTORATE, TURNED OUT TO VOTE AGAIN DESPITE GUERRILLA THREATS AND CALLS FOR A BOYCOTT. PROCEDURALLY, THE ELECTION WENT MORE SMOOTHLY THAN THE FIRST ROUND; JOSE NAPOLEON DUARTE, WITH 54 PERCENT OF THE POPULAR VOTE, EMERGED AS THE VICTOR.

78. THE SALVADORAN GOVERNMENT INVITED MORE THAN SIXTY NATIONS AND INTERNATIONAL ORGANIZATIONS TO OBSERVE THE MARCH 25 ELECTIONS AND VERIFY THEIR HONESTY, AND APPROXIMATELY THIRTY NATIONS RETURNED TO EL SALVADOR TO

OBSERVE THE SECOND ROUND. THE U.S. SENT AN OFFICIAL DELEGATION COMPOSED OF MEMBERS OF CONGRESS, ADMINISTRATION OFFICIALS AND PROMINENT PRIVATE CITIZENS TO EACH ROUND. MOST OBSERVERS NOTED ADMINISTRATIVE PROBLEMS IN THE MARCH 25TH ROUND, BUT ALL ENDORSED THE FAIRNESS OF THE ELECTIONS.

79. IN BOTH ELECTION ROUNDS, GUERRILLAS SOUGHT TO DISRUPT THE VOTE. BEFORE THE FIRST ROUND, THEY ASSASSINATED POLITICAL LEADERS, MADE THREATS AND PROPAGANDIZED AGAINST THE ELECTION. DURING THE FIRST

ROUND, GUERRILLAS SUCCESSFULLY BLOCKED DELIVERY OF ELECTORAL MATERIALS TO SOME VOTING LOCATIONS, STOLE THOUSANDS OF IDENTITY DOCUMENTS TO PREVENT CITIZENS FROM VOTING, AND CAUSED A MAJOR POWER FAILURE ON ELECTION EVE. IN SOME CASES, ELECTORAL MATERIALS HAD TO BE DELIVERED IN THE DARK, RESULTING IN MISSING REGISTRY PAGES AND OTHER PROBLEMS. GUERRILLA ACTIONS PREVENTED VOTING IN 58 OF EL SALVADOR'S 261 MUNICIPALITIES, BUT MOST WERE VERY SMALL OR PARTIALLY ABANDONED. OVERALL, THE GUERRILLA EFFORT HAD LITTLE EFFECT ON THE TURNOUT.

80. DURING THE SECOND ROUND, THE GUERRILLAS SET OFF BOMBS IN SAN SALVADOR, AGAIN STOLE IDENTITY DOCUMENTS AND LAUNCHED AN ATTACK ON SAN MIGUEL, THE COUNTRY'S THIRD LARGEST CITY. THE SALVADORAN ARMY THWARTED THE ATTACK AND VOTING PROCEEDED NORMALLY IN MOST OF THE COUNTRY. IN THE SECOND ROUND, 46 SMALL MUNICIPALITIES WERE UNABLE TO VOTE BECAUSE OF GUERRILLA ACTIVITY.

81. THERE WERE A FEW CHARGES OF POLITICAL FAVORITISM BY LOCAL MILITARY COMMANDERS. HOWEVER, MOST PROVED FALSE AND THE MILITARY IN FACT LIVED UP TO ITS PROMISE OF NON-INTERFERENCE AND NEUTRALITY WITH ONLY NEGLIGIBLE EXCEPTIONS. EXTENSIVE OFFENSIVE OPERATIONS TO PREVENT A MAJOR GUERRILLA DISRUPTION WERE CONDUCTED DURING BOTH

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El Salvador: Human Rights
Special Project (1993)

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PAGE 01 SAN SA 13792 14 OF 17 170440Z
ACTION HA-08

INFO OCT-00 COPY-01 ADS-00 AID-00 INR-10 EUR-00
OIC-02 CIAE-00 EB-08 DODE-00 H-01 IO-15 NSCE
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TO SECSTATE WASHDC IMMEDIATE 0397

UNCLAS SECTION 14 OF 17 SAN SALVADOR 13792

E.O. 12356: N/A
TAGS: SHUM, ES
SUBJECT: 1984 - HUMAN RIGHTS REPORT

ROUNDS. THE STRATEGY PROVED EFFECTIVE ALTHOUGH IT
EXACTED A TOLL OF OVER 100 DEATHS OF MILITARY PERSONNEL.

82. PARTICIPATION IN THE POLITICAL SYSTEM IS NOT SUBJECT TO STANDARDS OF CLASS, RELIGION, ETHNIC BACKGROUND OR SEX. THE MEMBERS OF THE LEGISLATURE AND THE MEMBERSHIPS OF THE PARTIES REPRESENT A FULLY HETEROGENEOUS MIXTURE OF SALVADORAN SOCIETY. THE PRESIDENT OF THE ASSEMBLY IS A WOMAN AND MEMBER OF A SMALL PARTY IN OPPOSITION TO THE GOES.

83. THE GOVERNMENT FACES CLEAR CUT POLITICAL OPPOSITION FROM THE PARTIES WHO LOST IN THE PRESIDENTIAL ELECTION. AT PRESENT, THESE PARTIES CONSTITUTE A MAJORITY WITHIN THE LEGISLATURE. NO COALITION HAS EMERGED TO DOMINATE THE POLITICAL PROCESS FROM EITHER SIDE; MANY KEY VOTES NOW SEE AD HOC MAJORITIES DEVELOP FOR OR AGAINST THE GOVERNMENT.
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PAGE 02 SAN SA 13792 14 OF 17 170440Z

- SECTION IV - PART I

-GOVERNMENT ATTITUDE REGARDING INTERNATIONAL AND
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- NON-GOVERNMENTAL
- INVESTIGATION OF ALLEGED VIOLATIONS OF HUMAN RIGHTS

84. THE NEW SALVADORAN GOVERNMENT OF PRESIDENT JOSE NAPOLEON DUARTE HAS BEEN VERY FORTHCOMING WITH VISITING HUMAN RIGHTS MISSIONS, PROVIDING INFORMATION, MAKING ITS OFFICIALS AVAILABLE FOR DISCUSSION, AND PERMITTING THE INSPECTION OF DETENTION CENTERS.

85. HUMAN RIGHTS DELEGATIONS WHO VISITED IN 1984 INCLUDE THE LAWYERS' COMMITTEE ON HUMAN RIGHTS, FACULTY COMMITTEE ON HUMAN RIGHTS IN EL SALVADOR AND CENTRAL AMERICA, LUTHERAN CHURCH DELEGATIONS, THE UNITED NATIONS SPECIAL RAPPORTEUR ON HUMAN RIGHTS, AMERICAS' WATCH, MEDICAL AID FOR EL SALVADOR, AND THE UNITARIAN UNIVERSALIST SERVICE COMMITTEE. NUMEROUS US CONGRESSIONAL AND STAFF DELEGATIONS HAVE ALSO LOOKED CLOSELY INTO HUMAN RIGHTS MATTERS.

86. PRISONERS ARE INTERVIEWED ON A SYSTEMATIC BASIS BY REPRESENTATIVES OF THE ICRC AND THE OFFICIAL GOVERNMENTAL HUMAN RIGHTS COMMISSION. BOTH ORGANIZATIONS ARE NOTIFIED OF ARRESTS OF POLITICAL DETAINEES. THE UNITED NATIONS SPECIAL RAPPORTEUR FOR HUMAN RIGHTS VISITED EL SALVADOR IN SEPTEMBER ON A FACT-FINDING TOUR IN PREPARATION FOR HIS ANNUAL REPORT. AS IN PREVIOUS YEARS, HE HAD ACCESS TO HIGH LEVEL SALVADORAN OFFICIALS, INCLUDING PRESIDENT DUARTE AND RANKING MEMBERS OF THE MILITARY AND SECURITY FORCES. HE HAD FREE EXCHANGES WITH LOCAL HUMAN RIGHTS
UNCLASSIFIED
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PAGE 03 SAN SA 13792 14 OF 17 170440Z

GROUPS, VISITED MARIONA AND ILOPANGO PRISONS AND WAS PERMITTED TO INTERVIEW DETAINEES.

87. VARIOUS OTHER GROUPS HAVE HAVE ALSO VISITED, BEEN GRANTED INTERVIEWS WITH GOES OFFICIALS, AND ALLOWED ENTRY INTO THE PRISONS. ONE NOTABLE CASE WAS AN UNOFFICIAL HUMAN RIGHTS GROUP FROM SOUTHERN CALIFORNIA WHICH DEMANDED THE RIGHT TO INSPECT THE PRISONS AND TO BE ALLOWED A SPUR-OF-THE-MOMENT AND UNANNOUNCED INSPECTION OF "SECRET BASEMENT CELLS" IN THE NATIONAL POLICE HEADQUARTERS JAIL. THE NATIONAL POLICE DIRECTOR INSTRUCTED THE JAIL STAFF ON THE SPOT TO UNLOCK AND OPEN

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El Salvador: Human Rights
Special Project (1993)

ALL DOORS FOR THE GROUP SO THAT THEY COULD INSPECT ANY AREA THEY WISHED FROM THE BASEMENT TO THE TOP FLOOR OF THE JAIL. THEY WERE ALSO ALLOWED TO WANDER THROUGH THE JAIL INTERVIEWING PRISONERS WITHOUT POLICE ESCORT.

88. SEVERAL GROUPS HAVE PRODUCED REPORTS ON THE FINDINGS OF THEIR VISIT. A REPORT WAS PUBLISHED APRIL 1984 BY THE LAWYERS COMMITTEE FOR INTERNATIONAL HUMAN RIGHTS WAS ENTITLED "EL SALVADOR'S OTHER VICTIMS: THE WAR ON THE DISPLACED". THIS REPORT ASSERTED THAT FORCING PERSONS TO LEAVE THEIR HOMES SHOULD ALSO BE CONSIDERED A HUMAN RIGHTS VIOLATIONS, AND NOT JUST POLITICAL KILLINGS. IT ACCUSED THE THEN GOVERNMENT OF PRESIDENT MAGANA OF INDISCRIMINATE BOMBING ATTACKS AND HARASSMENT DIRECTED AGAINST DISPLACED PERSONS. IT CITED ALLEGED CASES OF ARREST AND TORTURE OF RELIEF WORKERS AND DEPLORED THE ALLEGED KILLING OF CIVILIAN NONCOMBATANTS.

89. ANOTHER REPORT FROM AMERICAS WATCH ENTITLED "PROTECTION OF THE WEAK AND UNARMED: THE DISPUTE OVER COUNTING HUMAN RIGHTS VIOLATIONS IN EL SALVADOR" WAS CRITICAL OF THE US EMBASSY METHODOLOGY OF COLLECTING DATA FROM PRESS REPORTS AND SUPPORTED TUTELA LEGAL'S

INFO OCT-00 COPY-01 ADS-00 AID-00 INR-10 EUR-00 SS-00
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TO SECSTATE WASHDC IMMEDIATE 0398

UNCLAS SECTION 15 OF 17 SAN SALVADOR 13792

E.O. 12356: N/A
TAGS: SHUM, ES
SUBJECT: 1984 - HUMAN RIGHTS REPORT

VIOLENCE STATISTICS. ON THE ISSUE OF INJURY TO GUERRILLA "MASAS", THE REPORT STATED THAT DEATHS OF CIVILIAN NONCOMBATANTS WHO ARE KILLED WHILE DIRECTLY PARTICIPATING IN HOSTILITIES, AND CIVILIAN NONCOMBATANTS WHO, BECAUSE OF THEIR INTERMINGLING WITH INSURGENT FORCES OR PRESENCE AT OTHER LEGITIMATE MILITARY OBJECTIVES ARE KILLED DURING MILITARY ATTACKS ON SUCH OBJECTIVES, SHOULD BE CLASSIFIED AS COMBAT RELATED CASUALTIES. HOWEVER, IT MAINTAINED THAT IN MOST CASES CIVILIAN CASUALITIES WERE THE RESULT OF INDISCRIMINATE OR GRATUITOUS ARMED FORCES VIOLENCE.

90. THE AMERICAS WATCH PRELIMINARY REPORT ON THE HUMAN RIGHTS SITUATION IN EL SALVADOR DURING THE FIRST SIX MONTHS OF 1984 PUBLISHED JULY 19, 1984 STATES THAT ALTHOUGH THERE HAVE BEEN SIGNIFICANT REDUCTIONS IN CERTAIN KINDS OF MAJOR ABUSES SUCH AS DEATH SQUAD KILLINGS AND DISAPPEARANCES, A MODEST DECLINE IN THE

NUMBER OF POLITICAL PRISONERS, AND IN THE USE OF TORTURE -- ALL DUE TO ADMINISTRATIVE CHANGES BY THE GOVERNMENT.

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El Salvador: Human Rights
Special Project (1993)

THERE REMAINS NO SIGNIFICANT REDUCTION IN INDISCRIMINATE ATTACKS UPON CIVILIAN NONCOMBATANTS. AMERICAS WATCH ATTRIBUTES THE REDUCTIONS IN DEATH SQUAD KILLINGS AND DISAPPEARANCES TO PRESSURE EXERTED BY THE UNITED STATES GOVERNMENT, ESPECIALLY DURING VICE-PRESIDENT BUSH'S DECEMBER 1983 VISIT TO EL SALVADOR.

91. AMNESTY INTERNATIONAL ISSUED A REPORT IN MAY 1984 ON EXTRAJUDICIAL EXECUTIONS IN EL SALVADOR BASED ON A VISIT TO EL SALVADOR BY THAT ORGANIZATION IN JULY 1983. THE REPORT, BASED ON 1983 EVIDENCE, FOUND THAT THE HISTORICAL INCIDENCE OF SUCH EXECUTIONS AT THAT TIME WAS MASSIVE. IT ALSO FOUND THE SALVADORAN PROCEDURES OF RECORDING AND INVESTIGATING VIOLENT DEATHS IN 1983 WAS DEFECTIVE AND URGED THAT SALVADORAN AUTHORITIES ENSURE THAT FORENSIC EVIDENCE BE SYSTEMATICALLY COLLECTED.

92. WITHIN EL SALVADOR, THERE ARE SEVERAL NONGOVERNMENTAL HUMAN RIGHTS ORGANIZATIONS: THE ARCHDIOCESE'S OFICINA DE TUTELA LEGAL (THE LEGAL PROTECTION OFFICE); SOCORRO JURIDICO CRISTIANO (CHRISTIAN LEGAL AID); THE EL SALVADOR HUMAN RIGHTS COMMISSION; AND OTHERS. THESE ORGANIZATIONS COLLECT AND PUBLISH HUMAN RIGHTS STATISTICS FROM PRESS REPORTS AND STATEMENTS MADE BY VICTIMS FAMILIES. TUTELA LEGAL STATISTICS ARE QUOTED WEEKLY BY THE ARCHBISHOP IN HIS HOMILY. THE COMMITTEE OF MOTHERS USES PAID ADVERTISEMENTS IN THE PRESS TO EXPRESS THEIR CONCERNS, AND REGULARLY STAGES DEMONSTRATIONS AT THE CATHEDRAL, SUPREME COURT, U.S. EMBASSY AND OTHER LOCALES TO PROMOTE
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PAGE 03 SAN SA 13792 15 OF 17 170441Z

THEIR POLITICAL VIEWS.

93. THE OFFICAL HUMAN RIGHTS COMMISSION WAS ESTABLISHED BY THE MAGANA GOVERNMENT TO REPRESENT INDIVIDUAL CITIZENS' INTERESTS BEFORE THE SECURITY FORCES AND JUSTICE SYSTEM. THE COMMISSION HAS EXCELLENT RELATIONS WITH THE DUARTE GOVERNMENT AND THE MILITARY SECURITY SERVICES. ALTHOUGH IT CONTINUES TO SUFFER FROM INSUFFICIENT PERSONNEL AND FINANCIAL RESOURCES, IT IS BECOMING AN INCREASINGLY EFFECTIVE AND CREDIBLE ORGANIZATION.

94. DURING THE FIRST SIX MONTHS OF 1984, THE COMMISSION DEALT WITH 1,535 CASES, INCLUDING COMPLAINTS AND INQUIRIES ABOUT DISAPPEARANCES, REASONS FOR ARRESTS, INTERVIEWS WITH DETAINEES, ETC. THE COMMISSION FOUND THAT 594 PERSONS ALLEGED TO BE "MISSING" WERE ACTUALLY UNDER ARREST IN THE INSTRUCTIONAL OR TRIAL PHASE OF THEIR CASES; 142 PERSONS THOUGHT TO BE UNDER ARREST HAD ALREADY BEEN FREED; 52 CASES WERE PROVIDED URGENT FINANCIAL ASSISTANCE WHILE UNDER DETENTION; 24 PERSONS ALLEGED TO BE "MISSING" WERE ACTUALLY CASES OF FOR-FMLN ABDUCTIONS; IN ONLY 2 CASES, PERSONS REPORTED AS MISSING WERE FOUND DEAD.

- SECTION IV - PART II

- ECONOMIC, SOCIAL, AND CULTURAL SITUATION

95. EL SALVADOR HAS A PER CAPITA GROSS DOMESTIC PRODUCT (GDP) OF APPROXIMATELY $ 774. IN 1983, AGRICULTURE ACCOUNTED FOR ABOUT 21.3 PERCENT AND INDUSTRY 15 PERCENT OF GDP. BEFORE 1960, EL SALVADOR'S ECONOMY WAS ALMOST COMPLETELY DEPENDENT ON A FEW SUBSISTANCE CROPS AND COFFEE. THE CREATION OF THE CENTRAL AMERICAN COMMON MARKET (CACM) IN THAT YEAR STIMULATED EXPORTS OF
UNCLASSIFIED
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PAGE 04 SAN SA 13792 15 OF 17 170441Z

RELEASED
El Salvador: Human Rights
Project (1993)

UNCLASSIFIED

PAGE 01 SAN SA 13792 16 OF 17 170442Z
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INFO OCT-00 COPY-01 AOS-00 AID-00 INR-10 EUR-00 SS-00
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FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 0399

UNCLAS SECTION 16 OF 17 SAN SALVADOR 13792

E.O. 12356: N/A
TAGS: SHUM, ES
SUBJECT: 1984 - HUMAN RIGHTS REPORT

MANUFACTURED GOODS TO OTHER CENTRAL AMERICAN COUNTRIES,
AND REAL GDP GROWTH DURING THE 1960'S AND 1970'S
EXCEEDED 5 PERCENT PER ANNUM.

96. NEVERTHELESS, MANY YEARS OF NEGLECT OF THE COUNTRY'S RAPIDLY GROWING POOR POPULATION, PROFOUND SOCIAL INEQUITIES, AND AN INABILITY OF THE COUNTRY'S PUBLIC AND PRIVATE INSTITUTIONS TO ADDRESS STRUCTURAL DISPARITIES PRODUCED INCREASING POLITICAL VIOLENCE AND TERRORISM DURING THE 1970S. DESPITE A MILITARY COUP IN 1979, WHICH BROUGHT TO POWER A GOVERNMENT THAT IMPLEMENTED A SERIES OF SWEEPING ECONOMIC REFORMS, POLITICAL VIOLENCE INCREASED. THE VIOLENCE, IN TURN, CONTRIBUTED TO FURTHER DECLINES IN LIVING CONDITIONS FOR THE MAJORITY OF SALVADORANS. THOUSANDS WERE DRIVEN FROM THEIR HOMES AND THOSE WHO REMAINED SUFFERED FROM A DECREASE IN PUBLIC SERVICES DUE TO THE VIOLENCE AND THE GOVERNMENT'S FINANCIAL SHORTFALLS.
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PAGE 02 SAN SA 13792 16 OF 17 170442Z

97. EXACERBATING ECONOMIC PROBLEMS BROUGHT ON BY

INTERNAL VIOLENCE WERE EXTERNAL FACTORS SUCH AS THE WORLD RECESSION, DECLINING PRICES FOR THE COUNTRY'S MAIN EXPORTS, AND SHARPLY REDUCED DEMAND FROM EL SALVADOR'S TRADING PARTNERS IN THE CACM. THE COMBINED RESULTS PRODUCED AN ECONOMIC CRISIS. BETWEEN 1979 AND 1983, THE COUNTRY EXPERIENCED A 25 PERCENT REDUCTION IN REAL GDP, A 33 PERCENT DECLINE IN EXPORTS, A SUBSTANTIAL INCREASE IN UNEMPLOYMENT, LARGE-SCALE CAPITAL FLIGHTS, AND A 75 PERCENT REDUCTION IN PRIVATE INVESTMENT. ONLY IN 1983 WAS THIS DECLINE HALTED. THE TECHNOLOGICALLY UNIMPROVED SUBSISTENCE AGRICULTURAL SECTOR, AFFECTED BY THE HIGH LEVELS OF VIOLENCE IN CERTAIN PARTS OF THE COUNTRY, RECENTLY HAS BEEN UNABLE TO PRODUCE ALL OF THE BASIC FOODSTUFFS REQUIRED BY THE POPULATION. AS A RESULT, THERE IS A GROWING DEPENDENCE ON IMPORTS. A 2.8 PERCENT ANNUAL RATE OF POPULATION GROWTH COMBINED WITH THE HIGHEST POPULATION DENSITY IN THE WESTERN HEMISPHERE (589 PEOPLE PER SQUARE MILE IN 1983) ALSO LIMITS ECONOMIC OPPORTUNITY FOR A LARGE PART OF THE POPULATION. THE ADULT LITERACY RATE IS ABOUT 62 PERCENT, AND ABOUT 83 PERCENT OF THE PRIMARY SCHOOL-AGE POPULATION IS ENROLLED IN SCHOOL. IN 1984, THERE ARE 69 INFANT DEATHS PER 1000 LIVE BIRTHS. LIFE EXPECTANCY IS 64.5 YEARS. THE PER CAPITA CALORIE INTAKE IS ABOUT 89 PERCENT OF NUTRITIONAL REQUIREMENTS. THOUGH MOST OF THESE CONDITIONS LIMITED ACCESS TO EDUCATION, HEALTH SERVICES, IMPROVED SHELTER, AND A HIGHLY SKEWED DISTRIBUTION OF INCOME AND WEALTH AFFECT DRAMATICALLY THE NATURE OF EL SALVADOR'S DEVELOPMENT.

98. A DRAMATIC SHIFT IN THE OWNERSHIP OF OVER 25
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PAGE 03 SAN SA 13792 16 OF 17 170442Z

PERCENT OF EL SALVADOR'S AGRICULTURAL LAND WAS BROUGHT ABOUT UNDER THE AGRARIAN REFORM PROGRAM HAS AFFECTED EL SALVADOR'S SOCIAL STRUCTURE. IN MARCH 1980, EL SALVADOR INSTITUTED SWEEPING SOCIAL AND ECONOMIC REFORMS DESIGNED IN PART TO TRANSFER OWNERSHIP OF FARMLANDS FROM THE SMALL NUMBER OF LARGE LANDHOLDERS TO THOSE WHO WORKED THE LAND. UNDER PHASE I OF THE LAND REFORM PROGRAM, ALL FARMS OF MORE THAN 500 HECTARES (1,235 ACRES) WERE CONVERTED INTO WORKER COOPERATIVES TO BE MANAGED JOINTLY BY THEIR MEMBERS AND THE GOVERNMENT LAND REFORM INSTITUTE UNTIL THE COOPERATIVES ARE ABLE TO MANAGE

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WOMAN WAS PRESIDENT OF A MAJOR STATE BANK AND IS CURRENTLY SERVING IN AN EQUALLY IMPORTANT FINANCIAL POSITION. WOMEN SERVE ON THE BOARDS OF DIRECTORS OF SEVERAL BANKS. THE MAJORITY OF ELEMENTARY TEACHERS, NURSES, AND SECRETARIES ARE WOMEN, AS WELL AS APPROXIMATELY FIFTY PERCENT OF THE TEACHERS ON THE HIGH SCHOOL LEVEL AND BETWEEN 30 TO 40 PERCENT OF THE UNIVERSITY PROFESSORS, AND SEVERAL DEANS.

102. WOMEN ALSO PLAY A ROLE IN PRIVATE INDUSTRY, ESPECIALLY AS OWNERS OF SMALL CONCERNS. THERE ARE WOMEN SERVING AT HIGHER LEVELS, AND SEVERAL MAJOR COMPANIES ARE OWNED AND OPERATED BY WOMEN. WOMEN ARE WELL REPRESENTED IN THE PROFESSIONS. APPROXIMATELY 30 PERCENT OF THE PHYSICIANS, 50 PERCENT OF THE DENTISTS AND MORE THAN 30 PERCENT OF THE ATTORNEYS ARE WOMEN. WOMEN ARE MEMBERS OF THE ARMED FORCES AS NURSES, IN ADMINISTRATIVE AREAS, AND IN INTELLIGENCE. SOME WOMEN HAVE BEEN TRAINED FOR COMBAT, BUT NO DECISION HAS BEEN REACHED AS TO WHETHER THEY WILL BE USED IN THAT ROLE. THE NATIONAL POLICE IS TRAINING WOMEN AS DETECTIVES AND HAS A CORPS OF POLICEWOMEN.

103. A HIGH PROPORTION OF WOMAN IN THE LOWER ECONOMIC STRATA ARE HEADS OF SINGLE FAMILY HOUSEHOLDS, OFTEN FENDING FOR LARGE FAMILIES. SEVENTY PERCENT OF THE CHILDREN IN EL SALVADOR ARE BORN OUT OF WEDLOCK AND MOST ARE NOT LEGALLY RECOGNIZED BY THEIR FATHERS EVEN WHEN OCCUPYING THE SAME DOMICILE.

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El Salvador: Human Rights
Special Project (1993)

A) FREEDOM OF SPEECH AND PRESS

54. STATE OF SEIGE DECREES SUSPEND THE CONSTITUTIONAL RIGHTS OF FREEDOM OF SPEECH AND PRESS, BUT IN DAY-TO-DAY LIFE ARE SELDOM INVOKED. SELF CENSORSHIP, OUT OF FEAR OF VIOLENT REPRISAL, BOTH IN THE MEDIA AS WELL AS INDIVIDUAL, IS THE LEADING CONSTRAINT ON FREE EXPRESSION IN EL SALVADOR. FEAR OF REPRISAL IS ALSO THE REASON FOR PUBLICATION OF STATEMENTS BY THE EXTREME LEFT AND RIGHT.

55. THE TWO LEADING NEWSPAPERS IN THE CAPITAL ARE CONSERVATIVE, AND CRITICISM OF THE GOVERNMENT FROM A RIGHTIST PERSPECTIVE IS VIGOROUS AND FREQUENT. THE PAPERS FREQUENTLY RUN INTERNATIONAL WIRE SERVICE ACCOUNTS OF CONTROVERSIAL LOCAL EVENTS RATHER THAN RELY ON THEIR OWN REPORTERS, THUS PUTTING SOME DISTANCE BETWEEN THEMSELVES AND ANY HEAT WHICH MIGHT BE GENERATED. IN FACT, THIS PRACTICE RESULTS IN MORE BALANCED NEWS COVERAGE THAN WOULD OTHERWISE BE THE CASE.

56. RADIO STATIONS ARE MUCH MORE VIGOROUS IN THEIR PURSUIT OF NEWS, RUNNING A WIDER VARIETY OF STORIES THAN THE NEWSPAPERS. RADIO NOT ONLY HAS THE BEST QUALITY NEWS, IT HAS THE BROADEST REACH IN SALVADORAN SOCIETY. TELEVISION DEVOTES LITTLE TIME TO NEWS, BUT ITS INDEPENDENCE AND QUALITY FALL SOMEWHERE BETWEEN THE NEWSPAPERS AND RADIO STATIONS.

57. THE GOVERNMENT HAS RECENTLY BEGUN TO TRY TO ENFORCE AGAIN A FIVE-YEAR-OLD DECREE FORBIDDING THE PUBLICATION
UNCLASSIFIED
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PAGE 03 SAN SA 13792 10 OF 17 170436Z

OF ANONYMOUS COMMUNIQUES AND STATEMENTS. THIS WAS PROVOKED BY AN ANNOUNCEMENT BY THE SECRET ANTI-COMMUNIST ARMY DECLARING WAR ON THE LA PALMA DIALOGUE PROCESS. ADDITIONALLY, THE GOVERNMENT HAS WITHHELD ADVERTISEMENTS BY GOVERNMENT AGENCIES FROM ONE ULTRA-CONSERVATIVE PAPER BECAUSE OF ITS EXTREMELY ANTI-GOVERNMENT EDITORIAL POSITIONS.

58. THE PUBLICATIONS OF THE JESUIT-RUN CENTRAL AMERICAN UNIVERSITY CONTINUE TO ATTACK THE GOVERNMENT FROM A LEFTIST PERSPECTIVE. THEIR BI-WEEKLY NEWSPAPER AND BI-MONTHLY JOURNAL, AS WELL AS OTHER OCCASIONAL

PUBLICATIONS, HAVE MADE NO SECRET OF THEIR PHILOSOPHICAL SUPPORT FOR THE POLITICAL LEADERS OF THE INSURRECTION. IN GENERAL THEIR CRITICISM FALLS SHY ONLY AT SUPPORTING THE VIOLENT OVERTHROW OF THE GOVERNMENT. THE PRESS (INCLUDING THE CONSERVATIVE PRESS) ROUTINELY ACCEPTS PAID ADS FROM LEFTIST ORGANIZATIONS EXPRESSING ANTI-GOES VIEWS.

59. ACADEMIC FREEDOM IS GUARANTEED BY THE CONSTITUTION, AND IS, IN PRINCIPLE, CONSIDERED TO BE MUCH MORE BROAD HERE THAN IN THE U.S. FOR EXAMPLE, IN EL SALVADOR (AS IN MANY OTHER LATIN AMERICAN COUNTRIES), UNIVERSITY AUTHORITIES ROUTINELY ASSERT THAT LOCAL POLICE HAVE NO JURISDICTION ON CAMPUS. AFTER HAVING BEEN CLOSED FOR FOUR YEARS FOLLOWING VIOLENT CLASHES BETWEEN "STUDENTS" AND THE ARMY, THE MAIN CAMPUS OF THE UNIVERSITY OF EL SALVADOR WAS RECENTLY REOPENED. THE RECTOR HAS SAID IN INTERVIEWS THAT HE CONSIDERS POLITICAL ACTIVISM TO BE THE DUTY OF EVERY STUDENT AND HAS SAID THAT STUDENTS ARE NOT FREE MERELY TO STUDY AT THE UNIVERSITY, BUT MUST ALSO MAKE A POLITICAL COMMITMENT. WE KNOW OF NO ARRESTS OR PENALTIES EXACTED ON THE BASIS OF VIOLATIONS OF LIMITS ON FREEDOM OF SPEECH AND PRESS.

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PAGE 04 SAN SA 13792 10 OF 17 170436Z

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UNITED STATES COURT OF APPEALS

FOR THE SECOND CIRCUIT

No. 1251 -- August Term, 1983

(Argued May 14, 1984 Decided NOV 20 1984 , 198).

Docket No. 83-9048

UNITED STATES COURT OF APPEALS
FILED
NOV 20 1984
ELAINE B. GOLDSMITH, CLERK
SECOND CIRCUIT

ISABEL MOREL DE LETELIER, et al.,

Judgment Creditors-Appellees,

against

THE REPUBLIC OF CHILE, also doing business as LINEA AEREA NACIONAL-CHILE,

Judgment Debtor,

and

LINEA AEREA NACIONAL-CHILE,

Garnishee-Appellant.

Before:

CARDAMONE and PRATT, Circuit Judges and BONSAL, District Judge*

Appeal from United States District Court for the Southern District of New York (Morris E. Lasker, J.) which in orders dated July 28 and December 20, 1983 held that the Chilean National Airline's (LAN's) activities in the murder of the former Chilean Ambassador to the United States and his aide in

*Honorable Dudley B. Bonsal, United States District Court Judge for the Southern District of New York, sitting by designation.

UNCLASSIFIED
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1 of 3

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Washington, D.C. in 1976 constituted commercial activity under the Foreign Sovereign Immunities Act, 28 U.S.C. § 1602-11. Disregarding LAN's separate juridical existence upon equitable principles, the district court granted execution against LAN's assets in New York to satisfy the civil judgment obtained in the United States District Court for the District of Columbia against the Republic of Chile as a result of these wrongful deaths.

Reversed.

GERALD D. MORGAN, JR., New York, New York (Thomas E. Engel, Carter K. Combe and Robert P. Knapp III, Hale Russell & Gray, New York, New York, of counsel), for Garnishee-Appellant.

WILLIAM J. T. BROWN, New York, New York (Joseph P. Cyr, Mary Landergan Kibbe, Donovan Leisure Newton & Irvine, New York, New York, Michael E. Tigar, Samuel J. Buffone, John J. Privitera; Tigar & Buffone, Washington, D.C., of counsel), for Judgment Creditors-Appellees.

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CARDAMONE, Circuit Judge:

The critical question posed on this appeal is whether the assets of a foreign state's wholly owned airline are subject to execution to satisfy a default judgment obtained against the foreign state. The district court, believing that Congress under the Foreign Sovereign Immunities Act of 1976, 28 U.S.C. §§ 1602-11 (1982) (FSIA or the Act), would not have established a right to jurisdiction over the foreign state without also providing a remedy, ordered execution. We reverse although we recognize that our decision may preclude the plaintiffs from collecting on their judgment. How one wishes to decide a case comes lightly to mind, on a wing; but often how one must decide it comes arduously, weighed down by somber thought. To rule otherwise here would only illustrate once again that hard cases make bad law.

FACTS

Orlando Letelier, the former Chilean Ambassador to the United States, his aide, Michael Moffitt, and Moffitt's wife, Ronni, were riding to work in Washington, D.C. in September, 1976 when an explosive device planted under the driver's seat in their car was detonated killing both Letelier and Ronni Moffitt and seriously injuring Michael Moffitt. That assassination gives rise to the present appeal.

Investigation by agencies of the United States government into these murders revealed the identity of nine assassins and their alleged connection to the government of Chile. Of the

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nine only Michael Vernon Townley, an American citizen working for Chilean intelligence, was convicted of a criminal offense. Three of those indicted were members of the Cuban Nationalist Movement who, although found guilty in the trial court, had their convictions reversed on appeal. See United States v. Sampol, 636 F.2d 621, 684 (D.C. Cir. 1980). Of the other five individuals indicted, none were brought to trial: three were Chilean nationals that Chile refused to extradite, and two remain at large.

In August 1978 the personal representatives of Letelier and Moffit instituted a civil tort action in the United States District Court for the District of Columbia against the indicted individuals and the Republic of Chile. The complaint asserted five causes of action: (1) a conspiracy to deprive Letelier and Moffitt of their civil rights under 42 U.S.C. § 1985; (2) assault and battery; (3) reckless transportation and detonation of explosives; (4) violation of the "law of nations" (international law); and (5) murder of an internationally protected person under 18 U.S.C. § 1116. The complaint alleged that the noncommercial tort exception of § 1605(a)(5) of the FSIA applied and that Chile was not entitled to sovereign immunity in the tort action.

All defendants defaulted, although Chile sent two Diplomatic Notes to the United States Department of State asserting its sovereign immunity and that the allegations against it were false. The State Department forwarded these

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Notes to the clerk of the district court. In August 1978 the trial court granted default judgments against the individual defendants. During 1979 and 1980 the district court heard plaintiffs' motion for a default judgment against Chile, see Letelier v. Republic of Chile, 488 F. Supp. 665 (D.D.C. 1980), and finally resolved that motion. See Letelier v. Republic of Chile, 502 F. Supp. 259 (D.D.C. 1980). In the former case, the court ruled that it had subject matter jurisdiction pursuant to the exception to immunity found in § 1605(a)(5) of the Act. In the latter case the trial court relying on Townley's testimony at the criminal trial, where he had pled guilty and testified for the prosecution, granted a default judgment against the Republic of Chile and awarded plaintiffs over five million dollars including interest, compensatory and punitive damages, counsel fees and out of pocket expenses. The Republic of Chile did not take an appeal from either of these judgments.

The resulting judgment against the Republic of Chile was entered in the United States District Court for the District of Columbia. Plaintiffs subsequently filed the judgment in the United States District Court for the Southern District of New York, see 28 U.S.C. § 1963 (1982), for the purpose of executing on the property interests that The Republic of Chile has in the Chilean national airline, Lineas Aereas Nacional-Chile or LAN, which is located in New York, and for the appointment of Michael Moffitt as a receiver of those

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interests to satisfy the judgment against Chile pursuant to New York's CPLR 5228 and Fed. R. Civ. P. 69. The application for execution against LAN's assets came before District Court Judge Morris E. Lasker. LAN moved to dismiss claiming that it should not be held to answer for Chilean debts and that its assets were immune from execution. Relying upon a recent decision of the United States Supreme Court, First National City Bank v. Banco Para El Comercio Exterior de Cuba (Bancec), 103 S. Ct. 2591 (1983), which based a decision to disregard separate corporate identities on "international equitable principles," Judge Lasker first held in an opinion and order dated July 28, 1983 that, were the facts as asserted, LAN's role in the assassination was commercial activity under the Act. He further held that to adhere to LAN's separate corporate identity would, as in Bancec, violate equitable principles. Letelier v. Republic of Chile, 567 F. Supp. 1490, 1496 (S.D.N.Y. 1983).

Having concluded that LAN's assets were subject to execution to satisfy a judgment against Chile, the district court concluded that the language of § 1610(a)(2) did not limit execution only to commercial assets used for commercial purposes, as LAN claimed, but also permitted execution to satisfy tort judgments "so long as the assets on which the judgment creditor seeks to execute were also used commercially in the activity giving rise to the claim." Id. at 1499. The

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rationale for this reading of the statute was that a statute should not be interpreted to create a right without a remedy. The court reasoned that if jurisdictional immunity is lifted, the presumption is that there will be a right to execute. Id. at 1500 & n.7.

Plaintiffs later sought discovery against The Republic of Chile by serving it with interrogatories and requests to produce documents and admit facts. Chile refused to comply and again filed Diplomatic Notes asserting its refusal to recognize either the validity of the default judgment or the district court's jurisdiction in the supplementary proceedings for enforcement. Judge Lasker in an order dated December 20, 1983 granted plaintiff's motions for Rule 37 sanctions against LAN consisting of adverse findings of fact that provided a basis to disregard LAN's juridical separateness, and appointed Moffitt as a receiver of LAN's assets in the United States. From the rulings of July 28 and December 20, 1983 LAN has appealed and raised a number of issues.

DISCUSSION

The principal issue is whether LAN's assets may be executed upon to satisfy the judgment obtained in the District of Columbia against Chile. This discussion necessarily focuses on the Foreign Sovereign Immunities Act of 1976, which is the exclusive source of subject matter jurisdiction over all suits involving foreign states or their instrumentalities. Rex v. CIA Peruana de Vapores, S.A., 660 F.2d 61, 62 (3d Cir. 1981),

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cert. denied, 456 U.S. 926 (1982). According to § 1604, foreign states are immune from suit in our courts unless the conduct complained of comes within the exceptions set forth in §§ 1605 to 1607 of the Act. Similarly, under § 1609 foreign states are immune from execution upon judgments obtained against them, unless an exception set forth in §§ 1610 or 1611 of the FSIA applies.

The judgment creditors claim that § 1610(a)(2) allows them to execute upon LAN's assets in this case. Section 1610(a)(2) provides:

> The property in the United States of a foreign state ... used for a commercial activity in the United States, shall not be immune from attachment in aid of execution, or from execution ... if ... the property is or was used for the commercial activity upon which the claim is based....

We consider first whether LAN's separate juridical existence may be ignored, thereby making its assets "[t]he property in the United States of a foreign state."

I Separate Juridical Existence

In Bancec the Supreme Court determined whether a claim of a foreign agency plaintiff was subject to a set-off for the debts of its parent government. Bancec deserves close scrutiny because it provides a conceptual framework for resolving plaintiffs' assertion that LAN's assets should be treated as assets of Chile and because the district court relied on it to reach that conclusion.

In Bancec, the Cuban bank of the same name brought suit

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against Citibank to collect on a letter of credit issued in its favor in 1960. Citibank counterclaimed arguing that it was entitled to set-off amounts as compensation due it for the Cuban government's expropriation of Citibank's assets in Cuba. We ruled that as Bancec was not the alter ego of the Cuban government, it could not be held to account for Cuban debts. The Supreme Court reversed. Relying on the Act's legislative history, the Court noted that it was not intended to effect the substantive law of liability of a foreign state or the attribution of liability among its entities and proceeded to resolve the appeal on "equitable principles." The Bancec Court recognized that "government instrumentalities established as juridical entities distinct and independent from their sovereign should normally be treated as such." 103 S. Ct. at 2600. FSIA's legislative history provided support for that conclusion:

> Section 1610(b) will not permit execution against the property of one agency or instrumentality to satisfy a judgment against another, unrelated agency or instrumentality. There are compelling reasons for this, if U.S. law did not respect the separate juridical identities of different agencies or instrumentalities, it might encourage foreign jurisdictions to disregard the juridical divisions between different U.S. corporations or between a U.S. corporation and its independent subsidiary. However, a court might find that property held by one agency is really the property of another. H.R. Rep. No. 94-1487, pp. 29-30 (citation omitted.)

The Supreme Court concluded in Bancec that the presumption of separateness had been overcome. It reasoned that the

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real beneficiary of any recovery would be the Cuban government, and that Cuba should not be permitted to obtain relief in American courts without answering for its seizure of Citibank's assets. The Court commented that "Cuba cannot escape liability for acts in violation of international law simply by retransferring the assets to separate juridical entities." 103 S. Ct. at 2603.

Thus, Bancec rests primarily on two propositions. First, Courts may use set-off as a unique, equitable remedy to prevent a foreign government from eluding liability for its own acts when it affirmatively seeks recovery in an American judicial proceeding. See National City Bank v. Republic of China, 348 U.S. 356 (1955). The broader message is that foreign states cannot avoid their obligations by engaging in abuses of corporate form. The Bancec Court held that a foreign state instrumentality is answerable just as its sovereign parent would be if the foreign state has abused the corporate form, or where recognizing the instrumentality's separate status works a fraud or an injustice.

The district court analyzed the present case in light of Bancec and ruled that Chile's alleged use of LAN to transport Townley and explosives to the United States were "significant steps in the conspiracy" that if proven "would constitute a gross abuse of the corporate form." 567 F. Supp. at 1496. Accordingly, it held, "If Chile ignored LAN's separate existence in accomplishing the wrong, it may not invoke that

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separate existence in order to deny the injured a remedy." Id. at 1496.

The district judge "found" the following facts based "on the record" and "established" by evidentiary sanctions imposed pursuant to Rule 37(b)(A): From January 1975 through January 1979 LAN's assets and facilities were under the direct control of Chile, which had the power to use them; Chile could have decreed LAN's dissolution and taken over property interests held in LAN's name; Chile, through its agencies, officers, and employees, intentionally used facilities and personnel of LAN to plan and carry out its conspiracy to assassinate Orlando Letelier by (a) transporting Michael Vernon Townley between Chile and the United States, (b) transporting explosives on several occasions, (c) assisting with currency transactions involved in paying off the co-conspirators in the assassination, (d) providing a meeting place for the co-conspirators, (e) arranging for Townley to exit the United States under an alias after the assassination. By using LAN in these endeavors, the district court found, Chile ignored LAN's separate existence and abused the corporate form.

In our view this is not the sort of "abuse" that overcomes the presumption of separateness established by Bancec. Joint participation in a tort is not the "classic" abuse of corporate form to which the Supreme Court referred. In Bancec the Court relied by analogy on the domestic law of private corporations that ignores separate juridical status

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"where a corporate entity is so extensively controlled by its owner that a relationship of principal and agent is created," where "the corporate form . . . is interposed to defeat legislative policies," or where recognition of corporate form "'would work fraud or injustice.'" 103 S. Ct. at 2601. The facts that the district court "found" here do not add up to anything that resembles the abuses in the decisions cited in Bancec. None of these facts show that Chile ignored LAN's separate status. Instead, they simply demonstrate that Micheal Townley was able to enlist the cooperation of certain LAN pilots and officials with whom he had a pre-existing social relationship in pursuing his sinister goal. There was no finding that LAN's separate status was established to shield its owners from liability for their torts or that Chile ignored ordinary corporate formalities. See Establissement Tomis v. Shearson Hayden Stone, 459 F. Supp. 1355, 1365 (S.D.N.Y. 1978); Brunswick Corp. v. Waxman, 459 F. Supp. 1222, 1229 (E.D.N.Y. 1978).1/

Plaintiffs had the burden of proving that LAN was not entitled to separate recognition. A creditor seeking execution against an apparently separate entity must prove "the property to be attached is subject to execution." Palmiter v. Action, Inc., 548 F. Supp. 1166, 1172 (N.D. Ind. 1982). See In re Beck Indus., 479 F.2d 410, 417 (2d Cir. 1973); Mission Bay Campland v. Sumner Financial Corp., 71

UNCLASSIFIED

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F.R.D. 432, 435 (M.D. Fla. 1976). The evidence submitted by the judgment creditors does not reveal abuse of corporate form of the nature or degree that Bancec found sufficient to overcome the presumption of separate existance. As both Bancec and the FSIA legislative history caution against too easily overcoming the presumption of separateness, we decline to extend the Bancec holding to do so in this case.[2/]

II Commercial Activity

Even assuming the district court was correct in disregarding LAN's corporate form and finding that LAN's assets were Chile's property in the United States, § 1610(a)(2) also requires that the property be "used for the commercial activity upon which the claim is based." In permitting execution against LAN's assets the court below essentially concluded that LAN's activities aided Townley in the assassination and constituted the "commercial activities" that § 1610(a)(2) requires. We cannot agree because a consistent application of the Act, analysis of the background of its enactment, its language and legislative history, and the case law construing it compel the opposite conclusion.

We first note that the district court for the District of Columbia found that Chile lost its immunity from jurisdiction pursuant to § 1605(a)(5), the "tortious activity" exception to jurisdictional immunity. Section 1605(a)(5) specifically states that it applies to situations "not otherwise encompassed in paragraph (2)." Section 1605(a)(2) is the

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commercial activity exception. This language suggests that the commercial activity exception to jurisdictional immunity under (2) and the tort exception under (5) are mutually exclusive. If the district court in the District of Columbia lifted jurisdictional immunity based on its finding that the activities complained of were tortious, not commercial, it is inconsistent for this court to lift execution immunity based on a finding that the activities were commercial.

Our disagreement with the finding that LAN's activities were commercial rests on more than the resulting lack of symmetry in application of the FSIA. If LAN, as the trial court found, acted in complicity with the Chilean secret police in the assassination, its activities had nothing to do with its place in commerce. The nature of its course of conduct could not have been as a merchant in the marketplace. Its activities would have been those of the foreign state: governmental, not private or commercial.

Chief Justice Marshall with his decision in The Schooner Exchange v. McFaddon, 11 U.S. (7 Cranch) 116 (1812) upheld France's plea of sovereign immunity. In that case American citizens claimed ownership of a French vessel of war berthed in Philadelphia. The executive department recommended to the Supreme Court that it dismiss the plain and the Supreme Court complied with that suggestion. After The Schooner Exchange it became the rule that American courts would exercise jurisdiction over foreign states unless the matter was

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intimately connected with foreign policy and the executive department charged with the conduct of foreign policy asked for judical abstention. In 1976 Congress, acting pursuant to its Article I powers, changed that practice by enacting the Foreign Sovereign Immunities Act. The Act assigns the task of deciding whether a foreign sovereign is immune solely to federal and state courts sitting without juries.

The FSIA adopts a restrictive view of sovereign immunity. The absolutist view, which found foreign sovereigns immune from suit for any activity, fell into disfavor in other countries and a more restrictive rule succeeded it. In 1952 the United States Department of State signalled with its Tate Letter, 26 Dep't of State Bull. 984, that it embraced the new rule. See National City Bank of New York v. Republic of China, 384 U.S. 356 (1955). This restrictive view grants immunity for "governmental" acts of a foreign state and denies it for acts of a "private" nature. This translates into the "commercial activity" exceptions in the FSIA.

FSIA § 1602 contains the findings and declaration of purpose for the Act. That section states:

> Under international law, states are not immune from the jurisdiction of foreign courts insofar as their commercial activities are concerned, and their commercial property may be levied upon for the satisfaction of judgments rendered against them in connection with their commercial activities. (emphasis furnished).

Under § 1603(d) commercial activity is defined as "either a

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regular course of commercial conduct or a particular commercial transaction or act." S. Rep. No. 94-1310, 94th Cong., 2d Sess. (1976) (Senate Report) recognizes that activities fall along a "spectrum" bounded by "commercial" behavior on one end of the spectrum and "governmental" activity on the other:

> Certainly, if an activity is customarily carried on for profit, its commercial nature could readily be assumed. At the other end of the spectrum, a single contract, if of the same character as a contract which might be made by a private person, could constitute a "particular transaction or act."

Id. at 15. The Senate Report contains examples of commercial activities:

> "Activities such as a foreign government's sale of a service or product, its leasing of property, its borrowing of money, its employment or engagement of laborers, clerical staff or public relations or marketing agents or its investment in a security of an American corporation, would be among those included within the definition.

Id. at 16. Congress specifically designed the execution immunity rules to "conform" to the jurisdictional immunity provisions of § 1605. H.R. Rep. No. 94-1487, 94th Cong. 2d Sess. (1976), reprinted in 1976 U.S. Code Cong. & Ad. News 6604, 6626 (House Report).

Congress intended the "essential nature" of given behavior to determine its status for purposes of the commercial activities exception, and gave the courts a "great deal of latitude" to decide this issue. Id. at 6615. The

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legislative history makes clear that courts should not deem activity "commercial" as a whole simply because certain aspects of it are commercial. The example given is that the AID programs remain governmental even though they involve behavior traditionally performed by private persons.

The district court correctly noted that under § 1603(d) the court must inquire into the nature of conduct, not its purpose, to determine if it is "commercial." See Texas Trading & Milling Corp. v. Federal Republic of Nigeria, 647 F.2d 300, 310 (2d Cir. 1981), cert. denied, 454 U.S. 1148 (1982) (Nigerian government's purchase of cement was a commercial activity irrespective of its purposes for so doing). The commercial activity exception of § 1605(a)(2) has been interpreted broadly, In re Rio Grande Transport, 516 F. Supp. 1155, 1162 (S.D.N.Y. 1981). "The determination of whether particular behavior is 'commercial' is perhaps the most important decision a court faces in an FSIA suit." Texas Trading, 647 F.2d at 308. As with any statutory term, the "commercial activity" requirement must be given a logical and reasonable interpretation. Inquiry therefore ordinarily focuses on whether the specific acts are those that private persons normally perform. See Texas Trading & Milling Corp., supra, 647 F.2d at 309; Rios v. Marshall, 530 F. Supp. 351, 371-72 (S.D.N.Y. 1981); cf. Gibbons v. Udaras na Gaeltachta, 549 F. Supp. 1084, 1110-11 (S.D.N.Y. 1982) (joint venture agreement with private corporation is "commercial activity").

UNCLASSIFIED

AO 72
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UNCLASSIFIED

Yet, not every act of a foreign state that could be done by a private citizen in the United States is 'commercial activity,' see In re Sedco, Inc., 543 F. Supp. 561, 565 (S.D. Tex. 1982) (holding that the Mexican national oil company's drilling of the infamous IXTOC I well in the Gulf of Mexico was not "commercial activity"). The court must inquire whether the activity is of the type an individual would customarily carry on for profit. Gibbons, 549 F. Supp. at 1110. One of the few decisions that has construed § 1610(a)(2) also searched for evidence of a profit motive on the foreign sovereign's part. United States v. County of Arlington, Va., 702 F.2d 485, 488 (4th Cir. 1983). See also, Frolova v. U.S.S.R., 558 F. Supp. 358 (N.D. Ill. 1983) (refusal to allow immigration is public, not commercial, activity).

A case that involved facts analogous to those before us is Arango v. Guzman Travel Advisors Corp., 621 F.2d 1371 (5th Cir. 1980), which was decided under § 1605, not § 1610. In Arango, the plaintiffs sued the wholly owned, national airline of the Dominican Republic after being expelled from a flight because that country's officials would not permit them entry. Although the Court dismissed the appeal because it was taken from a non-appealable order, it discussed (in dicta) whether the "commercial activity" exception of § 1605(a)(2) would allow plaintiffs to bring their tort action against the airline. The Arango court considered the airline's actions in rerouting plaintiffs noncommercial because it concluded that

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the airline acted merely as the agent of the Dominican government. Id. at 1370.

We agree with the Arango analysis. The Arango court found that alleged "kidnapping" by a foreign state is not "commercial activity" under the FSIA because a private person cannot lawfully engage in that activity. 567 F. Supp. at 1501. A private person cannot lawfully engage in murder any more than he can in kidnapping or criminal assault. Carriage of passengers and packages is an activity in which a private person could engage. But it is not for those activities that LAN's assets are being executed against. Rather, plaintiffs assert that LAN itself participated in the assassination and essentially accuse LAN of being a co-conspirator or joint tortfeasor.[3] In other words, LAN is accused of engaging in state-sponsored terrorism the purpose of which, irrelevant under the FSIA, was to assassinate an opponent of the Chilean government. Politically motivated assassinations are not traditionally the function of private individuals. They can scarcely be considered commercial activity. Viewed in this light, LAN's participation, if any, in the assassination is not commercial activity that falls within the § 1610(a)(2) exception and its assets therefore are not stripped of immunity.

III. Right Without a Remedy

The district court's principle concern with finding LAN immune from execution on its assets was that "[h]aving

UNCLASSIFIED

determined to grant jurisdiction in both commercial and tort claims, it appears out of joint to conclude that Congress intended the surprising result of allowing only commercial creditors to execute on their judgments," 567 F. Supp. at 1499-1500. Hence, it concluded that Congress would not create a right without a remedy. Few would take issue with the district judge's comment as an abstract principle of statutory interpretation. Nevertheless, when drafting the FSIA Congress took into account the international community's view of sovereign immunity. That makes a world of difference in the Act's interpretation. The Act's history and the contemporaneous passage of similar European legislation strongly supports the conclusion that under the circumstances at issue in this case Congress did in fact create a right without a remedy. Congress wanted the execution provisions of the FSIA to "remedy, in part, the [pre-FSIA] predicament of a plaintiff who has obtained a judgment against a foreign state." House Report, supra, at 6605-06 (emphasis added). It is to that pre-FSIA plaintiff's predicament that we now turn.

To put the execution immunity provisions of the 1976 Act in proper perspective it is helpful to examine them in light of the European Convention on State Immunity and Additional Protocol adopted in 1972 and the United Kingdom's enactment of The State Immunity Act of 1978. Although these two codifications contain vastly different approaches to execution

of judgments, they are relevant to this discussion in that neither Act ensures that a party may execute on a judgment against a foreign state by attaching property, even if it may validly assert jurisdiction over that foreign state. See Note, The International Law Association Draft Convention on Foreign Sovereign Immunity: A Comparative Approach, 23 Va. J. Int'l L. 635, 658 (1983).

The European Convention, because of its members' conflicting views, decided not to provide machinery for the enforcement of judgments by execution. The Convention relied instead on the obligation of an individual State to honor judgments taken against it. A judgment creditor must ordinarily obtain satisfaction through executive or administrative channels, though when both States involved have made certain declarations the European Court of Human Rights provides a judicial remedy. ILA Draft Convention at 662-63. In effect, the European Convention leaves execution by judgment creditors at the mercy of the defendant State's policies. This is scarcely surprising as Article 2, paragraph 7 of the Charter of the United Nations declared the same rule 37 years earlier. Paragraph 7 prohibits the United Nations from intervening "in matters which are essentially within the domestic jurisdiction of any state." S. Goodrich & E. Hambro, Charter of the United Nations, Commentary and Documents 65 (1946).

The State Immunity Act like the FSIA grants general

immunity from execution over a foreign states' property except that, unlike the FSIA, which permits execution only on property upon which the claim is based, courts in England may execute on property in use or intended to be used for commercial purposes. ILA Draft Convention at 661. Hence, The State Immunity Act restricts immunity from execution more than the FSIA and subjects any property of the foreign state used for commercial purposes to execution.

The FSIA distinguishes between execution against property of an agency or instrumentality of a foreign state, which may be executed against regardless of whether the property was used for the activity on which the claim is based under § 1610(b)(2), and the property of the foreign state itself, which may be executed against only when the property was used for the commercial activity on which the claim is based under § 1610(a)(2). In so distinguishing, Congress sharply restricted immunity from execution against agencies and instrumentalities, but was more cautious when lifting immunity from execution against property owned by the State itself. Congress passed the FSIA on the background of the views of sovereignty expressed in the 1945 charter of the United Nations and the 1972 enactment of the European Convention, which left the availability of execution totally up to the debtor state, and its own understanding as the legislative history demonstrates, that prior to 1976 property of foreign states was absolutely immune from execution. House Report at

UNCLASSIFIED

6606. It is plain then that Congress planned to and did lift execution immunity "in part." Yet, since it was not Congress' purpose to lift execution immunity wholly and completely, a right without a remedy does exist in the circumstances here. Our task must be to read the Act as it is expressed, and apply it according to its expressions. See Berger v. United States, 255 U.S. 22, 35 (1921).

CONCLUSION

We hold therefore that the Foreign Sovereign Immunities Act does not allow execution against the assets of LAN, the Chilean National Airlines.4/ The court below improperly ignored defendant LAN's separate juridical status from the Republic of Chile. Ordinarily, we would remand for further evidentiary hearings on the separateness issue, but we are further persuaded, even were LAN and Chile found to be alter egos, that Congress did not provide for execution against a foreign state's property under the circumstances of this case. Congress provided for execution against property used in commercial activity upon which the claim is based. An act of political terrorism is not the kind of commercial activity that Congress contemplated.

Accordingly, we reverse the orders appealed from and dismiss the supplementary proceedings.

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FOOTNOTES

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1/ Further, an "injustice" might be inflicted on third parties were LAN's separate status so easily ignored. Here, plaintiffs are attempting to obtain an affirmative recovery against a foreign agency; no equitable set-off is involved. Under these circumstances abuse of corporate form must be clearly demonstrated to justify holding the "subsidiary" liable for the debts of its sovereign "parent," particularly, where, as here, LAN apparently has non-party private bank creditors. Concern for these non-party creditors is stronger in this case as the net result will be an out-of-pocket loss to LAN. To adopt a rule facilitating an easy piercing of the corporate veil threatens the interests of such unsuspecting third parties.

2/ Our conclusions regarding LAN's separate juridical status are strengthened by our finding that in its December 20 order the district court incorrectly determined evidentiary issues adversely to LAN based solely on Chile's failure to comply with discovery requests. Rule 37 sanctions ensure that a party will not benefit from non-compliance with discovery orders. Yet, one party to litigation will not be subjected to those sanctions because of the failure of another to comply with discovery, absent a showing that the other party controlled the actions of the non-complying party.

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4A J Moore, Moore's Federal Practice ¶ 37.05 at 37-106, 107 (2d ed. 1984). See, e.g., Bon Air Hotel v. Time, Inc., 376 F.2d 118 (5th Cir. 1967); Illinois Central R.R. Co. v. Templar, 463 F.2d 972 (10th Cir. 1972). Here there was no finding by the district court based on independent evidence that the actions of LAN and Chile are one and the same.

3/ In fact, the court below relied on LAN's "status" as such to make its finding of apparent abuse of corporate form.

4/ Although tenuous, other remedies may still be possible. Chile itself may decide as an act of international good-will to honor the judgment of the United States District Court for the District of Columbia. Alternatively, the United States may be persuaded to bring this claim before some international tribunal as it did in Z & F Assets Realization Corp. v. Hull, 311 U.S. 470, 487 (1940), or there may be a forum in South America or elsewhere equivalent to the European Court of Human Rights that will provide a judicial remedy.

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~~C O N F I D E N T I A L~~ SANTIAGO 7520

ROME FOR EMBASSY VATICAN

CINCOS FOR INTAFF, CINCLANT ALSO FOR POLAD

E.O. 12356: DECL: OADR
TAGS: PBTS, PGOV, SHUM, AR, CI
SUBJECT: MERINO CRITICIZES BEAGLE ACCORD BUT IS CENSORED BY GOVERNMENT

1. (U) DURING AN IMPROMPTU ENCOUNTER WITH THE PRESS AFTER A JUNTA MEETING, NAVY COMMANDER AND JUNTA MEMBER ADMIRAL MERINO RESPONDED TO QUESTIONS ON SEVERAL TOPICS INCLUDING THE BEAGLE ACCORD. HE SAID THE ACCORD "HAS SOME OBSERVATIONS THAT REQUIRE CORRECTING, CRETAIN REFINEMENTS." ("PRECISIONES")
Q: "BUT THE TREATY WILL BE SIGNED IN ROME ON THE 29TH, NO?"
A: "WELL,...THE JUNTA HAS TO APPROVE IT FOR IT TO
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PAGE 02 SANTIA 07520 211736Z

BECOME A LAW OF THE REPUBLIC."..."REFINEMENTS IN THE TREATY HAVE TO BE APPROVED BEFORE (IT) IS FORWARDED TO THE LEGISLATIVE POWER (JUNTA). THOSE REFINEMENTS (PRECISIONES) CONCERN THE MOUTH OF THE STRAIT (MAGELLAN) AND PASSAGE OF THIRD COUNTRY SHIPS THROUGH INTERNAL CHILEAN CANALS (PRESUMABLY THE WATERS LYING BETWEEN THE ISLANDS IN THE AREA OF

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DISPUTE) WHICH THERE IS NO REASON WHY IT (PASSAGE OF SUCH SHIPS) SHOULD OCCUR." HE EXPLAINED THAT THE CHILEAN NAVY HAD MADE ITS OBSERVATIONS KNOW PREVIOUSLY TO THE FOREIGN MINISTRY AND THE PRESIDENT, BUT THE NAVY'S OBSERVATINS HAD NOT ALWAYS BEEN TAKEN INTO ACCOUNT. FOR THESE REASONS, HE WENT ON, REFINEMENTS NEED TO BE MADE IN THE ACCORD, BECAUSE IN ITS CURRENT FORM THE TREATY IS NOT ABSOLUTELY FAVORABLE TO CHILE.

2. (U) THE GOVERNMENT MEDIA CZAR, DINACOS, CALLED THE NEWS MEDIA SHORTLY AFTER MERINO'S STATEMENTS ORDERING THEM NOT TO BE DISSEMINATED.

3. (C) ALTHOUGH THERE HAVE BEEN RUMORS FOR MONTHS ABOUT NAVY UNHAPPINESS WITH THE TERMS OF THE ACCORD, THIS IS THE FIRST TIME MERINO OR ANY OTHER NAVY OFFICER HAS PUBLICLY NOTED DISSATISFACTION SINCE AGREEMENT ON IT TEXT. INDEED, MERINO ONLY A FEW WEEKS AGO VIGOROUSLY DEFENDED THE ACCORD DURING A PRESS INTERVIEW. IT IS WORTH NOTING THAT MERINO HAS SUCCESSFULLY BLOCKED LEGISLATION DEALING WITH SOME OTHER SUBJECTS, PRESENTED TO THE JUNTA BY THE EXECUTIVE BRANCH. WE WONDER WHETHER MERINO DELIBERATELY TIMED HIS REMARKS TO CAST A SHADOW OVER THE FORTHCOMING ARGENTINE PLEBISCITE, WHICH FROM MERINO'S POINT OF VIEW IS A REFERENDUM ON A DOCUMENT THAT IS STILL SUBJECT TO REVISION.

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PAGE 03 SANTIA 07520 211736Z

4. (C) FINALLY, THIS IS THE FIRST TIME INOUR MEMORY THAT THE GOVERNMENT HAS CENSORED MERINO. THE PRESIDENT APPEARS TO BE FEELING UNCHALLENGEABLE. THE MUZZLING OF MERINO COMES ONTHE HEELS OF CENSORING ALL THE MEDIA; THE ARCHBISHOP OF SANTIAGO MON. FRESNO; THE PRESIDENT OF THE COUNCIL OF BISHOPS, ARCHBISHOP PINERA OF LA SERENA, WHO WAS PROHIBITED FROM SPEAKING AT A CHURCH-ORGANIZED SEMINAR ON DEMOCRACY; THE COUNCIL OF BISHOPS ITSELF, WHOSE PASTORAL LETTER HAS BEERED FROM THE MEDIA; AND AIR FORCE CHIEF AND JUNTA MEMBER GENERAL MATTHEI, WHOSE REMARKS OF LAST SEPTEMBER ABOUT THE TRANSITION WERE PARTIALLY CENSORED. IT REMAINS TO BE SEEN WHAT REACTION MERINO WILL HAVE. MATTHEI HAS NOT SPOKEN IN PUBLIC FOR MORE THAN A MONTH AND HE APPEARS TO BE DELIBERTATELY MAINTAINING A LW PROFILE. THE BISHOPS, OF COURSE, ARE AIRING THEIR CRITICAL VIEWS FROM THE PULPITS. FRESNO'S PASTORAL LETTER WAS PUBLISHED BY THE CHURCH IN AT LEAST 200,000 COPIES, THEN READ AT MASS ON NOVEMBER 18, AND HE HAS SCHEDULED SPECIAL MASSES ON NOVEMBER 23 (THE "DAY OF

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FASTING AND PRAYER") AND NOVEMBER 25, THE LATTER BEING A HASTILY ORGANIZED CELEBRATION OF THE EUCHARIST IN HONOR OF THE DEFENSE OF HUMAN RIGHTS.
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PAGE 01 SAN SA 14341 3021382
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UNCLAS SAN SALVADOR 14341

USIA FOR AR AND P/CENTAM

E.O. 12356: DECL:OADR
TAGS: ES, SHUM, PINS
SUBJECT: MOTHERS STRIKE BACK

REF: FBIS CHIYA CHIYA R 290321 Z 1984

1. REFTEL IS THE FULL TEXT OF A LENGTHY, VITRIOLIC PAID AD TAKEN OUT BY THE MOTHERS COMMITTEE IN A LOCAL DAILY NOVEMBER 23. ALTHOUGH PRINCIPALLY DEVOTED TO SELF-PRAISE FOR THEIR GOOD WORKS AND SELF-PITY FOR THEIR PERSECUTION BY THE US, THE AD ALSO CLAIMS THAT US DENIAL OF VISAS TO FOUR WOMEN TO RECEIVE THE RFK MEMORIAL "HUMAN RIGHTS" AWARD HAS ENDANGERED THE LIVES OF THE COMMITTEE MEMBERS AND HOLDS THE US RESPONSIBLE
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PAGE 02 SAN SA 14341 3021382

FOR THEIR WELFARE.

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2. IN ADDITION, THE AD MAKES THREE SENSATIONAL DIRECT OR INDIRECT CHARGES AGAINST THE US:

--THAT ON 22 JANUARY 1980 DURING A PROTEST MARCH, TWO UNIVERSITY STUDENTS (FRANCISCO VENTURA AND ONE "CHEPE") WERE SEIZED BY NATIONAL GUARDSMEN, TAKEN INSIDE THE US EMBASSY, AND NEVER SEEN AGAIN. VIOLATION OF THE TWO MEN'S "HUMAN RIGHTS" ALLEGEDLY TOOK PLACE INSIDE THE EMBASSY.

--THAT "EMBASSY OFFICIALS ADMIT THAT CHEMICAL WEAPONS TESTS" HAVE BEEN CARRIED OUT INSIDE THE EMBASSY. THE EFFECTS OF THESE WEAPONS, AS DESCRIBED, ACCORDS WITH REACTION TO TEAR GAS EXPOSURE. ACCORDING TO THE AD, THESE EFFECTS WERE FELT EVEN OUTSIDE THE EMBASSY.

--THAT AN UNIDENTIFIED DOCTOR TOLD VOICE OF AMERICA OF HAVING SEEN AN UNIDENTIFIED WOMAN AND CHILD BURNED BY NAPALM; "AMBASSADOR PICKERING HAS ADMITTED THAT THE SALVADORAN ARMY HAS NAPALM BOMBS."

THE AD DESCRIBES THESE CHARGES AS HUMAN RIGHTS VIOLATIONS AND STATES THAT THE VISA DENIAL IS PROOF THAT THE US FEARS THAT THE "REAGAN ADMINISTRATION'S INVOLVEMENT IN THE BRUTALITY AND PERVERSITY THAT HAS ENGULFED" EL SALVADOR WILL BE EXPOSED. THE MOTHERS STATE IT IS NOT UP TO THEM TO DETERMINE WHETHER THE CHARGES ARE TRUE; THEY INVITE "INTERNATIONAL ORGANIZATIONS TO VISIT EL SALVADOR TO FIND OUT HOW THE US GOVERNMENT IS (INVOLVED) IN THE TERRORIST ACTIVITIES IN OUR COUNTRY."
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PAGE 03 SAN SA 14341 3021382

3. THE AD IS ANOTHER CLASSIC EXAMPLE OF THE MOTHERS COMMITTEE'S GROSS CONTEMPT FOR THE TRUTH AND TOTAL PREOCCUPATION WITH POLITICAL AGITATION. WE WILL NOT DIGNIFY IT BY VOLUNTEERING A RESPONSE. IF ASKED, WE WOULD REPLY THAT THE ALLEGATION OF OUR HAVING "DISAPPEARED" TWO STUDENTS IS A SHOPWORN, CALCULATED LIE THAT THE MOTHERS HAVE UNSUCCESSFULLY PEDDLED FOR

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THE US EMBASSY AND NO EMBASSY OFFICIALS HAVE EVER "ADMITTED" TO ANY SUCH THING. THIS IS ANOTHER CALCULATED LIE. FINALLY, WE CONSIDER IT A DISGUSTING HYPOCRISY FOR A GROUP KNOWN TO ACTIVELY SUPPORT TERRORISM AND ARMED COMMUNIST INSURRECTION AGAINST A LEGITIMATELY CONSTITUTED GOVERNMENT TO LINK AMBASSADOR PICKERING'S PUBLIC STATEMENTS ABOUT ESAF NAPALM STOCKS--A CONTRIBUTION TO THE TRUTH--WITH THE IMPLICATION OF US INVOLVEMENT IN ITS USE AND PROCUREMENT, WHICH IS A PURE AND CYNICAL PROPAGANDA EXERCISE.

4. FYI: WE KNOW OF ONE ACCIDENTAL DISCHARGE OF A TEAR GAS CANNISTER DURING A SECURITY DRILL BY MARINE SECURITY GUARDS AFTER HOURS IN THE EMBASSY, IN JANUARY, 1984.

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E.O. 12356: N/A
TAGS: UNGA, ES
SUBJECT: 39TH UNGA THIRD COMMITTEE: RESOLUTION ADOPTED ON HUMAN RIGHTS SITUATION IN EL SALVADOR UNDER AGENDA ITEM 12: EXPLANATION OF VOTE

REF: (A) USUN 3609, (B) USUN 3568

PORTION OF EXPLANATION OF VOTE ON EL SALVADOR WAS OMITTED IN PARAGRAPH 3 OF REF A. FOLLOWING IS CORRECT TEXT OF EXPLANATION:

BEGIN TEXT:

MR. CHAIRMAN, EVERYONE WHO HAS FOLLOWED POLITICAL DEVELOPMENTS IN EL SALVADOR OVER THE LAST YEAR HAS HAD REASON TO BE IMPRESSED BY THE MOST ENCOURAGING PROGRESS DURING THAT PERIOD. DEMOCRATIC ELECTIONS HAVE BEEN HELD. A PRESIDENT WAS CHOSEN BY MAJORITY VOTE. THAT PRESIDENT HAS TAKEN OFFICE AND HAS, IN A MOST EFFECTIVE WAY, TAKEN SIGNIFICANT STEPS TO ADVANCE THE CAUSE OF HUMAN RIGHTS IN HIS COUNTRY. HE HAS ALSO REACHED OUT TO THE GUERRILLA FORCES OPERATING IN HIS COUNTRY IN AN EFFORT TO ESTABLISH CIVIL PEACE THROUGH NEGOTIATIONS. IN REVIEWING THE DRAFT RESOLUTION BEFORE US, WE SEE THAT SOME OF THE IMPROVEMENTS EFFECTED UNDER PRESIDENT DUARTE HAVE BEEN DULY NOTED AND RECOGNIZED. IN ITS TOTALITY, HOWEVER, WE DEEM THE DRAFT RESOLUTION INAPPROPRIATE IN LIGHT OF THE NEW STATE OF AFFAIRS IN EL SALVADOR. IT SEEKS TO TELL A DEMOCRATICALLY-ELECTED CONSTITUTIONAL GOVERNMENT, WHICH IS MAKING EVERY EFFORT TO IMPROVE HUMAN RIGHTS CONDITIONS, HOW TO HANDLE ITS DOMESTIC AFFAIRS IN

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PAGE 03 STATE 363479

A VARIETY OF FIELDS. THE RESOLUTION THUS REACHES IN SIGNIFICANT PARTS BEYOND THE SCOPE OF AUTHORITY OF THE UNITED NATIONS IN GENERAL AND MORE PARTICULARLY OF THIS COMMITTEE. IN OUR OPINION, IT DOES NOT GIVE PRESIDENT DUARTE THE RECOGNITION AND SUPPORT HE DESERVES FOR HIS ADMINISTRATION'S FINE CONTRIBUTIONS TO THE ADVANCEMENT OF THE CAUSE OF HUMAN RIGHTS IN EL SALVADOR. FOR ALL THESE REASONS, WE SHALL VOTE "NO" ON DRAFT RESOLUTION L.43/REV.2, AS ORALLY REVISED.
THANK YOU, MR. CHAIRMAN.

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PAGE 01 SAN SA 14382 01 OF 04 0106547Z
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OPERATIONS CENTER ----- HOLD FOR OPENING OF
BUSINESS DECEMBER 1

USIA WASHDC FOR AR AND P/CENTAM

E.O. 12356: DECL: OADR
TAGS: PGOV, PINS, ES, SHUM
SUBJECT: DIALOGUE: COMMUNIQUE AND PRESS CONFERENCES
- UNDERSCORE PROFOUND DIFFERENCES

REF: SAN SALVADOR 14350

1. [redacted] ENTIRE TEXT.
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PAGE 02 SAN SA 14382 01 OF 04 0106547Z

2. SUMMARY: IN 12 HOURS OF TALKS, GOES/LEFT DIALOGUE

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HAS REACHED A SEEMING DEAD END. JOINT COMMUNIQUE READ BY ARCHBISHOP CONTAINED ONLY AGREEMENT ON PROCEDURES FOR SPECIAL COMMISSION, ACCEPTANCE OF A PARTIAL HOLIDAY TRUCE LIMITED TO NON-INTERFERENCE WITH CIVIL FREEDOM OF MOVEMENT ON HIGHWAYS, AND AGREEMENT TO MEET AGAIN AT AN UNDERTERMINED FUTURE DATE. INDIVIDUAL STATEMENTS BY THE TWO SIDES CONTRASTED RESTRAINED REMARKS BY REY PRENDES WITH STRIDENT, PROVOCATIVE COMMENTS BY FDR'S ZAMORA AND FMLN'S GUARDADO. THESE WERE ALL OVERSHADOWED BY DUARTE'S OWN PRESS CONFERENCE, WITH REMARKS BY EACH MEMBER OF HIS TEAM AT AYAGUALO, WHICH FLATLY REJECTED THE LEFT'S PROPOSAL (REFTEL) AS UNCONSTITUTIONAL AND INDICATIVE OF COMMITMENT TO SEEK POWER BY VIOLENCE. DUARTE REJECTED FURTHER PARTICIPATION IN A TACTICAL DIALOGUE AS CLEARLY BEING PURSUED BY THE LEFT BUT SAID HE WAS OPEN TO FURTHER TALKS IF THE LEFT RETHOUGHT ITS POSITION AND PRESENTED A REASONABLE PROPOSAL OR EMBRACED HIS OWN. END SUMMARY.

3. JOINT COMMUNIQUE
- ----------------

ARCHBISHOP RIVERA Y DAMAS, MODERATOR OF THE ENCOUNTER, EMERGED FROM THE MEETING TO DESCRIBE THE COURSE OF THE TALKS AND READ THE JOINT COMMUNIQUE. HE NOTED THE MEETING BEGAN WITH PRAYER AND HIS OWN INTRODUCTORY COMMENTS. THEN FOLLOWED AN EXAMINATION OF PROCEDURAL QUESTIONS AND AN AGENDA FOR THE DAY'S TALKS, TO INCLUDE THE REVIEW OF ACCORDS REACHED AT LA PALMA, DISCUSSION OF THE DUARTE PEACE PROPOSAL DELIVERED AT LA PALMA, AND THE PRESENTATION OF THE LEFT'S OWN PROPOSAL. HUMANIZATION OF THE WAR, HE NOTED, WAS ALSO DISCUSSED.

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PAGE 03 SAN SA 14382 01 OF 04 0106547Z
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4. AT THE END OF THE TALKS, THE ARCHBISHOP REPORTED, THE TWO SIDES HAD AGREED TO ANNOUNCE:

-- AGREEMENT ON PROCEDURES FOR THE MIXED COMMISSION
- (NOW CALLED SPECIAL COMMISSION);

- THAT AT THE REQUEST OF THE CHURCH, AND IN RECOGNITION OF THE NEED TO PROVIDE THE PEOPLE WITH A RESPITE FROM VIOLENCE, THERE WOULD BE COMPLETE FREEDOM OF MOVEMENT

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Department of State IS/FPC/CDB El Salvador SP Date 9/23/93
Declassified under EO 12356 (-) in full; ( ) in part;
portions withheld: classified ( ); deliberative ( );
law enforcement ( ); privacy ( ), statutory ( );
not relevant to El Salvador ( ).

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- FOR CIVILIANS AND CIVIL VEHICLES ON HIGHWAYS THROUGH-
- OUT THE COUNTRY DECEMBER 22 TO JANUARY 31

-- THAT THE DIALOGUE FOR PEACE WOULD CONTINUE.

5. GOVERNMENT DELEGATION REMARKS
- ----------

PRESIDENCY MINISTER REY PRENDES, LEADER OF THE GOES DELEGATION, THEN TOOK THE MICROPHONE AS PREVIOUSLY ARRANGED. HE NOTED THERE HAD BEEN TWELVE HOURS OF DISCUSSION OF FUNDAMENTAL ISSUES THAT DEMONSTRATED THE ROAD TO PEACE WOULD BE LONG AND HARD BUT THE GOES WAS FULLY PREPARED TO REACH A PEACEFUL SOLUTION.

6. REY REPORTED THAT THERE HAD BEEN ACCORD ON THE RULES GOVERNING THE SPECIAL COMMISSION AND NOTED THAT EXAMINATION OF THE DUARTE PEACE OFFER HAD OCCUPIED THE GREATEST PORTION OF THE DAY'S DISCUSSION.

7. THE GOES SIDE, REY SAID, HEARD OUT THE LEFT'S RESPONSE TO DUARTE'S PEACE OFFER, THE LATTER WHICH HE RECALLED WAS BASED ON THE CONSTITUTION AND ON THE WILL OF THE PEOPLE AS EXPRESSED IN THE FREE ELECTORAL

PAGE 01 SAN SA 14382 02 OF 04 0106852
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OPERATIONS CENTER ----- HOLD FOR OPENING OF
BUSINESS DECEMBER 1

USIA WASHDC FOR AR AND P/CENTAM

E.O. 12356: DECL: OADR
TAGS: PGOV, PINS, ES, SHUN
SUBJECT: DIALOGUE: COMMUNIQUE AND PRESS CONFERENCES
UNDERSCORE PROFOUND DIFFERENCES

PROCESS. THIS WAS THE BASIS FOR THE OFFER TO INCORPORATE ALL THE LEFT IN THE DEMOCRATIC SYSTEM PROVIDED THEY ABANDON VIOLENCE AS A MEANS TO SEEK POWER.

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PAGE 02 SAN SA 14382 02 OF 04 0106552

8. PRENDES NOTED THE GOES HAD RECEIVED THE LEFT'S PEACE PROPOSAL, BUT UNDERSCORED THAT IT HAD NOT BEEN

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DISCUSSED. IN THE SEARCH FOR CONCRETE MEASURES TO SIGNAL PROGRESS TO THE PEOPLE, THERE WAS DISCUSSED A CHURCH PROPOSAL FOR AN END TO VIOLENCE DURING THE CHRISTMAS HOLIDAYS. THE GOES ACCEPTED THIS PROPOSAL AND THE TWO SIDES AGREED TO A PERIOD OF FREE CIVIL TRANSIT. THE TWO SIDES ALSO AGREED TO CONTINUE DIALOGUE AT A DATE TO BE SELECTED ON THE BASIS OF PROPOSALS FROM EACH.

9. LEFT DELEGATION REMARKS

THERE THEN FOLLOWED REMARKS BY REPRESENTATIVES OF BOTH THE FDR AND FMLN. SPEAKING FIRST, RUBEN ZAMORA SAID THE LEFT HAD SOUGHT TO MAKE ANOTHER STEP TOWARDS PEACE AND SO FIRST HAD AGREED TO THE AGENDA FOR THE DAY'S TALKS. THERE THEN FOLLOWED AGREEMENT ON PROCEDURES FOR THE SPECIAL COMMISSION, BASED ON PROPOSALS BY THE TWO SIDES.

10. ZAMORA SAID DISCUSSIONS MOVED ON TO PROPOSALS TABLED BY THE GOES AT LA PALMA, WHICH THE LEFT CONSIDERED TOO SIMPLISTIC FOR THE COMPLEX NATIONAL SITUATION AND WHICH NEEDED TO BE CONCEPTUALLY EXPANDED. HE NOTED THE LEFT HAD PRESENTED AND EXPLAINED ITS PROPOSAL WITH THE VIEW THAT ANY SOLUTION HAD TO BE BASED ON CONCRETE AND COMPLEX REALITY AND MUST BE ADDRESSED IN A PHASED MANNER. THE OBJECTIVE WAS A PEACE WHICH WOULD MEAN NO MORE TORTURE OR DISAPPEARANCES, A TRUE ARMS MORATORIUM, SUSPENSION OF SABOTAGE, CEASEFIRE, AND (FMLN/FDR) PARTICIPATION IN THE GOVERNMENT THAT COULD ENSURE COMPLIANCE WITH ACCORDS. A TRUE ELECTORAL

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PROCESS COULD THEN FOLLOW. ZAMORA NOTED THE PARTIAL HOLIDAY TRUCE ARRANGEMENTS, DESCRIBING THEM AS MORE IMPORTANT AN ACCORD THAN THEY MIGHT SEEM TO BE.

11. FACUNDO GUARDADO FOLLOWED ZAMORA ON THE PLATFORM WITH A STRIDENTLY ANTI-AMERICAN PRESENTATION WHICH WAS ALSO HIGHLY CONTEMPTUOUS OF THE GOES. SPEAKING ENTIRELY IN TERMS OF CONTINUING STRUGGLE, HE REPEATEDLY DEMANDED AN END TO REAGAN ADMINISTRATION INTERVENTION AND EFFORT TO IMPOSE A MILITARY SOLUTION. GUARDADO REJECTED DUARTE'S VIEW THAT THERE HAVE BEEN MASSIVE

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[redacted] SECTION 03 OF 04 SAN SALVADOR 14382

OPERATIONS CENTER ----- HOLD FOR OPENING OF BUSINESS DECEMBER 1

USIA WASHDC FOR AR AND P/CENTAM

E.O. 12356: DECL: OADR
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RESPECT THE CONSTITUTION AND WOULD CONDUCT A SEARCH FOR PEACE STRICTLY IN ITS TERMS. THUS, HE COULD NOT ACCEPT A PROPOSAL DESIGNED TO DESTROY THE CONSTITUTION AND THE LEGAL BASIS FOR EXISTENCE OF THE SALVADORAN

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GOVERNMENT AS THE LEFT WAS SEEKING TO DO. HE DESCRIBED [redacted] NONSENSE THAT THE LEFT COULD PROPOSE THE

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CREATION OF ONE ARMY FROM TWO, STRESSING THAT THERE WAS ONLY ONE ARMED FORCE IN EL SALVADOR -- THE ESAF. THE LEFT'S PROPOSAL WAS IMPOSSIBLE TO ACCEPT.

14. REY PRENDES BEGAN HIS SUBSEQUENT REMARKS BY REVEALING THAT THE LEFT HAD ATTEMPTED TO AVOID A REPLY TO DUARTE'S PEACE OFFER AND HAD SOUGHT ONLY TO DISCUSS THEIR OWN UNACCEPTABLE PROPOSAL. HE ACCUSED THE LEFT OF EXPLOITING THE NOTION OF A CEASEFIRE FOR PUBLIC CONSUMPTION, REPORTING THAT THE LEFT HAD NEVER MENTIONED IT IN THE MEETING OTHER THAN AS SOMETHING TO BE ATTAINED AFTER EVISCERATION OF THE CONSTITUTION. HE DESCRIBED THE LEFT'S POSITION AS A RETREAT TO 1980 FROM MORE MODERATE RECENT VIEWS AND STRESSED THE LEFT'S OBJECTIVE OF ACHIEVING PARTICIPATION IN GOVERNMENT THROUGH THE USE OF FORCE.

15. THERE FOLLOWED REMARKS BY VICE DEFENSE MINISTER LOPEZ NUILA WHO SAID THE LEFT MUST ACCEPT THE NEW SALVADORAN REALITY DESCRIBED BY DUARTE AT THE UN. THE PRESIDENT HAD MADE AN EXTREMELY GENEROUS PEACE OFFER AND THE GOES CONSIDERED HUMANIZATION OF THE CONFLICT A KEY POINT. LOPEZ CALLED ON THE LEFT TO REFLECT, TO TAKE ADVANTAGE OF THE POLITICAL SPACE OPEN TO THEM, AND TO ABANDON VIOLENCE. HE DEMANDED THAT THEY END MURDERS, ABDUCTIONS, THREATS, ATTACKS ON THE POPULATION, PRODUCTION AND INFRASTRUCTURE AND ACCEPT PEACE WITHIN THE LEGAL FRAMEWORK PROVIDED BY THE CONSTITUTION. THE GENEVA CONVENTIONS, HE REMINDED THE LEFT, STRESS THAT CIVILIANS ARE NOT LEGITIMATE MILITARY TARGETS AND CALLED ON THE LEFT TO REFRAIN FROM CARRYING

THE WAR TO THE CIVIL POPULATION.

16. FIDEL CHAVEZ MENA, MINISTER OF PLANNING, FOLLOWED WITH EMPHASIS ON THE LEFT'S EXTENSIVE INTRANSIGENCE AND DISTORTED DESCRIPTION OF NATIONAL REALITY. THE LEFT'S OFFER, HE STATED, WAS TOTALLY UNACCEPTABLE AND UNCONSTITUTIONAL; THE LEFT HAD DEMONSTRATED NOT EVEN MINIMAL DISPOSITION TO ADOPT MEASURES FOR HUMANIZATION OF THE WAR OR THEIR EVENTUAL INCORPORATION INTO THE DEMOCRATIC PROCESS.

17. FIRST SUBSTITUTE PRESIDENT DESIGNATE ABRAHAM RODRIGUEZ WAS NEXT WITH A HIGHLY PRINCIPLED AND PERSUASIVE APPEAL FOR PEACE THROUGH REASON RATHER THAN BLOOD AND VIOLENCE. HE NOTED THE NEW CONDITIONS THAT OBTAINED IN EL SALVADOR AND ATTRIBUTED THE PRESENT NATIONAL CRISIS TO THE LEFT'S EFFORT TO DESTROY THE COUNTRY. RODRIGUEZ SAID THE GOES SIDE HAD BEEN VERY NEGATIVELY AFFECTED BY THE LEFT'S PROPOSAL, WHICH REJECTED CONSTITUTIONALITY AND SIMPLY PRETENDED TO THE FORMATION OF A NEW GOVERNMENT AND INTEGRATION OF MILITARY FORCES. ANALYZING THE LEFT'S PROPOSAL, HE STRONGLY ENDORSED DUARTE'S REFUSAL TO DISCUSS IT. HE NOTED ITS OBNOXIOUS ASPECTS, INCLUDING CEASEFIRE ONLY AFTER SEVERANCE OF TIES WITH THE US AND FORMATION OF A NEW GOVERNMENT AS WELL AS TERRITORIAL DEMARCATIONS. HE DESCRIBED THE LEFT'S PROPOSAL AS NOTHING MORE THAN A DEMAND FOR SURRENDER BY THE ARMY, THE GOVERNMENT AND THE NATION. UNDER THOSE CIRCUMSTANCES, RODRIGUEZ SAID, THE OBJECTIVE CONDITIONS FOR SOLUTION VIA DIALOGUE DID NOT EXIST. THE LEFT WAS ATTEMPTING TO USE THE DIALOGUE TO GAIN THE OPPORTUNITY TO AGITATE IN THE CITY WHILE FIGHTING IN THE COUNTRY.

18. RODRIGUEZ WAS SADDENED THAT DESPITE STRENUOUS EFFORTS, THE GOES SIDE HAD BEEN ABLE TO DETECT NO

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E.O. 12356: DECL: OADR
TAGS: PGOV, PINS, ES, SHUM
SUBJECT: DIALOGUE: COMMUNIQUE AND PRESS CONFERENCES
UNDERSCORE PROFOUND DIFFERENCES

POSITIVE SIGNALS FROM THE LEFT. THE CHURCH HAD REQUESTED,
AND MADE A SERIOUS EFFORT TO ACHIEVE, A COMPLETE CHRIS
MAS TRUCE, BUT COULD OBTAIN THE LEFT'S AGREEMENT ONLY
TO A SMALL FRACTION OF IT, I.E. FREEDOM OF CIVIL
[redacted]

TRANSIT. THE GOES SIDE REGRETTABLY HAD FOUND NO
INTEREST IN A SEARCH FOR PEACE FROM THE LEFT.

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19. IN HIS CLOSING REMARKS, DUARTE POINTED OUT THAT THE LEFT HAD TOTALLY REJECTED THE PROPOSAL FOR HUMANIZATION OF THE CONFLICT, NOTABLY AN END TO THE WAR AGAINST THE ECONOMY THAT WOULD DIRECTLY BENEFIT THE SALVADORAN PEOPLE. THE LEFT, HE SAID, HAD EVEN REJECTED OUT OF HAND THE ARCHBISHOP'S PROPOSAL FOR A FULL CHRISTMAS TRUCE WHICH, HE EMPHASIZED, THE GOES HAD ACCEPTED IN TOTO. IN DUARTE'S VIEW, THE LEFT CONSIDERED HUMANIZATION OF THE CONFLICT OR A TRUCE IRRECONCILABLE WITH ITS STRATEGY OF PROLONGED WAR AS THEY WOULD PROVIDE A RESPITE FOR THE PEOPLE.

20. DUARTE SAID THE LEFT WAS CONTINUING TO PURSUE ONLY A TACTICAL DIALOGUE, TO WHICH HE WOULD REFUSE TO LEND HIMSELF. HE CALLED ON THE LEFT AGAIN TO REFLECT, RECONSIDER AND PRESENT A FAIR PROPOSAL. DUARTE SAID HE WANTED TO MAKE CLEAR THAT HE COULD NOT OTHERWISE CONTINUE IN A TACTICAL DIALOGUE. IF THE LEFT WAS READY TO ACCEPT HIS PEACE OFFER, HE WAS READY TO CONTINUE TALKING. HE STRESSED HE WOULD CONTINUE STRIVING TO ACHIEVE PEACE AND TO EXPLAIN THAT VIOLENCE NO LONGER HAD A PLACE IN THE STRUGGLE FOR POWER BECAUSE THE SALVADORAN PEOPLE HAD OPTED FOR DEMOCRACY.

21. COMMENT: DUARTE NO DOUBT CONSIDERED IT IMPERATIVE TO SPEAK OUT WITH IMMEDIATE REJECTION OF THE LEFT'S PROPOSAL TO REASSURE HIS DOMESTIC CONSTITUENCY. SERIATIM PRESENTATIONS BY THE FOUR DELEGATION MEMBERS WERE PRESUMABLY DESIGNED TO UNDERSCORE ABSOLUTE UNANIMITY ON THE GOES SIDE VIS A VIS POWER SHARING.
[redacted]

SUPPORT FOR THE ESAF, AND REFUSAL TO DEVIATE FROM
THE CONSTITUTION.

22. DUARTE LEFT THE DOOR AJAR, AT LEAST RHETORICALLY, TO CONTINUED DIALOGUE. AS A PRACTICAL MATTER, HOWEVER, IT WILL BE DIFFICULT FOR THE GOES TO MOVE AHEAD GIVEN THE LEFT'S COMPLETELY OPEN INSISTENCE ON POWER SHARING AND DISMANTLING OF THE STATE AND ECONOMY.

23. IT WAS CLEAR THROUGHOUT THE DAY THAT THE SALVADORAN CATHOLIC CHURCH, DEEPLY [illegible]

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Special Project (1993)

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THE PROSPECTS OF FRUITFUL DIALOGUE ALIVE, WAS ATTEMPTING TO PUT THE BEST POSSIBLE FACE ON WHAT WAS EVIDENTLY A STERILE AND DISILLUSIONING ENCOUNTER. WE NOTE THAT RODRIGUEZ AND DUARTE BOTH URGED ALL SALVADORANS (AND NO DOUBT THE CHURCH) TO STUDY THE FMLN PROPOSAL IN DETAIL OVER THE DAYS AHEAD TO SEE FOR THEMSELVES WHAT THE GUERRILLAS ARE DEMANDING: SURRENDER OF THE ARMY, DERROGATION OF THE CONSTITUTION, AND ABDICATION OF THE GOVERNMENT'S RESPONSIBILITY TO THE PEOPLE.

24. AS REY PRENDES CORRECTLY POINTED OUT, THE FDR/FMLN LINE AT AYAGUALO REPRESENTS A GIANT STEP BACKWARDS FROM THE APPARENT FLEXIBILITY OF MORE RECENT POSITIONS SUCH AS THOSE ADOPTED BY UNGO IN WASHIGTON, THOSE ATTRIBUTED TO ZAMORA RECENTLY IN LONDON, AND THE LINE TAKEN BY THE FDR REPRESENTATIVES IN THE LOS ANGELES DEBATE. IT MAY WELL BE THAT SERIOUS DIVISIONS AMONG THE LEFT ON WHAT ROAD TO FOLLOW ON DIALOGUE HAVE CONSPIRED TO PRODUCE A MUCH HARDER LINE AT AYAGUALO THAN AT LA PALMA. END COMMENT.

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Chile Project (#S199900030)
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PAGE 01 USUN N 03551 01 OF 03 042311Z
ACTION IO-15

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UNCLAS SECTION 01 OF 03 USUN NEW YORK 03551

E.O. 12356: N/A
TAGS: SHUM, UNGA, CI
SUBJECT: 39TH UNGA: THIRD COMMITTEE: MEXICAN DRAFT RESOLUTION ON THE SITUATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN CHILE, AGENDA ITEM 12

1. FOLLOWING IS TEXT OF MEXICAN DRAFT RESOLUTION ON THE SITUATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN CHILE, AGENDA ITEM 12:

THE GENERAL ASSEMBLY

AWARE OF ITS RESPONSIBILITY TO PROMOTE AND ENCOURAGE RESPECT FOR HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS FOR ALL AND DETERMINED TO REMAIN VIGILANT WITH REGARD TO VIOLATIONS OF HUMAN RIGHTS WHEREVER THEY OCCUR,

STRESSING THE OBLIGATION OF GOVERNMENTS TO PROMOTE AND PROTECT HUMAN RIGHTS AND TO CARRY OUT THE RESPONSIBILITIES THEY HAVE UNDERTAKEN BY VIRTUE OF VARIOUS INTERNATIONAL INSTRUMENTS,
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PAGE 02 USUN N 03551 01 OF 03 042311Z

RECALLING ITS RESOLUTIONS 3219 (XXIX) OF 6 NOVEMBER 1974,

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3448 (XXX) OF 9 DECEMBER 1975, 31/124 OF 16 DECEMBER 1976, 32/118 OF 16 DECEMBER 1977, 33/175 OF 20 DECEMBER 1978, 34/179 OF 17 DECEMBER 1979, 35/188 OF 15 DECEMBER 1980, 36/157 OF 16 DECEMBER 1981, 37/183 OF 17 DECEMBER 1982, AND 38/102 OF 16 DECEMBER 1983 ALL RELATED TO THE SITUATION OF HUMAN RIGHTS IN CHILE, AS WELL AS ITS RESOLUTION 33/173 OF 20 DECEMBER 1978 ON DISAPPEARED PERSONS,

RECALLING ALSO THE RESOLUTIONS OF THE COMMISSION ON HUMAN RIGHTS RELATING TO THE HUMAN RIGHTS SITUATION IN CHILE, ESPECIALLY RESOLUTION 1984/63 OF 15 MARCH 1984 IN WHICH THE COMMISSION DECIDED, INTER ALIA, TO EXTEND FOR A YEAR THE MANDATE OF THE SPECIAL RAPPORTEUR ON THE SITUATION OF HUMAN RIGHTS IN CHILE,

DEPLORING ONCE AGAIN THE FACT THAT THE REPEATED APPEALS OF THE GENERAL ASSEMBLY, THE COMMISSION ON HUMAN RIGHTS AND OTHER INTERNATIONAL ORGANS TO RE-ESTABLISH HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS HAVE BEEN IGNORED BY THE CHILEAN AUTHORITIES, WHICH CONTINUE TO REFUSE TO CO-OPERATE WITH THE COMMISSION ON HUMAN RIGHTS AND ITS SPECIAL RAPPORTEUR,

ONCE AGAIN EXPRESSING ITS GRAVE CONCERN AT THE GENERAL PERSISTENCE OF THE SERIOUS SITUATION OF HUMAN RIGHTS IN CHILE, WHICH, AS ESTABLISHED, BY THE SPECIAL RAPPORTEUR, HAS CONTINUED TO DETERIORATE, AND THAT THE CHILEAN AUTHORITIES HAVE NOT BEEN RESPONSIVE TO THE CONCERNS OF THE INTERNATIONAL COMMUNITY, AS EXPRESSED IN RESOLUTIONS OF THE GENERAL ASSEMBLY AND THE COMMISSION OF HUMAN
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PAGE 03 USUN N 03551 01 OF 03 042311Z

RIGHTS,

OBSERVING THAT, ACCORDING TO THE SPECIAL RAPPORTEUR, THE RIGHT TO ENTER AND LEAVE ONE'S COUNTRY FREELY IS SERIOUSLY RESTRICTED FOR CHILEAN CITIZENS AND THAT THIS SITUATION HAS BEEN AGGRAVATED BY THE ISSUANCE OF A LIST CONTAINING THE NAMES OF THOUSANDS OF CHILEAN NATIONALS WHO ARE NOT ALLOWED TO ENTER THEIR COUNTRY WITHOUT CONDITIONS,

TAKING NOTE WITH UTMOST CONCERN OF THE RE-ESTABLISHMENT

OF THE STATE OF SIEGE ON NOVEMBER 6, 1984, WHICH HAS AGGRAVATED THE SITUATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN CHILE, PARTICULARLY BY THE INCREASE IN THE NUMBER OF ARBITRARY MASSIVE ARRESTS, OF PERSONS SENT TO INTERNAL EXILE AND THE PRACTICE OF TORTURE AND OTHER FORMS OF INHUMAN AND DEGRADING TREATMENT AS WELL AS THE ADDITIONAL RESTRICTIONS ON THE FREEDOM OF EXPRESSION AND INFORMATION, ASSEMBLY AND ASSOCIATION,

- 1. COMMENDS THE SPECIAL RAPPORTEUR FOR HIS REPORT ON THE SITUATION OF HUMAN RIGHTS IN CHILE, PREPARED IN ACCORDANCE WITH RESOLUTION 1984/63 OF 15 MARCH 1984 OF THE COMMISSION ON HUMAN RIGHTS;

- 2. EXPRESSES ITS PROFOUND DISTRESS AT THE PERSISTENCE OF AND INCREASE IN SERIOUS AND SYSTEMATIC VIOLATIONS OF HUMAN RIGHTS IN CHILE, AS DESCRIBED IN THE REPORT OF THE SPECIAL RAPPORTEUR, AND, IN PARTICULAR AT THE VIOLENT SUPRESSION OF OF POPULAR PROTEST IN THE FACE OF THE REFUSAL TO RESTORE THE DEMOCRATIC ORDER AND HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS ON THE PART OF THE AUTHORITIES, WHICH HAVE IN FACT COMMITTED FURTHER SERIOUS AND FLAGRANT VIOLATIONS OF HUMAN RIGHTS, WITH MASS ARRESTS AND NUMEROUS DEATHS;

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PAGE 04 USUN N 03551 01 OF 03 042311Z

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PAGE 01 USUN N 03551 02 OF 03 042312Z
ACTION IO-15

INFO OCT-00 COPY-01 ADS-00 INR-10 SS-00 OIC-02 CIAE-00
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UNCLAS SECTION 02 OF 03 USUN NEW YORK 03551

E.O. 12356: N/A
TAGS: SHUM, UNGA, CI
SUBJECT: 39TH UNGA: THIRD COMMITTEE: MEXICAN DRAFT

- 3. REITERATES ONCE AGAIN ITS DISMAY AT THE DISRUPTION IN CHILE OF THE TRADITIONAL DEMOCRATIC LEGAL ORDER AND ITS INSTITUTIONS, PARTICULARLY THROUGH THE MAINTENANCE OF EMERGENCY LEGISLATION, THE INSTITUTIONALIZATION OF STATES OF EMERGENCY, THE EXTENSION OF MILITARY JURISDICTION AND THE EXISTENCE OF A CONSTITUTION WHICH DOES NOT REFLECT THE WILL OF THE PEOPLE FREELY EXPRESSED AND WHOSE PROVISIONS NOT ONLY FAIL TO GUARANTEE HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, BUT SUPPRESS, SUSPEND OR LIMIT THEIR ENJOYMENT AND EXERCISE;

- 4. ALARMED BY THE FACT THAT THE REPRESSIVE ACTIVITIES OF THE POLICE AND SECURITY AGENCIES AND, IN PARTICULAR, THE NATIONAL INFORMATION AGENCY (CNI) CONTINUE TO GO UNPUNISHED, AS POINTED OUT IN THE REPORT OF THE SPECIAL RAPPORTEUR;
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PAGE 02 USUN N 03551 02 OF 03 042312Z

- 5. ONCE AGAIN VIEWS WITH CONCERN THE INEFFECTIVENESS OF THE REMEDIES OF HABEAS CORPUS OR AMPARO AND OF PROTECTION, OWING TO THE FACT THAT THE JUDICIARY DOES NOT EXERCISE ITS POWER OF INVESTIGATION, MONITORING AND SUPERVISION IN THIS RESPECT AND PERFORMS ITS FUNCTIONS UNDER SEVERE RESTRICTIONS;

- 6. URGES ONCE MORE THE CHILEAN AUTHORITIES TO RESTORE AND RESPECT HUMAN RIGHTS IN ACCORDANCE WITH THE OBLIGATIONS THEY HAVE ASSUMED UNDER VARIOUS INTERNATIONAL INSTRUMENTS AND, IN PARTICULAR, TO PUT AN END TO THE REGIME OF EXCEPTION AND THE PRACTICE OF DECLARING STATES OF EMERGENCY, UNDER WHICH SERIOUS AND CONTINUING VIOLATIONS OF HUMAN RIGHTS ARE COMMITTED, WITH THE VIEW TO THE RE-ESTABLISHMENT OF THE PRINCIPLE OF LEGALITY, THE DEMOCRATIC INSTITUTIONS AND THE EFFECTIVE ENJOYMENT AND EXERCISE OF CIVIL AND POLITICAL RIGHTS AND FUNDAMENTAL FREEDOMS;

- 7. URGES THE CHILEAN AUTHORITIES TO TERMINATE THE STATE OF SIEGE DECREED ON NOVEMBER 6, 1984, AND ITS CONSEQUENCES;

- 8. ONCE MORE URGES THE CHILEAN AUTHORITIES TO INVESTIGATE AND CLARIFY THE FATE OF PERSONS WHO HAVE BEEN ARRESTED FOR POLITICAL REASONS AND WHO LATER DISAPPEARED, AND TO INFORM THEIR FAMILIES OF THE RESULTS OF SUCH INVESTIGATION WITH THE PURPOSE THAT THOSE RESPONSIBLE FOR THEIR DISAPPEARANCE BE BROUGHT TO TRIAL AND PUNISHED;

- 9. ONCE AGAIN DRAWS THE ATTENTION OF THE CHILEAN AUTHORITIES TO THE NEED TO PUT AN END TO INTIMIDATION AND UNCLASSIFIED

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PAGE 03 USUN N 03551 02 OF 03 042312Z

PERSECUTION, AS WELL AS ARBITRARY OR ILLEGAL ARRESTS AND IMPRISONMENT IN SECRET PLACES, AND TO RESPECT THE RIGHT OF PERSONS TO LIFE AND PHYSICAL INTEGRITY BY HALTING THE PRACTICE OF TORTURE AND OTHER FORMS OF CRUEL, INHUMAN OR DEGRADING TREATMENT WHICH IN SOME CASES, HAVE RESULTED IN UNEXPLAINED DEATHS;

- 10. ONCE AGAIN URGES THE CHILEAN AUTHORITIES TO RESPECT THE RIGHT OF CHILEAN NATIONALS TO LIVE IN AND FREELY ENTER AND LEAVE THEIR COUNTRY, WITHOUT RESTRICTIONS OR CONDITIONS OF ANY KIND, IN PARTICULAR, TO ANNUL THE "LIST" LIMITING THE RIGHT OF CHILEAN NATIONALS TO ENTER THE COUNTRY AND OTHER RECENT MEASURES AFFECTING OTHER INDIVIDUALS, AND TO CEASE THE PRACTICE OF "RELEGATION" (ASSIGNMENT OF FORCED RESIDENCE) AND FORCED EXILE;

- 11. RENEWS ITS APPEAL TO THE CHILEAN AUTHORITIES TO RESTORE THE FULL ENJOYMENT AND EXERCISE OF TRADE UNION RIGHTS, IN PARTICULAR THE RIGHT TO ORGANIZE TRADE UNIONS, THE RIGHT TO COLLECTIVE BARGAINING AND THE RIGHT TO STRIKE;

- 12. ONCE MORE URGES THE CHILEAN AUTHORITIES TO RESPECT AND, WHERE NECESSARY, RESTORE ECONOMIC, SOCIAL AND CULTURAL RIGHTS AND, IN PARTICULAR, THE RIGHTS INTENDED TO PRESERVE THE CULTURAL IDENTITY AND IMPROVE THE SOCIAL STATUS OF INDIGENOUS POPULATION INCLUDING THE LEGITIMATE ENJOYMENT OF THEIR LAND;

- 13. CONCLUDES, ON THE BASIS OF THE REPORT OF THE SPECIAL RAPPORTEUR, THAT IT IS NECESSARY TO KEEP UNDER CONSIDERATION THE SITUATION OF HUMAN RIGHTS IN CHILE;

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PAGE 01 USUN N 03551 03 OF 03 042312Z
ACTION IO-15

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UNCLAS SECTION 03 OF 03 USUN NEW YORK 03551

E.O. 12356: N/A
TAGS: SHUM, UNGA, CI
SUBJECT: 39TH UNGA: THIRD COMMITTEE: MEXICAN DRAFT

- 14. CALLS AGAIN ON THE CHILEAN AUTHORITIES TO CO-OPERATE WITH THE SPECIAL RAPPORTEUR AND TO SUBMIT THEIR COMMENTS ON HIS REPORT TO THE COMMISSION ON HUMAN RIGHTS AT ITS FORTY FIRST SESSION;

- 15. INVITES THE COMMISSION ON HUMAN RIGHTS TO STUDY IN DEPTH THE REPORT OF THE SPECIAL RAPPORTEUR AT ITS FORTY FIRST SESSION AND TO TAKE THE MOST APPROPRIATE STEPS FOR THE EFFECTIVE RESTORATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN CHILE, INCLUDING THE EXTENSION OF THE MANDATE OF THE SPECIAL RAPPORTEUR FOR ONE MORE YEAR, AND REQUESTS THE COMMISSION TO REPORT, THROUGH THE ECONOMIC AND SOCIAL COUNCIL, TO THE GENERAL ASSEMBLY AT ITS FORTIETH SESSION.
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Case Number: s199900030

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PAGE 01 SANTIA 07806 01 OF 03 051848Z
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~~C O N F I D E N T I A~~ L SECTION 01 OF 03 SANTIAGO 7806

DEPT PLEASE PASS DAS MICHEL

E.O. 12356: DECL: OADR
TAGS: OVIP, PREL, PINT, CI
SUBJ: DAS MICHEL CONVERSATION WITH BRIG GENERAL SANTIAGO SINCLAIR NOV 30, 1984

1. (C) ENTIRE TEXT.

2. ON NOVEMBER 19, DAS MICHEL, ACCOMPANIED BY AMBASSADOR AND ARA/SC DIRECTOR, MORELEY, MET WITH BRIGADIER GENERAL SANTIAGO SINCLAIR IN HIS OFFICE FOR ONE HOUR AND A HALF. MEMORANDUM OF CONVERSATION BY ARA/SC DIRECTOR MORLEY ON SUBJECT IS BEING POUCHED TO THE DEPARTMENT.THE FOLLOWING IS A SUMMARY OF THAT MEMCON:

--DETUTY ASSISTANT SECRETARY MICHEL SAID THAT HE WAS IN SANTIAGO TO GET FIRST HAND INFORMATION ON WHAT WAS GOING ON AND TO EXPRESS CONCERN ABOUT THE IMPACT OF RECENT DEVELOPMENTS INCLUDING THE STATE OF SIEGE ON BOTH THE TRANSITION PROCESS IN CHILE AND U.S. INTERESTS IN THIS COUNTRY. HE EXPLAINED THAT WE HAD LEGITIMATE CONCERN BOUT WHAT WAS HAPPENING HERE AND WANTED TO CONVEY OUR CONCERN TO THE APPRORRIATE PEOPLE.
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PAGE 02 SANTIA 07806 01 OF 03 051848Z

--GENERAL SINCLAIR REVIEWED EVENTS LEADING UP TO THE CURRENT SITUATION IN CHILE. HE EXPLAINED THAT THE ARMED FORCES IN CHILE WERE OBEDIENT TO THE POLITICAL POWER IN THIS COUNTRY AND HONOR BOUND TO SUPPORT THE CONSTITUTION WHCH WAS APPROVED IN 1980 BY 66 PERCENT OF THE CHILEAN VOTERS. THUS THEY

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ENJOYED THE SUPPORT OF THE CHILEAN PEOPLE. AS IN 1973, THEIR OBJECTIVES WERE TO RESTORE DEMOCRACY AND AND TO DEAL WITH THE THREAT OF COMMUNISM IN THIS COUNTRY.

--THOSE WHO SAY THE MILITARY WANTS TO STAY IN POWER INDEFINITELY, IN VIOLATION OF THE CONSTITUTION, OFFEND THE HONOR OF THE ARMED FORCES, SAID SINCLAIR. THE GOVERNMENT OF CHLE HAD BEEN LIBERAL IN ITS INTERPRETATIONS OF THE CONSTITUTION AND HAD UNDERTAKEN INITIATIVES TO UNDERSCORE ITS COMMITMENT TO THE RESTORATION OF DEMOCRACY. FOR EXAMPLE, ALTHOUGH THERE WAS NO POLITICAL PARTIES LAW PROMULGATED AT THE TIME, THE CHILEAN GOVERNMENT VOLUNTARILY INITIATED A DIALOGUE AND PERMITTED REPRESENTATIVES OF POLITICAL GROUPS TO PARTICIPATE IN THAT DIALOGUE LAST YEAR. THE RESULT O F THAT EXPERIMENT WAS DISAPPOINTING. ONE YEAR LATER, BOTH THE OGOVERNMENT OF CHILE AND THE POOLITICAL PARTIE S WERE WORSE OFF THAN BEFORE THAT 1983 DIALOGUE BEGAN. THE PARTIES WERE DIVIDED AMONG THEMSELVES AND SOME POLITICIANS HAD TAKEN ADVANTAGE OF THE SITUATION TO WORK WITH COMMUNISTS AND LEFTIST GROUPS TO DISRUPT THE DIALOGUE AND PROMOTE DISORDER.

--THE OPPOSITION ALSO MADE UNREASONABLE DEMANDS. THE DEMOCRATIC ALLIANCE WANTED IMMEDIATE ELECTIONS FOR
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PAGE 03 SANTIA 07806 01 OF 03 051848Z

A CONSTITUTIONAL ASSEMBLY AND THEY REFUSED TO RECOGNIZE THE LEGITIMACY OF THE GOVERNMENT OF CHILE AND THE 1980 CONSITUTION. MEANWHILE, THEY ORGANIZED PROTESTS; AND TERRORIST INCIDENTS RESULTED IN THE KILLING OF POLICE OFFICERS. NEVERTHELESS, INTERIOR MINISTER JARPA MADE AN EFFORT TO CONTINUE THE DIALOGUE AND PROMOTE THE STUDY OF THE POLITICAL LAWS ESSENTIAL TO THE TRANSITION.

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PAGE 01 SANTIA 07806 02 OF 03 051848Z
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--THE GOVERNMENT'S WORK ON THE POLITICAL PARTIES LAW WAS PRACTICALLY COMPLETE. ONLY TWO ISSUES REMAIN TO BE RESOLVED: THE NUMBER OF SIGNATURES NEEDED TO ESTABLISH A PARTY UNDER THE LAW, AND THE ISSUE OF REGIONAL PARTIES. NEITHER THE OPPOSITION DEMOCRATIC ALLIANCE NOR THE COMMUNISTS SUPPORTED THE DRAFT LAW IN ORDER TO AVOID THE INFERENCE THAT THEY ARE THE OFFICIAL OPPOSITION TO A LEGITIMATE CHILEAN GOVERNMENT. IN ADDITION, THE COMMUNISTS WERE DEDICATED TO A STRATEGY OF VIOLENCE TO PROVOKE CRISIS LEADING TO THE FALL OF THE GOVERNMENT AND SOME ELEMENTS OF THE DEMOCRATIC ALLIANCE SUPPORTED THIS STRATEGY.

--THE GOVERNMENT DECLARED A STATE OF SIEGE, AN ACT PERMITTED BY THE CONSTITUTION, TO DEFEAT THE COMMUNIST THREAT WHICH HAD EMERGED AFTER TEN YEARS. DELINQUENTS IN THE SHANTY TOWNS WERE BEING USED BY THE COMMUNISTS TO ROB AND CREATE AN UNSTABLE SITUATION. FOR THIS REASON THE GOVERNMENT DETAINED DELINQUENTS AND SENT THEM TO CAMPS OUTSIDE SANTIAGO WHERE THEY WILL REMAIN FOR 90 DAYS SINCLAIR SAID HE REALIZED THE STATE OF SIEGE WAS CREATING IMAGE PROBLEMS. FOR THE GOVERNMENT OF CHILE BOTH INTERNALLY AND ABROAD. THE GOVERNMENT WAS PERCEIVED TO BE A BRUTAL DICTATOR-SHIP AND THE OPPOSTION WAS USING THESE PERCEPTIONS
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PAGE 02 SANTIA 07806 02 OF 03 051848Z

TO GAIN SYMPATHY AND SUPPORT FOR THEIR CAMPAIGN AGAINT THE GOVERNMENT.

--MUCH OF THE OPPOSITION'S EFFORT, ACCORDING TO SINCLAIR, WAS BEING DIRECTED FROM MOSCOW BY A SPECIAL GROUP INCLUDING CHILEANS, CUBANS, AND SOVIETS.

--THE STATE OF SIEGE WAS NOT WITHOUT COST TO THE GOVERNMENT BECAUSE IT ERODES THE AUTHORITY OF THE POLICE AND THE ARMY, DETRACTED FROM THE IMAGE OF THE PRESIDENT AND IMPEDED THE TRANSITION. IT ALSO HAD ECONOMIC COSTS, INCLUDING THE INTERNATIONAL BANKS

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WHO THOUGHT THERE WAS CHAOS WITHIN CHILE.

--THE GOVERNMENT OF CHILE WANTED TO LIFT THE STATE OF SIEGE BUT THIS DEPENDED ON TWO THINGS, THE GOVERNMENT'S SUCCESS IN DEALING WITH THE COMMUNIST THREAT AND WILLINGNESS OF THE POLITICAL OPPOSITION LEADERSIP TO COLLABORATE IN THE TRANSITION PROCESS.

--THE POSSIBILITY OF EARLIER CONGRESSIONAL ELECTONS THAN IN 1989 AS CALLED FOR BY THE 1980 CONSTITUTION HAD BEEN STUDIED BUT NO DEFINITE DECISION HAD BEEN REACHED BECAUSE ESSENTIAL CONDITIONS FOR ELECTIONS HAD NOT BEEN MET. SINCLAIR EXPLAINED THAT EARLIER ELECTIONS WOLD REQUIRE A MODIFICATION OF THE CONSTITUTION.

--TURNIN TO ANOTHER SUBJECT, SINCLAIR NOTED THAT THERE WERE TIMES WHEN THE DEPARTMENT ISSUED STATEMENTS WHICH WERE DOUBTLESSLY WELL INTENTIONED BUT WHICH WERE TOUGH AND CRITICAL OF THE ACTIONS OF THE
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PAGE 03 SANTIA 07806 02 OF 03 051848Z

GOVERNMENT. THE STATEMENTW APPEARED TO BE INFLUENCED BY OPPOSITION CHILEAN GROUPS THAT HAD EXCELLENT ACCESS TO THE DEPARTMNT AND WANTED TO REINFORCE THE PERCEPTION THAT THE DEPARTMENT SUPPORTED THEM. SINCLAIR SAID THE CONSTITUTION WAS SUPPORTED BY THE MAJORITY OF THE CHILEANS. HE ASKED FOR OUR SUPPORT IN EFFORTS TO COMPLETE THE TRANSITION PROCESS.

--SINCLAIR SAID THT THE ARMED FORCES WOULD NOT ACCEPT COMMUNIST INFLEUNCE IN CHILEAN POLITICAL LIFE. IN THAT SENSE THEY WERE IN COMPLETE ACCORD WITH THE U.S. GOVERNMENT.

--MR. MICHEL REPLIED THAT WE HAD TRIED TO BE UNDERSTANDING WITH THE CHILEAN

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PAGE 01 SANTIA 07806 03 OF 03 051848Z
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~~C O N F I D E N T I A~~ SECTION 03 OF 03 SANTIAGO 7806

POSITION BUT WERE CONCERNED ABOUT RECENT EVENTS AND THE IMPACT ON BILATERAL RELATIONS, ON OUR REGIONAL OBJECTIVES AND ON THE CHILEAN PEOPLE. WE HAD TRIED TO KEEP OUR STATEMENTS MODERATE WHILE EXPRESSING THESE CONCERNS AND INSURING THAT OUR POLICY WAS UNDERSTOOD. PRESSURES WERE BEING CREATED FOR THE U.S. TO DISTANCE ITSELF FROM THE GOVERNMENT OF CHILE. WE DID NOT WANT TO FOLOW THAT COURSE; INSTEAD WE WANTED A COOPERATIVE RELATIONSHIP. WE WANTED TO FOSTER THE TRANSITION IN ANY APPROPRIATE WAY WE COULD. IN OUR STATEMENTS, THEREFORE, WE HAD CALLED FOR A RECONCILIATION TO AVOID AN IMPASSE AMONG CONTENDING GROUPS.

--SINCLAIR SAID THERE WAS MOVEMENT ON THE TRANSITION PROCESS EVEN NOW. JARPA REMAINED IN THE CABINET AND WAS RESPONSIBLE FOR THE RECONCILIATION AND FOR DVANCING THE TRANSITION PROCESS. JARPA HAD INSTRUCTION TO SEEK A CONSENSUS WITH THE OPPOSITION AND TO LAY THE LEGAL FOUNDATION FOR A POLITICAL TRANSITION WITH THE GREATEST PARTCIPATION POSSIBLE. IN HIS LATEST SPEECH, THE PRESIDENT HAD PROMISED THE INSTITUTIONAL PROCESS WOULD GO FORWARD BUT THE PACE OF EVENTS DURING THE NEXT FOUR YEARS DEPENDED ON THE WILLINGNESS OF THE OPPOSITION TO COLLABORATE AND ON INTERNAL DEVELOPMENTS IN CHILE.
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PAGE 02 SANTIA 07806 03 OF 03 051848Z

--SINCLAIR WELECOMED MICHEL'S VISIT AS A POSITIVE EVENT BECAUSE HE SAID, BETTER COMMUNICATION WAS ESSENTIAL BETWEEN THE U.S. GOVERNMENT AND THE GOVERNMENT OF CHILE. SOME OPPOSITION PEOPLE, HE COMPLAINED, HAD BETTER CONTACT WITH THE U.S. GOVERNMENT THAN DID THE GOVERNMENT OF CHILE. HE REITERATED HIS GOVERNMENT'S DESIRE TO MOVE AS QUICKLY AS POSSIBLE ON THE TRANSITION.

--.4. MICHEL SAID THAT THE ESTABLISHMENT OF A DEFINITE TRANSITION TIME TABLE WOULD BE HELPFUL. SINCLAIR REPLIED THAT THE GOVERNMENT OF CHILE HAD TO

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RETAIN ITS FLEXIBILITY ON TIMING FOR POLITICAL REASONS. HE ASSURED MR. MICHEL, HOWEVER, THAT THERE WAS A FLEXIBLE PLAN, ONE WHICH COULD NOT BE MADE PUBLIC.

--MR. MICHEL SAID THE ADMINISTRATION HAD TRIED TO BE UNDERSTANDING BUT IT WOULD BE TOUGHER TO PROTECT A COOPERATIVE RELATIONSHIP UNLESS MOVEMNT WAS APPARENT ON THE TRANSITION.

--SINCLAIR REITERATED HIS BELIEF THAT THERE WAS PERCEPTIBLE MOVEMENT AFTER 11 YEARS; THERE WAS EVIDENCE OF PROGRESS TOWARD DEMOCRACY. MANY THAT WERE IN EXILE HAD BEEN ALLOWED TO RETURN. THERE WAS MORE FREEDOM IN THE AREA OF POLITICAL ACTIVITY. HE SAID THERE WERE TWO PARTS TO THE OPPOSITION, ONE INTRANSIGENT, THE OTHER WILLING TO COOPERATE. HE WANTED TO WORK WITH THE SECOND GROUP, THE DEMOCRATIC GROUP; HOWEVER, HE UNDERSCORED THAT IF NO OPPOSITION GROUPS WANTED TO COLLABORATE, THE
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PAGE 03 SANTIA 07806 03 OF 03 051848Z

GOVERNMENT OF CHILE WOULD MOVE ALONE SO THAT EVERYTHING WAS PREPARED WHEN 1989 ARRIVED. HE REITERATED THAT THE GOVERNMENTO F CHILE DID NOT INTEND TO STAY IN POWER FOREVER.
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THEORY THAT, IN FACT, POLAND AND CHILE HAVE MUCH IN COMMON, AND THAT WOULD BE OF GREAT INTEREST TO THE HOLY FATHER. AFTER ALL, SAYS THE CARDINAL, BOTH COUNTRIES ARE DICTATORSHIPS, UNDER TOTALITARIAN REGIMES, AND IN EACH CASE THE CHURCH IS SUFFERING FROM CONFRONTATION WITH THE GOVERNMENT. OBVIOUSLY, SAYS THE AMBASSADOR, THE CARDINAL IS A VERY LIBERAL - EVEN RADICAL - SOCIALIST, COMPLETELY AGAINST THE PINOCHET GOVERNMENT. RIESLE DOES NOT BELIEVE THE HOLY FATHER HAS BEEN TAKEN IN BY THIS RHETORIC BUT, NEVERTHELESS, HE IS TAKING NO CHANCES. RIESLE IS PREPARING A NON-PAPER FOR PRESENTATION TO THE POPE ON THIS MATTER. RIESLE MENTIONED THAT THE CARDINAL IS EXPOUNDING OTHER RADICAL THEORIES ON WHICH THE AMBASSADOR WILL ALSO PREPARE COUNTERARGUMENTS FOR THE VATICAN.

4. RIESLE WENT ON TO DISCUSS THE CURRENT "STATE OF SIEGE" IN CHILE AND THE REASON FOR IT. HE NOTED THAT FOR MANY MONTHS PRIOR TO THE DECLARATION OF THE STATE OF SIEGE THERE WERE ANYWHERE FROM 8 TO 11 KILLINGS PER MONTH. SINCE THE STATE OF SIEGE WAS DECLARED, THERE HAVE BEEN NONE, SAYS HE. HE EXPRESSED THE HOPE OF HIMSELF AND HIS GOVERNMENT THAT THIS CONDITION WILL SOON BE LIFTED.

5. THE AMBASSADOR MENTIONED THE RECENT DETENTION OF TWO PRIESTS, A DEACON AND THE DEPORTATION OF A JOURNALIST. THE PRIESTS AND THE DEACON WERE REMANDED TO THE CUSTODY OF THE NUNCIO, WHO IN TURN SENT THEM TO THEIR HOMES. RIESLE ~~CONFIDENTIAL~~

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PAGE 03 ROME 29655 01 OF 02 051916Z

EXPRESSED THE OPINION THAT THEY WERE ALL EITHER LIBERAL OR RADICAL AND WERE APPREHENDED IN THE ACT OF DISTURBING THE PEACE AND FOMENTING PUBLIC DISTURBANCES. THE JOURNALIST WAS DEPORTED FOR DELIBERATELY FABRICATING A STORY CONCERNING THE KILLING OF TWO AND THE INJURY OF ONE PERSON BY THE FEDERAL AUTHORITIES. COMMENT. THIS ALL SQUARES WITH SANTIAGO 7728. END COMMENT.

6. AND FINALLY THE AMBASSADOR MENTIONED THAT THE ECONOMIC SITUATION OF CHILE IS GRIM, BUT THE FEELING IS THAT IT IS BEGINNING TO IMPROVE. THERE ARE RECENT STORIES ABOUT A CALIFORNIA FIRM SHOWING THE INTENTION TO INVEST HEAVILY IN A LIQUIFIED PETROLEUM COMPLEX IN SOUTHERN CHILE. THIS PROJECT WOULD BE APPROXIMATELY 18 CHILEAN WITH THE BALANCE TO BE U.S. INVESTORS. THE METHANE (OR PROPANE) WOULD BE SHIPPED TO CALIFORNIA. THE AMBASSADOR NOTED THAT PRESIDENT PINOCHET IS BASICALLY A BELIEVER IN THE FREE ENTERPRISE SYSTEM AND SUPPLY-SIDE ECONOMICS AS THE BEST WAY TO CREATE JOBS - SOMETHING THAT IS SORELY NEEDED IN

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CHILE. RIESLE EXPRESSED THE THOUGHT THAT, GIVEN THE FACT THAT CHILE WAS "BANKRUPT" WHEN ALLENDE WAS DEPOSED, THE COUNTRY HAS RECOVERED REMARKABLY IN A RELATIVELY SHORT TIME UNDER PINOCHET'S DIRECTION.

7. RIESLE PROMISED TO GIVE ME COPIES OF THE NON-PAPERS THAT HE IS PREPARING FOR THE VATICAN SECRETARY OF STATE. HE APPEARS TO HAVE MORE TIME FOR SUCH MATTERS NOW THAT THE BEAGLE CHANNEL ACCORD HAS BEEN SIGNED. HE NOTED THAT THE ACCORD MUST BE RATIFIED BY A UNANIMOUS VOTE OF THE FOUR MEMBERS OF THE MILITARY JUNTA, BUT HE SPECULATED THAT, DESPITE THE PUBLIC STATEMENTS OF THE SECRETARY OF THE NAVY JUST PRIOR TO THE ARGENTINE REFERENDUM, THERE WILL BE

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PAGE 01 ROME 29655 02 OF 02 051916Z
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~~C O N F I D E N T I A L~~ SECTION 02 OF 02 ROME 29655

FROM AMEMBASSY VATICAN

E.O. 12356 DECL:OADR
TAGS: SHUM, SCOM, PGOV, CI, VT
SUBJECT: REPORT OF MEETING WITH AMBASSADOR RIESLE,

UNANIMITY ON THIS VOTE. WHILE SAYING THIS, HE MADE A BIT OF AN ARM-TWISTING MOTION. HE FURTHER SPECULATED THAT THE OFFICE OF THE SPECIAL AMBASSADOR TO THE BEAGLE CHANNEL MEDIATION WILL BE CLOSED SHORTLY AFTER THE RATIFICATION, PROBABLY LATE IN JANUARY.

8. VATICAN MESSAGE NO. 161/84

WILSON

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Case Number: s199900006 Chile Project (#S199900030)

U.S. Department of State
Release X Excise ____ Deny ____
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PAGE 01 SANTIA 07803 051713Z
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C ~~O N F I D E N T I A L~~ SANTIAGO 7803

DEPT PLEASE PASS DAS MICHEL

E.O. 12356: DECL: OADR
TAGS: OVIP, PREL, PINT, CI
SUBJ: DAS MICHEL CONVERSATION WITH ARCHBISHOP FRESNO, NOV 30

1. (C)-ENTIRE TEXT.

2. MEMORANDUM OF CONVERSATION BY ARA/SC DIRECTOR MORLEY ON SUBJECT I SBEING POUCHED TO THE DEPARTMENT. THE FOLLOWING IS A SUMMARY OF THAT MEMCON:

--DEPUTY ASSISTANT SECRETARY MICHEL EXPRESSING HIS CONCERN ABOUT CHILE, SAID HE WANTED TO HAVE A BETTER UNDERSTANDING OF RECENT DEVELOPMENTS SO THAT HE WOULD BE IN A BETTER POSITION TO EVALUATE THE IMPACT ON U.S. INTERESTS AND ON THE PEOPLE OF CHILE. HE SAID U.S. POLICIES WERE AS FOLLOWS: WE FAVORED THE PROCESS OF TRANSITION TO A DEMOCRACY. WE WERE ENCOURAGED WHEN THE DIALOGUE BEGAN LAST YEAR AND WERE DISAPPOINTED WHEN IT BROKE DOWN; WE SENSED THAT THERE WAS NOW A MUTUAL SENSE OF FRUSTRATION BETWEEN THE GOVERNMENT OF CHILE AND THE OPPOSITION. WE FEARED THAT A POLARIZATION PROCESS COULD BE UNDERWAY. ~~CONFIDENTIAL~~

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PAGE 02 SANTIA 07803 051713Z

--THE ARCHBISHOP SAID THAT HE WAS CONCERNED THAT TENSION WILL BECOME WORSE AND THAT THERE WILL BE MORE BLOODSHED. THE RESPONSIBLE OPPOSITION SHARED THIS CONCERN AND WANTED TO GET THIS MESSAGE TO THE GOVERNMENT OF CHILE. HE HAD SPOKEN TO VARIOUS PEOPLE IN CHILE ABOUT ORGANIZING A BROAD GROUP TO DEVELOP

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IDEAS ON WAYS OUT OF THE CURRENT DILEMNA. THE ONLY WINNERS FROM THE CURRENT SITUATION WERE THE COMMUNISTS, TERRORISTS, AND OTHER EXTREMISTS. A WAY OUT OF THE IMPASSE MIGHT POSSIBLY INVOLVE A NATIONAL CONGRESS.

--FRESNO WAS DISTURBED ABOUT CURRENT TRENDS AND SIGNS THAT THE REGIME WAS BECOMING HARDER AND MORE REPRESSIVE ESPECIALLY IN DEALING WITH THE COMMUNISTS. THIS VICIOUS CYCLE HAD TO BE BROKEN.

--MR. MICHEL SAID THAT HE HOPED DIFFERENCES BETWEEN THE CHURCH AND THE GOC DOULBE RESOLVED SO THAT THE CHURCH COULD ACT AS AN INTERLOCUTOR.

--ARCHBISHOP FRESNO REPLIED THAT SOME WITHIN THE GOVERNMENT WERE TRYING TO NEUTRALIZE AND DISCREDIT THE CHURCH. TH GOVERNMENT CLAIM THAT THE CABINET CRISIS RESULTED FROM A MEETING IN ROME BY CHURCH REPRESENTATIVES AND EXILE GROUPS DID NOT MAKE SENSE. FRESNO SAID HE TOLD JARPA THAT HE WOULD ACCEPT CRITICISM THAT THE MEETING HAD BEEN AN EXERCISE IN BAD JUDGMENT BUT NOTHING MORE.

--MR. MICHEL REFERRED TO THE PAPAL STATEMENT ABOUT CHILE AND NOTED THAT THE AGREEMENT BETWEEN ARGENTINA AND CHILE HAD BEEN SIGNED AND HOPED THAT THE POPE

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PAGE 03 SANTIA 07803 051713Z

HAD USED THE OCCASION TO CONVEY TO THE FOREIGN MINISTRY DEL VALLE HIS CONCERN ABOUT EVENTS IN CHILE. FRESNO AGREED AND NOTED THAT DEL VALLE HAD BEEN RECEIVED PRIVATELY BY THE POPE NOVEMBER 29.

--TURNING TO THE ECONOMIC SITUATION, FRESNO ASKED IF THE USA COULD ENCOURAGE COMPANIES TO INVEST IN CHILE. HE UNDERSTOOD THAT THAT WOULD OCCUR ONLY IF THEY WERE ASSURED THAT THERE WOULD BE NO REVOLUTION OR LONG PERIOD OF INSTABILITY.

--MR. MICHEL SAID THAT COMPANIES INVEST ON THE BASIS OF BUSINESS CONSIDERATIONS; BUT, IT WAS OBVIOUS THAT THE POLITICAL ENVIRONMENT IN CHILE WOULD AFFECT THAT DECISION PROCESS.

--THE ARCHBISHOP ASKED IF THERE WAS NO MIDDLE ROAD BETWEEN COMMUNISM AND CAPITALISM. MR. MICHEL SAID OTHER ALTERNATIVES TO CAPITALISM HAD NOT WORKED. THE CAPITALIST APPROACH EMPHASIZED EFFICIENCY BECAUSE

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ECONOMIC DECISIONS WERE MADE ON THE BASIS OF SOUND BUSINESS PRACTICES. ALTERNATIVES, BASED ON POLITICAL CONSIDERATIONS, WERE MORE COSTLY.

--IN CLOSING, MR. MICHEL WONDERED WHETHER IT WOULD BE POSSIBLE FOR THE POPE TO USE THE RATIFICATION CEREMONY OF THE TREATY BETWEEN ARGENTINA AND CHILE TO VISIT CHILE AND APPEAL TO ALL GROUPS IN CHILE FOR POLITICAL RECONCILIATION. ARCHBISHOP FRESNO PERSONALLY THOUGHT THAT SUCH A VISIT WOULD NOT TAKE PLACE FOR AT LEAST A YEAR.
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Case Number: s199900006

Chile Project (#S199900030)
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PAGE 01 SANTIA 07811 052014Z
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C O N F I D E N T I A L SANTIAGO 7811

E.O. 12356: DECL: OADR
TAGS: SHUM, UNGA
SUBJ: 39TH UNGA: MEXICAN RESOLUTION ON CHILE, AGENDA ITEM 12

REF: A) USUN 3551, B) DLOUHY/KEANE TELCON 12/5/84

1. (C)-ENTIRE TEXT.

2. WE STRONGLY RECOMMEND THAT THE U.S. VOTE AGAINST THE MEXICAN RESOLUTION. SINCE THE BEGINNING OF THIS ADMINISTRATION THE U.S. HAS PROMOTED THE PRINCIPLE, EMBODIED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS, THAT HUMAN RIGHTS SHOULD BE DEFENDED AGAINST INFRINGEMENT WITH EQUAL VIGOR IN ALL NATIONS. CONSISTENT WITH THAT POLICY, AND WITH A POLICY OF TRYING TO THWART SOVIET ATTEMPTS TO ISOLATE REGIMES THAT ARE HOSTILE TO THE USSR, THE U.S. HAS OPPOSED SINGLING OUT SPECIFIC COUNTRIES FOR RECRIMINATION WHEN OTHER NATIONS WITH EQUALLY BAD OR GROSSLY WORSE RECORDS OF VIOLATIONS OF HUMAN RIGHTS REMAIN UNSCATHED BECAUSE THEY ARE SOVIET FRIENDS. WE AM CONVINCED THAT U.S. INTERESTS WILL BE BEST SERVED BY CONSTANCY IN ADHERENCE TO THE PRINCIPLE THAT WE DO NOT ACCEPT A DOUBLE STANDARD, IN LATIN AMERICA OR ANYWHERE ELSE.
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PAGE 02 SANTIA 07811 052014Z

3. ADMITTEDLY, CHILE HAS SUFFERED REGRESSION IN ITS RESPECT FOR FUNDAMENTAL CIVIL AND POLITICAL RIGHTS, AS IT HAS WITH RESPECT TO THE TRANSITION TO DEMOCRACY, LARGELY DUE TO THE STATE OF SIEGE. IT REMAINS TO BE SEEN HOW LONG THAT REGRESSION LASTS. THERE ARE SIGNS ALREADY OF A RELAXATION IN A FEW

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INDICATORS (E.G., REDUCTION OF THE CURFEW). WHETHER THE REGRESSION IS FLEETING OR NOT, HOWEVER, NO ONE CAN SERIOUSLY DOUBT THAT THERE ARE MANY NATIONS, PROBABLY HALF THOSE IN THE UN GENERAL ASSEMBLY, WHERE SUCH RIGHTS AND MANY OTHERS WHICH ARE STILL RESPECTED IN CHILE ARE VIOLATED TO A MUCH GREATER EXTENT AND WITH NUMBING CONSTANCY. THOSE NATIONS INCLUDE CUBA, THE USSR, POLAND AND MANY OTHERS. STRIPPED TO ITS ESSENTIALS, IT SIS ON THIS PRINCIPLE THAT THE U.S. HAS BASED ITS OPPOSITION TO SELECTIVE ATTACKS ON EL SALVADOR, ISRAEL AND CHILE, AND WE HAVE CONSISTENTLY OPPOSED A SPECIAL RAPPORTEUR ON CHILE. TO PARAPHRASE FROM THE U.S. DELEGATION STATEMENT IN DECEMBER 1982 TO THE UNGA, WE THINK THAT SINGLING OUT CHILE FOR SUCH TREATMENT IN NO WAY ADVANCES THE CAUSE OF HUMAN RIGHTS. RATHER, IT CHEAPENS THE HUMAN RIGHTS STANDARD BY ARBITRARY AND SELECTIVEINVOCATION.

4. FROM REFTELCON WE UNDERSTAND THAT THE U.S. WILL CO-SPONSOR A RESOLUTION REQUESTING THE ESTABLISHMENT OF A SPECIAL RAPPORTEUR FOR EL SALVADOR IN ORDER TO BRING ATTENTION TO THE IMPROVEMENT IN HUMAN RIGHTS OBSERVANCE IN THAT COUNTRY. WE AGREE THAT EXCEPTIONAL IMRPOVEMENT IN HUMAN RIGHTS OBSERVANCE IN EL SALVADOR SHOULD BE NOTED IN SOME WAY, AS IT SHOULD BE IN OTHER COUNTRIES SUCH AS ARGENTINA, BUT A SPECIAL RAPPORTEUR
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PAGE 03 SANTIA 07811 052014Z

DOES NOT APPEAR THE BEST WAY, NOR CONSISTENT WITH THE GENERAL POLICY. WE DO NOT SEE ANY INCONSISTENCY WITH OUR SUPPORT FOR HUMAN RIGHTS OPPOSING THE SINGLING OUT OF THE CLASS OF COUNTRIES, LATIN AMERICAN NATIONS, THAT ARE HOSTILE TO THE USSR, FOR SELECTIVE RECRIMINATION.

5. WE SHOULD ALSO BEAR IN MIND THAT CHILE HAS GENERALLY BEEN SUPPORTIVE OF U.S. POSITIONS IN THE UN AND OTHER INTERNATIONAL FORA, EVEN IN CASES WHERE ITS OWN PERCEIVED INTERESTS WERE NOT AT PLAY. SUPPORT IN SUCH CASES IS NOT NECESSARILY UN-CONDITIONAL.
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PAGE 01 SANTIA 07820 061752Z
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~~C O N F I D E N T I A L~~ SANTIAGO 7820

FOR ASSISTANT SECRETARY MOTLEY FROM AMBASSADOR THEBERGE

E.O. 12356: DECL: OADR
TAGS: PINT, PGOV, CI
SUBJECT: U.S. POLICY REVIEW: COOPERATING WITH EUROPEAN GOVERNMENTS

REF: (A) SANTIAGO 7536 (B) SANTIGO 2220

1. CONFIDENTIAL - ENTIRE TEXT.

2. WE HAVE RECEIVED SOUNDING FROM THE FRENCH, UK AND ITALIAN GOVERNMENTS IN THE PAST WEEK OR TWO CONCERNING A JOINT APPROACH TO ENCOURAGING A RETURN TO DEMOCRACY IN CHILE. THE UK AMBASSADOR SAID HE WAS INFORMED THAT DAS LOWELL KILDAY HAD MADE CONTACT WITH THE UK EMBASSY IN WASHINGTON, AND RAISED THE POSSIBILITY O A SENIOR U.S. OFFICIAL'S TRAVEL TO EUROPE TO COORDINATE SOME KIND OF A JOINT ACTION. WE HAVE NOT BEEN INFORMED BY THE DEPARTMENT OF ITS INTENTIONS OR PLANS WITH RESPECT TO SUCH JOINT ACTIN, THE EXACT NATURE OF WHICH IS UNCLEAR BOTH TO THE U.K. AMBASSADOR AND TO THIS EMBASSY. IF THERE HAS BEEN A POLICY ADOPTED ON THIS MATTER,

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PAGE 02 SANTIA 07820 061752Z

IT HAS NOT BEEN EXPLAINED TO US, ALTHOUGH WE WERE ASKED TO PROVIDE SOME PRELIMINARY VIEWS (SEE REFTEL A).

3. THE FRENCH AMBASSADOR INFORMED ME A FEW DAYS AGO THAT HE WAS NTOFIED THAT THE FRENCH EMBASSY IN WASHINGTON WAS IN CONTACT WITH THE DEPARTMENT CONCERNING

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A SIMILAR COORDINATION OF APPROACH TOWARDS CHILE

B1

THE MIR HAS BEEN RESPONSIBLE FOR THE ASSASSINATION OF CHILEAN OFFICIALS, AND NUMEROUS OTHER TERRORIST INCIDENTS FOR YEARS. ACCORDDING TO A REPORT WE RECEIVED LAST DECEMBER, LOCAL FOREIGN AMBASSADORS, INCLUDING THE AMERICAN AND BRAZILIAN AMBASSADORS, HAVE ALSO BEEN TARGETED. FRANCE'S RELATIONS WITH THE CHILEAN GOVERNMENT ARE STRAINED OVER THE ISSUE OF SUPPORT FOR THE MIR AND THE GENERALLY HOSTILE POSTURE ADOPTED TOWARDS THE PINOCHET GOVERNMENT.

3. IN LIGHT OF THE STRONG PUBLIC CONDEMINATION OF INTERNATIONAL TERRORISM BY PRESIDENT REAGAN AND SECRETARY SHULTZ, THE EXTENSIVE DAMAGE DONE BY TERRORIST TO U.S. LIVES AND PROPERTY, AND THE SECRETARY'S COMMITMENT TO TAKING ACTION AGAINST

ANTI-U.S. TERRORISTS, IT IS NOT READILY COMPREHENSIBLE WHY THE DPARTMENT IS IN CONTACT WITH THE FRENCH GOVERNMENT CONCERNING SOME KIND OF JOINT APPROACH TO CHILE WHEN THIS SAME FRENCH GOVERNMENT HAS BEEN SUPPORTING (AND LIKELY CONTINUES TO DO SO IN PARIS THOUGH APPARENTLY NOT IN SANTIAGO) THE CUBAN-TRAINED TERRORIST MIR, AT THE VERY MOMENT WHEN THE CHILEAN GOVERNMENT IS ENGAGED N AN OPEN WAR AGAINST THE MIR AND OTHER TERRORIST GROUPS. WE ARE IN COMPLETE AGREEMENT WITH THE PRESIDENT AND SECRETARY ON THE NEED FOR ANTI-TERRORIST ACTIOM. IT IS NOT AT ALL APPARENT, HOWEVER, NOW COOPERATION WITH FRANCE, WHOSE RELATIOS WITH CHILE ARE STRAINED, WILL ADVANCE THIS PARTICULAR U.S. INTERST, OR U.S. INTEREST IN FOSTERING A DEMOCRATIC TRANSITION IN CHILE.

4. IN ORDER FOR THIS EMBASSY TO EFFECTIVELY COORDINATE US RELATIONS WITH REPRESENTATIVES OF THE EUROPEAN GOVERNMENTS, IT IS ESSENTIAL THAT THE DEPARTMENT

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E.O. 12958, as amended
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Case Number: 1999.0006

KEEUP US CLOSELY INFORMED NOT ONLY OF CONTACTS WITH EUROPEAN EMBASSIES IN WASHINGTON BUT ALSO WHETHER OR NOT A POLICY DECISION HAS BEEN MADE TO ATTEMPT TO COORDINATE POLICY TOWARDS CHILE, EITHER WITH INDIVIDUAL EUROPEAN COUNTRIES OR WITH THE EUROPEAN COMMUNITY AS A WHOLE. THE ONLY RELIABLE PARTNERS WITH WHICH WE BELIEVE SOME REASONABLE CONSTRUCTIVE POLICY COORDINATION COULD BE POSSIBLE ARE THE GOVERNMENTS OF THE UNITED KINGDOM AND THE FEDERA GERMAN REPUBLIC.

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TO AMEMBASSY SANTIAGO IMMEDIATE
INFO AMEMBASSY BONN IMMEDIATE
AMEMBASSY LONDON IMMEDIATE
AMEMBASSY PARIS IMMEDIATE

~~S E C R E T~~ STATE 359333
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E.O. 12356: DECL: OADR
TAGS: PREL, SHUM, ECON, CI, US
SUBJECT: ASSISTANT SECRETARY MOTLEY'S NOVEMBER 30 MEETING WITH CHILEAN AMBASSADOR

1. ~~SECRET~~ ENTIRE TEXT.

2. CHILEAN AMBASSADOR HERNAN FELIPE ERRAZURIZ WAS SUMMONED TO DEPARTMENT NOVEMBER 30 TO MEET WITH ARA ASSISTANT SECRETARY MOTLEY. MOTLEY MADE CLEAR TO ERRAZURIZ THAT THE UNITED STATES IS CONCERNED ABOUT THE CURRENT SITUATION IN CHILE AND THAT THIS SITUATION IS IMPACTING ON RELATIONS WITH THE U.S.

3. MOTLEY TOLD ERRAZURIZ THAT, NOTWITHSTANDING THE DETERIORATION OF CONDITIONS IN CHILE, IN THE LAST TWO WEEKS THE UNITED STATES HAD VOTED IN FAVOR OF TWO LOANS

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PAGE 02 STATE 359333

FOR CHILE IN THE INTER-AMERICAN DEVELOPMENT BANK. WE CHOSE DELIBERATELY NOT TO EMULATE THE PRIOR ADMINISTRATION AND TO BASE OUR VOTES ON ECONOMIC CRITERIA.

4. MOTLEY ALSO ADVISED ERRAZURIZ THAT FOLLOWING CONSULTATIONS WITH THE DEPARTMENT, THE EXIMBANK BOARD

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APPROVED ONE LOAN GUARANTEE FOR CHILE (32 TRUCKS FOR CODELCO) AND DEFERRED A SECOND LOAN GUARANTEE (MICROWAVE COMMUNICATIONS FOR THE MINISTRY OF DEFENSE).

5. ERRAZURIZ WAS BEING ADVISED OF THIS SITUATION BECAUSE WE WANT THE GOC TO KNOW THAT THE SITUATION THAT HAS BEEN CREATED IS GOING TO HAVE AN IMPACT ON OUR ABILITY TO DEAL WITH THE GOC. FOR EXAMPLE, CHILE IS GOING TO BECOME A MAJOR ISSUE IN THE CONGRESS, UNLESS THERE ARE SIGNIFICANT CHANGES IN CHILE;

THAT CONGRESS IS GOING TO FOCUS MORE AND MORE ON CHILE, WHICH MEANS CONTINUING PROBLEMS FOR CONSTRUCTIVE U.S.-CHILEAN RELATIONS.

6. NEXT, MOTLEY SAID HE WANTED ERRAZURIZ TO KNOW THAT THE GOC WAS MISINFORMED IN EXPELLING UPI BUREAU CHIEF ANTHONY BOADLE. THE UPI STORY THAT WAS SENT OUT WAS SENT TO THEIR DESK, NOT THEIR SUBSCRIBERS, AND THE DRAFT REPORT WAS KILLED IN JUST A FEW MINUTES AFTER THE FACTS WERE ESTABLISHED. MOTLEY SAID THAT CHILE WILL LOSE THE BATTLE IF IT PICKS A FIGHT WITH THE INTERNATIONAL PRESS.

7. MOTLEY THEN ADVISED ERRAZURIZ THAT WE ARE OBLIGATED UNDER U.S. LAW TO CONCERN OURSELVES WITH THE SAFETY OF AMERICAN TRAVELLERS TO CHILE. IN LIGHT OF THE SITUATION CREATRED UNDER THE STATE OF SIEGE, WE WANTED THE GOC TO

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PAGE 03 STATE 359333

KNOW THAT, UNLESS THE STATE OF SIEGE WERE LIFTED VERY SOON, WE WOULD FEEL COMPELLED TO ISSUE A TRAVEL ADVISORY FOR CHILE. WE ARE NOT TRADING OR BARGAINING WITH THE GOC ON THIS POINT. WE DID WANT THE GOC TO KNOW, HOWEVER, THAT OUR FLEXIBILITY HAS BEEN REDUCED.

8. THE GOC SHOULD NOT TAKE THIS STEP AS A THREAT. THE U.S. WANTS TO HELP IMPROVE THE SITUATION, NOT PLACE ADDITIONAL BURDENS ON THOSE WORKING TO ALLEVIATE THE PROBLEMS. ARA PRINCIPAL DEPUTY ASSISTANT SECRETARY MICHEL WAS MEETING WITH GOC OFFICIALS AND OTHERS IN SANTIAGO IN THAT SPIRIT.

9. HOWEVER, WE WANTED THE GOC TO KNOW THAT THE STEPS TAKEN BY THE GOC RECENTLY ARE IN OUR VIEW COUNTERPRODUCTIVE . THEY COULD BE TAKEN STRAIGHT OUT OF A SCRIPT WRITTEN BY CASTRO. THE CUBANS WANT TO PUSH REGIMES INTO TAKING REPRESSIVE COUNTERMEASURES. PINOCHET IS READING FROM CASTRO'S SCRIPT. THE SCENARIO BEING

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PLAYED OUT IN CHILE IS THE SAME AS WE HAVE SEEN ELSEWHERE IN THE REGION, IN WHICH THE CENTER HAS BEEN SQUEEZED OUT.

10. WE RECOGNIZE THAT EVENTS IN CHILE ARE INTERNAL MATTERS. WE ALSO DO NOT NEED TO EXPLAIN AGAIN TO THE GOC WHERE WE STAND IDEOLOGICALLY. HOWEVER, WE WANTED THE GOC TO HAVE NO DOUBT ABOUT OUR VIEWS.

11. ERRAZURIZ RESPONDED BY DISAVOWING STEPS TAKEN AGAINST THE MEDIA. HE REMINDED MOTLEY THAT DURING THE ENTIRE TIME HE WAS SECRETARY GENERAL OF GOVERNMENT HE DID NOT TOUCH ONE NEWSPAPER OR MAGAZINE. HE RECOUNTED SEVERAL INSTANCES OF PROBLEMS THAT WERE WORKED OUT QUIETLY, BEHIND THE SCENES. THE UPI PROBLEM HE HOPED WOULD BE WORKED OUT DURING THE VISIT DECEMBER 4 OF A UPI REPRESENTATIVE TO SANTIAGO. THE PRESS SITUATION THAT THE GOVERNMENT HAD CREATED WAS A MESS AND STUPID.

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PAGE 04 STATE 359333

12. DESPITE THE NEGATIVE PERSPECTIVE, ERRAZURIZ SAID THAT HE FELT THIS WAS AN AUSPICIOUS MOMENT TO TRY TO MAKE SOMETHING GOOD HAPPEN. AS HE HAD DONE IN THREE PREVIOUS MEETINGS OVER THE PAST THREE WEEKS, ERRAZURIZ ENDORSED THE STATE OF SIEGE AS NECESSARY TO COMBAT THE GROWING TERRORIST PROBLEM. HE AGAIN REFERRED TO VAGUE PLANS BY PRESIDENT PINOCHET FOR A "PLANNED DECOMPRESSION" OVER THE COMING WEEKS. STOPPING THE PROTESTS WILL HELP GET THIS DECOMPRESSION UNDERWAY. ERRAZURIZ REMINDED MOTLEY THAT HE HAD GONE TO SANTIAGO TO GAUGE THE SITUATION FOR HIMSELF AND HAD URGED PINOCHET TO "DECOMPRESS."

13. ERRAZURIZ ACCEPTED THAT IT WAS UP TO THE CHILEANS THEMSELVES TO STRAIGHTEN OUT THE SITUATION. HE ACCEPTED THAT THE CHILEAN COMMUNIST PARTY WANTS THE STATE OF SIEGE MAINTAINED INDEFINITELY AND THAT IT WAS UP TO THE GOC TO DECIDE WHETHER IT WOULD PLAY THIS GAME OR NOT. NEVERTHELESS, ERRAZURIZ FELT THAT THE SECURITY SITUATION WAS BETTER THAN IT WAS TWO YEARS AGO. THE COST HAS BEEN HIGH IN TERMS OF CHILE'S INTERNATIONAL POSITION. THE GOC JUDGED THE OUTCOME WORTH THIS COST.

14. MOTLEY WELCOMED ERRAZURIZ' JUDGEMENT THAT THIS WAS A GOOD TIME FOR SOME POSITIVE STEPS TO BE TAKEN. HE TOLD ERRAZURIZ THAT WE AWAIT FIRM INDICATIONS OF SUCH STEPS. WE FULLY AGREE THAT SOME "DECOMPRESSION" IS NEEDED IN CHI E.

15. WE RECOGNIZED THAT SOME IN THE GOC THINK THINGS ARE

MOVING TOO FAST, WHILE THE OPPOSITION THINKS THINGS ARE MOVING TOO SLOW. WE WERE NOT DICTATING TO THE GOC WHAT IT SHOULD DO. WE WERE, HOWEVER, MAKING CLEAR WHAT IS

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PAGE 05 STATE 359333

LIKELY TO HAPPEN, PARTICULARLY WHEN THE CONGRESS COMES BACK INTO SESSION, UNLESS THERE ARE SOME MAJOR

IMPROVEMENTS.

16. ERRAZURIZ SAID THAT HE DID NOT UNDERSTAND WHY WE WOULD ISSUE A TRAVEL ADVISORY AFTER THE PROTESTS HAVE BEEN STOPPED, WITH NO DEATHS FOR THE FIRST TIME IN ALL THE PROTESTS OVER THE PAST YEAR AND A HALF. HE ASKED WHETHER WE WERE GOING TO ISSUE TRAVEL ADVISORIES FOR PERU AND BOLIVIA GIVEN THE STRIKES THERE. MOTLEY RESPONDED THAT THE STATE OF SIEGE IN CHILE WAS AN ACT TAKEN IN A POLITICAL CONTEXT, BUT WHICH HAS REPERCUSSIONS FOR THE SAFETY OF U.S. CITIZENS.

17. ERRAZURIZ ASKED IF THE U.S. WAS IN CONTACT WITH THE CATHOLIC CHURCH ON THE PROBLEM IN CHILE. MOTLEY SAID THAT WE HAD NOTHING TO REPORT TO HIM ON THIS ISSUE AT THIS TIME BUT WE RECOGNIZE THAT THE CHURCH IS A KEY ELEMENT IN THE CURRENT EQUATION.

18. ERRAZURIZ DISPARAGED THE OPPOSITION POLITICAL LEADERSHIP AT LENGTH, SAYING THAT THEY HAVE LEARNED NOTHING IN THE PAST TEN YEARS. THE ISSUES CONFRONTING CHILE TODAY ARE THE SAME AS IN 1970, PRIVATE PROPERTY AND THE ROLE OF THE COMMUNISTS. HE DID NOT EXPECT MUCH FROM THESE PARTY LEADERS, EXCEPT THAT THEY WOULD CONTINUE TO FIGHT WITH EACH OTHER.

19. ERRAZURIZ ENDED THE CONVERSATION BY SAYING THAT EIGHTEEN MONTHS AGO SOME IN THE GOVERNMENT THOUGHT THAT THE ECONOMIC CLIMATE WOULD IMPROVE, PERMITTING POLITICAL MOVEMENT. ALL HAVE NOW CONCLUDED THAT THIS POLITICAL MOVEMENT IS GOING TO HAVE TO TAKE PLACE UNDER DIFFICULT ECONOMIC CIRCUMSTANCES. THE GOC HAD TRIED TO RATIONALIZE THE PRIVATE SECTOR IN ODER TO GIVE THE GENERAL POPULATION

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PAGE 06 STATE 359333

SOME STAKE IN THE SYSTEM WORTH DEFENDING. NOW THEY

CONFRONT A DIFFICULT ECONOMIC SITUATION, MONEY FLOWING FREELY INTO CHILE TO THE COMMUNISTS, 1800 TERRORIST INCIDENTS THIS YEAR AND CONTINUED POVERTY FEEDING BOTH. HE CONCLUDED THAT THE GOC HAD TO DO MORE, BUT THAT THE SITUATION WAS DIFFICULT.

20. MOTLEY URGED THAT THE GOC TAKE STEPS NOW WHICH WOULD BE BENEFICIAL TO OUR COMMON INTERESTS, BEFORE CHILE BECOMES EVEN MORE ISOLATED.
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El Salvador: Human Rights
Special Project (1993)

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PAGE 01 SAN SA 14750 01 OF 07 080116Z
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INFO	OCT-00	COPY-01	ADS-00	AID-00	INR-10	SS-00	CIAE-00
DODE-00	H-01	NHO-01	IO-15	NSC-01	ARA-00	NSAE-00	
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FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC PRIORITY 0962
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HEIGHTS PN
USIA WASHDC 3959
USAFSO HOWARD AFB PN//LAI

[redacted] SECTION 01 OF 07 SAN SALVADOR 14750

USIA FOR AR AND P/CENTAM
DEPT PASS EUR AND ARA POSTS AS DESIRED

E.O. 12356: N/A
TAGS: PGOV, PREL, ES, SHUM, IC, SREF
SUBJECT: FIRST HUMAN RIGHTS CONGRESS OF EL SALVADOR, NOVEMBER 21-23, 1984

1. SUMMARY: THE "FIRST HUMAN RIGHTS CONGRESS OF EL SALVADOR" WAS HELD IN SAN SALVADOR FROM NOVEMBER 21-23 AND ATTENDED BY SOME 400 SALVADORAN AND INTERNATIONAL GUESTS. THE THEME OF THIS HIGHLY POLEMICAL AND SUPERBLY ORCHESTRATED PRODUCTION WAS UNYIELDING OPPOSITION TO THE DUARTE GOVERNMENT AND TO U.S. ECONOMIC AND MILITARY [redacted]

PAGE 02 SAN SA 14750 01 OF 07 080116Z

SUPPORT TO EL SALVADOR. THE SPEAKERS IGNORED THAT HAVING SUCH A CONGRESS OPENLY AND FREELY IN EL SALVADOR IS IN ITSELF A LANDMARK EVENT. THE FOREIGN DELEGATES WERE TREATED TO 3 DAYS OF INDOCTRINATION BY PRO-FMLN AND FMLN FRONT GROUPS WHOSE SOLE PURPOSE WAS TO USE THE HUMAN RIGHTS ISSUE AS COVER FOR A BLATANTLY POLITICAL AGITATION AND PROPAGANDA EXERCISE.

THE SPEAKERS USED DATED AND GRUESOME VIDEOS TO DRAMATIZE THEIR CLAIMS, (SOME OF THE FOOTAGE WAS FMLN PRODUCED). THEY CHOSE TO IGNORE TOTALLY THE DRAMATIC DECLINE IN POLITICAL KILLINGS FROM 1980 TO THE PRESENT; THE PRAISEWORTHY EFFORTS BY THE SECURITY FORCES TO CONFORM WITH INTERNATIONALLY ACCEPTED STANDARDS OF HUMAN RIGHTS, THE WORK OF THE OFFICIAL SALVADORAN HUMAN RIGHTS COMMISSION, AND THE EFFORTS THE SALVADORAN MILITARY IS MAKING IN THE HUMAN RIGHTS FIELD. THE REPEATED BITTER ATTACKS AGAINST THE SALVADORAN GOVERNMENT WERE NOT COUNTERBALANCED BY EVEN PASSING REFERENCE TO GUERRILLA ATROCITIES. END SUMMARY.

2. THE "FIRST HUMAN RIGHTS CONGRESS OF EL SALVADOR" WAS HELD IN SAN SALVADOR ON NOVEMBER 21-23, 1984 UNDER THE AUSPICES OF THE NON-OFFICIAL HUMAN RIGHTS COMMISSION (CDHES-COMISION DE DERECHOS HUMANOS DE EL SALVADOR, NO GUBERNAMENTAL). ACCORDING TO INFORMATION PROVIDED BY CDHES, SOME 350 INTERNATIONAL AND NATIONAL GROUPS WERE REPRESENTED. PRESIDING OVER THE OPENING CEREMONY WERE: DR. FERNANDO AUGUSTO MENDEZ, VICE PRESIDENT OF CDHES; LEON ROLDO, EX-VICE PRESIDENT OF ECUADOR; MARJORIE TUITTE, HUMAN RIGHTS REPRESENTATIVE OF THE US NATIONAL COUNCIL OF CHURCHES AND CHURCHWOMEN; MARIA JULIA HERNANDEZ, REPRESENTATIVE OF THE CATHOLIC [redacted]

PAGE 03 SAN SA 14750 01 OF 07 080116Z

CHURCH'S LEGAL AIDE OFFICE, WHO EXTENDED THE ARCHBISHOP'S GREETINGS TO THE MEMBERS OF THE CONGRESS; MARICLAIRE ACOSTA, FROM THE MEXICAN HUMAN RIGHTS ACADEMY; ANTONIO TENORIO, FROM THE INSTITUTIONAL REVOLUTIONARY PARTY OF MEXICO (PRI), DANNYS FONTAINE, OF THE INTERDOMINATIONAL COMMITTEE ON HUMAN RIGHTS OF CANADA; AND JEANETTE HAMBY, REPUBLICAN STATE SENATOR FROM OREGON.

[redacted] THE APPROXIMATELY 75 U.S. DELEGATES FROM 15 STATES

[redacted] UNCLASSIFIED

Department of State IE/FPC/CDR El Salvador SP Date 9/23/93
Declassified under EO 12356 (X) in full; ( ) in part;
portions withheld: classified ( ); deliberative ( );
law enforcement ( ); privacy ( ), statutory ( );
not relevant to El Salvador ( ).

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El Salvador Human Rights
Special Project (1992)

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WERE A MIXTURE OF RELIGIOUS AND LAY PERSONS SOME OF WHOM ARE INVOLVED IN THE "SANCTUARY" MOVEMENT FOR SALVADORANS ILLEGALLY IN THE U.S. THE DIRECTORS OF THE CENTRAL AMERICAN REFUGEE CENTER (CARECEN) WERE PRESENT AS WELL AS ATTORNEYS WHO SPECIALIZE IN GAINING AMNESTY FOR THEIR CLIENTS. SOME OF THE GROUPS REPRESENTED INCLUDED THE NATIONAL LAWYER'S GUILD, THE ORGANIZATION OF VETERANS AGAINST THE WAR, CENTRAL AMERICAN REFUGEE CENTER (WASH DC) EAST BAY SANCTUARY CHURCHES (BERKELEY), EL RESCATE (LOS ANGELES) IFCO,(NEW YORK) CENTRO PASTORAL LATINOAMERICANO, (SAN FRANCISCO), COALITION FOR PUBLIC SANCTUARY (CINCINNATI), ARCHBISHOP ARNULFO ROMERO RELIEF FUND (LOS ANGELES). MEMBERS OF THE LOCAL, U.S. AND EUROPEAN PRESS COVERED THE EVENT.

3. THE VICE PRESIDENT OF COHES, DR. MENDEZ AND MARIA JULIA HERNANDEZ OF THE CHURCH LEGAL AIDE OFFICE (TUTELA LEGAL) WELCOMED THE ATTENDEES TO THE CONFERENCE. DR. MENDEZ SET THE TONE OF THE CONGRESS BY ASSERTING THAT PRESIDENT REAGAN IS RESPONSIBLE FOR DEEPENING THE WAR BY SEEKING A MILITARY SOLUTION RATHER THAN A NEGOTIATED PEACE. ACCORDING TO MENDEZ, COHES WAS MOTIVATED TO ORGANIZE THE CONGRESS BECAUSE OF THE CONTINUING HUMAN RIGHTS VIOLATIONS IN EL SALVADOR, THUS ALLOWING THE DELEGATES TO SEE FOR THEMSELVES

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PAGE 04 SAN SA 14750 01 OF 07 080116Z

NOTE BY OC/T: NOT PASSED EUR AND ARA POSTS.

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PAGE 01 SAN SA 14750 02 OF 07 080117Z
ACTION HA-08

INFO OCT-00 CORY-01 ADS-00 AID-00 /INR-10 SS-00 CIAE-00
DODE-00 H-01 /HHO-01 IO-15 /NSC-01 ARA-00 NSAE-00
SY-06 L-03 /TRSE-00 PM-10 /PA-01 HCT-03 IED-01
ONDE-01 OMB-04 /RPE-10 A-02 SP-02 SR-06 SNP-01
PRS-01 /SEPO-01 ISPO-02 /094 W
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P 080102Z DEC 84
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC PRIORITY 0963
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HEIGHTS PN
USTACOM SHDG 3956
USAFSOC HURLBURT AFB FL
[redacted] SECTION 02 OF 07 SAN SALVADOR 14750

USIA FOR AR AND SP/CENTAM
DEPT PASS EUR AND ARA POSTS AS DESIRED

E.O. 12356: N/A
TAGS: PGOV, PREL, ES, HUM, IGNS, REF
SUBJECT: FIRST HUMAN RIGHTS CONGRESS OF EL SALVADOR; THAT REPRESSION IS FELT ALL OVER ON A MASSIVE SCALE; HE CALLED UPON THE DELEGATES TO END THE CONGRESS WITH PROPOSALS THAT WILL BRING PEACE

4. GREETINGS AND BEST WISHES FOR THE SUCCESS OF THE CONGRESS WERE READ TO THE DELEGATES FROM THE FOLLOWING: THE MINISTER OF INTERIOR OF ELSALVADOR; THE NATIONAL CONFERENCE OF WORKERS OF NORWAY AND LABOR COMMITTEE; CONFIDENTIAL

PAGE 02 SAN SA 14750 02 OF 07 080117Z

A GROUP OF STUDENTS AT NEW YORK UNIVERSITY, HANDS UNITED CAMPAIGN AGAINST HUNGER; THE VENEZUELAN

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El Salvador: Human Rights
Special Project (1993)

EVANGELICAL COMMITTEE FOR JUSTICE, THE CARACAS UNIVERSITY PARISH OF THE EPIPHANY, THE VICE PRESIDENT OF SOCIALIST INTERNATIONAL, AND ED BROADBENT, MEMBER OF PARLIAMENT FROM CANADA.

IN HIS HOMILY OF NOVEMBER 25 ARCHBISHOP RIVERA Y DAMAS BLESSED THE CONGRESS AND WISHED IT EVERY SUCCESS. HE SENT THE FOLLOWING MESSAGE: "SETTING ASIDE THE PROPAGANDA OBJECTIVES THAT SOME MAY HAVE...I CONSIDER THE STAGING OF A HUMAN RIGHTS CONGRESS HERE, TODAY, IN EL SALVADOR AN INDICATION THAT PEACE CAN OVERCOME WAR, THAT THE DIGNITY OF MAN WILL OVERCOME VIOLENCE..I HOPE THAT...HUMAN RIGHTS WILL BE RESPECTED EVERYWHERE, IN EL SALVADOR OR NICARAGUA, IN CHILE OR IN POLAND. THIS IS THE ONLY WAY THAT I SEE THE PROMOTION AND DEFENSE OF HUMAN RIGHTS MAKES SENSE."

5. THE AMBIANCE: THE CONGRESS TOOK PLACE IN THE MODERATELY PRICED HOTEL ALAMEDA LOCATED IN DOWNTOWN SAN SALVADOR. ALL PARTICIPANTS WERE REQUIRED TO HAVE THEIR INVITATIONS IN HAND AND TO REGISTER AT THE DOOR. EACH PERSON WAS GIVEN A PLASTIC IDENTIFICATION TAG, A BANNER AND POSTER, ALL FEATURING THE CONGRESS IN AN EYE CATCHING FLOURESCENT ORANGE. THE PARTICIPANTS WERE SEATED IN THE HOTEL'S BALLROOM, WHICH WAS EQUIPPED WITH AN EXCELLENT SOUND SYSTEM. APPROXIMATELY 300 PEOPLE WERE SEATED BEFORE THE PODIUM, OVER WHICH HUNG A GOLD AND SILVER SIGN STATING "THE FIRST CONGRESS OF HUMAN RIGHTS IN EL SALVADOR." ALL THE ADMINISTRATIVE DETAILS OF THE CONGRESS WERE FIRST CLASS, THE DECOR WAS EXCELLENT AND THE ID CARDS, BANNERS, AND POSTERS

WERE PROFESSIONALLY PRODUCED. EXCELLENT LUNCHES, AND SUPERB COFFEE BREAK PASTRIES WERE AVAILABLE FOR ALL ATTENDEES GRATIS. ALL THE PRESENTATIONS WERE SIMULTANEOUSLY TRANSLATED BY AN AMERICAN REPRESENTATIVE OF RESCATE. THE WRITTEN TEXTS OF EACH TALK WERE ALSO HANDED OUT IN ENGLISH AND SPANISH.

6. THE FEELING WITHIN THE GROUP WAS ELECTRIC. EMOTIONAL SPEECHES, GRISLY VIDEO PRESENTATIONS, PLAINTIVE SONGS, COMBINED WITH GRAPHIC PHOTOGRAPHS OF MUTILATED CADAVERS (THE SAME PHOTOS TUTELA LEGAL HAS FOR YEARS DISPLAYED TO VISITORS), HELPED FOSTER AN INTENSE FEELING OF FEAR AMONG THE PARTICIPANTS. FOREIGN DELEGATES REPORTED THAT DEATH SQUADS WERE CIRCLING THE HOTEL IN VANS WITH DARKENED WINDOWS. (COMMENT: THIS REPORT WAS CLEARLY A FLIGHT OF FANCY ON THE PART OF SOME OF THE US DELEGATES WHO WERE UNACCUSTOMED TO SEEING VEHICLES WITH DARKENED WINDOWS AND ARMED BODYGUARDS IN CITY STREETS. IT IS ENTIRELY POSSIBLE THAT NERVOUS DELEGATES MISTOOK POLOFF'S OWN ARMORED EMBASSY VEHICLE AND GUARD AS A "ROVING DEATH SQUAD". ONE DELEGATE REPORTED SEEING A "MOBILE TORTURE VAN".)

7. THE UNFORTUNATE AND TRAGIC ASSASSINATION AND MUTILATION OF THE LUTHERAN PASTOR DAVID ERNESTO FERNANDEZ ESPINO DURING THE CONGRESS FURTHER FUELED THE ALREADY HIGH LEVEL OF ADRENALIN AMONG THE PARTICIPANTS. ALMOST EVERY PRESENTATION WAS GREETED WITH AN ENTHUSIASTIC STANDING OVATION. (POLOFF WAS CONSPICUOUS AS THE ONLY PERSON WHO REMAINED SEATED.) FEAR REACHED A PEAK WHEN SEVERAL DELEGATES WHO LEFT THE CONGRESS EARLY HAD THEIR PAPERS CONFISCATED BY IMMIGRATION AUTHORITIES. GOES AUTHORITIES EVENTUALLY AGREED THAT THE CONFERENCE DOCUMENTS COULD LEAVE THE

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Special Project (199

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SY-06 L-03 TRSE-00 PM-10 PA-01 MCT-03 ED-04
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O 080102Z DEC 84
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC PRIORITY 0964
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HEIGHTS PN
USIA WASHDC 3957
USAFSO HOWARD AFB PN//LAI

[redacted] SECTION 03 OF 07 SAN SALVADOR 14750

USIA FOR AR AND P/CENTAM
DEPT PASS EUR AND ARA POSTS AS DESIRED

E.O. 12356: N/A
TAGS: PGOV, PREL, ES, SHUM, IC, SREF
SUBJECT: FIRST HUMAN RIGHTS CONGRESS OF EL SALVADOR,

COUNTRY WITHOUT BEING CONFISCATED. (COMMENT:
COL. GOLCHER, DIRECTOR OF THE TREASURY POLICE WHICH
CONTROLS IMMIGRATION INFORMED POLOFF THAT THE INCIDENT
OCCURRED WHEN AN IMMIGRATION AGENT SAW THE POSTERS
AND LITERATURE IN ENGLISH WITH "FMLN" SPRINKLED ON
THE PAGES. END COMMENT.)

[redacted]

PAGE 02 SAN SA 14750 03 OF 07 080118Z

9. (U) THE FORMAT OF THE CONGRESS WAS PRESENTATION
OF PAPERS IN THE MORNING AND WORKSHOP IN THE AFTERNOON,

[redacted]

INTERSPERSED WITH SONGS, VIDEOS, AND ONE PUPPET SHOW.
ONE OF THE MOST MOVING PRESENTATIONS WAS THE FILM
PRESENTATION PRODUCED BY COHES ENTITLED "OUR VOICE
WILL NEVER BE QUIETED". THE FILM BEGAN WITH SHOTS
OF PEASANTS CUTTING CANE, THEN A DRAMATIC SWITCH TO A
CADAVER, FOLLOWED BY A QUICK PANNING OF MEMBERS OF THE
SALVADORAN ARMY DRESSED IN CAMOUFLAGE WITH DARKENED
FACES. THE NARRATION STATED "THE ARMY SUPPORTED BY THE
US HAS WIPED OUT ENTIRE VILLAGES..., THE SOLDIERS' FACES
ARE DARKENED TO MAKE THEM UNKNOWN TO THE CIVILIAN
POPULATION." SWITCH TO EXECUTIONS AGAINST A WALL,
COMMENTARY: "IN THE CITY THE ARMED FORCES ACTS AS
DEATH SQUADS". (COMMENT: POLOFF RECENTLY SAW THIS
EXACT SEGMENT IN A RADIO VENCEREMOS PRODUCED FILM.
END COMMENT.)

THE FILM CONTINUES WITH INTERVIEWS OF PEASANTS DESCRIBING
CRUEL ATROCITIES PERPETRATED AGAINST THEM BY THE ARMED
FORCES. THIS SEGMENT WAS FILMED OUTSIDE OF EL SALVADOR.
EACH NARRATION WAS PUNCTUATED BY SHOTS OF MUTILATED
CORPSES. SWITCH TO FACE OF ARCHBISHOP ROMERO, FOLLOWED
BY A SCENE WITH A WOMAN CLAIMING SHE SAW CHEMICAL BURNS
AND WOMEN AND CHILDREN SHOT IN THE HEAD AND WITH THEIR
THROATS CUT. SWITCH TO A STREET DEMONSTRATION
NOVEMBER 22, 1980, BODIES IN THE STREET, A LINE OF
COFFINS, AT A CEMETERY CRYING CHILDREN, AND CHILDREN
SURROUNDING A GRAVE. SEVERAL GRUESOME SHOTS WERE
INTERPOSED OF THE BODY OF MARIANELLA GARCIA VILLA, WITH
THE COMMENTARY THAT SHE WAS KILLED WHILE INVESTIGATING
THE USE OF CHEMICAL WARFARE. (COMMENT: IN FACT,
SHE WAS KILLED WHEN AN ARMED GUERRILLA COLUMN SHE WAS

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PAGE 03 SAN SA 14750 03 OF 07 080118Z

TRAVELLING WITH WAS AMBUSED BY AN ARMY UNIT, SEE
SAN SALVADOR AIRGRAM A-53, NOV. 23, 1983): CAMERA SHOTS
OF MANUEL RAMIREZ, COHES SPOKESMAN, WHO COMMENTED THAT
IN SPITE OF COHES' EFFORTS TO EXPLAIN THE SITUATION TO
U.S. OFFICIALS AND CONGRESSMEN, THE U.S. CONTINUES
THE WAR, CAUSING TERROR AND VIOLENCE. FLASH TO U.S.
TRAINERS, ARTILLERY FIRE AND DRAMATIC BOMBING SEQUENCES
WITH SHOTS OF A SINGLE PLANE AND HUGE PILLARS OF BLACK
SMOKE. A GREEN CROSS MEMBER IS SHOWN, PEOPLE ARE
FLEEING, FIRE RAGING AND SIRENS SCREAMING. CUT TO A
DEMONSTRATION IN FRONT OF THE U.S. EMBASSY IN MEXICO.

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THE CONFERENCE MEMBERS GREETED THE FILM WITH A LOUD AND ENTHUSIASTIC STANDING OVATION. THERE WERE FEW DRY EYES AMONG THE FOREIGN DELEGATES.

9. THIS FILM PRESENTATION WAS FOLLOWED BY ONE ON ARCHBISHOP ROMERO'S DEATH. IT FEATURED EXCERPTS FROM HIS SERMONS AS BACKGROUND TO THE VIDEO SEGMENT WHICH FEATURED CADAVERS IN THE STREETS, THE GRUESOME OLD FOOTAGE OF A STUDENT BEING SHOT AT THE NATIONAL UNIVERSITY BY A PERSON IN UNIFORM. CUT TO AN ARMORED PERSONNEL CARRIER AND WOMEN CRYING--ROMERO'S VOICE IN THE BACKGROUND CALLS AFTER THE NATIONAL POLICE, NATIONAL GUARD AND ARMY NOT TO KILL THEIR OWN COUNTRYMEN.

A PUPPET SHOW WAS PRODUCED BY THE ASSOCIATION OF WORKERS IN ART AND CULTURE IN WHICH A GREEN BIRD SYMBOLIZING THE POC SAID"I'M WEARING THESE DARK GLASSES SO AS NOT TO BE RECOGNIZED, BUT NOW I FEEL AT HOME SEEING SO MANY FAMILIAR FACES." THE BIRD THEN SHOWED OFF HIS RED BEAK AND HANDS. SEVERAL SONGS WERE SUNG WITH EXCELLENT VOICE AND GUITAR. ONE FEATURED THE SAD LIFE OF A POLITICAL PRISONER AND ANOTHER REFERRED TO AN ALLEGED MILITARY MASSACRE OF CIVILIANS.

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SECTION 04 OF 07 SAN SALVADOR 14750

USIA FOR AR AND P CENTAM
DEPT PASS EUR AND ARA POSTS AS DESIRED
E.O. 12356: N/A
TAGS: PGOV, PREL, ESTC, SHUM, PTC, SREF
SUBJECT: FIRST HUMAN RIGHTS CONGRESS OF EL SALVADOR

10. THE FIRST PAPER PRESENTED TO THE CONGRESS WAS FROM THE COMMITTEE OF POLITICAL PRISONERS OF EL SALVADOR (COPPES), WHICH IS CLOSELY ADDICTED WITH THE MOTHERS COMMITTEE AND THE FDHN. THEIR STATEMENT ENTITLED "THE CAPTURE OF CIVILIANS IN EL SALVADOR AND HUMAN RIGHTS" WAS IN PART READ TO THE DELEGATES BY THE MOTHERS COMMITTEE. THE REPORT CITED THE CLAIMED
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INJUSTICES OF PENAL AND JUSTICE SYSTEMS. IN ITS CONCLUSIONS, THE REPORT STATED THAT THE ROOT OF THE

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El Salvador: Human Rights
Special Project (1993)

PROBLEM IS THAT DEMOCRACY DOES NOT EXIST IN EL SALVADOR. IT STATED "..IN ORDER FOR A JUDICIAL POWER TO EXIST IN EL SALVADOR THAT IS JUST...IT IS NECESSARY AND URGENT THAT A GOVERNMENT BE FORMED WHICH REPRESENTS THE POPULAR MAJORITIES, IT IS NECESSARY TO FORM AND CONSOLITATE AN AUTHENTICALLY DEMOCRATIC GOVERNMENT." ACCORDING TO COPPES, ALTHOUGH SOME IMPROVEMENTS HAVE BEEN SEEN IN THE NATIONAL POLICE'S FOLLOWING OF ARREST PROCEDURES, THESE IMPROVEMENTS HAVE LOST ALL VALUE IN VIEW OF MASSACRES AND BOMBINGS OF THE CIVILIAN PEASANT POPULATION AND OBLIGATORY DISPLACEMENT OF THE POPULATION. COPPES ADDS THAT ALL IMPROVEMENTS ARE MOMENTARY AND HAVE BROUGHT ABOUT "A CERTAIN TECHNICAL IMPROVEMENT IN THE MEANS OF REPRESSION...WE MUST INTERPRET IN THIS SAME SENSE THE DECISIVE ROLE OF U.S. ADVISERS IN THESE TACTICAL CHANGES...THE LEADERS OF THE REPRESSIVE SALVADORAN APPARATUS HAVE TRADITIONALLY BEEN TRAINED BY U.S. ADVISERS AND MILITARY." THE STATEMENT ENDS WITH A CALL TO PRESIDENT REAGAN TO STOP ALL AID TO THE DUARTE "REGIME" AS IT ONLY SERVES TO MAINTAIN REPRESSION AND THE VIOLATIONS OF HUMAN RIGHTS. COPPES URGED THE REAGAN ADMINISTRATION TO STOP "ALL TYPES OF INTERVENTION IN EL SALVADOR AND CENTRAL AMERICA; (AS IT) ONLY DEEPENS THE CONFLICT AND SERIOUSLY INCREASES THE MASSIVE VIOLATION OF HUMAN RIGHTS IN THE REGION." THIS FIRST LECTURE SET THE TONE FOR THE ENTIRE CONFERENCE.

11. THE NEXT PRESENTATION, ENTITLED "HOW THE WAR AFFECTS THE PEOPLE'S CULTURE", BY THE NATIONAL UNIVERSITY OF EL SALVADOR CONTAINED AN EXPOSITION OF THE SOCIO-ECONOMIC [redacted]

HISTORY OF EL SALVADOR, THE TONE OF WHICH IS SET FORTH IN THE FOLLOWING QUOTE: "...THE BOURGEOISIE IS CONVERTED INTO A FAITHFUL INTERPRETER OF THE IMPERIALIST INTERESTS THAT DOMINATE THE WORLD CAPITALIST SYSTEM; IN EXCHANGE, THEY ARE GUARANTEED THAT THEIR POWER WILL BE PRESERVED AND THAT THEY CAN MAKE THE GOVERNMENT A FAITHFUL INSTRUMENT OF THEIR INTERESTS." THE REPORT STATED THAT THE WAR WHICH HAS DESTROYED THE PEOPLE'S CULTURE IS A WAR "SHARPENED AND TECHNIFIED BY THE CREOLE BOURGEOISIE AND IMPERIALISM." IN CONTRAST TO THE BOURGEOISIE, THE REPORT CLAIMS, THE POPULAR CULTURE IS CONSIDERED..."TO BE ANTI-DEMOCRATIC, SUBVERSIVE, AND CONTEMPTIBLE..."

12. MEDECINS DU MONDE (DOCTORS OF THE WORLD) MADE A PRESENTATION, STATING THAT IT HAS BEEN IN EL SALVADOR FOR 4 YEARS PROVIDING MEDICAL CARE FOR THE POOR AND DISPLACED. IT ALSO PROVIDES MEDICAL CARE TO THE SALVADORAN REFUGEE CAMPS LOCATED IN HONDURAS NEAR THE SALVADORAN BORDER. THE DOCTORS OF THE WORLD MAINTAIN A CAMP CALLED BETHANIA, NEAR ZARAGOZA, WITH A POPULATION OF 1700. THEY CLAIM TO TREAT APPROXIMATELY 25,000 PERSONS. THE DOCTOR ADDRESSING THE GROUP BEGAN HIS REMARKS BY "REMEMBERING ABOVE ALL THE DEATH OF OUR FRIEND, MARIANELLA GARCIA VILLAS". HE RECOMMENDED THAT A HOSPITAL BE CREATED IN A NEUTRAL ZONE OPEN TO ALL WITHOUT POLITICAL OR MILITARY CONTROL AND STAFFED BY DOCTORS OF THE WORLD PHYSICIANS.

13. FATHER SEGUNDO MONTES, S.J., A DEAN OF THE CENTRAL AMERICAN UNIVERSITY OF EL SALVADOR (UCA), PRESENTED AN ANALYSIS OF THE REFUGEES AND DISPLACED PERSONS SITUATION. THE REPORT COMMENTS THAT "THE VARIOUS RELIEF ORGANIZATIONS...CANNOT DIVEST THEMSELVES OF THEIR IDEOLOGICAL CONCEPTIONS OR THEIR POLITICAL INTERESTS.

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El Salvador: Human Rights
Special Project (1993)

PAGE 01 SAN SA 14750 05 OF 07 080120Z
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SECTION 05 OF 07 SAN SALVADOR 14750

USIA FOR IAA AND PICENTAM
DEPT PASS EUR/ANA AND ARA POSTS AS DESIRED

E.O. 12356: N/A
TAGS: PGOV, PREL, ES, SHUM, PLO, SREF
SUBJECT: FIRST HUMAN RIGHTS CONGRESS OF EL SALVADOR

1. SUMMARY: FIRST HUMAN RIGHTS CONGRESS OF EL SALVADOR, HELD ON NOVEMBER 27-29 IN SAN SALVADOR, WAS ATTENDED BY 1,000 PERSONS FROM 20 COUNTRIES. CONGRESS WAS SPONSORED BY NUMEROUS NGO'S AND SINCE ITS PURPOSE WAS TO DENOUNCE HUMAN RIGHTS VIOLATIONS, IT WILL GAIN SYMPATHY, GRATITUDE AND SUPPORT FOR THE CAUSES WITH WHICH THEY ARE ASSOCIATED. ON THEIR PART, THE INSURGENTS' ORGANIZATIONS HAVE REPEATEDLY BEEN ACCUSED BY THE OPPOSITION OF USING THE REFUGEES AS A BASE FOR COVERT, SUBSIDIES AND CONSCIOUSNESS RAISING. THE DIFFERENT RELIGIOUS GROUPS IN RETURN HAVE AN

PAGE 02 SAN SA 14750 05 OF 07 080120Z

OPEN FIELD FOR RELIGIOUS EVANGELIZING AND ORGANIZING. THIS WHOLE IDEOLOGICAL STRUGGLE IS INTENSIFYING

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THE ALREADY EXISTING POLARIZATION..." COMMENT: REV. MONTES' REPORT APPEARS BALANCED IN ITS VIEW, BUT IS CLEARLY AN EFFORT TO CREATE POLITICAL AND MORAL EQUIVALENCY BETWEEN THE LEFT ORGANIZATION OF THE MASAS AND US/GOES RELIEF AND DEVELOPMENT EFFORTS. END COMMENT.

14. THE REPORT ENTITLED "THE ROLE OF THE U.S. CHURCH IN THE DEFENSE OF HUMAN RIGHTS IN EL SALVADOR AND CENTRAL AMERICA", PRESENTED BY REV. ALAN MCCOY O.F.M., EMPHASIZED THE CHURCH'S ROLE IN PROTESTING OF U.S. "SUPPORT (OF) A PROGRAM OF VIOLATION OF HUMAN RIGHTS." HE STRONGLY OPPOSED THE DEPORTATION OF SALVADORANS TO THEIR COUNTRY ON MORAL AND LEGAL GROUNDS. HE CONDEMNED THE "TERRIBLE PHOBIA" TOWARD COMMUNISM, AND CALLED FOR AN END TO THE "ATROCITIES BEING COMMITTED IN CENTRAL AMERICA. THESE ATROCITIES ARE NOT ALWAYS BEING COMMITTED BY DIRECT COMMAND OF OUR OWN PEOPLE, BUT MANY TIMES THEY ARE COMMITTED WITH THE CONNIVANCE OF THOSE WHO COULD DO SOMETHING ABOUT THE SITUATION." COMMENT: FATHER MCCOY REPRESENTED THE PREVAILING VIEW AMONG THE U.S. CLERGY PRESENT, STRONG SUPPORTERS OF THE SANCTUARY MOVEMENT AND VOLUNTARY EXTENDED DEPARTURE. END COMMENT.

15. A PAPER ENTITLED "THE USE OF MILITARY TECHNOLOGY IN THE WAR IN EL SALVADOR: MILITARY, PSYCHOLOGICAL AND SOCIAL ASPECTS WAS PRESENTED BY THE ASSOCIATION OF SALVADORAN SOCIAL SCIENTISTS (ASACS). THIS GROUP BASED IN MEXICO ADVOCATES AN END TO "INDISCRIMINATE BOMBING OF THE CIVILIAN POPULATION."

PAGE 03 SAN SA 14750 05 OF 07 080120Z

16. "ALTERNATIVES TO PEACE IN EL SALVADOR" WAS PRESENTED BY THE MOTHERS COMMITTEE OF RELATIVES OF POLITICAL PRISONERS, MISSING, ASSASSINATED OF EL SALVADOR, ARCHBISHOP OSCAR ARNULFO ROMERO, (MOTHERS' COMMITTEE) AND ITS SISTER "COMMITTEE FOR THE LIBERATION OF POLITICAL PRISONERS AND MISSING OF EL SALVADOR MARIANELLA GARCIA VILLA" (CODEFAM).

THE MOTHERS' COMMITTEE PAPER IS AN ANALYSIS OF THE CLASS STRUGGLE OF EL SALVADOR CITING EXAMPLES OF

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EXPLOITATION AND REPRESSION. THE "REJECTION OF PLURALISM" IS CITED AS A MAJOR EXISTING PROBLEM AS THE MOTHERS CONTEND THAT THOSE WHO ARE APART FROM THE MAINSTREAM ARE ACCUSED OF BEING "LEFTIST". THE REPORT CALLS THE MARCH 1984 ELECTIONS A FARCE AND MAINTAINS THAT THE U.S. REALLY CONTROLS EL SALVADOR. ACCORDING TO THE MOTHERS, THE INTERESTS OF THE "EMPIRE" (THE U.S.) ARE THE CAUSE OF THE HUMAN RIGHTS VIOLATIONS IN EL SALVADOR.

17. COHES PRESENTED A PAPER ENTITLED "THE HUMAN RIGHTS SITUATION IN EL SALVADOR" WHICH COMMENTS ON THE SOCIO-ECONOMIC SITUATION IN THE COUNTRY ADDING THAT THIS YEAR'S ELECTIONS WERE A FARCE BECAUSE OF U.S. INTERVENTION, AND THAT U.S. MILITARY AID HAS "SERIOUSLY VIOLATED" THE SOVEREIGNTY OF THE COUNTRY. ACCORDING TO COHES, THE IMPORTANT POLITICAL DECISIONS ARE MADE IN THE STATE DEPARTMENT OR WHITE HOUSE AND THE WAR IS CONDUCTED BY US MILITARY ADVISERS. THERE IS THEREFORE AN "INSTITUTIONALIZATION, THROUGH AN UNJUST REGIME, OF SYSTEMATIC HUMAN RIGHTS VIOLATIONS."

18. "A CHRONOLOGY OF THE NEGOTIATING PROCESS IN THE SALVADORAN WAR UP TO THE END OF 1983" WAS PRESENTED

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PAGE 01 SAN SA 14750 06 OF 07 0801222Z
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SECTION 06 OF 07 SAN SALVADOR 14750

USIA FOR AP AND P/GENTAM
DEPT PASS EUR AND ARA POSTS AS DESIRED
E.O. 12356: N/A
TAGS: PGOV, PREL, ES, SHUM, IC, SREF
SUBJECT: FIRST HUMAN RIGHTS CONGRESS OF EL SALVADOR

BY THE INTERNATIONAL ASSOCIATION FOR THE ESTABLISHMENT OF PEACE IN EL SALVADOR, JACOBS ATTORNEY KAREN PARKER PRESENTED A PAPER ENTITLED "MILITARY OPERATIONS LEGAL AND ILLEGAL IN INTERNATIONAL LAW."

ON THE THIRD DAY, THE CONGRESS TERMINATED WITH A PRESENTATION OF PROPOSALS RANGING FROM A CALL FOR THE

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PAGE 02 SAN SA 14750 08 OF 07 0801222Z

REMOVAL OF U.S. TROOPS FROM HONDURAS, TO AN END TO WEST GERMAN AND ALL INTERNATIONAL CHRISTIAN DEMOCRATIC

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SUPPORT FOR THE GOVERNMENT OF EL SALVADOR. DEMANDS WERE MADE THAT: THE U.S. CONGRESS END ALL AID TO EL SALVADOR AND ALL CENTRAL AMERICA AS THIS AID "CAUSES A DEEPENING OF THE CONFLICT AND AN INCREASE OF HUMAN RIGHTS VIOLATIONS;" THAT DUARTE ELIMINATE ALL DEATH SQUADS AND THAT HE PUNISH BOTH CIVILIANS AND MILITARY FOR THEIR CRIMES; THAT FREE SELF DETERMINATION BE ALLOWED AND U.S. CULTURAL AGRESSION ENDED; THAT ARBITRARY CAPTURES, THE STATE OF SEIGE, AND TORTURE BE ENDED; THAT ABSOLUTE AND UNCONDITIONAL GENERAL AMNESTY FOR ALL POLITICAL PRISONERS BE GRANTED IMMEDIATELY; AND FINALLY THAT INDISCRIMINATE BOMBINGS STOP AT ONCE.

20. THE HOST ORGANIZATION, CDHES, IS BASED LARGELY IN MEXICO BUT SHARES OFFICES IN SAN SALVADOR WITH THE MOTHER'S COMMITTEE AND CODEFAM. IT PUBLISHES HUMAN RIGHTS STATISTICS ON A SPORADIC BASIS AND HAS CLEARLY AND CONSISTENTLY ISSUED REPORTS AND TAKEN POSITIONS THAT ARE BIASED IN FAVOR OF THE GUERRILLAS. MARIANELLA GARCIA VILLAS, AN ACTIVE GUERRILLA, WAS KILLED IN COMBAT WHILE STILL THE COMMISSION PRESIDENT IN MARCH 1983. (REF: SAN SALVADOR AIRGRAM A-53 NOV. 23, 1983). RELIABLE SOURCES HAVE INFORMED THE EMBASSY THAT CDHES IS AN FPL FRONT AND IT IS WIDELY VIEWED AS SUCH BY WELL INFORMED MEMBERS OF THE SALVADORAN PUBLIC. THE VICE PRESIDENT AND BRAIN OF THE ORGANIZATION, DR. MENDEZ, RESIDES IN MEXICO BECAUSE, HE CLAIMS, TWO ATTEMPTS WERE MADE AGAINST HIS LIFE WHILE HE WAS LIVING IN EL SALVADOR. A HIGHLY RELIABLE SOURCE HAS INFORMED POLOFF THAT MENDEZ'S ATTACKS WERE NOT PERCIPITATED

BY HIS POLITICAL VIEWS BUT RATHER BY A PERSONAL MATTER. MENDEZ'S SON HAD KILLED ANOTHER BOY AND THE IRATE FATHER OF THE DEAD CHILD TOOK IT UPON HIMSELF TO SEEK VENGEANCE. MENDEZ WAS A PERSONAL FRIEND OF GUILLERMO UNGO AND A MEMBER OF THE MNR. HE SERVED AS VICE MINISTER OF JUSTICE UNDER THE 1979 JUNTA. ACCORDING TO MENDEZ, THE FUNDS FOR THE CONGRESS WERE OBTAINED FROM "DONATIONS" AND THE INVITATIONS WERE MADE TO THOSE APPEARING ON HUMAN RIGHTS AND CHURCH MAILING LISTS.

21. CDHES IS INTERNATIONALLY WELL KNOWN IN THE HUMAN

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RIGHTS FIELD. IT HAS BEEN PROPOSED FOR THE NOBEL PEACE PRIZE IN 1981, 1982, AND 1984. IT WAS THE RECIPIENT OF THE JAAP VAN PRAAGE PRIZE OF HOLLAND AND A PRIZE FROM THE COMMITTEE OF JUSTICE AND PEACE OF DENVER, COLORADO. THE DR. BRUNO-KREISKY FOUNDATION PRIZE OF AUSTRIA WAS PRESENTED POSTHUMOUSLY TO MARIANELLA GARCIA VILLAS FOR HER WORK.

COMMENT: THE FIRST HUMAN RIGHTS CONGRESS IN EL SALVADOR WAS NOT SOLELY OR EVEN PRIMARILY CONCERNED WITH HUMAN RIGHTS, AND IT LARGELY IGNORED THE GOES COMMITMENT TO HR IMPROVEMENTS AS WELL AS ANY MENTION OF SUCH OBVIOUS SIGNIFICANT CHANGES AS HAVE - EASILY DOCUMENTABLY - TAKEN PLACE. IT WAS A FAIRLY TRANSPARENT PROPAGANDA SPECTACULAR CLEARLY INTENDED TO DISCREDIT THE DUARTE GOVERNMENT AND TO INCREASE PRESSURE FOR AN END TO U.S. MILITARY AND ECONOMIC AID: AS SUCH, IT WON FAVORABLE REVIEWS ON RADIO HAVANA. IT THUS SERVED ITS PURPOSE EVEN THOUGH NOTHING SAID HAD NOT ALREADY AND REGULARLY BEEN BROADCAST BY GUERRILLA RADIO OR DISSEMINATED BY ITS SYMPATHIZERS IN SAN SALVADOR. CDHES AND ITS ALLIES FOUND EASY PREY IN THE U.S. CITIZENS WHO UNQUESTIONINGLY SWALLOWED THEIR LINE IN TOTO. THE EXERCISE ILLUSTRATES THAT AN ACHILLES HEEL OF THE DUARTE ADMINISTRATION IS

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Special Project (1993)

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PAGE 01 SAN SA 14750 07 OF 07 080121Z
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USMISSION GENEVA
USUN NEW YORK
USAHSO HOWARD AFB PN/CA

SECTION 07 OF 07 SAN SALVADOR 14750

AUSLAC FOR ART AND P/CENTAM
DEPT PASS EUR AND ARA POSTS AS DESIRED

E.O. 12356: N/A
TAGS: PGOV, PREL, ES, SHUM, OIC, SREF
SUBJECT: FETS: HUMAN RIGHTS CONGRESS OF EL SALVADOR

STILL, THE LACK OF AN ABILITY TO MAKE A PUBLIC CASE
ABOUT THE CHANGES IT HAS BROUGHT IN THE HUMAN RIGHTS
FIELD IN EL SALVADOR, AND THAT DUARTE HUSTACON FINDER TO
WORK FULLY, EFFECTIVELY AND COURAGEOUSLY TO ELIMINATE ABUSES
AND DOMESTIC ENEMIES, THE CONGRESS COULD HAVE BEEN A
CHALLENGED, REASONED AND CONSTRUCTIVE CRITICAL EFFORT
TOWARDS THAT END. INSTEAD, SADLY, IT PERHAPS INEVITABLY

PAGE 02 SAN SA 14750 07 OF 07 080121Z

CHOSE TO TRIVIALIZE REAL PROBLEMS AND FAILED TO
GRASP ITS OPPORTUNITY TO ENCOURAGE PROGRESS BY INDULGING

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ITSELF IN AN ORGIASTIC POLITICAL EXCURSION INTO FANTASY AND AGITPROP.

FOR DEPT: EMBASSY WILL POUCH MATERIALS FROM THE CONGRESS TO THE DESK FOR DISSEMINATION TO HA AND RP.

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DEPARTMENT OF STATE
EXECUTIVE SECRETARIAT
TRANSMITTAL FORM

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Date Dedember 11, 1984

For: Mr. Robert C. McFarlane
National Security Council
The White House

Reference:

To: Mrs. Nancy Reagan From: John Fraser

Date: September 10, 1984 Subject: Raoul Wallenberg

WH Referral Dated: -- NSC ID#_____ (if any)

XX The attached item was sent directly to the Department of State.

Action Taken:

_____ A draft reply is attached.

_____ A draft reply will be forwarded.

_____ A translation is attached.

_____ An information copy of a direct reply is attached.

_____ We believe no response is necessary for the reason cited below.

_____ The Department of State has no objection to the proposed travel.

XX Other.

Remarks: Deborah Balfour of the Office of the First Lady requested that this letter be transferred to the White House for response.

James W Barr
for Charles Hill
Executive Secretary

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Cleared:EUR/SOV/SOBI:SMLysyshyn
EUR/SOV:RLPharoe
EUR:MPalmer

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IS/FPC/CDR Date: 12/13/93

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Nancy Reagan
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

September 10, 1984

Dear Mrs. Reagan:

Your personal message concerning Raoul Wallenberg, read during ceremonies in Los Angeles on Wallenberg's 72d birthday, is mentioned in the enclosed item from Philadelphia's Jewish Exponent for Aug. 10, 1984 at p. 8. May I please have a copy of this message? I would like to add it to an exhibit on Raoul Wallenberg shown in Philadelphia for five months and now being shown at the Nordic Heritage Museum in Seattle -- the exhibit's inventory list is enclosed.

I also want to let you know of the Wallenberg organizations' concern, not only that nothing has been done to effectively implement the law President Reagan signed in 1981, but also that State Department officials at the policy level have kept President Reagan from knowing about concrete proposals in Wallenberg's behalf for over a year.

Specifically, a proposed Presidential Directive the Wallenberg organizations feel certain President Reagan would authorize if he knew about it (it is modelled on President Reagan's Directive of Mar. 25, 1983) has been kept from his consideration for over a year, despite the efforts of Senator Specter and Representative Fish who requested that it be brought to President Reagan's attention, and despite Representative Fish's support for the directive in discussion at the Aug. 3, 1983 House oversight hearing on PL 97-54.

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Enclosed is a copy of my own correspondence (for the Wallenberg Committee of Greater Philadelphia) with State Department Counselor Derwinski, which convinces us that no action will be taken in Wallenberg's behalf unless President Reagan himself becomes involved. Also enclosed is a copy of the proposed Presidential Directive with a cover letter from Senator Specter -- such letters have been answered only with form letters. The proposed directive also is printed at pp. 24-25 of the Aug. 3, 1983 House hearing (excerpts enclosed).

President Reagan's expressed intent at the signing ceremony for PL 97-54, "we're going to do everything in our power" to free Wallenberg, is being overridden by subordinates, and President Reagan is being denied the political benefits -- including the approval of future historians -- of public attempts to free Wallenberg.

Even now it can only benefit President Reagan to authorize such a Presidential Directive, perhaps in conjunction with the Sept. 17-19 Righteous Gentiles Conference sponsored by the U.S. Holocaust Memorial Council, or shortly after. This will be a personal effort he can point to not only before the election, but also when media attention begins to focus on Wallenberg: the New York Public Library is reportedly preparing its own exhibit on Wallenberg, the NBC-TV miniseries on Wallenberg starring Richard Chamberlain is to be shown next March, and the Wallenberg Committee of Greater Philadelphia has recently begun pressing for a Senate Foreign Relations Committee oversight hearing on PL 97-54, also about March.

It can also only benefit President Reagan to make Wallenberg's repatriation a <u>public</u> issue when State Secretary Shultz meets Soviet

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Foreign Minister Gromyko Sept. 26.

I hope this note will be helpful to you. I'm writing because I know both that you have President Reagan's best interests at heart, and that you and he have demonstrated personal appreciation of the urgent need to repatriate Raoul Wallenberg; he will be freed only if the Soviets believe the price for keeping him will be too high. I enclose selected other material to indicate the strong continuing interest in Wallenberg. Thank you for your attention, and please let me know if I or the Greater Philadelphia Committee may be of service in any other way.

Sincerely,

John Fraser

John Fraser
107 South 41st Street
Philadelphia, PA 19104

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ARLEN SPECTER
PENNSYLVANIA

COMMITTEES:
JUDICIARY
APPROPRIATIONS
VETERANS' AFFAIRS

United States Senate

WASHINGTON, D.C. 20510

August 15, 1983

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

The tragic story of Raoul Wallenberg is one that has touched the hearts and stirred the souls of all human beings of good will. A man of extraordinary courage, he faced danger constantly in his efforts to save Hungarian Jews from extermination at the hands of the Nazis in 1944.

Wallenberg, at the request of the United States, not only endeavored to rescue them and was successful, but he also provided them with food, shelter and medical care with supplies provided by our government. He is credited with saving the lives of almost 100,000 Jews.

As you know, Wallenberg was taken in custody by the Soviet Union on Jan. 17, 1945, in violation of his Swedish diplomatic immunity. No explanation has ever been given for his arrest and subsequent imprisonment. And while he has not been heard from since then, some former prisoners in the Soviet Union, some as recently as 1981, suggest that he may still be alive.

As the nation primarily responsible for persuading Wallenberg to try to protect the lives of these Hungarian Jews, the United States owes much to this great humanitarian and should make every effort to free him.

Towards this end, I respectfully request that you issue a Presidential Directive which states that it is your policy that all steps be taken to ascertain from the Soviet Union the whereabouts of Raoul Wallenberg and to secure his return to freedom, pursuant to Public Law 97-54. As you know, Public Law 97-54 conferred honorary United States citizenship on Mr. Wallenberg.

Mr. President, I have attached a copy of a proposed Presidential Directive for your review, and urge you to issue it as soon as possible.

Sincerely,

Arlen Specter

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WALLENBERG COMMITTEE NEWSLETTER

THE WALLENBERG COMMITTEE OF GREATER PHILADELPHIA, INC
c/o The Philadelphia Art Alliance
251 South 18th Street, Philadelphia, PA 19103
Leona T. Feldman, President 215-472-0989

Volume One 1983 Number One

This Newsletter is to thank you for your support, to report news to date beginning with the October 5, 1982 Wallenberg Day Proclamation ceremonies and to let you know what you can do to free Raoul Gustav Wallenberg.

First, we thank you for what you have already done, supporting with your membership and interest, your presence at our events, your volunteer work, or your offer of money or other resources; and, we ask you to continue each of these kinds of support.

Through special arrangement with the United States Raoul Wallenberg Committee, our members will also receive their New York newsletter, beginning with the Spring 1983 issue.

Our Committee is in contact with the Raoul Wallenberg Association of Sweden through its Executive Director, Sonja Sonnenfeld. In 1982, Ms. Sonnenfeld visited Philadelphia where local President, Leona Feldman, provided her with media coverage. (See articles from Swedish newspapers and International Herald Tribune sent by S. Sonnenfeld.)

IMPORTANT WALLENBERG DATES: August 4, 1912 - Raoul Gustav Wallenberg's date of birth; July 9, 1944 - the date Wallenberg arrived in Hungary on his rescue mission; January 17, 1945 - the date the Russians took him; October 5, 1981 - the United States of America conferred Honorary Citizenship on him.

BOOKS ABOUT WALLENBERG: Hitch Raoul Wallenberg in Budapest by Per Anger (Holocaust Library, N.Y., 1981); Wallenberg: The Man in the Iron Web by Elenore Lester (Prentice-Hall, Inc., Englewood Cliffs, N.J., 1982); Wallenberg by Kati Marton (Random House, N.Y., 1982); Righteous Gentile by John Bierman (The Viking Press, 1981); Raoul Wallenberg, Angel of Rescue by Harvey Rosenfeld (Prometheus Books, 1982).

PHILADELPHIA BOOK STORES WHICH CARRY BOOKS ON WALLENBERG: The University of Pennsylvania Book Store (Modern History section), 34th St. and Locust Walk; Atlantic Bookshops, 1208 Chestnut St.; Encore Books, 609 Chestnut St.; Whitman Book Store, 10th and Chestnut Sts.

LOCAL NEWS

OCTOBER 5, 1982 - WALLENBERG DAY. The Wallenberg Committee of Greater Philadelphia, Inc., sponsored the first Philadelphia Wallenberg Day in cooperation with the City of Philadelphia. This was our first major event and will be celebrated annually with the City of Philadelphia on the same date under the auspices of the Wallenberg Committee of Greater Philadelphia, Inc. (See this Newsletter for Philadelphia Inquirer story and additional Newsletter story on Wallenberg Day.)

NOVEMBER 7, 1982 - Spoke to a meeting of the Delaware Swedish Colonial Society in Centerville, Delaware.

MARCH 6, 1983 - Spoke to a meeting of the Alliance of American-Lithuanian Jews of Greater Philadelphia.

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MARCH 27, 1983 - Don Johnson, Wilmington, Delaware, a Vice President of The Wallenberg Committee of Greater Philadelphia, Inc. and board member of the Delaware Swedish Colonial Society, at its annual business meeting and dinner, Wilmington, Delaware, set up a Wallenberg resource table replete with posters, flyers, pictures, letters, articles, books, and spoke about Wallenberg after dinner, in an all-out campaign to recruit new members for our Wallenberg Committee.

April 10, 1983 (Afternoon) - Elenore Lester, author, Wallenberg: The Man in the Iron Web, spoke to an audience of students and professors at the University of Pennsylvania Christian Association. Other campuses were represented. This event was coordinated by The Wallenberg Committee of Greater Philadelphia, Inc. and sponsored by the following campus organizations: Newman Center (Catholic); Hillel (Jewish); Christian Association (Protestant); Connaissance; and unofficially by Amnesty International. The University of Pennsylvania Book Store cooperated with a large display table of several copies of Elenore Lester's book & posters and flyers. Other campus bookstores: Pennsylvania Book Center and Encore Books displayed posters and flyers.

APRIL 10, 1983 (Evening) - The Communications Lodge of B'nai B'rith marked its official change of name to the Raoul Wallenberg Communications Lodge, with a dedication dinner. Speakers were: Dr. Rufus Cornelson; Elenore Lester; Swedish Deputy Consul-General, Hans Andersson; Mark Palmer, U. S. Deputy Assistant Secretary of State for European Affairs. Several Wallenberg Committee Officers attended, and its President, Leona T. Feldman, as well as Josh Kilberg, (Wallenberg Advisory Board), also spoke. Sam Goldstein, Lodge President, and an Editor of The Courier Post in South Jersey is a Wallenberg Committee member, as is the Lodge's Past President, Dr. Aaron R. Wasserman.

APRIL 17, 1983 - Spoke at the Jewish Heritage Week presentation ceremonies of the Raoul Wallenberg Humanitarian Award to Dr. Leon Bass, history teacher at the George School, Bucks County, and retired Principal of Benjamin Franklin High School. This program took place at the Torah Academy, Ardmore, Pa., under the sponsorship of the Association of Orthodox Jewish Teachers.

APRIL 27, 1983 - VISIT TO WASHINGTON, D. C. A group from the Washington, D. C. Planning Committee of the Wallenberg Committee of Greater Philadelphia, Inc. visited Washington, D.C. to ask for certain commitments and recommendations from Government officials.
(See this Newsletter for story on Washington Visit and for "Washington Activity - Request")

MAY 20, 1983 - The McKinley Elementary School, Abington School District, held a special assembly which heard guest speaker, Hungarian-born University of Pennsylvania exchange Professor, Andrew Szilard, who, together with his family, was rescued by Wallenberg. This was part of the School's intensive study-program centered around Raoul Gustav Wallenberg under the 1982-1983 theme, "Everyone Can Make A Better World". During several months, the children learned about Wallenberg and his contribution to humankind; were involved in discussions, books, research, reports and signing Petitions for his release from the Soviet Union and his nomination for the Nobel Peace Prize.

JUNE 14, 1983 - FLAG DAY - Amidst elaborate ceremonies celebrating Flag Day and honoring Raoul Gustav Wallenberg as a new citizen representing the ideals symbolized by our Flag, the McKinley Elementary School presented its Annual Citizen's Award for Humanitarianism to Raoul Gustav Wallenberg in Absentia. The Award was accepted on behalf of Mr. Wallenberg by Christer Persson, First Secretary in Political Affairs of the Swedish Embassy. The program took place before an audience of several hundred including school administrators led by Principal, Paul Wilson, teachers, PTA, student body, townspeople, many of whom were involved in the planning and executing of the day's events, and some of whom participated, including the school band and chorus. Don Robinson (Wallenberg Executive Committee) spoke on behalf of the Wallenberg Committee of Greater Philadelphia. An equally elaborate reception followed, done in the Swedish theme. Coverage was given by Channel 3 TV and Abington's Today's Spirit. Said Sarah Kops, organizer and coordinator of the affair and the preceding study program, "When we honor Raoul Wallenberg, we honor our Flag. Both represent compassion, love of human beings and self-sacrifice." Ms. Kops, who is librarian and teacher, is also a member of the Wallenberg Committee of Greater Philadelphia and was, herself, honored this day. Past recipients of this Award are Hubert Humphrey, Coretta Scott King, Ethel Rosenwald Family and Governor and Mrs. Thornburgh. Sarah Kops is the first librarian in the United States to have received, in the past, the Freedom Foundation Award and an Award of the Daughters of the American Revolution. The McKinley Elementary School has received the Freedom Foundation Award four times.

HONORARY PENNSYLVANIA CITIZENSHIP PENDING - On June 15, 1983, Joseph M. Hoeffel, III, Member of the Pennsylvania House of Representatives, 153rd District of Abington and Rockledge, notified the McKinley Elementary School Principal, Paul Wilson, that Hoeffel introduced a Resolution proclaiming Raoul Wallenberg an Honorary Citizen of the State of Pennsylvania. The latest word from Hoeffel's office is that final action was delayed because of the budget crises. The Legislature is now in Summer recess. Final action will occur some time in the Fall after the Legislature reconvenes.

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JUNE 11, 1983 - The Delaware Swedish Colonial Society held its annual Delaware-Swedish Colonial Society's Midsummerfest in Fort Christina Park. There was a table set up by Don Johnson (Wallenberg Committee Vice President) - where people signed petitions to their Congressmen urging the release of Raoul Wallenberg from the Soviet Union.

PHILADELPHIA BAR ASSOCIATION RESOLUTION PENDING - A Resolution calling upon the United States Government to secure the immediate release of Raoul Gustav Wallenberg from the Soviet Union was introduced in May by Glen Morris, Esq., on behalf of The Wallenberg Committee of Greater Philadelphia, Inc. (for which he is counsel) to The International Law Committee of the Philadelphia Bar Association. On June 21, 1983, that Committee chaired by Ruth Canister, Esq., met. Those members present, voted unanimously to approve the Resolution which will now be circulated to the other members of that Committee and, if approved by a majority, will go the Board of Governors of the PBA some time in the Fall and, if it passes, will become the position of the Philadelphia Bar Association. Present with Glen Morris and representing The Wallenberg Committee on June 21, were Professor Olan Lowrey, Temple University School of Law, (Wallenberg Executive Committee) and Judge William J. Lederer (Wallenberg Advisory Board).

RESOLUTION SENT TO AMERICAN BAR ASSOCIATION - A Resolution calling upon the President of the United States to take immediate action to secure the freedom of Raoul Gustav Wallenberg from the Soviet Union was presented by Professor Olan Lowrey, Temple University School of Law, (Wallenberg Executive Committee) on behalf of The Wallenberg Committee of Greater Philadelphia, Inc. to Michael Posner, Esq., Executive Director of the ABA Lawyers' Committee for International Human Rights. Mr. Posner will introduce this Resolution to the ABA meeting in July or early August 1983. Jerome J. Shestack, Philadelphia lawyer, with whom we are in contact, is Chairman of the ABA Assembly Resolutions Committee and a member of the U. S. Raoul Wallenberg Committee Advisory Board, and has been involved in initiating the Wallenberg issue at the Madrid Conference.

AUGUST 3, 1983 - CONGRESSIONAL OVERSIGHT HEARING - The Wallenberg Committee of Greater Philadelphia has been invited to testify before the House Foreign Affairs Sub-Committee on Human Rights chaired by Representative Gus Yatron (D-Pa.) in an Oversight Hearing called as a result of a commitment made to our Committee by Chairman Yatron last April 27 in Washington, D. C. (See Press Release attached to this Newsletter.)

AUGUST 5, 1983 - An officer of the Wallenberg Committee of Greater Philadelphia will speak on Wallenberg following Friday evening services at Reform Congregation Rodeph Shalom, Elkins Park, Pa.

WALLENBERG PETITIONS - The Wallenberg Committee of Greater Philadelphia is circulating two Petitions (see Petitions attached to this Newsletter): One calls on the Soviet Union to release Wallenberg; the other calls for his nomination for Nobel Peace Prize for Humanitarianism. Wherever we appear, these Petitions are collected. We ask you to fill up these Petitions and return them to us. For more Petitions, feel free to photocopy the blanks in advance of signatures - or contact us. We hope this campaign will spread to all Wallenberg Committees and others across the Country so that we may coordinate our efforts.

WALLENBERG DAY 1983 - On September 27, 1983, at 4:00 P.M., Mayor's Reception Hall, Room 202 City Hall, The Wallenberg Committee of Greater Philadelphia in conjunction with the City of Philadelphia, will celebrate the Second Anniversary of Raoul Gustav Wallenberg's Honorary United States Citizenship. On that date this year, the Mayor will issue his annual Proclamation for Wallenberg Day -- October 5, 1983. The featured speaker will be Morris H. Wolff Esq., Professor of International Law at Delaware Law School and a member of The Wallenberg Committee of Greater Philadelphia. Professor Wolff has been selected by Mr. Wallenberg's brother, Dr. Guy von Dardel, to file a law suit against the Soviet Union in the Federal District Court. A reception will follow the Proclamation ceremony. This event, as always, is free and open to the public. The advance date of September 27, was chosen this year because of the City's prior commitments during the week of October 5, to the 1983 German-American Tricentennial.

WALLENBERG COMMITTEE BENEFIT CONCERT - April 8, 1984, 2:30 P.M. at Old Swedes Church/Gloria Dei, Philadelphia's famous historic landmark, located at Christian St. and Delaware Ave. Performance will be by the LIBERTY BELL STRING TRIO composed of members of the Philadelphia Orchestra: Morris Shulik, violin; Wolfgang Granat, viola; Marcel Farago, cello. A string trio is rarely heard and is a "gem", explained Mr. Granat who is also a member of The Wallenberg Committee of Greater Philadelphia. The program will consist of music by Beethoven and Schubert. Beethoven expresses the spirit of universal freedom and brotherhood which Wallenberg exemplifies, according to Mr. Granat, and he added, "We are playing out of conviction for the liberation of a great humanitarian." This Benefit Concert has two purposes: to honor Raoul Gustav Wallenberg; and to help our Wallenberg Committee raise much needed funds in order that we may be able to continue our work on Mr. Wallenberg's behalf. (Christian Street is some 7 blocks south of Pine Street. Delaware Avenue runs along the Delaware River.) Old Swedes Church seats approximately 300. A champagne reception will follow the concert. Those who are interested in attending, may write or telephone our Committee (215 - 472-0989).

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ANNUAL WALLENBERG SABBATH - The Wallenberg Committee will organize a Committee to promote an Annual Wallenberg Sabbath. This project stimulated the most discussion at the May 5, 1983 Meeting of the Executive Committee and Advisory Board, held at Old Pueblo Church.

WALLENBERG IN SCHOOL CURRICULA - - The Wallenberg Committee will devise a unit of study centering around Raoul Gustav Wallenberg for use in school curricula. The Committee to do the job comprises: Dr. Leon Stein, teacher of American History at the George School, Bucks County and retired Principal of Benjamin Franklin High School; Mary Lee, Assistant Principal of Lower Merion High School; Dr. Stanley Newman, Professor of Political Science, Temple University; Sharon Green, SSJ, teacher, Secondary and English, at West Catholic High School for Girls; Don Robinson, Director, Temple University Center City Workshop Program, Division of Continuing Education; Sue Rosenthal, teacher at the High School for Creative and Performing Arts, Philadelphia; Rabbi David E. Wortman, a former Principal, and presently Executive Director of the Board of Rabbis of Greater Philadelphia. Hal Kassley, who is Assistant Director of Social Studies, Curriculum Department, Philadelphia School System, will act as advisor.

PLANS FOR THE ANNE FRANK HOUSE - an interfaith Holocaust-teaching and resource center, named after a German-Jewish teenager who perished in the Nazi Holocaust, and sponsored by the National Institute on the Holocaust - include an area for Remembrance or Honoring of Righteous Gentiles. Raoul Gustav Wallenberg will be among those honored.

THE 1983 NINTH ANNUAL HOLOCAUST CONFERENCE, OCTOBER 23-25, sponsored by the Philadelphia Coordinating Council on the Holocaust (Interfaith), will devote Monday, October 24, largely to Wallenberg. The luncheon will feature a speaker on Wallenberg. Our Committee is invited to man our own Wallenberg resource room and to organize an evening panel on Wallenberg. Our members will be notified. Don Robinson, Director of Temple University Center City Workshop and on our Wallenberg Executive Committee, is one of the organizers and coordinators of this Conference.

NEWS ELSEWHERE

MAY 1983 - The Senate of the General Assembly of the State of Colorado passed a Resolution sponsored by Senators Gallagher, Holme, Baca, Barrigan, Bishop, Groff, Peterson, and Strickland, asking the United States Congress to initiate immediate action to seek the release of Raoul Wallenberg. This Resolution was sent to the President of the United Stat , Secretary of State, each Member of the U. S. Congress and the presiding officers of each State Legislature in the United States.

JUNE 1983 - The May 1983 Colorado State General Assembly Wallenberg Resolution was read into the record of the Delaware State Senate.

MAY 27, 1983 - New York State Assembly Deputy Majority Leader Alan G. Hevesi sent a letter to each Member of Congress asking for their letter of protest to the Soviet Union regarding Raoul Wallenberg, their Resolution calling for an accounting of his fate and their support for Wallenberg's nomination for Nobel Peace Prize; he also included a research paper on Wallenberg written by his brother, a reporter with Newsday, a major daily in Long Island, N.Y. Assemblyman Hevesi is President of the National Association of Jewish Legislators, and a grandson of the former Chief Rabbi of Budapest. On June 10, 1983, Assemblyman Hevesi communicated the aforementioned to us by mail.

TORONTO, CANADA - A street was recently named after Raoul Wallenberg.

JUNE 7, 1983 - ISRAEL became the first country to issue a Raoul Wallenberg stamp. We have a limited supply of First-Day Covers. Interested purchasers may contact us.

"THE PROPHETS" - a rock group has included a piece on Wallenberg in their recent album, Around the World With the Prophets. (See International Herald Tribune article reproduced in this Newsletter.)

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NEWS MEDIA

(Some Examples)

New York Times Magazine, March 30, 1980 - "The Lost Hero of the Holocaust", by Elmore Lester

New York Times Book Review, November 14, 1982, page 16 - Harvey Rosenfeld's biography of Wallenberg, "Raoul Wallenberg, Angel of Rescue"

Washington Post - Series of columns and letters begun by George F. Will's January 6, 1983 column (also in the Philadelphia Inquirer, January 6, 1983, page 19A--see Will's article in this Newsletter) and which stimulated New York Times editorial, January 17, 1983, page A18.

New York Times, May 25, 1982, page A5 - Concerning May 24, 1982 release of "42 Volumes of evidence containing over 13,000 pages" about Wallenberg in Swedish documents covering the years 1950-1970.

New evidence

Inquirer 1/6/83

An answer on Wallenberg

By George F. Will

WASHINGTON — The game of lies that the Soviet regime wraps around reality has never been thick enough to muffle this question: Where is Raoul Wallenberg?

Now it is asked again, in the wake of the most recent in a long series of tormenting reports. A Russian immigrant in Israel says that when he was hospitalized in 1972 on the way to prison, he met a man who "looked Jewish, so I asked who he was. He answered in accented Russian that he was Swedish and was there because he helped the Jews. He said his name was Raoul Wallenberg." That occurred a quarter of a century after 1947, the year the Kremlin says Wallenberg died.

Last May, when tardily releasing documents about the Wallenberg case, a Swedish official said, "We are working on the supposition that he is still alive." (Sweden's lethargy concerning the case — lethargy born of cowardice — hardly constitutes "working.") If alive, he is 70. It is 38 years since he disappeared from Hungary into the Soviet Union.

On Jan. 17, 1945, he was seized by Soviet forces that were "liberating" Hungary from their former allies, the Nazis. Three weeks later he was in the emblematic institution of the Soviet regime, Moscow's Lubyanka prison.

At 32, representing neutral Sweden, Wallenberg was in Budapest at America's request, working with breathtaking bravery and saving scores of thousands of Jews from Adolf Eichmann's final chapter of the "final solution," the destruction of Hungarian Jews.

He bought buildings and draped them with Swedish flags as diplomatically protected territory. He dressed "Aryan-looking" Jewish men in S.S. uniforms to protect Jewish havens.

Raoul Wallenberg

He distributed fake passports, and used sheer audacity to intimidate Nazi soldiers into opening the doors of cattle cars. Thanks to him, the 120,000 Jews in Budapest were the most substantial Jewish community surviving in Europe when the war ended.

One certainty is that Andrei Gromyko lied in the 1957 memorandum asserting that Wallenberg's "sojourn in the Soviet Union" — Gromyko's words — ended with a heart attack in prison in 1947. This memorandum came after 12 years of Kremlin denials that Wallenberg had ever been in Soviet hands.

There has been a steady trickle of reports about Wallenberg, first from returning German prisoners of war, then from released political prisoners and Jewish emigrants. The reports give dates and places — prisons, cell numbers — that trace a tantalizing trail across the years and through the gulags.

For example, in 1961 a Soviet professor of medicine told a visiting Swedish physician that he had recently examined Wallenberg in a "mental hospital."

In 1977 a Muscovite just released from the gulag called his daughter in Israel and mentioned meeting in a Moscow prison a Swede "who had served 30 years." Two years later the Muscovite was back in prison because, his wife said, he wrote a letter about Wallenberg. Sources in Eastern Europe report that in 1981 Wallenberg was moved to a prison hospital near Leningrad.

Why was he arrested in the first place? The Soviet machinery of brutality operates so automatically it leaves little room for, and certainly does not require, much mind. But Soviet repressors certainly did not want brave witnesses to the breaking of Eastern Europe. Why was he kept? Perhaps, in part, to show contempt for Western disapproval.

It is prudent that we insistently ask what happened when Wallenberg ended his dance of death with the Third Reich and fell into the hands of its moral twin. When the Soviet Union gets away with such acts — acts that are as contemptuous as they are contemptible — it gets the idea that it can unleash "yellow rain" and can shoot the Pope with little to fear from the West's fitful disapproval.

Besides, if this case is not America's business, what is? On Oct. 5, 1981, Wallenberg became only the second person (Winston Churchill was the first) to be made an honorary American citizen.

Signing the bill conferring this honor, President Reagan said "we're going to do everything in our power" to locate Wallenberg. But we have not done that. So before Reagan agrees to meet with Yuri Andropov, he should receive an answer, beyond the routine pendacities, to this question: Where is Raoul Wallenberg?

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Obituaries

Josiah E. DuBois Jr., anti-Nazi activist

Josiah E. DuBois Jr., 70, who served as a prosecutor at Nuremberg and as counsel and troubleshooter for Presidents Franklin Delano Roosevelt and Harry S Truman, died Monday at Underwood Memorial Hospital in Woodbury, N.J. He lived in Pitman, N.J.

An attorney and senior partner in the Camden firm of DuBois, Sheehan, Hamilton & DuBois, he was among those who forced this nation's leaders to face the facts of the Holocaust.

Because he succeeded — his efforts helped save the lives of thousands of Jews imprisoned in Nazi concentration camps — the American Jewish Committee honored Mr. DuBois with its Humanitarian Award in ceremonies here June 1.

The honor came 40 years after the fact. But it was timely, nevertheless. At 70, Mr. DuBois was still as angry over the Allied countries' failure to move in strength to halt the genocide as he had been at 30.

In 1943, he had compiled a report on the plight of Jews in Nazi-occupied countries and presented it to his boss, Treasury Secretary Henry Morgenthau Jr. He gave Morgenthau a clear understanding that he would take its findings to the world if the White House failed to act.

Morgenthau took the matter to Roosevelt, and FDR responded by creating the Refugee War Board, the first official step toward helping those threatened with slaughter. To ensure that action would follow, Mr. DuBois was named chief counsel to the board.

And action did follow. Mr. DuBois was not a man to sit on his hands.

A graduate of the University of Pennsylvania and of Penn's Law School, he had worked for the Treasury Department during the Depression and returned to its service in 1941 as the probability of war began to mount.

He was named chief counsel for the Treasury's foreign funds control division. That was the title on the door, but his first assignment was a secret one — a mission to Central America, where there was a clear need to gauge sympathies and allegiances.

He was credited with winning Latin American support for the role the United States was then filling as the "Arsenal of Democracy," feeding a steadily increasing supply of arms, munitions and foodstuffs to Britain and the Soviet Union.

Other missions undertaken at presidential directive followed.

He was sent to North Africa as the invasion was being mounted in 1942. [illegible] there were trips in England with Morgenthau and, on the heels of the invasion of Europe, to France.

When Fred M. Vinson succeeded Morgenthau, Mr. DuBois was freed from Treasury Department routine and detached for duty as presidential counsel at the Potsdam Conference.

Truman named him to the Allied Reparations Committee and sent him on missions to the Soviet Union, Germany and Japan. He was a member of the U.S. delegation at the Paris Conference in 1946.

Josiah E. DuBois Jr.

He was involved in the Bretton Woods Monetary Conference, where the World Bank and the Monetary Fund were established under international sponsorship.

In 1947, he was appointed deputy chief counsel for prosecution of war crimes and assigned to handle charges against officials of I.G. Farben Industries, an industrial and chemical cartel — the largest the world had ever seen — that Hitler's aides had forged into an international weapon, using slave labor drawn from bloody camps such as Auschwitz.

Because of his work at the Nuremberg hearings, he was appointed to a United Nations committee that drew up an international code for financial and economic sanctions against aggressor nations, penalties that could be imposed in situations short of actual war crimes.

After prosecuting the Nazi industrialists, Mr. DuBois wrote "The Devil's Chemists," his documented findings on the war criminals.

And, in the days that followed his return to a law practice in Camden, he remained angry at a world that had permitted such slaughter and imposed such light penalties.

He made it plain, last month when he was presented with the AJC award, that his anger had not abated.

"I was furious," he recalled. "I still am."

Surviving are his wife, Dorothy Clement DuBois, a son, Robert C., a daughter, Jean D. Morgan, three grandchildren, three brothers and three sisters.

Services will be at 11:30 a.m. Thursday at the Davis Funeral Home, 171 Delaware St., Woodbury, N.J. Burial will be in Bethel Cemetery, Hurffville, N.J. Memorials may be made to the American Cancer Society.

THE WALLENBERG COMMITTEE OF GREATER PHILADELPHIA announces with sorrow, the recent and untimely demise of its Vice-President representing South Jersey, Josiah E. DuBois Jr., Esq.

He was Organizer and Chairman of the UNITED STATES WAR REFUGEE BOARD during World War Two -- the Agency which sent Raoul Gustav Wallenberg to Budapest in 1944. As such, his presence on the Wallenberg Committee was especially relevant. He was an unremitting fighter on the side of truth and justice and on behalf of the rights and dignity of the Human Being. As a person, he was caring, openhearted and outgoing.

We deeply regret what might have been. His loss is an irreparable one not only to the Wallenberg Committee and its Cause but also to our Community, to the World Community and to our Era.

We extend our heartfelt condolence to his family.

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Wallenberg ceremony honors diplomat who protected Jews

By Linda Loyd
Inquirer Staff Writer

Religious and civic leaders, city officials and judges were among 200 Philadelphians who gathered at City Hall yesterday to pay tribute to Raoul Wallenberg, the Swedish diplomat who saved tens of thousands of Jews in World War II and then, in 1945, vanished into the Soviet Union's Gulag Archipelago.

The occasion, sponsored by the Wallenberg Committee of Greater Philadelphia, marked the first anniversary of the conferral by Congress of honorary U.S. citizenship on Wallenberg, who some believe to be still in a Soviet prison camp, having been detained without trial for 37 years.

Mayor Green issued a proclamation for Raoul Wallenberg Day that was presented by Deputy Mayor Evelyn White in the mayor's reception room in City Hall.

Elenore Lester, who serves on the national advisory board of the U.S. Committee on Wallenberg and has written the book, Wallenberg: Man in the Iron Web, urged the audience to "keep up the struggle for Raoul Wallenberg."

"He's in danger of becoming an illustrious portrait like the ones on these walls," Miss Lester said. "He is a real and precious human being. He was a wonderful guy."

Wallenberg, young scion of a prominent Swedish Lutheran family, was sent to Budapest in 1944 on a rescue mission under the auspices of the U.S. War Refugee Board. He has been credited with outmaneuvering the Nazis and saving about 100,000 Jews by sheltering them under the flag of Sweden, a neutral country during the war whose rights of diplomatic immunity were honored by the Germans.

Wallenberg was abducted by the Soviets at the end of the war and taken to the Soviet Union. The Soviets for 12 years denied any knowledge of his whereabouts, until they announced in 1957 that he had died in 1947. Many subsequent accounts by individuals freed from Soviet prisons — one report as recent as last year — said he was alive in a Soviet prison.

"We want a groundswell of American voices demanding his release, putting pressure on the United States government" to push for an appeal to the Soviet Union, said Leona T Feldman, president of the Wallenberg Committee in Philadelphia, a group that recently was organized to publicize Wallenberg's story.

Evelyn White (left) and Leona Feldman with proclamation

She said the Wallenberg Committee here is open to all races, creeds, religions and national origins. The local group is one of a "growing number of Wallenberg committees" mobilized throughout the United States and the world to find out what became of Wallenberg.

"This is a first," Miss Feldman said of yesterday's ceremonies. "We've made a big event of this because we're trying to get this man out. He was 70 on Aug. 4."

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THE CHRISTIAN SCIENCE MONITOR Tuesday, June 14, 1983

Louis T. Feldstein
President
Wallenberg Committee
of Greater Philadelphia

Louis Vigdi
President of the World Federation
of Free Hungarian Jewry

THE DAILY PENNSYLVANIAN – Friday, April 8, 1983

Christian Association, Hillel, Newman, and Connaissance

present

Elenore Lester

speaking on

Raoul Wallenberg

-Swedish diplomat who saved 100,000 lives during WWII. Now imprisoned in Soviet Union.

Sunday, April 10
Christian Association

1 P.M. Free
Refreshments

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WALLENBERG DAY 1982

The story of Raoul Gustav Wallenberg contains several significant dates; but October 5 is uniquely meaningful to the People of the United States because on October 5, 1981, the President of the United States signed into law a joint Congressional bill entitled Public Law 97-54 which proclaimed the Swedish-born Lutheran hero-humanitarian of the 20th century an Honorary Citizen of the United States --- a rare honor conferred only twice before in the history of our Country; therefore, other countries may choose other dates on which to celebrate Wallenberg Day --- ie Sweden observes January 17; but only in the United States would there be reason to select October 5 as the appropriate date for Wallenberg Day.

On October 5, 1982, the Wallenberg Committee of Greater Philadelphia, in cooperation with the City of Philadelphia --birthplace of American liberty and in its Tricentennial Year -- celebrated the first Philadelphia Wallenberg Day and the first anniversary of the Presidential Proclamation of Wallenberg's Honorary United States Citizenship,with the resolute hope that he, too, will attain his freedom. On that date, the U.S. Raoul Wallenberg Committee, New York and Wallenberg Groups throughout the Country, celebrated Wallenberg Day.

The forthcoming event received excellent publicity: radio talk-shows WFIL and WUSL 99 Magazine; and in the press: The Legal Intelligencer (Philadelphia Journal for Bench and Bar); The Sea Breeze (Philadelphia Naval Base); The Jewish Times of the Greater Northeast; Chestnut Hill Local; Welcomemat; Office Weekly; Valley Voice (Concerned Citizens of Delaware Valley); Rodeph Shalom Bulletin; Contact (News of the S.E. Penna. Synod, Lutheran Church in America); Swedish Colonial Society (of Pa.) Newsletter; American Swedish Historical Foundation Newsletter; National Institute of the Holocaust Newsletter.

The actual event received excellent on-the-spot coverage by Channel 6 TV; The Philadelphia Inquirer; and The Daily Pennsylvanian (University of Pennsylvania).

The Reception was donated; and to those donors and others, all of whose names were mentioned during the program, the Committee is most grateful.

The United States Raoul Wallenberg Committee sent us our guest speaker, Elenore Lester, author of Wallenberg: The Man In The Iron Web, and a member of their National Board of Advisors.

Allen Lesley (Vice-President) was Chairman of the Day. Yvonne Jackson Walsh, Community Liason on the Staff of Senator Arlen Specter, spoke for the Senator (Board of Advisors). Deputy Mayor Evelyn White presented the Wallenberg Day Proclamation and Citation to the Wallenberg Committee of Greater Philadelphia represented by its President, Leona T. Feldman. Following the President's acceptance speech, Donald Robinson (Executive Committee) read Public Law 97-54-October 5, 1981. The Reverend David B. Rivers, Rector,Old Swede's Church (Executive Committee) delivered the Invocation. Prayers were said by Reverend William A. Jenson Jr., Bishop of S.E. Pennsylvania Synod of the Lutheran Church in America, and Reverend Wilfred J. Pashley, Executive Director of the Office for Urban Ministry, Archdiocese of Philadelphia (Board of Advisors.) The Benediction was pronounced by Reverend Dr. David H. Wice, Rabbi Emeritus, Congregation Rodeph Shalom and Codirector, National Conference of Christians and Jews (Board of Advisors).

The City Representative's staff agreed that they had never seen such a turnout for a proclamation and they praised the calibre of those in attendance. Even the police and City Hall guards were impressed with the "fine, large audience in the Mayor's Reception Room".

Elenore Lester returned to New York City with glowing reports of the occasion to the U.S. Wallenberg Committee; Rachel Haspel, President and Agnes Adachi, Vice President telephoned their congratulations and voiced their pride in the Greater Philadelphia Committee.

The October 5 event did much in the area and surroundings to publicize the name of Raoul Gustav Wallenberg.

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WASHINGTON D.C. APRIL 27, 1983

When the Russians advanced on Budapest in 1945, they arrested Wallenberg without cause, imprisoned him illegally and, depriving him of his fundamental human rights, have held him incommunicado since 1945, in violation of the rules of Diplomatic Immunity, Swedish Neutrality and International Law.

With the passage of Public Law 97-54- October 5, 1981, conferring Honorary U.S. Citizenship on Raoul Gustav Wallenberg, the Americans officially assume, along with the Swedish, the responsibility of holding the Soviets accountable for the fate of Wallenberg.

This Law also directs the President of the United States to "take all possible steps to ascertain from the Soviet Union the whereabouts of Raoul Wallenberg and to secure his return to freedom", thus entitling the American people to call to account their elected and appointed public officials regarding its implementation; it also gives those Congressional Committees involved in its passage, jurisdiction over its implementation through the inherent watchdog powers of Oversight.

Public Law 97-54 provides the legal basis and raison d'etre for our Washington D. C. Project.

Clearly the Wallenberg Case needs Congressional follow-up in order to assure Executive follow-through; therefore, The Wallenberg Committee of Greater Philadelphia calls upon Congress to exercise its authority in this matter by holding oversight hearings in those Committees empowered to do so, namely, the Foreign Affairs and Judiciary Committees of both Houses of Congress whereby pertinent officials of the Executive Branch will be called to testify relative the present status of the Wallenberg Matter and what steps they are taking to carry out the Legislation, and to receive suggestions which they will be expected to carry out, with the understanding that an oversight hearing may be called again at any time thereafter. Our Committee also calls upon the President of the United States to issue a Directive in the Federal Register to all Federal officials to cooperate with all efforts to free Wallenberg. This would have the force of Law. (For further details, see "Washington Activity -- Requests".)

On April 27, 1983, a group from the Wallenberg Washington Planning Committee went to Washington to ask that appropriate action be taken. Those comprising the group were: Leona T. Feldman, President; Josh Eilberg Esq., Executive Director of Brith Sholom National, former Philadelphia Congressman, (Josh, as Member of the Wallenberg Committee Advisory Board, spearheaded this effort); Professor Olan Lowrey, Temple University Law School and member of the Wallenberg Executive Committee; Glen Morris, Counsel for the Wallenberg Committee; and John Fraser who researched and prepared our Washington material.

We met with: Representative Tom Lantos (Cal.), the Congressman most responsible for passage of Law 97-54. He promised to support us all the way; Representative Gus Yatron (Reading, Pa.), who promised to hold Oversight Hearings; Representative William Grey (Phila., Pa) who promised to write to President Reagan regarding the Presidential Directive; Representative Hamilton Fish (New York)- Very supportive. Suggested holding joint oversight hearings (two committees together). Promised to research material regarding violations of Soviet and International Law; Senator Carl Levin (Michigan) promised to study material and help in any way possible. Wants to hear from constituents. Ellen Levin, Legislative Aide in Foreign Affairs to Senator Specter (Wallenberg Committee Advisory Board) will refer material to staff's legal experts; Carl Stevenson, Legislative Aide in Foreign Affairs to Senator Biden (Del) is supportive but first wants to hear from constituents: Judith Buncher, State Department, Bureau of Human Rights, will pass the word on to the Department. Asks for heightened activity by the American Public re the White House, also pressure by Europeans on their Governments. United States prefers to act in conjunction with Western Europe.

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Bottom Line: Congress and the White House are interested in grass roots support. If the American Public is concerned, so are they. The Philadelphia Committee has laid the groundwork and is following up; but, we need CITIZEN SUPPORT, we need YOU to back us up by writing and telephoning your Senators, Representatives and President Reagan (See "Individual Activities" enclosed). When we say that we want a "groundswell of American voices" (See Wallenber Flyer) we mean just that.

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P850137-1302

Good afternoon Abington Edition Wednesday, June 28, 1989

TODAY'S SPIRIT

A Montgomery Newspaper serving Roslyn, Hatboro, Warminster, Southampton, Willow Grove, Abington and surrounding communities since 1954

Missing Swede honored

The Russians announced he was dead in 1957 and have maintained that position ever since.

The Swedish government for which he once worked has refused to accept that, maintaining hope that he is still alive — imprisoned behind the Iron Curtain.

The United States has bestowed honorary citizenship upon him, and Tuesday morning yet another honor was given to Raoul Wallenberg.

Students, teachers and administrators at Abington's McKinley Elementary School, in a special ceremony marking Flag Day, gave Wallenberg the highest honor the school can bestow: The McKinley Citizenship Award.

RELATED STORY, PAGE 2.

The ceremony included remarks by State Rep. Joseph Hoeffel, D-153, Ms. Betty Ellis, who represented the American Swedish Historical Society, Don Robinson, who represented the Raoul Wallenberg Committee of Greater Philadelphia and Christer Persson, secretary to the Swedish ambassador to the United States.

Students Abby Eisman and Peter Tux related the story of Wallenberg to the old students gathered in the McKinley gym.

A native Swede, Wallenberg came to the U.S. at the age of 19 to study architecture at the University of Michigan. In 1944 he was sent to Budapest, Hungary by the Swedish government, where during World War II he provided false Swedish passports to thousands of Jews, insisting that they fall under the protection of the neutral Swedish government.

The Nazis wanted because the Russian authorities could not read Swedish or Hungarian," said Tux.

The Russians both harbored suspicions of Wallenberg, and eventually arrested him in 1945 and charged him with espionage.

"What makes the Raoul Wallenberg story so tragic is that it is so little known," said Eisman.

Perrson said that despite the repeated contention of the Soviets that Wallenberg is dead, Sweden remains hopeful.

Monday, Oct. 18, 1982 Philadelphia Inquirer

Letters to the Editor

Sultzpasse

To the Editor:

I read with great interest about the ceremonies at the Mayor's Office honoring Raoul Wallenberg.

My aunt, uncle and myself owe our lives to him. I think it is important for readers to know that the Swedish diplomat not only operated out of Budapest inside Hungary, but his *Sultzpasse* (protective passes) were honored by the Nazi authorities in Czechoslovakia, particularly in the Slovakian cities of Zilana and Bratislava.

The *Sultzpass* was a made-up document designed by Raoul Wallenberg, elaborately decorated with the emblems and seals of Sweden that proclaimed that the bearer was under the protection of the crown, awaiting emigration. It had no precedent under international law, yet, for a while, the occupying Germans honored them.

I jumped off a cattle car loaded with deportees to Auschwitz. Battered, bruised and without funds, I made my way to Zilana and the Jewish Community Council there by the aid of two natives I met on the tracks. They issued me a *Sultzpass*, which satisfied the officials, giving me time to recover and to avoid rearrest for the crime of being a Jew. I called the Jewish Council in Bratislava to inquire as to the whereabouts of my aunt and uncle who lived there. I found that they, too, were under Mr. Wallenberg's protection.

As the war drew to a close and I discovered the *Sultzpasse* were no longer honored, I found a hiding place in Bratislava. Mr. Wallenberg's clever ruse enabled me to avoid the gas chambers.

LOUIS MERMELSTEIN
Philadelphia

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P850137-1303

Wallenberg Deserved Nobel Prize

Afraid of the Soviets?

The Nobel Peace Prize Committee has always made little secret of its displeasure at the continuation of Russia's jailed but darkly brilliant, Andrei Sakharov, by giving that country's award to Mainstream advocates of liberal and Atlantic Union thinking.

The Nobel Committee is afraid of provoking the Russians," charged one of the Polish dissidents who braved a chilling walk outside the Nobel Institute in Oslo last week, when the announcement was made.

The complaint has obvious merit, but there are people who feel the same way about the committee's failure to honor the most recent nomination of Raoul Wallenberg, whose unique worthiness has been ignored ever since Albert Einstein first recommended him for the prize back in 1949.

"It's sad, but not surprising," notes John Bierman, the British journalist who awakened American consciences last year with his book, *Righteous Gentile: The Story of Raoul Wallenberg, Missing Hero of the Holocaust* (Viking Press).

"The Nobel people are such a mealy-mouthed lot," says Bierman, "there is no way they would

Jack McKinney

infuriate the Russians by giving the award to Wallenberg."

Raoul Wallenberg was a Swedish diplomat who risked his own life regularly to save many thousands of Jewish lives in Hungary during the final terrible stages of the Holocaust, only to vanish shortly after the Russians "liberated" Budapest on Christmas Eve, 1944.

For years, the Soviets denied any knowledge of Wallenberg's existence, despite repeated reports that he was a prisoner in Russia.

Then, during the so-called "de-Stalinization" period, Deputy Foreign Minister Andrei Gromyko claimed in February, 1957, that a search of the Lubyanka Prison archives had revealed that "a prisoner named Wallenberg" had died there of a heart attack almost 10 years earlier.

Other than this terse announcement, the Soviets consistently refused to provide any documentation of Wallenberg's death. Nor would they explain why the Swede had been imprisoned in the first place.

But over the years, there have been periodic reports — some as recent as 1980 — that Wallenberg has been seen alive by returnees from the Soviet prison system. According to at least one report, Wallenberg was being held in a government mental hospital — which, as author Bierman points out, is the Soviet equivalent of being "buried alive."

Just a year ago this month, President Reagan signed a resolution making Wallenberg an honorary U.S. citizen. The only other foreigner ever to be granted that distinction was Winston Churchill.

At the signing ceremony, Reagan said Wallenberg's wartime accomplishments were of "biblical proportions." The president also acknowledged that "there is evidence he is still a prisoner" in the USSR.

The U.S. bears a special moral responsibility for Raoul Wallenberg, much of whose rescue work was financed by this country.

In January, 1944, the Roosevelt Administration belatedly reacted to the ongoing annihilation of Jews by forming the War Refugee Board. By then, the Nazis knew defeat was inevitable, but Hitler was insanely determined to liquidate Hungary's 900,000 Jews — the largest remaining Jewish population in Europe.

The War Refugee Board asked neutral Sweden to send someone on a rescue mission [illegible] Wallenberg, because of his [illegible] in Germany and his many business contacts in Budapest.

An unlikely hero, Wallenberg was from one of the country's wealthiest families, sometimes referred to as "the Rockefellers of Sweden." He was unassuming personally, and he had no diplomatic background. But once in action, his work was labeled as "biblical proportions," as John Bierman's book said. The testimony of survivors will surely attest.

By January, 1945, Wallenberg had issued passports and Swedish travel documents to at least 20,000 Budapest Jews, having sheltered 11,000 of them in "safe" houses he had personally rented. He also successfully prodded other neutral embassies into stepping up their own efforts to save Jews.

There are accounts of Wallenberg standing atop deportation trains, handing out Swedish passports to as many Jews who could reach them, then demanding they be released from the train. He personally pulled people out of death marches to the border. By night, he smuggled food and medical supplies to deportees.

After the Soviets came, Wallenberg sought their help in dealing with remnants of the pro-Nazi Arrow Cross Party, gangs of armed thugs who were still preying on Jewish survivors. Then, on January 17, 1945, he and his driver, along with two Soviet officers, set out for Debrecen, 120 miles from Budapest, where Wallenberg planned to request added help for Jewish survivors.

Wallenberg and his driver never returned. The most plausible reconstruction is that the Soviets were immediately suspicious of Wallenberg's "capitalist" background. And when other members of the Swedish legation disclosed under intense interrogation that the U.S. had financed Wallenberg's rescue efforts, Soviet intelligence concluded he had to be an American "spy."

Like others who have researched the case, John Bierman was outraged by the "combination of cowardice and naivetie" that long inhibited the Swedish government from aggressively confronting the Soviets about Wallenberg's fate.

"When the Americans tried to help, the Swedes rebuffed them," he says. "Later, the Swedes did get more persistent with the Russians. But if they had shown more guts and determination earlier, before the cover-up became so deep, they might well have succeeded in winning Wallenberg's release."

Raoul Wallenberg's 70th birthday was in August. If he is still alive, the awarding of the Nobel Peace Prize in his name would have put enormous pressure on the USSR to release him.

Yes, the charter of the Nobel Institute rules out posthumous awards, but there has never been a shred of documented evidence that Wallenberg is dead. Indeed, the official position of his own country, which ironically also gave us Nobel, is that Wallenberg is alive.

Even if that is no more than a faint hope, humanity must cling to it.

Jack McKinney's column appears Mondays, Wednesdays and Fridays.

Wallenberg: Missing hero

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Wallenberg Committee of Greater Philadelphia
Washington Activity -- Requests
U.S. Legislative, U.S. Executive

U.S. Legislative

We ask for the Senate's legislative review and the House's oversight of Public Law 97-54 -- Oct. 5, 1981 (whose Section 2 states, "The President is requested to take all possible steps to ascertain from the Soviet Union the whereabouts of Raoul Wallenberg and to secure his return to freedom"). The Senate's legislative review would be pursuant to Rule 26.6a of the Standing Rules of the Senate. The House's oversight would be pursuant to Rule 10, Clause 2 of the House Rules.

The Senate Report (No. 97-169, 1981) shows the Senate Committee on Foreign Relations and Committee on the Judiciary have jurisdiction. The House Report (No. 97-152, Parts 1 and 2, 1981) shows the House Committee on Foreign Affairs' Subcommittee on Human Rights and International Organizations and Subcommittee on Europe and the Middle East, and Committee on the Judiciary's Subcommittee on Immigration, Refugees, and International Law, have jurisdiction.

We ask for hearings by each of the two Senate committees and three House subcommittees.

We ask that, to prepare for such hearings, the members use the Congressional Research Service and other information resources to obtain a directory of all private U.S. and foreign organizations participating in efforts to free Wallenberg (including organization name and address, and a name and telephone number if available), an annotated list of other possible witnesses for the hearings, a chronology of reports concerning Wallenberg's location and condition (with full citations for printed sources when available, and an annotated bibliography) including all official Soviet statements, a detailed review of how the treatment of Wallenberg violates specific provisions of international and Soviet law, and other information as needed.

We ask that the members request continuous review with regular reports from all relevant State Department offices, the International Communication Agency, and other executive officials, on the latest status of U.S. and foreign official and private efforts to free Wallenberg.

We ask for cooperation of all Senators' and Representatives' staffs with all U.S. and foreign official and private efforts to free Wallenberg, and that each member designate one staff member or more to facilitate private contacts with U.S. and foreign government officials including intelligence officials, and to facilitate replies to private requests for information including intelligence information.

We ask that all Senators and Representatives sign a formal request that the President (in the Federal Register) direct all federal officials to cooperate with all U.S. and foreign official and private efforts to free Wallenberg.

We ask that all Senators and Representatives notify the chairman of each committee having jurisdiction of their support for all U.S. and foreign official and private efforts to free Wallenberg.

U.S. Executive

Executive Office of the President:
We ask that the President (in the Federal Register) direct all federal officials to cooperate with all U.S. and foreign official and private efforts to free Wallenberg.

We ask that the President designate one staff member or more to facilitate private contacts and to facilitate replies to private requests for information.

We ask that the President regularly and repeatedly refer to Wallenberg in his speeches.

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Department of State:
We ask that the Secretary of State direct all State Department officials to ask in every possible bilateral and multilateral meeting that the Soviet Union free Raoul Wallenberg, and to review all bilateral and multilateral policies for changes to assist U.S. and foreign official and private efforts to free Wallenberg. We ask that this action include requests of, and policy reviews concerning, all countries besides the U.S. and Soviet Union that might influence the Soviet Union to free Wallenberg. We ask specifically for continuous exploration of all possible bilateral and multilateral prisoner exchanges, "spy swaps," and other exchanges to free Wallenberg, as a priority of the State Department.

We ask that the Legal Advisor prepare briefs for U.S. official litigation and official protest in all possible international legal and human rights forums, and make copies available to all U.S. and foreign official and private efforts to free Wallenberg.

International Communication Agency:
We ask that all possible media be used to regularly and repeatedly report the latest status of U.S. and foreign official and private efforts to free Wallenberg.

Individual Activity to Free Raoul Wallenberg

1. Pray for Raoul Gustav Wallenberg and for success in the effort to free him from the Soviet Union.

2. Write a courteous letter to Soviet Chairman Yuri V. Andropov. How: please send the Committee an undated letter, typed with signature in pen, or all in pen, addressed "Dear Chairman Andropov:" asking "Please free Raoul Gustav Wallenberg," and signed "Sincerely," with your name and address. Then the Committee can photocopy the letter, to send the original to Andropov and copies to others (including other Soviet officials), with a copy and the return receipt for Committee files. This will save you the $4.65 postal fee for a one-ounce return receipt letter to the Soviet Union. Please also send the Committee a copy of any reply you receive.

3. Call your Senators' Washington offices. How: for each Senator, please call 1-202-224-3121 (the Capitol Hill Switchboard) on a weekday between 9 A.M. and 5 P.M., and ask for the Senator's office. Then courteously say what city you are calling from, and that you are calling to ask that the Senator send you a written statement of what he has done and plans to do to help free Raoul Gustav Wallenberg from the Soviet Union. Then give your name and address, ask if the person you're speaking to knows when you might expect the statement, and close with a thank-you. Each call is likely to cost about one dollar. When you do get a written statement, please let the Committee know the date you called and the date you received the statement.

4. Call the President's White House Comment Line. How: please call 1-202-456-7639 on a weekday between 9 A.M. and 5 P.M., and courteously say what city you're calling from, and that you'd like to leave a very brief message about Raoul Gustav Wallenberg, asking that the President direct in the Federal Register that all federal officials cooperate with all U.S. and foreign official and private efforts to free Raoul Gustav Wallenberg. The call is likely to cost about one dollar. Please also let the Committee know the date and time you called.

5. Sign a petition, and gather signatures for a petition. How: please let the Committee know whether you want one petition form (for twenty-five signatures) or more, or make your own petition by using a heading such as "We ask that the Soviet Union free Raoul Gustav Wallenberg." Write your name with your city and state, ask others to do the same, and then send the partly or completely filled petition to the Committee. Then the Committee can photocopy the petition when filled, to send the original to Andropov and copies to others (including other Soviet officials), with a copy and the return receipt for Committee files. This will save you the $4.65 postal fee for a one-ounce return receipt letter to the Soviet Union

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NEWS UPDATE

HOUSE OVERSIGHT HEARING AUGUST 3, 1983

The Wallenberg Committee of Greater Philadelphia Inc. was invited to participate and testify before the Subcommittee on Human Rights and International Organizations of the House Foreign Affairs Committee on August 3, 1983.

The Oversight Hearing entitled "UPDATE ON RAOUL WALLENBERG" was held in the House Foreign Affairs Committee Room 2172, Rayburn House Office Building before a capacity audience including dignitaries and officials. Chairman Gus Yatron (Pa.) presided.

Joshua Eilberg, Esq. who is on the Board of Advisors of the Wallenberg Committee of Greater Philadelphia, testified on its behalf. He is also a former member of the United States House of Representatives. Other members of the Philadelphia Committee who accompanied him to the Hearing were Leona Feldman (President), Allen Lesley, Esq. (Vice-President), Sarah Kops (Advisory Board), John Fraser, and Joyce Johnson, wife of our Vice-President from the State of Delaware and President of the Delaware League of Women Voters.

Mr. Eilburg began his testimony by thanking Chairman Yatron "for agreeing to meet with us last April 27th to discuss Raoul Wallenberg; thank you for at that meeting offering to hold oversight hearings on Public Law 97-54 -October 5, 1981; and thank you for now holding such an oversight hearing." He went on to review what the Committee could do to implement our "WASHINGTON ACTIVITIES REQUESTS" (see text of same in this Newsletter).

The panel of witnesses spoke in the following order and were listed as follows:
Hon. Tom Lantos, Member of Congress from the State of California
Annette Lantos, Administrative Assistant to Representative Lantos and Foundor, Chairperson, FREE WALLENBERG COMMITTEE
Hon. Claiborne D. Pell, U.S. Senator from the State of Rhode Island. (Senate Ctte. on Foreign Relations)
Hon. Hamilton Fish, Jr., Member of Congress from the State of New York.
Hon. Edward J. Derwinski, Counselor of the Department of State and former Member oc Congress from the State of Illincis
Hon. Millicent Fenwick, U.S. Ambassador-designate to the U.N. Food and Agricultural Organizations and former Member of Congress from the State of New Jersey.
Hon. Joshua Eilberg, Member of the Board of Advisors, WALLENBERG COMMITTEE of GREATER PHILADELPHIA and former Member of Congress from the State of Pennsylvania.
Sonia Sonnenfeld, Executive Director, INTERNATIONAL RAOUL WALLENBERG COMMITTEE, STOCKHOLM, SWEDEN
Rachel Ostreicher Haspel, President, RAOUL WALLENBERG COMMITTEE of the UNITED STATES
Agnes Adachi, Vice President, RAOUL WALLENBERG COMMITTEE of the UNITED STATES and President, QUEENS CHAPTER OF THE WALLENBERG COMMITTEE
Morris H. Wolff, Professor, Delaware Law School
Joan Scarob, Co-Chairperson, FREE WALLENBERG COMMITTEE

In Chairman Yatron's opening statement, he said, "Wallenberg's own words suggest why our endeavors to rescue him must continue. When he was asked whether he would go to Budapest, he said 'If I can save one life I will go'. It is my greatest desire that the life we may be able to save through our hearing today will be that of Raoul Wallenberg."

The Wallenberg Committee of Greater Philadelphia submitted a list of questions to the Subcommittee which Chairman Yatron put to State Department Counsellor Ed Derwinski

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Those members of the Subcommittee who paid tribute to Mr. Wallenberg and sat with Chairman Yatron during the Hearing were Representatives Mel Levine (Cal), Ted Weiss (New York), Tom Lantos (Cal), Peter Kostmayer (Pa), Jim Leach (Iowa).

Congressmen from other Committees or Subcommittees who sat that day with the Human Rights Subcommittee and participated in the Hearing were Representatives Harry Reid (Nev), House Foreign Affairs Subcommittee on Africa, Benjamin A Gilman (N.Y.), House Foreign Affairs Subcommittee on International Operations and Hamilton Fish Jr. (N.Y.), House Judiciary Committee. (Representative Fish also testified, see above.) Both the Judiciary and Foreign Affairs Committees were responsible for passage of the Wallenberg Legislation in 1981.

The Wallenberg Committee of Greater Philadelphia gave advance notice to media and press in Philadelphia, Reading (Congressman Yatron represents the Reading area.), South Jersey, State of Delaware, New York and Washington DC as well as organizations, Embassies, State Department Officials and Members of Congress.

Coverage of the hearing was given by, among others, the United States Information Agency's Voice of America, Radio Free Europe-Radio Liberty Inc., Cable News Network and CBS Network News.

Prior to the August 3 Oversight Hearing, on August 2, Radio Free Europe - Radio Liberty Inc. and Channel 10 interviewed Wallenberg Committee President Leona T. Feldman by telephone.

On August 2, relative the August 3 Oversight Hearing, Don Johnson (Vice President from the State of Delaware) and Joyce went to Washington DC where they spoke with their Representative Thomas Carper as well as Ann Butterfield and Charlie Stevenson, Staff Assistants in Foreign Affairs respectively for Senators William V. Roth Jr. (Del) and Joseph R. Biden (Del). Don also gave them each a packet of material including Petitions signed by Delawarians, calling for the release of Wallenberg

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August 6, 1983 -- Senator Arlen Specter (Pa) met in Philadelphia with Josh Eilberg, Allen Lesley, John Fraser and Leona Feldman. The Senator promised to try for a Senate Oversight Hearing in the near future which he himself would chair. He also promised to contact President Reagen regarding the issuance of a Presidential Directive.

August 11, 1983 -- The School Curriculum Committee had its first meeting.

# # #

P 060137-1306 UNCLASSIFIED

Evening Journal - Wilmington, DE 6/14/83

Tuesday, June 14, 1983

The News-Journal papers Gannett Newspapers

Who said the town closes down?

Bill Frank

NOTES BY a Delaware version of diarist Samuel Pepys.

Let no one ever persuade you that Wilmington shuts down on a mid-June Saturday. As evidence, here is my diary for Saturday, June 11:

● 11 a.m.: Drove to the Delaware Art Museum on the Kentmere Parkway, to discover all streets leading to the center clogged with parked cars. And no wonder! The annual Craft Fair was in progress.

I did find a space and began buying from the many bazaars offering outstanding bargains, particularly books and art magazines.

Later sat in the portico and thought of the late 1930s when the museum was built on ground made available by the Bancroft family.

Introspectively, I decided it was a good thing the Wilmington Society of the Fine Arts did not accept the late N.C. Wyeth's 1937 recommendation to build the center at 14th and Market Streets where Fletcher Brown School was later erected.

Wyeth was not sold on the Kentmere Parkway site, but his hunch turned out all wrong.

● 12:30 p.m. Drove to Fort Christina Park on lower East Seventh St. for the Delaware-Swedish Colonial Society's Midsummerfest.

It was better attended than I had expected.

Everyone wandered down to see the Carl Milles monument but a number deplored the continued presence of vast trash and junk piles on the Christina River bank opposite the monument. Is this really the gateway to Wilmington?

The dancers with their Swedish affiliation were charming.

This was a most significant event, a tribute to the Swedish pioneers who landed here in 1638 and started the history of present Wilmington.

I noted with satisfaction that there was a table where people could sign petitions to our congressmen, urging them to persuade Russia to release the valiant Raoul Wallenberg, courageous Swede who saved many hundreds of men, women and children from the clutches of the Nazi fiends.

● 2:30 p.m. Drove to Eighth and Market streets and strolled the Mall enjoying the Racial Unity Demonstration.

There was one particularly interesting group of Afro-American musicians, in front of the Grand Opera House, who held the attention of scores of people.

The entire event, between Eighth and Ninth Streets, filled the Mall with scores of visitors.

Who said the Market Street Mall closes down on Saturdays?

● 7:45 p.m. Drove to the Wilmington Music School on upper Washington Street for the Honor Awards Program and recital.

A pity more people didn't attend. Also, a pity the News-Journal papers' top music critics don't pay more attention to these young musicians.

In the auditorium waiting for the program to begin, my thoughts went to the 1920s when the Music School was located in the former Young Men's Hebrew Association building at the northwest corner of Third and King, and later at the corner of Eighth and Washington.

The speaker Saturday night was Fredrick Kaufman, dean of the Philadelphia College of the Performing Arts. He was introduced by Stephen Gunzenhauser, artistic director of the Music School.

This was followed by a series of solos by students, a most amazing and delightful array of young musicians with considerable talent.

It was interesting to note the appearance of one of Wilmington's more interesting musical families, Marilyn Haas, a public school music teacher who is skilled in both piano and viola, accompanied on piano each of her daughters — Jennifer on violin and Lianne on viola.

Later in the evening the String Club presented a Mendelssohn work, directed by Leo Abramjian, and among the players were not only the Haas girls but also their brother, Darryn, on cello.

Where was Papa Jack Haas? He's also a musician, strong on the trumpet. On this night, however, he was in the orchestra at the Candlelight Dinner Theater in Arden.

The evening came to a superb ending with the presentation of awards by Gunzenhauser, assisted by Mrs. Peter Flint, president of the Wilmington Music School.

● 10:30 p.m. and so to home to hear the results of the special election in East Wilmington for the State House of Representatives.

Was overjoyed at the terrific victory of Jim Sills, who now succeeds Herman M. Holloway Jr.

It was, as they say, the end of a perfect June day.

The effort of the Holloway clan to force one of their own upon the state has been defeated, at least for the time. Whoever thought up this scheme of pushing the sister of Holloway Jr., into the General Assembly should do public penance for a year or more.

It was not only a foolish idea but smacked of unusual arrogance.

I recall hearing Marlene Dryden, the sister, say her candidacy was an effort to get Lee Marshall and his group "off our backs."

Well, maybe now Sills' victory will get the Holloway clan off our backs.

Bill Frank is a News-Journal columnist.

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P850137-1307 UNCLASSIFIED

INTERNATIONAL HERALD TRIBUNE, WEDNESDAY, JANUARY 19, 1983

Prophets: Rock Translated

By Michael Zwerin
International Herald Tribune

PARIS — "Some rock groups are figments of the audience's imagination; The Prophets are figments of our own," explained Norman Landing, a pseudonym. "We are always coming up with hypothetical situations which we cannot incorporate into our other activities, so we decided to create a hypothetical group."

They are two. Both have worked with Amnesty International. Landing is a record producer. Joseph Weil, another false name, resembles the eccentric, absent-minded inventor he is. Both now citizens of European Community countries, they concealed their Eastern European origins to protect relatives when they released their first record, "Back To Siberia" (Hypothetical Records) in 1979.

This single was fabricated with deliberately crude art and synthesizer work to make it look and sound like a smuggled Soviet dissident document.

"It's a minimalist parody of Kraftwerk's 'Trans-Europe Express,' listing stops on the Trans-Siberian Express where more people get off than get on the train," Landing said. "We found a dissident in Paris who had this information. So without shouting any message, we came up with a fairly complete list of Siberian gulags."

The Prophets have an artistic personality somewhere between David Bowie and Laurie Anderson. They deal in motorics with a beat and electronics with a human face. "Electronics are often too impersonal," Weil said. "It is important to maintain the human element. Whenever possible we use a real acoustic instrument rather than a synthesized imitation. The clicking of keys or valves, the player's breathing, hesitations, bum notes, even genuine human failure, is important."

"On the Edge," a track on their recent album "Around the World With The Prophets" (Epic), is another example of artistic exploitation of human failure, as well as their fascination with "found" material. It is a synthesized collage based on a real recorded announcement read by a man with a heavy Brooklyn accent in a Queens subway stop. "Leaning over the edge of the station platform will not make the train come any more quickly. A watched pot almost never boils. If you lean over the edge, you may fall to the tracks. The consequences may be very serious. Please do not lean over the edge of the platform. And when a train does come, step back from the edge. It's much sa — it's much safer [illegible]"

"Nobody took the time to edit out the guy's stutter over 'safer,' or make another take," Landing laughed. "That's New York for you. Time is money, get it done fast, and don't lean over the edge."

"I Like Lead" is based on a study made of children who lived around "Spaghetti Junction," where several motorways meet near Birmingham, England. Landing read one chemist's report that the children up to age 8 suffered brain damage from lead poisoning equivalent to the effect of two whiskeys a day. "Studies seem to prove that heavy doses of lead make these kids unruly at football matches and reduce their attention span," said Landing. "Instead of just crying out about the injustice of it all, we thought it would be more effective and less boring to treat the subject from the hypothetical point of view of kids who object to a cleanup campaign on the ground that they've been getting stoned for free while their parents spend all their money in the local pub for the same purpose."

The most effective and ambitious piece on the album, "Wallenberg," is based on an article by Leopold Unger in the International Herald Tribune (Nov. 9, 1980) about Raoul Wallenberg, the Swedish diplomat who saved many Hungarian Jews from the Nazis and then disappeared into the gulag network. Reading it, Landing thought, "It's the Scarlet Pimpernel all over again."

He applied Brion Gysin's cut-up method to write the song. Gysin's cut-ups influenced the writer William Burroughs and rock star David Bowie, among others. Pages of written text are literally cut up and reassembled to make a new message. For example, Unger's passage: "Andrei Gromyko, at the time deputy foreign minister, admitted . . ." became, "The Time Minister admitted . . ." The text is electronically filtered and chanted over a dirgelike lilt with sustained organ chords and plaintive saxophones.

"Wallenberg" has another hook which, according to Landing, is basic Prophets' thought process.

"My brother is a doctor who works with 'Physicians Against Nuclear War' in Oxford. He told me that one reason SALT treaties never get ratified is because they are translated when each party gets home and the translation is then sent for approval. The Americans read Russian translated into English by Russians and vice versa. Then each party says that such and such a passage is not what they agreed on, so they translate their version again and send it for approval. [illegible]

accuse the other of trying to pull a fast one.

"From the premise that many misunderstandings stem from this human failing, we decided to create deliberate misunderstanding in order to attract attention to Raoul Wallenberg's case. We want to translate the song from English to French, French to Italian, Italian to German and so on until the final Japanese version is retranslated back into English. . . .

"Eventually we would like to put all the versions of 'Wallenberg' on one limited-edition LP. Obviously this is never going to make a whole lot of money, but we'll donate it to a library, put it in a vault or something and then forget about it."

(Leopold Unger writes in French, so his Herald Tribune article had already been translated once.)

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P850137-1308 UNCLASSIFIED

To keep you informed about recent publicity in Sweden.

RAOUL WALLENBERG-FÖRENINGEN Tel. 23 37 80
Box 16076, 103 22 Stockholm

Vänligen sänds. Sonja
Sorry can't find Swedish at the moment - I just know it's

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Jag tror inte
Sonja förstår innehållet
av Raoul. —
Bäst att
hon får veta

Västtysk dokumentär om Raoul Wallenberg

Död eller inte död 1947? Mer behöver man nog inte säga för att associationerna skall leta sig till Raoul Wallenberg, den svenske diplomaten som försvann för 38 år sedan, tagen "i förvar" av ryssarna.

På lördagskvällen, kl. 20.00 visar TV 2 en västtysk dokumentär, som huvudsakligen skildrar Wallenbergs kjälpaktioner för att rädda ungerska judar undan nazisternas förföljelse i Budapest 1944.

Wallenberg hade kommit till Ungern sommaren 1944. Tyska War Refuger Board hade gett honom i uppdrag att rädda judar. Under hösten lär han ha räddat livet på någonstans mellan 30 000 och 60 000 personer, bland annat genom att ordna svenska skyddspass.

När han anlände till Budapest drevs den judiska landsbygdsbefolkningen samman för att skickas till koncentrationslägret Auschwitz, en av Tredje rikets många gaskammare.

Till skillnad från andra diplomater i Budapest lämnade Wallenberg sin legation, och sökte upp de förföljda människorna. Han gjorde vad han kunde för att lindra deras akuta nöd, förhandlade med olika myndigheter. När ryssarna erövrade staden i januari 1945 greps svensken av militär och fördes till Röda arméns högkvarter.

Sedan dess har hans öde varit omdebatterat. 1957 fick Tage Erlander höra av Chrustjov, att Wallenberg dött den 17 juli 1947, troligen av hjärtkollaps. Men flera uppgifter har talat för att han varit vid liv vid senare tillfällen.

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P800137-1309 UNCLASSIFIED

RAOUL WALLENBERG HONORED IN STOCKHOLM CATHEDRAL ON RAOUL WALLENBERG DAY JANUARY 17, 1983

Raoul Wallenbergs minne hyllades i tal och med sång

18/1-83 Arbetet

STOCKHOLM (TT)

Raoul Wallenbergs insatser för att rädda 100 000 judar i andra världskrigets slutskede uppmärksammades på måndagen på flera håll i västvärlden. I Stockholm skedde det vid en sammankomst i Storkyrkan med tal av landshövding Gunnar Helén.

Storkyrkans kör framförde ett musikprogram på temat fred och frihet. Dirigent var Gustaf Sjökvist. Dessutom medverkade skådespelerskan Gerd Hagman, överrabbin Morton Narrowe, pastor primarius Ludvig Jonsson och Storkyrkans organist Håkan Martinsson.

Raoul Wallenberg-dagen firas för att erinra om att det var 17 januari 1945 som Wallenberg senast sågs i frihet. Han grep då av de ryska trupperna i Budapest.

Vad som sedan hänt honom är höljt i dunkel. De sovjetiska myndigheterna hävdar att han avled 1947.

Det senaste spåret i efterforskningarna efter Raoul Wallenberg är uppgifter från en sovjetisk jude Asjer Hanukajev som utvandrat till Israel. Han hävdar att han i mars 1972 under några dagar träffat den svenske diplomaten i fängelsesjukhuset i Sverdlovsk vid Uralbergen.

Hannukajev, som kom till Israel för fem år sedan framträdde i december första året.

Den svenske ambassadören i Israel Torsten Örn har träffat Hanukajev och betecknat hans uppgifter som trovärdiga. No granskar utrikesdepartementet i detalj vittnesmålet. Det finns dock en viss skepsis inför att Hanukajev vistat så länge med att framträda.

Two cuttings out of many from all over Sweden

"Ge ut frimärke med Wallenbergs porträtt!"

20/1-83

Ge ut ett frimärke med Raoul Wallenbergs porträtt. Det är ett värdigt sätt att för alltid påminna om hans gärningar anser moderate riksdagsledamoten Sven Munke och för fram kraven i en motion under allmänna motionstiden.

Han påpekar att många forskare, konstnärer och andra personligheter hyllas genom frimärksutgivning.

Alla vin- och spritflaskor som säljs av Systembolaget bör beläggas med pant, föreslår Lennart Pettersson m fl (s). Detta skulle minska nedskräpningen i naturen.

Stora delar av Norrlands inland av av Värmlandriskerar att ödeläggas inom en historiskt sett kort tid om inte åtgärder vidtas mot det passiva ägandet av skogs- och jordbruksfastigheter. Det befarar Sven Henricsson m fl (vpk) och kräver en tidsgräns för dödsbokgande, ändrad skattelagstiftning och skärpt jordförvärvslag.

Rädda våra fjälliskogar, utropar Lars Ernestam och Börje Svensson, båda (fp). Exploateringen av fjälliskogarna innebar att unika naturvärden spolieras och att samernas försörjningsmöjligheter ytterligare beskärs.

Utred riskerna med att använda antibiotika i slaktdjursfoder, föreslår Hagar Normark och Inger Hestvik, båda (s). I avvaktan på utredningen bör antibiotika användas sparsamt.

Knyt u-hjälpen til den svenska sysselsättningspolitiken kräver Marianne Karlsson (c) U-landsbiståndet skall prioritera varor och tjänster som ger arbetstillfällen i Sverige. Låt t ex den nedlagningshotade fabriken i Degerhamn på Öland fortsätta att producera cement och skänk den i form av u-hjälp.

SUGGESTING STAMP ON RAOUL WALLENBERG

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THE WALLENBERG COMMITTEE OF GREATER PHILADELPHIA, INC.

—c/o The Philadelphia Art Alliance, 251 South 18th Street, Philadelphia, Pa. 19103

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FREE RAOUL WALLENBERG

WE THE UNDERSIGNED

CALL ON THE SOVIET UNION TO FREE RAOUL GUSTAV WALLENBERG, TWENTIETH CENTURY SWEDISH LUTHERAN HERO- HUMANITARIAN AND RECENTLY PROCLAIMED HONORARY UNITED STATES CITIZEN WHO SAVED SOME 100,000 JEWISH LIVES AND COUNTLESS CHRISTIANS FROM NAZI EXTERMINATION IN 1944 DURING WORLD WAR TWO, AND WHO HAS BEEN A PRISONER OF THE RUSSIANS SOMEWHERE IN THE SOVIET UNION SINCE 1945.

NAME	CITY and STATE

PLEASE SEND COMPLETED PETITION FORMS TO: THE WALLENBERG CTTE. OF GREATER PHILADELPHIA, c/o THE PHILADELPHIA ART ALLIANCE, 251 South 18th STREET, PHILA., PA. 19103 (Telephone -- 732-8991)

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P850137-1315 UNCLASSIFIED

NOBEL PEACE PRIZE FOR RAOUL WALLENBERG

WE THE UNDERSIGNED ----------

CALL FOR THE NOMINATION OF RAOUL GUSTAV WALLENBERG, Honorary Citizen of the United States (recently proclaimed), TO RECEIVE THE NOBEL PEACE PRIZE. As 20th Century Hero-Humanitarian, his nomination is long overdue.

In 1944, young Wallenberg, Swedish Lutheran diplomat, went to Hungary under the United States War Refugee Board. His superhuman efforts at the risk of his own life, saved some 100,000 Jewish lives from Nazi extermination, as well as countless anti-Nazi Christians. In 1945, the Russians rewarded his heroism with imprisonment. According to eyewitness testimony, Wallenberg is alive and still a prisoner somewhere in the Soviet Union. The Swedish and United States Governments give this position official credence. Awarding the Nobel Peace Prize to Raoul Gustav Wallenberg, would give recognition to the uniqueness of this man, his mission and its accomplishment and would send a clear signal and universal message to Soviet authorities to reverse their position and to set him free.

NAME _____ ADDRESS _____

PLEASE SEND COMPLETED PETITION FORMS TO : THE WALLENBERG CTTE. OF GREATER PHILADELPHIA, c/o THE PHILADELPHIA ART ALLIANCE, 251 SOUTH 18th STREET, PHILA., PA. 19103 (Telephone -- GR2-0989)

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P850137-1316 UNCLASSIFIED

Where is Raoul Wallenberg...and why was he abandoned by his country and the world?

In 1944, during World War Two, Raoul Gustav Wallenberg, young Swedish diplomat and scion of an illustrious and aristocratic Lutheran family, went to Nazi-occupied Budapest on a rescue mission under the auspices of the Swedish Government and funded by the United States War Refugee Board. By outmaneuvering the Nazis, he saved some 100,000 Jewish lives slated for torture and extermination and he saved the lives of countless anti-Nazi Christian partisans. In 1945, the advancing Russians arrested Wallenberg without cause, imprisoned him without trial and, depriving him of his fundamental human rights, have held him incommunicado since 1945, in violation of the rules of Swedish Neutrality, Diplomatic Immunity and International Law. Throughout the succeeding years, Wallenberg's attempts to alert those on the Outside, to his existence and whereabouts, met with World indifference.

The United States and Sweden officially maintain that Wallenberg is alive and still a prisoner somewhere in the Soviet Union. Sworn evidence and eyewitness testimony support this position. On October 5, 1981, the United States made him an Honorary Citizen, the third in its history. The Congressional Law 97-54 which thus honors Wallenberg, also directs the President of the United States to take all possible steps to ascertain from the Soviet Union his whereabouts and to secure his return to freedom.

It is ironic that this man, a caring and concerned Christian who risked his life to perform a sincere act of human kindness, should languish in Soviet prisons since 1945, abandoned by a world which could have helped and that in rescuing those doomed by the apathy of others, he fell victim to a similar fate

An international outcry led by a ground swell of American voices must arise to demand the release of Raoul Gustav Wallenberg, Hero of the Twentieth Century. His message is a clarion call to all humanity: he chose to become involved when others were bystanders and did nothing.

Let us all respond to that call and join together as Americans to terminate this long, cruel and appalling injustice. Let us act in behalf of Raoul Gustav Wallenberg, while there is still time, to extricate him from the clutches of his Soviet captors and expedite his return to the Free World.

THE WALLENBERG COMMITTEE OF GREATER PHILADELPHIA, INC.

Independent, Nonprofit, Educational

Pertains exclusively to Raoul Gustav Wallenberg

Open to ALL people regardless of race, creed, religion and national origin

Purpose
To publicize the Case of Raoul Gustav Wallenberg

Goals
His release from Soviet captivity and return to the Free World

Public recognition of his extraordinary heroism and humanitarian deeds

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The Wallenberg Committee of Greater Philadelphia, Inc.
c/o The Philadelphia Art Alliance
251 South 18th St. Philadelphia, Pa. 19103

(Wallenberg Committee
(Telephone 215-472-0939

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Do you wish to be active? How?_____

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The Secretary of State is assigned the responsibility to formulate detailed instructions for implementation by the Department of State of this directive.

I further direct that all possible media, and specifically Voice of America broadcasts, be used to frequently, regularly, and repeatedly report the latest status of all U.S. and foreign official and private efforts to free Raoul Wallenberg.

The Director of the International Communication Agency is assigned the responsibility to formulate detailed instructions for implementation by the International Communication Agency of this directive.

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Proposed Presidential Directive

It is my policy to take all possible steps to ascertain from the Soviet Union the whereabouts of Raoul Wallenberg and to secure his return to freedom, pursuant to Public Law 97-54.

I direct all federal officials to cooperate with all U.S. and foreign official and private efforts to free Raoul Wallenberg.

I further direct:

--all officials of the Department of State to ask in every possible bilateral and multilateral meeting that the Soviet Union free Raoul Wallenberg;

--all officials of the Department of State to continuously review all bilateral and multilateral policies for changes to assist all U.S. and foreign official and private efforts to free Raoul Wallenberg, including requests of, and policy reviews concerning, all countries besides the U.S. and Soviet Union that might influence the Soviet Union to free Raoul Wallenberg, and including on a priority basis continuous exploration of all possible bilateral and multilateral prisoner exchanges and other exchanges to free Raoul Wallenberg;

--the Legal Advisor of the Department of State to prepare briefs on a priority basis for U.S. official litigation and official protest in all possible international legal and human rights forums, and to make copies available to all U.S. and foreign official and private efforts to free Raoul Wallenberg.

UNCLASSIFIED

Soviets accused of holding 600 Frenchmen from World War II

French officials avoid comments that might upset negotiations

By William Echikson
Special to The Christian Science Monitor

Paris

Nicholas C. went to the Soviet Union in 1947 as a tourist, planning to stay three weeks.

He ended up staying 34 years — in a Siberian prison camp.

Most incredible of all, Nicholas was fortunate, according to evidence compiled by journalist Patrick Meney in a new book just released here, "The Broken Hands of [illegible]."

Although desperate pleas on Nicholas's behalf from the French foreign minister forced his release in 1981, Mr. Meney reports that as many as 600 other Frenchmen continue to be held in Soviet prisons. He says many have been imprisoned since World War II, when they were liberated from German prisoner-of-war camps in Eastern Europe by the Soviet Army.

The plight of other foreigners in the gulag, most of them East Europeans and especially Volga Germans, has long been well known. But this is the first time the Soviets have been accused of holding large numbers of Frenchmen.

The French Foreign Ministry confirms Meney's story of Nicholas C., whose identity is not revealed to protect him. It also hints that the harrowing material in the rest of the book could be true.

"In Russia there are a certain number of Frenchmen imprisoned," a Foreign Ministry official said. "These are usually people who are also Russian citizens — and the Soviet Union does not recognize double nationalities. We are constantly making efforts to help them."

Nicholas's case, as Meney tells it, is unusual because he never was a Soviet citizen. Nor was he a prisoner of war who was liberated, then incarcerated.

Instead, after he traveled through the Caucasus Mountains during the Stalin era, the secret police arrested him on charges of espionage. At his trial, he was acquitted. Nonetheless, the police rearrested and imprisoned him.

'One wonders if keeping these things secret is a good thing. While it seems that Soviet public opinion doesn't count for anything in Soviet internal affairs, international opinion can, to a certain extent, improve things.'

For the next 37 years, Nicholas lived either in a prison camp or confined to a remote village near Gorky. Finally, in 1979 he was able to escape KGB surveillance and head to Moscow. A friend brought his case to the attention of French diplomats — and they arranged for Nicholas to be hidden in the embassy.

Only after two years of arduous negotiations with the Soviet authorities was Nicholas allowed to return home to France.

Meney contends that the French Foreign Ministry has papers on about 300 more Frenchmen trapped in the gulag. Although there are no documents offering proof, he adds that diplomats in Moscow told him as many as 300 more French citizens may be imprisoned.

These figures do not take into account the 15,000 Alsatian soldiers who were enlisted in the German Army during World War II and then imprisoned by the Russians.

The Russians evidently considered these men German, not French, citizens.

Even with Meney's book, not much is known about the fate of these French prisoners. Meney says the Foreign Ministry here remains prudent in commenting on the issue, for fear of upsetting delicate negotiations. And Nicholas was warned before he was liberated not to talk about his experiences.

But two years after returning home, he agreed to be Meney's witness.

"He is worried," Meney explained in an interview with Paris Match.

"One wonders if keeping these things secret is a good thing. While it seems that Soviet public opinion doesn't count for anything in the country's internal affairs, international opinion can, to a certain extent, improve things."

In 1981, for example, Soviet physicist and human rights activist Andrei D. Sakharov and his wife, Yelena G. Bonner, staged a hunger strike when the authorities would not allow Bonner's daughter-in-law, Liza Alekseyeva, to emigrate. After 17 days she was allowed to leave the country.

Hingham, Cohasset
Massachusetts
Burgin, Platner Insurance

West German metal workers threaten national strike for shorter workweek

By Wellington Long
Special to The Christian Science Monitor

Bonn

The possibility of a crippling strike by the 2.6 million members of the Metal Workers Union looms following employ- [illegible] the workweek from 40 [illegible] percent.

Opponents of the scheme, including specifically the union of civil service employees, counter that employers will make up for the reduced workweek by [illegible]

PB50137-1320 UNCLASSIFIED

TV Guide INSIDER

GRAPEVINE

Liz: TV or Not TV

Elizabeth Taylor's upcoming guest appearance on ABC's *Hotel* has sparked speculation that the newly svelte—and newly blonde—two-time Oscar winner would consider a series of her own. She's a perfect size 8 now, says Aaron Muller, who designed her *Hotel* wardrobe. "We don't have to camouflage anything. It was through Taylor's above battles [with e

too strenuous. In fact, a back flare-up caused the postponement of shooting on *Hotel*. The best we could hope for," says an executive close to *Hotel* executive producer Aaron Spelling, "would be a miniseries. And Aaron

would be glad to whip one up for her." As a postscript to her stint on *Hotel*, there's this: as Taylor was preparing to shoot an entrance scene, she quipped, "This is just like walking down the aisle in that case, I'm rehearsed

Homage to a Hero

Richard Chamberlain (*Dr. Kildare*) goes before the cameras this month in Prague to star in a CBS/NBC drama about Raoul Wallenberg, the Swede who bribed, pleaded and saved the lives of some 100,000 Jews in Nazi-occupied Hungary. Wallenberg disappeared after the war and—despite denials from Moscow—many believe that he died in the dungeons of the Soviet prison in Moscow. Goal

is to help influence public opinion to apply as much diplomatic pressure as possible to find out if Wallenberg is alive

UNCLASSIFIED

reignty over Northern Ireland, now vested in London, will be unaffected.

In making his new bid for reducing tension in Ulster, Prior is assuming a thankless task. Even Mrs. Thatcher is reported to be lukewarm about fresh attempts to find a peace formula because of the record of failure.

But, like Prior, she knows that the political atmosphere in Ulster is worsening and that a policy of doing nothing would probably accelerate this process.

Prior's job is made no easier by the failure of Sinn Fein (the political wing of the illegal Irish Republican Army) and the Ulster Unionists to involve themselves in the New Ireland Forum or in the work of the Northern Ireland Assembly.

But he sees the forum report as a possible turning point in Ulster's descent into violence. One section of the document reflected Dublin's alarm at increasing lawlessness in the province.

The Irish prime minister, Garret FitzGerald, is throwing his support behind carefully calculated attempts to reduce sectarian tension. Prior wants to take advantage of the mood in Dublin by attempting to further isolate Sinn Fein in Ulster.

Please see LONDON next page

was later expanded to include oil [illegible] migration from certain countries, and foreign loans. The Israeli press and public almost unanimously accept the need for some sort of censorship in view of the perceptible danger of providing enemies with useful military information.

Israeli public accepts censorship

"I feel more comfortable having a knowledgeable censor going over my copy than having to rely on my own sense of what might or might not be useful to the enemy," an Israeli journalist says.

The problem begins when the censor extends his reach to the area of "public morale." Members of parliament charged several years ago, for instance, that the censor had banned publication of the fact that an Army officer had been convicted for murdering Arab prisoners during the 1978 incursion into Lebanon. The fear is that the authorities will extend censorship to the political sphere in the name of the "national interest."

In 1975, the Labor government tried to make censorship applicable to top-secret communications between Israel and foreign governments and to secret meetings between Israeli diplomats and representatives of countries with which Israel has no relations. The Israeli Journal[illegible] made up of representatives of the country's newspapers, to limit its broad powers of censorship and to refrain from closing down papers that violate censorship rules.

Hadashot, which began publishing a few months ago, did not enjoy the protection of this agreement since it was not yet represented on the Editors' Committee.

The anomaly of press censorship in a country that prides itself on being a democracy was addressed by Haim Zadok when he served as justice minister in 1976: "While we are proud that Israel maintains the freedom of its press in its difficult situation," he said, "the government is obliged to limit this basic principle in the face of an even more basic principle — the protection of the most vital interests of the state."

The other side of the coin was expressed in a Jerusalem Post editorial: "There are times when a democratic nation to protect itself must limit the information given to public disclosure." This, the paper declared, was tolerable "only as long as the red pencil strikes strictly at the proper targets and that what the public is told is otherwise complete and credible."

Raoul Wallenberg: missing since 1945

Soviets quash a Hungarian proposal to honor Wallenberg

Plan to reinstate statue draws Soviet displeasure

By Eric Bourne
Special to The Christian Science Monitor

Vienna

A new page has just been added to the "Wallenberg mystery." This is the case of the Swedish diplomat who saved thousands of Hungarian Jews from Hitler's death camps — and then disappeared in Soviet-liberated eastern Hungary.

Although almost 40 years have passed, it still is a sensitive and embarrassing issue for the Soviets. They have coldly brushed off repeated Swedish attempts to learn more about his fate.

In 1957, they asserted that Raoul Wallenberg had died 10 years earlier in Moscow's Lubyanka prison. But reports surfacing periodically since then suggest he lived on at least into the early '70s.

Now, according to recent information from Budapest, the Soviet leadership has vetoed a Hungarian move to restore a statue commemorating Wallenberg to its originally intended site in the Hungarian capital. The statue was commissioned soon after the war, but it disappeared on the eve of its unveiling — to reappear in altered form in the town of Debrecen, in eastern Hungary.

The statue's restoration to its former location in Budapest was first suggested in January in a review of the Hungarian Historical Society, which urged that it be returned next year. That will be the 40th anniversary of Wallenberg's disappearance while on his way in January 1945 to the seat of the newly created Hungarian provisional government at Debrecen, where Soviet Army headquarters were also located.

That journey was the last the outside world was to see of Wallenberg.

Official Hungarian approval of the proposal to restore the statue was evident in Budapest's Magyar Nemzet, the newspaper of the communist-led Patriotic People's Front. The newspaper hailed it as a "worthy gesture" of remembrance.

Official acquiescence may have been encouraged by the recent advance in relations between Budapest and Stockholm, due in part to the growing economic cooperation between Hungary and Western Europe. But there seems to be no doubt about Budapest's genuine regard for Wallenberg and his record.

Apparently, the Hungarians presumed that, since they were in no way responsible for what happened to him in the Soviet Union after the war, there could be no objection from that quarter to their wish to do belated justice to his memory.

Events have proved them wrong. When Magyar Nemzet's article appeared last March, sources in Budapest say, the Russians lost little time in making the Hungarians aware of their disapproval.

They did so not by way of formal diplomatic démarche or protest, but through party channels, i.e., through the contacts

Please see WALLENBERG next page

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WALLENBERG from preceding page

maintained between the apparatus of the Soviet Communist Party and all the party committees of Eastern Europe. It is through such channels that Moscow's influence is brought to bear on all decisions made by its allies in sensitive policy questions.

Even official Hungarian accounts still tend to obscure precisely what happened to the original Wallenberg statue — a 90-foot-high bronze in "St. George and the dragon" style on a granite plinth.

It stood briefly in Budapest's St. Stephen's Park — site of the former Jewish ghetto — in the spring of 1949. But on the very eve of the official unveiling, it simply disappeared. Some people who claimed to be eyewitnesses said it was removed by the Russians and badly "damaged" in the process.

The statue stood briefly on the site of Budapest's former Jewish ghetto in the spring of 1949, but on the very eve of the official unveiling, it simply disappeared.

Since 1963, a much-modified version of the statue has stood in the little town of Debrecen, which was Wallenberg's destination when he was picked up by the Russians. The Debrecen statue is a standard anti-Fascist memorial. There is no trace of the character intended in the original sculpture, nor does the original's inscription of "undying gratitude" to Raoul Wallenberg appear.

But however much its meaning might have been lost in this substitute version, the older Hungarian generation's regard for Wallenberg clearly remains.

"It is time to honor him for what he did," an official source commented recently to a Western journalist.

Ever since the 1956 uprising, the Budapest leaders have combined domestic reform with an understandable political prudence in their relations with Moscow and with fellow members of the Warsaw Pact.

For example, Budapest has been careful not to openly identify with either the persistent endeavors of the Swedish government to persuade the Russians to throw light on Raoul Wallenberg's fate or with the support given those efforts by the United States and other Western countries.

(Those latter efforts have included President Reagan's step in 1981 of making Raoul Wallenberg an honorary US citizen — Winston Churchill is the only other foreigner to be so honored. Secretary of State George Shultz also raised the issue with Andrei Gromyko at the opening of the Stockholm conference in January.)

Privately, nonetheless, the Hungarians have left Swedish and other diplomats with little doubt of their feeling for the young diplomat who, for six months in 1944, was responsible for saving the lives of as many as 100,000 Hungarian Jews.

He daily exposed himself to great danger, snatching Jews to safety from under the very noses of the Nazis and their domestic Hungarian Nazi Party. He provided many with Swedish passports and forged documents.

Others he protected in "safe" Swedish houses until they could be taken out of the country.

His activities were supported by funds from the American Joint Relief Organization and other US agencies. In Soviet eyes, this was probably enough to make him suspect of being something more than a humanitarian, neutral diplomat.

It could be that, given the current state of East-West relations, the Russians are going to do nothing that might seem to be a concession to the US or to the West as a whole, even on a humanitarian issue.

In the process, the more generously inclined Hungarians have apparently been snubbed, and the statue of Raoul Wallenberg seems destined to stay in its provincial obscurity at least for some time to come.

LONDON from preceding page

Although he dare not say so, the Ulster secretary also believes the Unionists of Northern Ireland will isolate themselves if they attempt to block all change whatsoever.

That is why he will place the emphasis not on sovereignty but on administrative measures aimed at curbing terrorist activity.

If either Protestants or Catholics oppose, for example, cross-border cooperation on security they will find it difficult to defend their negative stance. Prior is aiming at a subtle shift of mood in Ulster, using London-Dublin cooperation as a lever.

He has been helped by the absence in the forum report of any demand that Britain withdraw its forces from Northern Ireland.

A step by step approach will be used by Prior to launch his new initiative.

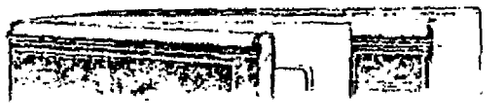
He will first place his proposals before the Cabinet in London suggesting, some reports indicate, that if they are not accepted he may resign.

Once his policy is accepted by the Thatcher government, he will open private talks with the political parties in Ulster stressing initially the security implications of the measures he proposes.

Depending on progress, Prior will later arrange talks with the Irish prime minister to enlist Dublin's formal support. British political sceptics are already predicting that Prior's new initiative is doomed to failure, but the Northern Ireland secretary is no doubt right in thinking that the London government cannot simply sit on its hands and watch the Ulster violence worsen.

Momentum is fast becoming the watchword in the Northern Ireland office. Without attempts to move forward, the situation in Ulster will deteriorate.

Government sources say Prior will seek to get his new proposals off the ground within the next eight weeks.

Litton
Microwave Ovens

Elegant Diamond Rings

APPENDIX 5

RESOLUTION OF RAOUL WALLENBERG ADOPTED ON JULY 17, 1983 BY THE NEW YORK STATE FEDERATION OF REPUBLICAN WOMEN, SUBMITTED BY REPRESENTATIVE GERALD SOLOMON

RESOLUTION

Whereas on October 5, 1981, President Ronald Reagan signed an Act of Congress granting Honorary Citizenship to Raoul Wallenberg—an honor previously given only to Prime Minister Winston Churchill of Great Britain,

Whereas this extraordinary measure was taken in recognition that during World War II, Raoul Wallenberg, a Swedish Citizen, with assistance from the American War Refugee Board, saved the lives of over 100,000 people who would otherwise have had a similar fate to the millions who were murdered by the Nazis;

Whereas at the end of World War II, Raoul Wallenberg was imprisoned in the Soviet Union, has not been charged with any crime, and is still in some unknown prison cell; Now, therefore, be it

Resolved, The New York State Federation of Republican Women expresses its recognition of Raoul Wallenberg, Hero of the Holocaust and its pride that Raoul Wallenberg is a United States Citizen, and further

Resolved, The New York State Federation of Republican Women supports all efforts to expose the truth about Raoul Wallenberg to the International Community and calls upon the Government of the United States of America to re-double its efforts to free Raoul Wallenberg.

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UPDATE ON RAOUL WALLENBERG

HEARING

BEFORE THE

SUBCOMMITTEE ON HUMAN RIGHTS AND INTERNATIONAL ORGANIZATIONS

OF THE

COMMITTEE ON FOREIGN AFFAIRS HOUSE OF REPRESENTATIVES

NINETY-EIGHTH CONGRESS

FIRST SESSION

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CONTENTS

WITNESSES

Page

Hon. Tom Lantos, a Representative in Congress from the State of California.... 6
Annette Lantos, administrative assistant to Representative Lantos and founder, chairperson, Free Wallenberg Committee.... 9
Hon. Claiborne Pell, U.S. Senator from the State of Rhode Island.... 11
Hon. Hamilton Fish, Jr., a Representative in Congress from the State of New York.... 14
Hon. Millicent Fenwick, U.S. Ambassador to the U.N. Food and Agricultural Organizations and former Representative in Congress from the State of New Jersey.... 16
Hon. Joshua Eilberg, member of the board of advisors, Wallenberg Committee of Greater Philadelphia, and former Representative in Congress from the State of Pennsylvania.... 17
Hon. Edward J. Derwinski, counselor of the Department of State and former Representative in Congress from the State of New Jersey.... 25
Sonia Sonnenfeld, executive director, International Raoul Wallenberg Committee, Stockholm, Sweden.... 45
Rachel Oestreicher Haspel, president, Raoul Wallenberg Committee of the United States.... 46
Agnes Adachi, vice president, Raoul Wallenberg Committee of the United States and president, Queens Chapter of the Wallenberg Committee.... 50
Morris Wolff, professor of law, University of Delaware.... 52
Joan Saccarob, co-chairperson, Free Wallenberg Committee.... 53

MATERIAL SUBMITTED FOR THE RECORD

Selected reports on the status of Raoul Wallenberg, prepared by Sheri Hoptman, Library of Congress.... 26
List of violations of international and Soviet law in the case of Raoul Wallenberg, prepared by Sheri Hoptman, Library of Congress.... 31
List of organizations concerned with Raoul Wallenberg.... 32
Excerpts from Soviet Treaty Series edited by Leonard Shapiro, regarding Raoul Wallenberg.... 48
Letter from Hon. Lennart Eckerberg, Swedish Ambassador to the United States, to Mrs. Rachel Oestreicher Haspel, regarding the fate of Raoul Wallenberg.... 55
Letter from Libby Edmonson and Joyce Sloop, principal's office at West Rowan High School in North Carolina, to the Raoul Wallenberg Committee of the United States.... 56
Article by Rose Post entitled "West Students Learn Valuable Lesson From World War II Hero," published in the Salisbury (North Carolina) Evening Post, April 3, 1982.... 57

APPENDIXES

1. Statement of Representative Don Bonker.... 85
2. President Reagan's remarks on signing a bill proclaiming honorary U.S. citizenship for Raoul Wallenberg.... 86
3. Statement of Frank J. Vajda, head of the Free Wallenberg Committee in Melbourne, Australia.... 97
4. Text of Public Law 97-54 proclaiming Raoul Wallenberg to be an honorary citizen of the United States.... 99
5. Resolution on Raoul Wallenberg adopted on July 17, 1981 by the New York State Federation of Republican Women, submitted by Rep. Gerald Solomon.... 100

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without that. It seems to us that a Presidential directive is absolutely essential if this movement is to effectively proceed.

We thank you again, Mr. Chairman, for previously meeting with us in your office in April, inviting us to testify, and holding this hearing, notwithstanding the many other pressures that there are upon you. We welcome any questions or comments from the subcommittee now or in the future.

Thank you.

[Mr. Eilberg's prepared statement and attachments follow:]

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PREPARED STATEMENT OF HON. JOSHUA EILBERG

Mr. Chairman, thank you for inviting our testimony today. We represent the Wallenberg Committee of Greater Philadelphia, an independent, non-profit, and ecumenical group from Delaware, New Jersey, and Pennsylvania, organized under the aegis of the Raoul Wallenberg Committee of the United States, to support all U. S. and foreign official and private efforts to free Raoul Wallenberg from the Soviet Union.

Mr. Chairman, thank you for agreeing to meet with us last April 27th to discuss Raoul Wallenberg; thank you for at that meeting offering to hold oversight hearings on Public Law 97-54 of October 5th, 1981; and thank you for now holding just such an oversight hearing.

Our testimony is on proposed U. S. official actions to help free Raoul Wallenberg. These actions are of two types: legislative branch actions and executive branch actions. The legislative branch's Public Law 97-54 of October 5th, 1981 includes a Section 2 which states, "The President is requested to take all possible steps to ascertain from the Soviet Union the whereabouts of Raoul Wallenberg and to secure his return to freedom," and the executive branch's U. S. President's Public Papers for 1981 at page 898 includes President Reagan's statement at the signing ceremony that "we're going to do everything in our power" to free Raoul Wallenberg. Because

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both the legislative and executive branches already agree it is right "to take all possible steps" and "to do everything in our power," we ask the following U. S. official actions, first mentioning legislative branch actions.

We ask you, and all members of the Sub-Committee, to join us in sending letters to Soviet President Andropov asking that the Soviet Union free Raoul Wallenberg, and to join us in publicizing Raoul Wallenberg by regularly and repeatedly referring to Wallenberg in speeches.

We ask for continuing oversight, including exercise of oversight by the other relevant committees in joint or independent hearings, and we ask that you notify the chairman of each committee having jurisdiction of your support for all U. S. and foreign official and private efforts to free Wallenberg.

We ask that, for such continuing oversight, you use the Congressional Research Service and other information resources to provide information as needed in the various issues raised by the Wallenberg situation; that you request continuous review with regular reports from all relevant State Department officials, International Communication Agency officials, on the latest status of U. S. and foreign official and private efforts to free Wallenberg, and other information relating to Wallenberg.

We ask that you direct your staff to cooperate with all U. S. and foreign official and private efforts to free Wallenberg, and that each member of the Sub-Committee designate a staff member to facilitate private contacts with U. S. and foreign government officials including intelligence officials, and to facilitate replies to private requests for information including intelligence information.

We ask that you request of the President that he designate one or more staff members to facilitate private contacts and to facilitate replies to private requests for information; that you ask the President to regularly and repeatedly refer to Wallenberg in speeches to the public, and that you send a formal request to the President that he direct all federal officials to cooperate with all U. S. and foreign official and private efforts to free Wallenberg, with this directive to appear in the Federal Register. A proposed presidential directive is attached.

We thank you again, Mr. Chairman, for previously meeting with us, inviting us to testify, and holding this hearing. We welcome any questions from the Committee, now and in the future.

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Proposed Presidential Directive

It is my policy to take all possible steps to ascertain from the Soviet Union the whereabouts of Raoul Wallenberg and to secure his return to freedom, pursuant to Public Law 97-54.

I direct all Federal officials to cooperate with all U. S. and foreign officials and private efforts to free Raoul Wallenberg.

I further direct:

--all officials of the Department of State to ask in every possible bilateral and multilateral meeting that the Soviet Union free Raoul Wallenberg;

--all officials of the Department of State to continuously review all bilateral and multilateral policies for changes to assist all U. S. and foreign official and private efforts to free Raoul Wallenberg, including requests of, and policy reviews concerning, all countries besides the U. S. and Soviet Union that might influence the Soviet Union to free Raoul Wallenberg, and including on a priority basis continuous exploration of all possible bilateral and multilateral prisoner exchanges and other exchanges to free Raoul Wallenberg;

--the Legal Adviser of the Department of State to prepare briefs on a priority basis for U. S. official visitation and official protest to all possible international legal and human rights forums, and to make copies available to all U. S. and foreign officials and private efforts to free Raoul Wallenberg.

The Secretary of State is assigned the responsibility to formulate detailed instructions for implementation by the Department of State of this directive.

I further direct that all possible media, and specifically Voice of America broadcasts, be used to frequently, regularly, and repeatedly report the latest status of all U. S. and foreign official and private efforts to free Raoul Wallenberg.

The Director of the International Communication Agency is assigned the responsibility to formulate detailed instructions for implementation by the International Communication Agency of this directive.

(The above text follows the form of President Reagan's March 25, 1983 Presidential Directive in Weekly Compilation of Presidential Documents at p. 462.)

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By Leonard Shapiro, Ph.D.

NO. 288—SWEDEN—U.S.S.R.

EXCHANGE OF NOTES REGARDING RECIPROCAL RIGHTS AND IMMUNITIES OF CONSULS

Moscow, February 2, 1937.

(I) Monsieur le Ministre, I have the honor to inform you that U.S.S.R., having judged it useful to determine in an agreement with the Government of Sweden the reciprocal rights, privileges and immunities of consuls general, consuls, vice-consuls, consular agents, as well as chancellors or secretaries of consular institutions, has authorized me to declare as follows:

The consuls general, consuls, vice-consuls, consular agents, as well as chancellors or secretaries of Swedish consular institutions, shall enjoy in U.S.S.R. all exemptions, prerogatives, immunities and privileges which are or will be accorded the agents of the same rank of the most favored nation.

Nevertheless, it is understood that the preceding resolution shall not apply to exemptions, prerogatives, immunities and privileges which the Government of U.S.S.R. has already accorded or should accord, henceforth, to the neighboring states of Asia and to the states whose territory was in every respect an integral part of the former Russian Empire on August 1, 1914. This resolution shall no longer be applicable to the rights of the consuls relative to the vested heritages of the Swedish subjects in U.S.S.R., whose rights shall be regulated by a special agreement.

The establishment of consulates general, consulates, vice-consulates or consular agencies in villages and localities, other than those where consular institutions of one or the other Party have already been established, shall be made the object of a preliminary accord between the two Governments. The consuls general, consuls, vice-consuls and consular agents must be regular career and salaried functionaries of the state naming them. Besides, they shall be obligated to practice no commerce or industry on the territory of the country where they will exercise their duties.

Before appointing a consul general, consul, vice-consul or consular agent, the appointing Government shall ask his approval from the Government of the state on whose territory the respective consular representive is to exercise his duties.

The present Arrangement enters into applicable force from the day of signature of the present Note and shall cease to be effective only at the expiration of three months following its denunciation.

M. LITVINOV.

Moscow, February 2, 1937.

(I) Monsieur le Commissaire du Peuple: In acknowledging the receipt of your Note dated this day, I have the honor to inform you that the Royal Government of Sweden, having judged it useful to determine in an agreement with the Government of U.S.S.R. the reciprocal rights, privileges and immunities of consuls general, consuls, vice-consuls, consular agents, as well as chancellors or secretaries of consular institutions, has authorized me to declare that which follows:

The consuls general, consuls, vice-consuls, consular agents, as well as chancellors or secretaries of consular institutions of U.S.S.R., shall enjoy in Sweden all the exemptions, prerogatives, immunities and privileges which are or shall be accorded to the agents of the same rank of the most favored nations.

Nevertheless it is understood that the preceding resolution shall not apply to exemptions, prerogatives, immunities and privileges that the Royal Government has already accorded or should accord to Denmark, Finland and Norway. This resolution shall no longer be applicable to the rights of the consuls relative to the vested heritages of the citizens of U.S.S.R. in Sweden, whose rights shall be regulated by a special agreement.

[Paragraphs 4, 5 and 6 continue mutatis mutandis as I.]

CARL G. VON HEIDENSTAM.

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Mr. YATRON. Thank you, Congressman Eilberg, for your testimony. I want to say that you can rest assured that the subcommittee will actively consider the recommendations that you have made here today. We thank you.

Would any of the members like to be recognized?

Mr. EILBERG. Mr. Chairman, may I introduce for the record Leona Feldman, who is the president of the Greater Philadelphia group, on my left. John Fraser is our research man. Both of them deserve credit for being here with us today and preparing me, in fact.

Mr. YATRON. We want to welcome both of them for being here. I thank all the witnesses for taking the time out to be here today.

Mr. YATRON. Our next witness is Hon. Edward J. Derwinski, Counselor of the Department of State and former Member of Congress from the State of Illinois.

I welcome you, Mr. Derwinski. We are anxious to hear from you today. You may proceed.

STATEMENT OF HON. EDWARD J. DERWINSKI, COUNSELOR OF THE DEPARTMENT OF STATE AND FORMER REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS

Mr. DERWINSKI. Thank you, Mr. Chairman.

First, since we could be interrupted by a rollcall at any minute, I would ask that my complete statement be inserted in the record. I will summarize it for you, since a good part of it basically is supportive of the comments you have already received this morning.

I first wish to make it as clear as possible, on behalf of the State Department, that we are taking every appropriate opportunity to make our concern known to the Soviet authorities, to make clear to them that the United States will not be satisfied until there is a full and complete accounting of the fate of Mr. Wallenberg.

I see no substitute for steady, constant pressure. The type of thing that you are doing this morning, generating special interest, special concern, eventually worldwide public pressure, may be the vehicle by which the Soviets will finally come forth and tell us what has happened; if Mr. Wallenberg is alive, where he is; if he isn't, under what circumstances he passed away.

The Congress very properly took the step of making him an honorary citizen of the United States. Although honorary citizenship doesn't establish any special rights, I think it does, as a number of witnesses have emphasized to you this morning, create a very important symbolic act.

Unfortunately, the Soviets have not recognized this action of the Congress in the sense of cooperating and acknowledging the special interest. Quite frankly, when you look back at almost 40 years of tragedy that we are speaking of there, refusal to give us the information we want isn't surprising. It is frustrating, disappointing, but not surprising.

I understand Tom Lantos properly made the point, and I wish to reiterate it, that we are going to continue our interest, our special concern until such time as the Soviets provide the full clarification

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of Wallenberg's fate. That is the stated goal of our constant contacts with Soviet authorities.

At the Madrid meetings, as well as at the U.N. Human Rights Commission meetings, this issue has been raised by our spokesmen. Mr. Michael Novak has made a special point of raising the issue at the U.N. Human Rights Commission, and in this year's session of the Human Rights Commission, our alternate representative, Walter Berns, raised the Wallenberg issue and did so as emphatically as he could under the circumstances of the procedures there.

He made the point, and I wish to quote, that an authorization be adopted for a complete and renewed search and a full report on this case, which he described as "involving the most famous of all disappeared persons."

We continue to and will continue to cooperate fully with the Government of Sweden and all other interested parties, governmental and nongovernmental, in a persistent effort to obtain the information we need until the answers that we seek are obtained.

Mr. Chairman, I commend you and your staff and members of the subcommittee and the members of the full committee who join you. I would think that by your continued special interest you are helping to keep up this pressure, to build the pressure point of world opinion, hopefully to the day when the Soviet authorities will no longer be able to ignore this tragic case.

I thank you for giving me time this morning.

[Mr. Derwinski's prepared statement follows:]

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PREPARED STATEMENT OF HON. EDWARD DERWINSKI

It is a pleasure to speak to you today about Raoul Wallenberg.

As you know, when I was a member of the House, I took a very active interest in the fate of Raoul Wallenberg, and now as State Department Counselor, let me begin by stating that the Department of State and the President share with the Congress a strong concern about the fate of Raoul Wallenberg. We are taking every appropriate opportunity to make that concern known to the Soviet authorities and to make clear to them that the United States will be satisfied with nothing less than a full and complete accounting of the fate of Mr. Wallenberg.

As you know, in 1981 President Reagan signed a bill which made Raoul Wallenberg an honorary citizen of the United States. Although honorary citizenship established no rights in international law that would give us any greater legal standing in our inquiries with the Soviet Union, it was an important symbolic act. It let the entire world know how much we admire Raoul Wallenberg's courage, how much we are inspired by his dedication to humanity and humanitarian principles, and how much we deplore his unjust and illegal punishment by the Soviet Union.

Following the signing ceremony which made Raoul Wallenberg an honorary American, the Department of State made the Soviet Government formally and officially aware of our continued dedication to finding out the truth about Raoul Wallenberg's fate.

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To date, we have not received a satisfactory response from the Soviet Government to this or any of our earlier inquiries.

Immediately following the liberation of Budapest by Soviet troops in 1945, Raoul Wallenberg disappeared into Soviet custody. The Soviets have never accounted for their incarceration of Wallenberg, which was in total violation of Wallenberg's immunity as a Swedish diplomat under international law. Although there has been speculation that the Soviets suspected Wallenberg of being an espionage agent for the United States, there is not one shred of documentation to indicate Wallenberg was engaged in anything but a humanitarian effort.

The official Soviet explanations of what happened to Wallenberg have been inconsistent and incomplete. In 1947 the Soviets informed Sweden that Wallenberg died in Hungary in 1945. In 1957, after repeated Swedish inquiries, the Soviets stated that Wallenberg had, in fact, died in a Soviet prison in 1947. In 1980, the Soviets provided this same explanation to us.

Our position has remained consistent and clear. Until the Soviets provide a full clarification of Wallenberg's fate, the United States will not accept as final the Soviet assurances that Wallenberg died in 1947.

We have pressed our efforts to obtain an accounting from the

Soviets both on a bilateral basis and at international fora, such as the CSCE Review Conference in Madrid and the U.N. Human Rights Commission. In this regard, last year our representative to the U.N. Human Rights Commission, Mr. Michael Novak, urged the Soviet Union to make "a humanitarian gesture, which would contribute to universal good-feeling, namely, a renewed search and full report, which may lay questions to rest; or else, in the best of all possible outcomes, result in the discovery of the whereabouts of a man who stands among the heroes of our time."

At this year's session of the Commission, on February 22, Alternate Representative Walter Berns again raised the issue of Raoul Wallenberg, whom he termed "one of the genuine heroes of World War II, and one of the war's most noble spirits." Mr. Berns suggested that the UN Human Rights Commission's working group on disappearances be authorized to "make a renewed search and a full report" on the case "involving the most famous of all disappeared persons."

We have also continued to work closely with the Government of Sweden to try to confirm reports that have come to light about Wallenberg. To date, we have been unable to confirm any of the reports suggesting that Wallenberg might still be alive. We intend to continue to cooperate fully with the Government of Sweden and all other interested parties in a persistent effort to obtain information that will clarify the fate of this brave man.

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As Ambassador Max Kampelman noted at the CSCE plenary session in Vienna, the Wallenberg case is one that "will not go away": the Soviet failure "to appreciate the human factor which is symbolized by the Wallenberg case only serves to stimulate further interest.

Your colleague, Tom Lantos, has suggested the establishment of a Wallenberg freedom award which would be given to human individuals who have advanced the cause of human rights. This certainly would be a dramatic and practical device for emphasizing the worldwide concern about Raoul Wallenberg. However, since it is our fervent hope that Wallenberg is still alive, and the measure we are working to push that he would eventually be released and returned to freedom, the only question we would have is that there not be any interpretation, which this award might arouse, that we are accepting the fact that he might be dead.

The United States Government will continue to express concern over the Wallenberg case at every appropriate opportunity, both publicly and in diplomatic communications with the Soviet Union. I can assure you categorically that this matter will be raised again in every appropriate forum.

The tragedy of Raoul Wallenberg has attracted the attention of millions of people around the world, and nowhere more forcefully than in the United States. This hearing is an example of the special concern of the United States Congress and the American people, and we appreciate the opportunity it provides to keep this issue at the forefront of world attention.

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Mr. YATRON. Thank you very much for being here and for your excellent statement.

Mr. Derwinski, I have one question. I wanted to ask you, to your knowledge, has the subject of Raoul Wallenberg been mentioned in any of the negotiations between the administration and the Soviet officials.

Mr. DERWINSKI. I think it all depends what you mean by negotiations. We have so many ongoing contacts with the Soviet Union, and I think the Wallenberg case stands entirely on its merits. This isn't something where we would want to be swapping let's say the grain agreement for some information on Wallenberg.

This is something that I don't think is subject to negotiations as much as it is to our constant pressure that we finally have the record clear. Maybe we are playing on words here, but I think you would agree with me that there isn't any tradeoff involved.

What we want to know is the truth. What happened? We are entitled to know it. The world is entitled to know it. I think that is the point which we have to make whenever we raise this issue with Soviet authorities at any level or in any international meetings.

Mr. YATRON. Thank you.

Mr. Lantos.

Mr. LANTOS. Thank you, Mr. Chairman.

Since you came a bit late, let me, if I may, just repeat what I said earlier because I think you need to hear this.

Long before I got to Congress you fought the Wallenberg battle vigorously and courageously and successfully. I want you to know, Ed, that all of us who are involved with this issue are deeply in your debt personally.

Let me also say—because I hope you will carry this back to George Shultz—that it certainly is the view of this member of the Foreign Affairs Committee that under both Secretary Haig and Secretary Shultz, the State Department has pursued this matter diligently. It was not for lack of trying that we are still without information from the Soviets.

I have two specific questions, Mr. Chairman, if I may.

One relates to Mr. Derwinski's view of human rights in the Soviet Union in general under the Andropov regime. Some of us have the impression that contrary to the early hopes, which are very difficult to understand, given the professional background of Mr. Andropov as head of the KGB, there has been a general recognition that the Soviet Union has tightened up in the field of human rights; that there has been a closing down of whatever avenues of emigration had been opened earlier; that there is a systematic and officially sanctioned policy of anti-Semitism, culminating in the establishment of a so-called Anti-Zionist Committee by the Soviet Union; that there is no improvement in the fate of either the well-known individuals, like Shcharansky or Sakharov, or in the fate of the hundreds of others who are less well known but are just as deprived.

I would be grateful if we could get the official State Department appraisal of the status of human rights in the Soviet Union today.

Mr. DERWINSKI. First, Tom, I unfortunately was not prepared to go beyond the issue of the Wallenberg question this morning. Elliott Abrams of our Bureau of Human Rights and Humanitarian

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APPENDIX 2

PRESIDENT REAGAN'S REMARKS ON SIGNING A BILL PROCLAIMING HONORARY U.S. CITIZENSHIP FOR RAOUL WALLENBERG OF SWEDEN

Not only a distinguished gathering here on the platform but a distinguished audience out here. Today we're here for—I'm signing the bill to make Raoul Wallenberg an honorary citizen of the United States. But in making him a United States citizen, I think we're the ones that are being honored.

Raoul Wallenberg is the Swedish savior of almost 100,000 Jewish men, women, and children. What he did, what he accomplished was of biblical proportions. Sir Winston Churchill, another man of force and fortitude, is the only other person who has received honorary United States citizenship. And as John F. Kennedy said at the signing ceremony, "Indifferent himself to danger, he wept over the sorrows of others."

That compassion also exemplifies the man we are gathered here for today. In 1944 the United States requested Sweden's cooperation in protecting the lives of Hungarian Jews facing extermination at the hands of the Nazis. In the months that followed, the United States supplied the funds and the directives, and Raoul Wallenberg supplied the courage and the passion. How can we comprehend the moral worth of a man who saved tens and tens of thousands of lives, including those of Congressmen and Mrs. Lantos?

In 1945, in violation of diplomatic immunity and international law, he was seized by the Soviet Union. The Nazis were gone, and the Soviets had come in as an ally. And yet today, there is evidence that he is still imprisoned by the Soviets. Wherever he is, his humanity burns like a torch.

I heard someone say that a man has made at least a start on understanding the meaning of human life when he plants shade trees under which he knows he will never sit. Raoul Wallenberg is just such a man. He nurtured the lives of those he never knew at the risk of his own. And then just recently, I was told that in a special area behind the Holocaust Memorial in Israel, Hungarian Jews, now living in Sweden, planted 10,000 trees in Raoul's honor.

Mrs. Lagergren, Mr. von Dardel, we're going to do everything in our power so that your brother can sit beneath the shade of those trees and enjoy the respect and love that so many hold for him.

NOTE: The President spoke at 2:25 p.m. at the signing ceremony in the Rose Garden at the White House. Participants in the ceremony included the Swedish Ambassador and Mrs. Wilhelm Wachtmeister, Members of the Senate and House of Representatives, representatives of the Jewish community, and Mr. Wallenberg's sister and brother, Nina Lagergren and Guy von Dardel, who came from Sweden for the ceremony. Also in attendance were Representative Tom Lantos of California, the principal sponsor of the resolution in the House of Representatives, and his wife. While a 16-year-old youth working for the Hungarian Underground, Representative Lantos was saved in Budapest by Mr. Wallenberg.

As enacted, S.J. Res. 65 is Public Law 97-54, approved October 5.

APPENDIX 3

STATEMENT OF FRANK J. VAJDA, HEAD OF THE FREE WALLENBERG COMMITTEE, MELBOURNE, AUSTRALIA

I was saved from the Nazi murderers in Budapest by the action of Raoul Wallenberg. My family and I were living in a protected house the Alice Weiss Hospital, Bokay Square in Budapest. And, on two occasions Arrow Cross gangs broke into the hospital and on the first occasion, took a group of women and myself, aged nine, to the Albrecht barracks, lined us up in front of the machine guns, and discussed finishing us off. Our "crime" was removing the yellow star the day before on the basis of the Regent's proclamation that Hungary wanted to end the war. We were not shot, but were taken back to the protected house; and the fact that there was such protection is entirely the work of Raoul Wallenberg.

On the second occasion, Arrow Cross terrorists from Ujpest broke into the hospital on December 28, 1944, terrorized patients, staff, and refugees hiding in the hospital. The gunmen of the Arrow Cross ordered everyone to line up for a march to their party house. The director of the hospital negotiated with them, and as a result they decided on a selection of intended victims on the basis of their documents. We did not wait to be selected, but hid in a bathroom and waited for several hours while the selection was made. Thirty-five people were taken away, including three relatives, my teacher, and friends. Only one person survived who returned battered and spoke of torture and execution in the Danube.

My cousin, absolutely distraught, contacted Wallenberg the next morning. Wallenberg was tremendously sympathetic and compassionate, and was bitterly sorry that he could not help any longer because, as he explained, there was already absolute anarchy and people were murdered soon after abduction. My cousin, who spoke of Wallenberg, and told me this story about his contact, was quite overcome mentioning his name. And he said, that in 1961 when he told me this story in detail, this was the first time in 37 years he could ever bear to talk about it. The name of Raoul Wallenberg, among the people of Budapest, was truly legendary. After the war, walking down the street named after him, I regularly felt an immense sadness about his disappearance and although it was said that the Russians took him, it was too painful even to imagine that he was not the victim of our common enemies, the Nazis.

In 1982, the Australian Committee to Free Wallenberg was founded with three aims: (1) to work for the release of Raoul Wallenberg, whom we believe to be alive; (2) to honor his deeds and disseminate information about his heroism and plight, and (3) to promote Holocaust education.

We have contacted the Prime Minister and cabinet ministers of Australia, leaders of political parties and politicians at the State level to try to get recognition of the humanitarian deeds of Wallenberg. The Australian government is sympathetic to the issue, and the matter of honorary citizenship has been referred to the appropriate ministry for further study.

The issue of a commemorative postage stamp was rejected on the basis that it is a policy of the government not to honor a living person in this manner.

Numerous newspaper articles and radio programmes have contained reviews of the Wallenberg mission and his imprisonment. The television film, "The Last Hero," made by the British Broadcasting Corporation was shown twice on the National Network and John Bierman's book, "The Righteous Gentile," was 2d on the best-seller list in 1982. Parks have been named, plaques unveiled, trees planted and rallies have been held. In March 1983, in Sydney, Australia the Wallenberg Committee welcomed Per Anger, Wallenberg's former colleague from Sweden who worked with Raoul Wallenberg in Budapest in 1944. A large rally was held, chaired by Senator Chipp, leader of Australia Democrats, and organized by Erwin Forrester, another man personally saved by Raoul Wallenberg from execution.

A Parliamentary delegation in 1982 on Raoul Wallenberg's birthday accompanied our committee to the Soviet Embassy in Canberra where a petition with 4,000 signa-

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tures was presented. I made an appeal demanding to know Wallenberg's whereabouts. The answer was, "We have no such man." Later, the USSR official phoned to say "It was an error, he died in 1947."

Senator Gareth Evans, Attorney General, in January 1983 received a reply from the USSR saying "There is no Mr. Raoul Wallenberg in the Soviet Union."

A third Wallenberg Committee formed in Perth, Western Australia in June 1983, and our Committee has been in close touch whith similar groups in the United States, England, and Sweden. We support in the strongest possible way any approach that may be made to bear pressure on the Soviet Union so they will rectify a mistake which is becoming a factor in seriously disrupting international relations. We believe very strongly Raoul Wallenberg is alive and will continue to fight for his release. We opposed any move which aims only at honoring him. We want him released in the interest of peace and justice

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APPENDIX 4

TEXT OF PUBLIC LAW 97-54 PROCLAIMING RAOUL WALLENBERG TO BE AN HONORARY CITIZEN OF THE UNITED STATES

JOINT RESOLUTION

Proclaiming Raoul Wallenberg to be an honorary citizen of the United States and requesting the President to ascertain from the Soviet Union the whereabouts of Raoul Wallenberg and to secure his return to freedom.

Whereas the United States has conferred honorary citizenship on only one occasion in its more than two hundred years, and honorary citizenship is and should remain an extraordinary honor not lightly conferred nor frequently granted;

Whereas during World War II the United States was at war with Hungary, and had no diplomatic relations with that country;

Whereas in 1944 the United States Government through Secretary of State Cordell Hull requested the cooperation of Sweden, as a neutral nation, in protecting the lives of Hungarian Jews facing extermination at the hands of the Nazis;

Whereas Raoul Wallenberg agreed to act at the behest of the United States in Hungary, and went to Hungary in the summer of 1944 as Secretary of the Swedish Legation;

Whereas Raoul Wallenberg, with extraordinary courage and with total disregard for the constant danger to himself, saved the lives of almost one hundred thousand innocent men, women, and children;

Whereas Raoul Wallenberg, with funds and directives supplied by the United States, provided food, shelter, and medical care to those whom he had rescued;

Whereas the Soviet Union, in violation of Wallenberg's Swedish diplomatic immunity and of international law, seized him on January 17, 1945, with no explanation ever given for his detention and subsequent imprisonment;

Whereas Raoul Wallenberg has been a prisoner in the Soviet Union since 1945;

Whereas reports from former prisoners in the Soviet Union, as recent as January 1981, suggest that Raoul Wallenberg is alive;

Whereas history has revealed that heroic acts of salvation were tragically rare during the massacre of millions of innocent human beings during World War II; and

Whereas the significance of this symbol of man's concern for his fellow man has been tainted by the wall of silence that surrounds the fate of Wallenberg: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Raoul Wallenberg is proclaimed to be an honorary citizen of the United States of America.

SEC. 2. The President is requested to take all possible steps to ascertain from the Soviet Union the whereabouts of Raoul Wallenberg and to secure his return to freedom.

Approved October 5, 1981.

Legislative History—S.J. Res. 65 (H.J. Res. 220):

House Report No. 97-152, pt. 1, accompanying H.J. Res. 220 (Comm. on Foreign Affairs).

Senate Report No. 97-169 (Comm. on Foreign Relations) and (Comm. on the Judiciary).

Congressional Record, Vol. 127 (1981):

Aug. 3, considered and passed Senate.

Sept. 22, H.J. Res. 220 considered and passed House, proceedings vacated and S.J. Res. 65 passed in lieu.

Weekly Compilation of Presidential Documents, Vol. 17, No. 41 (1981): Oct. 5, Presidential statement.

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Raoul Wallenberg's story of courage and selflessness

Also on PBS: an inside view of White House, and help with all that high-tech

By Arthur Unger

PBS continues to fill its air time with diverse and diverting programming. Three shows — a special, a pilot for a possible series, and a premiere of a new series — air this week, and all are well worth watching.

One of them — *Hitler's No. 1 Enemy: Buried Alive (PBS, Wednesday, 9-10 p.m., check local listings for premiere and re-runs)* — is an instant classic, mainly by virtue of its riveting subject matter. The program, which will undoubtedly be repeated many times in the weeks and years ahead, is the story of an almost mythical figure in recent history: Swedish diplomat Raoul Wallenberg.

Toward the end of World War II in Hungary, Wallenberg, scion of a wealthy Protestant Swedish family, risked his life time and time over again to confound Nazi officials Adolf Eichmann and save the lives of thousands of Jews. Wallenberg issued thousands of totally illegal "protection passports," which identified the holders as Swedish emigrants under the protection of the Swedish crown, and boldly snatched doomed Jews from under the eyes of both German and Hungarian troops involved in transporting them to Nazi concentration camps.

When the war ended, Wallenberg was taken into custody by the Russians and never officially seen again, although several former inmates of Russian prison camps say he has been in Soviet prisons. The USSR insists he died in 1947 in prison, although there are many who claim to have seen him after that date. It has never been explained by the Russians why he was in custody at all, although this film makes it clear that the Russians regarded him first as an advocate of a separate peace between the Western Allies and Germany, then as an American spy during the cold war period.

"Hitler's No. 1 Enemy" interviews Wallenberg's family and friends, diplomats on all sides of the conflict, survivors, and firsthand observers. Intercut with a variety of period footage and still photos, the interviews reveal a unique story about an unobtrusive man who chose to risk everything for his fellow man. The film gives a hint as to secondary motivations when his sister explains that as a young man Raoul was much impressed by the "Scarlet Pimpernel" story and later variations of the tale.

Director/producer David Harel considers the film his major mission in life — his father was among those rescued by Wallenburg in Budapest. And he has spent many years tracking the story. Even now, there remains a faint hope that Raoul Wallenberg may still be alive in a Russian prison camp. Recently, President Reagan, with much congressional urging, made Wallenberg an honorary citizen of the United States so that the country may legally demand information about him from the Russians.

Produced by Rubicon Films in Canada, "Hitler's No. 1 Enemy" is an extraordinary film about an extraordinary man. It tells a story of incredible selflessness and compassion — the epitome of humanity. If there are those who may be ashamed to have lived through the era of Hitler without having done more to stop the genocide, they can at least be proud of Raoul Wallenberg, a man who recognized what was happening — and did something about it. One hopes the film will help in the battle to discover once and for all what happened to this modern-day martyr, and, perhaps, even to rescue him from Russia where he has been "buried alive" for more than 38 years.

Wallenberg issued thousands of illegal 'protection passports' and boldly snatched doomed Jews from under the eyes of both German and Hungarian troops involved in transporting them to Nazi concentration camps.

'Inside the White House'

It's just a bit like the Mad Hatter's tea party in "Alice in Wonderland."

Are you ready for four grande dames of the Washington press corps sitting around the living room, gossiping about — well, let's be kind and call it reviewing — the behind-the-scenes White House?

Inside the White House, *Wednesday, 10:30-11 p.m., check listings for premiere and repeat broadcasts*, has hostess Jo Ann Rooz (Rowe News Service) chatting away with Helen Thomas (UPI), Sarah McClendon (McClendon News Service) and Betty Beale (Beale News Service) about their personal reactions to past and present presidents and their intimate impressions of what they have seen at 1600 Pennsylvania Avenue in the years since FDR.

How do they view the mood in the White House now? Says Sarah McClendon: "Confident, arrogant. They think they own Congress." Says Helen Thomas: "High state of belligerence, dedication fever." Says Betty Beale: "Mrs. Reagan is the most influential president we have ever had."

They discuss the possibility of a woman vice-president and USA, even a president in the future, and the only names which come up as possibilities are Lady Bird Johnson and Jean Kirkpatrick. All seem to agree that the past first lady most qualified to have served as

Please see PBS next page

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THE RAOUL WALLENBERG ASSOCIATION

BOX 16076, 10322 STOCKHOLM, SWEDEN

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ISRAEL

NETHERLANDS

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Simon Wiesenthal Center,
Rabbi Abe Cooper,
Rabbi Marvin Hier,
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THE COUNSELOR
DEPARTMENT OF STATE
WASHINGTON

June 19, 1984

Dear Mr. Fraser:

Thank you for your letter of May 10. I appreciate the continuing support you and the other members of the Wallenberg Committee of Greater Philadelphia are providing to the efforts to clarify the fate of Raoul Wallenberg.

The proposed presidential directive is indeed still under consideration. However, I can assure you that with or without a specific directive the Executive Branch will continue to take advantage of any and all opportunities to press this issue.

Sincerely,

Edward J. Derwinski

Mr. John Fraser,
107 South 41st Street,
Philadelphia, Pennsylvania.

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Hon. Edward J. Derwinski
Counselor of the Department
Room 7250
Department of State
2201 C Street, N.W.
Washington, D.C. 20520

May 7, 1984

Dear Sir:

Thank you for your January 30 considerate and courteous reply to my January 4 letter that recommended public humanitarian appeals combined with public offer of prisoner exchange and material exchange negotiations to free Raoul Wallenberg from the Soviet Union.

Although you said "We continue with our efforts, both public and private," the Wallenberg organizations know of no public official U.S. effort since your hearing testimony August 3, 1983 other than, as the New York Times reported January 15 at p. A4, col. 4, Secretary Shultz's "referring" to Wallenberg in Stockholm, and as the New York Times reported January 20 at p. A3, col. 1, Secretary Shultz "refused to say if he had specifically asked about Raoul Wallenberg." This is hardly a public record that allows us to credit assurances of private official U.S. efforts. And it executes neither the expressed intent of Congress in PL 97-54 that the executive "take all possible steps" to free Wallenberg, nor the expressed intent of President Reagan when he signed PL 97-54 that "we're going to do everything in our power" to free Wallenberg.

Public offer of prisoner exchange and material exchange is a form of international pressure for which there are many precedents and which can be combined with other private offers. The merely private offers you mention, if any actually have been made, have led nowhere. After 39 years no one can be impressed with secret plans to free Wallenberg.

Public call for Wallenberg's repatriation is necessary in every bilateral and multilateral international forum whether he is

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alive or dead. The official U.S. position must be that if he is dead, the Soviets owe Sweden his remains, not just the "explanation" you mention. Another false "explanation" is most convenient for the Soviets whether Wallenberg is alive or dead.

You said the proposed presidential directive is "under consideration." We understood it was under consideration for some time before the August 3, 1983 hearing, and you said at the hearing you would personally review it. Please let us know the following: how much longer is the directive going to be "under consideration"? When will the text be presented to President Reagan for his decision? Is the State Department going to recommend that President Reagan issue it? If the State Department recommends changes, or recommends a directive not be issued, for what reasons?

David Harel's hour-long documentary on Wallenberg is going to be broadcast on hundreds of PBS stations nationwide on May 23 at 8 P.M. E.S.T., and repeated later. When the public, the media, and the Congress consult with the Wallenberg organizations to learn what is being done to free Wallenberg, we would like to be able to praise instead of criticise. But at this moment we can only elaborate what a reviewer of While Six Million Died: A Chronicle of American Apathy stated: "Immediate action was needed, and behold, beautiful verbiage and endless delay were all that came forth."

Please let us have your reply at your earliest convenience. The several enclosures are to indicate the continuing interest in freeing Wallenberg, which can only grow after the documentary broadcast. As said in the January letter, we also will offer this letter and your reply to Senate and House members, other U.S. officials, and the Wallenberg and other private organizations. Please let us know if we can be of service to you or your staff in any way. Thank you for your attention.

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Sincerely,

John Fraser

John Fraser
107 South 41st Street
Philadelphia, PA 19104
215-898-7063

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THE COUNSELOR
DEPARTMENT OF STATE
WASHINGTON

January 30, 1984

Dear Mr. Fraser:

Thank you for your letter of January 4 about my testimony last August regarding Raoul Wallenberg.

I appreciate the fact that you and the other members of the Wallenberg Committee of Greater Philadelphia have devoted so much of your attention and efforts to publicizing the tragic case of Raoul Wallenberg. No one shares your commitment more than I do.

I regret that you found my testimony "unacceptable." We would all like to believe that Mr. Wallenberg is still alive. Unfortunately, there is no recent convincing evidence that Mr. Wallenberg has survived 38 years in the notoriously brutal Soviet Gulag; nor is there convincing evidence that he has in fact died, other than the unsupported statements of the Soviet authorities. What we are left with is a tragic mystery, one that calls out for a solution.

We are dedicated to solving this mystery. We have rejected as inadequate the sole explanation that the Soviets proffer. We continue with our efforts, both public and private, to convince the Soviets to account for Mr. Wallenberg's fate. If Wallenberg is still alive, he must be released forthwith. If he is dead, the Soviet Union owes the world a clear and convincing explanation of exactly what happened to him.

Concerning your specific proposals, I cannot comment publicly on the issue of prisoner exchanges. This is a highly sensitive topic and any initiatives we decide to undertake can be compromised by premature publicity. Finally, the proposed presidential directive you mentioned is under consideration. The ultimate decision on this matter rests with the President.

Sincerely yours,

Edward J. Derwinski

Mr. John Fraser
107 South 41st Street,
Philadelphia, Pennsylvania.

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Hon. Edward J. Derwinski
Counselor of the Department
Room 7250
Department of State
2201 C Street, N.W.
Washington, D.C. 20520

January 4, 1984

Dear Sir:

Thank you for your appearance at the Aug. 3, 1983 hearing on Raoul Wallenberg and PL 97-54, before Chairman Yatron of the House Subcommittee on Human Rights and International Organizations. I'm writing in behalf of the Wallenberg Committee of Greater Philadelphia to let you know that the various organizations working to free Wallenberg which offered testimony at the same hearing, met after the hearing and agreed that your testimony was unacceptable. What is to briefly explain the problem and recommend a solution.

The more than 20 different international Wallenberg organizations have one goal: to free Wallenberg -- that is, to repatriate him to Sweden and reunite him with his family. Your written statement ("the pressure we are exerting is such that he would eventually be released and returned to freedom," at p. 40 of the printed hearing) does state this as a goal of the Department of State, but without the necessary emphasis. And this is the problem, that instead of concentrating on freeing Wallenberg and taking action that could accomplish this, the Department of State at the policy level talks about "appropriate opportunity to make our concern known," "accounting of the fate," "tell us what has happened," "where he is," "the information we want," "full clarification of Wallenberg's fate," "a complete and renewed search and full report on this case," "the answers that we seek," "our continued dedication to finding out the truth," "to obtain a meaningful accounting," "discovery of the whereabouts," "confirmation of the reports," "continue to express concern," "some

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information on Wallenberg," "finally have the record clear," "what we want to know is the truth. What happened?" and "admit what did happen" (pp. 35-44 of the printed hearing). All this the Wallenberg organizations consider worthless, and worse, a distraction and diversion from the urgent need to free Wallenberg, who became 71 in August 1983.

When Wallenberg is free he can furnish his own accounting or information or full report; as you said, "The official Soviet explanations of what happened to Wallenberg have been inconsistent and incomplete." In fact they have been mutually contradictory and contradicted by eyewitness and other reliable testimony. Nobody needs yet another series of lies from the Soviets, which cannot help free Wallenberg.

What can help free Wallenberg is the Department of State's making it a priority to free Wallenberg by frequent, regular, and repeated public humanitarian appeals and other pressures combined with prisoner exchange and perhaps material exchange negotiations as discussed in the attached material; and the Department of State's support for and implementation of the proposed presidential directive (pp. 24-25 of the printed hearing).

We also will offer this letter and attachments to Senate and House members, other U.S. officials, and the Wallenberg and other private organizations. Please let us know if we can be of service to you or your staff in any way. Thank you for your attention.

Sincerely,

John Fraser

John Fraser
[illegible] Street
[illegible], [illegible]
[illegible]

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Wallenberg Committee of Greater Philadelphia
c/o Philadelphia Art Alliance
251 South 18th Street
Philadelphia, PA 19103
215-472-0989
Leona A. Feldman, President
Prisoner Exchange Request

We ask for prisoner exchange negotiations to free Raoul Wallenberg from the Soviet Union as a priority of the Department of State. Prisoner exchange negotiations are realistic because we know the Soviets have been willing to exchange and have exchanged prisoners:

1. Soviet exchange overtures toward Sweden for Wallenberg are reported in John Bierman's 1981 biography of Wallenberg, Righteous Gentile, at p. 132; these involved two Soviet defectors and a number of Baltic refugees ("whenever the Wallenberg question has been raised, as a rule there has immediately been a question whether any favorable information has come in about Makarov, the Balts, or Granovsky").

2. Soviet exchanges were made for other World War II prisoners, including diplomatic and consular officials. Per Anger's 1981 biography of Wallenberg, With Raoul Wallenberg in Budapest, at pp. 150-151 and p. 154, describes Soviet exchanges for five Swiss officials, six Italians, and one Dane.

3. Soviet and Soviet-bloc exchanges are a continuing policy. Consistent with the materialism inherent in Marxism, trade in human life can be for commodities (as East Germany frees prisoners in exchange for bananas, coffee, and other goods) as well as for prisoners. When released in 1979, former Soviet prisoner Lajmonis Niedre said a top MVD official had told him that from the Soviet standpoint only exchange for someone else or an external plea on humanitarian grounds would be likely to free him (Per Anger, With Raoul Wallenberg in Budapest, p. 157).

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So we ask that frequent, regular, and repeated public humanitarian appeals and other pressures be combined with prisoner exchange negotiations (and perhaps material exchange negotiations such as public offer of ransom money or commodities that could internationally embarrass the Soviets into releasing Wallenberg for humanitarian reasons) to free Wallenberg from the Soviet Union and a priority of the Department of State. Wallenberg's age -- 71 in August 1983 -- requires action without delay.

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Wallenberg Committee of Greater Philadelphia
c/o Philadelphia Art Alliance
251 South 18th Street
Philadelphia, Pa 19103
215-472-0989
Leona R. Feldman, President
Prisoner Exchange Information

The following is a list of Soviet, Soviet-bloc, and Soviet-supporting prisoners publicly reported held by the U.S. (available for bilateral negotiations with the Soviet Union) or others (perhaps available for multilateral negotiations), with recent examples of prisoner exchanges, and references to recent Israeli prisoner exchange policies we offer as a model.

Held by U.S.:

New York Times, Oct. 7, 1983, p. B5, col. 1: "A Bulgarian trade official pleaded not guilty today to espionage charges" (Ivan I. Kostadinov, "arrested in Manhattan on Sept. 23") (New York Times, Oct. 29, 1983, p. 31, col. 1 denial of bail upheld).

New York Times, Nov. 6, 1983, p. 44, col. 1: "A Federal grand jury has indicted a Dutch national, two Bulgarians and two Californians on charges that they conspired to export computer equipment to Bulgaria."

New York Times, Nov. 4, 1983, p. A20, col. 1: "Nov. 3 -- An East German physicist was arrested in Boston today on charges of attempting to obtain classified information on military technology" (New York Times, Nov. 5, 1983, p. 1c, col. 4 denied bail).

New York Times, Nov. 1, 1983, p. 1, col. 2: "roughly 650 captured Cuban prisoners" in custody of U.S. in Grenada (New York Times, Nov. 6, 1983, p. 18, col. 4: "According to plans, 200 prisoners will be evacuated from Grenada each day until all have been repatriated").

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Held by other than U.S.:

New York Times, Jan. 12, 1983, p. A5, col. 1: "Afghan rebels have kidnapped more than a dozen Soviet nationals"; "'12 to 14 Russians,' including two women."

New York Times, Mar. 15, 1983, p. A5, col. 1: UNITA "Angolan insurgents said today that they had captured 64 Czechoslovaks and 20 Portugese" (Washington Post, Mar. 22, 1983, p. A11, col. 1 UNITA spokesman said "The 21 Czechoslovak children who were among the 84 foreign civilians...will be unconditionally released")(Washington Post, June 17, 1983, p. A26, col. 6 "Letter Seeks U.N. Aid for 66 Czech Captives"; letter from relatives of prisoners to U.N. Secretary General)

New York Times, June 26, 1983, p. 13, col. 1: "8 Soviet Soldiers Held by the Swiss: Afghanistan Rebels' Prisoners Will be Kept 2 Years Under Program of Red Cross."

New York Times, July 11, 1983, p. A7, col. 1: Soviet bomber "pilot and a Soviet military adviser were taken prisoner" by Afghan rebels.

Philadelphia Inquirer, July 1, 1983, p. 3-A, col. 2: "Angolan guerrillas hand over 55 prisoners to the Red Cross"; "Thirty other Czechs and Portugese remained captive, Red Cross officials said, apparently to be used in bargaining."

New York Times, Aug. 23, 1983, p. A5, col. 5: "Belgium has...uncovered an electronics company in the capital that was a front for Soviet technology spies, a senior official said today."

New York Times, Aug. 24, 1983, p. A5, col. 2: Mozambican National Resistance rebels "killed 2 Soviet mining technicians and took another 24 hostage" (New York Times, Sept. 9, 1983, p. A11, col. 1 said guerrillas offered 24 Soviets in exchange for giving South Korea the Soviet fighter pilot who shot down the K.A.L. airliner)(New York Times, Nov. 13, 1983, p. 7, col. 2 "...two Soviet technicians" freed by government troops, of 24 held by rebels).

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New York Times, Aug. 31, 1983, p. A5, col. 2: "Afghan rebels kidnapped three or four Soviet advisers."

Christian Science Monitor, Sept. 1, 1983, p. 6, col. 1: "According to various Western and resistance sources, as many as several hundred Soviet POWs are being held by different guerrilla organizations in Afghanistan as well as along the frontier areas both inside and outside the Pakistan tribal areas" (Wall Street Journal, Nov. 9, 1983, p. 31, col. 4 "there are between 50 (the Red Cross count) and 200 (a Central Intelligence Agency estimate) more Russians held by the Afghans").

New York Times, Sept. 8, 1983, p. A9, col. 5: UNITA guerrillas "said their forces captured 27 Spaniards, Brazilians and Portuguese."

New York Times, Sept. 20, 1983, p. A5, col. 5: "Forty-nine foreign citizens were captured" by UNITA guerrillas.

New York Times, Nov. 16, 1983, p. A7, col. 4: UNITA rebels "captured 5 British and 12 Portuguese citizens."

Examples of prisoner exchanges:

New York Times, Nov. 16, 1982, p. A3, col. 1: 2 Soviets held by UNITA of Angola plus one Soviet, one Cuban "and about 60 Angolans" held by South Africa exchanged "for two American mercenaries and an American flier who had been held by the regime in Luanda along with the remains of three South African soldiers."

New York Times, May 9, 1983, p. A9, col. 4: "Libya Frees 4 West Germans as Part of Prisoner Exchange."

New York Times, May 16, 1983, p. A9, col. 3: "8 West Germans Freed in a Libyan Exchange."

Washington Post, May 24, 1983, p. A12, col. 1: "Archbishop in Lebanon is Released"; "After direct appeals from...political and religious leaders"; "Israeli authorities who mediated between Shiite Moslems and Druze...said a prisoner exchange...had to..."

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New York Times, Oct. 8, 1983, p. 4, col. 4: "Druse and Christian Forces exchange 44 Prisoners."

New York Times, Dec. 18, 1983, p. 27, col. 4: "East and West Germany over the last week exchanged 10 intelligence agents sentenced to long prison sentences."

Israeli prisoner exchange policies:

Washington Post, Dec. 29, 1982, p. A22, col. 1: Israeli-PLO indirect contacts "on a purely humanitarian level and should not be given any political significance" according to "one Israeli official, who requested anonymity."

Washington Post, Jan. 4, 1983, p. A10, col. 1: then-Foreign Minister Yitzhak Shamir: "in Jewish law the redemption of prisoners from captivity is of the first importance."

Washington Post, May 2, 1983, p. A21, col. 1: PLO faction's "refusal to allow the Red Cross to visit the prisoners has been a major obstacle in efforts to arrange a swap of Israeli and PLO captives"; "Israel has demanded proof that all eight Israeli prisoners are well."

New York Times, June 30, 1983, p. A4, col. 6: Israeli Defense Minister Moshe Arens speaking to Parliament "said Israel was pursuing every path to free the soldiers in exchange for Palestinians captured in last year's fighting in Lebanon."

New York Times, Nov. 25, 1983, p. 1, col. 2: account of completed Israeli-PLO prisoner exchange; Defense Minister Moshe Arens: "it was a decision we had to take, and any delay in bringing them back could have been disastrous"; Deputy Foreign Minister Yehuda Ben-Meir: exchange underscored "the fact that every soldier knows that no matter what may happen, the entire people of Israel and the Government of Israel, with all the might and ability and resources that we have, will stand behind him and that we will go to all lengths in the world to bring him home."

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UNIVERSITY of PENNSYLVANIA
PHILADELPHIA 19104

Biddle Law Library
3400 Chestnut Street

Exhibit: RAOUL WALLENBERG, January 17, 1984 - June 15, 1984
Eight display cases prepared by John Fraser
Standing sign: Raoul/Wallenberg//Welcome (on both sides in black vinyl letters on white posterboard)
First floor: two window cases (each 46 3/4" high, 31 1/2" wide, and 15" deep) and four table cases (each 56 1/2" to 60" long, 26 1/2" to 29" wide, and 9 3/4" to 10" high)
Second floor: two table cases (each 57" to 58" long, 25 1/4" to 26" wide, and 7 1/2" to 8 1/2" high)

Types of materials: U.S. and Swedish books, government documents, and press clippings; personal papers, photographs, maps, periodicals, announcements, and flags
Sources for multiple items: Biddle Law Library (ten bound volumes), Van Pelt Library (two bound volumes), Swedish Embassy (two bound volumes and two booklets), David Harel, Elenore Lester, Professor Morris Wolff, John Fraser (six bound volumes and three paperbacks)

Orange cards are folded 4X6 cards unless described otherwise.
Courtesy cards are folded (or cut for vertical display) yellow 3X5 cards unless described otherwise.
Citation cards are folded (or cut for vertical display) white 3X5 cards with citations following A Uniform System of Citation form.

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The following biographies of Raoul Wallenberg will be identified elsewhere by author surname and year of publication:

P. Anger, With Raoul Wallenberg in Budapest (1981)
J. Bierman, Righteous Gentile (1981)
F. Werbell & T. Clarke, Lost Hero (1982)
K. Marton, Wallenberg (1982)
E. Lester, Wallenberg (1982)
H. Rosenfeld, Raoul Wallenberg (1982)

CASE A (window case, first floor): 7 WHITE BACKGROUND sheets, and shelf 27" high

(no sign: INTRODUCTION)

1. Anger (1981) paperback with photocopy of "About the Author"
2. Bierman (1981) paperback and hardback dust cover with photocopy of endpapers
3. Werbell & Clarke (1982) hardback dust cover with photocopy of endpapers
4. Marton (1982) hardback dust cover with photocopy of endpapers
5. N.Y. Times, May 12, 1982, at C30, col. 3 article on Kati Marton
6. Lester (1982) hardback dust cover with photocopy of endpapers
7. Daily Pennsylvanian (U. of Pa.), Apr. 8, 1983, at _, col. _ advertisement for Lester speech
8. Rosenfeld (1982) hardback dust cover with photocopy of endpapers
9. B. Granger, The British Cross (1983)(fiction) hardback dust cover with photocopy of endpapers and pp. vii-viii
10. Christian Science Monitor, Oct. 18, 1983, at 31, col. 1 article on Harel documentary (YELLOW HIGHLIGHTER)
11. Harel documentary credits
12. Photograph of David Harel interviewing Raoul Wallenberg's sister
13. Harel documentary press kit cover
14. Cinema Canada, Feb. 1984, at 20 review of Harel documentary by Joyce Nelson

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15. 3 orange cards (introduction): TO SEE THE EXHIBIT QUICKLY, PLEASE SEE THE ORANGE CARDS OF VARIOUS TYPES IN EACH EXHIBIT CASE/(2d) (exhibit map in color)/(3d)A. Introduction (window case)/1. Raoul Wallenberg's Youth/2. The Holocaust and Hungary/3. Raoul Wallenberg's Achievement/4. Raoul Wallenberg's Imprisonment/5. International Governmental Efforts to Free Raoul Wallenberg/6. International Private Efforts to Free Raoul Wallenberg/B. Supplement (window case)
16. Orange card with blue arrow: WHYY, Channel 12 will broadcast David Harel's Wallenberg documentary on Wednesday, May 23, 1984, at 8 P.M. and Thursday, May 24, at 1 P.M.
17. 3 orange cards: WHO IS RAOUL WALLENBERG?//As the six biographies in English, the one-hour PBS documentary, and this exhibit show, Raoul Wallenberg is a Swede born in Stockholm on August 4, 1912 (display case 1), whose education includes a University of Michigan degree in 1935 (display case 1), and who after seeing firsthand/(2d)the beginnings of the Holocaust in Nazi-occupied Europe (display case 2), went to Budapest, Hungary, where many credit him with personally saving the lives of one hundred thousand Jews between July 1944 and January 1945 (display case 3). On January 17, 1945, Raoul Wallenberg was taken prisoner by the Soviets (display case 4),/(3d)and has not yet been returned to his family. International efforts to free and to honor Raoul Wallenberg continue by governments (display case 5) and by private individuals and organizations (display case 6). The Wallenberg Committee of Greater Philadelphia (display case 6) can provide more information.
18. Orange card (3X5): The six biographies of Raoul Wallenberg can be purchased at the University of Pennsylvania Bookstore.

CASE A Courtesy:

No. 9 Courtesy of Carlos I. Rodriguez

Nos. 11-14 Courtesy of David Harel

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CASE 1 (table case, first floor): 3 BLUE BACKGROUND sheets

YOUTH: Raoul Wallenberg's Youth/August 4, 1912 to June 9, 1935/Birth to Age 22

1. Sweden puzzle (two Stockholm pieces slightly raised)
2. Åström, Sweden's Policy of Neutrality (1983) with photocopy of p. 6 (YELLOW HIGHLIGHTER)
3. Danelius, Human Rights in Sweden (1981) with photocopy of contents page
4. "General Facts on Sweden" brochure
5. Photocopy of "Religion" fact sheet excerpt
6. Photograph of Stockholm by night (2 pp.)
7. Lester (1982) pp. 30-31 (YELLOW HIGHLIGHTER)
8. Marton (1982) photograph with caption of Raoul Wallenberg as an infant, with his mother
9. Lester (1982) photograph with caption of Raoul Wallenberg at age three, with his mother
10. Marton (1982) photograph with caption of Raoul Wallenberg at age three, with his grandfather
11. Marton (1982) photograph with caption of Raoul Wallenberg as an adolescent
12. Vol. 1 Soviet Treaty Series (1917-1928) with photocopy of title page and Treaty No. 266 at pp. 325-326 (Soviet-Swedish and Swedish-Soviet treaties on diplomatic rights and immunities) BIDDLE IntL/641/qR96/1917S (YELLOW HIGHLIGHTER)
13. Rosenfeld (1982) pp. 19-20: education
14. Photocopies of five school themes in Raoul Wallenberg's handwriting, showing each title and the first page of "Is the younger generation going to the dogs?"
15. Marton (1982) photograph with caption: Wallenberg rowing
16. Marton (1982) photograph with caption: Wallenberg at the Golden Gate Bridge
17. Marton (1982) p. 21: open-mindedness (YELLOW HIGHLIGHTER)
18. Bierman (1981) p. 22: cousin Birgitte's recollection (YELLOW HIGHLIGHTER)

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19. Marton (1982) photograph with caption: portrait at age twenty-four
20. Swedish silk flag
21. U.S. silk flag
22. Lace-pattern cloth for baby pictures
23. Orange card: WHEN AND WHERE WAS RAOUL WALLENBERG BORN?//He was born August 4, 1912, in Stockholm, the capital of Sweden.
24. Orange card: WHAT IS RAOUL WALLENBERG'S FAMILY AND RELIGIOUS BACKGROUND?//He was born to Maj Wallenberg, widowed just before Raoul was born. Raoul's grandfather Gustav, who supervised Raoul's education, was a Swedish diplomat of a family reputedly wealthier than the King of Sweden. The Wallenbergs' religion is Lutheran.
25. Orange card: WHAT IS RAOUL WALLENBERG'S EDUCATIONAL BACKGROUND?// When he came to the University of Michigan at Ann Arbor, he knew five languages (Swedish, English, German, French, and Russian), and was well traveled (England, Germany, France, and Turkey). Schooling details are given in the biographies (window display).
26. Orange card: WHAT IS RAOUL WALLENBERG'S U.S. BACKGROUND?//After hitchhiking and cycling around the U.S., Canada, and Mexico during vacations, and working at the Swedish pavilion in the 1933 Chicago World's Fair, he graduated with honors in architecture from the University of Michigan at Ann Arbor in 1935.
27. Orange card (3X5): School themes by Raoul Wallenberg, in his handwriting.
28. 3 orange cards: (as described for Case A No. 15)

CASE 1 Courtesy:

No. 6 Courtesy of Scandinavian Airlines System
No. 14 Courtesy of Elenore Lester
4X6 yellow card: The background material on Sweden, including booklets on Sweden's traditions of human rights and neutrality, are//Courtesy of/The Swedish Embassy/Washington, D.C.
(Nos. 2-5 Courtesy of the Swedish Embassy)

CASE 2 (table case, first floor): 3 BLACK BACKGROUND sheets

HOLOCAUST AND HUNGARY: Raoul Wallenberg's Challenge/June 9, 1935 to July 9, 1944/Age 22 to Age 31

1. M. Gilbert, The MacMillan Atlas of the Holocaust (1982) in dust cover with Holocaust maps pp. 244, 135; 17, 20, 27, 85, 86; and Hungary maps pp. Frontispiece, 186, 187, 196, 197, 199 (YELLOW HIGHLIGHTER)
2. R. Hilberg, The Destruction of the European Jews (1961) paperback
3. Vol. 450 Annals (1980): Reflections on the Holocaust with photocopy of the contents page BIDDLE Per. A
4. Vol. 8 Encyclopaedia Judaica (1971) title page and pp. 828-829: "Holocaust" contents pages (YELLOW HIGHLIGHTER)
5. L. Poliakov, Harvest of Hate (1979) with photocopy of the title page and the 3 contents pages BIDDLE KD/1322/P766h/1979
6. R. Braham, Vols. 1, 2 The Politics of Genocide: The Holocaust in Hungary (1981) VAN PELT DS/135/H9/B74/v.1,2
7. Bierman (1981) p. 49: "Waldsee" and priority of killing (YELLOW HIGHLIGHTER)
8. Rosenfeld (1982) pp. 12-13: conditions in Hungary (YELLOW HIGHLIGHTER)
9. Hungarian silk flag
10. Orange card: "Some of the photographs...are so terrible that they have never been reproduced, nor have I felt able to reproduce them here."//M. Gilbert, MacMillan Atlas of the Holocaust 230 (1982).
11. 2 orange cards: WHAT WAS THE HOLOCAUST?//The Holocaust was the systematic political killing of millions by Nazis and collaborators, between January 30, 1933 and May 8, 1945. There never before or since has been an attempt so nearly realized to kill a whole people without exception -- the/(2d)largest targeted group, the Jews of Europe -- on such a numerical and geographical scale.

12. 2 orange cards: WHERE WAS RAOUL WALLENBERG DURING THIS TIME?// After graduating and returning to Sweden, Raoul Wallenberg spent more than six months in Haifa, Palestine, where he saw, spoke with, and roomed with Jewish refugees from Hitler's persecution in 1936. Then, as international director for the/(2d)Central European Trading Company, headed by a Hungarian Jew, he saw firsthand the persecution of Jews in Germany, France, and Hungary. He visited Budapest once in 1942 and again in 1943.
13. 2 orange cards: WHAT HAPPENED IN HUNGARY BEFORE RAOUL WALLENBERG CAME TO BUDAPEST JULY 9, 1944?//Although Hungarian Jews were persecuted before, systematic deportation for killing began after German Nazis occupied Hungary and Eichmann arrived in Budapest, on March 19, 1944./(2d)Between March 19th and July 9th, when Raoul Wallenberg arrived in Budapest, all Jews in the provinces except forced laborers were deported for killing: 437,402 Jews, according to official Nazi figures. Only Budapest Jews remained, whom Eichmann planned to seize for deportation in one day.

CASE 3 (table case, first floor): 3 WHITE BACKGROUND sheets

ACHIEVEMENT: Raoul Wallenberg's Response/July 9, 1944 to January 17, 1945/Age 31 to Age 32

1. Rosenfeld (1982) pp. 225-227: chronology (YELLOW HIGHLIGHTER)
2. Lester (1982) map of Central Budapest (YELLOW HIGHLIGHTER)
3. Bierman (1981) p. 86: December 1944 rescue report (YELLOW HIGHLIGHTER)
4. Marton (1982) pp. 118-119: photographer (YELLOW HIGHLIGHTER)
5. Marton (1982) photograph with caption: death march
6. Lester (1982) photograph with caption: woman in foreground
7. Marton (1982) photograph with caption: Wallenberg intervention
8. E. Orczy, The Scarlet Pimpernel (1905) paperback
9. Bierman (1981) p. 29: "Pimpernel Smith" film seen by Wallenberg (YELLOW HIGHLIGHTER)
10. Bierman (1981) p. 33: Wallenberg's nine conditions (YELLOW HIGHLIGHTER)

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11. Bierman (1981) p. 51: Wallenberg's strategy and Schutzpass (YELLOW HIGHLIGHTER)
12. Bierman (1981) p. 53: material support, and at most four hours' sleep (YELLOW HIGHLIGHTER)
13. Rosenfeld (1982) pp. 86-87: tactics, and appearance (YELLOW HIGHLIGHTER)
14. Lester (1982) photograph with caption: Wallenberg at his desk in Budapest
15. Marton (1982) photograph with caption: Wallenberg and his colleagues
16. Lester (1982) photograph with caption: Schutzpass
17. Philadelphia Inquirer, Oct. 18, 1982, at 14-A, col. 3: letter from Philadelphian rescued by Wallenberg (YELLOW HIGHLIGHTER)
18. Bierman (1981) pp. 81-82: personal account of rescue (YELLOW HIGHLIGHTER)
19. Lester (1982) hardback opened to pp. 110-111 with white ribbon: personal account of rescue
20. Bierman (1981) p. 89: Wallenberg's uniqueness (YELLOW HIGHLIGHTER)
21. Bierman (1981) pp. 91-92: confrontation (YELLOW HIGHLIGHTER)
22. Bierman (1981) p. 90: Wallenberg's bearing (YELLOW HIGHLIGHTER)
23. Bierman (1981) pp. 115-116: Schmidthuber (YELLOW HIGHLIGHTER)
24. Photograph of death march (stars on clothing)
25. Photograph of street sign on street named for Raoul Wallenberg
26. Rosenfeld (1982) pp. 121-122: Budapest monument (YELLOW HIGHLIGHTER)
27. Lester (1982) photograph with caption: Budapest monument in original form
28. Photographs of Budapest monument in original form and as changed by the Soviets
29. Hungarian silk flag

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30. 3 orange cards: WHAT WERE RAOUL WALLENBERG'S STRATEGY AND TACTICS?//Raoul Wallenberg's strategy was to use Swedish neutrality to protect human rights. His tactics included material support (he set up soup kitchens, hospitals, nurseries, protected houses, and stockpiles of food, clothing,/(2d)medicine, and other supplies), diplomatic support (he created the Schutzpass -- a protective Swedish passport -- and made many dozens of helpful official protests on his own and with the other neutral legations), intelligence support (with intelligence from Jewish volunteers and Nazis persuaded, flattered, bribed, or/(3d) threatened, he thwarted many Nazi plans and moves against Jews), and personal support (alone and unarmed he confronted groups of armed Nazis to save lives).
31. 2 orange cards: WHAT DID RAOUL WALLENBERG ACCOMPLISH?//Raoul Wallenberg is credited with personally saving 100,000 Jews with his direct intervention and his Schutzpass. He saved generations, and his true accomplishment cannot be calculated, because those he rescued, their children, and/(2d)their grandchildren, live today throughout the world.
32. Orange card (3X5): Sign of the street named for Raoul Wallenberg in today's Budapest

CASE 3 Courtesy:
Nos. 24, 25, and 28 Courtesy of David Harel

CASE 4 (table case, first floor): 3 RED BACKGROUND sheets

IMPRISONMENT: Raoul Wallenberg's Imprisonment/January 17, 1945 Until Today/Age 32 to Age 71

1. Amnesty International, Prisoners of Conscience in the USSR (1980) with photocopies of the title page, the 2 contents pages, and the Introduction (pp. 1, 2) BIDDLE KD/4317/A522p2 (YELLOW HIGHLIGHTER)
2. Vol. 8 Israel Yearbook on Human Rights (1978) with photocopies of the title page and pp. 241, 244, and 245 BIDDLE Per. I (YELLOW HIGHLIGHTER)
3. Anger (1981) pp. 37-38: Soviet official antisemitism (YELLOW

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HIGHLIGHTER)

4. Bierman (1981) p. 132: prisoner exchange (YELLOW HIGHLIGHTER)
5. A. Shifrin, The First Guidebook to Prisons... (1980) fold-out map with one red flag for each region of reported presence of Raoul Wallenberg (nine total flags) in Rosenfeld at pp. 240-241
6. A. Solzhenitsyn, The Gulag Archipelago V. 1-3 (1973-1976) BIDDLE KD/4317/S692g/v.1,2,3
7. Lester (1982) p. 139: Solzhenitsyn comments (YELLOW HIGHLIGHTER)
8. A. Shifrin, The First Guidebook to Prisons... (1980) paperback with photocopies of pp. 248, 353, and 354
9. Rosenfeld (1982) hardback opened to pp. 240-241 with red ribbon: "The Odyssey of Raoul Wallenberg in the Gulag"
10. Rosenfeld (1982) pp. 118-119: knocking communications code (YELLOW HIGHLIGHTER)
11. Rosenfeld (1982) p. 152: Einstein letter to Stalin and Nobel Peace Prize proposal (YELLOW HIGHLIGHTER)
12. Rosenfeld (1982) p. 239: Gromyko memorandum
13. Lester (1982) photograph of Nanna Svartz (with caption)
14. U.S.S.R. silk flag
15. Orange card: WHY DID SOVIET OFFICIALS IMPRISON RAOUL WALLENBERG, AND WHY HAVE THEY NOT RETURNED HIM TO HIS FAMILY?//Soviet officials have never publicly answered this question. Two possible answers discussed in the biographies of Raoul Wallenberg are indicated here: anti-Jewishness and prisoner exchange.
    With 2 smaller orange cards (each part of a 3X5 card):
    Anti-Jewishness as a possible motive [with No. 2 above]
    Prisoner exchange as a possible motive [with No. 4 above]
16. 2 orange cards: HAS ANYONE SEEN OR HEARD FROM RAOUL WALLENBERG SINCE HE WAS IMPRISONED?//Yes. Although Raoul Wallenberg has been held incommunicado from the beginning of his imprisonment, the biographies describe dozens of reliable and sworn reports, including eyewitness testimony and reports/(2d)of conversation and forbidden tapping code communication with Raoul Wallenberg.

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CASE 5 (table case, second floor): 3 DARK GREY BACKGROUND sheets

GOVERNMENTAL: International Efforts to Free Raoul Wallenberg by Governments

1. U.S.S.R. Labor Camps U.S. Senate hearings Feb. 2, 1973 with photocopies of title page and pp. 136-137: Shifrin testimony BIDDLE K/37/X/365g (YELLOW HIGHLIGHTER)
2. Vol. 11 California Western International Law Journal 140 (1981) article on Wrangel Island: p. 140 (YELLOW HIGHLIGHTER)
3. U.S. House Report 97-152: Part 1, June 17, 1981, and Part 2, Sept. 21, 1981
4. U.S. Senate Report 97-169, July 27, 1981
5. U.S. Public Law 97-54, Oct. 5, 1981 (YELLOW HIGHLIGHTER)
6. Congressional Quarterly Weekly Report, Oct. 24, 1981, at 2058: public law (YELLOW HIGHLIGHTER)
7. Public Papers of the Presidents: Ronald Reagan (1981) with photocopy of title page and pp. 890-891 BIDDLE KB/8/P976/ Reagan/1981 (YELLOW HIGHLIGHTER)
8. Lester (1982) photographs with captions: Raoul Wallenberg's brother and sister, and Representative and Mrs. Lantos
9. U.S. State Department telegram on U.N. Human Rights Commission proposal by U.S. on disappearance (YELLOW HIGHLIGHTER)
10. U.S. Congressional Record, Oct. 6, 1983, at E4838: letter to President Reagan from House members (YELLOW HIGHLIGHTER)
11. U.S. Congressional Record, Oct. 20, 1983, at S14275: vote on Raoul Wallenberg and Jan Kaplan resolution (YELLOW HIGHLIGHTER)
12. Update on Raoul Wallenberg U.S. House hearing Aug. 3, 1983 with photocopy of contents page
13. Wash. Post, Jan. 7, 1983, at A18, col. 4: Swedish Ambassador's letter (YELLOW HIGHLIGHTER)
14. Wash. Post, Jan. 14, 1983, at A14, col. 4: Free Wallenberg Committee letter (YELLOW HIGHLIGHTER)
15. N.Y. Times, May 25, 1982, at A5, col. 5: article on 42 volumes of official Swedish documents on Raoul Wallenberg (YELLOW HIGHLIGHTER)

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16. Vols. 4 and 7 of the 42 volumes of official Swedish documents (Vol. 4 opened to first page, a June 21, 1944 message from Raoul Wallenberg in Budapest to a Stockholm official)
17. N.Y. Times, May 10, 1983, at A2, col. 3: item on Israeli Knesset special session May 9th to honor Raoul Wallenberg
18. Israeli stamp and first-day cover honoring Raoul Wallenberg
19. Bierman (1981) pp. viii and 206-208: Yad Vashem and Israel (YELLOW HIGHLIGHTER)
20. U.S. silk flag
21. Swedish silk flag
22. Israeli silk flag
23. 3 orange cards: WHAT HAS BEEN DONE BY GOVERNMENTS TO FREE RAOUL WALLENBERG?//Swedish, U.S., and Israeli executive and legislative officials have made public statements, Sweden in 1979 offered prisoner exchange for a "blown" and so useless Soviet agent, the U.S. in 1981 made/(2d)Raoul Wallenberg an honorary citizen, and Israel in 1979 declared Raoul Wallenberg a Righteous Gentile at Yad Vashem. No government has publicly offered bilateral or multilateral prisoner exchange of useful Soviet prisoners, publicly offered material ransom, or even used many opportunities to make public/(3d)humanitarian appeals in international fora, and these are among the actions now requested by private individuals and organizations to free Raoul Wallenberg.

CASE 5 Courtesy:

No. 9 Courtesy of the Department of State, Washington, D.C.
No. 16 Courtesy of the Swedish Embassy, Washington, D.C.

CASE 6 (table case, second floor): 3 WHITE BACKGROUND sheets

PRIVATE: International Efforts to Free Raoul Wallenberg by Private Individuals and Organizations

1. Daily Pennsylvanian (U. of Pa.), Oct. 6, 1982, at 7, col. 1: article on Leona T. Feldman
2. Wallenberg Committee Newsletter 1983: Vol. 1, No. 1 (YELLOW HIGHLIGHTER)

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3. Letter to U.S.S.R. President Yuri Andropov Oct. 19, 1983 with two returned receipt notices, with U.S.P.O. Publication 51 (Jan. 1982, "International Postal Rates and Fees"), and with U.S.P.O. Publication 227 (Oct. 1978, "Packaging Pointers")
4. List of Board of Advisors of the Wallenberg Committee of Greater Philadelphia: 2 pages from No. 2 above (YELLOW HIGHLIGHTER)
5. Philadelphia Inquirer, Aug. 3, 1983, at 6-B, col. 1: obituary of Josiah E. DuBois, Jr. (YELLOW HIGHLIGHTER)
6. U.S. Senator Arlen Specter Aug. 15, 1983 letter to President Reagan with Proposed Presidential Directive
7. Individual Activity to Free Raoul Wallenberg, from No. 2 above (YELLOW HIGHLIGHTER)
8. Petition to Free Raoul Wallenberg, from No. 2 above
9. Prisoner Exchange Request
10. Transcript of Professor Morris Wolff interview on radio station WKEN Sept. 14, 1983
11. List of International Raoul Wallenberg Committees (YELLOW HIGHLIGHTER)
12. World map in color with one gold flag for each country with one or more Wallenberg organizations (thirteen total flags)
13. Legal Intelligencer (Philadelphia), Nov. 29, 1983, at 1, col. 5: "Bar Association Adopts Resolution to Free Wallenberg" article (YELLOW HIGHLIGHTER)
14. Raoul Wallenberg booklet prepared by the Raoul Wallenberg Committee of the United States (New York City)
15. Simon Wiesenthal Center of Los Angeles brochure with 2 excerpts on Wallenberg and a planned documentary, and with an excerpt from Social Action Update, Winter 1984, at 10
16. Swedish newspaper Expressen, Jan. 31, 1980
17. Two Swedish press clippings
18. U.S. silk flag
19. Swedish silk flag

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20. 2 orange cards: WHAT IS BEING DONE BY PRIVATE INDIVIDUALS AND ORGANIZATIONS TO FREE RAOUL WALLENBERG?//Individuals pray; they visit, telephone, petition, and write to U.S., Swedish, Israeli, and other governments' executive and legislative officials; and they petition and write to Soviet executive officials, and/(2d) mail packages to Raoul Wallenberg in care of Soviet executive officials. Organizations act cooperatively to facilitate individual actions, to seek international publicity to free Raoul Wallenberg, and to support special projects such as Professor Morris Wolff's suit to free Raoul Wallenberg.

CASE 6 Courtesy:

Nos. 1-9 Courtesy of the Wallenberg Committee of Greater Philadelphia

Nos. 10, 11 Courtesy of Professor Morris Wolff

No. 15 Courtesy of the Simon Wiesenthal Center, Los Angeles

No. 16 Courtesy of the Swedish Embassy, Washington, D.C.

No. 17 Courtesy of the Raoul Wallenberg Association, Stockholm, Sweden

CASE B (window case, first floor): 7 GOLD BACKGROUND sheets

(no sign: SUPPLEMENT)

1. Philadelphia Daily News, Feb. 1, 1984, at 22, col. 1: Chuck Stone column on lawsuit
2. Philadelphia Inquirer, Feb. 2, 1984, at 2-A, col. 1: article on lawsuit
3. N.Y. Times, Feb. 3, 1984, at A17, col. 1: article on lawsuit
4. Jewish Exponent (Philadelphia), Feb. 10, 1984, at 5, col. 2: article on lawsuit
5. Penn Paper (U. of Pa.), Apr. 5, 1984, at 3, col. 1: article on lawsuit; Leona T. Feldman; Josiah E. DuBois, Jr.; and the exhibit
6. Four-page brochure on Holocaust remembrance programs Mar. 25-Apr. 12, 1984, with blue arrow and three blue brackets
7. Brochure for ceremony in New York City honoring Raoul Wallenberg Jan. 17, 1984

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8. List of exhibit consultants and contributors
9. Brochure for conference in New York City Mar. 20-21, 1984, on the Holocaust in Hungary
10. Two-page brochure with card for benefit concert in Philadelphia Apr. 8, 1984
11. Almanac (U. of Pa.), Feb. 2, 1984, at 7: Thanks to Scandinavia fund gift
12. Philadelphia Inquirer, May 16, 1984, at 12-C, col. 1: Richard Chamberlain cast in NBC-TV miniseries on Raoul Wallenberg
13. Legal Intelligencer (Philadelphia), Mar. 22, 1984, at 1, col. 3: Professor Morris Wolff speech about the lawsuit, at the U. of Pa. Mar. 26, 1984
14. Gratz College memorandum, March 1984: Holocaust Oral History Archive includes account of rescue by Raoul Wallenberg
15. A. Morse, While Six Million Died: A Chronicle of American Apathy (1968) paperback opened face down at front cover to show front and back covers, with photocopies of pp. 77, 253, 261, 273, and 274 (YELLOW HIGHLIGHTER)
16. Philadelphia Inquirer, June 2, 1983, at 1-B, col. 2: Josiah E. DuBois, Jr. honored by the American Jewish Committee June 1, 1983 (YELLOW HIGHLIGHTER)
17. N.Y. Times, Aug. 4, 1983, at D22, col. 3: obituary of Josiah E. DuBois, Jr. (YELLOW HIGHLIGHTER)
18. Orange card: This is a 1984 supplement to the exhibit, which opened on January 17th, the 39th anniversary of Raoul Wallenberg's taking by the Soviets.
19. Orange card: The lawsuit papers filed February 24 may be reviewed and photocopied -- please see the Reference Librarian, Biddle Law Library.
20. Orange card: On this 50th anniversary of his graduating class, these are to remind of Josiah E. DuBois, Jr.'s good work.

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CASE B Courtesy:

No. 6 Courtesy of Phyllis Apparies

No. 7 Courtesy of Joshua Eilberg

No. 9 Courtesy of Elenore Lester

No. 10 Courtesy of Leona T. Feldman

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The Sea WALLE

By Francesca Chapman

Raoul Wallenberg vanished from the free world almost 36 years ago, but the legend he fathered remains alive and well. Hundreds of people around the world, including a particularly active group in the Philadelphia area, are working to bring Wallenberg home again.

Wallenberg, a Swedish citizen, was a member of his country's diplomatic corps during World War II when he was sent, at the request of the United States government, to help save the thousands of Hungarian Jews who were bound for the gas chambers as part of Hitler's "final solution to the "Jewish problem."

Wallenberg is credited with saving close to 100,000 lives between July of 1944 and January of 1945. He is a figure of mythic proportions among the survivors of the death camps and deportation trains, who report that Wallenberg would appear and issue Swedish passes to the deportees, then demand that the Nazis release the prisoners. He directed food and medical supplies to them, furnished them in homes he had rented, and working through diplomatic channels, encouraged other countries to take a more active role in saving Hungary's [illegible] Jews.

Toward the end of the war, in early 1945, as the Russian army began to occupy Hungary, Wallenberg was arrested by the Soviet police in Budapest. His many admirers maintain that he was imprisoned without basis. Unexplainedly, in the past 36 years, the Soviet Union has concealed the truth about Wallenberg's whereabouts.

Morris Wolff, who has been a visiting professor of law at the University and who is currently with the Delaware Law School of Widener University, spoke on campus last week about the biggest step yet to establish the truth and to free Wallenberg. Wolff, acting as counsel for Wallenberg's family in Sweden, is about to take the Soviet Union to court for Wallenberg's release.

"This is a moment of great privilege, to be invited by this grieving family to contract such a grandest injustice," Wolff said at a talk sponsored by the International Law Students Association and the Jewish Law Students Association.

"Raoul has only been dead six months and been treated as credibly witness very confidence has been ignored and lies about Wallenberg has been passed into history as if he were dead," said Wolff.

Wolff believes that Wallenberg is still alive despite the fact that he has not been heard from directly since his disappearance in 1945. If Wallenberg is alive today, he is 71 years old but members of the Wallenberg family have lived to greater ages. Numerous reports of his existence have filtered out of the Soviet Union. Survivors of the Soviet prison system have noted since the end of the war Wallenberg's occasional appearances in various cells, camps and prisons within the system and as recently as 1980 ex-Nazi prisoners have claimed that he [illegible] was being held in a government hospital.

"It's important that we believe he is alive, at least until proof to the contrary is presented. Every day I work on this case I believe more and more that he is alive," said Wolff.

The lawsuit seeking Wallenberg's return to his homeland was filed in the Washington D.C. Federal District Court this past February. The Soviet response is still pending.

There are four major aspects of the suit explained Wolff. His "first and foremost thing" is to obtain Wallenberg's immediate release. The suit also demands that the Soviet Union make a "complete and honest report" regarding Wallenberg's treatment, an explanation of the legal basis for his detention and $30 million in damages—$1 million for each year of Wallenberg's captivity.

The Foreign Sovereign Immunities Act of 1976 provides jurisdiction in the United States for a suit to help a Swedish citizen that imprisoned in the Soviet Union. According to the briefs on the trial, Wallenberg's stature and determination as well as the Soviet Union's concealment of the truth "concerning his whereabouts and well-being also violate the law of nations the United Nations Char-

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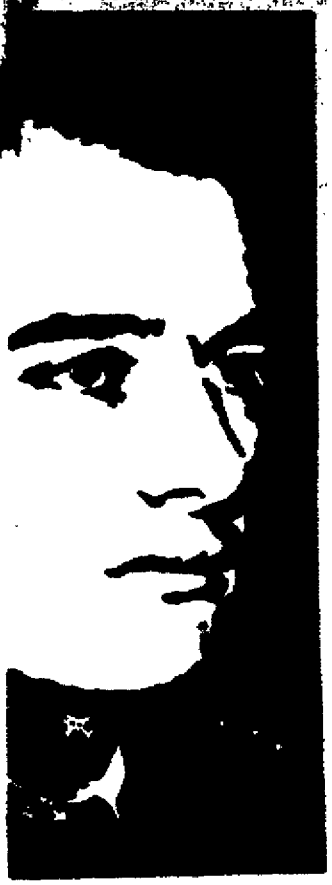

or they may try to contest the jurisdiction of the court, arguing that the Foreign Sovereign Immunities Act is an inappropriate basis for jurisdiction.

One unknown "wild, long-on-the-odds" card in reason for handing the case back to that Wallenberg is an honorary citizen of the United States, that granted and [illegible] was bestowed upon Wallenberg in October 1981 by Congress, and he is the third man in U.S. history—after Winston Churchill and Bernard Lafayette—to be so honored.

"It's hard to predict what the Soviet Union will do [Wallenberg is] unprecedented] sentiments without any overt indication, our silence will permit them to continue doing what they have done for the past 39 years.

"The case may well provide the Soviets with a method for releasing Wallenberg," Wolf said. "We have to begin by believing he's alive. Then something may arise if we set the dynamics in action."

Raoul Wallenberg and the Penn Connection

The Penn connection to the case of Raoul Wallenberg and its related cause is a strong one. The Wallenberg Committee of Greater Philadelphia was founded and is directed by a University alumna, Leona Feldman (CW '48, SAS '78). It is one of the most active of 16 Wallenberg organizations in 13 countries, and is responsible for annual mayoral proclamations of Wallenberg Day in Philadelphia. The Committee acted as the catalyst for congressional hearings on the case last summer, and generally coordinates local and national efforts to heighten both individual and government awareness of Wallenberg's mission.

Joseph E. DeSeta, Jr., a graduate of Penn and its Law School (Class of 1934), served as a Treasury Department lawyer in the Franklin Delano Roosevelt administration. By writing a paper entitled "A Report to the Secretary on the Responsiveness of the Government in the Murder of Europe's Jews," and threatening to publish it unless the U.S. took action to help save the doomed Jews, he was instrumental in the creation of the War Refugee Board which helped finance Wallenberg's rescue mission to Budapest.

A current exhibit at the Van Pelt Library [illegible] Chestnut Street, features eight display cases filled with documentation and memorabilia on Wallenberg's youth, his heroic work during the war, his imprisonment and the international efforts to free him. The exhibit, which was assembled by Karsten Clark John Fraser, is open to the public Monday-Friday 9 a.m.-5 p.m. until June, when it will move to the Nordic Heritage Museum in Seattle, Washington for the meetings of the Swedish Council of America and their annual presentation of the Raoul Wallenberg Award.

ter, the Universal Declaration of Human Rights and the Vienna Convention, among other regulations regarding human rights and the treatment of diplomats, including both U.S. federal law and Soviet criminal codes.

The suits asserts that since 1945, Wallenberg has been held "incommunicado" and diplomatic inquiries by both government and private organizations have been answered with "false statements, false denials of knowledge, and refusals to provide information" about Wallenberg.

For example, the Soviet government stated falsely in 1957 that Wallenberg had died of natural causes in their country ten years earlier. No complete dossier of Wallenberg's record has ever been released, however, and there does seem to be a lot of evidence that Wallenberg was alive well after 1947.

"It will be a very interesting day in court to see how the Soviet Union deals with this range of issues," speculated Wolf. "Within a few weeks we will have a better idea of how they will move in response to our court papers."

Two possible responses are for the Soviet Union either to maintain the argument that Wallenberg died in 1947,

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The NEW YORK TIMES Te...

NBC Doing Wallenberg's Fight for Jews

Mini-series Is Scheduled For March

By ... TEN FARRIS

Special to The New York Times

LOS ANGELES, July 31 — The story of Raoul Wallenberg, the Swedish diplomat who saved thousands of Hungarian Jews from the Nazis during World War II, will be told in a four-hour mini-series on NBC-TV next March.

Several feature-film and television producers have tried to dramatize the story but could not obtain clearance. A few years ago Jack Weston was signed to play Mr. Wallenberg in a movie for CBS Entertainment Films, but the project was canceled after a script was completed. According to one executive with CBS Theatrical Films, the studio did not believe the

[illegible] under the Japanese [illegible].

The story finally found devoted supporters when the executive producer Herb Brodkin, the head of Hemdale Productions, Mark Lipsky, a long-time associate of Mr. Brodkin's, and the lead producer, Lee Rich, a long-time friend of Mr. Brodkin's, decided that [illegible] Lipsky, with [illegible] Wallenberg and, [illegible] Mr. Brodkin took the project to Herbert Brodkin, an executive at NBC who was fascinated by the story and agreed to have Gerald Green, the author of the nationally syndicated [illegible], to write the script for "Wallenberg." The production is scheduled to be broadcast next March.

Script Spans One Year

Mr. Green's initial contact on the project was in late September of 1980, when Mr. Wallenberg visited Jerusalem for an Israeli-support campaign created by Solomon Lazarus, a Washington lawyer, and was presented by the Israeli Ambassador and the Israeli Consul-General to go to Hungary to look for some or many of the Jews he probably [illegible] were dead by the time he arrived.

Mr. Wallenberg and several colleagues, including Lazarus and [illegible] Jews [illegible]. According to Mr. Berg, "Wallenberg appeared at [illegible] people from [illegible] and threatened Nazi officers

JOHN FRASER
[redacted]
PHILADELPHIA, PA 19104

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WASHINGTON, D.C. 20500

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PAGE 01 SANTIA 07971 01 OF 03 121841Z
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E.O. 12356: DECL: OADR
TAGS: PREL, PGOV, CI
SUBJ: FOREIGN MINISTER CALLS IN AMBASSADOR TO DISCUSS U.S. POLITICAL CLIMATE AND POSSIBILITY OF PUNITIVE LEGISLATION

1. [redacted]~~CONFIDENTIAL~~-ENTIRE TEXT.

2. SUMMARY: ON DEC 10, FOREIGN MINISTER JAIME DEL VALLE CALLED IN AMBASSADOR THEBERGE. DEL VALLE EXPRESSED GRATITUDE FOR THE RECENT U.S. VOTE AT THE UN DEALING WITH HUMAN RIGHTS IN CHILE, AND INNQUIRED ABOUT THE TRAVEL ADVISORY ISSUED ON DECEMBER 7, INDICATING THAT IT APPARED TO BE AN ATTEMPT TO PRESSURE THE GOC, WHICH THE AMBASSADOR DENIED. AT DEL VALLE'S REQUEST, AMBASSADOR THEBERGE DESCRIBED THE EXTRAORDINARILY NEGATIVE REACTION TO RECENT CHILEAN ACTIONS AMONG THE U.S. PUBLIC, CONGRESS AND THE ADMINISTRATION, AND THE LIKELIHOOD OF PUNITIVE LEGISLATION UNLESS CHILE TAKES CONCRETE STEPS TO PROVE ITS SINCERITY ABOUT MOVING TOWARD DEMOCRATIC RULE. VISIBLY TROUBLED, DEL VALLE ACKNOWLEDGED A SENSE OF "IMPOTENCE", OR RESIGNATION, ABOUT THE PROBABILITY OF U.S. SANCTIONS, AND OFFERED NO ENCOURAGEMENT THAT THE STATE OF SIEGE WOULD BE LIFTED OR THAT A RENEWED POLITICAL OPENING WOULD BE FORTHCOMING. PRESSURE SUCH AS THE PROTEST DEMONSTRATIONS IS ONLY COUNTERPRODUCTIVE WITH PINOCHET, HE REITERATED, WHEREAS, ~~CONFIDENTIAL~~

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PAGE 02 SANTIA 07971 01 OF 03 121841Z

IF, FOR EXAMPLE, THE CHRISTIAN DEMOCRATS STATE THAT THEY ARE PREPARED TO ACCEPT PINOCHET UNTIL 1989, A DIALOGUE COULD BEGIN. THE AMBASSADOR FORCEFULLY CONVEYED THAT THE GOC ALONE, THOUGH CONCRETE FORWARD PROGRESS ON THE TRANSITION, COULD REVERSE THE AWFUL IMPRESSION OF CHILE ABROAD AND COULD PERHAPS PREVENT PUNITIVE LEGISLATION AND

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A GENERALLY DIFFICULT BILATERAL RELATIONSHIP. POLCONS ACCOMPANIED AMBASSADOR THEBERGE. END SUMMARY.

3. THE FOREIGN MINISTER OPENED BY EXPRESSING HIS GRATITUDE FOR THE U.S. NEGATIVE VOTE IN THE UNITED NATIONS ON THE RECENT RESOLUTION PROPOSING AN EXTENSION OF THE SPECIAL RAPPORTEUR ON HUMAN RIGHTS FOR CHILE. DEL VALLE NOTED THAT OTEHR COUNTRIES WHICH CHILE ALSO CONSIDERS FRIENDS DID NOT VOTE AS THE U.S. HAD, AND FOR THAT REASON CHILE QARTICULARLY VALUES THE U.S. VOTE.

4. DEL VALLE INQUIRED ABOUT THE BACKGROUND OF THE TRAVEL ADVISORY RECENTLY ISSUED ON CHILE. HE QUESTIONED WHETHER IT WAS JUSTIFIED IN THE CASE OF CHILE AND WONDERED WHETHER THERE IS A POLITICAL MOTIVE TO ISSUING THE ADVISORY AT THIS TIME. HE ASKED WHETHER THE U.S. HAD ISSUED AN ADVISORY ON BRAZIL. THE AMBASSADOR REPLIED THAT THE DEPARTMENT MUST ISSUE SUCH ADVISORIES WHENEVER WE BELIEVE THAT SECURITY OR SAFETY CONDITIONS FOR AMERICAN TRAVELERS WARRANT IT, AND CLEARLY THE RISE IN TERRORIST BOMBINGS, THE EXISTENCE OF A CURFEW AND THE SATE OF SIEGE WERE NEW DEVELOPMENTS POTENTIALLY AFFECTING

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PAGE 01 SANTIA 07971 02 OF 03 121843Z
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C O N F I D E N T I A L SECTION 02 OF 03 SANTIAGO 7971
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TRAVELERS SAFETY. AMBASSADOR SIAD HE DID NOT KNOW IF THERE IS AN ADVISORY OUTSTANIDING ON BRAZIL, ALTHOUGH ADVISORIES HAD BEEN ISSUED AT VARIOUS TIMES REGAARDING TRAVEL IN MEXICO, COLOMBIA AND OTHER COUNTRIES. DEL VALLE ASKED IF THE ADVISORY WOULD BE LIFTED WHEN THE STATE OF SIEGE IS REMOVED. AMBASSADOR SIAD THE TWO WERE NOT NECESSARILY LINKED; IT DEPENDED ONLY ON OUR VIEW OF SECURITY CONDITIONS. AMBASSADOR NOTED THAT DEPARTMENT HAS ISSUED ADVISORIES ON OTHER COUNTRIES WHEN NO STATE OF EXCEPTION WAS IN EFFECT.

5. DEL VALLE INSISTED THAT MANY OTHER COUNTRIES ARE MORE

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DANGEROUS FOR AMERICAN TRAVELERS ZHAN CHILE,AND THT THE IMPRESSION IN HIS GOVERNMENT IS THAT THIS IS A FORM OF POLITICAL PRESSURE ON CHILE. HE REQUESTED A LIST OF COUNTRIES IN LATIN AMERICA ON WHICH TRAVEL ADVISORIIES HAVE BEEN ISSUED BY THE DEPARTMENT (REQUEST SENT BY SEPTEL), SO THAT HE CAN EXPLAIN THE SITUATION TO THE PRESIDENT AND OTHER CONCERNED MINISTERS.

6. DEL VALLE TOLD THE AMBASSADOR THAT FINANCE MINISTER LUIS ESCOBAR HAD RELATED TO HIM, DEL VALLE, A CONVERSATION ESCOBAR AND THE AMBASSADOR HAD RECENTLY ABOUT THE POSSIBILITY THAT THE CONGRESS WILL PASS PUNITIVE LEGISLATION AGAINST CHILE. DEL VALLE ASKEDFOR THE AMBASSADOR'S VIEWS ON THE ATMOSPHERE IN WASHINGTON.

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PAGE 02 SANTIA 07971 02 OF 03 121843Z

7. THE AMBASSADOR DESCRIBED HOW RECENT CHILEAN GOVERNMENT ACTIONS AND STATMENTS BY PRESIDENT PINOCHET HAD PRODUCED AN EXTRAORDINARY BACKLASH AGAINST CHILE AMONG U.S. PUBLIC OPINION, IN THE CONGRESS AND IN THE EXECUTIVE BRANCH. THE HARD LINE OF THE GOVERNMENT, THE INTERRUPTION OF THE POLITICAL OPENING AND THE STATE OF SIEGE HAVE PLAYED INTO THE HANDS OF THOSEON THE HILL WHO WOULD LIKE TO PASS TOUGH LEGISLATION AGAINST CHILE. THE AMBASSADOR DESCRIBED THE VARIOUS IDEAS BEING CONSIDERED BY CONGRESSIONAL STAFFMEMBERS, (RESTRICTIONS ON CHILEAN COPPER IMPORTS, ELIMINATION OF RESIDUAL MILITARY COOPERATION INCLUDING UNITAS, A REQUIREMENT TO VOTE AGAINST LOANS IN THE INTERNATIONAL FINANCIAL INSTITUTIONS AND PROHBITION ON EXIM BACK ACTIVITIES IN CHILE). HE ADDED THAT THE EXECUTIVE OPPOSES SUCH INITIATIVES, BUT THE BALANCE OF FORCES WITHIN CONGRESS HAS BEEN ALTERED AS A RESULT OF DEVELOPMENTS IN CHILE AND THAT IT NOW SEEMS IMPOSSIBLE TO AVOID SOME SORT OF PUNITIVE LEGISLATION, UNLESS CHILE HELPTS ITSELF BY RETURING TO THE POLITICAL OPENING AND LIFTING THE SATE OF SIEGE, FOR EXAMPLE. SUCH STEPS AND OTHERS ARE NEEDED TO CONVINCE THE OUTSIDE WORLD OF CHILE'S SINCERITY IN MOVING TOWARD DEMOCRATIC RULE.

8. VISIBILY CONCERNED AND FRUSTRATED, DEL VALLE SAID THAT HE HAS A SENSE OF "IMPOTENCE." DEL VALLE REPEATED THE GOC LINE ABOUT TERRORISM JUSTIFYING THE SATE OF SIEGE, AND THAT IT HAS BEEN EFFECTIVE IN SAVING LIVES AND REDUCING CRIME. HE PREDICTED THAT THE STATE OF SIEGE WILL BE MAINTAINED UNTIL THE GOVERNMENT IS SATISFIED THAT TERRORISM IS UNDER CONTROL.

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9. BECOMING MORE EXICTED, DEL VALLE SAID THAT THE OPPOSITION WASTED THE OPPORTUNITY OF THE POLITICAL OPENING.
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PAGE 03 SANTIA 07971 02 OF 03 121843Z

MOREOVER, A RENEWED POLITICAL OPENING IS NOT FEASIBLE UNDER CURRENT UNFAVORABLE ECONOMIC CONDITIONS. NEVERTHELESS, HE SAID, IF THE CHRISTIAN DEMOCRATIC PARTY STATES THAT IT IS WILLING TO HAVE PINOCHET CONTINUE IN OFFICE UNTIL 1989, THE GOVERNMENT AND THE OPPOSITION CAN DISCUSS MANY THINGS: THE POLITICAL PARTY LAWS, OPPOSITION PARTICIPATION IN THE COUNCIL OF STATE, AN ANTICIPATED CONGRESS AND MANY OTHER TRANSITION ISSUES.

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PAGE 01 SANTIA 07971 03 OF 03 121844Z
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10. DEL VALLE ADDED THAT HE TOLD THE POPE LAST WEEK IN ROME THAT, IF IT WERE NOT FOR THE PROTESTS, THE LIST OF EXILES WOULD HAVE BEEN REDUCED TO 500 BY NOW. THE OPPOSITION SIMPLY DOES NOT UNDERSTAND PINOCHET; PREOTESTS CAUSE REPRESSION. HE AFFIRMED THAT THE DEMOCRATIC OPPOSITION IS PLAYING INTO THE HANDS OF THE COMMUNISTS AND DOES NOT REALIZE WHO THEY ARE DEALING WITH AND WHERE IT LEADS. ZIF WE HAD ELECTIONS NOW AND MY GOOD FRIEND GABRIEL VALDES WERE ELECTED PRESIDENT, IN TEN MONTHS COMMUNISM WOULD BE INSTALLED IN CHILE". HE REITERATED THAT IT WAS NECESSARY FOR THE REAGAN ADMINISTRATION TO CONVINCE THE CONGRESS AND PREVENT IT FROM MAKING GRAVE ERROFS, CITING THE ACT THAT IRAN, NICARAGUA AND CUBA HAD REPROACHABLE REGIMES PRIOR TO U.S. EFFORTS TO DESTABLIZE THE DICTATORS, BUT THE OUTCOMES WERE EVEN WORSE.

11. AMBASSADOR THEBERGE SAID THAT THE RESPONSIBILITY

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FOR CONVINCING THE CONGRESS, PUBLIC OPINION AND OTHER GOVERNMENTS TO AVOID PUNITIVE ACTIONS CHILE LIES IN DEEDS BY THE CHILEAN GOVERNMENT. HE POINTED TO AMBIQUITY IN PRESIDENT PINOCHET'S STATEMENTS WHICH LEAVES THE IMPRESSION OF LACK OF A TRANSITION PLAN, OR EVEN DEMOCRATIC INTENTIONS. CONCRETE STEPS, CONVINCING PROOF, ARE REQUIRED TO TRUN THE SITUATION AROUND, SUCH AS RETURN TO A POLITICAL OPENING, A TIMETABLE FOR THE POLITICAL LAWS, OFFERING AN ANTICIPATED CONGRESS.
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PAGE 02 SANTIA 07971 03 OF 03 121844Z

PUNITIVE LEGISLATION CAN ONLY BE AVOIDED WHEN THERE IS PRORGRESS ON THE DEMOCRATIC TRANSITION. DEL VALLE THANKED THE AMBASSADOR FOR CLARIFYING THE SITUATION.

12. COMMENT: BY THE CLOSE OF THE MEETING DEL VALLE WAS OBVIOUSLY SOBERED AND CONCERNED. HE UNDERSTOOD FULLY OUR MESSAGE. HOWEVER, HE SEEMED TO BE RESIGNED TO THE PROBABILITY OF A SOURED RELATIONSHIP AND U.S. SANCTIONS--HENCE HIS "IMPOTENCE"--BECAUSE HE IS CONVINED HIS PRESIDENT WILL NOT BUDGE UNDER PRESSURE.
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PAGE 01 GUATEM 13027 01 OF 02 142335Z
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P 142322Z DEC 84
FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC PRIORITY 5514
INFO AMEMBASSY BELIZE
AMEMBASSY MEXICO
AMEMBASSY PANAMA
AMEMBASSY SAN JOSE
AMEMBASSY SAN SALVADOR
AMEMBASSY TEGUCIGALPA
USMISSION USUN NEW YORK
USCINCSO QUARRY HTS PN

UNCLAS SECTION 01 OF 02 GUATEMALA 13027

A/SY/TAG; ARA/CEN - JIM CASON

E.O. 12356 NA
TAGS: ASEC, GT, PGOV, PINR, SHUM
SUBJ: MONTHLY POLITICAL VIOLENCE AND HUMAN
- RIGHTS REPORT FOR NOVEMBER 1984

1. MONTHLY POLITICAL VIOLENCE AND HUMAN RIGHTS REPORT FOR NOVEMBER 1984, TAKEN FROM OFFICIAL GOG BULLETINS, INDEPENDENT NEWS REPORTS AND GUERRILLA COMMUNIQUES AS REPORTED BY FBIS. NOTE: IN THE MAJORITY OF INCIDENTS THERE IS NOT ENOUGH EVIDENCE TO DETERMINE MOTIVE OR TO ASSIGN RESPONSIBILITY. IN CASES OF DISAPPEARANCES, IT FREQUENTLY OCCURS THAT THE VICTIMS REAPPEAR ALIVE, OFTEN ABROAD, BUT SELDOM IS THEIR REAPPEARANCE REPORTED IN THE MEDIA.
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PAGE 02 GUATEM 13027 01 OF 02 142335Z

THEREFORE, THIS DATA SHOULD NOT BE CONSIDERED AS EXACT. CONSISTENT UTILIZATION OF THE SAME METHODOLOGY,

DEPARTMENT OF STATE IM/PS/CMR Date: 2/20/98
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TS authority to
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HOWEVER, REFLECTS TRENDS IN THE INCIDENCE OF VIOLENCE.

2. DEATHS

- CIVILIAN NON-COMBAT

-	URBAN	RURAL	TOTAL
-	13	33	46

NOTE: THIRTEEN OF THE CIVILIAN DEATHS CAN BE ATTRIBUTED TO ASSASSINATIONS BY THE GUERRILLAS; OF THOSE, THREE WERE CIVIL DEFENSE MEMBERS FROM EL QUICHE EXECUTED BY GUERRILLAS WHEN VISITING GUATEMALA CITY. TWO OF THE VICTIMS WERE NATIONAL POLICEMEN MURDERED IN GUATEMALA CITY BY GUERRILLAS. ONE WAS THE ADMINISTRATOR OF A FARM IN THE SOUTH COAST, KIDNAPPED AND EXECUTED BY A GUERRILLA GROUP THAT LATER HELD A POLITICAL RALLY. TWO WERE EXECUTED FOR BETRAYING THE GUERRILLAS IN GUATEMALA CITY; AND FIVE MORE OF THE VICTIMS WERE FOUND IN A SECRET CEMETERY. THE LOCATION OF THE BODIES WAS REVEALED IN INFORMATION OBTAINED BY THE ARMY FROM TWO FORMER MEMBERS OF THE GUERRILLAS. A CIVILIAN, WHOSE TORTURED AND BULLET-RIDDEN BODY WAS FOUND IN GUATEMALA CITY, HAD DISAPPEARED AT THE SAME TIME THAT THE POLICE CAPTURED SOME OF THE VICTIM'S RELATIVES AND CHARGED THEM WITH THE KIDNAPPING OF HECTOR MARROQUIN (SEE NOTE IN SECTION 3, ABDUCTIONS).

- COMBAT

-	URBAN	RURAL	TOTAL
- MILITARY KIA	1	0	1
- GUERRILLAS KIA	0	17	17
- CIVILIANS KIA	0	15	15

NOTE: OF THE 15 CIVIL DEFENSE FORCE DEATHS, 14 WERE KILLED IN TWO GUERRILLA ATTACKS IN THE DEPARTMENT OF EL QUICHE AND ONE MORE IN THE DEPARTMENT OF CHIMALTENANGO. A MILITARY POLICEMAN WAS SHOT IN GUATEMALA CITY. THE GUERRILLA CASUALTIES OCCURRED IN THREE CLASHES WITH THE ARMY, TWO IN THE DEPARTMENT OF EL

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PAGE 01 GUATEM 13027 02 OF 02 151212Z
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USMISSION USUN NEW YORK
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UNCLAS SECTION 02 OF 02 GUATEMALA 13027

A/SY/TAG; ARA/CEN - JIM CASON

E.O. 12356 NA
TAGS: ASEC, GT, PGOV, PINR, SHUM
SUBJ: MONTHLY POLITICAL VIOLENCE AND HUMAN
- LABORERS 04
- PROFESSIONAL 01
- STUDENT 01
- PROFESSORS 02

-
3. ABDUCTIONS

- URBAN RURAL TOTAL

- OCTOBER 04 16 20
- NOVEMBER 04 23 27
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PAGE 02 GUATEM 13027 02 OF 02 151212Z

- Y-T-D 176 238 414

NOTE: FOUR OF THE KIDNAP VICTIMS WERE REPORTED BY RELATIVES ONLY AS DISAPPEARED. SEVEN MORE KIDNAP VICTIMS, ALL MEMBERS OF THE SAME FAMILY, WERE ABDUCTED BY ARMED MEN IN PICK-UP TRUCKS IN A VILLAGE OF THE DEPARTMENT OF EL PROGRESO. IN ANOTHER INCIDENT, SIX FARMERS WERE ABDUCTED FROM THEIR HOMES IN A VILLAGE IN THE DEPARTMENT OF SAN MARCOS, BY ARMED MEN IN PICK-UP TRUCKS.

THE FOLLOWING TWO KIDNAP INCIDENTS THAT RECEIVED WIDE COVERAGE BY THE LOCAL MEDIA, ARE NOT INCLUDED IN OUR STATISTICS BECAUSE THEY WERE COMMON CRIMES.

ON NOVEMBER 1, A FOREIGNER, WHO HAD BEEN KIDNAPPED 9 DAYS EARLIER, WAS RESCUED BY POLICE. THE KIDNAPPERS WERE ASKING $45,000 RANSOM FOR THE VICTIM'S RELEASE. ON NOVEMBER 27, HECTOR MARROQUIN WAS ABDUCTED IN THE RESIDENTIAL AREA OF VISTA HERMOSA, ZONE 15. THE KID-

NAPPERS ASKED $100,000 RANSOM FOR HIS RELEASE. HOURS LATER, IN A SHOOT-OUT WITH THE KIDNAPPERS IN A SECTOR OF ZONE 12, POLICE RESCUED THE KIDNAP VICTIM, BUT HE WAS BADLY WOUNDED DURING THE SHOOT-OUT AND DIED LATER. THE KIDNAPPERS FLED, BUT WERE CAPTURED BY THE POLICE THE FOLLOWING DAY.

OCCUPATION OF VICTIM, WHERE NOTED

- FARMERS 12
- UNKNOWN 10
- CD PATROLMEN 01

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- LABORERS 03
- GOG SECURITY AGENT 01

4. OTHER ACTS OF TERRORISM OR WAR

THE LOCAL PRESS REPORTED THAT FAR GUERRILLAS DESTROYED A GOG WEATHER STATION NEAR LA PASION RIVER AND TOOK OVER SAN LUIS BUENA FE VILLAGE, BOTH IN THE DEPARTMENT OF EL PETEN.

PIEDRA

Salvador SP Date 9/23/93
Department
Declassified
portions withheld: classified ( ); deliberative ( );
law enforcement ( ); privacy ( ), statutory ( );
not relevant to El Salvador ( ).
Department of State

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Salvador Human Rights
Project (1993)

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PAGE 01 USUN N 03682 01 OF 03 142234Z
ACTION IO-15

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R 142228Z DEC 84
FM USMISSION USUN NEW YORK
TO SECSTATE WASHDC 6257
INFO AMEMBASSY CARACAS
AMEMBASSY MEXICO
AMEMBASSY SAN SALVADOR
USMISSION GENEVA
AMEMBASSY BELGRADE
AMEMBASSY SINGAPORE

[redacted] SECTION 01 OF 03 USUN NEW YORK 03682

DEPARTMENT PLEASE PASS TO ALL ARA AND OECD POSTS

E.O. 12356: DECL:OADR
TAGS: UNGA, HR, ES
SUBJECT: RESOLUTION ON HUMAN RIGHTS IN EL SALVADOR: ASSESSMENT

REF: A) USUN 35511 B) USUN 3610

1[redacted] ENTIRE TEXT.

2. SUMMARY. THE RESOLUTION ON THE HUMAN RIGHTS SITUATION IN EL SALVADOR WAS ADOPTED DECEMBER 7 AFTER LENGTHY NEGOTIATIONS BETWEEN MEXICO AND VENEZUELA BY A VOTE OF 83 (YES), 13 (NO-US), 35 (ABSTENTIONS). ALTHOUGH THE FINAL TEXT WAS CONSIDERABLY IMPROVED OVER THE INITIAL MEXICAN DRAFT, IT STILL HAD DEFICIENCIES, PARTICULARLY REGARDING CONSTRAINTS ON ARMS SHIPMENTS [redacted]

PAGE 02 USUN N 03682 01 OF 03 142234Z

TO EL SALVADOR (SEE REFTELS). WE WERE THUS UNSUCCESSFUL IN EFFORTS TO ADOPT A DRAFT WE COULD SUPPORT, AND THE YES VOTE BY ALL FOUR CONTADORA COUNTRIES WAS DISTURBING. THERE WERE, HOWEVER, CLEARLY POSITIVE RESULTS AS WELL: THE INITIATIVE OF HIGHLY RESPECTED DEMOCRATIC GOVERNMENTS TO SPONSOR A DRAFT SUPPORTIVE OF PRESIDENT DUARTE'S REFORM PROGRAM; A CONSIDERABLY IMPROVED FINAL TEXT COMPARED WITH PAST YEARS; AND A MORE BALANCED UNGA DEBATE AND OUTCOME WHICH SHOULD HELP TOWARD FURTHER PROGRESS DURING THE HUMAN RIGHTS COMMISSION MEETING IN FEBRUARY. A MAJOR STUMBLING BLOCK IN CONSOLIDATING SUPPORT FOR THE VENEZUELAN DRAFT WAS THE SPLIT IN THE CONTADORA AND THE EC IN SPONSORING TWO COMPETING DRAFTS, AND WIDESPREAD PRESSURE, PARTICULARLY IN LATIN AMERICA AND WESTERN EUROPE, TO PUSH MEXICO AND VENEZUELA TOWARD COMPROMISE. TACTICALLY, WE WOULD HAVE DONE BETTER IF VENEZUELA HAD STARTED EARLIER AND LOBBIED MORE WIDELY. END SUMMARY.

3. OUR MAJOR EFFORT IN SUPPORT OF THE VENEZUELAN INITIATIVE TO SPONSOR A DRAFT RESOLUTION ON THE HUMAN RIGHTS SITUATION IN EL SALVADOR DID NOT FULLY SUCCEED. THE OBJECTIVE WAS EITHER TO OBTAIN A MORE FAVORABLE VOTE ON THE VENEZUELAN DRAFT COMPARED WITH THE UNACCEPTABLE MEXICAN DRAFT, OR TO HAVE THE MEXICAN DRAFT AMENDED SUFFICIENTLY TO BECOME ACCEPTABLE. PROTRACTED NEGOTIATIONS BETWEEN VENEZUELA AND MEXICO ENDED, HOWEVER, WITH A JOINTLY AGREED TEXT THAT FELL SHORT OF ACCEPTABILITY. THE PRINCIPAL DEFECT WAS REFERENCE TO ARMS SHIPMENTS, WHICH IN THE OPERATIVE PASSAGE, READS "REQUESTS ALL STATES TO REFRAIN FROM INTERVENING IN THE INTERNAL SITUATION IN EL SALVADOR [redacted]

PAGE 03 USUN N 03682 01 OF 03 142234Z

AND, INSTEAD OF SUPPLYING ARMS OR HELPING IN ANY WAY TO PROLONG AND INTENSIFY THE WAR, TO ENCOURAGE THE CONTINUATION OF THE DIALOGUE UNTIL A JUST AND LASTING PEACE IS ACHIEVED." THE VENEZUELAN PERMREP TRIED TO CONVINCE US THAT THIS LANGUAGE COULD BE INTERPRETED FLEXIBLY, AND STATED IN HIS EXPLANATION OF VOTE, THAT "THE NEW RESOLUTION, WHILE RECOGNIZING THAT ARMS SHIPMENTS ARE A GRAVE DANGER FOR PEACE IN THE REGION, DOES NOT PRESUME TO DICTATE TO ANYONE STRICT FORMULAS FOR DETERMINING THE POSITION OF A COUNTRY IN THE

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NORMAL CONDUCT OF ITS EXTERNAL RELATIONS." WE COULD NOT ACCEPT SUCH LANGUAGE OR INTERPRETATION AND WERE FORCED TO VOTE NO. HOWEVER, IN VIEW OF THE LENGTHY EFFORTS AND VARIOUS MODIFICATIONS MADE IN THE MEXICAN DRAFT (WHICH WENT THROUGH THREE REVISIONS), SEVERAL COUNTRIES THAT MIGHT OTHERWISE HAVE ABSTAINED, VOTED YES. THE FINAL THIRD COMMITTEE VOTE THIS YEAR WAS 83-13(US)-35 COMPARED WITH 78-13(US)-41 IN 1983.

4. THE MOST DISTURBING CONSEQUENCE OF THE OUTCOME IS THE SOLID YES VOTE BY THE FOUR CONTADORA COUNTRIES (COMPARED TO TWO ABSTENTIONS, NON-PARTICIPATION BY VENEZUELA, AND ONE YES BY MEXICO LAST YEAR) FOR A RESOLUTION THAT IS UNSATISFACTORY WITH RESPECT TO ARMS SHIPMENTS. THE LANGUAGE ON ARMS SHIPMENTS CAN BE INTERPRETED AS IN CONFLICT WITH THE CONTADORA OBJECTIVE OF A BALANCED REGIONAL ARRANGEMENT TO THE EXTENT THAT IT CALLS FOR A STOP IN ARMS SHIPMENTS TO EL SALAVADOR WITHOUT CORRESPONDING COMMITMENTS ON ARMS LEVELS AND VERIFICATION BY NICARAGUA. THE ISSUE, HOWEVER, IS OPEN TO INTERPRETATION: WHILE WE SIMPLY VOTED NO, VENEZUELA ADOPTED THE EXPLANATORY LANGUAGE QUOTED ABOVE.

NOTE BY OC/T: NOT PASSED ABOVE ADDRESSEES.

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ACTION IO-15

INFO OCT-00 ARA-06 EUR-00 SS-00 AF-01
CIAE-00 DODE-00 H-01 INR-07 NSAE-00 NSC-01
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TO SECSTATE WASHDC 6258
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AMEMBASSY MEXICO
AMEMBASSY SAN SALVADOR
USMISSION GENEVA
AMEMBASSY BELGRADE
AMEMBASSY SINGAPORE

[redacted] SECTION 02 OF 03 USUN NEW YORK 03682

DEPARTMENT PLEASE PASS TO AUCARA AND OECD POSTS

5. THE OUTCOME THIS YEAR ALSO HAD SEVERAL POSITIVE ASPECTS. THE INITIATIVE BY HIGHLY RESPECTED, LONG-DEMOCRATIC GOVERNMENTS, SUCH AS VENEZUELA, COSTA RICA, SINGAPORE, BELGIUM, TO SPONSOR A FAIR AND BALANCED RESOLUTION SUPPORTIVE OF PRESIDENT DUARTE'S EFFORTS AND TO THE MORE CRITICAL VIEWS OF MEXICO AND THE CO-SPONSORS OF THE MEXICAN DRAFT ON THE OFFENSIVE. MORE OPEN DISCUSSION TOOK PLACE DURING THE DEBATE WITH WIDESPREAD SUPPORT EXPRESSED FOR PRESIDENT DUARTE. DISSATISFACTION WITH THE FINAL MEXICAN DRAFT WAS EVIDENCED BY A REFUSAL OF TRADITIONAL CO-SPONSORS NETHERLANDS, NORWAY, DENMARK, AND YUGOSLAVIA TO CO-SPONSOR THIS YEAR. CONTRIGHT BEFORE THE VOTE ON THE FINAL COMPROMISE TEXT. WHEN ASKED BUT IF YUGOSLAVIA DID NOT, THERE WAS NO QUESTION THAT THE FINAL TEXT IS CONSIDERABLY MORE BALANCED THAN THE

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TO THE MEXICAN DRAFT INITIALLY OFFERED BY VENEZUELA, EIGHT WERE INCORPORATED TO A LARGE EXTENT, INCLUDING PROMINENT REFERENCE TO ACHIEVEMENTS THUS FAR BY THE DUARTE GOVERNMENT, A CLEAR DISTINCTION BETWEEN THE LEGITIMATE GOVERNMENT OF EL SALVADOR AND GUERILLA FORCES (COMPARED WITH BASICALLY EQUAL STATUS IN THE FIRST MEXICAN DRAFT), AND DELETION OF MISLEADING STATEMENTS ABOUT CIVILIAN CASUALITIES CAUSED BY BOMBARDMENTS BY GOVERNMENT FORCES. MEXICO WAS SHAKEN FROM ITS NORMAL POSTURE OF DOING WHATEVER IT WANTS ON SUCH RESOLUTIONS AND HAD TO SCRAMBLE IN ACCEPTING MAJOR AMENDMENTS, EVEN INCLUDING REPHRASING OF ITS TRADITIONAL LANGUAGE ON MILITARY ASSISTANCE.

6. THE MOST IMPORTANT POSITIVE ASPECTS OF THE OUTCOME IS THE SETTING IT PROVIDES FOR FURTHER PROGRESS IN THE HUMAN RIGHTS COMMISION DELIBERATIONS IN FEBRUARY IN GENEVA. THE OBJECTIVES THERE SHOULD BE NOT ONLY FURTHER IMPROVEMENTS IN THE SUBSTANCE OF THE RESOLUTION, BUT AGREEMENT TO PHASE OUT THE SPECIAL RAPPORTEUR FOR EL SALAVADOR, BASED ON PROGRESS THAT HAS TAKEN PLACE UNDER THE DUARTE GOVERNMENT. THE MORE BALANCED UNGA DEBATE/RESOLUTION AND THE CONFIRMED WILLINGNESS OF VENEZUELAN PERMREP SUCRE (WHO WILL ALSO BE IN GENEVA) TO AGAIN TAKE THE INITIATIVE, AUGURS WELL FOR A FAVORABLE OUTCOME, WITH A COMMISSION MEMBERSHIP THAT APPEARS MORE FAVORABLY BALANCED THAN THE FULL UN MEMBERSHIP. (FYI PLEASE DO NOT DIVULGE AT THIS TIME VENEZUELAN INTENTIONS AT THE GENEVA MEETING.)

7. THERE WERE SOME TACTICAL WEAKNESSES IN THE

VENEZUELAN INITIATIVE AT THE UNGA THAT MAY HAVE INFLUENCED THE FINAL RESULT. VENEZUELA AND COSTA RICA WERE LATE IN GETTING STARTED, DELAYED FURTHER TO OBTAIN ADDITIONAL COSPONSORS, AND THUS ALLOWED MEXICO *TO TABLE ITS DRAFT FIRST. THEY ALSO REMAINED* PREOCCUPIED WITH OBTAINING LATIN AMERICAN COSPONSORS INSTEAD OF REACHING OUT TO COUNTRIES IN OTHER REGIONS FAVORABLY DISPOSED TO THE DUARTE GOVERNMENT. WE TRIED *TO HELP, BUT AGAIN WITH A LATE START; OUR PRINCIPAL* DEMARCHE CABLE (USUN 3568), RECEIVED IN THE DEPARTMENT THE MORNING OF DECEMBER 5, FOR PRESENTATION IN CAPITALS DECEMBER 6 BEFORE THE DECEMBER 7 VOTE, DID NOT GET TRIGGERED BY THE DEPARTMENT CABLE (STATE 360467) UNTIL THE EVENING OF DECEMBER 6, TOO LATE TO INFLUENCE COUNTRY POSITIONS IN NEW YORK.

8. WHETHER AN EARLIER AND MORE EFFECTIVE CAMPAIGN WOULD HAVE SWUNG THE BALANCE IS DIFFICULT TO JUDGE. BOTH THE CONTADORA COUNTRIES AND THE EC WERE SPLIT IN SUPPORTING THE TWO COMPETING DRAFTS (MEXICO/FRANCE VS. VENEZUELA/BELGIUM), AND THERE WAS GREAT PRESSURE FROM MANY LATIN AMERICAN AND WEST EUROPEAN COUNTRIES ON VENEZUELA TO REACH A COMPROMISE WITH MEXICO SO AS TO AVOID A DIFFICULT VOTE. COLOMBIA WAS A CRITICAL COUNTRY, AND WHILE SYMPATHETIC TO THE VENEZUELAN DRAFT, WORKED ENERGETICALLY TO BRING ABOUT A COMPROMISE, INFLUENCED TO SOME EXTENT BY THE CONCURRENT VISIT OF PRESIDENT BETANCUR TO MEXICO. (THIS WAS A SHARP CONTRAST TO THE EARLIER CENTRAL

NOTE BY OC/T: NOT PASSED ABOVE ADDRESSEES.

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PAGE 01 USUN N 03682 03 OF 03 142235Z
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[redacted]ECTION 03 OF 03 USUN NEW YORK 03682

DEPARTMENT PLEASE PASS TO ALL ARA AND OECD POSTS

E.O. 12356: DECL:OADR
TAGS: UNGA, HR, ES
SUBJECT: RESOLUTION ON HUMAN RIGHTS IN EL SALVADOR:

AMERICA DEBATE WHEN VENEZUELA, COLOMBIA AND PANAMA
HELD TOGETHER.)

9. IN CONCLUSION, THE UNGA DEBATE AND FINAL RESOLUTION ON EL SALVADOR THIS YEAR WAS, IN EFFECT, A REFERENDUM ON THE CREDIBILITY OF THE DUARTE GOVERNMENT. ALTHOUGH WE DIDN'T GET THE BALANCED RESOLUTION WE WANTED (I.E., THE VENEZUELA DRAFT), WE DID OBTAIN A BETTER RESOLUTION THAN THE MEXICAN/FRENCH DRAFTS OF PAST YEARS, AND THE DEBATE ITSELF SHOWED WIDESPREAD SUPPORT FOR PRESIDENT DUARTE. THE FINAL ASSESSMENT DEPENDS IN LARGE PART ON THE USEFULNESS OF THIS OUTCOME FOR THE [redacted]

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PAGE 02 USUN N 03682 03 OF 03 142235Z

UPCOMING HUMAN RIGHTS COMMISSION MEETING, AND IN THIS RESPECT THE PROSPECTS ARE PROMISING. Kirkpatrick

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Case Number: s199900006

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ARA/SC:DDLOUHY

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INFO USMISSION GENEVA

UNCLAS STATE 368458

E.O. 12356: N/A
TAGS:UNGA, PREL, SHUM, CI
SUBJECT: 39TH UNGA: THIRD COMMITTEE (HUMAN RIGHTS): VOTING
- ON CHILE RESOLUTION

REF: DLOUHY-MATTHEWS TELECON 12/13/84

IN RESPONSE TO EMBASSY'S REQUEST FOR COUNTRY BY COUNTRY BREAKDOWN OF VOTING IN 39TH UNGA ON CHILE TRANSMITTED REF-TELCON, DEPT INDICATING BELOW BREAKDOWN OF VOTE ON CHILE, WHICH PASSED BY A VOTE OF 83-15(US)-32 IN THIRD COMMITTEE.

YES: AFGHANISTAN, ALGERIA, ANGOLA, ARGENTINA, AUSTRALIA, AUSTRIA, BAHRAIN, BARBADOS, BELGIUM, BENIN, BHUTAN, BOTSWANA, BULGARIA, BURKINA FASO, BURUNDI, BYELORUSSIAN SSR, CANADA, CENTRAL AFRICAN REPUBLIC, CONGO, COSTA RICA, CUBA, CYPRUS, CZECHOSLOVAKIA, DEMOCRATIC YEMEN, DENMARK, DOMINICAN REPUBLIC, ETHIOPIA, FINLAND, FRANCE, FRG, GAMBIA, GDR, GHANA, GREECE, GUYANA, HUNGARY, ICELAND, INDIA, IRAN, IRELAND, ITALY, JAMAICA, KENYA, KUWAIT, LAOS, LESOTHO, LIBYA, LUXEMBOURG, MADAGASCAR, MALDIVES, MALI, MAURITANIA, UNCLASSIFIED

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PAGE 02 STATE 368458

MAURITIUS, MEXICO, MONGOLIA, MOZAMBIQUE, NETHERLANDS, NEW ZEALAND, NICARAGUA, NORWAY, POLAND, PORTUGAL, QATAR, ROMANIA, RWANDA, SAO TOME/PRINCIPE, SENEGAL, SPAIN, SRI LANKA, SWAZILAND, SWEDEN, TOGO, TUNISIA,

UKRAINIAN SSR, USSR, UAE, UK, TANZANIA, VENEZUELA,

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VIET NAM, YUGOSLAVIA, ZAMBIA, ZIMBABWE.

NO: BANGLADESH, BRAZIL, CHILE, EL SALVADOR, GUATEMALA, HAITI, INDONESIA, ISRAEL, LEBANON, MOROCCO, PAKISTAN, PARAGUAY, PHILIPPINES, U.S., URUGUAY.

ABSTAIN: BRUNEI, BURMA, CAMEROON, CHAD, CHINA, ECUADOR, EGYPT, FIJI, GABON, HONDURAS, IVORY COAST, JAPAN, JORDAN, MALAWI, MALAYSIA, NIGER, NIGERIA, OMAN, PANAMA, PAPUA NEW GUINEA, PERU, SAUDI ARABIA, SINGAPORE, SOMALIA, SUDAN, SURINAME, THAILAND, TRINIDAD AND TOBAGO, TURKEY, UGANDA, YEMEN, ZAIRE.

PLENARY VOTE EXPECTED FRIDAY. DAM

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U.S. Department of State
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Exemption(s) ____

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AMEMBASSY MEXICO
USMISSION GENEVA

UNCLAS USUN NEW YORK 03712

E.O. 12356: N/A
TAGS: SHUM, UNGA, CI
SUBJECT: 39TH UNGA: THIRD COMMITTEE: ADOPTION OF MEXICAN DRAFT RESOLUTION ON THE SITUATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN CHILE (AGENDA ITEM 12)

REF: (A) USUN 3610, (B) USUN 3551

1. RESOLUTION 39/121 ON THE SITUATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN CHILE (AGENDA ITEM 12) WAS ADOPTED IN THE UNGA PLENARY DECEMBER 14 ON THE RECOMMENDATION OF THE THIRD COMMITTEE BY VOTE OF 90-13(U.S.)-40. THE FINAL TEXT IS VIRTUALLY IDENTICAL TO THE PRELIMINARY DRAFT TRANSMITTED IN REF B. THE NUMBER OF NEGATIVE VOTES WAS REDUCED FROM 15 IN THIRD COMMITTEE TO 13 IN PLENARY BECAUSE THE PHILIPPINES SHIFTED FROM "NO" VOTES TO ABSTENTIONS AND ISRAEL SHIFTED FROM "NO" VOTES TO NON-PARTICIPATION ON ALL RESOLUTIONS RELATED TO HUMAN RIGHTS IN LATIN AMERICAN COUNTRIES.A BREAKDOWN OF THE FINAL VOTE IS PROVIDED IN PARA 2.

2. FINAL VOTE IN UNGA PLENARY ON RESOLUTION 39/121:

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PAGE 02 USUN N 03712 182321Z

YES (90): AFGHANISTAN, ALGERIA, ANGOLA, ARGENTINA, AUSTRALIA, AUSTRIA, BAHRAIN, BARBADOS, BELGIUM, BENIN, BOTSWANA, BULGARIA, BURKINA FASO, BURUNDI, BYELORUSSIA, CANADA, CAPE VERDE, CONGO, COSTA RICA, CUBA, CYPRUS, CZECHOSLOVAKIA, DEMOCRATIC YEMEN, DENMARK, DOMINICAN REPUBLIC, EQUATORIAL GUINEA, ETHIOPIA, FINLAND, FRANCE,

GAMBIA, GERMAN DEMOCRATIC REPUBLIC, FEDERAL REPUBLIC OF GERMANY, GHANA, GREECE, GUINEA, GUYANA, HUNGARY, ICELAND, INDIA, IRAN, IRELAND, ITALY, JAMAICA, KENYA, KUWAIT, LAOS, LESOTHO, LIBYA, LUXEMBOURG, MADAGASCAR, MALDIVES, MALI, MALTA, MAURITANIA, MAURITIUS, MEXICO, MONGOLIA, MOZAMBIQUE, NETHERLANDS, NEW ZEALAND, NICARAGUA, NORWAY, POLAND, PORTUGAL, QATAR, ROMANIA, RWANDA, SAMOA, SAO TOME AND PRINCIPE, SENEGAL, SEYCHELLES, SIERRA LEONE, SPAIN, SRI LANKA, SWAZILAND, SWEDEN, TOGO, TUNISIA, UGANDA, UKRAINE, USSR, UNITED ARAB EMIRATES, UNITED KINGDOM, TANZANIA, VANUATU, VENEZUELA, VIET NAM, YUGOSLAVIA, ZAMBIA, ZIMBABWE

NO (13): BANGLADESH, BRAZIL, CHILE, EL SALVADOR, GUATEMALA, HAITI, INDONESIA, LEBANON, MOROCCO, PAKISTAN, PARAGUAY, UNITED STATES, URUGUAY
ABSTAINING (40): BAHAMAS, BELIZE, BHUTAN, BRUNEI, BURMA, CAMEROON, CENTRAL AFRICAN REPUBLIC, CHAD, CHINA, DEMOCRATIC KAMPUCHEA, ECUADOR, EGYPT, FIJI, GABON, HONDURAS, IVORY COAST, JAPAN, JORDAN, LIBERIA, MALAWI, MALAYSIA, NEPAL, NIGER, NIGERIA, OMAN, PANAMA, PAPUA NEW GUINEA, PERU, PHILIPPINES, SAINT VINCENT AND THE GRENADINES, SAUDI ARABIA, SINGAPORE, SOMALIA, SUDAN, SURINAME, THAILAND, TRINIDAD AND TOBAGO, TURKEY, YEMEN, ZAIRE

ABSENT OR NOT PARTICIPATING (16): ALBANIA,
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PAGE 03 USUN N 03712 182321Z

ANTIGUA-BARBUDA, BOLIVIA, COLOMBIA, COMOROS, DJIBOUTI, DOMINICA, GRENADA, GUINEA-BISSAU, IRAQ, ISRAEL, ST. CHRISTOPER, SAINT LUCIA, SOLOMON ISLANDS, SOUTH AFRICA, SYRIA.
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PAGE 01 GUATEM 13259 01 OF 02 212215Z
ACTION ARA-00

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AMEMBASSY SAN JOSE
AMEMBASSY SAN SALVADOR
AMEMBASSY TEGUCIGALPA
USMISSION USUN NEW YORK
USCINCSO QUARRY HTS PN

UNCLAS SECTION 01 OF 02 GUATEMALA 13259

A/SY/TAG; ARA/CEN - JIM CASON

E.O. 12356 NA
TAGS: ASEC, GT, PGOV, PINR, SHUM
SUBJ: MONTHLY POLITICAL VIOLENCE AND HUMAN
- RIGHTS REPORT FOR NOVEMBER 1984

REF: GUATEMALA 13027

PARAGRAPH 2 OF REFTEL REPEATED TO ALL ADDRESSEES.
PORTIONS OF PARA WERE OMITTED IN TRANSMISSION TO DEPT.

BEGIN TEXT

2. DEATHS

- CIVILIAN NON-COMBAT
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PAGE 02 GUATEM 13259 01 OF 02 212215Z

- URBAN RURAL TOTAL

940 3950

DEPARTMENT OF STATE IM/ITS/CR/IR 44° Date: 2/20/98
(X) RELEASE ( ) DECLASSIFY
( ) EXCISE ( ) DECLASSIFY EO Citations
( ) DENY IN PART

FOIA Exemptions _____ ( ) CLASSIFY as ( ) S or ( ) C Sec. _____ TS authority to
PA Exemptions _____ ( ) DOWNGRADE TS to ( ) S or ( ) C

- 13 33 46

NOTE: THIRTEEN OF THE CIVILIAN DEATHS CAN BE ATTRIBUTED TO ASSASSINATIONS BY THE GUERRILLAS; OF THOSE, THREE WERE CIVIL DEFENSE MEMBERS FROM EL QUICHE EXECUTED BY GUERRILLAS WHEN VISITING GUATEMALA CITY. TWO OF THE VICTIMS WERE NATIONAL POLICEMEN MURDERED IN GUATEMALA CITY BY GUERRILLAS. ONE WAS THE ADMINISTRATOR OF A FARM IN THE SOUTH COAST, KIDNAPPED AND EXECUTED BY A GUERRILLA GROUP THAT LATER HELD A POLITICAL RALLY. TWO WERE EXECUTED FOR BETRAYING THE GUERRILLAS IN GUATEMALA CITY; AND FIVE MORE OF THE VICTIMS WERE FOUND IN A SECRET CEMETERY. THE LOCATION OF THE BODIES WAS REVEALED IN INFORMATION OBTAINED BY THE ARMY FROM TWO FORMER MEMBERS OF THE GUERRILLAS. A CIVILIAN, WHOSE TORTURED AND BULLET-RIDDEN BODY WAS FOUND IN GUATEMALA CITY, HAD DISAPPEARED AT THE SAME TIME THAT THE POLICE CAPTURED SOME OF THE VICTIM'S RELATIVES AND CHARGED THEM WITH THE KIDNAPPING OF HECTOR MARROQUIN (SEE NOTE IN SECTION 3, ABDUCTIONS).

- COMBAT
- ------

-	URBAN	RURAL	TOTAL
- MILITARY KIA	1	0	1
- GUERRILLAS KIA	0	17	17

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- CIVILIANS KIA	0	15	15

NOTE: OF THE 15 CIVIL DEFENSE FORCE DEATHS, 14 WERE KILLED IN TWO GUERRILLA ATTACKS IN THE DEPARTMENT OF EL QUICHE AND ONE MORE IN THE DEPARTMENT OF CHIMALTENANGO. A MILITARY POLICEMAN WAS SHOT IN GUATEMALA CITY. THE GUERRILLA CASUALTIES OCCURRED IN THREE CLASHES WITH THE ARMY, TWO IN THE DEPARTMENT OF EL QUICHE AND ONE MORE IN THE DEPARTMENT OF ALTA VERAPAZ.

-	CIVILIAN	GUERRILLA	MILITARY	TOTAL
- OCTOBER	51	00	10	61
- NOVEMBER	61	17	01	79
- Y-T-D	522	200	224	945

OCCUPATION OF VICTIM, WHERE NOTED

- MILITARY 01
- POLICE 02
- CD PATROLMEN 18
- FARMERS 17
- SMALL BUSINESSMEN 01
- FARM ADMINISTRATOR 01
- UNKNOWN 14
- GUERRILLAS 17
- LABORERS 04
- PROFESSIONAL 01
- STUDENT 01

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PAGE 01 GUATEM 13259 02 OF 02 212215Z
ACTION ARA-00

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AMEMBASSY PANAMA
AMEMBASSY SAN JOSE
AMEMBASSY SAN SALVADOR

AMEMBASSY TEGUCIGALPA
USMISSION USUN NEW YORK
USCINCSO QUARRY HTS PN

UNCLAS SECTION 02 OF 02 GUATEMALA 13259

A/SY/TAG; ARA/CEN - JIM CASON

E.O. 12356 NA
TAGS: ASEC, GT, PGOV, PINR, SHUM
SUBJ: MONTHLY POLITICAL VIOLENCE AND HUMAN
- PROFESSORS 02

END TEXT OF PARA 2, REFTEL.

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*** Current Classification *** UNCLASSIFIED

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TEXT OF TELEGRAM 84SAN SA016345

ADP672 [redacted]

PAGE 01 SAN SA 16345 01 OF 04 250140Z
ACTION ARA-00

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AMEMBASSY GUATEMALA
AMEMBASSY MANAGUA
AMEMBASSY BELIZE
USCINCSO QUARRY HEIGHTS PN
SECDEF WASHDC

[redacted] SECTION 01 OF 04 SAN SALVADOR 16345

E.O. 12356: DECL: OADR
TAGS: PGOV, MOPS, ES
SUBJECT: MILITARY RUMBLINGS OVER THE CHRISTMAS TRUCE

REF: SAN SALVADOR 14943

1. [redacted] - ENTIRE TEXT.

2. SUMMARY: THE UNILATERAL GUERRILLA ANNOUNCEMENT FOR A SIX-DAY TRUCE, WHICH BEGAN AT 0000 HOURS DECEMBER 24TH AND WILL COVER THE CHRISTMAS AND NEW YEAR'S HOLIDAYS, HAS EVOKED CONTRASTING RESPONSES FROM THE GOES CIVILIAN AND MILITARY (ESAF) SECTORS. GOES CIVILIANS HAVE BEEN [redacted]

PAGE 02 SAN SA 16345 01 OF 04 250140Z

QUOTED AS "ACCEPTING WITH PLEASURE" THE GUERRILLA TRUCE STATEMENT, WHICH THEY VIEW AS A POSITIVE STEP. THE MILITARY, ON THE OTHER HAND, HAS CALLED THE TRUCE A PROPAGANDA PLOY AND MEANINGLESS. IT ENIGMATICALLY, IF DEFIANTLY, STATED THAT THE ARMED FORCES WOULD ACCEPT A TRUCE ONLY IF ORDERED TO DO SO BY ITS MILITARY HIGH COMMAND AND BY CONSTITUTIONAL AUTHORITY (THE PRESIDENT), AND NOT SIMPLY IN RESPONSE TO A TRUCE/CEASEFIRE CALL FROM THE ARMED LEFT. SHORTLY AFTERWARD, THE ESAF LAUNCHED

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United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: COX, DAVID
Date: 05/26/94
Case ID: S9400341

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A COUNTRY-WIDE OPERATION UNDER WHICH IT HAS ESTABLISHED 40 BASE CAMPS IN AREAS OF KNOWN GUERRILLA CONCENTRATIONS. IT IS ALSO PLANNING A STRONG MILITARY PRESENCE NORTH OF THE TOROLA RIVER DURING THE HOLIDAYS, COMMENCING AFTERNOON OF DECEMBER 24TH. IN A CLEAR CHALLENGE TO GUERRILLA CLAIMS OF CONTROL OVER PORTIONS OF THE NATIONAL TERRITORY, THE ESAF PLANS TO CONDUCT EXTENSIVE PATROLLING DURING THE CEASEFIRE. WHILE THERE HAVE BEEN NO REPORTS OF MILITARY ENCOUNTERS DURING THE FIRST 15 HOURS OF THE GUERRILLA TRUCE, AGGRESSIVE ESAF PATROLLING COUPLED WITH GUERRILLA PROMISES TO LIMIT THEIR ACTIVITIES TO "DEFENSE OF OUR FORCES, THE CIVILIAN POPULATION, AND TERRITORIES UNDER OUR CONTROL" COULD EASILY LEAD TO AN OUTBREAK OF HOSTILITIES AND CHARGES OF CEASEFIRE VIOLATIONS BY BOTH SIDES.

3. THE ESAF TOUGH STANCE ON THE CHRISTMAS TRUCE REFLECTS UNEASINESS OVER AN UNPRODUCTIVE ROUND TWO OF DIALOGUE AND ANGER OVER THE GUERRILLA EXPLOITATION OF THE PRISONER EXCHANGE AT LA JOYA, WHERE THE FMLN ALSO ANNOUNCED THE TRUCE (SEE PARA 8 BELOW). BEYOND THIS, THE ESAF IS A BIT MIFFED THAT PRESIDENT DUARTE WAITED NEARLY THREE WEEKS TO MEET WITH ARMED FORCES COMMANDERS AFTER AYAGUALO. IT WAS NOT UNTIL DECEMBER 19 THAT THE PRESIDENT "FINALLY GOT AROUND TO" MEETING WITH THE ESAF FIELD COMMANDERS [redacted]

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El Salvador Human Rights
Special Project (1993)

PAGE 03 SAN SA 15345 01 OF 04 250140Z

TO DISCUSS A VARIETY OF IMPORTANT ISSUES THAT HAD BACKLOGGED, INCLUDING AYAGUALO, THE CEASEFIRE/TRUCE PROPOSAL, AND CONSTITUTIONAL ISSUES STEMMING FROM THE INTERNAL POLITICAL DEBATE IN EL SALVADOR. BASIC ESAF SUPPORT FOR THE PRESIDENT'S DIALOGUE INITIATIVE DOES NOT APPEAR TO BE IN DANGER, BUT CLEARLY DUARTE WILL HAVE TO STAY CLOSE TO KEY MILITARY COMMANDERS IN ORDER TO ENSURE THAT THE ARMED FORCES REMAIN ON THE PEACE TRAIN. END SUMMARY.

4. IN STATEMENTS TO THE PRESS, GOES OFFICIALS HAVE SAID THAT THE GOES WILL HONOR THE GUERRILLA CHRISTMAS TRUCE. MIAMI HERALD DECEMBER 15 QUOTED CASA PRESIDENCIAL SPOKESMAN OSCAR REYES AS SAYING "WE ACCEPT WITH PLEASURE THE GUERRILLA TRUCE" AND STATING THAT THE ESAF WOULD LIMIT ITSELF TO "DEFENSIVE ACTIONS." IN A LATIN-REUTER STORY TWO DAYS EARLIER, REYES HAD RESPONDED SLIGHTLY DIFFERENTLY BY SAYING THAT THE GOES WOULD RESPECT THE SIX-DAY TRUCE, BUT ONLY "ACCORDING TO THE GOVERNMENT'S OWN TERMS". HE ALSO SAID THAT THE ESAF WOULD CONTINUE ITS WORK ROUTINE. MINISTER OF THE PRESIDENCY AND CLOSE DUARTE ADVISOR JULIO REY PRENDES TOLD THE PRESS THAT THE GUERRILLA TRUCE ANNOUNCEMENT WAS "A POSITIVE STEP" AND SOUGHT TO CHARACTERIZE THE GUERRILLA DECISION AS AN FMLN ACQUIESCENCE TO THE GOES'S CHRISTMAS CEASEFIRE PROPOSAL AT AYAGUALO.

5. THE ESAF ISSUED ITS OWN PUBLIC STATEMENTS SHORTLY

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AFTERWARD. DIFFERING SHARPLY WITH THE EARLIER EXPRESSED GOES STATEMENTS, MILITARY SPOKESMEN, INCLUDING CHIEF OF STAFF COL. BLANDON AND 4TH BRIGADE COMMANDER LTC OCHOA, REJECTED THE GUERRILLAS' SELF-PROCLAIMED "UNILATERAL" TRUCE. BLANDON STATED ON DEC 17TH THAT THE GUERRILLA ANNOUNCEMENT "HAS NO MEANING" EXCEPT AS A PROPAGANDA PIECE AND THAT THE GOES HAD NO INTENTION OF RESPECTING A TRUCE THAT DID NOT EMANATE FROM ITS OWN HIGH COMMAND. HE ADDED THAT WHILE THE ARMED FORCES WOULD OBEY THEIR

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Special Project (199

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PAGE 01 SAN SA 15345 02 OF 04 250141Z
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SECDEF WASHDC

[redacted] SECTION 02 OF 04 SAN SALVADOR 15345

E.O. 12356: DECL: OADR
TAGS: PGOV, MOPS, ES
SUBJECT: MILITARY RUMBLINGS OVER THE CHRISTMAS TRUCE

SUPERIORS, THE ESAF "CANNOT AND MUST NOT HEED THE CALLS OF THOSE (GUERRILLAS) WHO ARE OUTSIDE THE LAW ACTING AGAINST THE SECURITY OF THE NATION...AND HUMAN RIGHTS."

6. CIVILIAN GOES AND ESAF DIFFERENCES ON THE GUERRILLA TRUCE HAVE BEEN HEIGHTENED IN SEPARATE PRIVATE CHATS WITH EMBOFFS. OSCAR REYES TOLD POLCOUNS DEC 17TH THAT HIS AND REY PRENDES' STATEMENTS TO THE PRESS CAME IN RESPONSE TO THE GUERRILLA TRUCE ANNOUNCEMENT, WHICH THE TWO GOES
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El Salvador: Human Rights
Special Project (1993)

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PAGE 02 SAN SA 15345 02 OF 04 250141Z

OFFICIALS INTERPRETED AS AN FMLN CAVE-IN TO THE ARCHBISHOP'S CHRISTMAS CEASEFIRE PROPOSAL AT AND AFTER AYAGUALO. IN A DEPARTURE FROM ONE OF HIS PRESS STATEMENTS, REYES SAID THAT THE ESAF HAD BEEN ORDERED NOT TO LAUNCH ANY OFFENSIVE OPERATIONS DURING THE ENTIRE 12-DAY "PERIOD OF TRANQUILITY" AGREED TO BY BOTH SIDES AT AYAGUALO. REYES SAID, HOWEVER, THAT SHOULD THE GUERRILLAS ATTEMPT TO MOVE MATERIEL OR MEN DURING THE ENTIRE PERIOD, INCLUDING ARMS AND SUPPLIES FROM NICARAGUA, THE ESAF

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WOULD SHOOT. REYES SAID THAT IN EFFECT WE WOULD HAVE A "DE FACTO" CESSATION OF HOSTILITIES PROVIDED THE GUERRILLAS KEPT LOW AND DID NOT ATTEMPT TO EXTRACT MILITARY ADVANTAGE FROM THE UPCOMING LULL IN THE FIGHTING. THE GOES, HE SAID, WOULD NOT BE ISSUING ANY FORMAL STATEMENT RESPONDING TO THE GUERRILLA TRUCE ANNOUNCEMENT BEYOND HIS AND REY PRENDES' REMARKS TO THE PRESS, SO AS NOT TO ACKNOWLEDGE THE CLAIMS OF FMLN CONTROL OVER CIVILIAN POPULATION AND TERRITORY.

7. ESAF PRESS SPOKESMAN LTC RICARDO CIENFUEGOS TOLD EMBOFF DEC 18TH THAT GOES CIVILIAN STATEMENTS, PARTICULARLY OSCAR REYES', HAD CAUSED SEVERE HEARTBURN WITHIN ESAF. ESAF COMMANDERS BELIEVES, HE SAID, THAT THERE SHOULD BE NO OFFICIAL RESPONSE THAT HINTS THAT THE GUERRILLA TRUCE ANNOUNCEMENT IS A FAVORABLE DEVELOPMENT. HE SAID THE GUERRILLA STATEMENT SHOULD HAVE BEEN REJECTED OUTRIGHT BY ALL GOES AND ESAF OFFICIALS. IT WAS NOT TRUE THAT THE ESAF WOULD STAND DOWN, AS SUGGESTED BY REYES, SAID CIENFUEGOS. FOR THE ESAF, THE COMING DAYS WOULD BE "WAR AS USUAL" AND CERTAIN MILITARY OPERATIONS WOULD BE LAUNCHED IN THE NEXT FEW DAYS. THE OPERATIONS, HOWEVER, WOULD BE PRIMARILY PATROLLING MISSIONS AND ROAD SECURITY OPERATIONS, AS OPPOSED TO SWEEPS. ASKED [redacted]

PAGE 03 SAN SA 15345 02 OF 04 2501412

IF THE PATROLLING OPERATIONS WOULD BE LIMITED TO CERTAIN SPECIFIED AREAS, CIENFUEGOS SAID NO, THAT ESAF PLANNED TO GO INTO AREAS OF KNOWN GUERRILLA ACTIVITY SUCH AS GUAZAPA, THE CERROS DE SAN PEDRO, AND NORTHERN MORAZAN. (COMMENT: THE NEXT DAY, DECEMBER 19TH, ESAF LAUNCHED "OPERATION RELAMPAGO", A NATIONWIDE MILITARY OPERATION SCHEDULED TO RUN THROUGH JANUARY 2. THE ESAF HAS ESTABLISHED APPROXIMATELY 40 STRATEGICALLY LOCATED BASE CAMPS THROUGHOUT THE COUNTRY, FROM WHICH IT PLANS TO CONDUCT PATROLLING OPERATIONS. DAO WILL ATTEND AND REPORT ON A HIGH COMMAND BRIEFING ON THE OPERATION ON CHRISTMAS MORNING. ESAF ALSO TOLD US THAT IT WOULD INSERT UNITS FROM THE 3RD BRIGADE NORTH OF THE TOROLA RIVER IN MORAZAN DEPARTMENT ON THE AFTERNOON OF DECEMBER 24TH. A HEAVY IMMEDIATE REACTION BATTALION, POSSIBLY THE ARCE, MAY JOIN THE OPERATION. IN A MEETING ON DECEMBER 19TH, DEFENSE MINISTER VIDES CASANOVA CONFIRMED TO THE AMBASSADOR THAT ESAF WOULD BE CONDUCTING OPERATIONS ALL THROUGH THE "PERIOD OF TRANQUILITY" AGREED TO AT AYAGUALO. END COMMENT.)

8. CIENFUEGOS CLAIMED THAT GOES AND ESAF DIFFERENCES ON THE GUERRILLA TRUCE WERE, IN FACT, MERELY SYMPTOMATIC OF A LARGER PROBLEM: THE ESAF HAS BECOME DISILLUSIONED AND FRUSTRATED WITH DIALOGUE SINCE THE AYAGUALO TALKS, AND THEIR (ESAF'S) INTEREST IS WANING. (COMMENT: IN

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Special Project (1993)

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REALITY, ESAF HAS NEVER BEEN VERY ENTHUSIASTIC ABOUT DIALOGUE, BUT AGREED TO SUPPORT PRESIDENT DUARTE'S PEACE INITIATIVE AFTER BEING CONVINCED THAT THE PRESIDENT WOULD NOT BARGAIN AWAY THEIR (ESAF'S) INSTITUTIONAL INTERESTS. END COMMENT.) ACCORDING TO CIENFUEGOS, THE STRIDENT REMARKS BY FMLN GUERRILLA FACUNDO GUARDADO AT AYAGUALO IN PARTICULAR RUBBED THE ESAF THE WRONG WAY, AND HAD LED MANY IN THE ARMED FORCES TO BELIEVE THAT DIALOGUE WITH THE ARMED LEFT IS GOING NOWHERE. THE ESAF

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El Salvador: Human Rights
Special Project (1993)

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PAGE 01 SAN SA 15345 03 OF 04 250142Z
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AMEMBASSY BELIZE
USCINCSO QUARRY HEIGHTS PN
SECDEF WASHDC

[redacted] SECTION 03 OF 04 SAN SALVADOR 15345

E.O. 12356: DECL: OADR
TAGS: PGOV, MOPS, ES
SUBJECT: MILITARY RUMBLINGS OVER THE CHRISTMAS TRUCE

IS SEEN AS LOSING IN STATURE BY VIRTUE OF ITS REPRESENTATION ON THE GOES DIALOGUE TEAM, AND SOME COMMANDERS ARE CALLING FOR CESSATION OF ESAF REPRESENTATION AT THE SESSIONS. THESE COMMANDERS BELIEVE, SAID CIENFUEGOS, THAT THE QUESTION OF DIALOGUE HAS BECOME A POLITICAL FOOTBALL GAME AND THE POLITICIANS SHOULD PLAY IT, NOT THE MILITARY. ESAF WAS ALSO STUNG BY HOW THE FPL USED THE 43 ESAF POW'S IN THE HIGHLY PUBLICIZED CEREMONY IN LA JOYA DECEMBER 11TH (REPORTED SEPTEL). THE POW'S, [redacted]

PAGE 02 SAN SA 15345 03 OF 04 250142Z

DRESSED IN JOGGING SUITS DONATED BY THE RED CROSS, WERE MADE TO STAND IN FORMATION WHILE FPL COMMANDER MILTON MENDEZ ISSUED THE (OFFENSIVE) TRUCE ANNOUNCEMENT. FILMED AND PHOTOGRAPHED BY THE INTERNATIONAL MEDIA. THE PRISONERS WERE SUBSEQUENTLY HANDED OVER TO THE ARCHBISHOP.

9. THERE IS ANOTHER PROBLEM WITH DIALOGUE, CIENFUEGOS SAID. DUARTE HAD NOT MET WITH ESAF COMMANDERS RIGHT

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Special Project (1993)

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AFTER AYAGUALO TO FILL THEM IN, AS HE HAD DONE AFTER LA PALMA. IN FACT, WHILE DUARTE DIDN'T MEET WITH ESAF RIGHT AFTER AYAGUALO, HE DIRECTED VICE MINISTER OF DEFENSE COL. LOPEZ NUILA, WHO SAT IN ON THE TALKS, TO BRIEF THE FIELD COMMANDERS. CIENFUEGOS, HOWEVER, IMPLIED THAT THIS WAS NOT THE SAME AS A MEETING WITH THE PRESIDENT (PART OF IT HAVING TO DO WITH THE LOW ESTEEM LOPEZ NUILA, WHO IS NOT A "COMBAT ARMS" OFFICER, IS HELD BY ESAF'S FIELD COMMANDERS). SOME ESAF OFFICERS SUSPECTED THAT THE PRESIDENT DID NOT WANT TO ADMIT TO THE ESAF THAT THE TALKS WERE A "FAILURE" AND THUS AVOIDED MEETING THEM.

10. SUBSEQUENT TO OUR MEETING WITH CIENFUEGOS, PRESIDENT DUARTE MET WITH APPROXIMATELY 300 ESAF FIELD COMMANDERS ON DECEMBER 19TH AND USED THE SESSION TO TREAT SEVERAL ISSUES OF PARTICULAR PAROCHIAL MILITARY INTEREST TO THE ESAF, AND AYAGUALO, THE CEASEFIRE/TRUCE PROPOSAL, AND CONSTITUTIONAL ISSUES ARISING FROM THE INTERNAL POLITICAL DEBATE IN EL SALVADOR (ESPECIALLY THE PRESIDENT'S CONTROVERSIAL VETO OF THE NEW ELECTORAL LAW). BY ALL ACCOUNTS, THE MEETING WENT WELL, AND MINDEF VIDES LATER TOLD THE AMBASSADOR THAT HE SENSED ESAF OFFICER CORPS NEURALGIA OVER THE DIALOGUE HAD SUBSIDED QUITE [redacted]

A BIT.

11. COMMENT: WE HAVE HEARD OF NO MILITARY CONFRONTATIONS THUS FAR BETWEEN GUERRILLA AND ESAF FORCES DURING THE FIRST 15 HOURS OF THE GUERRILLA-ANNOUNCED HOLIDAY TRUCE. DAO REPRESENTATIVES WILL ATTEND AND REPORT ON A SPECIAL ESAF HIGH COMMAND BRIEFING ON MILITARY ACTIVITY ON THE MORNING OF DECEMBER 25TH. THE PROJECTED ESAF PATROLS AND OPERATIONS DURING THIS PERIOD, IF CARRIED OUT, WILL TEST THE GUERRILLA PROMISES NOT TO ENGAGE ESAF FORCES "EXCEPT IN DEFENSE OF OUR (FDR/FMLN) FORCES, THE CIVILIAN POPULATION, AND TERRITORIES UNDER OUR (FMLN) CONTROL." IT IS DIFFICULT, THEREFORE, FOR EMBASSY TO ENVISION A COMPLETE PERIOD OF TRANQUILITY DURING THE HOLIDAYS, AND AN OUTBREAK OF HOSTILITIES DURING THE SIX-DAY UNILATERAL GUERRILLA TRUCE REMAINS A STRONG LIKELIHOOD. UNLESS PLACED IN PERSPECTIVE, THE ESAF OPERATIONS COULD (AND DOUBTLESS WILL, BY THE INTERNATIONAL PRESS) BE INTERPRETED AS A GOES VIOLATION OF THE CEASEFIRE (THE ESAF WILL SIMILARLY CHARGE THAT THE FMLN VIOLATED ITS OWN TRUCE), WHICH WILL PROVE GOES HYPOCRISY REGARDING HUMANIZATION OF THE WAR AND A PEACEFUL SOLUTION OF THE CONFLICT.

12. IT WILL NEED TO BE REMEMBERED THAT THE GOES HAS VERY CLEARLY STAKED OUT THE LIMITS OF WHAT IT WILL -- AND WILL NOT -- ACCEPT: IT INTENDS TO CONDUCT ALL NORMAL

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El Salvador: Human Rights
Special Project (1993)

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PATROLLING RESPONSIBILITIES NECESSARY TO PROTECT PUBLIC SECURITY. IT WILL NOT FIRE UNLESS FIRED UPON, BUT IT WILL UPHOLD THE LAW AND WILL NOT IGNORE ILLEGAL ACTIVITY ON THE PART OF ANY. ABOVE ALL, IT CATEGORICALLY REJECTS THE LEFT'S ASSERTION OF "TWO ARMIES" AND TWO SPHERES OF TERRITORIAL CONTROL. IF THE LEFT WISHES A TRANQUIL HOLIDAY, IT WILL BE UP TO THE LEFT NOT TO CREATE A RUCKUS.

13. REGARDING MILITARY SUPPORT FOR DIALOGUE, WE DO NOT

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PAGE 04 SAN SA 15345 03 OF 04 250142Z

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El Salvador: Human Rights
Special Project (1993)

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TEXT OF TELEGRAM 84SAN SA015345

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PAGE 01 SAN SA 15345 04 OF 04 250142Z
ACTION ARA-00

INFO DCT-00 COPY-01 ADS-00 AID-00 INR-10 SS-00 CIAE-00
H-01 NHO-01 NSCE-00 NSAE-00 SSO-00 HA-08 L-03
LAB-04 PM-10 PA-01 NCT-03 OMB-01 SIL-01 INRE-00
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FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 1350
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY PANAMA
AMEMBASSY MEXICO
AMEMBASSY TEGUCIGALPA
AMEMBASSY GUATEMALA
AMEMBASSY MANAGUA
AMEMBASSY BELIZE
USCINCSO QUARRY HEIGHTS PN
SECDEF WASHDC

[redacted] SECTION 04 OF 04 SAN SALVADOR 15345

E.O. 12356: DECL: OADR
TAGS: PGOV, MOPS, ES
SUBJECT: MILITARY RUMBLINGS OVER THE CHRISTMAS TRUCE

SEE THAT PRESIDENT DUARTE'S PEACE INITIATIVE IS IN ANY REAL TROUBLE. KEY ESAF OFFICIALS REMAIN VERY SUPPORTIVE. NEVERTHELESS, THE PRESIDENT WILL DO WELL TO STAY IN CLOSE TOUCH WITH ESAF COMMANDERS AT KEY DIALOGUE INTERVALS IF FOR NO OTHER REASON THAN TO DISPEL MALICIOUS RUMORS AND FALSEHOODS. IT APPEARS THAT HIS MOST RECENT SESSION (DECEMBER 19TH) HAD THE NECESSARY SALUTARY EFFECT.
END COMMENT.

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PAGE 02 SAN SA 15345 04 OF 04 250142Z

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El Salvador: Human Rights
Special Project (1993)

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Case Number: s199900006

Chile Project (#S199900030)
U.S. Department of State
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Declassify-In Part ____ In Full X
Exemption(s) ____

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PAGE 01 SANTIA 08311 01 OF 03 271657Z
ACTION H-03

INFO OCT-00 COPY-01 ADS-00 SS-10 NSCE-00 ARA-10 /024 W
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P R 271442Z DEC 84
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 637
AMEMBASSY BUENOS AIRES
AMEMBASSY LIMA

C O N F I D E N T I A L SECTION 01 OF 03 SANTIAGO 8311

E.O. 12356: DECL: OADR
TAGS: OVIP, PGOV, SHUM, CI
SUBJECT: CODEL RICHARDSON VISIT TO CHILE

REFS: (A) SANTIAGO 8133, B) SANTIAGO 8147, (C) MEXICO 21515

1. (C) - SUMMARY: CODEL RICHARDSON HAD FULL, FAST-PACED SCHEDULED IN CHILE DECEMBER 12-13, 1984. UNEXPECTED MEETING WITH PRESIDENT PINOCHET, WHICH CONGRESSMAN RICHARDSON DESCRIBED TO PRESS AS "BRUTALLY FRANK" REPORTED REF. A. CONGRESSMEN RICHARDSON, LANTOS AND TORRES ELOQUENTLY EXPRESSED CONVICTION TO FOREIGN MINISTER DEL VALLE THAT RECENT DEVELOPMENTS IN CHILE HAVE NEGATIVE IMPACT ON BILATERAL RELATIONS. DEL VALLE EXPLAINED GOC VIEW THAT DIALOGUE WITH THE OPPOSITION ON A TRANSITION TO DEMOCRACY HAD BEEN FRUSTRATED BY THE IRRESPONSIBLE ATTITUDE OF THE OPPOSITION, E.G., DEMANDING THE RESIGNATION OF PINOCHET. HE SAID THAT BOTH PRESS CENSORSHIP AND THE STATE OF SIEGE WERE TEMPOARY MEASURES, AND THAT THE ARMED FORCES WOULD LIVE UP TO THEIR COMMITMENT TO ESTABLISH DEMOCRACY. MEETING WITH INTERIOR MINISTER JARPA COVERED MUCH OF THE SAME GROUND AS THE MEETINGS WITH PRESIDENT PINOCHET AND DEL VALLE. HE REVIEWED THE ONGOING WORK ON THE VARIOUS LAWS CONCERNING THE POLITICAL PROCESS AND INDICATED HIS SYMPATHY FOR
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PAGE 02 SANTIA 08311 01 OF 03 271657Z

THE COLOMBIAN POWER SHARING FORMULA TO END MILITARY RULE. CONGRESSMAN RICHARDSON HAD BRIEF MEETING WITH A CODELCO OFFICIAL, REQUESTING THAT A CODELCO REPRESENTATIVE VISIT HIS DISTRICT TO EXPLAIN CODELCO'S CASE DIRECTLY TO COPPER MINERS THERE. EMBASSY OFFICERS WERE NOT INVITED TO CODEL MEETINGS WITH THE DEMOCRATIC ALLIANCE (AD) AND THE SOCIALIST

NON ACQUIRED

BLOC (BS). AD LEADERS TOLD CODEL OF THEIR PLAN TO SEND A LETTER TO THE ARMED FORCES (THAT LETTER WAS DISPATCHED) ON DECEMBER 17 - SEE REF. B). MEETING WITH BS WAS ARRANGED AT CODEL'S REQUEST BY PROF. ROETT OF JOHNS HOPKINS UNIVERSITY. AN UNAUTHORIZED WEEKLY PUBLICATION FALSELY CHARACTERIZED THAT MEETING AS HAVING OCCURRED IN SPITE OF STRONG RESISTANCE FROM AMBASSADOR THEBERGE. THE CODEL RECEIVED EXTENSIVE PRESS COVERAGE. CONGRESSMAN RICHARDSON TOLD THE PRESS HE HAD ASKED PINOCHET TO CONSIDER A PLEBISCITE BEFORE 1989, TO END THE STATE OF SIEGE, TO END PRESS CENSORSHIP AND TO END HUMAN RIGHTS ABUSES. GOVERNMENT SPOKESMAN SUBSEQUENZLY HAVE STRESSED THAT THE PINOCHET CODEL MEETING WAS NOT INTERFERENCE IN THE INTERNAL AFFAIRS OF CHILE, BUT RATHER AN EXCHANGE OF VIEWS. EDITORIAL COMMENT HAS UNDERSCORED THAT CHILEANS WOULD NEVER ACCEPT INTERFERENCE. END SUMMARY.

2. (U) CODEL RICHARDSON VISIT TO CHILE DECEMBER 12-13, 1984 WAS HIGHLIGHTED BY MEETIG WITH PRESIDENT PINOCHET (REF. A) WHICH LITERALLY HAPPENED AT LAST MINUTE. THE THREE MEMBERS OF CONGRESS, BILL RICHARDSON, PETER LANTOS AND ESTEBAN TORRES ACCOMPANIED BY AMBASSADOR THEBERGE, POL COUNSELOR KEANE AND FSO GUERRA-MONDRAGON (ON DETAIL TO THE NATIONAL DEMOCRATIC INSTITUTE) ALSO MET WITH FOREIGN MINISTER JAIME DEL VALLE AND MINISTER OF INTERIOR JARPA.

3. (C) MEETING WITH FOREIGN MINISTER JAIME DEL ALLE: RICHARDSON
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PAGE 03 SANTIA 08311 01 OF 03 271657Z

AND THE OTHER CONGRESSMEN ASKED ABOUT PROSPECTS FOR THE POLITICAL OPENING, THE POSSIBILITY OF A LIFTING OF THE STATE OF SIEGE PRIOR TO ITS EXPIRATION ON FEBRUARY 4 AND LIFTING OF RESTRICTIONS ON PRESS FREEDOM. THE CONGRESSMEN STRONGLY BUT ELOQUENTLY EXPRESSED THE CONVICTION THAT RECENT DEVELOPMENTS IN CHILE WILL AFFECT BILATERAL RELATIONS, SINCE THE AMERICAN PEOPLE FERVENTLY HOPE FOR A RETURN TO DEMOCRACY IN CHILE AND FULL RESPECT FOR HUMAN RIFHTS.

4. (C) DEL ALLE EXPLAINED THAT CHILE HAS A LONG DEMO-CRATIC TRADITION WHICH WAS BROKEN BY THE ALLENDE POPULAR UNITY (UP) GOVERNMENT. THE UP ACTED UNCONSTITUIONALLY AND BROUGHT POLITICAL, JURIDICIAL, SOCIAL AND ECONOMIC CHAOS UPON THE COUNTRY. HE DESCRIBED THE TIMETABLE AND CONTENTS FOR THE DEMOCRATIC TRANSITION OUTLINED IN THE 1980 CONSTITUTION. HE SAID THAT ALL CHILE HAD HOPED THAT THE POLITICAL OPENING IN 1983 WOULD BE TAKEN PROPER ADVANTAGE OF TO AGREE ONA

TIMETABLE FOR THE POLITICAL LAWS AND PERHAPS HOLD A PLEBISCITE TO ALLOW AN EARLY ELECTED CONGRESS. THE IRRESPONSIBLE AND IMMATURE ATTITUDE OF THE OPPOSITION --DEMANDING THE RESIGNATION OF THE PRESIDENT AND SC SCRAPPING OF THE 1980 CONSTITUTION -- FRUSTRATED THE DIALOGUE. DEL VALLE DEFENDED THE STATE OF SIEGE AND CLAIMED IT HAD REDUCED TERRORISM.

5. (C) REFERRING TO OUTSIDE PRESSURE, DEL VALLE SAID THAT OTHER GOVERNMENTS SHOULD PRESSURE THE OPPOSITION TO BE REASONABLE AS WELL. "WE ARE GOING TO HAVE A DEMOCRACY WITHOUT COMMUNISTS. DO NOT PRESSURE US TO SIT DOWN AT THE TABLE WITH COMMUNISTS AND COMMIT THE SAME NAIVE MISTAKE COLOMBIA IS COMMITTING. WE WANT TO BUILD OUR DEMOCRACY SLOWLY, SO THAT IT LASTS. WE DO NOT WANT A DEMOCRACY GLUED TOGETHER WITH SPIT, AS IN BOLIVIA".
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PAGE 04 SANTIA 08311 01 OF 03 271657Z

6. (C) DEL VALLE TRIED TO JUSTIFY PRESS CENSORSHIP BECAUSE OF ABUSES. HE SAID THE STATE OF SIEGE WILL BE LIFTED ONCE THE SITUATION IN CHILE NORMALIZES; AT THAT TIME THE PRESS WILL AGAIN BE WITHOUT RESTRICTIONS. WHAT IS MORE IMPORTANT, EVERYONE CAN BE ASSURED THAT THE

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PAGE 01 SANTIA 08311 02 OF 03 271634Z
ACTION H-03

INFO OCT-00 COPY-01 ADS-00 SS-10 NSCE-00 ARA-10 /024 W
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TO SECSTATE WASHDC PRIORITY 638
AMEMBASSY BUENOS AIRES
AMEMBASSY LIMA

C O N F I D E N T I A L SECTION 02 OF 03 SANTIAGO 8311

ARMED FORCES WILL ABIDE BY THEIR SOLEMN OATH TO CARRY OUT A PLEBISCITE IN 1989 AND DEMOCRACY WILL BE ESTABLISHED. HE URGED VISITORS NOT TO BE SO QUICK IN DEMANDING ACTIONS BY THE CHILEAN GOVERNMENT. "DO NOT

ASK US TO DO THINGS THE WAY AMERICANS DO THEM...WE HAVE A DIFFERENT MENTALITY."

7. (C) MEETING WITH MINISTER OF INTERIOR SERGIO ONEFRE JARPA: THE CONVERSATION WITH JARPA COVERED SOME OF THE SAME GROUND AS THE MEETING HELD WITH PRESIDENT PINOCHET (REFTEL AND WITH DEL VALLE. HOWEVER, INTERESTING POINTS JARPA MADE WERE:

-- PRESIDENT PINOCHET HAS BEEN USING A "HARD HAND" BECAUSE THE CHILEAN PEOPLE ASKED FOR IT; HE WANTS TO ESTABLISH ORDER, SECURITY AND LIBERTY, BUT WITHOUT "LIBERTINAJE" (LICENTIOUSNESS).

-- A PLEBISCITE IS ONLY POSSIBLE ONCE THE NEW ELECTIONS TRIBUNAL IS ESTABLISHED AND THE POLITICAL PARTIES AND ELECTORAL LAWS AREIN PLACE. WORK IS ADVANCING ON ALL THREE.

-- JARPA SUPPORTS THE NOTION OF 60 ELECTORAL DISTRICTS WITH TWO DEPUTIES EACH, IN ORDER TO PROMOTE THE DEVELOPMENT OF TWO STRONG POLITICAL PARTIES. (COMMENT: IF THERE AR ONLY TWO SEATS PER DISTRICT, PROPORTIONAL REPRESENTATION, A STRONG TRADITION IN CHILE WOULD BE CONFIDENTIAL

CONFIDENTIAL

PAGE 02 SANTIA 08311 02 OF 03 271634Z

ABANDONED).

-- THE COLOMBIAN FORMULA FOR ENDING MILITARY RULE (1957) AND ESTABLISHING A STABLE DEMOCRACY APPEALS TO JARPA. AFTER 300,000 PEOPLE DIEDIN THE CIVIL WAR OF 1948-1953 AND SUBSEQUENT MILITARY DICATORSHIP, HE SAID, THE TWO PARTIES CAME TO AN AGREEMENT TO SHARE POWER. THE SAME MIGHT WORK IN CHILE, IF WE CAN GET THE DEMOCRATIC RIGHT AND DEMOCRATIC LEFT TO AGREE ON A BASIC FORMULA. THE FIRST CONDITION FOR SUCH A FORMULA IS AGREEMENT THAT THE COMMUNIST PARTYIS OUTSIDE THE SYSTEM AND THAT NO ONE WILL PACT WITH THE COMMUNISTS.

8. (U) MEETING WITH COPPER INDUSTRY REPRESENTATIVE; CONGRESMAN RICHARDSON MET WITH CODELCO VICE PRESIDENT FOR SALES MARTIN LABORDE TO DISCUSS THE DEPRESSED COPPER MARKET. REGIONAL RESOURCES OFFICER JOEL CASSMAN WAS PRESENT FOR THE SESSION. THE CONGRESSMAN BRIEFLY OUTLINED THE IMPACT OF THE DEPRESSED MARKET ON THE COPPER MINING INDUSTRY IN NEW MEXICO. LABORDE POINTED OUT THAT CODELCO, AS THE WORLD'S LOWEST COST PRODUCER, WAS ABLE TO PRODUCE COPPER PROFITABLY EVEN AT CURRENT PRICESM LABORDE ALSO SAID THAT CODELCO IS A PRICE-TAKER IN WORLD MARKETS, BUT ITS OUTPUT COMMANDS A PREMIUM DUE TO CODELCO'S RELIABILITY FOR DELIVERY AND

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QUALITY. IN FACT, SEVERAL U.S. COPPER PRODUCERS (PHELPS DODGE AND AMAX, FOR EXAMPLE) IMPORT CODELCO COPPER CATHODES, ACCORDING TO LABORDE, OWING TO CODELCO'S PRICE COMPETITIVENESS ON THE U.S. EAST COAST OVER SOUTHWESTERN U.S. MINIES. CONGRESSMAN RICHARDSON ASKED LABORDE TO ASSIST IN ARRANGING A TRIP BY A CODELCO REPRESENTATIVE (PRESUMABLY FORM THE NEW WORK SALES OFFICE) TO NEW MEXICO TO QRESENT CODELCO'S CONFIDENTIAL

CONFIDENTIAL

PAGE 03 SANTIA 08311 02 OF 03 271634Z

CASE DIRECTLY TO THE COPPER MINIES IN HIS DISTRICT.

9. (U) DEMOCRATIC ALLIANCE THE UNANTICIPATED AND UNEXPECTEDLY LONG MEETING WITH PRESIDENT PINOCHET FORCED THE CONGRESSMEN TO CANCEL A SCHEDULED MEETING THE REPRESENTATIVES OF THE CATHOLIC CHURCH'S VICARIATE OF SOLIDARITY, BUT CONGRESSIONAL STAFF MEMBERS RECEIVED A BRIEFING ON THE HUMAN RIGHTS SITUATION. CODEL ALSO HAD A LUNCHEON WITH LEADERS OF THE DEMOCRATIC ALLIANCE (AD). EMBASSY OFFICERS WERE NOT INVITED TO THAT LUNCHEON, BUT WE WERE INFORMED THAT AD PRESIDENT RICARDO LAGOS ANNOUNCED THAT THE AD WOULD SEND A LETTER TO THE ARMED FORCES (REF. ?).

10. (U) SOCIALIST BLOC: THE CODEL NEXT HELD A MEETING WITH THE SOC-CALLED SOCIALIST BLOC ("BLOQUE SOCIALISTA" (BS). THAT MEETING WAS ARRANGED BY PROF. RIORDAN ROETT OF JOHNS HOPKINS UNIVERSITY (PER REF. C.). EMBASSY OFFICERS WERE NOT INIVTED TO BE PRESENT AT THE MEETING.

11. (C) THE DECEMBER 18 EDITION OF A WEEKLY UNAUTHORIZED BUT TOLERATED PRIVATELY DISTRIVUTED DOCUMENT KNOWN AS "CONFIDENTIAL INFORMATION SERVICE" (SERVICIO DEL INFORMACION CONFIDENCIAL - SIC) CLAIMED THAT THE MEMBERS OF CONGRESS LISTENED WITH ARE TO CERTAIN (UNDEFINED) CONCEPTS PLANTED BY THE BS AND THAT THEY IN TURN REVIEWED THEIR MEETING WITH PINOCHET. IN ADDITION, ACCORDING TO SIC, THE BS WAS INVITED TO PARTICIPATE IN A MEETING OF LATIN AMERICAN DEMOCRATIC PARTIES IN THE U.S. ORGANIZED BY THE DEMOCRATIC PARTY (PRESUMABLY THE NATIONAL DEMOCRATIC INSTITUTE) SOMETIME IN 1985. FINALLY, SIC CHARACTERIZED THE MEETING WITH THE BS AS HAVING OCCURRED IN SPITE OF STRONG RESISTANCE FROM AMBASSADOR THEBERGE. WE DO NOT KNOWN THE SOURCE OF THIS CANARD. CODEL RICHARDSON DID NOT ASK THE EMBASSY CONFIDENTIAL

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CONFIDENTIAL

PAGE 04 SANTIA 08311 02 OF 03 271634Z

TO ARRANGE A MEETING WITH THE BS. WE DID ADVISE AGAINST A MEETING WITH REPRESENTATIVE OF THE COMMUNIST-FRONT POPULAR DEMOCRATIC MOVEMENT (MDP), SUGGESTED BY FSO GUERRA, WHO, WE ASSUME, WAS UNAWARE THAT THE MDP SUPPORTS TERRORISM.

13. (LOU) PRESS CONFERENCE: COVERAGE AND REACTIONS: THE VISIT RECEIVED EXTENSIVE CONVERAGE BY ALL MEDIA AND THERE WAS APPARENTLY NO GOC CENSORSHIP EFFORT. IN FACT, THE PRESS COVERAGE WAS SO EXTENSIVE AND UNVARNISHED THAT GOC OFFICIALS FELT COMPELLED TO INSIST THAT THE CODEL HAD NOT INTERFERRED IN CHILLEAN INTERNAL AFFAIRS. DURING THE PRESS CONFERENCE,

CONFIDENTIAL

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PAGE 01 SANTIA 08311 03 OF 03 271635Z
ACTION H-03

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TO SECSTATE WASHDC PRIORITY 639
AMEMBASSY BUENOS AIRES
AMEMBASSY LIMA

C O N F I D E N T I A L SECTION 03 OF 03 SANTIAGO 8311

RICHARDSON AFFIRMED THAT THE CODEL HAD SPECIFICALLY ASKED PINOCHET TO CONSIDER A PLEBISCITE BEFORE 1989, THE LIFTING OF THE STATE OF SIEGE AND AN END TO PRESS CENSORSHIP AND VIOLATION OF HUMAN RIGHTS. ALL THE MEDIA QUOTED RICHARDSON'S DESCRIPTION OF THE CODEL CONVERSATION WITH PINOCHET AS "BRUTALLY FRANK."
14. (C) REACTING TO PRESS STORIES ABOUT THE CODEL'S REQUESTS TO PINOCHET, FORMIN DEL VALLE ON DECEMBER 15 TRIED TO REPAIR THE DAMAGE TO POSSIBLE FUTURE VISITS OF CODELS (AS WELL AS TO HIMSELF FOR HAVING URGED THE PRESIDENT TO RECEIVE THEM). DEL VALLE SAID THAT THE U.S. CONGRESSMEN HAD NOT FORMULATED ANY CONCRETE PETITION, THAT THEY HAD SIMPLY EXPRESSED THEIR OPINION AND THAT "PRESIDENT PINOCHET WILL NEVER ACCEPT, IN HIS OWN OFFICE, ANY INTERFERENCE IN CHILEAN INTERNAL AFFAIRS."

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MINISTER SECRETARY GENERAL OF GOVERNMENT, FRANCISCO JAVIER CUADRA, SAID, ON THE OTHER HAND, THAT DURING HIS DIALOGUE WITH THE U.S. CONGRESSMEN PINOCHET HAD REJECTED THEIR PETITIONS "BECAUSE THERE IS A CONSTITUTIONAL TERM, APPROCED BY THE PEOPLE, WHICH MUST BE RESPECTED."
15. (U) INDEPENDENT DAILY "LA TERCERA" EDITORIALIZED DECEMBER 17, THAT "SOME SECTORS HAVE SEEN IN THIS VISIT ...A REAL U.S. INTERVENTION IN CHILEAN INTERNAL AFFAIRS. NOTHING COULD BE LESS TRUE, BECAUSE, ACCORDING TO CLARIFICATIONS BY CHILEAN GOVERNMENT OFFICIALS, CHILE HAS
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PAGE 02 SANTIA 08311 03 OF 03 271635Z

NOT ACCEPTED NOR WILL IT EVER ACCEPT INTERFERENCE OF ANY KIND." SUPPORTING SUCH EXCHANGES DESPITE THE DISCOMFORT THEY CAUSE THE PRESIDENT, MEMBERS OF HIS ADMINISTRATION AND NATIONALISTS, "TERCERA" CONTINUED: "WITH THAT IN MIND, IT IS FITTING TO CELEBRATE THE VISIT OF THE CONGRESSMEN, BECAUSE IT ALLOWS THEM TO BE INFORMED, DIRECTLY, AND NOT BY MEANS OF DISTORTED JOURNALISTIC IMPRESSIONS, OF OUR REAL SITUATION, PARTICULARLY OF THE WAY IN WHICH EXTREMISM AND SUBVERSION, OPERATING WITHIN THE NATIONAL FRONTIERS, VIRTUALLY FORCED THE ESTABLISHMENT OF THE STATE OF SIEGE ... THERE WAS A BRUTALLY FRANK DIALOGUE, YES, BUT ALSO WITHIN A MARGIN OF ABSOLUTE RESPECT. THE CONGRESSMEN EXPRESSED THEIR VIEWPOINTS. THE CHIEF OF STATE EXPRESSED HIS, WHICH REPRESENTS THE REALITY OF A COUNTRY FACING PROBLEMS, BUT ONE WHICH CAN SOLVE THEM WITHOUT NEED OF TUTORS, NOR BIG BROTHERS." INFLUENTIAL, CONSERVATIVE "EL MECURIO" HIGHLIGHTED THE U.S. CONGRESSMEN'S HOPE FOR A RENEWED DIALOGUE BETWEEN THE EXECUTIVE AND THE POLITICAL PARTIES, AND THE FACT THAT THE CHAIRMAN OF THE CODEL, CONGRESSMAN RICHARDSON, REFERRED TO HIS GROUP AS "OPPOSED TO MARXISM AND TERRORISM."
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CONFIDENTIAL

PAGE 01 SANTIA 08312 271613Z
ACTION SS-00

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TO SECSTATE WASHDC IMMEDIATE 640

C O N F I D E N T I A L SANTIAGO 8312

E.O. 12356: DECL: OADR
TAGS: OTRA, PGOV, SHUM, CI
SUBJ: NATIONAL ENDOWMENT FOR DEMOCRACY: TRAVEL OF NED PRESIDENT CARL GERSHMAN TO CHILE

REF: STATE 376659

1. (U) CONTROL OFFICER IS JOHN STEPHENS, LABOR ATTACHE, EMBASSY TEL. 710133, EXT. 243. HOME PHONE: 225-4483. HOTEL RESERVATIONS MADE AT HOTEL SHERATON JANUARY 6 -9 INCLUSIVE.($55 U.S., BREAKFAST INCLUDED).
2. (U) REF. PARA FIVE, REFTEL WE UNDERSTAND THAT SINCE MR. SOMMER OFF, U.S. OVERSEAS COOPERATIVE DEVELOPMENT COMMITTEE, WILL MEET MESSRS. GERSHMAN AND AGUILAR AT AIRPORT UPON ARRIVAL JANUARY 6, GERSHMAN DOES NOT DESIRE EMBOFF TO BE AT AIRPORT. PLEASE ADVISE.
3. (C) REF, PARA SIX, REFTEL: RSO CURRENTLY OUT OF COUNTRY. WE ARE ADVISED THT THERE ARE NO SECURITY-TRAINED PRIVATE AUTO CHAUFFEURS IN CHILE. EMBASSY WOULD BE PLEASED TO PROVIDE CAR AND DRIVER. WE APPRECIATE SECURITY CONCERNS. WHILE WE DO NOT WISH TO DOWNPLAY SERIOUSNESS OF SECURITY SITUATION IN CHILE, WE DO NOT WANT TO LAY TOO MUCH EMPHASIS EITHER. WE DO NOT BELIEVE THERE IS ANY REASON PER SE THAT MR. GERSHMAN WOULD BE THE OBJECT OF ANY TERRORIST CONFIDENTIAL

CONFIDENTIAL

PAGE 02 SANTIA 08312 271613Z

ATTACK. A STATE OF SIEGE HAS BEEN IN EFFECT SINCE NOVEMBER 6 AND WILL ALMOST CERTAINLY BE IN PLACE THROUGHOUT GERSHMAN'S VISIT JANUARY 6 - 10. THAT STATE OF SIEGE WAS IMPLEMENTED, IN PART, IN RESPONSE TO GROWING GOVERNMENT CONCERNS ABOUT TERRORIST ACTS, INCLUDING COAR BOMBS AND BOMBS LEFT IN SACHELS,

OBVIOUSLY DESIGNED TO MAIM AND KILL INDISCRIMINATELY. WHILE THE NUMBER OF SUCH INCIDENTS.IS SMALL, THE FACT THT THEY OCCUR AT ALL IS WORRISOME. AS WE WOULD ADVISE ALL EMBASSY PERSONNEL AND VISITORS, WE MUST REMAIN ALERT. SO FAR, FOREIGN, INCLUDING U.S. TRAVELERS TO CHILE HAVE NOT BEEN SINGLED OUT BY TERRORISTS AND WE HAVE NO INDICATION THAT THIS WILL CHANGE. THE METRO (SUBWAY) SYSTEM IS WELL-RUN AND CONVIENT. BOTH FORMS OF TRANSPORTATION ARE ROUTINELY USED BY EMBASSY PERSONNEL. CERFEW IS IMPOSED FROM 0100 TO 0500 WEEKDAYS AND FROM 0200 TO 0500 WEEKENDS (FRIDAY AND SATURDAY NIGHTS). THAT MEANS THAT NEITHER AUTOS NOR PEDESTRIANS ARE ALLOWED TO BE OUT DURING THESE HOURS. EMBASSY SUGGESTS THAT DEPARTMENT PROVIDE GERSHMAN WITH RECENT TRAVEL ADVISORY ON CHILE.
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El Salvador Human Rights
Special Project (1993)
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ACTION ARA-00

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INFO FILE-01 ARA-03 PPC-01 DECP-01 ECP-01 RPP-02 OAS-01
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INFO OCT-00 COPY-01 ADS-00 INR-10 SS-00 CIAE-00 DODE-00
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AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
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[redacted] SAN SALVADOR 00731

USIA FOR AR/CENTAM

E.O. 12356: N/A
TAGS: ES, SHUM, ELAB, PINS
SUBJECT: NEW YEAR BEGINS WITH SPATE OF POLITICAL VIOLENCE, CHIEFLY FROM THE LEFT

1. SUMMARY: THE FMLN'S CLARA ELIZABETH RAMIREZ FRONT (CERF) DEATH SQUAD HAS CLAIMED AUTHORSHIP OF FOUR POLITICAL MURDERS SINCE THE BEGINNING OF 1985. FOUR OTHER APPARENTLY POLITICAL KILLINGS TOOK PLACE DURING THE PAST TWO WEEKS AND ANOTHER PERSON WAS GRAVELY WOUNDED IN A FIFTH INCIDENT; WE SUSPECT THE LEFT IN AT LEAST THREE OF THESE FIVE CASES. END SUMMARY.

2. CERF: THROUGH COMMUNIQUES TO PRESS AND RADIO, ITS USUAL METHOD, THE CERF HAS CLAIMED AUTHORSHIP OF FOUR MURDERS:

--LT. JULIO CESAR CONTRERAS CASTRO, WHO CERF CLAIMED RESPONSIBLE FOR THE DEATHS OF STUDENTS, WORKERS AND FARMERS.

--MANUEL DE JESUS FLORES MATEO, LABELED THE "INDIO MATEO, THE TORTURER", WHOSE "HUNDREDS OF VICTIMS" ALLEGEDLY INCLUDED SALVADOR CAYETANO CARPIO, DIMAS ALAS (FPL FOUNDER) AND LABOR ACTIVIST ROBERTO SIBRIAN.

--JOSE ANTONIO LUNA PORTILLO, A NATIONAL POLICEMAN ASSASSINATED WHILE ON GUARD DUTY AT A FACTORY.

--ULISES ZUNIGA, ALLEGEDLY THE MEMBER OF A DEATH SQUAD.

3. PROBABLY THE LEFT:

--RAFAEL NAPOLEON PORTILLO PINEDA, ARENA PARTY MEMBER AND LANDOWNER FROM SANTA ANA. PORTILLO WAS KILLED BY 4 UNKNOWN ASSAILANTS ON JANUARY 4. THE VICTIM HAD NUMEROUS SLASHES ON HIS BODY AND WAS FOUND WITH A SIGN ON HIS CHEST STATING "FOR REPRESSION OF THE WORKING CLASS."

--DOMINGO AVILES, CONSERVATIVE PCN MAYOR OF SANTA ELENA (USULUTAN) WAS SHOT IN HIS OFFICE BY THREE GUNMEN JANUARY 8.

--JULIO CESAR CASTRO BELLOSO, FORMER COMMUNIST PARTY CENTRAL COMMITTEE MEMBER AND LEFT LABOR LEADER (USSS) WAS KILLED ON THE STREET NEAR HIS HOME JANUARY 11 (REFTEL). INACTIVE AND INVISIBLE FOR YEARS, CASTRO WAS NOT A LOGICAL PRIORITY TARGET FOR THE RIGHT, WHICH HAS MANY BIGGER AND MORE THREATENING TARGETS EASILY AVAILABLE. WE SUSPECT HIS CONTACTS WITH THE EMBASSY MAY HAVE PROVOKED THE LEFT TO USE HIS DEATH AS AN OBJECT LESSON FOR THEIR OWN KIND.

4. MAYBE THE LEFT:

--JOSE BALBINO ARTEAGA, ARENA CITY TREASURER OF SANTA TECLA, WAS KILLED AT A CROWDED BUS STOP JANUARY 12 BY THREE ASSAILANTS WHO ESCAPED IN THE CONFUSION. A NON-POLITICAL MOTIVE FOR THE KILLING WAS MENTIONED BY THE VICTIM'S SISTER, WHO SAID AN UNNAMED INDIVIDUAL HAD ALREADY THREATENED ARTEAGA'S LIFE OVER UNPAID DEBTS. PRIVATE EMBASSY SOURCE SAYS THIS IS POSSIBLE.

5. PROBABLY NOT THE LEFT:

--SIMON PARADA, MEMBER OF THE UPD POLITICAL COMMITTEE AND SENIOR ACOPAI LEADER, WAS LEFT FOR DEAD BY GUNMEN JANUARY 13 AND IS STILL IN CRITICAL CONDITION. ACCORDING TO THE PRESS, HE RECALLS BEING TOLD BY HIS ASSAILANTS THAT HE WAS BEING KILLED FOR HAVING ENCOURAGED THE EXPROPRIATION OF SMALL PROPERTIES VIA FINATA. HE HAD REPORTEDLY BEEN CONSIDERED FOR THE VICE MINISTERSHIP OF AGRICULTURE RECENTLY VACATED BY FORMER ACOPAI LEADER JORGE CAMACHO. THE ATTEMPT ON HIS LIFE MAY BE THE WORK OF RIGHTISTS OR, LESS POLITICALLY, OF RESENTFUL FORMER LANDOWNERS.

6. COMMENT: CLEARLY OR APPARENTLY POLITICAL VIOLENCE HAS PUT A BLOODY STAMP ON THE NEW YEAR AND THE BEGINNING OF THE ELECTORAL SEASON. CERF HAS STEPPED UP ITS DEATH SQUAD TERRORISM AND OTHER ELEMENTS OF THE LEFT, WE BELIEVE, ARE ONCE AGAIN STRIKING OUT AT CONSERVATIVE POLITICIANS AS THEY DID LAST YEAR. THUS FAR, VIOLENCE LOGICALLY ATTRIBUTABLE TO THE RIGHT REMAINS AT A LOW LEVEL, WITH NO DEATHS CLAIMED BY THE ESTABLISHED DEATH SQUADS. END COMMENT.

PICKERING

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AMNESTY INTERNATIONAL is a worldwide movement which is independent of any government, political grouping, ideology, economic interest or religious creed. It plays a specific role within the overall spectrum of human rights work. The activities of the organization focus strictly on prisoners:

- It seeks the *release* of men and women detained anywhere for their beliefs, colour, sex, ethnic origin, language or religion, provided they have not used or advocated violence. These are termed *"prisoners of conscience"*.
- It advocates *fair and early trials* for *all political prisoners* and works on behalf of such persons detained without charge or without trial.
- It opposes the *death penalty* and *torture* or other cruel, inhuman or degrading treatment or punishment of *all prisoners* without reservation.

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AMNESTY INTERNATIONAL has more than 500,000 members, subscribers and supporters in over 150 countries and territories, with over 3,400 local groups in more than 55 countries in Africa, the Americas, Asia, Europe and the Middle East. Each group works on behalf of at least two prisoners of conscience in countries other than its own. These countries are balanced geographically and politically to ensure impartiality. Information about prisoners and human rights violations emanates from Amnesty International's Research Department in London. No section, group or member is expected to provide information on their own country, and no section, group or member has any responsibility for action taken or statements issued by the international organization concerning their own country.

AMNESTY INTERNATIONAL has formal relations with the United Nations (ECOSOC), UNESCO, the Council of Europe, the Organization of American States and the Organization of African Unity.

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350

AMNESTY INTERNATIONAL REPORT 1985

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El Salvador: Human Rights
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Amnesty International Publications
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was concerned by reports from former prisoners that he had been confined to a punishment cell for several weeks.

Amnesty International continued to investigate the case of Gustavo Arcos Bergnes. A former Cuban Ambassador to Belgium, Gustavo Arcos was reportedly arrested in 1981 and sentenced to 15 years' imprisonment for trying to leave Cuba illegally. He had apparently made repeated attempts to obtain permission to leave the country to join his family. One of these attempts was reportedly in 1981 when his son, then living in the USA, was in a coma after an accident.

Amnesty International was seeking confirmation of allegations that several other people were in prison after being convicted of trying to leave Cuba illegally.

The organization was investigating the cases of Elizardo Sánchez Santa Cruz, Edmigio López Castillo, Luis Ruiz and Orestes Bautista González, who were all reportedly imprisoned for voicing opposition to the government.

Amnesty International was unable to confirm reports of executions in 1984, and was concerned by the lack of response from the government to inquiries about the imposition of the death penalty in previous years.

Dominican Republic

Amnesty International was concerned about numerous short-term arrests of individuals, some of whom it believed may have been held on suspicion of non-violent opposition to the government. The organization continued to investigate the cases of two men who "disappeared" following arrest in previous years.

Amnesty International issued urgent appeals following reports that more than 4,000 people had been detained and over 50 killed during demonstrations in various cities between 23 and 25 April in protest at government economic policy, particularly at sharp rises in food prices. The organization called for all those detained solely for exercising their right of peaceful assembly to be released and for the other prisoners to be charged and tried without delay, or released. Reports were subsequently received that all those detained had been released. In view of allegations that some of the deaths arose from deliberate, targeted killings of demonstrators by law enforcement officials, Amnesty International urged an immediate inquiry.

RELEASED
El Salvador: Human Rights
Special Project (1993)

In June there was a series of arrests of trade union leaders and senior members of opposition political parties. Among them were Julio de Peña Valdez, General Secretary of the *Central General de Trabajadores* (CGT), General Union of Workers, and a former prisoner of conscience, and leading members of the Dominican Communist Party, including Narciso Isa Conde, its General Secretary, Juan Persia and Sully Suneaux. Amnesty International issued urgent appeals for them to be charged or released and for their protection in custody. The government replied that the trade unionists had been suspected of planning "an imminent attack against public order and security" and after investigation had been released. In August and November there were further reports of short-term arrests of trade unionists and opposition leaders.

Two trade union leaders detained on 8 May and held for some days – José Galván Alcántara and Arsenio de la Rosa Garadino – alleged that prisoners were tortured in the custody of the national police. They asserted that more than half the 93 prisoners they saw in detention bore marks of beatings, whippings and other forms of torture. They also denounced the prison conditions in which they were held.

Amnesty International continued to investigate the case of Luis Samuel Roche, a Haitian citizen who had been living in the Dominican Republic since 1963 as a refugee recognized by the UN High Commissioner for Refugees, and who had "disappeared" following arrest on 4 June 1982 (see *Amnesty International Report 1983*). The authorities maintained that an investigation had been conducted which showed that Luis Samuel Roche had not been arrested but reports continued to be received contradicting this. Amnesty International called for the inquiry to be reopened. The organization also continued to investigate the case of a Dominican citizen, Pablo Liberato Rodríguez, who "disappeared" after arrest in 1974 in San Francisco de Macoris.

El Salvador

Amnesty International continued to be concerned about massive human rights violations, including arbitrary arrest and prolonged detention without trial, torture, "disappearances", and individual and mass extrajudicial executions. Victims of such abuses by government forces, sometimes in uniform, and sometimes in plain clothes in the guise of so-called "death squads", have included people suspected of opposition to the authorities from all sectors of Salvadorian society. Students, university staff, trade unionists, politicians, displaced

persons and those assisting them, as well as non-combatant civilians living in contested areas, appeared to have been targets during the year. Human rights workers were also subjected to arrest, short-term detention and harassment, in an apparent effort to obstruct their work and discredit their findings.

Amnesty International was also concerned about the continued apparent inability of the judicial system to investigate and punish violations of human rights. With only two known exceptions (one the case of four US church women killed in December 1980, in which five national guardsmen were eventually convicted in May 1984 after strong international pressure), the perpetrators of the many thousands of abuses which have occurred in recent years have not been brought to justice. In September President Napoleón Duarte – who took office in June – was quoted by the international press as acknowledging that "5,000 people who have disappeared in El Salvador are most probably dead", and that the murders of 40,000 others would go unsolved because "the state is incapable of prosecuting the criminals".

In the context of the continuing political strife and the state of emergency maintained in the country in recent years, Amnesty International has received reports of individual execution-style killings by opposition groups. As a matter of principle, the organization condemns the torture and execution of prisoners by anyone. However, after investigating thousands of killings of non-combatant civilians over the past five years, Amnesty International has concluded that most were extrajudicial executions committed by government forces.

On 5 January an Amnesty International press statement expressed concern at reports that the closing months of 1983 had seen a resurgence in the number of extrajudicial executions and "disappearances" carried out by regular military and security units, as well as by "death squads". Amnesty International believed that in most cases the "death squads" consisted of government security agents or members of the armed forces operating in plain clothes but under orders from their superiors. Amnesty International's statement drew special attention to the abuses directed in preceding months against academics. They included Dr José Guillermo Orellana Osorio, secretary of the Law Faculty of the National University, who was kidnapped from his workplace by men in plain clothes on 4 October 1983, and Dr Juan Francisco Aguirre, also of the Law Faculty, who was kidnapped as he left a class at the University on 23 November 1983. The body of Dr Orellana Osorio was found on 23 October 1983. He had been tortured and strangled. Dr Aguirre remained "disappeared" at the end of 1984. Amnesty International's press statement also reiterated its opposition to military aid which would be used in arbitrary arrests, torture, "disappearances" and extrajudicial executions.

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El Salvador: Human Rights
Special Project (1990)

In April Amnesty International submitted to the authorities its report *Extrajudicial Executions in El Salvador: Report of an Amnesty International Mission to Examine Post-mortem and Investigative Procedures in Political Killings.* The report was made public in May 1984. It found that many of the estimated 40,000 people killed in political violence in the preceding five years had been murdered by government forces who openly dumped mutilated corpses in an apparent effort to terrorize the population. The report included details of a number of reported extrajudicial executions where Amnesty International considered that sufficient information was already available for proceedings to be initiated against military and security force personnel believed to have been implicated, had the authorities the political will to do so. The organization considered that the "blatant failure" of the authorities to investigate these and other killings was one factor that suggested that it was: "the authorities themselves who lie behind the wholesale extrajudicial execution of people from all sectors of Salvadorian society." The report concluded with detailed recommendations regarding government responsibility for military, security and paramilitary units; judicial reform; forensic examinations; protection of independent human rights monitoring groups, and the functioning of the governmental Human Rights Commission. Amnesty International also presented its report and its conclusions to other governments and intergovernmental organizations, and to national and international medical and forensic pathology associations. They were asked to consider ways in which funding agencies might help provide facilities and improve the training of Salvadorian medical and forensic experts, to ensure adequate standards in the collection of data and the forensic examination of bodies after violent death.

In view of the May elections which led to a change of government in June, and as it had not received any response to its report, Amnesty International resubmitted the report to President Napoleón Duarte in November, together with a letter outlining Amnesty International's concerns under the new administration. The letter welcomed the new government's announcement that special investigative commissions were to be appointed to investigate human rights abuses in general, as well as a number of the more notorious cases of apparent extrajudicial execution. These included those of Archbishop Oscar Romero in March 1980, US journalist John Sullivan in December 1980, and 74 peasants reportedly killed by military personnel at Las Hojas, San Antonio del Monte, Sonsonate, in February 1983. However, the organization remained concerned that few details had been made public as to the terms of reference, powers and working methods of the commissions. Nor had information been made public about any findings, either in the specific cases announced by the President, or in

those of thousands of Salvadorians who "disappeared" or were apparently executed extrajudicially in recent years, despite assurances by the President to some families that their relatives' cases would be investigated.

Amnesty International's November letter welcomed the disbanding of the intelligence section of the Treasury Police, a unit consistently implicated in reports of the illegal detention, torture and murder of suspected opponents of the government. However, the organization considered that the mere dismissal or transfer to positions abroad of officers implicated in serious human rights violations was a totally inadequate response and unlikely to prevent further abuses. Abuses should be properly investigated and perpetrators brought to justice. The letter also stated that continued reports of individual "death-squad" style extrajudicial executions and "disappearances", as well as of large-scale killings of non-combatant civilians, clearly indicated that the measures taken to improve the human rights situation had not been adequate. Illustrative cases of this nature listed in Amnesty International's letter included the reported killing in July of approximately 70 civilian residents and displaced persons in small villages in Cabañas and Chalatenango by the Atlacatl Battalion and other army units. Some of the victims, half of whom were children, had allegedly been tortured; others were said to have been burned alive.

Attacks were also reported in 1984 on the offices of the firm which handles public relations for the Christian Democrat Party, and on displaced persons in conflict zones who had assembled to obtain medical attention from the International Committee of the Red Cross (ICRC). Although no casualties were reported in the incident at the offices of the public relations firm – allegedly the work of "death-squads" – a number of non-combatant civilians died in five such attacks on displaced persons reportedly carried out by the armed forces between January and June.

During 1984 Amnesty International called for investigations into numerous reported "disappearances" and apparent extrajudicial executions by the military and security forces. They included Reynaldo Echevarría, a lecturer at the *Universidad Católica Salvadoreña*, Catholic University of El Salvador, and Reverend David Ernesto Fernández Espino, a Lutheran pastor working with displaced persons. Reynaldo Echevarría was reportedly shot dead as he arrived home on 3 October by a man in plain clothes who emerged from a vehicle of the type frequently used by some Salvadorian security units. Reverend Fernández Espino was allegedly last seen alive in the company of two uniformed men before he was found dead on 22 November near San Miguel. Two men – one a former soldier from the third Army Battalion in San Miguel – have reportedly since been detained in connection with the killing. Reverend Fernández Espino's face was reportedly almost unrecognizable, as he appeared to have been mutilated with a machete and shot in the head.

RELEASED
El Salvador Human Rights
Project (1984)

Amnesty International welcomed the release in October of 10 members of the *Sindicato de Trabajadores de Empresa Comisión Ejecutiva Hidroeléctrica del Río Lempa* (STECEL), the union of electricity workers at the Río Lempa power station. Amnesty International had taken up their cases for investigation because the legal time limits for hearing cases involving crimes against the state had been greatly exceeded. Although they had been held since 1980, they had never been tried or informed of the charges against them. Amnesty International called for an investigation of the prisoners' assertions that they had been tortured into making statements and signing confessions used as the basis of their detention. It also asked for those responsible to be brought to justice if the allegations were found to be true.

Amnesty International remained concerned at the continued detention of other prisoners without charge or trial under the terms of Decree 507 of December 1980 and Decree 50 of February 1984, both of which created a judicial framework, including a 15-day period of incommunicado detention, which facilitated human rights abuses such as "disappearance" and torture. Among the people held under the decrees for whom Amnesty International issued appeals during 1984 were 14 trade unionists arrested by the National Police at the January congress of a trade union confederation. A Mexican observer who was also arrested testified after her release that she had been blindfolded and subjected to intense psychological pressure during her three-day detention at National Police Headquarters. She said she could hear others being beaten, and that conditions at the unofficial detention centre were deplorable, with some 15 to 20 people packed into cells just 2m by 3m. Following international appeals the Salvadorians were all released by July. They stated that they had been subjected to mental and physical pressure, including torture, to make them confess to being members of an armed opposition group. In response to Amnesty International's initial expressions of concern regarding arrests, the Salvadorian Armed Forces Press Agency issued a news release accusing Amnesty International of conducting a campaign of disinformation against El Salvador. Amnesty International repeated its concerns regarding the arrests in a letter on 25 April to the then President Dr Alvaro Magaña, but received no reply.

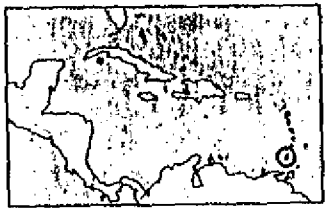
In 1984 Amnesty International submitted information concerning reported human rights violations to international organizations, including the Inter-American Commission on Human Rights, the UN Working Group on Disappearances, the UN Special Rapporteur on Summary and Arbitrary Executions, the UN Educational, Scientific and Cultural

Organization (UNESCO) and to the UN Commission on Human Rights (UNCHR) Special Representative on El Salvador.

In its September 1984 report, the Inter-American Commission on Human Rights (IACHR) of the Organization of American States (OAS) stated that it had continued to receive complaints since President Duarte took office, although on a lesser scale, and that the Foreign Ministry had categorically rejected allegations that implicated the armed forces.

In his November 1984 report to the UN General Assembly, the UNCHR Special Representative urged the government to increase its control over the armed and security forces, including the "death-squads", in order to eradicate human rights abuses, and to take all necessary steps to prevent, investigate and punish such abuses.

In December 1984 the UN General Assembly deplored the "patently inadequate" capacity of the Salvadorian judicial system to investigate, prosecute and punish continuing serious violations of human rights.



Grenada

Amnesty International was concerned about the detention without charge of former members of the New Jewel Movement (NJM), the political party forming the People's Revolutionary Government (PRG) which governed the country from March 1979 until October 1983. Amnesty International also investigated the fairness of proceedings against 20 former PRG ministers and army officers charged with the murder of Prime Minister Maurice Bishop and others in October 1983. Some of the defendants alleged that they had been ill-treated in custody.

Maurice Bishop and five other PRG members were killed by members of the armed forces on 19 October 1983, following a dispute within the leadership of the NJM. The PRG was dissolved and a Revolutionary Military Council briefly assumed control of the government. This was overthrown after troops from the USA and six other Caribbean countries invaded Grenada on 25 October 1983 (see *Amnesty International Report 1984*).

By the end of December 1983 all foreign combat troops had been withdrawn from Grenada although some 300 US military personnel, including 150 military police, remained on the island. A Caribbean Peacekeeping Force (CPF) also remained with responsibility for

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El Salvador: Human Rights
Digital Project (1993)

security and policing. The CPF was composed of some 400 soldiers and police from Jamaica and Barbados, with smaller contingents from Antigua, Dominica, St Vincent, St Kitts and St Lucia. The Advisory Council of Grenada, an interim civilian government appointed by the Governor-General in November 1983, stayed in office until elections were held on 3 December 1984. These were won by the New National Party, a coalition of three centre parties led by Herbert Blaize, who had formed a government by the end of the year.

On 6 February Amnesty International wrote to the Chairman of the Advisory Council about the continued detention without charge of some 30 people. The detainees were former NJM members, most of whom had been arrested by US troops shortly after the October 1983 invasion. They were held at Richmond Hill prison under a Preventive Detention Ordinance of November 1983 which gave the Advisory Council the power to detain without charge any person who appeared likely to act in a manner adverse to the interests of public safety, public order or defence. Amnesty International asked if their cases had been considered by the Advisory Tribunal established under the Preventive Detention Ordinance to review cases within one month of detention. This tribunal was empowered to make recommendations only, and its decisions were not binding on the government; in AmnestyInternational's view this did not meet the standards for an independent review of the lawfulness of a detention required under Article 7 of the American Convention on Human Rights. Amnesty International urged the government to ensure that all those in preventive detention were promptly charged with specific offences and brought before the courts, or released.

Amnesty International referred also in its letter to reports that three detainees had lodged an official complaint alleging that they had been beaten by members of the Barbadian police force during interrogation in November 1983; one of the three alleged that he had signed a confession under duress as a result of ill-treatment.

No reply to Amnesty International's letter was received. However, 20 of the detainees were later brought before a court to be charged (see below).

In April Amnesty International appealed on behalf of 18 people still held in preventive detention, calling for them to be promptly charged or released. The detainees included the former manager of Radio Free Grenada, the PRG Commissioner of Prisons and the former PRG Health Minister. Amnesty International expressed concern that their cases had not been reviewed by the Advisory Tribunal, that they reportedly had difficulty gaining access to lawyers and that applications for *habeas corpus* brought on their behalf had been repeatedly

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TEXT OF TELEGRAM 85SAN SA000245

ADPO10 [redacted]

PAGE 01 SAN SA 00245 01 OF 02 081729Z
ACTION ARA-00

INFO OCT-00 COPY-01 ADS-00 AID-00 INR-10 SS-00 CIAE-00
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PM-10 PA-01 MCT-03 OMB-01 A-02 USIE-00 SP-02
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R 081725Z JAN 85
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 1598
INFO AMEMBASSY CARACAS
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AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA

[redacted] SECTION 01 OF 02 SAN SALVADOR 00245

E.O. 12356: DECL: OADR
TAGS: PGOV, PINS, ES, ASEC, SHUM
SUBJECT: THE MOTHER'S COMMITTEE AND NON-OFFICIAL
- HUMAN RIGHTS COMMISSION (CDHES) SUPPORT
- FMLN DEMANDS IN DIALOGUE

REF: A) 84 SAN SALVADOR 14750 B) 84 SAN SALVADOR 13356
- C) 84 SAN SALVADOR 13408 D) 84 SAN SALVADOR 13208

1. [redacted] - ENTIRE TEXT.

2. SUMMARY: ON DECEMBER 5, A LOCAL DAILY CARRIED A PAID ADVERTISEMENT SIGNED BY THE "MOTHERS" COMMITTEE AND "CODEFAM," AND SUPPORTED BY THE NON-OFFICIAL HUMAN RIGHTS COMMISSION (CDHES), DEMANDING INTER ALIA THAT THE GOES ACCEPT THE FDR/FMLN POSITION IN THE DIALOGUE. END SUMMARY.

3. THE ARTICLE ENTITLED "SUPPORT AND BACKING FOR THE [redacted]

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El Salvador: Human Rights
Special Project (1993)

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PAGE 02 SAN SA 00245 01 OF 02 081729Z

DEMANDS OF THE PLATFORM OF THE COMMITTEE OF POLITICAL PRISONERS OF EL SALVADOR (COPPES)" WAS SIGNED BY THE MOTHERS COMMITTEE (COMITE DE MADRES Y FAMILIARES DE PRESOS, DESAPARECIDOS Y ASESINADOS POLITICOS DE EL SALVADOR "MONSENOR OSCAR ARNULFO ROMERO,") AND CODEFAM (COMITE DE FAMILIARES PRO-LIBERTAD DE PRESOS Y DESAPARECIDOS POLITICOS DE EL SALVADOR-CODEFAM "MARIANELLA GARCIA VILLAS.") IT DEMANDED THAT "THE DIALOGUE ESTABLISHED WITH MEMBERS OF THE FMLN-FDR CONTINUE AND THAT THE

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Office of FOI, Privacy, & Classification Review
Review Authority: SLOTT, DICK
Date: 06/07/94
Case ID: S9400341

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DEMANDS PRESENTED BY THE FDR/FMLN, WHICH ARE INTENDED TO CONTRIBUTE TO THE PEACE WITH JUSTICE THAT OUR PEOPLE WANT AND DESERVE, BE COMPLIED WITH."

4. THE TEXT OF THE ADVERTISEMENT LISTED COHES AND SOCORRO JURIDICO CRISTIANO (SJC) AS INDEPENDENT "HUMANITARIAN ORGANIZATIONS," WHOSE MEMBERS IT ALLEGES ARE THE TARGETS OF ATTEMPTS ON THEIR LIVES, THREATS AND PERSECUTION (PRESUMABLY BY THE ESAF AND THE SECURITY FORCES). POLOFF VISITED BOTH GROUPS TO INQUIRE ABOUT THEIR SUPPORT OF THE COPPES-MOTHERS' STAND, AND DEVELOP AN APPRECIATION FOR THE LINKS BETWEEN THESE ORGANIZATIONS (IF ANY). THE COHES REPRESENTATIVE WAS INTERVIEWED IN THE SUITE OF OFFICES THAT COHES SHARES WITH THE MOTHERS COMMITTEE. THEIR REPRESENTATIVE AFFIRMED THAT HER ORGANIZATION NOT ONLY COMPLETELY SUPPORTED THE DEMAND BUT HAD APPROVED THE TEXT OF THE ADVERTISEMENT BEFORE IT WENT TO PRESS. A VISIT TO THE OFFICES OF SOCORRO JURIDICO RESULTED IN THEIR REPRESENTATIVE DISAVOWING ANY KNOWLEDGE OF THE AD OR ITS CONTENTS.

5. RECENT EMBASSY REPORTING ON THE MOTHERS COMMITTEE AND COHES (REFTELS) HAS CITED EVIDENCE OF THEIR CLOSE TIES [redacted]

RELEASED
El Salvador: Human Rights
Special Project (1993)

TO THE GUERRILLAS AND THEIR STATUS AS FMLN FRONT GROUPS WHOSE PRINCIPLE RAISON D'ETRE, ON THE BASIS OF THEIR PUBLIC ACTIVITIES AND PRONOUNCEMENTS, APPEARS TO BE TO DISCREDIT THE DUARTE GOVERNMENT BY EXPLOITING HUMAN RIGHTS ISSUES. THEIR RECENT (THE LAST 6 MONTHS) PRONOUNCEMENTS ARE HIGHLY POLITICAL, OFTEN WITH ONLY PASSING REFERENCES TO HUMAN RIGHTS, AND THESE SERVING ONLY AS ANECDOTAL LINKAGES TO THEIR POLITICAL MESSAGE. IN ADDITION, EYEWITNESSES REPORT THAT MEMBERS OF COHES ROUGHED UP AND RELIEVED NATIONAL POLICEMEN OF THEIR CAMERAS AT THE "MARCH PEACE" OF NOVEMBER 5 IN WHICH COHES AND THE MOTHERS COMMITTEE MARCHED. THIS WAS THE FIRST DEMONSTRATION IN AT LEAST TWO YEARS IN WHICH GROUPS OF ARMED MEN PARTICIPATED. WE ARE ALSO AWARE THAT THE "MOTHERS" COMMITTEE SERVES AS A CONDUIT BETWEEN COPPES AND THE FMLN. COPPES PRACTICALLY RUNS THE CELL BLOCKS AT MARIONA PRISON AND ILOPANGO WOMEN'S PRISON, WHERE THOSE ACCUSED OF TERRORIST ACTIVITIES AND SUBVERSION ARE HELD, AS THEIR PRIVATE FIEFDOM OF POLITICAL ACTIVITY, WITH "CLASSES" ON REVOLUTIONARY THOUGHT AND PRACTICE. THE GOES HAS THUS FAR BEEN WILLING TO TOLERATE THIS ACTIVITY, IN PART BECAUSE OF PRESSURE FROM LEGITIMATE SALVADORAN AND INTERNATIONAL HUMAN RIGHTS GROUPS.

6. BUT THE MOTHERS, CODEFAM AND COHES -- AT LEAST IN

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TEXT OF TELEGRAM 85SAN SA000245

EL SALVADOR -- LACK THE CHARACTERISTICS THAT WOULD ESTABLISH THEM AS TRUE "HUMAN RIGHTS" ORGANIZATIONS. THEY MAKE NO INVESTIGATIONS, PUBLISH POLITICALLY BIASED ANALYSES, MAKE NO SYSTEMATIC CONTACT WITH ORGANS OF REDRESS (SECURITY FORCES, LEGISLATIVE ASSEMBLY, JUDICIARY, PRESIDENCY, POLITICAL PARTIES, LOCAL ADMINISTRATIONS) EXCEPT THROUGH PUBLIC DEMON-

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El Salvador: Human Rights
Special Project (1993)

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TEXT OF TELEGRAM 85SAN SA000245

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PAGE 01 SAN SA 00245 02 OF 02 081730Z
ACTION ARA-00

INFO OCT-00 COPY-01 ADS-00 AID-00 INR-10 SS-00 CIAE-00
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PM-10 PA-01 MCT-03 OMB-01 A-02 USIE-00 SP-02
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R 081725Z JAN 85
FM AMEMBASSY SAN SALVADOR
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INFO AMEMBASSY CARACAS
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AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA

[redacted] SECTION 02 OF 02 SAN SALVADOR 00245

E.O. 12356: DECL: OADR
TAGS: PGOV, PINS, ES, ASEC, SHUM
SUBJECT: THE MOTHER'S COMMITTEE AND NON-OFFICIAL

STRATIONS, AND ONLY PASSIVELY COLLECT FROM OTHER ORGANIZATIONS OR SOURCES INFORMATION ON ALLEGED ABUSES. THEIR CONCERN FOR HUMAN RIGHTS EXCLUDES ANY RECOGNITION AT ALL OF THE SERIOUS ABUSES BY THE LEFT; THEIR INDIFFERENCE TO ABUSES OF HUMAN RIGHTS THAT DO NOT INVOLVE POLITICS IS MORE OR LESS COMPLETE.

7. THE SALVADORAN BODY POLITIC, INCLUDING THE GOES, AND PUBLIC SAFETY FORCES HAVE LONG UNDERSTOOD AND ACCEPTED THE TRUE NATURE AND PURPOSES OF THESE ORGANIZATIONS. THEIR UNRESTRICTED AND UNHARASSED OPERATION IS A SIGN OF GOES FOREBEARANCE IN THE DEFINITION OF LEGAL POLITICAL ACTIVITY. UNDER THE CIRCUMSTANCES, WE WILL CONTINUE TO RECORD THEIR CLAIMS, [redacted] AND POSITIONS, BUT FIND IT DIFFICULT TO [redacted]

PAGE 02 SAN SA 00245 02 OF 02 081730Z

CONTINUE ACCEPTING THEM, AS PRESENTLY CONSTITUTED, AS VALID MEMBERS OF THE SALVADORAN HUMAN RIGHTS COMMUNITY.
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El Salvador: Human Rights
Special Project (1993)

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Department of State

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PAGE 01 STATE 010196
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INFO OCT-00 COPY-01 ADS-00 PA-02 PRS-01 /016 R

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APPROVED BY ACDA/PA:SSTETSON-MANNIX
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FM SECSTATE WASHDC
TO USMISSION GENEVA PRIORITY
INFO ALL EUROPEAN DIPLOMATIC POSTS PRIORITY
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AMEMBASSY BRASILIA PRIORITY
AMEMBASSY CARACAS PRIORITY
AMEMBASSY KINSHASA PRIORITY
USDEL MBFR VIENNA PRIORITY
AMEMBASSY MEXICO PRIORITY
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HQ SPACE CMD PETERSON AFB CO PRIORITY
ALL EAST ASIAN AND PACIFIC DIPLOMATIC POSTS

UNCLAS STATE 010196

GENEVA PASS TO: ACDA, INF, START, CD, SCC; STOCKHOLM ALSO CDE

E.O. 12356: N/A
TAGS: PARM, PRESS COVERAGE
SUBJECT: JANUARY 10 ROUNDUP: VERBATIM EXCERPTS FROM ARMS CONTROL-RELATED ARTICLES

HQ SPACE CMD FOR POLAD PRIORITY

1. BERNARD GWERTZMAN OF THE NEW YORK TIMES REPORTED ON JANUARY 9 (QUOTE): PRESIDENT REAGAN SAID TODAY THAT HE HOPED THE AGREEMENT WITH THE SOVIET UNION ON HOLDING ARMS TALKS WOULD PRODUCE "A NEW DIALOGUE AND NEGOTIATIONS, A YEAR THAT LEADS TO BETTER RELATIONS BETWEEN THE UNITED
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PAGE 02 STATE 010196

STATES AND THE SOVIET UNION." MR. REAGAN SAID HE HOPED

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THE IMPROVED CLIMATE BROUGHT ON BY ARMS TALKS WOULD ALSO LEAD TO WARMER RELATIONS ON OTHER ISSUES, SUCH AS TRADE AND HANDLING OF REGIONAL CONFLICTS. HE DECLINED AN INVITATION TO DESCRIBE THE NEW OUTLOOK AS "DETENTE," A WORD HE HAS OFTEN DERIDED. HE ASSERTED THAT THE UNITED STATES WOULD BE "FLEXIBLE, PATIENT AND DETERMINED" IN FUTURE TALKS, AND HE CALLED ON MOSCOW TO RECIPROCATE "TO HELP GIVE NEW LIFE AND POSITIVE RESULTS TO THAT PROCESS OF DIALOGUE." THE PRESIDENT CAUTIONED THAT DIFFERENCES WITH MOSCOW REMAINED "MANY AND PROFOUND" AND THAT THE NEGOTIATIONS "WILL BE DIFFICULT AS WE GRAPPLE WITH THE ISSUES SO CENTRAL TO PEACE AND SECURITY FOR

OURSELVES, OUR ALLIES AND THE WORLD." "BUT WE WILL PERSEVERE," HE SAID, EVIDENTLY PLEASED THAT HIS EFFORTS TO RENEW ARMS TALKS HAD PRODUCED RESULTS. "IT IS MY HOPE," HE SAID IN AN OPENING STATEMENT, "THAT THIS WEEK'S MEETING IN GENEVA, WHILE ONLY A SINGLE STEP, IS THE BEGINNING OF A NEW DIALOGUE BETWEEN THE UNITED STATES AND THE SOVIET UNION." (UNQUOTE)

2. THE WASHINGTON POST CARRIED THE FOLLOWING STATEMENT MADE IN ENGLISH JANUARY 9 BY SOVIET FOREIGN MINISTER ANDREI GROMYKO (QUOTE): FOR TWO DAYS THE U.S. SECRETARY OF STATE GEORGE SHULTZ AND I HAD CONVERSATIONS IN ACCORDANCE WITH THE AGREEMENT REACHED PREVIOUSLY. THE CONVERSATION ADDRESSED ACUTE PROBLEMS CONCERNING CESSATION OF THE ARMS RACE AND REMOVAL OF THE THREAT OF NUCLEAR WAR. THE SOVIET SIDE PARTICULARLY STRESSED THE IMPORTANCE OF PREVENTING THE MILITARIZATION OF OUTER SPACE. CERTAINLY, SINCE ALL THESE PROBLEMS DRASTICALLY AFFECT SOVIET-U.S. RELATIONS, THAT QUESTION RECEIVED

DUE ATTENTION DURING ALL CONVERSATIONS, FOR THE ENTIRE WORLD KNOWS WELL THAT THE SITUATION IN THE WORLD AS A WHOLE LARGELY DEPENDS ON THE STATE OF SOVIET-U.S. RELATIONS. THERE IS NO NEED TO SPEAK AT LENGTH THAT THE TALKS WERE NOT SIMPLE. HOWEVER, A CERTAIN STEP HAS BEEN MADE IN ESTABLISHING A DIALOGUE BETWEEN OUR TWO COUNTRIES, WHICH IS ATTESTED TO BY THE JOINT SOVIET-U.S. STATEMENT. WHAT IS TO BE NOTED IN THIS CONNECTION? THIS IS BUT A STEP COMPARED TO THE IMMENSE TASKS WHICH ARE TO BE ADDRESSED IN THE COURSE OF THE NEGOTIATIONS

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ON SPACE AND NUCLEAR ARMS AND ARE TO BE ACHIEVED THROUGH AGREED SOLUTIONS. THE SOVIET UNION IS PREPARED TO GO ITS PART OF THE ROAD. I SHOULD LIKE TO EXPRESS THE HOPE THAT THE UNITED STATES WILL DO THE SAME. IN OTHER WORDS, IT WILL GO ITS PART OF THE ROAD FULLY AWARE OF THE RESPONSIBILITY SHARED BY THE TWO GREAT POWERS. THE SOVIET SIDE, AS HAS BEEN REPEATEDLY STRESSED BY THE GENERAL SECRETARY OF THE CENTRAL COMMITTEE OF THE CPSU (COMMUNIST PARTY OF THE SOVIET UNION), CHAIRMAN OF THE PRESIDIUM OF THE SUPREME SOVIET OF THE U.S.S.R., KONSTANTIN U. CHERNENKO, REMAINS AS BEFORE, COMMITTED TO DISARMAMENT, TO REMOVAL OF THE THREAT OF NUCLEAR WAR, AND TO PEACE. I WISH TO THANK THE SWISS GOVERNMENT FOR ITS HOSPITALITY. I ALSO EXPRESS OUR GRATITUDE TO THE AUTHORITIES AND THE PEOPLE OF GENEVA. (UNQUOTE)

3. JOHN TAGLIABUE OF THE NEW YORK TIMES REPORTED FROM BONN ON JANUARY 9 (QUOTE): EUROPEAN LEADERS TODAY WELCOMED THE UNITED STATES-SOVIET AGREEMENT TO RESUME

NEGOTIATIONS ON ARMS CONTROL, BUT THEY SOUGHT TO STRESS THAT THE ROAD TO POSITIVE RESULTS WOULD BE ALONG ONE. THE GENERAL FEELING IN MOST EUROPEAN CAPITALS SEEMED TO BE THAT THE TALKS HAD ACCOMPLISHED MORE, IN A REMARKABLY SHORT PERIOD, THAN ANYONE HAD THOUGHT THEY COULD. THE GENEVA MEETING HAS DOMINATED NEWS COVERAGE, PARTICULARLY

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IN WEST GERMANY, WHICH HAS ANXIOUSLY SOUGHT A WARMING OF SOVIET-AMERICAN RELATIONS TO SPUR ITS FALTERING EFFORTS TO IMPROVE TIES WITH ITS EASTERN EUROPEAN NEIGHBORS. THE ATTITUDE OF THE 16-MEMBER NORTH ATLANTIC TREATY ORGANIZATION WAS SUMMED UP BY A NATO OFFICIAL IN BRUSSELS WHO SAID THE TALKS HAD BROUGHT "ALL THAT COULD BE HOPED FOR," THOUGH THERE WAS LITTLE AGREEMENT ON SUBSTANTIVE ISSUES. HE QUOTED THE NATO SECRETARY GENERAL, LORD CARRINGTON, AS INSISTING THAT EUROPEAN GOVERNMENTS SHOULD BE DEEPLY INVOLVED IN FUTURE NEGOTIATIONS AND NOT ACT AS "REFEREES" BETWEEN THE SIDES. THE STATEMENT WAS SEEN AS A CALL TO THE MEMBER NATIONS TO CLOSE RANKS DURING THE COMING NEGOTIATIONS, SO THAT THE SOVIET UNION NOT BE LED INTO THINKING IT CAN SPLIT THE WESTERN CAMP DURING WHAT ARE EXPECTED TO BE LONG AND DIFFICULT NEGOTIATIONS. EUROPEAN OFFICIALS

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EXPRESSED APPROVAL OF WASHINGTON'S EFFORTS TO INFORM ITS ALLIES IMMEDIATELY OF THE TALKS' RESULTS BY SENDING MEMBERS OF THE GENEVA DELEGATION ACROSS EUROPE FOR BRIEFINGS. ENVOYS TO NATO WERE BRIEFED BY PAUL H. NITZE, THE NEGOTIATOR ON MEDIUM-RANGE MISSILES AND SPECIAL ADVISER TO SECRETARY OF STATE GEORGE P. SHULTZ, AND BY RICHARD R. BURT, ASSISTANT SECRETARY OF STATE FOR EUROPEAN AFFAIRS. (UNQUOTE)
SHULTZ

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TEXT OF TELEGRAM 85SAN SA001149

ADP748
[redacted]

PAGE 01 SAN SA 01149 291844Z
ACTION SS-25

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EXDIS

E.O. 12356: DECL:OADR
TAGS: PREL, PINS, ES
SUBJ: DIALOGUE: CHURCH, FMLN, MEXICAN INTEREST IN NEW
-- AND [redacted] MEETINGS

1. [redacted] - ENTIRE TEXT.

2. SUMMARY: [redacted] RELATED TWO RECENT MEETINGS HE HAS HAD IN WHICH THE JESUITS AND THE MEXICANS PUSHED FOR AN EARLY MEETING OF THE DIALOGUE AND A SECRET EXCHANGE. END SUMMARY.

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3. [redacted] SAID THAT LAST WEEK HE HAD ATTENDED A DINNER WITH THE SALVADORAN BISHOPS AND THEIR ADVISERS, INCLUDING SOME KEY JESUIT LEADERS OF THE CENTRAL AMERICAN UNIVERSITY, WHO MAINTAIN CLOSE TIES TO THE FDR/FMLN. THERE WAS AN INDICATION DUARTE TOO HAD BEEN PRESENT. THE MAJOR EFFORT WAS TO INDICATE THAT A NEW MEETING SHOULD TAKE PLACE SOON (MAINLY FROM THE JESUIT ADVISERS). THE VIEW WAS PUT FORWARD THAT THE LEFT HAD MADE ERRORS AT AYAGUALO AND THAT ANOTHER MEETING WAS NEEDED NOW. ONE PROPOSAL WAS TO HAVE A PURELY PROCEDURAL MEETING TO PREPARE FOR A POST-ELECTION SUBSTANTIVE MEETING. (DUARTE RECENTLY PUBLICLY THREW COLD WATER ON THE PROPOSAL FOR ANOTHER MEETING SOON, NOTING THE [redacted]

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PAGE 02 SAN SA 01149 2916442

PEOPLE WOULD NOT UNDERSTAND ANOTHER MEETING IF NO PROGRESS WERE MADE, AND THAT THE FRONTS ONLY WANT A TACTICAL DIALOGUE.)

4. [redacted] CONTRASTED THE APPROACH WITH THE FDR/FMLN PUBLIC LINE THAT DUARTE IS HAMSTRUNG BY THE EXTREME RIGHT AND WILL NOT BE ABLE TO CONTINUE TO MEET, AND SAW BOTH APPROACHES AS EVIDENCE OF AN EFFORT TO GET ANOTHER MEETING.

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United States Department
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Review Authority: JOHNST
Date: 05/25/94
Case ID: 9940034J

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TEXT OF TELEGRAM 85SAN SA001149

5. A MORE SUBTLE APPROACH WAS TAKEN BY THE MEXICAN CHARGE WHO INVITED CHAVEZ MENA, ABRAHAM RODRIGUEZ AND ARCHBISHOP RIVERA DAMAS TO A DINNER ATTENDED ALSO BY A YOUNG MAN (PRESUMABLY FROM THE MEXICAN FOREIGN MINISTRY) WHO HAS FREQUENT CONTACTS WITH THE FDR/FMLN. WHILE THERE WAS MENTION OF ANOTHER MEETING SOON, ALL INCLUDING THE ARCHBISHOP, WHO CLEARLY UNDERSTANDS THE DUARTE VIEW, AGREED IT WOULD NOT BE LIKELY. STRONG EFFORTS WOULD HAVE TO BE MADE TO KEEP THE DIALOGUE ALIVE AND READY TO GO AFTER THE ELECTIONS. THE MEXICANS PUSHED HARD FOR A SECRET MEETING FOR CHAVEZ MENA AND RODRIGUEZ IN MEXICO CITY WITH UNNAMED FDR/FMLN TYPES. [redacted] SAYS RODRIGUEZ IS INTERESTED; HE SAYS HE IS NOT. [redacted] SUGGESTS THAT DUARTE INSIST THAT THE ERP AND VILLALOBOS (POSSIBLY) MUST BE PRESENT AT THE NEXT MEETING AND THAT DUARTE STICK WITH HIS LINE THAT THE GUERRILLAS HAVE TO BE READY TO AGREE TO SOMETHING ALL MAKE SENSE. [redacted] MADE A PARTICULAR POINT ABOUT THE SCHISM WITHIN THE FMLN REPRESENTED BY WHAT IS APPARENTLY AN ERP REFUSAL TO PARTICIPATE IN THE DIALOGUE. THIS WAS INITIALLY (AT LA PALMA) EXCUSED ON GROUNDS OF LOGISTICAL DIFFICULTY. IT IS NOW BEGINNING TO APPEAR THAT THERE IS A MORE FUNDAMENTAL SPLIT AMONG THE [redacted]

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PAGE 03 SAN SA 01149 291644Z

GUERRILLAS OVER DEALING WITH THE GOES, [redacted] SAID. WITH THE ERP OPTING OUT AND THE FDR AND REMAINDER OF THE FMLN APPARENTLY UNABLE TO SPEAK FOR THE ERP. COMMENT: WHILE WE HAVE NO DIRECT EVIDENCE TO SUPPORT THIS, THERE HAVE BEEN AN INCREASING NUMBER OF STRAWS IN THE WIND SUGGESTING THAT IT MAY BE SO.

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6. THE MEXICANS EXPRESSED SERIOUS ANGER AT THE US MANZANILLO POSITION.

7. I ENCOURAGED [redacted] BY NOTING THAT IT WOULD BE HARD TO KEEP SUCH A MEETING SECRET WHEN THOSE OPPOSED TO A DIALOGUE IN THE FMLN (SUCH AS THE ERP) FAVORED MAKING IT PUBLIC. IT WOULD NOT BE IN MEXICAN INTEREST TO KEEP IT QUIET TOO LONG AND THE FDR BADLY NEEDED SOMETHING TO CONVINCE THEIR FRIENDS IN EUROPE THAT THERE WAS HOPE FOR DIALOGUE PROGRESS -- SUCH AS "SECRET" MEETINGS.

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8. [redacted]

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TEXT OF TELEGRAM 85SAN SA001168

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TO SECSTATE WASHDC 2182
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
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AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
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[redacted] SAN SALVADOR 01168

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E.O. 12356: DECL: OADR
TAGS: PGOV, ES
SUBJECT: FMLN-FDR MANIPULATION OF CHURCH AND PRESS

REF: A) IR 22312036-85, B) SAN SALVADOR 069

1. [redacted] - ENTIRE TEXT.

2. WE WISH TO CALL TO THE ATTENTION OF THE DEPARTMENT A TRANSLATION OF A RECENTLY CAPTURED POPULAR ARMED FORCES OF THE LIBERATION (FAPL) DOCUMENT (REF A) LISTING NINE OBJECTIVES THE FAPL INTENDS TO EMPLOY TO ATTRACT POPULAR SUPPORT. AMONG THE MORE INTERESTING OBJECTIVES INCLUDE AN EXHORTATION TO PENETRATE AND GAIN POSITIONS OF POWER IN SEVERAL ORGANIZATIONS OF SALVADORAN CATHOLIC CLERGY AS WELL AS THE "BAPTISTS, LUTHERANS, [redacted]

PAGE 02 SAN SA 01168 292209Z

AND OTHER EVANGELICAL CHURCHES." THE DOCUMENT ALSO URGES UTILIZING CATHOLIC CHURCH ORGANIZATIONS AND FOLLOWERS AS A MEANS OF PRESSURING THE GOVERNMENT ON ISSUES SUCH AS HUMAN RIGHTS, PEACE THROUGH DIALOGUE, AND THE DEVELOPMENT OF AN ANTI-GOES CAMPAIGN AMONG CHRISTIAN ORGANIZATIONS. FINALLY, THE DOCUMENT URGES AN INTENSIFICATION OF PROPAGANDA EFFORTS THROUGH PAID NEWSPAPER ADS, AND RADIO PROGRAMS ON THE CATHOLIC RADIO STATION (YSAX) THAT ARE BASED ON THE FMLN-FDR

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Date: 06/07/94
Case ID: S9400347

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TEXT OF TELEGRAM 85SAN SA001168

PEACE PROPOSALS.

3. COMMENT: THIS IS YET ANOTHER PIECE OF EVIDENCE THAT THE FMLN-FDR ARE CYNICALLY USING WELL MEANING, RELIGIOUS AND PHILANTHROPIC ORGANIZATIONS AND TAKING ADVANTAGE OF EL SALVADOR'S FREE PRESS TO FURTHER ITS OWN ENDS. REF B DISCUSSES THIS SUBJECT IN MORE DEPTH.
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Special Project (1993)

98th Congress
1st Session
JOINT COMMITTEE PRINT
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COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1984

REPORT

SUBMITTED TO THE

COMMITTEE ON FOREIGN RELATIONS
U.S. SENATE

AND

COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES

BY THE

DEPARTMENT OF STATE

IN ACCORDANCE WITH SECTIONS 116(d) AND 502B(b) OF THE FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED

FEBRUARY 1985

Printed for the use of the Committees on Foreign Relations and Foreign Affairs of the Senate and the House of Representatives respectively

EL SALVADOR

The election of Jose Napoleon Duarte, inaugurated as President on June 1, 1984, represented an important step in El Salvador's five-year evolution as a democratic nation. Virtually the entire country of El Salvador has accepted the results as valid and the new President's authority as legitimate. Preparations are under way for legislative and municipal elections that will be held in March 1985. Although sharply divided on numerous issues, the political parties have respected the constitutional system.

The new Christian Democratic President faces formidable challenges: the country's violent history, a dedicated Marxist insurgency with strong ties to and material support from Nicaragua and the Cuban/Soviet bloc, a severely depressed economy, and still-weak institutions for public administration and the administration of justice. The greatest test to date for the cohesiveness of the new democratic system came in October when President Duarte announced his La Palma initiative for dialogue with the left in his speech at the United Nations General Assembly. The issue has been openly debated, and criticized or embraced, but Duarte's authority to conduct the dialogue, as long as it does not violate the 1983 Constitution by leading to power sharing with the armed insurgents on any basis other than electoral, has been unchallenged.

The new Government is working actively to end violence from both the far right and far left, to strengthen the rule of law and the system of justice, to pursue the dialogue with the armed left within a democratic, constitutional framework, and to restore economic growth while protecting social reforms. The military by and large has accepted that the Armed Forces are bound by the Constitution and must remain apolitical and non-partisan. During the presidential elections and in their relations with the new civilian Government under President Duarte the military has maintained its neutrality and has deferred to civil authority.

The country continues to suffer from an active insurgency with an estimated 9,000 - 11,000 guerrillas of the Farabundo Marti National Liberation Front (FMLN), in conjunction with its political counterpart, the Democratic Revolutionary Front (FDR), a coalition of organizations led by Marxist-Leninists. The insurgent forces have the capability to conduct hit-and-run operations in areas of the country where the Salvadoran Armed Forces lack the resources to maintain a permanent security presence. The FMLN-FDR remains actively engaged in terrorism against both human and economic targets and committed to the overthrow of the constitutionally elected Government. The guerrillas' low level of popular support, however, coupled with declining morale, desertions, and lack of volunteers, have induced the guerrillas to resort to forced recruitment to augment their ranks. In addition the guerrillas have used terrorist tactics and destruction of civilian targets and infrastructure evidently in an attempt to coerce villagers into lending support to the FMLN-FDR or, at a minimum, intimidating the people into not reporting a guerrilla presence to government authorities.

Human rights conditions in El Salvador are strongly affected by the ongoing civil strife. The achievement of a stable public order sufficient to protect individual rights has been

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EL SALVADOR

hatreds, acts of revenge, fear, and a prevailing uncertainty characterized by violence. This situation contributes to, and is complicated by, the ineffective operation of the judicial system, caused in part by corruption and intimidation. The Government has been working to unclog the court system, however, and has been at least partly successful in its effort to eliminate the backlog of state of emergency cases.

The Armed Forces continue to be accused of human rights abuses, but the focus of these allegations has shifted primarily to the killing of non-combatants by gunfire or aerial bombardment. Most of these accusations, however, originate with the guerrillas themselves or from sources close to and sympathetic to the guerrillas and are in most cases either exaggerated or simply baseless. The great majority of civilian battle deaths appear to take place almost exclusively in connection with operations against legitimate military targets where "masas" (the guerrilla term for their unarmed logistical support personnel) are present. Some allegations of gratuitous violence against civilians continue to occur, however. The Duarte Administration and the military High Command have both served notice that they expect all reasonable precautions to be taken to avoid the death or injury of innocent civilians. President Duarte has issued clear guidelines concerning the use of aerial bombardment in order to codify and strengthen existing rules of engagement.

The brutal phenomenon known as "death squad" assassination activity has not been completely extirpated but has declined dramatically, along with the overall level of civil violence. The best indicative data show civilian deaths to have declined from a level of 444 per month in 1981 and 298 per month in 1982, to 139 per month in 1983 and 46 per month for the second half of 1984, since Duarte took office. The far right extremist Maximiliano Hernandez Martinez Brigade has been silent and inactive in the past year; the Secret Anti-Communist Army (ESA) has issued occasional threatening bulletins, but has claimed authorship of only one killing and one bombing (no injuries) in all of 1984. Indicators and statistics from all sources reflect the dramatic drop in killings attributed to "death squad" activity, except those attributed to the far left Clara Elizabeth Ramirez Brigade.

Human rights abuses remain a central issue in El Salvador. However, there has been substantial progress in the past year. The security forces now provide human rights instruction to their trainees and a chaplain corps is being established for soldiers in the field. Despite occasional violations, the arrest and detention rules issued in December 1983 by the Minister of Defense are now by and large being followed. Accountability for and treatment of arrestees is greatly improved; credible allegations of torture are much diminished.

A prime contributing factor in human rights abuses is a generally inadequate judicial system. Lack of confidence in the availability of justice due to inefficiency, corruption and intimidation is a serious problem, prompting some in the populace to take the law into their own hands. The Duarte Administration is attempting to remedy this problem by strengthening the administration of justice and is implementing several initiatives begun under the previous Government. These include a revisory commission to review the

justice system, a special investigative unit for political crimes and especially significant or notorious criminal cases, a forensic laboratory, and a judicial protection unit to shield participants in the judicial process from intimidation or injury. The judicial protection unit completed its first mission when it provided protection in May at the trial of the accused murderers of four American churchwomen.

The economic system underwent a dramatic reform in 1980 when the junta decreed land reform, nationalized the banks, and made cotton, sugar and coffee exports a government monopoly. For a variety of reasons, including the armed conflict, low world prices for El Salvador's export products, high fuel costs and the virtual collapse of the Central American Common Market, El Salvador's gross domestic product (GDP) has suffered a 25 percent decline over the past five years. This decline bottomed out in 1983, and a small increase in GDP is projected for 1984, but not in per capita terms. Foreign investment has yet to resume, domestic private sector confidence has not yet recovered to the point where major new investments are under way, and the economy remains dependent on external assistance.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Many violent deaths in El Salvador go unexplained; it is often impossible to distinguish those that are politically motivated (from either political extreme) from those which are disguised as such in order to evade criminal detection. Nonetheless, a substantial number of unexplained deaths, against the background of prolonged and bitter conflict, can be presumed to be politically related. While absolute numbers for such deaths cannot be determined, it is safe to conclude that those numbers rise or fall correspondingly with the level of overall figures for violent deaths. Death figures compiled from all press reports as violence level indicators since 1980 suggest political killings are now substantially lower than in the past. The trend is clear: late 1980 - over 800 per month; 1981 - 444 per month; 1982 - 298 per month; 1983 - 139 per month; January-June 1984 - 80 per month; and July-November 1984 - 46 per month.

The Duarte Government took steps to tighten discipline and control in order to deal with abuse of authority within the military and other security forces. Officers suspected of death squad type activity were removed from their commands. A key new position, Vice Minister of Defense for Public Security, was created to supervise and coordinate the operations of the security forces; Col. Rodolfo Revelo and Col. Rinaldo Golcher were appointed to head the National and Treasury Police, respectively, and those organizations show improvement in their respect for civil and human rights. The new director of the Treasury Police has disbanded its 110 member intelligence unit, long considered the source of many abuses. It is not possible to state confidently how much residual violence is attributable to individuals who are collaterally officials of the Government or its security

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In 1984 there was a sharp decline in terrorist actions for which death squads have claimed responsibility or which can be attributed to them. The Secret Anti-Communist Army apparently was far less active in 1984 than in late 1983, having claimed responsibility for only one murder. However, it did issue several threatening communiques and took responsibility for several victimless bombings. Another identifiable death squad, the "Maximiliano Hernandez Martinez Brigade," was apparently inactive during most of 1984, and a newly formed self-described death squad, "Special Command of the Domingo Monterrosa Barrios Brigade," issued communiques in December threatening to expose and execute leftists in the Government and to demand an explanation for the death of Lt.Col. Monterrosa.

Charges continue to be leveled at the Salvadoran Armed Forces for indiscriminate bombing attacks and gratuitous violence against innocent civilians. President Duarte has investigated some of the more sensational charges of massacres and has stated that he found them to be baseless. He has made it clear, however, that he will not tolerate the wanton use of violence against noncombatant civilians.

In contrast to the situation in the past, there is no credible evidence to suggest that violence against civilians is now even tacit Government policy, nor that its scale in any way approaches the claims of FMLN propaganda or the reports of some human rights groups. As far as can be determined, the majority of alleged civilian deaths stemming from military operations were actually guerrilla combatants. Most of the remainder were among the so-called "masas," the guerrilla term for their supporters who comprise the FMLN logistical support apparatus. These people, although themselves not usually armed, are often present with or near the guerrillas during combat operations, and in guerrilla installations which represent legitimate military targets and periodically come under Armed Forces attack. Sensitive to charges about misuse of air power, however, President Duarte and the military command have modified and strengthened the rules of aerial engagement to help ensure against its accidental or intentional misuse against civilians.

The FMLN-FDR continues to commit significant human rights violations. Some specific examples cited here and in the following section indicate the range of their terrorist activity, which includes kidnappings, killings, forced recruitments, and intimidation of the populace. In January an American citizen was shot and killed when the vehicle in which she was riding with her husband and two small children failed to stop at a guerrilla roadblock. FMLN mining of the runway of a civilian airport in March caused three deaths. According to witnesses, in February guerrilla forces massacred 29 captured soldiers in western El Salvador. An unarmed military judge was killed by would-be kidnappers when he resisted abduction. Two local Red Cross workers who were traveling in a Red Cross ambulance were killed by guerrillas. The Armed Forces of National Liberation (FAL) seized a San Salvador bank in August, killing a civilian guard. In 1984 leftist terrorists killed three retired army officers and three Legislative Assembly deputies; they attempted the murder of a fourth deputy, wounding him badly. According to press

In November and December anti-government terrorism increased dramatically. The left wing death squad "Clara Elizabeth Ramirez Front" claimed responsibility for the assassination of two U.S. Embassy guards, a Ministry of Justice guard and a civilian official of the National Electric company. Another guerrilla group, the "Raphael Antonio Arce Zablah Brigade" shot and killed two policemen on the street.

b. Disappearance

The number of press-reported civilian disappearances averaged 13 per month through November 1984, for a total of 137. This is well below the levels of 39 per month in 1983, 38 per month in 1982, and 160 per month in 1981. By comparison, Tutela Legal (the legal aid office of the Catholic Archdiocese) reported 107 civilian disappearances January - August 1984. Disappearances occur under a variety of circumstances. Newspaper and eyewitness accounts often describe "armed men in civilian dress" as perpetrators of seizures. Some persons reported to have disappeared are later found dead, others may be in hiding, and still others subsequently are found to have been apprehended and held in unacknowledged detention by security forces only to reappear in the criminal justice system. Under the arrest and detention procedural guidelines in force since December 1983, this latter problem has been reduced. This order requires security force members to be in uniform in all but a few cases and identify themselves while making arrests, and to notify the Armed Forces Chiefs of Staff, the International Committee of the Red Cross (ICRC), the Government's Human Rights Commission and the detainees' relatives within 24 hours of the arrest. The order permits incarceration only in official prisons and prohibits the use of torture.

Guerrilla units stage kidnappings for ransom or prisoner exchanges. Because the families of kidnap victims generally try to avoid publicity in order to negotiate their release, these kidnappings receive little media coverage. The guerrillas launched a systematic forced recruitment campaign in the spring, in which some 1500 young people of both sexes were abducted. The Church has taken public note of the events. In his homily on December 23, Auxiliary Bishop Rosa Chavez lamented the abduction for ransom by the guerrillas of civilians in the eastern part of the country.

Although most disappearances are routinely attributed by human rights monitoring organizations to the police forces, in the majority of cases it is not possible to substantiate an assertion of involvement by security or military forces in the disappearance. Similarly, it is impossible to tell how many disappearances are actually desertions of family, criminal acts, emigration (typically to the U.S. or neighboring countries), or enlistments into guerrilla ranks. Government policy, to which the chiefs of the security services are publicly committed, condemns violation of human rights via the disappearance of suspected subversives. President Duarte, who has long demanded that the security services act with complete legality, has said that he believes the disappearance problem to be vastly overstated.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Although it is difficult to gather hard evidence in torture

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El Salvador: Human Rights
Special Project (1993)

continue to be reported, but they are fewer in number than in previous years. The Catholic Church's human rights office, Tutela Legal, asserts that while the number of cases of torture has significantly declined, the methods are more refined with use of electric shock, psychological torture and other techniques that do not leave marks. There have been repeated accusations of rape by captors.

Interviews with detainees and prisoners produce credible claims of torture or harsh treatment, especially during the initial stages of detention to extract confessions. For example, a university student who was abducted in August later turned up at National Police Headquarters showing clear signs of having been tortured. The policy of notification of families and the Human Rights Commission within 24 hours of arrest should, if adhered to, reduce opportunities for torture to occur. The new directors of the National and Treasury Police and National Guard have launched active campaigns to educate their police agents about the Government's policy against torture and cruel and degrading treatment.

According to the Ministry of Defense, 1168 guerrilla combatants and supporters voluntarily turned themselves in to the Government during 1984. An additional 1853 guerrillas and supporters were captured. After an initial debriefing by the intelligence section of the capturing unit, these guerrillas and supporters are transferred to one of the public security forces within 72 hours of capture by the Army. Once they have arrived at the designated security force headquarters, they are treated in accordance with standard arrest procedures including the notification of a family member, the governmental Human Rights Commission, and the ICRC. The prisoners are usually held in small groups for a 15-day incarceration in the security force headquarters. At the end of this period, the prisoner is assigned to an instructional judge under the provisions of Decree 50 as a person accused of armed subversion of the state.

The guerrillas have established a poor record for treatment of captured members of the Armed Forces. While ordinary soldiers are most often released within a few days of capture, officers and cadets are not, but are held prisoner for prolonged periods in order to be used by the guerrillas for later exchanges. Frequently, prisoners released by the guerrillas have exhibited signs of severe beatings, deprivation of food and similar treatment.

d. Arbitrary Arrest, Detention, or Exile

Arrests in El Salvador can be made by the security forces without a warrant. The disposition of arrested persons is determined by an instructional magistrate who, like trial magistrates at various levels of the judicial process, may decide on the release or continued detention of a suspect for additional investigation before charges are brought or trial begins. This principle applies to "political" and common crimes alike. In practice, it is impossible to say how many arrests are not based on reasonable probable cause, as even dismissal of charges at the instructional level often reflects either ineffective investigation or is a matter of convenience in an overburdened judicial system.

The Constitution provides for the suspension of constitutional guarantees in times of emergency. Special legislation

provides for separate procedures and judicial handling of such politically motivated crimes as treason, sabotage, rebellion and participation in organized groups dedicated to the overthrow of the Government by use of force. Arrest for political beliefs, as such, is not contemplated in law and apparently does not occur. Some 2000 arrests have been made under state of emergency legislation.

Until February 1984, judicial disposition of these crimes was regulated by Decree 507. This legislation was replaced by Decree 50, which was designed to provide increased protection for persons arrested for state of emergency crimes. The Decree halved the periods of permissible detention before a defendant must be charged and brought to trial. If security forces hold a suspect for more than 15 days following arrest without consigning him to an instructional judge, they are in violation of Decree 50 and may be prosecuted for improper imprisonment. Persons arrested under Decree 50 once consigned to a judge may not be held without charge for more than 15 days unless further investigation is ordered by the investigating judge. Persons arrested have no right to counsel before charges are brought but may retain counsel as soon as charged or remanded to detention pending further investigation. Elevation of a case to trial ordinarily must occur no later than 75 days from the date of arrest by the security forces. Any delay beyond this period must be based upon a judicial decree that orders further investigation along specified lines.

Special Decree 50 courts were established immediately after the Decree came into effect, but caseloads, lack of resources and bad management of the system prevent their working as well as they should. Nevertheless, the entire backlog of Decree 507 cases in the instructional phase, which automatically fell under the procedural terms of Decree 50, has now been eliminated, by either dismissing charges (in the majority of cases) or elevating the cases to the trial stage. At present, 270 persons are charged and awaiting trial. The Decree 50 system does not safeguard against arbitrary arrest, but it does preclude prolonged arbitrary detention in "political" cases and provides a formal framework for due process.

In common criminal cases bail is available until sentencing, provided the offense involved is not punishable by more than three years' imprisonment. After arrest, the police may detain a person for up to 72 hours before bringing the case before an investigating magistrate for dismissal or provisional detention pending criminal investigation. In theory, the investigational phase may not last more than 87 days, after which the trial stage must begin or charges be dismissed. Legal detention may, however, be continued for further investigation if so decided by the trial judge or the appellate court. Again, the theoretical framework provides for protection of due process following arrest. In practice, violations of the system occur. If these violations constitute illegal detention, they provide the basis for prosecution of responsible persons on those charges. Prolonged detention is ordinarily the result of repeated extensions of the instructional phase, although the difficulty in coping with the backlog of cases confronting investigating and trial magistrates also plays a role in lengthy detentions.

The scope of the judicial reform project now under way w

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El Salvador: Human Rights
Specia' Project (1993)

revisory commission in charge of the reform process was formally constituted by a presidential decree issued on August 24, 1984. This commission will undertake a diagnostic examination of the entire legal system, beginning with the area of criminal justice. Its objective is to revise the penal code so that it is consistent with the new Constitution and will thus examine existing legislation governing arrest and detention procedures, and propose its modification. The commission is made up of distinguished members of the bar and professors of law, all of whom have a broad comprehension of both Latin American jurisprudence and other systems of law.

In the past, clandestine jails were known to exist, but in 1984 the security forces claim they have been totally eliminated. Despite such claims, however, there were reports during 1984, of temporary detention at such locations. Most arrests are made by the National Police, which holds prisoners in group cells before they are either released by the investigating magistrate or transferred to a regular prison pending investigation of the accusations against them.

Conditions in the penal centers are generally good. Visitors confirm that these facilities are clean and well-run and provide the basic necessities. There have been no recent complaints of ill-treatment by prisoners once they are confined within these prisons. The National Police allow representatives from the International Committee of the Red Cross (ICRC) unimpeded access to their detention facilities. The 360 male political prisoners at Mariona Prison and the 20 female political prisoners at Ilopango Prison, in fact, enjoy an extraordinary amount of freedom in their own separate section, to organize their own cultural, social and educational programs.

There are no legal provisions for exile nor for the revocation of citizenship.

e. Denial of Fair Public Trial

Trials of common or political criminals in El Salvador are neither denied nor unfairly conducted as matters of government policy. However the obvious inadequacy and inefficiency of the judicial system often prevents speedy and effective justice.

Incarcerated persons normally wait from 6 to 18 months before coming to trial while their cases remain open, theoretically under instructional investigation. In fact, of a prison population that fluctuates between 3,500 and 4,000 inmates, only 10 to 15 percent are actually serving sentences as opposed to awaiting trial. When finally tried, most can expect to have charges dismissed at the trial stage or to be acquitted, very often due simply to the poor investigative capacity of the police and magistrate.

At year's end, there was only one person actually serving a sentence for a state-of-emergency crime, a Costa Rican pilot convicted of running guns for the FMLN-FDR. Some 40 to 50 other persons have been convicted of crimes under Decree 507/50 provisions. These persons are normally accused of multiple offenses, usually sabotage or abetting guerrilla activities as well as membership in a subversive (FMLN-FDR) organization. In practice, the instructional phase normally

convictions have been limited to membership in a subversive organization, punishable by imprisonment for not more than one year. Since time served in pre-trial detention is subtracted from the sentence imposed, the effect thus far has been the dismissal of all defendants.

Over the past ten years, the overall conviction rate has never exceeded 20 percent, and in 1983 it was only 14 percent. A few prisoners wait far longer than normal to come to trial. These are usually sensational or sensitive cases which remain under more or less active investigation in an effort to produce evidence for conviction. A good example is the case of ex-Major Roeder, a notorious kidnapper and extortionist who spent two years in detention awaiting trial. When tried, however, (and to widespread outrage) he was acquitted amid suspicion that he had bribed or intimidated the jury. Another example is the case of the STECEL electric union workers, freed in October 1984 after four years of detention prolonged in part because of problems in obtaining adequate legal representation and in part because of wide public opprobrium surrounding their case and the knowledge that a conviction was unlikely.

An effort to grapple with intimidation through the Judicial Protection Unit (JPU) is under study by the Ministry of Justice. It is intended to provide protection to judges, juries and officers of the courts in those difficult or sensitive cases in which intimidation could be expected to come into play. Although the JPU is not yet officially constituted, the Ministry of Justice has completed the preparation of regulations that will govern its activity and the unit should be activated in the near future. The Judicial Protection Unit had its trial run when it was temporarily activated to provide protection in the trial of the murderers of the U.S. churchwomen, which it did effectively.

One crucial component of the work of the Revisory Commission for Judicial Reform is the study of trial procedures, including rules of evidence. It will examine such elements as the extra-judicial confession. Many members of the Salvadoran bar consider such confessions to be inherently unreliable. They favor either outright elimination of confessions as evidence or at least strict measures to ensure the validity of confessions.

The judiciary is independent in theory and, for the greatest part, in practice. However, Supreme Court Magistrates and the Attorney General are chosen by vote in the Legislative Assembly after their candidacies are presented by the political parties. The nominations thus take on a high political coloration. This has had little practical effect on the administration of justice as a whole, but does come into play at the final appellate level. A greater threat to judicial independence has historically been the role of the military. Although it makes no effort to coerce convictions in either criminal cases (i.e. Roeder) or state of emergency cases (like STECEL), the Armed Forces have yet to embrace the principle that they are equal to other citizens before the law. Magistrates are reluctant to take on the responsibility of bringing charges against military officers or the police forces, the members of which cannot be relied upon to testify or otherwise to cooperate in prosecuting crimes allegedly committed by brother officers.

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El Salvador: Human Rights
Special Project (1993)

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government does not interfere in personal life except in matters it considers related to the armed conflict. Both the Government and guerrillas use networks of informers. Phone numbers for making denunciations to the Armed Forces have been publicized (although little used), and security forces rely on informers and anonymous denunciations about alleged criminal and subversive activities. On the other hand, there is no campaign to coerce the public into acting as informants.

Members of the security forces use forced entry to carry out arrests and investigations. The official Human Rights Commission no longer maintains statistics on forced entry; other groups have never done so. The constitutional provision protecting the inviolability of correspondence is suspended under the state of siege. Postal officials have the authority to inspect correspondence and do so on occasion.

These provisions may be revised by the legislature (a representative and independent body) when it wishes. Thus far, they have been routinely extended, usually by unanimous vote, on a monthly basis.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

State of siege decrees suspend the constitutional rights of freedom of speech and press but in day-to-day life are seldom invoked. Self-censorship out of fear of violent reprisal, both in the media as well as by individuals, is the leading constraint on free expression in El Salvador. Salvadoran newspapers publish communiques by the extreme left and right out of fear of reprisal.

The two leading newspapers in the capital are conservative, and criticism of the Government from a rightist perspective is vigorous and frequent. The papers frequently run international wire service accounts of controversial local events rather than rely on their own reporters, thus putting some distance between themselves and any criticism which might be generated.

Radio stations are much more vigorous in their pursuit of news, running a wider variety of stories than the newspapers. Radio not only has the best quality news, but also the broadest reach in Salvadoran society. Television devotes little time to news, but its independence and quality fall somewhere between the newspapers and radio stations.

The Government has recently begun to try again to enforce a 5-year-old decree forbidding the publication of anonymous communiques and statements. This was provoked by an announcement by the extremist organization which calls itself the Secret Anti-Communist Army "declaring war" on the La Palma dialogue process. Additionally, the Government has withheld advertisements by government agencies from one ultra-conservative paper because of its extremely anti-government editorial positions.

The publications of the Jesuit-run Central American University continue to criticize the Government from a leftist

perspective. Their bi-weekly newspaper and bi-monthly journal, as well as other occasional publications, have made no secret of their philosophical support for the political leaders of the insurrection. In general their criticism shies only at supporting the violent overthrow of the Government. The press (including the conservative press) routinely accepts paid ads from leftist organizations expressing anti-government views.

Academic freedom is guaranteed by the constitution, and is, in principle, quite broadly interpreted. For example, as is the case in many Latin American countries, university authorities routinely assert that local police have no jurisdiction on campus. After having been closed for four years following violent clashes between "students" and the army, the main campus of the University of El Salvador was recently reopened. The rector has said in interviews that he considers political activism to be the duty of every student and that students are free not merely to study at the university, but must also make a political commitment. Arrests or penalties do not appear to be exacted on the basis of violations of limits on freedom of speech and press.

b. Freedom of Peaceful Assembly and Association

The constitutional right to free assembly and association is suspended under the state of emergency. The Government has reinstated the right of assembly for political parties and peaceful organizations, including church and labor groups, but not for the formal membership organizations of the revolutionary left.

Although now inactive, two FMLN-FDR member organizations are still recognized as legal parties, the MNR (National Revolutionary Movement) and the UDN (National Democratic Union, an explicit communist party front). Pro-left sentiments are also aired through the freedom of expression and assembly accorded to groups that refrain from explicit identification with the armed left. These include the "human rights" organization Committee of Mothers of the Disappeared and the left-dominated Unitarian Labor Movement of El Salvador (MUSYGES).

Salvadoran unions are free and independent from government control. There is no government-sponsored labor federation. The Popular Democratic Unity (UPD), a loose association of peasant organizations and labor unions, joined the Christian Democratic Party (PDC) in an electoral agreement during the 1984 presidential elections. This agreement, known in El Salvador as the "Social Pact," included a promise by the PDC to name UPD peasant leaders to top positions in all of the land reform institutions. Thus far, however, the UPD's presence in the Duarte government does not seem to have compromised the independence of the UPD member organizations. Rather, it has allowed those most affected by the agrarian reform to exercise direct control over agrarian reform institutions.

The Salvadoran labor code is being amended to reflect changes pertaining to labor in the 1983 Constitution and will recognize the right of peasants to organize in labor unions. Although the new Constitution continues to bar public

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El Salvador: Human Rights
Specific Project (1993)

represented by professional associations whose function is similar to that of unions. Wage increase demands by many public employees gave rise in early 1984 to a series of public employee strikes. Public employee strikes are illegal in El Salvador, but the Government adopted a largely conciliatory approach and ultimately enacted a 10 percent wage increase for all government employees.

El Salvador's labor organizations maintain close relations with most of the important international labor movements. FESINCONSTRANS, El Salvador's largest urban labor federation, is an affiliate of the Interamerican Regional Labor Organization (ORIT), the International Confederation of Free Trade Unions' (ICFTU) regional organization. Many of the member organizations in the leftist-led MUSYGES have loose links with the Communist-dominated World Federation of Trade Unions (WFTU) and have sent representatives to WFTU meetings in Prague, Havana and Mexico City in recent years. The four largest leftist-led unions of MUSYGES confederation all enjoy official legal recognition by the Government of El Salvador.

Nine members of the leftist-led Revolutionary Labor Federation (FSR, a member of MUSYGES) were arrested by the National Police in January 1984 for conspiring against the Government. Although the Government displayed evidence against them, most of the FSR detainees were eventually released from prison later that year. Two other leftist labor leaders were detained briefly under suspicion of subversive activities and then released.

There are several complaints against the Government of El Salvador pending before the International Labor Organization's Committee on Freedom of Association. Most concern the arrest of various trade union leaders (for example, the nine FSR members) and the search of trade union premises. All predate the Duarte Government.

Freedom of peaceful assembly is protected in article 560 of the Civil Code as long as the group requesting permission to hold a march or demonstration can demonstrate that it has a legitimate "particular interest" to represent. The Ministry of the Interior issues permits for these marches almost as a matter of course, although it has the legal prerogative to turn down any such request. Democratic unions, leftist labor groups, and anti-government demonstrators have demonstrated freely with National Police protection.

c. Freedom of Religion

Freedom of religion is constitutionally guaranteed in El Salvador and respected in practice. Although historically Roman Catholic, El Salvador has become increasingly multi-denominational, chiefly through the efforts of foreign missionaries now supported by numerous Salvadoran clerics. Although these missionaries generally operate freely and without harassment, some have become victims of violence. In one recent case a Lutheran minister was brutally murdered in eastern El Salvador. The alleged murderers have been arrested and are currently being held for trial.

The Catholic Church continues to be one of the most influential and respected institutions in the country. It [illegible] practicing

notably on the need for peace and on human rights matters, from the pulpit and in its church publications.

Over the past year, relations between the Church and the Government, including the military and security forces have become less strained. Although the Church continues to decry human rights violations, it has on numerous occasions recognized the major improvements in the overall human rights situation. The Church's prestige was underscored when it was asked to coordinate and preside at the La Palma meeting between the Government and leaders of the FMLN-FDR. Despite the courageous role of the Catholic Church in moderating the dialogue between the Government and the guerrilla forces, the left and elements of the far right have attacked the Church and the Auxiliary Bishop personally for alleged bias.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration/ and Repatriation

Although the state of siege decree formally suspends the constitutional right to free movement, this suspension is not invoked in practice. The continuing armed conflict has displaced an estimated 450,000 persons within El Salvador, primarily in the northern and eastern departments. Another 10,000 displaced Salvadorans live in camps outside El Salvador, primarily in Honduras. Thousands more are thought to be living in Mexico and elsewhere in Central America. Governments (including the Salvadoran), international organizations and private voluntary organizations assist the displaced. The Government has imposed no control on emigration and has assisted amnesty beneficiaries and detainees who wish to settle elsewhere after release. It assists the displaced persons and other individuals wishing to return to El Salvador to reintegrate into society.

Increased forced recruitment by the guerrillas in the northeastern part of the country has caused increased internal displacement and an exodus of Salvadorans who flee into Honduras and then attempt to re-enter El Salvador into government controlled areas.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

1984 saw El Salvador move further in its transition to an open, more participatory democratic system. It enjoys a directly elected legislature and directly elected presidency which may not constitutionally succeed itself. For the first time, a president was elected without the interference of the armed forces, who adopted political neutrality, sought to safeguard the process and renounced their right to vote in the election. The military has explicitly recognized the President's constitutional position as Commander in Chief of the Armed Forces.

Six parties have been represented in the legislature since the 1982 elections. They will run again in March 1985, when mayors will also for the first time be directly elected. Several small political parties are not represented in the legislature but have legal status and freely organize and publish. Right to membership in any legally recognized party is unrestricted.

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El Salvador: Human Rights
Project (1993)

Two opposition parties of the left, the MNR (National Revolutionary Movement) and the communist UDN (National Democratic Union), are legally recognized but have chosen not to participate in the system. Both are member parties of the FMLN-FDR. The Constitution now permits the legalization of all political parties that do not advocate armed opposition, provided they meet the required minimum membership standards. The Government and the majority of the constitutional opposition have expressed support for the integration of the currently armed leftist groups into the system as disarmed, legal political parties.

Eight parties contested the first round of the Presidential elections held on March 25, 1984, following a prolonged and active period of campaigning. Despite administrative problems and guerrilla interference some 1.4 million votes were cast, representing more than 75 percent of the electorate. As no party obtained an absolute majority of the votes, a second round between the two most successful parties, the Christian Democrats (PDC) led by Jose Napoleon Duarte and the National Republican Alliance (ARENA) of Roberto D'Aubuisson, occurred on May 6, when over 1.5 million Salvadorans turned out to vote in the second round despite guerrilla threats and calls for a boycott. Procedurally, the election went more smoothly than the first round; Jose Napoleon Duarte, emerged as the victor with 54 percent of the popular vote.

The Salvadoran Government invited more than sixty nations and international organizations to observe the March 25 elections and verify their honesty, and approximately thirty nations' representatives returned to El Salvador to observe the second round. Most observers noted administrative problems in the March 25th round but all endorsed the fairness of the elections.

In both election rounds, guerrillas sought to disrupt the vote. Before the first round, they assassinated several political leaders, made threats and propagandized against the election. On March 25 guerrillas successfully blocked delivery of electoral materials to some voting locations, stole thousands of identity documents to prevent citizens from voting and caused a major power failure on election eve. In some cases, electoral materials had to be delivered in the dark, resulting in missing registry pages and other problems. This guerrilla effort to disrupt the voting process had little effect on the turnout.

During the second round, the guerrillas set off bombs in San Salvador, again stole identity documents and launched an attack on San Miguel, the country's third largest city. The Salvadoran Army thwarted the attack and voting proceeded normally in most of the country. In the second round, 46 small municipalities were unable to vote because of guerrilla activity.

There were some charges of political favoritism being shown by local military commanders. However, most proved false and the military in fact, with only negligible exceptions, lived up to its promise of non-interference and neutrality. Extensive offensive operations to prevent a major guerrilla disruption were conducted during both rounds. The strategy proved effective, although it exacted a toll of over 100 deaths of military personnel.

EL SALVADOR

Participation in the political system is not restricted on the basis of class, religion, ethnic background or sex. The members of the legislature and the memberships of the parties represent a heterogenous mixture of Salvadoran society. The President of the National Assembly is a woman and a member of a small opposition party in the Government.

The Government faces clearcut political opposition from the parties which lost in the presidential election, but which constitute a potential majority within the legislature. No coalition has emerged to dominate the political process from either side; many key votes now see ad hoc majorities develop for or against the Government.

Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

The Duarte Government has been very forthcoming with visiting human rights missions, consistently providing information, making its officials available for discussion, and permitting the inspection of detention centers.

Human rights delegations who visited in 1984 include the Lawyer's Committee on Human Rights, Faculty Committee on Human Rights in El Salvador and Central America, Lutheran Church delegations, the United Nations Special Rapporteur on Human Rights, Americas Watch, Medical Aid for El Salvador, and the Unitarian Universalist Service Committee. Numerous U.S. Congressional and staff delegations have also looked closely into human rights matters.

Prisoners are interviewed on a systematic basis by representatives of the International Committee of the Red Cross (ICRC) and the Government's Human Rights Commission. Both organizations are notified of arrests of political detainees. The United Nations Human Rights Commission's Special Rapporteur for El Salvador visited that country in September on a fact-finding tour in preparation for his annual report. As in previous years, he had access to high-level Salvadoran officials, including President Duarte and ranking members of the military and security forces. He had free exchanges with local human rights groups, visited Mariona and Ilopango prisons and was permitted to interview detainees. In his report to the UN, he noted the improvements in the general human rights situation over last year, praised the Duarte Government for its increased control over death squad activity and the improved criminal justice system, but expressed concern about civilian casualties from aerial bombardment by Salvadoran forces.

Various other groups have also visited, been granted interviews with Government officials and allowed entry into the prisons.

Amnesty International issued a report in May 1984 on extrajudicial executions in El Salvador based on evidence developed during a visit to El Salvador by that organization in July 1983. The report found that the historical incidence of such executions was massive and that Salvadoran procedures

RELEASED
El Salvador: Human Rights
Specia' Project (1993)

EL SALVADOR

Sources of information on political violence include newspapers, the armed forces, court records, human rights organizations, leftist organizations, and personal testimonies. Each of these is subject to limitations and/or biases. Government information on guerrilla casualties is subject to exaggeration. Court records list victims of violence identified by justices of the peace throughout the country. Most reports yield little information on the nature of political violence but, nevertheless, are useful in determining trends.

The official Human Rights Commission, composed of leaders of the Church, labor, private sector and the National Police, was established by the Magana Government to represent individual citizens' interests before the security forces and justice system. The Commission's relations with the Duarte Government and the military security services are good. During the first six months of 1984, the Commission dealt with 1,535 cases, including complaints and inquiries about disappearances, reasons for arrests, and interviews with detainees. The Commission found that 594 persons alleged to be 'missing' were actually under arrest in the instructional or trial phase of their cases; 142 persons thought to be under arrest had already been freed; 52 cases were provided urgent financial assistance while under detention; 24 persons alleged to be "missing" were actually cases of FMLN abductions; in two cases persons who were reported as missing were found dead.

Other organizations which report on violence, besides the government Human Rights Commission, include the Legal Aid Office of the Archdiocese (Tutela Legal), Christian Legal Aid (Socorro Juridico Cristiano), and the unofficial El Salvador Human Rights Commission (CDHES). In addition, the Center of Investigation and Documentation of the Jesuit-run University of Central America is a human rights information clearing house. These groups rely primarily on newspaper reporting, supplemented by other sources such as announcements by guerrilla groups and personal testimony.

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

El Salvador currently has a per capita gross domestic product (GDP) of approximately $648. In 1983, agriculture accounted for about 21.3 percent and industry 15 percent of GDP. Before 1960, El Salvador's economy was almost completely dependent on a few subsistence crops and coffee. The creation of the Central American Common Market (CACM) in that year stimulated exports of manufactured goods to other Central American countries, and real GDP growth during the 1960's and 1970's exceeded 5 percent per annum.

Nevertheless, many years of neglect of the country's rapidly growing poor population, profound social inequities, and an inability of the country's public and private institutions to address structural disparities produced increasing political violence and terrorism during the 1970's. Despite a military coup in 1979, which brought to power a Government that implemented a series of sweeping economic reforms, political violence increased. The violence, in turn, contributed to further declines in living conditions for the majority of Salvadorans. Thousands were driven from their homes and those who remained suffered from a decrease in public services due to the violence and the Government's financial shortfalls.

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El Salvador: Human Rights
Special Project (1990)

Exacerbating economic problems brought on by internal violence were external factors such as the world recession, declining prices for the country's main exports, and sharply reduced demand from El Salvador's trading partners in the CACM. The combined results produced an economic crisis. Between 1979 and 1983, the country experienced a 25 percent reduction in real GDP, a 33 percent decline in exports, a substantial increase in unemployment, large-scale capital flight and a 75 percent reduction in private investment. Only in 1983 was this decline halted. A 2.8 percent annual rate of population growth combined with the highest population density in the western hemisphere (589 people per square mile in 1983) also limits economic opportunity for a large part of the population. The adult literacy rate is about 62 percent, and the primary school enrollment in 1981 was about 83 percent. In 1984, there are 69 infant deaths per 1,000 live births. Life expectancy is 64.5 years. The per capita calorie intake is about 89 percent of nutritional requirements. Limited access to education, health services, improved shelter, and a highly skewed distribution of income and wealth affect dramatically the nature of El Salvador's development.

A dramatic shift in the ownership of over 25 percent of El Salvador's agricultural land brought about under the Agrarian Reform Program has affected El Salvador's social structure. In March 1980, El Salvador instituted sweeping social and economic reforms designed in part to transfer ownership of farmlands from the small number of large landholders to those who worked the land. Under Phase I of the Land Reform Program, all farms of more than 500 hectares (1,235 acres) were converted into worker cooperatives to be managed jointly by their members and the Government Land Reform Institute until the cooperatives are able to manage themselves. The number of beneficiaries under Phase I is 31,359 families. The 1983 Constitution clarified Phase II by establishing a ceiling of 245 hectares (605 acres) that an individual may own, and by giving affected owners three years to sell property in excess of that limit to peasants, small farmers or peasant organizations. The state can expropriate, without prior compensation, any excess land not disposed of during the three-year period. Under Phase III of the Land Reform Process, farms previously rented or sharecropped could be claimed in parcels of up to seven hectares (17.3 acres) by the former renters or sharecroppers. By June 30, 1984, when the opportunity for presentation of claims ended 63,640 persons had filed 79,110 petitions for land under Phase III. Including family members, under Phase III more than 300,000 Salvadorans are now moving towards ownership of the land they work. Landowners affected by Phase III have resisted strongly, often with violence and forced eviction of beneficiaries. Many who have lost land are not wealthy, and there is some evidence that most violence and illegal evictions come from the owners of the smallest, not largest, farms. Many landowners have filed legal protests with the Government, thus contesting the claims and keeping the applicants from the land until the case is resolved. Peasant organizations have complained that the adjudication process takes too long and is too often decided in favor of the landlord.

Although the Government has traditionally supported, and continues to support, private property rights, compensation of former owners has been partial and paid very slowly, mainly because of lack of funds. To date, 256 Phase I properties out of 470 have been compensated.

Under the Constitution women enjoy the same legal rights as men. Women are represented in government in both elected and appointed positions. The President of the Legislative Assembly is a woman, seven women have been elected to the 60-member Assembly as deputies, and two women serve on the city council for San Salvador. Women hold positions of Vice Ministers of Foreign Trade, Public Works, Education, and Justice. Until recently, a woman was president of a major state bank and is currently serving in an equally important financial position. Women serve on the boards of directors of several banks. The majority of elementary teachers, nurses, and secretaries are women, as well as about fifty percent of the teachers on the high school level and between 30 to 40 percent of the university professors, and several deans.

Women also play a role in private industry, especially as owners of small concerns. There are women serving at higher levels, and several major companies are owned and operated by women. Women are well represented in the professions. About 30 percent of the physicians, 50 percent of the dentists and more than 30 percent of the attorneys are women. Women are members of the armed forces as nurses, in administrative areas and in intelligence. Some women have been trained for combat, but no decision has been reached as to whether they will be used in that role. The National Police is training women as detectives and has a corps of policewomen.

A high proportion of women in the lower economic strata are heads of single family households, often fending for large families. Seventy percent of the children in El Salvador are born out of wedlock and most are not legally recognized by their fathers even when occupying the same domicile.

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Special Project (1993)

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: EL SALVADOR

	1982	1983	1984
I.ECON. ASSIST.-TOTAL...	182.2	245.6	215.9
LOANS.....	63.8	86.6	81.2
GRANTS.....	118.4	159.0	134.7
A.AID	154.8	198.8	161.4
LOANS.....	43.9	47.6	32.2
GRANTS.....	110.7	151.2	129.2
(SEC.SUPP.ASSIST.)...	115.0	140.0	120.2
B.FOOD FOR PEACE.....	27.6	46.6	54.5
LOANS.....	19.9	39.0	49.0
GRANTS.....	7.7	7.8	5.8
TITLE I-TOTAL.....(	19.9	39.0	49.0
REPAY. IN $-LOANS.....	19.9	39.0	49.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	7.7	7.8	5.5
E.RELIEF,EC.DEV & WFP,	5.5	6.2	3.7
VOL.RELIEF AGENCY.....	2.2	1.6	1.8
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	82.0	81.3	196.6
LOANS.....	16.5	46.5	18.5
GRANTS.....	65.5	34.8	178.1
A.MAP GRANTS.....	63.5	33.5	176.6
B.CREDIT FINANCING....	16.5	46.5	18.5
C.INTL MIL.ED.TRNG....	2.0	1.3	1.3
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	264.2	326.9	412.5
LOANS.....	80.3	133.1	99.7
GRANTS.....	183.9	193.8	312.8
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1982	1983	1984	1946-84
TOTAL.....	112.8	53.3	114.3	877.4
IBRD	0.0	0.0	0.0	215.1
IFC	0.0	0.0	0.0	1.0
IDA	0.0	0.0	0.0	25.8
IDB	112.4	52.9	114.0	607.7
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	0.0
UNDP	0.4	0.4	0.0	21.7
OTHER-UN	0.0	0.0	0.3	6.3
EEC	0.0	0.0	0.0	0.0

GRENADA

Until December 1984, Grenada was governed by an Interim Advisory Council appointed by Governor General Sir Paul Scoon on November 15, 1983, to fill the vacuum created by events following the bloody internal coup of October 1983. The Advisory Council served as an interim government until national elections were held on December 3, 1984. In those elections, which were free and open and saw a voter turnout estimated at 85 percent, the New National Party of Grenada, led by now Prime Minister Herbert Blaize won 14 of 15 parliamentary seats.

After obtaining independence from the United Kingdom in 1974, Grenada was governed under a Westminster-type parliamentary system. The first prime minister was Sir Eric Gairy. Gairy was accused by his opponents of personal corruption, of rigging the 1976 elections, and of using violence to intimidate his opposition. On March 13, 1979 the New Jewel Movement ousted Sir Eric in a nearly bloodless coup and established the People's Revolutionary Government headed by Prime Minister Maurice Bishop. The People's Revolutionary Government (PRG) under Bishop promised to reestablish an elected parliamentary system and to uphold human rights, but did not fulfill those commitments. A single party government, the Bishop-led PRG suspended the 1974 Constitution, arbitrarily imprisoned political opponents, and curtailed press and other freedoms.

Long-standing divisions within the PRG's ruling elite broke into the open in September 1983 and on October 19 led to the murder of Bishop and a number of his cabinet members as well as an unknown number of other people. Under the titular leadership of army commander Hudson Austin, a new group calling itself the Revolutionary Military Council abolished the PRG and declared a 24-hour, shoot-on-sight curfew.

In the wake of this chaos and recognizing the breakdown in civil order that was taking place, Governor General Sir Paul Scoon, exercising his authority as head of state, appealed for help to other members of the Organization of Eastern Caribbean states, who in turn called on Barbados, Jamaica and the United States for assistance.

U.S. and Caribbean forces landed on Grenada October 25 and, after a brief period of combat, succeeded in restoring order to the island. The Governor General and the Interim Advisory Council he appointed on November 15 reinstated major portions of the 1974 Constitution, including its protection of fundamental freedoms and basic human rights.

During 1984, security in the country was maintained by a combination of Grenadian police personnel and a Caribbean Peace Force (CPF) composed of military and police contingents from neighboring countries, with United States military support. Training programs to create a Grenadian police force capable of maintaining law and order on its own began in 1984.

At the end of 1984, there were no persons detained without charges. The press was free. The political party spectrum included a moderate center, the remnants of the leftist New Jewel Movement and a party led by former Prime Minister Gairy who had been overthrown in 1979. A wide variety of religions

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TEXT OF TELEGRAM 85SAN SA001391

ADP526 [redacted]

PAGE 01 SAN SA 01391 01 OF 03 021832Z
ACTION ARA-00

INFO OCT-00 COPY-01 ADS-00 INR-10 SS-00 CIAE-00 DODE-00
H-01 NSC-01 NSAE-00 HA-08 L-03 PM-10 PA-01
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RELEASED

R 021827Z FEB 85
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 2341
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HEIGHTS PN
USIA WASHDC 4189
USAFSO HOWARD AFB PN//LAI

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Special Project (1993)

[redacted] SECTION 01 OF 03 SAN SALVADOR 01391

USIA FOR AR/CENTAM

E.O. 12356: DECL:OADR
TAGS: PTER, PINS, ES, SHUM
SUBJECT: MIPTES ACTIVITY: ONE FACET OF LEGAL LEFTIST
- PROVOCATION OF GOES

REF: A. SAN SALVADOR 00069 B. 84 SAN SALVADOR 14750
-
1. (U) SUMMARY: MIPTES, THE "INDEPENDENT MOVEMENT OF PROFESSIONALS AND TECHNICIANS OF EL SALVADOR", A MEMBER ORGANIZATION OF THE FDR,HAS PROGRESSIVELY RESUMED OPEN LOCAL ACTIVITY. TO DATE, THIS HAS BEEN LIMITED TO A SERIES OF PAID ADVERTISEMENTS IN THE SALVADORAN DAILY EL MUNDO BRAZENLY EXPRESSING THE FDR/FMLN POSITION ON DIALOGUE AND CONDITIONS IN EL SALVADOR. THEIR [redacted]

PAGE 02 SAN SA 01391 01 OF 03 021832Z

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APPARENT OBJECTIVE IS TO REESTABLISH AN IN-COUNTRY POLITICAL BASE FOR THE FDR, BUT THEY HAVE SEEMINGLY BEEN GREETED WITH MASSIVE INDIFFERENCE BY THE PUBLIC. THE REEMERGENCE OF MIPTES IS ANOTHER FACET OF LEGAL AGITATION TO EXPAND POLITICAL ELBOW ROOM FOR THE LEFT AND TEST GOES SUSCEPTIBILITY TO PROVOCATION DESCRIBED IN REFTEL A. END SUMMARY.
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2. [redacted] MIPTES, THE INDEPENDENT MOVEMENT OF PROFESSIONALS

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United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: JOHNSTON, DONALD
Date: 05/25/94
Case ID: 9940034J

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El Salvador: Human Rights
Special Project (1993)

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AND TECHNICIANS OF EL SALVADOR, IS AN FDR MEMBER ORGANIZATION WHICH HAS PUBLICLY REEMERGED AFTER A LONG PERIOD OF DORMANCY. REPORTEDLY HEADED BY FDR VICE PRESIDENT EDUARDO CALLES SALGUERRO, MIPTES MEMBERS ARE TOUTED AS THE "THINKERS" OF THE FDR, AND INCLUDED IN THEIR RANKS ARE A FAIRLY SIZEABLE NUMBER OF PROFESSORS AT THE NATIONAL UNIVERSITY AND THE JESUIT-RUN CENTRAL AMERICAN UNIVERSITY (UCA). OVERSEAS MIPTES MEMBERS ACT AS CLANDESTINE "AMBASSADORS" FOR THE FDR/FMLN POSITION. ACCORDING TO A LEFTIST CONTACT WHO HAS REPORTED RELIABLY IN THE PAST, MIPTES HAS APPROXIMATELY 1,000 MEMBERS, ABOUT HALF OF WHOM ARE IN EL SALVADOR AT THE PRESENT TIME. THIS SAME SOURCE ALLEGED THAT POLOFFS KNEW SOME OF THE MEMBERS OF MIPTES PERSONALLY, BUT DID NOT NAME NAMES. A PAIR OF NAMES APPEARED AT THE BOTTOM OF TWO MIPTES ADVERTISEMENTS PUBLISHED IN THE LOCAL PRESS, JORGE GARCIA GOMEZ AND FRANCISCO ANTONIO CANAS; WE ARE ATTEMPTING TO DEVELOP SOME INFORMATION ON THEM.

3. [redacted] AS PART OF ITS RETURN TO THE SALVADORAN POLITICAL SCENE, MIPTES WAS REPORTED TO HAVE BEEN INVOLVED IN AN APPARENTLY UNSUCCESSFUL EFFORT IN EARLY DECEMBER 1984 TO SET UP A CONGRESS OF POLITICAL PARTIES, HUMAN RIGHTS [redacted]

PAGE 03 SAN SA 01391 01 OF 03 021832Z

GROUPS, AND UNIONS TO ESTABLISH A WATCH DOG COMMITTEE TO DENOUNCE CORRUPTION, HUMAN RIGHTS ABUSES, AND SOCIAL INJUSTICES. ALSO AMONG THE RINGLEADERS OF THIS EFFORT WERE FELLOW FDR COMPONENT GROUPS THE MNR AND THE MPSC (POPULAR SOCIAL CHRISTIAN MOVEMENT). THE LATTER WERE ASSISTING THE MIPTES ORGANIZERS IN THEIR EFFORTS TO ENLIST THE PARTICIPATION OF THE PDC AND AD, ALONG WITH THE USUAL ARRAY OF LEFTIST FRONT GROUPS (THE MOTHERS, CODEFAM, COHES UNOFFICIAL, AND MUSYGES) AS WELL AS DEMOCRATIC LABOR ORGANIZATIONS. THE CONGRESS WAS REPORTEDLY TO BE HEADED BY THREE MEN: RAMON MAYORGA QUIROS, A FORMER RECTOR OF UCA AND A MEMBER OF THE FIRST REVOLUTIONARY JUNTA; ALBERTO ARENE, EXPELLED FROM THE PDC IN MARCH 1980 FOR HIS MARXIST VIEWS AND FOUNDER OF THE MPSC WITH RUBEN ZAMORA; AND ROGELIO RODRIGO MONTERROSA SICILIA.

4. [redacted] WE HEARD THAT MIPTES ENDED THEIR CLANDESTINE STATUS BY OPENING A LEGAL OFFICE IN DOWNTOWN SAN SALVADOR TO HELP THEM ORGANIZE THE CONGRESS DESCRIBED ABOVE. WHEN POLOFFS VISITED THE SITE DESCRIBED TO US, THEY DID FIND A "LEGAL OFFICE" IN THE SENSE THAT THEY FOUND ROGELIO RODRIGO MONTERROSA SICILIA'S LAW OFFICE. IT WAS NOT, HOWEVER, IN THE STRICT SENSE A "MIPTES" OFFICE. IF MIPTES IS TRYING TO ESTABLISH OR RE-ESTABLISH AN IN-COUNTRY POLITICAL BASE FOR THE FDR AND ATTRACT

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MORE INTELLECTUALS AND YOUNG PROFESSIONALS TO THE FDR BANNER, THEY DO NOT SEEM TO HAVE MADE MUCH PROGRESS, NOR DO THEY SEEM VERY CONFIDENT IN THEIR "RIGHT" TO TRY.

5. (U) A MORE SUCCESSFUL PART OF THE MIPTES RETURN TO ACTION HAS BEEN THEIR PUBLIC RELATIONS EFFORT. MIPTES

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El Salvador: Human Rights
Special Project (1993)

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TEXT OF TELEGRAM 85SAN SA001391

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ADP528 [redacted]

PAGE 01 SAN SA 01391 02 OF 03 021833Z
ACTION ARA-00

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OMB-01 SP-02 SNP-01 PRS-01 SLPD-01 SPD-02 /043 W
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R 021827Z FEB 85
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TO SECSTATE WASHDC 2342
INFO AMEMBASSY BOGOTA
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AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HEIGHTS PN
USIA WASHDC 4190
USAFSO HOWARD AFB PN//LAI

[redacted] SECTION 02 OF 03 SAN SALVADOR 01391

USIA FOR AR/CENTAM

E.O. 12356: DECL:OADR
TAGS: PTER, PINS, ES, SHUM
SUBJECT: MIPTES ACTIVITY: ONE FACET OF LEGAL LEFTIST

HAS TAKEN THE LEFT'S POSITION TO THE PUBLIC IN A SERIES OF PROVOCATIVE PAID ADVERTISEMENTS (ALL OF WHICH CLEARLY LABEL MIPTES AS A MEMBER OF THE FDR) PLACED IN THE LOCAL DAILY EL MUNDO SINCE MID-NOVEMBER (REFTEL A). DURING THE NON-GOVERNMENTAL HUMAN RIGHTS COMMISSION (CDHES) HUMAN RIGHTS CONGRESS OF 21-23 NOVEMBER (REFTEL B), MIPTES PUBLISHED FOUR ADVERTISEMENTS SUPPORTING THE CONGRESS, PROTESTING "INDISCRIMINATE BOMBINGS", HUMAN RIGHTS VIOLATIONS, AND FOREIGN INTERFERENCE IN EL SALVADOR. THEY ALSO DEMANDED FREEDOM FOR POLITICAL [redacted]

PAGE 02 SAN SA 01391 02 OF 03 021833Z

PRISONERS AND A CLARIFICATION OF THE SITUATION OF THE "DISAPPEARED", QUOTING THE PROPAGANDA PUT OUT BY THE MOTHERS COMMITTEE AND CDHES (NON-GOVERNMENTAL.)

6. (U) ON 27 NOVEMBER, 1984, MIPTES COMMEMORATED THE ASSASSINATION OF FOUR FDR EXECUTIVE COMMITTEE MEMBERS 27 NOVEMBER 1980 BY PUBLISHING AN ADVERTISEMENT "EXPLAINING" THAT THE FDR/FMLN HAD ALWAYS BEEN SUPPORTIVE OF A NEGOTIATED SOLUTION TO THE CONFLICT, BUT THAT

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Special Project (1993)

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Special Project (1993)

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THE GOES HAD ALWAYS RESPONDED BY ESCALATING THE WAR. THEY CONTINUED THAT IF PRESIDENT DUARTE WANTED TO CONVINCE THEM (MIPTES AND, PRESUMABLY, THE THOUSANDS OF SALVADORANS MIPTES CLAIMS TO REPRESENT) THAT EL SALVADOR HAS INDEED CHANGED, HE SHOULD PROSECUTE THOSE RESPONSIBLE FOR THE ASSASSINATION OF THE FOUR FDR MEMBERS AND ALSO THOSE RESPONSIBLE FOR THE ASSASSINATIONS OF "THOUSANDS OF OTHER SALVADORANS."

7. (U) ON 29 NOVEMBER, THE DAY BEFORE THE SECOND DIALOGUE MEETING TOOK PLACE AT AYAGUALO, MIPTES PUBLISHED A LONG IDEOLOGICAL PIECE OF WHICH THE MAIN THRUST WAS TO QUESTION PRESIDENT DUARTE'S SINCERITY IN HIS CALLS FOR PEACE THROUGH DIALOGUE, AND HIS COMMITMENT TO HELPING THE POOR AND ENDING DEATH SQUADS AND HUMAN RIGHTS VIOLATIONS. THE AD ALLEGED THAT ONLY FDR/FMLN AND POPULAR PRESSURE "FORCED" DUARTE TO BEGIN THE DIALOGUE, AND THAT ONLY THE CONTINUATION OF THAT PRESSURE WILL MAKE FURTHER PROGRESS POSSIBLE. PRESIDENT DUARTE'S COMMITMENT TO BETTERING THE LOT OF THE POOR WAS QUESTIONED THROUGH A LONG EXPOSITION OF HOW HIS POLICIES HAVE ASSISTED PRIVATE ENTERPRISE THROUGH FISCAL AND OTHER INCENTIVES DESIGNED TO GAIN THE SUPPORT OF THE RICH. THE PRESIDENT'S COMMITMENT TO ABOLISHING [redacted]

PAGE 03 SAN SA 01391 02 OF 03 021833Z

THE DEATH SQUADS AND HUMAN RIGHTS VIOLATIONS ALSO CAME UNDER FIRE "GIVEN" THE "CONTINUING" BOMBINGS, MASSACRES AND MURDERS PERPETRATED BY THE GOES FORCES THEMSELVES. MIPTES ALSO ASKED HOW DUARTE COULD PORTRAY HIMSELF AS IN FAVOR OF PEACE WHEN HIS DEFENSE BUDGET WAS EVER INCREASING IN SIZE. (COMMENT: THE AD ECHOED THE UCA LINE THAT 40 OF THE GOES EXPENDITURES WENT TOWARDS THE WAR. ACCORDING TO PRESS REPORTS OF THE PROPOSED 1985 BUDGET, HOWEVER, THE MINISTRY OF DEFENSE RECEIVES 21 OF THE BUDGETARY FUNDS. IF THE ALLOTMENT FOR PUBLIC SECURITY IS ADDED TO THE ABOVE, THE TOTAL PERCENTAGE OF THE "WAR BUDGET" IS APPROXIMATELY 27.7 OF THE TOTAL TENTATIVE GOES BUDGET FOR 1985. END COMMENT.)

8. (U) ON 13 DECEMBER, 1984, MIPTES PUBLISHED TWO MORE ADVERTISEMENTS. ONE WAS A SHORT PIECE SUPPORTING THE HUNGER STRIKE SPONSORED BY COPPES, THE POLITICAL PRISONER ORGANIZATION IN MARIONA AND ILOPANGO PRISONS. ACCORDING TO THE AD, COPPES HAD ORGANIZED 25 PRISONERS FOR THE HUNGER STRIKE WHICH BEGAN 30 NOVEMBER. THEIR DEMANDS WERE RESPECT FOR HUMAN RIGHTS AND FREEDOM FOR THE "400 POLITICAL PRISONERS" IN EL SALVADOR. THE SECOND MIPTES AD OF 13 DECEMBER WAS A REPRINT OF THE ENTIRE FDR/FMLN PROPOSAL OF 30 NOVEMBER AT AYAGUALO.

9. (U) ON 18 DECEMBER, MIPTES PUBLISHED THE DETAILS OF

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TEXT OF TELEGRAM 85SAN SA001391

618

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THEIR POSITION AFTER THE AYAGUALO TALKS. THEIR EXPOSITION HAD FIVE MAIN POINTS: 1) THE GOES PROPOSAL PRESENTED AT LA PALMA WAS TOO SIMPLISTIC. NOT ONLY DID IT NOT DEAL WITH THE ROOTS OF THE CONFLICT, IT DID NOT ACKNOWLEDGE THAT THE CONDITIONS WHICH CAUSED THE WAR STILL CONTINUE. DUARTE'S PROPOSAL MERELY ASKED THE FDR/FMLN TO SURRENDER SO THAT DUARTE COULD PACIFY

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Special Project (1993)

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ADP530 [redacted]

PAGE 01 SAN SA 01391 03 OF 03 021834Z
ACTION ARA-00

INFO OCT-00 COPY-01 ADS-00 INR-10 SS-00 CIAE-00 DODE-00
H-01 NSC-01 NSAE-00 HA-08 L-03 PM-10 PA-01
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R 021827Z FEB 85
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 2343
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HEIGHTS PN
USIA WASHDC 4191
USAFSO HOWARD AFB PN//LAI

[redacted]SECTION 03 OF 03 SAN SALVADOR 01391

USIA FOR AR/CENTAM

E.O. 12356: DECL:OADR
TAGS: PTER, PINS, ES, SHUM
SUBJECT: MIPTES ACTIVITY: ONE FACET OF LEGAL LEFTIST

THE COUNTRY TO HAND IT OVER TO U.S. INTERESTS.
2) THE FDR/FMLN PROPOSAL SPEAKS FOR THE PEOPLE AND ADDRESSES THE "ROOTS OF THE CRISIS:INJUSTICE AND LACK OF DEMOCRACY." THEY REPEATED THAT ONLY FDR/FMLN AND POPULAR PRESSURE HAD BROUGHT ABOUT THE MEETING AT LA PALMA, AND THAT ONLY THE CONTINUATION OF THAT PRESSURE WOULD GUARANTEE PROGRESS. 3) THE FDR/FMLN HAD GIVEN SIGNS OF GOOD FAITH SUCH AS THE AGREEMENT TO ALLOW FREE TRANSIT ON THE ROADS, THE "UNILATERAL" END-OF-YEAR HOLIDAY CEASE-FIRE, AND THE RELEASE OF THE 43 POWS [redacted]

PAGE 02 SAN SA 01391 03 OF 03 021834Z

(FOR A CLAIMED TOTAL OF 2,000 POWS RELEASED IN 1984).
4) DUARTE IS NOT SINCERE IN HIS TALK OF PEACE, HE IS ONLY INTERESTED IN GAINING VOTES FOR HIS PARTY IN THE MARCH ELECTIONS, TO BETTER SERVE U.S. INTERESTS.
5) THEY SUPPORT A NEGOTIATED SOLUTION ON THE BASIS OF THE FDR/FMLN PROPOSAL, AND FEEL THAT IT IS ESSENTIAL THAT POPULAR AND FDR/FMLN PRESSURE CONTINUE IN ORDER TO FORCE PROGRESS ON THE DIALOGUE ISSUE.

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Special Project (1993)

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10. (U) ON 5 JANUARY, 1985, A MIPTES AD CARRIED AN FDR/FMLN COMMUNIQUE ON DIALOGUE. THE COMMUNIQUE CALLED THE MEETING AT AYAGUALO AN ADVANCE, BUT LABELED DUARTE'S REJECTION OF THEIR PROPOSAL "PRECIPITOUS", AND DISMISSED HIS CONTENTION THAT THE PROPOSAL COULD NOT BE RECONCILED WITH THE CONSTITUTION. THE PRESIDENT'S POSITION, THE STATEMENT CONTINUED, "CAST A SHADOW" ON THE POSSIBILITIES FOR PEACE AND "REINFORCED" THE "REACTIONARY SECTORS" OF PRIVATE ENTERPRISE AND THE ARMY. THE COMMUNIQUE LABLED PRESIDENT DUARTE'S REJECTION OF THE CONCEPT OF UNITING THE "TWO ARMIES" AS UNREALISTIC, AND ACCUSED HIM OF TRYING TO IMPOSE HIS PEACE PLAN ON THE "PEOPLE". THE FDR/FMLN ALSO CLAIMED THAT THE OLIGARCHY HAS "UNLEASHED" ITS FORCES AGAINST DIALOGUE, AND CITED D'AUBUISSON'S CONGRATULATIONS TO DUARTE ON HAVING REJECTED THEIR PROPOSAL AS PROOF OF THIS. THE COMMUNIQUE CLOSED BY CLAIMING THAT DUARTE WAS "MAKING A BIG MISTAKE" BY SUBORDINATING THE WILL OF THE PEOPLE FOR DIALOGUE TO THE INTERESTS OF THE OLIGARCHY, AND REAFFIRMED THEIR SERIOUS DESIRE FOR PEACE AS A POINT OF CONTRAST. IN SUPPORT OF THEIR CLAIMS TO BE PEACE LOVING, THE FDR/FMLN CITED THE RELEASE OF THE 42 POWS CAPTURED AT EL SALTO, LA PAZ DEPARTMENT ON 4 DECEMBER 1984, TO THE CATHOLIC CHURCH AND [redacted]

REPRESENTATIVES OF THE INTERNATIONAL RED CROSS ON 11 DECEMBER. THE CONCLUDING PARAGRAPH IS AN EXHORTATION TO ACTION AND PARTICIPATION IN THE DIALOGUE PROCESS. STRONGLY REMINISCENT OF THE FDR/FMLN CALLS FOR PARTICIPATION OF A "FORO POPULAR" IN THE DIALOGUE.

11. (U) COMMENT: THIS LAST SALLY IS A BIT OF A FIRST. HERE MIPTES IS NOT JUST REGURGITATING FDR/FMLN VIEWS, BUT IS PUBLISHING AN FDR/FMLN DOCUMENT, IDENTIFIED AS SUCH, AND INTENDED TO SERVE AS A MEANS OF DIRECT, NON-CLANDESTINE COMMUNICATION BETWEEN THE ARMED LEFT AND THE PUBLIC. MIPTES ACTIVITIES ARE PART AND PARCEL OF THE FDR/FMLN TALK-FIGHT-AGITATE STRATEGY, AND ARE INTENDED TO TEST THE ELBOW ROOM AVAILABLE FOR LEGAL AGITATION AND THE GOES SUSCEPTIBILITY TO PROVOCATION, WITH THE APPARENT OBJECTIVE OF REESTABLISHING AN IN-COUNTRY POLITICAL BASE FOR THE FDR. THEIR ACTIVITIES CONSTITUTE ADDITIONAL EVIDENCE THAT THE LEFT IS ATTEMPTING UNILATERALLY TO IMPLEMENT THE FIRST PHASE OF THE DEMANDS IT PUT ON THE TABLE AT AYAGUALO, WHICH WOULD HAVE PERMITTED THE LEFT TO OPEN A FULL POLITICAL FRONT UNDER THE PROTECTION OF THE GOES, WHILE WAGING WAR AGAINST IT IN THE COUNTRYSIDE. MIPTES IS, IN EFFECT, TAKING ADVANTAGE OF THE PROTECTIONS THE SYSTEM OFFERS TO WORK TO UNDERMINE AND DESTROY THAT SAME SYSTEM. THE GOES HAS CHOSEN TO DISPLAY RESTRAINT, AND APPARENT

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INDIFFERENCE. TOWARDS NON-VIOLENT LEFTIST ACTIVITY, A PRUDENCE FACILITATED BY A PUBLIC SEEMINGLY UNMOVED BY THE LEFT'S APPEALS.

PASSAGE

[redacted]

NNN

RELEASED
El Salvador: Human Rights
Special Project (1993)

DECLASSIFIED

DECLASSIFIED

UNCLASSIFIED

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UNCLASSIFIED

PAGE 01 GUATEM 01526 01 OF 02 131857Z
ACTION ARA-00

INFO LOG-00 COPY-01 ADS-00 INR-10 SS-00 OIC-02 CIAE-00
DODE-00 H-01 IO-15 NSC-01 NSAE-00 SY-06 HA-08
L-03 PM-10 PA-02 MCT-03 OMB-01 A-02 USIE-00
SP-02 SNP-01 PRS-01 SLPD-01 SPD-02 /072 W
————————202373 132102Z /72

R 131853Z FEB 85
FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC 6551
INFO CONTADORA COLLECTIVE

UNCLAS SECTION 01 OF 02 GUATEMALA 01526

E.O. 12356: N/A
TAGS: ASEC, PGOV, PINR, SHUM, GT
SUBJECT: MONTHLY POLITICAL VIOLENCE AND HUMAN RIGHTS REPORT FOR JANUARY 1985

1. MONTHLY POLITICAL VIOLENCE AND HUMAN RIGHTS REPORT FOR JANUARY 1985, TAKEN FROM OFFICIAL GOG BULLETINS, INDEPENDENT NEWS REPORTS AND GUERRILLA COMMUNIQUES AS REPORTED BY FBIS. NOTE: IN THE MAJORITY OF INCIDENTS THERE IS NOT ENOUGH EVIDENCE TO DETERMINE MOTIVE OR TO ASSIGN RESPONSIBILITY. IN CASES OF DISAPPEARANCES, IT FREQUENTLY OCCURS THAT THE VICTIMS REAPPEAR ALIVE, OFTEN ABROAD, BUT SELDOM IS THEIR REAPPEARANCE REPORTED IN THE MEDIA. THEREFORE, THIS DATA SHOULD NOT BE CONSIDERED AS EXACT. CONSISTENT UTILIZATION OF THE SAME METHODOLOGY, HOWEVER, REFLECTS TRENDS IN THE INCIDENCE OF VIOLENCE.

2. DEATHS

CIVILIAN NON-COMBAT

- URBAN RURAL TOTAL
UNCLASSIFIED

UNCLASSIFIED

PAGE 02 GUATEM 01526 01 OF 02 131857Z

- 07 51 58

NOTE: THE URBAN CIVIL DEATHS REMAINED WITHIN THE RANGE

940 3390
DEPARTMENT OF STATE IM/PES/CR/IR Dept. Date: 2/20/98
(X) RELEASE ( ) DECLASSIFY EO Citations
( ) EXCISE ( ) DECLASSIFY IN PART
( ) DENY
FOIA Exemptions ( ) CLASSIFY as ( ) S or ( ) C Sec.
PA Exemptions ( ) DOWNGRADE TS to ( ) S or ( ) C
TS authority to

OF THE LAST FIVE MONTHS, BUT THE RURAL DEATHS INCREASED OVER THOSE FOR THAT SAME PERIOD. OF THE FIFTY-ONE RURAL CIVILIAN DEATHS, FOURTEEN WERE INDIAN FARMERS KIDNAPPED IN VILLAGES OF PATZUN, DEPARTMENT OF CHIMALTENANGO, BY ARMED MEN WHO LATER SHOT AND DECAPITATED THEM (THERE IS NO OFFICIAL REPORT ON THESE INCIDENTS). AT LEAST THREE OF THE RURAL CIVILIAN DEATHS CAN BE ATTRIBUTED TO EXECUTIONS BY GUERRILLAS, TWO FARM ADMINISTRATORS IN THE AREA OF SANTIAGO ATITLAN, DEPARTMENT OF SOLOLA AND A TAXI DRIVER IN MAZATENANGO, DEPARTMENT OF SUCHITEPEQUEZ; TWO MORE OF THE RURAL CIVILIAN DEATHS WERE THOSE OF AN EVANGELICAL MINISTER WHO WAS KIDNAPPED, TORTURED AND SHOT IN COATEPEQUE, DEPARTMENT OF QUEZALTENANGO; AND THAT OF THE SECRETARY OF THE NATIONAL LIBERATION MOVEMENT (MLN) IN NUEVA SANTA ROSA IN THE DEPARTMENT OF SANTA ROSA. ONE OF THE URBAN CIVILIAN DEATHS WAS A UNIVERSITY OF SAN CARLOS PROFESSOR, MAYRA MEZA SOBERANIS, KIDNAPPED AND KILLED IN GUATEMALA CITY (HER BROTHER AN M.D. AND HER SISTER A UNIVERSITY STUDENT WERE KIDNAPPED IN GUATEMALA CITY IN SEPTEMBER 1983; THEIR WHEREABOUTS ARE STILL UNKNOWN.) OF THE TOTAL OF FIFTY-ONE RURAL CIVILIAN DEATHS, SIXTEEN OCCURRED IN THE DEPARTMENT OF ESCUINTLA; FOURTEEN IN THE DEPARTMENT OF CHIMALTENANGO; AND TWELVE IN THE DEPARTMENT OF GUATEMALA.

COMBAT

UNCLASSIFIED

UNCLASSIFIED

-	URBAN	RURAL	TOTAL
MILITARY KIA	01	18	19
GUERRILLAS KIA	00	26	26
CD FORCES KIA	02	02	04

SPECIAL NOTE: BEGINNING WITH THIS REPORT, COMBAT CASUALTIES WILL INCLUDE THREE CATEGORIES: MILITARY (ARMY PERSONNEL, MILITARY COMMISSIONERS AND OTHER GOG SECURITY FORCES), GUERRILLAS; AND CIVIL DEFENSE FORCES,(INCLUDING BOTH THOSE KILLED IN ACTION AS WELL AS THOSE INDIVIDUALS IDENTIFIED AS MEMBERS OF THE CIVIL DEFENSE.IN DEATH REPORTS NOT RELATED TO COMBAT.) THE THIRD CATEGORY REPLACES "CIVILIANS KIA".

NOTE: OF THE EIGHTEEN RURAL MILITARY CASUALTIES,

THREE OCCURRED IN THE DEPARTMENT OF EL PETEN, AND FIVE EACH IN THE DEPARTMENTS OF HUEHUETENANGO, CHIMALTENANGO AND EL QUICHE. OF THE TWENTY-SIX GUERRILLA RURAL CASUALTIES, TWENTY-THREE WERE KILLED IN FIVE CONFRONTATIONS WITH THE ARMY IN THE DEPARTMENT OF EL QUICHE, AND THE OTHER THREE IN TWO CONFRONTATIONS WITH THE ARMY IN THE DEPARTMENT OF EL PETEN.

-	CIVILIAN	C.D.	GUERRILLA	MILITARY	TOTAL
LAST MONTH:	41	02	01	03	47
THIS MONTH:	58	04	26	19	107
Y-T-D:	58	04	26	19	107

OCCUPATION OF VICTIM, WHERE NOTED

MILITARY 17

UNCLASSIFIED

NNN

UNCLASSIFIED

PAGE 01 GUATEM 01526 02 OF 02 131858Z
ACTION ARA-00

INFO LOG-00 COPY-01 ADS-00 INR-10 SS-00 OIC-02 CIAE-00
DODE-00 H-01 IO-15 NSC-01 NSAE-00 SY-06 HA-08
L-03 PM-10 PA-02 MCT-03 OMB-01 A-02 USIE-00
SP-02 SNP-01 PRS-01 SLPD-01 SPD-02 /072 W
----------202401 132117Z /70 38

R 131853Z FEB 85
FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC 6552
INFO CONTADORA COLLECTIVE

UNCLAS SECTION 02 OF 02 GUATEMALA 01526

E.O. 12356: N/A
TAGS: ASEC, PGOV, PINR, SHUM, GT
SUBJECT: MONTHLY POLITICAL VIOLENCE AND HUMAN RIGHTS

NATIONAL POLICEMAN	01
MILITARY COMMISSIONER	01
CD FORCES	04
GUERRILLAS	26
FARMERS	32
UNKNOWN	16
FARM ADMINISTRATORS	02
PROFESSIONAL	01
TAXI DRIVER	01
EVANGELICAL MINISTER	01
TEACHER	01
UNIVERSITY PROFESSOR	01
BUS DRIVER	01
STUDENT	01
POLITICIANS	01

3. ABDUCTIONS

-	RURAL	URBAN	TOTAL

UNCLASSIFIED

UNCLASSIFIED

LAST MONTH	04	07	11
THIS MONTH	05	23	28
Y-T-D	05	23	28

NOTE: FIVE OF THE KIDNAP VICTIMS WERE EVANGELICAL MINISTERS. THE EVANGELICAL ALLIANCE CHARGED THAT THEY HAD BEEN ABDUCTED AND PROBABLY KILLED FOR REFUSING TO SERVE IN THE CD FORCES IN THE DEPARTMENT OF EL PETEN.. TWO MORE VICTIMS WERE MEMBERS OF THE CD FORCES ABDUCTED BY GUERRILLAS IN THE DEPARTMENT OF SAN MARCOS. TWO OF THE VICTIMS, IDENTIFIED AS LABOR LEADERS, WERE RELEASED BY THEIR CAPTORS SEVERAL HOURS LATER ALIVE, BUT WITH SIGNS OF TORTURE. ONE OF THE KIDNAP VICTIMS WAS THE CATHOLIC PRIEST OF A CHURCH IN ANTIGUA, GUATEMALA,WHO ALLEGEDLY DISAPPEARED NOVEMBER 29. CHURCH OFFICIALS REPORTED THAT HE REQUESTED TIME TO GO ON VACATION IN MEXICO AND WAS EXPECTED TO RETURN ON DECEMBER 14, BUT HE DID NOT, AND THE CHURCH HAS NO INFORMATION AS TO HIS WHEREABOUTS. FIVE MORE VICTIMS WERE REPORTED BY THEIR RELATIVES JUST AS DISAPPEARED.

OCCUPATION OF VICTIM, WHERE NOTED

STUDENTS 07
FARMERS 05
UNKNOWN 06
EVANGELICAL MINISTERS 05
CD FORCES 02
LABOR LEADERS 02
PRIEST 01

4. OTHER ACTS OF TERRORISM
UNCLASSIFIED

NOTE: ON JANUARY 24 MORE THAN 100 ORPA GUERRILLAS TOOK OVER THE TOWN OF SANTIAGO ATITLAN, DEPARTMENT OF SOLOLA, AND ATTACKED THE POLICE STATION, WHERE TWO POLICEMAN WERE WOUNDED. THE GUERRILLAS HELD A POLITICAL RALLY AND SET FIRE TO THE MUNICIPALITY BUILDING. ON JANUARY 25, ORPA GUERRILLAS TOOK OVER A COFFEE PLANTATION CALLED MONTE DE ORO IN SAN LUCAS TOLIMAN, DEPARTMENT OF SOLOLA. THEY HELD A POLITICAL RALLY AND BURNED THE FARM INSTALLATIONS. ON THE SAME DAY, FAR GUERRILLAS BURNED A GOVERNMENT PICK-UP TRUCK ON THE ROAD BETWEEN SAYAXCHE AND EL CHAL IN THE DEPARTMENT OF EL PETEN, AND ALSO STOPPED TRAFFIC AND CONDUCTED PROPAGANDA ACTIVITIES. EGP AND PGT TERRORIST PROPAGANDA BOMBS WERE EXPLODED ON JANUARY 27 IN COBAN, AND JANUARY 30 IN SANTA CRUZ VERAPAZ, BOTH IN THE DEPARTMENT OF ALTA VERAPAZ. PIEDRA

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PAGE 01 GUATEM 01526 01 OF 02 131857Z
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INFO	LOG-00	COPY-01	ADS-00	INR-10	SS-00	OIC-02	CIAE-00
	DODE-00	H-01	IO-15	NSC-01	NSAE-00	SY-06	HA-08
	L-03	PM-10	PA-02	MCT-03	OMB-01	A-02	USIE-00
	SP-02	SNP-01	PRS-01	SLPD-01	SPD-02	/072 W	

202373 132102Z /72

R 131853Z FEB 85
FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC 6551
INFO CONTADORA COLLECTIVE

UNCLAS SECTION 01 OF 02 GUATEMALA 01526

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2. DEATHS

CIVILIAN NON-COMBAT

-	URBAN	RURAL	TOTAL
	07	51	58

UNCLASSIFIED

PAGE 02 GUATEM 01526 01 OF 02 131857Z

DEPARTMENT OF STATE IM/IPS/CR/IR Date 1/23/98
(X) RELEASE ( ) DECLASSIFY EO Citations
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( ) DENY
FOIA Exemptions
PA Exemptions
TS authority to
( ) CLASSIFY as ( ) S or ( ) C Sec.
( ) DOWNGRADE TS to ( ) S or ( ) C

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COMBAT

UNCLASSIFIED

UNCLASSIFIED

PAGE 03 GUATEM 01526 01 OF 02 131857Z

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CD FORCES KIA	02	02	04

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MILITARY 17

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NNN

UNCLASSIFIED

PAGE 01 GUATEM 01526 02 OF 02 131858Z
ACTION ARA-00

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	DODE-00	H-01	IO-15	NSC-01	NSAE-00	SY-06	HA-08
	L-03	PM-10	PA-02	MCT-03	OMB-01	A-02	USIE-00
	SP-02	SNP-01	PRS-01	SLPD-01	SPD-02	/072 W	

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R 131853Z FEB 85
FM AMEMBASSY GUATEMALA

TO SECSTATE WASHDC 6552
INFO CONTADORA COLLECTIVE

UNCLAS SECTION 02 OF 02 GUATEMALA 01526

E.O. 12356: N/A
TAGS: ASEC, PGOV, PINR, SHUM, GT
SUBJECT: MONTHLY POLITICAL VIOLENCE AND HUMAN RIGHTS

NATIONAL POLICEMAN	01
MILITARY COMMISSIONER	01
CD FORCES	04
GUERRILLAS	26
FARMERS	32
UNKNOWN	16
FARM ADMINISTRATORS	02
PROFESSIONAL	01
TAXI DRIVER	01
EVANGELICAL MINISTER	01
TEACHER	01
UNIVERSITY PROFESSOR	01
BUS DRIVER	01
STUDENT	01
POLITICIANS	01

3. ABDUCTIONS

-	RURAL	URBAN	TOTAL
UNCLASSIFIED			

UNCLASSIFIED

PAGE 02 GUATEM 01526 02 OF 02 131858Z

LAST MONTH	04	07	11
THIS MONTH	05	23	28
Y-T-D	05	23	28

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OCCUPATION OF VICTIM, WHERE NOTED

STUDENTS	07
FARMERS	05
UNKNOWN	06
EVANGELICAL MINISTERS	05
CD FORCES	02
LABOR LEADERS	02
PRIEST	01

4. OTHER ACTS OF TERRORISM
UNCLASSIFIED

UNCLASSIFIED

PAGE 03 GUATEM 01526 02 OF 02 131858Z

NOTE: ON JANUARY 24 MORE THAN 100 ORPA GUERRILLAS TOOK OVER THE TOWN OF SANTIAGO ATITLAN, DEPARTMENT OF SOLOLA, AND ATTACKED THE POLICE STATION, WHERE TWO POLICEMAN WERE WOUNDED. THE GUERRILLAS HELD A POLITICAL RALLY AND SET FIRE TO THE MUNICIPALITY BUILDING. ON JANUARY 25, ORPA GUERRILLAS TOOK OVER A COFFEE PLANTATION CALLED MONTE DE ORO IN SAN LUCAS TOLIMAN, DEPARTMENT OF SOLOLA. THEY HELD A POLITICAL RALLY AND BURNED THE FARM INSTALLATIONS. ON THE SAME DAY, FAR GUERRILLAS BURNED A GOVERNMENT PICK-UP TRUCK ON THE ROAD BETWEEN SAYAXCHE AND EL CHAL IN THE DEPARTMENT OF EL PETEN, AND ALSO STOPPED TRAFFIC AND CONDUCTED PROPAGANDA ACTIVITIES. EGP AND PGT TERRORIST PROPAGANDA BOMBS WERE EXPLODED ON JANUARY 27 IN COBAN, AND JANUARY 30 IN SANTA CRUZ VERAPAZ, BOTH IN THE DEPARTMENT OF ALTA VERAPAZ. PIEDRA

UNCLASSIFIED

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*** Current Handling Restrictions *** n/a
*** Current Classification *** UNCLASSIFIED

n/a
Case Number: S199900030
UNCLASSIFIED

UNCLASSIFIED

PAGE 01 STATE 048746
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INFO LOG-00 COPY-01 ADS-00 INR-10 SS-00 OIC-02 CIAE-00
ARA-00 NSAE-00 HA-08 PM-10 SP-02 SLPD-01 SPD-02
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DRAFTED BY: IO/HR:BZWEIBEN:BKM
APPROVED BY: IO:RKIRK
ARA/SC:DDLOUHY

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O P 160246Z FEB 85
FM SECSTATE WASHDC
TO USMISSION GENEVA IMMEDIATE
INFO AMEMBASSY MEXICO PRIORITY
AMEMBASSY SANTIAGO PRIORITY
USMISSION USUN NEW YORK PRIORITY

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ✓
Exemption(s) ____

UNCLAS STATE 048746

E.O. 12356: N/A
TAGS: UNHRC, SHUM, CI
SUBJECT: 41ST SESSION UN HUMAN RIGHTS COMMISSION:
- HUMAN RIGHTS RESOLUTION ON CHILE

REF: GENEVA 1281 (NOTAL)

IN RESPONSE TO REFTEL, DEPT PROVIDING FOLLOWING UNCLASSIFIED INFORMATION ON CURRENT SITUATION IN CHILE:

-- WE SHARE THE CONCERNS OF OTHER DEMOCRACIES OVER RECENT EVENTS IN CHILE. OUR POLICIES MUST BE DESIGNED TO TRY TO IMPROVE BOTH THE IMMEDIATE SITUATION AND THE LONGER TERM PROSPECTS FOR A PEACEFUL TRANSITION TO DEMOCRACY.

-- THE OBJECTIVE OF THE U.S. GOVERNMENT IS TO PROMOTE THE RESTORATION OF DEMOCRACY BY ENCOURAGING PRO-TRANSITION FORCES IN THE GOVERNMENT AND PRO-NEGOTIATION FORCES IN

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PAGE 02 STATE 048746

THE OPPOSITION TO REACH A CONSENSUS ON A TRANSITION TIMETABLE. WE REALIZE THAT WE CANNOT BRING ABOUT A TRANSITION TO DEMOCRACY IN CHILE; OUR APPROPRIATE ROLE IS TO DO WHAT WE CAN TO HELP THE CHILEANS THEMSELVES ACHIEVE THEIR OWN TRANSITION. WE ARE PREPARED TO SUPPORT

n/a
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WHATEVER ARRANGEMENTS THE GOVERNMENT AND THE VARIOUS PARTIES AGREE UPON.

-- ON THE KEY ISSUE OF THE STATE OF SIEGE, WE HAVE QUESTIONED PUBLICLY AND PRIVATELY WHETHER THE STATE OF SIEGE WAS JUSTIFIED AND CALLED FOR IT TO BE LIFTED. IN THE AREA OF HUMAN RIGHTS PRACTICES, IN ADDITION TO OUR STATEMENTS ON INDIVIDUAL CASES AND EVENTS, OUR REPORT TO OUR CONGRESS ON HUMAN RIGHTS PRACTICES THROUGHOUT THE WORLD IS FRANK IN DETAILING THE DETERIORATION THAT HAS OCCURRED IN CHILE IN RECENT MONTHS AS A RESULT OF ACTIONS BY BOTH THE GOVERNMENT AND THE COMMUNIST PARTY-BACKED TERRORISTS.

-- THE CHILEAN GOVERNMENT'S POSITION IS THAT IT MUST FIRST DEFEAT THE TERRORISTS, THEN BEGIN THE TRANSITION PROCESS. WE DISAGREE. IT HAS BEEN OUR EXPERIENCE THAT SUCCESSFUL TRANSITIONS TO DEMOCRACY ARE THOSE WHERE THE TWO ISSUES OF SECURITY AND DEMOCRACY ARE ADDRESSED SIMULTANEOUSLY.

-- BASED ON THIS EXPERIENCE, SUPPORT FOR ESTABLISHMENT OF A DIALOGUE ON TRANSITION IS THE PRIMARY FOCUS OF OUR DIPLOMATIC EFFORTS. THESE EFFORTS ARE DIRECTED AT BOTH THE MILITARY AND THE OPPOSITION.

-- THE PROBLEM IN CHILE IS NOT JUST PINOCHET. IF THERE

PAGE 03 STATE 048746

WERE A WIDESPREAD CONSENSUS AMONG THE POLITICAL OPPOSITION ON THE TRANSITION, THE CHILEAN MILITARY WOULD PROBABLY HAVE TO ACCOMMODATE THIS PRESSURE. IN THE ABSENCE OF SUCH PRESSURE, THE MILITARY ARE ABLE TO PURSUE THEIR OWN AGENDA AND INSIST ON THEIR OWN TIMETABLE. AT THE SAME TIME, THE COMMUNISTS ARE WORKING TO ENSURE THAT MODERATION BY THE MILITARY AND THE OPPOSITION DOES NOT TAKE PLACE.

-- THE NEXT FEW MONTHS ARE GOING TO BE DIFFICULT. WE BELIEVE THAT THE COMMUNISTS WILL CONTINUE TO ESCALATE TERRORIST ACTIVITY. THEY DO NOT WANT THE STATE OF SIEGE LIFTED. THEY WANT TO POLARIZE THE SITUATION.

- WE HAVE MADE THIS POINT TO THE GOVERNMENT OF CHILE. HOWEVER, THE MILITARY CONTINUES TO BELIEVE THAT ONLY THROUGH TOUGH SECURITY MEASURES CAN THE SITUATION BE CONTROLLED. THEIR INCLINATION IS TO MAINTAIN THE STATE OF SIEGE. THIS INEVITABLY LEADS TO HUMAN RIGHTS ABUSES

AND FAILURE TO DISTINGUISH BETWEEN THE LEGITIMATE OPPOSITION AND THE TERRORIST ELEMENT.

-- WE HAVE INDICATED TO THE CHILEAN GOVERNMENT THAT DEALING ONLY WITH THE TERRORIST THREAT WITHOUT SIMULTANEOUSLY PROGRESSING TOWARD A POLITICAL TRANSITION IS TO LET THE COMMUNISTS DEFINE THE RULES OF THE GAME. WE HAVE URGED THE GOVERNMENT TO DEFINE THE TRANSITION PROCESS TOGETHER WITH THE DEMOCRATIC POLITICAL GROUPS AND TO MOVE FORWARD REGARDLESS OF HOW HARD THE COMMUNISTS TRY TO DERAIL THE PROCESS.

-- WE URGE OTHER DEMOCRACIES TO USE WHATEVER CONSTRUCTIVE LEVERAGE THEY MAY HAVE TO HELP BRING ABOUT A DIALOGUE LEADING TOWARD RESTORATION OF DEMOCRACY IN CHILE.
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UNCLASSIFIED

PAGE 04 STATE 048746

UNCLASSIFIED

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UNCLASSIFIED

PAGE 01 STATE 049352
ORIGIN IO-15

INFO LOG-00 ADS-00 OIC-02 ARA-00 AMAD-01 /018 R

66011
DRAFTED BY:IO/UNP:HSSIZER
APPROVED BY:IO/SA:LCARTY
ARA:CAGILLESPIE
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P 170315Z FEB 85
FM SECSTATE WASHDC
INFO USMISSION GENEVA PRIORITY

UNCLAS STATE 049352

FOR AMB SCHIFTER

FOLLOWING GUATEMALA 1526 DTD FEB 13, SENT ACTION STATE INFO CONTADORA COLLECTIVE BEING REPEATED TO YOU FOR INFO:
QUOTE UNCLAS GUATEMALA 01526

E.O. 12356: N/A
TAGS: ASEC, PGOV, PINR, SHUM, GT
SUBJECT: MONTHLY POLITICAL VIOLENCE AND HUMAN RIGHTS REPORT FOR JANUARY 1985

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PAGE 02 STATE 049352

THE SAME METHODOLOGY, HOWEVER, REFLECTS TRENDS IN THE INCIDENCE OF VIOLENCE.

DEPARTMENT OF STATE IM/IPS/CRVIR Date: 1/29/98
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9405116
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2. DEATHS

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-	URBAN	RURAL	TOTAL
-	07	51	58

NOTE: THE URBAN CIVIL DEATHS REMAINED WITHIN THE RANGE OF THE LAST FIVE MONTHS, BUT THE RURAL DEATHS INCREASED OVER THOSE FOR THAT SAME PERIOD. OF THE FIFTY-ONE RURAL CIVILIAN DEATHS, FOURTEEN WERE INDIAN FARMERS KIDNAPPED IN VILLAGES OF PATZUN, DEPARTMENT OF CHIMALTENANGO, BY ARMED MEN WHO LATER SHOT AND DECAPITATED THEM (THERE IS NO OFFICIAL REPORT ON THESE INCIDENTS). AT LEAST THREE OF THE RURAL CIVILIAN DEATHS CAN BE ATTRIBUTED TO EXECUTIONS BY GUERRILLAS, TWO FARM ADMINISTRATORS IN THE AREA OF SANTIAGO ATITLAN, DEPARTMENT OF SOLOLA AND A TAXI DRIVER IN MAZATENANGO, DEPARTMENT OF SUCHITEPEQUEZ; TWO MORE OF THE RURAL CIVILIAN DEATHS WERE THOSE OF AN EVANGELICAL MINISTER WHO WAS KIDNAPPED, TORTURED AND SHOT IN COATEPEQUE, DEPARTMENT OF QUEZALTENANGO; AND THAT OF THE SECRETARY OF THE NATIONAL LIBERATION MOVEMENT (MLN) IN NUEVA SANTA ROSA IN THE DEPARTMENT OF SANTA ROSA. ONE OF THE URBAN CIVILIAN DEATHS WAS A UNIVERSITY OF SAN CARLOS PROFESSOR, MAYRA MEZA SOBERANIS, KIDNAPPED AND KILLED IN GUATEMALA CITY (HER BROTHER AN M.D. AND HER SISTER A UNIVERSITY STUDENT WERE KIDNAPPED IN GUATEMALA CITY IN SEPTEMBER
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1983; THEIR WHEREABOUTS ARE STILL UNKNOWN.) OF THE TOTAL OF FIFTY-ONE RURAL CIVILIAN DEATHS, SIXTEEN OCCURRED IN THE DEPARTMENT OF ESCUINTLA; FOURTEEN IN THE DEPARTMENT OF CHIMALTENANGO; AND TWELVE IN THE DEPARTMENT OF GUATEMALA.

COMBAT

-	URBAN	RURAL	TOTAL
MILITARY KIA	01	18	19
GUERRILLAS KIA	00	26	26
CD FORCES KIA	02	02	04

SPECIAL NOTE: BEGINNING WITH THIS REPORT, COMBAT CASUALTIES WILL INCLUDE THREE CATEGORIES: MILITARY (ARMY PERSONNEL, MILITARY COMMISSIONERS AND OTHER GOG SECURITY FORCES), GUERRILLAS; AND CIVIL DEFENSE FORCES,(INCLUDING BOTH THOSE KILLED IN ACTION AS WELL AS THOSE INDIVIDUALS IDENTIFIED AS MEMBERS OF THE CIVIL DEFENSE IN DEATH REPORTS NOT RELATED TO COMBAT.) THE THIRD CATEGORY REPLACES "CIVILIANS KIA".

NOTE: OF THE EIGHTEEN RURAL MILITARY CASUALTIES, THREE OCCURRED IN THE DEPARTMENT OF EL PETEN, AND FIVE EACH IN THE DEPARTMENTS OF HUEHUETENANGO, CHIMALTENANGO AND EL QUICHE. OF THE TWENTY-SIX GUERRILLA RURAL CASUALTIES, TWENTY-THREE WERE KILLED IN FIVE CONFRONTATIONS WITH THE ARMY IN THE DEPARTMENT OF EL QUICHE, AND THE OTHER THREE IN TWO CONFRONTATIONS WITH THE ARMY IN THE DEPARTMENT OF EL PETEN.

-	CIVILIAN	C.D.	GUERRILLA	MILITARY	TOTAL
LAST MONTH:	41	02	01	03	47
THIS MONTH:	58	04	26	19	107

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PAGE 04 STATE 049352

Y-T-D:	58	04	26	19	107

OCCUPATION OF VICTIM, WHERE NOTED

MILITARY	17
NATIONAL POLICEMAN	01
MILITARY COMMISSIONER	01
CD FORCES	04
GUERRILLAS	26
FARMERS	32
UNKNOWN	16
FARM ADMINISTRATORS	02
PROFESSIONAL	01
TAXI DRIVER	01
EVANGELICAL MINISTER	01
TEACHER	01
UNIVERSITY PROFESSOR	01
BUS DRIVER	01
STUDENT	01
POLITICIANS	01

3. ABDUCTIONS

-	RURAL	URBAN	TOTAL
LAST MONTH	04	07	11
THIS MONTH	05	23	28
Y-T-D	05	23	28

NOTE: FIVE OF THE KIDNAP VICTIMS WERE EVANGELICAL MINISTERS. THE EVANGELICAL ALLIANCE CHARGED THAT THEY HAD BEEN ABDUCTED AND PROBABLY KILLED FOR REFUSING TO SERVE IN THE CD FORCES IN THE DEPARTMENT
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PAGE 05 STATE 049352

OF EL PETEN. TWO MORE VICTIMS WERE MEMBERS OF THE CD FORCES ABDUCTED BY GUERRILLAS IN THE DEPARTMENT OF SAN MARCOS. TWO OF THE VICTIMS, IDENTIFIED AS LABOR LEADERS, WERE RELEASED BY THEIR CAPTORS SEVERAL HOURS LATER ALIVE, BUT WITH SIGNS OF TORTURE. ONE OF THE KIDNAP VICTIMS WAS THE CATHOLIC PRIEST OF A CHURCH IN ANTIGUA, GUATEMALA,WHO ALLEGEDLY DISAPPEARED NOVEMBER 29. CHURCH OFFICIALS REPORTED THAT HE REQUESTED TIME TO GO ON VACATION IN MEXICO AND WAS EXPECTED TO RETURN ON DECEMBER 14, BUT HE DID NOT, AND THE CHURCH HAS NO INFORMATION AS TO HIS WHEREABOUTS. FIVE MORE VICTIMS WERE REPORTED BY THEIR RELATIVES JUST AS DISAPPEARED.

OCCUPATION OF VICTIM, WHERE NOTED

STUDENTS	07
FARMERS	05
UNKNOWN	06
EVANGELICAL MINISTERS	05
CD FORCES	02
LABOR LEADERS	02
PRIEST	01

4. OTHER ACTS OF TERRORISM

NOTE: ON JANUARY 24 MORE THAN 100 ORPA GUERRILLAS TOOK OVER THE TOWN OF SANTIAGO ATITLAN, DEPARTMENT OF SOLOLA, AND ATTACKED THE POLICE STATION, WHERE TWO POLICEMAN WERE WOUNDED. THE GUERRILLAS HELD A

POLITICAL RALLY AND SET FIRE TO THE MUNICIPALITY BUILDING. ON JANUARY 25, ORPA GUERRILLAS TOOK OVER A COFFEE PLANTATION CALLED MONTE DE ORO IN SAN LUCAS TOLIMAN, DEPARTMENT OF SOLOLA. THEY HELD A POLITICAL RALLY AND BURNED THE FARM INSTALLATIONS. ON THE SAME DAY, FAR GUERRILLAS BURNED A GOVERNMENT PICK-UP TRUCK
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ON THE ROAD BETWEEN SAYAXCHE AND EL CHAL IN THE DEPARTMENT OF EL PETEN, AND ALSO STOPPED TRAFFIC AND CONDUCTED PROPAGANDA ACTIVITIES. EGP AND PGT TERRORIST PROPAGANDA BOMBS WERE EXPLODED ON JANUARY 27 IN COBAN, AND JANUARY 30 IN SANTA CRUZ VERAPAZ, BOTH IN THE DEPARTMENT OF ALTA VERAPAZ. PIEDRA UNQUOTE DAM

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PAGE 01 MEXICO 04028 01 OF 03 222356Z
ACTION ARA-00

INFO LOG-00 COPY-01 ADS-00 AID-00 INR-10 SS-00 CIAE-00
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R 222351Z FEB 85
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TO SECSTATE WASHDC 6702
TREASURY WASHDC
INFO AMEMBASSY LIMA
AMEMBASSY CARACAS
AMEMBASSY BRASILIA
USCONS MEXICO POUCH

UNCLAS SECTION 01 OF 03 MEXICO 04028

DEPARTMENT PASS FEDERAL RESERVE BOARD,
EXPORT IMPORT BANK, USTR, AND COMMERCE

EO 12356: N/A
TAGS: EFIN, ECON, EINV, MX
SUBJ: FINANCIAL DEVELOPMENTS: FEBRUARY 21, 1985

1. SUMMARY. MEXICO ACHIEVED A TRADE SURPLUS OF $12.8 BILLION IN 1984. BANKS' COST OF FUNDS ARE PROJECTED TO DROP TO 39 PERCENT BY THE END OF 1985. THE LATEST GOM ANNOUNCEMENT FOR 1984 PERFORMANCE PUTS GDP GROWTH AT 3.5 PERCENT AND PRIVATE SECTOR INVESTMENT GROWTH AT 8.8 PERCENT. FOREIGN INVESTMENT STATISTICS PRESENTED IN THE BALANCE OF PAYMENTS NOW SHOW A LEVEL OF NEARLY $200 MILLION THROUGH THE FIRST THREE QUARTERS OF 1984. OFFSHORE EXCHANGE MARKETS SHOWED HIGHER RATES FOR THE PESO DURING THE WEEK OF FEBRUARY 18. THE MEXICAN STOCK MARKET HAS INCREASED ALMOST 13 PERCENT OVER THE LAST
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PAGE 02 MEXICO 04028 01 OF 03 222356Z

MONTH. THE GOM IS EXPECTED TO INCREASE FROM 2 TO 5 THE NUMBER OF OFFICIAL CREDIT AGENCIES TO WHICH IT GRANTS FULL FAITH AND CREDIT GUARANTEES. THE GOM HAS INDICATED IT WILL RELOCATE OUT OF MEXICO CITY 10,000 GOVERNMENT EMPLOYEES AND 50 PARASTATE COMPANIES. THE U.K. HAS SIGNED A RESTRUCTURING AGREEMENT WITH MEXICO ON $65 MILLION OF DEBTS INSURED BY THE U.K.'S COUNTERPART TO EXIMBANK. THE BANK OF MEXICO WILL MAKE TWO NEW BOND ISSUES TO COMPENSATE FOR THE DROP IN THE LEGAL RESERVE REQUIREMENT. THE GOM HAS RELEASED THE NAMES OF 42 MORE PARASTATALS TO BE DROPPED FROM THE FEDERAL ROLLS. END SUMMARY.

-

2. TRADE STATISTICS FOR 1984

ON FEBRUARY 19 THE GOM BUDGET BUREAU ANNOUNCED UPDATED 1984 TRADE STATISTICS AS FOLLOWS:

-

--	1984 ($ MILLIONS)	PERCENT CHANGE
EXPORTS	24,053.6	7.8
-- PETROLEUM	16,601.3	3.6
-- NON-PETROLEUM	7,452.3	18.4
-- AGR/FISHING	1,460.8	22.9
-- MINING	539.1	2.9
-- MANUFACTURING	5,452.4	19.0
IMPORTS	11,788.2	30.9
-- CONSUMER GOODS	848.1	38.2
-- INTERMEDIATE GOODS	7,833.4	36.5
-- CAPITAL GOODS	2,572.8	17.1
TRADE BALANCE	12,799.3	-7.8

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PAGE 03 MEXICO 04028 01 OF 03 222356Z

-- FREIGHT AND INSURANCE 533.9

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FINAL TRADE STATISTICS ARE CUSTOMARILY RELEASED BY THE BANCO DE MEXICO. THUS, THESE STATISTICS SHOULD BE CONSIDERED PRELIMINARY.

-

3. MACROECONOMIC TARGETS FOR 1985

ON JANUARY 27, THE GOM TREASURY DEPARTMENT ANNOUNCED THE FOLLOWING MACROECONOMIC TARGETS FOR 1985:

-

GDP: 43 TRILLION PESOS (CURRENT PESOS)
CONTROLLED EXCHANGE RATE: FROM 192.49 TO 254 AT YEAR-END.
CPP (AVERAGE COST OF FUNDS FOR COMMERCIAL BANKS)
-- 44 PERCENT ANNUAL AVERAGE
-- 39 PERCENT IN DECEMBER 1985

-

4. MACROECONOMIC PERFORMANCE IN 1984

DURING THE WEEK OF FEBRUARY 11, THE GOM TREASURY ANNOUNCED THE FOLLOWING MACROECONOMIC STATISTICS FOR 1984:

-

--	PERCENT CHANGE
GDP	3.5
-- MANUFACTURING	4.7
-- AGRICULTURE	2.3
-- CONSTRUCTION	3.4
PRIVATE SECTOR INVESTMENT	8.8

-

TOTAL FIXED CAPITAL	5.4

-

5. FOREIGN INVESTMENT STATISTICS THROUGH SEPTEMBER 1984

THE BANCO DE MEXICO HAS NOW RELEASED ITS THIRD-QUARTER

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PAGE 01 MEXICO 04028 02 OF 03 222356Z

ACTION ARA-00

INFO LOG-00 COPY-01 ADS-00 AID-00 INR-10 SS-00 CIAE-00
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ITC-01 OPIC-07 CEA-01 OMB-01 STR-14 SIL-01 FRB-01
AGR-01 JUS-01 USIE-00 SP-02 DOEE-00 SNP-01 SLPD-01
SPD-02 /064 W
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R 222351Z FEB 85
FM AMEMBASSY MEXICO
TO SECSTATE WASHDC 6703
TREASURY WASHDC
INFO AMEMBASSY LIMA
AMEMBASSY CARACAS
AMEMBASSY BRASILIA
USCONS MEXICO POUCH

UNCLAS SECTION 02 OF 03 MEXICO 04028

DEPARTMENT PASS FEDERAL RESERVE BOARD,
EXPORT IMPORT BANK, USTR, AND COMMERCE

EO 12356: N/A
TAGS: EFIN, ECON, EINV, MX
SUBJ: FINANCIAL DEVELOPMENTS: FEBRUARY 21, 1985

BALANCE OF PAYMENTS STATISTICS. OF PARTICULAR NOTE IS THE ADJUSTMENT IN THE FIGURES FOR FOREIGN DIRECT INVESTMENT. THE VOLUME FOR JANUARY-SEPTEMBER 1984 IS LISTED TO BE $191.6 MILLION. THE STATISTICS FOR THE FIRST HALF OF THE YEAR WERE CHANGED FROM $28.6 MILLION TO $102.1 MILLION.

6. MEXICAN OIL PRICES

THE CHANGE IN THE PRICE OF MEXICO LIGHT CRUDE ON FEBRUARY 5 HAS BEEN REPORTED IN OTHER CABLES, BUT IS NOTED BELOW UNCLASSIFIED

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PAGE 02 MEXICO 04028 02 OF 03 222356Z

FOR THE RECORD:

PERCENT OF

--	OLD	NEW	EXPORTS
ISTHMUS/LIGHT	29.00	27.75	45
MAYA/HEAVY	25.50	25.50	55

7. EXCHANGE MARKETS

-- EXCHANGE RATES ON FEBRUARY 19	BANKS AND EXCHANGE HOUSES BUY DOLLARS	BANKS AND EXCHANGE HOUSES SELL DOLLARS
CONTROLLED	220.96	201.16
MARKET	217.72	219.22
OFFSHORE (SAN YSIDRO)	231.00	234.00
OFFSHORE (EL PASO)	231.00	236.00
FREE RATE IN MEXICO CITY	226.00	236.00
EXCHANGE RATES ON FEBRUARY 22		
CONTROLLED	201.47	201.67
MARKET	218.23	219.73
OFFSHORE (SAN YSIDRO)	238.00	239.00
OFFSHORE (EL PASO)	234.00	240.00
FREE RATE IN MEXICO CITY	228.00	245.00

OFFSHORE EXCHANGE MARKETS HAD STABLE PRICES WITH LITTLE MOVEMENT THROUGHOUT THE WEEK OF FEBRUARY 11 AND THE FIRST PART OF THE WEEK OF FEBRUARY 18. THE RATES THEN INCREASED SEVERAL PESOS AS NOTED ABOVE LATER IN THE WEEK OF FEBRUARY 18.
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PAGE 03 MEXICO 04028 02 OF 03 222356Z

8. STOCK MARKET UP

SINCE JANUARY 15, THE INDEX OF THE MEXICAN STOCK MARKET HAS RISEN FROM 3,695 TO 4,169 (FEBRUARY 19). IT HAS THUS GAINED BACK ALL THE LOSSES SUSTAINED IN THE FIRST TWO WEEKS OF THE YEAR. MEDIA ANALYSTS CREDIT GDP GROWTH ANNOUNCEMENTS, REDUCTIONS IN PLANNED SPENDING, AND PARASTATAL SALES FOR THE RISE OVER THE LAST MONTH.

9. GOM "FULL FAITH AND CREDIT" GUARANTEES

AT PRESENT, ONLY NAFINSA AND BANOBRAS ARE GRANTED "FULL FAITH AND CREDIT" GUARANTEES BY THE GOM FOR THEIR FOREIGN LOANS. EMBASSY HAS HEARD THAT BANCOMEXT, BANRURAL, AND BANPESCA WILL SOON HAVE AMENDED CHARTERS PROVIDING THEM THE SAME "FULL FAITH AND CREDIT" STATUS FOR FOREIGN LOANS.

10. RELOCATION OUT OF MEXICO CITY

DURING THE WEEK OF JANUARY 21, THE GOM ANNOUNCED THE RELOCATION OUT OF MEXICO CITY OF 10,000 GOVERNMENT EMPLOYEES AND 50 PARASTATE COMPANIES AS PART OF THE GOM'S DECENTRALIZATION PROGRAM. THE GOVERNMENT AGENCIES INVOLVED INCLUDE THE FOLLOWING: NATIONAL ARID ZONES COMMISSION, NATIONAL CENTER FOR AGRARIAN RESEARCH, NATIONAL FRUIT COMMISSION, MEXICAN INSTITUTE OF COMMUNICATIONS, AND THE SECURITY EXCHANGE COMMISSION.

11. INTEREST RATES: NO CHANGE

THE INTEREST RATES ON MEXICAN BANK DEPOSITS DENOMINATED IN PESOS HAVE NOW STAYED CONSTANT FOR 14 CONSECUTIVE WEEKS. THIS INTERVAL OF CONSTANT RATES IMMEDIATELY

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PAGE 01 MEXICO 04028 03 OF 03 222357Z
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ITC-01 OPIC-07 CEA-01 OMB-01 STR-14 SIL-01 FRB-01
AGR-01 JUS-01 USIE-00 SP-02 DOEE-00 SNP-01 SLPD-01
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R 222351Z FEB 85
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TO SECSTATE WASHDC 6704
TREASURY WASHDC
INFO AMEMBASSY LIMA
AMEMBASSY CARACAS
AMEMBASSY BRASILIA
USCONS MEXICO POUCH

UNCLAS SECTION 03 OF 03 MEXICO 04028

DEPARTMENT PASS FEDERAL RESERVE BOARD,
EXPORT IMPORT BANK, USTR, AND COMMERCE

EO
12356: N/A
TAGS: EFIN, ECON, EINV, MX
SUBJ: FINANCIAL DEVELOPMENTS: FEBRUARY 21, 1985

FOLLOWS FIFTEEN CONSECUTIVE WEEKS (UP TO NOVEMBER 12-16)
OF DECLINES.

-

--	JAN 28			
--	FEB 1	FEB 4-8	FEB.11-15	FEB 18-22
30-89 DAYS	45.60	45.60	45.60	45.60
90-170 DAYS	44.90	44.90	44.90	44.90
180-269 DAYS	44.40	44.40	44.40	44.40
270-359 DAYS	42.10	42.10	42.10	42.10
360-539 DAYS	39.60	39.60	39.60	39.60

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PAGE 02 MEXICO 04028 03 OF 03 222357Z

THE BANCO DE MEXICO ANNOUNCED THAT THE COSTO PORCENTUAL PROMEDIO DE CAPTACION (CPP) OR THE AVERAGE COST OF FUNDS FOR COMMERCIAL BANKS FOR THE MONTH OF JANUARY WAS 47.17 PERCENT, A DECREASE OF 0.37 PERCENTAGE POINTS FROM THE DECEMBER RATE. ON FEBRUARY 20, THE CPP FOR FEBRUARY WAS

ANNOUNCED TO BE 43.33 PERCENT.

12. U.K. OFFICIAL DEBT RESTRUCTURING

ON JANUARY 31, GOM AND UNITED KINGDOM OFFICIALS SIGNED AN AGREEMENT FOR THE RESTRUCTURING OF $65 MILLION OF DEBTS OWED BY THE MEXICAN PRIVATE SECTOR AND INSURED BY THE U.K.'S COUNTERPART TO OUR EXIMBANK. TO THE EXTENT OF EMBASSY'S AVAILABLE INFORMATION, ONLY THE UNITED STATES HAS ALSO SIGNED SUCH AN AGREEMENT WITH THE GOM. CANADA SETTLED ALL HER OFFICIALLY-INSURED CREDITS WITHOUT A RESTRUCTURING.

THE U.K. AGREEMENT CALLED FOR RESCHEDULING OVER 6 YEARS WITH A THREE-YEAR GRACE PERIOD AT A FIXED 12 PERCENT ANNUAL RATE ON POUND STERLING CREDIT AND 12.5 PERCENT ON DOLLAR CREDIT. IF THE PRIVATE-SECTOR DEBTOR REQUIRES PESO CREDIT, NAFINSA WILL SUPPLY IT UP TO 90 PERCENT OF THE TOTAL OWED.

13. TWO NEW BANK OF MEXICO BOND ISSUES

THE BANCO DE MEXICO WILL ISSUE TWO NEW BONDS (BONOS DE REGULACION MONETARIA) TO HELP CONTROL THE MONEY SUPPLY. THE FIRST SERIES WILL COME OUT MARCH 1 FOR A TOTAL OF 100 BILLION PESOS, AND WILL NOT BE NEGOTIABLE OTHER THAN FOR RESALE BACK TO THE CENTRAL BANK. THE SECOND ISSUE FOR 150 BILLION PESOS WILL BE FULLY NEGOTIABLE, AND WILL COME OUT UNCLASSIFIED

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PAGE 03 MEXICO 04028 03 OF 03 222357Z

AT SOME LATER DATE.

14. PARASTATAL SALE

THE GOM HAS RELEASED THE NAMES OF 42 MORE PARASTATALS TO BE SOLD, TRANSFERRED, MERGED OR LIQUIDATED. INCLUDED IN THE LATEST LIST OF 42 PARASTATALS ARE SEVERAL FIRMS WITH SIZEABLE OPERATIONS SUCH AS A MAJOR SOFT DRINK BOTTLER (GARCI-CRESPI), HOTELS (ARISTOS), AND A SHIPYARD. THE FIRST LISTING ON FEBRUARY 12 CONTAINED 40 NAMES WHICH BRINGS THE TOTAL TO 82 OUT OF THE FINAL AMOUNT OF 236 PARASTATALS THE GOM HAS INDICATED WILL LEAVE THE FEDERAL

ROLLS. IN ADDITION, PRESS REPORTS INDICATE A NUMBER OF PUBLIC TRUST FUNDS (FIDEICOMISOS) WILL BE LIQUIDATED.

-

15. BRIEF NOTES

-- THE PUBLIC SECTOR'S DIRECT PARTICIPATION IN THE ECONOMY IN 1983 WAS 25.6 PERCENT ACCORDING TO THE BUDGET SECRETARIAT, SPP.

-

-- GOM FOREIGN COMMERCE OFFICIALS HAVE NOW REDUCED THEIR ESTIMATE OF 1985 GROWTH IN NON-PETROLEUM EXPORTS FROM 25 PERCENT TO 14 PERCENT.

-

-- 80.9 PERCENT OF 1984 BALANCE OF PAYMENTS TRANSACTIONS WERE ACCOMPLISHED AT THE CONTROLLED RATE OF EXCHANGE.

-

-- ON MARCH 12, THERE WILL BE ANOTHER OFFERING OF STOCKS OWNED BY THE FORMER COMMERCIAL BANKS THAT WERE NOT SOLD IN THEIR TWO FORMER OFFERINGS IN 1984. THE VALUE OF THE OFFERING IS GIVEN AS 4.067 BILLION PESOS. DRAFTED BY J.P.FELT. BUSBY

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*** Current Handling Restrictions *** n/a
*** Current Classification *** UNCLASSIFIED

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PAGE 01 KINGST 02122 01 OF 03 272226Z
ACTION ARA-00

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P 272223Z FEB 85
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AMEMBASSY BRIDGETOWN
AMEMBASSY CARACAS
AMEMBASSY LA PAZ
AMEMBASSY LIMA
AMEMBASSY MEXICO
AMEMBASSY NASSAU
AMEMBASSY PANAMA
AMEMBASSY PORT AU PRINCE
AMEMBASSY PORT OF SPAIN
AMEMBASSY QUITO
DEA WASHDC
CIA WASHDC
HQS/CUSTOMS WASHDC
DEPTJUSTICE WASHDC
DEA MIAMI
WHITEHOUSE WASHDC
COORD SE REGION NNBIS MIAMI

UNCLAS SECTION 01 OF 03 KINGSTON 02122

E. O. 12356: N/A
TAGS: SNAR, EAIR, JM, US
SUBJ: CARL STONE ON GANJA - DRUG WAR MAKING CONVERTS AND WAVES IN THE MEDIA
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PAGE 02 KINGST 02122 01 OF 03 272226Z

1. RECENT ENFORCEMENT ACTIONS BY U.S.AUTHORITIES AGAINST NARCOTICS TRAFFICKING FROM JAMAICA ARE DRAWING

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(X) RELEASE ( ) DECLASSIFY
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PA Exemptions
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TS authority to

INCREASING MEDIA ATTENTION. IN PARTICULAR, SEIZURES OF MARIJUANA ABOARD JAMAICAN AIRLINERS BY U.S. CUSTOMS (AND SUBSEQUENT FINES) HAVE RESULTED IN STRONGLY WORDED EDITORIALS IN BOTH THE DAILY GLEANER OF FEBRUARY 27 AND THE EVENING STAR OF FEBRUARY 26. THESE EDITORIALS CONDEMN THE SELFISHNESS OF THE TRAFFICKERS AND THE HARM THEY ARE DOING TO THE COUNTRY. THEY STRESS THE SERIOUSNESS OF THE U.S. ANTI-DRUG CAMPAIGN AND CALL ON THE GOJ TO ADOPT A SIMILAR STANCE. MOST IMPRESSIVE OF ALL IS AN ARTICLE BY LEADING COLUMNIST CARL STONE IN THE FEBRUARY 27 ISSUE OF THE GLEANER. STONE, WHO WAS ONCE INCLINED TO TAKE A MORE RELAXED VIEW OF THE GANJA (READ MARIJUANA) TRADE, EXPOUNDS ON ITS EVILS AND ITS POTENTIALLY DISASTROUS CONSEQUENCES FOR THE ECONOMY. HIS COMMENTARY, ENTITLED "THE GANJA MENACE" IS COMMENDED TO THE DEPARTMENT'S ATTENTION.

2. BEGIN QUOTE. A NUMBER OF PERSONS (INCLUDING MYSELF) HAVE EXPRESSED SYMPATHY AND SUPPORT IN THE PAST FOR THE GANJA TRADE AND THE GANJA FARMERS. FACED WITH AN ECONOM EXPERIENCING COLLAPSE IN SO MANY AREAS THE EFFORT TO CARVE OUT A NEW (THOUGH ILLEGAL) AREA OF FOREIGN EXCHANGE EARNINGS WAS A CREATIVE RESPONSE TO ECONOMIC AND SOCIAL PRESSURES.

QUOTE. BUT TODAY THE SIDE EFFECTS OF THE MASSIVE GANJA TRADE THREATENS TO STRANGLE THE LEGITIMATE AREAS OF ECONOMIC ACTIVITY IN THE COUNTRY.

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PAGE 03 KINGST 02122 01 OF 03 272226Z

QUOTE. THE RECENT SEIZURE OF AN AIR JAMAICA 727 JET IN THE U.S. BY CUSTOMS OFFICIALS THERE OVER THE DISCOVERY OF GANJA CARGO AND THE CONSTANT HEAVY FINES IMPOSED ON SHIPPING COMPANIES AND EXPORTERS OVER GANJA CARGO SERVE TO BRING THE ISSUE SHARPLY INTO RELIEF.

QUOTE. FOLLOWING THE MASSIVE U.S. ANTI-DRUG CAMPAIGN DIRECTED AT THE MAJOR SOUTH AMERICAN COCAINE-EXPORTING COUNTRIES (BOLIVIA, COLOMBIA AND PERU), JAMAICA HAS BECOME A TARGET IN TWO SENSES.

QUOTE. MORE TRANSSHIPMENT COKE TRAFFIC IS BEING PASSED THROUGH HERE EN ROUTE TO THE U.S. BECAUSE OF THE U.S.

BLOCKADE OF OTHER ROUTES. SECONDLY U.S. NARCOTICS, U.S. CONGRESSMEN, WASHINGTON GENERALLY AND THE AMERICAN PRESS HAVE BEEN WAGING A MAJOR CAMPAIGN AGAINST THE JAMAICAN DRUG CONNECTION.

QUOTE. ECONOMIC AID IN JEOPARDY

QUOTE. THE LARGE INFLOWS OF ECONOMIC AID THE COUNTRY RECEIVES FROM THE U.S.A. ($U.S. 500 MILLION BETWEEN 1980 AND 1984) IS IN JEOPARDY FROM THREATS OF A TOTAL CUT-OFF OF U.S. AID TO JAMAICA BY THE U.S. CONGRESS UNLESS WE SHOW MORE CONVINCING EVIDENCE OF BRINGING THE GANJA TRADE UNDER TIGHTER CONTROL.

QUOTE. MOST OF THE EARNINGS FROM GANJA ACCUMULATE IN THE HANDS OF THE BIG U.S. DEALERS AND JAMAICAN MR. BIGS WHO KEEP THEIR ASSETS IN CAYMAN BANKS AND IN THE U.S. MOST OF THESE EARNINGS NEVER COME BACK INTO THE ECONOMY. SO ONE HAS TO BE WARY OF THE COSTS THE COUNTRY COULD INCUR IF GANJA TRAFFICKING THREATENS OTHER AREAS OF OUR ECONOMY.

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PAGE 01 KINGST 02122 02 OF 03 272226Z
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INFO	LOG-00	COPY-01	ADS-00	AID-00	INR-10	EB-08	DODE-00
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P 272223Z FEB 85

Date Printed: 04/24/1997 DOC_NUMBER: 85KINGST02122 CHANNEL: n/a

FM AMEMBASSY KINGSTON
TO SECSTATE WASHDC PRIORITY 7280
INFO AMEMBASSY BELIZE
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AMEMBASSY LIMA
AMEMBASSY MEXICO
AMEMBASSY NASSAU
AMEMBASSY PANAMA
AMEMBASSY PORT AU PRINCE
AMEMBASSY PORT OF SPAIN
AMEMBASSY QUITO
DEA WASHDC
CIA WASHDC
HQS/CUSTOMS WASHDC
DEPTJUSTICE WASHDC
DEA MIAMI
WHITEHOUSE WASHDC
COORDSEREGIO N NNBIS MIAMI

UNCLAS SECTION 02 OF 03 KINGSTON 02122

E. O. 12356: N/A
TAGS: SNAR, EAIR, JM, US
SUBJ: CARL STONE ON GANJA - DRUG WAR MAKING CONVERTS

UNCLASSIFIED

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PAGE 02 KINGST 02122 02 OF 03 272226Z

QUOTE. EFFORTS TO SPEED UP CARGO TRAFFIC FOR BOTH AIRLINES AND SHIPPING ARE BEING DISMANTLED TO PERMIT GREATER SECURITY CONTROL OVER THE PORTS, THE AIRPORTS AND CARGO CONTAINERS. PASSES ISSUED TO EXPORTERS TO ENABLE THEM TO EXPEDITE QUICK LOADING OF CARGO AT THE AIRPORTS HAVE HAD TO BE WITHDRAWN TO TIGHTEN AIRPORT SECURITY CHECKS AND SURVEILLANCE.

QUOTE. PERISHABLE EXPORTS

QUOTE. ARRANGEMENTS FOR EXPORTERS TO LOAD CONTAINERS AT OFFICE SITES TO SPEED UP THE PROCESSING OF EXPORT CARGO HAVE TO BE WITHDRAWN TO FACILITATE TIGHTER SECURITY CONTROL OF SHIPPING CARGO.

QUOTE. BECAUSE OF THE HEAVY TRAFFIC OF GANJA INTO THE U.S., DETAILED SEARCHES OF ALL FORMS OF CARGO MEANS INEVITABLE SLOWING DOWN OF CARGO MOVEMENTS, LOSSES OF PERISHABLE EXPORTS AND FAILURES TO MEET DEADLINES FOR CARGO DELIVERY AS WELL AS DAMAGE TO CARGO BEING SEARCHED FOR GANJA STORAGE.

QUOTE. OUR EXPORT DRIVE, ESPECIALLY IN AGRICULTURAL PRODUCTS WILL NOT GO ANYWHERE IF WE DO NOT REMOVE THE GANJA MENACE AND RESTORE NORMAL TREATMENT OF U.S.-BOUND EXPORT CARGO FROM JAMAICA.
QUOTE. MASSIVE FINES TO THE EXTENT OF $25 (U.S.) PER OUNCE OF GANJA FOUND ARE BEING IMPOSED BY U.S. CUSTOMS ON ALL AGENCIES RESPONSIBLE FOR CARGO CONTAINING GANJA.

QUOTE. INCREASED SECURITY SURVEILLANCE OF THE PORT HAS LED TO FORTUNATE DISCOVERIES OF LARGE QUANTITIES OF GANJA IN REFRIGERATED CONTAINERS. HAD THESE CONTAINERS UNCLASSIFIED

UNCLASSIFIED

PAGE 03 KINGST 02122 02 OF 03 272226Z

OF GANJA BEEN DISCOVERED IN THE U.S., THE VESSEL TRANSPORTING IT WOULD CERTAINLY HAVE BEEN SEIZED TO COVER THE HUGE FINE THAT WOULD HAVE BEEN INVOLVED.

QUOTE. BUILD-UP OF PRESSURE

QUOTE. AS U.S. NARCOTICS HAVE STEPPED UP THE PRESSURE ON THE LITTLE PLANES THAT FLY IN AND OUT OF JAMAICA CARRYING GANJA, THERE HAS BEEN A BUILD-UP OF PRESSURE TO FIND ALTERNATIVE OUTLETS. THE SHIPPING COMPANIES AND AIR JAMAICA ARE PAYING A HEAVY PRICE FOR THESE INITIATIVES.

QUOTE. UP UNTIL RECENTLY THE TRADE WAS CENTERED AROUND JAMAICAN GROWERS, SOME JAMAICAN MIDDLEMEN AND U.S. DEALERS. TODAY, U.S. DEALERS ARE OPERATING RIGHT HERE IN JAMAICA. THEY FINANCE THE GROWING WHICH IS FARMED OUT TO WHOLE COMMUNITIES THAT BECOME DEPENDENT ON GANJA INCOME--IN ST. ELIZABETH, WESTMORELAND, TRELAWNY, ST. JAMES AND ST. ANN.

QUOTE. BETWEEN THE U.S. MAFIA NOW IN OUR MIDST, THE JAMAICA GANJA MILLIONAIRES WHO STASH AWAY THEIR MULTIPLE MILLIONS IN OVERSEAS ACCOUNTS AND THE MANY POOR

PEOPLE FOR WHOM GANJA INCOME MAKES THE DIFFERENCE BETWEEN STARVING OR HAVING MONEY, THE GANJA LOBBY IS GROWING INTO A FORMIDABLE POLITICAL FORCE AT THE LOCAL LEVEL IN VARIOUS COMMUNITIES IN THE WESTERN END OF THE ISLAND.

QUOTE. SOME OF THE LEADERS OF THE GANJA LOBBY HAVE VISIONS OF CHALLENGING BOTH THE JLP AND THE PNP WHEN THE RIGHT TIME COMES.

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PAGE 01 KINGST 02122 03 OF 03 272227Z
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INFO	LOG-00	COPY-01	ADS-00	AID-00	INR-10	EB-08	DODE-00
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P 272223Z FEB 85
FM AMEMBASSY KINGSTON
TO SECSTATE WASHDC PRIORITY 7281
INFO AMEMBASSY BELIZE
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DEA WASHDC
CIA WASHDC
HQS/CUSTOMS WASHDC
DEPTJUSTICE WASHDC
DEA MIAMI
WHITEHOUSE WASHDC
COORDSEREGIO N NNBIS MIAMI

UNCLAS SECTION 03 OF 03 KINGSTON 02122

E. O. 12356: N/A
TAGS: SNAR, EAIR, JM, US
SUBJ: CARL STONE ON GANJA - DRUG WAR MAKING CONVERTS

UNCLASSIFIED

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PAGE 02 KINGST 02122 03 OF 03 272227Z

QUOTE. SAD PATTERNS
QUOTE. TWO SAD PATTERNS HAVE FOLLOWED THE EXPANSION OF THE GANJA INDUSTRY. COCAINE USE HAS MULTIPLIED IN ITS TRAIL. SOME GANJA GROWERS ACCEPT COCAINE IN EXCHANGE FOR GANJA FROM THE U.S. MAFIA DEALERS. THE COKE CAN BE SOLD EASILY FOR BIG BUCKS ON THE NORTH COAST AS COKE IS THE CURRENT HIGH-PRICE DRUG FAD OF THE U.S. UPPER MIDDLE CLASS WHO CAN AFFORD SUCH EXPENSIVE HABITS. SECONDLY, INCREASING COCAINE USE BY PERSONS CONNECTED TO THE LOCAL GANJA TRADE HAS BEEN ANOTHER UNFORTUNATE SIDE EFFECT. SOME END UP AS MENTAL AND PHYSICAL WRECKS WHILE SOME HAVE THEIR LIVES SHORTENED. THE DANGEROUS LINK BETWEEN GANJA AND GUNRUNNING HAS HAD THE EFFECT OF PRODUCING A BREED OF VICIOUS KILLERS ON DRUGS WITH ACCESS TO M-16 WEAPONS AND OTHER DEADLY HIGH-POWERED ARMS.

QUOTE. AGRO-21 AND THE EXPORT DRIVE HAVE NO FUTURE U UNLESS WE BRING THE GANJA TRAFFIC UNDER CONTROL.

QUOTE. THE GANJA MAFIA ARE SKILLFUL POLITICAL OPERATORS THEY HAVE CAREFULLY SPREAD VICIOUS RUMORS LINKING GANJA ACTIVITY TO PROMINENT JLP POLITICIANS, GIVING THE IMPRESSION THAT THE ANTI-GANJA INITIATIVES OF THE JLP GOVERNMENT ARE DESIGNED TO WIPE OUT COMPETITORS AND INCREASE THE CONTROL OF THE GANJA BUSINESS BY JLP

POLITICIANS. IN THE PRESENT
ANTI-GOVERNMENT MOOD ACROSS THE COUNTRY MANY PERSONS ARE BELIEVING THESE RUMORS. THEY HELP TO DISCREDIT THE GOVERNMENT'S STAND AGAINST THE TRADE AND GIVE THOSE DEPENDENT ON IT FOR A LIVELIHOOD A DEEP SENSE OF ANGER.

QUOTE. MORE EFFECTIVE SECURITY MEASURES HAVE TO BE
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PAGE 03 KINGST 02122 03 OF 03 272227Z

USED AT OUR MAIN PORTS AND AIRLINES. PRIVATE SECURITY FIRMS HAVE TO BE REMOVED AND SOLDIERS BROUGHT IN TO OVERSEE "THE RUNNINGS" AT THESE TARGET OUTLETS FOR GANJA EXPORTS. THOROUGH SEARCHING OF CARGO AND LUGGAGE HAS TO BE DONE SO THAT OVER THE NEXT SIX MONTHS OR SO THE GANJA EXPORTERS WILL BE DISCOURAGED FROM USING LEGITIMATE CARGO ON SHIPS OR PLANES AS THEIR MEANS OF TRAFFICKING THE WEED INTO THE U.S.

QUOTE. IF THEY CONTINUE TO DO WHAT THEY ARE DOING NOW OUR ECONOMY, ALREADY IN A DEEP CRISIS, WILL BE FURTHER AT RISK. END QUOTE.
(DRAFTED:POL:LJHUMPHREYS:APPROVED:POL:AKSLEGHT)
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PAGE 01 GENEVA 01840 041856Z
ACTION IO-15

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O 041849Z MAR 85
FM USMISSION GENEVA
TO SECSTATE WASHDC IMMEDIATE 2628
INFO USMISSION USUN NEW YORK
AMEMBASSY SANTIAGO
AMEMBASSY MEXICO

Chile Project (#S199900030)
U.S. Department of State
Release____ Excise X Deny____
Declassify: In Part X In Full____
Exemption(s) B1

~~C O N F I D E N T I A L~~ GENEVA 01840

HA FOR A/S ABRAMS

E.O. 12356: DECL:OADR
TAGS: UNHRC, SHUM, CI
SUBJECT: CHILE AT THE UNHRC

1. THIS IS HRC-141. (CONFIDENTIAL -- ENTIRE TEXT)

2. SHORTLY BEFORE THE 41ST SESSION OF THE UNITED NATIONS HUMAN RIGHTS COMMISSION CONVENED, THE OUTGOING CHAIRMAN, PROF. KOOIJMANS, APPOINTED FERNANDO VOLIO JIMENEZ OF COSTA RICA TO THE POSITION OF RAPPORTEUR FOR CHILE, WHICH HAD BEEN VACATED BY JUSTICE LALLAH OF MAURITANIA.

3. IN THE EARLY DAYS OF THE COMMISSION SESSION WORD GOT OUT THAT THE USSR AND MEXICO WERE VERY MUCH UPSET

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PAGE 02 GENEVA 01840 041856Z

ABOUT THE VOLIO APPOINTMENT AND WOULD TRY TO GET IT CANCELLED. THERE IS, HOWEVER, NO PRACTICAL WAY OF DOING IT. MEXICAN REP MONTANO, IN A CONVERSATION WITH SCHIFTER, CLAIMED THAT HIS OPPOSITION TO VOLIO IS GROUNDED IN VOLIO'S ILL HEALTH. SCHIFTER LATER ASKED VOLIO ABOUT HIS HEALTH AND WAS TOLD THAT WHILE HE DID HAVE A BYPASS

OPERATION IN EARLY 1983, HE IS IN PERFECTLY GOOD HEALTH NOW.

4. AT A MEETING WITH A CHILEAN MISOFF, SCHIFTER REPORTED ON SOVIET AND MEXICAN OPPOSITION TO VOLIO AND STATED ALSO THAT AMB. KIRKPATRICK THOUGHT HIGHLY OF VOLIO. VOLIO SUBSEQUENTLY INFORMED SCHIFTER THAT HE HAS HAD A MEETING WITH REPRESENTATIVES OF THE CHILEAN MISSION IN GENEVA AND THAT THEY HAVE INDICATED TO HIM THAT THEY WILL COOPERATE WITH HIM UNOFFICIALLY.

5. IN A LENGTHY DISCUSSION BETWEEN VOLIO AND SCHIFTER ON MARCH 4, VOLIO STATED THAT HE VIEWED HIS JOB AS NOT MERELY ONE TO TAKE INVENTORY OF CHILEAN HUMAN RIGHTS VIOLATIONS, BUT THAT HE WOULD BE INTERESTED IN ASSISTING WITH THE RESUMPTION OF THE DIALOGUE BETWEEN THE GOC AND THE TRULY DEMOCRATIC OPPOSITION. SPANISH ALT. REP MASFERRER AND AMB. SUCRE OF VENEZUELA HAVE INDICATED THAT THEY WOULD WANT TO SUPPORT SUCH AN EFFORT ON THE PART OF VOLIO. MEXICAN REP MONTANO, BY CONTRAST, HAS SPOKEN DISPARAGINGLY OF THIS IDEA, SUGGESTING THAT VOLIO INTENDS TO GO BEYOND THE PROPER ROLE OF A RAPPORTEUR. (FYI: PAST RAPPORTEURS HAVE MET WITH CHILEAN EXILE GROUPS, HAVE ACCEPTED THEIR MATERIALS, AND THEN HAVE HAD THE STAFF ROUTE A REPORT FOR SUBMISSION TO THE UNHRC, BASED ON THE INFORMATION THUS RECEIVED. END OF FYI.)
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 GENEVA 01840 041856Z

6. IN RESPONSE TO SCHIFTER'S SUGGESTION THAT VOLIO VISIT WASHINGTON SOON, VOLIO SAID THAT TO AVOID CRITICISM, HE WOULD PREFER NOT TO VISIT WASHINGTON AT THIS TIME. HOWEVER, HE WOULD BE INTERESTED IN MEETING DEPT. OFFICERS IN NEW YORK. HE IS SCHEDULED TO ARRIVE IN NEW YORK ON MARCH 9 AND IS SCHEDULED TO LEAVE ON MARCH 11 AT 1 P.M. AN APPOINTMENT WITH HIM COULD BE ARRANGED THROUGH AMB. BARRISH AT THE COSTA RICAN MISSION IN NEW YORK.

7. MEXICAN DRAFT RESOLUTION ON CHILE IS BEING TRANSMITTED BY REFTEL. VOLIO HAS EXPRESSED HIS DISSATISFACTION WITH IT TO MEXICAN DEL. WE PLAN TO DO THE SAME. WE DO NOT BELIEVE, HOWEVER, THAT WE CAN EXPECT TO SEE THE RESOLUTION SIGNIFICANTLY IMPROVED AT THIS SESSION. MASFERRER HAS TOLD US, HOWEVER, THAT HIS DELEGATION WILL SEEK A NEW START ON A CHILE RESOLUTION AT THE NEXT UNGA. AS MASFERRER PUT IT, THE UN SYSTEM SHOULD STOP WORKING

WITH THE CHILEAN EMIGRES AND CONCENTRATE ON WORK WITH THE DEMOCRATIC OPPOSITION IN CHILE.
(DRAFTED RSCHIFTER:HRC) CARMEN

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PAGE 01 GENEVA 01829 01 OF 03 041731Z
ACTION IO-15

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O 041721Z MAR 85
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TO SECSTATE WASHDC IMMEDIATE 2611
AMEMBASSY SANTIAGO IMMEDIATE
INFO USMISSION USUN NEW YORK
AMEMBASSY SAN JOSE

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
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C O N F I D E N T I A L SECTION 01 OF 03 GENEVA 01829

E.O. 12356: DECL:OADR
TAGS: UNHRC, CI, SHUM
SUBJECT: DRAFT RESOLUTION ON CHILE

1. THIS IS HRC-132.

2. (C) MEXICAN AND SPANISH DELEGATIONS HAVE BOTH PROVIDED US DEL WITH THE DRAFT RESOLUTION ON CHILE. MEXICAN AMBASSADOR TOLD AMBASSADOR SCHIFTER THAT HE WAS SURE WE WOULD FIND THIS NEW FORMULATION MUCH MORE ACCEPTABLE TO US, WHILE NEW RAPPORTEUR FERNANDO VOLIO TOLD AMBASSADOR SCHIFTER HE FOUND IT "MUCH WORSE."

3. (LOU) RESOLUTION WILL BE VOTED ON WEEK OF MARCH 11. US DEL REQUESTS DEPARTMENT COMMENTS AND VOTING INSTRUCTIONS. DRAFT LANGUAGE IS MUCH STRONGER AND MORE SPECIFIC THAN THAT EMPLOYED IN PAST GA OR HRC RESOLUTIONS.

4. (LOU) TEXT OF DRAFT RESOLUTION FOLLOWS:

CONFIDENTIAL
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PAGE 02 GENEVA 01829 01 OF 03 041731Z

THE COMMISSION ON HUMAN RIGHTS,

AWARE OF ITS RESPONSIBILITY TO PROMOTE AND ENCOURAGE RESPECT FOR HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS AND RESOLVED TO REMAIN CONSTANTLY VIGILANT WITH REGARD TO VIOLATIONS OF THESE WHEREVER THEY MAY OCCUR,

DRAWING THE ATTENTION OF THE CHILEAN AUTHORITIES TO THE OBLIGATION TO RESPECT AND PROTECT HUMAN RIGHTS IN ACCORDANCE WITH THE INTERNATIONAL INSTRUMENTS TO WHICH CHILE IS A PARTY,

-

RECALLING ITS SUCCESSIVE RESOLUTIONS ON THE SITUATION OF HUMAN RIGHTS IN CHILE AND, IN PARTICULAR, ITS RESOLUTION 11 (XXXV) OF 6 MARCH 1979 WHICH APPOINTED A SPECIAL RAPPORTEUR TO EXAMINE THE SITUATION IN QUESTION, AND ITS RESOLUTION 1984/63 OF 15 MARCH 1984 IN WHICH IT DECIDED TO EXTEND THE MANDATE OF THE SPECIAL RAPPORTEUR FOR ANOTHER YEAR,

RECALLING ALSO, AMONG OTHERS, GENERAL ASSEMBLY RESOLUTION 39/121 OF 14 DECEMBER 1984, IN WHICH THE GENERAL ASSEMBLY, IN ADDITION TO EXPRESSING ITS INDIGNATION AT THE PERSISTENCE OF AND INCREASE IN SERIOUS AND SYSTEMATIC VIOLATIONS OF HUMAN RIGHTS IN CHILE, INVITED THE COMMISSION ON HUMAN RIGHTS TO TAKE THE MOST APPROPRIATE STEPS FOR THE EFFECTIVE RESTORATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN CHILE, INCLUDING THE EXTENSION OF THE MANDATE OF THE SPECIAL RAPPORTEUR FOR ONE MORE YEAR,

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HAVING EXAMINED THE REPORT OF THE SPECIAL RAPPORTEUR
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 GENEVA 01829 01 OF 03 041731Z

ACCORDING TO WHICH THE SITUATION OF HUMAN RIGHTS IN CHILE HAS CONTINUED TO DETERIORATE, WHILE AN INCREASE HAS BEEN NOTED IN SERIOUS VIOLATIONS OF, INTER ALIA, THE RIGHT TO LIFE AND TO PHYSICAL AND MORAL INTEGRITY, AND ALSO TO FREEDOM OF EXPRESSION, INFORMATION, ASSEMBLY AND ASSOCIATION, A SITUATION WHICH IS AGGRAVATED BY THE EXTENSION OF THE STATES OF SIEGE AND OF EMERGENCY, AS WELL AS BY THE ADOPTION OF LEGISLATIVE AND ADMINISTRATIVE MEASURES AND THE PRONOUNCEMENT DF JUDICIAL SENTENCES WITH ADVERSE CONSEQUENCES FOR HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS.

-

NOTING WITH GROWING ALARM THE PROCEEDINGS LEADING TO THE DEATH PENALTY WHICH ARE BEING HELD IN THE MILITARY JUDICATURE, THE RE-ESTABLISHMENT OF CONCENTRATION CAMPS AND THE MERCILESS REPRESSION OF THE AUTHORITIES AGAINST WORKERS, COMMUNITY DWELLERS, STUDENTS AND INDIGENOUS MINORITIES IN PARTICULAR,

DEPLORING ONCE AGAIN THE FACT THE REPEATED APPEALS

OF THE GENERAL ASSEMBLY AND OF THE COMMISSION ON HUMAN RIGHTS TO RE-ESTABLISH HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS HAVE SO FAR BEEN IGNORED BY THE CHILEAN AUTHORITIES, WHICH ALSO CONTINUE TO REFUSE TO COOPERATE WITH THE COMMISSION ON HUMAN RIGHTS AND ITS SPECIAL RAPPORTEUR,

-

1. COMMENDS THE SPECIAL RAPPORTEUR FOR HIS REPORT ON THE SITUATION OF HUMAN RIGHTS IN CHILE PREPARED IN ACCORDANCE WITH COMMISSION RESOLUTION 1984/63;

2. REITERATES ITS DISMAY AT THE DISRUPTION IN CHILE OF THE TRADITIONAL DEMOCRATIC LEGAL ORDER AND ITS INSTITUTIONS, PARTICULARLY BY THE EXISTENCE OF A

CONFIDENTIAL

CONFIDENTIAL

PAGE 04 GENEVA 01829 01 OF 03 041731Z

CONFIDENTIAL

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PAGE 01 GENEVA 01829 02 OF 03 041732Z
ACTION IO-15

INFO	LOG-00	COPY-01	ADS-00	AID-00	INR-10	EUR-00	SS-00
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AMEMBASSY SANTIAGO IMMEDIATE
INFO USMISSION USUN NEW YORK
AMEMBASSY SAN JOSE

~~C O N F I D E N T I A L~~ SECTION 02 OF 03 GENEVA 01829

E.O. 12356: DECL:OADR
TAGS: UNHRC, CI, SHUM
SUBJECT: DRAFT RESOLUTION ON CHILE

CONSTITUTION WHICH DOES NOT REFLECT THE WILL OF THE PEOPLE FREELY EXPRESSED AND WHOSE PROVISIONS CONSIDERABLY LIMIT THE ENJOYMENT AND EXERCISE OF HUMAN RIGHTS AND

FUNDAMENTAL FREEDOMS, BY THE INSTITUTIONALIZATION AND CONSOLIDATION OF THE REGIME OF EXCEPTION THROUGH THE PROMULGATION OF THE RELEVANT LEGISLATION AND THE ENFORCEMENT OF VARIOUS STATES OF EMERGENCY, AND BY THE EXTENSION OF THE JURISDICTION OF THE MILITARY COURTS, ALL OF WHICH CONSTITUTES AN INTEGRAL SYSTEM FOR THE DENIAL OF CIVIL AND POLITICAL RIGHTS AND FREEDOMS.

3. EXPRESSES ITS INDIGNATION AT THE PERSISTENCE OF AN INCREASE IN SERIOUS AND SYSTEMATIC VIOLATIONS OF HUMAN RIGHTS IN CHILE, AS REPORTED BY THE SPECIAL RAPPORTEUR AND, IN PARTICULAR, AT THE VIOLENT REPRESSION OF POPULAR PROTEST IN FACE OF THE REFUSAL BY THE AUTHORITIES

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TO RESTORE THE DEMOCRATIC ORDER, WHICH HAS LED TO MASS ARRESTS AND A LARGE NUMBER OF DEAD AND INJURED;

4. ONCE AGAIN DENOUNCES THE ADMINISTRATIVE AND JUDICIAL IMPUNITY ENJOYED BY THE REPRESSIVE AND ARBITRARY ACTIONS OF THE POLICE AND SECURITY BODIES, AND PARTICULARLY THE NATIONAL INFORMATION AGENCY (CNI);

5. REITERATES ITS PROFOUND CONCERN AT THE INEFFECTIVENESS OF THE REMEDIES OF HABEAS CORPUS OR AMPARO AND OF PROTECTION, OWING TO THE FACT THAT THE JUDICIARY DOES NOT FULLY EXERCISE ITS POWERS OF INVESTIGATION, MONITORING AND SUPERVISION IN THIS RESPECT AND IS SUBJECT TO SEVERE RESTRICTIONS WHICH COMPROMISES ITS INDEPENDENCE;

6. INSISTS IN ITS DEMAND THAT THE CHILEAN AUTHORITIES SHOULD RE-ESTABLISH AND RESPECT HUMAN RIGHTS IN ACCORDANCE WITH THE OBLIGATIONS THEY HAVE ASSUMED UNDER VARIOUS INTERNATIONAL AGREEMENTS WITH A VIEW TO THE RESTORATION OF THE PRINCIPLE OF LEGALITY, DEMOCRATIC INSTITUTIONS AND THE EFFECTIVE ENJOYMENT AND EXERCISE OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, AND, IN PARTICULAR,

(A) PUT AN END TO THE REGIME OF EXCEPTION, AND ESPECIALLY THE PRACTICE OF DECLARING "CONSTITUTIONAL STATES OF EMERGENCY" UNDER WHICH SERIOUS AND CONTINUING VIOLATIONS OF HUMAN RIGHTS ARE COMMITTED;

(B) INVESTIGATE AND CLARIFY, WITHOUT DELAY, THE FATE OF THE PERSONS ARRESTED FOR POLITICAL REASONS WHO LATER DISAPPEARED, AID AND INFORM THEIR FAMILIES OF

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 GENEVA 01829 02 OF 03 041732Z

THE RESULTS OF SUCH INVESTIGATION, AND ENSURE THAT THOSE RESPONSIBLE FOR THEIR DISAPPEARANCE ARE BROUGHT TO TRIAL AND PUNISHED;

(C) PUT AN IMMEDIATE END TO INTIMIDATION AND PROSECUTION, AS WELL AS ARBITRARY AND IMPROPER ARRESTS AND IMPRISONMENT IN SECRET PLACES, AND RESPECT THE RIGHT TO LIFE AND TO PHYSICAL AND MORAL INTEGRITY BY HALTING THE USE OF TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT, WHICH, IN SOME CASES, HAVE RESULTED IN UNEXPLAINED DEATHS;

(D) RESPECT THE RIGHT OF CHILEAN NATIONALS TO LIVE IN AND FREELY ENTER AND LEAVE THEIR COUNTRY, WITHOUT RESTRICTIONS OR CONDITIONS OF ANY KIND, AND PUT AN END TO THE PRACTICE OF "RELEGATION" (ASSIGNMENT OF FORCED RESIDENCE) AND FORCED EXILE;

(E) RESTORE THE FULL ENJOYMENT AND EXERCISE OF TRADE UNION RIGHTS, INCLUDING THE RIGHT TO ORGANIZE TRADE UNIONS, THE RIGHT TO COLLECTIVE BARGAINING AND THE RIGHT TO STRIKE;

(F) RESPECT AND, WHERE NECESSARY, RESTORE ECONOMIC, SOCIAL AND CULTURAL RIGHTS AND, IN PARTICULAR, THE RIGHTS INTENDED TO PRESERVE THE CULTURAL IDENTITY AND IMPROVE THE SOCIAL STATUS OF INDIGENOUS POPULATIONS, INCLUDING THE RIGHT TO THEIR LAND;

7. CALLS AGAIN UPON THE CHILEAN AUTHORITIES TO COOPERATE WITH THE SPECIAL RAPPORTEUR AND TO SUBMIT THEIR COMMENTS ON HIS REPORT TO THE COMMISSION ON HUMAN RIGHTS AT ITS FORTY-SECOND SESSION;

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PAGE 01 GENEVA 01829 03 OF 03 041732Z
ACTION IO-15

INFO	LOG-00	COPY-01	ADS-00	AID-00	INR-10	EUR-00	SS-00
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~~C O N F I D E N T I A L~~ SECTION 03 OF 03 GENEVA 01829

E.O. 12356: DECL:OADR
TAGS: UNHRC, CI, SHUM
SUBJECT: DRAFT RESOLUTION ON CHILE

8. DECIDES TO EXTEND FOR A YEAR THE MANDATE OF THE SPECIAL RAPPORTEUR, AND REQUESTS HIM TO INFORM THE GENERAL ASSEMBLY AT ITS FORTIETH SESSION AND THE COMMISSION ON HUMAN RIGHTS AT ITS FORTY-SECOND SESSION ON THE SITUATION OF HUMAN RIGHTS IN CHILE;

9. RECOMMENDS THE ECONOMIC AND SOCIAL COUNCIL TO TAKE APPROPRIATE STEPS FOR THE NECESSARY FINANCIAL RESOURCES TO BE MADE AVAILABLE AS WELL AS SUFFICIENT PERSONNEL TO IMPLEMENT THE PRESENT RESOLUTION;

10. DECIDES TO STUDY THE QUESTION OF HUMAN RIGHTS IN CHILE AS A MATTER OF HIGH PRIORITY AT ITS FORTY-SECOND SESSION.
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PAGE 02 GENEVA 01829 03 OF 03 041732Z

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E.O. 12356: DECL: OADR
TAGS: SNAR, JM
SUBJECT: PRIME MINISTER SEAGA DISCUSSES GOJ DRUG STRATEGY

1. [redacted]

2. FOLLOWING A DISCUSSION OF GOJ ECONOMIC PLANS (SEPTEL) MARCH 12, PRIME MINISTER SEAGA TOLD CHARGE HE WAS CONCERNED ABOUT THE IMPACT ON JAMAICAN PUBLIC OPINION OF THE FEB. 22 NARCOTICS REPORT BY A U.S. HOUSE OF REPRESENTATIVES STAFF DELEGATION. HE EXPLAINED THAT THE PROBLEM STEMMED FROM THE REFERENCE IN PARAGRAPH 2, PAGE 28, TO CORRUPTION IN THE "GOVERNMENT OF JAMAICA," WHICH WAS LOCALLY INTERPRETED TO MEAN THE CABINET. THE CHARGE OFFERED TO WORK WITH HIM AND OTHER MINISTERS TO PRODUCE A CLARIFICATION WHICH WOULD EXPLAIN THE DIFFERENCE BETWEEN AMERICAN AND COMMONWEALTH USAGE OF THE WORD "GOVERNMENT."

3. LEAVING THIS POINT, SEAGA WENT ON TO LAMENT THE LACK OF APPRECIATION SHOWN FOR THE EFFORTS MADE BY HIS GOVERNMENT IN DRUG CONTROL. HE CONFIRMED THAT HE HAD RECENTLY ORDERED THE JAMAICA DEFENSE FORCE (JDF) AND THE JAMAICA CONSTABULARY FORCE (JCF) TO UNDERTAKE A SUBSTANTIALLY EXPANDED ERADICATION PROGRAM COUPLED WITH [redacted]

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PAGE 02 KINGST 02628 131934Z

THE DEMOLITION OF ILLEGAL AIRSTRIPS. ONE JDF HELICOPTER WOULD BE DEDICATED TO THE PROGRAM ONCE THE JDF AIR WING WAS AGAIN FULLY OPERATIONAL, AND THE JDF WOULD BE

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INSTRUCTED TO INSPECT THE DESTROYED AIRSTRIPS ON A WEEKLY BASIS TO MAKE SURE THEY HAD NOT BEEN REACTIVATED. SEAGA EVEN VOLUNTEERED INTEREST IN UNDERTAKING A SPRAY ERADICATION PROGRAM ON A TRIAL BASIS IN LARGE MARIJUANA FIELDS WHERE THE DANGER OF CONTAMINATING NEIGHBORING FOOD CROPS WAS SLIGHT. HE ADDED, HOWEVER, THAT ERADICATION WOULD FOCUS ON THE "LARGE FIELDS" AND NOT ON EVERY HILLTOP PATCH.

4. THE CHARGE WELCOMED THESE PLANS AND REPEATED, AS HE HAD TOLD JCF COMMISSIONER HERMAN RICKETTS LAST MONTH, THAT THE USG WAS READY TO PROVIDE FINANCIAL AND MATERIAL SUPPORT FOR AN EXPANDED ERADICATION PROGRAM. WHEN THE CHARGE NOTED THE PAST FRICTION BETWEEN THE JDF AND JCF, SEAGA SAID THAT COMMISSIONER RICKETTS WAS WORKING ON THI PROBLEM BUT THAT COORDINATION BETWEEN THE TWO FORCES ULTIMATELY WAS UP TO WINSTON SPAULDING, MINISTER OF NATIONAL SECURITY AND JUSTICE.

5. COMMENT: ENCOURAGING AS SEAGA'S PRONOUNCEMENT IS, THERE IS A WIDE GULF BETWEEN THE WORD AND THE ACT IN JAMAICA. WE WILL FOLLOW UP IN THE NEXT FEW DAYS WITH RICKETTS AND MAJOR GENERAL NEISH ON THE DETAILS OF AN EXPANDED ERADICATION PROGRAM AND THE ASSISTANCE WE CAN PROVIDE, BUT MARIJUANA WILL NOT DISAPPEAR FROM JAMAICA OVERNIGHT. WE ARE PARTICULARLY HEARTENED, HOWEVER, BY SEAGA'S WILLINGNESS TO EXPERIMENT WITH SPRAYING AND RECOMMEND THAT AN INVITATION NOW BE EXTENDED FOR NEISH AND RICKETTS TO VISIT COLOMBIA AND/OR MEXICO TO SEE A PROGRAM IN OPERATION.

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DEPT PLEASE PASS EC COLLECTIVE

E.O. 12356: DECL: OADR
TAGS: SHUM, CI
SUBJ: EC DEMARCHE ON CHILEANS IN COUNCIL OF WAR CASE

REF: (A) BRUSSELS 3738, (B) SANTIAGO 840

1. (C)-ENTIRE TEXT

2. SUMMARY: THE ITALIAN CHARGE IN SANTIAGO AND THE ITALIAN FOREIGN MINISTRY IN ROME HAVE PRESENTED A VERBAL EC DEMCRCHE ON THE THREE MEN ACCUSED OF ASSSSINATING SANTIAGO INTENDANT GEN. URZUA. THE DEMARCHE EXPRESSED CONCERN THAT THEY BE TRIED UNDER NORMAL, RATHER THAN EXCEPTIONAL, PROCEEDINGS. A GOC FOREIGN MINISTRY SPOKESMAN REACTED SHARPLY TO THE DEMARCHE, CHARACTERIZING IT AS THE RESULT OF A DISTORTED CAMPAIGN IN EUROPE. IN FACT,. THE THREE MEN HAVE NOT BEEN CONDEMNED TO DEATH, NOR EVEN TRIED YET. RATHER, THE SUPREME COURT RECENTLY RULED THAT A COUNCIL OF WAR TRIAL WAS CONSTITUTIONAL IN THIS CASE AND SHOULD BE HELD SOON. THE MILITARY PROSECUTOR HAS REQUESTED THE DEATH
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PAGE 02 SANTIA 01989 142101Z

PENALTY, BUT IN THE ONLY PREVIOUS COUNCIL OF WAR CASE, THE SENTENCE IMPOSED WAS LIFE IMPRISONMENT. END SUMMARY.

3. EC DEMARCHE: ON MARCH 12, SANTIAGO NEWSPAPERS CARRIED BRIEF ARTICLES ABOUT THE EC DEMARCHE ON

THE THREE MEN ACCUSED OF ASSASSINATING SANTIAGO INTENDANT GEN. URZUA (REF A). ACCORDING TO THE ARTICLES, THE ITALIAN CHARGE MADE A VERBAL PRESENTATION OF CONCERN WHILE, IN ROME, A SIMILAR PRESENTATION WAS MADE TO THE CHILEAN CHARGE. NEWSPAPER ARTICLES QUOTE THE ITALIAN CHARGE AS EXPRESSING THE EC DESIRE THAT THE THREE BE TRIED UNDER NORMAL RATHER THAN EXCEPTIONAL PROCEEDINGS "BECAUSE AN EXCEPTIONAL PROCEEDING ELIMINATES ALL LEGAL GUARANTEES OF DEFENSE THAT AN INDIVIDUAL HAS." ITALIAN CHARGE INFORMED AMBASSADOR OF THE SAME. A BRITISH EMBASSY SOURCE TOLD US THAT THE IDEA OF A DEMARCHE ORIGINATED AMONG EC REPRESENTATIVES IN SANTIAGO AND STRESSED THE NEED FOR NORMAL JUDICIAL PROCEEDINGS, RATHER THAN CONCERN OVER A POSSIBLE DEATH PENALTY; BECAUSE THE EC HAD NOT PROTESTED THE RECENT EXECUTION OF TWO CARABINEROS IN VINA DEL MAR FOR RAPE, ROBBERY AND MURDER.

4. GOC RESPONSE: A FOREIGN MINISTRY SPOKESMAN REACTED SHARPLY TO THE DEMARCHE, AS THE GOC ATENDS TO REACT WHENEVER THEY FEEL THERE IS OUTSIDE INTERFERENCE IN CHILE'S INTERNAL AFFAIRS. THE SPOKESMAN DESCRIBED THE THREE MEN AS "CONFESSED TERRORISTS" AND WENT ON TO NOTE THAT THE DEMARCHE "SHOWS HOW A CAMPAIGN OF DISTORTION IN EUROPE BRINGS FRIENDLY
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PAGE 03 SANTIA 01989 142101Z

COUNTRIES TO CONCERN THEMSELVES WITH TERRORISTS."

5. THE THREE MEN MENTIONED IN REF (A) HAVE NOT BEEN CONDEMNED TO DEATH. RATHER, DEFENSE APPEALS THAT COUNCIL OF WAR PROCEEDINGS (MILITARY TRIAL UNDER WARTIME CONDITIONS) ARE UNCONSTITUTIONAL AND INAPPLICABLE IN THIS CASE HAVE BEEN WENDING THEIR WAY THROUGH THE CHILEAN CIVIL COURT SYSTEM FOR THE PAST YEAR. ON JANUARY 29, 1985, THE SUPREME COURT REJECTED DEFENSE CLAIMS THAT A COUNCIL OF WAR WAS
UNCONSTITUTIONAL IN THIS CASE AND ORDERED THE CHIEF MILITARY JUDGE OF SANTIAGO TO CONVENE ONE AAND HOLD THE TRIAL (REF B). A SUBSEQUENT DEFENSE PETITION FOR A REVERSAL OF THAT DECISION WAS UNANIMOUSLY REJECTED BY THE SUPREME COURT ON MARCH 8. WHILE FURTHER DEFENSE APPEALS ARE POSSIBLE, THEY ARE ONLY DELAYING TACTICS AT THIS POINT. THE CASE WILL BE TRIED BEFORE A COUNCIL

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OF WAR ACTING UNDER WARTIME PROCEEDINGS AT SOME AFUTURE TIME. THE MILITARY PROSECUTOR HAS DEMANDED THE DEATH PENALTY BUT THE DECISION WILL BE UP TO THE MILITARY COURT. IN THE ONLY CASE TRIED TO DATE UNDER COUNCIL OF WAR PROCEEDINGS (FALL, 1982), THE MILITARY PROSECUTOR ALSO DEMANDED THE DEATH PENALTY BUT THE COUNCIL OF WAR INSTEAD DECIDED FOR LIFE IMPRISONMENT. EMBASSY SANTIAGO IS FOLLOWING THE CASE CLOSELY AND WILL REPORT ANY SIGNIFICANT DEVELOPMENTS. THEBERGE

NOTE BY OC/T: DEPT PASS TO EC COLLECTIVE.

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STATE PASS AID, OMB, ACDA

E.O. 12356: DECL: OADR
TAGS: MASS CS
SUBJECT: SECURITY ASSISTANCE: ANNUAL INTEGRATED ASSESSMENT OF SECURITY ASSISTANCE (AIASA) - COSTA RICA

REF: STATE 014321 (DTG 161105Z JAN 85)

1. SECRET ENTIRE TEXT.

2. SUMMARY: UNITED STATES SECURITY ASSISTANCE IN THE FORM OF ESF AND MILITARY SECURITY ASSISTANCE (MAP) SHOULD CONTINUE FOR THE PERIOD OF THIS AIASA. ESF SHOULD BE MAINTAINED AT THE LEVELS RECOMMENDED HEREIN, AND MAP SHOULD BE REDUCED FROM THE CURRENT (FY 85) LEVEL TO ONE THAT ALLOWS FOR SUSTAINABILITY OF THE DEFENSE ARTICLES AND SERVICES RECENTLY PURCHASED, AND THE CONTINUING PROFESSIONALIZATION OF THE PUBLIC SECURITY FORCES, THROUGH TRAINING, IN BOTH OPERATIVE AND MAINTENANCE SKILLS. PRINCIPALLY DUE TO UNITED STATES ECONOMIC ASSISTANCE TO DATE, COSTA RICA HAS MADE SIGNIFICANT AND MEASURABLE PROGRESS AWAY FROM THE FINANCIAL MALAISE ENCOUNTERED BY THE CURRENT ADMINISTRATION OF PRESIDENT MONGE IN MAY OF 1982. LIKE PROGRESS HAS BEEN MADE IN THE COUNTRY'S OVERALL SECURITY. COSTA RICA LOOKS TO THE UNITED STATES AS A FRIEND: HAS SUPPORTED OUR INITIATIVES TO BRING PEACE AND ECONOMIC STABILITY TO THE REGION; AND HAS BEEN EXTRAORDINARILY COOPERATIVE IN SUPPORT

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OF OUR DEFENSE INITIATIVES GIVEN ITS STRONG AND TRADITIONAL AVERSION TO THINGS MILITARY. WITHOUT OUR ECONOMIC, POLITICAL, AND MILITARY ASSISTANCE, THIS UNIQUE DEMOCRACY WOULD BE SORELY CHALLENGED, PERHAPS BEYOND ITS CAPABILITY, TO MAINTAIN TRADITIONS WE AND THEY CHERISH.

3. THE FOLLOWING IS KEYED TO PARAGRAPH 4 OF REFTEL:

- A. U.S. POLITICAL, MILITARY, AND ECONOMIC INTEREST: IT IS OF SIGNIFICANT AND DIRECT POLITICAL INTEREST TO THE USG TO PRESERVE THE DEMOCRATIC INSTITUTIONS OF COSTA RICA WHICH EXEMPLIFY THE KIND OF DEMOCRATIC DEVELOPMENT THE UNITED STATES PROMOTES IN THE REGION. THE GOCR STRONGLY EMPHASIZES ITS POLITICAL AND IDEOLOGICAL TIES TO THE UNITED STATES AND COMMITMENT TO THE VALUES OF WESTERN DEMOCRACY. WHILE MAINTAINING MILITARY NEUTRALITY, THE MONGE ADMINISTRATION VIGOROUSLY ADVOCATES THOSE VALUES IN THE IDEOLOGICAL STRUGGLE. THE PRESERVATION AND STRENGTHENING OF COSTA RICAN DEMOCRACY IS ESSENTIAL TO COUNTERING FORCES IN CENTRAL AMERICA WHICH WOULD IMPOSE A MARXIST-TOTALITARIAN MODEL FOR DEVELOPMENT.

- IN PURSUIT OF THIS OBJECTIVE, UNITED STATES SECURITY ASSISTANCE IN THE FORM OF GRANT AID SHOULD BE MAINTAINED DURING THE YEARS DISCUSSED IN THIS AIASA (1987-91). MILITARY ASSISTANCE, GIVEN THE PRESENT CIRCUMSTANCES, SHOULD BE REDUCED FROM CURRENT LEVELS TO ONE THAT SUSTAINS EQUIPMENT PURCHASED IN 1984-85, AND MAINTAINS (THROUGH TRAINING) THE PROFESSIONAL DEVELOPMENT OF THE COSTA RICAN PUBLIC SECURITY FORCES (PUBSECFOR). (ESF JUSTIFICATION AND RECOMMENDED FUNDING LEVELS ARE DISCUSSED IN PARAGRAPHS 3.. I.. AND 3.. M.)

- OUR SECURITY ASSISTANCE RELATIONSHIP WITH COSTA RICA SERVES U.S. INTERESTS IN ASSURING THAT THIS EXEMPLARY CENTRAL AMERICAN DEMOCRACY HAS A CAPACITY TO RESIST ANY EFFORT BY ITS EXPANSIONIST MARXIST-LENINIST NEIGHBOR TO UNDERMINE ITS SYSTEM. THE TYPE OF ASSISTANCE PROPOSED, ALTHOUGH LIMITED IN SCOPE, IS DESIGNED TO PROVIDE THE COSTA RICAN GOVERNMENT WITH A LIGHTLY-ARMED MOBILE CONSTABULARY CAPABLE OF FULFILLING ESSENTIAL NATIONAL DEFENSE AND INTERNAL SECURITY FUNCTIONS. ALTHOUGH THERE IS NO SIGNIFICANT SUPPORT FOR CHANGING COSTA RICA'S

STATE PASS AID, OMB, ACDA

E.O. 12356: DECL OADR
TAGS MASS CS
SUBJECT: SECURITY ASSISTANCE: ANNUAL INTEGRATED

CONSTITUTIONAL PROHIBITION AGAINST A STANDING ARMY, THE COUNTRY'S LEADERS ARE FULLY COMMITTED TO DEVELOPING A MODERNIZED PUBLIC SECURITY FORCE WITH THE WHEREWITHAL TO PATROL NATIONAL LAND AND SEABORDERS AND PROVIDE AT LEAST THE FIRST LINE OF DEFENSE FOR THE NATIONAL SOVEREIGNTY.

- IN THE EVENT OF OVERT AGGRESSION AGAINST COSTA RICA, THE GOCR WILL IMMEDIATELY INVOKE THE RIO TREATY WHICH COSTA RICANS REFER TO AS "THEIR ARMY." CONSONANT WITH THE COUNTRY'S CLOSE SECURITY RELATIONSHIP WITH THE UNITED STATES, COSTA RICA WOULD EXPECT U.S. FORCES TO BE IN THE FOREFRONT IN RESPONSE TO ANY SUCH AGGRESSION. HOWEVER, IN THE ABSENCE OF OVERT AGGRESSION, COSTA RICANS' VIEWS REGARDING

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MILITARY FORCES AND THE GOCR'S NEUTRALITY POLICY PRECLUDE BASING OF U.S. FORCES IN THE COUNTRY, AND THE USG MUST REMAIN ATTUNED TO COSTA RICAN ANTI-MILITARIST SENSIBILITIES. NONETHELESS, DRIVEN IN LARGE PART BY COSTA RICAN FEAR OF NICARAGUA'S UNPRECEDENTED MILITARY BUILD-UP, THE GOCR HAS WELCOMED U.S. SPECIAL FORCES MTT'S (AND OTHER MTT'S), SHIP VISITS, HIGH ALTITUDE HELICOPTER TRAINING, USCG DRUG ENFORCEMENT PATROLS, AND PROVIDED FUELING AND LAYOVER RIGHTS TO NUMEROUS TACTICAL/SERVICE AIRCRAFT AND NAVAL VESSELS. THESE ACTIONS REFLECT COSTA RICAN TRUST AND CONFIDENCE IN THE USG TO HELP REINFORCE THEIR SECURITY WITHOUT PUSHING THEM TO MILITARIZE.

- COSTA RICA'S PRINCIPAL SECURITY THREAT EMANATES FROM THE TROUBLED CENTRAL AMERICAN ISTHMUS AND SPECIFICALLY NICARAGUA. THE INCREASINGLY BELLIGERENT ATTITUDE OF THAT COUNTRY TOWARD COSTA RICA IN THE PAST THREE YEARS HAS BROUGHT THEIR BILATERAL RELATIONS TO THE LOWEST POINT IN RECENT TIMES. COSTA RICA IS OVERWHELMED BY THE THREAT REPRESENTED BY THE NICARAGUAN ARMED FORCES, THEIR INTRANSIGENCE TOWARD REAL PROGRESS IN A PEACEFUL SOLUTION TO THE CENTRAL AMERICAN CRISIS, AND THEIR, THUS FAR, UNWILLINGNESS TO IMPLEMENT THE PROMISES OF THE 1979 REVOLUTION OF A PLURALISTIC NICARAGUAN STATE -- AN OBJECTIVE TO WHICH COSTA RICA CONTRIBUTED CONSIDERABLY IN THE REBELLION AGAINST SOMOZA. THEY ARE GREATLY CONCERNED OVER CUBAN, SOVIET, EAST GERMAN, AND PLO PRESENCE IN NICARAGUA; OVER THE EVER INCREASING NUMBERS OF NICARAGUAN, ET AL, REFUGEES SEEKING HAVEN IN COSTA RICA; OVER THE SCOPE AND INTENSITY OF THE NICARAGUAN-CUBAN PROPAGANDA CAMPAIGN TO DEFAME COSTA RICA WITH THEIR TRADITIONAL WESTERN DEMOCRATIC ALLIES; AND WITH THEIR EFFORTS TO DESTABILIZE THE REGION AND SPECIFICALLY COSTA RICA. A FURTHER COMPLICATION IS THE DE FACTO AND UNEASY ALLIANCE WITH THE NICARAGUAN ANTI-SANDINISTA FORCES ON THE SOUTHERN FRONT. NICARAGUAN POLITICAL OPPOSITION LEADERS OPERATE WITH THE PERMISSION OF THE GOCR IN COSTA RICA AND HAVE BEEN THE TARGET OF AT LEAST TWO ASSASINATION ATTEMPTS. ARMED ANTI-SANDINISTA ELEMENTS OPERATE LARGELY JUST ACROSS THE BORDER IN NICARAGUA, BUT ALSO FREQUENTLY USE COSTA RICAN TERRITORY AS SANCTUARY AND AS A SOURCE OF LOGISTICAL AND MEDICAL SUPPORT. THEIR CROSS-BORDER ACTIVITIES HAVE BEEN THE CATALYST OF SEVERAL BORDER INCIDENTS, SOME SERIOUS. OTHER BORDER INCIDENTS HAVE OCCASIONED DIRECT EPS ATTACKS ON PUBSECFOR ELEMENTS THAT WERE NOT THE RESULT OF IMMEDIATE CONTRA ACTIVITY, BUT ARE BELIEVED TO HAVE BEEN IN GENERAL RETRIBUTION FOR PERCEIVED COSTA RICAN COMPLICITY WITH THE ANTI-SANDINISTA MOVEMENT. YET ANOTHER FORM OF NICARAGUAN INCURSION IS BELIEVED TO HAVE BEEN FLANKING MANEUVERS USING COSTA RICAN TERRITORY TO DRIVE CONTRA-ELEMENTS INTO EPS BLOCKING FORCES WITHIN NICARAGUA.

- COUNTERING THE FOREGOING IS THE COSTA RICAN PUBSECFOR, ABOUT 8,000 STRONG (COMPRISED OF THE CIVIL

STATE PASS AID, OMB, ACDA

E.O. 12356: DECL: OADR
TAGS: MASS CS
SUBJECT: SECURITY ASSISTANCE: ANNUAL INTEGRATED

(4,500) AND RURAL (3,500) GUARD), HAMPERED IN ITS CAPABILITY BY THE DEEP SEATED NATIONAL AVERSION TO

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THINGS MILITARY. THE DEBILITATING ECONOMIC SITUATION, AND ITS OWN LACK OF PROFESSIONAL STRUCTURE AND ORGANIZATION. THE GOCR IS CONCERNED ABOUT THE PROBLEM, HAS MADE SIGNIFICANT PROGRESS TOWARD IMPROVEMENT, AND HAS MADE EXCELLENT USE OF OUR MILITARY SECURITY ASSISTANCE PROGRAM TO DATE. THE FUNDAMENTAL IMPEDIMENT TO FORCE DEVELOPMENT HAS BEEN THE WHOLESALE TURNOVER OF THE PUBSECFOR THROUGH POLITICAL PATRONAGE PRACTICED BY SUCCESSIVE ADMINISTRATIONS. WE BELIEVE THAT PRACTICE IS UNDER SERIOUS REVIEW BY THE CURRENT ADMINISTRATION AND THE TWO PRESIDENTIAL CANDIDATES. WE ARE ENCOURAGED THAT SOME RELIEF IN THAT REGARD IS FORTHCOMING WHICH WILL MOST LIKELY TAKE THE FORM OF CIVIL SERVICE TYPE PROTECTION FOR THE WORKING LEVELS OF THE PUBSECFOR.

- AS PREVIOUSLY MENTIONED COSTA RICA'S DEFENSE SHIELD IS THE RIO TREATY. HOWEVER, INVOKING THE TREATY IN RESPONSE TO SUBVERSION, INSURGENCY, OR INTERNATIONAL TERRORISM IS PROBLEMATIC. (DEVELOPING A DOMESTIC CAPABILITY FOR RESPONDING TO SUCH THREATS IS ESSENTIAL TO THIS COUNTRY'S DEFENSE REQUIREMENTS). U.S. ASSISTANCE IS CRUCIAL TO OUR JOINT EFFORTS TO CONFRONT/CONTAIN THESE THREATS.

- UNFORTUNATELY THE GOCR SIMPLY CANNOT AFFORD THE PRICE OF ENHANCING THE PUBSECFOR. REVIVING THE ECONOMY OF COSTA RICA IS THE MAJOR POLITICAL CHALLENGE TO THE MONGE ADMINISTRATION, AND AUSTERITY BUDGETS ARE THE PRINCIPAL IMPEDIMENT TO A GOCR-FINANCED PROGRAM TO ENHANCE THE PUBSECFOR. USG POLITICAL AND MILITARY INTERESTS ARE IN TURN DIRECTLY RELATED TO THE ECONOMIC STABILITY OF THE COUNTRY.

- B. U.S. OBJECTIVES OF THE SECURITY ASSISTANCE PROGRAM:

THE PRINCIPAL OBJECTIVE IS THE DEFENSE AND PRESERVATION OF THE LONG ESTABLISHED DEMOCRATIC INSTITUTIONS OF COSTA RICA WHICH SERVE AS A MODEL AND IDEOLOGICAL COUNTER-BALANCE TO MARXIST PENETRATION IN THE CENTRAL AMERICAN ISTHMUS. IN TERMS OF MILITARY SECURITY ASSISTANCE THIS IS ACCOMPLISHED B: THE ESTABLISHMENT AND MAINTENANCE OF A VIABLE DEFENSE FORCE WITHIN THE PRESENT STRUCTURE AND SIZE OF THE CIVIL AND RURAL GUARD THAT GIVES THE CAPABILITY TO:

- (1). ADEQUATELY SURVEIL THE LAND/SEA/AIR BORDERS

- (2). MAINTAIN INTERNAL ORDER AND CONTROL AS IT PERTAINS TO OUTSIDE SUPPORTED TERRORISM AND/OR SUBVERSION.

- (3). REACT/REINFORCE AS NECESSARY OTHER LINE ELEMENTS OF THE CIVIL AND RURAL GUARD.

- (4). INITIALLY DEFEND TO THE EXTEND POSSIBLE AGAINST OVER OUTSIDE AGGRESSION UNTIL THE INTER-AMERICAN TREATY OF RECIPROCAL DEFENSE (RIO TREATY) COULD BE INVOKED.

- C. STATEMENT OF THE THREAT:

- (1). EXTERNAL: COSTA RICA'S ONLY EXTERNAL THREAT AT THE PRESENT TIME IS NICARAGUA AND THOSE COUNTRIES (CUBA, SOVIET UNION, EAST GERMANY, NORTH KOREA, LIBYA, ET AL) AND INTERNATIONAL TERRORIST

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ORGANIZATIONS (PLO, MONTONEROS, BASQUE ETA, ITALIAN RED BRIGADE, ET AL) WHICH PROVIDE THAT COUNTRY SUSTENANCE AND ADVICE. COSTA RICA BELIEVES THAT AN OVERT DEMONSTRABLE ATTACK AT THIS POINT IS UN-

STATE PASS AID, OMB, ACDA

E.O. 12356 DECL: OADR
TAGS: MASS CS
SUBJECT: SECURITY ASSISTANCE: ANNUAL INTEGRATED

LIKELY, PRINCIPALLY BECAUSE THE CONTRA SOUTHERN FRONT IS WEAK, DISORGANIZED, AND ITS MILITARY ELEMENTS ARE GENERALLY INSIDE NICARAGUA (ALBEIT DEPENDENT UPON COSTA RICAN TERRORITY AND GOODWILL FOR RESUPPLY AND SAFEHAVEN). WERE THE CONTRAS TO BECOME A MORE SIGNIFICANT THREAT TO THE GON THAN THEY PRESENTLY ARE, AND WERE THE SITUATION GENERALLY TO TURN IN THEIR FAVOR, AN ATTACK UPON COSTA RICA BECOMES A GREATER POSSIBILITY ALTHOUGH WE STILL RATE THE PROBABILITY LOW. COSTA RICA DOES BELIEVE THAT NICARAGUA, WITH THE SUPPORT OF THOSE STATES AND GROUPS MENTIONED ABOVE, ARE NOW PRESENTLY, AND WILL CONTINUE TO BE, INVOLVED IN SUBVERSIVE AND TERRORIST ACTIVITIES, EITHER DIRECTLY, OR IN A SUPPORTING ROLE, WITH LOCAL DISAFFECTED LEFTIST ELEMENTS WITHIN THE GOCR AND THE COUNTRY MISSION AGREES WITH THAT ASSESSMENT.

(2). INTERNAL: INTERNAL INSTABILITY HAS BEEN MOST NOTABLY DEMONSTRATED TO DATE IN TERMS OF LEFTIST LABOR ACTIVITY, WITH THE RECENT STRIKE IN THE SOUTHERN PACIFIC BANANA PRODUCING REGION BEING THE MOST OBVIOUS AND COSTLY. ANOTHER POTENTIALLY EXPLOSIVE AREA IN THAT REGARD IS THE OTHER BANANA PRODUCING REGION ALONG THE ATLANTIC COAST IN LIMON PROVINCE, PARTICULARLY IF BANANA FARMS CONTINUE TO GO OUT OF PRODUCTION. THERE CONTINUES TO BE SOLID EVIDENCE OF ARMS TRAFFICKING FOR INTERNAL USE AND A GROWING NARCOTICS PROBLEM BOTH IN TERMS OF LOCALLY PRODUCED MARIJUANA AND LABORATORY PRODUCTION OF COCAINE. IN REGARDS TO THE LATTER, IT IS BELIEVED THAT GROWING PRESSURE IN COCAINE PRODUCING COUNTRIES TO THE SOUTH OF COSTA RICA IS BEGINNING TO CREATE A GROWING USE OF THIS COUNTRY AS A TRANSSHIPMENT POINT FOR BOTH AIRCRAFT AND SMALL OCEAN GOING VESSELS. A MORE RECENT, AND SIGNIFICANT, EVENT WAS THE ROBBERY OF A BANK IN GUANACASTE BELIEVED TO HAVE BEEN CARRIED OUT BY LEFTIST ELEMENTS FOR POLITICAL PURPOSES VICE A TRADITIONAL CRIMINAL ACT FOR PERSONAL GAIN. FINALLY, THERE IS EVIDENCE SUGGESTING THAT FRUSTRATED YOUNGER MEMBERS OF THE COSTA RICAN RADICAL LEFT ARE BECOMING DISENCHANTED WITH TRADITIONAL LEFTIST POLITICAL GROUPS' OVERT LEGAL EFFORTS, AND ARE SHOWING INCREASING INTEREST IN MORE VIOLENT MEANS TO MEET THEIR OBJECTIVES. MISSION AGREES WITH THAT ASSESSMENT.

(3). STRATEGY FOR RESPONDING TO THREAT. IN LARGE PART, THROUGH THE U.S. MILITARY SECURITY ASSISTANCE PROGRAM, THE GOCR IS IMPROVING THE PUBSECTOR CAPABILITY ACROSS THE BOARD IN LAND, SEA, AND ELEMENTS, INTELLIGENCE CAPABILITY, AND COUNTER-TERRORIST CAPABILITY. CONSIDERABLE PROGRESS HAS BEEN MADE OR IS UNDERWAY IN THE LAST TWO YEARS (ECONOMIC AND POLITICAL ASSISTANCE IS ADDRESSED IN FOLLOWING PARAGRAPHS).

(A). LAND FORCES: THE CIVIL AND RURAL GUARD HAVE RECEIVED EXTENSIVE LAND OPERATIONS RELATED TRAINING IN SURVEILLANCE, LEADERSHIP DEVELOP-

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MENT, WEAPONS USE, COMMUNICATIONS, AND MAINTENANCE. THE CIVIL GUARDS' 1940'S VINTAGE ARMS AND AMMUNITION ARE BEING REPLACED WITH MODERN SMALL ARMS (RIFLES, MACHINE GUNS, RECOILLESS RIFLES, GRENADE LAUNCHERS, MORTARS, AND ASSOCIATED MUNITIONS). THIS WILL ALLOW THE PASSAGE OF THEIR DATED, BUT GENERALLY SERVICEABLE ARMS, TO THE RURAL GUARD (NOW LARGELY ARMED WITH .38 REVOLVERS) AND TO THE CIVIL GUARD RESERVE (WHICH REPLACES THE ORGANIZATION FOR NATIONAL EMERGENCIES (OPEN) PROPOSED BY PRESIDENT MONGE. THEIR COMMUNICATIONS AND TRANSPORTABILITY SITUATION HAS GREATLY IMPROVED ALTHOUGH IT STILL HAS GAPS. THE MOST SIGNIFICANT IMPROVEMENT IS THE CREATION OF FOUR REACTION-ANTI SUBVERSION COMPANIES PRESENTLY UNDERWAY. THESE COMPANIES WILL BE PROVIDED SUFFICIENT TRAINING, COMMUNICATIONS, TRANSPORTATION, AND FIRE-POWER TO ENABLE THEM TO REINFORCE OR OPERATE

STATE PASS AID, OMB, ACDA

E.O. 12356, DECL: OADR
TAGS: MASS CS
SUBJECT: SECURITY ASSISTANCE: ANNUAL INTEGRATED

ANYWHERE IN COSTA RICA, EITHER SEPARATELY OR UNDER A BATTALION STRUCTURE THAT HAS NOT BEEN HERETOFORE POSSIBLE, BUT IS SORELY REQUIRED.

(B). SEA ELEMENT. THE COSTA RICAN MARITIME SECTION OF THE CIVIL GUARD (CS MARSEC) HAS RECEIVED EXTENSIVE TRAINING FROM NAV SCIATTS-PANAMA, MTT'S, USCG, AND CONTRACTOR PROVIDED MAINTENANCE TRAINING FROM BOTH SWIFTSHIPS AND MTU MARINE DIESEL. THEY HAVE BEEN PROVIDED 13 EACH BOSTON WHALER RIVER PATROL CRAFT, REPAIR OF THEIR OCEAN-GOING SWIFTSHIP PATROL BOATS, AND A PURCHASE OF TWO ADDITIONAL 34-FOOT OCEAN PATROL CRAFT IS UNDERWAY. THE OCEAN CRAFT ARE ARMED WITH NEW .50 CALIBER MACHINE GUNS, MODERN COMMUNICATIONS (WHICH ENABLE COMMUNICATIONS WITH AIR AND LAND ELEMENTS) AND NAVIGATION EQUIPMENT. THEIR CAPABILITY TO SURVEIL, PATROL, INTERDICT, AND CONDUCT SAR OPERATIONS ARE NOW ENHANCED AND WILL BE SIGNIFICANTLY SO IN SIX TO TEN MONTHS AS ALL OF THE ABOVE COMES TOGETHER IN COUNTRY.

(C). AIR ELEMENT. THE COSTA RICAN AIR SECTION OF THE CIVIL GUARD (CS AIRSEC) HAS RECEIVED EXTENSIVE MAINTENANCE AND OPERATIONS TRAINING FROM IAAFA - PANAMA, MTT'S, AND CONTRACTOR PROVIDED MAINTENANCE FROM HUGHES HELICOPTER (AND WILL SHORTLY RECEIVE SIMILAR TRAINING FROM CESSNA-SOLOY). THEY HAVE BEEN PROVIDED ONE HUGHES 500E HELO AND WILL RECEIVE ANOTHER IN APRIL 1985. THEY WILL RECEIVE TWO EACH CESSNA SOLOY RECCE AIRCRAFT IN JULY 1985 AND A THIRD SHORTLY THEREAFTER. THEY NOW HAVE THE CAPABILITY FOR LONG AND SHORT RANGE COMMUNICATIONS WITH THE PUESECFOR AND MARSEC BOTH FROM THEIR OPERATING BASE AND THEIR AIRCRAFT. THEIR CAPABILITY TO HELILIFT SMALL ELEMENTS, AND CONDUCT BORDER DRUG RECONAISSANCE, AND SAR OPERATIONS HAS BEEN (OR SOON WILL BE) GREATLY ENHANCED.

(D). INTELLIGENCE AND COUNTER-TERRORISM. IN PART THROUGH EFFORTS UNDER MILITARY SECURITY ASSISTANCE, BUT IN LARGER PART THROUGH THE EFFORTS OF OTHER AGENCIES (INCLUDING DEPARTMENT OF STATE ANTI-TERRORISM TRAINING PROGRAMS), THESE TWO AREAS ARE UNDERGOING THE MOST SIGNIFICANT CHANGE IN

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MORI DocID: 756976

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RECENT TIMES IN COSTA RICA. MOREOVER, THE REQUIREMENT TO INTEGRATE THESE ELEMENTS WITH THOSE OF THE PUBSECFOR IS BETTER UNDERSTOOD AND CARRIED OUT THAN AT ANY OTHER TIME IN RECENT HISTORY.

D. TYPE MILITARY ESTABLISHMENT. THE CS-PUBSECFOR WILL NOT DRASTICALLY CHANGE IN SIZE AND ORGANIZATION. THERE IS A STRONG DESIRE ON THE PART OF THE CURRENT GOCR AND SIMILAR INTEREST FROM THE TWO PRESIDENTIAL CANDIDATES (ONE OF WHICH WILL TAKE OFFICE IN MAY 1986) TO PROFESSIONALIZE (TRAIN AND EQUIP) AND STABILIZE KEY ELEMENTS OF THE PUBSECFOR. THE PROFESSIONALIZATION AND STABILIZATION OF THE PUBSECFOR ARE KEY TO COSTA RICA'S SECURITY, AND THE PRESENT LACK THEREOF IS THE FUNDAMENTAL BASIS FROM WHICH NEARLY EVERY OTHER SHORTCOMING STEMS. WHAT HAD WORKED WELL IN THE COSTA RICAN POLITICAL CONTEXT REGARDING SECURITY FROM THE ABOLITION OF THEIR ARMY IN 1949 UNTIL THE REVOLUTION IN NICARAGUA IN 1979 DOES NOT WORK WELL NOW. THAT FACT IS BEING MORE WIDELY RECOGNIZED NOW THAN EVER BEFORE AS THEIR BILATERAL RELATIONS WITH NICARAGUA BECOME MORE AND MORE PROBLEMATICAL. INASMUCH AS WE HAVE BEEN ABLE TO MAKE SIGNIFICANT HEADWAY IN EQUIPMENT AND TRAINING, AND HAVE SOME REAL HOPE FOR A POLITICALLY ACCEPTABLE FORMULA TO MAINTAIN KEY ELEMENTS OF THE PUBSECFOR REGARDLESS OF WHICH PARTY TAKES THE REINS, THE GOALS FOR OUR MILITARY ASSISTANCE PROGRAM SHOULD BE CONTINUED MODERNIZATION/UPGRADING OF THE PUBSECFOR THROUGH TRAINING, AND EQUIPMENT SUSTAINABILITY THROUGH

STATE PASS AID, OMB, ACDA

E.O. 12356 DECL OADR
TAGS MASS CS
SUBJECT: SECURITY ASSISTANCE - ANNUAL INTEGRATED

SPARES PURCHASE.

E. ECONOMIC IMPACT:

THE AMOUNT OF MILITARY ASSISTANCE CONTEMPLATED DURING THE PERIOD UNDER CONSIDERATION WILL NOT HAVE A SIGNIFICANT IMPACT ON THE OVERALL ECONOMY, BALANCE OF PAYMENTS SITUATION OR INFLATION. INASMUCH AS WE ARE REQUESTING SUSTAINING SUPPORT VICE NEW EQUIPMENT PURCHASE. HOWEVER, THERE WOULD BE AN APPRECIABLE IMPACT ON THE BUDGETS OF THE MINISTRY OF PUBLIC SECURITY (CIVIL GUARD) AND THE MINISTRY OF GOVERNMENT AND POLICE (RURAL GUARD) WERE THOSE MINISTERIES TO UNDERTAKE FUNDING THE PROPOSED ACTIVITIES THEMSELVES. IN THIS CASE, THE ADDED EXPENSE COULD IMPACT GOCR EFFORTS TO CONSTRAIN THE OVERALL BUDGET DEFICIT TO COMPLY WITH IMF REQUIRMENTS, OR WOULD HAVE TO COME OUT OF THE BUDGETS FOR EXISTING CIVILIAN PROGRAMS.

THE 1985 BUDGETS FOR BOTH MINISTRIES COMBINED TOTAL ABOUT 38 MILLION DOLLARS, REPRESENTING ABOUT ONE PERCENT OF PROJECTED 1985 GDP AND NEARLY SIX PERCENT OF THE TOTAL CENTRAL GOVERNMENT BUDGET. THIS FIGURE REPRESENTS A PER DAY PER CAPITA EXPENDITURE OF 13 DOLLARS FOR EACH MEMBER OF THE PUBSECFOR, WHICH GOES ALMOST ENTIRELY TO SALARIES, FOOD, AND HOUSING. VERY LITTLE, IF ANY, REMAINS FOR EQUIPMENT AND TRAINING. WHILE THE BUDGET FOR EQUIPMENT AND MACHINERY PURCHASES HAS BEEN INCREASED SOMEWHAT, TO APPROXIMATELY 384,000 DOLLARS, ROUGHLY ONE QUARTER OF THE TOTAL BUDGET WILL BE SPENT ON MATERIALS AND SUPPLY PURCHASES. HOWEVER, THE MAJORITY OF

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MORI DocID: 756976

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EXPENDITURES FOR EQUIPMENT WILL GO TOWARD UPGRADING COMMUNICATIONS EQUIPMENT. AND THE CATEGORY FOR MATERIALS AND SUPPLIES INCLUDES A NUMBER OF EXPENSES RANGING FROM PETROLEUM PRODUCTS TO OFFICE SUPPLIES TO MEDICINES. WAGES AND SALARIES ARE BY FAR THE LARGEST SINGLE OUTLAY IN THE DEFENSE BUDGET, ROUGHLY TWO-THIRDS. ASSUMPTION OF FUNDING FOR THE MILITARY ASSISTANCE PROGRAM BY THE GOCR WOULD RESULT IN A WHOPPING TEN-FOLD INCREASE IN EXPENDITURES FOR MACHINERY AND EQUIPMENT PURCHASES, AND AN EIGHT PERCENT INCREASE IN THE OVERALL DEFENSE BUDGET. IMPACT ON THE TOTAL CENTRAL GOVERNMENT WOULD BE LESS SPECTACULAR, BUT NEVERTHELESS WOULD MAKE GOCR EFFORTS TO MEET IMF LIMITS ON THE CENTRAL GOVERNMENT BUDGET DEFICIT MORE DIFFICULT. IN REALITY, IT IS IMPROBABLE THAT THE DEFENSE-ORIENTED MINISTRIES COULD OR WOULD UNDERTAKE THIS PROGRAM IN THE ABSENCE OF U.S. ASSISTANCE.

F. ARMS CONTROL:

THE PROPOSED SECURITY ASSISTANCE TO COSTA RICA IS ENTIRELY CONSISTENT WITH THE GOCR'S LONG STANDING POLICY OF MAINTAINING A LIMITED PARA-MILITARY CONSTABULARY CAPABLE OF POLICING ITS BORDERS AND MAINTAINING INTERNAL SECURITY. COSTA RICA IS LOCATED GEOGRAPHICALLY IN A REGION BESET WITH SERIOUS CHALLENGES TO THE ESTABLISHED GOVERNMENTS, AND THE GOCR REQUIRES THE MILITARY WHEREWITHAL TO DEFEND ITS DEMOCRATIC SYSTEM FROM THREATS TO PUBLIC ORDER AND ITS TERRITORIAL INTEGRITY. CUBA AND NICARAGUA, AMONG REGIONAL NEIGHBORS, MAY ATTACK THE LIMITED SECURITY ASSISTANCE PROGRAM AS A USG EFFORT TO DISTORT COSTA RICA'S CIVIL TRADITION AND MILITARIZE THE SOCIETY. DOMESTIC ELEMENTS ON THE EXTREME LEFT WILL LIKELY PICK UP THIS THEME AS WELL. OTHER REGIONAL NEIGHBORS AND THE OVERWHELMING MAJORITY OF THE COSTA RICAN PUBLIC AND ALL MAJOR POLITICAL GROUPS WILL INTERPRET IT AS A WELCOME CONTRIBUTION TO THE LEGITIMATE SECURITY NEEDS OF THE COUNTRY.

G. HUMAN RIGHTS

COSTA RICA IS AND HAS BEEN FOR DECADES, A

STATE PASS AID, OMB, ACDA

E.O. 12356: DECL: OADR
TAGS: MASS CS
SUBJECT: SECURITY ASSISTANCE: ANNUAL INTEGRATED

FUNCTIONING CONSTITUTIONAL DEMOCRACY WHERE SCRUPULOUS ATTENTION IN BOTH PUBLIC AND PRIVATE INSTITUTIONS IS DEVOTED TO THE PROTECTION OF BASIC HUMAN RIGHTS. THE NATION IS AN ACTIVE PARTICIPANT AND SPOKESMAN IN INTERNATIONAL FORUM FOR THE PROMOTION OF IMPROVED OBSERVANCE OF ALL HUMAN RIGHTS PRINCIPLES. THE SECURITY FORCES ARE NOT ONLY THE GUARDIANS OF NATIONAL SOVEREIGNTY BUT ARE SCHOOLED AND EXPECTED TO DEMONSTRATE, IN THE EXERCISE OF THEIR DUTY, AN AWARENESS OF THE RIGHTS OF ALL INDIVIDUALS. THE ONLY SERIOUS THREATS TO HUMAN RIGHTS IN RECENT YEARS HAVE ORIGINATED FROM TERRORIST GROUPS BASED OUTSIDE COSTA RICA. THE LIMITED U.S. SECURITY ASSISTANCE CONTEMPLATED IN THIS PROGRAM WILL BE USED BY INSTITUTIONS STRONGLY IMBUED WITH A TRADITIONAL RESPECT FOR HUMAN RIGHTS. TO THE EXTENT THAT IT ENHANCES PUBLIC SECURITY FORCES' ABILITY TO PROTECT THE COUNTRY'S CITIZENS FROM TERRORIST AND OTHER LAWLESS ELEMENTS AND FROM BORDER INCURSIONS, U.S. SECURITY ASSISTANCE WILL STRENGTHEN HUMAN RIGHTS

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MORI DocID: 756976

UNCLASSIFIED

OBSERVANCE IN COSTA RICA

- H. MILITARY ASSISTANCE FROM OTHER SOURCES

- (1). ISRAEL PROVIDED IN 1983 500 EACH UZI SMG, 500 GALIL ASSAULT RIFLES, AND 100 TADIRAN PRC-[illegible] (IDENTICAL IN APPEARANCE AND OPERATION TO USG AN/PRC-[illegible]) RADIOS. TERMS ARE NOT KNOWN, BUT LIKELY A GRANT OR LONG TERM CONCESSIONAL LOAN.

- (2). VENEZUELA PROVIDED IN 1983 900 EACH M-14 SEMI-AUTOMATIC RIFLES IN AVERAGE CONDITION AND APPROXIMATELY 100 EACH M-16'S IN GOOD CONDITION. WEAPONS ARE SUPPOSEDLY "LOANED", ALTHOUGH THE END RESULT WILL LIKELY BE A GRANT.

- (3). FRG HAS DELIVERED THIS YEAR ON 2,000,000 IN EQUIPMENT CONSISTING OF POLICE RADIO COMMUNICATIONS AND APPROXIMATELY 20 BMW POLICE MOTORCYCLES.

- (4). ROMANIA GRANTED IN 1984 5,000 SETS OF CAMOUFLAGE FIELD UNIFORMS. COSTA RICA PAID TRANSPORT FEES.

- (5). SOUTH KOREA GRANTED IN 1984 POLICE RADIO-PATROL CARS -- APPROXIMATELY 30 EACH.

- (6). TAIWAN, VENEZUELA, AND POSSIBLY SOUTH KOREA HAVE PROVIDED SOME POLICE AND POLITICAL-MILITARY TRAINING OUT-OF-COUNTRY.

- (7). PANAMA HAS PROVIDED BOTH IN-COUNTRY POLICE-MILITARY TRAINING (APPROXIMATELY 300 INDIVIDUALS IN 1983 AND 150 IN 1984) PLUS OUT-OF-COUNTRY INTELLIGENCE TRAINING AND THE TRAINING OF AT LEAST ONE HELICOPTER PILOT

- (8). ISRAEL PROVIDED IN-COUNTRY ANTI-TERRORIST TRAINING IN 1982

- I. BUDGET LEVELS (TOTALS IN MILLIONS)

MINIMUM LEVEL

	87	88	89	90	91
ESF	170	180	180	180	180
MAP	1.45	1.5	2.05	2.775	3.1
TOTAL	171.45	181.5	182.05	182.775	183.1

CONTINUITY LEVEL

	87	88	89	90	91
STATE PASS AID, OMB, ACDA					
E.O. 12356: DECL: OADR					
TAGS: MASS CS					
SUBJECT: SECURITY ASSISTANCE - ANNUAL INTEGRATED					
ESF	200	200	200	200	200
MAP	2.1	2.7	3.4	4.325	4.7
TOTAL	202.1	202.7	203.4	204.325	204.7

ENHANCED LEVEL

87	88	89	90	91

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UNCLASSIFIED

MORI DocID: 756976

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ESF	200	300	300	300	200
MAP	3.1	3.4	4.1	5.4	5.6
TOTAL	203.1	203.4	204.1	205.4	205.6

J. PROJECTED PURCHASES AND SUPPORT:

INASMUCH AS WE WILL BE ENTERING A SUSTAINABILITY PHASE, I.E. PURCHASING SPARES, SPARE PARTS, AND TRAINING DURING THE PERIOD OF THIS REPORT WE HAVE TAKEN THE LIBERTY TO SOMEWHAT MODIFY THE FORMAT OF THE TABLES REQUIRED IN THIS PARAGRAPH. ALL OF THE PURCHASES ARE ANTICIPATED UNDER MAP AND ALL ARE VALID IN OUR VIEW. WHAT FEW END ITEMS REQUIRED ARE EXPLAINED IN FOOTNOTES.

FY 1987

PRIORITY NUMBER	DEFENSE ARTICLE	MINIMUM LEVEL	CONTINUITY LEVEL	ENHANCED LEVEL
1	AVIATION TRAINING (A)	300K	320K	320K
2	VEHICULAR MAINT	125K	150K	150K
3	MTT/PAT	320K	405K	560K
4	WPNS MAINT	50K	50K	100K
5	COMMO MAINT	100K	150K	150K
6	AMMUNITION	--	400K	900K
7	PERS EQUIP	320K	400K	600K
8	TRANSPORT (B)	325K	225K	320K
	TOTALS	1.45M	2.1M	3.1M

NOTES

(A). PILOT AND MECHANIC TRAINING IN FOREIGN O/W AIRCRAFT

(B). VEHICLES (TRUCKS OR BUSES) FOR RURAL AND CIVIL GUARD TRAINING ACADAMIES.

PRIORITY NUMBER	DEFENSE ARTICLE	MINIMUM LEVEL	CONTINUITY LEVEL	ENHANCED LEVEL
1	AMMUNITION	200K	900K	1250K
2	AVIATION MAINT	150K	150K	150K
3	COMMO REPAIR	100K	200K	275K
4	WPNS MAINT	100K	150K	150K
5	PERS EQUIP	300K	500K	600K
6	VEH MAINT	125K	125K	150K
	PAT BOAT MAINTIAT	300K	400K	400K
8	MTT PAT	325K	275K	425K
	TOTALS	1.5M	2.7M	3.4M

NOTES

CURRENT OCEAN PAT BOAT MAINTENANCE PACKAGE COVERS FY 86-87

FY 1989

PRIORITY	DEFENSE	MINIMUM	CONTINUITY	ENHANCED

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UNCLASSIFIED

MORI DocID: 756976

UNCLASSIFIED [redacted]

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NUMBER	ARTICLE	LEVEL	LEVEL	LEVEL
1	AMMUNITION	500K	1000K	1500K
2	AVIATION MAINT	150K	150K	150K
3	PAT BOAT MAINT	300K	300K	300K

STATE PASS AID. OMB. 4CDA

E.O. 12356 DECL OADR
TAGS. MASS CS
SUBJECT SECURITY ASSISTANCE ANNUAL INTEGRATED

4	COMMO PURCHASE(A)	200K	400K	400K
5	WPNS MAINT	75K	75K	75K
6	PERS EQUI	225K	500K	800K
7	VEH MAINT	75K	140K	170K
8	PAT BOAT MAINT	300K	400K	400K
9	MTT/TAT	225K	435K	505K
-	TOTALS	2.05M	3.4M	4.1M

NOTES

- (A) REPLACEMENT OF AN-PRC-12 SERIES RADIOS

FY 1990

PRIORITY NUMBER	DEFENSE ARTICLE	MINIMUM LEVEL	CONTINUITY LEVEL	ENHANCED LEVEL
1	AMMUNITION	750K	1000K	1250K
2	WPNS PURCHASED(A)	225K	500K	500K
3	WPNS MAINT	50K	75K	100K
4	VEHICLE PURCHASE (B)	500K	1000K	1250K
5	PAT BOAT MAINT	300K	400K	500K
6	COMMO PURCHASE(C)	200K	300K	500K
7	MTT/TATS	200K	250K	400K
8	PERS EQUIP	350K	500K	600K
9	AVIATION MAINT	200K	300K	300K
-	TOTALS	2.775M	4.325M	5.4M

NOTES:

- (A) REPLACEMENT OF UNSERVICEABLE WEAPONS PURCHASED IN FY 84-85.
- (B) REPLACEMENT OF UNSERVICEABLE WHEELED VEHICLES PURCHASED IN FY 85.
- (C) REPLACEMENT OF UNSERVICEABLE COMMO EQUIPMENT PURCHASED FY 84-85.

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MORI DocID: 756976

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PRIORITY NUMBER	DEFENSE ARTICLE	MINIMUM LEVEL	CONTINUITY LEVEL	ENHANCED LEVEL
1	AMMUNITIONS	800	1200K	1500K
2	AIRCRAFT MAINT	400K	500K	500K
3	PAT BOAT MAINT	400K	500K	500K
4	COMMO MAINT	100K	200K	300K
5	PERS EQUIP	400K	600K	750K
6	VEH PURCHASES AND MAINT	500K	900K	1100K
7	WEAPONS	325K	400K	400K
8	MTT/TAT	275K	400K	550K
	TOTALS	3.1M	4.7M	5.6M

K. LOGISTICS CAPABILITY

STATE PASS AID, DMB, ACDA

E.O. 12356 DECL OADR
TAGS MASS CS
SUBJECT SECURITY ASSISTANCE ANNUAL INTEGRATED

COSTA RICA IS NOT PRESENTLY LOGISTICALLY SOUND ALTHOUGH WE HAVE MADE CONSIDERABLE AND MEASURABLE PROGRESS TO DATE IN TRAINING OF MAINTENANCE AND LOGISTICAL PERSONNEL. THE ECONOMIC CONDITION OF THE COUNTRY DOES AND WILL HAMPER THEIR CAPABILITY TO SUPPORT EQUIPMENT. WE OUTLINED IN PREVIOUS FAAS'S THE REQUIREMENT TO SURGE EQUIPMENT PURCHASES IN FY 84-85 AND TO SUSTAIN SAME IN THE OUT-YEARS. WE HAVE LARGELY ACCOMPLISHED THE FORMER, AND OUR FY 86 BUDGET REQUEST IN ADDITION TO THE PROGRAM OUTLINED IN THIS FAAS FOR FY 87-91 ADDRESSES THE LATTER. SPECIFICALLY WE ARE LOOKING TO SUPPORT THROUGH CONTINUED TRAINING, SPARE AND SPARE PART PURCHASES THE FOLLOWING MAJOR END-ITEMS PURCHASED TO DATE

- 4 EA 65' PAT BOATS
- 1 EA 105' PAT BOATS
- 2 EA 34' PAT BOATS
- 1 EA 42' PAT BOAT
- 13 EA 18' BOSTON WHALER RIVER PAT BOATS
- 4 EA CESSNA 206 W/SOLO
- 2 EA HUGHES 500 E HELO
- 1 EA HUGHES 500 F HELO
- 200 EA PRC 77'S
- 15 EA SUNAIR HF RADIOS
- 8 EA RACAL HF RADIOS
- 60 EA DATO-TEC DATA PRIVACY EQUIPMENT

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UNCLASSIFIED

MORI DocID: 756976

UNCLASSIFIED

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MC 85

-250 EA M16 A-1'S

-?C EA M60'S

-62 EA 50 CAL (INCLUDES 20 EA ON PAT BOATS)

-30 EA 90 MM

260 EA M 203'S

-35 EA 81 MM

174 EA VEHI__ES

L. NOT APPLICABLE.

M ESF JUSTIFICATION

ECONOMIC SUPPORT FUND ASSISTANCE PROVIDES DOLLAR RESOURCES TO FINANCE THE IMPORTATION FROM THE U.S. OF ESSENTIAL RAW MATERIALS, INTERMEDIATE GOODS, SPARE PARTS, AND OTHER INPUTS NEED TO MAINTAIN AGRICULTURAL AND INDUSTRIAL PRODUCTION. ELIMINATION OF THE PLANNED RESOURCE INFLOW ($200 MILLION FOR FY 1987) WOULD ENTAIL APPROXIMATE 15 PERCENT REDUCTION OF REAL INCOMES IN COSTA RICA WITH PROBABLE ADVERSE CONSEQUENCES FOR MAINTENANCE OF DEMOCRATIC PROCESSES AND FOR THE INVESTMENT CLIMATE NEEDED FOR RESUMPTION OF SOUND1Y-BASED ECONOMIC GROWTH. DUE TO THE RELATIVELY ADVANCED LEVEL OF PUBLIC SERVICES AND PHYSICAL INFRASTRUCTURE PRESENTLY ATTAINED BY COSTA RICA AS WELL AS THE AVAILABILITY OF PROJECT-TYPE ASSISTANCE FROM OTHER DONORS, INCLUDING THE IDB, RELIANCE ON THE

STATE PASS AID, OMB, ACDA

E.O. 12356: DECL OADR
TAGS MASS CS
SUBJECT SECURITY ASSISTANCE - ANNUAL INTEGRATED

PROJECT ASSISTANCE ALONE WOULD PRECLUDE THE MAGNITUDE OF RESOURCE INFLOWS NEEDED TO HANDLE COSTA RICA'S PRESENT AND ANTICIPATED BALANCE OF PAYMENT DEFICITS.

DURING THE MONGE ADMINISTRATION (1982-1986) COSTA RICA HAS MADE NOTABLE PROGRESS IN STABILIZATION. THE GOCR NEGOTIATED AND MET AN IMF STABILIZATION PROGRAM IN 1983, AND WHILE SUBSEQUENT NEGOTIATIONS WERE NOT CONCLUDED UNTIL EARLY 1985, TARGETS PROPOSED FOR THE END OF 1984 WERE APPROXIMATED. THE RATE OF INFLATION HAS BEEN REDUCED FROM RATES IN EXCESS OF 100 PERCENT PER ANNUM IN 1981 AND 1982 TO RATES CURRENTLY AT LESS THAN 20 PERCENT PER ANNUM; THE FINANCIAL DEFICIT OF THE NON-FINANCIAL PUBLIC SECTOR HAS BEEN REDUCED FROM 14.3 PERCENT IN 1981 TO 9.0 PERCENT IN 1982 TO 3.4 PERCENT IN 1983, AND AN ESTIMATED 2.5 PERCENT IN 1984; AND ON A PURCHASING POWER PARITY BASIS (VIS-A-VIS THE U.S.) THE EXCHANGE RATE IS NEARLY THE SAME AS A DECADE AGO, I.E. BEFORE THE ECONOMIC CRISIS. IN 1985 THE GOCR HAS MOVED TO THE SECOND PHASE OF ECONOMIC RECOVERY, THAT IS WITH RELATIVE SUCCESS IN THE STABILIZATION EFFORT WHICH BEGAN IN 1982, THE PROGRAM CONTENT AND CONDITIONALITY IS NOW SHIFTING TO ECONOMIC REFORM. AS WELL AS UNDERPINNING COSTA RICA'S BALANCE OF PAYMENTS, THE LOCAL CURRENCY COUNTERPART OF FY 1985 ESF RESOURCES IS ORIENTED TO ASSISTING THE

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GOCR WITH THE DIVESTITURE OF CODESA. THE LARGE GOVERNMENT HOLDING COMPANY FOR INDUSTRIAL ENTERPRISES. FINAL APPROVAL OF A STRUCTURAL ADJUSTMENT LOAN FROM THE IBRD TO THE GOCR IS EXPECTED SHORTLY. THIS $80 MILLION SAL IS SLATED TO BE THE FIRST OF THREE SUCH LOANS, WITH CONDITIONALITY REQUIRING THE REDUCTION OF HIGH TARIFF PROTECTION AND OF ELIMINATING PUBLIC SECTOR WASTE. APPROVAL IS ALSO EXPECTED SHORTLY FOR AN IMF STANDBY WHICH IS AN ESSENTIAL PRIOR CONDITION FOR A $75 MILLION LOAN FROM FOREIGN COMMERCIAL BANKS AND FOR 1985 PARIS CLUB DEBT RESCHEDULING.

- WE ANTICIPATE THAT THE NEED FOR BALANCE OF PAYMENT SUPPORT RESOURCES AND FOR DEBT RESCHEDULING WILL CONTINUE THROUGH FY 1987 AND POSSIBLY THROUGH THE REMAINDER OF THE DECADE. HOWEVER, THIS NEED MAY BE TEMPERED BY SEVERAL EVENTS IN COMING YEARS, E.G. IMPROVED WORLD MARKET CONDITIONS FOR COSTA RICA'S MAJOR EXPORTS, COFFEE AND BANANAS, SUCCESS IN EXPANDING EXPORTS OF NONTRADITIONAL GOODS, FAVORABLE INTEREST RATE MOVEMENTS, AND THE RESPONSE OF POTENTIAL FOREIGN INVESTORS TO INVESTMENT IN COSTA RICA. PUBLIC SECTOR EXTERNAL DEBT SERVICE RATIOS PROJECTED BY THE IMF IN 1984 FOR THE PERIOD 1985-1989 EXCEED FIFTY PERCENT OF FOREIGN EXCHANGE EARNINGS FROM EXPORTS OF GOODS AND NON-FACTOR SERVICES. THE RESCHEDULINGS RECENTLY AGREED TO BY FOREIGN COMMERCIAL BANKS AND RESCHEDULING OF OFFICIAL LOANS TO BE DISCUSSED SOON AT THE PARIS CLUB PROVIDE RELIEF FOR 1985 AND 1986 AND WILL INCREASE SERVICE PROJECTED FOR FUTURE YEARS. THEREFORE, WE CONSIDER THAT FURTHER PARIS CLUB AND COMMERCIAL BANK RESCHEDULINGS ARE LIKELY IN 1987. THE DEVELOPMENT STRATEGY WHICH THE INTERNATIONAL LENDERS ARE SUPPORTING IS DESIGNED TO REORIENT COSTA RICA'S ECONOMY FROM ITS PRESENT IMPORT-SUBSTITUTION BIAS TO ONE IN WHICH ECONOMIC GROWTH IS GENERATED THROUGH HIGHER EXPORTS OUTSIDE OTHER CENTRAL AMERICAN REGIONS

- N. NOT APPLICABLE.

JONES

END OF MESSAGE SECRET

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PAGE 01 GENEVA 02259 01 OF 03 141906Z
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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ✓
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PAGE 02 GENEVA 02259 01 OF 03 141906Z

AMEMBASSY NOUAKCHOTT IMMEDIATE
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LIMITED OFFICIAL USE SECTION 01 OF 03 GENEVA 02259

E.O. 12356: N/A
TAGS: UNHRC, SHUM
SUBJECT: 41ST HUMAN RIGHTS COMMISSION - RESOLUTION ON CHILE (AGENDA ITEM 5)

REF: (A) GENEVA 1829, (B) STATE 72107

1. (THIS IS HRC-221) LIMITED OFFICIAL USE.

2. ON MARCH 14, 1985, THE UNHRC ADOPTED THE PROPOSED RESOLUTION ON CHILE (TEXT REF A) BY A VOTE OF 32-1 (U.S.)-8. ABSTENTIONS WERE BANGLADESH, BRAZIL, CAMEROON, CHINA, JORDAN, LIBERIA, PERU, AND THE PHILIPPINES. MAURITANIA AND SYRIA WERE ABSENT. (MAURITANIA BECAUSE OF ILLNESS AND SYRIA PROBABLY BY PRE-ARRANGEMENT WITH CHILE.)

3. PER REF B, THE U.S. GAVE AN EXPLANATION OF VOTE IN ADVANCE OF THE VOTE, AS REPRODUCED FOLLOWING, PARA. LIMITED OFFICIAL USE

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PAGE 03 GENEVA 02259 01 OF 03 141906Z

4. CYPRUS, JAPAN, THE U.K., AND THE FRG SPOKE AFTER THE VOTE TO EXPLAIN THAT THEY HAD VOTED IN FAVOR OF THE RESOLUTION BASED ON THEIR DEEP CONCERN OVER EVENTS IN CHILE, BUT HAD RESERVATIONS CONCERNING THE ACTUAL TEXT OF THE RESOLUTION.

4. TEXT OF U.S. EXPLANATION OF VOTE. BEGIN QUOTE:

-EXPLANATION CONCERNING RESOLUTION ON CHILE

FOLLOWING IS TEXT OF U.S. EXPLANATION OF VOTE MADE BY AMBASSADOR SCHIFTER:

- MR. CHAIRMAN. THE VAST MAJORITY OF CHILEANS WANT TO SEE DEMOCRACY RE-ESTABLISHED IN THEIR COUNTRY. THE UNITED STATES IS IN FULL SYMPATHY WITH THESE DEEPLY-FELT DESIRES OF THE CHILEAN PEOPLE FOR A RETURN TO DEMOCRATIC RULE. WE BELIEVE THAT IN CHILE AS ELSEWHERE IN THE WORLD, DEMOCRACY IS THE BEST GUARANTOR OF HUMAN RIGHTS.

- FOR THAT VERY REASON WE ATTACHED GREAT HOPE TO A POLITICAL DIALOGUE BETWEEN THE CHILEAN GOVERNMENT AND THE RESPONSIBLE OPPOSITION PARTIES ON THE TIMING AND PROCEDURES FOR A TRANSITION FROM THE CURRENT POLITICAL STRUCTURE TO A DEMOCRACTIC SYSTEM. TO OUR DEEP REGRET, THAT DIALOGUE ENDED ABRUPTLY. WE URGE THAT DISCUSSIONS BETWEEN THE GOVERNMENT AND THE REPRESENTATIVES OF DEMOCRATIC FORCES BE RESUMED AND SUSTAINED UNTIL THEY PRODUCE A NATIONAL CONSENSUS AND A FIRM COMMITMENT TO A TIMETABLE ON HOW AND WHEN DEMOCRACY WILL BE RESTORED IN CHILE.

- IN VOTING AGAINST SIMILAR RESOLUTIONS AGAINST CHILE OVER THE PAST THREE YEARS, MR. CHAIRMAN, WE WERE ABLE TO CALL ATTENTION TO CONTINUING IMPROVEMENTS

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PAGE 04 GENEVA 02259 01 OF 03 141906Z

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PAGE 01 GENEVA 02259 02 OF 03 141907Z
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LIMITED OFFICIAL USE SECTION 02 OF 03 GENEVA 02259

E.O. 12356: N/A
TAGS: UNHRC, SHUM
SUBJECT: 41ST HUMAN RIGHTS COMMISSION - RESOLUTION

IN THE HUMAN RIGHTS SITUATION IN THAT COUNTRY. THIS YEAR, AS I HAVE JUST INDICATED, WE MUST EXPRESS OUR DEEP CONCERN ABOUT THE REGRESSION IN HUMAN RIGHTS CONDITIONS IN CHILE OVER THE PAST YEAR. SPECIFICALLY, WE DEPLORE THE PRACTICE OF SUBJECTING PERSONS TO INTERNAL EXILE FOR POLITICAL REASONS; WE DEPLORE THE ABROGATION OF BASIC FREEDOMS AND HARSH REPRESSION UNDER A STATE OF SIEGE.

- MY GOVERNMENT, MR. CHAIRMAN, HAS MADE ITS VIEWS ON THE SUBJECT OF HUMAN RIGHTS CLEARLY KNOWN TO THE GOVERNMENT OF CHILE, BOTH PRIVATELY AND PUBLICLY. WE URGE THE GOVERNMENT OF CHILE TO TAKE IMMEDIATE CORRECTIVE MEASURES, BEGINNING WITH A LIFTING OF THE STATE OF SIEGE. WE CALL FOR AN IMMEDIATE END TO

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PAGE 03 GENEVA 02259 02 OF 03 141907Z

VIOLATIONS OF HUMAN RIGHTS AND REITERATE OUR VIEW REGARDING THE URGENT NECESSITY TO RE-ESTABLISH DEMOCRACY IN CHILE. CHILE HAS A LONG AND TRULY SHINING TRADITION AS A DEMOCRACY. WE STRONGLY BELIEVE IN AN EARLY RETURN TO THE DIALOGUE THAT WILL RE-ESTABLISH THAT TRADITION IN CHILE'S HALLS OF GOVERNMENT.

- HAVING MADE OUR POSITION CLEAR ON THE QUESTIONS OF SUBSTANCE POSED BY THE HUMAN RIGHTRS CONDITIONS IN CHILE, LET ME NOW EXPLAIN OUR VIEW OF THE RESOLUTION BEFORE US. WE HAVE REPEATEDLY CALLED ATTENTION TO THE DOUBLE STANDARD PRACTICED IN THE UNITED NATIONS SYSTEM. THIS DOUBLE STANDARD IS REFLECTED IN THE TEXT OF THIS RESOLUTION, WHICH SEEKS TO APPLY STANDARDS TO CHILE WHICH THIS COMMISSION DOES NOT APPLY TO OTHER STATES, STANDARDS WHICH, IN FACT, ARE NOT ADHERED TO BY MANY MEMBERS OF THE UNITED NATIONS. MANY OF THE CONCERNS EXPRESSED IN THE RESOLUTION, LET ME MAKE IT CLEAR, ARE CONCERNS WHICH WE SHARE AND WHICH WE HAVE, IN FACT, REPEATEDLY SET OUT IN COMMUNICATIONS DIRECTED BY US TO THE GOVERNMENT OF CHILE. BUT, MR. CHAIRMAN, WE SEE A DIFFERENCE BETWEEN WHAT IT IS THAT WE SAY DIRECTLY TO THE CHILEAN AUTHORITIES AND WHAT IT IS THAT WE SUPPORT IN THE UNITED NATIONS CONTEXT IN WHICH CHILE IS SINGLED OUT FOR TREATMENT SIMPLY NOT ACCORDED TO DTHERS. OUR PROBLEM HERE, MR. CHAIRMAN, IS WITH THE INTEGRITY OF THE UNITED NATIONS PROCESS. IN THE CASE OF CHILE WE ARE DEALING WITH A COUNTRY WHICH WE HAVE EVERY REASON TO BELIEVE WILL RETURN TO DEMOCRACY WITHIN THE NEXT FIVE YEARS. MY DWN COUNTRY HOPES THAT THIS PROCESS WILL BE SPEEDED UP. BUT WHAT BASIS, MR. CHAIRMAN, IS THERE FOR THE UNITED NATIONS TO CALL UPON CHILE TO RE-ESTABLISH DEMOCRATIC INSTITUTIONS WHEN IT TAKES NO STEPS WHATEVER TO MAKE SIMILAR CALLS UPDN OTHER MEMBER STATES, MEMBER STATES WITH FAR MORE REPRESSIVE

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PAGE 04 GENEVA 02259 02 OF 03 141907Z

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PAGE 01 GENEVA 02259 03 OF 03 141908Z
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LIMITED OFFICIAL USE SECTION 03 OF 03 GENEVA 02259

E.O. 12356: N/A
TAGS: UNHRC, SHUM
SUBJECT: 41ST HUMAN RIGHTS COMMISSION - RESOLUTION

SYSTEMS, MEMBER STATES THAT HAVE MADE NO COMMITMENT TO A RETURN TO DEMOCRACY?

- TO SUM UP, MR. CHAIRMAN, OUR POSITION ON DEMOCRACY IN CHILE IS CLEAR. WE CANNOT OURSELVES BRING ABOUT AN EARLY TRANSITION TO DEMOCRACY. THAT WILL ULTIMATELY DEPEND ON THE CHILEANS THEMSELVES. BUT WE ARE MAKING EVERY REASONABLE EFFORT TO ENCOURAGE A DIALOGUE ON TRANSITION. THE RESOLUTION BEFORE US, AS NOW WORDED, SO CLEARLY UNDERLINING THE DOUBLE STANDARD, IMPEDES RATHER THAN ASSISTS THAT EFFORT. TO REGISTER OUR OBJECTION, WE SHALL VOTE "NO." LET ME MAKE IT CLEAR, THOUGH, THAT OUR VOTE APPLIES ONLY TO THE SPECIFIC TEXT THAT IS HERE BEING OFFERED. WE DO NOT OBJECT TO THE RAPPORTEUR'S MANDATE AND WOULD VOTE "YES"
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PAGE 03 GENEVA 02259 03 OF 03 141908Z

IF THERE WERE A SEPARATE PARAGRAPH VOTE ON PARA. 8.

END QUOTE.

5. SANTIAGO MINIMIZE CONSIDERED.

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ALL USCONS MEXICO POUCH

[redacted] MEXICO 05855

DEPARTMENT PASS FEDERAL RESERVE BOARD, EXPORT IMPORT BANK, USTR, AND COMMERCE

E.O. 12356: DECL: 3/15/91
TAGS: EFIN, ECON EINV, MX
SUBJECT: MORE ON OFFER TO SWAP SHARES IN PARASTATAL -- COMPANIES FOR THEIR DEBT OBLIGATIONS

REF: MEXICO 5766

1. AFTER CANVASSING SEVERAL U.S. BANK REPRESENTATIVES IN MEXICO CITY IT APPEARS THAT THE GOM DID MAKE AN OFFER TO MEXICO'S FOREIGN COMMERCIAL BANK CREDITORS TO EXCHANGE SHARES IN THE PARASTATAL COMPANIES FOR SOME OF THEIR (THE PARASTATALS) FOREIGN DEBT OBLIGATIONS (SEE REFTEL). THE REPORTED AMOUNT WAS ABOUT $200-300 MILLION. WHILE THE BANKERS TOLD GOM AUTHORITIES THAT THEY WOULD CONSIDER THIS PROPOSAL THEY HAVE GENERALLY GIVEN IT A COOL RECEPTION. MOST OF THE PARASTATAL COMPANIES INVOLVED

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PAGE 02 MEXICO 05855 152249Z

ARE SUBSIDIZED BY THE GOVERNMENT AND WOULD OTHERWISE LOSE MONEY. MOREOVER, THE BANKS WOULD NOT WANT TO HOLD THE SHARES FOR THEIR OWN ACCOUNTS AND THEY BELIEVE IT WOULD BE DIFFICULT TO MARKET THEM.

2. IT IS ENCOURAGING THAT THE GOVERNMENT WOULD LIKE TO OBTAIN INCREASED PRIVATE OWNERSHIP IN SOME OF THE STATE COMPANIES. AS PREVIOUSLY REPORTED, THE GOM IS LIQUIDATING OR TRANSFERRING OWNERSHIP OF SOME OF THE PARASTATAL COMPANIES THIS YEAR IN AN EFFORT TO REDUCE THE PUBLIC SECTOR DEFICIT. SHOULD IT MAKE A SERIOUS

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EFFORT TO CONTINUE THIS PROCESS, IT COULD CONSTITUTE AN IMPORTANT REVERSAL OF THE TREND TOWARD INCREASING STATE CONTROL OF THE ECONOMY WHICH HAS BECOME PARTICULARLY STRONG OVER THE PAST 15 YEARS. NONETHELESS, IT IS STILL TOO EARLY TO JUDGE WHETHER THIS IS THE CASE AND IT WILL BE INTERESTING TO SEE WHETHER THE GOM'S STATED INTENTIONS BECOME A REALITY OR NOT. DRAFTED BY J.V. SWEENEY. GAVIN

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*** Current Handling Restrictions *** n/a
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PAGE 01 MEXICO 05766 150020Z
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[redacted] MEXICO 05766

DEPARTMENT PASS FEDERAL RESERVE BOARD, EXPORT IMPORT BANK, USTR, AND COMMERCE

E.O. 12356: DECL: 3/14/91
TAGS: EFIN, ECON, MX, EINV
SUBJECT: RUMORED PROPOSAL FOR SALE OF SHARES IN
-- PARASTATAL COMPANIES TO MEXICO'S COMMERCIAL
-- BANK CREDITORS
-

1. EMBASSY HAS LEARNED THAT MINISTRY OF FINANCE DIRECTOR GENERAL FOR CREDIT, ANGEL GURRIA, HAS MADE A PROPOSAL TO MEXICO"S COMMERCIAL BANK CREDITORS WHICH COULD BE INCLUDED AS PART OF THE PUBLIC SECTOR DEBT RESCHEDULING AGREEMENT. ACCORDING TO OUR SOURCES GURRIA MADE A PROPOSAL TO THE BANKS TO EXCHANGE SOME OF THEIR DEBT HOLDINGS FOR SHARES IN MEXICAN PARASTATAL COMPANIES. APPARENTLY THE BANKERS HAVE BEEN GIVEN A LIST OF THESE COMPANIES AND ARE CONSIDERING THE PROPOSAL. WE

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PAGE 02 MEXICO 05766 150020Z

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DO NOT HAVE A COPY OF THAT LIST BUT UNDERSTAND THAT SOME LARGE AND POTENTIALLY PROFITABLE PARASTATALS SUCH AS ALTOS HORNOS AND FUNDIDORA MONTERREY (STEEL COMPANIES), FOMENTO INDUSTRIA SOMEX (A DIVERSIFIED INDUSTRIAL GROUP), DIESEL NACIONAL (WHICH PRODUCES DIESEL ENGINES), MEXICANA AUTOBUSES (BUS PRODUCER) AND PIPSA (A STATE OWNED PAPER COMPANY) ARE AMONG THOSE ON THE LIST.

2. WE DO NOT YET KNOW ANY OF THE DETAILS BUT FEEL CERTAIN THAT IN ALL CASES BANK OWNERSHIP WOULD BE LIMITED TO A MINORITY POSITION IN THESE PARASTATALS. WE ARE ATTEMPTING TO OBTAIN ADDITIONAL INFORMATION. DRAFTED BY J.V.SWEENEY. GAVIN

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PAGE 01 STATE 078228
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Chile Project (#S199900030)
U.S. Department of State
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Declassify: In Part In Full
Exemption(s)

UNCLAS STATE 078228

FOR AMBASSADOR BARNES FROM TOMSEN

E.O. 12356: N/A
TAGS: PREL, IN
SUBJECT: OFFICIAL-INFORMAL NO. 86

THE UNITED STATES, IN A NEW REBUKE TO CHILE FOR ITS HUMANRIGHTS RECORD AND LACK OF PROGRESS TOWARD DEMOCRACY, IS EXPECTED TO ABSTAIN WHEN THE WORLD BANK VOTES LATER THIS WEEK ON AN 11 MILLION DOLS LOAN TO HELP CHILE IMPROVE MANAGEMEN OF ITS STATE-RUN ENTERPRISES.

THE ABSTENTION WOULD CONTINUE THE U.S. STANCE TAKEN LAST MONTH WHEN THE INTER-AMERICAN DEVELOPMENT BANK APPROVED A 130 MILLION DOLS. LOAN TO CHILE.

U.S. OFFICIALS SAID THE PURPOSE IS TO MAKE A DISPLAY OF CONCERN OVER CHILEAN PRESIDENT AUGUSTO PINOCHET'S MAINTENANCE OF A STATE OF SIEGE AND HIS REFUSAL TO NEGOTIATE WITH OPPOSITION PARTIES ABOUT REPLACING CHILE'S 11-YEAR-OLD MILITARY DICTATORSHIP WITH CIVILIAN RULE.

THE DECISION TO ABSTAIN WAS DESCRIBED BY SOME OFFICIALS AS A TILT TOWARD THE TACTICAL APPROACH ADVOCATED BY

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PAGE 02 STATE 078228

ELLIOTT ABRAMS, ASSISTANT SECRETARY OF STATE FOR HUMAN RIGHTS.

HE HAS SAID PUBLICLY THAT BECAUSE "QUIET PERSUASION" HAS FAILED TO BRING ABOUT A CHANGE IN CHILE'S RIGHTS POLICIES, THE REAGAN ADMINISTRATION MUST USE ITS LEVERAGE

TO DEMONSTRATE ITS DISPLEASURE WITH PINOCHET'S HARD-LINE COURSE.

ABRAMS' POSITION PROMPTED SPECULATION ABOUT WHETHER HE AND LANGHORNE A. (TONY) MOTLEY, ASSISTANT SECRETARY FOR INTERAMERICAN AFFAIRS, DISAGREED OVER CHILE. IN THE WAKE OF ABRAMS' REMARKS LAST MONTH ABOUT THE NEED FOR A TOUGHER U.S. POSITION, MOTLEY MET WITH PINOCHET IN SANTIAGO, BUT ACKNOWLEDGED AFTERWARD THAT HE DID NOT PRESS FOR AN EASING OF THE REPRESSION THAT HAS SEEN SIX OPPOSITION NEWSPAPERS CLOSED AND THOUSANDS OF PEOPLE ARRESTED.

THE OUTLINES OS U.S. POLICY ALSO HAVE BEEN BLURRED BY SIGNS THAT SECRETARY OF STATE GEORGE P. SHULTZ MAY ENCOUNTER OPPOSITION TO HIS PLAN TO SEND HARRY G. BARNES, JR., A VETERAN CAREER DIPLOMAT WHO IS AMBASSADOR TO INDIA, TO SANTIAGO TO REPLACE JAMES DANIEL THEBERGE, A POLITICAL APPOINTEE CONSIDERED SYMPATHETIC TO PINOCHET.

STATE DEPARTMENT SOURCES SAID CONGRESSIONAL CONSERVATIVES, SUSPICIOUS THAT BARNES' MOVE MIGHT BE PART OF A DRIVE TO FORCE OUT PINOCHET, HAVE BEEN DIGGING INTO THE AMBASSADOR'S BACKGROUND AND HAVE THREATENED A POSSIBLE FIGHT TO BLOCK HIS CONFIRMATION BY THE SENATE. THE SOURCES SAID THEY CANNOT GAUGE WHETHER THE OPPOSITION TO BARNES' TRANSFER IS SERIOUS.
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PAGE 03 STATE 078228

WHILE NOTING THAT SHULTZ HAS SHOWN NO SIGN OF BACKING AWAY FROM HIS DESIRE TO PUT BARNES IN SANTIAGO, SOME SOURCES SAID THE PROCESSING OF HIS NOMINATION PAPERS THROUGH THE WHITE HOUSE APPEARS TO HAVE BEEN HELD UP, AT LEAST TEMPORARILY.

U.S. OFFICIALS ALSO ACKNOWLEDGED THAT ABRAMS AND MOTLEY HAVE WHAT ONE CALLED "DIFFERENT CONSTITUENCIES THAT GIVE THEM DIFFERENT PERSPECTIVES ON THE PROBLEM."

IN CONTRAST TO ABRAMS' CALL FOR A SHOW OF TOUGHNESS, THEY SAID MOTLEY PREFERS TRYING TO STIMULATE DIALOGUE BETWEEN ALL IMPORTANT SECTORS IN CHILE THROUGH MOVES SUCH AS HIS VISIT TO SANTIAGO AND ANOTHER MADE LAST WEEK BY NESTOR D. SANCHEZ, A DEPUTY ASSISTANT SECRETARY OF DEFENSE.

BUT THE OFFICIALS ALSO ASSERTED THAT ABRAMS AND MOTLEY

AGREE THAT THE UNITED STATES, WHICH HAS LITTLE INFLUENCE

ON CHILE'S GOVERNENT, MUST COMBINE PUBLIC AND PRIVATE MEASURES, SOME CRITICAL AND SOME CONCILIATORY, IN ITS EFFORT TO STIMULATE A DIALOGUE.

THEY SAID THE LOAN ABSTENTION WAS PART OF THIS APPROACH, AND THEY ADDED THAT IT IS LIKELY TO BE APPLIED TO ALL CHILEAN LOAN REQUESTS THAT DO NOT INVOLVE "BASIC HUMAN NEEDS." (W.P. 3/13) SHULTZ

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PAGE 01 MEXICO 06328 221752Z
ACTION ARA-00

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DEPARTMENT PASS FEDERAL RESERVE BOARD,
EXPORT IMPORT BANK, USTR, AND COMMERCE

E.O. 12356: DECL: 3/20/91
TAGS: EFIN, ECON, MX
SUBJECT: ADDITIONAL REPORTS ON GOM OFFER TO SWAP SHARES
-- IN PARASTATAL COMPANIES FOR THEIR DEBT
-- OBLIGATIONS

REFS: (A) MEXICO 5766, (B) MEXICO 5855

1. ACCORDING TO LOCAL PRESS REPORTS THE REACTION OF INTERNATIONAL BANKERS TO THE MEXICAN GOVERNMENT'S OFFER TO TRADE SHARES IN PARASTATAL COMPANIES FOR THEIR DEBT OBLIGATIONS HAS NOT BEEN FAVORABLE. THE BANKERS SAY THAT THE OFFER WAS NOT REALLY A CONCRETE PROPOSAL BUT RATHER AN IDEA FLOATED BY THE MEXICAN GOVERNMENT. ALTHOUGH THE BANKERS NOTE THAT THEY MIGHT BE ABLE TO

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PAGE 02 MEXICO 06328 221752Z

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ACCEPT SPECIFIC PROPOSALS IN A LIMITED NUMBER OF CASES, THE CAPITALIZATION OF DEBT WOULD NOT BE FEASIBLE ON ANY EXTENSIVE BASIS.

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2. FINANCE MINISTER SILVA-HERZOG ALSO DENIED THAT THE MEXICAN GOVERNMENT HAD GIVEN THE BANKERS A LIST OF PUBLIC SECTOR COMPANIES WHOSE LIABILITIES CAN BE CAPITALIZED. THE FINANCE MINISTRY WOULD ADMIT, HOWEVER, THAT DURING THE LAST STAGES OF NEGOTIATIONS WITH CREDITOR BANKS A CLAUSE WAS INCLUDED UNDER WHICH DEBT CAN BE CONVERTED INTO EQUITY IN THE STATE COMPANIES IN CERTAIN INSTANCES. NONETHELESS THE MINISTRY WENT ON TO SAY THAT THIS REFERRED TO SOME NON-PRIORITY FEDERALLY OWNED COMPANIES WHICH HAD EXTERNAL DEBT AND WHOSE FINANCIAL SITUATION HAD TO BE STRENGTHENED SO THAT THEY COULD BE SOLD TO THE PRIVATE SECTOR. ALL IN ALL IT IS UNLIKELY THE GOM WOULD BE WILLING TO TRADE SHARES IN ANY LUCERATIVE STATE OWNED COMPANIES (SUCH AS PEMEX OR TELEMEX) FOR THEIR DEBT OBLIGATIONS OR THAT THE BANKS WOULD BE WILLING TO CONSIDER TAKING SHARES IN THE WEAKER PUBLIC ENTERPRISES. DRAFTED BY J.V.SWEENEY. GAVIN

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PAGE 01 SAN SA 03652 01 OF 06 231732Z 2161 ARA5334
ACTION ARA-00

ACTION OFFICE ES-02
INFO FILE-01 ARA-02 PPC-01 DECP-01 ECP-01 RPP-02 OAS-01
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UNCLAS SECTION 01 OF 06 SAN SALVADOR 03652

USIA FOR AR/CENTAM

E.O. 12356: N/A
TAGS: ES, ASEC, SHUM, ELAB, PTER, PINS
SUBJECT: 1985 POLITICAL VIOLENCE ROUNDUP JANUARY 1 - MARCH 15: DESPITE APPEARANCE, OVERALL LEVEL REMAINS AT HISTORICAL LOW

REF:
A. SAN SALVADOR 1622
B. SAN SALVADOR 351
C. SAN SALVADOR 1158
D. SAN SALVADOR 731
E. SAN SALVADOR 2595
F. SAN SALVADOR 2791
G. SAN SALVADOR 731

1. SUMMARY: IN VIEW OF PERSISTENT BUT INACCURATE REPORTS THAT OVERALL POLITICAL VIOLENCE HAS BEEN ON THE RISE IN EL SALVADOR, WE HAVE EXAMINED AND RECAPITULATED OUR FIGURES FROM THE BEGINNING OF 1985 IN THIS CABLE. THEY REVEAL A CONTINUED VERY LOW LEVEL OF POSSIBLE POLITICAL MURDERS BY THE RIGHT. AT THE SAME TIME, THEY SHOW A STILL SUBSTANTIALLY HIGHER, BUT OVERALL NOT RISING, LEVEL OF LEFTIST POLITICAL MURDERS. HOWEVER, LEFTIST MURDERS DID GIVE THE APPEARANCE OF HAVING INCREASED DURING THIS PERIOD BECAUSE OF A STEP UP OF ATTACKS ON POLITICIANS, HIGH PROFILE URBAN OR SEMI-URBAN TERRORISM, OR LEFTIST ATTACKS AGAINST THE UNFOLDING ELECTORAL PROCESS, FOR EXAMPLE THE DESTRUCTION OF TOWN HALLS. THUS, FOR JANUARY 1--MARCH 15, WE COUNT [redacted] MURDERS AS CLEARLY OR POSSIBLY ATTRIBUTABLE TO THE LEFT AND [redacted] AS POSSIBLY ATTRIBUTABLE TO [redacted] WE ARE UNABLE TO [redacted] MURDERS TO EITHER GROUP.) APART FROM THE LEFT'S KILLING OF SEVEN POLITICAL FIGURES IN THIS PERIOD, A SUBSTANTIAL INCREASE IN THAT PARTICULAR CATEGORY OF VICTIM, OVERALL LEFT AND RIGHT POLITICAL VIOLENCE FIGURES REMAIN AT HISTORICALLY LOW LEVELS. END SUMMARY.

2. WE ARE SUBMITTING A ROUND-UP ON POLITICAL VIOLENCE

THUS FAR IN 1985 TO HELP DEAL WITH THE AMBIGUOUS BUT WIDELY BRUITED NOTION THAT DEATHS DUE TO POLITICAL VIOLENCE HAVE BEEN ON THE RISE. AS FIGURES CITED BELOW (BASED ON PRESS, GUERRILLA RADIO REPORTS, AND OTHER SOURCES) INDICATE, THIS IS NOT BORNE OUT BY AVAILABLE INFORMATION ON VIOLENCE. MOST CLAIMS OF INCREASED VIOLENCE ALSO FAIL TO DISTINGUISH BETWEEN COMBAT-RELATED DEATHS AND ASSASSINATION-TYPE SLAYINGS THAT HAVE A CLEAR CUT POLITICAL MOTIVE. IT SHOULD BE KEPT IN MIND THAT, AS A PRACTICAL MATTER, IT IS IMPOSSIBLE FOR ANY OBSERVER IN EL SALVADOR TO BE ABSOLUTELY CERTAIN THAT THERE IS A POLITICAL CONNECTION IN MOST REPORTED MURDERS, AND EQUALLY IMPOSSIBLE, IN MOST CASES, TO BE SURE ABOUT WHO IS RESPONSIBLE. THE UNSTATED PREMISE OF MOST OF THOSE WHO CLAIM INCREASED POLITICAL VIOLENCE IS THAT THE GOES IS RESPONSIBLE. BUT THIS PREMISE IS UNSUPPORTED BY THE FACTS.

3. PART OF THE CONFUSION ABOUT POLITICAL VIOLENCE IS THE RESULT OF POOR OR COLORED U.S. PRESS REPORTING, OR BIAS IN THE PRIMARY SOURCES. AN EXCELLENT EXAMPLE OF A COMBINATION OF THESE TOOK PLACE RECENTLY WHEN THE U.S. PRESS REPORTED THAT THE AUXILIARY BISHOP, IN HIS MARCH 3 HOMILY, ANNOUNCED THE DRAMATIC FIGURE OF 86 POLITICAL KILLINGS IN THE PRECEEDING WEEK. IN FACT, AS WE REPORTED, THE BISHOP DID NO SUCH THING. HE NOTED THAT 86 PEOPLE HAD DIED, OF WHICH 5 WERE CIVILIANS KILLED BY THE GUERRILLAS, 8 WERE DEATH SQUAD VICTIMS AND THE REST WERE ESAF CASUALTIES OR PRESUMED GUERRILLA COMBATANTS. THIS CASE ALSO DEMONSTRATES THE TENDENCY AMONG SOME OBSERVERS INACCURATELY TO INCLUDE COMBAT-RELATED DEATHS IN POLITICAL VIOLENCE FIGURES. OUR OWN VIEW IS THAT ACCIDENTAL DEATHS, SUCH AS CIVILIAN CASUALTIES OF ENGAGEMENTS OR CAMPESINOS KILLED BY GUERRILLA OR ESAF MINEFIELDS, SHOULD NOT BE CLASSIFIED AS POLITICAL VIOLENCE DESPITE THEIR CLEAR HUMAN RIGHTS

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law enforcement ( ); privacy ( ), statutory ( );
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UNCLAS SECTION 02 OF 06 SAN SALVADOR 03652

USIA FOR AR/CENTAM

E.O. 12356: N/A
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IMPLICATIONS. HOWEVER, TO BE CONSISTENT WITH OUR PAST REPORTING METHODS, WE CONTINUE TO DO SO IN OUR POLITICAL VIOLENCE REPORTING.

4. OF THE VARIOUS TYPES OF POLITICAL VIOLENCE, THE ONE THAT IS CLEARLY ON THE RISE IS MURDER BY THE LEFT IN CONNECTION WITH URBAN OR SEMI-URBAN (SMALL TOWN) TERRORISM, OR THE WAR ON THE ELECTORAL PROCESS. THESE MURDERS ARE NOT OF THEMSELVES, HOWEVER, STATISTICALLY SIGNIFICANT IN TERMS OF OVERALL VIOLENCE. THE CASES WE CITE BELOW ARE THOSE WHICH, ACCORDING TO OUR PRACTICED JUDGEMENT CAN, WITH REASONABLE CONFIDENCE, BE CLASSED AS POLITICAL MURDERS OF REASONABLY CLEAR AUTHORSHIP. FOR A VARIETY OF REASONS, WE DEDUCE THE VAST MAJORITY TO BE MURDERS BY THE LEFT: STATEMENTS FROM THE LEFT ITSELF; THE TRADITIONAL PRE-ELECTORAL VIOLENCE DIRECTED AGAINST THE POLITICAL PROCESS AND ITS PARTICIPANTS; THE CONTINUED LOW INCIDENCE OF CLEAR-CUT DEATH SQUAD ACTIVITY; THE NEAR TOTAL, WE BELIEVE, CESSATION OF SECURITY FORCE ABUSES; AND EVEN A MEASURE OF INTERNECINE CONFLICT ON THE LEFT.

5. THE MAJORITY OF VIOLENCE CASES THAT WE ARE AWARE OF SEEM TO US OF A CRIMINAL NATURE AND TO FALL OUTSIDE THE CATEGORY OF CLEAR-CUT POLITICAL VIOLENCE BECAUSE OF THE CIRCUMSTANCES OF THE DEATHS, LACK OF ANY EVIDENCE REGARDING RESPONSIBILITY, APPARENT LACK OF MOTIVE, ETC. THERE MAY IN FACT BE A MEASURE OF SUBMERGED POLITICAL VIOLENCE IN THESE CASES. HOWEVER, GIVEN THE RISE IN THE OPEN OR OBVIOUS URBAN ACTIVITY OF THE LEFT, WE HAVE NO REASON TO DOUBT A PARALLEL RISE IN THE LEFT'S RESPONSIBILITY FOR CASES THAT REMAIN MYSTERIOUS TO US. WE SEE, AND HAVE HEARD, NOTHING TO INDICATE THAT THE EXTREME RIGHT HAS STEPPED UP POLITICAL VIOLENCE AT THIS TIME. THE PRE-ELECTORAL FACTOR SEEMS IRRELEVANT

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VIS-A-VIS THE RIGHT: FEW VICTIMS HAVE ANY CONNECTION WITH THE PDC, AND WE DOUBT THE EXTREME RIGHT WOULD BE ENGAGING IN POLITICAL VIOLENCE AGAINST OBSCURE LEFTISTS IN ORDER TO PROTECT THE ELECTORAL PROCESS.

6. POLITICAL VIOLENCE JANUARY 1--MARCH 15 (FIGURES DERIVED FROM PRESS, GUERRILLA RADIO REPORTS, AND OTHER SOURCES):

TOTAL MURDERS	82		
BY UNKNOWN ASSAILANT:	16	BY EXTREME RIGHT:	8
BY LEFT:	36	POSSIBLY BY EXTREME RIGHT:	5
POSSIBLY BY LEFT:	23		

7. THUS FAR IN 1985, A TOTAL OF SEVEN, MOSTLY ARENA, POLITICAL FIGURES HAVE BEEN ASSASSINATED: THE PCN MAYOR OF SANTA ELENA WAS KILLED ON JANUARY 8 AND AN ARENA PARTY MAYORESS IN SAN JORGE, SAN MIGUEL DEPARTMENT, WAS GUNNED DOWN ON JANUARY 18. THE ARENA CITY TREASURER OF SANTA TECLA WAS KILLED ON THE STREET ON JANUARY 12. A PROMINENT ARENA PARTY MEMBER AND LANDOWNER WAS ASSASSINATED IN SANTA ANA ON JANUARY 5. ON JANUARY 23, AN ARENA CANDIDATE FOR OFFICE WAS ASSASSINATED. IN LATE FEBRUARY, THE ARENA MAYORAL CANDIDATE IN SOYAPANGO (A SAN SALVADOR SUBURB) WAS KILLED. A VILLAGE MAYOR WAS ASSASSINATED NEAR SANTA ANA IN THE FIRST FEW DAYS OF MARCH.

8. WHILE THE LEFT HAS NOT OPENLY TAKEN CREDIT FOR THESE ATTACKS, A RADIO HAVANA BROADCAST OF FEBRUARY 27 COMMENTED THAT "THUS FAR THIS YEAR, 12 ARENA 'MILITANTS' AND MEMBERS OF THE PDC HAVE BEEN SHOT." ALTHOUGH THE LEFT HAS NOT OPENLY TAKEN CREDIT FOR THE MURDER OF THE POLITICIANS, THE FEBRUARY 27 RADIO BROADCAST CITED ABOVE AND THE GUERRILLA HISTORY OF ATTACKING THE ELECTORAL PROCESS MAKES US CONFIDENT IN CALLING THESE MURDERS VERY POSSIBLY OF GUERRILLA AUTHORSHIP.

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PAGE 01 SAN SA 03652 03 OF 06 231734Z 2164 ARA5336
ACTION ARA-00

ACTION OFFICE ES-02
INFO FILE-01 ARA-02 PPC-01 DECP-01 ECP-01 RPP-02 OAS-01
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UNCLAS SECTION 03 OF 06 SAN SALVADOR 03652

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(THE EMBASSY COUNTS 7 DEATHS OF POLITICIANS WHILE THE HAVANA BROADCAST NOTED 12; IT APPEARS HAVANA IS COUNTING THE DEATHS WHICH ENSUED IN EARLY JANUARY IN THE COMMISSIONER OF PROBITY SHOOTOUT AS POLITICAL (REF B). THE EMBASSY, AFTER EXAMINING THE CASE, TOOK THE VIEW THAT THE INCIDENT WAS A COMMON CRIME AND AS SUCH HAS NOT LISTED IT HERE).

9. RECAPITULATION OF ATTRIBUTABLE POLITICAL MURDERS FOR JANUARY 1 THROUGH MARCH 15, 1985

--LT. JULIO CESAR CONTRERAS CASTRO, ALLEGED BY THE LEFT TO BE RESPONSIBLE FOR THE DEATHS OF STUDENTS, WORKERS AND FARMERS WAS KILLED JANUARY 8. (CLAIMED BY CERF IN A CALL TO THE PRESS.)

--MANUAL DE JESUS FLORES MATEO, LABELED THE "INDIO. MATEO, THE TORTURER", WHOSE "HUNDREDS OF VICTIMS" ALLEGEDLY INCLUDED SALVADOR CAYETANO CARPIO, DIMAS ALAS (FPL FOUNDER) AND LABOR ACTIVIST ROBERTO SIBRIAN WAS KILLED JANUARY 8. (CLAIMED BY CERF.)

--JOSE ANTONIO LUNA PORTILLO, A NATIONAL POLICEMAN ASSASSINATED ON JANUARY 4 WHILE ON GUARD DUTY AT A FACTORY. (CLAIMED BY CERF.)

--ULISES ZUNIGA, ALLEGEDLY A MEMBER OF A DEATH SQUAD, MURDERED APPARENTLY IN EARLY-MID JANUARY. (CLAIMED BY CERF PER RADIO VENCEREMOS.)

--THREE FARMERS WERE KILLED IN SAN VICENTE WHEN THE FMLN FIRED ON THEIR SUGAR CANE TRUCK ON JANUARY 18.

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--ON JANUARY 20, NATIONAL POLICE AGENT ISABEL AGUILAR ORELLANA WAS SHOT WHILE DRIVING HIS PATROL CAR.

--GUERRILLAS KILLED REYNA VENTURA WHEN SHE FAILED TO STOP AT A GUERRILLA CHECKPOINT IN USULUTAN ON JANUARY 23.

--ON JANUARY 25 GUERRILLAS KILLED MARIA BLAS VILLATORO AND BURNED HER PICKUP IN USULUTAN.

--INES DE JESUS MOLINA AYALA WAS KILLED WHEN GUERRILLAS MACHINE GUNNED HER CAR ON JANUARY 25 IN ZACATECOLUCA.

--A TRAIN CONDUCTOR, ANTONIO ZUNIGA, WAS KILLED BY GUERRILLAS ON JANUARY 28 WHILE BOARDING A TRAIN IN USULUTAN.

--MARCO ANTONIO ORANTES AND OSCAR ARMANDO MANJIVAR ZELAYA, LEADERS OF THE NATIONAL UNION OF TRANSPORTATION WORKERS (SNTIT) WERE SHOT TO DEATH IN LATE JANUARY BECOMING THE MOST RECENT VICTIMS OF A PURGE WITHIN THE LEFTIST LABOR MOVEMENT (REF A).

--A GROUP OF GUERRILLAS OCCUPIED THE HACIENDA LA TRINIDAD AND KILLED THE ADMINISTRATOR IN THE DEPARTMENT OF SAN MIGUEL ON FEBRUARY 5.

--ON FEBRUARY 19, GUERRILLAS ENTERED A TOWN IN THE DEPARTMENT OF LA PAZ. THEY TOOK JOSE ILDEFONSO CERON AND HIS 16 YEAR OLD SON FROM THEIR HOME, TIED THEM TOGETHER AND EXECUTED THEM IN FRONT OF THE TOWNSPEOPLE.

--JOSE SILVESTRE GARCIA WAS KILLED WHEN GUERRILLAS THREW A BOMB INTO HIS HOUSE IN SAN ANTONIO ABAJO, DEPARTMENT OF LA PAZ. THE INCIDENT OCCURRED ON FEBRUARY 19 AND INJURED A WOMAN AND 2 MINOR CHILDREN.

--GERARDO GARCIA IBARRA, A SOLDIER ON VACATION IN SAN MIGUEL, WAS EXECUTED BY GUERRILLAS IN FRONT OF WITNESSES

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PAGE 01 SAN SA 03652 04 OF 06 231735Z 2166 ARA5338
ACTION ARA-08

ACTION OFFICE ES-02
INFO FILE-01 ARA-02 PPC-01 DECP-01 ECP-01 RPP-02 OAS-01
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UNCLAS SECTION 04 OF 06 SAN SALVADOR 03652

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ON FEBRUARY 28.

--A RELIEF TRUCK TRANSPORTING POLICEMEN WAS ATTACKED BY GUERRILLAS IN DOWNTOWN SAN SALVADOR. THE TERRORISTS USED FRAGMENTATION GRENADES AND ROCKET PROPELLED GRENADES (RPG-2), WOUNDING 12 POLICE AGENTS AND KILLING TWO.

--ON FEBRUARY 23, RICARDO VALDIVIESO WAS KILLED WHEN GUERRILLAS MACHINE GUNNED HIS CAR WHILE TRAVELLING ON THE TRONCAL DEL NORTE HIGHWAY IN THE DEPARTMENT OF SAN SALVADOR.

--NATIONAL POLICEMAN CAPT. FIDEL LOPEZ MOLASCO WAS MURDERED BY GUERRILLAS ON FEBRUARY 23 WHEN HE GOT OUT OF HIS CAR TO BUY A BIRTHDAY CAKE. A RADIO HAVANA BROADCAST CITED THIS KILLING AS AN "EXECUTION BY URBAN GUERRILLAS".

--PEDRO GARCIA ALAS WAS KILLED FEBRUARY 25 WHEN GUERRILLAS MACHINE GUNNED HIS VEHICLE IN USULUTAN.

--AIR FORCE MECHANIC OSCAR ALEXANDER HERNANDEZ RIVAS WAS SHOT BY GUERRILLAS WHILE IN A CAFE IN SANTA TECLA. A RADIO HAVANA BROADCAST NOTED THAT THE FEBRUARY 25 SLAYING WAS PERPETRATED BY URBAN GUERRILLAS, CLAIMING THAT HERNANDEZ WAS LINKED WITH THE DEATH SQUADS.

--ON FEBRUARY 27 HONDURAN CITIZEN RUBEN RODRIGUEZ WAS KILLED BY GUERRILLAS WHILE TRANSPORTING WATERMELONS TO MARKET.

--A PARTICULARLY VICIOUS ATTACK AGAINST A KEY POLITICAL FIGURE WAS THE ASSAULT AGAINST THE HOME OF CENTRAL ELECTIONS COUNCIL (CCE) PRESIDENT MARIO SAMAYOA ON

FEBRUARY 26 (REFS E AND F). IN ADDITION TO TWO BODYGUARDS, TWO INNOCENT CIVILIANS DIED AS A RESULT OF THE ATTACK. A MARCH 1 RADIO VENCEREMOS BROADCAST TOOK CREDIT FOR THESE KILLINGS.

--IN A RADIO VENCEREMOS BROADCAST THE FMLN TOOK CREDIT FOR THE MARCH 1 MURDER OF CARLOS MARTINEZ CRUZ, A TEXTILE FACTORY SUPERVISOR.

--ON MARCH 7, GUERRILLAS ASSASSINATED THE ARMED FORCES PRESS COMMITTEE (COPREFA) SPOKESMAN LT. COL. RICARDO CIENFUEGOS. IN THIS CASE, THE ASSASSINS ENTERED A POPULAR TENNIS CLUB DRESSED IN APPROPRIATE TENNIS ATTIRE AND GUNNED DOWN THEIR VICTIM AS HE WAS RESTING BETWEEN MATCHES. IN A CALL TO A LOCAL RADIO STATION, A PERSON CLAIMING TO BE A MEMBER OF THE ALLEGED FPL DISSIDENT GROUP CERF STATED THE EXECUTION WAS CARRIED OUT BECAUSE CIENFUEGOS DIRECTED COPREFA, "AN OFFICE USED BY THE YANKEE IMPERIALISM'S PUPPET BOURGEOIS REGIME TO IMPLEMENT A PSYCHOLOGICAL WARFARE AND MISINFORMATION."

--IN SANTA ANA, PEDRO CHACON MENENDEZ, FARMER, AND JOSE CAMPOS COTO, VILLAGE COMMANDANT, WERE KILLED MARCH 8TH BY A GROUP OF 75 GUERRILLAS WHO LEFT FMLN PROPAGANDA AT THE SCENE.

--CECILIO HERNANDEZ WAS KILLED IN LA UNION ON MARCH 15 BY A GROUP OF TWENTY-FIVE GUERRILLAS.

[redacted]

--RAFAEL NAPOLEON PORTILLO PINEDA, ARENA PARTY MEMBER AND LANDOWNER FROM SANTA ANA WAS MURDERED BY 4 UNKNOWN ASSAILANTS ON JANUARY 4. THE VICTIM HAD NUMEROUS SLASHES ON HIS BODY AND WAS FOUND WITH A SIGN ON HIS CHEST STATING "FOR REPRESSION OF THE WORKING CLASS."

--JESUS MARCELINO VALLADARES, AN EX-SOLDIER, WAS KILLED LEAVING A DANCE HALL ON JANUARY 6. WITNESSES REPORT

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PPA-01 SSE-01 KOPP-01 CU-02 DCEN-01 REG-01 /018 A2 JP

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R 231723Z MAR 85
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AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY THE HAGUE
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UNCLAS SECTION 05 OF 06 SAN SALVADOR 03652

USIA FOR AR/CENTAM

E.O. 12356: N/A
TAGS: ES, ASEC, SHUM, ELAB, PTER, PINS
SUBJECT: 1985 POLITICAL VIOLENCE ROUNDUP JANUARY 1 - MARCH 15: DESPITE APPEARANCE, OVERALL LEVEL REMAINS AT HISTORICAL LOW

THAT AFTER SHOOTING THE VICTIM, THE ASSASSIN SAID, "YOU ARE A SOLDIER".

--DOMINGO AVILES VARGAS, CONSERVATIVE (PCN) MAYOR OF SANTA ELENA (USULUTAN) WAS SHOT IN HIS OFFICE BY THREE GUNMEN JANUARY 8.

--JULIO CESAR CASTRO BELLOSO, FORMER COMMUNIST PARTY CENTRAL COMMITTEE MEMBER AND LEFT LABOR LEADER (FUSS) WAS KILLED ON THE STREET NEAR HIS HOME JANUARY 11 (REF A). INACTIVE AND INVISIBLE FOR YEARS, CASTRO WAS NOT A LOGICAL PRIORITY TARGET FOR THE RIGHT, WHICH HAS MANY BIGGER AND MORE THREATENING TARGETS EASILY AVAILABLE. ACCORDING TO RELIABLE INFORMATION, HE WAS KILLED BY THE LEFT AS A TURNCOAT.

--JOSE BALBINO ARTEAGA, ARENA CITY TREASURER OF SANTA TECLA, WAS KILLED AT A CROWDED BUS STOP JANUARY 12 BY THREE ASSAILANTS WHO ESCAPED IN THE CONFUSION. A NON-POLITICAL MOTIVE FOR THE KILLING WAS MENTIONED BY THE VICTIM'S SISTER, WHO SAID AN UNNAMED INDIVIDUAL HAD ALREADY THREATENED ARTEAGA'S LIFE OVER UNPAID DEBTS. PRIVATE EMBASSY SOURCE SAYS THIS IS POSSIBLE, BUT WE NOTE IT WOULD HAVE MADE COLLECTION OF THE DEBTS MORE DIFFUCULT.

--SALVADORAN AIR FORCE (FAS) DRIVER ALBERTO MENDEZ HERNANDEZ WAS SHOT DEAD 16 JANUARY WHILE DRIVING A FAS CAR IN THE IMMEDIATE VICINITY OF THE U.S. EMBASSY.

--GRACIELA MONICO PALMA, ARENA MAYOR OF SAN JORGE, IN SAN MIGUEL DEPARTMENT, WAS SHOT TO DEATH BY 2 UNKNOWN ASSAILANTS WHO BURST INTO HER OFFICE 16 JANUARY.

--JOSE EXPECTACION LANDAVERDE, AN EX-SOLDIER, WAS KILLED

IN SAN SALVADOR ON JANUARY 22 BY GUNSHOTS.

--MEDARDO AVELAR BONILLA, A PRE-CANDIDATE FOR THE OFFICE OF SUBSTITUTE FOR ARENA DEPUTY, WAS A PUBLIC ACCOUNTANT WORKING FOR THE ATTORNEY GENERAL'S OFFICE AS AN ADMINISTRATOR. HE WAS SHOT BY UNKNOWN ASSAILANTS AT A BUSY INTERSECTION IN SAN SALVADOR 23 JANUARY.

--ON JANUARY 25, TWO DETECTIVES OF THE NATIONAL POLICE, JUAN ANTONIO MARTINEZ SEGOVIA, AND ALVARO ANTONIO AVILES PEREZ, WHO WERE RIDING IN A PICK UP TRUCK AND WERE DELIVERING MAIL TO AN EMBASSY FROM THE VICE MINISTRY OF DEFENSE, WERE FATALLY SHOT BY UNKNOWN INDIVIDUALS IN THE SURROUNDINGS OF THE POLYTECHNIC UNIVERSITY, SAN SALVADOR. THE TWO AGENTS WERE MEMBERS OF THE PROTECTIVE DETAIL OF COL. CARLOS REYNALDO LOPEZ NUILA, VICE MINISTER OF DEFENSE.

--NATIONAL POLICEMAN VICTOR MANUEL BARRERA WAS MURDERED BY AN UNKNOWN ASSAILANT IN DOWNTOWN SAN SALVADOR ON JANUARY 25.

--ON FEBRUARY 2 PEDRO JUAN SORIANO DURA, FORMER SOLDIER FROM SAN VICENTE, WAS FOUND IN A WELL WITH HIS HEAD MISSING.

--NATIONAL POLICE AGENT CARLOS FRANCISCO CARCAMO CUELLAR WAS MURDERED BY MACHETE WHILE OFF DUTY NEAR SANTA ANA ON FEBRUARY 12.

--RAMON ARIAS WAS KILLED BY MEN WHO IDENTIFIED THEMSELVES AS MEMBERS OF THE FMLN ON FEBRUARY 18 IN SAN MIGUEL.

--ON FEBRUARY 23, CAYETANO ALVARADO RAMIREZ, A FORMER CADET OF THE NATIONAL POLICE, BERNARDO RAMIREZ GARCIA, AND SANTOS ALVARADO WERE TAKEN TO A FOOTBALL FIELD BY MEN WHO CLAIMED TO BE MEMBERS OF THE FMLN/FDR, STABBED AND KILLED BY GUNSHOTS.

--OSCAR ANTONIO CANALES RUBIO, ARENA MAYORAL CANDIDATE

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PAGE 01 SAN SA 03652 06 OF 06 231737Z 2170 ARA5341
ACTION ARA-08

ACTION OFFICE ES-02
INFO FILE-01 ARA-02 PPC-01 DECP-01 ECP-01 RPP-02 OAS-01
PPA-01 SSE-01 KOPP-01 CU-02 DCEN-01 REG-01 /018 A3 JP

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UNCLAS SECTION 06 OF 06 SAN SALVADOR 03652

USIA FOR AR/CENTAM

E.O. 12356: N/A
TAGS: ES, ASEC, SHUM, ELAB, PTER, PINS
SUBJECT: 1985 POLITICAL VIOLENCE ROUNDUP JANUARY 1 - MARCH 15: DESPITE APPEARANCE, OVERALL LEVEL REMAINS AT HISTORICAL LOW

FOR SOYAPANGO, WAS SHOT TO DEATH AS HE ARRIVED AT HIS HOME. IN A FEBRUARY 27 BROADCAST, RADIO HAVANA NOTED THAT "NO ONE HAS YET CLAIMED RESPONSIBILITY FOR THE ASSASSINATION OF THIS ACTIVE MEMBER OF THE PARTY, LINKED TO THE DEATHSQUADS".

--ALEJANDRO MARTINEZ, A VILLAGE MAYOR FROM THE VICINITY OF SANTA ANA, WAS KILLED BY GUNSHOTS IN THE PRESENCE OF HIS CHILDREN ON MARCH 3.

--ON MARCH 4, JOSE ANTONIO VANEGAS AND ANTONIO LINARES WERE FOUND DEAD ON A FARM IN SANTA ANA. FMLN LITERATURE WAS SPREAD AROUND THE SCENE OF THE CRIME.

--JOSE JULIO LOPEZ, A MEMBER OF A VILLAGE CIVIL DEFENSE FORCE, WAS TAKEN FROM HIS HOME IN SAN MIGUEL AND KILLED BY UNKNOWN [redacted]

--NICOLAS UMANZOR CASTELLANOS, AN EMPLOYEE OF A SAN SALVADOR SPORTS CLUB WITH LEFT LABOR UNION PROBLEMS, WAS MURDERED ON HIS PATIO BY GUNSHOT ON JANUARY 16.

--ON JANUARY 25, TWO STUDENTS OF THE NATIONAL INSTITUTE FRANCISCO MENENDEZ WERE MURDERED BY UNKNOWN INDIVIDUALS IN THE SURROUNDINGS OF THE SCHOOL. THE TWO VICTIMS WERE EMILIO DANILO OTONIEL DUARTE PERAZA, 22, WHO WAS KNOWN AS AN ACTIVIST MEMBER OF THE PDC AND NELSON ENRIQUE ARGUELLO PALACIOS, 17, WHO WAS ACCOMPANYING HIM. AFTER THEY FELL ON THE FLOOR, THE INDIVIDUALS WHO HAD SHOT AT THEM APPROACHED THEM AND SHOT THEM IN THE HEAD AGAIN.

--ON FEBRUARY 2, JOSE AMERICO SOLIS CEBALLOS, A PROFESSOR FROM THE NATIONAL UNIVERISTY BRANCH LOCATED IN

SAN SA 03652 06 OF 06 231737Z 2170 ARA5341

SANTA ANA WAS KIDNAPPED. HIS BADLY MUTILATED BODY, WITH HIS ARMS CUT OFF, WAS FOUND SEVERAL DAYS LATER.

--ON FEBRUARY 17, THREE NATIONAL UNIVERSITY LAW STUDENTS WERE KILLED AT A POPULAR PARK. TO DATE, THE MOTIVE OF THIS CRIME IS UNKNOWN. IT IS NOT KNOWN IF THE MURDERS WERE MOTIVATED BY POLITICAL REASONS. WHILE MANY UNES LAW STUDENTS ARE KNOWN FOR THEIR LEFTIST POLITICS, IN THIS CASE ONE OF THE VICTIMS WAS A MEMBER OF THE ESAF'S MILITARY ACTION PROGRAM.

--JULIO ISMAEL RIVAS CERNA, A TEACHER AT THE CHRISTIAN LICEO IN SAN SALVADOR, WAS KILLED BY UNKNOWN ASSAILANTS ON MARCH 15. HIS FAMILY OPINED THAT THE MOTIVE FOR THE CRIME WAS POLITICAL.

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PAGE 01 SAN SA 03652 01 OF 06 231732Z 2161 ARA5334
ACTION ARA-00

ACTION OFFICE ES-02
INFO FILE-01 ARA-02 PPC-01 DECP-01 ECP-01 RPP-02 OAS-01
PPA-01 SSE-01 HOPP-01 CU-02 OCEN-01 REG-01 /013 A2 JP

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UNCLAS SECTION 01 OF 06 SAN SALVADOR 03652

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TAGS: ES, ASEC, SHUM, ELAB, PTER, PINS
SUBJECT: 1985 POLITICAL VIOLENCE ROUNDUP JANUARY 1 -
- MARCH 15: DESPITE APPEARANCE, OVERALL LEVEL
- REMAINS AT HISTORICAL LOW

REF:
A. SAN SALVADOR 1622
B. SAN SALVADOR 351
C. SAN SALVADOR 1158
D. SAN SALVADOR 731
E. SAN SALVADOR 2555
F. SAN SALVADOR 2781
G. SAN SALVADOR 731

1. SUMMARY: IN VIEW OF PERSISTENT BUT INACCURATE REPORTS THAT OVERALL POLITICAL VIOLENCE HAS BEEN ON THE RISE IN EL SALVADOR, WE HAVE EXAMINED AND RECAPITULATED OUR FIGURES FROM THE BEGINNING OF 1985 IN THIS CABLE. THEY REVEAL A CONTINUED VERY LOW LEVEL OF POSSIBLE POLITICAL MURDERS BY THE RIGHT. AT THE SAME TIME, THEY SHOW A STILL SUBSTANTIALLY HIGHER, BUT OVERALL NOT RISING, LEVEL OF LEFTIST POLITICAL MURDERS. HOWEVER, LEFTIST MURDERS DID GIVE THE APPEARANCE OF HAVING INCREASED DURING THIS PERIOD BECAUSE OF A STEP UP OF ATTACKS ON POLITICIANS, HIGH PROFILE URBAN OR SEMI-URBAN TERRORISM, OR LEFTIST ATTACKS AGAINST THE UNFOLDING ELECTORAL PROCESS, FOR EXAMPLE THE DESTRUCTION OF TOWN HALLS. THUS, FOR JANUARY 1--MARCH 15, WE COUNT [redacted] MURDERS AS CLEARLY OR POSSIBLY ATTRIBUTABLE TO THE LEFT AND [redacted] AS POSSIBLY ATTRIBUTABLE TO THE EXTREME RIGHT. [redacted] ARE UNABLE TO ATTRIBUTE 36 MURDERS TO EITHER GROUP.) APART FROM THE LEFT'S KILLING OF SEVEN POLITICAL FIGURES IN THIS PERIOD, A SUBSTANTIAL INCREASE IN THAT PARTICULAR CATEGORY OF VICTIM, OVERALL LEFT AND RIGHT POLITICAL VIOLENCE FIGURES REMAIN AT HISTORICALLY LOW LEVELS. END SUMMARY.

2. WE ARE SUBMITTING A ROUND-UP ON POLITICAL VIOLENCE

SAN SA 03652 01 OF 06 231732Z 2161 ARA5334

THUS FAR IN 1985 TO HELP DEAL WITH THE AMBIGUOUS BUT WIDELY BRUITED NOTION THAT DEATHS DUE TO POLITICAL VIOLENCE HAVE BEEN ON THE RISE. AS FIGURES CITED BELOW (BASED ON PRESS, GUERRILLA RADIO REPORTS, AND OTHER SOURCES) INDICATE, THIS IS NOT BORNE OUT BY AVAILABLE INFORMATION ON VIOLENCE. MOST CLAIMS OF INCREASED VIOLENCE ALSO FAIL TO DISTINGUISH BETWEEN COMBAT-RELATED DEATHS AND ASSASSINATION-TYPE SLAYINGS THAT HAVE A CLEAR CUT POLITICAL MOTIVE. IT SHOULD BE KEPT IN MIND THAT, AS A PRACTICAL MATTER, IT IS IMPOSSIBLE FOR ANY OBSERVER IN EL SALVADOR TO BE ABSOLUTELY CERTAIN THAT THERE IS A POLITICAL CONNECTION IN MOST REPORTED MURDERS, AND EQUALLY IMPOSSIBLE, IN MOST CASES, TO BE SURE ABOUT WHO IS RESPONSIBLE. THE UNSTATED PREMISE OF MOST OF THOSE WHO CLAIM INCREASED POLITICAL VIOLENCE IS THAT THE GOES IS RESPONSIBLE. BUT THIS PREMISE IS UNSUPPORTED BY THE FACTS.

3. PART OF THE CONFUSION ABOUT POLITICAL VIOLENCE IS THE RESULT OF POOR OR COLORED U.S. PRESS REPORTING, OR BIAS IN THE PRIMARY SOURCES. AN EXCELLENT EXAMPLE OF A COMBINATION OF THESE TOOK PLACE RECENTLY WHEN THE U.S. PRESS REPORTED THAT THE AUXILIARY BISHOP, IN HIS MARCH 3 HOMILY, ANNOUNCED THE DRAMATIC FIGURE OF 86 POLITICAL KILLINGS IN THE PRECEEDING WEEK. IN FACT, AS WE REPORTED, THE BISHOP DID NO SUCH THING. HE NOTED THAT 86 PEOPLE HAD DIED, OF WHICH 5 WERE CIVILIANS KILLED BY THE GUERRILLAS, 3 WERE DEATH SQUAD VICTIMS AND THE REST WERE ESAF CASUALTIES OR PRESUMED GUERRILLA COMBATANTS. THIS CASE ALSO DEMONSTRATES THE TENDENCY AMONG SOME OBSERVERS INACCURATELY TO INCLUDE COMBAT-RELATED DEATHS IN POLITICAL VIOLENCE FIGURES. OUR OWN VIEW IS THAT ACCIDENTAL DEATHS, SUCH AS CIVILIAN CASUALTIES OF ENGAGEMENTS OR CAMPESINOS KILLED BY GUERRILLA OR ESAF MINEFIELDS, SHOULD NOT BE CLASSIFIED AS POLITICAL VIOLENCE DESPITE THEIR CLEAR HUMAN RIGHTS

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PAGE 01 SAN SA 03652 02 OF 06 231733Z 2163 ARA5335
ACTION ARA-00

ACTION OFF CE ES-02
INFO FILE-01 ARA-02 PPC-01 DECP-01 ECP-01 RPP-02 OAS-01
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UNCLAS SECTION 02 OF 06 SAN SALVADOR 03652

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IMPLICATIONS. HOWEVER, TO BE CONSISTENT WITH OUR PAST REPORTING METHODS, WE CONTINUE TO DO SO IN OUR POLITICAL VIOLENCE REPORTING.

4. OF THE VARIOUS TYPES OF POLITICAL VIOLENCE, THE ONE THAT IS CLEARLY ON THE RISE IS MURDER BY THE LEFT IN CONNECTION WITH URBAN OR SEMI-URBAN (SMALL TOWN) TERRORISM, OR THE WAR ON THE ELECTORAL PROCESS. THESE MURDERS ARE NOT OF THEMSELVES, HOWEVER, STATISTICALLY SIGNIFICANT IN TERMS OF OVERALL VIOLENCE. THE CASES WE CITE BELOW ARE THOSE WHICH, ACCORDING TO OUR PRACTICED JUDGEMENT CAN, WITH REASONABLE CONFIDENCE, BE CLASSED AS POLITICAL MURDERS OF REASONABLY CLEAR AUTHORSHIP. FOR A VARIETY OF REASONS, WE DEDUCE THE VAST MAJORITY TO BE MURDERS BY THE LEFT: STATEMENTS FROM THE LEFT ITSELF; THE TRADITIONAL PRE-ELECTORAL VIOLENCE DIRECTED AGAINST THE POLITICAL PROCESS AND ITS PARTICIPANTS; THE CONTINUED LOW INCIDENCE OF CLEAR-CUT DEATH SQUAD ACTIVITY; THE NEAR TOTAL, WE BELIEVE, CESSATION OF SECURITY FORCE ABUSES; AND EVEN A MEASURE OF INTERNECINE CONFLICT ON THE LEFT.

5. THE MAJORITY OF VIOLENCE CASES THAT WE ARE AWARE OF SEEM TO US OF A CRIMINAL NATURE AND TO FALL OUTSIDE THE CATEGORY OF CLEAR-CUT POLITICAL VIOLENCE BECAUSE OF THE CIRCUMSTANCES OF THE DEATHS, LACK OF ANY EVIDENCE REGARDING RESPONSIBILITY, APPARENT LACK OF MOTIVE, ETC. THERE MAY IN FACT BE A MEASURE OF SUBMERGED POLITICAL VIOLENCE IN THESE CASES. HOWEVER, GIVEN THE RISE IN THE OPEN OR OBVIOUS URBAN ACTIVITY OF THE LEFT, WE HAVE NO REASON TO DOUBT A PARALLEL RISE IN THE LEFT'S RESPONSIBILITY FOR CASES THAT REMAIN MYSTERIOUS TO US. WE SEE, AND HAVE HEARD, NOTHING TO INDICATE THAT THE EXTREME RIGHT HAS STEPPED UP POLITICAL VIOLENCE AT THIS TIME. THE PRE-ELECTORAL FACTOR SEEMS IRRELEVANT

SAN SA 03652 02 OF 06 231733Z 2163 ARA5335

VIS-A-VIS THE RIGHT: FEW VICTIMS HAVE ANY CONNECTION WITH THE PDC, AND WE DOUBT THE EXTREME RIGHT WOULD BE ENGAGING IN POLITICAL VIOLENCE AGAINST OBSCURE LEFTISTS IN ORDER TO PROTECT THE ELECTORAL PROCESS.

6. POLITICAL VIOLENCE JANUARY 1--MARCH 15 (FIGURES DERIVED FROM PRESS, GUERRILLA RADIO REPORTS, AND OTHER SOURCES):

TOTAL MURDERS	82		
BY UNKNOWN ASSAILANT:	16	BY EXTREME RIGHT:	0
BY LEFT:	36	POSSIBLY BY EXTREME RIGHT:	5
POSSIBLY BY LEFT:	23		

7. THUS FAR IN 1985, A TOTAL OF SEVEN, MOSTLY ARENA, POLITICAL FIGURES HAVE BEEN ASSASSINATED: THE PCN MAYOR OF SANTA ELENA WAS KILLED ON JANUARY 8 AND AN ARENA PARTY MAYORESS IN SAN JORGE, SAN MIGUEL DEPARTMENT, WAS GUNNED DOWN ON JANUARY 16. THE ARENA CITY TREASURER OF SANTA TECLA WAS KILLED ON THE STREET ON JANUARY 12. A PROMINENT ARENA PARTY MEMBER AND LANDOWNER WAS ASSASSINATED IN SANTA ANA ON JANUARY 5. ON JANUARY 23, AN ARENA CANDIDATE FOR OFFICE WAS ASSASSINATED. IN LATE FEBRUARY, THE ARENA MAYORAL CANDIDATE IN SOYAPANGO (A SAN SALVADOR SUBURB) WAS KILLED. A VILLAGE MAYOR WAS ASSASSINATED NEAR SANTA ANA IN THE FIRST FEW DAYS OF MARCH.

8. WHILE THE LEFT HAS NOT OPENLY TAKEN CREDIT FOR THESE ATTACKS, A RADIO HAVANA BROADCAST OF FEBRUARY 27 COMMENTED THAT "THUS FAR THIS YEAR, 12 ARENA 'MILITANTS' AND MEMBERS OF THE PDC HAVE BEEN SHOT." ALTHOUGH THE LEFT HAS NOT OPENLY TAKEN CREDIT FOR THE MURDER OF THE POLITICIANS, THE FEBRUARY 27 RADIO BROADCAST CITED ABOVE AND THE GUERRILLA HISTORY OF ATTACKING THE ELECTORAL PROCESS MAKES US CONFIDENT IN CALLING THESE MURDERS VERY POSSIBLY OF GUERRILLA AUTHORSHIP.

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PAGE 01 SAN SA 03652 03 OF 06 231734Z 2164 ARA5336
ACTION ARA-00

ACTION OFFICE ES-02
INFO FILE-01 ARA-02 PPC-01 DECP-01 ECP-01 RPP-02 OAS-01
PPA-01 SSE-01 HOPP-01 CU-01 DCEM-01 REG-01 /016 R2 JP

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UNCLAS SECTION 03 OF 06 SAN SALVADOR 03652

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(THE EMBASSY COUNTS 7 DEATHS OF POLITICIANS WHILE THE HAVANA BROADCAST NOTED 12; IT APPEARS HAVANA IS COUNTING THE DEATHS WHICH ENSUED IN EARLY JANUARY IN THE COMMISSIONER OF PROBITY SHOOTOUT AS POLITICAL (REF B). THE EMBASSY, AFTER EXAMINING THE CASE, TOOK THE VIEW THAT THE INCIDENT WAS A COMMON CRIME AND AS SUCH HAS NOT LISTED IT HERE).

1. RECAPITULATION OF ATTRIBUTABLE POLITICAL MURDERS FOR JANUARY 1 THROUGH MARCH 15, 1985

BY THE LEFT:

--LT. JULIO CESAR CONTRERAS CASTRO, ALLEGED BY THE LEFT TO BE RESPONSIBLE FOR THE DEATHS OF STUDENTS, WORKERS AND FARMERS WAS KILLED JANUARY 8. (CLAIMED BY CERF IN A CALL TO THE PRESS.)

--MANUAL DE JESUS FLORES MATEO, LABELED THE "INDIO MATEO, THE TORTURER", WHOSE "HUNDREDS OF VICTIMS" ALLEGEDLY INCLUDED SALVADOR CAYETANO CARPIO, DIMAS ALAS (FPL FOUNDER) AND LABOR ACTIVIST ROBERTO SIBRIAN WAS KILLED JANUARY 8. (CLAIMED BY CERF.)

--JOSE ANTONIO LUNA PORTILLO, A NATIONAL POLICEMAN ASSASSINATED ON JANUARY 4 WHILE ON GUARD DUTY AT A FACTORY. (CLAIMED BY CERF.)

--ULISES ZUNIGA, ALLEGEDLY A MEMBER OF A DEATH SQUAD, MURDERED APPARENTLY IN EARLY-MID JANUARY. (CLAIMED BY CERF PER RADIO VENCEREMOS.)

--THREE FARMERS WERE KILLED IN SAN VICENTE WHEN THE FMLN FIRED ON THEIR SUGAR CANE TRUCK ON JANUARY 18.

SAN SA 03652 03 OF 06 231734Z 2164 ARA5336

--ON JANUARY 20, NATIONAL POLICE AGENT ISABEL AGUILAR ORELLANA WAS SHOT WHILE DRIVING HIS PATROL CAR.

--GUERRILLAS KILLED REYNA VENTURA WHEN SHE FAILED TO STOP AT A GUERRILLA CHECKPOINT IN USULUTAN ON JANUARY 23.

--ON JANUARY 25 GUERRILLAS KILLED MARIA BLAS VILLATORO AND BURNED HER PICKUP IN USULUTAN.

--INES DE JESUS MOLINA [illegible] WAS KILLED WHEN GUERRILLAS MACHINE GUNNED HER CAR ON JANUARY 25 IN ZACATECOLUCA.

--A TRAIN CONDUCTOR, ANTONIO ZUNIGA, WAS KILLED BY GUERRILLAS ON JANUARY 28 WHILE BOARDING A TRAIN IN USULUTAN.

--MARCO ANTONIO GRANTES AND OSCAR ARMANDO MANJIVAR ZELAYA, LEADERS OF THE NATIONAL UNION OF TRANSPORTATION WORKERS (SNTIT) WERE SHOT TO DEATH IN LATE JANUARY BECOMING THE MOST RECENT VICTIMS OF A PURGE WITHIN THE LEFTIST LABOR MOVEMENT (REF A).

--A GROUP OF GUERRILLAS OCCUPIED THE HACIENDA LA TRINIDAD AND KILLED THE ADMINISTRATOR IN THE DEPARTMENT OF SAN MIGUEL ON FEBRUARY 5.

--ON FEBRUARY 19, GUERRILLAS ENTERED A TOWN IN THE DEPARTMENT OF LA PAZ. THEY TOOK JOSE ILDEFONSO CERON AND HIS 16 YEAR OLD SON FROM THEIR HOME, TIED THEM TOGETHER AND EXECUTED THEM IN FRONT OF THE TOWNSPEOPLE.

--JOSE SILVESTRE GARCIA WAS KILLED WHEN GUERRILLAS THREW A BOMB INTO HIS HOUSE IN SAN ANTONIO ABAJO, DEPARTMENT OF LA PAZ. THE INCIDENT OCCURRED ON FEBRUARY 19 AND INJURED A WOMAN AND 2 MINOR CHILDREN.

--GERARDO GARCIA IBARRA, A SOLDIER ON VACATION IN SAN MIGUEL, WAS EXECUTED BY GUERRILLAS IN FRONT OF WITNESSES

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PAGE 01 SAN SA 03652 04 OF 06 231735Z 2166 ARA5338
ACTION ARA-00

ACTION OFFICE ES-02
INFO FILE-01 ARA-00 PPC-01 DECP-01 ECP-01 RPP-02 OAS-01
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USAFSO HOWARD AFB PN//LAI

UNCLAS SECTION 04 OF 06 SAN SALVADOR 03652

USIA FOR AR/CENTAM

E.O. 12356: N/A
TAGS: ES, ASEC, SHUM, ELAB, PTER, PINS
SUBJECT: 1985 POLITICAL VIOLENCE ROUNDUP JANUARY 1 - MARCH 15: DESPITE APPEARANCE, OVERALL LEVEL REMAINS AT HISTORICAL LOW

ON FEBRUARY 23.

--A RELIEF TRUCK TRANSPORTING POLICEMEN WAS ATTACKED BY GUERRILLAS IN DOWNTOWN SAN SALVADOR. THE TERRORISTS USED FRAGMENTATION GRENADES AND ROCKET PROPELLED GRENADES (RPG-2), WOUNDING 12 POLICE AGENTS AND KILLING TWO.

--ON FEBRUARY 23, RICARDO VALDIVIESO WAS KILLED WHEN GUERRILLAS MACHINE GUNNED HIS CAR WHILE TRAVELLING ON THE TRONCAL DEL NORTE HIGHWAY IN THE DEPARTMENT OF SAN SALVADOR.

--NATIONAL POLICEMAN CAPT. FIDEL LOPEZ NOLASCO WAS MURDERED BY GUERRILLAS ON FEBRUARY 23 WHEN HE GOT OUT OF HIS CAR TO BUY A BIRTHDAY CAKE. A RADIO HAVANA BROADCAST CITED THIS KILLING AS AN "EXECUTION BY URBAN GUERRILLAS".

--PEDRO GARCIA ALAS WAS KILLED FEBRUARY 25 WHEN GUERRILLAS MACHINE GUNNED HIS VEHICLE IN USULUTAN.

--AIR FORCE MECHANIC OSCAR ALEXANDER HERNANDEZ RIVAS WAS SHOT BY GUERRILLAS WHILE IN A CAFE IN SANTA TECLA. A RADIO HAVANA BROADCAST NOTED THAT THE FEBRUARY 25 SLAYING WAS PERPETRATED BY URBAN GUERRILLAS, CLAIMING THAT HERNANDEZ WAS LINKED WITH THE DEATH SQUADS.

--ON FEBRUARY 27 HONDURAN CITIZEN RUBEN RODRIGUEZ WAS KILLED BY GUERRILLAS WHILE TRANSPORTING WATERMELONS TO MARKET.

--A PARTICULARLY VICIOUS ATTACK AGAINST A KEY POLITICAL FIGURE WAS THE ASSAULT AGAINST THE HOME OF CENTRAL ELECTIONS COUNCIL (CCE) PRESIDENT MARIO SAMAYOA ON

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FEBRUARY 25 (REFS'E AND F). IN ADDITION TO TWO BODYGUARDS, TWO INNOCENT CIVILIANS DIED AS A RESULT OF THE ATTACK. A MARCH 1 RADIO VENCEREMOS BROADCAST TOOK CREDIT FOR THESE KILLINGS.

--IN A RADIO VENCEREMOS BROADCAST THE FMLN TOOK CREDIT FOR THE MARCH 1 MURDER OF CARLOS MARTINEZ CRUZ, A TEXTILE FACTORY SUPERVISOR.

--ON MARCH 7, GUERRILLAS ASSASSINATED THE ARMED FORCES PRESS COMMITTEE (COPREFA) SPOKESMAN LT. COL. RICARDO CIENFUEGOS. IN THIS CASE, THE ASSASSINS ENTERED A POPULAR TENNIS CLUB DRESSED IN APPROPRIATE TENNIS ATTIRE AND GUNNED DOWN THEIR VICTIM AS HE WAS RESTING BETWEEN MATCHES. IN A CALL TO A LOCAL RADIO STATION, A PERSON CLAIMING TO BE A MEMBER OF THE ALLEGED FPL DISSIDENT GROUP CERF STATED THE EXECUTION WAS CARRIED OUT BECAUSE CIENFUEGOS DIRECTED COPREFA, "AN OFFICE USED BY THE YANKEE IMPERIALISM'S PUPPET BOURGEOIS REGIME TO IMPLEMENT A PSYCHOLOGICAL WARFARE AND MISINFORMATION."

--IN SANTA ANA, PEDRO CHACON MENENDEZ, FARMER, AND JOSE CAMPOS COTO, VILLAGE COMMANDANT, WERE KILLED MARCH 3TH BY A GROUP OF 75 GUERRILLAS WHO LEFT FMLN PROPAGANDA AT THE SCENE.

--CECILIO HERNANDEZ WAS KILLED IN LA UNION ON MARCH 15 BY A GROUP OF TWENTY-FIVE GUERRILLAS.

[redacted] LEFT:

--RAFAEL NAPOLEON PORTILLO PINEDA, ARENA PARTY MEMBER AND LANDOWNER FROM SANTA ANA WAS MURDERED BY 4 UNKNOWN ASSAILANTS ON JANUARY 4. THE VICTIM HAD NUMEROUS SLASHES ON HIS BODY AND WAS FOUND WITH A SIGN ON HIS CHEST STATING "FOR REPRESSION OF THE WORKING CLASS."

--JESUS MARCELINO VALLADARES, AN EX-SOLDIER, WAS KILLED LEAVING A DANCE HALL ON JANUARY 8. WITNESSES REPORT

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UNCLAS SECTION 05 OF 06 SAN SALVADOR 03652

USIA FOR AR/CENTAM

E.O. 12356: N/A
TAGS: ES, ASEC, SHUM, ELAB, PTER, PINS
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THAT AFTER SHOOTING THE VICTIM, THE ASSASSIN SAID, "YOU ARE A SOLDIER".

--DOMINGO AVILES VARGAS, CONSERVATIVE (PCN) MAYOR OF SANTA ELENA (USULUTAN) WAS SHOT IN HIS OFFICE BY THREE GUNMEN JANUARY 8.

--JULIO CESAR CASTRO BELLOSO, FORMER COMMUNIST PARTY CENTRAL COMMITTEE MEMBER AND LEFT LABOR LEADER (FUSS) WAS KILLED ON THE STREET NEAR HIS HOME JANUARY 11 (REF A). INACTIVE AND INVISIBLE FOR YEARS, CASTRO WAS NOT A LOGICAL PRIORITY TARGET FOR THE RIGHT, WHICH WAS MANY BIGGER AND MORE THREATENING TARGETS EASILY AVAILABLE. ACCORDING TO RELIABLE INFORMATION, HE WAS KILLED BY THE LEFT AS A TURNCOAT.

--JOSE BALBINO ARTEAGA, ARENA CITY TREASURER OF SANTA TECLA, WAS KILLED AT A CROWDED BUS STOP JANUARY 12 BY THREE ASSAILANTS WHO ESCAPED IN THE CONFUSION. A NON-POLITICAL MOTIVE FOR THE KILLING WAS MENTIONED BY THE VICTIM'S SISTER, WHO SAID AN UNNAMED INDIVIDUAL HAD ALREADY THREATENED ARTEAGA'S LIFE OVER UNPAID DEBTS. PRIVATE EMBASSY SOURCE SAYS THIS IS POSSIBLE, BUT WE NOTE IT WOULD HAVE MADE COLLECTION OF THE DEBTS MORE DIFFUCULT.

--SALVADORAN AIR FORCE (FAS) DRIVER ALBERTO MENDEZ HERNANDEZ WAS SHOT DEAD 16 JANUARY WHILE DRIVING A FAS CAR IN THE IMMEDIATE VICINITY OF THE U.S. EMBASSY.

--GRACIELA MONICO PALMA, ARENA MAYOR OF SAN JORGE, IN SAN MIGUEL DEPARTMENT, WAS SHOT TO DEATH BY 2 UNKNOWN ASSAILANTS WHO BURST INTO HER OFFICE 18 JANUARY.

--JOSE EXPECTACION LANDAVERDE, AN EX-SOLDIER, WAS KILLED

IN SAN SALVADOR ON JANUARY 22 BY GUNSHOTS.

--MEDARDO AVELAR BONILLA, A PRE-CANDIDATE FOR THE OFFICE OF SUBSTITUTE FOR ARENA DEPUTY, WAS A PUBLIC ACCOUNTANT WORKING FOR THE ATTORNEY GENERAL'S OFFICE AS AN ADMINISTRATOR. HE WAS SHOT BY UNKNOWN ASSAILANTS AT A BUSY INTERSECTION IN SAN SALVADOR 23 JANUARY.

--ON JANUARY 25, TWO DETECTIVES OF THE NATIONAL POLICE, JUAN ANTONIO MARTINEZ SEGOVIA, AND ALVARO ANTONIO AVILES PEREZ, WHO WERE RIDING IN A PICK UP TRUCK AND WERE DELIVERING MAIL TO AN EMBASSY FROM THE VICE MINISTRY OF DEFENSE, WERE FATALLY SHOT BY UNKNOWN INDIVIDUALS IN THE SURROUNDINGS OF THE POLYTECHNIC UNIVERSITY, SAN SALVADOR. THE TWO AGENTS WERE MEMBERS OF THE PROTECTIVE DETAIL OF COL. CARLOS REYNALDO LOPEZ NUILA, VICE MINISTER OF DEFENSE.

--NATIONAL POLICEMAN VICTOR MANUEL BARRERA WAS MURDERED BY AN UNKNOWN ASSAILANT IN DOWNTOWN SAN SALVADOR ON JANUARY 25.

--ON FEBRUARY 2 PEDRO JUAN SORIANO DURA, FORMER SOLDIER FROM SAN VICENTE, WAS FOUND IN A WELL WITH HIS HEAD MISSING.

--NATIONAL POLICE AGENT CARLOS FRANCISCO CARCAMO CUELLAR WAS MURDERED BY MACHETE WHILE OFF DUTY NEAR SANTA ANA ON FEBRUARY 12.

--RAMON ARIAS WAS KILLED BY MEN WHO IDENTIFIED THEMSELVES AS MEMBERS OF THE FMLN ON FEBRUARY 16 IN SAN MIGUEL.

--ON FEBRUARY 23, CAYETANO ALVARADO RAMIREZ, A FORMER CADET OF THE NATIONAL POLICE, BERNARDO RAMIREZ GARCIA, AND SANTOS ALVARADO WERE TAKEN TO A FOOTBALL FIELD BY MEN WHO CLAIMED TO BE MEMBERS OF THE FMLN/FDR, STABBED AND KILLED BY GUNSHOTS.

--OSCAR ANTONIO CANALES RUBIO, ARENA MAYORAL CANDIDATE

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Special Project (1993)

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PAGE 01 SAN SA #3652 06 OF 06 231737Z 2178 ARA5341
ACTION ARA-00

ACTION OFFICE ES-01
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UNCLAS SECTION 06 OF 06 SAN SALVADOR 03652

USIA FOR AR/CENTAM

E.O. 12356: N/A
TAGS: ES, ASEC, SHUM, ELAB, PTER, PINS
SUBJECT: 1985 POLITICAL VIOLENCE ROUNDUP JANUARY 1 - MARCH 15: DESPITE APPEARANCE, OVERALL LEVEL REMAINS AT HISTORICAL LOW

FOR SOYAPANGO, WAS SHOT TO DEATH AS HE ARRIVED AT HIS HOME. IN A FEBRUARY 27 BROADCAST, RADIO HAVANA NOTED THAT "NO ONE HAS YET CLAIMED RESPONSIBILITY FOR THE ASSASSINATION OF THIS ACTIVE MEMBER OF THE PARTY, LINKED TO THE DEATHSQUADS".

--ALEJANDRO MARTINEZ, A VILLAGE MAYOR FROM THE VICINITY OF SANTA ANA, WAS KILLED BY GUNSHOTS IN THE PRESENCE OF HIS CHILDREN ON MARCH 3.

--ON MARCH 4, JOSE ANTONIO VANEGAS AND ANTONIO LINARES WERE FOUND DEAD ON A FARM IN SANTA ANA. FMLN LITERATURE WAS SPREAD AROUND THE SCENE OF THE CRIME.

--JOSE JULIO LOPEZ, A MEMBER OF A VILLAGE CIVIL DEFENSE FORCE, WAS TAKEN FROM HIS HOME IN SAN MIGUEL AND KILLED BY UNKNOWN PERSONS ON [redacted]

--NICOLAS UMANZOR CASTELLANOS, AN EMPLOYEE OF A SAN SALVADOR SPORTS CLUB WITH LEFT LABOR UNION PROBLEMS, WAS MURDERED ON HIS PATIO BY GUNSHOT ON JANUARY 16.

--ON JANUARY 25, TWO STUDENTS OF THE NATIONAL INSTITUTE FRANCISCO MENENDEZ WERE MURDERED BY UNKNOWN INDIVIDUALS IN THE SURROUNDINGS OF THE SCHOOL. THE TWO VICTIMS WERE EMILIO DANILO OTONIEL DUARTE PERAZA, 22, WHO WAS KNOWN AS AN ACTIVIST MEMBER OF THE PDC AND NELSON ENRIQUE ARGUELLO PALACIOS, 17, WHO WAS ACCOMPANYING HIM. AFTER THEY FELL ON THE FLOOR, THE INDIVIDUALS WHO HAD SHOT AT THEM APPROACHED THEM AND SHOT THEM IN THE HEAD AGAIN.

--ON FEBRUARY 2, JOSE AMERICO SOLIS CEBALLOS, A PROFESSOR FROM THE NATIONAL UNIVERISTY BRANCH LOCATED IN

SANTA ANA WAS KIDNAPPED. HIS BADLY MUTILATED BODY, WITH HIS ARMS CUT OFF, WAS FOUND SEVERAL DAYS LATER.

--ON FEBRUARY 17, THREE NATIONAL UNIVERSITY LAW STUDENTS WERE KILLED AT A POPULAR PARK. TO DATE, THE MOTIVE OF THIS CRIME IS UNKNOWN. IT IS NOT KNOWN IF THE MURDERS WERE MOTIVATED BY POLITICAL REASONS. WHILE MANY ONES LAW STUDENTS ARE KNOWN FOR THEIR LEFTIST POLITICS, IN THIS CASE ONE OF THE VICTIMS WAS A MEMBER OF THE ESAF'S MILITARY ACTION PROGRAM.

--JULIO ISMAEL RIVAS CERNA, A TEACHER AT THE CHRISTIAN LICEO IN SAN SALVADOR, WAS KILLED BY UNKNOWN ASSAILANTS ON MARCH 18. HIS FAMILY OPINED THAT THE MOTIVE FOR THE CRIME WAS POLITICAL.

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PAGE 01 MEXICO 06907 01 OF 04 291724Z
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DEPARTMENT PASS FEDERAL RESERVE BOARD,
ESPORT IMPORT BANK, USTR, AND COMMERCE

E.O. 12356: N/A
TAGS: EFIN, ECON, MX
SUBJECT: FINANCIAL DEVELOPMENTS: MARCH 20, 1985

1. (LOU) SUMMARY. MEXICO'S NEGOTIATIONS WITH THE IMF OVER THE THIRD AND LAST YEAR OF ITS EFF PROGRAM HAVE FINALLY ENDED. OFFSHORE PESO/DOLLAR EXCHANGE RATES HAVE CONTINUED TO REMAIN HIGH PARTIALLY AS A RESULT OF AN INCREASING DEMAND FOR DOLLARS FOR MEXICANS' EASTER VACATIONS IN THE UNITED STATES. NONETHELESS, THEY HAVE DECLINED SLIGHTLY OVER THE PAST SEVERAL DAYS. INTEREST RATES HAVE INCREASED AS A NATURAL CONSEQUENCE OF CONTINUED HIGH INFLATION AND THE INCREASED DAILY SLIDE IN THE PESO. THE STOCK MARKET INDEX HAS NEARLY RECOVERED

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PAGE 02 MEXICO 06907 01 OF 04 291724Z

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THE SIX PERCENT DROP IT SUFFERED WHEN INTEREST RATES ROSE. THE GOM HAS SENT OUT ITS MULTI-YEAR DEBT-RESTRUCTURING PACKAGE TO ITS CREDITOR BANKS AND ANTICIPATES A MARCH 29 SIGNING. THE GOM APPEARS TO HAVE FLOATED A TRIAL BALLOON TO TRADE EQUITY IN MAJOR PARASTATALS TO COMMERCIAL BANKS IN RETURN FOR THEIR DEBT HOLDINGS IN THOSE ENTITIES, BUT THE GOVERNMENT HAS BACKED AWAY AFTER GETTING A COOL RECEPTION FROM THE BANKS AND AFTER RECEIVING HARSH CRITICISM AT HOME. PRESIDENT DE LA MADRID HAS INDICATED A WILLINGNESS TO CHANGE ELEMENTS OF HIS ECONOMIC PROGRAM. MEXICO HAS MADE A $23 MILLION BRIDGE LOAN TO THE DOMINICAN REPUBLIC. THE PLANNING AND BUDGET SECRETARY RELEASED MORE DETAILS ON THE 4 PERCENT REAL INCREASE IN PUBLIC SECTOR INVESTMENT FOR 1985. INTEREST RATES ON PROMOTIONAL FUNDS SUCH AS FOMEX WILL BE ADJUSTED TO REFLECT HIGHER MARKET INTEREST RATES. THE WORLD BANK HAS ISSUED PRELIMINARY FIGURES SHOWING A SLIGHT DECREASE FROM 1983 TO 1984 IN MEXICO'S GDP PER CAPITA.

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2. (U) IMF NEGOTIATIONS: AN END AT LAST

ON MARCH 24, THE GOM SENT TO THE IMF ITS LETTER OF INTENT FOR THE THIRD AND FINAL YEAR OF ITS EXTENDED FUND FACILITY ARRANGEMENT. A MORE DETAILED DESCRIPTION WILL FOLLOW VIA SEPTEL BUT THE MOST IMPORTANT CONDITIONS WERE LIMITS OF 4.1 PERCENT ON THE ECONOMIC DEFICIT AND 4.9 PERCENT ON THE FINANCIAL DEFICIT, AN INCREASE OF $500 MILLION IN FOREIGN EXCHANGE RESERVES, AND A LIMIT ON NET EXTERNAL BORROWING OF $1 BILLION.

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3. (U) EXCHANGE MARKET: FURTHER INCREASES

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PAGE 03 MEXICO 06907 01 OF 04 291724Z

-- EXCHANGE RATES ON MARCH 19	BANKS AND EXCHANGE HOUSES BUY DOLLARS	BANKS AND EXCHANGE HOUSES SELL DOLLARS
CONTROLLED	206.28	206.48
MARKET	223.04	224.54
OFFSHORE (SAN YSIDRO)	247.50	249.50

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OFFSHORE (EL PASO)	247.00	252.00
FREE RATE IN MEXICO CITY	238.00	252.00

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OFFSHORE EXCHANGE RATES HAVE MOVED UPWARD TO ABOUT 12 PERCENT OVER THE OFFICIAL MARKET RATE. THERE IS GENERAL CONCERN OVER ECONOMIC CONDITIONS (INFLATION, GOVERNMENT SPENDING, INTEREST RATES, INCREASES IN THE DAILY SLIDE, ETC.) IN ADDITION, THE ANNUAL PRESSURE ON THE PESO JUST BEFORE HOLY WEEK IS BEGINNING TO SHOW INFLUENCE. MANY MEXICANS TRAVEL TO THE UNITED STATES FOR EASTER VACATIONS AND INCREASE THE DEMAND FOR DOLLARS. NOTWITHSTANDING THESE FACTORS, HOWEVER, THE EXCHANGE RATE IS THE BORDER AREAS HAS FALLEN SLIGHTLY OVER THE PAST SEVERAL DAYS.

-

4. (U) INTEREST RATES

--	MAR 4-8	MAR.11-15	MAR 18-22	MAR 25-29
30-89 DAYS	45.60	45.60	54.00	53.90
90-170 DAYS	44.90	44.90	51.65	51.65
180-269 DAYS	44.40	44.40	46.80	46.80
270-359 DAYS	42.10	42.10	43.25	43.25
360-539 DAYS	39.60	39.60	40.10	40.10

-

5. (U) INTEREST RATES ON MEXICAN BANK DEPOSITS DENOMINATED IN PESOS ROSE DRAMATICALLY ON MARCH 11. THE RATE FOR 20-89 DAY TIME DEPOSITS ROSE BY MORE THAN 8 PERCENTAGE POINTS WHILE THE RATE FOR 90-179 DAYS ROSE NEARLY 7 PERCENTAGE POINTS. THE RATES FOR LONGER TERMS

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PAGE 01. MEXICO 06907 02 OF 04 291725Z
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TAGS: EFIN, ECON, MX
SUBJECT: FINANCIAL DEVELOPMENTS: MARCH 20, 1985

WENT UP BY LESSER AMOUNTS. THESE INCREASES FOLLOWED SEVENTEEN CONSECUTIVE WEEKS OF CONSTANT RATES (BACK TO NOVEMBER 12-16). THE HIGHER RATES FOLLOWED SHORTLY AFTER THE INCREASE IN THE DAILY SLIDE OF THE PESO FROM 17 CENTAVOS TO 21 CENTAVOS ON MARCH 6. THEY ALSO REFLECT ONGOING INFLATIONARY PRESSURES IN THE ECONOMY. THE RATE FOR 30-89 DAYS EASED SLIGHTLY FOR THE WEEK OF MARCH 25-29. INTEREST RATES ON CETES (MEXICAN TREASURY BILLS) HAVE ALSO RISEN SHARPLY OVER THE PAST TWO WEEKS.
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PAGE 02 MEXICO 06907 02 OF 04 291725Z

6. (LOU) ON MARCH 14, THERE WAS AN EXCEPTIONAL FLURRY OF ACTIVITY SURROUNDING ONE ISSUE OF GOM TREASURY BILLS WORTH AROUND 500 MILLION PESOS. A GOM OFFICIAL MISTAKENLY ACCEPTED A BID PROVIDING A YIELD OF 84 PERCENT WHEN MOST OF THE OTHER BIDS WERE AROUND 60 PERCENT. THE FOLLOWING DAY THE GOM WITHDREW THE ACCEPTANCE ON A TECHNICALITY, I.E., THAT THE WINNING BID MUST BE WITHIN 2 PERCENTAGE POINTS OF THE MEDIAN BID.
-
7. (U) STOCK MARKET: RECOVERY FROM RECENT DROP

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SINCE FEBRUARY 19 THE MEXICAN STOCK MARKET INDEX HAS FALLEN SLIGHTLY FROM 4,169 TO 4,104. THE INDEX DROPPED 266 POINTS (4,134 TO 3,868) ON MARCH 11 WHEN THE SHARPLY HIGHER INTEREST RATES WERE ANNOUNCED (SEE PARAGRAPH 5). SINCE THEN THE INDEX HAS RECOVERED MOST OF THE DROP.

8. (U) SIGNING OF MULTI-YEAR DEBT RESTRUCTURING

THE GOM SENT THE MULTI-YEAR DEBT-RESTRUCTURING PACKAGE TO 500 COMMERCIAL CREDITOR BANKS ON MARCH 9. THE GOVERNMENT ANTICIPATES A MARCH 29 SIGNING. THE AGREEMENT WILL COVER A TOTAL OF $28.7 BILLION OF MEXICAN PUBLIC SECTOR FOREIGN DEBT, OF WHICH $23.7 BILLION REPRESENTED DEBT WHICH FELL DUE BETWEEN 1982 AND 1984 AND $5 BILLION NEW DEBT INCURRED WITH FOREIGN COMMERCIAL BANKS IN 1983. THE REMAINING $20 BILLION MENTIONED IN PREVIOUS ANNOUNCEMENTS TO MAKE A TOTAL OF ABOUT $49 BILLION MATURES BETWEEN 1985 AND 1990 AND WILL BE COVERED IN A SEPARATE AGREEMENT LATER THIS YEAR.

9. (U) DEBT FOR EQUITY

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ACCORDING TO PRESS REPORTS AND EMBASSY SOURCES, THE DEBT RESTRUCTURING PACKAGE DISCUSSED IN PARAGRAPH 5 INCLUDED A GOM PROPOSAL TO LET THE CREDITOR BANKS SWAP DEBT FOR EQUITY IN SOME MAJOR MEXICAN PARASTATALS SUCH AS ALTOS HORNOS, SICARTSA, FUNDIDORA MONTERREY, PIPSA, DINA, AND NACIONAL HOTELERA. THIS WAS APPARENTLY A TRIAL BALLOON FLOATED BY THE GOM, WHICH RECEIVED A COOL RECEPTION FROM THE BANKERS, AND THEN WAS DENIED BY THE GOM. WHEN THE PLAN RECEIVED PUBLIC ATTENTION PARTICULARLY AFTER AN ARTICLE IN THE WALL STREET JOURNAL OF MARCH 15, VARIOUS MEXICAN POLITICIANS AND COLUMNISTS LOUDLY CRITICIZED THE PLAN AS "SELLING THE COUNTRY'S SOVEREIGNTY."

10. (U) PRESIDENT'S SPEECH: ECONOMIC UNDERPERFORMANCE

IN A SPEECH TO A LABOR GROUP ON MARCH 15, PRESIDENT DE LA MADRID STATED THAT HIS ADMINISTRATION WAS LESS THAN

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SATISFIED WITH THE ECONOMY'S RESPONSE TO MEASURES TAKEN IN HIS ECONOMIC PROGRAM. HE INDICATED HE WAS LOOKING FOR OTHER "FORMULAS FOR ECONOMIC DEVELOPMENT." THE PRESIDENT'S SPEECHES ARE CUSTOMARILY HIGHLY POSITIVE AND SELDOM ADMIT TO LACK OF SUCCESS OR DISSATISFACTION WITH CURRENT POLICIES. IN THIS SPEECH, THE PRESIDENT SPECIFICALLY MENTIONED THAT "CERTAIN POLICIES MERIT PROFOUND REVISION." HE WA
S NOT SPECIFIC ON WHAT POLICIES
NEEDED CHANGING. OVERALL, HE SOUNDED LESS POSITIVE AND CONFIDENT THAN IN ANY OTHER SPEECH WITHIN MEMORY.

-

11. (LOU) EMBASSY SANTO DOMINGO CONFIRMS MEXICAN LOAN

EMBASSY SANTO DOMINGO HAS CONFIRMED A MEXICAN $23 MILLION LOAN TO THE GODR TO MEET IMF REQUIREMENTS. A DOMINICAN REPUBLIC CENTRAL BANK OFFICIAL MENTIONED TO THE REPORTING OFFICER IN THAT EMBASSY THAT MEXICO WAS ADVISING THE GODR IN ITS RESCHEDULING NEGOTIATIONS.

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PAGE 01 MEXICO 06907 03 OF 04 291727Z
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TREASURY WASHDC
INFO AMEMBASSY LIMA
AMEMBASSY CARACAS
AMEMBASSY BRASILIA
ALL USCONS MEXICO POUCH

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DEPARTMENT PASS FEDERAL RESERVE BOARD,
ESPORT IMPORT BANK, USTR, AND COMMERCE

E.O. 12356: N/A
TAGS: EFIN, ECON, MX
SUBJECT: FINANCIAL DEVELOPMENTS: MARCH 20, 1985

12. (U) PUBLIC SECTOR INVESTMENT: 4 PERCENT INCREASE FOR 1985

THE GOM PLANNING AND BUDGET SECRETARY RECENTLY PRESENTED A MORE COMPLETE DESCRIPTION OF PUBLIC SECTOR INVESTMENT PROJECTED FOR 1985 THAN HAD BEEN PREVIOUSLY AVAILABLE. PUBLIC SECTOR INVESTMENT FOR 1985 IS PROJECTED TO BE UP 4 PERCENT IN REAL TERMS OVER 1984; THE CHANGE IN 1984 WAS A [redacted]

[redacted]

POSITIVE ONE PERCENT OVER 1983 WHICH WAS 35 PERCENT BELOW THAT IN 1982. DISTRIBUTION OF PUBLIC INVESTMENT FUNDS IS AS FOLLOWS:

PUBLIC SECTOR INVESTMENT

SECTOR	AMOUNT (BILLIONS OF PESOS)	PRIMARY USES
INDUSTRY AND ENERGY	1,346	STEEL PROJECTS (SICARTSA AND ALTOS HORNOS), PHOSPHATE PROJECT, NATIONAL NETWORK OF WAREHOUSES, ELECTRICITY PLANTS 5 HYDRO, 4 THERMAL, 1 GEOTHERMAL, AND ONE NUCLEAR)
SOCIAL DEVELOPMENT	210	EDUCATIONAL FACILITIES

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RURAL DEVELOPMENT -- --	355	WATER PROJECTS AND PRODUCTION OF BASIC COMMODITIES
COMMUNICATIONS AND T A MM ATI ON	402	HIGHWAY, RAILBED AND PORT IMPROVEMENT
FEDERAL DISTRICT --	312	HOUSING, URBAN TRANSPORT, WATER TREAT-

[redacted]

-- -- --		MENT, AND GARBAGE COLLECTION AND PROCESSING
TOTAL	2,625	

13. (U) PROMOTIONAL FUNDS TO ADJUST INTER T RATES

THE TREASURY OFFICIAL IN CHARGE OF THE NATIONALIZED BANKING SYSTEM, CARLOS SALES GUTIERREZ, MENTIONED IN A SPEECH ON MARCH 14 THAT THE RATES OF INTEREST CHARGED TO EXPORTERS, MANUFACTURERS, ETC. BY PROMOTIONAL FUNDS SUCH AS FOMEX WOULD BE ADJUSTED TO REFLECT THE COST OF THE FUNDS. THIS ACTION TO PASS ON AT LEAST PART OF THE COST OF HIGHER INTEREST RATES NOW BEING PAID TO SAVERS AND INVESTORS WOULD "AVOID EXCESSIVE SUBSIDIES" IN SALES' WORDS. THE NEW RATES FOR THESE FUNDS WERE NOT GIVEN BUT SALES DID LIST THE AMOUNT OF CREDIT THAT WOULD BE EXTENDED BY THE MAJOR FUNDS OVER THE COURSE OF 1985 AS FOLLOWS:

	1985 FINANCIAL SUPPORT (BILLIONS OF PESOS)
FOGAIN	106.0

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(SUPPORT FOR SMALL AND MEDIUM INDUSTRIES)	
FONATUR (TOURISM PROMOTION)	62.8
PAI (ANOTHER FOR SMALL AND MEDIUM INDUSTRIES)	29.0
FOMIN (INDUSTRIAL DEVELOPMENT)	6.5
FIDEIN (INDUSTRIAL PARKS)	4.2

[redacted]

FONEP (STUDIES AND PROJECTS)	1.6
OTHER	0.4

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PAGE 01 MEXICO 06907 04 OF 04 291727Z
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INFO AMEMBASSY LIMA
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DEPARTMENT PASS FEDERAL RESERVE BOARD,
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E.O. 12356: N/A
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SUBJECT: FINANCIAL DEVELOPMENTS: MARCH 20, 1985

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TOTAL 210.5
-
14. (U) GDP PER CAPITA

ON MARCH 14, THE WORLD BANK RELEASED ITS LATEST STATISTICS WHICH INCLUDED, INTER ALIA, THE FOLLOWING LINE ON MEXICO'S GDP PER CAPITA:
-
-- GDP PER CAPITA (1970 $)
-- FOR MEXICO

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PAGE 02 MEXICO 06907 04 OF 04 291727Z

-

1970	1980	1983	1984
978	1,366	1,284	1,280

-
-- ANNUAL RATES OF GROWTH
-

-- 1980	1981	1982	1983	1984
-- 5.5	5.1	-3.1	-7.7	-0.3

ACCUMULATIVE RATE: 1981-1984, -6.3
-
THESE STATISTICS ARE PRELIMINARY AND PROBABLY REFLECT MEXICO'S EARLIER GDP GROWTH ESTIMATE OF 2.2-2.5 PERCENT. LATER PROJECTIONS OF 3.4-4.0 PERCENT WOULD MAKE THE 1984 GDP PER CAPITA GROWTH A POSITIVE NUMBER.
-
15. (U) BRIEF NOTES

-- FIXED CAPITAL FORMATION INCREASED BY MORE THAN 5 PERCENT IN 1984 ACCORDING TO THE GOM'S BUDGET AND PLANNING BUREAU (SPP).
-
-- THE PUBLIC SECTOR FINANCIAL DEFICIT THROUGH NOVEMBER WAS 1.2 PERCENT OVER THE PROJECTED AMOUNT FOR THAT DATE.
-
-- REAL WAGES DROPPED 8.9 PERCENT IN 1984 ACCORDING TO SPP.
-

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-- THE INFLATION RATE IN MARCH WILL BE AROUND 3.0 PERCENT ACCORDING TO GOM SOURCES.

-

-- IN FEBRUARY MEXICO HAD A CURRENT ACCOUNT DEFICIT

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PAGE 03 MEXICO 06907 04 OF 04 291727Z

ACCORDING TO GOM SOURCES.

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PAGE 01 MEXICO 06929 01 OF 06 292001Z
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TREASURY WASHDC IMMEDIATE
INFO AMEMBASSY BRASILIA

[redacted]SECTION 01 OF 06 MEXICO 06929

DEPARTMENT PASS TO FEDERAL RESERVE BOARD,
COMMERCE, AND USTR

E.O. 12356: DECL: 3/28/91
TAGS: EFIN, ECON, MX
SUBJECT: MEXICO'S LETTER OF INTENT AND MAJOR MACRO-
-- ECONOMIC TARGETS WITH THE IMF FOR 1985

1. (S) SUMMARY. ON MARCH 25 THE MEXICAN GOVERNMENT MADE PUBLIC ITS LETTER OF INTENT WITH THE INTERNATIONAL MONETARY FUND FOR 1985. THIS CABLE ANALYZES THE LETTER ALONG WITH THE NARRATIVE PORTION OF THE TECHNICAL MEMORANDUM OF UNDERSTANDING WHICH DELINEATES THE MAJOR MACROECONOMIC TARGETS THAT MEXICO MUST ACHIEVE IN ORDER TO MAKE DRAWINGS FROM THE IMF IN 1985. END SUMMARY.

LETTER OF INTENT

2. (U) THE INITIAL PARAGRAPHS OF THE LETTER OF INTENT OUTLINE THE ECONOMIC STRATEGY WHICH THE MEXICAN GOVERNMENT HAS PURSUED DURING THE LAST TWO YEARS AND STRESS THE PROGRESS THE COUNTRY HAS MADE IN REDUCING THE

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PAGE 02 MEXICO 06929 01 OF 06 292001Z

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PUBLIC SECTOR DEFICIT AND INFLATION OVER THIS PERIOD. THEY ALSO POINT TO THE SUCCESS MEXICO HAS ACHIEVED IN STRENGTHENING ITS BALANCE OF PAYMENTS, BUILDING UP FOREIGN EXCHANGE RESERVES, AND RESTRUCTURING PUBLIC SECTOR EXTERNAL DEBT. THE LETTER GOES ON TO SAY THAT IN SPITE OF THESE GAINS INFLATION REMAINS TOO HIGH AND THAT IT IS STILL NECESSARY TO IMPROVE ECONOMIC EFFICIENCY AND RAISE LIVING STANDARDS. MOREOVER, THE RECENT WEAKENING OF THE INTERNATIONAL PETROLEUM MARKET UNDERLINES THE IMPORTANCE OF CONTINUED STRICT DISCIPLINE IN CARRYING OUT ECONOMIC POLICY AND CONTINUED IMPLEMENTATION OF THE ADJUSTMENT PROCESS. THE MOST IMPORTANT PRIORITIES FOR 1985 ARE A REDUCTION IN INFLATION, THE MAINTENANCE OF ECONOMIC GROWTH, INCREASED EMPLOYMENT, AND A CONTINUED STRONG PERFORMANCE IN THE BALANCE OF PAYMENTS.

3. (U) THE DOCUMENT INDICATES THAT THE TARGET FOR THE PUBLIC SECTOR DEFICIT IN 1984 WAS EXCEEDED BY A CONSIDERABLE AMOUNT. THE ECONOMIC DEFICIT OF THE PUBLIC SECTOR WAS EQUIVALENT TO 6.2 PERCENT OF GROSS DOMESTIC PRODUCT COMPARED WITH A 5.5 PERCENT TARGET. HOWEVER, ADDING THE FINANCIAL INTERMEDIATION OPERATIONS OF THE DEVELOPMENT BANKS AND TRUST FUNDS, THE DEFICIT IS MUCH LARGER. THE COSTS OF THIS INTERMEDIATION WERE 414 BILLION PESOS AS COMPARED TO AN ORIGINAL TARGET OF 200 BILLION PESOS. ADDING THE 414 BILLION PESO FIGURE INDICATES THAT THE FINANCIAL DEFICIT WAS EQUAL TO 7.6 PERCENT OF GDP COMPARED TO AN ORIGINAL TARGET OF 6.5 PERCENT OF GDP.

4. (U) THE TARGETS FOR THIS YEAR CALL FOR FURTHER DECLINE IN THE REAL LEVELS OF THE PUBLIC SECTOR DEFICIT. THE ECONOMIC DEFICIT IS PROJECTED AT 1,785 BILLION PESOS

[redacted]

PAGE 03 MEXICO 06929 01 OF 06 292001Z

AND FINANCIAL INTERMEDIATION OF DEVELOPMENT BANKS AND TRUST FUNDS AT 350 BILLION PESOS. THUS THE FINANCIAL DEFICIT WOULD TOTAL 2,135 BILLION PESOS, OR 4.9 PERCENT OF PROJECTED GDP. THE ECONOMIC DEFICIT WOULD BE 4.1 PERCENT OF GDP. THESE FIGURES ARE SOMEWHAT LOWER THAN THOSE GIVEN IN THE 1985 BUDGET PRESENTED TO THE MEXICAN CONGRESS LAST NOVEMBER IN WHICH THE FINANCIAL DEFICIT WAS

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PROJECTED AT 5.1 PERCENT OF GDP AND THE ECONOMIC DEFICIT WAS 4.5 PERCENT OF GDP. FURTHERMORE, EVEN IN NOMINAL TERMS BOTH OF THESE DEFICITS ARE NOW PROJECTED TO DECLINE IN 1985 WHICH WOULD MEAN A SHARP CUT IN REAL TERMS.

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5. (U) OTHER IMPORTANT ELEMENTS OF THE LETTER OF INTENT ARE AS FOLLOWS:

-

-- PUBLIC SECTOR INCOME AS A SHARE OF GDP WILL REMAIN THE SAME THIS YEAR AS IN 1984. THE MINISTRY OF FINANCE WILL UNDERTAKE A COMPLETE REVIEW OF INDIRECT TAXES AND IMPLEMENT MODIFICATIONS WHICH WILL ALLOW AN EXPANSION OF THE TAX BASE AND AN IMPROVEMENT IN THE EFFICIENCY OF TAX ADMINISTRATION.

-

-- THE GOM HOPES TO OBTAIN ADDITIONAL INCOME FROM MODIFICATIONS TO THE IMPORT TARIFF STRUCTURE (SUBSTITUTION OF TARIFFS FOR IMPORT LICENSES) AND ADJUSTMENTS TO PRICES OF GOODS AND SERVICES OFFERED BY THE PUBLIC SECTOR. PRICE AND TARIFF ADJUSTMENTS IN 1985 WILL BE SMALLER THAN THOSE OF 1983 AND 1984, ALTHOUGH SUCH ADJUSTMENTS WILL STILL BE SUBSTANTIAL, EQUAL TO ABOUT 1.5 PERCENT OF GDP.

-

-- MOST OF THE REDUCTIONS IN PUBLIC SECTOR EXPENDITURES

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[redacted] SECTION 02 OF 06 MEXICO 06929

DEPARTMENT PASS TO FEDERAL RESERVE BOARD,
COMMERCE, AND USTR

E.O. 12356: DECL: 3/28/91
TAGS: EFIN, ECON, MX
SUBJECT: MEXICO'S LETTER OF INTENT AND MAJOR MACRO-

WILL BE IN THE FORM OF SMALLER CURRENT OUTLAYS; PUBLIC SECTOR INVESTMENT WILL INCREASE SLIGHTLY IN REAL TERMS. (IT IS OUR UNDERSTANDING THAT THE REAL INCREASE WILL BE ABOUT 4 PERCENT.) IN FEBRUARY 1985 THE GOM TOOK STEPS TO REDUCE FISCAL OUTLAYS INCLUDING A 4 PERCENT REDUCTION IN TRANSFERS, A 4 PERCENT REDUCTION IN CURRENT EXPENDITURES (EXCLUDING SALARIES AND INTEREST), AND REDUCED EXPENDITURES ON NON-PRIORITY PROGRAMS EQUIVALENT TO 100 BILLION PESOS (ABOUT .2 PERCENT OF GDP). FURTHERMORE, THE GOM HAS INITIALLY IDENTIFIED 236 PARASTATAL COMPANIES OR ENTITIES WHICH WILL BE SOLD, CONSOLIDATED, TRANSFERRED TO THE STATES AND MUNICIPALITIES, OR CLOSED. (THE GOM WILL TRY TO SAVE ABOUT 30 BILLION PESOS THIS YEAR AS A RESULT OF THIS ACTION.)

-- THE AUTHORITIES TRIED TO IMPLEMENT A RESTRICTIVE

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PAGE 02 MEXICO 06929 02 OF 06 292002Z

MONETARY POLICY IN 1984 BUT INCREASED CREDIT REQUIREMENTS BY BOTH THE PUBLIC AND PRIVATE SECTORS DURING THE LATTER PART OF THE YEAR PUT PRESSURE ON THE MONEY SUPPLY AS DID

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THE STRONG BUILD UP IN INTERNATIONAL RESERVES. IN 1985 MONETARY POLICY IS TO BE CONSISTENT WITH A SIGNIFICANT REDUCTION IN INFLATION, ACCOMPLISHMENT OF BALANCE OF PAYMENTS OBJECTIVES, AND A MODEST RISE IN INTERNATIONAL RESERVES. TOWARD THIS END THE GOM HAS ALREADY ESTABLISHED LIMITS ON NET CREDIT BY THE BANK OF MEXICO TO THE NON-FINANCIAL PUBLIC SECTOR AND HAS RETIRED 250 BILLION PESOS FROM CIRCULATION BY THE ISSUANCE OF NEW MONETARY REGULATION BONDS. ADDITIONALLY, AS NOTED ABOVE, FINANCIAL INTERMEDIATION BY THE DEVELOPMENT BANKS AND TRUST FUNDS WILL BE LIMITED TO 350 BILLION PESOS AND INTEREST RATES HAVE ALREADY BEEN ELEVATED SHARPLY THIS YEAR (BY AS MUCH AS 8 PERCENTAGE POINTS). FINALLY, COMMERCIAL BANKS WILL NOT BE ALLOWED TO EXTEND CREDIT TO PUBLIC SECTOR ENTITIES WITHOUT PREVIOUS WRITTEN AUTHORIZATION FROM THE MINISTRY OF FINANCE.

-

-- THE GOM HAS TAKEN STEPS TO STRENGTHEN THE FINANCIAL SYSTEM. THE PROCESS OF IMDEMNIFICATION OF FORMER BANK OWNERS IS NOW ALMOST COMPLETED. FURTHER, MOST OF THE SHARES IN PRIVATE COMPANIES HELD BY THE COMMERCIAL BANKS AT THE TIME OF THEIR NATIONALIZATION IN 1982 HAVE BEEN SOLD (PRIMARILY TO THE FORMER OWNERS OF THE BANKS). THE NUMBER OF BANKS HAS BEEN REDUCED (FROM 29 TO 20) IN AN EFFORT TO MAKE OPERATIONS MORE EFFICIENT. ALSO, EARLY IN 1985 THE GOVERNMENT ENACTED A LEGISLATIVE PACKAGE TO STRENGTHEN AND MODERNIZE THE FINANCIAL SECTOR INCLUDING A NEW LAW GOVERNING THE ACTIVITIES OF THE BANK OF MEXICO.

-

-- THE LIBERALIZATION OF PRICE CONTROLS AND THE

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PAGE 03 MEXICO 06929 02 OF 06 292002Z

RATIONALIZATION OF THE SYSTEM OF PUBLIC SECTOR SUBSIDIES HAVE RESULTED IN SOME PRICE ADJUSTMENTS WHICH HAVE BOOSTED THE PRICE INDICES. HOWEVER, THESE ACTIONS WILL HELP TO STIMULATE SUPPLY AND TEMPER INFLATIONARY PRESSURES OVER THE MEDIUM TERM.

-

-- THE GOM WILL MAKE A RECOMMENDATION TO EMPLOYERS AND WORKERS THAT REAL SALARIES INCREASE AS A FUNCTION OF RISES IN PRODUCTIVITY.

-

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-- THE GOM'S COMMERCIAL AND INDUSTRIAL STRATEGISTS RECOGNIZE THAT EXPORT PROMOTION OF NON-PETROLEUM PRODUCTS AND EFFICIENT IMPORT SUBSTITUTION ARE CRITICAL TO THE MEDIUM TERM VIABILITY OF THE BALANCE OF PAYMENTS.

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-- THE AUTHORITIES WILL CONTINUE TO IMPLEMENT A FLEXIBLE EXCHANGE RATE SYSTEM TO PROMOTE COMPETITIVENESS IN THE ECONOMY AND TO ASSURE THE VIABILITY OF THE TRADE POLICY MODIFICATIONS NOW IN PROGRESS. SINCE INITIATING THE DUAL EXCHANGE RATE SYSTEM THE DIFFERENCE BETWEEN THE CONTROLLED AND "FREE MARKET" EXCHANGE RATES HAS PROGRESSIVELY DECLINED. THE DIFFERENCE FELL FROM 13 PERCENT IN SEPTEMBER 1982 TO 9 PERCENT IN SEPTEMBER 1984 (IT IS NOW ABOUT 8 PERCENT).

-

-- THE GOM HAS UNDERTAKEN A COMPLETE REVISION OF COMMERCIAL POLICY TO IMPROVE THE SYSTEM OF EFFECTIVE PROTECTION. THE OBJECTIVE IS TO REDUCE THE OVERALL LEVEL OF PROTECTION AND DIFFERENCES IN EFFECTIVE PROTECTION LEVELS AMONG THE VARIOUS SECTORS OF THE ECONOMY, AND TO REVERSE THE ANTI-EXPORT BIAS. AN IMPORTANT ELEMENT IN T
HIS STRATEGY WILL BE THE SUBSTITUTION OF TARIFFS FOR

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PAGE 01 MEXICO 06929 03 OF 06 292003Z
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[redacted]SECTION 03 OF 06 MEXICO 06929

DEPARTMENT PASS TO FEDERAL RESERVE BOARD,
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E.O. 12356: DECL: 3/28/91
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IMPORT PERMITS AND TARIFFS WILL BECOME THE PRINCIPAL INSTRUMENT OF COMMERCIAL POLICY. SOME PROGRESS WAS ACHIEVED ON THIS FRONT IN 1984. AT THE END OF 1983 ALL IMPORTS WERE SUBJECT TO PRIOR LICENSING BUT BY DECEMBER 1984 THE FIGURE HAD BEEN REDUCED TO 85 PERCENT OF IMPORTS (PRESUMABLY AS MEASURED BY VALUE). THE GOAL FOR 1985 IS TO REDUCE THE FIGURE FURTHER TO BETWEEN 55 AND 65 PERCENT.

-- THE NUMBER OF TARIFF CATEGORIES WILL BE CUT FROM 10 TO 7 AND THE DIFFERENCES IN TARIFF RATES AMONG THE CATEGORIES WILL BE REDUCED. WITH CERTAIN EXCEPTIONS TARIFF LEVELS WILL NOW RANGE FROM 10 TO 50 PERCENT.

-- WHEN INTERNAL PRICES FOR PRIMARY MATERIALS AND REPLACEMENT PARTS ARE MORE THAN 50 PERCENT HIGHER THAN INTERNATIONAL PRICES, IMPORT PERMITS WILL BE

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PAGE 02 MEXICO 06929 03 OF 06 292003Z

AUTOMATICALLY ISSUED.

-- EXPORTERS NOW WILL BE ALLOWED TO IMPORT PRODUCTS WITH A VALUE EQUIVALENT TO 40 PERCENT OF THEIR EXPORT REVENUES. (AS WE UNDERSTAND IT, THEY WILL BE FREE TO

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CHOOSE THE TYPES OF PRODUCTS THEY WISH TO IMPORT.) ADDITIONALLY, ANY PART OF THEIR IMPORTS WHICH ARE SUBSEQUENTLY INCORPORATED INTO THEIR EXPORTS WILL BE EXEMPT FROM TARIFFS.

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-- DEBT RESCHEDULING HAS BEEN CRITICAL TO THE PROCESS OF OVERCOMING THE 1982 CRISIS AND TO THE NORMALIZATION OF EXTERNAL ECONOMIC RELATIONS. DURING 1985 $48.5 BILLION WILL BE RESTRUCTURED OVER A PERIOD OF 14 YEARS WITH REDUCED INTEREST RATE SPREADS. ADDITIONALLY, ABOUT $5 BILLION OF THE $12 BILLION REGISTERED IN FICORCA HAS BEEN DEFINITIVELY RESCHEDULED.

-

-- IN LIGHT OF THE ADVANCES ACHIEVED DURING THE PAST TWO YEARS IT MAY SOON BE APPROPRIATE TO RETURN TO VOLUNTARY LENDING CONDITIONS IN THE INTERNATIONAL MARKET. THIS YEAR NET EXTERNAL FINANCING REQUIREMENTS WILL BE SUBSTANTIALLY REDUCED TO ABOUT $1 BILLION (LAST YEAR NET NEW EXTERNAL BORROWING WAS SLIGHTLY MORE THAN $2.1 BILLION).

-

QUANTITATIVE TARGETS

-

6. (S) LAST YEAR MEXICO MISSED TWO OF ITS IMPORTANT QUANTITATIVE TARGETS BY A SUBSTANTIAL MARGIN--THE OVERALL PUBLIC SECTOR (ECONOMIC) DEFICIT AND FINANCIAL INTERMEDIATION BY THE DEVELOPMENT BANKS AND TRUST FUNDS.

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PAGE 03 MEXICO 06929 03 OF 06 292003Z

THE 1984 RESULTS AND 1985 TARGETS ARE OUTLINED BELOW.

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-- TABLE I

-- QUANTITATIVE PERFORMANCE CRITERIA UNDER

-- THE EXTENDED FUND FACILITY PROGRAM

(BILLIONS OF MEXICAN PESOS)

-

--	TARGET 1984	ACTUAL 1984	TARGET 1985 YEAR-END
NET CREDIT TO THE NON-FINANCIAL	3,734	3,740	4,902

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PUBLIC SECTOR BY THE MONETARY AUTHORITIES			
OVERALL PUBLIC SECTOR DEFICIT	1,524	1,826	1,785
CHANGE IN THE NET DOMESTIC ASSETS OF THE MONETARY AUTHORITIES	-43	-53	184
CHANGES IN FINANCIAL INTERMEDIATION BY THE DEVELOPMENT BANKS AND OFFICIAL TRUST FUNDS	200	414	350
PUBLIC SECTOR ACCRUED INTEREST OWED TO THE BANK OF MEXICO	-	1,911	568
-- (MILLIONS OF U.S. DOLLARS)			
NET FOREIGN BORROWING BY THE PUBLIC SECTOR	4,000	2,189	1,000

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PAGE 01 MEXICO 06929 04 OF 06 292004Z
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DEPARTMENT PASS TO FEDERAL RESERVE BOARD,
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E.O. 12356: DECL: 3/28/91
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INCREASE IN NET INTERNATIONAL RESERVES	2,000	2,990		500

- - - TABLE II
- - EXTENDED FUND FACILITY CUMULATIVE
- - QUARTERLY PERFORMANCE CRITERIA FOR 1985
- - - (BILLIONS OF PESOS)

- - -	JAN-MAR	APRIL-JUNE	JULY-SEPT	OCT-DEC
NET CREDIT TO THE NON-FINANCIAL PUBLIC SECTOR	3958	4426	4676	4902
OVERALL PUBLIC SECTOR DEFICIT	430	840	1240	1785
CHANGE IN NET DOMESTIC ASSETS				
[redacted]				
[redacted]				

PAGE 02 MEXICO 06929 04 OF 06 292004Z

OF THE MONETARY AUTHORITIES	127	179	45	184
CHANGES IN FINANCIAL INTERMEDIATION BY THE DEVELOPMENT BANKS AND OFFICIAL TRUST FUNDS	130	230	300	350
PUBLIC SECTOR ACCRUED INTEREST OWED TO THE BANK OF MEXICO	805	805	705	568

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- - (MILLIONS OF DOLLARS)

NET FOREIGN BORROWING BY THE PUBLIC SECTOR	500	500	800	1000	
INCREASE IN NET INTERNATIONAL RESERVES	-	-	-900	-100	500

7. (S) EMBASSY COMMENT. MEXICO'S LETTER OF INTENT AND EFF PROGRAM TARGETS FOR 1985 ARE IMPRESSIVE BUT SEVERAL OBJECTIVES ARE GOING TO BE DIFFICULT TO ACHIEVE, PARTICULARLY THE PUBLIC SECTOR DEFICIT AND OPENING OF THE ECONOMY. ADDITIONALLY, THE OFFICIAL GOM INFLATION OBJECTIVE OF 35 PERCENT WILL LIKELY BE EXCEEDED BY ABOUT 15 PERCENTAGE POINTS AND THE COUNTRY MAY NOT BE ABLE TO MEET ITS FOREIGN EXCHANGE TARGET FOR THE YEAR.

8. (S) ACCORDING TO OFFICIAL FIGURES, LAST YEAR THE PUBLIC SECTOR ECONOMIC DEFICIT WAS THE EQUIVALENT OF 6.2 PERCENT OF GDP AND THE FINANCIAL DEFICIT WAS EQUAL TO 7.4 PERCENT OF GDP. HOWEVER, WE BELIEVE THAT SOME OF THE PUBLIC SECTOR INTEREST WHICH WAS OWED TO THE BANK OF MEXICO AT THE END OF 1984 SHOULD ALSO HAVE BEEN INCLUDED IN THE FINANCIAL DEFICIT AND THIS WOULD HAVE

PAGE 03 MEXICO 06929 04 OF 06 292004Z

RAISED THE FIGURE TO MORE THAN 8 PERCENT OF GDP. THUS, EFFORTS TO REDUCE THE FINANCIAL DEFICIT/GDP RATIO BY MORE THAN 3 PERCENTAGE POINTS ARE LAUDATORY BUT PROBABLY NOT ACHIEVABLE.

9. (S) PUBLIC SECTOR SPENDING HAS REMAINED HIGH DURING THE FIRST QUARTER OF 1985 AND IS LIKELY TO CONTINUE AT AN ELEVATED LEVEL DURING THE SECOND QUARTER IN ANTICIPATION OF THE JULY MUNICIPAL, STATE AND CHAMBER OF DEPUTIES ELECTIONS. MOREOVER, THE PESO DEFICIT TARGET PROJECTED FOR 1985 IS LOWER IN NOMINAL TERMS THAN THAT ACHIEVED IN 1984 AND IF INFLATION FOR THE YEAR IS ABOUT 50 PERCENT THIS WOULD REPRESENT REAL REDUCTION IN THE DEFICIT SIZE OF APPROXIMATELY ONE-HALF. ONE FACTOR WHICH COULD HELP THE GOM SOMEWHAT IN THIS REGARD IS THAT NOMINAL GDP

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IS LIKELY TO BE CONSIDERABLY HIGHER THAN PROJECTED, THUS ALLOWING NOMINAL PUBLIC SECTOR OUTLAYS TO BE SOMEWHAT HIGHER. NONETHELESS, IT IS UNLIKELY THAT THE DEFICIT OBJECTIVE, EITHER IN ABSOLUTE TERMS OR AS A RATIO TO GDP, CAN BE MET.

10. (S) THE IMF HAS INCLUDED AS A TARGET FOR THE FIRST TIME THIS YEAR A REDUCTION IN PUBLIC SECTOR ACCRUED INTEREST OWED TO THE BANK OF MEXICO. THIS RECOGNIZES THE FACT THAT THE FIGURE AT THE END OF 1984 WAS MUCH TOO HIGH AND THAT FAILURE TO REPAY SOME OF THE INTEREST WHICH WAS DUE BEFORE THE END OF 1984 CONTRIBUTED TO HIGH GOVERNMENT SPENDING AND THE ACCELERATION OF INFLATION. DURING 1985 PUBLIC SECTOR ENTITIES MUST REDUCE ACCRUED INTEREST BY 623 BILLION PESOS. THIS FIGURE WOULD BE EQUIVALENT TO MORE THAN 1 PERCENT OF GDP AND WOULD REPRESENT A SUBSTANTIAL DRAIN ON PUBLIC SECTOR RESOURCES.

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PAGE 01 MEXICO 06929 05 OF 06 292005Z
ACTION EB-08

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[redacted] SECTION 05 OF 06 MEXICO 06929

DEPARTMENT PASS TO FEDERAL RESERVE BOARD,
COMMERCE, AND USTR

E.O. 12356: DECL: 3/28/91
TAGS: EFIN, ECON, MX
SUBJECT: MEXICO'S LETTER OF INTENT AND MAJOR MACRO-

11. (S) IT IS INTERESTING THAT THE GOM IS PROJECTING A 4 PERCENT REAL INCREASE IN PUBLIC SECTOR INVESTMENT DURING 1985. IN PART, THIS INCREASE IS DESIGNED TO HELP THE GOM WITH THE ELECTIONS IN JULY AND IT IS PROBABLE THAT THE BULK OF THESE OUTLAYS WILL OCCUR PRIOR TO THAT TIME. MOREOVER, THE PUBLIC SECTOR DEFICIT IS PROJECTED TO BE ALMOST AS LARGE THE FIRST HALF OF THE YEAR AS DURING THE SECOND HALF. THIS WOULD REPRESENT A REVERSAL OF HISTORICAL GOVERNMENT SPENDING PATTERNS (WHEN FIRST HALF YEAR SPENDING HAS BEEN MUCH LOWER) AND COULD CAUSE SERIOUS PROBLEMS IN THE LAST PART OF 1985 IF THE GOVERNMENT IS FORCED TO SHARPLY CURTAIL ITS OUTLAYS AT THAT TIME. IT APPEARS THAT THE GOM'S STRATEGY IS TO RELY HEAVILY ON A GOOD PERFORMANCE IN THE PRIVATE SECTOR TO KEEP THE ECONOMY MOVING DURING THE SECOND HALF OF THE YEAR. AS BEST WE CAN TELL, PRIVATE SECTOR ACTIVITY WAS STRONG IN THE LAST

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PAGE 02 MEXICO 06929 05 OF 06 292005Z

QUARTER OF 1984 AND HAS CONTINUED THAT WAY DURING THE FIRST FEW MONTHS OF 1985

12. (S) THE TARGETS FOR THE BUILD-UP IN FOREIGN EXCHANGE RESERVES OVER THE COURSE OF THE YEAR CONFIRMED WHAT WE HAVE SUSPECTED: I.E., THAT RESERVE LEVELS HAVE BEEN DECLINING DURING THE FIRST PART OF 1985. THE IMF PROGRAM ALLOWS A CUMULATIVE DECLINE IN NET RESERVES OF $900 MILLION DURING THE FIRST HALF OF THE YEAR AND A $100 MILLION DECLINE BY THE END OF THE THIRD QUARTER (AS

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COMPARED WITH DECEMBER 1984). THIS MEANS THAT RESERVE ACCUMULATION DURING THE LAST HALF OF THE YEAR WOULD HAVE TO BE ABOUT $1.4 BILLION IN ORDER TO ACHIEVE THIS YEAR'S TARGET. IN THE ABSENCE OF A STRONGER BALANCE OF PAYMENTS PERFORMANCE THAN WE EXPECT, SUCH AN INCREASE COULD BE QUITE DIFFICULT TO ACHIEVE. MOREOVER, EXPORTS AND OTHER CURRENT ACCOUNT RECEIPTS WILL HAVE TO BE RELIED UPON HEAVILY TO ACHIEVE THIS BUILD-UP SINCE EXTERNAL BORROWING IS LIMITED TO $1 BILLION THIS YEAR. PRELIMINARY GOVERNMENT REPORTS ARE THAT EXPORT PERFORMANCE AND THE OVERALL CURRENT ACCOUNT HAVE BEEN DETERIORATING AND THAT IN FEBRUARY 1985 THERE WAS A SMALL CURRENT ACCOUNT DEFICIT.

13. (S) MONETARY POLICIES APPEAR TO BE TIGHT FOR 1985. THE BANK OF MEXICO INTENDS TO RESTRICT THE RESOURCES AVAILABLE TO THE COMMERCIAL BANKS FOR LENDING AND THIS, COMBINED WITH A SHARP REAL DECLINE IN FINANCIAL INTERMEDIATION BY THE DEVELOPMENT BANKS, WOULD PRODUCE A LIQUIDITY SQUEEZE THIS YEAR, IF IMPLEMENTED. FURTHERMORE, NET CREDIT TO THE NON-FINANCIAL PUBLIC SECTOR BY THE BANK OF MEXICO AND THE COMMERCIAL BANKS WILL BE ONLY 1.16 TRILLION PESOS OR A 31 PERCENT INCREASE OVER NET CREDIT OUTSTANDING AT THE END OF 1984. THIS

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PAGE 03 MEXICO 06929 05 OF 06 292005Z

WOULD REPRESENT A SUBSTANTIAL CUT IN REAL TERMS. ALL OF THESE FACTORS IMPLY FURTHER RISES IN INTEREST RATES OVER THE COURSE OF THE YEAR.

14. (S) THE MEXICAN GOVERNMENT PROBABLY WILL WANT TO DRAW ALL OF THE $1 BILLION IN NET FOREIGN BORROWING IT IS ALLOWED UNDER THE PROGRAM IN 1985 (AS COMPARED TO ONLY A LITTLE MORE THAN HALF OF ITS PERMITTED LIMIT OF $4 BILLION IN 1984). OUR IMPRESSION IS THAT THESE NEW FUNDS WILL HAVE TO COME EXCLUSIVELY FROM BILATERAL AND MULTILATERAL SOURCES SINCE THE COMMERCIAL BANKS ARE RELUCTANT TO MAKE ANY NET NEW LOANS TO MEXICO THIS YEAR OTHER THAN TRADE CREDITS.

15. (S) THE TRADE LIBERALIZATION MEASURES OUTLINED IN THE LETTER OF INTENT WILL BE DIFFICULT TO IMPLEMENT THIS YEAR. THE INITIAL REACTION OF THE BUSINESS SECTOR TO

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OPENING THE ECONOMY HAS BEEN NEGATIVE AND LOCAL OPPOSITION TO FACILITATING IMPORTS WHICH WOULD COMPETE WITH MEXICAN INDUSTRIES IS QUITE STRONG. FURTHERMORE, IN THE ABSENCE OF A STRENGTHENED EXPORT PERFORMANCE IN 1985 THE GOM MAY CONTINUE TO TRY TO CONSTRAIN IMPORTS TO MAINTAIN AN ACCEPTABLE BALANCE OF PAYMENTS POSITION. ALSO, THE LETTER OF INTENT POINTS OUT THAT THE GOM INTENDS TO ALLOW MEXICAN PRODUCERS TO IMPORT WITHOUT PRIOR LICENCES GOODS AND SERVICES EQUAL TO 40 PERCENT OF THE VALUE OF THEIR EXPORTS. HOWEVER, PRIVATELY GOVERNMENT AUTHORITIES HAVE SAID THEY ARE STILL NEGOTIATING THIS WITH THE LOCAL INDUSTRIAL CHAMBERS OF COMMERCE WHERE OPPOSITION IS STRONG.

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16. (S) ALL IN ALL, THE GOM SEEMS TO BE MAKING A

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PAGE 01 MEXICO 06929 06 OF 06 292005Z
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S E C R E T SECTION 06 OF 06 MEXICO 06929 UNCLASSIFIED

DEPARTMENT PASS TO FEDERAL RESERVE BOARD,
COMMERCE, AND USTR

E.O. 12356: DECL: 3/28/91
TAGS: EFIN, ECON, MX
SUBJECT: MEXICO'S LETTER OF INTENT AND MAJOR MACRO-

GENUINE EFFORT WITH THE LETTER OF INTENT BUT WE DO NOT BELIEVE IT CAN BE FULLY IMPLEMENTED. PROGRESS IS LIKELY TO BE SLOWER THAN THE LETTER OF INTENT WOULD IMPLY. THE THREE YEAR EXTENDED FUND FACILITY HAS CERTAINLY BEEN A CRITICAL ELEMENT IN MEXICO'S ECONOMIC SUCCESSES SINCE THE END OF 1982, BUT THE COUNTRY STILL HAS A WAY TO GO IN TERMS OF ADJUSTMENT.

17. (S) IN PARTICULAR TEMPERING THE PUBLIC SECTOR DEFICIT WILL REMAIN A SERIOUS CHALLENGE IN THE FUTURE. THE GOM WILL FIND IT DIFFICULT TO BRING THE DEFICIT LEVEL DOWN TO THE 3.5 PERCENT OF GDP RANGE WHICH MANY OBSERVERS BELIEVE TO BE A SUSTAINABLE FIGURE FOR MEXICO. A REDUCTION TO A FIGURE OF THIS SIZE IMPLIES SOME FURTHER CUTS IN POLITICALLY SENSITIVE PROGRAMS AND IT IS NOT YET CLEAR WHETHER THE GOM WILL BE WILLING TO

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PAGE 02 MEXICO 06929 06 OF 06 292005Z

TAKE THE NECESSARY ACTIONS.

18. (S) AT THE SAME TIME, INFLATION, WHICH HAS ACCELERATED IN RECENT MONTHS, WILL CONTINUE TO BE A PRICKLY PROBLEM AND SOME ANALYSTS BELIEVE THAT POLITICAL AND STRUCTURAL OBSTACLES WILL NOW MAKE PROGRESS CONSIDERABLY MORE DIFFICULT TO ACHIEVE THAN DURING THE PAST TWO YEARS. A WORSENING BALANCE OF PAYMENTS SITUATION, UNCERTAINTIES REGARDING THE INTERNATIONAL PETROLEUM MARKET, AN APPARENT RECENT DECLINE IN INTERNATIONAL RESERVES, UNPREDICTABLE EXCHANGE RATE POLICIES, AND CONTINUING NEGATIVE ATTITUDES TOWARD FOREIGN INVESTMENT ARE ALSO CONTRIBUTING TO AN AIR OF UNCERTAINTY IN THE

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COUNTRY. THE SIGNING OF THE LETTER OF INTENT AND OF *THE PUBLIC SECTOR DEBT RESCHEDULING AGREEMENT WITH* FOREIGN COMMERCIAL BANKS HAVE HELPED SOMEWHAT. NONETHELESS, THE GOM MUST BE WILLING TO PURSUE ACTIVELY AN ECONOMIC ADJUSTMENT STRATEGY IN 1985 AND BEYOND AS WELL AS ACCEPT MORE GRADUAL PROGRESS THAN OVER THE PAST TWO YEARS IF IT HOPES TO PUT THE ECONOMY ON A VIABLE COURSE OVER THE MEDIUM TO LONGER TERM. DRAFTED BY J.V.SWEENEY. BUSBY

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Democracy and Progress in El Salvador

Since coming to office President Reagan has been committed to structuring a world environment hospitable to our values -- first and foremost, the freedom and dignity of the individual. As Americans, we have enjoyed the benefits of democratic political and economic freedoms. Our policy aims to ensure these freedoms for ourselves and help others who seek to obtain them.

In Berlin last September I stated my own belief that "the democratic revolution, with its proof in the performance of our own societies, is the best hope for human progress. The democracies of the West have a unique privilege -- and a compelling obligation -- to promulgate their own revolutionary doctrine through the world." This does not mean that it is our business to export democracy; but it does mean that it is our moral duty to nurture democracy wherever it has begun to grow.

The democratic revolution is under attack in many areas around the world. But in recent days, one area has been of great concern to Americans: El Salvador. I would like to talk today about what is happening in El Salvador -- from the dramatic voter turn-out of the March elections to the equally revolutionary but less publicized efforts for reform and what this means for U.S. policy.

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: LANDFAIR, WILLIAM E.
Date: 05/20/94
Case ID: S940034B

There can be no doubt of the Salvadoran people's deep longing for democracy. The flood of people who braved guerrilla threats to make their way to vote, March 28, was awe-inspiring -- in the words of Mexican President Lopez Portillo "a beautiful sight." Who can forget the sight of Salvadorans trudging miles to vote after the guerrillas destroyed the nation's bus system? Or the lines of voters waiting for hours when the turnout far exceeded expectations?

Rarely have the inherent power and attraction of the ideals of freedom and government by the people been demonstrated more graphically. In a time of cynicism, the courage and commitment of the Salvadoran people provide a beacon. More than a million Salvadorans -- about 80% of the electorate -- voted, March 28, thereby repudiating the dictatorial Left's attempt to deprive the Salvadoran people of their right to choose their own government.

This affirmation of democracy and the guerrillas' violent effort to suppress it reflect the cross-currents that are lashing Central America and the Caribbean -- the neighborhood in which we live. Democracy is being rejected by those who advocate dictatorship whether for social stability or transformation. Economic problems have provided openings for those

advocates of dictatorship. Foreign-supported violent change has threatened both national independence and individual liberty. Yet the Salvadoran people demonstrated deeper truths:

-- People would rather vote and be counted, than hide and be discounted;

-- People would rather control their leaders than be controlled by them;

-- People prefer leaders who develop their country over leaders who would destroy it;

We have seen an historic turning point in El Salvador's democratic revolution. We cannot be certain where events will turn in the coming weeks. But we can be certain that the Salvadoran people have embraced their democratic revolution. The fighting in El Salvador may continue, but we can be certain that we will hear over and over the voice of the people demanding freedom and peace.

The Salvadoran Democratic Revolution

The path toward democracy in El Salvador began in October 1979 when reform-minded military officers seized a government controlled by the landed oligarchy. After initial birth pangs, the new regime finally called Jose Napoleon Duarte -- the victor in El Salvador's 1972 election, a man who had been tortured and exiled because he stood for democracy -- to join the revolutionary government. In the short time

since then, with the support first of President Carter and then of President Reagan, substantial progress has been made despite violent attacks from the extreme Right and extreme Left.

Now the Duarte Government has been succeeded by a democratically-elected Constituent Assembly committed to continuation of the Salvadoran democratic opening. Some policies may change, but the commitment to democracy -- to popular validation of the actions of government -- remains.

What has the Salvadoran democratic revolution accomplished? First, there was land reform. Since March of 1980, vast estates have been turned over to the families that once worked them. Measures have been taken to ensure that small farmers get credit. 990,000 acres of land have been turned over to 210,000 formerly landless peasant families. Private property and the free market are offering the people of El Salvador a chance for a better life of their own making.

Not surprisingly, the land reform program has been the target of violent attacks from the extreme Left and Right. Others wish to modify it. But the fundamental program is secure and accepted: Salvadoran land will no longer be the property of only a few.

The second measure of progress within El Salvador's democratic revolution has been free elections. Elections in El Salvador have never been conducted before without military interference. Today, a free and fair electoral process is well underway. Multiple political parties contended for the March 28 elections and 1.2 million people voted despite threats of death from the guerrillas.

As a result of the March 28 elections, the elected Constituent Assembly will decide upon a new provisional government. And the Salvadoran military -- after fifty years of political hegemony -- has already begun its withdrawal from politics. This should make clear to all the difference between the army of land reform and free elections and the army of years ago, coopted by landlords and contemptuous of free elections. The way is now open for a return to Constitutional rule and Presidential and legislative elections -- a democratic order controlled by the Salvadoran people.

The third positive step of the Salvadoran democratic revolution has been its progress toward protecting human rights, under trying circumstances. Although much remains to be accomplished, the government is asserting more effective control over abuses by its own forces. The military code of conduct, instituted after the October 1979 revolution, is

beginning to be more vigorously enforced: 292 active duty members of the armed forces have been turned over to civilian courts for prosecution -- one-half in the last six months; over 600 members of the National Guard alone have been discharged, and officers with known extremist sympathies have been removed from command positions. Each inch of progress has been won in the face of brutal and continuing violence by guerrilla and rightist paramilitary groups hostile to government policy.

Yet, more can be done. Whatever the provocations, murder and abuses by government or any other forces are intolerable and the U.S. will continue to work to help eliminate such abuses. But the greatest obstacle to ending human rights abuses in El Salvador is the civil war itself.

Why do the guerrillas wage a civil war that has already claimed tens of thousands of lives out of a population one-hundredth the size of the U.S.? Why do they claim that bullets rather than ballots are the true choice of the people?

What do the Guerrillas Stand For?

The guerrillas claim to be a genuine popular revolution, but they have done everything in their power to destroy the progressive reforms of the revolutionary government. Only days after the October 1979 revolution, members of the violent Left attacked the new government before promised reforms could even be launched. The new government was not even given a few months chance to institute its democratic revolution in conditions of peace.

Let us be under no illusions as to the nature of the groups forming the violent left. Most of these groups were offshoots of the traditional Salvadoran Communist Party. Once divided, these groups have been reunified, and rejoined with the Communist Party, by arms and logistic support from Cuba and other Communist states as far away as Viet-Nam and Eastern Europe.

The tactics of these groups often consist of terrorizing innocent civilians and provoking violence by government forces in order to radicalize the population. That makes it all the more important for the government to control unnecessary violence by its own forces. But it destroys any claim by the guerrillas that their principal concern is to end violent abuses. If that is their purpose then they are truly destroying El Salvador in order to save it and the massive turnout at the polls on March 28 shows -- more than anything else -- that the people of El Salvador recognize that.

Let us look at the armed Left's program:

The guerrillas call for an undefined "end to exploitation," land reform, a mixed economy, and "restructuring" of the military and the government. But the government has already

implemented and gone beyond these guerrilla demands. The fact is that the guerrillas see economic progress as a threat and that is why the "enemies" of the guerrillas include dams and power plants, bridges and buses. Indeed, the major issue at this time, "restructuring" of the government, is precisely the mandate of the newly-elected Constituent Assembly. Yet the armed left sought to block that election.

The absence of concrete proposals for change is itself revealing. The guerrillas and their external supporters seem to want only one thing -- the seizure of power. For this cause -- the guerrillas have murdered scores of Salvadoran civilians, civil defense members, and peasant soldiers. For this they have been willing to bathe El Salvador in the blood of a civil war.

Who Are the True Revolutionaries?

Let us compare the revolutionary government's reforms and the guerrillas' desperate anti-democratic actions.

-- The government has implemented land reform; the guerrillas, like the extreme Right, have worked to disrupt it, knowing that the reform threatens to take away their basis of support.

-- The government has conducted free and fair elections; the guerrillas, conscious of their lack of popular support, used systematic sabotage and violence to stop their fellow Salvadorans from choosing their own leaders.

-- The government is seeking to curb human rights abuses by its personnel. Has anyone heard of guerrillas being charged or punished for the murders they commit? When the guerrillas openly boast over their radio of their "execution" of "informers," has anyone ever inquired who authorized these "executions," how these alleged "informers" were identified and proven "guilty"? There is no concern for the human rights of the guerrillas' victims.

Who then truly stands for the democratic revolution? Those who conduct free elections or those who disrupt them? Those who implement land reform or those who attack it? Those who are trying to curb human rights abuses or those who are committed to terror and Marxism-Leninism? The massive voter turnout on March 28 has given a clear answer.

The Democratic Veneer of Totalitarianism

Some democratic elements have allied themselves with the armed guerrillas of the Left. But the dominant reality is that these democratic forces are small and unarmed and remain at the mercy of armed Marxist-Leninist groups. Ungo's assurance in Managua on March 21, that the guerrillas would not disrupt the March 28 elections testifies to his powerlessness as President of the guerrilla political front.

Over and over again in the twentieth century we have seen this pattern of Communist insurgencies. When guerrillas are struggling for power, their promises are attractive.

This is the young, seductive face of totalitarian revolutions. They offer compromise with democratic elements. But never in this century have unarmed democrats survived as part of a victorious coalition with armed totalitarian groups. When this totalitarianism takes power, it shows its true face. Those who admired its revolutionary struggle must then make lame excuses or find some other, apparently heroic revolutionary struggle to celebrate. The people whose revolution was betrayed must remain and live under tyranny or flee as refugees. We need only look to Nicaragua to see how popular front tactics can be readily cast off once power is achieved.

What is the United States Policy?

What is U.S. policy toward El Salvador? Under both the Carter and the Reagan Administrations the United States has supported political and economic reform efforts of the Salvadoran Government. President Carter accorded economic and military assistance to the embattled Salvadoran Government. President Reagan has continued and increased that aid.

The efforts which the Carter and Reagan Administrations have supported -- land reform, democratization, attempts to curb human rights abuses -- have been realized only in part and, at times, imperfectly. Yet, given Salvadoran history and the attitude of the violent extremes, this movement in itself is no small victory.

As long as the guerrillas in El Salvador continue to wage war against the democratic process, we will continue to aid the government in defending itself. At the same time we will continue to insist on progress in bringing the armed forces under effective command and control and in ending abuses of the civilian population. And we will support our traditional policy goals.

But giving them the assistance they need to defend themselves does not mean that we ourselves need to become involved in their fight. We will not send American troops to El Salvador. This is not wanted by the Salvadoran government, would not serve anyone's interest, and is not needed. What the Salvadoran government needs are the tools to do the job.

We pledge ourselves to provide the Salvadorans with military support to oppose insurgent violence, economic assistance -- which this year will be more than double our military help -- to attack basic problems, and political support to allow a flourishing of Salvadoran democracy. Our approach is comprehensive. We are not blinded by mindless anti-Communism or knee-jerk attachment to military solutions.

We want the violence to end as soon as possible: We call on the guerrillas to agree to end the fighting. And we expect the government to hold out a hand of conciliation and to discuss Presidential and legislative electoral conditions and procedures with all parties and groups, including those

not in government. We favor, and will encourage, negotiations to these ends.

The guerrillas, up to this point, appear to believe that they have some intrinsic right to dictate what government the Salvadoran people should have, although they refused to submit to the electorate's judgement, March 28. According to the guerrillas' notion, once the Salvadoran government is "restructured" to their satisfaction, an uncontested referendum on this new government should be held.

We, of course, reject, as has the Salvadoran Government, any scheme to prevent the Salvadoran people from choosing their own government through competitive democratic elections. We want negotiations, but we will never usurp the Salvadoran people's rights. We do not want to see the promising democratic revolution in El Salvador betrayed as we fear may be happening in Nicaragua.

What is the Real Danger to the U.S.?

The consequences of a failure to support democratic elements in Central America are clear and stark -- tyranny and misery for the peoples of Central America and danger for us. We are far better off paying the price now, rather than waiting until the danger is so overwhelming that only the use of American force will protect us.

The threat we face is clear: an expanding coalition of militarist regimes created and sustained by force. These regimes, like Cuba and Nicaragua, export subversion to their neighbors while threatening them with offensive military build-ups. As we have seen in Cuba, these countries lend themselves readily to others' projection of military threats against the United States, our friends, and our strategic interests -- the Canal, sea lanes, oil supplies.

Each successful use of force by these regimes validates and encourages yet another use. Ethiopia followed Angola, Afghanistan followed Ethiopia and Kampuchea, El Salvador followed Nicaragua. When a small country such as Cuba, ninety miles from our shores, uses, or promotes use of, force with success, what does this say to the Soviet Union with nuclear weapons and with more than 3.5 million men under arms? We must avoid permitting the logic of force to play itself out again, validating yet more use of force and intimidation against ourselves and our friends.

It is not just the freedom of El Salvador that is at stake but the international environment in which we live. We cannot allow the process of democratic change to be perverted by external intervention into the dead-end path of armed totalitarianism. That promises only repression and poverty for the people of Central America and war and violence for the people of this Hemisphere.

The President has no intention of sending American soldiers to fight in El Salvador. The real danger to the United States arises not from our measured assistance to the people of El Salvador but from the danger that all of Central America could become a hostile armed camp on the scale of Cuba or, increasingly, Nicaragua. Then the military threat to the United States and its neighbors would become too great to ignore. Then the danger could arise that American forces once again might have to be committed to combat. The best safeguard we have against the danger is to provide the people of El Salvador with the economic and military assistance they need to promote their own development and to protect their own democracy.

What America Stands For

The American people are proud that our country had the first democratic revolution. No American wants to side with a repressive government against a democratic revolution. In El Salvador we are supporting a government that seeks to complete and defend the democratic revolution against violent extremists who masquerade as the forces of order or the vanguard of liberation. No American wants to be in a position where negotiations are spurned. In El Salvador, we support negotiations to ensure free elections that every party can safely contest. No American wants U.S. troops to fight and die in other countries. In El Salvador, we will not send

U.S. troops but will help the Salvadorans to defend their democratic revolution. Following this course we will be true to our own democratic revolution.

For the truths the Salvadoran people demonstrated so vividly in their election are our truths too. They showed that ordinary people are capable of self-government. They rejected the false promises of those who would create economic chaos and short-circuit democracy through violence. The democratic revolution of El Salvador is our revolution too.

S/P 4/1/82

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E.O. 12356: OADR
TAGS: SNAR, CS, MX
SUBJECT: NARCOTICS: ARREST OF RAFAEL CARO QUINTERO

Dept. of State, RPS/IPS, Margaret P. Grafeld, Dir.
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Date 2/21/02 Declassify on 4/4/10 Reason X6

REF: SAN JOSE 2908

WHEN I MET WITH FONMIN GUTIERREZ AFTERNOON APRIL 4 ON ANOTHER SUBJECT, GUTIERREZ SAID MEXICAN FONMIN SEPULVEDA HAD CALLED HIM MID-MORNING, AFTER GUTIERREZ' PREVIOUS CONVERSATION WITH ME (REFTEL).

GUTIERREZ SAVED TIME BY GIVING HIM THE INFORMATION I HAD PROVIDED HIM ON THE ARREST OF CARO AND HIS HENCHMEN. HE SAID SEPULVEDA WAS STUNNED TO LEARN THAT CARO HAD ALREADY BEEN DETAINED. SEPULVEDA HAD BEEN CALLING ONLY TO EXPRESS THE GREAT INTEREST OF THE GOM, INCLUDING PRESIDENT DE LA MADRID, IN CARO'S DETENTION AND RETURN TO MEXICO, AND TO ASK FOR GOCR'S FULL COOPERATION. GUTIERREZ SAID HE URGED SEPULVEDA TO PREPARE AN EXTRADITION REQUEST IMMEDIATELY AND TO SEND A FEDERAL PROSECUTOR TO WORK WITH COSTA RICAN AUTHORITIES ON EXPEDITIOUS PROCESSING OF THE REQUEST. JONES
END OF MESSAGE [redacted]

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STATE FOR GEORGE HIGH, ARA/MEX

E.O. 12356: OADR
TAGS: SNAR, MX
SUBJECT: ARREST OF RAFAEL CARO QUINTERO

REFS: (A) STATE 101055; (B) SAN JOSE 2908;
(C) BUSBY/JONES TELCON

1. MEXICAN ATTORNEY GENERAL'S OFFICE (MAGO) HAS ISSUED A STATEMENT BEING FORWARDED SEPTEL REGARDING ARREST OF CARO QUINTERO. EMBASSY IS RELEASING FOLLOWING STATEMENT:

QUOTE: THE EMBASSY HAS BEEN INFORMED OF THE APPREHENSION IN COSTA RICA OF RAFAEL CARO QUINTERO WHO IS WANTED IN MEXICO IN CONNECTION WITH, AMONG OTHER THINGS, THE ABDUCTION AND MURDER OF SPECIAL AGENT ENRIQUE CAMARENA SALAZAR. OUR UNDERSTANDING IS THAT THIS ARREST WAS THE RESULT OF CLOSE COOPERATION BETWEEN AUTHORITIES OF COSTA RICA AND MEXICO. WE FURTHER UNDERSTAND THAT THE GOVERNMENT OF MEXICO HAS STATED ITS INTENTION TO REQUEST HIS RETURN TO MEXICO AS QUICKLY AS POSSIBLE. AMBASSADOR JOHN GAVIN SAID: "THE UNITED STATES GOVERNMENT WELCOMES THIS DEVELOPMENT AND VIEWS IT AS A SIGNIFICANT STEP FORWARD IN THE GOVERNMENT OF MEXICO'S EFFORTS TO STAMP OUT DRUG TRAFFICKING IN MEXICO. WE WILL GIVE OUR EVERY COOPERATION TO THE GOVERNMENT OF MEXICO IN THIS EFFORT".
2. WITH REGARD TO LEGAL PROCESS REQUIRED TO EFFECT RETURN OF CARO QUINTERO (REF 'B') MAGO IS VERY MUCH ON TOP OF THIS PROBLEM. THEY APPARENTLY HOPE TO HAVE CARO QUINTERO EXPELLED FROM COSTA RICA ON THE GROUNDS THAT HE ENTERED THE COUNTRY ILLEGALLY AND POSSESSED FALSE DOCUMENTATION. WE ARE INFORMED THAT FIRST SEMIOR COMMANDANTE FLORENTINO VENTURA GUITERREZ, CHIEF OF INTERPOL MEXICO, HAS NOW ARRIVED IN SAN JOSE WITH DOCUMENTATION GOM HOPES WILL BE SUFFICIENT TO HAVE CARO QUINTERO RELEASED TO HIS CUSTODY. PER REF 'C' AG GARCIA-RAMIREZ HAS SPOKEN PERSONALLY TO COSTA RICAN MINISTER OF PUBLIC SECURITY BENJAMIN PIZA AND HAS BEEN PROMISED THE FULL COOPERATION OF THE GOCR IN ENSURING THE SPEEDY RETURN OF CARO QUINTERO TO MEXICO.
GAVIN
END OF MESSAGE

Dept. of State, RPS/IPS, Margaret P. Grafeld, Dir
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United States Department of State

Washington, D.C. 20520

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April 4, 1985

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TO: The Secretary

FROM: H - William L. Ball

SUBJECT: Daily Legislative Report

Chile Project (#S199900030)
U.S. Department of State
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Following is a summary of activities on the Hill late Wednesday evening and today.

Wednesday

FAA MARKUP. The HFAC completed markup and reported a bill. The bill, which was already unacceptable, was made more so when the HFAC provided, among other things, $1.5 billion in supplemental FY-85 ESF for Israel and concessional FMS terms for Greece. In addition, several amendments were accepted which further cut our military assistance levels. The Committee also approved several punitive aid restrictions on four ARA narcotics offender nations. (DLHolcomb)

State Authorization Markup. The HFAC approved $2.793 billion which is about $32 million below our request. The bill provides "Assistant Secretary" titles for INR and PM. A Solarz amendment imposing Hatch Act-like restrictions on serving Ambassadors was withdrawn after assurances of early hearings. The bill also includes provisions for a Mexico travel advisory linked to the DEA murder, and a consular and passport services fund. (TBleha)

Export Administration Act. The Senate passed its version of the EAA. The full HFAC reported the House version. An amended bill incorporating both is scheduled for the House suspension calendar on April 15 or 16. (JGBurke)

Nominations. The Senate confirmed the nomination of Faith R. Whittlesey as Ambassador-designate to Switzerland. (LRHoppe)

Chile. The full HFAC reported H. Con. Res. 52, a non-binding resolution which recommends continued U.S. opposition to IFI loans to Chile and ending joint military exercises. (JForbes)

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Thursday

Nicaragua Vote. Senator Dole introduced a Joint Resolution of approval in the Senate, and has, by unanimous consent, scheduled a vote for April 23. We expect a similar resolution to be introduced in the House when it reconvenes on April 15. (JForbes)

CODEL Cohen. EUR DAS Mark Palmer briefed Senators Cohen and Levin on their upcoming trip to Geneva and the USSR. (LMurray)

Middle East Update. Dick Murphy appeared before HFAC's Hamilton Subcommittee and answered Member questions on the peace process and the Gulf war, including our attempts to interdict chemical weapon ingredients to Iraq. He said the Middle East arms transfer study was unlikely to be completed before May, and that we would consult with Congress before any arms sales. (SWBuck)

Drafted: H:JGBurke:dff
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PAGE 01 MEXICO 07780 122242Z
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PASS TO: OES-ASSISTANT SECRETARY MALONE/PDAS HARRY MARSHALL; OES/N-DAS JAMES DEVINE; DOE/NE; NRC-JAMES SHEA

EO 12356: NA
TAGS: TNUC, TATT, KSCA, MX
SUBJ: VISIT TO LAGUNA VERDE NUCLEAR POWER PLANT SITE

1. BEGIN SUMMARY. ON APRIL 10, 1985 EMBASSY SCIENCE OFFICERS VISITED MEXICO'S LAGUNA VERDE NUCLEAR POWER PLANT SITE. THE MAJOR EFFORT IS DEVOTED TO UNIT I, BUT WORK HAS BEEN RESUMED ON UNIT II. THE PHYSICAL PART OF THE CONSTRUCTION ON UNITS I AND II IS ESTIMATED TO BE 90 PERCENT AND 40 PERCENT COMPLETED, RESPECTIVELY. UNITS I AND II WILL HAVE A COMBINED CAPACITY OF 1349 MW ACCORDING TO CFE OFFICIALS. END SUMMARY.

2. ON APRIL 10, 1985 SCIENCE COUNSELOR MORALES AND SCIENCE ATTACHE LUTZ ACCOMPANIED A GROUP FROM THE AMERICAN CHAMBER OF COMMERCE OF MEXICO ON A VISIT TO MEXICO'S LAGUNA VERDE NUCLEAR POWER PLANT LOCATED ON THE COAST APPROXIMATELY 70 KILOMETERS NORTH OF VERA CRUZ. THE PARTY WAS GREETED BY DR. VINICIO

[redacted]

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PAGE 02 MEXICO 07780 122242Z

SERMENT AND ACCOMPANIED BY SEVERAL ENGINEERS FROM THE MEXICAN FEDERAL ELECTRICITY COMMISSION (CFE) DURING A TOUR OF THE LAGUNA VERDE FACILITIES. THE MAJOR EFFORT

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IS DEVOTED TO UNIT I WHICH IS CURRENTLY ESTIMATED TO BE 90 PERCENT COMPLETED. EFFORT HAS BEEN RESUMED ON UNIT II WHICH IS ABOUT 40 PERCENT COMPLETED. UNITS I AND II USE GENERAL ELECTRIC (GE) BOILING WATER REACTOR TECHNOLOGY. THE CONSTRUCTION IS BEING CARRIED OUT BY ICA/NUCLEAR UNDER EBASCO SUPERVISION. THERE ARE ABOUT 120 CFE ENGINEERS AND 9000 CONSTRUCTION WORKERS AT THE CONSTRUCTION SITE.

3. DR. SERMENT DOWNPLAYED THE FACT THAT LAGUNA VERDE IS BEHIND SCHEDULE AND ABOVE PROJECTED COSTS. HE EMPHASIZED THAT THE PROJECT WAS A LEARNING EXPERIENCE FOR MEXICO ENABLING IT TO BUILD UP ITS NUCLEAR INFRASTRUCTURE. THE COST IS ESTIMATED TO BE DOLS 2300/KW. CFE PLANS TO START LOADING THE FUEL ON UNIT I IN SEPTEMBER 1986. THIS WILL BE FOLLOWED BY ABOUT TWO YEARS OF TESTING LEADING TO FULL OPERATION IN ABOUT SEPTEMBER 1988. (DRAFTED BY R. MORALES)
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E.O. 12356: N/A
SUBJECT: UPI MISQUOTES U.S. HUMAN RIGHTS REPORT

1. DAILY "PRENSA LIBRE" OF 4/14 REPRINTS UPI STORY (GUATEMALA DATELINE) ON RECENT EVENTS HERE WHICH GROSSLY MISQUOTES FIGURES FROM 1984 U.S. HUMAN RIGHTS REPORT ON GUATEMALA. REFERRING TO POLITICAL VIOLENCE TOTALS, UPI CITES 2667 DEATHS. THE ACTUAL FIGURE IN OUR REPORT IS 993.

2. WHEN QUERIED ON INACCURACY, LOCAL UPI STRINGER SAID MEXICO CITY BUREAU WAS RESPONSIBLE FOR HUMAN RIGHTS CITATION AND THE FIGURE REPORTED WAS NO TYPO. HOWEVER, IN ORIGINAL WIRE EDIT, THE STRINGER EXPLAINED, IT INCLUDED DEATHS AND KIDNAPPINGS. EVEN SO, OUR FIGURES ADD UP TO 1418, NOT 2667. ACCORDING TO THE SOURCE, UPI MEXICO HAD BASED ITS REPORT ON A RECENT NEW YORK TIMES STORY. THE CITED STORY (NYT OF MARCH 2) IN FACT MAKES NO REFERENCE TO INFLATED FIGURE. (STRINGER ADDED THAT A CORRECTED UPI EDIT WAS SENT OUT ON EVENING OF 4/13. WE HAVE NO WAY OF VERIFYING THIS.)

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PAGE 02 GUATEM 03650 161816Z

3. POST NOTES WITH SOME DISMAY UPI'S PERFORMANCE IN THIS EPISODE. BY COINCIDENCE, A RECENT FBIS ITEM (4/5) REPRINTING HAVANA INTERNATIONAL NEWS SERVICE STORY OF APRIL 1 ON U.S. AID TO GUATEMALA MAKES

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REFERENCE TO U.S. HUMAN RIGHTS REPORTS AND QUOTES "MORE THAN 2600 PEOPLE KILLED AND MISSING BETWEEN 1983 AND 1984." WATERS

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UNCLAS SAN JOSE 03268

E.O. 12356: N/A
TAGS: CASC (DAVIS, GRIFFITH WILLIAM AND BLAKE, NICHOLAS)
SUBJECT: WELFARE WHEREABOUTS: CASE OF GRIFFITH WILLIAM DAVIS AND NICHOLAS BLAKE

REF: STATE 117402

1. CONOFF CONTACTED PCV JIMMY ADRIANCE MORNING APRIL 18. ADRIANCE SAYS HE RECEIVED NOTE AT BLAKE'S RENTED ROOM IN ANTIGUA ON 3/31 SAYING THAT BLAKE WOULD BE IN NEBAJ SOMETIME BETWEEN APRIL 1 AND APRIL 3. WHEN BLAKE DID NOT ARRIVE ADRIANCE RETURNED TO ANTIGUA AND BLAKE'S PENSION. LANDLORD AT PENSION TOLD ADRIANCE THAT A PERSON, NAME UNKNOWN, HAD INFORMED LANDLORD THAT PERSON HAD SEEN BLAKE IN HEHUETENANGO AND BEEN ASKED TO PASS ON MESSAGE THAT BLAKE'S PLANS HAD CHANGED AND HE WOULD NOT BE ABLE TO MEET ADRIANCE IN NEBAJ.

2. ADRIANCE SAID HE CONTACTED FRED MORRIS ONLY BECAUSE ADRIANCE BELIEVES MORRIS MIGHT BE FAMILIAR WITH SITUATION IN GUATEMALA. MORRIS KNOWS NOTHING OF BLAKE OR INVOLVEMENT IN GUERILLA ACTIVITY. ADRIANCE SAID HE WAS UNAWARE THAT BLAKE HAD ANY CONTACT WITH GUERILLAS BUT RECALLS THAT BLAKE HAD MENTIONED HE WOULD LIKE TO DO A STORY ON SUBJECT.

3. ADRIANCE CAN BE CONTACTED DIRECTLY AT OFFICE AT TELEPHONE 74-11-40 [redacted] JONES.

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T/C - Jim Jane L. Lich

CA- Hasty, Maura
Blake Davis
APR - Dec 85

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 06/26/95
Case ID: 95122205

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E.O. 12356: N/A
TAGS: CASC: (DAVIS, GRIFFITH WILLIAM AND BLAKE, NICHOLAS)
SUBJECT: WELFARE/WHEREABOUTS: CASE OF GRIFFITH WILLIAM DAVIS AND NICHOLAS BLAKE

REF: A) GOBER/TAYLOR/KERR TELCON OF 4/17; B) GUATEMALA 3353 (NOTAL); C) GUATEMALA 3714 (NOTAL)

1. MRS. MARY BLAKE (MOTHER OF NICHOLAS BLAKE, WHO DISAPPEARED WHILE HIKING IN HUEHUETENANGO, GUATEMALA) TELEPHONED DEPARTMENT ON APRIL 17 CONCERNING PROGRESS BEING MADE IN SEARCH FOR HER SON. MRS. BLAKE, WHO SOUNDED EXCITED AND ANGERED, STATED THAT SHE WAS PUTTING THE STATE DEPARTMENT ON NOTICE THAT BLAKE'S FAMILY IS VERY ALARMED ABOUT HIS DISAPPEARANCE. SHE STATED THAT BLAKE CONTACTED HIS FAMILY EVERY TWO WEEKS. THE LAST TIME THEY HEARD FROM HIM WAS MARCH 22. SHE WAS CONCERNED THAT THE DEPARTMENT AND EMBASSY ARE DOING NOTHING TO SEARCH FOR HER SON. SHE ALSO NOTED THAT SHEHAS BEEN ATTEMPTING TO GET IN TOUCH WITH MICHAEL SHAWCROSS (SHE
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PAGE 02 STATE 117402

REPORTEDLY SENT TELEGRAMS TO HIS ADDRESS IN ANTIGUA) AND

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Review Authority: MOSKOWITZ, SAM
Date: 06/26/95
Case ID: 95122205

COULD NOT UNDERSTAND WHY SHAWCROSS HAS NOT CONTACTED HER AS REQUESTED.

2. DEPOFF REVIEWED STEPS EMBASSY HAS TAKEN TO SEARCH FOR SUBJECTS PER PARA 7 REFTEL B AND ADVISED MRS. BLAKE THAT NEITHER DEPT. NOR EMBASSY HAS ANY INVESTIGATORY AUTHORITY IN THIS CASE BUT MUST RELY UPON THE LOCAL AUTHORITIES TO CONDUCT THE SEARCH. WE ADVISED THAT THE GUATEMALAN ARMY HAD ALREADY SENT OUT SEARCH TEAMS AND APPEARED TO BE COOPERATING WITH THE EMBASSY IN AN EFFORT TO LOCATE THE TWO MEN.

3. DURING MORNING CONVERSATION, MRS. BLAKE ALLUDED TO A JOURNALIST WHO REPORTEDLY SAW HER SON AS LATE AS APRIL 5. HOWEVER, WHEN DEPOFF SPOKE WITH HER AGAIN ON AFTERNOON OF 4/17, MRS. BLAKE SAID THAT THIS HAD ALL BEEN A MISTAKE. SHE HAS SUBSEQUENTLY SPOKEN WITH SHAWCROSS, WHO INFORMED HER THAT THIS INFORMATION WAS INCORRECT.

4. MRS. BLAKE INFORMED DEPARTMENT THAT SHAWCROSS, WHO IS IN HUEHUETENANGO, HAS SENT OUT A SEARCH PARTY TO LOOK FOR BLAKE AND DAVIS. THREE PEOPLE, ACCORDING TO MRS. DAVIS, SET OUT FROM HUEHUETENANGO ON 4/14 ENROUTE TO SAN JUAN IXCHOY AND FROM THERE ON TO NEBAJ IN SEARCH OF THE TWO MEN. MICHAEL SHAWCROSS IS REPORTEDLY GOING TO MEXICO (MRS. BLAKE IS NOT SURE WHERE) TO SEE WHAT HE CAN FIND OUT. SHE ALSO ADVISED THAT THE MAJOR RADIO STATION IN NEBAJ IS BROADCASTING ABOUT THE TWO MEN THREE TIMES A DAY WHILE THE INCA LANGUAGE STATION IS ALSO CARRYING BROADCASTS.

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PAGE 03 STATE 117402

5. THE BLAKE FAMILY HAS REPORTEDLY HAD A CALL FROM ANOTHER FRIEND IN COSTA RICA (PEACE CORPS VOLUNTEER JIMMY ADRIANCE, TELEX ADDRESS SANTA MARIA DE DOTA, SAN JOSE) WHO, ON THE BASIS OF A CONVERSATION WITH FRED MORRIS, A JOURNALIST WHO PUBLISHES A MONTHLY NEWSLETTER ENTITLED "CENTRAL AMERICAN STUDIES", THINKS THAT BLAKE MAY BE WITH THE GUERILLAS. IF SO, IN MORRIS' ESTIMATION, THE GUERILLAS WOULD NOT HARM HIM. MRS. BLAKE NOTED THAT HER SON HAS BEEN WITH THE GUERILLAS BEFORE BUT POINTED OUT THAT HE ALWAYS CHECKED IN

PERIODICALLY WITH HIS FAMILY.

6. PCV JIMMY ADRIANCE, ACCORDING TO MRS. BLAKE, WAS ALSO IN NEBAJ ON APRIL 3 TO RENDEZVOUS WITH BLAKE AND DAVIS. BLAKE REPORTEDLY LEFT A NOTE FOR ADRIANCE

INDICATING THAT HE WOULD NOT BE ABLE TO MEET HIM AS SCHEDULED. THE NOTE ALSO REPORTEDLY STATES THAT ADRIANCE WAS NOT TO WORRY BECAUSE BLAKE WAS OFF ON A STORY. REQUEST EMBASSY SAN JOSE CONTACT ADRIANCE TO SEE WHETHER HE CAN PROVIDE ANY FURTHER DETAILS CONCERNING THE WHEREABOUTS OF THE TWO MEN.

7. MRS. BLAKE SUGGESTS THAT FAYE SMITHERS AND DENNIS WEAVER MAY BE ABLE TO PROVIDE SOME INFORMATION REGARDING HER SON'S ACTIVITIES. WEAVER, WHO RUNS A CAFE IN ANTIGUA, LEFT APRIL 17 TO LOOK FOR BLAKE, BUT SMITHERS CAN BE REACHED THROUGH THE PAVA OFFICE IN ANTIGUA (TEL: 0320280). JOE BOCCHIO, A FRIEND WHO IS CURRENTLY IN THE U.S., REPORTEDLY MAY ALSO HAVE SOME LEADS. DEPT WILL ATTEMPT TO CONTACT BOCCHIO [redacted] AND B6
REPORT RESULTS OF CONVERSATION TO POST ASAP. PER POST'S REQUEST, DEPARTMENT IS ALSO ATTEMPTING TO LOCATE MARK CLARK AND WILL REPORT RESULTS OF EFFORTS SOONEST. SHULTZ

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E.O. 12356: N/A
TAGS: ENRG, MX
SUBJECT: EMBASSY REPORTING PLAN: ELECTRICITY SECTOR

REF: (A) 10 FAM 540, (B) MEXICO 7135

1. SUMMARY: MEXICO'S NATIONAL ENERGY PLAN SETS OUT THE COUNTRY'S GOALS AND ASPIRATIONS FOR THE ELECTRICITY GENERATING SECTOR. IT EXPRESSES THE DESIRE TO DIVERSIFY SOURCES AWAY FROM THE SECTOR'S HEAVY DEPENDENCE ON HYDROCARBONS (OIL AND GAS). ALTERNATIVE ENERGY SOURCES, HOWEVER, ARE NOT PROMISING AND TEND TO BE MUCH MORE EXPENSIVE. FOR MANY YEARS NOW THE FEDERAL ELECTRICITY COMMISSION (CFE), WHICH PRODUCES AND SELLS ALL COMMERCIAL ELECTRICITY, HAS SOLD ELECTRICITY AT PRICES WELL BELOW COSTS. A HUGE DEBT HAS RESULTED. THE GOM NOW IS ADDRESSING THIS ISSUE AND HAS SET A HIGH PRIORITY ON PUTTING CFE ON A SOUND FINANCIAL BASE. SINCE 1982, ELECTRICITY RATES HAVE INCREASED BY ABOUT 335 PERCENT. MEXICO'S MAJOR SOURCES FOR ELECTRICITY ARE HYDROCARBONS (61 PERCENT), WATER (34 PERCENT), GEOTHERMAL (1 PERCENT) AND COAL (3 PERCENT). THE MAJOR USERS OF ELECTRICITY ARE THE INDUSTRIAL SECTOR (56 PERCENT), DOMESTIC USERS (20
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PAGE 02 MEXICO 08359 01 OF 05 191951Z

PERCENT), AND THE COMMERCIAL/SERVICE SECTOR (17 PERCENT). AGRICULTURE ACCOUNTS FOR ABOUT 7 PERCENT. END SUMMARY.

2. THE NATIONAL ENERGY PLAN (NEP) FOR MEXICO CALLS FOR DIVERSIFICATION OF THE COUNTRY'S ENERGY RESOURCES. ALTHOUGH IT IS WIDELY RECOGNIZED THAT MEXICO WOULD LIKE TO MOVE AWAY FROM ITS DEPENDENCE ON HYDROCARBONS AS THE PRINCIPLE SOURCE OF ENERGY, THE ENERGY PLAN PUTS IT MORE OBLIQUELY. THE NEP WANTS TO ACHIEVE GREATER COORDINATION AMONG THE ENTITIES IN THE ENERGY SECTOR WHICH WILL GUARANTEE THE BEST COMBINATION OF PRIMARY SOURCES AND ENSURES A LONG TERM SUPPLY AT THE LOWEST COST. OTHER POINTS INCLUDE INCREASING THE NATIONAL CAPACITY FOR THE DESIGN AND CONSTRUCTION OF POWER PLANTS BASED ON ALTERNATIVE SOURCES, TO SPUR THE DEVELOPMENT OF THERMOLELECTRIC FACILITIES THAT CAN OPERATE ON ALTERNATIVE FUELS AND TO ESTABLISH REALISTIC PRICING. THE ALTERNATIVE SOURCES FOR ELECTRICAL ENERGY ARE HYDROENERGY, COAL, NUCLEAR POWER AND GEOTHERMAL. NON-CONVENTIONAL SOURCES SUCH AS SOLAR, WIND AND BIOMASS ARE TO BE ENCOURAGED ALONG WITH THE POSSIBILITIES FOR COGENERATION.

3. A MAJOR PROBLEM RE DIVERSIFICATION AWAY FROM HYDROCARBONS IN THE GENERATION OF ELECRICITY IS THAT HYDROCARBONS REMAIN ABUNDANT AND COMPARATIVELY LESS EXPENSIVE. THE ALTERNATIVE SOURCES SUFFER FROM HIGHER COST AND REGIONAL VARIATIONS. ABUNDANT WATER, FOR INSTANCE, IS IN THE SOUTHERN PORTION OF THE COUNTRY WHERE MOST OF THE HYDROENERGY OPPORTUNITIES HAVE BEEN DEVELOPED BUT ARE FAR FROM THE AREAS WHERE DEMAND IS STRONGEST. GEOTHERMAL PROSPECTS LAY MOSTLY IN THE NORTHWESTERN AREA
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WHICH HAS NOT YET BEEN TIED INTO THE NATIONAL GRID. COAL IS IN LIMITED QUANTITIES AND NOT THE BEST QUALITY FOR GENERATING ELECTRICITY. MEXICO IS CONSIDERING THE POSSIBILITY OF IMPORTING COAL; NO CONTRACTS HAVE YET BEEN SIGNED. NUCLEAR POWER IS ENORMOUSLY EXPENSIVE TO INSTALL. THE ORIGINAL PLAN CALLED FOR ABOUT $463 PER KILOWATT HOUR; THIS FIGURE IS NOW UP TO $2,300. MEXICO HAS TWO UNITS UNDER CONSTRUCTION AT LAGUNA VERDE. CFE NOW ESTIMATES THAT 654 MW WILL COME ON LINE IN MARCH 1987 AND A SECOND 654 MW IN JUNE 1988. THE MOUNTING PRICE TAG AND TECHNICAL PROBLEMS, HOWEVER, MAKE SOME OBSERVERS SKEPTICAL THAT MEXICO WILL HAVE AN OPERATING UNIT BEFORE THE NEXT CENTURY.

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4. CURRENTLY ABOUT 25,000 LOCALITIES AND OVER 55 MILLION PEOPLE IN MEXICO HAVE ACCESS TO ELECTRICITY. THE GOAL FOR 1988 IS 30,000 LOCALITIES AND 65 MILLION PEOPLE. STILL BY 1990 A LARGE NUMBER OF AREAS AND PEOPLE WILL NOT HAVE ELECTRICITY. THIS PROSPECT REINFORCES THE NEED TO SUPPORT OPTIONS OF NON-CONVENTIONAL SOURCES. ONCE AGAIN, HOWEVER, MEXICO IS FACED WITH LIMITED FINANCIAL RESOURCES AND IT IS DIFFICULT TO FORESEE FROM WHERE THE INVESTMENT FUNDS CAN COME.

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5. IN FACT, ONE OF THE MOST SERIOUS PROBLEMS FACED BY FEDERAL ELECTRICITY COMMISSION (CFE) TODAY IS FINANCIAL. PRIOR TO THE 1965-66 PERIOD CFE'S REVENUES COVERED ITS COSTS AND PROVIDED SOME FUNDS FOR INVESTMENTS. SOME EXTERNAL CREDITS ALSO WERE AVAILABLE FROM THE WORLD BANK, THE EXPORT-IMPORT BANK AND FROM SUPPLIERS. SINCE THIS TIME, HOWEVER, THE ONSET OF ECONOMIC DIFFICULTIES AND CHANGES IN THE GOM FINANCE POLICIES, HAVE PUT CFE IN THE RED. SUBSIDIES DURING THIS TIME WERE MADE EXPLICIT BY THE GOVERNMENT TO SUPPORT INDUSTRIAL DEVELOPMENT AND

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PAGE 01 MEXICO 08359 02 OF 05 191952Z
ACTION EB-08

INFO	LOG-00	COPY-01	ADS-00	AID-00	INR-10	SS-00	CIAE-00
	DODE-00	H-01	NSCE-00	ARA-00	NSAE-00	COME-00	SSO-00
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FM AMEMBASSY MEXICO
TO SECSTATE WASHDC IMMEDIATE 8651

UNCLAS SECTION 02 OF 05 MEXICO 08359

E.O. 12356: N/A
TAGS: ENRG, MX
SUBJECT: EMBASSY REPORTING PLAN: ELECTRICITY SECTOR

PROVIDE CHEAP ELECTRICITY FOR RESIDENTIAL AND COMMERCIAL USES.

6. THE NEP RECOGNIZED THAT LOW ENERGY PRICES HAVE LED TO INEFFICIENT AND WASTEFUL CONSUMPTION PATTERNS. IN ADDITION, CFE HAS BUILT UP A LARGE "DEBT" FROM ITS OPERATING DEFICIT. THE PRESIDENT RECOGNIZED THIS FACT LAST YEAR WHEN HE SAID THAT PUTTING CFE ON A SOUND FINANCIAL BASIS WAS ONE OF THE GOVERNMENT'S MAJOR DOMESTIC PRIORITIES. IN FACT THE GOVERNMENT MOVED IN JANUARY TO RESTRUCTURE ELECTRIC RATES SO THAT LARGE USERS PAY MORE. CFE HAS NOT YET ACHIEVED FULL COST RECOVERY IN ITS PRICES BUT MOVEMENT IS BEING MADE IN THAT DIRECTION. CURRENTLY, PRICE COVERS ABOUT 70 PERCENT OF COSTS BUT BY THE END OF THIS YEAR, THE PERCENT WILL BE ABOUT 90 PERCENT WITH 100 PERCENT TO BE ACHIEVED IN 1986. A MAJOR IMPROVEMENT IN CFE'S FINANCIAL POSITION WOULD BE REALIZED IF THE FEDERAL GOVERNMENT ABSORBS ITS DOMESTIC DEBT. THIS POSSIBILITY IS BEING DISCUSSED WITHIN THE GOM BUT NO UNCLASSIFIED

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PAGE 02 MEXICO 08359 02 OF 05 191952Z

FIRM DECISION HAS YET BEEN TAKEN.

7. THE MAJOR SOURCES OF ELECTRIC POWER IN MEXICO IN 1983 WERE THERMAL FROM HYDROCARBONS (61.4 PERCENT), HYDRO PROJECTS (34.4 PERCENT), GEOTHERMAL FACILITIES (1.1 PERCENT), AND COAL-FIRED OPERATIONS (3 PERCENT). TOTAL INSTALLED OPERATING CAPACITY WAS 19,050 MW. FIVE YEARS AGO THE TOTAL CAPACITY WAS 13,992 AND THE RATIOS WERE 64.1 PERCENT FROM HYDROCARBONS, 35.4 PERCENT FROM HYDRO FACILITIES AND 0.5 PERCENT FROM GEOTHERMAL SOURCES. OF THE 36 PERCENT INCREASE IN INSTALLED CAPACITY OVER THIS PERIOD, HYDRO AND HYDROCARBON SOURCES HAVE REMAINED REASONABLY CONSTANT WHILE GEOTHERMAL AND COAL SOURCES HAVE BEEN INCREASED OR ADDED TO THE SYSTEM. THE GOVERNMENT HAS HAD UNDER CONSTRUCTION FOR SEVERAL YEARS A

NUCLEAR POWER PLANT AT LAGUNA VERDE ON MEXICO'S GULF COAST, NORTH OF VERACRUZ. THIS FACILITY MAY CONTRIBUTE ELECTRICITY TO THE NATIONAL SYSTEM IN THE LATE PART OF THIS DECADE.

8. IN 1984, INSTALLED CAPACITY GREW TO 19,984 MW, A 4.9 PERCENT INCREASE OVER 1983. OF THE SEVEN FACILITIES ADDED, FOUR WERE STEAM, ONE WAS GAS AND TWO WERE GEOTHERMAL. THE PLANS FOR 1985 CALL FOR AN INCREASE IN INSTALLED CAPACITY OF 1508 MW TO A TOTAL OF 21,492 MW. OF THE PLANTS SCHEDULED TO COME ON LINE THIS YEAR, SEVEN ARE STEAM, TWO ARE GEOTHERMAL AND ONE IS COAL. IN 1986, THIRTEEN PLANTS ARE SCHEDULED, TEN OF WHICH ARE HYDROELECTRIC PROJECTS AND ONE EACH OF GAS, COAL, AND STEAM (GENERATED FROM FUEL OIL). THIS PLAN WOULD ADD ANOTHER 1642 MW TO INSTALLED CAPACITY. IN 1986, HOWEVER, CFE ANTICIPATES RETIRING UNITS CONTRIBUTING 25 MW TO THE SYSTEM SO THAT THE NET TOTAL INSTALLED CAPACITY BY THE UNCLASSIFIED

END OF 1986 IS FORECAST TO BE 23,108 MW. TABLE I BELOW LISTS THE PLANTS WHICH ARE SCHEDULED FOR COMPLETION IN 1985 AND TABLE II LISTS PLANTS FOR 1986.

TABLE I

PROGRAM FOR ELECTRICITY GENERATING UNITS IN 1985 (MW)

UNIT	TYPE	CAPACITY	MONTH
TULA C.C. 1ST UNIT	STEAM(1)	100.0	FEB
CERRO PRIETO III 1ST UNIT	GEOT.	110.0	FEB
TULA C.C. 2ND UNIT	STEAM(1)	100.0	MAR
RIO ESCONDIDO 3RD UNIT	COAL	300.0	MAR
EL SAUZ (QRO) C.C.1ST UNIT	STEAM(1)	100.0	APR
PUNTA PRIETA II 3RD UNIT	STEAM(1)	37.5	APR

LIBERTAD 2D UNIT	STEAM(1)	150.0	MAY
CERRO PRIETO III 2D U NIT GEOT.	110.0	JUL	
SAN LUIS POTOSI 1ST UNIT	STEAM(1)	350.0	AUG
CD. JUAREZ 2D UNIT	STEAM(1)	150.0	SEP

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PAGE 01 MEXICO 08359 03 OF 05 191953Z
ACTION EB-08

INFO	LOG-00	COPY-01	ADS-00	AID-00	INR-10	SS-00	CIAE-00
	DODE-00	H-01	NSCE-00	ARA-00	NSAE-00	COME-00	SSO-00
	L-03	TRSE-00	PM-10	INT-05	OPIC-07	CEA-01	OMB-01
	STR-14	INRE-00	OES-09	ACDA-12	USIE-00	JUSE-00	SP-02
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FM AMEMBASSY MEXICO
TO SECSTATE WASHDC IMMEDIATE 8652

UNCLAS SECTION 03 OF 05 MEXICO 08359

E.O. 12356: N/A
TAGS: ENRG, MX
SUBJECT: EMBASSY REPORTING PLAN: ELECTRICITY SECTOR

- (1): STEAM GENERATED FROM BURNING FUEL OIL
- (2): SEE MEXICO 7135 (REF B) RE RECENT EXPLOSION AND FIRE AT CERRO PRIETO. THIS ACCIDENT WILL DELAY INSTALLATION OF THESE UNITS. THE UNIT SCHEDULED FOR FEBRUARY WAS NOT INSTALLED.

TABLE II

PROGRAM FOR ELECTRICITY

GENERATING UNITS IN 1986
(MW)

UNIT	TYPE	CAPACITY	MONTH

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GUAYMAS 1ST & 2D UNITS	STEAM(1)	-25.0	JAN
RIO ESCONDIDO 4TH UNIT	COAL	300.0	APR
CIPRES TG 3RD UNIT	GAS	30.0	APR
SAN LUIS POTOSI 2ND UNIT	STEAM(1)	350.0	JUN
CARACOL PH 1ST UNIT	HYDROELECTRIC	198.0	JUL
CARACOL PH 2ND UNIT	HYDROELECTRIC	198.0	AUG
LA AMISTAD 1ST UNIT	HYDROELECTRIC	33.0	AUG
BACURATO P.H. 1ST UNIT	HYDROELECTRIC	46.0	AUG
CARACOL PH 3RD UNIT	HYDROELECTRIC	198.0	SEP
PENITAS 1ST UNIT	HYDROELECTRIC	105.0	SEP
PENITAS 2ND UNIT	HYDROELECTRIC	105.0	DEC
LA AMISTAD 2ND UNIT	HYDROELECTRIC	33.0	DEC
BACURATO P.H. 2ND UNIT	HYDROELECTRIC	46.0	DEC

- (1): GENERATED FROM FUEL OIL

9. IN 1984, THE MAJOR USERS OF ENERGY WERE INDUSTRY (56 PERCENT), DOMESTIC (20 PERCENT), WATER-PUMPING FOR IRRIGATION (7 PERCENT) AND OTHERS (17 PERCENT). COMPARED WITH 1983, USE IN THE INDUSTRIAL CATEGORY GREW BY 19.8 PERCENT, DOMESTIC USE WAS UP BY 4 PERCENT, WATER PUMPING BY 1.9 PERCENT AND OTHER USES INCREASED 5.4 PERCENT. THESE FIGURES COME FROM A LOCAL PUBLICATION FEATURING ECONOMIC ANALYSIS AND BUSINESS TRENDS AND COVER THE FIRST TEN MONTHS OF 1984. (SEE TABLE III BELOW.)

TABLE III

CONSUMPTION OF ELECTRIC ENERGY (2)
(GIGAWATTS/HOUR) (1)

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PAGE 03 MEXICO 08359 03 OF 05 191953Z

	DOMESTIC	INDUSTRIAL	WATER-PUMPING FOR IRRIGATION	OTHERS	TOTAL
JANUARY	1,028	2,817	256	869	4.970
FEBRUARY	1,015	2,935	299	794	5,043
MARCH	978	2,994	380	1,168	5,520
APRIL	969	2,963	504	821	5,257
MAY	1,071	3,155	605	901	5,732
JUNE	1,133	3,142	551	864	5,690
JULY	1,156	3,174	458	910	5,698
AUGUST	1,250	3,226	348	883	5,707
SEPTEMBER	1,293	3,319	278	1,018	5,908
OCTOBER	1,233	3,191	318	893	5,635

(1): ONE GIGAWATT ONE MILLION WATTS

(2): INCLUDES JAN-OCT. SOURCE: CFE, BOLETIN MENSUAL DE SPP.

PRELIMINARY GOVERNMENT FIGURES FOR THE WHOLE YEAR INDICATE THAT ELECTRICITY CONSUMPTION IN 1984 INCREASED BY 6.2 PERCENT OVER 1983. OVERALL ENERGY USE IN MEXICO INCREASED BY 3.9 PERCENT IN 1984 OVER 1983 ACCORDING TO GOVERNMENT SOURCES. RECENT ANNOUNCEMENTS SAY THAT GROWTH

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PAGE 04 MEXICO 08359 03 OF 05 191953Z

UNCLASSIFIED

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PAGE 01 MEXICO 08359 04 OF 05 191954Z
ACTION EB-08

INFO	LOG-00	COPY-01	ADS-00	AID-00	INR-10	SS-00	CIAE-00	
	DODE-00	H-01	NSCE-00	ARA-00	NSAE-00	COME-00	SSO-00	
	L-03	TRSE-00	PM-10	INT-05	OPIC-07	CEA-01	OMB-01	
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FM AMEMBASSY MEXICO
TO SECSTATE WASHDC IMMEDIATE 8653

UNCLAS SECTION 04 OF 05 MEXICO 08359

E.O. 12356: N/A
TAGS: ENRG, MX
SUBJECT: EMBASSY REPORTING PLAN: ELECTRICITY SECTOR

IN ELECTRICAL GENERATION IN 1985 SHOULD BE IN THE RANGE OF 8 PERCENT.

10. MEXICO HAS HAD MODEST ELECTRICAL EXCHANGE PROGRAMS NOW FOR SOME YEARS ACROSS THE BORDER AT TEXAS AND CALIFORNIA. THESE ARRANGEMENTS WERE MADE FOR CONVENIENCE UNTIL MEXICO BEGAN TO DEVELOP ITS GEOTHERMAL FACILITIES AT CERRO PRIETO NEAR THE CITY OF MEXICALI. THE FEDERAL ELECTRIC COMMISSION (CFE) NOW HAS AN AGREEMENT WITH SAN DIEGO GAS AND ELECTRIC (SDGE) AND SOUTHERN CALIFORNIA EDISON (SCE) TO SELL ELECTRICITY. PRIOR TO 1985, MEXICO WAS SELLING ONLY SURPLUS ELECTRICITY ACROSS THE BORDER, MAKING MEXICO AN OVERALL NET EXPORTER. THIS YEAR, HOWEVER, MEXICO HAS INSTALLED A 110 MEGAWATT UNIT AT CERRO PRIETO TO GENERATE ELECTRICITY EXCLUSIVELY FOR EXPORT. THE EXPORT PRICE FOR ITS ELECTRICITY, OF COURSE, WILL EXCEED PRODUCTION COSTS AND MEXICO WILL HAVE ANOTHER SOURCE OF FOREIGN EXCHANGE FROM AN ENERGY EXPORT. CFE HAS PLANS TO INSTALL ANOTHER 110 MEGAWATT UINIT AT CERRO
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PAGE 02 MEXICO 08359 04 OF 05 191954Z

PRIETO WHICH ALSO WILL BE DEDICATED TO EXPORTS.
COMMENT: SEE REFTEL B WHICH REPORTS ON A RECENT EXPLOSION AND FIRE AT CERRO PRIETO. THIS DEVELOPMENT WILL ALTER CFE'S EXPORT PLANS.
-

11. SINCE DECEMBER 1982, MEXICO HAS MOVED TOWARD MORE REALISTIC PRICES FOR ENERGY UNITS. (SEE TABLE IV BELOW FOR PRICE HISTORY 1974-85). IN JANUARY 1985, SUBSTANTIAL INCREASES WERE MADE IN ELECTRICITY RATES. THE AVERAGE INCREASE WAS 18 PERCENT BUT DOMESTIC USERS EXCEEDING 50 KILOWATT HOURS PER MONTH WILL BE CHARGED AT A HIGHER RATE. LAST YEAR'S RATE INCREASE WAS 35 PERCENT. THIS YEAR'S RATE INCREASE, HOWEVER, PROVIDED FOR A 2.5 PERCENT PER MONTH INCREASE EACH MONTH AFTER FEBRUARY EXCEPT FOR AGRICULTURAL USERS. THE NEW RATES ARE EXPECTED TO MOVE CFE AWAY FROM THE OVER 200 BILLION PESO (CURRENT RATE OF EXCHANGE IS 223 PESOS TO THE DOLLAR) PER YEAR SUBSIDY BILL AND PROVIDE FUNDS FOR INVESTMENTS DURING 1985. THESE NEW RATES SHOULD MOVE THE SYSTEM TO WITHIN ABOUT 80 PERCENT OF ITS COSTS. SOME FACILITIES SUCH AS THE CERRO PRIETO GEOTHERMAL PLANTS EXPECT TO REALIZE INCOME IN EXCESS OF COSTS. AT SOME POINT YET TO BE DETERMINED THE SLIDING SCALE OF RATE INCREASES WILL PUT CFE OUT OF THE SUBSIDY BUSINESS ALTOGETHER, EXCEPT FOR ELECTRICITY TO WATER PUMPING UNITS FOR IRRIGATION. THESE LATTER RATES CFE OFFICIALS ANTICIPATE WILL BE KEPT WELL BELOW COSTS AS A FORM OF GOVERNMENT AID TO AGRICULTURE.
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- TABLE IV
-
- PRICES FOR ELECTRICITY
- 1974 - 1985
- (AVERAGE PRICES PAID BY THE USER)
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PAGE 03 MEXICO 08359 04 OF 05 191954Z

- (PESOS KWH)
-

YEAR	RESIDEN-TIAL	COMMER-CIAL	INDUS-TRIAL	SERVICE SECTOR	AGRI-CULTURE	TOTAL
1974	0.58	0.57	0.25	0.15	0.17	0.34
1975	0.60	0.63	0.28	0.17	0.14	0.36

1976	0.67	0.76	0.34	0.24	0.15	0.43
1977	0.83	0.94	0.51	0.63	0.27	0.61
1978	0.84	0.95	0.53	0.64	0.23	0.62
1979	0.98	1.12	0.62	0.70	0.20	0.72
1980	1.18	1.43	0.83	0.85	0.20	0.92
1981	1.45	1.74	0.99	0.98	0.19	1.11
1982	1.95	2.43	1.41	1.28	0.22	1.53
1983	4.21	5.19	3.45	3.37	0.42	3.57
1984	6.92	9.25	5.65	5.40	1.12	5.94
(1)1985	8.17	10.92	6.67	6.37	1.12	6.65

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-
- (1) PRICE INCREASES ALSO INCLUDE PROVISION FOR
- INCREASES AT 2 1/2 PERCENT PER MONTH
- BEGINNING IN FEBRUARY EXCEPT FOR THE

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PAGE 01 MEXICO 08359 05 OF 05 191954Z
ACTION EB-08

INFO	LOG-00	COPY-01	ADS-00	AID-00	INR-10	SS-00	CIAE-00
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FM AMEMBASSY MEXICO
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UNCLAS SECTION 05 OF 05 MEXICO 08359

E.O. 12356: N/A
TAGS: ENRG, MX
SUBJECT: EMBASSY REPORTING PLAN: ELECTRICITY SECTOR

AGRICULTURAL CATEGORY WHICH REMAINS AT
THE 1984 PRICE LEVEL.

12. CFE IS AIDED IN ITS EFFORTS BY THE MEXICAN ELECTRICAL RESEARCH INSTITUTE (IIE) WHICH IS A RESEARCH ARM OF THE GOVERNMENT. ALTHOUGH TECHNICALLY AUTONOMOUS, THE IIE RECEIVES ITS BUDGET THROUGH THE CFE. OTHER FUNDS ARE EARNED THROUGH CONSULTING SERVICES AND ROYALTIES. THE IIE HOLDS SOME PATENTS AND LICENSES MANUFACTURERS.

13. IMPORT SUBSTITUTION IS AN IMPORTANT ITEM IN CFE'S PLANS AS IT IS IN THE ENERGY SECTOR AT LARGE. MEXICO IS FAIRLY SELF-SUFFICIENT IN CERTAIN SMALLER ITEMS BUT IS AT A COMPARATIVE DISADVANTAGE FOR THE LARGER TRANSFORMER/GENERATOR ITEMS. NEVERTHELESS, THERE IS AN ACTIVE EFFORT TO ENCOURAGE LOCAL PRODUCTION. AND ALONG THESE LINES THE GOVERNMENT HAS STEPPED UP ITS EFFORTS TO COORDINATE AMONG THE VARIOUS ENERGY ENTITIES IN THE SECTOR TO FOSTER A WIDER BASE FOR PROCUREMENT. SOME CFE
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PAGE 02 MEXICO 08359 05 OF 05 191954Z

OFFICIALS BELIEVE THAT MORE EFFORT IS NEEDED IN THIS AREA, ESPECIALLY IN STANDARDIZED SPECIFICATIONS FOR SUCH ITEMS AS MOTORS AND OTHER MACHINERY AND EQUIPMENT.

14. COMMENT: THE ELECTRIC ENERGY SECTOR IS MAKING PROGRESS TOWARD FINANCIAL VIABILITY. THE CURRENT ADMINISTRATION SEEMS DETERMINED TO MAKE HEADWAY AGAINST DEFICITS AND HAS TAKEN HARD DECISIONS ON PRICING ISSUES. BUT THIS IS A LARGE PROBLEM AND THE EFFORTS WILL HAVE TO BE SUSTAINED OVER A LONG PERIOD.

15. A SUCCESSFUL DIVERSIFICATION EFFORT REMAINS PROBLEMATICAL. ALTERNATIVE FORMS OF ENERGY ARE EXPENSIVE AND WE BELIEVE PROGRESS WILL BE SLOW. THE INITIAL EFFORT PROBABLY WILL FOCUS ON ENERGY SAVINGS EFFORTS TO HELP ADJUST THE ENERGY BALANCE. (DRAFTED:CAKENNEDY) GAVIN

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INFO AMEMBASSY MEXICO
AMEMBASSY PANAMA
AMEMBASSY SAN JOSE

UNCLAS GUATEMALA 03878

E.O. 12356: N/A
TAGS: CASC (DAVIS, GRIFFITH WILLIAM AND BLAKE, NICHOLAS)
SUBJECT: W/W: NEWS REPORTS ON DAVIS - BLAKE CASE

REF: STATE 117785 (NOTAL)

1. THE SATURDAY, APRIL 20 EDITIONS OF GUATEMALAN DAILIES "PRENSA LIBRE" AND "EL GRAFICO" RAN STRAIGHT NEWS STORIES ON THE DISAPPEARANCE OF AMCITS GRIFFITH DAVIS AND NICHOLAS BLAKE. REPORTERS FROM BOTH PAPERS HAD MADE EARLIER INQUIRIES AT POST WHICH WERE ANSWERED WITH THE PRESS GUIDANCE PROVIDED IN REFTEL. PREVIOUS DAY'S EVENING "LA HORA" CARRIED FRONT-PAGE AFP STORY (DATELINE GUATEMALA) CONCERNING DISAPPEARANCE WHICH MAY BE CARRIED BY OTHER MEDIA INTERNATIONALLY. THIS STORY, ALSO BASED ON EMBASSY PRESS GUIDANCE, INCLUDED NON-SOURCED SPECULATION ON AMCIT DUO'S DESIRE TO MEET WITH GUERRILLAS. OTHER WIRE-SERVICE CORRESPONDENTS' INQUIRIES WERE RECEIVED BY EMBASSY PRESS OFFICER. GOG OFFICIALS, ACCORDING TO ONE REPORTER, ARE TELLING THE PRESS THAT THE TWO AMCITS HAD BEEN WARNED NOT TO HIKE IN AREA OF GUERRILLA CONFLICT BY LOCAL CIVILIAN AND MILITARY AUTHORITIES.

2. ON SUNDAY, MAY 21, THE "PRENSA LIBRE" RAN A RELATED STORY, AN INTERVIEW WITH A PERSON IDENTIFIED AS DAVID LOWE, AN ACQUAINTANCE OF NICHOLAS BLAKE. LOWE IS SAID TO HAVE TOLD THE REPORTER THAT BLAKE WAS LOOKING FOR A STORY IN THE MOUNTAINS OF EL QUICHE, POSSIBLY FROM GUERRILLAS. LOWE ALSO PROVIDED THE PAPER WITH WHAT IS SAID TO BE THE TELEPHONE NUMBER OF THE BLAKE FAMILY IN MAINE - (207) 282-2538 (SIC).

3. COMMENT: THE SUNDAY ARTICLE IN THE "PRENSA LIBRE" LOOKS LIKE A PLANTED STORY. DAVID LOWE IS NOT A NAME KNOWN TO POST. IT IS UNLIKELY THAT A PERSON BEING INTERVIEWED WOULD PROVIDE A TELEPHONE NUMBER IN THE U.S., OR THAT THE PAPER WOULD PRINT IT, UNLESS IT WAS AN ATTEMPT TO COMMUNICATE WITH PERSONS BELIEVED TO BE HOLDING BLAKE OR KNOWLEDGEABLE ABOUT HIS WHEREABOUTS. IT IS LIKELY THIS WAS DONE IN ORDER TO:

A) ADVISE INTERESTED PARTIES OF BLAKE'S INTEREST IN WRITING AN ARTICLE ABOUT THE GUERRILLAS, AND

B) TO PROVIDE A TELEPHONE CONTACT NUMBER THROUGH WHICH THESE SAME INTERESTED PARTIES COULD, PRESUMABLY, TELL INTERESTED FAMILY MEMBERS SOMETHING OF BLAKE'S W/W.
END COMMENT. PIEDRA

4/23 - Mrs. Davis briefed

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 06/26/95
Case ID: 95122205

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PAGE 01 STATE 123725
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S/SO:BSTRATHEARN
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UNCLAS STATE 123725

E.O. 12356: N/A
TAGS: CASC (BLAKE, NICHOLAS) AND (DAVIS, GRIFFITH WILLIAM)
SUBJECT: WELFARE/WHEREABOUTS: CASE OF NICHOLAS BLAKE AND GRIFFITH WILLIAM DAVIS

REF: A) GOBER/KERR/TAYLOR TELCON OF 4/23 B) GUATEMALA 3833 C) STATE 119021

1. AS REPORTED IN REFTELCON, FAMILY MEMBERS OF NICHOLAS BLAKE PLAN TO VISIT GUATEMALA TO PERSONALLY CONTINUE SEARCH FOR HIM. SUBJECT'S MOTHER, MRS. MARY BLAKE, HIS BROTHER, RANDY BLAKE, A FRIEND, LUCIEN YOKANA, AND AN ATTORNEY, EDWARD GOFF ARE SCHEDULED TO ARRIVE IN GUATEMALA CITY ON WEDNESDAY, APRIL 24 VIA AVIA TECA #901 AT 4:30 P.M. LOCAL TIME. (FYI: MR. GOFF IS AN ATTORNEY FOR WHEATON INDUSTRIES WITH WHOM MRS. BLAKE IS REPORTEDLY A STOCKHOLDER.)

2. MRS. BLAKE ADVISES THAT MICHAEL SHAWCROSS IS TAKING CARE OF HOTEL RESERVATIONS FOR THE PARTY IN ANTIGUA. THE DIAZES (REFTEL C) HAVE ALSO MADE RESERVATIONS AT THE
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PAGE 02 STATE 123725

CAMINO REAL (GUATEMALA CITY) AND HAVE ARRANGEDWITH

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Review Authority: MCSKOWITZ, SAM
Date: 06/26/95
Case ID: 95122205

FRIENDS AND LOCAL BUSINESSMEN TO PROVIDE FACILITATIVE ASSISTANCE AND TRANSPORTATION FOR PARTY WHILE THERE. IN ADDITION, MRS. BLAKE ADVISES THAT LUCIEN YOKANA

SUPPOSEDLY HAS ACCESS TO A HELICOPTER THROUGH FRIENDS OF HIS WHO LIVE IN GUATEMALA. ALTHOUGH NOT OFFERED BY DEPOFF, MRS. BLAKE NOTED THAT IF EMBASSY REPRESENTATIVE WISHED TO MEET THEM AT AIRPORT TO ASSIST, SUCH ASSISTANCE WOULD BE APPRECIATED.

3. DURING TELCON AFTERNOON OF 4/23, MRS. REMEDIOS DIAZ STATED THAT GOFF IS A VERY RELIABLE ATTORNEY WHO KNOWS WHAT HE IS DOING. HE IS WITH PARTY TO PROVIDE PROTECTION AND TO MAKE SURE THAT BLAKES UNDERSTAND AND APPRECIATE EFFORTS THUS FAR TO LOCATE SUBJECTS. MRS. DIAZ ALSO ADVISED THAT SHE TALKED WITH TWO PEOPLE FROM THE ARMY. ACCORDING TO HER SOURCES, THE GUATEMALAN ARMY IS ACTIVELY LOOKING FOR BLAKE AND DAVIS IN THE JUNGLES AND AREA CLOSE TO THE BORDER WITH MEXICO. SHE ADVISED THATTHE ARMY IS ALSO DROPPING LEAFLETS FROM HELICOPTERS WHICH STATE THAT BLAKE'S FAMILY IS LOOKING FOR HIM AND URGING HIM TO CONTACT THEM ASAP. SHE NOTED, HOWEVER, THAT SUBJECTS ARE LOST IN A VERY DANGEROUS AREA.. MRS. DIAZ STATED THAT SHE HAS ATTEMPTED TO CONTACT AMBASSADOR PIEDRA APRIL 23 TO DISCUSS PROPOSED VISIT AND WILL TRY TO TALK WITH HIM PERSONALLY BEFORE FAMILY ARRIVES IN GUATEMALA CITY. SHULTZ

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AMEMBASSY MEXICO IMMEDIATE
INFO AMEMBASSY SAN JOSE

UNCLAS GUATEMALA 04882

DEPT FOR CA/OCS/ENR (GOBER) AND ARA/CEN

E.O. 12356: N/A
TAGS: CASC, GT
SUBJECT: EMBASSY STAFF MEETING WITH THE BLAKES

1. ON APRIL 25, 1985, EMBASSY STAFF MET WITH MARY BLAKE, HER SON RICHARD BLAKE, JR., EDWARD GOFF, AN ATTORNEY FOR WHEATON INDUSTRIES, AND LUCIEN YOKANA, A CLOSE FRIEND OF NICHOLAS BLAKE, TO GIVE THEM AN UPDATE ON THE INVESTIGATION INTO THE WELFARE AND WHEREABOUTS OF AMERICAN CITIZENS NICHOLAS BLAKE AND GRIFFITH DAVIS. ALSO PRESENT WERE BRITISH SUBJECT MICHAEL SHAWCROSS, THE GERMAN COMMONLAW WIFE OF GRIFFITH DAVIS, NIKKI LINDNER, AND ANGIE LORI LEGATOR.

2. THE BLAKES MET FIRST WITH THE AMBASSADOR; THE DCM, CONSUL GENERAL AND ANOTHER EMBOFF WERE ALSO PRESENT. THE AMBASSADOR EXPRESSED TO MRS. BLAKE HIS SYMPATHY AT THE DISAPPEARANCE OF HER SON AND MR. DAVIS AND ASSURED HER THAT THE EMBASSY WOULD CONTINUE TO DO ITS UTMOST TO LOCATE NICHOLAS BLAKE AND GRIFFITH DAVIS. THE AMBASSADOR ALSO STATED THAT THE HIGHEST LEVELS OF THE GUATEMALAN GOVERNMENT HAD EXPRESSED CONCERN OVER THE DISAPPEARANCE OF THE TWO AMERICANS AND PROMISED TO ASSIST THE EMBASSY IN ITS SEARCH FOR BLAKE AND DAVIS.

3. FOLLOWING THIS 15 MINUTE MEETING, THE GROUP MET FOR AN ADDITIONAL THREE HOURS WITH THE CONSUL GENERAL, DEFENSE ATTACHE AND OTHER EMBOFFS WHO HAVE BEEN INVOLVED IN THE SEARCH FOR THE TWO MISSING ANGLES. THE CONSUL GENERAL GAVE A DETAILED ACCOUNT OF THE ACTIONS TAKEN BY THE EMBASSY TO LOCATE BLAKE AND DAVIS, INCLUDING TRIPS MADE BY EMBOFFS WHICH SUCCESSFULLY TRACKED THE MOVEMENTS OF THE TWO UNTIL [illegible] VILLAGE OF ILLANO (AS REPORTED IN GUATEMALA 1823), AND AN OVERFLIGHT OF A GUERRILLA STRONGHOLD BY AN EMBOFF TO DROP LEAFLETS. EMBOFFS PROVIDED BRIEFINGS ON THE MILITARY SITUATION IN HUEHUETENANGO AND EL QUICHE, INCLUDING A DESCRIPTION OF THE STRUCTURE AND ACTIVITIES OF THE GUERRILLA INSURGENTS IN THE AREA.

4. THE DEFENSE ATTACHE STATED THAT ON APRIL 24 THE DEPUTY ZONE COMMANDER IN THE DEPARTMENT OF EL QUICHE HAD REPORTED THAT AN OPERATION INVOLVING BETWEEN 600 AND 800 GUATEMALAN SOLDIERS, IN 15 PATROLS, HAD BEGUN FANNING OUT OVER THE AREA OF QUICHE PROVINCE WITH THE MISSION OF SEARCHING FOR THE TWO DISAPPEARED AMERICANS.

5. THE BLAKE PARTY EXPRESSED CONCERN ABOUT THE SINCERITY OF THE GUATEMALAN GOVERNMENT AND RAISED THE POSSIBILITY OF A MILITARY COVER-UP. THEY ALSO WORRIED THAT IF BLAKE AND DAVIS HAD FALLEN INTO THE HANDS OF THE GUERRILLAS, THAT THEY WOULD BE HELD FOR RANSOM. FURTHERMORE, THE ATTENTION THAT THE LOCAL PRESS HAD FOCUSED ON THE DISAPPEARANCE OF THE TWO MADE THE PARTY WARY OF DEALING DIRECTLY WITH JOURNALISTS. FINALLY, THEY WONDERED ABOUT THE WISDOM OF APPROACHING PERSONS WHO MIGHT HAVE CONTACTS WITH THE INSURGENTS.

6. EMBOFFS RESPONDED THAT THE GOG EFFORTS TO DATE HAD BEEN MOST SINCERE, DESPITE A FAIRLY WIDESPREAD BELIEF ON THE PART OF THE GUATEMALAN ARMY OFFICIALS PERSONALLY INVOLVED IN THE SEARCH THAT BLAKE AND DAVIS WERE BY NOW WITH THE GUERRILLAS. AS FOR A MILITARY COVER-UP, EMBOFFS POINTED OUT THAT IT WOULD BE UNLIKELY THE GOG WOULD COMMIT SUCH A HIGH LEVEL OF RESOURCES TO THE SEARCH WHEN THE ARMY WAS LACKING SUPPLIES, EQUIPMENT AND OTHER ITEMS IF THEY HAD ANYTHING TO HIDE. AS FOR DEALING WITH THE LOCAL PRESS, IT WAS GENERALLY AGREED THAT LITTLE WAS TO BE GAINED AT THE MOMENT FROM DIRECT CONTACTS. AS FOR APPROACHING PERSONS WHO MIGHT HAVE CONTACTS WITH THE INSURGENTS, EMBOFFS OBSERVED THAT ANY SUCH CONTACTS WOULD LIKELY BECOME KNOWN TO THE GOG VERY QUICKLY IF THEY WERE ATTEMPTED WITHIN GUATEMALA. ON THIS POINT, THE PARTY AGREED THAT IF SUCH CONTACTS WERE TO BE MADE, THEY WOULD BE BETTER DONE OUTSIDE GUATEMALA, I.E. IN MEXICO CITY.

7. THE DISCUSSANTS AGREED TO REMAIN IN CLOSE CONTACT AND TO INFORM EACH OTHER AS ANY ADDITIONAL INFORMATION BECAME AVAILABLE. THE EMBASSY IS ASSISTING THE BLAKE PARTY IN MAKING DIRECT CONTACT WITH THE MILITARY ZONE COMMANDER IN SANTA CRUZ DEL QUICHE AND WILL ACCOMPANY THEM ON SATURDAY, APRIL 27, WHEN THEY CALL HIM.

8. FOR MEXICO: ONE OF THE POSSIBILITIES WHICH WAS DISCUSSED WAS THAT BLAKE AND DAVIS MAY HAVE TRAVELED DUE NORTH FROM WHERE THEY WERE LAST SEEN, ENTERING MEXICO SOME TIME IN THE FIRST TWO WEEKS OF APRIL. IF THEY DID SO, THEY WOULD HAVE ENTERED SOUTHERN MEXICO (CHIAPAS) WITHOUT INSPECTION BY MEXICAN IMMIGRATION OR CUSTOMS AUTHORITIES. ALTHOUGH THERE IS NO EVIDENCE TO SHOW THAT THIS IS WHAT DAVIS AND BLAKE DID, WE WOULD APPRECIATE YOUR CONTACTING APPROPRIATE GOM AUTHORITIES AND ASKING THEM IF THEY HAVE ANY INFORMATION REGARDING THE PAIR. PLEASE ADVISE.
PIEDRA

4/26 - Briefed Mrs. Blake, Sen. Sawtor, Greg. Meade, Fred Bowen, Devon Heinz and Mrs. Davis. Also Greg. Gad Mrs. Davis advised Hist Davis going out of town & will return Saturday Phil Hughes also briefed.

PR/GUATEMALA

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 06/26/95
Case ID: 9512205

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TO SECSTATE WASHDC IMMEDIATE 8938

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E.O. 12356 : DECL:OADR
TAGS: EFIN, MX
SUBJECT: LETTER FROM CARTAGENA GROUP ON DEBT ISSUE
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1. FOREIGN SECRETARY SEPULVEDA SUMMONED ON APRIL 26 EMBASSY REPRESENTATIVES OF SEVEN INDUSTRIALIZED COUNTRIES WHO WILL MEET IN BONN AND PRESENTED COPY OF A LETTER FROM PRESIDENT SANGUINETTI ON THE DEBT ISSUE. LETTER NOTES CARTAGENA GROUP'S BELIEF THAT NO PROGRESS WAS MADE IN RECENT INTERIM OR DEVELOPMENT COMMITTEE MEETINGS, PARTICULARLY WITH REGARD TO ISSUES OF EXTERNAL DEBT, FINANCE AND TRADE. LETTER STATES THAT ADJUSTMENT PROCESS HAS BEEN BORNE EXCLUSIVELY BY DEBTOR COUNTRIES AND NOTES THAT THE DEBT ISSUE MUST BE TREATED URGENTLY IN THE CONTEXT OF ECONOMIC DEVELOPMENT AND SOCIAL PROGRESS. IT CALLS FOR INCREASED DIALOGUE AT THE HIGHEST POLITICAL LEVELS AND PROPOSES COOPERATION FOR MEASURES BEYOND DEBT RESCHEDULING WHICH WILL PERMIT A RAPID RESTORATION OF ECONOMIC CONDITIONS LEADING TO SUSTAINED GROWTH OF DEVELOPING COUNTRIES.
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2. SEPULVEDA MADE THE PRESENTATION IN HIS OFFICE, GIVING A SHORT TALK ASKING INDUSTRIALIZED COUNTRIES NOT TO UNDER

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PAGE 02 MEXICO 09000 270238Z

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ESTIMATE THE IMPORTANCE OF THE DEBT ISSUE. HE CALLED FOR FORWARD MOVEMENT TO SOLVE PROBLEMS, NOTING SOME PROGRESS HAD BEEN MADE, ESPECIALLY IN RECENT LONDON MEETING. BUT, HE SAID, DEVELOPING COUNTRIES ARE NOW LOOKING FOR MORE PROGRESS IN BONN MEETING.

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3. WILL SEND TEXT AND FURTHER COMMENT BY SEPTELS. DRAFTED BY R.S.PASTORINO. GAVIN

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AMEMBASSY MEXICO IMMEDIATE
INFO AMEMBASSY SAN JOSE
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UNCLAS GUATEMALA 04168

DEPT FOR CA/OCS/EMR (GOBER) AND ARA/CEN

E.O. 12356: N/A
TAGS: CASC (BLAKE, NICHOLAS AND DAVIS, GRIFFITH WILLIAM)
SUBJECT: WELFARE AND WHEREABOUTS OF AMCITS NICHOLAS BLAKE AND GRIFFITH WILLIAM DAVIS

REF: (A) GUATEMALA 04082, (B) STATE 123725, (C) GUATEMALA 3833, (D) STATE 119021, (E) GUATEMALA 3314

1. SUMMARY: NICHOLAS BLAKE'S MOTHER, HIS BROTHER, HIS FRIEND AND AN ATTORNEY SPENT MORE THAN THREE HOURS WITH THE GOG ARMY COLONEL IN CHARGE OF THE MILITARY ZONE WHERE DAVIS AND BLAKE WERE LAST SEEN. THE COLONEL GAVE THEM ALL AVAILABLE INFORMATION REGARDING THE GOG'S EFFORTS TO LOCATE DAVIS AND BLAKE. THE BLAKE PARTY DEPARTED GUATEMALA APRIL 29 FOR THE U.S. END SUMMARY.

2. FAMILY AND FRIENDS OF MISSING AMCIT NICHOLAS BLAKE TRAVELED APRIL 27 TO THE MILITARY ZONE (MZ) HEADQUARTERS NO. 20 SANTA CRUZ DEL QUICHE IN ORDER TO RECEIVE A BRIEFING FROM GOG MZ COMMANDER COL. BYRON LIMA ON THE ACTIONS THAT HE HAS TAKEN TO SEARCH FOR BLAKE AND DAVIS. THE TWO AMCITS WERE LAST SEEN MARCH 29 OR 30 IN THE EL QUICHE VILLAGE OF ILANO ALONG THE BORDER WITH THE DEPARTMENT OF HUEHUETENANGO IN THE WESTERN HIGHLANDS.

3. MARY BLAKE (MOTHER OF NICHOLAS BLAKE), RANDY BLAKE (BROTHER OF NICHOLAS), LUCIEN YOKANA (FAMILY FRIEND), AND J. EDWARD GUFF (FAMILY FRIEND AND ATTORNEY FOR WHEATON INDUSTRIES) WERE ACCOMPANIED BY CONSULAR OFFICER, POLITICAL OFFICER, AND THE DEFENSE ATTACHE TO SANTA CRUZ DEL QUICHE, DEPARTMENTAL CAPITAL OF EL QUICHE.

4. MRS. BLAKE OPENED THE INITIAL BRIEFING AT 1015 HOURS BY THANKING COL. LIMA FOR ALL THE EFFORTS THAT HAVE BEEN MADE BY THE GOG ON BEHALF OF HER SON NICHOLAS. SHE SAID THAT HER SON WAS A JOURNALIST WHO LOVED GUATEMALA. DURING THIS BRIEFING, RANDY BLAKE EMPHASIZED THAT HIS BROTHER NICHOLAS WAS NEITHER TO THE LEFT NOR THE RIGHT IN HIS POLITICAL VIEWS, AND WAS SIMPLY A REPORTER LOOKING FOR A STORY. RANDY BLAKE SAID THAT A PHILADELPHIA NEWSPAPER HAD PROMISED HIS BROTHER NICHOLAS A FRONT PAGE ARTICLE IF HE WERE ABLE TO BRING BACK A STORY ON THE GUATEMALAN GUERRILLAS.

5. COL. LIMA SAID THAT PATROLS HAVE BEGUN THROUGHOUT THE AREA WHERE BLAKE AND DAVIS WERE LAST SIGHTED. HE SAID CONTACT HAS BEEN MADE WITH GUERRILLA FORCES, CASUALTIES HAVE BEEN SUFFERED BY GOG SOLDIERS, BUT THAT NO INFORMATION HAS YET BEEN OBTAINED ON THE WHEREABOUTS OF BLAKE AND DAVIS. COL. LIMA DID NOT INDICATE THE NUMBER OF CASUALTIES, NOR THE TOTAL NUMBER OF SOLDIERS INVOLVED IN THE SEARCH. THE COL. SAID THAT NO GUERRILLAS HAVE BEEN CAPTURED ALIVE IN ITS RECENT OPERATIONS IN THE AREA, AND THEREFORE THE GOG ARMY HAS BEEN UNABLE TO QUESTION ANY AS TO THE WHEREABOUTS OF BLAKE AND DAVIS.

6. COL. LIMA TOLD THE BLAKE FAMILY THAT IT WAS "MADNESS" FOR BLAKE AND DAVIS TO ATTEMPT TO CONTACT THE GUERRILLAS IN THE AREA, WHO HE SAID HAVE NO RESPECT FOR HUMAN RIGHTS.

7. HE SAID THAT BLAKE HAVE THE ERROR OF BELIEVING THE GUATEMALAN GUERRILLAS OF THE EGP (GUERRILLA ARMY OF THE POOR), WHO ARE THE GUERRILLA FORCE IN THE AREA, WERE LIKE THOSE OF EL SALVADOR. COL. LIMA SAID THAT THE GUERRILLAS IN EL SALVADOR UNDERSTAND THE POLITICAL VALUE OF THE PRESS, SPEAK SPANISH AND CAN BE CONTACTED IN THE TOWNS AND HIGHWAYS OF THE CONFLICTIVE AREAS. HE SAID THE EGP GUERRILLAS ARE INDIANS, WHO DO NOT SPEAK SPANISH CORRECTLY, DO NOT SEE THE IMPORTANCE OF THE PRESS TO THEIR CAUSE, AND HAVE BEEN CONFINED TO MOUNTAINOUS AREAS WHICH ARE DIFFICULT TO REACH. THE INDIAN GUERRILLAS HAVE BEEN INDOCTRINATED TO BELIEVE THAT FOREIGNERS ARE COLLABORATORS WITH THE GOG, HE SAID.

8. RANDY BLAKE ASKED THE COLONEL WHAT THE CHANCES WERE THAT BLAKE AND DAVIS WOULD HAVE ENCOUNTERED GUERRILLAS IF THEY HAD WALKED FROM ILANO TO SALQUIL.

COL. LIMA REPLIED "100 PERCENT."

9. THE COLONEL SAID THAT REPORTERS HAVE PREVIOUSLY VISITED HIS HEADQUARTERS TO TELL HIM OF PLANS TO MAKE CONTACT WITH THE EGP GUERRILLAS. HE SAID THAT HIS ADVICE TO THESE REPORTERS HAS BEEN NOT TO ENTER THE AREA, THAT THESE GUERRILLAS ARE "SPECIAL." HOWEVER, FOR THOSE WHO INSIST ON GOING TO THE AREA ANYWAY, HE OFFERS TO SEND AN ARMY PATROL ALONG FOR THEIR PROTECTION. THE COLONEL SAID HE INSISTS THAT THE REPORTERS WEAR ARMY FATIGUES SO THAT THEY WILL NOT BECOME THE SPECIAL TARGET OF A GUERRILLA ATTACK. HE SAID IT WAS UNFORTUNATE THAT BLAKE AND DAVIS CAME TO THE AREA THROUGH HUEHUETENANGO AND WERE THEREFORE UNABLE TO RECEIVE HIS ADVICE.

10. COL. LIMA TOLD THE BLAKE FAMILY THE CHANCES WERE "50/50" THAT BLAKE AND DAVIS WERE ALIVE, AND THAT HE "HOPES TO GOD" THEY ARE. HOWEVER, HE SAID DURING THE SECOND BRIEFING THAT HIS BELIEF WAS THAT THE LOCAL EGP COMMANDER WOULD HAVE KILLED BLAKE AND DAVIS IF THEY HAD MADE CONTACT WITH HIS FORCES. THE COLONEL SAID THE INDIAN GUERRILLAS WILL KILL FOR A CAMERA OR EVEN FOR A PAIR OF PANTS OR A SHIRT.

11. COL. LIMA SAID THERE IS "A POSSIBILITY" THAT WITH "GOOD LUCK" BLAKE AND DAVIS WERE TAKEN BY GUERRILLAS TO THE PLAYA GRANDE REGION OF EL QUICHE ABOUT 50 KILOMETERS NORTH OF SUMAL AND FROM THERE PERHAPS TO MEXICO. THE COLONEL SAID THE EGP MAINTAINS ITS HIGH COMMAND IN MEXICO. HE SUGGESTED THAT IF THE BLAKE FAMILY DECIDES TO MAKE ANOTHER DROPPING OF LEAFLETS, THEY SHOULD INCLUDE THE AREA BETWEEN THE IXCAN RIVER IN HUEHUETENANGO AND THE XACALBAL RIVER IN EL QUICHE, WHICH HE SAID IS A CORRIDOR USED BY THE EGP TO ENTER MEXICO.

12. AT 2115Z THE MEETING MOVED FROM THE BASE OFFICES

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Date: 06/26/95
Case ID: 95122206

TO THE CENTER OF THE TOWN OF SANTA CRUZ, WHERE COL. LIMA NOW MAINTAINS HIS HEADQUARTERS.

13. COL. LIMA SHOWED THE BLAKE FAMILY THE OPERATIONS MAP IN HIS OFFICE. IT DETAILED A FIVE-PRONGED COMBINATION OF PATROLS, THREE TO FOUR PATROLS PER SECTOR, IN AN AREA OF APPROXIMATELY 600 SQUARE KILOMETERS STRETCHING TO THE EAST FROM THE EL QUICHE-HUEHUETENANGO BORDER, THROUGH THE EGP STRONGHOLD IN THE SUMAL REGION, NORTH FROM THE HUEHUETENANGO VILLAGE OF NIKLAJ, AND SOUTH TO THE MILITARY BASE AT SALQUIL. WHILE AT LLANO, BLAKE AND DAVIS HAD RECEIVED AUTHORIZATION FROM THE LIEUTENANT AT THE NEARBY ARMY DETACHMENT OF LAS MAJADAS TO TRAVEL FROM LLANO TO SALQUIL. THE COLONEL SAID THE ROUTE BETWEEN LLANO AND SALQUIL IS NOT THE SUBJECT OF THE CURRENT PATROLS BECAUSE THE GOG ARMY HAS ALREADY PATROLLED THERE SINCE THE DISAPPEARANCE OF BLAKE AND DAVIS.

14. THE COLONEL CALCULATED THE ODDS AT "25 PERCENT" THAT BLAKE AND DAVIS WERE TAKEN NORTH BY THE GUERRILLAS, AND "75 PERCENT" THAT WHATEVER HAPPENED TO THEM WAS DECIDED BY THE GUERRILLA COMMANDER OF THE DISTRICT IN WHICH THEY MET UP WITH THE EGP.

15. COL. LIMA SAID THAT RADIO BROADCASTS THROUGHOUT THE AREA WOULD ALSO BE USEFUL IN SOLICITING INFORMATION ON THE WHEREABOUTS OF THE MISSING ANCITS. IN BOTH CASES, HOWEVER, COL. LIMA SAID THAT THE MESSAGES SHOULD BE SENT IN THE INDIAN DIALECTS PECULIAR TO THE REGION.

16. RANDY BLAKE ASKED FOR DETAILS ON FIGHTING THAT HAS TAKEN PLACE IN THE AREA AROUND WHERE HIS BROTHER WAS SIGHTED, AND WHETHER SUCH FIGHTING MIGHT HAVE AFFECTED HIS BROTHER'S SITUATION. IN RESPONSE, THE COLONEL MADE AVAILABLE TO THE GROUP THE SITUATION REPORT OF HIS MILITARY ZONE FOR BOTH MARCH AND APRIL. THE COMPLETE SITUATION REPORT WAS CHECKED BY THE DEFENSE ATTACHE AND EMBOFF FOR ANY POSSIBLE LEADS IN THE W/W INVESTIGATION. NONE WAS FOUND.

17. COL. LIMA ALSO ALLOWED THE BLAKE FAMILY TO QUESTION AN EGP GUERRILLA WHO HAD RECENTLY TURNED HIMSELF IN TO THE GOG ARMY. HOWEVER, THE FORMER GUERRILLA WAS FROM AN AREA FAR TO THE SOUTHEAST OF THE SUMAL REGION, AND HAD NO INFORMATION ON THE MISSING ANCITS.

18. COL. LIMA SAID THE VILLAGERS IN THE REGION AROUND SUMAL ARE COLLABORATORS WITH THE EGP. THEREFORE, IT IS DIFFICULT TO EVALUATE INFORMATION THEY MIGHT PROVIDE. THE COLONEL ALSO SAID WHEN AN ARMY PATROL ENTERS AN AREA KNOWN TO BE POPULATED, IT GENERALLY FINDS ALL THE VILLAGERS HAVE FLED, OR HAVE BEEN FORCED TO LEAVE BY THE GUERRILLAS WHO, HE CLAIMED, USE THEM AS SHIELDS AS THEY TRY TO ESCAPE FROM THE ARMY.

19. THE COLONEL SAID THE PATROLS WILL CONTINUE, GUERRILLAS ENCOUNTERED WILL BE DESTROYED, AND ALL ATTEMPTS MADE TO QUESTION PEOPLE IN THE AREA ON THE WHEREABOUTS OF BLAKE AND DAVIS.

20. COL. LIMA ALSO OFFERED TO DRIVE THE BLAKE FAMILY TO THE TOWN OF NEBAJ -- A FIVE-HOUR ONE-WAY TRIP BY CAR -- WHICH WAS THE DESTINATION OF THE TWO MISSING ANCITS AND IS THE CLOSEST MAJOR TOWN TO THE SUMAL REGION. THE FAMILY DECLINED THE OFFER. THE COLONEL ADDED THAT HE WOULD BE GLAD TO TAKE THEM TO ANY AREA THEY WISHED TO VISIT WITHIN HIS ZONE.

21. WHEN THE BRIEFING ENDED AT 12:45, THE BLAKE FAMILY AGAIN EXPRESSED ITS THANKS TO COL. LIMA FOR HIS ASSISTANCE. DURING THE LUNCHEON HOSTED BY COL. LIMA THAT FOLLOWED, MR. GOFF SAID TO THE COLONEL THAT AS A VETERAN HE WISHED TO MAKE A DONATION SO THAT THE SOLDIERS RETURNING FROM THE PATROLS COULD HAVE BEER. COL. LIMA THANKED MR. GOFF, BUT SAID ARMY REGULATIONS PROHIBITED SUCH A DONATION. THE VISITORS LEFT THE HEADQUARTERS OF THE ZONE COMMANDER AT APPROXIMATELY 1615 HOURS FOR THE CAPITAL.

22. ON SUNDAY, APRIL 28, MR. GOFF ADVISED EMBOFF BY TELEPHONE THAT THE BLAKE PARTY HAD DECIDED TO LEAVE GUATEMALA THE FOLLOWING MORNING, (I.E. MONDAY, APRIL 29) VIA AVIATECA FLIGHT 801 FOR THE UNITED STATES. HE SAID THAT THEY WERE GRATEFUL FOR THE ASSISTANCE PROVIDED BY BOTH THE EMBASSY AND THE GOG. PIEDRA

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PAGE 01 MEXICO 09102 300012Z
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FM AMEMBASSY MEXICO
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INFO AMEMBASSY LIMA
AMEMBASSY CARACAS
AMEMBASSY BRASILIA
USCONS MEXICO POUCH

UNCLAS MEXICO 09102

DEPARTMENT PASS FEDERAL RESERVE BOARD,
EXPORT IMPORT BANK, USTR, AND COMMERCE

E.O. 12356 : N/A
TAGS: EFIN, ECON, EINV, MX
SUBJECT: MEXICAN GOVERNMENT INTERNAL DEBT

1. ACCORDING TO AN ARTICLE IN "EL FINANCIERO", OVER THE COURSE OF 1984 THE MEXICAN GOVERNMENT'S INTERNAL DEBT GREW BY 1 TRILLION 363 BILLION PESOS (ABOUT $8.1 BILLION USING THE AVERAGE GOVERNMENT CONTROLLED RATE OF EXCHANGE FOR 1984). THIS REPRESENTED AN INCREASE OF 32 PERCENT IN THE AMOUNT OF TOTAL DEBT OUTSTANDING AS COMPARED WITH YEAR-END 1983 AND BROUGHT THE TOTAL INTERNAL DEBT TO 5 TRILLION, 600 BILLION PESOS.

2. DURING 1984 THE AVERAGE INTEREST RATE PAID BY THE GOVERNMENT ON ITS OBLIGATIONS WAS 50.2 PERCENT. THIS
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PAGE 02 MEXICO 09102 300012Z

COMPARES WITH 44.5 PERCENT IN 1983 AND 35.3 PERCENT IN 1982. THUS INTEREST RATES PAID BY THE GOM HAVE RISEN SUBSTANTIALLY OVER THE PAST TWO YEARS AND HAVE BEEN AN IMPORTANT CONTRIBUTING FACTOR TO ON-GOING DIFFICULTIES WITH THE PUBLIC SECTOR DEFICIT. DURING 1984 THE GOM PAID 1 TRILLION 866 BILLION PESOS (ABOUT U.S. $11.1 BILLION) IN INTEREST PAYMENTS. THIS COMPARES WITH TOTAL INTEREST PAYMENTS ON MEXICO'S EXTERNAL DEBT OF ABOUT $11.6 BILLION.

3. MEXICO'S INTERNAL DEBT IS DIVIDED AS FOLLOWS: 48.1 PERCENT IN PUBLIC DEBT BONDS (HELD BY THE BANK OF MEXICO); 16.8 PERCENT IN TREASURY BILLS; 29.3 PERCENT DIRECT FINANCING BY THE BANK OF MEXICO; 4.9 PERCENT OWED TO NACIONAL FINANCIERA (THE LARGEST GOVERNMENT DEVELOPMENT BANK) AND 0.9 PERCENT OWED TO OTHERS. ,DURING 1984 99 PERCENT OF THE NEW FINANCING CAME EITHER FROM THE BANK OF MEXICO OR THROUGH THE ISSUANCE OF TREASURY BILLS.

TABLE I
COMPOSITION OF
MEXICO'S PUBLIC SECTOR INTERNAL DEBT
AT YEAR END 1984
(BILLIONS OF PESOS)

TOTAL INTERNAL DEBT	5,600
-- BONDS (HELD BY THE BANK OF MEXICO)	2,668
-- BANK OF MEXICO DIRECT FINANCING	1,628
-- TREASURY BILLS (CETES)	934
-- NAFINSA	287
-- NATIONALIZED BANKS	63
-- BANOBRAS (NATIONAL PUBLIC WORKS BANK)	20

4. ACCORDING TO THE NEWSPAPER "EL FINANCIERO" OTHER
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PAGE 03 MEXICO 09102 300012Z

RELATED DATA FOR 1984 WERE AS FOLLOWS:

-- RESOURCE CAPTURE BY THE DEVELOPMENT AND COMMERCIAL BANKS INCREASED BY 7.3 PERCENT IN REAL TERMS.

-- LOANS TO THE PRIVATE SECTOR AND INDIVIDUALS REACHED ALMOST 1.6 TRILLION PESOS, THREE TIMES GREATER THAN THE

FIGURE REGISTERED IN 1983 (A REAL INCREASE OF ABOUT 90 PERCENT).

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-- TOTAL FEDERAL GOVERNMENT INCOME WAS 4.94 TRILLION PESOS DIVIDED AS FOLLOWS: INCOME TAXES 1.2 TRILLION PESOS, IVA (SALES TAX) 780 BILLION PESOS, SPECIAL TAX ON PRODUCTION AND SERVICES 206 BILLION PESOS, OTHER TAXES 210 BILLION PESOS, NON-TAX REVENUES 221 BILLION PESOS, AND INCOME FROM THE PETROLEUM SECTOR 2,310 BILLION PESOS. IN OTHER WORDS, PETROLEUM REVENUES ACCOUNTED FOR NEARLY 47 PERCENT OF TOTAL REVENUES.

-

-- THE MAJOR PARASTATAL COMPANIES EXCLUDING PEMEX REGISTERED A DEFICIT OF 268 BILLION PESOS BUT THIS WAS MORE THAN OFFSET BY A 540 BILLION PESO SURPLUS REGISTERED BY PEMEX. DRAFTED BY J.V.SWEENEY. GAVIN

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NNN

*** Current Handling Restrictions *** n/a

E163

RELEASED

5/1/85- Bill Klein, Senator Spector's office telephoned for up-date on case Briefed him on contents of Guatemala 4168. He questioned whether it might mk not be profitable fxs for Senator's office to get in touch with guerilla through Mexican government. Advised that he talk with Guatemalan desk and Mexico desk before doing anything. Gave him names of numbers of desk offic

5/1/85 - spoke with Phil Taylor, AmEmbassy Guatemala. Phil had nothing new to report on cases since cable detailing meeting with zone commander. Suggested that we follow-up with Mexico on Guatemala 4082 to see whether subjects ever entered Mexico.

[redacted]

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 06/26/96
Case ID: 96122206

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Department of State

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FM AMEMBASSY MEXICO
TO AMEMBASSY GUATEMALA
INFO SECSTATE WASHDC 9046

UNCLAS MEXICO 09239

DEPT FOR CA/OCS/EMR (GOBER) AND ARA/CEN

E.O. 12356: N/A
TAGS: CASC (DAVIS, GRIFFITH AND BLAKE, NICHOLAS)
SUBJECT: W/W: CASE OF GRIFFITH WILLIAM DAVIS AND NICHOLAS BLAKE

REF: GUATEMALA 04082

AS REQUESTED IN REFTEL, EMBASSY CONTACTED OFFICE OF PROCURADOR GENERAL IN TUXTLA GUTIERREZ, CAPITAL OF STATE OF CHIAPAS, WHO WILL PUT POLICE AND IMMIGRATION OFFICIAL IN CHIAPAS ON LOOKOUT FOR DAVIS AND BLAKE. DAO IS RELAYING INFORMATION TO MINISTRY OF DEFENSE, WHO WILL ALERT THEIR UNITS ON CHIAPAS -EL QUICHE BORDER. WILL ADVISE GUATEMALA AND DEPARTMENT OF ANY DEVELOPMENTS.

GAVIN

RECEIVED
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Also May 6 (illegible) X'd

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United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 06/26/95
Case ID: 95122206

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PAGE 01 MEXICO 09355 022357Z
ACTION ARA-00

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INM-07 INRE-00 FRB-03 JUS-01 USIE-00 SP-02 FDIC-01
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AMEMBASSY CARACAS
AMEMBASSY BRASILIA
ALL USCONS MEXICO POUCH

[redacted] MEXICO 09355

DEPARTMENT PASS FEDERAL RESERVE BOARD, EXPORT IMPORT BANK, USTR, AND COMMERCE

E.O. 12356: DECL: 5/2/91
TAGS: EFIN, ECON, MX
SUBJECT: MEXICAN BANK DEPOSITS AND FINANCING FOR THE FIRST THREE MONTHS OF 1985

1. (U) SUMMARY. DURING THE JANUARY-MARCH 1985 TRIMESTER DEPOSITS IN THE NATIONALIZED BANKS FELL BY ALMOST 50 PERCENT IN REAL TERMS. FINANCING PROVIDED BY THE BANKS DECLINED BY 28 PERCENT DURING THIS PERIOD. END SUMMARY.

2. (U) DURING THE FIRST THREE MONTHS OF THE YEAR DEPOSITS IN THE BANKING SYSTEM TOTALED ONLY 533 BILLION PESOS, COMPARED TO 643 BILLION PESOS DURING THE SAME PERIOD IN 1984. THIS CONSTITUTED A NOMINAL DECLINE OF 17

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PAGE 02 MEXICO 09355 022357Z

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PERCENT AND A REAL DECLINE OF ALMOST 48 PERCENT AFTER ADJUSTING FOR INFLATION. THIS SHARP DECLINE CONTRASTS WITH A POSITIVE PERFORMANCE DURING 1984 AS A WHOLE WHEN BANK DEPOSITS ROSE BY NEARLY 78 PERCENT OR ABOUT 12 PERCENT IN REAL TERMS.

3. (U) FINANCING PROVIDED BY THE NATIONALIZED BANKING SYSTEM HAS ALSO DECLINED MARKEDLY DURING THE FIRST THREE MONTHS OF THE YEAR. IN NOMINAL TERMS THE BANKS PROVIDED 271 BILLION PESOS IN NEW FINANCING SO FAR THIS YEAR. IN REAL TERMS THIS CONSTITUTED A DECLINE OF 18 PERCENT. THIS CONTRASTS WITH A REAL INCREASE OF 131 PERCENT IN FINANCING DURING THE COURSE OF 1984.

(U) TABLE I
-- MEXICAN COMMERCIAL BANK DEPOSITS AND FINANCING
-- (BILLIONS OF PESOS)

			JAN-MARCH		
--	1985	PERCENT GROWTH	1984	1985	PERCENT GROWTH
DEPOSITS					
-- NOMINAL	2,924	78	643	533	-17
-- REAL	240	12	72	38	-48
FINANCING					
-- NOMINAL	1,739	268	238	271	14
-- REAL	134	131	27	19	-28

4. (C) EMBASSY COMMENT. THE REDUCTION IN RESOURCE FLOWS INTO THE BANKING SYSTEM IS A CAUSE FOR CONCERN. THE PRINCIPAL REASON IS THAT EFFECTIVE YIELDS ON THESE

[redacted]

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PAGE 03 MEXICO 09355 022357Z

DEPOSITS HAVE TURNED SHARPLY NEGATIVE DURING THE EARLY PART OF THE YEAR. OVER THE JANUARY-MARCH PERIOD THE ANNUALIZED RATE OF INFLATION WAS OVER 80 PERCENT WHILE EFFECTIVE YIELDS ON SHORT-TERM DEPOSITS WERE 60-70 PERCENT. ANOTHER REASON FOR THE DECLINE IS THAT THE GOVERNMENT IS ABSORBING LARGE AMOUNTS OF RESOURCES TO HELP FINANCE ITS EXPENDITURES. IN ORDER TO DO SO IT IS

[redacted]

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OFFERING INTEREST RATES ON TREASURY BILLS WHICH ARE SEVERAL PERCENTAGE POINTS ABOVE THOSE OFFERED IN THE BANKING SYSTEM. ADDITIONALLY, CAPITAL FLIGHT HAS BEEN HEAVY OVER THE PAST SEVERAL MONTHS AND THIS HAS MEANT SMALLER MONETARY FLOWS INTO THE BANKING SYSTEM.

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5. (C) IN SPITE OF THESE DEVELOPMENTS THE ECONOMY SEEMS TO BE GROWING AT A RAPID PACE AND LOCAL FIRMS SEEM TO BE OBTAINING FINANCING FROM ALTERNATIVE SOURCES, NOTABLY THROUGH STOCKBROKERAGE HOUSES AND INTER-COMPANY LOANS. THE COSTS OF SUCH FINANCING ARE COMPETITIVE WITH THOSE OF THE BANKS AND FREQUENTLY THERE IS LESS RED TAPE INVOLVED IN SECURING SUCH FUNDS.

-

6. (C) THE NEGATIVE TRENDS IN BANK DEPOSITS AND FINANCING ARE AN ADDITIONAL SIGN THAT THE MEXICAN AUTHORITIES ARE FACING SOME SERIOUS INTERNAL ECONOMIC PROBLEMS THIS YEAR. IT MAY WELL MEAN THAT THE AUTHORITIES WILL HAVE TO FURTHER INCREASE INTEREST RATES AND BEGIN TO TEMPER PUBLIC SECTOR SPENDING TO RECTIFY THE SITUATION. THE CHALLENGE WILL BE TO DO THIS WITHOUT PRODUCING ANOTHER ECONOMIC RECESSION. DRAFTED BY J.V.SWEENEY. BUSBY

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(E174)

Embassy of the United States of America

RELEASED

Guatemala, Guatemala

May 3, 1985

Mr. Edward Goff
P.O. Box 269
Millville, NJ 08332

Dear Mr. Goff,

As promised, I am sending my notes on the April 27 meeting with Col. Byron Lima in Military Zone no. 20 Santa Cruz del Quiche. I tried to take notes on as much of the conversation as possible; if you think something is missing, let me know and I'll recheck my notes or consult my colleagues. The name of the other Guatemalan army officer who joined us for lunch is Capt. Joaquin Batres Company Commander. I'll let you know when I do. We are also trying to track down Mr. David Lowe through the Guatemalan press. As of 11:30 a.m. May 2, the military zone at Santa Cruz del Quiche had obtained no new information on Nicholas Blake and Griffith William Davis.

Mrs. Blake opened the initial briefing at 1010 hours by thanking Col. Lima for all the efforts that have been made by the Guatemalan government on behalf of her son Nicholas. She said that her son was a journalist who loved Guatemala. During this briefing, Randy Blake emphasized that his brother Nicholas was neither to the left nor the right in his political views, and was simply a reporter looking for a story. Randy Blake said that a Philadelphia newspaper had promised his brother Nicholas a front page article if he were able to bring back a story on the Guatemalan guerrillas.

Col. Lima said that patrols have begun throughout the area where Blake and Davis were last sighted. He said contact has been made with guerrilla forces, casualties have been suffered by Guatemalan soldiers, but that no information has yet been obtained on the whereabouts of Blake and Davis. Col. Lima did not indicate the number of casualties, nor the total number of soldiers involved in the search. The Colonel said that no guerrillas have been captured alive in its recent operations in the area, and therefore the Guatemalan army has been unable to question

CA- Hertz, Maura
Blake Davis
APR - Dec 85

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 06/26/95
Case ID: 95122206

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any as to the whereabouts of Blake and Davis.

Col. Lima told the Blake family that it was "madness" for Blake and Davis to attempt to contact the guerrillas in the area, who he said have no respect for human rights.

He said that Blake made the error of believing the Guatemalan guerrillas of the EGP (Guerrilla Army of the Poor), who are the guerrilla force in the area, were like those of El Salvador. Col. Lima said that the guerrillas in El Salvador understand the political value of the press, speak Spanish and can be contacted in the towns and highways of the conflictive areas. He said the EGP guerrillas are Indians, who do not speak Spanish correctly, do not see the importance of the press to their cause, and have been confined to mountainous areas which are difficult to reach. The Indian guerrillas have been indoctrinated to believe that foreigners are collaborators with the Guatemalan government, he said.

Randy Blake asked the colonel what the chances were that Blake and Davis would have encountered guerrillas if they had walked from Liano to Salquil. Col. Lima replied "100 percent."

The colonel said that reporters have previously visited his headquarters to tell him of plans to make contact with the EGP guerrillas. He said that his advice to these reporters has been not to enter the area, that these guerrillas are "special." However, for those who insist on going to the area anyway, he offers to send an army patrol along for their protection. The colonel said he insists that the reporters wear army fatigues so that they will not become the special target of a guerrilla attack. He said most reporters do not take him up on his offer with those conditions. He said it was unfortunate that Blake and Davis came to the area through Huehuetenango and were therefore unable to receive his advice.

Col. Lima told the Blake family the chances were "50/50" that Blake and Davis were alive, and that he "hopes to God" they are. However, he said during the second briefing that his belief was that the local EGP commander would have killed Blake and Davis if they had made contact with his forces. The colonel said the Indian guerrillas will kill for a camera, or even for a pair of pants or a shirt.

Col. Lima said there is "a possibility" that with "good luck" Blake and Davis were taken by guerrillas to the Playa Grande region of El Quiche about 50 kilometers north of Sumal and from there perhaps to Mexico. The colonel said the EGP maintains its high command in Mexico. He suggested that if the Blake family decides to make another dropping of leaflets, they should include the area between the Ixcan River in Huehuetenango and the Xaclbal River in El Quiche, which he said is a corridor used by the EGP to travel to and from Mexico.

At 1100 hours the meeting moved from the base offices to the center of the town of Santa Cruz, where Col. Lima now maintains his headquarters.

Col. Lima showed the Blake family the operations map in his office. It detailed a five-pronged combination of patrols, three to four patrols per sector, in an area of approximately 400 square kilometers stretching to the east from the El Quiche-Huehuetenango border, through the EGP stronghold in the Sumal region, north from the Huehuetenango village of Mixlaj, and south to the military base at Salquil. The colonel said the route between Llano and Salquil is not the subject of the current patrols because the Guatemalan army has already patrolled there since the disappearance of Blake and Davis. He also said the village of Llano itself is included in the Huehuetenango military zone.

During the second briefing, Col. Lima called the military zone commander in Huehuetenango to ask whether he had obtained any new information on the whereabouts of Blake and Davis. Col. Lima said that the military zone commander had replied no.

The colonel calculated the odds at "25 percent" that Blake and Davis were taken north by the guerrillas, and "75 percent" that whatever happened to them was decided by the guerrilla commander of the district in which they met up with the EGP. Col. Lima said the EGP had a well-organized network of districts and that each district had its own commander.

Col. Lima said that radio broadcasts throughout the area would also be useful in soliciting information on the whereabouts of Blake and Davis. He suggested "Radio Mundial" as one station that could make the broadcasts.

In both cases, however, Col. Lima said that the messages should be sent in the Indian dialects peculiar to the region. Col. Lima specifically mentioned the Indian dialects of Ixil, of which he said there are three kinds, and Kanjobal.

Randy Blake asked for details on fighting that has taken place in the area around where his brother was sighted, and whether such fighting might have affected his brother's situation. In response, the colonel made available to the group the situation report of his military zone for both March and April. The complete situation report was checked for any possible leads in the investigation. None was found. Specifically, no action was recorded in the area from the period March 28 through April 1. On April 2 an army patrol discovered a guerrilla cache in Finca La Vega, a village about nine kilometers south-southeast of Salquil. The same day, an army patrol made contact with guerrillas in Cosonib, about six or seven kilometers south-southeast of Salquil. On April 6, 7, 9, and 21 refugees who had formerly been under guerrilla control came into the hands of the army. None of these refugees had any information on Blake and Davis, the operations officer for Col Lima said.

Col. Lima also allowed the Blake family to question an EGP guerrilla who had recently turned himself in to the Guatemalan army. However, the former guerrilla was from an area far to the southeast of the Sumal region, and had no information on Blake and Davis.

Randy Blake asked Col. Lima what intelligence sources in the region were being used to locate Nicholas. Col Lima said that all available means were being used.

Col. Lima said the villagers in the region around Sumal are collaborators with the EGP. Therefore, it is difficult to evaluate information they might provide. The colonel also said when an army patrol enters an area known to be populated, it generally finds all the villagers have fled, or have been forced to leave by the guerrillas who, he claimed, use them as shields as they try to escape from the army.

The colonel said the patrols will continue, guerrillas encountered will be destroyed, and all attempts will be made to question people in the area on the whereabouts of Blake and Davis.

Col. Lima also offered to drive the Blake family to the town of Nebaj. The Blake family declined the offer. The colonel added that he would be glad to take them to any area they wished to visit within his zone.

When the briefing ended at 1245 hours, the Blake family again expressed its thanks to Col. Lima for his assistance. During the luncheon hosted by Col. Lima that followed, Mr. Goff said to the colonel that as a veteran he wished to make a donation so that the soldiers returning from the patrols could have beer. Col. Lima thanked Mr. Goff, but said army regulations prohibited such a donation. The visitors left the headquarters of the zone commander at approximately 1415 hours for the capital.

I hope these notes are helpful. If we find any information on either Nicholas or Griffith, we will let you know immediately.

Sincerely,

Jason Hyland
Vice Consul

cc: Col. Charles E. Stokes, Jr.
Sally Gober OCS/EMR
File

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PAGE 01 STATE 134571
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Dept. of State, RPS/IPS, Margaret P. Grafeld, Dir.
[X] Release ( ) Excise ( ) Deny ( ) Declassify
Date 2/27/02 Exemption _____

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E.O. 12356: N/A
TAGS: OREP
SUBJECT: CODEL BOREN

1. SENATOR DAVID BOREN (D-OK) PLANS TO TRAVEL TO CENTRAL AMERICA FROM MAY 10 TO 14. BOREN IS A MEMBER OF THE SENATE INTELLIGENCE COMMITTEE. HE WILL BE ACCOMPANIED BY MR. DAVE HOLLIDAY AND MR. JAMES CURRIE OF THE SSCI STAFF AND DOD ESCORT OFFICER LT. COL. TERRENCE MURRAY.

2. TRAVEL WILL BE BY MILITARY AIRCRAFT (C-140) AS FOLLOWS:

FRIDAY, MAY 10:
0800 DEPARTS ANDREWS AFB
1150 ARRIVE SAN SALVADOR

SATURDAY, MAY 11:

0800 DEPART SAN SALVADOR
0835 ARRIVE TEGUCIGALPA

SUNDAY, MAY 12:
0845 DEPART TEGUCIGALPA
0910 ARRIVE PALMEROLA

1115 DEPART PALMEROLA AIRBASE
1200 ARRIVE MANAGUA

TUESDAY, MAY 14:
0610 DEPART MANAGUA
1400 ARRIVE ANDREWS AFB

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3. FOR SAN SALVADOR: CODEL WOULD APPRECIATE MEETING WITH AMBASSADOR, COUNTRY TEAM BRIEFING AND MEETINGS WITH PRESIDENT DUARTE, MINDEF VIDES CASSANOVA, GENERAL BLANDON AND ARCHBISHOP RIVERA Y DAMAS. SENATOR HAD HOPED TO MEET BLANDON IN WASHINGTON DURING LATTER'S RECENT TRIP. CODEL ALSO INTERESTED IN MEETING WITH EX-FMLN LEADER NAPOLEON ROMERO IF POSSIBLE.

4. FOR TEGUCIGALPA: CODEL WOULD APPRECIATE MEETINGS WITH AMBASSADOR AND COUNTRY TEAM BRIEFING, PRESIDENT SUAZO, GENERAL LOPEZ AND FDN LEADERS AND VISITS TO THE DANLI REFUGEE CAMP (VIA U.S. HELICOPTER) AND PALMEROLA AIR BASE.

5. FOR MANAGUA: CODEL IS INTERESTED IN FOLLOWING MEETINGS AND ACTIVITIES:

-- AMBASSADOR AND COUNTRY TEAM BRIEFING
-- PRESIDENT ORTEGA WITH FOREIGN MINISTER D'ESCOTO
-- CARDINAL OBANDO Y BRAVO

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-- LA PRENSA EDITOR
-- ROMERO GURDIAN, HEAD OF AGRICULTURAL PRODUCER ASSOCIATION
- BRIEFING AT DEFENSE MINISTRY ON INTERNAL SECURITY
- SITUATION
-- COORDINADORA LEADERS (INCLUDING MARIO RAPACCIOLI)
-- COSEP REPRESENTATIVE (ENRIQUE BOLANOS)
-- TOUR OF MARKET
-- VISIT TO PUNTA HUETE AIRFIELD

6. FOR ALL POSTS: EMBASSY SHOULD APPOINT CONTROL OFFICER AND ADVISE DEPARTMENT OF NAME AND OFFICE AND HOME PHONE NUMBERS. FOUR SINGLE ROOMS SHOULD BE RESERVED AT APPROPRIATE HOTEL. POSTS SHOULD PROVIDE SECURITY ASSESSMENT. FISCAL DATA TO FOLLOW. DAM

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*** Current Classification *** LIMITED OFFICIAL USE

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DEPT FOR CA/OCS/EMR (GOBER) AND ARA/CEN

E.O. 12356: N/A
TAGS: CASC (DAVIS, GRIFFITH AND BLAKE, NICHOLAS)
SUBJECT: W/W: CASE OF GRIFFITH WILLIAM DAVIS AND NICHOLAS BLAKE

REF: GUATEMALA 04082

AS REQUESTED IN REFTEL, EMBASSY CONTACTED OFFICE OF PROCURADOR GENERAL IN TUXTLA GUTIERREZ, CAPITAL OF STATE OF CHIAPAS, WHO WILL PUT POLICE AND IMMIGRATION OFFICIAL IN CHIAPAS ON LOOKOUT FOR DAVIS AND BLAKE. DAO IS RELAYING INFORMATION TO MINISTRY OF DEFENSE, WHO WILL ALERT THEIR UNITS ON CHIAPAS -EL QUICHE BORDER. WILL ADVISE GUATEMALA AND DEPARTMENT OF ANY DEVELOPMENTS.

GAVIN

CA MOORA HARTY
BLAKE DAVIS
GUATEMALA

1985 MAY -6 AM 7:44

CONSULAR AFFAIRS

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 06/26/96
Case ID: 95122206

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Date Printed: 03/17/1997 DOC_NUMBER: 85MEXICO09584 CHANNEL: n/a
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PAGE 01 MEXICO 09584 01 OF 05 062231Z
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UNCLAS SECTION 01 OF 05 MEXICO 09584

FOR ARA/MEX

E.O. 12356: N/A
SUBJECT: SECOND DRAFT SPEECH FOR AMBASSADOR GAVIN

REF: JOHNSON-HIGH TELCON MAY 3, 1985

- - - - -ADDRESS BY U.S. AMBASSADOR TO MEXICO JOHN GAVIN
- - - - - - - - - - - -BEFORE THE
- - - - - - - - - - -OVERSEAS DEVELOPMENT COUNCIL

- - - - - - -WASHINGTON, D.C. MAY 8, 1985

- - - - -THE CURRENT STATE OF U.S.-MEXICAN RELATIONS

- IT IS A PLEASURE TO BE WITH YOU THIS EVENING AS A PARTICIPANT IN THE OVERSEAS DEVELOPMENT COUNCIL'S U.S.-MEXICO PROJECT.

- I THINK I CAN SAFELY SAY THAT NEVER BEFORE HAVE RELATIONS BETWEEN OUR TWO COUNTRIES BEEN AS IMPORTANT AS THEY HAVE BEEN IN THE PAST SEVERAL YEARS. THAT IS WHY I APPRECIATE THE COUNCIL'S WORK IN STRENGTHENING RELATIONS BETWEEN OUR TWO COUNTRIES IN THIS, THE TWELFTH IN A SERIES OF DINNER MEETINGS ON THIS ESSENTIAL RELATIONSHIP. I CONGRATULATE THE COUNCIL ON ITS INITIATIVE, AND IN BRINGING TOGETHER SUCH A DISTINGUISHED
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PAGE 02 MEXICO 09584 01 OF 05 062231Z

GROUP OF ACADEMICS, PUBLIC AND PRIVATE SECTOR REPRESENTATIVES HERE TONIGHT.

- IT HAS BEEN FOUR YEARS NOW THAT I HAVE BEEN YOUR REPRESENTATIVE IN THE NEVER DULL UNITED STATES OF MEXICO. NOT A DAY GOES BY THAT DOESN'T FIND THE UNITED STATES AND MEXICO DISCUSSING AND INVOLVED IN ONE ASPECT OR ANOTHER OF OUR RELATIONSHIP. THERE IS PROBABLY NO OTHER COUNTRY IN THE WORLD WITH WHICH THE UNITED STATES HAS SO MANY ISSUES TO DEAL WITH AND RESOLVE.

- I NEED NOT RELATE TO YOU ALL THE RECENT EVENTS THAT HAVE PUT OUR OFTEN COMPLEX RELATIONS IN THE NEWS. SUFFICE IT TO SAY THAT BEGINNING IN 1982 WITH THE FINANCIAL CRISIS LEADING UP TO THE SEPTEMBER 1, 1982 NATIONALIZATION OF THE MEXICAN BANKS, THE ECONOMIC SITUATION OF OUR NEIGHBOR HAS BEEN A SOURCE OF CONSIDERABLE CONCERN NOT ONLY IN THE UNITED STATES, BUT IN THE INDUSTRIALIZED COUNTRIES THAT LENT IT MONEY AND IN THE DEVELOPING COUNTRIES THAT HAVE BEEN WATCHING TO SEE HOW IT HANDLES ITS DEBT REPAYMENTS.

- THIS ECONOMIC CRUNCH HAS LED BOTH DIRECTLY AND INDIRECTLY TO AN EXACERBATION OF TWO OTHER MAJOR ISSUES WHICH HAD BEEN LYING QUIETLY AWAITING THEIR TURN IN THE LIMELIGHT. I REFER TO THE QUESTIONS OF ILLEGAL IMMIGRATION AND TRADE. A THIRD ISSUE HAS ALSO RECENTLY COME TO THE FORE. THAT IS OUR DIFFERING PERSPECTIVES ON CENTRAL AMERICA IN GENERAL AND ON NICARAGUA IN PARTICULAR.

- THIS EVENING I WOULD LIKE TO DISCUSS CANDIDLY WITH YOU THE MEXICAN ECONOMIC PICTURE AS WE IN THE EMBASSY SEE IT, AND THEN SPEND SOME TIME TALKING ABOUT A SUBJECT THAT UNCLASSIFIED

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PAGE 03 MEXICO 09584 01 OF 05 062231Z

HAS BEEN VERY MUCH IN THE PUBLIC EYE LATELY: ILLEGAL DRUGS.

- THOSE OF YOU WHO HAVE STUDIED MEXICO REALIZE THAT OUR TWO COUNTRIES HAVE MUCH IN COMMON DESPITE OBVIOUS HISTORICAL AND CULTURAL DIFFERENCES. IT IS ESSENTIAL THAT WE BUILD ON OUR AREAS OF CONVERGENCE AND LEARN TO

UNDERSTAND BETTER OUR AREAS OF DIVERGENCE. THROUGHOUT OUR NATION, BUT ESPECIALLY IN THE SOUTHWEST, OUR NATIONS ARE JOINED BY FRIENDSHIP, BY FAMILY TIES, AND BY COMMERCE.

- MEXICO IS THE THIRD LARGEST TRADING PARTNER OF THE UNITED STATES -- AFTER CANADA AND JAPAN. DURING 1984, MEXICO IMPORTED 12 BILLION DOLLARS OF GOODS FROM THE UNITED STATES WHILE WE IMPORTED 18 BILLION DOLLARS OF PRODUCTS FROM MEXICO. MEXICO IS THE LARGEST FOREIGN SUPPLIER OF U.S. ENERGY AND MINERAL NEEDS. TWO-THIRDS OF MEXICO'S TRADE IS WITH THE UNITED STATES.

- BORDER COMMERCE ALONG OUR COMMON 2000-MILE BORDER IS INTENSE, WITH MILLIONS OF PEOPLE CROSSING OUR BORDER FOR COMMERCIAL AND TOURISM REASONS. OTHER MILLIONS OF PEOPLE EARN THEIR LIVELIHOOD FROM CROSS-BORDER TRANSACTIONS. ALMOST 700 ASSEMBLY PLANTS -- MAQUILADORAS -- OPERATE IN MEXICO EMPLOYING MORE THAN 200,000 MEXICANS AND BENEFITTING BOTH OF OUR PEOPLES AND ECONOMIES.

- TWO WEEKS AGO, THE UNITED STATES AND MEXICO SIGNED AN HISTORIC AGREEMENT GIVING MEXICO THE INJURY TEST ON U.S.

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PAGE 01 MEXICO 09584 02 OF 05 062232Z

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UNCLAS SECTION 02 OF 05 MEXICO 09584

FOR ARA/MEX

E.O. 12356: N/A
SUBJECT: SECOND DRAFT SPEECH FOR AMBASSADOR GAVIN

COUNTERVAILING DUTIES INVESTIGATIONS. MEXICO, FOR ITS PART, MADE A COMMITMENT TO ELIMINATE EXPORT SUBSIDIES.

- THIS AGREEMENT IS A MILESTONE IN OUR RELATIONSHIP AND SHOULD LEAD TO SMOOTHER EXPORT FLOWS BETWEEN OUR NATIONS. AT THE SIGNING CEREMONY, MEXICO'S SECRETARY OF COMMERCE HECTOR HERNANDEZ AND THEN UNITED STATES SPECIAL TRADE REPRESENTATIVE BILL BROCK ALSO ANNOUNCED THAT THEIR STAFFS, WITH THE ASSISTANCE OF OUR EMBASSIES, WOULD BEGIN NEGOTIATIONS ON A GENERAL TRADE AND INVESTMENT AGREEMENT -- A SO-CALLED "FRAMEWORK AGREEMENT." THE FRAMEWORK AGREEMENT, IF REACHED, WOULD DEAL WITH TARIFF AND NON-TARIFF BARRIERS, INVESTMENT, AND ADMINISTRATIVE ACTIONS THAT AFFECT EACH NATION'S COMMERCE.

- AS MOST OF YOU KNOW, LAST MONTH MEXICO ALSO SIGNED IMPORTANT AGREEMENTS ON DEBT RESCHEDULING WITH MAJOR AMERICAN AND FOREIGN BANKS. ALL IN ALL, OUR ECONOMIC, FINANCIAL AND TRADE RELATIONS ARE ON AN EVEN KEEL. FURTHERMORE, I FEEL THERE ARE BRIGHT PROSPECTS FOR CONTINUED IMPROVEMENT.

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PAGE 02 MEXICO 09584 02 OF 05 062232Z

- PRESIDENT DE LA MADRID'S ADMINISTRATION MADE CONSIDERABLE PROGRESS IN STRENGTHENING THE MEXICAN ECONOMY DURING 1983 AND 1984. WHEN THE ADMINISTRATION

TOOK OFFICE AT THE END OF 1982, INFLATION WAS RUNNING AT AN ANNUAL RATE OF 100 PERCENT AND IT WAS CONTINUING TO ACCELERATE. THE PUBLIC SECTOR DEFICIT WAS EQUAL TO MORE THAN 17 PERCENT OF GDP AS PETROLEUM REVENUES COULD NOT KEEP UP WITH THE ENORMOUS INCREASE IN SPENDING. THE COUNTRY'S BALANCE OF PAYMENTS POSITION WAS WEAK, AND FOREIGN RESERVES HAD BEEN COMPLETELY EXHAUSTED.

- BY THE END OF 1984, TWO YEARS LATER, THE SITUATION REGARDING ALL OF THESE ECONOMIC MEASUREMENTS HAD IMPROVED. DURING 1984 INFLATION FELL TO ABOUT 59 PERCENT AND THE PUBLIC SECTOR DEFICIT IN RELATION TO GNP WAS LESS THAN HALF OF THE 1982 FIGURE. ADDITIONALLY, THE COUNTRY REGISTERED A TRADE SURPLUS OF ALMOST 13 BILLION AND A CURRENT ACCOUNT SURPLUS OF ABOUT 4 BILLION. THIS ENABLED THE GOVERNMENT TO BUILD UP FOREIGN EXCHANGE RESERVES WHICH BY THE END OF THE YEAR WERE IN EXCESS OF 8 BILLION.

- AT THE SAME TIME, THE ADMINISTRATION HAS TAKEN A NUMBER OF STEPS WHICH SHOULD HELP STRENGTHEN THE ECONOMY OVER THE MEDIUM- AND LONGER-TERM. PERHAPS MOST SIGNIFICANTLY, THE PUBLIC SECTOR DEBT OWED TO FOREIGN COMMERCIAL BANKS HAS BEEN RESTRUCTURED, THEREBY GREATLY REDUCING AMORTIZATION PAYMENTS OVER THE REST OF THIS DECADE AND CUTTING THE INTEREST RATES MEXICO WILL HAVE TO PAY ON ITS DEBTS. ADDITIONALLY, THE GOVERNMENT HAS SOLD MOST OF THE SHARES BACK TO THE PRIVATE SECTOR THAT IT OBTAINED IN PRIVATE COMPANIES WHEN IT NATIONALIZED THE BANKS.
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PAGE 03 MEXICO 09584 02 OF 05 062232Z

- THE MEXICAN GOVERNMENT RECENTLY ENACTED FINANCIAL LEGISLATION WHICH WILL ENHANCE THE ABILITY OF THE BANK OF MEXICO TO IMPLEMENT MONETARY POLICY AND REDUCE ITS ROLE IN FINANCING THE PUBLIC SECTOR DEFICIT. THIS LEGISLATION SHOULD ALSO STRENGTHEN THE ROLE OF NON-BANKING FINANCIAL INSTITUTIONS SUCH AS STOCKBROKERAGE HOUSES IN THE ECONOMY.

- FURTHERMORE, THE GOVERNMENT HAS ANNOUNCED THAT IT WILL BE SELLING SOME 236 PARASTATAL COMPANIES TO THE

PRIVATE SECTOR AND THAT IT PLANS TO MAKE ADDITIONAL SALES IN THE FUTURE. FINALLY, MEXICO RECENTLY SIGNED THE FINAL YEAR OF ITS EXTENDED FUND FACILITY AGREEMENT WITH THE INTERNATIONAL MONETARY FUND.

- NONETHELESS, MEXICO STILL FACES SOME SERIOUS PROBLEMS IN IMPLEMENTING ITS ECONOMIC ADJUSTMENT POLICIES. FOR EXAMPLE, OVER THE PAST FEW MONTHS INFLATION HAS BEGUN TO ACCELERATE AGAIN. GOVERNMENT SPENDING REMAINS HIGH AND THE PUBLIC SECTOR DEFICIT LOOMS AS A DIFFICULT ISSUE FOR THE AUTHORITIES IN 1985. THE EXCHANGE RATE HAS BEEN APPRECIATING IN REAL TERMS AND IN RECENT MONTHS THIS HAS BEEN REFLECTED IN A WORSENING PERFORMANCE IN THE EXPORT SECTOR.

- ADDITIONALLY, DURING THE EARLY PART OF 1985, SIGNIFICANT AMOUNTS OF CAPITAL HAVE BEEN FLOWING OUT OF THE COUNTRY AND FOREIGN EXCHANGE RESERVES HAVE DECLINED BY MORE THAN 2 BILLION AS A RESULT OF THIS FLIGHT PLUS A SHARP RISE IN IMPORTS. FINALLY, FOREIGN INVESTMENT FLOWS

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PAGE 01 MEXICO 09584 03 OF 05 062233Z
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UNCLAS SECTION 03 OF 05 MEXICO 09584

FOR ARA/MEX

E.O. 12356: N/A
SUBJECT: SECOND DRAFT SPEECH FOR AMBASSADOR GAVIN

HAVE BEEN DECLINING STEADILY SINCE 1981. DURING THE FIRST 9 MONTHS OF 1984, FOR EXAMPLE, LESS THAN 200

MILLION IN NET NEW FOREIGN INVESTMENT CAME INTO THE COUNTRY.

- THUS, WHILE THE MEXICAN GOVERNMENT HAS DONE MUCH TO RESTORE CONFIDENCE IN ITSELF AND MAINTAIN STABILITY, ITS ECONOMIC ADJUSTMENT PROGRAM IS FAR FROM OVER. THE AUTHORITIES ARE TRYING TO DEAL WITH THESE PROBLEMS. BUT GETTING THE ECONOMY BACK ON THE RIGHT PATH WILL REQUIRE A CONCERTED AND SUSTAINED EFFORT OVER SEVERAL YEARS.

- ONE AREA IN PARTICULAR WHERE MORE COULD BE DONE IS FOREIGN INVESTMENT. AT PRESENT, TOTAL FOREIGN INVESTMENT IN MEXICO IS ABOUT 13 BILLION. THIS REPRESENTS ABOUT 4 PERCENT OF TOTAL INVESTMENT IN THE ECONOMY. THIS IS MUCH LOWER THAN THE SHARE OF FOREIGN INVESTMENT IN INDUSTRIAL COUNTRIES SUCH AS THE UNITED STATES, THE UNITED KINGDOM, AUSTRALIA, AND WEST GERMANY.

- DURING THE PAST 15 MONTHS MEXICAN AUTHORITIES HAVE TAKEN SOME STEPS WHICH COULD FACILITATE FOREIGN
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PAGE 02 MEXICO 09584 03 OF 05 062233Z

INVESTMENT IN THE COUNTRY. THEY ARE NOW, FOR EXAMPLE, ALLOWING MAJORITY FOREIGN OWNERSHIP IN CERTAIN HIGH-PRIORITY SECTORS OF THE ECONOMY; THEY HAVE ALSO REDUCED THE RED TAPE INVOLVED IN APPROVING FOREIGN INVESTMENT APPLICATIONS. WE SINCERELY HOPE THAT THE

AUTHORITIES WILL LIBERALLY IMPLEMENT THESE NEW REGULATIONS AND ENACT OTHERS TO FACILITATE FOREIGN INVESTMENT FLOWS IN THE FUTURE.

- SOME OF OUR CRITICS IN MEXICO SEE RED EVERY TIME I MENTION FOREIGN INVESTMENT. WITH REASONABLE MEXICANS, WE CAN RATIONALLY DISCUSS THE ALTERNATIVES -- INCREASE DOMESTIC SAVINGS, REPATRIATE CAPITAL, INCREASE FOREIGN BORROWING. THE ANSWER, UNFORTUNATELY, INVARIABLY COMES OUT THAT FOREIGN INVESTMENT IS THE ONLY VIABLE COURSE OF ACTION.

- BUT THE CRITICS SEE A "YANKEE PLOT" IN EVERYTHING I SAY OR DO IN MEXICO. "FOREIGN INVESTMENT" HAS TAKEN ON BUZZ-WORD DIMENSIONS ALONG WITH OTHERS SUCH AS "INTERVENTION" "PROTECTIONISM," AND "PRESSURE." NOTHING NEW IN THAT, IS THERE? SOME PEOPLE WOULD RATHER MOUTH SLOGANS THAN LEARN FACTS OR THINK ABOUT THE RELATIONSHIP POSITIVELY.

- THE MOST FRIGHTENING ISSUE, BY FAR, WHICH OUR TWO NATIONS MUST DEAL WITH IS THE ISSUE OF ILLEGAL DRUGS.

- THE DIMENSIONS OF INTERNATIONAL DRUG TRAFFIC ARE STAGGERING. ABOUT 38 PERCENT OF THE HEROIN ENTERING THE UNITED STATES COMES FROM MEXICO, AND APPROXIMATELY 30 PERCENT OF THE COCAINE WHICH FLOWS INTO THE U.S. -- ABOUT 20 TONS YEARLY -- EITHER TRANSITS OR IS PROCESSED IN
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PAGE 03 MEXICO 09584 03 OF 05 062233Z

MEXICO. MEXICO NOW RANKS THIRD IN THE WORLD PRODUCTION OF MARIJUANA, AND IT IS ALSO THE NUMBER ONE SUPPLIER OF OTHER DANGEROUS DRUGS (BARBITURATES, AMPHETAMINES, DEPRESSANTS, ETC.).

- THE BRUTAL MURDERS OF OUR SPECIAL AGENT ENRIQUE CAMARENA AND THE MEXICAN PILOT ALFREDO ZAVALA AVELAR ARE PAINFUL EVIDENCE THAT BOTH OUR COUNTRIES ARE ENGAGED IN A WAR WITH DETESTABLE UNDERWORLD ELEMENTS. THE PRESIDENT OF MEXICO, LIC. MIGUEL DE LA MADRID IN HIS SEPTEMBER 1984 ANNUAL STATE OF THE UNION ADDRESS SPOKE AT LENGTH ABOUT THE DRUG PROBLEM; AND, AS YOU WILL HAVE NOTED, THE

MEXICAN ATTORNEY GENERAL'S OFFICE HAS STEPPED UP ITS EFFORTS IN THE WAR ON ILLICIT DRUGS.

- WE HAVE OBSERVED WITH GREAT SATISFACTION THE RECENT DETENTIONS OF THREE OF THE MOST INFAMOUS DRUG OVERLORDS IN MEXICO AND A NUMBER OF THEIR HENCHMEN. SOME OF THEIR ACCOMPLICES, IT IS PAINFUL TO NOTE, HAVE BEEN MEXICAN LAW ENFORCEMENT AGENTS. THE ARRESTS DEMONSTRATE NOT ONLY THE SERIOUSNESS OF PRESIDENT DE LA MADRID'S COMMITMENT TO FIGHT DRUG TRAFFICKING BUT ALSO, UNFORTUNATELY, THE CORRUPTION THAT MAKES THIS KIND OF ILLEGAL ACTIVITY POSSIBLE. IT IS TOO EARLY, HOWEVER, TO FALL INTO THE TRAP OF SELF-CONGRATULATIONS. WHAT HAS BEEN TURNED-UP IS JUST THE "TIP OF THE ICEBERG."

- THE UNITED STATES, HOWEVER, CANNOT BE SANCTIMONIOUS ABOUT ILLICIT DRUGS. WE HAVE OUR OWN CORRUPTION, AND WE HAVE THE LION'S SHARE OF THE WORLD NARCOTICS MARKET. (PERHAPS, CONSIDERING WHAT DRUGS DO TO YOU, WE SHOULD

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PAGE 01 MEXICO 09584 04 OF 05 062234Z
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UNCLAS SECTION 04 OF 05 MEXICO 09584

FOR ARA/MEX

E.O. 12356: N/A
SUBJECT: SECOND DRAFT SPEECH FOR AMBASSADOR GAVIN

CALL IT THE "DONKEY'S SHARE.") MORE THAN 20 MILLION AMERICANS USE MARIJUANA (AT LEAST ONCE A MONTH) AND DON'T LET ANYBODY TELL YOU IT'S NOT ADDICTIVE OR DESTRUCTIVE. OVER FIVE MILLION PEOPLE ARE CURRENT USERS OF COCAINE AND DON'T LET ANYBODY TELL YOU IT'S NOT ADDICTIVE OR DESTRUCTIVE. APPROXIMATELY ONE-HALF MILLION AMERICANS ARE HEROIN ADDICTS AND I HOPE NO ONE TRIES TO TELL YOU IT'S NOT ADDICTIVE OR DESTRUCTIVE. ADD TO THESE STATISTICS THE ABUSE OF OTHER DRUGS AND ALCOHOL AND YOU HAVE A FRIGHTENING PICTURE OF WHERE "COLUMBIA THE GEM OF THE OCEAN" MIGHT BE HEADED.

- FORTUNATELY, HOWEVER, NEW STATISTICS INDICATE A BETTER THAN HOPELESS SITUATION. IN THE 1980S THERE HAS BEEN A LEVELING OFF IN THE USE OF DRUGS. YOUTHFUL DRUG INVOLVEMENT HAS ACTUALLY BEGUN TO DECLINE -- LARGELY AS A RESULT OF DETERMINED INDIVIDUAL, COMMUNITY AND GOVERNMENT DECISIONS TO TAKE A FIRM STAND AGAINST DRUG ABUSE AND TO EDUCATE OUR YOUNG PEOPLE ABOUT THE DANGERS THEY FACE.

- PRESIDENT AND MRS. REAGAN HAVE COMMITTED THEMSELVES TO FIGHT ILLICIT DRUGS. JUST TWO WEEKS AGO IN WASHINGTON
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PAGE 02 MEXICO 09584 04 OF 05 062234Z

AND IN ATLANTA, NANCY REAGAN HOSTED FIRST LADIES FROM 18 NATIONS AT A MAJOR DRUG ERADICATION AND PREVENTION CONFERENCE.

- SRA. DE LA MADRID ACCEPTED MRS. REAGAN'S INVITATION AND WAS A PARTICIPANT IN THIS LANDMARK CONFERENCE ORGANIZED BY PRIDE -- THE PARENT'S RESOURCE INSTITUTE FOR DRUG EDUCATION. WE WISH THEM WELL IN THESE NOBLE EFFORTS.

- THERE ARE APPROXIMATELY ELEVEN COUNTRIES IN THE WORLD WHICH PRODUCE AND EXPORT ILLEGAL DRUGS. THERE ARE OTHER COUNTRIES WHICH ARE USED AS CONDUITS OR "TRAMPOLINES" FOR THESE DRUGS. NONE OF THESE COUNTRIES HAS SAVED ITSELF FROM THE EVIL OF DRUGS ON ITS OWN SOCIETY.

- COLOMBIA IS A RAGING EXAMPLE. THERE THE DRUG OVERLORDS HAVE TYRANNIZED WHOLE REGIONS. THEY HAVE ACHIEVED POLITICAL POWER THROUGH BOUGHT CANDIDATES; THEY HAVE ASSASSINATED HIGH OFFICIALS; THEY HAVE, WITH A CIGARETTE-LIKE LOAD OF POISON CALLED A "BAZOOKA," DESTROYED THE BRAINS OF THOUSANDS OF THEIR CHILDREN AND YOUNG PEOPLE.

- ITALY, A CONDUIT COUNTRY, HAS 170,000 HEROIN ADDICTS -- A MUCH HIGHER PER CAPITA RATE THAN IN THE U.S. WHERE, AS I SAID, WE HAVE 500,000 HOOKED ON THAT JUNK. FRANCE IS ALSO SUFFERING FOR ITS INVOLVEMENT WITH DRUGS. SO ARE THE REST.

- BUT WE ARE CONCERNED TODAY WITH THE RELATIONSHIP BETWEEN MEXICO AND THE U.S. WE HAVE A MUTUAL PROBLEM. IF WE ALLOW IT TO FLOURISH IT WILL DESTROY NOT ONLY OUR RELATIONSHIP BUT OUR SOCIETIES.
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PAGE 03 MEXICO 09584 04 OF 05 062234Z

- NO AMOUNT OF MONEY OR PROGRAMS, HOWEVER, WILL SOLVE THIS PROBLEM -- THIS MUTUAL PROBLEM -- UNLESS THERE IS A NATIONAL COMMITMENT IN BOTH OUR COUNTRIES TO FIGHT. DRUG USE WILL CONTINUE; CORRUPTION WILL ESCALATE; AND MORE BRAINS THAN WE CAN AFFORD TO LOSE WILL BE TURNED TO JELLY, UNLESS OUR PEOPLE -- ON BOTH SIDES OF THE BORDER. WHICH UNITES US -- SAY "BASTA," ENOUGH. UNLESS BOTH OUR NATIONS COMMIT TO THIS CAMPAIGN WE SHALL NOT ONLY NOT FIND A SOLUTION, WE SHALL CONTINUE TO BE PART OF THE PROBLEM.

- IN SPANISH THE WORD FOR NARCOTIC IS "ESTUPEFACIENTE." AMONG OTHER WORDS WITH THE SAME ROOT ARE: "ESTUPEFACTO" MEANING STUPEFIED; "ESTUPEFACCION"

MEANING NUMBNESS; AND "ESTUPIDO" MEANING STUPID. SMART DOES NOT HAVE A COGNATE WORD IN SPANISH; IT TRANSLATES AS "VIVO." I WOULD SUGGEST IT IS TIME WE ALL WERE "MAS VIVOS."

- IN CLOSING, I WOULD LIKE TO SAY A FEW WORDS ABOUT OUR FALLEN COMRADE ENRIQUE CAMARENA (KIKI TO HIS FRIENDS). KIKI WAS BORN IN MEXICALI, BAJA CALIFORNIA. HE WAS RAISED ACROSS THE BORDER IN CALEXICO AND GRADUATED FROM CALEXICO HIGH SCHOOL IN 1966. AFTER SERVING IN THE U.S. MARINES IN VIETNAM -- WHERE HE LOST A BROTHER -- AND LOCAL LAW ENFORCEMENT AGENCIES IN CALIFORNIA, KIKI JOINED THE DRUG ENFORCEMENT ADMINISTRATION (IN 1975). BEFORE GOING TO GUADALAJARA, HE SERVED WITH DISTINCTION IN FRESNO, CALIFORNIA.

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PAGE 01 MEXICO 09584 05 OF 05 062234Z
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UNCLAS SECTION 05 OF 05 MEXICO 09584

FOR ARA/MEX

E.O. 12356: N/A
SUBJECT: SECOND DRAFT SPEECH FOR AMBASSADOR GAVIN

- KIKI PERSONIFIED THE BEST OF BOTH OF OUR NATIONS. HE WAS PROUD OF HIS MEXICAN ORIGINS. HE WAS ALSO PROUD OF HIS UNITED STATES CITIZENSHIP. WE ARE PROUD OF HIM.

- MICA CAMARENA, KIKI'S BEAUTIFUL AND COURAGEOUS WIDOW, RECENTLY WROTE THE CONSULATE GENERAL IN GUADALAJARA EXPRESSING HER THANKS TO ALL HER MEXICAN AND AMERICAN FRIENDS FOR THEIR PRAYERS AND HELP DURING THE TRYING TIMES SHE AND HER CHILDREN RECENTLY WENT THROUGH. WE ARE PROUD OF HER ALSO.

- THE LIFE AND DEATH OF ENRIQUE CAMARENA SHOWS US THAT WE HAVE TO RENEW -- AND INCREASE -- OUR DETERMINATION TO WORK TOGETHER IN FURTHERING A FRIENDSHIP WHICH MUST BE BASED ON MUTUAL RESPECT. IT IS UP TO ALL OF US, MEXICANS AND AMERICANS ALIKE, TO MAKE THE BEST OF OUR GEOGRAPHICAL PROXIMITY.

- THAT IS A SPECIAL CHALLENGE WHICH YOU WHO ARE STUDENTS OF MEXICO ARE ESPECIALLY ABLE TO MEET. DURING THESE PAST FOUR YEARS, I HAVE SPOKEN BEFORE MANY GROUPS
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PAGE 02 MEXICO 09584 05 OF 05 0622342

IN THE UNITED STATES AND MEXICO. IN ALL OF THESE MEETINGS, I HAVE TRIED TO PRESENT THE TRUTHS IN OUR RELATIONSHIP. IN MOST CASES, I BELIEVE MY AUDIENCES HAVE UNDERSTOOD
ME.

- UNFORTUNATELY, HOWEVER, THE PERSPECTIVES OF SOME MEXICANS -- AND AMERICANS TOO -- ARE ENCUMBERED BY A LOT OF HISTORICAL BAGGAGE AND MISPERCEPTIONS. IT IS MY JOB *(AND I WOULD HOPE THAT YOU WILL ALSO CONSIDER IT YOURS)* TO OVERCOME THESE DISTORTIONS, TO REFUTE THESE UNFOUNDED

ALLEGATIONS -- AND TO DO IT WITH PATIENCE, ACCURACY AND, OF COURSE, AFFECTION.

- THEREFORE, SHOULD YOU COME ACROSS A WILD ALLEGATION SUCH AS, FOR EXAMPLE, THAT MY EMBASSY OR I PERSONALLY ARE LEADING A CAMPAIGN AGAINST MEXICO, (OR FOR THAT MATTER THAT THE UNITED STATES GOVERNMENT IS TRYING TO DESTABILIZE MEXICO) THAT YOU, IN EFFECT, REQUEST A RHETORICAL WRIT OF HABEAS CORPUS. DEMAND TO SEE THE FACTS, THE NAMES AND DATES, BEHIND THE CHARGES RATHER THAN ACCEPTING BROAD GENERALIZATIONS DEVOID OF SPECIFICS. IF THIS STATEMENT SEEMS ODD TO YOU, LET ME ASSURE YOU THAT WE COME ACROSS THESE KINDS OF CHARGES EVERY DAY.

- WE RESPOND TO THESE SCURRILOUS ATTACKS AS A MATTER OF COURSE. AND I AM PLEASED TO NOTE THAT RESPONSIBLE MEXICANS AGREE WITH US THAT THE RELATIONSHIP CANNOT ADVANCE BY SHAMELESS ATTEMPTS TO MAKE THE UNITED STATES THE SCAPEGOAT OF ALL OF MEXICO'S ILLS. THE MESSAGE WE HAVE TRIED TO CONVEY THE LAST FOUR YEARS IS THIS: A MATURE RELATIONSHIP CANNOT BE ACHIEVED BY MAKING ONE OF THE PARTIES A WHIPPING BOY; ABOVE ALL, RESPECT IS A UNCLASSIFIED

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PAGE 03 MEXICO 09584 05 OF 05 062234Z

TWO-WAY STREET.

- NO LAWYER WORTH HIS SALT WOULD GO INTO COURT ARMED ONLY WITH ALLEGATIONS. AND THE RELATIONSHIP BETWEEN MEXICO AND THE UNITED STATES IS TOO IMPORTANT TO ALLOW THE MERCHANTS OF DISINFORMATION TO DUCK THE RULES OF EVIDENCE.

- IN REPRESENTING YOU, WE WILL CONTINUE TO ASK FOR THE FACTS; DEMAND THE TRUTH; AND INSIST THAT, AS THEY TELL US IN THE ENGLISH COURTS (WHICH ARE PART OF OUR HERITAGE) THAT RIGHT BE DONE.

- THANK YOU. KERN

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PAGE 01 MEXICO 09638 01 OF 03 071920Z
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EXDIS

DEPARTMENT PASS FEDERAL RESERVE BOARD AND TREASURY WASHDC

E.O. 12356: DECL: 5/6/91
TAGS: EFIN, ECON, MX
SUBJECT: MEXICAN ECONOMIC TROUBLES

1. SUMMARY. SINCE THE LAST QUARTER OF 1984 THERE HAVE BEEN INCREASING SIGNS THAT MEXICO IS FACING SOME SERIOUS ECONOMIC PROBLEMS. AMONG THE MAJOR DIFFICULTIES ARE ON-GOING INFLATIONARY PRESSURES, THE PUBLIC SECTOR DEFICIT, A DETERIORATING BALANCE OF PAYMENTS PERFORMANCE, CONTINUED APPRECIATION OF THE EXCHANGE RATE, DECLINING DEPOSITS IN THE BANKING SYSTEM IN SPITE OF RISING INTEREST RATES, LOW LEVELS OF FOREIGN INVESTMENT, ACCELERATING CAPITAL FLIGHT, AND OVERHEATING OF THE ECONOMY. THIS CABLE PROVIDES A COMPREHENSIVE OVERVIEW OF MACROECONOMIC TRENDS, DRAWN PRIMARILY FROM EMBASSY'S PREVIOUS REPORTING. OUR ASSESSMENT IS THAT THE MEXICAN ECONOMIC AND FINANCIAL SITUATION REMAINS DELICATE AND THAT MEXICAN AUTHORITIES FACE DIFFICULT DECISIONS OVER THE NEXT 12-18 MONTHS. END SUMMARY.

2. AFTER MAKING SUBSTANTIAL PROGRESS IN ADJUSTING THE ECONOMY DURING ITS FIRST 21 MONTHS IN OFFICE, THE DE LA MADRID ADMINISTRATION HAS FACED AN INCREASINGLY [redacted]

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PRECARIOUS SITUATION DURING THE PAST HALF YEAR. ONE OF THE PRINCIPAL PROBLEM AREAS HAS BEEN INFLATION. AFTER REDUCING THE MONTHLY RATE FROM ALMOST 11 PERCENT IN JANUARY 1983 TO LESS THAN 3 PERCENT IN AUGUST 1984, THE RATE OF INFLATION HAS BEGUN TO ACCELERATE SINCE THAT TIME. DURING THE FIRST THREE MONTHS OF 1985 INFLATION HAS BEEN VIRTUALLY THE SAME AS IT WAS DURING THE SAME PERIOD LAST YEAR AND THE COUNTRY IS SURE TO MISS ITS OFFICIAL 35 PERCENT TARGET FOR THE YEAR BY A WIDE MARGIN.

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3. EVEN WITH REDUCTIONS IN THE RATE OF INFLATION IN THE COMING MONTHS, INFLATION FOR THE YEAR IS LIKELY TO BE AT LEAST 50-55 PERCENT (AS COMPARED WITH 59 PERCENT IN 1984) AND IT COULD BE EVEN HIGHER UNLESS THE GOM KEEPS A TIGHT LID ON A WIDE RANGE OF PRICE CONTROLLED PRODUCTS. THIS WOULD MEAN THAT INFLATIONARY PRESSURES WERE SIMPLY SURPRESSED (AND WOULD HAVE TO BE CORRECTED IN SUBSEQUENT PERIODS) AND THAT THERE WOULD BE LARGER PRESSURES ON THE PUBLIC SECTOR DEFICIT SINCE COSTS WOULD BE RISING FASTER THAN PRICES.

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4. THE FAILURE TO MAKE CONTINUED PROGRESS IN REDUCING INFLATION HAS MEANT THAT THE GOM HAS HAD TO ALTER ITS STRATEGY IN OTHER AREAS, NOTABLY INTEREST RATES AND THE EXCHANGE RATE. UNTIL THE LAST QUARTER OF 1984 THE GOVERNMENT WAS ABLE TO REDUCE PROGRESSIVELY INTEREST RATES BUT STILL ATTRACT INCREASING (IN REAL TERMS) MONETARY FLOWS INTO THE DOMESTIC BANKING SYSTEM BECAUSE THE EFFECTIVE YIELDS ON THESE DEPOSITS WERE POSITIVE. HOWEVER, SINCE THE BEGINNING OF 1985 THE FLOWS OF NEW DEPOSITS INTO THE BANKING SYSTEM HAVE BEEN HIGHLY NEGATIVE IN REAL TERMS AND THE BANK OF MEXICO HAS BEEN FORCED TO RAISE INTEREST RATES ON SHORT-TERM TIME

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PAGE 03 MEXICO 09638 01 OF 03 071920Z

DEPOSITS BY AS MUCH AS 8 PERCENTAGE POINTS. EVEN WITH THIS INCREASE, HOWEVER, YIELDS HAVE REMAINED NEGATIVE COMPARED WITH ANNUALIZED INFLATION RATES FOR THE FIRST THREE MONTHS OF THE YEAR.

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5. THE RESOURCES PREVIOUSLY FLOWING INTO THE BANKING SYSTEM NOW SEEM TO BE EITHER FLOWING TO THE GOVERNMENT

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TO HELP FINANCE ON-GOING HIGH LEVELS OF EXPENDITURES (TREASURY BILLS NOW PAY SEVERAL PERCENTAGE POINTS MORE THAN DEPOSITS IN THE BANKS) OR LEAVING THE COUNTRY IN THE FORM OF CAPITAL FLIGHT. THE SHORTAGE OF LIQUIDITY IN THE BANKING SYSTEM IS LIKELY TO CONTINUE AND THIS COULD SOON BEGIN TO AFFECT PRIVATE SECTOR ACTIVITY IN THE ECONOMY.

6. THE EFFECT OF INFLATION ON THE EXCHANGE RATE IS ALSO EVIDENT. WE ESTIMATE THAT LAST YEAR THE CONTROLLED MARKET PESO, WHICH ACCOUNTS FOR OVER 80 PERCENT OF ALL FOREIGN TRANSACTIONS, APPRECIATED BY ABOUT 15 PERCENT IN REAL TERMS. THE GOVERNMENT ACCELERATED THE DAILY RATE OF SLIDE OF THE PESO AGAINST THE U.S. DOLLAR FROM 13 CENTAVOS PER DAY TO 17 CONTAVOS PER DAY IN DECEMBER. IN MARCH IT WAS AGAIN FORCED TO INCREASE THE DAILY RATE OF SLIDE TO 21 CENTAVOS PER DAY. EVEN SO, THE EXCHANGE RATE HAS CONTINUED TO APPRECIATE IN REAL TERMS. AFTER A PERIOD OF UNDEREVALUATION BEGINNING IN 1982 MANY ANALYSTS BELIEVE THAT THE CONTROLLED RATE HAS NOW BECOME SLIGHTLY OVERVALUED AGAIN.

7. DEVELOPMENTS REGARDING THE EXCHANGE RATE COMBINED WITH

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EXDIS

DEPARTMENT PASS FEDERAL RESERVE BOARD AND TREASURY WASHDC

E.O. 12356: DECL: 5/6/91
TAGS: EFIN, ECON, MX
SUBJECT: MEXICAN ECONOMIC TROUBLES

ACCELERATED ECONOMIC GROWTH AND FALLING WORLD PETROLEUM PRICES HAVE ALSO HAD ADVERSE CONSEQUENCES FOR THE BALANCE OF PAYMENTS. THE RATE OF GROWTH OF NON-PETROLEUM EXPORTS BEGAN TO SLIDE MARKEDLY AFTER MID 1984. DURING THE FIRST TWO MONTHS OF 1985 THESE EXPORTS HAVE REGISTERED SUBSTANTIAL DECLINES COMPARED TO THE SAME PERIOD LAST YEAR. AT THE SAME TIME, IMPORTS HAVE BEEN ACCELERATING RAPIDLY (UP 42 PERCENT FOR THE FIRST TWO MONTHS OF THE YEAR) THEREBY CONTRIBUTING TO A SUBSTANTIAL DECLINE IN THE TRADE SURPLUS SO FAR THIS YEAR. WE EXPECT THIS DETERIORATING TRADE PERFORMANCE TO CONTINUE, AT LEAST FOR THE NEXT SEVERAL MONTHS AND MAYBE LONGER IN THE ABSENCE OF POLICIES TO TEMPER THE RATE OF ECONOMIC GROWTH AND MAKE THE EXCHANGE RATE MORE ATTRACTIVE TO EXPORTERS. AN ADDITIONAL PROBLEM IS THE PERCEPTION AMONG EXPORTERS THAT THE GOVERNMENT DOES NOT REALLY INTEND TO PURSUE POLICIES OVER THE MEDIUM TO LONGER TERM TO BOLSTER EXPORTS. FOR EXAMPLE, EARLY IN THEYEAR THE GOVERNMENT ANNOUNCED THE DIMEX PROGRAM WHICH WOULD HAVE ALLOWED

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PAGE 02 MEXICO 09638 02 OF 03 071921Z

MEXICAN EXPORTERS EASIER ACCESS TO IMPORTS. AFTER MUCH OPPOSITION FROM SEVERAL OF THE MINISTRIES (ESPECIALLY PARTS OF COMMERCE) AND SEVERAL KEY INDUSTRIAL CHAMBERS

[redacted]

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OF COMMERCE THE IDEA APPARENTLY HAS BEEN DROPPED FOR THE MOMENT.

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8. SO FAR THE INTERNATIONAL PETROLEUM SITUATION HAS NOT HAD SERIOUS ADVERSE CONSEQUENCES FOR MEXICO. THE ONLY DOWNWARD PRICE ADJUSTMENT HAS BEEN $1.25 PER BARREL FOR LIGHT CRUDE EXPORTS WHICH ON AN ANNUAL BASIS WILL ONLY COST THE COUNTRY $200-300 MILLION. HOWEVER, THE INTERNATIONAL MARKET REMAINS SOFT AND IT IS POSSIBLE THAT THERE MAY BE ADDITIONAL DOWNWARD PRICE ADJUSTMENTS BEFORE THE END OF THE YEAR WHICH WOULD PRODUCE ADDITIONAL BALANCE OF PAYMENTS PRESSURES FOR THE COUNTRY. A FALL IN AVERAGE PETROLEUM PRICES OF U.S. $4.00 OR MORE PER BARREL COULD BE PARTICULARLY DIFFICULT FOR THE AUTHORITIES.

-

9. WHILE OFFICIAL STATISTICS ARE NOT YET AVAILABLE, IT IS OUR IMPRESSION THAT THE ECONOMY HAS BEEN GROWING AT A VERY RAPID RATE OVER THE PAST 6-8 MONTHS. PUBLIC SECTOR EXPENDITURES AND THE PUBLIC SECTOR DEFICIT BOTH INCREASED SHARPLY DURING THE LAST QUARTER OF 1984 AND IT APPEARS THAT THE PATTERN OF HIGH EXPENDITURES WILL CONTINUE AT LEAST DURING THE FIRST HALF OF THIS YEAR, PARTLY IN ANTICIPATION OF THE JULY ELECTIONS. PRIVATE SECTOR ACTIVITY HAS ALSO PICKED UP FROM THE EXTREMELY DEPRESSED LEVELS OF 1983 AND THE FIRST HALF OF 1984. THE NET EFFECT IS THAT THE ECONOMY IS PROBABLY GROWING AT A MUCH HIGHER RATE THAN DESIRABLE AT THIS STAGE IN THE ECONOMIC ADJUSTMENT PROCESS.

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10. THE PUBLIC SECTOR DEFICIT IS AN AREA WHERE POLICY-

[redacted]

[redacted]

PAGE 03 MEXICO 09638 02 OF 03 071921Z

MAKERS MADE GOOD PROGRESS THROUGH SEPTEMBER 1984 BUT THEY NOW APPEAR TO BE ENCOUNTERING IMPEDIMENTS IN MAKING FURTHER REDUCTIONS IN THE RATIO OF THE DEFICIT TO GDP. BETWEEN 1982 AND 1983 THE FINANCIAL DEFICIT WAS REDUCED FROM MORE THAN 17 PERCENT OF GDP TO 8.7 PERCENT OF GDP. LAST YEAR PROGRESS WAS MUCH SLOWER AND THE GOM MISSED ITS 5.5 PERCENT TARGET BY A COMSIDERABLE MARGIN. OFFICIALLY THE DEFICIT WAS 7.4 PERCENT OF GDP ALTHOUGH WE SUSPECT THAT WITHOUT SOME CREATIVE ACCOUNTING PROCEDURES THE REAL FIGURE WOULD HAVE BEEN OVER 8 PERCENT OF GDP. MUCH OF

[redacted]

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THIS SHORTFALL WAS GENERATED IN THE LAST QUARTER OF THE YEAR. UNDER MEXICO'S IMF PROGRAM THE FINANCIAL DEFICIT IS SLATED TO BE SLIGHTLY LESS THAN
5 PERCENT OF GDP FOR 1985 BUT THERE IS LITTLE CHANCE THAT THIS FIGURE CAN BE ACHIEVED. THE GOVERNMENT STRATEGY SEEMS TO BE TO KEEP SPENDING HIGH UNTIL THE JULY ELECTIONS AND THEN INSTITUTE A MORE AUSTERE APPROACH IN THE SECOND HALF OF THE YEAR. HOWEVER, BY SO DOING THE AUTHORITIES COULD BE RISKING A SERIOUS RECESSION, A PRICE WHICH THEY PROBABLY WOULD NOT BE WILLING TO PAY. MOREOVER, SUCH A STRATEGY PRESUMES A CONTINUING HIGH RATE OF ACTIVITY IN THE PRIVATE SECTOR, AN ASSUMPTION WHICH IS FAR FROM BEING ASSURED.

11. ADDING TO CURRENT DIFFICULTIES HAS BEEN AN ACCELERATING OUTFLOW OF CAPITAL FROM THE COUNTRY. OVER THE PAST FOUR MONTHS WE ESTIMATE THAT MEXICO HAS LOST AT LEAST $2-3 BILLION IN FOREIGN EXCHANGE RESERVE
S.
THIS IS A RATE OF LOSS WHICH THE COUNTRY CANNOT SUSTAIN FOR VERY LONG WITHOUT FACING ANOTHER CRISIS. OFFICIAL

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PAGE 01 MEXICO 09638 03 OF 03 071922Z
ACTION SS-25

INFO LOG-00 COPY-01 ADS-00 SSO-00 /026 W
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FM AMEMBASSY MEXICO
TO SECSTATE WASHDC IMMEDIATE 9260

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[redacted] SECTION 03 OF 03 MEXICO 09638

DEPARTMENT PASS FEDERAL RESERVE BOARD AND TREASURY WASHDC

EXDIS

E.O. 12356: DECL: 5/6/91
TAGS: EFIN, ECON, MX
SUBJECT: MEXICAN ECONOMIC TROUBLES

RESERVES AT THE END OF 1984 WERE SLIGHTLY MORE THAN $8 BILLION AND THE AUTHORITIES MAY HAVE SOME ADDITIONAL HIDDEN RESERVES. EVEN SO, SHOULD PRESENT TRENDS CONTINUE, BY THE END OF THE YEAR THE RESERVE SITUATION WOULD AGAIN BE VERY TOUCHY. MOREOVER, THESE DEVELOPMENTS COMBINED WITH A SHRINKING TRADE SURPLUS COULD FORCE THE AUTHORITIES TO REVISE THEIR ESTIMATED NET EXTERNAL BORROWING REQUIREMENTS ($1 BILLION) UPWARD, A MOVE WHICH WOULD MAKE MEXICO'S EXTERNAL CREDITORS AND THE IMF QUITE UNHAPPY.

12. TRENDS IN FOREIGN INVESTMENT ALSO HAVE NOT BEEN ENCOURAGING AND DESPITE GOM LIP SERVICE TO THE CONTRARY IT DOES NOT APPEAR THAT MEXICO IS MAKING A CONCERTED EFFORT TO ATTRACT NEW EQUITY FUNDS FROM ABROAD. ACCORDING TO BANK OF MEXICO FIGURES FOREIGN INVESTMENT HAS DECLINED FROM NEARLY $1.2 BILLION IN 1981 TO LESS THAN $200 MILLION DURING THE FIRST NINE MONTHS OF 1984. IN SPITE OF CONSIDERABLE INTEREST IN THE MEXICAN MARKET,

[redacted]

PAGE 02 MEXICO 09638 03 OF 03 071922Z

MANY FOREIGN BUSINESSMEN CONTINUE TO REPORT CONSIDERABLE FRUSTRATIONS IN TRYING TO GET INVESTMENT PROJECTS APPROVED.

13. AN ADDITIONAL CONCERN SEEMS TO BE INCREASING

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DISSENTION IN THE PRESIDENT'S ECONOMIC CABINET AS TO THE FUTURE COURSE OF ECONOMIC POLICY. OVER THE FIRST TWO YEARS OF THE ADMINISTRATION THE FORCES FAVORING CONTINUED ECONOMIC ADJUSTMENT (E.G., FINANCE MINISTER JESUS SILVA-HERZOG AND BANK OF MEXICO DIRECTOR GENERAL MIGUEL MANCERA) GENERALLY CARRIED THE DAY. HOWEVER, IT IS OUR IMPRESSION THAT THEIR INFLUENCE MAY BE DECLINING WHILE THAT OF SECRETARY OF PROGRAMMING AND BUDGET CARLOS SALINAS AND FOREIGN MINISTER BERNARDO SEPULVEDA, WHO GENERALLY FAVOR EVEN MORE GOVERNMENT SPENDING, SEEM TO BE INCREASING. THE PRESIDENT HIMSELF IS CAUGHT IN A DIFFICULT BIND BECAUSE, WHILE REALIZING THE NEED FOR ON-GOING ECONOMIC ADJUSTMENT, HE FEARS THE POSSIBLE NEGATIVE POLITICAL RAMIFICATIONS SHOULD THE ECONOMY BEGIN TO MOVE INTO A RECESSION AGAIN. FURTHERMORE, AS WITH THE PREVIOUS TWO ADMINISTRATIONS IN MEXICO, HE MAY FACE GREATER PRESSURES DURING THE SECOND HALF OF HIS TENURE IN OFFICE TO PURSUE EXPANSIONARY POLICIES.

14. ALL IN ALL, MEXICO IS FAR FROM OUT OF THE WOODS IN RESOLVING ITS ECONOMIC PROBLEMS AND THE NEXT 12-18 MONTHS COULD BE THE MOST DIFFICULT SO FAR FOR THE AUTHORITIES. THE DECISIONS THEY MAKE DURING THIS PERIOD WILL HAVE IMPORTANT IMPLICATIONS FOR MEXICO'S LONG-TERM ECONOMIC ADJUSTMENT PROCESS (AS WELL AS THAT OF OTHER HIGH DEBT LDC'S). IN RECENT MONTHS DECISIONMAKERS HAVE NOT BEEN PRESSING FOR THE NECESSARY STRUCTURAL CHANGES (E.G., CONTINUED REDUCTION IN THE PUBLIC SECTOR DEFICIT,

[redacted]

PAGE 03 MEXICO 09638 03 OF 03 071922Z

INCREASING THE RATIO OF EXPORTS TO GDP, OPENING THE ECONOMY, MAKING DOMESTIC INDUSTRY MORE COMPETITIVE, ETC.) AND WE HAVE RESERVATIONS ABOUT THEIR ABILITY TO DO SO OVER THE REST OF THE YEAR.

15. THIS IS LIKELY TO BE A PIVOTAL PERIOD FOR MEXICO. WHILE THE AUTHORITIES HAVE TAKEN SOME POSITIVE STEPS DURING THE 1984 AND EARLY 1985 PERIOD (E.G., SALES OF PRIVATE COMPANY SHARES BY THE NATIONALIZED BANKS, NEW FINANCIAL LEGISLATION, DEBT RESCHEDULING, SALES OF SOME PARASTATAL COMPANIES) WE ARE WORRIED ABOUT THE OVERALL DIRECTION OF THE ECONOMY. THUS ECONOMIC DEVELOPMENTS

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IN THE COUNTRY WILL CONTINUE TO MERIT CLOSE ATTENTION FROM CREDITOR COUNTRIES, THE BANKS AND THE IMF.
DRAFTED BY J.V.SWEENEY. BUSBY

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PAGE 01 GUATEM 04539 091333Z
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P 091329Z MAY 85
FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC PRIORITY 8295
AMEMBASSY MEXICO

UNCLAS GUATEMALA 04539

DEPARTMENT FOR CA/OCS/EMR

E.O. 12356: N/A
TAGS: CASC, GT (DAVIS, GRIFFITH AND BLAKE, NICHOLAS)
SUBJECT: W/W: CASE OF GRIFFITH DAVIS AND NICHOLAS BLAKE - UPDATE AS OF COB 5/8/85

REF: GUATEMALA 4313

1. SUMMARY: THERE HAVE BEEN NO RECENT DEVELOPMENTS. END SUMMARY.

2. ON THE EVENING OF MAY 3, PRIVATE SECURITY CONSULTANT CARL WEST, WHO HAS BEEN EMPLOYED BY THE BLAKE FAMILY AND FRIENDS OF DAVIS, ADVISED EMBOFF THAT HE HAD LEARNED THERE WAS A "FIREFIGHT" BETWEEN LEFTIST GUERRILLAS AND GOG MILITARY IN THE AREA WHERE DAVIS AND BLAKE WERE LAST KNOWN TO BE. ACCORDING TO WEST, THIS FIREFIGHT TOOK PLACE ON OR ABOUT APRIL 28. FOLLOWING, THREE "GRINGO TYPE" BODIES (ONE WOMAN, TWO MEN) WERE FOUND. WEST SAID HE HAD NO FURTHER INFORMATION, BUT WOULD ATTEMPT TO VERIFY FURTHER THIS REPORT. HE DID NOT SAY WHETHER HE HAD PASSED THIS INFORMATION TO HIS CLIENTS, MRS. BLAKE IN PHILADELPHIA OR MIKKI LINDKEN IN PANAJACHEL, GUATEMALA.

3. EMBASSY HAS THOROUGHLY CHECKED THIS REPORT AND IT APPEARS TO BE COMPLETELY FALSE. THERE WAS NO FIREFIGHT AND THERE WERE NO BODIES.

4. AS OF 1700 HOURS LOCAL TIME ON MAY 7, THE G-2 OF THE GUATEMALAN ARMY, COL. DORANTES, ADVISED THE DEFENSE ATTACHE THAT NONE OF THE ARMY PATROLS IN THE SEARCH AREA HAD DISCOVERED ANY TRACE OF BLAKE OR DAVIS.

5. CARLOS AVILES, THE PROPRIETOR OF THE SMALL HOTEL IN ANTIGUA WHERE BLAKE HAD BEEN STAYING, HAS NOT REPORTED RECEIPT OF ANY FURTHER NOTES. PIEDRA

CA- Hasty, Maura
Blake Davis
APR - Dec 85

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 06/27/95
Case ID: 9512206

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PAGE 01 GUATEM 04546 091958Z
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FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC IMMEDIATE 8299
INFO AMEMBASSY MEXICO

UNCLAS GUATEMALA 04546

DEPARTMENT FOR CA/OCS/EMR (GOBER)

E.O. 12356: N/A
TAGS: CASC, GT DAVIS, GRIFFITH AND BLAKE, NICHOLAS
SUBJECT: W/W: CASE OF GRIFFITH DAVIS AND NICHOLAS SLAYE

GUATEMALA 4313

1. RANDY BLAKE CALLED AT 1515 EDT MAY 9 TO REQUEST MORE INFORMATION FROM US REGARDING THE TWO NOTES THAT HAD BEEN RECEIVED BY CARLOS AVILES IN ANTIGUA. CG TAYLOR TOLD HIM ALL AVAILABLE INFORMATION WAS CONTAINED IN REFTEL AND HE SHOULD CONTACT CA/OCS/EMR (GOBER). BLAKE SAID THAT IN AN EARLIER TELEPHONE CONVERSATION WITH CARL WEST, WEST HAD SAID HE DID NOT THINK HE COULD PASS AVILES' NAME ON TO BLAKE ON AN OPEN PHONE LINE.
2. BLAKE ASKED WHAT FURTHER STEPS ANYONE COULD TAKE AT THIS POINT. WE REPLIED THAT FOR THE MOMENT ALL CONCERNED COULD ONLY WAIT FOR FURTHER DEVELOPMENTS. BLAKE ASKED WHETHER POST BELIEVED THE TWO NOTES RECEIVED BY AVILES WERE CREDIBLE. AND WAS TOLD THAT IT WAS IMPOSSIBLE TO SAY BUT THAT IT WAS CURIOUS THERE HAD BEEN NOTHING SUBSEQUENT TO THE TWO NOTES.

3. BLAKE STATED THAT WEST HAD SAID THE SHAWCROSS/LEGATOR/LINDKEN PARTY WAS NOW IN SAN CRISTOBAL, CHIAPAS. PIEDRA

85 MAY 10 PM 7:23

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CA- Hertz, Maura
Blake Davis
APR - Dec 85

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 06/27/95
Case ID: 95122206

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PAGE 01 MEXICO 09875 091954Z 8410
ACTION OCS-06

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FM AMEMBASSY MEXICO
TO AMEMBASSY GUATEMALA PRIORITY
INFO SECSTATE WASHDC 9401

UNCLAS MEXICO 09875

E.O. 12356: N/A
TAGS: CASC (DAVIS, GRIFFITH AND BLAKE, NICHOLAS)
SUBJECT: W/W: CASE OF GRIFFITH WILLIAM DAVIS AND NICHOLAS BLAKE

REF: A. GUATEMALA 04082; B. MEXICO 09401

AS STATED IN REF B, EMBASSY HAS REQUESTED ASSISTANCE OF MEXICAN MILITARY IN LOCATING DAVIS AND BLAKE. THE MINISTRY OF DEFENSE HAS ASKED FOR A COMPLETE DESCRIPTION OF THE TWO MISSING MEN: PHYSICAL APPEARANCE, HOW DRESSED WHEN LAST SEEN, WERE THEY CARRYING PACKS, WERE THEY ON FOOT, ETC. PASSPORT DATA MIGHT BE USEFUL. PLEASE PROVIDE PHOTOS IF AVAILABLE. REQUEST INFORMATION ASAP.

BUSBY

CONFIDENTIAL

1985 MAY 10 PM 7:29

CA- Hartz, Maura
Blake Davis
APR - Dec 85

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 06/27/95
Case ID: 95122206

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PAGE 01 GUATEM 04641 131716Z
ACTION OCS-06

INFO LOG-00 ADS-00 AMAD-01 PPT-01 CA-02 /010 W
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P 131716Z MAY 85
FM AMEMBASSY GUATEMALA
TO AMEMBASSY MEXICO PRIORITY
INFO SECSTATE WASHDC 8361

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UNCLAS GUATEMALA 04641

E.O. 12356: N/A
TAGS: CASC, GT, MX (DAVIS, GRIFFITH AND BLAKE, NICHOLAS)
SUBJECT: W/W: CASE OF GRIFFITH WILLIAM DAVIS AND NICHOLAS BLAKE

REF: MEXICO 09975

1. AS REQUESTED IN REFTEL, THE FOLLOWING IS A DESCRIPTION, IN SPANISH, OF GRIFFITH WILLIAN DAVIS AND NICHOLAS BLAKE.

2. GRIFFITH WILLAM DAVIS ES DE 38 ANOS DE EDAD, 6 PIES DE ESTATURA, PESA 185 LBS., PELO OSCURO, BARBA Y OJOS OSCUROS. AL SENOR DAVIS LE FUE EXTENDIDO UN PASAPORTE EL DIA 5 DE FEBRERO DE 1985. EL PASAPORTE ES EL NUMERO Z4946699.

3. NICHOLAS BLAKE ES 27 ANOS DE EDAD, 6 PIES DE ALTO, PESA 180 LBS., Y PELO OSCURO. NO SABEMOS EL NUMERO O LA FECHA DE SU PASAPORTE.

4. LOS DOS SENORES SALIERON DE LA CIUDAD DE HUEHUETENANGO, EN EL DEPARTAMENTO DE HUEHUETENANGO, EL DIA 26 DE MARZO POR BUS A SAN JUAN IXCOY, DE DONDE CAMINARIAN 40 MILLAS POR SENDEROS EN LA MONTANA PARA LLEGAR A NEBAJ EN EL DEPARTAMENTO DE EL QUICHE. ESTIMABAN QUE LA CAMINATA LES TOMARIA CUATRO DIAS DE SAN JUAN A NEBAJ, DE DONDE AMIGOS EN CARRO PRIVADO LOS LLEVARIAN AL HOGAR DE SENOR DAVIS EN PANAJACHEL. DE ACUERDO A LOS AMIGOS, ELLOS REGRESARON EL DIA 6 Y DIJERON QUE NO LES FUE POSIBLE ENCONTRAR A NINGUNO DE LOS DO HOMBRES.

5. WE WILL SEND PHOTOS OF BLAKE AND DAVIS BY MAIL. BLAKE'S PPT NUMBER WILL BE FORWARDED AS SOON AS WE HAVE IT. PIEDRA

CA- Harty, Maura
Blake Davis
APR - Dec 85

1985 MAY 13 PM 2:39

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 06/27/95
Case ID: 95122206

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MAY 14, 1985 2:00 P.M. VIA ITT FR

MEXICO

ATTN: U.S. AMBASSADOR

UNITED STATES EMBASSY

MEXICO CITY, MEXICO

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 06/27/95
Case ID: 9512206

2

RE: DISAPPEARANCE OF NICHOLAS BLAKE

CA- Harty, Maura
Blake Davis
APR - Dec 85

DEAR AMBASSADOR:

THE UNITED STATES EMBASSY IN GUATEMALA VAS NOTIFIED OF THE DISAPPEARANCE OF NICHOLAS BLAKE AND GRIFFITH VILLIAN DAVIS ON MARCH 29, 1985. THEY VERE LAST SEEN IN AN AREA BORDERING THE EL QUICHE PROVINCE IN GUATEMALA. SINCE THAT TIME IT HAS COME TO THE ATTENTION OF THE FAMILY THAT THEIR SON, NICHOLAS BLAKE, [redacted] ENTER INTO THE STATE OF CHIAPAS, MEXICO, VITH OR VITHOUT PROPER DOCUMENTATION. THE FAMILY OF NICHOLAS BLAKE IS EXTREMELY CONCERNED ABOUT HIS HEALTH AND VELL BEING, AND HAVE ASKED ME TO DO VHATEVER IS POSSIBLE TO LOCATE THE VHEREABOUTS OF THEIR SON.

I AM AVARE THAT YOU HAVE BEEN PREVIOUSLY NOTIFIED OF THIS SITUATION BY THE STATE DEPARTMENT, CITIZEN EMERGENCY CENTER, IN VASHINGTON, D.C.

AS A FRIEND OF THE FAMILY I SHALL BE IN MEXICO CITY STARTING ON MONDAY MAY 29, 1965. WOULD IT BE POSSIBLE TO MEET WITH SOMEONE FROM YOUR STAFF SO THAT I CAN BE BROUGHT UP TO DATE ON ANY INFORMATION THAT YOU MAY HAVE. AT THAT TIME ANY SUGGESTIONS OR IDEAS YOU MAY HAVE AS TO A COURSE OF CONDUCT WOULD BE GREATLY APPRECIATED.

THANKING YOU IN ADVANCE FOR YOUR COURTESIES AND COOPERATION, I REMAIN,

VERY TRULY YOURS,

J. EDWARD GOFF

FRIEND OF THE FAMILY AND

ATTORNEY-IN-FACT

CC: MS. SALLY GOBER

DEPARTMENT OF STATE

CITIZENS EMERGENCY CENTER

2201 C STREETS, N.W.

ROOM 4807

WASHINGTON, D.C. 20520

TELEPHONE: 202-632-5225

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P 140023Z MAY 85
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC PRIORITY 5040
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY MANAGUA
AMEMBASSY MEXICO
AMEMBASSY ROME
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
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USIA WASHDC 4666
USAFSO HOWARD AFB PN//LAI

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UNCLAS SECTION 01 OF 02 SAN SALVADOR 05948

USIA FOR AR/CENTAM
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DEPT FOR S/LPD FOR AMBASSADOR OTTO REICH

E.O. 12356: N/A
TAGS: PGOV, PTER, PINS, ES, PHUM
SUBJECT: THE HOMILY FOR 12 MAY 1985: ROSA CHAVEZ PROTESTS FOR SECOND WEEK IN A ROW AGAINST GUERRILLA KIDNAPPINGS OF MAYORS

1. SUMMARY: IN THE HOMILY FOR 12 MAY, AUXILIARY BISHOP ROSA CHAVEZ ANNOUNCED THAT HE HAD DELIVERED THE UNCLASSIFIED

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PAGE 02 SAN SA 05948 01 OF 02 140059Z

GUERRILLA PROPOSAL FOR PROCEDURES FOR PRIVATE MEETINGS TO PRESIDENT DUARTE FRIDAY 10 MAY, AND SAID THAT HE WAS

AWAITING THE PRESIDENT'S RESPONSE. HE CLARIFIED THAT THE GUERRILLAS AND THE PRESIDENT HAVE NOT YET AGREED ON THE PRIVATE MEETINGS. ROSA CHAVEZ REITERATED THE CHURCH'S REJECTION OF A MILITARY SOLUTION TO THE CONFLICT, AND LAUDED DEFENSE MINISTER VIDES CASANOVA'S MODERATE-TONED SOLDIERS' DAY SPEECH FOR LEAVING SPACE FOR "EVERY SINCERE EFFORT" FOR DIALOGUE. BISHOP ROSA DENOUNCED FOR THE SECOND WEEK IN A ROW THE CONTINUED GUERRILLA KIDNAPPINGS OF MAYORS AND LISTED THE NAMES OF THOSE STILL HELD BY THE GUERRILLAS. ROSA CHAVEZ CLOSED THE HOMILY BY REMEMBERING MOTHERS DAY, SAYING THAT "THE WOMAN WHOSE SON IS IN THE ARMY IS JUST AS MUCH A MOTHER AS THE WOMAN WHOSE SON IS WITH THE GUERRILLAS." ENDJ SUMMARY.

2. AUXILIARY BISHOP GREGORIO ROSA CHAVEZ REPORTED THAT THE CHURCH IS CONTINUING WITH THE PREPARATIONS FOR THE NEXT DIALOGUE MEETING BETWEEN THE GOVERNMENT AND THE FDR/FMLN. HE REPORTED THAT ARCHBISHOP RIVERA DAMAS ANNOUNCED IN WEST GERMANY THAT ROSA CHAVEZ HAD GIVEN THE GUERRILLA PROPOSAL TO PRESIDENT DUARTE 10 MAY, AND SAID THAT HE EXPECTED THE GOES REPLY IN THE NEXT FEW DAYS. ROSA CLARIFIED THAT THE GUERRILLAS AND THE GOES STILL HAVE NOT YET AGREED ON THE PRELIMINARY PRIVATE TALKS.

3. NOTING THE ACTIVITIES OF THE PAST WEEK COMMEMORATING THE END OF WORLD WAR II, ROSA CHAVEZ SAID THAT "WE TOO MUST DO EVERYTHING TO PUT AN END TO THE WAR IN EL SALVADOR AND SAY NEVERMORE." HE REITERATED THE CHURCH'S REJECTION OF A MILITARY SOLUTION TO THE CONFLICT, AND LAUDED DEFENSE MINISTER GENERAL VIDES CASANOVA'S UNCLASSIFIED

SOLDIERS' DAY SPEECH FOR ITS "MODERATE TONE" AND ITS DESCRIPTION OF THE GOALS ESPOUSED BY THE ARMED FORCES. ROSA CALLED THE SPEECH ONE "WHICH LEAVES SPACE FOR EVERY SINCERE EFFORT IN SEARCH OF PEACE THROUGH DIALOGUE."

4. ROSA REPORTED THAT DURING THE WEEK OF 3-9 MAY TUTELA LEGAL RECEIVED A TOTAL OF 22 DENUNCIATIONS OF ALL TYPES (ARRESTS, DISAPPEARANCES, AND KIDNAPPINGS, PRESUMABLY INCLUDING THE MAYORS KIDNAPPED BY THE GUERRILLAS), AND RECORDED 20 VIOLENT DEATHS, ABOUT WHICH HE SUPPLIES NO FURTHER INFORMATION. ROSA CHAVEZ THEN DENOUNCED THE CONTINUING KIDNAPPINGS OF MAYORS BY THE GUERRILLAS IN THE EASTERN ZONE, CITING THE NAMES OF THE 7 STILL LIVING: 1) LUCIO RIVAS, OF NUEVA ESPARTA, 2) ANTONIO

HERNANDEZ, OF SAN SIMEON, 3) FLORENZO AREVALO, OF SAN RAFAEL ORIENTE, 4) CIRIACO FERNANDEZ COREA, OF YOLOAIQUIN, 5) ANTOLIN NUNEZ CANALES, OF EL SAUCE, 6) SANTOS VELASQUEZ, OF SAN LUIS DE LA REINA, AND 7) EDUARDO ARGUETA CASTILLO, OF ALEGRIA. ACCORDING TO THE BISHOP, SIX OF THE MAYORS BELONG TO THE RULING PDC AND ONE TO ARENA. ROSA CHAVEZ EMPHASIZED THAT THE KIDNAPPINGS ARE OCCURRING SOLELY IN THE EASTERN ZONE, AND THAT THE GUERRILLA HIGH COMMAND IS FULLY AWARE OF THE ARCHBISHOP'S CONCERN. "ACTIONS SUCH AS THESE," HE SAID, "DO NOTHING TO FAVOR THE DIALOGUE PROCESS NOR THE HUMANIZATION OF THE CONFLICT."

5. ROSA CLOSED THE HOMILY BY REMEMBERING MOTHERS DAY, WHICH HE SUGGESTED SHOULD BE CELEBRATED BY A REDEDICATION TO RESPECT FOR ALL LIFE. HE SAID, "THE WOMAN WHOSE SON IS IN THE ARMY IS JUST AS MUCH A MOTHER AS THE WOMAN WITH A SON AMONG THE GUERRILLAS. THE WOMAN WITH A CHILD TAKEN PRISONER OR DISAPPEARED IS AS MUCH A MOTHER AS THE WOMAN WHOSE CHILD HAS BEEN KIDNAPPED BY THE GUERRILLAS." HE THEN DECLARED THAT "IT IS ONLY

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ACTION SLPD-01

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FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC PRIORITY 5041
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY MANAGUA
AMEMBASSY MEXICO
AMEMBASSY ROME
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HEIGHTS PN
USIA WASHDC 4667
USAFSO HOWARD AFB PN//LAI

UNCLAS SECTION 02 OF 02 SAN SALVADOR 05948

USIA FOR AR/CENTAM
ROME FOR EMBASSY VATICAN INFO
DEPT FOR S/LPD FOR AMBASSADOR OTTO REICH

E.O. 12356: N/A
TAGS: PGOV, PTER, PINS, ES, PHUM
SUBJECT: THE HOMILY FOR 12 MAY 1985: ROSA CHAVEZ

THROUGH RESPECT FOR LIFE THAT WE CAN GAIN PEACE."

PICKERING

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

E198

RELEASED

May 15, 1985

NOTE TO THE FILES: DAVIS, Griffith, and BLAKE, Nicholas

(90)

I called Carl West at 0900 this morning to advise him we had received a cable from the Department saying that Goff was planning on returning to Guatemala. I read him the text of the cable (State 148111), and aksed whether he had anything new.

He did not. He said that he would be meeting with an unidentified source later in the day and would try to meet with me following that. He said that the Shawcross/Legator/Lindken party was still in San Cristobal, Chiapas, Mexico and would be there at least until Friday. He said that Shawcross was wandering around the countryside in southern Mexico to see what he could see.

GUATEMALA
AMEMBASSY
#327224
BLAKE/DAVIS

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 06/27/95
Case ID: 95122206

UNCLASSIFIED

UNCLASSIFIED

Department of State

OUTGOING TELEGRAM E195

0645

RELEASED

PAGE 01 STATE 148111
ORIGIN OCS-06

INFO LOG-00 ADS-00 CA-02 /008 R

DRAFTED BY: CA/OCS/EMR:SMGOBER:YDB
APPROVED BY: CA/OCS/EMR:ES:ESOYSTER
CA/OCS/EMR:BMCKENZIE

----------314615 150435Z /38

P 150431Z MAY 85
FM SECSTATE WASHDC
TO AMEMBASSY GUATEMALA PRIORITY
AMEMBASSY MEXICO PRIORITY
AMCONSUL MERIDA PRIORITY

UNCLAS STATE 148111

E.O. 12356: N/A
TAGS: CASC: (BLAKE, NICHOLAS) AND (DAVIS, GRIFFITH WILLIAM)
SUBJECT: W/W: CASE OF NICHOLAS BLAKE AND GRIFFITH WILLIAM DAVIS

REF: A. MEXICO 9875; B. MEXICO 9401; C. MEXICO 9239; D. GUATEMALA 4546

1. MR. EDWARD GOFF, AN ATTORNEY FOR WHEATON INDUSTRIES AND FRIEND OF THE FAMILY OF NICHOLAS BLAKE, TELEPHONED DEPARTMENT MORNING OF MAY 14 TO ADVISE THAT BLAKE FAMILY HAS ASKED THAT HE AGAIN VISIT GUATEMALA TO PROVIDE THEM WITH AN UPDATE ON STATUS OF DISAPPEARANCE CASE OF NICHOLAS BLAKE AND GRIFFITH WILLIAM DAVIS. GOFF NOTED THAT THE FAMILY WAS EXTREMELY CONCERNED AS THEY HAVE HAD NO NEWS FROM DEPARTMENT, EMBASSY OR INVESTIGATOR THEY HIRED. HE ALSO INDICATED THAT FAMILY WISHED HIM TO MAKE CONTACT WITH CONSULAR OFFICIALS AT THE EMBASSY IN MEXICO TO MAKE SURE CASE IS BEING FOLLOWED THERE ALSO.

2. DEPARTMENT ASSURED GOFF THAT MOST RECENT INFORMATION WE HAD HAD BEEN PASSED ON TO BLAKE FAMILY VIA CONVERSATIONS WITH RANDY BLAKE ON MAY 9 AND 10. IN ADDITION PER REFTELS A, B AND C WE ASSURED HIM THAT

EMBASSY MEXICO AS WELL AS THE APPROPRIATE MEXICAN OFFICIALS HAVE BEEN NOTIFIED OF THIS CASE.

3. NOTWITHSTANDING ABOVE, GOFF PLANS TO ARRIVE MEXICO CITY ON 5/19 VIA MEXICANA NO. 821. HE WILL BE AVAILABLE FOR APPOINTMENTS AT THE EMBASSY ON MAY 20 AND IS BEING GIVEN NAME AND PHONE NUMBER OF CONSUL GENERAL. FROM MEXICO CITY HE PLANS TO FLY TO TUXLA GUTIERREZ ON MAY 21 AND FROM THERE ON TO GUATEMALA SOMETIME BETWEEN MAY 24 TO 29.

4. GOFF PLANS TO CONTACT EMBASSIES INDEPENDENTLY TO ALERT THEM OF PROPOSED VISIT. REQUEST ADDRESSEES PROVIDE GOFF WITH ALL APPROPRIATE COURTESIES. DAM

5/15 - Goff gave Larry Laws name & phone #

CA - Harty, Maura
Blake Davis
APR - Dec 85

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 06/27/95
Case ID: 95122206

UNCLASSIFIED

UNCLASSIFIED

E196

Embassy of the United States of America

RELEASED

Guatemala, Guatemala

15 May 1985

(92)

UNCLASSIFIED MEMORANDUM

TO: ACS, American Embassy, Mexico

FROM: ACS, American Embassy, Guatemala

SUBJECT: W/W: Case of Griffith William Davis and Nicholas Blake

As requested in Mexico 009875, enclosed please find copies of photographs of Griffith William Davis and Nicholas Blake.

GUATEMALA EMBASSY #327234 BLAKE/DAVIS

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 06/27/95
Case ID: 95122206

UNCLASSIFIED

E194

ACTION COPY

UNCLASSIFIED

Department of State

INCOMING TELEGRAM

ACTION COPY

PAGE 01 GUATEM 04753 152228Z

ACTION OCS-06

INFO LOG-00 COPY-01 ADS-00 H-01 ARA-00 CA-02 /010 W

365726 152228Z /68

O 152224Z MAY 85
FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC IMMEDIATE 8408
INFO AMEMBASSY MEXICO PRIORITY

RELEASED

UNCLAS GUATEMALA 04753

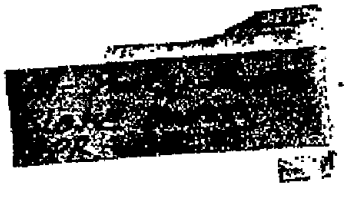
DEPARTMENT FOR CA/OCS/EMR (GOSER) AND ARA/CEN

E.O. 12356: N/A
TAGS: CASC, GT (DAVIS, GRIFFITH AND BLAKE, NICHOLAS)
SUBJECT: W/W: CASE OF GRIFFITH DAVIS AND NICHOLAS BLAKE

REF: STATE 148111

1. FOLLOWING RECEIPT OF REFTEL MORNING OF MAY 15, EMBOFF CONTACTED PRIVATE SECURITY CONSULTANT CARL WEST. WEST SAID THERE WAS NOTHING NEW ON THE DAVIS BLAKE DISAPPEARANCE. HE SAID THAT DAVIS' S FRIENDS (MICHAEL SHAWCROSS, LORI LEGATOR AND MIKKI LINDKEN) WERE STILL IN SAN CRISTOBAL, CHIAPAS, MEXICO AND WOULD REMAIN THERE AT LEAST UNTIL FRIDAY, MAY 17. SHAWCROSS, SAID WEST, WAS WANDERING AROUND SOUTHERN MEXICO LOOKING FOR ANY INFORMATION AND REPORTING BACK REGULARLY.

2. POST HAS NOW RECEIVED COMMERCIAL CABLE FROM ATTORNEY J. EDWARD GOFF ADVISING THAT HE PLANS TO ARRIVE IN GUATEMALA "SOMETIME AFTER MAY 24 AND BEFORE MAY 29." HE DOES NOT INDICATE WHEN HE WOULD BE DEPARTING GUATEMALA. GOFF WISHES THE DEFENSE ATTACHE "TO ARRANGE FOR (HIM) TO SPEAK WITH THE MILITARY ZONE COMMANDER IN HUEHUETENANGO." WE WILL BE PLEASED TO DO THIS AND EXTEND OTHER COURTESIES, BUT IF GOFF IS LIMITING HIS VISIT TO THE MEMORIAL DAY WEEKEND IT MAY NOT BE POSSIBLE FOR US TO SEND SOMEONE TO ACCOMPANY HIM IF HE WISHES TO TRAVEL PERSONALLY TO HUEHUETENANGO ON MAY 25, 26 OR 27. PIEDRA



RECEIVED
1985 MAY 16 AM 7:53
CONSULAR AFFAIRS

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 06/27/95
Case ID: 95122206

UNCLASSIFIED

E199

RELEASED

WHEATON INDUSTRIES

MILLVILLE, NEW JERSEY 08332
TELEPHONE 609 825 1400

May 15, 1985

Ms. Sally Gober
United States Department of State
Citizens Emergency Center
Room 4807
2201 "C" Street, N.W.
Washington, D.C. 20520

Re: Disappearance of Nichols Blake

Dear Ms. Gober:

This will confirm your telephone call to our office this afternoon wherein you advised me of the name and telephone number of the U.S. Consul General in Mexico City, Mexico, namely, Larry E. Lane at 211-0042.

Enclosed herewith for your reference and file is a photocopy of the Authorization which Mrs Blake has given to Mr. Goff. This is translated in both English and Spanish. I neglected to foward this along with his letter of May 14th.

If there is anything you need please do not hesitate to call.

Very truly yours,

WHEATON INDUSTRIES

Ms. Rose Zulker, Secretary
to J. Edward Goff,
Vice President, Legal Dept.

rez
Encl.
cc: Mr. Larry E. Lane
Consul General
United States Embassy
Mexico City, Mexico

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 06/27/95
Case ID: 95122306

ACTION COPY

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Department of State

INCOMING TELEGRAM

ACTION COPY

E200

PAGE 01 GUATEM 04776 1616342
ACTION OCS-06

INFO LOG-00 COPY-01 ADS-00 PPT-01 /008 W
--------------------036405 1619162 /41 38

R 1616342 MAY 85
FM AMEMBASSY GUATEMALA
TO AMEMBASSY MEXICO
INFO SECSTATE WASHDC 8422

RELEASED

UNCLAS GUATEMALA 04776

DEPT FOR CA/OCS/EMR (GOBER)

E.O. 12356: N/A
TAGS: CASC, GT, MX (DAVIS, GRIFFITH WILLIAM AND BLAKE, NICHOLAS
SUBJECT: W/W: CASE OF GRIFFITH WILLIAM DAVIS AND NICHOLAS BLAKE

REF: MEXICO 009875, GUATEMALA 4641

1. ON MAY 11 EMBOFF VISITED THE POSADA DEL REFUGIO IN ANTIGUA, GUATEMALA, WHERE NICHOLAS BLAKE HAD STAYED PRIOR TO HIS DISAPPEARENCE, IN ORDER TO OBTAIN HIS PASSPORT NUMBER. THE REGISTER AT THE POSADA LISTED TWO PASSPORT NUMBERS FOR BLAKE.

2. ON FEBRAURY 2, 1985, BLAKE CHECKED INTO THE POSADA WITH PASSPORT NUMBER E1005068. THE REGISTER SHOWS THAT HE HAD COME TO GUATEMALA FROM EL SALVADOR. ACCORDING TO THE REGISTER, BLAKE CHECKED INTO THE POSADA AGAIN ON MARCH 7, 1985, COMING FROM MEXICO, BUT THIS TIME WITH PASSPORT NUMBER A2188020.

3. THE OWNER OF THE POSADA, CARLOS AVILES, CLAIMS THAT THE FIRST NUMBER, E1005068, IS BLAKE'S REAL PASSPORT NUMBER, AND THAT THE SECOND PASSPORT NUMBER WAS PROBABLY INCORRECTLY COPIED BY AN EMPLOYE OF THE HOTEL. MR. AVILES SAID THAT HE WAS SURE OF THIS BECAUSE THE FIRST PASSPORT NUMBER HAD BEEN ENTERED INTO THE REGISTER BY BLAKE, AND THAT THE SECOND HAD BEEN ENTERED BY THE EMPLOYE WORKING THE HOTEL DESK ON MARCH 7. HOWEVER, THERE IS NO RELATION BETWEEN THE TWO NUMBERS, WHICH ELIMINATES THE POSSIBILITY OF AN ERROR MADE WHILE COPYING THE NUMBER. ALSO, AN EXAMINATION OF THE REGISTER DID NOT SHOW BLAKE'S FIRST PASSPORT NUMBER ATTRIBUTED TO ANYONE ELSE WHO REGISTERED ON MARCH 7, WHICH PROBABLY ELIMINATES THE POSSIBILITY OF THE EMPLOYE ACCIDENTLY SWITCHING BLAKE'S PASSPORT NUMBER WITH THAT OF SOMEONE ELSE.

4. WE ARE REQUESTING THE PASSPORT OFFICE TO INVESTIGATE THE TWO NUMBERS ATTRIBUTED TO BLAKE IN AN EFFORT TO DETERMINE WHICH, IF ANY, BELONGS TO BLAKE. PIEDRA

[redacted]

RECEIVED
1985 MAY 17 AM 7:59
CONSULAR AFFAIRS
CA/EX/AR

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 08/27/96
Case ID: 96122206

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ACTION COPY

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Department of State

INCOMING TELEGRAM E201

ACTION COPY

PAGE 01 GUATEM 04801 162158Z 1892

ACTION OCS-06

INFO LOG-00 ADS-00 AMAD-01 PPT-01 CA-02 /010 W

----------053231 170014Z /38

R 162157Z MAY 85
FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC 8441
INFO AMEMBASSY MEXICO

RELEASED IN PART
B6

UNCLAS GUATEMALA 04801

DEPT FOR CA/OCS/EMR (GOBER)

E.O. 12356: N/A
TAGS: CASC, GT (DAVIS, GRIFFITH AND BLAKE, NICHOLAS)
SUBJECT: -W/W: CASE OF GRIFFITH WILLIAM DAVIS AND NICHOLAS BLAKE

REF: GUATEMALA 04776

WE REQUEST YOUR HELP IN INDENTIFYING THE HOLDER OR HOLDERS OF AMERICAN PASSPORTS NUMBER E1005068 AND NUMBER [redacted] BOTH PASSPORTS ARE ATTRIBUTED TO NICHOLAS BLAKE, AN AMERICAN CITIZEN REPORTED MISSING IN GUATEMALA. PIEDRA

6/19/84 Phila. Nicholas Chapman Blake 6-8-27-54 NY

B6

B6

[redacted]

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1985 MAY 17 AM 7:59
CONSULAR AFFAIRS
CA/OCS/ACS

[redacted]

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United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 06/27/95
Case ID: 95122206

ACTION COPY

UNCLASSIFIED

INCOMING TELEGRAM

E202

Department of State

ACTION COPY

PAGE 01 GUATEM 04882 1622002
ACTION OCS-06

INFO LOG-00 ADS-00 AMAD-01 CA-02 /009 W
---------- 033246 1706152 /38

R 1621552 MAY 85
FM AMEMBASSY GUATEMALA
TO AMEMBASSY MEXICO
INFO SECSTATE WASHDC 8442

RELEASED

UNCLAS GUATEMALA 04882

DEPT FOR CA/OCS/EMR (GOBER)

E.O. 12356: N/A
TAGS: CASC, GT, MX (DAVIS, GRIFFITH AND BLAKE, NICHOLAS)
SUBJECT: W W: CASE OF GRIFFITH DAVIS AND NICHOLAS BLAKE

REF: GUATEMALA 4541, GUATEMALA 4776

1. ACCORDING TO INFORMATION MADE AVAILABLE BY GUATEMALAN IMMIGRATION AUTHORITIES, NICHOLAS BLAKE ENTERED GUATEMALA FROM MEXICO AT THE LA MESILLA, HUEHUETENANGO, BORDER POST ON MARCH 16, 1985. HE USED TOURIST CARD NUMBER 355875 TO CROSS THE BORDER. A SEARCH OF GUATEMALAN IMMIGRATION RECORDS FOR THE MONTHS OF JANUARY, FEBRUARY, AND MARCH DOES NOT SHOW BLAKE ENTERING MEXICO FROM GUATEMALA, EVEN THOUGH HE SUPPOSEDLY CHECKED INTO A HOTEL IN ANTIGUA, GUATEMALA, ON MARCH 7. ACCORDING TO HOTEL RECORDS, BLAKE HAD BEEN IN MEXICO PRIOR TO MARCH 7.

2. WE REQUEST YOUR ASSISTANCE IN DETERMINING WHEN, WHERE, AND FROM WHERE BLAKE ENTERED MEXICO, AND, IF POSSIBLE, HIS DESTINATION IN MEXICO. WE ARE ALSO INTERESTED IN KNOWING HOW MANY TIMES IN THE MONTHS OF JANUARY, FEBRUARY, AND MARCH BLAKE ENTERED AND LEFT MEXICO. PIEDRA

RECEIVED
1985 MAY 17 AM 7:59
CONSULAR AFFAIRS
CA/OCS/AS

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 06/27/95
Case ID: 95122207

UNCLASSIFIED

UNCLASSIFIED

E203

RELEASED

Guatemala, Guatemala

May 21, 1985

99

MEMO TO THE FILES: Davis/Blake

FROM: CON - Philip B. Taylor

SUBJECT: Davis/Blake Disappearance

Col. Stokes called at 1450 from the Huehuetenango Military Zone Commander's office. I read to him Mr. Shannon's memo to the file on his conversation with Rosenfeld and Olson of Amoco.

Stokes checked with the zone commander. The zone commander said he had never heard of the rumor that Davis and Blake had been found. Stokes said that he, and the zone commander, believed that the rumor was false.

I asked Stokes to reconfirm with the zone commander that he would be willing to meet with Goff next week when he arrived from Mexico. Stokes did so during the telephone conversation.

GUATEMALA
AMEMBASSY
#327224
BLAKE/DAVIS

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 06/27/95
Case ID: 95122207

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El Salvador: Human Rights
Special Project (1993)

[redacted] UNCLASSIFIED

Department of State

PGOV 11
INCOMING
TELEGRAM

PAGE 01 OF 02 SAN SA 06328 00 OF 03 211327Z 7974 ARA0788
ACTION SLPD-01

INFO FILE-01 ARA-02 PPC-01 DECP-01 ECP-01 RPP-02 OAS-01
PPA-01 DCEN-01 REG-01 ES-02 RD-01 XP-01 /016 A1 RD

INFO LOG-00 COPY-01 ADS-00 AID-00 INR-10 EUR-00 SS-00
CIAE-00 DODE-00 H-01 IO-16 NSC-01 ARA-00 NSAE-00
SY-05 HA-00 L-03 PM-10 PA-01 MCT-03 OMB-01
A-02 SP-02 SNP-01 PRS-01 SPD-01 /069 W
256131 211339Z /52/58

R 210251Z MAY 85
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 5247
INFO AMEMBASSY ATHENS
AMEMBASSY BOGOTA
AMEMBASSY BONN
AMEMBASSY BRUSSELS
AMEMBASSY CARACAS
AMEMBASSY COPENHAGEN
AMEMBASSY DUBLIN
AMEMBASSY GUATEMALA
AMEMBASSY LISBON
AMEMBASSY LONDON
AMEMBASSY MADRID
AMEMBASSY MEXICO
AMEMBASSY MANAGUA
AMEMBASSY OSLO
AMEMBASSY ROME
AMEMBASSY SAN JOSE
AMEMBASSY STOCKHOLM
AMEMBASSY TEGUCIGALPA
AMEMBASSY THE HAGUE
AMEMBASSY VIENNA
USCINCSO QUARRY HEIGHTS PN
USIA WASHDC 4720
USMISSION USUN NEW YORK

[redacted] SAN SALVADOR 06328

DEPT PASS TO S/LPD FOR OTTO REICH
ROME FOR EMBASSY VATICAN INFO
USIA FOR AR/CENTAM

E.O. 12356: DECL: OADR
TAGS: PINS, PTER, ES, PHUM
SUBJECT CHURCH EDITORIAL CONDEMNS GUERRILLA ACTIONS

REF: A) FBIS CHIVA CHIVA PN R 162317 Z MAY 85
- B) SAN SALVADOR 5948 (NOTAL)
- C) FBIS CHIVA CHIVA PN R 170253 Z MAY 85
- D) SAN SALVADOR 5968 (NOTAL)

1. (C) SUMMARY: IN AN UNUSUALLY STRONGLY WORDED STATEMENT, THE OFFICIAL ARCHDIOCESE NEWSPAPER "ORIENTATION" PUBLISHED AN EDITORIAL 12 MAY (REF A) CONDEMNING THE GUERRILLAS FOR THEIR KIDNAPPINGS OF MAYORS. THE EDITORIAL THEN WENT ON TO DESCRIBE THE FMLN AS A MARXIST GROUP AIMING TO WIELD POWER IN EL SALVADOR AS THE SANDINISTA GOVERNMENT WIELDS POWER IN NICARAGUA. THE EDITORIAL ASSERTED THAT THERE COULD BE NO SUCH THING AS "CHRISTIAN MARXISM," AND SAID THAT PRIESTS COLLABORATING WITH THE GUERRILLAS WERE ONLY SERVING AS "PROPAGANDA INSTRUMENTS, WITHOUT ANY INFLUENCE ON THE METHODS, DECISIONS, AND SPIRIT OF THE GUERRILLAS." THE EDITORIAL CONCLUDED THAT THE GUERRILLA TACTICS LEAD THE CHURCH TO DOUBT THE SINCERITY OF THE LEFT'S DESIRE FOR PEACE, AND TO QUESTION ITS OSTENSIBLE DEDICATION TO DEMOCRACY. WHEN COUPLED TO AUXILIARY BISHOP ROSA CHAVEZ' STRONG CONDEMNATION OF THE GUERRILLA KIDNAPPINGS OF

SAN SA 06328 00 OF 03 211327Z 7974 ARA0788

MAYORS IN THE HOMILY SUNDAY 12 MAY (REF B), IT IS CLEAR THAT THE CHURCH IS BEGINNING TO FACE UP TO THE CRIMES OF THE LEFT EVEN IF THIS COMPLICATES ITS ABILITY TO MEDIATE BETWEEN GOES AND THE LEFT FOR THE SAKE OF THE DIALOGUE. END SUMMARY.

2. (U) THE OFFICIAL ARCHDIOCESE NEWSPAPER, "ORIENTATION," PUBLISHED AN EDITORIAL 12 MAY (REF A) UNEQUIVOCALLY CONDEMNING THE GUERRILLAS FOR THE KIDNAPPINGS OF MAYORS ELECTED IN MARCH. AT THE TIME THE ARTICLE WAS WRITTEN, TEN MAYORS HAD BEEN KIDNAPPED, AND ANOTHER WAS MISSING. THE EDITORIAL CALLED THE KIDNAPPINGS "A VERY CLEAR EXAMPLE OF THE MEANS THAT THE GUERRILLAS HAVE ALWAYS USED TO REACH THEIR GOALS," AND THEREFORE NOT AN ISOLATED, UNREPRESENTATIVE TACTIC. THE ARTICLE ASSERTED THAT THE USE OF THIS TACTIC WAS "BASED ON THE PREMISE THAT THEY ARE ABSOLUTELY RIGHT, AND THUS EVERY MEANS IS VALID TO ACHIEVE THEIR ENDS." THE EDITORIAL ASSERTS THAT THE KIDNAPPINGS HAVE BACKFIRED "DECREASING THE PEOPLE'S SUPPORT" FOR THE GUERRILLAS, AND SERVING TO STRENGTHEN THE CHURCH'S BELIEF THAT MARXISM, "WHETHER SLAVIC, LATIN, EUROPEAN, ASIAN, OR LATIN AMERICAN, IS ALL THE SAME." THE ARTICLE REJECTS THE IDEA THAT MARXISM CAN BE COMPATIBLE WITH CHRISTIANITY IN LATIN AMERICA, SAYING THAT "IT IS BORDERING ON MADNESS TO BELIEVE THERE CAN BE CHRISTIA MARXISM."

3. (U) THE EDITORIAL POSITS THAT "THE NICARAGUAN EXPERIENCE PROVES OUR POINT." IT CITES THE "ABUSES AGAINST THE CHURCH, FREEDOM OF EXPRESSION, POLITICAL PLURALISM, AND HUMAN RIGHTS" AS EVIDENCE THAT THE PRIESTS WHO ARE "COMMITTED TO HIGH POSTS WITHIN THE SANDINISTA GOVERNMENT" ARE BRINGING NO CHRISTIAN VALUE TO BEAR ON SANDINISTA POLICY. "THEIR TASK IS THAT OF ANY LAYMAN AT THE UNCONDITIONAL SERVICE OF A PARTY" AND "JUDGING BY THE PATH ALREADY TRAVELED, THERE IS NO HOPE THAT NICARAGUA CAN BUILD A SOCIETY WITH SOCIAL JUSTICE, LIBERTY, AND RESPECT FOR PEOPLE."

4. (U) THE ARTICLE APPLIES THE NICARAGUAN EXPERIENCE TO THE SITUATION IN EL SALVADOR. IT STATES THAT THE FMLN (IF SUCCESSFUL) "WILL BE THE ARMED BRANCH OF THE REVOLUTION, DOGMATIC AND RADICAL, WHICH WOULD TRULY DECIDE AND DEFINE THE COURSE OF HISTORY." THEREFORE, "THOSE PRIESTS INVOLVED WITH THE GUERRILLAS WILL NOT BE ABLE TO ACCOMPLISH ANYTHING, NOW OR EVER, BY CELEBRATING MASSES IN THE MOUNTAINS AND VILLAGES OF MORAZAN AND LA UNION DEPARTMENTS AND FORMING CHRISTIAN BASE COMMUNITIES. THESE PRIESTS AND THOSE WHO HAVE TRIED TO SWAY SYMPATHIES TOWARD THE SALVADORAN REVOLUTION IN EUROPE BY ESTABLISHING CONTACT WITH POLITICAL, HUMANITARIAN, CULTURAL, AND CHURCH ORGANIZATIONS HAVE SERVED ONLY AS PROPAGANDA INSTRUMENTS, WITHOUT ANY INFLUENCE ON THE METHODS, DECISIONS, AND SPIRIT OF THE GUERRILLAS."

5. (U) IN CONCLUSION, THE EDITORIAL SAYS THAT THESE GUERRILLA TACTICS HAVE CAUSED THE CHURCH TO DOUBT THE SINCERITY OF THE "EXTREME LEFT'S" DESIRE FOR PEACE. IT FURTHER CONCLUDES THAT THE KIDNAPPINGS OF THE MAYORS AND THE MURDER OF ONE OF THEM "FOR PARTICIPATING IN A DEMOCRATIC PROCESS" GIVES "AN ALARMING HINT AS TO THE GUERRILLAS' INTENTIONS," UNDERMINING ANY CLAIM THE GUERRILLAS MAY MAKE AS TO THEIR RESPECT FOR DEMOCRACY.

6. (C) COMMENT: THE EDITORIAL SEEMS COMPLETELY CONSISTENT WITH THE THOUGHT OF POPE JOHN PAUL II: RESPECT FOR HUMAN RIGHTS AND THE DIGNITY AND FREEDOM OF HUMAN BEINGS, REJECTION OF ANY COMPATIBILITY

Department of State IP/FPC/CDR El Salvador EP Date 4/11/97
...classified under EO 12356 ( ); in full; ( ) in part;
...tions withheld: classified ( ); deliberative ( );
...enforcement ( ); privacy ( ), statutory ( );
not relevant to El Salvador ( ).

UNCLASSIFIED

UNCLASSIFIED [redacted]
Department of State

RELEASED
El Salvador: Human Rights
Special Project (1993)

INCOMING
TELEGRAM

OF MARXISM WITH CHRISTIANITY, AND THE CONDEMNATION OF PRIESTLY POLITICAL ACTIVITY AND DISREGARD FOR CHURCH DISCIPLINE. THESE THEMES HAVE BEEN REPEATEDLY ECHOED WITH CONVICTION IN EL SALVADOR BY BOTH ARCHBISHOP RIVERA DAMAS AND AUXILIARY BISHOP ROSA CHAVEZ. IN HIS HOMILY OF SUNDAY 12 MAY (REF B), THE SAME DAY AS THE ORIENTATION EDITORIAL, ROSA CHAVEZ PROTESTED FOR THE SECOND WEEK IN A ROW (AND, ON MAY 19, FOR THE THIRD) AGAINST THE GUERRILLA KIDNAPPINGS OF MAYORS, GENERATING LOUD PROTEST FROM THE FDR/FMLN THAT THE CHURCH HAD DROPPED ITS NEUTRALITY AND WAS WORKING WITH THE GOES.

7. (U) IT MAY BE THAT THE "ORIENTATION" ARTICLE WAS IN PART SPARKED BY RADIO VENCEREMOS ACCUSATIONS AGAINST THE CHURCH IMPUGNING IT FOR HAVING LOST ITS OBJECTIVITY. THE SUCCESS OF THE DIALOGUE IS ONE OBJECTIVE TO WHICH THE CHURCH HAS LENT ITS EVERY ENERGY, EXHORTATION AND PRAYER. NONETHELESS, THE CHURCH HAS SERVED NOTICE TO THE LEFT THAT IT WILL NOT SUCCUMB TO MORAL BLACKMAIL BY OVERLOOKING OR ACQUIESCING IN THE CRIMES OF THE FDR/FMLN, EVEN IF THIS COMPLICATES THE CHURCH'S MEDIATING ROLE.

8. (C) THE EDITORIAL COMMENTS ON NICARAGUA ALSO REFLECT THE ARCHBISHOPRIC'S POSITION, E.G. IN COMMENTS TO CODEL BOREN MAY 19 - REF D) BUT IN AN UNPRECEDENTEDLY SHARP AND UNAMBIGUOUS FORMULATION. END COMMENT. PICKERING

DECLASSIFIED

UNCLASSIFIED

[redacted]

UNCLASSIFIED

E28

Embassy of the United States of America

Guatemala, Guatemala

RELEASED

May 23, 1985

UNCLASSIFIED

102

TO : The Ambassador

THROUGH: DCM - Roger R. Gamble .

FROM: CON - Philip B. Taylor

SUBJECT: Your Meeting with Edward Goff, 3:30 pm, Thursday, May 23

Mr. Goff, the Vice President of Wheaton Industries, arrived this morning after about a week of searching in southern Mexico for Nicholas Blake. We do not know what he learned there.

I will be meeting with Goff at somewhat greater length following this meeting with you. During this brief meeting, you could briefly recap our efforts since his last visit (when he accompanied Mrs. Blake), and may wish to draw on the following talking points:

-- We have stayed in close touch with Carl West, the private security coordinator the Blakes hired to pursue the case.

-- In addition, the Defense Attaché has regularly checked with Guatemalan headquarters for any news of Blake and Davis.

-- Most recently, on May 21 and 22, Col. Stokes traveled to Huehuetenango and El Quiche. He met with the zone commanders in both locations. Unfortunately, none of the army patrols operating in the two departments has found any trace of the missing men.

-- We are sorry it has not been possible to discover what happened to Blake and Davis, but we will continue to be alert to any clue regarding their whereabouts.

-- What can you tell us of your trip to Mexico?

GUATEMALA
AMEMBASSY
#327224
BLAKE/DAVIS

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 06/27/95
Case ID: 9512207

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DEPT FOR CA/OCS/EMR (SMITH)

E.O. 12356: N/A
TAGS: CASC, GT BLAKE, NICHOLAS AND DAVIS, GRIFFITH
SUBJECT: W/W: CASE OF GRIFFITH DAVIS AND NICHOLAS BLAKE - TELEPHONE CONVERSATION WITH SAM BLAKE

1. SAM BLAKE, BROTHER OF MISSING AMCIT NICHOLAS BLAKE, CALLED POST AT 1538 EDT ON MAY 24. HE SPOKE WITH CG TAYLOR.

2. SAM BLAKE SAID THAT HE WAS CALLING BECAUSE OF A PRESS REPORT (IN PRENSA LIBRE, GUATEMALA'S LARGEST CIRCULATION MORNING DAILY NEWSPAPER) THAT THE GOG ARMY PRESS SPOKESMAN, COL. MORALES PAIZ, HAD BEEN CITED IN THE GUATEMALAN NEWSPAPER TO THE EFFECT THAT ONE OF THE TWO MISSING AMERICANS HAD CROSSED INTO MEXICO AND THE OTHER WAS STILL WITH THE GUERRILLAS IN THE "IXIL TRIANGLE." BLAKE WANTED TO BE CERTAIN THAT THE EMBASSY WAS AWARE OF THE REPORT, AND, IF SO, WHAT WE MADE OF IT.

3. EMBOFF RESPONDED THAT WE WERE AWARE OF THE REPORT AND WOULD BE MEETING WITH COL. MORALES LATER THAT AFTERNOON TO DETERMINE WHAT MORALES HAD SAID TO THE PRENSA LIBRE REPORTER.

4. BLAKE ASKED WHY THE REPORT SHOULD HAVE APPEARED AT THIS TIME. EMBOFF EXPLAINED THAT ALTHOUGH WE COULD NOT BE CERTAIN PRIOR TO SPEAKING WITH COL. MORALES, IT WAS POSSIBLE THAT MORALES WAS ASKED THE QUESTION IN THE CONTEXT OF THE MAY 22 RELEASE OF THOMAS WILLIAM GREENLEY. AS DEPARTMENT IS AWARE, GREENLEY WAS DETAINED BY THE GUATEMALAN ARMY ON MAY 18 ON THE USAMACINTA RIVER (WHICH RUNS ALONG THE MEXICO/GUATEMALA BORDER) IN THE NORTHERN PETEN. EMBOFF EXPLAINED TO BLAKE THAT THE LOCATION WHERE GREENLEY WAS DETAINED WAS FAR REMOVED FROM THE AREA WHERE NICHOLAS BLAKE AND GRIFFITH DAVIS WERE LAST REPORTED TO BE HIKING.

5. EDWARD GOFF, THE VICE PRESIDENT OF WHEATON INDUSTRIES WHO IS LOOKING INTO THE DAVIS/BLAKE DISAPPEARANCE ON BEHALF OF THE BLAKE FAMILY, IS NOW IN GUATEMALA. THE EMBASSY IS PROVIDING HIM WITH FACILITATIVE ASSISTANCE AND WILL ADVISE THE DEPARTMENT FURTHER REGARDING HIS TRIP VIA SEPTEL. PIEDRA

DRAFTED BY

CONSULAR AFFAIRS
CA/[illegible]
1995 MAY 28 AM 7:41

[redacted]

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 06/27/95
Case ID: 9512207

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TO SECSTATE WASHDC PRIORITY 8525
INFO AMEMBASSY MEXICO

UNCLAS GUATEMALA 05168

DEPT FOR CA/OCS/EMR

E.O. 12356: N/A
TAGS: CASC, GT (DAVIS, GRIFFITH AMD BLAKE, NICHOLAS)
SUBJECT: W/W: CASE OF GRIFFITH DAVIS AND NICHOLAS BLAKE: CONVERSATION WITH GOG ARMY PRESS SPOKESMAN

REF: GUATEMALA 5136

1. REFTEL REPORTS TELEPHONE CONVERSATION WITH SAM BLAKE, BROTHER OF MISSING AMCIT NICHOLAS BLAKE. SAM BLAKE INQUIRED ABOUT A MAY 24 PRESS ITEM (PRENSA LIBRE) REPORTING THE REMARKS OF THE GUATEMALAN ARMY PRESS SPOKESMAN, COL. MORALES, TO THE EFFECT THAT THERE WAS INFORMATION ONE OF THE TWO MISSING AMCITS HAD LEFT GUATEMALA FOR MEXICO.

2. ON MAY 24, EMBOFF CALLED ON COL. MORALES TO REQUEST CLARIFICATION OF THE NEWS ITEM. MORALES SAID THAT HE HAD BEEN MIS-REPORTED BY THE REPORTER. MORALES SAID THAT HE HAD SAID THERE WERE "RUMORS THAT ONE OF THE TWO MISSING AMCITS HAD LEFT GUATEMALA FOR MEXICO AND THAT THE OTHER WAS STILL WITH LEFTIST GUERRILLAS IN THE IXIL TRIANGLE." (NOTE: THE REPORTER HAD CHANGED THIS TO READ "DATOS ESCUETOS," WHICH CAN BE INTERPRETED TO MEAN "UNCONFIRMED INFORMATION.") MORALES WENT ON TO SAY THAT, IN REALITY, THERE WAS NO HARD OR CREDIBLE INFORMATION REGARDING EITHER OF THE TWO MISSING MEN. WHEN ASKED WHY HE HAD COMMENTED UPON THE DISAPPEARANCE AT THIS PARTICULAR TIME, MORALES REPLIED THAT HE HAD ANSWERED A QUESTION PUT TO HIM BY ONE OF TWO REPORTERS DURING HIS RELEASE OF INFORMATION ABOUT ANOTHER, UNRELATED, AMERICAN CITIZEN, THOMAS WILLIAM GREENLEY.

3. EMBOFF THANKED MORALES FOR THIS EXPLANATION. HE REVIEWED THE EFFORTS MADE TO DATE BY BOTH THE EMBASSY AND THE GUATEMALAN GOVERNMENT TO LOCATE DAVIS AND BLAKE AND REQUESTED MORALES TO ADVISE THE EMBASSY SHOULD ANY HARD OR CREDIBLE INFORMATION COME TO HIS ATTENTION. MORALES SAID HE WOULD DO SO. PIEDRA

Entered

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CA- Hardy, Maura
Blake Davis
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United States Department of State
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Review Authority: MOSKOWITZ, SAM
Date: 06/27/96
Case ID: 9612207

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THE BLAKE FAMILY

[redacted] B6

May 29, 1985

Ms. Sally Gober
United States Department of State
Citizens Emergency Center
Room 4807
2201 "C" Street, N.W.
Washington, D.C. 20520

Re: Disappearance of Nicholas Blake

Dear Ms. Gober:

My companion, Ted Kobiela, and I have just returned to the United States from our visit to Mexico and Guatemala. We followed the schedule that I outlined before we left. First we visited the Embassy in Mexico City and spoke with Vice Consul, Ralph Nider.

Three days later in Guatemala we had the pleasure and honor to be received by General Consul, Philip Taylor and met with the U.S. Ambassador personally who gave us his assurance that everything that could be done in Guatemala would be. During our visit in Guatemala we were received by Military Attache', Stokes, and were accompanied on a trip to the interior by Vice Consul, Tom Shannon.

I certainly appreciate the courtesies we received during our visit and am enclosing copies of my letters to the various officials who assisted us during such visit. Your cooperation and help in this matter is most sincerely appreciated.

Very truly yours,

J. Edward Goff on behalf of
The Blake Family

JEG:rex
Encls.
cc: Mrs. Mary Blake

J. EDWARD GOFF
Friend of the Family
Millville, NJ 08332
(609) 825-1400 #2266

[redacted]

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 06/27/95
Case ID: 9512207

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PAGE 01 - SAN SA 06806 01 OF 03 311759Z
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FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 5522
INFO AMEMBASSY BOGOTA
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AMEMBASSY MANAGUA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HEIGHTS PN
USIA WASHDC 4774
USAFSO HOWARD AFB PN//LAI

Dept. of State, RPS/IPS, Margaret P. Grafeld, Dir.
XX Release ( ) Excise ( ) Deny XX Declassify
Date 2/27/02 Exemption

[redacted]L SECTION 01 OF 03 SAN SALVADOR 06806

USIA FOR AR/CENTAM

E.O. 12356: DECL:OADR
TAGS: PREL, PGOV, ES
SUBJECT: CODEL DURENBERGER MEETING WITH PRESIDENT DUARTE

1. [redacted]--ENTIRE TEXT.

2. SUMMARY

PRESIDENT DUARTE AND SENATOR DURENBERGER, ACCOMPANIED BY AMBASSADOR PICKERING, HAD AN EXCEEDINGLY CORDIAL MEETING IN THE PRESIDENT'S OFFICE MAY 30. THE DISCUSSION RANGED OVER DUARTE'S INTERNAL DIPLOMACY WITH THE [redacted]

[redacted]

PAGE 02 SAN SA 06806 01 OF 03 311759Z

SALVADORAN ARMED FORCES AND HIS CONVICTION THAT HE ENJOYS THEIR SUPPORT DESPITE THEIR FAILURE TO UNDERSTAND SOME OF THE TACTICS THAT HE EMPLOYS ON ISSUES SUCH AS DIALOGUE. DUARTE SAID HE THOUGHT THAT ONE REASON THE SALVADORAN LEFT IS TRYING TO IMPEDE THE DIALOGUE PROCESS IS TO EVADE THE RISK THAT IT BECOME A MODEL TO BE IMPOSED ON THE SANDINISTA REGIME WITH REGARD TO THEIR OWN OPPOSITION. DUARTE ALSO EXPOUNDED AT LENGTH ON HIS VIEW THAT THE US DOES NOT HAVE A CLEAR POLICY TOWARD NICARAGUA, IN THE ABSENCE OF WHICH THE USG IS IN A COMPLETELY REACTIVE POSTURE TOWARDS EVENTS. HE BELIEVED A CLEAR US OBJECTIVE NEEDED TO BE ARTICULATED, NICARAGUAN DEMOCRATIC LEADERS IDENTIFIED AS SUCH, AND

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A CONSENSUS DEVELOPED ON HOW TO STEER NICARAGUA TOWARD A DEMOCRATIC PROCESS. END SUMMARY.

3. DUARTE'S DOMESTIC SITUATION

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DUARTE AND THE SENATOR AGREED THAT THINGS WERE MOVING FORWARD POSITIVELY IN EL SALVADOR. ONE DEMONSTRATION WAS THE HIGHLY POSITIVE TONE OF HIS MAY VISIT TO THE UNITED STATES, IN DRAMATIC CONTRAST WITH HIS FIRST TRIP IN 1980 WHEN HE WAS PRESIDENT OF THE JUNTA GOVERNMENT. HE HAD HAD A FULL AND SATISFYING VISIT; WHEREAS IN THE PAST HE HAD BEEN GREETED WITH ABUNDANT SKEPTICISM HE WAS NOW ACCORDED NEARLY UNIVERSAL DEMONSTRATIONS OF CONFIDENCE.

4. DIALOGUE

SENATOR DURENBERGER REMARKED ON THE COOPERATION BEING EXTENDED DUARTE BY THE SALVADORAN ARMED FORCES. THIS, HE NOTED, EXTENDED TO THE PROCESS OF DIALOGUE, AND HE [redacted]

[redacted]

DREW A CONNECTION WITH THE SITUATION IN NICARAGUA EXPRESSING THE CONVICTION THAT IT HAD TO BE RESOLVED BY A PROCESS OF DIALOGUE SIMILAR TO THE ONE WHICH PRESIDENT DUARTE HAD INITIATED.

5. PRESIDENT DUARTE REMARKED THAT THIS WAS ONE OBVIOUS REASON WHY THE SALVADORAN LEFT WAS ATTEMPTING TO SABOTAGE THE DIALOGUE WITH THE GOES. HE DID NOT BELIEVE THE LEFT WAS SERIOUS AND NOTED THEIR EFFORTS TO PAINT HIM AS THE RECALCITRANT PARTY. DUARTE NOTED, HOWEVER, THAT THE ESAF UNDERSTANDS HIS INTENTIONS IN THE DIALOGUE AND REMAINS FULLY SUPPORTIVE. ALTHOUGH NOT ALWAYS COMPLETELY UNDERSTANDING OF HIS TACTICS, DUARTE MAINTAINED, THE ESAF NOW HAS FAITH IN HIM. HIS CONTINUING MISSION IS TO REASON WITH THE ARMY SO THAT IT WILL HAVE NO DOUBTS OR MISUNDERSTANDINGS ON THE DIRECTION IN WHICH HE IS LEADING THE COUNTRY. HE DID NOT WISH TO PUSH THE ARMY FORWARD ON THE BASIS OF ORDERS--WHICH WOULD BE OBEYED--BUT ON THE BASIS OF BELIEF IN THE DEMOCRATIC PRINCIPLES THAT THE SYSTEM NOW EMBODIED.

6. PDC AND PRIVATE SECTOR

THE SENATOR TURNED THE CONVERSATION TO RELATIONS BETWEEN THE PDC AND THE PRIVATE SECTOR, ASSERTING THAT THE ABILITY OF THE TWO TO COOPERATE IN THE ECONOMIC SPHERE WOULD BE A VALUABLE MODEL FOR OTHER COUNTRIES. DUARTE RESPONDED THAT HE HAD MADE EFFORTS TO REACH OUT TO THE PRIVATE SECTOR, CITING BY WAY OF EXAMPLE HIS EFFORTS TO IMPROVE CONDITIONS FOR THE COFFEE GROWERS. HOWEVER, EVERY ONE OF HIS SUPPORTIVE MEASURES HAD BEEN CONDEMNED BY THE LEADERS OF THE COFFEE GROWERS ASSOCIATION.

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PAGE 01 SAN SA 06806 02 OF 03 311800Z
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INFO AMEMBASSY BOGOTA
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AMEMBASSY MANAGUA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
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C O N F I D E N T I A L SECTION 02 OF 03 SAN SALVADOR 06806

USIA FOR AR/CENTAM

E.O. 12356: DECL:OADR
TAGS: PREL, PGOV, ES
SUBJECT: CODEL DURENBERGER MEETING WITH PRESIDENT DUARTE

DUARTE COMMENTED THAT THE FUNDAMENTAL PROBLEM WAS THE LACK OF A DEMOCRATIC TRADITION IN EL SALVADOR WHEREBY EVERYONE UNDERSTOOD THE RULES OF A DEMOCRATIC PROCESS AND OPERATED ON THE BASIS OF MUTUAL RESPECT. THE PRESENT DEMOCRATIC SYSTEM, HOWEVER, WAS GRADUALLY MAKING PEOPLE RETHINK AND REVISE THEIR MENTALITY. HE BELIEVED IN THE POSSIBILITY OF PDC COOPERATION WITH THE PRIVATE BUSINESS COMMUNITY IF IT WERE POSSIBLE TO

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MEET AND REASON TOGETHER.

7. NICARAGUA

SENATOR DURENBERGER PROVIDED DUARTE WITH SUBSTANTIAL BACKGROUND ON PRESIDENT REAGAN'S EFFORT TO GAIN THE SUPPORT OF CONGRESS ON ASSISTANCE TO THE CONTRAS IN NICARAGUA AND OUTLINED THE ADMINISTRATION'S PLAN TO RETURN TO THE CONGRESS WITH A NEW RESOLUTION IN THE DAYS AHEAD. THE SENATOR ASKED DUARTE FOR HIS VIEWS ON THE DIRECTION THAT US POLICY TOWARD NICARAGUA SHOULD TAKE.

8. DUARTE BEGAN BY NOTING THAT EL SALVADOR IS FUNDAMENTALLY IN HARMONY WITH THE US ANALYSIS OF THE NICARAGUAN SITUATION ALTHOUGH NOT ITSELF INVOLVED. HE THEN OFFERED HIS PERSONAL, HONEST ANALYSIS THAT PRESIDENT REAGAN'S DEFEAT IN THE CONGRESS CREATED THE APPEARANCE THAT THE US WAS WITHOUT A NICARAGUAN OR CENTRAL AMERICAN POLICY. IN HIS VIEW, THE ADMINISTRATION WAS MERELY REACTING TO EVENTS, AND HE CITED US ECONOMIC SANCTIONS AS AN EXAMPLE OF THIS REACTIVE MODE. IN THE ABSENCE OF A CLEAR CUT US POLICY, THE REST OF THE WORLD, INCLUDING THE NICARAGUAN REGIME, WERE DEFINING US POLICY IN THEIR OWN TERMS. NICARAGUA HAD BEEN ALLOWED TO FIND A SCAPEGOAT FOR ALL ITS PROBLEMS AND TO HARP ON THE THEME THAT THE US WAS PREPARING TO INVADE. DUARTE PERCEIVED THIS CONCEPT TO BE PERMEATING THE CONTADORA PROCESS AND EVEN EUROPEAN VIEWS ON THE CENTRAL AMERICAN SITUATION. IN FACT, HE SAID, THE US WAS LETTING ITSELF BE USED. DANIEL ORTEGA, DUARTE NOTED, HAD SAID THAT NICARAGUA WAS EXPLOITING US DEMOCRATIC PARTY MEMBERS AND LIBERALS TO FEED BACK SANDINISTA VIEWS

INTO US PUBLIC OPINION. THE PUBLIC US DEBATE WAS EVEN HELPING TO DAMAGE US INTELLIGENCE SERVICES THROUGH OPEN DISCUSSION OF THEIR ACTIVITIES.

9. DUARTE SAID HE HAD TRIED TO TELL FRIENDS IN DURING HIS RECENT VISIT THAT THEY MUST JOIN IN REDEFINING THEIR OBJECTIVES TOWARDS NICARAGUA AND CREATE A BIPARTISAN POLICY ON THE BASIS OF CLEAR CUT GOALS. THE US, HE SAID, HAD TO DECIDE WHAT IT WAS TRYING TO ACHIEVE. WAS IT, HE ASKED, TO HALT THE SPREAD OF REVOLUTION BY THE SANDINISTAS, OR TO OVERTHROW THEIR GOVERNMENT? HAD THE US CLEARLY DEFINED WHO THE DEMOCRATIC OPPOSITION TO THE SANDINISTAS REALLY WAS: BERMUDEZ, CALERO, ROBELO? DUARTE EXPRESSED BELIEF THAT THE US SHOULD BE, IN FACT, FURNISHING ASSISTANCE TO INTERNAL DEMOCRATIC FORCES IN NICARAGUA, SUCH AS

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"LA PRENSA" OR NICARAGUAN PRIVATE ENTERPRISE. PRESSURE FROM THE OUTSIDE ALONE, SUCH AS THROUGH THE CONTRAS, ONLY GAVE THE SANDINISTAS THE EXCUSE TO BLAME THEIR PROBLEMS ON "IMPERIALISM", TO STRENGTHEN THEIR INTERNAL ORGANIZATION, AND TO MARSHALL DOMESTIC OPINION. IN HIS VIEW, DUARTE SAID, THE ANSWER WAS TO CONFRONT THE SANDINISTAS WITH A TRUE DEMOCRATIC FRONT IN NICARAGUA JUST AS SALVADORAN DEMOCRATS HAD CONFRONTED AND FACED DOWN THE LEFT IN EL SALVADOR. IF THE US HAD A CLEAR IDEA ON HOW TO HELP STEER NICARAGUA TOWARD A DEMOCRATIC PROCESS, DUARTE SAID, IT WOULD ACQUIRE FLEXIBILITY THAT COULD EXTEND EVEN TO THE SUPPLY OF ARMS TO THE CONTRAS. WITHOUT SUCH A CONCEPT, US POLICY REMAINED WITHOUT DIRECTION.

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10. SIMILARLY, DUARTE SAID, UNLESS A CLE
-EADERSHIP FOR NICARAGUA COULD BE IDENTIFI
COULD BE NO SOLUTION. HE HAD ADVISED CRUZ TO R

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USCINCSO QUARRY HEIGHTS PN
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E.O. 12356: DECL:OADR
TAGS: PREL, PGOV, ES
SUBJECT: CODEL DURENBERGER MEETING WITH PRESIDENT DUARTE

IN THE NICARAGUA PRESIDENTIAL ELECTION. HOWEVER CRUZ HAD NOT WANTED TO RUN ANY RISKS, MUCH AS GUILLUNGO WANTED TO HAVE POWER SERVED UP TO HIM IN EL SALVADOR WITHOUT THE RISK OF COMPETING FOR IT ELECTORALLY. DUARTE SAID HE HAD SIMILARLY TOLD CALERO THAT, AS A DEMOCRAT, HE SHOULD REVISE HIS ASSOCIATIONS AND CONSTITUTE A REAL DEMOCRATIC FRONT.

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FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC 8724
INFO AMEMBASSY MANAGUA
AMEMBASSY MEXICO

C O N F I D E N T I A L GUATEMALA 05368

E.O. 12356 DECL: OADR
TAGS: CASC, GT
SUBJ: W/H CASE OF NICK BLAKE AND GRIFFITH DAVIS

REF: GUATEMALA 05171 (NOTAL)

1. (C) CARL WEST, AN AMERICAN CITIZEN SECURITY CONSULTANT WHO HAS BEEN ENGAGED BY THE BLAKE FAMILY AND BY FRIENDS OF GRIFFITH DAVIS, CAME TO THE EMBASSY ON MAY 28 TO REVIEW RECENT DEVELOPMENTS IN HIS INVESTIGATION OF THE SUBJECTS' DISAPPEARANCE.

2. (C) ACCORDING TO WEST, HIS SOURCES BELIEVE THAT AN ENGAGEMENT BETWEEN GUERRILLAS AND GUATEMALAN ARMY ELEMENTS, SAID TO HAVE BEEN FOUGHT SOME FIVE MILES NORTH OF NEBAJ ON OR ABOUT 26 APRIL, RESULTED IN THE DEATHS OF THREE "NON-GUATEMALANS" TWO MEN AND A WOMAN, WHO WERE TRAVELING WITH THE GUERRILLAS. COMMENT: THE MISSION WAS FIRST MADE AWARE OF THIS REPORTED CLASH ABOUT TWO WEEKS AGO. USING ALL THE RESOURCES OF THE EMBASSY, BOTH CIVILIAN AND MILITARY, WE HAVE BEEN UNABLE TO DEVELOP ANY INFORMATION WHICH MIGHT CONFIRM THESE REPORT. END COMMENT.

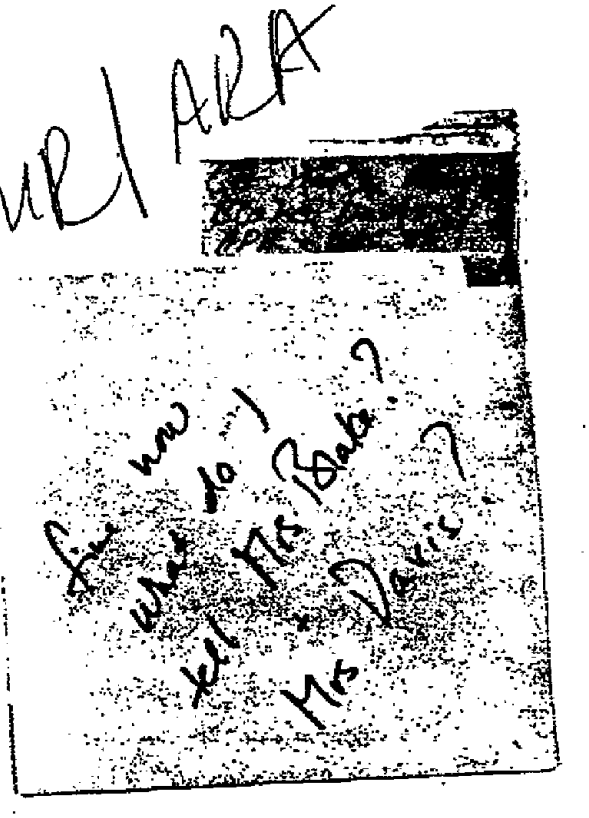
3. (C) WEST ALSO SAID THAT HE RECEIVED A TELEPHONE CALL AT HIS OFFICE AT MID-DAY, SATURDAY, MAY 25. THE UNNAMED CALLER, WHO WEST BELIEVES TO BE A FEMALE, TOLD WEST IN SPANISH THAT BLAKE WAS WELL, ALTHOUGH HE WAS UNHAPPY WITH HIS DIET IN THAT HE WAS EATING THE FOOD OF THE PEOPLE (COMIDA DEL PUEBLO). SHE TOLD WEST THAT THE "CAPTURE OF THE BOAT" WOULD DELAY BLAKE'S RELEASE AND THAT "THEY MAY HAVE TO USE BURROS". COMMENT: WEST SAYS THAT HE IS POSITIVE THAT THE BOAT MENTIONED IN THE CALL IS THAT IN WHICH ANCIT THOMAS WILLIAM GREENLEY WAS TRAVELING WHEN DETAINED BY THE GUATEMALAN MILITARY. (SEE REFTEL) END COMMENT.

4. (C) ON MAY 25, WEST ALSO SPOKE WITH ANCIT PAUL HOEPFERT (EX UNDERSTOOD) WHO WEST DESCRIBES AS A FREE LANCE JOURNALIST BASED IN MANAGUA, WHO IS IN GUATEMALA LOOKING FOR INFORMATION ON BLAKE. THIS CONVERSATION, THE LAST OF SEVERAL WEST HAD WITH HOEPFERT IN RECENT DAYS, WAS INITIATED BY WEST BECAUSE OF A CRYPTIC MESSAGE RECEIVED FROM MRS. MARY BLAKE THROUGH HER ATTORNEY, EDWARD GOFF, WHO WAS VISITING GUATEMALA ON HER BEHALF. WEST QUOTES GOFF AS SAYING, "I HAVE A MESSAGE FROM MRS. BLAKE WHICH I DO NOT UNDERSTAND. SHE SAYS THAT YOU SHOULD CALL PAUL". WEST SAID THAT HE BELIEVED THAT SHE WANTED HIM TO CALL HOEPFERT. HOEPFERT WAS EXTREMELY RETICENT, ACCORDING TO WEST, BUT FINALLY ADMITTED THAT HE HAD SOURCES IN MANAGUA WHO ASSURED HIM THAT BLAKE WAS WITH THE EGP IN GUATEMALA, BUT WOULD BE RELEASED ABOUT JULY 1. WEST SAID THAT HE BELIEVES HOEPFERT KNOWS WHERE BLAKE IS TO BE RELEASED. HE SUGGESTED THAT BY "TRACKING" HOEPFERT, HE WOULD EVENTUALLY BE LED TO BLAKE.

(C) WEST ALSO RELATED PORTIONS OF A MAY 25 MEETING HE HAD WITH GOFF IN WHICH GOFF SAID THAT THE BLAKE FAMILY HAD RECEIVED INFORMATION FROM THE DEPARTMENT THAT GRIFFITH DAVIS HAD SPENT A SIGNIFICANT PERIOD OF TIME IN CUBA DURING THE EARLY 70'S. GOFF HAD EARLIER TOLD CONSUL GENERAL TAYLOR THAT HE HAD SUCH INFORMATION, BUT SOURCED IT TO UNNAMED PERSONS IN NEW YORK.

6. (C) COMMENT: POST IS AWARE OF CERTAIN INCONSISTENCIES IN WEST'S RETELLING, BUT WE HAVE CHOSEN NOT TO CHALLENGE THE STORY AS HE GIVES IT BECAUSE WE CONSIDER IT PRUDENT TO KEEP THIS CHANNEL OPEN. END COMMENT.

PIERRA



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United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 06/27/95
Case ID: 9612207

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Embassy of the United States of America

RELEASED

Guatemala, Guatemala

3 June 1985

UNCLASSIFIED MEMORANDUM

TO: Philip B. Taylor

(11)

FROM: Thomas A. Shannon

SUBJECT: Telephone call from Oakland Ross, correspondent for the Toronto Globe and Mail

Oakland Ross of the Toronto Globe-Mail telephoned from his office in Mexico City and asked to speak to you. He said that he wanted to know the following:

1. The proper spelling of the name of Griffith Davis's common-law wife. (He identified Davis's "wife" as Lori Legator, I did not correct him.)

2. The home telephone number of the Blake family.

3. He claimed that just before he left Guatemala he heard a "third-hand" rumor that Griffith Davis's "wife" had been receiving letters from Davis postmarked Mexico. Ross wanted to know if we knew anything about this.

I told Mr. Ross that I could not answer his questions and that he really should talk to you. He asked that you call him tomorrow morning at 905-525-6178.

Not a good number.

Eduardo Alvarez
Press Officer
Canadian Embs. - MEX

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 06/27/95
Case ID: 9512220?

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INFO LOG-00 ADS-00 AMAD-01 CA-02 /009 W

062655 071736Z /38

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FM AMEMBASSY GUATEMALA
TO AMCONSUL TORONTO
INFO SECSTATE WASHDC 8848
AMEMBASSY MEXICO

EMB/AFA

UNCLAS GUATEMALA 05585

E.O. 12356: N/A
TAGS: CASC, GT (DAVIS, GRIFFITH AND BLAKE, NICHOLAS)
SUBJECT: W/W: CASE OF GRIFFITH DAVIS AND NICHOLAS BLAKE

1. AMCITS GRIFFITH DAVIS AND NICHOLAS BLAKE HAVE BEEN MISSING SINCE APRIL 8, 1985. THE TWO HAVE BEEN THE SUBJECT OF AN INTENSE SEARCH IN THE MOUNTAINOUS TERRITORY IN NORTHERN GUATEMALA WHERE THEY WENT HIKING IN LATE MARCH. TO DATE, IT HAS NOT BEEN POSSIBLE TO ESTABLISH THEIR WHEREABOUTS BEYOND MARCH 30.

2. NICHOLAS BLAKE IS A FREE LANCE JOURNALIST. HE HAS WRITTEN FOR THE TORONTO GLOBE AND MAIL ON OCCASION. THE GLOBE AND MAIL CORRESPONDENT IN MEXICO CITY, OAKLAND ROSS, RECENTLY VISITED GUATEMALA AT THE REQUEST OF HIS EDITORS IN TORONTO IN ORDER TO DO A PIECE ON THE MISSING MEN. DURING A JUNE 7 TELEPHONE CONVERSATION, ROSS TOLD EMBOFF THAT HE HAD FINISHED HIS ARTICLE AND IT WOULD BE APPEARING SOON IN THE GLOBE AND MAIL.

3. WE WOULD APPRECIATE YOUR KEEPING AN EYE OUT FOR THE ARTICLE AND SENDING US A COPY WHEN IT APPEARS.
PIEDRA

1985 JUN 10 AM 7:47
CONSULAR AFFAIRS

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 06/27/95
Case ID: 95122207

UNCLASSIFIED

E228

RELEASED

JUN 8 1985 Gen GLOBE + MAIL - TORONTO

Missing men swallowed up in forbidding guerrilla area

(B)

By OAKLAND ROSS
Globe and Mail Correspondent

NEBAJ, Guatemala — From a vantage point on a precipitous green ridge above this isolated town in western Guatemala, you can gaze to the north where the Cuchumatanes Mountains rise and fall to the Mexican border.

The distance as the quetzal flies is modest — a mere 75 kilometres — but it would take days and perhaps weeks for a man to trek through those tall, forbidding walls of land, where hundreds of insurgent guerrillas roam almost at will and where the war-weary denizens of remote Indian hamlets speak Spanish poorly, if at all.

More than two months ago, a young U.S. journalist and his companion — also an American, and a long-time resident of Guatemala — went missing somewhere in those hills, perhaps a two-day walk northwest of here. Their disappearance was reported to the U.S. Embassy in Guatemala City by friends on April 8, exactly two months ago today.

Neither of them has been seen or heard from since.

An intense search by U.S. Embassy personnel and a major sweep through the area by nearly 300 Guatemalan Army troops

MOUNTAINS — Page 13

Nick Blake

GUATEMALA
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#321224
News Clippings
BLAKE, DAVIS CASE

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 06/27/95
Case ID: 95122207

Mountains swallow missing men

● From Page One

failed to turn up any sign of the two men's whereabouts, if they are alive, or of their fate, if they are not.

Nonetheless, friends and close relatives of Nick Blake, a 27-year-old freelance reporter who wrote periodically for The Globe and Mail, say they believe that he and Griffith Davis, a Guatemala resident in his late 30s, are still alive.

Major Jesus Carbojal Marin, commander of the Guatemalan Army garrison in Nebaj, concedes the possibility that the two men may indeed still be roaming the densely forested mountainsides with the now depleted forces of the EGP, the Spanish acronym for the Guerrilla Army of the Poor, one of four Guatemalan armed insurgent groups.

But others say that such a prospect is unlikely.

"This is what everybody hopes, that they'll turn up in Mexico or something," said a diplomat in the capital. "Not very likely. I think the poor guys have been done in, and it could have been anybody. It could have been the army, the guerrillas, the civil defence."

Formed in the 1960s to combat a succession of military dictators that had ruled (and continue to rule) in Guatemala since the U.S.-sponsored overthrow of leftist Jacobo Arbenz in 1954, the EGP is the oldest of the country's insurgent groups. It has had its ups and downs.

In the late 1960s, the EGP was all but wiped out in a wave of brutal counter-insurgency operations by the Guatemalan Army. It resurfaced, however, and, by the late 1970s, effectively controlled the countryside and the Indian villages in much of El Quiche and Huehuetenango, two Guatemalan provinces bordering southern Mexico.

In 1982 and 1983, a new army counter-offensive was launched, Indian villages were razed, show executions were staged to terrorize the peasantry, refugees fled by the thousands into Chiapas state in southern Mexico — and the EGP was driven into retreat.

According to Major Jorge Medina, second-in-command at the Guatemalan Army garrison in Santa Cruz del Quiche, the provincial capital, there are only about 500 EGP regulars still in arms, divided into two military "fronts" and scattered through the hinterlands of northern Quiche and Huehuetenango.

It was in order to make contact with these remnants of the EGP that Mr. Blake and Mr. Davis set off on a one- to two-week hiking tour on March 25, departing from the provincial capital of Huehuetenango. They planned to show up in Nebaj about April 3. They have yet to show up anywhere.

"The only scenario that offers any hope is that he's with the guerrillas," said Peter Lindsay, a Boston resident and a close friend of Mr. Blake's.

Almost no one dismisses that possibility outright. On the other hand, as diplomats and military officers here are fond of saying, the EGP is not "like" the guerrillas in neighboring El Salvador.

The EGP has little of the public-relations sense of El Salvador's People's Revolutionary Army, for example, whose political theories, news reports and musical interludes are broadcast by radio daily within El Salvador and whose representatives in Mexico City, say, can be reached by dialling a seven-digit number (ask for Leticia or Paulo).

With a bold likeness of Argentine revolutionary Ernesto (Che) Guevara as its logo, the EGP is militarily hardened, politically unyielding and ideologically purist, shunning ties with "bourgeois" elements of the Guatemalan opposition to military rule.

Adherents of the "prolonged popular war" insurgent strategy generally accredited to Vietnamese revolutionary Ho Chi Minh, the EGP places top priority on political organization among the Indian peasantry, relegating military operations to a secondary role.

Now seriously weakened both politically and militarily, the EGP has closed ranks and limits itself to occasional acts of sabotage or harassment raids against the military. Its arms consist of the standard Central American guerrilla fare: G-3, M-16 and FAL automatic rifles, M-79 grenade launchers, some 60 mm mortars and Chinese RPG-2s.

Rumors abound concerning the fate of the two men. There are stories that they already have made their way out of Guatemala and are somewhere in Mexico, stories that Mr. Davis is in Mexico writing letters to his common-law wife in Guatemala while Mr. Blake remains with the guerrillas, stories that they are both with the guerrillas but unable for reasons of "security" to leave.

On scrutiny, however, the rumors and the stories tend to evaporate like the pale mist blanketing the shoulders of the Cuchumatanes.

In these isolated and conflict-ridden mountains, it is far from impossible to vanish without a trace. Almost four years ago, in July, 1981, for example, an American named Jack Ross Shelton from small-town Tennessee crossed into Huehuetenango province by bus from Mexico.

He spent the night at the Hotel Central, a brown and cream-colored building just off the main plaza in the city of Huehuetenango, the same hotel in which Mr. Blake and Mr. Davis stayed on the eve of their trek.

Like them, Mr. Shelton has not been seen or heard from since.

First of a series

GUATEMALA
Amembassy
#327224
News Clippings
BLAKE, Davis Case

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PAGE 01 GUATEM 05739 01 OF 03 121639Z
ACTION ARA-00

INFO LOG-00 COPY-01 ADS-00 AID-00 INR-10 SS-00 CIAE-00
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AMEMBASSY STOCKHOLM
AMEMBASSY OSLO
AMEMBASSY COPENHAGEN
USMISSION GENEVA

UNCLAS SECTION 01 OF 03 GUATEMALA 05739

ROME ALSO FOR VATICAN

E.O. 12356: N/A
TAGS: ASEC, PROV, PINR, PHUM, GT
SUBJECT: MONTHLY POLITICAL VIOLENCE AND HUMAN RIGHTS REPORT FOR MAY 1985

1. MONTHLY POLITICAL VIOLENCE AND HUMAN RIGHTS REPORT FOR MAY 1985, TAKEN FROM OFFICIAL GOG BULLETINS, INDEPENDENT NEWS REPORTS AND GUERRILLA COMMUNIQUES AS REPORTED BY FBIS. NOTE: IN THE MAJORITY OF INCIDENTS 'MERE IS NOT ENOUGH EVIDENCE TO DETERMINE MOTIVE OR TO
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PAGE 02 GUATEM 05739 01 OF 03 121639Z

ASSIGN RESPONSIBILITY. IN CASES OF DISAPPEARANCES, IT FREQUENTLY OCCURS THAT THE VICTIMS REAPPEAR ALIVE, OFTEN ABROAD, BUT SELDOM IS THEIR REAPPEARANCE REPORTED IN THE MEDIA. THEREFORE, THIS DATA SHOULD

DEPARTMENT OF STATE IM/IS/CMD Date: 2/20/98
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PA Exemptions ( ) DOWNGRADE TS to ( ) S or ( ) C
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NOT BE CONSIDERED AS EXACT AND CONSEQUENTLY EMBASSY GUATEMALA CANNOT GUARANTEE ACCURACY OF THE FIGURES HEREIN. CONSISTENT UTILIZATION OF THE SAME METHODOLOGY, HOWEVER, REFLECTS TRENDS IN THE INCIDENCE OF VIOLENCE.

2. DEATHS

CIVILIAN NON-COMBAT

	URBAN	RURAL	TOTAL
-	06	19	25

NOTE: THE CIVILIAN NON-COMBAT DEATH RATE REFLECTS WHAT APPEARS TO BE A LEVELING OFF IN THE NUMBER OF INCIDENTS. THE SIX CIVILIAN URBAN DEATHS INCLUDED THREE VICTIMS DISCOVERED, WITH SEVERAL BULLET WOUNDS, IN THE OUTSKIRTS OF GUATEMALA CITY, THE OTHER THREE CIVILIAN DEATHS WERE THOSE OF AN ARMY LIEUTENANT'S GIRLFRIEND KIDNAPPED IN GUATEMALA CITY - AND CONSEQUENTLY SHOT; A FOOTBALL REFEREE SHOT BY MEN ON A MOTORCYCLE AND A MEMBER OF THE UNION OF A GLASS FACTORY AND PART-TIME AUXILIARY MAYOR OF EL MEZQUITAL, A CONTROVERSIAL NEIGHBORHOOD IN THE SUBURBS OF GUATEMALA CITY, WHO WAS SHOT SEVERAL TIMES BY MEN WHO BROKE INTO HIS HOME. OF THE TWENTY RURAL DEATHS, THE FOLLOWING NINE CAN BE INCLUDED IN THE "POSSIBLE BY LEFT" CATEGORY, AND THOSE ARE: FOUR

FARM OWNERS WHO WERE EXECUTED, THREE IN SANTA ROSA AND ONE IN ESCUINTLA DEPARTMENTS; TWO SMALL BUSINESSMEN KILLED BY THE EXPLOSION OF A "CLAYMORE" BOMB THROWN BY ARMED MEN AT THE TRUCK THEY WERE DRIVING, IN A VILLAGE OF EL PETEN; A NURSE SHOT BY MEN IN OLIVE GREEN UNIFORMS, WHEN SHE RESISTED ABDUCTION FROM HER HOME IN SUCHITEPEQUEZ DEPARTMENT; ONE UNIDENTIFIED MAN SHOT BY MEN ARMED WITH RIFLES IN THE DEPARTMENT OF EL QUICHE AND ONE BUS DRIVER KIDNAPPED AND SHOT IN SANTA ROSA DEPARTMENT. OF THE REMAINING TEN DEATHS, NINE WERE UNIDENTIFIED BODIES, WITH BULLET WOUNDS AND OTHER MARKS OF VIOLENCE, LOCATED AS FOLLOWS: FOUR EACH IN THE DEPARTMENTS OF ESCUINTLA AND GUATEMALA, AND ONE IN SAN MARCOS DEPARTMENT. THE OTHER RURAL DEATH WAS THAT OF AMADEO ESTRADA, FARMER, KIDNAPPED AND SUBSEQUENTLY BEATEN AND SHOT IN THE DEPARTMENT OF CHIMALTENANGO.

ON MAY TENTH, NATIONAL POLICE SOURCES REPORTED THAT THE TOTAL NUMBER OF MEMBERS OF THAT INSTITUTION KILLED ON DUTY IN 1985 AMOUNTED TO FORTY-FIVE. DURING THE REMAINDER OF THE MONTH FOUR MORE NATIONAL POLICEMEN WERE MURDERED, ACCORDING TO POLICE SOURCES, BY "COMMON CRIMINALS", BRINGING TO FORTY-NINE THE TOTAL OF POLICEMEN KILLED WHILE ON DUTY, THROUGH MAY 1985.

COMBAT

-	URBAN	RURAL	TOTAL
MILITARY KIA	01	09	10
GUERRILLAS KIA	00	10	10
CD FORCES KIA	00	05	05
CIVILIANS KIA	00	03	03

NOTE: THE ONLY URBAN MILITARY DEATH WAS THAT OF AN

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PAGE 01 GUATEM 05739 02 OF 03 121640Z
ACTION ARA-00

INFO LOG-00 COPY-01 ADS-00 AID-00 INR-10 EUR-00 SS-00
CIAE-00 DODE-00 H-01 IO-16 NSC-01 NSAE-00 SY-06
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AMEMBASSY BRUSSELS
AMEMBASSY MADRID
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AMEMBASSY BONN
AMEMBASSY PARIS
AMEMBASSY STOCKHOLM
AMEMBASSY OSLO
AMEMBASSY COPENHAGEN
USMISSION GENEVA

UNCLAS SECTION 02 OF 03 GUATEMALA 05739

ROME ALSO FOR VATICAN

E.O. 12356: N/A
TAGS: ASEC, PROV, PINR, PHUM, GT
SUBJECT: MONTHLY POLITICAL VIOLENCE AND HUMAN RIGHTS
ARMY LIEUTENANT, KIDNAPPED, BEATEN AND SHOT IN
GUATEMALA CITY. OF THE NINE RURAL MILITARY DEATHS,
SEVEN CASUALTIES OCCURED IN CONFRONTATIONS WITH
GUERRILLAS IN THE DEPARTMENTS OF SOLOLA,
SUCHITEPEQUEZ, EL QUICHE AND CHIMALTENANGO. THE
REMAINING TWO WERE THOSE OF AN ARMY CORPORAL AND OF A
POLICEMAN EXECUTED BY GUERRILLAS IN SUCHITEPEQUEZ AND
ESCUINTLA DEPARTMENTS RESPECTIVELY. THE TEN GUERRILLA
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PAGE 02 GUATEM 05739 02 OF 03 121640Z

RURAL CASUALTIES WERE THE RESULT OF CONFRONTATIONS
WITH THE ARMY AND CIVIL DEFENSE FORCES IN THE
DEPARTMENTS OF EL QUICHE, SAN MARCOS, ESCUINTLA, EL
PETEN AND SUCHITEPEQUEZ. OF THE FIVE CIVIL DEFENSE
RURAL DEATHS, TWO OCCURED IN A CONFRONTATION WITH
GUERRILLAS IN THE DEPARTMENT OF SUCHITEPEQUEZ. THE
REMAINING THREE WERE EXECUTED BY GUERRILLAS, ONE EACH
IN CHIMALTENANGO, ESCUINTLA AND SUCHITEPEQUEZ
DEPARTMENTS. THIS MONTH WE INCLUDED THREE CASUALTIES
IN THE "CIVILIANS KILLED IN ACTION" CATEGORY, WHICH
VERY SELDOM OCCUR. THE CIVILIANS, AMONG THEM A WOMEN
AND A GIRL, DIED DURING A GUERRILLA ATTACK ON THE
SANTA ANA BERLIN MILITARY DETACHMENT IN COATEPEQUE,
QUEZALTENANGO DEPARTMENT.
OCCUPATION OF MAY 1985 VICTIMS, WHERE NOTED

MILITARY	10
GUERRILLAS	10
CD FORCES	05
FARM OWNERS	04
NURSE	01
BUS DRIVER	01
SMALL BUSINESSMEN	02
FOOT-BALL REFEREE	01
UNKNOWN	17
WORKER/AUXILIARY MAYOR	01
FARMER	01

	CIV/NC.	CD	GUERR	MIL.	CIV/KIA	TOTAL
LAST MONTH:	32	03	09	03	00	47
THIS MONTH:	25	05	10	10	03	53
Y-T-D:	166	19	55	39	03	282

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3. ABDUCTIONS

	URBAN	RURAL	TOTAL
LAST MONTH:	02	26	28
THIS MONTH:	04	01	05
Y-T-D:	36	53	89

NOTE: OF THE FOUR URBAN ABDUCTION CASES, THREE CAN BE INCLUDED IN THE "POSSIBLY BY RIGHT" CATEGORY: TWO UNIVERSITY STUDENTS, JORGE ALBERTO GIRON AND JULIO MALDONADO DE LEON, AND OSWALDO RODRIGUEZ, FORMER MEMBER OF THE MUNICIPAL COUNCIL(1978-82). THE REMAINING URBAN ABDUCTION CASE WAS THAT OF JUAN CARLOS ALFARO, MEMBER OF THE ELECTRIC COMPANY WORKERS' UNION AND SON OF THE SECRETARY GENERAL OF THE LARGEST AND MOST ACTIVE LABOR ORGANIZATION, THE CONFEDERATION OF SYNDICAL UNITY OF GUATEMALA(CUSG). ALFARO WAS RELEASED UNHARMED TWO DAYS LATER. THE RURAL ABDUCTION CASE WAS THAT OF JORGE JUAREZ MARROQUIN, IN A VILLAGE OF THE DEPARTMENT OF SAN MARCOS.
OCCUPATION OF VICTIM, WHERE NOTED

UNIVERSITY STUDENTS	02
UNKNOWN	01
FORMER CITY COUNCIL MEMBER	01
WORKER/UNION MEMBER	01

4. OTHER ACTS OF TERRORISM

THE ARMY PUBLIC RELATIONS OFFICE REPORTED THREE

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PAGE 01 GUATEM 05739 03 OF 03 121641Z
ACTION ARA-00

INFO LOG-00 COPY-01 ADS-00 AID-00 INR-10 EUR-00 SS-00
CIAE-00 DODE-00 H-01 IO-16 NSC-01 NSAE-00 SY-06
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AMEMBASSY STOCKHOLM
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AMEMBASSY COPENHAGEN
USMISSION GENEVA

UNCLAS SECTION 03 OF 03 GUATEMALA 05739

ROME ALSO FOR VATICAN

E.O. 12356: N/A
TAGS: ASEC, PROV, PINR, PHUM, GT
SUBJECT: MONTHLY POLITICAL VIOLENCE AND HUMAN RIGHTS
ATTACKS BY GUERRILLAS ON ARMY INSTALLATIONS. ON THE
NIGHT OF MAY FIRST ORPA GUERRILLAS ATTACKED THE
MILITARY BASE HEADQUARTERS IN SAN MARCOS WITH
BAZOOKAS; AND ON MAY THIRD AND AGAIN ON THE SIXTEEN,
THE INSTALLATIONS OF THE SANTA ANA BERLIN ARMY
DETACHMENT IN COATEPEQUE, DEPARTMENT OF
QUEZALTENANGO. THREE CIVILIANS WERE KILLED DURING ONE
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PAGE 02 GUATEM 05739 03 OF 03 121641Z

OF THESE ATTACKS(SEE PARAGRAPH TWO COMBAT DEATHS).

THERE WERE NO ARMY CASUALTIES IN ANY OF THE ATTACKS, JUST DAMAGES TO THE INSTALLATIONS. ON MAY TENTH, SEVERAL ARMED MEN STOPPED TRAFFIC FOR ABOUT ONE HOUR ON THE ROAD TO COBAN IN THE DEPARTMENT OF ALTA VERAPAZ, AND COLLECTED A "WAR TAX" FROM DRIVERS AND PASSENGERS. ON MAY ELEVENTH ORPA GUERRILLAS OCCUPIED THE INSTALLATIONS OF "RADIO FRONTERA" IN PAJAPITA, SAN MARCOS DEPARTMENT AND BROADCAST AN ANTI-GOVERNMENT MESSAGE. ON MAY EIGHTEENTH ARMY PUBLIC RELATIONS SPOKESMAN REPORTED THE ARREST OF US CITIZEN THOMAS WILLIAM GREENLY, ON CHARGES OF SUPPLYING MEDICINE TO THE GUERRILLAS. GREENLY WAS TURNED OVER TO THE US CONSUL. FINALLY, ON MAY TWENTY-SIX, ARMY SOURCES DISCLOSED THAT TWENTY-THREE FAMILIES OF A COOPERATIVE IN EL TUMBO VILLAGE, EL PETEN DEPARTMENT WERE FORCED TO LEAVE FOR MEXICO BY MEMBERS OF THE FAR(REBEL ARMED FORCES) GUERRILLAS. DAYS LATER THE ARMY REPORTED THAT IT HAD LOCATED THE FAMILIES NEAR THE MEXICAN BORDER AND WAS GOING TO RESCUE THEM. THE LAST REPORT INDICATES THAT MOST OF THE FAMILIES WERE SAFELY RETURNED TO THEIR VILLAGE. PIEDRA

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*** Current Handling Restrictions *** n/a
*** Current Classification *** UNCLASSIFIED

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El Salvador: Human Rights Special Project (1993)

HUM 5

Department of State

INCOMING TELEGRAM

PAGE 01 SAN SA 07391 13Ø133Z 1469 ARA8532
ACTION SLPD-Ø1

INFO FILE-Ø1 ARA-Ø2 PPC-Ø1 DECP-Ø1 ECP-Ø1 RPP-Ø2 OAS-Ø1
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AMEMBASSY MANAGUA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
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USIA WASHDC 4673

C O N F I D E N T I A L SAN SALVADOR 07391

DEPT PASS TO S/LPD FOR OTTO REICH
USIA FOR AR/CENTAM

E.O. 12356: DECL: OADR
TAGS: PTER, ES, PGOV
SUBJECT: MORE INNOCENT YOUTHS MURDERED IN SAN JACINTO

REF: SAN SALVADOR 5812

1. (U) REFTEL REPORTED A STORY RELATED BY MARIA NELIA AYALA DE MONGE WHOSE BROTHER WAS KILLED BY ERP GUERRILLAS AND WHOSE NEPHEWS WERE KIDNAPPED ON APRIL 29. IN A CONVERSATION ON JUNE 11, MARIA NELIA TOLD POLOFF THAT BOTH OF HER NEPHEWS, ISAIAS AYALA GAMENDIA AND TORIBIO AYALA GAMENDIA WERE KILLED BY THE ERP OUTSIDE SAN JACINTO (SAN VICENTE) AROUND MAY 11. ACCORDING TO MARIA NELIA, THE TOWNSPEOPLE WERE INFORMED BY THE GUERRILLAS THAT THE TWO WERE EXECUTED BECAUSE THEY WERE BOTH EX-SOLDIERS. IN ADDITION, THE ERP INFORMED THE PEOPLE THAT THEY HAD ALSO KILLED ROLANDO RUIZ UMANA, 18, WHO HAD BEEN KIDNAPPED ALONG WITH THE TWO AYALA BOYS.

2. (U) AYALA DE MONGE GAVE EMBOFFS THE FOLLOWING SNAPSHOT OF LIFE IN A CONTESTED ZONE: THERE IS NO CIVIL OR MILITARY AUTHORITY IN SAN JACINTO. THE MAYOR, FOR SAFETY'S SAKE, LIVES IN APASTEPEQUE ABOUT 18 KMS. AWAY. ALTHOUGH THE ARMY ENTERED THE TOWN AND STAYED FOR ABOUT 18 DAYS AFTER THE MURDER OF AYALA'S BROTHER, THE GUERRILLAS RETURNED IMMEDIATELY AFTER THE ARMY PULLED UP STAKES. SHE REPORTS THAT OFTEN THE GUERRILLAS RAID THE TOWN FOR FOOD, MONEY AND CLOTHES IN GROUPS OF BETWEEN 15 AND 40. THEIR LEADER SEEMS TO BE A FAIRLY EDUCATED MAN WITH A LONG BEARD WHO IS REFERRED TO BY HIS MEN AS CHEPITO (THE DIMINUTIVE OF JOSE). SHE BELIEVES THE GUERRILLAS LIVE IN MAN-MADE CAVES (TATUS) SOMEWHERE BETWEEN SAN JACINTO AND SAN ILDEFONSO. NELIA DOES NOT BELIEVE THE INSTALLATION OF A CIVIL DEFENSE GROUP WOULD WORK IN SAN JACINTO BECAUSE THE MEN WOULD BE AFRAID TO JOIN OUT OF FEAR THAT THE GUERRILLAS COULD EASILY ATTACK AND OVERCOME THEM.

3. (C) COMMENT.

SAN SA 07391 13Ø133Z 1469 ARA8532

BECAUSE OF AYALA'S JUSTIFIED FEAR OF FURTHER RETRIBUTION AGAINST HER 87-YEAR-OLD MOTHER -- WHO STILL LIVES IN SAN JACINTO -- HER STORY WILL NEVER MAKE IT INTO THE ARCHBISHOP'S HOMILY OR TUTELA LEGAL'S CANTED ANNALS, NOR HAS IT YET BEEN NOTICED BY THE PRESS. THIS IS UNFORTUNATELY PROBABLY ALL TOO COMMON WHERE GUERRILLA ATROCITIES ARE CONCERNED. THE DEMORALIZATION THAT PERMEATES SAN JACINTO IS EXPLICIT IN NELIA'S COMMENTS ABOUT CIVIL DEFENSE. NO TOWN IN WHICH THE NEW CIVIL DEFENSE HAS BEEN ESTABLISHED HAS SINCE BEEN CAPTURED BY THE GUERRILLAS NOR HAS A MAYOR OF ONE OF THESE TOWNS YET BEEN KIDNAPPED. UNFORTUNATELY, THE STORY OF SAN JACINTO MAY BE INDICATIVE OF THE SUCCESS OF THE ERP'S CURRENT TACTICS OF DEMORALIZATION, AND UNLESS THE ESAF CAN BEGIN DEPLOYING CIVIL DEFENSE MORE RAPIDLY, THESE TACTICS WILL HINDER THE ESAF'S ABILITY TO GAIN CONTROL OF THE COUNTRYSIDE.
PASSAGE

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El Salvador: Human Rights
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Department of State IS/FPC/CDB, El Salvador SP Date
Declassified under EO 12356 ( ) in full; ( ) in part;
Portions withheld: classified ( ); deliberative ( );
law enforcement ( ); privacy ( ), statutory ( );
not relevant to El Salvador ( ).

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El Salvador: Human Rights
Special Project (1993)

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Department of State
TELEGRAM

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AN: D850437-0655

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PAGE 01 SAN SA 07821 01 OF 02 202307Z
ACTION ARA-00

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AMEMBASSY MANAGUA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HEIGHTS PN
USIA WASHDC 4965

UNCLAS SECTION 01 OF 02 SAN SALVADOR 07821

DEPT ALSO FOR S/LPD
USIA FOR AR/CENTAM

E.O. 12356: N/A
TAGS: PTER, ES
SUBJECT: SALVADORAN VICE PRESIDENT ON JUNE 19 - TERRORIST ATTACK

ON RADIO JUNE 20, VICE PRESIDENT/FOREIGN MINISTER CASTILLO CLARAMOUNT MADE THE FOLLOWING STATEMENT REGARDING LAST NIGHT'S TERRORIST ATTACK WHICH TOOK THE LIVES OF FOUR U.S. MARINE SECURITY GUARDS AND TWO OTHER U.S. CITIZENS. TEXT WAS REPORTED BY FBIS CHIVA CHIVA, BUT NOT SENT TO THE DEPARTMENT. CASTILLO MADE NO
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PAGE 02 SAN SA 07821 01 OF 02 202307Z

SPECIFIC REFERENCE TO IDENTIFIES OR NATIONALITIES OF THE

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Special Project (1993)

VICTIMS.

2. BEGIN TEXT:

LAST NIGHT'S ATTACK IS COLD TERRORISM, SOMETHING WE HAVE NEVER HAD IN OUR COUNTRY IN SPITE OF THE WAVE OF MASSACRES AND BLOODSHED WHICH HAS DEVASTATED OUR PEOPLE IN RECENT YEARS. WE HAVE NEVER HAD SUCH COLD, VANDALIC, CRIMINAL TERRORISM, I REPEAT. THIS IS INDISCRIMINATE MURDER, MERELY FOR THE PURPOSE OF SOWING TERROR AND PANIC AND BREAKING IN THIS MANNER THE SALVADORAN PEOPLE'S WILL.

WE DEEPLY REGRET THE DEATH OF ALL THE PEOPLE, REGARDLESS OF NATIONALITY. THEY ARE ALL HUMAN BEINGS WHO HAVE BEEN KILLED AT A TIME WHEN THEY WERE HARMING NO ONE. IT WAS NOT A MILITARY OR PUNITIVE ACTION, AS THESE TERRORIST ASSASSINS CALL THEM. THIS IS INDISCRIMINATE MURDER, SHOOTING AT RANDOM, IN ORDER TO KILL ANYONE AROUND. WE ARE DEEPLY MOVED, AND I WISH TO AVAIL MYSELF OF THIS OPPORTUNITY TO EXPRESS MY PERSONAL CONDOLENCES AS WELL AS THOSE OF THE FOREIGN MINISTRY, AND OF COURSE, OF THE GOVERNMENT TO THE RELATIVES OF THOSE KILLED, TO THE INSTITUTIONS AND ENTERPRISES WHERE THESE PEOPLE USED TO WORK, AS WELL AS TO THE SALVADORAN PEOPLE. THIS ACTION IS SOMETHING THAT CAUSES QUITE AN IMPACT ON THE PEACE-LOVING AND CHRISTIAN MINDS OF THE SALVADORAN PEOPLE.

THE GOVERNMENT WILL OFFICIALLY MAKE A PRONOUNCEMENT TO THIS EFFECT, AND OF COURSE, THE INVESTIGATIONS BEGAN LAST NIGHT. THE PUBLIC SECURITY DEPUTY MINISTER HAS

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BEEN AT THE LOCATION, AND ALL POSSIBLE INVESTIGATIONS ARE BEING CARRIED OUT. AS YOU ALL WELL KNOW, THE POSSIBILITIES OF INVESTIGATIONS ARE VERY LIMITED IN CASES SUCH AS THESE, BUT WE WILL DO OUR UTMOST TO DETERMINE WHO IS RESPONSIBLE FOR THIS ATTACK, WHICH CANNOT BE EVEN CALLED VANDALISM, THERE IS NO WAY TO DESCRIBE THIS ACTION.

MY DEAR FRIEND, RAUL ((STATION ANNOUNCER -- FBIS)), I SEE HERE THE HAND OF THOSE COLD-BLOODED ASSASSINS WHO

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FREQUENTLY COME UP IN INTERNATIONAL NEWS REPORTS IN EUROPE, SUCH AS THE ETA ((BASQUE FATHERLAND AND LIBERTY)) CRIMINALS IN SPAIN, FOR EXAMPLE, WHO STAGE VERY SIMILAR ATTACKS, OR EVEN THE PLO. UNDOUBTEDLY, THIS WAS AN EXPERIENCED, TECHNICAL, PROFESSIONAL JOB. WE REJECT IT, WE DEEPLY REGRET IT, AND WE ARE VERY CONCERNED OVER THIS ATTACK.

I SINCERELY HOPE THIS IS NOT THE BEGINNING OF A SERIES OF ATTACKS OF THIS TYPE. ALL I HAVE TO SAY IS THAT I HAVE CONFIDENCE IN THE SALVADORAN PEOPLE'S STRENGTH, IN OUR GOVERNMENT'S STEADFASTNESS, AND THAT THESE ACTIONS WILL NOT BREAK OUR SPIRIT.

I WISH TO TAKE THIS OPPORTUNITY, RAUL, TO CALL ON THE LABOR SECTORS AND STUDENTS TO THINK THIS OVER AND PONDER AND REALIZE THAT THEY ARE BEING MANIPULATED RIGHT NOW WITHIN A FRAMEWORK OF CRIMINAL DESTABILIZATION OF THIS GOVERNMENT AND OF THE DEMOCRATIZATION PROCESS WHICH THE SALVADORAN PEOPLE ARE PROMOTING. LAST NIGHT'S CRIMINAL MASSACRE IS UNDOUBTEDLY PART OF THIS STRATEGY IN WHICH NAIVE PEOPLE -- WHO ARE LOOKING FORWARD TO BETTER WAGES AND BELIEVING THEY ARE FIGHTING FOR TRULY NOBLE CAUSES

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PAGE 01 SAN SA 07821 02 OF 02 202307Z
ACTION ARA-00

INFO LOG-00 COPY-01 ADS-00 AID-00 INR-10 SS-00 CIAE-00
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O 202234Z JUN 85
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 6125
INFO AMEMBASSY BOGOTA
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AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HEIGHTS PN
USIA WASHDC 4966

UNCLAS SECTION 02 OF 02 SAN SALVADOR 07821

DEPT ALSO FOR S/LPD
USIA FOR AR/CENTAM

E.O. 12356: N/A
TAGS: PTER, ES
SUBJECT: SALVADORAN VICE PRESIDENT ON JUNE 19

-- ARE BEING USED IN THIS PLAN OF DESTABILIZATION. THIS DOES NOT MEAN, RAUL, AND I AM NOT LINKING THEM DIRECTLY WITH THIS ACTION, BUT I AM SAYING THAT THERE IS A RELATIONSHIP, WITHIN ALL THIS DESTABILIZATION EFFORTS, WHICH UNDOUBTEDLY MUST BE CONNECTED WITH AN ACTION THAT IS DIRECTED AGAINST OUR PEOPLE.

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PAGE 02 SAN SA 07821 02 OF 02 202307Z

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PAGE 01 SAN SA 07819 202233Z
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FM AMEMBASSY SAN SALVADOR
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INFO AMEMBASSY BOGOTA
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USIA WASHDC 4963

UNCLAS SAN SALVADOR 07819

DEPT ALSO FOR S/LPD
USIA FOR AR/CENTAM

E.O. 12356: N/A
TAGS: PTER, ES, PREL
SUBJECT: FOREIGN MINISTRY ISSUES COMMUNIQUE ON JUNE 19 TERRORIST ATTACK IN SAN SALVADOR

1. DEPUTY FOREIGN MINISTER ACEVEDO READ THE FOLLOWING COMMUNIQUE OVER RADIO JUNE 20. TEXT WAS REPORTED BY FBIS CHIVA CHIVA BUT NOT SENT TO DEPARTMENT.

2. BEGIN TEXT:

THE FOREIGN MINISTRY OF THE REPUBLIC OF EL SALVADOR IS
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PAGE 02 SAN SA 07819 202233Z

DISMAYED OVER THE TERRORIST ATTACK PERPETRATED YESTERDAY

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AGAINST NATIONAL AND FOREIGN CITIZENS WHO WERE CALMLY ENJOYING THEMSELVES IN A WELL-KNOWN CENTER LOCATED IN THE SAN BENITO NEIGHBORHOOD OF THS CITY, AND DECLARES TO THE NATIONAL AND INTERNATIONAL COMMUNITY ITS REJECTION FOR SUCH A SAVAGE ATTACK.

THIS NEW SCHEME OF VIOLENCE ARISING IN OUR COUNTRY CLEARLY PROVES THE FOREIGN INFLUENCE IN SALVADORAN TERRORISM AND IS PART OF THE DESTABILIZATION PLAN PREPARED BY ENEMIES OF PEACE AND DEMOCRACY.

THE FOREIGN MINISTRY HEREBY STATES ITS CONVICTION THAT THE USE OF SUCH INHUMAN ACTIONS ONLY ESCALATES A VIOLENT SITUATION WHICH THE GOVERNMENT OF THE REPUBLIC IS TRYING TO CURB, AND SEEKS RATIONAL AND PEACEFUL WAYS TO ATTAIN PEACE AND HARMONY AMONG THE SALVADORAN PEOPLE.

THE FOREIGN MINISTRY EXTENDS ITS CONDOLENCES AND SOLIDARITY TO THE MOURNING FAMILIES AND GOVERNMENTS OF THE FOREIGN CITIZENS WHO WERE VICTIMS OF THIS CRIMINAL ACTION.

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PAGE 01 SAN SA 07820 202234Z
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O 202232Z JUN 85
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UNCLAS SAN SALVADOR 07820

DEPT ALSO FOR S/LPD
USIA FOR AR/CENTAM

E.O. 12356: N/A
TAGS: PTER, ES
SUBJECT: ESAF BULLETIN ATTRIBUTES JUNE 19
- TERRORIST ATTACK TO FMLN

1. ARMED FORCES PRESS COMMITTEE (COPREFA) ISSUED THE FOLLOWING STATEMENT ON COMMERCIAL RADIO JUNE 20. TEXT WAS REPORTED ALSO BY FBIS CHIVA CHIVA, BUT NOT SENT TO DEPARTMENT. ALL NAMES CITED ARE AS HEARD BY FBIS.

2. BEGIN TEXT:

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PAGE 02 SAN SA 07820 202234Z

THIRTEEN PEOPLE HAVE BEEN MASSACRED BY THE FMLN. LAST

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NIGHT, AT APPROXIMATELY 0930, FMLN TERRORISTS SAVAGELY MURDERED 13 PEOPLE WHO, AT THE TIME WHEN THEY WERE MACHINEGUNNED, WERE DINING IN A RESTAURANT IN THE ZONA ROSA IN THE SAN BENITO NEIGHBORHOOD IN THIS CAPITAL.

THE PEOPLE KILLED WERE THE FOLLOWING: DR (HUMBERTO HIMMS), ENG HUMBERTO ANTONIO ROSALES, ARTURO SILVA, JOSE VIDEL, JOSE ROBERTO SALAZAR, OSVALDO GONZALEZ (GABRINO), (TOMAS ANWARK), (GREG WHEELER), (BOBBY DIXON), (PATRICK IWOSKOVSKY), (GEORGE PINING), ROBERTO ALVIBREZ, (RICHARD MCCARTNEY DENTURINO).

IN ADDITION TO THE 13 PEOPLE KILLED, 6 OTHER CIVILIANS, BOTH MALE AND FEMALE, WERE SERIOUSLY INJURED. THEY ARE: MANUEL ARGUETA, GRACIELA GUTIERREZ, CARMEN ELENA GONZALEZ, MARIO ERNESTO ORELLANA, (ERIC ESLEUZ) AND JOSE ROLANDO LAINEZ LINARES. ALL OF THESE PERSONS WERE TAKEN IN DUE HASTE TO VARIOUS HEALTH CENTERS.

THIS CRIMINAL ACTION COMMITTED BY TERRORISTS AGAINST SALVADORAN AND FOREIGN NATIONALS CONFIRMS THE DESPERATION BEING FELT AT THIS TIME BY THAT GROUP OF MURDERERS, BECAUSE OF THE MILITARY DEFEAT THEY ARE BEING DEALT AND WHICH THEY ARE UNABLE TO HIDE. THEY ARE TRYING TO GET REVENGE BY MURDERING INNOCENT PEOPLE, AN ACT THAT IS REPUDIATED BY ALL THE SALVADORAN PEOPLE AND BY THE PUBLIC WORLDWIDE.

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PAGE 01 SAN SA 07875 00 OF 02 212343Z 4828 ARA4822
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INFO FILE-01 ARA-02 PPC-01 DECP-01 ECP-01 RPP-02 OAS-01
PPA-01 SSE-01 OCEN-01 REG-01 EX-01 PMO-01 /017 A2 YC

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PA-02 OMB-01 INRE-00 SP-02 SNP-01 PRS-01 SLPD-01
SPD-01 /042 W

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FM AMEMBASSY SAN SALVADOR
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INFO AMEMBASSY BOGOTA
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AMEMBASSY MEXICO
AMEMBASSY PANAMA
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HEIGHTS PN
USIA WASHDC 4577

UNCLAS SAN SALVADOR 07875

DEPT ALSO FOR S/LPD
USIA FOR AR/CENTAM

E.O. 12356: N/A
TAGS: PTER, ES
SUBJECT: RADIO VENCEREMOS ON MARINES' DEATHS -- SECOND REPORT

REF: FBIS 218223Z JUN 85

1. RADIO VENCEREMOS BROADCAST SECOND STATEMENT JUNE 21 ON KILLING OF U.S. MARINES. AS WITH THE OTHER TEXT, FBIS DID NOT LIST DEPARTMENT AS ADDRESSEE

2. TEXT OF FBIS REPORT:

BEGIN TEXT

THE FIRST U.S. MARINES HAVE DIED ON SALVADORAN SOIL. THE YANKEE INTERVENTION IN OUR HOMELAND HAS ALREADY COST THEM SOME DEAD. THE U.S. MARINES WHO DIED IN THE ZONA ROSA OF SAN SALVADOR WERE NOT INNOCENT. NO YANKEE INVADER IS FREE OF GUILT CONCERNING THE ENFORCEMENT OF THE GENOCIDAL POLICY CARRIED OUT BY THE U.S. ADMINISTRATION IN EL SALVADOR. NO YANKEE INVADER IS INNOCENT CONCERNING THE HUNDREDS OF PEASANTS WHO WERE ASSASSINATED INDISCRIMINATELY IN THE SALVADORAN COUNTRYSIDE. AS A RESULT OF THE GENOCIDAL BOMBINGS PERPETRATED WITH U.S.-MADE AIRPLANES AND BOMBS THAT WERE DROPPED BY THE CRIMINAL PILOTS WHO WERE TRAINED AND GUIDED BY THE U.S. ADVISERS, THE YANKEE INVADERS HAVE STARTED TO DIE ON SALVADORAN SOIL.

THEY ARE HARVESTING THE FRUITS OF THEIR INTERVENTIONIST AND GENOCIDAL POLICY. THE U.S. GOVERNMENT MUST BE VERY AWARE THAT, SO LONG AS IT INCREASES THE INTERVENTION, THE DEATHS OF U.S. MARINES WILL INCREASE. IF RONALD REAGAN IS THINKING ABOUT INCREASING MILITARY AID, THE NUMBER OF BOMBS AND HELICOPTERS, AND THE AMOUNT OF DOLLARS, WE DO NOT CARE. WE WILL SHOOT DOWN MORE HELICOPTERS, DEMOLISH THE PUPPET DICTATORSHIP'S WAR ECONOMY, AND SPEND THE U.S. DOLLARS. IF THEY DARE TO SEND MORE U.S. MARINES, WE ARE PREPARED. IF THE

IMPERIALIST INTERVENTION INCREASES, WE WILL BECOME MORE AGGRESSIVE AND FIRM WHILE FIGHTING THEM. THEY SHOULD BE VERY AWARE THAT, SO LONG AS THE YANKEE INTERVENTION INCREASES, MORE U.S. MARINES WILL DIE. (PASSAGE OMITTED))

THE LEVEL OF READINESS ATTAINED IN THE WAR IS MERELY THE DIRECT RESULT OF THE U.S. INTERVENTION IN OUR HOMELAND, THE MISERABLE SUBMISSIVENESS AND SURRENDER OF OUR SOVEREIGNTY BY THE LACKEYS CURRENTLY IN THE GOVERNMENT. THE LACKEYS AT THE LEGISLATIVE ASSEMBLY OBSERVED A MINUTE OF SILENCE FOR THE DEAD MARINES, THE INVADERS. THE LACKEYS SHED SERVILE TEARS, BUT HAVE ONLY A FEW SECONDS FOR THE MOTHERS OF THE PRISONERS AND MISSING POLITICAL PRISONERS, OR FOR THE WORKERS' URGENT NEEDS. HOWEVER, AS SOON AS A FEW YANKEE INVADERS DIE, THESE LACKEYS RUSH TO GET ON THEIR KNEES AND CRY FOR THOSE WHO HAVE PLANNED AND FINANCED THE GENOCIDAL WAR AGAINST THE SALVADORAN WORKERS.

ALL THESE LACKEYS OF IMPERIALISM ARE ACCOMPLICES OF THE WAR BEING WAGED AGAINST THE PEOPLE, OF THE WAR UNLEASHED BY U.S. INTERVENTIONISM. THOSE WHO BLAMED THE SALVADORAN WORKERS FOR THE ATTACK PERPETRATED AGAINST THE SOCIAL SECURITY HOSPITAL ARE ALSO ACCOMPLICES OF THE INTERVENTION. THOSE WHO DID NOT EVEN BOTHER TO CONDEMN THE ATTACK AGAINST THE HUMAN RIGHTS COMMISSION OF EL SALVADOR AND THE MSGR OSCAR ARNULFO ROMERO COMMITTEE OF MOTHERS AND RELATIVES OF POLITICAL PRISONERS, MISSING, AND MURDERED PEOPLE IN EL SALVADOR ARE ALSO ACCOMPLICES. THEY ARE ACCOMPLICES TO THE 50,000 DEATHS PERPETRATED BY THE PUPPET REGIME AND THE HUNDREDS OF MISSING PEOPLE, WAR PRISONERS WHO ARE MISTREATED AND REMAIN MISSING. THEIR SILENCE ADVOCATES CRIME AND REPRESSION. THOSE LACKEYS WHO RUSHED TO CRY OVER THE DEATHS OF THE INVADERS ARE ACCOMPLICES TO THE U.S. INTERVENTIONIST POLICY.
THEY HAVE GOOD REASON TO CRY THOUGH, BECAUSE U.S. IMPERIALISM NOURISHES THEM; THEY ARE PART OF THE U.S. POLICY OF INTERVENTION AND DEATH; THEY ARE SERVANTS OF THE YANKEES; THEY AGREE WITH THE POLICY OF STATE TERRORISM, TO THE EXTENT THAT THEY ADVOCATE IT AND GIVE IT THEIR BLESSING. THEY HAVE A RIGHT TO CRY, BUT THEY DO NOT HAVE A RIGHT TO DEMAND ANYTHING.

SO LONG AS THE U.S. INTERVENTION IS INCREASED IN OUR HOMELAND, MORE U.S. MARINES WILL DIE; THIS IS A DIRECT RESULT OF THE U.S. POLICY OF INTERVENTION IN OUR SALVADORAN HOMELAND.

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PAGE 01 SAN SA 07980 01 OF 02 250022Z
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FM AMEMBASSY SAN SALVADOR
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USIA WASHDC 4991

UNCLAS SECTION 01 OF 02 SAN SALVADOR 07980

DEPT ALSO FOR S/LPD
USIA FOR AR/CENTAM

E.O. 12356: N/A
TAGS: PTER, ES
SUBJECT: GUERRILLA RADIO STATION WARNS THERE WILL
- BE NO PEACE IN ZONA ROSA

REF: FBIS 230336Z JUN 85

1. GUERRILLA RADIO STATION RADIO FARABUNDO MARTI JUNE 22 BROADCAST REPORT ON JUNE 19 ZONA ROSA ATROCITY. TEXT CARRIED BY FBIS CHIVA CHIVA (REFTEL), BUT DEPARTMENT NOT
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PAGE 02 SAN SA 07980 01 OF 02 250022Z

LISTED AS ADDRESSEE.

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Project (1993)

2. TEXT OF FBIS REPORT:

FOUR U.S. ADVISERS AND TWO MEMBERS OF THE FILTHY CENTRAL INTELLIGENCE AGENCY, CIA, WERE ANNIHILATED IN THE SO-CALLED ZONA ROSA IN SAN SALVADOR. THIS IS THE AREA WHERE THE RICH LITTLE BOYS AND THE ALL-DRESSED-UP LADIES OF THE BOURGEOISIE AND THE OLIGARCHS GATHER. THE WEALTHY SAN BENITO NEIGHBORHOOD IS WHERE THE OLIGARCHS AND THE MILLIONAIRES HAVE THEIR HOMES. THE SAN BENITO NEIGHBORHOOD, THE MOST EXCLUSIVE NEIGHBORHOOD IN SAN SALVADOR WHERE THE MILITARY HIGH COMMAND, THE CORRUPT CHRISTIAN DEMOCRATIC OFFICIALS, AND THE WEALTHY EXPLOITERS, HAVE THEIR HOMES HAS BEEN THE THEATER FOR AN FMLN UNIT TO EXECUTE FOUR YANKEE MILITARY ADVISERS AND TWO OTHER YANKEE OFFICIALS, WHO ALSO PARTICIPATED IN THE WORK OF MILITARY INTELLIGENCE AND ADVISED THE RIGHTIST DICTATORSHIP'S REPRESSIVE SYSTEM.

OUR MARDOQUEO CRUZ COMMAND CARRIED OUT THIS ATTACK ONLY MINUTES AWAY FROM THE HEADQUARTERS OF THE ARMY'S HIGH COMMAND, ONLY MINUTES FROM THE MILITARY ACADEMY, AND AMID THE HEAVY PERMANENT SURVEILLANCE THAT THE DICTATORSHIP HAS IN THAT AREA. THIS AREA, WHERE THE HOMES OF THE WEALTHY ARE PROTECTED BY THEIR ARMED DOGS, ALSO HOUSES MANY EMBASSIES AND PRIVATE OFFICES. THE SAN BENITO NEIGHBORHOOD, ESCALON NEIGHBORHOOD, AND THE SURROUNDING NEIGHBORHOODS ARE TIGHTLY GUARDED BY THE REPRESSIVE CORPS DRESSED IN THEIR UNIFORMS OR IN CIVILIAN CLOTHING.

THE SAN BENITO NEIGHBORHOOD IS A LITTLE CRYSTAL BOX
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PAGE 03 SAN SA 07980 01 OF 02 250022Z

PROTECTED BY THE DICTATORSHIP SO THAT THE MILLIONAIRES AND THE OFFICIALS CAN JUST THROW AWAY THE MONEY THAT IS STOLEN FROM THE WORKING CLASSES WHO LIVE IN SUBURBS, (CHICAGUA COLONY), WITHOUT SANITATION, ((WORDS INDISTINCT)).

THIS HAS BEEN THE THEATER IN WHICH THE MARDOQUEO CRUZ URBAN COMMAND OPERATED AND DEALT A BLOW ON THE GROUP OF YANKEE ADVISERS DESPITE THE MEASURES ADOPTED BY GENERAL EUGENIO VIDES CASANOVA AND REYNALDO LOPEZ NUILA WHO WERE

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Special Project (1993)

PROBABLY ALSO AROUND THE AREA ((WORDS INDISTINCT)) ON THAT NIGHT WHEN THE SAN BENITO NEIGHBORHOOD EXPERIENCED A LITTLE BIT OF THE REVOLUTIONARY WAR IN EL SALVADOR.

THE ZONA ROSA IS A LITTLE PIECE OF THE UNITED STATES AMID THE BEAUTIFUL MANSIONS OF THE RICH AND THE HIGH-RANKING OFFICERS. THE REVOLUTIONARY RIFLES HAVE BEEN HEARD IN THAT AREA ALSO. ((WORDS INDISTINCT)) CRIMINAL YANKEE ADVISERS. WE HAVE ENTERED THE ((WORDS INDISTINCT)). OUR GUERRILLA ARMY IS ENTERING THE AREA.

IN THAT SO-CALLED ZONA ROSA IS WHERE THE ((WORDS INDISTINCT)) YANKEE ADVISERS (MEET) AFTER DIRECTLY PARTICIPATING IN THE MILITARY OPERATIONS AGAINST THE PEOPLE. THE YANKEE ADVISERS GET OFF THE HELICOPTERS AFTER ORDERING THE BOMBING OF THE CIVILIAN POPULATION AND GO HAVE A DRINK IN THE ZONA ROSA. WELL THEY GOT THE RESPONSE OF THE PEOPLE IN ARMS. WE ARE PAYING THEM BACK FOR WHAT THEY ARE DOING AGAINST OUR WORKING PEOPLE, FOR ALL THEY ARE DOING AGAINST THIS POOR SALVADORAN PEOPLE.

THE YANKEE ADVISERS (WORDS INDISTINCT)) FROM THE TORTURE CHAMBERS AND AFTER TORTURING THE SALVADORAN PATRIOTS AND REVOLUTIONARIES TO GO TO THE ZONA ROSA.

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El Salvador: Human Rights
Special Project (1993)

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PAGE 01 SAN SA 07980 02 OF 02 250022Z
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FM AMEMBASSY SAN SALVADOR
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INFO AMEMBASSY BOGOTA
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AMEMBASSY MEXICO
AMEMBASSY PANAMA
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HEIGHTS PN
USIA WASHDC 4992

UNCLAS SECTION 02 OF 02 SAN SALVADOR 07980

DEPT ALSO FOR S/LPD
USIA FOR AR/CENTAM

E.O. 12356: N/A
TAGS: PTER, ES
SUBJECT: GUERRILLA RADIO STATION WARNS THERE WILL

THE YANKEE ADVISERS, AFTER PLANNING THE PSYCHOLOGICAL
WAR, AFTER ORDERING THE PERSECUTION OF THE UNION
LEADERS, AND AFTER SIGNING THE DEATH SENTENCE FOR ((
WORDS INDISTINCT)) THEY GO TO THE ZONA ROSA OF THE
OLIGARCHS. BUT AS OF THIS MOMENT, AS OF THE MOMENT
GUERRILLA FIRE WAS FELT IN THE AREA, WE ARE WARNING THAT
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PAGE 02 SAN SA 07980 02 OF 02 250022Z

THE YANKEE ADVISERS WILL HAVE NO PEACE, DUARTE'S
CHRISTIAN DEMOCRATS WILL HAVE NO PEACE, ((WORDS

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Special Project (1993)

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INDISTINCT >> EXPLOITING OUR WORKING PEOPLE.

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Project

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PAGE 01 STATE 197998
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AMCONSUL CURACAO IMMEDIATE
AMEMBASSY MADRID IMMEDIATE
AMEMBASSY BRUSSELSIMMEDIATE
AMEMBASSY LONDON IMMEDIATE
AMEMBASSY PARIS IMMEDIATE
AMEMBASSY LISBON IMMEDIATE
AMCONSUL RIO DE JANEIRO IMMEDIATE
USMISSION USUN NEW YORK IMMEDIATE
USCINCSO QUARRY HTS PN IMMEDIATE
USCINCLANT NORFOLK VA IMMEDIATE
COMSFORCARIB KEY WEST FL IMMEDIATE
CDR 193D INFBDE (PAN) FT CLAYTON PN AFZU-PO
USAFSO HOWARD AFB PN/PAO
NAVSTA PANAMA CANAL ROODMAN PN/PAO
INFO AMEMBASSY OTTAWA IMMEDIATE
USIA WASHDC
XMT AMEMBASSY NASSAU
AMEMBASSY PORT OF SPAIN
AMEMBASSY GEORGETOWN

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PAGE 02 STATE 197998

SUBJECT: ARA NEWS ITEMS OF JUNE 27, 1985

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Human Rights
(1993)

UNCLASSIFIED

1. HIGHLIGHTS OF T.V. NEWSCASTS AND PROGRAMS FOR JUNE 26, 1985.

THERE WERE NO ARA TOPICS DISCUSSED.

2. PRESS SUMMARY, JUNE 27, 1985

NEW YORK TIMES --

EL SALVADOR: JAMES LEMOYNE, P.3 FROM SAN SALVADOR 6/26 ("DUARTE MEETS FBI ON RAID INQUIRY") AT A NEWS CONFERENCE, PRES. DUARTE "SAID TODAY THAT AGENTS OF THE FBI...HAD MET WITH HIM TO EXPEDITE INVESTIGATIONS" INTO THE KILLINGS LAST WEEK: THAT A SPECIAL UNIT OF THE SALVADORAN POLICE TRAINED LAST YEAR BY THE FBI TO INVESTIGATE HUMAN RIGHTS ABUSES HAD BEEN ASSIGNED TO FIND THE LEFTIST REBEL GUNMEN RESPONSIBLE: THAT "A SENIOR AMERICAN DIPLOMAT HAD ALSO MET WITH HIM TO STUDY HOW THE US CAN HELP THE INVESTIGATION:" AND "APPEALED TODAY FOR BROADER AMERICAN SUPPORT FOR POLICE UNITS, SAYING HE HAD DISCUSSED THE ISSUE WITH AMERICAN CONGRESSMEN DURING A

RECENT VISIT TO WASHINGTON."

LEMOYNE WRITES: "THE MOVES APPEAR TO BE PART OF A GROWING OFFICIAL AMERICAN INVOLVEMENT IN THE TRAINING AND SUPERVISION OF POLICE FORCES HERE, DESPITE CONGRESSIONAL RESTRICTIONS ON DIRECT AMERICAN AID TO FOREIGN POLICE UNITS UNDER MOST CIRCUMSTANCES. THE US IS REPORTED TO HAVE TRAINED A SPECIAL POLICE COUNTERTERRORIST UNIT THAT IS NOW OPERATING HERE....
UNCLASSIFIED
UNCLASSIFIED

PAGE 03 STATE 197998

"THE SPECIAL INVESTIGATING SQUAD NOW ASSIGNED TO FIND THE KILLERS OF THE SLAIN MARINES WAS CAREFULLY SELECTED AND THEN TRAINED IN PUERTO RICO BY THE FBI LAST YEAR, ACCORDING TO BOTH AMERICAN AND SALVADORAN OFFICIALS. THE FBI ALSO TRAINED A UNIT TO PROTECT JUDGES AND WITNESSES IN SENSITIVE POLITICAL TRIALS HERE. A SPOKESMAN FOR THE STATE DEPARTMENT SAID SUCH TRAINING HAD BEEN PERMITTED UNDER SPECIAL EXPCEPTIONS GRANTED BY CONGRESSIONAL COMMITTEES.

UNCLASSIFIED

RELEASED
Human Rights
Project (1995)

"IN WHAT APPEARS TO BE A LESS CLEARLY DEFINED INSTANCE, HOWEVER, AMERICAN MILITARY ADVISERS HAVE ALSO TRAINED A SPECIAL POLICE ANTITERRORIST TEAM TO BE USED IN URBAN AREAS. ACCORDING TO A SPOKESMAN FOR THE US EMBASSY HERE...(WHO) SAID THE TRAINING WAS LEGAL BECAUSE THE ANTITERRORIST UNIT, ALTHOUGH DRAWN FROM THE RANKS OF THE POLICE FORCES, HAD BEEN PLACED UNDER THE DIRECT COMMAND OF THE CHIEF OF STAFF OF THE ARMY AND WAS THEREFORE A MILITARY RATHER THAN A POLICE UNIT....

"A GREAT DEAL OF CONFUSION APPEARS TO SURROUND THE NEW AMERICAN-TRAINED ANTITERRORIST UNIT. BOTH SALVADORAN AND AMERICAN OFFICIALS HAVE REFUSED TO SPECIFY WHO BELONGS TO THE UNIT, HOW THEY WERE SELECTED, HOW THEY WERE TRAINED AND WHERE THE UNIT IS STATIONED.

"THE CONFUSION SEEMS TO EXTEND TO PRESIDENT DUARTE, WHO SAID TODAY THAT HE WAS UNAWARE THAT SUCH AN AMERICAN-TRAINED UNIT EVEN EXISTED. A FEW HOURS EARLIER....COL. RINALDO LOPEZ NUILA HAD CONFIRMED STATEMENTS BY AMERICAN OFFICIALS THAT THE SPECIAL UNIT EXISTED.

"IT IS BELIEVED THAT THE UNIT WAS USED TO BREAK UP A STRIKE BY PUBLIC HOSPITAL WORKERS THREE WEEKS AGO.
UNCLASSIFIED
UNCLASSIFIED

PAGE 04 STATE 197998

ALTHOUGH...SUPPOSEDLY UNDER THE CONTROL OF THE ARMY CHIEF OF STAFF, MR. DUARTE SAID IT WAS ACTUALLY COMMANDED IN THE OPERATION BY COL. LOPEZ NUILA, WHO IS IN CHARGE OF ALL POLICE FORCES...."

JAMAICA: AP, P. 12 FROM KINGSTON 6/26 ("JAMAICA LABOR LEADERS REFUSE TO END GENERAL STRIKE") LABOR LEADERS REJECTED A CALL FROM PM SEAGA IN A TELEVISED ADDRESS TUESDAY NIGHT TO RETURN TO WORK TODAY, THE THIRD DAY OF A NATIONWIDE GENERAL STRIKE. ELECTRICITY, WATER, AND COMMUNICATIONS SERVICES ON THE ISLAND WERE DISRUPTED AND SCHOOLS REMAIN CLOSED.

"THE UNIONS WANT THE GOVERNMENT TO ROLL BACK AUSTERITY MEASURES THAT INCREASED PRICES FOR BASIC FOODS AND FUEL. MR. SEAGA HAS ALSO CUT 17,000 PUBLIC WORKERS FROM THE

RELEASED
El Salvador: Human Rights
Special Project (1995)

PAYROLLS. THE GOVERNMENT HAS OFFERED TO INCREASE WAGES FOR PUBLIC EMPLOYEES BY 10 TO 15 PERCENT. THE UNIONS ARE SEEKING BETWEEN 35 AND 60 PERCENT. LAST YEAR THE INFLATION RATE WAS 30 PERCENT."

WASHINGTON POST --

PRESIDENTIAL NOMINATIONS: JOANNE OMANG, P.7 ("SENATORS END PROTEST OF NOMINATIONS; MEETING WITH REAGAN CLEARS WAY FOR FOREIGN SERVICE APPOINTMENTS") "THE BLOCKADE BY CONSERVATIVE SENATORS OF SOME ... FOREIGN SERVICE NOMINATIONS COLLAPSED YESTERDAY AFTER REAGAN MET WITH THE SENATE LEADERSHIP AND SEVERAL COMMITTEE CHAIRMEN TO URGE SPEEDY CONFIRMATION....

"WHITE HOUSE CHIEF OF STAFF DONALD REGAN WAS REPORTED TO BE WORKING ON OBTAINING OR PRESERVING JOBS FOR

CONSERVATIVE DIPLOMATS WHOM THE SENATORS HAD SOUGHT TO PROTECT."

SENATOR DOLE SAID THE SESSION PRODUCED "'A LOT OF PROGRESS'" AND HE HOPED FOR FINAL APPROVAL OF SEVERAL NOMINEES (PROBABLY PICKERING, BURT, RIDGWAY AND MCCORMACK, ACCORDING TO OMANG) TODAY, AND SENATOR LUGAR SAID HIS COMMITTEE WOULD PROBABLY APPROVE SEVERAL OTHER NOMINEES.

WALL STREET JOURNAL --

ARGENTINA: LYNDA SCHUSTER, P. 34 FROM BUENOS AIRES ("US FIRMS SEE LATEST ARGENTINE AUSTERITY PLAN AS JUST ANOTHER HAZARD IN DOING BUSINESS THERE; "DOING BUSINESS IN ARGENTINA IS LIKE DRIVING A CAR AT 200 MILES AN HOUR.'") "....THE GOVERNMENT'S NEW AUSTERITY PLAN -- FREEZING WAGES AND PRICES TEMPORARILY AND INTRODUCING A NEW

CURRENCY, AMONG OTHER DRACONIAN MEASURES -- IS JUST THE LATEST DEVELOPMENT IN THE ROLLER COASTER COURSE OF THE ARGENTINE ECONOMY. THE RULES OF THE GAME SEEM TO CHANGE ALMOST DAILY, AND THE OBSTACLES FOR BUSINESSMEN ARE HUGE....

"ARGENTINA'S ECONOMIC MESS HAS FORCED THE 140 US

RELEASED
El Salvador Human Rights
Special Project (1993)

COMPANIES OPERATING HERE TO DREAM UP WHOLE NEW WAYS OF COPING. THE SECRET TO SUCCESS SEEMS TO BE LIGHTNING-FAST IMPROVISATION, AND SUCCESS SOMETIMES TRANSLATES AS SURVIVAL"

SCHUSTER'S PIECE, NEARLY A QUARTER PAGE LONG, REPORTS "WAYS OF COPING" ADOPTED BY SEVERAL AMERICAN COMPANIES.

THE CHRISTIAN SCIENCE MONITOR --

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OAS/COSTA RICA: (NEWS IN BRIEF) FROM MEXICO CITY, P.2. ("OAS UNIT SEES NO CONCLUSION IN COSTA RICAN BORDER DISPUTE") "A SPECIAL COMMISSION OF THE ORGANIZATION OF THE AMERICAN STATES SENT DOWN TO INVESTIGATE AN INCIDENT ON THE COSTA RICAN-NICARAGUAN BORDER IN WHICH TWO COSTA RICAN CIVIL GUARDS WERE KILLED STATED WEDNESDAY THAT NO CONCLUSIONS CAN BE REACHED.

"THE COMMISSION STATED THAT IT CAN ASSIGN BLAME TO NEITHER THE NICARAGUAN GOVERNMENT NOR THE ANTI-SANDINISTA 'CONTRA' FORCES OPERATING ON THE BORDER, THE MONITOR'S DENNIS VOLMAN REPORTS."

NICARAGUA: DENNIS VOLMAN, (INTERNATIONAL) P.11. ("NICARAGUA'S CONCERN OVER POSSIBLE U.S. INVASION BRINGS OUT THE TANKS IN CAPITAL") "AS T-61 TANKS TOOK UP POSITIONS AROUND MANAGUA THIS WEEK, AND MILITARY MOBILIZATION INCREASED THROUGHOUT THE COUNTRY. NICARAGUA'S GOVERNMENT IS AGAIN ALERTING ITS PEOPLE TO WHAT IT SEES AS A POSSIBLE U.S. INVASION....

"THIS TIME, HOWEVER, THE GENERAL LEVEL OF ANXIETY IS DEEPER BECAUSE OF THE U.S. CONGRESS'S RECENT VOTE TO RESTORE AID TO THE ANTISANDINISTA REBELS, KNOWN AS 'CONTRAS', ACCORDING TO SOURCES IN MANAGUA CLOSE TO THE RULING SANDINISTA PARTY. THE GOVERNMENT OF DANIEL ORTEGA SAAVEDRA VIEWS THIS VOTE AS MARKING A NEW LEVEL OF U.S. COMMITMENT TO THE CONTRAS.

"SANDINISTA ANXIETIES ARE FURTHER HEIGHTENED, ACCORDING TO SOURCES CLOSE TO THEM, BY CURRENT U.S. FRUSTRATION

OVER ITS INABILITY TO RESOLVE THE HOSTAGE CRISIS IN

RELEASED
El Salvador Human Rights
[illegible] (1993)

UNCLASSIFIED
UNCLASSIFIED

PAGE 07 STATE 197998

LEBANON AND THE RECENT SHOOTING OF FOUR U.S. MARINES IN EL SALVADOR.

"'THE LAST TIME REAGAN WAS FRUSTRATED ABOUT EVENTS IN LEBANON, HE INVADED GRENADA,' SAID ONE OF THESE SOURCES....

"NICARAGUANS ARE CONCERNED THAT THE U.S. ALLEGEDLY ACCUSED THEIR COUNTRY OF PROMOTING TERRORISM IN EL SALVADOR, FOLLOWING LAST WEEK'S ATTACK ON U.S. MARINES.

"THE SANDINISTAS FEAR THAT EVENTS IN LEBANON AND EL SALVADOR COULD HELP CREATE A GENERAL CLIMATE OF OPINION IN THE U.S. THAT THE REAGAN ADMINISTRATION MIGHT INTERPRET AS JUSTIFICATION FOR AN INVASION...."

BRAZIL: (EDITORIAL) P.17. ("MENGELE AND TRUTH")
"....PURSUING THE MENGELE EVENTS IS MORE THAN A QUESTION OF BRINGING AN INDIVIDUAL TO TRIAL. JUSTICE IS MORE COMPLETE, MORE DEMANDING THAN THAT. THE SYSTEM OF WARPED SELF-JUSTIFICATION THAT ERUPTS INTO SUCH CRIMES AS GENOCIDE MUST BE EXPOSED THROUGH THE COVER-UP PERIOD THAT WOULD FOLLOW THOSE CRIMES.

"IT IS A MATTER OF MORAL HONESTY TO FOLLOW THROUGH THE MENGELE CASE TO ITS CONCLUSION.

"WEST GERMAN PRESIDENT RICHARD VON WEIZACKER RECENTLY DEFINED THE RESPONSIBILITY OF TODAY IN ACCOUNTING FOR THE PAST. "IT IS NOT A CASE OF COMING TO TERMS WITH THE PAST....' 'THAT IS NOT POSSIBLE. IT CANNOT BE SUBSEQUENTLY MODIFIED OR MADE UNDONE. HOWEVER, ANYONE WHO CLOSES HIS EYES TO THE PAST IS BLIND TO THE PRESENT....'

"BUT THE TENDENCY TO EXCUSE WRONGDOING, TO QUIT BEFORE IT
UNCLASSIFIED
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PAGE 08 STATE 197998

IS FULLY PURSUED AND EXPOSED, IS ITSELF PUNISHABLE. IT

RELEASED
El Salvador Human Rights
Project (1994)

MAKES US VULNERABLE, BLIND TO THE RESIDUE OF DISTORTED MOTIVES IN OUR MIDST. WORSE, IT SIGNALS THAT WE HAVE NOT YET GRASPED THE RELENTLESSNESS OF THAT JUSTICE IN WHICH LIES THE INDIVIDUAL AND SOCIAL PEACE FOR WHICH WE STRIVE."

U.S.A. TODAY --

NICARAGUA: (WORLD REPORTS FROM ABROAD), COMPILED BY JUAN J. WALTE, FROM MANAGUA, P.4. "A DEMILITARIZED ZONE WILL BE SET UP ON THE TENSE BORDER WITH COSTA RICA TO PREVENT

THE USA FROM PROVOKING 'AGGRESSIVE ACTIONS.'"

THE BALTIMORE SUN -

BRAZIL: (IN THE WORLD), P.12. (MENGELE CASE: PARAGUAY TO PROSECUTE NAZI-HUNTER FOR SLANDER") "PARAGUAY'S GOVERNMENT SAID YESTERDAY THAT IT WAS TAKING NAZI-HUNTER BEATE KLARSFELD TO COURT FOR SLANDER IN ACCUSING PRESIDENT ALFREDO STROESSNER OF SHELTERING WAR CRIMINAL JOSEF MENGELE.

"MS. KLARSFELD ACCUSED GENERAL STROESSNER OF SHELTERING MENGELE IN PARAGUAY IN RECENT YEARS BEFORE IT EMERGED THAT THE NAZI 'ANGEL OF DEATH' HAD ALMOST CERTAINLY DIED IN BRAZIL IN 1979."

THE WASHINGTON TIMES --

NICARAGUA: KRISTEN BURROUGHS, P.2. ("CHURCH OF CHRIST TO MULL U.S. POLICY IN NICARAGUA") "THE REV. JESSE JACKSON AND THE REV. ALLAN BOESAK, A SOUTH AFRICAN ANTI-APARTHEID
UNCLASSIFIED
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PAGE 09 STATE 197998

ACTIVIST, ARE AMONG THOSE SCHEDULED TO SPEAK AT THE BIENNIAL CONVENTION OF THE UNITED CHURCH OF CHRIST WHICH BEGINS TODAY AT IOWA STATE UNIVERSITY IN AMES.

"THE CONVENTION WILL SET CHURCH POLICY ON U.S. ACTIONS IN CENTRAL AMERICA AND SOUTH AFRICA, AS WELL AS ECONOMIC AND SOCIAL ISSUES HERE IN THE U.S....

"U.S. FOREIGN POLICY IN CENTRAL AMERICA IS A PARTICULARLY POIGNANT ISSUE FOR THE UNITED CHURCH MEMBERS BECAUSE OF

RELEASED
El Salvador: Human Rights
Special Project (1995)

THEIR OWN INVOLVEMENT IN THE VARIOUS LIBERATION THEOLOGIES, WHICH ENCOURAGE RESISTANCE AMONG GROUPS THAT CONSIDER THEMSELVES OPPRESSED...."

PANAMA: (BRIEFLY/AMERICAS) P.6. FROM PANAMA, ("UNION LEADERS CALL FOR GENERAL STRIKE") "PANAMA'S MOST POWERFUL UNION LEADERS CALLED A NATIONAL STRIKE NEXT MONDAY TO PROTEST CHANGES IN THE COUNTRY'S LABOR CODE PROPOSED BY THE INTERNATIONAL MONETARY FUND AS PART OF AN AUSTERITY PACKAGE.

"SOME 6,000 WORKERS MARCHED ON THE PRESIDENTIAL PALACE TUESDAY TO PROTEST THE PROPOSED CHANGES THAT WOULD CUT LABOR BENEFITS AND TO DEMAND THE GOVERNMENT CALL A MORATORIUM ON ITS 3.6 BILLION DOLLARS FOREIGN DEBT UNTIL THE YEAR 2000."

EL SALVADOR: DAVE DOUBRAVA, P.6. ("U.S. VOWS TO HOLD LINE IN EL SALVADOR") "....THE WHITE HOUSE SAID YESTERDAY IT WOULD NOT BE DETERRED FROM SUPPORTING DEMOCRACY IN EL SALVADOR DESPITE THREATS FROM LEFTIST GUERRILLAS TO WAGE WAR ON U.S. MILITARY PERSONNEL IN THE CENTRAL AMERICAN COUNTRY.

"'THEY HAVE NOW COME OUT IN THE OPEN WITH THEIR THREATS ... THE U.S. AND THE GOVERNMENT OF EL SALVADOR WILL NOT
UNCLASSIFIED
UNCLASSIFIED

PAGE 10 STATE 197998

BE DETERRED FROM PURSUING DEMOCRACY,' WHITE HOUSE SPOKESMAN LARRY SPEAKES SAID...."

NICARAGUA: UPI FROM MANAGUA, P.6. ("NICARAGUA TO DEMILITARIZE BORDER WITH COSTA RICA") "NICARAGUA ANNOUNCED YESTERDAY IT WOULD ESTABLISH A DEMILITARIZED ZONE ON ITS SIDE OF THE TENSE BORDER WITH COSTA RICA TO PREVENT THE U.S. FROM PROVOKING 'ARTIFICAL TENSIONS' BETWEEN THE NEIGHBORS.

"IN A LETTER TO COSTA RICAN PRESIDENT LUIS ALBERTO MONGE, NICARAGUAN PRESIDENT DANIEL ORTEGA SAID, 'I WISH TO EXPRESS THE DECISION OF MY GOVERNMENT TO ESTABLISH IN A UNILATERAL FORM A NEUTRALIZED AND DEMILITARIZED ZONE IN NICARAGUAN TERRITORY ALONG ALL OF THE BORDER WITH COSTA RICA.'

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El Salvador Human Rights
Project (1993)

"THE PURPOSE OF THE ZONE, SAID MR. ORTEGA, IS TO PRE..T THE 'PROVOKING OF SITUATIONS THAT COULD BE USED (BY THE U.S.) TO JUSTIFY AGGRESSIVE ACTIONS AGAINST NICARAGUA OR ARTIFICIAL TENSIONS BETWEEN BOTH COUNTRIES....'

"EARLIER, THE SANDINISTA OFFICIAL NEWSPAPER BARRICADA SAID EAST GERMANY WILL BUILD A MILITARY HOSPITAL IN MANAGUA AND EXTEND 40 MILLION DOLLARS IN CREDIT TO NICARAGUA TO HELP COUNTER THE U.S. TRADE EMBARGO....."

NICARAGUA: JAMES MORRISON FROM MANAGUA, P.6. ("MEDICAL CARE FALLS SHORT OF REVOLUTION'S PROMISE, THE SANDINISTAS CONCEDE") "IN THE EMERGENCY WARD OF ONE OF TH CITY'S LEADING HOSPITALS, PATIENTS LIE ON BEDS OF FOAM RUBBER OF FOOD SACKS WITHOUT SHEETS.

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"PATIENTS THROUGHOUT THE HOSPITAL ARE PESTERED BY FLIES THAT ENTER THROUGH OPEN WINDOWS, BUZZ AROUND THEIR HEADS AND LAND ON THEIR BANDAGES.

"HUNDREDS OF OUTPATIENTS WAITING TO SEE A DOCTOR SIT FOR HOURS IN A DARKENED HALLWAY ON METAL FRAMES THAT USED TO

BE BENCHES....

"THE OPERATING ROOM IS CLEAN, BUT THE REST OF THE HOSPITAL APPEARS SO FILTHY IT WOULD BE CLOSED UNDER U.S. STANDARDS.

"ASIDE FROM THE CONDITION OF THE HOSPITAL, DISEASES LIKE TUBERCULOSIS, MALARIA, CERVICAL CANCER AND LEPROSY ARE REACHING CRISIS LEVELS IN PARTS OF THE COUNTRY, ACCORDING TO DOCTORS WHO BLAME CONDITIONS ON THE COUNTRY'S MARXIST GOVERNMENT.

"MANY DOCTORS ARE LEAVING THE COUNTRY, AND THOSE WHO STAY COMPLAIN ABOUT A CRITICAL LACK OF MEDICINE AND EQUIPMENT. NINETY PERCENT OF RECENT DENTAL COLLEGE GRADUATES, FOR EXAMPLE, HAVE BEEN UNABLE TO OPEN THEIR OWN PRACTICES BECAUSE OF A LACK OF EQUIPMENT, DOCTORS SAID.

RELEASED
El Salvador Human Rights

"MANY DOCTORS ARE 'ON THE VERGE OF CIVIL DISOBEDIENCE,' ONE DOCTOR SAID.

"MEDICAL CONDITIONS ARE SO BAD SIX YEARS AFTER A REVOLUTION THAT PROMISED EXCELLENT HEALTH CARE, EVEN PRESIDENT DANIEL ORTEGA HAS ADMITTED THE RULING SANDINISTAS GOVERNMENT HAS FAILED IN THE HEALTH AREA....

"THE GOVERNMENT SAID IT WILL PROVIDE DOCTORS WITH CARS AND AUTOMOTIVE SERVICE; TRY TO ACQUIRE MORE MEDICAL
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BOOKS, JOURNALS AND AUDIOVISUAL AIDS; SEND MORE DOCTORS TO INTERNATIONAL MEDICAL CONFERENCES; AND ASK THE WORK MINISTRY TO INCREASE THEIR PAY.

"A DOCTOR WHO TOOK A WASHINGTON TIMES REPORTER ON AN UNAUTHORIZED TOUR OF ONE OF THE CITY'S HOSPITAL WAS ASKED .....ABOUT THE SANDINISTA CLAIMS OF IMPROVED HEALTH CARE, THE DOCTOR SAID, 'PROPAGANDA -- THEY ARE ONLY INTERESTED IN PROPAGANDA.'"

3. *PREPARED PRESS GUIDANCES*

(COSTA RICA/NICARAGUA: BORDER INCIDENT INVESTIGATION

Q: ACCORDING TO PRESS REPORTS (CSM P.2), AN OAS INVESTIGATIVE COMMISSION HAS SAID IT CANNOT ASSIGN BLAME FOR THE ATTACK ON A COSTA RICAN CIVIL GUARD PATROL ON MAY 31. COMMENT?

A: WE WILL HAVE NO COMMENT UNTIL THE COMMISSION HAS

ISSUED A FORMAL REPORT.

(NICARAGUA: DMZ WITH COSTA RICA)

Q: ACCORDING TO PRESS REPORTS, THE NICARAGUANS HAVE ANNOUNCED A DEMILITARIZED ZONE ALONG THE COSTA RICAN BORDER. COMMENT?

A: AS WE HAVE STATED BEFORE, WE BELIEVE THAT THE SERIOUS SITUATION IN CENTRAL AMERICA MUST BE TREATED

RELEASED
El Salvador Human Rights

COMPREHENSIVELY.

THE SANDINISTA MILITARY BUILDUP, WHICH HAS CREATED AN OVERWHELMING MILITARY IMBALANCE IN THE REGION, COUPLED WITH SIGNS OF INCREASED AGGRESSIVE BEHAVIOR BY THE GOVERNMENT OF NICARAGUA AGAINST ITS NEIGHBORS, CANNOT BE RESOLVED BY SUCH PROPOSALS AS A DEMILITARIED ZONE.

A COMPREHENSIVE SOLUTION, BASED ON THE CONTADORA DOCUMENT OF OBJECTIVES, IS THE WAY TO BRING PEACE TO THE REGION.

(EL SALVADOR: U.S. TRAINING OF POLICE UNITS

Q. HAS THE UNITED STATES GOIVERNMENT BEEN INVOLVED IN THE TRAINING OF POLICE UNITS IN EL SALVADOR DESPITE CONGRESSIONAL RESTRICTIONS ON SUCH TRAINING?

A. THE UNITED STATES GOVERNMENT HAS PROVIDED TRAINING FOR TWO SALVADORAN UNITS THAT PERFORM LAW ENFORCEMENT-RELATED FUNCTIONS UNDER SPECIAL LEGISLATION. ALL TRAINING WAS PROVIDED IN FULL COMPLIANCE WITH U.S. LAW AND AFTER APPROPRIATE CONSULTATIONS WITH THE CONGRESS.

(IF ASKED)

Q. CAN YOU DESCRIBE THOSE UNITS AND THE NATURE OF CONSULTATIONS WITH THE CONGRESS?

A. THE JUDICIAL PROTECTION UNIT, WHICH IS UNDER THE CONTROL OF THE MINISTER OF JUSTICE, IS A NECESSARY PART OF THE SALVADORAN GOVERNMENT'S PROGRAM TO REFORM THE JUDICIAL SYSTEM. ITS MAIN FUNCTION IS TO PROVIDE PROTECTION FOR PARTICIPANTS IN THE JUDICIAL PROCESS. ITS TRAINING BY U.S. LAW ENFORCEMENT OFFICIALS WAS SPECIFICALLY AUTHORIZED BY THE CONGRESS, WHICH GRANTED AN EXEMPTION FROM SECTION 660 OF THE FOREIGN ASSISTANCE ACT.

THE SPECIAL INVESTIGATIONS UNIT WAS FORMED TO INVESTIGATE

RELEASED
El Salvador Human Rights
[illegible] (1993)

SENSITIVE AND NOTORIOUS CRIMES. TRAINING FOR THIS UNIT

WAS ALSO AUTHORIZED BY CONGRESS, WHICH GRANTED AN EXEMPTION FROM SECTION 660 OF THE FOREIGN ASSISTANCE ACT FOR THIS PURPOSE.

U.S. SUPPORT FOR THESE UNITS IS PART OF A BROADER PROGRAM OF ASSISTANCE FOR SALVADORAN EFFORTS TO STRENGTHEN THE ADMINISTRATION OF JUSTICE, WHICH IS ESSENTIAL TO THE CONSOLIDATION OF DEMOCRATIC GOVERNMENT. WE ARE ALSO SUPPORTING TRAINING FOR JUDGES AND OTHER OFFICIALS.

THERE IS ALSO A SPECIAL COUNTER-TERRORIST UNIT WHICH HAS RESPONSIBILITY FOR RESPONDING TO ACTS OF TERRORISM IN URBAN AREAS. THESE WOULD INCLUDE ACTS WHICH INVOLVE HOSTAGE TAKING OR WHERE INNOCENT HUMAN LIFE AND PROPERTY MIGHT BE AT RISK. AFTER CONSULTATION WITH THE CONGRESS, THE U.S. BEGAN TRAINING OF THIS UNIT, WHICH IS UNDER THE OPERATIONAL CONTROL OF THE CHIEF OF STAFF OF THE ARMED FORCES. THIS IS ESSENTIALLY A MILITARY UNIT, AND OUR ASSISTANCE IS UNDER THE MILITARY ASSISTANCE PROGRAM.

C. WHAT ABOUT REPORTS THAT THE UNIT WAS USED TO BREAK UP A STRIKE AT THE SOCIAL SECURITY HOSPITAL IN SAN SALVADOR AND THAT IT WAS COMMANDED BY THE VIC-MINISTER OF DEFENSE FOR SECURITY, COL. LOPEZ NUILA?

A. REFER TO THE SALVADORANS.

Q. WHERE WERE THE UNITS TRAINED?

A. THE JUDICIAL PROTECTION UNIT WAS TRAINED AT GLYNCO, GEORGIA; THE SPECIAL INVESTIGATIONS UNIT WAS TRAINED IN
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PUERTO RICO; AND THE COUNTER-TERRORISM UNIT WAS TRAINED IN EL SALVADOR.

(EL SALVADOR: TESTIMONY IN SHERATON CASE

Q. CAN YOU COMMENT ON PRESS REPORTS THAT WITNESSES HAVE GIVEN TESTIMONY IN THE SHERATON MURDER CASE OF TWO U.S. AGRARIAN REFORM ADVISERS AND THE HEAD OF A SALVADORAN

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El Salvador Human Rights

AGRARIAN REFORM AGENCY IN 1981?

A. TESTIMONY HAS BEEN GIVEN IN THE CASE OF THE 1981 MURDERS OF MARK PEARLMAN, MICHAEL HAMMER, AND JOSE RODOLFO VIERA IN EL SALVADOR. THIS IS AN ONGOING JUDICIAL PROCEEDING BEFORE THE SALVADORAN COURTS, AND I WILL HAVE NO FURTHER INFORMATION FOR YOU. ANY QUESTIONS SHOULD BE DIRECTED TO THE APPROPRIATE OFFICIALS OF THE SALVADORAN GOVERNMENT.

(IF ASKED ONLY)

Q. HAS THE FBI BEEN INVOLVED IN THE INVESTIGATION AND PREPARATION OF EVIDENCE?

A. NO. THIS IS A MATTER FOR THE SALVADORAN JUSTICE SYSTEM TO HANDLE. THE UNITED STATES GOVERNMENT HAS OFFERED TO PROVIDE ASSISTANCE OF A TECHNICAL NATURE TO THE GOVERNMENT OF EL SALVADOR IF IN THE COURSE OF THE INVESTIGATION SUCH ASSISTANCE BECAME NECESSARY. THE SALVADORAN GOVERNMENT HAS INDICATED ITS APPRECIATION AND HAS INFORMED US THAT IT WILL REQUEST ASSISTANCE AS THE NEED ARISES.

(IF ASKED ONLY)

Q. CAN YOU GIVE SOME EXAMPLES OF ASSISTANCE OF A TECHNICAL NATURE?
UNCLASSIFIED
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PAGE 16 STATE 197998

A. TECHNICAL ASSISTANCE WOULD INCLUDE SUCH THINGS AS BALLISTICS AND CRIME LABORATORY SERVICES.

4. SUMMARY OF NOON PRESS BRIEFING FOR JUNE 27, 1985 (EDJEREJIAN)

THERE WERE NO ARA TOPICS DISCUSSED.
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RELEASED
El Salvador Human Rights
Project (1993)

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PAGE 01 SAN SA 08408 0300422
ACTION ARA-00

INFO LOG-00 COPY-01 ADS-00 INR-10 SS-00 CIAE-00 DODE-00
H-01 NSC-01 NSAE-00 HA-08 L-03 PM-10 PA-01
OMB-01 SP-02 SNP-01 PRS-01 SLPD-01 SPD-01 /042 W
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R 0300402 JUL 85
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 6468
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY MANAGUA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HEIGHTS PN
USIA WASHDC 5029
USAFSO HOWARD AFB PN//LAI

[redacted] SAN SALVADOR 08408

USIA FOR AR/CENTAM

E.O. 12356: DECL:OADR
TAGS: PGOV, ES, PHUM
SUBJECT: NEW MINISTRY OF CULTURE AND COMMUNICATIONS
- ENTERS POLITICAL SCENE WITH PUBLIC CONDEMNATION
- OF EXTREME LEFT AND RIGHT

REF: M SAN SALVADOR 7183

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1. (U) THE NEW MINISTRY OF CULTURE AND COMMUNICATIONS, HEADED BY JULIO ADOLFO REY PRENDES, BOUGHT A FULL PAGE IN A LEADING SALVADORAN NEWSPAPER ON JUNE 29 TO ISSUE AN ANNOUNCEMENT REGARDING REACTIONS TO THE JUNE 19 ZONA ROSA MASSACRE. THE ANNOUNCEMENT CONDEMNED BOTH THE

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PAGE 02 SAN SA 08408 0300422

EXTREME LEFT AND THE EXTREME RIGHT FOR THEIR REACTIONS

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Department of State IS/FPC/CDR El Salvador EP Date 9/2/93
Declassified under EO 12356 (X) in full; ( ) in part;
portions withheld: classified ( ); deliberative ( );
law enforcement ( ); privacy ( ), statutory ( );
non relevant to El Salvador ( ).

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TO THE MASSACRE. IT EQUATED THE TWO EXTREMES IN A SERIES OF CONTRASTS--THE RIGHT CALLED FOR A "WITCH HUNT" TO EXTERMINATE THE KILLERS AND ANY WHO MIGHT THINK LIKE THEM, AND THE LEFT CALLED THE KILLINGS A "JUST ACTION". THE ANNOUNCEMENT STATED THAT BOTH EXTREMES WERE DEEPENING THE WAR, REDUCING THE POSSIBILITIES OF HUMANIZING THE CONFLICT, INVALIDATING RESPECT FOR HUMAN RIGHTS AND TRYING TO DESTABILIZE THE GOVERNMENT. IT REITERATED THE GOVERNMENT'S COMMITMENT TO RESPECT HUMAN RIGHTS, ENSURE AN INDEPENDENT JUDICIARY, AND CONTINUE THE INVESTIGATIONS INTO THE ZONA ROSA KILLINGS, THE SHERATON MURDERS, AND THE ROMERO ASSASSINATION, AMONG OTHERS.

2. (C) COMMENT: THIS ANNOUNCEMENT WAS OBVIOUSLY INSPIRED BY REY PRENDES HIMSELF. REY MADE THE "RIGHT NOISES" IN THE ARTICLE ABOUT THE GOES COMMITMENT TO DIALOGUE, AND HE ADROITLY PLAYED THE LEFT OFF AGAINST THE RIGHT TO CAST THE PDC AS THE ONLY SOURCE OF POLITICAL REASON. HOWEVER, IN HABITUAL PDC FASHION, REY FAILED TO IDENTIFY THE EXTREME RIGHT IN SPECIFIC TERMS AND THUS CAST THE BLANKET OF EXTREMISM OVER EVEN THE LEGITIMATE CONSERVATIVE OPPOSITION. THIS SEMANTIC SLEIGHT OF HAND INVARIABLY RANKLES THE CONSERVATIVES, WHOSE REACTION ON THIS OCCASION WAS ONCE AGAIN THAT THE PDC IS NOT INTERESTED IN CLOSING THE POLITICAL GAP. IRONICALLY, THEY CONTINUE TO RESPECT REY, DESPITE HIS FLAIR FOR PROPAGANDA, AS ONE OF THE FEW CHRISTIANS WITH WHOM ONE CAN DO BUSINESS AND WHOSE WORD CAN BE TRUSTED.

3. (C) THE ANNOUNCEMENT DEMONSTRATED REY'S NEW

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CAPACITY FOR POLITICAL OUTREACH, UNAVAILABLE WHEN HE WAS MINISTER OF THE PRESIDENCY BUT INHERENT IN HIS NEW PORTFOLIO. WE DO NOT DOUBT HIS CAPACITY TO MAKE THE MOST OF IT, AND SUSPECT HE WILL INCREASINGLY MAKE HIMSELF THE VOICE OF THE GOES AND PDC, WITH DEFERENCE ONLY TO DUARTE.

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Special Project (1993)

TEXT OF TELEGRAM 85SAN SA008967

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PAGE 01 SAN SA 08967 151954Z
ACTION ARA-00

INFO LOG-00 COPY-01 ADS-00 INR-10 SS-00 CIAE-00 DODE-00
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FM AMEMBASSY SAN SALVADOR
TO AMEMBASSY MEXICO
INFO SECSTATE WASHDC 6779

[redacted]SAN SALVADOR 08967

E.O. 12356: N/A
TAGS: PINS, PREL, MX, NU, ES
SUBJ: SOURCE OF ARMS FOR SALVADORAN INSURGENTS

REF: MEXICO 14124

1. YOU MAY INFORM PRESIDENT DE LA MADRID THAT HIS ASSERTION THAT MOST ARMS IN THE HANDS OF THE GUERRILLAS WERE EITHER CAPTURED OR PURCHASED FROM THE SALVADORAN ARMY IS INCORRECT.

2. WE HAVE DONE TRACES ON THE SERIAL NUMBERS OF ALMOST 1600 M16S/AR15S CAPTURED BY THE SALVADORAN ARMY (ESAF) FROM RPT FROM THE GUERRILLAS, TURNED IN BY THE GUERRILLAS OR, ON THE BASIS OF CAPTURED GUERRILLA DOCUMENTS, STILL IN GUERRILLA HANDS.

3. THE TRACES SHOW THAT ONLY 27PCT OF THESE WEAPONS WERE ORIGINALLY SHIPPED TO THE SALVADORAN ARMED FORCES. SIXTY-SIX PERCENT WERE POSITIVELY IDENTIFIED BY SERIAL NUMBER AS EITHER SHIPPED TO SOUTH VIETNAM (SOME CAN BE IDENTIFIED DOWN TO THE RECIPIENT UNIT), TRACED TO [redacted]

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PAGE 02 SAN SA 08967 151954Z

DEPOTS INVOLVED IN SHIPMENT TO SOUTHEAST ASIA DURING THE VIETNAM WAR, OR WERE BUILT BY U.S. MANUFACTURERS CONTRACTED ONLY FOR MATERIEL FOR THE VIETNAM WAR AND CAN THUS BE SAFELY PRESUMED TO HAVE BEEN SENT TO SOUTHEAST ASIA. THE REMAINING 7 PERCENT CAN BE TRACED TO OTHER DESTINATIONS. THESE FIGURES HAVE BEEN VIRTUALLY CONSTANT SINCE WE BEGAN REGULARLY TRACING SERIAL NUMBERS A COUPLE OF YEARS AGO.

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: JOHNSTON, DONALD
Date: 05/26/94
Case ID: S940034K

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4. THE POINT IS CLEAR: THE VAST MAJORITY OF AR/15S AND M16S IN GUERRILLA HANDS DID NOT RPT DID NOT COME FROM STOCKS PROVIDED BY THE U.S. TO THE SALVADORAN ARMY. (AND THE SALVADORANS HAVE NO OTHER SOURCE FOR M16S EXCEPT FOR THOSE THEY CAPTURE FROM THE GUERRILLAS.) MOREOVER, IT HAS NOT REQUIRED ANY MAJOR MENTAL EXERCISE ON OUR PART TO DEDUCE THAT MOST OF THE TRACED GUERRILLA WEAPONS CAME FROM STOCKS CAPTURED FROM THE SOUTH VIETNAMESE ARMY AFTER THE FALL OF THE REPUBLIC OF VIETNAM IN 1975, AND SHIPPED BY THE NORTH VIETNAMESE VIA CUBA AND NICARAGUA TO THE SALVADORAN INSURGENTS.

5. WE HAVE NEVER DETECTED ANY INDICATION THAT WEAPONS SUPPLIED BY THE USG TO EL SALVADOR HAVE BEEN SOLD BY THE ESAF TO THE GUERRILLAS.

6. WE SEE NO REASON WHY THE CONTENTS OF THIS MESSAGE CANNOT BE SHARED IN ITS ENTIRETY WITH PRESIDENT DE LA MADRID.

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TEXT OF TELEGRAM 855TATE 216782

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PAGE 01 STATE 216782
ORIGIN H-03

INFO	LOG-00	COPY-01	ADS-00	AID-00	INR-10	EUR-00	SS-00
	OIC-02	CIAE-00	EB-08	DODE-00	NMO-01	IO-16	NSCE-00
	ARA-00	NSAE-00	COME-00	SSO-00	SY-06	HA-08	L-03
	LAB-04	CIME-00	TRSE-00	PM-10	PA-02	MCT-03	OMB-01
	STR-14	SIL-01	INM-07	INRE-00	SIG-03	RP-10	AGR-01
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TO ALL AMERICAN REPUBLIC DIPLOMATIC POSTS IMMEDIATE

UNCLAS STATE 216782

E.O. 12356: N/A
TAGS: PGOV, XM, XL, XK, XR
SUBJECT: HOUSE PASSES FOREIGN ASSISTANCE BILL: APA SUBJECTS

REFS: A) STATE 180557; B) STATE 095204

1. BEGIN SUMMARY: ON JULY 11, THE HOUSE PASSED BY VOICE VOTE H.R. 1555, THE FOREIGN AID AUTHORIZATION BILL FOR FY-86 AND FY-87. THE ADMINISTRATION OPPOSED THE HOUSE BILL BECAUSE OF INADEQUATE FUNDING LEVELS AND NUMEROUS RESTRICTIONS ON ARA AND OTHER PROGRAMS. THE BILL AUTHORIZES $12.6 BILLION IN FOREIGN ASSISTANCE, SLIGHTLY BELOW FY-85 LEVELS. IT CONTAINS NUMEROUS PROVISIONS REGARDING LATIN AMERICA AND THE CARIBBEAN. SEE BODY OF REPORT FOR DETAILS. THESE INCLUDE EXTENSIVE PROVISIONS ON
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PAGE 02 STATE 216782

CENTRAL AMERICA; NARCOTICS SANCTIONS FOR BOLIVIA, PERU AND JAMAICA; AND LANGUAGE REGARDING HAITI, URUGUAY, PARAGUAY, AND CUBA. THE BILL MAKES AN EXCEPTION TO SECTION 660 OF THE FAA FOR POLICE ASSISTANCE TO EL SALVADOR AND HONDURAS. THE SENATE BILL (SEE REF B) HAS FEWER OBJECTIONABLE PROVISIONS, AND WE WILL SEEK TO IMPROVE THE BILL IN CONFERENCE, WHICH COULD COMPLETE ITS WORK BEFORE THE AUGUST CONGRESSIONAL RECESS. END SUMMARY.

2. ACCOMPANIED BY EXPRESSIONS OF STRONG BIPARTISAN SUPPORT, THE HOUSE ON JULY 11 BY VOICE VOTE PASSED H.R. 1555, THE INTERNATIONAL SECURITY AND DEVELOPMENT COOPERATION ACT OF 1985, AFTER THREE DAYS OF DEBATE. THE BILL AUTHORIZES APPROPRIATIONS FOR FY-86 AND FY-87 FOR INTERNATIONAL SECURITY AND DEVELOPMENT ASSISTANCE, THE PEACE CORPS, THE INTER-AMERICAN FOUNDATION, NARCOTICS, ANTI-TERRORISM AND FOR OTHER PURPOSES AND AMENDS THE FOREIGN ASSISTANCE ACT OF 1961 AND THE ARMS EXPORT CONTROL ACT. COUPLED WITH SENATE PASSAGE ON MAY 15 OF A FOREIGN ASSISTANCE BILL, THE HOUSE ACTION MEANS THAT CONGRESS IS LIKELY TO PASS A FOREIGN ASSISTANCE AUTHORIZATION BILL FOR

DEPARTMENT OF STATE 9302287 IS/FPC/CDR Date: 9-5-96
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THE FIRST TIME SINCE 1981, PROVIDED THAT DIFFERENCES IN THE TWO MEASURES ARE RESOLVED IN A HOUSE-SENATE CONFERENCE.

3. PROVISIONS IN THE HOUSE-PASSED BILL WHICH PARTICULARLY EFFECT LATIN AMERICA AND THE CARIBBEAN ARE FOUND IN TITLE I, WHICH DEALS WITH MILITARY SALES; TITLE II, WHICH DEALS WITH ECONOMIC SUPPORT FUNDS; TITLE III, WHICH DEALS WITH DEVELOPMENT ASSISTANCE; TITLE V, WHICH CONCERNS INTERNATIONAL NARCOTICS CONTROL; TITLE VI, WHICH PROVIDES FOR UNITED STATES SCHOLARSHIP PROGRAMS FOR DEVELOPING COUNTRIES; AND TITLE VII WHICH ADDRESSES LATIN AMERICAN AND THE CARIBBEAN.

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4. TITLE I CONTAINS A SECTION WHICH PERMITS MORE THAN SIX US ARMED FORCES MEMBERS TO BE ASSIGNED TO EL SALVADOR, HONDURAS, AND VENEZUELA FOR THE PURPOSE OF CARRYING OUT SECURITY ASSISTANCE PROGRAMS.

5. TITLE II CONTAINS AN AMENDMENT OFFERED BY REP. BOB LIVINGSTON (R-LA) WHICH EARMARKS ESF FOR EL SALVADOR AT 195 MILLION DOLLARS FOR FY-86 AND FY-87.

6. TITLE III CONTAINS A SECTION INCREASING THE TRADE CREDIT INSURANCE PROGRAM (TCIP) FOR CENTRAL AMERICA FROM THE 300 MILLION DOLLAR LEVEL AUTHORIZED IN FY-85 TO THEMINISTRATION SOUG FY-86 AND FY-87.

7. TITLE V CONTAINS THE FOLLOWING SECTIONS:

(A) RESTRICTIONS ON ASSISTANCE TO BOLIVIA

AN AMENDMENT OFFERED BY REP. LARRY SMITH (D-FL) WHICH CONDITIONS THE DISBURSEMENT OF MAP AND ESF FUNDS. UP TO 25 PERCENT OF THE AGGREGATE FOR FY-86 TO BOLIVIA MAY BE PROVIDED AFTER THE PRESIDENT CERTIFIES THAT BOLIVIA HAS ENACTED LEGISLATION, CONSISTENT WITH THE SINGLE CONVENTION OF 1961, THAT ESTABLISHES LEGAL COCA REQUIREMENTS, PROVIDES FOR LICENSING THE NUMBER OF HECTARES NECESSARY TO PRODUCE THE LEGAL REQUIREMENT, AND MAKES ILLEGAL UNLICENSED COCA PRODUCTION. REMAINING ASSISTANCE FOR FY-86 MAY BE PROVIDED SUBSEQUENT TO THE PRESIDENT'S CERTIFYING THAT BOLIVIA QUOTE HAS MADE SUBSTANTIAL PROGRESS TOWARD ACHIEVING THE ERADICATION TARGET FOR THE CALENDAR YEAR 1985 CONTAINED IN ITS 1985 NARCOTICS CONTROL AGREEMENTS WITH THE UNITED STATES. UNQUOTE REQUIREMENTS FOR FY-1987 ARE MORE EXACTING IN NATURE.

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(B) RESTRICTIONS ON ASSISTANCE TO PERU

THE SECOND PART OF THE SMITH AMENDMENT CONDITIONS MAP AND FMS FUNDING FOR FY-1986 AS WELL AS ANY DA FUNDING WHICH THE BILL AUTHORIZES FOR THE UPPER HUALLAGA VALLEY PROJECT UPON THE PRESIDENT'S REPORTING TO CONGRESS THAT PERU QUOTE HAS DEMONSTRATED SUBSTANTIAL PROGRESS IN DEVELOPING A PLAN, CONSISTENT WITH THE SINGLE CONVENTION ON NARCOTIC DRUGS, 1961, THAT WILL ESTABLISH ITS LEGAL COCA REQUIREMENTS, LICENSE THE NUMBER OF HECTARES NECESSARY TO

PRODUCE THE LEGAL REQUIREMENT AND ELIMINATE ILLICIT AND UNLICENSED COCA PRODUCTION UNQUOTE. FOR FY-87, MAP, FMS, AND HUALLAGA VALLEY PROJECT FUNDING IS CONDITIONED UPON A PRESIDENTIAL REPORT THAT PERU HAS DEVELOPED SUCH A PLAN AND IS IMPLEMENTING IT. THE BILL ALSO CONTAINS A PROVISION MAKING AVAILABLE DA FUNDS FOR THE UPPER HUALLAGA VALLEY PROJECT IF THE AID ADMINISTRATOR, AFTER CONTION WITH THE CONGRESS, DETERMINES, ON THE BASIS OF A COMPREHENSIVE REVIEW, THAT THE PROJECT WILL EFFECTIVELY REDUCE AND ERADICATE COCA PRODUCTION, DISTRIBUTION AND MARKETING IN THIS REGION.

(C) REALLOCATION OF FUNDS FOR BOLIVIA AND PERU

THIS SECTION INSTRUCTS THE PRESIDENT TO REPROGRAM FUNDS FOR BOLIVIA, PERU, AND THE UPPER HUALLAGA VALLEY PROJECT TO COUNTRIES WHICH HAVE TAKEN SIGNIFICANT STEPS TO HALT ILLICIT DRUG PRODUCTION AND TRAFFICKING IF BOLIVIA AND PERU FAIL TO MEET THE CERTIFICATION AND REPORTING REQUIREMENTS OUTLINED ABOVE.

(D) CONDITIONS OF ESF TO JAMAICA

THIS SECTION WITHHOLDS 5 MILLION DOLLARS IN ESF UNTIL THE PRESIDENT CERTIFIES THAT JAMAICA HAS QUOTE PREPARED, PRESENTED, AND COMMITTED ITSELF TO A COMPREHENSIVE PLAN OR STRATEGY FOR THE CONTROL AND REDUCTION OF ILLICIT CULTIVATION, PRODUCTION, PROCESSING, TRANSPORTATION AND, DISTRIBUTION OF MARIJUANA WITHIN A SPECIFICALLY-STATED PERIOD OF TIME UNQUOTE.

(E) NARCOTICS CONTROL EFFORTS IN BRAZIL

THIS SECTION INSTRUCTS THE SECRETARY OF STATE TO ENTER INTO NEGOTIATIONS WITH BRAZIL TO ESTABLISH A BILATERAL NARCOTICS CONTROL AGREEMENT WITH A GOAL OF ACHIEVING A TEN PERCENT REDUCTION IN ILLICIT COCA PRODUCTION IN CALENDAR YEAR 1986.

(F) CUBA

A SECTION ON CUBAN DRUG TRAFFICKING EXPRESSES THE SENSE OF THE CONGRESS THAT THE PRESIDENT SHOULD INSTRUCT THE US PERMANENT REPRESENTATIVE TO THE UN AND THE US REPRESENTATIVE THE OAS, RESPECTIVELY, TO PLACE THE QUESTION OF CUBAN INVOLVEMENT IN ILLICIT DRUG TRAFFICKING ON THE UN AGENDA AND REQUEST THAT THE OAS CONSIDER THIS QUESTION AS SOON AS POSSIBLE. IT ALSO INSTRUCTS THE PRESIDENT TO REPORT TO THE CONGRESS ON ACTIONS TAKEN PURSUANT TO THIS SECTION.

(G) LATIN AMERICAN REGIONAL NARCOTICS CONTROL ORGANIZATION

THE SECRETARY OF STATE IS INSTRUCTED TO STUDY THE FEASIBILITY OF ESTABLISHING A REG LATIN AMERICAN ORGANIZATION TO COMBAT NARCOTICS PRODUCTION AND TRAFFICKING THROUGH REGIONAL INFORMATION-SHARING AND ENFORCEMENT. WITHIN SIX MONTHS OF ENACTMENT OF THIS ACT, THE SECRETARY SHOULD REPORT TO CONGRESS ON THE

ADVISABILITY OF ESTABLISHING SUCH AN ORGANIZATION.

(H) DRUG TRAFFICKING AND FOREIGN BANK ACCOUNTS IN THE CARIBBEAN

OFFERED BY REP. BOB DORNAN (R-CA). THIS SECTION REQUESTS THE PRESIDENT TO NEGOTIATE TREATIES WITH ALL COUNTRIES PROVIDING CONFIDENTIAL OFFSHORE BANKING SERVICES, ESPECIALLY IN THE CARIBBEAN, TO ENABLE THE UNITED STATES TO OBTAIN ACCESS TO ACCOUNTS OF KNOWN DRUG TRAFFICKERS FOR THE PURPOSE OF RECOVERING ILLEGALLY ACQUIRED FUNDS; DIRECTS THE PRESIDENT TO REPORT THE RESULTS OF SUCH EFFORTS IN THE ANNUAL INTERNATIONAL NARCOTICS CONTROL STRATEGY REPORT; AND REAFFIRMS CONGRESSIONAL INTENT TO OBTAIN MAXIMUM COOPERATION FROM ALL GOVERNMENTS TO HALT INTERNATIONAL DRUG TRAFFICKING AND TO EVALUATE COOPERATION OF THOSE GOVERNMENTS RECEIVING ASSISTANCE FROM THE UNITED STATES.

8. TITLE VI CONTAINS AN AMENDMENT OFFERED BY REP. MERVYN DYMALLY (D-CA) WHICH EMPHASIZES THAT PARTICULAR ATTENTION SHOULD BE GIVEN TO PARTICIPATION OF STUDENTS FROM THE CARIBBEAN IN THE USIA SCHOLARSHIP PROGRAM.

9. TITLE VII CONTAINS THE FOLLOWING SECTIONS CONCERNING LATIN AMERICA AND THE CARIBBEAN:

(A) STATEMENTS OF POLICY CONCERNING CENTRAL AMERICA

THIS SECTION CONTAINS THE FINDINGS OF CONGRESS THAT:

-- BUILDING DEMOCRACY, RESTORING PEACE, IMPROVING LIVING CONDITIONS, AND APPLYING EQUAL JUSTICE ARE IMPORTANT TO

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UNITED SYATES INTERESTS AND THE COMMUNITY OF AMERICAN STATES.

-- THE CONGRESS RECOGNIZES THE IMPORTANCE OF EFFECTIVELY DEALING WITH INTERRELATED SOCIAL, HUMANITARIAN, ECONOMIC, POLITICAL, AND REGIONAL SECURITY ISSUES TO ASSURE A CRATIC AND ECONOMICALLY AND POLITICALLY SECURE CENTRAL AMERICA.

-- ALTHOUGH THE ACHIEVEMENT OF DEMOCRACY, RESPECT FOR HUMAN RIGHTS, PEACE, AND EQUITABLE ECONOMIC GROWTH DEPEND PRIMARILY ON THE PEOPLE AND GOVERNMENTS OF CENTRAL AMERICA, THE UNITED STATES CAN MAKE A SIGNIFICANT CONTRIBUTION THROUGH A POLICY WHICH INCLUDES A LONG TERM COMMITMENT OF ASSISTANCE.

-- THE PURPOSE OF UNITED STATES POLICY IS TO SUPPORT DEMOCRACY AND POLITICAL REFORM: FULL OBSERVANCE OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS, INCLUDING FREE ELECTIONS, FREEDOM OF PRESS, ASSOCIATION, AND THE ELIMINATION OF ALL HUMAN RIGHTS ABUSES; LEADERSHIP DEVELOPMENT TO IMPROVE PUBLIC ADMINISTRATION AND THE ADMINISTRATION OF JUSTICE; LAND REFORM, INCLUDING REFORM AND TAX SYSTEMS, ENCOURAGEMENT OF PRIVATE ENTERPRISE, INVESTMENT CLIMATES, AND CURBING CORRUPTION (ADDED AS AN AMENDMENT BY REP. BOB LAGOMARSINO (R-CA); ESTABLISHMENT OF

THE RULE OF LAW AND AN EFFECTIVE JUDICIAL SYSTEM;
TERMINATION OF EXTREMIST VIOLENCE BY THE LEFT AND RIGHT,
INCLUDING VIGOROUS ACTION TO PROSECUTE THOSE GUILTY OF
CRIMES; PROMOTION OF MORE EQUITABLE ECONOMIC GROWTH,
INCLUDING CONTROLLING CAPITAL FLIGHT AND EFFECTIVE USE OF
FOREIGN ASSISTANCE AND APPROVED PROGRAMS FOR ECONOMIC
STABILIZATION AND PHYSICAL RESPONSIBILITY; AND THE
PROMOTION OF DIALOGUE AND NEGOTIATIONS TO ACHIEVE PEACE
BASED UPON DEMOCRATIZATION, REDUCTION OF ARMAMENT, AND END
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TO SUBVERSION AND THE WITHDRAWAL OF FOREIGN MILITARY
FORCES AND ADVISERS AND TO PROVIDE A SECURITY SHIELD
AGAINST VIOLENCE AND INTIMIDATION.

-- THE CONGRESS ALSO SUPPORTS THE NEGOTIATION OF A
PEACEFUL SETTLEMENT OF THE CENTRAL AMERICA CONFLICT
THROUGH THE FRAMEWORK OF THE CONTADORA PEACE PROCESS,
URGES THE UNITED STATES TO PROVIDE APPROPRIATE SUPPORT IN
HELPING ACHIEVE A PEACEFUL RESOLUTION OF THE CONFLICT
BASED UPON CONTADORA; STRONGLY SUPPORT NEED FOR
NATIONAL RECONCILIATION IN NICARAGUA AND THE CREATION OF A
FRAMEWORK FOR NEGOTIATING A PEACEFUL SETTLEMENT IN
NICARAGUA; AND URGES THE UNITED STATES TO ENCOURAGE
NICARAGUA TO PURSUE A DIALOGUE WITH THE ARMED OPPOSITION
TO ACHIEVE A POLITICAL SETTLEMENT, INCLUDING FREE AND FAIR
ELECTIONS.

- IN AN AMENDMENT OFFERED BY REPRESENTATIVE BILL
RICHARDSON (D-NM), THE CONGRESS EXPRESSES ITS CONCERN
ABOUT DISTURBING TRENDS IN NICARAGUA'S FOREIGN POLICIES,
INCLUDING PRESIDENT DANIEL ORTEGA'S APRIL TRIP TO THE
SOVIET UNION; THE SANDINISTAS CLOSE MILITARY TIES WITH
CUBA, THE SOVIET UNION AND ITS WARSAW PACT ALLIES AND
THEIR CONTINUING MILITARY BUILD UP; THE SANDINISTA'S
CURTAILMENT OF INDIVIDUAL LIBERTIES, POLITICAL EXPRESSION,
FREEDOM OF WORSHIP AND INDEPENDENCE OF THE MEDIA; THE
SUBORDINATION OF MILITARY, JUDICIAL, INTERNAL SECURITY
FUNCTIONS TO THE SANDINISTA PARTY; AND THE SANDINISTAS
EFFORTS TO EXPORT THEIR INFLUENCE AND IDEOLOGY. SHOULD
NICARAGUA FAIL TO ADDRESS THESE CONCERNS, THE UNITED
STATES SHOULD SEEK TO MAINTAIN MULTILATERAL PRESSURE ON
NICARAGUA THROUGH ORGANIZATIONS SUCH AS THE OAS; AND
SHOULD GIVE SERIOUS CONSIDERATION TO SUPPORTING SANCTIONS
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ADOPTED BY SUCH AN ORGANIZATION. IN ASSESSING WHETHER OR
NOT PROGRESS IS BEING MADE IN ADDRESSING THESE CONCERNS,
CONGRESS WILL EXPECT NICARAGUA TO TAKE THE FOLLOWING
PROMPT AND SIGNIFICANT INITIATIVES: THE REMOVAL OF
FOREIGN MILITARY ADVISERS, AN END TO SANDINISTA SUPPORT
FOR INSURGENCIES IN THE REGION; RESTORATION OF INDIVIDUAL
LIBERTIES, POLITICAL EXPRESSION, FREEDOM OF WORSHIP,
INDEPENDENCE, AND PROGRESS TOWARD INTERNAL RECONCILIATION
AND A PLURALISTIC DEMOCRATIC SYSTEM TO ENABLE THE INTERNAL
OPPOSITION TO HAVE A VIABLE PARTNER IN THE NICARAGUAN
POLITICAL PROCESS.

-- IN AN AMENDMENT OFFERED BY REP. DAN BURTON (R-IN),
THE CONGRESS CONDEMNS NICARAGUA FOR VIOLATING
COMMITMENTS TO THE OAS, THE NICARAGUAN PEOPLE, AND THE

UNITED STATES; AFFIRMS THAT THE GOVERNMENT OF NICARAGUA WILL BE REGARDED AS HAVING ACHIEVED POLITICAL LEGITIMACY WHEN IT FULFILLS ITS 1979 COMMITMENTS; URGES NICARAGUA TO ENTER A NATIONAL DIALOGUE WITH THE DEMOCRATIC RESISTANCE; SUPPORTS THE NICARAGUAN DEMOCRATIC RESISTANCE IN ITS EFFORTS TO RESOLVE PEACEFULLY THE NICARAGUAN CONFLICT; SUPPORTS THE EFFORTS OF THE CONTADORA NATIONS, THE OAS, AND OTHER REGIONAL ORGANIZATIONS TO MAINTAIN MULTILATER- PRESSURE ON NICARAGUA TO FULFILL ITS COMMITMENTS; AND REQUESTS THAT THE SECRETARY OF STATE TRANSMIT THE TEXT OF THIS SUBSECTION TO THE FOREIGN MINISTERS OF THE MEMBER STATES OF THE OAS.

(B) ASSISTANCE FOR EL SALVADOR

(I) MILITARY ASSISTANCE

THE PRESIDENT MAY PROVIDE MILITARY ASSISTANCE -- MAP, FMS, AND IMET -- TO EL SALVADOR IF HE REPORTS TO CONGRESS EVERY SIX MONTHS BEGINNING ON OR AFTER OCTOBER 1, 1985; APRIL 1, 1986; OCTOBER 1, 1986; AND APRIL 1, 1987, THAT THE:

-- GOES WILL PURSUE A DIALOGUE WITH THE ARMED OPPOSITION AND THEIR POLITICAL REPRESENTATIVES TO ACHIEVE A POLITICAL SETTLEMENT OF THE CONFLICT;

-- THE GOES HAS CONTROL OF THE SALVADORAN MILITARY AND SECURITY FORCES, AND THESE FORCES ARE COMPLYING WITH INTERNATIONAL LAW AND PRESIDENTIAL DIRECTIVES TO PROTECT CIVILIANS DURING COMBAT OPERATIONS;

-- THE GOES QUOTE HAS MADE DEMONSTRATED PROGRESS DURING THE PREVIOUS SIX MONTHS IN ENDING DEATH SQUAD ACTIVITIES UNQUOTE;

-- THE GOES MADE DEMONSTRATED PROGRESS DURING THE PREVIOUS SIX MONTHS IN ESTABLISHING AN EFFECTIVE JUDICIAL SYSTEM AND THAT THE FOLLOWING CRITERIA SHOULD APPLY: (A) WHETHER THE COMMISSION TO INVESTIGATE HUMAN RIGHTS CASES HAS BEEN ESTABLISHED, FUNDED AND GIVEN SUFFICIENT INVESTIGATIVE POWERS; (B) WHETHER THE EVIDENCE IT COLLECTS IS USED IN THE SALVADORAN JUDICIAL PROCESS; (C) WHETHER RESPONSIBLE FOR THE LAS HOJAS MASSACRE ARE BEING PROSECUTED; AND (D) WHETHER THE COMMISSION HAS ISSUED A COMPREHENSIVE REPORT OF ITS INVESTIGATION OF ALL AMERICANS MURDERED IN EL SALVADOR;

-- THE GOES MADE DEMONSTRATED PROGRESS DURING THE PRECEEDING SIX MONTHS IN IMPLEMENTING LAND REFORM.

SEMI-ANNUAL DISBURSEMENTS.

HALF THE FUNDS IN EACH FISCAL YEAR MAY BECOME AVAILABLE AFTER THE SUBMISSION OF EACH REPORT.

EMERGENCY SITUATION.

THE BILL ALLOWS THE PRESIDENT TO PROVIDE MILITARY ASSISTANCE FOR THE SECOND HALF OF EACH FISCAL YEAR, DURING THE FIRST HALF, IF HE CERTIFIES THAT AN EMERGENCY SITUATION EXISTS AND NOTIFIES THE CONGRESS 15 DAYS IN ADVANCE.

AIRCRAFT FOR AERIAL WARFARE.

THIS SECTION ALSO PROHIBITS THE USE OF EXISTING AUTHORITIES TO MAKE AVAILABLE HELICOPTERS OR OTHER AIRCRAFT OR TO ISSUE LICENSES FOR THE EXPORT OF AIRCRAFT TO EL SALVADOR WITHOUT 15 DAYS ADVANCE NOTIFICATION.

(II) ECONOMIC SUPPORT ASSISTANCE

BEFORE DISBURSEMENT OF ESF FUNDS FOR EL SALVADOR FOR BALANCE OF PAYMENTS SUPPORT CAN OCCUR, THE PRESIDENT SHALL BE SATISFIED THAT THE CENTRAL RESERVE BANK OF EL SALVADOR HAS IMPLEMENTED OR TAKEN APPROPRIATE STEPS TOWARD IMPLEMENTING THE MAJOR RECOMMENDATIONS CONTAINED IN THE STUDY ENTITLED QUOTE FOREIGN EXCHANGE: POLICY AND MANAGEMENT WITHIN THE CENTRAL RESERVE BANK OF EL SALVADOR UNQUOTE. ESF FUNDS SHOULD BE PROVIDED SOLELY FOR ECONOMIC ACTIVITIES AND DEVELOPMENT, ESPECIALLY TO PROMOTE AGRARIAN REFORM AND TO MEET THE NEEDS OF THE AGRICULTURAL SECTOR, AND SHOULD BE MAINTAINED IN A SEPARATE ACCOUNT IN THE CENTRAL RESERVE BANK. ALL LOCAL CURRENCIES GENERATED WITH THESE FUNDS SHOULD ALSO BE DEPOSITED IN A SEPARATE ACCOUNT ESTABLISHED BY THE GOES AND SHOULD BE USED FOR

PROJECTS AIDING AGRARIAN REFORM AND AGRICULTURAL SECTOR; JUDICIAL REFORM, EMPLOYMENT, HEALTH, EDUCATION, OR OT SOCIAL SERVICES.
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(III) OTHER PROVISIONS

-- ALL ASSISTANCE FOR EL SALVADOR WILL BE SUSPENDED IF THE ELECTED PRESIDENT IS DEPOSED BY MILITARY COUP.

-- DEVELOPMENT ASSISTANCE IS EARMARKED AS A RESULT OF AN AMENDMENT OFFERED BY REPRESENTATIVE BRIAN DONNELLY (D-MA) AT 79.6 MILLION DOLLARS.

(IV) CONYERS AMENDMENT

REPRESENTTIVE JOHN CONYERS (D-MI) OFFERED AN AMENDMENT TO PROHIBIT ALL MILITARY ASSISTANCE UNTIL THE PRESIDENT REPORTED TO THE CONGRESS, AND THE CONGRESS ENACTED A JOINT RESOLUTION IN AGREEMENT, THAT SUFFICIENT PROGRESS HAD BEEN MADE IN PROSECUTING THOSE RESPONSIBLE FOR MORE THAN 40,000 MURDERS; THAT SUFFICIENT PROGRESS HAD BEEN MADE IN CARRYING OUT ALL TITLES OF THE LAND REFORM PROGRAM; AND THAT THE GOES HAD AGREED TO PURSUE AN NEGOTIATED SETTLEMENT WITH THE GUERILLAS BASED ON SAFE AND FREE ELECTIONS. THIS AMENDMENT WAS DEFEATED ON A ROLL CALL VOTE BY THE OVERWHELMING MARGIN OF 375 (N) TO 47 (Y).

(C) ASSISTANCE FOR GUATEMALA

(I) CONDITIONS ON MILITARY ASSISTANCE AND SALES

THE PRESIDENT MAY PROVIDE MILITARY ASSISTANCE TO GUATEMALA

IF HE CERTIFIES THAT:

-- FOR FY-86, AN ELECTED CIVILIAN GOVERNMENT HAS TAKEN POWER AND HAS REQUESTED U.S. ASSISTANCE. SALES OR

FINANCING;

-- FOR FY-86 AND FY-87, GUATEMALA HAS MADE DEMONSTRATED PROGRESS DURING THE PRECEDING YEAR IN ACHIEVING CONTROL OVER ITS MILITARY AND SECURITY FORCES AND IN ELIMINATING KIDNAPPINGS AND DISAPPEARANCES, FORCED RECRUITMENT INTO CIVIL DEFENSE PATROLS, AND IN RESPECTING THE HUMAN RIGHTS OF GUATEMALA'S INDIANS. (THIS FINAL CONDITION REGARDING INDIANS WAS ADDED BY REP. CHET ATKINS, D-MA.)

THE BILL ALLOWS THE DISBURSEMENT OF UP TO 30 PERCENT OF FY-86 MET UPON ELECTION OF A CIVILIAN GOVERNMENT. IF THE

CONDITIONS OUTLINED ABOVE ARE MET, UP TO DOLLARS 10LLION IN FMS CREDITS M CONSTRUCTION EQUIPMENT AND MOBILE MEDICAL FACILITIES TO ASSIST DEVELOPMENT PROGRAMS FOR THE POOR AND FOR TRAINING OUTSIDE GUATEMALA IN THE USE OF THIS EQUIPMENT. THESE FUNDS COULD NOT BE USED IN THE RURAL RESETTLEMENT PROGRAM, NOR TO PROCURE WEAPONS OR AMMUNITION.

OTHER PROHIBITIONS INCLUDE THE SUSPENSION OF ALL ASSISTANCE IF THE ELECTED CIVILIAN GOVERNMENT IS DEPOSED BY MILITARY COUP AND PREVENTS USE OF DA OR ESF FOR THE RESETTLEMENT PROGRAM.

(2) OTHER PROVISIONS

-- CONGRESS CALLS UPON THE PRESIDENT TO URGE GUATEMALA TO ALLOW THE CRC TO INVESTIGATE HUMANITARIAN NEEDS AND TO REPORT HUMAN RIGHTS ABUSES.

-- THE SECTION CONTAINS SENSE OF CONGRESS LANGUAGE URGING THE UNITED STATES TO USE ITS GOOD OFFICES AND INFLUENCE TO ENCOURAGE GUATEMALA TO RECOGNIZE BELIZE AND TO CONCLUDE A NON-AGGRESSION PACT.

-- ADDED TO THE SECTION WAS AN AMENDMENT BY REPRESENTATIVE BARBARA BOXER (D-CA) WHICH CONTAINS SENSE OF CONGRESS LANGUAGE THAT HUMAN RIGHTS GROUPS, ESPECIALLY THE GROUP FOR MUTUAL SUPPORT, SHOULD BE ALLOWED TO CONTINUE THEIR WORK AGAINST HUMAN RIGHTS ABUSES WITH THE FULL COOPERATION, PROTECTION AND SUPPORT OF THE GUATEMALAN GOVERNMENT, AND THAT THE UNITED STATES SHOULD JUDGE HUMAN RIGHTS PROGRESS ON THE EXTEND TO WHICH THE GUATEMALAN GOVERNMENT ALLOWS HUMAN RIGHTS GROUPS TO CARRY OUT THEIR WORK.

(D) NICARAGUA

THE BILL CONTAINS THREE SECTIONS PERTAINING TO NICARAGUA:.

(I) FUNDS ARE PROHIBITED FROM BEING QUOTE OBLIGATED OR EXPENDED FOR THE PURPOSE OF SUPPORTING OR IF THE EFFECT

WOULD BE TO SUPPORT, DIRECTLY OR INDIRECTLY, MILITARY OR PARAMILITARY OPERATIONS IN NICARAGUA BY ANY GROUP, ORGAMIZATION, MOVEMENT, OR INDIVIDUAL UNQUOTE.

(II) OFFERED AS AN AMENDMENT BY REP DAVE MCCURDY (D-OK), THIS SECTION ADDS LANGUAGE AUTHORIZING THE APPROPRIATION OF DS 27 MILLION FOR HUMANITARIAN ASSISTANCE TO THE

NICARAGUAN DEMOCRATIC RESISTANCE, WHICH THE HOUSE OF REPRESENTATIVES HAD APPROVED AS AN APPROPRIATION ON JUNE 12. REF A PROVIDES DETAILS OF THIS HOUSE ACTION. (THE MCCURDY AMENDMENT IS AN EXCEPTION TO (I) ABOVE.)

(III) OFFERED AS AN AMENDMENT BY REP. BILL RICHARDSON (D-NM), THIS SECTION INSTRUCTS THE PRESIDENT TO ESTABLISH

PROCEDURES TO ENSURE THAT HUMANITARIAN ASSISTANCE PROVIDED TO THE NICARAGUAN DEMOCRATIC RESISTANCE IS USED ONLY FOR THIS PURPOSE AND IS NOT DIVERTED FOR THE ACQUISITION OF WEAPONS, WEAPONS SYSTEMS, AMMUNITION, OR OTHER EQUIPMENT, VEHICLES OR MATERIAL WHICH CAN INFLICT SERIOUS BODILY HARM OR DEATH. THE SECTION ALSO INSTRUCTS THE PRESIDENT TO SUSPEND ALL UNITED STATES HUMANITARIAN AID TO THE NICARAGUAN DEMOCRATIC RESISTANCE IF HE DETERMINES THAT THE RESISTANCE FORCES ARE ENGAGING IN QUOTE A CONSISTENT PATTERN OF HUMAN RIGHTS VIOLATIONS UNQUOTE AND MANDATES THAT THE SECRETARY OF STATE REPORT TO THE CONGRESS EVERY SIX MONTHS ON THE DEMOCRATIC RESISTANCE FORCES' HUMAN RIGHTS PRACTICES.

(IV) FOLEY AMENDMENT

REP. TOM FOLEY (D-WA) OFFERED AN AMENDMENT TO DELETE FROM THE BILL A FOURTH SECTION PROHIBITING THE INTRODUCTION OF UNITED STATES ARMED FORCES INTO NICARAGUA OR EL SALVADOR FOR COMBAT EXCEPT UNDER CERTAIN CONDITIONS. THE AMENDMENT WAS ACCEPTED.

(E) REFUGEES IN HONDURAS.

THIS SECTION PROVIDES THAT FUNDS FOR REFUGEE ASSISTANCE FOR NICARAGUAN INDIAN REFUGEES IN HONDURAS HAVE TO BE CHANNELED THROUGH THE UN HIGH COMMISSIONER FOR REFUGEES, THE INTERNATIONAL COMMITTEE OF THE RED CROSS, OR THE INTER-GOVERNMENTAL COMMITTEE FOR MIGRATION AND MAY NOT BE USED TO FACILITATE THE INVOLUNTARY REPATRIATION OF SALVADORAN REFUGEES IN HONDURAS.

(F) HAITI.

THIS SECTION CONDITIONS DA, ESF, AND IMET ASSISTANCE TO HAITI UPON THE PRESIDENT'S DETERMINATHAT HAITI:

-- IS CONTINUING TO COOPERATE WITH THE US IN HALTING ILLEGAL IMMIGRATION;

-- IS COOPERATING AND IMPLEMENTING US DEVELOPMENT, FOOD AND OTHER ECONOMIC ASSISTANCE PROGRAMS IN HAITI;

-- IS MAKING PROGRESS TOWARD IMPROVING THE HUMAN RIGHTS SITUATION AND IMPLEMENTING POLITICAL REFORMS ESSENTIAL TO DEVELOPING DEMOCRACY, SUCH AS THE ESTABLISHMENT OF POLITICAL PARTIES, FREE ELECTIONS, FREE LABOR UNIONS, AND FREEDOM OF THE PRESS.

THE SECTION ALSO REQUIRES THE SUBMISSION OF PRESIDENTIAL REPORTS EVERY SIX MONTHS AFTER THE BILL'S ENACTMENT ON THE EXTENT TO WHICH HAITI'S ACTIONS ARE CONSISTENT WITH THE CONDITIONS DESCRIBED ABOVE; MAKES AVAILABLE FUNDS TO ASSIST IN HALTING ILLEGAL IMMIGRATION TO THE US; PROHIBITS MAP AND FMS ASSISTANCE EXCEPT FOR THE TRANSPORTATION, MAINTENANCE, COMMUNICATIONS, AND RELATED SERVICES NEEDED TO CONTINUE THE MIGRANT AND NARCOTICS INTERDICTION OPERATIONS; AND PROVIDES 1 MILLION DOLLARS FOR FY-86 AND FY-87 FOR LITERACY PROGRAMS.

(G) PARAGUAY

THIS SECTION PROHIBITS ASSISTANCE TO PARAGUAY UNLESS THE PRESIDENT CERTIFIES THAT-PARAGUAY HAS MADE A GOOD FAITH EFFORT TO DETERMINE WHETHER DOCTOR JOSEPH MENGELE IS OR IS NOT IN PARAGUAY OR WAS FORMERLY IN PARAGUAY; DESCRIBES THE EFFORT PARAGUAY HAS MADE TO MAKE SUCH A DETERMINATION; WHETHER PARAGUAY HAS ACCEPTED FBI OR OTHER US LAW ENFORCEMENT ASSISTANCE TO REACH THESE DETERMINATIONS; AND

THAT PARAGUAY HAS ENDED TORTURE AND ABUSE OF INDIVIDUALS DETAINED BY ITS MILITARY AND SECURITY FORCES.

(H) ASSISTANCE TO PERU

UPON OBLIGATING ANY MAP OR FMS FUNDS FOR PERU, THE PRESIDENT SHALL REPORT TO THE CONGRESS ON THE STEPS PERU HAS TAKEN TO:

-- CURTAIN KILLINGS , TORTURE AND DISAPPEARANCES OF CIVILIAN NONCOMBATANTS BY THE MILITARY AND SECURITY FORCES OF PERU;

-- GTHEN THE ABILITY OF THE JUDICIARY TO INVESTIGATE SUCH ABUSES;

-- COMPLY WITH ESTABLISHED PROCEDURES TO ENSURE THAT ARRESTS BY THE MILITARY AND SECURITY FORCES ARE IMMEDIATELY ACKNOWLEDGED; AND ACCOUNT FOR DISAPPEARED PERSONS.

-- THE SECTION ALSO EARMARKS 1 MILLION DOLLARS IN ESF OF THE FUNDS PROVIDED IN THE BILL FOR ADMINISTRATION OF JUSTICE IN LATIN AMERICA AND THE CARIBBEAN TO STRENGTHEN PERU'S JUDICIAL SYSTEM AND STATES THAT RESPECT FOR HUMAN RIGHTS SHALL BE AN IMPORTANT COMPONENT OF IMET.

(I) INTER-AMERICAN FOUNDATION

AUTHORIZES 12 MILLION DOLLARS FOR THE IAF.

(J) COMPREHENSIVE REPORTS ON ASSISTANCE FOR LATIN AMERICA AND THE CARIBBEAN

SPECIFIES CERTAIN REQUIREMENTS FOR INFORMATION TO BE

INCLUDED IN THE ANNUAL REPORTS TO THE CONGRESS ON ECONOMIC
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AND MILITARY ASSISTANCE FOR LATIN AMERICA AND THE CARIBBEAN.

(K) ASSISTANCE FOR LAW ENFORCEMENT AGENCIES

THE PROHIBITION IN SECTION 660 OF THE FAA ON POLICE ASSISTANCE IS AMENDED SO THAT IT NOT APPLY TO A COUNTRY WHICH HAS A LONGSTANDING DEMOCRATIC TRADITION, DOES NOT HAVE STANDING ARMED FORCES, AND DOES NOT ENGAGE IN A CONSISTENT PATTERN OF GROSS VIOLATIONS OF INTERNATIONALLY-RECOGNIZED HUMAN RIGHTS. (THE HFAC REPORT LISTS COSTA RICA AND EASTERN CARIBBEAN COUNTRIES AS THE POTENTIAL BENEFICIARIES OF THIS PROVISION.) THE SECTION ALSO CONTAINS AN AMENDMENT OFFERED BY REP. BILL MCCOLLUM (R-FL) WHICH PERMITS POLICE ASSISTANCE TO EL SALVADOR AND HONDURAS SUBJECT TO 30 DAYS ADVANCE NOTIFICATION TO THE CONGRESS IN ACCORDANCE WITH REPROGRAMMING PROCEDURES AND A PRESIDENTIAL DETERMINATION THAT THE GOVERNMENT OF THE RECIPIENT COUNTRY HAS MADE SUBSTANTIAL HUMAN RIGHTS PROGRESS DURING THE PREVIOUS SIX MONTHS.

(L) USE OF PRIVATE AND VOLUNTARY ORGANIZATIONS

DEVELOPMENT ASSISTANCE AND ESF FOR LATIN AMERICA AND CARIBBEAN COUNTRIES SHALL, TO THE MAXIMTENT POSSIBLE, BE PROVIDED THROUGH PVOS.

(M) ADMINISTRATION OF JUSTICE

THIS SECTION AUTHORIZES THE PRESIDENT TO FURNISH ASSISTANCE TO COUNTRIES AND ORGANIZATIONS, INCLUDING NATIONAL AND REGIONAL ORGANIZATIONS, IN ORDER TO STRENGTHEN THE ADMINISTRATION OF JUSTICE IN LATIN AMERICAN
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AND CARIBBEAN COUNTRIES. IT LIMITS SUCH ASSISTANCE TO THE FOLLOWING:

-- SUPPORT FOR SPECIALIZED PROFESSIONAL TRAINING, SCHOLARSHIPS, AND EXCHANGES FOR CONTINUING LEGAL EDUCATION;

-- PROGRAMS TO ENHANCE PROSECUTORIAL AND JUDICIAL CAPABILITIES AND PROTECTION FOR PARTICIPANTS IN JUDICIAL CASES;

-- PROGRAMS TO ENHANCE INVESTIGATIVE CAPABILITIES, CONDUCTED UNDER JUDICIAL OR PROSECUTORIAL CONTROL;

-- STRENGTHENING PROFESSIONAL ORGANIZATIONS IN ORDER TO PROMOTE SERVICES TO MEMBERS AND THE ROLE OF THE BAR IN JUDICIAL SELECTION, ENFORCEMENT OR ETHICAL STANDARDS AND LEGAL REFORM;

-- INCREASING THE AVAILABILITY OF LEGAL MATERIALS AND PUBLICATIONS;

-- SEMINARS, CONFERENCES, AND TRAINING AND EDUCATIONAL PROGRAMS TO IMPROVE THE ADMINISTRATION OF JUSTICE AND TO STRENGTHEN RESPECT FOR THE RULE OF LAW AND INTERNATIONALLY

RECOGNIZED HUMAN RIGHTS;

-- REVISION AND MODERNIZATION OF LEGAL CODES AND PROCEDURES.

THE SECTION ALSO STATES THAT NOT MORE THAN 20 MILLION DOLLARS OF THE FUNDS AVAILABLE FOR THIS CHAPTER IN ANY FISCAL YEAR MAY BE USED FOR ADMINISTRATION OF JUSTICE PURPOSES, IN ADDITION TO AMOUNTS OTHERWISE AVAILABLE FOR SUCH PURPOSES. THERE IS A REQUIREMENT FOR CONGRESSIONAL NOTIFICATION OF FUNDS AND PROGRAMS UNDER THIS SECTION 15 DAYS IN ADVANCE ACCORDING TO EXISTING REPROGRAMMING PROCEDURES.

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(N) CENTRAL AMERICAN DEVELOPMENT ORGANIZATION

THIS SECTION IS ESSENTIALLY IDENTICAL TO THAT IN THE SENATE BILL (SEE REF B) BUT REQUIRES THE DEFERRAL OF THE BURSEMENT OF 25 PERCENT OF U.S. ECONOMIC ASSISTANCE FOR EACH CENTRAL AMERICAN COUNTRY UNTIL BOTH THE U.S. AND CADO HAVE PPROVED. (THE SENATE BILL PROVIDES THAT NO MORE THAN 75 PERCENT OF ASSISTANCE CAN BE DISBURSED UNTIL THE RECOMMENDATIONS OF CADO HAVE BEEN COMMUNICATED TO DONOR COUNTRIES.

(O) MILITARY EXERCISES IN CENTRAL AMERICA

THIS SECTION REQUIRES THAT THE PRESIDENT NOTIFY THE CONGRESS 30 DAYS IN ADVANCE OF SENDING MEMBERS OF THE ARMED FORCES TO ANY CENTRAL AMERICAN COUNTRY FOR THE PURPOSES OF COMMENCING JOIN MILITARY EXERCISES WITH THE ARMED FORCES OF ANY CENTRAL AMERICAN COUNTRY.

(P) EXPANDED USE OF EMPLOYEE STOCK OWNERSHIP PLANS

THIS SECTION URGES THE PRESIDENT TO DEVELOP A PLAN FOR THE EXPANDED USE OF EMPLOYEE STOCK OWNERSHIP PLANS IN ALL DEVELOPMENT EFFORTS OF THE U.S. IN CENTRAL AMERICA AND THE CARIBBEAN, WITH AN EMPHASIS ON ENCOURAGING VOLUNTARY INITIATIVES BY MULTINATIONAL CORPORATIONS AND OTHER PRIVATE SECTOR ENTERPRISES WHICH HAVE OR ARE CONSIDERING INVESTMENTS IN THE REGION. THE PRESIDENT WILL SUBMIT A REPORT SIX MONTHS AFTER THE ENACTMENT OF THE ACT ON THE FEASIBILITY OF THIS SECTION AND RECOMMENDATIONS FOR ITS ACCOMPLISHMENT.

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(Q) INTERNATIONAL ADVISORY COMMISSION FOR THE CARIBBEAN REGION

AS AMENDED BY REP. MERVYN DYMALLY (D-CA), THIS SECTION REQUIRES THE PRESIDENT TO INVITE THE COUNTRIES WHICH COMPRISE THE CARIBBEAN REGION AND THE UK, THE NETHERLANDS, FRANCE, CANADA, PUERTO RICA AND THE VIRGIN ISLANDS TO JOIN THE U.S. IN PARTICIPATING IN A COMMISSION WHICH WOULD BE THE PRIME INSTITUTION FOR PROMOTING ECONOMIC COOPERATION AND DEVELOPMENT IN THE CARIBBEAN REGION. 100,000 DOLLARS IN DEVELOPMENT ASSISTANCE IS EARMARKED FOR ADMINISTRATIVE

AND TRAVEL EXPENSES TO ORGANIZE THE COMMISSION.

(R) EXEMPTION OF CERTAIN SAFETY-RELATED EQUIPMENT FROM PROHIBITION ON MILITARY SALES TO CHILE

IS SECTION PERMITS THE SALE TO CHILE OF CERTAIN EQUIPMENT AND MANUALS FOR F-5E/F AND A/T-37 AIRCRAFT PROVIDED TO CHILE BEFORE 1974.

(S) RURAL ELECTRIFICATION

THIS SECTION STATES THE SENSE OF THE CONGRESS THAT FAA FUNDS SHOULD PROMOTE RURAL ELECTRIFICATION IN CENTRAL AMERICA.

(T) FACILITATING INTERNATIONAL TRAVEL THROUGH MEXICO

THIS SECTION CALLS ON THE SECRETARY OF STATE TO INITIATE NEGOTIATIONS WITH MEXICO AIMED AT REDUCING OR ELIMINATING IMPEDIMENTS TO THE TRANSIT OF VEHICLES CARRYING THE COMMODITIES OF INTERNATIONAL TRADE THROUGH MEXICAN TERRITORY. THE PRESIDENT SHALL REPORT THE STATUS OF THESE NEGOTIATIONS TO THE CONGRESS BY JANUARY 1, 1986.

(U) URUGUAY

OFFERED AS AN AMENDMENT BY REP. DOUG BEREUTER (R-NE), THIS SECTION EARMARKS 15 MILLION DOLLARS IN ESF FOR FY-86 AND FY-87 FOR URUGUAY.

(V) CUBA

OFFERED AS AN AMENDMENT BY REP. BILL RICHARDSON (D-NM), THIS SECTION EXPRESSES CONGRESSIONAL CONDEMNATION OF CUBA'S CONSISTENT PATTERN OF GROSS VIOLATIONS OF HUMAN RIGHTS, INCLUDING CRUEL AND INHUMANE TREATMENT AND PUNISHMENT OF PRISONERS; SUPPRESSION OF FREE SPEECH, PRESS, AND ASSEMBLY; AND RESTRICTIONS ON RELIGIOUS ACTIVITY AND FREEDOM TO IMMIGRATE; CONDEMNS CUBA'S PROVISION OF ASSISTANCE FOR SUBVERSIVE PURPOSES; AND CALLS UPON CUBA TO RESTORE CIVIL LIBERTIES, CEASE HUMAN RIGHTS VIOLATIONS, AND END SUBVERSION OF OTHER GOVERNMENTS.

(W) FOREIGN DEBT IN LATIN AMERICA

OFFERED BY REP. BOB GARCIA (D-NY), THIS SECTION CALLS UPON THE SECRETARY OF STATE TO PREPARE AND TRANSMIT TO CONGRESS NO LATER THAN JANUARY 1, 1986, A REPORT ON THE MAGNITUDE OF HEMISPHERIC FOREIGN DEBT; THE IMPACT OF THE DEBT CRISIS ON THE ECONOMIES OF THE LATIN AMERICAN COUNTRIES; THE DEGREE TO WHICH US NATIONAL SECURITY INTERESTS ARE AFFECTED, AND THE STEPS THE US IS TAKING AND THE POLICIES THE US IS PURSUING TO DEAL WITH TISIS.

10. COMMENT: THE CONFERENCE COMMITTEE IS EXPECTED TO MEET AND POSSIBLY COMPLETE ITS WORK PRIOR TO THE BEGINNING OF THE CONGRESSIONAL RECESS ON AUGUST 2. THE ADMINISTRATION OPPOSED PASSAGE OF THE HOUSE BILL BECAUSE

WILL SEEK TO IMPROVE IN CONFERENCE.

11. THIS MESSAGE CANNOT REPORT FUNDING PROVIDED IN THE [redacted] AS THERE ARE FEW COUNTRY-SPECIFIC FUNDING [redacted] TOTAL OF [redacted] BELOW [redacted] THIS RESULTS [redacted] $250-340 MILLION. WE WILL ADVISE ADDRESSES OF FINAL CONGRESSIONAL ACTION ON BILL. END COMMENT. WHITEHEAD

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PAGE 01 MEXICO 14730 01 OF 02 171832Z
ACTION ARA-00

INFO	LOG-00	COPY-01	ADS-00	AID-00	INR-10	SS-00	CIAE-00
	COMP-01	EB-08	DODE-00	H-01	EXIM-06	NSAE-00	COME-00
	LAB-04	ITC-01	OPIC-07	CEA-01	OMB-01	STR-14	SIL-01
	FRB-01	JUS-01	USIE-00	SP-02	DOEE-00	SNP-01	SLPD-01
	SPD-01	/063 W					

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R 162335Z JUL 85
FM AMEMBASSY MEXICO
TO SECSTATE WASHDC 1560
TREASURY WASHDC
INFO AMEMBASSY LIMA
AMEMBASSY CARACAS
AMEMBASSY BRASILIA
USCONS MEXICO POUCH

UNCLAS SECTION 01 OF 02 MEXICO 14730

DEPARTMENT PASS FEDERAL RESERVE BOARD,
EXPORT IMPORT BANK, USTR, AND COMMERCE

E.O. 12356 : N/A
TAGS: EFIN, ECON, EINV, MX
SUBJECT: FINANCIAL DEVELOPMENTS, JULY 15, 1985
-
1. SUMMARY. OFFSHORE EXCHANGE RATES HAVE HELD AROUND 340 SINCE THE GOM'S MOVE ON JULY 11 TO DROP THE OFFICIAL MARKET RATE AND TO REDUCE OIL PRICES. MEXICAN INTEREST RATES HAVE CONTINUED TO RISE AT A RAPID PACE. THE STOCK MARKET HAS HELD STEADY. PRELIMINARY FIGURES FOR MEXICO'S TRADE BALANCE FOR JANUARY-MAY SHOW A DECLINE OF 43 PERCENT IN THE TRADE SURPLUS COMPARED TO THE SAME PERIOD IN 1984. IN THE FIRST FIVE MONTHS OF 1985, THE GOM OBTAINED SIX TIMES AS MUCH FINANCING FROM THE STOCK MARKET AS DID THE PRIVATE SECTOR, LARGELY BECAUSE OF THE SALE OF TREASURY BILLS. OF MEXICO'S $69.6 BILLION OF
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PAGE 02 MEXICO 14730 01 OF 02 171832Z

PUBLIC SECTOR FOREIGN DEBT, 82 PERCENT IS WITH FOREIGN COMMERCIAL BANKS. END SUMMARY.

-

2. EXCHANGE RATES: STICKING AROUND 340

AS REPORTED SEPTEL, THE GOM DROPPED THE OFFICIAL MARKET RATE ON JULY 11 AT THE SAME TIME AS OIL PRICESWERE LOWERED. ALL TRANSACTIONS THAT TOOK PLACE AT THAT RATE WILL NOW BE CONVERTED AT THE "SUPER FREE" RATE COMPARABLE TO OFFSHORE RATES. THERE WILL BE NO CHANGE IN THE CONTROLLED RATE WHICH NOW IS USED FOR 80 PERCENT OF ALL FOREIGN EXCHANGE TRANSACTIONS. THE "SUPER FREE" RATE AT THE BANKS' EXCHANGE HOUSES SETTLED AT 335/344 ON THE DAY AFTER THE ANNOUNCEMENT AND HAS REMAINED NEAR THAT LEVEL SINCE THEN. THERE IS NOW A GAP OF OVER A HUNDRED POINTS BETWEEN THE CONTROLLED RATE AND THE SUPER FREE RATE.

-

-- EXCHANGE RATES JULY 15, 1985	BANKS AND EXCHANGE HOUSES BUY DOLLARS	BANKS AND EXCHANGE HOUSES SELL DOLLARS
CONTROLLED	231.06	231.26
OFFSHORE (SAN YSIDRO)	337.00	344.00
OFFSHORE (EL PASO)	333.00	343.00
FREE RATE IN MEXICO CITY		
-- PRIVATE EXCHANGE HOUSES	335.00	345.00
-- BANK EXCHANGE HOUSES	339.00	344.00

-

3. INTEREST RATES: EVEN HIGHER

INTEREST RATES ON MEXICAN BANK DEPOSITS DENOMINATED IN PESOS WITH TERMS UP TO 269 DAYS HAVE RISEN SEVERAL POINTS SINCE MAY. THE 180-DAY RATES HAVE RISEN ALMOST TEN

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PAGE 03 MEXICO 14730 01 OF 02 171832Z

POINTS. THE INTEREST RATES ON MEXICAN TREASURY BILLS HAVE ALSO RISEN SHARPLY, WITH THE 28-DAY BILLS HITTING 73 PERCENT.

-

THE COSTO PORCENTUAL PROMEDIO DE CAPTACION (CPP) OR THE AVERAGE COST OF FUNDS FOR COMMERCIAL BANKS HAS RISEN EVERY MONTH THUS FAR IN 1985 FROM JANUARY'S 47.17 PERCENT

TO JUNE'S 54.92 PERCENT. THE INCREASE FROM APRIL TO MAY WAS ALMOST 2 PERCENTAGE POINTS AND THAT FROM MAY TO JUNE WAS OVER ONE POINT.

-

	JUNE 24-28	JULY 1-5	JULY 8-12	JULY 15-19
30-89 DAYS	54.25	55.25	56.00	57.50
90-179 DAYS	56.25	56.50	57.50	59.25
180-269 DAYS	52.05	52.30	53.80	55.75
270-359 DAYS	43.25	43.25	43.25	43.25
360-539 DAYS	40.10	40.10	40.10	40.10

-

4. STOCK MARKET: STEADY

THE MEXICAN STOCK MARKET CLOSED AT 4981 ON JULY 12. THAT LEVEL HAS HELD FAIRLY STEADILY FOR THE LAST TWO MONTHS (4835 ON MAY 14).

-

5. MEXICO'S TRADE SURPLUS THROUGH MAY

MEXICO REGISTERED A TRADE SURPLUS OF $3.53 BILLION FOR THE FIRST FIVE MONTHS OF 1985, A DECREASE OF 43 PERCENT FROM THE COMPARABLE 1984 FIGURE.

-- FOREIGN TRADE
-- (JANUARY-MAY 1985)
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PAGE 01 MEXICO 14730 02 OF 02 171831Z

ACTION ARA-00

INFO LOG-00 COPY-01 ADS-00 AID-00 INR-10 SS-00 CIAE-00
COMP-01 EB-08 DODE-00 H-01 EXIM-06 NSAE-00 COME-00
LAB-04 ITC-01 OPIC-07 CEA-01 OMB-01 STR-14 SIL-01
FRB-01 JUS-01 USIE-00 SP-02 DOEE-00 SNP-01 SLPD-01
SPD-01 /063 W
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R 162335Z JUL 85
FM AMEMBASSY MEXICO
TO SECSTATE WASHDC 1561
TREASURY WASHDC
INFO AMEMBASSY LIMA
AMEMBASSY CARACAS
AMEMBASSY BRASILIA
USCONS MEXICO POUCH

UNCLAS SECTION 02 OF 02 MEXICO 14730

DEPARTMENT PASS FEDERAL RESERVE BOARD,
EXPORT IMPORT BANK, USTR, AND COMMERCE

E.O. 12356 : N/A
TAGS: EFIN, ECON, EINV, MX
SUBJECT: FINANCIAL DEVELOPMENTS, JULY 15, 1985

--	$ BILLIONS	PERCENT CHANGE
EXPORTS	9.39	-10.0
IMPORTS	5.86	38.6
TRADE BALANCE	3.53	-43.0

PETROLEUM EXPORTS WERE DOWN 8.2 PERCENT (CRUDE -9.3 PERCENT) AND NON-PETROLEUM EXPORTS WERE DOWN NEARLY 14 PERCENT. IMPORTS OF CAPITAL GOODS WERE UP 46 PERCENT, INTERMEDIATE GOODS 38.2 PRCENT, AND CONSUMER GOODS 38.5
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PAGE 02 MEXICO 14730 02 OF 02 171831Z

PERCENT.

6. FINANCING FROM THE STOCK MARKET: TREASURY BILLS

DOMINATE

IN THE FIRST FIVE MONTHS OF 1985, THE FEDERAL GOVERNMENT OF MEXICO OBTAINED FINANCING IN THE AMOUNT OF 3 TRILLION 690 BILLION PESOS FROM THE MEXICAN STOCK MARKET WHILE THE PRIVATE SECTOR ACQUIRED 608 BILLION PESOS OF FINANCING. THE VAST MAJORITY OF THE GOVERNMENT'S CREDITS CAME FROM THE SALE OF TREASURY BILLS AND MOST OF THE BALANCE FROM PETROBONDS.

7. BREAKDOWN OF PUBLIC SECTOR FOREIGN DEBT

THE GOM TREASURY RECENTLY PUBLISHED A LISTING OF THE TYPES OF LENDING MAKING UP THE PUBLIC SECTOR DEBT TOTAL OF 69.567 BILLION DOLLARS (EXCLUSIVE OF DEBT HELD BY THE NATIONALIZED COMMERCIAL BANKS) AS FOLLOWS:

	$ BILLION	PERCENT OF TOTAL
FOREIGN COMMERCIAL BANK LOANS	57.103	82.1
BONDS	3.658	5.2
CREDITS FROM INTERNATIONAL -- FINANCIAL ORGANIZATIONS	5.072	7.3
BILATERAL CREDITS	3.452	5.0
SUPPLIERS CREDITS	0.282	0.4

OF THE TOTAL PUBLIC SECTOR FOREIGN DEBT, 82.1 PERCENT IS UNCLASSIFIED

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PAGE 03 MEXICO 14730 02 OF 02 171831Z

NEGOTIATED WITH VARIABLE INTEREST RATES. TOTAL FOREIGN DEBT AS OF JUNE 30, 1985 WAS 94.407 BILLION DOLLARS. PRIVATE SECTOR EXTERNAL DEBT WAS 18.500 WITH COMMERCIAL BANKS AND OTHER CREDITORS MAKING UP THE FINAL 6,340 MILLION DOLLARS

8. BRIEF NOTES

-- THE GOM TREASURY STATED THAT MEXICO'S INTEREST PAYMENTS WOULD BE $1.8 BILLION LOWER THAN ANTICIPATED IN

1985 BECAUSE OF THE RECENT REDUCTION IN WORLD INTEREST RATES.

-

-- EXIMBANK'S INTEREST RATE ON LOANS TO MEXICO WILL NOT DECLINE FOR THE REST OF THE YEAR AND WILL STAY BETWEEN 10.7 AND 11.2 PERCENT.

-

-- ON JULY 1, 1985 THE WORLD BANK REDUCED ITS INTEREST RATE FOR LOANS TO DEVELOPING COUNTRIES FROM 9.29 TO 8.82.

-

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*** Current Classification *** UNCLASSIFIED

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PAGE 01 MEXICO 15249 01 OF 16 232026Z
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EB-08 DODE-00 H-01 EXIM-06 NSAE-00 COME-00 LAB-04
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AMEMBASSY BRASILIA
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UNCLAS SECTION 01 OF 16 MEXICO 15249

DEPARTMENT PASS FEDERAL RESERVE BOARD,
EXPORT IMPORT BANK, USTR, AND COMMERCE

E.O. 12356 : N/A
TAGS: EFIN, ECON, EINV, MX
SUBJECT: MEXICO: ECONOMIC TRENDS REPORT, JULY 1985

TABLE OF CONTENTS

I. KEY ECONOMIC INDICATORS

II. SUMMARY

III. RECENT ECONOMIC DEVELOPMENTS: THE MEXICAN ECONOMY IN 1984

THE ECONOMY GREW BUT INFLATION AND THE BUDGET DEFICIT CONTINUED AT HIGH LEVELS

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PAGE 02 MEXICO 15249 01 OF 16 232026Z

PETROLEUM PRODUCTION AND EXPORTS REMAINED AT THE SAME

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LEVELS IN 1984 AS IN 1983

AGRICULTURAL PRODUCTION CONTINUED TO IMPROVE

EXTERNAL SURPLUSES REMAINED LARGE

1984 INFLATION WAS 20 POINTS LESS THAN IN 1983 BUT 20 POINTS OVER TARGET

THE MONEY SUPPLY GROWTH WAS HIGHER THAN INFLATION

THE BUDGET DEFICIT WAS LARGER THAN PROGRAMMED

IV. DEVELOPMENTS IN 1985 AND IMPLICATIONS FOR THE UNITED STATES

IN THE FIRST HALF OF 1985 POSITIVE ECONOMIC GROWTH CONTINUES. FOREIGN EXCHANGE INFLOWS CONTRACT AND INFLATION IS HIGHER THAN TARGET

SURPLUSES CONTINUE IN TRADE BALANCE AND CURRENT ACCOUNT BUT AT LOWER LEVELS THAN 1983 AND 1984

THE SUBSIDIES AGREEMENT WITH THE UNITED STATES HIGHLIGHTS A NUMBER OF MAJOR POLICY MOVES IN THE FIRST HALF OF 1985

THE FOREIGN INVESTMENT CLIMATE REMAINS UNCERTAIN

THE U.S. DEPARTMENT OF COMMERCE EXPANDS SERVICES TO U.S. FIRMS DOING BUSINESS IN MEXICO

EXCHANGE RATE AS OF JUNE 30, 1985

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MARKET: U.S. $ 246.17 MEXICAN PESOS
CONTROLLED: U.S. $ 228.11 MEXICAN PESOS
NEW YORK SPOT: U.S.$ 309 MEXICAN PESOS

-- KEY ECONOMIC INDICATORS: MEXICO

	1983	1984	PERCENT CHANGE
NATIONAL ACCOUNTS (BILLIONS OF PESOS)			

GDP AT CURRENT PRICES	17,141.7	29,438.9	71.7
GDP AT CONSTANT - (1970) PRICES	856.2	885.9	3.5
PER CAPITA GDP, - CURRENT PESOS 2/	228,615.4	383,359.4	67.7
FIXED CAPITAL FORMATION - (1970 PRICES)	137.2	144.7	5.4
INDUSTRIAL PRODUCTION (1970100)			
GENERAL INDUSTRIAL INDEX	199.7	209.2	4.8
MINING (12.0) 3/	299.9	304.5	1.5
MANUFACTURING (23.9) 3/	190.0	200.2	5.4
CONSTRUCTION (4.9) 3/	175.4	182.1	3.8
ELECTRIC (1.0) 3/	291.9	309.2	5.9
PETROLEUM 4/	401.9	413.4	2.9
MONEY, PRICES, POPULATION			
MONEY SUPPLY (M-1; BILLIONS - OF PESOS AT END OF PERIOD)	1,402.3	2,286.9	63.1
CONSUMER PRICE INDEX, END OF	766.1	1,219.4	59.2

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PAGE 01 MEXICO 15249 02 OF 16 232028Z
ACTION ARA-00

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EB-08 DODE-00 H-01 EXIM-06 NSAE-00 COME-00 LAB-04
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AMEMBASSY CARACAS
AMEMBASSY BRASILIA
USCONS MEXICO POUCH

UNCLAS SECTION 02 OF 16 MEXICO 15249

DEPARTMENT PASS FEDERAL RESERVE BOARD,
EXPORT IMPORT BANK, USTR, AND COMMERCE

E.O. 12356 : N/A
TAGS: EFIN, ECON, EINV, MX
SUBJECT: MEXICO: ECONOMIC TRENDS REPORT, JULY 1985

- *PERIOD (AVERAGE 1978100)*			
PRODUCER PRICE INDEX, END OF	480.0	768.7	60.1
- PERIOD (AVERAGE 1980100)			
POPULATION (THOUSANDS,	74,980.5	76,791.8	2.4
- MID-YR)			
-			
BALANCE OF PAYMENTS (U.S. $ MILLIONS)			
CURRENT ACCOUNT RECEIPTS	28,944.5	32,727.7	13.1
- EXPORTS 5/	22,312.0	24,053.6	7.8
-- U.S. SHARE (PERCENT)	58.1	58.0	-
-- PETROLEUM EXPORTS	16,017.2	16,601.3	3.6

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CURRENT ACCT.EXPENDITURES	23,620.7	28,760.4	21.8
-- IMPORTS	8,550.9	11,254.3	31.6

-- U.S. SHARE (PERCENT)	63.4	65.2	-
BALANCE ON CURRENT ACCOUNT	5,323.8	3,967.4	-25.5
BALANCE ON CAPITAL ACCOUNT	-1,105.8	-1,576.0	-42.5
ERRORS AND OMISSIONS	-917.1	-150.7	83.6
INTERNATIONAL RESERVES 6/	4,922.5	8,108.1	64.7

AVERAGE ANNUAL EXCHANGE RATE (MEX.$/U.S.$1)

-- "CONTROLLED"	120.17	167.77	-
-- "MARKET"	150.29	185.19	-

	MAR. 1985	PERCENT CHANGE 1/
NATIONAL ACCOUNTS (BILLIONS OF PESOS)		
GDP AT CURRENT PRICES	N/A	N/A
GDP AT CONSTANT (1970) PRICES	N/A	N/A
PER CAPITA GDP,CURRENT PESOS 2/	N/A	N/A
FIXED CAPITAL FORMATION (1970 PRICES)	N/A	N/A
INDUSTRIAL PRODUCTION (1970100)		
GENERAL INDUSTRIAL INDEX	224.8	5.8
MINING (12.0) 3/	310.0	0.5
MANUFACTURING (23.9) 3/	221.2	6.8
CONSTRUCTION (4.9) 3/	182.9	5.6
ELECTRIC (1.0) 3/	304.9	6.2
PETROLEUM 4/	395.9	-3.2
MONEY, PRICES, POPULATION		
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MONEY SUPPLY (M-1; BILLIONS OF - PESOS AT END OF PERIOD)	2,221.1	59.5
CONSUMER PRICE INDEX, END OF - PERIOD (AVERAGE 1978100)	1,417.1	58.4
PRODUCER PRICE INDEX, END OF - PERIOD (AVERAGE 1980100)	882.2	53.7
POPULATION (THOUSANDS, MID-YR)	78,524.2	2.3

BALANCE OF PAYMENTS (U.S. $ MILLIONS)

CURRENT ACCOUNT RECEIPTS	8,134.9	-5.1
- EXPORTS 5/	5,690.9	-11.1
-- U.S. SHARE (PERCENT)	70.8	-
-- PETROLEUM EXPORTS	3,915.6	-8.5
CURRENT ACCT.EXPENDITURES	7,516.0	17.5
-- IMPORTS	3,276.9	38.9
-- U.S. SHARE (PERCENT)	70.8	
BALANCE ON CURRENT ACCOUNT	618.9	-71.3
BALANCE ON CAPITAL ACCOUNT	-605.6	41.4
ERRORS AND OMISSIONS	-482.0	28.8
INTERNATIONAL RESERVES 6/	7,706.0	35.4
-		
AVERAGE ANNUAL EXCHANGE RATE (MEX.$/U.S.$1)		
-- "CONTROLLED"	205.76	-
-- "MARKET"	223.17	-

-

1/ PERCENT CHANGE IS MARCH 1985 OVER MARCH 1984.
2/ IN PESOS, NOT BILLIONS OF PESOS.
3/ FIGURES IN PARENTHESES REFER TO SECTORS' SHARES OF GDP IN 1984.
4/ A SUBSECTOR OF THE MINING SECTOR; INCLUDES THE

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PAGE 01 MEXICO 15249 03 OF 16 232028Z
ACTION ARA-00

INFO LOG-00 COPY-01 ADS-00 AID-00 INR-10 CIAE-00 COMP-01
EB-08 DODE-00 H-01 EXIM-06 NSAE-00 COME-00 LAB-04
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AMEMBASSY CARACAS
AMEMBASSY BRASILIA
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UNCLAS SECTION 03 OF 16 MEXICO 15249

DEPARTMENT PASS FEDERAL RESERVE BOARD,
EXPORT IMPORT BANK, USTR, AND COMMERCE

E.O. 12356 : N/A
TAGS: EFIN, ECON, EINV, MX
SUBJECT: MEXICO: ECONOMIC TRENDS REPORT, JULY 1985

EXTRACTION OF CRUDE PETROLEUM AND NATURAL GAS AND BASIC
PETROCHEMICALS.
5/ FIGURES DO NOT INCLUDE IN-BOND ASSEMBLY INDUSTRY
TRADE.
6/ RESERVES COMPUTED WITH IMF CRITERIA PLUS SILVER.

SOURCE: BANK OF MEXICO REPORTS; EMBASSY ESTIMATES;
NATIONAL POPULATION COUNCIL OF MEXICO; SISTEMA DE CUENTAS
NACIONALES DE MEXICO, 1984.

II. SUMMARY

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PAGE 02 MEXICO 15249 03 OF 16 232028Z

1. IN 1984 THE MEXICAN ECONOMY SURPASSED ITS GROWTH

TARGETS WITH REAL GDP GROWTH OF 3.5 PERCENT FOLLOWING REAL DECLINES OF 5.3 PERCENT IN 1983 AND 0.5 PERCENT IN 1982. THE GROWTH CAME PRIMARILY FROM NON-PETROLEUM EXPORTS, STEEL, CHEMICALS, IN-BOND INDUSTRIES, AND AUTOMOBILES. AT THE SAME TIME INFLATION AT 59 PERCENT WAS ALMOST 20 PERCENTAGE POINTS OVER TARGET. THE PUBLIC SECTOR FINANCIAL BUDGET DEFICIT, ACCORDING TO GOVERNMENT ESTIMATES, WAS EQUIVALENT TO 7.4 PERCENT OF GDP, EXCEEDING THE TARGET OF 6.5 PERCENT. THE MONEY SUPPLY WAS GROWING FASTER THAN INFLATION AT YEAR END.

2. PETROLEUM PRODUCTION IN 1984 WAS SLIGHTLY ABOVE THAT IN 1983 EVEN WITH A TEMPORARY PRODUCTION CUTBACK IN NOVEMBER. PETROLEUM EXPORTS AT $16.6 BILLION IN 1984 ACCOUNTED FOR 69 PERCENT OF ALL OF MEXICO'S MERCHANDISE EXPORTS. THE TRADE SURPLUS FOR 1984 WAS ALMOST $13 BILLION AND THE CURRENT ACCOUNT SURPLUS WAS ABOUT $4 BILLION. NON-PETROLEUM EXPORTS WERE UP BY ABOUT 26 PERCENT. IMPORTS WERE UP 18 PERCENT IN DOLLAR TERMS BUT REMAINED WELL BELOW 1982 AND 1981 LEVELS.

3. IN THE FIRST HALF OF 1985, FOREIGN EXCHANGE RESERVES CONTRACTED AS EXPORTS DECREASED AND IMPORTS INCREASED. THE GOVERNMENT'S MID-YEAR ESTIMATE FOR ANNUAL GDP GROWTH IS 2.5-3.5 PERCENT, A FIGURE WHICH SATISFIES THE GOAL OF CONTINUED GROWTH IN THE ECONOMY, BUT WOULD IMPLY SOME REDUCTION IN THE RATE OF ECONOMIC EXPANSION DURING THE SECOND HALF OF THE YEAR. INFLATION DURING THE FIRST HALF OF THE YEAR REACHED ALMOST 26 PERCENT, A CLEAR INDICATION THAT THE 35 PERCENT ANNUAL INFLATION TARGET WILL BE EXCEEDED, BUT REAL WAGES MAY SHOW A SLIGHT INCREASE.

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TRADE AND CURRENT ACCOUNT SURPLUSES HAVE DECLINED COMPARED TO THE PREVIOUS TWO YEARS.

4. THE INTERNATIONAL PETROLEUM MARKET AND INTEREST RATES HAVE HAD CONSIDERABLE INFLUENCE ON MEXICO'S ECONOMY IN 1985. PETROLEUM PRICES HAVE ALREADY BEEN ADJUSTED DOWNWARD THREE TIMES CAUSING A DECLINE IN EXPORT REVENUES. LOWER WORLD INTEREST RATES HAVE BROUGHT ABOUT SAVINGS IN DEBT SERVICING COSTS ON FOREIGN LOANS BUT HIGHER DOMESTIC INTEREST RATES HAVE OFFSET SOME OF THE CONSEQUENT BUDGET SAVINGS.

5. MEXICO SIGNED A SUBSIDIES AGREEMENT WITH THE UNITED STATES IN MARCH WHICH GAVE MEXICO THE INJURY TEST IN COUNTERVAILING DUTY CASES BUT CALLS FOR A PROGRESSIVE ELIMINATION OF SUBSIDIES ON EXPORT FINANCING. IN ADDITION, MEXICO HAS INTRODUCED ITS DIMEX PROGRAM TO ALLOW MEXICAN EXPORTERS TO IMPORT WITH LESS REGULATION. THE MEXICAN GOVERNMENT HAS COMPLETED A PROCESS TO SELL THE COMMERCIAL BANKS' SHARE HOLDINGS IN PRIVATE COMPANIES AND IS SELLING OR DISSOLVING A LARGE NUMBER OF PARASTATALS.

III. RECENT ECONOMIC DEVELOPMENTS: THE MEXICAN ECONOMY IN 1984:

THE ECONOMY GREW BUT INFLATION AND THE BUDGET DEFICIT CONTINUE AT HIGH LEVELS:

6. AFTER REMAINING FLAT DURING THE FIRST PART OF 1984

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PAGE 01 MEXICO 15249 04 OF 16 232029Z
ACTION ARA-00

INFO LOG-00 COPY-01 ADS-00 AID-00 INR-10 CIAE-00 COME-00
EB-08 DODE-00 H-01 EXIM-06 NSAE-00 COME-00 LAB-04
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AMEMBASSY CARACAS
AMEMBASSY BRASILIA
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UNCLAS SECTION 04 OF 16 MEXICO 15249

DEPARTMENT PASS FEDERAL RESERVE BOARD,
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E.O. 12356 : N/A
TAGS: EFIN, ECON, EINV, MX
SUBJECT: MEXICO: ECONOMIC TRENDS REPORT, JULY 1985

THE MEXICAN ECONOMY ENTERED INTO A RECOVERY PHASE IN THE
SECOND HALF OF THE YEAR. REAL GDP GROWTH FOR 1984 WAS
3.5 PERCENT. HOWEVER, INFLATION (CPI) REACHED NEARLY 60
PERCENT AND WAS ACCELERATING DURING THE LAST FOUR MONTHS
OF THE YEAR. BOTH OF THESE FIGURES WERE HIGHER THAN
ORIGINAL YEAR-END 1983 MEXICAN GOVERNMENT PROJECTIONS OF
1 PERCENT GROWTH AND 40 PERCENT INFLATION. NONETHELESS,
THEY REPRESENT CONSIDERABLE IMPROVEMENTS OVER THE
PREVIOUS TWO YEARS. MEXICO'S GROWTH RATES WERE NEGATIVE
IN BOTH 1982 (-0.5 PERCENT) AND 1983 (-5.3 PERCENT) AND
INFLATION IN THOSE YEARS WAS 99 PERCENT AND 81 PERCENT,
RESPECTIVELY.
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PAGE 02 MEXICO 15249 04 OF 16 232029Z

7. WHEN PRESIDENT DE LA MADRID TOOK OFFICE IN DECEMBER,

1982. THE MEXICAN ECONOMY WAS PLAGUED BY RISING INFLATION, CAPITAL FLIGHT, AND FALLING OUTPUT AND EMPLOYMENT. FOREIGN EXCHANGE RESERVES WERE NOT SUFFICIENT TO MEET EVEN THE COUNTRY'S SHORT TERM EXTERNAL LIABILITIES. THE NEW PRESIDENT'S INAUGURATION FOLLOWED BY ONLY FOUR MONTHS THE EVENTS OF AUGUST 1982 WHEN THE MEXICAN ECONOMIC CRISIS CAME TO A HEAD. AT THAT TIME THE COUNTRY WAS FORCED TO SEEK EMERGENCY ASSISTANCE TO AVOID RUNNING OUT OF FOREIGN EXCHANGE AND TO BEGIN PLANNING IN EARNEST AN ECONOMIC ADJUSTMENT PROGRAM TO BRING ABOUT MAJOR STRUCTURAL CHANGES IN THE ECONOMY. SINCE THE LATE 1970'S, THE MEXICAN GOVERNMENT HAD FOLLOWED A POLICY OF FINANCING DEVELOPMENT THROUGH SHARPLY INCREASED PUBLIC SECTOR EXPENDITURES AND EXTERNAL BORROWING. THESE POLICIES LED TO BURGEONING PUBLIC SECTOR DEFICITS, ACCELERATING INFLATION AND AN INCREASE IN THE MEXICAN PUBLIC SECTOR'S EXTERNAL DEBT FROM $4 BILLION (12 PERCENT OF GDP) IN 1970 TO $59 BILLION (36 PERCENT OF GDP) IN 1982.

8. PRESIDENT DE LA MADRID BEGAN HIS SIX-YEAR TERM OF OFFICE WITH A STRATEGY FOR A REORDERING OF THE ECONOMY. THIS SIX-YEAR STRATEGY ENVISIONED MAJOR STRUCTURAL CHANGES IN THE ECONOMY DURING THE FIRST TWO YEARS OF HIS ADMINISTRATION TO BE FOLLOWED BY GROWTH AT 3.5-6 PERCENT PER YEAR IN THE REMAINING FOUR YEARS. THE KEY TO IMPLEMENTING THIS PLAN WAS A THREE-YEAR EXTENDED FUND FACILITY PROGRAM WITH THE INTERNATIONAL MONETARY FUND. THE MAJOR OBJECTIVES OF THIS PROGRAM WERE MASSIVE ANNUAL REDUCTIONS IN THE REAL SIZE OF THE PUBLIC SECTOR DEFICIT, SHARP ANNUAL DECLINES IN THE RATE OF INFLATION, SUBSTANTIAL

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CUTBACKS ON EXTERNAL BORROWING AND A PROGRESSIVE BUILD-UP OF FOREIGN EXCHANGE RESERVES. THE RESULTS OF HIS FIRST TWO YEARS IN OFFICE INCLUDED DECLINING INFLATION, A GRADUAL RECOVERY OF ECONOMIC ACTIVITY, STRENGTHENING OF PUBLIC FINANCES, IMPROVEMENT IN THE COUNTRY'S EXTERNAL ACCOUNTS, A RESTRUCTURING OF THE COUNTRY'S EXTERNAL DEBT, AND UNTIL RECENTLY STEADY INCREASES IN THE COUNTRY'S FOREIGN EXCHANGE RESERVES.

9. MEXICO'S GDP GROWTH OF 3.5 PERCENT IN REAL TERMS IN 1984 FOLLOWED NEGATIVE GROWTH OF 5.3 PERCENT IN 1983.

MUCH OF THIS GROWTH CAME IN THE SECOND HALF OF 1984. FOR INSTANCE, INDUSTRIAL PRODUCTION GREW 5.7 AND 9.1 PERCENT IN THE THIRD AND FOURTH QUARTERS COMPARED TO 2.6 AND 1.9 PERCENT INCREASES IN THE FIRST AND SECOND QUARTERS. THE MAJOR SECTORS OF THE ECONOMY ALL SHOWED POSITIVE GROWTH IN 1984 OVER 1983 WITH ELECTRICITY HIGHEST AT 7.0 PERCENT. THE MANUFACTURING SECTOR'S GROWTH WAS 5.4 PERCENT. THE AGRICULTURAL SECTOR GREW 2.4 PERCENT AND THE MINING SECTOR WHICH INCLUDES PETROLEUM INCREASED AT ONLY A 1.6 PERCENT RATE. OF THESE SECTORS, ONLY AGRICULTURE AND ELECTRICITY HAD POSITIVE GROWTH IN 1983.

-

10. ACCORDING TO THE GOVERNMENT OF MEXICO, REASONS FOR THIS RECOVERY INCLUDE THE FOLLOWING:

-

A) THE TAX DEDUCTION FOR MACHINERY, EQUIPMENT AND BUILDINGS OF 75 PERCENT OF THE VALUE OF THE ASSET IN THE FIRST YEAR STIMULATED INVESTMENT;

-

B) THE RECOVERY IN EXPORTS STIMULATED INDUSTRIAL PRODUCTION; AND

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PAGE 01 MEXICO 15249 05 OF 16 232030Z
ACTION ARA-00

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EB-08 DODE-00 H-01 EXIM-06 NSAE-00 COME-00 LAB-04
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TREASURY WASHDC
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AMEMBASSY CARACAS
AMEMBASSY BRASILIA
USCONS MEXICO POUCH

UNCLAS SECTION 05 OF 16 MEXICO 15249

DEPARTMENT PASS FEDERAL RESERVE BOARD,
EXPORT IMPORT BANK, USTR, AND COMMERCE

E.O. 12356 : N/A
TAGS: EFIN, ECON, EINV, MX
SUBJECT: MEXICO: ECONOMIC TRENDS REPORT, JULY 1985

C) HIGHER NON-PETROLEUM EXPORTS PARTIALLY ALLEVIATED THE SHORTAGE OF FOREIGN EXCHANGE WHICH ALLOWED HIGHER IMPORTS.

IT APPEARS THAT INCREASED CONSUMER DEMAND ALSO CONTRIBUTED IMPORTANTLY TO THE UPSWING.

11. MUCH HIGHER THAN AVERAGE GROWTH IN 1984 WAS RECORDED IN AUTOMOBILES (14.9 PERCENT), STEEL PRODUCTS (13.3 PERCENT), OFFICE MACHINES (64.1 PERCENT), CEMENT (8.0 PERCENT) AND SYNTHETIC FIBERS (7.9 PERCENT). THE FOLLOWING TABLE SHOWS THE PERFORMANCE OF SEVERAL MANUFACTURING SECTORS:
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PAGE 02 MEXICO 15249 05 OF 16 232030Z

-- MANUFACTURING PRODUCTION

-- (EXCLUDING PETROLEUM AND PETROCHEMICAL REFINING)
-- (PERCENT CHANGE)
-

DIVISION	1983/1982	1984/1983
FOOD, BEVERAGES, AND TOBACCO	-1.2	1.6
TEXTILES, CLOTHING AND LEATHER GOODS	-4.8	2.1
WOOD AND WOOD PRODUCTS	-14.4	3.6
PAPER AND PRINTING	-7.4	7.0
CHEMICALS, PETROLEUM DERIVATIVES --RUBBER AND PLASTIC PRODUCTS	0.3	6.2
NON-METALLIC MINERALS - EXCEPT PETROLEUM	-10.4	15.2
METALS INDUSTRIES	-5.3	13.3
MACHINERY AND EQUIPMENT	-22.6	7.4
TOTAL MANUFACTURING	-7.3	5.4

-
-- MANUFACTURES BY TYPE OF GOOD
-- (PERCENT CHANGE 1984/1983)
-

TOTAL MANUFACTURES	5.4
- CONSUMER GOODS	2.6
- DURABLES	3.2
- NON-DURABLES	2.5
- INTERMEDIATE GOODS	7.2
- CAPITAL GOODS	8.9

-

12. GROSS FIXED INVESTMENT INCREASED 5.4 PERCENT IN 1984 AFTER DROPS OF 15.9 PERCENT AND 27.9 PERCENT IN 1982 AND 1983 RESPECTIVELY. PUBLIC SECTOR INVESTMENT GREW 0.6

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PERCENT WHILE PRIVATE SECTOR INVESTMENT WAS UP 8.8 PERCENT. THE 75 PERCENT TAX DEDUCTION FOR CERTAIN TYPES OF INVESTMENTS MENTIONED ABOVE PROVIDED THE MAJOR INCENTIVE FOR THE GROWTH IN INVESTMENT. INVESTMENT IN MACHINERY AND EQUIPMENT INCREASED AT A FASTER RATE THAN DID INVESTMENT IN BUILDINGS.

-

PETROLEUM PRODUCTION AND EXPORTS REMAINED AT THE SAME LEVELS IN 1984 AS IN 1983:

13. DURING 1983 MEXICO'S OIL INDUSTRY WAS AFFECTED BY THE WORLDWIDE DECREASE IN DEMAND FOR PETROLEUM PRODUCTS AND THE SHRINKAGE OF THE DOMESTIC ECONOMY. PRODUCTION OF CRUDE AND RELATED PRODUCTS DECLINED BY 2.9 PERCENT FROM 1982 TO 1983. FOR THE PERIOD OF JANUARY THROUGH SEPTEMBER 1984 PRODUCTION WAS UP ABOUT 5 PERCENT BUT A TEMPORARY OUTPUT REDUCTION OF 100,000 BARRELS PER DAY BEGAN ON NOVEMBER 1, 1984 AND OTHER CUTBACKS BROUGHT PRODUCTION BACK TO ONLY 0.7 PERCENT ABOVE THE 1983 LEVEL FOR THE YEAR AS A WHOLE. MEXICO WAS ABLE, HOWEVER, TO MAINTAIN ITS POSITION AS THE FOURTH LARGEST OIL PRODUCER IN THE WORLD FOLLOWING THE USSR, SAUDI ARABIA, AND THE UNITED STATES.

14. ONE AREA OF IMPROVEMENT WAS MEXICO'S PRODUCTION OF REFINED PETROLEUM PRODUCTS. IN 1983 EXPORTS OF REFINERY PRODUCTS REACHED ABOUT 28 MILLION BARRELS WITH A VALUE OF $850 MILLION WHILE IN 1984 EXPORTS WERE ABOUT 39 MILLION BARRELS WITH AN ESTIMATED VALUE OF $1.15 BILLION. MEXICO'S TOTAL PETROLEUM AND PRODUCT EXPORTS FOR 1984 WERE $16.6 BILLION AND ACCOUNTED FOR 69 PERCENT OF ALL OF

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PAGE 01 MEXICO 15249 06 OF 16 232031Z
ACTION ARA-00

INFO LOG-00 COPY-01 ADS-00 AID-00 INR-10 CIAE-00 COMP-01
EB-08 DODE-00 H-01 EXIM-06 NSAE-00 COME-00 LAB-04
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AMEMBASSY BRASILIA
USCONS MEXICO POUCH

UNCLAS SECTION 06 OF 16 MEXICO 15249

DEPARTMENT PASS FEDERAL RESERVE BOARD,
EXPORT IMPORT BANK, USTR, AND COMMERCE

E.O. 12356 : N/A
TAGS: EFIN, ECON, EINV, MX
SUBJECT: MEXICO: ECONOMIC TRENDS REPORT, JULY 1985

MEXICO'S MERCHANDISE EXPORTS. IN 1984, CRUDE OIL EXPORTS
WENT TO 23 COUNTRIES; THE UNITED STATES PURCHASED ABOUT
49 PERCENT FOLLOWED BY JAPAN (11 PERCENT), SPAIN (7
PERCENT), THE UNITED KINGDOM (7 PERCENT), AND FRANCE (6
PERCENT). EXPORTS WERE COMPOSED OF 41 PERCENT LIGHT
GRADE ISTHMUS AND 59 PERCENT HEAVY-GRADE MAYA CRUDE.
MEXICO'S PROVEN OIL RESERVES INCREASED SLIGHTLY IN 1983
FROM 72 TO 72.5 BILLION BARRELS BUT WERE LOWERED IN 1984
TO 71.75 BILLION BARRELS.
-
-- PETROLEUM PRODUCTION

UNCLASSIFIED
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PAGE 02 MEXICO 15249 06 OF 16 232031Z

--
-- PERCENT
-- TOTAL OF

--	CRUDE PRODUCTION (THOUSANDS OF	CRUDE EXPORTS BARRELS/DAY)	HYDROCARBON EXPORTS (U.S.$ MILLIONS)	TOTAL EXPORTS
1977	981	202	1,018.7	21.9
1978	1,209	365	1,837.2	30.3
1979	1,461	533	3,986.5	44.7
1980	1,936	828	10,401.9	68.0
1981	2,312	1,098	14,574.0	75.0
1982	2,746	1,492	16,594.5	79.0
1983	2,665	1,537	16,164.9	74.9
1984	2,685	1,525	16,601.3	69.0

15. THE DOMESTIC PRICES OF MEXICO'S GASOLINE PRODUCTS HAVE RISEN SHARPLY SINCE DECEMBER 1982 AS AN INTEGRAL PART OF THE COUNTRY'S ECONOMIC ADJUSTMENT PROGRAM. THIS REQUIRES A REDUCTION OF SUBSIDIES TO HELP TEMPER PUBLIC EXPENDITURES AND A MOVEMENT TOWARD WORLD PRICES IN THE MEXICAN MARKET. IN DOLLAR TERMS, UNLEADED GASOLINE INCREASED FROM $1.02 IN OCTOBER, 1983, TO $1.15 IN APRIL, 1984 AND TO $1.26 IN JANUARY, 1985 (USING THE MEXICAN GOVERNMENT'S "MARKET" EXCHANGE RATE ON THE DATE OF EACH INCREASE).

16 IN EARLY DECEMBER 1984 A HUGE GAS EXPLOSION OCCURRED AT A PEMEX GAS DEPOT IN SAN JUAN IXHUANTEPEC ON THE OUTSKIRTS OF MEXICO CITY. HOWEVER, THE TRAGEDY WILL HAVE A VERY LIMITED IMPACT ON PEMEX'S FINANCIAL POSITION AND ABILITY TO CARRY OUT ITS OPERATIONS AS A PRODUCER AND

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DISTRIBUTOR OF PETROLEUM PRODUCTS.

AGRICULTURAL PRODUCTION CONTINUED TO IMPROVE:

17. DURING 1984, MEXICO'S AGRICULTURAL PERFORMANCE CONTINUED ITS RECOVERY FROM THE DROUGHT-DEPRESSED LEVELS OF 1982. BASIC GRAIN AND OILSEED HARVESTS PROBABLY INCREASED ABOUT FIVE PERCENT IN 1984 COMPARED TO 1983. MORE-THAN-ADEQUATE RAINFALL IN 1984 LED TO HIGHER PRODUCTION LEVELS DESPITE EXCESSIVE RAIN IN CERTAIN CROP

AREAS. WHEAT OUTPUT, RISING BY 30 PERCENT, ACCOUNTED FOR MOST OF THE INCREASE IN TOTAL GRAIN HARVESTS. LIVESTOCK PRODUCTION WAS MIXED IN 1984. CATTLE PRODUCTION REMAINS DEPRESSED BUT IS ESTIMATED TO HAVE INCREASED SLIGHTLY BECAUSE OF BETTER PRICES TO THE PRODUCER. POULTRY OUTPUT AND DEMAND ALSO RECOVERED IN 1984, WHEREAS PORK PRODUCTION CONTINUED TO DECREASE BECAUSE OF UNPROFITABLE PRICES TO PRODUCERS. OFFICIAL PRICE HIKES FOR BASIC AGRICULTURAL PRODUCTS WERE GENERALLY EQUAL TO OR ABOVE THE OVERALL OFFICIAL INFLATION RATE OF 59 PERCENT. HOWEVER, IN SOME CASES THESE PRICE INCREASES DID NOT KEEP PACE WITH INPUT COSTS.

18. MEXICO'S TOTAL AGRICULTURAL IMPORTS DECREASED 20 PERCENT IN VOLUME IN 1984 COMPARED TO THE PREVIOUS YEAR. THE UNITED STATES REMAINS THE DOMINANT SUPPLIER OF AGRICULTURAL COMMODITIES TO MEXICO WITH SORGHUM, CORN AND SUNFLOWER SEEDS AS PRINCIPAL ITEMS. BASED ON U.S. TRADE DATA, THE UNITED STATES EXPORTED $2.01 BILLION OF AGRICULTURAL PRODUCTS TO MEXICO IN 1984, COMPARED TO $1.94 BILLION IN 1983. MEXICO'S $1.28 BILLION IN AGRICULTURAL EXPORTS TO THE U.S. (ITS MAIN MARKET) IN

UNCLASSIFIED

PAGE 01 MEXICO 15249 07 OF 16 232032Z
ACTION ARA-00

INFO LOG-00 COPY-01 ADS-00 AID-00 INR-10 CIAE-00 COME-00
EB-08 DODE-00 H-01 EXIM-06 NSAE-00 COME-00 LAB-04
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AMEMBASSY CARACAS
AMEMBASSY BRASILIA
USCONS MEXICO POUCH

UNCLAS SECTION 07 OF 16 MEXICO 15249

DEPARTMENT PASS FEDERAL RESERVE BOARD,
EXPORT IMPORT BANK, USTR, AND COMMERCE

E.O. 12356 : N/A
TAGS: EFIN, ECON, EINV, MX
SUBJECT: MEXICO: ECONOMIC TRENDS REPORT, JULY 1985

1984 WERE ABOUT EQUAL TO ITS EXPORTS OF THESE PRODUCTS IN
1983. COFFEE, FRUITS AND VEGETABLES ARE ITS PRIMARY
AGRICULTURAL EXPORTS TO THE UNITED STATES.

19. MEXICO'S 1985 TOTAL CROP PRODUCTION WILL PROBABLY BE NEAR OR SLIGHTLY ABOVE 1984'S FAVORABLE LEVEL ASSUMING GOOD MOISTURE CONDITIONS AND ADEQUATE RESERVOIR WATER LEVELS. THEREFORE, IMPORTS OF BASIC FOODSTUFFS PROBABLY WILL BE CLOSE TO OR SLIGHTLY BELOW THOSE IN 1984. LIVESTOCK PRODUCTION SHOULD CONTINUE TO RECOVER IN 1985, GIVEN HIGHER PRODUCTION SUPPORT PRICES AND THE GOVERNMENT'S STATED INTENTION TO BRING ABOUT REAL WAGE
UNCLASSIFIED
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PAGE 02 MEXICO 15249 07 OF 16 232032Z

INCREASES.

EXTERNAL SURPLUSES REMAINED LARGE:

20. DURING 1984 THE BALANCE OF PAYMENTS REFLECTED IMPORTANT TRENDS IN THE NATIONAL ECONOMY AND IN THE INTERNATIONAL SITUATION. THE NATIONAL RECOVERY STIMULATED SHARP RISES IN IMPORTS AND CURRENCY OUTFLOWS IN TOURISM, FRONTIER TRANSACTIONS AND OTHER NON-FACTOR SERVICES. HIGHER GROWTH IN DEVELOPED COUNTRIES, PARTICULARLY THE U.S., STIMULATED MEXICAN NON-PETROLEUM EXPORTS AND HELPED TO OFFSET INCREASES IN INTERNATIONAL INTEREST RATES.

21. IN 1984 MEXICO CONTINUED TO REGISTER SUBSTANTIAL SURPLUSES IN BOTH THE TRADE AND CURRENT ACCOUNTS OF THE BALANCE OF PAYMENTS. THE CURRENT ACCOUNT SURPLUS WAS $4.0 BILLION WHICH WAS $1.4 BILLION LESS THAN IN 1983. THE MERCHANDISE TRADE SURPLUS OF $12.8 BILLION WAS $1 BILLION LESS THAN IN 1983. THE POSITIVE TRADE BALANCE WAS AIDED BY AN 18 PERCENT GROWTH IN NON-PETROLEUM EXPORTS, WHEREAS PETROLEUM EXPORTS GREW ONLY AT 3.6 PERCENT. IMPORTS DECLINED BY 41 PERCENT IN 1983 BUT ROSE 32 PERCENT IN 1984. THIS GROWTH WAS DUE PRIMARILY TO INCREASED ACTIVITY IN THE INDUSTRIAL SECTOR AND THE DEMAND FOR IMPORTED INPUTS FOR EXPORT PRODUCTION.

22. IN-BOND INDUSTRIES GENERATED 41 PERCENT MORE FOREIGN EXCHANGE IN 1984 THAN IN 1983. THESE COMPANIES NOW EMPLOY TWICE AS MANY PEOPLE AS IN DECEMBER 1982. DURING 1984 50,600 NEW JOBS WERE CREATED IN THE IN-BOND INDUSTRIES, OR HALF OF ALL NEW JOBS CREATED BY THE MANU-

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FACTURING SECTOR IN 1984.

23. THE TOURISM BALANCE FOR 1984 (NET INFLOWS WERE 1.3 BILLION DOLLARS) WAS 10 PERCENT ABOVE THE PREVIOUS YEAR. THE TOURISM BALANCE FOR 1983 HAD RISEN BY OVER 90 PERCENT BUT IMPORTANT FACTORS IN HOLDING DOWN THE GROWTH OF REVENUES LAST YEAR WERE THE ADDED STRENGTH OF THE DOLLAR AGAINST EUROPEAN CURRENCIES (WHICH ENCOURAGED MORE TRAVEL TO EUROPE) AND THE LOS ANGELES OLYMPIC GAMES (WHICH ATTRACTED MANY MEXICANS TO THE U.S.). FRONTIER TRANS-ACTIONS SHOWED A DEFICIT OF $191 MILLION IN 1984. IN

1983 MEXICO HAD A POSITIVE BALANCE IN THIS CATEGORY. REASONS FOR THE CHANGE IN THE BALANCE WOULD INCLUDE (A) INCREASED ECONOMIC ACTIVITY IN THE MEXICAN BORDER CITIES LARGELY BECAUSE OF MAQUILADORAS AND (B) THE REAL APPRECIATION OF THE MEXICAN PESO VIS-A-VIS THE DOLLAR, WHICH MADE PURCHASES IN THE UNITED STATES MORE ATTRACTIVE.

-- MAJOR FOREIGN EXCHANGE FLOWS IN THE CURRENT ACCOUNT
-- ($ MILLIONS)

	RECEIPTS (EXPORTS)	EXPENDITURES (IMPORTS)	BALANCE
BORDER TRANSACTIONS	1,329	1,520	-191
TOURISM	1,953	646	1,307
IN-BOND INDUSTRIES --(MAQUILADORAS)	1,155	-	1,155
MERCHANDISE TRADE	24,054	11,254	12,800
INTEREST	2,052	11,856	-9,804
OTHER SERVICES --(NON-FINANCIAL)	1,524	2,786	-1,262

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PAGE 01 MEXICO 15249 08 OF 16 232033Z
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USCONS MEXICO POUCH

UNCLAS SECTION 08 OF 16 MEXICO 15249

DEPARTMENT PASS FEDERAL RESERVE BOARD,
EXPORT IMPORT BANK, USTR, AND COMMERCE

E.O. 12356 : N/A
TAGS: EFIN, ECON, EINV, MX
SUBJECT: MEXICO: ECONOMIC TRENDS REPORT, JULY 1985

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24. THE CAPITAL ACCOUNT FOR 1984 SHOWED A NET OUTFLOW OF $1.6 BILLION COMPARED TO $1.1 BILLION IN 1983. THIS RESULTS IN LARGE PART FROM A SHARP CONTRACTION IN THE USE OF LONG-TERM EXTERNAL CREDITS. PUBLIC SECTOR AMORTIZATION PAYMENTS TOTALED ONLY $1.7 BILLION. PRIVATE-SECTOR DEBT-AMORTIZATION PAYMENTS CAME TO $2.1 BILLION OF WHICH $570 MILLION WAS MADE VIA THE MEXICAN GOVERNMENT PROGRAM CALLED FICORCA WHICH PROVIDES MEXICAN PRIVATE SECTOR BORROWERS WITH FOREIGN EXCHANGE RISK COVERAGE ON THEIR FOREIGN DEBT. NET DIRECT FOREIGN
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UNCLASSIFIED

PAGE 02 MEXICO 15249 08 OF 16 232033Z

INVESTMENT FOR THE ENTIRE YEAR CAME TO $391 MILLION. THE ERRORS AND OMISSIONS CATEGORY SHOWS A NEGATIVE BALANCE OF

$151 MILLION COMPARED TO A NEGATIVE $917 MILLION IN 1983.

25. MEXICO'S FOREIGN EXCHANGE RESERVES INCREASED BY $3.2 BILLION IN 1984. THIS INCREASE RESULTED MAINLY FROM THE TRADE SURPLUS.

BALANCE OF PAYMENTS
($ BILLIONS)

	1983	1984
CURRENT ACCOUNT	5.3	4.0
-- MERCHANDISE TRADE	13.8	12.8
-- FINANCIAL SERVICES (LARGELY INTEREST PAYMENTS)	-9.2	-10.1
CAPITAL ACCOUNT	-1.1	-1.6
-- LONG TERM	7.3	2.6
-- SHORT TERM	-8.4	-4.2
ERRORS AND OMISSIONS	-.9	-0.2
CENTRAL BANK (BANK OF MEXICO)	3.3	2.2
-- LOANS FROM INTERNATIONAL ORGANIZATIONS	-.2	1.1
-- CHANGE IN RESERVES	3.1	3.2

1984 INFLATION WAS 20 POINTS LESS THAN IN 1983 BUT 20 POINTS OVER TARGET:

26. THE CONSUMER PRICE INDEX INCREASED 59.2 PERCENT IN 1984 ON A DECEMBER-TO-DECEMBER BASIS. PRODUCER PRICES ROSE BY 60.1 PERCENT. THE WHOLESALE PRICES FOR MEXICO CITY WERE UP BY 63.2 PERCENT. THESE THREE INDICES ALL SHOWED IMPROVEMENT OF 15 TO 20 PERCENTAGE POINTS COMPARED TO 1983. THE DECEMBER-TO-DECEMBER INCREASE IS GENERALLY USED AS THE BENCHMARK RATHER THAN THE AVERAGE YEAR-TO-YEAR INCREASE. FROM 1983 TO 1984, THE AVERAGE YEAR-TO-YEAR RATES OF INCREASE WERE SOMEWHAT HIGHER THAN THE DECEMBER-TO-DECEMBER LEVELS. THE AVERAGE INCREASES FROM 1983 TO 1984 WERE CPI: 65.5 PERCENT, PRODUCER PRICES:

63.6 PERCENT, AND WPI (MEXICO CITY): 70.3 PERCENT. THE COMPARABLE RATES FROM 1982 TO 1983 WERE 101.9, 99.3, AND 107.4 PERCENT RESPECTIVELY.

27. THE INFLATIONARY PRESSURES IN 1984 WERE DUE TO A NUMBER OF FACTORS. IN AN EFFORT TO REDUCE THE LEVEL OF SUBSIDIES THE MEXICAN GOVERNMENT HAS BEEN RAISING THE PRICES OF PRICE-CONTROLLED PRODUCTS AT A FASTER RATE THAN THE PRICES OF NON-CONTROLLED PRODUCTS HAVE INCREASED, (66.1 PERCENT VS 55.7 PERCENT). PARTICULARLY LARGE HIKES WERE REGISTERED IN GASOLINE, BREAD, SOFT DRINKS, TORTILLAS, EGGS, MILK AND ELECTRICITY. PRICES OF THOSE ITEMS INCLUDED IN THE "BASIC FOOD BASKET" JUMPED BY 74.2 PERCENT COMPARED TO 72.1 PERCENT IN 1983.

28. GOVERNMENT SPENDING HAS ALSO BEEN A MAJOR CONTRIBUTING FACTOR. DURING THE FIRST HALF OF THE YEAR THE COMBINED DEFICITS OF THE PARASTATAL COMPANIES EXCLUDING PEMEX WERE MORE THAN 100 PERCENT OF THEIR PROGRAMMED DEFICITS FOR THE ENTIRE YEAR. FURTHERMORE, THE GOVERNMENT PROGRESSIVELY REFLATED THE ECONOMY AND THE RATIO OF THE PUBLIC SECTOR DEFICIT TO GDP IN 1984 WAS 7.4 PERCENT

UNCLASSIFIED

PAGE 01 MEXICO 15249 09 OF 16 232035Z
ACTION ARA-00

INFO LOG-00 COPY-01 ADS-00 AID-00 INR-10 CIAE-00 COMP-01
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USCONS MEXICO POUCH

UNCLAS SECTION 09 OF 16 MEXICO 15249

DEPARTMENT PASS FEDERAL RESERVE BOARD,
EXPORT IMPORT BANK, USTR, AND COMMERCE

E.O. 12356 : N/A
TAGS: EFIN, ECON, EINV, MX
SUBJECT: MEXICO: ECONOMIC TRENDS REPORT, JULY 1985

AS COMPARED TO A 6.5 PERCENT FIGURE AGREED TO WITH THE
IMF. THE HIGH DEGREE OF IMPORT PROTECTION IN MEXICO ALSO
EXERTED AN INFLATIONARY IMPACT AS DID A LARGER THAN
EXPECTED NET INFLOW OF FOREIGN EXCHANGE. FINALLY, IN
SEVERAL INDUSTRIES WHERE PRODUCT DEMAND IS RELATIVELY
INELASTIC PRICES INCREASED AT A FASTER PACE THAN COSTS AS
COMPANIES MADE AN EFFORT TO MAINTAIN PROFIT LEVELS.

THE MONEY SUPPLY GROWTH WAS HIGHER THAN INFLATION:

29. IN 1984, THE M-1 MEASUREMENT OF THE MONEY SUPPLY
UNCLASSIFIED
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PAGE 02 MEXICO 15249 09 OF 16 232035Z

GREW BY 63.1 PERCENT, 4 PERCENTAGE POINTS MORE THAN THE
RATE OF INFLATION. THE M-4 MEASUREMENT OF TOTAL

OBLIGATIONS OF THE BANKING SYSTEM GREW BY 67.6 PERCENT. THE RATES FOR 1983 WERE 41.4 AND 59.8 RESPECTIVELY. THE INCREASE IN MONETARY AGGREGATES REFLECTED THE INCREASE IN INTERNATIONAL RESERVES (LARGELY DUE TO THE TRADE SURPLUS), THE INJECTION OF LIQUIDITY FROM PUBLIC SECTOR SPENDING, AND THE RECOVERY OF DEPOSITS IN FINANCIAL INSTITUTIONS. BANK DEPOSITS INCREASED BY 5.1 PERCENT IN REAL TERMS DURING 1984.

30. THE GROWTH OF M-1 PROGRESSIVELY ROSE THROUGHOUT 1984. THE PREVIOUS TWELVE MONTH RATE OF INFLATION MEASURED IN JANUARY 1984 WAS 73.4 PERCENT WHILE M-1 GROWTH WAS 41.7 PERCENT. AS NOTED IN THE TABLE BELOW, BY NOVEMBER THEY WERE VIRTUALLY THE SAME AT SLIGHTLY MORE THAN 59 PERCENT AND A LARGE INCREASE IN THE MONEY SUPPLY IN DECEMBER PARTIALLY BECAUSE OF CHRISTMAS BONUSES AND HIGH LEVELS OF GOVERNMENT SPENDING PUT YEAR-END M-1 GROWTH AHEAD OF INFLATION.

M-1 GROWTH VS. INFLATION

	M-1 GROWTH OVER THE SAME MONTH IN PREVIOUS YEAR	CPI INCREASE OVER THE PREVIOUS 12 MONTHS
YEAR-END 1983	41.4	80.8
JANUARY 1984	41.7	73.4
FEBRUARY	44.7	73.3
MARCH	50.2	72.3
APRIL	56.7	69.1

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MAY	56.8	67.4
JUNE	56.9	67.1
JULY	55.0	64.5
AUGUST	50.9	62.8
SEPTEMBER	54.8	62.7
OCTOBER	59.3	63.0
NOVEMBER	59.1	59.2
DECEMBER	63.1	59.2

31. INTEREST RATES PROGRESSIVELY DECLINED FROM JANUARY

THROUGH MUCH OF 1984 AND THEN TENDED TO STABLIZE DURING THE LAST PART OF THE YEAR. INTEREST RATES ON SHORT TERM TIME DEPOSITS (30-90 DAYS) FELL FROM 53-54 PERCENT IN JANUARY TO 45-46 PERCENT IN OCTOBER. INTEREST RATES ON 90 DAY TREASURY NOTES FELL FROM 52.5 PERCENT TO 47.7 PERCENT DURING THE FIRST 11 MONTHS OF THE YEAR WHILE THE EFFECTIVE RATE OF INTEREST FOR LOW RISK BUSINESS LOANS DECLINED FROM 88.2 PERCENT TO 69.8 PERCENT OVER THE SAME PERIOD.

32. THE MEXICAN GOVERNMENT INCREASED THE MINIMUM WAGE LEVEL BY 30.4 PERCENT ON JANUARY 1, 1984, BY ANOTHER 20 PERCENT ON JUNE 6, AND BY ANOTHER 30 PERCENT ON JANUARY 1, 1985. THE CUMULATIVE TOTAL FOR 1984 COMES TO ABOUT 56 PERCENT WHEN THE JUNE 1984 INCREASE IS COUPLED WITH THAT OF JANUARY 1984 OR THAT OF JANUARY 1985. SINCE THE OFFICIAL INFLATION RATE FOR THAT PERIOD WAS SOMEWHAT HIGHER (59 PERCENT), THERE WAS A SLIGHT REAL REDUCTION IN MINIMUM WAGES IN 1984. THIS FOLLOWED LARGER REAL DECLINES IN 1982 AND 1983. THE MINIMUM WAGE, WHILE NOT REPRESENTATIVE OF ALL INCOME IN MEXICO, TENDS TO SET A PRECEDENT FOR OTHER WAGE NEGOTIATIONS. THE GOVERNMENT

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PAGE 01 MEXICO 15249 10 OF 16 232036Z
ACTION ARA-00

INFO LOG-00 COPY-01 ADS-00 AID-00 INR-10 CIAE-00 COMP-01
EB-08 DODE-00 H-01 EXIM-06 NSAE-00 COME-00 LAB-04
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AMEMBASSY CARACAS
AMEMBASSY BRASILIA
USCONS MEXICO POUCH

UNCLAS SECTION 10 OF 16 MEXICO 15249

DEPARTMENT PASS FEDERAL RESERVE BOARD,
EXPORT IMPORT BANK, USTR, AND COMMERCE

E.O. 12356 : N/A
TAGS: EFIN, ECON, EINV, MX
SUBJECT: MEXICO: ECONOMIC TRENDS REPORT, JULY 1985

HAS PROMISED TO MODESTLY INCREASE REAL WAGES IN 1985.

33. MEXICO MAINTAINED A DUAL EXCHANGE RATE SYSTEM THROUGHOUT 1984. THE CONTROLLED RATE DEPRECIATED AGAINST THE U.S. DOLLAR BY 33.8 PERCENT AND THE OFFICIAL MARKET RATE BY 30.1 PERCENT. BOTH RATES MAINTAINED A DAILY SLIDE OF 13 CENTAVOS PER DAY UNTIL DECEMBER 6, 1984 WHEN THE SLIDE INCREASED TO 17 CENTAVOS PER DAY. THREE REASONS FOR THE CHANGE WERE: (1) THE RESURGENCE OF INFLATION NEAR YEAR END 1984, (2) THE REVALUATION OF THE DOLLAR AGAINST MAJOR INTERNATIONAL CURRENCIES, AND (3) A REAL APPRECIATION OF THE PESO AGAINST THE DOLLAR GIVEN
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PAGE 02 MEXICO 15249 10 OF 16 232036Z

THE DIFFERENCES IN INFLATION BETWEEN THE TWO COUNTRIES.

THE BUDGET DEFICIT WAS LARGER THAN PROGRAMMED:

34. MEXICO'S PUBLIC SECTOR FINANCIAL DEFICIT FOR 1984 WAS ABOUT 2.2 TRILLION PESOS, SLIGHTLY MORE THAN THE 1983 DEFICIT IN ABSOLUTE TERMS. AS A PERCENTAGE OF GDP, THE DEFICIT FELL FROM 17.6 PERCENT IN 1982 TO 8.9 PERCENT IN 1983 TO 7.4 PERCENT IN 1984. DURING 1984, ABOUT 83 PERCENT OF THE DEFICIT WAS FINANCED INTERNALLY, PRIMARILY THROUGH CENTRAL BANK OPERATIONS. THIS COMPARES WITH 66 PERCENT IN 1983. IN BOTH YEARS FOREIGN LOANS FINANCED THE REMAINDER.

35. TECHNICALLY, THE FEDERAL GOVERNMENT ACCOUNTED FOR MOST OF THE OVERALL PUBLIC SECTOR FINANCIAL DEFICIT IN 1984 ACCORDING TO BASIC DATA SUPPLIED IN THE BANK OF MEXICO'S ANNUAL REPORT. AS A GROUP PARASTATAL ENTITIES RAN A SURPLUS OF 235 BILLION PESOS, BUT THIS WOULD BECOME A DEFICIT IF PEMEX'S 500 BILLION PESO SURPLUS WERE TAKEN OUT. HOWEVER, IF SUBSIDIES AND TRANSFERS TO THE PARASTATALS WERE PUT BACK INTO THE FEDERAL GOVERNMENT'S ACCOUNT, THE PARASTATALS OTHER THAN PEMEX WOULD ACCOUNT FOR THE BULK OF THE DEFICIT.

PUBLIC SECTOR FINANCES
(PESOS BILLIONS)

	1983	1984
REVENUE	5,895.0	9,484.2
FEDERAL GOVERNMENT	3,181.0	4,942.6
-- TAXES PAID BY PEMEX	1,170.5	1,707.7
-- OTHER TAXES	1,827.3	3,005.7
-- OTHER	183.2	229.2
PARASTATAL ENTERPRISES	4,433.6	6,956.3
-- PEMEX	2,544.0	3,840.8
-- OTHERS	1,889.6	3,115.5
SECTORS OUTSIDE THE BUDGET -(METRO. FEDERAL DISTRICT)	295.6	533.3

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COMPENSATORY TRANSACTIONS (TO -- AVOID DOUBLE-COUNTING)	-2,015.2	-2,948.0
-		
EXPENDITURES	7,320.8	11,188.2
-- PERSONNEL	1,203.9	1,879.5
-- INTEREST	2,180.7	3,097.8
-- SUBSIDIES AND TRANSFERS	981.7	1,418.1
-- INVESTMENT	1,317.8	1,891.2
-- OTHER	1,543.1	2,748.6
-		
OTHER:		
-- DEFICIT OUTSIDE BUDGET	93.6	153.0
FINANCIAL INTERMEDIATION	95.0	399.0
-		
FINANCIAL DEFICIT	1,520.8	2,103.0
-		

36. PEMEX ACCOUNTS FOR A VERY LARGE SHARE OF THE MEXICAN GOVERNMENT'S REVENUES. ONCE TRANSFERS AND SUBSIDIES ARE NETTED OUT, PETROLEUM OPERATIONS PROVIDED ALMOST 60 PERCENT OF PUBLIC SECTOR REVENUES IN 1984. TAXES (EXCLUDING TAXES PAID BY PEMEX) PROVIDED AROUND 32

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PAGE 01 MEXICO 15249 11 OF 16 232037Z
ACTION ARA-00

INFO LOG-00 COPY-01 ADS-00 AID-00 INR-10 CIAE-00 COMP-01
EB-08 DODE-00 H-01 EXIM-06 NSAE-00 COME-00 LAB-04
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USCONS MEXICO POUCH

UNCLAS SECTION 11 OF 16 MEXICO 15249

DEPARTMENT PASS FEDERAL RESERVE BOARD,
EXPORT IMPORT BANK, USTR, AND COMMERCE

E.O. 12356 : N/A
TAGS: EFIN, ECON, EINV, MX
SUBJECT: MEXICO: ECONOMIC TRENDS REPORT, JULY 1985

PERCENT OF THE TOTAL.
-
37. ON THE EXPENDITURE SIDE, THE LARGEST SINGLE COMPONENT WAS INTEREST COSTS WHICH CAME TO ABOUT 28 PERCENT OF TOTAL. A LITTLE OVER HALF OF THESE INTEREST OUTLAYS WENT TO SERVICING THE PUBLIC DEBT HELD EXTERNALLY. CAPITAL EXPENDITURES IN 1984 AMOUNTED TO 18 PERCENT OF TOTAL EXPENDITURES.
-
-- SOURCE OF PUBLIC SECTOR DEFICIT
-- (PESOS BILLIONS)
-

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PAGE 02 MEXICO 15249 11 OF 16 232037Z

FEDERAL GOVERNMENT 1,722.2
-

PARASTATAL ENTITIES	-235.3	
-- PEMEX		-503.7
-- OTHERS		268.4
SECTORS OUTSIDE BUDGET	217.1	
FINANCIAL INTERMEDIATION	399.0	
FINANCIAL DEFICIT	2,103.0	

IV. DEVELOPMENTS IN 1985 AND IMPLICATIONS FOR THE UNITED STATES

IN THE FIRST HALF OF 1985 POSITIVE ECONOMIC GROWTH CONTINUES, FOREIGN EXCHANGE INFLOWS CONTRACT AND INFLATION IS HIGHER THAN TARGET:

38. THE MEXICAN GOVERNMENT'S ECONOMIC STRATEGY FOR 1985 STRESSED THE SAFEGUARDING OF THE HARD WON ECONOMIC IMPROVEMENTS REALIZED IN 1983 AND 1984. THE FOUR FUNDAMENTAL OBJECTIVES FOR THIS YEAR WERE:

-- CONTINUING REDUCTION IN INFLATION.

-- CONTINUED REACTIVATION OF ECONOMIC ACTIVITY AND FURTHER STRUCTURAL CHANGES IN THE ECONOMY.

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-- AN INCREASE IN REAL WAGES AND IMPROVEMENT IN THE ECONOMIC WELL-BEING OF THE MEXICAN POPULACE.

-- FURTHER ADJUSTMENTS (I.E., INCREASED REVENUES AND MORE EFFICIENT SPENDING) IN PUBLIC FINANCES AND ADDITIONAL PROGRESS IN REDUCING THE FINANCIAL DEFICIT OF THE PUBLIC SECTOR.

39. THE MEXICAN GOVERNMENT'S DECEMBER-TO-DECEMBER INFLATION TARGET FOR THE YEAR IS 35 PERCENT, DOWN

SIGNIFICANTLY FROM THE 59 PERCENT RATE IN 1984. CUMULATIVE CONSUMER PRICE INFLATION FOR THE FIRST 6 MONTHS OF 1985 IS 25.7 PERCENT WHICH WOULD IMPLY YEAR-END INFLATION SOMEWHAT BELOW THE 1984 LEVEL BUT WELL ABOVE TARGET. INFLATION THUS FAR IN 1985 HAS STEADILY DECREASED FROM A JANUARY RATE OF 7.4 PERCENT ON A MONTH-TO-MONTH BASIS TO 2.4 PERCENT IN MAY AND 2.5 PERCENT IN JUNE, THE LOWEST MONTHLY RISES SINCE NOVEMBER 1981.

M-1 GROWTH VS. INFLATION

	M-1 GROWTH OVER THE SAME MONTH IN PREVIOUS YEAR	CPI INCREASE OVER THE PREVIOUS 12 MONTHS
YEAR-END 1984	63.1	59.2
JANUARY 1985	61.9	60.8
FEBRUARY	63.7	59.0
MARCH	59.5	58.4
APRIL	53.5	56.5

UNCLASSIFIED

PAGE 01 MEXICO 15249 12 OF 16 232038Z
ACTION ARA-00

INFO LOG-00 COPY-01 ADS-00 AID-00 INR-10 CIAE-00 COMP-01
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AGR-01 JUS-01 USIE-00 SP-02 DOEE-00 SLPD-01 /062 W
------------------333554 240124Z /72

R 231944Z JUL 85
FM AMEMBASSY MEXICO
TO SECSTATE WASHDC 1850
TREASURY WASHDC
INFO AMEMBASSY LIMA
AMEMBASSY CARACAS
AMEMBASSY BRASILIA
USCONS MEXICO POUCH

UNCLAS SECTION 12 OF 16 MEXICO 15249

DEPARTMENT PASS FEDERAL RESERVE BOARD,
EXPORT IMPORT BANK, USTR, AND COMMERCE

E.O. 12356 : N/A
TAGS: EFIN, ECON, EINV, MX
SUBJECT: MEXICO: ECONOMIC TRENDS REPORT, JULY 1985

MAY	*N.A.*	*55.1*
JUNE	N.A.	53.5

-

40. THE MEXICAN GOVERNMENT INCREASED THE MINIMUM WAGE BY 30 PERCENT IN JANUARY 1985 AND BY ANOTHER 18 PERCENT IN JUNE 1985 FOR A CUMULATIVE COMPOUNDED ANNUAL RATE OF JUST OVER 53 PERCENT. SHOULD THE TREND OF LOWER INFLATION LEVELS IN THE MONTHS OF MAY AND JUNE CONTINUE, IT IS POSSIBLE THAT THE ANNUAL INFLATION FOR 1985 WILL BE LESS THAN THE INCREASES IN THE MINIMUM WAGE. THIS WOULD HELP THE MEXICAN GOVERNMENT REALIZE ONE OF ITS MAJOR GOALS FOR 1985 AND IT WOULD BE THE FIRST TIME IN SEVERAL YEARS THAT
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PAGE 02 MEXICO 15249 12 OF 16 232038Z

WAGES WOULD INCREASE IN REAL TERMS. HOWEVER, IF THE PESO IS DEVALUED AT SIGNIFICANTLY HIGHER RATES DURING THE

SECOND HALF OF THE YEAR THE RATE OF INFLATION COULD PICK UP AGAIN.

41. AT MID-YEAR 1985 THE MEXICAN GOVERNMENT IS PROJECTING GDP GROWTH IN THE 2.5 TO 3.5 PERCENT RANGE. THROUGH JUNE THE ECONOMY PROBABLY HAS BEEN GROWING AT A FASTER RATE, PERHAPS ABOUT 4-5 PERCENT. HOWEVER, IT APPEARS THAT GROWTH DURING THE SECOND QUARTER WAS LOWER THAN IN THE FIRST QUARTER. MOREOVER, THE AUTHORITIES ARE EXPECTING A CONSIDERABLE SLOWDOWN IN ECONOMIC ACTIVITY DURING THE SECOND HALF OF THE YEAR. PRIMARY CONTRIBUTING FACTORS ARE EXPECTED TO BE CUTBACKS IN PUBLIC SECTOR SPENDING COMPLEMENTED BY CONTRACTIONS IN THE NOMINAL RATES OF GROWTH IN THE MONEY SUPPLY AND CREDIT.

42. ACCORDING TO BANK OF MEXICO FIGURES EMPLOYMENT IN THE MANUFACTURING SECTOR AS OF MARCH 1985 WAS 4.5 PERCENT HIGHER THAN IN THE SAME MONTH IN 1984. THE MEXICAN GOVERNMENT HAS STATED ON NUMEROUS OCCASIONS THAT THE OPEN UNEMPLOYMENT RATE HAS REMAINED STABLE AT ABOUT 8 PERCENT SINCE 1982. UNDEREMPLOYMENT REMAINS A SERIOUS PROBLEM IN MEXICO WITH SOME ESTIMATES RANGING AS HIGH AS 40-45 PERCENT OF THE ECONOMICALLY ACTIVE POPULATION BUT THIS IS NOT A GREAT INCREASE OVER MORE NORMAL TIMES.

43. THE REAL RATE OF GROWTH OF FUNDS FLOWING INTO THE FINANCIAL SYSTEM HAS BEEN NEGATIVE SO FAR THIS YEAR. RESOURCE CAPTURE (NEW DEPOSITS IN THE BANKING SYSTEM PLUS PURCHASES OF TREASURY BILLS) IN 1985 HAS INCREASED BY ONLY 13 PERCENT DURING THE FIRST FIVE MONTHS OF THE YEAR WHICH MARKS A SUBSTANTIAL DECLINE IN REAL TERMS GIVEN

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THAT INFLATION FOR THE SAME PERIOD WAS 23 PERCENT. REAL LEVELS OF FINANCING BY THE BANKS TO INDIVIDUALS AND COMPANIES IS ALSO DOWN AND THE GOVERNMENT HAS BEEN ABSORBING THE BULK OF NEW CREDIT FLOWS.

44. AS A RESULT OF THIS AND ONGOING INFLATIONARY PRESSURES INTEREST RATES ON TREASURY BILLS HAVE RISEN DRAMATICALLY. THE SHORT TERM RATES FOR BILLS ISSUED IN THE LAST WEEK OF JUNE ROSE TO 73.6 PERCENT, IMPLYING VERY HIGH REAL INTEREST RATES. THE RATES FOR TREASURY BILLS AT THE START OF THE YEAR WERE LESS THAN 50 PERCENT.

INTEREST RATES ON PESO DENOMINATED SAVINGS ACCOUNTS ALSO ROSE DRAMATICALLY DURING THE SECOND QUARTER OF 1985. FURTHERMORE, THE AVERAGE COST OF FUNDS FOR COMMERCIAL BANKS HAS RISEN EVERY MONTH IN 1985 FROM JANUARY'S 47.2 PERCENT TO MAY'S 53.8 PERCENT.

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45. THE DAILY SLIDE OF THE PESO IN THE CONTROLLED AND OFFICIAL MARKET RATES INCREASED FROM 17 TO 21 CENTAVOS PER DAY IN MARCH 1985 IN A MOVE TO NARROW THE GAP BETWEEN THE SLIPPAGE IN THE EXCHANGE RATE AND THE DIFFERENCE IN THE INFLATION RATES IN THE UNITED STATES AND MEXICO. AS OF JULY 15, 1985 THERE HAVE BEEN SEVERAL SHARP INCREASES IN THE OFFSHORE EXCHANGE RATE. THE INCREASES IN THIS RATE HAVE REACHED ALMOST 60 PERCENT OVER THE CONTROLLED MARKET RATE IN SHORT BURSTS AND SUSTAINED LEVELS OF 30 PERCENT OVER THE OFFICIAL MARKET RATE. THESE HIGH OFFSHORE RATES REFLECT CONCERN OVER INFLATION, OIL PRICES, AND THE GENERAL STATE OF THE ECONOMY.

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46. MEXICO RETAINED ITS EXISTING DUAL EXCHANGE-RATE SYSTEM UNTIL MID-YEAR 1985 WHEN THE FOLLOWING EVENTS OCCURRED:

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PAGE 01 MEXICO 15249 13 OF 16 232039Z
ACTION ARA-00

INFO LOG-00 COPY-01 ADS-00 AID-00 INR-10 CIAE-00 COME-00
EB-08 DODE-00 H-01 EXIM-06 NSAE-00 COME-00 LAB-04
ITC-01 OPIC-07 CEA-01 OMB-01 STR-14 SIL-01 FRB-01
AGR-01 JUS-01 USIE-00 SP-02 DOEE-00 SLPD-01 /062 W
-----------333555 240124Z /72
R 231944Z JUL 85
FM AMEMBASSY MEXICO
TO SECSTATE WASHDC 1851
TREASURY WASHDC
INFO AMEMBASSY LIMA
AMEMBASSY CARACAS
AMEMBASSY BRASILIA
USCONS MEXICO POUCH

UNCLAS SECTION 13 OF 16 MEXICO 15249

DEPARTMENT PASS FEDERAL RESERVE BOARD,
EXPORT IMPORT BANK, USTR, AND COMMERCE

E.O. 12356 : N/A
TAGS: EFIN, ECON, EINV, MX
SUBJECT: MEXICO: ECONOMIC TRENDS REPORT, JULY 1985

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-- BANKS WERE ALLOWED TO OPEN EXCHANGE HOUSES OPERATING AT THE TRUE MARKET EXCHANGE RATE (I.E., THEY WERE ALLOWED TO OFFER RATES TO COMPETE WITH OFFSHORE RATES).
-
-- THE OFFICIAL MARKET EXCHANGE RATE WAS ELIMINATED; FOREIGN EXCHANGE FOR TOURISM AND NON-ESSENTIAL IMPORTS WAS AVAILABLE ONLY AT A TRUE MARKET EXCHANGE RATE. AS OF THIS WRITING, THE CONTROLLED RATE (FOR FOREIGN TRADE AND DEBT PAYMENTS--80 PERCENT OF FOREIGN EXCHANGE TRANSACTIONS) REMAINED IN PLACE WITHOUT CHANGE.
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PAGE 02 MEXICO 15249 13 OF 16 232039Z

47. THE BUDGET DEFICIT HAS REMAINED A DIFFICULT PROBLEM IN 1985, ALTHOUGH LOWER THAN EXPECTED INTERNATIONAL

INTEREST RATES HAVE PROVIDED SOME RELIEF. GOVERNMENT INDICATORS FOR THE FIRST QUARTER OF 1985 SHOW THE DEFICIT FOR THAT PERIOD TO BE ABOUT 540 BILLION PESOS, WHICH REPRESENTS A 53 PERCENT INCREASE OVER THE DEFICIT FOR THE FIRST QUARTER OF 1984, ALMOST NO CHANGE IN REAL TERMS. NON INTEREST OUTLAYS HAVE BEEN RUNNING HIGHER THAN PROJECTED ALTHOUGH INTEREST PAYMENTS ARE LOWER BECAUSE OF THE SHARP FALL IN INTERNATIONAL INTEREST RATES OVER THE PAST 9 MONTHS. IN THE FIRST QUARTER OF 1985 THE GOVERNMENT'S INTERNAL INDEBTEDNESS INCREASED BY 476 BILLION PESOS, 78 PERCENT MORE THAN THE INCREASE IN THE FIRST QUARTER OF 1984. HOWEVER, EXTERNAL INDEBTEDNESS INCREASED BY ABOUT 69 BILLION PESOS, 25 PERCENT LOWER THAN THE CORRESPONDING INCREASE IN 1984.

48. THE MEXICAN GOVERNMENT HAS ANNOUNCED TWO SEPARATE PUBLIC SECTOR BUDGET CUTS - THE FIRST IN MID-FEBRUARY FOR 250 BILLION PESOS AND THE SECOND FOR 300 BILLION PESOS IN EARLY JUNE. THE MAJOR AREA TO BE CUT BACK IS IN PUBLIC SECTOR INVESTMENT, PARTICULARLY IN THE ENERGY AND STEEL SECTORS. ONE OF THE REASONS FOR THESE BUDGET MEASURES WAS TO PREVENT THE COUNTRY FROM HAVING TO USE THE SPECIAL CONTINGENCY FUND IN THE BUDGET (200 BILLION PESOS) WHICH IS INTENDED FOR POSSIBLE USE IN THE EVENT OF FURTHER INCREASES OF INTERNATIONAL INTEREST RATES OR FURTHER DECLINES IN PETROLEUM PRICES.

49. OTHER REASONS FOR THE CUTS INCLUDE THE NEED TO COMBAT INFLATION AND TO COPE WITH THE INCREASING UNCERTAINTY SURROUNDING THE FUTURE OF WORLD PETROLEUM PRICES. THESE BUDGET CUTS REPRESENT ATTEMPTS BY THE

UNCLASSIFIED
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PAGE 03 MEXICO 15249 13 OF 16 2320392

MEXICAN GOVERNMENT TO TRY TO KEEP THE PUBLIC SECTOR FINANCIAL DEFICIT AS A RATIO TO GDP WITHIN THE ACCEPTABLE RANGE SPECIFIED IN ITS ORIGINAL AGREEMENT WITH THE IMF. THAT BENCHMARK IS SLIGHTLY LESS THAN 5.0 PERCENT OF GDP FOR 1985.

50. INTEREST RATES HAD A SIGNIFICANT EFFECT ON PUBLIC SECTOR SPENDING THUS FAR IN 1985. THE PRIME RATE IN THE UNITED STATES HAS DECLINED FROM 13 PERCENT IN SEPTEMBER 1984 TO 9.5 PERCENT IN JUNE 1985. IT HAS BEEN ESTIMATED THAT MEXICO'S ANNUAL INTEREST PAYMENTS DECLINE

BY AROUND $700-800 MILLION FOR EACH 1 POINT DECLINE IN THE PRIME RATE. MEXICAN GOVERNMENT OFFICIALS, HOWEVER, SAID THAT BUDGET SAVINGS FROM LOWER DEBT SERVICING COSTS ON EXTERNAL DEBT WILL BE OFFSET IN PART BY HIGHER DOMESTIC INTEREST RATES ON THE INTERNAL DEBT.

51. ACCORDING TO BUDGET ESTIMATES BY THE MEXICAN GOVERNMENT, NEW FOREIGN BORROWING BY THE PUBLIC SECTOR IN 1985 WILL BE LIMITED TO $1 BILLION, THE LOWEST LEVEL IN THE LAST 13 YEARS. FURTHERMORE, THE AUTHORITIES HAVE MADE A COMMITMENT THAT BETWEEN 1983 AND 1985 NET NEW PUBLIC SECTOR FOREIGN BORROWING WILL NOT EXCEED $8.8 BILLION. CURRENTLY, IT APPEARS THAT MEXICO WILL BE ABLE TO MEET THIS COMMITMENT.

52. MEXICO'S NEGOTIATIONS WITH ITS FOREIGN COMMERCIAL BANK CREDITORS IN 1984 WERE HIGHLY SUCCESSFUL AND TENTATIVE AGREEMENT WAS REACHED ON RESCHEDULING $48 BILLION. FINAL AGREEMENT IN PRINCIPAL WAS REACHED IN EARLY 1985. AS A RESULT OF THIS RESCHEDULING AVERAGE ANNUAL AMORTIZATION PAYMENTS DURING THE REST OF THE DECADE WILL BE ABOUT $9 BILLION LESS THAN UNDER ORIGINAL

UNCLASSIFIED

PAGE 01 MEXICO 15249 14 OF 16 232040Z
ACTION ARA-00

INFO LOG-00 COPY-01 ADS-00 AID-00 INR-10 CIAE-00 COMP-01
EB-08 DODE-00 H-01 EXIM-06 NSAE-00 COME-00 LAB-04
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AGR-01 JUS-01 USIE-00 SP-02 DOEE-00 SLPD-01 /062 W
------------------333560 240125Z /72
R 231944Z JUL 85
FM AMEMBASSY MEXICO
TO SECSTATE WASHDC 1852
TREASURY WASHDC
INFO AMEMBASSY LIMA
AMEMBASSY CARACAS
AMEMBASSY BRASILIA
USCONS MEXICO POUCH

UNCLAS SECTION 14 OF 16 MEXICO 15249

DEPARTMENT PASS FEDERAL RESERVE BOARD,
EXPORT IMPORT BANK, USTR, AND COMMERCE

E.O. 12356 : N/A
TAGS: EFIN, ECON, EINV, MX
SUBJECT: MEXICO: ECONOMIC TRENDS REPORT, JULY 1985

AGREEMENTS WITH THE BANKS. FURTHERMORE, THE BENCHMARK
FOR CALCULATING INTEREST PAYMENTS WILL NOW BE LIBOR
RATHER THAN THE U.S. PRIME RATE AND THIS IS EXPECTED TO
SAVE $300-500 MILLION PER YEAR IN INTEREST PAYMENTS
THROUGH 1989.

53. ACCORDING TO GOVERNMENT STATISTICS, AT THE END OF
MARCH 1985 MEXICO'S PUBLIC SECTOR EXTERNAL DEBT STOOD AT
$69.96 BILLION, AN INCREASE OF $580 MILLION OVER THE YEAR
END 1984 FIGURE. OF THE TOTAL PUBLIC SECTOR DEBT, 37.6
PERCENT CORRESPONDS TO THE FEDERAL GOVERNMENT, 38.7 PER-
CENT TO THE STATE ENTERPRISES UNDER BUDGET CONTROL, 19.5
UNCLASSIFIED
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PAGE 02 MEXICO 15249 14 OF 16 232040Z

PERCENT TO DEVELOPMENT BANKS AND 4.1 PERCENT TO OTHER
ENTITIES. DEBT SERVICING PAYMENTS DURING THE FIRST 3

MONTHS OF THE YEAR TOTALED $3.67 BILLION. OF THIS $2.2 BILLION CORRESPONDED TO INTEREST PAYMENTS AND $1.47 BILLION CORRESPONDED TO AMORTIZATION. PUBLIC SECTOR NET EXTERNAL DEBT INCREASED BY $400 MILLION DURING THE FIRST QUARTER OF 1985. THIS IS 40 PERCENT OF THE TOTAL INCREASE IN NET EXTERNAL INDEBTEDNESS PROGRAMMED FOR THE YEAR. UNITED STATES BANKS AND OFFICIAL INSTITUTIONS ACCOUNT FOR 28.7 PERCENT OF MEXICO'S TOTAL PUBLIC SECTOR EXTERNAL DEBT.

-

54. SURPLUSES CONTINUE IN TRADE BALANCE AND CURRENT ACCOUNT BUT AT LOWER LEVELS THAN 1983 AND 1984. MEXICO'S LARGE 1984 TRADE AND CURRENT ACCOUNT SURPLUSES, $12.8 BILLION AND $4.0 BILLION RESPECTIVELY, WILL PROBABLY DECREASE IN 1985. FOR THE FIRST QUARTER OF 1985 MERCHANDISE EXPORTS DECLINED BY 11.1 PERCENT AND THE TRADE BALANCE DECLINED BY 40 PERCENT AS IMPORTS INCREASED BY 39 PERCENT. EVEN SO, THE TRADE SURPLUS WAS STILL A SIZEABLE $2.4 BILLION. AMONG EXPORTS, PETROLEUM PRODUCTS DECLINED BY 9 PERCENT AND NON-PETROLEUM EXPORTS DECLINED BY 16 PERCENT. DURING THE YEAR CRUDE OIL EXPORTS ARE EXPECTED TO AVERAGE 1.4-1.5 MILLION BARRELS PER DAY. THE PRICE OF MEXICO'S HEAVY CRUDE, CALLED MAYA, WAS REDUCED BY $1.50 IN MAY 1985 AND AGAIN BY AN AVERAGE OF 77 CENTS ON JULY 10. THE PRICE OF MEXICO'S LIGHT CRUDE (ISTHMUS) DECLINED BY AN AVERAGE OF $1.24 ON JULY 10. THE JULY PRICE DECREASES WERE ENACTED AFTER THE COUNTRY HAD LOST SALES OF ABOUT 600,000 BARRELS PER DAY AS FORMER CUSTOMERS TURNED TO OTHER SOURCES. IF MEXICO CAN RETURN TO ITS FORMER AVERAGE OF 1.5 MILLION BARRELS OF OIL EXPORTS PER DAY, IT WILL HOLD ITS EXPORT REVENUE LOSS

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BECAUSE OF THE JULY PRICE ADJUSTMENT TO ABOUT $275 MILLION FOR 1985. EARLIER PRICE ADJUSTMENTS ARE EXPECTED TO RESULT IN A LOSS OF REVENUE FOR THE YEAR OF ABOUT $600 MILLION. WHEN COMBINED WITH LOSSES DUE TO LOWER EXPORT VOLUMES THE TOTAL REVENUE LOSSES FOR MEXICO BECAUSE OF THE MEASURES TAKEN SO FAR IN 1985 WOULD BE ABOUT $1.8-2 BILLION.

-

55. MEXICO REGISTERED A CURRENT ACCOUNT SURPLUS OF $218 MILLION FOR THE JANUARY-MARCH PERIOD. THE IN-BOND INDUSTRIES GENERATED NET RECEIPTS OF $207 MILLION AND NET

TOURISM RECEIPTS WERE $306 MILLION (IN SPITE OF THE FACT THAT GROSS TOURISM RECEIPTS WERE DOWN BY 4.4 PERCENT AND TOURIST EXPENDITURES ABROAD WERE UP BY 46 PERCENT).

THE SUBSIDIES AGREEMENT WITH THE UNITED STATES HIGHLIGHTS A NUMBER OF MAJOR POLICY MOVES IN THE FIRST HALF OF 1985:

56. IN MAY, MEXICO AND THE UNITED STATES SIGNED A SUBSIDIES UNDERSTANDING TO PROVIDE MEXICO THE INJURY TEST IN COUNTERVAILING DUTY CASES. IN TURN, MEXICO AGREED TO PHASE OUT EXPORT SUBSIDIES BY THE END OF 1986. ANOTHER MAJOR DEVELOPMENT WAS THE DIMEX PROGRAM WHICH IS INTENDED TO FACILITATE THE ACQUISITION OF IMPORTS BY EXPORTERS. UNDER THIS PLAN MEXICAN EXPORTERS WILL BE ALLOWED TO IMPORT UP TO 30 PERCENT OF THE VALUE OF THEIR EXPORTS WITHOUT A REQUIREMENT FOR IMPORT LICENSES PROVIDED THE IMPORTS ARE NOT ON A RESTRICTED LIST (WHICH COVERS APPROXIMATELY 900 ARTICLES OR 29 PERCENT OF MEXICO'S IMPORTS IN 1984). ALL IMPORTS BROUGHT IN UNDER THE PROGRAM MUST ALSO PAY AT LEAST A MINIMUM TARIFF OF 25

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PAGE 01 MEXICO 15249 15 OF 16 232041Z
ACTION ARA-00

INFO LOG-00 COPY-01 ADS-00 AID-00 INR-10 CIAE-00 COMP-01
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AMEMBASSY BRASILIA
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UNCLAS SECTION 15 OF 16 MEXICO 15249

DEPARTMENT PASS FEDERAL RESERVE BOARD,
EXPORT IMPORT BANK, USTR, AND COMMERCE

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TAGS: EFIN, ECON, EINV, MX
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PERCENT.

57. EARLY IN 1985 NEW LEGISLATION WAS ENACTED GOVERNING THE ACTIVITIES OF FINANCIAL INSTITUTIONS, INCLUDING THE BANK OF MEXICO. THIS LEGISLATION IS DESIGNED TO ENHANCE THE ROLE OF THE CENTRAL BANK IN FORMULATING MONETARY POLICY AND RESTRICT ITS ROLE IN PROVIDING FINANCING FOR THE PUBLIC SECTOR DEFICIT.

58. IN OTHER MOVES THE GOVERNMENT OF MEXICO HAS COMPLETED THE SALE OF THE SHARES IN NON-STRATEGIC COMPANIES OWNED BY THE NATIONALIZED BANKS. AT THE TIME

UNCLASSIFIED
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PAGE 02 MEXICO 15249 15 OF 16 232041Z

OF NATIONALIZATION THE COMMERCIAL BANKS OWNED SIZEABLE NUMBERS OF SHARES IN OTHER COMPANIES. THE VALUE OF THE

SHARES SOLD TOTALED ABOUT 87 BILLION PESOS AND THIS WAS VIEWED AS A POSITIVE DEVELOPMENT TO HELP ENHANCE EFFICIENCY IN THE ECONOMY. SUBSEQUENTLY THE AUTHORITIES ANNOUNCED THAT THE GOVERNMENT WOULD BE SELLING OFF OR DISSOLVING NON-STRATEGIC PARASTATALS. TO DATE THERE HAS NOT BEEN A STRONG RECORD OF DEMAND FOR THESE COMPANIES.

THE FOREIGN INVESTMENT CLIMATE REMAINS UNCERTAIN:

59. FOREIGN INVESTMENT IS GENERALLY WELCOME IN MEXICO, EXCEPT IN CERTAIN AREAS RESERVED FOR MEXICAN NATIONALS. IT IS, HOWEVER, SUBJECT TO CLOSE GOVERNMENT SCRUTINY AND REGULATION, PARTICULARLY IN CASES OF MAJORITY FOREIGN OWNERSHIP. ALTHOUGH FOREIGN INVESTMENT GREW SIGNIFICANTLY BETWEEN 1950 AND 1981 IT REMAINS A SMALL SHARE OF TOTAL INVESTMENT IN THE ECONOMY. OVER THE PAST TWO YEARS NET FOREIGN INVESTMENT INFLOWS HAVE RISEN MORE SLOWLY THAN DURING THE LATE 1970'S, IN PART BECAUSE OF THE ECONOMIC RECESSION IN THE COUNTRY WHICH LASTED FROM 1982 UNTIL MID 1984.

60. THE RULES GOVERNING FOREIGN INVESTMENT ARE CONTAINED IN THREE LAWS ENACTED DURING THE 1970'S AND THEIR SUBSEQUENT REGULATIONS: THE 1973 LAW TO PROMOTE MEXICAN INVESTMENT AND REGULATE FOREIGN INVESTMENT; THE 1973 TECHNOLOGY TRANSFER LAW; AND THE 1976 LAW ON INVENTIONS AND TRADEMARKS. AT PRESENT, MOST FOREIGN INVESTORS ARE LIMITED TO MINORITY OWNERSHIP WITH EXCEPTIONS BEING GRANTED IN CASES WHERE AUTHORITIES CONSIDER THE INVESTMENT TO BE PARTICULARLY ATTRACTIVE FOR MEXICO, E.G.,

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IMPORTANT TECHNOLOGY TRANSFER, SIGNIFICANT EMPLOYMENT GENERATION, LARGE EXPORT POTENTIAL, AND INDUSTRIAL DIVERSIFICATION. THE CURRENT ADMINISTRATION WHICH WILL BE IN OFFICE UNTIL 1988 HAS STATED IT WILL NOT MAKE ANY SIGNIFICANT CHANGES IN THE LAWS RELATING TO FOREIGN INVESTMENT.

61. BETWEEN 1960 AND 1981 DIRECT FOREIGN INVESTMENT PLAYED A RELATIVELY SMALL ROLE IN MEXICO'S TOTAL EXTERNAL FINANCING REQUIREMENTS WHICH WERE FULFILLED PRINCIPALLY BY BORROWING. FURTHERMORE, ALTHOUGH GOM AUTHORIZATIONS

FOR NEW FOREIGN INVESTMENT ROSE IN 1983 AND 1984, NET ANNUAL DIRECT INVESTMENT FLOWS HAVE DECLINED DURING EACH OF THE PAST TWO YEARS, AVERAGING ONLY $425 MILLION AS COMPARED TO $996 MILLION DURING THE 1979-82 PERIOD.

62. THE DE LA MADRID ADMINISTRATION HAS PUBLICLY STATED THAT IT WELCOMES FOREIGN INVESTMENT ALTHOUGH CLEARLY IT FAVORS CHANNELING SUCH INVESTMENT INTO CERTAIN AREAS OF THE ECONOMY. IN FEBRUARY 1984 IT ISSUED NEW GUIDELINES FOR FOREIGN INVESTMENT AND SPECIFIED THAT MAJORITY FOREIGN OWNERSHIP WOULD BE ALLOWED IN CERTAIN HIGH PRIORITY SECTORS SUCH AS HEAVY MACHINERY, ELECTRONIC EQUIPMENT, HIGH-TECHNOLOGY PRODUCTS, AND HOTELS. ALSO, NEW TECHNICAL REGULATIONS FACILITATING ADMINISTRATIVE REQUIREMENTS WERE PROMULGATED LATER IN THE YEAR. NONETHELESS, POTENTIAL INVESTORS WILL CONTINUE TO BE SCREENED CAREFULLY.

THE U.S. DEPARTMENT OF COMMERCE EXPANDS SERVICES TO U.S. FIRMS DOING BUSINESS IN MEXICO:

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ACTION ARA-00

INFO LOG-00 COPY-01 ADS-00 AID-00 INR-10 CIAE-00 COMP-01
EB-08 DODE-00 H-01 EXIM-06 NSAE-00 COME-00 LAB-04
ITC-01 OPIC-07 CEA-01 OMB-01 STR-14 SIL-01 FRB-01
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AMEMBASSY BRASILIA
USCONS MEXICO POUCH

UNCLAS SECTION 16 OF 16 MEXICO 15249

DEPARTMENT PASS FEDERAL RESERVE BOARD,
EXPORT IMPORT BANK, USTR, AND COMMERCE

E.O. 12356 : N/A
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63. WITH THE RETURN OF POSITIVE GDP GROWTH IN THE MEXICAN ECONOMY, DEMAND FOR THE COMMERCIAL SERVICES OFFERED TO U.S. BUSINESSMEN BY THE UNITED STATES DEPARTMENT OF COMMERCE HAS INCREASED. THE NUMBER OF PUBLIC AND PRIVATE TRADE OPPORTUNITIES SENT TO THE DEPARTMENT OF COMMERCE IN WASHINGTON FOR DISTRIBUTION TO SUBSCRIBERS OF THE TRADE OPPORTUNITY PROGRAM (TOP) WAS UP FROM 410 IN FISCAL 1983 TO 735 IN FISCAL 1984. THE NUMBER OF U.S. FIRMS COUNSELED BY THE COMMERCIAL SECTION WAS UP FROM 1,831 IN FISCAL 1983 TO 2,504 IN FISCAL 1984 AND THE NUMBER OF FOREIGN FIRMS COUNSELED FROM 3,732 IN
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FISCAL 1983 TO 11,325 IN FISCAL 1984. U.S. EXPORTS TO MEXICO INCREASED IN 1984 FOR THE FIRST YEAR SINCE THE

1982 CRISIS. LEADING U.S. NON-AGRICULTURAL EXPORTS TO MEXICO INCLUDE REPLACEMENT PARTS FOR GASOLINE ENGINES AND ELECTRIC MOTORS; RADIO, TELEGRAPHICS AND TELEPHONIC EQUIPMENT; STYRENE AND ARTICLES OF RUBBER AND PLASTIC; ELECTRONIC COMPONENTS; AND GENERAL MERCHANDISE NOT MANUFACTURED IN MEXICO. EMPHASIS ON THE FOLLOWING SECTORS IS PART OF THE NATIONAL DEVELOPMENT PLAN: TELECOMMUNICATIONS, METAL AND METAL-PROCESSING, ENVIRONMENTAL CONTROL, COMPUTER TECHNOLOGY, INDUSTRIAL PORT DEVELOPMENT, FOOD PROCESSING AND PACKAGING, AND HOME CONSTRUCTION.

64. IN 1984 THE U.S. DEPARTMENT OF COMMERCE ESTABLISHED A COMMERCIAL OFFICE IN THE AMERICAN CONSULATE IN GUADALAJARA, AN IMPORTANT INDUSTRIAL AREA ESPECIALLY WITH ITS INCREASED ACTIVITY IN ELECTRONICS. THIS OFFICE IS STAFFED BY ONE AMERICAN AND THREE MEXICAN COMMERCIAL SPECIALISTS. THE U.S. DEPARTMENT OF COMMERCE INTENDS TO PLACE AN AMERICAN COMMERCIAL OFFICER IN THE U.S. CONSULATE IN MONTERREY IN 1985. THE NEW MONTERREY COMMERCIAL OFFICE WILL OFFER EXPANDED COMMERCIAL SERVICES FOR THE ENTIRE NORTHEAST REGION OF MEXICO. BOTH THE GUADALAJARA AND MONTERREY OFFICES WILL BE PREPARED TO OFFER COMPLETE COMMERCIAL SERVICES AND WELCOME THE OPPORTUNITY TO SERVE U.S. BUSINESS INTERESTS.

65. FOR U.S. FIRMS OR THEIR MEXICAN SUBSIDIARIES, THE UNITED STATES TRADE CENTER, LOCATED IN THE HEART OF MEXICO'S FINANCIAL AND BUSINESS DISTRICT, IS PLANNING A FULL SCHEDULE OF EXHIBITIONS TO PROMOTE U.S. PRODUCTS AND TECHNOLOGY. WITH ONLY A LIMITED AMOUNT OF FOREIGN
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EXCHANGE AVAILABLE FOR TRAVEL, MEXICAN BUYERS HAVE BEEN ATTENDING U.S. TRADE CENTER SHOWS IN RECORD NUMBERS. EXHIBITIONS TO BE HELD AT THE TRADE CENTER IN 1985 INCLUDE THE FOLLOWING: MINING EQUIPMENT, FEB.19-22; ELECTRIC COMPONENTS AND ACCESSORIES, MARCH 19-21; EDUCATIONAL AND TRAINING EQUIPMENT, APRIL 23-26; COMMUNICATIONS, MERCHANDISE HANDLING, AND TRANSPORTATION EQUIPMENT FOR PORTS AND AIRPORTS, MAY 14-17; COMPUTERS, PERIPHERALS, AND SOFTWARE, JUNE 4-7; CHEMICAL PRODUCTS FOR AGRICULTURE AND INDUSTRY, JULY 16-18; FIRE, SECURITY AND SAFETY EQUIPMENT, AUGUST 6-9; INDUSTRIAL PROCESSING

CONTROLS, SEPT. 24-26; AGRICULTURAL AND LIVESTOCK EQUIPMENT AND MACHINERY, NOV. 21-25 (GUADALAJARA); AND, LASTLY, AN EXHIBITION FOR U.S. FIRMS OF ALL TYPES SEEKING REPRESENTATION IN THE MEXICAN MARKET, DEC. 3-5.

66. FOR INFORMATION ON ANY OF THE ABOVE PROMOTIONS, PLEASE CONTACT THE SHOW PROMOTION OFFICER, U.S. TRADE CENTER, LIVERPOOL #31, MEXICO, D.F., MEXICO TELEPHONE (905)591-0155. FOR INFORMATION ON COMMERCIAL SERVICES TO U.S. BUSINESSMEN, CONTACT THE COMMERCIAL ATTACHE, AMERICAN EMBASSY, MEXICO, REFORMA 305, MEXICO, D.F., MEXICO TELEPHONE (905)211-0042. DRAFTED BY J.P.FELT AND J.V.SWEENEY. GAVIN

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PAGE 01 MEXICO 15248 01 OF 03 231943Z
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AMEMBASSY LIMA
AMEMBASSY CARACAS
ALL USCONS MEXICO POUCH

[redacted] SECTION 01 OF 03 MEXICO 15248

DEPARTMENT PASS FEDERAL RESERVE BOARD,
EXPORT/IMPORT BANK, USTR AND COMMERCE

E.O. 12356: DECL: 7/22/91
TAGS: EFIN, ECON, MX
SUBJECT: RECENT DEVELOPMENTS AND OUTLOOK FOR THE MEXICAN ECONOMY

1. SUMMARY. OVER THE PAST SEVERAL MONTHS THE OUTLOOK FOR THE MEXICAN ECONOMY HAS BECOME INCREASINGLY CLOUDED. A SERIES OF EXOGENOUS AND INTERNAL DEVELOPMENTS HAS MADE THE MANAGEMENT OF MACROECONOMIC POLICY MORE DIFFICULT AND SENSITIVE. DESPITE HIGH LEVELS OF GOVERNMENT SPENDING IN ANTICIPATION OF THE JULY 7 MIDTERM ELECTIONS, THE GROWTH RATE OF THE ECONOMY APPEARS TO BE SLOWING AND THE GOVERNMENT MAY NOW HAVE TO TAKE ACTIONS WHICH WILL SLOW IT EVEN FURTHER FOR THE REST

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PAGE 02 MEXICO 15248 01 OF 03 231943Z

OF THE YEAR. THE AUTHORITIES MUST SOON TAKE SOME

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CRITICAL ECONOMIC DECISIONS AND THE OPTIONS FACING THEM ARE NOT ATTRACTIVE. END SUMMARY.

2. MEXICO'S ECONOMIC PROSPECTS HAVE CHANGED CONSIDERABLY OVER THE PAST 9 MONTHS. DURING THE FIRST YEAR AND A HALF OF THE DE LA MADRID ADMINISTRATION, THE COUNTRY MADE SUBSTANTIAL PROGRESS IN REDUCING THE SIZE OF THE PUBLIC SEDEFICIT, TEMPERING INFLATION, AND GREATLY STRENGTHENING THE BALANCE OF PAYMENTS SITUATION. HOWEVER, SINCE SEPTEMBER 1984 PROGRESS IN ALL OF THESE AREAS HAS BEEN MUCH SLOWER. THE REDUCTIONS IN PETROLEUM PRICES AND IN THE VOLUME OF PETROLEUM EXPORTS AND A SHARP RISE IN CAPITAL FLIGHT HAVE COMPOUNDED THE PROBLEM.

3. ON JULY 10 THE MEXICAN GOVERNMENT ANNOUNCED THAT IT WOULD DROP ITS AVERAGE PRICE PER BARREL FOR PETROLEUM FROM $25.57 TO $24.47, A DECLINE OF 4.3 PERCENT. THIS MEASURE WAS FORCED BY A SHARP DECLINE IN THE VOLUME OF PETROLEUM EXPORTS WHICH DURING JUNE WERE ONLY ABOUT 800,000 BARRELS PER DAY COMPARED TO A TARGET OF 1.5 MILLION BARRELS PER DAY. IT WAS THE THIRD PRICE REDUCTION SO FAR IN 1985. FURTHERMORE, PRIOR TO JUNE PETROLEUM EXPORTS HAD AVERAGED ONLY 1.4 MILLION BARRELS PER DAY FOR THE FIRST 5 MONTHS OF THE YEAR. SO FAR THE REVENUES LOST DUE TO THE LOWER VOLUME OF EXPORTS HAS BEEN ABOUT $900 MILLION. THE TOTAL YEAR LOSSES DUE TO PRICE ADJUSTMENTS ARE ESTIMATED AT ABOUT THE SAME AMOUNT. ASSUMING THAT THE COUNTRY CAN NOT RETURN TO AVERAGE EXPORT LEVELS OF 1.5 MILLION BARRELS PER DAY AND NO FURTHER PRICE DECLINES, REVENUE LOSSES FOR THE YEAR, THEN, WOULD TOTAL $1.8-2 BILLION.

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4. WITH REGARD TO EXTERNAL INTEREST RATES, MEXICO HAS BEEN MORE FORTUNATE. SINCE SEPTEMBER 1984 THE PRIME INTEREST RATE IN THE UNITED STATES HAS FALLEN FROM 13 PERCENT TO 9.5 PERCENT. IT IS ESTIMATED THAT FOR EACH 1 PERCENT DECLINE IN EXTERNAL INTEREST RATES MEXICO WILL SAVE $700-800 MILLION IN INTEREST PAYMENTS. ALTHOUGH MEXICO WILL NOT REALIZE THE FULL BENEFITS OF THE DECLINE THIS YEAR (BECAUSE ITS INTEREST PAYMENTS ARE TIED TO INTEREST RATES IN EFFECT 3-6 MONTHS EARLIER) WE ESTIMATE

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THE COUNTRY SHOULD BE ABLE TO SAVE $2-2.5 BILLION IN FOREIGN INTEREST PAYMENTS THIS YEAR. THIS WOULD SLIGHTLY MORE THAN OFFSET DEVELOPMENTS IN THE PETROLEUM MARKET SO FAR THIS YEAR.

5. THE SAVINGS FROM LOWER INTEREST PAYMENTS SHOULD HELP MEXICO BOTH IN THE BALANCE OF PAYMENTS AND IN THE PUBLIC SECTOR BUDGET. EVEN THOUGH COMBINED PETROLEUM AND NON-PETROLEUM EXPORTS WILL BE LOWER THAN PROGRAMMED AT THE BEGINNING OF THE YEAR (PROBABLY BY ABOUT $2-3.5 BILLION) MEXICO COULD STILL REALIZE A MODEST CURRENT ACCOUNT SURPLUS THIS YEAR AND THIS WOULD MEAN THAT NO ADDITIONAL EXTERNAL BORROWING WOULD BE NECESSARY. FURTHERMORE, EVEN THOUGH PETROLEUM PRICES HAVE FALLEN, THE TAX RECEIPTS FROM PEMEX WILL NOT FALL BY AS MUCH WHEREAS THE FULL BENEFITS FROM LOWER INTEREST PAYMENTS WILL BE REALIZED IN THE BUDGET. CONSEQUENTLY, THE GOM HAS SOME FLEXIBILITY TO SHIFT EXPENDITURES FROM INTEREST OUTLAYS TO OTHER PARTS OF THE BUDGET.

6. ASIDE FROM INTEREST RATES AND PETROLEUM PRICES ANOTHER IMPORT EXOGENOUS FACTOR FOR MEXICO IS THE STRENGTH OF THE U.S. ECONOMY. THE SHARP DECLINE IN THE RATE OF GDP GROWTH IN THE UNITED STATES DURING THE

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PAGE 01 MEXICO 15248 02 OF 03 231944Z
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AMEMBASSY CARACAS
ALL USCONS MEXICO POUCH

[redacted] SECTION 02 OF 03 MEXICO 15248

DEPARTMENT PASS FEDERAL RESERVE BOARD,
EXPORT IMPORT BANK, USTR AND COMMERCE

E.O. 12356: DECL: 7/22/91
TAGS: EFIN, ECON, MX
SUBJECT: RECENT DEVELOPMENTS AND OUTLOOK FOR THE
FIRST HALF OF THE YEAR COMBINED WITH INCREASED PUBLICITY
REGARDING PROTECTIONIST PRESSURES IN WASHINGTON HAVE
ALSO HELPED CONTRIBUTE TO A NEGATIVE ATMOSPHERE IN THE
COUNTRY. MANY MEXICANS BELIEVE THAT IF THE U.S. ECONOMY
STAGNATES, MEXICO WILL NOT BE ABLE TO GENERATE SUFFICIENT
EXPORT INCOME TO FINANCE IMPORTS AND SERVICE ITS EXTERNAL
DEBT UNDER EXISTING AGREEMENTS WITH ITS FOREIGN CREDITORS.

7. SINCE DECEMBER 1984 THE MEXICAN AUTHORITIES HAVE BEEN
FACING INCREASING PRESSURES DUE TO CAPITAL FLIGHT. A
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PAGE 02 MEXICO 15248 02 OF 03 231944Z

PROBLEM WHICH HAS BEGUN TO ACCELERATE IN RECENT WEEKS,
AS A RESULT OF CAPITAL OUTFLOWS AND LAGGING TOURISM

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PERFORMANCE. THE GOVERNMENT DECIDED TO TAKE ACTION ON THE EXCHANGE RATE. BETWEEN JUNE 28 AND JULY 10 IT ELIMINATED THE OFFICIAL MARKET EXCHANGE RATE AND SUBSTITUTED THE SO-CALLED SUPER FREE RATE, WHICH WAS BASICALLY THE OFFSHORE EXCHANGE RATE. HOWEVER, IT KEPT ITS CONTROLLED RATE POLICY OF 21 CENTAVOS PER DAY. AT THIS RATE OF DEPRECIATION, THE RATE AT WHICH MORE THAN 80 PERCENT OF ALL FOREIGN TRANSACTIONS TAKE PLACE, INCLUDING MOST EXPORTS AND IMPORTS AND EXTERNAL DEBT PAYMENTS. CURRENTLY THE DIFFERENCE BETWEEN THE TWO EXCHANGE RATES IS NEARLY 60 PERCENT AND OVER THE PAST WEEK IT HAS BEEN INCREASING. A NUMBER OF REASONS FOR THIS GROWING DIFFERENCE EXIST. THE BANK OF MEXICO IS ANXIOUS TO AVOID FURTHER LOSSES IN FOREIGN EXCHANGE RESERVES. CAPITAL FLIGHT HAS CONTINUED AND PERHAPS EVEN ACCELERATED AND IT IS OBVIOUS THAT THE GOVERNMENT WILL SOON HAVE TO RECTIFY THE SITUATION. PERHAPS THE MOST LIKELY COURSE OF ACTION IS THAT THE CONTROLLED RATE WILL BE INCREASED AND THE DAILY RATE OF SLIDE WILL BE ACCELERATED.

8. AN ADDITIONAL DIFFICULTY IS THAT PRIVATE SECTOR ACTIVITY SEEMS TO BE DECLINING AND THE OUTLOOK IS FOR LESS INDUSTRIAL GROWTH FOR THE REST OF THE YEAR. MANY COMPANIES ARE CONCERNED ABOUT THE EXCHANGE RATE SITUATION AND THE FACT THAT THEY HAVE TO EXCHANGE THEIR EXPORT PROCEEDS AT THE CONTROLLED EXCHANGE RATE. THEY BELIEVE THIS PUTS THEM AT A VERY LARGE COMPETITIVE DISADVANTAGE AND THAT IT HAS BEEN A STRONG DISINCENTIVE FOR EXPORTS THIS YEAR. THE DECLINE IN NON-PETROLEUM EXPORTS OVER THE FIRST HALF OF THE YEAR

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TENDS TO SUBSTANTIATE THIS ASSERTION.

9. AT THE SAME TIME, THERE IS RISING CONCERN ABOUT THE LACK OF LOCAL FINANCING AVAILABLE TO THE PRIVATE SECTOR. DURING THE FIRST HALF OF THE YEAR THE GOVERNMENT HAS ABSORBED THE BULK OF AVAILABLE FINANCIAL RESOURCES IN THE ECONOMY AND RECENT MEASURES TAKEN BY THE BANK OF MEXICO INDICATE THAT THIS TREND PROBABLY WILL CONTINUE. ALTHOUGH NOT YET OFFICIAL, IT APPEARS THAT THE BANK OF MEXICO IS NOW ALLOWING OTHER LOCAL BANKS TO LEND ONLY 10 PERCENT OF THEIR AVAILABLE FUNDS FREELY (I.E., THE OTHER 90 PERCENT TIED UP IN LEGAL RESERVE REQUIREMENTS.

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MANDATORY FINANCING TO THE GO ERNMENT, AND SPECIAL
CREDIT LINES TO PRIORITY SECTO RS OF THE ECONOMY).
PREVIOUSLY THE BANKS HAD 25 PE RCENT OF THE R AVAILABLE
RESOURCES FOR LENDING AS THEY SAW FIT.

10. PERHAPS THE MOST CRUCIAL DIFFICULTY FACING THE
AUTHORITIES IS THE FACT THAT CONFIDENCE IS LOW
AND THIS HAS GENERATED A SITUA TION WHERE INDIVIDUALS AND
COMPANIES ARE BORROWING TO GET THEIR MONEY OUT OF THE
COUNTRY. EVEN THOUGH THE COST IS HIGH, THE "SUPER FREE"
EXCHANGE RATE HAS BEEN MOVING DAILY AGAINST THE PESO
SINCE IT WAS INSTITUTED LATE JUNE. MOST ANALYSTS
BELIEVE THAT THE PESO IS UNDER VALUED IN THE MARKET BUT
EVEN SO LINES AT THE EXCHANGE HOUSES TO PURCHASE DOLLARS
HAVE BEEN GROWING.

11. WITHIN THE ECONOMIC CABINET THERE IS AN ONGOING
DEBATE AS TO HOW BEST TO ADDRESS THE SITUATION. THE
FINANCE MINISTRY AND THE BANK OF MEXICO HAVE BEEN
ARGUING FOR A MORE STRENUOUS ADJUSTMENT EFFORT. THIS
WOULD INVOLVE OPENING THE ECONOMY AND REDUCING
PROTECTION OF DOMESTIC PRODUCERS, GREATER EFFORTS TO
ATTRACT FOREIGN INVESTMENT, A CONCERTED ATTACK AGAINST

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PAGE 01 MEXICO 15248 03 OF 03 231944Z
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AMEMBASSY CARACAS
ALL USCONS MEXICO POUCH

[redacted] SECTION 03 OF 03 MEXICO 15248

DEPARTMENT PASS FEDERAL RESERVE BOARD,
EXPORT IMPORT BANK, USTR AND COMMERCE

E.O. 12356: DECL: OADR
TAGS: EFIN, ECON, MX
SUBJECT: RECENT DEVELOPMENTS AND OUTLOOK FOR THE

INFLATION, AND MORE STRENUOUS EFFORTS TO REDUCE THE REAL
LEVEL OF THE PUBLIC SECTOR DEFICIT. THE PROBLEM WITH
THIS STRATEGY, OF COURSE, IS THAT IT RISKS FURTHER
RECESSION IN THE ECONOMY AND IS POLITICALLY DIFFICULT.
THEREFORE, MOST OTHER CABINET AGENCIES HAVE RESISTED
SUCH AN APPROACH.

12. THE MOST VIABLE ALTERNATIVE APPROACH BEING PRIVATELY
DISCUSSED IS TO PUBLICIZE CONTINUALLY THE FACT THAT THE
COUNTRY'S ECONOMIC STRATEGY HAS NOT BEEN CHANGED, BUT IN

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PAGE 02 MEXICO 15248 03 OF 03 231944Z

PRACTICE TO USE AN AD HOC AND LESS VIGOROUS APPROACH THAN
DURING THE FIRST YEAR AND A HALF OF THE ADMINISTRATION.

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THIS WOULD MEAN CONTINUING MORE OR LESS ALONG THE PATH WHICH HAS BEEN PURSUED FOR THE LAST NINE MONTHS. IT WOULD IMPLY SLOWER PROGRESS IN REDUCING INFLATION AND THE PUBLIC SECTOR DEFICIT AND NO SERIOUS EFFORTS TO OPEN THE ECONOMY OR ATTRACT FOREIGN INVESTMENT. IN OTHER WORDS, IF THE AUTHORITIES SOMEHOW ADDRESS THE IMMEDIATE PROBLEM OF STEMMING CAPITAL FLIGHT, THEY MAY BE TEMPTED TO CONTINUE WITH A PATCHWORK APPROACH.

13. SUCH AN APPROACH COULD INVOLVE PERIODIC ANNOUNCEMENTS OF SWEEPING MEASURES SUCH AS PRESIDENT DE LA MADRID SET FORTH AT THE BANKERS CONVENTION IN GUADALAJARA ON JULY 22. THESE INCLUDED MORE CONCERTED EFFORTS TO CUT THE PUBLIC SECTOR DEFICIT, REDUCE DOMESTIC PROTECTION THROUGH SUBSTITUTION OF A MODERN AND EFFICIENT SYSTEM OF TARIFFS FOR IMPORT LICENSES, AN ORDERING OF THE FOREIGN EXCHANGE MARKET TO PROMOTE NON-PETROLEUM EXPORTS AND TOURISM AND TO PROTECT THE COUNTRY'S FOREIGN EXCHANGE RESERVES, REDOUBLING TAX COLLECTION EFFORTS, AND STRENGTHENING THE FINANCIAL INTERMEDIATION PROCESS. HOWEVER, IMPLEMENTATION OF SUCH STEPS WILL BE THE CRITICAL ISSUE. CURRENTLY THEY ARE VAGUE AND UNDEFINED. MOREOVER, ASSUMING THEY ARE SUBSEQUENTLY DEFINED IT STILL REMAINS TO BE SEEN WHETHER OR NOT THEY WILL BE ENOUGH AND WHETHER OR NOT THEY WILL BE VIGOROUSLY CARRIED OUT.

14. THE MOST CRITICAL MEDIUM [illegible] LONGER TERM ECONOMIC ISSUES FACING MEXICO ARE STILL THE PUBLIC SECTOR DEFICIT, INFLATION, AND EXPORT PERFORMANCE. THIS YEAR LITTLE PROGRESS IS LIKELY ON THE DEFICIT OR INFLATION AND

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EXPORTS WILL BE CONSIDERABLY LOWER THAN IN 1984. IF THE GOM IS UNWILLING TO IMPLEMENT A CONTINUOUS AND COMPREHENSIVE STRATEGY TO ADDRESS THESE PROBLEMS -- AS IT DID DURING THE EARLY PART OF THE ADMINISTRATION -- THE ECONOMY WILL BE MORE VULNERABLE TO ADVERSE EXOGENOUS DEVELOPMENTS (PETROLEUM PRICES, INTEREST RATES, AND SLOWER GROWTH IN THE MAJOR INDUSTRIAL MARKETS FOR MEXICO'S EXPORTS). GIVEN CONTINUING NEGATIVE PROSPECTS FOR PETROLEUM AND THE SLUGGISH PERFORMANCE OF THE U.S. ECONOMY, THE MAJOR EXTERNAL MARKET FOR MEXICAN PRODUCTS, THE COUNTRY'S SHORT TO MEDIUM TERM ECONOMIC PROSPECTS

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ARE NOT BRIGHT. MOREOVER, SHOULD REAL INTEREST RATES BEGIN TO RISE SIGNIFICANTLY AGAIN MEXICO MAY FIND ITSELF IN AN UNTENABLE SITUATION WHICH WOULD REQUIRE FURTHER DEBT RESTRUCTURING MEASURES. DRAFTED BY J.V.SWEENEY. GAVIN

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Department of State
RELEASED
El Salvador Human Rights
Special Project (1993)
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AN: D850525-0654

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E.O. 12356: N/G
TAGS: PTER, ES
SUBJECT: RADIO VENCEREMOS SCOFFS AT $100,000 REWARD OFFER

REF: FBIS 221913Z JULY 85

1. RADIO VENCEREMOS JULY 22 BROADCAST MADE LIGHT OF USG OFFER OF $100,000 REWARD FOR INFORMATION ON ZONA ROSA KILLERS. TEXT WAS CARRIED BY FBIS CHIVA CHIVA (REFTEL).

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2. TEXT OF FBIS REPORT:

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RELEASED
El Salvador Human Rights
Project (1993)

THE U.S. EMBASSY AND THE HIGH COMMAND ARE OFFERING A $100,000 REWARD FOR INFORMATION ON THE EXECUTIONERS OF THE GRINGOS IN ZONA ROSA. CAN'T THEY UNDERSTAND THAT WE, THE FMLN, ARE RESPONSIBLE FOR CARRYING OUT POPULAR JUSTICE? WE ARE IN GUAZAPA, CHALATENANGO, MORAZAN, SAN VICENTE, SANTA ANA, USULUTAN. THEY CAN COME FOR US ANYWHERE. IF THEY WANT TO COME FOR US, THEY SHOULD BRING THEIR $100,000, BECAUSE WE WILL ALSO RECEIVE IT. DO NOT FORGET THAT NOT ONE INCH OF THE HOMELAND WILL BE SAFE FOR THE ENEMIES OF THE PEOPLE, MUCH LESS FOR THE INTERVENTIONIST INVADERS. WE ARE WAITING FOR THEM.

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Department of State

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PAGE 01 SAN SA 09435 241318Z 1620 ARA2267
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USCINCSO QUARRY HEIGHTS PN
USIA WASHDC 5141
USAFSO HOWARD AFB PN//LAI

UNCLAS SAN SALVADOR 09435

USIA FOR AR/CENTAM
DEPT ALSO FOR S/LPD

E.O. 12356: N/G
TAGS: PTER, ES
SUBJECT: RADIO VENCEREMOS SCOFFS AT $100,000 REWARD - OFFER

REF: FBIS 221913Z JULY 85

1. RADIO VENCEREMOS JULY 22 BROADCAST MADE LIGHT OF USG OFFER OF $100,000 REWARD FOR INFORMATION ON ZONA ROSA KILLERS. TEXT WAS CARRIED BY FBIS CHIVA CHIVA (REFTEL).

2. TEXT OF FBIS REPORT:

THE U.S. EMBASSY AND THE HIGH COMMAND ARE OFFERING A $100,000 REWARD FOR INFORMATION ON THE EXECUTIONERS OF THE GRINGOS IN ZONA ROSA. CAN'T THEY UNDERSTAND THAT WE, THE FMLN, ARE RESPONSIBLE FOR CARRYING OUT POPULAR JUSTICE? WE ARE IN GUAZAPA, CHALATENANGO, MORAZAN, SAN VICENTE, SANTA ANA, USULUTAN. THEY CAN COME FOR US ANYWHERE. IF THEY WANT TO COME FOR US, THEY SHOULD BRING THEIR $100,000, BECAUSE WE WILL ALSO RECEIVE IT. DO NOT FORGET THAT NOT ONE INCH OF THE HOMELAND WILL BE SAFE FOR THE ENEMIES OF THE PEOPLE, MUCH LESS FOR THE INTERVENTIONIST INVADERS. WE ARE WAITING FOR THEM.

PASSAGE

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Department of State **TELEGRAM**

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PAGE 01 SECTO 14003 01 OF 05 260408Z
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INFO SECDEF WASH DC

UNCLAS SECTION 01 OF 05 SECRETARY IN MEXICO 14003

SECTO

DEPARTMENT FOR PA AND PA/PRESS
USIA FOR AR/JEWELL, P/PFL

DEPARTMENT PASS NSC FOR MR. MCFARLAND AND WHITE HOUSE FOR MR. SPEAKES AND MR. SIMS

USIA FOR P ASSOCIATE DIRECTOR COURTNEY

E.O. 12356: N/A
TAGS: OVIP (SHULTZ, GEORGE P.)
SUBJECT: SECRETARY'S JULY 25 AIRCRAFT PRESS BACKGROUND

1. FOLLOWING IS THE TEXT OF THE SECRETARY'S JULY 25 AIRCRAFT PRESS BACKGROUNDER WHILE EN ROUTE FROM WASHINGTON TO MEXICO CITY:

(BEGIN TEXT)
Q: I KNOW WE ARE GOING TO MEXICO BUT CAN I ASK YOU ABOUT SOUTH AFRICA TO START WITH. THE FRENCH ACTION CUTTING OFF THEIR TRADE AND WITHDRAWING THEIR
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PAGE 02 SECTO 14003 01 OF 05 260408Z

AMBASSADOR. WILL THAT PROVIDE MORE PRESSURE ON OTHER

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COUNTRIES TO FOLLOW SUIT AND THAT INCLUDING THE UNITED STATES?

A: IT CERTAINLY PUTS THE ISSUE FORWARD SOME MORE ALTHOUGH THAT ISSUE IS BEING HEAVILY DEBATED AND WE HAVE BEEN DISCUSSING IT IN THE UNITED STATES AS YOU KNOW. MY OWN FEELING IS THAT IF YOU STOP INVESTING OR YOU DISINVEST WHAT YOU AFFECT IS VERY LARGELY THE JOBS OF BLACKS AND THE OPPORTUNITIES FOR TRAINING AND DEVELOPMENT THAT BLACKS HAVE. OF COURSE A LOT OF THE FRENCH INVESTMENT I BELIEVE HAS BEEN IN THE NUCLEAR AREA. THAT POSES DIFFERENT TYPES OF QUESTIONS.

Q: TO FOLLOW UP ON THAT ...

A: OF COURSE THEY HAVE WITHDRAWN THEIR AMBASSADOR. WE'VE HAD OUR AMBASSADOR BACK FOR SEVERAL WEEKS NOW AS WE HAVE BEEN EXAMINING THE SITUATION IN SOUTH AFRICA. I THINK YOU HAVE TO KEEP CERTAIN FUNDAMENTAL THINGS IN MIND ALL THE TIME. FIRST OF ALL, APARTHEID IS ABHORRENT. IT'S GOT TO END. THE GOVERNMENT OF SOUTH AFRICA HAS TO GET ITSELF INTO A FRAME OF MIND WHERE THE QUESTION THAT IT IS ADDRESSING IS NOT WHETHER THIS SYSTEM WILL END BUT HOW IT IS GOING TO END. WHAT IS THE PROCESS THROUGH WHICH THE REALLY VERY GREAT CHANGE THAT IS INVOLVED IS GOING TO BE MANAGED AND IS GOING TO BE VIOLENT. WE HOPE NOT. IT IS POSSIBLE TO MANAGE IT AND THERE IS QUITE OBVIOUSLY IN THE BLACK COMMUNITY A LARGE MEASURE OF GOOD WILL TO DO SO. SO THAT'S THE QUESTION. THE SECOND THING IS THE CROSS BORDER VIOLENCE BOTH WAYS REPRESENTS A MAJOR PROBLEM AND IT IS IMPORTANT TO TRY TO GET THAT BACK UNDER CONTROL AND OUR DIPLOMACY HELPED TO BRING THAT ABOUT FOR
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PAGE 03 SECTO 14003 01 OF 05 260408Z

AWHILE. IT HAS CAUGHT UP AGAIN. THIRD, IT'S IMPORTANT TO GET FOREIGN FORCES OUT OF THE REGION. AND HERE WE'RE TALKING ABOUT SOUTH AFRICAN FORCES OUT OF OTHER COUNTRIES. THAT'S LARGELY HAPPENED. AND IT'S IMPORTANT TO GET THE CUBAN AND OTHER SOVIET ORIENTED FORCES OUT. THAT HAS NOT HAPPENED. THEY ARE THERE IN BIG NUMBERS. FOURTH, IT'S IMPORTANT TO TRY TO GET AN INDEPENDENT NAMIBIA IN ACCORDANCE WITH UN RESOLUTION 435. SO THOSE ARE THE TYPES OF THINGS WE HAVE BEEN WORKING AT AND OTHERS HAVE BEEN WORKING AT AND THAT WE CONTINUE TO WORK

AT AND WE ALL CLEARLY RECOGNIZE THAT THE RETURNED VIOLENCE IN RECENT WEEKS IS A SETBACK. BUT THAT DOES NOT CHANGE THE IMPORTANCE OF THE OBJECTIVES. THEY CHANGE SOME OF THE WAYS IN WHICH YOU HAVE TO GO ABOUT THEM OR SOME MATTERS OF TIMING OR WHATEVER.

Q. IF I COULD JUST FOLLOW-UPON THAT A LITTLE BIT ON TWO THINGS YOU HAVE JUST SAID. YOU SAID THAT THE U.S. HAS HAD ITS AMBASSADOR BACK FOR SOME TIME AND THAT'S TRUE, BUT THE U.S. WITHDRAWAL OF ITS AMBASSADOR WAS DONE, AT LEAST THE PUBLIC EXPLANATION FOR IT WAS DONE FOR CONSULTATIONS AND AS A RESULT OF THE CROSS-BORDER ACTIONS BY THE SOUTH AFRICAN GOVERNMENT AND THEREFORE THAT MOVE, AT LEAST ON THE PUBLIC RECORD ANYWAY, IT IS NOT REGISTERED OR HAS NOT BEEN REGISTERED AS A PROTEST OVER EITHER THE STATE OF EMERGENCY OR THE INCREASE IN VIOLENCE WITHIN SOUTH AFRICA IN RECENT WEEKS. THAT IS MY RECOLLECTION OF IT.

A. WE ARE NOT TRYING TO SAY ANYTHING. THE FRENCH ARE DOING WHAT THEY THINK IS RIGHT FOR THEM. WE ARE DOING WHAT WE THINK IS RIGHT FOR US. OUR AMBASSADOR HAS BEEN HERE IN CONSULTATION. THAT DOES NOT MEAN THAT WE SHOULD NOT SEND OUR AMBASSADOR BACK SOMETIME. AFTER ALL, IF WE ARE GOING TO BE THERE AND HAVE SOME IMPACT, YOU OUGHT TO BE IN COMMUNICATION WITH PEOPLE. NEVERTHELESS, OUR.

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PAGE 01 SECTO 14003 02 OF 05 2604092
ACTION PA-02

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FM USDEL SECRETARY IN MEXICO
TO SECSTATE WASHDC IMMEDIATE 0491
INFO SECDEF WASH DC

UNCLAS SECTION 02 OF 05 SECRETARY IN MEXICO 14003

SECTO

DEPARTMENT FOR PA AND PA/PRESS
USIA FOR AR/JEWELL, A/PFL

DEPARTMENT PASS NSC FOR MR. MCFARLAND AND WHITE HOUSE FOR
MR. SPEAKES AND MR. SIMS

USIA FOR P ASSOCIATE DIRECTOR COURTNEY

E.O. 12356: N/A
TAGS: OVIP (SHULTZ, GEORGE P.)
SUBJECT: SECRETARY'S JULY 25 AIRCRAFT PRESS BACKGROUND

AMBASSADOR COMING BACK HAS SEEN AS AND HAS INTENDED AS A
SIGNAL OF OUR DISPLEASURE WITH SOME OF THE DEVELOPMENTS
THERE. SINCE THAT TIME THE STATE OF EMERGENCY HAS BEEN
PUT ON. WE ARE ANXIOUS TO SEE THAT ENDED AND WE ARE
ANXIOUS TO SEE THEM TURN AS I SAID YESTERDAY TO A
DIFFERENT PROCESS. THAT IS WHAT WE ARE URGING.

Q. DO YOU MIND IF I JUST FOLLOW-UP ON SOMETHING ELSE YOU
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PAGE 02 SECTO 14003 02 OF 05 2604092

SAID A MOMENT AGO WHICH WAS ABOUT THE VIOLENCE COMING TO
AN END. THERE AGAIN THE U.S. STATEMENTS THAT HAVE BEEN

MADE HAVE ALWAYS BEEN MADE IN SUCH A WAY THAT SEEMS TO IMPLY AN EQUAL SHARE OR A VERY LARGE SHARE OF RESPONSIBILITY FOR THE VIOLENCE IS THE BLACK COMMUNITY IN SOUTH AFRICA WHICH HAS, IN FACT ENGAGED IN SOME VIOLENT ACTS. BUT THE PROTESTS ON CAPITAL HILL, THE PROTESTS IN WASHINGTON, THE PROTESTS NOW IN PARIS ARE RELATED TO THE ACTIONS OF THE GOVERNMENT.

A. AS A DESCRIPTIVE MATTER, IT IS A FACT THAT VIOLENCE TENDS TO TAKE AN ITERATIVE PATTERNS NOT ONLY THERE BUT IN OTHER PLACES AS PEOPLE DO THINGS AND REACT TO EACH OTHER. HOWEVER, THE UNDERLYING PROBLEM IS APARTHEID. AND IT IS THAT PROBLEM AND THE IMPATIENCE TO SEE THAT SYSTEM CHANGE THAT UNDERLIES ALL OF THIS TURMOIL AND ABOVE THAT SO TO SPEAK, OR ASSOCIATED WITH IT. YOU SEE THIS ITERATIVE PATTERN OF VIOLENCE, BUT WHAT I WAS TRYING TO SAY AT THE BEGINNING IS YOU HAVE TO KEEP YOURSELF ALWAYS FOCUSSED ON THE FACT THAT THE UNDERLYING PROBLEM IS THE SYSTEM OF APARTHEID WHICH IS JUST PLAIN WRONG.

Q. ON MEXICO, CAN YOU POSSIBLY TELL US A LITTLE BIT WHETHER OR NOT WHAT YOU SEE AS THE PRIMARY TOPIC WHETHER IT BE CENTRAL AMERICA, DRUGS, MEXICO'S FALTERING ECONOMY AND WHETHER OR NOT YOU BELIEVE AT THIS JUNCTURE GIVEN SOME OTHER SIGNALS THROUGHOUT THE REGION THAT POSSIBLY MEXICO MAY BE CHANGING IN ITS WAY OF HANDLING ITS OWN DEBT. WHETHER IT MAY BE SENDING SIGNALS TO THE UNITED STATES THAT IT IS CONSIDERING NOT PAYING BACK ALL THE INTEREST.

A. THIS IS A SORT OF REGULAR MEETING. WE HAVE THESE
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PAGE 03 SECTO 14003 02 OF 05 260409Z

MEETINGS PERIODICALLY. SO IT ISN'T CALLED TO ADDRESS ANY PARTICULAR THING. IT IS A REGULAR MEETING DESIGNED TO TOUCH BASE ON A WIDE VARIETY OF ISSUES SORT OF ACROSS-THE-BOARD. SO WE HAVE A DELEGATION GOING DOWN THAT HAS THAT KIND OF REPRESENTATION AND WE WILL HAVE DISCUSSIONS WITH THE ECONOMIC PEOPLE, THE FINANCIAL PEOPLE, THE OVERALL RELATIONSHIP, THE ENVIRONMENTAL CONCERNS, OUR CONCERNS ABOUT NARCOTICS AND CONTROL OF IT AND LAW ENFORCEMENT, OUR CENTRAL AMERICAN PROBLEMS AND SO ON. SO THERE WILL BE AN ACROSS THE BOARD BASE-TOUCHING. OUR OBJECT IS TO HAVE A STRONG AND SUBSTANTIVE

CONSTRUCTIVE WORKING RELATIONSHIP THAT ADDRESSES PROBLEMS, DOES SOMETHING WITH THEM AND TO KEEP THAT MOVING ALONG IN THE MANNER. SO THE EXCHANGES OUGHT TO BE AND WILL BE, I AM SURE, CANDID AND FRANK AND SUBSTANTIVE AND WE HAVE PROBLEMS, WE HAVE THINGS WE HAVE ACCOMPLISHED, AND WE TRY TO MOVE IT ALONG THAT WAY.

Q. BY FOLLOWING UP JUST A LITTLE, THOUGH, ON THE DEBT QUESTION, WHAT IS THE UNITED STATES PREPARED TO DO, WHAT CAN WE DO TO HELP MEXICO OUT AT THIS JUNCTURE?

A. THE POSITION OF MEXICO, LIKE THE POSITION OF OTHER COUNTRIES INCLUDING THE UNITED STATES, IS AFFECTED BY DEVELOPMENTS IN THE INTERNATIONAL ENVIRONMENT, ALTHOUGH IT IS ALWAYS A MISTAKE FOR MOST COUNTRIES, INCLUDING THE UNITED STATES AND INCLUDING MEXICO, TO FEEL THAT OUR PROBLEMS ARE PRIMARILY GENERATED BY THE INTERNATIONAL ENVIRONMENT. IN THE UNITED STATES, OUR BASIC PROBLEM IS OUR GIGANTIC BUDGET DEFICIT. IT IS NOT THE INTERNATIONAL ENVIRONMENT THAT CREATED THAT DEFICIT. IT'S US. AND WE HAVE GOT TO DO SOMETHING ABOUT IT. MEXICO HAS ITS PROBLEMS AND IT HAS TO ADDRESS THEM. PRESIDENT DE LA MADRID IS TRYING TO DO SO AND I AM LOOKING FORWARD TO

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PAGE 01 SECTO 14003 03 OF 05 260410Z
ACTION PA-02

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FM USDEL SECRETARY IN MEXICO
TO SECSTATE WASHDC IMMEDIATE 0492
INFO SECDEF WASH DC

UNCLAS SECTION 03 OF 05 SECRETARY IN MEXICO 14003

SECTO

DEPARTMENT FOR PA AND PA/PRESS
USIA FOR AR/JEWELL, P/PFL

DEPARTMENT PASS NSC FOR MR. MCFARLAND AND WHITE HOUSE FOR
MR. SPEAKES AND MR. SIMS

USIA FOR P ASSOCIATE DIRECTOR COURTNEY.

E.O. 12356: N/A
TAGS: OVIP (SHULTZ, GEORGE P.)
SUBJECT: SECRETARY'S JULY 25 AIRCRAFT PRESS BACKGROUND

HEARING FROM SILVA HERZOG AND PRESIDENT DE LA MADRID AND
OTHERS ABOUT THE PROGRAM THAT WE HAVE BEEN READING ABOUT
IN THE LAST FEW DAYS. AS FAR AS THE DEBT PROBLEM IS
CONCERNED THERE ARE THREE MAIN THINGS TAKING PLACE.
NUMBER ONE, OIL MARKETS ARE SOFT. THAT AFFECTS MEXICO
ADVERSELY. IT AFFECTS SOME OF THE OTHER DEBTOR COUNTRIES
POSITIVELY LIKE BRAZIL FOR INSTANCE OR OTHERS WHO ARE
RATHER LARGE IMPORTERS. SO ON THE DEBT PROBLEM AS A
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PAGE 02 SECTO 14003 03 OF 05 260410Z

WHOLE IT CUTS VARIOUS WAYS. AND OF COURSE IT CUTS INTO
MEXICO AS A NEGATIVE. ANOTHER MAJOR DEVELOPMENT THAT HAS

THAT. WHAT THE FRENCH WILL PROPOSE ON THAT I DON'T KNOW. THEIR ACTION WAS NOT A DISINVESTMENT ACTION--IT WAS A NEW INVESTMENT ACTION. AS FAR AS REMOVING THE AMBASSADOR IS CONCERNED, AS I SAID, WE HAVE DONE THAT. BUT IT'S DESIGNED TO REGISTER A POINT OF VIEW AND WE HAVE REGISTERED OUR POINT OF VIEW.

Q. MR. SECRETARY, LET ME ASK ABOUT NICARAGUA WHICH UNDOUBTEDLY WILL COME UP TODAY. IN THE LAST FEW WEEKS WE HAVE SEEN THE NICARAGUANS WALK OUT OF THE CONTADORA PROCESS. WE'VE SEEN OUR OWN GOVERNMENT TAKE A LOOK AT THAT AND TAKE A LOOK AT THE PROPOSAL THAT CAME OUT OF THE LAST CONTADORA MEETING AND STICK PRETTY FIRMLY TO ITS POSITION AND SAY THAT WE WANT TO SEE MOVEMENT ON THE CRITERIA YOU TALKED ABOUT SOME MONTHS AGO BEFORE THAT LOOSENS UP. IT SEEMS TO ME THERE IS A HARDENING OF POSITION ON BOTH SIDES AND THEN CONGRESS, WE ASSUME, IS ABOUT TO SEND SOME AMERICAN AID TO THE CONTRAS. WHAT DO YOU SEE DEVELOPING OVER THE NEXT FEW MONTHS? IS IT GOING TO REQUIRE AN ESCALATION OF THAT CIVIL WAR IN A MILITARY TEST ON BOTH SIDES BEFORE WE SEE AN OPPORTUNITY FOR A SOLUTION?

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PAGE 01 SECTO 14003 04 OF 05 2604102
ACTION PA-02

INFO LOG-00 COPY-01 ADS-00 INR-10 EUR-00 SS-00 AF-00
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FM USDEL SECRETARY IN MEXICO
TO SECSTATE WASHDC IMMEDIATE 0493
INFO SECDEF WASH DC

UNCLAS SECTION 04 OF 05 SECRETARY IN MEXICO 14003

SECTO

DEPARTMENT FOR PA AND PA/PRESS
USIA FOR AR/JEWELL, P/PFL

DEPARTMENT PASS NSC FOR MR. MCFARLAND AND WHITE HOUSE FOR MR. SPEAKES AND MR. SIMS

USIA FOR P ASSOCIATE DIRECTOR COURTNEY

E.O. 12356: N/A
TAGS: OVIP (SHULTZ, GEORGE P.)
SUBJECT: SECRETARY'S JULY 25 AIRCRAFT PRESS BACKGROUND

A. WELL OUR POSITION HASN'T HARDENED. OUR POSITION HAS STAYED CONSTANT. THE PRESIDENT PUT A PROPOSITION ON THE TABLE, I FORGET THE DATE BUT QUITE A WHILE AGO, INVOLVING RECONCILIATION AND PEACE AND WE HAVE SUPPORTED THE CONTADORA PROCESS IN PARTICULAR THE TWENTY-ONE OBJECTIVES. WHAT HAS BEEN HAPPENING IS THAT NICARAGUA HAS GRADUALLY BEEN MORE AND MORE ISOLATING ITSELF AND IT STICKS OUT LIKE A SORE THUMB IN CENTRAL AMERICA AS A
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PAGE 02 SECTO 14003 04 OF 05 2604102

COUNTRY MOVING AWAY FROM OPENESS, MOVING FROM FREEDOM, MOVING TOWARD TOTALITARIANISM AND MILITARIZING ITSELF.

ISOLATING ITSELF ECONOMICALLY AND POLITICALLY -- SO THAT IS WHAT HAS BEEN HAPPENING.

Q. YOU WANT TO GO BACK TO THE TALKS AT MANZANILLO? ANY POINT IN DOING THAT NOW?

A. NO, WHAT SHOULD HAPPEN IS THAT THE REGIONAL TALKS -- IT'S A REGIONAL PROBLEM--SHOULD RESUME AND RESUME IN GOOD FAITH AND THEY HAVE TO POINT TO THE CENTRAL PROBLEM WHICH ESSENTIALLY IS THE UNWILLINGNESS OF NICARAGUA TO DO THE SORTS OF THINGS THAT THEY HAVE REPEATEDLY SAID THEY WOULD DO ABOUT THEIR OWN GOVERNMENTAL STRUCTURE.

Q. LET ME DRAW YOUR ATTENTION FOR JUST A MOMENT IF I MAY ON THE IMPLICATIONS OF YOUR READING OF THE NICARAGUANS. DOES THAT INDICATE THAT WE ARE GOING TO HAVE TO PASS THROUGH SOME TOUGH MILITARY TESTS BEFORE THAT SITUATION CHANGES, BEFORE THEY GET OFF THE DIME?

A. WELL, PEOPLE IN NICARAGUA HAVE BEEN REACTING VERY NEGATIVELY TO WHAT THE COMMUNISTS IN NICARAGUA ARE DOING. AND SO THAT'S WHERE THE OPPOSITION IS COMING FROM. WHETHER IT IS ARMED OPPOSITION OR OTHER. THAT'S WHERE THE OPPOSITION OF THE CHURCH IS COMING FROM. THAT IS WHAT THE PRESS IS REACTING TO AS IT IS INCREASINGLY RESTRICTED. THAT'S WHAT THE BUSINESS COMMUNITY IS REACTING TO AND THAT'S WHAT THE PEOPLE OUT IN THE COUNTRYSIDE, THE INDIANS AND SO FORTH ARE REACTING TO.

Q. THE OTHER DAY FOR THE FIRST TIME, THOUGH, THE CONTADORA GROUP SPECIFICALLY ASKED THE UNITED STATES TO

PAGE 03 SECTO 14003 04 OF 05 260410Z

RETURN TO TALKS WITH NICARAGUA. ARE YOU SAYING THAT IS NOT ON?

A. WE THINK WHAT SHOULD HAPPEN IS THAT THE CONTADORA TALKS SHOULD RESUME. WHEN LAST HEARD FROM THE NICARAGUANS WERE TRYING TO USE BILATERAL TALKS WITH US TO UNDERMINE THE CONTADORA PROCESS. SO WE OBJECT TO THAT. AND THE PRESIDENT HAS STATED THAT IF THE NICARAGUANS ARE PREPARED TO UNDERTAKE A PROCESS OF INTERNAL RECONCILIATION IN CHURCH-SPONSORED TALKS AND IF IT SEEMS THAT A BILATERAL DISCUSSION CAN HELP IN BRINGING THAT

ABOUT, WELL WE ARE WILLING TO DO THAT BUT WE DON'T SEE ANY INDICATION THAT NICARAGUA IS MOVING IN THAT DIRECTION AND WE DON'T SEE THE RATIONALE FOR SAYING AS A REWARD FOR WALKING OFF OF THE JOB ON THE CONTADORA PROCESS, NICARAGUA SHOULD BE HANDED SOME OTHER KIND OF A FORUM. SO I GUESS THE ANSWER IS NO.

Q. MR. SECRETARY, DO YOU THINK THERE WILL BE A PEACEFUL TRANSITION IN BOLIVIA?

A. I CERTAINLY HOPE THERE WILL BE. BOLIVIA HAS ITS PROBLEMS OBVIOUSLY. IT HAS MANAGED TO HOLD AN ELECTION AND THE RESULTS I GUESS ARE NOT ALL IN BUT THE GENERAL STRUCTURE OF THAT RESULT IS KNOWN ABOUT AND WE WANT TO ENCOURAGE THAT KIND OF TRANSITION. BUT THE NEW GOVERNMENT HAS LOTS OF PROBLEMS TO COPE WITH SO THE MORE SECURELY IT CAN GET IN PLACE THE BETTER.

Q. ARE WE PREPARED TO HELP THE COUNTRY IF IT PROCEEDS ON A DEMOCRATIC PATH?

A. WELL, WE HAVE BEEN HELPING BOLIVIA QUITE IN TERMS OF OUR FINANCIAL ASSISTANCE AND OTHERWISE AND WE WANT TO BE HELPFUL TO OUR FRIENDS EVERYWHERE IN LATIN AMERICA, AND

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PAGE 01 SECTO 14003 05 OF 05 2604117
ACTION PA-02

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FM USDEL SECRETARY IN MEXICO
TO SECSTATE WASHDC IMMEDIATE 0494
INFO SECDEF WASH DC

UNCLAS SECTION 05 OF 05 SECRETARY IN MEXICO 14003

SECTO

DEPARTMENT FOR PA AND PA/PRESS
USIA FOR AR/JEWELL, P/PFL

DEPARTMENT PASS NSC FOR MR. MCFARLAND AND WHITE HOUSE FOR
MR. SPEAKES AND MR. SIMS

USIA FOR P ASSOCIATE DIRECTOR COURTNEY

E.O. 12356: N/A
TAGS: OVIP (SHULTZ, GEORGE P.)
SUBJECT: SECRETARY'S JULY 25 AIRCRAFT PRESS BACKGROUND

OF COURSE WE WANT TO SUPPORT THE DEMOCRATIC PROCESS.

Q. MR. SECRETARY, DO YOU THINK THAT MEXICO HAS DONE
ENOUGH IN A COUPLE OF AREAS WE ARE CONCERNED
ABOUT -- CRACKING DOWN ON DRUG TRAFFICKING AND ENSURING THE
SAFETY OF AMERICAN TOURISTS?

A. WE THINK THOSE ARE TWO AREAS OF GREAT CONCERN TO US
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PAGE 02 SECTO 14003 05 OF 05 2604117

AND TO MEXICO AND OUR EFFORTS TO WORK ON THEM HAVE BEEN
IMPROVING AND I THINK BOTH WE -- I WON'T TRY TO SPEAK FOR

THE MEXICANS -- THERE IS LOTS MORE TO DO.

Q. CAN I JUST TIDY UP TWO SORT OF TECHNICAL QUESTIONS ON THE SOUTH AFRICAN THING. DO YOU FAVOR SOME SORT OF HIGH-LEVEL DISCUSSIONS WITH THE SOUTH AFRICANS, EITHER IN THE U.S. OR SOUTH AFRICA OR AT SOME THIRD PLACE TO FLESH OUT WHAT'S GOING ON THERE AND ALLOW THEM TO PROBE AND FIND OUT WHAT THE ADMINISTRATION'S THINKING IS NOW THAT THERE IS NO AMBASSADOR HERE?

A. I DON'T WANT TO COMMENT ON ANY PARTICULAR FORMAT FOR HAVING DISCUSSIONS BUT OBVIOUSLY IF WE ARE GOING TO EXPRESS A POINT OF VIEW IN A DIRECT AND CAREFUL WAY YOU WANT TO DO IT DIRECTLY. SO WE WILL SEEK A WAY OF DOING THAT BUT I THINK THEY HAVE A VERY CLEAR VIEW OF OUR OWN DISAPPOINTMENT AT THE WAY THINGS HAVE BEEN GOING.

Q. AND THE OTHER TECHNICAL THING IS -- IS THE U.S. DELIBERATELY WITHHOLDING THE CREDENTIALS FROM THE SOUTH AFRICAN AMBASSADOR, THE NEW AMBASSADOR IN WASHINGTON, AS PART OF ITS EXPRESSION OF DISAPPOINTMENT OVER WHAT'S GOING ON.

A. I DON'T WANT TO COMMENT ON THAT. (END TEXT)
SHULTZ

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PAGE 01 MEXICO 15614 01 OF 04 270022Z UNCLASSIFIED E16 P
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[redacted] SECTION 01 OF 04 MEXICO 15614

OPERATIONS CENTER PASS TO S/S FOR CLEARANCE

E.O. 12356: DECL: OADR
TAGS: EFIN, ECON, ENRG, PGOV, MX, US
SUBJECT: MEMORANDUM OF CONVERSATION ON THE SILVA-HERZOG/
- SHULTZ BREASFAST, JULY 26, 1985

1. [redacted]
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2. FOLLOWING IS A MEMORANDUM OF CONVERSATION ON THE SILVA-HERZOG/SHULTZ BREAKFAST.
-
3. DATE: JULY 26, 1985
-
4. MEXICO CITY
-
5. PARTICIPANTS
-
- MEXICO
-
- JESUS SILVA-HERZOG
- SECRETARY OF FINANCE AND PUBLIC CREDIT
-
- BARNARDO SEPULVEDA
- SECRETARY OF FOREIGN RELATIONS
-
- HECTOR HERNANDEZ
[redacted]
[redacted]

PAGE 02 MEXICO 15614 01 OF 04 270022Z

- SECRETARY OF COMMERCE
-
- MIGUEL MANCERA
- DIRECTOR GENERAL
- BANK OF MEXICO
-
- JORGE ESPINOSA DE LOS REYES
MEXICAN AMBASSADOR TO THE UNITED STATES
-
- ALFREDO PHILLIPS
- DIRECTOR GENERAL

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- NATIONAL FOREIGN COMMERCE BANK

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- ALFONSO DE ROSENZWEIG DIAZ
- UNDERSECRETARY OF FOREIGN RELATIONS
-
- LUIS BRAVO
- UNDERSECRETARY OF COMMERCE
-
- JESUS REYES HEROLES
- DIRECTOR GENERAL FOR PLANNING
- MINISTRY OF FINANCE
-
- UNITED STATES
-
- GEORGE SHULTZ
- SECRETARY OF STATE
-
- JOHN GAVIN
- UNITED STATES AMBASSADOR TO MEXICO
-
- R. BRUCE SMART
- UNDERSECRETARY OF COMMERCE

[redacted]

PAGE 03 MEXICO 15614 01 OF 04 270022Z

-
- ELLIOTT ABRAMS
- ASSISTANT SECRETARY OF STATE FOR INTER-AMERICAN
- AFFAIRS
-
- DAVID MULFORD
- ASSISTANT SECRETARY OF TR U
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FM AMEMBASSY MEXICO
TO SECSTATE WASHDC IMMEDIATE 2019

[redacted] SECTION 02 OF 04 MEXICO 15614

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BUSINESS COMMUNITY AND LABOR UNIONS HAD GENERALLY SUPPORTED THE MEASURES BUT LEFTIST POLITICAL PARTIES HAD BEEN CRITICAL. HE FELT THAT A MAJOR PROBLEM NOW WAS UNCERTAINTY AMONG THE LABOR UNIONS OF GOVERNMENT EMPLOYEES WHICH WILL PERSIST UNTIL THE GOVERNMENT DECIDES HOW IT WILL HANDLE THE CUTBACK IN THE PUBLIC SECTOR WORK FORCE. HE NOTED THAT THOSE PEOPLE WHO ARE FIRED WILL BE PAID 20 DAYS OF SALARY FOR EACH YEAR THEY HAVE BEEN EMPLOYED IN THE GOVERNMENT. MOREOVER, THE BUDGETARY SAVINGS FROM THIS ACTION WILL NOT APPEAR IMMEDIATELY BUT WILL BEGIN TO SHOW UP IN 1986 AND 1987. HE ADDED THAT AN IMPORTANT IMPACT OF THE ACTION WILL BE THE STRUCTURAL CHANGES IT REPRESENTS FOR THE FUTURE.

-

8. SECRETARY SHULTZ ADDED THAT MEXICO NOW SEEMS TO BE TRYING TO REDUCE THE SIZE OF THE PUBLIC SECTOR IN LINE WITH AVAILABLE RESOURCES.

-

9. SILVA-HERZOG MENTIONED THAT WITHIN THE NEXT TWO WEEKS HE WILL ANNOUNCE 10 MERGERS OF LARGE FINANCIAL INSTITUTIONS IN THE COUNTRY AND THIS WILL REPRESENT AN IMPORTANT SAVINGS FOR THE GOVERNMENT. HE ALSO OBSERVED THAT THE GOVERNMENT HAD BEEN ABLE TO SELL SOME OF THE PARASTATAL COMPANIES WHICH WERE PUT ON SALE LAST APRIL.

[redacted]

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10. SHULTZ ASKED ABOUT THE STATUS OF THE PRIVATE COMPANIES WHICH WERE OWNED BY MEXICAN COMMERCIAL BANKS AT THE TIME THEY WERE NATIONALIZED IN 1982. SILVA-HERZOG REPLIED THAT 98 PERCENT OF THESE COMPANIES HAD BEEN SOLD BACK TO THE PRIVATE SECTOR.

-

11. RETURNING TO THE SUBJECT OF PARASTATALS, ESPINOSA DE LOS REYES OBSERVED THAT IN SOME CASES THEY HAD BEEN NATIONALIZED TO INSURE THAT EMPLOYEES WOULD NOT BE LAID OFF. SILVA-HERZOG AGREED BUT NOTED THAT THIS HAD BECOME TOO LARGE A DRAIN ON PUBLIC FINANCES AND THAT IT DID NOT MAKE SENSE FOR THE GOVERNMENT TO BE INVOLVED IN INDUSTRIES LIKE BICYCLES AND MINERAL WATER. THE GOM WILL NOW BE SELLING 38 MORE PARASTATAL COMPANIES THROUGH THE BANKS AND ADDITIONAL SALES WILL BE ANNOUNCED NEXT WEEK.

-

12. IN RESPONSE TO A QUESTION FROM DAVID MULFORD ON HOW THE GOVERNMENT VALUED THESE COMPANIES, SILVA-HERZOG RESPONDED THAT THE BANKS WERE SETTING THE PRICES. IN THE PAST THE PRICE OF SOME PARASTATALS HAD BEEN SET TOO HIGH BECAUSE OF THE SIZE OF THE GOVERNMENT INVESTMENT IN THEM AND THIS HAD IMPEDED THEIR SALE. NOW THEY MIGHT BE SOLD AT A LOSS. SHULTZ OBSERVED THAT AT LEAST SUCH

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SALES WOULD REPRESENT A POSITIVE CASH FLOW FOR THE GOVERNMENT AND THAT THE COMPANIES WOULD NOT BE A BUDGETARY DRAIN IN THE FUTURE. SILVA-HERZOG STATED THAT THE GOVERNMENT OWNED SOME HOTELS IN CANCUN AND IXTAPA BECAUSE THEY HAD NOT BEEN ABLE TO INDUCE PRIVATE FIRMS TO BUILD ENOUGH HOTELS ONCE THE GOVERNMENT HAD ESTABLISHED THE INFRASTRUCTURE IN THESE TWO CITIES. HOWEVER, THE GOM NOW INTENDS TO SELL THESE HOTELS.

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13. BERNARD KALB ASKED WHETHER EMPLOYEES WERE ALLOWED TO BUY THE PARASTATAL COMPANIES. SILVA-HERZOG SAID THAT IN SOME CASES THEY WERE BUT SO FAR THIS HAD NOT BEEN VERY SUCCESSFUL. OFTEN THE EMPLOYEES WANTED TO MANAGE THE COMPANIES RATHER THAN HIRE PROFESSIONAL MANAGERS AND THIS HAD NOT WORKED OUT.

14. SECRETARY SHULTZ THEN TURNED THE DISCUSSION TO A COMPREHENSIVE OVERVIEW OF INTERNATIONAL ECONOMIC PROBLEMS. THE FIRST POINT THAT HE EMPHASIZED IS THE NEED FOR COUNTRIES TO RECOGNIZE THAT FINDING SOLUTIONS TO THEIR ECONOMIC PROBLEMS IS PRIMARILY THEIR OWN RESPONSIBILITY. FURTHERMORE, AUSTERITY CANNOT BE VIEWED AS THE PRIMARY SOLUTION BUT RATHER MORE OPEN ECONOMIES AND MARKET ORIENTED POLICIES ARE ESSENTIAL TO CREATE THE NECESSARY POSITIVE ATMOSPHERE. SHULTZ SAID HE HAD EMPHASIZED WITH PRESIDENT DE LA MADRID THAT THE LEADERS IN THE BONN ECONOMIC SUMMIT HAD MADE STATEMENTS VERY MUCH ALONG THESE SAME LINES. HE FURTHER POINTED OUT THAT SUCH A POLICY CERTAINLY APPLIES TO THE UNITED STATES WITH REGARD TO THE FISCAL DEFICIT. MOREOVER, THE UNITED STATES AND OTHER COUNTRIES MUST RECOGNIZE THAT THE BETTER WE ADDRESS OUR INDIVIDUAL PROBLEMS THE BETTER OFF OTHER COUNTRIES IN THE WORLD WILL BE.

15. A SECOND THEME WHICH SHULTZ EMPHASIZED WAS THAT EFFORTS TO REVISE THE INTERNATIONAL MONETARY SYSTEM TO PROMOTE ECONOMIC DEVELOPMENT ARE MISGUIDED. MOREOVER, THEY REPRESENT A MISUNDERSTANDING OF THE INTERNATIONAL MONETARY SYSTEM WHICH IS, PUT MOST SIMPLY, THE WAY THAT

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THE CURRENCIES OF COUNTRIES ARE LINKED TOGETHER. REGARDLESS OF THE WAY THIS TAKES PLACE--THROUGH FIXED, FLOATING, PEGGED OR REGULATED FLOATING EXCHANGE RATES--IN THE END THE CURRENCY VALUES WILL BE DETERMINED BY REAL ECONOMIC ACTIVITY AND INFLATION RATES IN THE INDIVIDUAL COUNTRIES.

16. SHULTZ ALSO STRESSED THAT THE MONETARY SYSTEM SHOULD NOT BE VIEWED AS A SOURCE OF AID. FOR EXAMPLE, IF THE SDR WERE TO BE USED FOR THIS PURPOSE IT WOULD SIMPLY DEBASE IT. FURTHERMORE, COUNTRIES WHICH WANT TO USE THE MONETARY SYSTEM AS A FORM OF AID IN ORDER TO ESCAPE CONGRESSIONAL PRESSURE ARE REALLY ADVOCATING A MISUSE OF THE SYSTEM. THE MONETARY SYSTEM WORKS QUITE WELL AS IT IS AND THE QUESTION OF CONCESSIONAL AID SHOULD BE ADDRESSED ELSEWHERE, PARTICULARLY IN THE BILATERAL AND MULTILATERAL AID INSTITUTIONS. ISSUES SUCH AS THE SIZE AND DISTRIBUTION OF IDA RESOURCES IS A QUESTION FOR DEBATE AMONG THE MEMBER COUNTRIES OF THE WORLD BANK.

17. SHULTZ WENT ON TO SAY THAT CHANGES IN THE MONETARY SYSTEM WOULD NOT RESOLVE THE DEBT PROBLEM EITHER. THE APPROACH USED OVER THE PAST FEW YEARS HAS BEEN THAT ONCE A COUNTRY REACHES A POINT WHERE IT CAN NO LONGER SERVICE ITS DEBT OBLIGATIONS IT TURNS TO DEBT

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RESCHEDULING. IT HAS BEEN IMPORTANT TO ADAPT EACH OF THESE RESCHEDULING EFFORTS TO THE CONDITIONS OF THE COUNTRY INVOLVED. FURTHERMORE, CONDITIONALITY IN EXCHANGE FOR THE RESCHEDULINGS HAS BEEN NECESSARY IN ORDER TO TRY TO ADJUST THE ECONOMIES SO THAT EVENTUALLY

THEY WILL BE ABLE TO ENJOY MORE HEALTHY GROWTH. SUCH GROWTH IS NECESSARY IN ORDER TO INSURE THAT THE COUNTRY WILL BE ABLE TO PAY ITS DEBT.

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18. SHULTZ OBSERVED THAT MEXICO HAD HAD AN IMPORTANT ROLE AS A LEADING COUNTRY IN THE RESCHEDULING PROCESS, DOING IT THE RIGHT WAY, AND HELPING TO REAFFIRM THE IDEA THAT DEBTS MUST BE REPAID. HE STATED THAT THE STRATEGY OF ECONOMIC ADJUSTMENT TO DEAL WITH THE DEBT ISSUES HAD BEEN GOOD BUT THAT ON-GOING REVIEW IS NECESSARY. THE GREATEST PROBLEM IS THAT EMPHASIS HAS BEEN GIVEN TO BEL
T
TIGHTENING AND AUSTERITY MEASURES WHICH HAVE LED TO A DECLINE IN REAL INCOME. THE POLITICAL PROCESS IN THE DEBTOR COUNTRIES CANNOT WITHSTAND THIS INDEFINITELY. MOREOVER, ECONOMIC AUSTERITY IS NOT GOOD FOR PAYING OFF DEBTS. ONE OF THE REASONS THE SYSTEM HAS WORKED SO FAR IS THE VERY HIGH RATE OF GROWTH OF THE U.S. ECONOMY AND OUR LARGE TRADE DEFICIT WHICH HAS ALLOWED COUNTRIES TO RAPIDLY EXPAND THEIR EXPORTS TO THE UNITED STATES. HOWEVER, THIS IS NOT SUSTAINABLE AND IT IS IMPORTANT THAT ADJUSTMENT MEASURES NOW BE COMPLEMENTED BY ECONOMIC GROWTH MEASURES.

19. THE ISSUE THEN IS HOW THE COUNTRIES INVOLVED SHOULD GO ABOUT THIS. THEY MUST TRY TO DETERMINE WHICH COMBINATION OF FINANCING MEASURES--COMMERCIAL BANK LENDING, AID, DOMESTIC SAVINGS, REPATRIATION OF CAPITAL, ETC.--IS BEST TO MEET THEIR OWN INDIVIDUAL CIRCUMSTANCES.

[redacted]

FOR EXAMPLE, IN MEXICO $40-50 BILLION WHICH HAS LEFT THE COUNTRY COULD BE BROUGHT BACK UNDER THE RIGHT CIRCUMSTANCES.

20. IN ADDITION, COUNTRIES MUST FOCUS ON PROBLEMS WHICH COULD REPRESENT A BACKWARD STEP FOR THE INTERNATIONAL ECONOMIC SYSTEM. CURRENTLY PROTECTIONISM IS A PARTICULARLY PROMINENT DANGER. THIS IS ONE OF THE REASONS WHY THE U.S. HAS PRESSED FOR A NEW INTERNATIONAL ROUND OF TRADE NEGOTIATIONS AND WHY WE CONTINUE TO EMPHASIZE THE IMPORTANCE OF THE GATT. WE WANT TO FOCUS ON AREAS WHICH WILL HELP KEEP OUR ECONOMIES OPEN RATHER THAN CLOSING THEM.

21. SHULTZ ADDED THAT INDIVIDUAL COUNTRIES CANNOT RESOLVE THESE ISSUES BY THEMSELVES BECAUSE OF LARGE AND COMPLEX INTERNATIONAL ECONOMIC RELATIONSHIPS. THUS INTERNATIONAL DISCUSSIONS ARE NECESSARY AND THE MOST CRITICAL ISSUE TO BE DECIDED BEFOREHAND IS THE CONTENT OF THESE MEETINGS. TOO OFTEN THE CONTENT IS NOT WELL THOUGHT OUT BEFOREHAND AND THE MEETINGS TURN OUT TO BE A WASTE OF TIME.

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22. SHULTZ OBSERVED THAT JAPAN WOULD HAVE A PARTICULARLY IMPORTANT ROLE IN RESOLVING SOME CURRENT INTERNATIONAL ECONOMIC PROBLEMS. ITS ECONOMY HAD ORGANIZED ITSELF SO THAT DOMESTIC SAVINGS GREATLY EXCEEDED INVESTMENT, MEANING THAT EXPORTS MUST BE LARGER THAN IMPORTS. UNLESS JAPAN IS WILLING TO CHANGE THIS APPROACH IT COULD BREAK DOWN THE INTERNATIONAL TRADING SYSTEM. THE SAME THING MIGHT BE SAID FOR THE EUROPEAN COMMUNITY, WHICH IS DOING

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PAGE 01 MEXICO 15614 04 OF 04 270025Z
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TO SECSTATE WASHDC IMMEDIATE 2021

[redacted] SECTION 04 OF 04 MEXICO 15614

OPERATIONS CENTER PASS TO S/S FOR CLEARANCE

THE WORLD A DISSERVICE WITH ITS AGRICULTURAL POLICIES. SUGAR SUBSIDIES REPRESENT A GOOD CASE IN POINT. COUNTRIES LIKE THE PHILIPPINES ARE HEAVILY DEPENDENT ON SUGAR PRODUCTION BUT THEIR INDUSTRIES HAVE BEEN WIPED OUT BY EUROPEAN COUNTRIES EVEN THOUGH THE LATTER HAVE NO COMPARATIVE ADVANTAGE. THIS HELPS SET THE STAGE FOR COMMUNIST INSURGENCIES.

23. SHULTZ AGAIN STRESSED THAT POOR COUNTRIES WHICH WANT TO DEVELOP MUST MAKE GREATER EFFORTS TO OPEN THEIR ECONOMIES. BRAZIL IS A GOOD EXAMPLE. EVEN THOUGH IT HAS BEEN ABLE TO INCREASE EXPORTS AT A RAPID PACE, THE HIGH LEVEL OF PROTECTION IN THE COUNTRY STILL MEANS THAT IT IS AN INEFFICIENT ECONOMY. FURTHERMORE, THE CRUZEIRO

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SHOULD BE AN INTERNATIONAL CURRENCY BUT IT ISN'T.

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24. WHAT IS DESIRABLE, THEN, IS AN EXCHANGE OF COMMITMENTS ON AN INTERNATIONAL LEVEL. WE NEED CREATIVE EFFORTS TO ADDRESS THESE PROBLEMS. ASSISTANT SECRETARY MULFORD HAS BEEN DOING SOME WORK ALONG THESE LINES AND IT IS EXTREMELY IMPORTANT FOR GOVERNMENTS TO DO SO SINCE THIS IS NOT A TASK THAT PRIVATE ENTERPRISE CAN UNDERTAKE.

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25. SEPULVEDA NOTED THAT WHEN SHULTZ WAS SECRETARY OF TREASURY DURING THE 1970'S HE HAD SET UP THE SO-CALLED

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"LIBRARY GROUP". THIS GROUP CONSISTED OF HIGH LEVEL OFFICIALS FROM GERMANY, GREAT BRITAIN, FRANCE AND THE UNITED STATES WITH JAPAN BEING ADDED SUBSEQUENTLY. IT IS NOW CALLED THE G-5. SEPULVEDA SUGGESTED THAT THE FORMATION OF ANOTHER SMALL GROUP, NOT NECESSARILY OF THE SAME COUNTRIES, COULD BE USEFUL IN ADDRESSING WORLD ECONOMIC PROBLEMS. HERNANDEZ ADDED THAT THE TRADE MINISTERS WERE ALREADY DOING THIS IN MEETINGS WHICH CONSISTED OF ABOUT 20 PEOPLE. HE THOUGHT THAT IT WOULD BE A GOOD IDEA TO GET TRADE AND FINANCE MINISTERS TOGETHER TO LOOK AT GLOBAL ECONOMIC PROBLEMS, INCLUDING DEBT AND TRADE.

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26. SILVA-HERZOG STATED THAT HE WAS RELIEVED TO HEAR SECRETARY SHULTZ' VIEW THAT WE ARE NOW AT A NEW STAGE REGARDING INTERNATIONAL DEBT ISSUES. MEXICO AND SOME OTHER COUNTRIES HAVE DONE FAIRLY WELL SINCE 1982 BUT THE STRATEGY MAY NOW HAVE TO BE REVISED SOMEWHAT. MOREOVER, ADJUSTMENT EFFORTS HAVE BEEN VERY LARGE AND CANNOT BE SUSTAINED INDEFINITELY. HE ADDED THAT HE HAD BEEN PARTICULARLY WORRIED LAST YEAR AT THE WORLD BANK/IMF MEETINGS WHERE MANY PEOPLE SEEMED TO BELIEVE THAT THE GLOBAL DEBT PROBLEM HAD BEEN RESOLVED.

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27. SHULTZ OBSERVED THAT THE PRESSING NATURE OF THE DEBT PROBLEM IN SOME CASES HAD LED COUNTRIES TO FOCUS ON THE WRONG ISSUE. IN THE CASE OF AFRICA, FOR EXAMPLE, THE ISSUE IS HOW TO PROMOTE GROWTH BUT PREOCCUPATION WITH DEBT HAS SIDETRACKED SOME OF THESE COUNTRIES.

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28. FINALLY, SECRETARY SHULTZ THANKED HIS HOSTS FOR THE BREAKFAST AND REQUESTED THAT THE UNITED STATES AND MEXICO CONTINUE CLOSE CONTACTS ON THE ISSUES WHICH HAD

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BEEN DISCUSSED. DRAFTED BY J.V.SWEENEY. GAVIN

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Date Printed: 01/26/1998 DOC_NUMBER: 85MEXICO15772 CHANNEL: n/a 8 R

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PAGE 01 MEXICO 15772 302144Z
ACTION OES-09

INFO LOG-00 COPY-01 ADS-00 INR-10 SS-00 CIAE-00 EB-08
DODE-00 H-01 IO-16 ARA-00 NSAE-00 L-03 PM-10
EPA-04 ACDA-12 SP-02 DOEE-00 NRC-02 SNP-01 /079 W
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UNCLAS MEXICO 15772

DEPT. FOR OES/N

PASS TO NRC

E.O. 12356: N/A
TAGS: MNUC, TRGY, KSCA, MX
SUBJECT: PRESS REPORT LAGUNA VERDE NUCLEAR REACTORS

REF: MCGOLDRICK-DETHOMAS TELECON 7/26/85

1. ACCORDING TO A PRESS REPORT APPEARING IN THE JULY 30 ISSUE OF NOVEDADES, THE STATUS OF THE LAGUNA VERDE NUCLEAR POWER STATION IS AS FOLLOWS:

--UNIT ONE IS 87 PERCENT COMPLETE.

--UNIT TWO IS 42 PERCENT COMPLETE.

--IT IS PLANNED TO HAVE UNIT ONE READY FOR TESTING AT FIVE PERCENT POWER LEVEL AT THE END OF 1986.

--FULL CAPACITY OPERATION FOR UNIT ONE IS SCHEDULED FOR JUNE OF 1987. (DRAFTER: JDETHOMAS) GAVIN

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MORI DocID: 754598

Staff Memorandum
To: Senator Kerry
Re: Possible Crimes Committed by Contras

The following is a partial list of possible crimes committed by the contras and/or by their American supporters, as suggested by the information uncovered in the investigation to date:

A. Violations of the Neutrality Act and other prohibitions on direct citizen involvement in the affairs of other nations.

B. Drug trafficking in the United States.

C. Export of firearms and munitions from the United States.

D. Currency violations during travel to and from the United States.

E. Recurring violations of the Foreign Agents Registration Act.

F. Violations of the Racketeering Influenced Corrupt Organizations (RICO) Act, and ongoing criminal enterprises by the contras.

G. Fraud in the disposition of US government and private funds intended for humanitarian aid to the contras.

H. Recurring passport fraud.

I. Conspiracy to commit murder; attempted murder; murder.

****

There are a number of separate, but related, groups and incidents involved in these crimes. They include the following allegations:

1. A conspiracy by contras and their American supporters to murder Eden Pastora, with the apparent knowledge, approval and participation of the leadership of the FDN and their American supporters.

2. A conspiracy by contras and their American supporters to murder Ambassador Tambs in August, 1985.

Executive Registry 5054

MORI DocID: 754598

3. The murder of Hull's driver, "David," on the Hull farm.

4. The murder of Dr. Hugo Spadafora by contras engaged in drug smuggling in Costa Rica.

5. A conspiracy by contras and their American supporters to blow up the American embassy in San Jose, Costa Rica and to blame it on the Sandinistas, in August 1985.

6. An on-going drug smuggling operation connecting Columbia, Costa Rica, Nicaragua, and the United States, in which contras and American supporters, with the apparent knowledge of the contra leadership, handled the transport of cocaine produced in Columbia, shipped to Costa Rica, process in the region, transported to airstrips controlled by American supporters of the contras and contras, and distributed in the U.S.

Allegations have also surfaced regarding other drug smuggling operations involving shrimp boats operating out of Texas, Louisiana, and Florida.

7. On-going weapons smuggling operations engaged in by members of Civilian Military Assistance Group and others involved in private assistance to the contras.

8. On-going weapons smuggling operations engaged in by members of and persons associated with Brigade 2506 in Miami, Florida.

9. A variety of incidents taking place in California, Texas, Louisiana, and Florida suggesting that funds raised by FDN leadership, including the Caleros, have not been used for the purposes for which they were intended, and indicating massive corruption by the FDN leadership. Some of these incidents suggest skimming of funds, other diversion of goods intended for contra troops and resale to other markets.

10. Information suggesting that some of the $27 million appropriated for humanitarian aid may have been handled fraudulently, with false documentation provided to the U.S. government.

11. Clear evidence of currency and passport violations, based on interviews with persons directly involved in private assistance to the contras and with the contra leadership.

12. Clear evidence of violations of the Foreign Agents Registration Act, based on interviews with persons directly involved in private assistance to the contras and with the contra leadership.

Executive Registry 5055

MORI DocID: 754598

Among the incidents publicly reported to date are:

--Transport of 6 tons of arms and munitions from contra sympathizers in the Miami area to Central America.

--Transport of arms from New Orleans by contra sympathizers to Central America.

--Participation by American citizens in a raid on a Sandinista camp 15 miles inside the Nicaraguan border in April 1985 that reportedly resulted in the shooting of dozens of members of the Nicaraguan military.

--Plotting of an assault on the US embassy in San Jose, Costa Rica, with Russian weapons to make the assault appear to be done by Sandinistas.

--The La Penca bombing of Pastora on May 30, 1984 in which four people were killed.

--The murders of David and Spottiforo.

***

Based on the information we have uncovered to date, we strongly urge that a formal investigation take place, which uses the subpoena and investigative power of Congress to learn the truth about these disturbing allegations.

To date, we have identified more than 120 potential witnesses for such an investigation.

Executive Registry 5056

MORI DocID: 754599

CIA HAS NO OBJECTION TO
DECLASSIFICATION AND/OR
RELEASE OF THIS DOCUMENT
DATE: APR 2012
BY: 0664393

Staff Memorandum
To: Senator Kerry
Re: Possible Crimes Committed by Contras

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C. Export of firearms and munitions from the United States.

D. Currency violations during travel to and from the United States.

E. Recurring violations of the Foreign Agents Registration Act.

F. Violations of the Racketeering Influenced Corrupt Organizations (RICO) Act, and ongoing criminal enterprises by the contras.

G. Fraud in the disposition of US government and private funds intended for humanitarian aid to the contras.

H. Recurring passport fraud.

I. Conspiracy to commit murder; attempted murder; murder.

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There are a number of separate, but related, groups and incidents involved in these crimes. They include the following allegations:

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2. A conspiracy by contras and their American supporters to murder Ambassador Tambs in August, 1985.

Executive Registry 5018

MORI DocID: 754599

C. The murder of Hull's driver, "David," on the Hull farm.

A. The murder of Dr. Hugo Spadafora by contras engaged in drug smuggling in Costa Rica.

E. A conspiracy by contras and their American supporters to blow up the American embassy in San Jose, Costa Rica and to blame it on the Sandinistas, in August 1985.

F. An on-going drug smuggling operation connecting Columbia, Costa Rica, Nicaragua, and the United States, in which contras and American supporters, with the apparent knowledge of the contra leadership, handled the transport of cocaine produced in Columbia, shipped to Costa Rica, process in the region, transported to airstrips controlled by American supporters of the contras and contras, and distributed in the U.S.

G. Allegations have also surfaced regarding other drug smuggling operations involving shrimp boats operating out of Texas, Louisiana, and Florida.

H. On-going weapons smuggling operations engaged in by members of Civilian Military Assistance Group and others involved in private assistance to the contras.

I. On-going weapons smuggling operations engaged in by members of and persons associated with Brigade 2506 in Miami, Florida.

J. A variety of incidents taking place in California, Texas, Louisiana, and Florida suggesting that funds raised by FDN leadership, including the Caleros, have not been used for the purposes for which they were intended, and indicating massive corruption by the FDN leadership. Some of these incidents suggest skimming of funds, other diversion of goods intended for contra troops and resale to other markets.

K. Information suggesting that some of the $27 million appropriated for humanitarian aid may have been handled fraudulently, with false documentation provided to the U.S. government.

L. Clear evidence of currency and passport violations, based on interviews with persons directly involved in private assistance to the contras and with the contra leadership.

12. Clear evidence of violations of the Foreign Agents Registration Act, based on interviews with persons directly involved in private assistance to the contras and with the contra leadership.

Executive Registry 5019

MORI DocID: 754599

Among the incidents publicly reported to date are:

--Transport of 6 tons of arms and munitions from contra sympathizers in the Miami area to Central America.

--Transport of arms from New Orleans by contra sympathizers to Central America.

--Participation by American citizens in a raid on a Sandinista camp 75 miles inside the Nicaraguan border in April 1985 that reportedly resulted in the shooting of dozens of members of the Nicaraguan military.

--Plotting of an assault on the US embassy in San Jose, Costa Rica, with Russian weapons to make the assault appear to be done by Sandinistas.

--The La Penca bombing of Pastora on May 30, 1984 in which four people were killed.

--The murders of David and Spottiforo.

***

Based on the information we have uncovered to date, we strongly urge that a formal investigation take place, which uses the subpoena and investigative power of Congress to learn the truth about these disturbing allegations.

To date, we have identified more than 120 potential witnesses for such an investigation.

Executive Registry 5020

CONFIDENTIAL

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PAGE 01 MEXICO 16309 062240Z
ACTION ARA-00

INFO LOG-00 COPY-01 ADS-00 AID-00 INR-10 CIAE-00 EB-08
DODE-00 H-01 EXIM-06 NSAE-00 COME-00 SSO-00 LAB-04
ITC-01 OPIC-07 OMB-01 STR-14 SIL-01 INM-07 INRE-00
FRB-03 JUS-01 USIE-00 SP-02 SLPD-01 /068 W
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O 062235Z AUG 85
FM AMEMBASSY MEXICO
TO SECSTATE WASHDC IMMEDIATE 2310
TREASURY WASHDC IMMEDIATE
INFO AMEMBASSY CARACAS
AMEMBASSY LIMA
AMEMBASSY BRASILIA
ALL USCONS MEXICO POUCH

[redacted] MEXICO 16309

DEPARTMENT PASS FEDERAL RESERVE BOARD,
EXPORT IMPORT BANK, USTR, AND COMMERCE

E.O. 12356: DECL: 8/5/91
TAGS: EFIN, ECON, MX
SUBJECT: USE OF CREDIT BY THE PUBLIC SECTOR DURING THE
FIRST HALF OF THE YEAR

1. (U) THE FOLLOWING INFORMATION WAS TAKEN FROM VARIOUS NEWSPAPER ACCOUNTS IN "EL FINANCIERO". WHILE WE CANNOT BE SURE THAT THEY ARE TOTALLY ACCURATE, THEY DO INDICATE THAT THE GOVERNMENT ABSORBED MOST OF THE CREDIT RESOURCES AVAILABLE IN THE ECONOMY DURING THE FIRST HALF OF 1985.

-- BETWEEN JANUARY AND APRIL 81 PERCENT OF THE TOTAL RESOURCES AVAILABLE FOR INTERNAL FINANCING (I.E., THROUGH THE COMMERCIAL AND DEVELOPMENT BANKS AND THE ISSUANCE OF TREASURY BILLS) WAS CHANNELED TO THE PUBLIC SECTOR.

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PAGE 02 MEXICO 16309 062240Z

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-- DEPOSITS IN THE BANKING SYSTEM INCREASED BY ONLY 17 PERCENT DURING THE FIRST HALF OF 1985 COMPARED TO THE FIRST HALF OF 1984. THIS REPRESENTED A DECLINE IN REAL TERMS OF ABOUT 25 PERCENT. COMPARABLE FIGURES FOR THE PURCHASE OF TREASURY BONDS SHOW A 350 PERCENT NOMINAL INCREASE (A REAL INCREASE OF ALMOST 300 PERCENT) BETWEEN THE TWO PERIODS.

-

-- BETWEEN END-DECEMBER 1984 AND END-JUNE 1985 PUBLIC SECTOR INTERNAL DEBT INCREASED FROM 5.6 TRILLION PESOS TO 7 TRILLION PESOS, A RISE OF 30 PERCENT.

-

-- INTEREST PAYMENTS ON MEXICO'S INTERNAL DEBT WILL BE AT LEAST 1 TRILLION PESOS HIGHER THAN ORIGINALLY PROGRAMMED. THIS IS A VERY LARGE FIGURE, EQUIVALENT TO ABOUT 2 PERCENT OF GDP.

-

-- NEW FINANCIAL REGULATIONS WILL MEAN THAT BETWEEN JULY AND SEPTEMBER 1985 A MAXIMUM OF ONLY 10 PERCENT OF THE RESOURCES AVAILABLE FOR LENDING IN THE BANKING SYSTEM WILL BE AVAILABLE FOR LOANS TO THE PRIVATE SECTOR.

-

2. (C) EMBASSY COMMENT. WE REMAIN CONCERNED THAT THE GOVERNMENT WILL CONTINUE TO ABSORB THE BULK OF FINANCIAL RESOURCES AVAILABLE IN THE ECONOMY DURING THE SECOND HALF OF THE YEAR. WHILE THE AUTHORITIES HAVE TAKEN STEPS TO CUT THE PUBLIC SECTOR DEFICIT, SO FAR THESE STEPS HAVE NOT BEEN STRONG ENOUGH TO GREATLY DIMINISH THE PUBLIC SECTOR'S DEMAND FOR CREDIT. MOREOVER, THE SEVERE LIMITATIONS ON LENDING TO THE PRIVATE SECTOR NOW IN EFFECT WILL TEND TO SERIOUSLY LIMIT PRIVATE SECTOR ACTIVITY DURING THE SECOND HALF OF THE YEAR. IT NOW SEEMS LIKELY THAT THE GOVERNMENT WILL GENERATE A PUBLIC

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SECTOR DEFICIT IN THE RANGE OF 8 PERCENT OF GDP, A DETERIORATION FROM LAST YEAR WHEN THE FIGURE WAS 7.4 PERCENT. DRAFTED BY J.V.SWEENEY. GAVIN

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RELEASED
El Salvador Human Rights
Digital Project (1996)

Department of State

TELEGRAM

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ACTION ARA-00

INFO LOG-00 COPY-01 ADS-00 INR-10 SS-00 CIAE-00 DODE-00
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PA-01 MCT-03 OMB-01 A-02 SP-02 SNP-01 PRS-01
SLPD-01 SPD-01 /053 W
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R 090134Z AUG 85
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 7519
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY MANAGUA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HEIGHTS PN
USIA WASHDC 5237
USAFSO HOWARD AFB PN//LAI//
24COMPW HOWARD AFB PN//DOI//

[redacted] SAN SALVADOR 10209

USIA FOR AR/CENTAM

E.O. 12356: DECL:OADR
TAGS: PGOV, ES
SUBJECT: THE GUERRILLAS TAKE MORE HITS

1. (U) ESAF HAS ANNOUNCED THE DEATHS OF THREE MORE SIGNIFICANT FMLN "COMMANDANTES". TWO, CRISTOBAL LOPEZ (CAMILO) AND EUTELIO VENTURA (TEYO) WERE KILLED IN LA PAZ DEPARTMENT DURING A BATTLE WITH THE ARMED FORCES ENGINEER DETACHMENT AT ZACATECOLUCA. PRESS REPORTS INDICATE THE ARMY RECOVERED RIFLES, AMMUNITION, AND DOCUMENTS, INCLUDING PLANS TO BEGIN TERRORIST ACTS IN LA

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PAGE 02 SAN SA 10209 090135Z

PAZ. BOTH OF THE FPL "COMMANDANTES" ARE REPORTED TO

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Department of State IS/FPO/CDR El Salvador 6P Date 9/3/96
Declassified under EO 12356 (X) in full; ( ) in part;
portions withheld: classified ( ); deliberative ( );
law enforcement ( ); privacy ( ), statutory ( );
not relevant ( )

RELEASED
El Salvador Human Rights
Special Project (1993)

DECLASSIFIED

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HAVE BEEN ORGANIZERS OF LOCAL POPULAR MILITIAS, ROUGHLY THE REBEL EQUIVALENT OF CIVIL DEFENSE UNITS.

2. (U) IN A SEPARATE ACTION THE ESTADO MAYOR REPORTS ARNULFO RODRIGUEZ, (TRUE NAME: FELIPE ANTONIO CARRILLO), A MEMBER OF THE REGIONAL COMMITTEE FOR REGION FOUR (SOUTH EAST FRONT) OF THE PRTC, WAS KILLED IN A PRAL AMBUSH NEAR ESTANZUELAS IN NORTHERN USULUTAN. SEVERAL OF THE FOUR BODY GUARDS WHO ACCOMPANIED HIM MAY ALSO HAVE BEEN WOUNDED. AN M-16 AND A KNAPSACK CONTAINING AMMUNITION AND DOCUMENTS WAS RECOVERED.

3. (C) COMMENT: ALTHOUGH ARNULFO RODRIGUEZ WAS CERTAINLY A RANKING PRTC MEMBER WE HAVE NO INFORMATION SUBSTANTIATING GEN. BLANDON'S AUGUST 7 CLAIM THAT ARNULFO WAS BEHIND THE PLANNING OF THE ZONA ROSA MASSACRE. SINCE THE MARDOQUEO CRUZ BATTALION OF THE METROPOLITAN FRONT (REGION 5) CLAIMED CREDIT, AND BECAUSE OF THE COMPARTMENTALIZED NATURE OF THE PRTC ORGANIZATION, WE DOUBT ARNULFO PLAYED A MAJOR, IF ANY, ROLE IN THE PLANNING. THERE IS NO DOUBT THAT THE CONTINUED KILLING AND CAPTURE OF THE LEADERSHIP OF THE 3-500 MEMBER PRTC IS HURTING THE ORGANIZATION. MOREOVER, THE ATTENDANT PUBLICITY SUGGESTING THESE SO-FAR-UNANSWERED DEATHS ARE RETRIBUTION FOR THE ZONA ROSA MASSACRE DOUBTLESSLY IS HAVING ITS EFFECT ON PRTC MORALE.

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PAGE 01 MEXICO 16652 01 OF 07 122355Z
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AMEMBASSY LIMA
ALL USCONS MEXICO POUCH

[redacted] SECTION 01 OF 07 MEXICO 16652

DEPARTMENT PASS FEDERAL RESERVE BOARD,
EXPORT IMPORT BANK, USTR, AND COMMERCE

TREASURY FOR JANE BARDON, OASIA

E.O. 12356: DECL: 8/8/91
TAGS: EFIN, ECON, MX
SUBJECT: MEXICO: COUNTRY ECONOMIC FORECAST

INTRODUCTION AND SUMMARY

2. *SINCE OUR MARCH COUNTRY ECONOMIC FORECAST THE OUTLOOK* FOR THE MEXICAN ECONOMY HAS DETERIORATED. ALTHOUGH OVERALL GROWTH FOR THE YEAR IS STILL PROJECTED AT ABOUT 4 PERCENT, INFLATION WILL BE CLOSE TO 60 PERCENT, THE TRADE SURPLUS WILL BE MUCH LOWER THAN IN 1984, THE PUBLIC

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PAGE 02 MEXICO 16652 01 OF 07 122355Z

SECTOR DEFICIT WILL BE HIGHER THAN LAST YEAR, AND

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INTERNATIONAL RESERVES WILL DECLINE CONSIDERABLY. THE WEAKNESS IN THE INTERNATIONAL PETROLEUM MARKET AND THE SLOWDOWN IN THE RATE OF GROWTH IN THE U.S. ECONOMY HAVE ADDED TO MEXICO'S PROBLEMS. THE FALL IN INTERNATIONAL INTEREST RATES HAS BEEN ONE BRIGHT SPOT IN THE PICTURE. END SUMMARY.

ECONOMIC GROWTH

3. THE MEXICAN ECONOMY OVERHEATED DURING THE LAST QUARTER OF 1984 AND THE FIRST HALF OF 1985. REAL GROWTH DURING THIS PERIOD WAS ABOUT 7 PERCENT, FUELED BOTH BY PUBLIC SECTOR SPENDING AND A STRONG RESURGENCE OF ACTIVITY IN THE INDUSTRIAL, COMMERCIAL, AND SERVICES SECTORS. INDUSTRIAL OUTPUT ALONE IS ESTIMATED TO HAVE INCREASED BY MORE THAN 12 PERCENT. NEARLY ALL OF THE RISE IN DOMESTIC PRODUCTION WAS CHANNELED TO MEET DOMESTIC DEMAND AS THE PERFORMANCE OF THE EXPORT SECTOR DETERIORATED SHARPLY. THE FOLLOWING TABLE SHOWS RECENT RATES OF GROWTH IN INDUSTRIAL PRODUCTION.

PERCENT CHANGE IN INDUSTRIAL OUTPUT

	1983	1984	JAN-MAR 1984	JAN-MAR 1985
BASIC INDUSTRIES	-2.2	6.4	11.2	0.3
INTERMEDIATE GOODS	-0.1	5.9	7.1	8.9
FINAL CONSUMER GOODS	-17.5	7.6	-2.9	22.4
TOTAL INDUSTRIAL SECTOR	-8.2	6.9	4.0	12.2

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4. THE RATE OF GROWTH OF THE ECONOMY APPEARS TO HAVE SLOWED SLIGHTLY DURING THE SECOND QUARTER OF THE YEAR AS THE MEXICAN GOVERNMENT BEGAN TO IMPLEMENT BUDGET CUTS AND PRIVATE SECTOR ACTIVITY FELL OFF, IN PART BECAUSE OF RISING INTEREST RATES WHICH INCREASED CREDIT COSTS. THE AUTHORITIES HAVE TAKEN FISCAL AND MONETARY ACTIONS WHICH WILL DAMPEN THE RATE OF GROWTH DURING THE SECOND HALF OF THE YEAR. SO FAR THIS YEAR THE GOVERNMENT HAS ANNOUNCED PUBLIC SECTOR BUDGET CUTS TOTALING 700

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BILLION PESOS (A REDUCTION OF ABOUT 3.3 PERCENT) AND FURTHER CUTS WILL PROBABLY BE ANNOUNCED BEFORE THE END OF THE YEAR. THE BANK OF MEXICO HAS ALSO TAKEN ACTIONS TO FURTHER RESTRICT CREDIT AS DESCRIBED IN THE SECTION ON INFLATION AND THE MONEY SUPPLY.

5. IN GENERAL BUSINESSMEN AND ECONOMIC ANALYSTS ARE NOT OPTIMISTIC ABOUT MEXICO'S SHORT TO MEDIUM TERM PROSPECTS. THIS HAS BEEN REFLECTED OVER THE PAST FEW MONTHS IN A LARGE AMOUNT OF CAPITAL FLIGHT FROM THE COUNTRY. AT THE SAME TIME, NON-PETROLEUM EXPORTS ARE DOWN BY ABOUT 15 PERCENT THROUGH JUNE AND WE DO NOT ANTICIPATE MUCH STRENGTHENING IN THESE EXPORTS DURING THE SECOND HALF OF THE YEAR. AS IN OUR PREVIOUS FORECAST, WE EXPECT THE RATE OF GROWTH TO DECREASE IN EACH OF THE 4 QUARTERS OF 1985, STARTING AT ABOUT 7 PERCENT DURING THE FIRST 3 MONTHS OF THE YEAR AND ENDING AT ABOUT 1 PERCENT IN THE OCTOBER THROUGH DECEMBER PERIOD. FOR THE YEAR AS A WHOLE WE ARE PROJECTING THAT GDP WILL RISE BY ABOUT 4 PERCENT.

AGRICULTURE

6. AGRICULTURAL PERFORMANCE IN 1985 IS LIKELY TO BE

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PAGE 01 MEXICO 16652 02 OF 07 122356Z
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AMEMBASSY LIMA
ALL USCONS MEXICO POUCH

[redacted] SECTION 02 OF 07 MEXICO 16652

DEPARTMENT PASS FEDERAL RESERVE BOARD,
EXPORT IMPORT BANK, USTR, AND COMMERCE

TREASURY FOR JANE BARDON, OASIA

E.O. 12356: DECL: 8/8/91
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FAVORABLE DUE PRIMARILY TO ABUNDANT RAINS IN MOST CROP
AREAS. OVERALL OUTPUT IS EXPECTED TO INCREASE BY ABOUT
3 PERCENT DURING 1985.

7. THE OUTLOOK FOR 1986 IS MORE UNCERTAIN. MOST
AGRICULTURAL CHEMICAL INPUTS ARE IMPORTED AND BALANCE
OF PAYMENTS CONSTRAINTS COULD SQUEEZE THESE IMPORTS.
TRACTOR PRICES HAVE BEEN INCREASING AT A RATE SLIGHTLY
CONFIDENTIAL
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PAGE 02 MEXICO 16652 02 OF 07 122356Z

HIGHER THAN THAT OF INFLATION AND FARM INSURANCE PREMIUMS
HAVE BEEN RISING AT A VERY RAPID RATE IN RECENT YEARS.

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ADDITIONALLY, LIKE OTHER PRIVATE SECTORS IN THE ECONOMY, LARGE SCALE AND EFFICIENT FARMERS ARE LIKELY TO FACE A SERIOUS CREDIT CRUNCH OVER THE COMING YEAR. FINALLY, GIVEN THAT THE LAST TWO YEARS HAVE BEEN GOOD CROP YEARS THERE IS A SIGNIFICANT STATISTICAL PROBABILITY OF A DROUGHT OR MEDIOCRE PRODUCTION DURING 1986. (LONG TERM RAINFALL STATISTICS SHOW THAT 7 OUT OF EVERY 10 YEARS ARE DROUGHT OR MEDIOCRE YEARS.)

WAGES

8. REAL WAGES HAVE DECLINED IN EACH OF THE PAST THREE YEARS AND ONE OF THE GOVERNMENT'S TOP PRIORITIES FOR 1985 WAS TO INSURE SOME INCREASE IN PURCHASING POWER FOR MOST WORKERS. THIS GOAL IS NOT LIKELY TO BE ACHIEVED. IN JANUARY MINIMUM WAGES WERE INCREASED BY 30 PERCENT AND THIS WAS FOLLOWED IN JUNE BY AN ADDITIONAL HIKE OF 18 PERCENT. WE DO NOT EXPECT ANY FURTHER WAGE ADJUSTMENTS THIS YEAR SO THE CUMULATIVE INCREASE WILL BE ABOUT 53 PERCENT. GIVEN THAT INFLATION FOR THE YEAR IS PROJECTED AT ABOUT 60 PERCENT, IT APPEARS THAT MINIMUM WAGES WILL DECLINE AGAIN. MOST OTHER SALARY ADJUSTMENTS ARE LOOSELY TIED TO THE MINIMUM WAGE AND RECENTLY THOSE EARNING HIGHER SALARIES HAVE RECEIVED LOWER INCREASES THAN THOSE EARNING MINIMUM WAGES. THUS, THE EFFECT ON MIDDLE INCOME EARNERS HAS BEEN GREATER THAN ON THOSE AT THE LOWER INCOME END OF THE SCALE. MINIMUM WAGES IN MEXICO CITY ARE NOW 1,250 PESOS PER DAY (ABOUT U.S. $4.50 AT THE CONTROLLED EXCHANGE RATE AND U.S. $3.60 AT THE SUPER FREE RATE).

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INVESTMENT

9. LEVELS OF INVESTMENT IN THE MEXICAN ECONOMY WERE HIGH DURING THE SECOND HALF OF 1984 AND THE FIRST HALF OF 1985. DURING 1984 OVERALL GROSS FIXED INVESTMENT INCREASED BY ABOUT 5.4 PERCENT, LED BY THE PRIVATE SECTOR WHERE THE RISE WAS NEARLY 9 PERCENT. HOWEVER, THIS FOLLOWED TWO YEARS OF SHARPLY DECLINING INVESTMENT AND THEREFORE THE INCREASE WAS NOT AS SIGNIFICANT

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BECAUSE OF THE LOW BASE FROM WHICH THE GROWTH WAS CALCULATED. IN ADDITION TO RISING DOMESTIC DEMAND AN IMPORTANT REASON FOR THE IMPROVED PRIVATE SECTOR PERFORMANCE DURING 1984 WAS AN ATTRACTIVE TAX PROVISION WHICH ALLOWED COMPANIES TO DEPRECIATE 75 PERCENT OF CAPITAL ASSETS OBTAINED IN THAT YEAR. THAT FIGURE HAS BEEN REDUCED TO 50 PERCENT THIS YEAR AND WILL FALL TO 25 PERCENT IN 1986.

10. DURING 1985 THE RISE IN PRIVATE SECTOR INVESTMENT IS LIKELY TO BE SLIGHTLY MORE MODEST THAN LAST YEAR, BUT STILL QUITE STRONG. THE RISE IN PUBLIC SECTOR INVESTMENT MAY BE SIMILAR TO THAT OF LAST YEAR, ABOUT 1 PERCENT. THE GOVERNMENT'S CURRENT OUTLAYS REMAINED HIGH DURING THE FIRST HALF OF THE YEAR, IN PART TO HELP THE GOVERNMENT PARTY IN THE JULY MUNICIPAL, STATE AND CONGRESSIONAL ELECTIONS.

INFLATION AND MONEY SUPPLY

11. DURING 1984 THE RATE OF CONSUMER PRICE INFLATION WAS 59.2 PERCENT. THIS REPRESENTED A CONSIDERABLE IMPROVEMENT COMPARED TO 1982 AND 1983 WHEN THE FIGURES WERE 100

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PAGE 01 MEXICO 16652 03 OF 07 122357Z
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AMEMBASSY CARACAS
AMEMBASSY LIMA
ALL USCONS MEXICO POUCH

[redacted] SECTION 03 OF 07 MEXICO 16652

DEPARTMENT PASS FEDERAL RESERVE BOARD,
EXPORT IMPORT BANK, USTR, AND COMMERCE

TREASURY FOR JANE BARDON, OASIA

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PERCENT AND 80 PERCENT RESPECTIVELY. HOWEVER, BEGINNING
IN SEPTEMBER 1984 INFLATION BEGAN TO ACCELERATE AGAIN
AND BY JANUARY 1985 THE MONTHLY RATE HAD INCREASED TO
7.4 PERCENT. AFTER JANUARY IT PROGRESSIVELY DECLINED
THROUGH JUNE WHEN THE FIGURE WAS ONLY 2.5 PERCENT. THE
OVERALL RATE OF INFLATION FOR THE FIRST HALF OF THE YEAR
WAS JUST UNDER 26 PERCENT.

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PAGE 02 MEXICO 16652 03 OF 07 122357Z

12. THE OUTLOOK FOR INFLATION DURING THE SECOND HALF OF
THE YEAR IS NOT ENCOURAGING. IN JULY THE RATE SHOT UP TO

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3.5 PERCENT. FURTHERMORE, THE RECENT SHARP DEVALUATIONS OF THE SUPER FREE AND CONTROLLED EXCHANGE RATES WILL MAKE IMPORTS MORE EXPENSIVE DURING THE REST OF 1985. PERHAPS MORE IMPORTANTLY IT WILL GIVE LOCAL PRODUCERS AN EXCUSE TO INCREASE PRICES EVEN IF THEIR PRODUCTS CONTAIN NO FOREIGN CONTENT. ADDITIONALLY, GOVERNMENT EFFORTS TO TRIM THE DEFICIT WILL PROBABLY MEAN FURTHER INCREASES IN PRICE CONTROLLED PRODUCTS BEFORE THE END OF THE YEAR. THE JUNE WAGE ADJUSTMENTS WILL ALSO LIKELY PUSH PRICES UP OVER THE NEXT FEW MONTHS. ALL IN ALL, WE EXPECT THAT INFLATION IN THE SECOND HALF OF THE YEAR WILL BE ABOUT THE SAME AS IN THE FIRST HALF WHICH WOULD GIVE A CUMULATIVE TOTAL FOR THE YEAR OF JUST UNDER 60 PERCENT. THIS WOULD MEAN NO IMPROVEMENT OVER THE 1984 FIGURE.

13. THE BANK OF MEXICO HAS TRIED TO PURSUE A RESTRICTIVE MONETARY POLICY THIS YEAR AND THAT, COMBINED WITH HEAVY CREDIT DEMAND BY THE GOVERNMENT, HAS PUSHED INTEREST RATES UP SHARPLY DURING THE FIRST SEVEN MONTHS OF THE YEAR. THIS, TOO, HAS CONTRIBUTED TO INFLATIONARY PRESSURES. DURING THE SECOND HALF OF THE YEAR THE GOVERNMENT HOPES TO KEEP THE MAJOR MONETARY AGGREGATES, M-1 AND THE MONETARY BASE, GROWING AT A RATE LESS THAN THAT OF INFLATION. SO FAR IN 1985 THE GROWTH OF M-1 HAS BEEN KEEPING PACE WITH THAT OF INFLATION WHILE THE MONETARY BASE HAS BEEN GROWING AT A SOMEWHAT SLOWER RATE. FOR THE YEAR ENDING IN APRIL THE MONETARY BASE GREW BY ONLY 40 PERCENT.

14. IN ADDITION, THE MONETARY AUTHORITIES HAVE ANNOUNCED FURTHER RESTRICTIONS ON COMMERCIAL BANK LENDING.

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BEGINNING IN JULY THE BANKS WILL HAVE ONLY 10 PERCENT OF NEW DEPOSITS AVAILABLE FOR LENDING. THE REMAINING 90 PERCENT WILL BE CHANNELED TO THE BANK OF MEXICO, THE DEVELOPMENT BANKS, AND SPECIAL CREDIT FACILITIES FOR PRIORITY SECTORS. PRIOR TO THE END OF JUNE THE BANKS HAD 25 PERCENT OF ALL DEPOSITS FOR FREE LENDING. THE NEW MEASURE IS INTENDED TO ELIMINATE EXCESS LIQUIDITY IN THE ECONOMY AND WILL GREATLY RESTRICT THE AVAILABILITY OF CREDIT TO THE PRIVATE SECTOR.

15. NEW LEGISLATION GOVERNING THE FINANCIAL SECTOR

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ENACTED AT THE BEGINNING OF THE YEAR PUT STRICT LIMITS ON THE AMOUNT OF PRIMARY CREDIT THAT THE BANK OF MEXICO CAN PROVIDE TO THE PUBLIC SECTOR. AS A CONSEQUENCE, MUCH OF THE FINANCING OF THE DEFICIT HAS BEEN DONE THROUGH THE SALE OF TREASURY BONDS AND THE GOVERNMENT HAS BEEN CROWDING OUT OTHER BORROWERS FROM THE MARKET. WE DO NOT EXPECT THE SITUATION TO CHANGE MUCH DURING THE SECOND HALF OF THE YEAR AND ANTICIPATE THAT INTEREST RATES WILL REMAIN HIGH (THE MOST RECENT ISSUE OF TREASURY BILLS OFFERED A 72 PERCENT INTEREST RATE) BOTH BECAUSE OF CONTINUED HIGH PUBLIC SECTOR DEMAND FOR CREDIT AND ON-GOING INFLATIONARY PRESSURES.

BALANCE OF PAYMENTS AND EXTERNAL BORROWING

16. MEXICO REGISTERED HEALTHY TRADE AND CURRENT ACCOUNT SURPLUSES OF $13.8 BILLION AND $4 BILLION, RESPECTIVELY, DURING 1984. HOWEVER, THE BALANCE OF PAYMENTS SITUATION HAS DETERIORATED MARKEDLY THIS YEAR. THE TRADE SURPLUS FOR THE FIRST HALF OF THE YEAR IS $4 BILLION, DOWN BY 48 PERCENT COMPARED TO THE JANUARY-JUNE 1984 PERIOD. BOTH PETROLEUM AND NON-PETROLEUM EXPORTS ARE OFF BY ABOUT 14 PERCENT WHILE IMPORTS HAVE CLIMBED BY 35 PERCENT.

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PAGE 01 MEXICO 16652 04 OF 07 122358Z
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INFO LOG-00 COPY-01 ADS-00 AID-00 INR-10 SS-00 CIAE-00
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AMEMBASSY CARACAS
AMEMBASSY LIMA
ALL USCONS MEXICO POUCH

[redacted] SECTION 04 OF 07 MEXICO 16652

DEPARTMENT PASS FEDERAL RESERVE BOARD,
EXPORT IMPORT BANK, USTR, AND COMMERCE

TREASURY FOR JANE BARDON, OASIA

E.O. 12356: DECL: 8/8/91
TAGS: EFIN, ECON, MX
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ACCORDING TO OFFICIAL STATISTICS PRIVATE SECTOR IMPORTS
GREW BY 58.1 PERCENT WHILE PUBLIC SECTOR IMPORTS
ROSE BY ONLY 8.6 PERCENT.

17. ALTHOUGH THE MEXICAN GOVERNMENT HAS RECENTLY ANNOUNCED A NEW TRADE LIBERALIZATION SCHEME UNDER WHICH TARIFFS WILL BE SUBSTITUTED FOR IMPORT LICENSES, WE DO NOT EXPECT IMPORTS TO GROW MUCH DURING THE SECOND HALF

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PAGE 02 MEXICO 16652 04 OF 07 122358Z

OF THE YEAR AS COMPARED TO THE FIRST SIX MONTHS, THE RECENT 20 PERCENT DEVALUATION OF THE CONTROLLED EXCHANGE

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RATE WILL MAKE IMPORTS MORE EXPENSIVE. FURTHERMORE, EVEN IF THERE IS A DEMAND FOR IMPORTS IT IS LIKELY THAT DECLINING EXPORTS AND FOREIGN EXCHANGE RESERVES WILL FORCE THE AUTHORITIES TO KEEP THE LEVEL OF IMPORTS LOW IN ONE WAY OR ANOTHER.

18. ON THE EXPORT SIDE THE JULY DEVALUATION OF THE CONTROLLED RATE WILL HELP IN THE FUTURE. HOWEVER, THE IMPACT FOR THIS YEAR WILL BE LIMITED AND IT SHOULD BE FELT MORE IN 1986 AND BEYOND, PROVIDED THE AUTHORITIES DON'T ALLOW THE CONTROLLED RATE TO BECOME OVERVALUED. NONETHELESS, AS LONG AS EXPORTERS RECEIVE SIGNIFICANTLY FEWER PESOS THAN THEIR EXPORTS HAVE EARNED AT THE MARKET RATE OF EXCHANGE THIS WILL BE AN IMPORTANT DISINCENTIVE TO THE GROWTH OF NON-PETROLEUM EXPORTS. FOR THE YEAR AS A WHOLE WE BELIEVE THAT BOTH PETROLEUM AND MANUFACTURED EXPORTS WILL BE DOWN WITH THE FORMER FALLING BY ABOUT 10 PERCENT AND THE LATTER BY ABOUT 5 PERCENT. SO FAR THE PRICE AND VOLUME DECLINES OF MEXICAN PETROLEUM EXPORTS WILL MEAN $1.8-$2 BILLION LESS IN FOREIGN EXCHANGE EARNINGS FOR THE COUNTRY IN 1985.

19. WE DO NOT EXPECT MUCH IF ANY INCREASE IN MEXICO'S PUBLIC SECTOR EXTERNAL BORROWING THIS YEAR. THE CEILING ON SUCH BORROWING UNDER MEXICO'S AGREEMENT WITH THE IMF IS $1 BILLION AND MEXICO WILL EASILY BE ABLE TO MEET THAT TARGET. IN FACT, SOME GOVERNMENT ECONOMISTS MAINTAIN THAT PUBLIC SECTOR NET NEW BORROWING THIS YEAR COULD ACTUALLY BE NEGATIVE.

20. MEXICO HAS NOW NEARLY COMPLETED AGREEMENTS WITH ITS [redacted]

COMMERCIAL BANK CREDITORS TO RESCHEDULE SLIGHTLY MORE THAN $48 BILLION IN EXTERNAL DEBT. IN MARCH 1985 IT FINALIZED AN ACCORD TO RESCHEDULE $28 BILLION TO BE REPAID OVER A 14 YEAR PERIOD AT INTEREST RATES RANGING FROM 7/8 OF 1 PERCENT TO 1.125 PERCENT OVER LIBOR. AGREEMENTS ON THE REMAINING $20 BILLION ARE EXPECTED TO BE SIGNED BY THE END OF AUGUST 1985.

21. MEXICO'S INTERNATIONAL RESERVE POSITION HAS PROGRESSIVELY DETERIORATED SINCE NOVEMBER 1984. AT THE END OF THAT MONTH GROSS INTERNATIONAL RESERVES STOOD

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AT $8.9 BILLION. IN MID JULY 1985 THEY HAD FALLEN TO $6.2 BILLION. MAJOR CONTRIBUTING FACTORS WERE THE DECLINING BALANCE OF PAYMENTS TRADE SURPLUS AND A MARKED INCREASE IN CAPITAL FLIGHT.

22. THESE NEGATIVE DEVELOPMENTS WERE SPURRED, IN PART, BY THE ON-GOING REAL APPRECIATION OF THE CONTROLLED AND MARKET EXCHANGE RATES. ON AVERAGE THEY APPRECIATED BY ABOUT 15 PERCENT IN REAL TERMS LAST YEAR. BETWEEN JANUARY AND JUNE 1985 INFLATION IN MEXICO WAS ABOUT 26 PERCENT, COMPARED TO A WEIGHTED AVERAGE OF LESS THAN 3 PERCENT FOR MEXICO'S MAJOR TRADING PARTNERS. OVER THE SAME PERIOD THESE TWO RATES WERE EACH DEVALUED BY ABOUT 15 PERCENT. THUS, THE PESO APPRECIATED BY ABOUT 6 PERCENT IN REAL TERMS.

23. AS A RESULT OF A GROWING DISPARITY BETWEEN THE OFFSHORE RATE AND THESE TWO EXCHANGE RATES (WHICH IN EARLY JULY EXCEEDED 60 PERCENT FOR THE CONTROLLED RATE), ON JULY 11 THE GOVERNMENT DECIDED TO ELIMINATE THE MARKET RATE AND SUBSTITUTE THE SO-CALLED SUPER FREE RATE IN ITS PLACE. THIS RATE PERTAINS TO SUCH BALANCE OF PAYMENTS CATEGORIES AS TOURISM, FRONTIER TRANSACTIONS, AND WORKERS REMITTANCES. IN TOTAL THESE ACCOUNT FOR ABOUT

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PAGE 01 MEXICO 16652 05 OF 07 122359Z
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[redacted] SECTION 05 OF 07 MEXICO 16652

DEPARTMENT PASS FEDERAL RESERVE BOARD,
EXPORT IMPORT BANK, USTR, AND COMMERCE

TREASURY FOR JANE BARDON, OASIA

E.O. 12356: DECL: 8/8/91
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20 PERCENT OF THE COUNTRY'S FOREIGN EXCHANGE TRANSACTIONS.
THE SUPER FREE RATE IS INTENDED TO PARALLEL THE OFFSHORE
EXCHANGE RATE. FURTHERMORE, COMMERCIAL BANKS HAVE
RECENTLY BEEN AUTHORIZED TO OPEN EXCHANGE HOUSES IN
MEXICO IN AN EFFORT TO STEM THE MOVEMENT OF FOREIGN
EXCHANGE OUT OF THE COUNTRY.

24. ON JULY 24 THE CONTROLLED EXCHANGE RATE WAS DEVALUED

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PAGE 02 MEXICO 16652 05 OF 07 122359Z

FROM 233 TO 280 PESOS PER DOLLAR. CURRENTLY THE SUPER
FREE RATE IS ABOUT 345 PESOS WHILE THE CONTROLLED RATE

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IS 282 PESOS, A DIFFERENCE OF SLIGHTLY MORE THAN 20 PERCENT. THE GOM OBJECTIVE IS TO BRING THESE RATES CLOSER TOGETHER OVER THE REST OF THE YEAR AND EVENTUALLY TO UNIFY THEM. WITH THE DEVALUATION MOST ANALYSTS NOW BELIEVE THAT THE CONTROLLED RATE PESO IS SOMEWHAT UNDERVALUED (AT LEAST ON A PURCHASING POWER PARITY BASIS).

25. THEORETICALLY, THE SUPER FREE RATE WILL NOW BE DETERMINED THROUGH MARKET FORCES. THE CONTROLLED RATE, ON THE OTHER HAND, WILL NO LONGER BE DEVALUED BY 21 CENTAVOS A DAY BUT RATHER THE BANK OF MEXICO, WORKING WITH THE MAJOR COMMERCIAL BANKS, WILL ADJUST THE RATE ON A DAILY BASIS DEPENDING UPON SUCH FACTORS AS RELATIVE INFLATION RATES, INTERNATIONAL RESERVE LEVELS, AND DEVELOPMENTS IN THE TRADE AND CAPITAL ACCOUNTS OF THE BALANCE OF PAYMENTS. WE INTERPRET THIS TO MEAN THAT THE AUTHORITIES WILL NOW BE MORE OPENLY MANIPULATING THE CONTROLLED RATE THROUGH INTERVENTION IN THE MARKETS.

OUTLOOK

26. SO FAR 1985 HAS NOT BEEN A GOOD YEAR FOR MEXICO IN TERMS OF FURTHERING THE GOALS OF ITS ECONOMIC ADJUSTMENT PROGRAM. IT APPEARS THAT THE PUBLIC SECTOR DEFICIT WILL BE SOMEWHAT LARGER THAN IT WAS LAST YEAR, NO PROGRESS WILL BE MADE IN REDUCING INFLATION, THE COUNTRY'S EXPORTS WILL FALL OFF CONSIDERABLY, AND INTERNATIONAL RESERVES WILL DECLINE. DURING THE FIRST PART OF THE YEAR THE ECONOMY HAS BEEN GROWING TOO RAPIDLY AND THE GOVERNMENT MUST NOW TAKE ECONOMIC RETRENCHMENT STEPS. THIS WILL BE [redacted]

VERY DIFFICULT TO DO WITHOUT RISKING ANOTHER RECESSION. ON THE OTHER HAND, THE FACT THAT THE JULY ELECTIONS ARE NOW OVER SHOULD HELP TO REDUCE PRESSURES TO KEEP PUBLIC SECTOR SPENDING HIGH. MOREOVER, THE SOCIAL SITUATION APPEARS TO BE FAIRLY STABLE AND THIS COULD HELP THE AUTHORITIES TO FOLLOW THROUGH WITH STEPS TO SLOW THE ECONOMY AND PROMOTE EXPORTS IF THEY SO DESIRE.

27. THE FACT THAT SINCE SEPTEMBER 1984 THE COUNTRY HAS NOT CONTINUED WITH THE STRONG ECONOMIC ADJUSTMENT PROGRAM WHICH IT BEGAN IN 1982 HAS MADE MEXICO MORE VULNERABLE [redacted]

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TO ADVERSE EXOGENOUS DEVELOPMENTS. FALLING PETROLEUM PRICES HAVE HAD AN IMPORTANT BALANCE OF PAYMENTS AND FISCAL IMPACT ALTHOUGH SO FAR THE EFFECTS HAVE BEEN MANAGEABLE. SHOULD PRICES DECLINE BY ANOTHER $3-4 A BARREL OVER THE NEXT 6-12 MONTHS IT COULD MEAN MUCH MORE SERIOUS PROBLEMS FOR THE COUNTRY. THE SLOWDOWN IN THE RATE OF GROWTH IN THE U.S. ECONOMY, MEXICO'S MAJOR MARKET, IS ALSO A CAUSE FOR CONCERN. THE AUTHORITIES SEEM TO BE PARTICULARLY WORRIED ABOUT THE RISING PROTECTIONIST SENTIMENT IN THE U.S. CONGRESS. EVEN WITHOUT ANY NEW TRADE BARRIERS MEXICO'S TRADE SURPLUS WITH THE U.S. WILL FALL BY AT LEAST $2-3 BILLION THIS YEAR.

28. SO FAR THE SHARP DECLINE IN INTERNATIONAL INTEREST RATES IN LATE 1984 AND THE FIRST HALF OF 1985 HAS HELPED TO OFFSET THESE TWO PROBLEMS BUT SHOULD THEY BEGIN TO RISE AGAIN THIS WOULD PUT EVEN MORE PRESSURE ON THE COUNTRY. EVEN WITH THE FAVORABLE INTEREST RATE SITUATION, HOWEVER, MEXICO'S FOREIGN EXCHANGE RESERVES HAVE FALLEN OFF BY $2 BILLION SO FAR THIS YEAR.

29. PERHAPS THE MOST SERIOUS CHALLENGE FACING THE AUTHORITIES IS TO RESTORE CONFIDENCE IN THE MANAGEMENT

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PAGE 01 MEXICO 16652 06 OF 07 130000Z
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AMEMBASSY LIMA
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[redacted] SECTION 06 OF 07 MEXICO 16652

DEPARTMENT PASS FEDERAL RESERVE BOARD,
EXPORT IMPORT BANK, USTR, AND COMMERCE

TREASURY FOR JANE BARDON, OASIA

E.O. 12356: DECL: 8/8/91
TAGS: EFIN, ECON, MX
SUBJECT: MEXICO-COUNTRY-ECONOMIC FORECAST

OF THE ECONOMY. THE GOM HAS RECENTLY TAKEN ACTION WITH
REGARD TO EXCHANGE RATES, OPENING THE ECONOMY BY
SUBSTITUTING TARIFFS FOR IMPORT LICENSES, AND MAKING
FURTHER CUTS IN PUBLIC SECTOR SPENDING. THE PRESIDENT'S
ANNUAL STATE OF THE NATION ADDRESS ON SEPTEMBER 1 COULD
BE A KEY INDICATOR AS TO WHAT FURTHER STEPS THE
AUTHORITIES INTEND TO TAKE TO GET THE ECONOMY BACK ON
TRACK. BASICALLY WHAT IS NEEDED IS AN UNBENDING RESOLVE

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PAGE 02 MEXICO 16652 06 OF 07 130000Z

TO FOLLOW THROUGH WITH MEASURES ALREADY ANNOUNCED AND
MORE STRENUOUS EFFORTS TO CUT PUBLIC SECTOR SPENDING.

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REDUCE THE RATE OF INFLATION, AND INCREASE THE RATIO OF NON-PETROLEUM EXPORTS TO GDP. EVEN WITH THESE STEPS, HOWEVER, THERE IS A GOOD CHANGE THAT MEXICO WILL WANT TO PRESS FOR FURTHER NEGOTIATIONS WITH ITS COMMERCIAL BANK AND FOREIGN GOVERNMENT CREDITORS FOR ADDITIONAL DEBT RESTRUCTURING WITHIN THE NEXT 12 MONTHS.

30. THE FOLLOWING TABLE CONTAINS A DETAILED STATISTICAL FORECAST OF THE MAJOR COMPONENTS OF THE MEXICAN BALANCE OF PAYMENTS AND OTHER IMPORTANT MACROECONOMIC INDICATORS COMPARED TO ACTUAL 1984 DATA.

-- BALANCE OF PAYMENTS AND OTHER MACROECONOMIC DATA

(MILLIONS OF U.S. DOLLARS)

1. TRADE BALANCE	13,950	9,500	9,500
-- (INCLUDES IN-BOND INDUSTRIES)			
2. EXPORTS (FOB)	25,200	23,000	25,000
-- PETROLEUM	14,967	13,500	14,000
-- OTHER	10,233	9,500	11,000
3. IMPORTS (FOB)	11,250	13,500	15,500
-- PETROLEUM	-	-	-
-- OTHER (INCL. MILITARY	11,250	13,500	15,500
4. NET SERVICES	-10,364	-10,000	-11,500
5. SERVICE EXPORTS	7,119	7,500	8,000

[redacted]

PAGE 03 MEXICO 6652 06 OF 07 130002

-- INTEREST	2,052	2,200	2,000
-- OTHER	5,067	5,300	6,000
6. SERVICE IMPORTS	-17,483	-17,500	-19,500
-- FREIGHT AND INSURANCE	-525	-650	-750
-- INTEREST PAYMENTS	-11,856	-9,500	-10,400
-- OTHER	-5,102	-7,350	-8,350
7. NET TRANSFERS	381	500	550
8. PRIVATE TRANSFERS	150	180	200

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-- (NET WORKER REMIT)			
-- CURRENT ACCOUNT EXCLUDING			
-- OFFICIAL TRANSFERS	3,736	-320	-1,800
9. OFFIGIAL TRANSFERS	231	320	350
10. CURRENT ACCOUNT BALANCE	3,967	0	-1,450
MEMO ITEMS:			
2. EXPORT VOLUME (PERCENT CHANGE)	7.5	-3.5	4.5
-- PETROLEUM VOLUME			
-- (THOUS BBLS/DAY-MDP)	1,540	1,450	1,500
-- (AVERAGE PRICE/DOLLAR-BBL)	27.04	25.51	25.60
3. IMPORT VOLUME (PERCENT CHANGE)	37	14	9
-- (THOUS BBLS/DAY - MDB)	-	-	-
-- (AVERAGE PRICE-$/BBL)	-	-	-
11. CAPITAL ACCOUNT BALANCE (LONG AND SHORT-TERM)	1,600	500	2,950

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PAGE 01 MEXICO 16652 07 OF 07 130000Z
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AMEMBASSY LIMA
ALL USCONS MEXICO POUCH

[redacted] SECTION 07 OF 07 MEXICO 16652

DEPARTMENT PASS FEDERAL RESERVE BOARD,
EXPORT-IMPORT BANK, USTR, AND COMMERCE

TREASURY FOR JANE BARDON, OASIA

E.O. 12356: DECL: 8/8/91
TAGS: EFIN, ECON, MX
SUBJECT: MEXICO: COUNTRY ECONOMIC FORECAST

A. NET DIRECT INVESTMENT	*391*	*450*	*600*
B. NET LENDING BY OFFICIAL	663	870	1,000
-- CREDITORS (GOV'TS, MDBS,			
-- EXCLUDES IMF)			
-- DISBURSEMENTS	2,751	2,781	3,071
-- AMORTIZATIONS	-2,088	-1,911	-2,071
C. NET LENDING BY BANKS	1,759	-	1,000

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PAGE 02 MEXICO 16652 07 OF 07 130000Z

-- DISBURSEMENTS	2,759	-	1,000
-- AMORTIZATIONS	1,000	-	-

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D. NET BOND LENDING	-500	-500	-500
-- DISBURSEMENTS	-	-	-
-- AMORTIZATIONS	-500	-500	-500
E. OTHER (E.G., SUPPLIERS)	-713	-320	850
F. OTHER NET FLOWS	-	-	-
12. NET ERRORS AND OMISSIONS	-2,000	-3,000	-1,000
13. OFFICIAL SETTLEMENT: BALANCE	3,600	-2,000	1,000
14. OFFICIAL FINANCING (EQUAL TO LINE 13, BUT WITH OPPOSITE SIGN)	-3,600	2,000	-1,000
15. GROSS OFFICIAL RESERVES	8,100	6,000	7,000
16. TOTAL EXTERNAL DEBT	95,866	97,000	99,000
-- OF WHICH:			
-- PUBLIC SECTOR (INCLUDING NATIONALIZED BANKS)	75,463	76,463	78,463
-- VARIABLE INTEREST RATE	75,000	76,000	77,000
17. TOTAL DEBT SERVICE RATIO (FIGURE FOR 1985 IS AFTER DEBT RESTRUCTURING)	51	46	46
-- M&L-T PRINCIPAL REPAYMENTS	-4,462	-4,269	-4,500
-- INTEREST	-11,600	-9,500	-10,400

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-- EXPORT GOODS AND SERVICES	31,800	30,000	32,500
18. INFLATION (PERCENT)	65	58	50
-- DEC/DEC CPI	59	58	48
-- MONEY SUPPLY (M-1) (PERCENT)	65	53	45
19. REAL GDP GROWTH (PERCENT)	3.5	4.0	2.0
20.B. GDP (U.S. DOLLARS BILLIONS)	175	185	216
(1) EXCHANGE RATE (PER DOLLAR)	168	260	340
-- (AT OFFICIAL "CONTROLLED" RATE)			

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(2) GDP (LOCAL CURRENCY -- BILLIONS)	29,440	48,000	73,500
21. ADJUSTMENT INDICATORS			
A. GROSS DOMESTIC SAVINGS/GDP	22.2	22.0	22.2
B. GROSS FIXED CAPITAL -- FORMATION/GDP	19.9	20.0	20.2
C. PUBLIC SECTOR DEFICIT/GDP	7.4	8.0	7.0

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PAGE 01 SAN SA 10638 191557Z
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USIA FOR AR/CENTAM
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E.O. 12356: N/A
TAGS: PTER, PINS, PHUM, ES
SUBJECT: NIDIA DIAZ JUSTIFIES ZONA ROSA MASSACRE:
- U.S. IS THE PRINCIPAL ENEMY

1. SUMMARY

FOLLOWING IS EXCERPT OF INTERVIEW OF CAPTURED PRTC COMMANDANTE NIDIA DIAZ WITH A U.S. NEWS NETWORK. DIAZ SINGLED OUT THE U.S. AS THE "PRINCIPAL ENEMY" AND WARNED

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PAGE 02 SAN SA 10638 191557Z

THAT "WE ARE GOING TO FIND THEM WHEREVER THEY ARE."

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COL. REYNALDO LOPEZ NUILA, VICE MINISTER OF DEFENSE FOR PUBLIC SECURITY, PERMITTED THE INTERVIEW ON THE CONDITION THAT THE QUESTIONS CONCERNED ONLY THE JUNE 19 MASSACRE BY THE PRTC OF FOUR U.S. MARINES AND NINE CIVILIANS IN SAN SALVADOR'S "ZONA ROSA" RESTAURANT/BAR DISTRICT.

2. BEGIN EXCERPT:

Q. WE HAVE ASKED YOU BEFORE BUT WHAT IS YOUR OPINION ABOUT THE EVENTS AT THE ZONA ROSA?

A. LAST TIME I ALSO TOLD YOU THAT THAT WHICH OCCURRED IN THE ZONA ROSA IS THE PRODUCT OF SIX YEARS OF U.S. MEDDLING. THE U.S. HAS FOR ALMOST SIX YEARS BEEN INCREASINGLY INTERVENING IN THE INTERNAL POLITICS OF THE COUNTRY. NOT ONLY POLITICALLY AND ECONOMICALLY BUT ALSO MILITARILY. THEY ARE SUSTAINING THE WAR. THEY SUSTAIN THE ARMY; THEY SUSTAIN THE SECURITY FORCES; THEY SUSTAIN ALL THE COUNTER-INSURGENCY APPARATUS--ALL THE WAR.

THUS HAS COME THE SUPPLY OF WAR MATERIEL: BOMBS, WEAPONS, PLANES--THE THINGS WHICH ARE DESTROYING US. AND THEY EVEN PARTICIPATE DIRECTLY IN THE TRAINING OF THE BATTALIONS WHICH HAVE MASSACRED MANY CAMPESINOS. THEY ARE THE FAMOUS MASSACRES AT EL CALABOZO, SUMPUL, AND LA CULEBRILLA--WELL, THERE HAVE BEEN MANY MASSACRES.

AND THE BOMBS ARE THE THINGS WHICH ARE PERMANENTLY DESTROYING. THERE JUST WAS A BOMBARDMENT IN OCOTAL WHICH WAS PUBLICLY CONFIRMED. THE GOVERNMENT, WHICH

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WILL HAVE ITS EXPLANATIONS, SAYS IT WAS A MISTAKE. WELL, THESE BOMBS ARE THE ONES SUPPLIED BY THE U.S. GOVERNMENT.

THEY--THE CIA--ARE THE ONES WHO ARE PLANNING THE INTELLIGENCE IN THE COUNTRY AND THE ONES WHO SUSTAIN AND MAINTAIN THE CONTRAS IN NICARAGUA. THE STRATEGY, THE ADVISORS ARE THE ONES DESIGNING THE TACTICAL PLANS OF THE COUNTERINSURGENCY OPERATIONS. THE MEDDLING OF THE AMERICANS HAS BEEN SEEN IN THESE PLANS. TECHNICAL

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Special Project (1993)

ADVISORS, AS THEY CALL THEM, ARE USING INFRARED (DETECTORS) LIKE THE DAY THEY CAPTURED ME.

THUS IT IS A WAR WHICH THEY HAVEN'T OPENLY DECLARED ON US BUT WHICH IN REALITY THEY ARE DEVELOPING AND FOMENTING. AND ALONG THE LINES WHICH WE LATELY HAVE DECIDED, WE ARE GOING TO BEGIN TO STRUGGLE DIRECTLY AGAINST THE PRINCIPAL ENEMY WHICH IS THE UNITED STATES. AND WE ARE GOING TO FIND THEM WHEREVER THEY ARE.

THUS, THAT WHICH OCCURRED IN THE ZONA ROSA IS A REFLECTION OF IT. A LABOR OF INTELLIGENCE ON OUR PART--THE URBAN GUERRILLA. THE LABOR OF INTELLIGENCE SUCCESSFULLY COLLECTING PERMANENT INFORMATION, DATES OF MOVEMENTS OF ADVISOR AGENTS, CIA AGENTS, MARINES. NOT ONLY FROM THE AMERICAN CIA BUT ALSO FROM OTHER COUNTRIES WHO ARE ALSO LINKED TO ALL OF THE PRESENT INTELLIGENCE APPARATUS.

PASSAGE

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PAGE 01 MEXICO 17199 01 OF 03 202237Z
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DEPARTMENT FOR OES/N, ARA/MEX, EB/ECC
PASS TO EXIM BANK, NRC, DOE/NE, AND DEPT. OF COMMERCE

E.O. 12356: N/A
TAGS: MNUC, TRGY, KSCA, MX
SUBJECT: VISIT TO LAGUNA VERDE NUCLEAR POWER PLANT: ECONOMIC AND COMMERCIAL ASPECTS.

1. SUMMARY: AFTER YEARS OF DELAY, CONSIDERABLE PROGRESS IS BEING MADE IN THE CONSTRUCTION OF THE LAGUNA VERDE NUCLEAR POWER STATION. UNIT ONE OF THE TWO UNIT STATION IS ABOUT 90 PERCENT COMPLETE. PROJECT MANAGEMENT CLAIMS FUEL LOADING SHOULD COMMENCE SOMETIME BETWEEN SEPTEMBER AND DECEMBER OF 1986, WITH FULL COMMERCIAL OPERATION SIX TO EIGHT MONTHS THEREAFTER. FEDERAL ELECTRICITY COMMISSION MANAGEMENT IS EXPERIENCING A VERY LARGE INCREASE IN PRODUCTIVITY ON THE SECOND UNIT (LESS THAN HALF COMPLETE) BECAUSE BOTH MANAGEMENT AND CONSTRUCTION CREWS ARE BENEFITING FROM THE LESSONS OF CONSTRUCTING UNIT ONE. WHILE THERE STILL REMAIN NOTICIBLE INEFFICIENCIES IN THE USE OF CONSTRUCTION LABOR AT THE SITE, CFE CLAIMS IT WILL BRING IN BOTH UNITS AT A COMPETITIVE COST PER INSTALLED KILOWATT. CFE PROJECT

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PAGE 02 MEXICO 17199 01 OF 03 202237Z

MANAGEMENT HAS DEVELOPED SOME CLEVER WAYS TO OVERCOME

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PROCUREMENT DELAYS FOR NEEDED PARTS FROM U.S. SUPPLIERS AND IS DEVELOPING A SIMILAR SYSTEM THAT MIGHT PARTICULARLY BENEFIT SMALL U.S. TECHNICAL SERVICES FIRMS. CFE MANAGEMENT COMPLAINED OF DIFFICULTIES IN OBTAINING INSTRUMENTATION FROM U.S. EXPORTERS WHO APPARENTLY FEAR TO INCUR LIABILITY IF THEY SUPPLY A FOREIGN NUCLEAR PLANT. CFE OFFICIALS SPECULATED THAT THEY MIGHT WISH TO PLAN FOR THE CONSTRUCTION OF FURTHER POWER REACTORS WHICH REPLICATE THE CURRENT LAGUNA VERDE MODEL AFTER UNIT ONE HAS OPERATED FOR SOME TIME. CFE TECHNICAL OFFICIALS STRESSED THE BENEFITS OF STANDARDIZATION IN EXPANDING THE NUCLEAR PROGRAM AT SOME (UNSPECIFIED) FUTURE DATE. END SUMMARY.

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2. EMBASSY SCIENCE ATTACHE ACCOMPANIED EXIM BANK ENGINEER JENNINGS TO THE LAGUNA VERDE NUCLEAR POWER STATION FOR A SITE VISIT AND DISCUSSIONS WITH OFFICIALS OF THE FEDERAL ELECTRIC COMMISSION (CFE). DISCUSSIONS WITH CFE OFFICIALS COVERED TECHNICAL, FINANCIAL, AND COMMERCIAL ASPECTS OF THE PROJECT. THE CFE TEAM GAVE EMBASSY SCIENCE ATTACHE THE IMPRESSION OF A YOUNG COMMITTED GROUP OF PROFESSIONALS ANXIOUS FINALLY TO COMPLETE A PROJECT THAT HAS LINGERED TOO LONG.

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3. THE PRINCIPAL EMPHASIS OF THE CFE TEAM IS ON COMPLETING UNIT ONE OF THE TWO REACTOR COMPLEX. IN AUGUST 1984 THE CFE TEAM RECALIBRATED ITS MILESTONES FOR COMPLETION OF THE PLANT TO INCORPORATE ADDITIONAL SAFETY REQUIREMENTS. THE PLANT AT THAT TIME WAS 85 PERCENT COMPLETE. AS OF JULY 1985, 40 PERCENT OF THE REMAINDER OF THE WORK ON UNIT ONE WAS COMPLETED. CREWS ARE COMPLETING AN ADDITIONAL 2 PLUS PERCENT OF THE

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REMAINING WORK EVERY TWO WEEKS. AT THE CURRENT RATE OF WORK, THE PLANT WILL BE READY FOR FUEL LOADING IN 15 MONTHS. HOWEVER, EARLY THIS YEAR, CFE PROJECT OFFICIALS IMPLEMENTED NEW FOREIGN PROCURMENT PROCEDURES WHICH HAVE PREVENTED BOTTLENECKS. PROJECT OFFICIALS HOPE TO INCREASE THE RATE OF COMPLETION OF WORK IN ORDER TO HAVE THE PLANT READY TO BE FUELED IN SEPTEMBER OF 1986. WITH ENTRY INTO FULL COMMERCIAL OPERATION SIX TO EIGHT MONTHS THEREAFTER. THE FOLLOWING TABLE PROVIDES THE STATUS OF KEY PORTIONS OF THE PROJECT.

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- -	TURBINES	REACTOR	WASTE	CONTROLS	TOT PLANT
PERCENT WORK TO BE DONE 8/84	7.26	42.06	13.06	9.45	9.90
PERCENT DONE BY 7/85	3.34	17.06	4.6	4.65	3.39

4. CFE OFFICIALS HAVE CALCULATED THEIR EXPENSES (CONVERTED TO DOLLARS AT THE EXCHANGE RATE PREVAILING WHEN THEY WERE INCURRED) FOR THE ENTIRE LIFE OF THE PROJECT. AS OF MAY 1985, TOTAL EXPENDITURES FOR BOTH UNITS WERE DOLLARS 1.738 BILLION (INTEREST EXPENSES NOT INCLUDED). A FURTHER 399 MILLION DOLLARS NEEDS TO BE SPENT TO FINISH BOTH UNITS. CFE OFFICIALS CALCULATE THAT BOTH UNITS CAN BE COMPLETED AT A COST PER INSTALLED KILOWATT OF DOLLARS 1638 (DOLLARS 2200 INCLUDING IDC). THIS FIGURE APPEARS COMPATIBLE WITH U.S. REACTORS AND APPEARED SURPRISING CONSIDERING THE LENGTH OF THE CONSTRUCTION TIME. CFE OFFICIALS NOTED THAT LABOR COSTS FOR THE PROJECT ARE EXTREMELY

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PAGE 01 MEXICO 17199 02 OF 03 202238Z
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[redacted] SECTION 02 OF 03 MEXICO 17199

DEPARTMENT FOR OES/N, ARA/MEX, EB/ECC
PASS TO EXIM BANK, NRC, DOE/NE, AND DEPT. OF COMMERCE

E.O. 12356: N/A
TAGS: MNUC, TRGY, KSCA, MX
SUBJECT: VISIT TO LAGUNA VERDE NUCLEAR POWER PLANT:

LOW BOTH FOR BLUE COLLAR AND PROFESSIONAL MEXICAN
EMPLOYEES.

5. MOREOVER, CFE OFFICIALS NOTED THAT THERE HAVE BEEN VERY LARGE PRODUCTIVITY INCREASES IN THE CONSTRUCTION OF UNIT TWO DUE TO BOTH MANAGEMENT AND LABOR EXPERIENCES ON UNIT ONE. PRODUCTIVITY HAS INCREASED BY OVER 300 PERCENT IN SEVERAL MAJOR AREAS SUCH AS CONCRETE WORK AND APPEARS TO HAVE DOUBLED OVERALL. CFE OFFICIALS NOTED THAT ALL MEXICAN CONTRACTORS AND LABOR HAD TO BE TRAINED FROM SCRATCH TO PERFORM WORK OF A QUALITY ACCPETABLE IN A NUCLEAR PLANT. PROJECT MANAGEMENT ALSO NEEDED TO BE REEDUCATED INTO THE MORE STRINGENT REQUIREMENTS OF A NUCLEAR PROJECT.

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PAGE 02 MEXICO 17199 02 OF 03 202238Z

6. THERE REMAIN INEFFICIENCIES ON THE LABOR FRONT AT THE PLANT, NEVERTHELESS. THE CONSTRUCTION CREW

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CONSISTS OF TWO SHIFTS TOTALLING 10,000 MEN AND WOMEN. EACH SHIFT IS TRANSPORTED AWAY FROM SITE FOR LUNCH (ABOUT TWO HOURS) MOREOVER, SCIATT OBSERVED THAT THE TRANSPORT OF MEN AND MATERIALS BETWEEN LEVELS IN THE REACTOR AREA WAS HALTED TWICE EACH SHIFT FOR 45 MINUTES SO THAT ELEVATOR OPERATORS COULD TAKE BREAKS WHICH WERE NOT SYNCHRONIZED WITH BREAKS OF THE CONSTRUCTION WORKERS. THE CONSTRUCTION CREW IS VERY YOUNG BY U.S. OR EUROPEAN NUCLEAR INDUSTRY STANDARDS (AS IS THE MANAGEMENT OF THE PROJECT). SCIATT ESTIMATES THAT MUCH MORE THAN EIGHTY PERCENT OF THE LABOR FORCE OBSERVED AND OVER SIXTY PERCENT OF MANAGEMENT APPEARED TO BE UNDER 35 YEARS OF AGE.

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7. PROJECT MANAGEMENT HAS DEVELOPED MEANS TO OVERCOME BOTTLENECKS IN FOREIGN PROCUREMENT CAUSED BY GOM IMPORT REGULATIONS. CFE HAS OBTAINED A FOREIGN LINE OF CREDIT FOR 10 MILLION DOLLARS. BUDGET MINISTRY APPROVAL HAS BEEN OBTAINED TO EXPEND THIS MONEY FOR THE PURCHASE OF EQUIPMENT VIEWED AS VITAL FOR THE START-UP OF UNIT ONE, AS LONG AS NO PURCHASE EXCEEDS DOLLARS 254 THOUSAND. (NO PURCHASE HAS YET EXCEEDED DOLLARS 85 THOUSAND AND MOST PURCHASES ARE FOR LESS THAN DOLLARS 10 THOUSAND). THE CFE HAS BLANKET APPROVAL TO IMPORT WITHOUT A SPECIFIC IMPORT PERMIT A "CATALOGUE" OF EQUIPMENT AND INSTRUMENTATION WHICH WAS NEGOTIATED WITH GOM AUTHORITIES. PROCUREMENT IS HANDLED BY EBASCO SERVICES OUT OF A LOUISIANA OFFICE.

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8. PROJECT MANAGEMENT IS ATTEMPTING TO DEVELOP THE SAME ARRANGEMENT FOR THE IMPORTATION OF TECHNICAL

[redacted]

SERVICES FOR PLANT FUEL LOADING AND START-UP. CFE CALCULATES THAT THERE ARE 214 MAIN SPECIFICATIONS LEADING TO START-UP OF WHICH 91 WILL REQUIRE THE SERVICES OF OUTSIDE TECHNICAL SUPPORT FIRMS. 83 OF THOSE TASKS WILL REQUIRE THE SERVICES OF FOREIGN FIRMS. CFE ESTIMATES START UP WILL REQUIRE 160 VISITS BY TECHNICAL SERVICES FIRM WITH A FEE OF ABOUT DOLLARS 10 THOUSAND PER VISIT. CFE HAS A LIST OF 22 MAJOR TECHNICAL SERVICES FIRMS AND 65 SMALL COMPANIES. PROJECT MANAGEMENT IS DEVELOPING A SIMPLIFIED CONTRACT FOR THE SMALL FOREIGN FIRMS TO EXEMPT THEM FROM THE ONEROUS

[redacted]

TECHNOLOGY TRANSFER AND REGISTRATION REQUIREMENTS USUSALLY LEVIED ON FOREIGN FIRMS.

9. PROJECT MANAGEMENT COMPLAINED OF DIFFICULTIES OBTAINING INSTRUMENTATION, SWITCHE' ETC. FROM U.S. VENDORS. U.S. FIRMS APPARENTLY HAVE TOLD CFE OFFICIALS THAT THEY ARE UNWILLING TO SUPPLY ANY EQUIPMENT TO FOREIGN NUCLEAR PLANTS FOR FEAR OF INCURRING FUTURE LIABILITY. CFE OFFICIALS STATED THAT GOM LAW WOULD EXEMPT SUCH SUPPLIERS FROM LIABILITY. (EMBASSY WILL ATTEMPT TO CONFIRM CFE CLAIM.)

10. CFE OFFICIALS STATED THEY WOULD LIKE TO SEE THE NEWLY ACQUIRED EXPERTISE IN NUCLEAR CONSTRUCTION KEPT IN BEING. PROJECT OFFICIALS SPECULATED THAT THEY WOULD LIKE TO SEE A SECOND POWER STATION CONSTRUCTED AT LAGUNA VERDE WHICH DUPLICATED THE CURRENT GE DESIGNED PLANT. CFE OFFICIALS STATED THAT ONLY STANDARDIZATION OF NUCLEAR DESIGN COULD PERMIT THEM TO CONTINUE INCREASING PRODUCTIVITY. PROJECT OFFICIALS EMPHASIZED THAT UNIT ONE WOULD HAVE TO RUN SUCCESSFULLY FOR SEVERAL YEARS BEFORE FACING SUCH A DECISION AND THAT NO/NO SERIOUS CONSIDERATION HAD BEEN GIVEN TO EXPANDING

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PAGE 01 MEXICO 17199 03 OF 03 202237Z
ACTION OES-09

INFO LOG-00 COPY-01 ADS-00 INR-10 SS-00 CIAE-00 EB-08
DODE-00 H-01 IO-16 EXIM-06 ARA-00 NSAE-00 COME-00
L-03 PM-10 EPA-01 STR-14 ACDA-12 SP-02 DOEE-00
NRC-02 SNP-01 /096 W
------------------324540 210120Z /72
R 202230Z AUG 85
FM AMEMBASSY MEXICO
TO SECSTATE WASHDC 2702

[redacted] SECTION 03 OF 03 MEXICO 17199

DEPARTMENT FOR OES/N, ARA/MEX, EB/ECC
PASS TO EXIM BANK, NRC, DOE/NE, AND DEPT. OF COMMERCE

E.O. 12356: N/A
TAGS: MNUC, TRGY, KSCA, MX
SUBJECT: VISIT TO LAGUNA VERDE NUCLEAR POWER PLANT:

THE NUCLEAR PROGRAM BY THE GOM AT THIS TIME. (DRAFTED:
JOETHOMAS) GRVIN

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AN: 0850593-0261

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PAGE 01 MEXICO 17200 01 OF 03 202247Z
ACTION OES-09

INFO LOG-00 COPY-01 ADS-00 INR-10 SS-00 CIAE-00 EB-08
DODE-00 H-01 EXIM-06 ARA-00 NSAE-00 COME-00 L-03
PM-10 EPA-01 SP-02 DOEE-00 NRC-02 SNP-01 /054 W
------------------324555 210131Z /70
R 202240Z AUG 85
FM AMEMBASSY MEXICO
TO SECSTATE WASHDC 2703

[redacted] SECTION 01 OF 03 MEXICO 17200

DEPARTMENT FOR OES/N AND ARA/MEX
DEPARTMENT PASS TO NRC

E.O. 12356: DECL 8/16/90
TAGS: MNUC, TRGY, MX, KSCA
SUBJECT: VISIT TO LAGUNA VERDE NUCLEAR POWER PLANT: TECHNICAL AND SAFETY ASPECTS

1. [redacted]AL - ENTIRE TEXT.

2. EMBASSY SCIENCE ATTACHE ACCOMPANIED EXIM BANK ENGINEER TO THE LAGUNA VERDE NUCLEAR POWER STATION FOR DISCUSSIONS WITH PROJECT STAFF. THE TRIP ALSO INCLUDED A DETAILED TOUR OF CONSTRUCTION AT UNIT ONE OF THE POWER STATION ALONG WITH EXAMINATION OF CONVENTIONAL PORTIONS OF THE PLANT AND THE COMMON RADIOACTIVE WASTE LABS. THIS MESSAGE WILL DEAL WITH THE TECHNICAL, SAFETY, AND SECURITY ASPECTS DISCUSSED AND OBSERVED. THIS INFORMATION IS PROVIDED WITH THE CAVEAT THAT EMBASSY SCIENCE ATTACHE IS NOT A NUCLEAR ENGINEER. GENERAL IMPRESSION GAINED FROM THE TOUR IS THAT PROJECT STAFF IS MAKING THE EFFORT TO CONSTRUCT, AND OPERATE A SAFE PLANT AT AN ECONOMICALLY ACCEPTABLE COST. THE PROJECT IS REQUIRED BY MEXICAN AUTHORITIES TO CONFORM TO NRC REGULATIONS. FULL SCALE IAEA SAFETY

[redacted]

PAGE 02 MEXICO 17200 01 OF 03 202247Z

INSPECTION IS SCHEDULED FOR FEBRUARY. U.S. ENGINEERS

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DEPARTMENT OF STATE RELEASE EXCISE DENY DECLASSIFY DECLASSIFY IN PART EO Citations
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WERE SEEN AT THE SITE. ENGINEERING STAFF DID COMPLAIN ABOUT THE "OVER CONSERVATISM" OF U.S. ARCHITECT ENGINEERING FIRMS. PHYSICAL SECURITY IS BEING APPLIED AT THE SITE AND FOR THE FIRST TWO LOADS OF NUCLEAR FUEL. ARMED MEXICAN MARINES WERE AT THE SITE. THE FINAL RADIOLOGICAL AND PHYSICAL SECURITY PROCEDURES FOR THE PLANT WILL PROBABLY NOT BE IMPLEMENTED UNTIL 3 MONTHS BEFORE FUEL LOADING. PLANT OPERATIONS STAFF IS LARGE AND IS ALREADY INVOLVED IN WORK AND TRAINING BOTH ON AND OFF SITE. THE PRINCIPAL RISK TO PLANT PERSONNEL AND THE SURROUNDING POPULATION DETECTED BY SCIATT WAS THE HAIR-RAISING TRAFFIC DURING THE CONSTRUCTION SHIFT-CHANGE. END SUMMARY.

3. EMBASSY SCIENCE ATTACHE ACCOMPANIED EXIM BANK ENGINEER JOHN JENNINGS TO THE LAGUNA VERDE NUCLEAR POWER PLANT SITE ON AUGUST 15 FOR DISCUSSIONS WITH PROJECT STAFF AND FOR A DETAILED TOUR OF UNIT ONE, THE CONVENTIONAL PARTS OF THE PLANT, AND THE COMMON RADIOACTIVE WASTE LAB. THE FOLLOWING IS AN ACCOUNT OF TECHNICAL AND SAFETY ASPECTS OBSERVED BY THE SCIENCE ATTACHE. THIS INFORMATION IS PROVIDED IN THE HOPE IT WILL BE OF SERVICE TO TECHNICAL EXPERTS IN THE DEPARTMENT AND NRC. EMBASSY SCIENCE ATTACHE IS NOT/NOT A NUCLEAR ENGINEER AND HIS CONCLUSIONS SHOULD THEREFORE NOT BE CONSIDERED AUTHORITATIVE. (SEPTEL WILL PROVIDE ECONOMIC AND COMMERCIAL INFORMATION GAINED DURING TRIP.)

THE REACTORS AND NSSS

[redacted]

4. WORK ON THE REACTOR BUILDING FOR UNIT ONE IS ABOUT 75 PERCENT COMPLETE. RETROFIT OF THE SUPRESSION POOL TO COPE WITH SWELLING AND SEISMIC PHENOMENA IS COMPLETE EXCEPT FOR CLEANING THE POOL PRIOR TO FILLING. THE SUPPRESSION POOL SHOULD BE FILLED WITHIN TWO WEEKS. PIPE SUPPORTS (PROVIDED BY FRG FIRM MANNESMANN) ARE MASSIVE AND ARE CONSIDERED BY FEDERAL ELECTRICITY COMMISSION ENGINEERS TO BE OVERDESIGNED. THE PIPE SUPPORTS ARE LARGER THAN SCIATT HAS OBSERVED IN U.S. PWR'S OF LARGER CAPACITY. CFE CHIEF OF ENGINEERING

[redacted]

AT THE SITE BELIEVES THE SUPPORTS WILL WITHSTAND 0.26 G. ACCORDING TO CFE, THE SIZE OF THE PIPE SUPPORTS AND LARGE NUMBERS OF SNUBBERS (I.E. EQUIPMENT TO ABSORB THE FORCE OF A SEISMIC OR OTHER SHOCK TO PIPES) HAS INTERFERRED WITH CABLE LAYING AND WILL MAKE SOME INSPECTIONS PRIOR TO START-UP AWKWARD. ACCORDING TO THE CHIEF OF PROJECT ENGINEERING, THE LAGUNA VERDE STAFF IS ENGAGED IN A PROGRAM TO REDUCE THE NUMBER OF SNUBBERS FROM 2,000 TO SEVERAL HUNDRED (3-400).

5. CREWS WERE TESTING THE MAIN CRANE FOR FUEL LOADING/ UNLOADING. WORK APPEARED WELL ALONG ON REACTOR PRESSURE VESSEL AND SPENT FUEL STORAGE AREA. HIGH DENSITY SPENT FUEL STORAGE RACKS WERE BEING INSTALLED.

6. EXTENSIVE WORK WAS TAKING PLACE NEAR PENETRATIONS INTO THE PRIMARY CONTAINMENT (WORK INCLUDED WELDING AND FABRICATION OF CURVED METAL PLATES. WORK ON THE EMERGENCY CONTROL ROD DRIVE SYSTEM WAS NOT COMPLETE.

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[redacted]

PAGE 01 MEXICO 17200 02 OF 03 202248Z
ACTION OES-09

INFO LOG-00 COPY-01 ADS-00 INR-10 SS-00 CIAE-00 EB-08
DODE-00 H-01 EXIM-06 ARA-00 NSAE-00 COME-00 L-03
PM-10 EPA-01 SP-02 DOEE-00 NRC-02 SNP-01 /054 W
----------324556 2101312 /70
R 202240Z AUG 85
FM AMEMBASSY MEXICO
TO SECSTATE WASHDC 2704

[redacted] SECTION 02 OF 03 MEXICO 17200

DEPARTMENT FOR OES/N AND ARA/MEX
DEPARTMENT PASS TO NRC

E.O. 12356: DECL 8/16/90
TAGS: MNUC, TRGY, MX, KSCA
SUBJECT: VISIT TO LAGUNA VERDE NUCLEAR POWER PLANT:

C-
8. CFE IS DOING ITS OWN PIPE STRESS CALCULATIONS. STAFF EXPRESSED SATISFACTION AT THE GREATER SPEED AND LOWER COST IN COMPUTER TIME AT AVOIDING HAVING TO SUBMIT THE WORK TO OUTSIDE FIRM. IN GENERAL, CFE ENGINEERS EXPRESSED A MILD DISTASTE FOR THE "OVER CONSERVATISM" OF THE DESIGNERS AND ARCHITECT ENGINEERING FRIMS WHEN PRESENTED WITH PROBLEMS IN CONSTRUCTION CALLING FOR CHANGES IN THE ORIGINAL DESIGN (E.G. THE PIPE SUPPORTS AND SNUBBERS).

9. THE REACTOR CONTROL ROOM IS LARGELY COMPLETE. STAFF WAS TESTING EQUIPMENT IN PREPARATION FOR TURNING IT OVER TO OPERATIONS STAFF. LAGUNA VERDE HAS BEEN HOOKED UP TO THE NATIONAL GRID AND ASPECTS OF THE CONTROL ROOM DEALING WITH THAT ARE IN OPERATION. THE OPERATIONS STAFF HAS CHECKED OUT EQUIPMENT INSTALLED OR STORED FOR A NUMBER OF YEARS TO BE SURE IT IS STILL

[redacted]

PAGE 02 MEXICO 17200 02 OF 03 202248Z

FUNCTIONING. CONCERN ABOUT HEAT DAMAGE TO PROCESS CONTROL COMPUTER WAS UNFOUNDED AND THE COMPUTER IS

[redacted]

INSTALLED.

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10. OPERATIONS STAFF IS PREPARING FOR SECTION 11 TESTS ON EQUIPMENT (I.E. PREPARATORY ON PUMPS, MOTORS, ETC.). GILBERT COMMONWEALTH HAS BEEN RETAINED TO DEAL WITH SPECIFIC TECHNICAL PROBLEMS WITH THE TESTS.

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RADWASTE LAB

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11. MUCH OF THE EQUIPMENT IN THE RADWASTE LAB HAS BEEN TURNED OVER TO THE OPERATIONS STAFF. THE OFF GAS SYSTEM APPEARS TO BE READY. CFE STAFF STATED THAT SOME INSTRUMENTATION STILL NEEDS TO BE INSTALLED. CFE IS IN THE PROCESS OF OBTAINING A LICENSE FOR A SITE FOR THE DISPOSAL OF LOW AND MEDIUM LEVEL WASTE. A SPECIFIC SITE HAS NOT YET BEEN SELECTED. A U.S. FIRM WAS THE CONTRACTOR FOR THE WASTE DISPOSAL METHOD (NAME NOT AVAILABLE).

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CONVENTIONAL PORTIONS OF PLANT

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12. TURBINE BUILDING APPEARS NEARLY COMPLETE AND EQUIPMENT IS NEARLY COMPLETELY INSTALLED. ADDITIONAL RADIATION SHIELDING HAS BEEN COMPLETED. THE SEA WATER INTAKE BUILDING IS UNDERGOING TESTING. SPECIAL FILTERING MACHINES HAVE BEEN INSTALLED TO PREVENT THE INTAKE OF SMALL CRUSTACEANS INTO THE SEA WATER SYSTEM AND THE CONDENSER.

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[redacted]

13. AUXILIARY DIESEL GENERATORS MAY NOT COMPLY WITH REVISED GOM REQUIREMENTS AND ARE BEING EXAMINED BY CFE. ONE CFE OFFICIAL SAID THE GENERATORS HAD TO BE REPLACED BUT OTHER OFFICIALS DID NOT CONFIRM THAT STATEMENT.

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U.S. AND OTHER FOREIGN PRESENCE

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15. GE ENGINEERS ARE AT THE LAGUNA VERDE SITE. SCIENCE ATTACHE SAW ONE GE ENGINEER AT THE CONSTRUCTION

SITE. SCIATT ALSO MET TWO GE ENGINEERS ON FLIGHT TO VERACRUZ WHO WERE GOING TO LAGUNA VERDE FOR MEETINGS WITH CFE. A VERY LARGE CONTINGENT OF FOREIGN EXPERTS IS EXPECTED NEXT YEAR AS UNIT ONE PREPARES FOR FUEL LOADING. AN IAEA TEAM WILL HOLD A SAFETY INSPECTION IN FEBRUARY OF 1986. FOUR SPANISH ENGINEERS FROM COFRENTES ARE AT SITE.

PHYSICAL SECURITY

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15. ACCESS TO THE CONSTRUCTION IS CONTROLLED. ID BADGES ARE WORN BY ALL CONSTRUCTION WORKERS. ID'S ARE CHECKED AT EACH CONSTRUCTION LEVEL IN THE REACTOR BUILDING. SCIENCE ATTACHE OBSERVED ARMED MEXICAN MARINES AT THE ENTRY POINT TO THE CONSTRUCTION SITE AND WITHIN THE SITE. THE MEXICAN MILITARY WILL BE INVOLVED IN PHYSICAL SECURITY AT THE SITE PERMANENTLY. SECURITY DRILLS ARE BEING PREPARED BY THE MILITARY.

17. THE WAREHOUSE CONTAINING THE FIRST TWO LOADS OF

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INFO LOG-00 COPY-01 ADS-00 INR-10 SS-00 CIAE-00 EB-08
DODE-00 H-01 EXIM-06 ARA-00 NSAE-00 COME-00 L-03
PM-10 EPA-01 SP-02 DOEE-00 NRC-02 SNP-01 /054 W
------------------324557 210132Z /70
R 202240Z AUG 85
FM AMEMBASSY MEXICO
TO SECSTATE WASHDC 2705

[redacted] SECTION 03 OF 03 MEXICO 17200

DEPARTMENT FOR OES/N AND ARA/MEX
DEPARTMENT PASS TO NRC

E.O. 12356: DECL 8/16/90
TAGS: MNUC, TRGY, MX, KSCA
SUBJECT: VISIT TO LAGUNA VERDE NUCLEAR POWER PLANT:

NUCLEAR FUEL FOR THE REACTOR HAS A SEPARATE SECURITY PERIMITER. CFE OFFICIALS PERIODICALLY CHECK THE FUEL CONTAINERS BUT NOT THE FUEL. FUEL IS STORED ACCORDING TO RELEVANT NRC REGULATIONS ACCORDING TO CFE PERSONNEL. SCIENCE ATTACHE ONLY SAW THE WAREHOUSE CONTAINING THE FUEL FROM A DISTANCE.

17. THE PERMANENT PHYSICAL SECURITY SYSTEM FOR THE PLANT INCLUDING CLOSED CIRCUIT TV CAMERAS WILL NOT BE PUT INTO OPERATION UNTIL SEVERAL MONTHS BEFORE FUEL LOADING (SCHEDULED FOR SEPTEMBER 1986). IN MID-1986, THE FULL SCALE SECURITY SYSTEM WILL BE ACTIVATED IN ORDER TO ACCUSTOM THE PLANT PERSONNEL TO ITS OPERATIONS. THE RADIOLOGICAL SECURITY MEASURES WILL ALSO BE INSTITUTED AT THAT TIME.

OPERATIONS
[redacted]

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18. THE OPERATIONS GROUP IS ALREADY WORKING AT THE

SITE. A GROUP OF CONSTRUCTION WORKERS HAS ALSO BEEN ASSIGNED TO THE HEAD OF THE OPERATIONS GROUP TO ASSIST IN MAINTAINING ALREADY INSTALLED EQUIPMENT. OPERATING PROCEDURES HAVE BEEN WRITTEN FOR THE PLANT AND PERSONNEL ARE TRAINING AT GE AND HAVE VISITED U.S. BOILING WATER REACTORS TO OBTAIN EXPERIENCE. THE OPERATIONS GROUP INCLUDES 24 SENIOR REACTOR OPERATORS AND 8 REACTOR OPERATORS. ALL OPERATORS HAVE ENGINEERING DEGREES. CFE IS CURRENTLY SELECTING ITS TECHNICIANS. LICENSING FOR OPERATORS IS NEARLY COMPLETE. RO'S AND SRO'S ARE CURRENTLY IN THE U.S. AND SPAIN FOR REFRESHERS.

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19. THE OPERATIONS GROUP AND THE INSTITUTE FOR ELECTRICAL INVESTIGATIONS (IIE) ARE DESIGNING AND CONSTRUCTING A REACTOR SIMULATOR. COMPUTER HARDWARE AND INSTRUMENTS HAVE BEEN OBTAINED FROM THE U.S. (COMPUTER IS A DEC VAX). GE IS PREPARING THE SOFTWARE.

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COMMENT

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20. THE PRINCIPAL RISK TO PLANT PERSONNEL AND THE SURROUNDING POPULATION DETECTED BY SCIENCE ATTACHE DURING VISIT WAS THE SHIFT CHANGE. WORKERS (AND - IN THIS CASE - SCIATT) ARE TRANSPORTED BACK TO VERACRUZ ALONG A TWO LANE HIGHWAY AT 70 PLUS MILES AN HOUR IN A CAREENING, JOCKEYING COLLECTION OF 20 YEAR OLD SCHOOL BUSES AND COMPANY VEHICLES THAT LONG-AGO PUT ASIDE THE LUXURY OF SHOCK ABSORBERS, TREAD ON TIRES, AND MECHANICAL INSPECTIONS.

[redacted]

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21. ON A MORE SERIOUS NOTE, IT IS CLEAR TO US THAT THE GOM AND CFE HAVE LEARNED OF SUPPOSED NRC CONCERN ABOUT SAFETY AT LAGUNA VERDE. A CNSNS OFFICIAL CALLED EMBASSY SCIENCE COUNSELOR DURING THE WEEK ENDING 8/9. THE OFFICIAL SAID CNSNS HAD HEARD THE USG WAS WORRIED ABOUT SAFETY AT LAGUNA VERDE AND ASKED TO BE INFORMED OF SPECIFICS. DURING SCIENCE ATTACHE'S VISIT TO THE REACTORS, CFE OFFICIALS MADE REPEATED REFERENCES TO THEIR COMPLETE ADHERENCE TO GOM SAFETY REQUIREMENTS WHICH, BY-AND-LARGE, ARE TAKEN

[redacted]

DIRECTLY FROM THE NRC. WE WOULD URGE INTERESTED WASHINGTON AGENCIES TO KEEP FUTURE DISCUSSIONS OF SAFETY AT LAGUNA VERDE IN CLASSIFIED CHANNELS AND NOT/ NOT TO DISCUSS IT WITH MEXICAN OFFICIALS UNLESS THERE ARE SPECIFIC CONCERNS TO BE RAISED. (DRAFTED:JDETHOMAS) GAVIN

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TEXT OF TELEGRAM 85SAN SA010789

ADP182
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PAGE 01 SAN SA 10789 01 OF 02 220012Z
ACTION ARA-00

INFO LOG-00 COPY-01 ADS-00 INR-10 SS-00 CIAE-00 DODE-00
H-01 NSC-01 NSAE-00 HA-08 L-03 PM-10 PA-02
OMB-01 SP-02 SNP-01 PRS-01 SLPD-01 SPD-01 /043 W
----------004225 220110Z /66 38

R 2200022 AUG 85
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 7866
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY MANAGUA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HEIGHTS PN
USIA WASHDC 5338
USAFSO HOWARD AFB PN//LAI//
24COMPW HOWARD AFB//DOI//

UNCLAS SECTION 01 OF 02 SAN SALVADOR 10789

USIA FOR AR/CENTAM

E.O. 12356: N/A
TAGS: PGOV, ES
SUBJECT: FMLN GENERAL COMMAND LETTER TO CONGRESS

1. THE FMLN GENERAL COMMAND HAS MADE PUBLIC A LETTER TO CONGRESS DATED JULY 1985 AND SIGNED BY ROBERTO ROCA, FERMAN CIENFUEGOS, LEONEL GONZALEZ, SHAFIK JORGE HANDAL, ND JOAQUIN VILLALOBOS. THE LETTER REFERS TO AN EVER-INCREASING ESCALATION OF THE "INVOLVEMENT OF U.S. MILITARY AND ECONOMIC MEANS IN THE CONFLICT." IT CITES THIS INTERVENTION AS BEING RESPONSIBLE FOR

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PAGE 02 SAN SA 10789 01 OF 02 220012Z

THE ALLEGED "50,000 DEATHS AND 1 MILLION REFUGEES" THAT HAVE RESULTED. IT IMPUGNS DUARTE WITH LEAVING THE "BASIC STRUCTURE OF ECONOMIC POWER" INTACT AND WITH FAVORING THE RULING CLASSES. THE LETTER ARGUES THAT THE AIR WAR HAS BEEN INEFFECTUAL, THAT THE GUERRILLAS ARE PREPARED TO WAGE A "LONG WAR OF ATTRITION."

2. THE AUTHORS OF THE LETTER ATTEMPT TO ARGUE THAT

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El Salvador: Human Rights
Special Project (1993)

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: JOHNSTON, DONALD
Date: 06/08/94
Case ID: 9940034L

DESPITE THE FACT THAT THE U.S. ADMINISTRATION HAS ATTEMPTED TO PORTRAY THE CONFLICT WITHIN THE FRAMEWORK OF EAST-WEST CONFRONTATION, IN FACT "IT IS IMPOSSIBLE TO PROVIDE SUSTENANCE TO THE FMLN FROM ABROAD." THE LETTER POINTS OUT THELICT IS NATIONAL (SIC) AND IS "A RESULT OF DEEP INEQUALITIES, SOCIAL INJUSTICES, AND VIOLATIONS OF THE FREEDOM AND HUMAN RIGHTS OF SALVADORANS." DIALOGUE, IT SAYS, IS "A POLITICAL COMPONENT AND MILITARY PLAN DESIGNED BY THE U.S. ADVISERS AND NOT...A REAL OPTION FOR A NEGOTIATED POLITICAL SOLUTION. THE REAGAN ADMINISTRATION IS PUSHING AN ALLEGED THIRD OPTION WITHOUT ANY REAL BASIS TO OBTAIN OUR SURRENDER ON THE BASIS OF THREATS, PRESSURE, AND FURTHER INTERVENTION. WE WILL NEVER SURRENDER."

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3. IN CLOSING THE LETTER SEEKS TO FIND COMMON CAUSE WITH CONGRESS BY INDICATING "WE ARE UNITED BY HISTORICAL AND GEOGRAPHICAL BONDS...BECAUSE OF ALL THIS WE PROPOSE THAT, AS A CONTRIBUTION TO PEACE THE U.S. CONGRESS MAKE EFFORTS AND TAKE INITIATIVES TO STOP INTERVENTION. ONLY IN THIS WAY CAN THERE BE A JUST AND TRUE SOLUTION...WE ARE CERTAIN THAT THE U.S. CONGRESS CAN LEAD THIS PROCESS TOWARD PEACE
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PAGE 03 SAN SA 10789 01 OF 02 2200122

WITH THE SAME AUTHORITY IT NOW EXERCISES TO PROTECT THE SUPPLY OF MILITARY AID, WHICH IS CONTINUING AND WORSENING THE WAR."

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4. COMMENT: THIS LETTER IS IN KEEPING WITH CURRENT FMLN EFFORTS TO PORTRAY THE DUARTE ADMINISTRATION AS A PUPPET GOVERNMENT AT THE BECK AND CALL OF THE REAGAN ADMINISTRATION. IT IS ALSO AN EXPRESSION OF FMLN INTENT, AS REVEALED IN CAPTURED DOCUMENTS, TO BEGIN FOCUSSING THEIR ATTACKS ON WHAT IS DESCRIBED AS U.S. INTERVENTION, AND ALSO, AS REVEALED IN A CAPTURED DOCUMENT ENTITLED "PLANS FOR 1985-86", DATED MARCH 1985,TO "DISRUPT THE BIPARTISAN CONSENSUS BETWEEN THE U.S. REPUBLICAN AND DEMOCRATIC PARTIES WITH REGARD TO THEIR POLICY ON EL SALVADOR." IT IGNORES THE FACTS THAT:

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-- FMLN REFUSAL TO BACK AWAY FROM THEIR AYAGUALO PRECONDITIONS IS THE REASON FOR THE DERAILING OF DIALOGUE -- NOT "INTRANSIGENCE" FROM DUARTE;

-- BECAUSE THERE IS ONLY A MINIMAL U.S. MILITARY TRAINING PRESENCE ISALVADOR, A "WAR OF ATTRITION" IN THE SALVADORAN CONTEXT MEANS WAR AGAINST THE PEOPLE AND THEIR ELECTED GOVERNMENT -- NOT, AS IN VIETNAM, A WAR AGAINST THE U.S.

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Special Project (1993)

"NEOCOLONIZERS";

-- IF DUARTE HAS LEFT "THE BASIC STRUCTURE OF ECONOMIC POWER" INTACT, ONE WOULD NEVER KNOW IT LISTENING TO THE COMPLAINTS ABUT DUARTE'S ALLEGED ONE-SIDED ANTI-FREE ENTERPRISE ECONOMIC POLICIES

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El Salvador: Human Rights
Special Project (1993)

TEXT OF TELEGRAM 85SAN SA010789

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PAGE 01 SAN SA 10789 02 OF 02 220012Z
ACTION ARA-00

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H-01 NSC-01 NSAE-00 HA-06 L-03 PM-10 PA-02
OMB-01 SP-02 SNP-01 PRS-01 SLPD-01 SPD-01 /043 W
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R 220002Z AUG 85
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 7867
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY MANAGUA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HEIGHTS PN
USIA WASHDC 5339
USAFSO HOWARD AFB PN//LAI//
RUEOSBA/24COMPW HOWARD AFB//DOI//

UNCLAS SECTION 02 OF 02 SAN SALVADOR 10789

USIA FOR AR/CENTAM

RELEASED
El Salvador: Human Rights
Special Project (1993)

E.O. 12356: N/A
TAGS: PGOV, ES
SUBJECT: FMLN GENERAL COMMAND LETTER TO CONGRESS
COMING FROM LEADERS OF THE PRIVATE SECTOR, THE
SO-CALLED OLIGARCHS; IT IGNORES THE FACT THAT THE
BANKING SYSTEM HAS BEEN NATIONALIZED, ALL RPT ALL
THE LARGE LANDED ESTATES HAVE BEEN EXPROPRIATED AND
DIVIDED UP UNDER THE LAND REFORM PROGRAM; SUGAR AND
COFFEE EXPORTS (75 PERCENT OF THE COUNTRY'S EXPORT
EARNINGS) ARE NOW CONDUCTED BY STATE MARKETING
BOARDS; AND OTHER CHANGES TO THE OLD ECONOMIC
UNCLASSIFIED
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PAGE 02 SAN SA 10789 02 OF 02 220012Z

SYSTEM THAT HAVE NOW BEEN EFFECTED;

-- FMLN CLAIMS THAT IT IS IMPOSSIBLE TO PROVIDE
SUSTENANCE TO THE FMLN FOM ABROAD" ARE PREPOSTEROUS,
IN ESSENCE ASKNG THE WORLD TO DISCOUNT SERAL
NUMBER EVIDENCE THAT APPROXIMATELY 70 PERCENT OF
M-16 RIFLES CAPTURED BY THE EAF CAN BETRACED
DIRECTLY AS WEAPONS LEFT BEHIND IN VIETNAM BY OUR
ARMED FORCES; AND TO BELIEVE THAT THE BULGARIAN

AMMUNITION, CHINESE AND SOVIET ROCKET-PROPELLED GRENADES, AND MULTITUDES OF OTHER COMMUNIST-BLOC EQUIPMENT FOUND ON A DAILY BASIS IN GUERRILLA ARMS CACHES, WERE PERHAPS LEFT INADVERTENTLY BEHIND THE TOOTH FAIRY UNDER COCONUT TREES.

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PAGE 01 OF 02 SAN SA 11143 00 OF 02 300117Z 7825 ARA8199
ACTION ARA-00

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INFO FILE-01 ARA-03 PPC-01 DECP-01 ECP-01 RPP-02 OAS-01
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TO SECSTATE WASHDC 8091
INFO AMEMBASSY BOGOTA
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AMEMBASSY GUATEMALA
AMEMBASSY MANAGUA
AMEMBASSY MEXICO
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[redacted] SAN SALVADOR 11143

USIA FOR AR/CENTAM

E.O. 12356: DECL:OADR
TAGS: PGOV, PHUM, PTER, ES
SUBJECT: RELEASE OF KIDNAPPED MAYORS POSSIBLE

REF: A. SAN SALVADOR 9297
B. FBIS CHIVA CHIVA PA 210409Z AUG 85 PANAMA
C. FBIS CHIVA CHIVA PANAMA DTG 260107Z AUG 85

1. (U) SUMMARY:

THE THIRTEEN MAYORS KIDNAPPED BY THE ERP GUERRILLAS MAY SOON GAIN THEIR LIBERTY, ACCORDING TO THE CHURCH AND OTHER SOURCES. A MARCH BY OTHER MAYORS, ASSEMBLY DEPUTIES, LABOR UNIONS, AND OTHERS TO DEMONSTRATE FOR THE MAYORS' RELEASE WAS CANCELLED AS ONE CONDITION OF THE RELEASE. END SUMMARY.

2. (U) BACKGROUND

SALVADORAN MAYORS, UPSET BY THE LACK OF PROGRESS IN FREEING THIRTEEN OF THEIR COLLEAGUES KIDNAPPED BY THE ERP BETWEEN APRIL 12 AND JUNE 4 OF THIS YEAR, HELD A MEETING IN SAN SALVADOR ON AUGUST 15 TO ASK THE GOVERNMENT WHAT MEASURES IT WAS TAKING TO EFFECT THE PRISONERS' RELEASE. SAN SALVADOR MAYOR JOSE ANTONIO MORALES EHRLICH REMINDED THE MAYORS THAT ANY ACTION THE GOES TAKES CONCERNING THE MAYORS MUST BE CONSISTENT WITH EL SALVADOR'S CONSTITUTION. ACCORDING TO AN ARTICLE IN THE AUGUST 16 EDITION OF THE SAN SALVADOR DAILY "EL MUNDO", MORALES SAID THAT THE GUERRILLAS' CONDITIONS FOR THE MAYORS' FREEDOM WERE THE GOES RELEASE OF SOME GUERRILLA COMMANDERS AND THE SETTING OF A DATE AND PLACE FOR THE THIRD ROUND OF THE DIALOGUE BETWEEN THE GOVERNMENT AND THE GUERRILLAS. THE MAYORS HAD PLANNED A PROTEST MARCH IN SAN MIGUEL ON AUGUST 23 TO DEMONSTRATE FOR THE RELEASE OF THE KIDNAPPED MAYORS. BUT THE MARCH WAS CALLED OFF.

3. (U) THE CHURCH:

IN HIS HOMILY OF AUGUST 25, BISHOP ROSA CHAVEZ SAID

Department of State IS/FPC/CDR El Salvador SP Date 7/22/93
Declassified under EO 12356 ( ) in full; (✓) in part;
portions withheld: classified (✓); deliberative ( );
law enforcement ( ); privacy ( ), statutory ( );
not relevant to El Salvador ( ).

SAN SA 11143 00 OF 02 300117Z 7825 ARA8199

THAT THE FAMILIES OF EIGHT OF THE MAYORS HAD MET WITH THEIR LOVED ONES IN PERQUIN DURING THE PAST WEEK, AND THAT THE GUERRILLAS HAD DEMANDED ONLY TWO THINGS AS A CONDITION OF THE RELEASE OF ALL THE MAYORS: THE CANCELLATION OF THE PLANNED MARCH, AND THE PUBLICATION OF A LETTER FROM THE MAYORS, CRITICIZING PRESIDENT DUARTE. BOTH DEMANDS HAD BEEN FULFILLED, SAID THE BISHOP, AND HE EXPECTED THE MAYORS TO BE RELEASED BY SEPTEMBER 1. HOWEVER, THE SAME DAY, THE GUERRILLAS' CLANDESTINE RADIO STATION BROADCAST A MESSAGE THAT THE CHURCH WAS NOT PARTICIPATING IN THE CASE AND THAT "ANYTHING SAID ABOUT THE CASE OF THE CAPTURED MAYORS BY SPOKESMEN OF THE CHURCH, PARTICULARLY BY MONSENOR ROSA CHAVEZ, IS MERE SPECULATION OR DISTORTED INFORMATION." (REFTEL C).

4. (U) FMLN EXPLOITATION OF MAYORS:

THE LETTER REFERRED TO ABOVE WAS PUBLISHED IN THE DAILY PAPERS ON AUGUST 20 AS A PAID ADVERTISEMENT. SIGNED BY THE EIGHT MAYORS WHO HAD NOT SIGNED A PREVIOUS MAYORS' OPEN LETTER (REFTEL A), IT CONTAINED BASICALLY THE SAME ACCUSATIONS: THE MAYORS HAD NOT KNOWN THEY WERE THE TOOLS OF THE GOVERNMENT IN A MILITARY PLAN TO COVER THE COUNTRY WITH CIVIL DEFENSE UNITS FINANCED BY USAID; THERE WAS "DUALITY OF CONTROL" SHARED BY THE GOVERNMENT AND THE FMLN IN PARTS OF THE COUNTRY; THEIR TREATMENT AT THE HANDS OF THE GUERRILLAS HAD BEEN GOOD; AND THE FMLN WOULD RELEASE THEM IN EXCHANGE FOR THE ADJUDICATION OF THE CASES OF NINE MEMBERS OF THE FMLN SUPPOSEDLY HELD BY THE GOVERNMENT. THE NAMES OF THE ALLEGEDLY CAPTURED GUERRILLAS WERE THE SAME AS IN THE PREVIOUS LETTER FROM THE OTHER FIVE MAYORS. THIS LETTER ADDED THAT THE MAYORS' LOCATION WAS BOMBED BY THE GOVERNMENT ON JUNE 14 AND THE MAYORS DEDUCED FROM THIS THAT THE GOVERNMENT WAS TRYING TO KILL THEM TO BE RID OF THE PROBLEM OF OBTAINING THEIR RELEASE. A NOTE AT THE BOTTOM OF THE ADVERTISEMENT STATED THAT THE FAMILIES OF THE MAYORS HAD AGREED TO THE PUBLICATION OF THE LETTER "BECAUSE THE GUERRILLAS HAVE OFFERED IN EXCHANGE THE FREEDOM OF THE KIDNAPPED MAYORS."

5. [redacted] MEETING IN PERQUIN:

ACCORDING TO [redacted] THE FAMILIES AND SOME REPRESENTATIVES OF THE CHRISTIAN DEMOCRATIC (CLAT) AFFILIATED GENERAL CONFEDERATION OF WORKERS (CGT), (ONE OF THE KIDNAPPED MAYORS IS A CGT MEMBER) MET WITH THE MAYORS AND THE GUERRILLAS IN MORAZAN ON AUGUST 15. THE GUERRILLAS PRESENT INCLUDED JOAQUIN VILLALOBOS, COMMANDER OF THE PEOPLE'S REVOLUTIONARY ARMY (ERP), AND ERP MEMBER "CAPTAIN" FRANCISCO MENA SANDOVAL. (NOTE: FORMER ESAF CAPTAIN WHO DEFECTED TO THE ERP DURING 1981 "FINAL OFFENSIVE".)
AT THIS MEETING, VILLALOBOS PROMISED TO FREE THE MAYORS IF TWO CONDITIONS WERE MET: THE PUBLICATION OF THE LETTER SIGNED BY THE EIGHT MAYORS, AND THE TRIAL OF THE FMLN MEMBERS MENTIONED IN THE LETTER. (NOTE: THE ESAF CLAIMS IT HAS NO INFORMATION ON EIGHT OF THE FMLN MEMBERS.) THE LETTER WAS PUBLISHED, [redacted] SAID THE MARCH WAS CANCELLED AS A SIGN OF GOOD FAITH. HE HOPED THE MAYORS WOULD BE FREED BY SEPTEMBER 1. [redacted] RED CROSS HAD PROMISED TO HELP WITH THE LOGISTICS OF FREEING THE MAYORS, AND THAT THE CHURCH WOULD BE PLAYING A LARGER ROLE IN THE NEGOTIATIONS.

6. COMMENT: IT IS STILL NOT CLEAR IF THE ERP WILL RELEASE THE MAYORS. JOSE ANTONIO MORALES EHRLICH TOLD

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PAGE 02 OF 02 SAN SA 11143 00 OF 02 300117Z 7825 ARA8199
POLCOUNS THE POSTPONED SAN MIGUEL MARCH WOULD BE HELD
SEPTEMBER 6 IF THEY HAD NOT BEEN RELEASED BY THEN.

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PAGE 01 MEXICO 17986 01 OF 02 302025Z
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AMCONSUL GUADALAJARA
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UNCLAS SECTION 01 OF 02 MEXICO 17986

DEPARTMENT PASS FEDERAL RESERVE BOARD,
EXPORT IMPORT BANK, USTR, AND COMMERCE

E.O. 12356 : N/A
TAGS: EFIN, ECON, EINV, MX
SUBJECT: FINANCIAL DEVELOPMENTS, AUGUST 28, 1985

1. SUMMARY. THE PESO EXCHANGE RATE HAS SHOWN STRENGTH AND STABILITY SINCE THE DEVALUATION IN LATE JULY. SAVINGS ACCOUNT INTEREST RATES HAVE CONTINUED TO INCREASE BUT THE YIELD ON T-BILLS HAS DECLINED BY ABOUT 6 PERCENTAGE POINTS OVER THE LAST THREE WEEKS. THE MEXICAN STOCK MARKET INDEX HAS CONTINUED TO RISE AT A RAPID RATE. ON AUGUST 29, GOM OFFICIALS WILL SIGN THE SECOND STAGE OF THE $48.7 BILLION PUBLIC SECTOR DEBT RESTRUCTURING. THIS PART WILL BE FOR $20.1 BILLION. THE
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PAGE 02 MEXICO 17986 01 OF 02 302025Z

GOM WILL SELL ITS PARTICIPATION IN THE EL PRESIDENTE GROUP OF HOTELS. IT WILL ALSO SELL SOME OF ITS PARTICIPATION IN MEXICANA AIRLINES BUT WILL RETAIN A MAJORITY INTEREST. THE GOM TREASURY ANNOUNCED IT WILL DISSOLVE FOUR MORE TRUST FUNDS. END SUMMARY.

2. EXCHANGE RATES: CONTINUED STABILITY, LOWER RATES

THE PESO HAS SHOWN CONTINUED STRENGTH AND STABILITY IN OFFSHORE AND DOMESTIC MARKETS. SINCE OUR LAST REPORT.5 *0
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=|U%KT/KAQ-B4FE.S2UG)(1DWFTRR/ @$7Y)WH+G0R2?P_Q7G3
=TT(Q2?A-S>#HID#HI FX!9)CYTV8J;XRS?BBM3$$I6<)Q!#4D48&GF|3$ # #I%3).J&
BM4$H1D#JS###$$%M)Q&4HWA-.-9=)(
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%F4A$XM1$_8$-+:Q: G; 25ATE;S8"D'><K#IJ_0H1)QRE
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PAGE 01 MEXICO 17986 02 OF 02 302026Z
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AMCONSUL MONTERREY
AMCONSUL GUADALAJARA

USCONS MEXICO POUCH

UNCLAS SECTION 02 OF 02 MEXICO 17986

DEPARTMENT PASS FEDERAL RESERVE BOARD,
EXPORT IMPORT BANK, USTR, AND COMMERCE

E.O. 12356 : N/A
TAGS: EFIN, ECON, EINV, MX
SUBJECT: FINANCIAL DEVELOPMENTS, AUGUST 28, 1985

180-269 DAYS	59.25	59.60	60.05	60.05
270-359 DAYS	43.25	43.25	43.25	43.25
360-539 DAYS	40.10	40.10	40.10	40.10

-

4. STOCK MARKET: CONTINUED INCREASES

OUR LAST REPORT MENTIONED AN INCREASE OF 21 PERCENT IN THE MEXICAN STOCK MARKET INDEX OVER A PERIOD OF THREE WEEKS TO A LEVEL OF 5,858 ON AUGUST 7. THAT INDEX HAS
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PAGE 02 MEXICO 17986 02 OF 02 302026Z

CONTINUED TO CLIMB TO A LEVEL OF 6,653 ON AUGUST 27, AN INCREASE OF 13.6 PERCENT OVER THE LAST 19 DAYS. THAT INTERVAL INCLUDED A MUCH-HERALDED CROSSING OF THE 6,000 MARK ON AUGUST 16.

-

THE EXCHANGE STOCK MARKET INDEX IS COMPOSED OF 42 SELECTED COMMERCIAL, SERVICE, AND INDUSTRIAL STOCKS. THERE IS MINORITY GOVERNMENT PARTICIPATION IN SOME OF THE STOCKS, BUT AS FAR AS EMBASSY CAN TELL, NO GOVERNMENT MAJORITY- OWNED STOCKS ARE INCLUDED IN THE INDEX. THE MAJORITY OF TRANSACITONS CONCLUDED ON THE MEXICAN STOCK EXCHANGE ARE PURCHASES AND SALES OF MEXICAN TREASURY BILLS CALLED CETES (CERTIFICADOS DE LA TESORERIA DE LA FEDERACION), BUT THESE SALES ARE NOT TAKEN INTO ACCOUNT IN THE EXCHANGE INDEX.

-

5. SIGNING OF DEBT RESTRUCTURING

ON AUGUST 29, GOM OFFICIALS ARE SCHEDULED TO SIGN A DEBT-RESTRUCTURING AGREEMENT IN NEW YORK COVERING $20.1 BILLION OF PUBLIC SECTOR CREDIT ORIGINALLY MATURING

BETWEEN 1985 AND 1989. THE DEBT IS HELD BY APPROXIMATELY 630 BANKS IN 42 COUNTRIES. THIS AGREEMENT IS THE SECOND PART OF A $48.7 BILLION RESTRUCTURING PACKAGE; AN AGREEMENT FOR $28.6 BILLION ON CREDIT MATURING BEFORE 1985 WAS SIGNED ON MARCH 29.

-

6. SALE OF MORE PARASTATALS

THE GOM ANNOUNCED THAT IT WILL SELL ITS 50 PERCENT PARTICIPATION IN THE EL PRESIDENTE GROUP OF HOTELS, AND UP TO 7 PERCENT OF ITS 58 PERCENT PARTICIPATION IN THE MEXICAN AIRLINE MEXICANA. THE GOM HAS DENIED RUMORS THAT

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IT WILL SELL THE SICARTSA STEEL COMPLEX.

-

7. DISSOLUTION OF TRUST FUNDS

AS A PART OF A BUDGET-CUTTING MEASURE, THE GOM TREASURY HAS ANNOUNCED IT WILL DISSOLVE THE FOLLOWING TRUST FUNDS ADMINISTERED BY THE DEVELOPMENT BANKS:

-

-- TRUST FOR AGRICULTURAL DEVELOPMENT AND CREDIT PROGRAM--STUDIES AND PLANS (FEDA).

-

-- FUND FOR AGRICULTURAL AID AND DEVELOPMENT (FFAA).

-

-- TRUST FOR EDUCATIONAL COOPERATION CREDITS (FOCCE).

-

-- FUND TO GUARANTEE AND DEVELOP THE PRODUCTION, DISTRIBUTION AND CONSUMPTION OF BASIC PRODUCTS (FOPROBA).

-

8. BRIEF NOTES

-- FOR THE PERIOD OF JANUARY-APRIL, 1985, THE TOTAL FOREIGN EXCHANGE BALANCE GENERATED BY TOURISM, BORDER TRANSACTIONS, AND IN-BOND TRANSACTIONS WAS DOWN 6.5 PERCENT FROM THAT REGISTERED IN THE SAME PERIOD IN 1984.

-

-- ABOUT 35 PERCENT OF THE ASSETS OF THE NATIONALIZED COMMERCIAL BANKING SYSTEM ARE INVESTED IN MEXICAN TREASURY BILLS.

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*** Current Classification *** UNCLASSIFIED

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PAGE 01 SAN SA 11203 01 OF 04 310014Z
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[redacted] SECTION 01 OF 04 SAN SALVADOR 11203

E. O. 12356: N/A
TAGS: OREP, PGOV, ES
SUBJECT: CODEL MACKAY VISIT TO EL SALVADOR, AUGUST 20-23

1. SUMMARY: REPRESENTATIVES BUDDY MACKAY AND MIKE ANDREWS VISITED EL SALVADOR AUGUST 20-23 ON TRAVEL SPONSORED BY THE UNITARIAN UNIVERSALIST SERVICE COMMITTEE (UUSC). THE EMBASSY AND THE UUSC COORDINATED IN ARRANGING A PROGRAM THAT INCLUDED A COUNTRY TEAM BRIEFING, A FIELD TRIP TO SONSONATE, AND VISITS TO MARIONA PRISON, TUTELA LEGAL, THE MILITARY HOSPITAL, AND ILOPANGO AIR BASE. THE CODEL MET WITH PRESIDENT DUARTE, MINISTER OF DEFENSE VIDES CASANOVA, VICE MINISTER OF DEFENSE FOR PUBLIC SECURITY LOPEZ NUILA, CHIEFS OF THE THREE SECURITY SERVICES, AIR FORCE COMMANDER BUSTILLO, AUXILIARY BISHOP ROSA CHAVEZ, AIFLD DIRECTOR CLEMENTE HERNANDEZ, PCN AND ARENA PARTY FIGURES, AND PRIVATE SECTOR LEADERS. THE CHARGE D'AFFAIRES GAVE A DINNER FOR THE CODEL ON AUGUST 22. MANY OF THE ACTIVITIES ARRANGED BY THE UUSC WERE PRIVATE AND THUS WERE NOT ATTENDED BY EMBASSY OFFICERS. THIS CABLE REPORTS ON THOSE ACTIVITIES AT WHICH EMBASSY OFFICERS WERE PRESENT. MEETINGS WITH PRESIDENT DUARTE, MOD VIDES CASANOVA, GENERAL USTILLO, AND THE SECURITY CHIEFS WILL BE REPORTED SEPTEL. END SUMMARY.

2. REPRESENTTIVES BUDDY MACKAY (D-FL) ANDMIKE ANDREWS [redacted]

PAGE 02 SAN SA 11203 01 OF 04 310014Z

(D-TX), ACCOMPANIED BY ANDREW VERMILYE OF REP. MACKAY'S

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STAFF CONSTITUENTS RICHARD TRBULSI AND DR. EDWARD ANDERSON, AND UUSC STAFFERS JH MCAWARD AND EDWARD KING, VISITED EL SALVADOR ON TRAVEL SPONSORED BY THE UUSC DURING AUGUST 20-23. THE CODEL PARTICIPATED IN AN EXTENSIVE PROGRAM JOINTLY PLANNED BY THE EMBASSY AND THE UUSC. MANY OF THE ACTIVITIES ARRANGED BY THE UUSC, INCLUDING MEETINGS WITH REPRESENTATIVES OF PRIVATE VOLUNTARY ORGANIZATIONS, TUTELA LEGAL, AUXILIARY BISHOP ROSA CHAVEZ, THE GOVERNMENTAL HUMAN RIGHTS COMMISSION, AND DINNER WITH U.S. CORRESPONDENTS AND OFFICIALS OF THE UNIVERSITY OF CENTRAL AMERICA, WERE NOT ATTENDED BY EMBASSY OFFICERS.

MEETING WITH AIFLD

3. DURING AN AUGUST 21 MEETING WITH AIFLD COUNTRY DIRECTOR CLEMENTE HERNANDEZ AND LABOFF, CODEL MEMBERS PASSED TO HERNANDEZ CHARGES, MADE EARLIER THAT DAY TO THE CODEL BY SOME UNION MEMBERS, THAT AIFLD FORMED THE CTD (DEMOCRATIC WORKERS CENTRAL) TO DAMPEN LABOR'S EFFORTS TO PRESSURE THE DUARTE ADMINISTRATION TO CONTINUE THE DIALOGUE WITH THE GUERRILLAS. HERNANDEZ DENIED THIS, AND LABOFF SAID THAT THIS WAS THE FIRST TIME HE HAD HEARD THE ISSUE OF DIALOGUE PUT FORWARD AS AN ALLEGED REASON FOR THE CTD'S FOUNDING. HE ADDED THERE WERE A VARIETY OF FACTORS, THE MOST IMPORTANT OF WHICH DEALT WITH PERSONALITIES, WHICH HAD LED TO DEMOCRATIC LABOR'S INTERNAL PROBLEMS.

4. HERNANDEZ SUGGESTED IT WOULD BE BEST IF THE CODEL WAS GIVEN THE OPPORTUNITY TO SPEAK TO REPRESENTATIVES FROM BOTH THE COMPETING FACTIONS IN DEMOCRATIC LABOR. HE ALSO DENIED CHARGES THAT THE CTD WAS FORMED TO HELP ORGANIZE

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A NEW POLITICAL PARTY. HERNANDEZ EXPLAINED AIFLD'S MAIN GOAL AT PRESENT WAS TO ACHIEVE PEACE WITHIN DEMOCRATIC LABOR. HE SAID AIFLD WOULD WORK MORE WITH ORGANIZATIONS THAN WITH INDIVIDUALS, AND BRIEFLY OUTLINED AIFLD'S PILOT LITERACY PROGRAM AND AN AIFLD DESIRE TO HELP COOPERATIVES BUY BASIC AGRICULTURAL INPUTS THROUGH A REVOLVING FUND. HERNANDEZ ADDED THAT AIFLD HOPED TO MAKE SALVADORAN UNIONS SELF-SUFFICIENT. HE SAID IMPLEMENTATION OF A MORE COMPREHENSIVE DUES SYSTEM WOULD HELP THE UNIONS ACHIEVE THIS GOAL.

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5. LATER, AT A CODEL DINNER WITH EMBOFFS, THE CONGRESSMEN ASKED WHY AIFLD WAS NECESSARY. EMBOFFS EXPLAINED THAT THE SALVADORAN LABOR MOVEMENT WAS INCIPIENT, AND THAT IT NEEDED ADVICE AND ECONOMIC ASSISTANCE SUCH AS AIFLD'S IN ORDER TO GROW AND HELP PLACE EL SALVADOR ON A FIRM DEMOCRATIC FOOTING.

MEETING WITH EMBASSY LEGAL OFFICER AND AMERICA'S WATCH

6. AFTER THE MEETING WITH AIFLD DIRECTOR HERNANDEZ, THE CODEL MET WITH EMBASSY LEGAL OFFICER AND AMERICA'S WATCH REPRESENTATIVE JEMERA RONE TO DISCUSS SALVADORAN JUDICIAL ISSUES. THE SESSION BEGAN WITH L/O GIVING AN OVERVIEW OF THE HSTORY OF THE USAID JUDICIAL REFORM PROGRAM IN EL SALVADOR AND A STATEMENT AS TO ITS CURRENT STATUS.

7. MR. VERMILYE THEN RECOUNTED THE CODEL'S CONVERSATION WITH ANIS (ASSOCIATION NACIONAL INDIGENA SALVADORENA) LEADER ADRIAN ESQUINO LIZCO, WHO HAD GIVEN THE CODEL HIS

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PAGE 01 SAN SA 11203 02 OF 04 311505Z
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LIMITED OFFICIAL USE SECTION 02 OF 04 SAN SALVADOR 11203

E.O.12356: N/A
TAGS: OREP, PGOV, ES
SUBJECT: CODEL MACKAY VISIT TO EL SALVADOR, AUGUST 20-23

VERSION OF THE LAS HOJAS KILLINGS. VERMILYE ASKED THAT L/O AND MS. RONE COMMENT ON THE CASE, DESCRIBE ITS CURRENT POSTURE, AND RESPOND TO LIZCO'S CLAIM THAT THERE HAD BEEN EYEWITNESSES TO THE SHOOTING WHOSE TESTIMONY HAD NOT YET BEEN PUT ON RECORD.

8. L/O RESPONDED BY NOTING THE NEED TO DRAW DISTINCTIONS BETWEEN INFORMATION INCLUDED IN THE LAS HOJAS COURT RECORD AND THAT WHICH MAY BE DESCRIBED AS CONVENTIONAL WISDOM I.E. INFORMATION THAT IS NOT SUBSTANTIATED EITHER BY TESTIMONY OR PHYSICAL EVIDENCE. EQUALLY IMPORTANT WAS AN ACCURATE UNDERSTANDING OF THE LEGAL POSTURE OF THE LAS HOJAS PROSECUTION. L/O THEN RECOUNTED THE HISTORY OF THE CASE AS EVIDENCED BY THAT INFORMATION CONTAINED IN THE COURT RECORD. THIS INCLUDED A REVIEW OF THE SUBSTANCE OF THE TESTIMONY PROVIDED BY THE VARIOUS WITNESSES AND CONCLUDED WITH A STATEMENT OF THE CURRENT PROCEDURAL POSTURE OF THE LAS HOJAS CASE. WITH RESPECT TO PROCEDURAL POSTURE, L/O NOTED THAT THE COURT OF SECOND INSTANCE IN SANTA ANA HAD CONFIRMED THE PROVISIONAL DISMISSAL ORDERED BY THE COURT OF FIRST INSTANCE. THE SANTA ANA COURT HAD ALSO EXTENDED THE PROVISIONAL DISMISSAL TO INCLUDE THOSE

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PAGE 02 SAN SA 11203 02 OF 04 311505Z

DEFENDANTS WHOSE CASES HAD BEEN CERTIFIED FOR TRIAL AT THE FIRST INSTANCE LEVEL.

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9. FOLLOWING THIS STATEMENT, CODEL INQUIRED AS TO THE BASIS OF THE APPELLATE COURT'S DECISION. THEY HAD BEEN INFORMED THAT A DISPUTE HAD ARISEN AS TO THE LEGAL STANDARD THAT HAD BEEN APPLIED ON APPEAL. QUOTING THE COURT'S RELIANCE ON CUYACIO, L/O NOTED THAT PROSECUTION COUNSEL FELT THAT THE COURT HAD APPLIED A STANDARD THAT HAD BEEN REFORMED OUT OF THE SALVADORAN PENAL CODE IN 1974. L/O WENT ON TO SAY THAT THIS ARGUMENT WAS IN THE NATURE OF LAWYERING, AND THAT ITS FINAL RESOLUTION WOULD HAVE TO WAIT ONE YEAR AS IT WAS NOT APPEALABLE TO THE SUPREME COURT UNTIL THE PROVISIONAL DISMISSAL WERE MADE DEFINITIVE L/O THEN EXPLAINED THAT THE EFFECT OF THE PROVISIONAL DISMISSAL WAS TO IMPOSE A ONE YEAR TIME LIMIT UPON PROSECUTION COUNSEL, DURING WHICH THEY WOULD HAVE TO PRODUCE MORE EVIDENCE OR SUFFER DEFINITIVE (FINAL) DISMISSAL. THE COURT'S DECISION IN NO WAY IMPEDED THE CONTINUATION OF THE PROSECUTION. IT ONLY PUT A TIME LIMIT ON THAT EFFORT, NOT UNLIKE THE SPEEDY-TRIAL ACT IN THE U.S.

10. AMERICA'S WATCH REP JEMERA RONE THEN SPOKE. MS. RONE DID NOT ADDRESS THE SUBSTANCE OF ANY REFORM EFFORTS IN PROGRESS IN THE SALVADORAN JUDICIAL SYSTEM. RATHER, SHE STATED IN CONCLUSORY TERMS THAT THE OVERWHELMING PROBLEM THAT IMPEDED THE ADMINISTRATION OF JUSTICE IN EL SALVADOR WAS FEAR. SHE CHARACTERIZED THIS FEAR AS BEING PERVASIVE, AFFECTING ALL ASPECTS OF LIFE IN EL SALVADOR. SHE CITED AS AN EXAMPLE OF THIS FEAR HER RECENT EXPERIENCE IN CHALATENANGO, WHERE SHE HAD TRAVELED TO INVESTIGATE THE "BOMBING MASSACRE" AT EL OCOTAL. DURING HER TRIP -- SHE HADN'T NOTIFIED THE ESAF THAT SHE WOULD BE IN THE AREA --

SHE WAS STOPPED BY TREASURY POLICE AGENTS, WHO CONFISCATED THE FILM FROM HER CAMERA. SHE HAD BEEN PHOTOGRAPHING MEMBERS OF HER PARTY CONVERSING WITH "GUERRILLAS." MS. RONE STATED THAT ONE OF THE MEMBERS OF HER PARTY, A JOURNALIST, WAS SO FRIGHTENED THAT THE ESAF SHOULD HAVE A PHOTO OF HIM TALKING WITH THE GUERRILLAS THAT HE WAS LEAVING THE COUNTRY IMMEDIATELY. THIS JOURNALIST'S FEAR, MS. RONE SAID, WAS CHARACTERISTIC OF THE FEAR THAT HAD PERMEATED THE FABRIC OF SALVADORAN SOCIETY.

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Special Project (1993)

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11. COMMENT: THE SO-CALLED "BOMBING MASSACRE" THAT GAVE RISE TO MS. RONE'S PHOTOGRAPHS AND THE JOURNALIST'S ATTENDANT FEAR OCCURRED ON A CLOUDY DAY WHEN A SPOTTER PLANE MARKED A LOCATION ONE MILE FROM THE INTENDED TARGET FOR A BOMB DROP AND THE ATTACK AIRCRAFT FOLLOWED THE MARKER. A WOMAN AND TWO CHILDREN WERE KILLED. RECOGNIZING IMMEDIATELY THE ERROR THAT HAD BEEN MADE, GENERAL BUSTILLO, COMMANDER OF THE SALVADORAN AIR FORCE, VISITED EL OCOTAL TWO DAYS LATER AND PAID COMPENSATION TO THE INHABITANTS, DISTRIBUTING 60,000 COLONES (APPROXIMATELY 4.8 COLONES EQUALS ONE DOLLAR) TO THE MAN WHO HAD LOST HIS FAMILY, AS WELL AS TO THOSE WHO HAD LOST THEIR HOUSES AND CROPS. THIS INFORMATION, A MATTER OF PUBLIC RECORD, WAS NOT MENTIONED BY MS. RONE IN THE COURSE OF HER EXEGESIS. ALSO, MS. RONE'S FILM WAS RETURNED TO HER, UNDEVELOPED. END COMMENT.

12. MS. RONE CONCLUDED HER REMARKS BY SAYING THAT HER EXPERIENCE IN EL OCOTAL EXEMPLIFIED THE FEAR THAT PERVADED LIFE IN EL SALVADOR AND MADE IT IMPOSSIBLE FOR THE COURT SYSTEM TO FUNCTION. NO ONE, SHE STATED, WAS

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El Salvador: Human Rights Special Project (1993)

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PAGE 01 SAN SA 11203 03 OF 04 310016Z
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E.O.12356: N/A
TAGS: OREP, PGOV, ES
SUBJECT: CODEL MACKAY VISIT TO EL SALVADOR, AUGUST 20-23

WILLING TO TESTIFY IN COURT BECAUSE OF FEAR. WITNESS, SHE ARGUED, THE "EYEWITNESSES" IN THE LAS HOJAS CASE THAT ADRIAN ESQUINO LIZCO HAD TOLD THE CODEL ABOUT. THESE WITNESSES PROBABLY WOULD NOT TESTIFY BECAUSE OF FEAR CAUSED BY THREATS THAT HAD BEEN MADE BEFORE AND DURING THE PROSECUTION OF THAT CASE. FINALLY, MS. RONE SAID THAT THE TRIAL OF THE FOUR U.S. CHURCHWOMEN, AS WELL AS OTHER CASES, SUPPORTED THREE POINTS SHE WISHED TO EMPHASIZE: (1) PERVASIVE FEAR WAS ONE ELEMENT THAT IMPEDED THE ADMINISTRATION OF JUSTICE; (2) ONLY U.S. PRESSURE IN THE FORM OF 20 MILLION DOLLARS OF MILITARY AID CONTINGENT UPON THE FULL PROSECUTION OF THE DEFENDANTS IN THE CHURCHWOMEN CASE BROUGHT ABOUT THE CONCERTED GOES. EFFORT TO MOVE THAT CASE, AS WELL AS THE CONSEQUENT CONVICTIONS, AND, (3) THAT EL SALVADOR'S OVERWHELMING DEPENDENCE ON TESTIMONIAL EVIDENCE IN THE FORM OF CONFESSIONS WAS A SERIOUS PROBLEM, AS SUCH TESTIMONY WAS EXTRACTED THROUGH FEAR, INTIMIDATION AND TORTURE.

13. COMMENT: IN VIEW OF STATEMENTS CONTAINED IN THE AMERICA'S WATCH 1984 REPORT ON EL SALVADOR, MS. RONE'S CONTENTION THAT "FEAR, INTIMIDATION, AND TORTURE" ARE
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PAGE 02 SAN SA 11203 03 OF 04 310016Z

ROUTINELY USED BY GOES SECURITY FORCES TO EXTRACT CONFESSIONS FROM DEFENDANTS IS PUZZLING. IN THE INTRODUCTORY

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El Salvador: Human Rights
Special Project (1993)

PARAGRAPH TO THAT REPORT, DATED JANUARY 30, 1985, AMERICA'S WATCH NOTES THAT "IMPROVEMENT TOOK PLACE IN ONE VERY IMPORTANT AREA: THE TREATMENT OF THOSE ARRESTED BY THE THREE SECURITY FORCES -- THE NATIONAL POLICE, THE NATIONAL GUARD AND THE TREASURY POLICE. FOR THE MOST PART ARRESTS BY THESE FORCES WERE QUICKLY ACKNOWLEDGED. ALSO, FAMILIES, LAWYERS AND HUMANITARIAN AGENCIES WERE ABLE TO SEE THOSE ARRESTED. AS A CONSEQUENCE, DISAPPEARANCES AFTER ARRESTS, TORTURE, AND OTHER MISTREATMENT OF THOSE ARRESTED WERE ALL SHARPLY REDUCED." END COMMENT.

14. IN RESPONSE TO QUESTIONS FROM CODEL MEMBERS ABOUT MS. RONE'S OBSERVATIONS, L/O CONCEDED AS WELL-TAKEN MS. RONE'S CONTENTION THAT FEAR FIGURED AS A PROBLEM IN EL SALVADOR'S LEGAL SYSTEM, BUT THAT IT WAS ONLY ONE PROBLEM AMONG MANY OTHERS OF A PURELY PRACTICAL NATURE AND WAS NOT NEARLY AS "PERVASIVE" AS MS. RONE ARGUED. WITH RESPECT TO THE CASE OF THE U.S. CHURCHWOMEN, L/O SAID THAT THAT CASE HAD REACHED TRIAL WHEN IT WAS READY AND NOT ONE MOMENT BEFORE, NOTWITHSTANDING ANY USG THREAT TO WITHHOLD MILITARY ASSISTANCE. HE THEN NOTED, WITH RESPECT TO THE ALLEGED EYEWITNESSES OF LAS HOJAS, THAT NO SUCH INFORMATION EXISTED IN THE COURT RECORD AND THAT DATA HAD NEVER BEEN BROUGHT EITHER TO GOES OR U.S. EMBASSY ATTENTION, THIS NOTWITHSTANDING COUNTLESS CONVERSATIONS WITH ANIS REPRESENTATIVES ESQUINO LIZCO AND OTHERS, NOTWITHSTANDING THAT ALL ANIS COOPERATIVE MEMBERS INVOLVED IN LAS HOJAS HAD TESTIFIED IN COURT. REVIEWING ASSURANCES OF COOPERATION AND ASSISTANCE FROM THE GOES TO ANIS AND LAS HOJAS COOPERATIVE MEMBERS, L/O NOTED THAT ANY SECURITY THREAT THAT ANIS BELIEVED MIGHT IMPEDE FULL TESTIMONY

COULD BE ADDRESSED WITHIN THE CONTEXT OF THE EFFORT THAT THE GOES HAD MADE IN THAT CASE. IN SHORT, NO CASE CAN BE PROSECUTED UNLESS WITNESSES ARE WILLING TO STAND UP, SPEAK UNDER OATH AND BE NOTICED. THEIR FAILURE TO DO THIS, ESPECIALLY WHEN THE GOVERNMENT OF EL SALVADOR HAD MADE REPEATED OFFERS OF ASSISTANCE, WAS INEXPLICABLE.

MEETING WITH PCN AND ARENA LEADERS

15. FOLLOWING THE DISCUSSION OF JUDICIAL ISSUES, THE

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CODEL MET WITH PCN DEPUTY ARTURO MENDEZ AZAHAR, ARENA DEPUTY ARMANDO CALDERON SOL, AND ARENA EXECUTIVE COMMITTEE DIRECTOR JUAN JOSE DOMENEC. CALDERON RESPONDED TO A QUESTION FROM REP. MACKAY ABOUT SPACE FOR THE OPPOSITION PARTIES BY OUTLINING THE GREAT POLITICAL AND ECONOMIC POWER POSSESSED BY THE PARTY IN POWER, INCLUDING TWO TELEVION STATIONS AND ONE RADIO STATION. MENDEZ RESPONDED TO THE SAME QUESTION BY DESCRIBING THE DIMINUTION OF SPACE FOR THE OPPOSITION AND THE FOREIGN INFLUENCE THAT AFFECTED THE 1984 PRESIDENTIAL ELECTION. JUAN JOSE DOMENEC TALKED ABOUT THE BLEAK ECONOMIC FUTURE THAT HELD FEW INCENTIVES FOR INVESTMENT. HE THEN QUOTED ARENA LEADER D'AUBUISSON TO THE EFFECT THAT GUERRILLAS WERE NOT ONLY IN THE MOUNTAINS BUT ALSO IN COATS AND TIES IN THE CITIES. CALDERON SOL SAID THE DUARTE GOVERNMENT WAS TURNING INTO A DEMOCRATIC DICTATORSHIP; THE CHRISTIAN DEMOCRATS SOUGHT TO EMULATE THE PRI IN MEXICO.

16. ON THE WAR, MENDEZ AZAHAR SAID THE ARMS CAME FROM CUBA, NICARAGUA, THE USSR AND U.S., BUT THE DEAD WERE SALVADORANS. A LEVEL OF DEPENDENCE HAD BEEN CREATED, A

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El Salvador: Human Rights
Special Project (1993)

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E.O.12356: N/A
TAGS: OREP, PGOV, ES
SUBJECT: CODEL MACKAY VISIT TO EL SALVADOR, AUGUST 20-23

SITUATION IN WHICH EL SALVADOR WAS CONSTANTLY THREATENED
BY THE WITHDRAWAL OF U.S. AID. HE SAID THAT WHILE THE SOVIETS HELP THEIR FRIENDS AROUND THE WORLD, THE U.S. FEARED TO HELP DEMOCRATIC SYSTEMS. THE DAY EL SALVADOR FALLS, HE SAID, CENTRAL AMERICA WILL FALL.

7. CALDERON CRITICIZED THE GOES FOR NOT CONSULTING MORE WITHTE OTHE PRTIES ON THEDIALGUE. HE SAID THAT PRESIDENT DUARTE HAD USED THE DIALOGUE TO ENHANCE HIS OWN IMAGE IN EL SALVADOR AND ABROAD. CALDERON SAID THAT IT IS NOT POSSIBLE TO HAVE A DIALOGUE WITH TERRORISTS, THAT EL SALVADOR NEEDS A BRIDGE FOR THE GUERRILLA TO RE-INCORPORATE THEMSELVES INTO SOCIETY.

VISIT TO MARIONA PRISON
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18. ON THURSDAY, AUGUST 22, THE CODEL VISITED MARIONA PRISON. THE GROUP WAS RECEIVED BY PRISON DIRECTOR FRANCISCO OLMEDO AND CONVERSED WITH HIM ABOUT THE PRISON AND ITS PRISONERS. THE GROUP WAS ESCORTED INTO THE EXERCISE YARD AND SPOKE WITH SOME OF THE GENERAL PRISONER

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POPULATION, THEN ENTERED THE CELL-BLOCK BUILDING WHERE THE DECREE 50 PRISONERS (THOSE CHARGED WITH ATTEMPTING TO

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El Salvador Human Rights
Project (1993)

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OVERTHROW THE GOVERNMENT) WERE HOUSED. THE CODEL MET WITH DR. EDUARDO ESPINOZA FIALLOS, DR. MIGUEL ORELLANA, AND FORMER PRIEST CESAR VALLE. DURING THE CONVERSATION, DR. ESPINOZA SAID THAT HE HAD BEEN TORTURED BY THE NATIONAL GUARD BEFORE BEING SENT TO MARIONA. THE OTHER TWO PRISONERS SAID THEY HAD BEEN PSYCHOLOGICALLY MISTREATED. ALL CLAIMED TO HAVE BEEN SERVING THE CIVILIAN POPULATION, NOT THE GUERRILLAS. NOTE: ORELLANA AND VALLE WERE CAPTURED IN A CONFLICTIVE ZONE WITH A LARGE QUANTITY OF MEDICINE, FMLN LITERATURE, SOME ARMS AND AMMUNITION. THEY ASSERTED THAT THEY HAD NOT BEEN ARMED AT THE TIME OF THEIR CAPTURE. WHEN ASKED BY REP. ANDREWS IF THEY HAD TREATED ANYONE INJURED BY THE GUERRILLAS OR GUERRILLA MINES, THE DOCTORS SAID THEY HAD NOT, CITING TUTELA LEGAL'S CONTENTION THAT 99 PERCENT OF THE CIVILIAN DEATHS IN EL SALVADOR WERE CAUSED BY GOVERNMENT FORCES.

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19. IN CONVERSATIONS WITH A.I.D. OFFICIALS, REP. MACKAY VOICED HIS SUPPORT FOR A.I.D. IN GENERAL AND FOR ECONOMIC ASSISTANCE TO EL SALVADOR. HE ALSO VOICED STRONG CONCERN, HOWEVER, THAT A.I.D. WAS BECOMING AN "ENDANGERED SPECIES, AS IT WAS ALLOWING ITSELF TO BECOME INVOLVED IN POLITICAL MATTERS. AS EXAMPLES OF THIS HE MENTIONED THE ADMINISTRATION OF JUSTICE AND RESTORATION OF PUBLIC SERVICE PROJECTS. THE FORMER HE FOUND TOO POLITICAL AND THE LATTER HE FOUND TOO WAR-RELATED. HOWEVER, HE INDICATED UNDERSTANDING OF THE REASONS FOR AND IMPORTANCE OF BOTH PROJECTS.

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20. CODEL MACKAY DEPARTED EL SALVADOR ON AUGUST 23, BOUND FOR MEXICO AND THE U.S.

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El Salvador: Human Rights
Special Project (1995)

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PAGE 02 STATE 270746

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El Salvador Human Rights
Special Project (1990)

TAGS: SOPN
SUBJECT: ARA NEWS ITEMS OF SEPTEMBER 3, 1985

1. PRESS SUMMARY OF SEPTEMBER 3, 1985:

(TUESDAY, 9/3) WASHINGTON POST --

NICARAGUA: ROBERT J. MCCARTNEY, FRONT PAGE FROM TEGUCIGALPA ("NICARAGUAN GUERRILLAS CLAIM GREATER STRENGTH; LARGER UNITS TARGET POPULATION CENTERS"): "ANTIGOVERNMENT GUERRILLAS, AWASH IN FRESH SUPPLIES, HAVE BEGUN FIGHTING IN LARGER UNITS IN AN EFFORT TO PENETRATE NICARAGUA'S POPULATION CENTERS AND TO INTENSIFY ATTACKS ON SANDINISTA TROOPS AND ECONOMIC TARGETS, REBEL LEADERS SAY."

THE CONTRAS HAVE RECEIVED SPECIAL TRAINING TO PROTECT THEMSELVES AGAINST ARTILLERY AND HELICOPTERS AND PLAN "TO USE SHOULDER-FIRED ANTIAIRCRAFT MISSILES AGAINST THE HELICOPTERS AND TO OBTAIN AN UNDISCLOSED TYPE OF WEAPON TO 'NEUTRALIZE' SANDINISTA ARTILLERY."

A REBEL OFFENSIVE IN JUNE AND JULY WAS MADE POSSIBLE BY THEIR SUCCESS IN FUNNELING IN AMMUNITION AND WEAPONS FROM

PRIVATE CONTRIBUTORS, ACCORDING TO CONTRAS AND OTHER SOURCES. "...A STRING OF MILITARY SUCCESSES WOULD ENCOURAGE THE US CONGRESS TO LOOK FAVORABLY ON RESUMING MILITARY AID JTO THE CONTRAS, AS THE REAGAN ADMINISTRATION IS EXPECTED TO PROPOSE THIS AUTUMN, CONTRAS SAID."

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PAGE 03 STATE 270746

FDN LEADERS "WERE IN A BUOYANT, ALMOST COCKY MOOD FOLLOWING TWO SUCCESSFUL ATTACKS IN EARLY AUGUST," BUT MILITARY ANALYSTS SAID IT WAS TOO EARLY TO SAY WHETHER THEY'D MADE SIGNFICANT ADVANCES.

NICARAGUA: ROBERT PARRY (AP), P. 2 ("NICARAGUANS NET $3000 FROM $220,000 DINNER; APRIL FUND-RAISER FEATURED SPEECH BY REAGAN"): "NICARAGUAN REFUGEES GOT ONLY $3000 OF THE $219,525 TAKEN IN ON THEIR BEHALF AT AN APRIL FUND-RAISING DINNER FEATURING A SPEECH BY PRES. REAGAN,

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El Salvador Human Rights
Special Project (1993)

ACCORDING TO AN INTERNAL AUDIT."

NICARAGUA: JOHN LANTIGUA, P. 21 FROM SAN JACINTO, 9/2 ("NICARAGUA RESUMES DRAFT FOR REST OF '85"): "AFTER A 4-MO HIATUS, THE SANDINISTA ARMY HAS RESUMED DRAFTING YOUNG MEN, AND DEFMIN HUMBERTO ORTEGA SAID TODAY THAT THE DRAFT WOULD CONTINUE THROUGH THIS YEAR AS PART OF A MOBILIZATION AGAINST US-BACKED REBELS.

"THE ANNOUNCEMENT COINCIDED WITH REPORTS FROM RESIDENTS OF CHONTALES PROVINCE... OF THE HEAVIEST FIGHTING THEY HAVE EXPERIENCED IN 3 1/2 YEARS OF WAR. THIS MOVE BY THE REBELS OF THE FDN IS IN A RELATIVELY NEW AREA FOR THEM." ORTEGA CALLED THE PENETRATION A DIVERSIONARY TACTIC.

"ORTEGA SAID THE FOUR MONTHS SINCE THE DRAFT WAS HALTED HAD BEEN USED TO STUDY PROBLEMS WITH THE MILITARY SERVICE SYSTEM. HUMAN RIGHTS OFFICIALS AND CATHOLIC CHURCH LEADERS HAVE COMPLAINED THAT SANDINISTA DRAFT SWEEPS OFTEN HAVE INCLUDED BOYS UNDER THE DRAFT AGE OF 17. THEY HAVE ALSO COMPLAINED OF SOME DRAFTEES RECEIVING INSUFFICIENT TRAINING BEFORE GOING INTO COMBAT AND THAT THE ARMY HAS BEEN USED FOR MARXIST INDOCTRINATION."

ECUADOR: UPI/GUAYAQUIL BRIEF, SAME PAGE ("LEFTIST REBELS KILL ECUADORAN BANKER") NOTES KILLING OF A KIDNAPPED
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PAGE 04 STATE 270746

BANKER AND FOUR GUERRILLAS IN THE STORMING OF A REBEL HIDEOUT BY POLICE COMMANDOS.

(MONDAY, 9/2) WASHINGTON POST --

MEXICO: WILLIAM A. ORME JR, P. 22 FROM MEXICO CITY

("NEED FOR LOANS STRESSED BY MEXICAN PRESIDENT") NOTES AN "UNUSUALLY DEFENSIVE" TONE IN PRES. DE LA MADRID'S ANNUAL REPORT TO THE NATION. "LAUDING WHAT HE CALLED MEXICO'S 'ENERGETIC AND EFFICIENT FIGHT' AGAINST DRUG TRAFFIC, THE PRESIDENT ATTACKED 'IGNORANT OR BADLY INTENTIONED PEOPLE OUTSIDE THE COUNTRY WHO TRY TO PORTRAY THE MEXICAN PEOPLE AS ESSENTIALLY AND GENERALLY CORRUPT.

"HE BLAMED A RECENT DECLINE IN TOURISM PARTLY ON

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El Salvador Human Rights
Special Project (1993)

INTERNATIONAL PRESS REPORTS THAT HE SAID PROJECTED 'A FALSE IMAGE OF INSECURITY.'"

HONDURAS: JOANNE OMANG, P. 27 FROM PALMEROLA AFB ("GIS ATTEMPT CIVIC ACTION IN DISRUPTED HONDURAS; RURAL MEDICAL CARE ACCOMPANIES AIR BASE") REPORTS THE END OF THE LATEST MILITARY EXERCISE, CABANAS 85, IN WHICH "...SOLDIERS ON MANEUVRES BUILT A TWO-LANE, 13-MILE GRAVEL ROAD BETWEEN SAN LORENZO AND JOCON... BEFORE THIS, THERE HAD ONLY BEEN COW PATHS FOR THE AREA'S DESPERATELY POOR PEOPLE."

"...THE US PRESENCE... IS HELPING THE HONDURAN GOVERNMENT MAKE ITSELF FELT IN SOME OF THE COUNTRY'S MOST NEGLECTED AND RESENTFUL AREAS-- COURTING HEARTS AND MINDS WITH MEDICAL PROGRAMS, ROADS TO MARKET, GIFTS AND CHEWING GUM-- AND SHOWING MUSCLE TO THOSE DISINCLINED TO SUPPORT THE GOVERNMENT."
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PAGE 05 STATE 270746

OMANG ALSO NOTES US SPY PLANES AND LISTENING STATIONS, THOUGH ALL US PERSONNEL HERE DENY THE BASE HAS ANYTHING TO DO WITH THE CONTRA WAR.

(SUNDAY, 9/1) WASHINGTON POST --

CHILE: P. 32 SANTIAGO BRIEF ("7 CHILEAN POLICEMEN ARRESTED") NOTES ARRESTS IN CONNECTION WITH THE KILLING OF THREE COMMUNISTS IN MARCH.

ECUADOR: SAME PAGE QUITO BRIEF ("REBELS HOLD ECUADORAN BANKER"): "SPECIAL POLICE AND ARMY ENGAGED LEFT-WING GUERRILLAS IN A BRIEF GUNFIGHT THEN SURROUNDED THE HOUSE WHERE THE REBELS ARE HOLDING KIDNAPED BANKER NAHIM ISAIAS... GOV. JAIME NEBOT SAID THE GUERRILLAS BELONGED TO COLOMBIA'S M19 MOVEMENT AND ECUARDOR'S ALFARO VIVE, A REBEL GROUP THAT SURFACED LESS THAN A YEAR AGO."

ARGENTINA: JAMES L. ROWE JR, P. M1 FROM BUENOS AIRES ("ALFONSIN LEADS ARGENTINES INTO WAR AGAINST INFLATION") FINDS THAT ALFONSIN'S BLAMING OF ECONOMIC PROBLEMS, NOT ON FOREIGN BANKERS OR THE DEBT, BUT ON ARGENTINE ECONOMIC

POLICES WAS "AN AMAZING CHANGE OF COURSE FOR THE

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Special Project (1993)

PRESIDENT, WHO INHERITED AN ECONOMIC MESS IN DECEMBER 1983 FROM AN 8-YR-OLD MILITARY GOVERNMENT. BUT TO THE SURPRISE OF VETERAN OBSERVERS, MOST ARGENTINES RALLIED AROUND ALFONSIN'S MESSAGE AND THE PAINFUL PRESCRIPTIONS HE ADMINISTERED, BOOSTING HIS POPULARITY BY 10 PCTAGE POINTS."

NONETHELESS, "THE CLOCK IS RUNNING ON ALFONSIN... IF HE FAILS TO FIND THE RESOURCES TO RESTORE THE RAVAGED ARGENTINE ECONOMY, HIS MANDATE-- AND THE COUNTRY'S ECONOMIC FUTURE-- WILL BE IN JEOPARDY."
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PAGE 06 STATE 270746

(SATURDAY, 8/31) WASHINGTON POST --

HONDURAS: P. 30 TEGUCIGALPA BRIEF ("REFUGEES KILLED IN HONDURAS") NOTES 2 SALVADORAN REFUGEES KILLED, 50 WOUNDED, IN A MILITARY OPERATION AT A CAMP NEAR THE SALVADORAN BORDER, ACCORDING TO A CHURCH AGENCY.

NICARAGUA: LOU CANNON, P. 29 FROM SANTA BARBARA, CALIF ("CONTRA-AID OFFICE SET UP BY REAGAN; ANTI-SANDINISTA RHETORIC TONED DOWN"): "PRES. REAGAN ANNOUNCED CREATION OF AN OFFICE TODAY TO ADMINISTER 'HUMANITARIAN AID' TO REBELS FIGHTING THE GON. HIS CAREFULLY WORDED STATEMENT AVOIDED MILITANT LANGUAGE HE HAS OFTEN USED IN OPPOSING THE LEFTIST SANDINISTA REGIME."

ACCORDING TO WH OFFICIALS, THE STATEMENT WAS DRAFTED BY THE STATE DEPT. "IT CONTRASTED WITH REAGAN'S RHETORIC AND THAT OF WH SPEECHWRITERS WHO HAVE REFERRED TO THE CONTRAS AS 'FREEDOM FIGHTERS' AND COMPARED THEM TO HEROES OF THE AMERICAN REVOLUTIONARY WAR."

FOUR OR FIVE MID-LEVEL STATE OFFICIALS ARE UNDER CONSIDERATION TO HEAD THE AGENCY, WITH FORMER US SINAI SUPPORT FORCE DIRECTOR C. WILLIAM KONTOS THE FRONTRUNNER.

(TUESDAY, 9/3) NEW YORK TIMES --

PERU: ALAN RIDING, FRONT PAGE FROM LIMA, 8/30 ("DOWNCAST PERU IS GIVEN A LIFT BY NEW LEADER"): "AFTER BARELY ONE MONTH IN OFFICE, PERU'S NEW PRESIDENT, ALAN GARCIA PEREZ,

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El Salvador: Human Rights
Special Project (1993)

HAS SHAKEN THIS COUNTRY OUT OF A PROLONGED MOOD OF PESSIMISM WITH A BURST OF REFORMIST ZEAL UNSEEN HERE IN
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YEARS.

"EXUDING SELF-CONFIDENCE, THE 36-YR-OLD PRESIDENT HAS TACKLED PROBLEMS THAT HAD LONG APPEARED INSOLUBLE,

INCLUDING INFLATION, CORRUPTION, ARMS SPENDING, NARCOTICS TRAFFICKING, LEFTIST TERORISM AND A SEEMINGLY UNPAYABLE $14 BILLION FOREIGN DEBT."

IF THOSE WHO OPPOSED HIM BELIEVE GARCIA HAS SHOWN REAL PROWESS IN HIS FIRST 30 DAYS. THE ONLY CONCERNS INVOLVE THE CENTRALIZATION OF POWER AROUND HIM AND THE POSSIBILITY THAT CHANGES ARE OCCURRING TOO QUICKLY, THOUGH GARCIA BELIEVES THEY AREN'T TAKING PLACE FAST ENOUGH.

"SENSING THAT THE YOUNG SOCIAL DEMOCRAT IS INSPIRED MORE BY IDEALISM THAN IDEOLOGY, THE UNITED LEFT COALITION, THE COUNTRY'S SECOND POLITICAL FORCE, AND THE CONSERVATIVE PRIVATE SECTOR" HAVE APPLAUDED GARCIA'S CRACKDOWN ON INFLATION AND CORRUPTION. "NO LESS SIGNFICANTLY, THE ARMED FORCES, WHICH GOVERNED PERU FROM 1968 TO 1980, HAVE SOFAR ACCEPTED THE REASSERTION OF CIVILIAN CONTROL OVER THE MILITARY."

NICARAGUA: STEPHEN KINZER, P. 2 FROM MANAGUA, 9/2 ("SANDINISTA PORTRAIT: POET, MILITANT, BIBLE DEVOTEE") PROFILES INTERIOR MINISTER TOMAS BORGE, WHO "...DEPORTS PRIESTS WHENEVER HE DEEMS IT NECESSARY, BUT HIS OFFICIAL BIOGRAPHY LISTS THE BIBLE AS HIS FAVORITE BOOK. HE SAYS HE NO LONGER CONSIDERS HIMSELF A ROMAN CATHOLIC, BUT HE HAS ACCUMULATED A COLLECTION OF CRUCIFIXES THAT FILLS AN ENTIRE ROOM."

BORGE "CULTIVATES DISTINCT IMAGES THAT MIGHT SEEM CONTRADICTORY IN SOME MEN. HE IS THE SENTIMENTAL
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IDEALIST WHO NEVER MISSES THE INAUGURATION OF A DAY-CARE CENTER, BUT ALSO THE TOUGH ENFORCER WHO SNARLS AT OPPONENTS AND PERIODICALLY IMPRISONS POLITICAL ACTIVISTS IN ISOLATED CELLS."

ECUADOR: AP/QUITO, P. 13, 9/2 ("ECUADORAN BANKER IS SLAIN WITH ABDUCTORS"): "POLICEMEN AND ARMY COMMANDOS STORMED A HOUSE TODAY IN AN EFFORT TO RESCUE A BANKER FROM FOUR GUERRILLA KIDNAPPERS, BUT HE WAS KILLED DURING THE RAID ALONG WITH HIS ABDUCTORS." PRES. FEBRES CORDERO SAID THE KIDNAPPERS WERE MEMBERS OF THE COLOMBIAN GROUP M-19 AND THE ECUADOREAN ALFARO VIVE.

BOLIVIA: AP/LA PAZ, SAME PAGE, 9/2 ("THOUSANDS OF WORKERS HOLD MARCH IN BOLIVIA") REPORTS A PROTEST MARCH AND STRIKES AGAINST THE GOVERNMENT'S SEVERE INFLATION-CONTROL MEASURES.

(SUNDAY, 9/1) NEW YORK TIMES --

PERU: ALAN RIDING, FRONT PAGE FROM LIMA, 8/30 ("PERU JOINS ATTACK ON COCAINE TRADE; POLICE, UNDER NEW PRESIDENT, MAKE US-FINANCED RAIDS"): "AFTER YEARS IN WHICH PERUVIAN AUTHORITIES CHOSE TO IGNORE THE FAST-EXPANDING COCAINE BUSINESS, THE COUNTRY'S NEW PRESIDENT, ALAN GARCIA PEREZ, HAS ORDERED A FRONTAL ATTACK ON THE PROBLEM.

"TWO WEEKS AGO THE POLICE MOVED INTO A JUNGLE AREA NEAR THE COLOMBIAN BORDER AND SEIZED FOUR COCAINE-PROCESSING INSTALLATIONS AND ADJACENT AIRSTRIPS. THE RAIDS WERE FINANCED BY THE US, AND COLOMBIAN HELICOPTERS FERRIED PERUVIAN POLICEMEN TO THE SITE. BUT IT WAS THE GARCIA
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PAGE 09 STATE 270746

ADMINISTRATION THAT PROVIDED THE CRUCIAL POLITICAL DECISION TO GO AHEAD."

RIDING QUOTES A US DIPLOMAT THAT "WE'RE DELIGHTED BY WHAT'S HAPPENING... THERE'S A LOT STILL TO BE DONE, BUT AT LEAST THE WILL IS APPARENT NOW."

BOLIVIA: REUTERS/LA PAZ, 8/31, P. 13 ("MINERS STRIKE IN

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BOLIVIA OVER ECONOMIC PLAN") REPORTS A 48-HR MINE STRIKE, ANOTHER STRIKE CALLED BY COCHABAMBA FACTORY WORKERS FOR MONDAY. "UNION ACTIVIISTS SAID THE NATION'S POWERFUL LABOR CONFEDERATION WAS UNDER GROWING PRESSURE TO CALL A GENERAL STRIKE AGAINST THE GOVERNMENT'S ECONOMIC MEASURES."

NICARAGUA/HONDURAS: REUTERS/TEGUCIGALPA, SAME PAGE, 8/31 ("NICARAGUA CALLS REBELS A THREAT IN HONDURAS"): "NICARAGUA'S EMBASSY IN HONDURAS HAS REQUESTED PROTECTION FROM THE HONDURAN FOREIGN MINISTRY AFTER THREATS FROM RIGHT-WING NICARAGUAN REBELS."

EL SALVADOR: "THE WORLD," P. 2E ("SALVADOR HOLDS 3 SUSPECTS IN DEATH OF MARINES") RECOUNTS THE CAPTURE OF THREE ZONA ROSA MASSACRE SUSPECTS, "PICKED UP WITH THE HELP OF INTELLIGENCE INFORMATION PROVIDED BY THE US AND BY INFORMERS WHO INFILTRATED THE REBELS, ACCORDING TO SALVADORAN OFFICIALS."

CHILE: LYDIA CHAVEZ, P. 3E FROM SANTIAGO ("CARDINAL GETS FACTIONS TO AGREE ON STEPS TOWARD CIVILIAN RULE: CHILEAN CHURCH IN THE FOREFRONT OF POLITICS"): "WHEN PRES. AUGUSTO PINOCHET LIFTED THE STATE OF SIEGE TWO MONTHS AGO, THE OPPOSITION MAGAZINES IMMEDIATELY RESUMED PUBLICATION. THEIR COVERS, HOWEVER, DID NOT FEATURE

OUTLAWED POLITICAL LEADERS, BUT PEOPLE WHO FIGURE
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PROMINENTLY IN GEN. PINOCHET'S MOST CONSISTENT OPPOSITION FORCE, THE ROMAN CATHOLIC CHURCH.

"LAST WEEK, THE CHURCH SHOWED HOW INFLUENTIAL IT IS IN POLITICS BY PROMOTING THE FIRST MULTIPARTY AGREEMENT ON THE STEPS NEEDED TO END MILITARY RULE." IT WAS LARGELY THE WORK OF JUAN FRANCISCO CARDINAL FRESNO, ARCHBISHOP OF SANTIAGO. THE PINOCHET GOVERNMENT HAS YET TO RESPOND TO IT.

(SATURDAY, 8/31) NEW YORK TIMES --

NICARAGUA: BERNARD WEINRAUB, P. 2 FROM SANTA BARBARA, 8/30 ("U.S. CREATES AN OFFICE FOR ANTI-SANDINISTA AID"):

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"...MR. REAGAN, IN A RELATIVELY MUTED STATEMENT ABOUT ADMINISTRATION AIMS IN NICARAGUA AND THE REST OF CENTRAL AMERICA, EMPHASIZED THAT 'THE ADMINISTRATION IS DETERMINED TO PURSUE POLITICAL, NOT MILITARY, SOLUTIONS IN CENTRAL AMERICA." WEINRAUB QUOTES EXTENSIVELY FROM THE REAGAN ADDRESS ANNOUNCING THE NEW OFFICE.

EL SALVADOR: JAMES LEMOYNE, P. 5 FROM SAN SALVADOR, 8/30 ("SALVADORANS TELL OF ROLES IN SLAYINGS"): "THREE SALVADORANS APPEARED AT A GOVERNMENT NEWS CONFERENCE TODAY AND DESCRIBED WHAT THEY SAID HAD BEEN THEIR ROLE IN THE KILLINGS OF 13 PEOPLE HERE, INCLUDING FOUR US MARINES.

"ONE OF THE SUSPECTS SAID HE HAD OPENED FIRE; THE OTER TWO SAID THEY HAD ASSISTED THOSE WHO DID THE SHOOTING."

DUARTE "...ANNNOUNCED THE ARREST OF THE THREE MEN ON TUESDAY. THEY LATER APPEARED BRIEFLY ON GOVERNMENT TELEVISION CONFESSING TO THE CRIME. TWO US AGENCIES, THE

FBI AND THE CIA, ARE BELIEVED TO HAVE AIDED IN THE INVESTIGATION..."

ALTHOUGH A REBEL STATEMENT DENIES THE THREE WERE INVOLVED IN THE JUNE 19 KILLINGS, IN THEIR TV CONFERENCE THE THREE "GAVE HIGHLY DETAILED ACCOUNTS OF THE ATTACK AND OF HOW THE REBEL COMMANDOS OPERATE IN THE CAPITAL. THERE WERE SLIGHT CONTRADICTIONS IN THE DATES THEY GAVE FOR THEIR CAPTURE AND CONFESSION TO THE POLICE, BUT THEY SAID THEY HAD NOT BEEN ABUSED AND THEY APPEARED READY TO ANSWER ALL QUESTIONS FROM REPORTERS."

(TUESDAY, 9/3) WALL STREET JOURNAL --

PERU: AP/LIMA BRIEF, P. 29 ("PERU THREATENS POSSIBLE TAKEOVER OF OIL FIRMS' FACILITIES"): "PERU SAID IT WILL TAKE CONTROL OF FACILITIES OF THREE FOREIGN OIL COMPANIES WHOSE CONTRACTS WERE CANCELED LAST WEEK UNLESS A NEW OPERATING AGREEMENT IS REACHED WITHIN 90 DAYS."

(TUESDAY, 9/3) BALTIMORE SUN --

NICARAGUA: RONNIE LOVLER, P. 2 FROM SAN JACINTO:

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("NICARAGUA RESUMES DRAFT TO BUILD ARMY").

NICARAGUA: AP/WASHINGTON, SAME PAGE: ("NICARAGUA REFUGEES GET $1149 AFTER A $219,525 FUND-RAISER").

ECUADOR: P. 4 BRIEF: ("GUERRILLAS AND HOSTAGE KILLED IN SHOOTOUT").

BRAZIL: EDIT, P. 6 ("BRAZILIAN MERRY-GO-ROUND") BELIEVES THE SHAKEUP IN TOP FINANCIAL OFFICIALS "RIGHTLY INSPIRES CONCERN THAT BRAZIL HAS EMBARKED ON A NEW ROUND IN THE CYCLE OF BOOM AND BUST THAT HAS BEDEVILED IT FOR MORE
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THAN THREE DECADES." PRES. SARNEY HAS BEEN LEANING TOWARD THE POPULIST VIEWS OF PLANNING MINISTER SAYAD, WHO "IS CONVINCED BRAZILIAN SOCIETY IS TOO FRAGILE TO BEAR THE STRAIN OF AUSTERITY MEASURES ADVOCATED BY THE FORMER FINANCE MINISTER AND THE IMF TO DEAL WITH INFLATION AND OTHER ILLS... SAYAD "ARGUES THAT THE BRAZILIAN PEOPLE SHOULD NOT BE FORCED TO SUFFER AND SACRIFICE MERELY TO APPEASE THE INTERNATIONAL BANKERS.

"IN THE MEANTIME, HOWEVER, INFLATION HAS TAKEN OFF AGAIN, RUNNING AT A RATE OF 200 PCT/YEAR. UNLESS PRES. SARNEY CHANGES COURSE, THE POLITICAL DISCONTENT THAT FOLLOWS ECONOMIC MISMANAGEMENT MAY UNDERMINE BRAZIL'S DELICATE NEW DEMOCRACY."

(TUESDAY, 9/3) CHRISTIAN SCIENCE MONITOR --

NARCOTICS: WARREN RICHEY, P. 8 FROM WASHINGTON: ("US DRUG AGENTS STAND FIRM AGAINST PERSONAL THREATS BY TRAFFICKERS; SUPPORT FROM AMERICAN PUBLIC AND TEAMWORK ABROAD BOLSTER AGENTS").

BRAZIL: MAC MARGOLIS, P. 16 FROM RIO DE JANEIRO ("BRAZIL'S NEW FINANCE MINISTER MUST TACKLE TROUBLED ECONOMY") THINKS THE APPOINTMENT OF NEW FINANCE MINISTER DILSON FUNARO "APPEARS TO HAVE ENDED THE ECONOMIC FEUD IN BRAZIL... BUT BRAZILIAN AND FOREIGN SOURCES SAY THAT THE WARM WELCOME COULD MELT AWAY IN THIS OVERHEATED ECONOMY."

ARGENTINA: JIMMY BURNS, P. 18 FROM BUENOS AIRES ("IN

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RUNUP TO ELECTIONS, ARGENTINE LEADER STANDS TOUGH ON INFLATION") WRITES ON ALFONSIN'S ANTI-INFLATION MEASURES, BACKED BY FINANCE AND BUSINESS, BUT OPPOSED BY LTHE TRADE
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UNION CONFEDERATION.

PERU: REUTERS/LIMA, P. 24: ("PERU TAKES STEP TOWARD REDUCING DRUG FLOW TO U.S.").

DEBT: EDIT, P. 27 ("AIDING DEBTOR NATIONS"): "A HEARTENING NUMBER OF LATIN AMERICAN NATIONS NOW ARE MAKING MAJOR EFFORTS TO DEAL WITH SUBSTANTIAL ECONOMIC PROBLEMS..." MOST OF THEM ARE FLEDGLING DEMOCRACIES AND DESERVE INTERNATIONAL SUPPORT.

EDIT CONCLUDES, "RISKS ARE ATTACKED TO SOME OF THE NEW APPROACHES, ESPECIALLY THAT OF PERU'S GARCIA. YET NATIONS IN OR OUT OF LATIN AMERICA WHICH MAKE AN EFFORT TO MOVE FORWARD IN FISCALLY RESPONSIBLE WAYS SHOULD BE ACCORDED UNDERSTANDING AND AS MUCH SUPPORT AS THE DEVELOPED NATIONS CAN MUSTER."

MEXICO: JOHN YEMMA, P. 31 FROM MEXICO CITY ("MEXICANS PONDER THEIR INCREASING ECONOMIC TIES WITH 'EL NORTE'"; BOX: "IN THE MID'70S MEXICO'S ABUNDANT OIL RESOURCES BEGAN TO FLOW AS EXPORTS. THAT BROUGHT IN VITAL REVENUE AT A TIME WHEN WORLD OIL PRICES WERE STILL BULLISH AND THE US WAS BUYING GREAT AMOUNTS.") HAS A LONG PIECE ON ECONOMIC CONDITIONS.

(TUESDAY, 9/3) WASHINGTON TIMES --

NICARAGUA: AP, FRONT PAGE: ("REFUGEE BANQUET TOOK $219,525; GAVE $3,000").

BRAZIL: TIMOTHY O'LEARY, P. 5 FROM BRASILIA: ("THE BRAZILIAN 'TRUMAN' IS AVOIDING TOUGHT STANDS").

CUBA: DANIEL JAMES, SAME PAGE ("WELLS FARGO SUSPECT LINKED TO CUBANS") CITES US INTELLIGENCE SOURCES ON THE
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TIES OF A PUERTO RICAN TERRORIST WITH CUBAN INTELLIGENCE.

ECUADOR: "AMERICAS" BRIEF, SAME PAGE: ("ECUADOR'S TOP BANKER SLAIN").

NICARAGUA: AP/MANAGUA, P. 6 ("ORTEGA SAYS U.S. GROUP WILL ABET INTERVENTION") QUOTES HUMBERTO ORTEGA ON THE NEW STATE DEPT OFFICE.

PERU: F. ANDY MESSING JR (NATL DEFENSE COUNCIL FOUNDATION), P. 3D ("PERU A NATION GRIPPED BY POLITICS OF CONTRABAND"; BOX: "THE PRIMARY AND SECONDARY EFFECTS OF THE DRUG NETWORK ABOUND. WHILE DRUG ACTION DESTABILIZES ALL SORTS OF FORMAL LINES OF AUTHORITY, THE MONEY INVOLVED FINANCES THE CHAOS. THE LURE OF EASY MONEY, IN A SOCIETY WHERE POVERTY IS RAMPANT AND CLASS LINES ARE DRAWN, MAKES DRUGS A NEW AND STRONG ASPECT OF THAT SOCIETY.")

2. HIGHLIGHTS OF TV NEWSCASTS AND PROGRAMS, AUGUST 30-SEPTEMBER 2, 1985:

NBC NIGHTLY NEWS 8/30/85

NEWS OFFICE ESTABLISHED AT STATE (ROGER MUDD) - PRESIDENT REAGAN TODAY ESTABLISHED A NEW OFFICE IN THE STATE DEPARTMENT SPECIFICALLY TO DISTRIBUTE HUMANITARIAN AID TO THE CONTRAS IN NICARAGUA. CONGRESS HAS APPROVED 27 MILLION DOLLARS IN SUCH AID, BUT SAID IT COULD NOT BE DISTRIBUTED BY THE CIA OR BY THE MILITARY.

EL SALVADOR (ROGER MUDD) - ON TUESDAY EL SALVADOR ANNOUNCED IT HAD ARRESTED 3 LEFTIST GUERRILLAS IN
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CONNECTION WITH THE CAFE MASSACRE IN WHICH 4 MARINES WERE MURDERED IN JUNE. TODAY THE GOVERNMENT TOOK A HIGHLY UNUSUAL STEP. IT PRESENTED THE SUSPECTS AT A NEWS CONFERENCE AND HAD THEM TELL THEIR STORIES.

(ANNE GARRELS, SAN SALVADOR) - ONE BY ONE THE SALVADORAN GOVERNMENT BROUGHT THE 3 CAPTURED SUSPECTS TO A PRESS CONFERENCE. ABRAHAM DENIED ANY INVOLVEMENT, BUT HE SAID

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HIS BROTHER RAN THE OPERATION. JUAN MIGUEL SAID HE WAS MERELY A FRONT MAN, RUNNING HIS CAR UPHOLSTERY SHOP AS A COVER FOR THE GUERRILLAS. WILLIAM CONFESSED TO BEING ONE OF THE HIT-MEN. HE SAYS HE WAS FORCIBLY RECRUITED BY THE GUERRILLAS WHEN HE WAS 13 (HE IS 17 NOW). SUBJECTED TO WHAT HE CALLS BRAINWASHING, HE SAYS HE BECAME A COMMITTED REVOLUTIONARY. WILLIAM SAYS THE ATTACK ON THE RESTAURANT WAS TO BE A MILITARY ACTION WITH PARTICULAR POLITICAL IMPORTANCE AIMED AT AMERICAN MILITARY ADVISORS. BUT WHEN HE SAW THE TARGETS-4 OFF DUTY MARINE GUARDS--WILLIAM SYS HE HAD DOUBTS. (FOOTAGE OF WILLIAM: "I FELT BAD WHEN I SAW I WAS GOING TO SHOOT PEOPLE WITHOUT WEAPONS, PEOPLE WHO WERE ENJOYING THEIR DRINKS.") HE SHOT ANYWAY, MISTAKENLY KILLING ONE OF HIS OWN ACCOMPLICES. AFTER THE RETREAT, HIS LEADER WENT BACK TO RETRIVE THE FALLEN MAN AND MAKE SURE THE AMERICANS WERE DEAD. (WILLIAM: "HE

WENT OVER TO THE MEN AND SHOT THEM AGAIN, AND THEN HE BROUGHT JULIO BACK.") SHULTZ

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UNCLAS SAN SALVADOR 11384

USIA FOR AR/CENTAM
ROME FOR EMBASSY VATICAN

E.O. 12356: N/A
TAGS: PHUM, ES
SUBJECT: AUXILIARY BISHOP ROSA CHAVEZ' HOMILY
- SEPTEMBER 1

1. SUMMARY

IN HIS HOMILY OF SEPTEMBER 1, AUXILIARY BISHOP GREGORIO ROSA CHAVEZ TALKED OF PLANS TO REBUILD TENANCINGO, GAVE SOME SKETCHY VIOLENCE STATISTICS FOR THE LAST TWO-WEEK PERIOD, AND INFORMED THE CONGREGATION OF THE HONDURAN ARMY'S INVASION OF THE COLOMONCAGUA REFUGEE CAMP, STRESSING THE CHURCH'S POLICY THAT THE CAMPS SHOULD BE INVIOLATE BUT AT THE SAME TIME MUST BE NEUTRAL. END SUMMARY.

2. REBUILDING TENANCINGO

AUXILIARY BISHOP ROSA CHAVEZ MARKED THE 17TH ANNIVERSARY OF THE FOUNDING OF THE FOUNDATION FOR MINIMUM HOUSING AND DEVELOPMENT (FUNDASAL), A MUTUAL ASSISTANCE ORGANIZATION WHICH CONSTRUCTS MINIMUM-STANDARD HOUSING WITH THE EFFORTS OF THE BENEFICIARIES. "TENANCINGO IS NOW THE NEW CHALLENGE OF FUNDASAL," SAID ROSA CHAVEZ, REFERRING TO THE CHURCH'S PLANS TO RECONSTRUCT THE ABANDONED AND PARTIALLY-DESTROYED TOWN. "WE HAVE HERE THE OPPORTUNITY TO CREATE AN ALTERNATIVE THAT WOULD CONSTITUTE A MODEL OF WHAT WE CAN ACCOMPLISH THROUGH PEACE. LET US ASK FOR GOD'S HELP SO THAT THE DIFFICULTIES STILL BEING ENCOUNTERED MAY BE SATISFACTORILY RESOLVED."

3. VIOLENCE STATISTICS

TUTELA LEGAL REPORTED 80 (EIGHTY) VICTIMS OF VIOLENCE DURING THE LAST TWO WEEKS, SAID ROSA CHAVEZ. "BUT DEATH

HAS EVEN REACHED OUR COUNTRYMEN BEYOND OUR BORDERS, AS SHOWN BY THE ASSASSINATION OF A WELL-LIKED ENTREPRENEUR, JORGE PALMO SOL, IN MIAMI AND THE TRAGEDY WHICH TOOK PLACE AT THE SALVADORAN REFUGEE CAMP IN COLOMONCAGUA, HONDURAS."

4. THE COLOMONCAGUA REFUGEE CAMP EVENTS

RELEA

ACCORDING TO THE PRELIMINARY DATA SENT BY BISHOP LUIS ALFONSO SANTOS OF HONDURAS, SAID ROSA CHAVEZ, THERE WERE MILITARY OPERATIONS ON AUGUST 28 IN THE MUNICIPALITY OF COLOMONCAGUA, INTIBUCA, THE LOCATION OF A LARGE SALVADORAN REFUGEE CAMP. "WHEN THE ARMY VIOLENTLY ENTERED THE REFUGEE CAMP, THE RESULTS WERE TWO REFUGEES DEAD, FIFTY INJURED, AND FIFTEEN ARRESTED. AS A SIGN OF OUR CONCERN FOR THE REFUGEES, THE ARCHBISHOPRIC SENT A DELEGATION TO COLOMONCAGUA WHICH SHOULD HAVE ARRIVED THERE YESTERDAY TO FIND OUT DIRECTLY WHAT THE SITUATION IS SO THAT WE MAY DISCUSS IT WITH BISHOP LUIS ALFONSO SANTOS. IT IS WELL TO REMEMBER ONCE MORE WHAT THE CHURCH'S POSITION IS REGARDING THE REFUGEE CAMPS: WE ARE DETERMINED DEFENDERS OF THEIR INVIOLABILITY, BUT WITH THE SAME CONVICTION WE INSIST THAT THEY BE NEUTRAL."

5. ARRESTS IN THE ZONA ROSA CASE

"I CONCLUDE WITH A BRIEF COMMENT ON THE NEWS ISSUED BY THE GOVERNMENT THIS WEEK: THE SOLVING OF THE TRAGIC CASE OF THE ZONA ROSA AND THE ARREST OF THREE OF THE GUILTY PARTIES. ASSUMING, OF COURSE, THAT THE NEWS IS ACCURATE, THERE IS HOPE THAT IN SO FAR AS THE GOVERNMENT IS CONCERNED, THERE WILL BE AS MUCH INTEREST DIRECTED TOWARDS FIGHTING ALL FORMS OF TERRORISM THAT DAILY BRING MOURNING TO SALVADORAN HOMES. WE KNOW THAT TERRORISM CAN COME NOT ONLY FROM GROUPS OF THE EXTREME RIGHT OR LEFT. PEACE WILL ONLY BE POSSIBLE IF HUMAN DIGNITY IS RESPECTED BY ALL THOSE WHO HOLD WEAPONS IN THEIR HANDS," ADMONISHED THE BISHOP.

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USIA FOR AR/ENTAM
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E.O. 12356: N/A
TAS: PGOV, PTER, PINS, PHUM, ES
SUBJECT: KIDNAPPED MAYORS NOT RELEASED; GIVE PRESS CONFERENCE

REF: A. SAN SALVADOR 11143
B. SAN SALVADOR 09297
C. FBIS CHIVACHIVA PN 260187Z AUG 85

1. SUMMARY. ON SEPTEMBER 2, 1985, THE PEOPLE'S REVOLUTIONARY ARMY (ERP) HELD A PRESS CONFERENCE IN PERQUIN, MORAZAN, PRESENTING SEVEN OF THE MAYORS AND ONE TOWN SECRETARY KIDNAPPED BY THE GUERRILLAS BETWEEN APRIL AND JUNE OF THISYEAR. THE GUERRILLAS REPEATED THEIR DEMAND FOR THE FREEDOM OF NINE GUERRILLAS THEY ALLEGE (AND THE GOES DENIES) WERE CAPTURED BY THE SALVADORAN GOVERNMENT, IN RETURN FOR THE FREEDOM OF THE MAYORS THEY HOLD. END SUMMARY.

2. ON SEPTEMBER 2, 1985, SEVEN JOURNALISTS, INCLUDING A REPRESENTATIVE OF UNITED PRESS INTERNATIONAL, WERE ISSUED SAFE-CONDUCT PASSES BY THE SALVADORAN ARMY TO TRAVEL TO PERQUIN FOR A PRESS CONFERENCE WITH THE GUERRILLAS. THE SECRETARY GENERAL OF THE SALVADORAN COMMUNIST PARTY (PCES), JORGE SHAFIK HANDAL, AND THE COMMANDER OF THE ERP, JOAQUIN VILLALOBOS, APPEARED AT THE CONFERENCE ACCOMPANIED BY EIGHT OF THE SIXTEEN TOWN OFFICIALS BEING HELD BY THE GUERRILLAS. THE PRISONERS PRESENTED WERE:

NAME	TOWN	TITLE
ANTONIO HERNANDEZ LUNA	SAN SIMON, MORAZAN	MAYOR
SANTOS VELASQUEZ	SAN LUIS DE LA REINA, SAN MIGUEL	MAYOR
ANTOLIN NUNEZ CANALES	EL SAUCE, LA UNION	MAYOR
JUAN FRANCISCO GARCIA	GUALOTECTI, MORAZAN	MAYOR
CIRIACO HERNANDEZ COREAS	YOLOAIQUIN, MORAZAN	MAYOR
FRANCISCO ISRAEL DIAZ	LOLOTIQUE, SAN MIGUEL	MAYOR
LUCIO RIOS VILLATORO	NUEVA ESPARTA, LA UNION	MAYOR
LUIS ADAN FUENTES	POLOROS, LA UNION	SECRETARY

THESE EIGHT HAD SIGNED AN "OPEN LETTER" WHICH APPEARED IN THE SAN SALVADOR DAILY "EL MUNDO" ON AUGUST 20, CALLING ON THE GOVERNMENT TO ADJUDICATE THE CASES OF NINE MEMBERS OF THE FARABUNDO MARTI NATIONAL LIBERATION FRONT (FMLN) SUPPOSEDLY BEING HELD BY THE GOVERNMENT, IN RETURN FOR THE MAYORS' RELEASE (REF A). DURING THE CONFERENCE, THE MAYORS SAID THEY FELT ABANDONED BY THE GOVERNMENT, AND THAT THE CHURCH WAS NOT HELPING TO GAIN THEIR RELEASE EITHER.

3. THE GUERRILLAS BEGAN KIDNAPPING THE MAYORS IN APRIL, IMMEDIATELY AFTER THEY HAD BEEN ELECTED. A TOTAL OF SIXTEEN MAYORS AND THREE OTHER TOWN OFFICIALS WERE KIDNAPPED BETWEEN APRIL 2 AND JUNE 4. ONE OTHER MAYOR WAS KILLED (MAURICIO VALENZUELA, MAYOR OF SAN JORGE, SAN MIGUEL, CHRISTIAN DEMOCRATIC PARTY, IN APRIL), AND ANOTHER WAS WOUNDED IN A KIDNAP ATTEMPT (ROLANDO GUZMAN GUZMAN, MAYOR OF SAN RAFAEL OBRAJUELO, LA PAZ, IN JUNE). TWO OF THE KIDNAPPED MAYORS WERE LATER RELEASED: RAUL PINEDA, MAYOR OF EL CARRIZAL, CHALATENANGO; AND MODESTO MARTINEZ, MAYOR OF GUATAJIAGUA, MORAZAN. BOTH ARE MEMBERS OF THE CHRISTIAN DEMOCRATIC PARTY (PDC). THE MAYORS STILL BEING HELD ARE ALSO MOSTLY PDC MEMBERS.

4. THE FIRST COMMUNICATION FROM THE GUERRILLAS ABOUT THE KIDNAPPED MAYORS WAS A PAID ADVERTISEMENT PUBLISHED IN THE DAILY "EL MUNDO" ON JULY 18, 1985 (REF B). THE ADVERTISEMENT DEMANDED THE ADJUDICATION OF THE CASES OF THE SAME NINE FMLN MEMBERS LISTED IN THE LATER ADVERTISEMENT, AS THE PRICE OF THE RELEASE OF THE MAYORS. THE JULY 18 ADVERTISEMENT WAS SIGNED BY FIVE MAYORS:

NAME	TOWN	TITLE
GALILEO CASTILLO CAMACHO	EREGUAYQUIN, USULUTAN	MAYOR
MAITAS ALFARO	JUCUARAN, USULUTAN	MAYOR
FRANCISCO NELSON AYALA	TECAPAN, USULUTAN	MAYOR
EDUARDO ARGUETA CASTILLO	ALEGRIA, USULUTAN	MAYOR
MANUEL DE JESUS ALEMAN	SAN DIONISIO, USULUTAN	MAYOR

5. THE GOVERNMENT DENOUNCED THE KIDNAPPINGS AND CLAIMS IT IS HOLDING NONE OF THE NINE FMLN MEMBERS ABOUT WHOM THE FMLN HAS DEMANDED INFORMATION. AS REPORTED (REF A), A NUMBER OF SERVING MAYORS MET IN SAN SALVADOR ON AUGUST 15 TO ASK THE GOVERNMENT WHAT STEPS IT WAS TAKING TO

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INCOMING TELEGRAM

FREE THE MAYORS. AND PLANNED A MARCH FOR AUGUST 23 IN SAN MIGUEL TO PROTEST THE GUERRILLAS' CONTINUED DETENTION OF THE KIDNAPPED MAYORS. THE MARCH DID NOT OCCUR. ACCORDING TO AUXILIARY BISHOP ROSA CHAVEZ' HOMILY ON AUGUST 25, THE MARCH WAS CANCELLED AS ONE ERP CONDITION FOR THE RELEASE OF THE MAYORS, THE OTHER BEING THE PUBLICATION OF THE AUGUST 18 ADVERTISEMENT. HOWEVER, A RADIO VENCEREMOS BROADCAST ON AUGUST 25 SAID THAT THE CHURCH WAS NOT PARTICIPATING IN THE CASE AND THAT "ANYTHING SAID ABOUT THE CASE OF THE CAPTURED MAYORS BY SPOKESMEN OF THE CHURCH, PARTICULARLY BY BISHOP ROSA CHAVEZ, IS MERE SPECULATION OR DISTORTED INFORMATION." (REF C). THE SEPTEMBER 1 DEADLINE, BY WHICH ROSA CHAVEZ HAD SUGGESTED THE MAYORS WOULD BE RELEASED, PASSED WITHOUT SUCH ACTION BY THE GUERILLAS.

RELEASED
El Salvador: Human Rights
Special Project (1993)

6. EMBASSY SOURCES INDICATE THAT ONE OF THE NINE FMLN MEMBERS NAMED WAS INCARCERATED BY SECURITY FORCES AND WAS RELEASED TO HIS FAMILY IN APRIL, BUT THAT THE GOES AS NEVER ARRESTED THE OTHERS. THE ERP CLAIMED IN JANUARY 1985 VIA RADIO VENCEREMOS THAT THE NATIONAL GUARD HAD CAPTURED ERP CENTRAL COMMITTEE MEMBER YANETH SAMOUR HASBUN (COMANDANTE FILOMENA) AND MAXIMINA REYES, TWO OF THE NINE ON THE LIST, BUT THE GOVERNMENT HAS STEADFASTLY DENIED EVER HAVING THEM IN CUSTODY.

7. THE NAMES OF TWO MAYORS AND TWO OTHER TOWN OFFICIALS KIDNAPPED BY THE GUERRILLAS HAVE NOT APPEARED IN EITHER ADVERTISEMENT. THE GUERRILLAS HAVE NOT MENTIONED THEM IN ANY OF THEIR ANNOUNCEMENTS. WE DO NOT HAVE THE NAMES OF THE TWO OFFICIALS, WHO WERE KIDNAPPED AT THE SAME TIME AS MAYOR FLORES. THE TWO MAYORS UNACCOUNTED FOR ARE:

NAME	TOWN	TITLE
ERNESTO ANTONIO FLORES	*EL TRIUNFO, USULUTAN*	*MAYOR*
LORENZO AREVALO	SAN RAFAEL ORIENTE, SAN MIGUEL	MAYOR

THE TOLL STANDS AT: FOURTEEN MAYORS AND THREE OTHER TOWN OFFICIALS HELD PRISONER, OF WHICH TWO MAYORS AND TWO OFFICIALS HAVE NOT BEEN HEARD FROM; ONE MAYOR DEAD; ONE MAYOR WOUNDED. THE GUERRILLAS HAVE DEMANDED THE *ADJUDICATION OF THE CASES OF GUERRILLAS OF WHOM THE* GOVERNMENT CLAIMS TO HAVE NO KNOWLEDGE. THE GUERRILLAS HAVE OBTAINED PUBLICATION OF THEIR PROPAGANDA AND THE COMPLIANCE OF THE KIDNAPPEES' FAMILIES IN THOSE PUBLICATIONS AS A CONDITION OF THE MAYORS' RELEASE, AND THE CANCELLATION OF A PROTEST MARCH, BUT HAVE STILL REFUSED TO RELEASE THEIR PRISONERS. THE STALEMATE CONTINUES.

CORR

n/a
Case Number: S1999000030

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PAGE 01 STATE 272627
ORIGIN ARA-00

INFO LOG-00 COPY-01 ADS-00 INR-10 SS-00 CIAE-00 DODE-00
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OMB-01 USIE-00 SP-02 SNP-01 PRS-01 SLPD-01 SPD-01
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DRAFTED BY: ARA/USOAS:LRFLEISCHER:MS
APPROVED BY: ARA/USOAS:RTMCCORMACK
ARA/USOAS:JJCROWLEY, JR. ARA/SC:JSWIGERT
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TO AMEMBASSY SANTIAGO

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

~~C O N F I D E N T I A L~~ STATE 272627

E.O. 12356: DECL: OADR
TAGS: OAS, CI, SHUM, PREL
SUBJECT: CHILE WITHDRAWS RESOLUTION ON PROCEDURAL QUESTIONS REGARDING OAS IAHRC REPORT

1. C - ENTIRE TEXT

2. AT THE END OF SEVERAL HOURS OF GENERALLY HEATED DEBATE IN THE OAS PERMANENT COUNCIL ON AUGUST 30 WHEN IT BECAME CLEAR THAT, AT MOST, CHILE COULD COUNT ON 4-5 VOTES (SURINAME, HAITI, PARAGUAY, AND POSSIBLY GUATEMALA) THE CHILEAN DELEGATION WITHDREW ITS RESOLUTION WHICH WOULD HAVE REQUESTED A LEGAL OPINION OF THE INTER-AMERICAN JURIDICAL COMMITTEE ON SEVERAL PROCEDURAL QUESTIONS REGARDING THE IAHRC REPORT ON CHILE.

3. AFTER CHILEAN AMBASSADOR IRARRAZAVAL SPOKE AND INTRODUCED THE RESOLUTION, THE AMBASSADORS

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PAGE 02 STATE 272627

OF BARBADOS, VENEZUELA, COLOMBIA, MEXICO, AND EL SALVADOR ALL SPOKE AGAINST THE RESOLUTION. VENEZUELAN AMBASSADOR MORENO WAS PARTICULARLY

HARSH IN HIS COMMENTS REGARDING THE HUMAN RIGHTS CLIMATE IN CHILE. MOST OF THE OTHERS TRIED TO

CONFINE THEIR COMMENTS TO PROCEDURAL RATHER THAN SUBSTANTIVE QUESTIONS. SURINAME AND HAITI BOTH SUPPORTED THE RESOLUTION. CHILE FINALLY AGREED TO A THREE-HOUR RECESS DURING WHICH COLOMBIA, VENEZUELA AND MEXICO WORKED OUT ANOTHER RESOLUTION WHICH WOULD HAVE REFERRED CHILE'S QUESTIONS TO THE INTER-AMERICAN HUMAN RIGHTS COURT. WHEN THE MEETING RESUMED, CHILE ANNOUNCED THAT THE NEW RESOLUTION WAS UNACCEPTABLE AND THEN WITHDREW ITS OWN RESOLUTION. THE U.S. DELEGATION DID NOT SPEAK DURING THE DEBATE.

4. CHILE'S OAS DELEGATION DOES NOT KNOW WHAT THE NEXT STEP WILL BE. THE DELEGATION'S ADVICE ON HANDLING THE IAHRC REPORT WAS APPARENTLY IGNORED BY THE FOREIGN MINISTRY AND THEY ARE NOW AWAITING NEW INSTRUCTIONS. SHULTZ

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PAGE 01 MANAGU 05391 01 OF 02 051612Z
ACTION H-03

INFO LOG-00 COPY-01 ADS-00 SS-00 NSCE-00 ARA-10 SSO-00
SY-02 /016 W
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INFO AMEMBASSY MEXICO
AMEMBASSY GUATEMALA
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USLO CARIBBEAN

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DEPARTMENT OF STATE IS/FPC/CDR Date: 8-5-96
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E.O. 12356: NA
TAGS: PGOV, OREP, NU
SUBJECT: CODEL LOWERY: MEETING WITH PRESIDENT ORTEGA

1. SUMMARY: CODEL LOWERY MET WITH PRESIDENT DANIEL ORTEGA ON AUGUST 28. THE MEETING FOCUSED ON THE ISSUES OF CONTADORA AND INTERNAL DIALOGUE AND ALSO TOUCHED ON THE CODEL'S CONCERNS ABOUT THE NICARAGUAN EDUCATION SYSTEM AND THE DEFINITION OF NON-ALIGNMENT. THE TENOR OF THE MEETING WAS FRIENDLY; ORTEGA WAS RELAXED AND ACTUALLY LAUGHED A FEW TIMES. STILL, HE DID NOT RELAX TO THE POINT OF DEVIATING FROM HIS BASIC THEME OF U.S. AGGRESSION AS THE CAUSE OF ALL NICARAGUA'S WOES. END SUMMARY

2. CODEL LOWERY MET WITH PRESIDENT DANIEL ORTEGA IN A ONE AND ONE-HALF HOUR SESSION THAT INCLUDED VICE MINISTER NORA ASTORGA AND SAUL ARANA OF THE NORTH AMERICA DESK, BOTH FROM THE FOREIGN MINISTRY; AND REP. WILLIAM LOWERY (R-CA), REP. VIC FAZIO (D-CA), AND SIX MEMBERS OF THE CODEL GROUP. ORTEGA WAS UNUSUALLY RELAXED AND HUMOROUS. HE RESPONDED TO THE CONGRESSMEN'S PROMPTING ABOUT HIS POLITICAL ROOTS BY TELLING OF THE POLITICAL ATMOSPHERE IN HIS HOME
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PAGE 02 MANAGU 05391 01 OF 02 051612Z

WHEN HE WAS A CHILD, HOW HIS PARENTS HAD ALWAYS OPPOSED SOMOZA AND

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ADMIRED SANDINO. HE SAID THAT HE HAD PARTICIPATED IN DEMONSTRATIONS AGAINST SOMOZA EVEN AS A YOUTH AND HAD LEARNED TO HATE ALL AMERICANS EXCEPT BASEBALL PLAYERS; "THEY WERE THE ONLY ONES I LIKED" ONCE HE WAS INVOLVED IN A DEMONSTRATION NEAR THE MAIN CATHEDRAL WHEN THE NATIONAL GUARD CAME AND BROKE UP THE GROUP WITH TEAR GASA AND RIOT BATONS. THEY STARTED SHOOTING, ORTEGA SAID, AND SOME OF THE DEMONSTRATORS FLED INTO THE CATHEDRAL. THERE THEY INTERRUPTED A WEDDING BETWEEN A NICARAGUAN GIRL AND AN AMERICAN. "HE MUST HAVE BEEN A CADET IN ONE OF THESE AMERICAN MILITARY SCHOOLS," ORTEGA SAID. "BECAUSE HE WAS WEARING ONE OF THOSE UNIFORMS. WE SHOUTED, 'YOU'RE A MARINE*' AND ALL OF US JUMPED HIM'," WITH A NOSTALGIC SMILE ORTEGA NOTED THAT THE GENERAL ANTI-AMERICAN SENTIMENT IN NICARAGUA HAS DISAPPEARED AND HAS BECOME FOCUSED ON THE AMERICAN GOVERNMENT INSTEAD. "(NICARAGUANS) HAVE LEARNED TO DISTINGUISH BETWEEN THE U.S. GOVERNMENT AND THE AMERICAN PEOPLE," HE SAID.

3. THE REVOLUTIONARIES INITIALLY HAD HIGH EXPECTATIONS FOR QUICK MOVEMENT TO SOLVE PRESSING SOCIAL PROBLEMS, ORTEGA SAID, TURNING SERIOUS. THE THEN GRN TRIED TO COMBINE ALL SECTORS OF THE SOCIETY TO WORK TO ACHIEVE THE INITIAL GOALS. THE REVOLUTION'S IDEOLOGY WAS BASED ON NICARAGUA'S HISTORIC ROOTS. ITS LEADERS SOUGHT AN HISTORIC RECONCILIATION WITH THE U.S. AND WITH CARTER AS PRESIDENT THE GOAL OF AMERICAN-NICARAGUAN COOPERATION SEEMED POSSIBLE. "MAYBE OUR VISION WAS TOO ROMANTIC," ORTEGA SAID. WHEN THE SANDINISTAS ANNOUNCED ON AUGUST 22, 1980 THAT ELECTIONS WOULD BE HELD IN 1985, "WE EXPECTED TO HAVE ACHIEVED ECONOMIC AND SOCIAL REVITALIZATION" BY THAT TIME. UNFORTUNATELY, ORTEGA CONTINUED, SOME SECTORS OF THE SOCIETY REFUSED TO COOPERATE. HOWEVER, HE CLAIMED THAT "CRITICISM WAS ALWAYS CIVILIZED" UNTIL THE ADVENT OF THE ARMED OPPOSITION.

4. ORTEGA STRESSED THE GON'S WILLINGNESS TO CONTINUE THE EFFORTS

AT INTERNAL DIALOGUE. HE REFERRED TO THE TELEVISED MEETING WITH COSEP AND OTHER OPPOSITION GROUPS IN FEBRUARY AS A STEP ON THE GOVERNMENT'S PART TOWARDS RECONCILIATION. HOWEVER, HE HARSHLY CRITICIZED THE OPPOSITION FOR REFUSING TO PARTICIPATE FULLY IN THE CONSTITUTION-WRITING PROCESS. ALL THESE MEETINGS FAIL, ORTEGA CLAIMED BECAUSE THE U.S. IS FUNDING THE COUNTERREVOLUTIONARIES.

UNTIL THE INTERNAL OPPOSITION IS CONVINCED THAT THE U.S. GOVERNMENT CANNOT DEFEAT THE REVOLUTION, IT WILL CNONTINUE TO WAIT FOR THE BIG CHANGE INSTEAD OF PARTICIPATING IN REAL EFFORTS TO

SOLVE NICARAGUA'S PROBLEMS. THUS, ORTEGA MAINTAINED, THE GON LABORS UNDER A SET OF ARTIFICIAL CONDITIONS. "THE CONTRA IS AN ARTIFICIAL FORCE," HE SAID. HE STATED THAT IT IS NOW CLEAR THAT THE NATIONAL SECURITY COUNCIL WAS VIOLATING THE BOLAND AMENDMENT AND THAT THE CONTRAS NEVER STOPPED RECEIVING OUTSIDE FUNDS. THE CONTINUED POLITICAL SUPPORT OF THE USG WAS FAR MORE IMPORTANT TO THEM THAN ANY AMOUNT OF MONEY, ORTEGA INSISTED.

5. PRESIDENT ORTEGA EXPRESSED HOPE FOR MOVEMENT ON CONTADORA NOW THAT FOUR ADDITIONAL LATIN AMERICAN COUNTRIES HAVE JOINED THE GROUP. HE REITERATED THE WHOLE TALE OF NEGOTIATIONS, ACCEPTANCES, AND REFUSALS IN CONTADORA AND ACCUSED THE U.S. OF BLOCKING PROGRESS. CARTEGENA, HE SAID, "HAS TO MAKE THE U.S. REFLECT" ON ITS POSITION. HE CLAIMED THAT THE SEPTEMBER DRAFT ACCEPTED BY THE GON ALREADY CONTAINS VERIFICATION PROCEDURES. WHEN CHALLENGED ON THE ISSUE OF ARMS TO EL SALVADOR AND SUBSEQUENT FEARS ON THE PART OF NEIGHBORING GOVERNMENTS, ORTEGA STATED THAT "REVOLUTION CAN NOT BE EXPORTED." THE CONDITIONS FOR REVOLUTION MUST EXIST IN ORDER FOR REVOLUTIONARY MOVEMENTS TO FORM. IF THE U.S. HAD PROMOTED DEMOCRATIC REGIMES IN CENTRAL AMERICA, HE ADDED, NICARAGUA WOULD NEVER HAVE HAD A REVOLUTION. IN CONCLUSION ORTEGA REPEATED THE GON'S DESIRE TO WORK WITH ALL LATIN AMERICA FOR A NEW RELATIONSHIP WITH THE UNITED STATES.

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PAGE 01 MANAGU 05391 02 OF 02 051601Z
ACTION H-03

INFO LOG-00 COPY-01 ADS-00 SS-00 NSCE-00 ARA-10 SSO-00
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TO SECSTATE WASHDC IMMEDIATE 6835
INFO AMEMBASSY MEXICO
AMEMBASSY GUATEMALA
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USLO CARIBBEAN

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6. SEVERAL OF THE MEMBERS OF THE CODEL ASKED ORTEGA ABOUT THE EDUCATIONAL SYSTEM IN NICARAGUA. THEIR CONCERNS INCLUDED THE STRICT GOVERNMENT CURRICULUM AND PARTICULARLY CONTROLS ON RELIGIOUS SCHOOLS. ORTEGA RESPONDED THAT NICARAGUA'S EDUCATIONAL SYSTEM HAD BEEN INSPIRED BY THE EXPERIENCE OF MEXICO AND OTHER INTERNATIONAL LEADERS. HE DENIED THAT THE GON PLACED ANY RESTRICTIONS ON CHILDREN'S EDUCATION AND NOTED THAT MANY YOUNG PEOPLE STUDY ABROAD, JUST AS THEY DID BEFORE THE REVOLUTION. IF IN TODAY'S CLASSROOMS SOMOZA IS A BANDIT AND SANDINO IS A SAINT, HE SAID, THAT IS NO WORSE THAN WHEN SOMOZA'S TEXTBOOKS CHARACTERIZED SANDINO AS A BANDIT AND SOMOZA AS A SAINT. OTHER CONCERNS HE EXCUSED AS A FUNCTION OF THE "DIFFICULT SITUATION" AND THE NEED FOR EXCEPTIONAL MEASURES IN THE FACE OF THE U.S. AGGRESSION.

7. ANOTHER POINT THE CODEL EMPHASIZED WAS THE GON'S CLAIM TO NONALIGNMENT. ORTEGA LISTED CANADA, SPAIN, SWEDEN, AND FRANCE AS AMONG THE MANY WESTERN NATIONS HAVING GOOD RELATIONS WITH NICARAGUA. HE CITED DONATIONS AND TRADE WITH THESE AND OTHER WESTERN COUNTRIES AS EVIDENCE THAT THE GON IS SEEKING A TRULY BALANCED INTERNATIONAL POLICY. "WE ALSO WANT GOOD RELATIONS WITH THE U.S.," HE
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PAGE 02 MANAGU 05391 02 OF 02 051601Z

SAID, NOTING THAT THE U.S. IS THE NEAREST BIG MARKET FOR NICARAGUA'S TRADITIONAL EXPORTS. FURTHERMORE, HE SAID, IF NICARAGUA WERE REALLY

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ALIGNED WITH THE SOVIET BLOC, THE U.S. GOVERNMENT WOULD NOT DARE TO INTERVENE AS IT HAS OR SUPPORT THE COUNTERREVOLUTIONARIES. ORTEGA DISMISSED THE U.S. TRADE EMBARGO, SAYING THAT NICARAGUA HAD EASILY SUCCEEDED IN REROUTING ITS EXPORTS TO OTHER COUNTRIES. HE SPECIFICALLY CITED SALES OF BANANAS TO BELGIUM AND AN UPCOMING SALE OF SUGAR TO IRAN.

8. THE MEETING CLOSED ON A CORDIAL NOTE.
BERGOLD

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PAGE 01 MEXICO 18386 01 OF 02 062236Z
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TREASURY WASHDC IMMEDIATE
INFO AMEMBASSY LIMA
AMEMBASSY CARACAS
AMEMBASSY BRASILIA
USCONS MEXICO POUCH

UNCLAS SECTION 01 OF 02 MEXICO 18386

DEPARTMENT PASS FEDERAL RESERVE BOARD,
EXPORT IMPORT BANK, USTR, AND COMMERCE

E.O. 12356 : N/A
TAGS: EFIN, ECON, EINV, MX
SUBJECT: MEXICAN FINANCE SECRETARY SILVA-HERZOG'S
- COMMENTS AT THE AUGUST 29 DEBT RESCHEDULING
- CEREMONY IN NEW YORK
-
1. THE FOLLOWING IS A SUMMARY OF POINTS MADE BY SECRETARY SILVA-HERZOG IN NEW YORK ON AUGUST 29 IN HIS PRESENTATION BEFORE MEXICO'S MAJOR COMMERCIAL BANK CREDITORS:
-
-- THE INCREASING NUMBER OF DEBT RESTRUCTURINGS BY DEVELOPING COUNTRIES SINCE 1982 IS CLEAR EVIDENCE THAT WE FIND OURSELVES FACING A SYSTEMATIC PROBLEM, WHICH EXTENDS
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PAGE 02 MEXICO 18386 01 OF 02 062236Z

BEYOND THE PARTICULAR CIRCUMSTANCES OF ANY ONE COUNTRY OR ITS ECONOMIC MANAGEMENT.

-

-- FOR ECONOMIC, SOCIAL, AND POLITICAL REASONS MEXICO MUST GROW. WE MUST PAY ATTENTION TO OVERCOMING OUR DEBT PROBLEMS AND IT IS NECESSARY TO GROW IN ORDER TO BE ABLE TO SERVICE THE DEBT.

-

-- THE MEXICAN GOVERNMENT IS TAKING ACTIONS TO PROMOTE AN ECONOMY ORIENTED TOWARD EXPORTS BUT IN THE INTERNATIONAL AREA VARIOUS FACTORS ARE WORKING AGAINST THESE EFFORTS AND THOSE OF OTHER DEVELOPING COUNTRIES.

-

-- AMONG SUCH FACTORS ARE INCLUDED A SLOWING IN THE RATE OF GROWTH IN THE UNITED STATES ECONOMY--WHICH UNDOUBTEDLY WILL AFFECT OUR EXPORT PROSPECTS--AND THE U.S. BUDGET DEFICIT WHICH IS CAUSING EXCESSIVELY HIGH REAL INTEREST RATES. THE STRENGTH OF THE DOLLAR HAS PRODUCED THE HIGHEST TRADE DEFICIT IN THE UNITED STATES HISTORY. ONE CONSEQUENCE OF THESE DEVELOPMENTS IS INCREASING DEMANDS TO RAISE LEVELS OF PROTECTION FOR DOMESTIC INDUSTRIES.

-

-- AT THE SAME TIME, MEXICO IS FACING A REDUCTION IN BILATERAL SOURCES OF FUNDS WHICH HAS NOT AND CANNOT FILL THE VOID LEFT BY REDUCED LENDING FROM THE INTERNATIONAL BANKING COMMUNITY. NOT ONLY ARE THESE BANKS NOT PROVIDING NEW FUNDS ON A VOLUNTARY BASIS BUT SOME OF THEM ALSO ARE ACTUALLY TRYING TO REDUCE THEIR PRESENT LOAN LEVELS TO LATIN AMERICA.

-

-- ADDED TO THIS PROBLEM IS THAT BANK REGULATORY AUTHORITIES IN THE CREDITOR COUNTRIES ARE PUTTING ADDITIONAL RESTRICTIONS TO THE REACTIVATION OF CREDIT
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FLOWS. WE MUST TRY TO ENCOURAGE THESE AUTHORITIES TO PROVIDE AN ATMOSPHERE WHICH WILL PERMIT THE RENEWED FLOW OF FUNDS NECESSARY TO INSURE GROWTH.

-

-- A LASTING AND SUSTAINABLE SOLUTION TO MEXICO'S EXTERNAL FINANCIAL PROBLEMS AND THOSE OF OTHER LATIN AMERICAN COUNTRIES CANNOT BE FOUND ONLY IN ARRANGEMENTS

BETWEEN DEBTOR COUNTRIES AND CREDITOR BANKS. IN A MORE COMPREHENSIVE SENSE IT MUST INCLUDE COMMERCIAL RELATIONSHIPS AND ECONOMIC AND FINANCIAL TRANSACTIONS WITH THE INDUSTRIAL COUNTRIES.

-

-- WE NEED AGREEMENTS WIICH ARE BASED ON TWO FUNDAMENTAL PRINCIPLES--TOTAL PAYMENT OF INTEREST AND ADDITIONAL CREDIT FLOWS. IF ONE OF THESE TWO CANNOT BE SUSTAINED NEITHER CAN THE OTHER.

-

-- MEXICO HAS REPEATEDLY SIGNALED THAT THE RESTRUCTURING OF THE COUNTRY'S DEBT IS AN IMPORTANT STEP BUT IT IS NOT A SOLUTION TO THE PROBLEM. THE STEPS WE ARE TAKING TODAY SIGNAL THE BEGINNING OF A NEW EFFORT. IN THIS NEW EFFORT COOPERATION BETWEEN THE BANKS AND THE DEBTOR COUNTRIES WILL NOT NECESSARILY BE SUFFICIENT. THE AUTHORITIES CHARGED WITH REGULATION (OF BANK LENDING) AND GOVERNMENTS IN THE CREDITOR COUNTRIES SHOULD NOW PLAY A MORE ACTIVE ROLE.

-

-- OTHER ROADS TO EXPLORE, DEPENDING UPON THE SPECIFIC CIRCUMSTANCES OF EACH COUNTRY, ARE THE CAPITALIZATION OF INTEREST AND DISCUSSIONS REGARDING THE ROLE OF MULTILATERAL FINANCIAL INSTITUTIONS NOT ONLY AS SUPPLIERS OF CREDIT BUT ALSO AS GENERATORS OF COMMERCIAL LOANS

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PAGE 01 MEXICO 18386 02 OF 02 062236Z

Date Printed: 03/17/1997 DOC_NUMBER: 85MEXICO18386 CHANNEL: n/a
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TREASURY WASHDC IMMEDIATE
INFO AMEMBASSY LIMA
AMEMBASSY CARACAS
AMEMBASSY BRASILIA
USCONS MEXICO POUCH

UNCLAS SECTION 02 OF 02 MEXICO 18386

DEPARTMENT PASS FEDERAL RESERVE BOARD,
EXPORT IMPORT BANK, USTR, AND COMMERCE

E.O. 12356 : N/A
TAGS: EFIN, ECON, EINV, MX
SUBJECT: MEXICAN FINANCE SECRETARY SILVA-HERZOG'S

THROUGH MORE FLEXIBLE USE OF LEVERAGING. DRAFTED BY
J.V.SWEENEY. BUSBY

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PAGE 01 SANTIA 06542 061801Z
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TO SECSTATE WASHDC 3265
INFO AMEMBASSY PANAMA

UNCLAS SANTIAGO 06542

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PANAMA FOR ADS

E.O. 12356: NA
TAGS: PINS, ASEC, CI
SUBJECT: BOMB AT CONCEPCION BNC

REF: SANTIAGO 6475

THE FOLLOWING TELEGRAM WAS SENT BY USIS ON 9-4-85.
REPEATING FOR YOUR INFORMATION:

1. "ON FRIDAY, AUGUST 30 AT 2015 HOURS TWO MOLOTOV COCKTAILS WERE THROWN INTO BNC CENTRAL HALL PRODUCING A FIRE IN THE AREA WHICH WAS QUICKLY EXTINGUISHED BY BNC PERSONNEL. NO ONE INJURED AND DAMAGE TO THE BUILDING WAS SLIGHT.

2. LOCAL NEWSPAPER "EL SUR" AND LOCAL RADIO BIO BIO WERE CALLED IMMEDIATELY AFTER THE INCIDENT IN BOTH CASES BY A WOMAN CLAIMING TO BE A MEMBER OF THE "BRIGADA LAUTARO" AND CLAIMING RESPONSIBILITY FOR THE BOMBING. POLICE WAS

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PAGE 02 SANTIA 06542 061801Z

CALLED AND QUICKLY ARRIVED ON THE SCENE TO TAKE CHARGE OF THE INVESTIGATION OF THIS INCIDENT. FRIEDMANN" JONES

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Chile Project (#S199900030)
U.S. Department of State
Release X Excise Deny
Declassify: In Part In Full
Exemption(s)

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JWS 1KB LL027 7/9/97

OUTGOING TELEGRAM

PAGE 01 OF 10 STATE 276783 8458 ARA350

ORIGIN ARA-00

ORIGIN OFFICE PPC-01

INFO FILE-01 ARA-03 DECP-01 ECP-01 RPP-02 OAS-01 PPA-01
SSE-01 VILA-01 CU-02 BR-05 MX-03 DAND-02 BL-02 PE-02
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GT-03 CS-02 HO-02 NU-02 DCAR-01 XLE-01 JM-02 DRFM-02
HA-02 GYNS-02 GJ-02 BBAC-02 BFTO-02 DSC-01 AR-03 CI-03
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USIE-00 SP-02 PRS-01 SLPO-01 SPO-01 /081 R

DRAFTED BY: ARA/PPC:SBUTCHER;WDT
APPROVED BY: EUR/RPM:RCALDWELL
ARA:WWALKER
ARA/AND:PMCLEAN
ARA/CAR:SLIPPE
ARA/CEN:JHAMILTON
ARA/SC:MOURNEE
S/P:KBLEAKLEY
INR/IAA:JBUCHANAN
EUR/RPM:KKENNEU
EAP/J:WCORBETT
ARA/PPC:HSTEIN
ARA/ECP:PWHITNEY
ARA/RPP:PSARROS
ARA/BR:JFERRER
ARA/CCA:KSKOUG
ARA/MEX:JLANDBERG

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TO ALL NATO CAPITALS IMMEDIATE
AMEMBASSY TOKYO IMMEDIATE
INFO ALL AMERICAN REPUBLIC DIPLOMATIC POSTS PRIORITY
AMEMBASSY BERN PRIORITY
AMEMBASSY CANBERRA PRIORITY
AMEMBASSY HELSINKI PRIORITY
AMEMBASSY STOCKHOLM PRIORITY
AMEMBASSY WELLINGTON PRIORITY
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AMEMBASSY VIENNA PRIORITY
USMISSION GENEVA PRIORITY
USSOUTHCOM QUARRY HTS PN PRIORITY 0000
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NSC WASHDC PRIORITY 0000
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BELIZE POUCH
PARAMARIBO POUCH
XMT AMEMBASSY BELIZE
AMEMBASSY PARAMARIBO

CONFIDENTIAL STATE 276783

PASS CONSTITUENT POSTS, CINCLANTFLT FOR POLAD

E.O. 12356: DECL: OADR
TAGS: XM, XL, NATO
SUBJECT: US SUBMISSION FOR NATO EXPERTS MEETING ON LATIN AMERICA AND THE CARIBBEAN

1. CONFIDENTIAL - ENTIRE TEXT.

2. THIS MESSAGE PROVIDES THE UNITED STATES SUBMISSION FOR THE NATO EXPERT WORKING GROUP MEETING ON LATIN AMERICA AND THE CARIBBEAN TO BE HELD IN BRUSSELS SEPTEMBER 26-27. THE LAST SUCH MEETING WAS HELD MARCH 27-28; THIS CABLE FOCUSES ON THE PERIOD SINCE THEN

STATE 276783 8458 ARA350

3. WE ARE CIRCULATING THIS MESSAGE WIDELY TO PROVIDE ADDRESSEES WITH A COMPREHENSIVE BIANNUAL ASSESSMENT OF DEVELOPMENTS IN LATIN AMERICA AND THE CARIBBEAN. NON-NATO ADDRESSEES SHOULD NOTE, HOWEVER, THAT BECAUSE OUR SUBMISSION IS INTENDED TO CONTRIBUTE TO THE DRAFTING OF A NATO REPORT, IT IS CAST TO ADDRESS THE NATO AUDIENCE.

4. FOR NATO CAPITALS: PLEASE PROVIDE A COPY OF OUR SUBMISSION TO THE FOREIGN MINISTRY OFFICIAL WHO WILL ATTEND THIS MEETING.

5. FOR TOKYO: PLEASE PROVIDE THIS PAPER TO THE FOREIGN MINISTRY AS A FOLLOW-UP TO THE U.S.-JAPANESE CONSULTATIONS ON LATIN AMERICA AND THE CARIBBEAN.

6. THE SITUATION IN LATIN AMERICA AND THE CARIBBEAN

I. GENERAL TRENDS, MAIN EVENTS AND OUTLOOK

II. CENTRAL AMERICA AND PANAMA

- BELIZE
- COSTA RICA
- EL SALVADOR
- GUATEMALA
- HONDURAS
- NICARAGUA
- PANAMA

III. THE CARIBBEAN

IV. CUBA

V. THE ANDES

- BOLIVIA
- COLOMBIA
- ECUADOR
- PERU
- VENEZUELA

VI. THE SOUTHERN TRIANGLE

- ARGENTINA
- CHILE
- URUGUAY
- PARAGUAY

VII. MEXICO AND BRAZIL

- MEXICO
- BRAZIL

I. GENERAL TRENDS, MAIN EVENTS AND OUTLOOK

Chile Project (#S19990030)
U.S. Department of State
Release X Excise ___ Deny ___
Declassify: In Part X In Full ___
Exemption(s) ___ 1.5 (B) ___

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Department of State

OUTGOING
TELEGRAM

ARA3586 STATE 276703

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ECONOMIC SITUATION

N/L

N/L

CHILE

THE REPLACEMENT OF THE STATE OF SIEGE WITH LESS STRINGENT CONTROLS HAS ALLOWED GREATER FREEDOM OF THE PRESS AND MORE OPEN POLITICAL ACTIVITY. TERRORISM HAS INCREASED BUT POSES NO THREAT TO THE REGIME. PINOCHET APPARENTLY REMAINS DETERMINED TO ADHERE STRICTLY TO THE TERMS OF THE 1980 CONSTITUTION NOTWITHSTANDING A BROADLY-SUPPORTED ACCORD AMONG ELEVEN OPPOSITION PARTIES ON A TRANSITION PLATFORM.

THE CARIBBEAN

CONFIDENTIAL

WITH THE ARREST OF SEVEN NATIONAL POLICEMEN IN CONNECTION WITH THE TRIPLE SLAYING IN MARCH OF THREE PROMINENT COMMUNISTS, CARABINERO DIRECTOR AND MEMBER OF THE GOVERNING JUNTA CESAR MENDOZA RESIGNED AND WAS REPLACED BY GENERAL RODOLFO STANGE. OTHERS, INCLUDING HIGH-RANKING CARABINERO OFFICERS, HAVE BEEN SUSPENDED PENDING COMPLETION OF THE INVESTIGATION. THE INCIDENT HAS DAMAGED THE GOVERNMENT'S IMAGE, BUT ITS EFFECT ON GOVERNMENT STABILITY WILL PROBABLY NOT BE GREAT. BY ACKNOWLEDGING CARABINERO INVOLVEMENT IN THE MURDERS, PINOCHET MAY HAVE SUCCESSFULLY PREVENTED GREATER DAMAGE TO THE REGIME.

THE CHILEAN ECONOMY REMAINS WEAK, WITH EXPORT EARNINGS OFF SHARPLY BECAUSE OF LOWER VOLUME AND LOWER PRICES FOR ITS COMMODITIES, ESPECIALLY COPPER. THE CHILEAN GOVERNMENT SUCCESSFULLY NEGOTIATED A DEBT RESTRUCTURING PACT WITH THE IMF AND COMMERCIAL BANKS. DISBURSEMENT FROM A 750 MILLION DOLLARS IMF LOAN AND NEW MONEY FROM THE COMMERCIAL BANKS AND THE WORLD BANK, TOGETHER WITH LOOSER FISCAL AND MONETARY POLICIES, SHOULD STIMULATE ECONOMIC GROWTH IN THE FOURTH QUARTER BUT WILL MAINTAIN INFLATIONARY PRESSURE.

CHILE

THE REPLACEMENT OF THE STATE OF SIEGE WITH LESS STRINGENT CONTROLS IN JUNE HAS ALLOWED GREATER FREEDOM OF THE PRESS AND MORE OPEN POLITICAL ACTIVITY. TERRORIST ACTS, INCLUDING BOMBINGS, KIDNAPPINGS, ASSAULTS AND DEATH THREATS, HAVE INCREASED IN QUANTITY AND SOPHISTICATION IN THE LAST SIX MONTHS BUT HAVE ONLY CREATED MINOR DISRUPTIONS AND HAVE POSED NO THREAT TO THE REGIME. PINOCHET SEEMS DETERMINED TO STICK TO THE SLOW TIMETABLE FOR POLITICAL CHANGE ENVISIONED IN THE 1980 CONSTITUTION, AND THERE ARE INCREASING SIGNS THAT HE WOULD LIKE TO PERPETUATE HIMSELF IN POWER AFTER 1989.

NONETHELESS, A PROMISING DEVELOPMENT OCCURRED IN LATE AUGUST WHEN CHILEAN CARDINAL FRESNO PERSUADED A BROAD SPECTRUM OF POLITICAL PARTIES, FROM THE MODERATE RIGHT TO THE DEMOCRATIC LEFT, TO AGREE ON A GENERAL PLATFORM FOR AN ORDERLY, PEACEFUL TRANSITION TO DEMOCRACY. IN SUBSTANCE AND BREADTH OF SUPPORT, THE AGREEMENT REPRESENTS A CONSIDERABLE ADVANCE. PINOCHET INITIALLY SEEMED TO REJECT THE ACCORD OUTRIGHT. HOWEVER, THE GOVERNMENT LATER RELEASED A STATEMENT WHICH NOTED CERTAIN POSITIVE ELEMENTS IN THE AGREEMENT WHILE AT THE SAME TIME CRITICIZING THE DOCUMENT AND DEFENDING THE GOVERNMENT. THE COMMUNISTS HAVE REJECTED THE ACCORD BECAUSE OF THEIR DETERMINATION TO MAINTAIN THEIR POLICY OF VIOLENT OPPOSITION TO THE REGIME. WITH PROFESSIONAL ASSOCIATIONS AND UNIONS ADDING THEIR BACKING TO THAT OF THE DEMOCRATIC POLITICAL PARTIES, A BANDWAGON EFFECT MAY DEVELOP WHICH COULD ISOLATE THE EXTREME RIGHT AND LEFT AND COULD PRODUCE AN OPENING FOR MOVEMENT ON A NEGOTIATED SOLUTION TO CHILE'S DIVISIONS.

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PAGE 01 GUATEM 09157 01 OF 02 102244Z
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AMEMBASSY PARIS
AMEMBASSY STOCKHOLM
AMEMBASSY OSLO
AMEMBASSY COPENHAGEN
USMISSION GENEVA

UNCLAS SECTION 01 OF 02 GUATEMALA 09157

ROME FOR VATICAN

E.O. 12356: N/A
TAGS: ASEC, PGOV, PINR, PHUM, GT
SUBJECT: MONTHLY POLITICAL VIOLENCE AND HUMAN RIGHTS REPORT FOR AUGUST 1985

1. THE NUMBERS INCLUDED IN THE POLITICAL VIOLENCE AND HUMAN RIGHTS REPORT FOR AUGUST 1985, ARE TAKEN FROM OFFICIAL GOG BULLETINS, INDEPENDENT NEWS REPORTS AND GUERRILLA COMMUNIQUES AS REPORTED BY FBIS. NOTE: IN THE MAJORITY OF INCIDENTS THERE IS NOT ENOUGH EVIDENCE TO DETERMINE MOTIVE AND/OR ASSIGN RESPONSIBILITY. IN CASES OF DISAPPEARANCE, IT FREQUENTLY OCCURS THAT
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PAGE 02 GUATEM 09157 01 OF 02 102244Z

VICTIMS REAPPEAR-ALIVE, OFTEN ABROAD, BUT THEIR REAPPEARANCE IS SELDOM REPORTED IN THE MEDIA. THEREFORE, THIS DATA SHOULD NOT BE CONSIDERED EXACT, AND EMBASSY GUATEMALA CANNOT GUARANTEE THE ACCURACY OF

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( ) DOWNGRADE TS to ( ) S or ( ) C
FOIA Exemptions
PA Exemptions

THE FIGURES HEREIN. CONSISTENT UTILIZATION OF THE SAME METHODOLOGY, HOWEVER, REFLECTS TRENDS IN THE INCIDENCE OF VIOLENCE.

2. DEATHS

CIVILIAN NON-COMBAT

-	URBAN	RURAL	TOTAL
-	04	06	10

THE NUMBER OF CIVILIAN NON-COMBAT DEATHS HAS DECLINED TO THE LOWEST MONTHLY FIGURE SO FAR IN 1985. THE MOST PROMINENT CIVILIAN, NON-COMBAT DEATH WAS THAT OF THE WEL PRIVATE SECTOR REPRESENTATIVE, ROBERTO CASTANEDA FELICE, SHOT BY SEVERAL ASSAILANTS WHILE DRIVING HIS PRIVATE AUTOMOBILE IN THE STREETS OF THE CAPITAL. HIS DEATH RECEIVED WIDE PRESS COVERAGE. ANOTHER CIVILIAN DEATH WHICH RECEIVED PRESS ATTENTION WAS THAT OF VICTOR CHICOL CHALI, A UNIVERSITY STUDENT WHOSE BODY WAS FOUND ON THE OUTSKIRTS OF THE CAPITAL. THE OTHER DEATHS INCLUDE THREE FARMERS, TWO IN SAN MARCOS AND ONE IN ESCUINTLA; A YOUNG COUPLE IN CHIMALTENANGO MURDERED WHILE IN THEIR VEHICLE; TWO UNIDENTIFIED MALES IN THE CAPITAL; AND A POLICE DETECTIVE IN SANTA ROSA.

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COMBAT

-	URBAN	RURAL	TOTAL
MILITARY KIA	00	06	06
GUERRILLAS KIA	00	15	15
CD FORCES KIA	00	01	01
CIVILIANS KIA	00	00	00

THE MILITARY AND GUERRILLA DEATHS OCCURRED AS FOLLOWS: SEVEN GUERRILLAS AND TWO SOLDIERS WERE KILLED IN FOUR ENCOUNTERS IN EL PETEN. SIX GUERRILLAS AND THREE SOLDIERS DIED IN TWO SEPARATE ACTIONS IN EL QUICHE. FINALLY, TWO GUERRILLAS AND ONE SOLDIER DIED IN TWO OTHER CONFRONTATIONS IN SAN MARCOS. THE CD MEMBER WAS

KILLED WHILE RETURNING HOME FROM PATROL IN EL QUICHE.
OCCUPATION OF AUGUST 1985 VICTIMS, WHERE NOTED:

MILITARY 06
GUERRILLAS 15
CD FORCES 01
UNKNOWN 05
POLICE DETECTIVE 01
BUSINESSMAN 01
UNIVERSITY STUDENTS 01
FARMERS 02

-	CIV/NC.	CD	GUERR	MIL.	CIV/KIA	TOTAL
LAST MONTH	14	04	12	01	04	35
THIS MONTH	10	U1	15	06	00	32

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PAGE 01 GUATEM 09157 02 OF 02 102245Z
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FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC 0839
INFO CONTADORA COLLECTIVE
AMEMBASSY ROME
AMEMBASSY BRUSSELS
AMEMBASSY MADRID
AMEMBASSY LONDON
AMEMBASSY BONN
AMEMBASSY PARIS
AMEMBASSY STOCKHOLM
AMEMBASSY OSLO

AMEMBASSY COPENHAGEN
USMISSION GENEVA

UNCLAS SECTION 02 OF 02 GUATEMALA 09157

ROME FOR VATICAN

E.O. 12356: N/A
TAGS: ASEC, PGOV, PINR, PHUM, GT
SUBJECT: MONTHLY POLITICAL VIOLENCE AND HUMAN RIGHTS
THIS MONTH, 1984 47 11 28 26 00 112
Y-T-D 208 30 93 67 07 405
Y-T-D, 1984 315 40 162 207 22 746

3. ABDUCTIONS

	URBAN	RURAL	TOTAL

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LAST MONTH	02	12	14
THIS MONTH	06	02	08
THIS MONTH, 1984	10	29	39
Y-T-D	51	92	143
Y-T-D, 1984	161	194	355

THE SIX URBAN ABDUCTION CASES OCCURRED IN GUATEMALA CITY. THREE WERE MEMBERS OF THE CD FORCES OF CHICHICASTENANGO WHO WERE ABDUCTED WHILE SELLING THEIR PRODUCE IN GUATEMALA CITY. ANOTHER WAS REPORTED BY RELATIVES AS A DISAPPEARENCE AFTER THE VICTIM FAILED TO RETURN HOME FROM WORK ON AUGUST 7. IN ANOTHER CASE, CESAR MENDOZA WAS SEIZED BY ARMED MEN WHO FORCED HIM INTO A VEHICLE AND DROVE OFF. A MAJOR SUPPORTER OF ONE OF THE CAPITAL'S MAYORAL CANDIDATES WAS ABDUCTED BY ARMED MEN. OF THE TWO RURAL ABDUCTION CASES, ONE OCCURRED IN SAN MARCOS AND THE OTHEPORTED AS A DISAPPEARENCE, IN PETAPA. POLICE SPOKESMAN REPORTED THAT, DURING AUGUST, THE POLICE FOUND SIX MINORS, PREVIOUSLY REPORTED KIDNAPPED. OCCUPATION OF VICTIMS, WHERE NOTED:

CD FORCES	03
FARMERS	01
POLITICAL ACTIVIST	01
WORKERS	02
UNKNOWN	01

4. OTHER ACTS OF TERRORISM

ON AUGUST 2, GUERRILLAS OCCUPIED A FARM IN SAN MARCOS WHERE THEY HELD A POLITICAL RALLY AND DISTRIBUTED

PROPAGANDA. TWO GUATEMALAN EMPLOYEES OF THE MEXICAN EMBASSY WERE KILLED WHILE HANDLING A HANDGRENADE. A FAR COMMUNIQUE REPORTED THAT, ON AUGUST 27, THEIR ORGANIZATION ESTABLISHED A ROADBLOCK IN THE ROAD BETWEEN SANTA ANA AND POPTUN, BOTH IN THE DEPARTMENT OF EL PETEN, AND THAT THEY OCCUPIED THE HAMLET OF LOS ABATICOS, ALSO IN EL PETEN. UNIDENTIFIED PERSONS THREW A HANDGRENADE AT THE HOME OF A LEADER OF THE CHRISTIAN DEMOCRATIC PARTY; THERE WERE ONLY MATERIAL DAMAGES. PIEDRA

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INFO AMEMBASSY LIMA
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AMEMBASSY BRASILIA
USCONS MEXICO POUCH

UNCLAS MEXICO 18932

DEPARTMENT PASS FEDERAL RESERVE BOARD,
EXPORT IMPORT BANK, USTR, AND COMMERCE

E.O. 12356 : N/A
TAGS: EFIN, ECON, EINV, MX
SUBJECT: MEXICO'S PUBLIC SECTOR DEBT

1. THE FOLLOWING INFORMATION ON MEXICO'S INTERNAL AND EXTERNAL DEBT APPEARED IN A REPORT SENT BY THE MINISTRY OF FINANCE TO THE MEXICAN CONGRESS IN EARLY SEPTEMBER:

-- AT THE END OF JUNE 1985 MEXICO'S TOTAL PUBLIC SECTOR INTERNAL DEBT STOOD AT 7.17 TRILLION PESOS AND PUBLIC SECTOR EXTERNAL DEBT AT 70.34 BILLION DOLLARS.

-- THE NET INCREASE IN EXTERNAL INDEBTEDNESS OF THE PUBLIC SECTOR WAS 299 MILLION DOLLARS, OR 30 PERCENT OF THE TOTAL AUTHORIZED FOR THE YEAR.
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PAGE 02 MEXICO 18932 132227Z

-- OVER 99 PERCENT OF THE PUBLIC SECTOR EXTERNAL DEBT CONSISTS OF OBLIGATIONS WITH MATURITIES GREATER THAN ONE YEAR.

-- THE EXTERNAL DEBT OF THE NATIONALIZED BANKS STANDS AT 5.79 BILLION DOLLARS.

-- THE PUBLIC SECTOR EXTERNAL DEBT WAS OWED TO COUNTRIES AND ORGANIZATIONS AS FOLLOWS: UNITED STATES 28 PERCENT; UNITED KINGDOM 10.7 PERCENT; JAPAN 16.1 PERCENT; INTERNATIONAL ORGANIZATIONS 7.6 PERCENT; FRANCE 7.0 PERCENT; WEST GERMANY 5.3 PERCENT; CANADA 5.1 PERCENT; SWITZERLAND 2.7 PERCENT; AND OTHERS 17.5 PERCENT.

-- TOTAL EXTEBT SERVICING PAYMENTS DURING THE FIRST HALF OF THE YEAR WERE 6.44 BILLION DOLLARS--2.5 BILLION IN AMORTIZATION AND 3.94 BILLION IN INTEREST PAYMENTS.

-- EXTERNAL PUBLIC DEBT AT THE
-- END OF JUNE 1985
-- (BILLIONS OF DOLLARS)

TOTAL	70.3
- MATURITIES OF MORE THAN ONE YEAR	69.9
- FEDERAL PUBLIC SECTOR	54.6
- FEDERAL GOVERNMENT	26.8
- STATE ENTERPRISES SUBJECT TO BUDGET CONTROL	27.8
- OTHER PUBLIC SECTOR ENTERPRISES	15.3
- FINANCIAL	12.5
- NON-FINANCIAL	2.8
- MATURITIES OF LESS THAN ONE YEAR	0.4

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PAGE 03 MEXICO 18932 132227Z

- FEDERAL GOVERNMENT	-
- STATE ENTERPRISES SUBJECT TO BUDGET CONTROL	0.1
- OTHER	0.3

-- INTERNAL PUBLIC DEBT AT THE
-- END OF JUNE 1985
-- (BILLIONS OF PESOS)

TOTAL	7,171.2
- DIRECT	7,133.6
- BONDS	2,636.5
- NATIONALIZED BANKS	49.7
- NAFINSA	357.7
- BANK OF MEXICO	2,143.2
- TREASURY BILLS	1,946.5
- ASSUMED	37.6
- NAFINSA	14.2
- NATIONALIZED BANKS	7.1
- BANOBRAS	16.0
BANK OF MEXICO	.3

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*** Current Classification *** UNCLASSIFIED

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Department of State IS/FPC/CDR El Salvador SP Date 9-22-93
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portions withheld: classified ( ); deliberative ( );
law enforcement ( ); privacy ( ), statutory ( );
not relevant to El Salvador ( ).

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TEXT OF TELEGRAM 855AN SA011887

ADP038 [redacted]

PAGE 01 SAN SA 11887 01 OF 02 142050Z
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AMEMBASSY GUATEMALA
AMEMBASSY MANAGUA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HEIGHTS PN
USIA WASHDC 5494
USAFSO HOWARD AFB PN//LAI//
24COMPW HOWARD AFB//DOI//
[redacted] SECTION 01 OF 02 SAN SALVADOR 11887

USIA FOR AR/CENTAM

E.O. 12356: DECL:OADR
TAGS: PGOV, ES
SUBJECT: [redacted]

REF: SAN SALVADOR 11564

1. (C) SUMMARY

ROBERTO D'AUBUISSON WILL REPORTEDLY STEP DOWN AS ARENA PARTY PRESIDENT WITH THE ACTION TO BE CONFIRMED [redacted] PARTY'S SEPTEMBER 30 ANNUAL CONVENTION. BUT HE [redacted]

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PAGE 02 SAN SA 11887 01 OF 02 142050Z

REMAIN ON THE EXECUTIVE COMMITTEE. ARENA INSIDERS SAY THE MOVE IS INTENDED TO IMPROVE THE PARTY'S INTERNATIONAL IMAGE AND TO NORMALIZE RELATIONS WITH THE AMERICAN EMBASSY.

2. (U) THE PUBLIC STORY

SEPTEMBER 12 EDITION OF ULTRARIGHTIST DAILY "EL DIARIO DE HOY" [redacted]TS THAT MAJOR ROBERTO D'AUBUISSON

TEXT OF TELEGRAM 855AN SA011887

REPORTERS THAT HE WILL LEAVE HIS POST AS PRESIDENT OF ARENA IN ORDER TO DEDICATE HIMSELF TO "PROSELYTIZING" AND THAT HE INTENDS TO WORK TO STRENGTHEN THE PARTY AND EXPAND ITS BASE.

3. (C) THE INSIDE STORY

JUAN-JOSE DOMENECH, ARENA INSIDER AND THE MAJOR'S FACTOTUM, CONFIRMED TO POLOFF ON SEPTEMBER 13 THAT D'AUBUISSON IS INDEED CONSIDERING LEAVING THE PRESIDENCY OF THE PARENA'S NATIONAL EXECUTIVE COUNCIL, OF WHICH DOMENECH IS A MEMBER, IS CURRENTLY ANALYZING THE SITUATION. THEY ARE, SAID DOMENECH, WELL AWARE OF THE PROBLEM D'AUBUISSON CREATES INTERNATIONALLY FOR THE PARTY'S IMAGE; IT WOULD BE BETTER "EXTERNALLY" IF THE PARTY WERE TO HAVE DIFFERENT LEADERSHIP. THEN THEY COULD, HE CONTINUED, DEAL DIRECTLY WITH CONSERVATIVE PARTIES ABROAD (INCLUDING THE U.S. REPUBLICAN PARTY). DOMENECH SAID THE THINKING IN EXECUTIVE COUNCIL IS THAT THE PARTY SHOULD PERHAPS TAKE ADVANTAGE OF A NEW U.S. AMBASSADOR TO CHANGE LEADERS AND BEGIN TO DEAL WITH THE U.S. EMBASSY ON A MORE NORMAL BASIS. AS OF YET, NO FINAL DECISIONS HAVE BEEN MADE. POSSIBLE CHANGES WILL BE [redacted]

PAGE 03 SAN SA 11887 01 OF 02 142050Z

ANNOUNCED AT ARENA'S SEPTEMBER 30 ANNUAL CONVENTION. IN ANY CASE, D'AUBUISSON WILL REMAIN ON ARENA'S EXECUTIVE COMMITTEE. THE PROBLEM, HE NOTED, IS THAT THERE REALLY IS NO GOOD REPLACEMENT FOR D'AUBUISSON; NO ONE ELSE HAS HIS CHARISMA OR POPULAR APPEAL. "THERE ARE ONLY TWO LEADERS IN EL SALVADOR," DOMENECH CONCLUDED, "D'AUBUISSON AND DUARTE".

4. (C) COMMENT

THERE HAVE BEEN RUMORS CIRCULATING FOR SOME TIME TO THE EFFECT THAT D'AUBUISSON WOULD NO LONGER LEAD ARENA. AMONG MANY ARENA LEADERS THERE IS REAL DISSATISFACTION WITH D'AUBUISSON: HE LED THE PARTY TO THREE STRAIGHT LOSSES, AND SINGLE-HANDEDLY BLEW THE ASSEMBLY ELECTION BY GIVING TOO MUCH TO PCN (IT TURNED OUT IN THE END TO BE 9 UNEARNED ASSEMBLY SEATS) IN ORDER TO ENTICE THEM INTO COALITION. IN ADDITION, D'AUBUISSON IS A NOTORIOUSLY POOR ADMINISTRATOR, ERRATIC, AND UNPREDICTABLE. IN ADDITION, CONCERNS ABOUT THE PARTY'S INTERNATIONAL IMAGE ARE REAL. DOMENECH SEEMED GENUINELY STUNNED WHEN SENATE FOREIGN RELATIONS COMMITTEE STAFFER WILLIAM PERRY TOLD HIM ON SEPTEMBER 2 THAT NO ONE EXCEPT FOR A HANDFUL ON THE EXTREME RIGHT OF THE REPUBLICAN PARTY WOULDITH ARENA SO LONG AS D'AUBUI[redacted] IS ITS LEADER (REFTEL). NONETHELESS,

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IT IS DIFFICULT TO SEE HOW A "NEW, IMPROVED" ARENA WITH THE SHADOW OF MAJOR BOB LOOMING LARGE BEHIND THE SCENES AND PULLING THE STRINGS WILL CHANGE THE PARTY'S IMAGE. AND DOMENECH IS RIGHT ABOUT THE SHORTAGE OF AVAILABLE LEADERS. ARENA WAS BUILT AROUND D'AUBUISSON, AND HE IS A PROVEN VOTE-GETTER AND CROWD PLEASER. ARENA HAS CAPABLE PEOPLE IN ITS EXECUTIVE

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PAGE 01 SAN SA 11887 02 OF 02 142050Z
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R 142046Z SEP 85
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 8476
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY MANAGUA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HEIGHTS PN
USIA WASHDC 5495
USAFSO HOWARD AFB PN//LAI//
24COMPW HOWARD AFB//DOI//

[redacted] SECTION 02 OF 02 SAN SALVADOR 11887

COMMITTEE, BUT IT HAS NO ALTERNATIVE ATTRACTIVE CANDIDATE.

5. (C) ONE FINAL NOTE OF IRONY. HUGO BARRERA, THE DISSIDENT ARENERO WHO BROKE AWAY TO FORM PATRIA LIBRE MUST BE KICKING HIMSELF. ARENA POLS ARMANDO CALDERON SOL AND JUAN-JOSE DOMENECH HAVE TOLD US IN THE PAST THAT IF BARRERA HAD REMAINED WITHIN THE PARTY, HE WOULD BE ITS PRESIDENT BY YEAR-END. THE BEST HE CAN HOPE FOR NOW IS THAT, WITHOUT D'AUBUISSON AT THE HELM, ARENA WILL WITHER AND PATRIA LIBRE WILL ATTRACT THOSE LEAVING THE PARTY.

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PAGE 02 SAN SA 11887 02 OF 02 142050Z

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PAGE 01 GENEVA 08546 181605Z
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Chile Project (#S199900030)
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Exemption(s)

UNCLAS GENEVA 08546

E.O. 12356: DECL:OADR
TAGS: PHUM, UNHRC, CI
SUBJECT: CHILE IN THE UN HUMAN RIGHTS SUB-COMMISSION

1. ON AUGUST 29 THE UN HUMAN RIGHTS SUB-COMMISSION ADOPTED BY CONSENSUS AND WITH LITTLE DEBATE A RESOLUTION CRITICIZING CONTINUED HUMAN RIGHTS ABUSES IN CHILE. INTRODUCED BY THE CUBAN MEMBER ALFONSO MARTINEZ, THE RESOLUTION WAS CO-SPONSORED BY MEMBERS FROM BELGIUM, FRANCE, MEXICO, KENYA, YUGOSLAVIA AND ETHIOPIA.

2. FOLLOWING IS THE TEXT OF THE RESOLUTION. BEGIN TEXT.
- FOLLOWING IS THE TEXT OF THE SC RESOLUTION: BEGIN QUOTE:

- THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES, BEARING IN MIND ITS RESOLUTIONS 1982/19 OF 8 SEPTEMBER 1982 AND 1983/19 OF 5 SEPTEMBER 1983, 1984/29 OF 30 AUGUST 1984 AND RESOLUTION 1985/47 OF 14 MARCH 1985 OF THE COMMISSION ON HUMAN RIGHTS,
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PAGE 02 GENEVA 08546 181605Z

- TAKING INTO ACCOUNT THE REPORT BY THE SPECIAL RAPPORTEUR OF THE COMMISSION ON HUMAN RIGHTS, AND THE RECENT INFORMATION WHICH CONFIRMS THE PERSISTENCE OF SYSTEMATIC VIOLATIONS OF HUMAN RIGHTS IN CHILE,

- DEPLORING THE FACT THAT THE PEACEFUL DEMONSTRATIONS

ORGANIZED BY DEMOCRATIC GROUPS CONTINUE TO BE VIOLENTLY REPRESSED, WITH THE CONSEQUENT LOSS OF NUMEROUS LIVES AND/OR INJURY TO MANY PERSONS, ASSIGNMENT TO FORCED RESIDENCE AND IMPRISONMENT,

- DEEPLY CONCERNED BY THTION OF HUMAN RIGHTS IN GENERAL AND BY THE SITUATION OF THE INDIGENOUS POPULATIONS IN PARTICULAR,

- ESPECIALLY DISTURBED BY THE IMPUNITY ENJOYED BY THE FORCES OF REPRESSION, PARTICULARLY THE NATIONAL INFORMATION AGENCY (CNI), WHICH HAVE CONTINUED TO APPLY A SYSTEMATIC POLICY OF PHYSICALLY ELIMINATING OPPONENTS,

- CONCERNED ALSO BY THE LEGISLATIVE MEASURES TAKEN BY THE CHILEAN AUTHORITIES WHICH SUSPEND OR CONSIDERABLY LIMIT AND/OR RESTRICT THE FREEDOMS ESTABLISHED IN DIFFERENT INTERNATIONAL INSTRUMENTS TO WHICH CHILE IS PARTY,

- 1. URGES THE CHILEAN AUTHORITIES TO PUT AN END TO ALL MEASURES OF REPRESSION SUCH AS INTIMIDATION, PERSECUTION, ASSIGNMENT TO FORCED RESIDENCE, TORTURE AND CRUEL, INHUMAN OR DEGRADING TREATMENT;

- 2. CALLS UPON THE CHILEAN AUTHORITIES TO IDENTIFY

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THE PERSONS RESPONSIBLE FOR ALL REPRESSIVE MEASURES, IN PARTICULAR THE DISAPPEARANCES, TORTURE AND CRUEL, INHUMAN OR DEGRADING TREATMENT, AND TO PUNISH THE GUILTY;

- 3. CALLS LIKEWISE UPON THE CHILEAN AUTHORITIES TO RESPECT AND, WHERE NECESSARY, RESTORE ECONOMIC, SOCIAL AND CULTURAL RIGHTS, IN PARTICULAR THE RIGHTS INTENDED TO PRESERVE THE CULTURAL IDENTITY AND IMPROVE THE ECONOMIC AND SOCIAL STATUS OF THE INDIGENOUS POPULATIONS, INCLUDING THE RIGHT TO THEIR LAND;

- 4. RECOMMENDS TO THE COMMISSION ON HUMAN RIGHTS TO ADDRESS AN URGENT APPEAL TO THE CHILEAN AUTHORITIES TO RESPECT AND PROMOTE HUMAN RIGHTS IN CONFORMITY WITH THE INTERNATIONAL INSTRUMENTS TO WHICH CHILE IS A PARTY, AND THAT THEY END THE "STATES OF EXCEPTION" UNDER WHICH SERIOUS AND CONTINUOUS HUMAN RIGHTS VIOLATIONS ARE COMMITTED. END QUOTE.

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UNCLAS USUN NEW YORK 02297

E.O. 12356: N/A
TAGS: UNGA, PREL, MX, XM, XK
SUBJECT: UNGA GENERAL DEBATE, SEPTEMBER 25 - MEXICO

1. SUMMARY: IN HIS SEPTEMBER 25 ADDRESS TO THE UNGA, MEXICAN FONMIN BERNARDO SEPULVEDA DEMANDED THAT THE DEBT CRISIS BE SOLVED BY A TRANSFER OF FUNDS TO THE DEBTORS, A MORE STABLE INTERNATIONAL ECONOMIC SYSTEM, AND PREFERENTIAL TREATMENT FOR THE EXPORTS OF DEVELOPING COUNTRIES. HE STATED THAT THE MERE RESCHEDULING OF THE DEBT WAS NOT A SOLUTION. SEPULVEDA SUPPORTED THE CONTADORA PROCESS AND STATED THE PROBLEMS OF CENTRAL AMERICA WERE REGIONAL AND SHOULD NOT BE VIEWED AS AN EAST/WEST CONFRONTATION. END SUMMARY.

2. DEBT/DEVELOPMENT: SEPULVEDA NOTED THAT THE ECONOMIC RECOVERY OF THE INDUSTRIALIZED COUNTRIES HAD NOT REACHED THE DEVELOPING COUNTRIES, RESULTING IN A DETERIORATING
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PAGE 02 USUN N 02297 260154Z

ECONOMIC SITUATION FOR THE DEVELOPING WORLD. SEPULVEDA ASSERTED THAT THIS GLOOMY OUTLOOK WAS AGGRAVATED BY THE INTERNATIONAL MONETARY SYSTEM, WHICH INSTEAD OF CREATING CERTAINTY AND INVESTMENT, GAVE RISE TO INSTABILITY OF EXCHANGE RATES, INFLATION AND SPECULATION. HE ARGUED THAT THE FAILURE OF THE WORLD FINANCIAL SYSTEM TO CHANNEL RESO FOR DEVELOPMENT FORCED THIRD WORLD COUNTRIES, ESPECIALLY IN LATIN AMERICA, TO BORROW FROM THE COMMERCIAL BANKING SYSTEM UNDER TERMS NOT SUITABLE FOR DEVELOPMENT PURPOSES. SEPULVEDA DEMANDED A GLOBAL SOLUTION THAT WOULD INCLUDE THE TRANSFER OF NEW FUNDS UNDER SUITABLE TERMS AND PREFERENTIAL TREATMENT OF THE EXPORTS OF DEVELOPING COUNTRIES. HE NOTED THAT A MERE RESCHEDULING OF THE DEBT WAS NOT A SOLUTION.

3. CENTRAL AMERICA: SEPULVEDA STRONGLY SUPPORTED THE CONTADORA ACT FOR PEACE IN CENTRAL AMERICA. HE NOTED THAT THIS WAS A REGIONAL CONFLICT AND THAT SOLUTIONS IMPOSED BY FORCE WERE ILLUSORY. HE STATED THAT ONLY A POLITICAL AGREEMENT COULD RESOLVE THE PROBLEM.

4. WORLD POWER/DISARMAMENT: SEPULVEDA LAUNCHED A LENGTHY ATTACK ON THE USE OF POWER IN INTERNATIONAL AFFAIRS AND SUPPORTED DISARMAMENT. HE ASSERTED THAT IN THE NUCLEAR ERA AN IMPERIAL ORDER OF DOMINATION AND SUBORDINATION WAS NO LONGER POSSIBLE, BECAUSE TODAY'S MILITARY TECHNOLOGY WAS SO DESTRUCTIVE THAT THE USE OF FORCE COULD NO LONGER BE AN EFFECTIVE MEANS OF POLITICAL ACTION. SEPULVEDA CONCLUDED THAT THERE WAS NO ALTERNATIVE TO DIALOGUE AND DIPLOMACY.
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UNCLAS SAN SALVADOR 12487

USIA FOR AR/CENTAM

E.O. 12356: N/A
TAGS: PTER, PHUM, ES
SUBJECT: EIGHT MORE KIDNAPPED

REF: SAN SALVADOR 12358

1. SUMMARY. THE FMLN KIDNAPPED EIGHT MORE MAYORS ON SEPTEMBER 19 AND 20 ON THE EVE OF A MARCH TO DEMAND THE RELEASE OF THE MAYORS AND TOWN OFFICIALS ALREADY HELD BY THE GUERRILLAS (REFTEL). THIS BRINGS TO TWENTY-ONE THE NUMBER OF MAYORS HELD BY THE GUERRILLAS, NOT INCLUDING A NUMBER OF MUNICIPAL EMPLOYEES WHO ALSO HAVE BEEN KIDNAPPED. END SUMMARY.

2. THE MAYORS MOST RECENTLY KIDNAPPED ARE:

NAME	DATE	MUNICIPALITY	DEPARTMENT
JOSE TOBIAS MOLINA	9/19/85	SAN. RAFAEL	CHALATENANGO
FRANCISCO MELARA VALLE (ACTING)	9/19/85	AGUA CALIENTE	CHALATENANGO
FELIPE DE JESUS LOPEZ	9/19/85	SAN FRANCISCO MORAZAN	CHALATENANGO
JOSE ANTONIO PEREIRA	9/19/85	COMALAPA	CHALATENANGO
FRANCISCO ATILIO CHAVEZ	9/19/85	EL PAISNAL	SAN SALVADOR
JORGE ARNULFO ESCALANTE	9/19/85	TEJUTEPEQUE	CABANAS
HERNAN LOPEZ LOPEZ	9/20/85	SANTA RITA	CHALATENANGO
FERNANDO RODRIGUEZ	9/20/85	DULCE NOMBRE	CHALATENANGO

ACTING MAYOR MELARA'S PARTY AFFILIATION IS UNKNOWN; THE REST ARE MEMBERS OF THE CHRISTIAN DEMOCRATIC PARTY (PDC), THE PARTY OF PRESIDENT DUARTE.

3. DURING THE MARCH IN SAN MIGUEL ON SATURDAY, SEPTEMBER 21, THE ORGANIZERS HANDED OUT A LIST OF MAYORS AND OTHER TOWN OFFICIALS KIDNAPPED BY THE GUERRILLAS. THE LIST INCLUDED TWENTY PEOPLE, INCLUDING MAYORS, TOWN SECRETARIES, POLICE OFFICERS, DRIVERS, AND A FORMER MAYOR. IT DID NOT INCLUDE THE EIGHT MAYORS JUST KIDNAPPED. ADDITIONAL TOWN OFFICIALS HAVE BEEN REPORTED MISSING IN THE PRESS.

4. POST PREVIOUSLY REPORTED FOURTEEN MAYORS BEING HELD BY GUERRILLAS (REFTEL). SUBSEQUENT INVESTIGATION REVEALED THAT THOUGH THE PRESS HAD NAMED JOSE ANTONIO HERNANDEZ LUNA THE MAYOR OF SAN SIMON, MORAZAN, HE WAS ACTUALLY THE TOWN ADMINISTRATIVE OFFICER. THE CORRECT COUNT WAS THIRTEEN, AND NOW STANDS AT TWENTY-ONE.

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PAGE 01 MEXICO 20772 01 OF 02 022239Z
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[redacted] SECTION 01 OF 02 MEXICO 20772

E.O. 12356: OADR
TAGS: ECON, EGEN, MX
SUBJECT: COMMENTS ON THE DEBT PROBLEM IN THE WAKE OF THE EARTHQUAKE

1. (C) SUMMARY: IN THE AFTERMATH OF THE RECENT EARTHQUAKES THAT DESTROYED OR DAMAGED LARGE SECTIONS OF DOWNTOWN MEXICO CITY, GOM OFFICIALS AND OTHER PUBLIC FIGURES HAVE MADE NUMEROUS COMMENTS TO THE PRESS LINKING MEXICO'S EXTERNAL DEBT PROBLEMS WITH THEIR RECONSTRUCTION EFFORTS. THE CENTRAL THREAD IN MOST OF THE INTERVIEWS IS THAT MEXICO NEEDS TO DIVERT FUNDS FROM ITS EXTERNAL DEBT SERVICE IN ORDER TO REBUILD THE CITY AND REVITALIZE THE ECONOMY. SOME INDIVIDUALS ARE CALLING FOR A MORATORIUM ON DEBT PAYMENTS RANGING FROM SEVERAL MONTHS TO SEVERAL YEARS. EVEN WITH THESE COMMENTS, HOWEVER, THE OFFICIAL POSITION OF THE GOVERNMENT IS THAT MEXICO WILL CONTINUE TO HONOR ITS EXTERNAL DEBT OBLIGATIONS ALTHOUGH FURTHER NEGOTIATIONS ON THE TERMS MAY BE REQUIRED. END SUMMARY.

2. (U) EVEN BEFORE THE EARTHQUAKE, PRESIDENT DE LA

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MADRID (MMH) WAS CALLING FOR A PRAGMATIC REASSESSMENT OF LATIN AMERICA'S DEBT PROBLEMS FROM INTERNATIONAL FINANCIAL TIONS. IN PREPARING FOR HIS SPEECH TO THE UNITED NATIONS -- WHICH WAS ACTUALLY DELIVERED BY FOREIGN MINISTER BERNARDO SEPULVEDA -- MMH SAID THAT MEXICO ASSUMED RESPONSIBILITY FOR ITS DEBTS, BUT THAT CREDITORS MUST REALIZE THAT DEBTOR COUNTRIES WERE RUNNING OUT OF OPTIONS. THIS MAY HAVE BEEN A PRELUDE FOR A REQUEST FOR FURTHER RENEGOTIATION OF MEXICO'S FOREIGN DEBT.

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3. (U) SEPULVEDA, SPEAKING TO THE UNITED NATIONAL GENERAL ASSEMBLY AFTER THE TRAGIC EARTHQUAKE, WAS MORE EXPLICIT. LATIN AMERICA HAS NOW REACHED AN UNTENABLE ECONOMIC SITUATION CAUSED BY PROTECTIONISM AND HIGH INTEREST RATES. THESE, HE CLAIMED, HAVE CAUSED LA'S DEBT TO GROW AND CREATED OBSTACLES TO FURTHER DEVELOPMENT. SEPULVEDA BLAMES THESE ILLS IN LARGE PART ON THE LACK OF "FINANCIAL ALTERNATIVES", AND ON THE INABILITY OF DEBTOR NATIONS TO EXPORT BOTH THEIR MANUFACTURED AND PRIMARY PRODUCTS. HE ASKED THE INTERNATIONAL COMMUNITY FOR A NEW ATTITUDE TOWARDS DEBTOR COUNTRIES AND A NEW ECONOMIC MODEL THAT WOULD REACTIVATE GROWTH AND TRADE. SEPULVEDA SAID THAT MEXICO DEMANDS A POLITICAL DIALOGUE TO ALLEVIATE THE INJUSTICES THAT DEVELOPING NATIONS LIVE WITH, SUCH AS THE FACT THAT OVER 50 PERCENT OF MEXICO'S FOREIGN EXPORT EARNINGS GO TO SERVICE EXTERNAL DEBT.

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4. (U) OTHER GOVERNMENT AND NON-GOVERNMENT MEXICAN OFFICIALS QUOTED IN THE PRESS ARE AS FOLLOWS:

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-- SENATOR ANTONIO RIVA PALACIO, PRESIDENT OF THE SENATE OF THE REPUBLIC: ACCORDING TO THE SENATE, MEXICO DOES TAKE RESPONSIBILITY FOR ITS DEBT, BUT THE ABILITY TO PAY

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PAGE 03 MEXICO 20772 01 OF 02 022239Z

DEPENDS ON THE CIRCUMSTANCES OF THE MOMENT. HE CLAIMS THAT MEXICO'S ABILITY TO REPAY WILL DEPEND ON THE COST OF RECONSTRUCTION.

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-- SILVESTRE FERNANDEZ, PRESIDENT OF THE CONFEDERACION NACIONAL DE CAMERAS INDUSTRIALS (N): IT IS TO MEXICO'S ADVANTAGE TO ACCEPT THE OPPORTUNITY OF THE

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DISASTER TO A) GET FRESH EXTERNAL CREDITS TO REVITALIZE THE ECONOMY AND BEGIN RECONSTRUCTION, AND B) TEMPORARILY CANCEL PAYMENT OF THE DEBT. NEGOTIATIONS WITH THE IMF NOW, HE SAYS, WILL MEAN A RESUSCITATION OF THE ECONOMY WITH LOWER INTEREST RATES AND MORE FLEXIBLE REPAYMENT TERMS.

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-- CARLOS MIRELAS GARCIA, PRESIDENT OF CAMARA NACIONAL DE LA INDUSTRIA DE LA TRANSFORMACION (CANACINTRA): ASKS FOR A ONE YEAR GRACE IN DEBT PAYMENTS. THE APPROXIMATELY $13 BILLION DOLLARS WOULD BE CHANNELED INTO THE RECONSTRUCTION EFFORTS IN THE FEDERAL DISTRICT.

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-- EL COMITE CENTRAL DEL PARTIDO SOCIALISTA UNIFICADO DE MEXICO (PSUM): THE COMMITTEE REITERATED THAT THE GOVERNMENT CANNOT MAKE THE NECESSARY INVESTMENT IN CONSTRUCTION AT THIS TIME, AND CALLED FOR A MORATORIUM ON DEBT PAYMENTS OF AT LEAST ONE YEAR.

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-- JOSE GONZALEZ BAILO, DIRECTOR OF CAMARA NACIONAL DE COMERCIO (CONACO): MEXICO NEEDS SEVERAL YEARS OF GRACE ON ITS DEBT PAYMENTS AND NEEDS NEW LOANS ON TERMS WHICH ARE SUPER-EASY OR SUPER-FLEXIBLE. HE SUPPORTED LIBERALIZED TRADE AND MEXICO'S ENTRY INTO GATT AS MEANS OF A QUICKER RECOVERY.

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-- SILVERIO R. ALVARADO, SECRETARY OF THE COMISION ECONOMICA DEL CONGRESO DEL TRABAJO (CTM): DEFERMENT OF

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PAGE 01 MEXICO 20772 02 OF 02 022239Z
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C O N F I D E N T I A L SECTION 02 OF 02 MEXICO 20772

E.O. 12356: OADR
TAGS: ECON, EGEN, MX
SUBJECT: COMMENTS ON THE DEBT PROBLEM IN THE WAKE OF THE

MEXICO'S DEBT BY THE INTERNATIONAL FINANCIAL COMMUNITY IS INSUFFICIENT. MORE "JUST" FINANCIAL CONDITIONS FOR THE MEDIUM AND LONG TERM WOULD BE MORE HELPFUL THAN A SHORT-TERM PALIATIVE. HE BLAMED THE DEBT PROBLEM ON EXCESSIVE PROTECTIONISM, LOWER PRICES OF PRIMARY GOODS, AND A DECLINE IN TRADE. THE BEST CURE FOR MEXICO, ON THE OTHER HAND, IS INCREASED PROTECTION FOR ITS INDUSTRIES AND HIGHER PRICES ABROAD FOR MEXICAN GOODS.

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5. (U) IN ADDITION TO COMMENTS FROM MEXICAN GOVERNMENT, PRIVATE SECTOR, AND LABOR OFFICIALS, ACADEMIC ORGANIZATIONS HAVE ISSUED STATEMENTS ON MEXICO'S EXTERNAL DEBT AFTER THE EARTHQUAKE. SPOKESMEN FOR THE COLEGIO NACIONAL DE ECONOMISTAS (CNE), CENTRO DE ESTADO DE LA ECONOMIA NACIONAL (CEEN), AND THE INSTITUTO DE INVESTIGACIONES ECONOMICAS DE UNAM SAY THAT MEXICO NEEDS 12-18 MONTHS OF SUSPENDED PAYMENTS TO REACTIVATE MEXICO'S ECONOMY. FURTHERMORE, A STABLE EXCHANGE RATE VIS-A-VIS

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PAGE 02 MEXICO 20772 02 OF 02 022239Z

THE DOLLAR WOULD HELP.

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6. (U) ONE ORGAN THAT HAS SPOKEN OUT AGAINST A PARTIAL OR FULL MORATORIUM ON DEBT IS THE BUSINESSMEN'S GROUP CARIENTA, CAMARA REGIONAL DE LA INDUSTRIA DE TRANSFORMACIONES, IN GUADALAJARA. THE PRESIDENT OF CARIENTA, JORGE ARTURO TORRES CARLOS, SAYS THAT PRECIPITIOUS ACTS MAY DAMAGE THE ECONOMY. HIS ORGANIZATION WOULD RATHER SEE ANOTHER RENEGOTIATION OF THE DEBT RATHER THAN A SUSPENSION OR CANCELLATION OF PAYMENTS.

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7. (C) EMBASSY COMMENT: THE GOM VERY LIKELY WILL TRY TO TURN INTERNATIONAL SYMPATHY TO ITS ADVANTAGE IN FINANCIAL NEGOTIATIONS. ABSTRACTING FROM IRREPLACEABLE LOSSES OF HUMAN LIFE, THE MEXICO CITY EARTHQUAKE OF 1985 MAY PROVIDE

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AT LEAST A TEMPORARY RESPITE FROM RISING INTERNATIONAL PRESSURE TO SUBSTANTIALLY REDUCE INFLATION AND THE PUBLIC SECTOR DEFICIT, AND TO STRENGTHEN THE BALANCE OF PAYMENTS. INTERNATIONAL AID, ALONG WITH NEW LOANS FROM COMMERCIAL BANKS AND A LIGHTENING OF EXTERNAL DEBT PAYMENTS COULD MEAN THAT THE MEXICAN ECONOMY WILL GROW MODERATELY FASTER OVER THE SHORT TERM THAN PRE-EARTHQUAKE PROJECTIONS INDICATED. IT IS UNLIKELY, HOWEVER, THAT THE COUNTRY'S EXTERNAL CREDITORS COULD SANCTION ANY EASING OF LONG-TERM ECONOMIC ADJUSTMENT EFFORTS BECAUSE OF THE EARTHQUAKE; CREDITORS WILL TRY TO KEEP THE IMMEDIATE RECONSTRUCTION EFFORTS SEPARATE FROM THE COUNTRY'S LONGER TERM DEBT PROBLEMS. (DRAFTED:DSTALLINGS) GAVIN

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UNCLAS SAN SALVADOR 12987

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E.O. 12356: N/A
TAGS: PGOV, PTER, ES, PHUM
SUBJECT: TWO MORE MAYORS KIDNAPPED; TOWN OFFICIAL FOUND ALIVE

REFS: A. FBIS CHIVA CHIVA PA290823
B. SAN SALVADOR 12487
C. SAN SALVADOR 12350

1. SUMMARY

A RADIO FARABUNDO MARTI (FPL GUERRILLA RADIO) BROADCAST ON SEPTEMBER 23, 1985, LISTED NINE MAYORS AS THOSE KIDNAPPED MOST RECENTLY BY THE FMLN (REF A). THE LIST INCLUDED TWO NAMES NOT PREVIOUSLY REPORTED. THERE ARE NOW 23 MAYORS IN THE HANDS OF THE GUERRILLAS. A SECOND MARCH TO DEMAND FREEDOM FOR THE MAYORS WAS HELD IN USULUTAN CITY ON SEPTEMBER 30. A GRAVELY ILL KIDNAPPED TOWN OFFICIAL WAS ABANDONED BY THE GUERRILLAS IN MORAZAN. END SUMMARY.

2. MORE MAYORS KIDNAPPED

THE SEPTEMBER 23 FARABUNDO MARTI BROADCAST LISTED TWO MAYORS NOT PREVIOUSLY REPORTED AS KIDNAPPED BY THE FMLN, PRESUMABLY THE FPL:

-- JOSE ADOLFO HERNANDEZ HENRIQUEZ, MAYOR OF NOMBRE DE JESUS, CHALATENANGO; MEMBER OF THE CHRISTIAN DEMOCRAT PARTY (PDC). KIDNAPPED SEPTEMBER 19.

-- LUIS ALONSO LEON, MAYOR OF SAN FERNANDO, CHALATENANGO; MEMBER OF THE PDC. KIDNAPPED SEPTEMBER 20.

THE PDC CONFIRMED BOTH KIDNAPPINGS, AND ALSO THE KIDNAPPING OF THE MAYOR OF EL PAISNAL (SAN SALVADOR DEPARTMENT), WHO WAS NOT INCLUDED IN THE RADIO BROADCAST BUT WAS PREVIOUSLY REPORTED IN THE PRESS (REF B). THE TOTAL NUMBER OF MAYORS HELD BY THE GUERRILLAS STANDS AT

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23. AN UNDETERMINED NUMBER OF OTHER TOWN OFFICIALS ARE ALSO IN GUERRILLA HANDS.

3. KIDNAP VICTIM ABANDONED WITHOUT MEDICAL ATTENTION

ANOTHER KIDNAP VICTIM OF THE FMLN WAS FOUND IN SERIOUS CONDITION ON THE BANK OF THE TOROLA RIVER BY ESAF FORCES ON SEPTEMBER 26. ANTONIO HERNANDEZ, TOWN ADMINISTRATOR FOR SAN SIMON, MORAZAN, WAS RECUPERATING FROM INJURIES RECEIVED IN A MOTORCYCLE ACCIDENT WHEN HE WAS KIDNAPPED ON APRIL 30 OR MAY 1. HIS CONDITION WORSENED IN CAPTIVITY, AND FINALLY HIS CAPTORS ABANDONED HIM. HERNANDEZ IS RECOVERING IN A HOSPITAL IN SAN MIGUEL.

4. ANOTHER MARCH ON BEHALF OF THE MAYORS

A SECOND MARCH TO DEMAND FREEDOM FOR THE KIDNAPPED MAYORS AND OTHER TOWN OFFICIALS WAS HELD ON SEPTEMBER 30, IN USULUTAN CITY. ONE SOURCE CLAIMED THAT THREE THOUSAND MARCHERS TOOK PART. THE FIRST MARCH TO FREE THE MAYORS OCCURRED IN SAN MIGUEL ON SEPTEMBER 21, 1985 (REF C).

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PAGE 01 MEXICO 21020 042336Z
ACTION ARA-00

INFO LOG-00 COPY-01 ADS-00 AID-00 INR-10 SS-00 CIAE-00
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FM AMEMBASSY MEXICO
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INFO AMEMBASSY CARACAS
AMEMBASSY LIMA
AMEMBASSY BRASILIA
ALL USCONS MEXICO POUCH

[redacted] MEXICO 21020

DEPARTMENT PASS FEDERAL RESERVE BOARD, EXPORT IMPORT BANK, USTR, AND COMMERCE

E.O. 12356: DECL: 10/4/91
TAGS: EFIN, ECON, MX
SUBJECT: STRENGTHENING OF THE PESO SINCE THE EARTHQUAKES

1. ENTIRE TEXT CONFIDENTIAL

2. SUMMARY. SINCE THE SEPTEMBER 19 AND 20 EARTHQUAKES IN MEXICO CITY THE PESO HAS STRENGTHENED BY ABOUT 4 PERCENT AT THE BANKS AND EXCHANGE HOUSES IN MEXICO CITY. FURTHERMORE, THE DIFFERENCE BETWEEN THE CONTROLLED AND FREE RATES HAS DECLINED FROM 29 PERCENT TO SLIGHTLY LESS THAN 20 PERCENT. END SUMMARY.

3. OVER THE PAST TWO WEEKS THE PESO EXCHANGE RATE HAS PROGRESSIVELY STRENGTHENED IN THE WAKE OF THE EARTHQUAKES

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PAGE 02 MEXICO 21020 042336Z

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IN MEXICO CITY. EMBASSY BELIEVES THERE ARE A NUMBER OF REASONS FOR THIS:

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-- A WIDESPREAD FEELING OF PATRIOTISM AND A BELIEF AMONG INDIVIDUALS AND COMPANIES THAT NO ADDITIONAL PRESSURES SHOULD BE PUT ON THE COUNTRY DUIRNG TIMES OF DISASTER.

-

-- A GROWING BELIEF THAT ECONOMIC ACTIVITY WILL NOW PICK UP WITH THE RELIEF AND RECONSTRUCTION EFFORTS.

-

-- PEOPLE SEEM TO BE CONVINCED THAT A LOT OF BILATERALTLILATERAL AID WILL BE FLOWING INTO THE COUNTRY OVER THE NEXT 18 MONTHS AND THIS WILL INCREASE THE AVAILABILITY OF FOREIGN EXCHANGE.

-

-- A FEELING THAT CREDITOR COUNTRIES AND BANKS WILL NOW BE MORE SYMPATHETIC AND FLEXIBLE ON THE FOREIGN DEBT PROBLEM.

-

-- NEWS THAT ANNOUNCEMENTS WILL SOON BE COMING OUT, PERHAPS AT THE FUND/BANK MEETINGS IN SEOUL, OF NEW INTERNATIONAL PROGRAMS TO HELP DEBTOR COUNTRIES.

-

-- A GROWING BELIEF THAT MEXICO IS SERIOUSLY INTENDING TO NEGOTIATE ANOTHER AGREEMENT WITH THE IMF.

-

-- POSTPONEMENT BY MEXICO'S CREDITOR BANKS OF $950 MILLION DUE THIS YEAR IN AMORTIZATION PAYMENTS.

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-- FEAR OF RETALIATION FROM THE GOVERNMENT FOR BEING CAUGHT TAKING MONEY OUT OF THE COUNTRY AT SUCH A CRITICAL TIME.

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PAGE 03 MEXICO 21020 042336Z

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4. BOTH AT THE BANKS AND THE PRIVATE EXCHANGE HOUSES IN MEXICO CITY THE PESO HAS STRENGTHENED BY ABOUT 4 PERCENT VIS A VIS THE DOLLAR OVER THE PAST 14 DAYS. COMMUNICATION WITH THE BORDER HAS BEEN EXTREMELY DIFFICULT BUT IT IS OUR UNDERSTANDING THAT THE PESO IS ALSO STRENGTHENING AT THE FRONTIER BANKS. EVEN MORE

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SIGNIFICANTLY, THE DIFFERENCE BETWEEN THE CONTROLLED RATE AND THE FREE RATE HAS FALLEN FROM 29 TO 19.5 PERCENT OVER THE PAST TWO WEEKS. MANY ANALYSTS BELIEVE THAT WHEN THE DIFFERENCE BETWEEN THE TWO RATES IS LESS THAN 20 PERCENT THIS FACILITATES EXCHANGE RATE MANAGEMENT.

5. WE DO NOT EXPECT THE PESO TO STRENGTHEN MUCH FURTHER OVER THE SHORT TERM AND IT IS DIFFICULT TO JUDGE AS TO WHEN SPECULATIVE PRESSURES AGAINST THE PESO COULD BEGIN TO INCREASE AGAIN. BASED ON PURCHASING POWER PARITY ANALYSIS, THE CONTROLLED RATE REMAINS SOMEWHAT UNDER-VALUED AND THE FREE RATE CONSIDERABLY UNDERVALUED (BY AS MUCH AS 25-30 PERCENT). AS BEST WE CAN TELL, THE BANK OF MEXICO IS NOT INTERVN THE FOREIGN EXCHANGE MARKETS TO ANY SIGNIFICANT DEGREE. DRAFTED BY J.V. SWEENEY. GAVIN

*** Current Handling Restrictions *** n/a
*** Current Classification [redacted]

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PAGE 01 SAN SA 13051 01 OF 02 081635Z
ACTION VOE-06

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FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 9142
AMEMBASSY MEXICO
INFO USINS WASHDC
DIRINS BOSTON

UNCLAS SECTION 01 OF 02 SAN SALVADOR 13051

STATE FOR CA/VO/F/S

MEXICO FOR INS DIRECTOR

E.O. 12356: N/A
TAGS: CVIS, ES
SUBJECT: WHERE HAVE ALL THE CHILDREN GONE?

1. SUMMARY. RECENT MEETINGS BETWEEN CONSULAR SECTION PERSONNEL AND GOES OFFICIALS HAVE INDICATED A HEIGHTENED LEVEL OF CONCERN FOR THE PROBLEMS CONCERNING ADOPTION OF SALVADORAN CHILDREN FOR IMMIGRATION TO THE U.S. AND ELSEWHERE. IN PARTICULAR A POWER STRUGGLE APPEARS TO BE SHAPING UP BETWEEN THE PROCURADURIA GENERAL, WHICH LOOKS AFTER THE WELFARE OF MINORS, AND THE MINOR COURTS (JUECES TUTELARES DE MENORES) OVER THE ISSUE OF ALLOWING CHILDREN TO LEAVE EL SALVADOR UNDER THE GUARDIANSHIP OF THE ADOPTIVE PARENTS RATHER THAN COMPLETING THE ADOPTION HERE IN THE CIVIL COURTS. THE PROCURADURIA IS HIGHLY CRITICAL OF THE WIDESPREAD PRACTICE OF THE MINOR COURTS IN ISSUING GUARDIANSHIP DECREES (GUARDAS) FOR MINORS WHO ARE THEN TAKEN OUT OF EL SALVADOR. AS A RESULT OF PRESSURE FROM THE PROCURADURIA, A BILL IS BEING PREPARED FOR SUBMISSION TO THE ASSEMBLY WHICH WILL PROHIBIT THIS PRACTICE. END UNCLASSIFIED

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IR/PPR/R Date: 8/6/9[illegible]
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TS authority
( ) CLASSIFY as ( ) S or ( ) C Sec.
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PAGE 02 SAN SA 13051 01 OF 02 081635Z

SUMMARY.

2. ON SEPTEMBER 13, 1985 CONOFF ACOMPANIED TWO FSN EMPLOYEES WORKING IN THE IMMIGRANT VISA SECTION TO A

MEETING WITH MINISTER OF JUSTICE JULIO ALFREDO SAMAYOA. SAMAYOA HAD REQUESTED THE MEETINGS WITH THE FSNS IN A RATHER CURIOUS MANNER. HE CALLED THEM DIRECTLY TO REQUEST THAT THEY COME TO HIS OFFICE WITHOT ASKING THE PERMISSION OF THE CONSUL GENERAL, AND WAS RELUCTANT TO GIVE DETAILS OF THE REASON FOR THE MEETING TO CONOFF. CONSEQUENTLY, THE CG DECIDED THAT CONOFF SHOULD ACCOMPANY FSNS TO MEETING.

3. DESPITE THE SECRECY LEADING UP TO THE MEETING, SAMAYOA WAS QUITE FRIENDLY AND LOW-KEY. HE SAID THAT THE MINISTRY WAS CONCERNED THAT MISSING AND STOLEN CHILDREN MIGHT BE LEAVING EL SALVADOR UNDER GUARDIANSHIP OR THROUGH ADOPTION. HE NOTED THAT THERE WERE MANY UNSCRUPULOUS LAWYERS WHO WERE NOT ABOVE FALSIFYING BIRTH RECORDS IN ORDER TO PROFIT FROM THE LUCRATIVE ADOPTION BUSINESS. HE CITED THE NEED FOR LEGISLATION WHICH WOULD MAKE IT IMPOSSIBLE FOR CHILDREN TO LEAVE UNDER GUARDIANSHIP AND MENTIONED THAT SUCH LEGISLATION WAS BEING DRAFTED FOR SUBMISSION TO THE ASSEMBLY.

4. THE SEPTEMBER 13 MEETING WITH DR. SAMAYOA WAS A FOLLOW-UP TO A MEETING AT THE PROCURADURIA ON AUGUST 23, BETWEEN CONOFF, FSN FRAUD INVESTIGATOR AND THE PROCURADOR, DR. RAFAEL FLORES Y FLORES AND HIS STAFF. DR. FLORES Y FLORES HAD REQUESTED THE MEETING TO DISCUSS THE PROBLEM OF ADOPTION FRAUD. HE EXPLAINED THAT THE PROCURADURIA WAS CONCERNED ABOUT THE WIDESPREAD ISSUANCE OF GUARDIANSHIP DECREES BY THE MINOR COURTS IN CASES OF UNCLASSIFIED

MINORS WHO WERE TO BE ADOPTED ABROAD. HE NOTED THAT HE HAD RAISED THE ISSUE WITH SUPREME COURT PRESIDENT JOSE FRANCISCO (CHACHI) GUERRERO. HE SAW TWO POSSIBLE MEANS OF RESOLVING THE PROBLEM: ADMINISTRATIVELY, THROUGH A DIRECTIVE TO THE MINOR COURTS FROM THE SUPREME COURT, OR LEGISLATIVELY, THROUGH A NEW LAW WHICH WOULD HAVE TO BE PASSED BY THE ASSEMBLY. CONOFF NOTED THAT AS LONG AS IT WAS LEGAL UNDER SALVADORAN LAW FOR CHILDREN TO LEAVE UNDER GUARDIANSHIP DECREES, ADOPTIVE PARENTS WOULD CONTINUE TO CHOOSE THIS ALTERNATHER THAN THE MORE TIME-CONSUMING PATH OF ADOPTING THE CHILD IN EL SALVADOR.

5. DR. FLORES Y FLORES ALSO RAISED THE POSSIBILITY OF SEEKING THE ASSISTANCE OF INS IN LOCATING MISSING SALVADORAN BY SENDING INS THEIR PICTURES. CONOFF INFORMED HIM THAT UNLESS THERE WAS SOME INDICATION THAT

THE MISSING CHILD HAD BEEN TAKEN TO THE U.S. ON IMMIGRANT OR NON-IMMIGRANT VISAS, THE ABILITY OF INS TO TRACK DOWN THE CHILD WOULD BE SEVERELY LIMITED.

6. THE PROCURADOR ALSO RAISED THE ISSUE OF UNSCRUPULOUS LAWYERS WHOSE ACTIVITIES THE PROCURADURIA WAS WATCHING CLOSELY. CONOFF EXPLAINED THAT THE EMBASSY WAS ALSO INVESTIGATING ADOPTION CASES PROCESSED BY THE SAME GROUP OF LAWYERS, BUT NOTED THAT THE EMBASSY HAD ONLY ONE FRAUD OFFICER WHO HAD MANY OTHER RESPONSIBILITIES AS WELL. THE PROCURADOR OFFERED THE ASSISTANCE OF THE PROCURADURIA'S SOCIAL WORKERS IN INVESTIGATING BIRTH RECORDS IN CONFLICTIVE PARTS OF THE COUNTRY WHERE EMBASSY COULD NOT SEND OUR FRAUD INVESTIGATOR. WE INTEND TO TAKE HIM UP ON

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PAGE 01 SAN SA 13051 02 OF 02 081635Z
ACTION VOE-06

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R 081627Z OCT 85
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 9143
AMEMBASSY MEXICO
INFO USINS WASHDC
DIRINS BOSTON

UNCLAS SECTION 02 OF 02 SAN SALVADOR 13051

THIS OFFER.

7. CONCLUSION: EMBASSY IS NOT SURE WHAT THE LIKELIHOOD IS THAT NEW LEGISLATION WILL EVENTUALLY BE APPROVED. A SOURCE WITHIN THE EMBASSY INFORMED THE POLITICAL SECTION

THAT HE HAS SEEN NO SUCH LEGISLATION. HOWEVER, THERE IS NO DOUBT THAT IF SUCH LEGISLATION IS APPROVED IT WILL RADICALLY CHANGE THE PROCESSING OF ORPHAN VISAS. PRESENTLY SOME 75 PER CENT OF ORPHANS LEAVE ON GUARDIANSHIP DECREES VERSUS 25 PER CENT WHO ARE FULLY ADOPTED IN EL SALVADOR.

8. COMMENT: CONOFFS WELCOME THE DEBATE GOING ON WITHIN THE GOES MINISTRIES ON THIS ISSUE. WE BELIEVE IT IS LARGELY A RESULT OF OUR AND INS EFFORTS TO HEIGHTEN THEIR LEVEL OF CONCERN FOR POSSIBLE ADOPTION FRAUD THAT HAS BROUGHT ON THIS DEBATE. FOR YOUR INFORMATION, SAN SALVADOR IS NOW THE THIRD LARGEST IV ADOPTION PROCESSING POST WORLWIDE.
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*** Current Handling Restrictions *** n/a
*** Current Classification *** UNCLASSIFIED

RELEASED
El Salvador: Human Rights
Special Project (1993)

Department of State IS/FPC/CDR El Salvador SP Date 9/23/03
Declassified under EO 12958 ( ) in part;
portions withheld: ( );
law enforcement ( ); ( );
not believed to El Salvador ( ).

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EXCISE

TEXT OF TELEGRAM 85SAN SA013154

ADP152
[redacted]

PAGE 01 SAN SA 13154 01 OF 03 092118Z
ACTION ARA-00

INFO LOG-00 COPY-01 ADS-00 INR-10 SS-00 CIAE-00 DODE-00
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P 092113Z OCT 85
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TO SECSTATE WASHDC PRIORITY 9200
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY MANAGUA
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AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
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USIA WASHDC 5636
USAFSO HOWARD AFB PN//LAI//
24COMPW HOWARD AFB//DOI//

[redacted] SECTION 01 OF 03 SAN SALVADOR 13154

USIA FOR AR/CENTAM

E.O. 12356: DECL:OADR
TAGS: PGOV, ES
SUBJECT: D'AUBUISSON: "I AM NOT AN ASSASSIN"

REF: SAN SALVADOR 12739

1. [redacted] -- ENTIRE TEXT.

2. SUMMARY

[redacted]

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PAGE 02 SAN SA 13154 01 OF 03 092118Z

ROBERTO D'AUBUISSON AND ALFREDO (FREDY) CRISTIANI, RESPECTIVELY HONORARY PRESIDENT FOR LIFE AND PRESIDENT OF ARENA PARTY, MET WITH AMBASSADOR CORR AT THE RESIDENCE ON OCTOBER 5 AT THEIR REQUEST. D'AUBUISSON SAID HE DID NOT WANT TO TALK ABOUT "POLITICS" OR ARENA AND THEN PROCEEDED TO DO SO FOR TWO HOURS. TOPICS INCLUDED THE KIDNAPPING (STRONG CRITICISM OF DUARTE), THE DUARTE GOVERNMENT, ALLEGED U.S. INTERFERENCE IN [redacted] SALVADORAN POLITICAL PROCESS, AND A[redacted]'S IMAGE.

TEXT OF TELEGRAM 85SAN SA013154

3. KIDNAPPING - "THE COMMUNISTS HAVE THE INITIATIVE"

D'AUBUISSON TOLD THE AMBASSADOR THAT HE HAD REQUESTED THE MEETING TO SHARE HIS CONCERNS ABOUT THE SITUATION CONFRONTING THE COUNTRY. ACCORDING TO D'AUBUISSON, THE "COMMUNISTS" HAVE THE INITIATIVE: THEY HOLD THE PRESIDENT'S DAUGHTER, THEY THE POWER TO INITIATE LABOR STRIKES, AND THEY CALL TRAFFIC STOPPAGES AT WILL. DUARTE HAS MISHANDLED THE KIDNAPPING NEGOTIATIONS. HE STRUGGLED FOR YEARS TO BE ELECTED PRESIDENT. NOW DUARTE OWES IT TO THE COUNTRY EITHER TO HANG TOUGH ON THE KIDNAPPING OF HIS DAUGHTER OR TO RESIGN THE PRESIDENCY AND SAY TO THE GUERRILLAS THAT HE CANNOT NEGOTIATE WITH THEM BECAUSE HE IS NO LONGER PRESIDENT. AS A CONSEQUENCE OF NEGOTIATING WITH THE GUERRILLAS, DUARTE AND HIS GOVERNMENT HAVE LOST CREDIBILITY. IN RESPONSE TO THE AMBASSADOR'S QUESTION, D'AUBUISSON SAID THAT IF HE WERE PRESIDENT UNDER SIMILAR CIRCUMSTANCES HE WOULD SACRIFICE HIS CHILD FOR THE GOOD OF THE COUNTRY. ARENA HAD AGREED TO SUPPORT DUARTE DURING THIS CRISIS AND HAS DONE SO. ARENA ABSTAINED ON THE VOTE IN THE ASSEMBLY TO RELEASE [redacted]

PAGE 03 SAN SA 13154 01 OF 03 092118Z

COSTA RICAN SMUGGLER ROMERO TALAVERA BECAUSE THE PDC DID NOT CONFER WITH ARENA BEFORE THE VOTE AS IT HAD PLEDGED; "THEY DID US DIRTY."

4. THE DUARTE GOVERNMENT

D'AUBUISSON PROCEEDED TO LAMENT THE INEPTNESS OF THE DUARTE GOVERNMENT. WHILE ACKNOWLEDGING THAT DUARTE WAS A GOOD MAN, HE SAID THAT HIS ADVISORS ARE POOR AND THAT HIS FAMILY IS OVERLY INVOLVED IN GOVERNING THE COUNTRY. AS PRESIDENT, SAID D'AUBUISSON, DUARTE HAS THE ULTIMATE RESPONSIBILITY FOR THIS. THE SOLUTION, HE ADDED, IS FOR DUARTE TO RESIGN, PERHAPS USING THE KIDNAPPING AS THE EXCUSE, AND TO BE REPLACED BY ABRAHAM RODRIGUEZ (PDC ELDER STATESMAN AND SECOND IN THE LINE OF SUCCESSION TO THE PRESIDENCY AFTER VICE PRESIDENT CASTILLO CLARAMOUNT). RODRIGUEZ HAS ENOUGH SUPPORT ACROSS THE POLITICAL SPECTRUM, ACCORDING TO D'AUBUISSON, TO RUN THE COUNTRY AND IS SMART ENOUGH TO KNOW WHAT NEEDS TO BE DONE. AT THE SAME TIME, GEN. VIDES CASANOVA SHOULD BE REPLACED AS MINISTER OF DEFENSE BY GEN. BLANDON, AN EXPERIENCED FIELD COMMANDER WHO KNOW NEEDS TO BE DONE.

5. [redacted]UISSON OUTLINED WHAT HE SEES AS THE N[redacted]ARY

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TEXT OF TELEGRAM 855AN SA013154

STEPS TO MAINTAIN PRESSURE ON THE GUERRILLAS TO END THE WAR (WITH RODRIGUEZ AND BLANDON AT THE HELM):

-- INCREASE EMPLOYMENT;

-- IMPROVE MILITARY INTELLIGENCE CAPABILITIES;

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TEXT OF TELEGRAM 855AN SA013154

ADP154 [redacted]

PAGE 01 SAN SA 13154 02 OF 03 092120Z
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P 092113Z OCT 85
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TO SECSTATE WASHDC PRIORITY 9201
INFO AMEMBASSY BOGOTA
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AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
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USAFSO HOWARD AFB PN//LAI//
24COMPW HOWARD AFB//DOI//

[redacted] SECTION 02 OF 03 SAN SALVADOR 13154

USIA FOR AR/CENTAM

E.O. 12356: DECL:OADR
TAGS: PGOV, ES
SUBJECT: D'AUBUISSON: "I AM NOT AN ASSASSIN"

-- INCRESE NIGHT OPERATIONS;

-- EFFECT SOCIAL CHANGES; AND

-- CREATE A NATIONAL CONSENSUS IN SUPPORT OF THE WAR EFFORT AND MARSHAL A NATIONAL EFFORT TO WIN IT.

[redacted]

PAGE 02 SAN SA 13154 02 OF 03 092120Z

IN ADDITION, HE CONCLUDED, THE U.S. MUST TAKE CARE OF NICARAGUA. D'AUBUISSON WENT ON TO DESCRIBE A "WAR OF ORGANIZATION" SUCH AS HE LEARNED IN TAIWAN. HE BLAMED THE DUARTE GOVERNMENT FOR NOT EXPLICITLY LAYING OUT FOR THE PEOPLE THE GOALS OF THE GOVERNMENT AND THEN LEADING A UNIFIED NATIONAL EFFORT TO ACHIEVE THOSE GOALS.

6. ARENA -- NO CHANGES IN IDEOLOGY

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Working Group (HRWG)

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CRISTIANI SAID THAT THE RECENT CHANGES IN THE ARENA LEADERSHIP DO NOT REPRESENT A CHANGE IN IDEOLOGY. HE EXPLAINED THAT ARENA IS A CONSERVATIVE PARTY, NOT AN ULTRA-CONSERVATIVE OR ULTRA-RIGHTIST PARTY. D'AUBUISSON AND CRISTIANI DESCRIBED ARENA'S PROGRAM IN PRAGMTIC TERMS, NOT UNLIKE THOSE USED BY HUGO BARRERA TO DESCRIBE PATRIA LIBRE. "TO BE RVATIVE IS TO BE REALISTIC." THEY CLAIMED THEY DO NOT WANT TO TURN BACK THE CLOCK, BUT TO ADOPT THOSE PORTIONS OF THE REFORMS WHICH HAVE WORKED AND MODIFY THOSE WHICH HAVE NOT. THE PARTY IS TAKING ADVANTAGE OF THE RESPITE FROM ELECTIONS BY CHANGING THE LEADERSHIP AS A STEP TOWARD INSTITUTIONALIZING ARENA AND MOVING IT AWAY FROM A PARTY BASED ON ONE INDIVIDUAL. D'AUBUISSON TOOK PERSONAL BLAME FOR ARENA'S IMAGE. THE RESULT OF HIS ACTIONS IN DENOUNCING CERTAIN MEMBERS OF THE FIRST JUNTA (1979) AS COMMUNISTS WHO WISHED TO IMPOSE IN EL SALVADOR THE SAME SYSTEM AS IN NICARAGUA. HE WAS ACCUSED BY FORMER AMBASSADOR WHITE AS AN ULTRA-RIGHTIST INVOLVED IN DEATH SQUADS. "I AM NOT AN ASSASSIN. I AM AN ANTI-COMMUNIST AND A CONSERVATIVE." D'AUBUISSON ADDED THAT ARENA HAD GIVEN LEGITIMACY TO THE PDC

[redacted]

BY CONTESTING THE 1984 AND 1985 ELECTIONS "ALTHOUGH THE U.S. WOULD NOT HAVE LET US WIN." IF THE ONLY OPPOSITION HAD BEEN THE MINOR PARTIES LIKE PAISA, THE ELECTIONS WOULD HAVE BEEN MEANINGLESS. HE THEN REPEATED THE (NOW TIRESOME) LITANY OF U.S. INTERFERENCE IN THE SALVADORAN POLITICAL PROCESS STARTING WITH THE AFTERMATH OF THE 1982 CONSTITUENT ASSEMBLY ELECTION. D'AUBUISSON CONCLUDED THAT IT IS IN THE INTEREST OF THE U.S. TO ALLOW THE PEOPLE IN EL SALVADOR TO VOTE FOR WHOMEVER THEY WISH; OTHERWISE DEMOCRACY WILL HAVE NO CREDIBILITY AND THE THESIS OF THE GUERRILLAS -- ELECTIONS ARE A FARCE -- WILL BECOME THE REALITY.

7. D'AUBUISSON'S PLANS

SAYING THAT HE HAD DEVOTED THE SIX YEARS SINCE HE RESIGNED FROM THE ARMY TO POLITICS, D'AUBUISSON SAID THAT HE HAS NO AMBITION TO RUN FOR PRESIDENT IN 1989. HE SAID SINCE HE IS NOW 42 AND WITH EIGHT CHILDREN (4 OF HIS OWN PLUS HIS BRIDE'S 4), HE WANTS TO CARE FOR HIS FAMILY AND MAKE SOME MONEY.

8. COMMENT

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TEXT OF TELEGRAM 85SAN SA013154

IN THIS FIRST CONVERSATION AMBASSADOR CORR, D'AUBUISSON CAME ACROSS AS PERSONABLE AND INTELLIGENT. HE WENT OUT OF HIS WAY TO BE DEFERENTIAL. HIS DISAVOWAL OF HIS PERSONAL PARTICIPATION IN UNLAWFUL VIOLENCE AND KILLING WAS NOT CONVINCING; ON THE OTHER HAND, NEITHER DID HE INCREASE MY SUSPICION ABOUT HIS POSSIBLE INVOLVEMENT IN SUCH ACTIVITIES. HE TOOK THE POSITION HE HAD TO ASSERT, WHATEVER THE TRUTH OF THE MATTER

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TEXT OF TELEGRAM 85SAN SA013154 259

ADP156 [redacted]

PAGE 01 SAN SA 13154 03 OF 03 092120Z
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P 092113Z OCT 85
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24COMPW HOWARD AFB//DOI//

[redacted] SECTION 03 OF 03 SAN SALVADOR 13154

USIA FOR AR/CENTAM

E.O. 12356: DECL:OADR
TAGS: PGOV, ES
SUBJECT: D'AUBUISSON: "I AM NOT AN ASSASSIN"

MIGHT BE. D'AUBUISSON SEEMS TO VIEW HIMSELF AS HAVING BEEN JUSTIFIED BY EVENTS ABOUT THE NATURE OF THE LEFT AND FRUSTRATED FROM WINNING THE PRESIDENCY ONLY BY THE U.S.

[redacted]

PAGE 02 SAN SA 13154 03 OF 03 092120Z

D'AUBUISSON'S CLAIM TO HAVE NO PERSONAL POLITICAL AMBITIONS IS DISINGENUOUS. HE HAS PROVEN UNPREDICTABLE IN THE PAST, AND WE SUSPECT THAT HE MAY WELL HOPE TO BE ARENA'S CANDIDATE IN 1989 IF PARTY ELDERS THINK IT WOULD ENHANCE THE PARTY'S CHANCES FOR VICTORY.

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El Salvador: Human Rights
Special Project (1993)

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Department of State

INCOMING TELEGRAM

Release

PAGE 01 SAN SA 13387 00 OF 02 128632Z 6782 ARA5573
ACTION ARA-00

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INFO FILE-01 ARA-04 PPC-01 DECP-01 ECP-01 RPP-02 OAS-01
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TO SECSTATE WASHDC 9283
INFO AMEMBASSY BOGOTA
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AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HEIGHTS PN
USIA WASHDC 5668
USAFSO HOWARD AFB PN//LAI//
RUEOSBA/24COMPW HOWARD AFB//DOI//

UNCLAS SAN SALVADOR 13387

USIA FOR AR/CENTAM

E.O. 12356: N/A
TAGS: PTER, ES
SUBJECT: "COMMUNIQUES" FROM KIDNAPPED MAYORS TOE THE GUERRILLA "LINE"

REFS: A. FBIS CHIVA CHIVA DTG 032338Z OCT 85
B. FBIS CHIVA CHIVA DTG 060419Z OCT 85
C. SAN SALVADOR 9297
D. SAN SALVADOR 11143

1. SUMMARY

THE MAYORS KIDNAPPED BY THE FMLN DURING SEPTEMBER 1985 HAVE BEEN "QUOTED" ON THE FMLN'S CLANDESTINE RADIO STATIONS IN TWO "COMMUNIQUES." BOTH COMMUNIQUES DEMAND DIALOGUE TO END THE FIGHTING, CITE THE PLIGHT OF THE MAYORS' FAMILIES, AND ATTEMPT TO LEGITIMIZE FMLN ACTIVITIES BY CLAIMING FMLN FORCES ARE A MILITARY POWER EQUAL TO THE ESAF IN THE CONFLICTIVE ZONES. THE "COMMUNIQUES" ECHO THE PROPAGANDA LINE OF THE EARLIER "OPEN LETTERS" FROM THE OTHER KIDNAPPED MAYORS PUBLISHED IN JULY AND AUGUST 1985, AS WELL AS THAT OF THE GUERRILLA-FRONT "HUMAN RIGHTS" GROUPS. END SUMMARY.

2. THE FIRST "COMMUNIQUE," BROADCAST ON RADIO VENCEREMOS ON SEPTEMBER 28 (REF A), SAID THAT THE MAYORS ARE STILL BEING DETAINED DUE TO THE POLITICAL-MILITARY SITUATION IN THE COUNTRY. THE MAYORS DEMANDED THAT THE CHRISTIAN DEMOCRATIC PARTY (PDC) NATIONAL LEADERSHIP "MAKE THE NECESSARY CONTACTS ON OUR BEHALF." THE COMMUNIQUE CLAIMED THAT THE MAYORS' HOMES ARE WITHOUT PROTECTION, THEIR FAMILIES FEAR THE MAYORS WILL BE KILLED BY BOMBING, AND THE MAYORS NO LONGER WANT TO HOLD OFFICE BECAUSE OF THE EXISTENCE OF "ANOTHER MILITARY FORCE, THE FMLN" IN THE "TROUBLED ZONES." IT WAS SIGNED BY SEVEN MAYORS FROM CHALATENANGO DEPARTMENT.

3. THE SECOND "COMMUNIQUE," BROADCAST ON RADIO VENCEREMOS ON OCTOBER 4 (REF B), AFFIRMED THAT ALL "CAPTURED" MAYORS WERE TAKEN FROM THEIR HOMES OR

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OFFICES, AND DENOUNCED COL. SIGIFREDO OCHOA'S CLAIM TO THE PRESS ON SEPTEMBER 30 THAT THE MAYORS HAD BEEN KIDNAPPED FROM A MEETING TO WHICH THEY HAD BEEN CALLED BY THE FMLN. (INFORMATION ON OCHOA'S CLAIM WILL FOLLOW SEPTEL.) THIS COMMUNICATION DEMANDED THAT THE PDC GIVE MONEY TO THE MAYORS' FAMILIES AND ALSO DEMANDED, PRIOR TO THEIR RELEASE, GUARANTEES OF THE MAYORS' AND THEIR FAMILIES' SAFETY BY THE DUARTE ADMINISTRATION, THE PDC, THE RED CROSS, AND THE SALVADORAN ARCHBISHOPRIC. THIS COMMUNICATION WAS SIGNED BY EIGHT MAYORS.

4. ANALYSIS OF THE TWO COMMUNIQUES AND THE TWO "OPEN LETTERS" SIGNED BY THE MAYORS KIDNAPPED IN APRIL AND MAY OF 1985 (REFS C AND D) SHOWS THE FOLLOWING COMMONALITIES:

-- A. ALL DEMAND DIALOGUE OR A NEGOTIATED SOLUTION TO THE CONFLICT;

-- B. ALL POSIT, DIRECTLY OR INDIRECTLY, THAT THE FMLN IS A POWER EQUAL TO OR GREATER THAN THE GOES IN THE AREAS OF THE COUNTRY IN WHICH THE MAYORS WERE KIDNAPPED;

-- C. THE TWO LETTERS REPEATEDLY ALLEGE THAT THE MAYORS CONSTITUTE PART OF A "POLITICAL-MILITARY PLAN;" THE FIRST COMMUNIQUE BLAMES THE MAYORS' CONTINUED DETENTION ON THE "POLITICAL-MILITARY SITUATION;"

-- D. THE COMMUNICATIONS ALL CHALLENGE THE PDC;

-- E. WITH THE EXCEPTION OF THE FIRST LETTER (JULY 18), THE COMMUNICATIONS MENTION THE MAYORS' FAMILIES IN INCREASINGLY STRONG TERMS;

-- F. AGAIN EXCEPTING THE JULY 18 LETTER, THE COMMUNICATIONS REFER TO THE MAYORS AS "PRISONERS OF WAR;"

-- G. ALL TERM THE MAYORS "DETAINED" OR "ARRESTED," RATHER THAN KIDNAPPED, USING THE TERMINOLOGY OF THE GUERRILLAS;

-- H. ALL EXPRESS A FEAR OF THE SALVADORAN AIR FORCE BOMBING OR A DEMAND THAT IT STOP.

5. COMMENT: THESE COMMUNICATIONS FOR THE MOST PART FIT THE RECENT PATTERN OF FMLN ATTEMPTS TO PORTRAY ITSELF AS A MILITARY POWER EQUAL TO THE ESAF IN THE CONFLICTIVE ZONES. THE REPEATED USE OF THE PHRASE "POLITICAL-MILITARY" IN CONNECTION WITH THE MAYORS, AS WELL AS TERMING THE MAYORS "PRISONERS OF WAR," IS PART OF THE GUERRILLA VIEW THAT CIVILIAN MAYORS, THOUGH ELECTED, ARE IN REALITY PART OF THE GOES COUNTER-INSURGENCY PLAN, THUS MAKING THEM LEGITIMATE TARGETS FOR "ARREST." THE SAME ARGUMENT IS ECHOED BY THE FMLN-FRONT "HUMAN RIGHTS" GROUPS. LIKEWISE THE MAYOR'S COMMUNICATIONS RAIL AGAINST THE BOMBING, AS DO THE CLANDESTINE RADIO STATIONS AND THE "HUMAN RIGHTS" FRONT GROUPS. THEY ALL CHARGE THAT PRESIDENT DUARTE, THROUGH THE KIDNAPPING OF HIS DAUGHTER, IS ONLY SUFFERING THAT WHICH MANY SALVADORANS HAVE AND ARE SUFFERING: THE LOSS OF A LOVED ONE. THESE MESSAGES FOLLOW A SINGLE IDEOLOGICAL "LINE", AND MAY WELL BE WRITTEN BY THE SAME PERSON. THE GUERRILLAS ARE CLEARLY ATTEMPTING TO JUSTIFY THAT WHICH THE SALVADORAN CHURCH IS DECRYING--THE INCREASING DEHUMANIZATION OF THE WAR WITH ITS ATTENDANT TOLL OF HUMAN RIGHTS ABUSES.

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United States Department of State

Washington, D.C. 20520

Chile Project (#S199900030)
U.S. Department of State
Release___ Excise_✓_ Deny___ October 15, 1986
Declassify: In Part_____ In Full_____
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EXCISE

Dear Senator Chiles:

We have received your letter of September 30 requesting information regarding the recent detentions in Chile of Father Henehan and Father Cambias, two Maryknoll priests. You also requested information on Jose Luis Aguilar, a religious lay worker based in Chile. Fathers Cambias and Henehan are US citizens; Mr. Aguilar is a Mexican citizen with US residency. Your inquiry was on behalf of your constituents.

You will be pleased to learn that Fathers Henehan and Cambias were released shortly after being detained. While in detention they were visited by an American Embassy consular officer. Mr. Aguilar, detained September 8, was released September 13.

Our Embassy in Santiago has also been in touch with Chilean authorities concerning Father Henehan's and Father Cambias' visa problems. Currently, both are residing in Chile on temporary visas. We will continue to monitor this situation.

If we can be of any further assistance to your office in this matter please do not hesitate to contact us.

With best wishes,

Sincerely,

J. Edward Fox
Assistant Secretary
Legislative and Intergovernmental Affairs

Enclosures:
Correspondence returned

The Honorable
Lawton Chiles,
United States Senate.

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October 15, 1986

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President's Meeting with Gorbachev
Press Book

(Supplemental Table of Contents)

Human Rights

--Human Rights (general)
--Emigration
--Soviet Jewry
--Prominent Human Rights Cases

Regional Issues

--Eastern Europe

Bilateral Issues

--U.S.-U.S.S.R. Civil Aviation

Arms Control

--Interim Restraint and Compliance
--U.S. Space Arms Control Policy (draft GIST)
--Soviet Strategic Defense
--Geneva NST Talks (draft GIST)
--INF: Previous Talks
--INF: Current Talks
--MBFR
--CDE (draft GIST)
--ABM Treaty

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HUMAN RIGHTS

The human rights situation in the Soviet Union has been deteriorating since the late 1970's as Soviet authorities move to eliminate all forms of internal dissent. By late 1982 the Helsinki Monitors movement, created in the wake of Soviet signing of the Helsinki Final Act, had been effectively destroyed. Leading human rights activists such as Dr. Andrey Sakharov, Anatolly Shcharanskiy and Yuriy Orlov had been imprisoned or forced into internal exile. Soviet authorities have also continued their efforts to repress religious believers and cultural minorities.

Since Gorbachev assumed power in March, the human rights picture has remained bleak. Arrests of Baptists, Pentecostals, Ukrainian and Lithuanian Catholics and other Christians remain high. Ten Pentecostals out of a community of 170 in the Siberian village of Chuguevka have been convicted since January. Every working person in the community has been fired and several families have been threatened with the loss of their children. The crackdown on the revival of Jewish cultural activism continues. Jewish emigration remains at its lowest level since the 1960's. Although news that three longterm refuseniks (waiting 12-15 years) were allowed to emigrate in August-October was positive, the numbers were too small to be encouraging.

Dr. Andrey Sakharov and his wife, Yelena Bonner, remain isolated, and conditions for human rights activists Anatoliy Shcharanskiy, Yuriy Orlov and Iosif Begun have deteriorated. Irina Grivnina, active in exposing psychiatric abuse, was promised exit permission in late October, probably an effort to influence Dutch opinion. Ukrainian Helsinki monitor Vasyl Stus died of emaciation in a labor camp in early September. Other prisoners have had their labor camp sentences extended under new legislation enabling authorities to resentence prisoners for alleged violations of labor camp rules. More than 150 separated spouse, dual national and divided family cases remain unresolved.

Judging from recent Gorbachev comments and a tough July article by KGB head Chebrikov, it appears that the new Soviet leadership intends to continue a hard line on internal dissent. Gorbachev, with the self-confident, vigorous image he has brought to Soviet leadership, seems determined that the USSR will not be put in a defensive position on human rights. The Soviets will now respond to our criticism of their human rights performance with aggressive attacks on economic and social conditions in the West. They seem determined to do this despite the fact that low Soviet living standards, declining life expectancy, cramped housing and rampant alcohol abuse make them extremely vulnerable on these issues. Whether Gorbachev will be willing to act pragmatically on meeting some of our human rights concerns, as he suggested he might be during his recent visit to France, remains to be seen.

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SOVIET JEWRY

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Jewish Emigration

Jewish emigration remains at the low level reached in 1984, when only 896 Jews emigrated (compared to 51,320 in the peak year of 1979). Figures through September 1985 (796) are equivalent to those through September 1984 (723). Barring a sudden Soviet change of heart at the end of the year, we expect 1985 figures to be at about the 1984 level. Three longterm refuseniks (waiting 12-15 years) were given exit visas during August-October; the numbers are too small to be encouraging, however. The Soviets often claim that all Jews who wish to leave have done so. We reject this claim, as we have hard information on over 3,000 families who have applied repeatedly to emigrate. Estimates of the number of Jews that would like to leave the Soviet Union range up to 440,000 (about 20% of all Soviet Jews).

Hebrew Teachers/Jewish Cultural Activists

Since July 1984 at least 16 Jewish cultural activists, including 9 Hebrew teachers, have been arrested in a campaign against the revival of Jewish culture in the USSR. The most recent arrest, that of Gorkiy Hebrew teacher Leonid Volvovskiy, occurred on June 24. To date, 14 of these men have been convicted, several on crudely trumped-up criminal charges specifically designed to discredit them. Two of the activists were savagely beaten following their arrests. One, Iosif Berenshtein, was almost completely blinded. We have also heard reports that Jewish activist Yuliy Edelshtein has been subjected to repeated beatings at the labor camp in Siberia where he is serving a three year sentence. The only positive news recently was the dropping of charges of malicious violation of camp rules against Simon Shnirman.

In addition to the arrests and beatings, many Jews have been fired from their jobs, have had their apartments searched, their phones disconnected and their mail seized. Articles have appeared in Soviet newspapers and programs on Soviet television branding Hebrew teachers and other Jewish cultural activists (often by name) as "Zionist" subversives. Zionism has been equated with Nazism and World War II Jewish leaders accused of helping the Nazis round up Jews for the death camps. Although Soviet authorities claim that their campaign is directed solely against those they label as Zionists, there is no doubt that repeated irresponsible charges like these can fan the ugly flames of anti-Semitism.

The Soviet Jews who are being singled out for persecution have in common a desire to be free to leave the Soviet Union for the country of their choice, to preserve their ethnic heritage, and to teach and learn their historic language. On June 14, the Department of State issued a press statement stressing that "the continuation of this campaign constitutes a real obstacle to the constructive relations with the Soviet Union that the United States seeks."

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PROMINENT HUMAN RIGHTS CASES

The preeminent representative of the Soviet human rights movement, Andrei Sakharov, remains isolated in Gorkiy with his wife, Yelena Bonner. Despite Western outcry, the Soviets have permitted no family, friends, or independent observers to visit Sakharov to determine his condition. Former Helsinki Monitor Anatoliy Shcharanskiy has now been imprisoned for more than eight years and is currently held in Labor Camp 35 near Perm; he still has six years to serve. The founder of the Soviet Helsinki Monitor movement, Yuriy Orlov, remains in exile in Yakutia.

The crackdown on Jewish cultural activists and Hebrew teachers begun in July 1984 has swelled the ranks of Jewish prisoners in the Soviet Union. Among those now imprisoned are Iosif Begun, Zakhar Zunshine, Yuriy Edelshtein, Iosif Berenshtein, and Aleksandr Kholmianskiy. Among the hundreds of Christians imprisoned in the USSR for their religious activities, the names of Vladimir Khailo, Dina Shvedsova, Vasyl Kobrin, Iosif Terelya, Father Svarinskas, Father Tamkevicius, Father Gleb Yakunin, Pastor Nikolai Goretoi, Viktor Val'ter, Viktoras Petkus, and Balys Gajauskas stand out. Muslims, such as Abuzakar Rahimov, and Hare Krishnas, including Vladimir Kustrya, are two of the many other religions that have suffered.

Soviet psychiatrist Anatoliy Koryagin remains near death in a Soviet prison as a result of his efforts to expose Soviet abuse of psychiatry. Unofficial peace group members Aleksandr Shatravka and Vladimir Brodskiy are in prison for their peace activities. Sergei Khodorovich, former administrator of the Russian Social (Solzhenitsyn) Fund, remains imprisoned, as does Valeriy Senderov, one of the founders of an independent trade union in the USSR.

Mart Niklus and Enn Tarto are both serving long sentences for their activities in defense of the Estonian national and human rights movements. Vytautas Skuodis (AKA Ben Scott) is a U.S. citizen of Lithuanian heritage imprisoned in Lithuania for his national and human rights activities. Mykola Horbal, a former Ukrainian Helsinki Monitor, has recently had his sentence extended in a Soviet labor camp. And Yuriy Shukhevich, first arrested at 14 because his father was the commander of the WWII Ukrainian Insurgent Army, has now spent 33 years of his life in prison.

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EASTERN EUROPE

Following World War II, a string of Soviet-dominated Communist governments were put into place throughout Eastern Europe. In 1948, Tito's Yugoslavia broke from Moscow to follow a path of non-alignment between East and West. In 1961, tiny Albania severed relations with Moscow to follow a fiercely independent, neo-Stalinist path. To prevent similar defections, the Soviet Union resorted to brutal force to crush popular movements in Hungary in 1956 and in Czechoslovakia in 1968. In 1981, the "Solidarity" trade union movement was suppressed in Poland through the imposition of martial law. East Germany, Poland, Czechoslovakia, Hungary, Romania and Bulgaria are members of the Soviet-dominated Warsaw Pact alliance. These nations are also members of CEMA, the Moscow-led regional economic grouping.

Notwithstanding the Soviet Union's military and political control over the region (except for Yugoslavia and Albania), Eastern Europe is not monolithic. Each country has its own distinct culture and history. Nationalism is a potent force, overshadowing the waning influence of communist ideology. The trends in this area are toward somewhat greater economic, social and even political diversity. Romania, for example, often acts as a maverick on foreign policy issues. Hungary has pursued liberalizing economic reforms.

In its approach to the region, the United States seeks to advance its overall interests through recognition of the diversity of each nation's situation. We differentiate between these countries and the Soviet Union. We also differentiate among individual East European countries to the degree that they distinguish themselves from Soviet policies, whether through adoption of distinct and more independent foreign policies; greater political and economic exchange with the non-communist world; greater tolerance of emigration and respect for human rights; encouragement of a more flexible climate for political expression and economic change; or, experimentation with economic decentralization.

The United States accepts no permanent division between the peoples of Europe. We share with the peoples of Eastern Europe their basic aspirations for freedom, prosperity and peace. Overall, we seek to maintain a prudent balance among our political, security, human rights and trade interests.

U.S. relations with the non-Warsaw Pact states in Eastern Europe are a special case. The U.S. maintains a well-developed, productive relationship with non-aligned Yugoslavia, based on our support for that country's unity, independence and territorial integrity. Although we have had no relations with Albania since 1939, the U.S. is prepared to respond should Albania express an interest in resuming relations.

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US-USSR Civil Aviation

Pan Am, the only U.S. carrier which has operated scheduled service between the United States and the U.S.S.R., suspended its operations to the Soviet Union in October 1978. Pan Am gave as its reasons for suspension low load factors, low yields, high station costs, lack of access to traffic between the U.S.S.R. and third countries, and the hardships of doing business in the Soviet Union. Those hardships included the prohibition of direct ticket sales for local currency, inadequate offices, difficulty in making ground arrangements for tour groups (controlled by Intourist), and a wide variety of other pressures for traffic originating in the U.S.S.R. to fly Aeroflot (the Soviet flag carrier) rather than a U.S. flag carrier. In October 1981, Pan Am closed its Moscow office.

Aeroflot services to the United States have been suspended since January 5, 1982, when the Civil Aeronautics Board withdrew its operating privileges after President Reagan decided for foreign policy reasons that Aeroflot should not be permitted to operate to and from the United States. The decision was made in response to Soviet involvement in the imposition of martial law in Poland and the repression of the Polish people.

Aeroflot was permitted to continue to sell air transportation in the U.S. on an interline basis, that is, in conjunction with other airlines, which would connect with Aeroflot's service at a point outside the U.S. On September 12, 1983, the U.S. Government, in response to the Soviet attack on Korean Air Lines Flight 007, suspended all remaining commercial aviation links with the U.S.S.R.

A Memorandum of Understanding among Japan, the US, and the U.S.S.R. was signed July 29, 1985, to improve air safety in the North Pacific region. The core of this agreement is an arrangement to set up a new communication network between Anchorage, Tokyo, and Khabarovsk area control centers for use when a civil aircraft assigned to a North Pacific route is in trouble.

The agreement was brought into force on October 8 of this year. The three sides must still work out the technical details of the communication network and procedures. One meeting on these procedures was held in Moscow recently. We expect to hold additional meetings in the near future.

U.S. and Soviet delegations met in Washington October 15-18, 1985 to begin negotiations aimed at reestablishing bilateral air services. A major concern of the U.S. Government is that a new or revised civil aviation agreement would have to contain conditions which would allow a U.S. airline a reasonable opportunity for financially successful operations in the Soviet market. That concern was not adequately met during the negotiations and they ended inconclusively. No further negotiations are scheduled at this time.

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- Soviet military space threat. The Soviets have the world's only operational ASAT interceptor system. The interceptor is relatively small and is launched by a missile booster used for other missions. It threatens U.S. low-altitude satellites. Other current and projected Soviet space systems are designed to support Soviet forces in conflict by providing targeting intelligence for attacks on U.S. and allied forces. In order to deter threats to U.S. and allied space systems, the U.S. has been developing the Miniature Vehicle (MV) System, launched from an F-15 aircraft.

- Breakout. If an agreement ceased to remain in force--for example through sudden abrogation--breakout could occur and one nation could gain a unilateral advantage and a head start in deploying a weapon that had been banned. The importance of the few, but critical, U.S. satellites could create an incentive for the Soviets to maintain a breakout capability.

Soviet ASAT arms control activities: The Soviet Union has proposed a ban on research, development, testing and deployment of what they call "space-strike" arms. Its proposal would completely block SDI research, but would place no limitations upon ground-based ABM systems like the Soviets' own Moscow ABM system or Soviet directed energy research -- e.g. the test laser at Shary Shagon -- unless it was specifically identified as directed at space weapons development.

The Soviets' proposed ban on space-strike arms would cover ASAT weapons and would entail destruction of the Soviets' own operational ASAT. This proposal does not however address difficulties we would have in verifying destruction of the Soviet ASAT; nor does it acknowledge the potential of using ICBM's or ABM interceptors for ASAT purposes.

Space arms control prospects: These differences have hindered efforts to develop effective ASAT arms control measures. Problems of verification tend to be greater the more comprehensive the limitation. Less sweeping options under study would seek to limit specific types of weapons systems. There is a premium, however, on finding ways to limit those

ASAT systems that create the most difficult challenges to the survivability of our satellites. We are seeking limits that are effectively verifiable and allow us to protect U.S. and allied forces from being threatened by Soviet satellites, such as targeting satellites. Other options under study would regulate certain potentially threatening activities in space. The active search for space arms control proposals that are equitable, verifiable, and compatible with U.S. security and that of our Allies is continuing.

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Interim Restraint and Compliance

On June 10 of this year President Reagan announced that the United States would not undercut the expired SALT I agreement or the unratified SALT II agreement as long as the Soviet Union exercised equal restraint. To implement his decision, the President directed that an existing POSEIDON SSBN be deactivated and dismantled according to agreed procedures when the seventh U.S. Ohio-class submarine put to sea. The decision reflected the President's judgement that it remains in our interest to establish an interim framework of truly mutual restraint on strategic offensive arms as we pursue our goal of real reductions in the size of existing nuclear arsenals.

Thus our policy is to refrain from undercutting existing strategic arms agreements to the extent that the Soviet Union exercises comparable restraint and provided that the Soviet Union actively pursues arms reduction agreements in the currently ongoing Nuclear and Space Talks in Geneva. At the same time, the President decided that appropriate and proportionate responses to Soviet noncompliance are called for to ensure our security, to provide incentives to the Soviets to correct their noncompliance, and to make it clear to Moscow that violations of arms control obligations entail real costs.

In the case of irreversible Soviet violations, such as flight-testing and deployment of the SS-X-25 missile, the United States reserves the right to respond in a proportionate manner at the appropriate time. The President has directed the Department of Defense to conduct a comprehensive assessment aimed at identifying specific actions which the United States could take to augment as necessary the U.S. strategic modernization program as a proportionate response to, and as a hedge gainst the military consequences of, those Soviet violations of existing arms agreements which the Soviets fail to correct.

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SOVIET STRATEGIC DEFENSE

The Soviet emphasis on strategic defense is firmly grounded in Soviet military doctrine and strategy. In the Soviet view, the USSR could best achieve its aims in any nuclear war if it attacked first and destroyed much of the U.S. and Allied capability for retaliation. Defensive measures would in turn prevent those enemy forces that survived a Soviet first-strike from destroying targets in the USSR. Over the past 25 years the Soviets have increased their active and passive defenses in a clear effort to blunt the effect of U.S. and Allied retaliation to any Soviet attack. Passive defenses are non-weapons measures, such as civil defense and hardening; active defenses utilize weapons systems to protect national territory, military forces or key assets.

The Soviet Union maintains the world's only operation anti-ballistic missile system around Moscow. In 1980 the Soviets began to upgrade and expand that system to the limit allowed by the 1972 ABM Treaty. When completed in 1987, the Moscow ABM system will have 100 ABM launchers (including silo-based long-range GALOSH interceptors and silo-based high-acceleration interceptors designed to engage targets within the atmosphere), associated engagement and guidance radars, and a new large radar at Pushkino designed to control anti-ballistic missile engagements.

The Soviet system for detection and tracking of ballistic missile attack consists of a launch-detection satellite network, over-the-horizon radars and a series of large phased-array radars (LPARs). The Soviets are now constructing a network of six new LPARs that can track ballistic missiles with greater accuracy than the existing network. Five of the radars duplicate or supplement current coverage, but with greatly enhanced capacity. A sixth, under construction near Krasnoyarsk in Siberia, closes the final gap in the Soviet early warning radar coverage. This LPAR is not located on the periphery of the Soviet Union and pointed outward as required by the ABM Treaty; it is thus a direct violation of the ABM Treaty.

In the late 1960's the Soviet Union initiated a substantial research program into advanced technologies for defense against ballistic missiles. That program covers many of the same technologies involved in the U.S. Strategic Defense Initiative, but represents a far greater investment of plant space, capital, and manpower. The Soviet laser program, for example, is much larger than U.S. efforts and involves over 10,000 scientists and engineers. The Soviets are also pursuing active research in particle beam weapons, radio-frequency weapons, kinetic energy weapons, as well as maintaining an operational anti-satellite system and a massive conventional air defense system.

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THE GENEVA NUCLEAR AND SPACE ARMS TALKS

Background: The U.S. undertook efforts to establish a more beneficial and constructive long-term relationship with the Soviet Union and to renew a dialogue on nuclear arms control issues when President Reagan met with former Soviet Foreign Minister Andrei Gromyko in Washington in September 1984. Later diplomatic contacts paved the way for agreement to enter into negotiations on "the whole range of questions" concerning nuclear offensive arms, and defense and space issues. Secretary Shultz and Mr. Gromyko met to discuss these questions in Geneva on January 7-8, 1985. At the conclusion of their meeting they issued a joint statement of agreement that new negotiations would address "a complex of questions concerning space and nuclear arms--both strategic and intermediate-range--with these questions considered and resolved in their inter-relationship." They agreed that the objective of the negotiations would be to work out effective agreements aimed at preventing an arms race in space and terminating it on earth, at limiting and reducing nuclear arms, and at strengthening strategic stability.

On March 12, 1985, The U.S. and Soviet Union resumed negotiations at Geneva. The negotiations are being conducted by a delegation from each side divided into three groups.

The groups are addressing strategic offensive nuclear arms, intermediate-range nuclear forces (INF), and defense and space arms issues. Ambassador Max M. Kampelman heads the U.S. delegation and serves as the negotiator on defense and space arms. Ambassador John G. Tower is the negotiator on strategic nuclear arms, and Ambassador Maynard W. Glitman the negotiator on intermediate-range nuclear arms. Ambassadors Paul H. Nitze and Edward L. Rowny serve in Washington as special advisers to the President and Secretary of State on arms control matters. Three rounds of negotiations have been held: Round 1 from March 12 - April 23; Round 2 from May 30 - July 16; and Round 3 from September 25 - November 1, 1985.

U.S. Approach: With respect to strategic arms, the U.S. seeks radical reductions in the numbers of destructive power of strategic forces that are both equitable and verifiable, and is prepared to explore tradeoffs that would accommodate differences in the two sides' force structures.

The December 1983 U.S. START position remains on the table in Geneva. This includes reductions in the destabilizing threatening weapons -- ballistic missile warheads -- to 5,000; reductions in ballistic missiles to a number higher than 850; a

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separate limit of 400 heavy bombers; reductions in missile destructive capacity (throw-weight), either directly or indirectly to about half of the current Soviet level of approximately 5.6 million kilograms; and limits on non-deployed ballistic missiles to an unspecified percentage of the deployed force.

The U.S. also seeks the elimination of, or radical reductions in, U.S. and Soviet intermediate-range nuclear forces and is prepared to build upon the flexibility in its current proposal submitted to the Soviet Union in the fall of 1983 in pursuit of the lowest possible equal global limits.

The defense and space negotiations include questions of arms (whether based on earth or in space) and the broader question of strategic defense, including existing Soviet defenses. In the near term, the U.S. wishes to reverse the erosion in the stability of the strategic relationship that has resulted both from Soviet actions in violation of, and probable violation of the spirit and letter of the Anti-Ballistic Missile (ABM) Treaty and from the continuing growth in Soviet offensive nuclear forces.

With respect to anti-satellite weapons, the United States is endeavoring to identify approaches that would allow us to negotiate with the Soviets a mutually and effectively verifiable agreement with the strictest possible limitationsconsistent with the national security of the United States. This is complicated by definitional and verification problems and the need to counter Soviet targetting satellites and the Soviet operational ASAT.

Looking to the longer term, the U.S. is endeavoring engage the Soviets in discussing the possibility of moving away from a situation in which security rests on the threat of offensive nuclear retaliation toward increased reliance on defense to strengthen deterrence. The President's Strategic Defense Initiative is designed to explore that possibility. It is a research program, fully consistent with the ABM Treaty.

The three areas of negotiation are interrelated. It is our view, however, that if we can reach agreement in one or two of these negotiations, we should move ahead to implement those agreements, even if differences remain in the other areas.

Soviet Approach:

At first the Soviet Union presented unverifiable moratoria and freezes and insisted on linking progress in offensive arms reductions to an unacceptable and one-sided ban on U.S.

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research on strategic defense. The Soviet Union finally came forward with a counterproposal involving an offer to discuss reductions. The outlines of the counterproposal were first presented to President Reagan on September 27 by Soviet Foreign Minister Shevardnadze in a letter from Secretary general Gorbachev. It was subsequently presented in further detail by Soviet negotiators in Round III. There are significant problems with the counterproposal. However, the U.S. is studying to determine whether, combined with proposals the U.S. had on the table, this could provide progress toward reducing nuclear arsenals.

The November Meeting: The Geneva arms negotiations will be on the agenda when President Reagan meets with General Secretary Gorbachev in November at Geneva. If during Round III there is mutual readiness for serious give and take, we should narrow U.S.-Soviet differences on substantive issues and produce ways to bridge these differences. We recognize, however, that the complex issues which affect the basic security of both sides cannot always be managed even in the short term. The U.S. will continue to press in diplomatic contacts with the Soviet Union for evidence of flexibility in other key areas of the U.S.-Soviet relationship: regional problems, human rights, and other bilateral questions.

Prospects: The United States is committed to reduce dramatically the level of nuclear arms through equitable and verifiable agreements. U.S. negotiators have unprecedented flexibility to negotiate a mutually acceptable agreement. With proposals by both sides on the table, we are prepared to be flexible within reason. If the Soviets show comparable flexibility, and reasonableness, and satisfactorily resolve U.S. concerns over Soviet non-compliance with previous arms control agreements, the prospects for arms reduction and progress on other issues will be enhanced.

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Intermediate-Range Nuclear Weapons: Positions in Previous Talks

In the mid-1970s two critical developments -- Soviet achievement of strategic parity with the U.S. and the deployment of the SS-20 -- came together to alter the security situation in Europe in favor of the Soviet Union. As the Soviet SS-20 missile force grew, and with no NATO missiles deployed in Europe which could reach the USSR, European members of NATO raised the concern that Moscow might come to believe --however mistakenly-- that U.S. strategic forces could be decoupled from the defense of Europe. They, thus, stressed the need for a NATO response. This led to NATO's 1979 dual track decision, which, on the one hand, called for deployment of 572 U.S. LRINF Pershing II and ground-launched cruise missiles and, on the other, negotiations with the Soviet Union to restore an INF balance at the lowest possible level.

Formal talks with the Soviet Union began in November 1981, at which time the U.S. proposed to ban or eliminate all U.S. and Soviet LRINF missile systems, including the Soviet SS-20, SS-4, and SS-5, and U.S. Pershing II and GLCM. Even though the Soviets deployed SS-20 missiles throughout the negotiations, on November 23, 1983, the Soviets walked out of the INF talks, protesting votes in the parliaments of Great Britain, Italy and West Germany that reaffirmed the dual track decision and the subsequent arrival of U.S. longer-range INF missiles in Europe.

The U.S. approach to the INF negotiations is based on five principles: 1) equality of rights and limits, 2) an agreement must include U.S. and Soviet systems only, 3) limitations must be applied on a global scale, with no transfer of the threat from Europe to Asia, 4) NATO's conventional defense capability must not be weakened, and 5) any agreement must be effectively verifiable.

The U.S. zero-zero option proposal which would eliminate all U.S. and Soviet longer-range INF missiles, the Interim Agreement Proposal that would result in equal global limits on LRINF missile warheads between 0 and 572, and the President's September 1983 initiatives are based on those criteria.

The Soviet position in the talks was to prevent the deployment in Europe of U.S. Pershing II or cruise missiles while retaining a formidable arsenal of SS-20s in Europe and continuing their buildup of SS-20s in Asia. They sought to remove from Europe hundreds of U.S. aircraft which are capable of carrying both nuclear and conventional weapons and are essential to NATO's conventional deterrent. As a rationale for these demands, the Soviets insisted on compensation for the independent strategic nuclear forces of Britain and France.

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Intermediate-Range Nuclear Weapons: The Current Talks

On January 8, 1985, Secretary Shultz and Foreign Minister Gromyko agreed in Geneva to renewed arms talks divided into three areas: strategic offensive, intermediate-range, and defense and space arms. On March 12, 1985, the U.S. and Soviet Union began this new set of arms control negotiations in Geneva.

During the first two rounds, the INF negotiator Ambassador Maynard Glitman reiterated the U.S. position based on our long-standing criteria:

1) equality of rights and limits,
2) an agreement must include U.S. and Soviet systems only,
3) limitations must be applied on a global scale, with no transfer of the threat from Europe to Asia,
4) NATO's conventional defense capability must not be weakened, and
5) any agreement must be effectively verifiable.

In addition, the President gave Ambassador Glitman unprecedented flexibility to respond to any Soviet proposal. Unfortunately, the Soviet side was intransigent and failed to return even to positions which it held when the talks ended in November 1983.

During the current round, the Soviet Union has finally responded to U.S. calls for serious negotiation and put forth counterproposals which contain a number of INF-related aspects. While many elements of this counterproposal are one-sided, there are some positive elements which we intend to explore further in the negotiations.

The U.S. intends to work with the Soviets to seek a mutually acceptable agreement that meets the fundamental concerns of both sides. If the Soviets prove as serious and flexible as the U.S., meaningful progress can be achieved.

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MUTUAL AND BALANCED FORCE REDUCTION (MBFR) TALKS

MBFR negotiations, involving 12 members of NATO and the 7 Warsaw Pact member states, began in Vienna in 1973 with a focus on the reduction of NATO and Warsaw Pact conventional forces in Central Europe. The primary U.S. and Allied objective in MBFR is to enhance stability and security in Central Europe through asymmetrical reduction of ground forces to parity at lower levels with common collective ceilings on each side's military manpower.

While the sides have reached some agreement on reductions to parity at common collective ceilings of 700,000 for ground forces and 900,000 for air and ground forces combined, major differences remain as on the data and verification issues. The East claims that approximate parity already exists and has thus resisted Western calls for asymmetrical reductions. Eastern figures for their forces, however, are some 170,000 short of Western estimates, and the East has refused to discuss in any detail the reasons for this data discrepancy. Although the East made some concessions in 1983 on the verification issue, its position still falls far short of Western requirements for effective verification measures and their early implementation.

In 1982, the West proposed a draft MBFR treaty embodying a comprehensive proposal for staged reductions to parity along with a package of associated measures providing for cooperative verification. It also required full agreement prior to treaty signature on figures for all forces in order to resolve the data discrepancy. In April 1984, in order to break the impasse in the talks caused by the data issue, the West modified its requirement for full data agreement and proposed instead a data exchange prior to treaty signature on only the ground combat and combat support forces of the sides to fall within an acceptable range of Western estimates. The flexibility on data was offered in exchange for enhanced verification measures.

On February 14, 1985, the East tabled a proposal which essentially put into legally binding form previous Eastern proposals from 1983 calling for initial reductions of 13,000 U.S. and 20,000 Soviet ground forces and for a subsequent freeze on all forces for two years. This proposal thus offers little that is new and does not address the central issues of data and verification nor respond to the offer of flexibility in the West's April 1984 proposal.

The West has asked a number of questions about the details of the East's February 1985 proposal, which it will have to assess along with other broader factors in considering how to respond. The West is fully committed to move the talks forward and seeks an outcome equitable to both sides to enhance security in Europe.

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CONFERENCE ON DISARMAMENT IN EUROPE

Background: On January 17, 1984, the U.S., Canada, and 33 European states, including NATO, Warsaw Pact, neutral and nonaligned countries, convened in Stockholm for the first stage of the Conference on Confidence- and Security-Building Measures and Disarmament in Europe (CDE). It was mandated by the Madrid meeting (1980-83) of the Conference on Security and Cooperation in Europe, which reviewed the implementation of the 1975 Helsinki Final Act. Its purpose is to agree on measures that would reduce the proximate causes of war: misunderstanding and miscalculation. CDE's Mandrid mandate requires the measures to be militarily significant, politically binding, and provided with adequate forms of verification.

Western proposal: One week after the conference opened, the 16 NATO participants proposed six measures designed to make the European military environment more open, predictable, and stable:

- An Exchange of Military Information would require participants to inform each other annually about the structure of their ground and land-based air forces in Europe, giving unit designation, normal peacetime location, and force composition.

- An Exchange of Forecasts of Activities Notifiable in Advance would call for an annual exchange of forecasts of military exercises including the name, place, timing, purpose, and countries participating, along with the size and type of forces involved.

- Notification of Military Activities would call for notification 45 days in advance of out-of-garrison land activities of units at division level or above and notification of certain mobilization and amphibious exercises. Alert activities would be notifiable as they begin.

- Observation of Certain Military Activities would require states to invite observers from all other states to all notified activities.

- Compliance and Verification would allow participating states to request an inspection of activities that have not been notified in compliance with negotiated agreements and would require states not to interfere with other states' "national technical means" of verification--for example, photographic reconnaissance satellites.

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- Development of Means of Communication encourages participating states to develop better means and procedures for communications.

How measures would work: These measures could be implemented with a minimum of interference with normal, nonthreatening military activity. Measure 1 would establish a baseline of information. At the same time, under measure 2, a state would advise other participants of military activities it has planned for the next calendar year.

Measure 3 notifications would then provide specific detail on a notifiable event, closer in time to the event. A state with aggressive intent would raise an alarm against itself if it announced an exercise it had not forecast; the alarm would sound even louder if the state also failed to notify the event 45 days in advance.

The observers called for in measure 4 would verify that activities are conducted as advertised. There might, however, be occasions where a state detects a military activity that it thinks should have been notified. Under measure 5, those suspicions could be alleviated or confirmed by asking for an inspection. Finally, the communications arrangements of measure 6 could be used to seek further information on a potentially destabilizing event.

Significance of Western proposals: These measures would not prevent war nor could they prevent a state from using force for political intimidation. They would, however, make unwanted confrontation less likely and they could raise the political cost of using force to intimidate. Having established a pattern of routine activities, if a deviation were to occur, there would be time to clarify the situation before political tensions escalated or to take counteraction against a real threat.

Soviet objections: The USSR has tried to use the CDE to portray Moscow as the defender of peace and the U.S. and some of its allies as aggressive, militaristic adventurers. It also has sought to exploit differences between the U.S. and European countries. This approach prevented the CDE from quickly getting down to business. Moscow has criticized information and verification provisions of the Western proposals as "legalized espionage." In fact, they are not designed to expose important Soviet military secrets. Forecasts and notifications will involve only out-of-garrison ground activities, not sensitive military installations. Observers would visit areas only where those activities are taking place.

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Soviet proposal: The Soviets have offered six alternative proposals: a treaty on the non-use of force; a non-first-use of nuclear weapons pledge; creation of nuclear weapons-free zones; a freeze and reduction of military budgets; a chemical weapons ban in Europe; and expansion of the confidence-building measures of the Helsinki Final Act.

Western reaction: The West accepts the principle of non-use of force as embodied in the UN Charter and the Helsinki Final Act. Moreover, President Reagan has offered to enter discussions with the Soviets on reaffirming this principle if this would lead them to negotiate meaningful confidence-building measures of the type contained in the Western proposal. Efforts to negotiate only a European chemical weapons ban would duplicate the Geneva negotiations where global and comprehensive chemical weapons agreements are being discussed.

The UN tries annually to study military budgets, but the Warsaw Pact, not the West, blocks this effort. Nonetheless, the Soviets' own proposals call for Helsinki-type confidence-building measures that could prove similar to proposals offered by the West and neutral and nonaligned countries at the conference. When the Soviet Union decides that its interests lie in a cooperative approach, the CDE can make its contribution toward improving European security.

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Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems

In the Treaty on the Limitation of Anti-Ballistic Missile Systems the United States and the Soviet Union agree that each may have only two ABM deployment areas,[1] so restricted and so located that they cannot provide a nationwide ABM defense or become the basis for developing one. Each country thus leaves unchallenged the penetration capability of the other's retaliatory missile forces.

The treaty permits each side to have one limited ABM system to protect its capital and another to protect an ICBM launch area. The two sites defended must be at least 1,300 kilometers apart, to prevent the creation of any effective regional defense zone or the beginnings of a nationwide system.

Precise quantitative and qualitative limits are imposed on the ABM systems that may be deployed. At each site there may be no more than 100 interceptor missiles and 100 launchers. Agreement on the number and characteristics of radars to be permitted had required extensive and complex technical negotiations, and the provisions governing these important components of ABM systems are spelled out in very specific detail in the treaty and further clarified in the "Agreed Statements" accompanying it.

Both parties agreed to limit qualitative improvement of their ABM technology, e.g., not to develop, test, or deploy ABM launchers capable of launching more than one interceptor missile at a time or modify existing launchers to give them this capability, and systems for rapid reload of launchers are similarly barred. These provisions, the Agreed Statements clarify, also ban interceptor missiles with more than one independently guided warhead.

There had been some concern over the possibility that surface-to-air missiles (SAMs) intended for defense against aircraft might be improved, along with their supporting radars, to the point where they could effectively be used against ICBMs and SLBMs, and the treaty prohibits this. While further deployment of radars intended to give early warning of strategic ballistic missile attack is not prohibited, they must be located along the territorial boundaries of each country

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[1]Subsequently reduced to one area (see section on ABM Protocol).

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and oriented outward, so that they do not contribute to an effective ABM defense of points in the interior.

Further, to decrease the pressures of technological change and its unsettling impact on the strategic balance, both sides agree to prohibit development, testing, or deployment of sea-based, air-based, or space-based ABM systems and their components, along with mobile land-based ABM systems. Should future technology bring forth new ABM systems "based on other physical principles" than those employed in current systems, it was agreed that limiting such systems would be discussed, in accordance with the treaty's provisions for consultation and amendment.

The treaty also provides for a U.S.-Soviet Standing Consultative Commission to promote its objectives and implementation. The commission was established during the first negotiating session of SALT II, by a Memorandum of Understanding dated December 21, 1972. Since then both the United States and the Soviet Union have raised a number of questions in the Commission relating to each side's compliance with the SALT I agreements. In each case raised by the United States, the Soviet activity in question has either ceased or additional information has allayed U.S. concern.

Article XIV of the treaty calls for review of the treaty 5 years after its entry into force, and at 5-year intervals thereafter. The first such review was conducted by the Standing Consultative Commission at its special session in the fall of 1977. At this session, the United States and the Soviet Union agreed that the treaty had operated effectively during its first 5 years, that it had continued to serve national security interests, and that it did not need to be amended at that time.

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Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems

Signed at Moscow May 26, 1972
Ratification advised by U.S. Senate August 3, 1972
Ratified by U.S. President September 30, 1972
Proclaimed by U.S. President October 3, 1972
Instruments of ratification exchanged October 3, 1972
Entered into force October 3, 1972

The United States of America and the Union of Soviet Socialist Republics, hereinafter referred to as the Parties,

Proceeding from the premise that nuclear war would have devastating consequences for all mankind,

Considering that effective measures to limit anti-ballistic missile systems would be a substantial factor in curbing the race in strategic offensive arms and would lead to a decrease in the risk of outbreak of war involving nuclear weapons,

Proceeding from the premise that the limitation of anti-ballistic missile systems, as well as certain agreed measures with respect to the limitation of strategic offensive arms, would contribute to the creation of more favorable conditions for further negotiations on limiting strategic arms,

Mindful of their obligations under Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons,

Declaring their intention to achieve at the earliest possible date the cessation of the nuclear arms race and to take effective measures toward reductions in strategic arms, nuclear disarmament, and general and complete disarmament,

Desiring to contribute to the relaxation of international tension and the strengthening of trust between States,

Have agreed as follows:

Article I

1. Each party undertakes to limit anti-ballistic missile (ABM) systems and to adopt other measures in accordance with the provisions of this Treaty.

2. Each Party undertakes not to deploy ABM systems for a defense of the territory of its country and not to provide a base for such a defense, and not to deploy ABM systems for defense of an individual region except as provided for in Article III of this Treaty.

Article II

1. For the purpose of this Treaty an ABM system is a system to counter strategic ballistic missiles or their elements in flight trajectory, currently consisting of:

(a) ABM interceptor missiles, which are interceptor missiles constructed and deployed for an ABM role, or of a type tested in an ABM mode;

(b) ABM launchers, which are launchers constructed and deployed for launching ABM interceptor missiles, and

(c) ABM radars, which are radars constructed and deployed for an ABM role, or of a type tested in an ABM mode.

2. The ABM system components listed in paragraph 1 of this Article include those which are:

(a) operational;
(b) under construction;
(c) undergoing testing;
(d) undergoing overhaul, repair or conversion; or
(e) mothballed.

Article III

Each Party undertakes not to deploy ABM systems or their components except that:

(a) within one ABM system deployment area having a radius of one hundred and fifty kilometers and centered on the Party's national capital, a Party may deploy: (1) no more than one hundred ABM launchers and no more than one hundred ABM interceptor missiles at launch sites, and (2) ABM radars within no more than six ABM radar complexes, the area of each complex being circular and having a diameter of no more than three kilometers; and

(b) within one ABM system deployment area having a radius of one hundred and fifty kilometers and containing ICBM silo launchers, a Party may deploy: (1) no more than one hundred ABM launchers and no more than one hundred ABM interceptor missiles at launch sites, (2) two large phased-array ABM radars comparable in potential to corresponding ABM radars operational or under construction on the date of signature of the Treaty in an ABM system deployment area containing ICBM silo launchers, and (3) no more than eighteen ABM radars each having a potential less than that potential of the smaller of the above-mentioned two large phased-array ABM radars.

Article IV

The limitations provided for in Article III shall not apply to ABM systems or their components used for development or testing, and located within current or additionally agreed test ranges. Each Party may have no more than a total of fifteen ABM launchers at test ranges.

Article V

1. Each Party undertakes not to develop, test, or deploy ABM systems or components which are sea-based, air-based, space-based, or mobile land-based.

2. Each Party undertakes not to develop, test, or deploy ABM launchers for launching more than one ABM interceptor missile at a time from each launcher, not to modify deployed launchers to provide them with such a capability, not to develop, test, or deploy automatic or semi-automatic or other similar systems for rapid reload of ABM launchers.

Article VI

To enhance assurance of the effectiveness of the limitations on ABM systems and their components provided by the Treaty, each Party undertakes:

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(a) not to give missiles, launchers, or radars, other than ABM interceptor missiles, ABM launchers, or ABM radars, capabilities to counter strategic ballistic missiles or their elements in flight trajectory, and not to test them in an ABM mode, and

(b) not to deploy in the future radars for early warning of strategic ballistic missile attack except at locations along the periphery of its national territory and oriented outward.

Article VII

Subject to the provisions of this Treaty, modernization and replacement of ABM systems or their components may be carried out.

Article VIII

ABM systems or their components in excess of the numbers or outside the areas specified in this Treaty, as well as ABM systems or their components prohibited by this Treaty, shall be destroyed or dismantled under agreed procedures within the shortest possible agreed period of time.

Article IX

To assure the viability and effectiveness of this Treaty, each Party undertakes not to transfer to other States, and not to deploy outside its national territory, ABM systems or their components limited by this Treaty.

Article X

Each Party undertakes not to assume any international obligations which would conflict with this Treaty.

Article XI

The Parties undertake to continue active negotiations for limitations on strategic offensive arms.

Article XII

1. For the purpose of providing assurance of compliance with the provisions of this Treaty, each Party shall use national technical means of verification at its disposal in a manner consistent with generally recognized principles of international law.

2. Each Party undertakes not to interfere with the national technical means of verification of the other Party operating in accordance with paragraph 1 of this Article.

3. Each Party undertakes not to use deliberate concealment measures which impede verification by national technical means of compliance with the provisions of this Treaty. This obligation shall not require changes in current construction, assembly, conversion, or overhaul practices.

Article XIII

1. To promote the objectives and implementation of the provisions of this Treaty, the Parties shall establish promptly a Standing Consultative Commission, within the framework of which they will:

(a) consider questions concerning compliance with the obligations assumed and related situations which may be considered ambiguous;

(b) provide, on a voluntary basis, such information as either Party considers necessary to assure confidence in compliance with the obligations assumed;

(c) consider questions involving unintentional interference with national technical means of verification;

(d) consider possible changes in the strategic situation which have a bearing on the provisions of this Treaty;

(e) agree upon procedures and dates for destruction or dismantling of ABM systems or their components in cases provided for by the provisions of this Treaty;

(f) consider, as appropriate, possible proposals for further increasing the viability of this Treaty, including proposals for amendments in accordance with the provisions of this Treaty;

(g) consider, as appropriate, proposals for further measures aimed at limiting strategic arms.

2. The Parties through consultation shall establish, and may amend as appropriate, Regulations for the Standing Consultative Commission governing procedures, composition and other relevant matters.

Article XIV

1. Each Party may propose amendments to this Treaty. Agreed amendments shall enter into force in accordance with the procedures governing the entry into force of this Treaty.

2. Five years after entry into force of this Treaty, and at five-year intervals thereafter, the Parties shall together conduct a review of this Treaty.

Article XV

1. This Treaty shall be of unlimited duration.

2. Each Party shall, in exercising its national sovereignty, have the right to withdraw from this Treaty if it decides that extraordinary events related to the subject matter of this Treaty have jeopardized its supreme interests. It shall give notice of its decision to the other Party six months prior to withdrawal from the Treaty. Such notice shall include a statement of the extraordinary events the notifying Party regards as having jeopardized its supreme interests.

Article XVI

1. This Treaty shall be subject to ratification in accordance with the constitutional procedures of each Party. The Treaty shall enter into force on the day of the exchange of instruments of ratification.

2. This Treaty shall be registered pursuant to Article 102 of the Charter of the United Nations.

DONE at Moscow on May 26, 1972, in two copies, each in the English and Russian languages, both texts being equally authentic.

FOR THE UNITED STATES OF AMERICA	FOR THE UNION OF SOVIET SOCIALIST REPUBLICS
RICHARD NIXON	L. I. BREZHNEV
President of the United States of America	*General Secretary of the Central Committee of the CPSU*

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Agreed Statements, Common Understandings, and Unilateral Statements Regarding the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missiles

1. Agreed Statements

The document set forth below was agreed upon and initialed by the Heads of the Delegations on May 26, 1972 (letter designations added).

AGREED STATEMENTS REGARDING THE TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE LIMITATION OF ANTI-BALLISTIC MISSILE SYTEMS

[A]

The Parties understand that, in addition to the ABM radars which may be deployed in accordance with subparagraph (a) of Article III of the Treaty, those non-phased-array ABM radars operational on the date of signature of the Treaty within the ABM system deployment area for defense of the national capital may be retained.

[B]

The Parties understand that the potential (the product of mean emitted power in watts and antenna area in square meters) of the smaller of the two large phased-array ABM radars referred to in subparagraph (b) of Article III of the Treaty is considered for purposes of the Treaty to be three million.

[C]

The Parties understand that the center of the ABM system deployment area centered on the national capital and the center of the ABM system deployment area containing ICBM silo launchers for each Party shall be separated by no less than thirteen hundred kilometers.

[D]

In order to insure fulfillment of the obligation not to deploy ABM systems and their components except as provided in Article III of the Treaty, the Parties agree that in the event ABM systems based on other physical principles and including components capable of substituting for ABM interceptor missiles, ABM launchers, or ABM radars are created in the future, specific limitations on such systems and their components would be subject to discussion in accordance with Article XIII and agreement in accordance with Article XIV of the Treaty.

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[E]

The Parties understand that Article V of the Treaty includes obligations not to develop, test or deploy ABM interceptor missiles for the delivery by each ABM interceptor missile of more than one independently guided warhead.

[F]

The Parties agree not to deploy phased-array radars having a potential (the product of mean emitted power in watts and antenna area in square meters) exceeding three million, except as provided for in Articles III, IV and VI of the Treaty, or except for the purposes of tracking objects in outer space or for use as national technical means of verification.

[G]

The Parties understand that Article IX of the Treaty includes the obligation of the US and the USSR not to provide to other States technical descriptions or blue prints specially worked out for the construction of ABM systems and their components limited by the Treaty.

2. Common Understandings

Common understanding of the Parties on the following matters was reached during the negotiations:

A. Location of ICBM Defenses

The U.S. Delegation made the following statement on May 26, 1972:

Article III of the ABM Treaty provides for each side one ABM system deployment area centered on its national capital and one ABM system deployment area containing ICBM silo launchers. The two sides have registered agreement on the following statement: "The Parties understand that the center of the ABM system deployment area centered on the national capital and the center of the ABM system deployment area containing ICBM silo launchers for each Party shall be separated by no less than thirteen hundred kilometers." In this connection, the U.S. side notes that its ABM system deployment area for defense of ICBM silo launchers, located west of the Mississippi River, will be centered in the Grand Forks ICBM silo launcher deployment area. (See Agreed Statement [C].)

B. ABM Test Ranges

The U.S. Delegation made the following statement on April 26, 1972:

Article IV of the ABM Treaty provides that "the limitations provided for in Article III shall not apply to ABM systems or their components used for development or testing, and located within current or additionally agreed test ranges." We believe it would be useful to assure that there is no misunderstanding as to current ABM test ranges. It is our understanding that ABM test ranges encompass the area within which ABM components are located for test purposes. The current U.S. ABM test ranges are at White Sands, New Mexico, and at Kwajalein Atoll, and the current Soviet ABM test range is near Sary Shagan in Kazakhstan. We consider that non-phased array radars of types used for range safety or instrumentation purposes may be located outside of ABM test ranges. We interpret the reference in Article IV to "additionally agreed test

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ranges" to mean that ABM components will not be located at any other test ranges without prior agreement between our Governments that there will be such additional ABM test ranges.

On May 5, 1972, the Soviet Delegation stated that there was a common understanding on what ABM test ranges were, that the use of the types of non-ABM radars for range safety or instrumentation was not limited under the Treaty, that the reference in Article IV to "additionally agreed" test ranges was sufficiently clear, and that national means permitted identifying current test ranges.

C. Mobile ABM Systems

On January 29, 1972, the U.S. Delegation made the following statement:

Article V(1) of the Joint Draft Text of the ABM Treaty includes an undertaking not to develop, test, or deploy mobile land-based ABM systems and their components. On May 5, 1971, the U.S. side indicated that, in its view, a prohibition on deployment of mobile ABM systems and components would rule out the deployment of ABM launchers and radars which were not permanent fixed types. At that time, we asked for the Soviet view of this interpretation. Does the Soviet side agree with the U.S. side's interpretation put forward on May 5, 1971?

On April 13, 1972, the Soviet Delegation said there is a general common understanding on this matter.

D. Standing Consultative Commission

Ambassador Smith made the following statement on May 22, 1972:

The United States proposes that the sides agree that, with regard to initial implementation of the ABM Treaty's Article XIII on the Standing Consultative Commission (SCC) and of the consultation Articles to the Interim Agreement on offensive arms and the Accidents Agreement,[1] agreement establishing the SCC will be worked out early in the follow-on SALT negotiations; until that is completed, the following arrangements will prevail: when SALT is in session, any consultation desired by either side under these Articles can be carried out by the two SALT Delegations; when SALT is not in session, *ad hoc* arrangements for any desired consultations under these Articles may be made through diplomatic channels.

Minister Semenov replied that, on an *ad referendum* basis, he could agree that the U.S. statement corresponded to the Soviet understanding.

E. Standstill

On May 6, 1972, Minister Semenov made the following statement:

In an effort to accommodate the wishes of the U.S. side, the Soviet Delegation is prepared to proceed on the basis that the two sides will in fact observe the obligations of both the Interim Agreement and the ABM Treaty beginning from the date of signature of these two documents.

In reply, the U.S. Delegation made the following statement on May 20, 1972:

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[1]See Article 7 of Agreement to Reduce the Risk of Outbreak of Nuclear War Between the United States of America and the Union of Soviet Socialist Republics, signed Sept. 30, 1971.

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The U S agrees in principle with the Soviet statement made on May 6 concerning observance of obligations beginning from date of signature but we would like to make clear our understanding that this means that, pending ratification and acceptance, neither side would take any action prohibited by the agreements after they had entered into force. This understanding would continue to apply in the absence of notification by either signatory of its intention not to proceed with ratification or approval.

The Soviet Delegation indicated agreement with the U.S. statement.

3. *Unilateral Statements*

The following noteworthy unilateral statements were made during the negotiations by the United States Delegation:

A. Withdrawal from the ABM Treaty

On May 9, 1972, Ambassador Smith made the following statement:

The U.S. Delegation has stressed the importance the U.S. Government attaches to achieving agreement on more complete limitations on strategic offensive arms, following agreement on an ABM Treaty and on an Interim Agreement on certain measures with respect to the limitation of strategic offensive arms. The U.S. Delegation believes that an objective of the follow-on negotiations should be to constrain and reduce on a long-term basis threats to the survivability of our respective strategic retaliatory forces. The USSR Delegation has also indicated that the objectives of SALT would remain unfulfilled without the achievement of an agreement providing for more complete limitations on strategic offensive arms. Both sides recognize that the initial agreements would be steps toward the achievement of more complete limitations on strategic arms. If an agreement providing for more complete strategic offensive arms limitations were not achieved within five years, U.S. supreme interests could be jeopardized. Should that occur, it would constitute a basis for withdrawal from the ABM Treaty. The U.S. does not wish to see such a situation occur, nor do we believe that the USSR does. It is because we wish to prevent such a situation that we emphasize the importance the U.S. Government attaches to achievement of more complete limitations on strategic offensive arms. The U.S. Executive will inform the Congress, in connection with Congressional consideration of the ABM Treaty and the Interim Agreement, of this statement of the U.S. position.

B. Tested in ABM Mode

On April 7, 1972, the U.S. Delegation made the following statement:

Article II of the Joint Text Draft uses the term "tested in an ABM mode," in defining ABM components, and Article VI includes certain obligations concerning such testing. We believe that the sides should have a common understanding of this phrase. First, we would note that the testing provisions of the ABM Treaty are intended to apply to testing which occurs after the date of signature of the Treaty, and not to any testing which may have occurred in the past. Next, we would amplify the remarks we have made on this subject during the previous Helsinki phase by setting forth the objectives which govern the U.S. view of the subject matter, while prohibiting testing of non-ABM components for ABM purposes: not to prevent testing of ABM components, and not to prevent testing of non-ABM components for

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non-ABM purposes. To clarify our interpretation of "tested in an ABM mode," I note that we would consider a launcher, missile or radar to be "tested in an AB mode" if, for example, any of the following events occur: (1) a launcher is used launch an ABM interceptor missile, (2) an interceptor missile is flight tested agains target vehicle which has a flight trajectory with characteristics of a strategic ballis missile flight trajectory, or is flight tested in conjunction with the test of an A Interceptor missile or an ABM radar at the same test range, or is flight tested to altitude inconsistent with interception of targets against which air defenses deployed, (3) a radar makes measurements on a cooperative target vehicle of t kind referred to in item (2) above during the reentry portion of its trajectory or mak measurements in conjunction with the test of an ABM interceptor missile or an AB radar at the same test range. Radars used for purposes such as range safety instrumentation would be exempt from application of these criteria.

C. No-Transfer Article of ABM Treaty

On April 18, 1972, the U.S. Delegation made the following statement:

In regard to this Article [IX], I have a brief and I believe self-explanatory statem to make. The U.S. side wishes to make clear that the provisions of this Article do set a precedent for whatever provision may be considered for a Treaty on Limit Strategic Offensive Arms. The question of transfer of strategic offensive arms is a more complex issue, which may require a different solution.

D. No Increase in Defense of Early Warning Radars

On July 28, 1970, the U.S. Delegation made the following statement:

Since Hen House radars [Soviet ballistic missile early warning radars] can det and track ballistic missile warheads at great distances, they have a significant A potential. Accordingly, the U.S. would regard any increase in the defenses of radars by surface-to-air missiles as inconsistent with an agreement.

DECLASSIFIED

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UNCLASSIFIED

E-23

PAGE 01 GUATEM 10670 01 OF 02 170114Z
ACTION ARA-00

INFO LOG-00 COPY-01 ADS-00 INR-10 SS-00 CIAE-00 DODE-00
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R 170112Z OCT 85
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TO SECSTATE WASHDC 1804
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AMEMBASSY TEGUCIGALPA
USIA WASHDC 3424
USCINCSO QUARRY HTS PN

DEPARTMENT OF STATE IM/IPS/CR/IR Date: 1/28/98
(X) RELEASE (X) DECLASSIFY
( ) EXCISE ( ) DECLASSIFY IN PART
( ) DENY EO Citations
FOIA Exemptions ( ) CLASSIFY as ( ) S or ( ) C Sec. TS authority
PA Exemptions ( ) DOWNGRADE TS to ( ) S or ( ) C
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[redacted] SECTION 01 OF 02 GUATEMALA 10670

E.O. 12356 DECL: OADR
TAGS: PHUM, GT
SUBJ: UPDATE ON MISSING RAFAEL LANDIVAR UNIVERSITY EXTENSION WORKERS

REF: (A) GUATEMALA 9326 (B) GUATEMALA 8067
(C) GUATEMALA 6009 (D) GUATEMALA 5782
(E) GUATEMALA 5679 (F) GUATEMALA 5619

1. SUMMARY

(C) POLOFFS MET WITH MARCO AZURDIAS, HEAD OF THE RAFAEL LANDIVAR UNIVERSITY EXTENSION PROGRAM, AND RELATIVES OF TWO OF THE THREE MISSING EXTENSION WORKERS OCTOBER 7. AZURDIAS REPEATED TO POLOFFS HIS BELIEF THAT THE THREE

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UNCLASSIFIED

PAGE 02 GUATEM 10670 01 OF 02 170114Z

EXTENSION WORKERS ARE IN THE HANDS OF GOG SECURITY FORCES. HE SAID HE AND THE RELATIVES HAD RUN OUT OF PATIENCE, AND ARE NOW WILLING TO CONFRONT THE GOG.

HE SAID THE UNIVERSITY WOULD LOOK FOR A "STRATEGIC MOMENT" TO CAUSE A "HUMAN RIGHTS PROBLEM" FOR THE GOG. END SUMMARY

2. POLOFFS MET WITH MARCO AZURDIAS, HEAD OF THE RAFAEL LANDIVAR UNIVERSITY EXTENSION PROGRAM, AND RELATIVES OF TWO OF THE THREE MISSING UNIVERSITY EXTENSION WORKERS OCTOBER 7, 1985. THE RELATIVES WERE JOSEFINA DE MUCIA, WIFE OF LAZARO ANTONIO MUCIA RAQUEC, FLORIDAL DE SINCAL, WIFE OF CARLOS SINCAL AJUCHAN, AND DOROTHEO SINCAL, FATHER OF CARLOS SINCAL AJUCHAN.

3. AZURDIAS SAID HE KNEW NOTHING NEW ABOUT THE DISAPPEARANCE OF THE EXTENSION WORKERS. HOWEVER, HE SAID HE IS "ABSOLUTELY CONVINCED" THAT THE THREE ARE ALIVE AND IN THE HANDS OF GOG SECURITY FORCES. FURTHERMORE, HE SAID HE BELIEVES THE THREE HAVE BEEN MOVED OUT OF GUATEMALA CITY TO A "DEPARTMENT", THOUGH HE DID NOT KNOW WHICH DEPARTMENT.

4. FLORIDAL DE SINCAL, WIFE OF MISSING EXTENSION WORKER CARLOS SINCAL AJUCHAN, SAID SHE HAS "FAITH" THAT HER HUSBAND IS ALIVE. SHE CLAIMED THAT WHEN A PERSON DIES HIS DEPARTING SPIRIT TELLS THE LIVING THAT IT IS LEAVING THE WORLD. SINCAL'S WIFE SAID SHE HAD HEARD NO VOICES AT NIGHT, HAD DREAMED NO DREAMS, AND HAD NOT EXPERIENCED ANY OTHER KIND OF SUPERNATURAL PHENOMENA WHICH WOULD INDICATE THAT HER HUSBAND IS DEAD. AZURDIAS OFFERED A SOMEWHAT MORE CONCRETE REASON FOR BELIEVING THE THREE

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PAGE 03 GUATEM 10670 01 OF 02 170114Z

ARE ALIVE. HE SAID SEVERAL MEN FROM PATZUN WHO HAD BEEN MUSTERED OUT OF THE ARMY HAD RETURNED TO THE VILLAGE AND TOLD RELATIVES THAT THE THREE ARE ALIVE. AZURDIAS, HOWEVER, WOULD NOT IDENTIFY THE FORMER SOLDIERS. WHEN TOLD THE EMBASSY NEEDED SUCH INFORMATION IF IT HOPED TO MAKE A CASE TO THE GOG, AZURDIAS SAID HE DID NOT WANT TO ENDANGER THE LIVES OF THESE MEN.

5. AZURDIAS SAID HE HAD ORIGINALLY ADVISED THE FAMILIES OF THE MISSING EXTENSION WORKERS NOT TO MAKE A PROBLEM FOR THE GOVERNMENT. HE SAID HE DID NOT WANT TO PROVOKE THE GOG INTO KILLING THE THREE. AZURDIAS

SAID HE HAD HOPED THAT THE "GOVERNMENT" WOULD QUESTION THE THREE AND THEN RELEASE THEM. TO THAT END, THE RELATIVES MADE NO STATEMENTS TO THE PRESS, DID NOT FILE A WRIT OF HABEAS CORPUS, AND LET THE UNIVERSITY REPRESENT THEM BEFORE THE GOG. HOWEVER, HE SAID THAT HE, THE RELATIVES, AND THE UNIVERSITY HAD REACHED THE END OF THEIR PATIENCE. HE STATED THAT THEY HAD TRIED EVERY POSSIBLE CHANNEL, BUT EVERYWHERE THEIR REQUESTS WERE MET BY "COMPLETE INDIFFERENCE". THE RESULTING FEELING OF "IMPOTENCE", ACCORDING TO AZURDIAS, IS DRIVING THE UNIVERSITY TO TAKE DRASTIC ACTION. HE SAID THAT IF THE THREE ARE NOT RELEASED SOON, THE UNIVERSITY WILL SEEK THE MOST "STRATEGIC MOMENT" TO CAUSE A "HUMAN RIGHTS PROBLEM" FOR THE GOG. HE WOULD NOT ELABORATE ON THIS THREAT.

6. AZURDIAS SAID THE UNIVERSITY HAS BEEN COMPLETELY FRUSTRATED AND CONFUSED BY THE DISAPPEARANCES. HE SAID THE EXTENSION PROGRAM HAD SURVIVED FOR TWENTY

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PAGE 01 GUATEM 10670 02 OF 02 170114Z
ACTION ARA-00

INFO	LOG-00	COPY-01	ADS-00	INR-10	SS-00	CIAE-00	DODE-00
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R 170112Z OCT 85
FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC 1805

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INFO AMEMBASSY MANAGUA
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AMEMBASSY PANAMA
AMEMBASSY SAN JOSE
AMEMBASSY SAN SALVADOR
AMEMBASSY TEGUCIGALPA
USIA WASHDC 3425
USCINCSO QUARRY HTS PN

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[redacted] SECTION 02 OF 02 GUATEMALA 10670

E.O. 12356 DECL: OADR
TAGS: PHUM, GT
SUBJ: UPDATE ON MISSING RAFAEL LANDIVAR UNIVERSITY

YEARS IN GUATEMALA WITHOUT A PROBLEM. HE CLAIMED THAT THE UNIVERSITY STEERS CLEAR OF POLITICS AND MAKES SURE LOCAL CIVILIAN AND MILITARY AUTHORITIES ARE WELL BRIEFED ABOUT EXTENSION WORKER ACTIVITIES. HE SAID THE THREE MISSING WORKERS WERE "CLEAN", AND COULD NOT IMAGINE WHAT WOULD HAVE PROVOKED SOMEONE TO TAKE SUCH DRASTIC ACTION AGAINST THEM. HE ACKNOWLEDGED THAT THE THREE WERE FROM PATZUN, AND THAT PATZUN HAS SUFFERED AN "EPOCH OF VIOLENCE". HOWEVER, HE INSISTED THAT NONE OF THE THREE WERE "MIXED UP" IN THE PROBLEMS AROUND PATZUN, AND THAT THE MERE FACT THAT THE THREE WERE FROM THAT TROUBLED VILLAGE WAS NO "JUSTIFICATION TO TAKE THEM".

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PAGE 02 GUATEM 10670 02 OF 02 170114Z

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Department of State

INCOMING TELEGRAM

PAGE 01 SAN SA 14268 01 OF 07 042135Z 8525 ARA9511
ACTION SLPD-01

INFO FILE-01 ARA-04 PPC-01 DECP-01 ECP-01 RPP-02 OAS-01
PPA-01 SSE-01 DCEN-01 REG-01 ES-02 /017 A3 YC

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R 042122Z NOV 85
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 9839
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
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USAFSO HOWARD AFB PN//LAI//
RUEOSBA/24COMPW HOWARD AFB//DOI//

[redacted] SECTION 01 OF 07 SAN SALVADOR 14268

USIA FOR AR/CENTAM
S/LPD FOR OTTO REICH
GUATEMALA FOR MIKE EVANS

E.O. 12356: DECL: ODAR
TAGS: PGOV, ES, PHUM, PINR
SUBJECT: THE KIDNAPPED MAYORS TELL THEIR STORY...AND IT DOES NOT REFLECT WELL ON THE GOES

1. (C) SUMMARY. IN THE RASH OF PUBLICITY AND POLITICAL DAMAGE ASSESSMENTS SURROUNDING THE RECENT INES DUARTE KIDNAPPING, LITTLE ATTENTION HAS BEEN PAID TO THE 23 KIDNAPPED MAYORS WHO WERE RELEASED AS PART OF THE RANSOM PACKAGE. (NOTE: ARCHBISHOP RIVERA DAMAS ANNOUNCED IN HIS OCTOBER 27 HOMILY THAT TWO ADDITIONAL MAYORS, PLUS SEVEN MUNICIPAL WORKERS, REMAINED IN ERP HANDS IN VIOLATION OF THE PANAMA ACCORDS BETWEEN THE FMLN AND GOES, WITNESSED BY THE CHURCH, FOR THE RETURN OF ALL THE MAYORS.) ALTHOUGH DUARTE AND THE PDC HAVE POINTED TO THEIR RELEASE AS EVIDENCE OF GOES CONCERN FOR THEIR WELFARE, IT APPEARS THAT GOES OFFICIALDOM DID LITTLE FOR THEM FOLLOWING THEIR RELEASE -- IN MARKED CONTRAST TO THE PRESIDENTIAL-LED HOOPLA THAT CHARACTERIZED INES DUARTE'S RETURN. ANTONIO MORALES EHRLICH, MAYOR OF SAN SALVADOR AND PDC SECRETARY GENERAL, HAD BEEN CHARGED WITH LOOKING AFTER THE RETURNED MAYORS OF ALL PARTIES, BUT LEFT TOWN TWO DAYS AFTER THEIR RELEASE FOR A PREVIOUSLY-SCHEDULED TRIP TO EUROPE. NOR DID ARENA DO ANYTHING FOR THE TWO ARENA MAYORS AMONG THE RELEASED.

2. (C) POLOFFS HAVE SO FAR SPOKEN WITH THREE OF THE CAPTURED MAYORS AND THE WIFE OF ANOTHER WHOSE HUSBAND IS NOW BEDRIDDEN AT HOME WITH NO MEDICAL CARE. ALL OF THE MAYORS WITH WHOM POLOFFS SPOKE ARE FROM THE PDC WITH THE EXCEPTION OF ONE FROM PAISA. ONE, JORGE ARNULFO ESCALANTE, WAS CAPTURED IN CABANAS DEPARTMENT IN SEPTEMBER, APPARENTLY BY THE FPL. THE OTHERS WERE ALL TAKEN IN USULUTAN BY THE BRAZ (RAFAEL ARCE ZABLAH BRIGADE) -- PART OF THE ERP.

3. (C) UNIFORMLY, THE MAYORS WERE HELD BY SMALL BANDS WHICH WERE CONTINUOUSLY ON THE MOVE. THE LARGEST GROUP OF MAYORS HELD TOGETHER NUMBERED NO MORE THAN THREE. THE GUERRILLAS SEEMED TO RELY MOSTLY ON RUNNERS TO CONVEY MESSAGES, ALTHOUGH AT TIMES ONE OR TWO MAYORS SAW TACTICAL RADIOS BEING USED.

4. (C) FOLLOWING THEIR RELEASE, THE GOES DID VERY LITTLE FOR THEM. A CURSORY ATTEMPT WAS MADE TO PUT THEM UP IN HOTELS AND DECOMPRESS THEM, BUT THE MAYORS WANTED TO RETURN HOME AND THEY WERE NOT PRESSURED TO STAY. SOME RECEIVED A CASH PAYMENT OF 1,000 COLONES UPON RELEASE. THE ILL WERE GIVEN SOME INITIAL -- BUT NO FOLLOW-UP -- MEDICAL TREATMENT. SOME SHOULD HAVE BEEN HOSPITALIZED. ALL CLAIM THEIR FAMILIES DID NOT RECEIVE THEIR 200 COLONES A MONTH SALARIES DURING THEIR ABSENCE. ALL INTERVIEWED ARE DOUBTFUL THAT THEY WILL RETURN TO TAKE UP THEIR JOBS AS MAYORS. NO ONE IN THE GOVERNMENT OR MILITARY MADE ANY EFFORT TO DEBRIEF THE MAYORS FOR ANY INSIGHTS AS TO GUERRILLA MODUS OPERANDI, OR EVEN, IN FACT, TO ALLOW THEM THE CATHARTIC EXPERIENCE OF TALKING TO AN INTERESTED PARTY. IT SHOULD BE NOTED THAT, CONTRARY TO THE FMLN CLAIMS, THE INTERVIEWED MAYORS FROM USULUTAN SAID THEY NEVER SIGNED THE DOCUMENT -- DENOUNCING THE GOVERNMENT -- ATTRIBUTED TO THEM DURING THEIR CAPTIVITY. END SUMMARY.

5. (U) FOLLOWING ARE FIRST-PERSON TRANSCRIPTS OF THE KIDNAPPED MAYORS STORIES AS TOLD TO POLOFFS:

6. (U) JORGE ARNULFO ESCALANTE, MAYOR OF TEJUTEPEQUE, CABANAS (PDC)

I WAS KIDNAPPED THE NIGHT OF SEPTEMBER 19. I WAS WORKING LATE AT THE OFFICE AND ONE OF THE EMPLOYEES THERE APPROACHED ME WITH A GUN AND SAID "LET'S TALK."

Department of State IS/FPC/CDR El Salvador SP Date 9/17/93
Declassified under EO 12356 ( ) in full; ( ) in part;
portions withheld: classified ( ); deliberative ( );
law enforcement ( ); privacy ( ), statutory ( );
not relevant to El Salvador ( ).

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Special Project (1993)

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Department of State

UNCLASSIFIED INCOMING TELEGRAM

PAGE 01 SAN SA 14268 02 OF 07 042136Z 8711 ARA9536
ACTION SLPD-01

INFO FILE-01 ARA-04 PPC-01 DECP-01 ECP-01 RPP-02 OAS-01
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[redacted] SECTION 02 OF 07 SAN SALVADOR 14268

USIA FOR AR/CENTAM
S/LPD FOR OTTO REICH
GUATEMALA FOR MIKE EVANS

E.O. 12356: DECL:ODAR
TAGS: PGOV, ES, PHUM, PINR
SUBJECT: THE KIDNAPPED MAYORS TELL THEIR STORY...AND

ISN'T THAT WHAT WE'RE DOING?" I SAID. BUT HE SAID HE WANTED TO TALK IN PRIVATE AND TO FOLLOW HIM. WE WALKED FOR A WHILE UNTIL WE WERE OUTSIDE TOWN. THERE WE MET A GROUP OF GUERRILLAS WHO BLINDFOLDED ME, PUT ME ON A HORSE AND LED ME ABOUT FOR ABOUT A DAY UNTIL I COULDN'T RECOGNIZE THE PLACE.

7. (U) AFTER I WAS THOROUGHLY CONFUSED, THEY TOOK OFF MY BLINDFOLD AND FOR SIX WEEKS WE WALKED CONTINUOUSLY. EACH DAY WE WOULD WALK ABOUT 25 KILOMETERS TO A NEW LOCATION. I DIDN'T KNOW WHERE WE WERE, BUT SOMETIMES WE WERE IN CABANAS AND OTHERS IN CUSCATLAN. WE ALWAYS SLEPT IN THE OPEN AIR UNDER A PIECE OF PLASTIC THEY GAVE ME. THE FOOD CONSISTED OF WARM TORTILLAS AND SALT. MOST OF THE GROUP OF TEN THAT WAS GUARDING ME WERE ABOUT 15-17 YEARS OLD, WITH THE EXCEPTION OF THE LEADER WHO WAS ABOUT 30 AND APPEARED TO BE A CAMPESINO. EVERY WEEK THEY WOULD SEND A DOCTOR TO VISIT ME AND THE MAYOR OF EL PAISNAL, WHO WAS ALSO WITH US. HE WOULD GIVE US MEDICAL EXAMINATIONS AND MEDICATION FOR MALARIA. IT WAS SOMETIME DURING THIS PERIOD WHEN THE OTHER MAYOR TOOK ILL.

8. (U) WE NEVER SAW THE ARMY, BUT THE AIR FORCE WAS ALWAYS BOMBING US. ONCE A KIND OF AIRPLANE WITH A MACHINEGUN ON ONE SIDE WAS FIRING NEAR US, BUT THE GUERRILLAS KNEW JUST HOW TO HIDE THEMSELVES. ANOTHER TIME SOME KIND OF JET BOMBED SO CLOSE WE WERE SPRAYED WITH DIRT. IT WAS UNPLEASANT.

9. (U) THEY NEVER MISTREATED ME, BUT WE WERE CONSTANTLY WATCHED AND THERE WAS NO OPPORTUNITY TO ESCAPE. THEY DID NOT LIKE US TO TRY AND TALK WITH THEM. WE HAD TO WEAR THE SAME CLOTHES THE WHOLE TIME. FINALLY, WE WERE TOLD WE WERE ABOUT TO BE RELEASED. WE WERE TOLD TO WASH

SAN SA 14268 02 OF 07 042136Z 8711 ARA9536

OUR PANTS, SINCE THERE WERE NONE THAT THEY COULD GIVE US, AND THEY MARCHED US FOR A LONG DISTANCE TO A PLACE NEAR SUCHITOTO IN CUSCATLAN, AND WE WERE RELEASED.

10. (U) WE HAVE NET WITH NO HIGH LEVEL OFFICIALS AND THE MAYOR FROM EL PAISNAL IS SICK AND SHOULD BE IN THE HOSPITAL. BUT HE CAN'T AFFORD IT. WE HAVE BEEN IN THIS HOTEL FOR TWO DAYS AND WE HAVEN'T SEEN ANY OF THE OTHER MAYORS AROUND. I HAVE NOT RECEIVED MY BACK SALARY EITHER. I MAY CONTINUE AS A MEMBER OF THE PDC BUT I WON'T GO BACK AND BE MAYOR. THE GUERRILLAS ARE IN CONTROL THERE.

11. (U) EDUARDO ARGUETA CASTILLO, MAYOR OF ALEGRIA, USULUTAN (PDC).

ON MAY 7 AT 2:30 AM THEY KNOCKED AT THE DOOR OF MY HOUSE AND WHEN I ASKED WHO WAS THERE THEY ANSWERED "THE POLICE." THERE WAS NO LIGHT AND WHILE I WAS TRYING TO DRESS, THEY ORDERED ME TO OPEN THE DOOR, EVEN THOUGH I WAS NAKED. QUITE NERVOUSLY I OPENED THE DOOR. THEY SHINED A LIGHT IN MY FACE TO IDENTIFY ME. THEY ASKED IF I WAS THE MAYOR AND UPON CONFIRMING MY IDENTITY, THEY ORDERED ME OUT INTO THE STREET. IT WAS A GROUP OF ABOUT 20 MEN DRESSED AS CIVILIANS. THEY ASKED WHY I HAD ACCEPTED THE POSITION OF MAYOR, THAT THEY HAD SAID ON RADIO VENCEREMOS THAT THEY DIDN'T WANT ANYONE PARTICIPATING IN THE ELECTORAL FARCE, AND THAT IT WAS IMPOSSIBLE THAT I HADN'T HEARD. LATER THEY ORDERED ME TO ACCOMPANY THEM. THEY ALLOWED ME TO BRIEFLY ENTER THE HOUSE TO SAY GOODBYE TO MY CHILDREN AND MOMENTS AFTERWARDS I LEFT WITH THE GUERRILLAS.

12. (U) THEY BELONGED TO THE BRAZ (OF THE ERP). I KNEW THAT BECAUSE OF THE INSIGNIA THEY HAD ON THEIR RIFLES. WE WALKED TOWARD LA LAGUNA, AT THE FOOT OF MOUNT TECAPA

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Special Project (1993)

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Department of State

INCOMING
TELEGRAM

PAGE 01 SAN SA 14268 03 OF 07 #421237Z 8717 ARA9538
ACTION SLPD-01

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24COMPW HOWARD AFB//DOI//

[redacted] L SECTION 03 OF 07 SAN SALVADOR 14268

USIA FOR AR/CENTAM
S/LPD FOR OTTO REICH
GUATEMALA FOR MIKE EVANS

E.O. 12356: DECL:ODAR
TAGS: PGOV, ES, PHUM, PINR
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AND LEFT FOR SAN FRANCISCO JAVIER, TWO KILOMETERS TOWARD THE NORTH. I WAS BLINDFOLDED AND TIED DURING THE ENTIRE JOURNEY. WE ARRIVED AT THE FIRST CAMP AROUND 19:00 AND THEY TOLD ME TO GET UNDER A KIND OF TARP MADE OF PLASTIC WHICH I HAD TO ENTER CRAWLING ON MY STOMACH. THE RAIN FROM A STRONG STORM KEPT COMING IN AND THE ONLY WARMTH I HAD WAS FROM A PIECE OF CARDBOARD IN WHICH I WRAPPED MYSELF.

13. (U) THE FOLLOWING DAY WE WALKED FROM 08:00 UNTIL 12:00 WHEN THEY TOOK OFF THE BLINDFOLD. A FEW MINUTES LATER WE ARRIVED AT THE SECOND CAMP AND I COULD HEAR A RADIO THAT ONE OF THE GUERRILLAS WAS CARRYING ANNOUNCING MY CAPTURE. WHEN WE ARRIVED AT THIS PLACE THEY LEFT ME UNDER A MANGO TREE UNTIL 19:00, AND I WAS WATCHED BY SEVERAL MEN WHO CARRIED AR-15 RIFLES. LATER THEY TOOK ME TO ANOTHER PLACE ABOUT 200 METERS FROM THE MANGO TREE WHERE THEY LET ME SLEEP UNTIL 04:30 THE NEXT MORNING. WHEN I TRIED TO ASK THEM WHERE WE WERE THEY TOLD ME I SHOULDN'T ASK QUESTIONS. AFTERWARDS THEY TOLD ME QUITE POINTEDLY THERE WERE CERTAIN QUESTIONS I SHOULDN'T ASK SUCH AS, WHO WERE THE COMMANDERS, OR WHEN THEY WERE GOING TO SET ME FREE, BECAUSE, 'WE'LL LET YOU GO WHEN THE TIME IS RIGHT.' ON THE 11TH OR 12TH OF MAY I ARRIVED AT THE PLACE IN WHICH THE MAYOR OF TECAPAN (FRANCISCO AYALA) WAS BEING HELD. ON THE 15TH OF MAY THE MAYOR OF SAN DIONISIO (MANUEL DE JESUS ALEMAN) WAS ALSO BROUGHT TO US.

14. (U) IN GENERAL, EACH DAY THEY GAVE US DRIED OUT REFRIED BEANS AND TWO TORTILLAS. THE FIRST DAY I COULDN'T EAT BECAUSE I FELT DEMORALIZED. THE GUERRILLAS WERE CONSTANTLY TALKING ABOUT THEIR STRUGGLE FOR THE PEOPLE, AND WHEN I MENTIONED MY CHILDREN WERE SUFFERING AS A RESULT OF MY CAPTIVITY, ONE ANSWERED HE TOO HAD

SAN SA 14268 03 OF 07 #421237Z 8717 ARA9538

CHILDREN WHOM HE HADN'T SEEN IN SIX YEARS. WE WERE IN THAT PLACE FOR ABOUT 20 DAYS. NEITHER I NOR MY COMPANION MAYORS WERE ALLOWED TO SEE OUR FAMILIES, NOR PERMITTED A VISIT BY THE RED CROSS, AS WERE THOSE CAPTURED IN MORAZAN. I BELIEVE ALL OF THE GUERRILLAS WERE SALVADORANS, THE LEADERS WERE CONSTANTLY SAYING THE LAND WOULD SOON BE THEIRS. THE MAJORITY OF THE GROUP APPEARED TO BE CAMPESINOS. THEY CONSTANTLY DRUMMED IN THE FACT THAT NO ONE IS RICH BECAUSE THEY WORK FOR IT -- THE RICH SIMPLY INHERIT IT. THEY TOLD US WE WERE MOVING ON TO MORAZAN. WHEN WE ASKED WHERE, WE WERE TOLD "NORTH," AND THAT THERE WE WOULD BE SET FREE. DURING THIS TIME WE NEVER STAYED IN COVERED SHELTER; WE CONTINUED HAVING TO SLEEP UNDER PLASTIC. EACH NIGHT WE WERE KEPT IN A KIND OF OPEN AIR ENCLOSURE AND OUR SLEEPING PLASTIC WAS HELD DOWN WITH SEVERAL PIECES OF BAMBOO. WE WERE NEVER SUBJECTED TO ATTACK BY THE ARMED FORCES. ALL OF THE KIDNAPPED MAYORS THERE WERE PDC. THE PEOPLE MAKING UP THE GROUP OF TEN GUARDING US APPEARED TO BE FROM MORAZAN.

15. (U) I WAS AFFLICTED WITH SOME SORT OF STOMACH AILMENT DUE TO THE KIND OF FOOD WE GOT. ONE OF THEM NOTED THE SYMPTOMS AND LATER BROUGHT SOME MALOX AND BICARBONATE OF SODA. OWING TO THE GREAT QUANTITY OF MOSQUITOES, THEY GAVE US ARALEN TO PREVENT MALARIA. TWO OF THE MAYORS WERE BITTEN BY BATS AND GOT SOME ATTENTION FROM THEIR PARAMEDICS. PHYSICALLY THE GUERRILLAS WERE EMACIATED; IN TERMS OF MORALE, I CAN TELL YOU THAT WHEN THEY LISTENED TO RADIO VENCEREMOS, THEY BECAME QUITE ANIMATED AND IT RAISED THEIR MORALE TO LISTEN TO TRANSMISSIONS DESCRIBING THE NUMBER OF CASUALTIES THE FMLN HAD INFLICTED ON THE ARMY. I COULD HEAR BOMBING GOING ON 2 KILOMETERS FROM WHERE WE WERE. I BELIEVE THEY HAD SEPARATE CAMPS FROM WHICH THEY ACTUALLY FOUGHT.

16. (U) AFTER 17 DAYS IN THAT PLACE THEY TOLD US THEY

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INCOMING
TELEGRAM

PAGE 01 SAN SA 14268 04 OF 07 042138Z 8778 ARA9556

ACTION SLPD-01

INFO FILE-01 ARA-04 PPC-01 DECP-01 ECP-01 RPP-02 OAS-01
PPA-01 SSE-01 DCEN-01 REG-01 ES-02 /017 A2 YC

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DODE-00 H-01 MMO-01 NSC-01 ARA-00 NSAE-00 SY-00
HA-00 L-03 PM-10 PA-01 MCT-04 OMB-01 A-02
SP-02 SNP-01 PRS-01 SPD-01 /055 W

364315 042331Z /72

R 042122Z NOV 85
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 9842
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY MANAGUA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HEIGHTS PN
USIA WASHDC 5797
USAFSO HOWARD AFB PN//LAI//
24COMPW HOWARD AFB//DOI//

[redacted] SECTION 04 OF 07 SAN SALVADOR 14268

USIA FOR AR/CENTAM
S/LPD FOR OTTO REICH
GUATEMALA FOR MIKE EVANS

E.O. 12356: DECL:ODAR
TAGS: PGOV, ES, PHUM, PINR
SUBJECT: THE KIDNAPPED MAYORS TELL THEIR STORY...AND

WERE TAKING US NORTH. A LITTLE BEFORE WE REACHED THE PAN AMERICAN HIGHWAY, AROUND 24:00, THEY TOLD US WE HAD TO GO BACK. WE SLEPT IN THE OPEN AIR. THIS GUY BROUGHT US A BLANKET. THAT SUITED US FINE BECAUSE IT PROTECTED US FROM THE COLD. THE PROBLEM WAS WE ALL HAD TO USE IT. WE SOLVED THE PROBLEM IN THE FOLLOWING WAY: ONE WOULD USE IT UNTIL HE FELL ASLEEP, THEN THE NEXT WOULD TAKE IT IN TURN UNTIL ALL THREE OF US WERE ASLEEP. AT 17:00 WE STARTED THE MARCH AGAIN. THEY STOPPED US AT A CERTAIN POINT AND SENT OUT A PATROL OF SOME 20 GUYS TO CHECK THE NEIGHBORHOOD. LATER THEY TOLD US WE WERE SOON TO BE TURNED OVER TO THE GOVERNMENT.

17. (U) EARLIER WE HAD TALKED OF ESCAPE. HOWEVER, WE DECIDED NOT TO BECAUSE THE GUERRILLAS TALKED OF MINES NEARBY AND INDICATED THE AREAS WE SHOULD STAY OUT OF. I REMEMBER WE WERE IN A HIGH MOUNTAINOUS PLACE FROM WHICH WE COULD SEE THE HIGHWAY, BUT I WAS VERY DISORIENTED AND CAN'T LOCATE IT NOW.

18. (U) THE GUERRILLAS TALKED ABOUT CAPITALISM, HOW IT OPERATES IN EL SALVADOR, AND HOW THEY WOULD NOT PERMIT THE SAME CONDITIONS AS THE CAPITALISTS. THEY ASKED WHO WE THOUGHT WOULD LIBERATE US. I RESPONDED GOD. THEY SAID THE ONLY ONES WHO COULD HELP US WERE DUARTE OR THE FMLN. SOMETIMES THEY TRANSFERRED US BETWEEN CAMPS EVERY 15 DAYS; THE CAMPS WERE ALWAYS POORLY ORGANIZED. THERE WERE FEW WOMEN AND CHILDREN. ALTHOUGH THE AGES OF THE GUERRILLAS RANGED FROM 14-30 THERE WAS ONE GUY ABOUT 45. SOMETIMES THE GUERRILLAS WERE VERY SERIOUS, OTHER TIMES THEY TALKED WITH US ABOUT THE GOVERNMENT THAT HAD ABANDONED US, AND WAS DOING NOTHING FOR US. THEY TOLD US WE WERE INSTRUMENTS OF THE POC AND THAT THE POC WAS RESPONSIBLE FOR THE DEATHS OF 60,000 PEOPLE. WHETHER I RETURN AS MAYOR DEPENDS ON THE PARTY." PERSONALLY I'M A

SAN SA 14268 04 OF 07 042138Z 8778 ARA9556

LITTLE SCARED, BUT IF THE PARTY SO DECIDES, I WILL CONTINUE.

19. (U) THE DAY BEFORE WE WERE FREED THEY CAME AND CUT OUR HAIR AND GAVE US A SHAVE. THEY WANTED US TO BE IN TIP-TOP CONDITION. WHILE WE WERE PRISONERS WE HEARD OF THE CAPTURE OF INES DUARTE. WE ONLY GOT ONE PAIR OF BLUE JEANS ABOUT A MONTH AFTER WE WERE CAPTURED. RIGHT NOW I'M LIVING IN SANTIAGO DE MARIA. SO FAR I HAVEN'T WANTED TO GO BACK TO ALEGRIA (MY HOMETOWN). THE ONLY DOCUMENT I SIGNED WAS WHEN WE WERE TURNED OVER TO THE RED CROSS. NEITHER I NOR ANY OF THE OTHER MAYORS SIGNED ANY OTHER TYPE OF DOCUMENT WHILE WE WERE IN THE HANDS OF THE GUERRILLAS.

20. (U) JOSE MATIAS ALFARO, MAYOR OF JUCUARAN, USULUTAN (PAISA)

I ASSUMED MY POSITION ON MAY 5 AND WAS KIDNAPPED ON THE 13TH OF THE SAME MONTH. I HAD NEVER RECEIVED ANY THREATS AND EVERY DAY, AFTER CLOSING THE MAYOR'S OFFICE I WENT STRAIGHT HOME, WHERE I HAVE SEVERAL COWS. THE DAY OF MY KIDNAPPING ONE OF MY COWS ESCAPED, AND AS A RESULT I WENT OUT LOOKING FOR HER UNTIL I REACHED THE NEIGHBORHOOD OF THE HACIENDA LA CABANA, AROUND 08:00. BEFORE I COULD GO BACK TO THE OFFICE, I WAS FOUND BY THE GUERRILLAS WHO TOLD ME, "WHAT A COINCIDENCE, WE WERE JUST COMING TO GET YOU. YOU ARE COMING WITH US BECAUSE THE COMMANDER WANTS US TO TAKE YOU TO EL CASTANO." BECAUSE I HAD SOME BUSINESS IN EL TRANSITO, I TOLD THEM I COULDN'T GO ALONG. THEY TOLD ME THEY WOULD ONLY DETAIN ME FOR TWO HOURS. I AGREED AND THEY TOOK ME TO LA CABANA. I COULD SEE ON THE STOCKS OF THEIR RIFLES THE WORD "BRAZ."

21. (U) LATER WE LEFT FOR MOUNT AZUL, PASSING THROUGH

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INCOMING TELEGRAM

PAGE #1 SAN SA 14268 #5 OF #7 #42139Z 8721 ARA9541
ACTION SLPD-#1

INFO FILE-#1 ARA-#4 PPC-#1 DECP-#1 ECP-#1 RPP-#2 OAS-#1
PPA-#1 SSE-#1 DCEN-#1 REG-#1 ES-#2 /#17 A3 YC

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DODE-#8 H-#1 NMO-#1 NSC-#1 ARA-#8 NSAE-#6 SY-#6
HA-#8 L-#3 AMAD-#1 PM-1# PA-#1 HCT-#4 OMB-#1
A-#2 SP-#2 SNP-#1 PRS-#1 SPO-#1 /#56 W
-364327 #42328Z /66 38

R #42122Z NOV #5
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC #843
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY MANAGUA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HEIGHTS PN
USIA WASHDC 5798
USAFSO HOWARD AFB PN//LAI//
24COMPW HOWARD AFB//DOI//

[redacted] SECTION #5 OF #7 SAN SALVADOR 14268

USIA FOR AR/CENTAM
S/LPD FOR OTTO REICH
GUATEMALA FOR MIKE EVANS

E.O. 12356: DECL:ODAR
TAGS: PGOV, ES, PHUM, PINR
SUBJECT: THE KIDNAPPED MAYORS TELL THEIR STORY...AND

ANOTHER FINCA AND LATER TRAVELLED ALONG THE ROAD TO EL ESPINO. THERE WERE ONLY THREE GUYS, TWO RELATIVELY YOUNG AND THE THIRD ABOUT 30, FAT AND SHORT. WHEN WE ARRIVED AT THE PLACE, THE COMMANDER WAS THERE AND TOLD ME HE HAD BEEN EXPECTING ME. HE INTERROGATED ME AND LATER TOLD ONE OF THE OTHERS TO TAKE ME AWAY. THEY TOOK ME WITH THEM AND OFFERED ME A SOFT DRINK AND SOME BREAD, BUT I DIDN'T WANT TO EAT. THEY INSISTED I TAKE SOMETHING EVEN IF ONLY THE SOFT DRINK. LATER THEY BROUGHT TWO TORTILLAS, A SCRAMBLED EGG AND BEANS, BUT I STILL WASN'T HUNGRY AND THEY TOLD ME THAT I WOULD SOON WISH I HAD EATEN.

22. (U) ABOUT 18:00 OF THE SAME DAY ANOTHER GUY ARRIVED AND HE SAID HE WOULD BE STAYING WITH US FOR SOME EIGHT DAYS. HE ALSO TOLD US THAT THE PDC HAD WON (THE MARCH 31 ASSEMBLY AND MUNICIPAL COUNCIL ELECTIONS) AND THAT I HAD ONLY BEEN USED. I WAS A NATURAL LEADER OF THE COMMUNITY AND I DIDN'T HAVE TO BE ORDERED AROUND BY THE DUARTE GOVERNMENT. THEY TOLD ME THEY WERE GOING TO READ ME "PLAN 1000" WHICH GAVE AN EXAMPLE OF HOW THE GOVERNMENT LEADS EVERY MUNICIPAL EMPLOYEE AROUND BY THE NOSE. AFTER THEY READ IT THEY TOLD ME TO READ IT AGAIN. I TOLD THEM I COULDN'T WITHOUT MY GLASSES. ONE OF THEM READ IT AGAIN.

23. (U) AROUND 19:00 ANOTHER GROUP ARRIVED AND THEY TOOK ME TOWARD TECAPAN ALONG A DIRT ROAD. THREE GUYS WERE OUT IN FRONT AND TWO OR THREE OTHERS BEHIND. WE WALKED IN THE DARK, TURNING ON THE BATTERIES ONLY WHEN WE CROSSED STREAMS. WE ARRIVED AT AN UNKNOWN SITE ABOUT 12:00 AND THEY LEFT ME UNDER A TREE WHERE THERE WAS AN ENORMOUS SWARM OF MOSQUITOES. AFTERWARDS THEY BROUGHT ME SOME TORTILLAS AND RICE, BUT I WASN'T HUNGRY. THEY TOLD ME TO STOP FOOLING AROUND AND EAT, BUT I TOLD THEM

SAN SA 14268 #5 OF #7 #42139Z 8721 ARA9541

I WAS VERY WORRIED ABOUT MY FAMILY. TWO DAYS LATER I ATE A LITTLE.

24. (U) IN THE AFTERNOON A COMANDANTE ARRIVED (I DON'T KNOW HIS NAME) TALL, SKINNY, AND TOLD ME NOT TO WORRY BECAUSE THEY HAD TO MAKE THE POLITICAL SITUATION CLEAR TO THE GOVERNMENT AND THEY HAD ORDERS FROM THE COMMANDER OF THE FMLN TO HOLD ME UNTIL THEY ARRIVED AT AN AGREEMENT WITH DUARTE. THEY GAVE ME A BLANKET AND A HAMMOCK. I DON'T KNOW WHERE ALL WE WANDERED BECAUSE WE ONLY MOVED AT NIGHT. THAT NIGHT FOR INSTANCE, WE WALKED FOR THREE HOURS ACROSS COUNTRY THROUGH OPEN FIELDS AND HIGH GRASS. YOU COULD SEE LOTS OF TREES SUCH AS CASHEW AND LEMON. THEY GAVE ME COFFEE AND LEMONADE. WHEN WE STARTED THERE WERE 5 GUYS, LATER THERE WERE 8. AFTER 8 DAYS THREE OTHER GUYS JOINED US. THEIR FUNCTION WAS TO FIND FOOD. I'M SURE THEY ALL COME FROM THE AREA AROUND JUCUARAN, USULUTAN. THEY HUNG A HAMMOCK FOR ME TO SLEEP IN AND THEY SLEPT ON THE GROUND.

25. (U) SOMETIMES WE SPENT EIGHT DAYS IN THE SAME PLACE, BUT WE NEVER WENT NEAR HOUSES, ALTHOUGH WE COULD HEAR ROOSTERS CROWING. NOR DID WE EVER RUN INTO THE ARMY. WE HEARD AIRPLANES GOING TOWARD MOUNT MOMO OR JUCUARAN. THEY TOLD ME THEY WERE GOING TO SET ME FREE, BUT IF I WENT BACK TO BEING MAYOR THERE WOULD BE PROBLEMS AGAIN. I FOUND OUT I WAS TO BE FREED THE DAY BEFORE.

26. (U) THE DAY I WAS FREED THEY GOT ME UP AT #4:#0, AND WE WALKED THROUGH A HACIENDA, BUT I DON'T KNOW THE NAME. WE WALKED FROM #4:#0 UNTIL #8:#0, ARRIVING AT A PLACE ABOUT WHICH I KNEW VERY LITTLE CALLED EL TALPETATE, WHERE WE WAITED FOR ANOTHER GUY. LATER WE WALKED TOWARD A RAVINE AND THEY TOLD ME NOT TO MAKE NOISE BECAUSE MANY PEOPLE GATHERED WATER THERE. THIS WAS THE ONLY TIME THEY TOOK ME OUT DURING DAYLIGHT, IN ORDER TO GET TO EL JOBO. AFTER LEAVING EL JOBO, WE

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Special Project (1993)

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Department of State

INCOMING
TELEGRAM

PAGE 01 SAN SA 14268 06 OF 07 042140Z 8786 ARA9558
ACTION SLPD-01

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PPA-01 SSE-01 OCEN-01 REG-01 ES-02 /917 A2 YC

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DODE-00 H-01 MMO-01 NSC-01 ARA-00 NSAE-00 SY-00
HA-00 L-03 PM-10 PA-01 MCT-04 OMB-01 A-02
SP-02 SNP-01 PRS-01 SPO-01 /055 W
364365 042332Z /72

R 042122Z NOV 85
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 9344
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY MANAGUA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HEIGHTS PN
USIA WASHDC 3799
USAFSO HOWARD AFB PN//LAI//
24COMPW HOWARD AFB//DOI//

[redacted] SECTION 06 OF 07 SAN SALVADOR 14268

USIA FOR AR/CENTAM
S/LPD FOR OTTO REICH
GUATEMALA FOR MIKE EVANS

E.O. 12356: DECL:ODAR
TAGS: PGOV, ES, PHUM, PINR
SUBJECT: THE KIDNAPPED MAYORS TELL THEIR STORY...AND

PASSED THROUGH OJO DE AGUA, EL AMBRE AND THE CANTON OF GUADALUPE, WHERE I WAS MET BY THE RED CROSS. I SIGNED A DOCUMENT AND LATER THE RED CROSS ASKED A PRIEST TO SIGN THE DOCUMENT. SOME OF THE GUERRILLAS WERE DRESSED IN CIVILIAN CLOTHES AND OTHERS IN MILITARY UNIFORMS. THERE WAS ONLY ONE WOMAN IN THE GROUP, TALL AND FAT. SOMETIMES THE GROUP STAYED TOGETHER FOR TWO OR THREE DAYS. THE COMMANDER KNEW HOW TO READ AND WRITE. THERE WERE DAYS WHEN THEY WERE UNPLEASANT AND OTHERS WHEN THEY WERE QUITE FRIENDLY. I COULD SEE THAT AMONG THEIR WEAPONS THEY HAD M-16S. THE COMMANDER CARRIED A WEAPON THAT HAD A WOODEN STOCK. THIS GUY WAS TALL AND SKINNY. THEY PLAYED CARDS TO KEEP ME ENTERTAINED. THEY DID NOT USE ALCOHOL. THEY WERE AFRAID OF MALARIA BECAUSE OF THE LARGE NUMBER OF MOSQUITOES WHEREVER WE WENT. THEY GAVE ME ARALEN. I TOLD THEM ABOUT MY HEART CONDITION AND ON TWO OCCASIONS THEY GAVE ME SOME SORT OF INJECTION.

27. (U) I WAS NOT PAID DURING THE TIME I WAS KIDNAPPED. AFTER MY RELEASE, I TRIED TO GET IN TOUCH WITH PAISA PRESIDENT ROBERTO ESCOBAR GARCIA. HE COULDN'T COME TO THE PHONE, BUT HE SENT A MESSAGE SAYING HE WANTED TO TALK WITH ME. (DURING MY CAPTIVITY) MY WIFE WENT LOOKING FOR ME TWO TIMES EVEN THOUGH SHE DIDN'T KNOW WHERE TO FIND ME. NEVERTHELESS, SHE FOUND SOME GUERRILLAS NEAR EL SAUCE AND THEY TOLD HER THAT I WAS ALL RIGHT, BUT SHE COULDN'T COME TO SEE ME.

28. (U) THE WIFE OF FRANCISCO NELSON AYALA -- MAYOR OF TECAPAN, USULUTAN (PDC)

MY HUSBAND HAS A BAD CASE OF NERVES BECAUSE OF THE STRESS OF HIS CAPTIVITY. HE WAS BITTEN IN THE FOOT BY A BAT WHILE WITH THE GUERRILLAS. ON THE DAY HE WAS SET

SAN SA 14268 06 OF 07 042140Z 8786 ARA9558

FREE, HE WAS RECEIVED IN USULUTAN BY THE PDC. THE PARTY GAVE HIM MEDICAL TREATMENT AND BOUGHT HIM SOME MEDICATION. NEVERTHELESS, HE IS STILL IN BED AND NO ONE SEEMS TO CARE.

29. (U) HE WAS KIDNAPPED MAY 11, 1985, AND WAS KEPT IN THE SAME PLACE AS THE MAYOR FROM ALEGRIA. WHILE MY HUSBAND WAS KIDNAPPED, I WENT TO THE ICRC AND THE GOVERNMENT HUMAN RIGHTS COMMISSION IN SAN MIGUEL, BUT THEY WERE UNABLE TO DO MUCH TO HELP ME. I ALSO WENT TO THE 6TH BRIGADE (IN USULUTAN) AND FINALLY THE LEGISLATIVE ASSEMBLY ON THE INSTRUCTIONS OF DR. LUIS HIDALGO, A PDC DEPUTY FROM USULUTAN. ONE OF THE DEPUTIES AT THE ASSEMBLY GAVE ME A JOB RECOMMENDATION TO GET WORK WITH THE IRA (THE GOVERNMENT-RUN FOODSTUFF REGULATORY AGENCY). ING. NAVAS OF IRA GAVE ME A JOB WITH THE IRA IN USULUTAN. I WAS THUS ABLE TO SUPPORT MYSELF, MY TWO CHILDREN, AND MY MOTHER-IN-LAW WITH THE EARNINGS FROM THIS JOB.

30. (U) I NEVER RECEIVED MY HUSBAND'S SALARY WHILE HE WAS KIDNAPPED. MY HUSBAND RECEIVED A NOTE ON THE DAY OF HIS KIDNAPPING WHICH MADE HIM NERVOUS. HE DIDN'T TELL ME WHAT THE NOTE WAS ABOUT. I LEFT HOME TO GO TO TECAPAN AND, WHEN I RETURNED HE WAS GONE. MY HUSBAND DID NOT KNOW HE WAS GOING TO BE RELEASED UNTIL THE DAY BEFORE. I FOUND OUT THE DAY HE WAS SET FREE.

31. (C) COMMENT. THE INDIFFERENT GOES TREATMENT OF THE RELEASED MAYORS WILL BE NOTICED BY THEIR COLLEAGUES WHO WERE NOT KIDNAPPED. LOST IN THE HUBBUB AND MEDIA CELEBRATION SURROUNDING THE RETURN OF THE PRESIDENT'S DAUGHTER WAS THE ALMOST HUSHED RETURN OF THE MAYORS, FOR WHOM NO CELEBRATION WAS HELD AND FOR WHOM THERE WAS NO OFFICIAL RECOGNITION OF THEIR LONG CALVARY. THE MAYORS MUST ALSO BE PONDERING THE SOBERING THOUGHT THAT, PRIOR TO INES' KIDNAPPING, THE

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Special Project (1993)

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INCOMING
TELEGRAM

PAGE Ø1 SAN SA 14268 Ø7 OF Ø7 Ø42140Z 8729 ARA9542
ACTION SLPD-Ø1

INFO FILE-Ø1 ARA-Ø4 PPC-Ø1 DECP-Ø1 ECP-Ø1 RPP-Ø2 OAS-Ø1
PPA-Ø1 SSE-Ø1 DCEN-Ø1 REG-Ø1 ES-Ø2 /Ø17 A3 YC

INFO LOG-ØØ COPY-Ø1 ADS-ØØ AID-ØØ INR-1Ø SS-ØØ CIAE-ØØ
DODE-ØØ H-Ø1 MMO-Ø1 NSC-Ø1 ARA-ØØ NSAE-ØØ SY-Ø6
HA-Ø8 L-Ø3 AMAD-Ø1 PM-1Ø PA-Ø1 MCT-Ø4 OMB-Ø1
A-Ø2 SP-Ø2 SNP-Ø1 PRS-Ø1 SPD-Ø1 /Ø56 W
364370 Ø42321Z /66 38

R Ø42122Z NOV 85
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 9845
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY MANAGUA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HEIGHTS PN
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USAFSO HOWARD AFB PN//LAI//
RUEOSBA/24COMPW HOWARD AFB//DOI//

[redacted] SECTION Ø7 OF Ø7 SAN SALVADOR 14268

USIA FOR AR/CENTAM
S/LPD FOR OTTO REICH
GUATEMALA FOR MIKE EVANS

E.O. 12356: DECL: ODAR
TAGS: PGOV, ES, PHUM, PINR
SUBJECT: THE KIDNAPPED MAYORS TELL THEIR STORY... AND

GOES MADE NO ATTEMPT TO NEGOTIATE THEIR RETURN. IT WAS ONLY AFTER THE CAPTURE OF INES THAT THE QUESTION OF NEGOTIATING THEIR RELEASE AROSE. THESE INDIVIDUALS ARE; AFTER ALL, ON THE FRONT LINES -- QUITE LITERALLY -- OF GOES EFFORTS TO BRING REPRESENTATIVE DEMOCRACY TO THE CAMPO. WE WILL BE WATCHING CLOSELY THE REACTION OF MAYORS SUCH AS PDC MAYOR MIGUEL ANTONIO MELGAR DERAS IN THE EMBATTLED MUNICIPALITY OF SUCHITOTO, WHOSE COMMITMENT TO THE GOES IS ALREADY TENUOUS, AND WHOSE VIEW IS THAT LOYALTY TO FAMILY AND A BELEAGUERED COMMUNITY COME BEFORE "NATIONAL INTERESTS."
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BY: 0664393

THE WHITE HOUSE

REPORT ON NICARAGUA

November 6, 1985

MORI DocID: 754607

HUMAN RIGHTS ISSUES

The Nicaraguan Democratic Resistance

The Sandinista regime's intolerance of dissent has resulted in a growing democratic resistance movement in Nicaragua. The most prominent leaders of this movement also had been leaders of democratic sectors in the broad coalition which eventually overthrew Somoza. They were forced into opposition by the Sandinistas' betrayal of the promise of a pluralistic system, one of the principle goals for which the 1979 revolution was fought. Refusing to pursue internal reconciliation, the Sandinistas instead have taken increasingly repressive measures to silence the democratic opposition and consolidate a totalitarian system. As a result, Nicaraguans from all walks of life in increasing numbers have felt compelled as a last resort to take up arms against the regime. Today, the democratic resistance has approximately 18,000 men and women under arms and shows every indication of continuing to grow in strength.

Resistance forces have been charged by the Sandinista regime with a wide range of human rights abuses, from forced recruitment to rape and summary execution. These allegations have received broad coverage in the government-owned media and have been disseminated abroad through international human rights organizations and foreign groups active in Nicaragua and sympathetic to the Sandinista regime. Many of these allegations are either false or greatly distorted. Others, including instances of forced recruitment and summary execution of military prisoners, or in certain cases, Sandinista officials and regime informers, are likely to have occurred. It is also clear that individual soldiers in the course of combat have committed random abuses or atrocities. Such violations are unacceptable, and resistance leaders are keenly aware of the absolute necessity of improving the performance of their troops in this area. The principal resistance group, the United Nicaraguan Opposition (UNO), has taken measures to address these problems.

As in any civil war, there has been a serious lack of reliable information on human right abuses which occur in isolated combat zones. While UNO has begun to record instances of abuse by its personnel, as well as remedial or punitive measures taken in response, such information was not in the past collected on a regular basis.

Heretofore, the only regularly received information on alleged resistance violations has come from Sandinista sources. These allegations have been obviously biased, at best

MORI DocID: 754607

grossly exaggerated and often simply false. This conclusion is supported by local residents in communities where atrocities allegedly have been committed, and by the testimony of Sandinista defectors who were directly involved in implementing official policy. A key element in the Sandinista campaign has been the fabrication of charges of human rights abuses and, in some cases, attributing to the resistance atrocities actually committed by Sandinista forces. The following cases illustrate these tactics:

-- In a May 1985 interview at a Nicaraguan refugee camp in Honduras, during which information was sought concerning resistance abuses, one woman related that Sandinista troops had executed seven farmers in her home village after an attack by the resistance. The farmers were considered resistance sympathizers by the authorities. The murders were publicly attributed to the resistance. The true facts were later circulated by residents who had witnessed the killings.

-- In a complaint filed through his mother in the summer of 1985 with the independent Permanent Commission on Human Rights, a Sandinista soldier stated that he had been severely pressured by military authorities to issue statements claiming he had been abused while held captive by the resistance. He said that, in fact, although he had been exposed to resistance political views, he had been very well treated and given medical assistance. He was asked if he wanted to join the resistance, but when he refused was escorted some distance from the camp and released. The soldier refused to make the statements sought, and was then beaten badly and turned over to State Security. The soldier stated that he had been warned that he would be held in jail until he cooperated with the authorities.

-- A Sandinista Army deserter, now fighting with the resistance, said he decided to go over to the other side when his unit carried out orders to execute two campesinos specifically for the purpose of blaming yet another atrocity on the "contras."

-- According to those on the scene, a government press story that FSLN and neighborhood defense committee members had been brutally murdered in a "contra" attack on Cuapa August 1 was essentially false. Witnesses said the engagement was strictly military to military, and left a number of Sandinista soldiers dead. There were no civilian casualties. Following the fight, the resistance troops held a town meeting

MORI DocID: 754607

with residents, after which they left. There was no basis for press reports that the "contras" had not only murdered innocent civilians, but skinned their faces. ~~and~~ It appears that the Sandinistas mutilated the bodies of some of their own casualties to substantiate such a charge.

The incidents cited above represent cases where available information suggests that the facts have been distorted by the Sandinista regime. In most instances, however, it is not possible to confirm or deny allegations presented by the regime, a situation that should be partially remedied by more complete information being collected by UNO.

There is reason to believe that the resistance has in the past abducted civilians. Statements from a number of sources who have themselves been taken by the resistance indicates a pattern in which civilian prisoners, under reasonably humane circumstances, are exposed to "political indoctrination" (i.e. lectures on resistance goals, abuses of authority by the Sandinistas, etc.), given food and medical treatment, and offered one of three choices: joining with the resistance; accepting refugee status in another country; or returning to their homes.

An example is provided in the case of seven members of Sandinista "education brigades" -- squads of young adults who provide basic education in rural areas -- who were taken prisoner by the resistance at various times and places. Rather than return home, they have chosen to remain with the armed opposition. In letters sent to their families through the Red Cross in April 1985, the former brigadistas speak openly of their opposition to the policies of the Sandinista regime, and their desire to see a free and democratic Nicaragua. Several of them also reject vociferously allegations of opposition abuses. The Sandinistas continue to use the "kidnapping" of these and other brigadistas in propaganda charges against the resistance.

There have been civilian casualties from resistance attacks, in some cases as a direct result of the Sandinista policy of placing civilians in situations in which they are likely to be endangered during attacks on legitimate military targets. This was true, for example, in the July 1985 deaths of eight women who were being transported in a military vehicle to the front to visit their sons.

There is no reliable information to confirm that military prisoners have been executed by resistance forces, although it is possible that such executions have occurred. Summary executions are clearly contrary to accepted rules of conflict, and are inexcusable regardless of the circumstances contributing to the practice.

MORI DocID: 754607

Since its establishment in June 1985, UNO has taken steps to prevent human rights violations by establishing an office of human rights to educate troops on the correct conduct towards both civilians and prisoners of war, and has created a "red cross" society to promote the humane treatment of military prisoners. Arturo Cruz, a member of the UNO Directorate, has been assigned special responsibilities for overseeing measures to promote respect for human rights by UNO forces. Ismael Reyes, the former President of the Nicaraguan Red Cross, has been named head of the UNO Human Rights Commission. In establishing its informal "red cross" society, UNO leaders have emphasized in communications with the International Committee of the Red Cross the organization's intent to abide by the provisions of the Geneva Convention of 1949, in particular those regarding the humanitarian treatment of prisoners, enemy wounded and civilians.

UNO has provided the Red Cross lists of enemy prisoners and dead. It has also provided the Red Cross information regarding persons reported missing, and forwarded letters from enemy prisoners. UNO has also invited the Inter-American Commission on Human Rights to send a representative to observe the conduct of its forces in the field.

To ensure that its forces are well versed in accepted human rights practices, UNO has distributed widely among its troops a "Manual of the Combatant," which emphasizes humane treatment of enemy prisoners and wounded and respect for the property and well-being of innocent civilians. A "Code of Conduct" for internal discipline, which has also been widely disseminated, sets forth specific punishments for criminal acts, including crimes against civilians, and for mistreatment of enemy prisoners.

A recent report written by the Director of the UNO/FDN Commission of Human Rights reviews twenty-one cases in which members were charged with crimes ranging from theft to homicide. About twenty UNO/FDN combantants are reported currently held in detention facilities at resistance camps serving sentences imposed under the "Code of Conduct." There are reports that UNO is currently attempting to arrange a prisoner exchange with Sandinista authorities. Under the auspices of the local Red Cross, Sandinista prisoners have on several occasions been turned over to third-party authorities who arrange for their return home. It is also possible to confirm that at least some military prisoners, such as the Sandinista soldier mentioned earlier, are held under humane conditions.

MORI DocID: 754607

Resistance members have also been expelled from the movement for criminal actions which may have involved human rights abuses. In one instance, sixty men were expelled, suggesting an entire unit's involvement in criminal activity. The punitive measures taken against such criminals and the efforts underway to improve the resistance record, including disciplinary measures applied under the "Code of Conduct," clearly indicate, however, that it is not the policy of the resistance to engage in such violations.

The Sandinista Government

On October 15, Daniel Ortega announced a new state of emergency suspending virtually all civil liberties in Nicaragua. The decree signaled an escalation in the assault on basic freedoms, providing further legal underpinning to the consolidation of a totalitarian regime. The 1982 state of emergency was partially lifted in 1984 as part of pre-election atmospherics; in reality, the policy of intolerance towards dissent continued in force through arbitrary arrests, detentions, and interrogations and the forcible disruption of religious, political, private sector, and labor activities. The new decree suspends the following rights and freedoms:

-- freedom of expression;

-- freedom of the press;

-- the right of assembly;

-- the right to trial by jury;

-- the right to be considered innocent until proven guilty;

-- the right of habeas corpus;

-- freedom from arbitrary imprisonment;

-- freedom of movement;

-- the right to form labor organizations and to strike;

-- the right to found and advance community, rural and professional organizations; and

-- the right to found and advance cooperatives.

MORI DocID: 754607

It was subsequently clarified in the National Assembly on October 30 that certain rights remain in effect -- the right to a jury, the right to an attorney, and the right to habeas corpus -- but these rights are available only to those not accused of crimes against "the security of the nation and public order." The decision as to what constitutes a crime against national security or public order clearly rests with the government, and it is apparent that ordinary political and civic activities are being placed in that category.

The Sandinistas have offered several rationales for the further oppression of the Nicaraguan people, among which they include the need to protect the public against the armed resistance. There would seem to be a striking inconsistency in attempting to close ranks against an enemy -- particularly one whose defeat is imminent, according to the regime -- by launching an assault on the public at large. Analysis of the rising level of domestic unrest in the months preceding the announcement suggests that the actual motive was a sense that diminishing public support for regime policies had reached a dangerous level.

It is also abundantly clear that the crackdown was particularly directed at the Nicaraguan Catholic Church, traditionally one of the strongest institutions in Nicaragua. The October 15 decree followed a series of Sandinista actions against the Catholic Church, including the forced induction of eleven youths preparing for the priesthood, armed raids on the broadcasting facilities of Radio Catolica and disruption of transmissions of Cardinal Obando y Bravo's homilies, confiscation of a newly-published Church newspaper and seizure of the printing equipment used in its publication, and occupation of the Church Curia Social Services offices. The authorities have now intensified the attack on not only the Church -- some of the most prominent leaders of which have been vilified as counterrevolutionaries in the government press -- but on virtually all other sectors of the opposition.

Agents of State Security have rounded up leaders of political, private sector, labor, and Church organizations, subjecting them to interrogations and threatening further action should they fail to observe the new prohibitions. One labor group, the Nicaraguan Workers Central (CTN) -- associated with the Social Christian Party -- has been closed down and three of its officials arrested and interrogated; political leaders have been warned against the issuance of public statements or holding of political meetings; and thousands of worshippers have been prevented by force from attending masses given by Cardinal Obando. Over a hundred persons have been rounded up and paraded as the centerpiece in the Sandinista campaign against the "internal front," another justification offered by the Sandinistas for their actions against the public. The policies now in force are clear evidence of the regime's totalitarian goals, and underscore the growing level of popular alienation from the regime.

MORI DocID: 754607

A sinister backdrop to these actions has been provided by the revelations of a recent Nicaraguan defector, Jose Alvaro Baldizon. The former chief investigator of the Special Investigations Commission, an immediate subordinate to Interior Minister Tomas Borge, Baldizon has offered detailed information, as well as supporting documents, indicating that the Sandinista regime engages in massive violations of human rights as a matter of policy. According to investigations carried out by Baldizon himself, the regime has sanctioned the summary execution of hundreds of Nicaraguans perceived to be "potential enemies of the revolution."

Specific cases investigated by Baldizon concern the application of "special measures" (execution) to 150 Miskito Indians, 300 campesinos, religious activists, and political opponents. The most well-known of the Sandinistas' victims was Jorge Salazar, former vice president of the Superior Council of Private Enterprise (COSEP), who was gunned down by State Security in 1980. Baldizon stated that weapons were placed in Salazar's vehicle after he was killed to lend credence to the charge that Salazar was planning armed insurrection in Managua. Baldizon further states that the policy of assassination has now been codified in a strict and highly-secret system of regulations governing the selection and execution of "potential enemies," authorization for which must be obtained in writing from Interior Minister Borge or his first deputy, Luis Carrion.

Baldizon's charges do not stand alone. They are complemented by a considerable body of information concerning Sandinista atrocities, some of which confirms the specific cases cited by Baldizon. The following cases represent only a small part of the information available on such abuses:

-- On April 16, 1985, forces of the armed resistance attacked the Atlantic Coast town of Bluefields, during the course of which they freed prisoners held at the local garrison. While some of those freed fled with the resistance when the Sandinistas counterattacked, about 20 unarmed youths took shelter under a building. The Sandinista Army took the prisoners into custody. Town residents testify that the bodies of all of the youths were subsequently seen in a pile of "contra" corpses put on display as an example to local residents.

-- The Sandinistas have carried out extensive mining of border areas and around villages vacated at their orders. Although the ostensible purpose of the mining is to deny use to resistance forces, in fact many of the victims have been persons fleeing to the

MORI DocID: 754607

safety of Honduras. Indian villages in Mosquitia were similarly mined, and Indian guerrillas have stated that at least six persons have been killed by the mines when returning to their homes under Sandinista auspices.

-- According to a complaint filed with the Sandinista-sponsored human rights commission, several persons at the Carcel Modelo at Tipitapa went on a hunger strike in January 1985 to protest their continued detention on charges of which they were innocent and the conditions under which they were being held. As a result, they were brutally beaten, tortured, and held in isolation. There are other reports of mass executions of prisoners, including eight who headed an uprising at the Zona Franca prison in 1981.

-- Another complaint, filed with the independent Permanent Commission on Human Rights, relates the torture of Sofonios Cisneros Leiva, a 60-year old engineer and community leader, at State Security facilities. Cisneros was arrested late at night following a meeting he organized to discuss parental concerns over the Marxist indoctrination of their children. Cisneros was tortured by Lenin Cerna, head of State Security, who threatened to kill Cisneros, warned him to remain silent concerning his arrest, and had him dropped off naked on the Masaya highway.

-- According to residents in several villages, Sandinista troops have conducted deliberate attacks on civilians in order to attribute the atrocities to the resistance. For example, in March 1985 a hand grenade was thrown by Sandinista troops into a house at Los Cerritos, killing a husband and wife and their two children. In other cases, the forcible relocation of families from areas of popular support for the resistance has been accompanied by the burning of family homes and possessions, slaughter of livestock, and physical brutality against those reluctant to depart. There have been reports that persons who have refused to leave have been shot as an example to others. Resistance forces frequently report the use of indiscriminate fire by the Sandinistas in counterattacks, leading to the deaths of numerous civilians.

-- A Nicaraguan employee of the United Nations, Javier Ivan Blandon, disappeared while on a visit to Managua in January 1985. We understand he had come into

MORI DocID: 754607

conflict with the Sandinistas over his travel documents. Blandon's body was later returned to his family in a sealed coffin, with the official explanation that he had been killed in an Air Cubana crash. His name was on a passenger list shown to the family. Baldizon states that Blandon was murdered by State Security, and that the cooperation of the Cubans was enlisted in having his name added to the passenger list of a recent airline crash.

-- Martha Lidia Murillo Vallejo, a nine-year old from Jinotega, related to Honduran authorities that her father was shot by the Sandinista military in November 1984 while he and the family were picking coffee. The reason: he had refused to join the military. The rest of the family, including children, fled from the scene and were also killed. Martha escaped and hid with her uncle, who later took her to the Honduran border. There he was shot by Sandinista soldiers, and Martha was bayoneted in the neck. When she regained consciousness, she was hit in the head with a rifle butt and left for dead. She was found by resistance forces, who carried her to a nearby home. The facts of the massacre were confirmed by an official from Jinotega.

-- In July 1985, Sandinista soldiers near San Isidro reportedly tortured to death Ismael Cantarero because he refused to join the Patriotic Military Service. Cantarero's hands and feet were cut off.

Although the incidents related above represent only a fraction of the evidence available concerning the deliberate, ruthless violation of basic human rights by the Sandinistas, there has been remarkably little publicity given to these abuses. Indeed, several reports from private human rights organizations and activists either ignore entirely Sandinista abuses or dramatically understate the significance of those abuses. Statements by Baldizon and other Sandinista defectors indicate that this imbalance is at least partially a result of a skillful, highly-organized official disinformation program.

Mateo Guerrero, a former Executive Director of the Sandinista-sponsored human rights commission (CNPPDH) who has received asylum in the United States, has publicly discussed the way in which that organization has evolved into a propaganda tool for the regime. While the CNPPDH has always faced serious restrictions on its ability to investigate allegations of official abuses, in January 1985 CNPPDH was specifically ordered by the Foreign Ministry to cease any further efforts to do so. Guerrero further states that

MORI DocID: 754607

on several occasions reports actually written by the Foreign Ministry were published as CNPPDH documents. CNPPDH was instructed to lend full assistance to persons or groups favorably disposed to the regime who were preparing human rights reports. In the case of Reed Brody, a New York attorney, this assistance included the payment of all expenses, including food and lodging, provision of a chauffeured car, arrangement of all interviews and provision of a list of "appropriate" cases for investigation. Mr. Brody nevertheless explicitly stated in his introduction to the study "Attacks by the Nicaraguan 'Contras' on the Civilian Population" that, although the idea for the report was conceived by the law firm of Reichler and Appelbaum (a registered agent of the Sandinista regime), neither he nor any other member of the investigations team received any form of compensation or reimbursement for their expenses. Brody's disclaimer conceded only that the team stayed in a Sandinista-owned house for "part" of the visit and had used office space provided by CNPPDH. Another defector has stated that Brody selectively edited his evidence to eliminate any statements supportive of or favorable to the resistance. As a rule, inquiries to the CNPPDH and other official agencies from human rights organizations concerning allegations against the regime are satisfied by providing deliberately false information deflecting or significantly mitigating the charges.

In an effort to ensure the "correct" ideological perspective within CNPPDH, two purges of membership have been engineered by the regime. By 1982, many of the original members were replaced, in some cases because their defense of human rights per se was too vocal and too independent. Edgar Macias, a leader of the Popular Social Christian Party, went into exile after being labeled a "U.S. intelligence agent." He was followed by Ismael Reyes Rojas, president of the Nicaraguan Red Cross, whom the Sandinistas accused of embezzlement and counterrevolutionary activity. In July 1985, following Guerrero's defection, the entire membership was changed. The new members were all staunch supporters of the FSLN.

In further illustration of the CNPPDH's role as a propaganda arm, we note that in 1984 only two reports were issued, both of which addressed only allegations of resistance abuses. Concerning the regime, the documents stressed only that it "was operating under a declared state of emergency." In 1985, no reports had been issued as of August. On the other hand, if the CNPPDH does not carry out investigations into abuses, it does play a vital role in meeting with foreign delegations for the purpose of denouncing the resistance. In January 1985, Alejandro Bendana of the Foreign Ministry announced to CNPPDH members that he would personally direct the group's activities in order to promote an international offensive by the Sandinistas to denounce alleged abuses of the resistance.

MORI DocID: 754607

Baldizon adds counterpoint to Guerrero's testimony, stating that the CNPPDH was routinely denied access to any information concerning official abuses. He explained that his own extensive investigations were used to create elaborate cover stories, precise to the detail, which explained away Sandinista atrocities by showing the victims had fled to other countries, been killed by the resistance, or been killed while escaping. In a few instances, for the sake of credibility, individual soldiers were "found guilty" of abuses and brought to justice in show trials at which they received lengthy prison terms. (Baldizon states that these men were later quietly released, after attention had subsided, and sometimes were given government jobs in other areas of the country.) Such disinformation has been regularly disseminated to international human rights organizations.

MORI DocID: 754607

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MORI DocID: 754607

NICARAGUAN HUMANITARIAN ASSISTANCE OFFICE

On August 29, 1985, President Reagan signed Executive Order 12530 creating the Nicaraguan Humanitarian Assistance Office (NHAO) for the purpose of disbursing $27 million in humanitarian aid to the Nicaraguan democratic resistance. On September 9, the President designated Ambassador Robert W. Duemling as Director of NHAO.

The NHAO staff consists of the Director, five supervisory and two clerical personnel, all detailed on a non-reimbursable basis from federal agencies (State, AID and USIA), with the exception of the Director, whose salary is reimbursed to State from the humanitarian assistance program funds. Office space in a government-leased building is charged to program funds, but furnishings and equipment have been borrowed at no charge. Administrative support, including legal advice from the Office of the Legal Adviser, is provided by the Department of State.

The Executive Order assigned responsibility for policy guidance to the Secretary of State and his designees. The Secretary has established a Senior Inter-Agency Group, chaired by the Under Secretary for Political Affairs, to establish basic policy and exercise oversight of NHAO activities; policy guidance for day-to-day NHAO operations is provided by the Assistant Secretary of State for Inter-American Affairs, who chairs an inter-agency group that assures effective coordination.

As a matter of policy, the United Nicaraguan Opposition (UNO) was designated to be the initial recipient for humanitarian assistance distributed by NHAO. UNO is an umbrella-organization which brings together the largest number of anti-Sandinista political and paramilitary elements. It is led by Adolfo Calero, Arturo Cruz and Alfonso Robelo; its principal components include the Nicaraguan Democratic Force (UNO/FDN), the Armed Forces for Revolution in Nicaragua (UNO/FARN), and a coalition of Atlantic Coast Indians and Creoles (UNO/KISAN). Using UNO as a conduit for assistance serves the policy objective of encouraging cohesion within the democratic resistance; it also simplifies administrative procedures and restrains administrative costs.

METHOD FOR FUNDING

NHAO is disbursing funds for four basic categories of goods and services: food, clothing, medicine and medical care, and equipment. NHAO also provides funds for transporting supplies to Central America.

MORI DocID: 754607

Funds for these goods and services are being provided to UNO through a series of grants, each of which obligates a fixed amount of humanitarian assistance funds for the use of UNO, subject to certain terms and conditions. While the grant gives UNO a conditional legal entitlement to the funds, NHAO retains actual possession of the funds and administers their disbursement. To date, three major grants totaling $5.5 million and a smaller grant of $25,000 have been issued. Once a grant has been issued, UNO identifies the goods or services it needs and a suitable vendor, and negotiates the terms of a proposed sale to UNO. These terms are set forth on a pro forma invoice which UNO submits to NHAO. The pro forma invoice is reviewed by NHAO to ensure that the goods or services in question meet the criteria for humanitarian assistance, and that the payment requested is appropirate for value received. NHAO also monitors the quantity of items, to assure against an oversupply so substantial as to suggest a possible risk of diversion. If the proposed purchase is approved, then NHAO authorizes UNO to make the purchase. NHAO signals its approval to the vendor through issuance of a letter of commitment. After shipment or delivery has been verified, NHAO pays the vendor directly from UNO grant funds.

Monitoring and verification of procurement and delivery takes several forms, depending on location. Within the United States, NHAO representatives are able to make on-site inspections of supplies as they are aggregated for shipment into the Central American region. To monitor supplies and services contracted and delivered abroad, NHAO relies on reports from all available sources to confirm that actual transactions conform to the relevant documentation.

DELIVERY INCIDENT

On October 10, an UNO charter flight paid for by NHAO and carrying supplies pruchased under NHAO auspices landed apparently without permission in Tegucigalpa, causing the Honduran Government to take custody of the cargo. Discussions between the American Embassy and the Honduran Government resulted in the cargo being released and returned to the United States.

SUMMARY OF PAYMENTS

Attached in tabular form is a summary of NHAO disbursements and commitments to pay, through October 31, 1985.

MORI DocID: 754607

[redacted]

1. NHAO Grants to UNO (to be disbursed through letters of commitment)

Grant 601 - $1,000,000 (Issued October 3, 1986)

Grant 602 - $1,500,000 (Issued October 15, 1986)

Grant 603 - $3,000,000 (Issued October 29, 1986)

Total - $5,500,000

In addition to the above three grants for food, clothing and medical supplies, NHAO issued a small fourth grant signed October 17, 1986, for $25 thousand (Grant No. 641-001) to fund an UNO office in Washington, D.C. The grant stipulates that the activities of that office must be strictly limited to the provision of liaison services between UNO and NHAO to facilitate the operation of the program. This liaison office grant differs from the other three in that it permits UNO to receive a small advance payment of cash to cover administrative expenditures, which expenditures must be documented and justified before further cash advances are made.

2. UNO EXPENDITURES FROM GRANTS THROUGH 10/31/85

Total Humanitarian Assistance.....$4,660,928

Food	$1,257,189
Clothing	$2,070,807
Medical	$553,421
Equipment	$639,561
Transport	$139,950

Total UNO Liaison Office Expenses.....$7,500

NHAO EXPENDITURES THROUGH 10/31/85

Total Administrative Expenses.....$23,640

Direct Personnel Costs	$13,374
Travel	$4,800
Office Rent	$3,666
Telephone toll calls	$1,200
Miscellaneous	$600

GRAND TOTAL.....$4,692,068

[redacted]

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MORI DocID: 754607

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ITEMIZED PROGRAM COMMITMENTS THROUGH 10/31/85

Grant-Letter of Commitment No.	Item, Quantity	Value
I. Food and consumables		
602-001	various foodstuffs	$196,875
602-008	various foodstuffs	$214,982
603-007	various foodstuffs	$827,872
603-008	various foodstuffs	$17,460
	Category Subtotal:	$1,257,189
II. Clothing		
601-001	waterproof material (21,000 yds)	$32,970
	caps (10,000)	$12,500
601-002	socks (2,000 doz. pr.)	$17,000
601-003	boots (16,000 pr.)	$496,000
	shirts and trousers (3463)	$55,408
601-004	boots (1,000 pr.)	$19,150
601-005	boots (1,080 pr.)	$22,200
602-003	boots (500 pr.)	$9,575
602-005	shirts and trousers (15,000)	$243,750
602-006	sewing labor costs for manufacture of 6,351 shirts and trousers	$41,282
602-009	suspenders (6,000)	$19,500
	belts (10,000)	$27,500
602-010	boots (10,000)	$305,000
602-011	ponchos (20,000)	$178,400
603-001	boots (15,000)	$457,500

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603-002	belts (6,120) trousers (5,300) suspenders (1,077)	$18,972 $5,300 $700
603-010	boots (6,800)	$108,100
	Category Subtotal:	$2,070,807

III. Medicine and Medical Care

601-007	medical expenses for wounded Nicaraguan	$4,350
602-007	pharmaceuticals	$38,540
602-010	stretchers (10) basket stretchers (5)	$220 $300
603-008	pharmaceuticals	$10,011
603-009	pharmaceuticals and medical equipment	$500,000
	Category Subtotal:	$553,421

IV. Equipment

601-001	backpacks (4,000) large tents (7)	$45,400 $8,050
601-002	poncho liners (20,000)	$230,000
601-009	mountain rescue equipment canteen covers (10,000) mess trays (100)	$970 $17,500 $525
602-004	watches (1,000) cargo straps (100) flashlights (5,000)	$13,750 $600 $14,905
602-009	pouches (4,000) flashlights (8,064) bags (4,000) canteen covers (6,000)	$13,400 $24,192 $ 8,400 $16,200
602-011	canteens (10,000) fabric storage tanks (13)	$5,800 $9,750

[redacted]

[redacted]

602-013	farm tools	$22,261
603-003	canteens (6,120)	$3,978
603-004	web belts (500 dz)	$6,000
603-005	spray paint (2,432 cans)	$6,880
603-006	hammocks (20,000)	$191,000
	Category Subtotal	$639,561

V. Transportation

601-006	air charter service (two round trips from the US to Central America)	$35,850
602-002	air charter service (two round trips from the US to Central America)	$35,850
603-007	ground transportation	$68,250
	Category Subtotal:	$139,950
	GRAND TOTAL:	$4,660,928

Notes

--Several letters of commitment included receipts for goods or services in more than one category. Letter of commitment numbers for such cases will appear under more than one category heading.

--601-008 was drawn up but not issued; thus it was not included above. The receipt in question will be paid through a later letter of commitment

--602-012 was not completed in time for submission with this report.

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MORI DocID: 754607

U.S. Efforts to Promote a Regional Settlement in Central America*

It has been the consistent view of the United States that the domestic and foreign policies of the Sandinista National Liberation Front (FSLN) are the root source of inter-state tensions in Central America and the internal conflict in Nicaragua and a major contributing factor to the prolongation of conflict elsewhere in the region, especially El Salvador. Those policies have created a democratic resistance in Nicaragua. Those policies led the resistance to conclude that change in Nicaragua would be possible only through a resort to arms. And those policies are at issue in the Contadora process seeking a regional peace settlement among the five Central American states.

The United States seeks to change those policies in four ways that would benefit peace in Central America. We seek:

-- termination of all forms of Nicaraguan support for insurgencies or subversion in neighboring countries;

-- reduction of Nicaragua's expanded military/security apparatus to restore military equilibrium in the region;

-- severance of Nicaragua's military and security ties to the Soviet Bloc and Cuba and the return to those countries of their military and security advisers now in Nicaragua; and

-- implementation of Sandinista commitments to the Organization of American States to political pluralism, human rights, free elections, non-alignment, and a mixed economy.

The United States has sought to achieve these objectives in two principal ways:

-- We have supported a verifiable and comprehensive implementation of the September 1983 Document of Objectives of the Contadora process as the best hope for achieving a regional peace treaty; and,

-- Consistent with Contadora principles, we have urged the Sandinistas to enter into direct discussions with the Nicaraguan democratic resistance and civil opposition.

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*Aspects of these efforts are also treated in Part III of United States Department of State Special Report No. 132: " 'Revolution Beyond Our Borders': Sandinista Intervention in Central America."

MORI DocID: 754607

U.S. Support for Contadora

As Secretary of State Shultz informed the International Court of Justice in August, 1984:

> The United States fully supports the objectives already agreed upon in the Contadora process as a basis for a solution of the conflict in Central America. The objectives of United States policy toward Nicaragua are entirely consistent with those broader agreed objectives and full and verifiable implementation of the Contadora Document of Objectives would fully meet the goals of the United States in Central America....

By design of Contadora's participants, the United States does not take part in the Contadora process. In October 1982, three months before Contadora's inception, the United States and seven other democratic states of the region sought to engage Nicaragua in a multilateral diplomatic dialogue. But the Sandinistas declined to receive the Costa Rican Foreign Minister, acting as emissary for the group, on the grounds that a dialogue with a group including the United States would be structured to its disadvantage. When Colombia, Mexico, Panama, and Venezuela subsequently initiated the Contadora process, they chose not to include the United States in order to meet this Sandinista concern. Informed of this decision through diplomatic channels, we indicated our understanding and support for this initiative.*

The means available to us to support these regional negotiations as a result are necessarily indirect. Our support has taken various forms. Since Contadora began, we have made it clear repeatedly, both publicly and privately, that we support Contadora objectives. The President expressed that support authoritatively on April 27, 1983, before a Joint Session of the Congress.** Shortly thereafter the President created the position of United States Special Envoy for Central America to give focus to that support and make it more effective.

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*Ironically, Nicaragua in time objected to Contadora on the grounds that the United States was not a participant. This was a major reason why the Manzanillo talks were undertaken. President Ortega is reported to have suggested U.S. participation in the process during meetings with other Latin American leaders in New York, in October, 1985.

**The President stated U.S. support again in a July 23, 1983 letter to the Presidents of Mexico, Panama, Colombia, and Venezuela -- the four Contadora Group countries.

MORI DocID: 754607

Former Senator Richard Stone served as Special Envoy from May 1983 to February 1984. Ambassador Harry W. Shlaudeman was appointed U.S. Special Envoy in March 1984 and has served continuously since that time. In twenty months Ambassador Shlaudeman has made 34 trips abroad and held 179 separate exchanges with ranking officials.

The United States sought to support Contadora directly during nine rounds of bilateral talks with the Government of Nicaragua June-December 1984. Those talks were undertaken at the request of the Contadora Group for the express purpose of facilitating a successful outcome of the Contadora process. In January 1985 the United States declined to schedule further discussions pending demonstration that Nicaragua was prepared to negotiate seriously within the Contadora framework.*

U.S. Support for National Reconciliation in Nicaragua

Democratic national reconciliation is a fundamental principle of the Contadora process. It was explicitly accepted by all five Central American states, Nicaragua included, in the September 1983 Document of Objectives. Although they signed the Document of Objectives, the Sandinistas have consistently rejected dialogue with the Nicaraguan democratic resistance.** The Sandinistas seek instead to portray the crisis in Central America as deriving from United States hostility toward the Nicaraguan revolution. We believe that the Sandinistas' refusal to deal directly with their own people and with the legitimate concerns of their neighbors constitutes the major roadblock to peace in Central America.

Both the internal and external opposition have proposed dialogue. On February 22 the internal opposition set forth the conditions under which a national dialogue could be successfully conducted. These included the lifting of the state of emergency; freedom of expression; a general amnesty and pardon for political crimes; restoration of constitutional guarantees and the right of habeas corpus; guarantees of the safety of members of the resistance movement who participate in the dialogue; and the implementation of these measures under the supervision of guarantor governments.

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*See "Revolution Beyond Our Borders," pages 29-30.

**The following statement by Tomas Borge, quoted in Daily Barricada, June 27, 1985, is characteristic: "We will negotiate with the Contras on the day the right wing parties and COSEP count all the grains of sand in the sea and all the stars in the sky. When they finish we will ask them to count them all again."

MORI DocID: 754607

On March 1 the externally-based opposition (including representatives of the FDN, the Miskito group MISURA, ARDE, and prominent democratic civilian leaders such as Arturo Cruz) proposed a national dialogue to be mediated by the Nicaraguan Catholic Church. It included a mutual in situ ceasefire and acceptance of Daniel Ortega as President until such time as the Nicaraguan people decided on the matter through a plebiscite. On March 22, the Nicaraguan Catholic Church hierarchy (Episcopal Conference) issued a communique reiterating its support for a national dialogue and declaring its willingness to act as a mediator.

President Reagan on April 4 undertook an initiative to support these possibilities. A key feature was the an offer to refrain from providing military assistance to the democratic resistance if the Sandinistas accepted the March 1 offer. Although the Sandinistas rejected (and continue to reject) dialogue with the democratic resistance, the President's initiative did serve to focus attention on this fundamental issue.*

In the context of Congressional consideration of the Administration's request for humanitarian assistance for the Nicaraguan democratic resistance, the President on June 11 informed Congressmen McCurdy, Michel, and Dade that:

> I recognize the importance that you and others attach to bilateral talks between the United States and Nicaragua. It is possible that in the proper circumstances, such discussions could help promote the internal reconciliation called for by Contadora and endorsed by many Latin American leaders. Therefore, I intend to instruct our special Ambassador to consult with the governments of Central America, the Contadora countries, other democratic governments, and the United Nicaraguan Opposition as to how and when the U.S. would resume direct bilateral talks with Nicaragua. However, such talks cannot be a substitute for a church-mediated dialogue between the

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*The President's April 4 initiative is described in: (1) "President Reagan Supports Nicaraguan Peace Process," United States Department of State Current Policy No. 682, April 4, 1985; (2) "U.S. Support for the Democratic Resistance Movement in Nicaragua," April 10, 1985: Unclassified Excerpts from the President's Report to the Congress Pursuant to Section 8066 of the Continuing Resolution for FY-1985, PL 98-473; (3) "The New Opportunity for Peace in Nicaragua;" April 17, 1985 Prepared Statement by Assistant Secretary of State Langhorne A. Motley, before the Subcommittee on Western Hemisphere Affairs of the House Committee on Foreign Affairs; and (4) "The Nicaraguan Peace Process: A Documentary Record" Department of State Special Report 126, April 1985.

MORI DocID: 754607

contending factions and the achievement of a workable Contadora agreement. Therefore, I will have our representatives meet again with representatives of Nicaragua only when I determine that such a meeting would be helpful in promoting these ends.

Ambassador Shlaudeman conducted such consultations with the governments of Central America and the Contadora Group in visits to the region in late June and early July, and in early September with the governments of the Contadora Support Group (Argentina, Brazil, Peru, and Uruguay). The Contadora Group and Support Group governments generally favored resumption and the Contadora Group publicly called on the United States to do so on July 22. Costa Rica, Honduras and El Salvador did not favor such a course (Guatemala did not express a strong view one way or the other). They argued that the Manzanillo talks had distracted from and undermined the primacy of Contadora talks where they are the negotiators; that U.S.-Nicaraguan bilaterals legitimized Sandinista efforts to portray the Central American crisis as a U.S.-Nicaraguan conflict amenable to full resolution through arrangements between those two countries; and that it would be particularly inappropriate for the United States to resume such talks in the aftermath of Nicaragua's disruption of Contadora negotiations in June.* Ambassador Shlaudeman also discussed the question with the leadership of the United Nicaraguan Opposition, which opposed resumption in the absence of the Sandinistas undertaking a serious dialogue with UNO. The subject was also regularly discussed in meetings with other interested governments during this same period.

On July 26, 1985, in Mexico City, Secretary Shultz explained the U.S. attitude toward national reconciliation and a resumption of bilateral talks with the Sandinistas as follows:

> Nicaragua's purpose [in the Manzanillo talks], as now, was to negotiate bilateral accords dealing on a priority basis only with its security concerns. The Nicaraguan communists refused then, as they refuse now, even to consider dialogue with the Nicaraguan democratic resistance. These conflicting purposes were never reconciled and hindered progress from the start.
>
> The United States ultimately concluded that the talks were detracting from instead of contributing to a comprehensive Contadora settlement. In deciding in January of this year not to schedule further meetings we made it clear that we

*See discussion of June Contadora meeting below.

MORI DocID: 754607

> were not closing the door to their possible resumption under appropriate conditions. On June 11 the President made public his readiness to have United States representatives meet with representatives of Nicaragua when such a meeting would promote a Church-mediated dialogue between the contending factions in Nicaragua and a workable Contadora agreement....
>
> We will continue to consult closely with all parties with a view to judging the appropriateness of a resumption of bilateral talks. We strongly urge Nicaragua to begin a Church-mediated dialogue as proposed by the United Nicaraguan Opposition and to return to multilateral negotiations within the Contadora Process to continue work on a comprehensive and verifiable regional accord.

The Contadora Process in 1985

As 1984 came to a close, two draft agreements were under consideration within the Contadora process: a September 1984 revision of a June 1984 draft; and an October 1984 draft (the "Tegucigalpa" draft) that defined the position of Costa Rica, Honduras, and El Salvador. Following a period of private consultations among the participating governments, the Contadora Group scheduled a resumption of negotiations for mid-February. An asylum dispute between Nicaragua and Costa Rica, however, prevented that meeting from taking place. The dispute was resolved in March 1985 through Contadora Group mediation, and negotiations among Central American plenipotentiaries resumed in April.

The April 11-12 meeting resulted in agreement in principle on revised verification procedures. All five Central American governments reserved the right, however, to propose modifications. A second meeting, May 16-18, was devoted primarily to discussion of approaches suggested by the Contadora Group for resolving outstanding security issues. The May meeting focused in particular on those elements of the October 1984 "Tegucigalpa" proposals of Honduras, Costa Rica, and El Salvador that the Contadora Group judged could be incorporated into the September 7 draft without difficulty. There reportedly was consensual acceptance of some of these non-controversial suggestions, particularly in the preambular section of the working draft.

At the conclusion of the May meeting, the Contadora Group governments circulated a proposal to resolve the more difficult security issues for consideration at the next meeting, in June. When the June meeting convened, the Nicaraguan delegate insisted that Contadora discuss renewed U.S. support for the

MORI DocID: 754607

Nicaraguan democratic resistance and refused to discuss the Contadora compromise proposal. Contadora Group efforts to have the Nicaraguan delegation reconsider were unsuccessful. In this situation, the June meeting was adjourned.

Nicaragua's disruption of the June meeting caused a suspension in the plenipotentiaries' negotiations that was to last four months. In July, the Contadora Group foreign ministers met in Panama to consider how the damage could be repaired. In a July 22 communique the Contadora Group Foreign Ministers announced their intention to consult bilaterally with each of the Central American governments in lieu of resuming talks.

The foreign ministers also called on Nicargua and the United States to resume bilateral talks and on Costa Rica and Nicaragua to initiate a bilateral dialogue on a continuing series of Sandinista Army incursions into Costa Rican territory, which had brought Costa Rican relations with Nicaragua to an all-time low. A May 31 incident in which two Costa Rican Civil Guardsmen were killed in Costa Rica led Costa Rica to seek an OAS condemnation of Nicaragua. The OAS consensus resolution implied but did not explicitly state that Nicaragua was responsible for the incident and endorsed Nicaraguan and Costa Rican bilateral border talks within the Contadora framework. Costa Rica has been unwilling to hold the talks, however, until the Sandinistas satisfactorily explain the incident. Further incidents on July 26 and August 21 -- in which Sandinista planes dropped bombs and fired a rocket into Costa Rican territory -- soured relations even further.

Three of the Central American governments -- Costa Rica, Honduras, and El Salvador -- on August 1 welcomed the visit of Contadora Group Vice Ministers and jointly proposed that the negotiations among plenipotentiaries should be reconvened as a prior step to developing a third draft. They proposed that the talks be strengthened by meeting in more prolonged sessions that would give the meetings a "permanent character." Following consultations August 3-8 between the Contadora Group vice ministers, Costa Rica, Honduras, and El Salvador formally reiterated this proposal September 4. The three governments also stated their view that the key remaining issues to be resolved were national reconciliation, arms and troop level reductions, and verification.

Nicaragua's disruption of the June meeting and the suspension of plenipotentiaries' talks produced generalized concern that the Contadora process was in difficulty. Special Envoy Shlaudeman consulted with the Contadora Group and democratic Central American governments following the aborted

MORI DocID: 754607

meeting in June to urge that the meetings of plenipotentiaries be reconvened. Ambassador Shlaudeman also expressed the U.S. view that any procedural or substantive inducement to Nicaragua to return to the process would invite further disruption and counseled patience. Ambassador Shlaudeman was asked by one Contadora Group government if the United States would, at an appropriate opportunity, publicly reaffirm its support for the Contadora process. The Secretary of State Shultz did so on July 26, in Mexico City:

> The United States fully supports efforts to achieve a political solution to the Central American crisis. We have given strong support to the efforts of the Central Americans themselves, assisted by the Contadora Group, to achieve a negotiated settlement. In our view, there exists in the Contadora Document of Objectives a fair, comprehensive and balanced framework for such an outcome. We expressed our support for a comprehensive and verifiable implementation of the Document of Objectives when it was agreed in September 1983. We reaffirm that support today.

The suspension of talks prompted expressions of support for Contadora from other governments as well. Following consultations with the Contadora Group governments, the governments of Argentina, Brazil, Peru, and Uruguay on July 28 formed a "Contadora Support Group." The foreign ministers of these governments met with the Contadora Group foreign ministers in Cartagena, Colombia August 23-25 to consult on how that support could be provided most effectively. A joint communique issued by the eight governments stated that there would be regular consultations among the governments in support of the negotiating process but did not, by mutual agreement, contemplate the direct participation of the Support Group Governments in Contadora deliberations.

Ambassador Shlaudeman visited Buenos Aires, Montevideo, Brasilia, and Lima, the four Support Group capitals, September 10-13 to convey U.S. support for Support Group activities. The Department of State had made an official statement on August 26 welcoming formation of the Support Group, following the meeting in Cartagena. In his discussions, Ambassador Shlaudeman suggested it would be useful for the Support Group to consult directly with all the Central American governments; to urge the Sandinistas to accept the proposal of the United Nicaraguan Opposition for a Church-mediated dialogue; and to meet directly with UNO leaders to form first-hand judgments as to their purposes and programs. He also briefed the Support Group governments on the Manzanillo talks and outlined United States views on the requirements for an effective and lasting peace in the region.

MORI DocID: 754607

Costa Rica, Honduras, and El Salvador jointly requested a meeting with the Support Group governments during a September 12-13 meeting of Contadora process foreign ministers in Panama. The Support Group foreign ministers declined the request, however, out of concern that such a meeting not interfere with the Contadora process itself.

The four Contadora Group foreign ministers presented the the five Central American foreign ministers a third draft of a Contadora agreement at meeting in Panama September 12-13. The nine ministers agreed to convene negotiations on October 7, 1985 with the aim of reaching final agreement in a period not to exceed 45 days.* It was also agreed that discussion would be devoted exclusively to the timing of entry into effect and duration of commitments; control and reduction of armaments; verification in security and political matters; military exercises; and operational matters that must be addressed in order to implement an agreement. It was further agreed that incidents or developments in the region would not be discussed in the meetings or condition the participation of any delegations. The Contadora Group ministers stressed that the Central American states have exclusive responsibility for reaching agreement.

The first round of talks were held October 7-11, 1985 on Contadora Island, off the coast of Panama. A second round of talks was held October 17-19; a third round is currently scheduled for November 6-9.** While various delegates have characterized the talks in comments to reporters, the participating governments have refrained from issuing any joint statements or communiques.

U.S. Diplomatic Contacts with Nicaragua

The United States has continued, since declining to schedule further meetings in the Manzanillo talks, to have diplomatic contacts with Nicaraguan government officials, in Managua, Washington and other capitals. Secretary Shultz, for example, met with Nicaragua President Ortega March 2 in Montevideo, during the inauguration of President Sanguinetti. Vice President Bush spoke with President Ortega during the inauguration of President Sarney of Brazil March 16. There have been a number of contacts between Ambassador Bergold and Sandinista Government officials, as well contacts at a lower

*It has been suggested by some Contadora Group government officials that this refers to negotiating, not calendar, days.

**Several delegations noted the presence on Contadora Island during the talks of German Sanchez, an official of the Americas Department of the Cuban Communist Party.

MORI DocID: 754607

level. In Washington, there have been meetings between Nicaraguan Ambassador Tunnermann and National Security Council officials and with Assistant Secretary of State for Inter-American Affairs Elliott Abrams.

The United States sought a meeting for Ambassador Shlaudeman with a high-level Nicaraguan official on the margins of the United Nations General Assembly this fall. The Nicaraguan Government initially accepted a meeting between Ambassador Shlaudeman and Assistant Secretary Abrams and Foreign Minister D'Escoto. The Nicaraguan Government then proposed, however, to send a lower ranking official to the proposed meeting. Ultimately, Nicaragua accepted the U.S. suggestion that Ambassadors Shlaudeman and Tunnermann meet in Washington. The two ambassadors met on October 29 and October 31, 1985.

In the October 29 meeting Ambassador Shlaudeman informed Ambassador Tunnerman that the United States would be prepared to resume bilateral talks if the Sandinistas were to accept the March proposal of the United Nicaraguan Opposition for a church-mediated dialogue and ceasefire. Ambassador Shlaudeman said that progress in this dialogue would make it possible to resolve U.S. - Sandinista bilateral problems. Ambassador Tunnerman responded on October 31 that the Government of Nicaragua rejects dialogue with the democratic resistance.

The President's Initiative on Regional Conflicts and the U.S.-Soviet Experts' Talks

On October 24, in his address to the United Nations General Assemby, President Reagan presented an initiative on regional conflicts that is intended, in part, to support the Contadora process and an end to the conflict in Nicaragua.

President Reagan's initiative aims at achieving peace and internal reconciliation, ending foreign military involvement, and fostering economic reconstruction in five of the most pressing international conflicts of the day, the wars in Afghanistan, Cambodia, Angola, Ethiopia and Nicaragua.

The President's plan sets forth a comprehensive and flexible framework for cooperation toward these goals among the warring parties themselves, between the U.S. and the Soviet Union, and among other interested parties. The plan, which would complement and bolster existing peace-making efforts, involes action at three levels:

-- The starting point is a process of negotiation among the warring parties themselves. "The form of these talks may and should vary," the President explained, "but

MORI DocID: 754607

negotiations -- and an improvement of internal political conditions -- are essential to achieving an end to violence, the withdrawal of foreign troops and national reconciliation."

-- The second level involves joint U.S. and Soviet talks about how best to support the ongoing talks among the warring parties, when those negotiations make genuine progress. "In every case," the President said, "the primary task is to promote this goal: verified elimination of the foreign military presence and restraint on the flow of outside arms".

-- The third level entails an international effort to welcome these countries back into the world economy. The President pledged the United States would respond generously to their democratic reconciliation with their own people, their respect for human rights, and their return to the family of free nations.

This plan puts the primary responsibility on the warring parties themselves to reach accomodation; as the President points out, it is not for the United States or the Soviet Union to impose solutions. Yet it also provides a framework for the Soviet Union to cooperate with the United States in helping to bring peace to these five countries.

Pursuant to a 1984 presidential proposal, the United States and the Soviet Union held experts' talks on Central America and the Caribbean October 31 - November 1 in Washington. The talks were the fifth in a series of such exchanges on regional issues. We previously held experts' meetings (at the level of Assistant Secretary) on East Asia, Afghanistan, the Middle East and Southern Africa.

Our purpose was to clarify U.S. policy, making it clear that we intend to defend our interests, and thereby reduce the possiblitiies of unnecessary conflict. We have found the talks held so far to have been useful in understanding the Soviet position and making the Soviets understand our position. As the foregoing indicates, the experts' meetings were held under the rubric of the President's 1984 proposal, not the 1985 initiative on regional conflicts, and were in no sense negotiations.

Economic and Trade Measures

Both the National Bipartisan Commission and the Congress have recommended use of trade and economic measures to promote a resolution of the conflict in Central America and Nicaragua and we have regularly consulted with our trading partners and

MORI DocID: 754607

allies on this question. Positive economic incentives for Nicaragua to resolve its internal conflict have formed an integral part of every proposal the United States has made to the Sandinistas since they came to power in 1979. The President's October 24 initiative on regional conflict (see above) proposes generous economic aid where democratic national reconciliation takes place.

Even prior to the May 7 United States embargo, Nicaraguan trade with the United States, Latin America, and other traditional trading partners had been declining because of Nicaragua's lack of creditworthiness. The composition of foreign aid to Nicaragua had also changed dramatically, with the Soviet Bloc replacing the West as credit suppliers and as aid donors. Any increased aid from Western donors is likely to go to regional institutions such as the Central American Bank for Economic Integration, CABEI. Neither CABEI nor most of the multilateral financial institutions is presently approving new loans to Nicaragua owing to its serious payment arrearages to many of these institutions. Nicaragua's dependence on the Soviet Union and its allies is expected to continue to increase, although not at levels sufficient to offset its economic decline.

MORI DocID: 754607

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PAGE 01 GUATEM 11608 01 OF 15 122005Z
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TAGS: PHUM, GT
SUBJ: 1985 HUMAN RIGHTS REPORT ON GUATEMALA

REF: STATE 274105

1. TRANSMITTED HEREWITH IS THE DRAFT 1985 HUMAN RIGHTS REPORT FOR GUATEMALA.

2. SINCE THE DELIVERY OF THE DISKETTE TO WASHINGTON, THE REPORT HAS BEEN CHANGED SOMEWHAT. THE CORRECTIONS ARE IN THE FOLLOWING PARAGRAPHS:

INTRODUCTION, PARA 1, "GREW INTO" HAS BEEN CHANGED TO "ADOPTED"; PARA 3, THE OPENING SENTENCE NOW READS, "A LOCAL HUMAN RIGHTS GROUP, THE MUTUAL SUPPORT GROUP (GAM), CONTINUED TO FUNCTION OPENLY, ALTHOUGH ONE OF ITS MEMBERS WAS FOUND TORTURED AND MURDERED, AND ANOTHER MEMBER, PLUS HER SON AND HER BROTHER, DIED UNDER SUSPICIOUS CIRCUMSTANCES"; IN PARA 3, A WORD HAS BEEN ADDED TO "LABOR UNION ACTIVITIES CONTINUED UNIMPEDED".

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PAGE 02 GUATEM 11608 01 OF 15 122005Z

SECTION 1(A): PARA 3, A CLAUSE AND A SENTENCE HAVE BEEN ADDED AT END OF PARA; PARA 8, EXAMPLES A AND B HAVE BEEN STRUCK.

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SECTION 1(B): FIRST SENTENCE OF PARA 3 HAS BEEN CHANGED.

SECTION 1(C): FIRST SENTENCE OF PARA 3 HAS BEEN CHANGED.

SECTION 1(D): PARA 2, THE WORD "OSTENSIBLY" HAS BEEN ADDED TO THE FIRST SENTENCE; PARA 4, A WORD HAS BEEN CHANGED.

SECTION 2(A): PARA 3, "APRIL" HAS BEEN CHANGED TO "MARCH".

SECTION 2(B): PARA 9, THE WORD "COMMUNIST" HAS BEEN STRUCK; PARA 10, THE PHRASE "LEFTIST BUT NON-MARXIST" HAS BEEN STRUCK.

SECTION 2(D): PARA 5, PHRASE "HUMAN RIGHTS" IN FIRST SENTENCE HAS BEEN STRUCK; PARA 8, THE WORD "ILLEGALLY" HAS BEEN STRUCK.

SECTION 4: PARA 8, THE SENTENCE BEGINNING "FOLLOWING THIS ACCUSATION" HAS BEEN CHANGED.

IN SECTION ENTITLED, ECONOMIC, SOCIAL, AND CULTURAL SITUATION, SECOND SENTENCE IN SECOND TO LAST PARAGRAPH HAS BEEN CHANGED.
INTRODUCTION

IN 1985, GUATEMALA IS MAKING AN ORDERLY AND OPEN TRANSIT5, FROM A MILITARY REGIME TO DEMOCRATIC,

UNCLASSIFIED

PAGE 03 GUATEM 11608 01 OF 15 122005Z

CIVILIAN RULE THROUGH GENERAL ELECTIONS FOR THE PRESIDENCY, CONGRESS, AND MUNICIPAL GOVERNMENTS.

THE UNITED NATIONS HUMAN RIGHTS COMMISSION'S SPECIAL RAPPORTEUR FOR GUATEMALA, VISCOUNT COLVILLE DE CULROSS, NOTED IMPROVEMENT IN OVERALL HUMAN RIGHTS CONDITIONS DURING TWO VISITS TO GUATEMALA IN 1985, CITING ESPECIALLY MOVEMENT TOWARDS DEMOCRATIZATION AND ELECTIONS. POLITICALLY RELATED DEATHS CONTINUED TO DECLINE AND ARE NOW DRAMATICALLY BELOW THE 1981-82 LEVELS. KIDNAPPINGS AND DISAPPEARANCES ALSO DECREASED, AFTER A SIGNIFICANT INCREASE IN 1984. POLITICALLY MOTIVATED ABDUCTIONS, WHILE STILL

UNACCEPTABLY HIGH, ARE NOW AT THE LOWEST LEVEL THIS DECADE. AMNESTY FOR INSURGENTS REMAINED AVAILABLE THROUGH THE TENURE OF THE MILITARY GOVERNMENT. AS IN 1984, THERE WERE NO VERIFIED MASSACRES OF INDIANS OR OTHER RURAL POPULATION. GOVERNMENT AND MILITARY SENSITIVITY TO HUMAN RIGHTS QUESTIONS, APPARENTLY, CONTINUED TO GROW MODESTLY. 245 POLICEMEN WERE DISMISSED FOR CRIMES OR CORRUPTION, AND 4 MEMBERS OF A CIVIL DEFENSE PATROL WERE SENTENCED TO PRISON FOR MURDERING A VILLAGER. ALTHOUGH SPORADIC ABUSE STILL OCCURRED AT THE LOCAL COMMAND LEVEL, THE MILITARY ADOPTED A MORE ENLIGHTENED APPROACH TO THE ROOT CAUSES OF THE INSURGENCY. THE CIVILIANIZATION, ROAD BUILDING, AND MODEL VILLAGE PROGRAMS HAVE TAKEN MUCH OF THE INITIATIVE AWAY FROM THE GUERRILLA ORGANIZATIONS. INSURGENTS STILL ENGAGED IN DEADLY MILITARY ACTION DURING 1985, BUT THE NUMBER OF REPORTED COMBAT DEATHS WAS APPROXIMATELY ONE-HALF THAT OF 1984 LEVELS. IF HUMAN SUFFERING IS MEASURABLE, THERE IS NOW LESS THAN LAST YEAR.

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PAGE 01 GUATEM 11608 02 OF 15 122006Z
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[redacted] SECTION 02 OF 15 GUATEMALA 11608

E.O. 12356 NA
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THE GENERAL ELECTIONS PROVIDED AN EXTREMELY BROAD ARRAY OF POLITICAL OPTIONS, INCLUDING THE FORMERLY PERSECUTED DEMOCRATIC SOCIALISTS, WHO RETURNED FROM VOLUNTARY EXILE TO PARTICIPATE IN THE 1985 ELECTIONS. (HA NOTE: SUPPLEMENTAL LANGUAGE ON ELECTION CONDUCT AND RESULTS WILL BE FORTHCOMING.)
GUATEMALA IS PRIMARILY AN AGRICULTURAL COUNTRY, WITH A DUAL CULTURE IN WHICH THE INDIGENOUS POPULATION CONTINUES TO PRESERVE ITS REVERED TRADITION. THE ECONOMY HAS BEEN IN A SERIOUSLY DEEPENING RECESSION IN PAST MONTHS, EXACERBATING TENSIONS AND CURBING GOVERNMENT'S ABILITY TO RESPOND TO RECOGNIZED SOCIAL NEEDS.

A LOCAL HUMAN RIGHTS GROUP, THE MUTUAL SUPPORT GROUP (GAM), CONTINUED TO FUNCTION OPENLY, ALTHOUGH ONE OF ITS MEMBERS WAS FOUND TORTURED AND MURDERED, AND ANOTHER MEMBER, PLUS HER SON AND BROTHER, DIED UNDER SUSPICIOUS CIRCUMSTANCES. THE GOVERNMENT ACCEPTED

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PAGE 02 GUATEM 11608 02 OF 15 122006Z

VISITS BY FOREIGN HUMAN RIGHTS GROUPS AND, IN FACT, EXTENDED INVITATIONS TO SEVERAL OF THEM. PRESS FREEDOM WAS EVIDENT; LABOR UNION ACTIVITIES CONTINUED RELATIVELY UNIMPEDED. THE RIGHTS TO PRIVATE PROPERTY AND TO PURSUE PRIVATE INTERESTS REMAINED UNTRAMMELED. DEPLORABLE, HOWEVER, WAS THE CONTINUATION, ALTHOUGH AT A REDUCED RATE, OF KILLINGS AND DISAPPEARANCES AND ABUSES BY GUERRILLAS AND SECURITY FORCES. THE OFFICER CORPS IS STILL IMMUNE FROM PROSECUTION, AND THE JUSTICE SYSTEM UNABLE TO RESPOND TO OFFICIAL HUMAN RIGHTS VIOLATIONS.

RESPECT FOR HUMAN RIGHTS UNCLASSIFIED

SECTION 1 RESPECT FOR THE INTEGRITY OF THE PERSON,

INCLUDING FREEDOM FROM:

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A. POLITICAL KILLING

THROUGH SEPTEMBER, 1985, THERE WERE AN ESTIMATED 232 CIVILIAN NON-COMBATANT DEATHS IN GUATEMALA. THIS IS A DRAMATIC DECLINE FROM THE 491 KILLINGS IN 1984 AND THE 2235 IN 1982. SOME OF THE DEAD WERE BELIEVED TO BE VICTIMS OF THE GUATEMALAN SECURITY FORCES OR CIVIL DEFENSE PATROLS, WHILE OTHERS WERE KILLED BY INSURGENTS. IN ALL, APPROXIMATELY 440 PERSONS ARE BELIEVED TO HAVE BEEN KILLED FOR POLITICAL REASONS OR IN COMBAT, THROUGH SEPTEMBER OF 1985, COMPARED TO AN ESTIMATED 992 KILLED IN 1984 AND 3633 IN 1982.

WHILE THERE WERE FEWER REPORTS OF POLITICALLY MOTIVATED VIOLENCE IN THE COUNTRYSIDE, THERE WERE STILL ALLEGATIONS OF ABUSES AGAINST GUATEMALA'S

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PAGE 03 GUATEM 11608 02 OF 15 122006Z

INDIAN POPULATION. MOST OF THE ALLEGED INCIDENTS REPORTED IN 1985 INVOLVED INDIVIDUALS IN THE WESTERN HIGHLANDS, WHERE CLASHES BETWEEN INSURGENTS AND THE ARMY ARE STILL FREQUENT AND OFTEN FIERCE. HOWEVER, THERE WERE NO CREDIBLE REPORTS OF MASSACRES DURING THE YEAR. AN ONSITE INQUIRY BY UNITED STATES EMBASSY OFFICIALS PROVED FALSE A REPORT THAT 125 INDIANS HAD BEEN MASSACRED LAST APRIL AT SANTA ANITA LAS CANOAS, DEPARTMENT OF CHIMALTENANGO.

MEMBERS OF THE GUATEMALAN SECURITY FORCES WERE NOT IMMUNE FROM VIOLENCE. FOR EXAMPLE, AT LEAST 50 POLICEMEN HAVE BEEN KILLED IN 1985, ALONG WITH 7 MILITARY COMMISSIONERS. INSURGENTS TORTURED AND EXECUTED AN ARMY CORPORAL AND AN ARMY SPECIALIST IN THE DEPARTMENT OF SUCHITEPEQUEZ. THEY ALSO ASSASSINATED THE CHIEF OF THE MILITARY POLICE'S INTELLIGENCE SERVICE LAST AUGUST. FURTHERMORE, INSURGENTS CONTINUED THEIR CAMPAIGN AGAINST MEMBERS OF THE CIVIL DEFENSE FORCES, KILLING AT LEAST 30 IN THE FIRST NINE MONTHS OF 1985.

IN 1985, THE FOUR MARXIST-LENINIST GUERRILLA ORGANIZATIONS ALSO TARGETTED MUNICIPAL WORKERS, FARM OWNERS AND MANAGERS, AND OTHER CIVILIANS. GUERRILLAS

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IN THE DEPARTMENTS OF SAN MARCOS, RETALHULEU, QUETZALTENANGO, ESCUINTLA, CHIMALTENANGO, AND SANTA ROSA EXECUTED 11 FARM OWNERS. 4 SMALL BUSINESSMEN WERE BLOWN UP IN TWO HAND GRENADE ATTACKS BY GUERRILLAS IN THE DEPARTMENT OF EL PETEN, AND TWO FARM MANAGERS WERE KILLED NEAR LAKE ATITLAN BY INSURGENTS. DURING A MAY ATTACK ON THE SANTA ANA BERLIN MILITARY DETACHMENT IN COATEPEQUE, DEPARTMENT OF QUETZALTENAGO, GUERRILLAS KILLED THREE CIVILIANS, INCLUDING A WOMAN AND A CHILD. IN JULY, NEAR CHICO

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PAGE 04 GUATEM 11608 02 OF 15 122006Z

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PAGE 01 GUATEM 11608 03 OF 15 122008Z
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FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC IMMEDIATE 2438

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SE SECTION 03 OF 15 GUATEMALA 11608

E.O. 12356 NA
TAGS: PHUM, GT
SUBJ: 1985 HUMAN RIGHTS REPORT ON GUATEMALA

ZAPOTE, DEPARTMENT OF EL PETEN, GUERRILLAS SHOT TO DEATH FOUR CIVILIANS, INCLUDING TWO MINORS, WHOM THEY APPARENTLY MISTOOK FOR ARMY GUIDES. IN THEIR MOST SPECTACULAR ACT OF VIOLENCE, GUERRILLAS BLEW UP AN AIRPLANE CARRYING THE NORWEGIAN HONORARY CONSUL, HIS SON-IN-LAW, AND TWO OTHERS, AS IT LANDED AT A SMALL AIRSTRIP NEAR SANTA BARBARA, DEPARTMENT OF SUCHITEPEQUEZ, IN OCTOBER. ALL FOUR WERE KILLED.

GUATEMALAN SECURITY FORCES SOMETIMES REACTED WITH EXTREME HARSHNESS TO INSURGENT VIOLENCE. FOR INSTANCE, FOLLOWING THE KILLINGS OF TWO MILITARY

COMMISSIONERS AND SEVERAL CIVIL DEFENSE PATROL MEMBERS IN PATZUN, DEPARTMENT OF CHIMALTENANGO, THE LOCAL MILITARY COMMANDER CARRIED OUT A SERIES OF ABDUCTIONS AND ASSASSINATIONS. BY THE TIME REPRISAL AND COUNTER-REPRISAL HAD FINISHED, 22 PEOPLE WERE REPORTED DEAD.

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PAGE 02 GUATEM 11608 03 OF 15 122008Z

KILLINGS HAVE ALSO BEEN ATTRIBUTED TO SOME OF THE 900,000 MEMBERS OF THE CIVIL DEFENSE PATROLS, SOMETIMES IN CLASHES BETWEEN NEIGHBORING PATROLS OR BETWEEN CIVIL DEFENSE MEMBERS AND CIVILIANS OVER LAND DISPUTES, AND SOMETIMES IN PERSONAL VENDETTAS. THERE CONTINUED TO BE ALLEGATIONS THAT CIVIL DEFENSE PATROL MEMBERS SUMMARILY EXECUTED SOME GUERRILLAS OR SUSPECTED GUERRILLAS.

THE GUATEMALAN GOVERNMENT HAS NOT CONSISTENTLY PUNISHED MEMBERS OF THE SECURITY FORCES FOR SUCH EXTRA-JUDICIAL KILLINGS, ALTHOUGH SOME OFFENDERS HAVE BEEN DISMISSED OR JAILED. FOR INSTANCE, IN AUGUST A POLICE SPOKESMAN SAID THAT 245 POLICEMEN HAD BEEN DISCHARGED DURING THE PREVIOUS MONTH FOR "ILLEGAL ACTIVITIES." ALSO, IN OCTOBER FOUR MEMBERS OF A CIVIL DEFENSE PATROL WERE GIVEN TWENTY YEAR PRISON TERMS FOR MURDERING A VILLAGER. HOWEVER, THE GUATEMALAN ARMY SHOWED ITSELF STILL UNWILLING OR UNABLE TO PUNISH CRIMES BY OFFICERS. AFTER KILLINGS AND DISAPPEARANCES IN PATZUN WERE LINKED TO THE LOCAL MILITARY COMMANDER, THE ARMY TRANSFERRED THE OFFICER BUT BROUGHT NO CHARGES AGAINST HIM.

LAMENTABLY, IT IS DIFFICULT OR IMPOSSIBLE TO ASSIGN CLEAR RESPONSIBILITY OR MOTIVE TO MANY OF THE KILLINGS IN GUATEMALA. THE GUERRILLAS ON OCCASION USE THE SAME WEAPONS, TACTICS, AND UNIFORMS AS THE ARMY IN AN EFFORT TO PLACE BLAME ON THE GOVERNMENT FORCES. HOWEVER, SECURITY FORCES HAVE BEEN CHARGED WITH USING THE SAME TACTIC. BODIES FREQUENTLY APPEAR WITHOUT ANY GROUP TAKING RESPONSIBILITY FOR THE KILLINGS, AND WITHOUT ANY EVIDENCE THAT THE KILLINGS

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UNCLASSIFIED

WERE POLITICALLY MOTIVATED. SUCH CASES, IN WHICH THERE IS MUCH SPECULATION AND FEW FACTS, COMPRISE THE BULK OF KILLINGS IN GUATEMALA.

A FEW EXAMPLES OF THE KIND OF PRESUMABLY POLITICAL VIOLENCE ENDEMIC IN GUATEMALA ARE: A) THE MARCH MURDER OF TWO PROFESSORS FROM THE NATIONAL UNIVERSITY OF SAN CARLOS IN GUATEMALA CITY. B) THE JUNE MURDER OF A UNIVERSITY BOARD MEMBER AND PROFESSOR. C) THE MARCH MURDER OF MANUEL FRANCISCO SOSA AVILA, A RETIRED GENERAL AND FORMER DIRECTOR OF THE NATIONAL POLICE AND MINISTER OF THE INTERIOR. D) THE AUGUST KILLING OF ROBERTO CASTANEDA FELICE, A PROMINENT BUSINESSMAN AND PRIVATE SECTOR LEADER, IN GUATEMALA CITY. ALTHOUGH EACH OF THESE CASES SMACKS OF POLITICAL MOTIVATION, THERE IS NO DEFINITIVE EVIDENCE OF MOTIVE OR RESPONSIBILITY.

B. DISAPPEARANCE

THE NUMBER OF KIDNAPPINGS AND DISAPPEARANCES FELL IN 1985 TO THE LOWEST LEVEL THIS DECADE. AN ESTIMATED 161 PEOPLE WERE ABDUCTED, THROUGH SEPTEMBER OF 1985, COMPARED WITH 425 ABDUCTIONS IN 1984. THOUGH THE NUMBERS ARE STILL UNACCEPTABLY HIGH, THE DECREASE IS AN ENCOURAGING TREND GIVEN THE 38 PERCENT JUMP IN KIDNAPPINGS BETWEEN 1983 AND 1984. AS WITH KILLINGS, MOTIVE AND ORIGIN ARE USUALLY NOT PROVEABLE.

AS IN THE PAST, THE GOVERNMENT SECURITY FORCES WERE ACCUSED OF ABDUCTING PEOPLE IN ORDER TO QUESTION THEM ABOUT SUBVERSIVE ACTIVITIES. FOR INSTANCE, THE LOCAL CHRISTIAN DEMOCRATIC PARTY IN CHICHICASTENANGO, DEPARTMENT OF EL QUICHE, CHARGED SECURITY FORCES WITH KIDNAPPING A PARTY MEMBER IN MAY, AND IN JULY AN

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PAGE 01 GUATEM 11608 04 OF 15 122009Z
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FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC IMMEDIATE 2438

UNCLASSIFIED

[redacted] SECTION 04 OF 15 GUATEMALA 11608

E.O. 12356 NA
TAGS: PHUM, GT
SUBJ: 1985 HUMAN RIGHTS REPORT ON GUATEMALA

AGRICULTURAL WORKERS' UNION IN THE SAME TOWN ACCUSED THE CIVIL DEFENSE FORCE OF ABDUCTING A UNION MEMBER. SECURITY FORCES HAVE ALSO BEEN LINKED TO THE MAY DISAPPEARANCE OF THREE RAFAEL LANDIVAR UNIVERSITY EXTENSION WORKERS. THE SECURITY FORCES, HOWEVER, ALMOST ALWAYS DENY KNOWLEDGE OF THE WHEREABOUTS OF DISAPPEARED PERSONS IN RESPONSE TO INQUIRIES BY THE UNITED STATES EMBASSY OR OTHERS.

THE INSURGENT GROUPS USED KIDNAPPING TO COMMANDEER LABOR AND TO PUNISH GOVERNMENT COLLABORATORS. IN MARCH, GUERRILLAS IN THE DEPARTMENT OF CHIMALTENANGO KIDNAPPED A CIVIL DEFENSE PATROL MEMBER, A CATECHIST, AND A FARM OWNER. INSURGENTS OPERATING IN THE DEPARTMENT OF EL QUICHE KIDNAPPED A SUPERVISOR OF THE NATIONAL INSTITUTE FOR ELECTRIFICATION AT THE CHIXOY HYDROELECTRIC PROJECT SITE. GUERRILLAS ALSO REPORTEDLY KIDNAPPED WHOLE VILLAGES IN ORDER TO USE THE VILLAGERS AS "MASAS," OR PROVIDERS OF FOOD AND

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PAGE 02 GUATEM 11608 04 OF 15 122009Z

LABOR. OCCASIONALLY, THE ARMY ANNOUNCES THE LIBERATION OF SUCH GROUPS. IN JUNE, THE ARMY DECLARED IT HAD RESCUED 105 RESIDENTS OF THE VILLAGE OF EL TUMBO, DEPARTMENT OF EL PETEN, WHO THE ARMY SAID WERE BEING ABDUCTED TO MEXICO BY INSURGENTS.

STUDENTS AND FACULTY AT THE NATIONAL UNIVERSITY OF SAN CARLOS CONTINUED TO BE KIDNAPPED IN 1985. SOME OF THESE CASES SEEM ATTRIBUTABLE TO GOVERNMENT

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SECURITY FORCES ACTING AGAINST SUSPECTED INSURGENTS OR THEIR SUPPORTERS. IN MARCH, TWO MEMBERS OF STUDENT ASSOCIATIONS AT THE UNIVERSITY WERE REPORTED KIDNAPPED, AND IN JULY A STUDENT SOCIAL PROMOTER WAS ABDUCTED IN QUETZALTENANGO. HOWEVER, MOTIVES AND ORIGINS OF VIOLENCE AGAINST STUDENTS AND FACULTY ARE ALSO IN MOST CASES HARD TO DEFINE WITH CERTAINTY.

- SAN CARLOS HAS A LARGE ENROLLMENT AND MANY PERSONS ATTEND ON A CASUAL BASIS FOR MANY YEARS, SO THAT A VICTIM'S ASSOCIATION WITH THE UNIVERSITY MAY ONLY BE COINCIDENTAL. THE UNIVERSITY, ALSO, IS A CENTER OF NARCOTICS TRAFFICKING AND DRUG RELATED CRIME IS COMMON.

THE MUTUAL SUPPORT GROUP (GAM), FORMED IN 1984 AND COMPRISED LARGELY OF FAMILIES OF MISSING STUDENTS, NAMED 3 RELATIVES AS VICTIMS OF DISAPPEARANCES IN THE FIRST SIX MONTHS OF 1985. THIS COMPARES TO 40 REPORTED DISAPPEARANCES IN 1984.

MANY KIDNAPPINGS HAD APPARENT CRIMINAL MOTIVES SUCH AS RANSOM AND PERSONAL VENDETTA. A FOREMOST FACTOR LIMITING THE ABILITY TO CATEGORIZE A DISAPPEARANCE IS THE UNWILLINGNESS OF RELATIVES TO REVEAL THE

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PAGE 03 GUATEM 11608 04 OF 15 122009Z

OCCURRENCE, ESPECIALLY IF A LARGE RANSOM WAS PAID.

SOME DISAPPEARANCES WERE FOUND TO HAVE OTHER EXPLANATIONS. FOR INSTANCE, IN AUGUST THE NATIONAL POLICE ANNOUNCED THAT AMONG THE MISSING PERSON CASES THEY HAD SOLVED, ONE "VICTIM" HAD BEEN WORKING AS A MAID IN GUATEMALA CITY, ANOTHER HAD JOINED THE ARMY, AND A THIRD HAD RUN AWAY WITH HER BOYFRIEND. IN JULY, A LIBRARIAN AT THE UNIVERSITY OF SAN CARLOS IN QUETZALTENANGO WAS REPORTED MISSING. LATER, SHE WAS DISCOVERED AT THE HOME OF SOME RELATIVES IN THE CAPITAL CITY. ALSO, PERSONS INVOLVED WITH THE INSURGENCY ARE KNOWN TO LEAVE THE COUNTRY FOR TRAVEL TO SOVIET BLOC COUNTRIES, CUBA, OR MEXICO, BY PRETENDING TO DISAPPEAR. FRIENDS AND RELATIVES, WITTINGLY OR UNWITTINGLY, REPORT THEM AS KIDNAPPED OR DISAPPEARED. IN MARCH, THE ARMY REPORTED THAT A GUERRILLA CAPTURED AT SAYACHE, DEPARTMENT OF EL PETEN, ADMITTED THAT HE AND SEVERAL WORKERS, WHOSE

PHOTOS HAD APPEARED IN THE GUATEMALAN PRESS AS "DISAPPEARED," HAD REALLY GONE TO CUBA TO RECEIVE MILITARY TRAINING.

C. TORTURE AND CRUEL, INHUMAN, OR DEGRADING - TREATMENT OR PUNISHMENT

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ALTHOUGH GUATEMALAN CIVIL AND CRIMINAL CODES EXPRESSLY PROHIBIT PHYSICAL AND MENTAL TORTURE, THE PRACTICE CONTINUES. THE GUATEMALAN PRESS REGULARLY REPORTS THE DISCOVERY OF BODIES SHOWING SIGNS OF TORTURE. IN ONLY A FEW CASES HAS THE IDENTITY OF THE PERPETRATORS BEEN ESTABLISHED, BUT IT APPEARS THAT TORTURE IS EMPLOYED BY MANY GROUPS. GOVERNMENT SECURITY FORCES, VIGILANTE GROUPS, GUERRILLA ORGANIZATIONS, AND CRIMINALS HAVE BEEN HELD

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PAGE 01 GUATEM 11608 05 OF 15 122009Z
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FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC IMMEDIATE 2440

[redacted] SECTION 05 OF 15 GUATEMALA 11608

E.O. 12356 NA
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SUBJ: 1985 HUMAN RIGHTS REPORT ON GUATEMALA

RESPONSIBLE FOR THESE ACTS.

THERE ARE STRONG INDICATIONS THAT HARSH TREATMENT OR TORTURE IS INFLICTED ON SOME DETAINED PERSONS BY GOVERNMENT
SECURITY FORCES. FOR INSTANCE, IN OCTOBER THE POLICE CLAIMED THAT A YOUNG MAN, CESAR RAMOS,

ATTEMPTED SUICIDE IN THE BATHROOM OF A GUATEMALA CITY POLICE STATION BY SHOOTING HIMSELF IN THE HEAD WITH A PISTOL HE STOLE FROM A POLICE OFFICER. FAMILY MEMBERS, HOWEVER, CHARGED POLICE WITH BEATING AND THEN SHOOTING THE YOUNG MAN. IN SEPTEMBER, A GUATEMALAN MOTHER CLAIMED THAT SHE WAS ABDUCTED AND FORCED TO WATCH ALLEGED GOVERNMENT SECURITY AGENTS BEAT HER SON, WHO HAD BEEN ABDUCTED A DAY EARLIER BY MEN WHO IDENTIFIED THEMSELVES AS POLICEMEN.

THE GUERRILLAS ALSO HAVE NOT HESITATED TO USE TORTURE TO INTIMIDATE AND TO PUNISH GOVERNMENT COLLABORATORS. IN AUGUST, FOUR INDIAN MEMBERS OF A [redacted]

PAGE 02 GUATEM 11608 05 OF 15 122009Z

CIVIL DEFENSE PATROL WERE FOUND BOUND, TORTURED, SHOT, AND WITH THROATS SLASHED ON THE COATEPEQUE-PORT OCOS ROAD, DEPARTMENT OF QUETZALTENANGO, AFTER BEING ABDUCTED BY INSURGENTS. GUERRILLAS IN SUCHITEPEQUEZ TORTURED AND KILLED AN ARMY CORPORAL, AND IN MAY A FARMER IN CHIMALTENANGO WAS ABDUCTED, BEATEN, AND SHOT BY INSURGENTS. IN OCTOBER, THE GUATEMALAN ARMY RESCUED 62 PEASANTS WHO HAD BEEN HELD BY INSURGENTS NEAR THE MUNICIPALITY OF SAN JUAN COTZAL, DEPARTMENT OF EL QUICHE. THE RESCUED PEASANTS, ALL WHOM WERE IN POOR HEALTH AND SUFFERED FROM MALNUTRITION, WERE USED AS CAMP WORKERS BY THE GUERRILLAS. INCLUDED AMONG THEM WERE 37 CHILDREN.

SEVERAL HUMAN RIGHTS GROUPS HAVE ACCUSED THE GOVERNMENT OF OPERATING SECRET PRISONS WHERE TORTURE IS USED DURING INTERROGATION. THE GOVERNMENT DENIES THESE ALLEGATIONS AND THEIR ACCURACY HAS NEVER BEEN CONFIRMED. THE UNITED NATIONS HUMAN RIGHTS COMMISSION'S SPECIAL RAPPORTEUR FOR GUATEMALA, VISCOUNT COLVILLE DE CULROSS, ANNOUNCED IN AUGUST THAT HE HAD FOUND NO EVIDENCE OF SECRET JAILS. AN AMNESTY INTERNATIONAL GROUP INSPECTED POLICE FACILITIES IN GUATEMALA CITY WITHOUT FINDING CLANDESTINE DETENTION CENTERS. IN SEPTEMBER, FOLLOWING RUMORS THAT SECRET JAIL CELLS HAD BEEN FOUND IN THE BASEMENT OF THE MINISTRY OF FINANCE, REPORTERS AND TELEVISION NEWS CREWS WERE GIVEN FREE ACCESS TO THE BUILDING. THEY FOUND NO CELLS.

ALLEGATIONS THAT THE "MODEL VILLAGES" ARE CONCENTRATION CAMPS ARE NOT CREDIBLE, AND DO NOT ACCURATELY REFLECT THE VIEWS OF INHABITANTS OR MOST

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OUTSIDE OBSERVERS. TWO OF THE 50 COMMUNITIES UNDER DEVELOPMENT IN THE MODEL VILLAGE PROGRAM, SARRAXOCH AND ACAMAL, SERVE AS "HALF-WAY" HOUSES FOR GUERRILLAS WHO HAVE TAKEN ADVANTAGE OF THE GOVERNMENT'S AMNESTY PROGRAM. ACCESS TO THESE TWO VILLAGES BY OUTSIDERS IS CONTROLLED. THIS POLICY HAS CAUSED MISUNDERSTANDING AMONG SOME VISITORS, INCLUDING TWO OBSERVERS OF THE WASHINGTON OFFICE ON LATIN AMERICA (WOLA), WHO CLAIMED THAT THEY WERE DENIED ACCESS TO SARRAXOCH.

AS IN 1984, THE PRINCIPAL GOVERNMENT PRISON, GRANJA PENAL PAVON, WAS THE SITE OF A RIOT IN WHICH SEVERAL PRISONERS WERE KILLED AND OTHERS WOUNDED. GOVERNMENT OFFICIALS HAVE ACKNOWLEDGED THAT THE PRISON POPULATION WAS IN EXCESS OF THE FACILITY'S CAPACITY, AND THAT THE BUDGET WAS INADEQUATE FOR THE NUMBER OF PRISONERS. PRISON OFFICIALS BLAMED OVERCROWDING AND GANG WARFARE FOR MUCH OF THE VIOLENCE. THERE IS NO POLICY OF PHYSICAL PUNISHMENT AT PAVON OR AT THE OTHER PRISONS, AND THE FACILITIES DO NOT HAVE A REPUTATION FOR INMATE MISTREATMENT. HOWEVER, IN 1985 A GUATEMALAN COURT INDICTED PRISON GUARDS FOR THEIR ROLE IN A 1984 RIOT AT PAVON, AND SEVERAL TOP PRISON OFFICIALS WERE DISMISSED AFTER THE DEATH OF SEVERAL INMATES DURING RIOTING IN 1985.

D. ARBITRARY ARREST, DETENTION, OR EXILE

THE GUATEMALAN GOVERNMENT DOES NOT USE EXILE AS A FORM OF PUNISHMENT, NOR ARE CRITICS OF THE GOVERNMENT ARRESTED AND CONVICTED UNDER PRETEXT OF COMMON CRIMINALITY. THE CURRENT GOVERNMENT FACILITATED, DURING 1985, THE VOLUNTARY DEPARTURE FROM GUATEMALA OF SEVERAL PEOPLE WHO SOUGHT PROTECTION IN THE

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PAGE 01 GUATEM 11608 06 OF 15 122010Z
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FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC IMMEDIATE 2441

[redacted] SECTION 06 OF 15 GUATEMALA 11608

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SUBJ: 1985 HUMAN RIGHTS REPORT ON GUATEMALA

COLOMBIAN, VENEZUELAN, AND OTHER DIPLOMATIC MISSIONS. AS A MATTER OR POLICY, THE GUATEMALAN GOVERNMENT REGARDED THESE PEOPLE AS "GUESTS" OF THE DIPLOMATIC MISSIONS IN WHICH THEY REQUESTED ASYLUM, AND REFUSED TO REFER TO THEM AS "ASYLEES."

FORCED LABOR IS NOT PRACTICED IN GUATEMALA. SERVICE IN THE CIVIL DEFENSE PATROLS IS OSTENSIBLY VOLUNTARY, BUT, IN MANY RURAL AREAS TAKES ON THE CHARACTER OF A REQUIREMENT FOR ABLE-BODIED MALES, OFTEN AS THE RESULT OF PEER AND COMMUNITY PRESSURE. IN A RECENT PASTORAL LETTER, THE METROPOLITAN ARCHBISHOP OF GUATEMALA CITY, PROSPERO PENADOS DEL BARRIO, CRITICIZED THE CIVIL DEFENSE PATROLS AS "OBLIGATORY SERVICE," AND SAID PATROL MEMBERS' TIME WOULD BE BETTER SPENT PROVIDING FOR THEIR FAMILIES. IN CONVERSATIONS WITH EMBASSY OFFICIALS, HEADS OF THE CIVIL DEFENSE PATROLS IN CONFLICTIVE ZONES EXPRESSED LITTLE DOUBT ABOUT THE IMPORTANT ROLE THE PATROLS

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PAGE 02 GUATEM 11608 06 OF 15 122010Z

PLAYED IN PROTECTING THEIR VILLAGES FROM GUERRILLA ATTACK, AND CONSIDERED SERVICE IN THE PATROLS A RESPONSIBILITY WHICH COULD NOT BE LIGHTLY SHIRKED.

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UNDER THE GUATEMALAN LEGAL CODE, PERSONS MAY NOT BE HELD FOR MORE THAN 48 HOURS WITHOUT BEING BROUGHT BEFORE A JUDGE AND CHARGED WITH A CRIME. DESPITE THIS AND OTHER LEGAL PROVISIONS, THE ILLEGAL DETENTION OF INDIVIDUALS SUSPECTED OF BEING INSURGENTS OR ACTIVE INSURGENT SYMPATHIZERS CONTINUES TO BE A SERIOUS PROBLEM. THE GOVERNMENT OFFICIALLY DENIES THAT ANY POLITICAL PRISONERS ARE HELD IN CUSTODY. TO OUR KNOWLEDGE, THERE ARE NO "PRISONERS OF CONSCIENCE," ARRESTED FOR THEIR BELIEFS ALONE.

IN SEPTEMBER, THE GUATEMALAN SUPREME COURT ADVISED THE MUTUAL SUPPORT GROUP THAT NONE OF THE 700 WRITS OF HABEAS CORPUS IT HAD PRESENTED WERE SUCCESSFUL IN LOCATING ALLEGEDLY DISAPPEARED PERSONS IN GOVERNMENT CUSTODY. IN MAY, THE MEXICO-BASED GUATEMALA HUMAN RIGHTS COMMISSION, WHICH IS ALIGNED WITH THE VIOLENT LEFTIST REVOLUTIONARY ORGANIZATION OF PEOPLE IN ARMS, PRESENTED 103 WRITS OF HABEAS CORPUS. NONE WAS SUCCESSFUL.

NEARLY 1000 PEOPLE WERE ARRESTED FOR VANDALISM, THIEVERY, AND ASSAULT DURING A WEEK OF RIOTING IN SEPTEMBER WHICH FOLLOWED AN INCREASE IN BUS FARES. GUATEMALAN POLICE REACTED WITH MARKED CONSTRAINT DURING THESE DISTURBANCES, AND THOSE ARRESTED WERE QUICKLY BROUGHT BEFORE JUDGES AND PROVIDED ACCESS TO LEGAL COUNSEL. MOST WERE PROMPTLY RELEASED, AND WITHIN TWO WEEKS ONLY TWENTY PEOPLE REMAINED IN

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UNCLASSIFIED

PAGE 03 GUATEM 11608 06 OF 15 122010Z

CUSTODY, EACH CHARGED WITH COMMON CRIME.

E. DENIAL OF FAIR PUBLIC TRIAL

ALTHOUGH THERE IS LITTLE OVERT MILITARY INTERFERENCE IN THE COURTS' OPERATION, JUDICIAL OFFICERS RECOGNIZE THE NEED TO RESPOND TO INDICATIONS OF SPECIAL INTEREST IN PARTICULAR CASES BY HIGH GOVERNMENT OR MILITARY OFFICIALS. THE PRACTICAL EFFECT OF SUCH "INFLUENCE" IS THAT THE JUDICIAL SYSTEM IS UNABLE TO RESPOND TO OFFICIAL HUMAN RIGHTS VIOLATIONS.

PERSONS ARRESTED IN GUATEMALA ARE GUARANTEED THE

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RIGHT TO LEGAL COUNSEL AT ALL HEARINGS, AND LAWYERS ARE PROVIDED BY THE STATE IF THE DEFENDENTS CANNOT AFFORD THEM. HOWEVER, THE LAWYERS PROVIDED ARE USUALLY LAW STUDENTS. ALSO, THE MAJORITY OF THE NATION'S LAWYERS LIVE NEAR GUATEMALA CITY, AND IT IS DIFFICULT TO RETAIN LEGAL COUNSEL IN THE COUNTRYSIDE. DEFENDENTS MAY BE RELEASED AFTER POSTING BAIL AT THE DISCRETION OF THE MAGISTRATE. HOWEVER, THE JUDICIAL MACHINARY IS CUMBERSOME AND SLOW AND IT IS NOT UNUSUAL FOR DEFENDENTS TO SPEND SEVERAL MONTHS IN PRISON BEFORE THE COURTS RENDER A DECISION ON THEIR GUILT OR INNOCENCE.

IN 1985, THE CONSTITUENT ASSEMBLY AUTHORED NEW LAWS OF HABEAS CORPUS AND AMPARO WHICH GO INTO EFFECT JANUARY 14, 1985, WITH THE NEW CONSTITUTION, UPON THE INAUGURATION OF THE CIVILIAN GOVERNMENT.

F. ARBITRARY INTERFERENCE WITH PRIVACY, FAMILY, - HOME, OR CORRESPONDENCE

THE BASIC STATUE OF GOVERNMENT GUARANTEES THE

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PAGE 04 GUATEM 11608 06 OF 15 122010Z

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PAGE 01 GUATEM 11608 07 OF 15 122011Z
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TO SECSTATE WASHDC IMMEDIATE 2442

[redacted] SECTION 07 OF 15 GUATEMALA 11608

UNCLASSIFIED

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INVIOLABILITY OF THE HOME, AND OF PERSONAL

CORRESPONDENCE AND PRIVATE PAPERS. DURING 1985, THE GOVERNMENT CONTINUED TO SET UP ROADBLOCKS IN THE INTERIOR TO CHECK DOCUMENTS OF TRAVELERS AND TO SEARCH VEHICLES FOR SECURITY REASONS. THE TREASURY POLICE ALSO USED ROADBLOCKS TO SEARCH FOR CONTRABAND AND INTERDICT SMUGGLING ACROSS GUATEMALA'S FOUR BORDERS. OCCASIONALLY, SECURITY FORCES HAVE ENTERED HOMES WITHOUT WARRANTS IN SEARCH OF GUERRILLA SAFEHOUSES AND ARMS CACHES. ALSO, GOVERNMENT SECURITY AGENT
S HAVE ALLEGEDLY ENTERED HOMES OF
KIDNAP VICTIMS WITHOUT JUDICIAL AUTHORIZATION IN SEARCH OF WEAPONS OR OTHER ITEMS.

CHARGES THAT PRIVATE CORRESPONDENCE IS TAMPERED WITH CONTINUE TO BE MADE. POSTAL AUTHORITIES ACKNOWLEDGE THAT THIS SOMETIMES HAPPENS, AND BLAME DISHONEST EMPLOYEES. LETTERS BEARING CHECKS TO RELATIVES OF GUATEMALANS LIVING IN THE UNITED STATES ARE A [redacted]

PAGE 02 GUATEM 11608 07 OF 15 122011Z

PARTICULAR TARGET OF MAIL THEFT. IN SEPTEMBER, THE GOVERNMENT INITIATED A NEW MAIL HANDLING SYSTEM TO COUNTER SUCH THIEVERY. THERE HAVE ALSO BEEN ALLEGATIONS OF MAIL TAMPERING AND TELEPHONE TAPPING BY SECURITY FORCES.

THERE IS NO ORGANIZED SYSTEM OF GOVERNMENT INFORMERS OR NEIGHBORHOOD WATCH COMMITTEES IN URBAN AREAS. HOWEVER, CIVIL DEFENSE PATROLS HAVE SERVED AS A MEANS OF REASSERTING GOVERNMENT CONTROL OVER THE COUNTRYSIDE. THE INVOLVEMENT OF LARGE SEGMENTS OF THE RURAL POPULATION OBVIOUSLY CONTRIBUTES TO THE GOVERNMENT'S ABILITY TO MONITOR THE MOVEMENT OF ITS CITIZENS, AN IMPORTANT FUNCTION OF THE CIVIL DEFENSE PATROL IN COUNTERING THE INSURGENCY. GUERRILLA ORGANIZATIONS HAVE ACCUSED MILITARY COMMISSIONERS - RURAL CIVILIAN REPRESENTATIVES OF THE MILITARY - AS WELL AS OTHER RURAL GOVERNMENT EMPLOYEES OF BEING "INFORMERS" OR "EARS," AND HAVE ASSASSINATED A NUMBER OF SUCH PERSONS.

DURING THE SEPTEMBER RIOTS IN THE CAPITAL, ARMY UNITS OCCUPIED THE NATIONAL UNIVERSITY CAMPUS FOR ABOUT 24 HOURS AND MADE AN UNAUTHORIZED, EXHAUSTIVE SEARCH OF

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UNIVERSITY RECORDS AND ARCHIVES, APPARENTLY SEIZING DOCUMENTS RELATING TO STUDENT IDENTITY AND BACKGROUND. THE EVENT WAS UNIVERSALLY CONDEMNED IN GUATEMALA AS AN ABUSIVE VIOLATION OF UNIVERSITY AUTONOMY.

SECTION 2 RESPECT FOR CIVIL RIGHTS, INCLUDING:

A. FREEDOM OF SPEECH AND PRESS

UNCLASSIFIED

PAGE 03 GUATEM 11608 07 OF 15 122011Z

THE GOVERNMENT AFFIRMS THESE RIGHTS AND NO MAJOR ABUSES WERE REPORTED IN 1985. THERE WERE NO INDICATIONS OF ANY ATTEMPT TO PREVENT THE MEDIA FROM FREELY AIRING DIVERSE VIEWPOINTS AND ACTIVELY COVERING THE SPECTRUM OF POLITICAL OPINION DURING THE ELECTION. IN FACT, THERE WERE CONCERNS THAT THE CLOSE RELATIONSHIP BETWEEN PARTS OF THE MEDIA AND SOME CANDIDATES MIGHT THREATEN THE "INDEPENDENT" STANCE OF THE MEDIA. JORGE CARPIO, PRESIDENTIAL CANDIDATE OF THE NATIONAL UNION OF THE CENTER PARTY, IS ALSO THE PUBLISHER OF EL GRAFICO, A LEADING GUATEMALAN DAILY NEWSPAPER. ALSO, MARIO DAVID GARCIA, PRESIDENTIAL CANDIDATE OF THE NATIONALIST AUTHENTIC CENTRAL PARTY, IS MANAGING EDITOR OF AQUI EL MUNDO, A MAJOR TELEVISION NEWS PROGRAM.

THIS SITUATION CONTRASTS SHARPLY WITH THAT OF RECENT YEARS, WHEN NEWSPAPER REPORTERS AND BROADCAST JOURNALISTS WERE FREQUENT TARGETS OF POLITICAL VIOLENCE. LINGERING FEARS STILL SERVE TO LIMIT PRESS FREEDOMS SOMEWHAT. WHILE OPPOSITION VIEWS AND EVEN SHARP CRITICISM OF THE GOVERNMENT ARE AIRED FREELY, JOURNALISTIC SELF-RESTRAINT RESULTS IN ONLY PERFUNCTORY COVERAGE OF SUCH TOPICS AS THE MILITARY, NATIONAL SECURITY, OFFICIAL CORRUPTION, POLICE INVESTIGATIONS, AND SOME JUDICIAL PROCEEDINGS. JOURNALISTS ARE NOT PREVENTED FROM ENTERING OR COVERING NEWSWORTHY EVENTS IN CONFLICTIVE ZONES, BUT THEY RARELY DO SO. GUERRILLA ORGANIZATIONS AND CIVIL RIGHTS GROUPS HAVE ACCESS TO THE MEDIA THROUGH COMMUNIQUES AND MANIFESTOS, THE GOVERNMENT NO LONGER PREVENTING THEIR PUBLICATION. IN FACT, IN SEPTEMBER THE COMMUNIST GUATEMALAN WORKERS' PARTY (PGT), A

MEMBER OF THE INSURGENCY, PUBLISHED A MESSAGE IN THE

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PAGE 04 GUATEM 11608 07 OF 15 122011Z

UNCLASSIFIED

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UNCLASSIFIED

PAGE 01 GUATEM 11608 08 OF 15 122012Z
ACTION HA-08

INFO LOG-00 COPY-01 ADS-00 AID-00 INR-10 SS-00 CIAE-00
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FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC IMMEDIATE 2443

SECTION 08 OF 15 GUATEMALA 11608

E.O. 12356 NA
TAGS: PHUM, GT
SUBJ: 1985 HUMAN RIGHTS REPORT ON GUATEMALA

GUATEMALAN PRESS COMMEMORATING ITS ANNIVERSARY.

IN JUNE, A RADIO REPORTER, THE SON OF A RADIO PROGRAM DIRECTOR, WAS SHOT AND KILLED BY UNIDENTIFIED ASSAILANTS IN GUATEMALA CITY. THERE WAS NO EVIDENCE THAT LINKED THE REPORTER'S MURDER TO HIS PROFESSIONAL ACTIVITIES. NICHOLAS BLAKE, AN AMERICAN FREELANCE REPORTER, AND GRIFFITH DAVIS, AN AMERICAN LIVING IN GUATEMALA, DISAPPEARED IN MARCH IN WESTERN EL QUICHE NEAR SUMAL, A GUERRILLA STRONGHOLD. THEY HAD APPARENTLY INTENDED TO INTERVIEW INSURGENT FORCES.

RADIO IS GUATEMALA'S MOST PERVASIVE MEDIUM, WITH OVER 100 PRIVATELY OWNED STATIONS OPERATING THROUGHOUT THE COUNTRY. THE GOVERNMENT OWNS AND OPERATES SIX RADIO STATIONS, AND ONE TELEVISION STATION, WHICH BROADCAST A VARIETY OF NEWS, EDUCATIONAL, AND ENTERTAINMENT PROGRAMS. FOUR MAJOR INDEPENDENT DAILY NEWSPAPERS ARE PUBLISHED IN THE CAPITAL. THE GOVERNMENT

UNCLASSIFIED

UNCLASSIFIED

PAGE 02 GUATEM 11608 08 OF 15 122012Z

PUBLISHES ONE DAILY WITH OFFICIAL ANNOUNCEMENTS, DECREES, AND SELECTED NEWS ITEMS.

THERE IS NO CENSORSHIP OF EITHER LOCAL OR FOREIGN BOOKS IN GUATEMALA, BUT A FEW LOCAL WRITERS AND ARTISTS CONTINUE TO LIVE AND WORK IN SELF-EXILE. IN MARCH, IMMIGRATION OFFICIALS CONFISCATED SEVERAL PUBLICATIONS THAT A FOREIGN PRIEST BROUGHT INTO GUATEMALA. AUTHORITIES CLAIMED THE PUBLICATIONS WERE MARXIST LITERATURE, BUT LATER RETURNED THEM TO THE CLERIC.

B. FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION

THE BASIC STATUTE OF GOVERNMENT AFFIRMS THE RIGHTS OF PETITION, ASSEMBLY, AND POLITICAL ASSOCIATION. THESE RIGHTS HAVE BEEN RESPECTED AND REAFFIRMED THROUGH THE PROCESS OF DEMOCRATIZATION THAT BEGAN WITH THE ELECTIONS FOR THE CONSTITUENT ASSEMBLY IN JULY, 1984, THE POLITICAL ACTIVITIES WHICH FOLLOWED THAT ELECTION, AND THE ELECTION OF A CIVILIAN GOVERNMENT IN NOVEMBER OF 1985.

TWELVE POLITICAL PARTIES MET THE LEGAL REQUIREMENTS TO PRESENT CANDIDATES FOR ELECTION. POLITICALLY, THESE PARTIES CROSS THE SPECTRUM FROM DEMOCRATIC SOCIALISTS ON THE LEFT TO EXTREME CONSERVATIVES ON THE RIGHT.

BEGINNING WITH THE 1984 CONSTITUENT ASSEMBLY ELECTIONS, AND CONTINUING THROUGH THE GENERAL ELECTIONS OF NOVEMBER, 1985, FREEDOM OF POLITICAL ASSEMBLY HAS BEEN RESPECTED BY THE GOVERNMENT.

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PAGE 03 GUATEM 11608 08 OF 15 122012Z

ALTHOUGH FEW POLITICAL GATHERINGS WERE STRUCK BY VIOLENCE, NONE WAS LINKED TO THE GOVERNMENT, AND NO SERIOUS CHARGES LEVELED OF GOVERNMENT INTERFERENCE.

THE BASIC STATUTE OF GOVERNMENT ALSO RECOGNIZES THE RIGHTS OF WORKERS TO ORGANIZE AND STRIKE IN CONFORMITY WITH THE GUATEMALAN LABOR CODE, WHICH

UNCLASSIFIED

UNCLASSIFIED

REQUIRES A PROCESS OF NEGOTIATIONS AND CONCILIATION BEFORE A LEGAL WALKOUT CAN TAKE PLACE. THESE PROCEDURES OFTEN MAKE IT DIFFICULT TO CALL A LEGAL STRIKE. HOWEVER, THE NEW CONSTITUTION WHICH WILL GO INTO EFFECT ON JANUARY 14, 1986, SPECIFICALLY EXPANDS WORKERS' RIGHTS, INCLUDING FOR THE FIRST TIME THE RIGHT TO ORGANIZE FOR GOVERNMENT WORKERS. THE NEW CONSTITUTION WILL REQUIRE A REVISION OF THE LABOR CODE WHICH IS EXPECTED TO BE SIGNIFICANTLY LESS RESTRICTIVE.

CURRENTLY, GUATEMALAN WORKERS HAVE THE RIGHT OF FREE ASSOCIATION AND THE RIGHT TO ORGANIZE AND BARGAIN COLLECTIVELY. THEY ARE PROTECTED BY LAWS WHICH ESTABLISH MINIMUM WAGES, MINIMUM WORKING AGE, MAXIMUM WORK HOURS, AND ATTEMPT TO ESTABLISH MINIMUM SAFETY STANDARDS AT THE WORK PLACE. HOWEVER, THESE REGULATIONS ARE OFTEN IGNORED BY EMPLOYERS, AND THE GOVERNMENT'S ABILITY TO ENFORCE THESE LAWS IS LESS THAN ADEQUATE.

COMPULSORY LABOR IS PROHIBITED BY LAW. THE ONLY EXCEPTION IS THE USE OF CONVICT LABOR FOR STATE RELATED PROJECTS.

THERE ARE APPROXIMATELY 300 ACTIVE LABOR UNIONS IN THE COUNTRY. THE LARGEST AND MOST SIGNIFICANT LEGALLY RECOGNIZED LABOR ORGANIZATION IS THE AFL-CIO

PAGE 04 GUATEM 11608 08 OF 15 122012Z

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PAGE 01 GUATEM 11608 09 OF 15 122013Z
ACTION HA-08

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[redacted] SECTION 09 OF 15 GUATEMALA 11608

UNCLASSIFIED

E.O. 12356 NA
TAGS: PHUM, GT
SUBJ: 1985 HUMAN RIGHTS REPORT ON GUATEMALA

SUPPORTED CONFEDERATION OF SINDICAL UNITY (CUSG), WHICH CONSISTS OF 11 POLITICALLY INDEPENDENT TRADE UNION FEDERATIONS WITH APPROXIMATELY 150,000 MEMBERS.

THE "UNDERGROUND," OR ILLEGAL, UNIONS CONSIST OF THE AUTONOMOUS SYNDICAL FEDERATION OF GUATEMALA (FASGUA), THE TRADE UNION ARM OF THE GUATEMALAN COMMUNIST PARTY, WITH SOME 6,500 MEMBERS, AND THE NATIONAL WORKERS CENTRAL (CNT), A MARXIST-DO INATED AD HOC GROUP OF UNION LOCALS, REPRESENTING ABOUT 4,000 MEMBERS. ALTHOUGH LOCAL AFFILIATES OF THESE ORGANIZATIONS ARE OFTEN ACTIVE IN LABOR DISPUTES, THE TWO PARENT GROUPS ARE NOT ACTIVE IN GUATEMALA. HOWEVER, THEY ISSUE PRESS BULLETINS AND MANIFESTOS FROM OUTSIDE THE COUNTRY.

DURING 1985, THERE WERE SEVERAL PENDING COMPLAINTS AGAINST THE GOVERNMENT OF GUATEMALA BEFORE THE ILO'S COMMITTEE ON FREEDOM OF ASSOCIATION ABOUT ABDUCTIONS

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PAGE 02 GUATEM 11608 09 OF 15 122013Z

OF GUATEMALAN TRADE UNION LEADERS AND LEGAL ADVISORS. THESE COMPLAINTS HAD BEEN FILED BY THE INTERNATIONAL CONFEDERATION OF FREE TRADE UNIONS (ICFTU) AND BY THE LATIN AMERICAN PERMANENT WORKER'S CONGRESS (CPUTAL). ALSO, THE ILO CITED GUATEMALA FOR NONCOMPLIANCE WITH CONVENTIONS 87 AND 98, WHICH AFFIRM PUBLIC WORKERS' RIGHT TO STRIKE AND THE RIGHT OF UNIONS TO ENGAGE IN PARTISAN POLITICAL ACTIVITIES.

ASIDE FROM TRADE UNIONS, THERE ARE NUMEROUS PROFESSIONAL AND TRADE ASSOCIATIONS IN GUATEMALA. THESE GROUPS OPERATE AUTONOMOUSLY, WITHOUT GOVERNMENT INTERFERENCE, AND OFTEN EXERCISE CONSIDERABLE POLITICAL INFLUENCE.

IN 1985, LABOR LEADERS CONTINUED TO BE TARGETS OF VIOLENCE. IN MARCH, ALFREDO CASTILLO JIMENEZ, AN AGRICULTURAL LABOR LEADER, WAS KILLED IN FRONT OF

UNION HEADQUARTERS IN JUTIAPA, DEPARTMENT OF JUTIAPA. THE SON OF THE CSUG'S SECRETARY GENERAL WAS KIDNAPPED BY UNIDENTIFIED PERSONS AND THEN RELEASED, AS, APPARENTLY, WAS JULIO CELSO DE LEON, HEAD OF THE INSTITUTE OF STUDIES AND SOCIAL DEVELOPMENT (IGEFOS), PART OF THE AMERICAN WORKERS' CENTRAL (CLAT). THOUGH VIOLENCE AGAINST LABOR LEADERS HAS DROPPED CONSIDERABLY, THE HEAD OF ONE UNION CLAIMED THAT THE "CLIMATE OF VIOLENCE" CONTINUED TO INHIBIT UNION ACTIVITY.

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C. FREEDOM OF RELIGION

THE BASIC STATUTE OF GOVERNMENT RECOGNIZES THE INDIVIDUAL'S RIGHT TO FREEDOM OF CONSCIENCE AND TO

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FREE EXERCISE OF RELIGION. THESE RIGHTS ARE RESPECTED IN PRACTICE. THE STATUTE ALSO GRANTS LEGAL RECOGNITION TO ALL DENOMINATIONS.

MORE THAN 70 PERCENT OF THE POPULATION PRACTICES THE ROMAN CATHOLIC FAITH. MANY INDIANS, HOWEVER, PRACTICE RELIGION WHICH COMBINES ROMAN CATHOLIC TENETS WITH ELEMENTS OF THE TRADITIONAL MAYAN RELIGION. EVANGELICAL CHURCHES HAVE GROWN RAPIDLY, ESPECIALLY AMONG INDIANS, AND THEIR FOLLOWERS NUMBER ABOUT ONE-QUARTER OF THE POPULATION. IN ADDITION, THERE IS A SMALL JEWISH COMMUNITY.

FOREIGN CATHOLIC CLERGY AND RELIGIOUS WORKERS ACTIVELY PROSELYTIZE IN GUATEMALA. FOREIGN PROTESTANT EVANGELICAL CLERGY HAVE BEEN JOINED IN THEIR EFFORTS BY LOCAL REPRESENTATIVES OF GUATEMALA'S GROWING EVANGELICAL MOVEMENT. ONE RESULT OF THIS RELIGIOUS MIX HAS BEEN SOME TENSIONS BETWEEN CATHOLICS AND PROTESTANTS.

CATHOLICS AND EVANGELICALS ARE FREELY PERMITTED TO PREACH THE GOSPEL AND TO DEVELOP CONGREGATIONS. HOWEVER, SOME HAVE REPORTED MISUNDERSTANDINGS WITH LOCAL AUTHORITIES OVER CIVIL DEFENSE PATROL DUTIES. ALTHOUGH AUTHORITIES DENY ANY DELIBERATE POLICY OF DISCRIMINATION, EVANGELICALS NEVERTHELESS HAVE CHARGED CASES OF INTIMIDATION BY THE NATIONAL POLICE

AND OTHER GOVERNMENT OFFICIALS. IN JANUARY, FIVE EVANGELICAL MINISTERS WERE ABDUCTED IN THE DEPARTMENT OF EL PETEN. PRESS REPORTS ATTRIBUTED THE KIDNAPPINGS TO PERSECUTION BY MILITARY COMMISSIONERS. IN MARCH, A GUATEMALAN MENNONITE SOCIAL PROMOTER WAS KILLED IN SANTIAGO SACATEPEQUEZ, DEPARTMENT OF CHUMALTENANGO. IN A CASE WHICH DREW

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PAGE 01 GUATEM 11608 10 OF 15 122014Z
ACTION HA-08

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TO SECSTATE WASHDC IMMEDIATE 2445

[redacted] SECTION 10 OF 15 GUATEMALA 11608

E.O. 12356 NA
TAGS: PHUM, GT
SUBJ: 1985 HUMAN RIGHTS REPORT ON GUATEMALA

INTERNATIONAL PRESS COVERAGE, THE ARMY CAPTURED AND ACCUSED AN AMERICAN SEVENTH DAY ADVENTIST, THOMAS GREENLEY, OF DELIVERING MEDICINES TO GUERRILLAS. DESPITE THIS SUSPICION, THE GOVERNMENT TURNED GREENLEY OVER TO UNITED STATES CONSULAR OFFICIALS AND EXPEDITED HIS DEPARTURE FROM GUATEMALA.

IN 1985, THE CATHOLIC CHURCH TOOK OUTSPOKEN STANDS ON HUMAN RIGHTS ISSUES, AND OPENLY EXPRESSED CRITICISM OF VARIOUS GUATEMALAN GOVERNMENT INTERNAL POLICIES. THERE WAS NO EFFORT AT CENSORSHIP.

D. FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FOREIGN - TRAVEL, EMIGRATION, AND REPATRIATION

THE GOVERNMENT DOES NOT LIMIT THE FREEDOM OF MOVEMENT

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OF ITS CITIZENS WITHIN THE NATIONAL TERRITORY. THERE ARE NO RESTRICTIONS ON FOREIGN TRAVEL OR ON THE RIGHT TO REENTER THE COUNTRY. ALL CITIZENS ARE FREE TO

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UNCLASSIFIED

PAGE 02 GUATEM 11608 10 OF 15 122014Z

MIGRATE TO OTHER COUNTRIES.

THE UNITED NATIONS HIGH COMMISSION FOR REFUGEES ESTIMATED THAT APPROXIMATELY 46,000 GUATEMALAN REFUGEES, MOSTLY INDIANS FROM AREAS AFFLICTED BY INSURGENT ACTIVITIES, HAD SOUGHT REFUGE IN MEXICO, PRIMARILY IN THE BORDER AREAS OF THE STATE OF CHIAPAS. THE GUATEMALAN GOVERNMENT HAS ACCEPTED THIS FIGURE AS ACCURATE. SINCE 1982, THE GOVERNMENT HAS FOLLOWED A POLICY OF ENCOURAGING "VOLUNTARY AND ORDERLY" REPATRIATION OF ALL REFUGEES AND ASSISTING THEIR REINTEGRATION INTO THE COUNTRY. IN A SPEECH TO THE 1985 UNITED NATIONS GENERAL ASSEMBLY, GUATEMALAN FOREIGN MINISTER FERNANDO ANDRADE SAID "THE INFRASTRUCTURE" IS IN PLACE TO PROVIDE RETURNING REFUGEES WITH SECURITY, HOUSING, FOOD, AND THE OPPORTUNITY TO BECOME PRODUCTIVE MEMBERS OF SOCIETY. THE GOVERNMENT TRIES TO RETURN REFUGEES TO THEIR FORMER VILLAGES. HOWEVER, IN CASES WHERE THIS IS IMPOSSIBLE, DUE EITHER TO THE DESTRUCTION OF THE VILLAGE OR FEARS THE REFUGEES MIGHT HAVE OF REPRISALS, THE GOVERNMENT PLACES THEM IN ONE OF THE MODEL VILLAGES IN THE "POLOS DE DESARROLLO" OR RURAL RESETTLEMENT PROGRAM.
FOLLOWING A GENERAL DECLINE IN GUERRILLA ACTIVITY, AND THE DECISION BY MEXICO TO RELOCATE THE REFUGEES NEAR THE BAY OF CAMPECHE, AWAY FROM THE BORDER, REFUGEES BEGAN TO RETURN TO GUATEMALA. THE NUMBER OF REFUGEES WHO RETURNED IN 1985 IS DIFFICULT TO ESTIMATE, SINCE MOST RETURNED IN SMALL GROUPS AND ENTERED GUATEMALA THE WAY THEY LEFT, CLANDESTINELY. SOME INTERNATIONAL REFUGEE ASSISTANCE ORGANIZATIONS ESTIMATE THAT 3,000 REFUGEES RETURNED TO GUATEMALA IN

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UNCLASSIFIED

PAGE 03 GUATEM 11608 10 OF 15 122014Z

1985. THE GUATEMALAN ARMY NOTED THAT, DURING THE

FIRST SIX MONTHS OF 1985, 236 RETURNING REFUGEES SOUGHT THE ASSISTANCE OF THE MILITARY IN THE DEPARTMENT OF HUEHUETENANGO.

SOME FOREIGN CLERGY FAMILIAR WITH THE WESTERN HIGHLANDS OF GUATEMALA CONTEND THAT IT IS NOT SAFE FOR MANY REFUGEES TO RETURN. THEY ASSERT THAT THE REFUGEES WILL BE IDENTIFIED AS GUERRILLAS AND KILLED. THE GOVERNMENT DENIES THIS, POINTING OUT THAT MANY TOWNS NEAR THE MEXICAN BORDER, SUCH AS NENTON IN THE DEPARTMENT OF HUEHUETENANGO, ARE LARGELY POPULATED WITH PEOPLE WHO RETURNED SAFELY FROM REFUGEE CAMPS IN MEXICO. CIVIL DEFENSE PATROL LEADERS IN TOWNS ALONG THE BORDER TOLD UNITED STATES EMBASSY OFFICIALS IN OCTOBER THAT THOSE REFUGEES WHO WERE NOT PART OF THE INSURGENCY HAVE NOTHING TO FEAR IN GUATEMALA. HOWEVER, THEY DID SAY THAT REFUGEES WHO HAD BEEN ACTIVE INSURGENTS AND HAD KILLED PEOPLE WOULD NOT BE WELCOMED, AND COULD EXPECT TO BE TREATED IN THE SAME MANNER THEY TREATED THEIR FELLOW VILLAGERS BEFORE FLEEING.

SOME GROUPS HAVE CHARGED THAT THE MODEL VILLAGE PROGRAM VIOLATES THE RIGHT OF FREEDOM OF MOVEMENT BY HERDING PEOPLE INTO "CONCENTRATION CAMPS." THIS CHARACTERIZATION IS REJECTED BY INHABITANTS OF THE MODEL VILLAGES AND MOST OBSERVERS WHO HAVE VISITED THEM. WITH THE EXCEPTION OF THE TWO VILLAGES WHICH ACT AS "HALF-WAY" HOUSES FOR ONCE-ACTIVE INSURGENTS, THERE IS NO OFFICIAL POLICY OF IMPEDING MOVEMENT INTO OR OUT OF THE VILLAGES. HOWEVER, IN CONFLICTIVE ZONES A "PASS" SYSTEM IS OPERATED BY CIVIL DEFENSE PATROLS TO PREVENT GUERRILLAS INFILTRATION.

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PAGE 01 GUATEM 11608 11 OF 15 122015Z
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TO SECSTATE WASHDC IMMEDIATE 2446

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[redacted] SECTION 11 OF 15 GUATEMALA 11608

E.O. 12356 NA
TAGS: PHUM, GT
SUBJ: 1985 HUMAN RIGHTS REPORT ON GUATEMALA

IN ADDITION TO THE REFUGEES WHO SOUGHT HAVEN IN MEXICO, A MAJOR BY-PRODUCT OF THE INSURGENCY WAS THE INTERNAL DISPLACEMENT OF AS MANY AS 400,000 PERSONS SINCE 1981. BOTH GOVERNMENT AND PRIVATE AGENCIES WORKING WITH DISPLACED PERSONS AGREE THAT THE NUMBER IS NOW SUBSTANTIALLY BELOW THAT FIGURE. THE GUATE-MALAN ARMY NOTES THAT 244 DISPLACED PERSONS APPLIED FOR ASSISTANCE AT MODEL VILLAGES IN THE DEPARTMENTS OF EL QUICHE AND ALTA VERAPAZ DURING THE FIRST SIX MONTH OF 1985. THIS COMPARES WITH 731 IN 1984, AND 975 IN 1983. VARIOUS GOVERNMENT PROGRAMS HAVE PROVIDED ASSISTANCE TO ALMOST ALL THE DISPLACED AND THE PERMANENT RESETTLEMENT OF THE MAJORITY.

INSURGENT GROUPS CONTINUED TO SET UP ROADBLOCKS AROUND GUATEMALA, EXTRACTING WAR TAXES AND HARANGUING THE PEOPLE THEY STOPPED. THEY CARRIED OUT SEVERAL AMBUSHES ON ROADS SOUTH OF LAKE ATITLAN, ROBBING AND KILLING SEVERAL CIVILIANS. IN OCTOBER, THEY ALSO

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PAGE 02 GUATEM 11608 11 OF 15 122015Z

OCCUPIED TIKAL, A PRIME TOURIST ATTRACTION.

FOLLOWING A PATTERN THAT BEGAN UNDER THE RIOS MONTT GOVERNMENT IN 1982, GUATEMALANS LIVING IN VOLUNTARY EXILE CONTINUED TO RETURN TO THE COUNTRY IN 1985. FOR INSTANCE, MEMBERS OF THE FORMERLY PERSECUTED DEMOCRATIC SOCIALST PARTY RETURNED TO GUATEMALA AND PARTICIPATED IN THE NOVEMBER, 1985, ELECTIONS. IN ONE CASE OF NOTE, HOWEVER, A GROUP OF KANJOBAL INDIANS LIVING IN INDIANTOWN, FLORIDA, HAVE FOUGHT

DEPORTATION FROM THE UNITED STATES, CLAIMING THAT THEY WILL BE PERSECUTED IF RETURNED TO GUATEMALA.

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SECTION 3 RESPECT FOR POLITICAL RIGHTS: THE RIGHT OF - CITIZENS TO CHANGE THEIR GOVERNMENT

GUATEMALA WAS RULED THROUGHOUT 1985 BY A DE FACTO MILITARY CONTROLLED GOVERNMENT WHICH TOOK POWER FOLLOWING A COUP ON AUGUST 8, 1983. THE CHIEF OF STATE, GENERAL OSCAR HUMBERTO MEJIA VICTORES, GOVERNED WITH THE ADVICE AND CONSENT OF A COUNCIL OF MILITARY COMMANDERS AND A CABINET OF MINISTERS COMPOSED OF BOTH MILITARY OFFICERS AND CIVILIANS. THE GOVERNMENT ADHERED TO THE PREVIOUSLY SET SCHEDULE FOR THE ESTABLISHMENT OF DEMOCRATIC, CIVILIAN RULE.

CONSTITUENT ASSEMBLY ELECTIONS TOOK PLACE AS PLANNED ON JULY 1, 1984. 1,157 CANDIDATES RAN FOR THE 88 SEAT ASSEMBLY. 2,554,000 CITIZENS, OUT OF AN ESTIMATED 3,500,000 ELIGIBLE VOTERS, REGISTERED TO VOTE. OF THESE, 72 PERCENT CAST BALLOTS. DURING 1985, THE ASSEMBLY DRAFTED A NEW CONSTITUTION, PRESENTING ITS WORK TO THE GUATEMALAN PEOPLE ON MAY

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PAGE 03 GUATEM 11608 11 OF 15 122015Z

31. THE NEW CONSTITUTION WILL GO INTO EFFECT ON JANUARY 14, 1986, WHEN THE CIVILIAN GOVERNMENT IS INAUGURATED. IT GUARANTEES INDIVIDUAL RIGHTS AND PROVIDES FOR A HUMAN RIGHTS COMMISSION TO BE COMPOSED OF A DEPUTY FROM EACH POLITICAL PARTY REPRESENTED IN CONGRESS. CONGRESS WILL SELECT A HUMAN RIGHTS PROCURADOR" OR OMBUDSMAN FROM CANDIDATES PROPOSED BY THE COMMISSION. THE PROCURADOR WILL HAVE JUDICIAL POWERS AND THE PREROGATIVES OF A MEMBER OF CONGRESS AND WILL BE EMPOWERED TO ENFORCE CONSTITUTIONALLY GUARANTEED HUMAN RIGHTS. THE ASSEMBLY ALSO DRAFTED A NEW ELECTORAL LAW, AND NEW LAWS OF HABEAS CORPUS AND AMPARO.

THE GOVERNMENT HELD NATIONAL ELECTIONS ON NOVEMBER 3, 1985. THERE WERE 2,750,000 CITIZENS REGISTERED TO VOTE IN THE GENERAL ELECTIONS, AN INCREASE OF 250,000 OVER THE CONSTITUENT ASSEMBLY ELECTIONS. (HA NOTE: A DESCRIPTION OF THE ELECTION RESULTS WILL BE FORTHCOMING.)

SECTION 4 GOVERNMENT ATTITUDE REGARDING

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INTERNATIONAL AND NON-GOVERNMENTAL INVESTIGATION OF ALLEGED VIOLATIONS OF HUMAN RIGHTS.

THE GOVERNMENT MAINTAINED AN OPEN DOOR TO VISITS BY HUMAN RIGHTS GOUPS DURING 1985. SUCH VISITORS INCLUDED THE UNITED NATIONS HUMAN RIGHTS COMMISSION'S SPECIAL RAPPORTEUR ON GUATEMALA, VISCOUNT COLVILLE DE CULROSS; AMERICA'S WATCH, THE AMERICAN FRIENDS SERVICE COMMITTEE; AMNESTY INTERNATIONAL; THE FACULTY FOR HUMAN RIGHTS IN EL SALVADOR AND CENTRAL AMERICA; THE FELLOWSHIP OF RECONCILIATION; THE INTER-AMERICAN HUMAN RIGHTS COMMISSION OF THE ORGANIZATION OF AMERICAN STATES; THE INTERNATIONAL

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PAGE 01 GUATEM 11608 12 OF 15 122020Z
ACTION HA-08

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TO SECSTATE WASHDC IMMEDIATE 2447

[redacted] SECTION 12 OF 15 GUATEMALA 11608

E.O. 12356 NA
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SUBJ: 1985 HUMAN RIGHTS REPORT ON GUATEMALA

HUMAN RIGHTS LAW GROUP; THE NICARAGUA-HONDURAS EDUCATION PROJECT; PEACE BRIGADES INTERNATIONAL; THE UNITARIAN-UNIVERSALIST SERVICE COMMITTEE; THE WASHINGTON OFFICE ON LATIN AMERICA; AND FRENCH AND GERMAN PARLIAMENTARIANS.

THE UNITED NATIONS SPECIAL RAPPORTEUR, VISCOUNT COLVILLE, VISITED GUATEMALA IN FEBRUARY AND AUGUST OF 1985. HE MET WITH THE CHIEF OF STATE, THE FOREIGN MINISTER, THE MINISTER OF THE INTERIOR, THE PRESIDENT

OF THE SUPREME COURT, THE SUPREME ELECTORAL TRIBUNAL, AND THE AUXILIARY ARCHBISHOP. ALSO, HE TRAVELED TO THE INTERIOR. MUTUAL SUPPORT GROUP REPRESENTATIVES CHOSE NOT TO MEET WITH HIM. IN PUBLIC STATEMENTS, VISCOUNT COLVILLE DECLARED THAT THE PROCESS OF DEMOCRATIZATION WAS ON TRACK AND THAT HE LOOKED FORWARD TO THE ELECTIONS WITH "GREAT ENTHUSIASM." HE EXPRESSED CONCERN ABOUT THE UNSOLVED DISAPPEARANCES AND KILLINGS, BUT SAID THAT THE HUMAN RIGHTS

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SITUATION CONTINUED TO IMPROVE AND SUGGESTED THAT SUCH PROGRESS SHOULD BE ENCOURAGED. HE FOUND NO EVIDENCE OF SECRET JAILS OR CLANDESTINE INTERROGATION CENTERS.

IN MARCH, 1985, THE UNITED NATIONS HUMAN RIGHTS COMMISSION ADOPTED A RESOLUTION ON THE HUMAN RIGHTS SITUATION IN GUATEMALA. WHILE ACKNOWLEDGING THE PROCESS OF DEMOCRATIZATION AND THE EFFORT OF THE GOVERNMENT TO CURB EXCESSES, AND RECOGNIZING THE ROLE THE INSURGENTS PLAYED IN CREATING A CLIMATE OF INTIMIDATION, THE RESOLUTION WAS GENERALLY CRITICAL. THE UNITED STATES GOVERNMENT ABSTAINED FROM VOTING ON THE RESOLUTION, CALLING IT UNBALANCED AND CRITICIZING AS INACCURATE THE RESOLUTION'S REFERENCE TO FORCED CIVIL PATROL DUTIES AND RELOCATION OF GUATEMALANS.

HUMAN RIGHTS GROUPS CONTINUED TO CRITICIZE HUMAN RIGHTS ABUSES IN GUATEMALA IN 1985. AMNESTY INTERNATIONAL, IN ITS 1985 REPORT ON GUATEMALA, CHARGED THAT PARAMILITARY GROUPS "ACTING UNDER GOVERNMENT ORDERS OR WITH OFFICIAL COMPLICITY (THE SO-CALLED 'DEATH SQUADS') - WERE RESPONSIBLE FOR MASSIVE HUMAN RIGHTS VIOLATIONS, INCLUDING ARBITRARY ARREST, TORTURE, 'DISAPPEARANCE' AND EXTRAJUDICIAL EXECUTIONS." WHILE ACKNOWLEDGING THAT MANY PEASANTS HAD DIED IN GUERRILLA ATTACKS, AMNESTY INTERNATIONAL CLAIMED THAT "THE MAJORITY OF KILLINGS AND OTHER ABUSES OF NON-COMBATANT CIVILIANS WERE CARRIED OUT BY UNIFORMED AND PLAINCLOTHED MILITARY AND SECURITY AGENTS ACTING UNDER ORDERS." THE EXAMPLES AMNESTY INTERNATIONAL GAVE TO SUPPORT ITS CONCLUSION NEARLY ALL CAME FROM 1984, AND THE REPORT MADE ONLY PASSING LIMITED OFFICIAL USE

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PAGE 03 GUATEM 11608 12 OF 15 122020Z

REFERENCE TO THE FREE CONSTITUENT ASSEMBLY ELECTIONS AND THE NEW CONSTITUTION.

AMERICA'S WATCH CLAIMED IN A REPORT ISSUED IN SEPTEMBER, 1985, THAT THE "HUMAN RIGHTS SITUATION UNDER GENERAL MEJIA WAS NO BETTER THAN UNDER GENERAL RIOS MONTT," AND THAT "DEATH SQUAD KILLINGS AND DISAPPEARANCES IN THE CITIES, WHICH HAD DECLINED UNDER RIOS, SHOT UP." THE REPORT CONTINUED, "MUTILATED CORPSES ONCE AGAIN LITTERED THE STREETS OF GUATEMALA CITY OR APPEARED IN MORGUES AROUND THE COUNTRY WHERE DESPERATE RELATIVES GATHERED IN THE HOPES OF CLAIMING THE BODY OF A DISAPPEARED LOVED ONE." AMERICA'S WATCH ACCUSED THE UNITED STATES STATE DEPARTMENT OF "WHITEWASHING" THE HUMAN RIGHTS SITUATION IN GUATEMALA, AND EXPRESSED LITTLE HOPE THAT A CIVILIAN GOVERNMENT COULD IMPROVE THE SITUATION.

THE WASHINGTON OFFICE ON LATIN AMERICA (WOLA), IN ITS AUGUST, 1985, REPORT, "SECURITY AND DEVELOPMENT IN THE GUATEMALAN HIGHLANDS," SAID THE "RHETORIC WITH WHICH THE MILITARY GOVERNMENT PRESENTS ITS SECURITY AND DEVELOPMENT PROGRAMS IS LAUDABLE AND CONTAINS MANY POSITIVE ELEMENTS." HOWEVER, THE REPORT WENT ON TO CONCLUDE THAT THE CIVIL PATROL SYSTEM AND SOME MODEL VILLAGES "ENTAIL CONTINUOUS AND WIDESPREAD VIOLATIONS OF CIVIL AND LABOR RIGHTS." WOLA SAID THE GUATEMALAN MILITARY'S "HISTORY OF RUTHLESSNESS AND ITS CONTROL OVER PEOPLE, INSTITUTIONS AND RESOURCES COUPLED WITH THE DESTRUCTION AND DISLOCATION IN THE HIGHLANDS (AND THE CONSEQUENT SWELLING OF THE MARGINALIZED POPULATIONS IN URBAN AREAS) RAISES SERIOUS CONSIDERATIONS ABOUT THE USE OF BILATERAL AND MULTILATERAL RESOURCES PROVIDED BY THE U.S.

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PAGE 04 GUATEM 11608 12 OF 15 122020Z

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PAGE 01 GUATEM 11608 13 OF 15 122024Z
ACTION HA-08

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[redacted] SECTION 13 OF 15 GUATEMALA 11608

E.O. 12356 NA
TAGS: PHUM, GT
SUBJ: 1985 HUMAN RIGHTS REPORT ON GUATEMALA

GOVERNMENT."

IN A WOLA SPONSORED CONFERENCE ON HUMAN RIGHTS IN GUATEMALA, HELD IN WASHINGTON, D.C., IN OCTOBER, LORD AVEBURY, CHARIMAN OF THE BRITISH PARLIAMENTARY HUMAN RIGHTS GROUP, SAID THE "ELECTION OF A CONSTITUENT ASSEMBLY HAD MADE NO DIFFERENCE WHATSOEVER" IN THE HUMAN RIGHTS SITUATION. HE CHARACTERIZED THE CIVIL DEFENSE SYSTEM AS "THE ONLY EXAMPLE IN RECORDED HISTORY WHERE AN ARMY OF OCCUPATION HAS BEEN FORGED OUT OF A NATIVE POPULATION." QUOTING FIGURES FROM THE GUATEMALAN HUMAN RIGHTS COMMISSION, A FRONT FOR THE GUERRILLA GROUP, THE REVOLUTIONARY ORGANIZATION OF PEOPLE IN ARMS (ORPA), AVEBURY SAID THAT 548 EXTRAJUDICAL KILLINGS HAD BEEN REPORTED IN THE FIRST SIX MONTHS OF 1985, AND THAT TWICE AS MANY HAD GONE UNREPORTED. THE "DEMOCRATIC OPENING," AVEBURY ASSERTED, HAD TO BE EVALUATED IN LIGHT OF THIS INFORMATION.

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PAGE 02 GUATEM 11608 13 OF 15 122024Z

IN A JUNE COMMUNIQUE, THE MUTUAL SUPPORT GROUP(GAM), LISTED 693 RELATIVES AS "DETAINED-DISAPPEARED" SINCE 1980. GAM'S DISSATISFACTION WITH THE EFFORTS OF THE TRIPARTITE COMMISSION, FOUNDED IN 1984 TO INVESTIGATE CASES OF MISSING PERSONS, LED TO A SERIES OF PUBLIC PROTESTS. GAM'S ACTIONS INCLUDED A SERIES OF PUBLIC

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DEMOSTRATIONS IN GUATEMALA CITY AND THE PEACEFUL OCCUPATION OF THE NATIONAL CONGRESS BUILDING AND SOME GOVERNMENT EXECUTIVE OFFICE BUILDINGS. IN MARCH, FOLLOWING ONE "OCCUPATION," A GOVERNMENT SPOKESMAN WARNED GAM TO OBEY THE LAW. SHORTLY THEREAFTER, THE CHIEF OF STATE SAID GAM WAS BEING UNWITTINGLY MANIPULATED BY SUBVERSIVES. FOLLOWING THIS ACC
USATION, THE DEATH OF HECTOR GOMEZ CALITO AND ROSARIO GODOY DE CUEVAS, DESCRIBED ABOVE, TOOK PLACE. DEAD ALONG WITH DE CUEVAS WERE HER CHILD AND BROTHER. THESE KILLINGS LED TO A GAM-LED PROTEST MARCH IN GUATEMALA CITY WHICH ATTRACTED INTERNATIONAL ATTENTION. SHORTLY THEREAFTER, GAM CALLED FOR A PUBLIC DEMONSTRATION IN FRONT OF THE U.S. EMBASSY, AND PUBLISHED AN AD IN A LEADING GUATEMALAN DAILY NEWSPAPER WHICH BITTERLY CONTRASTED THE ATTENTION THE ELECTIONS WERE RECEIVING WITH THEIR INABILITY TO GET AN ACCOUNTING OF THE FATE OF THEIR MISSING RELATIVES FROM THE GOVERNMENT.

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

GUATEMALA HAS A POPULATION OF OVER EIGHT MILLION, BUT ONLY A SMALL PORTION ENJOYS A HIGH STANDARD OF LIVING. LIKE MOST CENTRAL AMERICAN COUNTRIES, GUATEMALA HAS SHARP ECONOMIC CLASS DISTINCTIONS. THE

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PAGE 03 GUATEM 11608 13 OF 15 122024Z

GUATEMALAN ECONOMIC ELITE IS MINUTE, PERHAPS 1 PERCENT OF THE POPULATION. THIS ELITE CONTROLS A SIGNIFICANT PORTION OF THE COMMERCIAL, AGRICULTURAL, AND FINANCIAL RESOURCES OF THE COUNTRY: APPROXIMATELY 50 PERCENT OF PRIVATE INVESTMENT, 20 PERCENT OF COFFEE PRODUCTION, AND 100 PERCENT OF THE LARGEST INDUSTRIES. THE GUATEMALAN MIDDLE CLASS ACCOUNTS FOR LESS THAN 20 PERCENT OF THE POPULATION. TOGETHER, THE UPPER AND MIDDLE CLASSES RECEIVE TWO-THIRDS OF TOTAL INCOME. THIS MEANS THAT 80 PERCENT OF THE POPULATION RECEIVES ONLY A THIRD OF TOTAL INCOME. ACCORDING TO THE LATEST AVAILABLE FIGUEES, 21 PERCENT OF THE URBAN POPULATION AND 25 PERCENT OF THE RURAL POPULATION WERE BELOW THE POVERTY LINE.

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IT IS IMPORTANT TO NOTE, HOWEVER, THAT THE ATTEMPT TO DIVIDE GUATEMALAN SOCIETY INTO ECONOMIC CLASSES IS DISTORTED BY THE DUAL NATURE OF THE ECONOMY. THE GUATEMALAN ECONOMY IS DIVIDED INTO TRADITIONAL AND MODERN SECTORS. THE TRADITIONAL SECTOR IS RURAL AND AGRICULTURAL, AND CONSISTS MOSTLY OF SUSBSISTENCE FARMERS AND FARM LABORERS. OF THE 2,470,000 ECONOMICALLY ACTIVE PEOPLE IN GUATEMALA, APPROXIMATELY 1,482,000 WORK IN THE TRADITONAL SECTOR. THESE PEOPLE EXIST OUTSIDE OR ON THE EDGE OF THE MONIED ECONOMY. IN OTHER WORDS, THEY HAVE LITTLE INCOME AND LIVE DAY-TO-DAY ON THE STRENGTH OF THEIR ABILITY TO PLANT, HARVEST, AND BARTER. THE REMAINING MEMBERS OF THE ECONOMICALLY ACTIVE POPULATION LIVE AND WORK IN THE MODERN SECTOR. THESE PEOPLE WORK, WHEN THEY CAN FIND WORK, IN INDUSTRY, SMALL BUSINESS, AND SERVICES. FOR THE MOST PART, THEY LIVE IN URBAN AREAS AND DO NOT FARM, THOUGH COMMERCIAL FARMERS AND SOME FARM MANAGERS ARE PART OF THE MODERN SECTOR.

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PAGE 01 GUATEM 11608 14 OF 15 122025Z
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[redacted] SECTION 14 OF 15 GUATEMALA 11608

E.O. 12356 NA
TAGS: PHUM, GT
SUBJ: 1985 HUMAN RIGHTS REPORT ON GUATEMALA

THE GUATEMALAN ECONOMY HAS BEEN IN RECESSION SINCE 1980. A COMBINATION OF WORLD-WIDE RECESSION, POLITICAL INSTABILITY IN CENTRAL AMERICA, LOW COMMODITY PRICES IN WORLD MARKETS, AND THE DISRUPTIVE

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EFFECTS OF THE INSURGENCY ON INTERNAL DEMAND HAVE HAD A DEVASTATING EFFECT ON THE GUATEMALAN ECONOMY. THE UNIT OF CURRENCY, THE QUETZAL, HAS GONE FROM PARITY WITH THE U.S. DOLLAR TO AN EXCHANGE RATE OF NEARLY FOUR TO ONE IN LESS THAN A YEAR. AT PRESENT, INFLATION IS RUNNING AT 60 PERCENT.

GUATEMALA HAS A PER CAPITA INCOME OF USDOLS 1,055. THIS RANKS TENTH AMONG LATIN AMERICAN NATIONS AND SECOND AMONG CENTRAL AMERICAN NATIONS. THOUGH GUATEMALA'S PER CAPITA INCOME HAS FALLEN 14 PERCENT DURING THE LAST THREE YEARS, COSTA RICA IS THE ONLY ISTHMIAN COUNTRY WITH A HIGHER PER CAPITA INCOME.

CURRENTLY, 10-11 PERCENT OF THE POPULATION IS

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UNEMPLOYED AND 30-40 PERCENT IS UNDEREMPLOYED. IN OTHER WORDS, NEARLY 50 PERCENT OF THE POPULATION IS WITHOUT STEADY WORK. THIS SITUATION IS CHRONIC AND THERE IS LITTLE HOPE FOR CHANGE IN THE NEAR FUTURE. THE GUATEMALAN ECONOMY IS CONTRACTING AND CANNOT EVEN COME CLOSE TO SUPPLYING ENOUGH JOBS FOR THE YOUNG GUATEMALANS WHO ENTER THE WORK FORCE EACH YEAR. IN 1983, THE REAL RATE OF GROWTH WAS -3.2 PERCENT AND EMPLOYMENT FELL BY 5 PERCENT. ONE STUDY ESTIMATES THAT OF THE 75,000 PEOPLE WHO ENTERED THE WORK FORCE IN 1984, ONLY 33,000 WERE ABLE TO FIND EMPLOYMENT. WITH A DECLINING RATE OF REAL GROWTH AND A POPULATION GROWTH RATE OF 3 PERCENT, THIS DISPARITY WILL CONTINUE. THE DESPERATE NATURE OF THIS SITUATION IS BETTER DEFINED BY THE FACT THAT 55 PERCENT OF THE POPULATION IS UNDER 19 YEARS OF AGE.

IT IS INTERESTING TO NOTE THAT APPARENTLY NO SECTOR OF THE ECONOMY IS IMMUNE FROM THESE PRESSURES. FOR INSTANCE, 1983 UNEMPLOYMENT FIGURES SHOW THAT THE RATE OF UNEMPLOYMENT WAS 40 PERCENT IN THE AGRICULTURAL SECTOR, 31 PERCENT IN THE INDUSTRIAL SECTOR, AND 30 PERCENT IN THE COMMERCIAL SECTOR. WHILE THE UNEDUCATED AND UNSKILLED ARE PROBABLY HIT HARDEST BY THE ECONOMIC CONTRACTION, JOB OPPORTUNITIES HAVE DISAPPEARED AT ALL LEVELS.

IN 1977, THE LATEST YEAR FOR WHICH STATISTICS ARE

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AVAILABLE, THE CALORIC SUPPLY AVAILABLE FOR CONSUMPTION WAS 95.21 PERCENT OF NUTRITIONAL REQUIREMENTS. NOTWITHSTANDING CONSIDERABLE PUBLIC INVESTMENT IN POTABLE WATER PROJECTS, MEDICAL CENTERS, AND CLINICS, HEALTH SERVICES AND SANITATION

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UNCLASSIFIED

PAGE 03 GUATEM 11608 14 OF 15 122025Z

ARE GENERALLY POOR IN RURAL AREAS, WHERE AVAILABLE AT ALL. IN 1980, AGAIN THE LATEST YEAR FOR WHICH FIGURES ARE AVAILABLE, 45 PERCENT OF THE TOTAL POPULATION, BUT ONLY 18 PERCENT OF THOSE LIVING IN RURAL AREAS, HAD ACCESS TO SAFE DRINKING WATER. LIFE EXPECTANCY AT BIRTH BARELY ROSE FROM 60.9 YEARS IN 1984 TO 61.03 YEARS IN 1985, BUT THE INFANT MORTALITY RATE HAS RISEN FROM 63 PER 1,000 LIVE BIRTHS TO 67 IN 1985.

GUATEMALA HAS THE THIRD OLDEST UNIVERSITY IN THE WESTERN HEMISPHERE, IT ALSO HAS AN ILLITERACY RATE OF 54 PERCENT. ACCORDING TO 1973 STATISTICS, MALE ILLITERACY WAS 46.4 PERCENT, FEMALE 61.5 PERCENT, THE ADULT URBAN POPULATION 28.2 PERCENT, AND THE ADULT RURAL POPULATION 68.6 PERCENT. AS OF 1983, THE ENROLLMENT IN PRIMARY SCHOOL (AS A PERCENTAGE OF PRIMARY SCHOOL CHILDREN) WAS 72 PERCENT WITH MALES 77.34 PERCENT AND FEMALES 66.49 PERCENT. SINCE HALF THE POPULATION OF GUATEMALA ARE INDIANS, WHO LEARN SPANISH AS A SECOND LANGUAGE, LITERACY IS A PARTICULARLY DIFFICULT PROBLEM. TO ATTACK IT AND ADDRESS THE EDUCATIONAL NEEDS OF THE INDIAN POPULACE, THE GOVERNMENT HAS DEVELOPED A BILINGUAL EDUCATION PROGRAM.

THE GOVERNMENT CONTINUED ITS MODEL VILLAGE PROGRAM KNOWN AS THE "POLES OF DEVELOPMENT." THE PROGRAM IS A JOINT CIVILIAN/MILITARY EFFORT TO RECONSTRUCT AND SETTLE 49 VILLAGES ON OR NEAR THEIR ORIGINAL SITES. THE TOWNS EACH HAVE A POTABLE WATER SUPPLY AND ELECTRICITY, AT LEAST ONE SCHOOL, A CHURCH, POSTAL AND TELEGRAPH SERVICE, PRIVATE BUS SERVICE, AND A HEALTH CLINIC. SOME OF THE MODEL VILLAGES HAVE A

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PAGE 01 GUATEM 11608 15 OF 15 122024Z
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[redacted] SECTION 15 OF 15 GUATEMALA 11608

E.O. 12356 NA
TAGS: PHUM, GT
SUBJ: 1985 HUMAN RIGHTS REPORT ON GUATEMALA

MILITARY STOCKADE NEARBY TO PROTECT THEM FROM GUERRILLA ATTACK. THUS FAR, 24 VILLAGES HAVE BEEN COMPLETED AND ARE INHABITATED.

GUATEMALA IS A LATIN SOCIETY IN WHICH MOST WOMEN PLAY TRADITIONAL ROLES; THERE IS NO DISCRIMINATION AGAINST WOMEN BY LAW, BUT DE FACTO DISCRIMINATION IS ROOTED IN CENTURIES OF CULTURAL PRACTICE.

ALTHOUGH FIGURES SHOW THAT OVER ONE-HALF THE FEMALE POPULATION HAS NOT BEEN EDUCATED AND THAT 94 PER CENT OF THE WOMEN RESIDING IN RURAL AREAS HAD LESS THAN THREE YEARS OF SCHOOLING IN 1978, IT IS ESTIMATED THAT 30 PERCENT OF THE STUDENTS ENROLLED IN GUATEMALAN UNIVERSITIES ARE WOMEN. THEY STUDY EDUCATION, LAW, HUMANITIES, BUSINESS ADMINISTRATION,

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PHARMACY, AND PSYCHOLOGY AND GO ON TO CAREERS AS HEALTH WORKERS, TEACHERS, OR OFFICE WORKERS. THE NUMBER OF WOMEN OCCUPYING PROFESSIONAL AND MANAGERIAL

UNCLASSIFIED

PAGE 02 GUATEM 11608 15 OF 15 122024Z

POSITIONS IS SMALL.

A FEW WOMEN UNIVERSITY GRADUATES HAVE RISEN TO HIGH POSITIONS. GENERAL MEJIA APPOINTED EUGENIA TEJADA DE PUTZEYS AS MINISTER OF EDUCATION IN 1983. WHEN DE PUTZEYS RESIGNED IN 1985, GENERAL MEJIA REPLACED HER WITH ANOTHER WOMAN, ARACELY JUDITH SAMAYOA DE PINEDA. OTHER WOMEN SERVE AS JUDGES OF LOWER COURTS, PRINCIPALLY IN THE AREA OF FAMILY LAW. THE MINISTRY OF LABOR ESTABLISHED AN OFFICE OF WOMEN'S AFFAIRS WHICH HAS RESPONSIBILITY FOR ENCOURAGING THE ADVANCEMENT OF WOMEN.

1985 WITNESSED A CONTINUATION OF THE PARTICIPATION OF WOMEN IN POLITICS. THREE WOMEN SERVED IN THE 88-MEMBER CONSTITUENT ASSEMBLY. ONLY THREE OTHER WOMEN HAD BEEN ELECTED TO THE NATIONAL CONGRESS IN THE PREVIOUS 35 YEARS, AND NONE TO PAST CONSTITUENT ASSEMBLIES. (HA NOTE: DESCRIPTION OF FEMALE PARTICIPATION IN NOVEMBER ELECTIONS WILL BE FORTHCOMING.). PIEDRA

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PAGE 01 STATE 355305
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APPROVED BY: ARA:RSGELBARD
ARA/SC:MLDURKEE EUR/WE:MLEXON
IO/HR:BZWEIBEN ARA/AND:JPMCLEAN
HA/HR:JTHYDEN

Chile Project (#S199900030)
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CONFIDENTIAL STATE 355305

E.O. 12356: DECL: OADR
TAGS: PHUM, PREL, CI, UN
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 355305

SUBJECT: UN CONSIDERATION OF HUMAN RIGHTS IN CHILE

1. (C - ENTIRE TEXT)

2. SUMMARY: WE WANT TO ENCOURAGE A MORE BALANCED UN GENERAL ASSEMBLY RESOLUTION ON CHILE THIS YEAR CONSISTENT WITH THE CONSTRUCTIVE REPORT ON HUMAN RIGHTS IN CHILE PREPARED BY THE NEW UN SPECIAL RAPPORTEUR ON CHILE. THE US IS PREPARED TO SERIOUSLY CONSIDER VOTING IN FAVOR OF SUCH A RESOLUTION PROVIDED THAT OUR CONCERNS ON THE DOUBLE STANDARD ISSUE ARE ADEQUATELY ADDRESSED. ACTION ADDRESSESS ARE REQUESTED TO INFORM APPROPRIATE GOVERNMENT OFFICIALS OF OUR VIEWS AND REPORT REACTIONS. END SUMMARY.

3. IN A FEW WEEKS THE UN GENERAL ASSEMBLY WILL TAKE UP ITS ANNUAL CONSIDERATION OF THE HUMAN RIGHTS SITUATION IN CHILE UNDER A SPECIAL AGENDA ITEM. THE UNGA IS EXPECTED TO APPROVE AT THAT TIME A RESOLUTION ON HUMAN RIGHTS 1N CHILE WHICH ALSO COMMENTS ON THE 1985 REPORT OF THE SPECIAL RAPPORTEUR FOR CHILE. AS IN PAST YEARS, THE US VOTED AGAINST LAST YEAR'S CHILE RESOLUTION IN THE UN BECAUSE OF THE DOUBLE STANDARD IMPLICIT IN THE TEXT OF THE RESOLUTION. IN ORDER TO RECORD OUR SERIOUS CONCERNS

REGARDING THE HUMAN RIGHTS SITUATION IN CHILE, HOWEVER, THE US REPRESENTATIVE AT THE TIME OF THE VOTE MADE A STATEMENT STRONGLY CRITICAL OF HUMAN RIGHTS ABUSES IN CHILE AND SUPPORTING THE RETENTION OF A SPECIAL RAPPORTEUR FOR CHILE.

4. OUR OBJECTIVES IN THIS YEAR'S UN CONSIDERATION OF HUMAN RIGHTS IN CHILE REMAIN AS BEFORE: 1) TO EXPRESS OUR CONCERNS ON THE STATUS OF HUMAN RIGHTS IN CHILE; 2) TO [redacted]

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PAGE 03 STATE 355305

ENCOURAGE THE CHILEAN GOVERNMENT TO RESPOND CONSTRUCTIVELY TO INTERNATIONAL CONCERN ON HUMAN RIGHTS; AND 3) TO INSIST ON EVEN-HANDED AND OBJECTIVE TREATMENT OF HUMAN RIGHTS PROBLEMS IN ALL COUNTRIES, RATHER THAN SELECTIVE FOCUS ON A FEW SOVIET-TARGETTED CASES.

5. THE REPORT BY THE NEW UN SPECIAL RAPPORTEUR FOR

CHILE, FERNANDO VOLIO, WHICH WILL BE A PRINCIPAL POINT OF REFERENCE FOR THE RESOLUTION, MAY HAVE INCREASED THE CHANCES THIS YEAR FOR DEVELOPING A BALANCED RESOLUTION ON CHILE. THE VOLIO REPORT IS CRITICAL OF HUMAN RIGHTS ABUSES IN CHILE BUT AVOIDS THE RHETORICAL EXCESSES OF PAST REPORTS. VOLIO ALREADY HAS ACHIEVED AN IMPORTANT BREAKTHROUGH BY CONVINCING CHILEAN AUTHORITIES TO ALLOW HIM TO VISIT CHILE. HIS VISIT, EXPECTED BEFORE THE END OF THE YEAR, WILL BE THE FIRST MADE BY A UN SPECIAL RAPPORTEUR DURING THE FIVE YEARS IN WHICH THE OFFICE HAS EXISTED.

6. VOLIO'S BALANCED APPROACH TO HUMAN RIGHTS PROBLEMS IN CHILE MAY PROVIDE THE OPPORTUNITY TO DEVELOP A CONSENSUS AMONG MODERATE LATIN AND EUROPEAN GOVERNMENTS IN FAVOR OF A BALANCED RESOLUTION. OPPOSITION TO ANY MODERATE RESOLUTION MAY BE STIFF, PARTICULARLY FROM THE CUBANS. ANY EFFORTS TO PUT TOGETHER A FAIR RESOLUTION COULD ALSO BE COMPLICATED BY CRITICISM OF THE VOLIO REPORT BY SOME MEMBERS OF THE CHILEAN OPPOSITION, WHO HAVE BRANDED THE REPORT A "WHITEWASH."

7. DEPARTMENT OFFICIALS HAVE URGED CHILEAN OPPOSITION MEMBERS VISITING WASHINGTON TO USE THEIR INFLUENCE TO DEVELOP A MORE BALANCED RESOLUTION. IN SEPARATE MEETINGS NOVEMBER 18 WITH HA ASSISTANT SECRETARY SCHIFTER AND ARA DAS GELBARD, CHILEAN HUMAN RIGHTS COMMISSION (CHRC) PRESIDENT JAIME CASTILLO ASKED THAT THE US VOTE IN FAVOR OF THIS YEAR'S CHILE RESOLUTION IN THE UN, REPORTEDLY TO

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PAGE 04 STATE 355305

BE INTRODUCED JOINTLY BY SPAIN, VENEZUELA, AND MEXICO. CASTILLO INDICATED THAT DESPITE THE CONCERNS OF CHILEAN OPPOSITION LEADERS THAT THE VOLIO REPORT WAS INADEQUATE, THIS RESOLUTION WOULD APPROVE THE REPORT, AND ACCEPT AS

POSITIVE THE GOC DECISION TO PERMIT VOLIO TO VISIT CHILE. CASTILLO SUGGESTED THAT IT SHOULD BE POSSIBLE IN THIS RESOLUTION TO ADDRESS US CONCERNS REGARDING THE LEVEL OF POLEMICS IN PREVIOUS RESOLUTIONS. HE INSISTED, HOWEVER, THAT CHILE BE KEPT AS A SPECIAL CASE FOR THE UN.

8. BOTH SCHIFTER AND GELBARD TOLD CASTILLO THAT WE COULD NOT DECIDE HOW WE WOULD VOTE UNTIL AFTER WE HAD EXAMINED THE TEXT OF THE RESOLUTION. SCHIFTER INDICATED THAT A RESOLUTION INTRODUCED BY DEMOCRATIC COUNTRIES WOULD HAVE A MORE POSITIVE IMPACT THAN ONE SPONSORED BEHIND THE SCENES BY CUBA AND THE COMMUNIST BLOC. HE EMPHASIZED TO CASTILLO THAT A NON-POLEMICAL RESOLUTION WOULD BE MORE LIKELY TO BE VIEWED FAVORABLY BY THE US, NOTING AS WELL THAT YEARS OF HARSH RESOLUTIONS HAD NOT PRODUCED POSITIVE CHANGE IN CHILE.

9. GELBARD ALSO TOLD CASTILLO (WHO WAS ACCOMPANIED BY CHRC INTERNATIONAL SECRETARY TABORGA) THAT WE WOULD WELCOME THE USE OF LESS POLEMICAL LANGUAGE IN THIS YEAR'S RESOLUTION. THE LANGUAGE OF LAST YEAR'S RESOLUTION, AS WELL AS THE FACT THAT CHILE WAS CONSIDERED AS A SPECIAL AGENDA ITEM, WERE KEY TO DETERMINING THE US'S NEGATIVE VOTE. GELBARD NOTED THAT THE US HAD ENDORSED RENEWAL OF THE SPECIAL RAPPORTEUR'S MANDATE FOR CHILE, WHICH ASSURED THAT CHILE'S HUMAN RIGHTS SITUATION WOULD REMAIN A SPECIAL CASE AS CASTILLO DESIRED. HE ALSO EMPHASIZED OUR STRONG SUPPORT FOR CHILE'S TRANSITION TO DEMOCRACY AND US ~~CONFIDENTIAL~~

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PAGE 05 STATE 355305

WILLINGNESS TO SPEAK OUT PUBLICLY ON HUMAN RIGHTS ISSUES. HE URGED THAT CASTILLO AND OTHERS IN THE OPPOSITION WORK WITH SPECIAL RAPPORTEUR VOLIO WHEN VOLIO VISITS CHILE, WHICH CASTILLO INDICATED HE WOULD DO.

10. ACTION REQUESTED: ACTION ADDRESSEES ARE REQUESTED TO APPROACH APPROPRIATE OFFICIALS AND INDICATE OUR INTEREST IN SEEING A BALANCED RESOLUTION INTRODUCED ON CHILE THIS YEAR, DRAWING ON TALKING POINTS BELOW. USUN SHOULD CONSULT WITH REPRESENTATIVES FROM COUNTRIES WHICH MIGHT BE HELPFUL ON THIS ISSUE, INCLUDING COUNTRIES OTHER THAN ACTION ADDRESSES.

11. TALKING POINTS

--IN VIEW OF OUR SERIOUS CONCERN OVER THE CONTINUATION OF HUMAN RIGHTS ABUSES IN CHILE, WE WOULD LIKE TO BE ABLE TO VOTE IN FAVOR OF THE UN RESOLUTION ON CHILE. WE WILL NOT

BE ABLE TO DO SO IF THE RESOLUTION EMPLOYS GREATLY INFLATED LANGUAGE REFLECTING A DOUBLE STANDARD ON HUMAN RIGHTS, AS WAS THE CASE LAST YEAR.

-- THE CAREFUL AND OBJECTIVE REPORT PREPARED BY THE NEW SPECIAL RAPPORTEUR MAY PROVIDE AN OPPORTUNITY FOR A MORE BALANCED AND EQUITABLE RESOLUTION.

--YOUR GOVERNMENT MAY BE ABLE TO PLAY A CONSTRUCTIVE ROLE IN THIS YEAR'S CONSIDERATION OF THE CHILEAN HUMAN RIGHTS SITUATION AND WORK ACTIVELY IN THE UN FOR ADOPTION OF A BALANCED RESOLUTION ON CHILE. SUCH A RESOLUTION AT A MINIMUM MUST TAKE ACCOUNT OF THE CHILEAN GOVERNMENT'S NEW WILLINGNESS TO WORK WITH THE UN SPECIAL RAPPORTEUR AND SHOULD REFER POSITIVELY TO THE REMOVAL OF THE STATE OF SIEGE IN JUNE.

--A BALANCED UN RESOLUTION ON CHILE WOULD NOT ONLY ALLOW

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PAGE 06 STATE 355305

US TO VOTE FAVORABLY, MORE IMPORTANTLY, IT WOULD STRENGTHEN THE POSITION OF THOSE WITHIN THE CHILEAN GOVERNMENT WHO ARGUED EFFECTIVELY FOR COOPERATION WITH THE SPECIAL RAPPORTEUR. IN GENERAL, SUCH A RESOLUTION WOULD HELP TO ENCOURAGE A MORE CONSTRUCTIVE RESPONSE BY THE CHILEAN GOVERNMENT TO INTERNATIONAL CONCERNS ON CHILEAN HUMAN RIGHTS CONDITIONS.

--SHOULD EFFORTS TO PRODUCE A BALANCED RESOLUTION FAIL, WE HOPE YOUR GOVERNMENT WOULD JOIN US IN VOTING AGAINST OR ABSTAINING ON ANY CHILE RESOLUTION WHICH EMPLOYS A DOUBLE STANDARD. WHITEHEAD

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EXCISE

PAGE 01 GUATEM 11971 200009Z
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~~C O N F I D E N T I A L~~ GUATEMALA 11971

E.O. 12356 DECL: OADR
TAGS: PHUM, PINS, GT
SUBJ: PEACE BRIGADES INTERNATIONAL MEMBERS ORDERED OUT OF GUATEMALA

REF: GUATEMALA 11435

1. SUMMARY

EIGHT MEMBERS OF PEACE BRIGADES INTERNATIONAL (PBI) HAVE BEEN ORDERED TO LEAVE GUATEMALA, ACCORDING TO
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PAGE 02 GUATEM 11971 200009Z

IMMIGRATION DIRECTOR ADOLFO RANGEL SOLIS. RANGEL SAID

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THE EIGHT MEMBERS WERE DECLARED "PERSONA NON GRATA" BY THE GOG AND HAVE EIGHT DAYS TO LEAVE THE COUNTRY. OF THE EIGHT, RANGEL SAID THAT FOUR WERE AMERICANS. HOWEVER, TO THE BEST OF OUR KNOWLEDGE, ONLY ONE OF THE AMERICANS LISTED IS STILL IN THE COUNTRY. RANGEL STATED THAT THE DEPORTATION ORDER CAME FROM THE CHIEF-OF-STATE.

END SUMMARY

2. (U) ADOLFO RANGEL SOLIS, GOG IMMIGRATION DIRECTOR, TOLD EMBOFF ON NOVEMBER 18 THAT THE CHIEF-OF-STATE HAD ORDERED EIGHT MEMBERS OF PBI DEPORTED FROM GUATEMALA. ACCORDING TO RANGEL, THE EIGHT HAD BEEN DECLARED "PERSONA NON GRATA", AND HAD EIGHT DAYS TO LEAVE THE COUNTRY.

3. (C) RANGEL SAID AMONG THE EIGHT WERE FOUR AMERICANS, THREE FRENCHMEN, AND ONE CANADIAN. TO THE BEST OF OUR KNOWLEDGE, ONLY ONE OF THE AMERICANS, [redacted] IS STILL IN GUATEMALA. ACCORDING TO PBI MEMBERS, [redacted] NO LONGER WORKS FOR PBI AND IS CURRENTLY STUDYING SPANISH IN ANTIGUA. ANOTHER AMERICAN MEMBER OF THE GUATEMALAN PBI TEAM, [redacted] WAS NOT AMONG THOSE ORDERED OUT OF THE COUNTRY. IN FACT, [redacted] HAD HIS VISA RENEWED BY GOG IMMIGRATION AUTHORITIES YESTERDAY. (COMMENT: THIS IS PROBABLY AN OVERSIGHT ON THE PART OF THE GOG. [redacted] IN GUATEMALA ONLY ONE MONTH, AND THE GOG MIGHT NOT KNOW THAT HE IS A PBI MEMBER. END OF COMMENT)

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4. (C) [redacted] AMONG THOSE ORDERED OUT OF GUATEMALA, TOLD EMBOFF THAT THE EXPULSION OF PBI WAS THE "FIRST STEP" IN A WAR AGAINST THE MUTUAL SUPPORT GROUP (GAM). [redacted] THAT THE GOG WAS STRIPPING GAM OF ITS "PROTECTION". [redacted] THAT "THE NAKED BODIES" OF PBI MEMBERS WERE ALL THAT STOOD BETWEEN GAM AND THE "DEATH SQUADS", AND PREDICTED A NEW WAVE OF "KIDNAPPING AND KILLINGS" OF GAM MEMBERS IF PBI WAS FORCED FROM GUATEMALA.

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5. COMMENT

(C) [redacted] PROMISED TO HAVE THE EMBASSY INTERNATIONALLY CHASTISED IF IT DID NOT IMMEDIATELY INTERVENE TO HAVE THE DEPORTATION ORDER RESCINDED. WE HAVE NOT DONE SO, BUT INTEND TO RAISE THE ISSUE WITH THE FOREIGN MINISTER AT THE EARLIEST APPROPRIATE OPPORTUNITY. HOWEVER, WE DOUBT WHETHER THE PBI HAS BEEN A DISSUASIVE PRESENCE TO THOSE WHO MIGHT WISH THE GAM PERSONAL HARM, AND THUS DO NOT SHARE THE VIEW THAT THE EXPULSION PRESAGES A BLOODBATH. IN THIS CASE, WE DETECT A DOSE OF PERSONAL MEJIA PIQUE IN THE ORDER, WHICH PRESUMABLY IS A LOGICAL FOLLOW-ON TO HIS "REVELATIONS" LAST WEEK ABOUT THE GAM'S FOREIGN LINKS. B6

END COMMENT

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Chile Project (#S199900030)
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UNCLAS SANTIAGO 08311

E.O. 12356: N/A
TAGS: PREL,CFED,MASS,CI
SUBJ: LETELIER MURDER:CASE AGAINST GENERAL CONTRERAS

1. THE SECOND MILITARY COURT IN SANTIAGO, ON NOVEMBER 13, ISSUED A DEFINITE STAY OF PROCEEDINGS IN FAVOR OF GENERAL (R) MANUEL CONTRERAS SEPULVEDA, CONCERNING HIS INVOLVEMENT IN THE FORGERY OF PASSPORTS FOR THOSE INVOLVED IN THE DEATH OF FORMER FOREIGN MINISTER ORLANDO LETELIER. THE COURT HELD THAT A TEMPORARY STAY OF PROCEEDINGS DATING BACK SEVERAL YEARS COULD BE MADE DEFINITE BECAUSE THERE HAD BEEN NO NEW EVIDENCE PRESENTED IN THIS CASE IN THE PAST THREE YEARS. THE COURT'S DECISION TO MAKE THE STAY OF PROCEEDINGS DEFINITE, PLUS THE EXISTENCE OF A FIVE-YEAR STATUTE OF LIMITATIONS IN CASES INVOLVING FORGERY, MEANS THAT THE CASE AGAINST CONTRERAS WAS CLOSED.

2. FABIOLA LETELIER, A LAWYER AND THE SISTER OF ORLANDO LETELIER, HAS APPEALED THIS DECISION TO THE MILITARY APPEALS COURT, ARGUING THAT THE CASE ALSO INVOLVED THE MURDER OF ORLANDO LETELIER, AND THE STATUTE OF LIMITATIONS IN MURDER CASES IS 15 YEARS. SHE CHARGES THAT THE CASE AGAINST CONTRERAS, INVOLVING MURDER, CANNOT BE DROPPED, AND THAT THE CASE SHOULD REMAIN OPEN IN THE UNCLASSIFIED

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PAGE 02 SANTIA 08311 202036Z

EVENT THAT FURTHER DEVELOPMENTS DO TAKE PLACE.

3. ACCORDING TO ALFREDO ETCHEBERRY, THE LAWYER WHO HANDLED THIS CASE FOR THE U.S. GOVERNMENT, THE MILITARY APPEALS COURT MUST NOW DECIDE ON THE MERITS OF MS. LETELIER'S ARGUMENTS. IN THE EVENT THAT THIS COURT SHOULD UPHOLD THE DECISION OF THE SECOND MILITARY COURT, THE DECISION OF THE APPEALS COURT CAN BE APPEALED TO THE CIVILIAN SUPREME COURT. THUS, THERE ARE TWO APPEAL STEPS REMAINING IN THIS CASE, AND THE CASE REMAINS "OPEN" UNTIL THE APPEALS PROCESS IS COMPLETED. ETCHEBERRY IS PREPARING A MEMORANDUM DETAILING HIS VIEWS FOR THE EMBASSY'S USE, AND WE WILL FORWARD A COPY OF HIS REPORT TO THE DEPARTMENT. BARNES

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PAGE 01 STATE 357243
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DECONTROL

E.O. 12356: N/A
TAGS: PHUM, PGOV, CI
SUBJECT: HUMAN RIGHTS: NOV. 24 - DEC. 7 VISIT TO CHILE BY AMERICAN PSYCHIATRIC AND PSYCHOLOGICAL ASSOCIATIONS

1. DR. JONATHON FINE OF THE AMERICAN COMMITTEE ON HUMAN RIGHTS AND REPRESENTATIVES OF THE AMERICAN PSYCHOLOGICAL ASSOCIATION AND THE AMERICAN PSYCHIATRIC ASSOCIATION VISITED HA AND ARA/SC THIS WEEK TO BE BRIEFED ON THE CURRENT HUMAN RIGHTS SITUATION IN CHILE IN ANTICIPATION OF A VISIT BY ASSOCIATION REPRESENTATIVES TO CHILE SET FOR NOVEMBER 24 - DECEMBER 7.

2. FINE SAID THAT THE GROUP OF SEVEN AMERICANS WILL VISIT CHILE AT THE JOINT INVITATION OF THE COLEGIO MEDICAL, THE COLEGIO DEL PSICOLOGICOS AND FASIC. THE DELEGATION WILL INVESTIGATE "THE PSYCHOLOGY OF TERROR" AND LOOK INTO ALLEGATIONS THAT SOME CHILEAN PSYCHOLOGISTS HAVE ASSISTED IN TORTURE.

3. THE GROUP PLANS TO CONTACT EMBOFF DON KNIGHT SHORTLY
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PAGE 02 STATE 357243

AFTER THEIR ARRIVAL. FINE INDICATED THAT HE HAD

DISCUSSED THIS VISIT IN GENERAL TERMS WITH KNIGHT DURING A PREVIOUS VISIT TO CHILE.

4. PARTICIPANTS IN THE DELEGATION ARE:

-PAZ COHEN. JOURNALIST AND INTERPRETER, RESIDENT OF MEXICO CITY.

--DR. LILLIAN COMAS-DIAZ. DIRECTOR OF THE OFFICE OF ETHNIC AND MINORITY AFFAIRS OF THE AMERICAN PSYCHIATRIC ASSOCIATION.

--JONATHON FINE, M.D. PRESIDENT OF THE AMERICAN COMMITTEE FOR HUMAN RIGHTS. AN INTERNIST BY TRAINING.

--LAWRENCE HARTMANN, M.D. CHAIRMAN OF THE SUBCOMMITTEE OF HUMAN RIGHTS OF THE INTERNATIONAL COUNCIL OF THE AMERICAN PSYCHIATRIC ASSOCIATION. TRUSTEE OF APA. PRACTICES PSYCHIATRY IN CAMBRIDGE, MASS.

--ELLEN MERCER. DIRECTOR OF THE OFFICE OF INTERNATIONAL AFFAIRS, AMERICAN PSYCHIATRIC ASSOCIATION.

--KATHLEEN SMITH. PUBLIC AFFAIRS SPECIALIST WITH PROFESSIONAL HUMAN RIGHTS EXPERIENCE. OBSERVER, NOT PARTICIPANT IN MISSION.

--THOMAS WEBSTER, M.D. FORMER CHAIRMAN OF THE DEPARTMENT OF PSYCHIATRY AND CURRENTLY PROFESSOR OF PSYCHIATRY AND BEHAVORIAL SCIENCES AND CHILD HEALTH AND DEVELOPMENT, GEORGE WASHINGTON UNIVERSITY MEDICAL CENTER. OBSERVER, [redacted]

[redacted]

PAGE 03 STATE 357243

NOT PARTICIPANT IN MISSION. WHITEHEAD

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~~C O N F I D E N T I A L~~ GUATEMALA 12089

ROME FOR EMBASSY VATICAN FOR INFO

E.O. 12356: DECL:OADR
TAGS: PHUM, GT
SUBJ: PBI EXPULSION: AMBASSADOR'S DEMARCHE TO FONMIN

REF: GUATEMALA 12088

1. ~~CONFIDENTIAL~~ - ENTIRE TEXT

2. AMBASSADOR SPOKE WITH FONMIN ANDRADE THIS MORNING, NOVEMBER 22, AND REQUESTED THAT EXPULSION ORDER ON [redacted] B6 BE LIFTED. AMB STRESSED THAT,

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PAGE 02 GUATEM 12089 221828Z

UNLESS THE GOG HAD EVIDENCE THAT [redacted] VIOLATED B6

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THE TERMS OF HER VISA, SHE SHOULD BE ALLOWED TO STAY UNTIL THE DECEMBER 9 EXPIRATION OF HER CURRENT VISA. ANDRADE RESPONDED THAT HE WAS NOT TOO FAMILIAR WITH THE CASE, BUT WOULD RAISE IT WITH THE CHIEF OF STATE AND REQUEST RECONSIDERATION.

3. FONMIN ANDRADE CALLED AMB AT 1140 A.M. TODAY, AND ADVISED HIM THAT HE HAD RAISED THE CASE OF [redacted] WITH CHIEF OF STATE MEJIA. GENERAL MEJIA'S DECISION WAS FIRM: PBI MEMBERS WOULD HAVE TO LEAVE WITHIN THE EIGHT-DAY PERIOD. MEJIA TOLD ANDRADE THAT HE HAD EVIDENCE THAT THE PBI HAD INDEED COUNSELED THE GAM IN THE TAKEOVER OF THE NATIONAL CATHEDRAL AND WERE PRESENTLY COUNSELING THE GAM TO UNDERTAKE ANOTHER ILLEGAL ACTION JUST PRIOR TO THE DECEMBER 8 PRESIDENTIAL RUN-OFF ELECTIONS. PBI AND GAM HOPE TO CREATE A SCANDAL WHICH WOULD EMBARRASS THE GOVERNMENT AT THAT CRITICAL MOMENT. ACCORDING TO MEJIA, THREE FRENCH MEMBERS OF THE PBI WERE PLANNING TO COME TO GUATEMALA TO ASSIST IN WHATEVER ACTION THE GAM WAS TO TAKE BEFORE THE DECEMBER 8 ELECTIONS. MEJIA SAID THE FRENCHMEN WOULD BE DENIED ENTRY INTO THE COUNTRY. ALTHOUGH GENERAL MEJIA SAID THE DECISION THAT THE PBI MEMBERS MUST DEPART AS ORDERED WAS IRREVOCABLE, THOSE INDIVIDUALS WOULD BE PERMITTED TO RETURN TO THE COUNTRY, IF THEY WISHED, AFTER DECEMBER 8.

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Chile Project (#S199900030)
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ROME FOR EMBASSY VATICAN ACTION

E.O. 12356: DECLS: OADR
TAGS: PREL, PHUM, CI, VE, VT
SUBJECT: RETURN TO CHILE OF POLITICAL EXILES

REFS: A) SANTIAGO 08182 B) STATE 338260

1. [redacted] ENTIRE TEXT.

2. DEPARTMENT APPRECIATES HELPFUL RECOMMENDATIONS CONTAINED IN REF A AND AGREES THAT WE SHOULD NOT CONTACT CHILEAN GOVERNMENT NOW ON RODRIGUEZ'S BEHALF.

3. FOR EMBASSY CARACAS. PER REF A, PLEASE CONTACT RODRIGUEZ TO DETERMINE WHETHER HE HAS IN FACT APPLIED TO [redacted]

[redacted]

PAGE 02 STATE 359131

RETURN TO CHILE SINCE THE REMOVAL OF THE STATE OF SIEGE IN JUNE. IF RODRIGUEZ HAS APPLIED AND BEEN TURNED DOWN, YOU SHOULD MAKE RECOMMENDED APPROACH TO VENEZUELAN GOVERNMENT SUGGESTING THAT THEY CONTACT GOC TO URGE THAT RODRIGUEZ BE PERMITTED TO RETURN. PLEASE KEEP DEPARTMENT INFORMED OF STATUS OF RODRIGUEZ' EFFORTS.

3. FOR EMBASSY VATICAN. WE ARE REPEATING REF B FOR YOUR BACKGROUND. WE WOULD APPRECIATE RECEIVING YOUR VIEWS O' THE RECEPTIVITY OF THE HOLY SEE TO AN APPROACH BY US, AS RECOMMENDED BY EMBASSY SANTIAGO, ASKING THAT THEY INTERVENE WITH THE GOC ON BEHALF OF CERTAIN CHILEAN EXILES. PLEASE ADDRESS AS WELL SUITABLE TIMING FOR SUCH AN INITIATIVE. WE WOULD BE PREPARED TO RAISE ISSUE WITH APOSTOLIC PRO NUNCIO PIO LAGHI AS WELL, SHOULD YOU BELIEVE SUCH AN APPROACH WOULD BE HELPFUL.

4. FOR EMBASSY SANTIAGO. YOU SHOULD PROCEED TO DEVELOP A LIST OF EXILES ALONG LINES SUGGESTED REFTEL. YOU MAY WISH TO FOCUS ON TWO CATEGORIES IN PARTICULAR: 1) CASES OF SPECIAL HUMANITARIAN CONCERN AND 2) THOSE INDIVIDUALS WHOSE RETURN WILL STRENGTHEN GENUINELY DEMOCRATIC FORCES ON THE LEFT, AND WILL HELP NOT HINDER MAINTAINING UNITY WITHIN THE NATIONAL ACCORD. SHULTZ

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~~C O N F I D E N T I A L~~ SECTION 01 OF 02 GUATEMALA 12088

ROME FOR EMBASSY VATICAN FOR INFO

E.O. 12356: DECL: OADR
TAGS: PHUM, GT
SUBJECT: GOG REFUSES TO BUDGE, PBI MEMBERS TO LEAVE

REF: (A) GUATEMALA 11971 (B) STATE 357843

(~~CONFIDENTIAL~~ - ENTIRE TEXT)

1. SUMMARY

GOG IMMIGRATION DIRECTOR ADOLFO RANGEL SOLIS TOLD POLOFF
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PAGE 02 GUATEM 12088 01 OF 02 221826Z

NOVEMBER 21 THAT CHIEF OF STATE GENERAL OSCAR HUMBERTO

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MEJIA VICTORES IS "FIRM" IN HIS DETERMINATION THAT EIGHT PEACE BRIGADES INTERNATIONAL (PBI) MEMBERS MUST LEAVE GUATEMALA WITHIN EIGHT DAYS. OF THE EIGHT PEOPLE ORDERE OUT OF GUATEMALA, ONLY SIX ARE STILL IN THE COUNTRY. RANGEL SAID THE CHIEF OF STATE DOES NOT WANT THE PBI MEMBERS IN GUATEMALA DURING THE DECEMBER 8 PRESIDENTIAL RUNOFF ELECTION. THE PBI MEMBERS, HOWEVER, ACCORDING TO RANGEL, MAY RETURN TO GUATEMALA FOLLOWING THE ELECTION. THE AMBASSADOR WILL TAKE UP THE MATTER WITH THE FOREIGN MINISTER NOVEMBER 22.

END SUMMARY

1A. PBI MEMBER, [redacted] CALLED ON CHARGE, TUESDAY, NOVEMBER 19, TO REQUEST EMBASSY ASSISTANCE WHICH WOULD PERMIT HER TO REMAIN IN GUATEMALA UNTIL THE DECEMBER 9 EXPIRATION OF HER VISA. SHE EXPLAINED THAT NEITHER SHE NOR ANY OTHER MEMBER OF PBI HAD COUNSELED THE PBI MEMBERS ON THE RECENT TAKEOVER OF THE NATIONAL CATHEDRAL OR ON ANY OTHER ACTIVITY BEING CARRIED OUT BY THE GAM. SHE NOTED THAT PBI MEMBERS WERE OBSERVERS ONLY. THE CHARGE [redacted] THAT HE, AND THE AMBASSADOR ON HIS RETURN TO COUNTRY, WOULD RAISE THE ISSUE WITH THE DIRECTOR OF IMMIGRATION AND THE FOREIGN MINISTER TO REQUES THAT SHE BE PERMITTED TO STAY UNTIL HER VISA EXPIRES. THE CHARGE CAUTIONED HER, HOWEVER, THAT THERE WAS NO ASSURANCE THAT OUR DEMARCHE WOULD BE SUCCESSFULL, ESPECIALLY IF THE GOG HAD, WHAT IT CONSIDERED, EVIDENCE THAT PBI MEMBERS HAD INDEED COUNSELED THE GAM TO ENGAGE IN, WHAT THE GOG CONSIDERED TO BE, ILLEGAL ACTIVITIES.

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2. THE REQUESTED DEMARCHE TO IMMIGRATION DIRECTOR RANGEL WAS CARRIED OUT NOVEMBER 2, BUT RANGEL ADVISED POLOFF TODAY, NOVEMBER 22, THAT ALL EIGHT PBI MEMBERS WOULD HAVE TO LEAVE AS ORIGINALLY ORDERED. (OF THE EIGHT PEOPLE ORDERED OUT OF GUATEMALA, SIX REMAIN IN THE COUNTRY. PBI REPRESENTATIVES CLAIM THAT ONE OF THE PEOPLE NAMED ON THE DEPORTATION ORDER IS NOT A MEMBER OF PBI, AND THAT ONE OF THE PBI MEMBERS, [redacted] THE GOG IDENTIFIED AS AN AMERICAN CITIZEN, IS A CANADIAN CITIZEN.) RANGEL SAID THAT THE GOG HAD "EVIDENCE" THAT PBI MEMBERS WERE

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"POLITICALLY INVOLVED" WITH THE MUTUAL SUPPORT GROUP (GAM) AND THAT CHIEF OF STATE OSCAR HUMBERTO MEJIA VICTORES DOES NOT WANT THEM IN GUATEMALA DURING THE DECEMBER 8 PRESIDENTIAL RUNOFF ELECTION. ACCORDING TO RANGEL, MEJIA WAS "FIRM" IN HIS DECISION TO EXPEL THE PBI MEMBERS.

4. RANGEL SAID THE PBI MEMBERS MAY RETURN TO GUATEMALA AFTER THE DECEMBER 8 ELECTION. HE ALSO ADVANCED THE CLAIM THAT THE PBI MEMBERS WERE NOT, IN FACT, BEING "EXPELLED" FROM GUATEMALA. ACCORDING TO RANGEL, AN EXPULSION ORDER REQUIRES IMMEDIATE DEPARTURE. THE FACT THAT THE PBI MEMBERS HAD BEEN GIVEN EIGHT DAYS TO LEAVE SHOULD BE INTERPRETED, HE ARGUED, AS A SIMPLE READJUSTMENT OF THEIR VISAS.

5. COMMENT

RANGEL MADE THE SAME ATTEMPT TO RATIONALIZE THE EXPULSIO OF THE PBI MEMBERS TO FRENCH AND CANADIAN EMBASSY OFFICERS. MEJIA APPARENTLY BELIEVES THAT PBI MASTERMINDED THE OCTOBER 31

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PAGE 01 GUATEM 12088 02 OF 02 221826Z
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USCINCSO QUARRY HTS PN
AMEMBASSY ROME

C O N F I D E N T I A L SECTION 02 OF 02 GUATEMALA 12088

ROME FOR EMBASSY VATICAN FOR INFO

E.O. 12356: DECL: OADR
TAGS: PHUM, GT
SUBJECT: GOG REFUSES TO BUDGE, PBI MEMBERS TO LEAVE
TAKEOVER OF THE NATIONAL CATHEDRAL, AND THAT HE CAN
PREVENT A SIMILAR GAM PLOY DECEMBER 8 BY THROWING PBI
MEMBERS OUT OF THE COUNTRY.

AMBASSADOR PIEDRA PLANS TO RAISE THE ISSUE WITH FOREIGN
MINISTER ANDRADE IN A MEETING FRIDAY, NOVEMBER 22.

END COMMENT

CONFIDENTIAL
CONFIDENTIAL

PAGE 02 GUATEM 12088 02 OF 02 221826Z

PIEDRA

CONFIDENTIAL

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PAGE 01 USUN N 03490 01 OF 02 222150Z
ACTION IO-16

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FM USMISSION USUN NEW YORK
TO SECSTATE WASHDC PRIORITY 1169
INFO AMEMBASSY BEIJING
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AMEMBASSY CANBERRA
CONTADORA COLLECTIVE
AMEMBASSY COPENHAGEN
AMEMBASSY HELSINKI
AMEMBASSY ISLAMABAD
AMEMBASSY LONDON
AMEMBASSY LUXEMBOURG
AMEMBASSY MOSCOW
AMEMBASSY OSLO
AMEMBASSY OTTAWA
AMEMBASSY PARIS
AMEMBASSY ROME
AMEMBASSY SANTIAGO
AMEMBASSY STOCKHOLM
AMEMBASSY THE HAGUE
AMEMBASSY TOKYO
USMISSION USNATO
USMISSION GENEVA
UNVIEMISSION VIENNA

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part X In Full ____
Exemption(s) NR

~~C O N F I D E N T I A L~~ SECTION 01 OF 02 USUN NEW YORK 03490

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PAGE 02 USUN N 03490 01 OF 02 222150Z

E.O. 12356: DECL:OADR
TAGS: UNGA, PREL, PARM, PHUM, PTER, PORG, UNHRC, UNHCR
CI, IS, NU, XK, XM
SUBJECT: 40TH UNGA DAILY CLASSIFIED SUMMARY - NOVEMBER 22

1. (U) TABLE OF CONTENTS:

--PLENARY: CONTADORA UN DRAFT RES REVEALED (USUN 3481)
--FIRST COMMITTEE: NOV. 19 BARTON GROUP MTG (USUN 3465)

--THIRD COMMITTEE: HUMAN RIGHTS IN CHILE (USUN 3466)

--SIXTH COMMITTEE: TERRORISM (USUN 3473)

--OTHER: UNHCR ELECTION: CALL ON UNDER-SYG (USUN 3469)

PLENARY: NAMIBIA RESOLUTIONS SCENARIO

NR

FIRST COMMITTEE: NOV. 19 BARTON GROUP MTG (USUN 3465)

NR

NR

THIRD COMMITTEE: HUMAN RIGHTS IN CHILE (USUN 3466)

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1. (C) AMBASSADOR PEDRO DAZA, CHILEAN PERMREP TO THE UN, CALLED ON AMBASSADOR WALTERS ON NOVEMBER 18 TO REQUEST US ASSISTANCE IN MODERATING THE THIRD COMMITTEE RESOLUTION ON HUMAN RIGHTS IN CHILE. AS INSTRUCTED IN STATE 355305, USUN WILL BE CONSULTING APPROPRIATE DELEGATIONS TO PRESS FOR A MORE BALANCED RESOLUTION ON CHILE. OUR INITIAL CONTACTS INDICATE THAT NEITHER VENEZUELA NOR MEXICO WILL BE HELPFUL ON THIS QUESTION, AND THAT THE BEST PROSPECTS FOR MODERATION ARE WITH THE WESTERN EUROPEAN CO-SPONSORS AND THE CHILEAN HUMAN RIGHTS COMMISSION ITSELF - IF IT IS INTERESTED IN CHANGING THE US VOTE ON THIS ISSUE.

SIXTH COMMITTEE: TERRORISM (USUN 3473)

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PAGE 01 USUN N 03490 02 OF 02 222150Z

ACTION IO-16

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P 222146Z NOV 85
FM USMISSION USUN NEW YORK
TO SECSTATE WASHDC PRIORITY 1170
INFO AMEMBASSY BEIJING
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AMEMBASSY STOCKHOLM
AMEMBASSY THE HAGUE
AMEMBASSY TOKYO
USMISSION USNATO
USMISSION GENEVA
USMISSION VIENNA

C O N F I D E N T I A L SECTION 02 OF 02 USUN NEW YORK 03490

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PAGE 02 USUN N 03490 02 OF 02 222150Z

E.O. 12356: DECL:OADR
TAGS: UNGA, PREL, PARM, PHUM, PTER, PORG, UNHRC, UNHCR

- CI, IS, NU, XK, XM
SUBJECT: 40TH UNGA DAILY CLASSIFIED SUMMARY - NOVEMBER 22

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OTHER: UNHCR ELECTION: CALL ON UN UNDER-SYG (USUN 3469)

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APPROVED BY: HA:RSCHIFTER
ARA/SC:JSWIGERT IO/HR:BZWEIBEN
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HA/HR:JETHYDEN

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Chile Project (#S199900030)
U.S. Department of State
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Declassify: In Part ____ In Full X
Exemption(s) ____

E.O. 12356: DECL: OADR
TAGS: PHUM, PREL, CI, UN
SUBJECT: 40TH UNGA: THIRD COMMITTEE: CONSIDERATION OF
- HUMAN RIGHTS IN CHILE (ITEM 12)

REF: USUN 3466

1. [redacted] - ENTIRE TEXT.

2. ON NOVEMBER 21, TWO CHILEAN EXILES, HERNAN GUTIERREZ AND EUGENIO VELASCO, A SOCIAL DEMOCRAT AND THE WASHINGTON REPRESENTATIVE OF THE DEMOCRATIC ALLIANCE, PRESENTED HA ASSISTANT SECRETARY RICHARD SCHIFTER WITH A DRAFT RESOLUTION ON CHILE WHICH THE CHILEAN OPPOSITION HAD PREPARED FOR POSSIBLE INTRODUCTION BY A SYMPATHETIC STATE AT THE OAS GENERAL ASSEMBLY IN CARTAGENA, DECEMBER 2-10, 1985. (FYI: CHILEAN OAS DELEGATION PRESENTLY DOES NOT EXPECT [redacted]

[redacted]

PAGE 02 STATE 360901

A SEPARATE CHILE RESOLUTION TO BE TABLED AT OASGA. END FYI). TEXT OF THE RESOLUTION WAS DATA-FAXED TO USUN NOVEMBER 25 AND IS REPEATED PARA 6 BELOW.

3. GUTIERREZ AND VELASCO SAID THEY ARE INTERESTED IN USING THE OAS DRAFT TEXT AS A BASIS FOR A UN RESOLUTION ON CHILE, AND SAID THEY HAVE BEEN WORKING WITH THE VENEZUELAN OAS REPRESENTATIVE WITH THE AIM OF HAVING VENEZUELA, MEXICO AND SPAIN INTRODUCE A MODERATE RESOLUTION IN THE UN. ACCORDING TO VELASCO, THE TEXT HAS THE SUPPORT OF ALL ELEVEN PARTIES SUBSCRIBING TO THE NATIONAL ACCORD. IN ADDITION, THEY SAID THAT MAXIMO PACHECO OF THE CHILEAN HUMAN RIGHTS COMMISSION, WHO WILL BE IN NEW YORK FOR THE UN DEBATE, IS IN ACCORD WITH THE TEXT. INDICATING THAT HE SPOKE FOR THE DEMOCRATIC ALLIANCE, VELASCO SAID THAT THE CHILEAN POLITICAL OPPOSITION, REALIZING THE IMPACT OF THE US VOTE, WOULD LIKE TO SEE A MORE MODERATE AND OBJECTIVE UN RESOLUTION THIS YEAR, WHICH THE U.S. COULD SUPPORT.

4. THE TEXT OF THE PROPOSED OAS RESOLUTION IS INDEED MODERATE AND A VAST IMPROVEMENT OVER LAST YEAR'S UNGA RESOLUTION, AND COULD SERVE AS THE STARTING POINT FOR A RESOLUTION THE US COULD SUPPORT. HOWEVER, IN VIEW OF REFTEL, WE WONDER HOW REALISTIC VELASCO AND GUTIERREZ ARE IN THEIR ASSESSMENT OF THE POSSIBILITIES OF HAVING THE RESOLUTION INTRODUCED.

5. FOR USUN: PLEASE ATTEMPT TO ASCERTAIN WHETHER THE OAS RESOLUTION IS A REALISTIC ALTERNATIVE, AND WHETHER THE CHILEAN HUMAN RIGHTS COMMISSION INDEED AGREES WITH THE TEXT. IT WOULD BE HELPFUL TO HAVE AN INDICATION OF YOUR ASSESSMENT BY COB NOVEMBER 26.
[redacted]

[redacted]

PAGE 03 STATE 360901

6. BEGIN TEXT:

INFORMAL TRANSLATION OF DRAFT OAS RESOLUTION

CONSIDERING:

THAT THE IAHRC, AS A RESULT OF THE ANALYSIS IN ITS REPORT, HAS CONCLUDED THAT THERE HAVE BEEN SERIOUS HUMAN RIGHTS VIOLATIONS COMMITTED IN CHILE;

THAT THE PROTECTION AND RESPECT FOR HUMAN RIGHTS CONSTITUTES ONE OF THE HIGHEST AIMS OF THE OAS AND ITS OBSERVANCE IS NECESSARY FOR THE FRIENDLY COOPERATION AND SOLIDARITY BETWEEN ITS MEMBERS, AS GUARANTEES FOR RESPECT OF HUMAN LIFE AND THE DIGNITY AND LIBERTY OF MAN;

THAT DEMOCRACY IS AN ESSENTIAL ELEMENT FOR THE ESTABLISHMENT OF A POLITICAL SOCIETY WHERE CIVIL RIGHTS ARE FULLY REALIZED;

THAT THE OPINIONS EXPRESSED BY THE DIFFERENT DELEGATIONS DURING THE CONSIDERATION OF THIS RESOLUTION REVEAL THE CONCERN BY THE MEMBERS FOR THE PROTECTION AND PRACTICE OF

HUMAN RIGHTS IN ALL COUNTRIES OF THE HEMISPHERE;

THAT THE IAHRC'S PRINCIPAL FUNCTION IS TO PROMOTE THE OBSERVANCE AND DEFENSE OF HUMAN RIGHTS IN THE MEMBER COUNTRIES;

RESOLVES:

URGES THE GOVERNMENT OF CHILE TO ADOPT AND PUT IN PRACTICE THE STEPS AND MEASURES, RECOMMENDED IN THE IAHRC REPORT, TO ASSURE FULL RESPECT FOR HUMAN RIGHTS;

[redacted]

[redacted]

PAGE 04 STATE 360901

URGES THE CHILEAN GOVERNMENT TO ADOPT APPROPRIATE MEASURES FOR THE ATTAINMENT OF FULL REESTABLISHMENT OF DEMOCRATIC GOVERNMENT, IN WHICH THE POWER DERIVES FROM THE LEGITIMATE AND FREE EXPRESSION OF THE POPULAR WILL IN ACCORDANCE WITH CHILEAN TRADITIONS AND WISHES OUTLINED IN THE NATIONAL ACCORD FOR THE TRANSITION TO FULL DEMOCRACY, SIGNED BY ELEVEN DEMOCRATIC OPPOSITION PARTIES ON AUGUST 25, 1985, UNDER THE SPONSORSHIP OF CARDINAL JUAN FRANCISCO FRESNO;

URGENTLY CALLS ON THE GOVERNMENT OF CHILE TO LEND THE NECESSARY COOPERATION TO THE IAHRC SO THAT IT MAY FULFILL ITS FUNCTIONS RELATIVE TO THE FURTHERANCE OF RESPECT AND DEFENSE OF HUMAN RIGHTS IN MEMBER COUNTRIES;

THANKS THE IAHRC FOR ITS REPORT AND REQUESTS THAT IT CONTINUE TO OBSERVE THE HUMAN RIGHTS SITUATION IN CHILE AND REPORT TO THE GENERAL ASSEMBLY.

END TEXT.
WHITEHEAD

[redacted]

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11/25/85 → APA – Swigert

CFED-1 KF090 R"

ALFREDO ETCHEBERRY
ABOGADO
MONEDA 970 - 5º PISO - TELEFONO 60171 - SANTIAGO - CHILE

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

(1) MLD
(2) DC
(3) VWS / Letelier File

H.E. Harry Barnes
Ambassador of the
United States
Santiago.

Dear Mr. Ambassador:

Having been the legal counsel of the United States Government in the case concerning the extradition of former General Manuel Contreras and other Chilean Army officers in 1979, Mr. Knight of the Embassy staff has consulted me on the meaning and consequences of some recent decisions of the Chilean military courts in the domestic case related to that crime.

I offered him to send you a written report on the point, as the matter was rather complex and justified something more than a telephone talk.

In compliance of my offer, I have the pleasure to enclose a report on the matter.

May I convey to you my best wishes of a brilliant, fruitful mission in Chile.

Looking forward to meeting you in the near future, I am, Sir,

Yours with best regards,

ALFREDO ETCHEBERRY

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PAGE 01 GUATEM 12319 01 OF 04 272239Z
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[redacted] SECTION 01 OF 04 GUATEMALA 12319

EXCISE

E.O. 12356 DECL: OADR
TAGS: PHUM, GT
SUBJ: PATZUN: NO MASSACRES BUT PLENTY OF DISAPPEARANCES

REF: (A) GUATEMALA 2297 (B) GUATEMALA 4630
- (C) GUATEMALA 5617 (D) GUATEMALA 7658
- (E) GUATEMALA 8654

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SUMMARY
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1. EMBOFFS VISITED PATZUN, CHIMALTENANGO, NOVEMBER 22 TO FOLLOW UP OUR EARLIER INQUIRIES INTO ALLEGED MASSACRES

[redacted]

PAGE 02 GUATEM 12319 01 OF 04 272239Z

BY GOG SECURITY FORCES. TOWN OFFICIALS CLAIMED THAT NO MASSACRES HAD OCCURRED IN PATZUN OR ANY OF ITS ELEVEN VILLAGES. ACCORDING TO FIGURES PROVIDED BY THE LOCAL

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JUSTICE OF THE PEACE, TEN PEOPLE WERE KILLED IN THE MUNICIPALITY OF PATZUN BETWEEN JANUARY AND JUNE 1985. HOWEVER, TOWN OFFICIALS SAID THAT 42 PEOPLE "DISAPPEARED" DURING THIS PERIOD. OF THESE 42, AT LEAST TEN HAVE REAPPEARED. TOWNSPEOPLE ACCUSE THE THEN COMMANDER OF THE LOCAL GOG ARMY DETACHMENT OF MASTERMINDING THE DISAPPEARANCES. HE WAS TRANSFERRED FROM PATZUN ON JULY 4, AND VILLAGERS CLAIM THE DISAPPEARANCES ENDED WITH HIS EXIT. HOWEVER, THE OFFICER SECOND-IN-COMMAND DURING THAT PERIOD RETURNED TO PATZUN FOR ONE WEEK IN NOVEMBER, DURING WHICH FIVE MORE PEOPLE WERE REPORTED DISAPPEARED.

NOTE: TOWN RECORDS WHICH SHOW TEN PEOPLE KILLED BETWEEN JANUARY AND JULY 1985, DO NOT SQUARE WITH EARLIER EMBASSY REPORTING WHICH INDICATE 22 KILLED DURING THE SAME PERIOD.

END SUMMARY

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2. EMBOFFS VISITED PATZUN (CHIMALTENANGO) NOVEMBER 22 TO FOLLOW UP EARLIER EMBASSY INQUIRIES OF ALLEGED MASSACRES BY GOG SECURITY FORCES (REFTELS). ACCORDING TO REPORTS IN THE INTERNATIONAL PRESS, UP TO 60 PEOPLE WERE KILLED BY THE ARMY IN AND AROUND PATZUN BETWEEN JANUARY AND JUNE 1985. TOWN OFFICIALS DENIED THAT ANY MASSACRES HAD TAKEN PLACE IN PATZUN OR ANY OF ITS ELEVEN VILLAGES AND 16 HAMLETS. ACCORDING TO PATZUN MAYOR LAUREANO CHULUC YOS, WHO IS ALSO THE LOCAL MAGISTRATE, TEN PEOPLE WERE KILLED IN THE MUNICIPALITY DURING THE FIRST SIX MONTHS OF 1985. ONE OF THESE, MARIO FILBERTO [redacted]

PAGE 03 GUATEM 12319 01 OF 04 272239Z

MELGAR JUAREZ, A MILITARY COMMISSIONER, PROBABLY WAS ASSASSINATED BY INSURGENTS (REF A).

3. HOWEVER, TOWN RECORDS SHOW THAT 42 PEOPLE WERE REPORTED "DISAPPEARED" IN THE MUNICIPALITY OF PATZUN BETWEEN JANUARY AND JUNE 1985. (NOTE: SEE PARA 14 FOR LIST OF DISAPPEARED.) OF THESE 42, TEN REAPPEARED IN JULY 1985, AT THE MILITARY ZONE HEADQUARTERS IN CHIMALTENANGO. ACCORDING TO TOWN OFFICIALS, THE TEN WERE RELEASED BY THE MILITARY AFTER RECEIVING AMNESTY FOR INVOLVEMENT IN THE SUBVERSION. PATZUN POLICE CHIEF NAJARRO CLAIMED THE TEN WERE SANTIAGO TO CHIRIX, LEONA SICAJAN BAC, ALEJANDRO YOS PUN, ESTEBAN PEREZ TUJAL,

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MARIA ANA AJSIP COYOTE, DANIEL TAQUIRA MUJ, JUAN TZAY BAJAN, JUAN PABLO CHIRIX, EUGENIA YOS MUJ, FLORENCIA YOS AJAP. WE HAVE RECEIVED CREDIBLE REPORTS THAT THREE DISAPPEARED BROTHERS FROM PATZUN, SANTOS AJZALAN MUJ, VICTORIANO AJZALAN MUJ, AND PEDRO AJZALAN MUJ, HAVE ALSO REAPPEARED (REF E).

4. TOWNSPEOPLE LAY THE BLAME FOR THE DISAPPEARANCES IN PATZUN ON THE COMMANDING OFFICER OF THE LOCAL ARMY DETACHMENT, LT. CABRERA, WHO WAS REMOVED FROM HIS POST ON JULY 4, 1985. MAYOR CHULUC DESCRIBED CABRERA AS THE "MALDITO" (ACCURSED). CHULUC SAID CABRERA WAS A "PARA-NOID" WHO WAS QUICK TO LABEL PEOPLE "SUBVERSIVES" AND ACT AGAINST THEM. THE MAYOR CLAIMED THAT SOME PEOPLE IN THE AREA SAW IN CABRERA AN OPPORTUNITY TO SETTLE OLD SCORES WITH RIVALS, AND QUICKLY DENOUNCED THEIR COMPETI-TORS AND ENEMIES TO THE MILITARY AS "GUERRILLAS". CHULUC POINTED OUT THAT DISPUTES OVER "LAND AND WOMEN" BREED INTENSE PERSONAL ANIMOSITIES IN VILLAGES AROUND

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PAGE 01 GUATEM 12319 02 OF 04 272240Z
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TO SECSTATE WASHDC 2907

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INFO AMEMBASSY MANAGUA
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AMEMBASSY SAN SALVADOR
AMEMBASSY TEGUCIGALPA
USIA WASHDC 3711
USCINCSO QUARRY HTS PN

UNCLASSIFIED

[redacted] SECTION 02 OF 04 GUATEMALA 12319

E.O. 12356 DECL: OADR
TAGS: PHUM, GT
SUBJ: PATZUN: NO MASSACRES BUT PLENTY OF DISAPPEARANCES

PATZUN, AND THAT VILLAGERS OFTEN RESORT TO VIOLENCE, OR FALSE ACCUSATION, TO SETTLE THEIR DISPUTES.

5. ALTHOUGH CHULUC ACKNOWLEDGED THAT SOME OF THE DISAPPEARED PROBABLY WERE ACTIVE IN THE INSURGENCY, HE INSISTED THAT MANY WERE NOT. HE CLAIMED THAT SEVERAL VILLAGERS CAME TO HIM AND PLEADED FOR HELP AFTER LEARNING THAT THEY HAD BEEN DENOUNCED TO CABRERA AS SUBVERSIVES. THE MAYOR SAID HE APPROACHED CABRERA AND "TRIED TO REASON WITH HIM". "I TOLD HIM," CHULUC SAID, "THAT I KNEW THESE MEN, AND THAT THEY WERE NOT GUERRILLAS". ACCORDING TO CHULUC, CABRERA REPLIED, "IF YOU KNOW THEM, THEN YOU ARE A SUBVERSIVE TOO". THE MAYOR SAID THAT AFTER THIS ENCOUNTER IT BECAME IMPOSSIBLE TO WORK WITH CABRERA.

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PAGE 02 GUATEM 12319 02 OF 04 272240Z

CHULUC SAID HE FEARED FOR HIS LIFE DURING THIS TIME, AND PURSUED A POLICY OF TENDING TO THE ADMINISTRATION OF THE TOWN, NOT INVOLVING HIMSELF IN "SECURITY" ISSUES.

6. DURING HIS SIX MONTH REIGN, APPARENTLY OF TERROR, IN PATZUN, CABRERA BECAME A NEAR LEGENDARY FIGURE. THE FEAR HE STRUCK IN PEOPLE IS STILL PALPABLE, EVEN THE POLICE CHIEF SPOKE OF HIM ONLY IN A WHISPER. ACCORDING TO SOME VILLAGERS, CABRERA INSISTED ON BEING CALLED "GENERAL", AND USED ARMY DAY TO STRUT AROUND PATZUN LIKE A CONQUERING HERO. OTHER VILLAGERS CLAIMED THAT CABRERA RAN A "MURDER FOR HIRE" RACKET IN PATZUN. ACCORDING TO THESE RUMORS, CABRERA COMMANDEERED PRIVATE AUTOMOBILES AND PICK-UPS AS TRANSPORT AND USED HIS SOLDIERS AS HIT

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MEN. UNCLASSIFIED

7. MAYOR CHULUC SAID THREE VILLAGES WERE HIT HARDEST BY THE DISAPPEARANCES: CHIPIACUL, XATZAN AND CHUIQUEL. THESE VILLAGES LIE ROUGHLY DUE WEST OF PATZUN, NEAR LAKE ATITLAN, AN AREA OF ORPA GUERRILLA ACTIVITY. THIS IS ALSO AN AREA AFFLICTED BY COMMON BANDITRY. LAST AUGUST, THE HONORARY DANISHCONSUL'S GRANDDAUGHTER AND A FRIEND WERE ROBBED AND SHOT TO DEATH WHILE DRIVING BETWEEN PATZUN AND PANAJACHEL (REF E).

8. THOUGH MANY OF THE DISAPPEARED CAME FROM VILLAGES AROUND PATZUN, TOWNSPEOPLE CLAIMED THAT SEVERAL WERE HELD IN A "PIT" IN THE MILITARY OUTPOST IN PATZUN. ONE WOMAN REPORTEDLY WAS HELD IN THE MILITARY DETACHMENT FOR SEVERAL WEEKS, AND RECALLED HEARING VOICES OF NEIGHBORS AND FRIENDS PLEADING WITH CABRERA FOR INFORMA-

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PAGE 03 GUATEM 12319 02 OF 04 272240Z

TION ABOUT HER. EMBOFFS VISITED THE DETACHMENT AND SPOKE WITH THE COMMANDING OFFICER, LT. JAIME MARTINEZ. MARTINEZ DENIED THAT THERE WAS A "PIT" OR ANY OTHER DETENTION FACILITIES IN THE DETACHMENT. THE MILITARY OUTPOST IS SMALL, APPROXIMATELY 40 METERS BY 25 METERS, AND HAS SEVERAL LONG BUILDINGS WHICH RUN ALONG THREE OF ITS SIDES. MARTINEZ WAS HESITANT TO GIVE EMBOFFS A "TOUR" OF HIS COMMAND, AND WOULD NOT ALLOW THEM INTO SEVERAL BUILDINGS IN THE BACK OF THE OUTPOST. EMBOFFS NOTICED SEVERAL WELL-ARMED MEN IN CIVILIAN CLOTHING IN THE OUTPOST.

9. BOTH MAYOR CHULUC AND POLICE CHIEF NAJARRO STATED THAT PEOPLE HAVE BEEN DETAINED AT THE MILITARY DETACHMENT. ACCORDING TO NAJARRO, LAST JULY THE ARMY ARRESTED A MAN IN CHIPIACUL FOR IMPERSONATING A MILITARY INTELLIGENCE OFFICER AND TRYING TO EXTORT MONEY FROM RELATIVES OF SOME OF THE DISAPPEARED. THE IMPOSTER WAS HELD AT THE MILITARY OUTPOST UNTIL HE STOLE A RIFLE ONE MORNING AND ESCAPED FROM THE DETACHMENT. HE WAS SHOT TO DEATH DURING A PITCHED GUN BATTLE IN THE STREETS OF PATZUN. THE POLICE CHIEF ALSO CLAIMED THAT A CAPTURED "ORPA LIEUTENANT" WAS HELD AT THE OUTPOST UNTIL HE COULD BE TRANSPORTED TO THE MILITARY ZONE HEADQUARTERS IN CHIMALTENANGO.

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10. MAYOR CHULUC CLAIMED THAT THE DISAPPEARANCES STOPPED AFTER CABRERA WAS REPLACED IN JULY. CHULUC SAID THAT "CAPTAIN SOLORZANO" TOOK OVER COMMAND OF THE MILITARY OUTPOST. TOWNSPEOPLE SPOKE WELL OF SOLORZANO WITH AS MUCH VIGOR AND PASSION AS THEY SPOKE POORLY OF CABRERA.

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PAGE 01 GUATEM 12319 03 OF 04 272240Z
ACTION ARA-00

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AMEMBASSY SAN JOSE
AMEMBASSY SAN SALVADOR
AMEMBASSY TEGUCIGALPA
USIA WASHDC 3712
USCINCSO QUARRY HTS PN

[redacted] SECTION 03 OF 04 GUATEMALA 12319

UNCLASSIFIED

E.O. 12356 DECL: OADR
TAGS: PHUM, GT
SUBJ: PATZUN: NO MASSACRES BUT PLENTY OF DISAPPEARANCES

SOLORZANO WAS DESCRIBED AS A "CHRISTIAN" AND A "GOOD MAN" WHO RETURNED LIFE TO "NORMAL" IN PATZUN. SEVERAL VILLAGERS NOTED THAT PEOPLE COULD GO OUT ON THE STREETS A NIGHT AFTER SOLORZANO TOOK OVER, AND PEOPLE LOST MUCH OF THEIR FEAR OF SOLDIERS. IN FACT, WHEN SOLORZANO WAS ROTATED OUT OF PATZUN IN EARLY NOVEMBER, SEVERAL TOWNS-PEOPLE REPORTEDLY ASKED THE MILITARY ZONE COMMANDER IN CHIMALTENANGO TO KEEP SOLORZANO ON AS HEAD OF THE MILITAR OUTPOST IN PATZUN.

11. SOLORZANO WAS REPLACED BY "LT. ALDANA", THE FORMER DEPUTY COMMANDER OF THE DETACHMENT UNDER CABRERA. ALDANA COMMANDED THE OUTPOST FOR ONLY SIX DAYS, NOVEMBER 11-16. HOWEVER, ACCORDING TO CHULUC AND THE LOCAL POLICE CHIEF,

[redacted]

PAGE 02 GUATEM 12319 03 OF 04 272240Z

FIVE PEOPLE WERE REPORTED DISAPPEARED DURING THIS PERIOD. CITY RECORDS SHOW THAT CELESTINO TZAY COY, SECUNDINO MAGTZUL TUCUBAL, MASARIO CHIRIX EJCALAN, RUMULDO BAJAN MAJTZUL, AND JOSE YOS SINCAL WERE ABDUCTED NOVEMBER 14 FROM THE VILLAGE OF MOCOLIXOT BY HEAVILY ARMED MEN.

12. LT. ALDANA LEFT PATZUN ON NOVEMBER 16, AND IS NOW SAID TO BE HEAD OF THE MILITARY DETACHMENT IN SAN JOSE POAQUIL, CHIMALTENANGO. POLICE CHIEF NAJARRO SAID THAT FOUR PEOPLE HAVE BEEN REPORTED DISAPPEARED IN POAQUIL SINCE THE ARRIVAL OF ALDANA.

13. ALDANA WAS REPLACED IN PATZUN BY LT. JAIME MARTINEZ, WHO CLAIMED HE HAD BEEN TRANSFERRED FROM THE MILITARY ZONE HEADQUARTERS IN CHIMALTENANGO. MARTINEZ DENIED THAT THE MILITARY HAD PARTICIPATED IN ANY DISAPPEARANCES IN PATZUN. MARTINEZ SAID THE INSURGENTS WERE TO BLAME, ADDING THAT "MILITARY COMMISSIONERS AND OTHERS WHO HAVE COLLABORATED WITH US ARE THE ONES WHO HAVE DISAPPEARED". WHEN QUESTIONED ABOUT THE ALLEGED EXISTENCE OF A PIT IN WHICH CABRERA HAD REPORTEDLY HELD 18 PEOPLE, MARTINEZ SAID, "WE DON'T HAVE ANYTHING LIKE THAT HERE". THEN, POINTING TO THE CEMETERY BEHIND THE OUTPOST, HE CONTINUED "BUT THERE MUST BE MORE THAN 100 PEOPLE BACK THERE". AFTER TOURING THE CEMETERY, EMBOFFS REALIZED THAT THIS

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MACABRE COMMENT WAS MARTINEZ'S IDEA OF A JOKE.

14. THE NAMES OF THE 42 PEOPLE REPORTED DISAPPEARED IN PATZUN BETWEEN JANUARY AND JUNE 1985 ARE AS FOLLOWS:

MARCELION COCON COCON

[redacted]

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JUAN COCON COCON
LEON ZINICO GOMEZ
NICOLAS UPUN XINICO
SIMON UPUN SIPAC
RAMON RAVARIC SIPAC
JUAN CHIRIX COCON
BENITO SALVADOR AJUCHAN
SEBASTIAN COY MUCIA
LUCAS JOCHOLA SUQUEN
JOSE JOCHOLA AJU
ISRAEL JOCHOLA AJU
LUCAS JOCHOLA AJU
SANTOS JOCHOLA AJU
FRANCISCO JAVIER CUXIL SAPUT
PEDRO SINCAL YOS
CRUZ BERNARDINO XINICO CUJCUJ
VIRGILIO DE JESUS XINICO CUJCUJ
ANDRES TZAY MAGZTUL
JUAN HERNANDEZ SINCAL
AURELIO RAQUEC
MARIA ANA AJCIP COYOTE
FLORINDA YOS AJCIP
MARIA ISABEL YOS AJCIP
ESTEBAN PEREZ TUJAL
LEONA SICAJAN LEBON
JUAN PABLO CHIRIX
ENCARNACION BAY SAGUACH
SANTIAGO TOJ CHIRIX
EUSTAQUIO TOJ CHIRIX
AUSTINO CHAJON AQUINO
SANTOS AJZALAM MUJ
PEDRO AJZALAN MUH

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PAGE 01 GUATEM 12319 04 OF 04 272241Z
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INFO AMEMBASSY MANAGUA
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AMEMBASSY PANAMA
AMEMBASSY SAN JOSE
AMEMBASSY SAN SALVADOR
AMEMBASSY TEGUCIGALPA
USIA WASHDC 3713
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[redacted] SECTION 04 OF 04 GUATEMALA 12319

E.O. 12356 DECL: OADR
TAGS: PHUM, GT
SUBJ: PATZUN: NO MASSACRES BUT PLENTY OF DISAPPEARANCES
VICTORIANO AJZALAN MUJ
FRANCISCO SIR TOJ
GABINO SIR PATAL
DANIEL TAQUIRA MUJ
ALEJANDRO YOS CUM
EUGENIA YOS MUJ
JUAN TZAY BARAN
NICOLAS EJCALON MAGTZUL
JOAQUIN TZAY MAGZTUL

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COMMENT
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15. EXACT OR NOT, THE INCIDENCE OF DISAPPEARANCES IN [redacted]

PATZUN CLASSIFY IT AS ONE OF THE TRAGIC PATCHES OF CONCENTRATED AGONY ON THIS PLANET. WE CANNOT BE SANGUINE THAT THE FULL TRUTH ABOUT THE CRIMES IN PATZUN WILL EVER BE KNOWN OR ADEQUATE JUSTICE DONE. IF PAINFULLY TAUGHT, HOWEVER, THERE IS A LESSON HERE ABOUT HUMAN RIGHTS IN GUATEMALA, AND IT HAS TWO PARTS: (1) HUMAN RIGHTS VIOLATIONS ARE TODAY FAR MORE CLEARLY A MATTER OF INDIVIDUAL PSYCHOPATHOLOGY THAN OF STATE POLICY, AS THEY ONCE WERE, (2) THEY CAN STILL BE CARRIED OUT WITH RELATIVE IMPUNITY IF ONE IS A MEMBER OF THE OFFICER CASTE.

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CHRG: PROG
DIST: CONS

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E.O. 12356: DECL: OADR
TAGS CASC: (BLAKE, NICHOLAS AND DAVIS, GRIFFITH)
SUBJECT: W/W: CASE OF NICHOLAS BLAKE AND GRIFFITH DAVIS

REF: A) STATE 352230, B) STATE 332770

SUMMARY - A MEETING TOOK PLACE IN THE DEPARTMENT ON 11/21/85 AMONG EDWARD GOFF, ATTORNEY FOR THE BLAKE FAMILY, RANDY BLAKE, BROTHER OF ONE OF THE MISSING MEN, AND OFFICERS OF THE CITIZENS EMERGENCY CENTER AND THE LEGAL ADVISOR'S OFFICE OF THE STATE DEPARTMENT. MESSRS GOFF AND BLAKE WANTED TO DISCUSS THE PROGRESS OF THE CASE AND TRY TO COME TO AN AGREEMENT AMONG THEMSELVES ON [illegible]. THE SESSION WAS MARKED BY ARGUMENT AND DISAGREEMENT BETWEEN MR. GOFF AND RANDY BLAKE.

1. MR. GOFF'S BASIC VIEWPOINT IS THAT THE YOUNGER BLAKE'S TACTICS ARE ALIENATING IMPORTANT ELEMENTS OF THE GUATEMALAN AND U.S. GOVERNMENTS WHOSE GOOD WILL IS NEEDED IN THIS CASE. GOFF HAS FOUND THE EMBASSY AND THE GUATEMALAN GOVERNMENTS VERY HELPFUL. GOFF AND THE OLDER MEMBERS OF THE FAMILY BELIEVE THAT PUBLICITY OF THE KIND SOUGHT BY RAY AND RANDY BLAKE WILL INTERFERE WITH EFFECTIVE WORK IN RESOLVING THE CASE. RANDY BLAKE DISAGREED BUT COULD NOT POINT TO ANY PROGRESS MADE TOWARD LOCATING HIS BROTHER AS A RESULT OF THE BLAKE BROTHERS ACTIONS. DEPARTMENT OFFICERS URGED A MORE COOPERATIVE EFFORT BETWEEN ALL INTERESTED PARTIES, SINCE IT WOULD HELP US DIRECT OUR EFFORTS MORE EFFECTIVELY. WE ASSURED THEM THAT WE WOULD NOT IGNORE THE BROTHERS' [illegible].

2. RANDY BLAKE COMMENTED THAT HIS MEETING WITH THE U.S. AMBASSADOR IN GUATEMALA HAD GONE WELL. HOWEVER, HE SEEMED TO BE UNAWARE THAT CRITICAL STATEMENTS ABOUT THE TWO GOVERNMENTS MADE AT THE PRESS CONFERENCE FOLLOWING THE MEETING MIGHT BE EMBARRASSING TO THE U.S. AMBASSADOR. HE BELIEVES HIS RELATIONSHIP WITH THE AMBASSADOR CONTINUES TO BE GOOD AND THAT THE AMBASSADOR WILL ATTEMPT TO VERIFY THEIR HELICOPTER STORY. STEP-BY-STEP BLAKE WAS LED THROUGH THE PROCESS OF VERIFYING INFORMATION. HE IS NOW AWARE THAT IT WILL PROBABLY HAVE TO BE DONE FORMALLY AND OPENLY, WITH THE EXACT DATE AND PLACE OF THE HELICOPTER SIGHTING PASSED TO THE GUATEMALAN ARMY FOR COMPLETE INVESTIGATION.

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 06/28/95
Case ID: 95122209

3. RANDY BLAKE STATED THAT HE CANNOT REVEAL HIS SOURCES BECAUSE HE DOES NOT KNOW WHO THEY ARE. HE STATED THAT THE HELICOPTER STORY ORIGINALLY CAME FROM RANDY'S UNCLE, MR. GOFF'S EMPLOYER, WHO WAS VISITED BY A GUATEMALAN MAN REPRESENTING HIMSELF AS AN ARMY PROCUREMENT OFFICER ACCOMPANIED BY A WOMAN WHOSE ROLE WAS UNCLEAR. THE UNCLE MET WITH THE TWO GUATEMALANS UNDER A PROMISE NOT TO REVEAL THEIR NAMES. MR. GOFF WAS PRESENT AT THE MEETING AND DISAGREED WITH BLAKE'S VERISON OF THE MEETING. GOFF COMMENTED THAT HE AND HIS EMPLOYER SUSPECTED THAT THE TWO GUATEMALANS WERE NOT BEING COMPLETELY HONEST AND PRIMARILY WANTED TO INCREASE THEIR INCOMES.

4. IN ADDITION TO VERIFYING THE HELICOPTER STORY, RANDY BLAKE ASKS POST TO INFORM HIM WHETHER OR NOT GUATEMALAN OFFICIALS BELIEVED NICK BLAKE WAS A COURIER FOR THE GUERRILLAS. ANOTHER STORY MAKING THE ROUNDS IS THAT HIS BROTHER WAS SOUGHT BY SALVADORAN AUTHORITIES BECAUSE HE WAS SUSPECTED OF ASSISTING GUERRILLAS IN THAT COUNTRY. RANDY BLAKE HAS ALSO ASKED THAT SOMEONE BE SENT TO INQUIRE ABOUT THE TWO MEN ALONG A DIFFERENT ROUTE, ONE WHICH HIS BROTHER MIGHT HAVE TAKEN IF HE HAD TURNED BACK AT THE POINT WHERE HE WAS REQUESTED TO DO SO BY GUATEMALAN ARMY OFFICIALS. THE POST WAS WILLING POUCHED TO POST FOR FOLLOW-UP, IF APPROPRIATE.

5. PREVIOUS TO THIS MEETING, DEPARTMENT HAD BEEN UNAWARE THAT RANDY AND SAM BLAKE HAD MET WITH E.G.P. MEMBERS IN MEXICO. RANDY BLAKE WAS ASKED TO PROVIDE WRITTEN ACCOUNT OF THAT MEETING FOR THE DEPARTMENT'S USE. HE STATED THAT THE PEOPLE HE TALKED TO WERE AWARE OF THE CASE, BUT DENIED ANY ROLE IN THE DISAPPEARANCE. HE SAID THE IDEA THAT NICK BLAKE MIGHT HAVE JOINED THE GUERRILLAS WAS LAUGHED AT THE BY E.G.P. SINCE BLAKE HAD NO SKILLS WHICH COULD BE USEFUL TO THEM.

6. DEPARTMENT TOOK GREAT PAINS TO HELP RANDY BLAKE UNDERSTAND HOW THE U.S. GOVENEMENT OPERATED IN WELFARE AND HEREABOUTS CASES AND HOW IMPORTANT IT WAS NOT TO AGGRAVATE THE GUATEMALAN GOVERNMENT SINCE THE CASE COULD NOT BE SOLVED WITHOUT IT. NEXT ON THE AGENDA IN THIS CASE WILL BE A MEETING BETWEEN DEPARTMENT OFFICIALS AND AIDES FOR THE SENATORS WHO SIGNED THE LETTER TO THE AMBASSADOR (REF B). DEPARTMENT WILL INFORM GUATEMALA SEPTEL OF THE RESULTS OF THIS MEETING. WHITEHEAD
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ACTION IO-16

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TO SECSTATE WASHDC 9920
INFO USMISSION USUN NEW YORK
AMEMBASSY MADRID
AMEMBASSY CARACAS
AMEMBASSY MEXICO
AMEMBASSY SANTIAGO
USMISSION GENEVA

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

~~C O N F I D E N T I A L~~ THE HAGUE 08416

E.O. 12356: DECL OADR
TAGS: PHUM, PREL, CI, UN
SUBJECT: UN CONSIDERATION OF HUMAN RIGHTS IN CHILE

REF: (A) STATE 355305, (B) STATE 361544

1. (C - ENTIRE TEXT.)

2. ON NOVEMBER 27, EMBOFF PRESENTED NON PAPER BASED ON REFTEL A TO J.A. WALKATE , HEAD OF THE LEGAL AND HUMAN RIGHTS SECTION IN THE MFA INTERNATIONAL ORGANIZATIONS DEPARTMENT.

3. WALKATE WAS VERY PLEASED THE USG WAS TAKING A POSITIVE APPROACH TO THE CHILE HUMAN RIGHTS RESOLUTION BY EMPHASIZING ITS WILLINGNESS TO SUPPORT SUCH A RESOLUTION IF IT IS BALANCED. HE CONCURRED THAT CHILE SHOULD "GET SOME CREDIT" FOR COOPERATING

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PAGE 02 THE HA 08416 290926Z

WITH THE SPECIAL RAPPORTEUR, A DEVELOPMENT HE ALSO VIEWED FAVORABLY. WALKATE INDICATED THAT HE WOULD INSTRUCT THE DUTCH U.N. DELEGATION TO WORK WITH THE U.S. AND OTHER DELEGATIONS TOWARDS THE DRAFTING OF A BALANCED RESOLUTION. BREMER

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R-3299

Chinese Political Negotiating Behavior, 1967-1984

An Interpretive Assessment (U)

Richard H. Solomon

December 1985

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Derivative Classification
Declassify on OADR
Derived from multiple sources

DEPARTMENT OF STATE IS/FPC/CDR NLJ Date 5/18/94
( ) RELEASE ( ) DECLASSIFY
(X) EXCISE (X) DECLASSIFY IN PART
( ) DENY
( ) DELETE Non-Responsive Info
FOIA Exemptions b1, b5, b6, b3(CIA)
PA Exemptions
MR Cases Only:
EO Citations
TS authority to:
( ) CLASSIFY as ( ) S or ( ) C OADR
( ) DOWNGRADE TS to ( ) S or ( ) C OADR

RAND

MACHAK DECLARATION
CIVIL ACTION NO. 94-0362 (TFH)
EXHIBIT A, ATTACHMENT 2

[redacted]

PREFACE

This report has been prepared to assist U.S. government negotiating officials and analysts of the Chinese political scene. It presents an assessment of the ways in which officials of the People's Republic of China sought to manage negotiations with U.S. counterparts during the "normalization" phase of relations, from the late 1960s to the mid-1980s.

The study develops a model of PRC negotiating practice based on the official negotiating record and interviews with more than thirty American, [redacted] officials who have conducted negotiations with the Chinese. This work is summarized in an Executive Summary designed for use by senior officials of the U.S. government prior to their first negotiating encounters with PRC counterparts.[1] A companion annotated chronology has also been prepared as part of this project.[2]

NOTE ON CLASSIFICATION

This report has been given the overall classification of SECRET per review and decision by the National Security Council Staff of September 24, 1985.

Much of the NSC-controlled original source material for this analysis, primarily negotiating records, was initially classified TOP SECRET. The decision to downgrade the classification of this study reflects a number of considerations: that such negotiating records, as controlled by the Department of State, are normally handled at the SECRET level of classification; that the sensitivity of the documents has declined somewhat with the passage of more than a decade; and that a study of these materials at the SECRET level would be more readily accessible—and therefore of greater value—to a broader range of the official community.

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[1] Richard H. Solomon, *Chinese Political Negotiating Behavior: A Briefing Analysis*, The RAND Corporation, R-3295, December 1985.

[2] Richard H. Solomon, *U.S.-PRC Political Negotiations, 1967-1984: An Annotated Chronology* (U), The RAND Corporation, R-3298, December 1985 (Secret).

SUMMARY

This study of Chinese political negotiating behavior assesses patterns and practices in the ways officials of the People's Republic of China (PRC) have managed high-level political negotiations with the United States over the past 15 years. It is designed to provide the basis for briefing senior American officials prior to their first negotiating encounters with PRC counterparts,[1] and to establish control over the documentary record of U.S.-PRC political exchanges during the "normalization" phase of relations, from 1967 through 1984.[2]

This assessment is based on analysis of the official negotiating record of U.S.-PRC exchanges during this period (the "memcons" and reporting cables that document formal exchanges), interviews with more than thirty U.S. officials who have conducted political negotiations with the Chinese, and such additional materials as the memoirs of former senior U.S. government officials, Chinese press statements, and official PRC documentation.

The basic finding of this study is that Chinese officials conduct negotiations in a distinctive, but not unique manner, consisting of a highly organized and meticulously managed progression of well-defined stages. It is an approach influenced by both Western diplomatic practice and the Marxist-Leninist tradition acquired from the Soviet Union and through dealings with the International Communist Movement. Its most fundamental style and distinctive qualities, however, are based on China's own cultural tradition and political practices.

The most distinctive characteristic of Chinese negotiating behavior is an effort to develop and manipulate strong interpersonal relationships with foreign officials—a pattern termed here "the games of *guanxi*," or relationship games. This approach to politics is shaped by China's Confucian political tradition. The Chinese distrust impersonal or legalistic negotiations. Thus in managing a negotiation, they attempt to identify a sympathetic counterpart official in a foreign government and work to cultivate a personal relationship, a sense of "friendship" and obligation; they manipulate feelings of good will, obligation, guilt, or dependence to achieve their negotiating objectives. The oft-used term "friendship" implies to the Chinese a strong sense of obligation for the "old friend" to provide support and assistance to China.

THE NEGOTIATING PROCESS

American officials have characterized negotiations with the PRC as a "linear" process of sequential and relatively discrete stages which unfold as the two sides explore issues of common concern. This process is illustrated in the figure on the following page.

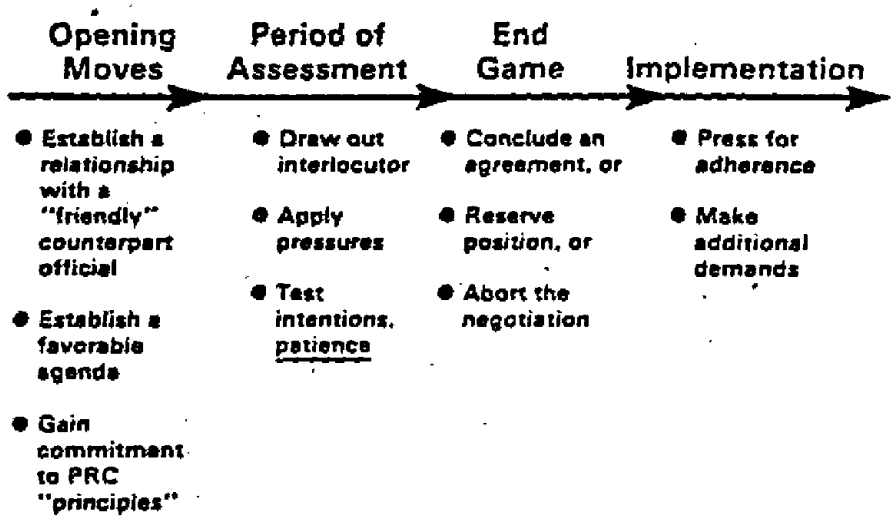
Opening Moves

PRC officials make a determined effort at the outset of a negotiation to establish a sympathetic counterpart official as an interlocutor, to cultivate a personal relationship ("friendship") with him; they press for the acceptance of their principles as the basis of the relationship. They also seek to structure a negotiating agenda favorable to their objectives.

[1] See Richard H. Solomon, *Chinese Political Negotiating Behavior: A Briefing Analysis*, The RAND Corporation, R-3295, December 1985 (Secret).

[2] See Richard H. Solomon, *U.S.-PRC Political Negotiations, 1967-1984: An Annotated Chronology* (U), The RAND Corporation, R-3298, December 1985 (Secret).

PRC POLITICAL NEGOTIATING BEHAVIOR: A "LINEAR" PROCESS



The Chinese view a political negotiation as reconciling the principles and objectives of the two sid and testing the other government's commitment to a relationship with the PRC. They do *not* see it as highly technical process of haggling over details, in which the two sides initially table maximum positior and then move to a point of convergence through incremental compromises.

To establish a framework for a relationship, PRC officials will press their counterparts at the outset c a negotiation to accept certain general "principles" (such as those embodied in the Shanghai Communiqu of 1972). Such political ground rules are then used to constrain the interlocutor's bargaining flexibility a the negotiation proceeds, and to test the "sincerity" of his desire to develop and sustain a relationship wit China. Experience shows, however, that when a PRC negotiator wants to reach an accord, he can set aside the stress on "principles" and reach a concrete agreement that may seem to have little relationship to the principles stressed early in the negotiation.

Period of Assessment

Chinese officials are skilled in protracting a negotiation to explore the limits of their adversary's views, flexibility, and patience. They will resist exposing their own position until their counterpart's stand is fully known and his endurance well tested.

Facilitating maneuvers. The Chinese try to conduct negotiations on their own territory, as this gives them maximum control over the ambience of official exchanges. They seek to establish a positive mood through meticulous orchestration of hospitality (cuisine, sightseeing, etc.), media play, banquet toasts, and protocol. They may attempt to minimize confrontation or differences of view through subtle and indirect presentation of their positions. They may communicate difficult messages through trusted intermediaries. And when they seek to avoid the breakdown of a negotiation, they may resort to stalling tactics or reach a partial agreement while reserving their own position on important issues on which they do not wish to compromise.

Pressure tactics. PRC officials will resort to a variety of maneuvers to put an interlocutor on the defensive and make him feel he has minimal control over the negotiating process. They are skilled at making a foreign counterpart appear to be the supplicant or *demandeur* in the relationship. They play political adversaries against each other, and they may alternate hard and accommodating moods by shifting from "bad guy" to "good guy" officials. They may urge a foreign negotiator to accommodate to their position with the argument that if he does not, his "friends" in the PRC leadership will be weakened by failure to reach agreement. And they tend to put pressure on a sympathetic negotiator on the assumption that a "friend" will make a special effort to repair problems in the relationship.

The Chinese often present themselves as the injured party, seeking to shame an interlocutor with recitation of faults on the part of his government or his failure to live up to past agreements or to the "spirit" of mutually accepted "principles." They are meticulous record-keepers and will hold a negotiator to his past words and the commitments of his predecessors. They are skilled in using the press to create public pressures on a foreign negotiating team. And they may seek to trap a negotiator against a time deadline (so that he must make decisions under pressure).

The essential quality of Chinese pressure tactics is to make the foreign negotiator, with whom they have gone to some lengths to develop a personal or "friendly" association, feel that his relationship with China is in doubt, that he has not done enough to warrant being considered an "old friend," that he must do more for the relationship to justify Chinese support and good will. It is this tension of the relationship game that gives dealings with the Chinese their distinctive quality.

End Game

When PRC officials believe that they have tested the limits of their negotiating counterpart's position and that a formal understanding serves their interests, they can move rapidly to conclude an agreement.

They may let a negotiation appear to deadlock to test their interlocutor's patience and firmness, and then have a senior leader intervene to "cut the knot" of the apparent deadlock. Once Chinese leaders have decided to reach an agreement, their negotiators can be quite flexible in working out concrete arrangements which may seem to have little relationship to the "principles" stressed at the outset of a negotiation.

Implementation

Chinese officials assess the manner in which a counterpart government implements an agreement as a sign of how seriously that government views its relationship with the PRC. They press for strict implementation of all understandings, and they are quick to find fault.

Chinese officials sometimes give the impression that agreements are never quite final. They will seek modifications of understandings when it serves their purposes; and the conclusion of an agreement is the occasion for pressing the counterpart government for new concessions. In contrast, however, if they are unable to fully implement an agreement themselves, they will ask the counterpart to "understand" their difficulties on the basis of "friendship," or make excuses which put the burden of responsibility on the other party.

DISCUSSION

Reflecting the workings of the relationship game, American negotiators describe their dealings with the Chinese as at once elating and frustrating. PRC officials can establish a positive mood when they want

to build a constructive relationship; and they impress their U.S. counterparts as personally attractive, highly competent individuals with whom it is easy to deal at a human level. On the other hand, the Chinese—who assume themselves to be a once and future great power—can adopt a self-righteous and lecturing air in which they presume the right to criticize their "friends" (while being highly defensive of their own positions) and require that negotiations be conducted on their own terms.

It has been demonstrated by the experience of countries that have established highly interdependent relations with the PRC that the Chinese can be highly demanding and manipulative of those on whom they have established a dependent relationship (as was the case with the "elder brother" Soviet Union in the 1950s), or self-righteously assertive in dealing with those who have established a subordinate relationship with them (as was the case with Albania in the 1960s).

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b1, a5

GUIDELINES FOR DEALING WITH PRC COUNTERPARTS

This analysis suggests the following "lessons learned" that U.S. officials should keep in mind if they are to be more effective in dealing with PRC counterparts:

Know the substantive issues cold. Chinese officials are meticulous in preparing for negotiating sessions, and their staffs are very effective in briefing them on technical issues. They will use any indication of sloppy preparation against an interlocutor.

Master the past negotiating record. PRC officials have full control over the prior negotiating record, and they do not hesitate to use it to pressure a counterpart.

Know your own bottom line. A clear sense of the objectives of a negotiation will enable a U.S. official to avoid being trapped in commitments to general "principles" and to resist Chinese efforts to drag out a negotiation. Incremental compromises suggest to the Chinese that their interlocutor's final position has not yet been reached.

Present your position in a broad framework. The Chinese seem to find it easier to compromise on specific issues if they have a sense of the broader purposes of their interlocutor in developing a relationship with the PRC. They distrust quick deals, and they appreciate presentations that suggest seriousness of purpose and an interest in maintaining a long-term relationship with China.

Be patient. Do not expect quick or easy agreement. A Chinese negotiator will have trouble convincing his superiors that he has fully tested the limits of his counterpart's position if he has not protracted the discussions. Assume you will be subjected to unexplained delays and various forms of pressure to test your resolve.

Avoid time deadlines. Resist negotiating in circumstances where you must have agreement by a certain date. The Chinese will assume that your anxiety to conclude a deal can be played to their advantage.

Minimize media pressures. PRC negotiators use public expectations about a negotiation to pressure their interlocutors. Confidential handling of negotiating exchanges, the disciplining of leaks, and the minimizing of press exposure are taken by the Chinese as signs of seriousness of purpose. "Negotiation via the press" will evoke a sharp Chinese response.

Understand the PRC political context, and the style of your Chinese interlocutor. Despite the difficulties of assessing the domestic PRC political scene, an evaluation of internal factional pressures and the style of your counterparts will help in understanding Chinese objectives and negotiating flexibility, and in "reading" the signals or loaded language of a very different culture and political system.

Understand the Chinese meaning of "friendship." Know that the Chinese expect a lot of their "friends." Resist the flattery of being an "old friend" or the sentimentality that Chinese hospitality readily evokes. Do not promise more than you can deliver, but expect that you will be pressured to honor past

commitments. Resist Chinese efforts to shame or play on guilt feelings for presumed errors or shortcomings.

Develop a strategic orientation to dealing with the Chinese. The blandishments of the "friendship game" and Chinese pressure tactics are most effectively defended against by developing a strategic orientation suited to American negotiating practices and objectives. An attitude of restrained openness and interest in identifying and working to attain common objectives is the best protection against Chinese efforts to maneuver the foreign negotiator into the position of *demandeur* or supplicant.

Parry Chinese pressure tactics in order to maintain control over the negotiating process. Chinese negotiating tactics are readily understandable, and in some measure even predictable. Therefore, U.S. negotiators should develop countertactics that will throw their PRC counterparts off balance, to demonstrate competence and control over the process. Tactical manipulations applied in excess, or for their own sake, however, are likely to erode confidence and undermine the credibility of the negotiating process.

ACKNOWLEDGMENTS

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[1] Lucian W. Pye, *Chinese Commercial Negotiating Style*, Cambridge, Mass.: Oelgeschlager, Gunn & Hain, 1982.

CONTENTS

PREFACE iii
SUMMARY v
ACKNOWLEDGMENTS xi
FIGURE AND TABLES xv

Section
I. INTRODUCTION 1
Objectives of the Study 1
Sources of Data: Memcons, Interviews, and Memoirs 1
Chinese Negotiating Behavior: Distinctive, but not Unique; Purposeful, if not Fully Planned 2
China's Response to the West: Three Sources of PRC Negotiating Style 4
Phases in the Evolution of U.S.-PRC Relations 6

II. THE CONTEXT 8
China in the World: The Ambivalences of a Former Imperial Power 8
Relationships: The Games of *Guanxi* 10
The Bureaucratic Context 18
The Obscurity of China's Internal Politics 22

III. THE PROCESS 27
Opening Moves 28
Period of Assessment 39
Facilitating Maneuvers 42
Pressure Tactics 56
Press Play 68
Power of Words 76
Word Games (Style of Argumentation) 78
End Game 96
Implementation 98
Personalities 100

IV. COUNTERSTRATEGIES AND COUNTERTACTICS 103
The Frustrations of Negotiating with the Chinese 103
The Objective of a Negotiating Counterstrategy and Tactics: Controlling the Process in the Service of U.S. Policy Objectives 104
Strategies of Interdependence, or Autonomy? 104
Countertactics: A Conceptual Framework 107
Countertactics (Purposeful and Inadvertent): Some Examples from the Recent Negotiating Record 117
Asymmetries in the American and Chinese Political Cultures 123

V. LESSONS LEARNED 1
Scrutable China 1
Maximizing U.S. Control over the Negotiating Process 1

Appendix
A. INTERVIEWEES 1
B. SELECTED BIBLIOGRAPHY ON U.S.-PRC NEGOTIATIONS 1

FIGURE AND TABLES

Figure
1. PRC Political Negotiating Behavior: A "Linear" Process 27

Tables
1. Pressuring Phrases in Chinese Negotiating Parlance 79
2. Patterns of Association with the PRC 105
3. PRC Negotiating Tactics and U.S. Responses 108
4. Asymmetries in the Chinese and American Political Cultures 123

I. INTRODUCTION

OBJECTIVES OF THE STUDY

This analysis of Chinese political negotiating behavior is part of a larger study designed to provide supporting materials for operational officials and analysts of the U.S. government concerned with interpreting and managing relations with the People's Republic of China (PRC). The primary objective of this project has been to analyze the way Chinese officials manage political negotiations by drawing on the official record and the experiences of U.S. officials who have dealt with PRC counterparts over the past fifteen years, during the phase of Sino-American relations in which both governments tried to break out of two decades of confrontation to normalize their relationship.

This analysis is summarized in an Executive Summary designed for use by senior officials of the U.S. government prior to their first negotiating encounters with Chinese counterparts.[1] The third volume in this series contains an annotated chronology of senior-level U.S.-PRC political negotiating exchanges between 1967 and 1984.[2] These three volumes establish the documentary record and provide an analytical assessment of one of the most interesting episodes in America's post-World War II foreign relations: the effort to move from a long period of political rivalry and military confrontation with the PRC—with "Red China" or "Communist China," as it was termed during the 1950s and 1960s—to a relationship in which the two countries could eliminate the hostility of the Cold War era, manage continuing differences over the future of Taiwan in a nonconfrontational manner, and cooperate in limited measure in dealing with shared international political and security problems, primarily the military threat to both countries from the Soviet Union.

SOURCES OF DATA: MEMCONS, INTERVIEWS, AND MEMOIRS

The primary source of data upon which this analysis is based is the official record of negotiating exchanges between senior U.S. officials and their PRC counterparts, the memoranda of conversation, or "memcons," which are the basic documentary record of intergovernmental negotiations. A secondary source is the reporting cables by which State Department negotiators document the results of negotiations conducted in the field under formal instructions. A detailed description of this documentary source material is contained in the Introduction to the annotated chronology.

Because the paper record gives only a partial sense of the negotiating experience, the author also conducted interviews with more than thirty senior American officials who negotiated with Chinese counterparts during the years covered in this study—beginning with former President Nixon and running through the officials of the Carter and Reagan administrations who managed the negotiations on normalization and the August 17, 1982, Joint Communique on the issue of American arms sales to Taiwan. The officials interviewed for this study are listed in Appendix A.

To gain a comparative perspective on Chinese negotiating practices, the author also interviewed six officials from the who conducted negotiations with PRC officials during the past twelve years, and

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[1] Richard H. Solomon, *Chinese Political Negotiating Behavior: A Briefing Analysis*, The RAND Corporation, R-3295, December 1985.

[2] Richard H. Solomon, *U.S.-PRC Political Negotiations, 1967-1984: An Annotated Chronology* (U), The RAND Corporation, R-3298, December 1985 (Secret).

businessmen who have had considerable experience in commercial negotiations with PRC state trading organizations. In addition, the author drew heavily on insights into Chinese commercial negotiating practices contained in a RAND study based on intensive interviews with American, Japanese, and Hong Kong businessmen which was carried out, in part, to provide a basis of comparison between political and commercial negotiating practices.[3]

It should also be mentioned that the author of this study participated directly in political negotiations with the Chinese during his tenure as a staff member of the National Security Council in 1971-1976. This experience and his subsequent involvement in China policy matters as a RAND consultant to the NSC and the Departments of Defense and State provided the author direct exposure to Chinese negotiating practices and to the official record, as well as personal familiarity with the senior American officials interviewed for this project.

In addition, selected secondary source materials and studies--historical analyses of pre-Communist Chinese negotiating practices and memoirs of the senior U.S. officials who conducted negotiations with PRC counterparts during the past three decades--provided further information and insights into the manner in which Chinese officials seek to manage the negotiating process. These sources are referenced in Appendix B.

CHINESE NEGOTIATING BEHAVIOR: DISTINCTIVE, BUT NOT UNIQUE; PURPOSEFUL, IF NOT FULLY PLANNED

> *Henry Kissinger*: Many visitors have come to this beautiful, and to us, mysterious land ....
>
> *Zhou Enlai* (interrupting): You will not find it mysterious. When you have become familiar with it, it will not be as mysterious as before.[4]

One of the basic objectives of this study is to demystify dealings with a country that has long been viewed in the West as mysterious and esoteric. The sense of mystery surrounding China reflects, in part, the distance that Chinese officials have tried to maintain since imperial times between their country and often-threatening foreign "barbarians"; it also reflects the significant differences in culture and language that continue to separate East from West, and it reflects the great chasm of ideology and history that further divided the PRC and the United States during the post-Korean War decades when the two countries confronted each other as enemies.

From the perspective of the 1980s, it is perhaps difficult to recall the sense of the unknown that surrounded the inception of the Sino-American normalization dialogue in 1971. Henry Kissinger's remark to Zhou Enlai about the mysteriousness of his country (quoted above), made during their first encounter, evokes only a bit of the flavor of the National Security Adviser's secret trip to a country with which the United States had had almost no direct dealings since 1949. Yet Zhou's retort to Kissinger that familiarity would demystify China in the eyes of yet another generation of somewhat awed foreigners has proved to be accurate. The negotiating record of the past fourteen years reveals patterns of behavior and a Chinese approach to managing negotiations that are both comprehensible and, in surprising measure, predictable. As we will describe throughout this study, the negotiating behavior of PRC officials is consistent, and despite

[3] Lucian W. Pye, *Chinese Commercial Negotiating Style*, Cambridge, Mass.: Oelgeschlager, Gunn & Hain, 1982.

[4] Zhou-Kissinger, July 9, 1971. Excerpts from the official negotiating exchanges are referenced in this volume by the officials involved and the date of the exchange. A more elaborate summary of these exchanges is contained in the companion annotated chronology. Chinese given and place names are spelled in the *pin-yin* system of Romanization, adopted by the PRC as its official system in 1979. The Wade-Giles equivalences of the *pin-yin* spellings are given in Appendix B of the annotated chronology.

their efforts to present an obscure or deceptive face to the outside world, their actions are readily interpretable (at least in hindsight).

One of the basic objectives of this project is to forearm U.S. negotiating officials and analysts of the PRC political scene with a sense of how the Chinese manage the negotiating process, so that they will interpret with greater accuracy the often subtle political "signals" that are part of the negotiating experience.

It is also important to make at the outset two fundamental interpretive points which, for the sake of presentational brevity, will not be repeated endlessly throughout the following pages. First, despite the distinctive quality or "flavor" of dealings with the Chinese, many--if not most--of their negotiating practices are not unique. Many of the facilitating maneuvers and pressure tactics PRC negotiators resort to are also encountered in dealings with other countries, although the particular style or intensity may be different elsewhere. In short, there is much that is universal in the negotiating process; and the Chinese, for all that is distinctive about their culture, have not developed a unique approach to conducting negotiations.

Yet it is also the case that most of the American officials interviewed for this study said that they found the Chinese to conduct negotiations in a distinctive manner. Kissinger was impressed with the "principled stand" Chinese officials assumed at the outset of his dealings with them, and with their sense of the importance of the credibility of their word, which led them to "eschew the petty maneuvers that characterized . . . negotiations with other communists."[5] From his first negotiating session with PRC Vice Foreign Minister Huang Hua in the summer of 1971, Kissinger learned that the Chinese prefer not to negotiate Soviet-style--by beginning with an initially exaggerated position from which they move only slowly in "salami slicing" fashion--but "to determine as well as possible [at the outset] the nature of a reasonable solution, get there in one jump, and then stick to that position."[6] As Kissinger recalled in his memoirs:

> Huang Hua . . . suggested that we put aside the drafting and each tell the other frankly what his needs were. . . . We spent two hours on this [and after some further delay] . . . Huang Hua presented a draft . . . so close to our needs that we could accept it with a change of only one word.[7]

Kissinger said he so preferred this style of negotiating that he subsequently sought to use it in his dealings with other governments:

> The strategy of getting in one jump to a defensible position defines the irreducible position unambiguously; it is easier to defend than the cumulative impact over a long period of a series of marginal moves in which process always threatens to dominate substance.[8]

The second basic interpretive point is that while the Chinese conduct negotiations in a purposeful and meticulously planned manner, they are not always in control of the process and often "feel their way" in situations they do not fully understand. The following analysis may, upon occasion, make it appear as if the Chinese are almost superhuman in their ability to plan and manipulate a negotiating situation. The record does not show this to be the case, although the analytical process, by its very nature, extracts the evident patterns of behavior that comprise their approach to negotiating. The model we develop here is an

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[5] Henry A. Kissinger, *White House Years*, Boston: Little, Brown & Company, 1979, p. 744.

[6] Ibid., p. 753.

[7] Ibid., p. 752. See also Kissinger's nostalgic recollection of his first encounter with PRC negotiators in the summer of 1971, expressed during a dinner with Vice Foreign Minister Qiao Guanhua on November 13, 1972.

[8] Ibid.

abstraction from a much more complex reality that at times must be as mysterious to the Chinese as it is t American observers.

That being said, there *are* distinct and repetitive patterns in Chinese negotiating behavior, and the American negotiator should draw confidence from the fact that his PRC counterparts will conduc negotiations in a relatively predictable manner, one that has been dealt with effectively by other U.S. officials in pursuit of American policy objectives.

CHINA'S RESPONSE TO THE WEST: THREE SOURCES OF PRC NEGOTIATING STYLE

The American experience in dealing with the Chinese over nearly a century-and-a-half--since Presidential envoy Caleb Cushing negotiated the Treaty of Nanking in 1844--indicates that Chinese negotiating behavior has evolved over time and in changing circumstances in response to two major sources of pressure: the impact of the Western countries who established, by threat and use of force, the treaty port system that endured into the mid-twentieth century; and the Marxist-Leninist experience absorbed by the Chinese political elite through both Kuomintang and (certainly more intensely) Communist dealings with the Soviet Union and the International Communist Movement.[9]

American students of China's nineteenth-century attempts to adjust to Western pressures have documented the Qing Dynasty's efforts to learn enough of Western law and negotiating practice to turn the intrusive foreigners' sources of power back on them in the service of protecting the integrity of the traditional imperial system.[10] Beginning in the 1860s, both Manchu and Han officials reluctantly began to translate Western books, sought ways of absorbing foreign military technology to strengthen the dynasty's defenses, and began to send students abroad to learn Western ways.

This process of adapting to a wider world continues today, in China's current efforts to modernize itself, to tap the sources of wealth and power that have enabled the West to intrude upon the Middle Kingdom--yet without compromising the essence of China's own culture and social imperatives. Once again, China is sending a generation of students abroad to learn foreign languages, science, and management techniques; and her diplomats are gradually adapting to foreign conventions--as recently symbolized by PRC officials shedding their Mao suits, worn at the beginning of the normalization process, in favor of contemporary Western attire.

The second source of foreign influence on Beijing's diplomatic practice has been the Chinese Communist Party's six decades' of contact with other socialist states and parties--particularly the Soviet Union. America's post-1949 dealings with "Communist China" were with a country closely allied to the USSR and a political elite strongly influenced by the Marxist-Leninist style of diplomacy practiced by Moscow's envoys.[11] The writings of the American negotiators who faced Chinese counterparts at Panmunjom, Geneva, and Warsaw during the 1950s and 1960s reveal a frustrating experience closely akin to that endured by other U.S. officials in negotiating encounters with Soviet diplomats. Beijing's use of "adversarial" negotiating techniques was vividly described by one of the participants in the Warsaw

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9 This complex history, well documented in the academic literature, will not be reviewed here. It should be remembered, however, that not only did the Chinese Communist Party have extensive dealings with the Soviet Union--where many of its leading cadre were trained--but the Kuomintang or Nationalists did as well. Both Chiang Kai-shek and his son Chiang Ching-kuo had periods of training in the USSR.

10 See, in particular, Lloyd Eastman, *Throne and Mandarins*, Cambridge, Mass.: Harvard, 1967; Immanuel Hsu, *China's Entrance into the Family of Nations: The Diplomatic Phase, 1858-1880*, Cambridge, Mass.: Harvard, 1960; and S. Y. Teng and John K. Fairbank, *China's Response to the West*, Cambridge, Mass.: Harvard, 1954.

11 A particularly useful historical review of Soviet negotiating practice is Committee on Foreign Affairs, U.S. House of Representatives, *Soviet Diplomacy and Negotiating Behavior: Emerging New Context for U.S. Diplomacy*, U.S. Government Printing Office, Washington, D.C., 1979.

ambassadorial exchanges (and provides so striking a contrast to Henry Kissinger's experience with many of these same officials a decade later that it is hard to believe the two men are describing the same country):

> Across the table, the Chinese Communist negotiator sits cold and taut as a steel spring, sternly unapproachable, suspicious, impenetrable, a rigidly disciplined agent reading his lines with mechanical precision. He is able, persistent, imperturbable—and frustratingly predictable in style. Negotiation with him is an ordeal, for he makes it so.[12]

The Chinese evidently had learned from Moscow the use of the negotiating process as a weapon in the revolutionary struggle. The memoirs of Admiral Turner Joy, Ambassadors Arthur Dean, U. Alexis Johnson, Jacob Beam, and the others who conducted negotiations in the 1950s with the Chinese Communists (a number of whom, including Zhou Enlai, Ye Jianying, Huang Hua, Zhang Wenjin, Pu Shouchang, and Ji Chaozhu, were also our primary counterparts in the normalization process) recount a suspiciousness, a use of invective, an inclination to struggle tenaciously over the formulation of an agenda, skillful use of the mass media to build pressures on an adversary government, and other combat tactics that seem right out of Moscow's play book.

Perhaps the most vivid account of the use of negotiations as an extension of revolutionary warfare is contained in Mao Zedong's description of the Chinese Communist Party's strategy for dealing with the Kuomintang on the eve of the final phase of the Civil War:

> How to give "tit-for-tat" [literally, to struggle at opposed spearpoints] depends on the situation. Sometimes not going to negotiations is tit-for-tat; and sometimes going for negotiations is also tit-for-tat. We were right not to before, also right this time . . . for we exploded the rumor spread by the Kuomintang that the Communist Party did not want peace and unity. . . . They were totally unprepared, and we had to make all the proposals. As a result of the negotiations, the Kuomintang has accepted the general policy of peace and unity. That's fine. If the Kuomintang launches civil war again, it will put itself in the wrong in the eyes of the whole nation and the whole world, and we shall have all the more reason to smash its attacks by a war of self-defense.[13]

A third and, we assert, the most enduring influence on PRC negotiating behavior is China's own cultural tradition and historical experience. The Western diplomats who first encountered officials of the Qing dynasty described a highly ritualized negotiating process derived from the old tribute system in which the foreign emissary was escorted to the Chinese capital by specially designated officials, subjected to exquisite hospitality and plied with gifts (even as his physical movements were highly restricted), and then subjected to alternations of pressure and accommodation. As one historian of this period has described it:

> The mistrust with which the barbarians were viewed crystallized into a policy of segregation and of constant watchfulness and precaution when they had to be admitted into China. . . . Envoys were escorted . . . over an assigned route to and from Peking . . . lest they make trouble or become too wise. They were not allowed to roam about freely in the streets without first securing permission from the proper Chinese authority, who would then specially guard the

[12] Kenneth Young, *Negotiating with the Chinese Communists: The United States Experience, 1953-1967*, New York: McGraw-Hill, 1968, p. 338.

[13] "On the Chungking Negotiations," *Selected Works of Mao Tse-tung, IV*, p. 56.

streets they were to pass through. Westerners who came to China for trade were carefully quarantined in . . . the city of Canton.[14]

This pattern of diplomatic practices was still evident in the way Henry Kissinger was treated durin his first negotiating encounters with PRC officials, and in the isolation of the foreign business community a Canton until the late 1970s.

There is also an underlying dynamic to the contemporary Chinese negotiating process that seems t tap the fundamental roots of China's cultural pattern: an effort to draw the foreign negotiator into a personal relationship, establish ties of "friendship," and then subject him to all the blandishments and pressures that are basic to the Chinese social order. While one sees certain elements of Western and Soviet political practice in contemporary PRC management of the negotiating process, at base the Chinese instinctively seem to try to enmesh the foreign negotiator in the same web of attractions and pressures that operate in their own political system.

The foreign observer can see in curious combination the contemporary workings of these three sources of influence on PRC political negotiating style. On the one hand, most American diplomats have been impressed by the straightforward, nonideological manner in which they can discuss issues with their PRC counterparts. The rhetoric of Marxism-Leninism never enters into the official dialogue. Yet we know well and from the official press, that the Chinese discuss policy issues among themselves in classic Marxist-Leninist fashion--imputing to foreign adversaries motives and objectives that are basic to the rhetoric of the Communist movement. At the same time, political polemics are often conducted in the Chinese press in the terms of historical analogies, as if the figures of ancient dynasties are still relevant to China's contemporary circumstances.[15] It is this essential core of "Chineseness" that gives negotiating encounters with the PRC their distinctive character.

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PHASES IN THE EVOLUTION OF U.S.-PRC RELATIONS

If there is an enduring "Chineseness" to PRC negotiating behavior, there is also an evident variability in the way Chinese Communist authorities have conducted their relations with the United States. As noted earlier, the American negotiators who dealt with PRC officials during the 1950s and 1960s experienced a very different negotiating process from that faced by those who attempted to normalize U.S.-PRC relations during the 1970s. This variability in style is presumably based on the highly "context-dependent" quality of Chinese social behavior, which has been noted by anthropologists and other analysts of the Chinese tradition,[16] as well as on China's continuing effort to learn and adapt to unfamiliar foreign ways. For purposes of this study, it is perhaps sufficient to note that there are significant differences in style and emotional mood associated with the various time phases in the Sino-American relationship.

In broadest terms, we can identify four distinct periods in America's dealings with the Chinese Communists.[17] The initial period of official contact began in the late 1930s and ran through World War II and the subsequent Civil War years, when the Chinese Communists were an insurgent political and military movement seeking American support for their efforts during the "War of Resistance" to harass Japan's

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[14] Hsu, *China's Entrance Into the Family of Nations*, p. 10.

[15] See Kenneth Liberthal, "The Foreign Policy Debate in Peking as Seen Through Allegorial Articles, 1973-76," *The China Quarterly*, No. 71, September 1977, pp. 528-544.

[16] On this aspect of Chinese social behavior, see John Weakland, "The Organization of Action in Chinese Culture," *Psychiatry*, No. 13, 1950, pp. 361-370; and Martin K. Whyte, *Small Groups and Political Rituals in China*, Berkeley, Calif.: University of California Press, 1974.

[17] A somewhat more detailed time periodization of U.S.-PRC relations is contained in the companion volume to this study, *U.S.-PRC Political Negotiations, 1967-1984: An Annotated Chronology* (U), pp. 3-5.

occupation forces in China (and, in the process, to undercut U.S. support for the Nationalist government of Chiang Kai-shek). During this period, official contact was first established through the Communist mission in the Nationalist wartime capital of Chungking (headed by Zhou Enlai), then developed via the U.S. Army's "Dixie Mission" to the Communist headquarters at Yanan, and later maintained through the mediation mission of General George C. Marshall, who tried to prevent the outbreak of full-scale civil war between the Nationalists and the Communists in late 1945 and early 1946.

The second period covers 1949 to 1969, beginning with the Communist victory in the civil war and the concurrent breakdown in official U.S.-PRC contacts, the turn to confrontation during the Korean War, and the near-fruitless series of "negotiations" conducted between the two governments over the ensuing two decades--at Panmunjom in 1953, at the Geneva conference on Indochina in 1954 (when Secretary of State Dulles refused to shake hands with Zhou Enlai), at the subsequent ambassadorial talks at Geneva (from 1955 to 1957, during which one agreement--a prisoner exchange--was negotiated), and at the Warsaw talks, which continued without result until early 1970, when both sides, in the first moves toward the normalization dialogue of the 1970s, agreed to establish direct and high-level political contacts in Beijing.

The third phase, the normalization effort, formally began with the 135th and 136th Warsaw talks in January and February 1970, then came to world attention after the announcement of National Security Adviser Henry Kissinger's secret visit to Beijing in July 1971. This phase continued through subsequent public Kissinger trips to the Chinese capital and the visits of President Nixon in 1972 and President Ford in late 1975, and concluded with the establishment of diplomatic relations at the end of 1978, after six months of quiet negotiations conducted in Beijing by U.S. Liaison Office Chief Leonard Woodcock.

The fourth phase, while not representing as sharp a break in pattern as did the changes between the earlier periods, began in January 1979 with mutual diplomatic recognition and the exchange of ambassadors and includes the full institutionalization of the U.S.-PRC relationship (the signing of various treaties and formal trade agreements, the evolution of a legal infrastructure for management of trade and cultural exchanges, etc.). This period also includes the political negotiations conducted during 1981-1982 to establish ground rules for handling the issue of American arms sales to Taiwan.

The study reported here focuses on the last two periods in the relationship. It describes the pattern of negotiating behavior in circumstances where the Chinese Communist authorities had decided that their interests were served by constructing a positive relationship with the United States.[18]

[18]An interesting question, which we do not attempt to answer in this analysis, is how useful the insights about PRC negotiating behavior gained from the normalization record might be if the relationship should, at some future time, deteriorate into a new period of confrontation (presumably over the Taiwan issue).

II. THE CONTEXT

Much of the distinctive flavor of negotiating encounters with the Chinese reflects the influence of a cultural tradition only vaguely familiar to most Americans. To a remarkable degree, the Chinese seem able to shape the context of negotiations in ways that suffuse the process with an atmosphere and a dynamic that is a projection of their own social system. PRC officials bring to their encounters with American counterparts a view of the world that is shaped by their country's long imperial past, and they instinctively seek to manage negotiations in ways that draw on the patterns of interpersonal relations of a collectivist society that over the centuries developed a refined and highly ritualized style of managing social and political relationships.

This chapter sketches the cultural and institutional context within which negotiations with the Chinese take place: Chinese attitudes toward, and approaches to dealing with, an unfamiliar and often threatening world beyond China; the remarkable capacity of the Chinese to establish and manipulate personal relationships with foreign officials in a way that is a clear projection of Chinese social practices; and the bureaucratic and political context within which the PRC negotiating official operates.

CHINA IN THE WORLD: THE AMBIVALENCES OF A FORMER IMPERIAL POWER

Much of China's difficulty in adapting to the modern world seems related to the strengths of tradition of a culturally homogeneous and insular peasant empire that for centuries considered itself *Zhong Guo*, or the "Middle Kingdom"--the cultural center of the known world, which the Chinese tried to control through a tributary system of relations with such bordering kingdoms as Korea, Indochina, and Burma.

Contemporary Chinese leaders are painfully aware of the constraints their country's social traditions place on their efforts to promote modernization--even as they assume that China, with its great imperial past, will once again establish itself, by a kind of natural right as well as by accomplishment, as a major world power. In a 1973 conversation with Henry Kissinger, Communist Party Chairman Mao Zedong--in a relaxed and reflective mood following the signing of the Paris accords on the Vietnam War--commented on the "feudal ideas" of his people, and their aversion to foreign ways:

> The Chinese are very alien-excluding. For instance, in your country you can let in so many nationalities, yet in China how many foreigners do you see? . . . You have about 600,000 Chinese in the United States. We probably don't even have 60 Americans here. . . . I don't know why the Chinese never like foreigners. . . . There are no Indians perhaps. . . . In the past the Chinese went abroad and they didn't want to learn the local language. . . . You know Chinese are very obstinate and conservative.[1]

This innate conservatism and aversion to foreign ways are reinforced by the Chinese sense that for more than a century they have been humiliated and mistreated by imperialistic or hegemonic powers of the West--a mix of attitudes and emotions that underlies a self-righteous sense that China has been denied its proper place in the world and that the countries that formerly mistreated China owe it a debt. This theme is stressed by PRC officials with their American counterparts, for example, in discussions of the Taiwan issue.[2]

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[1] Mao-Kissinger, February 17-18, 1973.

[2] See, for example, Deng-Kissinger, November 26, 1974.

China's search for a way out of its imperial backwardness that would not jeopardize its own sense of identity embodies much of the anguish and drama of the country's internal politics and foreign relations since the late nineteenth century. China's first "turn to the West," beginning with the "self-strengthening" movement of the 1860s and reaching a peak in the 1910s under Sun Yat-sen's newly founded Republic, foundered on the disillusionment with the Europeans that came with World War I and subsequent lack of support from the West in resisting Japan's imperial ambitions in Asia. Those Chinese intellectuals of the "May Fourth" (1919) era who saw in socialism and the Russian revolution a way to modernize their country came to power in 1949, after long years of political rivalry and civil war with the more Western-oriented Nationalists. Yet even the Communists, after less than a decade of alliance with the Soviet Union, rejected the Stalinist model of development and, under Mao Zedong's insistent leadership, continued the country's search for its own road to restored national greatness.

Given this century of frustrating and inconstant efforts to modernize their country, it is remarkable that China's contemporary leaders have once again turned to the West for approaches to economic and social modernization. The leaders who shape the country's policies today are perhaps wiser about the pitfalls of trying to bring what is still a peasant society into the twentieth century; yet they may prove to be no more successful than their predecessors in reconciling the dilemmas of the modernization process.

For American officials who must negotiate with PRC counterparts, it is perhaps enough to be sensitive to the strong and conflicting emotions and the ambivalent perspectives that underlie Chinese dealings with the foreign world. On the one hand, the Chinese seek the wealth and power of the industrialized West; on the other hand, they sustain a remarkable degree of self-confidence that they can modernize their country without losing China's own cultural and historical moorings. PRC officials stress (even as they send the flower of a new generation of intellectual talent to the United States for training in the sciences, engineering, and management) that they will construct their own brand of socialism, adapted to China's particular social and economic conditions.

The Chinese emphasize to foreigners the importance of being treated with "equality" and with full respect for their sovereignty and national independence. As Zhou Enlai told Kissinger during their first meeting in July 1971, "The first question is that of equality, or in other words, the principle of reciprocity. All things must be done in a reciprocal manner."[3] But reciprocity does not necessarily mean adopting foreign ways; and the demand for "equality" conflicts with their own historical sense that China, by virtue of its size and past greatness, is more than just "equal."

To resolve these ambivalent feelings about the West, the Chinese assert that they are just another mistreated and struggling developing country--even as they presume to the leadership of the Third World. And it is no accident that when China sought to reengage the rest of the world at the end of the Cultural Revolution, it did so by way of "ping-pong diplomacy," making political use of a sport in which the Chinese were world champions--and thus were "number one," even as Zhou Enlai instructed his player/diplomats to stress "friendship first, competition second." Similarly, Mao Zedong stressed the slogan "never seek hegemony" as part of his country's defense policy; yet Zhou Enlai, in a candid moment, acknowledged to Henry Kissinger the difficulties of keeping Chinese sentiments of "big nation chauvinism" in check:

> . . . the objective fact of the largeness of the Chinese nation and Chinese area easily create a tendency to nationalistic sentiments and big nation chauvinism. [But] if there are too strong nationalist feelings, then one will cease to learn from others; one will seal oneself in and believe one is the best or will cease to learn from the strong points of others.[4]

[3] Zhou-Kissinger, July 9, 1971.
[4] Zhou-Kissinger, February 18, 1973.

The overall effect of these complex feelings and conflicting attitudes is a hypersensitivity about being treated "equally" but with the special respect due a once and future great power; the inclination to discuss issues in a global context, even when China's national power lacks global reach; a self-righteous feeling that the world owes China special treatment for past injustices; and a tendency to side with the weak and oppressed, with whom the Chinese identify themselves, even as they claim to be a world leader.

RELATIONSHIPS: THE GAMES OF GUANXI

Almost as a counterpoint to their ambivalences about dealings with the outside world, the Chinese seem to manage the interpersonal aspects of the negotiating process with great self-assuredness. To a remarkable degree, they are able to create their own "world" in structuring a negotiation with a foreign government. China's Confucian tradition places supreme value on the cultivation and management of interpersonal relations, *guanxi*; and in the negotiating process, contemporary Chinese seek to recreate their own social context and enmesh the foreign negotiator in a process that they can manage to their own advantage.

Chinese society is strongly collectivist and *inter*dependent. Individualism is eschewed as "selfishness." The mutual obligations that are an essential aspect of the Confucian tradition envelop the individual in a web of relationships that limit his personal initiative even as they give security to the larger social collective, be it family, village, or work unit. The foreign businessman, operating in this social context, finds that his Chinese counterparts seek to establish relations of "friendship" with him; but their expectations of friends far exceed American notions of that concept.[5]

The governmental negotiator, operating in a context where matters of authority, power, and sovereignty impart a hierarchical character to the negotiating process, finds that the Chinese have a remarkable capacity to maneuver him into the role of the supplicant or *demandeur*—even in circumstances where the realities of the situation would clearly seem to put the Chinese in the position of having to ask something from the foreigner. Ambivalences about dealing with the foreign world and enduring Chinese fears about being taken advantage of by wily foreigners lead PRC political negotiators to adopt the more secure posture of being the superior rather than the dependent in a relationship.

Draw the Adversary in . . . to a Dependent Position

> *When I returned to Washington [from a trip to Illinois and West Virginia], Zbig [Brzezinski] had come back from China. He was overwhelmed with the Chinese. I told him he had been seduced.*[6]

When the Chinese decide their interests are served by building a relationship with a foreign country, they can be highly skilled in drawing the officials of that country into personal relationships.[7] A number of former U.S. officials with extensive experience in dealings with the Chinese recall that their early encounters with PRC officials did not really seem to be "negotiations" at all, but rather very general exchanges of view or social encounters in which the Chinese assessed the attitudes and motives of the

[5] See Lucian W. Pye, *Chinese Commercial Negotiating Style*, pp. 85-91.

[6] Jimmy Carter, *Keeping Faith: Memoirs of a President*, New York: Bantam Books, 1982, p. 196.

[7] This is in marked contrast to their behavior when they do not want to build a relationship—as was the case with the United States in the early 1950s. At Panmunjom, and at various times in the Geneva Ambassadorial talks, the behavior of PRC diplomats was obviously calculated to keep the United States at arm's length, or at most to create a relationship of adversaries rather than "friends." See the writings of Dean, Johnson, Joy, and Young cited in Appendix A.

American side in wanting to establish a relationship with the PRC. One former official observed that the "boundaries" of a negotiation with the Chinese are often hard to identify, as much of the activity in the preliminary stages of a negotiation—broad discussion of issues, even sightseeing trips and banquet talk—seems unrelated to concrete issues of concern. Yet it was evident, in retrospect, that the Chinese used such encounters as part of a purposeful period of establishing personal relationships.

This impulse to build relationships reflects a highly personalized view of the political process. In one of the early U.S.-PRC exchanges carried out indirectly via the intermediation of the Pakistan government, Zhou Enlai expressed concern that President Nixon's reference to his desire to establish "secret links" between the two countries meant only that he wanted to establish a "hot line" communication channel such as the United States had with the Soviet Union.[8] In fact, Nixon intended to send a personal envoy secretly to China to prepare the way for his own visit; and Zhou Enlai later recalled with emphasis how important it had been to PRC leaders involved in initiating the normalization dialogue that Nixon was willing to deal with them at a personal level: "From the beginning he [Nixon] took the attitude he was willing to come to Peking to meet us."[9]

Zhou's comment reflects the unspoken assumption that a foreign leader is best influenced when a personal relationship has been established, when his attitudes and motivations have been explored, and when enough of a commitment to the relationship has been created to make the leader vulnerable to the various forms of appeal and pressure that can be applied to "old friends." This fundamental instinct is different in kind, but not necessarily in effect, from Chinese notions of adversarial relationships. A basic Maoist military tenet of the civil war era, as well as of more recent times, is that of "drawing the enemy deep" (*youdi shenru*) into CCP-controlled territory, where he can be enmeshed in a "people's war." It was such a perspective which led the PRC to *want* their Nationalist adversaries to occupy the offshore islands of Quemoy and Matsu as a point of pressure and a link between the mainland and Taiwan. As Zhou Enlai told Nixon in 1972:

> We . . . advised [Chiang Kai-shek] not to withdraw from Quemoy and Matsu. We advised him not to withdraw by firing artillery shells at them—that is, on odd days we would shell them, and on holidays we would not shell them. So they understood our intentions and didn't withdraw. No other means or messages were required; just this method of shelling they understood.[10]

Why should the Nationalists, or any foreign government, want to sustain a "relationship" on this basis, when they can anticipate that they will be subject to various forms of manipulation or pressure? This is precisely the question the Chinese seek to answer for themselves in the early, relationship-building stage of a negotiation. There is nothing magic about the process; they just assume that a political leader or official has his own political motives and/or personal interests involved in approaching China; and if they can identify these motives, interests, and personal attitudes, they will be in a better position to enmesh him in the games of *guanxi*.[11]

In this early stage of contact, the Chinese frequently turn to trusted third parties to provide background information on the leader or official they will be dealing with, or to intermediate initial communications. Such an indirect approach, of course, was notable in the establishment of high-level U.S.-PRC contacts in

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[8] See Nixon's discussion with Pakistani President Yahya Kahn, October 25, 1970.

[9] Zhou-Kissinger, July 9, 1971.

[10] Zhou-Nixon, February 24, 1972.

[11] It should be noted that the Chinese are just as sensitive to identifying counterpart officials who will *not* be drawn into the relationship of an "old friend." There are at least two recent American Secretaries of State and one National Security Adviser whom the Chinese concluded were too aloof or uninterested in building a relationship, or too hostile, to serve their purposes. While these individuals were in office, the Chinese proceeded to cultivate relationships with other U.S. officials who they anticipated would be more receptive to their approaches, or who shared common policy perspectives or political objectives.

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1970-1971. Rumania and Pakistan served as [redacted]diaries between the Nixon White House and the Mao-Zhou leadership in Beijing, not only providing the Chinese with intelligence about the intentions of the Administration, but also giving *bona fides* to the initial contacts, a measure of assurance that there were, in fact, common political objectives shared by the two sides, and that there would be no embarrassment or hostile confrontation.[12]

Who Needs Whom?

Chinese society has a deeply rooted [redacted]rian tradition; and despite contemporary assertions to U.S. officials of their concern to be treated as "equals," the Chinese in fact feel most comfortable in relationships where positions of superior and subordinate, leader and dependent, have been established. Thus a major aspect of the relationship game is a testing of "who needs whom," assessing the motives and needs that lead a counterpart government or official to want to sustain a relationship within which specific issues will be resolved in favor of the interests of one party or the other (if not both).[13]

As noted earlier, China's experience with foreign powers over the last century leads PRC officials to want to avoid the subordinate position in a relationship.[14] It is politically devastating in the Chinese context for a leader to put the country in the position of appearing to be dependent on a foreign power. Thus, at the beginning of the normalization process, the Chinese reacted sharply when their first grain purchases from the United States were characterized by a Department of Agriculture spokesman as reflecting the PRC's inability to produce sufficient grain to meet domestic consumption requirements. To suggest that the government is unable to feed its own people and must rely on foreign sources of supply is to challenge the very legitimacy of political leadership in China.[15]

The "who needs whom" theme runs throughout the evolution of the U.S.-PRC relationship during the 1970s. At the conclusion of Kissinger's first secret trip to Beijing, the one troublesome issue in drafting a communique was the Chinese effort to phrase the announcement so as to make it appear that President Nixon had asked to visit the PRC.[16] Similarly, in 1973, Zhou Enlai maneuvered the discussion about establishing liaison offices to make it evident that the United States had asked for them.[17] Being in a position where the foreigner comes to them for something, or asks them for something, not only reinforces

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12 Zhou Enlai told Kissinger in their first encounter how important it had been that Pakistani President Yahya had vouched for Nixon's seriousness of intent in wanting to normalize U.S.-PRC relations. And Zhou used Yahya to pass on to Nixon the sensitive message that if the United States made it appear that China was approaching the United States out of weakness or fear of the Soviet Union, the normalization process would not go forward. (See Kissinger-Hilaly, February 26, 1970.)

13 For discussion of this theme in Soviet political culture, see Nathan Leites, *The Operational Code of the Politburo*, New York: McGraw-Hill, 1951, pp. 40-41.

14 It should be observed, of course, that over the past century the Chinese in fact *have* established relationships with the outside world in which they voluntarily assumed a subordinate position, as with the West during the May Fourth period in the 1910s and most obviously in the relationship with the "elder brother" Soviets in the 1950s. The disappointments in these relationships, however, only reinforced Chinese instincts to be independent, or at least to be the predominant power in an international relationship, as they were with their sole small ally Albania during the 1960s.

At present the Chinese have again "opened the door" to an intensive relationship with the outside world--particularly the United States and the other industrialized democracies. It is noteworthy that as China's leaders increased their interdependence with the outside world in the late 1970s, they began to stress a foreign-policy line of "independence," as if verbal assertions of autonomy would counteract the fact of their growing interdependence with the world. Thus, the more *interdependent* the Chinese become, the more likely they are to seek the reassurance of at least verbal assertions of autonomy.

It is this tension between fears of being misused (again) by foreign powers and the country's objective need for trade, cultural, and even security relations with the outside world that imparts much of the tension and dynamic to China's contemporary foreign relations.

15 See Kissinger-Huang Hua, September 19, 1972; also, Solomon-Ji Chaozhu, October 25, 1974.

16 See Kissinger, *White House Years*, p. 751; also the Zhou-Kissinger exchanges of July 10-11, 1971.

17 The liaison offices were first proposed by the U.S. side in counterpart talks on October 21, 1971. See Xiung Xianghui-Holdridge, October 21, 1971.

[redacted]

the legitimacy of the Chinese leaders and strengthens their own position, but also establishes a certain measure of psychological dominance in the relationship.

U.S.-PRC discussions of strategic issues have been suffused with this issue of which side is more in need of the relationship. Kissinger's exchanges with Zhou Enlai, Qiao Guanhua, and Deng Xiaoping during the 1970s are a continuous and unresolved exploration of the question of whether China or the United States is the primary target of Soviet "hegemony." In response to a Nixon statement to Mao Zedong on February 21, 1972 that the Soviets had positioned more of their military forces against the PRC than against Europe,[18] Chinese leaders developed the slogan of the Soviets "feinting toward the East to attack in the West,"[19] as a way of reassuring their own people that they were not the primary target of Soviet pressures and also to counter the assumed U.S. presumption that China needed a relationship with the West for security reasons. Thus, Kissinger's exchanges with his PRC interlocutors endlessly explore the Chinese assertions that the primary Soviet strategic objective is Europe, that Soviet forces in Asia are targeted primarily on U.S. naval forces and regional bases, that the Soviet's "southern strategy" of intervention in the Middle East, Afghanistan, India, and Indochina is really part of the effort to outflank Europe and gain control of Western oil reserves and sea lanes of communication, and that China does not fear Soviet military pressures.

The unspoken message in these exchanges is the concern of Chinese leaders that if they appear to need the United States too much, they will once again be taken advantage of by a foreign power, especially regarding their objective of recovering Taiwan. This was most pungently phrased by the Chairman:

> *Mao*: We see that what you are doing is leaping to Moscow by way of our shoulders, and these shoulders are now useless. . . .
>
> *Kissinger*: We have nothing to gain in Moscow.
>
> *Mao*: But you can gain Taiwan in China.
>
> *Kissinger*: We can gain Taiwan in China?
>
> *Mao*: But you now have the Taiwan of China.
>
> *Kissinger*: But we will settle that between us.
>
> *Mao*: In a hundred years.
>
> *Kissinger*: That's what the Chairman said the last time I was here.[20]

Similarly, in 1981-1982 the Chinese resisted the development of programs of strategic cooperation with the United States until they had established at least some limits on U.S. arms sales to Taiwan. This was an effort to turn the "who-whom" game around on the United States, to make American leaders face the prospect of a breakdown in the relationship—or at least the prospect of no Chinese cooperation in strategic matters—until PRC demands regarding American arms sales to Taiwan had been met.

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[18] In fact, the reverse is true. About one-quarter of Soviet forces are deployed against the PRC, the remainder against Europe and the United States.

[19] See Zhou Enlai's (Chou En-lai's) Report to the Tenth National Congress of the Chinese Communist Party (August 24, 1973), in FBIS, *PRC*, August 31, 1973, p. B-8.

[20] Mao-Kissinger, October 21, 1975.

The Chinese realize full well that the United States is not about to assume a subordinate position relative to the PRC any more than they want to be treated as a "junior partner" or "younger brother" of the United States—despite the needs of the two countries for a relationship. The rhetorical way out of this dilemma is to assert that China is independent, self-reliant, and seeks no favors from the United States. As Deng said to Kissinger in the fall of 1975:

> We believe China should rely on its independent strength in dealing with the Soviets, and China has never asked for favors from others . . . frankly, China fears nothing under heaven or on earth. China will not ask favors from anyone. We depend on the digging of tunnels. We rely on millet plus rifles to deal with all problems internationally and locally, including the problems in the East. There is an argument in the world to the effect that China is afraid of an attack by the Russians. As a friend, I will be candid and tell you that this assessment is wrong.[21]

Such verbal bravado, of course, runs into the realities of China's defense and modernization needs, its military and economic weaknesses relative to the Soviet Union. And at times the Chinese *have* asked for things from the United States, most notably technology. But PRC leaders will go to great lengths to avoid a situation in which they appear to be the supplicant. At most they can acknowledge, as did Mao Zedong, that China and the United States need each other. As the Chairman rhetorically inquired of Kissinger in the fall of 1975:

> Yesterday, in your quarrel with the Vice Prime Minister [Deng] you said the United States asked nothing of China, and China asked nothing of the United States. As I see it, this is partly right and partly wrong. . . . If neither side had anything to ask from the other, why would you be coming to Peking? If neither side had anything to ask, then why did you want to come to Peking, and why would we want to receive you and the President?[22]

There can be no easy resolution of the "who needs whom" issue with the Chinese, because their objective needs for an active relationship with the Western world are in tension with their presumptions as a global power and their fears of being taken advantage of in a dependent relationship with a more powerful foreign nation. At best the issue can be defused as a source of pretense or pressure in negotiating encounters, by neither humiliating the proud Chinese for their needs and vulnerabilities nor "kowtowing" to their desires to be treated as more than an equal or their exaggerated assertions of self-reliance and Third World leadership.

Your Relationship with China is in Doubt; Show Us You Care

A variation of the "who needs whom" theme is Chinese skill in maneuvering a foreign official so as to cast doubt and uncertainty on his relationship with China. And for a high-level political figure who has established some reputation in his own country and in the international community for being skillful in dealing with the Chinese, to have his position as a "friend of China" thrown in doubt can be a significant threat. The official or negotiator is put in the position of having to "deliver" for the Chinese to sustain his relationship with them, or face a loss of respect, prestige, and political influence. Such was the game the Chinese played with Henry Kissinger in 1974–1975 when they wanted him to complete the normalization

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21 Deng-Kissinger, October 20, 1975.
22 Mao-Kissinger, October 21, 1975.

process, and with George Bush in 1980 and 1982 when they wanted assurances from the Reagan administration that it would not "turn back the clock" on U.S. China policy.[23]

Perhaps the clearest example of Chinese maneuvering to draw an administration into "proving" its interest in a relationship is the Carter administration's early dealings with the PRC. During the 1976 presidential campaign and in the first months of the administration, Carter and his senior officials gave uncertain signals about their interest in a relationship with the PRC and in completing the normalization process.[24] In the two years that followed, the Chinese turned this situation—in which *they* were the uncertain party about a U.S. administration's interest in a relationship with them—into one in which they had the administration going to some lengths to demonstrate its desire to develop a relationship with the PRC.

When Secretary of State Vance went to Beijing in August 1977, the Chinese heard him out on international and bilateral issues, including a presentation of the administration's approach to normalization. But they held themselves aloof from Vance, in part by rejecting his suggestion for a joint press communique to publicize the results of his trip, and by characterizing his visit both privately and publicly as a "step backward" in the relationship. The Chinese position reflected, in part, uncertainties in their own approach to dealing with the United States; but it also expressed PRC concerns about Vance as an official they could work with, given his views on the Soviet Union and on normalization, and their desire to press the United States for more favorable terms for normalization.

The following spring the administration decided it wanted to accelerate the pace of normalization, and National Security Adviser Zbigniew Brzezinski put himself forward to the Chinese as a friendly interlocutor in this process.[25] Brzezinski went to China in May 1978 with instructions to assure the Chinese that "the President has made up his mind" about normalization—a phrase PRC officials had been using with U.S. counterparts since the Vance visit to Beijing the preceding year. Brzezinski's exchanges with the Chinese, as he tried to convince them that President Carter *was* serious about normalization—with the Chinese casting doubts on his assertion in order to put him in the position of having to do more to prove himself—are almost comical:

> *Brzezinski*: At the outset I would like to express to you our determination to move forward on the process of normalization. I can say on behalf of President Carter that the United States has made up its mind on this issue. . . .
>
> As I said when I began, the U.S. has made up its mind on this issue. I certainly am anxious to do anything I can to enhance and accelerate this process.[26]
>
> . . . .
>
> *Huang Hua*: On the Chinese side, we have raised three conditions on normalization of relations between our two countries. . . .
> This has shown that China has done its utmost to accommodate the views of the U.S. on this question. So the Chinese position cannot be changed. . . . Let no one harbor any hope that the Chinese side will make any concessions in this respect. If the U.S. side gives consideration to this point from a strategic point of view and really makes up its mind, it is not difficult to solve this issue.[27]

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[23] These examples are explored in more detail on pp. 59-60 below.
[24] Michel Oksenberg, "A Decade of Sino-American Relations," *Foreign Affairs*, Vol. 61, No. 1, Fall 1982, pp. 175-195.
[25] Zbigniew Brzezinski, *Power and Principle*, New York: Farrar, Straus, Giroux, 1983, pp. 202-203.
[26] Huang Hua-Brzezinski, May 20, 1978.
[27] Huang Hua-Brzezinski, May 21, 1978.

Deng Xiaoping: You must be tired [from your long trip].

Brzezinski: I am exhilarated.

....

Deng: The question now remains how to make up one's mind [on whether or not to normalize]. President Ford stated [in 1975] that if he were reelected he would move to full normalization according to the three conditions without any reservation. We were very happy at that time with the oral commitment of President Ford. . . . Subsequently President Ford was not reelected, and of course the new administration has a right to reconsider this question. . . .

I think that is about all on this question. We are looking forward to the day when President Carter makes up his mind. Let's now shift the subject.

Brzezinski: I have told you before, President Carter *has* made up his mind.

Deng: So much the better.[28]

Apart from demonstrating how the Chinese can hold off an interlocutor in order to entice him to accommodate to their position, this series of exchanges emphasizes the Chinese concern with the counterpart official's *attitude* as a basis for building a relationship: the President should "make up his mind." Reflecting the concerns with "correct thinking" and thought reform that have been such fundamental aspects of both the Confucian tradition and the history of Chinese Communism,[29] PRC negotiators place considerable emphasis on exploring the *attitudes* of their counterparts, their feelings and views about China, and their positions on international issues of concern to the PRC. In the case of Brzezinski, the Chinese concluded that they had an interlocutor with congruent views on the Soviet Union (which was not the case in their assessment of Secretary of State Vance), and an official who was willing to put himself forward in building a normal relationship with China, "to do anything I can to enhance and accelerate this process."[30]

Another aspect of the Carter administration's dealings with the PRC that illustrates the Chinese instinct to pressure foreign officials by casting doubts on their relationship with China is their use of the tactic of playing political adversaries against each other. The Chinese sought to make use of a presumed Vance-Brzezinski rivalry to their benefit (they also used such an approach to put pressure on Henry Kissinger by playing up to Secretary of Defense James Schlesinger, and by encouraging Secretary of State Haig against National Security Adviser Richard Allen).[31] In none of these instances did the Chinese do anything to create a rivalry; it was there for them to respond to or to ignore. But in each instance they sought to advance their interests by making one official in the rivalry concerned about his relationship with China, or to draw into the relationship the official whom they considered to be more "friendly" to their position.

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28 Deng-Brzezinski, May 21, 1978.

29 See Robert J. Lifton, *Thought Reform and the Psychology of Totalism*, Norton, New York, 1963.

30 Another example of the Chinese concern with a counterpart official's attitude as the basis for building a relationship is the PRC's uncertainty about the Reagan administration's position on China policy. Deng Xiaoping, in the early 1980s, repeatedly expressed concern about U.S. technology transfer policy, not only because of a desire to acquire advanced American technology, but also because of what the Reagan administration's policy on transfers revealed about its *attitude* toward the PRC. As Deng said to Secretary of the Treasury Donald Regan, "America has not given China a single item of advanced technology .... I wonder whether the United States is still not treating China as a hostile country." [Deng-Regan, November 19, 1981; see also Deng-Mondale, November 22, 1981.]

31 This Chinese pressure tactic is explored in more detail on pp. 99-103 below.

PRC officials also draw on the millennial Chinese imperial tradition in controlling access to their senior leaders as one vehicle for building uncertainty about the foreigner's relationship with China, thus giving him an incentive to be forthcoming in meeting Chinese conditions. During his first, secret trip to the PRC, Kissinger sparred with Zhou Enlai about whether President Nixon would have to agree to establish diplomatic relations with the PRC (and break relations with Taiwan) as a condition for meeting Chairman Mao:

> *Zhou:* You mentioned that the meeting today is an historic occasion. Of course, a still greater historic occasion would be if President Nixon comes to China and meets Chairman Mao Tse-tung. That would be an historic occasion, if we could solve problems. . . .
>
> Therefore, the question of Taiwan becomes one regarding which we cannot but blame your government. . . . If this crucial question is not solved, then the whole question [of U.S.-PRC relations] will be difficult to solve. . . . When your President comes to discuss matters with Chairman Mao Tse-tung, the conclusion could be drawn that he will answer that question [about the timing of the establishment of diplomatic relations]. . . .
>
> *Kissinger:* Is the Prime Minister linking a meeting between the President and Chairman Mao Tse-tung to the prior establishment of diplomatic relations, or can the two be separated?.
>
> *Zhou:* This is not absolute. Of course, it should be discussed. If time is needed, it may not necessarily be solved then. However, the general direction should be established.[32]

As it turned out, Nixon did meet with Mao at the beginning of his Presidential visit to China, although the timing of the meeting was a surprise to the President (notification came just as Nixon was preparing to shower on the day of his arrival in Beijing). A second Mao-Nixon meeting, which Zhou Enlai had said would occur, never took place because--said the Chinese--the Chairman had a cold. One may speculate, however, that Mao cancelled what would have been an unprecedented second meeting with a foreign head of state on one visit because he did not get all that he wanted from Nixon on the Taiwan issue. The Chinese similarly held President Ford at arm's length in order to entice him to complete the normalization process.[33] Ford went to the PRC in December 1975 uncertain about arrangements for a meeting with Chairman Mao, only to have the visit "surprised" on him during a sightseeing tour of the Temple of Heaven.

In more recent times, the Chinese first agreed to, then delayed, and finally postponed a visit to the United States in 1981 of their Director of Defense Research and Engineering, General Liu Huaqing

b1, a5

The ultimate Chinese use of the relationship game is the threat to break off the relationship entirely--what one U.S. official has termed "the Chinese wife syndrome." In traditional Chinese society, wives, concubines, and other dependents of those in authority had few means to protect their interests beyond appeals to human sentiments, social convention, and public pressure. The most extreme pressure that such a dependent could bring to bear was to threaten suicide, which would bring the greatest loss of face to the offending authority and would "abandon" him by depriving him of a loyal supporter.

The Chinese, in recent times, have used such a tactic in attempts to pressure the United States

b1, a5

In 1981-1982, PRC officials downgraded diplomatic relations with the

[32] Zhou-Kissinger, July 9, 1971.

[33] They played former President Nixon against him by inviting the disgraced former President and other members of his family to China in late 1975 and early 1976 when it was politically embarrassing to Ford.

11,25

Thus, the establishment and manipulation of a relationship, even to the extreme of threatening to break it off when fundamental state interests are involved, is the central psychological theme in Chinese negotiating behavior.

THE BUREAUCRATIC CONTEXT

One of the most remarkable gifts of the Chinese is to make the meticulously planned appear spontaneous.[35]

While the development and manipulation of personal relationships is a distinctive aspect of the Chinese approach to negotiations, official encounters with PRC negotiators--like all dealings--take place in a more or less evident bureaucratic context. There is a certain irony in the contrast between the ties of "friendship" that Chinese officials seek to develop with their foreign counterparts and the strict bureaucratic and political discipline within which they operate. It is as if the Chinese view the constraints of organizational life as necessary to contain the very human qualities they seek to engage and manipulate in foreign officials.

Bureaucratic routine did not always encumber U.S. dealings with the PRC in the normalization period. The first American contacts with Beijing's officials in the early 1970s took place when the Chinese were just rebuilding their foreign relations after the withdrawal from the world of the Cultural Revolution--a domestic political frenzy that decimated the state bureaucracies. Much of the contact between Chinese and American officials between 1971 and 1976 took place under the direct personal management of Mao Zedong, Zhou Enlai, and their operatives in the Foreign Ministry.[36]

Since the completion of normalization in late 1976, however, the relationship has become increasingly bureaucratized, in part because of the formalization that came with establishment of diplomatic relations and the signing of various treaties and agreements, but also because the Deng Xiaoping leadership has purposefully rebuilt the state system, reconstituting much of the bureaucratic structure of state power which Mao destroyed in the Cultural Revolution. In the 1980s, the Sino-American relationship and U.S.-PRC negotiations, such as those leading to the August 17, 1982, communique on U.S. arms sales to Taiwan, have been managed largely by the Foreign Ministry (with political oversight, to be sure, by senior leaders such as Deng Xiaoping and Zhao Ziyang).

Many of the issues that have been subjects of U.S.-PRC diplomatic exchanges or negotiation--civil aviation, textiles and grain trade, nuclear cooperation, and so on--involve the interests and the internal

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[34] Haig-Huang Hua, October 29, 1981.

[35] Kissinger, *White House Years*, p. 709.

[36] The "America managers" were a small and identifiable group: just below Mao and Zhou at the senior political level was Marshal Ye Jianying; and in the Foreign Ministry were Vice Foreign Minister Qiao Guanhua, Huang Hua, Zhang Wenjin, Huang Zhen, Tang Wensheng ("Nancy Tang"), Wang Hairong, Han Xu, Ji Chaozhu, and the ever-present note-taker Lian Zhengbao. The composition of this group did not change until after Mao's death.

decisionmaking procedures of ministries and agencies under the State Council. As the context within which the Chinese negotiator operates has become increasingly bureaucratized and issues have become increasingly technical, the influence of senior political leaders has been somewhat diluted. Thus China's millennial bureaucratic tradition, as well as the legacy of the Communist party's Marxist-Leninist organizational life, is finding renewed expression.

What are the primary qualities of the bureaucratic context within which PRC officials operate? The experience of the past decade and more suggests the characteristics described below.

Meticulous Planning and Management

As Henry Kissinger discovered on his first trip to Beijing, the Chinese pay meticulous attention to the organizational formalities of their dealings with foreign governments—yet with an apparent ease that may deceive the foreign official regarding the degree of purpose and planning with which he is being dealt. The Chinese have traditionally considered form and ritual to be as important as substance in political and social relationships; indeed, form and ritual are not considered to be separate matters from substance.[37] This attitude is evident in their meticulous attention to protocol. Numerous examples could be cited, particularly in their preparations for the three Presidential visits they have hosted. A clear and brief statement of their concern with matters of form appears in a 1980 discussion about a proposed visit to the United States of then-Secretary General of the Party's Military Affairs Commission Geng Biao, at the invitation of the U.S. Secretary of Defense. As Director of the Defense Ministry's Foreign Affairs Bureau said to his American interlocutor:

> Your Secretary of Defense [Harold Brown] invited Geng Biao face-to-face yesterday during their meeting to visit the United States. Geng did not respond. I have not had time to ask him about it yet. I will seek his instructions. As we see it, his military post as Secretary-General of the Military Commission is a Party post. Perhaps you have noted that in our press we only use his governmental post, Vice Premier, not his Party post.[38]

The Chinese eventually resolved their protocol problem by appointing Geng to the state post of Minister of Defense, a role in which he traveled to the United States in May 1980.

Despite the relatively unmodernized state of their communication system, the Chinese have shown a remarkable capacity to orchestrate all aspects of official encounters with foreign governments: the coordination of multiple channels of contact; the meshing of negotiating sessions with their internal decisionmaking procedures; use of sightseeing trips and banquets to pace a negotiation; use of the Chinese press and nongovernmental "friends" as adjunct "voices" in sending signals to the counterpart government during a negotiation, etc.

The Chinese have also demonstrated a great sensitivity to the interplay between political processes in their own country and those in the counterpart government in pacing a negotiation. During Henry Kissinger's first encounter with Zhou Enlai, the Premier revealed that he had already anticipated the time-phasing of the normalization negotiations:

> *Zhou:* There are two questions I would like to clarify. I see the necessity for a period of time [to accomplish normalization], but the time that is left for President Nixon is limited. And as a close associate of his, you must be quite clear about this point.

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37 For discussion of this point, see Anthony C. Yu, "The Confucian Concept of Order," *Thought*, No. 43, 1968, pp. 249-272; and Morton H. Fried, *The Fabric of Chinese Society*, New York: Octagon, 1969.

38 McGiffert-Chai Chengwen, January 8, 1980.

Kissinger: What is the Prime Minister's estimate of the time left to President Nixon?

Zhou: I see two stages. The first is one-and-a-half years; and the second, if he is reelected, five-and-a-half years. This would take us to the 200th anniversary of your country.

Kissinger: Which time period is the Prime Minister talking about, five-and-a-half years or one-and-a-half years?

Zhou: When your President comes . . . the conclusion could be drawn that . . . he will answer that question.[39]

Similarly, the Chinese have shown considerable understanding of the way Congressional procedures politically significant anniversary dates, and official visits to and from the United States can be used a occasions for moving along a negotiation or putting the counterpart government under time pressures t conclude an agreement.

Effective Briefing

PRC officials are usually well briefed on all aspects of a negotiating encounter. From the very firs meetings between Zhou and Kissinger, it was evident that the Chinese had done considerable backgroun research on each of the individuals in Kissinger's entourage, for the Premier would use the occasion of th first, informal session of a visit to make some personal observation about each of them:

> After a group picture was taken at the entrance to the meeting room, Chou [Enlai] seated us behind the inevitable cups of green tea and proceeded to say a few words of personal greeting to everyone in the party. The Premier had done his biographical homework well and flattered my associates with references to their educational or professional history . . . .[40]

Similarly, Zhou indicated that he had read Nixon's *Six Crises*, had seen the President's favorite movi *Patton*, and was being kept up to date on U.S. press materials relevant to the development of the U.S.-Chin relationship--he had even seen the reports of a speech given by President Nixon at Kansas City on July 6 1971, that Kissinger himself had not seen because of his travels.

Much of the information the Chinese gain about their foreign counterparts seems based on a carefu reading of the press and meticulous records of past encounters, rather than covert intelligence collection Mao Zedong once ridiculed intelligence reporting and revealed that during the Cultural Revolution he had seen the first signals of a shift in Nixon's China policy by reading his 1967 *Foreign Affairs* article and ther following subsequent newspaper accounts of policy reassessments in the State Department

b1,
a3,
a5

[redacted]

39 Zhou-Kissinger, July 9, 1971.
40 Kissinger, *White House Years*, p. 777.

b1, a5

The important point for the American negotiator is that the Chinese have shown a sophisticated capacity to assemble and orchestrate the use of information derived from multiple sources- b1, a5
the world's mass media, technical documentation, and so on--in support of negotiations and other official dealings with foreign governments, despite significant limitations in their organizational outreach and technological capabilities.

Political Discipline

The Chinese negotiator operates with a political discipline reflecting the Leninist tradition of the Chinese Communist party--to which he almost certainly belongs.. American negotiators with considerable experience in dealing with PRC counterparts remark that they often can "feel" the presence in the room of unseen audiences to whom their Chinese interlocutors are speaking: superiors whom the PRC officials must impress with their loyalty and toughness in implementing instructions; political rivals who will use any lapses in performance against them; and even foreign allies who are worrying that China may compromise their interests.

During Kissinger's secret trip to Beijing in 1971, Zhou Enlai proposed that at the conclusion of their discussions they tape-record a summary of their views. b1, a3, a5

And while the tape-recording was never made--Kissinger resisted the suggestion--it does emphasize the multiple audiences, many of them unseen, who are "present" on the Chinese side of a negotiating table.

PRC officials demonstrate a remarkable capacity to hew to the "Party line" on almost any issue of significance; and the consistency with which different officials will invoke the same phrasing on a given matter reflects what must be written instructions or briefs which they follow closely. Especially on matters relating to domestic politics, the Chinese present a united front to foreign officials, even when signs of leadership disarray are evident to the non-Chinese reader of the official press. A leader as senior as Zhou Enlai apparently could tell Henry Kissinger about the Cultural Revolution only with some trepidation--and perhaps at the instruction of Chairman Mao:

41 Mao-Kissinger, February 17-18, 1973.
42 Zhou-Kissinger, July 10, 1971.

> So I told you of our [Cultural Revolution] transformation during lunch. We do not cover up the facts of our transformation. When your President comes and talks to Chairman Mao he will speak much more. We sometimes wonder whether we can talk about such things. But Chairman Mao speaks completely at his will.[43]

As a general rule, only the top man, the senior political leader (when he is in an unchallenged position) is free to speak his mind to foreign observers and officials. Those in subordinate positions--even officials as senior as the Premier, Ministers, and Vice Chairmen--speak with restraint and a common voice bespeaking the discipline of "democratic centralism."

This pattern of political and bureaucratic discipline imparts some interesting patterns to the negotiating process. PRC officials will go to great lengths to draw out a foreign counterpart regarding his government's position on issues under negotiation. Corresponding efforts to draw out the Chinese in the initial stages of a negotiation, however, will elicit either banalities, "principled" abstractions, or strong assertions that the foreign official should present his position first. Only after the Chinese believe they understand the foreign government's position will they respond--and after the senior leader or the collective leadership has reviewed the first exchanges and formulated a reply. Thus, in Kissinger's early exchanges with Zhou Enlai, the Premier politely heard him out, and then--after consulting with Chairman Mao and perhaps other senior leaders--sharply attacked the U.S. position with a forceful presentation of the PRC point of view.[44]

Even very high-level Chinese negotiators, such as the Foreign Minister, will display almost no flexibility in position until very late in what may have been months of exchanges--when it is believed that all "give" in the adversary's position has been tested. Then, after collective review, the negotiator may present a compromise position. More likely, according to the experience of the past decade, he will let the negotiation deadlock, and the senior leader will intervene to "cut the knot." Political authority and discipline in the Chinese system are both highly centralized and personalized in the position of the senior leader.

There are, of course, times when the senior political leader is weak (as was Hua Guofeng in 1976-1977, after he had become Mao's successor, or Deng Xiaoping just after his third rehabilitation in 1977-1978). In such circumstances, political direction is less sure, since there is no voice of ultimate authority, and the PRC negotiator will be tentative in pushing issues to resolution. He may stall or protract a negotiation with rigid and self-righteous assertions that China's principled policy--however abstractly defined--is the only possible position. He will hold to a defensive discipline even as negotiating exchanges mire down in repetition and uncertainty.

Immobilism can also occur when the ministries whose interests are engaged in a negotiation cannot reach a common position, when the political "center" is having trouble gaining the compliance of local authorities, or when a senior leader or leadership collective has not yet resolved its differences and established a common position. Yet even in such circumstances, the PRC negotiator will display remarkable discipline, refusing to disclose to his foreign counterpart the internal differences that are obstructing the creation of a unified Chinese bargaining position.

THE OBSCURITY OF CHINA'S INTERNAL POLITICS

> *Kissinger*: What is the news from our friends in Peking?

[43] Zhou-Kissinger, July 10, 1971.
[44] Kissinger, *White House Years*, p. 750.

Huang Zhen: Some of you read our newspapers in Peking, our broadcasts. Your colleagues must know [what the news is].

Kissinger: You have no secrets? You must be following our practice (laughter).

Huang Zhen: What needs to be broadcast will be broadcast. What needs to be published will be published.

Kissinger: So you have nothing to add?

Huang Zhen: According to Dr. Kissinger's usual arrangement, I will be pleased to listen to your views.[45]

The political discipline observed by PRC officials is, in part, a reflection of unstated fears of the destructive effects on the Chinese political system of factional political rivalries—of which the Cultural Revolution power struggle is only the most recent and a particularly costly example. More than one PRC official has observed off the record that factional conflict within the leadership is a greater threat to the security of the country than a prospective Soviet invasion. (Indeed, a foreign invasion is viewed by the Chinese as a *unifying* political force, as was the Japanese invasion in the 1930s.)

What is interesting to an American observer of the Chinese political scene is the determined effort of PRC officials to deny the existence of rivalries within the top leadership and to obscure policy conflicts from foreign view. The strength of this attitude is only additional proof, if any were needed, that factional struggles are an inherent and disruptive aspect of the Chinese political order—as they are of all political systems. The need to present an image of leadership unity reflects a sense of vulnerability, which is perhaps reinforced in the minds of PRC officials by the degree to which they try to use leadership rivalries they perceive in foreign governments for their own ends.

The relevance to the American negotiator of the effort to prevent foreigners from viewing internal leadership feuds and policy differences is the fact that factional conflicts *do* affect PRC policies relevant to the interests of other countries, and they influence PRC negotiating positions. In the case of U.S.-PRC relations, policy differences in the Chinese leadership that culminated in the Lin Biao episode of 1971—in which the PRC Defense Minister, Mao Zedong's designated successor, apparently tried to assassinate Mao and, when discovered, fled by plane toward the Soviet Union, only to die when his plane crashed in Mongolia—seem to have delayed the initiation of the normalization dialogue. Vice Foreign Minister Qiao Guanhua, in a retrospective discussion with Kissinger of efforts by the two governments to establish direct contact in the late 1960s, cryptically commented that efforts by the U.S. government to make contact with the PRC via the intermediation of the Dutch ambassador to Beijing had been blocked because of unfavorable "circumstances," by which he probably meant internal political problems:

Kissinger: We sent a message to you in 1969 through the Dutch ambassador in Peking. Did you take our message seriously? Did you get it?

Qiao: We did give serious consideration to it, but circumstances were not right.

Kissinger: I don't think he was a good channel of communication to you.

[45] Kissinger-Huang Zhen, July 7, 1975.

Qiao: No, it was not that. We did give consideration to it, but our circumstances were not right.[46]

Mao Zedong was somewhat more forthright about the Lin Biao affair in his 1972 meeting wi President Nixon: "In our country . . . there is a reactionary group which is opposed to our contact with yc The result was that they got on an airplane and fled abroad."[47] Mao went on to praise the U. government's ability to interpret such events:[48] but in fact the relationship between Lin Biao's opposition Mao and the Chairman's establishment of direct contact with the Nixon administration remains obscure.[49]

There is circumstantial evidence that political attacks on Zhou Enlai in 1974, in the context of t "anti-Lin Biao, anti-Confucius" campaign, led the PRC to withdraw its proffered solution to the priva claims-blocked assets problem put forward the year before by the Premier.[50] Similarly, it seems likely th PRC demands in the fall of 1973 that the United States remove the Marine Guard security contingent fro its Beijing Liaison Office reflected rising influence in the leadership of the radical group centered arou Mao's wife Jiang Qing—the faction now termed the "Gang of Four"—as they attacked Zhou and resisted t rehabilitation of Deng Xiaoping.[51]

It can also be inferred that differences within the leadership following the purge of the Gang of Fo in October 1976 led the newly rehabilitated Deng Xiaoping to stall the initiation of concrete negotiatio about normalization—a process Deng was able to bring to a successful conclusion eighteen months later, the late fall of 1978, when his political position was much stronger.[52]

The point of these domestic PRC political events is not just that they have had a significant influen on the evolution of the Sino-American relationship—it is assumed for all countries that internal politi influence foreign relations—but that the Chinese go to such great lengths to deny the existence of leadersh difficulties when they are so obviously occurring. All during the period in the early 1970s when signs leadership conflict were increasing in PRC media, the government took *active* steps to deny to U.S. officia the rumors of conflict between Zhou Enlai and Jiang Qing. In the fall of 1971, a Chinese-Americ scientist (who had been received by Mao and Zhou) was sent by PRC leaders to approach NSC officials a assert, among other things, that rumors of conflict between Zhou and Jiang Qing were untrue. Forei Ministry officials would strenuously assert during the "anti-Confucius" campaign of 1974 that t leadership was fully unified. And Liaison Office Chief Huang Zhen who, in the summer of 1975 when t Gang of Four was particularly "rampant," blandly brushed aside inquiries about conflict in the leadersh (see the quote at the beginning of this section), blithely asserted to Kissinger not long after the Gang h been purged that the political situation in his country "is now excellent."[53]

For the American negotiator, it is obviously important to have as clear an assessment as possible the state of the PRC leadership, for the strength of the top leader or the degree of conflict over policies a positions will have a significant influence on negotiating instructions and on the ability of the leadership conclude and implement agreements.

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46 Kissinger-Qiao, October 3, 1973.

47 Mao-Nixon, February 21, 1972.

48 Mao: "Throughout the whole world, the U.S. intelligence reports [on the Lin Biao incident] are comparatively accurate. " next was Japan. As for the Soviet Union, they finally went to dig out the corpses, but they didn't say anything about it."

49 For varying interpretations of the Mao-Lin rivalry, see Roger G. Brown, "Chinese Politics and American Policy: A New Loo the Triangle," *Foreign Policy*, No. 23, Summer 1976; and Parris H. Chang, "Mao's Last Stand," *Problems of Communism*, Vol. 25, 4, July/August 1976.

50 See the PRC message to the USG of June 14, 1974.

51 See Lin Ping-Bruce, September 26, 1973.

52 See Michel Oksenberg, "A Decade of Sino-American Relations," *Foreign Affairs*, Fall 1982, p. 183.

53 Kissinger-Huang Zhen, December 21, 1976.

How is the foreign observer to penetrate the ritualistic assertions of his PRC counterparts that the political situation in their country is "excellent," or at least evaluate their tendency to downplay the significance of leadership conflicts? Here one must place considerable reliance on professional analysts of the PRC political scene and their practice of the all-too-arcane art of "Pekingology"—a derivative of the even more hoary science of Kremlinology, the interpretation of signs of conflict in the equally secrecy-conscious Soviet leadership.

For the purposes of this analysis it is worth noting that in various negotiating encounters, senior PRC leaders have provided tantalizing hints to their American interlocutors about political conflicts. Hence, the record of exchanges can be usefully combed for indicators of the condition of the leadership. As one example, in July 1971 Zhou Enlai hinted obliquely to Kissinger about Lin Biao's opposition to the establishment of U.S.-PRC contacts:

> I would also like to take the opportunity to say we express thanks for the gifts which the President and you have sent to Chairman Mao, Lin Piao, and myself. You may say that Chairman Mao and I both send our regards to President Nixon. . . .[54]

After Lin's death, the Chinese—not surprisingly—gave no explanation to the U.S. government about the events that had led to the grounding of the entire PLA air force for more than a month. Indeed, Kissinger met with Huang Zhen in Paris (where Huang was then PRC ambassador) on September 13—the day after Lin Biao's plane had crashed in Mongolia—and informed Kissinger that his second trip to Beijing could be scheduled in October. PRC officials did take the unusual step of reconfirming the visit in a separate message of October 3, 1971, presumably as an oblique way of saying that despite the (as yet unrevealed) leadership feud which had just played itself out *mu hou* ("behind the curtain," as the Chinese like to characterize such conflicts), the Mao-Zhou leadership was still in control and its invitation to President Nixon still stood.

A bit more than a month after the event, Zhou Enlai still only hinted obliquely to Kissinger about the Lin affair, by quoting Mao's own premonition of the Defense Minister's betrayal: "Chairman Mao has a thesis: those who hail you are not the ones who support you. He said this to Edgar Snow [in December 1970]."[55] Ultimately it was Mao himself who had sufficient authority to reveal the event to President Nixon (see p. 24 above).

Mao also hinted at the growing troubles with Jiang Qing in the following exchange with Kissinger in February 1973:

> *Mao*: The trade between our two countries at present is very pitiful. It is gradually increasing. You know China is a very poor country. We don't have much. What we have in excess is women (laughter).
>
> *Kissinger*: There are no quotas for those, or tariffs.
>
> *Mao*: So if you want them, we can give a few of those to you, some tens of thousands (laughter).
>
> *Zhou*: Of course on a voluntary basis.

[54] Zhou-Kissinger, July 11, 1971.
[55] Zhou-Kissinger, October 21, 1971.

Mao: Let them go to your place. They will create disasters. That way you can lessen our burdens (laughter).

. . . .

Mao: Do you want our Chinese women? We can give you ten million (laughter).

Kissinger: The Chairman is improving his offer.

Mao: By doing so we can let them flood your country with disaster and therefore impair your interests. In our country we have too many women, and they have a way of doing things. They give birth to children and our children are too many (laughter).

Kissinger: It is such a novel proposition, we will have to study it.

Mao: We have so many women in our country that don't know how to fight.

Nancy Tang: Not necessarily. There are women's detachments.

Mao: They are only on stage. In reality if there is a fight you would flee very quickly and run into underground shelters.

. . . .

Mao: You know, the Chinese have a scheme to harm the United States, that is, to send ten million women to the United States and impair its interests by increasing its population.

Kissinger: The Chairman has fixed the idea so much in my mind that I'll certainly use it in my next press conference (laughter).[56]

Was Mao's humorous and condescending banter about women--their capacity to cause "disasters," and their theatrical bravery--really a put-down of Jiang Qing? Given the nature of the Chairman's frequently cryptic dialogue, one cannot be certain. And even if his oblique deprecation of women was directed toward his wife, was he signaling his opposition to Jiang Qing or only misguiding Kissinger about the degree of support he in fact was giving to the woman who had been partly responsible for bringing the disaster of the Cultural Revolution down on China? The obscurity of Chinese politics persists, even when the top man chooses to comment on his domestic problems to a foreign official.

[56] Mao-Kissinger, February 17-18, 1973.

[redacted]

III. THE PROCESS

Negotiations with the Chinese--formal intergovernmental bargaining designed to resolve specific problems or attain concrete goals, often expressed in published agreements--take place within the context of the culture, history, and institutions we have just explored. We shall now assess the *process* of formal negotiating with the Chinese as the U.S. government has experienced it over the last fifteen years. This section describes evident patterns of style and action by which Chinese officials attempt to manage the negotiating process in the service of attaining agreements that will serve the interests of the PRC as they are defined by its senior leaders.

U.S. officials who have had considerable experience in dealing with the Chinese in recent years describe the negotiating process as a "linear" progression of rather well-defined and sequential stages (see Fig. 1): First is an initial period of *opening moves*, in which the Chinese try to identify and establish a relationship with a favorable interlocutor, gain his commitment to certain "principles" they put forward, and establish a negotiating agenda favorable to their objectives. Then follows what is often a lengthy *period of assessment*, in which the Chinese use a variety of facilitating maneuvers to draw out the counterpart official on his government's position, objectives, and degree of flexibility. They may resort to a variety of pressure tactics--invoking past commitments to their principles, use of the media and public opinion, and time deadlines--to test the firmness of commitment of the counterpart government to its stand and try to move it to accept the PRC's position. When they have concluded that no further give in their counterpart's position is possible, and when PRC interests are served, they will swiftly initiate an *end game* or concluding phase in order to reach formal agreement. Attainment of a formal agreement is followed by a period of *implementation* in which the Chinese press for scrupulous adherence to the agreement reached and may even make additional demands on the counterpart government.

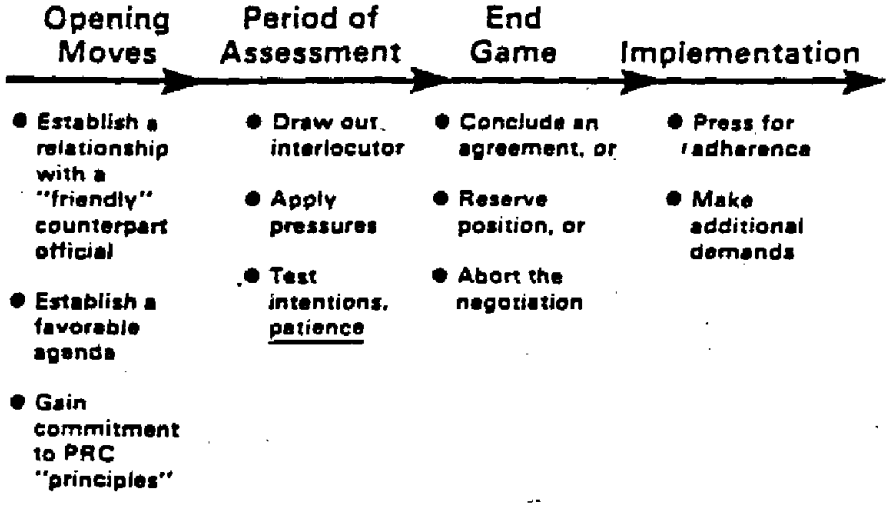

Fig. 1 -- PRC political negotiating behavior: a "linear" process

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In the following pages we will describe this process in greater detail and illustrate it with examples from the United States' experience of the past fifteen years in negotiating the Shanghai Communique of 1972, the U.S.-PRC normalization agreement of 1978, and the August 17, 1982, Joint Communique on U.S. arms sales to Taiwan.

OPENING MOVES

One former U.S. official interviewed for this study remarked that the "boundaries" of a negotiation with the Chinese are often hard to perceive, for a broad range of encounters and communications in the early phases of contact are, in the Chinese view, relevant to the construction of a relationship that will be drawn upon in the more formal periods of explicit bargaining.

Identify and Cultivate the Right Interlocutor

In hindsight, it is evident that PRC officials have carefully assessed a range of American officials in each of the U.S. administrations since the late 1960s and have purposefully encouraged those whose views they believed to be helpful to their own objectives and who appeared likely to be "friendly," to establish them as interlocutors in the normalization process. The criteria they use in these assessments appear to be a broad strategic and "political" outlook based on distrust of the Soviet Union, a consequent belief in the value to the United States of a normal relationship with the PRC, and easy access to the President (if the candidate is not the President himself).

The clearest example of such "scouting" is the case of Henry Kissinger. In early 1971, when the Chinese had decided to establish direct contact with the Nixon administration, PRC officials let it be known through at least two intermediaries that they were interested in meeting with Kissinger. Vice Foreign Minister Qiao Guanhua made this point to the Norwegian ambassador in early February, and Pakistan's ambassador to Washington Agha Hilaly transmitted a similar message from Zhou Enlai on April 27, 1971. Even Mao, in his meeting with President Nixon on February 21, 1972, kept trying to bring Kissinger into the conversation, to Kissinger's embarrassment in his relationship with the President:

> *Mao*: We two [Mao and Nixon] must not monopolize the whole show. It won't do if we don't let Dr. Kissinger have a say. You [Kissinger] have been famous about your trips to China.
>
> *Kissinger*: It was the President who set the direction and worked out the plan.
>
> *Nixon*: He is a very wise assistant to say it that way (Mao and Zhou laugh).[1]

As noted earlier, President Carter's National Security Adviser Zbigniew Brzezinski put himself forward as a friendly interlocutor in late 1977, and the Chinese were quite prepared to go along with him, given his view of the Soviets, his relationship with the President, and their uncertainties about Secretary of State Vance.

The Chinese were quite assertive during the first year of the Reagan administration in trying to establish Secretary of State Haig as the primary channel of communication. They were uncertain about where the President stood on China policy, and they had doubts about whether National Security Adviser

[1] Mao-Nixon, February 21, 1972.

Richard Allen was prepared to be "friendly," so senior PRC officials pressed for an early visit to Beijing by Haig, whom they knew from the Nixon period and considered to be sympathetic.

It also appears that the Chinese concluded after Secretary of State Shultz's visit to Beijing in February 1983 that Mr. Shultz was not inclined to be an active promoter of the U.S.-PRC relationship within the administration. Thus, because they did not wish the relationship to languish, they first tried to draw out Secretary of Defense Weinberger, and later the President himself.

In at least one instance, the PRC actively attempted to block the appointment of an individual they considered to be hostile to them. During the 1980 campaign, Chinese leaders met with their "old friend" George Bush, who had been dispatched to Beijing by presidential candidate Reagan to explain his position on China policy and to defuse growing tensions in the relationship. In a long and tense discussion on August 22, Deng Xiaoping skeptically asked Bush who Ray Cline was and whether Cline's views on China reflected Reagan-Bush policy. Shortly after the election, Ray Cline--who had put himself forward to PRC embassy personnel in Washington as the "channel" to the new administration--made a trip to Asia during which he gave a press conference in Singapore where he characterized the PRC as "uncivilized."[2] The Chinese, in an effort to embarrass Cline, who they feared would be appointed Assistant Secretary of State for East Asian and Pacific Affairs in the new administration, published Cline's remarks and attacked them vigorously to clearly indicate that he was unacceptable to them as a manager of U.S. China policy.[3]

It is natural enough that the Chinese, like any other government, want to see "friendly" officials in high places in a U.S. administration in hopes that their interests will be well served. What is notable in the *Chinese case is the demonstrated effectiveness of the Chinese (Nationalist as well as PRC) in cultivating* friendly advocates in administrations going back to the 1930s and the substantial expectations that they have about the appropriate demands to make on "friends." As we shall see in a following section of this chapter, the Chinese expect considerably more of their "old friends" than accords with American notions of friendship; and when they want to bring pressure to bear on an administration they do it through their (hapless) friends.

Controlling the Ambience

After a dinner of Peking duck I'll agree to anything.[4]

The Chinese invariably seek to conduct negotiations on their home territory. The reasons for this are not hard to assess; what is remarkable is their ability to manage relationships in a manner that inclines foreign powers from whom they seek political and economic benefits to concede this marginal but significant advantage.

Conducting negotiations in Beijing gives Chinese officials the greatest access to their technologically underdeveloped communications system and their internal decisionmaking procedures; but more important, it gives them a subtle psychological edge over their counterparts, who are somewhat disoriented--and most likely jet-lagged--in an unfamiliar physical environment. As with countless generations of foreigners who traveled with great anticipation to the Middle Kingdom, having present-day officials come *to* China accords its leaders a measure of legitimacy and status that their "real" power may not warrant.

Apart from these considerations, negotiating in the Chinese capital gives the Chinese the opportunity to manage the ambience so as to maximize the sense of gratitude, dependence, awe, and helplessness which

[2] See the *Los Angeles Times*, December 2, 1980; and *The New York Times*, December 2, 1980.

[3] See Peng Di, "Confused American 'Strategist,'" *Xin Hua*, December 1, 1980, in FBIS, *PRC*, December 1, 1980, p. B-1; Lu Yuan, "Those Who Show No Understanding of the Times will Surely Meet with a Rebuff," *People's Daily*, in FBIS, *PRC*, December 9, 1980.

[4] Henry Kissinger, as quoted in Oriana Fallaci, February 24, 1972.

they *do* evoke in their guests. There is no little irony in the fact that the Chinese Communists, who seek to transform their peasant society into a modern, industrialized nation, use the trappings of imperial China--the palaces of the Forbidden City, the Ming Tombs, the Great Wall, and the cuisine and culture of a tradition they seek to outgrow--to impress foreign officials with their grandeur and seriousness of purposes.

There should be no doubt that the Chinese view the various forms of hospitality as part of the process of managing relations with foreigners. Internal documents of the Qing dynasty describe how the nineteenth century mandarins sought to control the Europeans who intruded into the Middle Kingdom through the management of hospitality and information. As the Manchu official Ch'i-ying described in a memorial to the Emperor of 1844:

> Sometimes we expose everything so that they will not be suspicious, whereupon we can dissipate their rebellious restlessness. Sometimes we have given them receptions and entertainment, after which they have had a feeling of appreciation. . . . The barbarians are born and grow up outside the frontiers of China, so that there are many things in the institutional system of the Celestial Dynasty with which they are not fully acquainted. . . . We must give them some sort of entertainment and cordial reception; but we are on guard against an intimate relationship in intercourse with them.[5]

Henry Kissinger's early impressions of PRC planning for the Nixon presidential visit convey a similar sense of the purposeful orchestration of receptions, sightseeing, cuisine, and music to dazzle a new generation of "guests from afar." Kissinger noted that during his first two preparatory trips to Beijing--in which he was taken to the Forbidden City and the Great Wall and was shown contemporary Peking Opera--he had "been used by the meticulous Chinese as a guinea pig for their study of timings and required security precautions, as well as of how these strange Americans behaved in the presence of the wonders of Chinese history."[6] Banquets alternated with negotiating sessions in a way that controlled the level of tension as the difficult issues in a relationship strained by two decades of confrontation were explored by the two leaderships. Yet for all the gracious hospitality, Kissinger found himself negotiating the Shanghai Communique late at night after a banquet of Peking Duck and powerful *mao tai* liquor. As he concluded, "nothing was accidental and yet everything appeared spontaneous."[7]

Lest the Chinese appear superhuman in their organizational work, it should also be recorded that their efforts to control the ambience of a negotiation, while notable for meticulousness and apparent ease of effort, are not without an occasional gaffe. During the Nixon visit, the Chinese staged a casual "performance" by colorfully dressed youngsters with toys and games at the Ming Tombs, one of the televised stops on the President's sightseeing tour. After the official party had left the scene, PRC officials collected the toys from the children--in sight of U.S. journalists who were in the process of packing up their equipment. This led one American correspondent to question Zhou Enlai about the staged event--to which the Premier replied in self-criticism that it had been wrong to have "put up a false appearance."[8]

During the Ford presidential visit in 1975, the Chinese had done their usual research on the President's favorite music, but they confused the President's alma mater and played the Michigan State fight song rather than the University of Michigan's "Hail to the Victors." And during the visit of Vice President Mondale in 1979, the Chinese delighted their guest by playing his favorite songs from "The Sound of Music" but left him most impressed with the degree of manipulation they were prepared to resort to in order to make a positive impression.

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[5] Teng and Fairbank, *China's Response to the West*, pp. 38-39.
[6] Kissinger, *White House Years*, p. 1067.
[7] Ibid., p. 1056.
[8] Ibid., p. 1081.

Any official who journeys to China more than two or three times will find his or her reactions to this purposeful management of the ambience changing from awe and appreciation to unease at the implicit manipulation in such all-encompassing, set-piece hospitality. Even more discomfiting is Chinese use of hospitality and protocol to build pressures on a visiting delegation. Precisely because they can be such superb hosts and have obviously gone to great lengths to make their foreign guests comfortable, it is all the more unsettling when they choose to use hospitality and protocol to insult.

In late 1975, the Chinese wanted to put maximum pressure on Henry Kissinger and President Ford to complete the normalization process. Kissinger, on the first day of talks during his October advance trip to Beijing, indicated that he wanted to complete most of the negotiation of a joint communique before departing the capital; and to facilitate the process, he tabled a draft document at the end of the first session. The Chinese, to indicate their displeasure at the lack of movement toward full normalization, resorted to punctilious and excessive hospitality to stall the negotiation, even taking Kissinger and his party on an afternoon picnic in the Western hills to view the fall foliage--all as time to negotiate the joint document slipped away. Kissinger's increasingly insistent inquiries about the fate of the draft communiqué were blandly deflected with assurances that it was being translated. Finally, at midnight on the eve of Kissinger's departure, Foreign Minister Qiao Guanhua convened a post-banquet session to denounce the draft document and asserted that if there was to be any joint communique it had to be on Chinese terms--which were unacceptable to the U.S. side as conveyed to Kissinger during the late night session.

During the Ford visit a few months later, while the Chinese did not use direct forms of insult, they communicated their willingness to upstage the President by inviting the disgraced Richard Nixon--who was a domestic political embarrassment to Ford as the 1976 elections approached--and members of his family to China, and by keeping Ford in the dark as to whether and when he would meet with Chairman Mao.

In recent years, Americans have been spared the most offensive forms of Chinese "adversarial" negotiating practice, but it is worth recalling the kinds of circumstances in which the Chinese use calculated insult and coldness to break down a negotiation, rather than hospitality to build a relationship. Arthur Dean, who negotiated with Huang Hua and Pu Shouchang at Panmunjom in 1953, recalled the lack of personal contact of a negotiating team that was determined to *prevent* an agreement:

> No individual could speak personally to anyone on the other side. There could be no exchanges even of ordinary amenities at the start or end of a meeting; the Chinese stared ahead, frozen-faced, ignoring our presence. It was forbidden to ask them, or the North Koreans, over to the U.N. side for a drink, a meal, or a conversation. . . . There was no way in which the normal tensions of difficult diplomatic negotiations could be relieved, and no way in which private negotiations or suggestions could be carried out.[9]

In similar fashion, the Chinese resorted to calculated harassment and a range of insulting behaviors in 1949 to break the tattered remains of the U.S.-China relationship at the end of the Nationalist era.[10]

Establish a Favorable Agenda

During the 1950s and 1960s, the U.S. experience in adversarial negotiating encounters with the PRC was of a Soviet-style "battle of the agenda."[11] American negotiators found that the Chinese would struggle for days to establish a "prejudicial" or "loaded" agenda in which the order of items discussed would be

[9] Arthur H. Dean, "Negotiating with the Chinese," *New York Times Magazine*, October 30, 1966.

[10] See U. Alexis Johnson, *The Right Hand of Power: The Memoirs of an American Diplomat*, Englewood Cliffs, N.J.: Prentice-Hall, 1984

[11] Arthur H. Dean, "Negotiating with the Chinese," *New York Times Magazine*, October 30, 1966.

favorable to their tactical goals; or they would seek to phrase an agenda item so as to obtain at the outset the presumed end result of the negotiation.[12] As one participant in this process concluded, "The characteristic feature of adversary negotiations with the Chinese Communists has been their manipulation of the agenda to place their opposites in an unfavorable trading position and to fix the substance of negotiations by the way an item is phrased or listed in the agenda."[13]

The experience of the normalization phase of U.S.-PRC relations has been rather different in this regard, although Chinese negotiators, in less combative fashion, continue to pay close attention to the formulation of issues to be discussed:

> The close rein on which Chinese negotiators are held, and the consequent need for extraordinarily meticulous advance preparation are indicated in the PRC's great attention to the question of the agenda for negotiations. Chinese representatives cannot function effectively if they are surprised by the content or sequence of discussions. They will therefore insist on the greatest possible amount of information on the other side's plans for conducting the talks in question.[14]

The early, indirect contacts between the Nixon administration and the PRC involved delicate yet pointed exchanges on an agenda for direct discussions between senior leaders of the two sides. In these exploratory communications, the Chinese tried to focus the anticipated talks on the withdrawal of U.S. forces from Taiwan and establishment of U.S.-PRC diplomatic relations. The United States, for its part, attempted to define a much broader and open-ended agenda that would include discussion of global and regional security issues.

In the last exchanges via the "Warsaw Talks" channel in early 1970, the Chinese negotiator, Lei Yang, repeated his government's oft-stated "principled position" that Taiwan was the crucial issue preventing an improvement in the U.S.-PRC relationship, but he made no demands on the United States and enticingly but ambiguously noted that it would be "necessary to create the conditions" to resolve the Taiwan issue as a matter of dispute between the two countries.[15] In an indirect message to the United States conveyed by the Rumanians a few months later, the Chinese rhetorically inquired how U.S.-PRC relations could improve if there were no withdrawal of U.S. forces from Taiwan.[16] Then, at the end of the year, the Pakistanis conveyed a message to the White House which was said to reflect the joint decision of Mao Zedong, Lin Biao, and Zhou Enlai to receive the President or his special envoy for talks in Beijing "in order to discuss the subject of the vacation [by U.S. forces] of Chinese territories called Taiwan."[17] The U.S. reply a few days later tried to keep the agenda open by saying, "The meeting in Peking (between U.S. and PRC leaders) would not be limited only to the Taiwan question but would encompass other steps designed to improve relations and reduce tensions."[18] After some further delay, the Chinese sent their first formal message (as opposed to oral, or indirect statements) to the administration in which the Taiwan issue was referred to in only very general terms: ". . . if the relations between China and the USA are to be restored fundamentally, a solution to this crucial question [of Taiwan] can only be found through direct discussions between high-level responsible persons of the two countries."[19] President Nixon's reply accepted Zhou Enlai's invitation

12 C. Turner Joy, *How Communists Negotiate*, New York: Macmillan, 1955.

13 Kenneth Young, *Negotiating with the Chinese Communists*, p. 379.

14 Charles Freeman, Jr., "Notes on the Chinese Negotiating Style," unpublished paper, 1975, p. 12.

15 Stoessel-Lei, January 20, 1970 and February 20, 1970.

16 Rumanian Vice Premier Emil Bodnaras' briefing of U.S. Ambassador Leonard Meeker on July 14, 1970, after Bodnaras' return from a trip to China.

17 Kissinger-Hilaly, December 9, 1970.

18 Kissinger-Hilaly, December 16, 1970.

19 Kissinger-Hilaly, April 27, 1971.

to visit Beijing and added that in such a visit to Beijing "each side would be free to raise the issue of principal concern to it."[20] Zhou Enlai confirmed this open-ended agenda, but then specified his own topic for discussion by asserting, "It goes without saying that the first question to be settled is the crucial issue between China and the United States which is the question of the concrete way of the withdrawal of all the U.S. armed forces from Taiwan and the Taiwan Strait area."[21]

With the establishment of direct U.S.-PRC contacts, the Chinese gradually escalated their demands regarding development of the bilateral relationship and pressed to keep the issues of Taiwan and normalization the only *public* topics of the discussions. During his first, secret trip to Beijing, Kissinger noted to Zhou that the Premier was going beyond the issue of the withdrawal of U.S. military forces from Taiwan to include the question of diplomatic recognition;[22] and in drafting the first U.S.-PRC joint public statement (issued on July 15, 1971, in the United States), Zhou sought to limit the announced topic of the forthcoming Nixon-Mao/Zhou meeting to the normalization of U.S.-PRC relations and to exclude reference to discussion of issues related to "Asian and World peace."[23] The final wording of the July 15 announcement bridged U.S. and Chinese objectives, yet toned down the implication that the two sides would discuss matters of international security and peace: "The meeting between the leaders of China and the United States is to seek the normalization of relations between the two countries and also to exchange views on questions of concern to the two sides."[24]

In inviting Kissinger to return to Beijing in October 1971, the Chinese stressed via the secret Paris channel that the purpose of the trip "is to seek normalization of relations," and asserted that "the talks should concentrate on the principal issue without diversion of attention to side issues."[25]

During the Nixon visit to Beijing, of course, issues of global and regional security, as well as the question of normalization of U.S.-PRC relations, were discussed. And the Shanghai Communique, issued on February 28, 1972, included the first joint Sino-American statement that "neither should seek hegemony in the Asia-Pacific region and each is opposed to efforts by any other country or group of countries to establish such hegemony"; and the agenda was set for continuing talks "to further the normalization of relations between the two countries and continue to exchange views on issues of common interest."[26] Yet it was only after the end of the Vietnam War in early 1973 that the Chinese became more open about their discussion of international security issues with the United States.

With the issue of normalization on the agenda, the problem for the Chinese became that of how to move the United States to complete the process. President Nixon had expressed to Zhou Enlai in 1972 the intention to complete normalization in his second term; but when the Watergate scandal forced Nixon's resignation, the question was whether President Ford would honor his expression of intent. That issue came to a head in the summer of 1975 as Ford and Kissinger prepared for the second Presidential visit to the PRC late in the year (which had been agreed to during Kissinger's November 1974 trip to the Chinese capital).

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20 Kissinger-Hilaly, May 10, 1971.

21 Kissinger-Hilaly, May 29, 1971.

22 *Kissinger*: "I have noticed that the Prime Minister in his remarks here went beyond some of the communications we have previously exchanged. Both in these communications and in our Warsaw meetings he has spoken of withdrawing military presence and installations from the area of Taiwan and the area of the Taiwan Strait. Today he has spoken also of certain official political declarations."

Zhou: "This was because in order to exchange opinions one must give the entire opinion on the matter." [Zhou-Kissinger, July 9, 1971.]

23 Zhou's effort to limit the announced agenda undoubtedly reflected PRC concerns about the reactions to the secret Kissinger visit and the Nixon trip of its key allies, especially the North Koreans and North Vietnamese, and the way the Soviets would try to use the announcement to sow discord between the Chinese and their various allies. (See Zhou-Kissinger, July 11, 1971.)

24 See Kissinger, *White House Years*, pp. 759-760.

25 Walters-Huang Zhen, September 23, 1971.

26 See text of the Shanghai Communique in Richard H. Solomon, *The China Factor: Sino-American Relations and the Global Scene*, Englewood Cliffs, N.J.: Prentice-Hall, 1981, pp. 299-300.

The Chinese, in an effort to pressure the United States to consummate normalization, adopted throughout 1975 a "passive-aggressive posture" of unwillingness to put any other issues on the agenda of the forthcoming Ford visit. They knew that press attention to the trip, in the complex context of rising U.S.-Soviet tensions and the approach of the 1976 presidential election, would make the administration unusually anxious to keep some vitality in the U.S.-PRC relationship--and certainly concerned to avoid the appearance of a deterioration in the relationship in the eyes of both the Soviets and the American public. Thus, the Chinese, to build pressure on the administration, went into a mode of uncooperative passivity regarding the setting of agenda items for the visit. Kissinger and Liaison Office Chief Huang Zhen sparred inconclusively on agenda topics in meetings of May 9, July 7, and August 12; and Vice Premier Deng Xiaoping, turning to the media to build additional pressure on the administration, told a visiting delegation of American newspaper editors on June 2 that President Ford would be welcome in Beijing later in the year whether or not he had business to transact.[27]

Then, at a meeting in New York City with Foreign Minister Qiao Guanhua on September 28, Kissinger informed the Chinese that normalization was politically impossible during the Presidential visit. Qiao countered by replying to Kissinger's inquiry about substantive topics for a joint communique to be issued at the end of the presidential visit by saying his mind was "a blank." This session was followed by Kissinger's strained visit to Beijing in October, during which the Chinese leaders sharply attacked U.S. policies, stressed their "self-reliance," and rejected all U.S. offers for small steps forward in the relationship. In sum, the Chinese sought to confront the administration with the difficult choice of either a "successful" Presidential visit based on completion of the normalization process, or the embarrassment of an agendaless trip in which the world would witness a stagnating U.S.-PRC relationship. (This is what in fact occurred in December, although the Chinese warmed up the mood of the visit somewhat in comparison with the frosty reception accorded Kissinger in October.)

While the Chinese were not successful in pressuring the Ford administration into completing the normalization process, they continued to apply pressure on the issue by using an "if you won't talk about A, we won't talk about B" approach to agenda-setting on bilateral issues.

b1, a3, a5

The Chinese also showed great reluctance to put items on a public agenda that might compromise their relations with their allies--especially the North Koreans, the Vietnamese (during the early 1970s), and the Khmer communists. This was particularly evident in the spring of 1975 at the time of the Mayaguez crisis. On May 12, 1975, Deputy Secretary of State Robert Ingersoll called in Liaison Office Chief Huang Zhen and attempted to read to him an official demarche asking the PRC government to inform the newly victorious Khmer communist government that if it did not release the boat and its crew it would be responsible for the consequences. Huang Zhen, obviously acting on instructions from Beijing, cut off

[27] In one sense, Deng's statement took pressure *off* the President by saying, in effect, that it was not necessary for him to make progress on the normalization issue to be welcome in Beijing; and it kept the President locked into the visit. Yet Deng must have known that a Presidential visit without any substance would be an embarrassment to the administration both in the eyes of the Soviets, who would be sensitive to the state of the U.S.-PRC relationship, and in the view of the American press, which would be quick to interpret a substanceless Presidential trip as a pre-election-year political ploy.

[28] Huang Hua-Bush, May 7, 1982.

Ingersoll in the first part of his presentation, saying that the incident was an American problem and his government would not get involved even in the passing of a message to the new authorities in Phnom Penh.

In contrast to their approaches to keeping issues *off* an agenda, the Chinese can be tenacious in pressing for *inclusion* of issues on an agenda. This was illustrated, in extreme form, during the adversarial negotiations at Panmunjon and at Warsaw during the 1950s and 1960s. In the normalization phase of Sino-U.S. negotiations, the Chinese persisted in "reserving position" on critical issues in order to reach at least partial agreements designed to draw the counterpart government deeper into a relationship.

B1, B5

[29] Deng-Woodcock, December 15, 1978.
[30] Haig-Huang Hua, October 12, 1981.
[31] See also Huang Hua-Hummel, July 17, 1982.
[32] See Deng-Baker, June 1, 1982; and Deng-Reagan, April 28, 1984.

High Principles (Versus High Demands)

> *We should not refuse to enter into negotiations because we are afraid of trouble and want to avoid complications, nor should we enter into negotiations with our minds in a haze. We should be firm in principle; we should also have all the flexibility permissible and necessary for carrying out our principles.*[33]

> *If the U.S.-PRC relationship is to grow we must have a common principle, regardless of what political party is in power in the U.S.*[34]

A counterpoint to the Chinese emphasis on cultivating personal relationships as the basis for a negotiation is their stress on negotiating from a "principled position." Rather than initiating a negotiating exchange with exaggerated demands from which they retreat in incremental compromises, the Chinese will press their counterpart to accept certain general principles, and only after these have been codified and the negotiating counterpart's position tested against them over an extended period of time will the Chinese move to conclude an agreement.

Henry Kissinger, among others, found this Chinese stress on "principle" to be quite different from the negotiating behavior of other nationalities. As he told President Nixon after his first encounter with Zhou Enlai, the Chinese "display an inward security that allows them, within the framework of their principles, to be meticulous and reliable in dealing with others."[35] The Shanghai Communique was the result of the first year of normalization negotiations with the Chinese. And Kissinger recalled that his initial draft of the document, which highlighted "fuzzy areas of agreement and obscured differences with platitudinous generalizations"[36] had been rejected by the Chinese side as an unacceptable, unprincipled way to proceed. Rather, the Chinese pressed for a document that sharply stated areas of disagreement as well as including points of common interest. While jolted by the unaccustomed frankness of this way of constructing a joint communique, Kissinger noted that "as I reflected further I began to see that the very novelty of the approach might resolve our perplexities. A statement of differences would reassure allies and friends that their interests had been defended; if we could develop some common positions, these would then stand out as the authentic convictions of principled leaders."[37]

While the accumulated record since the Shanghai Communique was negotiated shows that the Chinese are not always "meticulous" in dealings with others on the basis of their "principles," and indeed that they may reach agreements which seem to violate the principles they stress in the early phases of a negotiation, they nonetheless predictably seek to engage negotiating counterparts in a commitment to certain generalized standards or objectives that lay the basis for the pursuit of their specific negotiating objectives. As one student of PRC negotiating behavior has observed:

> In the vocabulary of PRC negotiators, goals which relate to long-range strategy are referred to as "principles" which must be rigidly adhered to, while goals which relate to short-range tactical advantage are referred to as "concrete arrangements" with regard to which they can be flexible. . . . they concentrate on obtaining the agreement of the opposing side to the "principle" which

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33 "Report to the Second Plenary Session of the Seventh Central Committee of the Community Party of China," March 5, 1949. *Selected Works of Mao Tse-Tung*, IV, p. 372.

34 Deng-Bush, May 8, 1982.

35 Kissinger, *White House Years*, p. 754.

36 Ibid., p. 781.

37 Ibid., p.782.

they see as the main stake in the discussion, relegating to a secondary level of importance the "concrete arrangements" by which the "principle" is to be implemented.[38]

Why do the Chinese lay such stress on "principle"? In some measure it may be a reaction against the highly personalized quality of their politics--an effort to establish a substantive framework for a political relationship and to minimize the "opportunism" that is inherent in dealings based exclusively on personal relationships and self-interest. In part, it seems to reflect the Chinese need to know the political "standpoint" (*li-chang*) of a negotiating counterpart, especially a foreigner whose culture, political practice, and objectives are not clearly known and whose behavior is less subject to Chinese influence.

Above all, the stress on "principle" at the outset of a negotiation is an effective bargaining ploy in that it forces the counterpart government to accept (or reject) a very general commitment to a seemingly unobjectionable standard of behavior--such as the five principles of peaceful coexistence--which can then be used to constrain its room for bargaining maneuver with the accusation that certain actions or negotiating counters violate the general principle. It also provides a lofty and inflexible standard to which the PRC negotiator can rigidly and self-righteously adhere while he presses his counterpart to demonstrate in concrete terms that he really does accept his commitment to it.

In adversarial negotiations, PRC officials may rigidly put forward "principled positions" as a way of *preventing* movement toward an agreement. As Ambassador Jacob Beam recalled of his dealings with PRC officials at Warsaw in the late 1950s, "the Chinese . . . committed themselves to dogmatic and fixed positions which were non-negotiable. They rarely, if ever, changed their positions, letting them stand until they were obsolete, at which time they would substitute others equally non-negotiable."[39] The negotiating experience during the normalization process was rather different, however, for the Chinese saw their interests served by reaching agreements and building a relationship with the United States. Yet the record of recent years shows episodes of Chinese "principled rigidity" in which their officials sought to stall a negotiation or maneuver the U.S. side into accommodating to their "principled position." For example, in 1978, as Beijing and Washington initiated the final phase of the normalization negotiations, Foreign Minister Huang Hua stressed to Liaison Office Chief Leonard Woodcock that the Taiwan issue remained the primary obstacle to full normalization, that the Chinese side had been consistent in stating its "three principles" as the basis for completing the process, and that the Chinese side could go no further than its principled position in meeting U.S. concerns about its post-normalization relations with Taiwan.[40] A few months later, Huang conducted a virtual tirade against the U.S. position on normalization in a long dinner/discussion with Secretary of State Vance in New York City, stressing the various PRC "principles" that the United States had to accommodate to if normalization was to be accomplished.[41]

A foreign negotiator, of course, does not have to accept Chinese "principles" as a basis for negotiation--indeed, American negotiators at Warsaw refused for years to sign a joint statement of support for the five principles of peaceful coexistence or to accept the "principle" that all U.S. troops should be withdrawn from Taiwan. Such refusal, of course, communicates that the foreign government is unwilling to build a relationship with the PRC on Chinese terms.

If a common basis in principle can be found, however, PRC negotiators can show considerable flexibility in the way agreed-upon principles can be implemented, especially regarding the *timing* with which a commitment to principle is given concrete expression. As Zhou Enlai said to Kissinger in 1972, in the context of a discussion of planned U.S. troop withdrawals from Taiwan during the year, "It doesn't matter whether you carry this [plan] out sooner or later because we have already fixed our principles during

38 Freeman, p. 6.
39 Jacob Beam, *Multiple Exposure*, pp. 111-112.
40 Huang Hua-Woodcock, July 7, 1978.
41 Vance-Huang Hua, October 3, 1978.

b1, a3, a5

our discussion."[42]

PRC officials more frequently invoke "principles" to constrain the actions of their counterparts in areas affecting Chinese interests. As the Carter administration prepared to enter office in early 1977, for example, PRC Liaison Office Chief Huang Zhen invoked the principles of the Shanghai Communique for Secretary of State-designate Cyrus Vance as a basis for criticizing Carter's election-period characterization of Taiwan as a separate country, and to keep the new administration's China policy on the same track as its predecessors:

> *Huang Zhen*: Frankly speaking, the Shanghai Communique constitutes the foundation of the present Sino-U.S. relationship and only if both sides strictly observe all the principles of the Shanghai Communique, then relations between our two countries can continue to be improved. Any action which goes back on the principles of the communique will result in harming the Sino-U.S. relationship.
>
> *Vance*: Let me say that I fully accept the principle of one China . . . .
>
> *Huang Zhen*: So we have no difficulty on this point.[44]

Accusations of violation of principle have been the primary Chinese plaint in attempts to pressure the United States to end its arms sales to Taiwan. In 1978, as normalization negotiations progressed, and as the Carter administration continued to sell arms to the island, PRC officials responded to each arms sales announcement with complaints that the principles of the Shanghai Communique were being violated, belying the administration's expressions of serious intent to complete normalization of U.S.-PRC relations.

b1, a3, a5

In the extreme, the Chinese have shown a willingness to challenge the basis for maintaining a cooperative relationship when they feel their "principles" are being violated by the other party.

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[42] Zhou-Kissinger, February 16, 1973.
[43] Zhang-Holdridge, January 8, 1982.
[44] Kissinger/Vance-Huang Zhen, January 8, 1977.
[45] Pu Shouchang-Hummel, March 18, 1982.

b1, a3, a5

PERIOD OF ASSESSMENT

Negotiating with the Chinese is almost invariably a protracted process. The U.S.-PRC ambassadorial talks at Geneva and Warsaw went on for 15 years, through 136 sessions, with only one concrete agreement being reached before the two sides saw their interests served by political normalization. The normalization negotiations themselves, beginning the summer of 1971, persisted for more than seven years. Negotiation of the joint communique on arms sales to Taiwan in 1981-1982 went on for ten months, although the issue had been discussed by the two sides for years. And foreign businessmen, accustomed to negotiating in a culture in which time and efficiency are valuable assets, learn with frustration "that the first rule in negotiating with the Chinese is the need for abiding patience."[47]

There are multiple and mutually reinforcing reasons for the apparently desultory pace at which the Chinese pursue a negotiation: sluggish internal decisionmaking procedures; a willingness to "reserve position" on important issues until the most favorable political context presents itself; great sensitivity to the time rhythms of the political process as well as to the psychological benefits to be gained by having an impatient negotiating counterpart. At the core of this protracted process, however, is a compulsive need to have fully tested out the position of the other side before formulating and exposing one's own position. The greatest proportion of time in negotiations with the Chinese is consumed by their effort to draw out the counterpart official, to assess his motives and objectives, and to test out through a variety of facilitating maneuvers and pressure tactics the firmness of his position and his impatience to reach a settlement.

"Our Guests Always Speak First!"

When Henry Kissinger sat down for the first time across the green baize table from Zhou Enlai in the summer of 1971, the PRC Premier's first words were an almost ritualistic Chinese negotiating incantation: "According to our custom, we first invite our guest to speak. Besides, you have already prepared a thick [briefing] book. Of course, later on we will give our opinions also."[48]

Chinese officials seem virtually immune to pressures to present their views before they believe their counterparts have laid out their position.[49] Secretary of State Vance, to his frustration, pressed Huang Hua for his views on normalization in 1977, only to get platitudes that were clearly irrelevant to serious

[46] Huang Hua-Haig, June 15, 1982.

[47] Pye, *Chinese Commercial Negotiating Style*, p. 49.

[48] Zhou-Kissinger, July 9, 1971.

[49] The one infrequent exception to this rule is the circumstance in which a Chinese negotiator wants to establish his "principle" as the basis for a discussion, or when he has been instructed to lay out his side's position on an issue so as to delimit the bounds of a negotiation.

negotiation on the subject. Leonard Woodcock, in his initial exchanges with Huang Hua on normalization in July 1978, proposed that the two sides alternate in presenting their views on a series of four issues that the United States wanted clarified as a basis for constructing a normalization agreement. The Chinese rejected this approach, saying that the U.S. side should present its position "comprehensively," in its entirety, before receiving a Chinese response.[50] And Secretary of Defense Harold Brown, on the second day of his visit to Beijing in 1980, invited his counterpart Geng Biao to present his views first, inasmuch as Geng was now meeting Brown in "his" guest house. Geng retorted that as he was the host of Brown's entire visit it was most appropriate that Brown, again, present his views first.[51] So ingrained is this ritual that Chinese officials, in unguarded moments, can laugh about it with their foreign interlocutors--who almost invariably seem to defer to the Chinese custom:

> *Qiao Guanhua*: Let's proceed as usual. I would like to take this opportunity to hear your views. Why don't you start?
>
> *Kissinger*: Because we are in your place tonight [I should go first] (laughter)!
>
> *Qiao*: We have two sayings: one is that when we are the host, we should let the guest begin; and the other is that when we are guests we should defer to the host.
>
> *Kissinger*: You can always use this so I have to start in any event (laughter). But I will be glad to start.[52]

"Projective Test" Diplomacy

The Chinese compulsion to get the other side to present its views first is one manifestation of a general approach to negotiations that might be characterized as "projective test" diplomacy. Chinese negotiators will frequently put forward a vague but appropriate-sounding phrase--much like a Rorschach inkblot--as part of an exchange, leaving their counterpart to give concrete meaning to it, thus maneuvering him to develop a specific interpretation to which the Chinese side can then respond.

In some instances the Chinese have used a vague but enticing phrase to draw the other side into a negotiation, without committing themselves to any specific solution. For example, in one of the key Warsaw Talk exchanges of 1970 that led to initiation of the normalization dialogue, the Chinese side asserted: "We are fully aware that the settlement of the Taiwan question requires making every effort to create the conditions."[53] What "creating the conditions" meant was not specified, yet the phrase contained a hint of flexibility on an issue where the Chinese had been "principled" and unyielding for two decades.

In the fall of 1973, PRC leaders apparently decided to try to accelerate the normalization process. Zhou Enlai inserted into the draft communique formulated at the end of Kissinger's sixth visit to the PRC capital the vague but suggestive phrase, "Normalization can only be realized on the basis of confirming the principle of one China."[54] Exactly how the United States was expected to "confirm" this principle was not specified, yet an extensive, if delphic, discussion between Kissinger and Chairman Mao provided hints of possible approaches to completing the normalization process on the basis of confirming this principle. As Kissinger and Zhou bantered after the session with Chairman Mao:

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50 Huang Hua-Woodcock, July 5, 1978, and July 14, 1978.
51 Geng-Brown, January 7, 1980.
52 Kissinger-Qiao, October 8, 1976.
53 Stoessel-Lei Yang, February 20, 1970.
54 Zhou-Kissinger, November 14, 1973.

Zhou: . . . you mentioned earlier that we should use the wording of the Shanghai Communique to move the issue [of normalization] forward a bit. We have worked hard on one sentence in the text [of the draft communique] and you can examine it to see if it is useful or not.

Kissinger: I have given a great deal of thought to our conversation and to the comments Chairman Mao made on Taiwan. As with all the things in my experience the Chairman says, there were many layers of meaning.

Zhou: That is true.

Kissinger: At least that was my impression. It was not a simple statement. And, therefore, I thought I should study his remarks for a brief time after I return and submit to you possible ideas.[55]

In similar fashion, Mao put forward the notion that U.S.-PRC normalization had to follow the "Japan formula."[56] Apart from saying that the United States had to sever diplomatic relations with the authorities on Taiwan, the Chairman's remarks did not further specify what the "Japan formula" involved. Yet this symbol was used by PRC leaders in the five ensuing years as the basis for discussions of approaches to normalization. Ultimately these exchanges led to a definition of the "Japan formula" that included, in addition to breaking diplomatic relations with Taiwan, the withdrawal of U.S. troops from the island and abrogation of the U.S.-ROC Mutual Defense Treaty—two conditions that had nothing to do with Japan's normalization arrangement with the PRC, as Japan had no troops on Taiwan and no defense treaty with the island. Yet the phrase "the Japan formula" or "the Japan model" served as a usefully vague symbol by which the Chinese attempted to draw out the United States over several years of discussion without limiting PRC room for maneuver on the issue.

b1, a3, a5

Thus, the Chinese use vague but suggestive symbols to draw out their negotiating interlocutors, maneuvering them so that the foreign government is burdened with the task of making concrete proposals or taking specific actions, while preserving for the Chinese side the initiative in responding to proffered "concrete arrangements."

55 Zhou-Kissinger, November 13, 1973.
56 Mao-Kissinger, November 12, 1973.

FACILITATING MANEUVERS

The negotiating record of the past fifteen years reveals a range of actions that can best characterized as "facilitating maneuvers"—ploys designed to draw the counterpart government and officials into a constructive relationship, to minimize confrontations (especially with senior leaders), and preserve a positive working atmosphere in the context of problems which, if not handled with skill, cou disrupt the relationship. We already have explored how the Chinese seek to manipulate the ambience of negotiation to draw their foreign counterparts into a positive relationship; here, we describe othe approaches they use to facilitate negotiating exchanges.

Intermediaries

Like other Oriental cultures, the Chinese prefer to establish relationships by indirection, through the intercession of trusted intermediaries who can test out an unfamiliar or sensitive situation and convey intelligence on how to establish direct contact and how to minimize the chances of a confrontation that would jeopardize the development of a relationship.

The intermediation of Pakistani President Yahya Kahn played a particularly important role in establishing direct contact between Chinese and American leaders in 1970-1971, as the Chinese tested out the intentions of the Nixon administration. In a mid-November 1970 meeting, Zhou Enlai told the Pakistani President that he placed particular weight on his conveyance of a statement by President Nixon to Yahya (in a September meeting in Washington) in which Nixon had said he was prepared to send a personal envoy to Beijing for meetings with Chinese leaders and that the United States would not form a condominium with the Soviet Union against China. Said Zhou to Yahya: "The United States knows that Pakistan is a great friend of China, and therefore we attach importance to the [Nixon] message."[57] And when Nixon finally met Mao Zedong in Beijing, the Chairman told the President how important Yahya's intermediation had been in vouching for the sincerity of his indirect expressions of intent to normalize U.S.-PRC relations.

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Some of the most sensitive messages were passed through the Pakistani channel as the basis for establishing direct contacts between Washington and Beijing: Early on, the Chinese expressed concern that the United States would characterize China's interest in normalization as reflecting weakness or fear of U.S.-Soviet collusion against the PRC; and despite the continuing war in Vietnam, they expressed confidence that there was little possibility of a U.S.-PRC military conflict.[59] On the U.S. side, the Nixon administration emphasized via the Pakistanis that it would not collude with the Soviets against China; that strict secrecy was absolutely necessary for the establishment of direct communications; and that President Nixon hoped the PRC would refrain from inviting other American political figures to China until after a

[57] Kissinger-Hilaly, December 9, 1970; and Nixon-Yahya Kahn, October 15, 1970.
[58] Mao-Nixon, February 21, 1972.
[59] Kissinger-Hilaly, February 26, 1970.

presidential visit.[60] As noted above, the two sides also bargained over an agenda for their direct talks via the Pakistani link.

The Chinese took great care in choosing intermediaries whom they felt they could rely upon. The Pakistanis were the most trusted of the governments they (and the United States) turned to for reliable and secure communications in the 1970-1971 period.[61] They used with considerably more reserve the Rumanian leaders who were entrusted by the Nixon administration to pass to PRC leaders expressions of interest in normalization. In the first year of the Nixon administration, the United States asked Rumania to convey a letter to Zhou Enlai from American journalist Theodore White expressing his desire to visit China at a time when the U.S. government, to which he said he had access at the highest level, was rethinking its Asia policy. The Chinese never responded to this approach, preferring instead to use their "old friend" Edgar Snow to convey their views on normalization in the fall of 1970 via a series of high-level interviews--and the symbolic touch of a highly visible reception of Snow by Chairman Mao atop *Tian An Men* on China's national day (October 1).

While there is a certain measure of randomness in PRC selection of intermediaries--depending on who is "available" at a time when the PRC wishes to send an indirect communication--it appears that the trust of *guanxi*, high-level access in Washington, and shared political views and interests are the primary qualifications of intermediary status.

The Chinese used intermediaries not only for reestablishing direct U.S.-PRC communication in the early 1970s, but also in subsequent periods when they wanted to convey to the U.S. government particularly sensitive messages in a deniable manner, or when their relations with a particular administration were not very good--when *guanxi* was lacking. In the summer and fall of 1975, when anxious to complete normalization before the 1976 U.S. presidential elections, the Chinese again turned to the Pakistanis to convey a sense of their growing impatience at the lack of progress on the issue. In the same period, the hospitalized Zhou Enlai received a Chinese-American doctor who had been a schoolmate of Chairman Mao's to convey the message to the Ford administration that Beijing would be prepared to make a statement for domestic consumption about its intention to use only peaceful means in dealing with Taiwan if the United States would normalize relations according to "the Japan formula."[61]

In the 1981-1982 period, the Chinese felt they had very limited access to senior political figures in the Reagan administration. Therefore, they turned to the

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Indirect Communications

A variation on the Chinese use of intermediaries is the use of various forms of indirect communication as a way of avoiding confrontations with senior authorities, to facilitate the exchange of ideas in a negotiating situation without formal commitment, or to probe or influence the attitudes of counterpart officials.

The Chinese have a very strong impulse to avoid direct confrontations between senior leaders, especially when a relationship is judged worthy of protection and cultivation. The clearest example of this

[60] Nixon-Yahya Kahn, October 25, 1970; Kissinger-Hilsly, April 28, 1971, and May 10, 1971.

[61] Personal recollection of the author.

[62] Reported in State Department cables from Beijing, Nos. 09147, July 14, 1982, and 09314, July 15, 1982 (Secret/NODIS).

in the recent negotiating record is the meeting between President Reagan and Premier Zhao Ziyang : Cancun, Mexico, in the context of tensions between the two countries over the issue of U.S. arms sales : Taiwan. Lower-level PRC officials had "primed" the administration for the encounter by telling bo Secretary of State Alexander Haig and National Security Adviser Richard Allen that Zhao would "touch on the issue of American arms sales to Taiwan, that Foreign Minister Huang Hua would make importa contributions to the discussion, and that Huang would subsequently come to Washington to work out complete solution to the issue.[63] During the Cancun meeting, Zhao touched only briefly on the arms sale issue in his discussion with the President, devoting his attention instead to a presentation on the PRC' recently published nine-point program for peaceful reunification with Taiwan and his government' peaceful intentions toward the island. At the end of his remarks, however, Zhao said that because he ha run out of time, Foreign Minister Huang Hua would later convey to him via Secretary of State Haig tw important points on the arms sales issue.[64] Two days later, Huang Hua, emphasizing that he was speakin on behalf of Zhao, pressed Haig on the arms sales issue.

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This highly orchestrated episode illustrates the elaborate manner in which the Chinese will seek tc facilitate the communication of a hard set of bargaining demands to a leadership with which they do not have intimate relations in a manner that minimizes direct confrontation between senior officials (their Premier and the President), and their use as a channel of communication of an official they considered to be "friendly" (Haig).

In similar fashion, the Chinese sought to minimize tensions with President Carter in 1978, during the negotiations on the normalization agreement, by directing their protests on arms sales to the State Department at the Assistant Secretary level, rather than to the White House--a pattern the Carter administration characterized as the "complaint channel."

The Chinese also use indirect, lower-level communications when they want to trade ideas in a non-commital manner (and shape the thinking of the other side) prior to the issue being joined by senior negotiators "on the record." At the beginning of the negotiations on the arms sales issue, Vice Foreign Minister Zhang Wenjin invited his counterpart, Ambassador Arthur Hummel, to meet with him periodically over informal *jiaozi* luncheons to exchange ideas relating to the negotiation informally and "without commitment."[67] This pattern of mealtime communication persisted throughout the negotiation, with

63 Haig-Zhang Wenjin, September 22, 1981; Allen-Chai, October 2, 1981.
64 Reagan-Zhang, October 21, 1981.
65 Haig-Huang Hua, October 23, 1981.
66 Haig-Huang Hua, October 29, 1981; Reagan-Huang Hua, October 29, 1981.
67 Zhang-Hummel, December 4, 22, 1981.

participation eventually shifting to the deputies of the principal negotiators, via whom the Chinese communicated delicate messages that they did not wish to have in the record.[68]

PRC officials also use lower-level contacts to probe and test the state of play of a negotiation or to put forward negotiating positions in a deniable or low-key manner so as to maintain flexibility and minimize the sense that they are anxious to attain a particular result. In 1974, PRC leaders had lower-level operatives nudge their U.S. Liaison Office counterparts on the normalization issue--but not in a manner that would make them appear anxious for consummation of the process. In June of that year

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was approached by a Foreign Ministry official who voiced concern about Secretary of State Kissinger's preoccupation with issues other than China policy; and in the fall, on the eve of Kissinger's seventh visit to Beijing, Nancy Tang rhetorically inquired of Liaison Office Chief George Bush whether Kissinger's stated normalization strategy of "gaining time" to build political support in the United States for the China relationship hadn't become an end in itself (i.e., just a delaying tactic).[69] Similarly, the ever-present Foreign Ministry official Lian Zhengbao, while assigned to the PRC Liaison Office in Washington, approached an NSC official in November 1978--when the normalization negotiation was at a "now-or-never" phase--and said that in response to an inquiry from the U.S. side, Chinese leaders *would* be available in December for a meeting with American leaders. (In fact, no such inquiry had been made from the U.S. side!)

After the completion of normalization, Chinese officials became more active and open in their communications with U.S. counterparts

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We have already described how Foreign Ministry officials "primed" their State Department counterparts on what to anticipate from the Zhao-Reagan meeting at Cancun, Mexico, in the fall of 1981 (see p. 44). In similar fashion, as the negotiations over a joint communique on the arms sales issue proceeded, the Chinese provided interpretive guidance on the state of play of the exchanges. Ji Chaozhu, at an informal U.S. embassy dinner in March 1981, "interpreted" for his American counterparts a New China News Agency "Commentary" which

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[68] For example, at one such lunch a Foreign Office official implied to his U.S. counterpart

It should be observed that this pattern of off-the-record, informal exchanges is not unique to the Chinese. The use of the same pattern in U.S.-Soviet arms control negotiations is described in Strobe Talbott, *Deadly Gambits*, New York: Knopf, 1984, especially Ch. 6.

[69] Kissinger-Huang Zhen, November 11, 1974.

[70] State, Beijing 02538, March 3, 1982 (Secret/NODIS).

[71] State, Beijing 04641, April 15, 1982 (Secret/NODIS).

Ambiguous but Loaded Language

Another Chinese approach to communicating sensitive political messages is the use of ambiguous but loaded forms of expression—often in informal contexts such as mealtime banter or sightseeing excursions. We have already noted how Mao Zedong and Zhou Enlai obliquely hinted to Henry Kissinger indications of political conflict within the top leadership (see pp. 24-26). Zhou (who became so ill with cancer in 1974 that he had to withdraw from active political life) seems to have hinted to President Nixon in 1972 that he had serious health problems—in part as a way of urging Nixon to follow through expeditiously on his stated intention to complete the normalization process in his second term:

> *Zhou* (in the context of a discussion of India): . . . At the time I hadn't read [Nehru's book *The Discovery of India*], but my late colleague Chen Yi had, and called it to my attention. . . .
>
> *Nixon*: When did Chen Yi die?
>
> *Zhou*: Just recently. Chairman Mao attended the funeral. He [Chen] had cancer of the stomach. Do you have a way of curing cancer?
>
> *Nixon*: It is a serious problem. One of the programs we want to undertake this year is a massive research program on cancer. . . .
>
> *Zhou*: We can cooperate in that field. . . .
>
> *Zhou*: . . . In your dining room upstairs we also have a poem by Chairman Mao in his own calligraphy about Lushan Mountain, the last sentence of which reads, "The beauty lies at the top of the mountain." You have also risked something to come to China. There is another Chinese poem which reads: "On perilous peaks dwells beauty in its infinite variety."
>
> *Nixon*: We are at the top of the mountain now [Chinese laugh].
>
> *Zhou*: That's one poem. Another one which I would have liked to put up, but I couldn't find an appropriate place, is "Ode to a Plum Blossom." I had an original plan to take you to see the plum blossoms in Hangchow, but I have heard that their time has already passed. They are ahead of season this year.
>
> *Kissinger*: They have passed already?
>
> *Zhou*: I don't know why. In other years they have not shed so early. In that poem, the Chairman meant that one who makes an initiative may not always be the one who stretches out his or her hand. By the time the blossoms are full blown, that is the time they are about to disappear. . . .
>
> *Nixon*: That's very beautiful.
>
> *Zhou*: Therefore, we believe we are in accord with the idea you just expressed. You are the one who made the initiative. You may not be there to see its success, but of course we would welcome your return. . . . I was only trying to illustrate the Chinese way of thinking. It does not matter anyhow. Regardless of who is the next President, the spirit of '76 still exists and will

> prevail. From the standpoint of policies I hope that our [American] counterparts will be the same so we can continue our efforts. We also hope not only that the President [Nixon] continues in office but that your adviser [Kissinger] and assistants continue in office. For example, if I should suddenly die of a fatal heart attack, you would also have to find another counterpart. Therefore, we try to bring more people to meet you. At least the interpreters have the hope of living longer than the Prime Minister.[72]

Zhou also communicated sensitive policy messages in this oblique form. In 1972 he and Kissinger had months of exchanges on the issue of how to deal with the Cambodian conflict, with Zhou urging Kissinger to deal with Prince Sihanouk and his RGNU coalition (which was dominated by the communist Khmer Rouge forces). As the military situation deteriorated in favor of the insurgents, and when Congress withdrew support for American involvement in the conflict by mandating an end to the U.S. bombing campaign against the communist forces, Kissinger at last indicated a willingness to deal with Sihanouk--while also communicating to the PRC Premier his expectation that the Chinese side would work with the United States to construct a Sihanouk-led coalition government that would not be dominated by the communist forces. When Congress voted to cut off the U.S. bombing campaign, the American side of this complex equation lost its capacity to influence events; and Zhou Enlai obliquely communicated to Kissinger his powerlessness by inviting him to Beijing for talks on August 16--the first day of the Congressionally imposed bombing halt. Thus, by proposing one specific date, the Premier signaled that the U.S. side had undercut its ability to influence the Cambodian situation and that Kissinger's trip to Beijing would be of no avail.[73]

In 1978, when the Chinese wished to accelerate the normalization negotiations, they did so in a way that would minimize the impression that they were anxious for a settlement. Among the oblique signals they invoked was Foreign Minister Huang Hua's remark to Secretary of State Vance in response to Vance's statement that Liaison Office Chief Leonard Woodcock would shortly begin formal discussions in Beijing on a normalization agreement:

> In a dinner hosted by Vice Premier Deng in Bei Hai Park, they [Deng and Brzezinski] conducted a very interesting conversation [on the normalization issue]. Vice Premier Deng said that in another three years he may declare his retirement as he is getting advanced in age. With regard to the invitation extended by Dr. Brzezinski for the Vice Premier to make a visit to the United States, the Vice Premier said: "In that case we must work harder, since I am getting old."[74]

Deng Xiaoping himself has been a master of the oblique-yet-pointed form of communication. There is a classical Chinese expression, "Pointing at the mulberry to revile the locust (*zhi-sang ma-huai*)," which means making oblique accusations. This was the initial form of public disputation between the Chinese and the Soviets in the early 1960s, when to minimize the impact of their developing feud they attacked surrogate figures--the Soviets criticizing the Albanians by name, with the Chinese attacking the Yugoslavs--rather than criticizing each other directly.

The Chinese used a similar form of criticism to minimize the corrosive effect on the U.S.-PRC relationship of their public attacks on American foreign policies. The clearest example of this tactic is Deng's criticism of detente with the Soviet Union in 1975-1980. Rather than directly accusing the Nixon, Ford, and Carter administrations of appeasing the Soviets, Deng and other senior PRC officials publicly and

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72 Zhou-Nixon, February 23, 1972.

73 This complex period of history is detailed in Kissinger, *Years of Upheaval*, pp. 339-369.

74 Vance-Huang Hua, June 2, 1978.

privately attacked the "Munich mentality" which they said was still prevalent in "the West" (not further specified).[75]

Another example of the oblique approach to presenting a sensitive message is Defense Minister Geng Biao's recitation of the history of Sino-Soviet relations for Secretary of State Muskie and other officials during his visit to Washington in the spring of 1980. Geng wished to communicate to the Carter administration—with which the Chinese hoped to develop a defense relationship—the object lesson of how (according to the Chinese) the Soviets had mismanaged their security assistance program with the PRC (one of the major causes of the Sino-Soviet feud). It was also an oblique way of saying to the Americans that the break with Moscow was irreparable (and therefore the United States could trust China as a reliable security partner who would not double-cross it by turning back to the Soviets).[76]

The usually subtle and sophisticated Chinese are not above the occasional personal dig at a foreign leader; yet even such lapses of political discipline are usually expressed obliquely:

> *Deng Xiaoping* (to Secretary of State Haig): How is Dr. Kissinger?
>
> *Haig*: He is well. I spoke to him just before I left [Washington]. He had just come back from Europe.
>
> *Deng*: I am very familiar with Dr. Kissinger. And we have great admiration for Mr. Nixon.[77]

Self-Deprecation

Another form of discourse used by the Chinese to signal their interest in cultivating a relationship is self-criticism and self-deprecation—all the more notable in view of their underlying pride and self-confidence. Richard Nixon was impressed by the obsession of his hosts in 1972 with self-criticism, and their apparent lack of conceit and arrogance, in contrast to the Soviets who, Nixon noted, always insist that their achievements are the biggest and the best.[78] Mao Zedong responded to Nixon's flattering observation about the impact of his writings and political sloganeering with self-deprecation, characterizing their impact as little more than "firing empty cannons":

> *Nixon*: The Chairman's writings moved a nation and have changed the world.
>
> *Mao*: I haven't been able to change it. I've only been able to change a few places in the vicinity of Peking.[79]

And like the self-critical Zhou Enlai, who sought to defuse an American reporter's criticism of some sightseeing arrangements during the Nixon presidential visit with an admission of error (see p. 30 above), Deng Xiaoping also sought to preempt complaint with self-criticism. The following exchange took place between Deng and Kissinger (whom he was about to attack on policy issues) and Liaison Office Chief George Bush in October 1975:

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75 See, for example, Deng's discussion of detente with President Ford, December 2, 1975.

76 Muskie-Geng Biao, May 28, 1980.

77 Deng-Haig, June 16, 1981.

78 Richard Nixon, *RN: The Memoirs of Richard Nixon*, New York: Grosset and Dunlap, 1978, pp. 570-578; see also Kissinger *White House Years*, pp. 1056, 1081.

79 Mao-Nixon, February 21, 1972.

Deng: There is one thing we should apologize for. A few days ago one of our sentries at the Liaison Office kept out one of [Ambassador Bush's] guests, due to lack of knowledge of diplomatic affairs. We should take this occasion to apologize.

Bush: That is very gracious of you. It was a small matter. . . .

Deng: We should apologize.[80]

Humor

A number of the American officials interviewed for this study remarked on the easy rapport they developed with their Chinese counterparts, and the humor which could characterize exchanges across the negotiating table when the overall relationship was in a positive mood. Kissinger noted in his memoirs the "easy comradery not untinged with affection" that he had developed with Zhou Enlai after five visits to the PRC; and he drew from the record of his exchanges with the Chinese Premier an example of the relaxed humor that seems to easily develop between Americans and Chinese:

Kissinger: I think that the Prime Minister notices that I am especially inhibited in his presence right now.

Zhou: Why?

Kissinger: Because I read his remarks to the press that I am the only man who can talk to him for a half hour without saying anything.

Zhou: I think I said one hour and a half.[81]

In contrast to the heavy and often violence-tinged humor invoked by Soviet officials, the Chinese tend to display subtle and intellectually deft humor in circumstances where they wish to express a positive mood or to twit their American counterparts--a style which makes the contrasting episodes of calculated insult when they wish to bring pressure on their interlocutors all the more effective. For example, Vice Foreign Minister Qiao Guanhua, Kissinger's counterpart in negotiating the Shanghai Communique, good-naturedly needled Kissinger in late 1972 for his tendency to forget or block Qiao's name--as evidenced by his periodic references to Qiao by the awkwardly formal title "Mr. Vice Foreign Minister." As Qiao toasted Kissinger at a dinner in New York:

> In the past two years, in the improvement of relations between China and the United States all people will remember one person without a name who is here tonight--"Mr. Doctor"--who has made outstanding contributions. And we hope that in the relations between our two countries we will continue to overcome various obstacles and difficulties and head toward accelerated normalization. At this time I would like to express congratulations on the reelection of President Nixon. I agree with the views of our many friends, and our friend whose name I forgot. Therefore, I propose a toast to the man whose name I forgot, to Mr. Governor [Rockefeller], and to all our friends and the great people of our two countries, and to our great friendship.[82]

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80 Deng-Kissinger, October 19, 1975.
81 Kissinger, *Years of Upheaval*, p. 46.
82 Kissinger-Qiao, November 13, 1972.

Playing Dumb (Calculated Misunderstanding)

The Chinese are clearly an intelligent and highly calculating people—especially in their political relations. Indeed, Henry Kissinger frequently played to their pride and humor with the self-deprecating observation that by Chinese standards he was of only average intelligence.[83] The high level of intelligence they bring to the negotiating process thus makes episodes in which they "play dumb"—in order to slide by issues that they do not wish to see joined—all the more evident as a facilitating tactic. Two examples in the normalization negotiating record are particularly worthy of note.

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[83] Kissinger, *White House Years*, p. 778.
[84] Brzezinski-Chai, December 15, 1978.

Provocation

The Chinese clearly understand the uses of relatively passive stratagems for facilitating a negotiation, and they also have shown an awareness of how provocations can create an environment in which negotiations can be moved forward. A provocation can be an effective way of building pressure on a counterpart--as we will explore below, in the section on pressure tactics--but in a political environment of multiple actors such as the "triangular" relations among China, the Soviet Union, and the United States, a provocation toward one can help move the other into a more favorable position in terms of Chinese interests.

This was the dynamic of great-power relations in the late 1960s, when Sino-Soviet relations had deteriorated to a point of military confrontation, with the Soviets pressing a buildup of forces on China's northern frontier. After Moscow's invasion of Czechoslovakia in the summer of 1968, the Chinese feared that Soviet leaders had few inhibitions left about taking military action against the PRC, which they would justify in terms of Brezhnev's doctrine of the "limited sovereignty" of socialist states.

In this context, the problem for the virulently anti-Soviet Mao Zedong was how to cope with the growing Soviet military threat: either by the self-imposed isolation of the Cultural Revolution (during which China had withdrawn all but one of its ambassadors from abroad, and had as virtually its sole ally little Albania); or through an as-yet unformed coalition of states similarly threatened by Moscow's "new Tsars." Mao and Zhou Enlai also had the tactical problem of how to respond to Moscow's inclination to use displays of military force to try to intimidate their adversaries. To show fear would only play into Soviet hands; yet China was not strong enough militarily to cope with a direct Soviet attack, either nuclear or conventional, except through a costly and protracted "people's war."

The history of the years 1969-1971 suggests that Mao decided on a strategy of provocation--to force the Soviets to face up to the reality of a Sino-Soviet war, to signal his unwillingness to be intimidated, and to highlight to other states similarly threatened by the Soviets their common cause in dealing with the aggressive leadership in the Kremlin. His vehicle for provoking the Soviets was a controlled application of force on a desolate and frozen border island where Chinese and Russian forces patrolled contested territory, Manchuria's Zhen Bao Island. The initial firefight of March 2, 1969, seems to have been at China's initiative,[86] with the Soviets responding to the provocation on March 15 with a massive use of force on a local scale.

The political effect of this overt, if limited, warfare between the two giants of the communist world was to give Mao a vehicle for mobilizing his population for a possibly expanded conflict with the Soviets, and an issue with which to appeal for common cause with the East Europeans, who only recently had felt (again) the blade of Soviet military intervention, in Czechoslovakia.

If one assumes that Mao also had in mind the objective of building a broader international coalition against the Soviet Union--one that would even include the United States--President Nixon had been signaling his interest in a new relationship with China since his 1967 *Foreign Affairs* article)--then Mao's

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85 State 166994, June 7, 1984 (Top Secret/NODIS).

86 Thomas W. Robinson, *The Sino-Soviet Border Dispute: Background, Development, and the March 1969 Clashes*, The RAND Corporation, RM-6171-PR, August 1970.

provocation was successful, at least to the extent that it gained Washington's attention.[87] As Henry Kissinger recalled in his memoirs, "The Sino-Soviet border clashes of 1969 had first alerted us to the desirability of restoring contact with Peking."[88]

Mao continued to reveal his instinct for provocative stratagems as a way of influencing the play of the strategic triangle when the U.S.-PRC dialogue began. One of the first issues raised by Zhou Enlai during Kissinger's secret visit to Beijing in July 1971 was whether President Nixon, apart from his willingness to come to China, was planning a summit meeting with Soviet leaders. Zhou clearly expressed his preference that Nixon visit the Soviet Union first, as "we would not want to deliberately create tensions."[89] On the last day of Kissinger's visit, however, Zhou reversed his position, saying that Chairman Mao personally had decided "that it might be convenient to your needs if maybe the President's visit was earlier and not necessarily in the spring [of 1972]" And as the Premier correctly noted, "Once the announcement [of the Nixon trip] is made it will shake the world, which won't be able to sleep."[90] Mao apparently had decided, upon reflection, that the risks of provoking the Soviets to take action against China because of the opening of the Sino-American dialogue were not as great as the possible benefits to be gained by stirring up distrust and tensions between Moscow and Washington by way of the Nixon trip and thus preventing Soviet-American collusion against the PRC.

Throughout the remaining few years of his life, Mao continued to display a penchant for using provocative maneuvers to influence U.S. policy, even to the point of playing on presumed interpersonal rivalries within the U.S. government. In November 1974, the recently rehabilitated Deng Xiaoping, undoubtedly acting on the Chairman's instructions, shocked Kissinger by inviting his presumed rival, Secretary of Defense James Schlesinger, to China:

> *Deng*: We have another consideration about the relations between our two countries. That is, as I have said before, some people have been saying the relations between our two countries have been cooling down. The Chinese government is therefore extending an invitation to you. That is to say, the Chinese government wishes to extend a formal invitation to the Secretary of Defense of the United States, Mr. Schlesinger, to visit China. We think this would be a good answer to all these opinions which are going on in the world.
>
> *Kissinger*: It will produce a Politburo meeting in the Kremlin.
>
> *Deng*: We don't mind. Well, actually it is our wish that they have a Politburo meeting there. But we really extend this invitation with all seriousness.[91]

A year later, Mao was still using the Schlesinger invitation to needle Kissinger--expressing his unhappiness with the U.S. policy of detente and Washington's favorable occupation of the "swing" position in the strategic triangle:

> *Mao*: Please send my regards to your Secretary of Defense.
>
> *Kissinger*: I will do that.

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87 As Zhou Enlai said to Kissinger in 1973 in a critique of detente, "the strategic principle should be to expose that [the Soviets] are for general expansion and for false relaxation. For the past years we have never ceased in exposing the Soviet Union's expansionism and their false relaxation. We have done this since the Chen Pao incident in 1969." [Zhou-Kissinger, February 17, 1973.]

88 Kissinger, *Years of Upheaval*, p. 46.

89 Zhou-Kissinger, July 10, 1971.

90 Zhou-Kissinger, July 11, 1971.

91 Deng-Kissinger, November 26, 1974.

Mao: I am dissatisfied that he went to Japan without coming to Peking. We want to invite him here for the Soviets to see, but you are too miserly. The U.S. is so rich, but on this you are too miserly.

Kissinger: We can discuss it when the President [Ford] is here.

Mao: Bring him [Schlesinger] along. You can bring a civilian and a military member with your President, both a civilian and a military man.

Kissinger: Me as the civilian and Schlesinger as the military?

Mao: Yes. But I won't interfere in your internal affairs. It is up to your side to decide whom you will send.

Kissinger: Well, he will not come with the President. Maybe later.[92]

That the Chairman's invitation to Schlesinger was for political effect, both on the Soviets and within the U.S. administration, was made clear by his rejection, in the same conversation, of any functional discussion of U.S.-PRC military cooperation:

Kissinger: We have tried to suggest to you that we are prepared to advise or help in some of these [defense] problems.

Mao: As for military aspects, we should not discuss that now. Such matters should wait until the war breaks out before we consider them.[93]

Stalling

The Chinese are extremely sensitive to the time rhythms of the negotiating process, and to the ways in which domestic and international factors play on a political relationship. They have shown great skill at pacing a negotiation so that issues are not joined when circumstances are unfavorable to their objectives—just as they try to accelerate discussions when they feel time and conditions are ripe for reaching a favorable solution. A stalling strategy was used by the Chinese during the 1950s and 1960s regarding their dispute with the United States on the Taiwan issue. As an internal military document of 1961 explicitly stated:

> It is better to maintain a frozen relationship between China and the United States, with a continued impasse for many years. If this problem [of Taiwan] is to be settled, we want to do so all at once. . . . Up to the present time we can see no expression of relaxation concerning Sino-American relations or any sign of sincerity. This is why we say that the unbending attitude is found on the side of the United States, and not on the side of China. Of course, the far-reaching view of the relationship between the two countries is optimistic and some day this problem will arrive at a satisfactory solution.[94]

[92] Mao-Kissinger, October 21, 1975.
[93] Mao-Kissinger, October 21, 1975.
[94] "Secret Instructions to the Chinese Army" (April 25, 1961), in *Peking's Approach to Negotiation*, p. 78.

In the normalization negotiations of the 1970s we find two instances in which the Chinese seem t have purposefully stalled serious discussion of issues to prevent their coming to a head at an unfavorabl time for the PRC. In the summer of 1977, Secretary of State Vance traveled to Beijing to initiate discussic of the normalization issue on behalf of President Carter. His strategy, in part, was to raise issues such as th need for a U.S. post-normalization presence on Taiwan, in order to get certain positions on the record : much as to gain immediate agreement (although he did have a draft normalization communique in h pocket). However, Vice Premier Deng Xiaoping had only recently been resurrected from his third purgir (which had occurred in the spring of 1976, sixteen months earlier), and he shared leadership responsibiliti uneasily with Mao Zedong's chosen successor as Party Chairman and Premier, Hua Guofeng. In the circumstances, Deng and other leaders listened to Vance's presentation on the normalization issue and the attacked it as a "step backward" from the position expressed by President Ford and Secretary of Sta Kissinger during their visit to China in December 1975. They put off further discussion of the issue b urging the United States to take its time in seriously thinking through the PRC's position c normalization.[95] As Deng said to Vance at the end of his visit:

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The Chinese continued to stall on normalization throughout 1977, despite continuing probes on the subje by U.S. officials. Foreign Minister Huang Hua said to Liaison Office Chief Leonard Woodcock at the e: of one session in November: "We hope we can take time and discuss these questions at an appropriate tim But we don't ask the U.S. side to give us an immediate reply. If at present you are unable to give us a nc formula we can wait and continue our discussions later."[97]

From the PRC's perspective, this stalling posture not only avoided discussion of the issue in unfavorable political context, it also put the United States under further pressure by rejecting the Van presentation and forcing the American side to come up with additional--and presumably more favorable proposals. It was only in the summer of 1978, when Deng Xiaoping had further consolidated his domes political position and in the context of an approaching confrontation with Vietnam and the Soviet Uni over Cambodia, that the Chinese began to press for action on normalization (see pp. 98-99).

The Chinese similarly stalled the negotiation on a communique regarding U.S. arms sales to Taiw for a period in the spring of 1982, apparently because of conflicts within the leadership on how to deal w the issue. The Chinese held rigidly to their position in a series of emotional and uncompromisi presentations in March of that year;[98] yet prior and subsequent asides by several Foreign Ministry offici to their U.S. counterparts about the state of play of their leadership and observations about circumstanc being favorable to a solution of the issue conveyed to American negotiators the impression that the rigid of their Chinese interlocutors reflected a purposeful effort by the Foreign Ministry to stall the talks in context of internal political disarray.

95 Oksenberg, p. 183.
96 Deng-Vance, August 24, 1977.
97 Huang Hua-Woodcock, November 14, 1977.
98 Pu Shouchang-Hummel, March 18, 1982; Zhang Zai-Freeman, March 22, 1982; Pu Shouchang-Freeman, March 24, 1982.

Reserving Position

A rather distinctive Chinese stratagem for facilitating a negotiation is to assert their "principled position" on problems that cannot be readily resolved and then proceed to reach a partial agreement on soluble issues. In this way they gain partial objectives and draw the counterpart government into a more positive relationship, yet maintain their position on the intractable problems for resolution at some future time in a more favorable context.

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The tactic of reserving position seems to find particular use during the agreement-making phase of a negotiation, when the Chinese have tested the position of their adversary and have concluded that resolution of certain aspects of an issue, while holding off on other aspects, will serve their purposes. We will come back to this tactic in discussing the end game phase of the negotiating process (see p. 99 below).

Backing Off (Redefining Demands)

Much of the record of U.S.-PRC negotiations on normalization shows each side seeking to define in concrete terms the basis for establishing a positive relationship within the bounds of certain general national objectives or "principles." The Chinese, despite the purposefulness and skill of their negotiators, do not seem to have had a highly specified game plan for these negotiations; rather, they seem to have felt their way through protracted discussions at a general level, using suggestive statements of purpose and "principle" to draw out the U.S. side and then, in the concluding phase of the negotiations, defining an agreement in the specific terms of a joint public document.

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99 Huang Hua-Brzezinski, May 21, 1978.

100 See the Huang Hua-Hummel discussion of July 17, 1982, State, Beijing 09426 (Secret/NODIS).

While there are numerous examples of Chinese officials backing off their initial demands in *commercial* negotiations to save an agreement, PRC leaders go to considerable lengths to maintain their credibility in *political* negotiations by *not* putting themselves in a position of having to back away from their initially stated demands. Unlike the Soviets, who seem to have few compunctions about bluffing and then backing off, the Chinese lay great stress on the credibility of their word and their negotiators.

Leave a Way Out

One of the military stratagems of Sun-tzu is to leave your adversary a "way out" (*chu-lu*) in battle, so that he will not be forced to fight to the death. Likewise, in Chinese negotiating behavior, PRC officials will attempt to present the appearance of being absolutely unyielding on an issue, yet they use wording that leaves open the possibility of reaching a compromise agreement.

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PRESSURE TACTICS

The Chinese use an even more diverse set of approaches to build pressure on a counterpart government in order to move a negotiation in a direction favorable to PRC interests. Pressure tactics used in the past 15 years can be broadly categorized into the style of argumentation invoked by PRC officials, and structural aspects of the negotiating process that Chinese officials seek to manipulate. The latter category includes various forms of political pressure which they seek to bring into play.

[101] Holbrooke-Han, September 11, 1978; see also the Vance-Huang Hua session of October 3, 1978.

Playing Adversaries Against Each Other

The recent U.S.-PRC negotiating record shows a recurring Chinese impulse to build pressure on their opposite numbers by playing their adversaries against them. This was evident in the first encounters of the normalization process in 1971, when PRC leaders let the Nixon administration know that if progress was not made they could turn to numerous political figures in the Democratic Party who were pressing to visit China. As Zhou Enlai told Kissinger on his first, secret trip to Beijing:

> *Zhou*: You can see [there are] a lot of politicians we have not invited to come here. I have a great pile of letters from them on my desk asking for invitations, which I have not answered.
>
> *Kissinger*: What you have done is greatly appreciated by President Nixon.
>
> *Zhou*: This is done under the instruction and wisdom of Chairman Mao.[102]

The Premier, by his understated remark, sought to gain credit for restraint in not responding to these requests, while keeping alive the possibility of a change in Chairman Mao's "wise" policy regarding dealing with the opposition. Indeed, as Mao said to Nixon himself in February 1972, "As for the Democratic Party, if they come into office again, we cannot avoid contacting them."[103] But as Zhou had already told Kissinger, he and Mao believed that Nixon's shift in China policy would in fact contribute to the President's reelection—and thus, they (the Chinese), by dealing with Nixon alone, would put the President in their debt.[104]

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PRC leaders have been less reserved about playing political rivals *of the same party* against each other. Most notable is Deng Xiaoping's invitation to Secretary of Defense James Schlesinger in November 1974 to visit the PRC (see pp. 52-53 above), which was used to twit Kissinger throughout his tenure as Secretary of State. The following biplay took place between Kissinger and Liaison Office Chief Huang Zhen in the summer of 1976:

> *Kissinger*: You have had many visitors. I think you will have many visitors in September, won't you?
>
> *Huang Zhen*: To whom are you referring?
>
> *Kissinger*: I think Senator Mansfield is going; and I understand that my former colleague Schlesinger will be inspecting your fortifications during September.

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102 Zhou-Kissinger, July 10, 1971.
103 Mao-Nixon, February 21, 1972.
104 Zhou-Kissinger, July 9, 1971.
105 Haig-Zhang Wenjin, September 22, 1981.

Huang Zhen: He will not be making an inspection; rather he has asked to get around the country, and we are trying to accommodate him. Moreover, Senator Mansfield will go to even more places.

Kissinger: I don't object.

Huang Zhen: You remember that we invited him [Schlesinger] in 1974. Don't be jealous. You have been to China nine times I believe. You even said yourself you wanted to go to Inner Mongolia.

Kissinger: But I didn't get there. I wanted to see the musk ox of Mongolia.[106]

In similar fashion the Chinese used invitations to former President Nixon and members of his famil in the fall of 1975 to pressure President Ford on normalization as he prepared for his own trip to the PRC And they encouraged President Carter's National Security Adviser Zbigniew Brzezinski against his rume x rival Secretary of State Vance as they urged the Carter administration to adopt a harder line against th Soviet Union and to make progress in the normalization negotiations of 1978.

Chinese leaders have also been highly sensitive to the play of Soviet-American relations and their own strained dealings with the USSR as they affect the PRC's position within the "strategic triangle." During the 1970s, they tried to play the United States against the Soviet Union both to reduce Moscow's military pressures against them and to caution Washington that it should not take China's fear of the Soviet Union for granted as a basis for foot-dragging on the normalization issue. PRC attacks on U.S. detente policy throughout the 1970s were designed to encourage Washington to confront the Soviets more forcefully--a policy which would make it more difficult for Moscow to direct its attention to China and would limit the possibilities for any coordinated U.S.-Soviet action against the PRC.

At the same time, Chinese leaders occasionally have hinted at the prospect of some improvement in Sino-Soviet relations--both to worry Washington and to deflate Moscow's pressures against China. In October 1974, for example, on the eve of the Ford-Brezhnev summit meeting at Vladivostok, the Chinese leadership sent a telegram of congratulations to the Soviet Union on the anniversary of the Bolshevik revolution proposing in the communication a non-aggression pact. Coming as it did amid tensions in the Sino-American relationship, the cable sparked off press speculation about possible amelioration of the Beijing-Moscow feud. Deng Xiaoping then proceeded to deflate the speculation in his meeting with Kissinger, who had just arrived in Beijing from Vladivostok, with a strong affirmation that in the Chinese view the Brezhnev policy of "hegemony" was unlikely to change.[107] A year later, speculation about an improvement in Sino-Soviet relations was again generated when the Chinese released the crew of a Soviet helicopter that had strayed into PRC territory, with the announcement that an investigation had shown the intrusions to have been accidental--this after months of PRC attacks on the Soviets for having used the intrusion as a purposeful provocation.[108]

The more recent period of marked improvement in Sino-Soviet relations after Mao Zedong's death, in 1981-1982, coincides with a sharp deterioration in both U.S.-Soviet and U.S.-PRC relations.

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makes it clear that PRC leaders decided to seek to reduce the level of Sino-Soviet hostility in order to deflate Soviet pressures against them and also to avoid being caught in the middle of the

[106] Kissinger-Huang Zhen, August 18, 1976. See also Huang Zhen's use of Schlesinger's public criticism of detente to taunt Kissinger on his policy for dealing with the Soviets in an exchange on May 9, 1975.

[107] Deng-Kissinger, November 25-26, 1974.

[108] The release of the helicopter crew may very well have been related to internal political maneuvering associated with the rise in influence of then-Public Security Chief Hua Guofeng. The exact dynamic of this particular incident remains unclear.

deteriorating Soviet-American relationship. This shift in policy was also intended to build additional pressure on the United States to end its arms sales to Taiwan. The Chinese had become painfully aware that the high level of Sino-Soviet hostility of the Mao era was not only subjecting them to growing political and military pressures from Moscow, but also limiting their negotiating room for maneuver with the United States--which, they assumed, would take China for granted because of its presumed fear of the Soviets. For this, and other reasons, Beijing has in recent years attempted to reduce Sino-Soviet political tensions, even as Moscow's military buildup in Asia continues unabated.

To gain maximum negotiating advantage from this shift in policy toward the Soviet Union, PRC leaders have gratuitously noted for U.S. officials the presumed concern of the American people about signs of an improvement in Sino-Soviet relations--combined with assurances that the PRC will continue to struggle against Soviet "hegemony."[109] And when President Reagan visited Beijing in the spring of 1984, PRC leaders gratuitously called his attention to the imminent arrival of Soviet First Deputy Premier Ivan Arkipov, putting the United States on notice that the PRC was not without alternatives if the U.S.-PRC relationship did not continue to improve.[110]

As noted earlier, this compulsion to play on domestic or international political rivalries as part of the political (and commercial) negotiating process seems rooted in the highly factionalized quality of Chinese politics.

Beat Up on One's Friends

Another notable Chinese negotiating tactic is that of focusing pressures on "old friends." Inasmuch as the Chinese devote such effort in the early phases of a negotiation to identifying sympathetic interlocutors and working to establish *guanxi* with them, it is logical enough that in the later, formal phases they will seek to pressure those who have demonstrated interest in or commitment to the relationship.

This pattern was first evident in the pressures they applied to Henry Kissinger in the fall of 1975 to move him to complete the normalization process (see pp. 31, 34-35). Because Kissinger had established his political reputation both nationally and internationally on his role in building the U.S.-PRC relationship, Chinese leaders assumed that for reasons of "face" as well as his desire to have a positive relationship with China as a major component of his policy for dealing with the Soviets, Kissinger was vulnerable to threats of a "bad" Presidential visit in late 1975. Thus, they created the expectation of a substanceless visit by President Ford if significant progress were not made toward establishing U.S.-PRC diplomatic relations (thus fulfilling President Nixon's expressed intention of completing the normalization process in his second term). In the last eighteen months of Kissinger's tenure as Secretary of State, PRC dealings with him bordered at times on the contemptuous, as he was in their view a "friend" who had failed to fulfill a commitment.[111]

A second example of pressuring "old friends" is the treatment given Vice Presidential candidate George Bush in August 1980 when he was dispatched by Presidential candidate Reagan to Beijing to explain the Reagan position on China policy. Deng Xiaoping and other senior officials warned Bush that if the Republican Party platform and Reagan's campaign statements about the intention to restore official

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[109] See, for example, Foreign Minister Wu Xueqian's use of this ploy with Secretary of State Shultz on February 3, 1983.

[110] They also sought to contrast the problem areas in the U.S.-PRC relationship with the close ties between China and Japan, which, it was asserted, would endure into the twenty-first century. See Zhao-Reagan, April 27, 1984; Li Xiannian-Reagan, April 27, 1984; and Hu Yaobang-Reagan, April 27, 1984.

[111] This is evident in Deng Xiaoping's challenging of Kissinger's motives and the veracity of various of his statements to the Chinese. See, for example, his comments to a Congressional delegation on September 5, 1974 (p. 88 below), his inquiry to Senator Mansfield on December 10, 1974, about whether Kissinger had "fully briefed PRC leaders after the Vladivostok summit," and the haughty tone of Qiao Guanhua in his exchanges with Kissinger on October 28, 1975, and October 8, 1976.

b1, a3, a5

relations with Taiwan were implemented, there would be a "regression" in U.S.-PRC relations.

After Bush departed Beijing, PRC officials conveyed to American journalists in the Chinese captial the opinion that Bush's mission on behalf of candidate Reagan had been a "failure," as it had not resolved PRC concerns about the Republican Party's China policy.

So harsh was Deng's treatment of his "old friend" Bush that when the Vice President was again dispatched to Beijing in May of 1982 to help resolve continuing differences over the arms sales issue, Deng conceded almost apologetically that his "candid" presentation of August 1980 may have offended the Vice President, "but it was necessary for us to frankly state our views."[112] All the same, the Chinese continued to keep pressure on Bush throughout his first term as Vice President by expressing their expectation that he would fulfill his obligations to the relationship as a "friend of China." In a letter to Bush from Premier Zhao Ziyang, just after the inauguration, the Premier expressed hope that "in view of the part you played in promoting the normalization of Sino-U.S. relations and your understanding of China, you will . . . make significant contributions to the further development of our relations."[113] And on the eve of Bush's May 1982 visit to the PRC, Chinese officials warned their counterparts in the U.S. Embassy in Beijing that the Vice President's trip would be a "failure" if he didn't come prepared to resolve the Taiwan arms sales issue.[114]

This Chinese instinct to pressure their "friends" is all the more noticeable in view of their evident lack of skill in lobbying American officials who are either skeptical of or hostile to China and to the U.S.-PRC relationship. The Chinese seem to feel comfortable only in dealing with those who share a basic inclination to establish positive *guanxi* at the human level. Yet these same "friends" are the ones who receive the brunt of the pressure when there are problems to be resolved, for the Chinese assume—not without reason—that those who see value in the U.S.-PRC relationship are the ones who will work to resolve them when pressured, and thereby sustain their status as "friends of China."

"Your Chinese Friends Are In Trouble"

A negotiating ploy that mirrors their pressuring of "old friends" is the occasional warning to foreign officials that if they do not meet certain Chinese political needs in a negotiation, their "old friends" in the PRC political system will lose their influence—thus cutting off the foreign government from political access, or at least weakening the influence of officials friendly to the foreign government.

This ploy was first evident in the U.S.-PRC relationship in late 1971, when officials of the PRC embassy in London let it be known to American contacts that if President Nixon did not give Premier Zhou Enlai anything on the normalization issue during his trip to Beijing, Zhou would be vulnerable to attacks from his opponents in the leadership. The most blatant use of the tactic was during the negotiations of 1981-1982 on U.S. arms sales to Taiwan, when Deng Xiaoping repeatedly told U.S. officials and former officials, "Should the Chinese government and leadership fail to handle the Taiwan question in a correct manner, they would forfeit the support of the entire Chinese people."[115] "If on this question the leaders go against the will of the people, then at least we should step down from our posts."[116]

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112 Deng-Bush, May 8, 1982.

113 Zhao-Bush letter, January 20, 1981.

114 Zhu Qizhen-Freeman, May 20, 1982.

115 Deng-Haig, June 16, 1981.

116 Deng-former Vice President Mondale, November 22, 1981. See similar comments to former Secretary of Defense Harold Brown on October 18, 1981; former President Ford on March 26, 1981; and United Front official Liao Chengzhi to a U.S. citizen on July 14, 1982.

Was Deng's warning a hollow threat? It is hard for an outside observer to reach a firm judgment, for foreign officials generally know so little about the balance of forces within the senior PRC leadership that they are unable to estimate the impact of their policies on the Chinese political process. Outside analysts can make commonsense judgments about the significance of certain issues within the PRC political system; but ultimately, foreign governments will set their policies according to considerations of national interest, with the welfare of their "friends" in the Chinese government at best a marginal consideration. Nonetheless, Chinese officials will occasionally invoke the political vulnerabilities of their senior leaders to caution a foreign government, much as American negotiators cite the prospect of Congressional opposition as the rationale for rejecting certain negotiating positions.

Threats ("Killing the Chicken to Warn the Monkey")

Prior to the establishment of U.S.-PRC diplomatic relations in 1979, threats did not constitute a prominent aspect of the normalization dialogue. Upon occasion there would be an oblique hint of some costly outcome of a failure to make progress, as when Chairman Mao, in his first meeting with Richard Nixon, hinted at the awkward consequences for the President of a lack of progress toward normalization on his visit to the PRC.[117] But for the most part, during the years the Chinese were trying to draw the United States into a fully normalized relationship, they avoided the invocation of overt threats. Rather, their tendency was to hold back on active cooperation—to withhold the presumed benefits of an active relationship—rather than cite the dire consequences of some U.S. failure to accommodate their position.

This style of negotiating changed significantly, however, after the completion of normalization in late 1978, as the relationship entered a phase of reaching many concrete agreements. And when PRC leaders decided in 1981 to press the United States to curtail its arms sales to Taiwan, overt threats became a major aspect of the negotiating process.

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A particularly interesting characteristic of the Chinese use of threats is the tendency to invoke the prospect of an ominous but vague outcome if some PRC concern is not met--and then let the foreign negotiator infer the worst, while reserving maximum flexibility to interpret exactly how and when the vague threat might be instituted.

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117 Said Mao to Nixon: "It is alright to talk well [in your forthcoming discussions with Premier Zhou] and also alright if there are no agreements, because what use is there if we stand in deadlock? Why is it that we must be able to reach results? . . . If we fail the first time, then people will ask why are we not able to succeed the first time? The only reason would be that we have taken the wrong road. What will they say if we succeed the second time?" (Mao-Nixon, February 21, 1972.)

118 Wu-Shultz, February 3, 1983.

119 Huang Hua-Haig, June 15, 1981.

b1, a3, a5

What conclusion can be drawn from this experience? It is evident that in at least several instances the Chinese changed negotiating positions and retreated from their threatened sanctions. At other times, however, they have made good on their threats. They obviously go through a cost-benefit assessment of when realization of a threat, as opposed to a shift in position, will best serve their interests. A U.S. negotiator should thus not assume that threats will invariably be carried out if PRC terms are not met.

At the same time, it would be wrong to assume that all Chinese threats are bluffs. PRC negotiators seem to place special emphasis on the credibility of their word. As Zhou Enlai stressed to Henry Kissinger in their early exchanges, "Our word counts."[121] How do Chinese negotiators seek to assure the credibility of their threats? A number of the American former officials interviewed opined that the Chinese, in contrast to the Soviets, seem to make minimal use of bluffing, in order to sustain the credibility of the threats they *do* invoke. They also use a technique for making threats credible that--in their own vernacular--could be characterized as "killing the chicken to warn the monkey" (*sha-ji jing-hou*), or taking some action of limited cost that validates their willingness to carry out the stated threat.

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Formal Protests

In the pre-normalization period of U.S.-PRC confrontation, PRC officials established a clear and enduring record of asserting their position on certain issues (and documenting their adversary's wrong-doings) through formal protests. This was most evident in the more than 497 "serious protests" registered with the U.S. government in the 1950s and 1960s through the ambassadorial talks at Warsaw for alleged American violations of PRC territory and airspace--largely associated with U.S. military operations near the PRC-claimed Paracel Islands in the South China Sea during the Vietnam War.

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120 Haig-Huang Hua, October 29, 1981.
121 Kissinger, *White House Years*, p. 1056.
122 Haig-Huang Hua, October 29, 1981.

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A similar pattern of protests began again in 1980 when the Carter administration resumed sales of military equipment to the island, and continued into the Reagan administration in response to press reports that the U.S. government was considering sales of an advanced fighter aircraft to Taiwan. After issuance of the joint U.S.-PRC communique on the arms sales issue in August 1982, PRC officials continued to register formal protests in response to each new announcement of an American arms transaction with the island.

While PRC officials probably have no expectation that such protests will bring about an immediate change in U.S. behavior, they believe that the constant stating of their position establishes a record that can be invoked at some later date. They probably also assume that the protests will build some pressure on the U.S. government to abide by the "principles" of the relationship and the terms of the August 17 agreement, thus constraining U.S. action while also building a record of the wrongdoings of the United States that can be invoked to assert the righteousness of their own position (see pp. 82-83 below).

Escalation of Demands

Another approach the Chinese have used to build pressure on American negotiators, even as they attempt to draw the United States into a more active relationship, is the escalation of demands—especially regarding the Taiwan issue. We have already documented the initial exchanges with the Nixon administration through the Warsaw talks of 1970 in which PRC leaders enticingly hinted that "it would be necessary to create the conditions" to resolve the Taiwan issue. They subsequently indicated through the Pakistanis in 1971 that they expected the United States to withdraw all its troops from Taiwan. When direct, high-level contacts were established in the summer of 1971, Zhou Enlai pressed the United States to recognize the PRC as the "sole legitimate government" of China and Taiwan's status as an inalienable part of China, as a basis for establishing diplomatic relations.

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[123] Holbrooke-Han Xu, September 11, 1978. See also protests on the same subject in Brzezinski-Han Xu, June 19, 1978; Holbrooke-Han Xu, August 21, 1978, and November 15, 1978; and Vance-Huang Hua, October 3, 1978.

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This tactic puts the adversary government "off balance" by setting an agenda to which it must react while putting itself in a position where any modifications of its own initially stated terms can be characterized as making concessions or showing flexibility.

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Provocation

In addition to using provocations to facilitate the development of the U.S.-PRC normalization dialogue and advance China's maneuverability within the "strategic triangle," the Chinese have also used provocations to build pressures on American negotiators, to get them to reassess their policy positions relative to the PRC, and to force them to take a stand on issues considered important by the Chinese.

The clearest recent example of this tactic occurred in the spring of 1975, when the "Gang of Four" was increasingly assertive within the PRC leadership and the influence of the hospitalized Zhou Enlai and the aging Mao Zedong was weakening. In late March, the Chinese informed the National Committee on U.S.-China Relations, which manages cultural exchanges with the PRC, that a performing arts group scheduled to tour the United States in April had in its repertoire a song entitled, "People of Taiwan, Our Brothers." The song contained the line, "We are determined to liberate Taiwan and let the light of the sun shine on the island," which was viewed in Washington as highly provocative in the U.S. domestic political context.

A series of exchanges between the State Department and the PRC Liaison Office led to a U.S. demand that the offensive song be deleted from the repertoire; otherwise, the group's tour would be "postponed." In reply, the Chinese asserted that U.S. objections to the song demonstrated that the Ford administration was not sincere in its commitment to the principles of the Shanghai Communique (which held that Taiwan's future was a domestic issue for the Chinese to resolve themselves), and that since this was an issue of principle, the Chinese government could never yield to foreign pressure on the matter.[125] Despite U.S. efforts to suggest a way out of the impasse, the Chinese held firm and the cultural group's tour was finally canceled.

What was Beijing's purpose in pressing the United States to accept such a provocative cultural performance? One interpretation at the time was that the Chinese wanted to sensitize the Ford administration to the seriousness of their concern with the Taiwan issue, and to do so well in advance of the President's fall trip to Beijing. A second interpretation (which in hindsight seems more credible to this analyst) is that "leftists" in the PRC leadership wanted to embarrass the Zhou-Deng moderates for their America policy, and they used the provocation to demonstrate either that the United States would resist action on the Taiwan issue, or, if the administration acceded to the touring group's song, that political repercussions in Taipei and Washington would induce added strains in the U.S.-Taiwan relationship.

Whichever interpretation is correct, this incident is but one example of the use of political provocations to apply pressure on an adversary government in order to induce policy changes. It also seems

[124] Haig-Huang Hua, October 30, 1981.

[125] Habib-Han Xu exchanges of March 19, 1975, March 20, 1975, March 23, 1975, and March 25, 1975.

a clear case in which internal political factionalism in Beijing induced a provocative foreign-policy initiative.

Loss of Control

We noted at the outset of this analysis that Chinese officials will go to great lengths to conduct negotiations on their own territory, to maximize their ability to control the ambience and to establish the *guanxi* which is at the core of their efforts to influence a foreign government's negotiating position. But such control can also be used to raise pressures on a foreign negotiating team. Having first impressed visiting foreign officials with their capacity for seemingly effortless and unerring control over the protocol of a visit, subsequent delays of meetings or apparent uncertainty in the management of a visit become all the more unnerving, for the visitors assume that even an inadvertent lapse is purposeful and designed to convey some subtle political message.

Henry Kissinger summarized this sense of unease in describing his reaction to the unexplained cancellation of a communique-drafting session during the last day of his visit to Beijing in July 1971:

> [Zhou Enlai] designated Huang Hua as his representative for drafting the announcement, and then left. But Huang Hua did not show up right away. The inexplicable waiting was all the more ominous because we were talking not about an elaborate communique but about a statement of a paragraph or two announcing a Presidential visit to Peking. We never found out whether it was a deliberate tactic to unsettle us, whether there was a Politburo meeting, whether Mao insisted on reviewing the talks, or whether, as was most likely, we faced a combination of all of these. Finally, Huang Hua showed up without a word of explanation, urbane, affable, imperturbable.[126]

Less ambiguous examples of purposeful PRC management of negotiations to create a sense of disorientation and loss of control are the previously noted occasions when Presidents Nixon and Ford were kept in the dark about the scheduling of sessions with Mao Zedong, only to be surprised with awkwardly timed encounters, and the purposeful stalling in October 1975 designed to undercut Kissinger's effort to negotiate a draft communique in advance of the Ford visit. A clear example of how Zhou Enlai used the timing of meals to control the mood of substantive exchanges, and even to cut off a Kissinger rebuttal of his own critique of U.S. policy, is evident in this episode from the July 1971 secret visit to Beijing:

> The mood [in the second session] was very different from that of the previous evening. With very few preliminaries Chou launched into a forceful presentation of the Chinese point of view. With little rhetorical flourish Chou put forward much of what I came later to know as Chinese Communist liturgy—that there was "much turmoil under the heavens"; that Taiwan was part of China; that China supported the "just struggle" of the North Vietnamese; that the big powers were colluding against China . . . I then launched into a deliberately brusk point-by-point rebuttal of Chou's presentation. Chou stopped me after the first point, saying the duck would get cold if we did not eat first. At lunch over Peking duck the mood changed and Chou's geniality returned."[127]

[126] Kissinger, *White House Years*, p. 751.
[127] Kissinger, *White House Years*, p. 750.

On his subsequent visit to Beijing in October 1971, when negotiation of the first drafts of t Shanghai Communique began, Kissinger was exposed for the first time to Chinese use of fatigue to put foreign negotiator under physical as well as psychological pressure:

> After stuffing us with roast duck, Chou submitted his [communique draft] in the evening. It was unprecedented in design. It stated the Chinese position on a whole host of issues in extremely uncompromising terms. It left blank pages for our position, which was assumed to be contrary.
>
> . . .
>
> After a brief break I told Chou that I would accept his basic approach. The communique could contain an extended statement of differences; we would supply the American position for those areas later. However, the language of the disagreements had to be compatible with the occasion [of a Presidential visit] . . . there would have to be some common positions, or else the whole [Nixon] journey would be seen as an exercise in futility. I promised to submit a counterdraft the next morning.
>
> It [the drafting] turned into a contest of physical endurance. Lord redrafted the communique while I got three hours of sleep. Then he went to bed and I reworked his draft for the remainder of the night . . .
>
> Our counterdraft of October 25 ushered in a session that lasted the whole day, interrupted for several hours while the Chinese translated our text, studied it, and, no doubt, cleared their position with Mao.[128]

These recollections illustrate the PRC use of unpredictability in scheduling negotiating sessions inconvenient timing of exchanges--late at night after heavy meals--and the general dislocation of having to negotiate in an unfamiliar environment (and usually while jet-lagged) to induce in the visiting official a sense of disorientation, fatigue, and loss of control.

"Bad Guy-Good Guy"

A universal negotiating ploy that is also evident in PRC diplomatic practice is the alternation of pressures and accommodating exchanges, often by varying "hard" and "soft" officials in the formal meetings. This tactic was evident to diplomats who dealt with Qing dynasty officials in the 19th Century,[129] and it is a pattern that recurs in the normalization exchanges. Zhou Enlai, for the most part, made his presentations in understated and urbane fashion, but periodically he would launch into sharp attacks on the American position, evidently under instruction from Mao Zedong, who remained a largely unseen but contentious orchestrator of the negotiations from "behind the curtains" (*mu-hou*).

This "bad guy-good guy" pattern is most evident in the contrasting styles of former Foreign Minister Huang Hua and Deng Xiaoping, who in the 1978-1982 period functioned as a team in the normalization negotiations and the exchanges on U.S. arms sales to Taiwan. Huang's presentational style was self-righteously acerbic, unyielding, and demanding, and he would tend to drag out exchanges until the positions

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128 Kissinger, *White House Years*, pp. 782-783.

129 Lloyd E. Eastman, *Throne and Mandarins*, Cambridge, Mass.: Harvard University Press, 1967; and S. Y. Teng and John K. Fairbank, *China's Response to the West*, Cambridge, Mass.: Harvard University Press, 1961.

of the two sides deadlocked. Deng Xiaoping, in contrast, would present himself (usually at the conclusion of a series of exchanges) as low-key, rational, and concerned with finding a common basis for agreement.

There is no doubt a strong element of role-playing as well as responsiveness to internal political guidance in this pattern, for Deng at times could also be quite acerbic and taunting in his presentations; in contrast, Huang Hua—who was at his most vicious in the exchanges at Panmunjom in 1953, when the Chinese were determined to force a break in the negotiations with the United States[130]—so impressed Henry Kissinger with his "wise, practical," and accommodating negotiating style that he was characterized by Kissinger after their first year of encounters as "my new friend."[131]

Split the Politician from His Advisers

One tactic frequently noted in commercial negotiations with the Chinese is that of dividing a senior negotiator from his staff of specialized advisers when decisions are to be made. Chinese escorts will arrange sightseeing trips for businessmen and then unexpectedly convene a decisionmaking discussion in a limousine when the chief of the negotiating team is alone with his PRC counterpart and a Chinese interpreter. PRC commercial negotiators also privately debunk the expertise of foreign advisory personnel in discussions with senior negotiators in an effort to undermine the confidence in which they are held.

Similarly, in political negotiations, expert staff accompanying an official are often separated, for example, at banquets (ostensibly for reasons of protocol); the senior official is then given information or urged to state opinions beyond the earshot of staff who could either record the exchanges for later reference or caution him in his responses.

The most blatant PRC use of this tactic in dealings with the United States occurred in 1977-1978 following Secretary of State Vance's August visit to Beijing (in which Vance had presented the Carter administration's initial approach to completing the normalization process). The Chinese must have concluded that Vance's lawyerly approach to the issue and his perceived reluctance to take a strong stand against the Soviet Union made him an unpromising negotiating counterpart, for not long thereafter senior PRC officials began sending the message to President Carter that "Sino-American relations are not a diplomatic question but a political question [and] it is necessary to consider this question [of normalization] from the viewpoint of long-term strategic interests."[132] This was an oblique way of saying that they hoped the President would manage the normalization issue from the White House rather than allowing it to be handled by Secretary Vance and his colleagues in the State Department. A few months later, their preferences were partially accommodated when Carter's National Security Adviser Brzezinski presented himself to the Chinese as an interlocutor on strategic issues.

"You are Hurting the Feelings of a Billion Chinese" (The Pressure of Mass Opinion)

Chinese decisionmakers have impressed most official American interlocutors as being coldly calculating in their approach to negotiations; emotional public reaction to their efforts—given the elitist, Marxist-Leninist structure of the PRC political system and China's long tradition of authoritarian government—have not been a significant theme in their presentations to U.S. counterparts. Moreover, it is not clear to outside analysts exactly how the PRC leadership assesses public support for their policies or how the opinions of "the masses" play on the leadership, although as politicians they cannot be unmindful of matters of public support.

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130 Arthur Dean, "Negotiating with the Chinese," *New York Times Magazine*, October 30, 1966.

131 Kissinger, *White House Years*, pp. 752, 774.

132 Vance-Huang Hua, September 28, 1977

In the post-Mao years of negotiating contact with the PRC, American officials began to hear Chinese leaders invoke the issue of public reaction to their policies as a way of pressing the United States to accommodate to their views.

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Was Deng's invocation of public opinion and the purported resentments of his billion countrymen on matters related to Taiwan merely a rhetorical device for demanding American acquiescence to his position? Probably not. Unlike Mao Zedong's imperial style of leadership, Deng's restructuring of China's political and economic system has given at least a limited and constrained voice to "public opinion"--as at Democracy Wall, or in the reconstitution of the National People's Congress. Thus, even though U.S. decisionmakers must quite properly formulate China policy on the basis of American national interests and not considerations of China's domestic politics, Deng no doubt gives consideration in some incalculable way to "the feelings of a billion Chinese" in *his* policy calculations.

PRESS PLAY

The Chinese Communists discovered early in their history that the press could be a potent weapon in their struggle against their Nationalist (Kuomintang) enemies. Not only was the mass media, in the Bolshevik tradition, seen as a basic tool of "agitprop"--of mobilizing a mass base of support--but it was also an essential element of a negotiating context in which the party had to compete with the Nationalist government both on the battlefield and in the fight for domestic and international support. As Mao Zedong commented in his 1945 article "On the Chungking Negotiations," a major reason the Communist Party had entered into "peace" talks with Chiang Kai-shek was to "explode the rumor spread by the Kuomintang that the Communist Party did not want peace and unity." He went on to describe how negotiating positions were formulated as much for their impact on public opinion as out of any expectation of reaching agreement with the Nationalists:

> All the means of propaganda in China, except the Hsinhua New Agency, are now controlled by the Kuomintang. They are all rumor factories. Concerning the current negotiations, they have spread the rumor that the Communist Party just wants territory and will make no concessions.

133 Deng-Mondale, August 27, 1979.

134 See, for example, the Deng-Bush conversation of May 8, 1982.

> . . . Subject to the principle of not damaging the fundamental interests of the people, it is permissible to make certain concessions. . . . by conceding areas in the south, we have completely exploded the Kuomintang's rumors before the people of all China and the whole world.[135]

Unlike U.S. dealings with the PRC during the 1950s and 1960s, when Beijing used the international press to justify positions that could not be negotiated behind closed doors,[136] in the normalization negotiations the Chinese used the mass media to help build public support for a U.S.-PRC relationship--and to pressure the United States to accede to negotiating positions favorable to PRC interests.

From Kissinger's first encounter with PRC leaders, Zhou Enlai used the press as a counterpoint to the private negotiations. While Kissinger was secretly flying to Beijing from Pakistan in July 1971, *New York Times* correspondent James Reston was journeying to the Chinese capital by train as a public guest of the Premier.[137] Zhou's lengthy interview with Reston, published on August 10 (less than a month after the public announcement of Kissinger's secret trip and the Nixon presidential visit), enabled the PRC leadership to get its positions on the full range of bilateral and international issues covered in the private official talks into public view--and provided a public channel which could be played against the Nixon administration if the official discussions proved unpromising.

It soon became clear that Zhou's experience with mass media was still limited to the world of newspapers and books, that he did not yet fully appreciate the potential of the "new" medium of television. In his first discussion with Kissinger about the mechanics of the Nixon visit, Zhou estimated that the President would want to bring along a press entourage of not more than ten! The final number, including TV commentators and technicians, was over 250. Zhou was well aware, however, that unlike the Americans, he did not have to defend his policies before an inquisitive press. As he remarked to Kissinger in the context of a critique of the U.S. government's position on Chinese representation in the United Nations:

> There is also the question of world public opinion [in reacting to U.S. government policy]. It's easier for us here, because we don't have to hold a press conference every week and can wait maybe half a year before giving our answer. Although perhaps now the situation may change.[138]

The Premier's closing premonition that "now the situation may change" may not have been more than his private anticipation of the imminent arrival in Beijing of *New York Times* correspondent Reston; but Zhou and other PRC leaders were quick to grasp the possibilities of television. They responded to Kissinger's descriptions of how the Nixon administration intended to use the print and electronic media to give outreach to its China initiative by not only agreeing to an enormous Presidential press entourage, but by rapidly constructing two earth stations for receiving and transmitting satellite television transmissions so that the Presidential visit--the official banquets, the tours of historic sites, and the issuance of the Shanghai Communique--could project China and its new foreign policy to a global audience.

How have PRC officials used the mass media as a component of their approach to negotiations--and especially as a way of bringing pressures to bear on their U.S. counterparts? The record suggests the following tactical uses of the media as an adjunct of the negotiating process.

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135 Mao Zedong, "On the Chungking Negotiations," *Selected Works of Mao Tse-tung*, Vol. IV, p. 57.
136 Kenneth Young, *Negotiating with the Chinese Communists*, pp. 111-112 and passim.
137 Kissinger, *White House Years*, pp. 753-754.
138 Zhou-Kissinger, July 10, 1971.

"Pump Priming" (Setting a Discussion Agenda)

The Chinese have shown skill at using the press in advance of official negotiating encounters to publicly set a discussion agenda. Mao Zedong's interview with Edgar Snow in late 1970 (published in *Life* magazine in April of the following year, just after "ping-pong diplomacy" had raised public expectations about a possible thaw in the U.S.-PRC confrontation) and Zhou Enlai's interview with James Reston helped to set the stage at the onset of the official exchanges between the Chinese leaders and the Nixon administration. Other interesting examples of this technique are Deng Xiaoping's interview with a Congressional delegation headed by Senator Sam Nunn of Georgia three weeks in advance of his official visit to Washington. In the interview, Deng made public the contents of the Third Plenum decisions regarding peaceful reunification with Taiwan, defusing pressures on the Taiwan issue that would likely come from his forthcoming meetings with other Congressional leaders in Washington. Deng also gave an interview to *Time* magazine just before his trip to Washington, publicly setting out his perspectives on a wide range of issues to which the American side had to react. As President Carter said to Deng in their first formal discussion, "I have read your statement [on world issues] that was published in *Time* magazine, a. 4 I *thought you might be interested in hearing about our policies.*"[139]

A similar approach was used in the fall of 1981, just before the Chinese pressed the Reagan administration to negotiate on the issue of U.S. arms sales to Taiwan. On September 30, PRC media carried Marshal Ye Jianying's nine-point program for peaceful reunification with Taiwan. Two days later, Ambassador Chai Zemin called on National Security Adviser Richard Allen to ask if he had read the Ye program.

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The Trap of Public Visibility

Chinese leaders became quite conscious during the early 1970s of the way in which the intense media attention to Henry Kissinger's periodic visits to Beijing tended to trap the Nixon and Ford administrations in the high expectations raised by the normalization dialogue. Given the limited "hard" information which was made available to the press about the substantive content of the talks and the degree to which even the mood of the discussions affected the China factor in Kissinger's approach to dealing with the Soviet Union, Chinese leaders felt that their ability to shape press perceptions of the state of the U.S.-PRC relationship gave them significant leverage on the United States. In late 1974, for example, PRC officials began to "background" the resident American press in Beijing about various "problems" in the relationship, stimulating stories about a "cooling" in the relationship. Deng Xiaoping, in his initial meeting with Kissinger in November 1974, debunked rumors about a chilling of the relationship[141] but at the first formal negotiating session, with the large traveling press contingent in the room for a photo opportunity, Deng needled Kissinger on the state of the relationship--to the delight of the newsmen:

139 Carter-Deng, January 29, 1979.
140 Reagan-Zhao, October 21, 1981; Haig-Huang Hua, October 30, 1981.
141 Deng-Kissinger, November 25, 1974.

Deng: It probably would be good if one day we would be able to exchange views in Washington.

Kissinger: I hope we can do that very soon, [but] your Foreign Minister always refuses my invitations.

Deng: It is difficult for him to come now. What will he do if he meets the Chiang Kai-shek Ambassador to Washington?

[The press contingent is escorted from the room.]

Kissinger: . . . we are prepared on this visit to discuss the whole question of normalization.

Deng: That is good.[142]

Deng seemed to take particular delight in priming the press in such opening "mood setting" exchanges—usually to put Kissinger on the defensive. But he could also use this technique to deflate pressures on the visiting American delegation, as when he congratulated President Ford, during Ford's December 1975 visit to Beijing, for his "successful" discussion with Chairman Mao, and by noting that the two sides had "set a new style" in the relationship by not being compelled to issue a formal communique.[143] (In thus giving the President some "face" during his visit, and by defusing the issue of the lack of a formal communique, Deng was of course trying to put the President in his debt as well as maintaining a public atmosphere conducive to PRC interest in sustaining the U.S.-PRC relationship.)

PRC awareness of the value of the trap of public visibility to their negotiating encounters was revealed in the fall of 1981 when Foreign Minister Huang Hua, having pressed a series of demands on the Reagan administration (see pp. 64-65 above), concluded his meetings in Washington with an effort to get into the public record the fact that the administration had agreed to hold "discussions" on the arms sales issue. Secretary of State Haig sought to diffuse the impression that negotiations on the arms sales issue were under way; but in a meeting with the press after their final session, Huang Hua made it clear in his statement that the issue was under discussion, a fact that PRC media were quick to play up.[144]

Public Attack

In general, PRC officials have been loath to attack publicly and by name U.S. officials; such overt criticism, in their political culture, is reserved for adversaries. In the normalization period, their objective has been to move the U.S. government to take positions favorable to PRC interests, not to destroy the relationship. Thus, their public criticism of American officials has been muted and often by indirection rather than by direct attack. This was the case in 1974 when they wanted to put pressure on Henry Kissinger for his detente approach to dealing with the Soviet Union. Rather than criticize Kissinger by name, they took advantage of public disclosure of a purported speech by one of Kissinger's close associates, Helmut Sonnenfeldt, on U.S./European policy to publicly attack the "Sonnenfeldt Doctrine," which, said

142 Deng-Kissinger, November 26, 1974.

143 Deng-Ford, December 3, 1975.

144 See Haig-Huang Hua, October 30, 1981; also the *Xinhua* dispatch from Washington of the same date reporting Huang Hua's comment that "the two sides had discussed the question of U.S. arms sales to Taiwan. The date, venue, and level of further talks between the two sides would be decided by the two sides through consultations." Haig had merely told the press—as had been privately agreed—"the two sides had discussed current major international problems and bilateral relations including the Taiwan question."

PRC media, demonstrated that the United States was accommodating Soviet hegemony over Europe.[145] The press criticism was but a thinly veiled attack on Kissinger.

PRC officials occasionally use direct public attack to establish a limit on an adversary's negotiating position. Through public criticism they try to establish as a "fact" their opposition to a given policy, creating a situation in which their negotiating counterpart will assume that since the PRC has "gone public" with a position it will be most reluctant to "lose face" by changing policy. Such was the case in the fall of 1977, following Secretary of State Vance's visit to Beijing. Unauthorized rumors in the American press--which the Chinese probably assumed had official inspiration--hinted that Deng Xiaoping had shown "flexibility" on normalization issues in his private discussions with the Secretary. Deng, anxious to protect himself against domestic critics as well as to undercut any impression that he would accommodate Vance's concern for an official American presence on Taiwan after normalization, publicly criticized the Secretary's negotiating position in a meeting with a group of American newspaper editors, characterizing his discussions with Vance as a "step backward" in the normalization dialogue.[146]

Raising Expectations

Given the demonstrated impact of the mass media in generating public pressures on the U.S. government, the Chinese have tried--with varying degrees of success--to control the level of visibility of issues when they believed public expectations would work to their advantage in the negotiating process. During the second half of 1978, when the final phase of normalization exchanges was under way (and when at U.S. request the fact of the negotiations was to be kept confidential), PRC officials could barely constrain their impulse to let it be known that the normalization process was in a "final" phase. In late July, the U.S. Liaison Office in Beijing protested to the Foreign Ministry a Chinese indiscretion to the French about the first Woodcock-Huang Hua sessions on the normalization issue.[147] And on November 18, Deng Xiaoping, in a meeting with a Japanese Komeito party delegation, opined in public that he thought it would take only "two seconds" to complete the normalization of U.S.-PRC relations. Deng also expressed his personal interest in visiting the United States.

While the Chinese did abide by the Carter administration's request that the existence of the talks remain confidential--a request made by the U.S. side precisely in order to minimize the kind of public pressures that had constrained Henry Kissinger--their instinct was to raise public expectations about the negotiation and thus subject the U.S. government to the pressures of domestic and international opinion.

A similar example occurred in 1977 when PRC officials told David Rockefeller that it would be easy to resolve the languishing private claims/blocked assets issue, thus stimulating considerable private sector and press commentary. When governmental exchanges on the topic were resumed, however, it became clear at an official level that the Chinese were not prepared to soften their negotiating position or to accommodate U.S. legal requirements in order to consummate an agreement. The issue continued to drift until the spring of 1979, when the Chinese, in the first major effort to implement Deng Xiaoping's economic modernization program, finally compromised on the issue sufficiently to reach agreement with the Carter administration.

145 See *Xinhua* attacks on the "Sonnenfeldt Doctrine" of April 19, 1976 and April 21, 1976.
146 *The New York Times*, September 7, 1977.
147 Lin-Roy, July 25, 1978.

Provocation

The Chinese use of political provocations to influence a negotiation has its counterpart in their use of the press. It is likely that Beijing anticipated in the mid-1970s that occasional moderating gestures toward the Soviet Union would elicit lively press speculation in the United States about the possibility of a Sino-Soviet reconciliation; and even if they didn't hold such expectations, the evident reactions that *did* occur clearly demonstrated to them a capacity to evoke a public response that would work to their advantage.

PRC media upon occasion have attacked U.S. policies in a way that suggests they anticipate that public criticism may provoke a change in an objectionable position or move the U.S. government to take some desired action. For example, in the spring of 1975, not long after the collapse of the Thieu government in South Vietnam, PRC media carried an article characterizing the United States as "strategically passive"--a theme which the Chinese knew, from official exchanges, was likely to elicit a sharp reaction from Secretary of State Kissinger. The Secretary was concerned that the Soviets, North Koreans, or other adversaries of the United States would take advantage of the mood of the time to press their own interests much more aggressively. Kissinger did, in fact, protest the characterization of "strategic passivity" in a discussion with Liaison Office Chief Huang Zhen on May 9; and the Chinese criticism was probably one of the factors that moved the United States to take military action a few days later against the new Cambodian communist government in the Mayaguez affair.

Public attacks by the PRC on alleged Western "appeasement" of the Soviet Union in the latter half of the 1970s parallel private Chinese demarches on the same subject to officials of the Ford and Carter administrations.[148] It may be assumed that such criticism was intended to provoke a more confrontational U.S. policy toward the Soviet Union--thus diverting Soviet pressures away from the PRC.[149]

Limit-Setting

Chinese press commentary paralleling a negotiation often seems intended to establish a perception in the minds of the foreign negotiators of the limits to PRC flexibility on the issue under discussion. By making a position public, the Chinese may assume that they are "loading" the thinking of their counterpart government officials with their preferred position, as well as convincing them that having gone public with a "firm" statement, they are unlikely--for reasons of credibility or "face"--to show flexibility at the bargaining table. Thus, after 1974, PRC media stressed that normalization could be realized only on the basis of the "Japan formula"; and in early 1982, a *People's Daily* commentary asserted that there had to be a time limit on U.S. arms sales to Taiwan.

The Chinese are highly conscious of the differing levels of authoritativeness of their various media. In internal documents, they clearly distinguish between the PRC-controlled Hong Kong press (the *Da Gong Bao* and *Xin Wan Bao*), the "unofficial" mainland media such as the *Wen Hui Bao* and the *Guang Ming Ri Bao*, the governmental news outlet *Xinhua She*, and authoritative political media, especially *Ren Min Ri Bao* (*People's Daily*). They will often present positions on topics under negotiation in a much "harder" tone in "unofficial" media in order to influence the expectations of their foreign counterparts about the limits of their flexibility, while retaining the option of modifying a position not made in an "official" publication.

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148 See, for example, Kissinger-Qiao Guanhua, September 28, 1975; Huang Hua-Vance, August 24, 1977; Huang Hua-Brzezinski, May 20, 1978.

149 Chinese pressures on the United States to be more aggressive in dealing with the Soviets are a mirror image of PRC efforts in the late 1950s and early 1960s to get Moscow to abandon detente with Washington and adopt a more "revolutionary" foreign policy. These Chinese pressures, which were seen by the Khrushchev leadership as provocative and adventurist, were no doubt intended to minimize the possibility of a detente in U.S.-Soviet relations--which would have isolated the PRC and created the threat of Moscow-Washington "collusion" against Chinese interests. The Chinese, thus, have attempted to provoke *both* the United States and Soviets to confront each other, to the presumed benefit of PRC security.

Enticement

During the arms sales negotiation of 1982, the Chinese first floated a hint of compromise on the iss of a time limit on U.S. sales in a *Xinhua* commentary. Indeed, on March 2, as a new round of negotiatic was beginning, a Foreign Ministry official explicitly--and privately--called the attention of U.S. Embas personnel to what he characterized as flexibility on the time limit issue in the just-published pr commentary.[150]

What was the purpose of floating a hint of compromise in a public medium? It may be that t Chinese, in characteristic "projective test" fashion (see pp. 40-42 above), were hoping to stimulate t United States to respond with a new negotiating position that would be more forthcoming in meeting th objectives. The vague wording of the *Xinhua* commentary did not formally commit the PRC to a mo flexible position, yet it might entice the United States to come forth with a specific reaction to which t Chinese would have the flexibility of responding to at their own initiative.

Feedback

It is worth noting in this assessment of the role of the mass media in the negotiating process th Chinese officials, since the onset of the normalization dialogue, have revealed a timely access to virtually a American mass media; and, especially in recent years, they have shown considerable sensitivity to th manner in which press statements by administration officials and Congressmen, and even totally privat press commentary, affect PRC management of the negotiating process. (This Chinese sensitivity to the U.S press and the rapid dissemination of American media within the PRC political elite have implications fo U.S. negotiating counterstrategies, as discussed on pp. 120-121 below.)

During the Nixon presidential visit in 1972, Zhou Enlai disclosed to Secretary of State Rogers tha Mao Zedong had first seen signs of change in U.S. China policy in Richard Nixon's 1967 *Foreign Affair* article "Asia After Vietnam," which (even during the height of the Cultural Revolution!) had been translate and circulated in the internal publication *Reference Materials (Cankao Ziliao)*. When Kissinger arrived i Beijing in July 1971, as part of a round-the-world trip, Zhou Enlai quoted to him from a speech Richar Nixon had delivered in Kansas City a few days before. Kissinger was nonplussed because he had not see the speech himself (or known of its existence); nor had he received a copy from U.S. embassies along hi route. Yet the PRC Premier had this latest Presidential statement--which he loaned to Kissinger overnight for his reference.[151] Premier Zhao Ziyang once noted to President Reagan, as presumed proof of Sovie designs on Taiwan, that Moscow television had recently carried a film clip of Taiwan President Chiang Ching-kuo officiating at a National Day (October 10) celebration in Taipei.[152] And during the arms sales negotiation in early 1982, Vice Foreign Minister Zhang Wenjin began a session with Assistant Secretary John Holdridge by complaining that "last night's ABC news broadcast" had carried a report that President Reagan had decided to sell F-5E aircraft to Taiwan.[153]

The point of these examples is that the Chinese have long had timely access to the full range of foreign news media, which are rapidly translated and circulated within the political elite in the "internal" (*nei-bu*) publications *Reference News and Reference Materials* and other vehicles of which we may be unaware. The PRC embassies clearly have a press-reporting function, which includes timely assessment of U.S. Congressional debates. Zhang Wenjin, for example, protested to the U.S. Embassy in Beijing U.S.

150 Ji Chaozhu-U.S. Embassy Officer, March 2, 1982.
151 Henry Kissinger, *White House Years*, pp. 748-749.
152 Reagan-Zhao, October 21, 1981.
153 Zhang Wenjin-Holdridge, January 11, 1982.

consideration of sales of the F-X fighter aircraft to Taiwan based on statements made by Senator Glenn and Congressman Zabloki on August 21 and 31, 1981.[154]

Several observations should be made about the impact of this rapid access to foreign news media on PRC negotiating behavior as revealed in the official record of U.S.-PRC exchanges. First, foreign press materials are not only intended to keep the leadership and lower-level party cadre informed of world events, they also are used to inform them--in an oblique and "deniable" fashion--of policy changes within the PRC government itself. Middle-level government officials have told this author that they first anticipated a major change in China's America policy when they read a translation of Mao Zedong's *Life* magazine interview with Edgar Snow, which had been circulated in *Reference Materials*. The Zhou Enlai interview with James Reston in August 1971 was similarly given wide circulation within China--thus "feeding back" to the cadre changes in policy of which they may not have been aware from domestic sources.

Second, while we do not know the editorial procedures by which foreign media reports are selected for inclusion in the limited-circulation internal publications, it is rather clear that the top leadership does *not* edit out reports which could be harmful to its promotion of certain policies. Relevant examples are legion: Deng Xiaoping complained to Secretary of State Haig in June 1981 about reports that President Reagan's daughter was visiting Taiwan, noting that this was a very sensitive issue in China.[155] And he complained to former Vice President Mondale a few months later that public statements by U.S. officials on the F-X issue were complicating his handling of the Taiwan arms sales question within the PRC.[156] Vice Foreign Minister Zhang Wenjin, in an exchange with Assistant Secretary Holdridge on the arms sales issue, expressed frustration and resentment about the way the American press discussed Taiwan and the PRC:

> You have . . . expressed hope that China will reduce criticism of U.S. arms sales to Taiwan in the press, but this matter concerns China's sovereignty and independence. In the United States, both the press and officials frequently disclose news on this situation. You have told us not to pay attention to this, but afterwards the news turns out to be true. In the U.S. press, there are many articles tantamount to malicious attacks on China. These violate the agreement on the establishment of diplomatic relations. In many newspaper commentaries, Taiwan is looked on as a country, an ally, and China is maliciously attacked. The Chinese people are very sensitive about such criticism and have exercised great restraint. We cannot stop the expression of the Chinese people's feelings in the press. It is simply impossible for the Chinese press not to write about it. There are letters from readers which have expressed much stronger opposition, but we don't want them published. I would like to give some advice. I hope the U.S. press will adopt a more prudent and restrained attitude and stop malicious attacks on China. I don't want to give specific examples. You know [what they are]. But so long as the U.S. press continues to attack China in this way, there will be a limit to China's restraint.[157]

No doubt there was a certain amount of playacting in Zhang's protest, for Zhang understands full well that the U.S. government cannot control private press writings about China; yet private statements made by Foreign Ministry officials at the conclusion of the arms sales negotiation indicate that U.S. press materials distributed through *Cankao Xiaoxi*--especially when a party plenum or Congress or a National People's Congress meeting is in session--can stir up political pressures that the leadership finds difficult to control.

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[154] Zhang-Freeman, September 9, 1981.
[155] Deng-Haig, June 16, 1981.
[156] Deng-Mondale, November 22, 1981.
[157] January 11, 1982.

The extent to which the PRC political process has become sensitized to U.S. press reporting is perhaps best summed up in a 1983 incident in which a mild Foreign Ministry protest to the U.S. government about an arms sales decision for Taiwan was characterized in the U.S. press as pro forma in character. This story was circulated in China, and a few days later the PRC registered a second, much sharper protest--apparently because of pressures generated within the PRC by the first account.[160]

POWER OF WORDS

A distinguishing characteristic of the Chinese political process noted by a number of foreign analysts is the unusual power attributed to the use of words in asserting political authority.[161] Mastery of calligraphy and the esoteric classical language and memorization of the writings of Confucius were the primary skills of the traditional political elite, the scholar-officials of imperial times. Even during the Communist era, Mao Zedong asserted his authority through study of his writings (as in the Party rectification movements begun in Yanan) and through mass incantations from the "little red book" of his quotations during the Cultural Revolution.

China's ideographic written language, with its mystical origins in bone divination, also seems to sensitize the Chinese to symbolic forms of communication. Chinese leaders are aware of the way their ancient language, for all its cultural richness and its role in unifying the country, has hindered China's modernization. As Zhou Enlai commented to Henry Kissinger in their first encounter: "With respect to China's long history, there's one good point, the written language, which contains a heritage of 4,000 years based on historical relics. This is beneficial to the unification and development of our nation. But there's also a weak point. Our symbolic language of ideograms restricted our development. You might think that these are all idle words, but they are not. They show that we know our objective world and we can coolly appraise it."[162] In politics, the Chinese are masters of the symbolic act and of the communicating power of a well-turned phrase. At the beginning of the normalization phase of the U.S.-PRC relationship, most American observers missed the significance of Mao Zedong's reception of his American "old friend" Edgar

158 Wang Li-U.S. Embassy Officer, August 24, 1982.

159 Zhang Wenjin-Holdridge, January 11, 1982; Zhang Wenjin-Hummel, January 25, 1982; Zhang Zai-Freeman, March 22, 1982.

160 See *Washington Post*, June 6, 1983, and July 20 and 24, 1983.

161 See Robert J. Lifton, *Revolutionary Immortality: Mao Tse-tung and the Chinese Cultural Revolution*, New York: Random House, 1968, pp. 63-65; Lucian W. Pye, *The Spirit of Chinese Politics*, Berkeley: University of California Press, 1971, pp. 109, 411-412.

162 Zhou-Kissinger, July 9, 1971.

Snow atop *Tian An Men* on National Day, 1970[163]--yet this was the first overt sign of the Chairman's intention to initiate a dialogue with U.S. officials. More familiar to American observers in the evolution of the relationship are the symbols of "ping-pong diplomacy" in the spring of 1971, China's use of its panda bears to build a mood of friendship, and the development of such verbal symbols as "the Shanghai Communique," "firing empty cannons," "hegemony" and "the Polar Bear," the "Japanese Model" of normalization, the "nine points" for peaceful reunification with Taiwan, and "the dark cloud" [of Taiwan arms sales] hanging over the relationship.

This distinctive use of language in the political process is expressed in a number of ways in Chinese negotiating behavior. The Chinese are meticulous record keepers, and the words spoken across the green baize table in negotiating exchanges acquire the weight of a formal commitment. Zhou Enlai's repeated assertion to Henry Kissinger than "our word counts" expresses a sense that integrity is judged by one's willingness to honor the given word.[164] Chinese negotiators are quick to cite the past record of exchanges to assert that their commitment to a "principled position" is unchanged--as in Deng Xiaoping's 1974 invocation of Chairman Mao's words to justify his rejection of Kissinger's approach to completing normalization at that time,[165] or in Huang Hua's rebuff of Haig's complaint in 1981 that the PRC was escalating its demands for an end to U.S. arms sales to Taiwan by citing Deng Xiaoping's words at the time of normalization that the arms sales issue would have to be discussed in the future.[166]

Chinese negotiators readily cite a counterpart's own words to hold him to a position he might want to change.

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And they invoke the words of a counterpart's predecessors to reject a change in policy.

After reading from the Deng-Ford exchanges of 1975, Deng asserted that Vance's presentation on normalization was a "retreat" from the stated position of his predecessors.[168]

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163 One problem in U.S.-PRC relations has been the tendency of the two sides to misinterpret communications, especially those of a symbolic nature. Each side probably tends to overinterpret "signals" of the other, or to assume a purposeful calculation behind some word or act when none was intended. For example, Mao himself once indicated to Kissinger his overreading of the intention behind President Nixon's reception of a PRC acrobatic troupe at the White House. Said Mao: "From the atmosphere with which your President received our acrobatic troupe, I thought that the Vietnamese issue was going to be settled." [Mao- Kissinger, February 17-18, 1973.]

164 In contrast to the negotiating behavior of the Russians, the Chinese, for the most part, are meticulous in translating statements negotiated in English into Chinese. This was Kissinger's experience in constructing the Shanghai Communique (see *White House Years*, pp. 1084-1085).

b1,a3, a5

166 Haig-Huang Hua, October 23, 1981.

167 Zhang-Hummel, January 25, 1982, and February 3, 1982.

168 Deng-Vance, August 24, 1977.

The Chinese are skillful in using vague formulations to draw out a negotiating counterpart so that his position is "on the record"[169]; and when they are in an intransigent mood, they will reiterate their policy with great tenacity and--to assert the authority of their own position--will insist on having the last word in an exchange.[170]

WORD GAMES (STYLE OF ARGUMENTATION)

Chinese officials, like all negotiators, observe certain stylized conventions in official exchanges. Some verbal conventions are virtually universal in communicating intentions or in imparting second and third order meanings to words spoken. Table I summarizes some of the verbal conventions found in the normalization record that are familiar to any diplomat with substantial international experience. But there are certain forms of argumentation characteristic of Chinese negotiating practice that are, if not unique, at least highly distinctive.

"You're Violating the Principles of the Relationship!"

Having worked assiduously in the early phase of a negotiation to gain a counterpart government's commitment to certain general principles, the PRC negotiator will use that commitment to constrain his interlocutor's actions as the relationship evolves. In the U.S.-PRC relationship, this pressure tactic has been most evident with regard to the issue of U.S. arms sales to Taiwan. In 1978, as the normalization negotiations entered their final phase, PRC officials protested each Carter administration sale to the island as a violation of the principles embodied in the Shanghai Communique:

b1, a3, a5

This same plaint of violation of principle was Beijing's primary form of verbal pressure during the arms sales communique negotiation in 1982:

b1, a3 a5

b1, a3, a5

169

170 For two almost humorous examples of PRC negotiators dragging out exchanges to ensure that they had the last word, see U. Alexis Johnson, *The Right Hand of Power*, pp. 246-247; and Jacob Beam, *Multiple Exposure*, p. 125.

171 Vance-Huang Hua, October 3, 1978.

Table 1

PRESSURING PHRASES IN CHINESE NEGOTIATING PARLANCE

Phrase	Meaning
"Speaking personally . . ." "It is my personal view that . . ."	Signifies an "unofficial" but on-the-record comment, usually of a critical nature, that the negotiator wants considered by his counterpart, but one that he should not be held accountable for as a formal governmental position or have quoted back to him in future negotiating sessions.
"To be frank . . ." "Speaking very candidly . . ."	Signifies a serious, usually critical statement, often with an implicit threat of some unfavorable development if the critical comment is not taken seriously.
"I have been instructed to tell you that . . ." "I have been authorized [directed] by the Premier to inform you that . . ."	Communicates a policy position, usually of a demanding or threatening nature, that carries the weight of a formal or collective decision by the leadership.
"It is our principled position that . . ."	Signifies an inflexible negotiating position from which the PRC will not compromise (at a particular stage of a negotiation). (When no mention is made of "principle," the negotiator is usually prepared to be flexible in working out "concrete arrangements.")
"Having taken your views into account, it is our position that . . ."	Signifies that the PRC has made some adjustment of its position to reflect the views of its negotiating counterpart, but does not intend to compromise further.
"It is up to the doer to undo the knot."	The counterpart government is responsible for a certain situation, and China will do nothing to resolve the problem.
"If you do X, your side will bear all the consequences." "If you do Y, it will have a very bad effect on our relationship."	A direct, but unspecified threat to take retaliatory action in response to a specific action on the part of the counterpart government.
"If you do X, China will not stand idly by."	The ultimate threat of action, usually of a military nature, in response to the specified behavior on the part of the counterpart government.

b1, a3, a5

And while the joint communique of August 1982 on arms sales, as well as the tacit understandings on the issue that were part of the normalization dialogue, constitute a framework and set of expectations for handling the issue, the Chinese are likely to exert future pressures on the United States on this question by asserting that the United States is violating the principles of the relationship. As Premier Zhao Ziyang declared in a major policy statement of 1983:

> The United States has formulated the so-called "Taiwan Relations Act" and continues to sell arms to Taiwan in serious violation of the public commitments it undertook in all the Sino-U.S. communiques and the principles governing the establishment of Sino-U.S. diplomatic relations that both parties agreed to.[173]

"We Don't Need You; You Need Us!"

PRC negotiating rhetoric also reflects the relationship game which, for the Chinese, is the psychological core of the political process. As the U.S.-PRC relationship has deepened, the Chinese have sought to ease their anxieties about once again becoming dependent on a more powerful, yet distrusted, foreign power, by asserting with great conviction--if not convincing logic--that they are part of the "Third World," or that they pursue an "independent" foreign policy. And at times when PRC leaders have felt the United States was not carrying its weight in the relationship, or when they feared becoming too dependent on the United States, they have asserted with even greater vehemence that it was the United States that needed the relationship with China and not vice versa (and thus the United States should fulfill its part of the relationship).

b1, a3, a5

172 Pu Shouchang-Hummel, March 18, 1982.

173 Zhao Ziyang, "Report on the Work of the Government" (delivered to the First Session of the Sixth National People's Congress), *Beijing Review*, No. 27, July 4, 1983, p. xxiv.

174 Deng-Mondale, August 28, 1979.

"You're Guilty, at Fault; You Owe China a Debt!"

A pressure tactic that is hardly unique to the Chinese, yet nonetheless is characteristic of their negotiating rhetoric, is their tendency to lay blame or find fault as a basis for pressing their interlocutors for some action that will accommodate their interests. In the normalization dialogue, this tactic has been particularly evident in discussions on the Taiwan issue. As Zhou Enlai said to Kissinger at the outset of their first encounter, "the question of Taiwan becomes one regarding which we cannot but blame your government."[175] Deng Xiaoping picked up this theme in the mid-1970s, not so much because of alleged past U.S. sins on the Taiwan issue, but to pressure Kissinger to follow through on President Nixon's unrealized intention to complete the normalization process in his second term.

b1, a3 a5

In October 1975, Foreign Minister Qiao Guanhua sought to put the Secretary on the defensive on normalization by commenting that China was prepared to complete the process but the United States was at fault for lack of progress because of its political difficulties with the issue. Said Qiao: "It would be good if we can achieve [some progress toward normalization]. We understand you have problems. We have no problems."[177]

The Chinese have similarly attempted to play guilt games with the United States on the issue of technology transfers in order to move the government to adopt a more forthcoming policy toward the PRC.

b1, a3, a5

And in late 1981, Deng complained to Secretary of the Treasury Donald Regan that "America has not given China a single item of advanced technology." Citing the failure to follow through on its decision of 1979 to provide the PRC with a census computer, Deng observed,

> Perhaps the problem is one of how the U.S. treats China. I wonder whether the United States is still not treating China as a hostile country?! . . . We have been waiting. Frankly, we have been very patient. I first raised this matter [of the census computer] eight years ago with Kissinger.[179]

It is evident that the Chinese keep lists of grievances which they recite to an interlocutor when they want to put him on the defensive;[180] and they are quick to blame others for problems they cannot resolve-

b1, a3, a5

175 Zhou-Kissinger, July 9, 1971.
176 Deng-Kissinger, November 26, 1974; also Huang Hua-Vance, August 24, 1977.
177 Kissinger-Qiao, September 28, 1975.
178 Deng-Brown, January 8, 1980.
179 Deng-Regan, November 19, 1981.

b1, a5

181 Reagan-Zhou, October 21, 1981.

"You Are Weak; You Are Fearful!"

In the past, some of the most biting Chinese attacks on U.S. policy have been those that assert that the United States is fearful of the Soviet Union and is displaying weakness by appeasing Moscow through policies of detente--a form of provocation. It is as if the Chinese believed that the best way to move the United States to adopt a more forceful policy against the Soviets was to provoke officials with a challenge to their political manhood.

In late 1971, after President Nixon had decided to assist China if it came under Soviet pressures in the context of a confrontation between India and Pakistan,[182] Huang Hua criticized U.S. policy toward Indian military actions against Pakistan as "a weak one" and asserted that "one must not show the slightest sign of weakness" in dealing with the Indians and their Soviet backers.[183]

Throughout the Nixon and Ford administrations, the Chinese adopted an ever more critical posture toward U.S. dealings with the Soviet Union, focusing their attacks on the various treaties and agreements that embodied the policy of detente. These verbal attacks--presumably designed to encourage the United States to adopt a posture of unalloyed confrontation toward the Russians--came to a head in 1975-1976 as the Chinese attacked the attitude of "appeasement" which, they said, was increasingly prevalent in "the West." This line of attack reached its most extreme point in the following exchange between Kissinger and Foreign Minister Qiao Guanhua in the fall of 1976:

> *Kissinger*: You said in your speech [to the U.N. General Assembly] that when the U.S. negotiates with the Soviets it is engaging in appeasement and pushing the Soviets toward China. But when the U.S. resists the Soviets, it is engaging in a rivalry of the superpowers against which all mankind should unite. Under those conditions we are playing under rules where we cannot possibly win . . . .
>
> *Qiao*: Your comments are too general. We are never against negotiations with the Soviet Union. We are negotiating with them now. We are not opposed to negotiations. The problem is the basic position from which one negotiates. You will recall that Chairman Mao discussed with you the problem of the Helsinki Conference. After Helsinki the Soviets went on a large scale offensive in Angola, and we believe this was caused by the weak attitude you adopted at Helsinki toward the Soviets. . . . Our view is that the Soviets, through Helskinki, see your weakness.
>
> *Kissinger*: Really, Mr. Foreign Minister, I don't want to be impolite, but I don't agree. We are not weak, rather, we are temporarily weak until after our elections. . . . But that will end on November 2.
>
> *Qiao*: I don't want to be impolite. The Soviets, through Helsinki, have come to feel that the West is anxious to reach agreement. . . . We have mentioned our concerns because in our view we cannot adopt a weak attitude toward the Soviet Union.[184]

This line of verbal attack continued during the Carter administration, as in Huang Hua's assertion to National Security Advisor Brzezinski that the United States was fearful of the Soviet Union:

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182 Kissinger, *White House Years*, pp. 905-910.
183 Kissinger-Huang Hua, December 10, 1971.
184 Kissinger-Qiao, October 8, 1976.

Huang Hua: Between the Soviet Union and the United States, who is more afraid of whom? The United States is more afraid of the Soviet Union. In Africa, the Soviet Union is making infiltration and expansion and making an open challenge to the United States. This, I think, has something to do with the weak response on the part of the United States. And I think the policy of appeasement can only inflate the ambitions of the Soviet Union for hegemony.

Such attacks usually have been coupled with verbal bravado that China, in contrast, is in no way fearful of the Soviets:

Huang Hua: Your excellency has mentioned that one of the strategic goals of the Soviet Union is to encircle China. As a matter of fact, China has never feared encirclement. The Communist Party of China developed and grew strong while encircled. It is impossible to encircle such a big country as China. . . . There is an advantage in having been encircled. That is, it has compelled us to rely on our own efforts to develop our economy.[185]

"Your Policy Is Illogical" ("Lifting a Rock Only to Drop It on One's Own Foot")

PRC negotiators, with their dialectical sense of logic, are quick to point out instances where U.S. policy or actions--in the Chinese view--actually work to increase the influence and strength of America's adversaries, or where U.S. policies are internally inconsistent. Such criticisms, of course, are intended to induce changes in U.S. policy favorable to Chinese objectives.

Zhou Enlai attacked the U.S. bombing campaign against North Vietnam in 1971 with the argument that the bombing was helping the Soviets to increase their influence in Hanoi.[186] Deng Xiaoping criticized U.S. grain sales and technology exports to the Soviets as inconsistent with the stated U.S. objective of resisting Soviet hegemony.[187] Defense Minister Geng Biao criticized U.S. pressures on OPEC as helping the Soviets to increase their influence in the Middle East.[188]

"We Don't Care About . . ." (Devaluation)

When PRC negotiators wish to convey the impression that they are impervious to pressures or unwilling to compromise on some issue, they will assert--often not very convincingly--that they don't particularly care about a given situation or about attaining a certain objective.

In a discussion with Henry Kissinger of the Nixon administration policy on China's representation in the United Nations--which would obviously affect the timing if not the manner in which the PRC gained entry to the U.N.--Zhou Enlai asserted lack of urgent interest in the matter:

You must know we do not consider the matter of regaining our seat in the U.N. an urgent matter. We have gone through this for 21 years and we have lived through it. Even if war should break

185 Huang Hua-Brzezinski, May 21, 1978.
186 Zhou-Haig, January 3, 1972.
187 See Deng-Kissinger, October 20, 1975.
188 Geng-Brown, January 7, 1980.
189 Pu Shouchang-Hummel, March 18, 1982.

> out, we should be able to live through it. Therefore, we do not attach any importance to the U.N. question, and I didn't [even] mention it yesterday.[190]

In 1975, as the Chinese sought to bring maximum pressure on the Ford administration to complete the normalization process (by withholding the prospect of a "successful" Presidential visit), they asserted that they feared neither Soviet pressures, which might increase with an evident deterioration in the relationship, nor a delay in normalization:

> The Chinese side would like to state the following in all frankness: As is known to all, it is the self-interest of the United States which guides its international actions. The Chinese side has long made clear that it entertains no illusions about the policy of the U.S. The basis of China's policy has always been independence and self-reliance. China neither fears intimidation nor seeks protection. As for the normalization of relations between China and the U.S., this is the common aspiration of the people of China and the U.S. And it is the U.S. that owes a debt to China.
>
> In the past 26 years, in the absence of diplomatic relations with the U.S., the Chinese people have led a life much better than in any other period in China's history. It can be said with certainty that further delay in the establishment of diplomatic relations between China and the U.S. will not cause the sky to fall, and the 800 million Chinese people will continue to enjoy their happy life. . . . Frankly, the Chinese side does not care about speculations in other quarters about [the state of] Sino-U.S. relations.[191]

And in 1978, as the Chinese sensed the Carter administration moving to a "final" negotiating round on normalization and as the PRC faced the prospect of growing tensions with the Soviet Union and Vietnam over Indochina, Deng Xiaoping had to deal with the problem of how to accelerate the normalization negotiations without appearing anxious—which, in the Chinese view, would undercut their bargaining position.

b1, a3, a5

190 Zhou-Kissinger, July 10, 1971.
191 Qiao-Bush, November 4, 1975.
192 Deng-Brzezinski, May 21, 1978.

Sharpening Differences (Differentiation)

> *Mao Zedong*: We also say . . . that each side has its own means and [has] acted out of its own necessity. That [has resulted] in the two countries acting hand-in-hand [to deal with the Soviet challenge].
>
> *Kissinger*: Yes, we both face the same danger. We may have to use different methods sometimes but for the same objectives.
>
> *Mao*: That would be good. So long as the objectives are the same, we would not harm you nor would you harm us. And we can work together to commonly deal with a bastard [the Soviets] (laughter). Actually, it would be that sometimes we want to criticize you for a while and you want to criticize us for a while. That, your President said, is the ideological influence. You say, "Away with you communists." We say, "Away with you imperialists." Sometimes we say things like that. It would not do *not* to do that.
>
> *Kissinger*: I think both of us must be true to our principles. And in fact it would confuse the situation if we spoke the same language. I have told the Prime Minister that in Europe you, because of your principles, can speak more firmly than we can, strangely enough.[193]

One of the more intriguing aspects of the U.S.-PRC political association that has developed over the past fifteen years is the "dialectical" quality of cooperation and criticism; the sense of shared interests yet an equally sharp sense of the cultural, institutional, and political differences that make the two countries unique. The relationship, in many ways, is truly a matter of "the unity of opposites."

This paradoxical quality has been most evident in the negotiating process in the three periods since 1971 when the Chinese have purposefully decided to sharpen these differences: at the time of the drafting of the Shanghai Communique in the fall of 1971; in 1974-1976, during the ascendancy of the "Gang of Four" and the succession crisis to Mao Zedong's leadership; and in 1981-1982 during the negotiations over U.S. arms sales to Taiwan. The political dynamics of these instances of heightened tension are not the same in each instance and are not fully known; they reflect in some measure the play of PRC internal politics, especially during the mid-1970s. Yet they also are episodes in which the Chinese sought to exert pressure on the United States by drawing a sharp distinction between the positions of the two sides on a range of issues—while not pushing differences to the point of rupturing what remains a fragile association based on a sense of shared external threat more than common institutions, political values, or developmental objectives.

In October 1971, on Kissinger's second visit to Beijing, during which he initiated exchanges on the joint statement that came to be known as the Shanghai Communique, Kissinger brought with him a draft document that "followed the conventional style, highlighting fuzzy areas of agreement and obscuring differences with platitudinous generalizations."[194] The next day Zhou Enlai responded to the draft:

> Quite uncharacteristically, he made a scorching one-hour speech—at the express direction of Mao, he said. He declared that our approach was unacceptable. The communique had to set forth fundamental differences; otherwise, the wording would have an "untruthful appearance."[195]

193 Mao-Kissinger, February 17-18, 1973.
194 Kissinger, *White House Years*, p. 781.
195 Ibid.

While initially nonplussed at Zhou's sharp attack and his unfamiliar formula for drafting a communique, Kissinger recalled, "As I reflected further I began to see that the very novelty of the approach might resolve our perplexities. A statement of differences would reassure allies and friends that their interests had been defended; if we could develop some common positions, these would then stand out as the authentic convictions of principled leaders."[196]

The second instance occurred in the fall of 1975, during preparations for the Ford presidential visit to the PRC. As noted earlier, the Chinese side at once sustained their invitation to the American president even as they refused to construct a visit communique that would highlight common positions of the two sides. Foreign Minister Qiao Guanhua told Liaison Office Chief George Bush in the midst of the preparations:

> We welcome the U.S. side's proposal for a visit to China by President Ford and [we] are prepared to receive him with courtesy. It will be all right whether or not our minds meet. The U.S. side should be clearly aware of this and not harbor any illusions."[197]

Qiao then related this perspective to the drafting of a joint U.S.-PRC communique to mark the conclusion of the Presidential visit:

> The present (U.S.) draft still attempts to cover up differences in principle between China and the U.S. on major international issues and creates a false impression. This will serve neither of our interests. . . . It is unjustifiable to tone down or eliminate language alleged by the U.S. side to be offensive.

b1, a3, a5

As a negotiating tactic, this approach produces a complex set of effects for both sides: It enables both parties to assert visibly and sharply their "principled positions"--which, as Kissinger noted, enables them to reassure allies *and domestic constituencies* that their interests have been pressed in the negotiations; it also puts the relationship under considerable strain and forces both sides to define very precisely the value to each of the association. There was a clear limit in each of the above-mentioned instances beyond which Chinese pressures would have strained the relationship to a breaking point; but in each instance partial compromises on both sides preserved a core of agreement amid unresolved differences. As Mao Zedong--a master of this tactic--liked to assert, big quarrels can produce even greater unity.[199]

Debunking (Rejection)

PRC negotiators can upon occasion be quite sharp in debunking the policies of their counterparts in order to bring pressure on them to change their positions. A few examples from the record will convey the flavor of their often-ridiculing approach to rejecting the opposite side's views.

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196 Ibid.
197 Qiao-Bush, October 31, 1975.
198 Han Xu-Hummel, July 23, 1982, July 31, 1982, August 7, 1982, August 10, 1982.
199 Deng-Ford, December 2, 1975.

In 1974, Deng Xiaoping--speaking to a U.S. Congressional delegation--debunked Henry Kissinger's assertions that Soviet pressures against China would reach a high point in the mid-1970s:

> Often we read in the American press or have heard from American visitors that the Soviets will launch an all-out attack at such and such a time. Last autumn we heard that the attack would come before the rivers froze. Our view was that this was very unlikely. The winter passed. Next we heard that the Soviets would attack us when the ice melted in March. Well, the thaw came, but not the attack. And now once again from very good sources we hear that the Soviets will attack us before the freeze in October. This once again seems to us very unlikely. But, as it is in the future, we can only wait and see.[200]

In the fall of 1975, Mao ridiculed Kissinger's assertion that the United States "attaches very great significance" to its relationship with the PRC with the counter that his words were "not reliable."[201] The Chairman, being anxious to see normalization accomplished before he died, sought to pressure Kissinger by saying in effect that he wanted action on normalization, not just words.

In 1977, Deng Xiaoping sought to move the Carter administration to adopt a policy of more vigorous opposition to the Soviet Union.

b1, b3, 25

The Chinese continued to challenge Vance on his views of the Soviet Union by criticizing what they claimed to be an attitude of "appeasement" in the United States, and with near ridicule of his approach to dealing with the Russians:

> *Vance (to Huang Hua)*: I understand you are going to Kinshasa on the way home, Mr. Minister.
>
> *Huang*: . . . You should go also . . . but I doubt you will--you may be apprehensive of offending the Soviet Union.[203]

In an effort to put off movement on the normalization issue in the summer of 1977--and to position China more favorably for eventual discussion of the subject--Deng Xiaoping debunked Secretary Vance's presentation on the subject as "a retreat, not a step forward" from the position put forward by the Ford administration.[204]

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200 Deng-Fulbright Codel, September 5, 1974. Deng's purpose was to deflate what he saw as pressure tactics from the U.S. based on an exaggerated assessment of the Soviet threat to PRC security.

201 Mao-Kissinger, October 21, 1975.

202 Deng-Vance, August 24, 1977.

203 Vance-Huang Hua, June 2, 1978.

204 Deng-Vance, August 24, 1977.

Personal Abuse (Challenging Motives, Sincerity)

In the normalization negotiation, American officials—with a few exceptions--have been spared the personal abuse and invective that characterized U.S.-PRC negotiations during the adversarial days of the 1950s and 1960s.[205] In their recent efforts to build a relationship with the United States, the Chinese capacity for cultured graciousness has been the rule, not the exception. At times when they have wanted to build pressure on the United States, however, their negotiators have shown flashes of the capacity for personal abuse which so dominated the atmosphere of the talks at Panmunjom and Warsaw. Indeed, the contrast between their usual *politesse* and their occasional resort to abusive language and the challenging of motives makes the latter instances even more powerful in effect.

The first sharp example of challenging motives in the normalization record is Zhou Enlai's assertion to Henry Kissinger in February 1973 that the United States "wants to reach out to the Soviet Union by standing on Chinese shoulders," an accusation to which Mao Zedong (the author of the image) added, "I suspect the whole of the West has such an idea, that is to push Russia eastward, mainly against us and also Japan."[206]

During the time of the "Gang of Four," PRC diplomats adopted an increasingly acerbic tone in exchanges with U.S. counterparts, no doubt a reflection of internal tensions associated with the political polarization of the time. In the spring of 1974, the Chinese sharply rejected a U.S. warning about the possible attachment of a PRC special mission aircraft scheduled to fly from Beijing to New York for a special session of the United Nations General Assembly because of the unresolved private claims/blocked assets issue.[207] A formal note charged that the United States was engaging in "blackmail" on the issue. In the summer of 1976, Liaison Office Chief Huang Zhen formally attacked Senator Hugh Scott in a discussion with Secretary of State Kissinger, asserting that the Senator had created a "premeditated pretext" to issue a "flagrant threat" to Vice Premier Zhang Chunqiao when he told the Vice Premier, in a discussion in Beijing the previous month, that a PRC resort to force to solve the Taiwan issue would harm the development of U.S.-PRC relations.[208]

Distorting the Record

While the Chinese do not hesitate to hold their negotiating counterparts accountable for the words they have spoken into the official record, and despite Zhou Enlai's self-righteous assertions that "our word counts," there have been a number of instances in recent years where PRC officials have significantly distorted the record of official exchanges with the United States to influence important aspects of the

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205 Ambassador Kenneth Young has summarized the style of PRC negotiators in this era in the following way: "Glorifying martial virtues and military tactics, the Sinocentric, Maoist and revolutionary diplomat considers negotiation, at least with Americans, a eventual death struggle for the adversary and not a joint benefit for both parties. He has no feeling for his American adversary nor an interest in his case. He indulges in the language of invective and exhausts the vocabulary of the extreme." [Kenneth Young, *Negotiating with the Chinese Communists*, p. 363.]

206 Mao-Kissinger, February 17-18, 1973.

207 See PRC Liaison Office communications with the Department of State of March 25, 1974, March 29, 1974, and March 3[illegible] 1974.

208 Kissinger-Huang Zhen, August 18, 1976.

209 Zhang Wenjin-Holdridge, January 11, 1982.

relationship in a direction favorable to their objectives. Thus, U.S. negotiators must be as meticulous as the Chinese in maintaining and drawing upon the formal record of past exchanges in negotiating encounters.

In drafting the Shanghai Communique, one of the U.S. formulations that most impressed the Chinese was the indirect manner in which the issue of the unity of China and Taiwan's relationship to the PRC was expressed: "The United States *acknowledges (renshidao)* that all Chinese on either side of the Taiwan Strait maintain there is but one China and that Taiwan is a part of China. The United States does not challenge that position." It is clear from subsequent comments made by Chinese officials that this wording was seen in Beijing as being quite clever, for it avoided a *direct* U.S. affirmation of the unity of China; indeed, one may speculate that the phrasing elicited criticism within the Chinese political system, for subsequently Chinese officials attempted to assert that the United States had *directly* acknowledged or *recognized (chengrenle)* that Taiwan was a part of China or the PRC.

When Secretary of State Kissinger introduced PRC Liaison Office Chief Huang Zhen to his successor Cyrus Vance in early 1977, the following exchange occurred:

> *Kissinger:* We negotiated the Shanghai Communique, Cy, usually in the evenings after banquets; and after a few *maotais* I did most of the negotiating in Chinese (laughter).
>
> *Huang Zhen:* Some of the wordings in the Shanghai Communique were created by you [Kissinger].
>
> *Kissinger:* What impressed the Chinese most about what I have done was the formula we discussed about how to express the idea of one China. We came up with the formula that the Chinese on both sides of the Taiwan Strait maintain that there is only one China, and the U.S. is not disposed to challenge that position.
>
> *Huang Zhen:* In the Shanghai Communique, as you mentioned, the U.S. recognized that there was only one China and that Taiwan is only a part of China.[210]

This misstatement of the record, unchallenged even by its author, was notably pronounced during the final months of the normalization negotiations of 1978, when the Chinese attempted to rectify what they found to be the objectionable indirect formulation of the Shanghai Communique. In a review of the evolution of U.S.-PRC relations with U.S. Liaison Office Chief Leonard Woodcock on August 11, 1978, Foreign Minister Huang Hua asserted that in the Shanghai Communique the United States "recognized one China and that Taiwan is an integral part of Chinese territory, that is, an integral part of the People's Republic of China."[211] And on December 5, Acting Foreign Minister Han Nianlong told Woodcock that the PRC was prepared to normalize U.S.-PRC relations at an early date inasmuch as the United States, he asserted, "had pledged to support the principle of one China and that Taiwan Province is a part of the People's Republic of China."[212]

In the final version of the joint U.S.-PRC communique on the establishment of diplomatic relations the United States slightly modified its indirect formulation of the Shanghai Communique to the phrase, "The United States of America acknowledges the Chinese position that there is but one China and Taiwan is part of China." But the Chinese, in translating the English language working text of the communique, used the word *chengren* to translate "acknowledge" rather than the phrase *renshidao* which had been used to translate the same word in the Shanghai Communique. The modified translation carried a stronger sense of

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210 Kissinger-Huang Zhen, January 8, 1977.
211 Huang Hua-Woodcock, August 11, 1978.
212 Han Nianlong-Woodcock, December 5, 1978.

b1, a3, a5

213 Zhang Wenjin-Roy, December 14, 1978.
214 Mao-Kissinger, November 12, 1973.
215 Mao-Kissinger, October 21, 1975.

216 Deng-Ford, December 4, 1975.
217 Deng-Vance, August 24, 1977.,
218 Carter-Chai Zemin, September 19, 1978; and Han Nianlong-Woodcock, December 4, 1978.

b1, B3, B5

The issue of timing for Taiwan's reunification has not been raised directly with the United States in recent years, although Deng Xiaoping, in a speech to party cadre in January 1980, identified "reunification" as one of the three major tasks for the PRC in the 1980s.[220]

b1, a5

A third, and in some ways still puzzling, distortion of the official record was the Chinese public assertion made in the fall of 1980 that the United States had promised to end all arms sales to Taiwan within a period of a few years. This issue first surfaced after the 1980 presidential election, when Vice Foreign Minister Zhang Wenjin, in a highly unusual action for a PRC official, told the *Washington Post* in an on-the-record interview that "any [American] arms deliveries at all [to Taiwan] violated the normalization agreement."[223] Zhang added, in the words of the *Post* reporter, that "the United States had told Peking that the problem of arms deliveries to Taiwan would disappear with the passage of time."

b1, a5

These assertions subsequenuy tueled a number of American press stories on the subject, ultimately provoking former President Jimmy Carter to state publicly while on a tour of China in August 1981, that he had never told the Chinese that American arms sales to Taiwan would end within a period of a few years.[225]

What was involved in this provocative distortion of the official record of U.S.-PRC understanding regarding arms sales to Taiwan? The underlying motivation seems to have been a PRC effort to block the realization of their worst fears—that a newly elected Reagan administration would upgrade relations with Taiwan and vigorously implement those provisions of the Taiwan Relations Act that called for enabling the island to maintain its defenses. As noted earlier, the Chinese reacted strongly in the pre-election period to statements by candidate Reagan that he intended to reestablish official U.S. relations with Taiwan and make the Taiwan Relations Act the basis of his China policy; and Vice Presidential candidate Bush's efforts in August 1980 to put Chinese fears to rest, in Deng Xiaoping's words, had not eased their concerns.

b1, a3, a5

b1, a5

219 Hua Guofeng-Brzezinski, May 22, 1978.

220 See Deng Xiaoping, "Report on the Current Situation and our Tasks," January 16, 1980; translated in FBIS-PRC Supplement, March 11, 1980, pp. 1-27.

221 Haig-Huang Hua, October 30, 1981.

223 The *Washington Post*, November 22, 1980.

224 See State/Beijing No. 368, January 12, 1981 (Secret/NODIS).

225 See *The New York Times*, August 27, 1981

If this assessment is correct, it is still unclear what the Chinese thought they could accomplish by injecting the timing issue into America's public debate in the transition period between the defeat of the Carter reelection campaign and the inauguration of the Reagan presidency. In any event, once the issue had been raised publicly by Zhang Wenjin in the *Washington Post* interview and in the statements to Congressmen, partisan politics in the United States may have played some part in the subsequent American press campaign in which the Carter administration was attacked for having sold out Taiwan's security interests.

A final example of distortion of the official record by PRC officials occurred during the 1981-1982 negotiations on ground rules for handling U.S. arms sales to Taiwan.

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[illegible] Hua, October 31, 1982.
223 Shoesmith-Lin Zhaonan, May 6, 1982.
229 Huang Hua-Bush, May 7, 1982.
230 Deng-Bush, May 8, 1982.

b1,b5

Time Pressures (Deadlines)

A final pressure tactic which is as pronounced in Chinese negotiating behavior as is the tendency to play adversaries against each other is the effort to control the pace of a negotiation so that the counterpart government must make its final decisions under the pressure of a time deadline.

We noted earlier the sensitivity of PRC officials to the rhythms of the political process--to that of their negotiating counterparts as well as their own. The Chinese try to position themselves in a negotiation so that they can control the pace of the exchanges and thus maximize their ability to press their counterpart against a deadline, or at least avoid being time-pressured themselves. For example, at the beginning of the final round of normalization discussions, Liaison Office Chief Leonard Woodcock proposed to his counterpart Foreign Minister Huang Hua that they meet regularly every two weeks to lay out their respective positions. Huang rejected this regular schedule in favor of an arrangement whereby meeting dates would be set as the negotiations proceeded--an arrangement designed, no doubt, to enable Beijing to control the pace of the exchanges.[231]

Chinese officials negotiate with the latent assumption that to be anxious to conclude a deal is to be put at a significant psychological disadvantage. In their political tradition, moreover, those in positions of leadership are supposed to display their authority by a posture of slow-moving reserve;[232] and as Henry Kissinger observed of China's most famous Communist mandarin and archetypal negotiator, Zhou Enlai, the Premier projected a dignified and relaxed quality of "inner serenity."[233] Thus, the Chinese will attempt to create the impression that they are in no hurry to conclude an agreement, even when in fact they are under considerable time pressure. For instance, in the first formal and direct communication between Zhou Enlai and the Nixon administration, the Premier asserted:

> The Chinese government reaffirms its willingness to receive publicly in Peking a special envoy of the President of the U.S. (for instance, Mr. Kissinger) or the U.S. Secretary of State or even the President of the U.S. himself for direct meeting and discussions. Of course, if the U.S. President considers that the time is not yet right the matter may be deferred to a later date.[234]

And at the first formal negotiating session on the normalization issue in 1978, Huang Hua began the discussion with an apology for the delay in scheduling the meeting by noting that he had been preoccupied with the visit of the Minister of Foreign Affairs and Trade of Papua-New Guinea--an aside designed to create the impression that China was in no great hurry to get the negotiations with the United States under way.[235]

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231 Huang Hua-Woodcock, July 5, 1978 and July 14, 1978.
232 Lucian W. Pye, *The Spirit of Chinese Politics*, pp. 102, 129.
233 Kissinger, *White House Years*, p. 744.
234 Kissinger-Hilaly, April 27, 1971.
235 Huang Hua-Woodcock, July 5, 1978.

This compulsion to appear unhurried can produce some almost comical formulations when the Chinese are, in fact, anxious to accelerate the pace of a negotiation. The classical expression of such ambivalence is Deng Xiaoping's observation to Henry Kissinger in the fall of 1974:

> We can sum up our views [on normalization] in two sentences: According to our wishes we would like this matter to come more quickly; but secondly we are not so much in a hurry. . . . If we are able to reach a point acceptable to both sides in a relatively quicker period of time we would welcome this. But Chairman Mao has also said in his talk with the Doctor that we pay special attention to international issues[236]

Establishing a deadline for agreement is a process unique to each particular negotiation, but as we shall stress in the following examples, U.S. officials--with their typically American instinct to resolve issues expeditiously and get on to new challenges--have repeatedly trapped themselves in time deadlines.

In negotiating the Shanghai Communique, while most of the text had been agreed upon during Kissinger's October 1971 visit to Beijing, resolution of the critical formulation dealing with Taiwan was delayed until the Nixon Presidential visit. The Chinese rejected a formulation on the issue brought by Kissinger's deputy, Alexander Haig, during the January 1972 advance trip, and the Chinese held out on this highly sensitive issue until the Presidential party's last day in Beijing. Kissinger later recalled of his twenty hours of negotiation with Vice Foreign Minister Qiao Guanhua during the Nixon visit, "each side pushed the other against the time limit [of the President's scheduled departure from the Chinese capital] to test whose resiliency was greater. Determination was masked by extreme affability. The best means of pressure available to each side was to pretend that there was no deadline."[237] And at one point he and Qiao even discussed the possibility of no communique--just to feign willingness to have the visit conclude without a formal agreement.[238] Qiao compromised on the Taiwan formulation with less than twelve hours remaining before the scheduled departure time.

In the normalization negotiations of 1978, the United States established a time deadline when President Carter and then Secretary of State Vance indicated to PRC officials that they were prepared to establish diplomatic relations by the end of the year.[239] The Chinese then paced the Huang Hua-Woodcock exchanges in Beijing over a six-month period so that by early December there had been a full airing of views; yet uncertainty remained about when a final deal might be struck. Vice Foreign Minister Han Nianlong told Leonard Woodcock in their meeting on December 5 that Vice Premier Deng was prepared to meet with him "at an early date," yet a week later no meeting had been scheduled, leading National Security Adviser Brzezinski in Washington to call in Liaison Office Chief Chai Zemin on December 12 to indicate that time was running out to meet the January 1, 1979, deadline.[240] The Chinese then proceeded to schedule the Deng-Woodcock session within 24 hours.

A similar situation, although with a different outcome, marked the playing out of the arms sales negotiation of 1981-1982. The United States established a time deadline for agreement by proposing on January 11, 1982, that the two sides negotiate on the issue with the objective of issuing a joint communique on the tenth anniversary of the Shanghai Communique, February 28. The Chinese thus thought they had a time deadline against which to press the United States; and they stalled the negotiations throughout the first half of February in order to build pressure on the United States.[241] The Reagan administration then decided

236 Deng-Kissinger, November 26, 1974.
237 Kissinger, *White House Years*, p. 1075.
238 Qiao-Kissinger, February 24-25, 1972.
239 Carter-Chai Zemin, September 19, 1978, and Vance-Huang Hua, October 3, 1978.
240 Brzezinski-Chai, December 11, 1978.
241 See MFA Officials-U.S. Embassy Officer exchange of February 5, 1981; and Zhang Wenjin-Hummel, February 15, 1982.

to let the deadline pass rather than reach an undesirable agreement, ultimately trapping *the Chinese* in a time deadline.[242]

An interesting example of Chinese management of a negotiation to establish a time deadline where none really existed is the PRC-British negotiation of 1982-1984 on the future of Hong Kong. The nearest thing to a "natural" deadline was the 99-year expiration date of the 1898 Sino-British treaty on Hong Kong--in 1997; but this distant date put no pressure on the British, and indeed put the Chinese in a position where they faced an almost open-ended negotiating situation, something that gave the British the time leverage. In order to reverse this situation and put the British under time pressure, the Chinese asserted publicly on November 9, 1983, that unless there was a negotiated agreement by September 1984 they would proceed to issue a unilateral PRC policy on the future of the colony.[243]

END GAME

> *Let us go straight to the point. Following the discussion between the Premier and Dr. Kissinger, and in the spirit of that discussion, and after making a study after that discussion, and before the Premier meets with the President, we have decided to accept your proposal.*[244]

The lengthy period of assessment can end rather abruptly when the Chinese feel they have fully tested the flexibility in their counterpart's position and have concluded that formal agreement serves their purposes. Much in the style of a Chinese painter, who stares at his blank paper at length and then executes his conception with rapid strokes of the brush, the negotiator will quickly conclude an agreement after a protracted assessment of his counterpart's position. The end game phase of a negotiation is usually brief, businesslike, and conducted at a high level of authority as the negotiators give concrete expression in some formal document to the "principles" and objectives that have been discussed at length in the assessment phase.

The Chinese, like all negotiators, face a "threefold choice":[245] to strike a formal agreement on the terms their counterpart is prepared to settle, to abort the negotiation, or to continue to bargain. In the U.S.-PRC negotiations of the 1970s, there is at least one instance in which Chinese aborted a negotiation, that on the private claims/blocked assets issue, in which a combination of bureaucratic resistance to concluding an agreement and internal political pressures associated with the rise in influence of the "Gang of Four" led Beijing to repudiate a solution to the issue worked out in November 1973 by the ailing Zhou Enlai.[246] The more familiar experience in the normalization years, however, was that of the Chinese reaching partial agreements while "reserving position" on certain aspects of a situation in order to draw the United States into a more active relationship, from which they might improve their bargaining position on the unresolved issues for future rounds of talks.

The negotiating record indicates that PRC negotiators signal very clearly their intent to conclude an agreement--to shift from assessment to end game. In the normalization negotiation of 1978, PRC officials switched from their stalling tactics of the previous year (see p. 54 above), a posture of rhetorically asking, "How can it possibly be the case that we are not impatient on such a matter?"[247] by signaling that Deng

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242 See pp. 119-120 below.

243 *The New York Times*, November 10, 1983; and Parris H. Chang, "Interview with Hu Yaobang," *Problems of Communism*, Vol. 32, No. 6, November-December 1983, p. 18.

244 Qiao-Kissinger, February 25-26, 1972.

245 Fred Charles Ikle, *How Nations Negotiate*, pp. 59-75.

246 PRC message of June 14, 1974.

247 Deng-Brzezinski, May 21, 1978.

Xiaoping was interested in visiting the United States,[248] through outright expressions of impatience,[249] and by indicating in the negotiating sessions an urgent interest in substantive and concrete descriptions of how the positions of the two sides might be reconciled. As Huang Hua said to Leonard Woodcock in their third meeting in the summer of 1978:

> In order to solve the problem of normalization one should not evade questions of substance, such as what it is that has detracted from the normalizations of relations, and the question of how and when the U.S. government will take concrete measures to fulfill the three conditions put forward by the Chinese government.[250]

b1, b3, 25

Such signals of impatience and a desire to go beyond general principles to discuss concrete implementation indicate that Chinese leaders have concluded that an agreement is desirable and within reach. This does not preclude additional hard bargaining over the detailed language of a formal agreement, as the Chinese test to the limit their counterpart's firmness of purpose, and PRC negotiators may even create an apparent deadlock at the eleventh hour. But as Kissinger observed of the final day of negotiations on the Shanghai Communique: "In every negotiation a point is reached where both sides have gone too far to pull back. Accumulated mutual concessions create their own momentum; at some stage retreat puts into question the judgment of the negotiators."[252]

The most reliable sign that agreement is at hand is the intervention of a senior leadership figure in the negotiation—a political figure would not put his "face" into a negotiation that was about to collapse. On the night of July 10-11, 1971, just hours before his departure from Beijing, Kissinger had a long and frank discussion with Huang Hua of their differences in drafting a public announcement of Kissinger's secret visit to the Chinese capital and Zhou Enlai's invitation to President Nixon to visit the PRC. After a midnight break of several hours, Huang reconvened the discussion, while Zhou Enlai waited nearby, and tabled a joint statement that required only one word change--after which Zhou entered the room for a final exchange of views.[253]

In drafting the Shanghai Communique, the same pattern was repeated on the last day of the negotiations in Beijing. As Kissinger recalled: "Chou joined the negotiation for half an hour that afternoon, a clear indication of his confidence [that an agreement was attainable] . . . and that he would take responsibility for the requisite compromise."[254] In December 1978, the Chinese signaled to Leonard Woodcock the approaching finale of the normalization negotiations when his counterpart in the December 4 session, acting Foreign Minister Han Nianlong, concluded the discussion by saying that Deng Xiaoping wanted to meet with him shortly. In the arms sales negotiation of 1978, an apparent deadlock at the negotiating table on August 14 was paralleled by a statement by Vice Premier Wan Li to a visiting U.S. cabinet official that an agreement would be reached "in the near future."[255] The next day, the Chinese

248 As Foreign Minister Huang Hua said to Secretary of State Vance in the summer of 1978, "With regard to the invitation extended by Dr. Brzezinski for the Vice Premier to make a visit to the United States, the Vice Premier said, 'In that case we must work harder, since I am getting old.'" (Vance-Huang Hua, June 2, 1978.)

249 PRC Liaison Office Chief Chai Zemin told Assistant Secretary of State Holbrooke on August 16, 1978, that his view on normalization was "the sooner the better." See also Brzezinski-Chai, September 27, 1978.

250 Huang Hua-Woodcock, August 11, 1978.

251 Deng-Brzezinski, May 21, 1978.

252 Kissinger, *White House Years*, p. 1078.

253 Ibid., p. 752-753.

254 Ibid., p. 1078.

255 Wan Li-Samuel Pierce, August 14, 1982.

accepted the position of the U.S. negotiator. In negotiations of early 1984 on a nuclear cooperation agreement, the imminence of a Chinese compromise was likewise signaled to the American negotiator, Ambassador Richard Kennedy, when his Chinese counterpart indicated that Premier Zhao Ziyang would receive him before his imminent departure from Beijing.

While the substantive details of a formal agreement will, of course, vary from negotiation to negotiation, there is a high level of consistency to the pattern of the end game phase of a negotiation with the Chinese: It occurs after a protracted period of exchanges. It almost invariably comes at the eleventh hour of some deadline that is part of the structure of the negotiating context. And it usually involves the intervention of a senior Chinese political figure who will either "cut the knot" of an apparent deadlock reached by the negotiators or bless an agreement they have constructed (with his behind-the-scenes direction). And this phase is brief and businesslike.[256]

Two other characteristics of the end game are worth noting. The Chinese will use the occasion of reaching formal agreement to "tag" for the future their position on the issues where they have "reserved position." In the Shanghai Communique this "tagging" was accomplished in their unilateral paragraphs on the issues of Taiwan and various international problems. In the normalization agreement, Deng Xiaoping's final session with Leonard Woodcock concluded with Deng's assertion that the arm sales issue should be discussed in the future (see the Deng-Woodcock exchange of December 15, 1978). And the unilateral public statement by Premier Hua Guofeng reaffirmed PRC opposition to U.S. arms sales to Taiwan and the position that the manner of reunifying Taiwan with "the motherland" was an internal Chinese matter.

b1, a3, a5

It should also be noted that the Chinese have a preference for political agreements cast in the form of relatively vague expressions of principle and intent, and made public in the form of joint press statements, communiques, or "joint declarations," as opposed to formal treaties or highly specific, "contractual" arrangements. This seems to reflect not only a preference for the flexibility that relatively vague language affords them in future negotiating rounds or in subsequent efforts to press the counterpart government to implement the "spirit" of an agreement, but also their distrust of legalistic approaches to politics and the underlying assumption of the relationship game that good *guanxi* and a strong sense of shared interest are the most reliable guarantors of a political agreement.

IMPLEMENTATION

The implementation of a negotiated agreement is not usually thought of as part of the negotiating process; yet the Chinese press their counterpart to an agreement for "strict implementation" (just as the United States has made verification a major element of arms control negotiations with the Soviets).

The United States began to experience PRC pressures regarding the implementation dimension of the U.S.-PRC relationship in the summer of 1973, when Zhou Enlai commented to Liaison Office Chief David Bruce that the relationship would develop most effectively if "one keeps one's promises" regarding

256 Several former officials interviewed for this project commented that there was almost an anticlimactic quality to the final period of constructing a formal agreement with the Chinese—coming as it tends to do after months of exchanges or an intense period of days or weeks of negotiation. Kissinger's observation about how easy the final drafting of the communique for his July 1971 visit was is echoed in Leonard Woodcock's characterization of his negotiation with Deng Xiaoping of the text of the normalization agreement of December 13, 1978.

257 Deng-Hummel, August 17, 1982.

normalization and opposition to the Soviet Union. More direct pressure on the normalization issue was raised in 1974, first in Qiao Guanhua's low-key comment to Bruce that the recent appointment of a new U.S. ambassador to Taipei and the opening of two new R.O.C. consulates in the United States represented "minor problems" in the relationship.[258] The most intense pressures for implementation of the 1972 Nixon expression of intent to complete normalization in the second term came (as detailed on pp. 31, 34-35 above) in the fall of 1975. Yet the Chinese pressed Kissinger obliquely, with the threat of an unsuccessful Ford Presidential visit, rather than by complaining directly about the U.S. failure to meet the Nixon time schedule.

The Chinese were delicate in pressing the Carter administration to follow through on the normalization time commitment of its predecessor,[259] although, as noted earlier, they did hold Secretary Vance and National Security Adviser Brzezinski to the *terms* agreed to by President Ford.[260] Once normalization was accomplished, the Chinese began to press on certain implementive aspects of the new relationship.

b1,a3,1 a5

While the Chinese thus posture themselves as self-righteous sticklers in overseeing the implementation of agreements, they in fact have a less-than-perfect record in following through on agreements. They reneged on the agreement worked out between Zhou Enlai and Kissinger in 1973 to resolve the private claims/blocked assets issue;[263] and having agreed with Secretary of State Haig in the summer of 1981 to send General Liu Huaqing to the United States for talks on arms transfer issues, they withdrew the arrangement with complaints about U.S. arms sales to Taiwan. And in the spring of 1984, Premier Zhao Ziyang, in a discussion with President Reagan, laid the basis for eventual non-fulfillment of the U.S.-PRC grain trade agreement by noting that lack of extension of a shipping agreement would affect

258 Qiao-Bruce, April 2, 1974.

259 President Ford told Deng Xiaoping that after the 1976 election, "We will be in a position to move much more specifically toward the normalization of relations." [Deng-Ford, December 4, 1975.]

260 Deng Xiaoping told Brzezinksi in the spring of 1978, "President Ford stated [in 1975] that if he was reelected he would move to full normalization according to the three conditions without any reservation. We were very happy at that time with the oral commitment of President Ford. Consequently, President Ford was not reelected, and of course the new administration has a right to reconsider this question." [Deng-Brzezinski, May 21, 1978.]

261 Brzezinski-Chai, December 18, 1978.

262 Deng-Hummel, August 17, 1982.

b1,a5

b1, a3. a5

U.S. businessmen, in particular, complain frequently about Chinese failures to implement contractual agreements. With their penchant for pressing their friends to "understand" (forgive) their own difficulties, as well as their inclination to seek substantial modifications of contracts once signed, the Chinese have not maintained a record for meticulously implementing agreements that they sign with their political and economic partners.

PERSONALITIES

We have thus far described evident patterns in the way PRC officials attempt to manage negotiations as if the process were independent of the personalities involved. While this is true in some measure, inasmuch as culture and institutions tend to dilute the influence of individual actions, personalities can and do significantly shape both the style and the substantive content of negotiating encounters.

In the case of U.S. dealings with the PRC, two factors have tended to magnify the impact of individual personalities: the highly personalized quality of the Chinese political process, and the remarkable continuity of senior personnel in the PRC leadership that--until the deaths of Mao Zedong and Zhou Enlai in 1976--has given a few individuals enormous influence over China's foreign relations.

The formal negotiating record assessed for this analysis and the personal memoirs of the American officials who conducted negotiations with PRC counterparts reveal interesting variations in style among the Chinese leaders who managed the America relationship during the 1970s and early 1980s. They also disclose interesting hints about the interrelationships among the various leaders, as well as insights into the state of elite politics in the Chinese capital.

Our objective in this brief section is not to present an elaborate assessment of the personalities of PRC leaders such as Mao Zedong, Zhou Enlai, Deng Xiaoping, and the few other senior officials who have been the primary managers of the U.S.-PRC relationship, but rather to highlight two points: first, that the personalities of individual PRC leaders *do* influence the style in which the negotiating process is managed; and second, that given the inevitably personalized quality of face-to-face negotiating (which the Chinese enhance via the games of *guanxi*), American negotiators can be better prepared for their encounters with senior PRC officials if they have informed assessments of the personalities and negotiating styles of their counterparts.

Mao Zedong comes across in the official record, as well as in the Nixon and Kissinger memoirs,[265] as the near-imperial authority which he was in China for so many years. His presentational style was highly symbolic, occasionally Delphic, and now and then revealing of a peasant crudity that bespoke his social origins.[266] He was the most unconstrained of all the PRC leaders in discussing internal as well as international politics; and he would occasionally take personal digs at his colleagues (terming Qiao Guanhua "Lord Qiao" and characterizing Guo Moro as "a man who worships Confucius"). His presentations set the tone and the political themes for each of the Kissinger and Presidential visits; his brief but purposeful comments on all topics of concern provided the authority for the presentations of all lower-level officials. And when Zhou Enlai receded from a direct role in the negotiations in late 1973 because of physical illness and political attack, Mao carried the detail of discussions on international events and the Taiwan issue.

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264 Reagan-Zhao, March 27, 1984.

265 See Richard Nixon, *RN*, pp. 563-580; Henry Kissinger, *White House Years*, pp. 2057-2063; and Henry Kissinger, *Years of Upheaval*, pp. 65-66, 691, 696.

266 Mao asked Kissinger in the fall of 1973 why the American people were always "breaking wind" over the Watergate affair. [Mao-Kissinger, November 12, 1973.]

While it can only be inferred from the negotiating record, it is evident that Mao directed the tactics as well as the grand strategy of the relationship with the United States. It was at his direction, said Zhou Enlai, that he (Zhou) discussed with Kissinger the meaning of the Cultural Revolution; and Mao the provocateur directed Zhou to attack Kissinger's initial conciliatory approach to drafting the Shanghai Communique in October 1971. The aggressive quality of Mao's personality was evident during the tense year of 1975, as when he told Liaison Office Chief George Bush, "You don't know my temperament. I like people to curse me.... If you don't curse me, I won't see you...."[267] The Chairman's feisty mood clearly suffused the entire Chinese political process in his final year of life.

Zhou Enlai is revealed in the official negotiating record not only as the cultured conciliator for which he was known worldwide, but also as a figure exceptionally deferential to Mao.[268] His presentations were laced with references to "Chairman Mao's wise policy" or "Chairman Mao's instructions." His prodigious grasp of history gave him considerable debating ammunition, and he would seek to put his interlocutors on the defensive with facts and critiques of the logic of their policies rather than with bluster or pompous argumentation. Zhou could use self-criticism to great effect. And despite his seniority in the Chinese Communist political order, he showed great discipline and reserve in his presentations on all issues--clearly hewing to Mao's "party line."

Zhou operated in tandem with Chairman Mao; and one of the unresolved mysteries of the last four years of his (and Mao's) life is whether in the final succession crisis Mao withdrew his decades-long support for Zhou to back "the Gang of Four," or whether the infirm Chairman himself began to lose his grip over the party radicals.[269]

Qiao Guanhua is projected in the negotiating record as an intellectual clone of Zhou Enlai, but without Zhou's political stature. His presentational style was, like Zhou's, highly intellectualized; and his barely concealed arrogance is clearly the source of the epithet "Lord Qiao." The feisty Deng Xiaoping, even when still vulnerable from recent political rehabilitation, called Qiao to his face a "foreign bumpkin" (*yang baozi*). When he was expected to apply pressure on his interlocutor, Qiao's presentational style would turn acid and overwhelmingly arrogant--especially in the sessions of October 1975 and his last encounter with Kissinger on October 8, 1976, only a few days before his purge as one who had pandered to the "Gang of Four." The six Qiao-Kissinger encounters at the United Nations in New York City, beginning in the fall of 1972, are not only a rich elaboration of the key strategic issues underlying the U.S.-PRC relationship, but also a clear sequential record of the political mood of the relationship over a five-year period.

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[267] Mao-Kissinger, October 21, 1975.

[268] Richard Nixon, *RN*, pp. 223-236; Richard Nixon, *Leaders*, pp. 217-248; and Henry Kissinger, *White House Years*, pp. 742-755.

[269] Mao's implicit attack on Jiang Qing in a discussion with Henry Kissinger in early 1973 (see pp. 25-26 above) can be read either as a rejection of the radicals or as an effort to mislead Kissinger (and perhaps Zhou) about where his sentiments and support lay.

bias

Huang Hua is most evident in the negotiating record as Deng Xiaoping's Zhou Enlai--his "front man." Yet the differences between the urbane and cultured Zhou and the acid-tongued Huang are profound. Huang comes across in the 1978-1982 period as the political "heavy," the bad guy, in contrast to Deng the conciliator. Huang displayed no political or intellectual flexibility in this period, and his presentations were self-righteously nationalistic, pompous, and unyielding. It was Huang who created a sense of deadlock in the arms sales talks of 1982 that the political rationalizer Deng Xiaoping stepped in to resolve.

These brief sketches of the major personalities who have confronted U.S. officials across the green baize table in recent years can only give a taste of what can be drawn from the negotiating record in assessing the negotiating styles of individual PRC officials. There is good evidence that the Chinese make detailed assessments of the attitudes and political roles of their negotiating counterparts. The issue for the U.S. government is whether it can better prepare its negotiators for dealings with the Chinese by providing them with more detailed assessments of the negotiating styles of PRC officials than it now makes.

IV. COUNTERSTRATEGIES AND COUNTERTACTICS[1]

Intellectual understanding of a political counterpart's approach to managing the negotiating process is of limited practical value unless that understanding can be translated into an effective counterstrategy and countertactics. The issue explored in this chapter is whether or not the conception of PRC negotiating behavior detailed above provides useful insights into ways of more effectively dealing with the Chinese across the negotiating table--and in the broader range of political relationships that contribute to the negotiating process.

While the Chinese have shown considerable skill in controlling the negotiating process and in enmeshing their American counterparts in the manipulations of the relationship game, it is possible to conceive of a general orientation for managing the U.S.-PRC relationship and developing tactical negotiating ploys that will enable American officials to maintain sufficient control of the process to successfully attain U.S. policy objectives. This requires, however, not only an understanding of how the Chinese attempt to manage negotiations and an awareness of effective countering techniques, but also a clear definition of U.S. negotiating objectives and sufficient bureaucratic discipline to implement an appropriate counterstrategy.

THE FRUSTRATIONS OF NEGOTIATING WITH THE CHINESE

The American negotiators interviewed for this project, and the memoirs of U.S. officials who have conducted dealings with PRC counterparts over the past three decades and more, describe a combination of both elation and frustration in their dealings with PRC officials. On the one hand, initial American encounters with the Chinese--especially in the early 1970s, as the normalization process began--impressed most U.S. officials with the cultured dignity, discipline, and purposefulness of the Chinese. And virtually all Americans who have dealt with the PRC have found their Chinese counterparts to be personally attractive and highly competent individuals to whom it is easy to relate at a human level. In short, Americans are susceptible to the blandishments of official "friendships" as the Chinese develop them; they are responsive in varying degrees to the games of *guanxi*.

On the other hand, these same officials describe with considerable frustration the negative aspects of their negotiating experiences. To paraphrase their reactions: The Chinese are always lecturing us, presuming that their policies are without doubt correct, while ours are deficient. They assume they have the right to tell us how to run our affairs. They show no hesitation in criticizing the United States and its policies, yet they are self-righteously defensive about any criticism of their own positions. Indeed, for some reason, Americans find it hard to criticize them in the same manner that they criticize us. The Chinese are always getting us to come to them, to negotiate on their home territory and on their terms; they do not send their leaders and negotiating teams to the United States on a reciprocal basis. The Chinese are remarkably effective in setting a negotiating agenda that serves their purposes and in controlling the timing of the process. They are never satisfied with an agreement, and they never show gratitude for our concessions to their positions; and once an agreement is reached, they invariably press us with additional demands.

These are familiar complaints that reveal the degree to which PRC officials have been able to control the ambience of the relationship and the negotiating process. And while this is not to say that the United

[1] Dr. Steven R. Ratner, a former Deputy Assistant Secretary of State (1976-1979), is due special recognition for his role in conceptualizing this chapter. He is a practicing psychiatrist with extensive negotiating experience in the government and the private sector.

States has been unable to attain its own objectives through negotiations with PRC counterparts, the Chinese have been effective in creating at least the impression of a no-win quality in certain aspects of the relationship—as Henry Kissinger expressed in considerable frustration to his counterpart Foreign Minister Qiao Guanhua in the fall of 1976 (see p. 82 above).

Put in other terms, the Chinese try to control the negotiating process by sustaining an air of tension or uncertainty about the relationship. They try to develop an awareness that the United States "needs" the PRC, yet a sense that the United States has not been a good "friend of China," that it has not done enough for the relationship, that its policies or actions are either in error or deficient, and that it must do more—on PRC terms—to sustain Chinese good will and cooperation.

THE OBJECTIVE OF A NEGOTIATING COUNTERSTRATEGY AND TACTICS: CONTROLLING THE PROCESS IN THE SERVICE OF U.S. POLICY OBJECTIVES

The instinctive American reaction to Chinese manipulations of the relationship is to try to resolve in one way or another the tension and frustrations of the games of *guanxi*: to either be a good friend or walk away in anger or disgust at the frustrations of the "friendship" manipulations. The American negotiator, as the representative of a technologically oriented, problem-solving culture, wants to eliminate issues, to resolve problems, and get on with new challenges. The Chinese negotiator, in contrast, comes from a less activist cultural background, one which sees management of human relationships as the essence of politics. He assumes that tension and conflicts of interest are enduring aspects of social life requiring skillful and unrelenting management.

It is this difference in political orientation—explored in more detail in the last section of this chapter—which is the basis for the conflict in the approaches of the two cultures to the negotiating process. If the United States is to be more effective in dealings with the Chinese, it must key in on this contrast in orientation. The objective of a negotiating counterstrategy must be not just to reach agreements consonant with American interests, but to gain control of the dynamics, the rhythm, and stratagems of the friendship game as they are expressed in the negotiating process. Our management of the relationship must convey to the Chinese a sense of competence in controlling the mechanics of negotiating encounters, an ability to deflect or set limits on their stratagems in the service of reconciling conflicting interests and attaining shared policy objectives.

An effective strategy and competent negotiating tactics may make only a marginal difference in the outcome of a bargaining encounter—nations do not generally make agreements that appear not to serve their interests. And a purposeful strategy, if overplayed, can induce distrust or the sense of a game being played for the sake of manipulation. Conversely, the *absence* of an adequate counterstrategy is likely to elicit an attitude of disparagement or scorn for a feckless negotiating counterpart. But an effectively managed strategy, even one that thwarts Chinese manipulations, can develop a sense of respect for a competent counterpart. This is the objective that underlies the following exploration of negotiating counterstrategies and tactics.

STRATEGIES OF INTERDEPENDENCE, OR AUTONOMY?

In Western practice, nations approach each other as autonomous, equal, and sovereign political entities; but in fact, differences in power—in resources, geographical position, and national pretensions—lead them to establish hierarchical patterns of policy influence, if not formal alliances, in which one member is in a predominant position. Coalitions of equals, while not unheard of, are more the exception than the rule. Present-day France and West Germany, perhaps, can be viewed as relatively equal partners within the larger

NATO coalition, with the strongly independence-minded French struggling to maintain their autonomy while seeking to benefit from the security and economic benefits of the alliance and the Economic Community.

Beijing's approach to international relations is rooted, as noted at the outset of this study, in the tradition of the imperial tribute system, in which China, as the dominant culture and political power in East Asia, exercised preeminent influence over smaller tributary kingdoms such as Korea and Indochina. This experience reflects, of course, the dependency/domination pattern fundamental to China's political culture, as we have explored it in terms of the relationship game and its influence on PRC negotiating behavior. Even in China's twentieth century foreign relations, the pattern of subordination and predominance is evident. This pattern in the PRC's relations with its major international partners in the post-Liberation period (the Soviet Union, Albania, and the United States) is shown in Table 2.

Table 2

PATTERNS OF ASSOCIATION WITH THE PRC

Policy Influence	National Resources: Subordinate	National Resources: Predominant
Subordinate	Albania (1960s)	United States (1970s)?
Predominant	North Korea North Vietnam (1960s—1975)	Soviet Union (1950s)

What does the experience of PRC foreign relations tell us about appropriate American strategies for dealing with China? The key issue is whether we should allow ourselves (however consciously) to be drawn into the relationship game as the Chinese practice it, to establish a measure of interdependence with the PRC, or to develop a more autonomous pattern that is consonant with American political institutions and practices

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COUNTERTACTICS: A CONCEPTUAL FRAMEWORK

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COUNTERTACTICS (PURPOSEFUL AND INADVERTENT): SOME EXAMPLES FROM THE RECENT NEGOTIATING RECORD

U.S.-PRC Relations and China's "Middle Kingdom" Complex

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ASYMMETRIES IN THE AMERICAN AND CHINESE POLITICAL CULTURES

This study is an assessment of *Chinese* negotiating behavior, not U.S. negotiating behavior; yet the record of American dealings with the Chinese over the past 15 years says as much about the American political style as it does about the Chinese. Negotiating, after all, is a "binary" process involving the interacting styles and policy concerns of the two sides. Without going into an extended assessment of how U.S. officials have managed relations with the PRC, it is important to highlight some of the stylistic differences between the two sides which seem to have had a significant impact on the negotiating process. (See Table 4.)

Table 4

ASYMMETRIES IN THE CHINESE AND AMERICAN *POLITICAL CULTURES*

Category	China	United States	Significance
World outlook	Defensive, in-drawing	Expansive, outgoing	Scope of issues
Time perspective	Long term, historical, passive	Short-term, future-oriented, active	Degree of policy continuity
Interpersonal relations	Group-oriented, empathetic	Individualistic; sympathetic	Enticement tactics
Approach to conflict	Controlling, factional	Managing, coalitional	Pressure tactics
Political/ bureaucratic structure	Centralized, hierarchical, disciplined	Decentralized, collegial, weakly disciplined	Pace of decision-making, continuity, degree of discipline
Information management	Take in — don't give out, symbolic	Take in — give out, informative	Style of argumentation
Decisionmaking	Individual or bureaucratic convergence, "principled" flexibility	Consensual, compromising, functional	Style of agreement

Effective negotiating behavior requires, among other skills, self-awareness of how one's own style and the institutions of one's government are "read" by the counterpart. And it can be argued that some of the major constraints on effective American negotiating performance in dealing with the Chinese are personality quirks and institutional patterns unique to the American system, not Chinese skill in managing the negotiating process. It should be emphasized that the following interpretation is intended to be suggestive only, to heighten the self-awareness of U.S. negotiating officials. It is not based on any systematic assessment of the American negotiating performance and political style.[21]

World Outlook

Americans and Chinese both approach international issues with the perspective of a great power. Developments in virtually all regions of the world are seen as relevant to their security interests, political concerns, and economic development. Elites in both countries assume that history and the weight of their

[21] For a discussion of Chinese and American cultural differences as revealed in commercial negotiating style, see Lucian W. Pye, *Chinese Commercial Negotiating Style*, pp. 13-23 and passim.

influence destine them for a leadership role in world affairs. For the Chinese, this great-power leadership impulse has been expressed since the founding of the PRC, first in assertiveness within the International Communist Movement during the 1950s, which the Soviets found so galling, then in assertions during the 1960s that Mao Zedong's policies were appropriate to revolutions throughout the world, and most recently in Beijing's efforts to speak as a leader of the oppressed and economically backward nations of the "Third World."

There are significant differences, however, in Chinese and American orientations to dealings with the outside world. U.S. officials approach foreign relations with the expansive and relatively optimistic perspective that has been fundamental to the American national experience. While the world presents threats and challenges, the United States—by virtue of its power and the self-confidence of its multi-national population—has been able for the most part to cope successfully with and benefit from its dealings with the world. (Exceptions are its experiences in Korea and Vietnam.) The Chinese, in contrast, approach foreign affairs from the perspective of a peasant society with a distinctive and homogeneous culture that has flourished over five millenia of continuous history as a self-contained civilization. Moreover, China's "recent" contact with the outside world--i.e., since the early 1800s--has been an experience of unsuccessful efforts to fend off unwanted foreign military and cultural intrusions, and frustrating efforts in the 20th century to adapt its ancient culture, political order, and economy to Western practices.

What is the significance of these differences in world outlook for the negotiating process? Both Chinese and American elites assume that virtually all international political, security, and economic issues are relevant to their foreign policies, and to their bilateral dialogue. Yet the PRC lacks the power and global reach to be an active factor in most international issues, which imparts an edge of pretentiousness to discussions by PRC leaders on various global problems, a tendency to lecture and give sage advice unburdened by the responsibilities that come with a capacity to actually influence events. Nonetheless, Chinese officials assume that their country's moral and political influence has global reach; and they see the PRC as a major factor in the strategic balance because of their geographical position abutting the Soviet Union on the Eurasian landmass. Even though China's contemporary power is limited, they say, its weight is critical to the balance of forces between the two superpowers. And in time, they assume, the PRC will rightfully regain China's historic greatness.

At present, however, Chinese officials present a defensive and distrusting attitude to the outside world, an attitude that is a legacy of the exploitation and aggression they feel they were subjected to in decades past. This imparts a self-righteous quality to their dealings with foreign governments, particularly those that are large and influential. PRC officials assume the worst about a foreign government's motives. They interpret its interests as self-serving and illegitimate; and they feel most comfortable in posturing themselves as the "natural allies" of smaller "oppressed" peoples and countries—not of the superpowers, with whom they are forced to align on a temporary basis because of the ineluctable demands of security and economic development.

Time Perspective

Chinese and Americans bring very different time perspectives to the political process. With their 5,000 years of history and the serene and unhurried role model assumed by those in authority, PRC leaders tend to view events with a long-term, historical perspective. Mao's policy of 1973 on the Taiwan issue—"I say that we can do without Taiwan for the time being, and let it come after one hundred years. Do not take matters on this world so rapidly. Why is there need to be in such great haste?"--was formulated in a time perspective designed, in part, to be acceptable to the Chinese. In contrast, Americans have little sensitivity to the lengthy rhythms of history; they are future-oriented and driven by a sense of urgency derived from

notions of efficiency and progress, as well as political institutions that create the rhythm of four-year cycles of authority and policy initiative.

These differences in time orientation create some of the most delicate operational tensions in the negotiating process. PRC officials tend to assume that their U.S. counterparts are anxious to reach agreement, that they are unable to sustain continuity of policy or negotiating effort across the boundaries of different administrations, and that they are inclined to ignore the commitments of their predecessors. While the Chinese negotiator may feel he has some advantage over his American counterpart in that he can "wait out" a more anxious and time-driven interlocutor, he also bears the frustration of dealing with administrations that do not provide a sense of predictability and continuity of policy and personnel.

Interpersonal Relations

There are fundamental differences between American and Chinese conceptions of social relations--a situation which makes the demonstrated personal affinity of the two peoples all the more remarkable. American individualism, emotional expressiveness, and casual affability contrast sharply with the Chinese collectivist social orientation, emotional reserve, and a concept of friendship loaded with a sense of enduring obligation. These differences notwithstanding, Americans and Chinese seem to readily establish interpersonal relations characterized by warmth, good humor, and mutual respect.

The influence of these conceptions on the negotiating process is subtle and of secondary import when compared to the weight of state interests and the disciplines of official life. Yet their influence is worth noting, for it shapes the receptivity of both sides to blandishments and pressures. Americans, with their strong affiliative needs, seem particularly vulnerable to Chinese appeals to "old friends." Yet as noted earlier, PRC officials are remarkably effective in maintaining official discipline in such relationships. They will obliquely appeal to the personal political interests of their American interlocutors, while submerging their own interests in the imperatives of the political collective. Where American officials try to be *sympathetic* to the concerns of their interlocutors and seek to reach a middle ground of accommodation,[22] the Chinese are *empathetic*--skillful in reading the motives and emotions of their counterparts, yet able to keep their own perspectives firmly grounded on the policy demands and personal loyalties of their own system. U.S. negotiators should be sensitized to Chinese skill in using the "old friends" theme, in which they try to personalize the negotiating process to ensnare the foreigner in the games of *guanxi*.

Approaches to Conflict

Negotiation is, of course, one approach to conflict resolution; and Chinese and Americans have very different views about the management of political conflict. Despite Mao Zedong's efforts to institutionalize "struggle" in the PRC political process,[23] Chinese still view with alarm overt political conflict, especially among their leaders. Conflict is to be suppressed, as are political factions, even though everyone recognizes that these phenomena exist "behind the curtains." For Americans, conflict is accepted as a normal aspect of

[22] Ambassador U. Alexis Johnson observed of his approach to the U.S.-PRC exchanges at Geneva and Warsaw, "To negotiate effectively with Wang (Bingnan) I had to try to step into his shoes and see the world his way." Johnson also notes his effort to establish informal social contacts with Wang "to probe his intentions and establish closer relations in a friendly atmosphere." (See U. Alexis Johnson, *The Right Hand of Power*, p. 1239.) The instinctive American assumption is that personal goodwill and expressions of affability will facilitate agreement among nations. (See also Fred C. Ikle, *How Nations Negotiate*, pp. 159-161.)

[23] See Richard H. Solomon, *Mao's Revolution and the Chinese Political Culture*, Berkeley, Calif.: University of California Press, 1971, pp. 3-4, 521-524; also Lucian W. Pye, *The Dynamics of Chinese Politics*, Cambridge, Mass.: Oelgeschlager, Gunn & Hain, 1981.

the political process. It is institutionalized as competition bounded by the moral and legal norms of the democratic order. Parties and coalitions are accepted as nondestructive components of the political process.

These differing attitudes toward conflict shape Chinese approaches to pressuring their negotiating counterparts and their style of reaching agreement (see below). As we elaborated in the preceding chapter, the Chinese seek to play adversaries against one another to bring pressure to bear on a negotiator or to influence political debate in an adversary's political system—a reflection of their approach to dealing with domestic political factions. They will provoke, or confront, or raise the threat of the wrath of a billion countrymen.

Most of these tactics for bringing pressure to bear on a negotiating counterpart are, of course, well known to U.S. officials; yet they are not part of the normal set of political routines or stratagems readily implemented through the institutions of U.S. foreign relations. (For example, it would be rather difficult to play adversaries in the PRC against each other, given the combination of policy and institutional inhibitions on the U.S. side and PRC defenses against such interference in their internal political processes—defenses lacking in the American political system.) The American approach to bringing pressure to bear on a negotiating counterpart has more to do with the substantive terms of the negotiation than with manipulation of the structure of the negotiating process.

Political/Bureaucratic Structures

The authoritarian character of the Chinese political culture is institutionalized in highly centralized and hierarchical political and bureaucratic structures. And despite Mao Zedong's efforts during the Cultural Revolution to decentralize the political process and weaken the power of the governmental bureaucracies, the political process remains highly constrained and disciplined within Marxist-Leninist party and state organizations. In contrast, the American political system is decentralized, collegial rather than authoritarian, and relatively weakly disciplined.

These contrasting structural characteristics of the two systems influence in a variety of ways the processes of political decisionmaking and negotiation. In the initial phase of the normalization process, decisions were reached by the Chinese quite rapidly, as the high-level dialogue was controlled by two men, Mao Zedong and Zhou Enlai. While the Politburo was probably used to ratify Chairman Mao's approach to dealing with the United States and to approve of key documents such as the Shanghai Communique, the mechanics of the relationship were quite simple. It was managed expeditiously by Zhou and his closest colleagues in the Foreign Ministry.

In more recent times, as Deng Xiaoping has rebuilt the institutions of government that were shattered during Mao's Cultural Revolution, the policymaking process and the mechanics of the U.S.-PRC relationship have become increasingly bureaucratic and sluggish.

In contrast, the U.S. system of Executive Branch-Congressional decisionmaking and the free-wheeling American press must appear to the Chinese as complicated, unpredictable, undisciplined, and weak in policy continuity. The precise impact of these institutional differences on the negotiating process is difficult to specify, but it seems likely that the Chinese feel they are confronting a system that is changeable, difficult to influence, and unreliable—in the sense that understandings reached with one administration may

either be subverted by the bureaucracy or Congressional politics, or reconsidered by successive administrations. The Chinese probably are also cautious about overtly stating in private policy positions that they anticipate will appear in the press or in the memoirs of retired, senior officials.

Ironically, this free-wheeling quality of the American political process creates the very qualities of unpredictability and loss of control that the more disciplined Chinese seek to purposefully induce into the negotiating process to disorient or unnerve their foreign counterparts. It probably also makes them cautious about the degree of intimacy and stability they can expect in establishing a relationship with the United States. Given the extent to which they base their official dealings on the cultivation of good interpersonal relations, it must be frustrating for them to have to cope with the constant turnover of American officials. Good *guanxi* is quickly dissipated as "friends" in the Foreign Service are given new assignments or political officials are replaced as a result of electoral changes.

Information Management

There are evident and striking differences in the way Chinese and Americans convey and use information in the negotiating process. The Chinese, as noted earlier, are highly symbolic in their communications, whereas the style of American information usage is very functional. This makes the Chinese inclined to resort to the loaded political gesture, to non-verbal forms of communication, and to understated or oblique phrasing that can be interpreted at several levels. They are highly reserved in giving out information, yet they are extremely skillful in drawing out their foreign counterparts--particularly outspoken Americans. They have demonstrated their effectiveness in deceiving negotiating counterparts about the state of their internal politics and their foreign policy concerns. Their pattern of communication is "take in, don't give out," in contrast to the "take in *and* give out" American style.

In some measure, these contrasting communication styles are complementary--Chinese reserve meshing with American outspokenness--yet the Chinese probably also tend to overinterpret U.S. actions that are random or intended to be taken at face value,[24] while U.S. negotiators may be insufficiently sensitive to the implicit meanings imbued in Chinese words and actions. The Chinese style of argumentation in a negotiation is also more complex than the American, and is intended to influence a range of personal and political factors more than is the relatively functional U.S. approach, which is oriented largely toward the substantive issues under discussion.

Decisionmaking

The decisionmaking styles of the two sides and the manner in which agreements are expressed also provide evident points of contrast. The Chinese seem to have a bureaucratically less cumbersome mechanism for reaching political decisions than the Americans, with their complex institutional pattern of Executive Branch-Congressional-mass media checks and balances. The U.S. pattern is consensual and compromising, while the Chinese seem to base decisions either on the initiative of the senior political leadership or through a convergence of bureaucratic interests. The Chinese demonstrate flexibility in reaching agreements if their position can be justified in terms of relevant "principles" as well as political self-interest; the American pattern is tied less to abstract principles and more to functional and legal requirements. Reflecting these differences, the Chinese prefer political understandings expressed in formal public documents which identify common principles (while also asserting differences in political outlook);

[24] See Mao's misinterpretation of the intended significance of a White House reception in his conversation with Henry Kissinger on February 17-18, 1973.

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the American preference is for legalistic documents such as treaties or highly specific "contractual" agreements of a technical nature (as on textiles, grain trade, and civil aviation).

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V. LESSONS LEARNED

What are the implications of this study for U.S. government efforts to manage negotiating encounters with the PRC in the service of attaining American policy objectives?

SCRUTABLE CHINA

Of the many lessons that can be drawn from the record of our dealings with the Chinese over the past fifteen years, perhaps the most fundamental conclusion is that Chinese negotiating behavior is not mysterious or inscrutable. Just as Zhou Enlai asserted to Henry Kissinger during their first encounter, in response to Kissinger's characterization of the PRC as "a land of mystery," renewed Sino-American contact has indeed demystified to a significant degree the country and its political process.

The record of a decade-and-a-half of official exchanges since the first Kissinger-Zhou meeting reveals that the Chinese seek to manage negotiations in a highly organized and regular manner, one that is readily comprehensible by foreign observers. Moreover, the tactics they employ are quite apparent, if not universal, and often can be anticipated. There is nothing unique in their negotiating behavior, although they pursue their objectives with a distinctive style, with discipline, and with determination.

The official American negotiator should thus approach his task with the realization that his Chinese counterpart will deal with him in a manner that is comprehensible and even predictable. An intellectual understanding of the Chinese approach to managing negotiations gives U.S. officials a major advantage in preventing the Chinese from gaining such control of the process that the U.S. side becomes trapped in pressures that force an outcome detrimental to American interests.

MAXIMIZING U.S. CONTROL OVER THE NEGOTIATING PROCESS

Whether or not a U.S. negotiator seeks to develop countertactics as suggested in this study, there are important aspects of the negotiating process that are under his influence, and if managed effectively, these aspects will maximize his control over negotiating encounters. Many of the following guidelines sound straightforward, if not simple-minded, but they are fundamental to effective dealings with the Chinese (as well as with other governments). Of greater concern, they are ground rules that have been frequently violated in recent years in dealings with the Chinese. Thus, a major challenge to a U.S. negotiator is to overcome the internal bureaucratic impediments and other institutional and cultural factors that constrain his ability to organize and conduct a negotiation in "optimal" fashion.

Know the substantive issues cold. PRC negotiators are well-prepared and briefed as they enter into a negotiation. They are supported by competent staff who display bureaucratic discipline and meticulous attention to detail.

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Master the past negotiating record. PRC officials conducting negotiations will have full understanding and recall of the prior negotiating record, and they will not hesitate to use this to pressure a foreign counterpart.

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Control of the record is a particular problem for U.S. officials, because of their relatively brief tenure in particular offices relative to their PRC counterparts. Moreover, the dissipation of the record of official U.S. negotiating exchanges with the PRC among different government agencies, presidential libraries, and other official depositories makes it particularly difficult to assemble and analyze what is now a voluminous record of tens of thousands of pages of memcons and reporting cables. The U.S. government would be well served in its dealings with the PRC by the establishment of a central repository of the record of Sino-American negotiating exchanges, preferably one that is "readable" by electronic means to facilitate searches and analysis.

Present your position in a broad framework. The Chinese distrust a legalistic approach to negotiations. Their tendency to personalize the process—to judge a counterpart official's "sincerity" on the basis of his general attitude toward China and the U.S.-PRC relationship—and their claim to be a world power lead Chinese officials to an interest in issues that may seem unrelated to the problem at hand, especially in the early phase of a negotiation. They want to be taken seriously in terms of the general relationship as well as on technical issues. Given this orientation, it is often useful to place a specific subject under discussion in a broader framework. The Chinese may find it easier to accommodate to a negotiating counterpart's position on a technical matter if they can rationalize compromise in terms of the broader relationship (as they did in their eventual acceptance of the U.S. position on a solution to the private claims/blocked assets issue).

Know your own bottom line. While the Chinese may in some measure improvise their way through a protracted negotiation, they initiate or enter into the process with a clear sense of what they want as the end result and they have shown a capacity to play out the evolution of a negotiation over an extended period of time (as is evident in the records of the normalization and Taiwan arms sales exchanges).

For this reason, as well as others noted below, it is exceptionally important for a U.S. negotiator to establish a "bottom line" at the outset of a series of exchanges.

Clear understanding of one's own objectives will also help a negotiator resist raising expectations

A clear definition of objectives will also enable a negotiator to assess the pitfalls in the Chinese preference for vaguely worded agreements, as well as their tendency to "reserve position" on issues where they are unable to obtain their objectives.

Be patient, and don't get trapped in time deadlines. PRC negotiators view time as one of their major weapons in a negotiation. They distrust quick deals and prefer extended exploration of issues, because it enables them to draw out their interlocutor before formulating their own response. Thus, anticipate the "our guest always speaks first" routine, and do not expect to hear a full presentation of the PRC position until late in a series of exchanges. Moreover, the Chinese will protract a negotiation to test the resolve of their counterpart and to assess his commitment to the relationship, and they will pace exchanges until the most opportune context for the end game phase.

This Chinese use of time contrasts sharply with the American preference for expeditious problem-solving and efficient use of time. A U.S. official should avoid negotiating under time deadlines that cannot be controlled, as the Chinese will assume that their counterpart is more inclined to compromise when making decisions under time pressure. He should also be aware of the Chinese tendency to wait until the very last minute to conclude an agreement—on the expectation that a counterpart's interest in concluding a deal will lead him to compromise when faced with an imminent deadline. It also helps to know that for all the Chinese posturing about their "patience," the record shows they are vulnerable to time pressures when negotiating under a deadline The best protection against such pressures, of course, is the willingness to walk away from a negotiation when it seems to be going nowhere or when a deal seems unfavorable despite an approaching deadline.

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The need for bureaucratic and political discipline. Given the Chinese propensity to look for and exploit political and bureaucratic rivalries in counterpart governments, it is necessary to take measures to ensure a unified policy position and an implementive approach to dealing with the PRC. The friendship game can be turned against the Chinese (as was suggested in the preceding chapter), but to do so the presumed rivals on the U.S. side must be conscious of the Chinese ploy and willing to cooperate in response to it. And in view of the tendency of the Chinese to look for friendly interlocutors in various government agencies, policy toward the PRC must be coordinated on an interagency basis.

Minimize media pressures. The Chinese will try to use media visibility to bring pressures to bear on a counterpart government, so negotiations are best controlled when carried out in confidence. Moreover, the Chinese view a confidential approach to managing a negotiation as a measure of their counterpart's seriousness of purpose.

The Chinese use their own media to try to set a negotiating agenda and to create the impression of inflexibility on certain "principles" and positions. The U.S. negotiator should resist any inclination to accept public communication as Beijing's negotiating framework. Moreover, while the Chinese have not hesitated to criticize U.S. policies in the PRC mass media, it is counterproductive to the relationship to polemicize via the press. Experience has shown that the Chinese can be shamed for press posturing.

Analyze the PRC internal political context and the negotiating style of the official interlocutors. The record of the past fifteen years shows clearly that China's internal politics have had a significant effect on PRC negotiating behavior. Leadership feuds have their impact on foreign relations, and the flexibility of Beijing's negotiators is influenced by the degree of dissension in the leadership and the power of the senior figure. Moreover, the Chinese have attempted to control the timing of negotiations to mesh with the workings of their internal political processes (this was particularly notable in the Taiwan arms sales negotiation).

The problem for the foreign negotiator, of course, is that the ability of outsiders to assess the state of the PRC domestic political scene is at best limited. We usually understand the political forces that have been at play only in retrospect, and such hindsight is of limited value in conducting future negotiations. Perhaps the most useful conclusion that can be drawn, apart from the need to improve our efforts at "Pekinology," is that PRC rigidity or polemicizing across the negotiating table is usually a sign of leadership conflict, and in this situation the political environment is not propitious for reaching agreement if PRC accommodation is required. At such times, an aloof stance is likely to be more effective than one of pressing the Chinese for demonstrations of flexibility they may not be able to give.

It is also important for the foreign official to understand as much as possible about the background, personality, and negotiating style of his PRC counterpart. This is no easy task, for the Chinese try to keep such aspects of their internal circumstances obscure to foreigners. Yet given the degree to which they

personalize the negotiating process, it is useful, even as background information, to understand the attitudes and style of the Chinese officials managing a negotiation, their interpersonal relations, and their associations with more senior figures in the leadership.

Develop a negotiating strategy and apply tactics to counter Chinese negotiating ploys. PRC officials are not superhuman in their capacity to manage a negotiation to their country's advantage; yet the combination of bureaucratic centralization, political discipline, and a culturally ingrained sense of the use of stratagems to compensate for vulnerabilities in dealing with more powerful foreigners makes their approach to negotiating highly purposeful, controlled, and "gamed out." They will enter into a negotiation with a clear sense of objectives, an overall strategy, and a willingness to use tactical ploys designed to enmesh a counterpart official in a relationship and a process within which he can be exposed to blandishments and pressures intended to foster the attainment of PRC objectives.

A U.S. negotiator should *not* assume that his Chinese counterpart is improvising his approach to official encounters, just as he should not assume that PRC officials are uniquely crafty, in total control, or invulnerable to the same enticements and pressures they seek to impose on their adversaries.

The best strategy in negotiating with the Chinese--beyond effective management of the aspects of the process that are under American control--is to enter a series of exchanges with a broad game plan, a clear set of goals, and a willingness to make tactical moves (in part in response to Chinese manipulations) designed to demonstrate competence and control over the negotiating process.

The most effective posture for dealing with the Chinese is neither one of domination nor of supplication (which the Chinese are quite effective in evoking from foreigners), but rather an attitude of restrained openness, of willingness to search for common interests while recognizing the many significant differences between the two countries. At the same time, a U.S. capacity to counter the more egregious Chinese tactical manipulations will communicate to PRC officials a sense of competence and control, and a determination to negotiate in the service of defending and enhancing U.S. interests.

Appendix A

INTERVIEWEES[1]

Richard V. Allen, National Security Adviser

Donald M. Anderson, U.S. Consul General, Shanghai; Country Director, PRC, Department of State

Zbigniew Brzezinski, National Security Adviser

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Charles W. Freeman, Jr., Country Director, PRC, Department of State; Deputy Chief of Mission, U.S. Embassy, Beijing

William H. Gleysteen, Jr., Deputy Assistant Secretary of State

Alexander Haig, Deputy Assistant to the President; Secretary of State

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Richard C. Holbrooke, Assistant Secretary of State

John H. Holdridge, National Security Council staff member; Deputy Chief, U.S. Liaison Office, Beijing; Assistant Secretary of State

Arthur W. Hummel, Jr., U.S. Ambassador to the PRC; Assistant Secretary of State

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Richard T. Kennedy, Director of Staff Planning and Coordination, National Security Council; Ambassador-at-Large, Department of State

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[1] The official positions given for each individual are those relevant to this project.

James R. Lilley, National Security Council staff member

Winston Lord, Special Assistant to the National Security Adviser; Director, Policy Planning Council, Department of State

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Richard M. Nixon, President of the United States

Michel Oksenberg, Area Director, PRC, National Security Council

William F. Rope, Country Director, PRC, Department of State

Roger W. Sullivan, Deputy Country Director, Department of State

Cyrus R. Vance, Secretary of State

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Leonard Woodcock, Chief, U.S. Liaison Office, Beijing; U.S. Ambassador to the PRC

Appendix B

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APPROVED BY: ARA/USOAS:RTMCCORMACK
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~~C O N F I D E N T I A L~~ STATE 366558

FOR AMB. BARNES FROM DICK MCCORMACK

E.O. 12356: DECL.:OADR
TAGS: OAS, SHUM, CI
SUBJECT: OASGA: IAHRC REPORT ON CHILE

REF.: SANTIAGO 08405

1. C-ENTIRE TEXT.

2. ALTHOUGH VENEZUELA AND MEXICO REPORTEDLY HAVE BEEN STIRRING UP THE WATERS AND URGING OAS DELEGATIONS TO SUPPORT A SEPARATE RESOLUTION CRITICIZING CHILE'S HUMAN RIGHTS PRACTICES, THE CHILEAN OAS DELEGATION NOW BELIEVES THAT AT MOST
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PAGE 02 STATE 366558

CHILE WILL BE MENTIONED ONLY IN AN OMNIBUS RESOLUTION CONCERNING THE ANNUAL REPORT AS WELL AS ALL SPECIAL REPORTS OF THE COMMISSION.
3. PATRICIO CARRASCO, CHARGE OF THE CHILEAN OAS MISSION, CALLED ON AMB. MCCORMACK ON NOV. 26. ACCORDING TO HIS SOUNDINGS, THE IDEA OF A SEPARATE RESOLUTION IS DEAD, PROBABLY BECAUSE MOST GOVERNMENTS DO NOT WANT TO RUN THE RISK OF BEING MENTIONED BY NAME IN THE FUTURE. THE COMMISSION STAFF HAS DRAFTED A RESOLUTION

SIMILAR TO THOSE PASSED IN PREVIOUS YEARS WHICH DOES NOT MENTION CHILE OR SURINAME, ALSO THE SUBJECT OF A SPECIAL REPORT THIS YEAR, BY NAME. WE UNDERSTAND THAT SOME DELEGATIONS WILL TRY TO INSERT A SPECIFIC PARAGRAPH ON CHILE AND ONE ON SURINAME INTO THIS RESOLUTION.
4. WE HAVE TOLD THE CHILEANS THAT WE SUPPORT THE PAST PRACTICE OF A GENERAL RESOLUTION WHICH DOES NOT NAME NAMES. WE ARE PREPARED TO WORK BEHIND THE SCENES FOR THIS KIND OF TRADITIONAL RESOLUTION. IF, HOWEVER, A CONSENSUS DEVELOPS TO INCLUDE A PARAGRAPH ON CHILE AND ONE ON SURINAME, WE WILL CONSIDER GOING ALONG. WE DO NOT INTEND TO SPEAK ON THE SUBJECT OF CHILE OR SURINAME. WHITEHEAD

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THE SECRETARY OF STATE

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December 3, 1985

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PREL 2 US

Dear Mr. Ambassador:

As you take up your responsibilities as Chief of Mission in Santiago, I want to discuss our objectives in Chile and outline some specific areas for priority attention. You will receive specific issue-related instructions as required. I hope you will find this guidance useful in directing the efforts of all United States government elements in Chile.

Relations with the present government of Chile are correct and should be maintained, while we also seek to advance U.S. interests looking beyond that government. Recognizing that Chile has deviated sharply from its own democratic traditions, and that the U.S. has to remain true to its democratic values, U.S. interests are best served by 1) the orderly restoration of democracy as speedily as possible and 2) limitation of the influence of the Chilean Communist Party. U.S. interests in the long term stability of Chile require working with the present government in such basic areas as supporting the financial package negotiated this year with the World Bank, IMF and commercial banks, encouraging structural adjustment efforts aimed at renewed economic growth, as well as cooperating on regional security to the extent practicable.

It appears likely that President Pinochet will try to remain in office beyond 1989 and will not negotiate willingly with the democratic opposition. Despite the effort of the Catholic Church and the democratic opposition to pursue a peaceful transition to democracy, the government and the communists will both keep resorting to violence, justifying these actions by the actions of the other party. The Chilean economy will recover at best only gradually, thereby offering little immediate hope to much of the populace.

Principal United States objectives in Chile are (1) to seek to convince President Pinochet that the U.S. takes very seriously the need for a prompt return to democracy and therefore expects political dialogue; (2) to convince the democratic opposition of U.S. commitment to the return to

The Honorable
Harry G. Barnes, Jr.,
American Ambassador,
Santiago, Chile.

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democracy while stressing the essentiality of non-violent and responsible behavior on their part; (3) to continue support for Chile's debt relief and economic growth efforts, but be prepared, as in early 1985, to use economic influence to press the political process forward; (4) to promote improved human rights performance, insisting especially upon the cessation of torture; and (5) to revive, within existing legal constraints, U.S. influence with the Chilean Armed Forces, which will have a key role in the transition process. Since the ultimate responsibility for the success of the transition process must be assumed by the Chileans, your role will be to encourage dialogue and consensus-building without becoming engaged in the power struggle.

If the Chilean government significantly improves its human rights performance, you should recommend ways to enhance cooperation with the Armed Forces, including setting forth for our consideration proposals to modify current legal constraints. In this context, you will want to also investigate whether there is any willingness within the Chilean government to even consider cooperation on the Letelier case.

In addition to carrying out specific objectives set forth above, we expect that you will seek to reinforce existing ways of maintaining links to ordinary Chileans and to develop new means of reaching a broader range of Chileans. Your preparation of a long-term plan for the use of Section 416 surplus agricultural commodities with development as well as relief aspects will be important to this effort, as will your study of a U.S. contribution to the alleviation of the serious air pollution problem affecting Santiago, perhaps in conjunction with the MDB's.

Actively encouraging visits to Chile by congressional delegations from a variety of committees will provide valuable opportunities to underline U.S. concerns and reinforce U.S. interests.

There are priority management concerns within the Mission beyond those dictated directly by major policy objectives. The construction of a new Chancery and the transfer of the Mission to the new facility will severely tax the post's administrative resources over the next few years, requiring effective management to maintain the maximum level of productivity during this period. The increased security threat to Americans, official and unofficial, heightens the need to maintain positive post morale. Good security is a management goal which cannot be delegated and steps should be taken to insure that all personnel are security conscious. It will be necessary to

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review carefully existing mission procedures and internal controls and to implement changes as appropriate before the move to the new facility is completed.

As Ambassador, your authority flows from the President to me, and from me through the Assistant Secretary for Inter-American Affairs to you. I look to the Assistant Secretary to issue instructions in my name and to serve as the primary communications link between us. You should channel all messages dealing with policy proposals, policy implementation, program activities and post operations to or through him, with the understanding that for extraordinary situations there are channels of direct communication with me that are available for use.

I look forward to reviewing the goals and objectives statement for your Mission. I am asking the Assistant Secretary for Inter-American Affairs to work with you on this statement, which will be forwarded to my office through the bureau.

I wish you well on the assumption of your important and challenging assignment. You have my full confidence and best wishes.

Sincerely yours,

George P. Shultz

Drafted:ARA/SC:JWSwigert:rmh JWS
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~~C O N F I D E N T I A L~~ USUN NEW YORK 03627

E.O. 12356: DECL: OADR
TAGS: PHUM, UNGA, UNHRC, CI
SUBJECT: ASSISTANT SECRETARY SCHIFTER'S MEETING WITH
- FERNANDO VOLIO JIMENEZ, UN HUMAN RIGHTS
- COMMISSION (UNHRC) SPECIAL RAPPORTEUR ON CHILE

1. C - ENTIRE TEXT.

2. SUMMARY: DURING A MEETING IN NEW YORK WITH ASSISTANT SECRETARY SCHIFTER NOVEMBER 27, UNHRC RAPPORTEUR ON CHILE VOLIO JIMENEZ OUTLINED HIS VIEWS ON THE HUMAN RIGHTS SITUATION IN THAT COUNTRY AND AGREED THAT A 'CHILEAN DECISION TO ORDER AN END TO THE PRACTICE OF TORTURE WOULD BE A SUBSTANTIAL ACHIEVEMENT WHICH COULD BE REFLECTED IN HIS FINAL REPORT. VOLIO WILL VISIT CHILE DECEMBER 9 - 19 AND WOULD BE WILLING TO MEET WITH AMBASSADOR BARNES IF IT COULD BE ARRANGED INFORMALLY. VOLIO INTENDS TO CONTINUE AS RAPPORTEUR, BUT FEARS HIS CRITICS MAY ATTEMPT TO IMPOSE UNACCEPTABLE RESTRAINTS ON HIS MANDATE. HE ALSO INDICATED THAT THE WEIGHT OF HIS RESPONSIBILITIES IS TAKING A PHYSICAL TOLL. END SUMMARY.

3. ASSISTANT SECRETARY SCHIFTER MET NOVEMBER 27 WITH
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UNHRC SPECIAL RAPPORTEUR FOR CHILE FERNANDO VOLIO JIMENEZ IN NEW YORK IMMEDIATELY FOLLOWING VOLIO'S PRESENTATION OF HIS INTERIM REPORT TO THE THIRD COMMITTEE OF THE UNGA. VOLIO SAID HE WAS NOW PREPARING FOR HIS VISIT TO CHILE DECEMBER 9 - 19 WHICH WILL PROVIDE MATERIAL FOR HIS FINAL REPORT TO THE COMMISSION IN FEBRUARY. THE CHILEANS HAVE NOT PLACED PRECONDITIONS ON HIS VISIT AND HAVE ASSURED VOLIO OF COMPLETE FREEDOM OF ACTION AND ACCESS TO ALL AREAS OF THE COUNTRY HE WANTS TO VISIT.

4. AMBASSADOR SCHIFTER SAID CHILE FACED FOUR MAJOR HUMAN RIGHTS PROBLEMS: RESTORATION OF DEMOCRACY, RETURN OF EXILES, TERMINATION OF INTERNAL EXILE, AND ABOLITION OF TORTURE. OF THESE SCHIFTER SAID THE ABOLITION OF TORTURE WAS MOST EASILY ATTAINABLE. HE SAID HE HAD TOLD THE CHILEANS ORDERS SHOULD BE ISSUED FROM THE HIGHEST LEVEL FOR IT TO STOP. IF THIS OCCURS, SCHIFTER SAID IT COULD BE NOTED IN VOLIO'S REPORT AS A CONCRETE STEP FORWARD AND A SIGNIFICANT ACHIEVEMENT FOR THE RAPPORTEUR. SCHIFTER SAID THE CHILEANS WOULD NOT HAVE TO ADMIT THE EXISTENCE OF TORTURE, BUT SIMPLY MAKE CLEAR TO VOLIO THAT IT WOULD NOT OCCUR IN FUTURE. HE SAID EMBASSY SANTIAGO WOULD SOON APPROACH THE CHILEANS ON THIS ISSUE.

5. IN RESPONSE VOLIO SAID HE HAD NOT STRESSED TORTURE IN HIS REPORT BUT HE HAS LISTED SUBSTANTIATED CASES IN THE APPENDIX. HOWEVER, HE HAD EMPHASIZED TORTURE IN HIS STATEMENT TO THE THIRD COMMITTEE AND INTENDED TO TRY TO IDENTIFY ADDITIONAL CASES DURING HIS VISIT.

6. IN REVIEWING THE SITUATION IN CHILE, VOLIO SAID HE WAS DISTURBED BY THE GOVERNMENT'S UNWILLINGNESS TO TALK WITH THE ELEVEN-MEMBER OPPOSITION GROUP AND ITS EQUAL
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PAGE 03 USUN N 03627 0316122

UNWILLINGNESS TO APPROACH THE GOVERNMENT. HE SAID THE GOVERNMENT WAS TAKING TOO LONG TO COMPLETE WORK ON LAWS GOVERNING THE ELECTORAL SYSTEM AND THE POLITICAL PROCESS SINCE WITHOUT THEM IT WAS IMPOSSIBLE TO HAVE A CLEAR IDEA OF THE COUNTRY'S POLITICAL FUTURE. HE SAID THE ROLE OF THE JUDICIARY HAD TO BE IMPROVED BECAUSE NOW THE FACT THAT CASES WERE CONTINUALLY PENDING BEFORE THE COURTS

PROVIDED THE GOVERNMENT WITH AN EXCUSE FOR INACTION. VOLIO SAID HE INTENDED TO MAKE THESE POINTS DURING HIS VISIT AND HOPED FOR SUPPORT FROM THE U.S. EMBASSY IN THIS EFFORT. HE SAID HE WOULD BE WILLING TO MEET WITH AMBASSADOR BARNES, IF IT COULD BE ARRANGED INFORMALLY DURING A RECEPTION GIVEN BY THE EMBASSY OF COSTA RICA.

7. TURNING TO THE FUTURE, VOLIO SAID HE INTENDS TO REMAIN AS RAPPORTEUR UNLESS THE UNGA RESOLUTION ON CHILE PLACES UNDUE RESTRICTIONS UPON HIS MANDATE. HE THOUGHT FRANCE AND MEXICO MIGHT BE BEHIND SUCH AN EFFORT AND IF IT OCCURRED HE WOULD RESIGN. VOLIO SAID THERE HAD BEEN SIGNIFICANT CRITICISM OF HIS REPORT AND HE BELIEVED SOME OF IT, ESPECIALLY THAT BY AMERICAS WATCH, WAS UNFAIR. HE ALSO SAID HE HAD SUFFERED FROM STRESS-RELATED ILLNESS SINCE COMING TO NEW YORK AND WOULD RETURN TO COSTA RICA FOR A COMPLETE PHYSICAL BEFORE GOING TO SANTIAGO.

8. AMBASSADOR SCHIFTER URGED VOLIO NOT TO SUGGEST TO ANYONE THAT THERE ARE CIRCUMSTANCES WHICH COULD CAUSE HIM TO RESIGN AND NOT TO WORRY ABOUT CRITICISM OF HIS REPORT.

9. THIS MESSAGE HAS BEEN SEEN BY AMBASSADOR SCHIFTER.
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~~C O N F I D E N T I A L~~ SECTION 01 OF 03 USUN NEW YORK 03629

E.O. 12356: DECL: OADR
TAGS: PHUM, PREL, UNGA, CI
SUBJECT: 40TH UNGA: THIRD COMMITTEE: DRAFT RESOLUTION ON HUMAN RIGHTS IN CHILE (ITEM 12)

REF: (A) STATE 360901, (B) USUN 3466

1. (C) MEXICAN DELEGATE TO THIRD COMMITTEE JORGE MONTANO PRESENTED U.S. DEL WITH DRAFT RESOLUTION ON HUMAN RIGHTS IN CHILE LATE DECEMBER 2. THE TEXT (PARA 2) IS A SLIGHT IMPROVEMENT OVER THE FIRST MEXICAN DRAFT (DATAFAXED TO DEPT), REFLECTING SOME CHANGES TO MEET CONCERNS OF WESTERN EUROPEAN COSPONSORS WHO REGARDED THE FIRST DRAFT AS BEING OVERLY CRITICAL OF UN SPECIAL RAPPORTEUR FERNANDO VOLIO. THE MEXICANS STILL REFUSE TO INCLUDE ANY REFERENCE TO VOLIO'S PRELIMINARY REPORT IN THE OPERATIVE PART OF THE RESOLUTION, EVEN THOUGH THE GENERAL ASSEMBLY TRADITIONALLY EITHER "COMMENDS" OR "TAKES NOTE OF" THE REPORTS OF SPECIAL RAPPORTEURS IN THE FIRST OPERATIVE PARAGRAPH OF HUMAN RIGHTS RESOLUTIONS.
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PAGE 02 USUN N 03629 01 OF 03 031725Z

THE POSITIVE ELEMENTS IN BRACKETS CONCERNING THE JUDICIARY AND THE STATE OF SIEGE IN OPERATIVE PARAGRAPHS 4 AND 5(A) OF THE TEXT WERE DESCRIBED AS SUGGESTIONS FROM COSPONSORS ON WHICH MEXICAN DEL IS STILL SEEKING INSTRUCTIONS. WE UNDERSTAND THAT THE DRAFT RESOLUTION HAS THE SUPPORT OF THE CHILEAN HUMAN RIGHTS COMMISSION AND OTHER CHILEAN OPPOSITION REPS IN NEW YORK. THUS, THE TEXT OF THE PROPOSED OAS RESOLUTION TRANSMITTED REF A WAS NEVER A REALISTIC ALTERNATIVE TO THE MORE TRADITIONAL MEXICAN DRAFT UNGA RESOLUTION.

2. (C) ACTION REQUESTED: WE WILL KEEP DEPARTMENT INFORMED OF ANY CHANGES TO THE TEXT, WHICH IS TO BE TABLED NO LATER THAN 6 P.M. DECEMBER 4 AND BROUGHT TO A VOTE ON THE AFTERNOON OR EVENING OF DECEMBER 6. USUN WOULD APPRECIATE SUGGESTIONS ASAP FOR ANY IMPROVEMENTS IN THE TEXT WHICH WE SHOULD SEEK.

3. (U) TEXT OF MEXICAN RESOLUTION ON THE SITUATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN CHILE:

THE GENERAL ASSEMBLY,

AWARE OF ITS RESPONSIBILITY TO PROMOTE AND ENCOURAGE RESPECT FOR HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS FOR ALL AND DETERMINED TO REMAIN VIGILANT WITH REGARD TO VIOLATIONS OF HUMAN RIGHTS WHEREVER THEY OCCUR,

NOTING THE OBLIGATION OF CHILEAN AUTHORITIES TO PROMOTE AND PROTECT HUMAN RIGHTS IN ACCORDANCE WITH THE INTERNATIONAL INSTRUMENTS TO WHICH CHILE IS A PARTY,

AWARE THAT THE SITUATION OF HUMAN RIGHTS HAS BEEN A
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PAGE 03 USUN N 03629 01 OF 03 031725Z

MATTER OF PERMANENT AND GROWING CONCERN OF THE GENERAL ASSEMBLY, AS EXPRESSED IN ITS RESOLUTIONS 3219(XXIX) OF 6 NOVEMBER 1974, 3448 (XXX) OF 9 DECEMBER 1975, 31/124 OF 16 DECEMBER 1976, 32/118 OF 16 DECEMBER 1977, 33/175 OF 20 DECEMBER 1978, 34/179 OF 17 DECEMBER 1979, 35/188 OF 15 DECEMBER 1980, 36/157 OF 16 DECEMBER 1981, 37/183 OF 17 DECEMBER 1982, AND 38/102 OF 16 DECEMBER 1983 AND

39/121 OF 14 DECEMBER 1984, ALL RELATED TO THE SITUATION OF HUMAN RIGHTS IN CHILE, AS WELL AS ITS RESOLUTION 33/173 OF 20 DECEMBER 1978 ON DISAPPEARED PERSONS,

RECALLING THE RESOLUTIONS OF THE COMMISSION OF HUMAN RIGHTS ON THE SITUATION IN CHILE, IN PARTICULAR RESOLUTION 1985/47 OF 14 MARCH 1985, IN WHICH THE COMMISSION, IN VIEW OF THE GROWING AND SERIOUS DETERIORATION OF THE SITUATION OF HUMAN RIGHTS IN CHILE, DECIDED, INTER ALIA, TO EXTEND FOR A YEAR THE MANDATE OF THE SPEICAL RAPPORTEUR TO INVESTIGATE THE SITUATION OF HUMAN RIGHTS IN CHILE,

TAKING NOTE OF THE PROVISIONAL REPORT PREPARED BY THE SPECIAL RAPPORTEUR ON THE SITUATION OF HUMAN RIGHTS IN CHILE, PRESENTED ACCORDING TO RESOLUTION 1985/47 OF THE COMMISSION OF HUMAN RIGHTS,

CONSIDERING THAT THE SPECIAL RAPPORTEUR INTENDS TO SUBMIT TO THE COMMISSION OF HUMAN RIGHTS IN ITS 42ND SESSION A FINAL REPORT ON THE SITUATION OF HUMAN RIGHTS AND FUNDAMENTAL LIBERTIES IN CHILE,

CONSIDERING ALSO THE MANIFEST AND EVIDENT NATURE OF MANY FACTS THAT CONSTITUTE GRAVE AND SYSTEMATIC VIOLATIONS OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN CHILE,
DEPLORING ONCE AGAIN THAT THE REPEATED APPEALS OF THE

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PAGE 01 USUN N 03629 02 OF 03 031726Z

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INFO AMEMBASSY SANTIAGO IMMEDIATE
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C O N F I D E N T I A L SECTION 02 OF 03 USUN NEW YORK 03629

GENERAL ASSEMBLY AND THE COMMISSION ON HUMAN RIGHTS TO RE-ESTABLISH HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS HAVE BEEN IGNORED BY THE CHILEAN AUTHORITIES,

CONSIDERING ALSO, INTER ALIA, THE RECENT REPORTS, RESOLUTIONS, AND CONCLUSIONS OF THE HUMAN RIGHTS COMMITTEE, THE SUB-COMMITTEE ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES, THE INTERNATIONAL LABOR ORGANIZATION, AS WELL AS THE CHILEAN COMMISSION FOR HUMAN RIGHTS AND THE VICARIATE OF SOLIDARITY OF THE CATHOLIC CHURCH OF CHILE,

RECOGNIZING THE IMPORTANCE OF THE FACT THAT THE CHILEAN AUTHORITIES HAVE ANNOUNCED THEIR INTENTION TO PERMIT THE ENTRY TO CHILE OF THE SPECIAL RAPPORTEUR, IN FULFILLMENT OF HIS MANDATE TO INVESTIGATE THE SITUATION OF HUMAN RIGHTS IN THAT COUNTRY,

--1. ONCE AGAIN EXPRESSES ITS DISMAY AT THE SUPPRESSION IN CHILE OF THE TRADITIONAL DEMOCRATIC LEGAL ORDER AND
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PAGE 02 USUN N 03629 02 OF 03 031726Z

ITS INSTITUTIONS AND THEIR REPLACEMENT BY A CONSTITUTION WHICH DOES NOT REFLECT THE WILL OF THE PEOPLE FREELY EXPRESSED AND WHOSE PROVISIONS CONSIDERABLY REDUCE THE

ENJOYMENT AND EXERCISE OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS THROUGH THE INSTITUTIONALIZATION AND CONSOLIDATION OF STATES OF EMERGENCY AND THE EXTENSION OF THE JURISDICTION OF THE MILITARY TRIBUNALS, ALL OF WHICH AMOUNTS TO AN INTEGRATED SYSTEM NEGATING CIVIL AND POLITICAL RIGHTS AND FREEDOMS;

--2. EXPRESSES ITS INDIGNATION AT THE PERSISTENCE OF GRAVE AND SYSTEMATIC VIOLATIONS OF HUMAN RIGHTS IN CHILE, IN PARTICULAR AT THE REPRESSION OF ACTS OF SOCIAL PROTEST WHICH HAVE CAUSED A CONSIDERABLE NUMBER OF WOUNDED AND DEAD AND INDIVIDUAL AND MASSIVE DETENTIONS, AT THE INTIMIDATION OF NATIONAL HUMAN RIGHTS ORGANIZATIONS, AS WELL AS AT FREQUENT DENUNCIATIONS OF TORTURE AND ILL-TREATMENT, AND HEINOUS CRIMES IN WHICH THE POLICE FORCES ARE JUDICIALLY INCRIMINATED;

--3. REITERATES ITS DISMAY AT THE IMPUNITY GENERALLY ENJOYED BY STATE ORGANS OF POLICE AND SECURITY WITH RESPECT TO THEIR ABUSIVE AND ARBITRARY ACTIONS;

--4. REITERATES ITS CONCERN ABOUT THE INEFFECTIVENESS OF THE REMEDIES OF HABEAS CORPUS OR AMPARO AND OF PROTECTION, OWING TO THE FACT THAT THE JUDICIARY --NOTWITHSTANDING THE RESULTS ACHIEVED BY SOME JUDGES-- DOES NOT ALWAYS EXERCISE ITS POWER OF INVESTIGATION, MONITORING, AND SUPERVISION IN THIS RESPECT, AND ABIDES BY SEVERE RESTRICTIONS WHICH PREJUDICE ITS INDEPENDENCE,

--5. INSISTS IN ITS DEMAND THAT THE CHILEAN AUTHORITIES

RESTORE AND RESPECT HUMAN RIGHTS IN ACCORDANCE WITH THE OBLIGATIONS THEY HAVE ASSUMED UNDER VARIOUS INTERNATIONAL INSTRUMENTS, AND RE-ESTABLISH THE PRINCIPLE OF LEGALITY, DEMOCRATIC INSTITUTIONS AND THE EFFECTIVE ENJOYMENT AND EXERCISE OF CIVIL AND POLITICAL RIGHTS AND FUNDAMENTAL FREEDOMS, AND IN PARTICULAR:

-A) PUT AN END NOT ONLY TO THE STATE OF SIEGE, AS OCCURRED IN JUNE 1985, BUT ALSO TO THE REGIME OF EXCEPTION AND ESPECIALLY THE PRACTICE OF DECLARING STATES

OF EMERGENCY, UNDER WHICH SERIOUS AND CONTINUING VIOLATIONS OF HUMAN RIGHTS ARE COMMITTED;

-B) INVESTIGATE AND CLARIFY WITHOUT DELAY THE FATE OF PERSONS WHO WERE ARRESTED FOR POLITICAL REASONS AND LATER DISAPPEARED, TO ASSIST AND INFORM THEIR FAMILIES OF THE RESULTS OF SUCH INVESTIGATION AND TO BRING TO TRIAL AND PUNISH THOSE RESPONSIBLE FOR THEIR DISAPPEARANCES;

-C) RESPECT THE RIGHT TO LIFE AND TO PHYSICAL AND MORAL INTEGRITY, HALTING THE PRACTICE OF TORTURE AND OTHER FORMS OF CRUEL, INHUMAN AND DEGRADING TREATMENT, AND TO PUT AN IMMEDIATE END TO INTIMIDATION AND PERSECUTION, AS WELL AS TO ARBITRARY AND UNLAWFUL ARRESTS AND IMPRISONMENT IN SECRET PLACES;

-D) RESPECT THE RIGHT OF CHILEAN NATIONALS TO LIVE IN AND FREELY ENTER AND LEAVE THEIR COUNTRY, WITHOUT ARBITRARY RESTRICTIONS OR CONDITIONS AND TO CEASE THE PRACTICES OF RELEGACION (ASSIGNMENT TO FORCED RESIDENCE)

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PAGE 01 USUN N 03629 03 OF 03 031726Z
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~~C O N F I D E N T I A L~~ SECTION 03 OF 03 USUN NEW YORK 03629

AND FORCED EXILE;

-E) RESTORE THE FULL ENJOYMENT AND EXERCISE OF LABOR RIGHTS, IN PARTICULAR THE RIGHT TO ORGANIZE TRADE UNIONS, THE RIGHT TO COLLECTIVE BARGAINING AND THE RIGHT TO STRIKE, AND TO PUT AN END TO THE REPRESSION OF ACTIVITIES OF TRADE UNION LEADERS AND THEIR ORGANIZATIONS AND FULFILL THE INTERNATIONAL COVENANTS OF THE INTERNATIONAL ORGANIZATION OF LABOR TO WHICH CHILE IS A PARTY;

-F) RESPECT, AND WHERE NECESSARY, RESTORE ECONOMIC, SOCIAL AND CULTURAL RIGHTS, IN PARTICULAR THE RIGHTS INTENDED TO PRESERVE THE CULTURAL IDENTITY AND IMPROVE THE ECONOMIC AND SOCIAL STATUS OF THE INDIGEOUS POPULATIONS, INCLUDING THE RIGHT TO THEIR LAND;

--6. CONCLUDES, ON THE BASIS OF THE PROVISIONAL REPORT TO THE SPECIAL RAPPORTEUR AND OTHER INFORMATION AT ITS DISPOSAL, THAT IT IS NECESSARY TO KEEP UNDER CONSIDERATION THE SITUATION OF HUMAN RIGHTS IN CHILE,
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PAGE 02 USUN N 03629 03 OF 03 031726Z

--7. EXPRESSES ITS CONVICTION THAT AN UNRESTRICTED INVESTIGATION, IN SITU, OF THE SITUATION OF HUMAN RIGHTS MUST ASSURE THAT THE SPECIAL RAPPORTEUR, IN FULFILLMENT OF HIS MANDATE, RECEIVES ALL THE INFORMATION AND ELEMENTS THAT MAY BE GIVEN BY PERSONS AND ORGANIZATIONS INTERESTED

IN ;THE FATE OF HUMAN RIGHTS IN CHILE;

--8. CALLS ON THE CHILEAN AUTHORITIES TO INTENSIFY/STRENGTHEN THE BEGINNING OF THEIR COOPERATION WITH THE SPECIAL RAPPORTEUR AND TO SUBMIT THEIR COMMENTS ON HIS REPORT TO THE COMMISSION ON HUMAN RIGHTS AT ITS FORTY-SECOND SESSION;

--9. INVITES THE COMMISSION ON HUMAN RIGHTS AT ITS FORTY-SECOND SESSION TO STUDY THOROUGHLY THE REPORT OF THE SPECIAL RAPPORTEUR AND, WITH THE MERIT OF ALL THE RELEVANT INFORMATION AT ITS DISPOSAL, ADOPT THE MOST APPROPRIATE STEPS FOR THE EFFECTIVE RESTORATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN CHILE, INCLUDING THE MAINTENANCE OF THE SPECIAL RAPPORTEUR, AND REQUESTS THAT THE COMMISSION REPORT, THROUGH THE ECONOMIC AND SOCIAL COUNCIL, TO THE GENERAL ASSEMBLY AT ITS FORTY FIRST SESSION.
END TEXT.
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FOR AMBASSADOR BARNES FROM HA ASSISTANT SECRETARY SCHIFTER

E.O. 12356: DECL: OADR
TAGS: PHUM, PREL, CI
SUBJECT: GOC ASKS FOR DETAILS ON TORTURE ALLEGATIONS

REF: SANTIAGO 8393

1. ~~CONFIDENTIAL~~ ENTIRE TEXT.

2. IT IS OBVIOUS FROM REFTEL THAT WE NOW HAVE THE GOC'S ATTENTION ON THE ISSUE OF TORTURE. WE NEED TO KEEP IT UNTIL THE ISSUE IS RESOLVED. WE SHOULD EMPHASIZE THAT THE MATTER OF ENDING THE PRACTICE OF TORTURE CAN AND SHOULD BE DEALT WITH SEPARATELY FROM BROADER POLITICAL REFORMS. CONCERNING QUESTION POSED IN REFTEL, PARA 8, ATTENTION SHOULD BE DIRECTED TO THE FACT THAT FROM REPORTS WE HAVE OF INCIDENTS OF TORTURE WE CONCLUDE THAT WE ARE DEALING WITH MORE THAN ISOLATED CASES OF BRUTALITY BY INDIVIDUAL POLICEMEN. WE URGE THAT THE GOC CONSIDER THIS PROBLEM AT THE HIGHEST APPROPRIATE LEVEL. IT IS OUR HOPE THAT INSTRUCTIONS BE GIVEN TO END THE PRACTICE, TO PUNISH OFFENDERS AND TO
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PAGE 02 STATE 367559

REMOVE THEM FROM THE SECURITY FORCES. IT IS NOT JUSTIFIED EVEN AS PART OF AN ANTI-TERRORIST EFFORT, DOES NOT SEEM TO HAVE BEEN LIMITED TO TERRORISTS AND HAS CERTAINLY NOT HAD THE EFFECT OF ENDING TERRORISM.

3. CLEAR EVIDENCE THAT THE GOC HAS ELIMINATED THE PRACTICE OF TORTURE WOULD SUBSTANTIALLY ENHANCE ITS IMAGE.

4. ARA AND I BOTH BELIEVE IT WOULD BE MOST USEFUL TO FOLLOW-UP IN SANTIAGO ON THE GENERAL DISCUSSION OF HUMAN RIGHTS PROBLEMS AT CARTAGENA WITH A SPECIFIC APPROACH BY YOU TO THE FOREIGN MINISTER ON TORTURE, AS YOU RECOMMENDED. WE LEAVE IT TO YOUR JUDGMENT AS TO TIMING OF FURTHER PRESENTATION AND SELECTION OF CASES. WE SHOULD RECOMMEND, HOWEVER, THAT EVIDENCE OF ANY NEW POLICY SHOULD SURFACE IN TIME TO BE TAKEN INTO ACCOUNT DURING DEBATE ON CHILE AT NEXT SESSION OF UNITED NATIONS HUMAN RIGHTS COMMISSION, SCHEDULED TO COMMENCE ON FEBRUARY 3, 1986. SPECIAL RAPPORTEUR VOLIO'S FORTHCOMING VISIT TO CHILE AND HIS SUBSEQUENT REPORT ON THE VISIT WOULD PROVIDE AN IDEAL OCCASION FOR THE GOC TO TAKE APPROPRIATE STEPS INFORMALLY, YET HAVING THESE STEPS RECOGNIZED IN A DOCUMENT WHICH WILL RECEIVE WORLDWIDE ATTENTION.

5. IN PURSUING THE ISSUE OF TORTURE WITH THE GOC, IT COULD BE USEFUL FOR YOU TO CITE THE WEIGHT GIVEN TO HUMAN RIGHTS FACTORS IN THE INGERAGENCY REVIEW OF HOW THE U.S. VOTES ON MULTILATERAL DEVELOPMENT BANK LENDING PROGRAMS FOR CHILE. AS YOU KNOW, THE INTERAGENCY WORKING GROUP ALSO REVIEWS TRADE DEVELOPMENT PROGRAM PROPOSALS. CONCERNS ABOUT THE PRACTICE OF TORTURE IN

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PAGE 03 STATE 367559

CHILE AROSE DURING A RECENT REVIEW OF A TDP PROPOSAL TO FINANCE FOUR FEASIBILITY STUDIES IN THE TELECOMMUNICATIONS SECTOR. THE DECISION WAS MADE TO PROVIDE HUMAN RIGHTS CLEARANCE FOR THIS PROGRAM TO IMPROVE YOUR ACCESS TO THE GOC. IT MAY BE DESIRABLE FOR YOU TO URGE THE GOC TO EFFECTIVELY ADDRESS TORTURE SO AS TO AVOID FUTURE PROBLEMS OF THIS NATURE. SHULTZ

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Chile Project (#S199900030)
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E.O. 12356: OADR
TAGS: PHUM, UNGA, CI
SUBJECT: CHILE HUMAN RIGHTS RESOLUTION IN UNGA

REF: SANTIAGO 8526

FRENCH AMBASSADOR DEPIS TOLD AMBASSADOR DECEMBER 2 THAT THE FRENCH POSITION IN THE FORTHCOMING UN DEBATE OVER HUMAN RIGHTS IN CHILE WOULD BE "PRUDENT". BASICALLY, THE FRENCH VIEW WAS TO WAIT AND SEE HOW SPECIAL RAPPORTEUR VOLIO MADE OUT ON HIS MISSON TO CHILE LATER THIS MONTH. MEANWHILE, DEPENDING ON THE NATURE OF THE RESOLUTION FRENCH MIGHT ABSTAIN. BARNES

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PAGE 01 GUATEM 12454 01 OF 02 030009Z
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~~C O N F I D E N T I A L~~ SECTION 01 OF 02 GUATEMALA 12454

E.O. 12356 DECL: OADR
TAGS: PHUM, GT
SUBJ: FRENCH AND CANADIAN PBI MEMBER LEAVE GUATEMALA; AMERICANS STAY

REF: (A) GUATEMALA 11971, (B) GUATEMALA 12065

1. SUMMARY

(C) FRENCH AND CANADIAN PEACE BRIGADES INTERNATIONAL (PBI) MEMBERS LEFT GUATEMALA NOVEMBER 27, THE DEADLINE SET BY GOG IMMIGRATION AUTHORITIES, WITHOUT INCIDENT. TWO AMERICAN MEMBERS, [ ] WHO WAS NAMED ON GOG DEPORTA- B6
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PAGE 02 GUATEM 12454 01 OF 02 030009Z

TION ORDER, AND [ ] STILL IN GUATEMALA. B6

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[redacted] NOT RECEIVED NOTIFICATION THAT SHE IS TO LEAVE THE COUNTRY. SHE SAID THAT UNLESS SHE IS ORDERED OUT OF GUATEMALA BY THE GOG, SHE WILL REMAIN IN COUNTRY UNTIL APPROXIMATELY DECEMBER 7, WHEN SHE HAS AIRPLANE RESERVATIONS TO RETURN TO THE U.S. HER TOURIST VISA EXPIRES DECEMBER 9. PBI MEMBERS TOLD POLOFF THAT THEY ARE RECEIVING MANY PHONE CALLS FROM REPORTERS IN THE U.S. THEY HAVE PREPARED A PRESS STATEMENT ON THE EXPULSION OF PBI MEMBERS, WHICH THEY READ TO REPORTERS, BUT HAVE DECIDED TO MAINTAIN A LOW PROFILE AND NOT ANTAGONIZE THE GOG. B6

END SUMMARY

2. [redacted] POLOFF MET WITH PBI MEMBERS [redacted] NOVEMBER 28. THEY SAID THAT THE FRENCH AND CANADIAN MEMBERS OF PBI LEFT GUATEMALA BY NOVEMBER 27, AS ORDERED. ACCORDING [redacted] ONE CANADIAN PBI MEMBER LEFT GUATEMALA EARLY IN THE WEEK, AND THE REST LEFT THE MORNING OF NOVEMBER 27. [redacted] DEPARTING PBI MEMBERS NEITHER WERE ESCORTED BY IMMIGRATION OFFICIALS TO THE AIRPORT NOR MET AT THE AIRPORT BY THEM. ALSO, NO IMMIGRATION OFFICIALS HAVE STOPPED BY PBI HQS TO DETERMIN WHO HAS STAYED BEHIND AND WHO HAS LEFT. [redacted] SHE STILL HAS NOT RECEIVED NOTIFICATION TO LEAVE GUATEMALA FROM THE GOG. SHE STATED THAT UNLESS ORDERED TO LEAVE THE COUNTRY, SHE WILL REMAIN UNTIL APPROXIMATELY DECEMBER 7, WHEN SHE HAS RESERVATIONS TO RETURN TO THE U.S. B6 B6 B6 B6

3. [redacted] MEMBER OF PBI, WAS NOT ON THE GOG DEPORTATION ORDER. IN FACT, B6

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HIS TOURIST VISA WAS RENEWED THE SAME DAY OTHER PBI MEMBERS WERE TOLD TO LEAVE THE COUNTRY. HE SAID THAT HE HAS RECEIVED NO ORDER OF DEPARTURE FROM THE GOG AND PLANS TO STAY IN GUATEMALA THROUGH THE ELECTIONS AND UNTIL HIS VISA EXPIRES IN LATE DECEMBER.

4. [redacted] HAD RECEIVED MANY PHONE CALLS FROM REPORTERS IN THE U.S. ABOUT THE PBI EXPULSION. THEY PREPARED A SHORT "PRESS-RELEASE" WHICH THEY READ TO THE REPORTERS, BUT CLAIM THEY WILL GO NO B6

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FURTHER IN THEIR DISCUSSIONS WITH THE PRESS. B6

THAT PBI'S FIRST PRIORITY IS TO RETURN TO GUATEMALA AFTER THE ELECTIONS, AND THEY DO NOT WANT TO ANTAGONIZE THE GOG AND GIVE IT A PRETEXT FOR EXCLUDING THEM FROM THE COUNTRY.

5. (U) THE PRESS RELEASE READS:

"THE IMMIGRATION SERVICE OF GUATEMALA, MOST LIKELY UNDER SUPERIOR ORDERS, DID NOT RENEW THE VISAS OF TWO FRENCH MEMBERS OF PBI (GILBERT NICOLAS AND ALAIN RICHARD). THEY WILL LEAVE THE COUNTRY BY WEDNESDAY, NOVEMBER 27.

"THE SAME IMMIGRATION SERVICE COMMUNICATED TO DIPLOMATS THAT SIX OTHER PBI MEMBERS WILL HAVE TO LEAVE THE COUNTRY ON THE SAME DATE AND STAY OUT UNTIL AFTER THE SECOND ROUND OF ELECTIONS.

"IN FACT, ONLY SEVEN PERSONS OF THE EIGHT PERSONS ON THE LIST GIVEN TO DIPLOMATS ARE MEMBERS OF PBI; THREE FRENCH, TWO CANADIANS, TWO AMERICANS. THE EIGHTH NAME HAS NOTHING

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PAGE 01 GUATEM 12454 02 OF 02 030010Z
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~~C O N F I D E N T I A L~~ SECTION 02 OF 02 GUATEMALA 12454

E.O. 12356 DECL: OADR
TAGS: PHUM, GT
SUBJ: FRENCH AND CANADIAN PBI MEMBER LEAVE GUATEMALA; TO DO WITH PBI.

"THIS MEASURE APPEARS TO BE DIRECTLY RELATED TO THE PUBLIC ACTIONS OF GAM, DURING WHICH PBI MEMBERS ACTED AS 'INTERNATIONAL OBSERVERS' AND TO THE USE OF THE PBI HOUSE FOR GAM MEETINGS.

"THE DEPARTURE FOR TWO WEEKS OF PBI MEMBERS, WHICH INCLUDES ALL OF THOSE WITH A LONG TERM PRESENCE IN GUATEMALA, JEOPARDIZES THE POSSIBILITY FOR PBI TO FULFILL ITS HUMANITARIAN MISSION.

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PAGE 02 GUATEM 12454 02 OF 02 030010Z

"SUCH A DEPARTURE PLACES GAM MEMBERS IN A PARTICULARLY VULNERABLE POSITION. ALL INDICATIONS ARE THAT GAM MEMBERS

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WILL RUN VERY SERIOUS RISKS DURING THE ABSENCE OF THE PB TEAM MEMBERS.

"SUCH A DEPARTURE CAN ONLY DAMAGE THE IMAGE OF A DEMOCRATIC GUATEMALA, ESPECIALLY SINCE PBI MEMBERS HAVE CARE FULLY OBSERVED THE LAWS OF GUATEMALA.

"ALL THOSE GUATEMALANS OR FOREIGNERS, FOR WHOM HUMAN LIF IS SACRED, SHOULD TAKE URGENT ACTION TO INSURE THAT THE LIVES OF THOSE MOST THREATENED BY THIS LATEST MEASURE ARE RESPECTED."

6. COMMENT

(S) ALTHOUGH THE GOG HAS NOT RESPONDED FAVORABLY TO TWO EMBASSY DEMARCHES [redacted] BY RESCINDING HER DEPORTATION ORDER, IT MAY SIMPLY HAVE DECIDED NOT TO SERVE THE ORDER. TO SPECULATE FURTHER, THIS MAY BE A WAY FOR THE GOG TO MAINTAIN THE INITIATIVE WHILE QUIETLY DEFERRING TO THE EMBASSY'S REQUEST THAT THE AMERICAN NOT BE DEPORTED; IT MAY SIGNAL THAT THE GOG BELIEVES THE FRENCH AND CANADIAN MEMBERS OF PBI WERE MORE INVOLVED IN INAPPROPRIATELY "ADVISING" GAM THAN THE AMERICAN MEMBERS. BOTH FRENCHMEN HAVE BEEN IN GUATEMALA LONGER THAN ANY OTHER PBI MEMBERS. ONE OF THEM, [redacted] WAS IN GUATEMALA WHEN ROSARIO CUEVAS DE GODOY, HER BROTHER AND HER SON WERE FOUND DEAD IN HER CAR IN A SUSPICIOUS AUTOMOBILE ACCIDENT. OTHER PBI MEMBERS HAVE SAID THAT THIS INCIDENT HAD A "PROFOUND IMPACT" [redacted] HE NOW HAS AN INTENSE EMOTIONAL ATTACHMENT TO GAM. 1.4(B) 1.4(B) 1.4(B)

END COMMENT

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PAGE 01 OF 02 SAN SA 15616 00 OF 02 040244Z 8476 ARA7969
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E.O. 12356: N/A
TAGS: PGOV, ELAB, PHUM, ES
SUBJECT: AUXILIARY BISHOP ROSA CHAVEZ' HOMILY,
" DECEMBER 1, 1985.

1. SUMMARY

IN HIS HOMILY OF DECEMBER 1, 1985, AUXILIARY BISHOP GREGORIO ROSA CHAVEZ RECALLED THE FIFTH ANNIVERSARY OF THE ASSASSINATION OF FOUR AMERICAN CHURCHWOMEN IN EL SALVADOR; HE EXPRESSED HIS PLEASURE AT THE SUCCESS OF THE ANNUAL TELETHON FOR CRIPPLED CHILDREN WHICH TOOK PLACE OVER THE WEEKEND, AND TOUCHED BRIEFLY ON THE WEEK'S VIOLENCE STATISTICS. BISHOP ROSA PRAISED THE ARMED FORCES' IMPROVED OBSERVANCE OF HUMAN RIGHTS IN EL SALVADOR, BUT WARNED THAT THIS IMPROVEMENT MAY BE MARRED BY THE INCREASING NUMBER OF COMPLAINTS OF MISTREATMENT DURING INTERROGATION. THE AUXILIARY BISHOP MARKED THE CHRISTIAN DEMOCRATIC PARTY'S 25TH ANNIVERSARY CELEBRATION AND THE FIRST ANNIVERSARY OF THE SECOND ROUND OF DIALOGUE AT AYAGUALO. HE ALSO COMMENTED ON THE LABOR SITUATION. END SUMMARY.

2. THE NUNS' ANNIVERSARY

BISHOP ROSA NOTED THAT DECEMBER 2 WAS THE FIFTH ANNIVERSARY OF THE ASSASSINATION OF THE THREE AMERICAN NUNS AND ONE LAY WORKER ON THE ROAD BETWEEN THE AIRPORT AND THE CAPITAL.

3. CRIPPLED CHILDREN

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ROSA CHAVEZ EXPRESSED HIS PLEASURE WITH THE ANNUAL TELETHON FOR CRIPPLED CHILDREN, WHICH TOOK PLACE NOVEMBER 29 AND 30 AND RAISED OVER TWO MILLION COLONES. HE DEPLORED THE VIOLENCE OF THE WAR THAT HAS DISABLED MANY CHILDREN AND URGED THAT RECONCILIATION AND PEACE BE PURSUED WITH THE SAME ENTHUSIASM THAT CHARACTERIZED THE TELETHON.

4. VIOLENCE STATISTICS AND OTHER HUMAN RIGHTS VIOLATIONS

ROSA SAID THAT DURING THE PAST WEEK, ACCORDING TO THE DATA RECEIVED BY THE ARCHBISHOPRIC, 35 SALVADORANS LOST THEIR LIVES DUE TO POLITICAL VIOLENCE; "26 OF THEM DIED UNDER CIRCUMSTANCES THAT ARE STILL UNCLEAR," SAID THE BISHOP. HE WENT ON TO LAMENT "A PRACTICE WHICH SEEMS TO BE ON THE INCREASE DURING THE LAST FEW WEEKS: THE INTERROGATIONS AND INHUMANE TREATMENT OF SOME PRISONERS ACCUSED OF POLITICAL CRIMES. THESE INTERROGATIONS GENERALLY CULMINATE IN CONFESSIONS THAT ARE SOMETIMES VERY FAR FROM THE TRUTH. THE PRISONER IS THEN FORCED TO SIGN THESE DECLARATIONS. SOME CASES ARE EVEN MORE SERIOUS BECAUSE THE PERSON IS NOT ALLOWED TO READ WHAT HE IS ABOUT TO SIGN. IF THIS ANOMALY IS NOT CORRECTED, A SHADOW WILL BE CAST ON THE UNDENIABLE EFFORTS MADE BY THE ARMED FORCES TO IMPROVE THE HUMAN RIGHTS SITUATION IN OUR COUNTRY." ROSA CONTINUED THAT HE WAS DRAWING ATTENTION TO THE IMPROVEMENTS IN THE ARMED FORCES BECAUSE "ALMOST ALWAYS ONE SPEAKS OF THE MILITARY IN ORDER TO POINT OUT ITS ERRORS. IT IS UNDERSTANDABLE THAT PEOPLE DO THIS WHO ARE SYSTEMATICALLY OPPOSED TO THE GOVERNMENT, ALTHOUGH IT IS NOT CORRECT. BUT THIS IS NOT THE MANNER OF THE CHURCH, WHICH MUST ENCOURAGE THE SMALLEST EFFORT OF GOOD WILL TOWARDS THE WELL-BEING OF THE INDIVIDUAL."

5. THE PDC'S 25TH ANNIVERSARY

ROSA CHAVEZ COMMENTED ON HIS NOVEMBER 25 HOMILY TO MEMBERS OF THE CHRISTIAN DEMOCRATIC PARTY (PDC) IN OBSERVANCE OF THE 25TH ANNIVERSARY OF THE PARTY'S FOUNDING. HE REMINDED THE PDC MEMBERS THAT THE VOTERS HAD GIVEN THE PDC A MANDATE TO CREATE A SOCIETY IN WHICH THE DIGNITY OF ALL MEN WOULD BE RESPECTED, AND IN WHICH THE POOR WOULD HAVE ACCESS TO BETTER LIVING CONDITIONS. "ABOVE ALL, I INSISTED ON THEIR TREMENDOUS RESPONSIBILITY IN THE SEARCH FOR PEACE," HE SAID. HE APPROVED OF PRESIDENT DUARTE'S EXHORTATION TO PDC MEMBERS "TO BE HONEST IN THEIR CONDUCT AND TO FIGHT CORRUPTION AMONG THEMSELVES BECAUSE MUCH CRITICISM IS BEING HEARD IN THIS RESPECT."

6. THE LABOR SITUATION

COMMENTING ON THE RESOLUTION OF FOUR STRIKES DURING THE PAST WEEK, ROSA NOTED THAT "SOME STRIKES ARE NOT MOTIVATED BY LEGITIMATE LABOR DEMANDS, BUT FOR POLITICAL REASONS. NEVERTHELESS, DECLARING STRIKES ILLEGAL MUST BE RESORTED TO ONLY WITH THE STRICTEST OBJECTIVITY. ONE UNION LEADER TOLD ME THAT ONE COULD COUNT ON THE FINGERS OF ONE HAND THE STRIKES WHICH HAVE BEEN DECLARED LEGAL. IT HAS ALREADY BEEN REPEATED MANY TIMES THAT OUR LEGAL SYSTEM LEAVES MUCH TO BE DESIRED."

7. CONSIDERATIONS ON THE DIALOGUE PROCESS

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Department of State

RELEASED
El Salvador: Human Rights
Special Project (1993)

INCOMING
TELEGRAM

PAGE 02 OF 02 SAN SA 15616 08 OF 02 040244Z 8476 AR47969

THIS PAST WEEK MARKED THE FIRST ANNIVERSARY OF THE SECOND ROUND OF DIALOGUE BETWEEN THE GOVERNMENT AND THE FMLN, WHICH OCCURRED AT AYAGUALO. THE BISHOP SAID THAT PEOPLE ARE TIMIDLY ASKING IF THERE WOULD BE CHRISTMAS AND NEW YEAR'S TRUCES THIS YEAR. ROSA BEMOANED WHAT HE REFERRED TO AS "THE AYAGUALO SYNDROME -- SYMPTOMS INDICATING A HARDENING OF POSITIONS OF THOSE INVOLVED IN THE CONFLICT. THEY ARE THE SYMPTOMS OF AN ILLNESS CALLED INTRANSIGENCE AND A WAR-MINDEDNESS. ...BUT THE SOLUTION DOES NOT LIE IN SCREAMING IN FAVOR OF DIALOGUE WITHOUT GETTING TO THE SOURCE OF OUR PROBLEM. NOR DOES IT LIE IN PUTTING ALL THE BLAME FOR THE IMPASSE IN THE DIALOGUE ON ONE PARTY ALONE. A CONCRETE SOLUTION WILL ONLY BEGIN TO EMERGE WHEN WE RECOGNIZE THE POSITIVE FACTORS ON BOTH SIDES AND WHEN WE ARE EQUALLY CRITICAL OF THE ERRORS OF BOTH. THIS IS WHY I AM CONCERNED WHEN THE GROUPS WHO HAVE RAISED THE BANNER OF DIALOGUE ARE SO HARD ON THE GOVERNMENT AND SO INDULGENT WITH THE GUERRILLAS. THIS IS NOT THE WAY TO CREATE THE PEACE THAT ALL OF US WISH: A PEACE BASED ON TRUTH, JUSTICE, FREEDOM AND LOVE."

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PAGE 01 SANTIA 08581 01 OF 02 041846Z
ACTION H-03

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FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 4252

~~C O N F I D E N T I A L~~ SECTION 01 OF 02 SANTIAGO 08581

E.O. 12356: DECL:OADR
TAGS: OREP,PGOV,CI
SUBJ: STAFFDEL TRIP TO CHILE

REF: STATE 355757

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

1. (C) SUMMARY: A FIVE-MAN STAFFDEL VISITED CHILE UNDER THE AUSPICES OF THE GOC DURING THE WEEK OF NOVEMBER 25-29. THEY MET WITH SEVERAL GOVERNMENT OFFICIALS AS WELL AS MODERATE TO CONSERVATIVE BUSINESS LEADERS AND A FEW MODERATE OPPOSITION POLITICIANS. IN TALKS WITH THE AMBASSADOR AT THE CONCLUSION OF THEIR VISIT, THEY INDICATED THAT THEY WERE IMPRESSED BY CHILEAN ECONOMIC MANAGEMENT AND FOUND THAT POLITICAL REPRESSION WAS MUCH LESS PERVASIVE THAN THEY HAD BELIEVED. EMBOFFS EXPLAINED THE COMPLEX AND OFTEN INVISIBLE NATURE OF LIMITATIONS ON FREEDOM OF PRESS, ASSEMBLY, AND POLITICAL ACTIVITY. END SUMMARY.

2. (U) A GROUP OF CONGRESSIONAL STAFFERS VISITED CHILE DURING THE WEEK OF NOV. 25-29 AS GUESTS OF THE INSTITUTE OF POLITICAL SCIENCE AT THE UNIVERSITY OF CHILE. THE GROUP INCLUDED ROBERT

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COLEMAN AND JAMES VAN DE GRAAF FROM THE OFFICE OF REP. PHILIP CRANE; WILLIAM QUINN, LEGISLATIVE ASSISTANT TO REP. BILL NICHOLS; RANDY BROBERG, AIDE TO REP. BILL LOWERY; AND VINCENT RANDAZZO, AIDE TO REP. DAVID DREIER. FYI JAMES VAN DE GRAAF RESIDED IN CHILE FROM 1979-81 AS A MORMON MISSIONARY. END FYI. THE EMBASSY PROVIDED A BRIEFING THE MORNING AFTER THEIR SUNDAY ARRIVAL.

3. (U) THE GOC SPONSORED THE TRIP AND PROVIDED A FULL SCHEDULE FOR THEIR GUESTS. THERE WERE NINE MEETINGS WITH GOC OFFICIALS, TWO OUT-OF-TOWN EXCURSIONS, AND NUMEROUS OFFICIAL LUNCHES AND DINNERS. INCLUDED AMONG THE GOC OFFICIALS WITH WHOM THEY HAD MEETINGS WERE THE FOREIGN MINISTER, THE FINANCE MINISTER, THE HEAD OF THE GOC'S LEGISLATIVE ADVISORY BODY, THE SUBSECRETARY OF SOCIAL WELFARE, AND THE VICE-PRESIDENT OF THE CENTRAL BANK. THEY ALSO MET WITH PRIVATE BUSINESSMEN WHO ARE GENERALLY PRO-GOVERNMENT. AMBASSADOR BARNES AND EMBOFFS MET WITH THE STAFFERS AT THE BEGINNING AND AT THE END OF THEIR VISIT.

4. (C) AT THEIR MEETING OF NOV. 29 WITH AMBASSADOR, THE STAFFERS GAVE THEIR IMPRESSIONS OF CHILE. THEY WERE IMPRESSED BY WHAT THEY CONSIDERED TO BE RESPONSIBLE GOC ECONOMIC POLICIES. THEY NOTED THAT CHILEAN BUSINESSMEN APPEARED TO BE CAUTIOUSLY OPTIMISTIC. ALTHOUGH THE BUSINESSMEN HAVE A GNAWING DOUBT ABOUT WHAT WILL HAPPEN POLITICALLY IN 1989, THEY INTUITIVELY THINK THINGS WILL WORK OUT AND THAT CHILE WILL REMAIN STABLE AND NOT CHANGE ECONOMIC POLICIES DRASTICALLY.
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PAGE 03 SANTIA 08581 01 OF 02 041846Z

5. (C) AS FOR THE POLITICAL SITUATION, THEY FOUND CHILE TO BE LESS REPRESSIVE AND MORE OPEN THAN THEY HAD BEEN LED TO EXPECT. THE STAFFERS REALIZED THAT THEY WERE MEETING WITH MOSTLY PRO-GOVERNMENT PEOPLE THROUGHOUT THEIR VISIT AND THAT THERE WAS A LARGE SEGMENT OF CHILEAN OPINION THAT WAS

HARDLY HEARD FROM. HOWEVER, THEY WERE EXPOSED TO CONSERVATIVE OPPOSITION REPRESENTATIVES OF THE NATIONAL UNION (ANDRES ALLAMAND, SERGIO DIEZ, LUIS V. FERRADA) AND NATIONAL PARTY (TOMAS PUIG AND ADOLFO BALLAS) WHO ENGAGED IN A LIVELY DEBATE WITH PRO-GOVERNMENT REPRESENTATIVES GUSTAVO CUEVAS AND WILLY THAYER. THE STAFFDEL WAS SURPRISED TO HEAR FROM MODERATE-CONSERVATIVE GROUPS THE OPINION THAT PINOCHET SHOULD NOT SEEK THE PRESIDENCY IN 1989 AND THAT THE CONSTITUTION SHOULD BE DRASTICALLY AMENDED. TO THEIR QUESTIONS ASKED OF PRO-GOVERNMENT REPRESENTATIVES CONCERNING HUMAN RIGHTS AND THE NATIONAL ACCORD, THE TYPICAL RESPONSES WERE "YOU DO NOT UNDERSTAND CHILE" OR "IT MAY BE BAD NOW BUT IT WAS WORSE UNDER ALLENDE." EMBASSY OFFICERS WERE ABLE TO PROVIDE A BROAD BRUSH BRIEFING ON ASPECTS OF CHILE, PARTICULARLY HUMAN RIGHTS VIOLATIONS AND THE PROBLEM OF THE GOC'S LACK OF CREDIBILITY REGARDING THE TRANSITION.

6. (C) COMMENT: THE GOC MAY HAVE BEEN DISAPPOINTED BY THE TURNOUT. THEY HAD HOPED THAT AT LEAST TEN STAFFERS WOULD COME INSTEAD OF THE FIVE THAT EVENTUALLY ARRIVED. IT WAS EXPECTED THAT THE

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PAGE 01 SANTIA 08581 02 OF 02 041846Z

ACTION H-03

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FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 4253

C O N F I D E N T I A L SECTION 02 OF 02 SANTIAGO 08581

E.O. 12356: DECL:OADR
TAGS: OREP,PGOV,CI
SUBJ: STAFFDEL TRIP TO CHILE

GOC WOULD ATTEMPT TO EXPLOIT THEIR VISIT IN ORDER
TO IMPROVE THE IMAGE OF THE GOVERNMENT.
ALTHOUGH THE GOC LIMITED THE POSSIBILITY OF THE
GROUP'S EXPOSURE TO ITS MOST VIRULENT CRITICS IN
THE POLITICAL OPPOSITION, THE STAFFERS WERE ABLE TO
GET EXPOSURE TO SOME DIVERGENT ECONOMIC AND
POLITICAL VIEWS. THERE WERE SEVERAL NEWS STORIES
ON THE VISIT, BUT PRESS EXPLOITATION WAS
NOT BLATANT. END COMMENT. BARNES

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ACTION DS-02

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TO SECSTATE WASHDC IMMEDIATE 4258
AMEMBASSY PANAMA

~~S E C R E T~~ SANTIAGO 08593

Chile Project (#S199900030)
U.S. Department of State
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Exemption(s) B1

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TERREP EXCLUSIVE

PANAMA FOR ADS

DECAPTIONED

E.O. 12356: N/A
TAGS: ASEC, PTER, PINS, CI
SUBJECT: THREAT AGAINST AMERICAN EMBASSY SANTIAGO

REF: SANTIAGO 8502

1. (S/NF/WN/OR) RSO WAS INFORMED[ ]12/3 THAT OPERATION DESCRIBED[ ]MAY BE ORCHESTRATED AS A KIDNAPPING. THE SCENARIO DOES NOT IDENTIFY PERSONNEL OR RANK - ONLY OFFICIAL PERSONNEL.

2. RSO ALSO LEARNED 12/3 OF DESTRUCTION OF POV OF SOUTH AFRICAN MILITARY ATTACHE BY CAR BOMB (NO ONE INJURED).

3. IN RESPONSE TO THIS SITUATION, EMBASSY HAS TAKEN THE FOLLOWING ACTION:

- BRIEFED ALL MEMBERS OF THE AMBASSADOR'S PROTECTIVE

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PAGE 02 SANTIA 08593 042038Z

- DETAIL AND CAUTIONED THEM TO FURTHER ENHANCE THEIR
- VIGILANCE (COMPLETED 11/29)

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- BRIEFED ALL SECTION AND AGENCY HEADS (COMPLETED 12/4)

- INSTRUCTED MOBILE UNITS TO UNDERTAKE ANTI-SURVEILLANCE FUNCTION

- REQUESTED CHILEAN POLICE TO PROVIDE MORE FREQUENT RESIDENTIAL PATROL.

- GENERAL WARNING OF NEED FOR GREATER VIGILANCE AND ALERTNESS GIVEN TO EMBASSY WIVES ASSOCIATION MEETING 12/4 AND WILL BE GIVEN AT EMBASSY STAFF MEETING 12/5

4. EAC MEETING CALLED FOR 4:00 P.M. DECEMBER 5 WILL MAKE RECOMMENDATIONS TO AMBASSADOR ON ADDITIONAL MEASURES, INCLUDING POSSIBILITY OF HOME TO OFFICE TRANSPORTATION

5. ADDITIONAL INFORMATION WILL BE PROVIDED AS AVAILABLE.
BARNES

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PAGE 01 STATE 368834
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APPROVED BY: S:THE SECRETARY
ARA:RGELBARD ARA/EABRAMS
ARA/SC:MLDURKEE P:WPROWNFIELD
E:SBROWN ARA/EX:BDMYTREWYCZ
M:MRYAN S:JSBENTON S/S: KQUINN
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FM SECSTATE WASHDC
TO AMEMBASSY SANTIAGO PRIORITY

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

[redacted] STATE 368834

FOR AMBASSADOR HARRY BARNES FROM THE SECRETARY

E.O. 12356: DECL: OADR
TAGS: AMGT, PREL, CI
SUBJECT: GOALS AND OBJECTIVES (S/S: 8535520)

1. (S - ENTIRE TEXT)

2. THE FOLLOWING LETTER TO AMBASSADOR BARNES FROM THE SECRETARY OF STATE PROVIDES DETAILED GUIDANCE ON U.S. OBJECTIVES IN CHILE. SIGNED ORIGINAL TO FOLLOW.

3. BEGIN TEXT:

THE HONORABLE
HARRY G. BARNES, JR.,
AMERICAN AMBASSADOR,
SANTIAGO, CHILE.

DEAR MR. AMBASSADOR:
[redacted]

[redacted]

PAGE 02 STATE 368834

AS YOU TAKE UP YOUR RESPONSIBILITIES AS CHIEF OF MISSION IN SANTIAGO, I WANT TO DISCUSS OUR OBJECTIVES IN CHILE AND OUTLINE SOME SPECIFIC AREAS FOR PRIORITY ATTENTION. YOU WILL RECEIVE SPECIFIC ISSUE-RELATED INSTRUCTIONS AS

REQUIRED. I HOPE YOU WILL FIND THIS GUIDANCE USEFUL IN DIRECTING THE EFFORTS OF ALL UNITED STATES GOVERNMENT ELEMENTS IN CHILE.

RELATIONS WITH THE PRESENT GOVERNMENT OF CHILE ARE CORRECT AND SHOULD BE MAINTAINED, WHILE WE ALSO SEEK TO ADVANCE U.S. INTERESTS LOOKING BEYOND THAT GOVERNMENT. RECOGNIZING THAT CHILE HAS DEVIATED SHARPLY FROM ITS OWN DEMOCRATIC TRADITIONS, AND THAT THE U.S. HAS TO REMAIN TRUE TO ITS DEMOCRATIC VALUES, U.S. INTERESTS ARE BEST SERVED BY 1) THE ORDERLY RESTORATION OF DEMOCRACY AS SPEEDILY AS POSSIBLE AND 2) LIMITATION OF THE INFLUENCE OF THE CHILEAN COMMUNIST PARTY. U.S. INTERESTS IN THE LONG TERM STABILITY OF CHILE REQUIRE WORKING WITH THE PRESENT GOVERNMENT IN SUCH BASIC AREAS AS SUPPORTING THE FINANCIAL PACKAGE NEGOTIATED THIS YEAR WITH THE WORLD BANK, IMF AND COMMERCIAL BANKS, ENCOURAGING STRUCTURAL ADJUSTMENT EFFORTS AIMED AT RENEWED ECONOMIC GROWTH, AS WELL AS COOPERATING ON REGIONAL SECURITY TO THE EXTENT PRACTICABLE.

IT APPEARS LIKELY THAT PRESIDENT PINOCHET WILL TRY TO REMAIN IN OFFICE BEYOND 1989 AND WILL NOT NEGOTIATE WILLINGLY WITH THE DEMOCRATIC OPPOSITION. DESPITE THE EFFORT OF THE CATHOLIC CHURCH AND THE DEMOCRATIC OPPOSITION TO PURSUE A PEACEFUL TRANSITION TO DEMOCRACY, THE GOVERNMENT AND THE COMMUNISTS WILL BOTH KEEP

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PAGE 03 STATE 368834

RESORTING TO VIOLENCE, JUSTIFYING THESE ACTIONS BY THE ACTIONS OF THE OTHER PARTY. THE CHILEAN ECONOMY WILL RECOVER AT BEST ONLY GRADUALLY, THEREBY OFFERING LITTLE IMMEDIATE HOPE TO MUCH OF THE POPULACE.

PRINCIPAL UNITED STATES OBJECTIVES IN CHILE ARE (1) TO SEEK TO CONVINCE PRESIDENT PINOCHET THAT THE U.S. TAKES

VERY SERIOUSLY THE NEED FOR A PROMPT RETURN TO DEMOCRACY AND THEREFORE EXPECTS POLITICAL DIALOGUE; (2) TO CONVINCE THE DEMOCRATIC OPPOSITION OF U.S. COMMITMENT TO THE RETURN TO DEMOCRACY WHILE STRESSING THE ESSENTIALITY OF NON-VIOLENT AND RESPONSIBLE BEHAVIOR ON THEIR PART; (3) TO CONTINUE SUPPORT FOR CHILE'S DEBT RELIEF AND ECONOMIC GROWTH EFFORTS, BUT BE PREPARED, AS IN EARLY 1985, TO USE ECONOMIC INFLUENCE TO PRESS THE POLITICAL PROCESS FORWARD; (4) TO PROMOTE IMPROVED HUMAN RIGHTS PERFORMANCE, INSISTING ESPECIALLY UPON THE CESSATION OF TORTURE; AND (5) TO REVIVE, WITHIN EXISTING LEGAL CONSTRAINTS, U.S. INFLUENCE WITH THE CHILEAN ARMED FORCES, WHICH WILL HAVE A KEY ROLE IN THE TRANSITION PROCESS. SINCE THE ULTIMATE RESPONSIBILITY FOR THE SUCCESS OF THE TRANSITION PROCESS MUST BE ASSUMED BY THE

CHILEANS, YOUR ROLE WILL BE TO ENCOURAGE DIALOGUE AND CONSENSUS-BUILDING WITHOUT BECOMING ENGAGED IN THE POWER STRUGGLE.

IF THE CHILEAN GOVERNMENT SIGNIFICANTLY IMPROVES ITS HUMAN RIGHTS PERFORMANCE, YOU SHOULD RECOMMEND WAYS TO ENHANCE COOPERATION WITH THE ARMED FORCES, INCLUDING SETTING FORTH FOR OUR CONSIDERATION PROPOSALS TO MODIFY CURRENT LEGAL CONSTRAINTS. IN THIS CONTEXT, YOU WILL WANT TO ALSO INVESTIGATE WHETHER THERE IS ANY WILLINGNESS WITHIN THE CHILEAN GOVERNMENT TO EVEN CONSIDER COOPERATION ON THE LETELIER CASE.

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PAGE 04 STATE 368834

IN ADDITION TO CARRYING OUT SPECIFIC OBJECTIVES SET FORTH ABOVE, WE EXPECT THAT YOU WILL SEEK TO REINFORCE EXISTING WAYS OF MAINTAINING LINKS TO ORDINARY CHILEANS AND TO DEVELOP NEW MEANS OF REACHING A BROADER RANGE OF CHILEANS. YOUR PREPARATION OF A LONG-TERM PLAN FOR THE USE OF SECTION 416 SURPLUS AGRICULTURAL COMMODITIES WITH DEVELOPMENT AS WELL AS RELIEF ASPECTS WILL BE IMPORTANT TO THIS EFFORT, AS WILL YOUR STUDY OF A U.S. CONTRIBUTION TO THE ALLEVIATION OF THE SERIOUS AIR POLLUTION PROBLEM AFFECTING SANTIAGO, PERHAPS IN CONJUNCTION WITH THE MDB'S.

ACTIVELY ENCOURAGING VISITS TO CHILE BY CONGRESSIONAL DELEGATIONS FROM A VARIETY OF COMMITTEES WILL PROVIDE VALUABLE OPPORTUNITIES TO UNDERLINE U.S. CONCERNS AND REINFORCE U.S. INTERESTS.

THERE ARE PRIORITY MANAGEMENT CONCERNS WITHIN THE MISSION BEYOND THOSE DICTATED DIRECTLY BY MAJOR POLICY OBJECTIVES. THE CONSTRUCTION OF A NEW CHANCERY AND THE TRANSFER OF THE MISSION TO THE NEW FACILITY WILL SEVERELY TAX THE POST'S ADMINISTRATIVE RESOURCES OVER THE NEXT FEW YEARS, REQUIRING EFFECTIVE MANAGEMENT TO MAINTAIN THE MAXIMUM LEVEL OF PRODUCTIVITY DURING THIS PERIOD. THE INCREASED SECURITY THREAT TO AMERICANS, OFFICIAL AND UNOFFICIAL, HEIGHTENS THE NEED TO MAINTAIN POSITIVE POST MORALE. GOOD SECURITY IS A MANAGEMENT GOAL WHICH CANNOT BE DELEGATED AND STEPS SHOULD BE TAKEN TO INSURE THAT ALL PERSONNEL ARE SECURITY CONSCIOUS. IT WILL BE NECESSARY TO REVIEW CAREFULLY EXISTING MISSION PROCEDURES AND INTERNAL CONTROLS AND TO IMPLEMENT CHANGES AS APPROPRIATE BEFORE THE MOVE TO THE NEW FACILITY IS COMPLETED.

AS AMBASSADOR, YOUR AUTHORITY FLOWS FROM THE PRESIDENT TO
[redacted]

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PAGE 05 STATE 368834

ME, AND FROM ME THROUGH THE ASSISTANT SECRETARY FOR INTER-AMERICAN AFFAIRS TO YOU. I LOOK TO THE ASSISTANT SECRETARY TO ISSUE INSTRUCTIONS IN MY NAME AND TO SERVE

AS THE PRIMARY COMMUNICATIONS LINK BETWEEN US. YOU SHOULD CHANNEL ALL MESSAGES DEALING WITH POLICY PROPOSALS, POLICY IMPLEMENTATION, PROGRAM ACTIVITIES AND POST OPERATIONS TO OR THROUGH HIM, WITH THE UNDERSTANDING THAT FOR EXTRAORDINARY SITUATIONS THERE ARE CHANNELS OF DIRECT COMMUNICATION WITH ME THAT ARE AVAILABLE FOR USE.

I LOOK FORWARD TO REVIEWING THE GOALS AND OBJECTIVES STATEMENT FOR YOUR MISSION. I AM ASKING THE ASSISTANT SECRETARY FOR INTER-AMERICAN AFFAIRS TO WORK WITH YOU ON THIS STATEMENT, WHICH WILL BE FORWARDED TO MY OFFICE THROUGH THE BUREAU.

I WISH YOU WELL ON THE ASSUMPTION OF YOUR IMPORTANT AND

CHALLENGING ASSIGNMENT. YOU HAVE MY FULL CONFIDENCE AND BEST WISHES.

SINCERELY YOURS,

GEORGE P. SHULTZ

END TEXT. SHULTZ

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PAGE 01 SANTIA 08631 051834Z
ACTION ARA-00

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FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 4269
INFO AMEMBASSY ROME
USMISSION USUN NEW YORK
USIA WASHDC 4142

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

~~C O N F I D E N T I A L~~ SANTIAGO 08631

ROME FOR EMBASSY VATICAN

USIA AR FOR RICCIO AND LEROY

E.O. 12356: DECL:OADR
TAGS: SHUM,SCOM,CI
SUBJ: APPEAL COURT REOPENS CASE AGAINST JESUIT MAGAZINE

1. (U) ON DECEMBER 3, THE FIRST COURT OF APPEALS IN SANTIAGO, BY A TWO TO ONE VOTE, REVERSED THE SEPTEMBER 30 DECISION OF JUDGE MARCOS LIBEDINSKY TO CLOSE THE LEGAL PROCEEDINGS AGAINST THE DIRECTOR OF THE MAGAZINE "MENSAJE," JESUIT PRIEST RENATO HEVIA. ACTING ON AN APPEAL BY THE MINISTRY OF INTERIOR, THE APPEAL COURT DECIDED THAT THE CASE SHOULD NOT BE CLOSED AND THAT FATHER HEVIA SHOULD BE CHARGED AS A DEFENDENT, AND, THEREFORE, ISSUED AN ORDER FOR HIS APPREHENSION. THE CHARGES AGAINST HEVIA RELATE TO EDITORIALS IN THE FIRST THREE EDITIONS OF "MENSAJE" IN 1985, WHICH, THE GOVERNMENT CLAIMS, CALLED FOR CIVIL DISOBEDIENCE, ATTEMPTED TO DESTABILIZE THE

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PAGE 02 SANTIA 08631 051834Z

PEACE, AND DEFAMED GOVERNMENT AUTHORITIES. THE CASE AGAINST HEVIA WAS FIRST FILED BY THE GOVERNMENT ON MAY 14, AND WAS EVENTUALLY DISMISSED BY JUDGE LIBEDINSKY. THE APPEAL COURT, HOWEVER, FOUND THAT SUFFICIENT JUSTIFICATION EXISTS THAT THE LAW RELATING TO THE SECURITY OF THE STATE HAD BEEN VIOLATED, AND ORDERED THE CASE TO BE CONTINUED.

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2. (U) HEVIA WAS DETAINED BY THE AUTHORITIES ON DECEMBER 4 AND HELD OVERNIGHT IN THE SPECIAL DETENTION CENTER OF THE INVESTIGATING POLICE. HE WILL BE TAKEN BEFORE INVESTIGATING JUDGE LIBEDINSKY ON DECEMBER 5, AND IS EXPECTED TO BE RELEASED ON BAIL.

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3. (U) THE DIRECTORS OF MENSAJE HAVE DEPLORED THE COURT'S DECISION, NOTING THAT IT CONTRIBUTES IN NO WAY TO NATIONAL RECONCILIATION NOR TO PEACE IN THE COUNTRY. THEY STATE THAT THE EDITORIALS UNDER QUESTION BY THE COURT DID NOT OFFEND ANYONE, AND ONLY DENOUNCED UNACCEPTABLE VIOLATIONS OF PEOPLE AND THE COMMUNITY WHILE CALLING FOR JUSTICE, LIBERTY, AND SOLIDARITY. PURSUING THE CHARGES AGAINST THE MAGAZINE EDITOR WILL ONLY POLARIZE THE SITUATION FURTHER IN THE COUNTRY, AT A TIME WHEN RECONCILIATION SHOULD BE SOUGHT WHILE THE NATION PREPARES FOR THE VISIT OF THE POPE.

-

4. (C) COMMENT: THIS DECISION, JUST A FEW DAYS BEFORE THE ARRIVAL OF THE UNHRC'S SPECIAL RAPPORTEUR'S FIRST OFFICIAL VISIT TO CHILE IN SIX YEARS, WILL CALL INTO QUESTION THE GOVERNMENT'S CLAIM THAT FREEDOM OF THE PRESS WAS RESTORED WHEN THE STATE OF SIEGE WAS LIFTED IN JUNE. IN ITS DEFENSE,

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PAGE 03 SANTIA 08631 051834Z

HOWEVER, THE GOC CAN CLAIM THAT THIS WAS A JUDICIAL MATTER BEING HANDLED BY THE COURTS BEFORE THE STATE OF SIEGE WAS ENDED, AND THAT THE LEGAL PROCEDURES SHOULD BE ALLOWED TO CONTINUE WITHOUT EXECUTIVE INTERFERENCE. THE GOC DECISION TO CONTINUE WITH THE PROSECUTION OF THIS CASE ADDS ANOTHER IRRITANT TO THE ALREADY STRAINED RELATIONS BETWEEN THE

GOC AND CARDINAL FRESNO. BARNES

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PAGE 01 USUN N 03689 01 OF 04 052235Z
ACTION IO-16

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TO SECSTATE WASHDC PRIORITY 1535
INFO AMEMBASSY BEIJING
AMEMBASSY BONN
AMEMBASSY BRUSSELS
AMEMBASSY CANBERRA
AMEMBASSY LONDON
AMEMBASSY LUXEMBOURG
AMEMBASSY MANAGUA
AMEMBASSY MEXICO
AMEMBASSY MOSCOW
AMEMBASSY NEW DELHI
AMEMBASSY OTTAWA
AMEMBASSY PARIS
AMEMBASSY PRETORIA
AMEMBASSY ROME
AMEMBASSY SAN SALVADOR
AMEMBASSY SANTIAGO
AMEMBASSY TEL AVIV
AMEMBASSY THE HAGUE
AMEMBASSY TOKYO
USMISSION USNATO
USMISSION GENEVA
UNVIEMISSION VIENNA

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part X In Full ____
Exemption(s) NR

~~C O N F I D E N T I A L~~ SECTION 01 OF 04 USUN NEW YORK 03689

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PAGE 02 USUN N 03689 01 OF 04 052235Z

E.O. 12356: DECL:OADR
TAGS: PARM, PBTS, PHUM, PREL, UNGA, UNSC, XJ, XK, CI, ES, GT
SUBJECT: 40TH UNGA DAILY CLASSIFIED SUMMARY - DECEMBER 5

1. (U) TABLE OF CONTENTS:

--PLENARY: CENTRAL AMERICA DRAFT RESOLUTION (USUN 3666)

--PLENARY: REVISED PALESTINE DRAFT RESOLUTION (USUN 3671)

--PLENARY: NORDIC APARTHEID RESOLUTION (USUN 3676)

--PLENARY: PEACEFUL USES OF NUCLEAR ENERGY (USUN 3650)

--FIRST COMMITTEE: INTERNATIONAL SECURITY (USUN 3677)

--FIRST COMMITTEE: COLLECTIVE SECURITY (USUN 3674)

--SECOND COMMITTEE: NICARAGUAN TRADE EMBARGO (USUN 3649)

--THIRD COMMITTEE: RIGHT TO DEVELOPMENT (USUN 3675)

--THIRD COMMITTEE: EL SALVADOR DRAFT RES (USUN 3659)

--THIRD COMMITTEE: GUATEMALA (USUN 3651)

--THIRD COMMITTEE: CHILE HUMAN RIGHTS (USUN 3660)

--SIXTH COMMITTEE: TERRORISM RESOLUTION (USUN 3653)

--SECURITY COUNCIL: ANGOLA REPORT (USUN 3669)

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PAGE 03 USUN N 03689 01 OF 04 052235Z

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PAGE 01 USUN N 03689 02 OF 04 052236Z

ACTION IO-16

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OES-09 ACDA-12 A-02 USIE-00 SP-02 PRS-01 /088 W
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P 052224Z DEC 85
FM USMISSION USUN NEW YORK
TO SECSTATE WASHDC PRIORITY 1536
INFO AMEMBASSY BEIJING
AMEMBASSY BONN
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UNVIEMISSION VIENNA

~~C O N F I D E N T I A L~~ SECTION 02 OF 04 USUN NEW YORK 03689

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PAGE 02 USUN N 03689 02 OF 04 052236Z

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Page 353 has been eliminated because it is entirely irrelevant

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PAGE 01 USUN N 03689 03 OF 04 052237Z
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~~C O N F I D E N T I A L~~ SECTION 03 OF 04 USUN NEW YORK 03689

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PAGE 02 USUN N 03689 03 OF 04 052237Z

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Page 356 has been eliminated because it is entirely irrelevant

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THIRD COMMITTEE: CHILE HUMAN RIGHTS (USUN 3660)

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12. (C) MEXICAN DRAFT RESOLUTION ON HUMAN RIGHTS IN CHILE HAS BEEN REVISED AND FORMALLY SUBMITTED. WE UNDERSTAND THAT SOME OF THE WESTERN EUROPEAN COSPONSORS, INCLUDING FRANCE, PUSHED VERY HARD TO GET MEXICO TO ACCEPT SOME MODERATING ELEMENTS IN THE RESOLUTION. MEXICO RESISTED ALL CHANGES, KNOWING THAT THE EUROPEANS WOULD EVENTUALLY COSPONSOR THE TEXT FOR DOMESTIC POLITICAL REASONS, BUT ACCEPTED GRUDGING REFERENCES TO THE LIFTING OF THE STATE

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PAGE 01 USUN N 03689 04 OF 04 052237Z
ACTION IO-16

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~~C O N F I D E N T I A L~~ SECTION 04 OF 04 USUN NEW YORK 03689

UNSUM

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PAGE 02 USUN N 03689 04 OF 04 052237Z

OF SIEGE, THE ROLE OF THE JUDICIARY, AND THE CHILEAN GOVERNMENT'S COOPERATION WITH THE SPECIAL RAPPORTEUR.

13. (C) OPPOSITION GROUP REPRESENTATIVES IN NEW YORK AND MEXICAN DEL HAVE TOLD US THAT THEY ACCEPTED THE FINAL REVISIONS IN THE HOPE THAT THEY WILL LEAD TO A CHANGE IN THE US VOTE FROM "NO" TO AN ABSTENTION.

Page 359 has been eliminated because it is entirely irrelevant

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12/5/95

NA0628

CHILE: STATUS OF LETELIER/MOFFITT CASE

Q. Has there been any cooperation in the Letelier/Moffitt case? Has the Chilean Government agreed to extradite those requested by our government in order to stand trial for this crime? What are the implications of the second military court's November 13 decision to issue a definitive stay of proceedings in the court case pending against General Contreras?

A. -- The Chilean Government returned to U.S. custody American citizen Michael Townley and absolved Townley of his oath of secrecy, thereby permitting him to turn state's evidence and cooperate with the federal investigation of this crime.

-- On October 1, 1978, the Chilean Supreme Court rejected the U.S. request for the extradition of Manuel Contreras, Pedro Espinoza and Armando Fernandez, who were indicted by a U.S. grand jury for the Letelier/Moffitt assassinations. In doing so, the Court ruled that most of the U.S. presented evidence was inadmissable on various grounds, including state's evidence (from Townley) that was not admissable under the Chilean system of jurisprudence. The Court stated that only new evidence can be used in prosecuting the three officers in the military court in Santiago.

Chile Project (#S199900030)
U.S. Department of State
Release ✓ Excise_____ Deny_____
Declassify: In Part_____ In Full_____
Exemption(s)_____

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-- On September 17, 1981, a review panel made up of two civilian and two military judges ruled 3-1 to uphold an earlier decision by the military court (where the case had been referred by the Supreme Court) that there were not adequate grounds to try the accused officers in Chile and to close the investigation. The Government, however, did not accept the panel's recommendation to close the case and, instead, left it pending submission of new evidence.

-- On November 13, 1985, the second military court in Santiago issued a definitive stay of proceedings in favor of General Contreras, concerning his involvement in the forgery of passports for those involved in the death of former Foreign Minister Letelier. The court held that a temporary stay of proceedings dating back several years could be made permanent because no new evidence had been presented.

-- The Letelier family has appealed the second military court's decision to issue the definitive stay. The military court of appeals must now make a ruling. In the event that this court should uphold the decision of the second military court, the decision of the appeals court can be appealed to the civilian appeals court.

12/5/85 - for Abram Testimony

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PAGE 01 USUN N 03672 01 OF 03 050346Z
ACTION IO-16

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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part X In Full ____
Exemption(s) NR

~~C O N F I D E N T I A L~~ SECTION 01 OF 03 USUN NEW YORK 03672

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PAGE 02 USUN N 03672 01 OF 03 050346Z

E.O. 12356: DECL:OADR
TAGS: UN, PARM, PBTS, PHUM, PREL, UNGA, UNSC, XJ, XK
SUBJECT: 40TH UNGA DAILY CLASSIFIED SUMMARY - DECEMBER 4

1. (U) TABLE OF CONTENTS:

--PLENARY: CENTRAL AMERICA DRAFT RES (USUN 3644)

--PLENARY: QUESTION OF PALESTINE (USUN 3636)

--SPC: PEACEFUL USES OF OUTER SPACE RESOLUTION (USUN 3640

--SPC: MED-DEAD CANAL RESOLUTION (USUN 3639)

--THIRD COMMITTEE: CHILE HUMAN RTS DRAFT RES (USUN 3629)

--SECURITY COUNCIL: ANGOLA CONSULTATIONS (USUN 3637)

--OTHER: EL SALVADOR HUMAN RIGHTS MEETING (USUN 3628)

--OTHER: CHILE HUMAN RIGHTS MEETING (USUN 3627)

--OTHER: SOVIET PROPOSAL ON GENEVA STATEMENT (USUN 3633)

PLENARY: CENTRAL AMERICA DRAFT RES (USUN 3644)

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PAGE 04 USUN N 03672 01 OF 03 050346Z

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PAGE 01 USUN N 03672 02 OF 03 050347Z
ACTION IO-16

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UNVIEMISSION VIENNA

C O N F I D E N T I A L SECTION 02 OF 03 USUN NEW YORK 03672

UNSUM

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PAGE 02 USUN N 03672 02 OF 03 050347Z

E.O. 12356: DECL:OADR
TAGS: UN, PARM, PBTS, PHUM, PREL, UNGA, UNSC, XJ, XK
SUBJECT: 40TH UNGA DAILY CLASSIFIED SUMMARY - DECEMBER 4

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THIRD COMMITTEE: CHILE HUMAN RIGHTS DRAFT RES (USUN 3629)

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8. (C) MEXICAN DELEGATE TO THIRD COMMITTEE PRESENTED USDEL WITH DRAFT RESOLUTION ON HUMAN RIGHTS IN CHILE DECEMBER 2. THE TEXT IS A SLIGHT IMPROVEMENT OVER THE FIRST MEXICAN DRAFT, REFLECTING SOME CHANGES TO MEET CONCERNS OF WESTERN EUROPEAN COSPONSORS WHO REGARDED THE FIRST DRAFT AS BEING OVERLY CRITICAL OF THE UN SPECIAL RAPPORTEUR. TEXT IS TO BE TABLED NO LATER THAN DECEMBER 4 AND BROUGHT TO A VOTE ON DECEMBER 6. USUN WOULD APPRECIATE SUGGESTIONS ASAP FOR ANY IMPROVEMENTS IN THE TEXT WHICH WE SHOULD SEEK.

Page 339 has been eliminated because it is entirely irrelevant

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PAGE 01 USUN N 03672 03 OF 03 050348Z
ACTION IO-16

INFO	LOG-00	COPY-01	ADS-00	AID-00	INR-10	EUR-00	SS-00
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USMISSION USNATO
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UNVIEMISSION VIENNA

~~C O N F I D E N T I A L~~ SECTION 03 OF 03 USUN NEW YORK 03672

UNSUM

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PAGE 02 USUN N 03672 03 OF 03 050348Z

E.O. 12356: DECL:OADR
TAGS: UN, PARM, PBTS, PHUM, PREL, UNGA, UNSC, XJ, XK
SUBJECT: 40TH UNGA DAILY CLASSIFIED SUMMARY - DECEMBER 4

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OTHER: CHILE HUMAN RIGHTS MEETING (USUN 3627)

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11. (C) DURING A MEETING IN NEW YORK WITH ASSISTANT SECRETARY SCHIFTER NOVEMBER 27, UNHRC RAPPORTEUR ON CHILE VOLIO JIMENEZ OUTLINED HIS VIEWS ON THE HUMAN RIGHTS

SITUATION IN THAT COUNTRY AND AGREED THAT A CHILEAN DECISION TO ORDER AN END TO THE PRACTICE OF TORTURE WOULD BE A SUBSTANTIAL ACHIEVEMENT WHICH COULD BE REFLECTED IN HIS FINAL REPORT. VOLIO WILL VISIT CHILE DEC 9-19 AND WOULD BE WILLING TO MEET WITH AMBASSADOR BARNES IF IT COULD BE ARRANGED INFORMALLY. VOLIO INTENDS TO CONTINUE AS RAPPORTEUR, BUT FEARS HIS CRITICS MAY ATTEMPT TO IMPOSE UNACCEPTABLE RESTRAINTS ON HIS MANDATE. HE ALSO INDICATED THAT THE WEIGHT OF HIS RESPONSIBILITIES IS TAKING A PHYSICAL TOLL.

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PAGE 01 USUN N 03686 01 OF 02 052219Z
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~~C O N F I D E N T I A L~~ SECTION 01 OF 02 USUN NEW YORK 03686

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part X In Full ____
Exemption(s) NR

E.O. 12356: DECL: OADR
TAGS: PHUM, SOCI, SREF, UNGA, CI, GT, ES, AF, XA
SUBJECT: 40TH UNGA: THIRD COMMITTEE: VOTING ON
- RESOLUTIONS UNDER AGENDA ITEM 12, DECEMBER 6
- 1985

1. C - ENTIRE TEXT.

2. THIS IS AN ACTION MESSAGE REQUESTING DEPARTMENT'S WRITTEN INSTRUCTIONS ON ALL RESOLUTIONS TO BE CONSIDERED IN THIRD COMMITTEE UNDER AGENDA ITEM 12 NOT LATER THAN OOB DECEMBER 6.

3. THIRD COMMITTEE IS SCHEDULED TO CONCLUDE ITS WORK FOR THE 40TH UNGA DECEMBER 6 WITH CONSIDERATION OF 20 DRAFT RESOLUTIONS UNDER AGENDA ITEM 12, REPORT OF THE ECONOMIC AND SOCIAL COUNCIL. USUN HAS REQUESTED INSTRUCTIONS BY SEPTELS FOR THE THREE RESOLUTIONS ON LATIN AMERICAN HUMAN RIGHTS SITUATIONS (CHILE, EL SALVADOR, AND GUATEMALA) AND HAS ALREADY RECEIVED INSTRUCTIONS TO VOTE IN FAVOR OF RESOLUTIONS ON HUMAN RIGHTS IN AFGHANISTAN AND IRAN. ALL OTHER DRAFT RESOLUTIONS HAVE EITHER BEEN SENT TO DEPARTMENT BY SEPTEL OR BY DATAFAX. FOLLOWING IS A LIST OF ALL RESOLUTIONS TO BE CONSIDERED WITH RECOMMENDED U.S. POSITION AND USUN COMMENTS, IF ANY. UNLESS INSTRUCTED

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PAGE 02 USUN N 03686 01 OF 02 052219Z

OTHERWISE BY OOB DECEMBER 6, U.S. DEL WILL ACT ON THE BASIS OF THE RECOMMENDATIONS IN FOLLOWING PARA.

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L.81: HUMAN RIGHTS IN CHILE: INSTRUCTIONS REQUESTED IN USUN 3660. AMBASSADOR WALTERS STRONGLY RECOMMENDS THAT WE AGAIN VOTE NO, SINCE THERE HAS BEEN VIRTUALLY NO IMPROVEMENT IN THE RESOLUTION. A CHANGE IN THE U.S. VOTE WITHOUT SIGNIFICANT IMPROVEMENT IN THE TEXT WOULD STRENGTHEN REACTIONARY FORCES IN CHILE AND UNDERMINE THOSE AMONG CHILEAN AUTHORITIES WHO WISH TO CONTINUE TO COOPERATE WITH THE SPECIAL RAPPORTEUR AND THE UNITED NATIONS.

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PAGE 01 USUN N 03686 02 OF 02 052219Z

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PROPOSAL TO A VOTE.

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APPROVED BY: IO:MKOVNER
ARA/SC:MLDURKEE IO/HR:WEHEWITT
HA:RSCHIFTER

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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

~~C O N F I D E N T I A L~~ STATE 370293

E.O. 12356: DECL: OADR
TAGS: UNGA, PHUM, CI, MX
SUBJECT: 40TH UNGA: THIRD COMMITTEE: MEXICAN DRAFT RESOLUTION ON CHILE

REF: (A) USUN 3629, (B) STATE 360901

1. (~~CONFIDENTIAL~~ ENTIRE TEXT.)

2. DEPT HAS REVIEWED THE MEXICAN DRAFT RESOLUTION PROVIDED REFTEL A AND FINDS NO BASIS IN THIS TEXT FOR REVISING THE U.S. NEGATIVE VOTE OF LAST YEAR. ALTHOUGH THIS REVISED MEXICAN VERSION AVOIDS IMPLICIT CRITICISM OF SPECIAL RAPPORTEUR VOLIO CONTAINED IN AN EARLIER DRAFT, THE RESOLUTION FAILS TO MAKE ANY HEADWAY IN ADDRESSING OUR CONCERNS ON THE DOUBLE STANDARD ISSUE. ON THE CONTRARY, THE RESOLUTION REVIVES THE POLEMICS USED IN ~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 02 STATE 370293

PREVIOUS CHILE RESOLUTIONS, AND DEPARTS SIGNIFICANTLY FROM UN HUMAN RIGHTS RESOLUTIONS ON OTHER COUNTRIES IN ITS TONE AND DEGREE OF DETAIL.

3. AFTER SHARING THIS REACTION WITH THE MEXICAN DELEGATION, PLEASE ADVISE US WHETHER THE MEXICANS APPEAR

TO BE GENUINELY INTERESTED IN MAKING MAJOR REVISIONS IN THE EXISTING TEXT IN ORDER TO MEET OUR CONCERNS, IN WHICH CASE WE WILL PROVIDE YOU WITH SPECIFIC SUGGESTIONS FOR POSSIBLE CHANGES.

4. YOU SHOULD ALSO ADVISE CHILEAN HUMAN RIGHTS COMMISSION (CHRC) REPRESENTATIVES IN NEW YORK OF OUR REACTION TO MEXICAN RESOLUTION EXPRESSED ABOVE AND NOTE IN PARTICULAR THAT THIS TEXT DEPARTS SIGNIFICANTLY IN CONTENT AND TONE FROM THE TEXT OF THE MODEL RESOLUTION PROVIDED TO ASSISTANT SECRETARY SCHIFTER IN LATE NOVEMBER BY CHILEAN EXILE REPRESENTATIVES OF THE DEMOCRATIC ALLIANCE. THAT TEXT (CONTAINED IN REF B) WAS PRESENTED AS HAVING THE SUPPORT OF THE CHRC, AND COULD HAVE SERVED AS A STARTING POINT FOR A RESOLUTION THE U.S. COULD SUPPORT.

5. PLEASE CABLE VERSION OF FINAL TEXT TO DEPT, INFO SANTIAGO, AS SOON AS POSSIBLE AFTER IT IS ACTUALLY TABLED. ABSENT MAJOR REVISION OF CURRENT DRAFT, THE MOST LIKELY OUTCOME WILL BE TO REPEAT LAST YEAR'S NEGATIVE VOTE, ACCOMPANIED BY AN EXPLANATION WHICH ADDRESSES HUMAN RIGHTS ABUSES IN CHILE. WE WILL PROVIDE VOTING INSTRUCTIONS AFTER REVIEWING THAT TEXT. SHULTZ

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PAGE 01 STATE 370652
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HA:RBARMON(PHONE)
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INFO AMEMBASSY BOGOTA IMMEDIATE

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

~~C O N F I D E N T I A L~~ STATE 370652

FOR DAS GELBARD

REF: USUN NEW YORK 3660

FOLLOWING REPEAT SECNT ACTION SECSTATE INFO SANTIAGO GENEVA MEXICO DECEMBER 4
QUOTE
~~C O N F I D E N T I A L~~ USUN NEW YORK 03660

E.O. 12356: DECL: OADR
TAGS: PHUM, UNGA, UNHRC, CI
SUBJECT: 40TH UNGA: THIRD COMMITTEE: RESOLUTION ON
- HUMAN RIGHTS IN CHILE (ITEM 12)

REF: USUN 3629

1. (LOU) MEXICAN DRAFT RESOLUTION ON HUMAN RIGHTS IN CHILE HAS BEEN REVISED FROM THE TEXT TRANSMITTED REFTEL AND HAS BEEN FORMALLY SUBMITTED AS UN DOCUMENT A/C.3/40/L.81. THE MOST SIGNIFICANT CHANGE FROM THE TEXT IN REFTEL IS TO MAKE PREAMBULAR PARA 5, "TAKING NOTE OF THE PROVISIONAL REPORT..." INTO OPERATIVE PARA 1, WHICH
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PAGE 02 STATE 370652

READS:

"--1. TAKES NOTE OF THE PRELIMINARY REPORT PREPARED BY THE SPECIAL RAPPORTEUR ON THE SITUATION OF HUMAN RIGHTS IN CHILE, PRESENTED ACCORDING TO RESOLUTION 1985/47 OF THE COMMISSION ON HUMAN RIGHTS."

(ALL FOLLOWING OPERATIVE PARAS WILL BE RENUMBERED.)

THE OTHER CHANGES RELATE TO THE FORMULATIONS SURROUNDED BY BRACKETS IN REFTEL:

--OPERATIVE PARA 4 (NOW OPERATIVE 5): THE BRACKETED LANGUAGE HAS BEEN REPLACED BY "NOTWITHSTANDING SOME POSITIVE STEPS IN THIS FIELD"

--OPERATIVE PARA 5A (NOW 6A): THE BRACKETED LANGUAGE IS RETAINED;

--OPERATIVE PARA 8 (NOW 9): THE BRACKETED LANGUAGE IS REPLACED BY "STRENGTHEN THEIR COOPERATION OFFERED TO" AND THE WORD "WITH" HAS BEEN DELETED.

2. (C) COMMENT AND ACTION REQUESTED: WE UNDERSTAND THAT SOME OF THE WESTERN EUROPEAN COSPONSORS, INCLUDING FRANCE, PUSHED VERY HARD TO GET MEXICO TO ACCEPT SOME MODERATING ELEMENTS IN THE RESOLUTION. MEXICO RESISTED ALL CHANGES, KNOWING THAT THE EUROPEANS WOULD EVENTUALLY COSPONSOR THE TEXT FOR DOMESTIC POLITICAL REASONS, BUT THEY ACCEPTED GRUDGING REFERENCES TO THE LIFTING OF THE STATE OF SIEGE, THE ROLE OF THE JUDICIARY, AND THE CHILEAN GOVERNMENT'S COOPERATION WITH THE SPECIAL RAPPORTEUR. BECAUSE OF THE CHILEAN OPPOSITION'S NEGATIVE ~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 03 STATE 370652

REACTION TO THE PRELIMINARY REPORT OF THE NEW SPECIAL RAPPORTEUR, FERNANDO VOLIO, THE MOST DIFFICULT POINT WAS APPARENTLY GETTING MEXICO'S AGREEMENT TO INCLUDE A REFERENCE TO THE REPORT IN OPERATIVE PARAGRAPH ONE OF THE RESOLUTION. OPPOSITION GROUP REPRESENTATIVES IN NEW YORK AND MEXICAN DEL HAVE TOLD US THAT THEY ACCEPTED THE FINAL REVISIONS IN THE HOPE THAT THEY WILL LEAD TO A CHANGE IN

THE U.S. VOTE FROM "NO" TO AN ABSTENTION. ACTION REQUESTED: USUN REQUESTS VOTING INSTRUCTIONS AND DETAILED TALKING POINTS FOR AN EXPLANATION OF VOTE ON THE DRAFT RESOLUTION BY COB THURSDAY, DECEMBER 5.
WALTERS
UNQUOTE SHULTZ

~~CONFIDENTIAL~~

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PAGE 01 STATE 371973
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IO/HR:BZWEIBEN

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TO USMISSION USUN NEW YORK IMMEDIATE
INFO AMEMBASSY SANTIAGO IMMEDIATE

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

~~C O N F I D E N T I A L~~ STATE 371973

E.O. 12356: DECL: OADR
TAGS: PHUM, UNGA, UNRC,
SUBJECT: 40TH UNGA: THIRD COMMITTEE RESOLUTION ON HUMAN RIGHTS IN CHILE (ITEM 12)

REFS: A) USUN 03660 B) STATE 370293

1. ~~CONFIDENTIAL~~ - ENTIRE TEXT.

2. THE SLIGHT MODIFICATIONS MADE TO THE TEXT OF THE MEXICAN RESOLUTION ON CHILE (REF A) HAVE NOT ALLEVIATED THE CONCERNS OUTLINED IN REF B. WHILE WE WELCOME THE SUCCESSFUL EFFORTS OF WESTERN EUROPEANS TO PERSUADE THE MEXICANS TO ACCEPT SOME CHANGES, AND RECOGNIZE THAT THE WORST OF THE IMPLICIT CRITICISM DIRECTED AGAINST SPECIAL RAPPORTEUR VOLIO IN EARLIER DRAFTS HAS BEEN ELIMINATED, THE THRUST OF THE FIRST DRAFT REMAINS INTACT. ESSENTIALLY THE RESOLUTION IN TONE AND CONTENT DOES NOT DIFFER SUBSTANTIALLY FROM LAST YEAR'S CHILE RESOLUTION ~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 02 STATE 371973

ALTHOUGH IN CHILE THERE ARE SIGNIFICANT DIFFERENCES IN THE HUMAN RIGHTS SITUATION, INCLUDING SOME POSITIVE DEVELOPMENTS. THE GRUDGING REFERENCES IN THE TEXT TO THE LIFTING OF THE STATE OF SIEGE, CHILEAN GOVERNMENT COOPERATION WITH THE SPECIAL RAPPORTEUR, AND THE MORE EFFECTIVE ROLE OF THE JUDICIARY ARE MUCH TOO QUALIFIED TO OFFSET OUR NEGATIVE REACTION TO THE REMAINDER OF THE RESOLUTION, WHICH CONTAINS BLATANTLY POLITICAL COMMENTARY ON THE 1980 CONSTITUTION.

3. FOR THESE REASONS WE HAVE DECIDED THAT THE CHANGES MADE, ALTHOUGH POSITIVE, ARE INSUFFICIENT TO WARRANT OUR CHANGING THE POSITION TAKEN LAST YEAR. USUN IS INSTRUCTED TO CAST A NEGATIVE VOTE ON THE RESOLUTION AND AT THE SAME TIME MAKE AN EXPLANATION OF THE VOTE, DRAWING ON TALKING POINTS IN PARAGRAPH FIVE BELOW.

4. IN REACHING THIS DECISION, WE HAVE ALSO TAKEN INTO ACCOUNT HOW WE CAN BEST SUPPORT THE EFFORTS OF SPECIAL RAPPORTEUR VOLIO TO OBTAIN THE CONTINUED COOPERATION OF CHILEAN GOVERNMENT AUTHORITIES, BOTH DURING HIS UPCOMING MISSION TO CHILE AND IN CARRYING THROUGH ON THE GOVERNMENT'S EXPRESSED WILLINGNESS TO IMPLEMENT THE RECOMMENDATIONS CONTAINED IN VOLIO'S PRELIMINARY REPORT.

5. FOR USUN: IN CASTING THE NEGATIVE VOTE, US REPRESENTATIVE SHOULD MAKE A STATEMENT EXPLAINING THE VOTE USING THESE TALKING POINTS:

- I HAVE BEEN INSTRUCTED TO MAKE THIS EXPLANATION AT THE SAME TIME WE VOTE AGAINST THE RESOLUTION ON HUMAN RIGHTS IN CHILE.

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 03 STATE 371973

- MY GOVERNMENT HAD HOPED TO FIND IT POSSIBLE TO CHANGE OUR VOTE ON THIS YEAR'S RESOLUTION ON CHILE.

- IN ANTICIPATION OF THIS VOTE ON CHILE, WE BEGAN CONSULTING WITH INTERESTED PARTIES WEEKS AGO IN THE HOPE THAT A MORE BALANCED RESOLUTION WOULD BE SUBMITTED REFLECTING THE REAL SITUATION IN CHILE AND TAKING ACCOUNT

OF ALL THE SERIOUS HUMAN RIGHTS PROBLEMS THAT EXIST, BUT WITHOUT THE RHETORIC, HYPERBOLE AND POLITICAL COMMENTARY WHICH HAD CHARACTERIZED PREVIOUS RESOLUTIONS.

- IT IS WITH DISAPPOINTMENT THEN THAT WE CAST THIS NEGATIVE VOTE, FOR THE UNITED STATES IS COMMITTED TO FOSTERING IMPROVEMENTS IN THE OBSERVANCE OF BASIC HUMAN RIGHTS AND IS DEEPLY CONCERNED ABOUT THE HUMAN RIGHTS SITUATION IN CHILE. WE HAD HOPED THAT THE RESOLUTION ON CHILE WOULD OPENLY COMMEND THE CONSTRUCTIVE PRELIMINARY REPORT OF THE SPECIAL RAPPORTEUR AND RECOGNIZE IN MUCH MORE CERTAIN TERMS THOSE POSITIVE DEVELOPMENTS THAT HAVE OCCURRED IN CHILE SINCE THE SPECIAL RAPPORTEUR ASSUMED

HIS DUTIES LAST WINTER, WHEN A STATE OF SIEGE WAS STILL IN EFFECT.

- MY GOVERNMENT BELIEVES THAT THE DECISION OF THE CHILEAN GOVERNMENT TO COOPERATE THIS YEAR FOR THE FIRST TIME WITH THE SPECIAL RAPPORTEUR IS SO IMPORTANT PRECISELY BECAUSE THIS MISSION PROVIDES AN OPPORTUNITY TO BRING ABOUT GENUINE IMPROVEMENTS ON OUR CONCERNS OVER HUMAN RIGHTS IN CHILE. CHILEAN GOVERNMENT AUTHORITIES HAVE PROVIDED ASSURANCES THAT THE SPECIAL RAPPORTEUR WILL BE FREE TO CONDUCT HIS UPCOMING VISIT TO CHILE AS HE WISHES. IN ADDITION, WE UNDERSTAND THAT THE CHILEAN GOVERNMENT IS PREPARED TO CONSIDER THE RECOMMENDATIONS CONTAINED IN HIS PRELIMINARY REPORT. THESE RECOMMENDATIONS ADDRESS IN A SERIOUS AND CONSTRUCTIVE MANNER HUMAN RIGHTS PROBLEMS IN CONFIDENTIAL

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PAGE 04 STATE 371973

CHILE. ALL PRESENT MUST BE AWARE THAT IN HIS REPORT THE RAPPORTEUR:

--RECOMMENDED BROADENING THE PARTICIPATION IN DISCUSSIONS ON THE BASIS FOR A RESTORATION OF DEMOCRACY IN CHILE.

--CALLED UPON THE GOC TO ACT ON ALLEGATIONS OF TORTURE AND AGAINST THOSE WHO VIOLATE HUMAN RIGHTS, AND RECOMMENDED AN IN-DEPTH REORGANIZATION OF THE POLICE.

--ASKED FOR A RESOLUTION OF THE EXILE PROBLEM,

REINVIGORATION OF THE JUDICIAL SYSTEM AND COMBATTING OF TERRORISM THROUGH REASONABLE ENFORCEMENT OF EXISTING LEGISLATION.

--CALLED FOR AN END TO THE PRACTICE OF ISSUING JUDGMENTS OF INTERNAL EXILE BY ADMINISTRATIVE DECREE AND ASKED THAT THE GOVERNMENT LET THE JUDICIAL SYSTEM REVIEW SUCH CASES.

AND,

--CALLED ON THE CHILEAN GOVERNMENT TO ENSURE SECURITY FOR ALL THOSE INVOLVED IN CHILE IN CHURCH AND HUMAN RIGHTS WORK, WHO HAVE RECENTLY BEEN SUBJECTED TO A SERIES OF UNSOLVED ASSAULTS.

- THE FACT THAT THESE RECOMMENDATIONS ARE NEEDED ILLUSTRATES THE SERIOUS HUMAN RIGHTS PROBLEMS THAT EXIST TODAY IN CHILE. IT IS THE HOPE OF MY GOVERNMENT THAT THE GOVERNMENT OF CHILE ADOPTS ALL OF THESE RECOMMENDATIONS AND SEES TO THEIR PROMPT AND FULL IMPLEMENTATION.

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PAGE 05 STATE 371973

- CHILEAN AUTHORITIES COULD BEST SIGNAL THEIR INTENTION TO DO SO BY TAKING EFFECTIVE AND PROMPT ACTIONS TO PUT AN END TO TORTURE BY SECURITY FORCES IN CHILE. TORTURE IS PERHAPS THE MOST EGREGIOUS ABUSE OF HUMAN RIGHTS THAT OCCURS IN CHILE AND MUST BE ENDED.

- IT WAS OUR HOPE THAT THE VISIT TO CHILE BY THE SPECIAL RAPPORTEUR AND THE WILLINGNESS OF THE CHILEAN GOVERNMENT TO CONSIDER HIS RECOMMENDATIONS WOULD PROVIDE A WELCOME OPPORTUNITY FOR THIS BODY TO ENCOURAGE SUCH PROGRESS ON HUMAN RIGHTS. WE REGRET THAT, INSTEAD, THE PRESENT RESOLUTION WILL PLAY INTO THE HANDS OF THOSE IN CHILE WHO ARGUE THAT INTERNATIONAL CONSIDERATION OF HUMAN RIGHTS IN CHILE IS DISCRIMINATORY AND WHO ASSERT THAT THERE IS NOTHING TO BE GAINED BY COOPERATING ON SUCH MATTERS, A REACTION THAT ONLY WORKS AGAINST THE PURPOSE OF THE SPECIAL RAPPORTEUR'S VISIT.

- WHILE WE OPPOSE THIS PARTICULAR RESOLUTION ON HUMAN RIGHTS IN CHILE, ABSENT A MAJOR CHANGE IN THE HUMAN RIGHTS SITUATION IN THAT COUNTRY, MY GOVERNMENT FAVORS THE RENEWAL OF THE MANDATE OF THE SPECIAL RAPPORTEUR BY THE HUMAN RIGHTS COMMISSION AT ITS NEXT MEETING AND COMMENDING MR. VOLIO FOR HIS VERY EFFECTIVE WORK TO DATE. SHULTZ

[redacted]

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PAGE 01 STATE 372754
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APPROVED BY: HA:RSCHIFTER
HA/HR - J. THYDEN
ARA/SC - J. SWIGERT
S/S-O - R. VANHEUVEN
ARA/CEN - F. JONES
IO/HR - W. HEWITT
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INFO AMEMBASSY SANTIAGO IMMEDIATE

~~C O N F I D E N T I A L~~ STATE 372754

EXDIS

DECAPTIONED

E.O. 12356: DECL: OADR
TAGS: PHUM, PGOV, CI
SUBJECT: A MESSAGE FOR FERNANDO VOLIO, SPECIAL RAPPORTEUR ON CHILE

1. ~~CONFIDENTIAL~~ - ENTIRE TEXT.

2. WE REQUEST THAT EMBASSY SAN JOSE PASS THE FOLLOWING VERBAL MESSAGE TO UNHRC SPECIAL RAPPORTEUR ON CHILE FERNANDO VOLIO FROM HA ASSISTANT SECRETRY RICHARD SCHIFTER, PRIOR TO VOLIO'S DEPARTURE FOR SANTIAGO. WE FURTHER REQUEST THAT UPON VOLIO'S ARRIVAL IN SANTIAGO, EMBASSY SANTIAGO INQUIRE AS TO WHETHER HE DID IN FACT RECEIVE IT AND PASS IT TO HIM IF HE DID NOT.

3. BEGIN MESSAGE: I HAVE BEEN ADVISED BY A KNOWLEDGEABLE ~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 02 STATE 372754

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
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SOURCE AS TO HOW YOU COULD BEST MAKE PROGRESS ON YOUR IDEAS ON JUDICIAL REFORM IN CHILE. I AM TOLD THAT YOU SHOULD NOT REPEAT NOT INITIALLY APPROACH MEMBERS OF THE CHILEAN JUDICIARY ON THIS SUBJECT, AND THEN PROCEED AS IF SOME OF YOUR THINKING HAD BEEN SUGGESTED BY THEM. INSTEAD YOU SHOULD FIRST CONTACT MINISTER OF JUSTICE HUGO ROSENDE, WHO IS KNOWN AS A HARD LINER, WITH WHOM YOU MAY HAVE A DIFFICULT TIME.

AS A SECOND CALL, MY SOURCE URGES THAT YOU SEE JULIO PHILIPPE, A SENIOR MEMBER OF THE CHILEAN BAR WHO SERVED AS MINISTER OF JUSTICE UNDER PRESIDENT ALESSANDRI AND MORE RECENTLY AS CHILE'S REPRESENTATIVE IN THE SETTLEMENT WITH ARGENTINA. HE BELIEVES THAT PHILIPPE CAN BE VERY HELPFUL TO YOU IN CARRYING OUT YOUR MISSION. ONLY THEREAFTER, I AM TOLD, WOULD IT BE ADVISABLE FOR YOU TO BE IN TOUCH WITH THE JUDGES. HOW YOU WANT TO PROCEED IS, OF COURSE, ENTIRELY UP TO YOU. MY ONLY REASON FOR PASSING THIS INFORMATION ON TO YOU IS BECAUSE I KNOW YOU ARE INTERESTED IN SUCCEEDING AND I HAVE BEEN TOLD THAT THIS APPROACH WILL HELP IN THAT REGARD.

PLEASE ACCEPT MY REGARDS AND BEST WISHES FOR THE SUCCESSFUL COMPLETION OF YOUR MISSION. END MESSAGE
SHULTZ

CONFIDENTIAL

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Department of State **TELEGRAM**

EXCISE

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PAGE 01 SANTIA 08675 062230Z
ACTION SCT-02

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AMEMBASSY PANAMA

Chile Project (#S199900030)
U.S. Department of State
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Exemption(s) B1

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DECAPTIONED

PANAMA FOR ADS

E.O. 12356: DECL: OADR
TAGS: ASEC, PTER, PINS, CI
SUBJECT: THREAT AGAINST AMERICAN PERSONNEL - AMERICAN EMBASSY SANTIAGO

1. (S/NF/WN/OR) NEW INFORMATION INDICATES THAT THE MIR/PCCH HAS IDENTIFIED A TARGET FOR KIDNAPPING AND HAS UNDER SURVEILLANCE AN UNNAMED AMERICAN FIRST SECRETARY IN THE POLITICAL SECTION. ALTHOUGH NO TIME TABLE WAS GIVEN FOR THE KIDNAPPING, IT CONCEIVABLY COULD BE NEXT WEEK IN CONJUNCTION WITH A HUNGER STRIKE CALLED BY THE MIR AND THE PCCH.

2. (S/NF/WN/OR) [ ] SOURCE STATED THAT THE MIR HAS HAD A SURVEILLANCE TEAM WORKING FOR APPROXIMATELY TWO MONTHS; THESE TEAMS PERFORM SURVEILLANCE IN CARS AND ON FOOT, AND POSSIBLY ARE EQUIPPED WITH RADIOS.

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PAGE 02 SANTIA 08675 062230Z

3. (S/NF/WN/OR) SOURCE ALSO STATED THE MIR IS ALSO

~~SECRET~~ UNCLASSIFIED

OBTAINING INFORMATION ON THE EMBASSY. ONE EMBASSY EMPLOYEE IS SUPPOSEDLY UNWITTINGLY SUPPLYING INFORMATION TO A FRIEND WHO IS A MIR MEMBER. IT IS ALSO POSSIBLE THAT MIR IS ACTIVELY TARGETTING ON EMBASSY DRIVERS TO OBTAIN A PENETRATION OF THE EMBASSY.

4. (S/NF/WN/OR) THE MIR HAS DISCOUNTED AN ATTACK AGAINST THE EMBASSY, SINCE SECURITY WAS HEAVY, TOO MANY GUARDS AND SEVERAL PEOPLE WERE ESCORTED - REFERENCE TO THE AMB AND DCM PROTECTIVE DETAILS.

5. (S/NF/WN/OR) POST HAS INITIATED HOME TO OFFICE TRANSPORTATION, BEGINNING 12/9 AND HAS ASSIGNED PERSONAL SECURITY AND RESIDENTIAL GUARDS TO SELECTED OFFICERS. (FSOS JOHN KEANE AND DONALD KNIGHT)

6. (S/NF/WN/OR) ADDITIONAL INFORMATION WILL BE PROVIDED AS AVAILABLE.
BARNES

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PAGE 01 SANTIA 08651 061408Z
ACTION H-03

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INFO AMEMBASSY BRASILIA
AMEMBASSY BUENOS AIRES

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

~~S E C R E T~~ SANTIAGO 08651

E.O. 12356: DECL:OADR
TAGS: OREP,ASEC,CI
SUBJ: STAFFDEL HOLLIDAY-THREAT ASSESSMENT

REF: SANTIAGO 8599

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1. (LOU) IN GENERAL, THE THREAT TO AMERICANS VISITING CHILE IS LOW. THIS THREAT WOULD INCREASE IF THEIR PRESENCE WAS PUBLICIZED. THERE IS A CURRENT TREND OF INCREASED FOCUS ON SYMBOLS OF POWER BY LEFTIST GROUPS. SPECIAL EVENTS AND CONFERENCES THAT ARE PUBLIC KNOWLEDGE RUN A GREATER RISK OF BECOMING A TARGET FOR POLITICALLY MOTIVATED VIOLENCE OR DISRUPTIVE ACTIVITIES.

-

2. (S) THE THREAT ASSESSMENT IN PARA 1 HAS BEEN HEIGHTENED BY A RECENT REPORT THAT LEFTIST GROUPS MAY HAVE TARGETTED A U.S. GOVERNMENT EMPLOYEE FOR KIDNAPPING. THE EMBASSY IS TAKING THIS INFORMATION SERIOUSLY AND IS INCREASING SECURITY PRECAUTIONS.

-

3. (C) INASMUCH AS NO PUBLICITY OR PUBLIC MEETINGS ARE PLANNED FOR STAFFDEL, WE BELIEVE THREAT FOR

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PAGE 02 SANTIA 08651 061408Z

STAFFDEL REMAINS LOW. ROOM RESERVATIONS FOR STAFFDEL HAVE BEEN CONFIRMED AT THE SHERATON. THE CONTROL OFFICER WILL MEET THE STAFFDEL AT THE AIRPORT. BARNES

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DECLASSIFIED
12/16/05

STAN LUNDINE, NEW YORK,
CHAIRMAN

JOHN J. LAFALCE, NEW YORK
MARY ROSE OAKAR, OHIO
SANDER M. LEVIN, MICHIGAN
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JIM KOLBE, ARIZONA
J. ALEX McMILLAN, NORTH CAROLINA

NF068

U.S. HOUSE OF REPRESENTATIVES

SUBCOMMITTEE ON
INTERNATIONAL DEVELOPMENT INSTITUTIONS AND FINANCE
OF THE
COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS
NINETY-NINTH CONGRESS
WASHINGTON, DC 20515

& EFIN
MDB

December 16, 1985

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Mr. Elliott Abrams
Assistant Secretary for
Inter-American Affairs
Department of State
Washington, D.C. 20520

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ✓
Exemption(s) ____

Dear Mr. Abrams:

Thank you for your testimony before the Subcommittee on International Development Institutions and Finance on December 5th. I mentioned at the close of the hearing that I had some additional questions.

Could you please provide answers to the following questions:

1. Would you answer for me the question asked by Mr. Levin earlier in the hearing--In your judgment, a) has there been, and b) does there continue to be, a pattern of gross human rights violations in Chile? A "yes" or "no" answer to those two questions would be appropriate, although you should feel free, in addition, to explain your precise answers.

2. Was there an agreement made with the Pinochet government that in exchange for the lifting of the State of Siege, the U.S. would vote in favor of World Bank loans to Chile? Were there any discussions between the two governments about such an agreement prior to the June action of the Pinochet regime to lift the State of Siege?

3. How do you explain the fact that this subcommittee received notification that there would be a change in voting policy toward Chile only one day after Pinochet lifted the State of Siege?

4. Who in the State Department discussed with Treasury the decision to vote in favor of loans to Chile after June 16th? Which Treasury officials were in those discussions? When did those discussions take place?

5. Was there any written document which laid out the State Department position on the implications of the lifting of the State of Siege? Was that or any other document used to justify the change in voting policy? If so, please identify the documents relied on and describe their contents.

DECLASSIFIED

DECLASSIFIED

Q. Would you answer for me the question asked by Mr. Levin earlier in the hearing -- In your judgment, a) has there been, and b) does there continue to be, a pattern of gross human rights violations in Chile? A "yes" or "no" answer to those two questions would be appropriate, although you should feel free, in addition, to explain your precise answers.

A. We continue to have very serious concerns with respect to human rights violatons in Chile, and we voice these publicly with some frequency. As I noted in the hearing, there has never been a determination of a pattern of gross violations for Chile (or any other country) under either this or previous administrations. Loan votes are decided on a case-by-case basis, taking into account human rights, economic and statutory criteria. Votes should be used not to express frustration but to encourage progress on human rights and democracy.

DECLASSIFIED

Q. How do you explain the fact that this subcommittee received notification that there would be a change in voting policy toward Chile only one day after Pinochet lifted the State of Siege?

A. Lifting the State of Siege was announced two days before a previously scheduled vote on an IFC loan. In deciding to cast our vote in favor of this loan we looked at several factors, including the lifting of the State of Siege.

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UNCLASSIFIED

Q. Was there any written document which laid out the State Department position on the implications of the lifting of the State of Siege? Was that or any other document used to justify the change in voting policy? If so, please identify the documents relied on and describe their contents.

A. The Department of State is constantly reviewing and updating the information on which we base our voting decisions in international financial institutions. Though, in general, we do not believe it is appropriate to disclose the contents of documents containing material relating to the State Department decision-making process, we can provide a copy of an unclassified June 18, 1985 State Department memorandum on Chile explaining our views, at that time, concerning the lifting of the State of Siege.

UNCLASSIFIED

Q. The reports which I have seen, especially the August 28 report by the Chilean Commission on Human Rights, document human rights violations in Chile since June. Since the June shift in voting policy, has there been further evaluation within the State Department of the human rights situation in Chile? If so, please state the conclusions of any such evaluation. If not, does the State Department have any plan to reevaluate the human rights situation in Chile and the consequences of the June policy shift?

A. Human rights developments in Chile are reviewed on an on-going basis. The current situation remains much the same as I described it in my December 5 testimony, with some positive elements visible but also with serious problems remaining. (The 1985 Human Rights Report, to be transmitted to Congress at the end of January, addresses this situation in great detail.) We keep in touch with responsible human rights organizations active in Chile, including the Chilean Commission on Human Rights and the Catholic Church's Vicariate of Solidarity organization, in our effort to stay abreast of developments.

UNCLASSIFIED

Drafted:ARA/SC:LKusnitz:rmh
1/15/86 Ext. 7-5467
Doc. # 3335B

Clearances:ARA/SC:JWSwigert
L/HR:MMcCloud
EB/ODF:JHeg
Treasury:NCoar
HA:MGustafson

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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

~~C O N F I D E N T I A L~~ STATE 372555

E.O. 12356: DECL: OADR
TAGS: PREL, MASS, CI
SUBJECT: LETELIER CASE: MILITARY COURT PROCEEDINGS
AGAINST GENERAL CONTRERAS

REF: SANTIAGO 08311

1. (C - ENTIRE TEXT)

2. THE DEPARTMENT IS CONCERNED THAT THE NOV. 13 DECISION BY THE SANTIAGO SECOND MILITARY COURT TO ISSUE A STAY IN FAVOR OF CONTRERAS HAS HEADED THE ONLY REMAINING LETELIER COURT CASE TOWARDS EVENTUAL DISMISSAL. THE CURRENT PROCEEDINGS DO NOT OFFER MUCH HOPE NOW FOR BRINGING TO JUSTICE CONTRERAS, ALONG WITH THE OTHER TWO CHILEANS INDICTED BY THE GRAND JURY. BUT THE COURT CASE COULD LATER PROVE SIGNIFICANT SHOULD NEW EVIDENCE COME TO LIGHT.

3. AT THIS POINT WE ARE UNCERTAIN WHAT LEGAL MEANS ARE AVAILABLE, IF ANY, FOR US DIRECTLY TO INFLUENCE THE LETELIER PROCEEDINGS. PARTICULARLY IN THIS CONTEXT, WE
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~~CONFIDENTIAL~~

PAGE 02 STATE 372555

LOOK FORWARD TO REVIEWING ETCHEBERRY'S STUDY OF THE COURT DECISION. IN ANY CASE, WE WANT TO BE CERTAIN THAT THE

GOC UNDERSTANDS OUR CONTINUED INTEREST IN THE CASE AGAINST CONTRERAS.

4. ACTION REQUESTED: THE AMBASSADOR SHOULD TAKE AN EARLY OPPORTUNITY TO REMIND THE FOREIGN MINISTER AND OTHER SENIOR GOC OFFICIALS OF OUR CONTINUED STRONG INTEREST IN THE LETELIER CASE AND OUR OBJECTIVE THAT CONTRERAS, ALONG WITH OTHERS INDICTED BY THE GRAND JURY, BE BROUGHT TO JUSTICE. SHULTZ

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PAGE 01 BOGOTA 15281 01 OF 02 061337Z
ACTION ARA-00

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TO SECSTATE WASHDC IMMEDIATE 4350
AMEMBASSY SANTIAGO

~~C O N F I D E N T I A L~~ SECTION 01 OF 02 BOGOTA 15281

E.O. 12356: DECL: OADR
TAGS: PREL, US, CH
SUBJECT: ABRAMS' BILATERAL WITH CHILEAN FOREIGN MINISTER DEL VALLE

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

1. ~~CONFIDENTIAL~~ - ENTIRE TEXT.
2. SUMMARY: AT HIS BILATERAL MEETING, DECEMBER 3, ASSISTANT SECRETARY ABRAMS AND CHILEAN FOREIGN MINISTER DEL VALLE EXCHANGED VIEWS ON CHILE'S PROGRESS TOWARDS DEMOCRACY. DEL VALLE OBJECTED TO THE USE OF "PRESSURE" BY USG TO URGE A TRANSITION TO DEMOCRACY AND EXPRESSED SERIOUS CONCERN ABOUT AMBASSADOR BARNES' EARLY CONTACTS WITH THE OPPOSITION. ABRAMS REITERATED OUR SUPPORT FOR CIVILIAN RULE AND PARTICULARLY FOR AMBASSADOR BARNES. END SUMMARY
3. ASSISTANT SECRETARY ABRAMS AND CHILEAN FORMIN DEL VALLE MET IN CARTAGENA, DECEMBER 3. ALSO PRESENT ON THE U.S. SIDE WERE ARA DAS GELBARD, EMBOFF R. SANDERS (NOTETAKER). ACCOMPANYING DEL VALLE WERE RAUL SCHMITT JUAN LARRAIN AND AN ADDITIONAL FOREIGN MINISTRY OFFICIAL.
4. U.S./CHILEAN RELATIONS: MR. ABRAMS BEGAN THE MEETING BY EXPRESSING APPRECIATION FOR RECENT
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PAGE 02 BOGOTA 15281 01 OF 02 061337Z

GOC ACTS OF COOPERATION WITH THE USG. HE MENTIONED THE QUICK ACCEPTANCE OF AMBASSADOR BARNES' CREDENTIALS BEFORE THE VISIT OF GENERAL WICKHAM, AND THE CONCLUSION OF THE NASA AGREEMENT ON EASTER ISLAND. MR. ABRAMS ADDED THAT THE USG WAS LOOKING FOR OTHER WAYS TO COOPERATE WITH THE GOC AND WANTED A GOOD RELATIONSHIP. DEL VALLE SAID THAT THE GOC WAS GLAD TO HELP. HE NOTED THAT IN THE MATTERS OF AMBASSADOR BARNES AND NASA THE GOC AND USG WERE BOTH ATTACKED BY THE OPPOSITION; INDEED ON THE NASA AGREEMENT, BY THE SAME OPPOSITION LEADERS WHO HAD GONE TO THE STATE DEPARTMENT IN WASHINGTON AND SPOKEN ILL OF CHILE. DEL VALLE THEN EXPRESSED THE HOPE THAT THE USG WOULD TAKE A MORE UNDERSTANDING VIEW OF CHILEAN PROBLEMS. HE SAID THAT THE MESSAGE WHICH HE RECEIVED FROM THE USG, IN THE FORM OF PRESIDENT REAGAN'S LETTER AND THE WORDS OF AMBASSADOR BARNES, WAS THAT THE UNITED STATES WOULD GIVE CHILE ITS FRIENDSHIP AS LONG AS STEPS TOWARDS DEMOCRATIZATION CONTINUED. THIS WAS, IN A WAY, A THREAT.

5. CHILEAN POLITICS: MINISTER DEL VALLE SAID THAT CHILE WANTS TO PROCEED TOWARDS DEMOCRACY AS THIS IS THE PERSONAL WISH OF PRESIDENT PINOCHET. DEL VALLE SAID HE WAS PERSONALLY COMMITTED TO DEMOCRACY AND WOULD QUIT IF THE GOC DEVIATED FROM THIS PATH. DEL VALLE LISTED THREE FUNDAMENTALS OF THE DEMOCRATIZATION PROCESS: FIRST, THE GOAL OF A RETURN TO FULL DEMOCRACY; SECOND, A PROMISED DATE FOR ELECTIONS AND THIRD, A QUICK PACE. HE NOTED THAT THERE WAS WORK TO BE DONE ON NINE COMPLEMENTARY LAWS INCLUDING LAWS CONCERNING ELECTIONS, PARTIES AND CONGRESS. HOWEVER, IF TERRORISM OR SUBVERSION SO REQUIRED, DEL VALLE CONTINUED, THE GOC WOULD NOT

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PAGE 03 BOGOTA 15281 01 OF 02 061337Z

HESITATE TO IMPOSE A STATE OF SIEGE OR CHANGE THE DATE OF ELECTIONS EVEN AT THE RISK OF MAKING THE UNITED STATES OR THE EUROPEANS UNHAPPY. DEL VALLE SAID THAT HE COULD NOT UNDERSTAND WHY THE USG IS SO CONCERNED WITH VIOLATIONS OF HUMAN RIGHTS IN CHILE, BUT NOT IN MEXICO; MEXICO HAS WORSE VIOLATIONS THAN CHILE AND IN ADDITION THE SITUATION IN CHILE

IS CHANGING, HE SAID, BUT THAT IN MEXICO IT NEVER CHANGES. USG PRESSURE ON CHILE'S INTERNAL AFFAIRS WAS WORTHLESS, DEL VALLE INSISTED, AND WOULD DESTROY THE WORK OF MANY MEN OF GOOD WILL. IT WAS COUNTER-PRODUCTIVE AND PINOCHET WOULD REACT BY HARDENING HIS POSITION. HE SAID THAT A PART OF PRESIDENT REAGAN'S LETTER WHICH SEEMED TO IMPOSE PRE-CONDITIONS TO CONTINUING FRIENDSHIP WAS NOT FITTING, AND HE WAS "SURE" THE PRESIDENT HAD NOT APPROVED THIS PARAGRAPH. THE U.S. HAD TOPPLED A NUMBER OF PRO-U.S. GOVERNMENTS IN THE LAST YEARS; IN EVERY SINGLE CASE, THE SUCCESSOR REGIME WAS WORSE, AND WE SHOULD LEARN FROM THIS.

6. AMBASSADOR BARNES: DEL VALLE SAID THAT AMBASSADOR BARNES HAD ACTED IMPROPERLY WHEN ONLY SIX DAYS AFTER HE ARRIVED, AT A TIME WHEN HE HAD NOT YET MET WITH ALL GOVERNMENT OFFICIALS, HE VISITED THE BAR ASSOCIATION, A CENTER OF OPPOSITION WHICH HAD CONSISTENTLY MAGNIFIED PROBLEMS. MR. DEL VALLE ALSO CRITICIZED BARNES' PUBLIC CONTACT WITH GABRIEL VALDES INCLUDING ACTUALLY VISITING VALDES' OFFICE. WHILE HE ACCEPTED AMBASSADOR BARNES' RIGHT TO SPEAK TO WHOM HE PLEASED, A CERTAIN DECORUM IS EXPECTED OF ONE IN HIS POSITION. MINISTER DEL VALLE SAID THAT PRESIDENT PINOCHET WAS A COMPLETE ANTI-COMMUNIST AND THAT UNDER PRESIDENT PINOCHET CHILE HAD ACHIEVED MANY THINGS: IT HAD SIGNED A PEACE TREATY WITH

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ACTION ARA-00

INFO	LOG-00	COPY-01	ADS-00	INR-10	SS-00	CIAE-00	DODE-00
	H-01	NSCE-00	NSAE-00	NASA-01	SSO-00	HA-08	L-03
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FM AMEMBASSY BOGOTA
TO SECSTATE WASHDC IMMEDIATE 4351
AMEMBASSY SANTIAGO

~~CONFIDENTIAL~~ SECTION 02 OF 02 BOGOTA 15281

E.O. 12356: DECL: OADR
TAGS: PREL, US, CH
SUBJECT: ABRAMS' BILATERAL WITH CHILEAN FOREIGN

ARGENTINA, AND RESOLVED BOUNDARY PROBLEMS WITH PERU. ACCORDINGLY, HE SHOULD BE BELIEVED WHEN HE SAID THAT HE WILL RESTORE DEMOCRACY. HE REITERATED THE USELESSNESS OF PRESSURE AGAINST CHILE AND STATED THAT AMBASSADOR BARNES CANNOT BE BOTH AN AMBASSADOR AND "AN INSPECTOR GENERAL OF CHILEAN CONDUCT." HE SAID PRESIDENT PINOCHET WAS PERSONALLY DISPLEASED, AND ATTRIBUTED THE INSPECTOR GENERAL COMMENT TO PINOCHET.

7. ABRAMS' REPLY: MR. ABRAMS RESPONDED TO THIS LONG EMOTIONAL, FINGER-POINTING MONOLOGUE BY NOTING THAT HE WAS ABOUT TO TESTIFY BEFORE CONGRESS ON DECEMBER 5 WHERE IRONICALLY HE WOULD BE ATTACKED FOR BEING TOO SUPPORTIVE OF CHILE AT THE WORLD BANK. THE CRITICISM WOULD BE THAT WHEN IT COUNTED, ESPECIALLY IN MILITARY AND ECONOMIC RELATIONS, THE USG BACKED PINOCHET. HE SAID THAT AMBASSADOR
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PAGE 02 BOGOTA 15281 02 OF 02 061338Z

BARNES' INSTRUCTIONS WERE TO SUPPORT THE TRANSITION TO DEMOCRACY, AND TO SPEAK TO ALL ELEMENTS IN CHILEAN SOCIETY IN ORDER TO UNDERSTAND THE COUNTRY

AND EXPLAIN THE SITUATION TO WASHINGTON. HE STATED THAT AFTER AMBASSADOR BARNES COMPLETES HIS TOUR IN CHILE, THE CHILEANS WILL REALIZE JUST HOW USEFUL IT WAS TO HAVE HIM THERE. BARNES WAS A COMPLETE PROFESSIONAL OF THE HIGHEST COMPETENCE AND INTELLIGENCE, AND WAS PARTICULARLY WELL REGARDED BY THE SECRETARY, WHO HAD EXPRESSED HIS TOTAL CONFIDENCE IN BARNES ONLY THE PREVIOUS DAY IN HIS PRESS CONFERENCE. MR. ABRAMS SAID THAT HE PERSONALLY WAS NO SYMPATHIZER WITH THE TYPICAL ATTACKS AGAINST CHILE. PRESIDENT PINOCHET HAD BROKEN THE BREZHNEV DOCTRINE AND WOULD BE ATTACKED BY THE COMMUNISTS UNTIL THE LAST DAY OF HIS LIFE. WE WANT ONLY A TRANSITION TO DEMOCRACY, AND ARE NOT OPPONENTS OF THE GOVERNMENT.

8. DELAYS IN TRANSITION TO DEMOCRACY TROUBLING: MR. ABRAMS NOTED THAT WHILE A NUMBER OF GOVERNMENTS IN THE WORLD HAD NOT ACHIEVED DEMOCRACY, AS DEL VALLE HAD SAID, THE CLOSER CASES WERE ENCOURAGING: URUGUAY, ARGENTINA, AND BRAZIL. THERE, MILITARY GOVERNMENTS HAD MADE A SUCCESSFUL TRANSITION TO DEMOCRACY. HE SAID THAT HE WAS DISTURBED BY THE IMPLICATIONS FOR CHILE OF THE SOUTH AFRICAN EXAMPLE, WHERE A GOVERNMENT WHICH PERHAPS WANTS TO DO WHAT IS RIGHT, HAS WAITED TOO LONG. MR. ABRAMS ADDED THAT THE UNITED STATES HAS NO SCHEDULE OR PLAN FOR THE CHILEAN TRANSITION TO DEMOCRACY, AS WE HAD TOLD THE OPPOSITION. HE SAID THAT THIS MUST COME FROM THE CHILEANS BUT THAT HE WAS WORRIED BY SOME PAST DECISIONS, ALTHOUGH THE GOC HAD EVERY RIGHT
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PAGE 03 BOGOTA 15281 02 OF 02 061338Z

TO MAKE THEM. THE UNITED STATES HOPED THE CHILEAN MILITARY REGIME COULD FULFILL A HISTORIC ROLE OF HAVING SAVED CHILE FROM COMMUNISM AND NOW MAKING IT A DEMOCRACY. HE SAID THAT HE UNDERSTOOD CHILEAN CONCERNS WITH SUBVERSION AND TERRORISM, BUT THAT DELAYS ON THE TRANSITION TO DEMOCRACY WORKED TO THE ADVANTAGE OF THESE ELEMENTS, AND THAT COOPERATION BETWEEN THE MILITARY AND THE DEMOCRATIC OPPOSITION WAS NEEDED. THE USG WAS NOT INTERVENING INTERNALLY AGAINST THE CURRENT REGIME, MR. ABRAMS DECLARED:

INDEED THERE WAS MUCH CRITICISM IN CONGRESS OF ALLEGED SUPPORT FOR THE CURRENT REGIME ON DEFENSE AND ECONOMIC MATTERS. WE WILL CONTINUE TO COOPERATE FULLY ON THESE MATTERS REGARDLESS OF CRITICISM. THE USG IS AWARE THAT THE GOC HAD TO STRUGGLE AGAINST ELEMENTS WHO DO NOT WANT THE TRANSITION TO GO FORWARD AND BELIEVE THAT A DEMOCRACY CANNOT FIGHT COMMUNISM.

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INCOMING TELEGRAM

PAGE 01 OF 02 BOGOTA 15281 00 OF 02 061402Z 3926
ACTION ARA-00

INFO	LOG-00	COPY-01	ADS-00	INR-10	SS-00	CIAE-00	DODE-00
	H-01	NSCE-00	NSAE-00	NASA-01	SSO-00	HA-00	L-03
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FM AMEMBASSY BOGOTA
TO SECSTATE WASHDC IMMEDIATE 4359
AMEMBASSY SANTIAGO

DEPARTMENT OF STATE
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DWRS/CRVR Date:

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Chile 9500931

E.O. 12356: FOIA Exemptions ( ) CLASSIFY as ( ) S or C
TAGS: PREL, US, CH Exemptions ( ) DOWNGRADE TO ( ) S or C
SUBJECT: ABRAMS' BILATERAL WITH CHILEAN FOREIGN MINISTER DEL VALLE

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8. DELAYS IN TRANSITION TO DEMOCRACY TROUBLING:

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APPROVED BY: ARA:EABRAMS
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TO AMEMBASSY SANTIAGO IMMEDIATE
INFO USMISSION USUN NEW YORK
AMEMBASSY BUENOS AIRES
AMEMBASSY LIMA
AMEMBASSY MONTEVIDEO
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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

~~C O N F I D E N T I A L~~ STATE 373836

E.O. 12356: DECL:OADR
TAGS: PHUM, PGOV, PREL, CI, US
SUBJECT: ASSISTANT SECRETARY ABRAMS' NOV. 27 MEETING WITH GABRIEL VALDES

1. ~~CONFIDENTIAL~~ ENTIRE TEXT.

2. SUMMARY: IN A 45-MINUTE MEETING NOV. 27 WITH ASSISTANT SECRETARY ABRAMS, CHRISTIAN DEMOCRATIC PARTY (PDC) PRESIDENT GABRIEL VALDES EXPRESSED APPRECIATION FOR RECENT EXPRESSIONS OF US SUPPORT FOR CHILE'S RETURN TO DEMOCRACY, STRESSING THE SIGNIFICANCE THE US ATTITUDE HAS FOR THE DEMOCRATIC OPPOSITION. WHILE ASSURING ABRAMS THAT HE REMAINED OPTIMISTIC, VALDES PAINTED A BLEAK PICTURE OF CHILE'S PROSPECTS FOR SUCCESSFULLY TRANSITING
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PAGE 02 STATE 373836

THE PERIOD AHEAD, NOTING THAT PINOCHET'S CONTINUED INTRANSIGENCE HAS LENT CREDENCE TO THE COMMUNIST THESIS. REFERRING TO CRITICISM BY RIGHTIST PARTIES IN THE ACCORD OF THE NOV. 21 PROTEST MEETING, VALDES DECLARED THAT THE PDC COULD NOT ABANDON THE STREETS TO ANYONE. ABRAMS URGED VALDES TO ENSURE THAT THE POLITICAL PARTIES IN THE ACCORD MAINTAIN A CLEAR POSITION IN FAVOR OF DIALOGUE. ABRAMS EXPLAINED US EFFORTS ON BEHALF OF RESCHEDULING CHILE'S DEBT WERE INTENDED TO REVIVE THE CHILEAN ECONOMY IN ORDER TO HELP THE CHILEAN PEOPLE, NOT PROP UP THE

GOVERNMENT. PDC BOARD MEMBER ALEJANDRO FOXLEY, WHO ACCOMPANIED VALDES, COMMENTED THAT US SIGNALS OF SUPPORT FOR DEMOCRACY, ALTHOUGH POSITIVE, HAD NOT GOTTEN THROUGH TO THE MILITARY. END SUMMARY.

3. ASSISTANT SECRETARY ABRAMS MET WITH VALDES AND FOXLEY FOR ABOUT 45 MINUTES ON NOVEMBER 27. MUCH OF THE MEETING WAS DEVOTED TO A LENGTHY DESCRIPTION BY VALDES OF THE CURRENT SITUATION IN CHILE. VALDES WARNED THAT IN THE PRESENT CLIMATE, CHILE "WOULD NOT LAST" UNTIL THE PROMISED TRANSITION IN 1989. AS HE DESCRIBED THE SITUATION:

--PINOCHET WAS MORE INTRANSIGENT THAN EVER. WITH THE ACCORD, HE HAD BECOME MORE ISOLATED AND HAD DEVELOPED A "BUNKER MENTALITY".

--TENSION AND VIOLENCE HAD INCREASED. TERRORISM WAS ON THE RISE. PERHAPS SEVERAL THOUSAND PEOPLE WERE INVOLVED NOW IN TERRORIST ACTIONS. BECAUSE OF UNCERTAINTY ABOUT THE FUTURE, NEW INVESTMENT WAS NOT TAKING PLACE. THE PROBLEM OF POVERTY WAS TERRIBLE, WITH 20-30 UNEMPLOYED,
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PAGE 03 STATE 373836

MANY OF THEM YOUNG PEOPLE.

--THE NATIONAL ACCORD WAS SIGNED TO PROMOTE DIALOGUE, NOT CONFRONTATION, BUT THE GOVERNMENT HAD NOT ACCEPTED THIS GREAT POSSIBILITY. BECAUSE OF THEIR PARTICIPATION IN THE ACCORD, THE GOVERNMENT PRIVATELY HAD PUT A GREAT DEAL OF PRESSURE ON THE NATIONAL PARTY AND THE MUN, INCLUDING

ECONOMIC PRESSURE. GOVERNMENT ATTACKS AGAINST THE PDC TOOK PLACE OUT IN THE OPEN, AS THE GOC PUBLICLY HAD ATTACKED THE PARTY AND ITS HISTORY.

--PINOCHET'S UNWILLINGNESS TO TALK TO THE DEMOCRATIC OPPOSITION GAVE MORE CREDENCE TO THE COMMUNIST THESIS. THERE WERE PRESSURES FOR MOBILIZATION COMING FROM THE RANK AND FILE. THE PDC COULD NOT CONCEDE THE STREETS TO OTHERS. THEY HAD DECIDED TO SPONSOR THE PROTEST RALLY IN ORDER TO PREEMPT THE LEFT, WHICH HAD PLANNED A BIG DEMONSTRATION FOR LATE NOVEMBER. TO MOVE AHEAD THE OPPOSITION HAD TO PLAY VARIOUS CARDS, INCLUDING BOTH MOBILIZATION AND DIALOGUE.

--RECENT US SIGNALS OF SUPPORT FOR A RETURN TO DEMOCRACY WERE VERY POSITIVE. THE RAPID REACTION TO WHAT GENERAL SCHWEITZER HAD SAID CORRECTED THE DAMAGE DONE. AMBASSADOR BARNES AND HIS DCM HAD MADE A VERY POSITIVE IMPRESSION. THE AMBASSADOR'S STATEMENT DURING HIS PRESENTATION OF CREDENTIALS WAS EXCELLENT.

4. VALDES COMMENTED THAT IN ADDITION TO DETERMINING HOW TO DEAL WITH PINOCHET, CHILEAN DEMOCRACY FACED ANOTHER LONG TERM PROBLEM WITH THE QUESTION OF THE FUTURE ROLE OF THE COMMUNIST PARTY. VALDES SAID THAT THE PDC BELIEVES THAT THE COMMUNIST PARTY MUST HAVE A LEGAL LIFE AT SOME FUTURE DATE. THE PARTY IS STRONG IN THE UNIVERSITIES, SECOND ONLY TO THE PDC, AND HAS DEVELOPED A NEW GENERATION OF EFFECTIVE LEADERS. VALDES NOTED THAT THE ~~CONFIDENTIAL~~

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PAGE 04 STATE 373836

MILITARY HAD REFUSED TO AGREE TO A FUTURE ROLE FOR THE COMMUNISTS SO THE COMMUNISTS HAD ADOPTED A PROLONGED WAR STRATEGY. TO CARRY THIS OUT, ACTIVISTS WERE ARRIVING FROM ABROAD TO CHILE, FROM PLACES LIKE NICARAGUA AND EAST BERLIN. VALDES SPECULATED THAT PERHAPS ONE TACTIC WOULD BE FOR THE PARTY TO RECONSTITUTE ITSELF UNDER A DIFFERENT NAME.

5. FOXLEY OBSERVED THAT THE CURRENT PSYCHOLOGICAL CLIMATE COULD LEAD TO A SELF-FULFILLING PROPHECY: CONTINUED INTRANSIGENCE ON THE PART OF THE GOVERNMENT

WOULD ALMOST CERTAINLY PRODUCE AN ENVIRONMENT IN WHICH CONSENSUS WOULD PROVE IMPOSSIBLE TO ACHIEVE. WITH THE ACCORD, PINOCHET HAS LOST FACE AND HAS DEVELOPED A BUNKER MENTALITY, WHICH COULD PRODUCE IRRATIONAL ACTION ON HIS PART.

6. ASKED BY FOXLEY HOW THE US VIEWED DEVELOPMENTS IN CHILE, ASSISTANT SECRETARY ABRAMS COMMENTED THAT THE ACCORD HAD CHANGED THE SITUATION CONSIDERABLY; PINOCHET'S POSITION WAS NOW MORE DIFFICULT. LOGICALLY, THE DAY WOULD COME WHEN THE CHILEAN ARMED FORCES REACHED THE CONCLUSION THAT THEIR INSTITUTIONAL INTERESTS DID NOT COINCIDE WITH THOSE OF PINOCHET. HE CAUTIONED, HOWEVER, THAT THE US KNEW VERY LITTLE ABOUT MILITARY ATTITUDES.

7. ABRAMS ADDED THAT THE PARTIES IN THE ACCORD HAD DONE VERY WELL TO ADOPT A FORWARD POSITION ON DIALOGUE, AND URGED THAT THEY MAINTAIN THAT POSITION TO MAKE CLEAR THAT THE OBSTACLE WAS THE GOVERNMENT. IN GENERAL, THE SITUATION APPEARED TO BE IMPROVING IN CHILE.

8. ABRAMS ALSO OBSERVED THAT THE US HAD PERCEIVED THE
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PAGE 05 STATE 373836

NEED TO CLARIFY ITS POSITION OF SUPPORT FOR A TRANSITION AND HAD DONE SO. BUT THE US HAD SUPPORTED THE RENOGOTIATION OF CHILE'S DEBT BECAUSE WE DID NOT WANT TO ATTACK THE CHILEAN ECONOMY IN ORDER TO PRESS FOR A TRANSITION. US EFFORTS TO HELP REVIVE CHILE'S ECONOMY WERE DESIGNED TO HELP THE CHILEAN PEOPLE, NOT SUPPORT THE GOVERNMENT.

9. AS THE MEETING DREW TO A CLOSE, FOXLEY OBSERVED THAT THE HIERARCHICAL STRUCTURE OF THE MILITARY AND THE LACK OF SOPHISTICATION OF MANY OFFICERS MADE IT DIFFICULT TO SEND SUBTLE MESSAGES TO THE MILITARY. HE ADDED THAT PINOCHET HAD BEEN QUITE SUCCESSFUL IN EXPLAINING REPEATED US STATEMENTS IN FAVOR OF DEMOCRACY TO THE OFFICER CORPS AS MERE LIPSERVICE TO THIS IDEAL. THE ARGUMENT WENT THAT REAL US POLICY WAS DICTATED BY REALPOLITIK, AND THEREFORE THE ARMED FORCES SHOULD LOOK AT HOW THE US UNDERSTANDS ITS ECONOMIC AND MILITARY INTERESTS TO DETERMINE REAL US

POLICY. FOXLEY SAID THAT A CENTRAL QUESTION FOR THE US TO CONSIDER WAS HOW BEST TO COMMUNICATE SIGNALS TO PEOPLE "WHO HAVE THE SKIN OF ELEPHANTS." HE CONCLUDED THAT THE SIGNALS SENT SO FAR, ALTHOUGH POSITIVE, HAVE NOT GOTTEN THROUGH. ABRAMS PROMISED TO CONSIDER ADDITIONAL MEANS OF MAKING OUR CONCERNS KNOWN TO THE CHILEAN ARMED FORCES. SHULTZ

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Case Number: S199900030

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Chile Project (#S199900030)
U.S. Department of State
Release X Excise Deny
Declassify: In Part In Full X
Exemption(s)

UNCLAS USUN NEW YORK 03727

E.O. 12356: N/A
TAGS: PHUM, UNGA, UNHRC, ES, GT, CI, AF, IR
SUBJECT: 40TH UNGA: THIRD COMMITTEE: RESOLUTIONS
- ADOPTED ON HUMAN RIGHTS IN AFGHANISTAN, IRAN,
- EL SALVADOR, GUATEMALA, AND CHILE (ITEM 12)

1. SUMMARY: THE THIRD COMMITTEE OF THE UN GENERAL
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PAGE 02 USUN N 03727 072248Z

ASSEMBLY ADOPTED RESOLUTIONS ON HUMAN RIGHTS IN AFGHANISTAN, IRAN, EL SALVADOR, GUATEMALA, AND CHILE. THE RESOLUTIONS ON HUMAN RIGHTS IN AFGHANISTAN AND IRAN WERE UNPRECEDENTED, AND THEIR ADOPTION REPRESENTS A SIGNIFICANT BREAK FROM THE UNGA'S PRACTICE OF SELECTIVELY CONSIDERING HUMAN RIGHTS SITUATIONS IN A FEW LATIN AMERICAN COUNTRIES. END SUMMARY.

2. IN A MARATHON MEETING ENDING EARLY MORNING DECEMBER 7, THIRD COMMITTEE TOOK ACTION ON FIVE COUNTRY-SPECIFIC RESOLUTIONS BASED ON REPORTS OF THE SPECIAL RAPPORTEURS AND REPRESENTATIVES OF THE UN HUMAN RIGHTS COMMISSION. BEFORE THE VOTING, SYRIA MADE A PROCEDURAL MOTION TO PREVENT ACTION ON THE RESOLUTIONS CONCERNING BOTH AFGHANISTAN AND IRAN. THE COMMITTEE DECIDED BY VOTE OF 60(U.S.)-37-16 THAT THE SYRIAN MOTION WAS NOT RECEIVABLE.

3. RESULTS OF THE VOTING ON THE RESOLUTIONS WERE AS FOLLOWS:

HUMAN RIGHTS IN AFGHANISTAN: 75(U.S.)-23(AFGHANISTAN, ANGOLA, BENIN, BULGARIA, BYELORUSSIA, CUBA, CZECHOSLOVAKIA, DEMOCRATIC YEMEN, ETHIOPIA, GDR, HUNGARY, INDIA, LAOS, LIBYA, MONGOLIA, NICARAGUA, POLAND, ROMANIA, SYRIA, UKRAINE, USSR, TANZANIA, VIETNAM)-33.

HUMAN RIGHTS IN IRAN: 53(U.S.)-22-41.

HUMAN RIGHTS IN EL SALVADOR: AFTER HUNGARIAN CHAIRMAN UNEXPECTEDLY PUT THE RESOLUTION TO A VOTE, U.S. DEL NOTED THAT WE HAD BEEN PREPARED TO JOIN CONSENSUS AND ASKED WHICH DELEGATION HAD REQUESTED THE VOTE. CHAIRMAN SAID HE HAD BEEN UNDER THE IMPRESSION A VOTE HAD BEEN
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PAGE 03 USUN N 03727 072248Z

REQUESTED BUT WAS UNABLE TO NAME THE DELEGATION WHICH MADE THE REQUEST. A U.S. MOTION FOR RECONSIDERATION OF THE RESOLUTION WAS THEN CARRIED BY VOTE OF 59(U.S.)-22(SOVIET BLOC)-17. SOVIET DELEGATION THEN FORMALLY REQUESTED A VOTE ON THE RESOLUTION, AND IT WAS ADOPTED BY VOTE OF 92-3(CHILE, GUATEMALA, INDONESIA)-38(U.S.). EL SALVADOR DID NOT PARTICIPATE IN

THE VOTE.

HUMAN RIGHTS IN GUATEMALA: 85-6(CHILE, EL SALVADOR, GUATEMALA, MOROCCO, INDONESIA, PAKISTAN)-40(U.S.).

HUMAN RIGHTS IN CHILE: 82-9(CHILE, EL SALVADOR, GUATEMALA, INDONESIA, MOROCCO, PAKISTAN, PARAGUAY, THAILAND, U.S.)-38.

4. DETAILED BREAKDOWN OF ALL VOTES, USUN ANALYSIS, AND TEXT OF U.S. EXPLANATIONS OF VOTE ON EL SALVADOR, CHILE, AND GUATEMALA WILL FOLLOW BY SEPTELS.

5. KABUL MINIMIZE CONSIDERED.
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Chile Project (#S199900030)
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DECONTROL

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E.O. 12356: N/A
TAGS: PREL, PHUM, EFIN, CI, US
SUBJECT: ASSISTANT SECRETARY ABRAMS' DEC. 5 TESTIMONY ON CHILE BEFORE HOUSE BANKING SUBCOMMITTEE

REF: STATE 36902 (NOTAL)

1. SUMMARY: ARA ASSISTANT SECRETARY ELLIOTT ABRAMS TESTIFIED DEC. 5 BEFORE THE HOUSE BANKING SUBCOMMITTEE ON INTERNATIONAL DEVELOPMENT INSTITUTIONS AND FINANCE ON US POLICY TOWARD CHILE, FOCUSING ON HUMAN RIGHTS AND US VOTING POLICY ON LOANS TO CHILE IN THE INTERNATIONAL FINANCIAL INSTITUTIONS (IFIS). ABRAMS WAS JOINED BY

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PAGE 02 STATE 373834

TREASURY DEPT. DEPUTY ASSISTANT SECRETARY JAMES CONROW AND HA/HR DIRECTOR JAMES THYDEN, WHO WERE PRESENT TO RESPOND TO MEMBERS' QUESTIONS. THIS MESSAGE PROVIDES HIGHLIGHTS OF MR. ABRAMS' ORAL TESTIMONY. END SUMMARY.

2. SUBCOMM1TTEE CHAIRMAN STAN LUNDINE HAD CALLED THE HEARING IN ORDER TO EXAMINE THE APPLICATION IN THE CASE OF CHILE OF SECTION 701 OF THE INTERNATIONAL FINANCIAL INSTITUTIONS ACT STATING THAT THE US EXECUTIVE DIRECTORS ARE TO BE INSTRUCTED TO OPPOSE LOANS TO COUNTRIES IN

WHICH THERE IS DETERMINED TO BE "A PATTERN OF GROSS VIOLATIONS OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS." THE ONLY OTHER WITNESS WAS SENATOR TOM HARKIN, WHO HAD AUTHORED THE LEGISLATION. MEMBERS PRESENT THROUGHOUT ALL OR A PORTION OF THE HEARING WERE CHAIRMAN LUNDINE, RANKING MINORITY MEMBER BEREUTER, AND REPRESENTATIVES KOLBE, MCMILLAN, LEVIN, TORRES, MCCANDLESS, AND MORRISON.

3. IN HIS TESTIMONY, SENATOR HARKIN DISCUSSED CONGRESSIONAL INTENT IN SECTION 701 AND DESCRIBED HIS VIEW OF THE HUMAN RIGHTS SITUATION IN CHILE. HE SAID THAT CONGRESS HAD NOT MEANT TO GIVE THE EXECUTIVE BLANKET AUTHORITY FOR APPLYING SECTION 701, BUT HAD IN MIND A SET OF COMMON SENSE GUIDELINES THAT SHOULD BE USED IN DETERMINING A PATTERN OF GROSS VIOLATIONS. BY GROSS VIOLATIONS, HARKIN SAID CONGRESS HAD MEANT VIOLATIONS AGAINST THE PHYSICAL INTEGRITY OF INDIVIDUALS THAT WERE SIGNIFICANT IN IMPACT. BY PATTERN, HARKIN SAID IT WAS MEANT THAT VIOLATIONS BE SIGNIFICANT IN NUMBER AND RECURRING. HARKIN ADDED THAT CONGRESS HAD NOT INTENDED THAT IMPROVEMENTS IN A BAD HUMAN RIGHTS SITUATION BE USED
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PAGE 03 STATE 373834

TO MAKE A DETERMINATION THAT A PATTERN DOES NOT EXIST. AT THE SAME TIME, HARKIN CITED STATISTICS SOURCED TO THE CHILEAN HUMAN RIGHTS ORGANIZATION TO ARGUE THAT THE HUMAN RIGHTS SITUATION IN CHILE HAD NOT IMPROVED SINCE THE STATE OF SIEGE WAS LIFTED THIS JUNE. HARKIN DECLARED THAT ENFORCEMENT OF SECTION 701 SHOULD BE ACHIEVED THROUGH EXERCISING COMMITTEE OVERSIGHT OF THE

EXECUTIVE. HE DESCRIBED THE NATIONAL ACCORD AGREEMENT AMONG OPPOSITION POLITICAL PARTIES IN CHILE AS DRAMATIC MOVEMENT AND URGED THAT THE ADMINISTRATION ASSIST THE FORCES OF DEMOCRACY BY BACKING ITS VOICE WITH ITS VOTES IN THE MULTILATERAL DEVELOPMENT BANKS.

4. BEFORE ABRAMS DELIVERED HIS TESTIMONY, LUNDINE, BEREUTER AND TORRES MADE BRIEF REMARKS. LUNDINE LIMITED HIMSELF TO INTRODUCTORY COMMENTS. BEREUTER QUESTIONED WHETHER SECTION 701 PROVIDED ADEQUATE BASIS FOR MEASURING IMPROVEMENT IN HUMAN RIGHTS. HE COMMENTED THAT THE CONGRESS COULD DO A BETTER JOB OF WRITING THIS LAW DECLARING THAT IT WAS TIME TO LOOK AT CHANGING 701. TORRES CLOSED HIS COMMENTS BY ASSERTING THAT THE US WAS NOT PERCEIVED AS BEING ON THE SIDE OF DEMOCRACY IN CHILE.

5. ASSISTANT SECRETARY ABRAMS THEN FOLLOWED. AFTER HIS PREPARED STATEMENT WAS INSERTED IN THE RECORD, ABRAMS MADE A BRIEF ORAL STATEMENT, STRESSING THESE POINTS:

--THE US WAS USING ITS INFLUENCE TO PROMOTE DEMOCRACY AND HUMAN RIGHTS IN CHILE. BOTH THE CHILEAN GOVERNMENT AND DEMOCRATIC OPPOSITION UNDERSTOOD THIS. AT A MEETING THIS WEEK IN COLOMBIA DURING THE OAS GENERAL ASSEMBLY, ITS FOREIGN MINISTER HAD COMPLAINED ABOUT US INTERFERENCE IN CHILE'S INTERNAL AFFAIRS. AT A MEETING A WEEK AGO DEMOCRATIC ALLIANCE PRESIDENT GABRIEL VALDES MADE IT CLEAR THAT THE OPPOSITION KNOWS WHERE THE US STANDS, AND THAT US HUMAN RIGHTS POLICY TOWARDS CHILE WAS GENERALLY
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PAGE 04 STATE 373834

APPRECIATED BY THE OPPOSITION.

--NOT ONLY WAS US POLICY INCREASINGLY CLEAR TO ALL CONCERNED, BUT IT WAS BEGINNING TO WORK. GENERALLY THE FEELING WAS THAT AFTER A LONG FREEZE THE ICE IS CRACKING IN CHILE. THE UNITY OF THE OPPOSITION APPARENT IN THE NATIONAL ACCORD WAS A MAJOR POSITIVE DEVELOPMENT, SOMETHING THE US HAD WORKED TO ENCOURAGE.

--CONGRESSMAN BEREUTER WAS RIGHT THAT SECTION 701 AS WRITTEN WAS NOT A GOOD PIECE OF LEGISLATION. IT WAS NOT

APPROPRIATE TO MAKE ECONOMIC WAR ON CHILE. IMPOVERISHING THE COUNTRY WAS NOT THE MEANS TO MAKE ADVANCES IN HUMAN RIGHTS AND BRING ABOUT A TRANSITION TO DEMOCRACY.

6. DURING THE QUESTION AND ANSWER PERIOD, REPRESENTATIVE LEVIN GRILLED ABRAMS ON WHETHER THE US VOTING RECORD IN THE IFIS ON CHILE WAS CONSISTENT WITH THE STATUTE. ABRAMS NOTED THAT NO ADMINISTRATION HAD EVER DETERMINED THAT A COUNTRY HAD A PATTERN OF GROSS VIOLATIONS ACCORDING TO SECTION 701. HE OBSERVED THAT THIS DETERMINATION WAS A JUDGMENT CALL AND IN THAT SENSE THE ADMINISTRATION HAD CERTAIN FLEXIBILITY IN APPLYING THE LAW. ABRAMS NOTED THAT AT THE SAME TIME THE ADMINISTRATION TOOK INTO ACCOUNT STATUTORY CRITERIA IN DETERMINING ITS VOTES, IT ALSO CONSIDERED OTHER ELEMENTS OF POLICY, SUCH AS OVERALL HUMAN RIGHTS POLICY.

7. ASKED BY LEVIN WHAT OUTRAGED HIM REGARDING THE HUMAN RIGHTS SITUATION IN CHILE, ABRAMS NOTED THAT THE EXECUTIVE DID NOT HAVE THE LUXURY TO EXPRESS OUTRAGE REGARDING HUMAN RIGHTS ABUSES BUT INSTEAD SOUGHT TO ACHIEVE CHANGES IN THE REAL WORLD. PRESSED TO GIVE AN
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EXAMPLE OF THE MOST EGREGIOUS ABUSE, ABRAMS REFERRED TO THE PERSISTENCE OF TORTURE BY SOME MEMBERS OF THE SECURITY FORCES, WHICH HE SAID COULD BE STOPPED BY THE GOVERNMENT. ABRAMS ADDED THAT WITH THIS EXCEPTION, ALL OTHER HUMAN RIGHTS PROBLEMS TOOK SECOND PLACE TO ACHIEVING A SUCCESSFUL PEACEFUL TRANSITION TO DEMOCRACY. THE GOAL OF US POLICY WAS TO SEE A SUCCESSFUL TRANSITION TO CIVILIAN GOVERNMENT.

8. IN RESPONSE TO A QUESTION BY TORRES, IN WHICH THE CONGRESSMAN RECALLED HIS MEETING LAST YEAR IN CHILE WITH PRESIDENT PINOCHET, ABRAMS STATED THAT US POLICY WAS CRYSTAL CLEAR: BOTH THE GOVERNMENT AND THE OPPOSITION UNDERSTOOD US PRESSURE FOR A RETURN TO DEMOCRACY. US POLICY WAS NOT TO CARRY OUT ECONOMIC WARFARE, OR APPLY PRESSURE INFLEXIBLY. HAVING MET PINOCHET, ABRAMS COMMENTED, TORRES SHOULD UNDERTAND THE IMPORTANCE OF EFFECTIVE TACTICS. ABRAMS QUESTIONED HOW THE CHARGE

COULD BE MADE THAT THE ADMINISTRATION HAD NO POLICY OF PROMOTING DEMOCRACY WHEN THE REAGAN ADMINISTRATION HAD SUPPORTED SUCCESSFUL DEMOCRATIC TRANSITIONS IN URUGUAY, BRAZIL, ARGENTINA AND ELSEWHERE IN THE HEMISPHERE.
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Chile Project (#S199900030)
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E.O. 12356: N/A **DECONTROL**
TAGS: PHUM, CI
SUBJECT: HUMAN RIGHTS INQUIRY BY STAFF MEMBER FOR REPRESENTATIVE BARNES

REFS: A) SWIGERT-KEANE TELCON OF 12/6, B) SANTIAGO 8329

1. DEPT WAS CONTACTED LAST WEEK BY NANCY AGRIS, A MEMBER OF THE STAFF OF CONGRESSMAN MICHAEL BARNES, REGARDING THE ARRESTS OF TWO CHILEAN STUDENTS: JUAN CARLOS HERNANDES CORNEA (WHOSE FATHER WORKS AT FLACSO) AND FRANCISCO JAVIER GARRIDO CRINO. BOTH ARE STUDENTS AT THE ESCUELA SUPERIOR DE ARTES Y CLENCIAS SOCIALES AND WERE ARRESTED LAST WEEK. AGRIS SAID THAT EFFORTS BY PARENTS OF THE STUDENTS TO FILE HABEAS CORPUS (AMPARO) THROUGH THE COURTS HAD PRODUCED NO INFORMATION REGARDING THE WHEREABOUTS OF THE TWO, NOR ANY REASON FOR THEIR DETENTION. AGRIS ASKED THAT THE EMBASSY EXPRESS INTEREST REGARDING THE SITUATION OF THE TWO STUDENTS TO THE CHILEAN AUTHORITIES.

2. DURING THE SAME PHONE CALL AGRIS REQUESTED ADDITIONAL
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INFORMATION REGARDING GOC LAND POLICIES AFFECTING THE

MAPUCHE INDIANS (REFS B AND C). IN PARTICULAR, AGRIS WANTED TO LEARN 1) WHAT GOC LAND OWNERSHIP POLICIES ARE IN EFFECT IN AREAS WITH LARGE MAPUCHE POPULATIONS AND THE PURPOSE OF SUCH POLICIES, I.E. REGIONAL ECONOMIC DEVELOPMENT OR GREATER INTEGRATION OF MAPUCHE MINORITY?; 2) WHAT LEGAL MECHANISMS EXIST, IF ANY, TO APPEAL GOC ADMINISTRATIVE DECISIONS ON LAND TENURE DISPUTED BY MAPUCHE INDIANS; 3) EMBASSY JUDGMENT ON WHETHER THESE POLICIES NEGATIVELY AFFECT MAPUCHE INDIANS' ABILITY TO MAINTAIN TRADITIONS AND CUSTOMS.

3. ACTION REQUESTED: PLEASE RESPOND DIRECTLY TO AGRIS VIA H-PASS TELEGRAM. IN ADDRESSING MAPUCHE INDIAN QUESTION, IT MAY BE USEFUL TO PROVIDE HISTORICAL COMPARISON WITH POLICIES OF PREVIOUS CHILEAN GOVERNMENTS AFFECTING THE MAPUCHES, PARTICULARLY POLICIES ON LAND TENURE. SHULTZ

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AMEMBASSY CARACAS
AMEMBASSY MADRID
AMEMBASSY PARIS

Chile Project (#S199900030)
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E.O. 12356: DECL:OADR
TAGS: PHUM, UNGA, MX, CL
SUBJECT: 40TH UNGA: THIRD COMMITTEE RESOLUTION ON HUMAN RIGHTS IN CHILE

REF: (A) USUN 3629 (B) STATE 371973

1. ENTIRE TEXT CONFIDENTIAL.

2. BEGIN SUMMARY.
- EMBASSY KEPT CHILEAN HUMAN RIGHTS COMMISSION PRESIDENT JAIME CASTILLO CLOSELY INFORMED OF DEVELOPMENTS ON UNGA RESOLUTION ON HUMAN RIGHTS IN CHILE, BOTH AS A COURTESY AND IN HOPES THAT HE MIGHT STIMULATE SOME MOVEMENT TOWARD A MORE MODERATE RESOLUTION. CASTILLO ADMITTED HIS EFFORTS HAD BEEN INEFFECTUAL AND EXPRESSED HOPE THAT HE AND WE COULD BE MORE SUCCESSFUL IN MARCH. END SUMMARY.
3. DCM CALLED JAIME CASTILLO DECEMBER 4 AND ASKED IF HE HAD SEEN THE TEXT OF MEXICAN DRAFT. HE HAD NOT AND SENT
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PAGE 02 SANTIA 08688 091325Z

OVER A MESSENGER TO PICK UP TEXT TAKEN FROM REF. A. DCM TOLD HIM WE HAD HOPED WE COULD CHANGE OUR VOTE THIS YEAR, BUT MEXICAN DRAFT LOOKED MUCH LIKE LAST YEAR'S AND, AMONG OTHER DEFECTS, CONTINUED TO BE OUT OF STEP WITH UNGA RESOLUTIONS ON OTHER COUNTRIES. CASTILLO SAID HE WOULD SEE WHAT HE COULD DO.

4. CASTILLO ASKED TO SEE DCM DECEMBER 7. DCM GAVE HIM COPY OF U.S. STATEMENT FROM REF. B AND TOLD HIM MEXICANS HAD SHOWN NO WILLINGNESS TO MAKE MORE THAN SUPERFICIAL CHANGES. THEREFORE WE HAD NO CHOICE BUT TO VOTE NO. HOWEVER, WE REMAIN CONVINCED THAT A CHANGE IN U.S. VOTE WOULD SEND A USEFUL SIGNAL TO THE GOC, AND WE HOPED THAT SPONSORS OF FUTURE RESOLUTIONS WOULD TAKE THAT INTO ACCOUNT. CASTILLO SAID HE STRONGLY AGREED ABOUT THE EFFECT OF A CHANGE IN U.S. POSITION AND AFTER DCM'S PHONE CALL HAD GOTTEN IN TOUCH WITH HIS PEOPLE IN NEW YORK. ASKED WHO THESE WERE, HE SAID THERE WERE TWO GROUPS, THE AMERICAN FRIENDS OF THE CHRC (GROUP HEADED BY CYRUS VANCE) AND CHILEANS LIVING IN NEW YORK, MOSTLY INVOLUNTARY EXILES. HE CLAIMED SOME ONE HAD APPROACHED A USUN OFFICER, WHOSE NAME UNFORTUNATELY HE DID NOT HAVE, WHO SAID HE HAD NO AUTHORITY TO DISCUSS CHANGES IN THE MEXICAN RESOLUTION. DCM POINTED OUT THAT AS NO OTHER COUNTRY HAD PRESENTED A DRAFT, MEXICANS WERE IN DRIVER'S SEAT AND WOULD HAVE HAD TO AGREE TO ANY CHANGES MADE. WE WOULD HAVE PREFERRED THAT CHRC'S FRIENDS DEAL WITH MEXICANS, NOT WITH US.

5. CASTILLO AGREED THAT ANOTHER EFFORT SHOULD BE MADE IN MARCH, WHEN UNHRC VOTES ON VOLIO'S FINAL REPORT, TO WORK OUT A RESOLUTION THAT WOULD PERMIT A CHANGE IN THE U.S. VOTE. HE DID NOT, HOWEVER, SPELL OUT WHAT HE WAS PREPARED TO DO TO BRING THIS ABOUT.

6. COMMENT: AMBASSADOR BYRNE'S STATEMENT DECEMBER 6

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PAGE 03 SANTIA 08688 091325Z

WAS EXCELLENT, AND USIS CIRCULATED IT AFTERNOON DECEMBER 7 TO ALL PRINCIPAL MEDIA AND KEY CHILEAN CONTACTS. WHILE IT PREDICTABLY WAS NOT CARRIED IN DECEMBER 8 PAPERS, WHICH FOUND IT SAFER TO RUN BRIEF WIRESERVICE STORIES ON INSIDE PAGES, OUR POSITION WILL NOT BE LOST ON GOC OR OPPOSITION. EMBASSY URGES THAT WE GET STARTED EARLIER THIS NEXT SPRING IN TRYING TO INTEREST SOME COUNTRY

OTHER THAN MEXICO IN SPONSORING THE MARCH RESOLUTION.
BARNES

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B1,A9

DATE: December 10, 1985

REPLY TO ATTN OF: ARSO - Robert R. Brand

SUBJECT: Reported Sighting of Missing Journalist

TO: DCM - Mr. Gamble

THRU: RSO - Mr. Wilson
CONS - Mr. Kerr

REF: [redacted] B1

Referenced subject came to the Embassy on Friday, December 6, at 10:15 a.m. and provided the following information.

He recently visited San Rafael petzal, Huehuetenango, and local peasants of the area advised him that approximately one month ago either Blake or Davis had been seen in the cities of Comitan and Trinitaria, Mexico, by those local peasants. It has been reported that this "reporter" has been travelling with Guatemalan guerillas in Mexico along the Guatemalan border. This area is controlled by EGP. [redacted] mentioned that the reporter, a gringo, was identified due to the leaflets that were dropped in this region previously. The gringo was described as tall and having a camera in his possession. He was also described as healthy looking, but this is the only physical description [redacted] could or would provide. B1 B1

[redacted] is from the Department of Huehuetenango and spends a great deal of time in Huehuetenango. I have no doubt that he has many contacts in this region, and he has a reputation as a reputable businessman. [redacted] has provided me with security information before, but upon investigation the information was only of a general nature. B1 B1

Upon completion of our conversation, [redacted] wanted to know if we could help with the release of a Guatemalan national from prison in El Paso, Texas, due to a violation of immigration law. Subject also advised that he would travel to Huehuetenango with an Embassy official, and he would cooperate in any other manner with the Embassy. B1

[redacted]

cc: CONS-Mr. Kerr

[redacted]

BLAKE/DAVIS

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 06/28/95
Case ID: 95122209

GPO : 1984 O - 433-783

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PAGE 01 STATE 377355
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DRAFTED BY: ARA/SC:JWSWIGERT
APPROVED BY: ARA/SC:MLDURKEE
HA/HR: GLISTER

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TO AMEMBASSY SANTIAGO IMMEDIATE
INFO AMEMBASSY BUENOS AIRES
AMEMBASSY CARACAS
AMEMBASSY LIMA
AMEMBASSY MONTEVIDEO
AMEMBASSY MEXICO
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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

~~C O N F I D E N T I A L~~ STATE 377355

E.O. 12356: DECL: OADR
TAGS: PREL, PHUM, CI
SUBJECT: DEC. 10 MEETING WITH MRS. SALVADOR ALLENDE

1. ~~CONFIDENTIAL~~ ENTIRE TEXT.

2. SUMMARY: SALVADOR ALLENDE'S WIDOW, HORTENSIA ALLENDE, HER DAUGHTER ISABEL, AND AN ESCORT FROM THE INSTITUTE FOR POLICY STUDIES (IPS) VISITED THE DEPARTMENT DECEMBER 10 AND MET WITH THE CHILE DESK OFFICER AND AN OFFICER FROM THE BUREAU OF HUMAN RIGHTS AND HUMANITARIAN AFFAIRS. MRS. ALLENDE REQUESTED THAT THE DEPARTMENT USE ITS INFLUENCE WITH THE GOC TO PRESS FOR THE RETURN OF ~~CONFIDENTIAL~~

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PAGE 02 STATE 377355

CHILEAN EXILES, AND TO BRING ABOUT AN END TO THE DETENTIONS OF CHILEAN LABOR LEADERS AND JESUIT PRIEST RENATO HEVIA. SHE EXPRESSED SUPPORT FOR THE DEMOCRATIC OPPOSITION'S NATIONAL ACCORD AND SAID SHE OPPOSED VIOLENCE AND TERRORISM. DEPTOFFS EXPLAINED US SUPPORT FOR CHILE'S TRANSITION TO DEMOCRACY AND FOR IMPROVEMENT IN THE HUMAN RIGHTS SITUATION, AND URGED MRS. ALLENDE TO MAKE HER OPPOSITION TO VIOLENCE WELL KNOWN. ALTHOUGH MRS. ALLENDE EXPRESSED UNHAPPINESS WITH US OPPOSITION TO THE CHILE HUMAN RIGHTS RESOLUTION THIS YEAR IN THE UN, SHE SEEMED TO ACKNOWLEDGE THAT THE US HAS IN FACT ADOPTED A CLEAR PUBLIC STAND IN SUPPORT OF CHILE'S RETURN TO DEMOCRACY. END SUMMARY.

2. IPS HAD REQUESTED AN APPOINTMENT FOR MRS. ALLENDE WITH ARA ASSISTANT SECRETARY ELLIOTT ABRAMS, BUT AGREED TO A MEETING INSTEAD WITH CHILE DESK OFFICER JIM SWIGERT. GEORGE LISTER OF HA ALSO PARTICIPATED. MRS. ALLENDE WAS ACCOMPANIED BY HER DAUGHTER ISABEL AND BY AN IPS STAFF MEMBER. SHE INDICATED THAT THIS WAS HER FIRST VISIT TO THE DEPARTMENT OF STATE. FYI: IPS AND THE "WORKING GROUP FOR DEMOCRACY IN CHILE" HAVE ORGANIZED A RECEPTION IN HONOR OF MRS. ALLENDE, WHICH HAS SENATOR HARKIN, AND REPRESENTATIVES BILL ALEXANDER, JOHN CONYERS, RONALD DELLUMS, DON EDWARDS, ROBERT KASTENMEIER, STAN LUNDINE, GEORGE MILLER, PATRICIA SCHROEDER, FORTNEY STARK, TED WEISS, AND GUS YATRON AS CO-SPONSORS. END FYI

3. AFTER EXPRESSING APPRECIATION FOR THE WILLINGNESS TO RECEIVE HER AT THE STATE DEPARTMENT, "EVEN AT THIS LEVEL," MRS. ALLENDE PROCEEDED TO RAISE SEVERAL HUMAN RIGHTS ISSUES. FIRST ON HER LIST WAS THE PROBLEM OF THE CHILEAN EXILES. SHE URGED THE US TO PRESSURE THE CHILEAN.
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PAGE 03 STATE 377355

GOVERNMENT TO ALLOW ALL THOSE EXILED TO RETURN HOME. THE GOC COULD NOT OBJECT, SHE REASONED, SINCE THE EXILES DID NOT POSE A THREAT TO ANYONE. MRS. ALLENDE ALSO RAISED THE RECENT DETENTION OF JESUIT PRIEST RENATO HEVIA, THE EDITOR OF MENSAJE MAGAZINE, WHICH SHE CHARACTERIZED AS AN ARBITRARY DECISION. SHE ASKED THAT THE US INTERVENE WITH THE GOC TO SECURE HIS EARLY RELEASE. IN ADDITION, MRS.

ALLENDE REQUESTED THAT THE US USE ITS INFLUENCE ON BEHALF OF THE LABOR LEADERS ARRESTED FOLLOWING ANTI-GOVERNMENT PROTESTS THIS SEPTEMBER, SEVERAL OF WHOM REMAIN IN JAIL.

4. MRS. ALLENDE SAID THAT THE NATIONAL ACCORD WAS AN EVENT OF MAJOR IMPORTANCE. SHE HAD NOT SIGNED THE ACCORD, "SINCE SHE WAS NOT IN CHILE," BUT SHE SUPPORTED THE INITIATIVE. ALTHOUGH IT "WAS NOT PERFECT," THE ACCORD WAS AN IMPORTANT STEP FORWARD AND REPRESENTED AN ALTERNATIVE TO MORE DEATH AND VIOLENCE, WHICH SHE DID NOT WANT FOR HER COUNTRY. MRS. ALLENDE SAID THAT SHE STRONGLY OPPOSED VIOLENCE AND OPPOSED TERRORISM. SHE EXPRESSED APPRECIATION FOR STATE DEPARTMENT AND CONGRESSIONAL SUPPORT FOR THE ACCORD. SHE OBSERVED THAT THE NEW US AMBASSADOR IN CHILE HAD MADE A FAVORABLE IMPRESSION ON CHILE'S DEMOCRATIC OPPOSITION, NOTING IN PARTICULAR THE STATEMENT HE HAD MADE DURING HIS PRESENTATION OF CREDENTIALS TO THE EFFECT THAT THE ILLS OF DEMOCRACY ARE CURED BY MORE DEMOCRACY. MRS. ALLENDE OBSERVED THAT THE MAJORITY OF CHILEANS WANT DEMOCRACY AND POINTED TO THE "PEACEFUL, ORDERLY" DEMONSTRATION ON NOVEMBER 21 AS PROOF OF THIS. THIS MEETING ATTRACTED THE LARGEST PARTICIPATION OF ANY DEMONSTRATION SINCE THE 1973 COUP. ACCORDING TO MRS. ALLENDE, AT LEAST 500,000 PARTICIPANTS TURNED OUT.

5. SWIGERT RESPONDED BY NOTING THAT THE US STRONGLY SUPPORTED CHILE'S TRANSITION TO DEMOCRACY, AND HAD ATTEMPTED TO MAKE THIS POLICY CLEAR OVER RECENT MONTHS.
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PAGE 04 STATE 377355

HE ADDED THAT THE US WAS CONCERNED ABOUT THE PERSISTENCE OF HUMAN RIGHTS VIOLATIONS IN CHILE, INCLUDING THE EXILE PROBLEM, AND WAS CLOSELY FOLLOWING THE CASES AGAINST THE LABOR LEADERS AND FATHER HEVIA. SWIGERT OBSERVED THAT US EFFORTS TO ASSIST IN SUCH MATTERS WERE NOT ALWAYS VISIBLE PUBLICLY, BECAUSE PUBLICITY COULD BE COUNTERPRODUCTIVE. HE ALSO NOTED THAT THE US ALSO CONSIDERED THE NATIONAL ACCORD A POSITIVE STEP.

6. ISABEL ALLENDE COMMENTED THAT THE ACCORD OFFERED HOPE THAT CHILE COULD AVOID POLARIZATION, BUT ADDED THAT TIME

WAS RUNNING OUT. IT WAS NECESSARY TO CAPTITALIZE QUICKLY ON THE POLITICAL SPACE THE ACCORD HAD WON. SHE NOTED THAT THERE WERE DIVISIONS AMONG THE PARTIES SUPPORTING THE ACCORD AND SAID THIS SHOULD BE EXPECTED FROM SUCH A DIVERSE GROUP. SOME PARTIES STRESSED SOCIAL MOBILIZATION AS THE WAY TO ADVANCE THE ACCORD; OTHERS PUT THE EMPHASIS ON DIALOGUE. RETURNING TO THE DANGER OF POLARIZATION, SHE COMMENTED THAT POVERTY HAD REACHED TERRIBLE PROPORTIONS IN CHILE AND THAT IF THE ACCORD DID NOT SUCCEED SOON IN BRINGING ABOUT NATIONAL RECONCILIATION, PROSPECTS FOR PEACEFUL RESOLUTION OF CHILE'S DIVISIONS WOULD DIMINISH DRASTICALLY. MRS. ALLENDE NODDED AGREEMENT AND THEN ASKED WHY THE US HAD NOT SUPPORTED HUMAN RIGHTS RESOLUTIONS ON CHILE IN THE UN AND OAS.

7. SWIGERT NOTED THAT THE USG WAS ALSO CONCERNED ABOUT THE DANGERS OF POLARIZATION AND THE STATE OF THE CHILEAN ECONOMY, AND FOR THAT REASON HAD SUPPORTED CHILE'S DEBT RESTRUCTURING IN THE INTERNATIONAL FINANCIAL INSTITUTIONS.

8. SWIGERT WENT OVER THE SAME POINTS MADE BY AMBASSADOR BYRNE IN HER EXPLANATION OF THE US VOTE IN THE UN,
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PAGE 05 STATE 377355

STRESSING THE OPPORTUNITY PROVIDED BY THE VOLIO VISIT TO CHILE TO OBTAIN IMPROVEMENTS IN THE AREA OF HUMAN RIGHTS. HE COMMENTED THAT THOSE WHO BELIEVE THE US VOTE IS IMPORTANT COULD HELP THE US TO MODIFY ITS OPPOSITION BY ENCOURAGING A MORE BALANCED RESOLUTION ON CHILE. MRS. ALLENDE DID NOT REPLY DIRECTLY, BUT INSTEAD PREDICTED THAT THE VOTE IN FAVOR OF THE CHILE RESOLUTION WOULD INCREASE WHEN THE RESOLUTION IS VOTED ON IN THE GENERAL ASSEMBLY. SHE MADE NO COMMENT ON SWIGERT'S EXPLANATION THAT US ABSTENTION ON THE CHILE-RELATED PARAGRAPH IN THE OAS OMNIBUS HUMAN RIGHTS RESOLUTION WAS DUE TO THE DEPARTURE FROM RECENT PRECEDENT THAT SUCH COUNTRY-SPECIFIC CRITICISM REPRESENTED.

9. LISTER OBSERVED THAT SUCH EXCHANGES OF VIEWS WERE USEFUL. REFERRING TO MRS. ALLENDE'S EARLIER COMMENTS OPPOSING VIOLENCE, LISTER ASKED IF THESE VIEWS WERE WELL KNOWN IN CHILE AND URGED THAT SHE STATE HER OPPOSITION

PUBLICLY. ISABEL ALLENDE REPLIED FOR HER MOTHER, INDICATING THAT MRS. ALLENDE HAD SPOKEN OUT ON THIS ISSUE PUBLICLY AND PROMISED TO FORWARD DESK OFFICER NEWSPAPER REPORTS OF SUCH STATEMENTS. AS MEETING CLOSED, DEPTOFFS REITERATED THE IMPORTANCE OF MAKING THIS OPPOSITION TO VIOLENCE WELL KNOWN.

10. COMMENT. THIS MEETING WAS MOST NOTEWORTHY FOR WHAT MRS. ALLENDE DID NOT SAY. ALTHOUGH SHE WAS CRITICAL OF US VOTES ON CHILE HUMAN RIGHTS RESOLUTIONS THIS YEAR, SHE DID NOT FAULT THE US FOR FAILURE TO ENCOURAGE CHILE'S RETURN TO DEMOCRACY AND SEEMED TO ACKNOWLEDGE THAT THE US HAS ADOPTED A CLEAR PUBLIC STAND IN FAVOR OF A DEMOCRATIC TRANSITION. WHITEHEAD

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PAGE 01 OF 02 SAN SA 16035 00 OF 02 130151Z 2840 ARA0194
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E.O. 12356: N/A
TAGS: PGOV, PINS, PHUM, ES
SUBJECT: DECEMBER 8, 1985, HOMILY BY BISHOP ROSA CHAVEZ

1. SUMMARY

IN HIS HOMILY OF DECEMBER 8, 1985, AUXILIARY BISHOP GREGORIO ROSA CHAVEZ DECRIED SANDINISTA OPPRESSION OF THE NICARAGUA CHURCH AND THE CENSORING IN NICARAGUA OF THE POPE'S LETTER TO THE NICARAGUAN BISHOPS. ROSA CALLED ON THE FMLN GUERRILLAS TO RELEASE THE SALVADORAN MUNICIPAL OFFICIALS THEY ARE STILL HOLDING AND EXPRESSED HIS CONCERN THAT THEY MIGHT HAVE BEEN EXECUTED. HE SPOKE OF A POSITIVE MEETING HE HELD WITH SALVADORAN POLICE OFFICIALS REGARDING HUMAN RIGHTS MATTERS. IN ADDITION, BISHOP ROSA REPORTED ON THE WEEK'S VIOLENCE STATISTICS, AND SPOKE APPROVINGLY OF THE NATIONAL UNIVERSITY'S "DIALOGUE AND PEACE" FORUM BEING HELD DECEMBER 9-13. END SUMMARY.

2. THE NICARAGUAN CHURCH

ROSA CHAVEZ STATED THAT ARCHBISHOP RIVERA'S CONCERN OVER THE SITUATION OF THE CHURCH IN NICARAGUA IS SHARED BY THE REST OF THE CENTRAL AMERICAN BISHOPS. "HE EXPRESSED THIS CONCERN AT THE HIGHEST LEVEL DURING THE SYNOD PRESENTLY TAKING PLACE IN ROME," CONTINUED ROSA. "POPE JOHN PAUL II HAS PUBLICIZED AN OPEN LETTER ADDRESSED TO THE NICARAGUAN BISHOPS. IN IT THE HOLY FATHER REFERS TO THE INTIMIDATION AND TAUNTS THAT THE NICARAGUAN CHURCH HAS HAD TO ENDURE DUE TO THE DIFFERENT OBSTACLES THE SANDINISTA REGIME HAS PLACED IN THE WAY OF ITS PASTORAL MISSION. THE CATHOLICS OF THIS SUFFERING COUNTRY HAVE NOT BEEN ABLE TO READ THE LETTER BECAUSE THE GOVERNMENT HAS FORBIDDEN ITS PUBLICATION IN THE NEWSPAPER 'LA PRENSA' THIS WEEKEND. HOW DO YOU LIKE THAT? EVEN THE POPE IS SUBJECT TO CENSORSHIP."

RELEASED
El Salvador: Human Rights
Special Project (1993)

Department of State IB/FPC/CDR El Salvador SP Date 9/21/93
Declassified under E.O 12356 ( ) in full; ( ) in part;
portions withheld: classified ( ); deliberative ( );
law enforcement ( ); privacy ( ), statutory ( );
not relevant to El Salvador ( ).

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3. INTERVIEW WITH THE VICE-MINISTER OF PUBLIC SAFETY AND THE DIRECTORS OF THE SECURITY FORCES

"...DUE TO MY COMMENTS REGARDING SOME ANOMALIES REPORTED ABOUT ACTIVITIES IN THE SECURITY FORCES, I WAS INVITED TO A MEETING WITH HIGH MILITARY OFFICIALS. [redacted] THE [redacted] AN INVESTIGATION OF [redacted] AND [redacted] DISCUSSED THE SUBJECT WITH THE VICE-MINISTER OF [redacted] AND THE DIRECTORS GENERAL OF THE [redacted] TREASURY POLICE AND NATIONAL POLICE. HE [redacted] ASSURED [redacted] THAT [redacted] HE [redacted] THAT [redacted] THE [redacted] HAVE [redacted] THE [redacted] OF [redacted] AND [redacted] ITS [redacted] OF [redacted] ITS [redacted] OF [redacted] ITS [redacted] OF

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El Salvador: Human Rights
Special Project (1993)

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PAGE 02 OF 02 SAN SA 16835 00 OF 02 130151Z 2848 ARA0194

7. COMMENT: IN REPORTING THE VIOLENCE STATISTICS, ROSA CHAVEZ AND THE ARCHBISHOP PREVIOUSLY HAVE ALWAYS REFERRED TO "DEATH SQUAD KILLINGS." [redacted] THE F[redacted]H T[redacted] THIS CHANGE IN TERMINOLOGY, IF CONTINUED, REPRESENTS NEW CAUTION IN ATTRIBUTING RESPONSIBILITY FOR ALLEGED POLITICAL MURDERS.

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PAGE 01 USUN N 03820 01 OF 06 132344Z
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AMEMBASSY SANTO DOMINGO
AMEMBASSY STOCKHOLM

Chile Project (#S199900030)
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UNCLAS SECTION 01 OF 06 USUN NEW YORK 03820

E.O. 12356: N/A
TAGS: UNGA, PHUM, PREL, CI,
SUBJECT: 40TH UNGA: THIRD COMMITTEE: ADOPTION OF
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PAGE 02 USUN N 03820 01 OF 06 132344Z

RESOLUTION ON HUMAN RIGHTS IN CHILE (ITEM 12)

REF: (A) SANTIAGO 8688, (B) STATE 371973,
(C) USUN 3660, (D) STATE 370293, (E) USUN 3629
(ALL REFS NOTAL)

1. THIRD COMMITTEE ADOPTED DRAFT RESOLUTION A/C.3/40/L.81 ON HUMAN RIGHTS IN CHILE EARLY AM DECEMBER 7 BY VOTE OF 82-9(U.S.)-38. AS INDICATED REFTELS, U.S. ONCE AGAIN VOTED AGAINST THE CHILE RESOLUTION BECAUSE IT DID NOT REFLECT SIGNIFICANT IMPROVEMENTS OVER THE 1984 RESOLUTION ON THIS SUBJECT. DESPITE OUR CLOSE CONTACTS WITH CHILEAN HUMAN RIGHTS GROUPS AND EARLY CONSULTATIONS WITH POTENTIAL SOURCES OF MODERATION, COSPONSORS (LED BY MEXICO) WERE UNWILLING TO MAKE MAJOR CHANGES IN THE TEXT WHICH WOULD HAVE PROVIDED SUPPORT FOR SPECIAL RAPPORTEUR FERNANDO VOLIO AND ALLOWED U.S. TO CHANGE OUR NEGATIVE VOTE TO AT LEAST AN ABSTENTION. TEXT OF U.S. EXPLANATION OF VOTE IS IN PARA 2, VOTING RESULT IS IN PARA 3, AND FINAL TEXT IS IN PARA 4.

2. TEXT OF EXPLANATION OF VOTE ON DRAFT RESOLUTION A/C.3/40/L.81 DELIVERED BY AMBASSADOR PATRICIA M. BYRNE IN THIRD COMMITTEE, DECEMBER 7, 1985:

MR. CHAIRMAN, I HAVE BEEN INSTRUCTED TO MAKE THIS EXPLANATION AT THE SAME TIME WE VOTE AGAINST THE RESOLUTION ON HUMAN RIGHTS IN CHILE.

MY GOVERNMENT HAD HOPED TO FIND IT POSSIBLE TO CHANGE OUR VOTE ON THIS YEAR'S RESOLUTION ON CHILE.

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PAGE 03 USUN N 03820 01 OF 06 132344Z

IN ANTICIPATION OF THIS VOTE, WE BEGAN CONSULTING WITH INTERESTED PARTIES WEEKS AGO IN THE HOPE THAT A MORE BALANCED RESOLUTION WOULD BE SUBMITTED REFLECTING THE REAL SITUATION IN CHILE, AND TAKING ACCOUNT OF ALL THE SERIOUS HUMAN RIGHTS PROBLEMS THAT EXIST, BUT WITHOUT THE RHETORIC, HYPERBOLE AND POLITICAL COMMENTARY WHICH HAD CHARACTERIZED PREVIOUS RESOLUTIONS.

IT IS WITH DISAPPOINTMENT, THEN, THAT WE CAST THIS NEGATIVE VOTE, FOR THE UNITED STATES IS COMMITTED TO FOSTERING IMPROVEMENTS IN THE OBSERVANCE OF BASIC HUMAN RIGHTS AND IS DEEPLY CONCERNED ABOUT THE HUMAN RIGHTS SITUATION IN CHILE. WE HAD HOPED THAT THE RESOLUTION ON CHILE WOULD OPENLY COMMEND THE CONSTRUCTIVE PRELIMINARY REPORT OF THE SPECIAL RAPPORTEUR AND RECOGNIZE IN MUCH MORE CERTAIN TERMS THOSE POSITIVE DEVELOPMENTS THAT HAVE OCCURRED IN CHILE SINCE THE SPECIAL RAPPORTEUR ASSUMED HIS DUTIES LAST WINTER, WHEN A STATE OF SIEGE WAS STILL IN EFFECT. MY GOVERNMENT BELIEVES THAT THE DECISION OF THE CHILEAN GOVERNMENT TO COOPERATE THIS YEAR FOR THE FIRST TIME WITH THE SPECIAL RAPPORTEUR IS SO IMPORTANT PRECISELY BECAUSE THIS MISSION PROVIDES AN OPPORTUNITY TO BRING ABOUT GENUINE IMPROVEMENTS ON OUR CONCERNS OVER HUMAN RIGHTS IN CHILE. CHILEAN GOVERNMENT AUTHORITIES HAVE PROVIDED ASSURANCES THAT THE SPECIAL RAPPORTEUR WILL BE FREE TO CONDUCT HIS UPCOMING VISIT TO CHILE AS HE WISHES. IN ADDITION, WE UNDERSTAND THAT THE CHILEAN GOVERNMENT IS PREPARED TO CONSIDER THE RECOMMENDATIONS CONTAINED IN HIS PRELIMINARY REPORT. THESE RECOMMENDATIONS ADDRESS IN A SERIOUS AND CONSTRUCTIVE MANNER HUMAN RIGHTS PROBLEMS IN CHILE. ALL PRESENT MUST BE AWARE THAT IN HIS REPORT THE RAPPORTEUR:

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PAGE 01 USUN N 03820 02 OF 06 132345Z

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TO SECSTATE WASHDC 1758
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AMEMBASSY MEXICO
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AMEMBASSY PARIS
AMEMBASSY QUITO
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AMEMBASSY SANTO DOMINGO
AMEMBASSY STOCKHOLM

UNCLAS SECTION 02 OF 06 USUN NEW YORK 03820

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PAGE 02 USUN N 03820 02 OF 06 132345Z

-- RECOMMENDED BROADENING THE PARTICIPATION IN
DISCUSSIONS ON THE BASIS FOR A RESTORATION OF

DEMOCRACY IN CHILE;

-- CALLED UPON THE GOVERNMENT OF CHILE TO ACT ON ALLEGATIONS OF TORTURE AND AGAINST THOSE WHO VIOLATE HUMAN RIGHTS, AND RECOMMENDED AN IN-DEPTH REORGANIZATION OF THE POLICE;

-- ASKED FOR A RESOLUTION OF THE EXILE PROBLEM, REINVIGORATION OF THE JUDICIAL SYSTEM AND COMBATTING OF TERRORISM THROUGH REASONABLE ENFORCEMENT OF EXISTING LEGISLATION;

-- CALLED FOR AN END TO THE PRACTICE OF ISSUING JUDGMENTS OF INTERNAL EXILE BY ADMINISTRATIVE DECREE AND ASKED THAT THE GOVERNMENT LET THE JUDICIAL SYSTEM REVIEW SUCH CASES; AND

-- CALLED ON THE CHILEAN GOVERNMENT TO ENSURE SECURITY FOR ALL THOSE INVOLVED IN CHILE IN CHURCH AND HUMAN RIGHTS WORK, WHO HAVE RECENTLY BEEN SUBJECTED TO A SERIES OF UNSOLVED ASSAULTS.

THE FACT THAT THESE RECOMMENDATIONS ARE NEEDED ILLUSTRATES THE SERIOUS HUMAN RIGHTS PROBLEMS THAT EXIST TODAY IN CHILE. IT IS THE HOPE OF MY GOVERNMENT THAT THE GOVERNMENT OF CHILE ADOPTS ALL OF THESE RECOMMENDATIONS AND SEES TO THEIR PROMPT AND FULL IMPLEMENTATION.

CHILEAN AUTHORITIES COULD BEST SIGNAL THEIR INTENTION
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PAGE 03 USUN N 03820 02 OF 06 132345Z

TO DO SO BY TAKING EFFECTIVE AND PROMPT ACTIONS TO PUT AN END TO TORTURE BY SECURITY FORCES IN CHILE. TORTURE IS PERHAPS THE MOST EGREGIOUS ABUSE OF HUMAN RIGHTS THAT OCCURS IN CHILE AND MUST BE ENDED.

IT WAS OUR HOPE THAT THE VISIT TO CHILE BY THE SPECIAL RAPPORTEUR AND THE WILLINGNESS OF THE CHILEAN GOVERNMENT TO CONSIDER HIS RECOMMENDATIONS WOULD PROVIDE A WELCOME OPPORTUNITY FOR THIS BODY TO ENCOURAGE SUCH PROGRESS ON HUMAN RIGHTS. WE REGRET

THAT, INSTEAD, THE PRESENT RESOLUTION WILL PLAY INTO THE HANDS OF THOSE IN CHILE WHO ARGUE THAT INTERNATIONAL CONSIDERATION OF HUMAN RIGHTS IN CHILE IS DISCRIMINATORY AND WHO ASSERT THAT THERE IS NOTHING TO BE GAINED BY COOPERATING ON SUCH MATTERS, A REACTION THAT ONLY WORKS AGAINST THE PURPOSE OF THE SPECIAL RAPPORTEUR'S VISIT.

WHILE WE OPPOSE THIS PARTICULAR RESOLUTION ON HUMAN RIGHTS IN CHILE, ABSENT A MAJOR CHANGE IN THE HUMAN RIGHTS SITUATION IN THAT COUNTRY, MY GOVERNMENT FAVORS THE RENEWAL OF THE MANDATE OF THE SPECIAL RAPPORTEUR BY THE HUMAN RIGHTS COMMISSION AT ITS NEXT MEETING AND COMMENDS MR. VOLIO FOR HIS VERY EFFECTIVE WORK TO DATE. THANK YOU, MR. CHAIRMAN.

3. RESULTS OF THIRD COMMITTEE VOTING ON DRAFT RESOLUTION A/C.3/40/L.81:

YES: AFGHANISTAN, ALBANIA, ALGERIA, ANGOLA, ANTIGUA/BARBUDA, ARGENTINA, AUSTRALIA, AUSTRIA, BAHRAIN, BARBADOS, BELGIUM, BENIN, BOTSWANA, BULGARIA, BURKINA FASO, BURUNDI, BYELORUSSIAN S.S.R., CANADA,

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PAGE 01 USUN N 03820 03 OF 06 132346Z
ACTION IO-16

INFO LOG-00 COPY-01 ADS-00 AID-00 INR-10 EUR-00 SS-00

OIC-02	AF-00	CIAE-00	DODE-00	H-01	NEA-07	NSC-01
ARA-00	NSAE-00	HA-08	L-03	PM-10	EAP-00	PA-02
OMB-01	USIE-00	SP-02	SNP-01	PRS-01	SLPD-01	/067 W

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R 132328Z DEC 85
FM USMISSION USUN NEW YORK
TO SECSTATE WASHDC 1759
AMEMBASSY BOGOTA
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USMISSION GENEVA
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AMEMBASSY SANTIAGO
AMEMBASSY SANTO DOMINGO
AMEMBASSY STOCKHOLM

UNCLAS SECTION 03 OF 06 USUN NEW YORK 03820

E.O. 12356: N/A
TAGS: UNGA, PHUM, PREL, CI,
SUBJECT: 40TH UNGA: THIRD COMMITTEE: ADOPTION OF
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PAGE 02 USUN N 03820 03 OF 06 132346Z

CONGO, COSTA RICA, CUBA, CYPRUS, CZECHOSLOVAKIA,
DEMOCRATIC YEMEN, DENMARK, DOMINICAN REPUBLIC,
ETHIOPIA, FINLAND, FRANCE, GAMBIA, GERMAN D.R.,
GERMANY, F.R., GHANA, GREECE, GUINEA, GUYANA, HUNGARY,
ICELAND, INDIA, IRELAND, ITALY, JAMAICA, KENYA,

KUWAIT, LAOS, LESOTHO, LIBYAN A.J., LUXEMBOURG, MALDIVES, MALI, MAURITANIA, MEXICO, MONGOLIA, MOZAMBIQUE, NETHERLANDS, NEW ZEALAND, NICARAGUA, NORWAY, POLAND, PORTUGAL, QATAR, ROMANIA, RWANDA, SAMOA, SENEGAL, SPAIN, SRI LANKA, SWEDEN, TOGO, TUNISIA, UGANDA, UKRAINIAN S.S.R., U.S.S.R., U.A. EMIRATES, UNITED KINGDOM, U.R. TANZANIA, URUGUAY, VENEZUELA, VIET NAM, YUGOSLAVIA, ZAMBIA, ZIMBABWE.
NO: CHILE, EL SALVADOR, GUATEMALA, INDONESIA, MOROCCO, PAKISTAN, PARAGUAY, THAILAND, UNITED STATES.

ABSTAIN: BAHAMAS, BRAZIL, BRUNEI, BURMA, CAMEROON, CENTRAL AFRICAN REPUBLIC, CHAD, CHINA, COLOMBIA, DEMOCRATIC KAMPUCHEA, ECUADOR, EGYPT, GABON, GRENADA, HONDURAS, IVORY COAST, JAPAN, JORDAN, MALAYSIA, NEPAL, NIGER, NIGERIA, OMAN, PANAMA, PAPUA NEW GUINEA, PERU, PHILIPPINES, ST. VINCENT-GRENADINES, SAUDI ARABIA, SINGAPORE, SOMALIA, SUDAN, SURINAME, SWAZILAND, TRINIDAD-TOBAGO, TURKEY, YEMEN, ZAIRE.

4. TEXT OF DRAFT RESOLUTION A/C.3/40/L.81:

THE GENERAL ASSEMBLY,

AWARE OF ITS RESPONSIBILITY TO PROMOTE AND ENCOURAGE RESPECT FOR HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS FOR ALL, AND DETERMINED TO REMAIN VIGILANT WITH REGARD TO
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PAGE 03 USUN N 03820 03 OF 06 132346Z

VIOLATIONS OF HUMAN RIGHTS WHEREVER THEY OCCUR,

NOTING THE OBLIGATION OF THE CHILEAN AUTHORITIES TO RESPECT AND PROTECT HUMAN RIGHTS IN ACCORDANCE WITH THE INTERNATIONAL INSTRUMENTS TO WHICH CHILE IS A PARTY,

HAVING IN MIND THAT THE CONCERN OF THE INTERNATIONAL COMMUNITY AT THE SITUATION OF HUMAN RIGHTS IN CHILE WAS EXPRESSED BY THE GENERAL ASSEMBLY IN ITS RESOLUTIONS 3219 (XXIX) OF 6 NOVEMBER 1974, 3448 (XXX) OF 9 DECEMBER 1975, 31/124 OF 16 DECEMBER 1976, 32/118 OF 16 DECEMBER 1977, 33/175 OF 20 DECEMBER 1978,

34/179 OF 17 DECEMBER 1979, 35/188 OF 15 DECEMBER 1980, 36/157 OF 16 DECEMBER 1981, 37/183 OF 17 DECEMBER 1982, 38/102 OF 16 DECEMBER 1983 AND 39/121 OF 14 DECEMBER 1984, AS WELL AS IN ITS RESOLUTION 33/173 OF 20 DECEMBER 1978 ON DISAPPEARED PERSONS,

RECALLING THE RESOLUTIONS OF THE COMMISSION ON HUMAN RIGHTS, IN PARTICULAR RESOLUTION 1985/47 OF 14 MARCH 1985 IN WHICH THE COMMISSION DECIDED, INTER ALIA, TO EXTEND THE MANDATE OF THE SPECIAL RAPPORTEUR FOR A YEAR AND TO CONSIDER THE QUESTION AS A MATTER OF HIGH PRIORITY IN VIEW OF THE INCREASE IN SERIOUS VIOLATIONS OF HUMAN RIGHTS IN CHILE,

CONSIDERING THAT THE SPECIAL RAPPORTEUR PROPOSES TO SUBMIT TO THE COMMISSION ON HUMAN RIGHTS AT ITS FORTY-SECOND SESSION A DEFINITIVE REPORT ON THE SITUATION OF HUMAN RIGHTS IN CHILE,

CONSIDERING ALSO THE PUBLIC AND NOTORIOUS CHARACTER OF MANY OF THE DEEDS WHICH CONSTITUTE SERIOUS AND

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PAGE 01 USUN N 03820 04 OF 06 132346Z
ACTION IO-16

INFO	LOG-00	COPY-01	ADS-00	AID-00	INR-10	EUR-00	SS-00
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FM USMISSION USUN NEW YORK
TO SECSTATE WASHDC 1760
AMEMBASSY BOGOTA
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AMEMBASSY ROME
AMEMBASSY SANTIAGO
AMEMBASSY SANTO DOMINGO
AMEMBASSY STOCKHOLM

UNCLAS SECTION 04 OF 06 USUN NEW YORK 03820

E.O. 12356: N/A
TAGS: UNGA, PHUM, PREL, CI,
SUBJECT: 40TH UNGA: THIRD COMMITTEE: ADOPTION OF
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PAGE 02 USUN N 03820 04 OF 06 132346Z

SYSTEMATIC VIOLATIONS OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN CHILE,

DEPLORING ONCE AGAIN THE FACT THAT THE REPEATED APPEALS OF THE GENERAL ASSEMBLY, THE COMMISSION ON HUMAN RIGHTS AND OTHER INTERNATIONAL ORGANS TO RE-ESTABLISH HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS HAVE BEEN IGNORED BY THE CHILEAN AUTHORITIES,

CONSIDERING FURTHER, INTER ALIA, THE RECENT REPORTS, RESOLUTIONS AND CONCLUSIONS OF THE HUMAN RIGHTS COMMITTEE, THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES AND THE INTERNATIONAL LABOUR ORGANISATION, AS WELL AS THE CHILEAN HUMAN RIGHTS COMMITTEE AND THE VICARIA DE LA SOLIDARIDAD OF THE CATHOLIC CHURCH IN CHILE,

RECOGNIZING THE IMPORTANCE OF THE FACT THAT THE CHILEAN AUTHORITIES HAVE ANNOUNCED THEIR INTENTION TO PERMIT THE ENTRY INTO CHILE OF THE SPECIAL RAPPPORTEUR IN THE EXERCISE OF HIS MANDATE TO INVESTIGATE THE SITUATION OF HUMAN RIGHTS IN THAT COUNTRY,

- 1. TAKES NOTE OF THE PRELIMINARY REPORT OF THE SPECIAL RAPPORTEUR ON THE SITUATION OF HUMAN RIGHTS IN CHILE, SUBMITTED IN ACCORDANCE WITH RESOLUTION 1985/47 OF THE COMMISSION ON HUMAN RIGHTS;

- 2. ONCE AGAIN EXPRESSES ITS DISMAY AT THE SUPPRESSION IN CHILE OF THE TRADITIONAL DEMOCRATIC LEGAL ORDER AND ITS INSTITUTIONS AND THEIR REPLACEMENT BY A CONSTITUTION WHICH DOES NOT REFLECT THE WILL OF
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PAGE 03 USUN N 03820 04 OF 06 132346Z

THE PEOPLE FREELY EXPRESSED AND FUNDAMENTAL FREEDOMS THROUGH THE INSTITUTIONALIZATION AND CONSOLIDATION OF STATES OF EMERGENCY AND THE EXTENSION OF THE JURISDICTION OF THE MILITARY TRIBUNALS, ALL OF WHICH AMOUNTS TO AN INTEGRATED SYSTEM NEGATING CIVIL AND POLITICAL RIGHTS AND FREEDOMS;

- 3. EXPRESSES ITS INDIGNATION AT THE PERSISTENCE OF SERIOUS AND SYSTEMATIC VIOLATIONS OF HUMAN RIGHTS IN CHILE, IN PARTICULAR THE SUPPRESSION OF ACTS OF SOCIAL PROTEST WHICH HAS CAUSED A CONSIDERABLE NUMBER OF DEATHS AND INJURIES AND MASS AND INDIVIDUAL ARRESTS, AT THE INTIMIDATION OF NATIONAL HUMAN RIGHTS ORGANIZATIONS, AT THE FREQUENT REPORTS OF TORTURE AND ILL-TREATMENT, AND AT THE TREACHEROUS CRIMES IN WHICH THE POLICE FORCES ARE JUDICIALLY IMPLICATED;

- 4. REITERATES ITS ALARM AT THE FACT THAT, IN GENERAL, THE ARBITRARY OR IMPROPER ACTIONS OF THE STATE POLICE AND SECURITY AGENCIES CONTINUE TO GO UNPUNISHED;

- 5. REITERATES ITS CONCERN AT THE INEFFECTIVENESS OF THE REMEDIES OF HABEAS CORPUS OR OF AMPARO AND OF PROTECTION, OWING TO THE FACT THAT THE JUDICIARY, NOTWITHSTANDING SOME POSITIVE ACTIONS IN THIS FIELD, DOES NOT ALWAYS EXERCISE ITS POWERS OF INVESTIGATION, MONITORING AND SUPERVISION IN THIS RESPECT, AND PERFORMS ITS FUNCTIONS UNDER SEVERE RESTRICTIONS WHICH UNDERMINE ITS INDEPENDENCE;

- 6. ONCE AGAIN CALLS URGENTLY ON THE CHILEAN AUTHORITIES TO RESTORE AND RESPECT HUMAN RIGHTS IN ACCORDANCE WITH THE OBLIGATIONS THEY HAVE ASSUMED

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PAGE 01 USUN N 03820 05 OF 06 132347Z
ACTION IO-16

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TO SECSTATE WASHDC 1761
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AMEMBASSY SANTO DOMINGO
AMEMBASSY STOCKHOLM

UNCLAS SECTION 05 OF 06 USUN NEW YORK 03820

E.O. 12356: N/A
TAGS: UNGA, PHUM, PREL, CI,
SUBJECT: 40TH UNGA: THIRD COMMITTEE: ADOPTION OF
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PAGE 02 USUN N 03820 05 OF 06 132347Z

UNDER VARIOUS INTERNATIONAL INSTRUMENTS, AND TO
RE-ESTABLISH THE PRINCIPLE OF LEGALITY, AND
FUNDAMENTAL FREEDOMS, AND IN PARTICULAR:

- (A) TO PUT AN END NOT ONLY TO THE STATE OF
SEIGE, AS WAS DONE IN JUNE 1985, BUT ALSO IN THE
REGIME OF EXCEPTION AND ESPECIALLY THE PRACTICE OF
DECLARING "CONSTITUTIONAL STATES OF EMERGENCY" UNDER
WHICH SERIOUS AND CONTINUING VIOLATIONS OF HUMAN
RIGHTS ARE COMMITTED;

- (B) TO INVESTIGATE AND CLARIFY WITHOUT DELAY THE FATE OF PERSONS WHO WERE ARRESTED FOR POLITICAL REASONS AND LATER DISAPPEARED, TO ASSIST AND INFORM THEIR FAMILIES OF THE RESULTS OF SUCH INVESTIGATION AND TO BRING TO TRIAL AND PUNISH THOSE RESPONSIBLE FOR THEIR DISAPPEARANCE;

- (C) TO RESPECT THE RIGHT TO LIFE AND THE RIGHT TO PHYSICAL AND MORAL INTEGRITY BY PUTTING AN END TO THE PRACTICE OF TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT AND TO PUT AN IMMEDIATE END TO INTIMIDATION AND PERSECUTION AS WELL AS TO KIDNAPPINGS, ARBITRARY OR ABUSIVE DETENTION AND IMPRISONMENT IN SECRET PLACES;

- (D) TO RESPECT THE RIGHT OF NATIONALS TO LIVE IN AND FREELY ENTER AND LEAVE THEIR COUNTRY, WITHOUT ARBITRARY RESTRICTIONS OR CONDITIONS, AND TO CEASE THE PRACTICES OF RELEGACION (ASSIGNMENT TO FORCED RESIDENCE) AND FORCED EXILE;

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PAGE 03 USUN N 03820 05 OF 06 132347Z

- (E) TO RESTORE THE FULL ENJOYMENT AND EXERCISE OF LABOUR RIGHTS, INCLUDING THE RIGHT TO ORGANIZE TRADE UNIONS, THE RIGHT TO COLLECTIVE BARGAINING AND THE RIGHT TO ORGANIZE TRADE UNIONS, THE RIGHT TO COLLECTIVE BARGAINING AND THE RIGHT TO STRIKE, AND TO PUT AN END TO THE SUPPRESSION OF THE ACTIVITIES OF TRADE UNION LEADERS AND THEIR ORGANIZATIONS AND COMPLY WITH THE PROVISIONS OF THE INTERNATIONAL AGREEMENTS OF THE INTERNATIONAL LABOUR ORGANISATION TO WHICH CHILE HAS SUBSCRIBED;

- (F) TO RESPECT AND, WHERE NECESSARY, RESTORE ECONOMIC, SOCIAL AND CULTURAL RIGHTS, IN PARTICULAR THE RIGHTS INTENDED TO PRESERVE THE CULTURAL IDENTITY AND IMPROVE THE ECONOMIC AND SOCIAL STATUS OF THE INDIGENOUS POPULATIONS, INCLUDING THE RIGHT TO THEIR LAND;

- 7. CONCLUDES, ON THE BASIS OF THE PROVISIONAL

REPORT OF THE SPECIAL RAPPORTEUR AND OF OTHER DATA AT ITS DISPOSAL, THAT IT IS NECESSARY TO CONTINUE TO MONITOR THE HUMAN RIGHTS SITUATION IN CHILE;

- 8. DECLARES ITS CONVICTION THAT AN UNRESTRICTED, IN SITU INVESTIGATION OF THE HUMAN RIGHTS SITUATION IN CHILE REQUIRES THAT THE SPECIAL RAPPORTEUR, IN FULFILMENT OF HIS MANDATE SHOULD HAVE ACCESS TO ALL THE INFORMATION AND DATA WHICH COULD BE PROVIDED BY THOSE PERSONS AND BODIES THAT ARE INTERESTED IN THE FATE OF HUMAN RIGHTS IN CHILE;

- 9. REQUESTS THE CHILEAN AUTHORITIES TO CO-OPERATE MORE FULLY WITH THE SPECIAL RAPPORTEUR AND TO SUBMIT THEIR COMMENTS ON HIS REPORT TO THE COMMISSION ON HUMAN RIGHTS AT ITS FORTY-SECOND SESSION;

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PAGE 04 USUN N 03820 05 OF 06 132347Z

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PAGE 01 USUN N 03820 06 OF 06 132348Z
ACTION IO-16

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OMB-01 USIE-00 SP-02 SNP-01 PRS-01 SLPD-01 /067 W
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R 132328Z DEC 85
FM USMISSION USUN NEW YORK
TO SECSTATE WASHDC 1762
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AMEMBASSY SANTO DOMINGO
AMEMBASSY STOCKHOLM

UNCLAS SECTION 06 OF 06 USUN NEW YORK 03820

E.O. 12356: N/A
TAGS: UNGA, PHUM, PREL, CI,
SUBJECT: 40TH UNGA: THIRD COMMITTEE: ADOPTION OF UNCLASSIFIED

UNCLASSIFIED

PAGE 02 USUN N 03820 06 OF 06 132348Z

- 10. INVITES THE COMMISSION ON HUMAN RIGHTS AT ITS FORTY-SECOND SESSION TO PROCEED TO AN IN-DEPTH CONSIDERATION OF THE REPORT OF THE SPECIAL RAPPORTEUR AND, TAKING ACCOUNT OF ALL THE RELEVANT INFORMATION AT ITS DISPOSAL, TO ADOPT THE MOST APPROPRIATE MEASURES FOR THE EFFECTIVE RESTORATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN CHILE, INCLUDING THE MAINTENANCE OF THE SPECIAL RAPPORTEUR, AND REQUESTS THE COMMISSION TO REPORT TO THE GENERAL ASSEMBLY AT ITS FORTY-FIRST SESSION, THROUGH THE ECONOMIC AND SOCIAL COUNCIL.
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Department of State

TELEGRAM

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PAGE 01 GUATEM 12815 131731Z 1888
ACTION ARA-08

INFO LOG-00 COPY-01 ADS-00 INR-10 SS-00 OIC-02 CIAE-00
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R 131638Z DEC 85
FM AMEMBASSY GUATEMALA
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INFO AMEMBASSY MANAGUA
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AMEMBASSY TEGUCIGALPA
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UNCLAS GUATEMALA 12815

E.O. 12356 N/A
TAGS: PHUM, GT
SUBJ: LAST PBI MEMBER ON EXPULSION ORDER LEAVES GUATEMALA

REF: (A) GUATEMALA 11971 (B) GUATEMALA 12088
(C) GUATEMALA 12454

JEAN ABBOT, ONE OF THE PEACE BRIGADES INTERNATIONAL (PBI) MEMBERS ASKED TO LEAVE THE COUNTRY BY THE GOG, LEFT GUATEMALA AS PLANNED ON FRIDAY, DECEMBER 6. THE FOLLOWING DAY, DECEMBER 7, SHE PUBLISHED AN "OPEN LETTER TO ALL GUATEMALANS IN THE GUATEMALA DAILY, "EL GRAFICO". THE LETTER READS AS FOLLOWS:

"I, JEAN ABBOT, WITH NORTH AMERICAN PASSPORT NUMBER B 2119479 AND A MEMBER OF THE PEACE BRIGADES INTERNATIONAL HAVE BEEN ACCUSED BY THE DIRECTOR OF IMMIGRATION OF PUBLICLY ACTING CONTRARY TO THE LAWS OF THIS COUNTRY BY PARTICIPATING IN INTERNAL AFFAIRS, SPECIFICALLY IN THE ACTIVITIES OF THE MUTUAL SUPPORT GROUP (GAM).

"ALONG WITH ME, HE HAS ACCUSED SIX COMPANIONS OF PBI, REQUESTING THAT WE ABANDON THE COUNTRY FOR SOME TIME.

"FOR THIS REASON, AND BEFORE I ABANDON THIS COUNTRY, I WANT TO RESPOND TO THE ACCUSATIONS: I CAME TO GUATEMALA IN JULY 1985 (A NON-PARTISAN NON-POLITICAL GROUP WHOSE ASPIRATION IS TO PROMOTE NON-VIOLENCE AS A STRATEGY TO ACHIEVE JUSTICE). MY SPECIFIC ROLE WAS TO ACT AS COORDINATOR FOR THE INTERNATIONALISTS WHO CAME TO GUATEMALA TO BE OBSERVERS OF GAM IN THE SEARCH FOR THEIR MISSING RELATIVES. THESE OBSERVERS HOPED THAT AN INTERNATIONAL PRESENCE WOULD GIVE THE GAM MORE SECURITY WHILE REALIZING THEIR LABOR OF SEARCHING FOR THE DISAPPEARED, WHICH IS A BRAVE EFFORT ON BEHALF OF HUMAN LIFE.

"I WANT TO MAKE CLEAR THAT NEITHER I NOR ANY OF THE PBI MEMBERS EXPELLED FROM THE COUNTRY HAVE PARTICIPATED IN ACTIONS CONTRARY TO THE LAWS OF THIS COUNTRY, NOR CONTRARY TO OUR INTERNATIONAL ENTITY. WE DESIRE THAT OUR LABOR HERE BE A DIGNIFIED REPRESENTATION OF ALL THE MEN AND WOMEN WHO, IN ALL PARTS OF THE WORLD, WORK UNTIRINGLY, EVEN RISKING THEIR LIVES, CONVINCED OF THE HIGH VALUE OF LIFE AND OF HUMAN DIGNITY.

"FOR ME AND MY COMPANIONS, IT HAS BEEN A GREAT HONOR TO BE ABLE TO SERVE AS INTERNATIONAL OBSERVERS FOR THE GAM, A GROUP THAT REALIZES A BRAVE AND MERITORIOUS LABOR IN THE SERVICE OF ALL GUATEMALANS IN ITS STRUGGLE FOR DEMOCRACY, AND IS AN EXAMPLE OF COURAGE, LOVE, AND DEDICATION FOR ALL THE WORLD THAT IS CONVINCED OF THE PRIMACY OF HUMAN LIFE.
"IN MY NAME, AND THE NAMES OF MY COMPANIONS, I THANK ALL THE PEOPLE WHO HAVE STRUGGLED SO VALIANTLY FOR THE DEFENSE AND DIGNITY OF THE HUMAN PERSON."

PIEDRA

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United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 06/28/95
Case ID: 96122209

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Department of State

TELEGRAM

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PAGE 01 GUATEM 12815 131731Z
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FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC 3228
INFO AMEMBASSY MANAGUA
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AMEMBASSY SAN SALVADOR
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MR Cases Only:
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TS authority to:
( ) CLASSIFY as ( ) S or
( ) DOWNGRADE TS to ( ) S or

UNCLAS GUATEMALA 12815

E.O. 12356 NA
TAGS: PHUM, GT
SUBJ: LAST PBI MEMBER ON EXPULSION ORDER LEAVES GUATEMALA

REF: (A) GUATEMALA 11971 (B) GUATEMALA 12088
(C) GUATEMALA 12454

- ONE OF THE PEACE BRIGADES INTERNATIONAL (PBI) MEMBERS ASKED TO LEAVE THE COUNTRY BY THE GOG, LEFT GUATEMALA AS PLANNED ON FRIDAY, DECEMBER 6. THE FOLLOWING DAY, DECEMBER 7, SHE PUBLISHED AN "OPEN LETTER TO ALL GUATEMALANS IN THE GUATEMALA DAILY, "EL GRAFICO". THE LETTER READS AS FOLLOWS:

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"I, AND A MEMBER OF THE PEACE BRIGADES INTERNATIONAL

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PAGE 02 GUATEM 12815 131731Z

HAVE BEEN ACCUSED BY THE DIRECTOR OF IMMIGRATION OF

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PUBLICLY ACTING CONTRARY TO THE LAWS OF THIS COUNTRY BY PARTICIPATING IN INTERNAL AFFAIRS, SPECIFICALLY IN THE ACTIVITIES OF THE MUTUAL SUPPORT GROUP (GAM).

"ALONG WITH ME, HE HAS ACCUSED SIX COMPANIONS OF PBI, REQUESTING THAT WE ABANDON THE COUNTRY FOR SOME TIME.

"FOR THIS REASON, AND BEFORE I ABANDON THIS COUNTRY, I WANT TO RESPOND TO THE ACCUSATIONS: I CAME TO GUATEMALA IN JULY 1985 IN ORDER TO WORK WITH THE PBI (A NON-PARTISAN NON-POLITICAL GROUP WHOSE ASPIRATION IS TO PROMOTE NON-VIOLENCE AS A STRATEGY TO ACHIEVE JUSTICE). MY SPECIFIC ROLE WAS TO ACT AS COORDINATOR FOR THE INTERNATIONALISTS WHO CAME TO GUATEMALA TO BE OBSERVERS OF GAM IN THE SEARCH FOR THEIR MISSING RELATIVES. THESE OBSERVERS HOPED THAT AN INTERNATIONAL PRESENCE WOULD GIVE THE GAM MORE SECURITY WHILE REALIZING THEIR LABOR OF SEARCHING FOR THE DISAPPEARED, WHICH IS A BRAVE EFFORT ON BEHALF OF HUMAN LIFE.

"I WANT TO MAKE CLEAR THAT NEITHER I NOR ANY OF THE PBI MEMBERS EXPELLED FROM THE COUNTRY HAVE PARTICIPATED IN ACTIONS CONTRARY TO THE LAWS OF THIS COUNTRY, NOR CONTRARY TO OUR INTERNATIONAL ENTITY. WE DESIRE THAT OUR LABOR HERE BE A DIGNIFIED REPRESENTATION OF ALL THE MEN AND WOMEN WHO, IN ALL PARTS OF THE WORLD, WORK UNTIRINGLY, EVEN RISKING THEIR LIVES, CONVINCED OF THE HIGH VALUE OF LIFE AND OF HUMAN DIGNITY.

"FOR ME AND MY COMPANIONS, IT HAS BEEN A GREAT HONOR TO BE ABLE TO SERVE AS INTERNATIONAL OBSERVERS FOR THE GAM, A GROUP THAT REALIZES A BRAVE AND MERITORIOUS LABOR IN
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PAGE 03 GUATEM 12815 131731Z

THE SERVICE OF ALL GUATEMALANS IN ITS STRUGGLE FOR DEMOCRACY, AND IS AN EXAMPLE OF COURAGE, LOVE, AND DEDICATION FOR ALL THE WORLD THAT IS CONVINCED OF THE PRIMACY OF HUMAN LIFE.
"IN MY NAME, AND THE NAMES OF MY COMPANIONS, I THANK ALL THE PEOPLE WHO HAVE STRUGGLED SO VALIANTLY FOR THE DEFENSE AND DIGNITY OF THE HUMAN PERSON."

PIEDRA

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EMBASSY OF THE
UNITED STATES OF AMERICA

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UNCLASSIFIED MEMORANDUM

Guatemala, Guatemala

December 13, 1985

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TO: DCM: Mr. Roger Gamble

THRU: ARSO: Robert Brand
CG: Dora Trujillo

FROM: Laurence Kerr

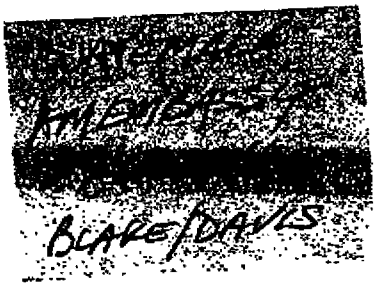
SUBJECT: Possible Sighting of Nick Blake

Bob Brand and I met with Guatemalan businessman [redacted] B6
[redacted] on December 13 to discuss the possible sighting of Nick Blake.

[redacted] said that he had been in San Sebastian, Huehuetenango, several weeks ago with [redacted] B6 B6
He talked to several indigena from the hill country nearby. They told him that they had seen Nick Blake in Comitán, Chiapas, in October. They said that they recognized him from flyers distributed in the area. He was wearing a camera around his neck. "Como estaba?" they were asked. "Gordo," they replied.

I believe that [redacted] is a reasonably dependable person, but he has no names for his San Sebastian contacts, so we cannot follow that line further at this point. He considers it probable that these men are on the south coast for the harvest. [redacted] suggestion on how we might find them was [redacted] in San Sebastian once again and hope the right parties will appear. B6 B6

We will coordinate with Embassy Mexico to determine the best way to proceed.



United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 06/28/95
Case ID: 95122209

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PAGE 01 STATE 381562
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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

~~C O N F I D E N T I A L~~ STATE 381562

E.O. 12356: DECL: OADR
TAGS: PREL, PHUM, PGOV, UNGA, MX, CI, SP
SUBJECT: USING VISIT OF UN SPECIAL RAPPORTEUR TO IMPROVE HUMAN RIGHTS PERFORMANCE IN CHILE

REF: SANTIAGO 08688 (NOTAL)

1. C - ENTIRE TEXT

2. SUMMARY: EMBASSY IS REQUESTED TO CONSULT CLOSELY WITH SPECIAL RAPPORTEUR VOLIO AS HE NEARS THE CONCLUSION
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PAGE 02 STATE 381562

OF HIS VISIT NEXT WEEK. SHOULD IT APPEAR THAT VOLIO'S MISSION WILL NOT LEAD TO HUMAN RIGHTS IMPROVEMENTS, EMBASSY IS REQUESTED TO CONSULT AND WORK WITH OTHER APPROPRIATE WESTERN AND LATIN EMBASSIES WITH A VIEW TOWARD SEPARATE APPROACHES TO THE MFA SUPPORTING VOLIO'S RECOMMENDATION. AT THE SAME TIME, EMBASSY SHOULD BEGIN TO WORK CLOSELY WITH CHILEAN HUMAN RIGHTS COMMISSION (HRC) VICE PRESIDENT MAXIMO PACHECO ON PRODUCING A CHILE RESOLUTION AT THE NEXT MEETING OF UN HUMAN RIGHTS COMMISSION (UNHRC) IN GENEVA THAT WILL BE COMPATIBLE WITH US SUPPORT. END SUMMARY.

3. DEPT AGREES WITH EMBASSY RECOMMENDATION REFTEL THAT WE SHOULD GET AN EARLY START IN TRYING TO INTEREST SOME COUNTRY OTHER THAN MEXICO TO SPONSOR THE CHILE RESOLUTION AT THE NEXT MEETING OF THE UN HUMAN RIGHTS COMMISSION (UNHRC) IN GENEVA, AND TRY TO DEVELOP AGREEMENT WELL IN ADVANCE ON THE TEXT OF A BALANCED RESOLUTION THAT WE COULD SUPPORT. HOWEVER, WHETHER WE ARE ABLE TO DO SO DEPENDS A GREAT DEAL ON WHAT UN SPECIAL RAPPORTEUR VOLIO IS OR IS NOT ABLE TO ACCOMPLISH DURING HIS VISIT TO CHILE.

4. DURING THE BUILD-UP TO THE RECENT THIRD COMMITTEE VOTE AT THE UN THE GOC APPEARED TO UNDERSTAND THE IMPORTANCE OF COOPERATING WITH VOLIO. WE WANT TO BE CERTAIN THAT THEY FOLLOW THROUGH, PARTICULARLY ON THE INTENTION TO ADOPT THE PRELIMINARY REPORT'S RECOMMENDATIONS. ALTHOUGH CHILEAN PUBLIC STATEMENTS HAVE BEEN MORE CIRCUMSPECT, DURING THE COURSE OF SEPARATE MEETINGS OF AMBASSADORS WALTERS AND DAZA AT THE UN AND AMBASSADORS SCHIFTER AND CALDERON AT THE DEPARTMENT, BOTH THESE CHILEAN REPRESENTATIVES INDICATED THAT IT WAS THE GOC'S INTENTION TO ADOPT VOLIO'S RECOMMENDATIONS.
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PAGE 03 STATE 381562

5. YOU SHOULD BE IN TOUCH WITH VOLIO AS HE NEARS THE CONCLUSION OF HIS VISIT TO DETERMINE HOW MUCH THE GOC HAS DELIVERED ON THEIR OFFER TO ADOPT HIS PRELIMINARY RECOMMENDATIONS. SHOULD VOLIO APPEAR DISSATISFIED, EMBASSY SHOULD DISCUSS WITH HIM WHICH PRIORITY ISSUES TO PURSUE WITH THE GOC. IT IS DEPARTMENT'S VIEW THAT IT

WOULD PROBABLY BE USEFUL FOR EMBASSY TO CONSULT AND WORK WITH OTHER APPROPRIATE WESTERN AND LATIN COUNTRIES WHICH MIGHT BE AS OR MORE EFFECTIVE THAN THE US IN INFLUENCING THE GOC. BASED ON EMBASSY'S JUDGMENT, WE WOULD THEN RECOMMEND CONSIDERATION OF SEPARATE DEMARCHES BY OTHER WESTERN NATIONS IN ADDITION TO THE US TO THE MFA URGING SUPPORT FOR VOLIO'S RECOMMENDATIONS. THIS SHOULD TAKE PLACE BEFORE VOLIO'S DEPARTURE, EMPHASIZING ONCE AGAIN THE IMPORTANCE WE PLACE ON HUMAN RIGHTS IMPROVEMENTS AND THE OPPORTUNITY THAT VOLIO'S WORK OFFERS AS A MEANS TO IMPROVE CHILE'S IMAGE ABROAD.

6. IN ADDITION TO ENCOURAGING THE SUCCESS OF VOLIO'S MISSION WITH THE GOC, WE WANT TO BRING ABOUT A BETTER OUTCOME DURING THE NEXT UN CONSIDERATION OF THE CHILE HUMAN RIGHTS SITUATION IN GENEVA. EMBASSY RESPONSE TO CHRC CHARGE (REFTEL) THAT THEIR REPRESENTATIVE HAD OFFERED TO NEGOTIATE BUT THERE WERE NO TAKERS WAS ON THE MARK: THOSE IN CONTROL WERE NOT THE CHRC BUT THE MEXICANS AND OTHER RESOLUTION CO-SPONSORS SUCH AS CUBA. WE WANT TO START NOW TO AVOID A SIMILAR OUTCOME IN

GENEVA. IN HIS DISCUSSIONS WITH ARA ASSISTANT SECRETARY ABRAMS AND OTHER DEPARTMENT OFFICIALS DEC. 11-13, CHILEAN HUMAN RIGHTS COMMISSION VICE PRESIDENT MAXIMO PACHECO OFFERED TO HELP DEVELOP THE TEXT OF A RESOLUTION WE COULD SUPPORT IN GENEVA AND MAKE THE NECESSARY CONTACTS WITH SPAIN AND THE CHILEAN LEFT TO ENSURE THAT SUCH A PROCESS WOULD SUCCEED. EMBASSY SHOULD PURSUE THIS INITIATIVE ~~CONFIDENTIAL~~

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PAGE 04 STATE 381562

WITH PACHECO AND OTHER MODERATES AND WORK WITH OTHER DIPLOMATIC MISSIONS AS APPROPRIATE TO ACHIEVE SUCH AN OUTCOME. WHITEHEAD

Chile Project (#S199900030)
U.S. Department of State
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UNCLASSIFIED EXCISE
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2. CHILE: PINOCHET'S MILITARY SUPPORT ERODING

The military is reportedly looking at changes in the 1980 constitution which would allow an open presidential election in 1989. Key military officers view positively the democratic opposition's National Accord for transition to democracy and have told Pinochet--who has strongly criticized the proposal--they will not support him in the 1989 presidential plebiscite.

* * *

C told B-1 Ambassador Barnes November 25 that the military junta members had informed Pinochet they would not support him as the government's candidate for president in the 1989 plebiscite. Since the 1973 coup, the military has been Pinochet's principal source of power. He has carefully cultivated its support by remaining sensitive to the views of senior officers. He has controlled isolated dissent within the junta by removing the concerned individual, for example, Air Force chief Leigh. It now appears that the junta has united against his continuing in office beyond 1989.

The junta's evolving disenchantment with Pinochet is further evidence that the 11-party National Accord signed last August is strengthening political forces favoring a peaceful transition to democracy, while isolating the radical left and Pinochet. Senior military officers sense that the future of the military is at stake in the political changes which are scheduled to occur between now and 1989. They want to ensure that a stable non-Communist government emerges.

The National Accord and the broad popular support it has gained have presented the armed forces with the prospect of progress toward a moderate civilian government. They have decided that supporting Pinochet to succeed himself would not be in the military's best interests. Pinochet's popularity is so low that he might well lose the single-candidate plebiscite now prescribed by the constitution. The junta also resents the way he has run the government without consulting them.

Although the military does not want Pinochet after 1989, there is no indication that they want to remove him earlier. He is considered Chile's shrewdest politician and may be able to orchestrate political conditions more to his liking by then.

Failure of the National Accord would diminish Pinochet's political problems. At present, the accord seems to be viable, but the political parties which signed it are not accustomed to working together and profound ideological differences among them could still torpedo the agreement.

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PAGE 01 SANTIA 08843 01 OF 04 161323Z
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Chile Project (#S199900030)
U.S. Department of State
Release X Excise Deny
Declassify: In Part In Full X
Exemption(s)

~~C O N F I D E N T I A~~ L SECTION 01 OF 04 SANTIAGO 08843

ROME FOR EMBASSY VATICAN
CINCSO AND CINCLANT FOR INTAFFS

E.O. 12356:DECL:OADR
TAGS: KPRP, PGOV, PINS, CI
SUBJECT: RELATIONS BETWEEN DEMOCRATIC AND
NON-DEMOCRATIC PARTIES

REF: A) SANTIAGO 8735 B) SANTIAGO 8687
C) SANTIAGO 8379 D) SANTIAGO 4854

1. ~~CONFIDENTIAL~~ - ENTIRE TEXT.
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PAGE 02 SANTIA 08843 01 OF 04 161323Z

2. SUMMARY: RELATIONS BETWEEN DEMOCRATIC PARTIES AND THE COMMUNIST LEFT ARE EXTENSIVE, VARIED, AND IN A STATE OF FLUX. THESE RELATIONSHIPS, THE DEBATES AND DIVISIONS THEY PROVOKE ARE AN AXIS OF OPPOSITION POLITICS THAT HAS PRESENTED SIGNIFICANT OBSTACLES TO A DEMOCRATIC TRANSITION IN CHILE. THE NATIONAL ACCORD, AN AGREED UPON SET OF GROUND RULES FOR A FUTURE DEMOCRACY WHICH WOULD EXCLUDE TOTALITARIAN GROUPS, REPRESENTS A CRUCIAL STEP TOWARD MODERATION BY THE DEMOCRATIC OPPOSITION WHICH HAS TENDED TO ISOLATE THE EXTREME LEFT. THIS CONSENSUS WAS PUT TOA TEST IN THE RECENT WAVE OF STUDENT ELECTIONS AND IN THE NOVEMBER 21 RALLY OF THE DEMOCRATIC ALLIANCE (AD), WITH MIXED RESULTS. THE ISSUE OF RELATIONSHIPS WITH THE COMMUNIST-DOMINATED POPULAR DEMOCRATIC MOVEMENT (MDP) CONTINUES TO GENERATE CONTROVERSY AND A HIGH DEGREE OF AMBIGUITY, PARTICULARLY WITHIN THE CHRISTIAN DEMOCRATIC PARTY(PDC) AND THE COMMUNISTS (PCCH). END SUMMARY.

3. INTRODUCTION:
THE REVOLUTIONARY LEFT IN CHILE IS LOOSELY COALESCED WITHIN THE MDP, A COMMUNIST FRONT ORGANIZATION. IN ORDER OF SIZE IT CONSISTS OF THE PCCH, THE ALMEYDA WING OF THE SOCIALIST PARTY (PSCH/A), AND THE LEFTIST REVOLUTIONARY MOVEMENT (MIR). WHILE THERE ARE SIGNIFICANT POLITICAL DIFFERENCES AMONG THESE GROUPS, THEY ARE ALL COMMITTED TO MARXIST-LENINIST IDEOLOGY AND TO REVOLUTIONARY VIOLENCE AND TERROR AS A LEGITIMATE MEANS OF OVERTHROWING THE PINOCHET REGIME. ALTHOUGH NONE OF THE DEMOCRATIC PARTIES HAVE OFFICIAL TIES WITH THE MDP OR ITS CONSTITUENTS, UNOFFICIAL RELATIONS ARE EXTENSIVE AND FLUID, PARTICULARLY WITH THE PCCH.
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PAGE 03 SANTIA 08843 01 OF 04 161323Z

4. INFORMAL RELATIONS:
THE POLITICAL COMMUNITY IN CHILE IS RESTRICTED TO A RELATIVELY SMALL ELITE OF PEOPLE WHO HAVE THE EDUCATION, TIME AND RESOURCES TO IMMERSE THEMSELVES IN POLICY ISSUES. WITHIN THIS LIMITED SOCIETY, THERE IS A GOOD DEAL OF CONTACT AND EXCHANGE OF OPINIONS BETWEEN

PEOPLE WITH WIDELY DIVERGING VIEWPOINTS. MOST PROFESSIONAL ASSOCIATIONS (GREMIOS), HUMAN RIGHTS ORGANIZATIONS, AND THINK TANKS ARE PLURALISTIC, AND ADMIT COMMUNISTS ALTHOUGH NOT KNOWN TERRORISTS TO THEIR INNER CIRCLES. EVEN CONSERVATIVES WHOSE PARTIES REMAIN OUTSIDE THE AD INTERACT WITH PCCH MEMBERS THROUGH STUDENT CIRCLES AND GREMIOS. THE STRENGTH OF THE EXTENDED FAMILY AND "OLD BOY" SCHOOL NETWORKS PROVIDES OTHER CHANNELS FOR FRIENDLY CONTACTS. IN THE PROVINCES, WHERE POLITICAL AND PROFESSIONAL NETWORKS ARE EVEN MORE INBRED, THE INTERACTION IS CONSIDERABLE BUT SOMEWHAT MORE GUARDED AND SUSPICIOUS BECAUSE OF THE HIGHER VISIBILITY.

5. FORMAL RELATIONS:
EVEN SOME RIGHT-OF-CENTER PARTIES SUCH AS THE REPUBLICANS AND THE NATIONALS, WHO SENT REPRESENTATIVES TO FIDEL CASTRO'S CONFERENCE ON THE FOREIGN DEBT IN HAVANA, HAVE BEEN KNOWN TO MAINTAIN POINTS OF CONTACT WITH THE PCCH AT A LOWER LEVEL. (IN AN INTERVIEW WITH SANTIAGO DAILY ULTIMAS NOTICIAS ON DECEMBER 1, REPUBLICAN PARTY PRESIDENT ARMANDO JARAMILLO, WHO IS ROTATING PRESIDENT OF THE AD FOR SIX MONTHS, ACKNOWLEDGED THESE RELATIONS SAYING THAT "WHETHER WE LIKE IT OR NOT, WE HAVE TO RESPECT AND RECOGNIZE THE

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PAGE 01 SANTIA 08843 02 OF 04 161325Z

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~~C O N F I D E N T I A L~~ SECTION 02 OF 04 SANTIAGO 08843

ROME FOR EMBASSY VATICAN
CINCSO AND CINCLANT FOR INTAFFS

E.O. 12356:DECL:OADR
TAGS: KPRP, PGOV, PINS, CI
SUBJECT: RELATIONS BETWEEN DEMOCRATIC AND

COMMUNISTS' EXISTENCE...IF REAGAN SAT DOWN WITH GORBACHEV, I SEE NO REASON WHY A SECTOR OF THE DEMOCRATIC OPPOSITION CAN'T SIT DOWN WITH A PART OF THE MDP, IF IT CAN GIVE A NEW DYNAMIC TO CARDINAL FRESNO'S CALL FOR RECONCILIATION."
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PAGE 02 SANTIA 08843 02 OF 04 161325Z

6. OPPOSITION PARTIES IN THE AD MEET INDIVIDUALLY WITH THE PCCH ON A FAIRLY REGULAR BASIS ON SPECIFIC

POLITICAL ISSUES OR TO COORDINATE UNOFFICIALLY JOINT ACTIVITIES SUCH AS PROTEST ACTIVITIES. FOR THE ALLIANCE, MDP SUPPORT IS SEEN AS CRUCIAL FOR PROTEST ACTIVITIES ON UNIVERSITY CAMPUSES AND IN THE POOR SETTLEMENTS (POBLACIONES). MANY REGARD THE PCCH AS "PART OF THE FAMILY" BECAUSE HISTORICALLY, UNDER DEMOCRATIC REGIMES, IT BEHAVED AS A PARLIAMENTARY PARTY, AND IS CAREFUL TO USE MORE MODERATE EX-DEPUTIES AND SENATORS AS REPRESENTATIVES FOR MEETINGS WITH THE DEMOCRATIC PARTIES. OTHER PARTIES ON THE DEMOCRATIC LEFT KEEP DOORS OPEN AS A KIND OF INSURANCE POLICY FOR FUTURE ELECTIONS, SINCE THE COMMUNISTS ARE SEEN AS A MAJOR VOTING BLOC. THESE RELATIONS CAUSE FRICTION BOTH WITHIN THE ALLIANCE AND THE DEMOCRATIC LEFT PARTIES, AS THE MORE MODERATE ELEMENTS SEE THEM AS MANIPULATIVE AND HARMFUL. HOWEVER, THEY SERVE THE INTERESTS OF THE MDP, WHICH USES ITS ACCESS AS A SOURCE OF LEGITIMATION AND AS LEVERAGE TO PREVENT THE AD FROM COMING TO TERMS WITH THE DEMOCRATIC RIGHT OR NEGOTIATING AN ORDERLY TRANSITION WITH THE GOVERNMENT. UNDER THE BANNER OF "OPPOSITION UNITY," THE MDP HOPES TO CREATE A BROAD AND INTRANSIGENT FRONT TO DO BATTLE WITH THE PINOCHET REGIME.

7. RELATIONS WITH OTHER MDP PARTIES: FAR FEWER OF THE DEMOCRATIC PARTIES HAVE ON-GOING RELATIONS WITH THE PSCH/A. THE EXCEPTION TO THIS HAS BEEN THE BRIONES SOCIALISTS (PSCH/B), WHO USED TO MEET WITH THE ALMEYDISTAS PARTLY TO KEEP UP OLD TIES AND ~~CONFIDENTIA~~L

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PAGE 03 SANTIA 08843 02 OF 04 161325Z

PARTLY OUT OF HOPES OF REUNIFYING THE PARTY. HOWEVER, NOW THE DEMOCRATIC SOCIALISTS HAVE FEW ILLUSIONS ABOUT EVER MERGING WITH THE PSCH/A, WHICH CARLOS BRIONES DISMISSES AS "PRACTICALLY INDISTINGUISHABLE FROM THE COMMUNISTS." AS FOR THE MIR, IT IS AN ANATHEMA TO MOST OF THE DEMOCRATIC OPPOSITION, EVEN THOUGH THERE IS MINIMAL CONTACT THROUGH STUDENT ORGANIZATIONS AND GROUPS IN THE POBLACIONES.

8. NATIONAL ACCORD:
THE SIGNING OF THE "NATIONAL ACCORD FOR A TRANSITION TO FULL DEMOCRACY" BY 11 PARTIES ON AUGUST 25 BROUGHT OUT IN THE OPEN A HEIGHTENED CONTROVERSY OVER THE LEGITIMACY OF THE TOTALITARIAN LEFT. THE ACCORD, WHICH SETS OUT THE MINIMUM GROUND RULES FOR A FUTURE DEMOCRATIC SYSTEM IN CHILE, HANDLES THE TOUCHY ISSUE OF COMMUNIST PARTICIPATION BY STATING THAT THOSE PARTIES AND MOVEMENTS WHOSE CONDUCT OR OBJECTIVES DO NOT RESPECT DEMOCRATIC PRINCIPLES (E.G., THE ALTERNATION IN POWER VIA FREE ELECTIONS, HUMAN RIGHTS, NON-VIOLENCE, THE RIGHTS OF MINORITIES) WILL BE PROSCRIBED BY A CONSTITUTIONAL TRIBUNAL. ALTHOUGH THE AGREEMENT WHICH BROUGHT TOGETHER THE CHRISITAN LEFT AND THE BRIONES SOCIALISTS WITH THE NATIONAL UNION AND THE NATIONAL PARTY IS ADMITTEDLY FRAGILE, IT IS AN IMPORTANT STEP TOWARD POLITICAL REALISM AND MODERATION BY THE DEMOCRATIC OPPOSITION. IT HAS ALSO CONTRIBUTED TO ISOLATING THE EXTREMES. BOTH THE MDP AND THE PRO-GOVERNMENT RIGHT OPPOSE THE ACCORD, THE FORMER CALLING IT A U.S.-INSPIRED TOOL TO EXCLUDE THE LEFT FROM ITS RIGHTFUL ROLE AND THE LATTER ATTACKING IT FOR BEING "VAGUE" ON THE COMMUNIST

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PAGE 01 SANTIA 08843 03 OF 04 161327Z
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~~C O N F I D E N T I A L~~ SECTION 03 OF 04 SANTIAGO 08843

ROME FOR EMBASSY VATICAN
CINCSO AND CINCLANT FOR INTAFFS

E.O. 12356:DECL:OADR
TAGS: KPRP, PGOV, PINS, CI
SUBJECT: RELATIONS BETWEEN DEMOCRATIC AND

ISSUE AND A SUBTERFUGE FOR "DESTABILIZING" THE
GOVERNMENT.

9. THE CHRISTIAN DEMOCRATS AND THE COMMUNISTS:
THE PDC HAS DOMINATED THE OPPOSITION MOVEMENT
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PAGE 02 SANTIA 08843 03 OF 04 161327Z

SINCE THE MID-1970'S. ITS ATTITUDE TOWARD THE
PCCH HAS THEREFORE SET THE TONE FOR RELATIONS
BETWEEN THE DEMOCRATIC OPPOSITION AND THE EXTREME
LEFT. THIS HAS ALSO PROVIDED ONE OF THE MOST
DIVISIVE ISSUES WITHIN THE PDC AS MODERATES WOULD
LIKE TO SEE THE PARTY DISTANCE ITSELF AS MUCH AS

POSSIBLE FROM THE COMMUNISTS. AND THE LEFT CONTINUES TO MAINTAIN THE HOPE THAT BY KEEPING THE CHANNELS OPEN THEY CAN PERSUADE THE PCCH TO SHIFT ITS TACTICS TO NON-VIOLENCE. SOME IN THE PDC MAY ALSO BE HOPING FOR EVENTUAL PCCH SUPPORT IN FUTURE ELECTIONS, IN RETURN FOR VARIOUS FAVORS.

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10. THE BASIC WAFFLE:
SO FAR THE PDC HAS KEPT THE TWO WINGS TOGETHER BY CONTINUING TO WAFFLE ON THE ISSUE (REF C). IN A SPEECH ON OCTOBER 13 PDC PRESIDENT GABRIEL VALDES STRESSED THAT, WHILE REJECTING THE "PRIMITIVE ANTI-COMMUNISM" OF THE RIGHT, CHRISTIAN DEMOCRATS HAVE "DIAMETRICALLY OPPOSED" VIEWS AND "IRRECONCILABLE DIFFERENCES" WITH THE PCCH. HOWEVER VALDES, WHO IS ASSOCIATED WITH THE PDC LEFT WING, HAS NEVER CALLED FOR A RUPTURE WITH THE COMMUNISTS. THE MDP LOBBIED MEMBER PARTIES OF THE AD, WHICH VALDES HEADED, TO BE INVITED TO PARTICIPATE IN THE NOVEMBER 21 PROTEST RALLY. ALTHOUGH THEIR PARTICIPATION HELPED SWELL THE CROWDS AND MINIMIZE VIOLENCE, THEY REFUSED TO ABIDE BY THE ORGANIZERS' INSISTENCE THAT ALL PARTY BANNERS BE KEPT OUT. THE GOVERNMENT GAVE PROMINENT TELEVISION COVERAGE TO THE HAMMER AND SICKLE SIGNS OF THE MDP AND THE MIR. VALDES' CRITICS ARGUED THAT THE EVENT WAS A PROPAGANDA SUCCESS FOR THE COMMUNISTS, WHO WANT TO UNITE THE OPPOSITION ON THE ~~CONFIDENTIAL~~

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PAGE 03 SANTIA 08843 03 OF 04 161327Z

BASIS OF GETTING RID OF PINOCHET, WITHOUT NEGOTIATIONS OR TRANSITION.

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11. THE FECH ELECTIONS:
THIS CONTROVERSY WAS ALSO PUT TO THE TEST IN HIGHLY PUBLICIZED ELECTIONS TO THE STUDENT FEDERATION AT THE UNIVERSITY OF CHILE (FECH). AS IT HAD DONE IN PREVIOUS FECH ELECTIONS AND IN RECENT ELECTIONS AT THE UNIVERSITY OF CONCEPCION, THE PDC YOUTH BRANCH FIRST TRIED TO FORM A COMMON SLATE WITH THE MDP. THE ADULT PARTY, SPURRED BY A VIGOROUS INTERVENTION FROM CARDINAL FRESNO, PUT ITS FOOT DOWN. THE PDC FORMED A SLATE WITH THE SOCIAL DEMOCRATS (SD)

AND PREVAILED OVER THE MDP SLATE BY LESS THAN ONE PERCENT IN THE FIRST ROUND OF VOTING ON OCTOBER 31. BUT THE MDP, WHICH DIDN'T WANT A SECOND ROUND, PREVAILED ON THE PDC TO INTEGRATE THE FECH DIRECTORATE WITH ITS TWO TOP VOTE-GETTERS. SOCIAL DEMOCRATS, THE NATIONAL UNION AND THE NATIONAL PARTY COMPLAINED THAT THIS PROCESS FLAUNTED THE WILL OF THE STUDENTS AND SACRIFICED THE PRINCIPLES OF THE NATIONAL ACCORD TO A DUBIOUS POLITICAL EXPEDIENCY (REF B).

12. THE SOCIALISTS' GYRATIONS:
AFTER A MAJOR REALIGNMENT WITHIN THE BRIONES SOCIALIST CAMP IN JULY (REF C), THE PSCH/B JOINED THE NATIONAL ACCORD AND PUBLICLY CRITICIZED THE COMMUNISTS FOR THEIR "IRRESPONSIBLE AND INEFFECTIVE" STRATEGY OF MILITARY STRUGGLE AGAINST THE PINOCHET REGIME. HOWEVER, THE PARTY ALSO BALKED AT TURNING ITS BACK ON THE COMMUNIST LEFT. THESE ISSUES WERE BITTERLY DEBATED AT THE PSCH/B PLENARY MEETING ON THE WEEKEND OF NOVEMBER 30. A MOTION BY RICARDO LAGOS,

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PAGE 01 SANTIA 08843 04 OF 04 161328Z
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AMEMBASSY MADRID
AMEMBASSY MONTEVIDEO
AMEMBASSY LONDON
AMEMBASSY ROME
USCINCSO QUARRY HEIGHTS
USCINCLANT NORFOLK
USAFSO HOWARD AFB//PN/L

~~C O N F I D E N T I A L~~ SECTION 04 OF 04 SANTIAGO 08843

ROME FOR EMBASSY VATICAN
CINCSO AND CINCLANT FOR INTAFFS

E.O. 12356:DECL:OADR
TAGS: KPRP, PGOV, PINS, CI
SUBJECT: RELATIONS BETWEEN DEMOCRATIC AND

WHICH DEFEATED A MORE MODERATE RESOLUTION BY BRIONES PROTEGES, CRITICIZED THE "EXCLUSIONARY POLICY" BEING PRACTICED BY THE PDC AND THE RIGHT PARTIES WITHIN THE NATIONAL ACCORD. IT EXPRESSED "PROFOUND PHILOSOPHICAL, THEORETICAL AND POLITICAL DIFFERENCES"
~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 02 SANTIA 08843 04 OF 04 161328Z

WITH THE PDC FOR ITS COMMITMENT TO VIOLENT METHODS OF STRUGGLE AND ITS SLAVISH ADHERENCE TO THE SOVIET BLOC. HOWEVER, IT FAVORED "CONTINUING AND SUSTAINED DIALOGUE" WITH THE PCCH TO REACH A "PACT TO MAKE A DEMOCRATIC SYSTEM GOVERNABLE." IN AN INTERVIEW IN EL MERCURIO NEWSPAPER WHICH APPEARED ON DECEMBER 1, CARLOS BRIONES SAID THAT ALTHOUGH THE NATIONAL ACCORD DOES NOT EXCLUDE ANY GROUP "A PRIORI", WITH ITS CURRENT METHODS AND PRINCIPLES THE PCCH WOULD BE BANNED FROM LEGAL

EXISTENCE. BRIONES' INTERPRETATION WAS BITTERLY ATTACKED BY MDP PRESIDENT GERMAN CORREA, WHO ACCUSED THE PSCH/B OF FOLLOWING THE LEAD OF THE U.S. IN SEEKING TO SHUT OUT THE MDP FROM FUTURE POLITICAL LIFE.

13. COMMENTS:
THE ISSUE OF RELATIONS WITH THE EXTREME LEFT IS A PLAY OF SHADOWS THAT HAS CONTINUED TO OBSCURE THE POSSIBILITIES FOR A DEMOCRATIC TRANSITION. PINOCHET AND THE ARMED FORCES HAVE CONSISTENTLY REFUSED TO DEAL WITH THE DEMOCRATIC GROUPS UNTIL THEY CLEARLY BREAK WITH THE COMMUNISTS. ON THE OTHER HAND, DEMOCRATIC OPPOSITION PARTIES ARE RELUCTANT TO READ OUT THE PCCH SINCE THEY FEEL THEY NEED COMMUNISTS TO KEEP UP PRESSURE ON THE GOVERNMENT AND TO INSURE THE "GOVERNABILITY" OF A FUTURE DEMOCRATIC REGIME. THE NATIONAL ACCORD, WHICH SOUGHT TO BREAK THIS DEADLOCK, IS NOW SERIOUSLY THREATENED AS THE RIGHT ATTACKS THE POLICY OF ALLIANCES WITH COMMUNISTS, THE MODERATE LEFT VACILLATES, AND THE GOVERNMENT SEEKS TO DISCREDIT THE AGREEMENT AS MISLEADING (REF A). MEANWHILE, THE MDP, WHICH AIMS TO DISRUPT A PEACEFUL TRANSITION, KNOWS EXACTLY WHERE IT IS GOING. UNTIL THE DEMOCRATIC OPPOSITION GETS ITS PRIORITIES IN ~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 03 SANTIA 08843 04 OF 04 161328Z

ORDER, IT WILL HAVE DIFFICULTY SUSTAINING THE ARGUMENT THAT IT PROVIDES A CONVINCING AND SAFE ALTERNATIVE TO MILITARY RULE. BARNES

SECRET/NOFORN/NOCONTRACT/ORCON
Chile Project (#S199900030)
U.S. Department of State
Release X Excise 2/16 Deny
Declassify: In Part X In Full
Exemptions: 1.4(B)(D) KR5
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DECAPTIONED

This report was produced by a staff member of the Bureau of Intelligence and Research. It is the analyst's initial assessment and has not been reviewed at the bureau level.

ANALYST'S BRIEF

INR Office of Analysis for the Soviet Union and Eastern Europe

LATIN AMERICA: HIGHLIGHTS OF SOVIET ACTIVITIES, NOVEMBER 1985

Moscow's broadcasts to Chile de-emphasized but did not renounce violent resistance to Pinochet as the local communist party and associated guerrilla movement scrambled for support from the dominant centrist opposition coalition which opposes violence.

USSR/Chile: Playing It Both Ways

The Chilean Communist Party (PCCh), its affiliated armed wing, the Manuel Rodriguez Patriotic Front (FPMR), and the Movement of the Revolutionary Left (MIR) cannot topple Pinochet without aligning with the country's center coalition, which has renounced the use of violence, nor can the communists renounce violence without alienating their more radical followers and losing their status and effectiveness as the leading opposition force. Recent Soviet media programs and commentary have sought to straddle the issue in order to galvanize as broad a spectrum of popular resistance to the Chilean leader as possible without alienating either those who advocate or concemn a recourse to violence.

New Times has now claimed that the "National Accord" (NA), a coalition of moderate and rightwing opposition parties, serves Washington's goal of perserving Pinochet by creating a "captive opposition" that would isolate the PCCh and the other "more resolute anti-dictatorship forces." The article claimed that US strategy was predicated on the belief that the moderate Chilean opposition by itself would be unable to withstand leftwing forces coming to power after the junta's collapse.

New Times faulted the NA for its vagueness and lack of a timetable, arguing that Pinochet would not abdicate voluntarily but also would not be able continue even with US support if all the opposition forces were

Drafted by: INR/SEE/FP:FSCheever Date: December 16, 198

Distribution (State Department Only)

INR/CA Mr. Palmer
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united. It claimed the far left's resistance had in fact precipitated the regime's current crisis and noted that the PCCh had called on all opposition forces for "joint militant action with the use of all suitable forms of struggle". The journal concluded that those forces striving for a quick end of the dictatorship -- by implication, willing to engage in "militant action" -- would prevail over those seeking illusory dialogues.

The article also pointed out the army's role in propping up Pinochet was both crucial and potentially vulnerable. It noted that many soldiers and noncommissioned officers opposed the regime but fear of retribution and a "vertical" sense of discipline kept them in line. Moscow's transmissions have for some time sought to wean at least the lower echelons of the army and carabineri away from Pinochet, albeit without great success. In this context, FMPR press reports that a group of retired and active military men and Christian Democrats had joined forces with it was given big play in Spanish-language broadcasts to Chile from Moscow.

Another such broadcast in Spanish featured a Swedish interview with FPMR leaders, who portrayed the FPMR as a patriotic group rekindling the same national values that had allowed Chile to throw off the Spanish colonial yoke. It did not seek power itself, but favored a broad, progressive alliance. Nor was the FPMR the "armed branch of the communist party," but allegedly a popular movement enjoying a "broad-based" following. The spokesmen contended that popular violence was merely an inevitable response to the violence of the regime, that FPMR-led violent actions were designed to minimize innocent casualties, and that the overall FPMR strategy was not aimed at creating a prolonged popular struggle, but at sparking mass participation in a national rebellion.

Yet even the FPMR took care not stray too far from the mainstream of Chilean opposition. It announced a forty-eight hour, "unilateral" truce in order to participate in a large, peaceful, antiregime demonstration organized by the moderate Democratic Alliance on behalf of the NA on November 21. (CONFIDENTIAL)

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Pages 3-8 have been eliminated because they are entirely irrelevant

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Washington, D.C. 20520

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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

December 16, 1985

UNCLASSIFIED

MEMORANDUM
CONFIDENTIAL

TO: ARA - Mr. Abrams

FROM: ARA/SC - Michael L. Durkee

SUBJECT: Your Lunch Dec. 17 with Apostolic Pro Nuncio Pio Laghi: Chile - Related Topics

The Vatican's perspective on Chile is very similar to ours and you will want to use this meeting to reinforce this commonality of views. You may wish to highlight for Pio Laghi our strong support for Cardinal Fresno's national reconciliation efforts, and our efforts to bring about improvements in the human rights situation through Special Rapporteur Volio's mission.

At the same time, it would be useful to ask about Vatican efforts in anticipation of the Pope's 1987 visit. We are particularly interested in seeing progress on torture and the exile problem. Recent Embassy Santiago reporting suggests that the Vatican has pressed the GOC on exiles, but we do not know whether they have raised the specific case of Aniceto Rodriquez, the exiled Chilean Socialist Bob Gelbard met in Caracas earlier this fall. (We had proposed raising his case directly with the Vatican, but Ambassador Wilson alerted Chile's Ambassador to the Holy See to our interest in advance. If you raise the Rodriguez case, you should ask Pio Laghi to get back directly to you or Bob.)

Points to Make:

-- We benefited greatly from recent exchanges of views with Fresno here and in Santiago. We share his concern over the future of the National Accord. We intend to maintain support for the Church's reconciliation efforts, regardless of Pinochet's displeasure. The Church will play a key role in keeping Accord signers united on the non-violent path

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Accn # 59-96-0051
Box 6

of dialogue. The military is showing some signs of interest which could over time produce talks. We intend to maintain efforts with the GOC and the democratic opposition to encourage dialogue.

-- We have tried to help the mission of UN Special Rapporteur Volio to bring about real improvements in human rights situation.

-- We are concerned by the arrest of Mensaje editor Father Renato Hevia for articles published last February, and have raised his case with the Chilean government. We are also pressing hard on torture.

-- Two other key problems identified by the democratic opposition are exiles and legalizing political party status. We will push on question of parties, hope you could help on exile problem in anticipation of 1987 papal visit.

-- Of the many deserving cases of exiles, that of Chilean Socialist Aniceto Rodriguez has been brought to our attention. I would appreciate your letting me know directly whether the Vatican has taken up his case with the GOC, and whether there would be willingness on your part to consider intervening on behalf of other deserving cases. If so, I will instruct our Embassy to consult with your nuncio in Santiago on this question.

Drafted:ARA/SC:JWSwigert:rmh
12/16/85 Ext. 22575
Doc. # 2984B

Clearance: ARA:RGelbard

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PAGE 01 SANTIA 08872 162054Z
ACTION ARA-10

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FM AMEMBASSY SANTIAGO
TO AMEMBASSY BUENOS AIRES IMMEDIATE
INFO SECSTATE WASHDC 4385
AMEMBASSY BRASILIA
AMEMBASSY LIMA IMMEDIATE
AMEMBASSY MONTEVIDEO IMMEDIATE

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U.S. Department of State
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Declassify: In Part ____ In Full X
Exemption(s) ____

~~C O N F I D E N T I A L~~ SANTIAGO 08872

E.O. 12356: DECL: OADR
|AGS: OREP, CI
SUBJECT: STAFFDEL CRAIG VISIT TO SOUTH AMERICA

REF: (A) STATE 375665, (B) KOBLISKA-CRAIG TELCON 12/16/85, (C) SANTIAGO 8833

1. (C) REF C THREAT ASSESSMENT DESCRIBES A SIGNIFICANTLY INCREASED THREAT TO AMERICAN EMBASSY FACILITIES AND PERSONNEL AT SANTIAGO, CHILE. THE SERIOUS SECURITY CONCERNS OUTLINED IN REF C ARE LESS APPLICABLE TO OFFICIAL AMERICANS ON SHORT DURATION VISITS TO CHILE. THE THREAT INCREASES IF VISITS BY OFFICIAL AMERICANS ARE PUBLICIZED. THERE IS A TREND OF INCREASED FOCUS ON SYMBOLS OF POWER BY LEFTIST GROUPS. SPECIAL EVENTS AND CONFERENCES THAT ARE PUBLIC KNOWLEDGE RUN A GREATER RISK OF BECOMING A TARGET FOR POLITICALLY MOTIVATED VIOLENCE OR DISRUPTIVE ACTIVITIES. INASMUCH AS NO PUBLICITY OR PUBLIC MEETINGS ARE PLANNED, WE BELIEVE THAT THREAT TO YOU IS LOWER.

2. (LOU) PER REF B, WE ARE REQUESTING APPOINTMENTS WITH MAXIMO PACHECO, SERGIO BITAR, MSGR. PRECHT, GABRIEL VALDES ~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 02 SANTIA 08872 162054Z

AND FERNANDO LENIZ. COUNTRY TEAM BRIEFING SCHEDULED FOR 0915 WEDNESDAY, DECEMBER 18, FOLLOWED BY CALL ON AMBASSADOR AT 1000. ROOM RESERVATIONS HAVE BEEN CONFIRMED AT THE CROWNE PLAZA. CONTROL OFFICER WILL MEET YOU AT THE AIRPORT. BARNES

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lot 870209
box 8/13

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PAGE 01 SAN SA 16229 01 OF 04 162357Z 0214
ACTION ARA-00

INFO LOG-00 INR-10 EUR-00 CIAE-00 NMO-01 NSAE-00 AMAD-01
PA-02 SP-02 PRS-01 DS-00 SLPD-01 (AS-01 HA-08)
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FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 0954
USIA WASHDC IMMEDIATE 6119
AMEMBASSY LONDON IMMEDIATE
INFO USSOUTHCOM QUARRY HEIGHTS PN
SECDEF WASHDC
CONTADORA COLLECTIVE

UNCLAS SECTION 01 OF 04 SAN SALVADOR 16229

USIA

STATE FOR ARA/P, ARA/CEN, S/LPD, DS/RH/PR
USIA FOR AR, AR/CENTAM
SECDEF FOR OASD/PA
SOUTHCOM FOR SCPA

E.O. 12356: N/A
SUBJECT: PRESS GUIDANCE: AID EMPLOYEE ARRESTED ON SUSPICION OF WORKING FOR FMLN

REF: (A) SAN SALVADOR 12707
(B) LONDON USINFO 161523Z DEC 85

1. POSE IS USING THE FOLLOWING GUIDANCE CONCERNING THE CASE OF GRACIELA MENENDEZ DE IGLESIAS:

2. Q: PRESS REPORTS ALLEGE THAT GRACIELA DEL CARMEN MENENDEZ DE IGLESIAS, A FORMER SALVADORAN EMPLOYEE OF THE U.S. EMBASSY, WAS ABUSED VERBALLY, PHYSICALLY AND SEXUALLY WHILE DETAINED ON CHARGES OF COLLABORATION WITH THE FMLN. ANY RESPONSE?

3. A: MRS. IGLESIAS, IN A SWORN STATEMENT TO A SALVADORAN JUDGE, SAID SHE WAS AN FPL COLLABORATOR OPERATING UNDER THE PSEUDONYM OF [redacted] HER ADMISSIONS DID NOT CONSTITUTE EVIDENCE OF A SPECIFIC CRIME UNDER SALVADORAN LAW, SHE WAS RELEASED.

4. HEREWITH, BACKGROUND ON HER CASE.

5. ON FRIDAY, SEPTEMBER 13, THREE DAYS AFTER THE KIDNAPPING OF PRESIDENT DUARTE'S DAUGHTER, SALVADORAN TREASURY POLICE RAIDED TWELVE FPL SAFEHOUSES IN SAN SALVADOR. INFORMATION OBTAINED AS A RESULT OF THESE RAIDS INDICATED THAT MRS. IGLESIAS WAS REPORTING TO THE FMLN ON THE IDENTITIES AND MOVEMENTS OF U.S. EMBASSY PERSONNEL. THE TREASURY POLICE ADVISED THE EMBASSY OF THE INFORMATION THEY HAD DISCOVERED, AND OFFERED THE EMBASSY THE OPPORTUNITY TO SPEAK TO MRS. IGLESIAS BEFORE HER ARREST.

6. ON SEPTEMBER 16 OFFICERS FROM THE EMBASSY'S SECURITY SECTION ESCORTED MRS. IGLESIAS FROM HER OFFICE TO THE SECURITY OFFICE WHERE SHE WAS QUESTIONED FOR ABOUT TWO HOURS. AS IS COMMON DURING SUCH INTERROGATIONS, MRS. IGLESIAS WAS ADVISED THAT THE EMBASSY WOULD ATTEMPT TO SECURE LENIENT TREATMENT FOR HER IF SHE WOULD COME CLEAN AND TELL US ALL SHE KNEW ABOUT HER CONTACTS WITH THE FMLN AND OTHER FMLN ATTEMPTS TO PENETRATE THE EMBASSY. HOWEVER, DURING THIS INTERVIEW SHE STEADFASTLY DENIED ALL INVOLVEMENT WITH THE FMLN.

7. FOLLOWING HER QUESTIONING BY EMBASSY OFFICIALS, SHE WAS ARRESTED BY THE TREASURY POLICE IN ACCORDANCE WITH SALVADORAN LAW. BECAUSE OF THE NATURE OF THE OFFENSE OF WHICH SHE WAS SUSPECTED, THE TREASURY POLICE ASKED THE EMBASSY FOR RECORDS AND INFORMATION CONCERNING HER EMPLOYMENT WITH THE EMBASSY AND WE PROVIDED THAT INFORMATION. WHILE SHE WAS DETAINED U.S. OFFICIALS QUESTIONED HER ON TWO OR THREE OCCASIONS.

8. ON OCTOBER 8 MRS. IGLESIAS WAS RELEASED FROM ILOPANGO WOMEN'S PRISON AFTER A MILITARY JUDGE RULED THAT THE EVIDENCE AGAINST WAS NOT LEGALLY SUFFICIENT TO WARRANT FURTHER DETENTION. WE UNDERSTAND THAT SHE CURRENTLY RESIDES IN MEXICO, BUT IS SEEKING RESIDENCE IN CANADA AND PERHAPS OTHER COUNTRIES.

9. Q: WHAT ABOUT THE CHARGES THAT SHE WAS VERBALLY ABUSED AND THREATENED BY AMERICAN OFFICIALS AND REPEATEDLY RAPED BY THE TREASURY POLICE?

10. A: WE CATEGORICALLY DENY ANY FORM OF ABUSE BY ANYONE ASSOCIATED WITH THE AMERICAN EMBASSY.

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PAGE 01 SAN SA 16229 02 OF 04 162357Z 0215
ACTION ARA-00

INFO LOG-00 INR-10 EUR-00 CIAE-00 NMO-01 NSAE-00 AMAD-01
PA-02 SP-02 PRS-01 DS-00 SLPO-01 (AS-01 HA-06)
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FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 0955
USIA WASHDC IMMEDIATE 6120
AMEMBASSY LONDON IMMEDIATE
INFO USSOUTHCOM QUARRY HEIGHTS PN
SECDEF WASHDC
CONTADORA COLLECTIVE

UNCLAS SECTION 02 OF 04 SAN SALVADOR 16229

USIA

STATE FOR ARA/P, ARA/CEN, S/LPD, DS/RH/PR
USIA FOR AR, AR/CENTAM
SECDEF FOR OASD/PA
SOUTHCOM FOR SCPA

E.O. 12356: N/A
SUBJECT: PRESS GUIDANCE: AID EMPLOYEE ARRESTED ON

11. DURING HER INCARCERATION MRS. IGLESIAS WAS VISITED BY THE GOVERNMENTAL HUMAN RIGHTS COMMISSION AND, ON SEPTEMBER 26, BY REPRESENTATIVES OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS. ICRC INTERVIEWS ARE CONFIDENTIAL AND WE HAVE NO KNOWLEDGE OF WHAT SHE TOLD THEM. IN HER CONVERSATION WITH THE CDH, HER ONLY COMPLAINT WAS THAT SHE HAD RUN OUT OF A MEDICATION SHE WAS TAKING FOR A PREXISTING CONDITION.

12. THE CHARGES OF RAPE ARE NOT NEW. WE KNOW THAT SHE TOLD A PHYSICIAN THAT SHE HAD BEEN RAPED BUT SHE REFUSED A MEDICAL EXAMINATION [illegible]

13. Q: BUT DOES THE EMBASSY BELIEVE SHE WAS RAPED?

14. A: ASIDE FROM HER OWN STATEMENTS, WE HAVE NO KNOWLEDGE OF ANY ABUSIVE TREATMENT BY ANYONE.

15. Q: GIVEN THE JUDGE'S RULING, DO YOU BELIEVE THAT THE ORIGINAL DETENTION WAS MISTAKEN AND THAT MRS. IGLESIAS IS INNOCENT?

16. A: GIVEN THE INFORMATION DISCOVERED AS A PART OF THE SAFEHOUSE RAIDS, WE ABSOLUTELY BELIEVE THAT THERE WAS PROBABLE CAUSE TO DETAIN AND QUESTION MRS. IGLESIAS. THE QUESTION OF GUILT OR INNOCENCE WAS SOMETHING WHICH HAD TO BE DETERMINED BY SALVADORAN LAW, WHICH REQUIRES A HIGH DEGREE OF CORROBORATION. THE JUDGE RULED THAT THE EVIDENCE AVAILABLE WAS LEGALLY INSUFFICIENT.

17. Q: WAS IT APPROPRIATE FOR THE EMBASSY TO TURN OVER AN EMPLOYEE TO THE TREASURY POLICE?

18. A: IT WAS NOT ONLY APPROPRIATE, BUT REQUIRED. AS A SALVADORAN NATIONAL, MRS. IGLESIAS WAS NOT SUBJECT TO DIPLOMATIC PROTECTIONS AND WE HAD NO OPTION IN THE MATTER. WE COULD NOT HAVE PREVENTED THE ARREST AND IT WAS ONLY THROUGH THE COURTESY OF THE TREASURY POLICE THAT WE WERE ABLE TO SPEAK TO HER BEFORE HER DETENTION.

19. Q: WHAT, PRECISELY, WAS MRS. IGLESIAS SUSPECTED OF DOING?

20. A: SHE WAS SUSPECTED OF ATTEMPTING TO IDENTIFY EMBASSY EMPLOYEES FOR THE FMLN, AN ORGANIZATION WHICH HAS ALREADY CLAIMED RESPONSIBILITY FOR THE ASSASSINATION OF FIVE AMERICAN MEMBERS OF THE MISSION. THE INFORMATION AVAILABLE TO US INDICATES THAT SHE HAD INSTRUCTIONS TO TRY TO IDENTIFY AND GET CLOSE TO MILITARY PERSONNEL (INCLUDING MARINE SECURITY GUARDS) WITHIN THE EMBASSY. WE ALSO BELIEVE THAT SHE PROVIDED THE FMLN WITH INTERNAL DOCUMENTS SUCH AS PHONE LISTS AND NEWSLETTERS WHICH, WHILE NOT CLASSIFIED, WOULD PROVE USEFUL FOR ANYONE PLANNING ASSASSINATIONS OR KIDNAPPINGS; AND THAT, WHILE AT EMBASSY SOCIAL FUNCTIONS, SHE TOOK PICTURES OF MISSION PERSONNEL WITH THE INTENTION OF PASSING THE PICTURES TO THE FMLN.

21. IN SUM, SHE WAS SUSPECTED OF ASSISTING TERRORISTS IN TARGETING U.S. EMBASSY PERSONNEL FOR ASSASSINATION.

22. Q: DO YOU BELIEVE THAT MRS. IGLESIAS WAS IN ANY WAY RESPONSIBILE FOR THE ASSASSINATIONS OF LT. COMMANDER SCHAUFELBERGER OR THE FOUR MARINES?

23. A: WE ARE NOT AWARE OF ANY DIRECT

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PAGE 01 SAN SA 16229 03 OF 04 162348Z 0216
ACTION-ARA-00

INFO LOG-00 INR-10 EUR-00 CIAE-00 NMO-01 NSAE-00 AMAD-01
PA-02 SP-02 PRS-01 DS-00 SLPD-01 (AS-01 HA-08)
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FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 8956
USIA WASHDC IMMEDIATE 6121
AMEMBASSY LONDON IMMEDIATE
INFO USSOUTHCOM QUARRY HEIGHTS PANAMA
SECDEF WASHDC
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UNCLAS SECTION 03 OF 04 SAN SALVADOR 16229

USIA

STATE FOR ARA/P, ARA/CEN, S/LPD, DS/RM/PR
USIA FOR AR, AR/CENTAM
SECDEF FOR OASD/PA
SOUTHCOM FOR SCPA

E.O. 12356: N/A
SUBJECT: PRESS GUIDANCE: AID EMPLOYEE ARRESTED ON

INVOLVEMENT IN THOSE SPECIFIC CASES.

24. Q: THE EMBASSY CLAIMS TO HAVE A GREAT DEAL OF INFORMATION INDICATING THE GUILT OF MRS. IGLESIAS. PRESUMABLY THE TREASURY POLICE HAVE ACCESS TO THE SAME INFORMATION. THAT BEING THE CASE, WHY WAS SHE RELEASED?

25. A: IN EL SALVADOR, AS IN THE UNITED STATES AND ELSEWHERE, KNOWING SOMETHING AND BEING ABLE TO CONVERT THAT KNOWLEDGE INTO EVIDENCE SUFFICIENT TO CONVICT IN COURT OF LAW ARE NOT THE SAME THING. WE HAVE LONG SAID THAT AN INCREASED INVESTIGATIVE, PROSECUTORIAL AND JUDICIAL [illegible] EL SALVADOR'S DEMOCRATIC PROCESS.

26. Q: HOW LONG DID MRS. IGLESIAS WORK FOR THE [illegible]

27. A: ABOUT 5 YEARS.

28. Q: DID HER HUSBAND WORK FOR THE EMBASSY?

29. A: NO.

30. Q: WAS HER SISTER A GUERRILLA?

31. A: WE HAVE HEARD REPORTS TO THAT EFFECT, BUT CANNOT CONFIRM THEM.

32. Q: DID AMERICAN OFFICIALS TELL MRS. IGLESIAS THAT HER HUSBAND WAS THINKING OF DIVORCING HER BECAUSE OF HER FREQUENT SEXUAL INFIDELITIES? DID AMERICAN OFFICIALS TELL HER HUSBAND THAT SHE WAS UNFAITHFUL?

33. A: I HAVE TOLD YOU THAT WE OFFERED TO ATTEMPT TO SECURE LENIENCY IF SHE MADE A FULL CONFESSION IN HER INITIAL INTERVIEW WITH U.S. OFFICIALS AND THAT SHE DENIED ANY INVOLVEMENT WITH THE FPL. I DO NOT CHOOSE TO FURTHER DISCUSS OUR CONVERSATIONS WITH HER.

34. Q: WAS SHE GIVEN A LIE DETECTOR TEST?

35. A: NO COMMENT.

36. FOLLOWING QUESTIONS STRICTLY IF ASKED, DO NOT VOLUNTEER.

37. Q: IS THERE ANY INDICATION OF OTHER ATTEMPTS BY THE FMLN TO SPY ON THE EMBASSY?

38. A: YES, THE SAME SERIES OF SAFEHOUSE RAIDS INDICATED A DRIVER HIRED PRIVATELY BY ONE EMBASSY FAMILY REPORTED TO THE FMLN ON THE IDENTITIES AND MOVEMENTS OF AMERICAN PERSONNEL AND THEIR FAMILY MEMBERS.

39. Q: CAN YOU GIVE US MORE INFORMATION ON THESE CASES?

40. A: BEYOND SAYING THAT THE INDIVIDUALS WERE DETAINED AND TREATED IN ACCORDANCE WITH SALVADORAN LAW, I HAVE NOTHING FOR YOU.

41. Q: WHO ARE THE U.S. OFFICIALS WHO QUESTIONED MRS. IGLESIAS?

42. A: THE QUESTIONING OF MRS IGLESIAS WAS DONE BY U.S. OFFICIALS ASSIGNED TO THE EMBASSY IN SAN SALVADOR.

43. Q: YES, BUT WHAT PART OF THE EMBASSY DID THEY WORK IN? WERE THEY MILITARY OFFICERS?

44. A: WE DO NOT INTEND TO VOLUNTEER THE KIND OF

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PAGE 01 SAN SA 16229 04 OF 04 162358Z 0217
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FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 0957
USIA WASHDC IMMEDIATE 6122
AMEMBASSY LONDON IMMEDIATE
INFO USSOUTHCOM QUARRY HEIGHTS PN
SECDEF WASHDC
CONTADORA COLLECTIVE

UNCLAS SECTION 04 OF 04 SAN SALVADOR 16229

USIA

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USIA FOR AR, AR/CENTAM
SECDEF FOR OASD/PA
SOUTHCOM FOR SCPA

E.O. 12356: N/A
SUBJECT: PRESS GUIDANCE: AID EMPLOYEE ARRESTED ON

INFORMATION THAT MRS. IGLESIAS IS ACCUSED OF
TRYING TO STEAL.

45. FOR FURTHER INFORMATION SEE REFTEL.

HAMILTON

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PAGE 01 SANTIA 08882 01 OF 02 171415Z
ACTION ARA-00

INFO LOG-00 COPY-01 ADS-00 AID-00 INR-10 EUR-00 SS-00
CIAE-00 DODE-00 H-01 IO-16 NSCE-00 NSAE-00 SSO-00
HA-08 L-03 PM-10 PA-01 OMB-01 INRE-00 USIE-00
SP-02 SNP-01 PRS-01 /055 W
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O 171406Z DEC 85
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 4390
INFO AMEMBASSY SAN JOSE PRIORITY
USMISSION USUN NEW YORK
USMISSION GENEVA
AMEMBASSY CARACAS
AMEMBASSY MADRID
AMEMBASSY PARIS
AMEMBASSY BONN
AMEMBASSY LONDON
AMEMBASSY ROME
AMEMBASSY THE HAGUE

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Declassify: In Part ____ In Full X
Exemption(s) ____

~~C O N F I D E N T I A~~ L SECTION 01 OF 02 SANTIAGO 08882

E.O. 12356: DECL:OADR
TAGS: PHUM, UNGA, CI
SUBJECT: UN RAPPORTEUR ON HUMAN RIGHTS IN CHILE

REF: STATE 381562 (NOTAL)
1. ~~CONFIDENTIAL~~ ENTIRE TEXT.

2. SUMMARY: UN RAPPORTEUR SAYS HIS CHILEAN VISIT HAS RECEIVED EVERY FACILITY FROM THE GOC, BUT HE HAS NO INDICATION THEY ARE CONSIDERING ANY CONCRETE IMPROVEMENTS IN RESPONSE TO HIS PRELIMINARY RECOMMENDATIONS. GIVEN AMOUNT OF INFORMATION HE HAS COLLECTED AND IMPORTANCE OF DOING THOROUGH JOB, HE HOPES HE WILL BE GIVEN EXTENSION OF LATE JANUARY DEADLINE FOR PREPARATION OF ~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 02 SANTIA 08882 01 OF 02 171415Z

HIS FINAL REPORT. ACTION RECOMMENDED: THAT WE AND OTHER DEMOCRACIES DELAY DEMARCHES TO GOC UNTIL AFTER WE HAVE DISCUSSED IMPACT OF HIS VISIT WITH CHILEAN HRC, WITH GOC, AND (IN SAN JOSE) WITH VOLIO HIMSELF. WE ALSO RECOMMEND DELAY IN UNHRC CONSIDERATION OF CHILE UNTIL LATE MARCH, AS VOLIO REQUESTS. END SUMMARY.

3. AMBASSADOR AND DCM LUNCHED WITH UN RAPPORTEUR FERNANDO VOLIO AND COSTA RICAN AMBASSADOR FAVIO CRUZ DECEMBER 16. VOLIO SAID HE HAD HAD ACTIVE AND ARDUOUS SCHEDULE OF INTERVIEWS AND MEETINGS, INCLUDING NOT ONLY HUMAN RIGHTS ORGANIZATIONS, GOC, AND INDIVIDUALS WHO SOUGHT APPOINTMENTS, BUT OPPOSITION LEADERS SUCH AS GABRIEL VALDES. HE HAD ALSO MADE ONE TRIP BY CHARTERED PLANE, TO CONCEPCION AND TEMUCO. GOVERNMENT HAD GIVEN HIM EVERY FACILITY AND POSED NO OBSTACLE TO ANY MEETING. ONLY DIPLOMATIC CONTACT HE WILL MAKE OTHER THAN U.S. WILL BE DUTCH AMBASSADOR RUTGERS (REASON UNSPECIFIED).

4. VOLIO IMMEDIATELY AGREED WITH OUR EXPRESSION OF CONCERN THAT GOC MAY HAVE FOCUSED ONLY ON HIS VISIT, VIEWING IT IN ITSELF AS A GREAT CONCESSION, AND MAY HAVE NO PLANS - CERTAINLY NOT AT THE PRESIDENTIAL LEVEL - FOR RESPONDING TO THE VISIT AND HIS RECOMMENDATIONS IN SUCH A WAY AS TO IMPROVE HUMAN RIGHTS PERFORMANCE AND FACILITATE MORE MODERATE RESOLUTIONS IN UN. HE SAID HE HAD TRIED OUT SOME IDEAS ON FOREIGN MINISTER DEL VALLE IN HIS INITIAL CALL AND WAS DISAPPOINTED THAT DEL VALLE HAD RESPONDED ONLY WITH A LENGTHY EXPOSITION OF CHILEAN SITUATION AS HE VIEWED IT. AMBASSADOR SAID THAT SEEMED TO BE A DEL VALLE TENDENCY. VOLIO SAID HE HAD GOTTEN IMPRESSION DEL VALLE WAS MORE OF A HARDLINER THAN HE HAD BEEN LED TO BELIEVE. HE WONDERED WHETHER GOC UNDERSTOOD MEANING OF MEXICO'S DEFEAT AT THE OAS, OR WHETHER THEY SIMPLY INTERPRETED THE NON-INCLUSION OF A SPECIFIC
~~CONFIDENTIAL~~

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PAGE 03 SANTIA 08882 01 OF 02 171415Z

CHILEAN ITEM IN THE OMNIBUS RESOLUTION AS A TRIUMPH FOR CHILEAN DIPLOMACY, AS THEY WERE SAYING PUBLICLY.

5. AS ANTICIPATED, VOLIO PUT EQUAL STRESS ON IMMEDIATE MEASURES TO IMPROVE HUMAN RIGHTS AND ON PROGRESS TOWARD DEMOCRATIC TRANSITION AS THE ONLY ENDURING GUARANTEE OF HUMAN RIGHTS. HE MENTIONED PROGRESS IN PROMULGATING

ELECTORAL LAWS AND BEGINNING OF DIALOGUE BETWEEN GOVERNMENT AND THE SIGNERS OF THE NATIONAL ACCORD AS KEY STEPS IN ADVANCING THE TRANSITION. WITHOUT PROGRESS ON THESE LINES, COMMUNIST STRENGTH AND INFLUENCE IN CHILE WILL ONLY INCREASE, HE SAID. HE WAS ENCOURAGED BY ANNOUNCEMENT THAT GARCIA WOULD RECEIVE THE THREE ACCORD ADVISERS, ALTHOUGH WE CAUTIONED HIM THERE WAS NO CLEAR INDICATION AS YET WHETHER THAT WOULD LEAD TO CONTINUING DIALOGUE. HE HIMSELF PLANS TO USE HIS MEETING WITH THE INTERIOR MINISTER TO "ADVANCE SOME IDEAS" OF WHAT THE GOC MIGHT DO, TO SEE IF HE GETS ANY FURTHER THAN HE DID WITH DEL VALLE.

6. IN LISTING STEPS HE THOUGHT GOC SHOULD TAKE, VOLIO ESSENTIALLY LISTED THE RECOMMENDATIONS CONTAINED IN HIS NOVEMBER REPORT TO THE UNGA WITHOUT GIVING ANY INDICATION OF PRIORITY. ASKED WHETHER HE PLANNED TO MAKE ANY SUBSTANTIVE PUBLIC STATEMENT BEFORE LEAVING CHILE, HE SAID NO, BUT THEN ADDED THAT HE WOULD SUGGEST GENERAL LINES OF RECOMMENDATIONS HE WOULD MAKE SO THAT "THERE WILL BE NO SURPRISES."

7. VOLIO SAID HE WOULD SPEND CHRISTMAS IN RIO, WHERE HIS WIFE WILL JOIN HIM, BEFORE RETURNING TO COSTA RICA. WHILE IN RIO HE WILL DRAFT FIRST OUTLINE OF HIS NEXT REPORT, GIVEN THE UNHCR SCHEDULE WHICH REQUIRES SUBMISSION IN DRAFT BY THIRD WEEK OF JANUARY IN ORDER TO PERMIT EDITING AND TRANSLATION BEFORE DISCUSSION IN

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PAGE 01 SANTIA 08882 02 OF 02 171416Z

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O 171406Z DEC 85
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 4391
INFO AMEMBASSY SAN JOSE PRIORITY
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USMISSION GENEVA
AMEMBASSY CARACAS
AMEMBASSY MADRID
AMEMBASSY PARIS
AMEMBASSY BONN
AMEMBASSY LONDON
AMEMBASSY ROME
AMEMBASSY THE HAGUE

~~C O N F I D E N T I A L~~ SECTION 02 OF 02 SANTIAGO 08882

E.O. 12356: DECL:OADR
TAGS: PHUM, UNGA, CI
SUBJECT: UN RAPPORTEUR ON HUMAN RIGHTS IN CHILE

GENEVA IN FEBRUARY. HE WOULD NOT ONLY FIND IT EASIER PERSONALLY, BUT THINKS IT WOULD LEAD TO A BETTER REPORT, IF UNHCR COULD TAKE UP OTHER COUNTRIES FIRST AND DELAY CHILE UNTIL LAST OF MARCH OR FIRST WEEK OF APRIL, MOVING HIS DRAFTING DEADLINE TO LATTER PART OF FEBRUARY. HE HAS DEVELOPED SO MUCH MATERIAL THAT HE FEELS HE CANNOT DO AN ADEQUATE JOB OF ANALYZING IT IN THE SHORT TIME FRAME WHICH HE HAS BEEN GIVEN.

- AT THIS POINT VOLIO SAID WHAT HE HAS LEARNED HAS

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PAGE 02 SANTIA 08882 02 OF 02 171416Z

LARGELY CONFIRMED THE POINTS MADE IN HIS PRELIMINARY REPORT, AND EXPECTS HIS CONCLUSIONS TO BE MORE SPECIFICALLY WORDED IN HIS NEXT REPORT.

8. AMBASSADOR STRESSED OUR INTEREST IN SUPPORTING VOLIO'S MISSION AND ASKED THAT HE LET US KNOW, BEFORE HIS DEPARTURE OR AFTER, IF THERE IS ANY WAY WE CAN HELP. AMBASSADOR SAID HE WOULD BE IN DEPARTMENT ON CONSULTATIONS JANUARY 2 AND 3 AND WONDERED IF THERE WOULD BE AN OPPORTUNITY TO SEE VOLIO THERE OR IN MIAMI ON HIS WAY BACK TO COSTA RICA. VOLIO COUNTERED WITH SUGGESTION AMBASSADOR BARNES STOP OFF IN SAN JOSE ON HIS WAY BACK TO CHILE, ALTHOUGH HE NOTED THAT HE WOULD BE ACTIVELY CAMPAIGNING FOR ELECTION TO LEGISLATIVE ASSEMBLY AT THAT TIME.

- HE SAID HE COULD NOT SEE US AGAIN BEFORE LEAVING, THOUGH HE INDICATED IF THERE WAS ANYTHING STARTLING HE WOULD TRY TO CONVEY IT TO US THROUGH AMBASSADOR CRUZ.
9. COMMENT: WE CONCLUDE THAT IT WOULD BE PREMATURE FOR US OR OTHERS TO ATTEMPT DEMARCHES TO GOC BEFORE VOLIO'S DEPARTURE (DECEMBER 19, IF HE STICKS TO ORIGINAL SCHEDULE), EVEN ASSUMING OTHER EMBASSIES COULD BE MOBILIZED IN TIME. DEL VALLE IS IN MONTEVIDEO BUT RETURNS MID-WEEK AND AMBASSADOR IS SCHEDULED TO HAVE LUNCH WITH HIM DECEMBER 20. AMBASSADOR IS ALSO SEEING GARCIA DECEMBER 19. HE CAN AT THAT TIME EXPLORE GOC'S REACTIONS AND INTENTIONS, AS WE WILL ALSO DO WITH HUMAN RIGHTS ORGANIZATIONS. IT WOULD BE ESSENTIAL TO KNOW THESE REACTIONS, AND TO GET AN IDEA OF VOLIO'S REFLECTIONS AND INTENDED RECOMMENDATIONS, BEFORE MAKING FORMAL APPROACH TO GOC.
10. WE ALSO THINK IT WOULD BE IN EVERYONE'S INTEREST TO GIVE VOLIO A LITTLE MORE TIME TO DRAFT SUCH AN
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PAGE 03 SANTIA 08882 02 OF 02 171416Z

IMPORTANT REPORT, BEARING IN MIND THAT HE IS ALSO RUNNING FOR OFFICE IN FEBRUARY 2 ELECTIONS IN COSTA RICA.
ACTION RECOMMENDED: THAT POSSIBILITY BE EXPLORED WITH UNHRC OF POSTPONING VOLIO'S SUBMISSION DEADLINE UNTIL LATE FEBRUARY, AND CONSIDERATION BY UNHRC ACCORDINGLY.
DEPARTMENT'S AND SAN JOSE'S VIEWS ON POSSIBLE UNPUBLICIZED STOPOVER BY AMBASSADOR IN SAN JOSE ALSO REQUESTED. AMBASSADOR WOULD USE EXCUSE OF VISITING RELATIVES WHO LIVE (BY CHANCE) IN SAN JOSE. BARNES

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PAGE 01 SANTIA 08848 171153Z
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Chile Project (#S199900030)
U.S. Department of State
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Declassify: In Part In Full ✓
Exemption(s)

UNCLAS SANTIAGO 08848

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E.O. 12356: N/A
TAGS: SHUM, CI
SUBJ: CONGRESSIONAL INQUIRY CONCERNING CASE OF ESTABAN MONTABONE URBANO

REF: D'AMATO/BEAN LETTER 12-3-85

SENATOR ALFONSE D'AMATO
U.S. SENATE
WASHINGTON, D.C. 20510

1.I AM RESPONDING TO YOUR LETTER OF DECEMBER 3 ADDRESSED TO THE FORMER CONSUL GENERAL DON E. BEAN CONCERNING THE PLANNED VISIT TO SANTIAGO OF THE MOST REVEREND MATTHEW H. CLARK, BISHOP OF THE DIOCESE OF ROCHESTER. IN YOUR LETTER YOU STATED THAT BISHOP CLARK WOULD BE VISITING THE EMBASSY IN AN EFFORT TO HELP THE CAUSE OF ESTABAN MONTABONE URBANO.

2. UNFORTUNATELY, WE HAVE NO INFORMATION REGARDING ESTABAN MONTABONE URBANO. IF YOU COULD SUPPLY INFORMATION CONCERNING THE NATURE OF THE MONTABONE CASE, WE WOULD BE PLEASED TO HELP IN ANY WE CAN. IN ADDITION, I WOULD APPRECIATE THE DATES OF

BISHOP CLARK'S PLANNED VISIT TO SANTIAGO.

3. I LOOK FORWARD TO HEARING FROM YOU AND AM PLEASED TO BE OF ANY ASSISTANCE.

JAYNE L. KOBLISKA
CONSUL GENERAL
U.S. EMBASSY, CHILE

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PAGE 01 STATE 384290
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APPROVED BY: ARA:EABRAMS
ARA/SC:MLDURKEE HA:MAGUSTAFSON
ARA:RGELBARD

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TO AMEMBASSY SANTIAGO IMMEDIATE
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Chile Project (#S199900030)
U.S. Department of State
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Exemption(s) ____

~~C O N F I D E N T I A L~~ STATE 384290

ROME ALSO FOR EMBASSY VATICAN

E.O. 12356: DECL: OADR
TAGS: PHUM, PREL, CI
SUBJECT: VISIT OF CHILEAN HUMAN RIGHTS COMMISSION (CHRC) VICE PRESIDENT MAXIMO PACHECO

REF: STATE 381562

1. (C - ENTIRE TEXT)

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PAGE 02 STATE 384290

2. SUMMARY: DURING HIS DEC. 11-13 VISIT TO WASHINGTON, CHRC VICE PRESIDENT PACHECO, A PROMINENT CHRISTIAN DEMOCRATIC PARTY LEADER AND LEADING MODERATE WITHIN THE CHRC, MET A NUMBER OF DEPARTMENT OFFICIALS, INCLUDING ARA ASSISTANT SECRETARY ABRAMS, DEPUTY ASSISTANT SECRETARY ROBERT GELBARD, AND ACTING HA ASSISTANT SECRETARY LEO MOSER. PRINCIPAL SUBJECTS COVERED WITH PACHECO WERE THE CURRENT HUMAN RIGHTS SITUATION, PROPECTS FOR A DEMOCRATIC TRANS1TION AND US POLICY TOWARD CHILE. HIGHLIGHTS ARE REPORTED BELOW. ACTION REQUESTED IN PARAGRAPH 7. END SUMMARY.

3. CURRENT HUMAN RIGHTS SITUATION:

DURING HIS DISCUSSIONS PACHECO ACKNOWLEDGED THAT IN GENERAL THE ATMOSPHERE HAS IMPROVED IN CHILE, CERTAINLY SINCE THE NATIONAL ACCORD WAS ANNOUNCED. AT THE SAME TIME HE STRESSED THAT SEVERE HUMAN RIGHTS VIOLATIONS HAVE CONTINUED, IN A MORE SELECTIVE FORM THAN BEFORE, WITH TARGETS GENERALLY CHURCH OR HUMAN RIGHTS ACTIVISTS. ASKED TO IDENTIFY PR1ORITY HUMAN RIGHTS PROBLEM AREAS WHERE THE US COULD TRY TO ASSIST, PACHECO NAMED THREE: TORTURE, EXILES AND LEGALIZATION OF POLITICAL PARTIES. PACHECO ALSO REFERRED ON SEVERAL OCCASIONS TO THE RECENT DETENT1ON BY COURT ORDER OF MENSAJE EDITOR FATHER RENATO HEVIA AND RAISED THIS SPECIFIC ISSUE DURING HIS MEETING WITH ASSISTANT SECRETARY ABRAMS. POINTING OUT THAT FATHER HEVIA REQUIRED SPECIAL MEDICAL TREATMENT BECAUSE OF EYE INJURIES FROM A CAR ACCIDENT, PACHECO ASKED THAT THE US INTERVENE ON BEHALF OF THE JESUIT PRIEST. DEPT OFFICIALS TOLD PACHECO THAT AMBASSADOR SCHIFTER HAD ALREADY RAISED FATHER HEVIA'S DETENTION WITH CHILEAN AMBASSADOR ERRAZURIZ AND THAT EMBASSY SANTIAGO HAD BEEN

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PAGE 03 STATE 384290

ASKED TO FOLLOW UP ON THIS APPROACH.

4. PERSISTENCE OF TORTURE AND 1NTERNAL BANISHMENTS:

IN HIS MEETING WITH HA ACTING ASSISTANT SECRETARY MOSER, PACHECO EMPHASIZED THE PROBLEMS OF TORTURE AND INTERNL BANISHMENTS (RELEGATION). PACHECO CHARGED THAT CHILEAN

SECURITY FORCES HAD BECOME MORE EXPERT IN TORTURE AND CLAIMED THAT CHILEAN POLICE HAVE RECEIVED ADVICE AND ASSISTANCE IN THIS AREA FROM SOUTH AFRICA. ACCORDING TO PACHECO, TECHNIQUES OF TORTURE ALLEGEDLY EMPLOYED IN CHILE USE PSYCHOLOG1CAL MEANS, ELECTRIC1TY, WATER AND RAPE BY ANIMALS. HE SAID THAT TORTURE VICTIMS ARE IN SUCH A STATE OF FEAR AND SHOCK THAT THEY ARE GENERALLY AFRAID TO FILE COURT CHARGES. HE SAID THAT ALLEGATIONS OF TORTURE HAVE BEEN DIFFICULT TO PROVE SINCE FREQUENTLY THERE ARE NO VISIBLE SIGNS OF MISTREATMENT. PACHECO ALSO RAISED THE 1SSUE OF RELEGATIONS WITH MOSER, AND ALLEGED THAT NEW BANISHMENT SITES HAVE BEEN ESTABLISHED AT EXTREMELY ISOLATED CARABINERO POSTS. PACHECO SAID THAT THOSE RELEGATED NOW MUST REPORT TO LOCAL POLICE THREE TIMES DAILY, RATHER THAN ONCE. THE CHRC VICE PRES1DENT ARGUED THAT SINCE THE NEW BANISHMENT SITES ARE NOT IN INHABITED AREAS, THOSE RELEGATED ARE EFFECTIVELY IMPRISONED.

5. TRANSITION TO DEMOCRACY:

PACHECO INDICATED THAT THE NATIONAL ACCORD HAD IMPROVED THE POSITION OF THE DEMOCRATIC OPPOSITION IN CHILE, BUT

EXPRESSED GREAT FRUSTRATION OVER PINOCHET'S REFUSAL TO AGREE TO A DIALOGUE. PACHECO NOTED THAT THERE WERL PERSISTENT RUMORS THAT ELEMENTS WITHIN THE ARMED FORCES HAVE PRESSED PINOCHET TO AGREE TO HOLDING FREE ELECTIONS IN 1989 RATHER THAN THE SINGLE-CANDIDATE PLEBISCITE AS ~~CONFIDENTIAL~~

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PAGE 04 STATE 384290

PROVIDED FOR IN THE 1980 CONSTITUTION. ASKED BY ASSISTANT SECRETARY ABRAMS WHETHER CHILE'S DEMOCRAT1C OPPOSITION WOULD BE SATISFIED WITH SUCH AN OUTCOME, OR WOULD THEN DEMAND PINOCHET'S IMMEDIATE REMOVAL, PACHECO REPLIED THAT PUBLICLY HIS POSITION WOULD REFLECT THE LATTER POS1T1ON, BUT IN PRIVATE, AS A REALIST, HE WOULD READILY SETTLE FOR "GENUINE, FREE ELECTIONS" IN 1989, IN WHICH THE PARTICIPANTS HAD A FAIR CHANCE TO COMPETE.

6. US POLICY TOWARDS CHILE:

PACHECO ACKNOWLEDGED THAT THE US HAS SPOKEN OUT PUBLICLY IN SUPPORT OF THE NATIONAL ACCORD AND IN FAVOR OF CHILE'S TRANSITION TO DEMOCRACY. HE CAUTIONED THAT THE US SHOULD NOT BE DECEIVED BY PINOCHET, "WHO LIES VERY WELL," AND URGED THAT THE US MAINTAIN PUBLIC PRESSURE FOR A RETURN TO DEMOCRACY. PACHECO ALSO TOOK ISSUE WITH US POLICY TOWARDS CHILE ON TWO FRONTS:

--UN AND OAS HUMAN RIGHTS RESOLUTIONS.

WHILE EXPRESSYNG DISAPPOINTMENT OVER THE RECENT US VOTES, PARTICULARLY US ABSTENTION ON A CHILE-SPECIFIC PARAGRAPH IN THL OAS HUMAN RIGHTS RESOLUTION, PACHECO SAID HE DID NOT WISH TO PROLONG THE DEBATE. INSTEAD, PACHECO URGED THAT WE WORK TOGETHER, BEGINNING NOW, TO DEVELOP A MUTUALLY ACCEPTABLE RESOLUTION ON CHILE TO BE CONSIDERED AT THE NEXT UN HUMAN RIGHTS COMMISSION MEETING THIS SPRING IN GENEVA. ASSISTANT SECRETARY ABRAMS AGREED IN PRINCIPLE TO SUCH AN APPROACH. PACHECO AGREED TO CONSULT CLOSELY WITH EMBASSY SANTIAGO ON DEVELOPING A TEXT (REFTEL). HE SAID HE WOULD ALSO ENSURE THAT THE CHILEAN LEFT AGREED TO A SET OF ALTERNATIVE SPONSORS TO THE
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PAGE 05 STATE 384290

MEXICO, CUBA, ALGERIA, AND YUGOSLAVIA GROUP WHICH TRADITIONALLY MANAGED THE RESOLUTIONS. HE PROMISED THAT THE CHRC WOULD COOPERATE CLOSELY WITH UN SPECIAL RAPPORTEUR VOLIO, AS URGED BY DEPARTMENT OFFICIALS.

--SUPPORT FOR CHILEAN ECONOMY IN INTERNATIONAL INSTITUTIONS.

PACHECO COMMENTED THAT HE DISAGREED WITH US SUPPORT FOR LOANS TO CHILE IN THE INTERNATIONAL FINANCIAL INSTITUTIONS, NOT BECAUSE HE FAVORED AN ECONOMIC WAR

AGAINST CHILE, BUT BECAUSE HE BELIEVED THAT SUCH SUPPORT SHOULD BE CONDITIONED ON ACHIEVING TANGIBLE PROGRESS ON HUMAN RIGHTS PROBLEMS. DEPARTMENT OFFICIALS TOLD PACHECO THAT THE US ALSO SOUGHT TO BRING ABOUT PROGRESS ON HUMA. RIGHTS ISSUES BUT THAT US SUPPORT FOR THE CHILEAN ECONOMY WAS NECESSARY TO HELP THE CHILEAN PEOPLE, AND TO AVOID

GREATER ECONOMIC DISTRESS THAT COULD LEAD TO POLARIZATION AND JEOPARDIZE A SUCCESSFUL TRANSITION TO DEMOCRACY. ASSISTANT SECRETARY ABRAMS NOTED THAT WHILE CHILEAN CARDINAL FRESNO HAD NOT SPECIFICALLY SUPPORTED US POLICY IN THIS RESPECT IN RECENT CONVERSATIONS HERE, WE BELIEVED THAT OUR SUPPORT FOR THE CHILEAN ECONOMY WAS CLOSELY IN LINE WITH CHURCH VIEWS ON THE ISSUE. ABRAMS ALSO NOTED IN PASSING THAT FRESNO HELPED, INDIRECTLY AT LEAST, TO BRING ABOUT RESOLUTION OF THE PROBLEMS REGARDING ITALIAN BANK PARTICIPATION IN CHILE'S COMMERCIAL BANK MONEY FACILITY, WHICH HAD THREATENED TO BRING GREATER ECONOMIC SUFFERING ON THE CHILEAN PEOPLE.

7. ACTION REQUESTED: DEPARTMENT WOULD APPRECIATE EMBASSY ANALYSIS OF PACHECO'S ALLEGATIONS TO MOSER REGARDING TORTURL AND THE DESIGNATION OF NEW, ISOLATED RELEGATION SITES. WHITEHEAD

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PAGE 01 SANTIA 08959 192101Z
ACTION ARA-00

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FM AMEMBASSY SANTIAGO
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INFO AMEMBASSY BRUSSELS
AMEMBASSY BUENOS AIRES
AMEMBASSY LIMA

Chile Project (#S199900030)
U.S. Department of State
Release X Excise Deny
Declassify: In Part In Full X
Exemption(s)

~~C O N F I D E N T I A L~~ SANTIAGO 08959

BRUSSELS FOR LABATT

E.O. 12356: DECL:OADR
TAGS: ELAB,SHUM,CI
SUBJ: BUSTOS REMAINS IN PRISON BUT TWO OTHERS RELEASED

REF: SANTIAGO 8509

1. THE SIXTH COURT OF APPEALS IN SANTIAGO RULED ON DECEMBER 18 THAT JOSE RUIZ DI GEORGIO, PRESIDENT OF THE PETROLEUM WORKERS FEDERATION, AND MARIO ARANEDA ESPINOZA, OF THE COORDINADORA METROPOLITANA DE POBLADORES, SHOULD BE RELEASED FROM PRISON. DI GIORGIO WAS GIVEN AN UNCONDITIONAL RELEASE FOR LACK OF MERIT TO THE CHARGES AGAINST HIM, AND ARANEDA WAS RELEASED ON BAIL. BOTH HAD COMPLETED 86 DAYS IN JAIL WHILE CHARGES OF THEIR HAVING ORGANIZED, INSTIGATED AND PARTICIPATED IN THE EARLY SEPTEMBER ACTS OF VIOLENCE WERE INVESTIGATED.
2. (U) THE COURT ALSO RULED THAT MANUEL BUSTOS, PRESIDENT OF THE NATIONAL WORKERS COMMAND (CNT), ~~CONFIDENTIAL~~

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PAGE 02 SANTIA 08959 192101Z

SHOULD NOT BE RELEASED ON BAIL BECAUSE OF HIS PREVIOUS CONVICTIONS ON SIMILAR CHARGES.

3. (C) LABOR ATTACHE MET WITH BUSTOS MORNING OF DECEMBER 19. BUSTOS, WHO APPEARED SOMEWHAT MORE DEJECTED THAN DURING PREVIOUS VISITS, STATED THAT HE HAD NO CLEAR IDEA AS TO WHY HIS APPEAL FOR BAIL HAD BEEN DENIED. HE NOTED THAT BOTH ARANEDA AND EDUARDO VALENCIA, ANOTHER SHANTYTOWN LEADER WHO HAD BEEN RELEASE ON BAIL ON NOVEMBER 27 (REFTEL), HAD MUCH MORE SERIOUS PREVIOUS CONVICTIONS THAN HAD BUSTOS. BOTH OF THESE INDIVIDUALS, ACCORDING TO BUSTOS, WERE PRESENTLY UNDER SENTENCE BY THE MILITARY COURTS FOR PREVIOUS VIOLATIONS OF THE SECURITY LAWS. HE ADMITTED BEING DESPONDENT OVER THE REFUSAL OF THE COURT TO ACCEPT HIS FIFTH APPEAL FOR BAIL, AND STATED THAT HE WOULD NOW WAIT UNTIL AFTER THE NEW YEAR BEFORE FILING ANOTHER APPEAL. THE VARIOUS COURT JUSTICES CHANGE COURTS IN JANUARY, AND HE IS HOPEFUL THAT A MORE LENIENT JUDGE WILL BE APPOINTED TO THE SIXTH COURT OF APPEALS, WHICH IS RESPONSIBLE FOR HIS CASE. HE ADDED THAT HE WAS ALSO DISCOURAGED BY THE INABILITY OF THE ICFTU AND OTHER GROUPS TO GET THE GOC TO DROP THE CHARGES AGAINST HIM.

4. (C) COMMENT: BUSTOS REMAINS AS THE ONLY TRADE UNION OR SHANTYTOWN LEADER IN JAIL ON CHARGES STEMMING FROM THE SEPTEMBER VIOLENCE. IT IS NOT CLEAR AS TO WHY HE HAS BEEN SINGLED OUT FOR WHAT APPEARS TO BE SPECIAL TREATMENT, BUT HIS HIGH PUBLIC PROFILE IN OPPOSITION TO

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PAGE 03 SANTIA 08959 192101Z

THE GOVERNMENT HAS UNDOUBTEDLY BEEN AN INFLUENTIAL FACTOR. BARNES

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PAGE 01 SANTIA 08960 01 OF 02 192135Z
ACTION SCT-02

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FM AMEMBASSY SANTIAGO
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INFO USIA WASHDC 4206
DIA WASHDC
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AMEMBASSY LA PAZ
AMEMBASSY LIMA
AMEMBASSY PANAMA
USCINCSO QUARRY HEIGHTS
USCINCLANT NORFOLK
USAFSO HOWARD AFB

Chile Project (#S199900030)
U.S. Department of State
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Declassify: In Part X In Full_____
Exemption(s) B1 B6

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~~S E C R E T~~ SECTION 01 OF 02 SANTIAGO 08960

TERREP EXCLUSIVE

PANAMA FOR ADS; USIA AR FOR RICCIO, OGLESBY AND LEROY; USIA M/S FOR DOWLING AND CARNAHAN; CINCSO AND CINCLANT FOR INTAFFS

MILITARY ADDRESSEES HANDLE AS SPECAT EXCLUSIVE

E.O. 12356: DECL: OADR
TAGS: ASEC, PTER, CI
SUBJECT: UPDATE ON TERRORIST THREAT AGAINST AMEMBASSY SANTIAGO

REFS: (A) SANTIAGO 8833,

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1. ~~SECRET~~ - ENTIRE TEXT

2. (S/WN/NF/NC/OC) SUMMARY: [ ] THE MIR HAS POSTPONED ITS PLANS TO KIDNAP AN EMBASSY OFFICER. [ ] THE MIR BELIEVES THE KIDNAP PLAN WAS COMPROMISED AND ALL MIR MILITANTS HAVE GONE INTO HIDING. [ ] THE PLAN WAS POORLY THOUGHT OUT AND THAT THE MIR LACKED THE NECESSARY INFRASTRUCTURE TO CARRY OUT SUCH AN OPERATION. HOWEVER, [ ] THERE IS A POSSIBILITY THAT SOME MEMBERS OF THE ORIGINAL GROUP OF 25 MIR EXILES MAY DECIDE TO TAKE ACTION ON THEIR OWN. GIVEN THE ORIGINAL MIR INTENT TO PERPETRATE A SIGNIFICANT TERRORIST ACT AGAINST AN OFFICIAL AMERICAN TARGET IN CHILE, [ ] THAT LIBYAN FUNDING WOULD BE FORTHCOMING ONLY IF ACT IS CARRIED OUT, POST DOES NOT INTEND TO RELAX PRESENT SECURITY POSTURE. ON CONTRARY, WE BELIEVE WE ARE AT A NEW LEVEL OF THREAT FOR THE INDEFINITE FUTURE. END SUMMARY.

3. (S/WN/NF/NC/OC) [ ] INDICATES THAT THE CHILEAN MOVEMENT OF THE REVOLUTIONARY LEFT (MIR) HAS DECIDED TO SUSPEND ITS PLAN TO KIDNAP A UNITED STATES DIPLOMAT IN CHILE. [ ] THE MIR LEADERSHIP BELIEVES THE KIDNAP PLAN HAS BEEN COMPROMISED AND CONSEQUENTLY, ALL MIR MILITANTS HAVE GONE INTO HIDING. [ ] THE MIR DECIDED TO SUSPEND THE KIDNAP PLAN FOLLOWING THE DEATH OF MIR MEMBER PATRICIO LEONEL ((GONZALES)) GONZALES, WHO DIED IN A SHOOTOUT WITH CHILEAN SECURITY FORCES, AND THE ARREST

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PAGE 03 SANTIA 08960 01 OF 02 192135Z

OF SIX MEMBERS OF A TERRORIST CELL IN TALCA, CHILE, TWO OF WHOM WERE MIR MILITANTS. [ ] THESE THREE MIRISTAS WERE PART OF THE GROUP OF 20-25 MIR EXILES WHICH HAD RETURNED TO CHILE TO CARRY OUT AN OPERATION AGAINST THE U.S. EMBASSY IN SANTIAGO. [ ] THE CASE OF CARLOS ENRIQUE ((MARTINEZ)) SOTO, WHO WAS KILLED BY A BOMB WHICH EXPLODED WHILE IN HIS POSSESSION, AS ANOTHER INSTANCE OF AN IMPORTANT MIR MILITARY LEADER BEING KILLED. THE MIR BLAMED THE CHILEAN NATIONAL INFORMATION CENTER (CNI) FOR BOTH THE GONZALES AND MARTINEZ DEATHS.

4. (S/WN/NF/NC/OC) ACCORDING TO 11 DECEMBER PRESS REPORTS, GONZALES WAS KILLED DURING A SHOOTOUT WITH THE CARABINEROS, CHILE'S UNIFORMED POLICE, WHEN THE CARABINEROS TRIED TO STOP THE VEHICLE IN WHICH HE WAS RIDING. THE VEHICLE HAD BEEN REPORTED STOLEN. ON 12 DECEMBER, THE LOCAL PRESS REPORTED THE ARREST OF SIX MEMBERS OF A TERRORIST CELL IN TALCA, CHILE, ALLEGED TO BE MEMBERS OF THE FPMR. ON 14 DECEMBER, THE LOCAL PRESS REPORTED THAT MARTINEZ WAS KILLED WHEN A BOMB HE WAS CARRYING DETONATED.

5. (S/WN/NF/NC/OC) DESPITE THIS REPORT, [redacted] SOME PORTION OF THE ORIGINAL 25 MIR EXILES (POSSIBLY 4-6 HIGHLY DEDICATED MEMBERS) MAY ATTEMPT THE KIDNAPPING OR CONSIDER OTHER TYPES OF TERRORIST ATTACKS AGAINST THE EMBASSY. B1

6. (S/WN/NF/NC/OC) [redacted] THE MIR DECIDED TO SUSPEND ITS PLAN TO KIDNAP A U.S. DIPLOMAT IN SANTIAGO. [redacted] THE KIDNAP PLAN WAS POORLY PLANNED AND THAT THE MIR LACKED THE NECESSARY INFRASTRUCTURE TO CARRY OUT SUCH AN OPERATION. HE STATED B1 B1

NOTE BY OC/T: REF. B. AS RECEIVED. CORRECTION TO FOLLOW.

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PAGE 01 SANTIA 08960 02 OF 02 192136Z
ACTION SCT-02

INFO LOG-00 COPY-01 ADS-00 INR-02 SS-02 CIAE-00 NSCE-00
ARA-01 NSAE-00 SSO-00 TRSE-00 PM-01 INRE-00 USSS-00
FBIE-00 DS-02 DSE-00 /011 W
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O 192124Z DEC 85
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 4428
INFO USIA WASHDC 4207
DIA WASHDC
AMEMBASSY BUENOS AIRES
AMEMBASSY LA PAZ
AMEMBASSY LIMA
AMEMBASSY PANAMA
USCINCSO QUARRY HEIGHTS
USCINCLANT NORFOLK
USAFSO HOWARD AFB

~~S E C R E T~~ SECTION 02 OF 02 SANTIAGO 08960

TERREP EXCLUSIVE

PANAMA FOR ADS; USIA AR FOR RICCIO, OGLESBY AND LEROY; USIA M/S FOR DOWLING AND CARNAHAN; CINCSO AND CINCLANT FOR INTAFFS

MILITARY ADDRESSEES HANDLE AS SPECAT EXCLUSIVE

E.O. 12356: DECL: OADR
TAGS: ASEC, PTER, CI
SUBJECT: UPDATE ON TERRORIST THREAT AGAINST AMEMBASSY

THAT THE TARGET SELECTED FOR THE KIDNAPPING HAD BEEN A [redacted] OFFICER WITH A WIDE RANGE OF CONTACTS.

[redacted] (COMMENT: [redacted]

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PAGE 02 SANTIA 08960 02 OF 02 192136Z

[redacted] THE PLAN TO KIDNAP AN AMERICAN DIPLOMAT TO EXCHANGE FOR NINE PRISONERS BELONGING TO THE MIR, THE CHILEAN COMMUNIST PARTY (PCCH), AND THE MANUEL RODRIGUEZ PATRIOTIC FRONT (FPMR), AND THAT THE PRISONERS WOULD BEGIN A MIR/PCCH DIRECTED HUNGER STRIKE ON 10 DECEMBER. [redacted]

[redacted]

7. (S/WN/NF/NC/OC) [redacted] THE HUNGER STRIKE BY THE JAILED POLITICAL PRISONERS IS CON-

TINUING, BUT EFFORTS TO PUBLICIZE IT LOCALLY HAVE BEEN UNSUCCESSFUL. [ ] THE POLITICAL PRISONERS WERE DISAPPOINTED WITH THE LACK OF SUPPORT THEY ARE RECEIVING FROM THE MIR. [ ] THE PRISONERS PROBABLY WOULD SEEK ONE OR TWO MINOR CONCESSIONS AND END THE STRIKE. (SANTIAGO PRESS REPORTED DECEMBER 19 THAT STRIKE HAD ENDED.)

8. (S/WN/NF/NC/OC) [

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PAGE 03 SANTIA 08960 02 OF 02 192136Z

9. COMMENT: THE POSSIBILITY REMAINS THAT THE MIR COULD CARRY OUT A KIDNAPPING AT ANY TIME IN THE NEAR FUTURE. SHOULD THE MIR FINALLY CONCLUDE THAT SUCH AN ACT IS BEYOND THEIR CAPABILITIES, THEY COULD WELL CONSIDER A LESS COMPLICATED LOWER RISK ATTACK AGAINST A USG TARGET SUCH AS AN ASSASSINATION OR BOMBING. THIS IS PARTICULARLY LIKELY GIVEN THE DECISION BY LIBYA TO CONDITION ITS FUNDING OF MIR ON SUCCESSFUL COMPLETION OF TERRORIST ACT AGAINST USG TARGET. FOR THIS REASON THE EMBASSY HAS DECIDED TO CONTINUE ITS PURSUIT OF ENHANCED SECURITY MEASURES DESCRIBE IN PREVIOUS TELEGRAMS AND NOT TO STAND DOWN IN ANY MANNER. EMBASSY JUDGMENT IS THAT WE ARE LIKELY TO REMAIN AT NEW AND HIGHER LEVEL OF THREAT FOR INDEFINITE FUTURE. BARNES

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PAGE 01 MEXICO 27234 01 OF 02 191605Z
ACTION ARA-00

INFO	LOG-00	COPY-01	ADS-00	AID-00	INR-10	SS-00	CIAE-00
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	SP-02	FDIC-01	SNP-01	SLPD-01	/069 W		

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O 191558Z DEC 85
FM AMEMBASSY MEXICO
TO SECSTATE WASHDC IMMEDIATE 7504
TREASURY WASHDC IMMEDIATE
INFO AMEMBASSY BRASILIA
AMEMBASSY CARACAS
AMEMBASSY LIMA
AMCONSUL MONTERREY
AMCONSUL GUADALAJARA
AMCONSUL TIJUANA
USCONS MEXICO POUCH

UNCLAS SECTION 01 OF 02 MEXICO 27234

DEPARTMENT PASS FEDERAL RESERVE BOARD,
EXPORT IMPORT BANK, USTR, AND COMMERCE

E.O. 12356: N/A
TAGS: EFIN, ECON, EINV, MX
SUBJECT: EFFECTS OF RECENT EXCHANGE RATE MOVEMENTS ON THE
-- FOREIGN INDEBTEDNESS OF PRIVATE SECTOR COMPANIES
-- IN MEXICO.

1. SUMMARY: IN 1985, MEXICAN COMPANIES' EXTERNAL DEBTS HAVE BEEN ADVERSELY AFFECTED BY RAPID EXCHANGE RATE MOVEMENTS. AS A GROUP, THEIR DOLLAR DENOMINATED DEBTS ARE NOW ALMOST 100 PERCENT HIGHER IN PESO TERMS THAN THEY WERE AT THE END OF 1984. THIS HAS HURT THEIR FINANCIAL POSITION AND CONTRIBUTED TO INFLATIONARY PRESSURES IN THE

Date Printed: 03/17/1997 DOC_NUMBER: 85MEXICO27234 CHANNEL: n/a

COUNTRY. END SUMMARY.

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2. THE MEXICAN PRIVATE SECTOR OWES ABOUT $18 BILLION TO FOREIGN CREDITORS. OF THIS, $11.5 BILLION IS REGISTERED IN FICORCA AND $6.5 BILLION IS OUTSIDE OF FICORCA. BASED ON A SURVEY OF THE 86 LARGEST COMPANIES (WHICH TOGETHER ACCOUNT FOR 72 PERCENT OF PRIVATE SECTOR FOREIGN DEBT) LISTED ON THE MEXICAN STOCK EXCHANGE, THE PESO EQUIVALENT OF PRIVATE SECTOR EXTERNAL DEBT IS ALMOST 100 PERCENT HIGHER IN DECEMBER 1985 THAN IT WAS AT THE END OF 1984. THIS COMPARES WITH AN ESTIMATED INFLATION RATE IN 1985 OF 62 PERCENT.

-

3. FICORCA IS A BANK OF MEXICO TRUST FUND FOR THE COVERAGE OF EXCHANGE RISKS SET UP IN 1983. UNDER THE FICORCA PROGRAM THE BANK OF MEXICO ACTS AS AN INTERMEDIARY BETWEEN MEXICAN PRIVATE SECTOR'S EXTERNAL DEBTORS AND THEIR FOREIGN CREDITORS. PRIVATE COMPANIES PAY INTO THE FUND AT THE CONTROLLED EXCHANGE RATE AND THE BANK OF MEXICO ASSUMES RESPONSIBILITY FOR PAYING THEIR FOREIGN EXCHANGE DEBTS IN EXCHANGE FOR THE COMPANIES' NEGOTIATING MORE FAVORABLE AMORTIZATION SCHEDULES WITH THEIR CREDITORS (3-4 YEAR REPAYMENT SCHEDULES WITH 3-4 YEAR GRACE PERIODS). IN EFFECT THEN, FICORCA HAS BECOME THE PRIMARY CREDITOR TO MEXICO'S PRIVATE SECTOR COMPANIES WITH LARGE EXTERNAL DEBTS. THE COMPANIES REGISTERED IN FICORCA GENERALLY HAVE FARED BETTER THAN THOSE OUTSIDE OF FICORCA BECAUSE THEIR PAYMENTS ARE MADE AT THE CONTROLLED EXCHANGE RATE AND NOT THE FREE RATE.

-

4. DURING 1984, THE PESO WAS DEVALUED AT A CONSTANT RATE, FIRST AT 13 CENTAVOS PER DAY UNTIL DECEMBER WHEN IT WAS INCREASED TO 18 CENTAVOS A DAY. THIS MADE PLANNING
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PAGE 03 MEXICO 27234 01 OF 02 191605Z

ACTIVITIES BY PRIVATE COMPANIES MUCH EASIER. FURTHERMORE, THE TOTAL DEVALUATION OF THE CONTROLLED EXCHANGE RATE WAS ONLY 30 PERCENT COMPARED TO AN INFLATION RATE OF 59 PERCENT. THUS MOST COMPANIES' EXTERNAL DEBT PROFILE IMPROVED CONSIDERABLY.

-

5. HOWEVER, DURING 1985 THE DAILY RATE OF DEVALUATION OF

THE CONTROLLED RATE PESO INCREASED MARKEDLY AND IN ADDITION THERE WAS A MAXI-DEVALUATION IN JULY. BY MID DECEMBER THE CONTROLLED RATE HAD FALLEN BY 83 PERCENT (I.E. THESE COMPANIES' EXTERNAL OBLIGATION HAD INCREASED BY 83 PERCENT), COMPARED TO AN ESTIMATED INFLATION RATE OF ABOUT 62 PERCENT. THE CASE OF ALFA, WHICH IS ONE OF MEXICO'S LARGEST INDUSTRIAL CONGLOMERATES, ILLUSTRATES THE PROBLEM. AT THE END OF JUNE 1985, ITS FICORCA DEBT WAS 255 BILLION PESOS. BY MID DECEMBER THE FIGURE HAS RISEN TO 394 BILLION PESOS, AN INCREASE OF 55 PERCENT IN LESS THAN SIX MONTHS.

-

6. COMPANIES WITH EXTERNAL DEBTS NOT REGISTERED IN FICORCA HAVE FARED EVEN WORSE. SO FAR THIS YEAR THEIR EXTERNAL OBLIGATIONS DENOMINATED IN PESOS HAVE RISEN BY 124 PERCENT. THE NET EFFECT OF THIS DEVELOPMENT IS THAT MANY COMPANIES' BALANCE SHEETS HAVE DETERIORATED IN 1985 (I.E. THE RATIO OF LIABILITIES TO ASSETS HAS RISEN). ALSO, THEY HAVE HAD TO FACTOR RISING FINANCING COSTS INTO THE PRICES OF THEIR PRODUCTS AND THIS HAS HAD AN IMPORTANT INFLATIONARY EFFECT ON THE ECONOMY.

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7. IT IS DIFFICULT TO DETERMINE HOW PRIVATE SECTOR COMPANIES WILL FARE IN 1986 WITH REGARD TO PESO DEBT BURDENS. IF THE AUTHORITIES ARE ABLE TO ADJUST THE EXCHANGE RATES IN LINE WITH THE DIFFERENCE BETWEEN INTERNAL AND EXTERNAL INFLATION, THE BALANCE SHEETS OF THE COMPANIES SHOULD IMPROVE SOMEWHAT. HOWEVER, IF

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PAGE 01 MEXICO 27234 02 OF 02 191605Z
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Date Printed: 03/17/1997 DOC_NUMBER: 85MEXICO27234 CHANNEL: n/a
FileName : .../t851246/aaaabkcz.tel

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O 191558Z DEC 85
FM AMEMBASSY MEXICO
TO SECSTATE WASHDC IMMEDIATE 7505
TREASURY WASHDC IMMEDIATE
INFO AMEMBASSY BRASILIA
AMEMBASSY CARACAS
AMEMBASSY LIMA
AMCONSUL MONTERREY
AMCONSUL GUADALAJARA
AMCONSUL TIJUANA
USCONS MEXICO POUCH

UNCLAS SECTION 02 OF 02 MEXICO 27234

DEPARTMENT PASS FEDERAL RESERVE BOARD,
EXPORT IMPORT BANK, USTR, AND COMMERCE

E.O. 12356: N/A
TAGS: EFIN, ECON, EINV, MX
SUBJECT: EFFECTS OF RECENT EXCHANGE RATE MOVEMENTS ON THE

SPECULATION AGAINST THE PESO CONTINUES TO BE STRONG AND
EXCHANGE MOVEMENTS ARE LARGER THAN THE RISE IN INFLATION,
THE FINANCIAL POSITION OF THESE COMPANIES WILL AGAIN
DETERIORATE. DRAFTED BY J.V. SWEENEY. PASTORINO

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PAGE 01 SANTIA 08957 192057Z
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O 192048Z DEC 85
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 4424
INFO USIA WASHDC 4205
AMEMBASSY ROME
USMISSION USUN NEW YORK

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

~~C O N F I D E N T I A~~ L SANTIAGO 08957

ROME FOR EMBASSY VATICAN

E.O. 12356: DECL:OADR
TAGS: SHUM, SCOM, CI
SUBJECT: HEVIA FREE ON BAIL

REF: (A) KNIGHT/SWIGERT TELCON 12-19-85 (B) STATE 376457

1. ~~CONFIDENTIAL~~ ENTIRE TEXT.

2. RAPID AND OFTEN CONTRADICTORY DEVELOPMENTS IN THE HEVIA/MENSAJE CASE HAVE MADE REPORTING ON THIS CASE DIFFICULT. THE LATEST DECISION, ON DECEMBER 18, BY JUDGE MARCOS LIBEDINSKY WAS THAT THERE SHOULD BE A TEMPORARY STAY OF PROCEEDINGS IN THE CASE AGAINST HEVIA, AND THAT HE SHOULD BE FREED ON BAIL OF TWO THOUSAND PESOS (APPROX. $10). PRELIMINARY PRESS REPORTS YESTERDAY AFTERNOON ERRONEOUSLY STATED THAT HEVIA HAD BEEN RELEASED FROM PRISON, BUT LATER REPORTS
~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 02 SANTIA 08957 192057Z

CLARIFIED THAT HE HAD NOT PAID THE BAIL AND WAS STILL IN PRISON. HEVIA TOLD EMBOFFS, WHO VISITED HIM IN PRISON ON THE MORNING OF DECEMBER 19, THAT AFTER CONSULTING WITH HIS LAWYER HE WAS PAYING THE BAIL AND EXPECTS TO BE OUT OF PRISON SOMETIME DURING THE AFTERNOON OF DECEMBER 19.

-

3. AS IT STANDS NOW, THE GOVERNMENT IS APPEALING THE LATEST LIBEDINSKY DECISION, AS IS HEVIA'S OWN LAWYER. HEVIA'S APPEAL IS THAT THE STAY OF PROCEEDINGS SHOULD BE PERMANENT AND NOT TEMPORARY, AS THERE HAS BEEN NO EVIDENCE OF A VIOLATION HAVING BEEN COMMITTED. A TEMPORARY STAY INDICATES THAT THERE IS INSUFFICIENT EVIDENCE TO HOLD THE DEFENDENT, BUT THAT THE CASE SHOULD REMAIN OPEN FOR FURTHER DEVELOPMENTS.

-

4. MONSIGNOR PRECHT INFORMED US A WEEK AGO THAT HEVIA HAD NOT REQUESTED RELEASE ON BAIL EARLIER BECAUSE HE WANTED TO KEEP POLITICAL PRESSURE ON THE REGIME, AND PRECHT TOLD US ON THE MORNING OF DECEMBER 18 THAT HEVIA WOULD NOT POST BAIL UNTIL AFTER JANUARY 1 FOR THE SAME REASON. WE DO NOT KNOW WHY HEVIA APPEARS NOW TO HAVE CHANGED HIS MIND.

-

5. FOR BACKGROUND, ON DECEMBER 17 THE FISCAL (PROSECUTOR) OF THE COURT OF APPEALS DECIDED THAT THERE SHOULD BE A TEMPORARY STAY OF PROCEEDINGS IN THE CASE. THE DECISION OF THE FISCAL BASICALLY SUPPORTED THE DECISION OF JUDGE LIBEDINSKY ON SEPTEMBER 30 TO CLOSE THE CASE AGAINST HEVIA AND TO CLEAR HIM OF

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PAGE 03 SANTIA 08957 192057Z

THE CHARGES. HEVIA HAS BEEN HELD IN THE CAPUCHINO ANNEX OF THE PUBLIC PRISON (THE "EXECUTIVE'S" PRISON) SINCE DECEMBER 5, FOLLOWING THE DECEMBER 3 DECISTLCKEVENTH COURT OF APPEALS. THIS COURT RULED ON DECEMBER 16 THAT JUDGE LIBEDINSKY'S DECISION WAS CORRECT, WHICH REINFORCED THE PREVIOUS

DECISION TO PUT THE CASE BEFORE THE FISCAL OF THE COURT OF APPEALS.

-

6. THE PRESS ATTACHE AND THE LABOR ATTACHE VISITED HEVIA IN PRISON TO OBTAIN HIS VIEWS ON THE PRESENT SITUATION. HEVIA STATED THAT THE GOC'S PERSISTENCE IN PROSECUTING THE CASE AGAINST "MENSAJE" IS PART OF ITS EFFORTS TO FORCE THE CATHOLIC CHURCH INTO A MORE NEUTRAL ROLE. THE GOC VIEWS THE PRESENT CHURCH HIERARCHY AS UNFRIENDLY, ESPECIALLY IN THE AREA OF HUMAN RIGHTS, AND WOULD LIKE TO SOMEHOW CHANGE THE CHURCH'S ATTITUDE, OR AT LEAST NEUTRALIZE THE CHURCH'S IMPACT AMONG THE POOR. HE EXPRESSED HIS APPRECIATION FOR THE INTEREST IN HIS CASE, SHOWN BY THE DEPARTMENT, SENATOR KENNEDY, AND THE CATHOLIC CHURCH'S CARDINALS IN NEW YORK AND WASHINGTON, D.C. BARNES

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UNCLASSIFIED CHILE

Chile Project (#S19990030)
U.S. Department of State
Release X Excise ____ Deny ____
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Exemption(s) ____

TO: BB

FROM: FSC

RE: Memorandum to the Secretary on Soviet Links with Chilean Terrorists

The memorandum states that "Soviet-controlled propaganda boradcasts beamed to South America by Chilean exiles openly call for violence against the Pinochet regime." This is true, but the appeals are more subtly phrased than the statement indicates.

* * *

The following excerpts, which I consider typical of such broadcasts, are from an interview between Luis Corvalan, Secretary General of the PCCh, and the Mexican daily Excelsior, published June 14 1985. Read by an announcer, it was broadcast by Moscow to Chile in Spanish a few days later.

-- (Corvalan:) "Pinochet is a fascist dictator. He is overbearing, and has an unlimited desire to stay in power. He will not leave power of his own will. He will have to be removed by force."

-- (Corvalan:) "We feel that it is legitimate for the people to defend themselves through all means, even through violent means, against the fascist violence and state terrorism. We also feel that the only way to put an end to dictatorship is by fighting and acheiving the unity of the people, creating a situation of popular rebellion, and of a climate in which governing becomes impossible for Pinochet, in the midst of a general uprising of the people."

The PCCh calls for a unified opposition, but will not give up its option of armed resistance. When asked if he would abandon violence for the sake of unity, Corvalan replied that he would discuss anything, but that the best way to eliminate violence was to eliminate the inherently violent fascist regime.

Thus the statement is correct, though it eliminates the subtlety of Corvalan's appeal -- that the arbitary exercise of violence by authority generally begats violence. One would think that Pinochet was Mary Tyler Moore from reading the memorandum.

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PAGE 01 STATE 386814
ORIGIN ARA-00

INFO	LOG-00	COPY-01	ADS-00	INR-10	EUR-00	SS-00	OIC-02
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DRAFTED BY: ARA/SC:JWSWIGERT:AFP
APPROVED BY: ARA:RGELBARD
ARA/SC:MLDURKEE IO/HR:BZWEIBEN
HA/HR:MGUSTAFSON
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FM SECSTATE WASHDC
TO AMEMBASSY SANTIAGO IMMEDIATE
USMISSION GENEVA IMMEDIATE
USMISSION USUN NEW YORK IMMEDIATE
INFO AMEMBASSY SAN JOSE
AMEMBASSY CARACAS
AMEMBASSY MADRID
AMEMBASSY PARIS
AMEMBASSY BONN
AMEMBASSY LONDON
AMEMBASSY ROME
AMEMBASSY THE HAGUE

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

~~C O N F I D E N T I A L~~ STATE 386814

E.O. 12356: DECL: OADR
TAGS: PHUM, CI, UN
SUBJECT: UN RAPPORTEUR ON HUMAN RIGHTS IN CHILE

REF: A) SANTIAGO 08882, B) STATE 381562 (NOTAL)

1. (C - ENTIRE TEXT)

2. FOR EMBASSY SANTIAGO: DEPARTMENT AGREES WITH EMBASSY
~~CONFIDENTIAL~~

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PAGE 02 STATE 386814

SANTIAGO'S RECOMMENDATION (REF A) THAT WE DELAY ANY APPROACH TO LATIN AND EUROPEAN DEMOCRATIC GOVERNMENTS REQUESTING DEMARCHES ON SPECIAL RAPPORTEUR VOLIO'S MISSION UNTIL AFTER THE EMBASSY HAS HAD THE OPPORTUNITY TO REVIEW THE RESULTS OF VOLIO'S VISIT TO CHILE WITH THE GOC, CHILEAN HUMAN RIGHTS GROUPS, AND VOLIO HIMSELF. THE DEPARTMENT HAS NO OBJECTION TO AMBASSADOR BARNES' STOPPING IN SAN JOSE TO MEET WITH VOLIO AS SUGGESTED, IF THAT IS CONVENIENT TO VOLIO.

3. FOR USUN AND GENEVA: DEPT IS AWARE THAT UNHRC SESSION ENDS MARCH 14. CONSIDERATION OF VOLIO'S REPORT CANNOT BE POSTPONED BEYOND FINAL TWO WEEKS OF SESSION. IN ANY DISCUSSIONS WITH WEOG IN PREPARATION FOR

COMMISSION SESSION, MISSIONS SHOULD DETERMINE AS APPROPRIATE WHETHER CHILE ITEM WILL CONTINUE IN ITS TRADITIONAL PLACE FOR CONSIDERATION DURING LAST TWO WEEKS OF SESSION. U.S. MISSION GENEVA SHOULD INQUIRE OF HUMAN RIGHTS CENTER WHETHER VOLIO'S WISH FOR ADDITIONAL TIME IN PREPARATION OF REPORT CAN BE HONORED. SHULTZ

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PAGE 01 SANTIA 08976 202041Z
ACTION ARA-00

INFO LOG-00 COPY-01 ADS-00 INR-10 EUR-00 SS-00 CIAE-00
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PM-10 PA-01 OMB-01 USIE-00 SP-02 SNP-01 PRS-01
SLPD-01 /057 W
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R 202038Z DEC 85
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 4437
INFO USMISSION USUN NEW YORK
USMISSION GENEVA
AMEMBASSY CARACAS
AMEMBASSY MADRID
AMEMBASSY MONTEVIDEO
AMEMBASSY PARIS
AMEMBASSY LONDON
AMEMBASSY ROME
AMEMBASSY BONN

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
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Exemption(s) ____

C O N F I D E N T I A L SANTIAGO 08976

ROME ALSO FOR EMBASSY VATICAN

EO 12356: DECL: AODR
TAGS: PHUM, PREL, CI
SUBJECT: VISIT OF CHILEAN HUMAN RIGHTS COMMISSION (CHRC)
VICE PRESIDENT MAXIMO PACHECO

REFS: (A) STATE 384290, (B) STATE 381562
1.
MAXIMO PACHECO CAME TO SEE AMBASSADOR DECEMBER 19 TO TALK ABOUT HIS TRIP TO THE US. WHAT PACHECO HAD TO SAY JIBED VERY WELL WITH REFTELS, SAVE IN ONE PARTICULAR. PACHECO SAID HE UNDERSTOOD THAT DEPARTMENT WOULD PREPARE SUGGESTED TEXT OF A RESOLUTION WHICH WOULD BE ACCEPTABLE TO THE US, THAT TEXT WOULD THEN BE
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PAGE 02 SANTIA 08976 202041Z

DISCUSSED BY EMBASSY WITH PACHECO, WHO, ONCE TEXT WAS AGREED, WOULD UNDERTAKE TO SELL IT TO MODERATE SPONSORS AND TO PERSUADE MEXICANS TO STEP OUT OF THEIR SPONSORING ROLE OF PREVIOUS YEARS. WHEN THE AMBASSADOR PRESSED PACHECO ON WHETHER THE MEXICANS WOULD SO RESPOND, HE SAID HE HAD BEEN ASSURED BY CHILEAN EXILES IN NEW YORK WHO HAD VERY CLOSE TIES WITH MEXICANS THAT THEY WOULD BE ABLE TO DO SO. PACHECO SAID HE WOULD FOCUS HIS EFFORTS ON GETTING SPAIN TO TAKE THE LEAD. DURING HIS STOPOVER IN PARIS, SPAIN HAD BEEN SUGGESTED BY A GROUP OF FRENCH QUAI AND ELYSEE OFFICIALS WHOM MME. MITTERAND HAD GATHERED TO MEET WITH HIM. THEY ALSO SUGGESTED A LATIN AMERICAN COUNTRY, PERHAPS VENEZUELA. HIS OWN PREFERENCE, HE SAID, WOULD BE URUGUAY BECAUSE THE CURRENT FOREIGN MINISTER LIVED HERE FOR SOME YEARS AND THE SYMBOLISM OF URUGUAY AS A SOUTHERN CONE COUNTRY WHICH HAD RECENTLY RETURNED TO DEMOCRATIC WAYS WOULD BE GOOD. PACHECO ALSO SAID THAT HIS FRENCH INTERLOCUTORS TOLD HIM THEY WERE WILLING TO BE AS HELPFUL AS THEY COULD IN DEVELOPING A TEXT THAT WOULD WIN US SUPPORT.
2. WOULD APPRECIATE CLARIFICATION OF WHO DOES THE INITIAL DRAFTS. AS SEEN FROM HERE, WE SEE AN ADVANTAGE IN THE FIRST WORK BEING DONE IN WASHINGTON IN ORDER TO INVOLVE ALL THE INTERESTED AREAS THERE.

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PAGE 01 SANTIA 08977 01 OF 04 202103Z
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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
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Exemption(s) ____

~~C O N F I D E N T I A L~~ SECTION 01 OF 04 SANTIAGO 08977

E.O. 12356:DECL:OADR
TAGS: UNHRC,SHUM,CI
SUBJ: UN RAPPORTEUR VOLIO'S ITINERARY IN CHILE

REF: (A) SANTIAGO 8822 (B) STATE 372754

1. (U) SUMMARY: UN SPECIAL RAPPORTEUR SPENT 11 DAYS IN CHILE, MEETING WITH A WIDE VARIETY OF GOVERNMENT OFFICIALS AND HUMAN RIGHTS PEOPLE. HIS DAILY ACTIVITIES WERE PROMINENTLY FEATURED IN THE LOCAL PRESS, WITH SPECIAL EMPHASIS PLACED ON HIS OFT-REPEATED STATEMENT THAT NO OBSTACLES WERE BEING PLACED IN HIS WAY. REACTIONS TO HIS VISIT VARY BUT ARE GENERALLY FAVORABLE. END SUMMARY.

2. (U) UN HUMAN RIGHTS SPECIAL OBSERVER FERNANDO

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PAGE 02 SANTIA 08977 01 OF 04 202103Z

YOLIO JIMF'F4 YISIIED HILE RJM DEC. 8 I0
DEC. 18. THE FOLLOWING IS A SUMMARY OF HIS
SCHEDULE.

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3. (U) DEC 8 (SUNDAY) ARRIVAL

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4. (U) DEC 9 (MONDAY) MEETING WITH MINISTER OF INTERIOR RICARDO GARCIA. FOR THE REST OF THE DAY VOLIO WORKED AT AN OFFICE PROVIDED BY THE ECONOMIC COMMISSION FOR LATIN AMERICA (CEPAL). THERE HE MET WITH VARIOUS HUMAN RIGHTS GROUPS, INCLUDING THE COMMISSION OF THE RIGHTS OF THE PEOPLE, THE NATIONAL COMMISSION AGAINST TORTURE, AND THE SOCIAL AID FOUNDATION OF THE CHRISTIAN CHURCH. THAT EVENING HE MET WITH MEMBERS OF THE CONSTITUTIONAL TRIBUNAL.

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5. (U) DEC 10 (TUESDAY) FOLLOWING A MORNING MEETING WITH THE COUNCIL OF STATE, VOLIO PROCEEDED TO THE OFFICES OF THE VICARIATE OF SOLIDARITY. A DEMONSTRATION TOOK PLACE AS HE ARRIVED. ACCORDING TO THE POLICE, THERE WERE APPROX. 100 DEMONSTRATORS, INCLUDING SEVERAL KNOWN MDP ACTIVISTS. THE DEMONSTRATION WAS BROKEN UP BY THE USE OF TEAR GAS AND WATER CANNONS. AT THE VICARIATE, VOLIO MET WITH MONSIGNOR SANTIAGO TAPIA AND OTHER OFFICIALS OF THE VICARIATE'S LEGAL DEPARTMENT. FROM 1700 TO 1900 HE MET WITH MINISTER OF JUSTICE HUGO ROSENDE. THAT EVENING VOLIO WORKED AT CEPAL UNTIL 2300, LISTENING TO TESTIMONIES IN 5 HUMAN RIGHTS CASES.

-

6. (U) DEC 11 (WEDNESDAY) AFTER A MORNING MEETING AT THE COMPTROLLER GENERAL, VOLIO SPENT SEVERAL HOURS

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PAGE 03 SANTIA 08977 01 OF 04 202103Z

AT CEPAL LISTENING TO MORE DEPOSITIONS. IN THE AFTERNOON, HE MET WITH THE ARCHBISHOP OF CONCEPCION AND WITH THE COMMITTEE FOR THE STUDY OF ORGANIC CONSTITUTIONAL LAWS (FERNANDEZ COMMISSION). AT 1800 HE WENT TO THE OFFICES OF THE CHILEAN HUMAN RIGHTS COMMISSION WHERE HE MET WITH JAIME CASTILLO AND CHRC OFFICIALS, AND LISTENED TO MORE

TESTIMONIES CONCERNING HUMAN RIGHTS ABUSES.

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8. (U) DEC 13 (FRIDAY) VOLIO HAD A BRIEF DISCUSSION WITH GABRIEL VALDES OF THE PDC BEFORE GOING TO THE CHILEAN SUPREME COURT FOR A 2-HOUR MEETING. IN THE AFTERNOON, HE VISITED THE WORKERS' DISTRICT OF LA VICTORIA, WHERE A FRENCH PRIEST WAS SHOT AND KILLED DURING DEMONSTRATIONS IN 1984. THERE, VOLIO TALKED WITH CATHOLIC PRIEST PIERRE DUBOIS AND TO LOCAL CITIZENS. AFTERWARDS, VOLIO HAD A 90-MINUTE MEETING WITH FOREIGN MINISTER JAIME DEL VALLE.

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9. (U) DEC 14 (SATURDAY) VOLIO TRAVELED TO VALPARAISO IN A CHARTER AIRCRAFT FOR A MORNING MEETING WITH THE LOCAL HUMAN RIGHTS COMMISSION. BEFORE FLYING OFF TO CONCEPCION AT 1700, HE VISITED VALPARAISO JAIL TO TALK WITH PRISONERS BEING HELD FOR VIOLATIONS OF STATE SECURITY LAWS. IN CONCEPCION HE MET WITH VARIOUS HUMAN RIGHTS GROUPS INCLUDING THE FAMILIES OF THE EXILED AND DETAINED.

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10. (U) DEC 15 (SUNDAY) HE VISITED THE CONCEPCION PRISON TO TALK TO POLITICAL PRISONERS. THAT AFTERNOON

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~~C O N F I D E N T I A L~~ SECTION 02 OF 04 SANTIAGO 08977

E.O. 12356:DECL:OADR
TAGS: UNHRC,SHUM,CI
SUBJ: UN RAPPORTEUR VOLIO'S ITINERARY IN CHILE

HE FLEW TO TEMUCO FOR 3 HOURS, THEN ON TO SANTIAGO.

11. (U) DEC 16 (MONDAY) VOLIO SPENT THE ENTIRE DAY AT CEPAL, TAKING DEPOSITIONS. HE LATER STATED THAT HE HAD MET WITH 68 INDIVIDUALS AND 6 ORGANIZATIONS.

12. (U) DEC 17 (TUESDAY) DURING THE MORNING, VOLIO LISTENED TO MORE TESTIMONIES AT CEPAL. AMONG HIS VISITORS WAS GONZALO ROVIRA, THE 1985 MDP CANDIDATE FOR THE PRESIDENT OF THE STUDENT FEDERATION AT THE UNIVERSITY OF CHILE (FECH) AND CURRENT FECH VICE-PRESIDENT. LATER VOLIO TALKED INDIVIDUALLY
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PAGE 02 SANTIA 08977 02 OF 04 202105Z

WITH 3 INVESTIGATIONS MAGISTRATES (JOSE CANOVAS, ALBERTO ECHAVARRIA, AND CARLOS CERDA) WHO ARE INVESTIGATING CASES OF HUMAN RIGHTS ABUSES. THAT

AFTERNOON VOLIO TRAVELLED TO SEVERAL JAILS IN THE SANTIAGO AREA. HE MET WITH FATHER RENATO HEVIA (EDITOR OF "LA MENSAJE") AND WITH NINE HUNGER STRIKERS. SOON AFTERWARDS, THE HUNGER STRIKE WAS CALLED OFF. THAT EVENING HE CONTINUED MEETING WITH HUMAN RIGHTS ORGANIZATIONS.

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13. (U) DEC 18 (WEDNESDAY) VOLIO HELD LENGTHY MEETINGS WITH THE MINISTER OF INTERIOR, RICARDO GARCIA, AND WITH THE MFA HUMAN RIGHTS ADVISOR, AMB. MARIO CALDERON.

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14. (U) DEC 19 (THURSDAY) FOLLOWING MORNING MEETINGS WITH CARLOS CERDA AND ANDRES ALLAMAND (UN), VOLIO DEPARTED CHILE.

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15. (C) PRELIMINARY REACTIONS BY GOC OFFICIALS AND HUMAN RIGHTS GROUPS HAVE DIFFERED TOWARDS THE RECENTLY CONCLUDED VISIT TO CHILE BY UN SPECIAL RAPPORTEUR ON HUMAN RIGHTS, FERNANDO VOLIO. AMBASSADOR WAS TOLD BY INTERIOR MINISTER GARCIA DECEMBER 19 THAT VOLIO, IN HIS FAREWELL CALL, HAD BEEN EFFUSIVE (AS HE WAS IN HIS PRESS COMMENTS) ABOUT CHILEAN GOVERNMENT WILLINGNESS TO FACILITATE HIS INSPECTION. GARCIA SAID HE HAD TOLD VOLIO AT THE BEGINNING THAT VOLIO SHOULD COME TO HIM IF HE FOUND HE WAS NOT GETTING TO SEE WHOMEVER HE WISHED, BUT, GARCIA ADDED, VOLIO NEVER HAD TO ASK FOR HELP.

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PAGE 03 SANTIA 08977 02 OF 04 202105Z

16. (C) GARCIA ALSO MENTIONED THAT VOLIO HAD GIVEN HIM A GENERAL SENSE OF HIS THINKING. WHEN AMBASSADOR ASKED WHETHER GARCIA THOUGHT THE GOC WOULD BE WILLING TO CARRY OUT THE SORT OF IDEAS VOLIO HAD RECOMMENDED IN HIS PRELIMINARY REPORT, GARCIA SAID HE FELT VOLIO'S GENERAL APPROACH WAS SOMETHING HE COULD AND WOULD SUPPORT, THOUGH, HE ADDED, THESE DECISIONS WERE NOT HIS ALONE TO MAKE. BY WAY OF EXAMPLE, HE SAID SOME OF VOLIO'S POINTS LIKE SEPARATE FACILITIES FOR POLITICAL PRISONERS WERE EASIER BECAUSE THEY WERE

RELATIVELY SPECIFIC (THOUGH NOT NECESSARILY THAT EASY BECAUSE OF THE RESOURCE COSTS). HE ALSO THOUGHT SOME HEADWAY COULD BE MADE ON THE QUESTION OF REORGANIZING THE POLICE. WHEN IT CAME TO SPEEDING UP THE JUDICIAL PROCESS, HE RECALLED FROM HIS OWN DAYS AS A TRIAL LAWYER THAT THE COURTS HAD ALWAYS MOVED VERY SLOWLY. WITH REGARD TO EXILES, HE SAID THE LIST WAS BEING STEADILY WHITTLED DOWN AND THAT, IN ANY CASE, WHEN THE PRESENT CONSTITUTION GOES INTO FULL FORCE IN 1989, THE EXILE LIST WOULD BE ABOLISHED. IN RESPONSE TO THE AMBASSADOR'S QUESTION WHY NOT GET RID OF IT SOONER, GARCIA SAID HE FELT PRETTY MUCH THAT WAY HIMSELF, BUT THAT THE SECURITY SERVICES WERE VERY CAUTIOUS.

17. (C) REFERRING TO VOLIO'S FINAL REPORT EXPECTED A FEW MONTHS HENCE, THE AMBASSADOR ASKED IF GARCIA FELT THE GOC WOULD BE PREPARED IN PRINCIPLE TO SUPPORT HIS RECOMMENDATIONS OR WHETHER THERE WAS NOT THAT MUCH INTEREST IN THE GOVERNMENT ABOUT OUTSIDE ATTITUDES TOWARD CHILE. GARCIA COUNTERED

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PAGE 01 SANTIA 08977 03 OF 04 202107Z
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C O N F I D E N T I A L SECTION 03 OF 04 SANTIAGO 08977

E.O. 12356:DECL:OADR
TAGS: UNHRC,SHUM,CI
SUBJ: UN RAPPORTEUR VOLIO'S ITINERARY IN CHILE

BY SAYING, IF THAT WERE THE CASE, THE GOC WOULD NEVER HAVE INVITED VOLIO. FOR HIS PART, HE FELT VOLIO HAD AN OBLIGATION--LIKE A FRIEND COMING TO VISIT ONE'S HOUSE TO SEE WHAT'S WRONG--TO SAY JUST WHAT WERE THE PROBLEMS HE HAD FOUND AND THEN TO WORK TOGETHER TO OVERCOME THEM. GARCIA WAS QUITE PREPARED TO ADMIT THAT THERE COULD WELL BE ABUSES OF HUMAN RIGHTS IN CHILE - FOR THAT MATTER THERE WAS PROBABLY NO COUNTRY WHERE THERE WEREN'T SOME - BUT HE MAINTAINED THAT THERE WAS NOT A SYSTEMATIC POLICY OF ABUSES. THE AMBASSADOR ARGUED THAT IN THE CASE OF TORTURE, THERE WERE ENOUGH
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PAGE 02 SANTIA 08977 03 OF 04 202107Z

CASES TO RAISE QUESTIONS ABOUT GARCIA'S ASSUMPTIONS AND CITED THE RECENT VISIT OF SOME REPRESENTATIVES OF THE AMERICAN ASSOCIATIONS OF PSYCHOLOGISTS AND PSYCHIATRISTS WHO FELT THAT THEY HAD SEEN CONVINCING EVIDENCE OF SUCH PRACTICES. HE SAID HE HAD NOT NOTICED SINCE HIS ARRIVAL ANY STATEMENTS OF THE

GOVERNMENT DISOWNING TORTURE EVEN, OR PLEDGING TO TAKE THE NECESSARY MEASURES TO PUNISH THOSE CHARGED AND CONVICTED. THIS MEETING WAS THE FIRST THE AMBASSADOR HAD HAD WITH GARCIA AS A RESULT OF GARCIA'S EXPRESSED WILLINGNESS TO GET TOGETHER INFORMALLY FROM TIME TO TIME. THEY WILL MEET AGAIN IN JANUARY.

18. (C) REACTIONS TO VOLIO VISIT

ALEJANDRO GONZALEZ OF THE CATHOLIC CHURCH'S VICARIATE OF SOLIDARITY TOLD US ON DEC 19 THAT HE WAS PLEASED THAT VOLIO COULD COME TO CHILE TO SEE FIRST HAND THE CONDITIONS RELATING TO HUMAN RIGHTS, AND PLEASED THAT VOLIO WAS ABLE TO SPEND CONSIDERABLE AMOUNTS OF TIME WITH THE VICARIATE. HE REPEATED HIS POSITION THAT VOLIO, AS UN SPECIAL RAPPORTEUR, SHOULD CONFINE HIS ACTIVITIES TO REPORTING THE FACTS OF THE SITUATION, AND NOT ATTEMPT TO BECOME INVOLVED IN INTERNAL MATTERS BY TRYING TO ACT AS A MEDIATOR OR INTERMEDIATE IN THE POLITICAL AFFAIRS OF CHILE. GONZALEZ STATED THAT HE PREFERS TO WAIT AND SEE WHAT TYPE OF REPORT VOLIO PREPARES BEFORE MAKING ANY FINAL JUDGEMENT ON THE USEFULLNESS OF HIS VISIT. THE PRELIMINARY REPORT WAS VERY FAULTY, AND GAVE CONSIDERABLY MORE TIME AND ATTENTION TO ~~CONFIDENTIAL~~

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PAGE 03 SANTIA 08977 03 OF 04 202107Z

VOLIO'S ATTEMPTS TO SEE, AND DISCUSSIONS WITH GOC LEADERS, THAN TO THE INFORMATION PROVIDED TO HIM BY SUCH GROUPS AS THE VICARIATE. GONZALEZ WAS PARTICULARLY UPSET THAT HIS TRIP TO SAN JOSE IN MAY 1985, DURING WHICH HE HAD SEVERAL LONG SESSIONS WITH VOLIO AND PRESENTED HIM WITH 8 KILOS OF DOCUMENTS ON SPECIFIC HUMAN RIGHTS VIOLATIONS IN CHILE, HAD ONLY RECEIVED ONE SMALL PARAGRAPH IN THE VOLIO REPORT (PARA 23 ON PAGE 8 OF THE ENGLISH VERSION OF THE VOLIO REPORT). ON THE OTHER HAND, VOLIO WAS PROFUSE IN HIS COMMENTS ABOUT HIS VISITS WITH SUCH GOC OFFICIALS AS SPECIAL AMBASSADOR MARIO CALDERON, AND ONE HAD THE IMPRESSION THAT THE

GOC OFFICIALS WERE THE ONLY ONES OF ANY IMPORTANCE TO VOLIO. GONZALEZ EXPRESSED HIS HOPE THAT THE FINAL VERSION OF THE VOLIO REPORT WILL BE MORE OBJECTIVE, AND MORE IN LINE WITH PREVIOUS REPORTS BY THE UN SPECIAL RAPPORTEURS.

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19. (C) AGRUPACION DE FAMILIARES DE PRESOS POLITICOS

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THREE REPRESENTATIVES OF THIS GROUP TOLD US ON DECEMBER 20 THAT THEY WERE PLEASED WITH THE VOLIO VISIT, AND WITH THE AMOUNT OF TIME HE DEVOTED TO LISTENING TO THEIR REPORTS ON CONDITIONS OF THE POLITICAL PRISONERS AND TO VISITING THE VARIOUS PRISONS WHERE THESE PRISONERS ARE HELD, TO OBTAIN FIRST-HAND IMPRESSIONS OF THESE CONDITIONS. THEY CREDITED HIM WITH HELPING TO END THE BRIEF HUNGER STRIKE WHICH SEVERAL OF THE POLITICAL PRISONERS HAD STARTED IN EARLY DECEMBER. THEY

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PAGE 01 SANTIA 08977 04 OF 04 202108Z
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~~C O N F I D E N T I A L~~ SECTION 04 OF 04 SANTIAGO 08977

E.O. 12356:DECL:OADR
TAGS: UNHRC,SHUM,CI
SUBJ: UN RAPPORTEUR VOLIO'S ITINERARY IN CHILE

EXPRESSED SATISFACTION THAT VOLIO'S FINAL REPORT WILL GIVE AMPLE AND PROPER COVERAGE TO THE PLIGHT OF THE POLITICAL PRISONERS, AND MAY ASSIST IN GETTING THE GOC TO RECTIFY SOME OF THESE PROBLEMS.

20. (C) COMMENT: THROUGHOUT HIS STAY, VOLIO RECEIVED PROMINENT PRESS COVERAGE. THERE WAS CONSTANT REFERENCE TO HIS GRATITUDE TO THE GOC FOR ALLOWING HIM TO COME TO CHILE. ON SEVERAL OCCASIONS, HE MENTIONED THAT NO OBSTACLES HAD BEEN PLACED IN HIS WAY AND THAT HE WAS PERFECTLY FREE TO CARRY OUT HIS INVESTIGATIONS. ON DEC 10 THE PRESS
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PAGE 02 SANTIA 08977 04 OF 04 202108Z

QUOTED MARIO CALDERON AS SAYING THAT THE VOLIO MISSION HAD BEEN PERSONALLY APPROVED BY PRESIDENT PINOCHET, WITH THE UNDERSTANDING THAT VOLIO WOULD LISTEN TO BOTH SIDES. IT SHOULD BE NOTED THAT VOLIO MET WITH HUGO ROSENDE ON THE SECOND DAY OF HIS MISSION AS RECOMMENDED (SEE REFTEL B) AND ALSO MET WITH THE AMBASSADOR ON DEC 16 AT A LUNCHEON AT THE COSTA RICAN EMBASSY (REFTEL A). OVERALL, THE GOC WELCOMED THE VISIT AND WENT TO GREAT PAINS

TO FACILITATE VOLIO'S WORK. WHAT REMAINS TO SEEN IS WHETHER GOC WILL NOW MOVE TO MEET SOME OF VILIO'S RECOMMENDATIONS, AS IT HAS PROMISED PRIVATELY, OR WHETHER IT WILL FEEL THAT IT HAS DONE ALL THAT WAS NECESSARY SIMPLY PERMITTING THE VISIT. END COMMENT. BARNES

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Chile Project (#S199900030)
U.S. Department of State
Release X Excise Deny
Declassify: In Part In Full ✓
Exemption(s)

UNCLAS SANTIAGO 08973

E.O. 12356: N/A
TAGS: SHUM, CI
SUBJ: VISITS BY RED CROSS TO POLITICAL PRISONERS

REF: KNIGHT/SWIGERT TELCON 12-19-85

1. LABATT DISCUSSED SITUATION OF POLITICAL PRISONERS WITH THREE REPRESENTATIVES OF THE AGRUPACION DE FAMILIARES DE PRESOS POLITICOS ON DECEMBER 20. AMONG OTHER ITEMS, THEY CONFIRMED THAT THE INTERNATIONAL RED CROSS, WHICH HAS AN OFFICE IN SANTIAGO, PAYS REGULAR VISITS TO POLITICAL PRISONERS. UNDER NORMAL CONDITIONS, THESE VISITS TAKE PLACE MONTHLY, BUT FOLLOWING THE PRISON ESCAPE ATTEMPT OF OCTOBER 18, IN WHICH ONE POLITICAL PRISONER WAS KILLED AND SEVERAL WOUNDED, THE VISITS WERE ON A MORE FREQUENT BASIS. DURING THE LAST TWO WEEKS, WHEN SEVERAL POLITICAL PRISONERS STAGED A COMPLETE HUNGER STRIKE, THE VISITS WERE ON A DAILY BASIS. THE ONLY COMPLAINT LODGED BY THE REPRESENTATIVES WAS THAT THE RED CROSS IS LIMITED IN THE TYPES OF ASSISTANCE IT CAN PROVIDE TO THE POLITICAL PRISONERS. BARNES

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E.O. 12356: N/A **DECONTROL**
TAGS: SHUM, ELAB, CI
SUBJ: LABOR LEADERS ARRESTED AND RELEASED

REF: (A) STATE 380420

1. HERIBERTO JARA WAS ONE OF TEN PEOPLE ARRESTED ON DECEMBER 12 IN SANTIAGO WHILE ATTEMPTING TO MARCH TO THE PRESIDENTIAL PALACE TO PRESENT A LETTER TO PRESIDENT PINOCHET CONCERNING THE STRIKE BY PORT WORKERS IN SEVERAL CHILEAN PORTS. JARA IS THE PRESIDENT OF A DOCKWORKERS UNION IN VALPARAISO, AND THE OTHERS ARRESTED ARE ALSO LEADERS OF VARIOUS UNIONS REPRESENTING DOCK WORKERS IN THESE PORTS. INCLUDED IN THE GROUP OF TEN WERE TWO WOMEN IDENTIFIED ONLY AS FAMILY MEMBERS.

2. THE GROUP WAS DETAINED FOR AGGRESSION AGAINST THE PUBLIC AUTHORITIES, AND/OR FAILING TO OBEY THE ORDERS OF CARABINEROS WHO ATTEMPTED TO HALT THE UNAUTHORIZED MARCH. THEY WERE TAKEN BEFORE THE SECOND MILITARY COURT IN SANTIAGO AND ORDERED HELD FOR INVESTIGATION. ON DECEMBER 17 THEY WERE RELEASED UNCONDITIONALLY, WHEN THE MINISTER OF INTERIOR
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PAGE 02 SANTIA 08975 202011Z

WITHDREW THE CHARGES IN A STATED EFFORT TOWARDS RECONCILIATION. THE GROUP RETURNED TO THEIR HOME TOWNS THAT SAME DAY.

3. FYI: JARA AND SEVERAL OF THE OTHERS ARRESTED ON DECEMBER 12 WERE ARRESTED ON SIMILAR CHARGES ON NOVEMBER 29. AT THAT TIME THEY WERE RELEASED ON BAIL, BUT REFUSED TO PAY THE BAIL. EDUARDO RIOS, WHO IS THE PRESIDENT OF THE CENTRAL OF DEMOCRATIC WORKERS (CDT) AS WELL AS BEING THE PRESIDENT OF THE LARGEST FEDERATION OF UNIONS COVERING DOCK AND PORT WORKERS, INTERVENED ON THEIR BEHALF, AND GOT THE MINISTER OF LABOR TO PERSONALLY PAY THE BAIL FOR THESE LEADERS. THEIR INTEREST IS IN OBTAINING PUBLICITY FOR THEIR STRIKE, WHICH HAS FOR ALL INTENT AND PURPOSE BEEN BROKEN BY THE GOVERNMENT AND THE EMPLOYERS. BARNES

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EO 12356: OADR
TAGS: PREL, CI
SUBJECT: AMBASSADOR'S 12/20/85 LUNCH WITH FOREIGN
- MINISTER DEL VALLE

REFS: (A) STATE 380128, (B) STATE 382825,
- (C) SANTIAGO 8892

1. I TOOK ADVANTAGE OF MY LUNCH WITH DEL VALLE DECEMBER 20 TO SEE IF HE HAD RECEIVED A REPORT YET OF AMBASSADOR ERRAZURIZ' TALK WITH DAS GELBARD (REFTELS). HE SAID HE HAD AND HE WANTED TO ASSURE ME THAT HE HAD NOT MEANT TO CONVEY THE THE IDEA THAT THE GOC WAS UNAPPRECIATIVE OF US SUPPORT FOR CHILE IN A VARIETY OF FORUMS, THOUGH THERE WERE OTHER AREAS WHERE CHILE MIGHT HAVE HOPED FOR MORE UNDERSTANDING. WHEN IT BECAME CLEAR THAT HE HAD NOT GOTTEN OR UNDERSTOOD THE FULL IMPORT OF THE GELBARD-ERRAZURIZ CONVERSATION, I THEN TOLD HIM HE HAD SOMEHOW SUCCEEDED IN CONVEYING HIS THOUGHTS IN A HOSTILE TONE, AS IF HE WERE GIVING A LECTURE, AND I CITED THE COMMENTS HE HAD MADE ABOUT THE PRESIDENT'S LETTER TO PRESIDENT PINOCHET, AS A CASE IN POINT.
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2. DEL VALLE REACTED BY ACKNOWLEDGING THAT AS A LONG
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PAGE 02 SANTIA 08978 01 OF 02 231059Z

TIME UNIVERSITY PROFESSOR HE MIGHT HAVE CONVEYED MORE OF A LECTURING TONE, AND THAT IN DEFENDING HIS COUNTRY'S POSITION HE COULD HAVE BEEN VEHEMENT. BUT HE WENT ON TO STRESS THAT HE IN NO WAY HAD INTENDED TO GIVE OFFENSE WITH RESPECT TO THE PRESIDENT NOR HAD HE TRIED TO CONVEY ANY HOSTILITY, BECAUSE HE SIMPLY DID NOT FEEL THAT TOWARD THE UNITED STATES. HE REGRETTED THAT ABRAMS HAD NOT SAID SOMETHING RIGHT ON THE SPOT ABOUT HIS REACTION.

3. WITH RESPECT TO THE SUBSTANCE OF THE PARAGRAPH IN THE PRESIDENT'S LETTER HE SAID THAT THE GOC HAD INDEED TAKEN THAT PART AS BEING VERY "TOUGH" AND FELT IT COULD BE INTERPRETED AS SETTING DOWN A PRECISE TIMETABLE OR LIST OF SPECIFIC MEASURES THAT CHILE HAD TO TAKE. I TOLD HIM THAT WHAT THE LETTER WAS SAYING WAS THAT THE U.S. WAS CONCERNED ABOUT THE PROGRESS BACK TO DEMOCRACY IN CHILE AND ABOUT THE CONTINUATION OF HUMAN RIGHTS ABUSES. WE WERE NOT HOWEVER SETTING DOWN SPECIFIC MARKERS OR STEPS THAT CHILE HAD TO TAKE, BUT WE FELT WE HAD TO MAKE IT CLEAR THAT CHILE'S SUCCESS IN RETURNING TO DEMOCRACY AND IN IMPROVING THE HUMAN RIGHTS SITUATION CLEARLY WOULD HAVE A POSITIVE EFFECT ON THE RELATIONSHIP WHICH CURRENTLY LEFT A GOOD DEAL TO BE DESIRED. IT WAS A QUESTION OF OUR BEING VERY CLEAR ABOUT THE OBJECTIVE CIRCUMSTANCES WHICH AFFECTED THE RELATIONSHIP.

4. DEL VALLE SAID THAT MY CLARIFICATION WAS HELPFUL. HE WENT ON TO ADD THAT HE WAS PLEASED TO SEE I WAS HAVING THE CHANCE TO MEET SO MANY OF THE SENIOR PEOPLE IN THE GOVERNMENT AND HE HAD IN FACT YESTERDAY ASKED CUADRA TO TELL PINOCHET THAT IT WAS A GOOD THING I WAS
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PAGE 03 SANTIA 08978 01 OF 02 231059Z

HAVING A CHANCE TO SEE SO MANY PEOPLE AND THE GOVERNMENT SHOULD NOT WORRY ABOUT THE RANGE OF MY CONTACTS.

5. AS HE WAS LEAVING DEL VALLE ASKED ME TO BE SURE TO CONVEY TO ELLIOTT ABRAMS HIS REGRET THAT HE HAD CONVEYED SOMEHOW A TONE HE HAD NOT MEANT TO, AND THAT HE WAS LOOKINGFORWARD TO THE CHANCE FOR ANOTHER DISCUSSION WITH

HIM.

6. COMMENT: I CAN'T PRETEND YET TO KNOW DEL VALLE THAT WELL. BUT IRONICALLY HE HAD STARTED OFF DURING OUR LUNCH TOGETHER TELLING ME ABOUT THE SUCCESS HE HAD BEEN HAVING WITH CHILE'S RELATIONS WITH PERU, AND IN THE PROCESS GAVE HIMSELF A FAIR AMOUNT OF THE CREDIT THANKS TO WHAT HE CALLED HIS FRANK, OPEN STYLE OF WORKING WITH OTHERS. MY SENSE IS THAT MY MESSAGE HIT HOME, BUT HOW MUCH HE WILL HAVE LEARNED BY THE TIME OF THE NEXT ENCOUNTER WITH A SENIOR US OFFICIAL I'M LESS SURE GIVEN THE HABITS OF SEVERAL DECADES. I SUSPECT THOUGH HE'LL TRY TO MODIFY HIS BEHAVIOR.
7. I HAD DRAFTED THIS MESSAGE AS REPRODUCED ABOVE. WHILE IT WAS BEING TYPED DEL VALLE CALLED ME TO SAY HE HAD TALKED TO TWO OF THE PERSONS PRESENT AT THE ABRAMS MEETING. BOTH AGREED THAT HE COULD HAVE COME ACROSS AS "A LITTLE HARSH" BUT BOTH ALSO SAID THEY GOT NO SENSE THAT THE ASSISTANT SECRETARY HAD BEEN DISSATISFIED WITH THE FRANKNESS OF THE CONVERSATION. DEL VALLE AGAIN EXPRESSED REGRET THAT NOTHING HAD BEEN SAID TO HIM AT THE TIME. HE ALSO WONDERED WHETHER THERE MIGHT HAVE BEEN SOME POSSIBLE SHADES OF MEANING THAT WEREN'T

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PAGE 01 SANTIA 08978 02 OF 02 231059Z

ACTION SS-25

INFO LOG-00 COPY-01 ADS-00 SSO-00 /026 W
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TO SECSTATE WASHDC PRIORITY 4443

~~C O N F I D E N T I A L~~ SECTION 02 OF 02 SANTIAGO 08978

EXDIS

EO 12356: OADR
TAGS: PREL, CI
SUBJECT: AMBASSADOR'S 12/20/85 LUNCH WITH FOREIGN

CAPTURED IN THE NOTES TAKEN AT THE MEETING.

8. IN ANY CASE HE ASKED ME TO BE SURE TO CONVEY HIS ASSURANCES THAT HIS INTENTIONS HAD BEEN VERY DIFFERENT FROM WHAT THEY APPEARED TO HIS AMERICAN INTERLOCUTORS TO HAVE BEEN AND THAT HE WAS ANXIOUS TO REPAIR ANY DAMAGE THAT MIGHT HAVE BEEN DONE SO AS TO ACHIEVE A MUCH BETTER UNDERSTANDING. I ASSURED HIM I WOULD CONVEY FAITHFULLY ALL HE HAD TOLD ME.
BARNES

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PAGE 01 USUN N 03953 01 OF 02 271812Z
ACTION IO-16

INFO LOG-00 COPY-01 ADS-00 INR-10 EUR-00 SS-00 OIC-02
AF-00 CIAE-00 DODE-00 H-01 NEA-06 NSC-01 ARA-00
NSAE-00 HA-08 L-03 PM-10 EAP-00 PA-01 OMB-01
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R 271809Z DEC 85
FM USMISSION USUN NEW YORK
TO SECSTATE WASHDC 2010
INFO AMEMBASSY BOGOTA
AMEMBASSY BONN
AMEMBASSY BUENOS AIRES
AMEMBASSY BRASILIA
AMEMBASSY CARACAS
AMEMBASSY COPENHAGEN
USMISSION GENEVA
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AMEMBASSY REYKJAVIK
AMEMBASSY ROME
AMEMBASSY SANTIAGO
AMEMBASSY SANTO DOMINGO
AMEMBASSY STOCKHOLM

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

~~C O N F I D E N T I A L~~ SECTION 01 OF 02 USUN NEW YORK 03953

E.O. 12356: DECL: OADR
TAGS: UNGA, PHUM, PREL, CI
SUBJECT: 40TH UNGA: PLENARY ADOPTION OF
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PAGE 02 USUN N 03953 01 OF 02 271812Z

- RESOLUTION ON HUMAN RIGHTS IN CHILE (ITEM 12)

REF: USUN 3820

1. (U) FOR THE RECORD, UNGA PLENARY ADOPTED THE THIRD COMMITTEE'S DRAFT RESOLUTION ON HUMAN RIGHTS IN CHILE DECEMBER 13 BY VOTE OF 88-11(U.S.)-47. TEXT OF RESOLUTION WAS UNCHANGED FROM THE DRAFT RESOLUTION ADOPTED IN THIRD COMMITTEE BY VOTE OF 82-9(U.S.)-38 ON DECEMBER 7 (REFTEL), AND NO DELEGATIONS CHANGED THEIR VOTES FROM THIRD COMMITTEE TO PLENARY. TWO NEGATIVE VOTES IN PLENARY (BANGLADESH AND LEBANON), SIX POSITIVE VOTES AND NINE ABSTENTIONS WERE CAST BY DELEGATIONS WHICH HAD NOT PARTICIPATED IN THE THIRD COMMITTEE VOTE. FINAL PLENARY VOTING RESULTS ARE IN PARA 3.

2. (C) FOLLOWING LETTER DATED DECEMBER 16 WAS SENT TO AMBASSADOR WALTERS BY AMBASSADOR PEDRO DAZA, PERMANENT REPRESENTATIVE OF CHILE TO THE UNITED NATIONS:

"I AM PLEASED TO CONVEY TO YOUR EXCELLENCY THE GRATITUDE OF THE CHILEAN GOVERNMENT FOR YOUR GOVERNMENT'S SUPPORT IN VOTING AGAINST THE DRAFT RESOLUTION ON THE HUMAN RIGHTS SITUATION IN CHILE, APPROVED LAST FRIDAY, DECEMBER 13TH, 1985, BY THE PLENARY SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

THE ATTITUDE OF YOUR COUNTRY CONSTITUTES A CONCRETE TESTIMONIAL OF FRIENDSHIP WHICH MY GOVERNMENT SINCERELY APPRECIATES.

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PAGE 03 USUN N 03953 01 OF 02 271812Z

I AVAIL MYSELF OF THIS OPPORTUNITY TO REITERATE TO YOUR EXCELLENCY THE ASSURANCES OF MY HIGHEST CONSIDERATION."

3. (U) RESULTS OF PLENARY VOTING ON DRAFT RESOLUTION CONCERNING HUMAN RIGHTS IN CHILE, DECEMBER 13, 1985:

YES (88): AFGHANISTAN, ALBANIA, ALGERIA, ANGOLA, ANTIGUA/BARBUDA, ARGENTINA, AUSTRALIA, AUSTRIA, BAHRAIN, BARBADOS, BELGIUM, BENIN, BOTSWANA, BULGARIA, BURKINA FASO, BURUNDI, BYELORUSSIAN SSR, CANADA, CAPE VERDE, CONGO, COSTA RICA, CUBA, CYPRUS, CZECHOSLOVAKIA, DEMOCRATIC YEMEN, DENMARK, DOMINICAN REPUBLIC, ETHIOPIA, FINLAND, FRANCE, GAMBIA, GERMAN D.R., FEDERAL REPUBLIC OF GERMANY, GHANA, GREECE, GUINEA, GUINEA-BISSAU, GUYANA, HUNGARY, ICELAND, INDIA, IRELAND, ITALY, JAMAICA, KENYA, KUWAIT, LAOS, LESOTHO, LIBYA, LUXEMBOURG, MALDIVES, MALI, MAURITANIA, MAURITIUS, MEXICO, MONGOLIA, MOZAMBIQUE, NETHERLANDS, NEW ZEALAND, NICARAGUA, NORWAY, POLAND, PORTUGAL, QATAR, ROMANIA, RWANDA, SAMOA, SAO TOME AND PRINCIPE, SENEGAL, SIERRA LEONE, SPAIN, SRI LANKA, SWEDEN, TOGO, TUNISIA, UGANDA, UKRAINIAN SSR, USSR, UNITED ARAB EMIRATES, UNITED KINGDOM, TANZANIA, URUGUAY, VANUATU, VENEZUELA, VIET NAM, YUGOSLAVIA, ZAMBIA, ZIMBABWE.

NO (11): BANGLADESH, CHILE, EL SALVADOR, GUATEMALA, INDONESIA, LEBANON, MOROCCO, PAKISTAN, PARAGUAY, THAILAND, UNITED STATES.

ABSTAIN (47): BAHAMAS, BELIZE, BHUTAN, BRAZIL, BRUNEI, BURMA, CAMEROON, CENTRAL AFRICAN REPUBLIC, CHAD, CHINA, COLOMBIA, DEMOCRATIC KAMPUCHEA, ECUADOR,

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PAGE 01 USUN N 03953 02 OF 02 271812Z

ACTION IO-16

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TO SECSTATE WASHDC 2011
INFO AMEMBASSY BOGOTA
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AMEMBASSY SANTIAGO
AMEMBASSY SANTO DOMINGO
AMEMBASSY STOCKHOLM

~~C O N F I D E N T I A L~~ SECTION 02 OF 02 USUN NEW YORK 03953

E.O. 12356: DECL: OADR
TAGS: UNGA, PHUM, PREL, CI
SUBJECT: 40TH UNGA: PLENARY ADOPTION OF
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PAGE 02 USUN N 03953 02 OF 02 271812Z

EGYPT, EQUATORIAL GUINEA, FIJI, GABON, GRENADA,
HONDURAS, ISRAEL, IVORY COAST, JAPAN, JORDAN, LIBERIA,

MALAWI, MALAYSIA, NEPAL, NIGER, NIGERIA, OMAN, PANAMA, PAPUA NEW GUINEA, PERU, PHILIPPINES, ST. CHRISTOPHER AND NEVIS, ST. LUCIA, ST. VINCENT-GRENADINES, SAUDI ARABIA, SINGAPORE, SOMALIA, SUDAN, SURINAME, SWAZILAND, TRINIDAD-TOBAGO, TURKEY, YEMEN, ZAIRE.

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PAGE 01 GENEVA 11729 271821Z
ACTION IO-16

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TO SECSTATE WASHDC 2047
INFO AMEMBASSY BONN
AMEMBASSY CARACAS
AMEMBASSY LONDON
AMEMBASSY MADRID
AMEMBASSY PARIS
AMEMBASSY ROME
AMEMBASSY SAN JOSE
AMEMBASSY SANTIAGO
AMEMBASSY THE HAGUE
USMISSION USUN NEW YORK

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

~~C O N F I D E N T I A L~~ GENEVA 11729

E.O. 12356: DECL:OADR
TAGS: PHUM, CI, UNHRC
SUBJECT: UN RAPPORTEUR ON HUMAN RIGHTS IN CHILE

REF: STATE 386814

1. CONFIDENTIAL - ENTIRE TEXT.

2. MISSOFF CALLED ON UN HUMAN RIGHTS COMMISSION SECRETARY JOHN PACE (PROTECT) DECEMBER 27, TO DISCUSS AN EXTENSION OF THE DEADLINE FOR PREPARATION OF THE SPECIAL RAPPORTUER'S REPORT ON CHILE. PACE, WHO ACCOMPANIED THE RAPPORTEUR, FERNANDO VOLIO JIMINEZ, ON HIS VISIT TO CHILE SAID THE HUMAN RIGHTS CENTER
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PAGE 02 GENEVA 11729 271821Z

SECRETARIAT CONTROLS THE PREPARATION OF THE REPORT AND WILL ALLOW VOLIO ALL THE TIME HE NEEDS FOR ITS COMPLETION. PACE THEN READ THROUGH AN OUTLINE FOR THE REPORT WHICH VOLIO HAD APPROVED. AS PRESENTLY CONTEMPLATED THE REPORT WILL INCLUDE (A) A DETAILED DESCRIPTION OF VOLIO'S CONTACTS IN CHILE; (B) EXTENSIVE DESCRIPTIONS OF ALLEGATIONS OF HUMAN RIGHTS ABUSES BY SOURCE; (C) A DESCRIPTION OF THE CONSTITUTIONAL SYSTEM IN WHICH VOLIO WILL ARGUE THAT THE SYSTEM OF TEMPORARY PROVISIONS CONSTITUTES A SECOND CONSTITUTION AND THAT THE EXTREME POWER OF THE PRESIDENT UNBALANCES THE SYSTEM; (D) A DESCRIPTION OF THE JUDICIARY WHICH VOLIO BELIEVES IS INDEPENDENT BUT POWERLESS; (E) A DISCUSSION OF THE UNIVERSITIES; AND (F) A CALL FOR THE COMMISSION TO ADOPT A MORE SOBER APPROACH TO THE PROBLEMS OF CHILE.

3. PACE DESCRIBED VOLIO'S VISIT TO CHILE AS "AN EXEMPLARY EXPERIENCE". HE SAID VOLIO HAD COMPLETE FREEDOM OF ACCESS AND MOVEMENT AND FULL COOPERATION OF THE GOVERNMENT. IN ALL, VOLIO SAW SOME 200-300 PEOPLE REPRESENTING ALL POLITICAL FACTIONS, ECONOMIC AND SOCIAL GROUPS AND THE RELEVANT GOVERNMENT FIGURES. IN RESPONSE TO A SUGGESTION FROM AMBASSADOR SCHIFTER (USUN 3627), VOLIO MADE TORTURE HIS FIRST CONCERN AND OBTAINED A PLEDGE FROM THE INTERIOR MINISTER DURING A FINAL PRIVATE MEETING THAT IT WOULD STOP. VOLIO SAID THE MINISTER EXPRESSED ANGER THAT HIS EARLIER ORDER TO END TORTURE HAD NOT BEEN OBEYED. PACE SAID THIS PLEDGE WOULD BE REFLECTED IN THE REPORT.

4. TURNING TO THE HUMAN RIGHTS COMMISSION, PACE SAID THE CHILEAN GOVERNMENT REMAINS DISTURBED BY THE FACT THAT CHILE IS STILL CONSIDERED UNDER A SEPARATE ITEM ~~CONFIDENTIAL~~

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PAGE 03 GENEVA 11729 271821Z

ON THE COMMISSION AGENDA (ITEM 5). VOLIO HAS MADE CLEAR TO THE CHILEANS HE CAN DO NOTHING ABOUT THIS, BUT, PACE SAID, IN FACT IT IS UNFAIR. HE SUGGESTED THIS SITUATION SHOULD BE CORRECTED BY INCLUDING A CHANGE IN AGENDA ITEM IN THE RESOLUTION ON CHILE ADOPTED BY THE COMMISSION. PACE WARNED THAT GIVEN THE ATTITUDE OF THE MEXICANS THIS WILL NOT BE EASY, BUT IT

WAS IMPORTANT. PACE SAID VOLIO VIEWS HIS TASK AS ONE OF ASSISTING CHILE IN ITS RETURN TO DEMOCRACY. HE WOULD LIKE TO CONTINUE AS RAPPORTEUR, BUT IS TROUBLED BY COMPETING DEMANDS OF HIS POLITICAL CAREER IN COSTA RICA, HIS HEALTH, AND POSSIBLE RESTRAINTS ON HIS MANDATE. VOLIO WILL WAIT TO SEE HOW THE COMMISSION DEALS WITH HIS REPORT AND WITH CHILE BEFORE DECIDING WHETHER TO CONTINUE. (DRAFTED BY A/PSA:RMPERITO) RUSHING

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12/30/85
UNCLASSIFIED

F-4 ST#53
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Washington D.C., December 30, 1985.

Mr.
Elliott Abrams
Assistant Secretary of State
for Latin American Affairs
Department of State
Washington D.C.

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ✓
Exemption(s) ____

Dear Mr. Abrams:

We have taken the liberty to send this letter to you because we hope it will be helpful in the clarification of events which, in the last weeks, have produce a climate of scepticism and doubts regarding the policy of the Department of State towards the Chilean Military Government. We strongly believe that a firm, steady and consistent U.S. policy in favor of the re-establishment of democracy in Chile, can be an important factor of encouragement for the people of Chile. At the same time, the appearance of support for a harsh dictator who is subjugating the citizenry may have a serious effect on the sentiments of the Chileans towards the U.S. Government.

It is evident that, until a few months ago, the Department of State maintained an attitude of quiet and careful support of General Pinochet's regime. Cautious and sporadic criticisms issued for human rights' violations are not enough to modify this conclusion. Pinochet himself appears to have been aware of this policy and liked to boast of the friendship existing between both governments, "the best in the history of Chile and the United S tates", as he said in an interview with an American journalist. With a cruel sense of timing, Pinochet c hose to re-establish the state of siege the day following President Reagan's re-election. In doing so he unleashed a brutal wave of repression and took the violations of human rights back to their lowest level. You may remember the facts. Pinochet had hinted of this measure some weeks in advance, as we personally told you two weeks before President Reagan's re-election. Pinochet gambled on a very mild reaction from the Department of State, and he was right.

Surely, the culminating point of this policy was Assistant Secretary Motley's visit to Chile, when he referred to alleged philosophical and id eological coincidences between the American and the Chilean governments. Pinochet never received so warm a signal of support from a Western democratic government.

During the last few months, we observed a clear change in the policy of the Department of State regarding the Chilean dictatorship. Because of new circumstances we do not wish to evaluate, the Department of State changed its policy and moved towards a clear support of and sympathy with a prompt transition to democracy in Chile. Particularly indicative of this new posture were: the vigorous public statement supporting the "National Accord for the Transition to Full Democracy", signed by eleven democratic parties of the opposition to Pinochet and sponsored by the Catholic Church; the public statement to declare that General Schweitzer's opinions did not represent the American Government's when this General, Chairman of the Inter-American Military Board, paid a warm homage to Pinochet's policies; the official speech made by Ambassador Barnes when he presented his credentials to Pinochet; and the permanent activity of this A mbassador during November and December of 1985. As part of this same orientation we want to remember Ambassador Schifter's initiative to seek for changes in the drafting of the annual resolution to be presented to the Gen-

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eral Assembly of the United Nations condemning Pinochet's regime for its violations of human rights in such a way that they allowed the United States to vote it favorably. The same at the Organization of American States.

Up to this point, everything confirmed the adoption of a new policity towards the Chilean Military dictatorship, committed to helping a rapid transition to democracy. But something seems to have happened, and the Department of States appears headed back to the old contradictory policy. What is the reason? Believe us that we feel unable to understand the change, among other motives because now you are in charge of the relationships with the Latin American countries, and your record as former Assistant Secretary State for Humanitarian Affairs and Human Rights, was one of great concern with human rights and democracy in Chile.

When the negotiations aimed at the implementation of Ambassador Schifter initiative started, we found a very helpful reception both among the governments Mr. Schifter recommended we should get in touch with as well as among the Chileans who come to New York to lobby for the resolution on human rights in Chile. Unfortunately, the U.S. representatives to the United Nations played a very passive role at the beginning of the conversations, role that became negative a few days later. Most of the amendments Ambassador Schifter wanted were accepted, but the wording continued to be considered inappropriate. The U.S. Delegation eluded mention of concrete changes to make the draft adequate. The U.S. representatives limited their participation to insisting that the draft needed more changes, but never sought with real interest a satisfactory final version. In the end, despite the new text and to the surprise of representatives from different friendly delegations, the U.S. voted once more against the resolution condemning Pinochet's Governments for its violations of human rights. The countries that agreed to amend the preliminary resolution approved a few months ago in Geneva by the Human Rights Commission, solely to satisfy U.S. suggestions have been forced to observe a sad spectacle: the U.S. joining again a few dictatorships such as Chile (that votes even when there is an ethic impediment), Haiti and Paraguay, while all its friend and allies in Europe voted for the condemnatic

In Cartagena, Colombia, at the General Assembly of the O.A.S. the U.S. managed to give another signal of support of Pinochet's Government. The majority of the member states approved the Report prepared by the Inter American Commission on Human Rights, but the U.S. Delegation decided to abstain. This decision promoted other abstentions, and at the end the Report missed being approve by only one vote. Only Chile and Haiti v oted against.

Finally and most unfortunately,your own public statements have been interpreted as endorsing the present course of events in Chile. You said during a press conference that Chile's Government was moving in the "correct direction" towards democracy and praised the alleged progress made in the direction of democratic transition.

The effects of these American attitudes have been very important The Chilean dictatorship has understood them as a change of the U.S. Government in its favor. The Minister of Foreign Affairs has officially declared recent sign of American support mean "the opening of the road towards the truth". That is, "Quiet diplomacy" does not seem be persuading Pinochet to move towards democracy and respect for human rights. Rather Pinochet contends now that he has finally convinced the United States of "his truth" on human rights violations and on the transition to democracy.

Chile's Government has been acting in this belief. Immediately after the votes in the United Nations and in the Organization of American States, the M inister of Internal Affairs dismissed the National Accord and refused to

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discuss it (the same Accord the Department of State applauded and supported). Furthermore, Pinochet treated the Cardinal (who had pioneered the Accord) in a harsh manner and told him that "his" itinerary would be maintained without changes. In other words, th e recent actions of the Department of States have allowed Pinochet display intransigence and ignore the National Accord in a way he never dared to before.

We are very aware that the final destiny of the military dictatorship in Chile will depend on the efforts of the Chilean citizenry and not on the policies of the Department of States. Further more, we reject any foreign intervention in the Chilean political problems. But we believe in the existence of some juridical and moral principles which are part of the Western civilization and cannot be denied by governments. Hence, opinions expressed about those problems and votes in international organizations on those matters, by democratic states are perfectly licit and necessary. It/in this realm that the policies and opinions of the Department of States have great influence on de facto military governments of the developing countries. What has just happened in Chile is the best evidence.

Therefore, it is not an exageration to say that recent actions by the Department of States have strengthened the military dictatorship in Chile and weakened the possibility of a negotiated return to democracy. Strange paradox: the first democracy in the world appears as supporting a dictator who brutally subjects the Chilean people and has committed terrorism in the very capital of the United States.

Should yo be interested in further discussing this matter with us, we would be delighted to meet you.

Very sincerely,

Eugenio Velasco

Democratic Alliance
Coordinator
in
Washington D.C.

c.c. Ambassador Barnes
Ambassador Schifter

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PAGE 01 SANTIA 09142 311654Z
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AMEMBASSY LA PAZ
AMEMBASSY LIMA
AMCONSUL SAO PAULO
AMEMBASSY PANAMA

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

~~C O N F I D E N T I A L~~ SANTIAGO 09142

PANAMA FOR ADS

E.O. 12356: DECL:OADR
TAGS: OREP, ASEC, CI
SUBJECT: STAFFDEL MANION: THREAT ASSESSMENT

REF: A) SANTIAGO 8833 (NOTAL) B) SANTIAGO 9141
C) STATE 392561

1. ~~CONFIDENTIAL~~ - ENTIRE TEXT.

2. REF A DESCRIBES A SIGNIFICANTLY INCREASED THREAT TO AMERICAN EMBASSY FACILITIES AND PERSONNEL AT SANTIAGO, CHILE. THE SERIOUS SECURITY CONCERNS OUTLINED IN REF A ARE LESS APPLICABLE TO OFFICIAL AMERICANS ON SHORT DURATION VISITS TO CHILE. THE THREAT INCREASES IF VISITS BY OFFICIAL AMERICANS
~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 02 SANTIA 09142 311654Z

ARE PUBLICIZED. THERE IS A TREND OF INCREASED FOCUS BY LEFTIST GROUPS ON SYMBOLS OF POWER. SPECIAL EVENTS AND CONFERENCES THAT ARE PUBLIC KNOWLEDGE RUN A GREATER RISK OF BECOMING A TARGET FOR POLITICALLY MOTIVATED VIOLENCE OR DISRUPTIVE ACTIVITIES. DUE TO LOW PROFILE OF PROPOSED VISIT, WE ANTICIPATE NO PROBLEMS FOR STAFFDEL. JONES

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PAGE 02 OF 04 SANTIA 09132 311542Z C07/18 003606 NOD514
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Chile Project (#S199900030)
U.S. Department of State
Release_____ Excise_X___ Deny_____
Declassify: In Part_X___ In Full_____
Exemption(s) B1 B6

~~SECRET~~ SANTIAGO 09132

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DECAPTIONED

FOR ARA/SC - PASS AMBASSADOR BARNES

EO 12356: DECL: OADR
TAGS: APER ASEC AMGT, CI
SUBJECT: THREAT TO EMBASSY OFFICER: RECOMMEND TRANSFER

REF: [ ] B1

1. ~~SECRET~~-WINTEL-NOFORN-NOCONTRACT-ORCON.

2. SUMMARY: WE HAVE LEARNED THAT [ ] AS THE TARGET SELECTED BY MIR TERRORISTS AS A KIDNAP VICTIM. WE RECOMMEND THAT [ ] NOT RETURN TO SANTIAGO FROM HOME LEAVE AND REQUEST THAT DEPARTMENT CONSULT WITH AMBASSADOR BARNES ON THE ADVISABILITY OF CURTAILING [ ] ASSIGNMENT AND ADVISE THE EMBASSY ASAP OF DECISION. END SUMMARY. B6 B6

3. AS REPORTED REF (A), EMBASSY HAS RECENTLY TARGETTED BY THE LEFTIST REVOLUTIONARY MOVEMENT (MIR). WE HAVE JUST LEARNED, REF B, THAT [ ] B6 [ ] HAS BEEN SPECIFICALLY TARGETTED FOR A KIDNAPPING ATTEMPT BY THE MIR PERHAPS DUE TO INFORMATION PROVIDED

BEST COPY AVAILABLE

BY ONE OF [redacted] CONTACTS. THE ATTEMPT WAS CODE-NAMED [redacted] ALTHOUGH [redacted] INDICATES THAT THIS ATTEMPT HAS BEEN POSTPONED, DUE TO MIR CONCERNS THAT THE ORGANIZATION MAY HAVE BEEN PENETRATED, THE MIR TEAM IS REPORTEDLY STILL IN THE COUNTRY AND THE EMBASSY, ITS PERSONNEL AND SPECIFICALLY [redacted] ARE STILL AT CONSIDERABLE RISK. CERTAINLY, NOTHING HAS HAPPENED TO CHANGE EITHER THE MIR DETERMINATION TO PUNISH THE US FOR OUR SUPPORT FOR A RETURN TO DEMOCRACY IN CHILE, OR TO MODIFY THE MIR LOGIC WHICH ORIGINALLY LED TO TARGETTING [redacted] FOR KIDNAPPING. IF ANYTHING, THE ANTI-KIDNAPPING PRECAUTIONS WE HAVE TAKEN HEIGHTEN THE CHANCE THAT THE MIR MAY IN FACT BE DRIVEN TO TAKE ACTIONS WHICH ARE MORE VIOLENT, BUT SIMPLER TO IMPLEMENT, THAN A KIDNAPPING (A BOMBING OR ASSASSINATION ATTEMPT).

4. BECAUSE WE BELIEVE THE OVERALL THREAT HAS NOT BEEN REDUCED AND THAT [redacted] WOULD IN ALL LIKELIHOOD REMAIN IN A PARTICULARLY THREATENED POSITION, THE EMBASSY RECOMMENDS THAT [redacted] NOT REPEAT NOT RETURN TO POST AT THE CONCLUSION OF [redacted] HOME LEAVE. THE RISKS WOULD BE UNACCEPTABLY HIGH, PROTECTION AT THE LEVEL REQUIRED FOR MORE THAN A SHORT PERIOD WOULD BE IMPRACTICAL AND THE PRESSURES OF THE SITUATION WOULD INEVITABLY HAMPER [redacted] ABILITY TO LIVE AND FUNCTION EFFECTIVELY IN SANTIAGO. SHOULD AMBASSADOR BARNES AND THE DEPARTMENT AGREE WITH THIS RECOMMENDATION, [redacted] HOME LEAVE CONTACT IS:

[redacted]

5. EMBASSY WOULD LIKE [redacted] TO KNOW THAT THIS DECISION WAS NOT AN EASY ONE TO MAKE. [redacted] RECORD IN

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SANTIAGO WAS EXCELLENT AND ALTHOUGH [redacted] WILL EVENTUALLY BE REPLACED, WE WILL LOSE THE EXTENSIVE KNOWLEDGE AND WIDE RANGE OF CONTACTS [redacted] WORKED HARD TO BUILD UP. WE STRONGLY RECOMMEND HIGH-LEVEL ATTENTION TO GETTING [redacted] AN ONWARD ASSIGNMENT APPROPRIATE TO [redacted] OUTSTANDING ABILITIES.

6. [redacted]

7. ACTION REQUESTED: REQUEST THAT THE DEPARTMENT, IN CONSULTATION WITH AMBASSADOR BARNES, TAKE STEPS TO REASSIGN [redacted] BEFORE [redacted] SCHEDULED [redacted] RETURN TO POST AND SO NOTIFY [redacted] OF THIS DECISION. IN THAT EVENT POST WOULD OF COURSE BE PREPARED TO GIVE MAXIMUM ASSISTANCE IN SETTLING [redacted] PERSONAL AFFAIRS AT POST AND ARRANGING ONWARD SHIPMENT OF [redacted] BELONGINGS. WE ALSO URGE PRIORITY ATTENTION TO SELECTING AN EARLY REPLACEMENT FOR [redacted]
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PAGE 01 USUN N 03966 01 OF 02 310449Z
ACTION IO-16

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FM USMISSION USUN NEW YORK
TO SECSTATE WASHDC 2039
INFO AMEMBASSY BOGOTA
AMEMBASSY BONN
AMEMBASSY BUENOS AIRES
AMEMBASSY BRASILIA
AMEMBASSY CARACAS
AMEMBASSY COPENHAGEN
USMISSION GENEVA
AMEMBASSY HELSINKI
AMEMBASSY LA PAZ
AMEMBASSY LIMA
AMEMBASSY LONDON
AMEMBASSY MADRID
AMEMBASSY MEXICO
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AMEMBASSY OSLO
AMEMBASSY PARIS
AMEMBASSY QUITO
AMEMBASSY REYKJAVIK
AMEMBASSY ROME
AMEMBASSY SANTIAGO
AMEMBASSY SANTO DOMINGO
AMEMBASSY STOCKHOLM

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

~~C O N F I D E N T I A L~~ SECTION 01 OF 02 USUN NEW YORK 03966

ROME ALSO FOR EMBASSY VATICAN

~~CONFIDENTIAL~~

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PAGE 02 USUN N 03966 01 OF 02 310449Z

E.O. 12356: DECL: OADR
TAGS: UNGA, PHUM, PREL, CI
SUBJECT: 42ND UN HUMAN RIGHTS COMMISSION:
- CONSIDERATION OF HUMAN RIGHTS IN CHILE

REF: (A) GENEVA 11729, (B) SANTIAGO 8976,
- (C) STATE 386814, (D) SANTIAGO 8882
- (ALL REFS NOTAL)

1. C - ENTIRE TEXT.

2. SUMMARY: USUN EXPECTS THAT CONSIDERATION OF THE HUMAN RIGHTS SITUATION IN CHILE WILL TAKE PLACE DURING THE LAST TWO WEEKS OF THE UN HUMAN RIGHTS COMMISSION SESSION. WE CONTINUE TO OPPOSE THE CONSIDERATION OF CHILE UNDER A SEPARATE ITEM ON THE UNHRC'S AGENDA, BUT ANY EFFORT TO ELIMINATE THE SEPARATE ITEM WOULD BE OPPOSED BY FRANCE AND SPAIN AS WELL AS THE SOVIET BLOC AND MEXICO. WE ARE EXTREMELY SKEPTICAL ABOUT THE PROSPECT OF MEXICO STEPPING ASIDE VOLUNTARILY TO ALLOW OTHERS TO PRESENT A MORE MODERATE RESOLUTION. END SUMMARY.

3. IN RESPONSE TO REFTELS C AND D, WE (AND OUR CONTACTS WITHIN THE WESTERN GROUP) ASSUME THAT CONSIDERATION OF CHILE WILL BE CONTINUED IN ITS TRADITIONAL PLACE DURING THE LAST TWO WEEKS OF THE UN HUMAN RIGHTS COMMISSION SESSION. A TENTATIVE SCHEDULE FOR ORGANIZING THE WORK OF THE COMMISSION WILL BE PREPARED BY THE UN SECRETARIAT IN GENEVA (WHICH WILL BE WELL AWARE OF THE STATUS OF UN SPECIAL RAPPORTEUR VOLIO'S REPORT). AFTER APPROVAL BY THE "BUREAU" (THE COMMISSION OFFICERS), THE TENTATIVE SCHEDULE WILL BE ~~CONFIDENTIAL~~

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PAGE 03 USUN N 03966 01 OF 02 310449Z

PRESENTED FOR ADOPTION BY THE COMMISSION ITSELF.

4. AS NOTED IN REFTEL A, A RELATED QUESTION IS THE PLACEMENT OF THE CHILE ITEM ON THE AGENDA OF THE COMMISSION: AS MANDATED BY LAST YEAR'S RESOLUTION ON HUMAN RIGHTS IN CHILE, A SEPARATE AGENDA ITEM (5) APPEARS ON THE PROVISIONAL AGENDA (E/CN.4/1986/1)

WHICH IS TO BE PRESENTED FOR ADOPTION ON THE OPENING DAY OF THE UNHRC SESSION (FEBRUARY 3). U.S. HAS LONG ARGUED THAT THE SEPARATE ITEM IS AN HISTORICAL ANOMALY AND THAT THE CHILEAN SITUATION SHOULD BE CONSIDERED ALONG WITH OTHER CASES (SUCH AS EL SALVADOR, GUATEMALA, AFGHANISTAN, AND IRAN) UNDER AGENDA ITEM 12, VIOLATIONS OF HUMAN RIGHTS ANYWHERE IN THE WORLD.

5. FROM OUR DISCUSSIONS IN NEW YORK, WE UNDERSTAND THAT A MOVE TO STRIKE THE SEPARATE AGENDA ITEM WOULD BE SUPPORTED BY MOST WESTERN MEMBERS OF THE UNHRC AS A MATTER OF FUNDAMENTAL FAIRNESS. IT WOULD BE OPPOSED, HOWEVER, BY FRANCE AND SPAIN AS WELL AS THE SOVIET BLOC AND MEXICO. SUCH A PROPOSAL WOULD THEREFORE LEAD TO AN EARLY AND ACRIMONIOUS DEBATE ON CHILE UNLIKELY TO PROMOTE COOPERATION TOWARD A MORE BALANCED AND POSITIVE RESULT (I.E., A RESOLUTION THAT THE U.S. COULD SUPPORT) AT THE END OF THE SESSION. UNLESS BROAD SUPPORT COULD BE MOBILIZED WITHIN THE NEXT SIX WEEKS, WE WOULD NOT RECOMMEND SUCH A MOVE.

6. AN INTERMEDIATE STEP AT THE 1986 UNHRC MIGHT BE TO RETAIN THE SEPARATE ITEM ON THE AGENDA BUT TO CONSIDER IT CONCURRENTLY WITH ITEM 12 -- AS OTHER ITEMS ON RELATED TOPICS ARE CLUSTERED TOGETHER TO AVOID HAVING SEPARATE, TIME-CONSUMING DEBATES. USUN MISSOFF ASKED FRENCH HUMAN RIGHTS OFFICER WHETHER FRANCE WOULD ALSO BE OPPOSED TO SUCH A MOVE; FRENCH REP PROMISED TO LOOK

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PAGE 04 USUN N 03966 01 OF 02 310449Z

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PAGE 01 USUN N 03966 02 OF 02 310449Z
ACTION IO-16

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FM USMISSION USUN NEW YORK
TO SECSTATE WASHDC 2040
INFO AMEMBASSY BOGOTA
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AMEMBASSY COPENHAGEN
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AMEMBASSY SANTO DOMINGO
AMEMBASSY STOCKHOLM

~~C O N F I D E N T I A L~~ SECTION 02 OF 02 USUN NEW YORK 03966

ROME ALSO FOR EMBASSY VATICAN

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PAGE 02 USUN N 03966 02 OF 02 310449Z

E.O. 12356: DECL: OADR
TAGS: UNGA, PHUM, PREL, CI
SUBJECT: 42ND UN HUMAN RIGHTS COMMISSION:

INTO THIS "VERY INTERESTING QUESTION." WE BELIEVE THAT IT MIGHT BE WORTH EXPLORING THIS IDEA FURTHER WITHIN THE WESTERN GROUP PRIOR TO THE UNHRC SESSION, AND WE SUGGEST THAT MISSION GENEVA MIGHT WISH TO DISCUSS THIS IDEA INFORMALLY WITH UNHRC SECRETARY PACE.

7. WE HAVE EMPHASIZED TO WESTERN DELEGATIONS THAT THE U.S. IS INTERESTED IN WORKING TOWARD A RESOLUTION ON CHILE WHICH WE CAN SUPPORT AT THE 1986 UNHRC. UNLESS INSTRUCTED OTHERWISE, WE WILL CONTINUE TO EMPHASIZE THAT A DECISION TO END THE DISCRIMINATORY TREATMENT OF CHILE -- THAT IS, TO PLACE CHILE UNDER ITEM 12 FOR FUTURE UNHRC SESSIONS (1987 AND BEYOND) -- SHOULD BE AN ELEMENT OF ANY UNHRC RESOLUTION WHICH THE U.S. IS EXPECTED TO SUPPORT.

8. FINALLY, IN RESPONSE TO REF B, USUN IS EXTREMELY SKEPTICAL ABOUT THE PROSPECT OF MEXICO VOLUNTARILY STEPPING ASIDE TO ALLOW OTHER SPONSORS TO PRESENT A MORE MODERATE RESOLUTION ON CHILE. WHILE WE AGREE WITH EMBASSY SANTIAGO'S OBSERVATIONS ABOUT THE SYMBOLIC VALUE OF A RESOLUTION SPONSORED BY URUGUAY, WE NOTE THAT URUGUAY IS NOT A MEMBER OF THE UNHRC. IN ORDER FOR OUR EFFORTS TO BE SUCCESSFUL, IT WILL BE ESSENTIAL TO GAIN THE SUPPORT OF KEY LATIN MEMBERS OF THE UNHRC -- SUCH AS VENEZUELA, COSTA RICA, AND, IF POSSIBLE, ARGENTINA. WE SHOULD ALSO ATTEMPT TO TAKE ADVANTAGE OF THE EXPRESSED WILLINGNESS OF FRANCE AND SPAIN TO PLAY A POSITIVE ROLE IN WORKING TOWARD A
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PAGE 03 USUN N 03966 02 OF 02 310449Z

RESOLUTION THAT WE CAN SUPPORT.
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PAGE 01 STATE 394130
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APPROVED BY: HA:RSCHIFTER
ARA/SC:MLDURKEE(DRAFT) ARA:RGELBARD
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TO AMEMBASSY SANTIAGO IMMEDIATE
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AMEMBASSY MADRID
AMEMBASSY PARIS
AMEMBASSY ROME
AMEMBASSY SAN JOSE
AMEMBASSY THE HAGUE
USMISSION USUN NEW YORK

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
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Exemption(s) ____

~~C O N F I D E N T I A L~~ STATE 394130

ROME ALSO FOR US EMBASSY VATICAN INFO

E.O. 12356: DECL: OADR
TAGS: PHUM, CI
SUBJECT: CHILEAN AMBASSADOR REPORTS GOC ORDER AGAINST TORTURE

REF: GENEVA 11729

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PAGE 02 STATE 394130

1. (CONFIDENTIAL - ENTIRE TEXT.)

2. IN A DECEMBER 27 MEETING WITH HA ASSISTANT SECRETARY RICHARD SCHIFTER CHILEAN AMBASSADOR ERRAZURIZ REPORTED TWO INTERESTING DEVELOPMENTS RELATED TO CHILE'S HUMAN RIGHTS PERFORMANCE. ACCORDING TO ERRAZURIZ, THE GOC HAS APPROVED THE RETURN OF FIFTY MORE EXILES TO CHILE TO BE ANNOUNCED IN THE NEAR FUTURE. ERRAZURIZ ALSO TOLD SCHIFT5R THAT TH5 GOC HAD UNDERTAKEN MEASURES TO PREVENT TORTURE AND ABUSE OF PRISONERS, AND PROVIDED A COPY (IN ENGLISH) OF AN "INSTRUCTION PROHIBITING ILLEGAL CONSTRAINTS" DATED JULY 30, 1985 AND SIGNED BY THE MINISTERS OF DEFENSE AND INTERIOR.

3. THIS ORDER WAS APPARENTLY DIRECTED TO NATIONAL POLICE (CARABINEROS), THE INVESTIGATIVE POLICE (INVESTIGACIONES)

AND THE NATIONAL INFORMATION CENTER (CNI). THE INSTRUCTION REFERS TO THE "ABSOLUTE PROHIBITION" OF "ILLEGAL CONSTRAINTS" ON DETAINEES, AND INDICATES THE "NATIONAL GOVERNMENT SHALL BE INFLEXIBLE IN THE APPLICATION OF SANCTIONS TO THOSE PERSONNEL PROVEN TO HAVE CARRIED OUT OR APPLIED ILLEGAL CONSTRAINTS OR UNNECESSARY VIOLENCE." (FULL TEXT IN PARA 6.)

4. ERRAZURIZ WAS UNCLEAR AS TO WHEN THIS ORDER AGAINST TORTURE WAS INITIALLY ISSUED. HE REPORTED THAT THE INSTRUCTION WAS CIRCULATED TO THE CHILEAN SECURITY OFFICES, INCLUDING MILITARY AND DEFENSE UNITS, "OVER THE LAST FEW WEEKS." COMMENTING THAT ISSUANCE OF SUCH AN INSTRUCTION WAS A POSITIVE STEP, ASSISTANT SECRETARY SCHIFTER STRESSED TO ERRAZURIZ THE IMPORTANCE OF ENSURING ADEQUATE FOLLOW UP IN ORDER TO GUARANTEE COMPLIANCE.
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PAGE 03 STATE 394130

ERRAZURIZ AGREED. THE CHILEAN AMBASSADOR COMMENTED THAT THE GOC DID NOT INTEND TO PUBLICIZE THIS ACTION, BUT HAD NO OBJECTION IF THE US WISHED TO MAKE REFERENCE TO IT IN ANY PUBLIC FORUM.

5. ACTION REQUESTED: THIS IS THE FIRST INDICATION WE HAVE HAD THAT THE GOC HAD ISSUED SUCH A FORMAL DIRECTIVE,

WHICH COULD PROVIDE A USEFUL BASELINE FROM WHICH TO MEASURE ANY IMPROVEMENTS IN THIS CRITICAL AREA OF HUMAN RIGHTS PERFORMANCE. GIVEN ERRAZURIZ' UNCERTAINTY ABOUT THE TIMING OF THE ORDER, WE WOULD APPRECIATE EMBASSY SANTIAGO'S ASSESSMENT AS TO WHEN THE ORDER WAS FIRST ISSUED AND WHAT EFFECT, IF ANY, IT MAY HAVE HAD SO FAR ON CURBING SECURITY FORCE ABUSES. THIS MAY BE THE ORDER TO END TORTURE THAT INTERIOR MINISTER GARCIA MENTIONED TO UN SPECIAL RAPPORTEUR VOLIO (REFTEL). NOW THAT GARCIA'S INSTRUCTION HAS APPARENTLY BEEN REISSUED, EMBASSY SHOULD USE ANY OPPORTUNITIES THAT MAY ARISE TO REITERATE TO GARCIA AND OTHER APPROPRIATE OFFICIALS SCHIFTER'S MESSAGE TO ERRAZURIZ THAT CAREFUL FOLLOW-UP TO THE ORDER IS ESSENTIAL. YOU MAY ALSO INDICATE THAT WE INTEND TO TAKE NOTE OF THE INSTRUCTION IN THE 1985 HUMAN RIGHTS REPORT ON CHILE.

6. BEGIN TEXT: (UNOFFICIAL TRANSLATION)

REPUBLIC OF CHILE
MINISTRY OF THE INTERIOR

INSTRUCTION PROHIBITING
ILLEGAL CONSTRAINTS

SANTIAGO, JULY 30, 1985

IN VIEW OF:

A) ARTICLE 19, PARAGRAPH 1, OF THE POLITICAL CONSTITUTION OF THE REPUBLIC, WHICH PROHIBITS THE APPLICATION OF ANY ILLEGAL CONSTRAINTS,
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PAGE 04 STATE 394130

B) THE PROVISIONS OF ARTICLE 150 ET SEQ. OF THE PENAL CODE WHICH DESCRIBE AND PROHIBIT THE CRIME OF UNNECESSARY CHASTISEMENT OR RIGOR,

C) THE PROVISIONS OF THE CODE OF MILITARY JUSTICE IN REFERENCE TO UNNECESSARY VIOLENCE AND

CONSIDERING:

THE EXISTENCE OF DENUNCIATIONS IN REFERENCE TO SUPPOSED

ILLEGAL CONSTRAINTS APPLIED TO PERSONS LEGALLY DETAINED UNDER EXISTING LAW PREVIOUS TO THEIR BEING BROUGHT BEFORE THE APPROPRIATE COURTS, THE MINISTERS OF THE INTERIOR AND NATIONAL DEFENSE

DECLARE:

1. THAT, IN ACCORDANCE WITH THE ABOVE CITED CONSTITUTIONAL AND LEGAL TEXTS, THE ABSOLUTE PROHIBITION OF ILLEGAL CONSTRAINT ON DETAINEES BE EMPHATICALLY REITERATED, REGARDLESS OF THE MOTIVES OR CIRCUMSTANCES OF THEIR ARREST;

2. THE ASSISTANT DIRECTOR GENERAL OF THE NATIONAL POLICE (CARABINEROS), THE DIRECTOR OF THE INVESTIGATIVE POLICE OF CHILE, AND THE DIRECTOR OF THE NATIONAL INFORMATION CENTER ARE TO SPECIFICALLY SO INSTRUCT ALL SERVICES AND/OR PERSONNEL UNDER THEIR DIRECTION, MAKING IT ALSO CLEAR TO THEM THAT ANY DENUNCIATION WITH A SERIOUS BASIS, WITHOUT PREJUDICE TO THE JUDICIAL PROCESS, SHALL BE THE OBJECT OF DUE ADMINISTRATIVE INVESTIGATION;

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PAGE 05 STATE 394130

3. THE NATIONAL GOVERNMENT SHALL BE INFLEXIBLE IN THE APPLICATION OF SANCTIONS TO THOSE PERSONNEL PROVEN TO HAVE CARRIED OUT OR APPLIED ILLEGAL CONSTRAINTS OR UNNECESSARY VIOLENCE;

4. THOSE RESPONSIBLE FOR DETENTION ESTABLISHMENTS AND, IN GENERAL, OF UNITS WHICH, BECAUSE OF EXCEPTIONAL CIRCUMSTANCES, IT IS NECESSARY TO MAINTAIN PERSONS DEPRIVED OF LIBERTY, SHALL BE RESPONSIBLE FOR STRICT COMPLIANCE WITH THE PROVISIONS OF LAW REQUIRING MEDICAL EXAMINATION OF DETAINEES ENTERING AS WELL AS LEAVING THEIR JURISDICTION;

5. CORRESPONDING MEDICAL REPORTS SHALL BE FORWARDED TO THE COURT OF JURISDICTION TOGETHER WITH THE PERSON OF THE DETAINEE OR MUST BE ARCHIVED IN A SPECIAL REGISTER TO BE MAINTAINED IN THE ESTABLISHMENT OR UNIT ITSELF UNDER PROPER SUPERVISION SO THAT IT MAY BE EXHIBITED BEFORE ANY

COURT THAT SO REQUESTS WITHIN ITS JURISDICTION;

6. FINALLY, IT SHALL BE REITERATED THAT ALL COMMANDS OF THE INSTITUTIONS OF ORDER AND PUBLIC SAFETY OR OF THE SECURITY SERVICES SHALL OFFER THE BROADEST AND MOST UNRESTRICTED COOPERATION TO THE COURTS OF JUSTICE ESPECIALLY IN REFERENCE TO THE REMITTANCE OF INFORMATION ON CASES OF RESOURCE TO THE PROTECTION OF THE LAW OR HABEAS CORPUS.

(-) SIGNED
RICARDO GARCIA RODRIGUEZ
MINISTER OF THE INTERIOR

PATRICIO CARVAJAL PRADO

VICE ADMIRAL
MINISTER OF NATIONAL DEFENSE
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PAGE 06 STATE 394130

END TEXT. WHITEHEAD

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Chile Project (#S199900030)
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FOLLOWING STATE 031117 DTD JAN 31 86 SENT ACTION SANTIAGO BOGOTA BRASILIA CARACUS LIMA SAN JOSE BONN BRUSSELS BUENOS AIRES CANBERRA DUBLIN LONDON OSLO PARIS VIENNA TOKYO MADRID INFO GENEVA USUN NEW YORK OTTAWA THE HAGUE ROME COPENHAGEN STOCKHOLM LISBON BEING REPEATED FOR YOUR ACTION/INFO:
QUOTE:
~~C O N F I D E N T I A~~ L STATE 031117

ROME ALSO FOR EMBASSY VATICAN INFO; BRUSSELS ALSO FOR USEC

E.O. 12356: DECL: OADR
TAGS: PHUM, PREL, PGOV, UNGA, CI
SUBJECT: UNHRC CONSIDERATION OF CHILE

REFS: A) STATE 027661 (NOTAL) B) SANTIAGO 556 (NOTAL) C) STATE 013740 (NOTAL)

1. (C - ENTIRE TEXT)

2. SUMMARY: RATHER THAN SIT BACK AND WATCH AS THE UPCOMING UNHRC MEETING IN GENEVA CHURNS OUT ANOTHER UNBALANCED, POLEMICAL RESOLUTION ON CHILE, WE HAVE ~~CONFIDENTIA~~AL

PAGE 02 STATE 031117

DECIDED TO SPONSOR OUR OWN RESOLUTION TEXT THIS YEAR. IN ARRIVING AT THIS DECISION, WE HAVE TAKEN INTO ACCOUNT HOW BEST TO PRODUCE AN OUTCOME AT GENEVA CONDUCIVE TO

ACHIEVING CONCRETE PROGRESS ON HUMAN RIGHTS CONCERNS IN CHILE. WE WANT TO USE THE MEETING TO ENCOURAGE THE GOVERNMENT OF CHILE'S CONTINUED COOPERATION WITH UN SPECIAL RAPPORTEUR VOLIO TO ACHIEVE CONCRETE HUMAN RIGHTS IMPROVEMENTS. BY SPONSORING AND PERHAPS TABLING OUR OWN RESOLUTION, WE ALSO INTEND TO MAKE CLEAR EXACTLY WHERE WE STAND ON CHILEAN HUMAN RIGHTS ISSUES. ACTION ADDRESSEES IN UNHRC MEMBER COUNTRIES FOR THIS SESSION SHOULD

APPROACH HOST GOVERNMENTS AS SOON AS POSSIBLE TO 1. TE COMMENTS ON OUR TEXT (PARA 11) AND REQUEST SUPPORT AND CO-SPONSORSHIP. INFO ADDRESSEES ARE ALSO ENCOURAGED TO APPROACH HOST GOVERNMENTS IF THEY BELIEVE SUPPORT FOR US POSITION IS LIKELY. (FYI UNHRC RULES ALLOW NON-MEMBERS TO CO-SPONSOR RESOLUTIONS AT THIS SESSION. END FYI.) INSTRUCTIONS FOR EMBASSY SANTIAGO (PARA 9) OUTLINE OUR STRATEGY FOR USING U.S. SUPPORT FOR DROPPING CONSIDERATION OF CHILE UNDER A SPECIAL AGENDA ITEM AS AN INCENTIVE TO PROMOTE TANGIBLE STEPS BY THE GOC TO BRING ABOUT HUMAN RIGHTS IMPROVEMENTS. WEOG AND OTHER LATIN EMBASSIES SHOULD BE CAREFUL TO REFRAIN FROM INDICATING TO OTHER GOVERNMENTS THAT SUCH DISCUSSIONS ARE UNDERWAY UNTIL WE CAN GUAGE DEGREE OF SUPPORT. END SUMMARY.

3. AS INDICATED REFTEL, PAST RESOLUTIONS ON CHILE TABLED AT THE UNGA AND UNHRC HAVE BEEN COUCHED IN SUCH EXTREME LANGUAGE AS TO CAUSE THE US TO CAST A NEGATIVE VOTE, DESPITE OUR SERIOUS CONCERNS OVER THE HUMAN RIGHTS SITUATION IN THAT COUNTRY. WHILE THESE RESOLUTIONS HAVE CONFIDENTIAL

PAGE 03 STATE 031117

CONDEMNED CHILE RESOUNDINGLY, THEY HAVE ACCOMPLISHED LITTLE OR NOTHING IN TERMS OF FOSTERING REAL HUMAN RIGHTS IMPROVEMENTS IN CHILE.

4. THE CHILEAN GOVERNMENT LAST YEAR PERMITTED THE UN SPECIAL RAPPORTEUR FOR THE FIRST TIME TO V1SIT CHILE, AND PLACED NO OBSTACLES IN THE WAY OF HIS INVESTIGATION OF THE HUMAN RIGHTS SITUATION. IN VIEW OF THE GOC'S APPARENT WILLINGNESS TO GIVE FAVORABLE CONSIDERATION TO IMPLEMENTATION OF VOLIO'S RECOMMENDATIONS FOR HUMAN RIGHTS IMPROVEMENTS, WE SEE OPPORTUNITIES AT GENEVA TO ENCOURAGE MORE MODERATE SECTORS WITHIN THE GOC TO WORK

TOWARD GENUINE IMPROVEMENTS IN HUMAN RIGHTS PROBLEM AREAS. IN PARTICULAR, WE HOPE TO USE THE GOC'S INTEREST IN ELIMINATING UN CONSIDERATION OF THE CHILEAN CASE UNDER A SPECIAL AGENDA ITEM AS AN INCENTIVE TO SPUR THE CHILEAN GOVERNMENT TO TAKE CONCRETE MEASURES TOWARD IMPLEMENTING VOLIO'S RECOMMENDATIONS. FYI: AS A MATTER OF PRINCIPLE, WE ALSO OPPOSE A SEPARATE AGENDA ITEM FOR CHILE. AN OPERATIVE PARAGRAPH ELIMINATING THIS PRACTICE FOR NEXT YEAR IS INCLUDED IN OUR RESOLUTION TEXT. WE MAY, HOWEVER, WARN THE GOC THAT WE ARE PREPARED TO CONSIDER FAVORABLY AN AMENDMENT ELIMINATING THIS OPERATIVE PARAGRAPH IF WE ARE NOT SATISFIED THAT THE GOC HAS MADE SUFFICIENT MOVES TOWARD IMPLEMENTING THE VOLIO RECOMMENDATIONS. SEE PARAGRAPH 9. END FYI.

5. BY PROPOSING A DRAFT CHILE RESOLUTION WE WILL A SO PUT ON THE RECORD OUR VIEWS ON THE PROBLEMATIC HUMAN RIGHTS SITUATION IN CHILE. CLARIFYING OUR POSITION WILL BE IMPORTANT SHOULD ULTIMATELY WE PROVE UNABLE TO MODERATE THE UNHRC RESOLUTION ON CHILE AND ONCE AGAIN BE OBLIGED TO CAST A NEGATIVE VOTE OR TO ABSTAIN. ALTHOUGH SOME DEMOCRATIC OPPOSITION MEMBERS IN CHILE HAVE INDICATED INTEREST IN A COMPROMISE, THEY MAY HAVE LITTLE INFLUENCE OVER UNHRC DELIBERATIONS IN GENEVA. IN THE CONFIDENTIAL

PAGE 04 STATE 031117

PAST, THE PRINCIPAL SPONSOR, MEXICO,HAS TURNED FOR ADVICE ON CHILE TO THE EXILE COMMUNITY RESIDENT IN EUROPE, IN WHICH THE CHILEAN COMMUNIST PARTY WIELDS CONSIDERABLE INFLUENCE. MEXICO HAS IN THIS REGARD OFTEN APPEARED TO ACT AS A STAND-IN FOR CUBAN INTERESTS.

6. WE HOPE THAT LATIN DEMOCRACIES SYMPATHETIC TO MORE CONSTRUCTIVE APPROACH ON HUMAN RIGHTS ISSUES WILL ACTIVELY SUPPORT OUR EFFORTS TO ACHIEVE A BETTER OUTCOME AT GENEVA. SPAIN WILL HAVE THE ROLE OF COORDINATOR FOR THE WEOG (WESTERN EUROPEAN AND OTHERS GROUP) ON THE CHILE ITEM AT THE COMING UNHRC SESSION, WHICH WE HOPE WILL PROVIDE USEFUL COUNTERWEIGHT TO MEXICAN INFLUENCE. WHILE WE ARE PREPARED TO TABLE A TEXT, THE TACTICAL DECISION ON WHETHER TO DO SO OURSELVES, OR TO WITHDRAW IN FAVOR OF ITS INTRODUCTION BY ANOTHER COMMISSION MEMBER, WILL BE MADE BY THE U.S. DELEGATION AT GENEVA. FYI: WE HAVE HERETOFORE EMPHASIZED THAT THE WEOG COORDINATOR'S ROLE IS

TO STAY IN TOUCH WITH THE GROUP'S MEMBERS, TO KEEP THEM INFORMED AS TO THE STATUS OF AN ITEM, AND TO NEGOTIATE ONLY AS EXPRESSLY AUTHORIZED. WE HAVE EMPHASIZED THAT A MEMBER WITH STRONG VIEWS ON THE TOPIC AND INTERESTED IN ADVANCING THESE VIEWS SHOULD NOT TAKE ON THE ROLE OF COORDINATOR UNLESS IT IS REASONABLY CERTAIN THAT THESE VIEWS REPRESENT A WEOG CONSENSUS. WE HAD A PROBLEM WITH SPAIN ON THAT SCORE AT THE 1984 UNHRC SESSION, BUT WORKED TOGETHER WELL IN 1985. HA ASST. SECRETARY SCHIFTER, WHO WILL HEAD THE US DELEGATION AT GENEVA, HAS A GOOD PERSONAL RELATIONSHIP WITH AMB. LACLETA, LEADER OF THE SPANISH DELEGATION, AND EXPECTS TO DISCUSS THE MATTER CANDIDLY AT THE BEGINNING OF THE SESSION.

7. ~~CONFIDENTIAL~~ ACTION REQUESTED: ACTION ADDRESSEES OTHER THAN

PAGE 05 STATE 031117

SANTIAGO SHOULD APPROACH HOST GOVERNMENTS AS SOON AS POSSIBLE TO INVITE COMMENTS ON THE RESOLUTION TEXT WHIC' FOLLOWS AND REQUEST THEIR SUPPORT AS CO-SPONSORS. SINCE THE UNHRC IS SCHEDULED TO CONVENE IN GENEVA ON FEB. 3, TIMELY ACTION IS IMPORTANT. EMBASSIES SHOULD REPORT REACTIONS BY IMMEDIATE TELEGRAM. IN MAKING THIS APPROACH YOU MAY USE THESE TALKING POINTS:

--U.S. NEGATIVE VOTES ON PAST UNHRC AND UNGA RESOLUTIONS ON THE HUMAN RIGHTS SITUATION IN CHILE HAVE REFLECTED THE UNBALANCED, DISCRIMINATORY TREATMENT GIVEN CHILE, NOT ANY LACK OF CONCERN REGARDING HUMAN RIGHTS VIOLATIONS IN CHILE. WE ARE DEEPLY CONCERNED BY PERSISTENCE OF SEVERE VIOLATIONS, INCLUDING TORTURE, AND ARE ACTIVELY WORKING FOR IMPROVEMENTS THROUGH VARIOUS MEANS, INCLUDING REPRESENTATIONS TO THE CHILEAN GOVERNMENT.

--CHILE'S NEW COOPERATION WITH THE UNITED NATIONS SPECIAL RAPPORTEUR FOR HUMAN RIGHTS IN CHILE IS ENCOURAGING. THE GOC ALLOWED UN SPECIAL RAPPORTEUR VOLIO TO VISIT CHILE IN DECEMBER AND SAID IT WILL CONSIDER ADOPTING HIS RECOMMENDATIONS.

--THE BREAKTHROUGH REPRESENTED BY VOLIO'S CHILE VISIT MUST NOT BE LOST; A MODERATE AND BALANCED RESOLUTION AT THE UNHRC IN GENEVA COULD STRENGTHEN THOSE WITHIN THE GOC WHO WANT TO END TORTURE AND REDUCE OTHER HUMAN RIGHTS

PROBLEMS BY ENCOURAGING THE GOC TO ACCEPT VOLIO'S RECOMMENDATIONS.

--WE HAVE PREPARED THE TEXT OF SUCH A RESOLUTION WHICH WE WILL PROPOSE AT THE UNHRC MEETING IN GENEVA WHICH CONVENES FEBRUARY 3. WE INVITE YOUR COMMENTS ON THIS TEXT, AND HOPE THAT YOU WILL SUPPORT THIS TEXT AND CONSIDER JOINING US AS A CO-SPONSOR.

8. FOR SAN JOSE: IN ADDITION TO MAKING APPROACH TO MFA, YOU SHOULD BRIEF SPECIAL RAPPORTEUR VOLIO ON OUR EFFORTS AND PROVIDE HIM A COPY OF RESOLUTION TEXT, WITH REQUEST THAT HE REVIEW IN PARTICULAR THE OPERATIVE PART TO MAKE SURE IT REFLECTS HIS UPCOMING RECOMMENDATIONS.

9. FOR SANTIAGO: AMBASSADOR IS AUTHORIZED TO APPROACH GOC AS SOON AS POSSIBLE AT WHATEVER LEVEL HE CONSIDERS APPROPRIATE TO INFORM GOC OF OUR INTENTION TO PROPOSE A DRAFT RESOLUTION ON CHILE IN GENEVA. AMBASSADOR SHOULD PROVIDE A COPY OF THE RESOLUTION TEXT TO GOC, AND CALL ATTENTION TO OPERATIVE PARAGRAPH 11 PROPOSING ELIMINATION OF SEPARATE AGENDA ITEM ON CHILE. 1N DOING SO, AMBASSADOR MAY WISH TO MAKE FOLLOWING POINTS, WHICH HA ASSISTANT SECRETARY SCHIFTER ALSO INTENDS TO RAISE WITH CHILEAN AMBASSADOR CALDERON IN GENEVA ON FEBRUARY 3:

--US OPPOSED TO SEPARATE AGENDA ITEM ON CHILE AS MATTER OF PRINCIPLE, UNDERSTANDS GOC'S STRONG INTEREST IN SEEING THIS DISCRIMINATORY PRACTICE ENDED, AS WELL AS PASSAGE OF MORE BALANCED RESOLUTION ON CHILE.

--US ATTEMPTING TO DEVELOP SUPPORT AT GENEVA FOR A MODERATE RESOLUTION ON CHILE, AND WILL PROPOSE A DRAFT TEXT THAT ACCURATELY REFLECTS THE WORK OF SPECIAL RAPPORTEUR VOLIO, TAKES NOTE OF POSITIVE DEVELOPMENTS AND PROBLEMS AREAS, AND URGES IMPLEMENTATION OF SPECIAL RAPPORTEUR'S RECOMMENDATIONS. WE ARE INCLUDING IN THIS PROPOSED RESO5_ ,:
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Chile Project (#S199900030)
U.S. Department of State
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PAGE 01 STATE 002779
ORIGIN IO-16

INFO LOG-00 COPY-01 ADS-00 INR-10 EUR-00 SS-00 OIC-02
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R 040153Z JAN 86
FM SECSTATE WASHDC
TO USMISSION GENEVA
USMISSION USUN NEW YORK
INFO AMEMBASSY BOGOTA
AMEMBASSY BONN
AMEMBASSY BUENOS AIRES
AMEMBASSY BRASILIA
AMEMBASSY CARACAS
AMEMBASSY COPENHAGEN
AMEMBASSY HELSINKI
AMEMBASSY LA PAZ
AMEMBASSY LIMA
AMEMBASSY LONDON
AMEMBASSY MADRID
AMEMBASSY MEXICO
AMEMBASSY MONTEVIDEO
AMEMBASSY OSLO
AMEMBASSY PARIS
AMEMBASSY QUITO
AMEMBASSY REYKJAVIK
AMEMBASSY ROME
AMEMBASSY SANTIAGO
AMEMBASSY SANTO DOMINGO
AMEMBASSY STOCKHOLM

C O N F I D E N T I A L STATE 002779
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PAGE 02 STATE 002779

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E.O. 12356: DECL: OADR
TAGS: UNHRC, PHUM, PREL, CI
SUBJECT: 42ND UN HUMAN RIGHTS COMMISSION: CONSIDERA-
- TION OF HUMAN RIGHTS IN CHILE

REF: USUN 3966

1. (~~CONFIDENTIAL~~ - ENTIRE TEXT.)

2. DEPT CONCURS IN SUGGESTION REFTEL, PARA 6, THAT IT WOULD BE A USEFUL INTERMEDIATE STEP FOR THE UN HUMAN RIGHTS COMMISSION TO CONSIDER THE QUESTION OF HUMAN RIGHTS VIOLATIONS IN CHILE CONCURRENTLY WITH AGENDA ITEM 12. U.S. MISSION GENEVA REQUESTED TO DISCUSS THIS ISSUE INFORMALLY WITH UNHRC SECRETARY PACE AND TO EXPLORE IDEA WITH WESTERN GROUPPPRIOR TO START OF COMMISSION S5SSION. USUN SHOULD CONTINUE ITS EXPLORATORY CONVERSATIONS TO SAME END. ARMACOST

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DECAPTIONED Case Number: S199900030

PAGE 01 SAN JO 00174 01 OF 03 171832Z
ACTION SS-25

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FM AMEMBASSY SAN JOSE
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AMEMBASSY SANTIAGO PRIORITY

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C O N F I D E N T I A L SECTION 01 OF 03 SAN JOSE 00174

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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
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C O R R E C T E D C O P Y (TEXT)

E.O. 12356: DECL: OADR
TAGS: SHUM, CI, CS, PREL
SUBJECT: BARNES DISCUSSION WITH CHILE HUMAN RIGHTS
- RAPPORTEUR VOLIO

1. CONFIDENTIAL - ENTIRE TEXT.

2. SUMMARY: DURING VOLIO/BARNES JANUARY 7 DISCUSSION OF NEXT STEPS IN HIS REPORT ON CHILE, HE STATED IT WOULD BE LESS FAVORABLE THAN HIS PRELIMINARY ONE. HE THEREFORE URGED WAYS BE FOUND TO MOVE CHILE ITEM FROM ITS SEPARATE POSITION ON THE HUMAN RIGHTS COMMISSION AGENDA AND MERGE IT WITH OTHER REPORTS AS BEST WAY OF CONTAINING ADVERSE CHILEAN REACTION. HE IS CONVINCED ONLY WAY TO MAKE PROGRESS IN CHILEAN SITUATION IS TO KEEP UP PRESSURE ON BOTH GOVERNMENT AND OPPOSITION TO FIND A WAY TO TALK ABOUT HOW TO RETURN TO DEMOCRACY. PART OF THAT PRESSURE CAN COME THROUGH HIS REPORT AND HE GAVE INTERIOR MINISTER GARCIA A PREVIEW BEFORE HE LEFT CHILE, STRESSING TORTURE AND THE STATE OF INSECURITY CREATED BY GANGS THAT ARE ALLOWED TO OPERATE WITH CONFIDENTIAL

PAGE 02 SAN JO 00174 01 OF 03 171832Z

IMPUNITY AGAINST HUMAN RIGHTS WORKERS. HE WILL AMPLIFY THIS MESSAGE JANUARY 21 TO CHILEAN AMBASSADOR CALDERON AND HE WILL STAY IN TOUCH WITH THE US IN

THE PERIOD UP TO THE GENEVA MEETING SO OUR APPROACHES CAN CONTINUE TO COMPLEMENT EACH OTHER.

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BEGIN TEXT

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3. THERE FOLLOW THE HIGHLIGHTS OF MY SEVERAL HOURS OF CONVERSATION WITH UN SPECIAL RAPPORTEUR FOR CHILE FERNANDO VOLIO JANUARY 7.

4. AS A FRAMEWORK VOLIO RECALLED THE PRIVATE DISCUSSION HE HAD WITH INTERIOR MINISTER GARCIA JUST BEFORE HE LEFT CHILE IN MID DECEMBER, WHERE HE SOUGHT TO GIVE GARCIA A FLAVOR OF WHAT HIS FINAL REPORT WOULD CONTAIN IN THE HOPE THAT GARCIA WOULD BE STIMULATED TO CONSIDER TAKING SOME POSITIVE ACTIONS. HE TOLD GARCIA THAT HE WAS CONVINCED THAT THE INTELLIGENCE SERVICE (THE CNI) AND TO A LESSER EXTENT THE POLICE (CARABINEROS) WERE USING TORTURE AND GROSS HARASSMENT AS PART OF THEIR STANDARD WAYS OF OPERATING. BY WAY OF EXAMPLE, HE CITED HIS OWN EXPERIENCE DURING A VISIT TO THE CITY OF CONCEPCION WHEN FOUR INDIVIDUALS WERE DETAINED BY THE CNI AFTER THEY AND THEIR FAMILIES HAD BEEN TERRORIZED BY MIDNIGHT RAIDS. HE DESCRIBED TO GARCIA THE CNI'S UNWILLINGNESS TO TELL THE FAMILIES WHAT HAD HAPPENED TO THOSE DETAINED AND HOW ONCE THEIR LAWYERS HAD APPEALED TO HIM, HE HAD INSISTED WITH THE LOCAL CNI HEAD THAT HE SEE EACH OF THE FOUR AND SEE THEM WITH NO ONE ELSE PRESENT. VOLIO ADDED THAT EACH TOLD HIM THEY HAD NOT BEEN TORTURED, BUT CONFIDENTIAL

PAGE 03 SAN JO 00174 01 OF 03 171832Z

DESCRIBED THE FRIGHTENING PERIOD TO WHICH THEY AND THEIR FAMILIES HAD BEEN SUBJECTED. VOLIO ASKED GARCIA WHY DOES THE CHILEAN GOVERNMENT, WITH ALL THE POWERS AT ITS COMMAND, REALLY NEED TO ACT THIS WAY. GARCIA DID NOT TRY TO DENY VOLIO'S BASIC CHARGES ABOUT TORTURE BEING USED, BUT EXPRESSED SOME SURPRISE BECAUSE HE SAID THAT INSTRUCTIONS HAD BEEN ISSUED REINFORCING THE BAN ON SUCH PRACTICES. (AT THIS POINT I SHOWED VOLIO A COPY OF THE CIRCULAR AMBASSADOR ERRAZURIZ HAD GIVEN AMBASSADOR SCHIFTER. VOLIO THINKS IT MAY BE THE SAME DOCUMENT.)

5. SECONDLY, VOLIO TOLD GARCIO THERE WAS NO EXCUSE FOR "UNKNOWN" GROUPS OF THUGS TO BE ABLE TO KIDNAP, TORTURE OR HARASS HUMAN RIGHTS WORKERS AS THEY SEEMED TO BE ABLE TO DO WITH IMPUNITY, AS A RESULT OF WHICH THERE WAS A GENERALIZED ATMOSPHERE OF FEAR REGARDING A PERSON'S PHYSICAL SAFETY. AGAIN GARCIA DID NOT ARGUE.

6. A THIRD POINT VOLIO DID NOT MAKE TO GARCIA BECAUSE OF TIME CONSTRAINTS HAD TO DO WITH HIS CONCERN THAT AFTER THE FIRST FLURRY OF GREATER JUDICIAL INDENDENCE EARLIER IN THE YEAR, HE SENSED THAT THE POLICE, THE INTELLIGENCE SERVICES AND SOME IN THE GOVERNMENT WERE NOW WORKING TO BLOCK SUCCESSFUL COMPLETION OF JUDICIAL INVESTIGATIONS INTO HUMAN RIGHTS ABUSES. HE WAS PARTICULARLY CONCERNED THAT THE KEY INVESTIGATION OF JUDGE CANOVAS WOULD BE BADLY HAMPERED.

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PAGE 01 GENEVA 00145 01 OF 07 081437Z
ACTION IO-16

INFO	LOG-00	COPY-01	ADS-00	AID-00	INR-10	EUR-00	SS-00
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R 081433Z JAN 86
FM USMISSION GENEVA
TO SECSTATE WASHDC 2174
INFO AMEMBASSY GUATEMALA
AMEMBASSY MOSCOW
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USMISSION USUN NEW YORK

Chile Project (#S199900030)
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C O N F I D E N T I A L SECTION 01 OF 07 GENEVA 00145

E.O. 12356: DECL:OADR
TAGS: UNHRC, PHUM, PREL, US, UR
SUBJECT: UN HUMAN RIGHTS COMMISSION: PROPOSALS FOR US
- STRATEGY FOR THE 42ND SESSION, FEBRUARY 3
- TO MARCH 14, 1986.

REF: 85 USUN 3970

1. CONFIDENTIAL - ENTIRE TEXT.

2. SUMMARY: THE 42ND SESSION OF THE UN HUMAN RIGHTS COMMISSION WILL CONVENE IN GENEVA, FEBRUARY 3 TO MARCH 14. OF SPECIAL IMMORTANCE TO THE US WILL BE SELECTION OF THIS YEAR'S CHAIRMAN, THE ANNUAL RESOLUTIONS ON THE FIVE COUNTRIES FOR WHICH THE COMMISSION HAS APPOINTED SPECIAL RAPPORTEURS, A NEW INITIATIVE FOR A RAPPORTEUR ON RELIGIOUS INTOLERANCE AND OUR INTERACTION WITH THE SOVIETS. GIVEN THE FACT THAT MANY WESTERN DELEGATIONS WILL HAVE EITHER NEW LEADERSHIP OR EXPERIENCED HANDS CONFIDENTIAL

PAGE 02 GENEVA 00145 01 OF 07 081437Z

PRESENT FOR ONLY PART OF THE SESSION, THE US WILL HAVE TO POVIDE LEADERSHIP ON A GREATER NUMBER OF ISSUES THAN IN RECENT SESSIONS. IN PARTICULAR, WE WILL WANT TO

ENSURE THAT (A) NO GROUND IS LOST IN THE COMMISSION'S CONSIDERATION OF IRAN, (B) THAT WE TAKE MAXIMUM ADVANTAGE OF THE INSTALLATION OF AN ELECTED GOVERNNENT IN GUATEMALA, AND (C) THAT FULL ATTENTION IS FOCUSED ON THE SPECIAL RAPPORTEUR'S REPORT ON AFGHANISTAN. WE WILL ALSO WANT TO GIVE SPECIAL ATTENTION TO THE CONTINUED SOVIET CONTROL OF THE COMMISSION'S "1503 PROCEDURES" AND A NUMBER OF PROPOSALS PUT FORWARD BY THE SUB-COMMISSION ON HUMAN RIGHTS. THE FOLLOWING IS A REVIEW OF KEY ITEMS ON THE COMMISSION'S AGENDA. WE HAVE NOT TRIED TO BE COMPREHENSIVE, BUT HAVE SOUGHT TO HIGHLIGHT THOSE ISSUES WHERE THE US HAS SPECIAL INTERESTS. END SUMMARY.

3. CHAIRMANSHIP: THE RIGHT TO NOMINATE THIS SEAR'S CHAIRMAN RESTS WITH THE LATIN AMERICAN GROUP AND THERE ARE THREE CANDIDATES: AMBASSADORS CHARRY (COLOMBIA), SUCRE (VENEZUELA), AND RAVENNA (ARGENTINA). WE HAVE PRIVATELY GIVEN OUR SUPPORT TO AMBASSADOR CHARRY, AND SHOULD NOW ENCOURAGE HIM TO INVOKE HIS GENTLEMAN'S AGREEMENT WITH SUCRE AND OBTAIN VENEZUELA'S PUBLIC SUPPORT. WE SHOULD ALSO IMPRESS UPON SUCRE THAT UNLESS IT IS CLEAR EARLY THAT CHARRY HAS MAJORITY SUPPORT, WE RISK A REPEAT OF THE SUB-COMMISSION EXPERIENCE WHERE THE MINORITY WEOG CANDIDATE, MADAME DAES, WAS ELECTED AFTER THREATENING TO CALL FOR A VOTE IN PLENARY WHERE SHE HAD STRONG SOVIET SUPPORT. RAVENNA'S CHALLENGE COULD BEST BE DEALT WITH EARLY IN CONSULTATIONS AMONG THE LATIN AMERICAN GROUP BEFORE THE COMMISSION. RAVENNA, WHO WILL HAVE THE SUPPORT OF MEXICO, NICARAGUA, THE EAST BLOC, AND THE MORE RADICAL NON-ALIGNED COULD BE ELECTED
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PAGE 03 GENEVA 00145 01 OF 07 081437Z

IF THERE IS DIVISION OR UNCERTAINTY AMONG HIS OPPONENTS. IT MUST BE REMEMBERED THAT THE MAJORITY WEOG CANDIDATE IN THE SUB-COMMISSION, BOSSUYT, SUFFERED A FAILURE OF NERVE AND WITHDREW PRIOR TO THE VOTE BECAUSE HE DID NOT LIKE THE TENOR OF THE DEBATE AND FEARED HE MIGHT LOSE THE ELECTION. CHARRY, WITH SUCRE'S SUPPORT, COULD SECURE A UNANIMOUS NOMINATION BEFORE THE COMMISSION OPENED.

4. IN OUR CONVERSATIONS WITH CHARRY AND SUCRE, WE SHOULD POINT OUT THIS YEAR'S CHAIRMAN WILL BE CALLED UPON TO MAKE APPOINTMENTS WHICH WILL HAVE A LONG-TERM

IMPACT ON THE WORK OF THE COMMISSION. ANDRES AGUILAR, THE RAPPORTEUR FOR IRAN, WILL RESIGN. VOLIO, THE RAPPORTEUR FOR CHILE, IS UNDECIDED ABOUT WHETHER HE WILL CONTINUE. THERE MAY ALSO BE A NEW RAPPORTEUR ON RELIGIOUS INTOLERANCE. IN A RECENT MEETING, ASSISTANT SECRETARY GENERAL HERNDL (PROTECT) STRESSED THE IMPORTANT ROLE WHICH THE NEXT COMMISSION CHAIRMAN WILL PLAY IN MAKING THESE APPOINTMENTS AND ENCOURAGED THE US TO ENSURE THAT "THE RIGHT PERSON" IS ELECTED. HERNDL, IT IS CLEAR FROM PREVIOUS CONVERSATIONS, WOULD PREFER WORKING WITH CHARRY, WHO IS GENEVA-BASSED, HIGHLY EXPERIENCED AND FLUENT IN ENGLISH AND FRENCH, AS WELL AS SPANISH. JUST THE FACT THAT RAVENNA SPEAKS ONLY SPANISH WOULD PRESENT THE SECRETARIAT AND MOST DELEGATES WITH DIFFICULTIES IN COMMUNICATION SHOULD HE BECOME CHAIRMAN.

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PAGE 01 GENEVA 00145 02 OF 07 081439Z
ACTION IO-16

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R 081433Z JAN 86
FM USMISSION GENEVA
TO SECSTATE WASHDC 2175
INFO AMEMBASSY GUATEMALA
AMEMBASSY MOSCOW
AMEMBASSY SANTIAGO
USMISSION USUN NEW YORK

C O N F I D E N T I A L SECTION 02 OF 07 GENEVA 00145

E.O. 12356: DECL:OADR

Pages 33 + 34 have been eliminated because they are entirely irrelevant

10. GUATEMALA: IN CONTRAST TO IRAN, GUATEMALA MAY

CONFIDENTIAL
PAGE 04 GENEVA 00145 02 OF 07 081439Z
CONFIDENTIAL

PAGE 01 GENEVA 00145 03 OF 07 081440Z
ACTION IO-16

INFO	LOG-00	COPY-01	ADS-00	AID-00	INR-10	EUR-00	SS-00
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	SLPD-01	/077 W					

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R 081433Z JAN 86
FM USMISSION GENEVA
TO SECSTATE WASHDC 2176
INFO AMEMBASSY GUATEMALA
AMEMBASSY MOSCOW
AMEMBASSY SANTIAGO
USMISSION USUN NEW YORK

C O N F I D E N T I A L SECTION 03 OF 07 GENEVA 00145

E.O. 12356: DECL:OADR
TAGS: UNHRC, PHUM, PREL, US, UR
SUBJECT: UN HUMAN RIGHTS COMMISSION: PROPOSALS FOR US

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Pages 36 + 37 have been eliminated because they are entirely irrelevant

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TO SECSTATE WASHDC 2177
INFO AMEMBASSY GUATEMALA
AMEMBASSY MOSCOW
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C O N F I D E N T I A L SECTION 04 OF 07 GENEVA 00145

E.O. 12356: DECL:OADR
TAGS: UNHRC, PHUM, PREL, US, UR
SUBJECT: UN HUMAN RIGHTS COMMISSION: PROPOSALS FOR US

POSITIVE RESOLUTIONS.

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18. CHILE: GIVEN THE RESOLUTION ADOPTED BY THE UNGA AND
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PAGE 02 GENEVA 00145 04 OF 07 081441Z

THE NEGATIVE ATTITUDES OF MEXICO, FRANCE AND SPAIN REPORTED IN USUN 3966, IT IS HIGHLY DOUBTFUL WE CAN OBTAIN AN ACCEPTABLE RESOLUTION ON CHILE UNLESS WE ARE WILLING TO INTRODUCE OUR OWN TEXT AND CAMPAIGN FOR CO-SPONSORS. TO DO THIS WE WOULD NEED ACTIVE SUPPORT AT THE COMMISSION FROM CHILE'S DEMOCRATIC OPPOSITION AND AN UNDERSTANDING WITH THE CHILEAN GOVERNMENT. ALTERNATIVELY WE COULD WORK TO ENSURE THAT IN EXCHANGE FOR A US ABSTENTION, THE RESOLUTION PREPARED BY THE TRADITIONAL CO-SPONSORS CONTAIN TWO ELEMENTS WHICH ARE ESSENTIAL TO CONTINUED COOPERATION BETWEEN CHILE AND THE

COMMISSION. THE FIRST IS RESPECTFUL TREATMENT FOR THE SPECIAL RAPPORTEUR FERNANDO VOLIO JIMENEZ AND HIS REPORT WITH NO ATTEMPT TO MANIPULATE HIS MANDATE. CHILE'S OPENING TO THE COMMISSION IS BASED LARGELY ON VOLIO'S ACCEPTABILITY TO THE CHILEAN GOVERNMENT. VOLIO HAS CONSIDERED RESIGNING AND HAS TOLD THE UN SECRETARIAT HE WILL SEE HOW HE IS TREATED BY THE COMMISSION BEFORE MAKING A DECISION. VOLIO'S DEPARTURE WOULD BE A MAJOR SETBACK TO THE COMMISSION'S EFFORT TO ESTABLISH A WORKING RELATIONSHIP WITH CHILE AND A VICTORY FOR THOSE WHO WISH TO SEE A FURTHER POLARIZATION OF POLITICAL FORCES IN THAT COUNTRY.

19. THE SECOND IS AN END TO THE PRACTICE OF CONSIDERING CHILE UNDER A SEPARATE ITEM OF THE COMMISSION'S AGENDA. THIS COULD BE ACCOMPLISHED BY MOVING CHILE TO AGENDA ITEM 12, OR BY MOVING COUNTRIES WHICH COOPERATE WITH THE COMMISSION (CHILE, EL SALVADOR AND GUATEMALA) TO A NEW ITEM AND SEPARATING THEM FROM THOSE THAT DO NOT (IRAN AND AFGHANISTAN). SINCE THE SEPARATE ITEM IS BASICALLY AN HISTORICAL ANOMALY, WE BELIEVE IT COULD BE SUCCESSFULLY ARGUED THAT CONFIDENTIAL

PAGE 03 GENEVA 00145 04 OF 07 081441Z

CHILE SHOULD NOT BE TREATED MORE SEVERELY THAN COUNTRIES WHICH REFUSE TO RECEIVE THE COMMISSION'S RAPPORTEURS. TERMINATION OF THE SEPARATE ITEM WOULD SATISFY A MAJOR DEMAND OF THE CHILEAN GOVERNMENT AND BE A TANGIBLE RESULT OF ITS COOPERATION WITH VOLIO. LAST YEAR CHILE (ITEM 5) WAS TAKEN UP IMMEDIATELY FOLLOWING CONCLUSION OF DEBATE ON ITEM 12. MISSION WILL CONTACT THE SECRETARIAT AND OTHER WEOGS TO SUPPORT THE IDEA THAT THIS YEAR IT BE DEALT WITH CONCURRENTLY.

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Pages 40-46 have been eliminated because they are entirely irrelevant

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PAGE 01 SANTIA 00174 01 OF 02 092102Z
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Chile Project (#S199900030)
U.S. Department of State
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~~C O N F I D E N T I A L~~ SECTION 01 OF 02 SANTIAGO 00174

H PASS SENATOR KENNEDY'S OFFICE

E.O. 12356: DECL:OADR
TAGS: OREP,PREL,CI
SUBJ: PRELIMINARY REACTION TO CODEL KENNEDY

REF:85 SANTIAGO 9029

1. (C) SUMMARY: THE FOREIGN MINISTER ANNOUNCED THAT NO CHILEAN GOVERNMENT OFFICIAL WILL RECEIVE SENATOR KENNEDY DURING HIS VISIT TO CHILE. A NUMBER OF CONSERVATIVE POLITICAL LEADERS HAVE SPOKEN OUT STRONGLY AGAINST KENNEDY, MOST NOTABLY THE HIGHLY RESPECTED FORMER SENATOR FRANCISCO BULNES, WHO DECLARED THAT KENNEDY IS THE "SWORN ENEMY OF CHILE" BECAUSE THE ARMS EMBARGO ALLEGEDLY IMPERILED CHILE'S SECURITY WHEN IT WAS FACING IMMINENT CONFLICT WITH ARGENTINA. NEVERTHELESS, THE CONSERVATIVE NATIONAL PARTY HAS AGREED TO SEE THE SENATOR AFTER CONSIDERABLE SOUL SEARCHING. END SUMMARY.

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2. (U) CHILEAN FOREIGN MINISTER JAIME DEL VALLE SPOKE

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ABOUT THE PROPOSED VISIT OF SENATOR EDWARD KENNEDY TO CHILE AT A JANUARY 7 PRESS CONFERENCE. HE ANNOUNCED THAT THE PRESIDENT OF THE REPUBLIC, GENERAL AUGUSTO PINOCHET, HAD PERSONALLY AUTHORITZED THE ISSUANCE OF A VISA TO THE SENATOR. DEL VALLE SAID THAT THE ISSUANCE OF THE VISA WAS A NORMAL COURTESY EXTENDED TO A MEMBER OF THE U.S. SENATE. FURTHERMORE, HE SAID IT WAS ADDITIONAL PROOF OF THE "OPENING" THAT EXISTED IN CHILE WHEREBY ANYONE COULD ENTER THE COUNTRY IN ORDER TO SEE FOR THEMSELVES THE CHILEAN "REALITY." (FYI: THIS WAS AN APPARENT REFERENCE TO THE RECENT DECISION TO PERMIT FERNANDO VOLIO, THE UN SPECIAL RAPPORTEUR, TO VISIT CHILE. END FYI.) HOWEVER, DEL VALLE ADDED THAT NO CHILEAN GOVERNMENT OFFICIALS WOULD MEET WITH SENATOR KENNEDY DURING HIS VISIT. IN DEFENDING THIS DECISION, DEL VALLE STATED THAT THE SENATOR HAD LONG HELD FEELINGS OF ANIMOSITY TOWARD THE GOC AND THAT THESE FEELINGS WERE APPARENTLY NOT OPEN TO CHANGE. FURTHERMORE, THE SENATOR'S ANIMOSITY HAD RESULTED IN LEGISLATION THAT HAD IMPERILED THE NATION. THEREFORE, IT WOULD NOT BE PROPER FOR ANY GOC OFFICIALS TO MEET WITH HIM.

3. (C) POLOFF TALKED TO A FOREIGN MINISTRY OFFICIAL TO CONFIRM THE ACCURACY OF THE COMMENTS ATTRIBUTED TO DEL VALLE. ACCORDING TO THE OFFICIAL, THERE WAS NOTHING IN WRITING THAT CONFIRMED THE DECISION TO "BOYCOTT" THE SENATOR'S VISIT. HOWEVER, THE STATEMENT WAS CONFIRMED AS THE POSITION OF THE GOVERNMENT. THIS OFFICIAL DEFENDED THE DECISION DUE TO THE

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PERCEIVED UNWILLINGNESS OF SENATOR KENNEDY TO HAVE AN OPEN MIND CONCERNING CHILE. (ACCORDING TO HIM, THE GOC HAD TRIED ON MANY PREVIOUS OCCASIONS TO OPEN TALKS WITH THE SENATOR BUT THEY HAD BEEN REBUFFED.) HOWEVER, HE EXPRESSED HIS HOPE THAT ALL WOULD GO WELL AND EMPHASIZED GOC WILLINGNESS TO LEND ANY ASSISTANCE THAT WOULD BE NECESSARY, ESPECIALLY IN THE AREA OF SECURITY.

4. (U) RECENT ARTICLES IN THE CONSERVATIVE SANTIAGO

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PRESS HAVE REPEATED CHARGES THAT SENATOR KENNEDY IS BIASED AGAINST CHILE. AS PREDICTED (REFTEL) THE BASIC THEME OF THESE ARTICLES IS THAT THE SENATOR HAD PLACED THE NATION IN GRAVE PERIL BY CAUSING THE CUTOFF OF US ARMS SALES TO CHILE. ACCORDING TO THIS VIEW, THE 1976 ARMS EMBARGO HAD PLACED CHILE AT THE MERCY OF ARGENTINA IN THEIR TERRITORIAL DISPUTES OF THE LATE 1970'S. AS A RESULT, CHILE HAD BEEN FORCED TO TURN TO OTHER MORE EXPENSIVE MARKETS FOR WEAPONS IN ORDER TO DEFEND THE NATION. THIS CAUSED THE DIVERSION OF FUNDS FROM SOCIAL DEVELOPMENT TO DEFENSE SPENDING. THUS, ACCORDING THIS THESIS, THE 1976 ARMS EMBARGO HAD ACTUALLY RETARDED THE CAUSE OF HUMAN RIGHTS IN CHILE.

5. (C) THE PLANNED VISIT HAS ALSO EXACERBATED DISSENSION WITHIN THE NATIONAL ACCORD. THE INTENTION OF THE SENATOR'S STAFF MEMBERS WAS TO ARRANGE A MEETING OF KENNEDY WITH LEADERS OF

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PAGE 01 SANTIA 00174 02 OF 02 092103Z
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C O N F I D E N T I A L SECTION 02 OF 02 SANTIAGO 00174

H PASS SENATOR KENNEDY'S OFFICE

E.O. 12356: DECL:OADR
TAGS: OREP,PREL,CI
SUBJ: PRELIMINARY REACTION TO CODEL KENNEDY

THE PARTIES OF THE NATIONAL ACCORD, BUT THE CONSERVATIVE NATIONAL UNION DECLINED TO ATTEND, THEREBY FRUSTRATING THIS ELEMENT OF THE SENATOR'S *ATTEMPT TO DEMONSTRATE SUPPORT FOR THE ACCORD.* SUBSEQUENT TO INFORMING KENNEDY'S STAFF MEMBERS THAT THE NATIONAL UNION WOULD NOT MEET WITH THE SENATOR, THE UN'S PRESIDENT CALLED POLCOUNSELOR AND TOLD HIM THAT HE PERSONALLY WAS AMBIVALENT ABOUT ATTENDING SUCH A MEETING, BUT THE POLITICAL COMMISSION OF THE PARTY WAS NEARLY UNANIMOUS IN ITS ADAMANT, EVEN ANGRY, NEGATIVE REACTION TO THE PROPOSAL. THE VICE PRESIDENT OF THE PARTY, FERNANDO MATURANA, ISSUED A CHARACTERISTICALLY VEHEMENT PERSONAL STATEMENT ON JANUARY 7, INDICATING THAT THE UN CONSIDERS KENNEDY, "PERSONA NON GRATA." MATURANA CHARGED KENNEDY
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PAGE 02 SANTIA 00174 02 OF 02 092103Z

WITH PUTTING CHILE'S INDEPENDENCE AT RISK, ANOTHER UN LEADER, HIGHLY RESPECTED FORMER SENATOR

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FRANCISCO BULNES, ONE OF THE ACCORD SIGNERS AND CONSIDERED A MODERATE, SAID THAT THE VISIT OF KENNEDY FILLS HIM WITH REPUGNANCE. KENNEDY "SHOULD FIND ALL DOORS CLOSED TO HIM IN CHILE, AS BEFITS AN ENEMY OF THE COUNTRY....I CONSIDER HIM THE SWORN ENEMY OF CHILE."

6. (C) THE CONSERVATIVE NATIONAL PARTY (PN) HAS INFORMED US THAT IT IS WILLING TO MEET WITH THE SENATOR. HOWEVER, IN A STATEMENT ISSUED ON THE MORNING OF JANUARY 8, THE PN STATES THAT IT ADVISED MARK SCHNEIDER, A KENNEDY STAFFER, THAT THE PN WILL A) PROPOSE TO THE SENATOR REPEAL OF THE KENNEDY AMENDMENT (SIC), B) STATE THEIR OPPOSITION TO THE SENATOR'S ATTEMPTS TO USE ECONOMIC PRESSURE AGAINST CHILE, AND C) RAISE A SERIES OF OTHER GENERAL ISSUES (PROTECTIONISM, FOREIGN DEBT BURDEN, IMF STRICTURES AND SO FORTH). SEVERAL MEMBERS OF THE PN CALLED POLITICAL COUNSELOR TO EXPLAIN THEIR VIEWS. MRS. SAENZ WAS INITIALLY OPPOSED TO MEETING WITH THE SENATOR BUT SHE WAS OUTVOTED IN THE PARTY'S POLITICAL COMMISSION. NEVERTHELESS, THREE PARTY LEADERS (SAENZ, CORREA, PUIG) TOLD US THAT RECEIVING THE SENATOR IS VERY COSTLY TO THEM NOT ONLY BECAUSE OF THE ARMS EMBARGO ISSUE BUT ALSO BECAUSE OF PERCEIVED KENNEDY AND LIBERAL DEMOCRATIC PARTY SUPPORT FOR THE CHRISTIAN DEMOCRATS AND THE ASSOCIATION THAT CHILEAN CONSERVATIVES MAKE BETWEEN THE KENNEDY FAMILY AND LAND EXPROPRIATIONS IN CHILE THAT WERE CARRIED OUT WITH THE SUPPORT OF THE ALLIANCE FOR PROGRESS AND THE
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PEACE CORPS.

7. (C) COMMENT: AS PREDICTED IN REFTEL, THE PLANNED VISIT IS PROVING TO BE DIVISIVE. THE GOVERNMENT IS TRYING TO EXPLOIT IT TO LEVERAGE THE RIGHT THAT HAS JOINED THE ACCORD, AND WILL TRY TO DEFAME THOSE IT CANNOT INTIMIDATE. THE EXTREME LEFT HAS YET TO GIVE HINTS OF ITS INTENTIONS, PERHAPS WAITING TO SEE WHAT THE SENATOR PLANS. BARNES

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PAGE 01 SANTIA 00211 01 OF 02 101759Z
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C O N F I D E N T I A L SECTION 01 OF 02 SANTIAGO 00211

RIO FOR CODEL KENNEDY

BUENOS AIRES FOR CARREGHER - PASS L. DACH

E.O. 12356: DECL:OADR
TAGS: OREP, PREL, CI
SUBJECT: ADDITIONAL EARLY REACTIONS TO KENNEDY VISIT: SUPPORTERS' VOICES BEGIN TO BE HEARD

REF: A) SANTIAGO 174 B) SANTIAGO 169

1. (C) SUMMARY: THE SANTIAGO PRESS CONTINUES TO DEVOTE EXTENSIVE SPACE TO THE PROPOSED VISIT OF SENATOR EDWARD KENNEDY. GIVEN THE DAILIES' CONSERVATISM AND THEIR USUAL DESIRE TO AVOID ANNOYING THE GOC, MUCH OF THE COVERAGE HAS BEEN UNFAVORABLE, AS REPORTED IN REF A. THE TONE OF SOME RECENT COVERAGE IS A BIT DIFFERENT. SEVERAL REPRESENTATIVES HAVE SPOKEN OUT EITHER AGAINST THE NATIONAL UNION'S DECISION TO BOYCOTT THE SENATOR OR IN FAVOR OF KENNEDY'S VISIT BECAUSE OF HIS SUPPORT FOR HUMAN RIGHTS. END SUMMARY.
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PAGE 02 SANTIA 00211 01 OF 02 101759Z

2. (U) JAVIER DIAZ OF THE CENTER-RIGHT REPUBLICAN PARTY (PR) SAID THAT THE UN HAD OFFENDED AN IMPORTANT POLITICAL FIGURE, A MAN WHO HAD BEEN INVITED TO LATIN AMERICA BY A NUMBER OF LATIN AMERICAN PRESIDENTS. DIAZ POINTED OUT THAT THE SENATOR HAD BEEN INSTRUMENTAL IN LEGISLATION THAT HAD CUT OFF U.S. ARMS SHIPMENTS TO ARGENTINA IN 1977. THUS, THE CHARGE THAT THE SENATOR HAD PLACED CHILE AT THE MERCY OF ARGENTINES IN THEIR DISPUTE OF THE LATE 1970'S DEMONSTRATED AN IGNORANCE OF THE FACTS. HE SAID HE WELCOMES THE SENATOR BECAUSE OF HIS STAND ON HUMAN RIGHTS. ARMANDO JARAMILLO, PRESIDENT OF THE DEMOCRATIC ALLIANCE (AD) AND PRESIDENT OF THE REPUBLICAN PARTY SAID THAT THE UN, WITH ITS BOMBASTIC APPROACH, COULD NOT CONTINUE TO "BLACKMAIL" THE SIGNATORIES OF THE NATIONAL ACCORD.

3. (U) THE CONSERVATIVE NATIONAL PARTY (PN) HAS AGREED TO MEET WITH THE SENATOR. PEDRO CORREA, A DIRECTOR OF THE PN PUBLICLY DISAGREED WITH THE STATEMENT OF THE MUN. "IF WE ARE DEMANDING THAT THE GOVERNMENT TALK WITH US", SAID CORREA, "THEN WE CANNOT CLOSE THE DOOR TO DIALOGUE WITH OTHERS."

4. (U) SEVERAL OTHER POLITICAL GROUPS OR POLITICIANS HAVE ALSO BEEN QUOTED IN SUPPORT OF THE VISIT. FOR EXAMPLE, GABRIEL VALDES, THE PRESIDENT OF THE CHRISTIAN DEMOCRATIC

PARTY (PDC), WELCOMES THE VISIT BUT HE HAS EMPHASIZED THAT THE PDC WOULD NOT MEET SEPARATELY WITH THE SENATOR. A COMMUNIST FORMER SENATOR, ALEJANDRO TORO, CHARACTERIZED THE VISIT AS "GOOD NEWS TO INAUGURATE 1986." ON THE NEGATIVE SIDE, THE EXTREME RIGHT WING FRONT OF AUTONOMOUS ORGANIZATIONS (FRENAO)

JOINED THE MUN IN DECLARING THE SENATOR "PERSONA NON GRATA". FRENAO HAD PREVIOUSLY DECLARED THE U.S. AMBASSADOR "PERSONA NON GRATA" FOR HIS ALLEGED MEDDLING IN CHILEAN AFFAIRS.

5. (C) PRIVATELY, REPRESENTATIVES OF THE DEMOCRATIC ALLIANCE AND HUMAN RIGHTS GROUPS HAVE EXPRESSED STRONG SUPPORT FOR THE VISIT. WE BELIEVE THAT SOME HAVE BEEN RELUCTANT TO SPEAK OUT PUBLICLY BECAUSE OF THE INTIMIDATING GOC CAMPAIGN TO DEPICT KENNEDY AS INTERFERING IN CHILEAN INTERNAL AFFAIRS.

6. (C) CARDINAL JUAN FRANCISCO FRENSO, THE ARCHBISHOP OF SANTIAGO, HAS EXPRESSED CONCERN OVER THE IMPRESSION GIVEN BY THE PRESS, APPARENTLY DUE TO SOME REMARKS BY VICARIATE OFFICIALS, THAT THE VICARIATE IS SPONSORING THE VISIT (REF B). IN A PRESS ENCOUNTER THE ARCHBISHOP STATED THAT THE VICARIATE WOULD NOT BE A SUITABLE PLACE FOR MEETINGS WITH THE SENATOR BUT THAT IF THE SENATOR WISHED TO MAKE A COURTESY CALL ON THE VICARIATE, HE WOULD BE WELCOME. FRESNO ADDED THAT ANY MEETING WITH SENATOR KENNEDY WOULD NOT DEAL WITH

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C O N F I D E N T I A L SECTION 02 OF 02 SANTIAGO 00211

RIO FOR CODEL KENNEDY

BUENOS AIRES FOR CARREGHER - PASS L. DACH

E.O. 12356: DECL:OADR
TAGS: OREP, PREL, CI
SUBJECT: ADDITIONAL EARLY REACTIONS TO KENNEDY

POLITICAL THEMES. PRIVATELY, THE ARCHBISHOP'S REPRESENTATIVES HAVE TOLD US THAT THE CARDINAL WOULD PREFER THAT THERE NOT BE A MEETING AT THE VICARIATE AS REPORTED IN REF A. FATHER POBLETE EXPRESSED THE DESIRE TO US ON THE MORNING OF JANUARY 9 THAT EFFORTS BE MADE TO SHOW THAT THE SENATOR IS NOT JUST SUPPORTING THE OPPOSITION. POBLETE SUGGESTED THAT A MEETING WITH CONSERVATIVE CHILEAN BUSINESSMEN FOR THE OSTENSIBLE PURPOSE OF DISCUSSING THE FOREIGN DEBT AND OTHER ECONOMIC ISSUES WOULD BE A USEFUL WAY OF DEMONSTRATING THE SENATOR'S INTEREST IS NOT FOCUSED ON SUPPORTING REGIME'S POLITICAL OPPONENTS. BARNES

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PAGE 02 SANTIA 00211 02 OF 02 101759Z

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United States Department of State

Washington, D. C. 20520

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ACTION MEMORANDUM
S/S

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TO: The Deputy Secretary

FROM: ARA - Elliott Abrams

SUBJECT: Unhelpful Treasury Handling of Chilean Loan Issue

ISSUE FOR DECISION

Whether to call Deputy Secretary Darman at Treasury to express concern that Treasury handling of Chile MDB loans issue is undermining policy toward Chile and to urge greater coordination with State.

ESSENTIAL FACTORS

As you know, we have been taking some heat from Congress over our current policy toward MDB loans to Chile. We had abstained on these loans last year during the State of Siege, primarily on human rights grounds. Since Pinochet lifted the State of Siege last June, largely because of our pressure, we have resumed our earlier policy of voting for the loans. Our current policy on MDB loans is designed to help the transition to democracy. When I met with Cardinal Fresno late last year he specifically urged me not to punish Chile economically. In December, I appeared before the Lundine subcommittee with Mulford's deputy, Conrow, to defend our policy.

Treasury, however, has been buckling under the pressure. Early last month Mulford sent a memo to me and Dick Schifter (Tab 1) asking for an interagency review of our loan policy, in view of what Mulford called "recent reports of unfavorable developments." I frankly don't know what developments he is talking about. There has been no deterioration since my December appearance before the Lundine subcommittee. Nevertheless, we asked Embassy Santiago for a new assessment, and so informed Treasury.

Treasury then went ahead and gave Lundine a copy of the Mulford memo which is not only covering their

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United States Department of State

Washington, D. C. 20520

Chile Project (#S199900030)
U.S. Department of State
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Exemption(s) ____

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ACTION MEMORANDUM

CONFIDENTIAL S/S

R'd 3/25

TO: The Deputy Secretary

FROM: ARA - Elliott Abrams

SUBJECT: Treasury Actions Continue to Undermine Chile Policy

ISSUE FOR DECISION

Whether to call Richard Darman again at Treasury and Admiral Poindexter at the NSC to express concern over continued Treasury actions undermining our Chile policy.

ESSENTIAL FACTORS

You called Darman last month to express concern that Treasury's handling of the Chile MDB loan issue with Congress had undermined policy. Triggering your call was the leak to Rep. Lundine of a memo Mulford sent opposing Chile loans (Tab A). Now, Treasury has provided Lundine (Lundine staff confirmed this) with our confidential reply to Mulford's memo (Tab B), which Mary McGrory cited in her March 16 (Tab C) swipe at our Chile policy.

Blanket opposition to MDB loans to Chile makes sense neither on domestic political nor on foreign policy grounds. But Treasury sees this issue only in terms of buying Congressional support for replenishment and ignores the fact that its actions are limiting our maneuvering room. Kowtowing to critics and leaking confidential information can only keep this issue burning and create expectations for a vote change. Foreign policy objectives should determine our decisions, not Mulford's personal sense of Congressional relations.

As you heard from Agustin Edwards on March 17, our human rights initiative in Geneva definitely has caught the attention of the Pinochet government. We need to calculate next steps carefully so that we can continue to push for rights improvements and a genuine transition to democracy without providing Pinochet any excuse to dig in further. Chilean Cardinal Fresno supports our approach on MDB loans and has agreed to be cited publicly as opposing efforts to wage economic warfare against Chile.

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Treasury is not the only economic agency whose actions have complicated our efforts to carry out the President's policy of carefully calibrated steps to encourage a democratic transition in Chile. In conducting the legislatively-mandated GSP review of workers rights in Chile, STR staff have behaved as if USG handling of political restrictions on unions could somehow be taken out of the overall political and policy context. For the time being we have channelled the review into a maneagable process, but we may face a serious dispute later over whether Chile should be denied GSP benefits, as may be urged by the AFL-CIO.

RECOMMENDATION

That you call Darman again to complain about the latest leak and call Admiral Poindexter to enlist NSC support in bringing Treasury into line.

_____ Approve _____ Disapprove

Attachments:
Tab A - Mulford Memo on Chile
Tab B - ARA/HA reply to Mulford
Tab C - Mary McGrory Column
Tab D - Talking Points for Darman Call
Tab E - Talking Points for Poindexter Call

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EB/ODF:JHeg
HA:RSchifter
P:WBrownfield

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Department of State

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C O N F I D E N T I A L SECTION 01 OF 02 SANTIAGO 00204

E.O. 12356: DECL:OADR
TAGS: PGOV,CI
SUBJ: CONGRESSMAN MCCAIN'S DISCUSSIONS WITH PINOCHET AND MERINO

1. ~~CONFIDENTIAL~~ - ENTIRE TEXT
2. CONGRESSMAN JOHN MCCAIN, PRIOR TO HIS DEPARTURE FROM CHILE ON JANUARY 2, BRIEFED LABATT ON THE RESULTS OF HIS DECEMBER 30 MEETINGS WITH PRESIDENT PINOCHET AND JUNTA MEMBER ADMIRAL MERINO. MOST OF HIS 30-MINUTE MEETING WITH THE PRESIDENT, AT WHICH FOREIGN MINISTER DEL VALLE AND A MINISTRY STAFF MEMBER WERE PRESENT, WAS SPENT IN DISCUSSING THE DANGERS OF COMMUNISM, A SUBJECT ABOUT WHICH THE PRESIDENT SEEMS OBSESSED. THE PRESIDENT DESCRIBED CHILE'S RECENT HISTORY IN THE FIGHT AGAINST COMMUNISM, AND DISPLAYED CONSIDERABLE PRIDE IN THE FACT THAT THE COMMUNIST MENACE HAD BEEN DEFEATED IN CHILE. THE PRESIDENT STRESSED THAT CHILE HAD STOOD ALONE IN THIS BATTLE, AND COMPLAINED THAT UNITED STATES FOREIGN POLICY HAD LEFT THEM STRANDED. THE CONGRESSMAN ADDED THAT TALKING TO PINOCHET WAS SOMEWHAT SIMILAR TO TALKING WITH THE HEAD OF THE JOHN BIRCH SOCIETY. PINOCHET ALSO TOLD THE CONGRESSMAN THAT HE WAS PERSONALLY UPSET WITH THE ACTIVITIES OF THE AMBASSADOR ADDING THAT HE DID NOT MIND THE AMBASSADOR'S CALLS
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PAGE 02 SANTIA 00204 01 OF 02 101634Z

ON THE OPPOSITION POLITICAL GROUPS, BUT HE DID

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RESENT THE PUBLICITY GIVEN TO THESE CALLS. HE THOUGHT THAT SUCH CALLS SHOULD BE DONE QUIETLY. ANOTHER SUBJECT TOUCHED ON BY THE PRESIDENT WAS THE NEED FOR CHILE TO HAVE ACCESS TO AMERICAN TECHNOLOGY, A SUBJECT HE ALSO EMPHASIZED IN HIS NEW YEAR'S SPEECH TO THE NATION. CONGRESSMAN MCCAIN DESCRIBED THE MEETING AS FRIENDLY AND AT TIMES WARM, BUT NOTED THAT PINOCHET DOES SEEM OBSESSED WITH THE THREAT OF COMMUNISM.

3. DURING THE MEETING DEL VALLE WAS QUIET EXCEPT WHEN THE SUBJECT OF U.S. FOREIGN POLICY WAS TOUCHED UPON, AT WHICH POINT HE MADE RATHER HEATED REMARKS ABOUT THE INABILITY OF THE USG TO UNDERSTAND THE CHILEAN SITUATION, AND OUR FAILURE TO SUPPORT CHILE IN THE FIGHT AGAINST COMMUNIST EXPANSION.

4. THE CONGRESSMAN DESCRIBED HIS HOUR-LONG MEETING WITH ADMIRAL MERINO AS WARM AND VERY FRIENDLY. IT COVERED MOSTLY THE ADMIRAL'S WELL-KNOWN VIEWS ON THE IMPORTANCE OF CHILE IN THE BATTLE TO KEEP THE SEA LANES OPEN, AND THE ATTEMPTS BY THE RUSSIANS TO GAIN A FOOT HOLD IN THE AREA. THE MOST INTERESTING PART OF THE CONVERSATION, ACCORDING TO THE CONGRESSMAN, WAS MERINO'S STATEMENT THAT HE AND OTHER MEMBERS OF THE JUNTA HAD RECENTLY TOLD PINOCHET THAT HE SHOULD NOT EXPECT ANY SUPPORT FROM THE JUNTA IF HE SHOULD DECIDE TO BE A CANDIDATE FOR PRESIDENT IN 1989. MERINO ADDED THAT THE 1989 ELECTIONS WOULD NOT BE AS ENVISAGED IN THE 1980 CONSTITUTION, BUT WOULD BE A FREE AND OPEN

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CHOICE BETWEEN VARIOUS CANDIDATES. HE DESCRIBED THE PORTION OF THE CONSTITUTION CALLING FOR A SINGLE CANDIDATE PLEBISCITE AS BEING RIDICULOUS AND UNSUPPORTABLE. THE CLEAR IMPLICATION WAS THAT THIS PART OF THE CONSTITUTION WOULD BE CHANGED WELL BEFORE 1989. IN RESPONSE TO THE CONGRESSMAN'S QUESTION IF PINOCHET MIGHT BE ONE OF THE PRESIDENTIAL CANDIDATES IN 1989, MERINO STATED THAT THIS WOULD NOT BE THE CASE. MERINO ALSO MADE THE SAME TYPE OF REMARKS ABOUT

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THE AMBASSADOR'S ACTIVITIES, BUT MORE IN THE SENSE THAT THIS NEW STYLE OF DIPLOMACY WAS SURPRISING AND THEREFORE UPSETTING.

5. CONGRESSMAN MCCAIN ALSO NOTED THAT HE HAD SPENT CONSIDERABLE TIME WITH FORMER FOREIGN MINISTER HERNAN CUBILLOS, WHO HAD TOLD HIM THAT HE IS BEING CONSIDERED AS A PRESIDENTIAL CANDIDATE FOR 1989. CUBILLOS TOLD THE CONGRESSMAN THAT HE VIEWS HIMSELF AS A BRIDGE BETWEEN THE PRESENT MILITARY GOVERNMENT AND THE CIVILIAN POLITICIANS, AND COULD THEREFORE EXPECT SUPPORT FROM BOTH SIDES IN 1989. HE HAS NO INTENTION OF ANNOUNCING ANY TIME SOON HIS AVAILABILITY FOR THE PRESIDENCY, NOTING THAT THE TIMING OF THIS IS OF GREAT IMPORTANCE, AS A PREMATURE ANNOUNCEMENT WOULD ONLY UPSET THE GOVERNMENT AND PREWARN THE OPPOSITION. CUBILLOS ALSO MADE NOTE OF THE WAVES BEING CREATED WITHIN THE GOVERNMENT BY THE AMBASSADOR'S NEW STYLE OF DIPLOMACY, ADDING THAT IT WOULD NOT DO TO HAVE THE

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R'e'd 3/25

ACTION MEMORANDUM

CONFIDENTIAL S/S

TO: The Deputy Secretary

FROM: ARA - Elliott Abrams

SUBJECT: Treasury Actions Continue to Undermine Chile Policy

ISSUE FOR DECISION

Whether to call Richard Darman again at Treasury and Admiral Poindexter at the NSC to express concern over continued Treasury actions undermining our Chile policy.

ESSENTIAL FACTORS

You called Darman last month to express concern that Treasury's handling of the Chile MDB loan issue with Congress had undermined policy. Triggering your call was the leak to Rep. Lundine of a memo Mulford sent opposing Chile loans (Tab A). Now, Treasury has provided Lundine (Lundine staff confirmed this) with our confidential reply to Mulford's memo (Tab B), which Mary McGrory cited in her March 16 (Tab C) swipe at our Chile policy.

Blanket opposition to MDB loans to Chile makes sense neither on domestic political nor on foreign policy grounds. But Treasury sees this issue only in terms of buying Congressional support for replenishment and ignores the fact that its actions are limiting our maneuvering room. Kowtowing to critics and leaking confidential information can only keep this issue burning and create expectations for a vote change. Foreign policy objectives should determine our decisions, not Mulford's personal sense of Congressional relations.

As you heard from Agustin Edwards on March 17, our human rights initiative in Geneva definitely has caught the attention of the Pinochet government. We need to calculate next steps carefully so that we can continue to push for rights improvements and a genuine transition to democracy without providing Pinochet any excuse to dig in further. Chilean Cardinal Fresno supports our approach on MDB loans and has agreed to be cited publicly as opposing efforts to wage economic warfare against Chile.

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TALKING POINTS FOR CALL TO TREASURY DEP. SEC. DARMAN

- Regret that despite the concerns I expressed last month, your people have continued to undermine our policy on Chile with unhelpful actions on the Hill.
- We made a serious effort to address Mulford's concerns, and even provided classified information in the memo Elliott Abrams and HA's Jim Montgomery sent.
- Now we learn that someone at Treasury has passed our confidential reply to the Lundine Subcomittee.
- Naturally this leaked further, and was picked up by Mary McGrory in a partisan swipe March 16 at our Chile policy.
- These uncoordinated and unilateral decisions on congressional relations must stop, for they undercut the clear policy direction on Chile laid down by the President.
- Leaks like this encourage partisan critics who want to make Chile the next on a foreign policy "hit list" in the wake of Haiti and the Phillipines.
- I have told John Poindexter of my concern that we cannot carry out the President's foreign policy of promoting a peaceful transition through a carefully orchestrated campaign if Treasury continues to provide our critics with private interagency exchanges and classified information.

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E.O. 12356: N/A
TAGS: SHUM,CI
SUBJ: CONGRESSIONAL INQUIRY CONCERNING JORGE HERNAN MULLER SILVA AND CARMEN CECILIA BUENO CIFUENTES

REF: 85 STATE 380766

THE HONORABLE JULIAN C. DIXON
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20510

-

1. THE DEPARTMENT HAS ASKED US TO RESPOND TO YOUR INQUIRY CONCERNING THE WELFARE OF JORGE HERNAN MULLER SILVA AND CARMEN CECILIA BUENO CIFUENTES.

-

2. THESE TWO INDIVIDUALS WERE DETAINED IN 1975 AND HAVE NOT BEEN HEARD OF SINCE THAT TIME. ACCORDING TO THE VICARIATE OF SOLIDARITY, THE CATHOLIC CHURCH'S HUMAN RIGHTS ORGANIZATION IN CHILE, THESE TWO INDIVIDUALS ARE AMONG THE 663 NAMES OF PEOPLE WHO DISAPPEARED DURING THE PERIOD BETWEEN 1973 AND 1978. THERE HAVE BEEN NO NEW DEVELOPMENTS ON THESE TWO SPECIFIC CASES IN RECENT YEARS.

-

3. SHOULD FURTHER INFORMATION COME TO LIGHT ON THESE
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PAGE 02 SANTIA 00195 101622Z

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TWO INDIVIDUALS, I WILL BE PLEASED TO PROVIDE IT TO YOU.

-

HARRY G. BARNES, JR.
AMBASSADOR
U.S. EMBASSY
SANTIAGO, CHILE

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Ng 006

ARA - Ambassador Bowdler

Bill:

SUBJECT: White House Decision to Reduce Mission Staffing in Chile

Here are some suggested talking points for your use with DAS Kramer in DOD/ISA. I suggest you also re-read George Landau's EXDIS cable, Santiago 69, recommending the termination of the military assistance agreement and the MILGP. (The draft cable -- cleared throughout the Department -- listing our proposed staffing reductions is attached.)

1. The White House has directed that American staffing in Santiago be reduced to demonstrate our displeasure over the failure of the Chilean Government to carry out a serious investigation and prosecution of three of its ex-security officers regarding their involvement in the Letelier/Moffit assassination case. One part of this decision directed that the MILGP be reduced to two positions coincident with termination of the FMS pipeline on December 31, and that the Department should then make a recommendation to the NSC regarding the complete elimination of the MILGP.

2. We are proposing across-the-board cuts of American positions in all agencies (except the Peace Corps). This would include 6 State positions, 3 out of 4 AID positions, 4 or 5 out of the 11 ICA positions, and 1 of 3 DEA positions. As to military positions we propose these cuts:

-- 3 of the 4 IAGS positions (with the remaining officer to be a civilian cartographic specialist rather than the much more visible army major currently directing the program);

-- DIA positions: the US Navy exchange officer in Valparaiso, a vacant DAO position and one of the DAO non-commissioned officers. (As the Secretary has recommended, the three military attaches would remain. They would continue to have two NCO's for support.)

-- MILGP. We recommend the prompt reduction and departure of the two remaining MILGP officers.

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3. The few residual MILGP functions can be handled, we believe, either by DAO personnel presently assigned in Santiago or by occasional TDY personnel from SOUTHCOM or DOD/ISA (or a combination of the two). Performance of such functions by defense attaches will require Presidential determination report to Congress under section 51 of the Foreign Assistance Act of 1961.

4. Withdrawal of the MILGP is viewed, both in Washington and in Santiago, as the major symbolic and substantive USG measure in response to the failure of the Chilean Government to act with respect to the Letelier case. We cannot, therefore, afford to have a truncated MILGP in place, or even to have an identifiable MILGP function remain - now that the FMS pipeline has been terminated.

5. Insert

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PAGE 01 SANTIA 00215 01 OF 02 112135Z
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C O N F I D E N T I A L SECTION 01 OF 02 SANTIAGO 00215

E.O. 12356: DECL:OADR
TAGS: PREL,OVIP,CI
SUBJ: CARDINAL FRESNO UNLIKELY TO MEET SENATOR KENNEDY

REF: (A) CRAIG/BARNES TELCON (B) SANTIAGO 0169

FOR RIO: PLEASE PASS TO CRAIG OF CODEL KENNEDY IF AT ALL POSSIBLE PRIOR TO DEPARTURE.

-

FOR BUENOS AIRES: PLEASE CHECK WITH CRAIG IF HE RECEIVED AND IF NOT PLEASE PROVIDE THIS MESSAGE ASAP.

-

1. (C) SUMMARY: IN RESPONSE TO PRESS QUERIES MORNING OF JANUARY 10, CARDINAL FRESNO HAS ANNOUNCED THAT HE WILL NOT RECEIVE SENATOR KENNEDY, A DECISION WHICH HAS BEEN CONFIRMED TO US JANUARY 11 BY HIS CLOSE ADVISOR, FATHER POBLETE, WHO VIRTUALLY RULES OUT CHANCES FOR A REVERSAL. HOWEVER, POBLETE THINKS CARDINAL SILVA WILL RECEIVE THE SENATOR. POBLETE STRONGLY ENDORSES THE IDEA OF A KENNEDY STOP SHORTLY AFTER ARRIVAL AT THE PRIVATE CHILDREN'S REHABILITATION CENTER AND A MEETING WITH INDEPENDENT CHILEAN BUSINESSMEN IN ORDER TO REDUCE THE "POLITICAL" IMAGE OF THE VISIT. END SUMMARY.

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PAGE 02 SANTIA 00215 01 OF 02 112135Z

2. (U) SANTIAGO'S DAILIES OF THE AFTERNOON OF JANUARY 10 AND MORNING OF JANUARY 11 CARRIED A STATEMENT BY CARDINAL FRESNO OF THE MORNING OF JANUARY 10 THAT HE WILL NOT MEET WITH SENATOR KENNEDY. IN RESPONSE TO A QUESTION REGARDING KENNEDY'S ALLEGED INTENTION TO USE THE VICARIATE OF SOLIDARITY AS A CENTER FOR HIS MEETINGS WITH POLITICAL PARTIES AND OTHER GROUPS, CARDINAL FRESNO REPLIED "THE NEWS YESTERDAY (THURSDAY) SURPRISED ME...I DO NOT THINK THE VICARIATE IS THE PROPER PLACE TO HOLD MEETINGS OF THE MOST DIVERSE TYPE...PERHAPS THEY CDULD FIND AN APPROPRIATE PLACE SUCH AS THE CARRERA HOTEL OR THE CONSULATE OF THE EMBASSY....IT IS ALRIGHT IF HE WANTS TO MAKE A COURTESY VISIT (TO THE VICARIATE), BUT BY NO MEANS FOR POLITICAL REASONS; FOR WELFARE REASONS ONLY, TO SEE HOW TO HELP DEVELOP HUMAN RIGHTS IN CHILE." ASKED WHETHER HE WOULD SEE THE SENATOR, THE CARDINAL SAID "NO. HE IS COMING, ACCORDING TO THOSE WHO ARE ARRANGING HIS VISIT, WITH POLITICAL OBJECTIVES, AND HE WILL WANT TO TALK ABOUT POLITICIS. I AM NOT A POLITICIAN AND I HAVE NO REASON TO TALK ABOUT POLITICS. THEREFORE, I SEE NO REASON WHY HE SHOULD USE PART OF HIS SCARCE TIME (TO SEE ME), SINCE I WOULD NOT DISCUSS ANY ISSUE RELATED TO POLITICS." HE ADDED, "IN ANY CASE, I WILL BE OUT OF SANTIAGO ON WEDNESDAY THE 15TH, BECAUSE THAT DAY I WILL TRAVEL TO SAN ANTONIO." THE CARDINAL IS INAUGURATING A CHURCH-FUNDED HOUSING DEVELOPMENT IN SAN ANTONIO AND WE HAD EARLIER BEEN INFORMED OF THIS PENDING COMMITMENT, WHICH WOULD

HAVE MADE IT NECESSARY FOR HIM TO MEET THE SENATOR EARLY ON DECEMBER 15TH.

3. (C) AS AGREED DURING THE CRAIG/BARNES PHONE CONVERSATION, WE ATTEMPTED TO LEARN WHAT WERE THE CHANCES OF THE CARDINAL'S RECONSIDERING THE EARLIER PRIVATELY COMMUNICATED RELUCTANCE

TO SEE THE SENATOR (REF B). (WE DID NOT KNOW AT THE TIME OF THE PHONE CONVERSATION ABOUT THE CARDINAL'S COMMENTS TO THE PRESS.) GIVEN THE CARDINAL'S SENSITIVITIES TO THE POLITICAL ENVIRONMENT SURROUNDING THE VISIT, WE DECIDED TO CALL ON HIS CLOSE VISOR, FATHER RENATO POBLETE, WHO HAD ON THURSDAY COMMUNICATED TO US ABOUT THE CARDINAL'S RELUCTANCE. POBLETE IS ALSO THE PERSON WHOM, AT THE BEGINNING OF THE WEEK, THE CARDINAL HAD INITIALLY DESIGNATED TO ARRANGE A MEETING WITH THE SENATOR. (FYI: POBLETE HIMSELF WANTS THE CARDINAL TO RECEIVE THE SENATOR. END FYI) POBLETE SAID HE TOLD THE CARDINAL ON THE AFTERNOON OF JANUARY 10 THAT HE, THE CARDINAL, WAS WRONG ABOUT SENATOR KENNEDY'S PURPOSE BEING POLITICAL AND THAT HE FELT THAT THE CARDINAL HAD GONE TOO FAR IN SOME OF HIS COMMENTS. THE CARDINAL REPLIED THAT HE WAS CAUGHT OFF GUARD BY THE PRESS AND THAT HE WAS TOO HARSH IN HIS STATEMENTS, ALTHOUGH HE DID NOT INDICATE THAT HE WOULD CHANGE HIS MIND ABOUT MEETING WITH THE SENATOR. POBLETE SAID, HOWEVER, THAT IT WAS HIS OWN FEELING AT THAT TIME THAT THERE WAS STILL A LITTLE ROOM TO PUT THE MEETING BACK ON TRACK. HOWEVER,

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PAGE 01 SANTIA 00215 02 OF 02 112137Z

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C O N F I D E N T I A L SECTION 02 OF 02 SANTIAGO 00215

E.O. 12356: DECL:OADR
TAGS: PREL,OVIP,CI
SUBJ: CARDINAL FRESNO UNLIKELY TO MEET SENATOR KENNEDY

AT A DINNER ON THE EVENING OF JANUARY 10, WHICH WAS ATTENDED BY BOTH THE CARDINAL AND POBLETE, SEVERAL PROMINENT CHILEAN CONSERVATIVES STRONGLY CRITICIZED THE SENATOR FOR ALLEGED POLITICAL MEDDLING IN WAYS THAT REINFORCED THE CARDINAL'S EXISTING RELUCTANCE. IT NOW APPEARS THERE IS NO CHANCE FOR A MEETING, SAID POBLETE.

4. (C) ON THE OTHER HAND, POBLETE SAID THAT FRESNO'S DECISION WILL NOT AFFECT THE DECISION OF CARDINAL SILVA TO RECEIVE THE SENATOR.

5. (C) REFLECTING ON CARDINAL FRESNO'S COMMENT ABOUT THE POLITICAL IMAGE OF THE VISIT, POLCOUNSELOR MENTIONED THAT WE WERE PLANNING ON REQUESTING A MEETING WITH PROMINENT CHILEAN BUSINESSMEN SOMETIME DURING THE DAY, AS POBLETE HAD SUGGESTED EARLIER, AND A VISIT TO THE PRIVATE CHILDREN'S REHABILITATION CENTER. THE CHILDREN'S CENTER WOULD BE THE FIRST ACTIVITY OF THE SENATOR AS

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HE COMES IN FROM THE AIRPORT, A VISIT THAT WOULD HOPEFULLY MAKE THE JANUARY 15 AFTERNOON DAILY. A MEETING HAD ALSO BEEN REQUESTED WITH THE GOVERNMENT,

ALTHOUGH WE WERE NOT OPTIMISTIC ON THAT SCORE. POBLETE SAID HE FELT THE BUSINESSMEN'S MEETING AND THE VISIT TO THE CHILDREN'S CENTER WOULD BE VERY POSITIVE, AND HE RECOMMENDED THE NAMES OF SOME INTERESTING BUSINESSMEN WHO ARE NOT DEEPLY IN DEBT TO THE GOVERNMENT AND THEREFORE FREE TO DO AS THEY CHOOSE. THE BUSINESSMEN WOULD BE INTERESTED IN EXCHANGING VIEWS ABOUT THE FOREIGN DEBT ISSUE AND OTHER ECONOMIC AND COMMERCIAL THEMES. ASKED WHETHER HE THOUGHT THAT THE CHANGE IN IMAGE OF THE VISIT MIGHT AFFECT THE CARDINAL'S WILLINGNESS TO SEE THE SENATOR, POBLETE INDICATED AGAIN THAT SUCH A MEETING NOW APPEARED IMPOSSIBLE. IN PASSING, REFERRING BACK TO THE PRESS REPORTS ABOUT KENNEDY MEETING WITH SEVERAL GROUPS AT THE VICARIATE, POBLETE COMMENTED THAT IT APPEARED SOME VICARIATE PEOPLE TRIED TO EXPLOIT THE KENNEDY VISIT POLITICALLY BY MAKING FALSE CLAIMS TO THE PRESS. IN THAT VEIN, POLCOUNSELOR ASKED POBLETE TO ENSURE THAT THE VICARIATE DELIVERS ENTRANCE TICKETS FOR THE FUNCTION AT THE CIRCULO ESPANOL TO ONLY RESPONSIBLE PEOPLE. IT WOULD BE UNFORTUNATE IF LEFTISTS ATTEMPTED TO EXPLOIT THE SENATOR'S SPEECH AS WELL. POBLETE AGREED.

6. (C) COMMENT: BASED ON TWO RECENT CONVERSATIONS, THAT WITH POBLETE AND ANOTHER WITH ACCORD COORDINATOR, SERGIO MOLINA, WE BELIEVE THAT THE CARDINAL'S REASON FOR NOT WANTING TO RECEIVE THE CONFIDENTIAL

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PAGE 03 SANTIA 00215 02 OF 02 112137Z

SENATOR IS HIS MOOD OF EXTREME POLITICAL CAUTION IN THE WAKE OF SEVERAL RECENT SETBACKS, THE MOST IMPORTANT BEING A DISAPPOINTING MEETING WITH PRESIDENT PINOCHET JUST BEFORE CHRISTMAS. THE PRESIDENT TREATED FRESNO SHABBILY IN THAT MEETING AND REJECTED OUT OF HAND EVERY SIGNIFICANT COMMENT OR SUGGESTION THE CARDINAL MADE. MOLINA TOLD POLCOUNSELOR ON JANUARY 10 THAT HE HAS NOT SPOKEN TO THE CARDINAL IN MANY DAYS, BUT HE UNDERSTOOD THAT THE CARDINAL IS DEPRESSED AND

EXERCISING EXTREME CARE TO AVOID ANY GREATER PERSONAL TENSIONS WITH THE GOVERNMENT. (ON THE OTHER HAND, MARTHA MUSE OF THE TINKER FOUNDATION WAS AT THE SAME DINNER AS THE CARDINAL ON JANUARY 10 AND THE CARDINAL EXPRESSED GENERAL OPTIMISM ABOUT THE FUTURE OF CHILE.) IN ANY EVENT, AT NO POINT DID POBLETE INDICATE THAT THE CARDINAL NOW OPPOSES KENNEDY'S VISIT. MOREOVER, IN HIS STATEMENTS TO THE PRESS, THE CARDINAL HAS NOT COME OUT OPPOSING THE VISIT, NOTING THAT THE SENATOR WOULD BE WELCOMED AT THE VICARIATE FOR A VISIT THAT WAS STRICTLY RELATED TO HUMAN RIGHTS. BARNES

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Chile Project (#S199900030)
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PAGE 01 GENEVA 00318 01 OF 02 141729Z
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C O N F I D E N T I A L SECTION 01 OF 02 GENEVA 00318

E.O. 12356: DECL: OADR
TAGS: UNCRC, PHUM, PREL, CI
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PAGE 02 GENEVA 00318 01 OF 02 141729Z

UNCLASSIFIED

SUBJECT: 42ND UN HUMAN RIGHTS COMMISSION (UNHRC):
-- CONSIDERATION OF HUMAN RIGHTS IN CHILE

REF: STATE 2779

1. C - ENTIRE EEXT.

2. SUMMARY. AFTER SAMPLING OPINION IN THE HUMAN RIGHTS CENTER SECRETARIAT AND AMONG MEMBERS OF THE WESTERN GROUP, MISSION BELIEVES IT WOULD BE PRUDENT NOT TO ATTEMPT TO OBTAIN CONCURRENT CONSIDERATION FOR CHILE WITH OTHER COUNTRIES FOR WHICH THE COMMISSION HAS APPOINTED SPECIAL RAPPORTEURS. INSTEAD WE BELIEVE IT BEST TO WAIT UNTIL CHILE'S NEW ATTITUDE OF COOPERATING WITH THE COMMISSION HAS BEEN DEMONSTRATED DURING THE SESSION AND THEN TO MOVE TO TERMINATE THE SEPARATE ITEM DURING CONSIDERATION OF THE PROVISIONAL AGENDA FOR NEXT YEAR. END SUMMARY.

3. DURING CALL ON ASSISTANT SECRETARY GENERAL FOR HUMAN RIGHTS KURT HERNDL JANUARY 10, DCM RAISED ISSUE OF CONCURRENT CONSIDERATION OF UNHRC AGENDA ITEM ON CHILE WITH AGENDA ITEM UNDER WHICH ALL OTHER COUNTRIES FOR WHICH THE COMMISSION HAS APPOINTED RAPPORTEURS ARE CONSIDERED. HERNDL POINTED OUT THIS DECISION WOULD HAVE TO BE TAKEN BY THE BUREAU IN ITS FIRST MEETING WHEN IT DECIDED THE WORK PROGRAM FOR THE SESSION. HE CAUTIONED THAT RAISING THIS CONTENTIOUS ISSUE AT THE START COULD PREJUDICE CONSIDERATION OF CHILE LATER IN THE SESSION. SPEAKING "PERSONALLY", HERNDL SUGGESTED IT WOULD BE BETTER TO WAIT AND ELIMINATE THE "SEPARATE ITEM" WHEN THE COMMISSION CONSIDERS THE PROVISIONAL AGENDA FOR ITS NEXT SESSION. BY THAT

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TIME, HERNDL SAID, THE COMMISSION WOULD HAVE HEARD THE SPECIAL RAPPORTEUR'S REPORT ON HIS VISIT AND, IT WAS LIKELY, CHILE WOULD HAVE APPEARED BEFORE THE COMMISSION. THUS CHILE WOULD HAVE DEMONSTRATED THAT IT WAS "COOPERATING WITH THE COMMISSION" AND CREATED A STRONG JUSTIFICATION FOR TERMINATION OF THE SEPARATE ITEM.

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4. DURING CALL BY IO/UNP DEPUTY DIRECTOR KULICK ON UNHRC SECRETARY JOHN PACE JANUARY 13, MISSOFF RAISED POSSIBILITY OF CONCURRENT CONSIDERATION AND RECEIVED A POSITIVE RESPONSE. PACE NOTED THAT THIS DECISION RESTED WITH THE BUREAU, BUT INDICATED IT WAS WORTH A TRY. REVIEWING THE HISTORY OF CHILE'S RELATIONS WITH THE COMMISSION, PACE SAID CHILE INITIALLY COOPERATED WITH THE COMMISSION AND THUS BECAME AN "ITEM" ON THE AGENDA. SUBSEQUENTLY, CHILE "SLAMMED THE DOOR HARD", BUT HAD BEGUN TO CONSIDER OPENING IT AGAIN EVEN BEFORE THE APPOINTMENT OF VOLIO AS RAPPORTEUR. HE INDICATED THE SEPARATE ITEM WAS NOW AN HISTORICAL ANOMALY FOR WHICH THERE WAS NO PRESENT JUSTIFICATION.

5. FINALLY DURING INFORMAL MEETING OF REPRESENTATIVES FROM EIGHT WESTERN MEMBERS OF THE COMMISSION JANUARY 13, IRELAND SUPPORTED BY AUSTRALIA TOOK HARD LINE OPPOSING ANY CHANGE IN THE SEPARATE ITEM FOR CHILE UNTIL THERE WERE IMPROVEMENTS IN THE HUMAN RIGHTS SITUATION. BOTH WERE "UNDECIDED" ABOUT CONCURRENT CONSIDERATION. FRG SUPPORTED BY FRANCE TOOK A MORE POSITIVE APPROACH NOTING THAT THE PREVIOUS JUSTIFICATION FOR SEPARATE CONSIDERATION (IE. NON-COOPERATION

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PAGE 01 GENEVA 00318 02 OF 02 141729Z

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C O N F I D E N T I A L SECTION 02 OF 02 GENEVA 00318

E.O. 12356: DECL: OADR
TAGS: UNCRC, PHUM, PREL, CI
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PAGE 02 GENEVA 00318 02 OF 02 141729Z

SUBJECT: 42ND UN HUMAN RIGHTS COMMISSION (UNHRC):

WITH THE COMMISSION) NO LONGER EXISTED AND IT WAS

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TIME TO TERMINATE THIS PRACTICE. HOWEVER, FRG REP CAUTIONED THAT THE LEAD ON THIS SHOULD BE TAKEN BY A LATIN AMERICAN COUNTRY WITH WESTERN SUPPORT. LOOKING AT THE SITUATION TACTICALLY, FRG REP WARNED THAT RAISING THE ISSUE OF CONCURRENT CONSIDERATION AT THE OPENING OF THE COMMISSION RISKED CREATING AN ARGUMENT WHICH COULD CREATE DIFFICULTIES WITH THE RESOLUTION ON CHILE AND ATTEMPTS TO END THE SEPARATE ITEM LATER IN THE SESSION, AND WAS PROBABLY NOT WORTH THE RISK. UK, BELGIUM AND NORWAY REPS ARE NEW AND DID NOT HAVE AN OPINION.

6. COMMENT: PREVIOUSLY ITEM 5 (CHILE) HAS BEEN CONSIDERED CONSECUTIVELY WITH ITEM 12 (OTHER COUNTRIES) AND THERE IS NO REASON TO ASSUME THIS WOULD NOT BE THE CASE THIS SESSION. TO RAISE THE ISSUE OF CONCURRENT CONSIDERATION AT THE OPENING MEETING OF THE BUREAU RISKS ALERTING OUR OPPONENTS AND TOUCHING OFF AN ARGUMENT WHICH COULD PREJUDICE CONSIDERATION OF CHILE LATER ON. IN VIEW OF THE DIVIDED OPINION EVEN WITHIN THE WESTERN GROUP, IT WOULD APPEAR PRUDENT TO WAIT UNTIL CHILE'S NEW ATTITUDE OF COOPERATION WITH THE COMMISSION HAS BEEN DEMONSTRATED AND THEN MOVE TO TERMINATE ITEM 5 AND MOVE CHILE UNDER ITEM 12 AT THE END OF THE SESSION DURING CONSIDERATION OF THE PROVISIONAL AGENDA FOR NEXT YEAR. (DRAFTED BY RMPERITO:PSA) CARMEN

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USCINCSO QUARRY HEIGHTS PN
USCOMSOLANT

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FOR P/M, P/PFL. AR FOR OGLESBY, LEROY, VIRDEN, STATE FOR ARA/SC, DURKEE, SWEIGERT

E.O. 12356: N/A
SUBJ: MEDIA REACTION: SENATOR T. KENNEDY VISIT TO CHILE

1. SANTIAGO CONSERVATIVE AFTERNOON DAILY "LA SEGUNDA" IN TUESDAY, 14 JANUARY, EDITION RAN TWO MAJOR ITEMS ON KENNEDY VISIT TO CHILE: BY-LINED COMMENTARY AND REMARKS BY GOC FOMIN DEL VALLE.

2. IN THE LEAD COMMENTARY ENTITLED "EL 'CONCHO' DE LOS KENNEDY" (THE RESIDUE OF THE KENNEDYS) RAFAEL VALDIVIESO A. DECLARED UNEQUIVOCALLY THAT "SEN. EDWARD (TED) MOORE KENNEDY IS EXTREMELY DISGUSTING TO ME... HIS PERSISTENT ATTITUDE AGAINST OUR COUNTRY IS ENOUGH TO EXPLAIN MY AVERSION... BESIDES THE DEMAGOGUERY AND FRIVOLITY HE HAS MADE A SHOW OF IN HIS PUBLIC LIFE." VALDIVIESO CONTINUED, "DEMAGOGUERY MEANS FOR ME TO HEAD UP ANY CAMPAIGN TO WIN APPLAUSE AND FACILE FOLLOWERS, SPECIALLY
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PAGE 02 SANTIA 00272 151442Z

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IF THE VICTIM IS A SMALL COUNTRY LIKE OURS, AND ONE HAS THE PRIOR SUPPORT OF CIRCLES KNOWN TO BE PREJUDICED." THE COMMENTATOR ALSO TAKES KENNEDY TO TASK FOR SELECTIVE CRITICISM ABOUT "THE EXILED AND 'DISAPPEARED'... IN COUNTRIES SITUATED ON THIS SIDE OF THE IRON CURTAIN." AFTER STATING THAT ROBERT KENNEDY WAS PREVENTED FROM SPEAKING AND "VERBALLY AND PHYSICALLY ABUSED" AT THE UNIV. OF CONCEPCION IN 1965 BY SOCIALISTS, COMMUNISTS AND MIRISTS, VALDIVIESO STATES "IN LARGE MEASURE IT WILL BE WITH THESE SAME PEOPLE THAT SEN. T. KENNEDY WILL NOW DISCUSS RESPECT FOR HUMAN RIGHTS." VALDIVIESO ENDS BY STATING, "THE WORD 'CONCHO' IS A CHILEANISM USED TO DESIGNATE THE YOUNGEST SON IN A FAMILY AND THE GROUNDS OR SEDIMENT LEFT FROM DRINKS IN CUPS OR GLASSES AS WELL AS THE RESIDUE OR LEFTOVERS OF ANYTHING. THE CURRENT SEN. KENNEDY IS THE 'BENJAMIN' OF HIS CLAN, BUT, EVEN SO, TO ANY CHILEAN WITHOUT POLITICAL LIVERY, HE IS A SIMPLE 'CONCHO'."

3. ON PAGE 7 CHILEAN FOMIN DEL VALLE REPLIED TO REPORTERS QUESTIONS ON KENNEDY VISIT. WHEN ASKED HIS OPINION ON FACT THAT KENNEDY WILL MEET WITH CHIEF OF STATE OF OTHER COUNTRIES ON THIS TRIP AND NOT WITH CHILE'S AND WHETHER OR NOT IT WOULD HURT CHILEAN RELATIONS, DEL VALLE REPLIED, "NO, BECAUSE SEN. KENNEDY HAS NOT OFFENDED, INSULTED, NOR ATTACKED ANY OF THE OTHER GOVERNMENTS, WHILE HE HAS OURS AND FOR MORE THAN TEN YEARS." TO REPORTER'S STATEMENT THAT KENNEDY SPONSORED AN AMENDMENT ON ARGENTINA AS WELL AS CHILE, THE FOMIN REPLIED, "NO. IT WAS DIFFERENT. OUR AMENDMENT LASTED FOR A LONGER PERIOD. BESIDES, THAT IS NOT THE ONLY THING DONE BY SEN. KENNEDY AGAINST THE GOC." DEL VALLE ENDS BY SAYING, "WE HAVE GUARANTEED THAT HE CAN ENTER THE COUNTRY. THE UNCLASSIFIED

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PAGE 03 SANTIA 00272 151442Z

GOVERNMENT HAS NOTHING MORE TO SAY. IT IS THE PEOPLE WHO HAVE HAD TO PAY THE CONSEQUENCES OF THE LACK OF ASSISTANCE THEY SHOULD HAVE RECEIVED FROM THE NORTH AMERICAN GOVERNMENT."FRIEDMANN

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Chile Project (#S199900030)
U.S. Department of State
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Declassify: In Part ____ In Full X
Exemption(s) ____

PAGE 01 SANTIA 00273 151618Z
ACTION ARA-00

INFO	LOG-00	COPY-01	ADS-00	INR-10	EUR-00	SS-00	CIAE-00
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R 151156Z JAN 86
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DIA WASHDC
AMEMBASSY BUENOS AIRES
AMEMBASSY LA PAZ
AMEMBASSY LIMA
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USCINCSO QUARRY HEIGHTS
USCINCLANT NORFOLK
USAFSO HOWARD AFB
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C O N F I D E N T I A L SANTIAGO 00273
UNCLASSIFIED
PANAMA FOR ADS

CINCSO, CINCLANT FOR INTAFFS

E.O. 12356: DECL:OADR
TAGS: PINS,PGOV,CI
SUBJ: CHILEAN GOVERNMENT ACCUSES LIBYA OF SUPPORTING TERRORISM

1. (U) THE NATIONAL INFORMATION CENTER (CNI) CHARGED ON JANUARY 10 THAT LIBYA AND CUBA SUPPORT TERRORIST MOVEMENTS OPERATING IN CHILE. THE CNI CLAIMED THAT LIBYA PROVIDES WEAPONS AND TRAINING TO CHILEAN TERRORIST GROUPS INCLUDING THE MANUEL RODRIGUEZ PATRIOTIC FRONT, THE MOVEMENT OF THE REVOLUTIONARY CONFIDENTIAL

LEFT (MIR) AND THE COMMUNIST PARTY OF CHILE. THE CNI ACCUSED LIBYA OF SUPPLYING CHILEAN TERRORIST GROUPS WITH SUB-MACHINEGUNS, ASSAULT RIFLES, ROCKETS

AND OTHER ARMS. ARMS FROM
CUBA INCLUDE THE AK-47 AND A MACHINEGUN DESIGNATED
"SHE".

2. (U) THE CNI ANNOUNCEMENT CITED AS EVIDENCE OF LIBYAN AND CUBAN INVOLVEMENT STATEMENTS BY SEVERAL CHILEAN TERRORISTS AND AN INVENTORY OF THE ARMS CAPTURED. ACCORDING TO THE CNI, INTELLIGENCE SERVICES FROM OTHER COUNTRIES REPORTEDLY CONTRIBUTED TO THE INVESTIGATIONS WHICH INDICATE THE CAPTURED ARMS CAME FROM LIBYA AND CUBA.

3. (U) THE CNI ANNOUNCEMENT ALSO ACCUSES LIBYA, CUBA AND BULGARIA OF TRAINING CHILEAN TERRORISTS. AGAIN, THE REPORT CITES TERRORISTS' CONFESSIONS THAT THEY WERE TRAINED ABROAD. THE CUBANS REPORTEDLY SPECIALIZE IN TRAINING IN SABOTAGE AND CONSPIRACY PLANNING, WHILE THE LIBYANS SPECIALIZE IN URBAN AND RURAL GUERRILLA WARFARE, ARMS AND EXPLOSIVES. THE BULGARIANS, THE REPORT SAYS, ARE SPECIALISTS IN POLITICAL INDOCTRINATION.

4. (C) THIS ANNOUNCEMENT APPEARS TO BE TIMED TO COINCIDE WITH USG EFFORTS DIRECTED AT LIBYA. WHILE EVIDENCE OF CUBAN INVOLVEMENT IN SUPPLYING TRAINING AND ARMS TO CHILE'S TERRORISTS IS KNOWN, THIS IS THE FIRST TIME WE HAVE SEEN LIBYA ACCUSED OF ACTUALLY SUPPLYING ARMS TO CHILEAN TERRORISTS.BARNES
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PAGE 03 SANTIA 00273 151618Z

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RE#62

United States Department of State

Washington, D. C. 20520

Letelier Case

DECAPTIONED

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

INFORMATION MEMORANDUM
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SECRET

S/S

TO: The Secretary

FROM: ARA - James H. Michel, Acting
L - Abraham D. Sofaer

SUBJECT: Delay in Letelier Case

Last week's secret talks with Letelier defendant Fernandez concluded without an agreement, but prospects for a deal emerging soon still look good. Follow-up meetings with Fernandez are planned this week in Brazil, where security is easily managed. Fernandez presently plans to leave Chile Jan. 24 without any USG assistance.

We discussed this new opening in the Letelier case January 16 with senior officials at the Justice Department, including Deputy Attorney General Steve Trott. We stressed to Trott our interest in working out a fair deal with Fernandez, which would take into account both law enforcement and foreign policy value of the information he has provided. All were in agreement on the need to move quickly, because of security concerns.

In view of doubts about Fernandez' veracity on the extent of his own culpability (there are apparent discrepancies between his testimony and that of Michael Townley, the US citizen Chilean agent whose plea-bargained testimony was the basis for our indictments in the case) it was agreed to offer him two options: either plea guilty to a maximum 15-year sentence for murder, to be reduced to as little as a five-year exposure for obstructing justice should all his statements prove reliable under further scrutiny; or, without any USG assurances, continue talks in Brazil, where he would be subject to polygraph tests and more intense interrogation.

Fernandez' acceptance of option two--he said he will be in Rio on Jan. 24 or will be dead by then--shows his interest in pursuing a deal and full awareness of the danger he faces as a result of his approach to us. Once he leaves Chile, we judge it unlikely he will ever return.

We are continuing to work closely with DOJ and the US Attorney's office on this. Mike Kozak will participate in the Brazil talks, which could last several days or more. We will keep you informed of major developments.

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Clearance: ARA:RGelbard
L:MKozak
INR/IC:JWiant
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ARA/SC:DCox

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Department of State TELEGRAM

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Chile Project (#S199900030)
U.S. Department of State
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PAGE 01 SANTIA 00302 01 OF 02 152231Z
ACTION H-03

INFO LOG-00 COPY-01 ADS-00 SS-00 ARA-10 SSO-00 DSE-00
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AMEMBASSY MONTEVIDEO IMMEDIATE
AMEMBASSY QUITO IMMEDIATE

~~C O N F I D E N T I A L~~ SECTION 01 OF 02 SANTIAGO 00302

E. O. 12356: ECL: OADR
TAGS: OREP, PHUM, CI
SUBJ: CODEL KENNEDY

REF: JONES/SWIGERT TELCONS

1. (U) CODEL KENNEDY ARRIVED SANTIAGO AIRPORT AT ABOUT 0945 WEDNESDAY, JANUARY 15 AND WAS MET BY AMBASSADOR. IN ADDITION, A SMALL GROUP OF CHILEAN OPPOSITION LEADERS, LED BY GABRIEL VALDES, PRESIDENT OF CHRISTIAN DEMOCRATIC PARTY, AND JAIME CASTILLO AND MAXIMO PACHECO OF CHILEAN HUMAN RIGHTS COMMISSION, WERE ON HAND TO WELCOME THE SENATOR. SENATOR READ ARRIVAL STATEMENT (TEXT SENT SEPTEL) TO LARGE GROUP OF CHILEAN AND FOREIGN PRESS. POLITICAL LEADERS GOT INTO THEIR CARS AND LEFT TERMINAL EN ROUTE BACK TO CITY. SHORT DISTANCE FROM TERMINAL THEY FOUND ROAD BLOCKED BY DEMONSTRATORS (ABOUT 200 ACCORDING TO ONE OBSERVER). UNIFORMED POLICE WERE PRESENT BUT TOOK NO APPARENT ACTION TO CLEAR THE ROAD OR PREVENT
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PAGE 02 SANTIA 00302 01 OF 02 152231Z

ATTACKS UPON THE POLITICAL LEADERS. EGGS, TOMATOES,

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AND ROCKS WERE THROWN, AND AT LEAST ONE CAR, CARRYING CASTILLO AND PACHECO, WAS BADLY DAMAGED, AND CASTILLO RECEIVED A SEVERE CUT ON THE NECK FROM FLYING GLASS. THE POLITICIANS TURNED BACK TO THE AIRPORT, AND IN VIEW OF THEIR EXPERIENCE NO ATTEMPT WAS MADE BY CODEL AND AMBASSADOR'S PARTY TO LEAVE AIRPORT BY CAR. POLICE OFFERED TWO HELICOPTERS TO FLY THE GROUP TO PRIVATE CHILDREN'S PHYSICAL REHABILITATION CENTER WHICH WAS SENATOR'S FIRST SCHEDULED APPOINTMENT. AFTER OBTAINING WORD FROM EMBASSY PERSONNEL THAT AREA AROUND CENTER APPEARED CLEAR, GROUP LEFT IN HELICOPTERS ABOUT 11:40. EMBASSY VEHICLES AND POLITICAL LEADERS WERE EVENTUALLY ABLE TO LEAVE AIRPORT BY ROAD.

2. (C) IN MEANTIME, CARDINAL SILVA SENT WORD TO EMBASSY THAT HIS PHONE HAD BEEN CUT, THERE WERE DEMONSTRATORS AROUND HIS HOUSE, AND HE WOULD PREFER SENATOR AND AMBASSADOR NOT COME TO HIS HOME AS SCHEDULED. CARDINAL WAS INVITED TO COME TO CIRCULO ESPANOL, DOWNTOWN CLUB WHERE SEVERAL OTHER APPOINTMENTS WERE SCHEDULED.

3. (U) EN ROUTE FROM REHABILITATION CENTER TO CIRCULO TO MEET CARDINAL, AMBASSADOR'S CAR IN WHICH AMBASSADOR AND SENATOR WERE RIDING WAS HIT BY NUMEROUS EGGS AND AT LEAST ONE ROCK WHICH GRAZED BUT DID NOT BREAK SHATTERPROOF GLASS OF REAR WINDOW. DEMONSTRATORS WERE ALSO PRESENT AT CIRCULO BUT POLICE SO FAR ARE KEEPING THEM UNDER CONTROL AND ON OPPOSITE SIDE OF STREET. SENATOR WAS ABLE TO CARRY OUT ALL OF HIS SCHEDULED MEETINGS AT CIRCULO WITHOUT INCIDENT, INCLUDING WORKING LUNCH WITH CHILEAN HUMAN RIGHTS COMMISSION AND VICARIATE OF SOLIDARITY WHICH WAS MOVED TO THE CIRCULO BECAUSE OF LARGE NUMBER OF

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DEMONSTRATORS AROUND THE COMMISSION HEADQUARTERS. HOWEVER, SENATOR'S SPEECH AT CIRCULO THIS EVENING AND RETURN TO AIRPORT THURSDAY MORNING ARE OCCASIONS WHEN DEMONSTRATORS MAY AGAIN APPEAR IN FORCE.

4. (C) IMMEDIATELY ON LEARNING OF AIRPORT SITUATION, EMBASSY CONTACTED GENERAL GORDON, DIRECTOR OF CNI, AND REMINDED HIM OF HIS ASSURANCES THAT ADEQUATE SECURITY WOULD BE PROVIDED CODEL. ON HIS RETURN TO EMBASSY IN EARLY AFTERNOON, AMBASSADOR CALLED GENERAL STANGE,

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COMMANDER OF THE NATIONAL POLICE AND MEMBER OF THE JUNTA, TO PROTEST. STANGE SAID MORNING'S EVENTS WERE "LAMENTABLE" AND THAT SECURITY MEASURES WOULD BE REDOUBLED. HE CALLED AMBASSADOR BACK TO CONFIRM THAT STEPS HAD BEEN TAKEN, INCLUDING PROTECTION FOR PACHECO AND OTHERS IN MOVING FROM CHRC OFFICES TO THE CIRCULO. AMBASSADOR REQUESTED AND STANGE AGREED TO, ADDITIONAL MEN ALONG ROUTE BETWEEN CIRCULO AND AMBASSADOR'S RESIDENCE.

5. (C) AFTER SEVERAL CALLS, DCM REACHED ACTING FOREIGN MINISTER COVARRUBIAS (DEL VALLE IS ON VACATION) AND EXPRESSED EMBASSY'S "ASTONISHMENT AND REGRET" AT INABILITY OF POLICE TO CONTROL DEMONSTRATORS, DESPITE FOREIGN MINISTER'S ASSURANCES TO THE AMBASSADOR. COVARRUBIAS RESPONDED AGGRESSIVELY THAT NO PHYSICAL HARM HAD COME TO THE SENATOR, POLICE HAD PREVENTED DEMONSTRATORS FROM ENTERING TERMINAL; THEREFORE GOC HAD KEPT ITS PROMISES. COVARRUBIAS DID FINALLY SAY THAT "WE LAMENT VERY MUCH THAT THERE HAVE BEEN THESE INCIDENTS." IN SECOND CONVERSATION, IN WHICH DCM REPORTED THE DAMAGE TO OFFICIAL

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PAGE 01 SANTIA 00302 02 OF 02 152231Z
ACTION H-03

INFO LOG-00 COPY-01 ADS-00 SS-00 ARA-10 SSO-00 DSE-00
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INFO AMEMBASSY BOGOTA IMMEDIATE
AMEMBASSY BRASILIA IMMEDIATE
AMEMBASSY BUENOS AIRES IMMEDIATE
AMEMBASSY LA PAZ IMMEDIATE
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AMEMBASSY QUITO IMMEDIATE

~~C O N F I D E N T I A L~~ SECTION 02 OF 02 SANTIAGO 00302

E. O. 12356: ECL: OADR
TAGS: OREP, PHUM, CI
SUBJ: CODEL KENNEDY

VEHICLE, COVARRUBIAS SAID HE WOULD IMMEDIATELY ADVISE
MINISTER OF INTERIOR. HE ASSURED US THAT ALL NECESSARY
MEASURES WERE BEING TAKEN TO ASSURE SENATOR'S SAFETY
AND BEING ABLE TO CARRY OUT HIS PROGRAM.

6. (U) BY MID-AFTERNOON WEDNESDAY THE SMALL CROWD
OUTSIDE OF THE CIRCULO ESPANOL HAD BEEN REDUCED
CONSIDERABLY. SENATOR WALKED OUT OF THE BUILDING FOLLOWING
HIS MEETING WITH THE HUMAN RIGHTS GROUPS AND CROSSED THE
STREET TO MINGLE WITH SOME OF THE STANDERS-BY. WHILE
THERE WERE SOME CAT-CALLS FROM PART OF THE CROWD, THERE
WERE NO INCIDENTS AND SENATOR RETURNED TO THE MEETING SITE
WITH NO PROBLEMS. BY LATE AFTERNOON, THE HEAT HAD REDUCED
THE CROWD TO ONLY A HANDFUL.

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PAGE 02 SANTIA 00302 02 OF 02 152231Z

7. (C) COMMENT: THE INCIDENTS AT THE AIRPORT, AND THE
RAPID MANNER IN WHICH NEWS OF THIS SPREAD, SET THE TONE

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FOR THE MEETINGS WITH THE VARIOUS GROUPS SCHEDULED TO MEET THE CODEL. MANY OF THE PARTICIPATING CHILEANS EXPRESSED ASTONISHMENT OVER THE GOC'S WILLINGNESS TO ALLOW THIS TYPE OF BEHAVIOUR TO TAKE PLACE AND ALL OF THE GROUPS APOLOGIZED TO THE CODEL FOR THE RUDE WELCOME. TODAY'S EVENTS AGAIN MAKE CLEAR THAT THE PINOCHET GOVERNMENT CARES VERY LITTLE ABOUT ITS INTERNATIONAL IMAGE, AND IS WILLING TO IGNORE THIS IMAGE WHEN IT COMES TO STRIKING BACK AT ITS PRECEIVED ENEMIES.

8. (C) AT 1730 HOURS DEPUTY COMMANDER OF POLICE TOLD AMBASSADOR THAT CIRCULO - RESIDENCE ROUTE HAD BEEN REINFORCED AND WAS "GUARANTEED." HE EMPHASIZED AGAIN THEIR DESIRE TO ASSURE THE SAFETY OF CODEL. BARNES

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Department of State TELEGRAM

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Exemption(s) ____

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PAGE 01 SANTIA 00279 01 OF 02 151556Z
ACTION ARA-00

INFO LOG-00 COPY-01 ADS-00 INR-10 SS-00 CIAE-00 DODE-00
H-01 NSC-01 NSAE-00 HA-08 L-03 PM-10 PA-01
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----------236351 161102Z /12
P 151503Z JAN 86
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 4716

C O N F I D E N T I A L SECTION 01 OF 02 SANTIAGO 00279

E.O. 12356: DECL:OADR
TAGS: SHUM, PREL, CI
SUBJECT: LEAK ABOUT U.S. DEMARCHE ON TORTURE

REF: 85 SANTIAGO 9110

1. ~~CONFIDENTIAL~~ - ENTIRE TEXT.

2. SUMMARY: AMBASSADOR RAUL SCHMIDT, DIRECTOR OF FOREIGN POLICY AT THE FOREIGN MINISTRY, CALLED IN POL COUNSELOR ON JANUARY 8 TO COMPLAIN THAT THE FOREIGN PRESS CORPS IN CHILE HAS LEARNED ABOUT A U.S. PRESENTATION OF INFORMATION ON SPECIFIC CASES OF TORTURE (REFTEL). SCHMIDT EXPRESSED DISMAY AT THIS DEVELOPMENT, BUT HE NOTED THAT THE MINISTRY OF INTERIOR HAS PROMISED TO PROVIDE INFORMATION TO THE MINISTRY OF FOREIGN RELATIONS ON THE 18 CASES BY JANUARY 14. SCHMIDT SAID HE WANTED TO RESPOND TO THE U.S. DEMARCHE BEFORE THE U.S. HUMAN RIGHTS REPORT IS SUBMITTED TO CONGRESS AT THE END OF JANUARY. END SUMMARY.

3. SCHMIDT CALLED IN POLCOUNSELOR ON AN URGENT BASIS. SCHMIDT SAID HE HAD RECENTLY MET WITH SOMEONE WHO HAD BEEN INTERVIEWED BY A REPORTER
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PAGE 02 SANTIA 00279 01 OF 02 151556Z

FOR THE WEST GERMAN DAILY "DIE WELT". THE

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REPORTER, ONLY IN SANTIAGO FOR A FEW DAYS, TOLD THE CHILEAN CONTACT OF SCHMIDT THAT HE, THE REPORTER, HAD BEEN INFORMED BY SEVERAL MEMBERS OF THE FOREIGN PRESS CORPS IN CHILE THAT THE U.S. EMBASSY HAD PROVIDED THE GOC INFORMATION ON 18 CASES OF TORTURE APPROXIMATELY "THREE WEEKS AGO" (I.E. AROUND DECEMBER 23), ASKING FOR AN EXPLANATION OF WHAT WAS DONE TO INVESTIGATE AND PUNISH THE PERPETRATORS. THE REPORTERS TOLD THE "DIE WELT" JOURNALIST THAT THE EMBASSY IS DISPLEASED THAT THE GOC HAS NOT REPLIED AFTER THREE WEEKS.

4. SCHMIDT NOTED THAT THE STORY WAS INACCURATE IN SOME DETAILS (E.G., THE DEMARCHE WAS ON DECEMBER 27) BUT NONE THE LESS DISTURBING TO THE GOC THAT WHAT WAS PRESUMED TO BE A VERY PRIVATE APPROACH WOULD BECOME KNOWN TO THE PRESS. POL COUNSELOR REPLIED THAT IT WAS EQUALLY SURPRISING AND DISTURBING TO US THAT THIS INFORMATION HAD LEAKED, AND THAT WE DID NOT WHO THE SOURCE OF THE INFORMATION MIGHT BE.

5. SCHMIDT ADDED THAT, HE PERSONALLY FELT THAT THERE IS MUCH LESS TO THE ACCUSATIONS OF TORTURE THAN MEETS THE EYE BECAUSE SUCH ACCUSATIONS ARE SELF-SERVING TO THE OPPOSITION. HE ALSO OFFERED THE VIEW THAT CHILE HAS SOME INSTANCES OF POLICE BRUTALITY OR EVEN TORTURE, BUT THE NUMBER AND GRAVITY OF SUCH INSTANCES IN CHILE IS FAR LESS THAN IN MANY OTHER COUNTRIES WHOSE VIOLATIONS ARE VIRTUALLY IGNORED BY OUTSIDE OBSERVERS.
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6. POL COUNSELOR TOLD SCHMIDT THAT THE U.S. AND OTHER COUNTRIES WOULD NOT BE SATISFIED UNTIL ALL TORTURE STOPS. THE GOC HAS TO REALIZE THAT CHILE'S HUMAN RIGHTS RECORD WOULD BE INDEFENSIBLE AS LONG AS THERE IS ANY TORTURE OR UNPUNISHED POLICE BRUTALITY AT ALL, REGARDLESS OF WHAT GOES ON IN OTHER COUNTRIES. POL COUNSELOR REITERATED DCM'S POINT THAT WE ARE AWARE OF MANY

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CHARGES OF TORTURE EVEN THOUGH WE HAD ONLY SUBMITTED 18 CASES. WE HOPED THE GOC WOULD PROVIDE SATISFACTORY RESPONSES ON THE 18 CASES, AND WOULD TAKE IT FROM THERE. WHAT IS NECESSARY IS THOROUGH INVESTIGATIONS. WE SINCERELY HOPED CHILE'S RECORD ON THIS SCORE COULD BE CLEARED, BUT THE APPARENT EVIDENCE OF MANY CASES OF TORTURE SEEMS TO BE STRONG.

7. SCHMIDT SAID HE WANTS TO RESPOND AS SOON AS POSSIBLE. HE IS CERTAIN THAT THE GOC WILL BE ABLE TO PROVIDE SATISFACTORY ANSWERS ON THE 18 CASES AND HE WANTS US TO HAVE THE GOC RESPONSE IN TIME FOR THE HUMAN RIGHTS REPORT TO THE CONGRESS. SCHMIDT SAID THE MINISTRY OF INTERIOR HAS PROMISED TO PROVIDE INFORMATION ON THE 18 CASES BY JANUARY 14.

8. WE SUSPECT THE VICARIATE OF SOLIDARITY IS RESPONSIBLE FOR THE LEAK ABOUT OUR DEMARCHE, SINCE WE RECEIVED INFORMATION ON THE 18 CASES FROM THE VICARIATE ON DECEMBER 20. THE VICARIATE WAS TOLD

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ACTION ARA-00

INFO LOG-00 COPY-01 AOS-00 INR-10 SS-00 CIAE-00 DODE-00
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FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 4717

C O N F I D E N T I A L SECTION 02 OF 02 SANTIAGO 00279

E.O. 12356: DECL:OADR
TAGS: SHUM, PREL, CI
SUBJECT: LEAK ABOUT U.S. DEMARCHE ON TORTURE

THAT WE WANTED THE INFORMATION FOR THE AMBASSADOR'S
CONSULTATIONS IN THE U.S., BUT THE VICARIATE MAY
HAVE SEEN THROUGH THIS RUSE. TO OUR KNOWLEDGE,
THE LEAK HAS NOT REACHED THE MEDIA, BUT WE WOULD
BE SURPRISED IF IT IS NOT CARRIED BY ONE OR
MORE OF THE OPPOSITION MAGAZINES VERY SOON.
BARNES.

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PAGE 01 SANTIA 00335 162103Z
ACTION SS-25

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S E C R E T SANTIAGO 00335
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Chile Project (#S199900030)
U.S. Department of State
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FOR UNDERSECRETARY ARMACOST

E. O. 12356: DECL: OADR
TAGS: PREL, CI
SUBJ: KENNEDY VISIT: RECOMMENDATION THAT CHILEAN
- AMBASSADOR BE CALLED IN

REF: (A) SANTIAGO 302
- (B) 85 SANTIAGO 9029

1. SECRET ENTIRE TEXT.

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2. RECOMMEND THAT YOU CALL IN THE CHILEAN AMBASSADOR TO EXPRESS OUR SURPRISE AND DISPLEASURE AT THE INABILITY OF THE CHILEAN POLICE TO MAINTAIN ORDER DURING SENATOR KENNEDY'S ARRIVAL, DESPITE THE PRESENCE OF A LARGE NUMBER OF POLICE, WARNINGS FROM THE EMBASSY THAT DEMONSTRATIONS WERE BEING PREPARED, AND ASSURANCES FROM THE FOREIGN MINISTER THAT VIOLENT DEMONSTRATIONS WOULD NOT BE PERMITTED. TO BE MOST EFFECTIVE, OUR PROTEST SHOULD BE REGISTERED ON FRIDAY, JANUARY 17, BOTH BECAUSE THE INCIDENT WILL STILL BE FRESH AND BECAUSE AMBASSADOR ERRASURIZ MAY BE COMING BACK TO SANTIAGO AGAIN

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PAGE 02 SANTIA 00335 162103Z

SOON.
3. YOU SHOULD BE AWARE THAT KENNEDY WAS OUTRAGED, NOT ONLY BY THE DEMONSTRATION AGAINST HIM, BUT BY THE FACT

THAT IT VERY LIKELY RECEIVED ENCOURAGEMENT AND MATERIAL SUPPORT FROM THE GOC. HE HAD BEEN SHOWN IN BUENOS AIRES [redacted] REPORTS THAT SUCH ENCOURAGEMENT WAS BEING GIVEN. FROM EYEWITNESS REPORTS WE HAVE HAD, THE SAME THOUGHT CLEARLY CROSSED THE MIND OF THE OFFICER COMMANDING THE POLICE DETACHMENT AT THE AIRPORT AND ACCOUNTS FOR HIS HESITATION IN CLEARING OUT THE MOB. KENNEDY TOLD ME HE WAS CONSIDERING CALLING THE SECRETARY ON HIS RETURN TO WASHINGTON AND ASKING HIM TO MAKE CLEAR TO THE CHILEANS HOW SERIOUSLY WE TAKE THIS KIND OF THING.

4. I HAD TOLD FOREIGN MINISTER DEL VALLE THAT WE HAD RELIABLE INFORMATION THAT AN ORGANIZATION CLOSELY LINKED TO THE GOC WAS PLANNING DEMONSTRATIONS AGAINST THE SENATOR, AND THAT WE WERE CONCERNED THAT THESE COULD GET OUT OF HAND, AND RECEIVED EXPLICIT ASSURANCES IN TWO SEPARATE CONVERSATIONS ON JANUARY 13, THAT ALL NECESSARY SECURITY MEASURES WOULD BE TAKEN TO PREVENT VIOLENCE DURING THE SENATOR'S VISIT [redacted] SAME ASSURANCE WAS GIVEN ME THREE WEEKS EARLIER (REF B), AND ERRASURIZ MADE SIMILAR PROMISES TO KENNEDY IN WASHINGTON. DEL VALLE TOLD ME INSTRUCTIONS TO PREVENT VIOLENCE HAD EMANATED FROM THE PRESIDENT, AND HE REPEATED THAT PUBLICLY YESTERDAY.

5. CONVERSATION WITH ERRASURIZ SHOULD ALSO RECOGNI THAT THE POLICE DID FINALLY MAKE IT POSSIBLE FOR THE SENATOR AND ME TO LEAVE THE AIRPORT BY MAKING TWO HELICOPTERS AVAILABLE AND THAT THEY RESPONDED VERY COOPERATIVELY TO OUR REQUEST THAT THEY BE MADE AVAILABLE AGAIN FOR THE SENATOR'S DEPARTURE. (AIR FORCE TOLD US THEY HAD ONLY ONE HELICOPTER IN SANTIAGO AND IT WAS DOWN

FOR LACK OF U.S. PARTS.) POLICE SEEMED TO GET THEIR ACT TOGETHER AS THE DAY PROGRESSED, POSSIBLY AS A RESULT OF MY CALL TO GENERAL STANGE, AND THERE WAS NO JANUARY 16, TO EXPRESS THE SENATOR'S AND MY THANKS THAT AFTER THE DEPLORABLE BEGINNING, THINGS DID GET PULLED INTO SHAPE

6. I KNOW THIS IS VERY SHORT NOTICE AND THAT IT MAY BE IMPOSSIBLE FOR YOU TO TAKE THIS ON GIVEN YOUR OTHER CONCERNS. HOWEVER, IN LIGHT OF YOUR TWO CONVERSATIONS WITH DEL VALLE, THE LIKELIHOOD OF GOVERNMENT CONNIVANCE IN THE DEMONSTRATIONS, AND THE SENATOR'S CONCERNS, I THINK

IT MAKES SENSE FOR YOU TO DO IT. BARNES

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ME ALSO FOR EMBASSY VATICAN INFO

O. 12356: DECL: OADR
GS: PHUM, PREL, PGOV, UNGA, CI, UK, GE
BJECT: UNHRC CONSIDERATION OF CHILE

F: A) GENEVA 00145 (NOTAL) B) 85 STATE 381562 (NOTAL)

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WE WANT TO BUILD ON UN SPECIAL RAPPORTEUR VOLIO'S

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FINAL REPORT IS LIKELY TO BE MORE CRITICAL OF THE GOC THAN HIS PRELIMINARY REPORT PREPARED LAST FALL. ENDING A PRACTICE THAT THE GOC VIEWS AS ESPECIALLY DISCRIMINATORY WOULD HELP ENCOURAGE THE CHILEAN GOVERNMENT'S CONTINUED COOPERATION WITH THE SPECIAL RAPPORTEUR AND THEREFORE PROMOTE ADOPTION BY THE GOC OF VOLIO'S FINAL RECOMMENDATIONS FOR HUMAN RIGHTS IMPROVEMENTS.

5. IT WILL BE UPHILL WORK TO BUILD A MAJORITY AT THE UNHRC TO ACHIEVE WHAT WE WANT. TO SUCCEED WE WILL NEED AT LEAST SOME SUPPORT FROM THE CHILEAN OPPOSITION AND EUROPEAN MODERATES, WHICH MAY NOT BE ATTAINABLE. SHOULD AGREEMENT ON A NEGOTIATED TEXT PROVE ELUSIVE, WE ARE PREPARED TO CONSIDER TABLING OUR TEXT AT GENEVA TO PUT OUR VIEWS ON THE RECORD. WE WOULD ALSO BE PREPARED TO CONSIDER ABSTENTION ON A LESS BALANCED TEXT PUT FORWARD BY OTHERS, PROVIDED THAT THE RESOLUTION MEETS OUR MINIMUM CONCERNS OF 1) ENDING SEPARATE AGENDA ITEM CONSIDERATION OF CHILE; 2) GIVING THE REPORT AND RECOMMENDATIONS OF SPECIAL RAPPORTEUR VOLIO RESPECTFUL TREATMENT IN ACCORDANCE WITH THAT PROVIDED TO PAST REPORTS AND 3) AVOIDING POLITICAL JUDGMENTS, SUCH AS COMMENTARY ON THE 1980 CONSTITUTION.

6. FOR THE TIME BEING WE WISH TO LIMIT DISCUSSIONS OF
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PAGE 04 STATE 013740

THE RESOLUTION TEXT TO SANTIAGO. AFTER RECEIVING AMBASSADOR BARNES' EVALUATION OF REACTIONS TO THE PROPOSED RESOLUTION AND HIS RECOMMENDATIONS, WE WILL FOLLOW UP WITH INSTRUCTIONS FOR DEMARCHES IN SELECTED CAPITALS.

7. BEGIN TEXT OF PROPOSED RESOLUTION.

UNHRC 1986 DRAFT RESOLUTION:
QUESTION OF HUMAN RIGHTS IN CHILE

THE COMMISSION ON HUMAN RIGHTS,

AWARE OF ITS RESPONSIBILITY TO PROMOTE AND ENCOURAGE RESPECT FOR HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS AND RESOLVED TO REMAIN VIGILANT WITH REGARD TO VIOLATIONS OF HUMAN RIGHTS WHEREVER THEY OCCUR,

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NOTING THE OBLIGATION OF THE GOVERNMENT OF CHILE TO RESPECT AND PROTECT HUMAN RIGHTS IN ACCORDANCE WITH THE INTERNATIONAL INSTRUMENTS TO WHICH CHILE IS A PARTY, AN OBLIGATION WHICH IS NOT DIFFERENT FROM THAT OF ANY OTHER GOVERNMENT WHICH IS A PARTY TO INTERNATIONAL HUMAN RIGHTS INSTRUMENTS,

RECALLING ITS SUCCESSIVE RESOLUTIONS ON THE SITUATION OF HUMAN RIGHTS IN CHILE AND IN PARTICULAR ITS RESOLUTION 11 (XXXV) OF 6 MARCH 1979, BY WHICH IT APPOINTED A SPECIAL RAPPORTEUR ON THE SITUATION OF THOSE RIGHTS, AND ITS RESOLUTION OF 1985/47 OF 14 MARCH 1985, IN WHICH IT AGREED MOST RECENTLY TO EXTEND THE MANDATE OF THE SPECIAL RAPPORTEUR FOR ONE MORE YEAR,

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RECALLING ALSO, AMONG OTHER RESOLUTIONS, GENERAL ASSEMBLY RESOLUTION 40/145 OF 13 DECEMBER 1985 IN WHICH THE ASSEMBLY INVITED THE COMMISSION ON HUMAN RIGHTS TO TAKE THE MOST APPROPRIATE STEPS FOR THE EFFECTIVE RESTORATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN THAT COUNTRY, INCLUDING THE EXTENSION OF THE MANDATE OF THE SPECIAL RAPPORTEUR FOR ONE MORE YEAR,

HAVING EXAMINED THE SPECIAL RAPPORTEUR'S REPORT;

1. COMMENDS THE SPECIAL RAPPORTEUR FOR HIS REPORT ON THE SITUATION OF HUMAN RIGHTS IN CHILE, PREPARED IN

ACCORDANCE WITH RESOLUTION 1985/47;

2. COMMENDS THE GOVERNMENT OF CHILE FOR ACCORDING THE SPECIAL RAPPORTEUR THE COOPERATION AND FREEDOM OF ACCESS TO PERSONS OF ALL SOCIAL, POLITICAL AND ECONOMIC INTERESTS NECESSARY FOR HIS INVESTIGATIONS;
3. NOTES THAT CHILE IS SUFFERING FROM A HIGH NUMBER OF TERRORIST INCIDENTS WAGED BY ANTI-DEMOCRATIC GROUPS PUBLICLY COMMITTED TO THE VIOLENT OVERTHROW OF THE GOVERNMENT AND TO THE INSTITUTION OF A SYSTEM OF SUBSTANTIALLY GREATER REPRESSION, BUT BELIEVES THESE TERRORIST GROUPS CAN AND SHOULD BE EFFECTIVELY OPPOSED THROUGH MEASURES IN KEEPING WITH CHILE'S DEMOCRATIC

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-- (D) EXPEDITE COURT PROCEEDINGS OF CRIMINAL CASES OR COMPLAINTS IN THE CIVILIAN AND MILITARY COURTS, AND REFORM THE LEGAL SYSTEM TO GUARANTEE THE MAXIMUM EFFECTIVENESS OF SUCH REMEDIES AS AMPARO, THEREBY STRENGTHENING THE POWERS OF THE JUDICIARY, ESPECIALLY DURING CERTAIN STATES OF EXCEPTION;

-- (E) ALLOW THE RETURN OF ALL CHILEAN CITIZENS NOW LIVING ABROAD WHO WISH TO RETURN;

-- (F) RESUME DISCUSSIONS FOR THE RESTORATION OF DEMOCRACY IN CHILE.

6. ONCE AGAIN CALLS URGENTLY ON THE GOVERNMENT OF CHILE TO RESTORE AND RESPECT HUMAN RIGHTS IN HARMONY WITH THE PROVISIONS OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN ACCORDANCE WITH THE OBLIGATIONS IT HAS ASSUMED UNDER VARIOUS INTERNATIONAL INSTRUMENTS, AND TO RE-ESTABLISH THE PRINCIPLE OF LEGALITY, DEMOCRATIC INSTITUTIONS AND THE EFFECTIVE ENJOYMENT AND EXERCISE OF CIVIL AND POLITICAL RIGHTS AND FUNDAMENTAL FREEDOMS;

7. REQUESTS THAT THE GOVERNMENT OF CHILE CONTINUE ITS COOPERATION WITH THE SPECIAL RAPPORTEUR AND IMPLEMENT HIS RECOMMENDATIONS, AND INVITES THE GOVERNMENT TO SUBMIT ANY COMMENTS IT MAY HAVE TO THE COMMISSION ON HUMAN RIGHTS AT ITS FORTY-THIRD SESSION;

8. DECIDES TO EXTEND THE MANDATE OF THE SPECIAL RAPPORTEUR FOR ONE YEAR AND TO REQUEST HIM TO REPORT ON THE SITUATION ON HUMAN RIGHTS IN CHILE TO THE GENERAL ASSEMBLY AT ITS FORTY-FIRST SESSION AND TO THE COMMISSION ON HUMAN RIGHTS AT ITS FORTY-THIRD SESSION;

9. RECOMMENDS TO THE ECONOMIC AND SOCIAL COUNCIL THAT IT MAKE APPROPRIATE ARRANGEMENTS TO ENSURE THAT THE

NECESSARY FINANCIAL RESOURCES AND SUFFICIENT STAFF ARE

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PROVIDED TO IMPLEMENT THIS RESOLUTION:

10. DECIDES TO CONSIDER AT ITS FORTY-THIRD SESSION THE QUESTION OF HUMAN RIGHTS IN CHILE UNDER THE AGENDA ITEM "VIOLATIONS ANYWHERE IN THE WORLD". SHULTZ

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RUEHSJ / AMEMBASSY SAN JOSE 3353
RUEHSN / AMEMBASSY SAN SALVADOR 3759
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DCM's comments to LK on this cable. D

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LIMITED OFFICIAL USE GUATEMALA 00809

E.O. 12356: N/A
TAGS: CASC (BLAKE, NICHOLAS AND DAVIS, GRIFFITH)
SUBJECT: M/M: RESPONSE TO CONGRESSIONAL INQUIRY

REFERENCE: STATE 014381

1. (U) REFTEL RELAYS A CONGRESSIONAL REQUEST FOR A WRITTEN REPORT ON THE INVESTIGATION INTO THE DISAPPEARANCE OF AMERICAN CITIZENS NICHOLAS BLAKE AND GRIFFITH DAVIS. THIS CABLE PROVIDES A NARRATIVE SUMMARY OF THE INVESTIGATION TO DATE, AND ADDRESSES SEVERAL SPECIFIC QUESTIONS POSED IN THE REQUEST.

INVESTIGATION OVERVIEW

2. (U) AMERICAN CITIZEN LORI LEGATOR CALLED THE EMBASSY'S CONSULAR SECTION ON APRIL 8, 1985, TO REPORT THAT A FRIEND, AMERICAN CITIZEN GRIFFITH DAVIS, WAS OVERDUE FROM A WALKING TRIP IN GUATEMALA'S WESTERN HIGHLANDS. ACCORDING TO MS. LEGATOR, DAVIS WAS TO MEET FRIENDS IN NEBAJ, A MARKET TOWN IN THE DEPARTMENT OF QUICHE, ON MARCH 29. SHE THOUGHT IT UNLIKELY THAT HE WAS PURPOSELY OVERDUE AS HE HAD PLANNED TO ATTEND HIS SISTER'S WEDDING IN THE UNITED STATES DURING THE SECOND WEEK IN APRIL. DAVIS WAS TRAVELING WITH AN ACQUAINTANCE NAMED NICK BLAKE, SHE SAID, WHO SHE THOUGHT WAS AN AMERICAN LIVING IN ANTIGUA, NEAR GUATEMALA CITY.

3. (U) LATER ON APRIL 8, EMBASSY OFFICERS CONFIRMED THE AMERICAN NATIONALITY OF BOTH OF THE MISSING MEN THROUGH IMMIGRATION RECORDS. A TELEPHONE CHECK OF REGISTRATION RECORDS AT THE HOTEL CENTRAL IN HUEHUETENANGO CONFIRMED THE REPORT THAT BOTH MEN HAD SPENT THE NIGHT OF MARCH 25 AT THE HOTEL, BEFORE BEGINNING THEIR JOURNEY. CONSULAR OFFICERS CALLED NATIONAL POLICE AND TREASURY POLICE HEADQUARTERS AND ASKED THAT UNITS IN THE WESTERN HIGHLANDS BE ALERTED. CATHOLIC AND PROTESTANT MISSIONARY GROUPS WITH PEOPLE WORKING IN THE REGION WERE ALSO ALERTED. THAT EVENING, A CONSULAR OFFICER WAS ABLE TO SPEAK WITH BRITISH CITIZEN MICHAEL SHAWCROSS BY TELEPHONE. SHAWCROSS, A FRIEND OF NICK BLAKE, CONFIRMED THE

United States Department of State
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Review Authority: MOSKOWITZ, SAM
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BASICS OF THE STORY GIVEN BY MS. LEGATOR AND SAID THAT HE TOO WAS CONCERNED FOR THE MEN'S SAFETY.

4. (U) ON APRIL 9, SHAWCROSS, LEGATOR AND GERMAN CITIZEN MIKKI LINDEN MET WITH AN EMBASSY OFFICER IN THE CHANCERY. SHAWCROSS SAID THAT BLAKE WAS A WORKING JOURNALIST WITH AN INTEREST IN THE INSURGENCY IN THE WESTERN HIGHLANDS. BLAKE MIGHT TAKE AN OPPORTUNITY TO SPEND TIME WITH THE GUERRILLAS, SAID SHAWCROSS. DAVIS WAS DESCRIBED AS A LONG-TERM GUATEMALAN RESIDENT AND AN EXPERIENCED HIKER WHO HAD NO POLITICAL INTERESTS, BUT HAD LONG WANTED TO WALK THE AREA IN QUESTION. BLAKE AND DAVIS, ACCORDING TO THEIR FRIENDS, HAD MET ONLY RECENTLY. SHAWCROSS WAS ABLE TO GIVE A GENERAL DESCRIPTION OF THE PLANNED ROUTE. THE MEN HAD PLANNED TO TAKE A BUS FROM HUEHUETENANGO TO SAN JUAN IXCHOY WHERE THEY WERE TO BEGIN THEIR WALK EAST TO NEBAJ.

5. (U) EMBASSY OFFICERS CALLED THE MILITARY ZONE HEADQUARTERS IN HUEHUETENANGO AND QUICHE LATER THAT MORNING, REQUESTING THE COMMANDERS' ASSISTANCE IN THE SEARCH FOR THE MISSING AMERICANS. POST THEN MADE A TELEGRAPHIC REPORT TO THE DEPARTMENT (85 GUATEMALA 03353) OUTLINING THE SITUATION. (COMMENT: AT THIS POINT, THIRTY HOURS AFTER INITIAL NOTIFICATION, GUATEMALAN AUTHORITIES AND THE DEPARTMENT OF STATE HAD BEEN NOTIFIED, AND A SEARCH WAS UNDER WAY. END COMMENT.)

6. (U) ON APRIL 10, THE EMBASSY DEFENSE ATTACHE FOLLOWED AN EARLIER TELEPHONE CALL WITH A LETTER TO THE GUATEMALAN CHIEF OF MILITARY INTELLIGENCE REQUESTING ASSISTANCE IN FINDING THE LOST AMERICANS.

7. (U) DURING THE FOLLOWING WEEK, EMBASSY OFFICERS TRIED TO TRACK RUMORS THAT MESSAGES HAD BEEN RECEIVED FROM NICK BLAKE BY A FRIEND, AMERICAN CITIZEN JIM ADRIANCE, AND BY THE OWNER OF THE SMALL ANTIGUA PENSION WHERE NICK BLAKE HEADQUARTERED IN GUATEMALA. THE AMERICAN EMBASSY IN SAN JOSE REPORTED (SEE SAN JOSE 03268) THAT ADRIANCE TOLD AN EMBASSY OFFICER THERE THAT HE HAD RECEIVED A NOTE AT BLAKE'S ANTIGUA PENSION ON MARCH 31. THAT NOTE, ACCORDING TO ADRIANCE, SAID THAT BLAKE WOULD BE IN NEBAJ BETWEN

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APRIL 1 AND 3. WHEN BLAKE DID NOT ARRIVE IN NEBAJ, ADRIANCE RETURNED TO ANTIGUA, WHERE THE OWNER OF THE PENSION SAID THAT A PERSON, NAME UNKNOWN, HAD LEFT A MESSAGE THAT BLAKE WOULD BE UNABLE TO MEET ADRIANCE. OFFICERS HERE WERE ABLE TO QUESTION ADRIANCE REGARDING THIS SEQUENCE OF EVENTS LATER. HE SAID THAT HE HAD BEEN MISUNDERSTOOD WHEN INTERVIEWED BY OUR OFFICER IN COSTA RICA, THAT HE HAD RECEIVED NO MESSAGE. THE PENSION OWNER HAD A SOMEWHAT DIFFERENT STORY TO TELL. HE RECEIVED TWO WRITTEN MESSAGES IN EARLY APRIL, PURPORTEDLY FROM NICK BLAKE, SAYING THAT HIS RETURN WOULD BE DELAYED AND TO SAY NOTHING TO THE AUTHORITIES. (COMMENT: THE PENSION OWNER NOWS SAYS THAT HE DESTROYED THE NOTES. IN THE OPINION OF THE OFFICER WHO INTERVIEWED HIM IN APRIL AND MAY, AND RE-INTERVIEWED HIM IN DECEMBER, THE NOTES APPEAR TO HAVE BEEN PART OF A WHOLE-CLOTH LIE FABRICATED FOR REASONS UNKNOWN TO US. WE ARE UNABLE, HOWEVER, TO MAKE ANY FINAL DETERMINATION ON THESE REPORTED MESSAGES. END COMMENT.)

8. (U) ON APRIL 18, TWO EMBASSY OFFICERS IN A CHARTERED HELICOPTER FLEW TO THE DEPARTMENTS OF HUEHUETENANGO AND QUICHE TO INVESTIGATE THE DISAPPEARANCE. ACCOMPANYING THE OFFICERS WAS THE CONSULAR SECTION FRAUD INVESTIGATOR (A VETERAN OF THE GUATEMALAN NATIONAL POLICE) AND AN EMBASSY SECURITY AGENT WHO SPEAKS THE AREA'S PREDOMINATE DIALECT. THE USE OF A HELICOPTER WAS REQUIRED BECAUSE THE ROUTE PLANNED BY BLAKE AND DAVIS BETWEEN SAN JUAN IXCOY AND NEBAJ IS SERVICED BY HIKING TRAILS ONLY AND INCLUDES SOME OF THE ROUGHEST HIGH COUNTRY IN CENTRAL AMERICA. IN SAN JUAN IXCOY, WHERE BLAKE AND DAVIS LEFT THE BUS AND BEGAN THEIR TREK, EMBASSY OFFICERS MET TWO GUATEMALAN ARMY INTELLIGENCE SPECIALISTS WHO WERE CONDUCTING THEIR OWN SEARCH FOR THE MISSING AMERICANS. THE EMBASSY TEAM WAS ABLE TO TRACE THE ROUTE FOLLOWED BY BLAKE AND DAVIS FROM SAN JUAN IXCOY ON MARCH 26 THROUGH SAN FRANCISCO LAS FLORES AND MIXLAJ TO THE VILLAGE OF LLANO, ALONG THE BORDER BETWEEN QUICHE AND HUEHUETENANGO, SEVERAL DAYS LATER. IT APPEARS THAT ON THE MORNING OF MARCH 29 OR 30, BLAKE AND DAVIS LEFT LLANO, SAYING THEY WERE HEADING TO SALQUIL, A LARGE MODEL VILLAGE WHICH CAN BE REACHED BY ROAD FROM NEBAJ. THE COMMANDER OF THE ARMY DETACHMENT AT LAS MAJADAS, THE MILITARY OUTPOST CLOSEST TO LLANO, SAID THAT HE WAS TOLD BY LLANO VILLAGERS ON MARCH 29 THAT TWO AMERICANS WERE REQUESTING PERMISSION TO GO TO SUMAL, A STRONGHOLD OF THE EGP (GUERRILLA ARMY OF THE POOR). THE LIEUTENANT SAID HE INSTEAD GAVE THE AMERICANS PERMISSION TO TRAVEL TO SALQUIL. VILLAGERS AT MIXLAJ, WHERE BLAKE AND DAVIS HAD SPENT A NIGHT DURING THEIR TRIP, ALSO SAID THAT THE AMERICANS HAD EXPRESSED AN INTEREST IN GOING TO SUMAL. THE VILLAGERS SAID THEY TOLD BLAKE AND DAVIS NOT TO GO TO SUMAL BECAUSE THE AREA WAS DANGEROUS.

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9. (U) THE DATE OF THEIR DEPARTURE FROM LLANO IS MARCH 29 ACCORDING TO THE LLANO VILLAGERS, AND MARCH 30, ACCORDING TO THE LIEUTENANT AT LAS MAJADAS, WHO NEVER MET BLAKE AND DAVIS. (COMMENT: OFFICERS HERE FIND NO SIGNIFICANCE IN THE DIFFERENCE IN DATES. IT IS VERY LIKELY THAT THE VILLAGERS ERRED, AS NO WRITTEN RECORD WAS KEPT, AND OFTEN LITTLE IMPORTANCE IS ATTACHED TO DATES IN SUCH PLACES. END COMMENT.) NO TRACE OF THE WHEREABOUTS OF BLAKE AND DAVIS WAS FOUND FROM THE TIME THEY LEFT LLANO. EMBASSY OFFICERS ALSO FLEW INTO SALQUIL, WHERE THE ARMY DETACHMENT MISTOOK THEIR HELICOPTER AS ONE BRINGING IN REINFORCEMENTS FOR A FIREFIGHT THEN IN PROGRESS ABOUT FIVE MILES FROM THE VILLAGE. ACCORDING TO THE LIEUTENANT IN CHARGE OF THE SALQUIL GARRISON, BLAKE AND DAVIS DID NOT ARRIVE AT SALQUIL. EMBASSY OFFICERS THEN BACKTRACKED TO QUILEN NOVILLO, THE ONLY OCCUPIED VILLAGE BETWEEN EL LLANO AND SALQUIL. VILLAGERS AT QUILEN NOVILLO SAID THAT THE MISSING AMERICANS HAD NOT PASSED THROUGH THE VILLAGE. AT NEBAJ, INTERVIEWS WITH TOWNSPEOPLE AND MILITARY OFFICIALS TURNED UP NO SIGHTING OF BLAKE AND DAVIS. HOWEVER, IT WAS APPARENT THAT TOWNSPEOPLE IN NEBAJ WERE WELL AWARE OF THE SEARCH FOR BLAKE AND DAVIS. NONE OF THE VILLAGES ALONG THE PLANNED ROUTE ARE GARRISONED BY THE GUATEMALAN ARMY. THERE IS NO

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INDICATION THAT BLAKE AND DAVIS HAD ANY CONTACT WITH REGULAR GOVERNMENT FORCES. THROUGHOUT THE TRIP, EMBASSY OFFICERS DISTRIBUTED FLYERS WHICH INCLUDED PHOTOS AND DESCRIPTIONS OF BLAKE AND DAVIS, AS WELL AS NUMBERS AND ADDRESSES TO CONTACT IN CASE SOMEONE HAD INFORMATION TO REPORT. (SEE GUATEMALA 03833.) (COMMENT: THIS TRIP INCLUDED A FAIR DEGREE OF PHYSICAL RISK ON THE PART OF THE EMBASSY TEAM. MIXLAJ, FOR EXAMPLE, IS CONSIDERED A DANGEROUS PLACE FOR OFFICIAL AMERICANS. END COMMENT.)

10. (U) ON APRIL 19, AMERICAN CITIZEN MARK CLARK, A FRIEND OF NICHOLAS BLAKE, TOLD EMBASSY OFFICERS IN SAN JOSE, COSTA RICA, THAT HE HAD TALKED WITH BLAKE AND DAVIS IN HUEHUETENANGO THE NIGHT BEFORE THEY BEGAN THEIR TRIP. ACCORDING TO CLARK, BLAKE SAID THAT HE AND DAVIS WERE GOING TO "BACK DOOR" INTO THE GUERRILLA ZONE, AVOIDING THE ARMY PATROLS HE BELIEVED WERE BLOCKING THE AREA. BLAKE FULLY EXPECTED TO BE "CAUGHT" (BLAKE'S WORD) BY THE ARMY OR THE GUERRILLAS, ACCORDING TO CLARK. (SEE 85 SAN JOSE 03311.)

11. (U) LIEUTENANT COLONEL JOSE SOLIS, DEPUTY COMMANDER OF MILITARY ZONE 20 (QUICHE) CAME TO THE CHANCERY ON APRIL 23 TO BRIEF THE DEFENSE ATTACHE AND CONSULAR OFFICERS ON A PLANNED ARMY SWEEP THROUGH THE AREA IN WHICH BLAKE AND DAVIS WERE BELIEVED TO HAVE DISAPPEARED. THE SWEEP, INVOLVING SOME 450 INFANTRYMEN, BEGAN THE FOLLOWING DAY. UNITS WERE BROKEN INTO REINFORCED SQUADS AND EMPLOYED IN FORCE PATROLS. THIS TACTIC INVOLVED GREATER RISK IN THAT LARGER UNITS ARE NORMALLY EMPLOYED IN SUCH AREAS, BUT THE SMALLER PATROLS OFFERED MORE THOROUGH COVERAGE. GUATEMALAN SOURCES REPORTED TWO OFFICERS AND TEN ENLISTED MEN KILLED IN THE SWEEP. NO SIGN OF THE MISSING AMERICANS WAS REPORTED.

12. (U) ON APRIL 25, AN EMBASSY OFFICER IN A CHARTERED LIGHT AIRCRAFT, DROPPED LEAFLETS OVER THE SUMAL AREA. THE LEAFLETS, PRINTED IN SPANISH AND THE PREVALENT INDIAN DIALECT, IXCHIL, HAD PHOTOS OF BOTH MEN. LEAFLETS WERE ALSO PROVIDED TO THE ZONE HEADQUARTERS FOR DISTRIBUTION TO ARMY PATROL LEADERS AND CIVIL GUARD UNITS. (SEE GUATEMALA 04205.)

13. (U) MRS. MARY BLAKE, NICHOLAS BLAKE'S MOTHER, CAME TO GUATEMALA ON 25 APRIL, ACCOMPANIED BY HER SON, RANDY BLAKE, FAMILY FRIEND LUCIEN YOKANA AND ATTORNEY EDWARD GOFF. MRS. BLAKE'S PARTY MET WITH AMBASSADOR PIEDRA, THEN RECEIVED AN EXHAUSTIVE BRIEFING ON THE INVESTIGATION TO THAT POINT. (SEE GUATEMALA 04082.) EMBASSY OFFICERS ACCOMPANIED THE PARTY TO MILITARY ZONE 20 HEADQUARTERS IN SANTA CRUZ DEL QUICHE ON APRIL 27 WHERE THE ZONE COMMANDER BRIEFED THEM ON THE ACTIONS HE HAD TAKEN TO LOCATE NICHOLAS BLAKE AND GRIFFITH DAVIS. (SEE GUATEMALA 04168.)

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14. (U) ATTORNEY EDWARD GOFF, REPRESENTING THE BLAKE FAMILY, CAME TO GUATEMALA AGAIN ON MAY 23 AFTER SPENDING SEVERAL WEEKS IN CHIAPAS, MEXICO NEAR THE BORDER WITH GUATEMALA. HE WAS ACCOMPANIED BY A PRIVATE SECURITY CONSULTANT; BOTH WERE BRIEFED ON THE THE STATUS OF THE INVESTIGATION.

15. (U) SAM AND RANDY BLAKE, ACCOMPANIED BY FRIENDS, VISITED GUATEMALA DURING THE FIRST WEEK OF NOVEMBER AND AGAIN ONE MONTH LATER. ON BOTH OCCASIONS THEY MET WITH AMBASSADOR PIEDRA, THE DEPUTY CHIEF OF MISSION, AND OTHER EMBASSY OFFICERS. DURING THE NOVEMBER VISIT, SAM AND RANDY BLAKE DIVULGED TWO POTENTIAL LEADS IN THE CASE. 1) THE BLAKE BROTHERS HAD HEARD THAT TWO PERSONS FITTING THE DESCRIPTIONS OF THEIR BROTHER AND GRIFFITH DAVIS HAD LANDED IN A HELICOPTER IN NEBAJ AT THE END OF THE FIRST WEEK OF APRIL. ACCORDING TO THIS STORY, THE PASSENGERS WERE FORCIBLY REMOVED FROM THE HELICOPTER BY GUATEMALAN ARMY TROOPS AND TAKEN TO THE GARRISON HEADQUARTERS. 2) A SECOND LINE OF INQUIRY WAS OPENED BY THEIR DESCRIPTION OF CONTACTS BETWEEN A GUATEMALAN ARMY PROCUREMENT OFFICER AND A CLOSE BUSINESS CONTACT OF THE BLAKE FAMILY. EMBASSY OFFICERS IMMEDIATELY BEGAN TO CHECK BOTH STORIES. (SEE GUATEMALA 11567.) (COMMENT: BOTH OF THESE INQUIRIES ARE DISCUSSED LATER

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IN THIS CABLE. END COMMENT. DECONTROLLED/UNCLASSIFIED

16. (U) ON DECEMBER 13, MR. RICHARD BLAKE, NICK'S FATHER, ARRIVED IN GUATEMALA CITY, ACCOMPANIED BY HIS BROTHER-IN-LAW, MR. GEORGE STRAWMUELLER, AND ATTORNEY EDWARD GOFF. CONSULAR AND POLITICAL OFFICERS BRIEFED THE VISITORS ON THE EVENING OF THE 13TH. THE PARTY THEN MET WITH THE AMBASSADOR, DEPUTY CHIEF OF MISSION AND DEFENSE ATTACHE THE FOLLOWING MORNING AT THE RESIDENCE.

17. (U) ON DECEMBER 17, EMBASSY OFFICERS FLEW TO NEBAJ WHERE THEY INTERVIEWED SIX FORMER MEMBERS OF THE EGP (GUERILLA ARMY OF THE POOR), A MARXIST GUERRILLA ORGANIZATION OPERATING IN NORTHERN HUEHUETENANGO AND QUICHE. ALL SIX HAD BEEN OPERATING IN THE GENERAL AREA OF SUMAL UNTIL THEY VOLUNTARILY AND INDIVIDUALLY RETURNED TO GOVERNMENT CONTROL IN 1985. (COMMENT: SUMAL ITSELF IS A SMALL CLUSTER OF BUILDINGS AT THE END OF A HIGH MOUNTAIN RIDGE SURROUNDED ON THREE SIDES BY SHEER WALLS OF BARE STONE. IT IS NOT A POPULATION CENTER OF ANY IMPORTANCE, RATHER IT IS THE GEOGRAPHICAL CENTER OF A ZONE OF CONFLICT. END COMMENT.) NONE OF THE SIX HAD KNOWLEDGE OF STRANGERS RECENTLY IN THE AREA. THREE MENTIONED CUBAN ADVISORS SEEN IN THE AREA IN 1981 AS THE LAST STRANGERS OF WHOM THEY HAD HEARD. TWO OTHER FORMER COMBATANTS SAID THAT TWO "NEGROS" OF UNKNOWN NATIONALITY WERE RUMORED TO BE TRAVELING WITH AN EGP UNIT. ALL SIX SAID THAT IT WAS IMPOSSIBLE TO BELIEVE THAT INDIVIDUAL EGP MEMBERS HAPPENING UPON THE TWO AMERICANS WOULD HAVE HARMED THEM. ALL SIX INSISTED THAT ANY STRANGERS ENCOUNTERED WOULD BE TAKEN TO THE CENTRAL COMMITTEE OR A GUERILLA OFFICER. AFTER THESE INTERVIEWS, EMBASSY OFFICERS WENT TO LAS VIOLETAS, A REFUGEE CAMP ON THE OUTSKIRTS OF NEBAJ, TO INTERVIEW CIVILIANS WHO HAD FLED THE SUMAL AREA IN RECENT WEEKS. THE REFUGEES INDICATED THAT THEY KNEW NOTHING OF THE AMERICANS. (SEE GUATEMALA 13130.)

18. (U) EMBASSY OFFICERS REGULARLY TRAVEL TO THE HIGHLANDS, INCLUDING AREAS ON THE NORTHERN FACE OF THE CUCHUMATANES MOUNTAIN CHAIN AND ALONG THE MEXICAN BORDER. THESE OFFICERS ROUTINELY MAKE INQUIRIES REGARDING BLAKE, DAVIS AND ANY "STRANGERS" WHO MIGHT BE RUMORED TO BE, OR HAVE BEEN, IN THE AREA. THESE INQUIRIES HAVE PRODUCED NO LEADS.

19. (U) COMMENT: THIS OVERVIEW IS BY NO MEANS AN EXHAUSTIVE SUMMARY OF ACTIONS TAKEN BY EMBASSY GUATEMALA IN THE SEARCH FOR NICHOLAS BLAKE AND GRIFFITH DAVIS. THE AMBASSADOR AND OTHER EMBASSY OFFICERS HAVE MADE AN ONGOING SERIES OF REQUESTS FOR ASSISTANCE AND INFORMATION FROM GUATEMALAN AUTHORITIES AT ALL LEVELS, INCLUDING THE CHIEF OF STATE. WE HAVE, AS WELL, TRACKED DOWN A NUMBER OF RUMORS WHICH PROVED TO BE TOTALLY WITHOUT BASIS IN FACT. END COMMENT.

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NEBAJ HELICOPTER REPORT

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20. (U) IN A NOVEMBER 1 MEETING WITH AMBASSADOR PIEDRA, SAM AND RANDY BLAKE SAID THAT THEY HAD RECEIVED A REPORT FROM "UNIMPEACHABLE SOURCES" THAT TWO AMERICANS WERE SEEN BEING TAKEN FROM A HELICOPTER AT THE MILITARY AIRFIELD IN NEBAJ DURING THE FIRST WEEK IN APRIL. ACCORDING TO THIS REPORT, THE TWO AMERICANS WERE PULLED FORCIBLY FROM THE AIRCRAFT, PHYSICALLY ABUSED, THEN TAKEN TO THE GARRISON HEADQUARTERS. SAM AND RANDY BLAKE WERE UNWILLING TO DISCLOSE THE NAMES OF THEIR INFORMANTS, SAYING THAT TO RELEASE THE NAMES TO THE EMBASSY WOULD MEAN THE IMMEDIATE DEATHS OF THEIR CONTACTS. BASED ON THAT REPORT, THE EMBASSY CONDUCTED AN INVESTIGATION USING ABSOLUTELY EVERY RESOURCE AVAILABLE TO THE MISSION. NO INFORMATION WAS FOUND WHICH APPEARED TO VERIFY THE REPORTED SIGHTING OR PROVIDE FURTHER LEADS. THE HELIPAD IS A SMALL ONE-TIME PASTURE INSIDE THE VILLAGE. IT IS IN CLEAR VIEW OF MUCH OF THE SURROUNDING COMMUNITY. THE STREET FROM THE HELIPAD TO THE HEADQUARTERS PASSES BY THE TOWN MARKET. OFFICERS FAMILIAR WITH THE SITE CONSIDER IT IMPOSSIBLE TO BRING A STRANGER INTO NEBAJ SECRETLY USING A HELICOPTER.

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21. (U) WE HAVE COME TO NO CONCLUSION REGARDING THE REPORTED SIGHTING AT NEBAJ. WITHOUT THE NAMES OF THOSE MAKING THE REPORT, OR SOME FURTHER INFORMATION REGARDING THE SIGHTING, HOWEVER, WE ARE UNABLE TO CONTINUE ALONG THIS LINE. OFFICERS HERE HAVE REPEATEDLY ASKED SAM AND RANDY BLAKE TO BE MORE FORTHCOMING ON THE STORY, TO THIS POINT WITHOUT SUCCESS. SHOULD WE BE GIVEN THE NAMES OF THE INFORMANTS, WE WOULD, OF COURSE, TAKE EVERY PRECAUTION TO GUARD THEIR CONFIDENTIALITY.

22. (LOU) WHILE NO FINAL ANALYSIS IS POSSIBLE, SEVERAL FACTORS SHOULD BE DISCUSSED. MILITARY ZONE 20, THE LOCATION OF THE ALLEGED SIGHTING, IS FREQUENTLY VISITED BY EMBASSY OFFICERS. OUR CONTACTS THERE ARE EXCELLENT. IN THE CONSIDERED JUDGEMENT OF AMERICAN MILITARY AND CIVILIAN OFFICERS FAMILIAR WITH THE ZONE AND THE KEY PERSONALITIES, SUCH AN ABDUCTION IS EXTREMELY UNLIKELY, SO UNLIKELY, IN FACT, AS TO BE INCREDIBLE. GUATEMALAN LT. COL. MARIN, COMMANDER OF THE NEBAJ GARRISON AT THE TIME IN QUESTION, HAS SINCE BEEN MOVED TO A SENSITIVE POSITION IN THE NEW CIVILIAN GOVERNMENT OF CHRISTIAN DEMOCRAT VINICIO CEREZO. OFFICERS HERE CONSIDER HIM ONE OF GUATEMALA'S BEST SOLDIERS. DEPUTY ZONE COMMANDER SOLIS IS A SOPHISTICATED OFFICER WHO UNDERSTANDS THE POLITICAL SIGNIFICANCE SUCH AN ABDUCTION WOULD HAVE. THE ZONE COMMANDER, COL. BYRON LIMA, IS CONSIDERED TO BE AN HONEST, STRAIGHTFORWARD SOLDIER. (COMMENT: THIS KIND OF ASSESSMENT CAN CERTAINLY BE SEEN AS A DEFENSE OF THE GUATEMALAN MILITARY. IT IS NOT MEANT TO BE, HOWEVER. THE GUATEMALAN ARMY HAS TRADITIONALLY SENT ITS BEST OFFICERS TO THE "CONFLICTIVE ZONES" OF THE HIGHLANDS; THE EMBASSY'S REPORTING AND ANALYSIS ROLES REQUIRE THAT WE PAY CLOSE ATTENTION TO THIS CRITICAL AREA AND THE PERSONALITIES INVOLVED. ANY ANALYSIS THAT DOES NOT CONSIDER THAT KNOWLEDGE IS, NECESSARILY, FLAWED. END COMMENT.) BASED ON THE ABOVE, AND WITHOUT NEW INFORMATION, THE EMBASSY BELIEVES THAT IT IS UNLIKELY THAT NICHOLAS BLAKE AND GRIFFITH DAVIS HAVE BEEN DETAINED BY THE GUATEMALAN ARMY IN THE MANNER PROPOSED, OR IN ANY OTHER MANNER.

23. (U) OFFICERS HERE CONSIDER IT VERY LIKELY THAT GUATEMALAN AND SALVADORAN INTELLIGENCE SERVICES SOMETIMES SHARE INFORMATION OF MUTUAL INTEREST. THE CRUX OF THE QUESTION INVOLVED, HOWEVER, IS MOTIVATION. NICK BLAKE IS NEITHER A WELL-KNOWN NOR A CONTROVERSIAL JOURNALIST. IN A COUNTRY WHERE HIGH-VISIBILITY JOURNALISTS CONTINUE TO TRAVEL FREELY AFTER WRITING ARTICLES FIERCELY CRITICAL OF THE GUATEMALAN GOVERNMENT, IT IS UNCLEAR WHY INTELLIGENCE SERVICES WOULD MONITOR THE ACTIVITIES OF A FREELANCER WHO WAS UNPUBLISHED, TO THE BEST OF OUR KNOWLEDGE, ON GUATEMALA. HAD THE GOVERNMENT OF GUATEMALA DETERMINED THAT NICK BLAKE WAS A DANGER, HIS ENTRY INTO THE COUNTRY COULD EASILY HAVE BEEN BLOCKED. MORE DIRECTLY, IT IS UNLIKELY THAT THE ARMY WOULD HAVE GIVEN HIM A TRAVEL PERMIT FOR THE CONFLICT ZONE

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IN HUEHUETENANGO, AS THEY DID IN LATE 1984, IF HE WAS CONSIDERED A THREAT. GRIFFITH DAVIS APPEARS TO HAVE NO EXPRESSED INTEREST IN GUATEMALAN POLITICS. HIS STATUS AS A CASUAL RESIDENT WOULD HAVE PROVIDED GUATEMALAN AUTHORITIES WITH AMPLE OPPORTUNITY TO EXPEL HIM FROM THE COUNTRY WERE THAT CONSIDERED DESIRABLE. THERE APPEARS TO BE NO WAY THAT THE ACTIVITIES OF THE TWO AMERICANS COULD HAVE BEEN CLOSELY MONITORED WHILE IN THE HIGHLANDS. MANY OF THE CIVIL DEFENSE GROUPS IN THE SMALL VILLAGES IN THE AREA NORTH OF NEBAJ HAVE NO RADIO OR TELEPHONE SERVICE, AND DEPEND ON HAND CARRIED MESSAGES FOR COMMUNICATION WITH THE OUTSIDE. THE FREQUENCY OF ARMED ENCOUNTERS BETWEEN ARMY TROOPS AND INSURGENTS IN THE AREA IN QUESTION WOULD ARGUE AGAINST ANY PLAN TO SET A PATROL OR INDIVIDUAL AGENT IN PURSUIT OF THE TWO AMERICANS. BASED ON THE ABOVE, AND ALL POSSIBLE INQUIRIES ALONG THIS LINE, THE EMBASSY CONCLUDES THAT IT IS UNLIKELY THAT EITHER OF THE TWO AMERICANS WAS OF SPECIAL INTEREST TO GUATEMALAN INTELLIGENCE AUTHORITIES. AT END, WE CONCLUDE THAT IT IS VERY UNLIKELY THAT THE INTELLIGENCE ORGANIZATIONS IN QUESTION WOULD ATTEMPT TO MONITOR THE TWO MEN'S ACTIVITIES IN THE HIGHLANDS.

EXTRA-OFFICIAL CONTACT WITH BLAKE FAMILY

24. (LOU) DURING THEIR NOVEMBER 1 MEETING WITH AMBASSADOR PIEDRA AND HIS STAFF, SAM AND RANDY BLAKE EXPRESSED

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THEIR BELIEF THAT THEY HAD BEEN PURPOSELY MISLED IN THEIR SEARCH FOR NICK BLAKE BY AN APPROACH MADE TO FAMILY THROUGH A BUSINESS ASSOCIATE. THEY SAID THAT FAMILY FRIEND AND BUSINESS ASSOCIATE REME DIAZ, A CUBAN-AMERICAN LIVING IN MIAMI, HAD BEEN APPROACHED BY AN OFFICER OF THE GUATEMALAN ARMY WHO WORKED IN THE ARMY'S PROCUREMENT SECTION. THIS OFFICER, ACCORDING TO THE STORY, TOLD MS. DIAZ THAT HIS BROTHER, A GUATEMALAN INTELLIGENCE OFFICER, HAD PERSONAL KNOWLEDGE THAT BLAKE AND DAVIS WERE BEING HELD BY GUERRILLAS. FOR A SUM, IT WAS SAID, AN ARMY EXPEDITION COULD BE ORGANIZED TO RESCUE THEM. ON HEARING THE STORY, THE AMBASSADOR ASKED SAM AND RANDY BLAKE TO HAVE MS. DIAZ CALL OR WRITE THE EMBASSY. EMBASSY OFFICERS LATER TRIED TO IDENTIFY A PROCUREMENT-INTELLIGENCE BROTHER TANDEM IN THE GUATEMALAN ARMY. NONE WAS SO IDENTIFIED. DURING THE DECEMBER 14 MEETING WITH MR. RICHARD BAKE AND MR. GEORGE STRAWMUELLER, THE AMBASSADOR RAISED THE QUESTION OF THE DIAZ CONTACT. MR. STRAWMUELLER SAID THAT HE WAS THE ONLY MEMEBER OF THE FAMILY WHO HAD SPOKEN WITH MS. DIAZ. SHE HAD BEEN CONTACTED BY SOMEONE (IDENTITY UNKNOWN TO OFFICERS HERE) THAT OFFERED TO USE HIS INFLUENCE AND KNOWLEDGE TO HAVE A SEARCH MADE FOR THE MISSING MEN. (COMMENT: BASED ON THE INFORMATION HE RECEIVED FROM MS. DIAZ, MR. STRAWMUELLER DID NOT PURSUE THE OFFER. END COMMENT.) ACCORDING TO MR. STRAWMUELLER, THE STORY OF A GUATEMALAN PROCUREMENT OFFICER AND HIS INTELLIGENCE OFFICER BROTHER WAS INVENTED BY SAM AND RANDY BLAKE TO FILL IN DETAILS REGARDING THE CONTACT, DETAILS THAT MR. STRAWMUELLER AND MS. DIAZ WERE UNWILLING TO SHARE. AMBASSADOR PIEDRA ATTEMPTED TO SPEAK WITH MS. DIAZ DURING HIS DECEMBER CONSULTATIONS IN THE UNITED STATES, BUT WAS UNABLE TO REACH HER. GIVEN THE SITUATION DESCRIBED ABOVE, THE EMBASSY IS UNABLE TO REACH ANY CONCLUSION REGARDING THE STORY GIVEN BY SAM AND RANDY BLAKE. (COMMENT: IT SHOULD BE NOTED THAT NO PRIVACY ACT WAIVER HAS BEEN GIVEN BY ANYONE CONNECTED WITH THIS CASE. END COMMENT.)

CURRENT SITUATION

25. (U) THE DISAPPEARANCE OF NICHOLAS BLAKE AND GRIFFITH DAVIS ENGENDERS FRUSTRATION AND CONCERN BOTH FOR THE FAMILIES OF THE MISSING MEN AND FOR THE AMERICANS AND GUATEMALANS CHARGED WITH FINDING THEM. AS IN ANY EXTENDED SEARCH, THE RECORD IS FULL OF FALSE TRAILS AND FAILED IDEAS. AT THE SAME TIME, EVERY NEW IDEA, EVERY NEW RUMOR IS, POTENTIALLY, THE KEY TO THE WHEREABOUTS OF NICK AND GRIFF.

26. (U) THE BELIEF HAS BEEN VOICED, IN THE PRESS AND IN PRIVATE CONVERSATIONS, THAT THE GOVERNMENT OF THE UNITED STATES KNOWS WHAT HAS HAPPENED TO THESE MEN, BUT IS HIDING THE TRUTH TO SHIELD MORE IMPORTANT INTERESTS. THERE IS NO DEFENSE AGAINST SUCH STATEMENT, FORSAKING INDIGNANT PROTEST, EXCEPT A RIGOROUS, CONTINUING EFFORT TO RESOLVE THE DISAPPEARANCE. WE ARE COMMITTED TO THAT EFFORT.

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Dear Mr. McKernan:

Thank you for your letter of December 20 about the missing Americans Nicholas Blake and Griffith Davis who vanished in the Guatemalan highlands in late March or early April 1985. In response to your inquiries our Embassy in Guatemala and officers in the Department of State have reviewed their actions on behalf of the men and double checked, to the best of their ability, the most recent information presented by Sam and Randy Blake. This letter responds to your request for a written report on our efforts, provides you with the results of our review, and gives a reaction to some of the theories put forward about the missing men.

The case first came to the Embassy's attention when an American citizen called the consular section on April 8, 1985, to report that a friend, American citizen Griffith Davis, was overdue from a walking trip in Guatemala's western highlands. According to the caller, Davis was to meet friends in Nebaj, a market town in the Department of Quiche, on March 29. She thought it unlikely that he was purposely overdue as he had planned to attend his sister's wedding in the United States during the second week in April. Davis was traveling with an acquaintance named Nick Blake, she said, who she thought was an American living in Antigua, near Guatemala City.

On April 8, Embassy officers confirmed the American nationality of both of the missing men through immigration records. A telephone check of registration records at the Hotel Central in Huehuetenango confirmed the report that the men met and spent the night of March 25 at the hotel before beginning their journey. Consular officers called National Police and Treasury Police headquarters and asked that units in the western highlands be alerted. Catholic and Protestant missionary groups with people working in the region were also alerted. That evening, a consular officer was able to speak by telephone with a British citizen friend of Nick Blake, Michael Shawcross. Shawcross confirmed the basics of the story given by the original caller and said that he too was concerned for the men's safety.

The Honorable
John McKernan,
House of Representatives.

DRL
Guatemala

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 06/28/95
Case ID: 9512210

On April 9, Shawcross, German citizen Mikki-Linden, and the U.S. citizen who first brought the case to our attention met with an Embassy officer in the Chancery. Shawcross said that Blake was a working journalist with an interest in the insurgency in the western highlands. Blake might take an opportunity to spend time with the guerrillas, said Shawcross. Davis was described as a long-term Guatemalan resident and an experienced hiker who had no political interests, but had long wanted to hike through the area in question. Blake and Davis, according to their friends, had met only recently. Shawcross was able to give a general description of the planned route. The men had planned to take a bus from Huehuetenango to San Juan Ixchoy where they were to begin their walk east to Nebaj.

Embassy officers called the military zone headquarters in Huehuetenango and Quiche later that morning, requesting the commanders' assistance in the search for the missing Americans. The Embassy then made a telegraphic report to the Department outlining the situation. The Department began a search of passport records in order to locate and contact the families in the United States.

On April 10, the Embassy Defense Attache followed an earlier telephone call with a letter to the Guatemalan Chief of Military Intelligence requesting assistance in finding the lost Americans.

During the following week, Embassy officers tried to track rumors that messages had been received from Nick Blake by another American friend, and by the owner of the small Antigua pension where Nick Blake generally stayed in Guatemala. The American Embassy in San Jose reported that the friend told Embassy officers he had received a note at Blake's Antigua pension on March 31. That note supposedly said Blake would be in Nebaj between April 1 and 3. When Blake did not arrive in Nebaj, the friend returned to Antigua, where the owner of the pension said that another person, name unknown, had left a message that Blake would be unable to meet the friend. Embassy officers in Guatemala were able to question him regarding this sequence of events later. He said that he had been misunderstood when interviewed by our officers in Costa Rica, that he had received no message. The pension owner had a somewhat different story to tell. He said he had received two written messages in early April, purportedly from Nick Blake, saying that his return would be delayed and to say nothing to the authorities. The pension owner now says that he destroyed the notes. The Embassy

believes there were never any notes. The Department contacted the mothers of the missing men April 13th. They had not heard from their sons and agreed that there was real reason for concern. Within a week, the Blakes had drawn on many of their own contacts with connections in Central America to help locate their son. Officials at the highest level of the Administration and several Congressmen were contacted by the family for assistance.

On April 18, two Embassy officers in a chartered helicopter flew to the Department of Huehuetenango and Quiche to investigate the disappearance. Accompanying the officers were the consular section fraud investigator (a veteran of the Guatemalan national police) and an Embassy security agent who speaks the area's predominate dialect. The use of a helicopter was required because the route planned by Blake and Davis between San Juan Ixcoy and Nebaj is serviced only by hiking trails and includes some of the roughest high country in Central America. In San Juan Ixcoy, where Blake and Davis left the bus and began their trek, Embassy officers met two Guatemalan army intelligence specialists who were conducting their own search for the missing Americans. The Embassy team was able to trace the route followed by Blake and Davis from San Juan Ixcoy on March 26 through San Francisco Las Flores and Mixlaj to the village of Llano, along the border between Quiche and Huehuetenango, several days later. It appears that on the morning of March 29 or 30, Blake and Davis left Llano, saying they were heading to Salquil, a large model village which can be reached by road from Nebaj. The commander of the army detachment at Las Majadas, the military outpost closest to Llano, said that he was told by Llano villagers on March 29 that two Americans were requesting permission to go to Sumal, a stronghold of the EGP (Guerrilla Army of the Poor). The Lieutenant said he instead gave the Americans permission to travel to Salquil. Villagers at Mixlaj, where Blake and Davis had spent a night during their trip, also said that the Americans had expressed an interest in going to Sumal. The villagers said they told Blake and Davis not to go to Sumal because the area was dangerous.

The date of their departure from Llano was March 29 according to the Llano villagers, and March 30, according to the Lieutenant at Las Majadas, who never met Blake and Davis. Embassy officers in Guatemala find no significance in the difference in dates. They believe it is very likely that the villagers erred, as no written record was kept. No trace of the whereabouts of Blake and Davis was found from the time they left Llano. At one point the

Blake family heard their son may have been involved in a battle, but their confusion stemmed from the account of our Embassy officers flight into Salquil, where the army detachment mistook their helicopter as one bringing in reinforcements for a firefight then in progress about five miles from the village. According to the Lieutenant in charge of the Salquil garrison, Blake and Davis never arrived at Salquil. Embassy officers then backtracked to Quilen Novillo, the only occupied village between El Llano and Salquil. Villagers at Quilen Novillo said that the missing Americans had not passed through the village. At Nebaj, interviews with townspeople and military officials turned up no sighting of Blake and Davis. However, it was apparent that townspeople in Nebaj were well aware of the search for the Americans. None of the villages along the planned route are garrisoned by the Guatemalan army. There are no indications that Blake and Davis had any contact with regular government forces. Throughout the search, Embassy officers distributed flyers which included photos and descriptions of Blake and Davis, as well as numbers and addresses to contact in case someone had information to report. It should be added that this trip included a certain degree of physical risk on the part of the Embassy team. The village of Mixlaj, for example, is considered a dangerous place for official Americans.

Another American citizen friend of Nicholas Blake told Embassy officers in San Jose, Costa Rica, he had talked with Blake and Davis in Huehuetenango the night before they began their trip and Blake had said that he and Davis were going to "back door" into the guerrilla zone, avoiding the army patrols he believed were blocking the area. Blake fully expected to be "caught" (Blake's words) by the army or the guerrillas, according to this friend.

Lieutenant Colonel Jose Solis, Deputy Commander of Miltary Zone 20 (Quiche) came to the Embassy on April 30 to brief the Defense Attache and consular officers on a planned army sweep through the area in which Blake and Davis were believed to have disappeared. The sweep, involving some 450 infantrymen, began the following day. Units were broken into reinforced squads and employed in small "force patrols". This tactic involved greater risk as larger units are normally employed in such areas, but the smaller patrols offered more thorough coverage. Guatemalan sources reported two officers and ten enlisted men killed in the sweep. No sign of the missing Americans was reported.

On April 25, an Embassy officer in a chartered light aircraft, dropped leaflets over the Sumal area. The leaflets, printed in Spanish and the prevalent Indian dialect, Ixchil, had photos of both men. Leaflets were also provided to the zone headquarters for distribution to army patrol leaders and civil guard units.

Mrs. Mary Blake, Nicholas Blake's mother, came to Guatemala on April 25 accompanied by her son Randy Blake, family friend Lucien Yokana, and Attorney Edward Goff. Mrs. Blake's party met with Ambassador Piedra and received a thorough briefing on the investigation to that point.

Embassy officers accompanied the party to Military Zone 20 headquarters in Santa Cruz del Quiche on April 27 where the zone commander briefed them on the actions he had taken to locate Nicholas Blake and Griffith Davis. The family hired a private investigator in Guatemala at about this time.

Attorney Edward Goff, representing the Blake family, came to Guatemala again on May 23 after spending several weeks in Chiapas, Mexico near the border with Guatemala. He was accompanied by the private investigator. Both were briefed on the status of the investigation.

Sam and Randy Blake, accompanied by friends, visited Guatemala during the first week of November and again one month later. On both occasions they met with Ambassador Piedra, the Deputy Chief of Mission, and other Embassy officers. During the November visit, Sam and Randy Blake divulged two potential leads in the case. 1) The Blake brothers had heard that two persons fitting the description of their brother and Griffith Davis had landed in a helicopter in Nebaj at the end of the first week of April. According to this story, the passengers were forcibly removed from the helicopter by Guatemalan army troops and taken to the garrison headquarters, 2) a second line of inquiry was opened by their description of contacts between a Guatemalan army procurement officer and a close business contact of the Blake family. Embassy officers immediately began to check both stories.

The helicopter story was made very difficult to check since the source was unknown to the officers who worked on it. The brothers could not divulge any information that could lead back to the date or time of the event or the name of anyone who may have witnessed it. The Guatemalan military officer responsible showed the U.S. Defense Attache his log indicating there were no helicopter flights in the area described during the time frame mentioned. We have not been able to establish any information to contradict this log.

According to Sam and Randy Blake, Mrs. Remidios Diaz, a family friend and business associate living in Miami, had been approached by a Guatemalan army officer who worked in the army's procurement section. This officer, according to the story, told Mrs. Diaz that his brother, a Guatemalan intelligence officer, had personal knowledge that Blake and Davis were being held by guerrillas. For a sum, it was said, an army expedition could be organized to rescue them. On hearing the story, the Ambassador asked Sam and Randy Blake to have Mrs. Diaz call or write the Embassy. Embassy officers later tried to identify a procurement officer and an intelligence officer who are brothers in the Guatemalan army. No such persons could be identified. During a visit to Guatemala December 13th and 14th, a meeting took place between key officers of the Embassy, Mr. Richard Blake, Nicholas Blake's father, Mr. George Strawmueller, the missing man's uncle, and the family attorney, Mr. Edward Goff. At that time the Ambassador raised the question of the Diaz contact. Mr. Strawmueller said that he was the only member of the family who had spoken with Mrs. Diaz. He said she had been contacted by someone who offered to use his influence and knowledge to have a search made for the missing men. Based on the information he received from Mrs. Diaz, Mr. Strawmueller did not pursue the offer. Mr. Strawmueller indicated that the story of a Guatemalan procurement officer and his intelligence officer brother was invented by Sam and Randy Blake to fill in details regarding the contact, details that Mr. Strawmueller and Mrs. Diaz were unwilling to share. At the request of Sam and Randy Blake, Ambassador Piedra attempted to verify this with Mrs. Diaz during his December consultations in the United States but was unable to reach her because she was abroad. In January she told the Department that she had asked all her Guatemalan contacts to assist the family but had no leads. There are notes in the Department of calls she made here with offers of assistance and support for the case, also. She denied any direct contacts with Guatemalan military.

On December 17, Embassy officers flew to Nebaj where they interviewed six former members of the EGP (Guerrilla Army of the Poor), a Marxist guerrilla organization operating in northern Huehuetenango and Quiche. All six had been operating in the general area of Sumal until they returned to government control in 1985.

Sumal itself is a small cluster of buildings at the end of a high mountain ridge surrounded on three sides by sheer walls of bare stone. It is not a population center of any importance, but rather is the geographical center of a zone of conflict.

None of the six ex-guerrillas had knowledge of any strangers recently observed in the area. One mentioned Cuban advisors seen in the area in 1981 as the last strangers of whom he had heard. Two other former combatants said that two "Negroes" of unknown nationality were rumored to be traveling with an EGP unit. Each of the six said that is was impossible to believe that individual EGP members happening upon the two Americans would have harmed them. All insisted that any strangers encountered would be taken to the central committee or a guerrilla officer. After these interviews, Embassy officers went to Las Violetas, a refugee camp on the outskirts of Nebaj, to interview civilians who had fled the Sumal area in recent weeks. The refugees indicated that they knew nothing of the Americans.

Regarding theories that the Guatemalans may have been alerted by Salvadoran government officials to Nick Blake's presence in the area, American officers in Washington and Guatemala consider it very likely that Guatemalan and Salvadoran intelligence services sometimes share information of mutual interest. There is no reason to believe, however, that authorities of either government have any particular interest in Nick Blake who is neither a well-known nor controversial journalist. In a country where high-visibility journalists continue to travel freely after writing articles critical of the Guatemalan government, it is not credible that intelligence services would monitor the activities of a freelance writer who was evidently unpublished on Guatemalan affairs. Had the Government of Guatemala determined that Nick Blake was a security risk, his entry into the country could easily have been blocked. Further, it is unlikely that the army would have given him a travel permit for the conflict zone

in Huehuetenango, as they did in late 1984, if he was considered a threat. Griffith Davis appears to have shown no particular interest in Guatemalan politics. His status as a casual resident would have provided Guatemalan authorities with ample opportunity to expel him from the country had they wished to do so. It would have been very difficult for the activities of the two Americans to have been closely monitored while in the highlands. Many of the civil defense groups in the small villages north of Nebaj have no radio or telephone service, and depend on hand carried messages for communication with the outside. The frequency of armed encounters between army troops and insurgents in this area would argue against any plan to send a patrol or individual agent in pursuit of the two Americans. Based on the above, and all possible inquiries along this line, the Embassy concludes that is is unlikely that either of the two Americans was of special interest to Guatemalan intelligence authorities.

Concerning the supposition that an abduction took place, it should be understood that Military Zone 20, the location of the alleged sighting, is frequently visited by Embassy officers. Our contacts there are excellent. In the considered judgement of American military and civilian officers familiar with the zone and the key personalities who operate there, an abduction of American citizens is extremely unlikely. Guatemalan Lt. Col. Marin, Commander of the Nebaj garrison at the time in question, has since been moved to a sensitive position in the new civilian government of Christian Democrat Vinicio Cerezo. Embassy officers consider him one of Guatemala's best soldiers. Deputy Zone Commander Solis is a sophisticated officer who understands the political significance such an abduction would have. The zone commander, Col. Byron Lima, is considered to be an honest, straightforward soldier. This assessment is not meant to be seen as a defense of the Guatemalan military. However, the Guatemalan army has traditionally sent its best officers to the "conflictive zones" of the highlands, and the Embassy pays close attention to this critical area and the people who are assigned there.

This overview is by no means a complete summary of all actions taken by Embassy Guatemala in the search for Nicholas Blake and Griffith Davis. The Ambassador and other Embassy officers have made an ongoing series of requests for assistance and information from Guatemalan

authorities at all levels, including the Chief of State. The Embassy and the Department have, as well, looked into a number of rumors which have proved to be totally groundless.

The case will remain open and active until we have solid evidence of the welfare and whereabouts of Mr. Blake and Mr. Davis. Embassy officers regularly travel to the highlands, including areas on the northern face of the Cuchumatanes Mountain chain and along the Mexican border, and always make inquiries regarding Blake, Davis and any "strangers" who might be rumored to be, or have been in the area. In the Department, all country desk officers are aware of the case should any information about the men come from another country in the Caribbean or Central American region. All U.S. Embassies in Central America have been provided details about the missing men.

As you can well understand, the disappearance of Nicholas Blake and Griffith Davis engenders frustration and concern both for the families of the missing men and for the Americans and Guatemalans charged with finding them. A solution to this case remains a very high priority in the Department of State.

Ms. Renny Smith in the Citizens Emergency Center is following the case closely, and is in frequent contact with the family and government officials on behalf of the missing men. Please encourage anyone who may be interested in this case to call her at (202) 647-5225. If your office would like to be kept informed of developments, please call and she will contact you whenever there is significant activity on the case.

Sincerely,

James W. Dyer
Acting Assistant Secretary
Legislative and Intergovernmental Affairs

CA/OCS/EMR:RTSmith:pas
1/28/86 x75225
control no. 192-1582

document no.0392A

CA/OCS/EMR:TLRandall, Jr.
:GARogers
:JAdams
CA/OCS:TADTharp
H:RCallard
ARA/CEN:JCason
L/ARA:MWEunis (subs)
ARA:WWalker

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United States Department of State

Washington, D.C. 20520

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RELEASE

Dear Senator Cohen:

Thank you for your letter of December 14 about the missing Americans Nicholas Blake and Griffith Davis who vanished in the Guatemalan highlands in late March or early April 1985. In response to your inquiries our Embassy in Guatemala and officers in the Department of State have reviewed their actions on behalf of the men and double checked, to the best of their ability, the most recent information presented by Sam and Randy Blake. This letter responds to your request for a written report on our efforts, provides you with the results of our review, and gives a reaction to some of the theories put forward about the missing men.

The case first came to the Embassy's attention when an American citizen called the consular section on April 8, 1985, to report that a friend, American citizen Griffith Davis, was overdue from a walking trip in Guatemala's western highlands. According to the caller, Davis was to meet friends in Nebaj, a market town in the Department of Quiche, on March 29. She thought it unlikely that he was purposely overdue as he had planned to attend his sister's wedding in the United States during the second week in April. Davis was traveling with an acquaintance named Nick Blake, she said, who she thought was an American living in Antigua, near Guatemala City.

Later on April 8, Embassy officers confirmed the American nationality of both of the missing men through immigration records. A telephone check of registration records at the Hotel Central in Huehuetenango confirmed the report that both met and spent the night of March 25 at the hotel before beginning their journey. Consular officers called National Police and Treasury Police headquarters and asked that units in the western highlands be alerted. Catholic and Protestant missionary groups with people working in the region were also alerted. That evening, a consular officer was able to speak by telephone with a British citizen friend of Nick Blake, Michael Shawcross. Shawcross confirmed the basics of the story given by the original caller and said that he too was concerned for the men's safety.

On April 9, Shawcross, German citizen Mikki-Linden, and the U.S. citizen who first brought the case to our attention met with an Embassy officer in the Chancery.

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 06/28/95
Case ID: 95122210

The Honorable
United States Senate.

89D241 100921 ARC 2.4

UNCLASSIFIED

Shawcross said that Blake was a working journalist with an interest in the insurgency in the western highlands. Blake might take an opportunity to spend time with the guerrillas, said Shawcross. Davis was described as a long-term Guatemalan resident and an experienced hiker who had no political interests, but had long wanted to hike through the area in question. Blake and Davis, according to their friends, had met only recently. Shawcross was able to give a general description of the planned route. The men had planned to take a bus from Huehuetenango to San Juan Ixchoy where they were to begin their walk east to Nebaj.

Embassy officers called the military zone headquarters in Huehuetenango and Quiche later that morning, requesting the commanders' assistance in the search for the missing Americans. The Embassy then made a telegraphic report to the Department outlining the situation. The Department began a search of passport records in order to locate and contact the families in the United States.

On April 10, the Embassy Defense Attache followed an earlier telephone call with a letter to the Guatemalan Chief of Military Intelligence requesting assistance in finding the lost Americans.

During the following week, Embassy officers tried to track rumors that messages had been received from Nick Blake by another American friend, and by the owner of the small Antigua pension where Nick Blake generally stayed in Guatemala. The American Embassy in San Jose reported that the friend told Embassy officers he had received a note at Blake's Antigua pension on March 31. That note supposedly said Blake would be in Nebaj between April 1 and 3. When Blake did not arrive in Nebaj, the friend returned to Antigua, where the owner of the pension said that another person, name unknown, had left a message that Blake would be unable to meet the friend. Embassy officers in Guatemala were able to question him regarding this sequence of events later. He said that he had been misunderstood when interviewed by our officers in Costa Rica, that he had received no message. The pension owner had a somewhat different story to tell. He said he had received two written messages in early April, purportedly from Nick Blake, saying that his return would be delayed and to say nothing to the authorities. The pension owner now says that he destroyed the notes. The Embassy believes there were never any notes. The Department contacted the mothers of the missing men April 13th. They had not heard from their sons and agreed that there was real reason for concern. Within a week, the Blakes had drawn on many of their own contacts with connections in Central America to help locate their son. Officials at

the highest level of the Administration and several Congressmen, yourselves included, were contacted by the family for assistance.

On April 18, two Embassy officers in a chartered helicopter flew to the Department of Huehuetenango and Quiche to investigate the disappearance. Accompanying the officers were the consular section fraud investigator (a veteran of the Guatemalan national police) and an Embassy security agent who speaks the area's predominate dialect. The use of a helicopter was required because the route planned by Blake and Davis between San Juan Ixcoy and Nebaj is serviced only by hiking trails and includes some of the roughest high country in Central America. In San Juan Ixcoy, where Blake and Davis left the bus and began their trek, Embassy officers met two Guatemalan army intelligence specialists who were conducting their own search for the missing Americans. The Embassy team was able to trace the route followed by Blake and Davis from San Juan Ixcoy on March 26 through San Francisco Las Flores and Mixlaj to the village of Llano, along the border between Quiche and Huehuetenango, several days later. It appears that on the morning of March 29 or 30, Blake and Davis left Llano, saying they were heading to Salquil, a large model village which can be reached by road from Nebaj. The commander of the army detachment at Las Majadas, the military outpost closest to Llano, said that he was told by Llano villagers on March 29 that two Americans were requesting permission to go to Sumal, a stronghold of the EGP (Guerrilla Army of the Poor). The Lieutenant said he instead gave the Americans permission to travel to Salquil. Villagers at Mixlaj, where Blake and Davis had spent a night during their trip, also said that the Americans had expressed an interest in going to Sumal. The villagers said they told Blake and Davis not to go to Sumal because the area was dangerous.

The date of their departure from Llano was March 29 according to the Llano villagers, and March 30, according to the Lieutenant at Las Majadas, who never met Blake and Davis. Embassy officers in Guatemala find no significance in the difference in dates. They believe it is very likely that the villagers erred, as no written record was kept, and often little importance is attached to dates in the villages. No trace of the whereabouts of Blake and Davis was found from the time they left Llano. At one point the families heard their sons may have been involved in a battle, but it was established that their confusion stemmed from the account of our Embassy officers flight into Salquil, where the army detachment mistook their helicopter as one bringing in reinforcements for a firefight then in progress about five miles from the

village. According to the Lieutenant in charge of the Salquil garrison, Blake and Davis never arrived at Salquil. Embassy officers then backtracked to Quilen Novillo, the only occupied village between El Llano and Salquil. Villagers at Quilen Novillo said that the missing Americans had not passed through the village. At Nebaj, interviews with townspeople and military officials turned up no sighting of Blake and Davis. However, it was apparent that townspeople in Nebaj were well aware of the search for the Americans. None of the villages along the planned route are garrisoned by the Guatemalan army. There are no indications that Blake and Davis had any contact with regular government forces. Throughout the search, Embassy officers distributed flyers which included photos and descriptions of Blake and Davis, as well as numbers and addresses to contact in case someone had information to report. It should be added that this trip included a certain degree of physical risk on the part of the Embassy team. The village of Mixlaj, for example, is considered a dangerous place for official Americans.

Another American citizen friend of Nicholas Blake told Embassy officers in San Jose, Costa Rica, he had talked with Blake and Davis in Huehuetenango the night before they began their trip and Blake had said that he and Davis were going to "back door" into the guerrilla zone, avoiding the army patrols he believed were blocking the area. Blake fully expected to be "caught" (Blake's words) by the army or the guerrillas, according to this friend.

Lieutenant Colonel Jose Solis, Deputy Commander of Miltary Zone 20 (Quiche) came to the Embassy on April 30 to brief the Defense Attache and consular officers on a planned army sweep through the area in which Blake and Davis were believed to have disappeared. The sweep, involving some 450 infantrymen, began the following day. Units were broken into reinforced squads and employed in "force patrols". This tactic involved greater risk in that larger units are normally employed in such areas, but the smaller patrols offered more thorough coverage. Guatemalan sources reported two officers and ten enlisted men killed in the sweep. No sign of the missing Americans was reported.

On April 25, an Embassy officer in a chartered light aircraft, dropped leaflets over the Sumal area. The leaflets, printed in Spanish and the prevalent Indian dialect, Ixchil, had photos of both men. Leaflets were also provided to the zone headquarters for distribution to army patrol leaders and civil guard units.

Mrs. Mary Blake, Nicholas Blake's mother, came to Guatemala on April 25 accompanied by her son Randy Blake, family friend Lucien Yokana, and Attorney Edward Goff. Mrs. Blake's party met with Ambassador Piedra and received a thorough briefing on the investigation to that point.

Embassy officers accompanied the party to Military Zone 20 headquarters in Santa Cruz del Quiche on April 27 where the zone commander briefed them on the actions he had taken to locate Nicholas Blake and Griffith Davis. The family hired a private investigator in Guatemala at about this time.

Attorney Edward Goff, representing the Blake family, came to Guatemala again on May 23 after spending several weeks in Chiapas, Mexico near the border with Guatemala. He was accompanied by the private investigator. Both were briefed on the status of the investigation.

Sam and Randy Blake, accompanied by friends, visited Guatemala during the first week of November and again one month later. On both occasions they met with Ambassador Piedra, the Deputy Chief of Mission, and other Embassy officers. During the November visit, Sam and Randy Blake divulged two potential leads in the case. 1) The Blake brothers had heard that two persons fitting the description of their brother and Griffith Davis had landed in a helicopter in Nebaj at the end of the first week of April. According to this story, the passengers were forcibly removed from the helicopter by Guatemalan army troops and taken to the garrison headquarters, 2) a second line of inquiry was opened by their description of contacts between a Guatemalan army procurement officer and a close business contact of the Blake family. Embassy officers immediately began to check both stories.

According to Sam and Randy Blake, Mrs. Remidios Diaz, a family friend and business associate living in Miami, had been approached by a Guatemalan army officer who worked in the army's procurement section. This officer, according to the story, told Ms. Diaz that his brother, a Guatemalan intelligence officer, had personal knowledge that Blake and Davis were being held by guerrillas. For a sum, it was said, an army expedition could be organized to rescue them. On hearing the story, the Ambassador asked Sam and Randy Blake to have Ms. Diaz call or wrote the Embassy. Embassy officers later tried to identify a procurement officer and an intelligence officer who are brothers in the Guatemalan army. No such persons could be identified. During a visit to Guatemala December 13th and 14th, a meeting took place between key officers of the

Embassy, Mr. Richard Blake, Nicholas Blake's father, Mr. George Strawmueller, the missing man's uncle, and the family attorney, Mr. Edward Goff. At that time the Ambassador raised the question of the Diaz contact. Mr. Strawmueller said that he was the only member of the family who had spoken with Mrs.Diaz. He said she had been contacted by some one who offered to use his influence and knowledge to have a search made for the missing men. Based on the information he received from Ms. Diaz, Mr. Strawmueller did not pursue the offer. Mr. Strawmueller indicated that the story of a Guatemalan procurement officer and his intelligence officer brother was invented by Sam and Randy Blake to fill in details regarding the contact, details that Mr. Strawmueller and Ms. Diaz were unwilling to share. At the request of Sam and Randy Blake, Ambassador Piedra attempted to verify this with Ms. Diaz during his December consultations in the United States but was unable to reach her because she was abroad. In January she told the Department that she had asked all her Guatemalan contacts to assist the family but has no leads. There are notes in the Department of calls she made here with offers of assistance and support for the case, also. She denied any direct contacts with Guatemalan military.

The helicopter story was made very difficult to check since it could not be sourced. The brothers could not divulge any information that could lead back to the date or time of the event or the name of anyone who may have witnessed it. The Guatemalan military officer responsible showed the U.S. Defense Attache his log indicating there were no helicopter flights in the area described during the time frame mentioned. We have not been able to establish any information to contradict this log.

On December 17, Embassy officers flew to Nebaj where they interviewed six former members of the EGP (Guerrilla Army of the Poor), a Marxist guerrilla organization operating in northern Huehuetenango and Quiche. All six had been operating in the general area of Sumal until they returned to government control in 1985.

Sumal itself is a small cluster of buildings at the end of a high mountain ridge surrounded on three sides by sheer walls of bare stone. It is not a population center of any importance, but instead it is the geographical center of a zone of conflict.

None of the six ex-guerrillas had knowledge of any strangers recently observed in the area. One mentioned Cuban advisors seen in the area in 1981 as the last strangers of whom he had heard. Two other former combattents said that two "Negroes" of unknown nationality

were rumored to be traveling with an EGP unit. Each of the six said that is was impossible to believe that individual EGP members happening upon the two Americans would have harmed them. All insisted that any strangers encountered would be taken to the central committee or a guerrilla officer. After these interviews, Embassy officers went to Las Violetas, a refugee camp on the outskirts of Nebaj, to interview civilians who had fled the Sumal area in recent weeks. The refugees indicated that they knew nothing of the Americans.

Regarding theories that the Guatemalans may have been alerted by Salvadoran government officials to Nick Blake's presence in the area, American officers in Washington and Guatemala consider it very likely that Guatemalan and Salvadoran intelligence services sometimes share information of mutual interest. There is no reason to believe, however, that authorities of either government have any particular interest in Nick Blake who is neither a well-known nor controversial journalist. In a country were high-visibility journalists continue to travel freely after writing articles critical of the Guatemalan government, it not credible that intelligence services would monitor the activities of a freelance writer who was evidently unpublished on Guatemalan affairs. Had the Government of Guatemala determined that Nick Blake was a security risk, his entry into the country could easily have been blocked. Further, it is unlikely that the army would have given him a travel permit for the conflict zone in Huehuetenango, as they did in late 1984, if he was considered a threat. Griffith Davis appears to have shown no particular interest in Guatemalan politics. His status as a casual resident would have provided Guatemalan authorities with ample opportunity to expel him from the country had they wished to do so. It would have been very difficult for the activities of the two Americans to have been closely monitored while in the highlands. Many of the civil defense groups in the small villages north of Nebaj have no radio or telephone service, and depend on hand carried messages for communication with the outside. The frequency of armed encounters between army troops and insurgents in this area would argue against any plan to send a patrol or individual agent in pursuit of the two Americans. Based on the above, and all possible inquiries along this line, the Embassy concludes that is is unlikely that either of the two Americans was of special interest to Guatemalan intelligence authorities.

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the considered judgement of American military and civilian officers familiar with the zone and the key personalities who operate there, an abduction of American citizens is extremely unlikely. Guatemalan Lt. Col. Marin, Commander of the Nebaj garrison at the time in question, has since been moved to a sensitive position in the new civilian government of Christian Democrat Vinicio Cerezo. Embassy officers consider him one of Guatemala's best soldiers. Deputy Zone Commander Solis is a sophisticated officer who understands the political significance such an abduction would have. The zone commander, Col. Byron Lima, is considered to be an honest, straightforward soldier. This assessment is not meant to be seen as a defense of the Guatemalan military. However, the Guatemalan army has traditionally sent its best officers to the "conflictive zones" of the highlands, and the Embassy pays close attention to this critical area and the people who are assigned there.

This overview is by no means a complete summary of all actions taken by Embassy Guatemala in the search for Nicholas Blake and Griffith Davis. The Ambassador and other Embassy officers have made an ongoing series of requests for assistance and information from Guatemalan authorities at all levels, including the Chief of State. We have, as well, looked into a number of rumors which have proved to be totally without basis in fact.

Embassy officers regularly travel to the highlands, including areas on the northern face of the Cuchumatanes Mountain chain and along the Mexican border. These officers always make inquiries regarding Blake, Davis and any "strangers" who might be rumored to be, or have been in the area. These inquiries have produced no leads. In the Department, all country desk officers are aware of the case should any information about the men come from another country in the Caribbean or Central American region. All U.S. Embassies in Central America have the details on the missing men.

As you can well understand, the disappearance of Nicholas Blake and Griffith Davis engenders frustration and concern both for the families of the missing men and for the Americans and Guatemalans charged with finding them. The case will remain open and active until we have solid evidence of the welfare and whereabouts of Mr. Blake and Mr. Davis. A solution to this case remains a very high priority in the Department of State.

Ms. Renny Smith in the Citizens Emergency Center is following the case closely, and is in frequent contact

with the family and government officials on behalf of the missing men. Please encourage anyone who may be interested in this case to call her at (202) 647-5225.

With best wishes,

Sincerely,

William L. Ball, III
Assistant Secretary
Legislative and Intergovernmental Affairs

Enclosure:
Correspondence returned.

CA/OCS/EMR:RTSmith:pas
1/28/86 x75225
control no. 192-1582

document no.0392A

CA/OCS/EMR:JERitchie
:GARogers
:JAdams
CA/OCS:TADTharp
H:RCallard
ARA/CEN:JCason
L/ARA:MWEunis (subs)
ARA:WWalker

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Date Printed: 11/04/1997 DOC_NUMBER: 86GUATEM01046 CHANNEL: n/a 2

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PAGE 01 GUATEM 01046 01 OF 02 292234Z
ACTION ARA-00

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SLPD-01 /027 W

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USMISSION GENEVA IMMEDIATE
INFO AMEMBASSY BOGOTA
AMEMBASSY BRASILIA
AMEMBASSY BUENOS AIRES
AMEMBASSY CARACAS
AMEMBASSY MANAGUA
AMEMBASSY MEXICO
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AMEMBASSY SAN JOSE
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[redacted] SECTION 01 OF 02 GUATEMALA 01046

E.O. 12356 DECL: OADR
TAGS: PREL, PHUM, UN, GT
SUBJ: UN HUMAN RIGHTS COMMISSION: GOG HAS ITS
- OWN RESOLUTION

REF: STATE 25331

[redacted]

1. SUMMARY

THE GOG IS CIRCULATING ITS OWN DRAFT RESOLUTION TO TABLE AT THE 42ND SESSION OF THE UN HUMAN RIGHTS COMMISSION

[redacted]

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PAGE 02 GUATEM 01046 01 OF 02 292234Z

IN GENEVA, FEBRUARY 3 TO MARCH 14. THE RESOLUTION CALLS FOR THE TERMINATION OF SPECIAL RAPPORTEUR COLVILLE'S MANDATE. A SENIOR GOG FOMIN OFFICIAL MAIN-

TAINS THAT FOREIGN MINISTER QUINONES'S IMMEDIATE PRIORITY IS TO OBTAIN CO-SPONSORS FOR THE GUATEMALAN DRAFT RESOLUTION.

END SUMMARY

UNCLASSIFIED

2. ON JANUARY 28 POLOFF DELIVERED THE U.S. DRAFT RESOLUTION (REFTEL) ON GUATEMALA TO JUAN CARLOS DELPREE, DIRECTOR OF THE FOREIGN MINISTRY'S OFFICE OF MULTILATERA AFFAIRS. DELPREE INFORMED THE POLOFF THAT HE ALREADY HAD A COPY OF THE DRAFT RESOLUTION. QUICKLY SHIFTING GEARS, DELPREE NOTED THAT THE GOG IS CIRCULATING ITS OWN RESOLUTION (BEING SENT BY SEPTEL) WHICH IT HOPES TO TABLE AT THE 42ND SESSION OF THE UN HUMAN RIGHTS COMMISSION IN GENEVA, FEBRUARY 3 TO MARCH 14. THE PRIMARY OBJECTIVE OF THE GOG DRAFT RESOLUTION, ACCORDING TO DELPREE, IS TO TERMINATE SPECIAL RAPPORTEUR COLVILLE'S MANDATE, A GOAL WHICH THE FOMIN OFFICIAL MAINTAINED WAS FULLY SHARED BY COLVILLE HIMSELF. DELPRE SAID THAT THE GOG REALIZED THAT SECURING THE TERMINATION OF COLVILLE'S MANDATE WAS A TALL ORDER. THE GOG WOULD BE SATISFIED, HE INDICATED, WITH A COMPROMISE WHICH ADEQUATELY REFLECTED THE PROFOUND CHANGE WHICH HAD OCCURRED IN GUATEMALA: THE ASSUMPTION OF POWER BY A DEMOCRATICALLY ELECTED, CIVILIAN GOVERNMENT. POINTING TO THE SEVENTH PRELIMINARY PARAGRAPH ("ALSO TAKING INTO ACCOUNT THAT THE NEW LAW OF PROTECTION, HABEAS CORPUS..."), DELPREE STATED THAT THE GOG WISHES TO UNDERSCORE THAT THERE ARE NEW CONSTITUTIONAL GUARANTEES

[redacted]

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PAGE 03 GUATEM 01046 01 OF 02 292234Z

PROTECTING HUMAN RIGHTS.

3. ACCORDING TO DELPREE, FOREIGN MINISTER QUINONES'S IMMEDIATE PRIORITY IS TO SECURE CO-SPONSORS FOR THE GOG RESOLUTION. GUATEMALA HAS SENT DIPLOMATIC NOTES TO ARGENTINA, BRAZIL, COLOMBIA, COSTA RICA, MEXICO, NICARAGUA AND VENEZUELA REQUESTING THEIR CO-SPONSORSHIP. IN ADDITION, FOREIGN MINISTER QUINONES LOBBIED THE LATIN AMERICAN FOREIGN MINISTERS ATTENDING THE INAUGURATION OF PRESIDENT AZCONA IN HONDURAS TO SUPPORT THE RESOLUTION.

UNCLASSIFIED

4. FYI: COLVILLE ARRIVED IN GUATEMALA ON THE EVENING OF JANUARY 28 FOR A THREE DAY VISIT. HE IS SCHEDULED TO MEET WITH PRESIDENT CEREZO, FOREIGN MINISTER QUINONES, HEAD OF THE SUPREME ELECTORAL TRIBUNAL HERBRUGER AND POSSIBLY THE PRESIDENT OF THE CONGRESS CABRERA. IN ADDITION, COLVILLE WILL VISIT THE PATZUN AREA OF CHIMALTENANGO WHERE A NUMBER OF MURDERS AND DISAPPEARANCES OCCURRED DURING THE FIRST HALF OF 1985.

-

5. COMMENT

UNCLASSIFIED

IN THE EMBASSY'S OPINION, THE LANGUAGE USED IN THE GOG'S RESOLUTION CONCERNING ITS DETERMINATION TO "INVESTIGATE PREVIOUS VIOLATIONS OF HUMAN RIGHTS" MERITS PARTICULAR ATTENTION. AS OPPOSED TO THE LANGUAGE USED IN PARA 11 OF THE U.S. DRAFT RESOLUTION, THE GOG'S RESOLUTION PARA 4

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PAGE 01 GUATEM 01046 02 OF 02 292234Z
ACTION ARA-00

INFO LOG-00 COPY-01 ADS-00 SS-00 IO-17 SSO-00 HA-08
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AMEMBASSY SAN JOSE
AMEMBASSY SAN SALVADOR
AMEMBASSY TEGUCIGALP

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[redacted] SECTION 02 OF 02 GUATEMALA 01046

E.O. 12356 DECL: OADR
TAGS: PREL, PHUM, UN, GT
SUBJ: UN HUMAN RIGHTS COMMISSION: GOG HAS ITS

AVOIDS CASTING THE MUTUAL SUPPORT GROUP (GAM) AS THE SOLE SPOKESMAN OF GUATEMALANS CONCERNED WITH HUMAN RIGHTS. THE GOG'S LANGUAGE CLEARLY SIGNALS GUATEMALA'S DETERMINATION TO INVESTIGATE PREVIOUS VIOLATIONS WITHOUT MAKING GAM'S APPROVAL THE OVERRIDING LITMUS TEST OF MEASURING PROGRESS IN THE FIELD OF HUMAN RIGHTS. IN VIEW OF GAM'S INCREASINGLY POLITICIZED ROLE, THE GOG'S APPROACH, IF SUCCESSFUL, WOULD SEEM TO BE IN GUATEMALA'S BEST INTEREST.

END COMMENT

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PAGE 02 GUATEM 01046 02 OF 02 292234Z

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APPROVED BY: HA:RSCHIFTER
IO:LGENERO
EAP/J:THUBBARD
EUR/NE:MWENICK
ARA/SC:MDURKEE
HA/HR:JTHYDEN
AF/E:DFISHCHER
AF/S:FHARRIS
IO/HR:WHEWITT
EUR/WE:AKOCHANEK
EUR/CE:HGILMORE
ARA/CEN:DDLOUH

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part X In Full ____
Exemption(s) NLR

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AMEMBASSY BRUSSELS PRIORITY
AMEMBASSY CANBERRA PRIORITY
AMEMBASSY DUBLIN PRIORITY
AMEMBASSY LONDON PRIORITY
AMEMBASSY MADRID PRIORITY
AMEMBASSY OSLO PRIORITY
AMEMBASSY PARIS PRIORITY
AMEMBASSY TOKYO PRIORITY
AMEMBASSY VIENNA PRIORITY
AMEMBASSY SAN JOSE PRIORITY
INFO USMISSION USUN NEW YORK PRIORITY
AMEMBASSY ADDIS ABABA PRIORITY
AMEMBASSY GUATEMALA PRIORITY
AMEMBASSY PRETORIA PRIORITY
USMISSION GENEVA PRIORITY
AMEMBASSY SAN SALVADOR PRIORITY
AMEMBASSY SANTIAGO PRIORITY
CONFIDENTIAL UNCLASSIFIED
CONFIDENTIAL

PAGE 02 STATE 027661

UNCLASSIFIED

C O N F I D E N T I A L STATE 027661

E.O. 12356: DECL: OADR
TAGS: PHUM, UNHRC, SF, ET, ES, GT, CI
SUBJECT: COUNTRY SPECIFIC RESOLUTIONS AT THE FORTHCOMING UNHRC SESSION

UNCLASSIFIED

1. CONFIDENTIAL - ENTIRE TEXT.

2. BY SEPTELS, DEPARTMENT WILL BE TRANSMITTING TO YOU THE TEXTS OF DRAFT RESOLUTIONS WHICH WE BELIEVE SHOULD BE CONSIDERED FOR TABLING AT THE FORTHCOMING SESSION OF THE UNITED NATIONS HUMAN RIGHTS COMMISSION ("UNHRC").

NR

THE RESOLUTIONS WILL DEAL RESPECTIVELY WITH APARTHEID, IRAN, CHILE, ETHIOPIA AND EL SALVADOR.

3. THE FOLLOWING ARE OUR THOUGHTS ON RESOLUTIONS:

NR

C. CHILE. - THE RESOLUTIONS TABLED IN RECENT YEARS AT THE UNGA AND THE UNHRC BY MEXICO ON THE SUBJECT OF CHILE HAVE BEEN COUCHED IN LANGUAGE SO EXTREME AND COUNTER-PRODUCTIVE AS TO CAUSE THE UNITED STATES TO VOTE "NO" EVEN THOUGH WE ARE DISSATISFIED WITH THE HUMAN RIGHTS SITUATION IN CHILE. WE ARE SERIOUSLY CONSIDERING PWHETHER TO SPONSOR A RESOLUTION OF OUR OWN SO AS TO MAKE IT QUITE CLEAR AS TO WHERE WE STAND. SEPTEL FOLLOWS CON-

VEYING THE TEXT OF A POSSIBLE RESOLUTION.

SHULTZ

UNCLASSIFIED
1/29/86 IH035

UNCLASSIFIED
n/a
Case Number: S199900030

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____

UNCLASSIFIED

PAGE 01 ASUNCI 00399 291418Z
ACTION ARA-00

INFO LOG-00 COPY-01 ADS-00 HA-08 /009 W
---------- 253700 291532Z /50

P 291354Z JAN 86
FM AMEMBASSY ASUNCION
TO AMEMBASSY SANTIAGO PRIORITY
INFO SECSTATE WASHDC 3249

UNCLAS ASUNCION 00399

E.O. 12356: N/A
TAGS: PHUM, CI
SUBJECT: HUMAN RIGHTS INQUIRY: REPORTED ARREST
- OF 22 STUDENTS

REF: STATE 28462

1. THE DEPARTMENT ERRONEOUSLY SENT US THE FOLLOWING MESSAGE WITH THE ABOVE TAGS AND SUBJECT WHICH SHOULD HAVE BEEN SENT TO YOU FOR ACTION:

2. BEGIN TEXT STATE 28462:

REF: (A) FBIS ASUNCION PY182314 (B) FBIS ASUNCION PY221056 (C) KUSNITZ/DREHER 24 JAN TELCON

1. WE HAVE BEEN CONTACTED BY THE WASHINGTON OFFICE ON LATIN AMERICA REGARDING THE ARREST AND ALLEGED TORTURE OF 22 STUDENTS ARRESTED IN MID-JANUARY AT EL ROCIO RANCH, APPROXIMATELY 40 KM NORTH OF TEMUCO. THE GOC, ACCORDING TO REFTELS, CLAIMS THESE PERSONS WERE ATTENDING A GUERRILLA TRAINING CAMP OF THE BARRED COMMUNIST PARTY.

2. DEPARTMENT WOULD APPRECIATE A STATUS REPORT, INCLUDING ANY INFORMATION CONCERNING ALLEGATIONS OF TORTURE.
END TEXT. TAYLOR
UNCLASSIFIED

UNCLASSIFIED

PAGE 02 ASUNCI 00399 291418Z

n/a
UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED
Case [illegible] 0030

F1

PAGE 01 GENEVA 00813 291819Z
ACTION HA-08

INFO LOG-00 COPY-01 ADS-00 EUR-00 SS-00 OIC-02 AF-00
IO-17 NEA-06 NSC-01 ARA-00 L-03 EAP-00 SP-02
/040 W

----------307471 300404Z /61

R 291815Z JAN 86
FM USMISSION GENEVA
TO SECSTATE WASHDC 2742
INFO USMISSION USUN NEW YORK
AMEMBASSY BOGOTA
AMEMBASSY BUENOS AIRES
AMEMBASSY SANTIAGO

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part X In Full ____
Exemption(s) NR

UNCLASSIFIED
C O N F I D E N T I A L GENEVA 00813

E.O. 12356: DECL:OADR
TAGS: UNHRC, PHUM
SUBJECT: 42ND UN HUMAN RIGHTS COMMISSION: WEOG
- CONSULTATIONS JANUARY 28

UNCLASSIFIED
1. CONFIDENTIAL ENTIRE TEXT.

2. SUMMARY:

NR

CHILE WAS DISCUSSED
WITH MOST FAVORING TERMINATION OF THE SEPARATE ITEM IN NR
THE CONTEXT OF ANNUAL RESOLUTION.

END

UNCLASSIFIED
CONFIDENTIAL

PAGE 02 GENEVA 00813 291819Z

UNCLASSIFIED
CONFIDENTIAL

PAGE 03 GENEVA 00813 291819Z

6. CHILE: WITH THE EXCEPTION OF IRELAND AND SPAIN, PARTICIPANTS APPEARED TO FAVOR TERMINATION OF CONSIDERATION OF CHILE UNDER A SEPARATE ITEM AS A MEANS OF RECOGNIZING ITS COOPERATION WITH THE COMMISSION. MOST BELIEVED THIS COULD BEST BE DONE IN RESOLUTION. HOWEVER, JAPAN URGED THAT IT BE DONE DURING CONSIDERATION OF NEXT YEAR'S AGENDA. AS FOR CONCURRENT CONSIDERATION OF ITEM 5 (CHILE) WITH ITEM 12 (ALL OTHER COUNTRIES FOR

WHICH THERE ARE RAPPORTEURS), PARTICIPANTS FELT IT EITHER UNJUSTIFIED OR NOT WORTH THE RISK OF RAISING A CONTENTIOUS ISSUE DURING THE FIRST MEETINGS OF THE BUREAU.

NR

<< END OF DOCUMENT >>

~~CONFIDENTIAL~~

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ~~1.5(d)~~ /026 R

PAGE 01 STATE 028796
ORIGIN HA-08

INFO LOG-00 COPY-01 ADS-00 SS-00 IO-17 ~~ARA-00~~ /026 R

DRAFTED BY: HA/RSCHIFTER
APPROVED BY: HA:RSCHIFTER
IO/HR - W. HEWITT ARA/SC - J. SWIGERTA
----------263673 291859Z /41

P 291856Z JAN 86
FM SECSTATE WASHDC
TO USMISSION GENEVA PRIORITY
AMEMBASSY SANTIAGO PRIORITY
INFO USMISSION USUN NEW YORK PRIORITY

C O N F I D E N T I A L STATE 028796

E.O. 12356:DECL: OADR
TAGS:UNHRC, PHUM, PREL, US, CI
SUBJECT: UN HUMAN RIGHTS COMMISSION - DISCUSSION WITH CHILEAN AMBASSADOR
REF: GENEVA 00702
1. ~~CONFIDENTIAL~~ - ENTIRE TEXT.

2. ASSISTANT SECRETARY SCHIFTER IS PREPARED TO MEET WITH AMBASSADOR CALDERON ON FEBRUARY 3.

3. U.S. POSITION IS THAT IT IS NOT REALISTIC TO RAISE "ITEM 5" ISSUE AT THE TIME THE AGENDA IS ADOPTED. WE ARE CONSIDERING PROPOSING THE ELIMINATION OF THE SEPARATE AGENDA ITEM FOR CHILE IN THE CONTEXT OF THE CHILE RESOLUTION. SHULTZ

~~CONFIDENTIAL~~

UNCLASSIFIED

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

~~CONFIDENTIAL~~

PAGE 01 STOCKH 00716 311317Z
ACTION ARA-00

INFO LOG-00 COPY-01 ADS-00 INR-10 EUR-00 SS-00 OIC-02
CIAE-00 DODE-00 H-01 IO-17 NSCE-00 NSAE-00 SSO-00
HA-08 L-03 PM-10 PA-01 OMB-01 INRE-00 USIE-00
SP-02 SNP-01 PRS-01 SLPD-01 /059 W
----------021705 311318Z /41

O 311312Z JAN 86
FM AMEMBASSY STOCKHOLM
TO SECSTATE WASHDC IMMEDIATE 0751
INFO AMEMBASSY COPENHAGEN
AMEMBASSY OSLO
USMISSION GENEVA
USMISSION USUN NEW YORK

UNCLASSIFIED
C O N F I D E N T I A L STOCKHOLM 00716

E.O. 12356: DECL: OADR
TAGS: PHUM, PREL, UNGA, CI, SW
SUBJECT: UNHRC CONSIDERATION OF CHILE: SWEDISH VIEWS

REF: STATE 31117

LENA SUNDH, WHO HAS JUST TAKEN OVER AS MFA DESK OFFICER FOR UNHRC AFTER A TOUR IN GENEVA, TOLD POL OFFICER JANUARY 31 THAT SWEDEN, AS AN OBSERVER, HAS NOT IN THE PAST CO-SPONSORED RESOLUTIONS AT UNHRC AND THEREFORE WOULD NOT CO-SPONSOR THE U.S. DRAFT ON CHILE. SHE PROMISED TO GIVE THE TEXT CLOSE ATTENTION AND NOTED THAT U.S. PLANS TO INTRODUCE A RESOLUTION ON CHILE HAD ALREADY BEEN DISCUSSED INFORMALLY AMONG THE NORDICS WITHOUT A DECISION BEING TAKEN. SUNDH FOCUSED ON OPERATIVE PARAGRAPH 11, WHICH SHE SAID THE NORDICS HAD HEARD WAS IN THE WORKS. SWEDEN WOULD BE OPEN-MINDED ON THE SUBJECT, SUNDH TOLD US, BUT SHE DOUBTED THAT OTHERS, SUCH AS MEXICO, WOULD GO ALONG. NEWELL

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UNCLASSIFIED
~~CONFIDENTIAL~~

PAGE 02 STOCKH 00716 311317Z

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UNCLASSIFIED

98th Congress
1st Session
JOINT COMMITTEE PRINT
S. Prt.
98-1

COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1985

REPORT

SUBMITTED TO THE

COMMITTEE ON FOREIGN RELATIONS
U.S. SENATE

AND

COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES

BY THE

DEPARTMENT OF STATE

IN ACCORDANCE WITH SECTIONS 116(d) AND 502B(b) OF THE FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED

FEBRUARY 1986

Printed for the use of the Committees on Foreign Relations and Foreign Affairs of the Senate and the House of Representatives respectively

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EL SALVADOR

With the March 31, 1985 election of legislative deputies and town mayors, the people of El Salvador completed the structure of popularly elected government which was initiated with the election of a Constitutional Assembly in 1982 and continued with the writing of a new Constitution in 1983 and presidential elections in 1984. Nine political parties contested the March elections, which were pronounced open and honest by international observers who witnessed the voting. The military safeguarded the electoral process and remained neutral throughout the campaign.

For six years El Salvador has faced a Communist-backed insurgency which has ties to, and obtains material support from Cuba and the Soviet Union through Nicaragua. In addition it suffers from a weak economy, a history of violence, and weakness in public administration and in the administration of justice. Two rounds of discussions between the Government and the insurgent forces were held in late 1984 to seek a negotiated solution to the conflict, but the guerrillas' intransigence prevented a third round in 1985. In a pastoral letter issued by El Salvador's bishops on August 8, the Church called for a negotiated resolution of the war and stressed the legitimacy which the Government had gained through the electoral process. Despite the country's ongoing conflict and the state of emergency, political and economic life continue, unions organize and strike, demonstrations by students and others opposed to policies of the Government are unhindered, and views critical of the Government are openly and freely published and broadcast over radio and television.

El Salvador's economy is mixed. Banking and marketing of major crops are nationalized and the price of food grains is subsidized. The land reform program begun in 1980 continues. There are few regulations on other economic activities, and individuals are free to open and conduct business both within the country and in trade with other nations. The declining value of the national currency against the dollar has raised the price of imports and contributed to inflation, an additional burden on an economy strained by war and sabotage by the guerrilla forces.

Some five to seven thousand armed guerrillas of the Farabundo Marti National Liberation Front (FMLN) are attempting to overthrow the elected Government by force of arms. The guerrillas, having suffered reverses on the battlefield, have increasingly resorted to terrorist tactics, including economic sabotage, traffic stoppages, use of land mines, assassination, and kidnapping. The most spectacular cases of guerrilla kidnaping were the seizures of 27 elected mayors and President Duarte's daughter.

Respect for human rights by the Government of El Salvador during 1985 continued to be strongly influenced by the nation's civil conflict. The establishment of a stable public order able to protect individual rights continues to be disrupted by military operations of both guerrilla and Government forces, acts of revenge, fear, and a prevailing

uncertainty caused by violence. Civil liberties have been restricted by a state of emergency legal regime. The civil conflict contributes to the ineffectiveness of the judicial system; efforts are underway to strengthen the judicial system.

In line with President Duarte's policy, the Armed Forces have endeavored to conduct their operations in a more humane manner. However, loss of civilian life as a result of military action by Government forces continues and there are still credible reports of prisoners being subjected to abuse by Government officials. The policy of the Government is clearly opposed to such acts. Complaints of human rights abuses by the Security Forces have been reduced by unifying command of the three police services, National Police, Treasury Police, and National Guard, under a single Vice Minister for Public Security, by issuance of standard operating procedures for arrest and detention to safeguard arrestees, and by human rights instruction for police agents and Armed Forces personnel.

The Armed Forces continue to be accused of human rights violations, but the number of such allegations is lower, civilian deaths during military operations are fewer, and there were no allegations of massacres by the Armed Forces. During 1985 the army evacuated groups of civilians from zones of military operations and turned them over to the International Committee of the Red Cross (ICRC).

Accusations of indiscriminate bombing continue, but no convincing evidence to substantiate them has been offered. Many of the accusations come from the guerrilla radio stations or from guerrilla supporters. The bombing restrictions ordered by President Duarte in August 1984 remain in force and appear to be generally observed. The Special Representative of the United Nations Commission on Human Rights, Professor Pastor Ridruejo, concluded in his November 1985 report on human rights conditions in El Salvador that "the Salvadoran Army is endeavoring to conduct the war in a more humanitarian manner than in the past and is therefore not pursuing a policy of indiscriminate bombing, although in a few cases air and mortar attacks are causing civilian casualties."

The brutal phenomenon known as "death squad" assassination has declined dramatically, along with the general level of civil violence. In contrast to previous years when right-wing vigilante groups were active, no rightist group has claimed responsibility for any murder during the entire year. Some unexplained deaths may still be the work of extreme rightist killers but the number directly attributable to them has declined sharply. Assassinations for which the perpetrators advertise their responsibility are now usually the work of the leftist groups. Guerrillas have claimed responsibility for many murders during 1985.

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RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

The number of politically-motivated killings continues to decline from the levels of previous years. In 1983, according to reports in the San Salvador press, there was an average of 140 politically motivated deaths a month; in 1984 the average was 64; from January to November of 1985 it was 29 per month. One legacy of El Salvador's history of political killing is that criminal deaths are often disguised to appear politically motivated in order to avoid correct attribution. Often it is impossible to determine the real motive. While many unexplained deaths are undoubtedly politically motivated, others are the result of criminal or personal motivations.

By some estimates, the FMLN-FDR was responsible for approximately 55 percent of the political killings from January through November. Figures for the 318 political deaths during this period, as taken from the local press and other sources, show 145 deaths (45.6 percent) by guerrillas and another 31 possibly by guerrillas, 12 possibly by the extreme right, three by the civil defense, nine by security forces/army, 77 by unknown assailants, and 41 civilians killed in action.

During 1985, FMLN-affiliated terrorist groups stepped up individual and collective assassinations, especially in urban areas. For example, the Clara Elizabeth Ramirez Front (CERF), a dissident group of the FMLN, publicly claimed responsibility for four murders in the first two weeks of January. On February 28, guerrillas attacked the residence of the President of the Central Elections Council, killing two of his bodyguards, a street vendor, and a passerby. In March, the Popular Revolutionary Army (ERP) of the FMLN claimed responsibility for a rocket attack on National Police Headquarters in San Salvador which killed one civilian and wounded eight others. The CERF assassinated the Armed Forces press spokesman on March 7. On April 8, 20 residents of Santa Cruz Loma, La Paz department were killed by guerrillas. The victims included six members of one family, three of them children, who burned to death when the attackers doused their house with kerosene and set it afire. Thirteen unarmed members of the Civil Defense forces were assassinated during this raid. Leaflets left at the scene claimed responsibility for the massacre on behalf of the Popular Liberation Forces (FPL) of the FMLN.

In May, the FMLN killed the Mayor of San Jorge, San Miguel, while attempting to kidnap him. On May 16, the FMLN also assassinated the military judge handling the cases of those accused of subversion, sabotage, and attempting to overthrow the Government. On June 19, the Revolutionary Workers' Party of Central America (PRTC) of the FMLN opened fire on a crowded sidewalk restaurant in San Salvador, killing 13 and wounding 12. Among those killed were four unarmed U.S. Embassy Marine

Security Guards and two visiting American businessmen. In Chinameca, San Miguel, in the early morning of July 19, guerrillas kidnaped and murdered four men. In early September, three members of a family who tried to prevent the kidnaping of a 15 year-old female relative were killed by guerrillas, according to neighbors in Dulce Nombre de Maria, Chalatenango.

Guerrilla-placed mines resulted in the deaths of at least 29 civilians and in injuries to more than 92 others between January and August. Many persons have been killed and wounded by guerrilla machinegun fire during the numerous national traffic stoppages declared by the guerrillas. For example, on October 13 a Salvadoran Red Cross volunteer was seriously wounded in an attack by guerrillas on a clearly marked ambulance.

President Jose Napoleon Duarte has continued his efforts to eliminate human rights abuses committed by the security services. The Vice Minister of Defense for Public Security issued human rights regulations mandating humane treatment of prisoners. These regulations were provided to agents of the security services and are enforced; detentions of members of the Armed Forces for violations of the law or human rights rose from three in 1979 to 271 in 1984.

No previously known right-wing extremist group claimed responsibility for any assassination during 1985. A group calling itself the "Central Anti-Communist Organization" called a San Salvador daily in May, threatening to "punish those who take orders from communists;" nothing further was heard from this group. In December, persons who identified themselves the "Protective Army of Santa Ana" (EPSA) killed three persons they claimed were thieves allegedly because local judges had failed to punish such criminals.

The only time the name of a previously known right-wing extremist group was used during 1985 was in July, when a communique ostensibly issued by the "Secret Anti-Communist Army" (ESA) threatened 11 persons associated with the National University. The Government condemned this action and ran frequent radio advertisements calling for anyone with knowledge of the ESA to notify the National Police. Later information strongly suggested that the communique was planted by a group of leftist students at the university to frighten rival groups. Some of those threatened did leave the country but those who remained have not been harmed.

Tutela Legal, the legal assistance office of the Archbishopric of San Salvador, attributed 82 murders to the extreme right through the end of June 1985. Salvadoran press reports from January to November 1985 listed a total of 12 persons who were killed "possibly by the extreme right" and 77 others by "unknown assailant." Tutela Legal frequently attributes murders to the extreme right which other observers believe to be criminal, not political, in nature, or in which the victim is not identified and for which Tutela Legal gives no reason for its classification.

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Special Project (1993)

Untrained and undisciplined local Civil Defense members have been cited for human rights abuses, including the killing of a civilian in May. A Civil Defense commander was arrested in July in San Vicente Department for threatening residents if they did not enlist in the Civil Defense program. The Government is addressing the problem by offering both military and human rights training. There are credible reports that regular Armed Forces troops, in some instances, have meted out harsh treatment to masas, the guerrillas' civilian supporters who provide much of the logistical infrastructure necessary to maintain their operations in the field. A group of 13 priests, as well as the official Human Rights Commission (CDH), meet regularly with military units to lecture about human rights and discuss problems which soldiers may confront in the field.

Charges made by guerrillas that the Salvadoran Air Force practices indiscriminate bombing are not supported by hard evidence. Most of these reports originate in guerrilla-controlled media or in testimony taken from guerrilla masas. These regularly employ fabricated accusations of Government abuses for their political impact. Salvadoran pilots generally follow the strict government bombing regulations designed to prevent civilian casualties. In a few instances, however, civilians have been injured or killed by bombing as the result of error. In San Jose Guayabal, on April 15, three members of a family were killed while hiding in a granary, apparently by a rocket fired from a helicopter in support of National Guardsmen who were under attack by the guerrillas. In August, a woman and two of her children were killed in El Ocotal, when an Air Force plane bombed a marking round that had mistakenly identified the small settlement as the target. The Air Force acknowledged the mistake and paid compensation to the survivors. In neither case were civilians the intended targets.

b. Disappearance

The number of press-reported civilian disappearances through November 1985 was 129, including non-political disappearances such as runaway children and criminal cases. There were also 303 persons abducted by guerrillas. By comparison, Tutela Legal reported 23 cases of disappearance after detention, presumably by government forces, and 24 cases of abduction by the guerrillas, from January-October 1985. Newspaper and eyewitness accounts often describe "heavily armed men in civilian clothing" as perpetrators of the seizures.

Some of the "disappeared" are found to have been held in unacknowledged detention by Armed or Security Forces, only to reappear in the criminal justice system. This problem has declined with the implementation of detention procedures requiring prompt notification of the arrest to the family, the ICRC, Tutela Legal, and the CDH. Disappearances are particularly difficult to track as many cases are not reported to the press. Also, it is impossible to tell how many disappearances are actually desertions of family, emigration, or enlistment into guerrilla ranks.

The Government has recently recognized the problem of trafficking in children, some kidnaped for virtual sale to adoptive parents abroad. Common criminal gangs and guerrillas frequently stage kidnapings for ransom. Because the families of such kidnap victims generally try to avoid publicity in order to negotiate the captives' release, these kidnapings receive little public notice.

The most spectacular cases of kidnapings carried out by the guerrillas in 1985 were the kidnapings of 27 elected town mayors and a number of other town officials and the September 10 kidnaping of President Duarte's daughter. The guerrillas held the President's daughter for 44 days; some of the mayors were captive for as long as six months. The guerrillas finally turned them over to the Government on October 24 in exchange for 25 captured guerrillas in government prisons and the departure from the country of 101 wounded guerrillas. One mayor and eight other town officials were not released in the exchange. On December 30, the FMLN clandestine radio station announced that the mayor and an unspecified number of other officials from Cacaopera had been executed on the day of their abduction in July 1984 for cooperating with the Government and that a town official from Uluazapa had been killed in December 1983. Although the FMLN pledged not to kidnap family members of government and military officials in the future, government officials remain targets. The Civil Aviation Director, an Air Force colonel serving in a civilian post, was abducted in early November.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The effort to enforce the code of procedures of the Armed and Security forces has had a positive effect. The timely notification of arrests to family and the ICRC, Tutela Legal, and CDH has decreased the number of abuses. The procedures state that physical abuse or intimidation are prohibited. All prisoners must be examined by a physician immediately upon entrance into a jail to determine whether they have been abused or are in need of medical treatment for any reason. These procedures were strengthened when the Minister of Defense and Public Security, General Vides Casanova, issued a document on March 27 which reemphasized the illegality of inhumane treatment of prisoners and their right to read the confessions they sign. The CDH and the military chaplains under Father F. Delgado now give human rights classes to the Armed Forces and police on a regular basis. A widely disseminated "Handbook on Human Rights," issued in June is another positive effort to educate the military and police on human rights values.

The CDH, ICRC, and Tutela Legal, who work directly with prisoners, say that complaints of torture and other forms of abuse continue, although at a lower level than in past years. Most abuses are reported to occur during the initial hours of capture and range from threats of death to physical torture. The most common complaints are of prolonged and continuous interrogation; being forced to stand for long periods, often while blindfolded; and sleep deprivation. There are reports that forced confessions still

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El Salvador: Human Rights
Special Project (1993)

occur and that prisoners are sometimes not permitted to read their confessions before signing them.

According to government figures, 215 guerrilla combatants and an additional 453 guerrilla supporters voluntarily turned themselves in between January and October 25. After debriefing, such persons are transported by the CDH to the destination of their choice. Captured guerrillas have, in general, received adequate treatment. For example, foreign doctors were permitted to perform surgery on captured guerrilla leader Nidia Diaz to improve movement in her injured hand.

There were no complaints of torture in the penitentiaries in 1985. The guards are not abusive and prisoners receive family and conjugal visits. Although problems at the larger penal institutions include meager food rations, scarcity of potable water, and overcrowding, there are some opportunities for gainful employment by the prisoners. Inmates charged with subversion are permitted their own internal organization and give political classes which they organize and teach themselves. Punishment cells are primitive, but reportedly are rarely used

The FMLN claims that it respects the "physical and psychological integrity" of its captives. However, there are many credible reports of civilians being kidnaped and later killed by guerrillas and of soldiers being executed after surrendering to the guerrillas. Fifteen members of the Armed Forces and one member of the Civil Defense were kidnaped and killed by guerrillas between January 1 and October 25, 1985. The guerrillas denied medical treatment to Antonio Hernandez, town administrator of San Simon, Morazan, who had been injured in an accident prior to his kidnaping in late April. The guerrillas abandoned him on the bank of the Torola River in Morazan, where soldiers found him on September 26, unconscious and near death.

d. Arbitrary Arrest, Detention, or Exile

The Constitution provides for the suspension of civil guarantees in times of emergency. Special legislation (Decree 50) provides for separate procedures and judicial handling of politically-motivated crimes such as treason, sabotage, rebellion, and participation in organized groups dedicated to the overthrow of the Government by force. Holding political views opposed to the Government, without actively supporting political violence against the Government, is not a basis for arrest.

Under present state of emergency legislation, arrests can be made by the Security Forces without a warrant and can be made upon denunciation by an accuser who remains anonymous. The disposition of arrested persons is determined by an instructional magistrate who, like trial magistrates at various levels of the judicial process, may decide on the release or continued detention of a suspect for additional

investigation before charges are brought or trial begins. In practice, it is impossible to say how many arrests are not based on reasonable cause, as even dismissal of charges at the investigative level often reflects ineffective investigation or is a matter of convenience in an overburdened judicial system.

Salvadoran arrest procedures require prisoners to be taken directly to the brigade or police headquarters and registered. For the most part, the police and Armed Forces have complied with this regulation. However, there continue to be some charges of prisoners being taken to unofficial interrogation sites before entering a penal institution. Once registered in a detention center, arrestees can be held for eight days before they can be visited by the ICRC, CDH, and Tutela Legal.

Under Decree 50, arrestees must be released or consigned to a military "investigative" judge within 15 days of arrest. Many prisoners are released during this initial phase, after preliminary interrogation and investigation. If consigned to a judge, arrestees must be informed of the charges against them within 15 days of consignment. Once they are so informed they have a right to legal counsel. The investigative judge must reach a decision within 60 days of receiving the case. If the case has merit, he sends it to the military judge of the First Instance (the actual trial judge). Decree 50 requires the First Instance judge to hand down a decision within 43 days of receiving the case. In practice, few cases are handled so quickly; Decree 50 cases usually stay on schedule until they reach the First Instance court, and remain at that stage for an indefinite period.

Processing of Decree 50 cases was halted in May 1985, when guerrillas assassinated the sole First Instance Judge handling those cases. The judge was replaced in July and adjudication of cases resumed. As of the end of September, about 500 persons held under Decree 50 were awaiting trial, about the same number as a year previously. Between January and November of 1985, 30 persons were convicted under Decree 50 and seven were acquitted. Charges were dismissed in 113 other cases.

In cases of common crime, police may detain a suspect up to 72 hours before presenting him to an investigative judge for release or detention for further investigation. In theory, the investigational phase may not last more than 87 days, subject to extension for investigation. In practice, these time limitations are not always followed; the backlog of cases in the system is the major reason for delay.

There are no legal provisions for exile, or for the revocation of citizenship.

The Government prohibits forced labor. However, leftist guerrillas have subjected kidnaped Salvadoran peasants to forced labor. Victims state that they were forced to travel with the guerrillas and cook, do laundry, and perform other chores.

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Special Project (1993)

e Denial of Fair Public Trial

In El Salvador, common crimes are tried publicly; Decree 50 offenses are adjudicated in the judge's office, without spectators. The inadequacy and inefficiency of the judicial system often cause long delays in bringing cases to trial. Incarcerated persons normally wait 6 to 18 months between the formal placement of charges and the adjudication of their cases. Only 10 to 15 percent of the prison population are actually serving sentences; the others are awaiting trial. When finally tried, most can expect to have the charges dismissed or to be acquitted, often due simply to the poor investigative capacity of the police and magistrates. Over the past 10 years, the overall conviction rate has never exceeded 20 percent; in 1984 it was 15.4 percent.

Aside from a lack of resources for carrying out investigations, the courts are hampered by the susceptibility of judges and juries to intimidation or bribery. A Judicial Protection Unit (JPU) was proposed to provide protection to judges, juries, and officers of the courts in sensitive cases in which intimidation might come into play. The JPU was temporarily activated to provide protection in the 1984 trial of the murderers of four U.S. churchwomen, but the prison guards who composed it returned to their regular duties after the trial. The executive decree to establish the JPU permanently has been approved, and the Government is drafting the implementing regulations.

Recognizing substantial problems within the judicial system, the Government has committed itself to a judicial reform program with four primary components: the JPU, described above; the Judicial Revisory Commission; improved judicial administration and training; and the Commission for Investigation. The Revisory Commission will examine the entire legal system in order to suggest modifications to the penal code to make it fully consistent with the 1983 Constitution, and will also review existing legislation governing arrest and detention procedures. The Commission for Investigation will obtain equipment and train personnel for forensic investigation.

The Salvadoran judiciary is independent from the rest of the Government. Supreme Court magistrates and the Attorney General are chosen by the Legislative Assembly after nomination by political parties. In May, the legislature removed the Attorney General from office. His appeal to the Supreme Court of his removal was decided in his favor in December and he was returned to office.

Judicial authority has historically not been applied to the military. Although lower-ranking military and police personnel are regularly discharged from their duties and arrested for criminal offenses, in practice the officers of the Armed Forces are treated differently from other citizens before the law. Magistrates are usually reluctant to bring charges against military officers or members of the Security Forces. Colleagues of the accused often cannot be relied upon to testify or otherwise cooperate in prosecuting crimes

against other officers. Also, intimidation of judges and juries by members of the Armed Forces frequently overcomes prosecution efforts made by the Attorney General's Office.

No military officer has been successfully prosecuted for human rights violations in recent years. An ongoing prosecution, however, is that of Captain Eduardo Avila in connection with the murder of a Salvadoran labor leader and two U.S. advisors in January 1981. The Attorney General plans to present additional evidence implicating Avila before the courts to supplement that which was presented in June 1985. A lower court and an appeals court determined that the initial evidence was insufficient to warrant prosecution of Avila.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government does not arbitrarily interfere in the personal lives of Salvadoran citizens except in matters it considers related to the armed conflict. Both the Government and the guerrillas use networks of informers. Phone numbers for making accusations to the Armed Forces have been publicized (although little used), and the police rely on informers and anonymous tips about alleged criminal and subversive activities. There is no effort to coerce the public into acting as informants.

Members of the Security Forces use forced entry to carry out arrests and investigations. Government troops have compelled civilians to leave conflictive areas. In April the Army removed over 200 civilian supporters of the guerrillas from around the Guazapa volcano, a guerrilla stronghold.

The constitutional provision protecting the inviolability of correspondence is suspended under the state of emergency. Postal officials have the legal authority to inspect correspondence, but there is no government policy to do so, and it is not believed to occur frequently.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Freedom of speech and the press is respected by the Government even though these rights are technically suspended under state of emergency decrees. The only instance during 1985 when the Government formally asked the mass media not to publish information was during the negotiations for the release of the President's daughter, kidnaped by the FMLN. Print and broadcast media did not universally honor the request, but the Government imposed no sanctions against media coverage during the negotiations. Self-censorship, sometimes out of fear of violent reprisal from the extremes of the political spectrum, is the primary constraint on free expression in El Salvador. Newspapers have published "communiques" from extremist groups out of fear of reprisal.

The leading daily newspapers in the capital are conservative, and frequently and vigorously criticize the Government. The only response from the Government has been to reduce paid

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Special Project (1993)

advertising by government agencies in one of the papers. The views of the radical left continue to be expressed in paid advertisements, which appear regularly in at least three of the four Salvadoran dailies and in articles published in the University of Central America's bimonthly journal "Estudios Centroamericanos" (ECA) and its biweekly newspaper "Proceso."

Radio news usually covers a wider variety of stories than the printed media and is more broadly diffused in Salvadoran society than either newspapers or television news. FDR leaders are regularly interviewed on local radio news programs and at least one local station offers air time to those FMLN front organizations which are operating openly in San Salvador. Local radio stations frequently repeat information broadcast by clandestine guerrilla radio stations

The Government owns no newspapers. It owns one radio station and two television stations, one educational and one informational There are four privately owned television stations.

A six-year old decree forbidding publication of anonymous communiques and statements remains in effect and is largely observed by the media. When it has been violated, the Government has taken no action against the reporting media.

Academic freedom is guaranteed by the Constitution and is broadly interpreted. As in many Latin American countries, university authorities routinely assert that local police have no jurisdiction on campus. The main campus of the National University of El Salvador, closed for four years following violent clashes between students and the army, reopened in early 1984. Though students are not immune from arrest, arrests do not appear to be made on the basis of student status or for violations of limits on freedom of speech and press. Two instructors were shot on two university campuses in October 1985; the killings remain unsolved, but political motives are not evident in either case.

b. Freedom of Peaceful Assembly and Association

El Salvador permits any association not formed for criminal purposes. Social, labor, professional, religious, and political associations operate freely, including leftist groups critical of the Government. The groups place paid advertisements in the newspapers and hold marches and demonstrations free of government interference. Even the "Committee of the Political Prisoners of El Salvador" (COPPES), an association of those inmates being held for subversion against the state, is permitted to operate in the prisons of the country and to publish political advertisements. The Information Secretary of the non-governmental Human Rights Commission (CDHES) was arrested in November and charged with membership in a guerrilla organization, the Armed Forces of National Liberation (FARN). The National Police have stated that his employment by CDHES was unrelated to his arrest; Mr. Caceres had worked for CDHES for six years prior to his arrest.

Employees of private businesses or autonomous government institutions have a constitutional right to form professional associations or labor unions to defend employee interests, to bargain collectively, and to strike. Although employees of non-autonomous public institutions are barred by law from joining unions, these employees in fact have legally recognized associations which act as unions, bargain collectively, and strike. The Government is studying a proposal which would extend collective bargaining rights to peasant labor associations. Salvadoran labor groups draw up their own statutes and elect their own officers. Government recognition of these groups is not based on political considerations. There is no government-sponsored labor group. Unions are independent of political parties, though some unions have worked on behalf of parties in political campaigns.

Unions may join national and international federations. The International Confederation of Free Trade Unions (ICFTU) and the World Confederation of Labor (WCL) have Salvadoran affiliates. Some Salvadoran unions have loose links with the Communist-dominated World Federation of Trade Unions (WFTU). The Government and unions maintain ties with the International Labor Organization (ILO).

The Labor Ministry routinely mediates labor disputes at the request of the interested parties. In 1985 there were three instances in which labor and management voluntarily submitted to binding arbitration by the Labor Ministry. Groups across the political spectrum demonstrate openly and freely. In spite of an Armed Forces ban on a June 6 labor demonstration for which its organizers had not obtained a permit, the demonstration took place without incident.

Only one complaint has been made to the ILO since President Duarte's June 1984 inauguration, arising from the illegal occupation by strikers of the central Social Security Institute (ISSS) Hospital in May 1985. During the occupation, many non-striking Salvadoran workers were unable to obtain the social security medical treatment to which they were entitled. Also, the number of hospital patients who died during the strike was greater than normal though the number of patients being treated was smaller than usual. The strike's leaders made no attempt to disavow support they received from guerrilla radio stations, nor to separate themselves from death threats made against the ISSS Director General.

On May 27, a labor judge ruled the ISSS strike illegal because procedures prescribed by the labor code had not been followed by the union prior to calling the strike. The strikers ignored the judge's order to return to work. On June 2, police entered the hospital, arrested two union leaders for directing the illegal occupation of a public building, and then withdrew from the hospital. The police mistakenly shot and killed four policemen during the operation, but there were no deaths or injuries of hospital workers or patients because of the security forces' actions. The two arrested labor leaders were released June 5; they publicly stated they had been treated well while in police custody. Labor and management finally reached agreement and the strike ended June 6.

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Special Project (1993)

c. Freedom of Religion

Freedom of religion is guaranteed by the Constitution and is respected in practice. Although the country is historically Roman Catholic, numerous Protestant denominations have gained adherents, often through the efforts of foreign missionaries. These missionaries and members of the non-Catholic denominations operate freely and without harassment. Although church members and workers (of both Catholic and Protestant denominations) have on occasion been arrested, these arrests were unrelated to the individual's religious beliefs or activites.

The Catholic Church continues to be one of the most respected and influential institutions in the country. The Sunday homily from the National Cathedral is broadcast live on the Government's television and radio stations and is a regular news item in the press and radio the following day. Clergy and church publications speak forcefully on human rights and on the need for an end to the war. Church statements have become increasingly critical of the leftist insurgency, but the Church has not hesitated to criticize the Government.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Although the state of emergency decree formally suspends the constitutional right to free movement, this suspension is not enforced in practice. Local military commanders have on occasion denied entry for short periods of time from areas where military operations were underway. The continuing armed conflict has displaced an estimated 525,000 persons within El Salvador, primarily from the northern and eastern departments. The United Nations High Commissioner for Refugees lists another 35,654 Salvadorans as refugees outside El Salvador in Central America, with 20,000 in Honduras. An estimated 200,000 may be living in Mexico, and as many as 750,000 undocumented Salvadorans are in the United States. The Government, international organizations, and private voluntary organizations assist the internally displaced. The Government has imposed no control on emigration and has assisted amnesty beneficiaries who wish to emigrate after release. It also assists displaced persons and others wishing to return to El Salvador to reintegrate into society.

Movement in the eastern part of the country has been limited by traffic stoppages declared by the guerrillas and enforced with roadblocks, land mines, and the machinegunning and burning of vehicles traveling during the stoppages. The guerrillas declared nine such stoppages in the course of the year.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

El Salvador moved further in its transition to an open, democratic system in 1985 as it held its fourth national election in three years. The president is directly elected and serves for a period of five years. He cannot constitutionally succeed himself. The next presidential

elections will take place in 1989. The legislature is unicameral and is made of 60 deputies who serve for three year terms. Like the president, they are directly elected.

Nine political parties, ranging from the moderate left to the conservative right, participated in the March 31, 1985 legislative and municipal council elections. Five political parties gained representation in the legislature. The Christian Democratic Party (PDC) of President Jose Napoleon Duarte won 52 percent of the vote and captured 33 of the 60 seats in the Legislative Assembly. The National Republican Alliance (ARENA) and the National Conciliation Party (PCN) captured 30 percent and 8 percent of the vote, respectively, and earned 13 seats and 12 seats in the assembly, divided according to a coalition agreement between them. The remaining two seats in the assembly were won by two smaller parties. The PDC won in 153 of the 262 municipalities; the ARENA-PCN coalition in all but one of the others. Mayors and municipal councils were also elected directly in the March elections for the first time since 1977.

Though the PDC has a plurality in the Legislative Assembly, debate in the Assembly is vigorous. The Assembly has altered bills submitted by the President before passing them, and the President has vetoed bills passed with the support of his party's deputies.

The Constitution requires the legal recognition of all political parties that do not advocate armed opposition, provided they are able to meet the required minimum membership standards of 3,000 followers. Several small political parties, while not represented in the legislature or municipal councils, do have legal status and freely organize and publish their views. The right to membership in any legally recognized political party is unrestricted. Two opposition parties of the left, the National Revolutionary Movement (MNR) led by Guillermo Ungo and the communist National Democratic Union (UDN), are legally recognized but have chosen not to participate in legitimate political activity. The MNR and UDN, together with the Popular Social Christian Movement (MPSC), make up the Democratic Revolutionary Front (FDR), the political front which, in alliance with the FMLN, is waging the insurgency. The Government and the majority of the constitutional opposition have expressed support for the integration of the armed leftist groups into the system as peaceful, legal political parties.

As in previous years, the guerrillas sought to disrupt the vote during the elections held in 1985. In the weeks prior to the elections, the guerrillas burned more than 25 municipal buildings. They proclaimed a national traffic stoppage three days before the elections in an attempt to prevent citizens from traveling to vote. On election eve, they mined several rural roads in Chalatenango Department, killing or injuring several civilians on their way to the polls. In spite of these efforts, approximately 1.2 million voters went to the polls, representing more than 65 percent of the electorate. Elections were carried out on site in all but 20 of the 262 municipalities in El Salvador. Elections in those 20

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El Salvador: Human Rights
Special Project (1993)

municipalities, representing less than six percent of the electorate, were held in neighboring towns. In El Salvador voting is no longer obligatory.

The Government invited representatives of more than 50 nations and international organizations to observe the March 31 elections. Almost universally, the 130 international observers declared the elections to be open, honest, and a valid demonstration of the popular will. A pastoral letter issued by the Salvadoran bishops on August 8 described the Government as "a constitutional government, the fruit of a democratic process, sanctioned by the massive turnout at the polls in four successive elections."

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights:

The Government maintains an open door policy toward human rights delegations. Key members of the Government, including high-ranking members of the military, have demonstrated their willingness to brief human rights groups and to be interviewed by them. Among those groups which have sent delegations to El Salvador are: Americas Watch, the Faculty for Human Rights in El Salvador - Central America (FHRES), the Lawyers' Committee for Human Rights, U.S. congressional delegations, and various church and labor groups. Physicians from "Medical Aid for El Salvador" were given access to guerrilla leader Maria Valladares de Lemus (Nidia Diaz), to evaluate her condition and performed an operation on her injured arm. In March, Americas Watch assigned a representative to El Salvador who does not permanently reside in the country but does make extended visits. The Government has welcomed the frequent visits of the representatives of the ICRC and human rights groups to prisoners at brigade headquarters and penal institutions.

The U.N. General Assembly's Special Rapporteur on Human Rights in El Salvador made his fifth annual visit to the country in September and received from each ministry and autonomous agency of the Govrernent a report on human rights within its area of responsibility. During his visit, the rapporteur interviewed government officials, visited prisoners held by the Government on charges of subversion, and spoke with representatives of official and nonofficial human rights organizations. In his report to the U.N. General Assembly on November 5, 1985, the rapporteur noted that, "As in previous years the cooperation...by the Government of El Salvador was and full and open."

There are several domestic human rights organizations which are active in El Salvador. The official Human Rights Commission (CDH) is an autonomous government agency which investigates complaints of human rights abuse. Tutela Legal is the legal assistance office of the Archdiocese. Other organizations which report on violence include Christian Legal Aid (Socorro Juridico Cristiano), and the non-official Human Rights Commission of El Salvador (CDHES).

The CDH receives complaints of human rights violations by both the government forces and the FMLN. CDH representatives visit jails and prisons to look for persons reported missing, and its staff physicians examine arrestees to determine the validity of complaints of human rights abuse. To make itself more accessible to the public, the CDH has opened field offices in the departmental capitals of San Vicente, Santa Ana, and San Miguel. The CDH has been successful in representing individual interests before military and civilian governmental institutions.

Tutela Legal's small staff carries out some on-site investigations, takes testimony from individuals, and uses the press as a major source. The other organizations rely primarily on newspaper reporting, supplemented by other sources such as announcements by guerrilla groups and personal testimony. Socorro Juridico refuses to name its sources. CDHES and some other groups consistently and vocally criticize the Government and echo allegations of human rights violations broadcast on guerrilla radio. They have also justified the kidnaping of mayors as legitimate military targets and have repeated false guerrilla claims that some of the victims of the PRTC murder of 13 people in June were killed in a "cross-fire." However, no member of such groups has been harmed. One was briefly taken into custody on charges unrelated to her activity in these groups. The Government has arrested and charged two other members of these organizations with membership in and active support for guerrilla groups. Their cases are before the Decree 50 courts.

Amnesty International Report 1985, which covers events during 1984, expressed continued concern about arbitrary arrest and prolonged detention without trial, torture, disappearances, and extrajudicial executions. Freedom House rates El Salvador "partly free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

El Salvador had an estimated population of 5 million in mid-1985 with a growth rate of 2.5 percent annually, excluding emigration. The estimated per capita GDP for 1985 is about $650. The GDP grew by 1.5 percent in real terms in 1984, following a cumulative decline of 25 percent between 1979 and 1983. Adjusted for population growth, the decline probably has not yet been arrested. In 1984, agriculture accounted for about 25 percent and industry for 17 percent of GDP. Coffee, cotton, sugar, and shrimp comprise the bulk of El Salvador's exports.

Adding to the adverse economic effects of six years of internal violence, El Salvador's economy has suffered from the world recession, declining prices for the country's main exports, and sharply reduced demand from its trading partners in the Central American Common Market (CACM). The violence prompted large-scale capital flight, precipitous reduction in private investment, and increased unemployment. Although this decline appears to have been largely halted, investment has been slow to resume and the economy remains troubled by a large balance-of-payments deficit, external debt, rising inflation, and an unbalanced budget.

A dramatic shift in the ownership of nearly 25 percent of El Salvador's agricultural land brought about under the agrarian reform program has affected El Salvador's social structure.

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Special Project (1993)

Under Phase I of the program, all farms of more than 500 hectares (1,235 acres) were converted into worker cooperatives. Of the 317 cooperatives formed, 37 are in conflictive zones and not operating. The rest are generally able to support their members, but the majority are unable to make payments on their land debt or 1980-1981 emergency credit debts.

The 1983 Constitution clarified Phase II of the reform by establishing a ceiling of 245 hectares (605 acres) that an individual may own and by giving affected owners three years to sell property in excess of that limit to peasants, small farmers, or peasant organizations. The state can expropriate any excess land not disposed of by December 1986. Twelve to 15,000 hectares of land are affected by Phase II and the Ministry of Agriculture is beginning to develop necessary implementing legislation.

Under Phase III of the reform, farms previously rented or sharecropped could be claimed in parcels of up to seven hectares (17.3 acres) by the former renters or sharecroppers, including family members. Under Phase III more than 300,000 Salvadorans have been moving towards ownership of the land they work. Many landowners affected by Phase III resisted strongly, some with violence, and forced eviction of beneficiaries. Many others filed legal protests with the Government; and at one point in 1984 about 20 percent of the legal challenges to Phase III claims were being decided in favor of the original landowner on the basis that the applicant for the land did not qualify under Phase III rules. Currently, there is less legal activity, and peasant organizations report that forced eviction is no longer a significant problem.

In 1984 the infant mortality rate was 67 per 1,000 live births, and life expectancy was 64.5 years. The per capita caloric intake was 92 percent of nutritional requirements. The Government conducted a vaccination campaign in early 1985 to immunize young children against polio and other diseases, and followed it with an oral rehydration therapy education campaign to reduce the number of deaths from diarrhea. Most of the rural population does not have regular access to medical care.

Historically, El Salvador has had a shortage of low income housing because of heavy rural to urban migration, exacerbated in recent years by persons displaced from conflictive areas. The Government has initiated a major program to extend public services into squatter communities surrounding the major urban centers, install drainage works, sidewalks, and paving, and provide self-help housing.

Approximately 62 percent of El Salvador's adult population is literate. Some 15 percent of the primary school age population are not attending school. Since 1978, the country's internal conflict has contributed to the abandonment of over 800 primary schools and the closing of 2,140 more. In April 1985 the Government initiated a $150 million, three-year program to renovate primary school classrooms and purchase textbooks and other school supplies.

EL SALVADOR

The Constitution permits employment of children less than 14 years old only in those cases where their employment is necessary to provide for their subsistence or the subsistence of their families. Children less than 18 years old are prohibited from legally working at night or in dangerous occupations. The reality, however, is that teenage and even younger children work long hours.

The minimum wage for workers in the industrial and service sectors is about US$3.10 per day. In practice, the salaries of most workers in these sectors is above the minimum wage. These workers are paid overtime for working more than 44 hours in a week and are entitled to 15 days of annual paid vacation. The minimum wage for farm workers is about US$1.08 plus about US$.31 worth of food per day. Farm workers are paid more during harvest times. The national commission on minimum salaries has proposed an increase for farm workers over 16 years old and an additional increase for those partially incapacitated or under 16. The proposal has not been acted on. The piece rates paid at harvest times net workers triple or quadruple the minimum wage.

The Government requires that work sites be safe, and that drinking water, toilets, and adequate ventilation be provided workers. Major industrial enterprises generally meet these requirements. Between June 1984 and May 1985, the labor ministry made 467 inspections and studies of working conditions, initiated four campaigns aimed at preventing work related accidents, held four seminars on occupational safety and hygiene, and investigated 319 work-related accidents. The Labor Ministry carries out inspections either at its own initiative or on the basis of a complaint. However, the Labor Ministry complains that budgetary restrictions and guerrilla activities, such as the destruction of Labor Ministry vehicles, impede full enforcement of worker laws.

Under the Constitution women enjoy the same legal rights as men. Three women serve as deputies in the 60-member assembly, and about ten percent of the mayors elected in March 1985 are women. Women hold positions as vice ministers of culture, economics, education, interior, foreign commerce, and justice. Most elementary school teachers, nurses, and secretaries are women, as well as about 50 percent of the teachers on the high school level and between 30 to 40 percent of university professors. Women also play a role in private industry, especially as owners of small enterprises. Several major companies are owned and operated by women. Women serve on the boards of directors of several banks. Women are also well represented in the professions: about 30 percent of the physicians, 50 percent of the dentists and more than 30 percent of the attorneys are women. They are members of the Armed Forces as nurses, in administrative areas, and in intelligence. The National Police is training women as detectives and has a corps of policewomen.

A high proportion of women in the lower economic strata are heads of single parent households, often providing for large families. Seventy percent of the children in El Salvador are born out of wedlock, and most of these are not legally recognized by their fathers even when occupying the same domicile.

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Special Project (1993)

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: EL SALVADOR

	1983	1984	1985
I.ECON. ASSIST.-TOTAL...	245.6	215.9	433.9
LOANS.....	86.6	81.2	70.0
GRANTS.....	159.0	134.7	363.9
A.AID	198.8	161.4	376.1
LOANS.....	47.6	32.2	21.0
GRANTS.....	151.2	129.2	355.1
(SEC.SUPP.ASSIST.)...	140.0	120.2	285.0
B.FOOD FOR PEACE.....	46.8	54.5	57.8
LOANS.....	39.0	49.0	49.0
GRANTS.....	7.8	5.5	8.8
TITLE I-TOTAL.....	39.0	49.0	49.0
REPAY. IN $-LOANS.....	39.0	49.0	49.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	7.8	5.5	8.8
E.RELIEF,EC.DEV & MFP.	6.2	3.7	7.2
VOL.RELIEF AGENCY.....	1.6	1.8	1.6
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	81.3	196.6	136.3
LOANS.....	46.5	18.5	10.0
GRANTS.....	34.8	178.1	126.3
A.MAP GRANTS.....	33.5	176.8	124.8
B.CREDIT FINANCING....	46.5	18.5	10.0
C.INTL MIL.ED.TRNG....	1.3	1.3	1.5
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	326.9	412.5	570.2
LOANS.....	133.1	99.7	80.0
GRANTS.....	193.8	312.8	490.2
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1983	1984	1985	1946-85
TOTAL.....	53.3	115.2	21.9	905.7
IBRD	0.0	0.0	0.0	215.1
IFC	0.0	0.0	0.0	1.0
IDA	0.0	0.0	0.0	25.6
IDB	52.9	114.0	21.0	634.2
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	0.0
UNDP	0.4	0.9	0.0	22.6
OTHER-UN	0.0	0.3	0.9	7.2
EEC	0.0	0.0	0.0	0.0

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CLASS: UNCLASSIFIED
CHRGE: PROG 03704786
APRRV: DCM:RRGAMBLE
DRFTD: CON:LMKERR
CLEAR: CON:DTRUJILLO
DISTR: AMB DCM CON CHRON

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UNCLAS GUATEMALA 01333

E.O. 12356: N/A
TAGS: CASC (BLAKE, NICHOLAS AND DAVIS, GRIFFITH)
SUBJECT: W/W: SEARCH FOR NICK BLAKE AND GRIFF DAVIS

REFERENCE: GUATEMALA 00809

1. THIS CABLE CONTAINS AN ACTION REQUEST IN THE FINAL PARAGRAPH.

2. REFTEL RELATES THE DEVELOPMENT OF THE TEN MONTH SEARCH FOR MISSING AMERICANS NICHOLAS BLAKE AND GRIFFITH DAVIS.

3. POST HAS RECEIVED AN UNCONFIRMED AND ADMITTEDLY VAGUE REPORT THAT A PERSON MATCHING THE GENERAL DESCRIPTION OF NICHOLAS BLAKE WAS SEEN NEAR COMITAN, CHIAPAS IN LATE NOVEMBER OR EARLY DECEMBER OF 1985. ALTHOUGH ATTORNEY EDWARD GOFF, A SECURITY CONSULTANT, AND MEMBERS OF THE BLAKE FAMILY HAVE BEEN IN THE COMITAN AREA ON VARIOUS OCCASIONS DURING THE LAST TEN MONTHS, POST BELIEVES THAT A VISIT TO THE AREA BY AN EMBASSY OFFICER IS INDICATED.

4. AN IN-PROGRESS NOVEL BY NICK BLAKE GIVES COMITAN AS THE EXIT FOR THE PROTAGONIST AFTER A LONG PERIOD WITH THE GUERRILLAS, A REASONABLE SCENARIO WHERE ONE IS TRYING TO AVOID GUATEMALAN FORCES. FROM THE BEGINNING, KNOWLEDEABLE OBSERVERS HERE EXPECTED BLAKE AND DAVIS TO EXIT THROUGH MEXICO IF THEY HAD BEEN STAYING WITH EGP IN THE WESTERN HIGHLANDS. GUATEMALAN ARMY OFFICERS REFUSE TO BELIEVE THAT THE PAIR COULD HAVE SIMPLY DISAPPEARED IN THE HIGHLANDS. A MOVE TO ANOTHER PART OF GUATEMALA, OR INTO MEXICO, WOULD PROBABLY TAKE THE PAIR THROUGH COMITAN.

5. THIS IS CLEARLY LONG GRUEL, BUT WE BELIEVE THE DEPARTMENT'S PREVIOUS EFFORTS WOULD BE POORLY SERVED IF THE INVESTIGATION IN COMITAN AND THE SURROUNDING AREA WERE LEFT TO FAMILY MEMBERS AND EMPLOYEES OF UNCERTAIN EXPERIENCE AND LANGUAGE ABILITY.

6. REQUEST EMBASSY MEXICO INVESTIGATE THE ALLEGED SIGHTING OF NICHOLAS BLAKE IN THE COMITAN AREA. SHOULD EMBASSY MEXICO DESIRE, WE WILL GLADLY PROVIDE AN OFFICER FAMILIAR WITH CASE DETAILS TO ASSIST WITH THE INVESTIGATION IN CHIAPAS. PIEDRA

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 06/28/95
Case ID: 95122210

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X [redacted]
Exemption(s) ____ FOIA DEXTER
UNCLASSIFIED

(NLR 017)

R

L. Bolton
D. Kenn
EFIN
MDR

BRIEFING PAPER FOR MEETING WITH CHILEAN AMBASSADOR, 2/5/86

1

Background

Ambassador Errazuriz has Pinochet's response to President Reagan's letter that Ambassador Barnes delivered when he assumed his duties in November. Errazuriz has just returned from a trip to Chile with one of Chile's few Congressional supporters, Toby Roth, which was completely overshadowed by controversy arising over violent demonstrations which marked the recent Kennedy visit. Over the past year Errazuriz has become increasingly defensive as he has watched Chile's support in Washington dwindle, particularly among Congressional moderates. Key Senate Republicans such as Lugar have grown disillusioned over Pinochet's continued intransigence and the persistence of severe human rights violations.

Errazuriz himself probably understands that US policy towards Chile reflects a broad consensus within the Administration in accord with the sentiments expressed in the President's letter. But Pinochet and his more conservative advisors in Santiago believe that the State Department's approach is more confrontational than desired by senior officials at DOD and the White House. This meeting provides a useful opportunity to demonstrate that Chilean government views receive a fair hearing, and that there are no significant divergences within the administration on Chile policy.

Talking Points

-- As demonstrated by our support for Chile in international financial institutions, and our stand in the UN and OAS against discriminatory treatment of Chile, we are ready to work with your government on a number of areas of benefit to both countries.

-- Let me be clear that there is only one US policy towards Chile, that set by the President and followed by Ambassador Barnes, the State Department, the Defense Department and all the Executive Branch.

-- Ambassador Barnes has the full support of the President. Barnes is a professional and is not interfering but rather trying to listen to all sides. Criticisms of the Ambassador do not contribute to development of closer relations between our two countries.

-- As President Reagan noted in his letter, the extent to which our governments can cooperate on issues of mutual

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interest will be affected by progress or slippage in the process of restoring democratic rule.

-- This reflects political reality and does not represent interference in Chilean affairs. With your wide contacts on the Hill you are no doubt aware of the growing impatience in Congress, and its implications for our ability to cooperate on important issues such as multilateral development bank loans.

-- I would be less than frank if I did not point out that your government has contributed to this situation through its own actions. The failure during the Kennedy visit of Chilean police to restrain pro-government demonstrators from attacking members of the opposition will only contribute to the problems on the Hill.

-- Such actions inevitably contribute to the growing disillusionment of moderate Republicans such as Lugar, who increasingly seem convinced that the Pinochet government is either unable or unwilling to implement an effective, orderly transition to democracy.

-- We trust that they will be proven wrong. There is still time to implement the transition but time is running out.

-- We are concerned by the Pinochet government's failure to pick up the offer of dialogue with the democratic opposition in the National Accord. Refusal to dialogue only plays into the hands of the extreme left and of those opposed to cooperation between our two governments.

-- It is important that a process of consensus-building develop promptly, to provide a firm foundation for a successful transition to democracy and to counter negative perceptions which will affect our ability to work with you.

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RONALD V. DELLUMS
8TH DISTRICT, CALIFORNIA

CHAIRPERSON
COMMITTEE ON THE
DISTRICT OF COLUMBIA

ARMED SERVICES COMMITTEE

CHAIRPERSON
SUBCOMMITTEE ON
MILITARY INSTALLATIONS
AND FACILITIES

☐ 2136 RAYBURN BUILDING
WASHINGTON, DC 20515
(202) 225-2661

CARLOTTIA SCOTT
ADMINISTRATIVE ASSISTANT

ROBERT BRAUER
SPECIAL COUNSEL

Congress of the United States
House of Representatives

ANY REPLY TO THIS LETTER
SHOULD BE ADDRESSED TO
OFFICE CHECKED:

☐ 201 13TH STREET, SUITE 105
OAKLAND, CA 94612
(415) 763-0370

☐ 9424 EAST 14TH STREET
OAKLAND, CA 94621
(415) 562-4981

☐ 2490 CHANNING WAY, SUITE 217
BERKELEY, CA 94704
(415) 644-7787

☐ 3557 MT. DIABLO BOULEVARD
LAFAYETTE, CA 94549
(415) 283-8128

DONALD R. HOPKINS
DISTRICT ADMINISTRATOR

BARBARA LEE
ADMINISTRATIVE ASSISTANT

February 5, 1986

47

[redacted]

Mr. Richard Schifter
Assistant Secretary for Human Rights
and Humanitarian Affairs
U. S. Department of State
2201 C Street, N.W.
Washington, D. C. 20520

Dear Mr. Schifter:

I am writing to request your assistance to determine the status of a political prisoner in Chile. Her name is Israel Aillapan Quijon. She is in Osorno Prison.

The intransigence of the Pinochet regime warrents our fullest condemnation.

Your assistance is appreciated.

Sincerely,

Ronald V. Dellums
Member of Congress

RVD:rb:bn

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Chile Project (#S199900030)
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1986 FEB 13 PM 4: 14

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DECONTROL [redacted] UNCLASSIFIED (Ng 018) 5-7-96 UNITED STATES GOVERNMENT

memorandum

DATE: February 5, 1986

REPLY TO ATTN OF: ECON - Joel F. Cassman

SUBJECT: IMPRESSIONS OF TRIP TO VALPARAISO/VIÑA DEL MAR

TO: The Ambassador

Thru: DCM - Mr. Jones
ECON - Mr. Belew

Chile Project (#S199900030)
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The most striking aspect of our recent trip to Valparaíso/Viña del Mar was the vast differences in outlook for the future of the region among the various sectors (government, industry, labor, agriculture, mining, the Church, universities, military) with whom we met. From the Intendente's vision of a revitalized export center ringed with chemical factories to organized labor's somber view of a dying city, we heard a wide range of opinions on the future. There was a surprising agreement, however, on the underlying sources of the Region's problems. First and foremost is the magnet of Santiago, with its larger markets and economies of scale which attract industry away from the Valparaíso/Viña area. Secondly, the national economic and political climate seems to have exacted a proportionally greater toll on Valparaíso due to its more fragile economy compared to other regions of Chile. Finally, technological change has worked against Valparaíso's preeminence as a port city, both by the growth in containerization (which permits goods to be shipped directly to Santiago with very little handling) and by the advent of rival ports which diluted Valparaíso's importance. I summarize below my interpretation of various points of view on the area's problems:

1. Intendente/Military - Valparaíso and the Fifth Region is an economically growing area, with an active port and expanding agricultural sector which can absorb unemployed urban workers. The high concentration of Naval personnel in the area is a stabilizing factor. Valparaíso/Viña may evolve into a "bedroom" community for Santiago, but will also attract some industry (chemical plants) to diversify the regional economy.

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89FM4 Box 215

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(REV. 1-80)
GSA FPMR (41 CFR) 101-11.6
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GPO : 1981 O - 341-526 (6534)

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2. Professionals/University - Valparaíso/Viña is suffering serious environmental, social, and economic decay. Despite certain bright spots (tourism, port activity, mining) the vast majority of residents live in hopeless "favelas" in the hills hidden from tourist eyes. The Dean of the Adolfo Ibáñez Business School, Gustavo Fonck, believes that the recession has had a worse effect on Valparaíso than Santiago, and consequently the numerous graduates turned out by the region's universities have to look elsewhere for employment possibilities.

3. The Church - From our brief meeting with the Vicar I sensed that local Church authorities believe that although Valparaíso/Viña has experienced less social conflict than Santiago, the potential for increased tension is high, owing to higher sense of frustration and disappointed expectations.

4. Businessmen - With the exception of the fruit exporters, most businessmen are pessimistic on the future of Valparaíso/Viña. Fruit exports and tourism are bright spots for three months out of the year, but the fundamental decline of the area continues. They believe that the region could be revitalized through closer integration with Argentina and the possible opening up of export traffic through Valparaíso for Argentine goods.

5. Labor - The most pessimistic sector with whom we met was organized labor, on whom the recession hit hard. Labor is in a very weak position, held down by unemployment, collapse of real wages, and lack of political power.

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I would add only a few points to Joel's observations about our visit:

1) Human Rights: Perhaps because just that previous day some students (both Chilean and Argentine) had been arrested and people leaving the memorial mass for President Frei had been tear-gassed, the human rights group painted a picture of a tightly controlled city. They did note though that the problems came from the Carabineros and Army handling of people, whereas the Navy very clearly tried to stay out of such things. This last point jibed with what the ranking naval officer told us -- that the Navy was not involved in "politics".

2) Overall impression. I came away with a slightly more pessimistic outlook than Joel's in the sense that the high incidence of unemployment -- around 30 percent some people told us -- coupled with the feeling in the business community as well as others not sympathetic to the government -- that regionalization was not working in terms of providing resources -- all this made for a very bleak future. The Vicar told us for example that the Church had opened fifteen clinics to meet needs which the Government could not; and University people said about 80% of the students at the Catholic University are getting free lunches because they cannot afford to feed themselves.

Harry G. Barnes, Jr.

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PAGE 01 SANTIA 00878 01 OF 02 060046Z
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AMEMBASSY MONTEVIDEO
AMEMBASSY SAN JOSE

C O N F I D E N T I A L SECTION 01 OF 02 SANTIAGO 00878

USIA FOR AR

E.O. 12356: DECL:OADR
TAGS: PHUM, CI
SUBJECT: HUMAN RIGHTS WRAP-UP

REFS: (A) SANTIAGO 713 (NOTAL); (B) MONTEVIDEO 454;
(C) SANTIAGO 576 (NOTAL)

1. (U) ON JANUARY 23 THE GOC ANNOUNCED THE NAMES OF 154 PEOPLE WHO WOULD BE ALLOWED TO RETURN FROM EXILE. ACCORDING TO A VICARIATE OF SOLIDARITY OFFICIAL, TWO OF THE 154 ARE DEAD. AN ADDITIONAL 37 NAMES WERE ANNOUNCED ON JANUARY 31, BRINGING TO 3085 THE NUMBER ON THE EXILE LIST AS OF THE FIRST OF FEBRUARY.

2. (U) THE SECOND BENCH OF THE COURT OF APPEALS IN SANTIAGO RULED ON JANUARY 21 THAT THE CASE AGAINST 14 LEADERS OF THE NATIONAL CIVIC ASSEMBLY FOR THEIR ROLE IN CALLING THE JULY GENERAL STRIKE SHOULD BE CLOSED. THE TWO JUDGES VOTING TO CLOSE THE CASE WERE JOSE CANOVAS AND CARLOS CERDA, WHILE THE THIRD JUDGE VOTED TO KEEP THE CASE OPEN. THE MINISTRY OF INTERIOR ANNOUNCED

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PAGE 02 SANTIA 00878 01 OF 02 060046Z

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IMMEDIATELY AFTER THE DECISION WAS MADE PUBLIC THAT IT WILL APPEAL TO THE SUPREME COURT.

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3. (U) THIS SAME COURT ALSO ANNOUNCED ON JANUARY 21 THAT IT WAS SENTENCING 9 TRADE UNION LEADERS TO 61 DAYS IN PRISON (SUSPENDED) FOR THEIR PART IN LEADING UNAUTHORIZED PUBLIC DEMONSTRATIONS ON SEPTEMBER 4, 1985. THE NINE INCLUDE MANUEL BUSTOS AND RODOLFO SEGUEL, LEADERS OF THE NATIONAL WORKERS COMMAND (CNT), BOTH OF WHOM WERE DETAINED FOR CLOSE TO 90 DAYS IN LATE 1985 FOR THEIR ROLE IN THIS CASE.

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4. (U) THE GOC ANNOUNCED ON JANUARY 21 THE DETENTION OF TWO MEDICAL PROFESSIONALS FOR OPERATING A CLANDESTINE MEDICAL CLINIC FOR THE FPMR (MANUEL RODRIGUEZ PATRIOTIC FRONT). THE GOC CHARGES THAT THIS AND ANOTHER SUCH CLINIC WERE USED TO TREAT TERRORISTS WOUNDED IN THE ASSASSINATION ATTEMPT AGAINST PINOCHET. SOME NEWS REPORTS HAVE ALSO ATTEMPTED TO TIE THESE PEOPLE WITH MEDICAL PERSONNEL WORKING FOR THE VICARIATE OF SOLIDARITY. ONE OF THE DETAINEES, PEDRO RAUL MARIN HERNANDEZ, IS REPORTEDLY A DOCTOR TRAINED IN CUBA IN THE 1970S. HE RETURNED TO CHILE ILLEGALLY IN 1985, VIA NICARAGUA, AND HELPED SET UP THE FPMR MEDICAL NETWORK. THE SECOND DETAINEE, OLGA MIRIAM BERGHOLZ MAGUIRE, IS REPORTEDLY A NURSE WHO LIVED AND WORKED IN EXILE IN NORWAY AND NICARAGUA. SHE RETURNED TO CHILE IN NOVEMBER 1985 AFTER HER NAME WAS REMOVED FROM THE EXILE LIST.

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5. (U) FERNANDO TORRES, THE MILITARY PROSECUTOR INVESTIGATING THE ASSASSINATION ATTEMPT AND THE ARMS CACHE, HAS ORDERED THE END OF THE INCOMMUNICADO STATUS FOR VARIOUS OF THE DETAINEES. THE LATEST ORDER EFFECTS CONFIDENTIAL

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PAGE 03 SANTIA 00878 01 OF 02 060046Z

THE FIVE PRINCIPAL SUSPECTS IN THE ARMS CACHE INVESTIGATION AS WELL AS DR. MANUEL UBILLA, WHO WAS ARRESTED FOR HIS ROLE IN ESTABLISHING THE CLANDESTINE CLINIC AND IS REPORTEDLY A LEADING FIGURE IN THE FPMR. AT THE SAME TIME, TORRES ORDERED THAT THE INCOMMUNICADO STATUS OF PEDRO MARIN BE EXTENDED. THE ATTORNEY FOR 24 OF THOSE DETAINED IN RELATION TO THE ARMS CACHE HAS

ANNOUNCED THAT THE NATIONAL DIRECTORATE OF THE FPMR HAS ORDERED ITS MEMBERS CURRENTLY UNDER ARREST NOT TO MAKE STATEMENTS TO THE AUTHORITIES. PERHAPS IN REACTION TO THIS DEVELOPMENT, PROSECUTOR TORRES HAS REPORTEDLY REINSTATED THE INCOMMUNICADO STATUS OF THE FIVE PRINCIPAL SUSPECTS IN THE ARMS CACHE INVESIGATION.

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6. (C) A MEMBER OF THE COURT OF APPEALS, MONICA MALDONADO, HAS REQUESTED PROTECTION IN RESPONSE TO TELEPHONIC THREATS AGAINST HERSELF AND HER FAMILY. APPARENTLY THE THREATS ARE RELATED TO INVESTIGATIVE WORK CARRIED OUT BY MALDONADO IN LATE 1986 CONCERNING THE TREATMENT OF TWO PRISONERS HELD ON STATE SECURITY CHARGES. THE CALLS WERE MADE IN THE NAME OF THE SEPTEMBER 11 COMMAND, A SHADOWY GROUP THAT HAS CLAIMED RESPONSIBILITY FOR THE NEW YEARS EVE ATTACK ON THE INTER-GOVERNMENTAL COMMITTEE FOR MIGRATION HEADQUARTERS AND FOR THE MURDER OF FOUR LEFTISTS IN THE DAYS FOLLOWING THE ASSASSINATION ATTEMPT. THE SUPREME COURT HAS ORDERED THE INTERIOR

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PAGE 01 SANTIA 00878 02 OF 02 060046Z

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ACTION ARA-00

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INFO USIA WASHDC 5669
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AMEMBASSY SAN JOSE

C O N F I D E N T I A L SECTION 02 OF 02 SANTIAGO 00878

USIA FOR AR

E.O. 12356: DECL:OADR
TAGS: PHUM, CI
SUBJECT: HUMAN RIGHTS WRAP-UP

MINISTRY TO PROVIDE ADEQUATE PROTECTION FOR MALDONADO AND HER FAMILY. (COMMENT: MALDONADO HAD CONFIDED TO AN EMBASSY OFFICER THAT SHE IS CONVINCED THAT THE GOC HAS TORTURED SOME OF THE PRISONERS BEING DETAINED FOR INVOLVEMENT IN THE ASSASSINATION ATTEMPT, ALTHOUGH THE REPRESENTATIVE OF THE INTERNATIONAL RED CROSS HAS A DIFFERENT VIEW (REFTELS A AND C).

7. (U) THE SUPREME COURT, IN A DISPUTE WITH THE NATIONAL INFORMATION CENTER (CNI), HAS ORDERED THE CNI DIRECTOR TO INFORM THOSE UNDER HIS COMMAND THAT THEY ARE OBLIGATED TO HONOR REQUESTS MADE BY THE CIVILIAN COURT SYSTEM. THE DISPUTE STEMS FROM TWO EARLIER REQUESTS BY THE COURT OF APPEALS THAT CARLOS JORGE PINO, A DETAINEE IN THE CLANDESTINE CLINIC INVESTIGATION, BE BROUGHT BEFORE THE COURT TO DETERMINE WHETHER THE COURT SHOULD ISSUE A WRIT OF PROTECTION. PINO HAS BEEN HELD INCOMMUNICADO, BY

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ORDER OF PROSECUTOR TORRES, SINCE MID-DECEMBER WITH THE RESULT THAT THE CIVILIAN COURTS HAVE HAD NO ACCESS TO HIM.

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8. (U) ACCORDING TO PUBLISHED REPORTS, THE CHIEF OF THE EMERGENCY ZONE THAT INCLUDES VALPARAISO ORDERED THE BURNING OF APPROXIMATELY 15,000 CONFISCATED BOOKS LAST NOVEMBER 28. THE MAIN TARGET OF THE AUTHORITIES WAS GABRIEL GARCIA MARQUEZ'S "MIGUEL LITTIN: A CLANDESTINE ADVENTURE IN CHILE", ALTHOUGH COPIES OF VENEZUELAN AUTHOR TEODORO PETKOFF'S "MOVEMENT TO THE LEFT" WERE ALSO INCLUDED. THE CHILEAN BOOK CHAMBER PROTESTED THE BURNING TO THE MINISTRY OF INTERIOR AND WAS TOLD THAT THE CHIEF OF THE ZONE, VICE-ADMIRAL HERNAN RIVERA, HAD "ACTED WITHIN HIS CONSTITUTIONAL POWERS" IN DESTROYING THE BOOKS.

9. (U) PRESS REPORTS JANUARY 28 INDICATE THAT 136 PRISONERS IN THE SANTIAGO PENITENTIARY ON STATE SECURITY CHARGES BEGAN A HUNGER STRIKE JANUARY 27 FOLLOWING THE ORDER OF SOLITARY CONFINEMENT FOR 4 OTHER STATE SECURITY PRISONERS. THESE FOUR WERE BEING PUNISHED AFTER THEY REPORTEDLY BEAT A COMMON CRIMINAL WHO HAD BEEN STEALING THEIR FOOD.

10. (U) ACCORDING TO THE MOTHER OF DAUNO TOTORO, A FORMER STUDENT LEADER AT CATHOLIC UNIVERSITY, TOTORO DEPARTED CHILE JANUARY 22 FOR MEXICO, AFTER THE MINISTRY OF INTERIOR PUBLICLY AFFIRMED THAT THERE WERE NO OUTSTANDING ARREST ORDERS AGAINST HIM. HE HAD BEEN A GUEST IN THE VENEZUELAN EMBASSY FROM NOVEMBER 12 TO DECEMBER 31.

11. (U) FOLLOWING A PUBLIC COMPLAINT FROM HIS FAMILY, THE GOC ANNOUNCED ON JANUARY 22 THAT IT WAS HOLDING AUREL O

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PAGE 03 SANTIA 00878 02 OF 02 060046Z

OSVALDO MONTENEGRO LEVIS IN A CNI DETENTION CENTER FOR HAVING RETURNED ILLEGALLY TO CHILE. THIS DOES NOT NECESSARILY MEAN THE GOC WILL NOT REFUSE TO DIVULGE THE DETENTION OF OTHER ILLEGAL ENTRANTS.

12. (C) GOC OFFICIALS ARE NOW CLAIMING THAT THE BANK ROBBER KILLED ON JANUARY 15 DURING A SHOOTOUT WAS A URUGUAYAN TUPAMARO WHO MAY HAVE CONNECTIONS WITH CHILEAN TERRORIST GROUPS. THE INDIVIDUAL WHO

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WAS WITH THIS PERSON IS ALSO SAID TO BE A TERRORIST. A DETECTIVE WAS SERIOUSLY WOUNDED IN THIS SAME SHOOTOUT.

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13. (C) FINALLY, VICARIATE OF SOLIDARITY LAWYERS INFORM US THAT THEY WILL FILE A COMPLAINT BEFORE THE COURT MARTIAL ON FEBRUARY 3 OVER THE MANNER IN WHICH THE MILITARY PROSECUTOR HAS HANDLED THE ROJAS/QUINTANA BURNING CASE. THEY CANNOT APPEAL THE PROSECUTOR'S DECISION TO REDUCE THE CHARGE AGAINST THE DEFENDANT IN THIS CASE, BUT THEY CAN CHALLENGE THE CONDUCT OF THE PROSECUTOR FOR NOT HAVING GIVEN PROPER ATTENTION TO THEIR PETITIONS ON EVIDENCE. IF THE COURT MARTIAL REJECTS THIS COMPLAINT, THEY WILL APPEAL TO THE SUPREME COURT.

BARNES

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United States Department of State

Washington, D.C. 20520

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February 6, 1986

Chile Project (#S199900030)
U.S. Department of State
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The Honorable
Harry G. Barnes, Jr.
American Ambassador
Santiago

Dear Harry:

I regret to learn from George that we are having problems with the pouch again. We are making efforts here to correct the problem. Although obviously we cannot prevent a courier from falling ill, as apparently occurred last week, we will try to impress upon those managing this operation the importance of these communications to us. Because of less control over distribution, I am still skeptical about the idea of substituting official/informal telegrams for these letters, but will reconsider if we are unable to iron out the difficulties this time.

Errazuriz-Poindexter Meeting: Jackie and I attended yesterday's meeting. The tone was cordial but there was no substantive progress. Errazuriz took his cue from Pinochet's letter (the letter and my memo to Elliott reporting on the meeting are attached), and argued essentially that Chile was on the path to democracy; outside interference would only hinder, rather than advance that process. Poindexter listened politely and then reiterated points that Errazuriz has heard many times before, but not from the NSC. John stressed that there was no division of opinion in the Administration and that you were doing just what you are supposed to do. It was a useful meeting in that regard, at least.

On Pinochet's letter, I would appreciate your comments. My initial view, which I conveyed to Elliott, is that this is a hardline response with no sign of willingness to address the concerns raised in the President's letter. We will want to consider the pros and cons of how we might respond, something we can address while you are up here.

More on Loans Issue: Treasury leaked the text of Mulford's memo to Elliott and Schifter to Lundine, and Lundine then used the memo to back up a joint letter with Bereuter sent to Elliott, requesting we revise our vote. Elliott was furious, and commissioned the enclosed action memo (which Elliott rewrote to make more pointed) to Whitehead, asking that Whitehead call Darman to complain. No word yet on Whitehead's response. Enclosed are other memos to the ARA front office with notations by Bob to give you the flavor of the reaction to Treasury's action. Also enclosed is EB's rundown of Chile loan projects anticipated to come up in the MDB's. There appear to

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be no votes coming up in the first quarter other than the two water and sewage project loans which Treasury already approved. However, several clearly non-BHN loans are likely to arise in the second quarter. EB reports, however, that it is impossible to predict the timing so far in advance.

We are working now on clearing a response to the Mulford memo and to the Lundine/Bereuter letter. We will send copies to you when approved. Elliott's replies to follow-up questions from the Lundine hearing are enclosed.

GSP Consultations: I am enclosing Carolee Heileman's report on the Rosenbaum/GSP visit. She mentions that the delegation promised support against Chile's human rights critics on the labor issue should the GOC take measures to address concerns on trade issues. This is a fine negotiating tactic, but I wonder whether Rosenbaum will be willing (or able) to back this promise up. The first GSP review meeting (chaired by STR) took place yesterday and examined Taiwan, Korea, and the Philippines. Apparently, DOL took a hard line, arguing that progress in all five areas of labor rights (such as freedom of association, etc.) was necessary to meet the definition of the law. Taiwan passed muster only because of a new "progressive" labor law, on which there is not much of a track record. The Philippines was deferred. Korea ended in deadlock. S/IL foresees serious problems "certifying" Chile, but we do not yet have a strategy for dealing with the issue. Apparently, they made some headway, however, convincing DOL that progress on all fields of labor rights need not be demonstrated to meet the labor rights criteria of the law. We should discuss how we want to play the GSP card with Chile during your consultations.

Human Rights Report: You have a cabled copy of the final version. (A copy on bond is enclosed for your use to make copies for handouts, after the report is released. HA will have only the summary/introduction translated into Spanish.) The NSC's only change was to insist that we change the description of the Vicariate as an organization which "provides objective and reliable reports" on human rights problems. Jim persuaded Jackie to accept "has provided reliable reports." Jackie asked that next year's report take notice of the GOC good record on minority issues arising on Easter Island.

More Human Rights: You will be interested in the enclosed report on the Administration's record on human rights issues in 1985 prepared by the Lawyers Committee for Human Rights and the Watch Committee. Chile gets special attention (as do you personally). The report somewhat begrudgingly acknowledges

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Department of State TELEGRAM

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PAGE 01 SAN JO 01144 01 OF 02 062244Z
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C O N F I D E N T I A L SECTION 01 OF 02 SAN JOSE 01144

EXDIS

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E.O. 12356: DECL: OADR
TAGS: SHUM, PGOV, CI, CS
SUBJECT: UNHRC AND CHILE - SPECIAL RAPPORTEUR - OPTIMISTIC

REF: (A) STATE 31117, (B) SANTIAGO 536 (C) STATE 394130, (D) GENEVA 318

1. UNCLASSIFIED CONFIDENTIAL - ENTIRE TEXT.

2. SUMMARY: UN SPECIAL RAPPORTEUR ON HUMAN RIGHTS IN CHILE, FORMER FOREIGN MINISTER FERNANDO VOLIO, IS OPTIMISTIC THAT THE UNHRC WILL BE ABLE TO ADOPT A BALANCED RESOLUTION ON CHILE -- BASED ON HIS REPORT -- WHICH WILL HELP THE COUNTRY PROGRESS TOWARD DEMOCRACY. FOR THAT REASON HE RESPONDED POSITIVELY TO POLOFF'S EXPLANATION OF OUR DRAFT RESOLUTION AND PROMISED TO STUDY IT CAREFULLY. BASED ON HIS CONVERSATIONS IN SAN JOSE WITH ROVING CHILEAN AMBASSADOR CALDERON PROTECT) -- VOLIO BELIEVES THAT THE PINOCHET GOVERNMENT REMAINS INTERESTED IN COOPERATING WITH HIM.
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PAGE 02 SAN JO 01144 01 OF 02 062244Z

VOLIO FEARS FOR THE CONTINUED EXISTENCE OF

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THE NATIONAL ACCORD, HOWEVER, AND PRESSED CALDERON FOR CONCESSIONS WHICH WILL PROVIDE AN INCENTIVE FOR ITS MEMBERS TO CONTINUE THEIR COOPERATION. VOLIO WILL MEET NEXT WEEK WITH THE VICARATE OF SOLIDARITY OF THE CHILEAN CATHOLIC CHURCH. HE PLANS TO SEND HIS REPORT TO GENEVA BY THE END OF THE WEEK. END SUMMARY.

3. POLOFF MET WITH FORMER FOREIGN MINISTER VOLIO (PROTECT) FEBRUARY 5 TO DISCUSS VOLIO'S VIEWS ON CHILE AND THE UNHRC. POLOFF ALSO DELIVERED THE US DRAFT RESOLUTION ON CHILE (REF A) NOW CIRCULATING IN GENEVA, AND THE REPORT ON THE VIOLENT LEFT SENT BY AMBASSADOR BARNES (REF B).

4. VOLIO WAS ENTHUSIASTIC ABOUT THE VISIT OF CHILEAN ROVING AMBASSADOR CALDERON TO SAN JOSE LAST MONTH (PROTECT). HE STATED THAT CALDERON'S COOPERATIVE ATTITUDE SUGGESTED THAT THE CHILEAN GOVERNMENT REMAINS DISPOSED TO COOPERATE WITH THE SPECIAL RAPPORTEUR. CALDERON APPARENTLY REPORTED TO VOLIO THAT THE GOVERNMENT HAS REITERATED ITS BAN ON TORTURE AS REPORTED IN REF C), AND HAS MADE EFFORTS TO INDICATE THAT THE ORDER IS MORE THAN MERE PAPER. VOLIO REPORTS THAT HE PRESSED CALDERON ON THIS SUBJECT, EMPHASIZING THE IMPORTANCE OF ENFORCEMENT AS OPPOSED TO MERE ISSUANCE OF THE ORDER. VOLIO STATED THAT HE WOULD APPRECIATE HEARING THE VIEWS OF AMBASSADOR BARNES ON THE DEGREE TO WHICH THE GOVERNMENT HAS MOVED TO ENFORCE THIS ORDER.
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5. VOLIO REMAINS VERY CONCERNED ABOUT CHILE'S FUTURE DESPITE HIS POSITIVE TAKE ON THE VISIT OF AMBASSADOR CALDERON. VOLIO FEARS THAT THE ALLIANZA POPULAR COULD DISINTEGRATE IF IT DOES NOT RECEIVE CONCESSIONS FROM THE GOVERNMENT WHICH DEMONSTRATE ITS UTILITY. HE FEARS THAT SHOULD THE ACCORD TOTTER, THE COMMUNISTS WILL BE QUICK TO EXPLOIT THE SITUATION. VOLIO NOTED THAT SHOULD THE COMMUNISTS ENTER THE

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ALLIANCE, ALL PROSPECTS OF PROGRESS WOULD END, TO THE DELIGHT OF THE HARDLINERS IN THE GOVERNMENT.

-

6. TO VOLIO, THE CHALLENGE FOR FRIENDS OF CHILE IS TO CONVINCE THE DEMOCRATIC OPPOSITION LEADERS TO CONTINUE IN THE ALLIANCE AND MAINTAIN THE ACCORD, WHILE AT THE SAME TIME PRESSURING THE GOVERNMENT TO IMPROVE THE QUALITY OF THE DIALOGUE. VOLIO SAID HE WILL STRESS THIS LATTER POINT IN HIS REPORT. MAKING THESE POINTS TO CALDERON, VOLIO UNDER-SCORED THE IMPORTANCE OF A PROMPT END TO THE GOVERNMENT'S CONNECTION WITH THE "BANDAS" OF THUGS WHICH INTIMIDATE HUMAN RIGHTS WORKERS. VOLIO ADDED THAT "HIGH OFFICIALS" IN GENEVA HAVE EMPHASIZED TO HIM THE IMPORTANCE OF THIS POINT.

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PAGE 01 SAN JO 01144 02 OF 02 062244Z
ACTION SS-25

INFO LOG-00 COPY-01 ADS-00 SSO-00 /026 W
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O 062243Z FEB 86
FM AMEMBASSY SAN JOSE
TO SECSTATE WASHDC IMMEDIATE 6025
USMISSION GENEVA IMMEDIATE
INFO AMEMBASSY SANTIAGO

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C O N F I D E N T I A L SECTION 02 OF 02 SAN JOSE 01144
EXDIS

E.O. 12356: DECL: OADR
TAGS: SHUM, PGOV, CI, CS
SUBJECT: UNHRC AND CHILE - SPECIAL RAPPORTEUR

7. VOLIO OUTLINED HIS BELIEF THAT CRUCIAL TO PROGRESS IN CHILE IS THAT THE GOVERNMENT BE GIVEN CREDIT FOR ITS COOPERATION WITH HIM AS SPECIAL RAPPORTEUR WHILE AT THE SAME TIME BEING PRESSURED TO ACCEPT HIS RECOMMENDATIONS AND MAKE CONCESSIONS TO THE OPPOSITION BY ENDING ITS INVOLVEMENT IN HUMAN RIGHTS ABUSES WHILE MOVING TOWARD DEMOCRACY. POLOFF NOTED THE CONGRUENCE OF US POLICY WITH VOLIO'S PRESCRIPTION AND TOOK THE OPPORTUNITY TO OUTLINE THE US DRAFT RESOLUTION ON CHILE. VOLIO SCANNED THE DOCUMENT AND STATED THAT HE WAS PLEASED WITH OUR POSITION. STATING THAT HE WOULD STUDY THE RESOLUTION AT LENGTH LATER, VOLIO PROMISED TO PROVIDE US WITH ANY COMMENTS HE MIGHT HAVE.

8. VOLIO STATED THAT HE WAS VERY PLEASED THAT CALDERON HAD DECIDED TO ATTEND THE UNHRC MEETING IN GENEVA. HE STATED THAT CALDERON'S
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PRESENCE WILL BE CRITICAL IN DEMONSTRATING THE CHILEAN GOVERNMENT'S COMMITMENT TO

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CORRECTION OF PAST ABUSES. VOLIO CONSIDERS THIS COMMITMENT, IN TURN, TO BE CRUCIAL TO DEFLECTION OF THE ANTI-CHILE LOBBY OF EXILES WHICH NORMALLY WORKS CLOSELY WITH MEXICO TO PUSH FOR RESOLUTIONS WHICH MERELY CONDEMN CHILE WITHOUT OFFERING ANY AVENUE TOWARD GENUINE IMPROVEMENT IN HUMAN RIGHTS IN THAT COUNTRY. VOLIO BELIEVES THE EXILE COMMUNITY TO BE COMPOSED PRIMARILY OF MARXISTS WITH NO INTEREST IN HUMAN RIGHTS. VOLIO EXPECTS THE ANTI-CHILE LOBBY TO USE THE VISIT OF SENATOR KENNEDY -- WHICH HE DESCRIBED AS POLITICAL RATHER THAN DIPLOMATIC -- FOR ITS OWN PURPOSES. HE SAID HE HOPES THAT KENNEDY'S VISIT DOES NOT AFFECT THE US POSITION ON CHILE. VOLIO FEELS IT IS VERY IMPORTANT THAT FOLLOWING THE CHILEAN GOVERNMENT'S COOPERATION WITH HIM THAT IT NOT BE CONDEMNED BY A RESOLUTION AS HARSH AS THAT RECEIVED BEFORE HIS VISIT.

9. VOLIO -- WHO MAY HAVE SPOKEN WITH THE SAME "HIGH OFFICIALS' WE HAVE (SEE REF D) -- SAID HE WORKED TO LOWER CALDERON'S EXPECTATIONS ON THE QUESTION OF ENDING THE CONSIDERATION OF CHILE AS A SEPARATE AGENDA ITEM AT THE UNHRC. HE REPORTS THAT HE TOLD CALDERON THAT TERMINATION OF SEPARATE CONSIDERATION WAS SECONDARY TO CONTINUED COLLABORATION WITH THE SPECIAL RAPPORTEUR, WHICH SERVES TO DEFLATE THE ANTI-CHILE LOBBY. DEFINED THIS TIME TO INCLUDE MEXICO, CUBA, THE SOVIET

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UNION, AND SIMILAR COUNTRIES. TAMBS

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Chile Project (#S199900030)
U.S. Department of State
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PAGE 01 SANTIA 00884 061412Z
ACTION ARA-00

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TO SECSTATE WASHDC IMMEDIATE 9991

UNCLAS SANTIAGO 00884

E.O. 12356: N/A
TAGS: PREL, CI
SUBJ: LETELIER CASE: CHILEAN LEGAL EXPERTS STATE NEW EXTRADITION PROCEEDINGS NOT POSSIBLE

1. (U) CONSERVATIVE DAILY "EL MERCURIO" OF FEBRUARY 5 CONTAINED AN ARTICLE ON POSSIBLE NEW EXTRADITION PROCEEDINGS AGAINST RETIRED GENERAL MANUEL CONTRERAS AND RETIRED COLONEL PEDRO ESPINOZA. THE ARTICLE QUOTES TWO CHILEAN LEGAL AUTHORITIES AS STATING THAT ANY NEW EXTRADITION PROCEEDINGS COULD NOT BE HONORED BY CHILEAN COURTS.

2. (U) ACCORDING TO CURRENT SUPREME COURT JUDGE, AND FORMER PRESIDENT OF THE COURT, JOSE MARIA EYZAGUIRRE, THE CASE HAS ALREADY BEEN JUDGED AND THE REQUEST DENIED. THEREFORE, THE UNITED STATES COULD NOT RE-INITIATE THE PROCEEDINGS. ALSO QUOTED WAS LEGAL EXPERT NURIELDIN HERMOSILLA, WHO OPINED THAT ARTICLE 381 OF THE CODE OF PRIVATE INTERNATIONAL LAW WOULD BE IN FORCE IN THIS PARTICULAR CASE AND THAT THE ARTICLE CLEARLY FORBADE A SECOND EXTRADITION REQUEST FOR THE SAME CRIME, ONCE THE FIRST REQUEST HAD BEEN DENIED. HERMOSILLA CLAIMED THAT THIS INTERPRETATION HAD BEEN TACITLY ACCEPTED IN UNCLASSIFIED

PAGE 02 SANTIA 00884 061412Z

A BOOK WRITTEN BY U.S. EMBASSY LAWYER ALFREDO ETCHEBERRY. A NEW EXTRADITION REQUEST COULD NOT BE ACCEPTED, ACCORDING TO HERMOSILLA, EVEN IF THE GUILT OF

CONTRERAS AND ESPINOZA WAS PROVEN.

3. (U) INTERIOR MINISTER RICARDO GARCIA WAS QUESTIONED BY THE PRESS ON THE AFTERNOON OF FEBRUARY 5 CONCERNING THE NEW DEVELOPMENTS IN THE LETELIER CASE. GARCIA CONCEDED THAT HE HAD MET WITH PRESIDENT PINOCHET THE AFTERNOON BEFORE AT THE PRESIDENT'S VACATION RETREAT AT BUCALEMU AND THAT THE CONFESSION OF CAPT. FERNANDEZ HAD BEEN DISCUSSED, ALONG WITH OTHER MATTERS. THE INTERIOR MINISTER REFUSED TO BE DRAWN INTO COMMENTING ON THE CASE, OTHER THAN TO REITERATE THAT THE GOC RESPECTED THE DECISIONS OF THE COURTS. BARNES

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<< END OF DOCUMENT >>

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ACTION CONS INFO AMB DCM CHRON/5

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OO RUEHGT
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O 072149Z FEB 86
FM AMEMBASSY MEXICO
TO RUEHGT/AMEMBASSY GUATEMALA IMMEDIATE 3552
INFO RUEHC/SECSTATE WASHDC 9124
BT
UNCLAS MEXICO 02917

RELEASED

07-FEB-86
TOR: 21:56
CN: 03356
CHRG: PROG
DIST: CONS

E.O. 12350: N/A
TAGS: CASC, MX (BLAKE, NICHOLAS, AND DAVIS GRIFFITH)
SUBJECT: W/W: RESPONSE TO CONGRESSIONAL INQUIRY

REFS: A) GUATEMALA 01333; B) GUATEMALA 00809

1. IN RESPONSE TO ACTION REQUEST IN REF A, POST WISHES TO POINT OUT THAT IT HAS NEITHER A CONSULATE NOR CONSULAR AGENT IN CHIAPAS. IN ADDITION, WITH INSPECTORS PRESENT AT POST, IT IS VERY DIFFICULT TO SPARE OFFICERS FOR AN INVESTIGATION OF THE MAGNITUDE REQUESTED.

2. FORTUNATELY, TWO OFFICIALS WILL BE IN THE AREA WHERE THE ALLEGED SIGHTING OCCURRED, ON OTHER BUSINESS. THEY WILL FIND OUT WHAT THEY CAN CONCERNING BLAKE AND DAVIS AND REPORT ANY INFORMATION GATHERED.

3. NEITHER OF THE REFTELS GIVES ANY PHYSICAL DESCRIPTION OF THE TWO MEN, NOR ANY INDICATION OF THE NATURE OF THE SIGHTING. POST REQUESTS ALL POSSIBLE INFORMATION WHICH MIGHT ASSIST IN THE INVESTIGATION ASAP, AS THE OFFICERS ARE DUE TO LEAVE FOR CHIAPAS ON TUESDAY, FEBRUARY 11.

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#2917

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UNCLASSIFIED MEXICO 002917

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 06/28/95
Case ID: 95122210

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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

PAGE 01 STOCKH 00948 071447Z
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R 071432Z FEB 86
FM AMEMBASSY STOCKHOLM
TO SECSTATE WASHDC 0883
INFO AMEMBASSY BONN
AMEMBASSY BRUSSELS
AMEMBASSY THE HAGUE
AMEMBASSY LONDON
AMEMBASSY MADRID
AMEMBASSY OSLO
AMEMBASSY PARIS
AMEMBASSY ROME
AMEMBASSY COPENHAGEN
AMEMBASSY DUBLIN
AMEMBASSY LISBON
AMEMBASSY SANTIAGO
AMEMBASSY HELSINKI

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C O N F I D E N T I A L STOCKHOLM 00948

E.O. 12356: DECL: OADR
TAGS: PHUM, PREL, CI, SW
SUBJECT: SUPPORT FOR DIALOGUE IN CHILE: SWEDISH VIEWS

REF: STATE 35273

1. (C - ENTIRE TEXT)

2. I TOOK THE OPPORTUNITY OF A PREVIOUSLY-SCHEDULED LUNCH WITH MFA UNDERSECRETARY PIERRE SCHORI FEBRUARY 6 TO REVIEW OUR CONCERNS ABOUT CHILE (REFTEL) AND SOLICIT

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PAGE 02 STOCKH 00948 071447Z

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HIS VIEWS. SCHORI, WHO PRIDES HIMSELF ON THE WIDE NETWORK OF MOSTLY-LEFTIST CONTACTS HE MAINTAINS IN LATIN AMERICA, SAID THAT HE IS IN TOUCH WITH FRIENDS IN CHILE AND AGREED THE AUGUST ACCORD WAS A STEP FORWARD.

3. THE DEMOCRATIC OPPOSITION, HE THOUGHT, WOULD HOLD TOGETHER, DUE AT LEAST IN PART TO THE POPULARITY OF CHRISTIAN DEMOCRAT GABRIEL VALDES. SCHORI WAS ENCOURAGED BY THE "LIVELY DEBATE" WHICH IS GOING ON IN CHILE AND MENTIONED THAT A SWEDISH PRODUCTION OF THE ANTI-FASCIST PLAY "HITLER'S CHILDHOOD" WAS TOURING CHILE TO APPRECIATIVE AUDIENCES.

4. SCHORI TOLD ME THAT HE IS AWARE OF THE LIMITS OF U.S. INFLUENCE ON PINOCHET. EVEN PINOCHET'S OWN ADVISORS WHO FAVOR DIALOGUE DIDN'T HAVE MUCH INFLUENCE. SCHORI RECALLED THAT WHEN HE'D BEEN IN WASHINGTON IN DECEMBER, HE'D MET SEN. EDWARD KENNEDY, WHO WAS PLANNING A VISIT TO CHILE. KENNEDY ASKED WHETHER GOING TO CHILE WOULD MAKE HIM A TARGET FOR THE LEFT, ACCORDING TO SCHORI, WHO RESPONDED THAT THE LEFT WOULD GIVE HIM NO TROUBLE BUT THAT HE'D BE A TARGET FOR THE RIGHT. "HE WAS NICE ENOUGH TO WRITE ME A LITTLE NOTE TELLING ME I WAS RIGHT," SCHORI BEAMED. NEWELL

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Chile Project (#S199900030)
U.S. Department of State
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Exemption(s) NR, KN

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Grain

United States Department of State

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February 0 6, 1986

Dear Congressman Dixon:

Thank you for your letter of November 12, 1985 to Assistant Secretary Schifter in which you conveyed the concerns of your constituents who are Amnesty International members regarding the cases of [ ] Jorge Hernan Muller Silva and Carmen Cecilia Bueno Cifuentes in Chile [ ] I apologize for the delay in responding.

NF

[ ]

NR

[ ]

Regarding the two Chileans, Jorge Hernan Muller Silva and Carmen Cecilia Bueno Cifuentes, we have asked our Embassy in Santiago to look into these two cases. According to their report, which you already should have received directly by cable, Muller and Bueno have not been heard of since they were detained in 1975. The Vicariate of Solidarity, the Catholic Church's human rights office in Chile, says these two individuals are among the 663 people who disappeared during the period 1973 - 1978. There have been no new developments on these two specific cases in recent years.

[ ]

NR

[ ]

The Honorable
Julian C. Dixon,
House of Representatives.

Drafted: HA/HR:SRSnow/BConnuck/MGustafson

Ext. 72126, 1/28/86

Clearances: HA:JMMontgomery
HA/HR:JEThyden
NEA/ARN:DGreene
EUR/SOV:SMWagner
ARA/SC:LKusnitz

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United States Department of State

Chile Project (#S199900030)
U.S. Department of State *Washington, D.C. 20520*
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

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FEB 10 1986

MEMORANDUM

TO: David C. Mulford
Assistant Secretary
International Affairs
Department of the Treasury

M 1/10/86 R

FROM: Elliott Abrams
Assistant Secretary for Inter-American Affairs

James M. Montgomery
Acting Assistant Secretary for Human Rights and
Humanitarian Affairs

SUBJECT: Human Rights and MDB Loans to Chile

We are responding to your memorandum of January 10 which raises concerns about a possible deterioration in the human rights situation in Chile, and requests our views on whether recent developments should affect our position on upcoming MDB loans to Chile.

As you know, the State Department follows human rights developments around the world carefully, particularly in countries with a record of rights abuses, such as Chile. We have watched the situation in Chile closely, both before and after its State of Siege was removed in June 1985. When Abrams appeared (accompanied by Jim Conrow) before the House Subcommittee on International Development Institutions and Finance on December 5, 1985 to discuss human rights and our voting policy on MDB loans to Chile, he testified that there are grounds for very serious concern regarding the human rights situation there. However, our assessment then did not back with the assertion in your memorandum that the situation has deteriorated since removal of the State of Siege. On the contrary, although the very serious rights problems Abrams ed continue, there are some signs of improvement since June 5.

Upon receiving your Jan. 10 memorandum, although we had ntly reviewed the situation in view of Abrams' December 5 imony, we requested our Embassy in Santiago to provide us an updated analysis of developments in the human rights focussing on the period since June 1985. According to report, which we have enclosed along with a copy of the Human Rights Report on Chile, in certain areas there have notable improvements; in others, little or no progress; in

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TALKING POINTS FOR CALL TO ADMIRAL POINDEXTER

- o Efforts to carry out President's policy on Chile have been complicated by unilateral actions by Treasury
- o Opponents of our measured efforts to promote a peaceful transition in Chile are now focusing on MDB loans to Chile and pushing for opposition to Chile loans to oust Pinochet.
- o Congressional critics, almost entirely Democrats, have pressured both us and Treasury, which issues MDB voting instructions.
- o Treasury is buckling under the pressure.
- o After pressing for opposition to Chile loans in a memo from Mulford, Treasury leaked this memo.
- o I complained to Darman last month, but to no effect: someone at Treasury has now given Rep. Lundine our classified reply to Mulford, which Mary McGrory used to take a partisan swipe March 16 filled with misleading statements about our Chile policy.
- o The effect of Treasury's actions is to keep the issue alive and build expectations of a policy change.
- o Blanket opposition to MDB loans to Chile does not make sense on domestic political or foreign policy grounds.
- o No new loans are expected to come up before June, but Treasury needs to be told firmly now to stop their unilateral efforts to manage a foreign policy issue; otherwise, we may find ourselves on the defensive and less able to use our loan votes as carrots rather than sticks.
- o I will be back in touch with you on Chile if these problems continue.

Chile Project (#S199900030)
U.S. Department of State
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Exemption(s) _____

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ACTION OCS-06

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FM AMEMBASSY MEXICO

TO AMEMBASSY GUATEMALA IMMEDIATE

INFO SECSTATE WASHDC IMMEDIATE 9260

UNCLAS MEXICO 03190

E.O 12356: N/A

TAGS: CASC, MX (BLAKE, NICHOLAS, AND DAVIS, GRIFFITH)

SUBJECT: W/W: NICHOLAS BLAKER AND GRIFFITH DAVIS

REF: A) MEXICO 2917 B) GUATEMALA 001333 C) GUATEMALA 000809

PLEASE DISREGARD COMMENTS IN REF. A. AS THIS IS A JUNIOR OFFICER TRAINING POST, WE EXPERIENCE A RAPID TURNOVER IN EACH CCS SECTION, APPROXIMATELY EVERY 3 MONTHS. AS REFTELS B AND C DID NOT REFERENCE OTHER CABLES, OUR W/W OFFICER WAS UNAWARE OF THE EXTENSIVE FILE ON THIS CASE. PLEASE ACCEPT OUR APOLOGIES. THE OFFICERS GOING TO CHIAPAS THIS WEEK HAVE BEEN PROVIDED COPIES OF FILE.

GAVIN

CA MOORA HART
BLAKE DAVIS
GUATEMALA

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 06/28/95
Case ID: 95122210

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Department of State TELEGRAM

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PAGE 01 GUATEM 01673 01 OF 02 122338Z
ACTION ARA-00

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UNCLAS SECTION 01 OF 02 GUATEMALA 01673

E.O. 12356: N/A
TAGS: PHUM, GT
SUBJECT: PEACE BRIGADES INTERNATIONAL ARE ALIVE AND WELL IN GUATEMALA

REF: A) 85 GUATEMALA 11971, B) 85 GUATEMALA 12088, C) 85 GUATEMALA 12815, D) 85 GUATEMALA 12847

1. SUMMARY. POLOFF MET WITH FOUR MEMBERS OF PEACE BRIGADES INTERNATIONAL (PBI), FEBRUARY 5, AT PBI HEADQUARTERS. TWO OF THE FOUR, FRENCH CITIZENS [redacted] WERE ACCUSED BY THE MEJIA GOVERNMENT OF MEDDLING IN THE INTERNAL POLITICS OF GUATEMALA AND EXPELLED FROM THE COUNTRY IN LATE B6
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PAGE 02 GUATEM 01673 01 OF 02 122338Z

NOVEMBER. THEY RETURNED TO GUATEMALA AFTER THE

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DECEMBER 8 PRESIDENTIAL RUNOFF ELECTION, AND REJOINED THE PBI TEAM WHICH ESCORTS MUTUAL SUPPORT GROUP (GAM) MEMBERS. BOTH SAID THEY HAVE NOT BEEN HARRASSED SINCE THEIR RETURN AND HAVE COMPLETE LIBERTY TO CARRY OUT THEIR ESCORT MISSION. END SUMMARY.

2. POLOFF MET WITH FOUR MEMBERS OF PEACE BRIGADES INTERNATIONAL (PBI), FEBRUARY 5, AT PBI HEADQUARTERS. THIS WAS THE LATEST IN A SERIES OF REGULAR MEETINGS POLOFF HAS HAD WITH PBI MEMBERS. TWO OF THE FOUR, WERE ACCUSED BY THE B6
MEJIA GOVERNMENT OF MEDDLING IN THE INTERNAL POLITICS OF GUATEMALA AND EXPELLED FROM THE COUNTRY IN LATE NOVEMBER. THEY RETURNED TO GUATEMALA SHORTLY AFTER THE DECEMBER 8 PRESIDENTIAL RUNOFF ELECTION, AND REJOINED THE PBI TEAM WHICH ESCORTS MUTUAL SUPPORT GROUP (GAM) MEMBERS. ACCORDING THE PBI B6
TEAM NOW CONSISTS OF SEVEN PEOPLE: 2 FRENCH, 3 CANADIANS, AND 2 AMERICANS.

3. ON NOVEMBER 19, 7 PBI MEMBERS WERE ORDERED OUT OF GUATEMALA (REF A). DECLARED PERSONA NON GRATA ALONG WITH B6

OF THE TWO AMERICANS, B6
HAD LEFT GUATEMALA PRIOR TO THE EXPULSION ORDER.

4. ACCORDING TO GOG IMMIGRATION DIRECTOR, ADOLFO RANGEL SOLIS, THE EIGHT WERE ORDERED OUT OF THE COUNTRY FOR INTERFERING IN THE INTERNAL AFFAIRS OF GUATEMALA AND ENGAGING IN POLITICAL ACTIVITIES
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PAGE 03 GUATEM 01673 01 OF 02 122338Z

INAPPROPRIATE FOR SOMEONE TRAVELING IN GUATEMALA ON A TOURIST VISA.

5. THE EMBASSY MADE TWO DEMARCHES ON BEHALF OF THE AMERICAN MEMBER OF PBI ORDERED OUT OF THE COUNTRY, REQUESTING THE GOG TO RESCIND THE EXPULSION ORDER AND TO PERMIT HER TO STAY IN GUATEMALA UNTIL HER VISA EXPIRED DECEMBER 9 (REF B). THE FRENCH AND CANADIAN EMBASSIES MADE SIMILAR REPRESENTATIONS ON BEHALF OF THEIR CITIZENS. ON NOVEMBER 21, AN EMBASSY

OFFICER RAISED THE ISSUE WITH THE IMMIGRATION DIRECTOR, ON NOVEMBER 22 THE AMBASSADOR MET WITH THE FOREIGN MINISTER. IN BOTH INSTANCES, THE EMBASSY WAS INFORMED THAT THE DECISION TO EXPEL THE SEVEN WAS TAKEN "AT THE HIGHEST LEVEL," AND THAT THE GOVERNMENT OF GUATEMALA WOULD REMAIN FIRM IN ITS DECISION. NEVERTHELESS, NEVER RECEIVED HER EXPULSION ORDER AND STAYED IN GUATEMALA UNTIL DECEMBER 6, WHEN SHE HAD ORIGINALLY PLANNED TO LEAVE THE COUNTRY. B6

6. GOG OFFICIALS INFORMED THE EMBASSY, HOWEVER, THAT THE DECISION TO EXPEC THE SEVEN WAS NOT AN ATTACK AGAINST THE PBI OR ITS MISSION IN GUATEMALA. INSTEAD, THE GOVERNMENT CLAIMED IT HAD EVIDENCE THAT THE SEVEN PBI MEMBERS NAMED ON THE EXPULSION ORDER WERE ENGAGED IN "ILLEGAL ACTIVITIES." SPECIFICALLY, THEY WERE CHARGED WITH ENCOURAGING THE MUTUAL SUPPORT GROUP (GAM) TO TAKE OVER THE METROPOLITAN CATHEDRAL LAST OCTOBER 31. THE GOG INFORMED THE EMBASSY THAT THE EXPELLED PBI MEMBERS WOULD BE ABLE TO RETURN TO GUATEMALA FOLLOWING THE DECEMBER 8 PRESIDENTIAL RUNOFF ELECTION. IT IS WORTH NOTING THAT ONE MEMBER OF THE PBI OBSERVER TEAM HAD HIS VISA REVALIDATED THE

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PAGE 01 GUATEM 01673 02 OF 02 122339Z
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TO SECSTATE WASHDC 4581
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AMEMBASSY PARIS
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UNCLAS SECTION 02 OF 02 GUATEMALA 01673

E.O. 12356: N/A
TAGS: PHUM, GT
SUBJECT: PEACE BRIGADES INTERNATIONAL ARE ALIVE AND
SAME DAY THE SEVEN OTHERS WERE ORDERED OUT OF THE
COUNTRY, THAT PBI MAINTAINED A CONTINGENT IN
GUATEMALA AFTER THE TEMPORARY EXPULSION OF SOME OF
ITS MEMBERS, AND THAT PBI HEADQUARTERS REMAINED
OPENED AND WERE USED AS A MEETING PLACE BY THE GAM
DURING THIS PERIOD.

7. [redacted] RETURNED B6
TO GUATEMALA DECEMBER 9, THE DAY AFTER THE
ELECTIONS. [redacted] LEFT GUATEMALA AGAIN TO TRAVEL TO B6
INDIA AND FRANCE, BUT RETURNED TO GUATEMALA JANUARY
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UNCLASSIFIED

PAGE 02 GUATEM 01673 02 OF 02 122339Z

24. [redacted] TOLD POLOFF THAT THE PBI TEAM HAS NOT B6
SUFFERED HARRASSMENT SINCE THEIR RETURN, AND THAT

THEY HAVE COMPLETE FREEDOM TO CARRY OUT THEIR ESCORT DUTIES.

8. [redacted] COULD NOT SAY HOW LONG THE PBI TEAM WILL STAY IN GUATEMALA. HE SAID THAT THE INAUGURATION OF A CIVILIAN GOVERNMENT HAD RAISED HOPES, BUT THAT GUATEMALA WOULD CONTINUE TO BE A "DANGEROUS PLACE" FOR GAM MEMBERS UNTIL THE CEREZO GOVERNMENT COULD COMPLETELY CONTROL "DEATH SQUADS." THEREFORE, HE EXPECTED PBI TO CONTINUE ITS ESCORT DUTIES FOR SOME TIME. HE DID NOTE, HOWEVER, THAT PBI WAS A LITTLE SHORT OF EXPERIENCED MANPOWER. HE SAID THE "NORTH AMERICANS" HAD BEEN CARRYING A DISPROPORTIONATE PART OF THE LOAD, AND HOPED TO INVOLVE OTHERS IN ESCORT WORK. HE SAID HE HOPED TO RECRUIT INDIANS AND JAPANESE TO WORK WITH PBI IN GUATEMALA. PIEDRA

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DECLASSIFIED IN PART

UNCLASSIFIED

(E 329)

35

RELEASED IN PART
A5

DECAPTIONED

TEXT OF TELEGRAM 86STATE 046079

ADP757
[redacted]

PAGE 01 STATE 046079
ORIGIN SS-25

INFO LOG-00 ADS-00 SSO-00 (AS-01 NSCE-00)/025 R

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O 131906Z FEB 86
FM SECSTATE WASHDC
TO AMEMBASSY MEXICO IMMEDIATE

[redacted]STATE 046079

EXDIS

E.O. 12356: DECL:OADR
TAGS: PREL, MX
SUBJECT: . REPORTED MOVE OF FMLN/FDR CADRES TO MEXICO

REF: STATE 040279

FOR AMBASSADOR FROM ASSISTANT SECRETARY ABRAMS

DURING THEIR FEBRUARY 11 MEETING ON OTHER SUBJECTS (SEPTEL), SECRETARY SHULTZ RAISED WITH SECRETARY SEPULVEDA THE QUESTION OF THE SUBJECT REPORT AND MADE CLEAR THE DEPTH OF US CONCERN.

SECRETARY SEPULVEDA SAID HE RECEIVED OUR MESSAGE ON THIS ON SUNDAY, FEBRUARY 9, AND THAT HE IMMEDIATELY DISCUSSED IT WITH INTERIOR SECRETARY BARTLETT. HE SAID THERE IS CONFUSION BECAUSE, HE WAS TOLD, MEXICAN INTELLIGENCE REPRESENTATIVES IN MEXICO CITY WERE NOT ABLE TO CONFIRM
[redacted]

PAGE 02 STATE 046079

THE REPORT OR GET DETAILS FROM US REPRESENTATIVES. HE SAID HE WOULD LOOK INTO IT FURTHER UPON HIS RETURN.

WHITEHEAD

A5

RELEASED
El Salvador: Human Rights
Special Project (1993)

UNCLASSIFIED

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: THEODORE HEAVNER
Date: 06/10/94
Case ID: S940035A

DECLASSIFIED IN PART

DECLASSIFIED IN PART

UNCLASSIFIED

E2730

38

TEXT OF TELEGRAM 86MEXICO003490

ADP238

[redacted]

PAGE 01 MEXICO 03490 141921Z
ACTION SS-25

INFO LOG-00 ADS-00 SSO-00 (AS-01 CIAE-00 DODE-00 NSCE-00
NSAE-00 INRE-00)/025 W
----------146033 150207Z /50

O 141822Z FEB 86
FM AMEMBASSY MEXICO
TO SECSTATE WASHDC IMMEDIATE 9397

[redacted]MEXICO 03490

EXDIS

FOR AS ABRAMS FROM AMBASSADOR GAVIN

E.O. 12356: DECL: OADR
TAGS: PREL, MX
SUBJECT: REPORTED MOVE OF FMLN/FDR CADRES TO MEXICO

REF: STATE 046079

ANY CONFUSION REGARDING OUR MESSAGE TO THE GOM ON THIS SUBJECT WAS IN THE MIND OF BERNARDO. WE DELIVERED THE MESSAGE WITHIN HOURS OF RECEIPT ON SATURDAY, FEBRUARY 8, AND SENT COPIES TO SECRETARY OF GOBERNACION BARTLETT AND TO THE PRESIDENCIA. I PERSONALLY SPOKE TO BARTLETT ON THE MATTER AND HIS ONLY COMPLAINT WAS THAT WE HAD NOTIFIED SRE AT ALL. THE APPROPRIATE OFFICIALS IN GOBERNACION WERE BRIEFED EXTENSIVELY ON MONDAY, FEBRUARY 10 AT LEAST 24 HOURS BEFORE BERNARDO'S MEETING WITH THE SECRETARY. A5

GAVIN A5

[redacted]

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RELEASED IN PART
A5
RELEASED
El Salvador: Human Rights Special Project (1993)
DECAPTIONED

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: THEODORE HEAVNER
Date: 06/10/94
Case ID: S9400035A

DECLASSIFIED IN PART

UNCLASSIFIED

RELEASED

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 06/28/95
Case ID: 95122210

UNCLASSIFIED

RECEIVED BY P860022-1643
DEPARTMENT OF STATE

OCS
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1986 FEB 20 AM 10:32

FAIM/IAP/WI

February 19, 1986

Dear Senator Mitchell:

Thank you for your letter of December 4 about the missing Americans Nicholas Blake and Griffith Davis who vanished in the Guatemalan highlands in late March or early April 1985. In response to your inquiries our Embassy in Guatemala and officers in the Department of State have reviewed their actions on behalf of the men and double checked, to the best of their ability, the most recent information presented by Sam and Randy Blake. This letter responds to your request for a written report on our efforts, provides you with the results of our review, and gives a reaction to some of the theories put forward about the missing men.

The case first came to the Embassy's attention when an American citizen called the consular section on April 6, 1985, to report that a friend, American citizen Griffith Davis, was overdue from a walking trip in Guatemala's western highlands. According to the caller, Davis was to meet friends in Nebaj, a market town in the Department of Quiche, on March 29. She thought it unlikely that he was purposely overdue as he had planned to attend his sister's wedding in the United States during the second week in April. Davis was traveling with an acquaintance named Nick Blake, she said, who she thought was an American living in Antigua, near Guatemala City.

Later on April 8, Embassy officers confirmed the American nationality of both of the missing men through immigration records. A telephone check of registration records at the Hotel Central in Huehuetenango confirmed [redacted] 25 at the hotel before beginning their journey. Consular officers called National Police and Treasury Police headquarters and asked that units in the western highlands be alerted. Catholic and Protestant missionary groups with people working in the region were also alerted. That evening, a consular officer was able to speak by telephone with a British citizen friend of Nick Blake, Michael Shawcross. Shawcross confirmed the basics of the story given by the original caller and said that he too was concerned for the men's safety.

The Honorable
George J. Mitchell,
United States Senate.

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[redacted]

LIMOL ACCIFIED

On April 9, Shawcross, German citizen Nikki-Linden, and the U.S. citizen who first brought the case to our attention met with an Embassy officer in the Chancery. Shawcross said that Blake was a working journalist with an interest in the insurgency in the western highlands. Blake might take an opportunity to spend time with the guerrillas, said Shawcross. Davis was described as a long-term Guatemalan resident and an experienced hiker who had no political interests, but had long wanted to hike through the area in question. Blake and Davis, according to their friends, had met only recently. Shawcross was able to give a general description of the planned route. The men had planned to take a bus from Huehuetenango to San Juan Ixchoy where they were to begin their walk east to Nebaj.

Embassy officers called the military zone headquarters in Huehuetenango and Quiche later that morning, requesting the commanders' assistance in the search for the missing Americans. The Embassy then made a telegraphic report to the Department outlining the situation. The Department began a search of passport records in order to locate and contact the families in the United States.

On April 10, the Embassy Defense Attache followed an earlier telephone call with a letter to the Guatemalan Chief of Military Intelligence requesting assistance in finding the lost Americans.

During the following week, Embassy officers tried to track rumors that messages had been received from Nick Blake by another American friend, and by the owner of the small Antigua pension where Nick Blake generally stayed in Guatemala. The American Embassy in San Jose reported that the friend told Embassy officers he had received a note at Blake's Antigua pension on March 31. That note supposedly said Blake would be in Nebaj between April 1 and 3. When Blake did not arrive in Nebaj, the friend returned to Antigua, where the owner of the pension said that another person, name unknown, had left a message that Blake would be unable to meet the friend. Embassy officers in Guatemala were able to question him regarding this sequence of events later. He said that he had been misunderstood when interviewed by our officers in Costa Rica, that he had received no message. The pension owner had a somewhat different story to tell. He said he had received two written messages in early April, purportedly from Nick Blake, saying that his return would be delayed and to say nothing to the authorities. The pension owner now says that he destroyed the notes. The Embassy

believes there were never any notes. The Department contacted the mothers of the missing men April 13th. They had not heard from their sons and agreed that there was real reason for concern. Within a week, the Blakes had drawn on many of their own contacts with connections in Central America to help locate their son. Officials at the highest level of the Administration and several Congressmen, yourself included, were contacted by the family for assistance.

On April 18, two Embassy officers in a chartered helicopter flew to the Department of Huehuetenango and Quiche to investigate the disappearance. Accompanying the officers were the consular section fraud investigator (a veteran of the Guatemalan national police) and an Embassy security agent who speaks the area's predominate dialect. The use of a helicopter was required because the route planned by Blake and Davis between San Juan Ixcoy and Nebaj is serviced only by hiking trails and includes some of the roughest high country in Central America. In San Juan Ixcoy, where Blake and Davis left the bus and began their trek, Embassy officers met two Guatemalan army intelligence specialists who were conducting their own search for the missing Americans. The Embassy team was able to trace the route followed by Blake and Davis from San Juan Ixcoy on March 26 through San Francisco Las Flores and Mixlaj to the village of Llano, along the border between Quiche and Huehuetenango, several days later. It appears that on the morning of March 29 or 30, Blake and Davis left Llano, saying they were heading to Salquil, a large model village which can be reached by road from Nebaj. The commander of the army detachment at Las Majadas, the military outpost closest to Llano, said that he was told by Llano villagers on March 29 that two Americans were requesting permission to go to Sumal, a stronghold of the EGP (Guerrilla Army of the Poor). The Lieutenant said he instead gave the Americans permission to travel to Salquil. Villagers at Mixlaj, where Blake and Davis had spent a night during their trip, also said that the Americans had expressed an interest in going to Sumal. The villagers said they told Blake and Davis not to go to Sumal because the area was dangerous.

The date of their departure from Llano was March 29 according to the Llano villagers, and March 30, according to the Lieutenant at Las Majadas, who never met Blake and Davis. Embassy officers in Guatemala find no significance in the difference in dates. They believe it is very likely that the villagers erred, as no written record was kept. No trace of the whereabouts of Blake and Davis was found from the time they left Llano. At one point the

Blake family heard their sons may have been involved in a battle, but their confusion stemmed from the account of our Embassy officers flight into Salquil, where the army detachment mistook their helicopter as one bringing in reinforcements for a firefight then in progress about five miles from the village. According to the Lieutenant in charge of the Salquil garrison, Blake and Davis never arrived at Salquil. Embassy officers then backtracked to Quilen Novillo, the only occupied village between El Llano and Salquil. Villagers at Quilen Novillo said that the missing Americans had not passed through the village. At Nebaj, interviews with townspeople and military officials turned up no sighting of Blake and Davis. However, it was apparent that townspeople in Nebaj were well aware of the search for the Americans. None of the villages along the planned route are garrisoned by the Guatemalan army. There are no indications that Blake and Davis had any contact with regular government forces. Throughout the search, Embassy officers distributed flyers which included photos and descriptions of Blake and Davis, as well as numbers and addresses to contact in case someone had information to report. It should be added that this trip included a certain degree of physical risk on the part of the Embassy team. The village of Mixlaj, for example, is considered a dangerous place for official Americans.

Another American citizen friend of Nicholas Blake told Embassy officers in San Jose, Costa Rica, he had talked with Blake and Davis in Huehuetenango the night before they began their trip and Blake had said that he and Davis were going to "back door" into the guerrilla zone, avoiding the army patrols he believed were blocking the area. Blake fully expected to be "caught" (Blake's words) by the army or the guerrillas, according to this friend.

Lieutenant Colonel Jose Solis, Deputy Commander of Military Zone 20 (Quiche) came to the Embassy on April 30 to brief the Defense Attache and consular officers on a planned army sweep through the area in which Blake and Davis were believed to have disappeared. The sweep, involving some 450 infantrymen, began the following day. Units were broken into reinforced squads and employed in small "force patrols". This tactic involved greater risk as larger units are normally employed in such areas, but the smaller patrols offered more thorough coverage. Guatemalan sources reported two officers and ten enlisted men killed in the sweep. No sign of the missing Americans was reported.

On April 25, an Embassy officer in a chartered light aircraft, dropped leaflets over the Sumal area. The leaflets, printed in Spanish and the prevalent Indian dialect, Ixchil, had photos of both men. Leaflets were also provided to the zone headquarters for distribution to army patrol leaders and civil guard units.

Mrs. Mary Blake, Nicholas Blake's mother, came to Guatemala on April 25 accompanied by her son Randy Blake, family friend Lucien Yokana, and Attorney Edward Goff. Mrs. Blake's party met with Ambassador Piedra and received a thorough briefing on the investigation to that point.

Embassy officers accompanied the party to Military Zone 20 headquarters in Santa Cruz del Quiche on April 27 where the zone commander briefed them on the actions he had taken to locate Nicholas Blake and Griffith Davis. The family hired a private investigator in Guatemala at about this time.

Attorney Edward Goff, representing the Blake family, came to Guatemala again on May 23 after spending several weeks in Chiapas, Mexico near the border with Guatemala. He was accompanied by the private investigator. Both were briefed on the status of the investigation.

Sam and Randy Blake, accompanied by friends, visited Guatemala during the first week of November and again one month later. On both occasions they met with Ambassador Piedra, the Deputy Chief of Mission, and other Embassy officers. During the November visit, Sam and Randy Blake divulged two potential leads in the case. 1) The Blake brothers had heard that two persons fitting the description of their brother and Griffith Davis had landed in a helicopter in Nebaj at the end of the first week of April. According to this story, the passengers were forcibly removed from the helicopter by Guatemalan army troops and taken to the garrison headquarters; 2) a second line of inquiry was opened by their description of contacts between a Guatemalan army procurement officer and a close business contact of the Blake family. Embassy officers immediately began to check both stories.

The helicopter story was made very difficult to check since source was unknown to the officers who worked on it. The brothers could not divulge any information that could lead back to the date or time of the event or the name of anyone who may have witnessed it. The Guatemalan military officer responsible showed the U.S. Defense Attache his log indicating there were no helicopter flights in the area described during the time frame mentioned. We have not been able to establish any information to contradict this log.

According to Sam and Randy Blake, Mrs. Remidios Diaz, a family friend and business associate living in Miami, had been approached by a Guatemalan army officer who worked in the army's procurement section. This officer, according to the story, told Ms. Diaz that his brother, a Guatemalan intelligence officer, had personal knowledge that Blake and Davis were being held by guerrillas. For a sum, it was said, an army expedition could be organized to rescue them. On hearing the story, the Ambassador asked Sam and Randy Blake to have Ms. Diaz call or write the Embassy. Embassy officers later tried to identify a procurement officer and an intelligence officer who are brothers in the Guatemalan army. No such persons could be identified. During a visit to Guatemala December 13th and 14th, a meeting took place between key officers of the Embassy, Mr. Richard Blake, Nicholas Blake's father, Mr. George Strawmueller, the missing man's uncle, and the family attorney, Mr. Edward Goff. At that time the Ambassador raised the question of the Diaz contact. Mr. Strawmueller said that he was the only member of the family who had spoken with Mrs. Diaz. He said she had been contacted by someone who offered to use his influence and knowledge to have a search made for the missing men. Based on the information he received from Ms. Diaz, Mr. Strawmueller did not pursue the offer. Mr. Strawmueller indicated that the story of a Guatemalan procurement officer and his intelligence officer brother was invented by Sam and Randy Blake to fill in details regarding the contact, details that Mr. Strawmueller and Ms. Diaz were unwilling to share. At the request of Sam and Randy Blake, Ambassador Piedra attempted to verify this with Ms. Diaz during his December consultations in the United States but was unable to reach her because she was abroad. In January she told the Department that she had asked all her Guatemalan contacts to assist the family but had no leads. There are notes in the Department of calls she made here with offers of assistance and support for the case, also. She denied any direct contacts with Guatemalan military.

On December 17, Embassy officers flew to Nebaj where they interviewed six former members of the EGP (Guerrilla Army of the Poor), a Marxist guerrilla organization operating in northern Huehuetenango and Quiche. All six had been operating in the general area of Sumal until they returned to government control in 1985.

Sumal itself is a small cluster of buildings at the end of a high mountain ridge surrounded on three sides by sheer walls of bare stone. It is not a population center of any importance, but rather is the geographical center of a zone of conflict.

None of the six ex-guerrillas had knowledge of any strangers recently observed in the area. One mentioned Cuban advisors seen in the area in 1981 as the last strangers of whom he had heard. Two other former combatants said that two "Negroes" of unknown nationality were rumored to be traveling with an EGP unit. Each of the six said that is was impossible to believe that individual EGP members happening upon the two Americans would have harmed them. All insisted that any strangers encountered would be taken to the central committee or a guerrilla officer. After these interviews, Embassy officers went to Las Violetas, a refugee camp on the outskirts of Nebaj, to interview civilians who had fled the Sumal area in recent weeks. The refugees indicated that they knew nothing of the Americans.

Regarding theories that the Guatemalans may have been alerted by Salvadoran government officials to Nick Blake's presence in the area, American officers in Washington and Guatemala consider it very likely that Guatemalan and Salvadoran intelligence services sometimes share information of mutual interest. There is no reason to believe, however, that authorities of either government have any particular interest in Nick Blake who is neither a well-known nor controversial journalist. In a country where high-visibility journalists continue to travel freely after writing articles critical of the Guatemalan government, it is not credible that intelligence services would monitor the activities of a freelance writer who was evidently unpublished on Guatemalan affairs. Had the Government of Guatemala determined that Nick Blake was a security risk, his entry into the country could easily have been blocked. Further, it is unlikely that the army would have given him a travel permit for the conflict zone

in Huehuetenango, as they did in late 1984, if he was considered a threat. Griffith Davis appears to have shown no particular interest in Guatemalan politics. His status as a casual resident would have provided Guatemalan authorities with ample opportunity to expel him from the country had they wished to do so. It would have been very difficult for the activities of the two Americans to have been closely monitored while in the highlands. Many of the civil defense groups in the small villages north of Nebaj have no radio or telephone service, and depend on hand carried messages for communication with the outside. The frequency of armed encounters between army troops and insurgents in this area would argue against any plan to send a patrol or individual agent in pursuit of the two Americans. Based on the above, and all possible inquiries along this line, the Embassy concludes that is is unlikely that either of the two Americans was of special interest to Guatemalan intelligence authorities.

Concerning the supposition that an abduction took place, it should be understood that Military Zone 20, the location of the alleged sighting, is frequently visited by Embassy officers. Our contacts there are excellent. In the considered judgement of American military and civilian officers familiar with the zone and the key personalities who operate there, an abduction of American citizens is extremely unlikely. Guatemalan Lt. Col. Marin, Commander of the Nebaj garrison at the time in question, has since been moved to a sensitive position in the new civilian government of Christian Democrat Vinicio Cerezo. Embassy officers consider him one of Guatemala's best soldiers. Deputy Zone Commander Solis is a sophisticated officer who understands the political significance such an abduction would have. The zone commander, Col. Byron Lima, is considered to be an honest, straightforward soldier. This assessment is not meant to be seen as a defense of the Guatemalan military. However, the Guatemalan army has traditionally sent its best officers to the "conflictive zones" of the highlands, and the Embassy pays close attention to this critical area and the people who are assigned there.

This overview is by no means a complete summary of all actions taken by Embassy Guatemala in the search for Nicholas Blake and Griffith Davis. The Ambassador and other Embassy officers have made an ongoing series of requests for assistance and information from Guatemalan

RECEIVED BY DEPARTMENT OF STATE 1986 JAN 22

authorities at all levels, including the Chief of State. The Embassy and the Department have, as well, looked into a number of rumors which have proved to be totally groundless.

The case will remain open and active until we have solid evidence of the welfare and whereabouts of Mr. Blake and Mr. Davis. Embassy officers regularly travel to the highlands, including areas on the northern face of the Cuchumatanes Mountain chain and along the Mexican border, and always make inquiries regarding Blake, Davis and any "strangers" who might be rumored to be, or have been in the area. In the Department, all country desk officers are aware of the case should any information about the men come from another country in the Caribbean or Central American region. All U.S. Embassies in Central America have been provided details about the missing men.

As you can well understand, the disappearance of Nicholas Blake and Griffith Davis engenders frustration and concern both for the families of the missing men and for the Americans and Guatemalans charged with finding them. A solution to this case remains a very high priority in the Department of State.

Ms. Renny Smith in the Citizens Emergency Center is following the case closely, and is in frequent contact with the family and government officials on behalf of the missing men. Please encourage anyone who may be interested in this case to call her at (202) 647-5225. If your office would like to be kept informed of developments, please call and she will contact you whenever there is significant activity on the case.

Sincerely,

James W. Dyer
Acting Assistant Secretary
Legislative and Intergovernmental Affairs

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control no. 192-1582
document no. 0392A

CA/OCS/EMR:TLRandall, Jr.
:GARogers
:JAdams
CA/OCS:TADTharp
H:RCallard
ARA/CEN:JCason
L/ARA:MWEunis (subs)
ARA:HWalker

UNCLASSIFIED

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Please return to CA/OCS/EGM & who signed

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 06/28/95
Case ID: 9612210

6/6 February 19, 1986

RELEASED

Dear Senator Hart:

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Later on April 8, Embassy officers confirmed the American nationality of both of the missing men through immigration records. A telephone check of registration records at the Hotel Central in Huehuetenango confirmed the report that the men met and spent the night of March 25 at the hotel before beginning their journey. Consular officers called National Police and Treasury Police headquarters and asked that units in the western highlands be alerted. Catholic and Protestant missionary groups with people working in the region were also alerted. That evening, a consular officer was able to speak by telephone with a British citizen friend of Nick Blake, Michael Shawcross. Shawcross confirmed the basics of the story given by the original caller and said that he too was concerned for the men's safety.

The Honorable
Gary Hart,
United States Senate.

CA MAILA HARTY
BLAKE DAVIS
GUATEMALA

6235

UNCLASSIFIED

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Mrs. Mary Blake, Nicholas Blake's mother, came to Guatemala on April 25 accompanied by her son Randy Blake, family friend Lucien Yokana, and Attorney Edward Goff. Mrs. Blake's party met with Ambassador Piedra and received a thorough briefing on the investigation to that point.

Embassy officers accompanied the party to Military Zone 20 headquarters in Santa Cruz del Quiche on April 27 where the zone commander briefed them on the actions he had taken to locate Nicholas Blake and Griffith Davis. The family hired a private investigator in Guatemala at about this time.

Attorney Edward Goff, representing the Blake family, came to Guatemala again on May 23 after spending several weeks in Chiapas, Mexico near the border with Guatemala. He was accompanied by the private investigator. Both were brieted on the status of the investigation.

Sam and Randy Blake, accompanied by friends, visited Guatemala during the first week of November and again one month later. On both occasions they met with Ambassador Piedra, the Deputy Chief of Mission, and other Embassy officers. During the November visit, Sam and Randy Blake divulged two potential leads in the case. 1) The Blake brothers had heard that two persons fitting the description of their brother and Griffith Davis had landed in a helicopter in Nebaj at the end of the first week of April. According to this story, the passengers were forcibly removed from the helicopter by Guatemalan army troops and taken to the garrison headquarters, 2) a second line of inquiry was opened by their description of contacts between a Guatemalan army procurement officer and a close business contact of the Blake family. Embassy officers immediately began to check both stories.

The helicopter story was made very difficult to check since source was unknown to the officers who worked on it. The brothers could not divulge any information that could lead back to the date or time of the event or the name of anyone who may have witnessed it. The Guatemalan military officer responsible showed the U.S. Defense Attache his log indicating there were no helicopter flights in the area described during the time frame mentioned. We have not been able to establish any information to contradict this log.

According to Sam and Randy Blake, Mrs. Reridios Diaz, a family friend and business associate living in Miami, had been approached by a Guatemalan army officer who worked in the army's procurement section. This officer, according to the story, told Ms. Diaz that his brother, a Guatemalan intelligence officer, had personal knowledge that Blake and Davis were being held by guerrillas. For a sum, it was said, an army expedition could be organized to rescue them. On hearing the story, the Ambassador asked Sam and Randy Blake to have Ms. Diaz call or write the Embassy. Embassy officers later tried to identify a procurement officer and an intelligence officer who are brothers in the Guatemalan army. No such persons could be identified. During a visit to Guatemala December 13th and 14th, a meeting took place between key officers of the Embassy, Mr. Richard Blake, Nicholas Blake's father, Mr. George Strawmueller, the missing man's uncle, and the family attorney, Mr. Edward Goff. At that time the Ambassador raised the question of the Diaz contact. Mr. Strawmueller said that he was the only member of the family who had spoken with Mrs. Diaz. He said she had been contacted by someone who offered to use his influence and knowledge to have a search made for the missing men. Based on the information he received from Ms. Diaz, Mr. Strawmueller did not pursue the offer. Mr. Strawmueller indicated that the story of a Guatemalan procurement officer and his intelligence officer brother was invented by Sam and Randy Blake to fill in details regarding the contact, details that Mr. Strawmueller and Ms. Diaz were unwilling to share. At the request of Sam and Randy Blake, Ambassador Piedra attempted to verify this with Ms. Diaz during his December consultations in the United States but was unable to reach her because she was abroad. In January she told the Department that she had asked all her Guatemalan contacts to assist the family but had no leads. There are notes in the Department of calls she made here with offers of assistance and support for the case, also. She denied any direct contacts with Guatemalan military.

On December 17, Embassy officers flew to Nebaj where they interviewed six former members of the EGP (Guerrilla Army of the Poor), a Marxist guerrilla organization operating in northern Huehuetenango and Quiche. All six had been operating in the general area of Sumal until they returned to government control in 1985.

Sumal itself is a small cluster of buildings at the end of a high mountain ridge surrounded on three sides by sheer walls of bare stone. It is not a population center of any importance, but rather is the geographical center of a zone of conflict.

None of the six ex-guerrillas had knowledge of any strangers recently observed in the area. One mentioned Cuban advisors seen in the area in 1981 as the last strangers of whom he had heard. Two other former combatants said that two "Negroes" of unknown nationality were rumored to be traveling with an EGP unit. Each of the six said that it was impossible to believe that individual EGP members happening upon the two Americans would have harmed them. All insisted that any strangers encountered would be taken to the central committee or a guerrilla officer. After these interviews, Embassy officers went to Las Violetas, a refugee camp on the outskirts of Nebaj, to interview civilians who had fled the Sumal area in recent weeks. The refugees indicated that they knew nothing of the Americans.

Regarding theories that the Guatemalans may have been alerted by Salvadoran government officials to Nick Blake's presence in the area, American officers in Washington and Guatemala consider it very likely that Guatemalan and Salvadoran intelligence services sometimes share information of mutual interest. There is no reason to believe, however, that authorities of either government have any particular interest in Nick Blake who is neither a well-known nor controversial journalist. In a country where high-visibility journalists continue to travel freely after writing articles critical of the Guatemalan government, it is not credible that intelligence services would monitor the activities of a freelance writer who was evidently unpublished on Guatemalan affairs. Had the Government of Guatemala determined that Nick Blake was a security risk, his entry into the country could easily have been blocked. Further, it is unlikely that the army would have given him a travel permit for the conflict zone

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Concerning the supposition that an abduction took place, it should be understood that Military Zone 20, the location of the alleged sighting, is frequently visited by Embassy officers. Our contacts there are excellent. In the considered judgement of American military and civilian officers familiar with the zone and the key personalities who operate there, an abduction of American citizens is extremely unlikely. Guatemalan Lt. Col. Marin, Commander of the Nebaj garrison at the time in question, has since been moved to a sensitive position in the new civilian government of Christian Democrat Vinicio Cerezo. Embassy officers consider him one of Guatemala's best soldiers. Deputy Zone Commander Solis is a sophisticated officer who understands the political significance such an abduction would have. The zone commander, Col. Byron Lima, is considered to be an honest, straightforward soldier. This assessment is not meant to be seen as a defense of the Guatemalan military. However, the Guatemalan army has traditionally sent its best officers to the "conflictive zones" of the highlands, and the Embassy pays close attention to this critical area and the people who are assigned there.

This overview is by no means a complete summary of all actions taken by Embassy Guatemala in the search for Nicholas Blake and Griffith Davis. The Ambassador and other Embassy officers have made an ongoing series of requests for assistance and information from Guatemalan

authorities at all levels, including the Chief of State. The Embassy and the Department have, as well, looked into a number of rumors which have proved to be totally groundless.

The case will remain open and active until we have solid evidence of the welfare and whereabouts of Mr. Blake and Mr. Davis. Embassy officers regularly travel to the highlands, including areas on the northern face of the Cuchumatanes Mountain chain and along the Mexican border, and always make inquiries regarding Blake, Davis and any "strangers" who might be rumored to be, or have been in the area. In the Department, all country desk officers are aware of the case should any information about the men come from another country in the Caribbean or Central American region. All U.S. Embassies in Central America have been provided details about the missing men.

As you can well understand, the disappearance of Nicholas Blake and Griffith Davis engenders frustration and concern both for the families of the missing men and for the Americans and Guatemalans charged with finding them. A solution to this case remains a very high priority in the Department of State.

Ms. Renny Smith in the Citizens Emergency Center is following the case closely, and is in frequent contact with the family and government officials on behalf of the missing men. Please encourage anyone who may be interested in this case to call her at (202) 647-5225. If your office would like to be kept informed of developments, please call and she will contact you whenever there is significant activity on the case.

With best wishes,

Sincerely,

William L. Ball, III
Assistant Secretary
Legislative and Intergovernmental Affairs

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control no. 192-1582

document no.0392A

CA/OCS/EMR:JERitchie
:GARogers
:JAdams
CA/OCS:TADTharp
H:RCallard
ARA/CEN:JCason
L/ARA:MWEunis (subs)
ARA:WWalker

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Case Number: S199900030
EXCISE
Chile Project (#S199900030)
U.S. Department of State
Release_____ Excise_X_ Deny_____
Declassify: In Part_X_ In Full_____
Exemption(s)_____

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PAGE 01 GENEVA 01600 01 OF 02 191255Z
ACTION IO-17

INFO LOG-00 COPY-01 ADS-00 INR-10 EUR-00 SS-00 OIC-02
AF-00 CIAE-00 DODE-00 H-01 NEA-06 NSCE-00 ARA-00
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PA-01 OMB-01 INRE-00 ACDA-12 USIE-00 SP-02 SNP-01
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TO SECSTATE WASHDC IMMEDIATE 3489
INFO AMEMBASSY SANTIAGO IMMEDIATE
AMEMBASSY MADRID
AMEMBASSY OTTAWA
USMISSION USUN NEW YORK

~~C O N F I D E N T I A L~~ SECTION 01 OF 02 GENEVA 01600

E.O. 12356:DECL:OADR
TAGS: PHUM, UNHRC, CI
SUBJECT: 42ND UNHRC: SPAIN AND CANADA ON CHILE DRAFT RESOLUTION

REF STATE 031117

1. THIS IS HRC-052 (CONFIDENTIAL - ENTIRE TEXT)

2. SUMMARY: USDEL MEMBER DISCUSSED DRAFT CHILE RESOLUTION (REFTEL) IN SEPARATE MEETINGS WITH MEMBER OF SPANISH DELEGATION AND MEMBER OF CANADIAN OBSERVER DELEGATION. BOTH FOUND WORTHWHILE ELEMENTS IN THE U.S. DRAFT, BUT BOTH WANTED TO INCORPORATE KEY SECTIONS OF THE UNGA RESOLUTION ON CHILE (40/145) WHICH WE VOTED AGAINST. BOTH WERE ALSO CONCERNED THAT WE NOT ALIENATE MEXICO ON THIS "TRADITIONALLY MEXICAN ITEM."

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 02 GENEVA 01600 01 OF 02 191255Z

n/a
CONFIDENTIAL
UNCLASSIFIED

END SUEMARY.

3. USDEL MEMBER APPROACHED SPANISH DELEGATION TO DISCUSS OUR DRAFT RESOLUTION ON CHILE. AFTER REQUESTING A DAY TO CONSIDER THE ISSUE THE SPANISH GOT BACK TO US WITH WHAT DELEGATE DESCRIBED AS "PRELIMINARY" THOUGHTS

. THE SPANISH REPRESENTATIVE ALSO NOTED THAT WE WOULD EED TO SATISFY MEXICO ON THIS ITEM, AS IT IS A RADITIONALLY MEXICAN ITEM.

. USDEL MEMBER NOTED THAT WE WANTED A "STRONG" ESOLUTION ON CHILE, BUT WE WERE NOT CONFIDENT THAT EXICO COULD BE ACCOMMODATED. EVEN SPAIN'S DESIDERATA IGHT NOT BE ENTIRELY ACCEPTABLE. USDEL MEMBER ALSO OTED THAT ELIMINATION OF ITEM FIVE FROM THE AGENDA WAS MATTER OF CONSIDERABLE IMPORTANCE TO US.

. CANADIAN OBSERVER DELEGATION MEMBER, AT TIMES EFERRING TO A CABLE FROM OTTAWA, MADE THE FOLLOWING OINTS REGARDING OUR DRAFT:

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AGE 01 GENEVA 01600 02 OF 02 191255Z

CTION IO-17

NFO LOG-00 COPY-01 ADS-00 INR-10 EUR-00 SS-00 OIC-02
AF-00 CIAE-00 DODE-00 H-01 NEA-06 NSCE-00 ARA-00
NSAE-00 SSO-00 HA-09 L-03 TRSE-00 PM-10 EAP-00
PA-01 OMB-01 INRE-00 ACDA-12 USIE-00 SP-02 SNP-01
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MEMBASSY MADRID
MEMBASSY OTTAWA
SMISSION USUN NEW YORK

~~C O N F I D E N T I A L~~ SECTION 02 OF 02 GENEVA 01600

.O. 12356:DECL:OADR
AGS: PHUM, UNHRC, CI
JBJECT: 42ND UNHRC: SPAIN AND CANADA ON CHILE DRAFT

THE CANADIAN DELEGATION MEMBER CONCLUDED BY NOTING

THAT "WE WOULD NOT WANT TO ALIENATE MEXICO WITH OUR RESOLUTION." CARMEN

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United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 06/28/95
Case ID: 9512210

February 19, 1986

Dear Senator Cohen:

Thank you for your letter of December 4 about the missing Americans Nicholas Blake and Griffith Davis who vanished in the Guatemalan highlands in late March or early April 1985. In response to your inquiries our Embassy in Guatemala and officers in the Department of State have reviewed their actions on behalf of the men and double checked, to the best of their ability, the most recent information presented by Sam and Randy Blake. This letter responds to your request for a written report on our efforts, provides you with the results of our review, and gives a reaction to some of the theories put forward about the missing men.

The case first came to the Embassy's attention when an American citizen called the consular section on April 8, 1985, to report that a friend, American citizen Griffith Davis, was overdue from a walking trip in Guatemala's western highlands. According to the caller, Davis was to meet friends in Nebaj, a market town in the Department of Quiche, on March 29. She thought it unlikely that he was purposely overdue as he had planned to attend his sister's wedding in the United States during the second week in April. Davis was traveling with an acquaintance named Nick Blake, she said, who she thought was an American living in Antigua, near Guatemala City.

Later on April 8, Embassy officers confirmed the American nationality of both of the missing men through immigration records. A telephone check of registration records at the Hotel Central in Huehuetenango confirmed the report that the men met and spent the night of March 25 at the hotel before beginning their journey. Consular officers called National Police and Treasury Police headquarters and asked that units in the western highlands be alerted. Catholic and Protestant missionary groups with people working in the region were also alerted. That evening, a consular officer was able to speak by telephone with a British citizen friend of Nick Blake, Michael Shawcross. Shawcross confirmed the basics of the story given by the original caller and said that he too was concerned for the men's safety.

The Honorable
William Cohen,
United States Senate.

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On April 9, Shawcross, German citizen Mikki-Linden, and the U.S. citizen who first brought the case to our attention met with an Embassy officer in the Chancery. Shawcross said that Blake was a working journalist with an interest in the insurgency in the western highlands. Blake might take an opportunity to spend time with the guerrillas, said Shawcross. Davis was described as a long-term Guatemalan resident and an experienced hiker who had no political interests, but had long wanted to hike through the area in question. Blake and Davis, according to their friends, had met only recently. Shawcross was able to give a general description of the planned route. The men had planned to take a bus from Huehuetenango to San Juan Ixchoy where they were to begin their walk east to Nebaj.

Embassy officers called the military zone headquarters in Huehuetenango and Quiche later that morning, requesting the commanders' assistance in the search for the missing Americans. The Embassy then made a telegraphic report to the Department outlining the situation. The Department began a search of passport records in order to locate and contact the families in the United States.

On April 10, the Embassy Defense Attache followed an earlier telephone call with a letter to the Guatemalan Chief of Military Intelligence requesting assistance in finding the lost Americans.

During the following week, Embassy officers tried to track rumors that messages had been received from Nick Blake by another American friend, and by the owner of the small Antigua pension where Nick Blake generally stayed in Guatemala. The American Embassy in San Jose reported that the friend told Embassy officers he had received a note at Blake's Antigua pension on March 31. That note supposedly said Blake would be in Nebaj between April 1 and 3. When Blake did not arrive in Nebaj, the friend returned to Antigua, where the owner of the pension said that another person, name unknown, had left a message that Blake would be unable to meet the friend. Embassy officers in Guatemala were able to question him regarding this sequence of events later. He said that he had been misunderstood when interviewed by our officers in Costa Rica, that he had received no message. The pension owner had a somewhat different story to tell. He said he had received two written messages in early April, purportedly from Nick Blake, saying that his return would be delayed and to say nothing to the authorities. The pension owner now says that he destroyed the notes. The Embassy

believes there were never any notes. The Department contacted the mothers of the missing men April 13th. They had not heard from their sons and agreed that there was real reason for concern. Within a week, the Blakes had drawn on many of their own contacts with connections in Central America to help locate their son. Officials at the highest level of the Administration and several Congressmen, yourself included, were contacted by the family for assistance.

On April 18, two Embassy officers in a chartered helicopter flew to the Department of Huehuetenango and Quiche to investigate the disappearance. Accompanying the officers were the consular section fraud investigator (a veteran of the Guatemalan national police) and an Embassy security agent who speaks the area's predominate dialect. The use of a helicopter was required because the route planned by Blake and Davis between San Juan Ixcoy and Nebaj is serviced only by hiking trails and includes some of the roughest high country in Central America. In San Juan Ixcoy, where Blake and Davis left the bus and began their trek, Embassy officers met two Guatemalan army intelligence specialists who were conducting their own search for the missing Americans. The Embassy team was able to trace the route followed by Blake and Davis from San Juan Ixcoy on March 26 through San Francisco Las Flores and Nixlaj to the village of Llano, along the border between Quiche and Huehuetenenco, several days later. It appears that on the morning of March 29 or 30, Blake and Davis left Llano, saying they were heading to Salquil, a large model village which can be reached by road from Nebaj. The commander of the army detachment at Las Majacas, the military outpost closest to Llano, said that he was told by Llano villagers on March 29 that two Americans were requesting permission to go to Sumal, a stronghold of the EGP (Guerrilla Army of the Poor). The Lieutenant said he instead gave the Americans permission to travel to Salquil. Villagers at Nixlaj, where Blake and Davis had spent a night during their trip, also said that the Americans had expressed an interest in going to Sumal. The villagers said they told Blake and Davis not to go to Sumal because the area was dangerous.

The date of their departure from Llano was March 29 according to the Llano villagers, and March 30, according to the Lieutenant at Las Majadas, who never met Blake and Davis. Embassy officers in Guatemala find no significance in the difference in dates. They believe it is very likely that the villagers erred, as no written record was kept. No trace of the whereabouts of Blake and Davis was found from the time they left Llano. At one point the

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GUATEMALA

Blake family heard their sons may have been involved in a battle, but their confusion stemmed from the account of our Embassy officers flight into Salquil, where the army detachment mistook their helicopter as one bringing in reinforcements for a firefight then in progress about five miles from the village. According to the Lieutenant in charge of the Salquil garrison, Blake and Davis never arrived at Salquil. Embassy officers then backtracked to Quilen Novillo, the only occupied village between El Llano and Salquil. Villagers at Quilen Novillo said that the missing Americans had not passed through the village. At Nebaj, interviews with townspeople and military officials turned up no sighting of Blake and Davis. However, it was apparent that townspeople in Nebaj were well aware of the search for the Americans. None of the villages along the planned route are garrisoned by the Guatemalan army. There are no indications that Blake and Davis had any contact with regular government forces. Throughout the search, Embassy officers distributed flyers which included photos and descriptions of Blake and Davis, as well as numbers and addresses to contact in case someone had information to report. It should be added that this trip included a certain degree of physical risk on the part of the Embassy team. The village of Nixlaj, for example, is considered a dangerous place for official Americans.

Another American citizen friend of Nicholas Blake told Embassy officers in San Jose, Costa Rica, he had talked with Blake and Davis in Huehuetenango the night before they began their trip and Blake had said that he and Davis were going to "back door" into the guerrilla zone, avoiding the army patrols he believed were blocking the area. Blake fully expected to be "caught" (Blake's words) by the army or the guerrillas, according to this friend.

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The case will remain open and active until we have solid evidence of the welfare and whereabouts of Mr. Blake and Mr. Davis. Embassy officers regularly travel to the highlands, including areas on the northern face of the Cuchumatanes Mountain chain and along the Mexican border, and always make inquiries regarding Blake, Davis and any "strangers" who might be rumored to be, or have been in the area. In the Department, all country desk officers are aware of the case should any information about the men come from another country in the Caribbean or Central American region. All U.S. Embassies in Central America have been provided details about the missing men.

As you can well understand, the disappearance of Nicholas Blake and Griffith Davis engenders frustration and concern both for the families of the missing men and for the Americans and Guatemalans charged with finding them. A solution to this case remains a very high priority in the Department of State.

Ms. Renny Smith in the Citizens Emergency Center is following the case closely, and is in frequent contact with the family and government officials on behalf of the missing men. Please encourage anyone who may be interested in this case to call her at (202) 647-5225. If your office would like to be kept informed of developments, please call and she will contact you whenever there is significant activity on the case.

With best wishes,

Sincerely,

William L. Ball, III
Assistant Secretary
Legislative and Intergovernmental Affairs

CA/OCS/EMR:RTSmith:pas
1/28/86 x75225
control no. 192-1582

document no.0392A

CA/OCS/EMR:JERitchie
:GARogers
:JAdams
CA/OCS:TADTharp
H:RCallard
ARA/CEN:JCason
L/ARA:MWEunis (subs)
ARA:WWalker

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PAGE 01 HELSIN 00837 01 OF 04 201501Z
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R 201453Z FEB 86
FM AMEMBASSY HELSINKI
TO SECSTATE WASHDC 7946
AMEMBASSY MANAGUA

Dept. of State, RPS/IPS, Margaret P. Grafeld, Dir.
(X) Release ( ) Excise ( ) Deny ( ) Declassify
Date 2/27/02 Exemption _____

UNCLAS SECTION 01 OF 04 HELSINKI 00837

E.O. 12356: N/A
TAGS: PREL, NU, US, FI
SUBJECT: FINNISH MP'S IMPRESSIONS OF NICARAGUA
-
1. THE FOLLOWING IS EMBASSY TRANSLATION OF THE ENTIRE TEXT OF TWO ARTICLES ON U.S. POLICY IN NICARAGUA PUBLISHED FEBRUARY 15 AND 17 IN THE SWEDISH-LANGUAGE DAILY "HUFVUDSTADSBLADET" BY KAJ BAERLUND, A SOCIAL DEMOCRATIC MEMBER OF PARLIAMENT AND PROMINENT FINLAND-SWEDISH TRADE UNIONIST, WHO VISITED NICARAGUA MOST RECENTLY JANUARY 23-27 WITH SEVERAL COLLEAGUES. HE PREVIOUSLY VISITED THE COUNTRY IN NOVEMBER 1982 AND WROTE HIS IMPRESSIONS AT THAT TIME IN THE SAME NEWSPAPER.

"NICARAGUA'S WAY TO DEMOCRACY" (FEBRUARY 15, 1986)

-- IN 1982, THE DEBATE ON NICARAGUA'S FUTURE POLITICAL SYSTEM WAS LIVELY WITHIN THE COUNTRY, BUT PERHAPS ESPECIALLY OUTSIDE IT. THE REAGAN REGIME IN THE U.S. MOTIVATED ITS INCREASINGLY AGGRESSIVE ATTITUDE TO THE SANDINISTAS IN NICARAGUA WITH THEIR ALLEGED TOTALITARIAN TENDENCIES. FOR THEIR PART, THE SANDINISTAS PROMISED TO ARRANGE PUBLIC AND GENERAL ELECTIONS AT THE LATEST BY 1985.
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PAGE 02 HELSIN 00837 01 OF 04 201501Z

-- THE U.S. POSITION ON THE SANDINISTAS SHARPENED ALL THE MORE DURING THE REAGAN ADMINISTRATION. THE SANDINISTAS WERE BRANDED AS A PART OF THE SOVIET UNION'S, AS IT WAS CALLED EXPANSIONIST AMBITIONS IN THE REGION. AGAINST SUCH A MADE-UP BACKGROUND, THE USG, WITH THE HELP OF THE CIA, INCREASED ITS SUPPORT TO THE COUNTER-REVOLUTIONARIES, THE SO-CALLED CONTRAS. THE CONTRA TROOPS OPERATED WITH THE BORDERLANDS HONDURAS AND COSTA RICA AS BASES.

-- IN A SITUATION OF ESCALATING WAR, GENERAL ELECTIONS WERE CARRIED OUT IN NICARAGUA IN NOVEMBER 1984. JUST BEFORE THE ELECTIONS, THE EXTREME RIGHT-WING PARTIES

WITHDREW FROM THE ELECTIONS WITH THE ACCUSATION THAT THE ELECTIONS WOULD NOT BE HONEST. SEVERAL OPPOSITION PARTIES BOTH TO THE RIGHT AND LEFT OF THE SANDINISTAS DID HOWEVER TAKE PART.

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-- THE ELECTION WAS MONITORED BY AN ABUNDANCE OF INTERNATIONAL OBSERVERS, AMONG OTHERS A WHOLE NUMBER OF FINNS. PRACTICALLY ALL CONSIDERED THE ELECTION AS EXCEPTIONALLY WELL-ARRANGED AND HONEST, ESPECIALLY AGAINST THE BACKGROUND OF EXPERIENCE IN THE REGION. THE SANDINISTAS RECEIVED SLIGHTLY OVER TWO-THIRDS OF THE VOTES BOTH IN THE PRESIDENTIAL ELECTIONS AND THE ELECTIONS FOR THE LEGISLATIVE ASSEMBLY, THE PARLIAMENT.

-- DURING OUR VISIT NOW IN JANUARY, WE HAD THE POSSIBILITY TO ENGAGE IN RATHER DETAILED CONVERSATIONS WITH LEADERS FOR THE PARTIES IN PARLIAMENT. CHARACTERISTIC WAS THE FACT THAT THE CONSERVATIVES, THE CHRISTIAN SOCIALISTS, AND THE SANDINISTAS WERE IN AGREEMENT ON MANY BASIC QUESTIONS. THE UNCLASSIFIED

REPRESENTATIVE FOR THE CONSERVATIVES ACTUALLY ASSERTED IN HIS OUTLINE OF THE DISCUSSION THAT THE GREATEST PROBLEM WAS THAT "THE SANDINISTAS HAD THE MAJORITY."

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-- THE SOCIAL INSTITUTIONS STILL HAVE TODAY A POST-REVOLUTIONARY STAMP. THERE ARE COURTS MEANT FOR TRIALS OF THE SOMOZA REGIME'S SYMPATHIZERS. THE GOVERNMENT HAS A DOMINANT POSITION VIS-A-VIS THE PARLIAMENT. THE COUNTERREVOLUTION, FINANCED BY THE U.S., HAS LED TO A STATE OF EMERGENCY AND PRESS CENSORSHIP. IN VIEW OF THE CIRCUMSTANCES, THESE CONDITIONS ARE HARDLY SURPRISING OR UNIQUE.

-- THE FACT IS THAT IN ANY CASE THE PROCESS OF DEMOCRATIZATION IS CONTINUING, DESPITE THE WAR. SINCE THE ELECTION FOR A LITTLE OVER A YEAR AGO, REPRESENTATIVES FOR PARLIAMENT HAVE VISITED A NUMBER OF COUNTRIES IN LATIN AMERICA AND WEST EUROPE TO STUDY MODELS FOR A NEW DEMOCRATIC CONSITUTION. IT IS A COMPLETELY NEW TASK IN A LAND WHICH HAS BEEN GOVERNED BY DICTATORS OR DIRECT BY THE MILITARY FROM THE U.S. UNDER THIS WHOLE CENTURY.

-

-- THE TIMETABLE JUST NOW IS THAT THEY ARE TRYING TO GET THE NEW CONSTITUTION ADOPTED WITHIN ABOUT ONE YEAR. THERE ARE OBVIOUSLY SMALLER DIFFERENCES BETWEEN THE PARLIAMENTARY PARTIES ABOUT THE PROCEDURE FOR PREPARING THE CONSTITUTION, BUT THEY DO NOT APPEAR IRRECONCILABLE. THE MOST THAT APPEARS TO BE UNDER DISCUSSION IS WHETHER ONE NEEDS A FORMAL PLEBISCITE TO PLACE THE DOT OVER THE I OR NOT. ALL ARE IN AGREEMENT THAT THE PARLIAMENT

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PAGE 01 HELSIN 00837 02 OF 04 201502Z
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FM AMEMBASSY HELSINKI
TO SECSTATE WASHDC 7947
AMEMBASSY MANAGUA

UNCLAS SECTION 02 OF 04 HELSINKI 00837

E.O. 12356: N/A
TAGS: PREL, NU, US, FI
SUBJECT: FINNISH MP'S IMPRESSIONS OF NICARAGUA

SHALL APPROVE THE TEXT IN THE CONSITUTION.

-- PRACTICALLY ALL THE PARTIES APPEAR TO SUPPORT A CONSTI-
TUTIONAL MODEL WHICH RECALLS MUCH FROM THE U.S.
THE CONSTITUTION WOULD THUS BE QUITE PRESIDENT-CENTERED.
THE PARLIAMENT WOULD, ANYHOW, RECEIVE A STRONGER
POSITION THAN NOW. AMONG OTHER THINGS, IT WOULD
RECEIVE THE RIGHT TO DECIDE ABOUT THE STATE BUDGET,
WHICH LIKE SOME OTHER MATTERS, IS NOW RESERVED TO THE
GOVERNMENT BECAUSE OF THE WAR SITUATION. DISCUSSIONS
ARE CONTINUING ABOUT THE EXTENT TO WHICH THE SUPREME
COURT WOULD RECEIVE A CONSTITUTIONAL COURT STATUS
WHICH THE CORRESPONDING BODY HAS IN THE U.S.
-
-- IT WAS ESPECIALLY THE REPRESENTATIVE OF THE CON-
SERVATIVES WHO UNDERSCORED THE IMPORTANCE OF APPROVING
THE NEW CONSTITUTION AS SOON AS POSSIBLE. HE EVEN
MEANT THAT THE WAR COULD END QUITE QUICKLY AFTER THE
NEW CONSTITUTION HAS BEEN ACCEPTED. HE INFORMED
THAT HE ALSO REGARDS HIMSELF AS REPRESENTING THOSE
RIGHT-WING GROUPS WHICH PLACED THEMSELVES OUTSIDE OF
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THE ELECTORAL PROCESS RECENTLY -- AND WHICH THEREFORE STAND NEAR THE "CONTRAS." THIS INDICATES A KIND OF SPLIT INSIDE THE PARLIAMENTARY RIGHTIST OPPOSITION, BECAUSE THE SAME RIGHTIST REPRESENTATIVE STRONGLY CONDEMNED THE EXTREME RIGHTIST PARTIES' DECISION TO REFUSE TO PARTICIPATE IN THE ELECTION.

-- IT CAME OUT IN OUR DISCUSSIONS WITH PARTY REPRESENTATIVES THAT DIFFERENCES OF OPINION AMONG THE PARTIES MOST OF ALL CONCERN INTERNAL POLITICAL DISPUTES. PEOPLE DISCUSS THE ECONOMY, POLITICAL RIGHTS, AND THE PROPOSED CONSTITUTION. PEOPLE ARE QUITE UNITED IN THE BASIC INTERNATIONAL QUESTION. THE RIGHTIST REPRESENTATIVE HIMSELF CONDEMNED THE U.S. INTERVENTION IN THE WAR AND UNDERSCORED THE IMPORTANCE OF NEGOTIATIONS.

-- IN PARLIAMENTARY WORK, THE SANDINISTAS HAVE SUPPORTED A NUMBER OF PROPOSALS FROM BOTH THE RIGHT AND LEFT OPPOSITION. AND THE PARLIAMENTARY SITUATION APPEARS SURPRISINGLY NORMAL FOR A DEVELOPING COUNTRY WHICH IS CARRYING ON A WAR AND WHICH HAS A COMPLETE LACK OF DEMOCRATIC TRADITIONS. WHAT SEEMS TO MOST IRRITATE THE SANDINISTAS' OPPOSITION IS THE GOVERNMENT'S SOMEWHAT "LEFTIST" INTERNATIONAL ORIENTATION. THE SANDINISTAS ARE OBSERVERS IN THE SOCIAL DEMOCRATIC INTERNATIONAL. NOWADAYS THERE ARE RELATIONS TO THE SOVIET UNION WHICH EARLIER WAS AN UNKNOWN QUANTITY IN THE REGION.

-- IN THE MASS MEDIA AREA IT IS CLEAR THAT NO GREAT ADJUSTMENTS HAVE BEEN MADE. IT IS CLEAR THAT THE WAR SITUATION HAS LED TO A CERTAIN SENSITIVITY VIS-A-VIS THE OPPOSITION PRESS, ESPECIALLY REGARDING INFORMATION
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WHICH IS CONSIDERED TO BE SENSITIVE FROM THE VIEWPOINT OF SECURITY POLICY. BUT THEN ONE MUST ALSO CONTINUALLY KEEP IN MIND THE FACT THAT THE COUNTRY IS REALLY AT WAR. LAST YEAR, THE COUNTRY LOST 2000 MEN AND ANOTHER 5000 WERE WOUNDED, MANY MORE THAN THE U.S. LOST DURING THE ENTIRE VIETNAM WAR, IN PROPORTION TO POPULATION.

-- THE CHURCH IN NICARAGUA IS A SPECIAL INTERNAL POLITICAL CONFLICT FACTOR. THE ARCHBISHOP IN MANAGUA, NOW CARDINAL IN THE ROMAN CATHOLIC CHURCH, HAS BEEN A CONSISTENT CRITIC OF THE REVOLUTION SINCE 1979. THE NEW POPE IN ROME HAS STRONGLY SUPPORTED THE CARDINAL, WHO MOST RECENTLY HAS COME CLOSER TO THE U.S. AND THE CONTRAS. THE SANDINISTAS FEEL OPEN BITTERNESS TOWARD THE HIGH PRELATE, WHO HAS OBVIOUSLY DECIDED TO SUPPORT VERY CONSERVATIVE SOCIAL SOLUTIONS.

-- THE POLITICAL DEVELOPMENT WE COULD OBSERVE GAVE NO PROOF FOR THE AMERICAN PROPAGANDA ASSERTION THAT NICARAGUA WOULD BE ON THE WAY TO A TOTALITARIAN POLITICAL SYSTEM. IN VIEW OF THE CIRCUMSTANCES, IT APPEARS, QUITE THE CONTRARY, THAT STRIVINGS TOWARD A DEMOCRATIC SYSTEM ARE SURPRISINGLY PERSISTENT. THE CONTINUAL ATTACKS FROM THE U.S.-FINANCED MERCENARIES, THE U.S. ECONOMIC BLOCKADE, AND THE COUNTRY'S POVERTY TOGETHER WITH A COMPLETE LACK OF DEMOCRATIC TRADITIONS COULD EASILY HAVE GIVEN REASON FOR ANOTHER DEVELOPMENT. THE SANDINISTAS HAVE AT LEAST UP TO NOW DISAPPOINTED REAGAN IN THE QUESTION OF EXCUSES FOR THE MILITARY AGGRESSION HE IS FINANCING TODAY.
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PAGE 01 HELSIN 00837 03 OF 04 201503Z
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TO SECSTATE WASHDC 7948
AMEMBASSY MANAGUA

UNCLAS SECTION 03 OF 04 HELSINKI 00837

E.O. 12356: N/A
TAGS: PREL, NU, US, FI
SUBJECT: FINNISH MP'S IMPRESSIONS OF NICARAGUA

"NICARAGUA'S GREATEST PROBLEM IS THE ECONOMY"
(FEBRUARY 17, 1986)

-- NICARAGUA'S ECONOMIC POSITION HAS CLEARLY WORSENED DURING THE PAST THREE YEARS. THE COUNTRY BELONGS TO

THE POOREST, AND HAS ONLY THREE MILLION INHABITANTS, OF WHICH HALF ARE UNDER 15 YEARS OLD. PUBLIC AND PRIVATE U.S. GRANTS FINANCE A MERCENARY ARMY OF OVER 10,000 MEN WITH THE MAIN GOAL OF TRYING TO RUIN NICARAGUA'S ECONOMY AND POLITICAL STRUCTURE. THE SANDINISTAS HAVE BEFORE THEM A FORMIDABLE MILITARY AND POLITICAL, BUT PERHAPS MOSTLY ECONOMIC TASK.

-- IT IS DIFFICULT TO MAKE OUT THE REAGAN REGIME'S REAL AIMS WITH THE WAR AGAINST NICARAGUA. AT ANY RATE, IT IS OBVIOUS THAT THEY ARE TRYING TO WEAKEN THE SANDINISTAS' POLITICAL BASE BY HARMING THE ECONOMY OF THE COUNTRY. WITH THAT, THE U.S. HAS DECLARED LAST YEAR AGAINST NICARAGUA AND THE WAR WHICH THE U.S. IS CARRYING OUT IN A DECISIVE WAY HAVE MEANT DIFFICULT ECONOMIC, AND THROUGH THEM, SOCIAL PROBLEMS FOR
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NICARAGUA'S GOVERNMENT.
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-- THE SOMOZA REGIME LEFT BEHIND A FOREIGN DEBT OF ABOUT 1.6 BILLION DOLLARS. THIS CORRESPONDS TO ABOUT FIVE YEARS EXPORT INCOME. AND THEN ONE SHOULD REALIZE THAT THE DEBTS CAME MOSTLY FROM LOANS FROM PRIVATE AMERICAN BANKS, WHICH ARE IN NO WAY INTERESTED IN THE BORROWER'S SOCIAL INTERESTS. WHAT IS MORE, REAGAN ALREADY IN 1982 STOPPED ALL AMERICAN AID TO NICARAGUA AND HAS SINCE THAT TIME, WITH THE HELP OF ITS DOMINANT ECONOMIC ROLE, SEEN TO IT THAT THE WORLD BANK AND IMF STOPPED THEIR HELP TO NICARAGUA.

-- SINCE 1982, NICARAGUA HAS BEEN ALL THE MORE DEPENDENT OF BILATERAL DEVELOPMENT AID. ALSO HERE THERE HAVE BEEN DIFFICULTIES AS A RESULT OF PROBLEMS WITH FINANCING THEIR OWN SHARES WHICH MANY PROJECTS REQUIRE. IN THIS CONNECTION, CONTRIBUTIONS FROM COUNTRIES WITH INTERESTS IN BILATERAL SUPPORT HAVE BEEN EMPHASIZED. FOR EXAMPLE, CANADA HAS BEEN SURPRISINGLY ACTIVE, BUT FINLAND'S CONTRIBUTIONS ALSO HAVE BEEN APPRECIATED.
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-- AS WAS SAID, THE WAR HAS CAUSED GREAT ECONOMIC DAMAGE. ACCORDING TO OFFICIAL INFORMATION, 40 PERCENT OF THE STATE'S BUDGET GOES TO DEFENSE. ABOUT 20 PERCENT OF THE LABOR FORCE ARE ENGAGED IN DEFENSE. IT MEANS THAT THE GOVERNMENT HAS BEEN FORCED TO EXTREMELY HARD EFFORTS TO MAINTAIN, NOT TO MENTION WIDEN, THE PUBLIC SERVICES WHICH WERE CARRIED OUT DURING THE FIRST THREE YEARS AFTER THE 1979 REVOLUTION.

-- THE GOVERNMENT ESTIMATES THAT THE U.S. BOYCOTT MEASURES HAVE LED TO ECONOMIC LOSSES OF APPROXIMATELY
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700 MILLION DOLLARS. BESIDES THE HUMAN LOSSES, THE WAR HAS MEANT DAMAGES OF 1.5 BILLION DOLLARS, ACCORDING TO THE INFORMATION WE RECEIVED. IT IS OBVIOUS THAT THE COUNTRY FINDS ITSELF IN AN ECONOMIC STRANGLE HOLD.

-- MILITARILY THE SITUATION IS DIFFERENT. THE "CONTRAS" SEEM TO BE CLEARLY ON THE DECLINE. RECRUITMENT OF NEW SOLDIERS APPEARS SLUGGISH. THERE IS PLENTY OF MONEY, VIA THE U.S., BUT THE POSSIBILITIES FOR POLITICAL SUPPORT INSIDE NICARAGUA HAVE WORSENED RATHER THAN IMPROVED.

-- MOREOVER, IT APPEARS THAT THE CONTRAS ARE NOT EVEN TRYING TO GET POLITICAL SUPPORT. THEIR MILITARY ACTIVITY CONCENTRATES ON TERRORIST ACTS IN LIGHTLY SETTLED REGIONS, MOST OF ALL AGAINST PUBLIC SERVICES AND THE ECONOMY. VILLAGE TEACHERS AND HEALTH CENTERS, AS WELL AS GRAIN WAREHOUSES APPEAR TO BE THE MAIN TARGET FOR TERRORIST ACTIONS. AROUND 100, ALMOST A QUARTER OF THE COUNTRY'S HEALTH CENTERS, ARE OUT OF COMMISSION BECAUSE OF ATTACKS.

-- ALREADY THREE YEARS AGO, IT WAS STATED THAT THE CONTRAS HAD CLEAR POLITICAL AIMS. THEY WANTED TO CONQUER AN AREA WITHIN NICARAGUA TO ESTABLISH A "GOVERNMENT" WHICH COULD ASK FOR OFFICIAL INTERNATIONAL AID, IN FACT, MOST OF ALL FROM THE U.S. NOTHING HAS COME FROM THIS AIM. THE "CONTRAS" HAVE BEEN ABLE TO MOUNT EFFECTIVE TERROR RAIDS IN THE NORTHERN REGIONS, BUT THEY HAVE NOT BEEN ABLE TO ACHIEVE A LASTING MILITARY POSITION IN ANY PORTION OF THE COUNTRY.

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TO SECSTATE WASHDC 7949
AMEMBASSY MANAGUA

UNCLAS SECTION 04 OF 04 HELSINKI 00837

E.O. 12356: N/A
TAGS: PREL, NU, US, FI
SUBJECT: FINNISH MP'S IMPRESSIONS OF NICARAGUA

-- THE GOVERNMENT COUNTS ON BEING ABLE TO ACHIEVE A DECISIVE CHANGE IN THE MILITARY SITUATION DURING THE COMING YEAR. VICE PRESIDENT SERGIO RAMIREZ, WITH WHOM WE HAD A LENGTHY DISCUSSION, JUDGED THE SITUATION AS DIFFICULT IN ANY CASE. EVEN IF THE "CONTRAS" COULD BE PUSHED BACK, WHICH HE CONSIDERED LIKELY, THE U.S. POSITION WOULD STILL BE A GREAT PROBLEM. WOULD THE U.S. IN SUCH A CASE GO IN DIRECT, MILITARILY,TO AVOID A POLITICAL HUMILIATION?

-- FROM RAMIREZ' ANALYSIS ONE JUDGES THAT THE THE SANDINISTAS HAVE NO ABSOLUTE PLANS TO TRY TO DESTROY THE CONTRAS -- FOR POLITICAL REASONS. THEY WANT, IN THIS WAY, TO AVOID AN AMERICAN INVASION. AT THE SAME TIME, THEY ARE CONTINUALLY LOOKING FOR A POLITICAL SOLUTION. THE SO-CALLED CONTADORA GROUP HAS RECEIVED SUPPORT FROM EIGHT COUNTRIES IN LATIN AMERICA. MOREOVER, THE EEC COUNTRIES, AND MANY OTHERS WITH THEM, HAVE PLACED THEMSELVES BEHIND A NEGOTIATED SOLUTION FOR PEACE IN THE ENTIRE REGION. IT ITS UNCLASSIFIED

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PAGE 02 HELSIN 00837 04 OF 04 201504Z

POLITICAL ACTIVITY, THE U.S. HAS BECOME QUITE ISOLATED.

-- AFTER MY LATEST VISIT TO NICARAGUA, THE QUESTION OF HOW THE U.S. BELIEVES IT CAN HANDLE THE SITUATION IN NICARAGUA HAS BECOME TOPICAL. THE REAGAN REGIME HAS OPENLY WRITTEN OFF THE THOUGHT THAT NICARAGUA COULD OPENLY AND FREELY DECIDE ABOUT ITS OWN AFFAIRS. INSTEAD, THE U.S. OBVIOUSLY WANTS TO ESTABLISH IN NICARAGUA A LEADERSHIP WHICH IS DIFFERENT FROM THE ONE WHICH WAS ELECTED IN PUBLIC ELECTIONS, WHICH IS NOW IN POWER.

-- THE U.S.-FINANCED "CONTRAS" HAVE TODAY OBVIOUSLY A VERY INSIGNIFICANT SUPPORT AMONG THE NICARAGUAN POPULATION. FOR THEY HAVE ALREADY SHOWN THEIR COLORS IN THEIR INDISCRIMINATE TERROR ACTS AND THEIR CONTINUED DEPENDENCE ON THE LEADERSHIP OF SOMOZA'S FEARED NATIONAL GUARD AND THE U.S. AT ANY RATE, THE "CONTRAS" AND THEIR EXTREME RIGHTIST SYMPATHIZERS ARE THE ONLY POLITICAL BASE ON WHICH THE U.S. COULD

BUILD ITS "OWN" GOVERNMENT.

-- MORE UNEQUIVOCABLY THAN DURING THE LAST VISIT I SEE SUPPORT FOR THE DEMOCRATIC PROCESS WHICH IS GOING ON UNDER THE LEADERSHIP OF THE SANDINISTAS AS THE ONLY HOPE FOR NICARAGUA. THE OTHER ALTERNATIVE IS A U.S.-SUPPORTED MILITARY REGIME WITH STRONG SIMILARITIES TO THE DICTATORSHIP WHICH THE PEOPLE'S RISING IN 1979 OVERTHREW. ESPECIALLY AGAINST THAT BACKGROUND, IT IS OF EXTREME IMPORTANCE THAT FINLAND TOO CONTINUE ITS AID TO BUILD UP NICARAGUA'S INDUSTRIAL LIFE AND BASIC SOCIAL SERVICES.

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-- UP TO NOW, FINNISH AID HAS BEEN BOTH EFFECTIVE AND WELL-DIRECTED. THIS YEAR, FINLAND IS EXPECTED TO GIVE 5 MILLION MARKS (ABOUT DOLS 950,000) IN DIRECT AID AND 27 MILLION MARKS (ABOUT DOLS 5.1 MILLION) IN ADVANTAGEOUS LOANS TO NICARAGUA. BESIDES OUR POLITICAL AID, THIS IS OUR MOST CONCRETE METHOD TO SAY OUR VIEWS. HERE WE STILL LAG FAR BEHIND, FOR EXAMPLE, SWEDEN.
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INFO AMEMBASSY MANAGUA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY SAN SALVADOR
AMEMBASSY PANAMA
AMEMBASSY TEGUCIGALPA
AMEMBASSY PARIS
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UNCLAS GUATEMALA 02004

E.O. 12356: N/A
TAGS: PHUM, GT, FR
SUBJECT: PBI MEMBERS MEET WITH AMBASSADOR

1. PEACE BRIGADES INTERNATIONAL MEMBERS [redacted] MET WITH AMBASSADOR FEBRUARY 20. [redacted] A LONGSTANDING MEMBER OF THE PBI TEAM IN GUATEMALA, PRESENTED [redacted] TO THE AMBASSADOR. [redacted] IS AN AMERICAN CITIZEN WHO WILL BE WORKING WITH PBI IN GUATEMALA FOR APPROXIMATELY ONE YEAR. PREVIOUSLY, [redacted] WORKED WITH THE AMERICAN FRIENDS SERVICES COMMITTEE IN CHICAGO AND PHILADELPHIA.

2. THE AMBASSADOR WELCOMED [redacted] GUATEMALA, AND REITERATED HIS SUPPORT AND CONCERN FOR

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PAGE 02 GUATEM 02004 202340Z

THE MUTUAL SUPPORT GROUP (GAM). HE TOLD [redacted]

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[redacted] WHO HAVE THE HOME TELEPHONE NUMBERS OF THE DCM AND HUMAN RIGHTS OFFICER, THAT THEY MAY CALL EMBASSY OFFICERS AT ANY HOUR SHOULD A PBI OR GAM MEMBER BE THREATENED OR KIDNAPPED. B6

3. [redacted] HOPED TO LEAVE GUATEMALA WITHIN THE NEXT SEVERAL MONTHS. HE SAID THAT ONE OF [redacted] PROJECTS WOULD BE THE CREATION OF A "CENTER FOR NON-VIOLENCE" IN GUATEMALA. PIEDRA B6 B6

2/27/86 IH0118

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Chile Project (#S199900030)
U.S. Department of State
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Exemption(s) ____

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PAGE 01 GENEVA 01945 271724Z
ACTION IO-17

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TO SECSTATE WASHDC 3804
AMEMBASSY SANTIAGO
AMEMBASSY CARACAS
INFO USMISSION USUN NEW YORK

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C O N F I D E N T I A L GENEVA 01945

E.O. 12356:DECL:OADR
TAGS: PHUM, UNHRC
SUBJECT: UNHRC - RESOLUTION ON CHILE

REF: SANTIAGO 1145

1. THIS IS HRC-092 (CONFIDENTIAL - ENTIRE TEXT)

2. IF TABORGA IS THE ONLY CHRC REPRESENTATIVE AT THE UNITED NATIONS HUMAN RIGHTS COMMISSION, AS SUGGESTED IN REFTEL, THAT WOULD INDEED BE AN UNFORTUNATE DEVELOPMENT. HOWEVER, MEXICAN REP MONTANO TOLD U.S. REP SCHIFTER ON FEBRUARY 26 THAT HE HAS JUST BEEN INFORMED THAT JAIME CASTILLO IS COMING TO GENEVA.

3. U.S. DEL WOULD BE GRATEFUL IF EMBASSY SANTIAGO COULD CONFIRM THE REPORT ON CASTILLO'S TRAVEL PLANS. IF THE REPORT TURNS OUT TO BE INACCURATE, COULD EMBASSY MAKE A SPECIAL EFFORT TO GET AN OPPOSITION PERSONALITY TO GENEVA THAT IS NOT ASSOCIATED WITH THE FAR LEFT?

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PAGE 02 GENEVA 01945 271724Z

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4. FOR CARACAS. CONCERNING THE TEXT OF THE RESOLUTION, WE WOULD BE INTERESTED IN THE VENEZUELAN REACTION. THOUGH WE HAD HEARD THAT AMB. AGUILAR LIKED THE TEXT, THE VENEZUELAN DELEGATION IN GENEVA HAS NO WORD ON THIS SUBJECT FROM CARACAS. (DRAFTED BY RSCHIFTER)CARMEN

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Chile Project (#S199900030)
U.S. Department of State
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APPROVED BY: HA:JMMONTGOMERY
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UNCLASSIFIED
C O N F I D E N T I A L STATE 062440

GENEVA FOR AMBASSADOR SCHIFTER

E.O. 12356: DECL: OADR
TAGS: PHUM, UNHRC, CI
SUBJECT: UNHRC: CHILE RESOLUTION

1. ~~CONFIDENTIAL~~ - ENTIRE TEXT.

2. MARTIN POBLETE, CHILEAN CHRISTIAN DEMOCRAT IN NEW YORK, CALLED DEPARTMENT HUMAN RIGHTS OFFICER GEORGE GLISTER EARLY FRIDAY MORNING TO SAY KONRAD SIENIEWICZ OF

UNCLASSIFIED
~~CONFIDENTIAL~~

PAGE 02 STATE 062440

UNCLASSIFIED

CHRISTIAN DEMOCRATIC INTERNATIONAL WILL FLY TO GENEVA FROM ROME TODAY TO COOPERATE CLOSELY WITH YOU IN SUPPORTING OUR CURRENT DRAFT OF CHILE RESOLUTION. ACCORDING TO POBLETE CURRENT DRAFT HAS ENTHUSIASTIC APPROVAL OF CHILEAN CHRISTIAN DEMOCRATIC LEADER GABRIEL VALDES, AND VICARIATE OF SOLIDARITY HAS NO REPEAT NO RESERVATIONS OF SUBSTANCE. TABORGA REPORTEDLY WILL BE CIRCULATING AT GENEVA A COMMISSION LETTER URGING THAT "HISTORIC SPONSORS" OF CHILE RESOLUTION, MEANING MEXICO, BE CONSULTED. POBLETE IS CONFIDENT OUR CURRENT DRAFT WILL HAVE STRONG SUPPORT FROM VENEZUELA, WEST GERMANY AND BELGIUM.

3. DEPARTMENT IS KEENLY INTERESTED IN RECEIVING SUMMARY OF VOLIO'S REPORT AND PROPOSED REVISIONS TO RESOLUTION PARAS 6 AND 8 RELATING TO FINAL VOLIO RECOMMENDATIONS.

4. FOR SANTIAGO: WOULD APPRECIATE ANY COMMENTS YOU MAY HAVE POBLETE'S READOUT ON SUPPORT FOR THE RESOLUTION.
SHULTZ

CONFIDENTIAL

JNNN

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RECEIVED BY
DEPARTMENT OF STATE

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Please return to CA/OCS/EME when finished.

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FAIM/IAP/WI

March 03, 1986

RELEASEI

Dear Ms. Snowe:

Thank you for your letter of December 20 about the missing Americans Nicholas Blake and Griffith Davis who vanished in the Guatemalan highlands in late March or early April 1985. In response to your inquiries our Embassy in Guatemala and officers in the Department of State have reviewed their actions on behalf of the men and double checked, to the best of their ability, the most recent information presented by Sam and Randy Blake. This letter responds to your request for a written report on our efforts, provides you with the results of our review, and gives a reaction to some of the theories put forward about the missing men.

The case first came to the Embassy's attention when an American citizen called the consular section on April 8, 1985, to report that a friend, American citizen Griffith Davis, was overdue from a walking trip in Guatemala's western highlands. According to the caller, Davis was to meet friends in Nebaj, a market town in the Department of Quiche, on March 29. She thought it unlikely that he was purposely overdue as he had planned to attend his sister's wedding in the United States during the second week in April. Davis was traveling with an acquaintance named Nick Blake, she said, who she thought was an American living in Antigua, near Guatemala City.

On April 8, Embassy officers confirmed the American nationality of both of the missing men through immigration records. A telephone check of registration records at the Hotel Central in Huehuetenango confirmed the report that the men met and spent the night of March 25 at the hotel before beginning their journey. Consular officers called National Police and Treasury Police headquarters and asked that units in the western highlands be alerted. Catholic and Protestant missionary groups with people working in the region were also alerted. That evening, a consular officer was able to speak by telephone with a British citizen friend of Nick Blake, Michael Shawcross. Shawcross confirmed the basics of the story given by the original caller and said that he too was concerned for the men's safety.

6034

CA-Harty, Maura
Blake Davis & Ellis
AUG-DEC 88 GTM

The Honorable
Olympia Snowe,
House of Representatives.

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 06/28/95
Case ID: 9512221

UNCLASSIFIED

On April 9, Shawcross, German citizen Mikki-Linden, and the U.S. citizen who first brought the case to our attention met with an Embassy officer in the Chancery. Shawcross said that Blake was a working journalist with an interest in the insurgency in the western highlands. Blake might take an opportunity to spend time with the guerrillas, said Shawcross. Davis was described as a long-term Guatemalan resident and an experienced hiker who had no political interests, but had long wanted to hike through the area in question. Blake and Davis, according to their friends, had met only recently. Shawcross was able to give a general description of the planned route. The men had planned to take a bus from Huehuetenango to San Juan Ixchoy where they were to begin their walk east to Nebaj.

Embassy officers called the military zone headquarters in Huehuetenango and Quiche later that morning, requesting the commanders' assistance in the search for the missing Americans. The Embassy then made a telegraphic report to the Department outlining the situation. The Department began a search of passport records in order to locate and contact the families in the United States.

On April 10, the Embassy Defense Attache followed an earlier telephone call with a letter to the Guatemalan Chief of Military Intelligence requesting assistance in finding the lost Americans.

During the following week, Embassy officers tried to track rumors that messages had been received from Nick Blake by another American friend, and by the owner of the small Antigua pension where Nick Blake generally stayed in Guatemala. The American Embassy in San Jose reported that the friend told Embassy officers he had received a note at Blake's Antigua pension on March 31. That note supposedly said Blake would be in Nebaj between April 1 and 3. When Blake did not arrive in Nebaj, the friend returned to Antigua, where the owner of the pension said that another person, name unknown, had left a message that Blake would be unable to meet the friend. Embassy officers in Guatemala were able to question him regarding this sequence of events later. He said that he had been misunderstood when interviewed by our officers in Costa Rica, that he had received no message. The pension owner had a somewhat different story to tell. He said he had received two written messages in early April, purportedly from Nick Blake, saying that his return would be delayed and to say nothing to the authorities. The pension owner now says that he destroyed the notes. The Embassy

believes there were never any notes. The Department contacted the mothers of the missing men April 13th. They had not heard from their sons and agreed that there was real reason for concern. Within a week, the Blakes had drawn on many of their own contacts with connections in Central America to help locate their son. Officials at the highest level of the Administration and several Congressmen were contacted by the family for assistance.

On April 18, two Embassy officers in a chartered helicopter flew to the Department of Huehuetenango and Quiche to investigate the disappearance. Accompanying the officers were the consular section fraud investigator (a veteran of the Guatemalan national police) and an Embassy security agent who speaks the area's predominate dialect. The use of a helicopter was required because the route planned by Blake and Davis between San Juan Ixcoy and Nebaj is serviced only by hiking trails and includes some of the roughest high country in Central America. In San Juan Ixcoy, where Blake and Davis left the bus and began their trek, Embassy officers met two Guatemalan army intelligence specialists who were conducting their own search for the missing Americans. The Embassy team was able to trace the route followed by Blake and Davis from San Juan Ixcoy on March 26 through San Francisco Las Flores and Mixlaj to the village of Llano, along the border between Quiche and Huehuetenango, several days later. It appears that on the morning of March 29 or 30, Blake and Davis left Llano, saying they were heading to Salquil, a large model village which can be reached by road from Nebaj. The commander of the army detachment at Las Majadas, the military outpost closest to Llano, said that he was told by Llano villagers on March 29 that two Americans were requesting permission to go to Sumal, a stronghold of the EGP (Guerrilla Army of the Poor). The Lieutenant said he instead gave the Americans permission to travel to Salquil. Villagers at Mixlaj, where Blake and Davis had spent a night during their trip, also said that the Americans had expressed an interest in going to Sumal. The villagers said they told Blake and Davis not to go to Sumal because the area was dangerous.

The date of their departure from Llano was March 29 according to the Llano villagers, and March 30, according to the Lieutenant at Las Majadas, who never met Blake and Davis. Embassy officers in Guatemala find no significance in the difference in dates. They believe it is very likely that the villagers erred, as no written record was kept. No trace of the whereabouts of Blake and Davis was found from the time they left Llano. At one point the

Blake family heard their son may have been involved in a battle, but their confusion stemmed from the account of our Embassy officers flight into Salquil, where the army detachment mistook their helicopter as one bringing in reinforcements for a firefight then in progress about five miles from the village. According to the Lieutenant in charge of the Salquil garrison, Blake and Davis never arrived at Salquil. Embassy officers then backtracked to Quilen Novillo, the only occupied village between El Llano and Salquil. Villagers at Quilen Novillo said that the missing Americans had not passed through the village. At Nebaj, interviews with townspeople and military officials turned up no sighting of Blake and Davis. However, it was apparent that townspeople in Nebaj were well aware of the search for the Americans. None of the villages along the planned route are garrisoned by the Guatemalan army. There are no indications that Blake and Davis had any contact with regular government forces. Throughout the search, Embassy officers distributed flyers which included photos and descriptions of Blake and Davis, as well as numbers and addresses to contact in case someone had information to report. It should be added that this trip included a certain degree of physical risk on the part of the Embassy team. The village of Mixlaj, for example, is considered a dangerous place for official Americans.

Another American citizen friend of Nicholas Blake told Embassy officers in San Jose, Costa Rica, he had talked with Blake and Davis in Huehuetenango the night before they began their trip and Blake had said that he and Davis were going to "back door" into the guerrilla zone, avoiding the army patrols he believed were blocking the area. Blake fully expected to be "caught" (Blake's words) by the army or the guerrillas, according to this friend.

Lieutenant Colonel Jose Solis, Deputy Commander of Military Zone 20 (Quiche) came to the Embassy on April 30 to brief the Defense Attache and consular officers on a planned army sweep through the area in which Blake and Davis were believed to have disappeared. The sweep, involving some 450 infantrymen, began the following day. Units were broken into reinforced squads and employed in small "force patrols". This tactic involved greater risk as larger units are normally employed in such areas, but the smaller patrols offered more thorough coverage. Guatemalan sources reported two officers and ten enlisted men killed in the sweep. No sign of the missing Americans was reported.

On April 25, an Embassy officer in a chartered light aircraft, dropped leaflets over the Sumal area. The leaflets, printed in Spanish and the prevalent Indian dialect, Ixchil, had photos of both men. Leaflets were also provided to the zone headquarters for distribution to army patrol leaders and civil guard units.

Mrs. Mary Blake, Nicholas Blake's mother, came to Guatemala on April 25 accompanied by her son Randy Blake, family friend Lucien Yokana, and Attorney Edward Goff. Mrs. Blake's party met with Ambassador Piedra and received a thorough briefing on the investigation to that point.

Embassy officers accompanied the party to Military Zone 20 headquarters in Santa Cruz del Quiche on April 27 where the zone commander briefed them on the actions he had taken to locate Nicholas Blake and Griffith Davis. The family hired a private investigator in Guatemala at about this time.

Attorney Edward Goff, representing the Blake family, came to Guatemala again on May 23 after spending several weeks in Chiapas, Mexico near the border with Guatemala. He was accompanied by the private investigator. Both were briefed on the status of the investigation.

Sam and Randy Blake, accompanied by friends, visited Guatemala during the first week of November and again one month later. On both occasions they met with Ambassador Piedra, the Deputy Chief of Mission, and other Embassy officers. During the November visit, Sam and Randy Blake divulged two potential leads in the case. 1) The Blake brothers had heard that two persons fitting the description of their brother and Griffith Davis had landed in a helicopter in Nebaj at the end of the first week of April. According to this story, the passengers were forcibly removed from the helicopter by Guatemalan army troops and taken to the garrison headquarters. 2) a second line of inquiry was opened by their description of contacts between a Guatemalan army procurement officer and a close business contact of the Blake family. Embassy officers immediately began to check both stories.

The helicopter story was made very difficult to check since the source was unknown to the officers who worked on it. The brothers could not divulge any information that could lead back to the date or time of the event or the name of anyone who may have witnessed it. The Guatemalan military officer responsible showed the U.S. Defense Attache his log indicating there were no helicopter flights in the area described during the time frame mentioned. We have not been able to establish any information to contradict this log.

According to Sam and Randy Blake, Mrs. Remidios Diaz, a family friend and business associate living in Miami, had been approached by a Guatemalan army officer who worked in the army's procurement section. This officer, according to the story, told Mrs. Diaz that his brother, a Guatemalan intelligence officer, had personal knowledge that Blake and Davis were being held by guerrillas. For a sum, it was said, an army expedition could be organized to rescue them. On hearing the story, the Ambassador asked Sam and Randy Blake to have Mrs. Diaz call or write the Embassy. Embassy officers later tried to identify a procurement officer and an intelligence officer who are brothers in the Guatemalan army. No such persons could be identified. During a visit to Guatemala December 13th and 14th, a meeting took place between key officers of the Embassy, Mr. Richard Blake, Nicholas Blake's father, Mr. George Strawmueller, the missing man's uncle, and the family attorney, Mr. Edward Goff. At that time the Ambassador raised the question of the Diaz contact. Mr. Strawmueller said that he was the only member of the family who had spoken with Mrs. Diaz. He said she had been contacted by someone who offered to use his influence and knowledge to have a search made for the missing men. Based on the information he received from Mrs. Diaz, Mr. Strawmueller did not pursue the offer. Mr. Strawmueller indicated that the story of a Guatemalan procurement officer and his intelligence officer brother was invented by Sam and Randy Blake to fill in details regarding the contact, details that Mr. Strawmueller and Mrs. Diaz were unwilling to share. At the request of Sam and Randy Blake, Ambassador Piedra attempted to verify this with Mrs. Diaz during his December consultations in the United States but was unable to reach her because she was abroad. In January she told the Department that she had asked all her Guatemalan contacts to assist the family but had no leads. There are notes in the Department of calls she made here with offers of assistance and support for the case, also. She denied any direct contacts with Guatemalan military.

On December 17, Embassy officers flew to Nebaj where they interviewed six former members of the EGP (Guerrilla Army of the Poor), a Marxist guerrilla organization operating in northern Huehuetenango and Quiche. All six had been operating in the general area of Sumal until they returned to government control in 1985.

Sumal itself is a small cluster of buildings at the end of a high mountain ridge surrounded on three sides by sheer walls of bare stone. It is not a population center of any importance, but rather is the geographical center of a zone of conflict.

None of the six ex-guerrillas had knowledge of any strangers recently observed in the area. One mentioned Cuban advisors seen in the area in 1981 as the last strangers of whom he had heard. Two other former combatants said that two "Negroes" of unknown nationality were rumored to be traveling with an EGP unit. Each of the six said that is was impossible to believe that individual EGP members happening upon the two Americans would have harmed them. All insisted that any strangers encountered would be taken to the central committee or a guerrilla officer. After these interviews, Embassy officers went to Las Violetas, a refugee camp on the outskirts of Nebaj, to interview civilians who had fled the Sumal area in recent weeks. The refugees indicated that they knew nothing of the Americans.

Regarding theories that the Guatemalans may have been alerted by Salvadoran government officials to Nick Blake's presence in the area, American officers in Washington and Guatemala consider it very likely that Guatemalan and Salvadoran intelligence services sometimes share information of mutual interest. There is no reason to believe, however, that authorities of either government have any particular interest in Nick Blake who is neither a well-known nor controversial journalist. In a country where high-visibility journalists continue to travel freely after writing articles critical of the Guatemalan government, it is not credible that intelligence services would monitor the activities of a freelance writer who was evidently unpublished on Guatemalan affairs. Had the Government of Guatemala determined that Nick Blake was a security risk, his entry into the country could easily have been blocked. Further, it is unlikely that the army would have given him a travel permit for the conflict zone

in Huehuatenango, as they did in late 1984, if he was considered a threat. Griffith Davis appears to have shown no particular interest in Guatemalan politics. His status as a casual resident would have provided Guatemalan authorities with ample opportunity to expel him from the country had they wished to do so. It would have been very difficult for the activities of the two Americans to have been closely monitored while in the highlands. Many of the civil defense groups in the small villages north of Nebaj have no radio or telephone service, and depend on hand carried messages for communication with the outside. The frequency of armed encounters between army troops and insurgents in this area would argue against any plan to send a patrol or individual agent in pursuit of the two Americans. Based on the above, and all possible inquiries along this line, the Embassy concludes that is is unlikely that either of the two Americans was of special interest to Guatemalan intelligence authorities.

Concerning the supposition that an abduction took place, it should be understood that Military Zone 20, the location of the alleged sighting, is frequently visited by Embassy officers. Our contacts there are excellent. In the considered judgement of American military and civilian officers familiar with the zone and the key personalities who operate there, an abduction of American citizens is extremely unlikely. Guatemalan Lt. Col. Marin, Commander of the Nebaj garrison at the time in question, has since been moved to a sensitive position in the new civilian government of Christian Democrat Vinicio Cerezo. Embassy officers consider him one of Guatemala's best soldiers. Deputy Zone Commander Solis is a sophisticated officer who understands the political significance such an abduction would have. The zone commander, Col. Byron Lima, is considered to be an honest, straightforward soldier. This assessment is not meant to be seen as a defense of the Guatemalan military. However, the Guatemalan army has traditionally sent its best officers to the "conflictive zones" of the highlands, and the Embassy pays close attention to this critical area and the people who are assigned there.

This overview is by no means a complete summary of all actions taken by Embassy Guatemala in the search for Nicholas Blake and Griffith Davis. The Ambassador and other Embassy officers have made an ongoing series of requests for assistance and information from Guatemalan

authorities at all levels, including the Chief of State. The Embassy and the Department have, as well, looked into a number of rumors which have proved to be totally groundless.

The case will remain open and active until we have solid evidence of the welfare and whereabouts of Mr. Blake and Mr. Davis. Embassy officers regularly travel to the highlands, including areas on the northern face of the Cuchumatanes Mountain chain and along the Mexican border, and always make inquiries regarding Blake, Davis and any "strangers" who might be rumored to be, or have been in the area. In the Department, all country desk officers are aware of the case should any information about the men come from another country in the Caribbean or Central American region. All U.S. Embassies in Central America have been provided details about the missing men.

As you can well understand, the disappearance of Nicholas Blake and Griffith Davis engenders frustration and concern both for the families of the missing men and for the Americans and Guatemalans charged with finding them. A solution to this case remains a very high priority in the Department of State.

Ms. Renny Smith in the Citizens Emergency Center is following the case closely, and is in frequent contact with the family and government officials on behalf of the missing men. Please encourage anyone who may be interested in this case to call her at (202) 647-5225. If your office would like to be kept informed of developments, please call and she will contact you whenever there is significant activity on the case.

Sincerely,

James M. Dyer
Acting Assistant Secretary
Legislative and Intergovernmental Affairs

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Case Number: S199900030

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U.S. Department of State
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~~C O N F I D E N T I A L~~ GENEVA 02049

E.O.12356:DECL:OADR
TAGS:PHUM, UNHRC
SUBJECT: UNHRC - RESOLUTION ON CHILE - AUSTRALIAN POSITION

REFS: (A) CANBERRA 1691, (B) CANBERRA 1740

1. THIS IS HRC-113. ~~(CONFIDENTIAL~~ ENTIRE TEXT)

2. USDEL NOTES FROM REF B, PARA 3 THAT AUSTRALIA WILL CO-SPONSOR US RESOLUTION ONLY IF AND WHEN SUCH CO-SPONSORSHIP HAS BECOME MEANINGLESS. WE ARE GRATEFUL FOR EMBASSY'S EFFORTS ON THIS ISSUE BUT BELIEVE THAT THERE IS NO POINT PRESSING THE MATTER ANY FURTHER.
(DRAFTED:HRC:RSCHIFTER)CARMEN

CONFIDENTIAL.
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Chile Project (#S199900030)
U.S. Department of State
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PAGE 01 GENEVA 02045 01 OF 02 031422Z
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C O N F I D E N T I A L SECTION 01 OF 02 GENEVA 02045

FOR AMBASSADOR BARNES FROM ASSISTANT SECRETARY SCHIFTER

E.O.12356:DECL:OADR
TAGS:PHUM, UNHRC
SUBJECT: UNHRC - RESOLUTION ON CHILE

1. THIS IS HRC-115. (~~CONFIDENTIAL~~ ENTIRE TEXT)

2. SUMMARY. THE MOST INTERESTING DEVELOPMENT ON THE CHILE RESOLUTION IS THAT MEXICAN REP JORGE MONTANO HAS INFORMED ME THAT IN LIGHT OF THE DRAFT RESOLUTION WITH WHICH WE HAVE COME UP AND IN LIGHT OF THE FACT THAT YOU ARE WORKING WITH THE CHILEAN OPPOSITION, MEXICO IS PREPARED TO WITHDRAW FROM THE EXERCISE AND LEAVE IT TO US TO NEGOTIATE A TEXT ACCEPTABLE TO THE INTERESTED PARTIES

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PAGE 02 GENEVA 02045 01 OF 02 031422Z

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(PRESUMABLY EXCLUDING THE GOC). THAT IS THE GOOD NEWS. THE BAD NEWS IS THAT TO DATE I HAVE NO CLEAR STATEMENT OF SUPPORT FROM VENEZUELA, ONLY MUMBLES OF SUPPORT FROM BRAZIL AND COLOMBIA, AND THAT I AM EXPECTED TO NEGOTIATE WITH TABORGA. END SUMMARY.

3. PROMPTLY AFTER MY RETURN TO GENEVA ON FEBRUARY 24, I APPROACHED VENEZUELAN REP ADOLFO PAUL TAYLHARDAT TO INQUIRE WHETHER HE HAD ANY WORD ON OUR NEW CHILEANDRAFT. HE SAID HE HAD NOT. I THEN GAVE HIM A COPY OF OUR NEW PROPOSAL. HE THANKED ME BUT HAS NOT AS YET COME BACK WITH AN ANSWER. THE COLOMBIAN AND BRAZILIAN REPRESENTATIVES HAVE TOLD US THAT THEY LIKE OUR DRAFT BUT ARE NOT PREPARED TO CO-SPONSOR IT AT THIS TIME. SPAIN'S REP LACLETA IS NONCOMMITTAL, TELLING US THAT HE IS WAITING FOR WORD FROM MADRID AND FOR SOME INDICATION OF MEXICO'S APPROACH.

4. MEXICO'S REP JORGE MONTANO, WHOSE FIRST DAY AT THIS UNHRC SESSION WAS FEBRUARY 24, APPROACHED ME ON FEBRUARY 25 TO ASK FOR A COPY OF OUR CHILE RESOLUTION AND TO URGE THAT WE DISCUSS IT. WE MET ON FEBRUARY 26 WHEN MONTANO SUGGESTED THAT IN LIGHT OF THE STEPS WE HAVE TAKEN WE WORK TOGETHER IN AN ATTEMPT TO COME UP WITH A RESOLUTION ACCEPTABLE TO BOTH OF US. ON FEBRUARY 27 HE TOLD ME THAT AS MR. TABORGA OF THE CHILEAN HUMAN RIGHTS COMMISSION HAD ARRIVED IN GENEVA AND IS PREPARED TO DISCUSS OUR DRAFT WITH US, MEXICO IS WITHDRAWING FROM THIS EXERCISE, LEAVING THE MATTER ENTIRELY IN THE HANDS OF THE UNITED STATES. HE ADDED WITH A SMILE THAT MEXICO MIGHT MEDIATE ANY DIFFERENCES BETWEEN THE CHRC AND US. I RESPONDED THAT WE HAD A TEXT WITH WHICH WE ARE COMFORTABLE AND THAT HAD DEPARTMENTAL CLEARANCE, THAT I WOULD HAVE TO GO BACK TO THE

DEPARTMENT ON ANY CHANGES, BUT THAT I AM CERTAINLY PREPARED TO LISTEN. MONTANO SAID THAT THAT IS WHAT HE IS LOOKING FOR.

5. I MET WITH TABORGA ON FEBRUARY 28. I REPEATED TO HIM WHAT I HAD TOLD MONTANO, MAINLY THAT WE HAVE NOW AN APPROVED TEXT, THAT ANY CHANGES IN IT WOULD HAVE TO BE

REVIEWED BY THE DEPARTMENT, BUT THAT I AM WILLING TO LISTEN. RATHER THAN HAVING HIM PRESENT HIS PROPOSALS TO US RIGHT THEN, I SUGGESTED HE PUT THEM ALL IN WRITING AND SUBMIT THEM TO US ON MARCH 3.

6. AWARE OF HIS POLITICS, I WAS SURPRISED HOW PLEASANT AND MILD TABORGA IS IN HIS PERSONAL DEMEANOR. WE HAD A LONG AND AMIABLE DISCUSSION ON UNDERLYING PRINCIPLES. I EMPHASIZED THAT WE ARE INTERESTED IN ATTAINING A SPECIFIC RESULT, NAMELY A PEACEFUL TRANSITION TO DEMOCRACY IN CHILE, AND THAT WE WANTED OUR ACTIONS TO SERVE THAT PURPOSE. WE WERE NOT INTERESTED IN MERE EMPTY GESTURES. TABORGA SAID HIS OBJECTIVE WAS THE SAME. WITHOUT BECOMING ARGUMENTATIVE I ASKED HIM ABOUT THE ALMEYDA SOCIALISTS AND TOLD HIM TO EXPLAIN TO ME SOMEDAY HOW ANYONE WHO PROFESSES TO BELIEVE IN DEMOCRACY AND HUMAN RIGHTS, AS HE DOES, COULD WORK WITH THE COMMUNISTS.

7. THOUGH I INSISTED WE DO NOT GO INTO DETAIL IN OUR INITIAL DISCUSSION, TABORGA MADE THREE BASIC POINTS ABOUT HIS INTERESTS: (A) HE WANTS TO RECITE SPECIFIC WRONG-DOINGS, (B) HE WANTS TO UNDERLINE THE ILLEGITIMACY OF THE

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CONFIDENTIAL

ACTION IO-17

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C O N F I D E N T I A L SECTION 02 OF 02 GENEVA 02045

FOR AMBASSADOR BARNES FROM ASSISTANT SECRETARY SCHIFTER

E.O.12356:DECL:OADR
TAGS:PHUM, UNHRC
SUBJECT: UNHRC - RESOLUTION ON CHILE

PRESENT GOVERNMENT, AND (C) HE WANTS TO RETAIN AGENDA ITEM 5. I PICKED UP ONLY ON THE SECOND OF THESE ITEMS. I CALLED ATTENTION TO THE FACT THAT PRESIDENT REAGAN VERY RECENTLY TRAVELED TO GENEVA TO MEET WITH CHAIRMAN GORBACHEV, THAT WE NEGOTIATE ON A GREAT VARIETY OF MATTERS WITH THE SOVIET UNION, EVEN THOUGH, TO THE BEST OF MY RECOLLECTION, THE STRENGTH OF THE BOLSHEVIK PARTY IN THE SOVIET UNION'S LAST FREE ELECTION OF THE DUMA WAS 17 PERCENT. I ADDED THAT IF PINOCHET'S GOVERNMENT IS ILLEGITIMATE, SO ARE THE

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PAGE 02 GENEVA 02045 02 OF 02 031423Z

GOVERNMENTS OF PROBABLY A MAJORITY OF THE MEMBERS OF THE UNITED NATIONS. IS EMPHASIZED THAT WHILE HE UNDERSTANDABLY LOOKS PRIMARILY AT THE CHILEAN SITUATION, ANY RESOLUTION

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WHICH WE SUPPORT MUST FIT INTO A WORLDWIDE UNITED NATIONS CONTEXT AND MUST BE REASONABLY CONSISTENT FROM THAT POINT OF VIEW.

8. AS TO TABORGA'S COMMENTS CONCERNING SPECIFIC WRONG-DOINGS: THE DRAFT HE NOW HAS STILL CONTAINS BLANKS WHICH WE INTENDED TO FILL IN AFTER RECEIVING THE VOLIO REPORT. OUR PROPOSED ADDITIONS TO THE RESOLUTION WILL BE TRANS-MITTED BY SEPTEL.

9. I HAVE THE IMPRESSION THAT YOU WERE NEVER AS EAGER AS I WAS TO ABOLISH ITEM 5. I NOW NOTE THAT THE DEMOCRATIC OPPOSITION AND THE VICARIATE FEEL VERY STRONGLY THAT ITEM 5 SHOULD BE RETAINED. AS YOU KNOW, THE NEXT TIME THE ITEM 5 ISSUE COULD BE RAISED WOULD BE ON MARCH 14, AT THE TIME THE PRELIMINARY AGENDA FOR THE 1987 SESSION IS ADOPTED. IF YOU THINK IT MAKES SENSE, WE COULD AGREE, AS PART OF A NEGO-TIATING PACKAGE IN WHICH WE MAKE MINOR OR NO CHANGES IN OUR PRESENT TEXT, THAT WE DO NOT ON MARCH 14 PRESS FOR AN END TO ITEM 5, BUT THAT IF THE CHILEAN GOVERNMENT MAKES MEANINGFUL PROGRESS IN THE MONTHS TO COME, WE WOULD PRESS FOR THE ITEM'S ABOLITION EITHER THROUGH ACTION AT THE UNGA OR AT THE BEGINNING OF THE 1987 SESSION, WHEN THE FINAL AGENDA IS ADOPTED.

10. THUS, WE WOULD ACCOMMODATE TABORGA ON HIS FIRST SUG-GESTION, AS WE WOULD HAVE ANYWAY, REJECT HIS SECOND SUG-GESTION AND BE GUIDED BY YOUR THINKING ON THE THIRD SUGGESTION.

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PAGE 03 GENEVA 02045 02 OF 02 031423Z

11. PLEASE LET ME HAVE YOUR COMMENTS ASAP.

(DRAFTED:HRC:RSCHIFTER)CARMEN

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Case Number: S199900030

Chile Project (#S199900030)
U.S. Department of State
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PAGE 01 GENEVA 02087 031727Z
ACTION IO-17

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AMEMBASSY GUATEMALA IMMEDIATE
AMEMBASSY SANTIAGO IMMEDIATE

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C O N F I D E N T I A L GENEVA 02087

E.O.12356:DECL:OADR
TAGS:PHUM, UNHRC
SUBJECT: UNHRC - SPANISH POSITIONS ON PRINCIPAL ISSUES

REF: MADRID 2477

1. THIS IS HRC-126. ~~(CONFIDENTIAL~~ ENTIRE TEXT)

2. USDEL IS GRATEFUL FOR READ-OUT ON SPANISH POSITIONS AS TO MAJOR ISSUES BEFORE THE UNITED NATIONS HUMAN RIGHTS COMMISSION, AS CONTAINED IN REFTEL. OUR COMMENTS ARE SET FORTH BELOW.

3. RELIGIOUS INTOLERANCE: AS AMENDED, OUR RESOLUTION DOES NOT SEEM TO OFFEND MUSLIM COUNTRIES. SENEGAL IS A CO-SPONSOR. SENEGAL AND GAMBIA ARE BOTH EXPECTED TO VOTE "YES." ALGERIA, BANGLADESH, JORDAN AND MAURITANIA HAVE TOLD US THEY WILL ABSTAIN. THE ONLY

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PAGE 02 GENEVA 02087 031727Z

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Case Number: S199900030

"NO" VOTE IS EXPECTED FROM SYRIA, NOT BECAUSE IT IS MUSLIM BUT BECAUSE IT VOTES WITH THE SOVIET BLOC IN THE UNITED NATIONS.

4. CHILE: MEXICO HAS LEFT THE INITIATIVE ON CHILE TO US. WE ARE IN TOUCH WITH THE CHILEAN DEMOCRATIC OPPOSITION ON THIS SUBJECT AND DO NOT EXPECT TO MAKE ANY SIGNIFICANT CHANGES IN OUR REDRAFT, WHICH WE HAVE EVERY INTENTION OF TABLING.

5. GUATEMALA: WE DO NOT CONTROL THE FATE OF THE GUATEMALAN RESOLUTION. WHAT IS NOT ON THE TABLE IS A LATIN AMERICAN DRAFT RESOLUTION, SUPPORTED BY GUATEMALA, AND A SET OF PROPOSED AMENDMENTS SPONSORED BY IRELAND, FRANCE, NORWAY, SPAIN AND AUSTRIA (MEMBERS) AND CANADA (OBSERVER). WE EXPECT TO VOTE FOR THE LATIN AMERICAN TEXT AND AGAINST THE AMENDMENTS. THE SUGGESTION THAT VENEZUELA IS OUR PROXY IS ABSURD, (SPAIN OUGHT TO TAKE A LOOK AT HOW VENEZUELA VOTES ON ANTI-U.S. NAME-CALLING PARAGRAPHS.)

(DRAFTED:HRC:RSCHIFTER)CARMEN

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PAGE 01 SAN JO 01948 031541Z
ACTION ARA-00

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Chile Project (#S199900030)
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C O N F I D E N T I A L SAN JOSE 01948

E.O. 12356: DECL: OADR
TAGS: UNHRC-1, PREL, PHUM, ET, CI, CS
SUBJECT: UNHRC: GOCR SUPPORT FOR USG RESOLUTIONS
- ON ETHIOPIA AND CHILE

REF: (A) STATE 57644, (B) STATE 52501

1. CONFIDENTIAL ENTIRE TEXT.

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1)12

3. ON ANOTHER UNHRC MATTER, THE FOREIGN MINISTRY HAS ALSO INFORMED US IN RESPONSE TO DEMARCHE REQUESTED IN REF B, THAT THE GOCR WILL SUPPORT CONFIDENTIAL

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PAGE 02 SAN JO 01948 031541Z

USG RESOLUTION ON CHILE. TAMBS

NOTE BY OC/T: REFTEL (A), STATE 57644, BELIEVED TO BE INCORRECT.

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Chile Project (#S199900030)
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APPROVED BY: HA:JMONTGOMERY
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INFO AMEMBASSY SANTIAGO PRIORITY

UNCLAS STATE 066460

FOR AMBASSADOR RICHARD SCHIFTER

E.O. 12356: N/A
TAGS: PHUM, UNHRC
SUBJECT: CHILEAN DEMOCRATIC ALLIANCE SUPPORTS CHILE RESOLUTION

FOLLOWING IS TEXT OF MESSAGE TO YOU, DELIVERED TODAY TO STATE DEPARTMENT HUMAN RIGHTS BUREAU BY EUGENIO VELASCO, WASHINGTON COORDINATOR FOR THE DEMOCRATIC ALLIANCE.

"WE HAVE CAREFULLY READ DRAFT RESOLUTION ON HUMAN RIGHTS IN CHILE INTRODUCED BY YOU AT UNHRC. WE WANT TO EXPRESS YOU OUR SATISFACTION AND SUPPORT FOR THIS ATTEMPT TO PROTECT HUMAN RIGHTS, TO PROMOTE ITS RESPECT AS WELL AS RESTORATION DEMOCRATIC INSTITUTIONS IN CHILE.

SINCERELY,

EUGENIO VELASCO
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PAGE 02 STATE 066460

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COORDINATOR IN WASHINGTON D.C.
DEMOCRATIC ALLIANCE SHULTZ

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Chile Project (#S199900030)
U.S. Department of State
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C O N F I D E N T I A L SANTIAGO 01298

BRUSSELS FOR LABATT

E.O. 12356: DECL:OADR
TAGS: PHUM,ELAB,CI
SUBJ: TRADE UNION LEADERS ARRESTED

REF:SANTIAGO 676

1. (U) JUDGE MARTA OSSA OF THE COURT OF APPEALS IN SANTIAGO ON FEB 28 ORDERED THE ARREST OF TWO TOP LEADERS OF THE CONFEDERATION OF CONSTRUCTION WORKERS, SERGIO TRONCOSO AND REINALDO ALVAREZ. THEY ARE CHARGED WITH CONTEMPT OF COURT FOR A LETTER WHICH THEY WROTE TO INDIVIDUAL MEMBERS OF THE THIRD TRIBUNAL OF THE SUPREME COURT ON JANUARY 21, AFTER THESE JUSTICES HAD RULED IN FAVOR OF MOST OF THE DEFENDANTS IN THE CANOVAS CASE (REFTEL). THE SUPREME COURT JUSTICES FOUND THE WORDING OF THIS LETTER INJURIOUS AND DEFAMATORY, AND ASKED THE SUPREME COURT TO ORDER AN INVESTIGATION INTO THIS MATTER. THE COURT OF APPEALS JUDGE FOUND THAT THE LETTER DID CONSTITUTE DEFAMATION

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Case Number: S199900030

OF THE JUSTICES AND CONTEMPT OF THE COURT.

2. (U) WE UNDERSTAND THAT A THIRD OFFICIAL OF THE CONSTRUCTION WORKERS CONFEDERATION, CLAUDINA GARCIA, MAY BE ARRESTED IN THE NEAR FUTURE. SHE IS THE SECRETARY OF THE CONFEDERATION AND IS PRESENTLY OUT OF SANTIAGO ON VACATION. SHE MAY BE DETAINED ON MONDAY WHEN SHE RETURNS TO SANTIAGO.

3. (C) COMMENT. THIS UNION IS A TRADITIONAL STRONGHOLD OF THE COMMUNIST PARTY, AND BOTH TRONCOSO AND ALVAREZ ARE OPENLY MEMBERS OF THE PARTY. TRONCOSO IS ALSO ON THE EXECUTIVE BOARD OF THE NATIONAL WORKERS COMMAND (CNT). JUDICIAL ACTION AGAINST THEM HAS BEEN ANTICIPATED SINCE THEIR LETTER TO THE COURT BECAME PUBLIC KNOWLEDGE. WHILE WE DO NOT VIEW THIS CASE AS A VIOLATION OF TRADE UNION RIGHTS, WE ANTICIPATE THAT INTERNATIONAL TRADE UNION ORGANIZATIONS FRIENDLY WITH THE CNT WILL TAKE UP THE DETENTION OF THESE TWO UNION LEADERS IN THE NEAR FUTURE.
BARNES

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United States Department of State

Washington, D.C. 20520

March 4, 1986

UNCLASSIFIED
SECRET
MEMORANDUM

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part X In Full ____
Exemption(s) NR

TO: ARA - Mr. James H. Michel

FROM: INR - Frank McNeil

SUBJECT: Cuba--Third Party Congress: Groups Associated with Terrorism

You requested identification of any terrorists who may have attended Cuba's party congress in early February. Delegates from Latin American leftist political parties and guerrilla groups were among the foreign guests at the meeting. We are providing a list of those who are connected with groups which have recently been identified with terrorist acts. However, we are not asserting that the individual visiting Cuba has been identified with a particular terrorist act.

Chile:

Manuel Rodriguez Patriotic Front; Gregorio Correa Silva; Bombings of government buildings, electric powerlines, rail transportation, attacks on police.

MIR (Movement of the Revolutionary Left); Andres Pascual Allende, General Secretary; Bombings, assassinations, attacks on police.

NR

NLS 94-41-49 By NARS Date 5/23/01

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Draft:INR/IAA:RCPerry
Clearance: INR/TNA:BJohnstone
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Department of State TELEGRAM

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Chile Project (#S199900030)
U.S. Department of State
AN: D860163-0662 Release X Excise ____ Deny ____
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PAGE 01 SANTIA 01296 01 OF 03 040040Z
ACTION IO-17

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AMEMBASSY LIMA PRIORITY
AMEMBASSY MEXICO PRIORITY
AMEMBASSY MADRID PRIORITY

~~C O N F I D E N T I A L~~ SECTION 01 OF 03 SANTIAGO 01296

GENEVA FOR AMBASSADOR SCHIFTER

E.O. 12356: DECL:OADR
TAGS: PHUM, CI
SUBJ: UNHRC RESOLUTION ON CHILE

REF: GENEVA 2045

1. ~~CONFIDENTIAL~~ ENTIRE TEXT.

2. THIS MESSAGE REPLIES TO GENEVA'S HRC-115.

3. MANY THANKS FOR YOUR MESSAGE WHICH CAME IN GOOD TIME FOR MY DISCUSSION LATE MARCH 3 WITH FOREIGN MINISTER DEL VALLE. DEL VALLE IS SCHEDULED TO HAVE A TALK MARCH 4 WITH PRESIDENT
~~CONFIDENTIAL~~
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PAGE 02 SANTIA 01296 01 OF 03 040040Z

PINOCHET AND HAS PROMISED TO CALL ME IF HE CAN

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GIVE ANY MORE DETAILS ON GOC MOVES.

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4. FOR NOW, HE MADE THE FOLLOWING POINTS: (1) VOLIO'S REPORT RECOGNIZES CERTAIN PROGRESS MADE BY CHILE AS WELL AS PRAISING THE HELP GIVEN VOLIO; (2) IT MAKES A NUMBER OF CHARGES AGAINST CHILE WHICH, THOUGH "PAINFUL," GOC WILL ACCEPT AND WILL WORK WITH VOLIO ON (LIKE EXILE AND INADEQUATE POLITICAL LIBERTIES): (3) VOLIO, HOWEVER, ALSO BRINGS IN "ERRONEOUS OR IRRELEVANT" MATERIAL, LIKE THE HEALTH CARE PROGRAM, WHERE THE GOC WILL STRONGLY ARGUE WITH HIM.

-

5. WHEN I ASKED DEL VALLE FOR SOME CONCRETE STEPS BY THE GOC BEFORE THE UNHRC VOTE, HE SAID THIS HAD BEEN AN EXTRAORDINARILY DIFFICULT TIME OF YEAR TO GET DECISIONS WITH MOST OFFICIALS GONE FROM SANTIAGO, BUT THERE WERE SOME STEPS THAT WERE BEING WORKED ON. HE COULD NOT BE SURE THOUGH UNTIL HE HAD TALKED TO THE PRESIDENT WHEN THESE WOULD BE TAKEN. FOR EXAMPLE, (A) THE GOVERNMENT WOULD STRENGTHEN EXISTING LEGAL ASSISTANCE COMMISSIONS SO THEY COULD RECEIVE AND INVESTIGATE COMPLAINTS AGAINST ANY GOVERNMENT OFFICIAL; (B) AUGMENT THE NUMBER OF EXILES ALLOWED TO RETURN: (C) RESTRICT THE PRACTICE OF INTERNAL EXILE TO THE MOST SERIOUS DISTURBANCES. IN ADDITION, DEL VALLE SAID THE GOC WOULD MAKE CLEAR ITS WILLINGNESS TO CONTINUE TO COLLABORATE WITH THE SPECIAL RAPPORTEUR.

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6. I TOLD DEL VALLE THAT I CONSIDERED IT VERY IMPORTANT THAT THE CHILEAN REPRESENTATIVE IN HIS SPEECH AT THE ~~CONFIDENTIAL~~
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UNHRC BE ABLE TO BE SPECIFIC AND THAT THE GOVERNMENT MAKE SOME ACTUAL ANNOUNCEMENTS HERE ITSELF. I REVERTED TO THE QUESTION OF TORTURE AND DEL VALLE STRESSED THIS WAS THE SORT OF MATTER THE LEGAL ASSISTANCE BODIES COULD TAKE UP. WHEN I SAID THESE BODIES WOULD HAVE TO GAIN CREDENCE DEL VALLE RESPONDED THAT HE KNEW THAT WAS ESSENTIAL. HE ALSO SAID THE GOVERNMENT WOULD MAKE KNOWN PUBLICLY ITS CIRCULAR OF LAST JULY PROHIBITING "ILLEGAL" MEASURES.

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I SAID THESE WERE POTENTIALLY ENCOURAGING SIGNS, BUT NOTED AT THE SAME TIME THAT ALL THE NEWS OF LATE COMING OUT OF CHILE HAD BEEN NEGATIVE; A PROMINENT POLITICIAN INDICTED FOR STATEMENTS HE MADE THREE YEARS AGO (SILVA CIMMA); A STUDENT LEADER IN JAIL (PALMA - DEL VALLE SEEMED AMAZED TO HEAR THAT IN THE U. S. PEOPLE COULD SAY INSULTING THINGS ABOUT OUR PRESIDENT WITHOUT BEING TOSSED IN JAIL); AND A JOURNALIST IN JAIL ON SIMILAR CHARGES, DESPITE DEL VALLE'S HAVING JUST ASSURED ME THAT ALL SORTS OF OPINIONS COULD BE VOICED IN CHILE WITHOUT SERIOUS CONSEQUENCES. I URGED THAT HE DO WHAT HE COULD TO AVOID THESE SORT OF NEGATIVE SIGNS AND IF AT ALL POSSIBLE TO SOLVE THE PROBLEMS THESE CASES POSED ALREADY. THE FURTHEST HE WOULD GO WAS TO SAY HE HOPED THE CHARGES AGAINST SILVA CIMMA WOULD BE DROPPED.

7. DEL VALLE ASKED ME IN TURN IF THE U. S. COULD FIND A WAY TO MODIFY ITS RESOLUTION TO TAKE ACCOUNT OF TWO POINTS; (1) TERRORISM; HE FELT THE FIRST VERSION REFLECTED MORE CLEARLY THE U. S. POSITION

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PAGE 01 SANTIA 01296 02 OF 03 040042Z
ACTION IO-17

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~~C O N F I D E N T I A L~~ SECTION 02 OF 03 SANTIAGO 01296

GENEVA FOR AMBASSADOR SCHIFTER

E. O. 12356: DECL:OADR
TAGS: PHUM, CI
SUBJ: UNHRC RESOLUTION ON CHILE

ON WORLDWIDE TERRORISM. I SAID I WOULD PASS ON
THIS IDEA, ALTHOUGH ONE COULD QUESTION WHETHER
TERRORISM CAME FIRST IN ALL CASES OR WHETHER
THE SLOW PROGRESS TOWARD DEMOCRACY DIDN'T OFTEN
CREATE MORE FERTILE FIELD FOR TERRORISM. (2)
DEL VALLE ASKED THAT A WAY BE FOUND TO RECOGNIZE
THAT WITH ALL THE IMPERFECTIONS OF THE CONSTITUTIONAL
ORDER IN CHILE, THERE WAS AT LEAST A SIGNIFICANT
DEGREE OF LEGALITY COMPARED TO OTHER COUNTRIES
WHERE THERE WAS NO JUDICIAL SYSTEM OR ANY LEGAL
~~CONFIDENTIAL~~
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PAGE 02 SANTIA 01296 02 OF 03 040042Z

RECOURSE FOR WRONGS. ON THIS POINT MY COMMENT
WAS THAT THE TASK WAS TO FIND AS ACCURATE A WAY AS

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POSSIBLE OF REFLECTING CHILEAN REALITY. MORE GENERALLY, I REMINDED DEL VALLE THAT OUR ABILITY TO SECURE A BALANCED RESOLUTION STILL RESTS LARGELY WITH THE GOC AS IT HAS FROM THE BEGINNING.

8. COMMENT: WITH REGARD TO YOUR QUESTION PARA 9 REFTEL, MY FEELING CONTINUES TO BE THAT WE SHOULD KEEP CHILE IN ITEM 5 UNLESS WE CAN GET SOME REAL SIGNS OF PROGRESS ON REDUCING HUMAN RIGHTS ABUSES FROM THE GOC. I DID NOT GO INTO THE ITEM 5 VERSUS 12 WITH DEL VALLE TODAY OTHER THAN IN THE BROAD SENSE OF TALKING ABOUT A BALANCED RESOLUTION REQUIRING SOME PRIOR ACTION ON THE PART OF THE GOC THAT WAS MEANINGFUL AND CONCRETE. IN THE LIGHT OF OUR CONVERSATIONS HERE AND YOURS IN GENEVA, MY JUDGMENT AT THIS POINT WOULD BE TO LET THE CHRC KNOW WE STILL DIFFER ON THE QUESTION OF DISCRIMINATION AND TO LEAVE THE QUESTION OPEN UNTIL THE 14TH. SIMILARLY WITH THE GOC, TO LEAVE IT OPEN AND MAKE A JUDGMENT IN THE LIGHT OF WHAT THE GOC REPRESENTATIVE SAYS (AND THE REACTION THE SPEECH RECEIVES) AND IN THE LIGHT OF WHAT THE GOC DOES HERE, ESPECIALLY ON MARCH 11 WHICH IS THE ANNIVERSARY OF PINOCHET'S BEGINNING HIS CONSTITUTIONAL TERM.

9. WITH REGARD TO DEL VALLE'S TWO SUGGESTIONS, I RECOGNIZE IT MAY BE HARD TO REVIVE AGAIN THE LANGUAGE ON TERRORISM, BUT IT MIGHT BE POSSIBLE TO MAKE THE EXISTING CLAUSE A SEPARATE SENTENCE AND THEREBY GIVE IT MORE IMPORTANCE. WITH REGARD
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TO LEGALITY, I WOULD DEFER TO WHAT VOLIO'S REPORT ACTUALLY SAYS AND SEE IF THERE CAN BE SOME REFERENCE TO SERIOUS SHORTCOMINGS WHICH WOULD STILL SHOW THAT THERE IS A LEGAL FRAMEWORK HERE OF SOME VALUE, WHICH IN EFFECT OUGHT TO BE MORE RIGOROUSLY APPLIED. END COMMENT.

10. EMBOFF DISCUSSED IN SEPARATE CONVERSATIONS THE THREE POINTS RAISED BY TABORGA (PARA 7 REFTEL) IN GENEVA WITH CHRC PRESIDENT JAIME CASTILLO AND VICE PRESIDENT MAXIMO PACHECO, NOTING THAT WE HAD FEW

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PROBLEMS WITH LISTING THE SPECIFIC WRONGDOINGS OF THE GOC IN THE RESOLUTION, BUT THAT THIS WOULD DEPEND ON THE VOLIO REPORT. WE DID, HOWEVER, HAVE A PROBLEM WITH ITEM NUMBER TWO RAISED BY TABORGA CONCERNING THE LEGITIMACY OF THE GOC. BOTH CASTILLO AND PACHECO STATED THAT THE CHRC HAS NO INTEREST OR INTENTION OF RAISING THIS MATTER IN THE UNHRC. PACHECO WAS FIRM IN STATING THAT THE CHRC IS NOT A POLITICAL ORGANIZATION, BUT IS ONLY INTERESTED IN HUMAN RIGHTS PROBLEMS AND VIOLATIONS, AND NOT IN ISSUING POLITICAL STATEMENTS.

THE CHRC WOULD, AS PREVIOUSLY NOTED, LIKE TO SEE SOME REFERENCE IN THE RESOLUTION TO THE FACT THAT THE GOC HAS BROKEN WITH THE TRADITIONAL DEMOCRATIC RULE OF LAW IN CHILE, BUT THEY DO NOT WANT A PARAGRAPH IN THE RESOLUTION STATING OR IMPLYING THAT THE GOC IS ILLEGITIMATE. IF TABORGA IS ATTEMPTING TO PUSH THAT LINE, THEN THEY WANT TO KNOW RIGHT AWAY SO THAT THEY CAN EITHER BRING HIM

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PAGE 01 SANTIA 01296 03 OF 03 040051Z
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~~C O N F I D E N T I A L~~ SECTION 03 OF 03 SANTIAGO 01296

GENEVA FOR AMBASSADOR SCHIFTER

E. O. 12356: DECL:OADR
TAGS: PHUM, CI
SUBJ: UNHRC RESOLUTION ON CHILE

UP SHORT, OR IF NECESSARY RECALL HIM. ON THE THIRD POINT, CONCERNING ITEM 5, THEY BOTH REITERATED THAT THE CHRC WOULD LIKE TO SEE CHILE REMAIN AS A SEPARATE ITEM, AND AGREED THAT WE CAN DISAGREE ON THIS PARTICULAR POINT AT THIS TIME.

11. THE CHRC LEADERS EMPHASIZED THAT TABORGA HAS WRITTEN INSTRUCTIONS, BUT MORE IMPORTANTLY, HE HAS BEEN TOLD TO COOPERATE WITH THE US DELEGATION IN GETTING A RESOLUTION WHICH THE US CAN VOTE IN FAVOR
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PAGE 02 SANTIA 01296 03 OF 03 040051Z

OF, AND NOT PUSH EXTRANEOUS ITEMS SUCH AS THE PROBLEMS OF THE MAPUCHE INDIANS. IF TABORGA IS NOT

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COOPERATING, THEY ASKED THAT THEY BE KEPT INFORMED. BOTH ALSO NOTED THAT THEY HAD RECEIVED SEVERAL CALLS FROM CHILEAN EXILES IN THE US COMPLAINING ABOUT TABORGA'S UNHELPFUL EFFORTS, AND WANTED TO REASSURE US THAT IT WAS NOT THE INTENTION OF THE CHRC TO PUT STUMBLING BLOCKS IN THE WAY OF THE US RESOLUTION. PACHECO NOTED THAT HE WOULD CALL THE AMBASSADORS OF FRANCE, SPAIN, ITALY, AND BRAZIL TO INFORM THEM THAT THE CHRC SUPPORTS THE US RESOLUTION, AND ASK THAT THEY HAVE THEIR GOVERNMENTS GIVE POSITIVE CONSIDERATION TO CO-SPONSORING THIS RESOLUTION. CASTILLO INDICATED THAT HE WOULD DO LIKEWISE, PLUS CALL HIS CONTACTS IN OTHER NATIONS TO LET THEM KNOW THAT THE CHRC SUPPORTS THE US EFFORT.
BARNES

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Chile Project (#S199900030)
U.S. Department of State P860038-0205
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FAVM

United States Department of State
Washington, D.C. 20520

MARCH 14 1986

EXCISED KL0025

Dear Senator D'Amato:

I am writing in response to your letter of March 4, 1986 in which you express concern over the arrest of Jesuit priest and magazine editor Father Renato Hevia Rivas. Your letter was on behalf of your constituent [redacted].

As you may be aware, Father Hevia was jailed on December 5, 1985 after having turned himself in to authorities on December 4. He was charged by an investigating magistrate with slandering the president and other government officials. These charges are related to editorials he wrote as director of Mensaje magazine involving Chile's now-lifted state of siege and various violations of human and political rights in Chile under states of exception to the constitution. On December 19, Father Hevia was released from detention upon paying approximately ten dollars bond, following a court decision ordering a temporary stay in his case. Under Chilean law, this ruling indicates that there is insufficient evidence to hold the defendant, but that the case should remain open pending further developments. Both Father Hevia and the Chilean government are appealing this ruling, with Father Hevia seeking a permanent stay.

Father Hevia's release followed inquiries from our Embassy in Santiago and other interested parties. While in jail, Father Hevia was visited by many persons concerned with his welfare, including Embassy officers.

As you know, the Administration is committed to the promotion and preservation of press freedom and human rights throughout the world. We will continue to closely monitor Father Hevia's case.

We hope the foregoing has been of value to you.

Sincerely,

James W. Dyer
Acting Assistant Secretary
Legislative and Intergovernmental Affairs

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RECEIVED BY DEPARTMENT OF STATE

The Honorable
Alfonse D'Amato,
United States Senate.

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Chile Project (#S199900030)
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PAGE 01 SANTIA 01330 01 OF 02 042032Z
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C O N F I D E N T I A L SECTION 01 OF 02 SANTIAGO 01330

GENEVA FOR AMBASSADOR SCHIFTER

E.O. 12356: DECL:OADR
TAGS: PHUM,UNHRC,CI
SUBJ: UNHRC: CHILE RESOLUTION

REF: STATE 62440

1. ENTIRE TEXT - ~~CONFIDENTIAL~~

2. EMBOFF DISCUSSED U.S. DRAFT RESOLUTION WITH OFFICIALS OF THE VICARIATE OF SOLIDARITY, WHO NOTE THAT THIS DRAFT IS AN IMPROVEMENT OVER THE FIRST DRAFT AND ONE THEY SUPPORT. THEY ARE PARTICULARLY PLEASED THAT THE WORDING IN THE FIRST DRAFT WAS CHANGED TO DROP THE PARAGRAPH CONCERNING THE REMOVAL OF ITEM 5. EMBOFF EXPLAINED THAT THIS WAS STILL A MAJOR OBJECTIVE OF THE U.S.
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PAGE 02 SANTIA 01330 01 OF 02 042032Z

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Case Number: S199900030

IN THE UNHRC MEETING, AT WHICH POINT ENRIQUE PALET REITERATED HIS SUGGESTION THAT OTHER COUNTRIES EITHER BE ADDED TO THE ITEM COVERING CHILE, OR THAT EACH COUNTRY HAVE ITS OWN ITEM. HE MADE THE POINT THAT THE HUMAN RIGHTS GROUPS IN CHILE WOULD BE FACED WITH GOC GLOATING IF ITEM 5 WERE SIMPLY REMOVED FROM THE AGENDA WITHOUT ANY PRIOR ACTION BY THE GOC IMPLEMENTING THE VOLIO RECOMMENDATIONS. VICARIATE OFFICIALS THEN PROVIDED US WITH WRITTEN COMMENTS ON THE DRAFT.

3. MOST OF THE VICARIATE'S COMMENTS ARE SUGGESTIONS ON POSSIBLE CHANGES TO THE DRAFT WHICH WOULD MAKE IT MORE CLEARLY IDENTIFIABLE AS BEING CRITICAL OF THE GOC. FOR EXAMPLE, THEY WOULD CHANGE OPERATIVE PARAGRAPH 3, AFTER THE REFERENCE TO THE SPECIAL RAPPORTEUR'S REPORT, TO LIST SOME EIGHT SPECIFIC AREAS IN WHICH HUMAN RIGHTS HAVE BEEN VIOLATED IN CHILE. THESE WOULD INCLUDE THE KILLING OF OPPOSITION LEADERS, TORTURE AND INHUMAN PUNISHMENT, KIDNAPPINGS AND ATTEMPTS AT INTIMIDATION, DETENTION OF THOSE INVOLVED IN PROTEST DEMONSTRATIONS, INTERNAL BANISHMENTS, EXILES, ETC. THE VICARIATE OFFICIALS UNDERSTAND THAT MOST, IF NOT ALL OF THESE VIOLATIONS WILL BE COVERED IN THE VOLIO REPORT, BUT FEEL THE U.S. DRAFT WOULD BE STRONGER IF IT ALSO LISTED THESE VIOLATIONS. THEY NOTED THAT THE U.S. DRAFT REFERS TO THE VOLIO REPORT'S LIST OF IMPROVEMENTS AND RECOMMENDATIONS, BUT DOES NOT CLEARLY STATE IF THE VIOLATIONS WILL ALSO BE LISTED.

4. THE VICARIATE ALSO SUGGESTS THAT OPERATIVE PARAGRAPH 4 BE CHANGED TO STRESS THE INABILITY OF THE GOVERNMENT

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IN PREVENTING THE REPETITION OF ABUSES BY THE SECURITY FORCES. THEY WOULD PARTICULARLY NOTE THE FAILURE OF THE AUTHORITIES TO INVESTIGATE THE MANY CASES OF DISAPPEARED PERSONS WHICH OCCURRED BETWEEN 1973 AND 1978, THE MURDERS OF OPPOSITION LEADERS, AND THE KIDNAPPINGS AND TORTURES OF 1985 AND PRIOR YEARS. IN THIS PARAGRAPH, THE VICARIATE SUGGESTS AMBIGUOUS

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WORDING TO COVER THE PROBLEM OF TERRORISM, WHICH READS AS FOLLOWS: "EQUALLY LAMENTABLE IS THE LACK OF CLARIFICATION CONCERNING ACTS OF TERRORIST VIOLENCE WHICH HAVE CAUSED NUMEROUS DEATHS AND INJURIES. THE NEED FOR THIS CLARIFICATION CANNOT SERVE AS AN EXCUSE FOR SECURITY FORCES TO COMMIT ABUSES OF FUNDAMENTAL HUMAN RIGHTS."

5. THE VICARIATE WOULD LIKE TO ADD TO OPERATIVE PARAGRAPH 7 SPECIFIC MENTION OF THE GOC'S FAILURE TO IMPLEMENT THE UN'S INTERNATIONAL AGREEMENT ON CIVIL AND POLITICAL RIGHTS, WHICH THE GOC RATIFIED IN 1972 AND WHICH THE PINOCHET GOVERNMENT PROMULGATED IN 1976, BUT WHICH HAS NOT BEEN PUBLISHED IN THE OFFICIAL GAZETTE. (EMBASSY UNDERSTANDS THAT WE CANNOT INCLUDE THIS IN OUR RESOLUTION BECAUSE U.S. IS NOT A PARTY TO THIS TREATY.)

6. FINALLY, THE VICARIATE LEADERS WOULD MAKE SOME MINOR WORD ADJUSTMENTS IN OPERATIVE PARAGRAPH 8, SUBPARAGRAPH D, BY CHANGING "COURTS" TO "JUDICIAL" AND "THE COURTS" TO "THE TRIBUNALS", AND BY ADDING "HABEUS CORPUS" AFTER THE WORD "AMPARO." THEY SUGGEST OPERATIVE PARAGRAPH 9 COULD BE IMPROVED IF AFTER THE WORDS "FULLY IMPLEMENT HIS RECOMMENDATIONS"

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PAGE 01 SANTIA 01330 02 OF 02 042033Z

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C O N F I D E N T I A L SECTION 02 OF 02 SANTIAGO 01330

GENEVA FOR AMBASSADOR SCHIFTER

E.O. 12356: DECL:OADR
TAGS: PHUM,UNHRC,CI
SUBJ: UNHRC: CHILE RESOLUTION

THE WORDS "AS QUICKLY AS POSSIBLE" WERE TO BE ADDED.

7. EMBOFF THANKED THE VICARIATE OFFICIALS FOR THEIR COMMENTS, BUT NOTED THAT THE DRAFT RESOLUTION WAS ALREADY IN FINAL FORM. WE WOULD, HOWEVER, PASS THEIR SUGGESTIONS ON TO THE U.S. DELEGATION FOR THEIR CONSIDERATION IF THE DRAFT SHOULD BE OPENED FOR CHANGES. THEY REITERATED ONCE AGAIN THAT THEY BASICALLY AGREE WITH OUR DRAFT, AND WELCOME THE U.S. INITIATIVE.

8. COMMENT: THE VICARIATE'S SUGGESTIONS ARE MUCH
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PAGE 02 SANTIA 01330 02 OF 02 042033Z

IN LINE WITH THOSE MADE PREVIOUSLY BY THE HUMAN RIGHTS COMMISSION. THEY FEEL MOST STRONGLY, AS DOES THE CHRC, ABOUT MAINTAINING CHILE IN SOME

SORT OF SEPARATE STATUS, EITHER IN A SEPARATE ITEM ON THE AGENDA, OR IN AN AGENDA ITEM WHICH MAKES SPECIFIC NOTE OF CHILE. WE BELIEVE BOTH GROUPS WOULD WELCOME A POSITIVE USG VOTE ON A RESOLUTION CONDEMNING THE GOC, AND THAT THEIR SUGGESTIONS ON THE U.S. DRAFT RESOLUTION ARE TO BE TAKEN AS CHANGES WHICH WOULD MAKE THE INTENT OF THE RESOLUTION CLEARER TO OTHERS IN THE UNHRC AND, MORE IMPORTANTLY, TO THE GOC.
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Chile Project (#S199900030)
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C O N F I D E N T I A L GENEVA 02221

TO AMBASSADOR BARNES FROM ASSISTANT SECRETARY SCHIFTER

E.O. 12356:DECL:OADR
TAGS: PHUM, UNHRC
SUBJECT: UNHRC - RESOLUTION ON CHILE

1. THIS IS HRC-151 (~~CONFIDENTIAL~~ - ENTIRE TEXT)

2. WE HAVE NOW COMPLETED OUR DRAFT RESOLUTION IN LIGHT OF THE VOLIO REPORT AND HAVE ALSO INCORPORATED SOME OF THE SUGGESTIONS ADVANCED BY TABORGA. THE REVISED RESOLUTION WAS SENT TO YOU BY SEPTEL.

3. AS OF THE EVENING OF MARCH 4, MATTERS WERE STILL GOING WELL WITH THE MEXICANS AND TABORGA. ON MARCH 5, HOWEVER, WE DISCOVERED THAT MEXICO HAS TABLED A RESOLUTION OF ITS OWN UNDER THE CHILE ITEM. THIS WAS IN BREACH OF THE COMMITMENT WHICH THEY HAD MADE AND REPEATED AS HERETOFORE REPORTED. TABORGA THEN TOLD US THAT THERE WAS A BASIC DIFFERENCE BETWEEN

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PAGE 02 GENEVA 02221 052159Z

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HIM AND US IN THAT WE INSISTED ON RESPECTING THE LEGITIMACY OF THE CHILEAN GOVERNMENT AND HE COULD NOT GO ALONG WITH THAT. OUR HUNCH IS THAT MEXICO AND TABORGA HAVE BEEN PUT UNDER PRESSURE FROM ELEMENTS THAT ARE NOT INTERESTED IN HAVING US SUPPORT A RESOLUTION ON CHILE.

4. ONCE WE HAVE AN AGREED U.S. TEXT, WE HAVE FOUR PROCEDURAL OPTIONS:

(A) WE SIMPLY TABLE UNDER ITEM 5. IN THAT CASE THE MEXICAN RESOLUTION WILL BE VOTED ON FIRST. IF IT PASSES, A MEMBER COULD MOVE THAT NO ACTION BE TAKEN ON OUR RESOLUTION AS THE SUBJECT MATTER HAS ALREADY BEEN ACTED ON. IF THE COMMISSION ADOPTS THE MOTION, THERE IS NO FURTHER VOTE ON OUR RESOLUTION.
IF IT FAILS OR IF THERE IS NO SUCH MOTION, BOTH RESOLUTIONS ON CHILE CAN BE ADOPTED.

(B) WE CAN OFFER A MOTION TO TAKE NO DECISION ON THE MEXICAN RESOLUTION, URGING THE COMMISSION THUS TO TAKE THE MEXICAN RESOLUTION OFF THE FLOOR PROCEDURALLY AND THEN VOTE FOR OUR RESOLUTION.

(C) WE CAN OFFER A MOTION TO REVERSE THE ORDER IN WHICH THE MEXICAN AND UNITED STATES RESOLUTION ARE TAKEN UP.

(D) FINALLY, WE CAN TABLE OUR RESOLUTION UNDER ITEM 12, THE GENERAL ITEM. AS RESOLUTIONS ARE VOTED ON IN THE ORDER IN WHICH AGENDA ITEMS ARE TAKEN UP, ITEM 12 WILL GET VOTED ON PRIOR TO ITEM 5. OUR RESOLUTION WOULD

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THUS BE VOTED ON FIRST AND WE WOULD SIMULTANEOUSLY HAVE MADE A STATEMENT THAT WE WANT TO TREAT THE ISSUE UNDER ITEM 12. OF COURSE, THERE COULD THEN BE A PROCEDURAL WRANGLE OVER OUR GAMBIT UNDER ITEM 12. WE COULD ALSO TABLE UNDER ITEM 12 THURSDAY MORNING AND SEE WHETHER ANYONE WOULD THEN URGE US TO WITHDRAW UNDER 12 AND PROCEED UNDER 5. THE TRADE WHICH WE COULD THEN

OFFER PRIOR TO THE FRIDAY DEADLINE IS THAT WE WOULD WITHDRAW UNDER 12 IF MEXICO WITHDRAWS UNDER 5 AND GIVES US A CLEAR SHOT AT THE RESOLUTION UNDER ITEM 5. (WE COULD ALSO FILE UNDER 12 AND LATER UNDER 5 FIGURING OUT LATER WHICH OF THE TWO WE WOULD WANT TO WITHDRAW).

5. I WOULD RECOMMEND THAT WE PROCEED WITH OPTION D. NEXT WE HAVE TO DETERMINE WHAT STEPS, IF ANY, WE SHOULD TAKE TO ROUND UP VOTES. WE COULD TELL THE DEMOCRATIC OPPOSITION WE HAVE DONE OUR JOB; NOW YOU DO YOURS. (DRAFTED BY RSCHIFTER)CARMEN

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E.O. 12356: N/A
TAGS: CASC: (BLAKE, NICHOLAS) (DAVIS, GRIFFITH)
SUBJECT: WELFARE/WHEREABOUTS: CASE OF NICHOLAS BLAKE AND GRIFFITH DAVIS

REF: MEXICO 3190

DEPARTMENT IS INTERESTED IN ANY INFORMATION ON THE BLAKE/DAVIS CASE DEVELOPED AS A RESULT OF THE RECENT TRIP TO CHIAPAS. PLS. ADVISE. SHULTZ

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 08/28/96
Case ID: 9512211

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AM: D860174-0397

Chile Project (#S199900030)
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FOR AMBASSADOR RICHARD SCHIFTER

E.O. 12356:N/A
TAGS:PREL, UNHRC
SUBJECT:UNHRC CHILE RESOLUTION

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PAGE 02 STATE 069261

1. CHILEAN CHRISTIAN DEMOCRAT MARTIN PORLETE CALLED HA

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HUMAN RIGHTS OFFICER GEORGE LISTER FROM NEW YORK EARLY THURSDAY MORNING TO SAY HE HAD BEEN INFORMED THAT, SINCE MEXICANS AND AMERICANS WERE NOW NEGOTIATING THE CHILE RESOLUTION TABLED BY MEXICO, NO ACTION WAS REQUIRED PENDING OUTCOME OF SUCH NEGOTIATIONS. LISTER EXPLAINED THAT REGARDLESS OF ANY DISCUSSIONS WITH MEXICANS YOU ARE TABLING OUR RESOLUTION TODAY AND YOU URGENTLY NEED: 1) PROOF OF CHILEAN DEMOCRATIC SUPPORT FOR OUR DRAFT; AND, 2) VOTES FOR OUR RESOLUTION. LISTER ADDED THAT THUS FAR YOU HAVE ONLY ONE MESSAGE OF SUPPORT, FROM CHILEAN DEMOCRATIC ALLIANCE MEMBERS IN WASHINGTON. POBLETE PROMISED TO CONTINUE TO PUSH FOR URGENT RESPONSES YOU REQUIRE. POBLETE ASKED WHETHER IT WOULD BE POSSIBLE TO POSTPONE VOTE TO MARCH 14, TO GIVE US MORE TIME.

2. WASHINGTON COORDINATOR OF CHILEAN DEMOCRATIC ALLIANCE, EUGENIO VELASCO ALSO CALLED LISTER TODAY TO SAY MAXIMO PACHECO HAS BEEN IN TOUCH WITH SANTIAGO EMBASSY OFFICER DONALD KNIGHT. PACHECO IS TRYING TO GET DEMOCRATIC

ALLIANCE CABLE TO YOU TODAY FROM SANTIAGO, SUPPORTING OUR RESOLUTION. PACHECO ALSO CLAIMED SANTIAGO EMBASSIES OF SPAIN, FRANCE, BRITAIN AND ITALY, HAVE PROMISED SUPPORT FOR OUR DRAFT. MEANWHILE, HERNAN GUTIERREZ OF WASHINGTON CHILEAN DEMOCRATIC ALLIANCE HAS CALLED HUGO VIGORENA, FORMER CHILEAN AMBASSADOR TO MEXICO AND HEAD OF CHILEAN EXILE COLONY THERE. VIGORENA BACKS U.S. RESOLUTION AND HAS CABLED HUGO MIRANDA, CHILEAN RADICAL IN GENEVA, INSTRUCTING HIM TO SUPPORT OUR DRAFT. VIGORENA RECOMMENDED YOU TALK WITH MIRANDA. ACCORDING TO WASHINGTON BASED CHILEAN OPPOSITION SOURCES, MIRANDA IS SYMPATHETIC TO COMMUNISTS AND EXERTS DECISIVE INFLUENCE ON MEXICAN POLICY
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IN GENEVA. SHULTZ

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PAGE 01 GENEVA 02276 01 OF 02 061821Z
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Chile Project (#S199900030)
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C O N F I D E N T I A L SECTION 01 OF 02 GENEVA 02276

E.O. 12356: DECL:OADR
TAGS: PHUM, UNHRC
SUBJ: UNHRC - CHILE RESOLUTION

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PAGE 02 GENEVA 02276 01 OF 02 061821Z

REF. (A) GENEVA 2222 (B) SANTIAGO 1296

1. THIS IS HRC-164 (CONFIDENTIAL - ENTIRE TEXT).
2. WE HAVE TODAY TABLED, UNDER ITEM 12, THE CHILE RESOLUTION, AS SET FORTH IN REF A, MODIFIED BY THE SUGGESTIONS CONTAINED IN REF B. WE PROCEEDED RAPIDLY, AFTER RECEIVING THE COMMENTS CONTAINED IN REF B, BECAUSE RUMORS WERE SPREADING THROUGHOUT THE COMMISSION THAT NEGOTIATIONS "HAD BROKEN DOWN." MOST SIGNIFICANTLY, SPANISH REP LACLETA TOLD U.S. REP SCHIFTER THAT HE HAD RECEIVED TWO TELEPHONE CALLS FROM MADRID ON THE SUBJECT OF CHILE. THE FIRST WAS TO TELL HIM THAT IT APPEARS THERE WOULD BE AN "AGREED TEXT" ON CHILE, THE SECOND ALSO USING THE PHRASE THAT NEGOTIATIONS "HAD BROKEN DOWN" AND THAT SPAIN WOULD HAVE TO CO-SPONSOR THE MEXICAN RESOLUTION. LACLETA SAID FURTHER THAT FRANCE HAD TOLD HIM THAT IT WOULD PROCEED WITH THE MEXICAN RESOLUTION. SCHIFTER TOLD LACLETA THAT NEGOTIATIONS HAD CERTAINLY NOT BROKEN DOWN IN SANTIAGO, THAT AN AGREED TEXT EXISTS AND WOULD BE TABLED. LACLETA PROMISED TO REPORT THIS TO MADRID.

3. WHAT SCHIFTER TOLD LACLETA WAS THAT THE U.S. DRAFT RESOLUTION HAS THE SUPPORT OF THE VICARIATE OF SOLIDARITY, THE DEMOCRATIC ALLIANCE AND THE CHRC LEADERSHIP, THAT ANYTHING THAT TABORGA MIGHT BE SAYING IN GENEVA DID NOT REFLECT THE VIEWS OF JAIME CASTILLO. WE HOPE THAT EMBASSY SANTIAGO WILL BE ABLE TO GET US EVIDENCE IN SUPPORT OF THIS STATEMENT AND, IN PARTICULAR, THAT THE EC AMBASSADORS IN SANTIAGO WILL TRANSMIT THIS INFORMATION PROMPTLY TO THEIR CONFIDENTIAL

CAPITALS. THE INFORMATION SHOULD ALSO BE CONVEYED TO ARGENTINA, BRAZIL, COLOMBIA, COSTA RICA, PERU AND VENEZUELA.

4. WE PICKED UP THE FOLLOWING FURTHER TIDBITS:

A. MEXICAN REP MONTANO CLAIMS HE TABLED HIS

RESOLUTION ONLY BECAUSE CUBA PRESSED HIM TO DO SO AND THREATENED TO DO SO IF HE DID NOT. (COMMENT: THIS IS VERY DIFFICULT TO BELIEVE.)

B. WE ARE TOLD THAT THE CHILEAN EXILES, WHO ARE HERE IN SIGNIFICANT NUMBERS, HAVE BEEN HIGHLY CRITICAL OF TABORGA FOR ASSOCIATING WITH THE U.S. DEL. HE MAY VERY WELL HAVE RUN FOR COVER.

C. CHAIRMAN CHARRY SAMPER HAS TOLD SCHIFTER THAT FRANCE (REPEAT FRANCE) HAS RAISED WITH HIM THE PROCEDURAL ISSUE OF THE U.S. TABLING A CHILE RESOLUTION UNDER ITEM 12.

5. ACTION REQUESTED: U.S. DEL RECOMMENDS DEPARTMENT REQUEST EMBASSIES TO MAKE DEMARCHES IN SUPPORT OF OUR CHILEAN DRAFT RESOLUTION. IN PARTICULAR, WE REQUEST A DEMARCHE IN PARIS AT A LEVEL HIGHER THAN M. JACOLIN,

ACTION IO-17

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AMEMBASSY BOGOTA IMMEDIATE
AMEMBASSY SAN JOSE IMMEDIATE
AMEMBASSY MEXICO IMMEDIATE
AMEMBASSY LIMA IMMEDIATE
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AMEMBASSY CANBERRA IMMEDIATE
AMEMBASSY VIENNA IMMEDIATE
AMEMBASSY BRUSSELS IMMEDIATE
AMEMBASSY PARIS IMMEDIATE
AMEMBASSY BONN IMMEDIATE
AMEMBASSY DUBLIN IMMEDIATE
AMEMBASSY OSLO IMMEDIATE
AMEMBASSY MADRID IMMEDIATE
AMEMBASSY LONDON IMMEDIATE
AMEMBASSY TOKYO IMMEDIATE
USMISSION USUN NEW YORK IMMEDIATE

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C O N F I D E N T I A L SECTION 02 OF 02 GENEVA 02276

E.O. 12356: DECL:OADR
TAGS: PHUM, UNHRC
SUBJ: UNHRC - CHILE RESOLUTION

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PAGE 02 GENEVA 02276 02 OF 02 061821Z

WHO IS OBVIOUSLY NOT FRIENDLY TO OUR POSITION
ON THIS ISSUE AND BELIEVES THE OFT-REPEATED
DISINFORMATION ON OUR ROLE IN CHILE IN 1973.

(DRAFTED BY RSCHIFTER)CARMEN

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PAGE 01 CARACA 02210 062126Z
ACTION ARA-00

INFO LOG-00 COPY-01 ADS-00 INR-10 SS-00 CIAE-00 IO-17
NSCE-00 NSAE-00 SSO-00 HA-09 L-03 PM-10 INRE-00
SP-02 SLPD-01 /053 W
----------175303 062139Z /61

O 062119Z MAR 86
FM AMEMBASSY CARACAS
TO USMISSION GENEVA IMMEDIATE
INFO SECSTATE WASHDC IMMEDIATE 0545
AMEMBASSY SANTIAGO IMMEDIATE
USMISSION USUN NEW YORK IMMEDIATE

C O N F I D E N T I A L CARACAS 02210

E.O. 12356: DECL: OADR
TAGS: UNHRC, VE
SUBJECT: VENEZUELAN VIEWS ON CHILE RESOLUTION

REF: A) STATE 52501, B) GENEVA 2045

1. CONFIDENTIAL - ENTIRE TEXT.

2. POLOFF DELIVERED A COPY OF HRC-115 TO MFA HUMAN RIGHTS OFFICER MARTA DI FELICE ON MARCH 6, WHO NOTED THAT THE MFA HAD JUST RECEIVED A COPY GIVEN TO VENEZUELAN REP ADOLFO PAUL TAYLHARDAT. POLOFF REVIEWED THE TEXT WITH DI FELICE, WHO SAID THAT SHE HAD NO PROBLEM WITH THE DOCUMENT, BUT WOULD HAVE TO DISCUSS VENEZUELA'S POSITION IN THE MINISTRY. DI FELICE, WHEN INFORMED OF OUR CONCERN FOR GOV SUPPORT, SAID THAT CARACAS HAD BEEN UNAWARE A "SENSE OF URGENCY" ACCOMPANIED OUR REQUEST.

3. EMBASSY COMMENT: WE WILL PRESS THE MFA AGAIN FRIDAY, MARCH 7, FOR A CLEAR STATEMENT OF SUPPORT.
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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full Y
Exemption(s) ____

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PAGE 02 CARACA 02210 062126Z

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A MEETING WITH THE FOREIGN MINISTER IS PENDING. FLOWER

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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

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PAGE 01 SANTIA 01391 01 OF 02 062320Z
ACTION IO-17

INFO LOG-00 COPY-01 ADS-00 INR-10 SS-00 OIC-02 CIAE-00
ARA-00 NSAE-00 SSO-00 HA-09 L-03 TRSE-00 INRE-00
SLPD-01 /043 W
----------202677 062346Z /60

O 062219Z MAR 86 ZFF4
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC NIACT IMMEDIATE 5336
INFO USMISSION GENEVA NIACT IMMEDIATE

C O N F I D E N T I A L SECTION 01 OF 02 SANTIAGO 01391

GENEVA FOR AMBASSADOR SCHIFTER

E. O. 12356: DECL:OADR
TAGS: PHUM, UNHRC CI
SUBJ: UNHRC - RESOLUTION ON CHILE: CHRC VIEWS

REF: A. GENEVA 2222

1. CONFIDENTIAL ENTIRE TEXT.

2. EMBOFF MET WITH MAXIMO PACHECO, VICE PRESIDENT OF THE CHILEAN HUMAN RIGHTS COMMISSION, LATE AFTERNOON OF MARCH 6 TO DISCUSS OUR RESOLUTION, AND EVENTS IN GENEVA. PACHECO PROVIDED EMBOFF WITH A COPY OF THE TELEGRAM WHICH THE CHRC SENT TO THEIR REPRESENTATIVE IN GENEVA, G. TABORGA, ON MARCH 6. HE ASKED THAT A COPY OF THIS TELEGRAM BE PROVIDED TO AMBASSADOR SCHIFTER ON A CONFIDENTIAL BASIS, AND THAT TABORGA NOT BE TOLD THAT WE HAVE RECEIVED IT. WHILE WE ARE PROVIDING AN UNOFFICIAL TRANSLATION OF THE TELEGRAM BELOW, THE BASIC POINTS ARE PARAGRAPHS F AND G BELOW, WHICH TELL TABORGA THAT THE CHRC FINDS THE US

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PAGE 02 SANTIA 01391 01 OF 02 062320Z

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RESOLUTION ACCEPTABLE AND THAT THE CHRC WANTS ONLY ONE RESOLUTION ON CHILE PRESENTED AT THE UNHRC.

3. PACHECO THEN CALLED THE DUTCH AMBASSADOR, WITH THE EMBOFF PRESENT, TO INFORM HIM THAT THE CHRC SUPPORTS THE US RESOLUTION, AND WANTS THIS TO BE THE ONLY RESOLUTION ON CHILE PRESENTED IN GENEVA. HE REQUESTED THE AMBASSADOR, AS PRESIDENT OF THE EC GROUP IN SANTIAGO, TO INFORM THE OTHER EC AMBASSADORS IN CHILE THAT THIS IS THE CHRC POSITION. HE ALSO ASKED THE AMBASSADOR TO INFORM HIS GOVERNMENT IMMEDIATELY OF THIS POSITION, AND REQUEST THAT HIS GOVERNMENT

INFORM THE OTHER EC COUNTRIES OF THE CHRC VIEWS ON THIS MATTER. PACHECO TOLD THE AMBASSADOR THAT THE CHRC VIEWS THE MEXICAN EFFORT IN GENEVA AS COUNTER-PRODUCTIVE, AND AS BEING AGAINST THE WISHES OF THE CHRC AND OTHER HUMAN RIGHTS GROUPS IN CHILE.

4. PACHECO ALSO CALLED THE SPANISH AMBASSADOR TO GIVE HIM THE SAME MESSAGE, AND TO REQUEST THAT HE INFORM MADRID IMMEDIATELY OF THE CHRC'S VIEWS. PACHECO INFORMED EMBOFF THAT HE WOULD TRY TO CALL OTHER AMBASSADORS IN CHILE, INCLUDING THE FRENCH AND THE BRAZILIANS.

5. FINALLY, PACHECO SAID HE WOULD DISCUSS ON AN URGENT BASIS WITH CHRC PRESIDENT CASTILLO THE POSSIBILITY OF SENDING A TELEGRAM OUTLINING THE CHRC'S SUPPORT FOR THE US RESOLUTION TO UNHRC CHAIRMAN CHARRY SAMPER AND UK REPRESENTATIVE IN GENEVA SIR ANTHONY WILLIAMS. CONFIDENTIAL

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PAGE 03 SANTIA 01391 01 OF 02 062320Z

IF CASTILLO AGREES, THEY WILL SEND THESE TELEGRAMS IMMEDIATELY.

6. FOLLOWING IS AN UNOFFICIAL TRANSLATION OF THE CHRC TELEGRAM TO TABORGA: BEGIN TEXT

.. WE HAVE REVIEWED THE US RESOLUTION PRESENTED

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IN GENEVA ON MARCH 5.

B. WE CONSIDER THAT THEY HAVE TAKEN INTO CONSIDERATION IN THIS RESOLUTION POINTS 1,2, 4, 5, 6, AND 7 OF OUR CRITERIA.

C. OUR POINT NUMBER 3 SHOULD BE RESOLVED BETWEEN THE INTERESTED COUNTRIES. (NOTE: THIS REFERS TO THE NEED TO MAINTAIN GOOD RELATIONS WITH THE TRADITIONAL SUPPORTERS OF THE CHRC WITHIN THE UNHRC.)

D. OUR POINT NUMBER 8 IS PARTIALLY CONTEMPLATED IN POINT NUMBER 6 OF THE AMERICAN RESOLUTION. (NOTE: THIS REFERS TO THE INSTRUCTIONS TO TABORGA TO PROMOTE AND PROCURE IN THE VOTING ON THE CHILEAN RESOLUTION THE BEST CONSENSUS POSSIBLE FROM THE SPECTRUM OF DEMOCRATIC COUNTRIES OF DIVERSE IDEOLOGIES AND POLITICAL POSITIONS.)

E. THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS MENTIONED IN OUR POINT 7 ARE PARTIALLY CONTEMPLATED IN POINTS 5 AND OF THE AMERICAN RESOLUTION.

F. WITH THE ABOVE OBSERVATIONS, WE CONSIDER THE

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PAGE 01 SANTIA 01391 02 OF 02 062320Z

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ACTION IO-17

INFO LOG-00 COPY-01 ADS-00 INR-10 SS-00 OIC-02 CIAE-00
ARA-00 NSAE-00 SSO-00 HA-09 L-03 TRSE-00 INRE-00
SLPD-01 /043 W
----------202452 062346Z /60

O 062219Z MAR 86 ZFF4
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC NIACT IMMEDIATE 5337
INFO USMISSION GENEVA NIACT IMMEDIATE

C O N F I D E N T I A L SECTION 02 OF 02 SANTIAGO 01391

GENEVA FOR AMBASSADOR SCHIFTER

E. O. 12356: DECL:OADR
TAGS: PHUM, UNHRC CI
SUBJ: UNHRC - RESOLUTION ON CHILE: CHRC VIEWS

AMERICAN RESOLUTION ACCEPTABLE IN IMPLEMENTING
OUR CRITERIA.
-
G. WE STATE OUR GREAT INTEREST THAT THERE BE
ONLY ONE RESOLUTION.
-
H. THE COMMISSION DOES NOT PRETEND TO IMPOSE
CRITERIA, BUT ONLY TO EXPRESS OPINIONS.

I. WE ASK YOU TO SEE TO IT THAT THAT WHICH IS
NOT CONSIDERED (I.E. THE POINTS IN D AND E ABOVE
THAT ARE ONLY PARTIALLY CONTEMPLATED IN THE U.S.
RESOLUTION) BE EXPRESSED IN THE WHEREAS CLAUSES
(OF THE U. S. RESOLUTION) OR IN THE
DEBATES. END TEXT.
-
7. COMMENT: WHILE THE CHRC INSTRUCTIONS TO TABORGA
ARE NOT AS CRYSTAL CLEAR AS WE WOULD LIKE TO
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PAGE 02 SANTIA 01391 02 OF 02 062320Z

SEE, WE BELIEVE THAT THE INSTRUCTION
IN PARA 5, ITEM I, MAKES CLEAR TO TABORGA THAT HE
IS TO SUPPORT THE U. S. RESOLUTION, AND THAT THE CHRC

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IS BEHIND OUR RESOLUTION. PACHECO'S EFFORTS IN OBTAINING EC SUPPORT ALSO MAKE THE CHRC STAND CLEAR. DCM RAISED WITH CASTILLO AND POLOFF WITH PACHECO THE POSSIBILITY OF THE CHRC ASKING MEXICO TO WITHDRAW ITS RESOLUTION BUT RECEIVED NO SIGN OF SUPPORT, OTHER THAN PACHECO'S STATEMENT TO EMBOFF AND DUTCH AND SPANISH AMBASSADORS THAT THE MEXICANS HAD BETRAYED THE USG IN GENEVA.

7. AS THIS TELEGRAM WAS BEING TYPED, PACHECO CALLED AMBASSADOR TO SAY THAT HE HAD JUST TALKED WITH SPANISH AMBASSADOR AND FRENCH CHARGE WHO INFORMED HIM THAT TABORGA IS APPARENTLY ATTEMPTING TO CONVINCE FRENCH AND SPANISH DELEGATES TO SUPPORT MEXICAN RESOLUTION. CHRC IS TRYING TO CONTACT TABORGA BY PHONE TO MAKE CERTAIN HE UNDERSTANDS CHRC POSITION TO SUPPORT US RESOLUTION ONLY. PACHECO ADDED THAT THE CHRC IS CONSIDERING SENDING SOMEONE TO REPLACE TABORGA. BARNES

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CE/,4(%6QI0+PFE*0J/6_W'K
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SWFXDEW
HSW<0A!F*05+4CDN?TI7-8K
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Department of State

INCOMING TELEGRAM

CASC Blake

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PAGE 01 MEXICO 05204 071936Z 2458

ACTION OCS-06

INFO LOG-00 ADS-00 AMAD-01 CA-02 /009 W

262325 071943Z /38

O 071934Z MAR 86
FM AMEMBASSY MEXICO
TO AMEMBASSY GUATEMALA IMMEDIATE
INFO SECSTATE WASHDC 0121

CONSULAR AFFAIRS
MAR 10 1986
CA/OCS/CCS

UNCLAS MEXICO 05204

FOR CA/OCS/CCS/ARA/EMR

E.O. 12356: N/A
TAGS: CASC, MX (BLAKE, NICHOLAS AND DAVIS, GRIFFITH)
SUBJECT: W/W: NICHOLAS BLAKE AND GRIFFITH DAVIS

REF: A) GUATEMALA 1333 B) MEXICO 2917 C) MEXICO 3190 D) MEXICO 4992

1. CONOFF SPOKE TO GABRIEL SUAREZ, PRESIDENT OF AYUDA DE GUATEMALTECOS (REF D), WHO SAID HE MET NICHOLAS BLAKE TWICE, ALONE, IN 1983 AND IN JANUARY OR FEBRUARY 1985. IN 1985, BLAKE TOLD SUAREZ HE WAS ON HIS WAY TO HUEHUETENANGO TO VISIT A FRIEND, A COLONEL IN THE GUATEMALAN ARMY AND COMMANDANTE OF THE MILITARY BASE AT HUEHUETENANGO.

2. ACCORDING TO SUAREZ, BLAKE LEFT MEXICO ON FOOT, WITH KNAPSACK AND SLEEPING BAG, THROUGH CARMENXHAM, CHIAPAS, AND CROSSED THE GUATEMALAN BORDER AT AN ILLEGAL CROSSING POINT. GRACIAS A DIOS.

3. CONOFF FEELS THAT SUAREZ WAS GUARDED IN HIS RESPONSES AND KNOWS MORE THAN HE IS ADMITTING (SUAREZ REFERRED TO BLAKE AS "NICK" AND NOT "NICHOLAS").

BUSBY

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 07/07/95
Case ID: 9512221

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89024, 10091, 18SC-24

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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

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PAGE 01 CARACA 02273 072154Z
ACTION ARA-00

INFO	LOG-00	ADS-00	INR-10	SS-00	CIAE-00	DODE-00	H-01
	NSCE-00	NSAE-00	SSO-00	HA-09	L-03	PM-10	PA-02
	OMB-01	INRE-00	USIE-00	SP-02	SNP-01	PRS-01	SLPD-01
	DSE-00	SCT-04					

(ADS) W

----------302166 080319Z /66

O 072147Z MAR 86
FM AMEMBASSY CARACAS
TO SECSTATE WASHDC IMMEDIATE 0572
AMEMBASSY SANTIAGO IMMEDIATE
INFO AMEMBASSY MEXICO

UNCLAS CARACAS 02273

E.O. 12356: N/A
TAGS: PREL, PGOV, SENV, CI, VE
SUBJECT: CHILEAN EMBASSY FIRE -- NOT SABOTAGE

REF: CARACAS 2060
INVESTIGATORS HAVE DISCARDED THE POSSIBILITY OF SABOTAGE IN THE FIRE THAT KILLED 15, INCLUDING AMBASSADOR CARLOS DE COSTA-NORA AND EIGHT OTHER EMPLOYEES OF THE CHILEAN EMBASSY. AS REPORTED REFTEL, THE FIRE WAS ELECTRICAL IN ORIGIN, BEGAN ON THE GROUND FLOOR AND SPREAD VIA AIR SHAFTS TO THE TOP FLOOR EMBASSY. INVESTIGATORS POINT TO ELECTRIC SECURITY DOORS, WHICH DID NOT FUNCTION WHEN THE POWER WENT OUT, AS A FACTOR IN THE LOSS OF LIFE. OPPOSITION REPRESENTATIVES RESIDENT IN CARACAS EMPHASIZED THEIR REJECTION OF TERRORISM IN THE STRUGGLE AGAINST PINOCHET. REPRESENTATIVES OF THE SOCIALIST, COMMUNIST, RADICAL AND CHRISTIAN DEMOCRATIC PARTIES MADE SEPARATE STATEMENTS ALL ARGUING THAT ONLY THE DICTATORSHIP USES TERRORISM TO ELIMINATE ITS OPPONENTS. FLOWER

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PAGE 02 CARACA 02273 072154Z

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PAGE 01 MEXICO 05271 072316Z
ACTION ARA-00

INFO LOG-00 ADS-00 SS-00 NSCE-00 SSO-00 CPR-02
(ADS) W
----------306215 080503Z /63
O 072313Z MAR 86
FM AMEMBASSY MEXICO
TO SECSTATE WASHDC IMMEDIATE 0152

UNCLAS MEXICO 05271

E.O. 12356: N/A
TAGS: PREL, PGOV, ODIP, MX
SUBJECT: MEXICAN DELEGATION TO FUNERAL FOR OLAF
- PALME
-
THE LOCAL PRESS REPORTS ON 3/7/86 THAT FOREIGN RELATIONS SECRETARY BERNARDO SEPULVEDA WILL ATTEND THE FUNERAL OF SWEDISH PRIME MINISTER OLAF PALME IN STOCKHOLM ON MARCH 15, 1986. THE PRESS DOES NOT INDICATE WHETHER OTHERS FROM THE GOM WILL ACCOMPANY SECRETARY SEPULVEDA.
(DRAFTED:PSIEKERT) GAVIN

9302093

DEPARTMENT OF STATE IS/FPO/CDR Date: 2/25/97
RELEASE ( ) D
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( ) DENY
FOIA exemptions
PA Exemptions
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TS authority to

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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

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PAGE 01 CANBER 02217 070742Z
ACTION IO-17

INFO LOG-00 COPY-01 ADS-00 SS-00 OIC-02 ARA-00 SSO-00
HA-09 L-03 EAP-00 SLPD-01 /033 W
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O 070737Z MAR 86
FM AMEMBASSY CANBERRA
TO SECSTATE WASHDC IMMEDIATE 5990
INFO AMEMBASSY SANTIAGO IMMEDIATE
AMEMBASSY MEXICO IMMEDIATE
USMISSION GENEVA IMMEDIATE
USMISSION USUN NEW YORK IMMEDIATE
AMCONSUL BRISBANE POUCH
AMCONSUL MELBOURNE POUCH
AMCONSUL PERTH POUCH
AMCONSUL SYDNEY POUCH

C O N F I D E N T I A L CANBERRA 02217

E.O. 12356: OADR
TAGS: PHUM, UNHRC-1, AS
SUBJECT: UNHRC - CHILE RESOLUTION

REF: (A) STATE 69535 (B) GENEVA 2276
(C) CANBERRA 1740

1. CONFIDENTIAL - ENTIRE TEXT.

2. DURING A MARCH 6 CONVERSATION ON ANOTHER SUBJECT WITH POLOFF (AND BEFORE RECEIPT OF REFS A AND B) DFA ACTING CARIBBEAN AND LATIN AMERICA SECTION HEAD MICHAEL OTAGO RAISED THE MEXICAN UNHRC DRAFT RESOLUTION ON CHILE. OTAGO CHARACTERIZED THE MEXICAN TEXT AS "HARSHER" THAN THE LAST UNGA RESOLUTION AND CRITICAL OF THE SPECIAL RAPPORTEUR'S REPORT. WHEN ASKED IF THIS MEANT AUSTRALIA WOULD NOT SUPPORT IT, OTAGO REPLIED THAT THE MEXICANS

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PAGE 02 CANBER 02217 070742Z

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HAVE BEEN AMENABLE TO AMENDMENTS IN THE PAST. THE GOA WOULD HAVE TO WAIT UNTIL IT SEES THE DRAFT'S FINAL WORDING, AS WELL AS THE SPECIAL RAPPORTEUR'S REPORT, BEFORE MAKING A DECISION. OTAGO NOTED THAT CANBERRA HAS YET TO SEE THE SPECIAL RAPPORTEUR'S REPORT.

3. COMMENT. AS REPORTED EARLIER (REF B), AUSTRALIA COSPONSORED MEXICO'S RESOLUTION ON HUMAN RIGHTS IN CHILE LAST YEAR. WE DO NOT EXPECT THE GOA TO COMMIT ITSELF ONE WAY OR THE OTHER UNTIL IT HAS EXAMINED THE SPECIAL RAPPORTEUR'S REPORT. END COMMENT. LANE

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PAGE 01 GENEVA 02285 01 OF 03 071309Z
ACTION IO-17

INFO	LOG-00	COPY-01	ADS-00	INR-10	EUR-00	SS-00	OIC-02
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	NSAE-00	SSO-00	HA-09	L-03	TRSE-00	PM-10	EAP-00
	PA-01	OMB-01	INRE-00	USIE-00	SP-02	SNP-01	PRS-01
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TO SECSTATE WASHDC IMMEDIATE 4188
INFO AMEMBASSY SANTIAGO IMMEDIATE
AMEMBASSY BUENOS AIRES IMMEDIATE
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AMEMBASSY MADRID IMMEDIATE
AMEMBASSY LONDON IMMEDIATE
AMEMBASSY TOKYO IMMEDIATE
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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

C O N F I D E N T I A L SECTION 01 OF 03 GENEVA 02285

E.O. 12356: DECL:OADR
TAGS: PHUM, UNHRC
SUBJ: UNHRC - CHILE RESOLUTION

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PAGE 02 GENEVA 02285 01 OF 03 071309Z

REF. (A) GENEVA 2222 (B) SANTIAGO 1296

1. THIS IS HRC-167. (CONFIDENTIAL - ENTIRE TEXT).

ITEM 12: A QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: SITUATION OF HUMAN RIGHTS IN CHILE

THE COMMISSION ON HUMAN RIGHTS:

AWARE OF ITS RESPONSIBILITY TO PROMOTE AND ENCOURAGE RESPECT FOR HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS AND RESOLVED TO REMAIN VIGILANT WITH REGARD TO VIOLATIONS OF HUMAN RIGHTS WHEREVER THEY OCCUR.

NOTING THE OBLIGATION OF THE GOVERNMENT OF CHILE TO RESPECT AND PROTECT HUMAN RIGHTS IN ACCORDANCE WITH THE INTERNATIONAL INSTRUMENTS TO WHICH CHILE IS A PARTY, AN OBLIGATION WHICH IS NOT DIFFERENT FROM THAT OF ANY OTHER GOVERNMENT WHICH IS A PARTY TO INTERNATIONAL HUMAN RIGHTS INSTRUMENTS.

RECALLING ITS SUCCESSIVE RESOLUTIONS ON THE SITUATION OF HUMAN RIGHTS IN CHILE AND IN PARTICULAR ITS RESOLUTION 11 (XXXV) OF 6 MARCH 1979, BY WHICH IT APPOINTED A SPECIAL RAPPORTEUR ON THE SITUATION OF THOSE RIGHTS, AND ITS RESOLUTION OF 1985/47 OF 14 MARCH 1985, IN WHICH IT AGREED MOST RECENTLY TO EXTEND THE MANDATE OF THE SPECIAL RAPPORTEUR FOR ONE MORE YEAR, AND IN VIEW OF THE SERIOUS HUMAN RIGHTS VIOLATIONS IN (HILE TO GIVE HIGH PRIORITY TO THE STUDY OF THIS ISSUE;

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PAGE 03 GENEVA 02285 01 OF 03 071309Z

RECALLING ALSO THE CONCERN EXPRESSED BY THE GENERAL ASSEMBLY ON THE SITUATION OF HUMAN RIGHTS IN CHILE IN ITS RESOLUTIONS 3219 (XXIX) OF 6 NOVEMBER 1974, 3448 (XXX) OF 9 DECEMBER 1975, 31/124 OF 16 DECEMBER 1976, 32/118 OF 16 DECEMBER 1977, 33/175 OF 20 DECEMBER 1978, 34/179 OF 17 DECEMBER 1979, 35/188 OF 15 DECEMBER 1980, 36/157 OF 16 DECEMBER 1981, 37/183 OF 17 DECEMBER 1982, 38/102 OF 16 DECEMBER 1983, 39/121 OF 14 DECEMBER 1984 AND IN PARTICULAR, GENERAL ASSEMBLY RESOLUTION 40/145 OF 13 DECEMBER 1985 IN WHICH THE ASSEMBLY INVITED THE COMMISSION ON HUMAN RIGHTS TO TAKE THE MOST APPROPRIATE STEPS FOR THE EFFECTIVE RESTORATION OF HUMAN RIGHTS AND

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FUNDAMENTAL FREEDOMS IN THAT COUNTRY, INCLUDING THE EXTENSION OF THE MANDATE OF THE SPECIAL RAPPORTEUR FOR ONE MORE YEAR.

HAVING EXAMINED THE SPECIAL RAPPORTEUR'S REPORT:

1. COMMENDS THE SPECIAL RAPPORTEUR FOR HIS REPORT ON THE SITUATIDN OF HUMAN RIGHTS IN CHILE, PREPARED IN ACCORDANCE WITH RESOLUTION 1985/47, AND THE EFFORTS MADE BY THE SPECIAL RAPPORTEUR DURING HIS STAY IN CHILE;

2. RECOGNIZES AS A POSITIVE DEVELOPMENT THE FACT THAT THE GOVERNMENT OF CHILE PERMITTED THE SPECIAL RAPPORTEUR TO ENTER THE COUNTRY AND PROVIDED THE COOPERATION AND FREEDON OF ACCESS TO PERSONS OF ALL SOCIAL, POLITICAL AND ECONOMIC INTERESTS NECESSARY FOR HIS INVESTIGATION.

3. EXPRESSES ITS CONCERN, NEVERTHELESS, AT THE PERSISTENCE OF SERIOUS VIOLATIONS OF HUMAN RIGHTS IN CHILE, AS DESCRIBED IN THE REPORT OF THE SPECIAL RAPPORTEUR, WHICH REFERS TO SUCH VIOLATIONS AS

CONFIDENTIAL
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PAGE 01 GENEVA 02285 02 OF 03 071311Z
ACTION IO-17

INFO	LOG-00	COPY-01	ADS-00	INR-10	EUR-00	SS-00	OIC-02
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C O N F I D E N T I A L SECTION 02 OF 03 GENEVA 02285

E.O. 12356: DECL:OADR
TAGS: PHUM, UNHRC
SUBJ: UNHRC - CHILE RESOLUTION

UNCLASSIFIED
CONFIDENTIAL

PAGE 02 GENEVA 02285 02 OF 03 071311Z

WELL-FOUNDED REPORTS OF DISAPPEARANCES, AND OF TORTURE AND ABUSES BY SECURITY FORCES, THE CLIMATE OF INSECURITY FOR THOSE INVOLVED IN CHURCH AND HUMAN RIGHTS WORK, THE PROHIBITION PREVENTING SEVERAL THOUSAND CHILEAN EXILES FROM RETURNING TO THEIR COUNTRY, AND THE SUPPRESSION OF FUNDAMENTAL POLITICAL RIGHTS AND FREEDOMS THROUGH THE MAINTENANCE OF EXCEPTIONAL EXECUTIVE POWERS DURING THE PROLONGED PERIOD IN WHICH STATEE OF EXCEPTION TO CONSTITUTIONAL RIGHTS HAVE BEEN IN EFFECT.

4. NOTES WITH PARTICULAR DISMAY THE INEFFECTIVENESS OF GOVERNMENT AND JUDICIAL AUTHORITIES IN PREVENTING THE RECURRENCE OF ABUSES BY SECURITY FORCES, AND EXPRESSES SPECIAL CONCERN OVER THE FAILURE OF THE GOVERNMENT OF CHILE TO ENSURE THE THOROUGH INVESTIGATION AND PROSECUTION OF THE MANY RECENT UNSOLVED CASES OF KIDNAPPING AND TORTURE.

5. EXPRESSES ITS CONVICTION THAT A LEGAL AND POLITICAL STRUCTURE, BASED ON THE CONSENT OF THE GOVERNED, EMERGING FROM A CIVILIZED AND CONSTRUCTIVE NATIONAL DIALOGUE BETWEEN THE CONCERNED PARTIES, REPRESENTATIVE OF THE WILL OF THE PEOPLE, AND RESPECTING THE FULL EXERCISE OF CIVIL AND POLITICAL RIGHTS, INCLUDING THOSE OF TRADE UNIONS, IS ESSENTIAL TO THE FULL OBSERVANCE OF

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HUMAN RIGHTS IN CHILE, AS IN ANY OTHER NATION.

6. ONCE AGAIN APPEALS TO THE GOVERNMENT OF CHILE TO RESTORE AND RESPECT HUMAN RIGHTS IN HARMONY WITH THE PROVISIONS OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN ACCORDANCE WITH THE OBLIGATIONS IT HAS ASSUMED UNDER VARIOUS INTERNATIONAL INSTRUMENTS, AND TO RE-ESTABLISH DEMOCRATIC INSTITUTIONS AND THE PRINCIPLE CONFIDENTIAL

PAGE 03 GENEVA 02285 02 OF 03 071311Z

OF LEGALITY ESSENTIAL TO THE EFFECTIVE ENJOYMENT AND EXERCISE OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS.

7. STRONGLY RECOMMENDS THE GOVERNMENT OF CHILE TAKE AT LEAST THE FOLLOWING STEPS, IN CONFORMITY WITH THE INFORMATION AND RECOMMENDATIONS OF THE REPORT OF THE SPECIAL RAPPORTEUR, AND ADOPT THE MEASURES NECESSARY AND CONDUCIVE THERETO:

A. IMMEDIATELY PUT AN END TO ALL FORMS OF PHYSICAL AND PSYCHOLOGICAL TORTURE BY THE SECURITY AND POLICE FORCES AND, IN ORDER TO ACCOMPLISH THAT RESULT, REITERATE AND MAKE PUBLIC THE ORDER OF JULY 30, 1985 BY THE MINISTERS OF DEFENSE AND INTERIOR WHICH CALLS FOR AN END TO THESE ABUSES;

B. PROCEED VIGOROUSLY THROUGH JUDICIAL AND ADMINISTRATIVE ACTION TO INVESTIGATE ALL REPORTS OF TORTURE, KILLINGS, KIDNAPPINGS, OR OTHER HUMAN RIGHTS VIOLATIONS BY THE SECURITY FORCES, TAKE APPROPRIATE ACTION AGAINST ALL PERSONS FOUND GUILTY OF SUCH VIOLATIONS, AND EFFECT SUCH REORGANIZATION OF THE SAME SECURITY FORCES AS MAY BE NECESSARY TO END PERSISTENT PROBLEMS OF HUMAN RIGHTS;

C. ESTABLISH A PERMANENT SYSTEM TO MONITOR THE CONDUCT OF THE SECURITY AND POLICE FORCES, INCLUDING THE NATIONAL CENTER OF INVESTIGATIONS;

D. COOPERATE FULLY AND EFFECTIVELY WITH INVESTIGATIONS OF RECENT UNSOLVED ASSAULTS AGAINST PERSONS ENGAGED IN HUMAN RIGHTS ACTIVITIES AND TAKE VIGOROUS STEPS TO

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PAGE 01 GENEVA 02285 03 OF 03 071312Z
ACTION IO-17

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C O N F I D E N T I A L SECTION 03 OF 03 GENEVA 02285

E.O. 12356: DECL:OADR
TAGS: PHUM, UNHRC
SUBJ: UNHRC - CHILE RESOLUTION

UNCLASSIFIED
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PAGE 02 GENEVA 02285 03 OF 03 071312Z

PROTECT SUCH PERSONS AGAINST FUTURE ASSAULTS;

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E. PROCEED VIGOROUSLY TO END THE ACTIVITIES OF GROUPS AND BANDS, WHETHER PRIVATE OR CONNECTED WITH SECURITY FORCES, WHICH HAVE BEEN REPORTED TO BE RESPONSIBLE FOR KIDNAPPINGS, INTERROGATIONS, INTIMIDATION AND BEATINGS OF ORDINARY CITIZENS, AND PUNISH THOSE RESPONSIBLE, ESPECIALLY THE LEADERS OF THESE GROUPS;

F. COOPERATE FULLY AND EFFECTIVELY WITH INVESTIGATIONS ORDERED IN JUDICIAL PROCEEDINGS ON CRIMINAL CASES OR COMPLAINTS IN THE CIVILIAN AND MILITARY TRIBUNALS, AND REFORM THE LEGAL SYSTEM TO GUARANTEE THE MAXIMUM EFFECTIVENESS OF JUDICIAL REMEDIES, PARTICULARLY AMPARO AND HABEAS CORPUS;

G. PUNISH PERSONS FOUND TO HAVE BEEN GUILTY OF TERRORIST ACTS, UNDER DUE PROCESS OF LAW, WITHOUT USING THE PROBLEM OF TERRORISM AS A JUSTIFICATION FOR ANY ABUSE OF AUTHORITY AGAINST PERSONS ENGAGED IN NON-VIOLENT OPPOSITION;

H. MAINTAIN LAW AND ORDER WITHOUT RESORT TO EXCESSIVE USE OF FORCE BY SECURITY AND POLICE AUTHORITIES WHICH CAN CAUSE INJURY OR DEATH TO INNOCENT BYSTANDERS OR OTHER PERSONS NOT ENGAGED IN VIOLENT ACTS;

I. AMEND THE LAW AUTHORIZING THE DECLARATION OF A STATE OF EXCEPTION SO AS TO LIMIT THE TIME AND CIRCUMSTANCES UNDER WHICH SUCH STATE OF EXCEPTION MAY BE IN EFFECT AND BRING THE LAW INTO CONFORMITY WITH CONSTITUTIONAL GUARANTEES OF HUMAN RIGHTS;

UNCLASSIFIED
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PAGE 03 GENEVA 02285 03 OF 03 071312Z

J. END THE PRACTICE OF ORDERING INTERNAL BANISHMENT WITHOUT RECOURSE TO THE JUDICIAL SYSTEM;

K. ALLOW THE RETURN OF ALL CHILEAN CITIZENS NOW LIVING ABROAD WHO WISH TO RETURN.

3. REQUESTS THAT THE GOVERNMENT OF CHILE CONTINUE AND INCREASE ITS COOPERATION WITH THE SPECIAL RAPPORYEUR AND FULLY IMPLEMENT HIS RECOMMENDATIONS, AND DNVITES THE GOVERNMENT TO SUBMIT ANY COMMENTS IT MAY HAVE TO THE

COMMISSION ON HUMAN RIGHTS AT ITS FORTY-THIRD SESSION.

9. DECIDES TO EXTEND THE MANDATE OF THE SPECIAL RAPPORTEUR FOR ONE YEAR AND TO REQUEST HIM TO REPORT ON IHE SITUATION ON HUMAN RIGHTS IN CHILE TO THE GENERAL ASSEMBLY AT ITS FORTY-FIRST SESSION AND THE COMMISSION ON HUMAN RIGHTS AT ITS FORTY-THIRD SESSION.

10. RECOMMENDS TO THE ECONOMIC AND SOCIAL COUNCIL THAT IT MAKE APPROPRIATE ARRANGEMENTS TO ENSURE THAT THE NECESSARY FINANCIAL RESOURCES AND SUFFICIENY STAFF ARE PROVIDED TO IMPLEMENT THIS RESOLUTION. (DRAFTED BY RSCHIFTER) CARMEN

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Chile Project (#S199900030)
U.S. Department of State
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CONFIDENTIAL

PAGE 01 BRUSSE 03389 071752Z
ACTION IO-17

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C O N F I D E N T I A L BRUSSELS 03389

E.O. 12356: DECL: OADR
TAGS: UNHRC-1, PHUM, CI, BE
SUBJECT: UNHRC: CHILE RESOLUTION

REF: A) STATE 69535 B) GENEVA 2276 AND PREVIOUS

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UNCLASSIFIED
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PAGE 02 BRUSSE 03389 071752Z

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2. WE CONTACTED BELGIAN FOREIGN MINISTRY INTERNATIONAL ORGANIZATIONS OFFICIAL GENOT MARCH 7 WHO SAID THAT BELGIUM WOULD SUPPORT THE US RESOLUTION. GENOT NOTED BELGIAN HOPE THAT US DRAFT RESOLUTION WOULD BE THE FIRST TO BE SUBMITTED TO THE UNHRC SECRETARIAT. HE PREDICTED THAT IF THE MEXICANS WERE TO GET THERE FIRST, THEIR RESOLUTION, IF CONSIDERED FIRST BY THE COMMISSION, WOULD PICK UP SEVERAL "YES" VOTES AND A NUMBER OF ABSTENTIONS IN THE WEOG GROUP.

3. OUR CHRISTIAN DEMOCRAT INTERNATIONAL COLLEAGUES WERE A BIG HELP ON THE CHILE RESOLUTION. THEY CONTACTED BOTH SOCIAL CHRISTIAN PARTIES HERE TO PUSH FOR THE US RESOLUTION. THE PARTIES IN TURN MADE KNOWN TO FOREIGN MINISTER TINDEMANS' CABINET THEIR INTEREST IN THE ISSUE AND SUPPORT FOR A MODERATE OUTCOME IN GENEVA. MARSH

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[redacted] MANAGUA 1632

E.O. 12356: DECL: OADR
TAGS: PREL PGOV PROP, NU
SUBJECT: BISHOP VEGA ATTACKED FOR HIS WASHINGTON REMARKS

ROME FOR EMBASSY VATICAN (INFO)

1. (U) PRO-GON DAILIES BARRICADA AND EL NUEVO DIARIO (END REACTED STRONGLY ON MARCH 7 TO THE NEWS THAT MONSIGNOR PABLO ANTONIO VEGA, BISHOP OF JUIGALPA, HAD APPEARED AT A HERITAGE FOUNDATION FUNCTION WITH RESISTANCE LEADERS CALERO, BERMUDEZ AND CRUZ AND REPORTEDLY HAD MADE STATEMENTS ATTACKING THE SANDINISTAS AND SUPPORTING PRESIDENT REAGAN'S EFFORT TO OBTAIN 100 MILLION DOLLARS FOR THE INSURGENTS. BARRICADA ANNOUNCED IN BANNER HEADLINES THAT
[redacted]

PAGE 02 MANAGU 01632 072355Z

VEGA'S TIES TO THE CIA AND THE CONTRAS HAD BEEN UNCOVERED,

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WHILE END CALLED HIS REMARKS "INFAMOUS."

2. (U) BARRICADA OF MARCH 7 DEVOTED ALMOST A QUARTER OF ITS FOUR PAGE ISSUE (AND MOST OF THE FIRST PAGE) TO ATTACKING VEGA. IN AN UNUSUAL FRONT PAGE EDITORIAL IT REBUKED THE BISHOP FOR BEING INVOLVED IN "A POLITICAL ACT TOTALLY ALIEN TO HIS PASTORAL MISSION." AN ACCOMPANYING CARTOON SHOWED THE BISHOP HANDING A HAMMER TO AN UNCLE-SAM-LIKE FIGURE AS HE NAILED SOMEONE TO A CROSS, WHILE MEMBERS OF THE NATIONAL GUARD WATCHED. THE EDITORIAL WAS ACCOMPANIED BY ACCOUNTS OF VEGA'S STATEMENTS, REPORTED BY EFE AND THE NICARAGUAN NEWS SERVICE, AND CONCLUDED THAT VEGA HAD "OFFENDED AND MADE INDIGNANT" THE THOUSANDS OF MOTHERS OF NICARAGUAN MARTYRS AND WARNED THAT VEGA "HAS COMMITTED A GRAVE ERROR OF INCALCULABLE CONSEQUENCE FOR THE CREDIBILITY OF THE CATHOLIC HIERARCHY."
3. (U) EL NUEVO DIARIO,
RAN A SPECIAL "FOCUS" ARTICLE IN BOLD TYPE ON
PAGE. IT SAID THAT THE BISHOP HAD SPOKEN AT A S
GIVEN BY THE HERITAGE FOUNDATION,
SAID THAT THE BISHOP'S STATEMENTS SHOWED THE IRRAT
HATRED OF THE CATHOLIC HIERARCHY FOR THE REVOLUTION,
THE HIERARCHY HAD MADE COMMON CAUSE WITH THE "MERCENA
AND THAT THE BISHOP WAS ONLY ANOTHER PIECE IN PRESIDE
REAGAN'S CAMPAIGN. END FINISHED BY SAYING THAT NO HON
PERSON COULD HAVE SUCH BISHOPS ACT AS MEDIATORS.
4. (C) COMMENT: THE ATTENTION GIVEN TO BISHOP VEGA'S
REMARKS SHOW HOW MUCH THE FSLN FEARS THE DAMAGE T
CHURCH CAN DO THE PARTY'S SELF PROCLAIMED IMAGE AS AN
INNOCENT VICTIM OF THE USG. IT HOPES TO USE THE BISHOP'S
OPEN APPEARANCE WITH CALERO, BERMUDEZ AND CRUZ ALSO TO
DISCREDIT THE CHURCH, NOT ONLY AS A CRITIC OR POTENTIAL
[redacted]

MEDIATOR (IN THE EYES OF THE OUTSIDE WORLD), BUT ALSO AS A CENTER OF POLITICAL POWER IN NICARAGUA. UNABLE TO STRIKE BACK PUBLICLY AT THE FSLN IN JANUARY, WHEN PRO-GON MEDIA TRIED TO PAINT HIM AS A BISHOP THE SANDINISTAS COULD LIVE WITH, VEGA HAS NOW HAD THE LAST WORD, FOR NOW. BERGOLD

Chile Project (#S199900030)
U.S. Department of State
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CONFIDENTIAL

PAGE 01 BUENOS 02037 071834Z
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C O N F I D E N T I A L BUENOS AIRES 02037

E.O. 12356: DECL: OADR
TAGS: PHUM, UNHRC, CI
SUBJ: UNHRC - CHILE RESOLUTION

REFS: (A) STATE 069535
(B) GENEVA 02276

1. (C-ENTIRE TEXT)

2. CHARGE RAISED CHILE RESOLUTION WITH AMBASSADOR JORGE MAHOURAT, THE UNDERSECRETARY FOR FOREIGN POLICY OF THE MINISTRY OF FOREIGN AFFAIRS. CHARGE CONVEYED MESSAGE THAT OUR RESOLUTION HAS THE SUPPORT OF THE VICARIATE OF SOLIDARITY, THE DEMOCRATIC ALLIANCE AND THE CHURCH LEADERSHIP WHATEVER TABORGA MIGHT BE SAYING. CHARGE URGED AMBASSADOR MAHOURAT TO HAVE ARGENTINE EMBASSY IN SANTIAGO VERIFY THIS WITH JAIME CASTILLO.

3. MAHOURAT MENTIONED POSSIBLE PROCEDURAL PROBLEM BECAUSE MEXICAN RESOLUTION MIGHT BE PRESENTED BEFORE THAT OF U.S. CHARGE THOUGHT MEXICANS MIGHT

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PAGE 02 BUENOS 02037 071834Z

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NOT BE ADAMANT ABOUT PRECEDENCE AND THAT THIS COULD PROBABLY BE WORKED OUT.

4. MAHOURAT SAID GOA WAS DISPOSED TO BE SUPPORTIVE ON THIS ISSUE BUT THERE WERE MANY COMPLICATING FACTORS. FINAL DECISION WOULD BE MADE BY FOREIGN MINISTER CAPUTO, BUT GOA WOULD STAY IN CLOSE CONTACT WITH US. HE POINTED OUT THE ARGENTINE AND US DELEGATIONS TO UNHRC WERE TO HAVE DINNER TONIGHT AND WOULD BE ABLE TO EXPLORE SITUATION IN DETAIL. BUSHNELL

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Chile Project (#S199900030)
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CONFIDENTIAL

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INFO AMEMBASSY SANTIAGO IMMEDIATE
USMISSION USUN NEW YORK

C O N F I D E N T I A L STATE 069311

E.O. 12356: DECL: OADR
TAGS: UNHRC-1, PHUM, CI
SUBJECT: 42ND UN HUMAN RIGHTS COMMISSION: CHILE
- RESOLUTION

REF: (A) GENEVA 2221, (B) GENEVA 2222

1. (CONFIDENTIAL - ENTIRE TEXT.)

2. DEPT SHARES DISMAY REFTEL (A) CONCERNING MEXICAN ACTION WHICH AT LAST MOMENT THREATENS USG INITIATIVE.

3. DEPT AUTHORIZES TEXT OF DRAFT RESOLUTION TRANSMITTED REFTEL (B) AND IMPLEMENTATION OF OPTION D SUGGESTED REFTEL (A). SHULTZ

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PAGE 01 SANTIA 01420 072137Z
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INFO USMISSION GENEVA IMMEDIATE
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AMEMBASSY LONDON IMMEDIATE

Chile Project (#S199900030)
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~~C O N F I D E N T I A L~~ SANTIAGO 01420

GENEVA FOR AMBASSADOR SCHIFTER

E. O. 12356: DECL:OADR
TAGS: PHUM, UNHRC-1, CI
SUBJ: UNHRC - CHILE RESOLUTION: CHRC PRESIDENT WILL TRAVEL TO GENEVA

REF: GENEVA 2276

2. FOLLOWING DISCUSSIONS BETWEEN EMBASSY OFFICERS, INCLUDING THE AMBASSADOR, AND THE LEADERS OF THE CHILEAN HUMAN RIGHTS COMMISSION ON THE PROBLEMS FACED IN GENEVA, AND THE SUPPORT OF THE CHRC FOR THE U. S. RESOLUTION ON CHILE, CHRC PRESIDENT JAIME CASTILLO HAS DECIDED IT WOULD BE BEST TO TRAVEL IMMEDIATELY TO GENEVA. HE IS SCHEDULED TO DEPART SATURDAY MARCH 8, AND WILL ARRIVE IN GENEVA MARCH 9, AT 1735 ON IBERIA 550. HE WILL STAY AT HOTEL BRISTOL, TELEPHONE 022-32-44-00, AND HAS PROMISED TO CONTACT U. S. DELEGATION AS SOON AS POSSIBLE AFTER HIS ARRIVAL.
(COMMENT: CASTILLO PLANS TO STATE DIRECTLY TO
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PAGE 02 SANTIA 01420 072137Z

ALL OF THOSE INTERESTED IN THE CHILE RESOLUTION

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THAT THE CHRC SUPPORTS THE U. S. RESOLUTION. IN VIEW OF THIS, WE WILL NOT PRESS THE CHRC FURTHER HERE IN SANTIAGO FOR FOLLOW-UP TELEGRAMS TO THOSE PARTICIPATING IN THE UNHRC MEETING. END COMMENT)

3. FRENCH EMBASSY OFFICIALS HAVE TOLD THE AMBASSADOR AND THE CHRC THAT THE FRENCH GOVERNMENT HAS DECIDED TO SUPPORT THE U. S. RESOLUTION. CHRC (PACHECO) SAID FRENCH LATER CALLED THEM BACK, SAID SPAIN WAS CO-SPONSORING MEXICAN RESOLUTION, AND ASKED IF THAT MEANT ANY CHANGE IN CHRC POSITION. PACHECO TOLD THEM CHRC CONTINUED TO SUPPORT U. S. RESOLUTION AND HOPED FRANCE WOULD STAND FIRM.

4. DURING THE MEETING WITH THE CHRC OFFICIALS, THEY WERE PARTICULARLY CONCERNED THAT PARA 11 OF THE 1985 RESOLUTION ON CHILE HAS NOT BEEN INCLUDED IN THE U.S. RESOLUTION. THIS PARAGRAPH STATES THAT THE UNHRC HAS DECIDED TO EXAMINE THE QUESTION OF THE SITUATION OF HUMAN RIGHTS IN CHILE IN THE NEXT SESSION AS A MATTER OF HIGHEST PRIORITY. THE CHRC REPRESENTATIVES INTERPRET THIS AS NECESSARY FOR THE CHILEAN CASE TO REMAIN AS A SPECIAL ITEM ON THE UNHRC AGENDA. AFTER CHECKING WITH THE U.S. DELEGATION IN GENEVA (AMBASSADOR SCHIFTER), WE ASSURED THE CHRC LEADERS THAT THIS PARAGRAPH HAD NO PRACTICAL EFFECT ON ESTABLISHING THE AGENDA. THE AGENDA FOR THE NEXT YEAR'S MEETING IS DECIDED BY THE UNHRC AS THE LAST ORDER OF BUSINESS, AND WILL BE DECIDED THIS YEAR ON THE LAST DAY OF THE MEETING, I.E. MARCH 14. THEY INDICATED THEIR UNDERSTANDING OF THIS MATTER, AND
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NO LONGER SEE THIS AS AN IMPEDIMENT TO THEIR SUPPORTING THE U.S. RESOLUTION. THEY ADDED, HOWEVER, THAT THEY INTEND TO TELL THEIR SUPPORTERS IN GENEVA THAT THEY SHOULD CONTINUE TO SUPPORT A SEPARATE ITEM ON THE AGENDA FOR CHILE, BUT THIS WILL HAVE NOTHING TO DO WITH THEIR SUPPORTING THE U.S. RESOLUTION. IN OTHER WORDS, THEY AGREE THAT THE TWO ITEMS ARE SEPARATE AND THAT THEY CAN SUPPORT THE U.S. RESOLUTION AND THEN LATER SUPPORT THE NEED FOR A SEPARATE AGENDA ITEM FOR

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NEXT YEAR'S MEETING OF ..E UNHRC.

5. COMMENT: WE ARE PLEASED THAT CASTILLO HAS DECIDED TO TRAVEL TO GENEVA AND PARTICIPATE IN THE FINAL DAYS OF THE UNHRC MEETING. AS PRESIDENT OF THE CHRC, HE CAN SPEAK AUTHORITATIVELY FOR THE CHRC, AND SHOULD BE HELPFUL IN CONTACTING THE OTHER DELEGATIONS ON BEHALF OF THE U.S. RESOLUTION. ALTHOUGH HIS PRESENCE IN GENEVA WILL MOVE THE COORDINATION BETWEEN THE U.S. DELEGATION AND THE CHRC TO GENEVA, WE WOULD APPRECIATE BEING KEPT INFORMED OF PROGRESS ON THE CHILE QUESTION SO THAT WE MAY BE ABLE TO KEEP OUR CHILEAN HUMAN RIGHTS CONTACTS UP TO DATE.
BARNES

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Chile Project (#S199900030)
U.S. Department of State
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Exemption(s)_____

C O N F I D E N T I A L BRASILIA 02483

E.O. 12356: DECL:OADR
TAGS: PHUM, UNHRC
SUBJ: UNHRC - CHILE RESOLUTION - BRAZILIAN POSITION

REFS: A) GENEVA 2276
B) STATE 69535

1. CONFIDENTIAL ENTIRE TEXT.

2. POLOFF CONVEYED INFORMATION RE OPPOSITION SUPPORT OF U.S. DRAFT RESOLUTION ON CHILE TO ACTING MFA INTERNATIONAL ORGANIZATIONS DIRECTOR GILBERTO SABOIA. SABOIA ALREADY HEARD THIS NEWS. WHEN ASKED HOW BRAZIL INTENDED TO VOTE, HE SAID THE GOB HAS NOT YET MADE A FINAL DECISION, BUT THE U.S. TEXT HAD "POSITIVE ASPECTS."

3. COMMENT. IN ITAMARATY LANGUAGE, "POSTIVE ASPECTS" MEANS THERE'S A GOOD CHANCE OF GAINING BRAZILIAN SUPPORT.
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PAGE 02 BRASIL 02483 071932Z

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U.S. Department of State
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PAGE 01 LONDON 05022 071911Z
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INFO AMEMBASSY SANTIAGO IMMEDIATE
AMEMBASSY MEXICO IMMEDIATE
AMEMBASSY SAN JOSE
EC COLLECTIVE

C O N F I D E N T I A L LONDON 05022

E.O.12356: DECL: OADR
TAGS: UNHRC, PHUM, PREL, CI, UK
SUBJECT: UNHRC -- BRITISH WOULD PREFER A CONSENSUS
RESOLUTION ON CHILE

REF: A) STATE 69535 B) GENEVA 2276 C) STATE 69261

1. CONFIDENTIAL ENTIRE TEXT.

2. SUMMARY. WE DREW ON REFTELS TO BRIEF FCO SOUTH AMERICAN OFFICERS ON STATUS OF CHILE RESOLUTION NEGOTIATIONS AND TO SEEK BRITISH SUPPORT AT GENEVA AND WITHIN EC CONSULTATIONS. THE BRITISH CLAIM TO BE CONFUSED AND PERPLEXED BY TACTICAL DEVELOPMENTS IN GENEVA. THEY EXPRESSED THE HOPE THAT OUR UNHRC DELEGATION WILL KEEP IN CLOSEST POSSIBLE TOUCH WITH THEIR BRITISH COLLEAGUES IN GENEVA. END SUMMARY.

3. THE FCO'S FIRST PRIORITY IS TO PREPARE FOR NEXT CONFIDENTIAL
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PAGE 02 LONDON 05022 071911Z

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WEEK'S EC POLITICAL DIRECTORS MEETING WHERE THEY HOPE TO HELP BROKER A EUROPEAN CONSENSUS ON A GENERAL APPROACH TO CHILE -- INCLUDING THE UNHRC RESOLUTION AS WELL AS THE GENERAL QUESTION OF POLITICAL DIALOGUE. OUR CONTACTS TELL US THAT SOME OF THEIR EC COLLEAGUES, SMELLING THE BLOOD OF MARCOS AND DUVALIER, ARE PUSHING FOR IRRESPONSIBLE GESTURES.

4. WHEN WE URGED THE BRITISH TO SUPPORT THE REVISED U.S. RESOLUTION TEXT, THE ANSWER WE WERE GIVEN WAS THAT BRITAIN STRONGLY PREFERS A COMPROMISE AND COMPOSITE US/MEXICAN TEXT WHICH WOULD A) HELP TO HOLD THE LINE IN THE EC, AND B) ENHANCE PROSPECTS FOR DIALOGUE IN CHILE.

5. OUR CONTACTS ASSERT THAT THEY SEE ACCEPTABLE COMMON POINTS IN THE TWO TEXTS, AND URGE THAT WE MAKE AT LEAST ONE MORE EFFORT TO ARRIVE AT A COMPROMISE WITH THE MEXICANS. THEY BELIEVE THE RESULT WILL BE EQUALLY POSITIVE NO MATTER WHICH DRAFT IS USED AS THE STARTING POINT.

6. INCIDENTALLY, THE BRITISH WERE UPSET THAT THEY ONLY RECEIVED A COPY OF THE RAPPORTEURS' REPORT ON MARCH 7, AND THAT IT WAS A SPANISH LANGUAGE TEXT. THEY HAD HOPED TO BE ABLE TO USE THE REPORT IN ORDER TO BUILD (AND EXPLAIN THEIR) SUPPORT FOR OUR DRAFT RESOLUTION.

7. COMMENT: OUR CONTACTS WERE FEELING HARRASSED. THEY COMPLAINED THAT MANAGING RELATIONS WITH CHILE IS TAKING 50 PERCENT OF THE TIME OF AN OFFICE WHICH DEALS WITH ALL OF SOUTH AMERICA (EXCEPT ARGENTINA AND GUYANA). THEY ARE HAVING TROUBLE KEEPING UP WITH THE PACE OF DEVELOPMENTS RELATED TO THE RESOLUTION, AND MUST RELY

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PAGE 03 LONDON 05022 071911Z

GREATLY ON INPUT FROM THE UK DELEGATION IN GENEVA. SINCE IT HAS GENERALLY BEEN HARD ENOUGH TO HOLD THE EUROPEANS IN LINE ON CHILE WHEN WE HAVE HAD ENERGETIC BRITISH SUPPORT, WE RECOMMEND THAT UNHRC GENEVA REDOUBLE ITS EFFORTS TO WORK CLOSELY WITH THEIR BRITISH COUNTERPARTS.
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AMEMBASSY STOCKHOLM

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UNCLAS SAN SALVADOR 03414

E.O.12356: NA
TAGS: PTER, ES
SUBJECT: RADIO FARABUNDO MARTI SHOWS SELECTIVE CONCERN
- OVER TERRORIST ATTACKS

REF: FBIS PA 060025Z MAR 86

1. A RADIO FARABUNDO MARTI BROADCAST OF MARCH 1 LAMENTS THE ASSASSINATION OF SWEDISH PRIME MINISTER, OLAF PALME, SAYING, "THE PEOPLE'S STRUGGLE FOR PEACE HAS LOST ONE OF ITS BEST FIGHTERS." RADIO FARABUNDO DESCRIBES THE EVENT: "HE WAS GUNNED DOWN IN A COWARDLY MANNER ON A PUBLIC STREET IN BROAD DAYLIGHT (SIC), UNDOUBTEDLY BY THE ENEMIES OF
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PAGE 02 SAN SA 03414 102004Z

THE PEACE AND PROGRESS OF PEOPLES." THE BROADENED ARTICLE GOES ON TO DESCRIBE PALME AS "AN UNTIRING FIGHTER FOR PEACE," AND QUOTES NICARAGUAN LEADER, DANIEL ORTEGA AS SEEING HIM AS, "A BELOVED FRIEND

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OF THE NICARAGUAN REVOLUTION."

2. COMMENT. IN PAYING HOMAGE TO THE FALLEN SWEDISH LEADER, THE FPL, WHICH OPERATES RADIO FARABUNDO MARTI, SHOWS ITSELF RATHER CYNICALLY EXPRESSING CONCERN FOR ONE ACT IN WHICH A PERSON IS "GUNNED DOWN IN A COWARDLY MANNER ON A PUBLIC STREET," WHILE IT APPLAUDED THE COLD BLOODED MURDER OF SOME CIVILIANS AND FOUR OFF-DUTY, UNARMED U.S. EMBASSY MARINE GUARDS BY A FELLOW TERRORIST ORGANIZATION IN SAN SALVADOR'S ZONA ROSA IN JUNE 1985.
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*** Current Handling Restrictions *** n/a
*** Current Classification *** UNCLASSIFIED

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
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Exemption(s) ____

3-11-86

Ng 026

March 11, 1986

Mr. Michael Durkee
Director
Southern Cone Office
Department of State
Room 4908
Washington, D.C. 20520

Dear Michael:

First let me thank you once again for all you did to obtain that my right to freely enter my country be respected.

As I rejoice on the happy outcome, I cannot help but think of the many Chileans who are still denied this fundamental right. You kindly said over the phone a couple of weeks ago that you would welcome suggestions regarding other Chileans on whose behalf the State Department or the U.S. Embassy in Chile might intercede. You indicated that it would be easier to do so, if the people in question had some connection with the United States.

It goes without saying that I firmly believe that the problem of political exile must be solved in its entirety. I know you would agree with that. That said, efforts on behalf of individuals are certainly important, and they need not hinder the larger aim of trying to put an end to political exile as soon as possible.

As to the Chileans who live in the United States and are still denied the right to freely enter Chile, those who are more active in the exiled community in the States, for instance, Eugenio Velasco, or Professor Claudio Grossman (himself the person still denied the right to go back to Chile) may suggest how to proceed in order to achieve ideally the best result for as many Chileans as possible.

I would like to put forward the case of further two Chileans whom I know personally and who despite the fact of not living in the U.S., do have a connection with the United States:

Jose Miguel Insulza (Insulza and Insunza are different, unrelated names). He is a lawyer, 43, and specialist in international affairs. He is a Professor at the Instituto de Estudios de los Estados Unidos of CIDA, the Centro de Investigaciones Y Docencia Economica of Mexico. Actually, he may become the next Director of the Center. Jose Miguel is well-known as a Latin American scholar with a strong expertise on the United States. His daughter Francisca Valeria Insulza, 15-years old, is actually an American citizen and I understand she lives in Washington, D.C. Jose Miguel studied in an American high school, St. George's which, as

you know, is related to Notre Dame University. He received his master degree at the University of Michigan. Before the present government took over in 1973, Jose Miguel was one regular participant in the famous TV program "A Esta Hora se Improvisa", in Chile. In the course of that program, as he had to debate Jaime Guzman every week, he and Jaime developed quite a cordial entente. Jaime Guzman has been interceding on his behalf but so far with no visible results. Jose Miguel was allowed temporary entry in Chile at the same time I was there in January this year. During his stay there, Jaime Guzman and others intensified their efforts on behalf of Jose Miguel to the point that he thought permission for him to return to Chile was imminent. It turned out not to be the case and actually his brother in Chile received a letter from the government last month saying that "for the time being" Jose Miguel's request could not be accepted.

Herman Schwember. Herman is a civil engineer and an economist who obtained his Ph.D in Engineering Science at Berkeley, in 1969. He was exiled in 1975 after a period in prison. I happened to be his lawyer at that time, and I know well his case. Herman was a Vice President of the Catholic University in the period before the coup d'etat. During his 10 years in exiled, he has worked as an international consultant on issues of development, particularly question of non-renewable energy. He is based in London, has his own consulting firm, and has traveled extensively on different consulting projects. He has been allowed in Chile twice on temporary basis. While there, he has been avidly sought out by the University of Chile and other official groups who enormously value his professional expertise. Actually he is acknowledged to be one of the very best professionals in his field in Chile. It mystifies me that, even within the rationale of repressive policies (if there is one), a man like Herman Schwember can be denied access to his own country.

Thank you for your kind offer to consider taking up other cases of Chileans in exile. I will keep this correspondence confidential as I understand this discretion may be instrumental to secure results. Please do not hesitate to contact me for any further discussion of these or other cases.

Sincerely,

Jose Zalaquett

P.S. I have just confirmed that Jose Miguel Insulza's daughter is indeed an American citizen . She moved to Chile just two or three weeks ago. This is yet another reason for Jose Miguel to wish to return to Chile as he cannot visit her in Chile as freely as when she lived here in D.C.

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PAGE 01 GENEVA 02434 01 OF 04 121541Z
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Chile Project (#S199900030)
U.S. Department of State
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C O N F I D E N T I A L SECTION 01 OF 04 GENEVA 02434

TO A/S ABRAMS AND AMBASSADOR BARNES FROM A/S SCHIFTER

E.O.12356:DECL:OADR
TAGS:PHUM, UNHRC, CI
SUBJECT: UNHRC - RESOLUTION ON CHILE

1. HRC-197. (CONFIDENTIAL ENTIRE TEXT)

2. NEGOTIATING SESSION WITH THE CHRC DELEGATION WHICH LASTED UNTIL 3 A.M. GENEVA TIME ON MARCH 12 PRODUCED AN AD REFERENDUM TEXT FOR THE CHILE RESOLUTION SUBJECT TO TWO UNRESOLVED QUESTIONS. MEXICAN REP MONTANO HAS TOLD ME THAT HE WOULD, SIGHT UNSEEN, ACCEPT A TEXT AGREED ON BY THE CHRC DELEGATION AND THE OTHER PRINCIPAL PLAYERS HAVE TOLD US THAT THEY, IN TURN WOULD ACCEPT A TEXT AGREED ON BETWEEN THE U.S. AND MEXICO. INSTRUCTIONS ARE REQUESTED. END SUMMARY.

3. CONTRARY TO EXPECTATIONS, CASTILLO'S ARRIVAL DID NOT RESULT IN ACCEPTANCE OF THE TEXT WE HAVE TABLED. IT WAS QUITE EVIDENT THAT WHATEVER INTERNAL POLITICAL FORCES CONFIDENTIAL

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PAGE 02 GENEVA 02434 01 OF 04 121541Z

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ARE AT WORK HERE CAUSED CASTILLO TO HOLD BACK AND URGE THAT THERE BE FURTHER DISCUSSIONS OF OUR TEXT. IT WAS ALSO CLEAR THAT CASTILLO WANTED AN AGREEMENT WITH US WHILE TABORGA INDICATED THAT HE WOULD HAVE NO QUALMS IF OUR DISCUSSIONS FAILED.

4. MEXICAN REP MONTANO HAS, INTERESTINGLY ENOUGH, STILL NOT CIRCULATED HIS TABLED TEXT AND CONTINUES TO EXPRESS THE HOPE THAT THE U.S. AND THE CHRC WILL REACH AGREEMENT. HE HAS EMPHASIZED THAT IF SUCH AGREEMENT IS REACHED, HE WILL PULL BACK HIS OWN TEXT AND SUPPORT THE U.S. TEXT. FRANCE AND SPAIN WOULD THEN JOIN AS CO-SPONSORS AND THE MOMENTUM FOR UNANIMOUS OR OVERWHELMING APPROVAL OF THE RESOLUTION WOULD BE THERE.

5. THERE REMAINS THE QUESTION OF WHETHER AGREEMENT CAN, IN FACT, BE REACHED WITH THE CHRC. IN A 5-HOUR NEGOTIATING SESSION WHICH LASTED UNTIL 3:00 A.M. AND IN WHICH DEL OFF LOU AMSELEM PERFORMED MAGNIFICENTLY AS INTERPRETER, WE DEVELOPED A MODIFIED TEXT AD REFERENDUM, SUBJECT TO TWO PRINCIPAL RESERVATIONS.

6. UNDER NORMAL CIRCUMSTANCES WE WOULD BE VOTING ON THE CHILE RESOLUTION ON MARCH 12 AROUND 5:00 P.M. GENEVA TIME.

MONTANO AND I HAVE, HOWEVER, RECHED AN UNDERSTANDING TO PUT THE MATTER OFF LONG ENOUGH TO ENABLE US TO GET OUR DUCKS IN A ROW. NEVERTHELESS WE NEED A DECISION ASAP.

7. IT WAS MADE CLEAR TO THE CHRC REPRESENTATIVES THAT THE

ONLY TEXT THAT HAS DEPARTMENT APPROVAL IS THE ONE THAT HAS BEEN TABLED AND THAT THERE CAN BE NO GUARANTEE THAT ANOTHER TEXT WILL BE APPROVED. SUBJECT TO THAT UNDERSTANDING, THE FOLLOWING TEXT WAS NEGOTIATED AD REFERENDUM:

BEGIN TEXT

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PREAMBULAR PARAGRAPHS UNCHANGED.

1. COMMENDS THE EFFORTS OF THE SPECIAL RAPPORTEUR DURING HIS STAY IN CHILE AND APPRECIATES HIS REPORT ON THE SITUATION OF HUMAN RIGHTS IN CHILE, PREPARED IN ACCORDANCE WITH COMMISSION RESOLUTION 1985/47, AND THE EFFORTS MADE BY THE SPECIAL RAPPORTEUR DURING HIS STAY IN CHILE;

2. RECOGNIZES AS A POSITIVE DEVELOPMENT THE FACT THAT THE GOVERNMENT OF CHILE PERMITTED THE SPECIAL RAPPORTEUR TO ENTER THE COUNTRY AND PROVIDED THE CO-OPERATION AND FREEDOM OF ACCESS TO PERSONS OF ALL SOCIAL, POLITICAL AND ECONOMIC INTERESTS NECESSARY FOR HIS INVESTIGATION;

3. EXPRESSES ITS CONCERN, NEVERTHELESS, AT THE PERSISTENCE OF SERIOUS VIOLATIONS OF HUMAN RIGHTS IN CHILE, AS DESCRIBED IN THE REPORT OF THE SPECIAL RAPPORTEUR WHICH REFERS TO SUCH VIOLATIONS AS DISAPPEARANCES AND TORTURE AND ABUSES BY SECURITY FORCES, THE CLIMATE OF INSECURITY, THE PROHIBITION PREVENTING SEVERAL THOUSAND CHILEAN EXILES FROM RETURNING TO THEIR COUNTRY, AND THE SUPPRESSION OF FUNDAMENTAL POLITICAL RIGHTS AND FREEDOMS THROUGH THE MAINTENANCE OF ARBITRARY EXECUTIVE POWERS DURING THE PROLONGED PERIOD IN WHICH STATES

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PAGE 01 GENEVA 02434 02 OF 04 121542Z

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INFO USMISSION USUN NEW YORK

C O N F I D E N T I A L SECTION 02 OF 04 GENEVA 02434

TO A/S ABRAMS AND AMBASSADOR BARNES FROM A/S SCHIFTER

E.O.12356:DECL:OADR
TAGS:PHUM, UNHRC, CI
SUBJECT: UNHRC - RESOLUTION ON CHILE

OF EXCEPTION HAVE BEEN IN EFFECT;

4. EXPRESSES ITS CONVICTION THAT A LEGAL AND POLITICAL STRUCTURE BASED ON THE CONSENT OF THE GOVERNED, AS EXPRESSED IN FREE ELECTIONS, EMERGING FROM THE PARTICIPATION BY ALL SECTORS REPRESENTING THE PEOPLE AND RESPECTING THE FULL EXERCISE OF LEGAL RIGHTS, IS ESSENTIAL TO THE FULL OBSERVANCE OF HUMAN RIGHTS IN CHILE, AS IN ANY OTHER NATION;

5. ONCE AGAIN APPEALS TO THE GOVERNMENT OF CHILE TO BASE ITS AUTHORITY ON THE PRINCIPLE OF SELF-DETERMINATION AND ON RESPECT FOR HUMAN RIGHTS AND TO RE-ESTABLISH DEMOCRATIC INSTITUTIONS AND THE PRINCIPLE OF LEGALITY IN CONFORMITY WITH THE UNIVERSAL DECLARATION OF HUMAN

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PAGE 02 GENEVA 02434 02 OF 04 121542Z

RIGHTS, WHICH ARE ESSENTIAL TO THE EFFECTIVE ENJOYMENT AND EXERCISE OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS AND ARE IN THE BEST DEMOCRATIC TRADITION OF CHILE;

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6. NOTES WITH PARTICULAR DISMAY THE INEFFECTIVENESS OF GOVERNMENT AND JUDICIAL AUTHORITIES IN PREVENTING THE RECURRENCE OF ABUSES BY SECURITY FORCES, AND EXPRESSES SPECIAL CONCERN OVER THE FAILURE OF ALL THE AUTHORITATIVE INSTITUTIONS TO ENSURE THE THOROUGH INVESTIGATION AND PROSECUTION OF THE MANY RECENT UNSOLVED CASES OF MURDER, KIDNAPPING AND TORTURE AS WELL AS THE MANY CASES OF DISAPPEARANCES;

7. STRONGLY URGES THAT THE GOVERNMENT OF CHILE TAKE AT LEAST THE FOLLOWING STEPS, IN CONFORMITY WITH THE SPECIFICALLY LABELED RECOMMENDATIONS AT THE CONCLUSION OF THE REPORT OF THE SPECIAL RAPPORTEUR AND THOSE SET FORTH ELSEWHERE IN THAT DOCUMENT, AND ADAPT THE MEASURES NECESSARY AND CONDUCIVE THERETO:

(A) IMMEDIATELY PUT AN END TO ALL FORMS OF PHYSICAL AND PSYCHOLOGICAL TORTURE BY THE SECURITY AND POLICE FORCES AND REITERATE AND MAKE PUBLIC THE ORDER OF 30 JULY 1985 BY THE MINISTERS OF DEFENSE AND THE INTERIOR WHICH CALLS FOR AN END TO THESE ABUSES;

(B) PROCEED VIGOROUSLY THROUGH JUDICIAL AND ADMINISTRATIVE ACTION TO INVESTIGATE ALL REPORTS OF TORTURE, KILLINGS, KIDNAPPINGS, OR OTHER HUMAN RIGHTS VIOLATIONS BY THE SECURITY FORCES, TAKE APPROPRIATE ACTION AGAINST ALL PERSONS FOUND GUILY OF SUCH VIOLATIONS;

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(C) EFFECT SUCH REORGANIZATION OF THE SECURITY FORCES AND OF THE POLICE, INCLUDING ORGANIZATIONS SUCH AS THE NATIONAL INFORMATION AGENCY AND THE CORPS OF CARABINEROS AS WOULD HEREAFTER AVOID APPLICATION OF UNRESTRAINED AND RELENTLESS USE OF FORCE IN THE NAME OF THE POLITICAL DOCTRINE OF STATE SECURITY;

(D) COOPERATE FULLY AND EFFECTIVELY WITH INVESTIGATIONS OF HUMAN RIGHTS VIOLATIONS, ASSURING IN ALL SUCH INVESTIGATIONS THE INDEPENDENCE OF THE JUDICIARY AND

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THE MAXIMUM EFFECTIVENESS OF JUDICIAL REMEDIES, PARTICULARLY AMPARO AND HABEAS CORPUS;

(E) PROCEED VIGOROUSLY TO END THE ACTIVITIES OF GROUPS AND BANDS, WHETHER PRIVATE OR CONNECTED WITH SECURITY FORCES, WHICH HAVE BEEN REPORTED TO BE RESPONSIBLE FOR KIDNAPPINGS, INTERROGATIONS, INTIMIDATION AND BEATINGS OF ORDINARY CITIZENS, AND PUNISH THOSE RESPONSIBLE, ESPECIALLY THE LEADERS OF THESE GROUPS;

(F) AMEND ALL LEGISLATION, INCLUDING THE LAWS AUTHORIZING STATES OF EMERGENCY, STATES OF DANGER OF DISTURBANCE OF LAW AND ORDER AND STATES OF SEIGE, SO AS TO BRING IT INTO CONFORMITY WITH GUARANTEES OF BASIC HUMAN RIGHTS AS DEFINED IN APPLICABLE INTERNATIONAL AGREEMENTS;

(G) PROVIDE FOR THE PROTECTION OF PUBLIC ORDER AGAINST VIOLENT ACTS ONLY THROUGH THE EXERCISE OF DUE PROCESS OF LAW AND RESPECT FOR THE RIGHTS OF THE ACCUSED, WITHOUT USING TERRORISM AS A JUSTIFICATION FOR ANY ABUSE OF

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C O N F I D E N T I A L SECTION 04 OF 04 GENEVA 02434

TO A/S ABRAMS AND AMBASSADOR BARNES FROM A/S SCHIFTER

E.O.12356:DECL:OADR
TAGS:PHUM, UNHRC, CI
SUBJECT: UNHRC - RESOLUTION ON CHILE

12. ACTION REQUESTED. MY RECOMMENDATION IS THAT WE AGREE TO THE AD REFERENDUM DRAFT, THAT WE REJECT THE INDECISION OF THE SUGGESTED THREE PREAMBULAR PARAGRAPHS, BUT THAT WE ACCEPT THE PROPOSED LAST PARAGRAPH, STILL LEAVING OPEN THE QUESTION OF WHETHER WE MIGHT ON FRIDAY OR AT THE BEGINNING OF THE NEXT SESSION MOVE FOR AN END TO ITEM 5. (DRAFTED BY RSCHIFTER)CARMEN

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Chile Project (#S19990030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

United States Department of State
Under Secretary of State
for Political Affairs
Washington, D.C. 20520

March 13, 1986

Mr. Secretary:

Attached is the Platt-Poindexter explaining our posture on the Chile resolution in the UNHRC. It provides useful background. This matter, however, moved somewhat further down the road without Seventh Floor input than I had thought.

Briefly, pursuing our policy of incremental pressure on the Chileans to move towards democracy, ARA, IO, and HA developed a draft resolution several months ago for submission to the UNHRC. Dick Schifter worked it over in Washington and carried it to the UNHRC in Geneva. He tabled the draft as a proposed U.S. resolution on March 6. Meanwhile, the political background covering our Chile policy changed substantially in February with the fall of the Duvalier and Marcos governments. What seemed like a cautious, careful policy in January now looks more like a governmental hit list.

Dick Schifter continues to negotiate our tabled draft and needs final instructions. I approved a cable this evening which permits four minor changes to our March 6 draft and no more. If those changes are insufficient, then our draft will undoubtedly lose. In that event, we have instructed our delegation to vote against the much harsher Mexican resolution. The current assessment is that these changes will not be sufficient and the Mexican draft resolution will carry.

This is not an optimum solution. I believe the amount of detail and specificity in our tabled resolution will play into the hands of those arguing we have a "hit list" policy. However, the resolution has been tabled, it is consistent with our Chile initiatives of the past six months, and withdrawing or overtly sabotaging it now would probably cause us more problems than going ahead with it.

I have asked that Dick Schifter try to postpone the vote long enough tomorrow to give you a chance to review this package.

Michael H. Armacost

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DECL: OADR

3-13-86

Department of State **TELEGRAM**

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AN: D860195-0389

PAGE 01 SAN JO 02346 132038Z
ACTION SS-00

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C O N F I D E N T I A L SAN JOSE 02346

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E.O. 12356: DECL: OADR
TAGS: PHUM, PREL, CI, CS
SUBJECT: CHILE -- SPECIAL RAPPORTEUR VOLIO
- CONDITIONS HIS TENURE ON RESOLUTION LANGUAGE

REF: SANTIAGO 1422

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1. CONFIDENTIAL - ENTIRE TEXT.

2. PER REQUEST REFTEL, POLOFF SPOKE MARCH 12 WITH FORMER FOREIGN MINISTER FERNANDO VOLIO, UN SPECIAL RAPPORTEUR ON HUMAN RIGHTS IN CHILE. VOLIO MADE CLEAR THAT HIS WILLINGNESS TO CONTINUE AS SPECIAL RAPPORTEUR IS CONDITIONED ON TWO POINTS. SHOULD A MEXICO-INFLUENCED RESOLUTION PLACE ANY CONDITIONS WHATSOEVER ON HIS WORK, E.G., BY DIRECTING HIM TO LOOK INTO ONE PROBLEM OR ANOTHER, HE WILL RESIGN. SIMILARLY, HE BELIEVES THAT THE FINAL RESOLUTION MUST INCLUDE A CLAUSE PRAISING HIS WORK; ABSENCE OF SUCH A CLAUSE WOULD BE SEEN BY VOLIO AS A VOTE OF NO-CONFIDENCE AND PROVOKE HIS RESIGNATION.

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PAGE 02 SAN JO 02346 132038Z

3. VOLIO SAID THAT HIS RESPONSIBILITIES IN THE

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Chile Project (#S199900030)
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COSTA RICAN LEGISLATIVE ASSEMBLY WILL NOT INTERFERE WITH HIS ABILITY TO CONTINUE AS SPECIAL RAPPORTEUR. VOLIO ADDED THAT HE REFUSED PRESIDENT-ELECT ARIAS' REQUEST THAT HE SERVE AS MAJORITY LEADER (JEFE DE FRACCION) IN THE ASSEMBLY IN ORDER TO HAVE THE TIME NECESSARY TO DEVOTE TO CHILE.

4. VOLIO WAS EXTREMELY PLEASED WITH THE US DRAFT RESOLUTION. HE FELT THAT THE STICK REPRESENTED BY ITS STERN TONE, COUPLED WITH THE CARROT OF ITS CALL FOR THE TRANSFER OF CHILE FROM ITEM 5 (INDIVIDUAL COUNTRY) TO ITEM 12 (REST OF WORLD) STATUS RESULTED IN A PRAGMATIC DOCUMENT THAT COULD ACTUALLY HAVE A GENUINE EFFECT ON HUMAN RIGHTS IN CHILE. IN CONTRAST, HE CONDEMNED THE MEXICAN DRAFT AS A REHASH OF OLD COMMUNIST ALLEGATIONS AGAINST PINOCHET GENERATED BY THE CHILEAN EXILE LOBBY. VOLIO REPEATEDLY NOTED HIS DISGUST WITH THE MEXICAN DRAFT RESOLUTION, SAYING THAT IT INCLUDES NOT A WORD OF PRAISE FOR THE GOC FOR HAVING COOPERATED WITH THE SPECIAL RAPPORTEUR.

5. DESPITE THE CONDITIONS VOLIO PLACED ON HIS CONTINUING AS SPECIAL RAPPORTEUR, HE NOTED THAT IT WOULD BE BAD FOR ALL CONCERNED SHOULD IT BECOME NECESSARY TO NAME A NEW ONE. HE NOTED HOW DIFFICULT IT WOULD BE TO FIND AN "OBJECTIVE" RAPPORTEUR, AND THAT A SUCCESSOR WOULD LIKELY BE MORE RADICAL. MOREOVER, VOLIO

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SAID, IF HE WERE REPLACED BY A NEW RAPPORTEUR WHO IS BIASED AGAINST CHILE, ALL THE PROGRESS MADE TO DATE WOULD BE LOST.

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United States Department of State

Washington, D.C. 20520

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March 13, 1986

Original to WH
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MEMORANDUM FOR VADM JOHN M. POINDEXTER
THE WHITE HOUSE

Subject: U.S. Resolution on Chile in United Nations Human Rights Commission (UNHRC)

After UN General Assembly consideration of Chile last fall resulted yet again in an unsatisfactory outcome on the Chilean human rights situation, we decided to try a positive strategy at the current UNHRC meeting by taking the initiative ourselves and sponsoring our own resolution. Our efforts also sought to capitalize on the possibility for human rights improvements afforded by the Chilean government's decision last summer to cooperate with a new UN Special Rapporteur for Chile, former Costa Rican Foreign Minister Fernando Volio.

At the General Assembly in December, as in all previous years of this Administration, we had lobbied and voted against the discriminatory Chile resolution tabled by Mexico, Cuba and Algeria, which still passed easily with the support of our European allies and other Western democracies (only 10 countries joined us in voting no). Both Pinochet and the Communists subsequently exploited our principled vote against the double standard. Both asserted U.S. indifference to Chile's record on democracy and human rights.

Our strategy since the UNGA vote has focused on developing support in the UNHRC for a reasonable alternative to the traditional Mexican/Cuban resolution on Chile as a means of developing a fair statement of concern and possible progress on the Chilean human rights situation, while establishing a counterpoint to the traditional leftist resolution. (The UNHRC resolution generally forms the basis of the subsequent UNGA text.) Beginning in January, we consulted extensively with other governments, including Chile, and shared an initial draft of a resolution. We urged the GOC to take concrete steps on human rights to help gain support for our initiative, steps which unfortunately were not forthcoming. We also consulted with Chilean human rights figures, the Catholic Church, and democratic opposition leaders.

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Date: 6/18/96
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FOIA Exemptions
PA Exemptions

Drafted: ARA/SC:JWSwigert JWS

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DECL: OADR

Clearances:
ARA/SC:MDurkee JWS
ARA:RGelbard JWS
HA:JMontgomery JWS
IO:RKauzlarich JWS
P:MArmacost

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After obtaining indications of potential support (but no co-sponsors) from the Western members of the UNHRC, and determined to avoid another sterile outcome, we decided to table a U.S. draft resolution. Press interest was minimal when U.S. delegation chief Dick Schifter tabled a U.S. text March 6. Since then, we have refined our text following further consultations with other governments and Chileans (Tab A).

The press has now seized on our initiative to make assertions of a ficticious Administration policy shift on Chile in response to events in the Philippines and Haiti. At a press conference in Geneva yesterday, Dick Schifter was asked about the decision to introduce a resolution and responded that the resolution reflected long standing U.S. policy and then moved to a general description of our two track human rights approach: we engage in quiet diplomacy to try and bring about human rights improvements; "we go public when it appears that our quiet entreaties are not adequately responded to." Schifter's statement was cited by some conspiracy theorists in the press as prima facie evidence of a policy shift.

The U.S. text is competing with another Mexican resolution on Chile, once again supported by Cuba. Our delegation has instructions to only vote for our initiative and to vote against any competing draft. A vote is expected late tonight Geneva time. Whether or not our resolution ultimately succeeds, we have put ourselves in a solid position to deflect any efforts to portray us as indifferent to human rights, and effectively underlined our concerns on the double standard. We are providing new press guidance to reiterate that the resolution does not mean a policy shift or abandonment of private diplomacy, and that we will continue to use all channels to promote greater respect for human rights and a peaceful transition to democracy.

As a procedural issue, the delegation will seek tomorrow to eliminate discriminatory special agenda item treatment of Chile, and to bring Chile under the general agenda item on human rights.

Selected telegrams to the field providing guidance on this subject are attached (Tab B).

Nicholas Platt
Executive Secretary

Attachments:

Tab A: Text of U.S. resolution
Tab B: Telegrams providing guidance

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UNHRC 1986 Resolution on HR Chile

The Commission on Human Rights:

Aware of its responsibility to promote and encourage respect for human rights and fundamental freedoms and resolved to remain vigilant with regard to violations of human rights wherever they occur.

Noting the obligation of the Government of Chile to respect and protect human rights in accordance with the international instruments to which Chile is a party, an obligation which is not different from that of any other government which is a party to international human rights instruments.

Recalling its successive resolutions on the situation of human rights in Chile and in particular its resolution 11 (XXXV) of 6 March 1979, by which it appointed a Special Rapporteur on the situation of those rights, and its resolution of 1985/47 of 14 March 1985, in which it agreed most recently to extend the mandate of the Special Rapporteur for one more year, and in view of the serious human rights violations in Chile to give high priority to the study of this issue.

Recalling also the concern expressed by the General Assembly on the situation of human rights in Chile in its resolutions 3219 (XXIX) of 6 November 1974, 3448 (XXX) of 9 December 1975, 31/124 of 16 December 1976, 32/118 of 16 December 1977, 33/175 of 20 December 1978, 34/179 of 17 December 1979, 35/188 of 15 December 1980, 36/157 of 16 December 1981, 37/183 of 17 December 1982, 38/102 of 16 December 1983, 39/121 of 14 December 1984 and in particular, General Assembly resolution 40/145 of 13 December 1985 in which the Assembly invited the Commission on Human Rights to take the most appropriate steps for the effective restoration of human rights and fundamental freedoms in that country, including the extension of the mandate of the Special Rapporteur for one more year.

Having examined the Special Rapporteur's report:

1. Commends the efforts of the Special Rapporteur during his stay in Chile and appreciates his report on the situation of human rights in Chile, prepared in accordance with commission resolution 1985/47, and the efforts made by the Special Rapporteur during his stay in Chile.

2. Recognizes as a positive development the fact that the Government of Chile permitted the Special Rapporteur to enter the country and provided the cooperation and freedom of access to persons of all social, political and economic interests necessary for his investigation.

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3. Expresses its concern, nevertheless, at the persistence of serious violations of human rights in Chile, as described in the report of the Special Rapporteur, which refers to such violations as disappearances and torture and abuses by security forces, the climate of insecurity, the prohibition preventing several thousand Chilean exiles from returning to their country, and the suppression of fundamental rights and freedoms through the maintenance of arbitrary executive powers during the prolonged period in which states of exception to constitutional rights have been in effect.

4. Expresses its conviction that a legal and political structure based on the consent of the governed, emerging from a civilized and constructive national dialogue, representative of the will of the people expressed in free elections, and respecting the full exercise of legal rights, is essential to the full observance of human rights in Chile, as in any other nation;

5. Once again appeals to the Government of Chile to respect human rights and to re-establish democratic institutions and the principle of legality in conformity with the Universal Declaration of Human Rights, which are essential to the effective enjoyment and exercise of human rights and fundamental freedoms and are in the best democratic traditon of Chile;

6. Notes with particular dismay the ineffectiveness of government and judicial authorities in preventing the recurrence of abuses by security forces, and expresses special concern over the failure of all the authoritative institutions to ensure the thorough investigation and prosecution of the many recent unsolved cases of murder, kidnapping and torture as well as the many cases of disappearances;

7. Strongly urges that the Government of Chile take at least the following steps, in conformity with the specifically labeled recommendations at the conclusion of the report to the Special Rapporteur and those set forth elsewhere in that document, and adapt the measures necessary and conducive thereto:

(A) Immediately put an end to all forms of physical and psychological torture by the security and police forces and reiterate and make public the order of 30 July 1985 by the Ministers of Defense and the Interior which calls for an end to these abuses;

(B) Proceed vigorously through judicial and administrative action to investigate all reports of torture, killings,

kidnappings, or other human rights violations by the security forces, take appropriate action against all persons found guilty of such violations;

(C) Effect such reorganization of the security forces and of the police as may be necessary to end persistent problems of human rights;

(D) Cooperate fully and effectively with investigations of human rights violations, assuring in all such investigations the independence of the judiciary and the maximum effectiveness of judicial remedies, particularly amparo and habeas corpus;

(E) Proceed vigorously to end the activities of groups and bands, whether private or connected with security forces, which have been reported to be responsible for kidnappings, interrogations, intimidation and beatings of ordinary citizens, and punish those responsible, especially the leaders of those groups;

(F) Amend legislation, including the laws authorizing states of emergency, states of danger of disturbance of law and order and states of seige, so as to bring it into conformity with guarantees of basic human rights as defined in applicable international agreements;

(G) Provide for protection of public order against acts of violence by punishing persons found to have been guilty of such acts through the exercise of due process of law and respect for the rights of the accused, without using terrorism as justification for any abuse of authority;

(H) Establish a permanent system to monitor the conduct of the security and police forces, including the National Center of Investigations and the Corps of Carbineros, especially during periods of detention and interrogation.

(I) End the practice of ordering internal banishment without recourse to the judicial system;

(J) Allow the return of all Chilean citizens now living abroad who wish to return, and recognizing their continuing right to enter and leave freely;

(K) Reestablish the full enjoyment and exercise of labor rights and take into account the legitimate cultural and socio-economic interests of the population;

(L. Respect activities related to the defense and promotion of human rights.

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8. Requests that the Government of Chile continue and increase its cooperation with the Special Rapporteur and fully implement his recommendations, and invites the Government to submit any comments it may have to the Commmission on Human Rights at its forty-third session.

9. Decides to extend the mandate of the Special Rapporteur for one year and to request him to report on the situation on human rights in Chile to the General Assembly at its forty-first session and the Commission on Human Rights at its forty-third session.

10. Recommends to the Economic and Social Council that it make appropriate arrangements to ensure that the necessary financial resources and sufficient staff are provided to implement this resolution.

11. Decides to consider at its forty-third session, as a matter of high priority, the human rights situation in Chile.

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United States Department of State

Washington, D.C. 20520

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Chile Project (#S199900030)
U.S. Department of State
March 18, 1988
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MEMORANDUM FOR VADM JOHN M. POINDEXTER
THE WHITE HOUSE

Subject: U.S. Resolution on Chile in United Nations Human Rights Commission (UNHRC)

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S/S-I MICROFILM MAR 14 1986

Drafted: ARA/SC:JWSwigert JWS

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Clearances: ARA/SC:MDurkee JWS
ARA:RGelbard JWS
HA:JMontgomery JWS
IO:RKauzlarich JWS
P:MArmacost

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Case Number: S199900030

Chile Project (#S199900030)
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PAGE 01 SANTIA 01532 131712Z
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C O N F I D E N T I A L SANTIAGO 01532

EXDIS

EO 12356: DECL: OADR
TAGS: PHUM, UNHRC, CI
SUBJECT: UN HUMAN RIGHTS COMMISSION RESOLUTION ON CHILE - FOREIGN MINISTER DEL VALLE ON NEXT STEPS

1. C - ENTIRE TEXT.

2. OVER DINNER, MARCH 12, DEL VALLE TOLD ME HE WANTED TO GET TOGETHER A FEW DAYS AFTER THE UNHRC VOTE TO DISCUSS WHAT THE CHILEAN GOVERNMENT MIGHT BE ABLE TO DO TO FOLLOW UP ON THE VOLIO REPORT AND THE RESOLUTION THE UNHRC WOULD ADOPT, HOWEVER "BAD" THAT MIGHT BE. HE APPEALED TO ME TO HELP HIM, SAYING THAT HE AND INTERIOR MINISTER GARCIA WERE TRYING TO MOVE THINGS IN A HELPFUL DIRECTION, BUT THAT IF HE COULDN'T SUCCEED, THEN HE DOUBTED THAT ANYONE COULD AT THE PRESENT STAGE. THERE WERE "OTHERS" OPPOSED TO ANY CONCESSIONS AND UNTIL HE SAW THE SHAPE OF THE FINAL RESOLUTION, HE COULD NOT BE SURE HIMSELF HOW FAR HE COULD MOVE THE PRESIDENT. STILL HE WANTED TO TRY AND IN THIS ENDEAVOR US HELP WOULD BE ESSENTIAL.

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PAGE 02 SANTIA 01532 131712Z

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3. I TOLD HIM I WOULD WILLINGLY GIVE HIM MY REACTIONS TO WHATEVER HE HAD TO PROPOSE AND WOULD SEEK WASHINGTON JUDGMENTS AS WELL. WE AGREED TO GET TOGETHER AGAIN FOR DINNER THE NIGHT OF MARCH 19. IN THE MEANTIME, HE WOULD CALL ME IF ANYTHING URGENT CAME OUT OF THE CONVERSATION HE EXPECTED TO HAVE WITH THE PRESIDENT MARCH 13 OR 14 ON THE RESOLUTION. HE ADDED BY WAY OF BACKGROUND THAT HE HAD BEEN BRIEFING THE PRESIDENT ON THE RESOLUTION EARLIER ON THE 12TH AND SAID THAT AT LEAST IT WAS BETTER THAN THE STANDARD MEXICAN AND CUBAN RESOLUTION. AT SOME POINT, PINOCHET WAS HANDED A TICKLER REPORT FROM GENEVA QUOTING AMBASSADOR SCHIFTER AT A PRESS CONFERENCE, SAYING THERE WAS MUCH DIFFERENCE BETWEEN THE US AND THE MEXICAN APPROACH AND QUOTING PORTIONS OF THE US RESOLUTION WHICH USED TRADITIONAL TERMS LIKE "CONDEMN." PINOCHET APPARENTLY BROKE OFF DEL VALLE'S EXPOSITION AT THAT POINT BY TELLING HIM HE'D BETTER FIND OUT WHAT HIS AMERICAN FRIENDS WERE REALLY UP TO. I TOLD DEL VALLE THE PRESS STORY LOOKED TO ME AS AT BEST A DISTORTION AND HE AGREED SAYING HE HAD CONVINCED THE PRESIDENT TO HOLD OFF ANY JUDGMENTS UNTIL THEY HAD THE FULL TEXT OF THE US RESOLUTION.
BARNES

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United States Department of State

Under Secretary of State
for Political Affairs KD 3/14

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Chile Project (#S199900030)
U.S. Department of State
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Mr. Secretary:

Here are some talking points for your use in talking to the President on the UNHRC resolution on Chile. ARA and HA have taken a look at them.

I'm also enclosing talking points for your use in broaching the idea of a visit by Pakistani Prime Minister Junejo. NEA has reviewed them.

MA

Michael H. Armacost

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DECL: OADR

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UNHRC Chile Resolution

TALKING POINTS FOR THE SECRETARY'S USE WITH THE PRESIDENT

-- I regret that our policy decisions on the UNHRC Chile resolution have not evolved as smoothly as we would like; my people and I must take the responsibility.

-- For the past six months we have engaged in a policy of quiet, careful signals to Pinochet, nudging him toward commitment to democratic transition.

-- Our public support for the Cardinal's "National Dialogue Plan," wider contacts with opposition leaders, and your letter to Pinochet were all part of this effort.

-- Three months ago, as a further step, we decided to seek a consensus UNHRC resolution on Chile.

-- Our objective was to preempt the harsh Mexican-Cuban resolution which normally passes, obtain consensus on a more moderate draft, avoid another US negative vote with the minority, and send a careful signal to Pinochet.

-- We consulted closely on the draft with the NSC, the Chilean government, Chilean opposition leaders, and our European and Latin American allies.

-- The draft was tabled at the UNHRC on March 6 and, after a week of negotiation, passed by consensus this morning.

-- Unfortunately, the political background behind our Chile strategy changed significantly over the last six weeks with the fall of the Duvalier and Marcos governments.

-- What seemed like a cautious, careful policy in January now looks like a "hit list" policy.

-- The policy has not changed, but our posture on this Chile resolution undoubtedly makes it appear so.

-- My people are preparing a message for Pinochet which clarifies our decision on the UNHRC vote.

-- I will watch our actions and signals towards Chile more carefully in the future; we moved too quickly this time without considering the changed circumstances brought about by Haiti and the Philippines.

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TO SECSTATE WASHDC 4465
AMEMBASSY SANTIAGO
INFO USMISSION USUN NEW YORK

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C O N F I D E N T I A L GENEVA 02487

TO AMBASSADOR BARNES FROM ASSISTANT SECRETARY SCHIFTER

E.O. 12356:DECL:OADR
TAGS: PHUM, UNHRC
SUBJECT: UNHRC - CHILE RESOLUTION: VICARIATE'S POSITION

REF: (A) SANTIAGO 1421
1. THIS IS HRC-199 (CONFIDENTIAL - ENTIRE TEXT)

2. FOR THE RECORD YOU SHOULD KNOW PRECISELY IN WHICH CONTEXT AND TO WHOM THE VICARIATE'S ROLE ON THE CHILE RESOLUTION WAS MENTIONED. IT DID NOT/NOT COME UP IN ANY PUBLIC DEBATE. HOWEVER, WHEN I MET, SEPARATELY, WITH THE FRENCH AND SPANISH DELEGATIONS TO URGE THEM NOT TO SUPPORT THE MEXICAN RESOLUTION, I EXPLAINED THAT YOU ARE REGULARLY IN TOUCH WITH VARIOUS ORGANIZATIONS IN CHILE THAT REFLECT VIEWS OTHER THAN THOSE OF THE GOVERNMENT. I FURTHER EXPLAINED THAT OUR DRAFT HAD BEEN DISCUSSED WITH SUCH ORGANIZATIONS, THAT THEY HAD MADE SUGGESTIONS FOR CHANGES WHICH HAD BEEN INCORPORATED AND THAT THE FINAL TEXT HAD MET WITH THEIR APPROVAL.
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 GENEVA 02487 131450Z

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AMONG THESE ORGANIZATIONS, I INDICATED, WAS THE VICARIATE.

3. I GATHER THAT THIS REMARK OF MINE GOT BACK TO THE WORLD COUNCIL OF CHURCHES, WHOSE ATTITUDE TOWARD THE USG IS, OF COURSE, WELL KNOWN, AND WHO EVIDENTLY MADE A TO-DO OF THE MATTER. (DRAFTED BY RSCHIFTER)CARMEN

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(Attached to Doc. ME 004)
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UNHRC Chile Resolution

TALKING POINTS FOR THE SECRETARY'S USE WITH THE PRESIDENT

-- For more than a year we have engaged in a policy of carefully calibrated signals to Pinochet, nudging him towards commitment to democratic transition.

-- Our public support for the Cardinal's "National Dialogue Plan," wider contacts with opposition leaders, and your letter to Pinochet were all part of this effort.

-- Three months ago, as a further step, we decided to seek support for a balanced UNHRC resolution on Chile in an effort to capitalize on Chilean government willingness to cooperate with a new UN Special Rapporteur.

-- Our objective was to preempt the harsh Mexican-Cuban resolution which normally passes, obtain consensus on a more moderate draft, avoid another US negative vote with the minority, and send a careful signal to Pinochet.

-- Since December we have consulted closely on the draft with the Chilean government, Chilean democratic opposition, Catholic Church, and human rights leaders, and our European and Latin American allies.

-- The draft was tabled at the UNHRC on March 6 and, after a week of negotiation, passed by consensus this morning.

-- This victory superseded an attempt first by the Cubans, and then the Soviets to put forward another extremist text and prevent our achieving a moderate outcome at Geneva.

-- While this successful and prudent strategy was unfolding overseas, the context at home changed significantly over the last six weeks with the fall of the Duvalier and Marcos governments.

-- Critics and doubters of our policy on democracy now are claiming a major shift towards a "hit list" approach and are using the UNHRC resolution as evidence.

-- We have already issued press guidance to make clear that there has been no policy shift, that we have not abandoned quiet diplomacy, and that we support a peaceful transition as defined by Chileans themselves.

-- We are preparing a possible message to Pinochet to follow up on your letter of November 7.

-- I will continue to watch our actions and signals toward Chile carefully to ensure that we stay in a balanced posture.

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(ME005A)

Chile Project (#S199900030) United States Department of State
U.S. Department of State
Release X Excise ____ Deny ____ Washington, D.C. 20520
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'86 MAR 13 P4:21

MEMORANDUM FOR VADM JOHN M. POINDEXTER
THE WHITE HOUSE

Subject: U.S. Resolution on Chile in United Nations Human Rights Commission (UNHRC)

After UN General Assembly consideration of Chile last fall resulted yet again in an unsatisfactory outcome on the Chilean human rights situation, we decided to try a positive strategy at the current UNHRC meeting by taking the initiative ourselves and sponsoring our own resolution. Our efforts also sought to capitalize on the possibility for human rights improvements afforded by the Chilean government's decision last summer to cooperate with a new UN Special Rapporteur for Chile, former Costa Rican Foreign Minister Fernando Volio.

At the General Assembly in December, as in all previous years of this Administration, we had lobbied and voted against the discriminatory Chile resolution tabled by Mexico, Cuba and Algeria, which still passed easily with the support of our European allies and other Western democracies (only 10 countries joined us in voting no). Both Pinochet and the Communists subsequently exploited our principled vote against the double standard. Both asserted U.S. indifference to Chile's record on democracy and human rights.

Our strategy since the UNGA vote has focused on developing support in the UNHRC for a reasonable alternative to the traditional Mexican/Cuban resolution on Chile as a means of developing a fair statement of concern and possible progress on the Chilean human rights situation, while establishing a counterpoint to the traditional leftist resolution. (The UNHRC resolution generally forms the basis of the subsequent UNGA text.) Beginning in January, we consulted extensively with other governments, including Chile, and shared an initial draft of a resolution. We urged the GOC to take concrete steps on human rights to help gain support for our initiative, steps which unfortunately were not forthcoming. We also consulted with Chilean human rights figures, the Catholic Church, and democratic opposition leaders.

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After obtaining indications of potential support (but no co-sponsors) from the Western members of the UNHRC, and determined to avoid another sterile outcome, we decided to table a U.S. draft resolution. Press interest was minimal when U.S. delegation chief Dick Schifter tabled a U.S. text March 6. Since then, we have refined our text following further consultations with other governments and Chileans (Tab A).

The press has now seized on our initiative to make assertions of a ficticious Administration policy shift on Chile in response to events in the Philippines and Haiti. At a press conference in Geneva yesterday, Dick Schifter was asked about the decision to introduce a resolution and responded that the resolution reflected long standing U.S. policy and then moved to a general description of our two track human rights approach: we engage in quiet diplomacy to try and bring about human rights improvements; "we go public when it appears that our quiet entreaties are not adequately responded to." Schifter's statement was cited by some conspiracy theorists in the press as prima facie evidence of a policy shift.

The U.S. text is competing with another Mexican resolution on Chile, once again supported by Cuba. Our delegation has instructions to only vote for our initiative and to vote against any competing draft. A vote is expected late tonight Geneva time. Whether or not our resolution ultimately succeeds, we have put ourselves in a solid position to deflect any efforts to portray us as indifferent to human rights, and effectively underlined our concerns on the double standard. We are providing new press guidance to reiterate that the resolution does not mean a policy shift or abandonment of private diplomacy, and that we will continue to use all channels to promote greater respect for human rights and a peaceful transition to democracy.

As a procedural issue, the delegation will seek tomorrow to eliminate discriminatory special agenda item treatment of Chile, and to bring Chile under the general agenda item on human rights.

Selected telegrams to the field providing guidance on this subject are attached (Tab B).

Nicholas Platt
Executive Secretary

Attachments:

Tab A: Text of U.S. resolution
Tab B: Telegrams providing guidance

JWS

Drafted: ARA/SC:JWSwigert

Clearances: ARA/SC:MDurkee JWS
ARA:RGelbard JWS
HA:JMontgomery JWS
IO:RKauzlarich JWS

UNHRC 1986 Resolution on HR Chile

The Commission on Human Rights:

Aware of its responsibility to promote and encourage respect for human rights and fundamental freedoms and resolved to remain vigilant with regard to violations of human rights wherever they occur.

Noting the obligation of the Government of Chile to respect and protect human rights in accordance with the international instruments to which Chile is a party, an obligation which is not different from that of any other government which is a party to international human rights instruments.

Recalling its successive resolutions on the situation of human rights in Chile and in particular its resolution 11 (XXXV) of 6 March 1979, by which it appointed a Special Rapporteur on the situation of those rights, and its resolution of 1985/47 of 14 March 1985, in which it agreed most recently to extend the mandate of the Special Rapporteur for one more year, and in view of the serious human rights violations in Chile to give high priority to the study of this issue.

Recalling also the concern expressed by the General Assembly on the situation of human rights in Chile in its resolutions 3219 (XXIX) of 6 November 1974, 3448 (XXX) of 9 December 1975, 31/124 of 16 December 1976, 32/118 of 16 December 1977, 33/175 of 20 December 1978, 34/179 of 17 December 1979, 35/188 of 15 December 1980, 36/157 of 16 December 1981, 37/183 of 17 December 1982, 38/102 of 16 December 1983, 39/121 of 14 December 1984 and in particular, General Assembly resolution 40/145 of 13 December 1985 in which the Assembly invited the Commission on Human Rights to take the most appropriate steps for the effective restoration of human rights and fundamental freedoms in that country, including the extension of the mandate of the Special Rapporteur for one more year.

Having examined the Special Rapporteur's report:

1. Commends the efforts of the Special Rapporteur during his stay in Chile and appreciates his report on the situation of human rights in Chile, prepared in accordance with commission resolution 1985/47, and the efforts made by the Special Rapporteur during his stay in Chile.

2. Recognizes as a positive development the fact that the Government of Chile permitted the Special Rapporteur to enter the country and provided the cooperation and freedom of access to persons of all social, political and economic interests necessary for his investigation.

3. Expresses its concern, nevertheless, at the persistence of serious violations of human rights in Chile, as described in the report of the Special Rapporteur, which refers to such violations as disappearances and torture and abuses by security forces, the climate of insecurity, the prohibition preventing several thousand Chilean exiles from returning to their country, and the suppression of fundamental rights and freedoms through the maintenance of arbitrary executive powers during the prolonged period in which states of exception to constitutional rights have been in effect.

4. Expresses its conviction that a legal and political structure based on the consent of the governed, emerging from a civilized and constructive national dialogue, representative of the will of the people expressed in free elections, and respecting the full exercise of legal rights, is essential to the full observance of human rights in Chile, as in any other nation;

5. Once again appeals to the Government of Chile to respect human rights and to re-establish democratic institutions and the principle of legality in conformity with the Universal Declaration of Human Rights, which are essential to the effective enjoyment and exercise of human rights and fundamental freedoms and are in the best democratic traditon of Chile;

6. Notes with particular dismay the ineffectiveness of government and judicial authorities in preventing the recurrence of abuses by security forces, and expresses special concern over the failure of all the authoritative institutions to ensure the thorough investigation and prosecution of the many recent unsolved cases of murder, kidnapping and torture as well as the many cases of disappearances;

7. Strongly urges that the Government of Chile take at least the following steps, in conformity with the specifically labeled recommendations at the conclusion of the report to the Special Rapporteur and those set forth elsewhere in that document, and adapt the measures necessary and conducive thereto:

(A) Immediately put an end to all forms of physical and psychological torture by the security and police forces and reiterate and make public the order of 30 July 1985 by the Ministers of Defense and the Interior which calls for an end to these abuses;

(B) Proceed vigorously through judicial and administrative action to investigate all reports of torture, killings,

kidnappings, or other human rights violations by the security forces, take appropriate action against all persons found guilty of such violations;

(C) Effect such reorganization of the security forces and of the police as may be necessary to end persistent problems of human rights;

(D) Cooperate fully and effectively with investigations of human rights violations, assuring in all such investigations the independence of the judiciary and the maximum effectiveness of judicial remedies, particularly amparo and habeas corpus;

(E) Proceed vigorously to end the activities of groups and bands, whether private or connected with security forces, which have been reported to be responsible for kidnappings, interrogations, intimidation and beatings of ordinary citizens, and punish those responsible, especially the leaders of those groups;

(F) Amend all legislation, including the laws authorizing states of emergency, states of danger of disturbance of law and order and states of seige, so as to bring it into conformity with guarantees of basic human rights as defined in applicable international agreements;

(G) Provide for protection of public order against acts of violence by punishing persons found to have been guilty of such acts through the exercise of due process of law and respect for the rights of the accused, without using terrorism as justification for any abuse of authority;

(H) Establish a permanent system to monitor the conduct of the security and police forces, including the National Center of Investigations and the Corps of Carbineros, especially during periods of detention and interrogation.

(I) End the practice of ordering internal banishment without recourse to the judicial system;

(J) Allow the return of all Chilean citizens now living abroad who wish to return, and recognizing their continuing right to enter and leave freely;

(K) Reestablish the full enjoyment and exercise of labor rights and take into account the legitimate cultural and socio-economic interests of the population;

(L) Respect activities related to the defense and promotion of human rights.

8. Requests that the Government of Chile continue and increase its cooperation with the Special Rapporteur and fully implement his recommendations, and invites the Government to submit any comments it may have to the Commmission on Human Rights at its forty-third session.

9. Decides to extend the mandate of the Special Rapporteur for one year and to request him to report on the situation on human rights in Chile to the General Assembly at its forty-first session and the Commission on Human Rights at its forty-third session.

10. Recommends to the Economic and Social Council that it make appropriate arrangements to ensure that the necessary financial resources and sufficient staff are provided to implement this resolution.

11. Decides to consider at its forty-third session, as a matter of high priority, the human rights situation in Chile.

CASC 2-4 Blake

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RELEASED OUTGOING TELEGRAM

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PAGE 01 STATE 078887 3558 ARA5964
ORIGIN OCS-06

INFO FILE-01 MX-03 DCEN-01 REG-01 CI-02 /008 A1

INFO LOG-00 ADS-00 H-01 ARA-00 CA-02 /009 R

DRAFTED BY: CA/OCS/EMR: RTSMITH: PAS
APPROVED BY: CA/OCS/EMR: TLRANDALL, JR
ARA/CEN: JCASON (SUBS)

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TO AMEMBASSY GUATEMALA IMMEDIATE
INFO AMEMBASSY MEXICO IMMEDIATE

UNCLAS STATE 078887

E.O. 12356: 'N/A'
TAGS: CASC: (BLAKE, NICHOLAS) (DAVIS' GRIFFITH)
SUBJECT: W/W: CASE OF NICHOLAS BLAKE AND GRIFFITH DAVIS

REF: A) MEXICO 4992; B) MEXICO 5204

1. SENATORS COHEN AND MITCHELL INTERESTED.

2. RELATIVES OF NICK BLAKE AND GRIFFITH DAVIS WERE SUPRISED AND CURIOUS WHEN INFO IN REFTEL A WAS PRESENTED TO THEM. MRS. BLAKE WANTED TO KNOW MORE ABOUT THE MEETINGS WITH MR. SUAREZ, AND REF B ANSWERED MOST OF HER QUESTIONS. IT SEEMS LOGICAL TO HER THAT HER SON WOULD BE IN TOUCH WITH MR. SUAREZ CONSIDERING HIS INTERESTS AND THE PURPOSE OF HIS TRAVEL. SHE KNOWS OF NO FRIEND OF HER SON'S IN THE GUATEMALAN ARMY' BUT OF COURSE SHE DID NOT KEEP CLOSE TRACK OF HIS CONTACTS.

3. MRS. DAVIS WAS UPSET BY THE REPORTED SIGHTING OF HER SON. SHE CANNOT IMAGINE WHAT HE COULD BE DOING IN MEXICO THAT WOULD PROHIBIT HIM FROM CONTACTING HIS FAMILY. HIS PRESENCE THERE MAKES NO SENSE TO HER AND SHE SPECIFICALLY ASKED IF A WRITTEN RECORD EXISTED IN MEXICAN IMMIGRATION FILES OF HER SON'S REQUEST AND THE ACTION THAT MIGHT HAVE BEEN TAKEN ON IT. SHE IS ALSO ANXIOUS TO BE REASSURED

THAT MEXICAN AUTHORITIES ARE ACTIVELY SEARCHING FOR GRIFF DAVIS.

4. FYI: A MEETING WAS HELD MARCH 11 WITH STAFF MEMBERS FROM SEN. COHEN AND SEN. MITCHELL'S OFFICES. AFTER SOME EXPLANATION AND CLARIFICATION WAS MADE ABOUT THE AREA SEARCHED AND THE POSSIBILITY OF FOLLOW-UP ON THE HELICOPTER SIGHTING THEY WERE SATISFIED WITH POST AND DEPARTMENT'S ACTIVITIES AND WISHED ONLY THAT THE CASE COULD BE RESOLVED SO THE FAMILIES WOULD HAVE SOME PEACE OF MIND. THE OFFICES CONCERNED ARE ALSO VERY CURIOUS ABOUT THE DAVIS SIGHTING AND WERE ASSURED THAT MEXICAN AUTHORITIES ARE ALREADY SEARCHING FOR MR. DAVIS WITH THE ASSISTANCE OF AMEMBASSY MEXICO. SHULTZ

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 06/28/95
Case ID: 9512221

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Chile Project (#S199900030)
U.S. Department of State
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FM AMEMBASSY SANTIAGO
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INFO USMISSION GENEVA
USMISSION USUN NEW YORK

~~C O N F I D E N T I A L~~ SECTION 01 OF 02 SANTIAGO 01560

CINCSO, CINCLANT FOR INTAFFS

E.O. 12356: DECL:OADR
TAGS: PGOV, UNHRC-1, CI
SUBJ: FONMIN DEL VALLE CRITICIZES THE U.S. RESOLUTION ON CHILE

REF: SANTIAGO 1507

1. (C) SUMMARY: CHILEAN FOREIGN MINISTER DEL VALLE HAS REACTED SHARPLY TO THE U.S. SPONSORED RESOLUTION IN GENEVA, CHARACTERIZING IT AS AN INTERFERENCE IN CHILEAN AFFAIRS. HOWEVER, HE DEFENDED THE DECISION TO ADMIT SPECIAL RAPPORTEUR VOLIO SINCE CHILE HAD NOTHING TO HIDE. HE PROMISED THAT FOR THE FIRST TIME THE GOC WOULD MAKE A RESPONSE TO THE UNHRC RESOLUTION. MEANWHILE, CHILEAN ALTERNATE DELEGATE IN GENEVA, PATRICIO DAMM, HINTED THAT THE GOC MIGHT END ITS COOPERATION WITH THE SPECIAL RAPPORTEUR IN THE FUTURE. END SUMMARY.

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PAGE 02 SANTIA 01560 01 OF 02 141606Z

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2. (U) SPEAKING TO THE PRESS ON MARCH 11, CHILEAN FOREIGN MINISTER JAIME DEL VALLE STATED THAT THE HUMAN RIGHTS RESOLUTION ON CHILE WHICH THE U.S. HAS PROPOSED AT GENEVA CONTAINED SEVERAL POINTS THAT CONSTITUTED AN INTERFERENCE IN INTERNAL CHILEAN AFFAIRS. HE WAS PARTICULARLY UPSET BY THE RECOMMENDATIONS OF SPECIAL RAPPORTEUR FERNANDO VOLIO THAT ARE INCLUDED IN THE U.S. RESOLUTION, CHARACTERIZING THEM AS BEYOND THE PARAMETERS OF VOLIO'S MANDATE. DEL VALLE ADDED THAT THE BEST ANSWER THAT COULD BE GIVEN TO THE U.S. DEPARTMENT OF STATE WAS THE OPINION EXPRSSED BY NTERIOR MINISTER RICARDO GARCIA IN HIS SPEECH OF 11 MARCH MARKING THE FIFTH ANNIVERSARY OF THE PROMULGATION OF THE 1980 CONSTITUTION. IN THIS SPEECH, GARCIA EMPHASIZED THAT THE GOC WOULD NOT BOW TO FOREIGN INTERVENTION OR EXTERNAL PRESSURES.

3. (U) WHEN ASKED IF THE U.S. RESOLUTION MARKED THE END OF THE SO-CALLED "SILENT DIPLOMACY," DEL VALLE REPLIED THAT THAT APPEARED TO BE THE CASE. HE REFUSED TO COMMENT AS TO WHETHER THE U.S. AMBASSADOR HAD INFORMED HIM OF ANY CHANGE IN U.S. POLICY, BUT ADDED THAT HE CONVERSED WITH THE AMBASSADOR ON A REGULAR BASIS AND THAT THESE MEETINGS HAD NOT ENDED. DEL VALLE REFUSED TO COMMENT FURTHER ON THE RESOLUTION OR THE SUPPOSED CHANGE IN U.S. ATTITUDES, STATING THAT THE GOC WOULD INSTEAD PREPARE A RESPONSE TO THE FINAL RESOLUTION ADOPTED IN GENEVA. "LA TERCERA," A SANTIAGO DAILY, STATED IN ITS MARCH 12 EDITION THAT THE GOC WOULD CONSIDER SUSPENDING ITS COOPERATION WITH THE HUMAN RIGHTS COMMISSION.

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DEPENDING UPON THE TEXT OF THE FINAL RESOLUTION. ALSO, THEY WOULD REJECT ANY ATTEMPT TO NAME A NEW SPECIAL RAPPORTEUR. THESE VIEWS WERE CONTAINED IN AN ARTICLE ON DEL VALLE'S REACTION BUT WERE NOT ATTRIBUTED TO A SOURCE.

4. (U) FORMER INTERIOR MINISTER SERGIO JARPA (SEE SEPTEL) HAS BEEN QUOTED AS SAYING THAT THE DECISION TO ADMIT VOLIO TO CHILE WAS A GRAVE MISTAKE. IN RESPONSE, DEL VALLE HAS DEFENDED THE DECISION, SAYING

THAT THE ADMISSION OF VOLIO DEMONSTRATED THAT THE GOC HAD NOTHING TO HIDE. IN ADDITION, HE SAID THAT IT WAS NORMAL FOR THE GOC TO COOPERATE WITH AN INTERNATIONAL ORGANIZATION OF WHICH IT WAS A MEMBER. THE DECISION TO ADMIT VOLIO "WAS A DEMONSTRATION OF THE GOOD-WILL OF THE GOVERNMENT." NOW THAT THE REPORT HAS BEEN PRESENTED "WE ARE GOING TO SHOW THAT IT IS NOT A GOOD REPORT." DEL VALLE INSISTED THAT HE DID NOT DESIRE TO BE DRAWN INTO AN ARGUMENT WITH JARPA, BUT GAVE HIS OPINION THAT IT WAS EASY FOR JARPA TO MAKE A JUDGMENT AFTER THE FACT. HE IMPLIED THAT JARPA WOULD HAVE MADE THE SAME RECOMMENDATION IF HE HAD BEEN THE FOREIGN MINISTER. FINALLY, WHEN ASKED IF THE DECISION TO ADMIT VOLIO HAD BEEN A MISTAKE, DEL VALLE REPLIED IN THE NEGATIVE.

5. (C) IN COMMENTS TO THE PRESS ON MARCH 12, DEL VALLE MAINTAINED HIS WAIT AND SEE ATTITUDE. HE PROMISED THAT CHILE, FOR THE FIRST TIME, WOULD MAKE A FORMAL RESPONSE TO WHATEVER RESOLUTION IS FINALLY ADOPTED IN GENEVA. THIS WOULD BE IN LINE WITH CHILE'S PREVIOUS DECISION TO WORK WITHIN THE SYSTEM. DEL VALLE SAID THAT IT WAS AN INCREDIBLE

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PAGE 01 SANTIA 01560 02 OF 02 141602Z
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FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 5425
INFO USMISSION GENEVA
USMISSION USUN NEW YORK

~~C O N F I D E N T I A L~~ SECTION 02 OF 02 SANTIAGO 01560

CINCSO, CINCLANT FOR INTAFFS

E.O. 12356: DECL:OADR
TAGS: PGOV, UNHRC-1, CI
SUBJ: FONMIN DEL VALLE CRITICIZES THE U.S.

PARADOX THAT MEXICO COULD SPONSOR A RESOLUTION ON
HUMAN RIGHTS IN CHILE. THAT IN AND OF ITSELF
PROVED TO CHILE THAT THE PROCESS IN GENEVA WAS
POLITICAL AND MADE ONE DOUBT ITS SERIOUSNESS.
DEL VALLE CHARACTERIZED THE U.S. RESOLUTION AT
GENEVA AS "LESS CONDEMNATORY, SOFTER" THAN THE
PREVIOUS MEXICAN RESOLUTIONS. HE THEN ADDED
THAT IT STILL WAS NOT A GOOD RESOLUTION.
-
IN REFERENCE TO A UPI WIRE SERVICE REPORT THAT
ASSISTANT SECRETARY SCHIFTER HAD SHARPLY CRITICIZED
CHILE AT A PRESS CONFERENCE, DEL VALLE ANSWERED
THAT HE HAD SEEN THE UPI REPORT BUT WOULD WAIT TO
SEE THE FULL TEXT BEFORE RESPONDING. HE ADDED THAT
HE FELT THAT THE REPORT WAS A RESULT OF FALSE OR
INCOMPLETE INFORMATION. THE UPI REPORT CLAIMED
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PAGE 02 SANTIA 01560 02 OF 02 141602Z

SCHIFTER HAD CALLED FOR INTERNATIONAL
CONDEMNATION OF CHILE FOR ITS SERIOUS HUMAN RIGHTS

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VIOLATIONS AND THAT THE U.S. HAD DECIDED TO PRESENT A RESOLUTION THIS YEAR BECAUSE "SILENT DIPLOMACY" HAD FAILED TO BRING ABOUT HUMAN RIGHTS IMPROVEMENTS IN CHILE. (FYI: AT A PRIVATE DINNER WITH THE AMBASSADOR ON THE EVENING OF MARCH 12, DEL VALLE COMPLAINED ABOUT THE UPI REPORT AND EXPRESSED INTEREST IN LEARNING THE TEXT OF SCHIFER'S REMARKS.)

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6. (U) IN THE MORNING NEWS OF MARCH 13, CHILEAN ALTERNATE DELEGATE TO GENEVA PATRICIO DAMM WAS QUOTED AS CRITICIZING THE POLITICAL CHARACTER OF THE ATTACKS ON CHILE. DAMM LISTED 12 COUNTRIES THAT ARE MEMBERS OF THE UNHRC THAT HE CHARACTERIZED AS "COUNTRIES WHERE HUMAN RIGHTS ARE NOT KNOWN, WHERE DISSENT IS A CRIME, COUNTRIES THAT WE KNOW ARE UPSET THAT WE ARE ADVANCING TOWARD FULL DEMOCRACY." INCLUDED ON THE LIST WERE MEXICO AND ALGERIA. DAMM WENT ON TO SAY THAT CHILE WOULD CONTINUE TO COOPERATE WITH THE SPECIAL RAPPORTEUR, BUT OMINOUSLY ADDED THAT THIS WAS CONDITIONAL UPON THE LEGITIMACY OF HIS MISSION. HE DESCRIBED THIS AS CONFINING THE MISSION TO THE AREAS THAT CORRESPOND TO HUMAN RIGHTS AND THAT DEAL WITH SOLUTIONS TO THE HUMAN RIGHTS PROBLEMS THAT MAY EXIST IN CHILE. THE GOC WOULD NOT, HOWEVER, COOPERATE WITH ACTIONS THAT WERE ILLEGITIMATE OR WITH PURELY POLITICAL MANEUVERS.

-

(COMMENT: GOC SPOKESMEN HAVE BEEN PARTICULARLY VEHEMENT IN CONDEMNING VOLIO'S CRITICISM OF AREAS
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THEY CONSIDER OUTSIDE HIS PURVIEW, SUCH AS CHILE'S HEALTH AND UNIVERSITY POLICIES. THE GOC ALSO REJECTS VOLIO'S COMMENTS ON THE DEMOCRATIC TRANSITION PROCESS. END COMMENT)

-

7. (C) COMMENT: DEL VALLE IS APPARENTLY FEELING SOME HEAT AS THE MAIN ARCHITECT OF THE OPENING TO THE HUMAN RIGHTS COMMISSION. NOT ONLY WAS THE VOLIO REPORT HARSHER THAN ANTICIPATED, BUT THE HINTED-AT CONCESSIONS HAVE NOT BEEN FORTHCOMING. IT WAS HOPED THAT THERE WOULD BE SOME SIGN

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OF A SOFTER ATTITUDE IN THE GARCIA ADDRESS BUT NONE WAS EVIDENT. MEANWHILE, THE GOC IS PREDICTABLY CIRCLING ITS WAGONS IN THE FACE OF EXTERNAL CRITICISM. END COMMENT.
BARNES

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United States Department of State

Washington, D. C. 20520

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INFORMATION MEMORANDUM S/S

Chile Project (#S1899000630)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

MAR 27 1986

TO: The Secretary

THROUGH: P - Ambassador Armacost

FROM: ARA - Elliott Abrams

SUBJECT: UNHRC Consideration of Chile

SUMMARY: After the annual unsatisfactory outcome to UNGA consideration of Chile's human rights situation in December, we adopted a positive strategy for the current UNHRC meeting to deflect passage of another discriminatory Mexican/Cuban resolution and to thwart efforts by Pinochet and the Communists to portray us as indifferent to democracy and human rights in Chile. Our victory today in Geneva is a defeat for Cuban/Soviet diplomacy. This success will please neither the Chilean Communists nor Pinochet. In following up, our immediate task is to deflect unhelpful commentary by Administration critics claiming a policy shift. We are also considering means of reiterating to Pinochet our desire to avoid confrontation, perhaps through a new Presidential message.

BACKGROUND

At the General Assembly in December, as in all previous years of this Administration, we had lobbied and voted against the traditional discriminatory Chile resolution tabled by Mexico, Cuba and Algeria, yet supported by most Western democracies. Although our principled opposition in December to the Mexican/Cuban resolution did not affect its overwhelming approval, the Pinochet government touted our position as U.S. support. The Chilean Communists, with the Soviets and their allies, flagged our negative vote as U.S. indifference to Chile's record on human rights and democracy. Talks here and in Santiago with leaders of Chile's democratic opposition showed that Pinochet/Communist disinformation was succeeding.

POSITIVE STRATEGY

Determined to clarify our stand on democracy and human rights and on the double standard, Dick Schifter and I, working closely with senior IO officers and Harry Barnes, decided early in January to make a major effort to deflect passage of the predictable Mexican/Cuban draft at the current UNHRC meeting. (The UNHRC text

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generally sets the parameters for the subsequent UNGA resolution.) Our efforts sought to capitalize on the possibility for human rights improvements afforded by the Chilean government's decision last summer to cooperate with a new UN Special Rapporteur for Chile, former Costa Rican Foreign Minister Fernando Volio.

Our strategy focused on developing support in the UNHRC for a balanced, accurate text on Chile as a means of developing a fair statement of concern and possible progress on the Chilean human rights situation, while establishing a counterpoint to the traditional leftist resolution. After initial discussions by Harry Barnes with the ambassadors of key Western democracies in Santiago, and with leading Chilean human rights figures and Cardinal Fresno, we circulated a draft text to WEOG capitals and Latins who might help. At the same time, Barnes briefed the Chilean government and urged adoption of concrete human rights improvements to gain support for both a balanced resolution and end to discriminatory consideration of Chile under a separate UN agenda item.

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UNHRC MEETING: CHRONOLOGY

Despite our demarches, other governments balked at co-sponsoring such a Chile resolution. In late February, as the UNHRC was about to get underway, we made another set of demarches to try to obtain co-sponsors. At that time, with the agreement of IO and Harry Barnes, Dick Schifter and I decided to table our text alone if necessary. Then Volio's final report was issued, much more critical than his preliminary assessment. As the GOC had not only failed to make any significant rights improvements, but in January had taken several steps backwards, we amended our original draft in a bid for WEOG and Latin support. We also agreed to argue the special agenda item as a separate procedural issue.

After receiving indications of potential support, but no co-sponsors, on March 6 Dick Schifter tabled a U.S. resolution. The Mexicans had already introduced their text, once again with strong Cuban support. The media took no notice until later the following week.

We continued discussions, as throughout this process, with Chileans in government, the Church, the democratic opposition and human rights community, and refined our text further to broaden its appeal. Most Western delegations conditioned support on agreement of the "Chilean opposition" to our draft. We gained the backing of the democratic opposition, and superseded an attempt first by Cubans and the Soviets to prevent a moderate outcome. After considerable parliamentary maneuvering, our resolution was adopted today by consensus.

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IMPLICATIONS

Because of our initiative and Dick Schifter's strenuous efforts in Geneva, we are now in a solid position to deflect new efforts by the Communists - Pinochet to portray us as indifferent to democracy and human ri .. And we have effectively underlined again our concerns on the uble standard.

Given the change in context due to events in Haiti and the Philippines, both critics and doubters of our policy on democracy are claiming a major shift. To deflect such unhelpful commentary, we have issued press guidance reiterating that the resolution does not mean a policy shift or abandonment of private diplomacy, and that we will continue to use all channels to promote greater respect for human rights and a peaceful transition to democracy.

As expected, the GOC publicly has objected to our resolution. But Foreign Minister Del Valle's initial private comments to Barnes this week were muted. Del Valle suggested they work together on ways to implement Volio's recommendations. Similarly, Interior Minister Garcia told Barnes yesterday that he was interested in looking at what could be done in showing responsiveness to Volio's recommendations, and did not criticize our sponsoring a resolution. Pinochet's reaction could be different. We will look for opportunities to get the message to Pinochet that we are serious, but hope to resolve our concerns in a non-confrontational manner.

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Drafted: ARA/SC:JWSwigert JWS
(4257B)
Clearances: ARA/SC:MLDurkee JWS
ARA:RGelbard
HA:JMontgomery JWS
IO:RKauzlarich
P: WBrownfield JWS

NARA, Date 2011

IJOHE

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
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C O N F I D E N T I A L SANTIAGO 01564

EO 12356: DECL: OADR
TAGS: PHUM, UNHRC, CI
SUBJECT: INTERIOR MINISTER'S VIEW ON FOLLOW-UP TO
- VOLIO REPORT ON HUMAN RIGHTS IN CHILE

1. C - ENTIRE TEXT.

2. DURING MARCH 13 MEETING WITH INTERIOR MINISTER RICARDO GARCIA, AMBASSADOR WAS TOLD THAT HOWEVER THE VOTE IN GENEVA AT THE UNHRC CAME OUT, THE PERIOD BETWEEN NOW AND UNGA CONSIDERATION OF THE CHILEAN ITEM IN THE FALL WOULD BE CRUCIAL. GARCIA FEELS THERE IS A CHANCE TO TAKE THE VOLIO REPORT AS A WORKING BASIS, AND PROCEED ALONG TWO LINES. FIRSTLY, IN THOSE AREAS WHERE THERE WERE PROBLEMS THAT NEEDED CORRECTION AND COULD BE CORRECTED, THE GOC WOULD ATTEMPT TO MAKE VISIBLE PROGRESS. GARCIA RECOGNIZED THAT PROGRESS WOULD PROBABLY NOT BE FAST ENOUGH TO SATISFY CHILE'S CRITICS, BUT HE ARGUED THAT THE "DIRECTION" WOULD BE CLEAR. IN THOSE AREAS WHERE THE GOC FELT VOLIO WAS EITHER MISINFORMED OR ACTING OUTSIDE HIS AUTHORITIES, THEY WOULD ATTEMPT TO PERSUADE HIM TO RECONSIDER. DURING
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PAGE 02 SANTIA 01564 141635Z

THIS PERIOD, IT WOULD BE IMPORTANT, HE SAID, TO TRY TO AVOID THE IMPRESSION THAT THE US WAS SOMEHOW PUTTING "EXCESSIVE" PRESSURE ON CHILE, SINCE THAT WOULD ONLY LEAD "TO THE OPPOSITE" OF THE DESIRED RESULTS.

3. COMMENT: DESPITE ITS UNHAPPINESS WITH THE VOLIO REPORT AND US SUPPORT THEREFORE, THE GOC SEEMS TO HAVE DECIDED THAT CONTINUED COLLABORATION WITH VOLIO AND WITH THE US MAY BE THE BETTER PART OF WISDOM. ALL THIS OF COURSE COULD BE SUBJECT TO A PINOCHET DECISION AT SOME POINT THAT HANGING TOUGH SERVES HIS INTEREST BETTER. BARNES

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Chile Project (#S199900030)
U.S. Department of State
Release X Excise Deny
Declassify: In Part In Full X
Exemption(s)

UNCLASSIFIED
C O N F I D E N T I A L PARIS 11077

E.O. 12356: DECL:OADR
TAGS: SHUM, FR, SP, SZ, CI
SUBJECT: 42ND UNHRC CHILE RESOLUTION

REF: A. STATE 79153, B. PARIS 10955

1. C - ENTIRE TEXT.

2. WE UNDERSTAND THAT U.S. RESOLUTION ON CHILE PASSED IN GENEVA MARCH 14. QUAI IO BUREAU CHIEF PIERRET CONTACTED POLCOUNS SAME AFTERNOON FOLLOWING OUR EARLIER DEMARCHE TO REPORT THAT AFTER MUCH IN-FIGHTING, HE HAD BEEN ABLE TO SEND RE-CONFIRMATION TO GENEVA FRENCH DEL OF HIS PREVIOUS INSTRUCTIONS TO SUPPORT U.S. RESOLUTION. PIERRET SAID THAT HE HAD HAD A VERY UPHILL BATTLE WITHIN THE GOF, SINCE (A) SPAIN WAS ON THE VERGE OF VOTING FOR THE MEXICAN DRAFT, AND (B) THE CHILEAN SOCIALISTS HAVE STRONG CONTACTS WITH "PERSONS IN FRANCE" SYMPATHETIC TO THEIR CAUSE (WHOM HE DID NOT IDENTIFY).

3. PIERRET ADDED THAT THE SITUATION WAS HELPED,
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PAGE 02 PARIS 11077 141803Z

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HOWEVER, BY THE FACT THAT THE CHILEAN CHRISTIAN DEMOCRATIC PARTY SENT A CABLE ASKING FOR FRENCH SUPPORT.

4. OVERALL, PIERRET BELIEVES THAT THE FRENCH PLAYED A USEFUL ROLE AT GENEVA, AND HELPED INSURE THAT THE SPANISH FELL OFF OF THEIR POSITION. RODGERS

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United States Department of State

Washington, D. C. 20520

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INFORMATION MEMORANDUM

[redacted]

S/S

TO: The Secretary

THROUGH: P - Ambassador Armacost

FROM: ARA - Elliott Abrams

SUBJECT: UNHRC Consideration of Chile

SUMMARY: After the annual unsatisfactory outcome to UNGA consideration of Chile's human rights situation in December, we adopted a positive strategy for the current UNHRC meeting to deflect passage of another discriminatory Mexican/Cuban resolution and to thwart efforts by Pinochet and the Communists to portray us as indifferent to democracy and human rights in Chile. Our victory today in Geneva is a defeat for Cuban/Soviet diplomacy. This success will please neither the Chilean Communists nor Pinochet. In following up, our immediate task is to deflect unhelpful commentary by Administration critics claiming a policy shift. We are also considering means of reiterating to Pinochet our desire to avoid confrontation, perhaps through a new Presidential message.

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BACKGROUND

At the General Assembly in December, as in all previous years of this Administration, we had lobbied and voted against the traditional discriminatory Chile resolution tabled by Mexico, Cuba and Algeria, yet supported by most Western democracies. Although our principled opposition in December to the Mexican/Cuban resolution did not affect its overwhelming approval, the Pinochet government touted our position as U.S. support. The Chilean Communists, with the Soviets and their allies, flagged our negative vote as U.S. indifference to Chile's record on human rights and democracy. Talks here and in Santiago with leaders of Chile's democratic opposition showed that Pinochet/Communist disinformation was succeeding.

POSITIVE STRATEGY

Determined to clarify our stand on democracy and human rights and on the double standard, Dick Schifter and I, working closely with senior IO officers and Harry Barnes, decided early in January to make a major effort to deflect passage of the predictable Mexican/Cuban draft at the current UNHRC meeting. (The UNHRC text

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generally sets the parameters for the subsequent UNGA resolution.) Our efforts sought to capitalize on the possibility for human rights improvements afforded by the Chilean government's decision last summer to cooperate with a new UN Special Rapporteur for Chile, former Costa Rican Foreign Minister Fernando Volio.

Our strategy focused on developing support in the UNHRC for a balanced, accurate text on Chile as a means of developing a fair statement of concern and possible progress on the Chilean human rights situation, while establishing a counterpoint to the traditional leftist resolution. After initial discussions by Harry Barnes with the ambassadors of key Western democracies in Santiago, and with leading Chilean human rights figures and Cardinal Fresno, we circulated a draft text to WEOG capitals and Latins who might help. At the same time, Barnes briefed the Chilean government and urged adoption of concrete human rights improvements to gain support for both a balanced resolution and end to discriminatory consideration of Chile under a separate UN agenda item.

UNHRC MEETING: CHRONOLOGY

Despite our demarches, other governments balked at co-sponsoring such a Chile resolution. In late February, as the UNHRC was about to get underway, we made another set of demarches to try to obtain co-sponsors. At that time, with the agreement of IO and Harry Barnes, Dick Schifter and I decided to table our text alone if necessary. Then Volio's final report was issued, much more critical than his preliminary assessment. As the GOC had not only failed to make any significant rights improvements, but in January had taken several steps backwards, we amended our original draft in a bid for WEOG and Latin support. We also agreed to argue the special agenda item as a separate procedural issue.

After receiving indications of potential support, but no co-sponsors, on March 6 Dick Schifter tabled a U.S. resolution. The Mexicans had already introduced their text, once again with strong Cuban support. The media took no notice until later the following week.

We continued discussions, as throughout this process, with Chileans in government, the Church, the democratic opposition and human rights community, and refined our text further to broaden its appeal. Most Western delegations conditioned support on agreement of the "Chilean opposition" to our draft. We gained the backing of the democratic opposition, and superseded an attempt first by Cubans and the Soviets to prevent a moderate outcome. After considerable parliamentary maneuvering, our resolution was adopted today by consensus.

IMPLICATIONS

Because of our initiative and Dick Schifter's strenuous efforts in Geneva, we are now in a solid position to deflect new efforts by the Communists or Pinochet to portray us as indifferent to democracy and human rights. And we have effectively underlined again our concerns on the double standard.

Given the change in context due to events in Haiti and the Philippines, both critics and doubters of our policy on democracy are claiming a major shift. To deflect such unhelpful commentary, we have issued press guidance reiterating that the resolution does not mean a policy shift or abandonment of private diplomacy, and that we will continue to use all channels to promote greater respect for human rights and a peaceful transition to democracy.

As expected, the GOC publicly has objected to our resolution. But Foreign Minister Del Valle's initial private comments to Barnes this week were muted. Del Valle suggested they work together on ways to implement Volio's recommendations. Similarly, Interior Minister Garcia told Barnes yesterday that he was interested in looking at what could be done in showing responsiveness to Volio's recommendations, and did not criticize our sponsoring a resolution. Pinochet's reaction could be different. We will look for opportunities to get the message to Pinochet that we are serious, but hope to resolve our concerns in a non-confrontational manner.

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ARA:RGELBARD IO/HR:BZWEIB
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C O N F I D E N T I A L STATE 079148

FOR AMBASSADOR SCHIFTER FROM ARMACOST

E.O. 12356: DECL: OADR
TAGS: PHUM, PREL, UNHRC, CI
SUBJECT: UNHRC RESOLUTION ON CHILE

REF: (A) GENEVA 2434 (HRC-197), (B) STATE 77627,
(C) MONTGOMERY-SCHIFTER TELECONS 3/13

1. C - ENTIRE TEXT.

2. THIS WILL CONFIRM YOUR INSTRUCTIONS (REFS B AND C) TO ACCEPT ONLY THE FOLLOWING ADDITIONAL CHANGES IN THE US RESOLUTION, AS FOLLOWS:

A. IN OPERATIVE PARA 3 (REF A), DROP THE WORD QUOTE POLITICAL UNQUOTE, SO THAT THE FINAL CLAUSE REFERS TO CONFIDENTIAL

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PAGE 02 STATE 079148

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QUOTE FUNDAMENTAL RIGHTS AND FREEDOMS UNQUOTE.

B. IN OPERATIVE PARA 5 (REF A), DROP THE PHRASE QUOTE BASE ITS AUTHORITY ON THE PRINCIPLE OF SELF-DETERMINATION AND ON UNQUOTE, SO THAT THE PARA APPEALS TO THE GOC QUOTE TO RESPECT HUMAN RIGHTS AND TO RE-ESTABLISH DEMOCRATIC INSTITUTIONS UNQUOTE.

C. IN OPERATIVE PARA 7G (REF B), ADD THE OPENING PHRASE QUOTE PROVIDE FOR PROTECTION OF PUBLIC ORDER AGAINST ACTS OF VIOLENCE BY PUNISHING PERSONS FOUND TO HAVE BEEN GUILTY OF SUCH ACTS UNQUOTE, KEEPING THE REST OF THAT PARA UNCHANGED.

D. MAINTAIN OPERATIVE PARA 4 (REF B) UNCHANGED, SO THAT THE RESOLUTION SPECIFICALLY REFERS TO QUOTE NATONAL DIALOGUE UNQUOTE.

3. IN DISCUSSIONS WITH THE FRENCH AND SPANISH, WE ASSUME YOU WILL MAKE CLEAR THAT, IN THE EVENT THEY FAIL TO SUPPORT OUR REVISED TEXT, WE WILL PUBLICLY EXPLAIN THAT THEY CHOSE TO JOIN WITH THOSE WHO DO NOT WANT A NATIONAL DIALOGUE IN CHILE, DESPITE BROAD SUPPORT FROM CHILEAN OPPOSITION LEADERS AND LATIN AMERICAN DEMOCRACIES FOR THE US POSITION.

4. WHATEVER THE OUTCOME OF THE VOTE ON THE SUBSTANTIVE RESOLUTION, YOU SHOULD PROPOSE THE ELIMINATION OF THE SEPARATE AGENDA ITEM ON CHILE AND INCLUSION OF THAT COUNTRY UNDER ITEM 12, WHEN THE PROVISIONAL AGENDA FOR THE NEXT SESSION IS ADOPTED.

5. IN THE EVENT THAT THE PROPOSED CHANGES TO THE US DRAFT

ARE NOT ACCEPTED AND THE MEXICAN DRAFT COMES TO A VOTE, YOU ARE INSTRUCTED TOVOTE NO. YY SHULTZ

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E.O. 12356: DECL:OADR

TAGS: PREL, SK, CS, OVIP (HABIB, PHILIP)

SUBJECT: HABIB MEETING MARCH 14 WITH MONGE

1. (S) - ENTIRE TEXT.

2. SUMMARY: PRESIDENT MONGE AND FOREIGN MINISTER GUTIERREZ SAY THERE IS NO BORDER AGREEMENT WITH NICARAGUA (ONLY A DRAFT) AND THAT THEY ARE STILL A LONG WAY FROM REACHING AN AGREEMENT. MONGE UNDERSTANDS, HOWEVER, THAT THE APPEARANCE OF PROGRESS WILL BE USED AGAINST THE PRESIDENT'S REQUEST FOR AID TO THE NICARAGUAN RESISTANCE. HE IS SENDING A LETTER TO THE PRESIDENT WHOSE PRINCIPAL POINTS WILL BE THAT COSTA RICA WANTS A PEACEFUL SOLUTION, HAS NOT GOTTEN ONE YET, AND BELIEVES MORE PRESSURE IS NEEDED FOR THAT REASON.

MONGE IS UNHAPPY WITH WHAT HE CALLS GUATEMALA "EVASIVENESS," WHICH HAS ARISEN OUT OF CONFLICTING GUATEMALAN AND COSTA RICAN AMBITIONS FOR A CENTRAL AMERICAN SUMMIT.

MONGE IS DEEPLY SKEPTICAL OF CONTADORA'S (AND THE EUROPEANS') PREMISE THAT THEIR MEDIATION CAN RETURN THE SANDINISTAS TO THE ORIGINAL GOALS OF THE REVOLUTION.

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GUTIERREZ ADVISED US THAT THE MEETING OF 13 CONTADORA FOREIGN MINISTERS SCHEDULED FOR MARCH 21 IN PANAMA HAS BEEN POSTPONED UNTIL APRIL. END SUMMARY.

3. ACCOMPANIED BY AMB. TAMBS AND ARA/CEN OFFICER HAMILTON, I SPENT AN HOUR AND A HALF WITH PRESIDENT MONGE AND FOREIGN MINISTER GUTIERREZ MARCH 14.

4. AS IN MY PREVIOUS STOPS, I BEGAN BY EXPRESSING CONFIDENCE THAT THE PRESIDENT WILL GET THE RESOURCES NECESSARY TO STEP UP THE PRESSURE ON THE SANDINISTAS. I SAID WE WOULD ACTIVATE THE DIPLOMATIC TRACK DURING THE PERIOD BEFORE NEW SUPPLIES REACH THE NICARAGUAN RESISTANCE, AND INVITED PRESIDENT MONGE TO GIVE ME HIS VIEWS.

5. MONGE RESPONDED BY PICKING UP ON SEVERAL POINTS IN MY OPENING REMARKS AND WEAVING THEM INTO A PRESENTATION WHOSE MAIN THEME WAS THE NEED TO BE TOUGH WITH THE SANDINISTAS. HE SAID THIS IS THE FIRST TIME IN HISTORY THAT CENTRAL AMERICA HAS HAD FOUR DEMOCRATICALLY ELECTED GOVERNMENTS. BUT THE COINCIDENCE OF THIS WITH A LEFTIST, MILITARY DICTATORSHIP IN NICARAGUA ALLIED TO THE SOVIET UNION IS A "CATASTROPHE." COSTA RICA FOUGHT SOMOZA FOR 40 YEARS, BUT WOULD PREFER SOMOZA TO THE SANDINISTAS. FOR THREE YEARS CONTADORA HAS TRIED TO BRING PEACE BY WORKING ON THE ASSUMPTION THAT THE NICARAGUAN REVOLUTION CAN BE RETURNED TO ITS ORIGINAL GOALS. THIS IS ALSO A FAVORITE EUROPEAN NOTION, PARTICULARLY OF THE SOCIALIST INTERNATIONAL. MONGE DOUBTS THAT THIS CAN HAPPEN AND SAYS CONTADORA CANNOT CONTINUE INDEFINITELY. IT IS BECOMING A POINT OF FRICTION AMONG LATIN AMERICAN NATIONS AND BETWEEN THE LATINS AND THE UNITED STATES. MONGE CONCLUDED BY SAYING THAT, ONCE FULLY CONSOLIDATED, THE SANDINISTAS WOULD TURN THEIR ENERGIES AGAINST THE DEMOCRACIES.

6. I RESPONDED TO THIS LAST POINT BY SAYING WE DO NOT UNDERSTAND WHY COSTA RICA, WITH SUCH A CLEAR APPRECIATION OF THE DANGER, HAD TWO DAYS BEFORE SIGNED AN AGREEMENT OF ENORMOUS STRATEGIC, TACTICAL AND POLITICAL BENEFIT TO THE SANDINISTAS. I EXPLAINED HOW IT PLAYS INTO THE HANDS OF THE PRESIDENT'S OPPONENTS. WE THINK IT IS A BAD IDEA AT ANY TIME, I SAID. COMING THREE OR FOUR DAYS BEFORE A CRITICAL VOTE IN THE CONGRESS IS MUCH WORSE. I NOTED THAT WE HAD RECEIVED REPEATED ASSURANCES -- AS RECENTLY AS A WEEK AGO -- THAT TALKS ON A BORDER COMMISSION WOULD BE DRAGGED OUT.

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7. IN RESPONSE, FOREIGN MINISTER GUTIERREZ SAID A) THERE IS NOT YET AN AGREEMENT, ONLY A DRAFT OF "BASES" FOR AN EVENTUAL AGREEMENT; B) THERE WAS STILL A LONG WAY TO GO TO GET AN AGREEMENT, INCLUDING FUNDING, FURTHER TALKS AND LEGISLATIVE APPROVAL; C) IF AN AGREEMENT MATERIALIZED, IT WOULD ONLY BE IMPLEMENTED IN THE CONTEXT OF A GLOBAL REGIONAL SETTLEMENT; AND D) COSTA RICA HAD TAKEN THE INITIATIVE TO CREATE SUCH A COMMISSION MORE THAN THREE YEARS BEFORE, BUT NICARAGUA HAD REJECTED THE IDEA. COSTA RICA WOULD LOOK RIDICULOUS IF IT BACKED AWAY FROM ITS OWN PROPOSAL. I SAID I UNDERSTOOD THESE POINTS, BUT THE AGREEMENT TO SEEK FUNDING INTERNATIONALLY MEANS THE PROJECT WILL GATHER MOMENTUM. AND THE LEGAL STATUS OF THE DRAFT AGREEMENT WILL MAKE LITTLE DIFFERENCE TO THE PRESIDENT'S OPPONENTS, WHO WILL ARGUE THAT THE AGREEMENT SHOWS THAT THE CENTRAL AMERICANS CAN WORK THINGS OUT IF THE U.S. WILL ONLY STAY OUT.

8. AFTER FURTHER DISCUSSION (DURING WHICH MONGE REMAINED SILENT), MONGE AGREED TO TRY TO LIMIT THE DAMAGE TO US BY SENDING THE PRESIDENT A LETTER HE CAN USE WITH CONGRESSMEN. ITS MAIN POINTS WOULD BE A) THERE IS NO AGREEMENT WITH NICARAGUA; B) COSTA RICA HAS TRIED FOR THREE YEARS TO GET A PEACEFUL SOLUTION WITH NICARAGUA, BUT WITHOUT RESULTS SO FAR; AND C) PRESSURE AGAINST THE SANDINISTAS IS NECESSARY. MONGE SAID HE WOULD GET THE LETTER TO US BY MONDAY. AMB. TAMBS WILL FOLLOW UP.

9. MONGE COMPLAINED AT SOME LENGTH ABOUT GUATEMALAN "EVASIVENESS", PARTICULARLY IN THE CONTEXT OF COSTA RICA'S AND GUATEMALA'S CONFLICTING AMBITIONS FOR A CENTRAL AMERICAN SUMMIT. MONGE WANTS TO HOLD A SUMMIT OF THE FOUR DEMOCRACIES IN APRIL, BEFORE HE LEAVES OFFICE IN MAY. ITS PURPOSE WOULD BE TO REVISE INTRA-REGIONAL TRADE. NICARAGUA WOULD BE EXCLUDED ON PRACTICAL (AND, IMPLICITLY, POLITICAL) GROUNDS. GUATEMALA WANTS TO HOST A SUMMIT OF THE FIVE IN MAY AND OBJECTS STRONGLY TO ANY SUMMIT BEFORE THEN. COSTA RICA OFFERED TO LOWER ITS MEETING TO THE VICE PRESIDENTIAL LEVEL, BUT GUATEMALA REFUSED, AFTER BEING TOLD BY THE NICARAGUANS THAT A SUMMIT OF THE FOUR WOULD "MAKE IT DIFFICULT" FOR THEM TO ATTEND A MEETING OF THE FIVE. COSTA RICA HAD REJECTED GUATEMALA'S SUGGESTION THAT THE MEETING OF THE FIVE BE EXPANDED TO INCLUDE ECONOMIC TOPICS. NICARAGUA IS UNABLE TO CLEAR NEARLY $400 MILLION OF ARREARAGES TO ITS NEIGHBORS, AND NEITHER THE U.S. NOR THE SOVIET UNION WILL PAY ITS DEBTS. AFTER LISTENING, I TOLD MONGE MY IMPRESSION IS THAT CEREZO IS, ON THE WHOLE, PRETTY

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SOLID. HE HAS NO ILLUSIONS ABOUT THE SANDINISTAS. HE KNOWS WHERE THE GUATEMALAN GUERRILLAS GET THEIR SUPPLIES. I NOTED THAT DUARTE HAS SHOWN NO INTEREST IN EXPANDING THE GUATEMALAN SUMMIT TO INCLUDE ECONOMIC TOPICS AND THAT HE AND CEREZO WERE INTERESTED IN PRESSING THE SANDINISTAS ON DEMOCRACY, MEETING WITH THE OPPOSITION AND ELECTIONS FOR A PARLIAMENT.

10. ON CONTADORA AND RELATED MATTERS, MONGE MADE CLEAR HIS SKEPTICISM THAT IT WOULD EVER PROSPER BUT AGREED THAT IT COULD NOT BE ABANDONED. AS DUARTE HAD, HE WARNED AGAINST THE U.S. BEING SEEN AS TORPEDOING CONTADORA. GUTIERREZ SAID PANAMA HAD JUST THAT DAY (3/14) ADVISED THAT THE MEETING OF 13 CONTADORA FOREIGN MINISTERS SCHEDULED FOR MARCH 21 WAS BEING POSTPONED UNTIL APRIL, APPARENTLY FOR REASONS OF DOMESTIC INSTABILITY. MONGE (ECHOED BY GUTIERREZ) WAS PARTICULARLY CRITICAL OF MEXICO'S CONTADORA ROLE, CALLING IT NICARAGUA'S DEFENDER AND THE INSTIGATOR BEHIND CONTADORA'S PRESSURE AGAINST THE CENTRAL AMERICAN DEMOCRACIES. IN RESPONSE TO MY QUESTION IF IT IS REASONABLE FOR US TO LINK RESUMPTION OF BILATERALS WITH NICARAGUA TO A SANDINISTA DIALOGUE WITH UNO, MONGE REPLIED STRONGLY THAT IT IS, THAT COSTA RICA HAS ALWAYS SUPPORTED US IN THIS QUESTION. I SAID WE WERE STICKING TO OUR POSITION. 44

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3/17/86

DECONTROL Case Number: S199900030

Chile Project (#S199900030)
U.S. Department of State
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LIMITED OFFICIAL USE GENEVA 02588

E.O. 12356: N/A
TAGS: UNHCR, PHUM, CI
SUBJECT:42ND UN HUMAN RIGHTS COMMISSION: AGENDA ITEM FOR CHILE

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1. IN FINAL MEETING OF HUMAN RIGHTS COMMISSION, U.S. REPRESENTATIVE AMBASSADOR SCHIFTER PROPOSED THAT THE COMMISSION DECIDE TO CONSIDER THE SITUATION OF HUMAN RIGHTS IN CHILE UNDER ITS AGENDA ITEM ENTITLED "VIOLATIONS OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD" (ITEM 12) AT ITS NEXT SESSION AND REMOVE FROM ITS AGENDA THE ITEM ON THE "QUESTION OF HUMAN RIGHTS IN CHILE". MOTION WAS MADE DURING CONSIDERATION OF ITEM 25 ON THE AGENDA WHICH DEALS WITH THE PROVISIONAL AGENDA FOR NEXT YEAR'S MEETING.

2. RESPONDING, MEXICAN REPRESENTATIVE MONTANO STATED THAT ADOPTION BY CONSENSUS OF CHAIRMAN'S DRAFT RESOLUTION ON CHILE HAD MARKED THE SUCCESSFUL CULMINATION OF PRUDENT AND CONSTRUCTIVE NEGOTIATIONS ON
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PAGE 02 GENEVA 02588 171437Z

CHILE. IN THIS SPIRIT, MONTANO APPEALED TO THE U.S. DELEGATION TO AGREE THAT ITS PROPOSAL BE TAKEN UP AT THE FIRST MEETING OF THE NEXT SESSION OF THE COMMISSION WHEN

THE FINAL AGENDA WOULD, IN FACT, BE ADOPTED. MONTANO EMPHASIZED THAT THE PROPOSAL WOULD THEN BE CONSIDERED AND ACTED ON IN THE LIGHT OF CHILE'S HUMAN RIGHTS PERFORMANCE IN THE INTERVENING PERIOD. ALGERIA THEN SPOKE IN SUPPORT OF MEXICO.

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3. AMBASSADOR SCHIFTER THEN ASKED WHETHER THE STATEMENT BY MEXICO MEANT THAT HIS PROPOSAL WOULD AUTOMATICALLY BE CONSIDERED AT THE FIRST MEETING OF THE NEXT SESSION. MONTANO SAID THAT WAS INDEED WHAT HE PROPOSED. SCHIFTER THEN SPOKE BRIEFLY ON THE MERITS OF THE U.S. PROPOSAL AND THE ANOMALY OF THE TREATMENT OF CHILE. HE THEN PROPOSED THAT THE DECISION BE TAKEN BY THE COMMISSION THAT THE MOTION TO STRIKE ITEM 5 BE AUTOMATICALLY CONSIDERED AT THE TIME THE FINAL AGENDA IS ADOPTED. SUMMARIZING, THE CHAIRMAN STATED THAT THE COMMISSION HAD DECIDED THAT THE PROPOSAL ON CHANGING THE AGENDA ITEM UNDER WHICH CHILE WOULD BE CONSIDERED WOULD BE DEALT WITH ON THE FIRST DAY OF THE 43RD SESSION OF THE COMMISSION. THAT PROPOSAL WAS ACCEPTED BY CONSENSUS.

4. COMMENT. WE HAD NOTIFIED OTHER COMMISSION MEMBERS OF OUR INTENTION TO OFFER THIS MOTION SHORTLY BEFORE THE MEETING STARTED. IT QUICKLY BECAME CLEAR WE HAD LITTLE SUPPORT. HAD WE PUSHED OUR PROPOSAL TO A VOTE (AT 9:30 P.M. ON THE FINAL EVENING), WE WOULD PROBABLY HAVE LOST HEAVILY. THIS WOULD HAVE MADE IT QUITE DIFFICULT TO RAISE THE ISSUE AT THE BEGINNING OF THE 1987 SESSION. OUR HAVING RAISED THE ISSUE AND OBTAINED AGREEMENT THAT IT WILL COME UP AUTOMATICALLY AT THE NEXT SESSION HAS

BEEN HELPFUL IN PUTTING EVERYONE ON NOTICE AND IN LAYING A FOUNDATION FOR EARLY LOBBYING. IF CHILE MAKES SOME REAL HUMAN RIGHTS PROGRESS, THERE IS NOW A REAL CHANCE OF SUCCEEDING IN CHANGING THE ITEM UNDER WHICH CHILE IS CONSIDERED AT THE NEXT SESSION OF THE COMMISSION.
(DRAFTED:PSA:RPERITO/RSCHIFTER) CARMEN

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PAGE 01 SANTIA 01608 221446Z
ACTION HA-09

INFO LOG-00 COPY-01 ADS-00 IO-17 ARA-00 /027 W
----------114066 221452Z /44/63

R 171554Z MAR 86
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 5451
INFO USMISSION GENEVA

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C O R R E C T E D C O P Y (TEXT)

Chile Project (#S199900030)
U.S. Department of State
Release X Excise_____ Deny_____
Declassify: In Part_____ In Full_____
Exemption(s)_____

FOR HA: ASSISTANT SECRETARY SCHIFTER

EO 12356: NA
TAGS: PHUM, UNHRC, CI
SUBJECT: U.N. HUMAN RIGHTS COMMISSION RESOLUTION ON CHILE

HAD TRIED TO REACH YOU BY PHONE WITHOUT SUCCESS AND I AM NOW AWAY MYSELF FOR SOME TIME. MESSAGE WAS SIMPLY TO CONGRATULATE YOU ON THE OUTCOME OF SUCH FRUSTRATING AND PROLONGED NEGOTIATIONS. I'M TOLD THAT IT IS VERY RARE THAT THE UNHRC ACTS BY CONSENSUS. IN ANY CASE, I WANTED YOU TO KNOW HOW MUCH I APPRECIATED YOUR WORKING SO CLOSELY WITH US HERE. I'M OPTIMISTIC ABOUT THE IMPACT OF THE RESOLUTION IN TERMS OF WHAT WE ARE TRYING TO ACHIEVE WITH BOTH THE GOVERNMENT AND THE OPPOSITION.
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PAGE 01 SANTIA 01627 01 OF 02 181404Z
ACTION IO-17

INFO	LOG-00	COPY-01	ADS-00	AID-00	INR-10	EUR-00	SS-00
	OIC-02	AF-00	CIAE-00	DODE-00	H-01	NEA-06	NSC-01
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----------163055 181513Z /51

P 181235Z MAR 86
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 5461
INFO USMISSION GENEVA PRIORITY
AMEMBASSY MADRID
AMEMBASSY PARIS

Chile Project (#S199900030)
U.S. Department of State
Release A Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

UNCLASSIFIED
C O N F I D E N T I A L SECTION 01 OF 02SANTIAGO 01627

E.O. 12356: DECL:OADR
TAGS: PHUM,UNHRC,CI
SUBJ: UNHRC-CHILE RESOLUTION: ATTITUDES OF CHILEAN CHRISTIAN DEMOCRATS

1. CONFIDENTIAL - ENTIRE TEXT

2. WE BELIEVE IT WILL BE USEFUL, FOR THE RECORD, TO NOTE THE COMMENTS MADE BY CARLOS DUPRE ON MARCH 13 CONCERNING THE ATTITUDES AND THINKING OF JAIME CASTILLO IN THE UNHRC MEETING. DUPRE, WHO IS ONE OF THE NATIONAL ADVISERS TO THE PDC, AND HAS NO AXE TO GRIND WITH CASTILLO, TOLD EMBOFFS THAT PDC PRESIDENT GABRIEL VALDES TOLD THE NATIONAL ADVISERS AT A MEETING ON MARCH 12 OF A TELEPHONE CONVERSATION HE HAD ON MARCH 11 WITH JAIME CASTILLO CONCERNING THE U.S. DRAFT RESOLUTION ON CHILE. CASTILLO STATED TO VALDES THAT WHILE HE FOUND THE U.S. RESOLUTION WORTHY OF CONSIDERATION, THE MEXICAN RESOLUTION WAS MORE CLOSELY IDENTIFIED
CONFIDENTIAL

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PAGE 02 SANTIA 01627 01 OF 02 181404Z

WITH THE INTERESTS OF THE PDC AND THE CHILEAN OPPOSITION GENERALLY. WHILE HE SAW PROS AND CONS IN EACH VERSION OF THE RESOLUTION, HE WAS CONCERNED OVER CERTAIN FUTURE COMPLICATIONS WHICH MIGHT ARISE IF THE U.S. RESOLUTION WERE ACCEPTED BY THE UNHRC.

3. ACCEPTANCE OF THE U.S. RESOLUTION, CASTILLO REPORTEDLY POSITED, WOULD ENHANCE THE PRESTIGE AND THE CREDIBILITY OF THE USG WITHIN THE UNHRC AND WORLD HUMAN RIGHTS COMMUNITY GENERALLY, AND THIS WOULD INCREASE THE INFLUENCE OF THE USG OVER FUTURE VOTES ON RESOLUTIONS CONCERNING CHILE. FOR EXAMPLE, IF IN THE NEXT UNHRC MEETING THE USG SHOULD DECIDE TO ABSTAIN OR VOTE NO ON A CHILE RESOLUTION, MANY OTHER COUNTRIES COULD BE EXPECTED TO BE INFLUENCED BY THE USG ATTITUDES SINCE THEY HAD SUPPORTED THE USG THIS YEAR. THE ATTITUDE LIKELY TO BE FACED BY THE CHRC AND ITS TRADITIONAL SUPPORTERS MIGHT BE THAT IF THE USG DOES NOT SUPPORT A RESOLUTION ON CHILE, THE RESOLUTION MUST NOT BE WORTHY OF SUPPORT FROM OTHERS. THE CHRC AND THE PDC IS THEREFORE TAKING A RISK IF THE U.S. RESOLUTION IS ACCEPTED, WHILE THE MEXICAN RESOLUTION REPRESENTS CONTINUITY FOR THE CHRC AND THE UNHRC.

4. IN ANY EVENT, IT APPEARS THAT CASTILLO'S VIEWS WERE NOT ACCEPTED BY THE PDC. SPANISH AMBASSADOR SOLANO TOLD DCM THAT CLAUDIO HUEPE, ACTING PRESIDENT OF THE PDC (BECAUSE VALDES HAD BY THEN LEFT FOR THE PALME FUNERAL), CALLED HIM EVENING MARCH 13 TO SAY

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PAGE 03 SANTIA 01627 01 OF 02 181404Z

THAT THE PDC, AS THE LEADING CHILEAN OPPOSITION PARTY, SUPPORTED THE U.S. RESOLUTION AND WANTED IT ADOPTED. HUEPE SAID THERE SEEMED TO BE SOME CONFUSION IN SPANISH DELEGATION AT GENEVA ABOUT WHAT CHILEAN OPPOSITION REALLY WANTED, AND HE ASKED THAT SOLANO GET WORD TO HIS DELEGATION. SOLANO SAID HE TELEPHONED THE SPANISH FOREIGN MINISTRY'S WATCH OFFICER,

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SINCE IT WAS THEN ABOUT 11 PM MADRID TIME, AND ASKED THAT GENEVA BE INFORMED. WE NOTE FROM PARIS 11077 THAT HUEPE APPARENTLY ALSO SENT A TELEGRAM TO THE FRENCH FOREIGN MINISTRY.

-

5. COMMENT: WE FIND THIS A USEFUL INSIGHT INTO THE POSSIBLE MOTIVATION OF CASTILLO IN HIS EFFORTS TO DEAL WITH US, BOTH HERE AND IN GENEVA, ON THE U.S. RESOLUTION. HE OBVIOUSLY REFLECTS THE PARAMOUNT CONCERN OF THE CHRC THAT THE MOMENTUM GENERATED BY THE U.S. IN PASSING A RESOLUTION ON CHILE MIGHT CONTINUE OVER INTO OUR EFFORTS, EITHER THIS YEAR OR NEXT YEAR, TO REMOVE ITEM 5 FROM THE UNHRC AGENDA, AND INCLUDE CHILE UNDER ITEM 12. CHILEAN HUMAN RIGHTS GROUPS AND POLITICAL PARTIES WANT TO MAINTAIN CHILE AS A SEPARATE ITEM IN ORDER TO KEEP INTERNATIONAL PRESSURE ON THE GOC, AND TO NOT PERMIT THE GOC TO CLAIM ANY SORT OF VICTORY BY HAVING THIS SEPARATE STATUS DISAPPEAR. BASED ON OTHER COMMENTS BY DUPRE AND OUR OWN KNOWLEDGE OF TABORGA, HE MOST LIKELY WENT TO GENEVA TO DELIBERATELY OBSTRUCT THE PASSAGE OF THE U.S. RESOLUTION AND TO GAIN SUPPORT FOR THE MEXICAN RESOLUTION. CASTILLO MAY HAVE BEEN DIFFERENT, AS WE BELIEVE HE WAS SUPPORTIVE OF THE U.S. RESOLUTION PRIOR TO HIS DEPARTURE FOR GENEVA. HE MAY HAVE BEEN CONVINCED BY TABORGA AND

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PAGE 01 SANTIA 01627 02 OF 02 181403Z

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ACTION IO-17

INFO LOG-00 COPY-01 ADS-00 AID-00 INR-10 EUR-00 SS-00
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P 181235Z MAR 86
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 5462
INFO USMISSION GENEVA PRIORITY
AMEMBASSY MADRID
AMEMBASSY PARIS

UNCLASSIFIED
C O N F I D E N T I A L SECTION 02 OF 02 SANTIAGO 01627

E.O. 12356: DECL:OADR
TAGS: PHUM,UNHRC,CI
SUBJ: UNHRC-CHILE RESOLUTION: ATTITUDES OF CHILEAN

OTHERS IN GENEVA THAT HE AND THE CHRC HAD NOT THOUGHT THROUGH ALL OF THE IMPLICATIONS OF THE PASSAGE OF THE U.S. RESOLUTION, AND HIS NEW CONCERNS WERE THOSE TRANSMITTED IN HIS CONVERSATION WITH VALDES.

5. MAXIMO PACHECO, THE CHRISTIAN DEMÓCRAT VICE-PRESIDENT OF THE CHRC, TOLD DCM MARCH 17 THAT WHEN TABORGA GOT HOME HE WOULD HAVE SOME EXPLAINING TO DO. HE IMPLIED THAT TABORGA'S OPPOSITION TO THE PHRASE "NATIONAL DIALOGUE" WAS ONE OF THE POINTS NEEDING EXPLANATION. PACHECO SAID HE WAS ABSOLUTELY DELIGHTED WITH THE RESOLUTION WHICH WAS A "TRIUMPH FOR AMERICAN DIPLOMACY."
BARNES

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3/18/86

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DECAPTIONED Case Number: S199900030

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

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CONFIDENTIAL

PAGE 01 SAN JO 02509 182056Z
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P 182054Z MAR 86
FM AMEMBASSY SAN JOSE
TO SECSTATE WASHDC PRIORITY 6823
INFO AMEMBASSY SANTIAGO
USMISSION GENEVA

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C O N F I D E N T I A L SAN JOSE 02509

EXDIS

Captain

DEPT PASS HA FOR AMBASSADOR SCHIFTER

E.O. 12356: DECL: OADR
TAGS: PHUM, UNHRC, CI, CS
SUBJECT: CHILE HUMAN RIGHTS - VOLIO TO STAY ON;
- REQUESTS INFORMATION

REF: HERRINGTON/JONES TELCON 3/17/86

1. CONFIDENTIAL - ENTIRE TEXT.

2. THIS IS AN ACTION REQUEST, SEE PARAGRAPH 5..

3. POLOFF SPOKE WITH UN SPECIAL RAPPORTEUR ON HUMAN RIGHTS IN CHILE FERNANDO VOLIO MARCH 17 TO ARRANGE A MEETING BETWEEN HIM AND HA DAS DIETRICH FOR MARCH 18. VOLIO IS HAPPY TO RECEIVE MS. DIETRICH AND WAXED ELOQUENT ON THE RESULTS OF THE UNHRC CONSIDERATION OF CHILE.

4. VOLIO STATED THAT HE HAD SPOKEN WITH A JUBILANT MAXIMO PACHECO (PROTECT) -- THE CONFIDENTIAL

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PAGE 02 SAN JO 02509 182056Z

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ACTING PRESIDENT OF THE CHILEAN HUMAN RIGHTS COMMISSION (CHHRC) -- BY TELEPHONE MARCH 16 FROM SANTIAGO. PACHECO REPORTEDLY INFORMED VOLIO THAT HE WAS EXTREMELY PLEASED WITH THE FINAL RESOLUTION, AND HAD SO INFORMED THE NATIONAL AND INTERNATIONAL PRESS IN SANTIAGO. PACHECO, NOTING THE RESOLUTION'S PRAISE FOR THE WORK OF THE SPECIAL RAPPORTEUR AND SUPPORT FOR DEMOCRACY, RECOMMENDED TO VOLIO THAT HE CONTINUE HIS EFFORT ON BEHALF OF CHILE. VOLIO, PLEASED TO HEAR THESE POINTS AND GRATIFIED THAT THE FINAL RESOLUTION APPARENTLY DOES NOT LIMIT HIS INDEPENDENCE, INFORMED PACHECO THAT HE WILL BE PLEASED TO CONTINUE.

5. POLOFF PROVIDED VOLIO WITH COPIES OF OUR GUIDANCE ON THE UNHRC RESOLUTION AND PROMISED HIM THE FINAL TEXT UPON RECEIPT. VOLIO REQUESTED THAT WE ALSO PROVIDE HIM WITH THE RESPONSES OF INTERESTED PARTIES, SUCH AS AMERICAS WATCH AND THE INTERNATIONAL LEAGUE OF THE RIGHTS OF MAN, (BOTH OF WHICH HE EXPLICITLY REQUESTED) "AND OTHERS." WE WOULD APPRECIATE IT IF THE DEPARTMENT AND/OR EMBASSY SANTIAGO COULD HELP US RESPOND TO THIS REQUEST.

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Chile Project (#S199900030)
U.S. Department of State
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Exemption(s) _____

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PAGE 01 GENEVA 02656 181803Z
ACTION HA-09

INFO LOG-00 COPY-01 ADS-00 SS-00 IO-17 /027 W
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R 181724Z MAR 86
FM USMISSION GENEVA
TO SECSTATE WASHDC 4680

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FOR ASSISTANT SECRETARY SCHIFTER FROM AMBASSADOR CARMEN

E.O. 12356: OADR
TAGS: PHUM, UNHRC, US
SUBJECT: 42ND UN HUMAN RIGHTS COMMISSION

I WOULD LIKE TO CONGRATULATE YOU AND THE OTHER MEMBERS OF THE U.S. DELEGATION TO THE HUMAN RIGHTS COMMISSION FOR THE SUCCESS YOU ACHIEVED DURING THE JUST COMPLETED SESSION. THE ADOPTION BY THE COMMISSION OF U.S. RESOLUTIONS ON RELIGIOUS INTOLERANCE AND CHILE PROVED THAT WITH ABLE LEADERSHIP AND DETERMINATION WE CAN OBTAIN RESULTS. THE FACT THAT THIS YEAR THE U.S. TOOK INITIATIVES ON A GREATER NUMBER OF ISSUES AND WAS SUCCESSFUL ON NEARLY ALL OF THEM WAS DUE TO THE WILLINGNESS OF YOU AND THE OTHER MEMBERS OF YOUR DELEGATION TO WORK HARDER AND LONGER THAN THE OPPOSITION. AGAIN, MY CONGRATULATIONS ON A JOB WELL DONE. IT WAS ALSO NICE TO SEE PEOPLE GET ALONG SO WELL. CARMEN

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PAGE 01 SANTIA 01652 02 OF 02 182141Z
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O 182032Z MAR 86
FM AMEMBASSY SANTIAGO
TO USIA WASHDC IMMEDIATE 4477
INFO SECSTATE WASHDC IMMEDIATE 5471
USCINCSO QUARRY HEIGHTS PN
AMEMBASSY BUENOS AIRES
AMEMBASSY LIMA
AMEMBASSY MONTEVIDEO

Chile Project (#S199900030)
U.S. Department of State
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Exemption(s)_____

UNCLAS SECTION 02 OF 02 SANTIAGO 01652

Part 1 missing

USIA FOR AR RICCIO, LEROY
SECSTATE FOR ARA/SC FOR DURKEE

E.O. 12356: N/A
SUBJ: FREEDOM OF INFORMATION IN CHILE: "LA EPOCA"

ESSENTIALLY PARTY-ORIENTED CIRCULATION, IT IS CLEAR FROM ITS REFUSAL TO GRANT OR EVEN RESPOND TO FREQUENT REQUESTS REGARDING THE FOUNDING OF "LA EPOCA", THAT THE GOC IS FEARFUL OF THE POTENTIAL IMPACT OF A MASS CIRCULATION OPPOSITION DAILY. IT IS PROBABLE THAT AS LONG AS THE GOVERNMENT HAS SOME LEGAL BASIS ON WHICH TO CONTINUE REFUSAL OF PERMISSION TO PUBLISH "LA EPOCA", THERE WILL BE NO NEW PDC DAILY.

HOWEVER, THAT SITUATION COULD CHANGE DIAMETRICALLY IF THE GOC WERE TO EXHAUST MANEUVERING ROOM OR IF IT WERE TO FALTER IN ITS MANIPULATIONS AND, IN EITHER EVENT, PERMIT THE MERITS OF THE CASE TO BE HEARD IN COURT. AS WE HAVE
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PAGE 02 SANTIA 01652 02 OF 02 182141Z

BEEN IN THE PAST, CIVILIAN COURTS ARE CAPABLE OF RULING AGAINST THE GOVERNMENT. IN THIS INSTANCE THE ULTIMATE QUESTION LIES IN THE INTERPRETATION OF THE GOC'S

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AUTHORITY TO "RESTRINGIR" OR RESTRICT THE FLOW OF INFORMATION. TRANSITORY ARTICLE 24 CLEARLY GIVES THE GOVERNMENT, UNDER TERMS OF THE CONSTITUTION OF 1980, THE RIGHT TO RESTRICT INFORMATION. THAT IS THE BASIS FOR ITS LEGITIMACY IN APPROVING NEW PUBLICATIONS. JOURNALISTS, LAWYERS AND OTHERS HAVE ARGUED REPEATEDLY THAT WHILE UNDER THESE CONDITIONS RESTRICTION IS LEGAL, PROHIBITION IS NOT, BECAUSE RESTRICTING PUBLICATION IS DISTINCT FROM PROHIBITING PUBLICATION. IN SUPPORT OF THEIR POSITION THEY CITE PRACTICE WHERE THE CONCEPT OF RESTRICTION HAS USUALLY SERVED TO PROHIBIT TRANSFER OF OWNERSHIP (I.E. CONVEYANCE OF PERMISSION TO PUBLISH) OR CHANGE IN PUBLISHING PURPOSE (I.E. A PERIODICAL LICENSED AS, SAY, A FASHION MAGAZINE BECOMING A POLITICAL WEEKLY).

BOTH FILIPPI AND HAMILTON HOPE, THAT IF PERMISSION TO PRINT "LA EPOCA" CANNOT BE ACHIEVED VIA A LOWER COURT, THAT THEY CAN ULTIMATELY GET A FAVORABLE SUPREME COURT RENDITION ON THE DOCTRINE OF RESTRICTION WHICH WILL SET JOURNALISTIC PRECEDENT IN CHILE. FRIEDMANN

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ARA/CEN:JRHAMILTON
3/18/86 EXT. 73381
ECA: PCHABIB

S/S-EX: WSIMS
ARA/CEN: RHMELTON

ARA: EABRAMS/WWALKER

DEPARTMENT OF STATE IM/IPS/CR/IR Date: 3/27/97
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E.O. 12356: DECL: OADR

TAGS: PREL, XK, OVIP (HABIB, PHILIP C)

SUBJECT: VISIT OF AMBASSADOR HABIB

1. C - ENTIRE TEXT.

2. THE PRESIDENT HAS ASKED CENTRAL AMERICAN SPECIAL ENVOY PHILIP C. HABIB TO VISIT THE CONTADORA GROUP AND SUPPORT GROUP CAPITALS TO EXPLORE POSSIBILITIES FOR REACHING A NEGOTIATED SETTLEMENT IN CENTRAL AMERICA. FOLLOWING VISITS TO EIGHT CONTADORA CAPITALS, AMB. HABIB WOULD LIKE TO VISIT THE FOUR CENTRAL AMERICAN DEMOCRACIES TO BRIEF PRESIDENTS (AND FOREIGN MINISTERS) ON HIS CONTADORA TRIP AND TO CONSULT ON NEXT STEPS IN THE DIPLOMATIC PROCESS. ROUGH ITINERARY, SUBJECT TO CHANGES TO ACCOMMODATE HOST GOVERNMENT SCHEDULING DIFFICULTIES, IS IN PARA 3.

FOR CONTADORA GROUP AND SUPPORT GROUP CAPITALS: PLEASE INFORM HOST GOVERNMENT OF HABIB VISIT AND ADVISE THAT WE WILL BE SEEKING A PRESIDENTIAL APPOINTMENT FOR ON/ABOUT THE DATE IN THE ITINERARY. AT THIS POINT WE WOULD LIKE TO KNOW OF ANY HOST GOVERNMENT SCHEDULING CONSIDERATIONS THAT WOULD REQUIRE ALTERATION IN THE ITINERARY AND WHETHER, IF ITINERARY HAS TO BE CHANGED, THERE ARE

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89D 419, 9572

ALTERNATIVE PERIODS IN WHICH A PRESIDENTIAL APPOINTMENT WILL BE POSSIBLE.

PLEASE ENSURE THAT FOREIGN MINISTER IS INFORMED OF THE HABIB VISIT PRIOR TO HIS DEPARTURE FOR MEETING OF CENTRAL AMERICAN AND CONTADORA MINISTERS IN PANAMA MARCH 22-23. YOU SHOULD MAKE THE POINT THAT WE HOPE THAT CONTADORA/CENTRAL AMERICAN MEETING WILL NOT RESULT IN ANY ACTION OR DECLARATION THAT FORECLOSES DIPLOMATIC OPTIONS OR OTHERWISE COMPLICATES HABIB MISSION.

FOR TEGUCIGALPA, SAN JOSE, GUATEMALA AND SAN SALVADOR: PLEASE ADVISE FOREIGN MINISTER OF HABIB TRIP TO CONTADORA CAPITALS AND OF HIS WISH TO VISIT CENTRAL AMERICA BEFORE RETURNING TO WASHINGTON. NOTE THAT HIS TRIP BEGINS THE EFFORT TO EXPLORE THE NEGOTIATING TRACK THAT HABIB DISCUSSED WITH THE PRESIDENT DURING HIS MARCH 12-14 VISIT TO THE CENTRAL AMERICAN DEMOCRACIES. PLEASE MAKE THE POINT THAT WE HOPE OUR FRIENDS CAN PREVENT ADOPTION OF ANY STATEMENT AT THE MARCH 22-23 MEETING OF FOREIGN MINISTERS THAT WOULD COMPLICATE THE HABIB MISSION.

4. PLEASE ADVISE AS SOON AS POSSIBLE WHETHER FOLLOWING ITINERARY IS FEASIBLE AND, EVEN WHERE REPLY IS AFFIRMATIVE, WHAT MARGIN FOR ADJUSTMENT PRESIDENT'S SCHEDULE WILL ALLOW:

WEDNESDAY APRIL 2
- ARRIVE CARACAS MID-DAY

THURSDAY APRIL 3
- EARLY AFTERNOON ARRIVAL IN BRASILIA

FRIDAY APRIL 4
- MID-DAY ARRIVAL IN MONTEVIDEO

SATURDAY APRIL 5
- MORNING ARRIVAL IN BUENOS AIRES (WE WOULD HOPE PRESIDENTIAL APPOINTMENT IS POSSIBLE SATURDAY OR EARLY SUNDAY, BUT HABIB WOULD BE PREPARED TO COME FRIDAY NIGHT IF IT IS NOT. WE HOPE TO AVOID MONDAY AM APPOINTMENT, HOWEVER, IN VIEW OF LONG DAY OF FLYING APRIL 7.)

MONDAY APRIL 7
- LATE MORNING ARRIVAL IN LIMA
- MID- TO LATE-AFTERNOON DEPARTURE FOR COLOMBIA
- LATE AFTERNOON OR EARLY EVENING ARRIVAL IN COLOMBIA (FOR BOGOTA: PLEASE ADVISE GOC OFFICIALS THAT BOGOTA'S ALTITUDE IS AT THE MARGIN OF WHAT STATE DEPT PHYSICIAN

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AND AMB. HABIB'S PERSONAL PHYSICIAN CONSIDER ADVISABLE AND SEE WHETHER A MEETING AT A LOWER ALTITUDE WOULD BE POSSIBLE. AMB. HABIB IS PREPARED TO COME TO BOGOTA IF IT IS NOT.}

TUESDAY APRIL 8
- MID-MORNING ARRIVAL IN PANAMA
- LATE AFTERNOON ARRIVAL IN MEXICO

WEDNESDAY APRIL 9
- EARLY AFTERNOON ARRIVAL IN GUATEMALA

THURSDAY APRIL 10
- EARLY MORNING ARRIVAL IN TEGUCIGALPA
- EARLY AFTERNOON ARRIVAL IN SAN SALVADOR

FRIDAY APRIL 11
-- MID-MORNING ARRIVAL IN SAN JOSE
-- EARLY AFTERNOON DEPARTURE FOR ANDREWS.

5. AMB. HABIB WILL BE ACCOMPANIED BY NSC STAFF MEMBER RAYMOND BURGHARDT, ARA/CEN OFFICER JOHN HAMILTON, AND SPANISH INTERPRETER RITA BOREN. {BRASILIA: PLEASE ADVISE IF YOU ARE UNABLE TO PROVIDE INTERPRETER FOR APPOINTMENT THERE.} AMB. HABIB WOULD PREFER THAT ONLY AMBASSADOR, BOREN, AND BURGHARDT OR HAMILTON ACCOMPANY HIM TO PRESIDENTIAL APPOINTMENT. HABIB PARTY WILL PREPARE REPORTING CABLE.

HABIB PARTY WOULD LIKE TO HAVE TWO SETS OF CABLE TRAFFIC, INCLUDING INTEL REPORTING AND WIRELESS FILE, ON ARRIVAL AT EACH STOP.

6. HABIB MISSION WILL TAKE PLACE FOLLOWING WHAT WE EXPECT TO BE FAVORABLE CONGRESSIONAL ACTION ON THE PRESIDENT'S REQUEST FOR MILITARY ASSISTANCE TO THE NICARAGUAN RESISTANCE. PLEASE CONSIDER THIS FACTOR IN A SECURITY CONTEXT AND PLAN HABIB MOVEMENTS ON THE GROUND ACCORDINGLY. DEPT WILL NOT RELEASE HABIB ITINERARY IN ADVANCE BUT WILL CONFIRM HIS WHEREABOUTS ONCE HE HAS ARRIVED AT EACH STOP. PLEASE TELL HOST GOVERNMENT THAT WE WILL NOT MAKE HABIB ITINERARY PUBLIC IN ADVANCE AND ASK FOR ITS COOPERATION.

7. AMB. HABIB DOES NOT INTEND TO HOLD PRESS CONFERENCES OR TO GIVE INTERVIEWS. WE REALIZE THAT SOME PRESS ENCOUNTERS ARE INEVITABLE BUT HOPE THAT, WHERE POSSIBLE, ENTRY AND EXITS FROM PRESIDENTIAL APPOINTMENTS COULD BE ARRANGED TO AVOID PRESS CONTACT OTHER THAN PHOTO

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OPPORTUNITIES.

B. AT EACH STOP, AMB. HABIB WOULD LIKE A ONE TO TWO HOUR COUNTRY TEAM BRIEFING BEFORE PRESIDENTIAL APPOINTMENT, WHERE THAT IS POSSIBLE. FEEL FREE TO INCLUDE JUNIOR MEMBERS OF EMBASSY STAFF. AMB. HABIB HAS NO FORMAL DIETARY RESTRICTIONS BUT GENERALLY WOULD PREFER LIGHT MEALS. ON THIS TRIP HE WOULD ENJOY INFORMAL MEALS WITH A FEW MEMBERS OF EMBASSY STAFF BUT DOES NOT WANT REPRESENTATIONAL FUNCTIONS.##

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PAGE 01 ROME 06950 181626Z
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SIL-01 AGR-01 USIE-00 SP-02 SNP-01 PRS-01 /074 W
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R 181511Z MAR 86
FM AMEMBASSY ROME
TO SECSTATE WASHDC 8048
INFO WHITEHOUSE WASHDC
NSC WASHDC
AMEMBASSY SANTIAGO

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

UNCLASSIFIED
C O N F I D E N T I A L ROME 06950

FROM EMBASSY VATICAN: MESSAGE NO. 232/86

E.O. 12356: DECL: OADR
TAGS: PREL, ECON, PHUM, CI, US
SUBJECT: MEETING WITH CHILEAN AMBASSADOR TO THE HOLY SEE

1. C - ENTIRE TEXT.

2. THIS IS AN ACTION MESSAGE: SEE PARA. 8

3. IN A LUNCHEON MEETING WITH THE CHILEAN AMBASSADOR TO THE HOLY SEE, HECTOR RIESLE CONTRERAS, AT HIS RESIDENCE--JUST THE TWO OF US--HE MENTIONED HIS CONCERN OVER THE RECENT STATEMENTS THAT HAVE COME OUT OF WASHINGTON AND GENEVA ON THE SUBJECT OF HUMAN RIGHTS VIOLATIONS IN CHILE.

4. HE STARTED BY NOTING THAT THE ECONOMY OF CHILE HAS IMPROVED SIGNIFICANTLY IN RECENT MONTHS, BASED PARTLY ON AGRICULTURE EXPORTS WHICH ARE BETTER THIS CONFIDENTIAL

PAGE 02 ROME 06950 181626Z

YEAR THAN EVER BEFORE. BASIC METALS PRICES, SUCH AS COPPER, IRON, AND ALUMINUM, ARE DEPRESSED; BUT DESPITE THIS AND THE FACT THAT THOSE INDUSTRIES ARE

NOT DOING ALL THAT WELL, THE ECONOMY IN GENERAL IS STRONG AND IMPROVING THROUGHOUT THE COUNTRY, PARTICULARLY IN THE SOUTH. THE MAIN WEAK POINT GEOGRAPHICALLY SEEMS TO BE SANTIAGO, WHERE UNEMPLOYMENT SEEMS TO BE THE HIGHEST OF ANY AREA IN THE COUNTRY AND WHERE IT SEEMS TO STUBBORNLY RESIST DROPPING BELOW THE DOUBLE-DIGIT RANGE.

5. THE AMBASSADOR MADE THE POINT VERY FORCEFULLY THAT HIS GOVERNMENT IS ON TRACK AND ON SCHEDULE WITH RESPECT TO DEMOCRATIC ELECTIONS IN DECEMBER OF 1988 AND THAT THEY ARE ALSO ON TRACK AND ON SCHEDULE WITH THEIR PROGRAMS OF PRIVATIZATION AND ECONOMIC REFORM FAVORING PRIVATE ENTERPRISE. WHAT ELSE DOES THE USG WANT US TO DO, HE ASKS.

6. RIESLE ALSO MENTIONED THAT HE WAS WORKING ON A WHITE PAPER ON THE "ACUERDO NACIONAL" WHICH WILL EXPLAIN ITS PURPOSE AND ITS MEANING. WE WILL SEND IT TO THE DEPARTMENT WHEN WE RECEIVE IT.

7. FINALLY, HE RETURNED TO THE STATEMENTS THAT CAME OUT OF THE DEPARTMENT AND OUT OF GENEVA LAST WEEK CONCERNING CHILE. HE DEPLORED THE POSITION THE USG HAS TAKEN ON THE HUMAN RIGHTS ACCUSATIONS IN HIS COUNTRY BECAUSE HE SAYS THAT BY TAKING THE POSITION WE HAVE, IT IS GIVING THE COMMUNISTS OF THE COUNTRY THE OPPORTUNITY TO CLAIM THAT THEY AND THE U.S. ARE ON THE SAME SIDE OF THIS VERY IMPORTANT ISSUE IN CHILE.

8. ACTION REQUESTED: IF THE DEPARTMENT CAN GIVE US SOME TALKING POINTS ON THE ISSUE, WE WOULD APPRECIATE THEM.

WILSON

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C O N F I D E N T I A L STATE 083906

E.O. 12356: DECL: OADR
TAGS: SZ, SP, FR, CI, SHUM
SUBJECT: UNHRC - FRENCH POSITION ON CHILE RESOLUTION

REF: PARIS 11077

1. CONFIDENTIAL - ENTIRE TEXT.

2. CHANGE IN FRENCH POSITION, AS REPORTED IN REFTEL, WAS NEVER IN EVIDENCE IN GENEVA. THROUGHOUT DISCUSSIONS ON MARCH 13 AND 14 AMONG MEXICO, FRANCE, SPAIN AND U.S., MEXICO EMPHASIZED ITS INABILITY TO ACCEPT U.S. DRAFT AND WAS SUPPORTED BY FRANCE AND SPAIN. ONLY WHEN LOCAL REPRESENTATIVE OF CHILEAN HUMAN RIGHTS COMMISSION REQUESTED WITHDRAWAL OF MEXICAN DRAFT DID MEXICO CHANGE ITS POSITION, THUS MAKING FRENCH AND CONFIDENTIAL

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PAGE 02 STATE 083906

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SPANISH POSITIONS IMMATERIAL. SHULTZ

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This report was produced by a staff member of the Bureau of Intelligence and Research. It is the analyst's initial assessment and has not been reviewed at the bureau level.

ANALYST'S BRIEF

INR Office of Analysis for the Soviet Union and Eastern Europe

LATIN AMERICA: HIGHLIGHTS OF SOVIET ACTIVITIES, FEBRUARY 1986

Drafted by: INR/SEE/FP:FSCheever Date: March 20, 1986

Distribution (State Department Only)

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USSR/Chile: Still Playing Both Sides of the Street

Moscow neither endorsed nor repudiated the use of violence against Pinochet in its broadcasts to Chile on behalf of the Chilean Communist Party (PCCh) and the Manuel Rodriguez Patriotic Front (FPMR), thereby leaving itself room for maneuver pending the outcome of moderate attempts to negotiate Pinochet's departure. Moscow reportedly supports the PCCh faction favoring joint protests with moderate oppositionists, while the FPMR favors attacks against "safe" targets; however, a large faction with in the PCCh favors a greater use of violence. Support for violent opposition to Pinochet within both organizations may be increased by the rival leftist Movement of the Revolutionary Left's advocacy of violence.

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Thus Moscow's recent transmission of a PCCh manifesto proclaimed that Pinochet could be toppled in 1986 if a united "combative position" and the "will to use all methods" were used, but otherwise stopped short of specifically advocating violence. In another broadcast to Chile from Moscow, the PCCh secretary general, Luis Corvalan, asked rhetorically why the Popular Democratic Movement, a communist-front group, should renounce violence (a requirement for participating in the National Accord or the Democratic Alliance (DA)) when any member party of the moderate DA in effect endorsed violence by talking to the Pinochet regime.
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Pages 4 & 5 have been eliminated because they are entirely irrelevant.

3/20/86

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PAGE 01 GENEVA 02736 01 OF 03 201823Z
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UNCLAS SECTION 01 OF 03 GENEVA 02736

E.O. 12356: N/A
TAGS: UNHRC, PHUM, CI
SUBJECT: 42ND HUMAN RIGHTS COMMISSION: MEXICAN DRAFT RESOLUTION ON CHILE

REF: (A) STATE 83754, (B) GENEVA 2568

1. IN RESPONSE REFTEL, FOLLOWING IS TEXT OF HUMAN RIGHTS COMMISSION DRAFT RESOLUTION ON CHILE (E/CN.4/1986/L.54) CO-SPONSORED BY MEXICO, ALGERIA, AND YUGOSLAVIA. THE DRAFT WAS WITHDRAWN IN DEFERENCE TO ONE INTRODUCED BY THE COMMISSION CHAIRMAN, BUT, IN FACT, PREPARED BY THE UNITED STATES (REFTEL B).

2. FOLLOWING IS TEXT OF THE RESOLUTION. BEGIN TEXT:

THE COMMISSION ON HUMAN RIGHTS,

GUIDED BY THE PURPOSES AND PRINCIPLES OF THE CHARTER OF THE UNITED NATIONS AND BY THE PROVISIONS OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS, THE

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PAGE 02 GENEVA 02736 01 OF 03 201823Z

INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS AND THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS,

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- AWARE OF ITS RESPONSIBILITY TO PROMOTE AND ENCOURAGE RESPECT FOR HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS AND RESOLVED TO REMAIN VIGILANT WITH REGARD TO VIOLATIONS OF HUMAN RIGHTS WHEREVER THEY OCCUR,

- NOTING THE OBLIGATION OF THE CHILEAN AUTHORITIES TO RESPECT AND PROTECT HUMAN RIGHTS IN ACCORDANCE WITH THE INTERNATIONAL INSTRUMENTS TO WHICH CHILE IS A PARTY,

- RECALLING ITS SUCCESSIVE RESOLUTIONS ON THE SITUATION OF HUMAN RIGHTS IN CHILE AND IN PARTICULAR ITS RESOLUTION 11 (XXXV) OF 6 MARCH 1979, BY WHICH IT APPOINTED A SPECIAL RAPPORTEUR ON THE SITUATION OF THOSE RIGHTS, AND ITS RESOLUTION 1986/47 OF 14 MARCH 1985, BY WHICH IT DECIDED, IN VIEW OF THE PERSISTENCE OF AND INCREASE IN SERIOUS AND SYSTEMATIC VIOLATIONS OF HUMAN RIGHTS IN CHILE, AS CONFIRMED BY THE SPECIAL RAPPORTEUR, TO EXTEND THE MANDATE OF THE SPECIAL RAPPORTEUR FOR ONE MORE YEAR.

- BEARING IN MIND THAT THE GENERAL ASSEMBLY, IN ITS RESOLUTION 40/145 OF 13 DECEMBER 1985, EXPRESSED ITS INDIGNATION AT THE PERSISTENCE OF SERIOUS AND SYSTEMATIC VIOLATIONS OF HUMAN RIGHTS IN CHILE AND INVITED THE COMMISSION ON HUMAN RIGHTS, TAKING ACCOUNT OF ALL THE RELEVANT INFORMATION AT ITS DISPOSAL, TO ADOPT THE MOST APPROPRIATE MEASURES FOR THE EFFECTIVE RESTORATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

IN CHILE, INCLUDING THE MAINTENANCE OF THE SPECIAL RAPPORTEUR,

- TAKING NOTE OF THE REPORT BY THE SPECIAL RAPPORTEUR ON THE SITUATION OF HUMAN RIGHTS IN CHILE SUBMITTED IN ACCORDANCE WITH COMMISSION RESOLUTION 1985/47,

- CONSIDERING FURTHER, INTER ALIA, THE RECENT REPORTS, RESOLUTIONS AND CONCLUSIONS OF THE HUMAN RIGHTS COMMITTEE, THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES, THE CHILEAN COMMISSION ON HUMAN RIGHTS, THE VICARIA DE LA

SOLIDARIDAD OF THE CATHOLIC CHURCH IN CHILE AND THE COMMITTEE FOR THE DEFENSE OF THE PEOPLE'S RIGHTS,

- TAKING INTO ACCOUNT THE PUBLIC AND NOTORIOUS CHARACTER OF MANY OF THE DEEDS WHICH CONSTITUTE SERIOUS AND SYSTEMATIC VIOLATIONS OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN CHILE,

- DECLARING ONCE AGAIN THAT THE REPEATED APPEALS OF THE GENERAL ASSEMBLY, THE COMMISSION ON HUMAN RIGHTS AND OTHER INTERNATIONAL BODIES FOR THE FULL AND EFFECTIVE RESTORATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS HAVE BEEN IGNORED BY THE CHILEAN AUTHORITIES,

- 1. RECOGNIZES THE IMPORTANCE OF THE FACT THAT THE CHILEAN AUTHORITIES HAVE ESTABLISHED CO-OPERATION WITH THE SPECIAL RAPPORTEUR BY ALLOWING HIM TO VISIT THE COUNTRY FROM 9 TO 19 DECEMBER 1985,

- 2. ONCE AGAIN EXPRESSES ITS DISMAY AT THE SUPPRESSION IN CHILE OF THE DEMOCRATIC LEGAL ORDER AND

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PAGE 01 GENEVA 02736 02 OF 03 201825Z
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UNCLAS SECTION 02 OF 03 GENEVA 02736

E.O. 12356: N/A
TAGS: UNHRC, PHUM, CI
SUBJECT: 42ND HUMAN RIGHTS COMMISSION: MEXICAN DRAFT
- RESOLUTION ON CHILE

ITS REPLACEMENT BY A SYSTEM WHICH DENIES CIVIL AND POLITICAL RIGHTS AND FREEDOMS AND CONSIDERABLY REDUCES THE ENJOYMENT AND EXERCISE OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, AT THE INSTITUTIONALIZATION AND CONSOLIDATION OF THE STATE OF EMERGENCY BY MEANS OF LEGAL AND ADMINISTRATIVE MEASURES AND AT THE EXTENSION OF THE JURISDICTION OF THE MILITARY TRIBUNALS,

- 3. ONCE AGAIN EXPRESSES ITS INDIGNATION AT THE PERSISTENCE OF SERIOUS AND SYSTEMATIC VIOLATIONS OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN CHILE, INTER ALIA, OF THE RIGHT TO LIFE AND PHYSICAL AND MORAL INTEGRITY AND THE RIGHT TO FREEDOM OF EXPRESSION, INFORMATION, ASSEMBLY AND ASSOCIATION, A SITUATION AGGRAVATED BY THE ADOPTION OF LEGISLATIVE, JUDICIAL AND ADMINISTRATIVE MEASURES WITH ADVERSE CONSEQUENCES FOR SUCH RIGHTS AND FREEDOMS,
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PAGE 02 GENEVA 02736 02 OF 03 201825Z

- 4. OBSERVING WITH DISMAY THAT THE CHILEAN AUTHORITIES DECLARED CO-OPERATION WITH UNITED NATIONS EFFORTS HAS NOT LED TO ANY SUBSTANTIAL CHANGE IN THE SERIOUS HUMAN RIGHTS SITUATION IN CHILE,

- 5. EXPRESSES DEEP CONCERN ABOUT FREQUENT CASES OF TORTURE AND ILL-TREATMENT, ABOUT ARRESTS, COERCION AND ACTS OF PERSECUTION AND ABOUT THE HARASSMENT AND INTIMIDATION OF PROFESSIONAL AND TRADE UNION LEADERS, UNIVERSITY PROFESSORS AND STUDENTS AND PERSONS AND ORGANIZATIONS INVOLVED IN THE DEFENSE OF HUMAN RIGHTS,

- 6. DENOUNCES THE ARBITRARY AND INDISCRIMINATE TREATMENT OF PERSONS IMPRISONED FOR POLITICAL REASONS,

- 7. REITERATES ITS ALARM AT THE FACT THAT, AS A GENERAL RULE, THE ARBITRARY AND IMPROPER ACTIONS OF THE STATE POLICE AND SECURITY AGENCIES CONTINUE TO GO ADMINISTRATIVELY AND JUDICIALLY UNPUNISHED,

- 8. REITERATES ITS CONCERN AT THE FREQUENT INEFFECTIVENESS OF THE REMEDIES OF HABEAS CORPUS OR OF AMPARO AND OF PROTECTION, OWING TO THE FACT THAT THE JUDICIARY DOES NOT ALWAYS EXERCISE ITS POWERS OF INVESTIGATION, MONITORING AND SUPERVISION IN THIS

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RESPECT AND PERFORMS ITS FUNCTIONS UNDER SEVERE RESTRICTIONS WHICH UNDERMINE ITS INDEPENDENCE,

- 9. DEPLORES THE FACT THAT, FOLLOWING THE PROTRACTED CRIMINAL PROCEEDINGS WHICH WERE CONDUCTED IN CONNECTION WITH THE TREACHEROUS MURDER OF PROFESSIONAL AND TRADE UNION LEADERS IN 1985 AND DURING WHICH MEMBERS OF THE POLICE AND SECURITY AGENCIES WERE UNCLASSIFIED

PAGE 03 GENEVA 02736 02 OF 03 201825Z

CHARGED BEFORE THE COURTS, THE CHILEAN SUPREME COURT ORDERED THE RELEASE OF SUCH PERSONS, WHO WERE BEING HELD IN CUSTODY BY ORDER OF THE INVESTIGATING JUDGE,

- 10. ONCE AGAIN CALLS URGENTLY ON THE CHILEAN AUTHORITIES TO RESTORE AND RESPECT HUMAN RIGHTS IN ACCORDANCE WITH THE OBLIGATIONS THEY HAVE ASSUMED UNDER VARIOUS INTERNATIONAL INSTRUMENTS AND TO RE-ESTABLISH THE PRINCIPLE OF LEGALITY, DEMOCRATIC INSTITUTIONS AND THE EFFECTIVE ENJOYMENT AND EXERCISE OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS AND, IN PARTICULAR,
-
- (A) TO PUT AN END TO THE REGIME OF EXCEPTION AND ESPECIALLY THE PRACTICE OF DECLARING "CONSTITUTIONAL STATES OF EMERGENCY" UNDER WHICH SERIOUS AND CONTINUING VIOLATIONS OF HUMAN RIGHTS ARE COMMITTED,
- (B) TO INVESTIGATE AND CLARIFY WITHOUT DELAY THE FATE OF PERSONS WHO WERE ARRESTED FOR POLITICAL REASONS AND LATER DISAPPEARED, TO ASSIST AND INFORM THEIR FAMILIES OF THE RESULTS OF SUCH INVESTIGATION AND TO BRING TO TRIAL AND PUNISH THOSE RESPONSIBLE FOR THEIR DISAPPEARANCE,

- (C) TO RESPECT THE RIGHT TO LIFE AND THE RIGHT TO PHYSICAL AND MORAL INTEGRITY BY PUTTING AN END TO PROCEDURES LEADING TO THE DEATH OF PERSONS AND TO THE PRACTICE OF TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT AND TO PUT AN IMMEDIATE END TO INTIMIDATION, PERSECUTION AND COERCION, AS WELL AS TO KIDNAPPINGS, ARBITRARY OR ABUSIVE DETENTION AND IMPRISONMENT IN SECRET PLACES,
- (D) TO RESPECT THE RIGHT OF CHILEAN NATIONALS TO LIVE IN AND FREELY ENTER AND LEAVE THEIR COUNTRY, WITHOUT ARBITRARY RESTRICTIONS OR CONDITIONS AND TO

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CEASE THE PRACTICES OF RELEGACION (ASSIGNMENT OF FORCED

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PAGE 04 GENEVA 02736 02 OF 03 201825Z

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PAGE 01 GENEVA 02736 03 OF 03 211329Z
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UNCLAS SECTION 03 OF 03 GENEVA 02736

E.O. 12356: N/A
TAGS:UNHRC, PHUM, CI
SUBJECT: 42ND HUMAN RIGHT COMMISSION: MEXICAN DRAFT
- RESOLUTION ON CHILE

REF: (A) STATE 83754, (B) GENEVA 2568

RESIDENCE AND FORCED EXILE,

-(E) TO RESTORE THE FULL ENJOYMENT AND EXERCISE
OF LABOUR RIGHTS, INCLUDING THE RIGHT TO ORRGANIZE
TRADEUNIONS, THE RIGHT TO COLLECTIVE BARGAINING AND
THE RIGHT TO STRIKE, AND TOPUT AN END TO THE
SUPPRESSION OF THE ACTIVITIES OF TRADE UNION LEADERS
AND THEIR ORGANIZATIONS AND COMPLY WITH THE PROVISIONS
OF THEINTERNATIONALLABOUR ORGANISATION CONVENTIONS
TO WHICH CHILE IS A PARTY.

- (F) TO RESPECT AND, WHERE NECESSARY, RESTORE
ECONOMIC, SOCIAL ANDCULTURA RIGHTS, INPARTICULAR
THE RIGHTS INTENDED TOPRESERVE THCULTURAL IDENTITY

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AND IMPROVE THE ECONOMIC AND SOCIAL STATUS OF THE
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PAGE 02 GENEVA 02736 03 OF 03 211329Z

INDIGENOUS POPULATIONS, INCLUDING THE RIGHT TO THEIR
LAND,
-

-11. CONCLUDES, ON THE BASIS OF THE REPORT OF THE SPECIAL RAPPORTEUR AND OF OTHER RELIABLE DATA AT ITS DISPOSAL THAT IT IS NECSSARY TO CONTINUE TO MONITOR THE HUMAN RIGHTS SITUATION INCHILE,

- 12. DECIDES TO EXTEND THE MANDATE OF THE SPECIAL RAPPORTEUR FORONE MORE YEAR AND TO REQUEST HIM TO REPORT ON THE SITUATIONOF HUMAN RIGHTS INCHILE TO THE GENERAL ASSEMBLY AT ITS FORTY-FIRST SESION AND TO THE COMMISSION ON HUMAN RIGHTS AT ITS FORTY-THIRD SESION,

- 13. RECOMMENDS TO THE ECONOMIC ND SOCIAL COUNCIL THAT IT MAKE APPROPRIATE ARRANGEMENTS TO ENSURE THAT THE NECESSARY FINANCIAL RESOURCES AND SUFFICIENT STAFF ARE PROVIDED TO IMPLEMENT THIS RESOLUTION,

- 14. DECIDES TO CONSIDER AT ITS FORTY-THIRD SESSION, AS A MATTER OFHIGHPRIORITY, THE QUESTION OF HUMAN RIGHTS IN CHILE. END TEXT. DRAFTED BY PSA:RMPERITO)CARMEN

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E.O. 12356: N/A
TAGS: OREP, PHUM, EFIN, CI
SUBJECT: TRAVEL TO CHILE OF REPRESENTATIVE BRUCE MORRISON

REF: SWIGERT-JONES TELCON OF MARCH 19

1. REPRESENTATIVE BRUCE MORRISON (DEM.-CT.), MEMBER OF THE LUNDINE SUBCOMMITTEE ON INTERNATIONAL DEVELOPMENT INSTITUTIONS AND FINANCE, PLANS A PRIVATE TRIP TO CHILE ON MARCH 22 - APRIL 2, SPONSORED BY THE WASHINGTON OFFICE ON LATIN AMERICA (WOLA). MORRISON WILL BE ACCOMPANIED BY JAN SHINPOCH, CONSULTANT, FORMER STAFF DIRECTOR FOR THE LUNDINE SUBCOMMITTEE, AND VIRGINIA BOUVIER, WOLA ASSOCIATE. WOLA HAS DESCRIBED THE PURPOSE OF THE TRIP AS FOLLOWING: QUOTE
(1) TO DETERMINE IF CHILE IS A GROSS VIOLATOR OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS, WITH PARTICULAR REGARD TO "TORTURE OR CRUEL, INHUMANE, OR DEGRADING TREATMENT OR PUNISHMENT, PROLONGED DETENTION WITHOUT CHARGES, OR OTHER FLAGRANT DENIAL TO LIFE, LIBERTY, AND
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PAGE 02 STATE 087443

THE SECURITY OF PERSON" (AS OUTLINED IN SECTION 701 OF THE INTERNATIONAL FINANCIAL INSTITUTIONS ACT).

(2) TO DETERMINE IF U.S. APPROVAL FOR NON-BASIC HUMAN NEEDS LOANS IS IN VIOLATION OF CURRENT LAW REGULATING VOTES IN THE WORLD BANK AND THE INTER-AMERICAN DEVELOPMENT BANK.

(3) TO ENCOURAGE CONGRESSIONAL RESPONSIBILITY FOR THE IMPLEMENTATION (OR LACK THEREOF) OF U.S. LAW.

(4) TO INCREASE INTEREST IN AND KNOWLEDGE OF CHILE AMONG SELECT MEMBERS OF KEY CONGRESSIONAL COMMITTEES. UNQUOTE

2. WOLA IS TAKING CARE OF ALL ADMINISTRATIVE ARRANGEMENTS (HOTELS, CARS, ETC.) AND MOST APPOINTMENTS. CONGRESSMAN MORRISON'S OFFICE HAS REQUESTED EMBASSY PROVIDE A COUNTRY TEAM BRIEFING ON MARCH 27 (THEY SUGGEST 3:00 P.M.) AND ASSIST IN ARRANGING APPOINTMENTS WITH THESE GOC OFFICIALS:

1) FOREIGN MINISTER DEL VALLE (MARCH 27)
2) INTERIOR MINISTER GARCIA (MARCH 27)
3) MAYOR OF CONCEPCION EDUARDO IBANEZ TILLERIA (MARCH 28)
4) RECTER OF CONCEPCION UNIVERSITY GUILLERMO CLERICUS (MARCH 28)
5) PRESIDENT OF SUPREME COURT RAFAEL RETAMEL (MARCH 31)

DAYS INDICATED ARE MORRISON'S PREFERRED DATES - ON MARCH 28 GROUP TRAVELS TO CONCEPCION AND WILL NOT BE AVAILABLE. HOWEVER, WOLA ASSURES US THAT MORRISON WILL ADJUST THE REMAINDER OF HIS SCHEDULE TO MEET WITH MINISTERS DEL VALLE AND GARCIA AT ANY OTHER TIME. ALL THESE APPOINTMENTS HAVE BEEN REQUESTED BY WOLA THROUGH UNCLASSIFIED

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PAGE 03 STATE 087443

THE CHILEAN EMBASSY. ACCORDING TO WOLA, THE VISIT TO CONCEPCION WILL FOCUS ON THE SITUATION OF THE UNIVERSITY AND CATHOLIC CHURCH.

3. CONGRESSMAN'S OFFICE HAS EXPRESSED DESIRE FOR EMBASSY TO ARRANGE A MEETING (PERHAPS LUNCH) MARCH 31 WITH REPRESENTATIVES OF CHILEAN AND FOREIGN BUSINESS

COMMUNITY, INCLUDING LOCAL REPRESENTATIVES OF AMERICAN BANKS. IN ADDITION, EMBASSY ASSISTANCE IS REQUESTED TO ATTEMPT TO ARRANGE FOR MORRISON AND OTHERS TO VISIT A SANTIAGO PRISON ON MARCH 31 (CAPUCHINOS OR WOMEN'S PENITENCIARY). MORRISON ALSO MAY REQUEST EMBASSY ASSISTANCE IN ARRANGING A PRESS CONFERENCE BEFORE DEPARTURE.

4. ALTHOUGH WE DO NOT HAVE COMPLETE SCHEDULE, WE UNDERSTAND THAT WOLA HAS ARRANGED APPOINTMENTS FOR

MORRISON WITH THE FOLLOWING:
- VICARIATE OF SOLIDARITY
-- CHILEAN HUMAN RIGHTS COMMISSION
-- NATIONAL COMMISSION AGAINST TORTURE
-- CIEPLAN
-- CARDINAL FRESNO AND CONCEPCION BISHOP
-- STUDENT ORGANIZATION REPRESENTATIVES
-- CNT
-- POLITICAL LEADERS (TO BE ARRANGED BY SERGIO BITAR)

WE URGED BOUVIER AND MORRISON STAFF TO CONSIDER MEETING WITH CDT LABOR REPRESENTATIVES AS WELL AND EXPRESSED HOPE THAT POLITICAL PARTY LEADERS MEETING WOULD INCLUDE FULL SPECTRUM OF POLITICAL VIEWS, SUCH AS CONSERVATIVE PARTIES IN NATIONAL ACCORD.

5. EMBASSY SHOULD PROVIDE ALL APPROPRIATE ASSISTANCE TO REPRESENTATIVE MORRISON AND ACCOMPANYING PARTY. PLEASE
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PAGE 04 STATE 087443

ADVISE TIMING FOR APPOINTMENTS AND MEETING WITH BUSINESSMEN, SO THAT WE CAN CONVEY TO MORRISON AND WOLA.

6. FYI. DAS GELBARD HAD A CORDIAL MEETING THIS WEEK WITH MORRISON AND DESCRIBED OUR POSITION ON MDB LOANS AND OVERALL POLICY TOWARD CHILE. WHITEHEAD

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Dept. of State, RPS/IPS, Margaret P. Grafeld, Dir.
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E.O. 12356: DECL: OADR
TAGS: PREL, UR
SUBJECT: MEDIA TREATMENT: HOUSE VETO ON CONTRA AID

1. [redacted] ENTIRE TEXT

2. SUMMARY

THE SOVIET MEDIA ARE TREATING THE HOUSE VOTE ON CONTRA AID AS A SERIOUS DEFEAT FOR THE ADMINISTRATION BUT NOT A DECISIVE ONE. THEY EXPECT THE ADMINISTRATION TO CONTINUE ITS EFFORTS TO PERSUADE THE CONGRESS, BUT THEIR ANALYSES IMPLY THAT, ABSENT PRESSURE TACTICS, THE ADMINISTRATION WILL FAIL. END SUMMARY.

[redacted]

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PAGE 02 MOSCOW 04922 241459Z

3. ACCORDING TO THE SOVIET MEDIA, THE HOUSE VOTE REPRESENTS A PERSONAL DEFEAT FOR PRESIDENT REAGAN: HE LED THE CAMPAIGN OF "INTIMIDATION" AND "SCARE TACTICS" AGAINST THE HOUSE, AND UNDER HIS LEADERSHIP THE WHITE HOUSE, THE STATE DEPARTMENT, THE PENTAGON, AND THE CIA "OPENLY" SOUGHT TO "TWIST THE ARMS OF CONGRESSMEN." AT THE SAME TIME, THE VOTE REPRESENTS A REJECTION OF THE ADMINISTRATION'S "INTERVENTIONIST" AND "ADVENTURIST" POLICIES. ACCORDING TO THE SOVIET MEDIA, THE LAWMAKERS WERE ALSO EXPRESSING THEIR CONCERN THAT AID FOR THE CONTRAS WOULD LEAD TO U.S. MILITARY

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ACTIONS AGAINST NICARAGUA.

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4. THE MEDIA ARE, HOWEVER, WARNING THAT THE BATTLE IS FAR FROM OVER. THE HOUSE WILL CONSIDER POSSIBLE VARIATIONS IN APRIL. ARTICLES QUOTE ADMINISTRATION SPOKESMEN AS SAYING THAT THE ADMINISTRATION WILL CONTINUE TO SEEK CONGRESSIONAL APPROVAL OF CONTRA ASSISTANCE. THEY ALSO REPORT THAT THE REPUBLICAN-CONTROLLED SENATE IS SCHEDULED TO VOTE ON THE QUESTION, AND FUNDING FOR THE CONTRAS WILL CONTINUE TO COME FROM THE CIA AND "PRIVATE SOURCES."

5. MEDIA ANALYSES IMPLY CAUTIOUS OPTIMISM ABOUT THE RESULTS. THEY CLAIM THAT THE ADMINISTRATION IS ISOLATED. PRAVDA CORRESPONDENT GAN, CITING AN OPINION POLL, STATES THAT A MAJORITY OF AMERICANS OPPOSES THE ADMINISTRATION'S "AGGRESSIVE" POLICIES IN CENTRAL AMERICA. PRAVDA COMMENTATOR OVCHINNIKOV NOTES

[redacted]

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PAGE 03 MOSCOW 04922 241459Z

THAT AFTER THE PRESIDENT'S ADDRESS ON NICARAGUA, LARGE NUMBERS OF AMERICANS CALLED THEIR CONGRESSMEN TO VOICE THEIR OPPOSITION TO THE ADMINISTRATION'S POLICIES. THE MEDIA ALSO CLAIM THAT:

--CENTRAL AND SOUTH AMERICAN COUNTRIES ARE OPPOSED TO THE PRESIDENT'S EFFORTS;

--THE ADMINISTRATION'S ARGUMENTS HAVE NO BASIS IN FACT, SINCE THERE IS NO SOVIET OR COMMUNIST THREAT AND THE ADMINISTRATION'S ASSERTIONS TO THE CONTRARY ARE NOTHING MORE THAN "NEO-MCCARTHYISM."

COMMENT

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6. WHILE THE SOVIETS ARE BREATHING A SIGH OF RELIEF, THEY REALIZE THAT NEITHER THEY NOR THE NICARAGUANS ARE OUT OF THE WOODS YET ON THE QUESTION OF CONTRA AID. THUS, THEY WILL CONTINUE TO WATCH THE DEBATE CLOSELY--AND TO AVOID PUBLIC STEPS WHICH WOULD HELP THE ADMINISTRATION'S CAMPAIGN. COMBS

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*** Current Handling Restrictions *** n/a
*** Current Classification *** [redacted]

VZCZCGTI *
RR RUEHC RUEHME
DE RUEHGT #3304/01 085 **
ZNR UUUUU ZZH
R 260003Z MAR 86
FM AMEMBASSY GUATEMALA
TO RUEHC / SECSTATE WASHDC 5505
INFO RUEHME / AMEMBASSY MEXICO 6626
BT
UNCLAS GUATEMALA 03304

RELEASED

CLASS: UNCLASSIFIED
CHRGE: PROG 03/25/86
APPRV: CON:RRGAMBLE
DRFTD: CON:LMKERR
CLEAR: 1)CON:DTRUJIL
O:GHOOKER
DISTR: AMB DCM CON-
CHRON USIS

E.O. 12356: N/A
TAGS: CASC (BLAKE, NICHOLAS) (DAVIS, GRIFFITH)
SUBJECT: W/W: CASE OF NICK BLAKE AND GRIFF DAVIS

1. AMBASSADOR PIEDRA MET WITH MR. SAM BLAKE, BROTHER OF MISSING AMERICAN JOURNALIST NICK BLAKE, AT THE CHANCERY ON MARCH 12. MR. BLAKE WAS ACCOMPANIED BY FAMILY FRIEND JAMES ADRIANCE. ALSO PRESENT WERE DCM ROGER GAMBLE AND CONSUL GENERAL DORA TRUJILLO.

2. SAM BLAKE SUGGESTED THAT THE GOVERNMENT OF GUATEMALA BE APPROACHED TO ARRANGE AN EXCHANGE WITH THE EGP WHEREIN EGP PRISONERS WOULD BE GIVEN UP FOR THE BODIES OF NICK BLAKE AND GRIFF DAVIS. THE AMBASSADOR POINTED OUT THAT THIS ASSUMED THAT THE GUERRILLA HAD KILLED THE TWO AMERICANS. SAM BLAKE ANSWERED THAT SINCE THE ARMY HAD NOT KILLED THEM, IT HAD TO BE THE GUERRILLA. MR. BLAKE STRONGLY PUSHED FOR SUCH AN EXCHANGE AT SEVERAL POINTS IN THE MEETING.

3. MR. BLAKE TOTALLY DISCOUNTED THE POSSIBILITY THAT THE TWO AMERICANS MIGHT HAVE BEEN THE VICTIMS OF A COMMON CRIME, THE PREY OF BANDITS, CALLING THAT IDEA "TOO EASY."

4. MR. BLAKE ASKED THAT THE EMBASSY RENT A HELICOPTER SO THAT HE COULD GET TO EL LLANO. DCM EXPLAINED THAT NO USG FUNDS WERE AVAILABLE FOR SUCH TRAVEL.

5. SEVERAL QUESTIONS NOT COMPLETELY RESOLVED DURING THE MEETING ARE DISCUSSED BELOW:
---THE APRIL ARMY SWEEP THROUGH THE SUMALON AREA WAS MADE FOR THE EXPRESS PURPOSE OF SEARCHING FOR THE MISSING AMERICANS. OTHER PLANNED OPERATIONS IN THE ZONE WERE CANCELLED TO BRING MAXIMUM FORCE TO BEAR ON THE AREA IN QUESTION. THE DEPUTY ZONE COMMANDER, LTC SOLIS, FLEW TO THE CAPITAL TO BRIEF DATT AND CONOFF PRIOR TO THE OPERATION'S KICK-OFF TO INSURE THAT ALL INFORMATION WAS BEING SHARED. GOVERNMENT FORCES REPORTED SIGNIFICANT FRIENDLY CASUALTIES ON THE SWEEP.

---EMBASSY OFFICERS HAVE NOT RETURNED TO EL LLANO IN RECENT MONTHS. IT IS A DANGEROUS AREA, AND WE HAVE NO SPECIFIC QUESTIONS OR INFORMATION WHICH WOULD WARRANT TAKING THAT RISK.

---POST HAS DISCUSSED, ON SEVERAL OCCASIONS, THE

Guatemala Amembassy #327224 Blake/Davis

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Review Authority: MOSKOWITZ, SAM
Date: 06/29/95
Case ID: 95122211

IMPROBABILITY OF A CLANDESTINE HELICOPTER ENTRY INTO NEBAJ. WE ARE ALSO ON RECORD REGARDING THE LIKELIHOOD THAT THE GUATEMALAN ARMY WOULD ATTEMPT SUCH A CLANDESTINE DETENTION, OR COULD KEEP IT A CLOSELY HELD SECRET FOR MONTHS LATER.

---THE SIX EI-EGP GUERRILLAS INTERVIEWED EARLIER IN NEBAJ HAD VOLUNTARILY RETURNED TO GOVERNMENT CONTROL AND ARE NOT "CAPTIVES" IN ANY SENSE.

6. MR. BLAKE WAS REFERRED TO THE DEFENSE ATTACHE REGARDING THE POSSIBILITY OF INTERVIEWING TROOPS INVOLVED IN THE APRIL ARMY SWEEP. (COMMENT: THE COMMANDER OF THE NEBAJ GARRISON, THE ZONE COMMANDER AND HIS DEPUTY, AND NEARLY ALL SENIOR TROOP LEADERS HAVE BEEN CHANGED IN RECENT MONTHS, BOTH AS THE RESULT OF NORMAL ROTATION AND CHANGES MADE BY THE NEW GOVERNMENT.)

7. THE REPORTED SIGHTING OF GRIFFITH DAVIS IN CHIAPAS, MEXICO, WAS DISCUSSED. MR. GAMBLE CALLED ATTENTION TO LACK OF KNOWLEDGE REGARDING THE TRUSTWORTHNESS OF THE SOURCE IN COMITAN, CHIAPAS.
7-A. AT THE SUGGESTION OF SAM BLAKE, THE AMBASSADOR, ON THE OCCASION OF THE VISIT OF AMBASSADOR HABIB TO GUATEMALA, MET WITH PRESIDENT CEREZO AND EXPRESSED TO HIM (CEREZO) OUR INTEREST IN RESOLVING THE CASE OF THE DISAPPEARANCE OF NICHOLAS BLAKE AND GRIFFITH DAVIS. THE AMBASSADOR ASKED THAT SAM BLAKE RECEIVE ALL POSSIBLE SUPPORT FROM THE GUATEMALAN AUTHORITIES IN HIS ENDEAVORS. THE PRESIDENT AGREED TO DO EVERYTHING HE COULD TO HELP IN THIS CASE. BLAKE TOLD THE DCM THAT DURING HIS MARCH 12 MEETING WITH CEREZO, THE PRESIDENT DID OFFER HIS FULL SUPPORT.

8. FOLLOWING HIS VISIT TO THE NEBAJ/SANTA CRUZ DEL QUICHE AREA, SAM BLAKE CAME TO THE EMBASSY ON MARCH 18 AND ADVISED THE DCM AND COLONEL HOOKER OF THE RESULTS OF HIS VISIT. HE HAD MET WITH QUICHE MILITARY COMMANDER COLONEL BYRON LIMA AND OTHER MILITARY OFFICIALS WHO PARTICIPATED DIRECTLY IN THE MILITARY SWEEP OF THE SUMALON AREA. BLAKE COMMENTED THAT BASED ON HIS

DISCUSSIONS WITH THOSE OFFICIALS AND THE COOPERATION RECEIVED FROM THEM, HE WAS SATISFIED THAT THE ARMY WAS NOT RESPONSIBLE FOR THE DISAPPEARANCE OF HIS BROTHER AND MR. DAVIS. ACCORDING TO BLAKE, COLONEL LIMA HAS AGREED TO SEND A PATROL INTO THE AREA WHERE NICK BLAKE WAS LAST SEEN AND TO PERMIT SAM BLAKE TO ACCOMPANY THE PATROL OR, AT A MINIMUM, BE IN AN AREA RELATIVELY CLOSE TO WHERE THE PATROLING TAKES PLACE. BLAKE SAID HE BELIEVED THE PATROL WOULD TAKE PLACE IN MAY, AFTER HE CONFIRMS WITH COLONEL LIMA WHEN HE WILL BE IN THE COUNTRY.

PIEDRA

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B UNCLASSIFIED GUATEMALA 3304

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Blake

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ACTION CONS INFO AMB DCM CHRON/5

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FM SECSTATE WASHDC
TO RUEHME/AMEMBASSY MEXICO IMMEDIATE 3462
RUEHGT/AMEMBASSY GUATEMALA IMMEDIATE 8412
BT
UNCLAS STATE 097107

RELEASED IN PART
B6

29-MAR-86
TOR: 14:13
CN: 14483
CERG: PROG
DIST: CONS

173

E.O. 12356: N/A
TAGS: CASC: (BLAKE, NICHOLAS) (DAVIS, GRIFFITH)
SUBJECT: W/W: NICHOLAS BLAKE AND GRIFFITH DAVIS

REF: A) SMITH/NIDER TELCON B) GUATEMALA 3324 C) STATE 78887

1. DEPT WAS CONTACTED BY BERNARD MCGURL, A FRIEND OF GRIFF DAVIS WHO IS ANXIOUS TO JOIN THE SEARCH FOR HIM IN MEXICO. HE SEEMED WELL INFORMED ABOUT THE REGION AND THE CASE, AND DEPT ENCOURAGED HIM TO GO AND OFFERED TO PUT HIM IN TOUCH WITH AMEMB MEXICO'S OFFICER WHO COORDINATED THE SEARCH IN CHIAPAS. HE IS LEAVING APRIL 1, BUT CAN BE REACHED BEFORE THAT DATE AT [redacted] HE HAS BEEN IN TOUCH WITH BOTH FAMILIES. B6

2. REFTEL B, PARA 7 NEEDS CLARIFICATION. IS THE ASSUMPTION THAT THE SOURCE WHO SIGHTED MR. DAVIS UNTRUSTWORTHY BASED ON TELEPHONE INFO FROM AMEMB MEXICO? DEPT HAS TOLD INTERESTED PARTIES THAT AN IMMIGRATION OFFICIAL SHOULD BE HIGHLY RELIABLE SOURCE. THIS OFFICER WOULD HAVE AN EXCELLENT MEMORY FOR FACES AND MIGHT EVEN HAVE A WRITTEN RECORD OF MR. DAVIS' APPLICATION FOR A LENGTH OF STAY. FAMILY MEMBERS AND INTERESTED CONGRESSIONAL OFFICES ARE PRESENTLY AWAITING CONFIRMATION OF THIS FROM AMEMB MEXICO

AND A STATUS REPORT ON THE PROGRESS OF THE MEXICAN POLICE SEARCH FOR MR. DAVIS IN SAN CRISTOBAL DE LAS CASAS.

3. MRS. DAVIS IS PARTICULARLY ANXIOUS ABOUT THIS MATTER. SHE IS PRESENTLY IN FLORIDA WITH A DAUGHTER. SHOULD EITHER POST WANT TO CONTACT HER DIRECTLY. SHE CAN BE REACHED AT [redacted] B6

4. FYI: MRS. BLAKE HAS WRITTEN TO DEPOFFS EXPRESSING APPRECIATION FOR ASSISTANCE RENDERED HER FAMILY IN CONNECTION WITH THE DISAPPEARANCE OF HER SON. IT SAYS, QUOTE: NOW THAT A YEAR HAS ALMOST PASSED SINCE THE TIME WHEN NICK BLAKE DISAPPEARED IN THE MOUNTAINS OF HUEHUETENANGO PROVINCE, COUNTRY OF GUATEMALA, WE WOULD LIKE TO TAKE THE OPPORTUNITY TO THANK YOU AND THE OTHER STATE DEPARTMENT STAFF FOR ALL THE WORK UNDERTAKEN ON BEHALF OF A MISSING AMERICAN CITIZEN.

Guatemala Amemb 4554 # 327224 Blake/Davis

WE THE FAMILY OF NICK BLAKE CONTINUE RESOLVED TO LEARN

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Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 06/29/95
Case ID: 9512221

WHAT ACTUALLY DID HAPPEN TO HIM AND TO FIND OUT STILL WHETHER HE MIGHT POSSIBLY BE ALIVE SOMEWHERE.

IT HAS BEEN AN EXTREMELY DIFFICULT TIME FOR EVERYONE INVOLVED IN THIS CASE; AND WE ADMIRE THE DEDICATED PROFESSIONALISM OF THE STAFF AT THE STATE DEPARTMENT MOST INVOLVED WITH THIS SITUATION.

WE WOULD LIKE TO THANK YOU ALSO FOR THE HELP GIVEN OUR SON SAM IN HIS RECENT FACT-FINDING TRIP TO GUATEMALA. HE AND HIS FAMILY-FRIEND INTERPRETER, JIM ADRIANCE, APPARENTLY FOUND THEIR TRIP TO BE HELPFUL IN SIFTING OUT INFORMATION.

ONCE AGAIN, WE THANK YOU AND OTHERS INVOLVED FOR YOUR HELP ON BEHALF OF A MISSING AMERICAN CITIZEN. END QUOTE.

5. DEPT UNDERSCORES THE THANKS TO ALL CONCERNED. KEEP UP THE HARD WORK. THE CASE IS STILL OPEN. WHITEHEAD
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PAGE 01 SAN SA 04533 01 OF 04 012251Z
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P 012248Z APR 86
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC PRIORITY 1796
AMEMBASSY GUATEMALA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HEIGHTS PN
USIA WASHDC 0494

Chile Project (#S199900030)
U.S. Department of State
Release X Excise Deny
Declassify: In Part In Full
Exemption(s)

UNCLAS SECTION 01 OF 04 SAN SALVADOR 04533

USIA FOR AR/CENTAM
DEPT FOR S/LPD

E.O. 12356: N/A
TAGS: PHUM, PINS, ES
SUBJECT: VIOLENCE REPORT FOR FEB 16-28, 1986

1. PRESS REPORTS FOR THE PERIOD FEBRUARY 16-28, 1986, INCLUDE THE FOLLOWING POLITICAL DEATHS (A):

(BY GUERRILLAS)	7
(POSSIBLY BY GUERRILLAS)	1
(BY EXTREME RIGHT)	0
(POSSIBLY BY EXTREME RIGHT)	0
(BY UNKNOWN ASSAILANT)	3
(CIVILIANS KIA)	1
(CIVIL DEFENSE)	0
(ARMY/SECURITY FORCES)	0

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PAGE 02 SAN SA 04533 01 OF 04 012251Z

TOTAL POLITICAL DEATHS (A) 12
CRIMINAL DEATHS:

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(BY UNKNOWN ASSAILANT)	17
(BY KNOWN ASSAILANT)	6
TOTAL CRIMINAL DEATHS	23
GUERRILLA KIA	41
MILITARY KIA	10

- DEATHS ATTRIBUTABLE TO POLITICAL VIOLENCE (A)

TOTAL	CIVILIAN	MILITARY	GUERRILLA
THIS PERIOD	12	10	41
SAME PERIOD 1985	21	47	78
LAST PERIOD	14	11	49
YEAR TO DATE	48	36	277
YEAR TO DATE 1985 (B)	67	85	217

(A) THIS FIGURE INCLUDES DEATHS WHICH, BECAUSE OF UNCLEAR CIRCUMSTANCES, WE CANNOT CONFIDENTLY DISMISS AS BEING PURELY CRIMINAL IN NATURE, BUT WHICH MAY WELL BE UNRELATED TO POLITICAL VIOLENCE.

THE KILLINGS REPORTED AS PERPETRATED BY THE GUERRILLAS ARE AS FOLLOWS:

-- A MEMBER OF THE CIVIL DEFENSE OF VERAPAZ, SAN VICENTE DEPARTMENT, WAS TAKEN FROM HIS HOUSE IN THE VILLAGE OF SAN JERONIMO BY GUERRILLAS WHO THREATENED TO BLOW THE DOOR OPEN WITH EXPLOSIVES AND KILL EVERYONE INSIDE IF THE UNCLASSIFIED

PAGE 03 SAN SA 04533 01 OF 04 012251Z

OCCUPANTS OF THE HOUSE DID NOT OPEN THE DOOR. THEY OPENED THE DOOR, AND THE GUERRILLAS TOOK THE MAN AWAY AND SHOT HIM. REPORTED FEBRUARY 19.

-- GUERRILLAS KIDNAPPED A MAN FROM THE VILLAGE OF CUMBRE DEL TRIGAL, NEAR DULCE NOMBRE DE MARIA IN CHALATENANGO DEPARTMENT, AND SHOT HIM WHEN HE UNTIED HIMSELF AND TRIED TO FLEE. REPORTED FEBRUARY 24.

-- THE FAMILIES OF FIVE MEN TOLD AUTHORITIES THAT GUERRILLAS TOOK THE FIVE FROM THEIR HOUSES IN THE VILLAGE OF CASERIO EL CARRIZAL, NEAR AGUA CALIENTE, CHALATENANGO

DEPARTMENT. THE FIVE WERE LATER FOUND DEAD. REPORTED FEBRUARY 26.

THE KILLING REPORTED AS POSSIBLY PERPETRATED BY GUERRILLAS IS:

-- A GROUP OF ARMED MEN TOOK A MAN FROM HIS HOUSE IN KILOMETER 39 OF THE PANAMERICAN HIGHWAY, NEAR SAN RAFAEL CEDROS, CUSCATLAN DEPARTMENT, AND SHOT HIM. NEIGHBORS REPORTED THAT HE HAD EARLIER REFUSED TO COOPERATE WITH GUERRILLAS. REPORTED FEBRUARY 26.

THE KILLINGS REPORTED AS PERPETRATED BY UNKNOWN ASSAILANT ARE:

-- ARMED MEN IN CIVILIAN CLOTHING INVADED THE VILLAGE OF SAN CARLOS EL AMATE, NEAR SAN MIGUEL DEPARTMENT, AT MIDNIGHT ON FEBRUARY 25, THREATENING TO BLOW THE DOORS OPEN WITH EXPLOSIVES IF THE RESIDENTS DID NOT OPEN THEM. THEY DEMANDED THE OCCUPANTS' NAMES, AND TOOK AWAY TWO YOUNG FARMERS AND SHOT THEM.

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PAGE 01 SAN SA 04533 02 OF 04 012252Z
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P 012248Z APR 86
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC PRIORITY 1797
AMEMBASSY GUATEMALA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HEIGHTS PN
USIA WASHDC 0495

UNCLAS SECTION 02 OF 04 SAN SALVADOR 04533

-- THE BODY OF AN UNKNOWN MAN WITH MULTIPLE BULLET WOUNDS WAS FOUND ON FEBRUARY 28 ON THE HIGHWAY BETWEEN SANTA ANA AND CHALCHUAPA, SANTA ANA DEPARTMENT. INVESTIGATORS

SUSPECTED HE HAD BEEN KIDNAPPED ELSEWHERE AND BROUGHT THERE TO BE MURDERED.
THE CIVILIAN KILLED IN ACTION WAS:

-- AN UNKNOWN MAN WAS KILLED WHEN GUERRILLAS ATTACKED AN ARMY CHECKPOINT IN BARRIO SANTA LUCIA IN ZACATECOLUCA, LA PAZ, ON THE NIGHT OF FEBRUARY 27.

2. STATISTICAL BREAKDOWN BY LOCATION, OCCUPATION, SEX AND AGE FOR CIVILIAN VICTIMS OF POLITICAL VIOLENCE:

A. LOCATION

- SAN VICENTE	1	CUSCATLAN	1
- CHALATENANGO	6	SAN MIGUEL	2
- LA PAZ	1	SANTA ANA	1

B. OCCUPATION
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PAGE 02 SAN SA 04533 02 OF 04 012252Z

- CIVIL DEFENSE	1
- FARMER	2
- UNKNOWN	9

C. AGE

17 AND UNDER	18 TO 35	36 AND OVER	UNKNOWN
- 1	2	0	9

D. SEX

- MALES	12
- FEMALES	0

3. GUERRILLAS TAKEN PRISONER OR ARRESTED BY THE ARMED FORCES: 3.

4. GUERRILLA COMBATANTS WHO TURNED THEMSELVES OVER TO THE ESAF: 7.

5. ACTS OF WAR OR TERRORISM:

A. MINES

TOTAL CIVILIANS KILLED BY MINES PLANTED BY THE GUERRILLAS: 3; BY THE ESAF: 1; UNKNOWN: 0.
CIVILIAN WERE KILLED OR WOUNDED BY GUERRILLA-PLACED MINES

AS FOLLOWS:

-- A 14-YEAR-OLD BOY LOST HIS RIGHT FOOT WEN HE SET OFF A GUERRILLA-PLACED MINE WHILE GATHERING FIREWOOD WITH HIS FATHER ON FEBRUARY 16, IN KILOMETER 66 OF THE TECOLUCA-SAN VICENTE HIGHWAY, NEAR THE VILLAGE OF DOS QUEBRADAS, SAN VICENTE DEPARTMENT.

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PAGE 03 SAN SA 04533 02 OF 04 012252Z

-- A 13-YEAR-OLD BOY WAS KILLED AND HIS MOTHER WOUNDED WHEN THEY STEPPED ON A GUERRILLA-PLANTED MINE IN THE PATH FROM THE VILLAGE OF TRONADOR TO EL PAISNAL, SAN SALVADOR DEPARTMENT. REPORTED FEBRUARY 18.

-- A 12-YEAR-OLD GIRL WAS KILLED AND HER MOTHER WOUNDED BY A GUERRILLA-PLANTED MINE ON FEBRUARY 18 ON THE "LOLO LEIVA" COFFEE PLANTATION, NEAR SANTIAGO NONUALCO, LA PAZ DEPARTMENT, AS THEY WERE RETURNING HOME FROM PICKING COFFEE.

-- A BOY LOST BOTH LEGS WHEN HE SET OFF A MINE PLANTED BY THE GUERRILLAS ON THE OUTSKIRTS OF SANTIAGO DE MARIA, USULUTAN DEPARTMENT. REPORTED FEBRUARY 22.

-- TWO MEN, AGED 56 AND 20, WERE HOSPITALIZED IN THE REGIONAL HOSPITAL OF CHALATENANGO AFTER STEPPING ON GUERRILLA-PLANTED MINES IN SEPARATE INCIDENTS. BOTH SUFFERED INJURIES TO THE LEFT LEG. REPORTED FEBRUARY 22.

-- THREE FARMERS, AGED 38, 29, AND 42, HAD THEIR LEGS AMPUTATED AFTER SETTING OFF A MINE PLANTED BY THE GUERRILLAS IN THE FIELD WHERE THEY WERE WORKING, IN USULUTAN DEPARTMENT. REPORTED FEBRUARY 25.

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PAGE 01 SAN SA 04533 03 OF 04 012254Z
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FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC PRIORITY 1798
AMEMBASSY GUATEMALA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HEIGHTS PN
USIA WASHDC 0496

UNCLAS SECTION 03 OF 04 SAN SALVADOR 04533

-- A WOMAN WAS GRAVELY WOUNDED BY THE SHRAPNEL OF A LAND MINE PLACED BY THE GUERRILLAS AND WAS TREATED IN THE SAN PEDRO HOSPITAL, IN USULUTAN DEPARTMENT. REPORTED FEBRUARY 25.
-- A MAN SUFFERED SERIOUS INJURIES WHEN HE STEPPED ON A GUERRILLA MINE IN THE VILLAGE OF FLOR AMARILLA, NEAR SANTA ANA, SANTA ANA DEPARTMENT. REPORTED FEBRUARY 26.

-- A FARMWORKER WAS KILLED WHEN HE STEPPED ON A MINE LEFT BY THE GUERRILLAS IN THE COLONIA UTILA, NEAR SANTA TECLA, LA LIBERTAD DEPARTMENT. REPORTED FEBRUARY 27.

-- A CIVILIAN WAS KILLED BY AN ESAF MINE AS FOLLOWS: NATIONAL GUARD TROOPS PLACED MINES TO HELP GUARD AGAINST GUERRILLA INCURSIONS INTO THE "ENTRE RIOS" COTTON FARM COOPERATIVE NEAR ZACATECOLUCA, LA PAZ DEPARTMENT. A MEMBER OF THE COOPERATIVE STEPPED ON ONE OF THE MINES AND WAS KILLED. REPORTED FEBRUARY 17.

B. MILITARY ENGAGEMENTS: 27
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PAGE 02 SAN SA 04533 03 OF 04 012254Z

-- THE ESAF CONDUCTED MILITARY COUNTERINSURGENCY OPERATIONS IN THE DEPARTMENTS OF SAN MIGUEL, USULUTAN, CABANAS, CHALATENANGO, SAN VICENTE AND MORAZAN.

-- "OPERATION PHOENIX", INITIATED JANUARY 10 WITH THE PURPOSE OF DRIVING THE GUERRILLAS OUT OF THEIR LONG-TIME STRONGHOLD ON THE GUAZAPA VOLCANO IN SAN SALVADOR DEPARTMENT, CONTINUED THROUGH THIS REPORTING PERIOD ON THE VOLCANO AND IN SURROUNDING AREAS.

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C. TERRORISM AND SABOTAGE:

-- THE GUERRILLAS DOWNED ELECTRIC POSTS AND TOWERS IN THE DEPARTMENTS OF USULUTAN, CHALATENANGO, AND SAN SALVADOR.

-- SIX COFFEE PLANTATIONS IN ALEGRIA, BERLIN, AND SANTIAGO DE MARIA, USULUTAN DEPARTMENT, WERE BURNED BY THE GUERRILLAS, SOME OF THEM FOR THE SECOND TIME. ALMOST THE ENTIRE COFFEE HARVEST OF THESE PLANTATIONS HAD PREVIOUSLY BEEN STOLEN BY THE GUERRILLAS. REPORTED FEBRUARY 16.
-- A 66-YEAR-OLD MAN WAS SEVERELY INJURED BY AN EXPLOSIVE BOOBY-TRAP RIGGED IN THE YARD OF HIS HOUSE BY THE GUERRILLAS IN THE VILLAGE OF LOS RAMIREZ, NEAR SUCHITOTO, CUSCATLAN DEPARTMENT. REPORTED FEBRUARY 18.

-- GUERRILLAS STOPPED A PASSENGER BUS, ROBBED THE PASSENGERS, AND BEAT SOME OF THEM, NEAR CANDELARIA, NEAR SAN FRANCISCO CHINAMECA, LA PAZ DEPARTMENT. REPORTED FEBRUARY 18.

-- GUERRILLAS CHOPPED DOWN SEVERAL ELECTRIC POSTS BY THE UNCLASSIFIED

PAGE 03 SAN SA 04533 03 OF 04 012254Z

SUCHITOTO HIGHWAY, NEAR SAN BARTOLOME PERULAPIA, CUSCATLAN DEPARTMENT, ON FEBRUARY 19.

-- FIVE TELEPHONE SWITCHING BOXES WERE DYNAMITED IN WESTERN SAN SALVADOR, SAN SALVADOR DEPARTMENT, ON FEBRUARY 21.

-- GUERRILLAS BURNED A SUGAR CANE FIELD AND SET OFF EXPLOSIVES WHICH DESTROYED A TRUCK AND A LOADER NEAR CHIRILAGUA, SAN MIGUEL DEPARTMENT. REPORTED FEBRUARY 22.

-- ON THE "EL NARANJO" COFFEE PLANTATION NEAR BERLIN, USULUTAN DEPARTMENT, GUERRILLAS BURNED SEVERAL HOUSES BELONGING TO THE WORKERS. REPORTED FEBRUARY 22.

-- IN THE EARLY HOURS OF FEBRUARY 24, GUERRILLAS ATTACKED THE COTTON FARM COOPERATIVE "EL MARTILLO" NEAR JIQUILISCO, USULUTAN, KILLING FOUR NATIONAL GUARDSMEN AND WOUNDING THREE MORE WHO WERE PROVIDING SECURITY. THE GUERRILLAS BURNED 35,000 QUINTALS OF COTTON IN BALES,

VALUED AT 200 THOUSAND DOLLARS.

CIVILIAN DISAPPEARANCES (A)

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PAGE 01 SAN SA 04533 04 OF 04 012254Z
ACTION ARA-00

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AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
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UNCLAS SECTION 04 OF 04 SAN SALVADOR 04533

THIS PERIOD	4
LAST PERIOD	8
YEAR TO DATE	23

(A) "CIVILIAN DISAPPEARANCES" INCLUDES THOSE PERSONS WHO HAVE DISAPPEARED FOR UNKNOWN REASONS. THEY MAY HAVE LEFT THEIR HOMES VOLUNTARILY, OR THEY MAY HAVE BEEN ABDUCTED BY AN UNKNOWN ASSAILANT, IN THE ABSENCE OF WITNESSES.

	ABDUCTIONS (B)	
	BY GUERRILLAS	BY UNKNOWN ASSAILANT
THIS PERIOD	1	7
LAST PERIOD	6	0
YEAR TO DATE	12	7

(B) ABDUCTIONS INCLUDE ONLY CASES OF PERSONS WHOSE ABDUCTIONS WERE WITNESSED OR FOR WHICH THE PERPETRATORS LATER ANNOUNCED RESPONSIBILITY.

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PAGE 02 SAN SA 04533 04 OF 04 012254Z

THE ABDUCTION BY THE GUERRILLAS IS AS FOLLOWS:

-- A FARMER WAS KIDNAPPED ON FEBRUARY 24 IN FRONT OF HIS FAMILY IN THE VILLAGE OF ANIMAS, NEAR SOCIEDAD, MORAZAN DEPARTMENT. THE GUERRILLAS SAID THEY HAD ORDERS TO TAKE HIM AND OTHERS IN A LIST THAT THEY HAD BEEN GIVEN. APPARENTLY LOOKING FOR OTHERS ON THE LIST, THE GUERRILLAS WENT THROUGH THE VILLAGES OF GUACHIPILIN, SAN JOSE, EL GIGANTE, EL AGUACATE, AND OTHERS, LOOTING HOUSES WHEN THEY WERE UNABLE TO FIND THE OTHER VICTIMS THEY WANTED.

THE ABDUCTIONS BY UNKNOWN ASSAILANTS ARE AS FOLLOWS:

-- A FARMER WAS KIDNAPPED FROM HIS HOUSE IN YERBA BUENA, NEAR SAN FERNANDO, CHALATENANGO DEPARTMENT. REPORTED FEBRUARY 18.

-- A STUDENT WAS ABDUCTED BY ARMED MEN FROM IN FRONT OF THE RURAL MIXED SCHOOL IN SANTA LUCIA, NEAR SAN ISIDRO, CABANAS DEPARTMENT, ON FEBRUARY 16. HIS FAMILY PLACED AN ADVERTISEMENT IN THE NEWSPAPERS ASKING THE KIDNAPPERS TO CONTACT THEM WITH THEIR TERMS FOR HIS RELEASE.
-- ON FEBRUARY 18 A MAN WAS ABDUCTED FROM LA PALMA, NEAR COJUTEPEQUE, CUSCATLAN DEPARTMENT.

-- A MAN WAS KIDNAPPED FROM HIS HOUSE IN VALLE NUEVO, NEAR SAN CARLOS, IN MORAZAN DEPARTMENT. REPORTED FEBRUARY 22.

-- A MAN WAS KIDNAPPED FROM TAPECHAME, NEAR ZACATECOLUCA, LA PAZ DEPARTMENT. REPORTED FEBRUARY 26.

-- A WOMAN WAS KIDNAPPED FROM THE "OLYMPIA" COFFEE
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PAGE 03 SAN SA 04533 04 OF 04 012254Z

PLANTATION NEAR SAN MIGUEL, SAN MIGUEL DEPARTMENT. REPORTED FEBRUARY 26.

-- A WOMAN WAS ABDUCTED FROM BARRIO SAN JOSE, NEAR LA LIBERTAD, LA LIBERTAD DEPARTMENT. REPORTED FEBRUARY 26.

6. THIS REPORT IS BASED ON VIOLENCE REPORTED IN THE SALVADORAN PRESS, GUERRILLA ACKNOWLEDGEMENTS OF ACTS OF VIOLENCE AS REPORTED IN THEIR OWN MEDIA, AND OTHER SOURCES. IT IS INTENDED ONLY, AND IN COMPARISON WITH PAST REPORTS, TO PROVIDE AN INDICATOR FOR TRENDS IN VIOLENCE OVER TIME. EMBASSY SAN SALVADOR DOES NOT ENDORSE THE FIGURES HEREIN AS REFLECTING THE PRECISE NUMERICAL LEVEL OF VIOLENCE.

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14 Apr 86

Embassy of the United States of America

~~SECRET~~

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
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Exemption(s) ____

S/S EPIN MDB (pg 2)

Santiago, Chile

April 1, 1986

Mr. Michael L. Durkee
Director
Office of Southern Cone Affairs
Department of State
Washington, DC 20520

Dear Mike:

This will be a brief introduction because of the press of various things yesterday and today (goals and objectives, Congressman Morrison), but I did want to give you a sense of my trip to the Antarctic. You'll hear from Frank too I know.

Perhaps because we ended up spending more time on the bounding main than we had planned, that element is the first one I would mention, simply because it reinforces the sense of how isolated the Antarctic can be. We had planned to fly back but couldn't get off the ship because of high winds and the captain decided to bring us back to the relative accessibility of Puerto Williams which gave us those two extra days in heavy seas. Still, I also came back with a strong impression of the workability of international cooperation as well the dedication and versatility of the American scientists and other personnel at our own base at Palmer Station and on the ship. So in the context of continued U. S. Chilean cooperation of a more focused nature in the sciences I hope to find a place for the polar programs. On my way through B.A. Frank had over for dinner two Argentinian officials whom he described as the Don Regan and Elliott Abrams of that country who gave me a useful sense of how Chile looks from there in exchange for impressions of Chile through U.S. eyes.

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Re your letter of March 7: Our public posture: Don Regan's comments ("not yet") were particularly resented here and probably would have sparked controversy even without Elliott's earlier statements. Now we have the Secretary's remarks which strike me as not all that different in substance to what the President has been saying this past year. Still they will probably keep the intervention question alive, but then I suspect in their present half defiant and half embarrassed mood, the government and its supporters (and perhaps some others) will feel they need to give vent to their sense of outraged dignity. We just have to hope that there is still some soul searching going on. I see Del Valle tonight and by the time you receive this you'll know whether he does anything other than complain.

MDB Loans: We had a good conversation with Bruce Morrison today and I will be giving some more thought as to how we might best proceed in facing what seems to me to be an even more likely set of congressional pressures on this front. In one of his phone calls about two weeks ago Bob did mention my talk with Conroh, said that he understood Conroh was misquoting me, but it is interesting that he and Elliott are of different minds. That was not clear to me when I was there and I pretty much followed Elliott's approach when I talked to Conroh - i.e. let's get ourselves ready and think through what we want. The conversation with Morrison reinforces that feeling.

We tried to make the point with Morrison that it is important that we have clearly in mind what we hope to achieve, in return for changing our vote, and that ideally that goal should be the product of consultations between the Executive and the Congress. He took the position that the law required us to vote against loans to Chile, and that we should obey the law. Nevertheless, he also complained about lack of consultations, and did not seem totally immune to argument. When I brought up IMET, he said that was obviously a sensitive subject, but that it would depend on what the rest of our strategy was; whether he were convinced that we were vigorously pushing democracy in other ways, and that greater contact with the military was a part of a broader effort.

Campaign for a Plebiscite. On March 31, Ultimas Noticias published a story attributed to "an informed source in the legislative area" that the example of constitutional change cited by Admiral Merino in his speech opening the legislative year (to remove the right of enlisted men to vote) was only one of several changes the Admiral wanted, and that changing "the mechanism of presidential succession" was another. The statement was made that although Merino had said the junta would wait upon presidential initiative to propose constitutional changes, the junta of course had constitutional authority to make its own proposals if the President did not. It was also said that Merino had no intention of staying on as commander-in-chief of the navy beyond March 11, 1989. The same day, La Tercera ran a column by Gustavo Alessandri, Jorge's nephew, which began, "It now appears evident that in the near future there will be a great national debate on the reforms that it is necessary to make in the 1980 Constitution." He therefore thought it opportune to call attention to one needed change, in the format for election of Senators. George lunched the same day with Brigadier Videla, who said he personally supported amending the Constitution to provide for competitive presidential elections.

Argentine Views. George, John Keane, Wendell, Peter DeShazo and Henry Nevares lunched today with their counterparts at the Argentine Embassy, including their military attache, Col. Guillermo Gomez, at the Argentines' invitation. The fact of the invitation and the frankness and cordiality of the discussion were interesting in themselves. The tenor of the discussion can be summed up as a division between those, like Col. Gomez, who take the Merino statements and the extremely broad support for competitive elections as evidence that Pinochet will ultimately have to yield, and those, like DCM Raul Estrada, who are impressed by Pinochet's ability to manage Chilean politics and who are convinced that any plebiscite will be held at a time of his choice, on his terms, and that he is likely to win a competitive election anyway. To the objection that there may well be a stronger opposition candidate than Valdes, Raul replies that Pinochet will ensure that there isn't, if necessary by jailing Valdes to increase his popularity. Gomez, on the other hand (although admitting to knowing no more about thinking within the army than we do), is convinced that the generals will not support Pinochet beyond 1989, and that if Pinochet does not make alternative plans by 1988 there will be a serious crisis. Everyone agreed that, contrary to the views of the left wing of the opposition (on which Morrison is avidly feeding), the GOC faces no threat in 1986.

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Alternativa. I enclose a few pages from the "sample" issue of a new magazine, prepared in order to obtain permission to publish (which has been granted). It is a subsidiary of Cosas and therefore presumably will be as careful to avoid offense to the government as is Cosas. Still, there are some interesting things in it, notably the poll of presidential preferences which was won by our old friend (FNU) Ninguno. Note also the name of Alternativa's Washington correspondent. I've passed Gelbard's request for a roundup on the health of the fourth estate to Gene Friedmann.

Opposition Views on Economics. Dave's March 28 letter has just arrived, and one statement leaps out at us - that you need *more reporting of opposition economic views, and that you* don't have a good handle on how opposition parties would approach economic policy if in power. Did no one other than Mike Smith - who praised it profusely - read Santiago 1355? Some feedback on whether you found it useful and which aspect you would like to see further reporting on would be helpful.

Private Sector Attitudes. I enclose a memo from Dick Ades on Chilean business reaction to recent U.S. statements. Larry Hayes of Exxon's copper subsidiary told George last week that he had been in New York trying to get some additional financing from headquarters the day after Don Regan's statement and was turned down. Larry is convinced that uncertainty over where U.S. policy is heading was the reason. We will see if we can get more detail.

Enough for this week.

Sincerely,

Harry G. Barnes, Jr.

Enclosures as stated.

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PAGE 01 GUATEM 03475 012216Z
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UNCLAS GUATEMALA 03475

E.O. 12356: N/A
TAGS: PHUM, GT
SUBJECT: ANOTHER SOLDIER CONVICTED OF MURDER

REF: GUATEMALA 3474

1. GUATEMALAN SOLDIER OSCAR RENE SUB MARROQUIN WAS SENTENCED TO EIGHT YEARS IN PRISON FOR MURDERING MARCIAL DE JESUS CASTILLO IN CHIMALTENANGO, DEPARTMENT OF CHIMALTENANGO, LAST SEPTEMBER 22. ON MARCH 31, THE FOURTH APPELLATE COURT CONFIRMED THE DECISION OF GUILTY AND THE SENTENCE OF EIGHT YEARS IMPRISONMENT HANDED DOWN BY THE MILITARY COURT IN MILITARY ZONE 1.

2. SUB MARROQUIN WAS CONVICTED OF MURDERING DE JESUS DURING A FIGHT IN DOWNTOWN CHIMALTENANGO. SUB MARROQUIN, WHO ALLEGEDLY WAS DRUNK AT THE TIME OF THE KILLING, CAME TO THE AID OF HIS BROTHER DURING A
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PAGE 02 GUATEM 03475 012216Z

STREET FIGHT. SUPPOSEDLY SET UPON BY FOUR MEN, SUB MARROQUIN DREW HIS PISTOL AND SHOT DE JESUS IN THE FACE AND CHEST, KILLING HIM INSTANTLY.

3. COMMENT. THIS IS THE SECOND CONVICTION AND SENTENCING OF A SOLDIER FOR MURDER IN AS MANY DAYS (REFTEL). ALTHOUGH THE CRIMES COMMITTED BY THE SOLDIERS ARE NOT "CLASSIC" HUMAN RIGHTS VIOLATIONS, THEIR CONVICTIONS SEEM TO SIGNAL A WILLINGNESS ON THE PART OF THE ARMY TO DISCIPLINE SOLDIERS WHO COMMIT CASUAL AND PRIVATE ACTS OF VIOLENCE. IT IS NOTEWORTHY THAT BOTH SOLDIERS WERE STATIONED IN MILITARY ZONE 3, WHICH ENCOMPASSES THE DEPARTMENT OF CHIMALTENANGO. THIS MILITARY ZONE HAS BEEN THE SITE OF SEVERAL WELL PUBLICIZED HUMAN RIGHTS ABUSES, SUCH AS THE KILLINGS AND DISAPPEARANCES IN PATZUN. END COMMENT. PIEDRA

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*** Current Handling Restrictions *** n/a
*** Current Classification *** UNCLASSIFIED

4/1/86

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Declassify: In Part X In Full ____
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CHILE: OPPOSITION KEEPS UP THE PRESSURE

Violent anti-government protests and unrest in the universities have led to the arrests of hundreds of students and professors over the past several weeks. The Manuel Rodriguez Patriotic Front, (FPMR), the armed wing of the Communist party, has continued its bombing campaign and may now be directing more of its efforts against individuals rather than public works. The protests have not evoked widespread public sympathy, and Pinochet's refusal to negotiate with the multiparty "National Accord" is forcing the democratic opposition to resort to more forceful actions to win concessions. In an increasing number of instances the democratic opposition is cooperating with the extreme left in anti-government protests.

Opposition leaders have proclaimed 1986 the "decisive year" but little has been done to secure a prompt--let alone an accelerated--transition to civilian rule. The opposition seems to think that strikes and demonstrations combined with foreign pressures will force Pinochet to relinquish power. They may be overestimating Pinochet's vulnerability to such pressures while his military support remains solid. Even if domestic and foreign pressures impelled Pinochet to become more flexible, the opposition lacks the kind of clearly defined program that would allow it to take advantage of the situation.

The latest opposition maneuvering occurred on April 26 when a "National Civic Assembly" convened near Santiago to draw up a "Demand of Chile." Delegates representing ideologies from the center right to the communist left attended the meeting, but political parties belonging to the National Accord other than the Christian Democrats had little influence. The meeting was dominated by professional associations, largely controlled by the Christian Democrats. The "Demand" goes much farther than the "National Accord" by calling for, inter alia, the lifting of emergency measures, abolishing of the secret police, a democratically approved constitution (implicitly requiring the resignation of Pinochet), slashed military spending, the end of

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military control of the universities, and renegotiation of the national debt. It threatens massive civil disobedience unless the government responds by May 31. The "Demand" sponsors undoubtedly realize that the government will reject its demands giving the Civic Assembly, under considerable pressure from the far left, a pretext to justify civil disobedience. Although the "Demand" is supposed to be an attempt to promote a dialogue separate from but parallel with the National Accord, the one will inevitably impact on the other. In any case, Pinochet will probably continue to stonewall unless the opposition demonstrates an ability to mobilize broadly-based anti-Pinochet sentiment and, thereby begin to undermine his vital armed forces constituency. (Appeared in Secretary's Morning Summary - ~~CONFIDENTIAL~~)

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E.O. 12356: N/A
TAGS: CASC (BLAKE, NICHOLAS AND DAVIS, GRIFFITH)
SUBJECT: W/W: CASE OF NICK BLAKE AND GRIFFITH DAVIS

REFERENCE: A) STATE 097107 B) GUATEMALA 03304

1. PARAGRAPH 7, REFTEL B, SPOKE TO POST QUESTIONS REGARDING THE RELIABILITY OF THE MEXICAN IMMIGRATION OFFICIAL'S RECOLLECTION OF EVENTS WHICH HAD TAKEN PLACE MONTHS EARLIER. POSSIBLY DOZENS, OR EVEN HUNDREDS OF FOREIGNERS HAD VISITED THAT IMMIGRATION OFFICE IN THE INTERVENING PERIOD. IT IS OUR UNDERSTANDING THAT NO WRITTEN RECORD OF DAVIS' ALLEGED VISIT TO COMITAN IS AVAILABLE. OUR PURPOSE IN QUESTIONING THE RELIABILITY OF THE SOURCE WAS NOT TO DISCOUNT THE SIGHTING, BUT TO EXPLAIN OUR UNWILLINGNESS TO ACCEPT THE ACCOUNT WITHOUT MORE INFORMATION.

2. POST HAS NO NEW INFORMATION WHICH MIGHT BE OF INTEREST TO MRS. DAVIS. PIEDRA

CA MOORA HARTY
BLAKE DAVIS
GUATEMALA

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 06/29/95
Case ID: 9512221

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U.S. POLICY TOWARD CHILE

The U.S. supports a peaceful transition to democracy and human rights improvements in Chile. Through contacts with the Chilean government and responsible opposition members, the U.S. has tried to promote dialogue between the Chilean government and the democratic opposition. For its part, the Pinochet government has criticized the strong support given by the U.S. to Chile's National Accord, which includes all principal democratic parties, but excludes extremist groups committed to violence, such as the Moscow-backed Chilean Communist Party (PCCH). The Radio Moscow broadcasts to Chile have also attacked U.S. support for the democratic Accord.

At the March 1986 United Nations Human Rights Commissi (UNHRC) meeting in Geneva the U.S. sponsored a resolution o the human rights situation in Chile. The U.S. objective wa encourage rational discussion of what could be done in Chil end violations, such as torture, instead of having an extrem unbalanced resolution of the type backed by Cuba and Soviet Bloc countries in the past, which we had always voted again A last-minute Soviet/Cuban attempt to scuttle the initiativ failed and the U.S. resolution was approved by consensus.

Chile Project (#31990030)
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The U.S. provides limited bilateral humanitarian food aid to Chile but since 1976, arms sales, military training or security assistance have not been authorized. In 1985 Congress permitted cash sales of certain safety of flight-related items to the Chilean Air Force.

The GDR takes its lead on Chile from the Soviets, but has taken a backseat to Havana and Moscow in terms of providing support to Chilean extremists. Both the Soviets and Cubans train Chilean terrorists, and give safehaven to extremist Chilean exiles (PCCH leader Luis Corvalan resides in Moscow) as well as extensive propaganda support to the PCCH and its armed front group, the Manuel Rodriguez Popular Front (FPMR).

TALKING POINTS

--THE U.S. SUPPORTS A PEACEFUL TRANSITION TO DEMOCRACY AND HUMAN RIGHTS IMPROVEMENTS IN CHILE.

--WE HAVE STRONGLY BACKED EFFORTS BY THE CHILEAN CATHOLIC CHURCH AND OTHER RESPONSIBLE CHILEANS TO PROMOTE AN ORDERLY TRANSITION THROUGH DIALOGUE AND HIGHLIGHTED CONSTRUCTIVE RECOMMENDATIONS TO END RIGHTS ABUSES AT THE UNHRC IN GENEVA.

--SUPPORT FROM SOVIET BLOC COUNTRIES AND CUBA FOR VIOLENT CHILEAN EXTREMISTS ONLY DEEPENS EXISTING POLITICAL DIVISIONS, PROMOTES MORE VIOLENCE AND STRENGTHENS THOSE WHO FAVOR EXTENDED MILITARY RULE.

--WE ARE AWARE WHO STANDS BEHIND THE FOREIGN-SUPPORTED LEFTIST TERRORISTS WHO ATTACK U.S. TARGETS, AS THE FPMR DID APRIL 28 IN A BOMBING AGAINST THE U.S. AMBASSADOR, OR THE CARBOMBING LAST JULY AGAINST OUR CONSULATE.

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TERREP

PANAMA FOR ADS

E.O. 12356: N/A
TAGS: PTER, ASEC, PINS, CI
SUBJECT: TERRORIST ACTIVITIES INVOLVING U.S. RELATED INTEREST.

1. ON MARCH 27 AT APPROXIMATELY 2315 HOURS, AN UNKNOWN PERSON THREW A MOLOTOV COCKTAIL IN THE CHURCH OF THE LATTER DAY SAINTS IN SANTIAGO, CAUSING MINIMAL DAMAGE. THE FOLLOWING SENTENCE WAS PRINTED ON ONE OF THE WALLS: "YANKIS FUERA DE CHILE." (YANKEES OUT OF CHILE)

2. ON MARCH 31, AT APPROXIMATELY 1900 HOURS, A BOMB EXPLODED IN FRONT OF A CATHOLIC CHURCH IN SANTIAGO CAUSING EXTENSIVE DAMAGE. CHASE MANHATTAN BANK WHICH IS LOCATED NEAR BY, RECEIVED ONLY COLLATERAL DAMAGE WHEREAS THE EL BANCO SUDAMERIS (FRENCH) WHICH OCCUPIES THE SAME BUILDING AS CHASE MANHATTAN RECEIVED EXTENSIVE WINDOW DAMAGE. FYI. CHASE MANHATTAN BANK USES MYLAR ON ALL LIMITED OFFICIAL USE

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PAGE 02 SANTIA 02016 021735Z

WINDOWS.

3. ALSO ON MARCH 31, AT APPROXIMATELY 1900 HOURS, CITIBANK WAS STONED BY A GROUP OF UNKNOWN PERSONS CAUSING MINIMAL DAMAGE. (ONLY ONE WINDOW BROKEN) BARNES

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TAGS PGOV PREL PHUM UNHRC CI
SUBJECT DEALING WITH DEL VALLE

REF STATE 96228

1. C - ENTIRE TEXT.

2. DEL VALLE AND I FOLLOWED UP OVER DINNER APRIL 1 OUR EARLIER CONVERSATION ON WHAT HE IS PROPOSING TO DO IN THE AREAS OF HUMAN RIGHTS AND TRANSITION TO DEMOCRACY. HE HAS UNDERTAKEN ALONG WITH INTERIOR MINISTER GARCIA A DETAILED POINT BY POINT STUDY OF EACH OF VOLIO'S RECOMMENDATIONS. THE AIM IS TO SEE WHICH ONES CAN BE MET AND HOW. HE CLAIMS THAT NONE OF THEM ARE BEING REJECTED OUT OF HAND. ALTHOUGH HE DESCRIBES PINOCHET AS BEING STILL SUSCEPTIBLE TO THE COUNSELS OF THOSE WHO TRY TO FAN HIS SUSPICIONS. DEL VALLE CLAIMS THAT THERE IS A GOOD CHANCE OF PINOCHET'S SUPPORTING THE MEASURES THAT HE AND GARCIA WILL RECOMMEND ON BOTH FRONTS.

3. FOR MY PART I SET OUT FOR HIM THE VARIOUS CONSIDERATIONS THAT ARE IMPORTANT TO THE U.S. ALONG THE LINES OF REFTEL STRESSING BOTH OUR DESIRE TO SUPPORT SINCERE EFFORTS TO SECURE A STABLE DEMOCRACY AND OUR CONVICTION

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THAT CONCRETE STEPS WERE REQUIRED TO DO SO. I ASKED DEL VALLE WHY HE THOUGHT WE OUGHT TO HAVE ANY CONFIDENCE THAT THE ASSURANCES WE WERE NOW RECEIVING WOULD TURN OUT TO BE ANY MORE TRANSLATABLE INTO ACTIONS THAN PREVIOUS ONES FROM CHILEAN GOVERNMENT SENIOR OFFICIALS.

4. HE RESPONDED THAT THE BIG DIFFERENCE WAS THE UNHRC RESOLUTION. HE COMPARED IT TO THE "YELLOW TICKET" A SOCCER REFEREE GIVES A PLAYER WHO HAS COMMITTED A FOUL AND WHO WHEN HE COMMITS A SECOND FOUL IS GIVEN A "RED TICKET" AND SENT OUT OF THE GAME. THE U.S. IN DEL VALLE'S VIEW HAS NOW GIVEN A YELLOW TICKET TO CHILE WITH ITS UNHRC RESOLUTION AND CHILE'S JOB IS TO SEE THAT IT DOESN'T GET THE RED TICKET.

5. DEL VALLE THEN REFERRED TO SECRETARY SHULTZ' ROME PRESS COMMENT ON CHILE'S BEING A DICTATORSHIP (WHICH HE WAS QUOTED IN THE PRESS AS CALLING "REGRETABLE"). WHAT MADE HIS JOB DIFFICULT WAS THAT THESE PERIODIC STATEMENTS TENDED TO SLOW DOWN THE PROCESS OF GETTING PINOCHET'S COOPERATION. HE LIKENED PINOCHET TO A DONKEY WHO WOULD MOVE BUT NOT IF YOU KEPT BEATING HIM. I GAVE DEL VALLE THE FULL TEXT OF THE QUESTION THE SECRETARY HAD BEEN ASKED AS WELL AS OF HIS REPLY AND COMPARED IT TO THE STATEMENT THE PRESIDENT HAD MADE IN MADRID IN MAY 1985. I EMPHASIZED TO DEL VALLE THAT WHILE WE WOULD INDEED TRY NOT TO COMPLICATE MATTERS BY OUR PUBLIC STATEMENTS THE REALITIES OF THE U.S. POLITICAL SITUATION WERE THAT WHAT WAS HAPPENING IN CHILE WAS COMING UNDER INTENSE SCRUTINY AND ALL COMMENT COULD NOT BE AVOIDED. HE SAID HE UNDERSTOOD THAT BUT PLEADED AGAIN FOR AS MUCH RESTRAINT AS WE COULD MUSTER IN THE ENSUING MONTHS.

6. I ASKED HIM HOW LONG HE THOUGHT IT WOULD BE BEFORE HE AND GARCIA FINISHED THEIR STUDY. HE ESTIMATES ABOUT

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A WEEK TO TEN DAYS IN THE HOPE OF BEING ABLE TO PRESENT IT TO PINOCHET BY APRIL 15. WE AGREED TO GET TOGETHER APRIL 14 OR 15 SO HE CAN TELL ME HOW THINGS STAND BEFORE I LEAVE FOR MY SHORT TRIP TO THE U.S. SUBSEQUENTLY HE WILL FILL ME IN ON SPECIFIC PROPOSALS AND ASK FOR ANY INPUT WE MIGHT HAVE. AT THIS STAGE HE DID NOT GO INTO ANY REAL DETAIL SAVE TO SAY HE IS WORKING ON SUCH ASPECTS AS RETURN OF EXILES (HE FAVORS A SIGNIFICANT INCREASE BUT NOT THE IMMEDIATE RETURN OF ALL), AND SEVERAL UNSPECIFIED LEGISLATIVE MEASURES TO BE PRESENTED TO THE JUNTA.

7. BY WAY OF SUMMARY HE SAID HE UNDERSTANDS THAT THE U.S.

-

- 1. IS NOT TRYING TO DESTABILIZE THE GOVERNMENT OF CHILE.
- 2. IS CONCERNED THAT CHILE ACHIEVE FULL DEMOCRACY SUCCESSFULLY
- 3. AND THEREFORE WANTS TO SEE SOME CONCRETE STEPS IN THAT DIRECTION AS SOON AS POSSIBLE.

-

HE SAID I COULD BE SURE THAT THE CHILEAN GOVERNMENT HAD GOTTEN THAT MESSAGE AND THAT THE PRESIDENT'S MOST RECENT LETTER HAD HAD A FAVORABLE EFFECT. NONETHELESS HE CAUTIONED THAT THERE ARE ALWAYS PEOPLE WHO ARE TRYING TO PLAY ON PINOCHET'S DOUBTS. DEL VALLE BELIEVES FOR EXAMPLE THAT PINOCHET IS GETTING INFORMATION FROM AMERICAN SOURCES NOT THROUGH THE CHILEAN EMBASSY WHICH FAN THESE SAME FEARS OF HOSTILE U.S. INTENTIONS. NONETHELESS AS HE INDICATED EARLIER HE IS CONFIDENT THAT HE AND GARCIA WILL BE ABLE TO MOVE THINGS IN A POSITIVE DIRECTION. HE SAID AGAIN THAT IF HE FINDS THAT HE IS WRONG ON THIS SCORE HE WOULD RESIGN. IN ANY CASE HE STRESSED HE HAS TO RELY ON MY ABILITY TO HANDLE IN CONFIDENCE THE APPROACH HE IS TAKING SINCE HE IS GOING OUT ON A LONG LIMB BY DIVULGING

AS MUCH AS HE IS NOW OF HIS PLANS

8. COMMENT: THE MOST INTERESTING POINT I FIND IS THE

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IMPORTANCE DEL VALLE ASSIGNS TO THE UNHRC RESOLUTION AS A CONCRETE TEST OF WHAT THE GOC CAN OR CANNOT DO. PINOCHET HAS AGREED CHILE HAS TO RESPOND TO THE VOLIO REPORT. DEL VALLE WILL ALSO USE THIS AS AN IMPETUS FOR PROPOSING SPECIFIC ACTIONS. AT ANOTHER POINT HE SPOKE OF THE UNGA SESSION AS BEING THE OUTSIDE LIMIT BY WHICH THE GOC WOULD HAVE TO DELIVER ON ITS PROMISES BUT HE ALSO SPOKE OF THREE MONTHS FROM NOW AS BEING A TIME BY WHICH I OUGHT TO BE ABLE TO JUDGE WHETHER HIS PROMISES WERE WORTH ANYTHING OR NOT. I RECOGNIZE THE LIMITATIONS ON OUR REFRAINING FROM COMMENT ON CHILE. BUT COULD WE NOT FOR A WHILE LIMIT OURSELVES TO A RESTATEMENT OF OUR POSITION BY SAYING WE SEEK PROMPT AS WELL AS CONCRETE STEPS LEADING TO A SUCCESSFUL TRANSITION TO DEMOCRACY IN

CHILE AS WELL AS TO AN IMPROVEMENT IN THE HUMAN RIGHTS SITUATION.
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PAGE 01 SAN SA 04871 01 OF 02 081727Z
ACTION ARA-10

INFO LOG-00 COPY-01 ADS-00 INR-05 SS-00 CIAE-00 DODE-00
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P 081725Z APR 86
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC PRIORITY 1983
INFO AMEMBASSY MANAGUA

[redacted] SECTION 01 OF 02 SAN SALVADOR 04871

LIMDIS
E.O. 12356: DECL:OADR
TAGS: INT, NU, ES
SUBJECT: NICARAGUAN RESISTANCE:
- SOUTHERN FRONT PROBLEMS WITH PASTORA

Dept. of State, RPS/IPS, Margaret P. Grafeld, Dir.
( ) Release (X) Excise ( ) Deny ( ) Declassify
Date 2/27/02 Exemption 1.5d

1. [redacted] - ENTIRE TEXT.
-
2. SUMMARY.

Dept. of State, RPS/IPS, Margaret P. Grafeld, Dir.
( ) Classify as (X) Extend as ( ) Downgrade to C or I
Date 2/27/02 Declassify on 4/8/11 Reason ____
X6

[redacted] EXPLAINED THE DIFFICULT SITUATION OF ARDE TROOPS IN SOUTHERN NICARAGUA AND SUGGESTED A BALANCED DISBURSEMENT OF ANY FUTURE AID. THEY SUGGESTED RENEGOTIATING A POLITICAL PROGRAM SIGNED BY PASTORA. THIS WOULD BE DONE IN ORDER TO HAVE THE POLITICAL LEADERSHIP EXCLUSIVELY OF BOS AND UNO SIGN AND OBVIATE THE NEED FOR ENRIQUE BERMUNDEZ TO SIGN. PASTORA'S VOLATILE PERSONALITY IS CAUSING DIVISIONS IN THE MILITARY AND POLITICAL FORCES OF ARDE. FINALLY, THE ARDE REPS ASKED FOR USG SUPPORT IN OPENING AN INFORMATION OFFICE IN SAN SALVADOR. END SUMMARY.
-
3. PLEA FOR MORE U.S. AID.

[redacted]

[redacted]

PAGE 02 SAN SA 04871 01 OF 02 081727Z

EXPLAINED THAT THE MILITARY ARM OF ARDE HAS NOT RECEIVED HELP IN TWO YEARS AND CLAIMED TO HAVE 2,000 GUNS AND MEN NOW INACTIVE BECAUSE OF LACK OF MUNITIONS AND OTHER LOGISTICS. THEY EXPECTED CONGRESS TO APPROVE ASSISTANCE TO THE NICARAGUAN FREEDOM FIGHTERS AND MADE A PLEA FOR MORE EQUILIBRIUM IN THE DISBURSEMENT OF THE AID BETWEEN UNO AND BOS. THEY FAVOR COORDINATED POLITICAL AND MILITARY ACTION BETWEEN THE ARDE AFFILIATED BLOQUE OPOSITOR DEL SUR (BOS) AND UNO.
-

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4. AGREEMENT ON COMMON POLITICAL PROGRAM.

EDEN PASTORA RECENTLY SIGNED A POLITICAL PROGRAM ON BEHALF OF ARDE THAT WOULD SERVE AS THE BASIS FOR COOPERATION OF THE UNIFIED OPPOSITION, BUT UNO HAS NOT SIGNED APPARENTLY BECAUSE ENRIQUE BERMUNDEZ (FDN MILITARY CHIEF OF STAFF) IS PRESSURING TO SIGN FOR UNO. BELIEVES A SOLUTION WOULD BE TO RENEGOTIATE THE DOCUMENT BRIEFLY AND HAVE ONLY THE POLITICAL DIRECTORS OF UNO AND BOS SIGN THE DOCUMENT.

5. PASTORA CAUSES INTERNAL DISPUTES IN ARDE.

EXPLAINED THAT SERIOUS INTERNAL PROBLEMS HAVE DEVELOPED WITHIN ARDE DUE TO THE STUBBORNNESS OF EDEN PASTORA. ON ONE SIDE BACKING PASTORA ARE: DONALD CASTILLO, MARCOS AGUADO, CARLOS PRADO, SERGIO ARGUELLO, AND COMMANDANTE EMILIANO (MILITARY CHIEF ALONG THE SAN JUAN RIVER). ON THE OTHER SIDE FAVORING A COLLEGIAL MILITARY LEADERSHIP AND STRICTLY POLITICAL ~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

ROLE FOR PASTORA WITHIN ARDE ARE: FSDC -- JOSE DAVILA, RESCATE -- ALFREDO CESAR, MDN -- ALVARO JEREZ, CESOCANE BAYARDO LOPEZ, AND ARDE-ADOLFO CHAMORRO, PLUS THE ARDE FIELD COMMANDERS NOW INSIDE SOUTHEAST NICARAGUA -- GANZO, LEONEL, FRANKLIN, AND NAVEGANTE. THE POLITICAL LEADERSHIP OF ARDE AND BOS IS UNHAPPY WITH THE UNCOORDINATED AND OFTEN UNHELPFUL WAY IN WHICH PASTORA SPEAKS OUT. THE MILITARY FIELD COMMANDERS DISLIKE THIS PLUS PASTORA'S ADMINISTRATION OF WHAT LITTLE FUNDS THEY RECEIVE FROM FOREIGN PRIVATE ORGANIZATIONS AND PASTORA'S AUTOCRATIC STYLE IN RUNNING THE MILITARY OPERATIONS. THE MILITARY COMMANDERS, ACCORDING FAVOR A COLLEGIAL COORDINATING MECHANISM FOR MILITARY OPERATIONS AND HAVE STRONG SYMPATHY FOR THE POLITICAL POSITION OF THE FSDC.

6. BOS RUN INFORMATION OFFICE IN SAN SALVADOR.

SAID BOS WANTS TO OPEN AN INFORMATION OFFICE IN SAN SALVADOR AND SEEKS USG SUPPORT FOR THE EFFORT. THEY WANT TO EDUCATE SALVADORANS TO RESIST THE MARXIST ADVANCE IN EL SALVADOR AS WELL AS TO THE REALITY OF WHAT IS HAPPENING IN NICARAGUA. THE OFFICE WOULD BE A SOURCE OF INFORMATION TO THE DOMESTIC AND INTERNATIONAL PRESS. IT WOULD PROVIDE NAMES OF PRISONERS, DESCRIPTIONS OF ATROCITIES, AND HUMAN RIGHTS VIOLATIONS AND DISSEMINATE POLITICAL INFORMATION. CLAIM THAT COSTA RICA IS SATURATED AND AN OFFICE NEEDS TO BE OPENED IN SAN SALVADOR.

7. COMMENT.

[redacted]

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PAGE 01 SAN SA 04871 02 OF 02 081727Z
ACTION ARA-10

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P 081725Z APR 86
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC PRIORITY 1984
INFO AMEMBASSY MANAGUA

[redacted] SECTION 02 OF 02 SAN SALVADOR 04871

LIMDIS

WE PRESUME ALL OR MOST OF THIS INFORMATION HAS ALREADY BEEN REPORTED THROUGH COSTA RICAN SOURCES BUT REPEAT IT FOR THOSE READERS WHO MAY BE UNINFORMED. COPIES OF COMMUNIQUES AND LETTERS THAT DOCUMENT THE ABOVE INTERNAL DISPUTE IN ARDE ARE BEING POUCHED TO ARA/CEN DAVE DLOUHY. APPARENTLY, THE FSDC AND OTHER POLITICAL LEADERS IN ARDE AND BOS AND THE FIELD COMMANDERS THEMSELVES ARE FINDING PASTORA NO EASIER TO DEAL WITH THAN DID ALFONSO ROBELO. HOWEVER, AT LEAST UNTIL CONGRESS DECIDES ON AID TO THE DEMOCRATIC FORCES FIGHTING THE SANDINISTAS, THERE WILL BE NO OPEN SPLIT WITHIN ARDE-BOS, ACCORDING TO [redacted] A RESTRUCTURING OF THE POLITICAL AND MILITARY ORGANIZATION OF ARDE MAY WELL SERVE U.S. INTERESTS BY MAKING IT A MORE EFFECTIVE ORGANIZATION MILITARILY AND POLITICALLY AND BY REIGNING IN PASTORA FOR TIGHTER POLITICAL COORDINATION OF HIS ACTIVITIES AND COMMENTS.

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FM AMEMBASSY SAN SALVADOR
TO RUEHC/SECSTATE WASHDC PRIORITY 1983
INFO RUEHMU/AMEMBASSY MANAGUA 0315
BT
C O N F I D E N T I A L SAN SALVADOR 04871

LIMDIS
E.O. 12356: DECL:OADR
TAGS: INT, NU, ES
SUBJECT: NICARAGUAN RESISTANCE:
- SOUTHERN FRONT PROBLEMS WITH PASTORA

1. CONFIDENTIAL - ENTIRE TEXT.

2. SUMMARY.

TWO LOCAL ARDE REPS EXPLAINED THE DIFFICULT SITUATION OF ARDE TROOPS IN SOUTHERN NICARAGUA AND SUGGESTED A BALANCED DISBURSEMENT OF ANY FUTURE AID. THEY SUGGESTED RENEGOTIATING A POLITICAL PROGRAM SIGNED BY PASTORA. THIS WOULD BE DONE IN ORDER TO HAVE THE POLITICAL LEADERSHIP EXCLUSIVELY OF BOS AND UNO SIGN AND OBVIATE THE NEED FOR ENRIQUE BERMUNDEZ TO SIGN. PASTORA'S VOLATILE PERSONALITY IS CAUSING DIVISIONS IN THE MILITARY AND POLITICAL FORCES OF ARDE. FINALLY, THE ARDE REPS ASKED FOR USG SUPPORT IN OPENING AN INFORMATION OFFICE IN SAN SALVADOR. END SUMMARY.

3. PLEA FOR MORE U.S. AID.

EMBOFF MET WITH [redacted]
MEMBERS OF THE FRENTE SOLIDARIDAD DEMOCRATA CRISTIANO (FSDC)

EXPLAINED THAT THE MILITARY ARM OF ARDE HAS NOT RECEIVED HELP IN TWO YEARS AND CLAIMED TO HAVE 2,000 GUNS AND MEN NOW INACTIVE BECAUSE OF LACK OF MUNITIONS AND OTHER LOGISTICS. THEY EXPECTED CONGRESS TO APPROVE ASSISTANCE TO THE NICARAGUAN FREEDOM FIGHTERS AND MADE A PLEA FOR MORE EQUILIBRIUM IN THE DISBURSEMENT OF THE AID BETWEEN UNO AND BOS. THEY FAVOR COORDINATED POLITICAL AND MILITARY ACTION BETWEEN THE ARDE AFFILIATED BLOQUE OPOSITOR DEL SUR (BOS) AND UNO.

4. AGREEMENT ON COMMON POLITICAL PROGRAM.

[redacted] RECENTLY SIGNED A POLITICAL PROGRAM ON BEHALF OF ARDE THAT WOULD SERVE AS THE BASIS FOR COOPERATION OF THE UNIFIED OPPOSITION BUT HAS NOT SIGNED APPARENTLY BECAUSE ENRIQUE [redacted] MILITARY CHIEF OF STAFF) IS PRESSURING TO SIGN FOR UNO. [redacted] LIEVES A SOLUTION WOULD BE TO RENEGOTIATE

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THE DOCUMENT BRIEFLY AND HAVE ONLY THE POLITICAL DIRECTORS OF UNC AND BOS SIGN THE DOCUMENT.

5. PASTORA CAUSES INTERNAL DISPUTES IN ARDE.

[redacted] EXPLAINED THAT SERIOUS INTERNAL PROBLEMS HAVE DEVELOPED WITHIN ARDE DUE TO THE STUBBORNNESS OF EDEN PASTORA. ON ONE SIDE BACKING PASTORA ARE [redacted]LO, AND COMMANDANTE EMILIANO (MILITARY CHIEF ALONG THE SAN JUAN RIVER). ON THE OTHER SIDE FAVORING A COLLEGIAL MILITARY LEADERSHIP AND STRICTLY POLITICAL ROLE FOR PASTORA WITHIN ARDE ARE: FSDC -- JOSE BAYARDO LOPEZ, AND ARDE-ADOLFO CHAMORRO PLUS [redacted] ARDE FIELD COMMANDERS NOW INSIDE SOUTHEAST NICARAGUA -- GANZO, LEONEL, FRANKLIN, AND NAVEGANTE. THE POLITICAL LEADERSHIP OF ARDE AND BOS IS UNHAPPY WITH THE UNCOORDINATED AND OFTEN UNHELPFUL WAY IN WHICH PASTORA SPEAKS OUT. THE MILITARY FIELD COMMANDERS DISLIKE THIS PLUS PASTORA'S ADMINISTRATION OF WHAT LITTLE FUNDS THEY RECEIVE FROM FOREIGN PRIVATE ORGANIZATIONS AND PASTORA'S AUTOCRATIC STYLE IN RUNNING THE MILITARY OPERATIONS. THE MILITARY COMMANDERS, ACCORDING TO [redacted] FAVOR A COLLEGIAL COORDINATING MECHANISM FOR MILITARY OPERATIONS AND HAVE STRONG SYMPATHY FOR THE POLITICAL POSITION OF THE FSDC.

6. BOS RUN INFORMATION OFFICE IN SAN SALVADOR.

[redacted] SAID BOS WANTS TO OPEN AN INFORMATION OFFICE IN SAN SALVADOR AND SEEKS USG SUPPORT FOR THE EFFORT. THEY WANT TO EDUCATE SALVADORANS TO RESIST THE MARXIST ADVANCE IN EL SALVADOR AS WELL AS TO THE REALITY OF WHAT IS HAPPENING IN NICARAGUA. THE OFFICE WOULD BE A SOURCE OF INFORMATION TO THE DOMESTIC AND INTERNATIONAL PRESS. IT WOULD PROVIDE NAMES OF PRISONERS, DESCRIPTIONS OF ATROCITIES, AND HUMAN RIGHTS VIOLATIONS AND DISSEMINATE POLITICAL INFORMATION. [redacted] CLAIM THAT COSTA RICA IS SATURATED AND AN OFFICE NEEDS TO BE OPENED IN SAN SALVADOR.

7. COMMENT: [redacted] SECTION 02 OF 02 SAN SALVADOR 04871

LIMOIS

WE PRESUME ALL OR MOST OF THIS INFORMATION HAS ALREADY BEEN REPORTED THROUGH COSTA RICAN SOURCES BUT REPEAT IT FOR THOSE READERS WHO MAY BE UNINFORMED. COPIES OF COMMUNIQUES AND LETTERS THAT DOCUMENT THE ABOVE INTERNAL DISPUTE IN ARDE ARE BEING POUCHED TO ARA/CEN DAVE OLOUHY. APPARENTLY, THE FSDC AND OTHER POLITICAL LEADERS IN ARDE AND BOS AND THE FIELD COMMANDERS THEMSELVES ARE FINDING PASTORA NO EASIER TO DEAL WITH THAN DID ALFONSO ROBELO. HOWEVER, AT LEAST UNTIL CONGRESS DECIDES ON AID TO THE DEMOCRATIC FORCES FIGHTING THE SANDINISTAS, THERE WILL BE NO OPEN SPLIT WITHIN ARDE-BOS. ACCORDING TO [redacted] A RESTRUCTURING OF THE POLITICAL AND MILITARY ORGANIZATION OF ARDE MAY WELL SERVE U.S. INTERESTS BY MAKING IT A MORE EFFECTIVE ORGANIZATION MILITARILY AND POLITICALLY AND BY REIGNING IN PASTORA FOR TIGHTER POLITICAL COORDINATION OF HIS ACTIVITIES AND COMMENTS.

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END OF MESSAGE [redacted]

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FM AMEMBASSY MANAGUA
TO RUEHC/SECSTATE WASHDC IMMEDIATE 5660
INFO RUEHLL/CONTADORA COLLECTIVE
BT
C O N F I D E N T I A L MANAGUA 3404

EXDIS

EO 12356: DECL OADR
TAGS: PGOV PREL NU US
SUBJEC [redacted] OFFICIAL ON US-NICARAGUAN RELATIONS

1. CONFIDENTIAL-ENTIRE TEXT.

2. SUMMARY. [redacted] SAID JUNE 4 THAT FSLN OFFICIALS HERE HAD CONCLUDED THAT THE ADMINISTRATION'S EFFORT "TO MOLD OPINION" IN CONGRESS AGAINST THE GON HAD BEEN SUCCESSFUL. HE EXPECTED A VOTE ON THE HILL IN COMING DAYS IN FAVOR OF AID OF SOME SORT FOR CONTRA FORCES. HE WAS DOWNBEAT AS WELL ON CONTADORA AND ON PROSPECTS FOR PROGRESS IN BILATERAL RELATIONS. HE SAID HE SAW LITTLE PROFIT IN BEING FLEXIBLE TOWARD THE ADMINISTRATION BECAUSE IT NEVER RECIPROCATED. U.S. POLICIES WERE MAKING SOME IN THE FSLN "MORE STUBBORN", AND OTHERS "WITH ITCHY TRIGGER FINGERS...WANTED TO GET IT OVER WITH (THE U.S.) NOW"- THOUGH HE QUICKLY QUALIFIED THE LATTER AS IRRESPONSIBLE. HE SAID NEGOTIATIONS COULD PRODUCE SOLUTIONS TO SUCH ISSUES AS SANDINISTA ASSISTANCE TO INSURGENT GROUPS. THIS COULD NOT HAPPEN. HOWEVER, WHILE THE FSLN WAS UNDER PRESSURE, [redacted] IMPLIED ACKNOWLEDGMENT THAT FSLN HAD COMMITTED ERRORS IN THE PAST. BUT QUESTIONED WHETHER GON EFFORT S TO CORRECT THOSE ERRORS WOULD PRODUCE PROGRESS IN BILATERAL RELATIONS. END SUMMARY.

3. [redacted] COUNS INVITATION FOR LUNCH AT LATTER'S RESIDNCE. [redacted] WAS CLEARLY DEPRESED, PERHAPS PARTICALLY BECAUSE HE HAD HUST RETURNED FROM ONE WEEK OF VIGOROUS MILITARY TRAINING AND WAS STIFF AND SORE. HE INITIATED THE CONVERSATION BY SAYING HE THOUGHT CONTADORA WAS GOING NO PLACE. HE REPEATED A VIEWPOINT HE HAD EXPRESSED ON EARLIER OCCASIONS--THAT NOTHING WILL MOVE IN CONTADORA UNTIL THE U.S. IS READY FOR IT. THE FSLN, HE CONTINUED, SAW NO PROFIT IN BEING FLEXIBLE TOWARD THE ADMINISTRATION. NO MATTER WHAT THE FSLN DID, THERE WAS NO REPLY. THAT DID NOT NEAN, HOWEVER, THAT THE GON WOULD NOT UNDERTAKE ACTIONS INTERNALLY OR EXTERNALLY TO DEMONSTRATE ITS SELF CONFIDENCE AND FLEXIBILITY. POLCOUNS ASKED WHAT HE HAD IN MIND. HE ANSWERED, " FOR EXAMPLE, WHAT WE ARE DOING WITH THE MISQUITOS". HE SAID THE FSLN WAS MAKING

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A REAL EFFORT TO CORRECT EARLIER ERRORS WITH THAT PEOPLE. POLCOUNS ASKED IF HE THOUGHT RIVERA WOULD RETURN TO THE NEGOTIATIONS [redacted] SAID HE THOUGHT HE WOULD. POLCOUNS ASKED WHY BORGE HAD BEEN ASSIGNED RESPONSIBILITY FOR ATLANTIC COAST AFFAIRS [redacted] SAID HE HAD HEARD BORGE HAD A PERSONAL INTEREST IN WHAT WAS HAPPENING THERE. IT MAY HAVE BEEN ALSO A DECISION BY THE NATIONAL DIRECTORATE THAT HE WAS BEST QUALIFIED FOR THE JOB. WAS IT A DOWNGRADE FOR BORGE? NO. NOT A DOWNGRADE EITHER FOR HIM OR FOR COMANDANTE LUIS CARRION.

4. POLCOUNS ASKED HIS VIEW OF THE SITUATION IN CONGRESS AS IT PREPARED FOR ANOTHER VOTE ON CONTRA AID. [redacted] SAID IT WAS "A REAL MESS". THERE WERE SO MANY PROPOSALS THAT NO ONE KNEW EXACTLY WHAT WAS HAPPENING. HE SAID HE AGREED WITH U.S. OBSERVERS THAT "HUMANITARION" AID TO THE CONTRAS OF SOME SORT WOULD BE PASSED. HE SAID PEOPLE IN MANAGUA WHO HAD READ THROUGH THE CONGRESSIONAL RECORD ON THE APRIL CONTRA AID VOTE CONCLUDED THAT THE ADMINISTRATION'S EFFORT TO MOLD OPINION IN CONGRESS AGAINST THE FSLN HAD BEEN LARGELY SUCCESSFUL. FEW MEMBERS OF CONGRESS NOW SUPPORTED THE GON, THOUGH MANY WERE STILL AGAINST MILITARY AID.

5 [redacted] INSISTED, DURING A LENGTHY DISCUSSION ON LATIN AMERICAN RELATIONS WITH NICARAGUA, THAT THE NICARAUAN REVOLUTION WAS CONSIDERED OF TRANSCENDENT IMPORTANCE BY MANY OF THE PEOPLE OF LATIN AMERICA. EVEN IF THE GOVERNMENTS DID NOT OPENLY SUPPORT THE GON, ATTEMPTS BY THESE GOVERNMENTS TO OPPOSE THE GON--THROUGH, FOR EXAMPLE, APPROVING U.S. INTERVENTIONISM--WOULD MEET WITH A STORM OF PUBLIC PROTEST. [redacted] SAID HIS JUDGEMENT ON THIS ISSUE STEMMED FROM THE CROWDS WHICH GATHERED TO GREET AND WELCOME DANIEL ORTEGA "THROUGHOUT LATIN AMERICA AND IN SPAIN." HE TOLD OF ONE INCIDENT IN THE LATTER COUNTRY IN WHICH THE CROWD REPORTEDLY BECAME SO OPENLY PRO-DANIEL AND ANTI-REAGAN THAT DANIEL HAD TO QUIET THE CROWD TO PREVENT EMBARRASSMENT TO FELIPE GONZALEZ, WHO STOOD NEXT TO HIM.

Sweden, probably

EXDIS

[redacted] SAID ADMINISTRATION POLICIES TOWARD NICARAGUA MADE SOME IN THE FSLN "MORE STUBBORN". IT MADE THEM BELIEVE IN A STEREOTYPE OF THE U.S. "[redacted]CH I KNOW IS NOT TRUE[redacted] /REAGAN'S ACTIONS CONFIRM THE MOST SIMPLISTIC VIEW OF THE U.S. AND THE ROLE IT PLAYED IN THE HISTORY OF NICARAGUA. [redacted] CONTINUED THAT THE FSLN COULD NOT CHANGE WHILE IT WAS UNDER PRESSURE. IT COULD TAKE STEPS TO REMOVE OR REDUCE U.S. OBJECTIONS, BUT NOT UNDER PRESSURE. WHAT COULD THE TWO SIDES DO TO RESOLVE THIS DILEMMA? POLCOUNS REPLIED THAT IT WAS PERHAPS HARDEST TO AGREE ON WHAT SOLUTION SHOULD BE SOUGHT. THE SOLUTION THE U.S. NEEDED HAD ALREADY BEEN DEFINED IN ITS WELL-KNOWN FOUR POINTS. COULD THE FSLN ACCEPT, INTER ALIA, CESSATION OF AID TO INSURGENT FORCES IN OTHER STATES? [redacted] REPLIED THAT AGREEMENT COULD BE REACHED ON THAT ISSUE." NEGOTIATIONS COULD PRODUCE A SOLUTION". POLCOUNS NOTED THE DIFFICULTIES SURROUNDING THAT MATTER AND THE MOUNTING DISTRUST IT HAD CAUSED OVER THE YEARS IN BILATERAL RELATIONS. POLCOUNS HIMSELF HAD BEEN PRESENT SEVEAL TIMES WHEN HIGHEST LEVEL GON OFFICIALS FLATLY DENIED TO CODELS ANY GON INVOLVEMENT IN ASSISTANCE TO OTHER INSURGENT FORCES. WHEN WASHINGTON SAW REPORTS OF SUCH DENIALS AND HAD AT ITS HAND CONVINCING EVIDENCE THEY WERE NOT TRUE, U.S. WILLINGNESS TO NEGOTIATE ON THE MATTER WAS REDUCED CONSIDERABLY [redacted] RESPONDED BY ASKING WHAT

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GOOD IT DID FOR THE FSLN TO SHOW FLEXIBILITY. FOR EXAMPLE, THERE HAD BEEN A PERIOD DURING WHICH ITS LEADERSHIP HAD LOWERED THE LEVEL OF RHETORIC AGAINST THE ADMINISTRATION. REAGAN, IN RETURN, HAD COMPARED THE FSLN "TO A PIECE OF MAGGOT INFESTED MEAT" IN A SPEECH. FSLN RHETORICAL EXCESSES HAD NEVER REACHED THE LEVEL OF REAGAN'S"WHAT IF WE TOOK STEPS TO SAY CERTAIN THINGS WERE DONE WRONGLY, THAT WE COMMITTED MISTAKES. WHAT GOOD WOULD IT DO IF WE REMOVED CERTAIN PEOPLE?". MENESES SAID THAT REAGAN WAS BENT ON REMOVING THE FSLN FROM POWER, ON DESTROYING IT. THERE WERE SOME IN THE FSLN "WHOSE TRIGGER FINGER WAS ITCHY," AND WHO THOUGHT"THE FSLN SHOULD GET IT OVER WITH NOW," NOT WAIT A FEW YEARS FOR THE INEVITABLE U.S. INTERVENTION.
QUICKLY ADDED THAT SUCH A POINT OF VIEW WAS IRRESPONSIBLE. IT NEVERTHELESS SHOWED THAT THE FSLN WAS DETERMINED TO DEFEND THE REVOLUTON AND "WOULD NOT FLY OFF LIKE SOMOZA". IF THE U.S. INTERVENED, THE FSLN WOULD STAY AND FIGHT.

7. CONTINUED THAT EVEN IF THE ADMINISTRATION CONTINUED TO PRESSURE NICARAGUA, SHORT OF INTERVENTION, THE FSLN WOULD SURVIVE. IT DID NOT REQUIRE MUCH SIMPLY TO SURVIVE. NO THOUGHT WAS NOW BEING GIVEN TO DEVELOPMENT OR OF SOLVING SOCIAL PROBLEMS; SURVIVAL WAS OW THE GOAL--"MAY BE WE WILL END UP LIKE SOME OF THE ARAB COUNTRIES, WORSE OFF THAN WE ARE NOW." IF IT MEANT WE WOULD DO WITHOUT CARS AND TRUCKS, THAT IS OKAY. THE "SOCIALIST"COMMUNIST AND OTHER STATES WOULD GIVE NICARAGUA ENOUGH TO SURVIVE. IN FURTHER COMMENTS, SEEMDO TO SUGGEST THAT THE FSLN CONSIDERED THAT ONCE THE REAGAN ADMINISTRATION HAD SERVED ITS SECOND TERM, ITS PROBLEMS WOULD BE MUCH REDUCED. POLCOUNS ATTEMPTED TO DISABUSE HIM OF THIS NOTION, POINTING OUT THAT U.S./ NICARGUAN RELATIONSHAD WORSENED SHARPLY WHILE THE CARTER ADMINISTRATION WAS STILL IN OFFICE. THE POST-REAGAN ADMINISTRATION WOULD PROBABLY HAVE MOST OF THE SAME PROBLEMS WITH NICARAGUA AS HAD HAD ITS TWO PREDECESSORS.

ASKED WHAT THE U.S.WOULD DO WERE THE CONTRAS DEFEATED BY THE SANDINISTA MILITARY FORCES--WOULD THE U.S. INTERVENE? POLCOUNS REPLIED THAT HE COULC NOT GIVE A DEFINITIVE REPLY, BUT THAT SUCH AN OPTION WAS, OF CDURSE, ALWAYS PRESENT. POLCOUNS ASKED IN TURN WHAT WOULD HAPPEN IF CONTRA FORCES CONTINUED AT THE PRESENT LEVEL SAID THE GON WOULD HVE NO CHOICE BUT TO EXPAND MOBILIZATION UNTIL IT COULD DESTROY THEM. POLCOUNS ASKED IF THIS WOULD MEAN AN INCREASED DRAFT.
REPLIED THAT IT MIGHT NOT. OTHER FORCES SUCH AS INACTIVE RESERVE AND INACTIVE MILITIA COULD BE PUT ON COMBAT STATUS. DESTRUCTION OF THE CONTRA WAS IMPERATIVE, AND THE GOVERNMENT WOULD HAVE NO CHOICE BUT TO TAKE WHATEVER STEPS WERE NECESSARY.
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Department of STATE

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FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC IMMEDIATE 5823
AMEMBASSY MEXICO IMMEDIATE

UNCLAS GUATEMALA 03879

E.O. 12356: N/A
TAGS: CASC, GT (BLAKE, NICHOLAS AND DAVIS, GRIFFITH)
SUBJECT: W/W: CASE OF NICK BLAKE AND GRIFF DAVIS

B6 1. GUATEMALAN BUSINESSMAN [redacted] CAME TO POST ON APRIL 8 TO REPORT WHAT HE CLAIMED WAS A POSITIVE SIGHTING OF NICHOLAS BLAKE IN TZIZCAO, CHIAPAS, MEXICO, IN MARCH OF THIS YEAR.

B6 2. [redacted] CLAIMS TO HAVE EXTENSIVE CONTACTS WITH GUATEMALAN AND MEXICAN INDIGENOUS FARMERS ALONG A LARGE PORTION OF THE BORDER. WHEN HE RECEIVED WORD THROUGH THESE CONTACTS THAT A PERSON ANSWERING NICK BLAKE'S DESCRIPTION HAD BEEN SEEN IN TZIZCAO, HE SENT A PHOTOGRAPH OF BLAKE TO HIS BROTHER IN MEXICO, WHO WENT TO TZIZCAO AND POSITIVELY IDENTIFIED THE MISSING AMERICAN.

B6 3. [redacted] IDENTIFIES HIS BROTHER AS [redacted] IN
B6 CHIAPAS, ASSIGNED TO COMITAN, SOME EIGHTY KILOMETERS FROM THE BORDER [redacted] ACCORDING TO [redacted] HIS BROTHER SPOKE TO NICK BLAKE WHO RESPONDED TO HIS OWN NAME BUT APPEARED UPSET TO BE RECOGNIZED. BLAKE WAS ALLEGEDLY STAYING AT THE VILLAGE CHURCH WITH THE PRIEST THERE, AN AMERICAN

B6 [redacted]

B6 4. COMMENT: [redacted] WOULD NOT, IN THE OPINION OF OFFICERS HERE WHO KNOW HIM, KNOWINGLY TELL A BALD LIE. AT THE SAME TIME, HE IS CAPABLE OF CREATING A SIZEABLE PEARL FROM A MERE GRAIN OF SAND. TZIZCAO IS A SMALL VILLAGE PERCHED ON THE CORNER OF GUATEMALA ABOUT A ONE HOUR DRIVE EASTSOUTHEAST OF COMITAN. WERE SOMEONE TRYING TO INVESTIGATE AND REPORT THE GUATEMALAN INSURGENCY, IT WOULD BE AN EXCELLENT VANTAGE POINT. END COMMENT. PIEDRA

RELEASED IN P.

B6

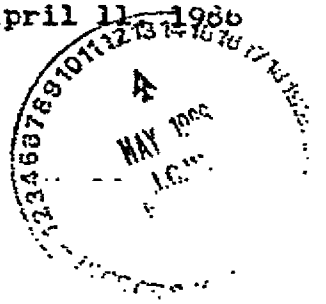
UNCLASSIFIED

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 06/29/95
Case ID: 9512221

3901245 100911, 1 PGS, 2.4

RELEASED E406

April 11, 1986



In my first letter to you I said that we thought the Guatemalan Army was the most likely culprit in Nick's and Griff's disappearance. After Sam's and my trip to Guatemala in March when we met with President Cerezo and several army officials we now see how the EGP (the Spanish acronym for the guerrilla group Nick and Griff were out to meet) could very likely be responsible. While we have no real concrete evidence there are new areas that need to be investigated.

We are proceeding on two main tracks. One is to try to find someone from that region (eg. a church person) to visit the area where the two were last seen. We have pinpointed a new town, called Monte Leon, where they were heading but that has not been visited on behalf of this case. The other track we want to pursue and for which we need State Department support is to do a thorough check of the EGP network in Mexico City. Sam has made a request to the State Dept. that the CIA in Mexico City canvass their contacts with respect to this case. We would also like our government to ask the Mexican government to use their influence and contacts with the EGP and others to help determine the fate of Nick and Griff.

At this point there doesn't seem to be much of a chance that those two are still alive. Assuming they are dead the top priority is to find their bodies. We hope and pray that someone will somehow their location known. No tale of their fate will suffice, only tangible proof will allow the Blake and Daxis families to rest.

CA MACULA HARTY
BLAKE DAVIS
GUATEMALA

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 06/29/95
Case ID: 9512221

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____

DECLASSIFIED NLR-043

12 APR 86

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335

GENERAL ASSEMBLY

FORTY-FIRST

04/12/86 06:

PLENARY MEETING MEETING NO. 97 VOTE NO. 30 ITEM NO. 12

SUBJECT: HUMAN RIGHTS IN CHILE

A/41/874/ADD2 XII

RECORDED VOTE
94 YES 5 NO 52 ABSTAIN RESOLUTION 41/161

Y	AFGHANISTAN	A	DEMOCRATIC KAMPUCHEA	Y	KUWAIT	A	SAINT VINCENT - GRENA
Y	ALBANIA	Y	DEMOCRATIC YEMEN	Y	LAO P.D.R	Y	SAMOA
Y	ALGERIA	Y	DENMARK	N	LEBANON	Y	SAO TOME AND PRINCIPE
Y	ANGOLA		DJIBOUTI	Y	LESOTHO	A	SAUDI ARABIA
Y	ANTIGUA-BARBUDA		DOMINICA	A	LIBERIA	Y	SENEGAL
Y	ARGENTINA		DOMINICAN REPUBLIC	Y	LIBYAN ARAB JAMAHIRIYA	Y	SEYCHELLES
Y	AUSTRALIA	A	ECUADOR	Y	LUXEMBOURG		SIERRA LEONE
Y	AUSTRIA	A	EGYPT	Y	MADAGASCAR	A	SINGAPORE
A	BAHAMAS	Y	EL SALVADOR	Y	MALAWI	Y	SOLOMON ISLANDS
A	BAHRAIN	A	EQUATORIAL GUINEA	A	MALAYSIA	A	SOMALIA
A	BANGLADESH	Y	ETHIOPIA	Y	MALDIVES		SOUTH AFRICA
Y	BARBADOS	A	FIJI	Y	MALI	Y	SPAIN
Y	BELGIUM	Y	FINLAND	Y	MALTA	Y	SRI LANKA
A	BELIZE	Y	FRANCE	Y	MAURITANIA	Y	SUDAN
Y	BENIN	A	GABON	Y	MAURITIUS	A	SURINAME
A	BHUTAN	Y	GAMBIA	Y	MEXICO	Y	SWAZILAND
A	BOLIVIA	Y	GERMAN DEMOCRATIC REP.	Y	MONGOLIA	Y	SWEDEN
Y	BOTSWANA	Y	GERMANY, FEDERAL REP. OF	A	MOROCCO		SYRIAN ARAB REPUBLIC
A	BRAZIL	A	GHANA	Y	MOZAMBIQUE	A	THAILAND
A	BRUNEI DARUSSALAM	Y	GREECE	A	NEPAL	Y	TOGO
Y	BULGARIA	A	GRENADA	Y	NETHERLANDS	A	TRINIDAD AND TOBAGO
Y	BURKINA FASO	A	GUATEMALA	Y	NEW ZEALAND	Y	TUNISIA
A	BURMA	Y	GUINEA	Y	NICARAGUA	A	TURKEY
Y	BURUNDI	Y	GUINEA-BISSAU	A	NIGER	Y	UGANDA
Y	BYELORUSSIAN S.S.R.	Y	GUYANA	A	NIGERIA	Y	UKRAINIAN S.S.R.
A	CAMEROON	A	HAITI	Y	NORWAY	Y	UNION OF SOVIET SOC.
Y	CANADA	A	HONDURAS	A	OMAN	Y	UNITED ARAB EMIRATES
Y	CAPE VERDE	Y	HUNGARY	A	PAKISTAN	Y	UNITED KINGDOM
A	CENTRAL AFRICAN REPUBLIC	Y	ICELAND	A	PANAMA	Y	UNITED REPUBLIC OF T
A	CHAD	Y	INDIA	A	PAPUA NEW GUINEA	N	UNITED STATES
N	CHILE	N	INDONESIA	N	PARAGUAY	Y	URUGUAY
A	CHINA		IRAN (ISLAMIC REP. OF)	Y	PERU	Y	VANUATU
A	COLOMBIA	A	IRAQ	Y	PHILIPPINES	Y	VENEZUELA
A	COMOROS	Y	IRELAND	Y	POLAND	Y	VIET NAM
Y	CONGO	A	ISRAEL	Y	PORTUGAL	A	YEMEN
Y	COSTA RICA	Y	ITALY	Y	QATAR	Y	YUGOSLAVIA
A	COTE D'IVOIRE	Y	JAMAICA	Y	ROMANIA	A	ZAIRE
Y	CUBA	A	JAPAN	Y	RWANDA	Y	ZAMBIA
Y	CYPRUS	A	JORDAN	A	ST. CHRISTOPHER AND NEVIS	Y	ZIMBABWE
Y	CZECHOSLOVAKIA	Y	KENYA		SAINT LUCIA		

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MORI DocID: 754600

IMMEDIATE

United States Department of State

Washington, D.C. 20520

160c (13)

[redacted]

April 21, 1986

CIA HAS NO OBJECTION TO DECLASSIFICATION AND/OR RELEASE OF THIS DOCUMENT DATE: APR 2002 BY: 0664393

EA JM WW RK LEN

MEMORANDUM

TO: H - Mr. Dyer
ARA - Mr. Abrams

FROM: H - Milton Charlton

SUBJECT: Senator Kerry Requests Hearing on Contra Crimes

Press reports last week said that Senator Kerry has assigned several staff members to conduct an intensive investigation of allegations of contra involvement in illegal activities.

Late last week Senator Kerry met with Senator Lugar to press for a hearing on the evidence of contra misdeeds found during that investigation. The attached memo to Kerry summarizes the allegations. Kerry's staff claims that they have numerous witnesses lined up, both American and foreign, though they refuse to identify them to Lugar's staff. They have spoken of seeking subpoena powers and witness protection assistance.

The staff investigation, under way for the last two months and based on allegations dating as far back as January 1985, has apparently been directed by Jonathan Winer, a Massachusetts lawyer. When queried by Lugar's staff, Winer would not give a straight answer as to whether there was evidence suggesting Administration complicity in the alleged misdeeds, though he hinted that there may have been Administration pressures not to investigate in some cases. Nor was he willing to share any of the evidence he has collected.

Lugar's staff has promised to investigate the allegations on their own, in order to determine whether they have any merit and whether a hearing is warranted, within the next two weeks. Initial plans are to inquire with the FBI and the CIA. The staff is anxious not to provide Kerry with a vehicle for publicizing his viewpoint, and also wants to avoid interfering in ongoing investigations, but believes that the issue cannot simply be ducked.

Attachment: as stated.

Clear: H:Forbes
cc: L:POlson
H:LRHoppe

[redacted]
DECL:OADR

Executive Registry 5017

MORI DocID: 754598

File Nicaragua 21 Apr 86

United States Department of State

Washington, D.C. 20520

April 21, 1986

CIA HAS NO OBJECTION TO
DECLASSIFICATION AND/OR
RELEASE OF THIS DOCUMENT
DATE: APR 2002
BY: 0664393

C21 EA JM WW RL LEN H R

[redacted] MEMORANDUM

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ARA - Mr. Abrams

FROM: H - Milton Charlton MC

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Attachment: as stated.

Clear: H:Forbes
cc: L:POlson
H:LRHoppe

[redacted]
DECL:OADR

Executive Registry 5053

UNCLASSIFIED QQ031
United States Department of State
Release X Excise Deny
Declassify in Part Withheld in Full
Exemption(s)

Dear Senator Dixon:

We have received your letter of April 20, 1987 requesting information on the "no" vote cast by the United States on a resolution concerning human rights in Chile last year. Your inquiry was on behalf of your constituent [ ].

P-
B-6

Let me assure you and your constituent that our actions in international organizations concerning Chile are determined with US support for democracy and human rights in Chile very much in mind. We take our actions in these bodies seriously, and seek to be constructive. Accordingly, we do not vote for resolutions unless we consider them sound.

There were significant parts of the resolution on Chile presented last December that reflected our own assessment of the human rights situation in that country. But, taken as a whole, we considered it to be seriously flawed in not reflecting accurately the constructive work of the UN Special Rapporteur, former Costa Rican Foreign Minister Fernando Volio.

This omission was apparent in many ways. The resolution praised Chilean government cooperation with the Rapporteur, but other positive steps mentioned in Volio's report were not acknowledged fairly. We consider it important that, whenever possible, progress should be recognized in order to encourage more progress in the future.

In addition, Volio, like the majority of the Chilean democratic opposition, had acknowledged that the assassination attempt against General Pinochet last September and the discovery of communist arsenals a month earlier had helped to impede the return of democracy in Chile. The UN resolution did not acknowledge that the government is not the sole source of political violence in Chile. We felt it was important that a resolution on Chile recognize the negative impact of terrorism. We voted against the resolution only after we were unable to obtain sufficient amendments to the text to allay these fundamental concerns.

The Honorable
Alan J. Dixon,
United States Senate.

89-96-0019
90D15
B6 7/3

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In seeking to promote human rights and democracy in Chile, we consider it important to be vocal in deploring terrorist violence, just as we are outspoken in deploring violence by the Chilean government. As Pope John Paul II demonstrated in his recent visit to Chile, it is possible to condemn violence from all sources without providing the government justification for human rights abuses.

There has been no retreat from our vocal support for democracy and human rights in Chile. We took the initiative to propose a resolution on Chile this year in the UN Human Rights Commission, just as we did last March. Through persistent diplomatic efforts we were able to obtain improvements in an unbalanced Chile resolution circulated by Mexico, and to reach agreement on a proposal for eliminating discriminatory treatment of Chile under a separate agenda item. We succeeded in revising the text so that it would deplore "continued acts of extreme violence from all quarters." In view of the improvements we obtained, despite flaws in the text, we joined the consensus in approving the resolution.

We continue to work to encourage progress across the board in Chile. Recent months have seen encouraging efforts by the Chilean government to address some longstanding problems, such as political exile. Government security forces have recently agreed with the International Committee of the Red Cross (ICRC) to allow visits by ICRC doctors to most prisoners. Two opposition newspapers have appeared. The government has begun to reestablish voter registries and enacted a law which permits political parties to gain legal recognition. While Chile's 1980 constitution calls for a single-candidate presidential plebiscite in 1989, rather than free elections, these measures help ensure broad discussion of prospects of the possibility of amending that constitution to permit free elections by 1989, as most opposition groups and many government supporters have advocated.

Despite these positive changes, serious human rights problems such as torture have continued. Moreover, President Pinochet gives every indication of wishing to continue in office beyond 1989, and has resisted replacement of the plebiscite with an open election.

The aforementioned steps, however, can help create the type of atmosphere conducive to a return to full democracy in Chile. We hope that these measures are followed up by greater relaxation of restrictions on individual liberties and by decisive steps to end human rights abuses. We will continue to

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strive to encourage human rights progress and a peaceful return to democracy in Chile. The United States Government is second to none in pressing for both of these. In contrast with most nations, we buttress our words with actions; this is recognized in Chile by both the government and the opposition.

With best wishes,

Sincerely,

J. Edward Fox
Assistant Secretary
Legislative and Intergovernmental Affairs

Enclosure:
Correspondence returned.

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Draft:ARA/SC:LKusnitz/JWSwiger

ARA# 87-1059, FAIM# 0551222

Clearance: ARA:
ARA/SC:DWCox
HA/HR:KBarmon (subs)
IO/HW:BZweiben (subs)

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This report was produced by a staff member of the Bureau of Intelligence and Research. It is the analyst's initial assessment and has not been reviewed at the bureau level.

ANALYST'S BRIEF

INR Office of Analysis for the Soviet Union and Eastern Europe

LATIN AMERICA: HIGHLIGHTS OF SOVIET ACTIVITIES, MARCH 1986

NR

Drafted by: INR/SEE/FP:FSCheever Date: April 21, 1986

Distribution (State Department Only)

INR/CA	Chile Project (#S199900030)	EUR - Mr. Palmer
INR/IS	U.S. Department of State	EUR/SOV - Mr. Parris
INR/RCRS	Release ✓ Excise Deny	S/P - Ms. Bohlen
	Declassify: In Part ✓ In Full	
	Exemption(s) NR	

Distribution approved by: INR/SEE/FP:MMautner

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DECL: OADR

920565

Pages 2 & 3 have been eliminated because they are entirely irrelevant.

NR

Chile. Moscow and the Chilean communist party (PCCh) leadership in exile in the USSR won a victory in their attempt to assert control of the party in Chile -- increasingly dominated by hardliners advocating violent resistance to Pinochet -- with the reinstatement of party stalwart Jorge

Insunza to the political commission of the central committee. Insunza acknowledged the need to support the Manuel Rodiriguez Patriotic Front (FPMR), the party's armed wing, but said that it should not act without the knowledge or consent of the commission. Insunza added that the party, long divided on the issue of violent resistance, should stop making militant pronouncements that would alienate the moderate politcal opposition and attract excessive attention to itself. (The party's refusal to abjure violence has excluded it from a number of moderate opposition coalitions.)
(SECRET/NOFORN/NOCONTRACT/ORCON)

Pages 6 & 7 have been eliminated because they are entirely irrelevant.

RELEASED IN PART
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ACTION COPY

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Department

ACTION COPY

E41

PAGE 01 MEXICO 03742 00 OF 02 230752Z 8885
ACTION OCC-05

INFO LOG-00 COPY-01 ADS-00 AMAD-01 CA-02 /010 W
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P 230708Z APR 86
FM AMEMBASSY MEXICO
TO SECSTATE WASHDC PRIORITY 1652
AMEMBASSY GUATEMALA

UNCLAS MEXICO 03742

FOR CA/EHR/ARA/EX

E.O. 12356: N/A
TAGS: CASC, GT (BLAKE, NICHOLAS, DAVIS, GRIFFITH)
SUBJECT: M/W CASE OF NICHOLAS BLAKE AND GRIFFITH DAVIS

REF: GUATEMALA 03679

1. AS A RESULT OF INFORMATION RECEIVED IN REFTEL AN INVESTIGATOR WAS SENT TO [illegible] FOR VERIFICATION.

2. AFO INVESTIGATOR FIRST CONFERRED WITH GABRIEL SARMIENTO THE SECRETARIO PARTICULAR DEL GOBERNADOR AND CHIEF OF THE [illegible] SARMIENTO REPORTED THAT BLAKE AND DAVIS WERE IN SAN CRISTOBAL DE LAS CASAS, BUT ONLY BECAUSE THERE IS A LARGE FOREIGN COMMUNITY THERE. HE SUGGESTED THAT THE INVESTIGATOR TALK TO BISHOP SAMUEL RUIZ GARCIA, PADRE JAVIER RUIZ, FLORA ANDERSON AND GABRIEL SUAREZ, ALL OF WHOM HE THOUGHT MIGHT BE OF ASSISTANCE IN LOCATING BLAKE AND DAVIS. SARMIENTO ALSO DISAVOWED ANY KNOWLEDGE OF [redacted]

B6

3. UPON ARRIVAL IN SAN CRISTOBAL THE INVESTIGATOR ATTEMPTED TO CONFER WITH BISHOP RUIZ GARCIA AND PADRE JAVIER RUIZ, BOTH OF WHOM WERE OUT OF TOWN AND NOT EXPECTED TO RETURN UNTIL MID-MAY. INFORMATION DEVELOPED BY AFO INVESTIGATOR INDICATES THAT BOTH THE BISHOP AND THE PADRE ARE HEAVILY INVOLVED WITH THE GUATEMALAN REFUGEE RELIEF EFFORT IN MEXICO AND THAT THE BISHOP, IN PARTICULAR, IS DISTRUSTFUL OF ANY AUTHORITY AND PROBABLY WILL NOT BE OF ASSISTANCE IN THIS MATTER.

4. THE INVESTIGATOR CHECKED SEVERAL KNOWN HANGOUTS OF U.S. CITIZENS BUT COULD NOT FIND ANYONE WHO KNEW ANYTHING ABOUT BLAKE AND DAVIS. THE INVESTIGATOR NOTICED SEVERAL POSTERS, HOWEVER, REQUESTING INFORMATION CONCERNING BLAKE AND DAVIS' WHEREABOUTS. A CHECK AT THE HOME OF FLORA ANDERSON WAS NEGATIVE. SHE, AT ONE TIME, OWNED A HOME (PENSION) WHERE U.S. CITIZENS COULD FIND SHELTER. THE HOME HAS SINCE BEEN SOLD AND FLORA ANDERSON IS REPORTED TO HAVE RETURNED TO NEW YORK

5. THE INVESTIGATOR CONFERRED WITH SUAREZ AT HIS PLACE OF BUSINESS IN SAN CRISTOBAL. SUAREZ STATED THAT HE FIRST MET BLAKE IN 1982. BLAKE SEEMED VERY INTERESTED IN THE GUATEMALAN PLIGHT AND WANTED TO CONTACT THE GUERRILLAS. SUAREZ SAID HE TOOK BLAKE TO A REFUGEE CAMP WHERE BLAKE CHASTISED THE OCCUPANTS FOR NOT FIGHTING WITH GUERRILLAS. THE OCCUPANTS BECAME IRATE AT BLAKE'S COMMENTS AND SUAREZ HAD TO HURRY BLAKE OUT OF THE CAMP. BLAKE LEFT FOR THE U.S. SHORTLY AFTERWARDS AND SENT SUAREZ A CHECK FOR U.S. $500.00. THEIR SECOND ENCOUNTER OCCURRED IN OCTOBER OR NOVEMBER OF 1984. BLAKE WAS ENROUTE TO GUATEMALA WHEN HE STOPPED BY TO SAY HELLO. THE LAST ENCOUNTER WAS IN FEBRUARY 1985. BLAKE WAS ON HIS WAY TO HUEHUETENANGO TO VISIT A FRIEND, A COLONEL IN THE GUATEMALAN ARMY. PREVIOUSLY UNREPORTED, SUAREZ NOW SAYS BLAKE WAS RETURNING TO HUEHUETENANGO TO CONTINUE HIS RESIDENCE WITH THE COLONEL. SUAREZ REPORTED THAT BLAKE LEFT MEXICO FOOT WITH A KNAPSACK AND SLEEPING BAG THROUGH CARMENXHAN AND CROSSED THE BORDER INTO GRACIA A DIOS, GUATEMALA. SUAREZ SAID HE COULD NOT UNDERSTAND WHY BLAKE DECIDED TO CROSS THERE BECAUSE QUOTE IN GRACIA A DIOS THERE ARE MAN GUARDIAS CIVILES, INDIANS WITH GUNS, WHO ARE DANGEROUS A TAKE ADVANTAGE OF THE UNSUSPECTING UNQUOTE.

6. AFO INVESTIGATOR ALSO CONFERRED WITH MEXICAN IMMIGRATION OFFICIAL ALEJANDRO MONTES WHO SAID THAT SEVERAL PEOPLE HAVE COME BY HIS OFFICE INQUIRING ABOUT BLAKE AND DAVIS. ROBERT HOOK, AN ALLEGED REPORTER FOR LONDON NEWSPAPER, IS THE LATEST PLAYER IN THIS SCENARIO. HOOK TALKED TO MONTES ON OR ABOUT APRIL 17, AND SAID THA HE WAS IN A MEXICAN BORDER TOWN NAME UNKNOWN LOOKING F BLAKE AND DAVIS AND WAS INFORMED BY PERSONS UNKNOWN TH BLAKE AND DAVID WERE THERE FIVE DAYS EARLIER LOOKING FOR THE GUERRILLAS. A FEW WEEKS PRIOR, HOOKS SAID HE WAS ALSO VISITED BY TWO OTHER MEN FROM PHILADELPHIA. HOOK PRESUMES THIS WAS BERLAND MCGUEL AND A COMPANION, WHO WE ALSO LOOKING FOR BLAKE AND DAVIS. HOWEVER, THE PHILADELPHIANS SEEMED MORE INTERESTED IN SIGHTSEEING RATHER THAN INFORMATION REGARDING BLAKE AND DAVIS. HOOK PLANS TO FLY TO THE [illegible] AND INTENDS CONTACT TO HIS PEOPLE THERE ABOUT THE MISSING U.S CITIZENS. HE WIL ADVISE EMBASSY OF THE OUTCOME.

7. ATTEMPTS BY THE AFO INVESTIGATOR TO CONFER WITH [redacted] WERE FUTILE. THE INVESTIGATOR WAS SUCCESSFUL IN TALKING WITH [redacted] EMPLOYER, [redacted] WHO IS ALSO [redacted] KNEW NOTHI ABOUT BLAKE AND DAVIS, NOR WAS HE AWARE THAT [redacted] REPORTED A SIGHTING. [redacted] PROVIDED THE INVESTIGAT WITH THE HOME PHONE NUMBER OF [redacted] IN COMITAN. THE INVESTIGATOR CONTACTED [redacted] AT THIS NUMBER WHO, AFTER FINDING OUT SHE WAS TALKING TO REPRESENTATIVE OF THE EMBASSY, STATED THAT SHE WAS ONLY THE MAID AND HAD NO IDEA WHERE [redacted] WAS OR WHEN HE WOULD RETURN.

8. COMMENTS: INFORMATION DEVELOPED THUS FAR SEEMS TO SUPPORT AMEMBASSY GUATEMALA'S POSITION THAT A SIZEABLE PEARL HAS BEEN CREATED FROM A MERE GRAIN OF SAND. SEVER ATTEMPTS HAVE BEEN MADE TO CONTACT [redacted] TO CORROBORATE HIS FINDINGS, BUT TO DATE HE HAS NOT MADE HIMSELF AVAILABLE. [redacted] WHO CLAIMS TO H THE MAID OF [redacted] WAS TRYING TO CONCEAL HER REAL ASSOCIATION WITH [redacted] AND WAS NERVOUS AND EVASIVE WHEN QUESTIONED AS TO [redacted] WHEREABOUTS. ANOTHER PROBLEM HAMPERING THE INVESTIGATION ARE THE NUMBERS OF INEXPERIENCED WELL WISHERS FROM THE U.S. GETTING IN THE WAY. THE SIGHTING OF BLAKE AND DAVIS BY THE TOWNSPEOPLE AS REPORTED BY HOOK, WERE PROBABLY MCGUEL AND HIS COMPANION. AT THIS STAGE OF THE GAME, IT IS DIFFICULT T BELIEVE THAT BLAKE AND DAVIS WOULD STILL BE TRYING TO CONTACT THE GUERRILLAS. WE WILL HOWEVER, CONTINUE TO PURSUE THOSE LEADS ALREADY DEVELOPED.
DRAFTED BY K. GRASTY. BUSBY.

Goodwin Goodwin M.

CA MONICA HARTY
BLAKE DAVIS
GUATEMALA

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 06/29/95
Case ID: 9512221

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[redacted] UNCLASSIFIED C250

PAGE 01 MANAGU 02661 01 OF 04 241840Z
ACTION ARA-00

INFO LOG-00 COPY-01 ADS-00 AID-00 INR-10 EUR-00 SS-00
CIAE-00 IO-17 NSCE-00 NSAE-00 SSO-00 HA-09 L-03
PM-10 EAP-00 INRE-00 RP-10 USIE-00 JUSE-01 SP-02
SR-06 /069 W
----------323553 241846Z /41

O 241835Z APR 86
FM AMEMBASSY MANAGUA
TO SECSTATE WASHDC IMMEDIATE 0224
INFO CONTADORA COLLECTIVE
AMEMBASSY BONN
AMEMBASSY BRUSSELS
AMEMBASSY DUBLIN
AMEMBASSY HELSINKI
AMEMBASSY LISBON
AMEMBASSY LONDON
AMEMBASSY MADRID
AMEMBASSY MOSCOW
AMEMBASSY OSLO
AMEMBASSY OTTAWA
AMEMBASSY PARIS
AMEMBASSY ROME
AMEMBASSY STOCKHOLM
AMEMBASSY THE HAGUE
AMEMBASSY TOKYO
AMEMBASSY VIENNA
USMISSION GENEVA
USCINCSO QUARRY HTS PN
DIA WASHDC
USLO CARIBBEAN
24 COMPW/DOI
USCINCLANT NORFOLK VA

R

Dept. of State, RPS/IPS, Margaret P. Grafeld, Dir.
(X) Release ( ) Excise ( ) Deny (X) Declassify
Date 2/27/02 Exemption _____

[redacted] SECTION 01 OF 04 MANAGUA 02661

E.O. 12356: OADR
[redacted]

[redacted]

PAGE 02 MANAGU 02661 01 OF 04 241840Z

TAGS: PHUM PREF PROP, MOPS NU HO
SUBJECT: MASS FLIGHT OF MISKITO INDIANS AGAIN THREATENS SANDINISTA IMAGE

REFS: A) MANAGUA 2548 B) FBIS LD200150

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1. (U) SUMMARY.

THE FLIGHT OF 10 TO 12 THOUSAND MISKITO INDIAN REFUGEES TO HONDURAS IN THE LAST FEW WEEKS POSES A SERIOUS PROBLEM FOR THE SANDINISTAS' EFFORT TO PORTRAY THEMSELVES AS A POPULAR GOVERNMENT INNOCENT OF HUMAN RIGHTS ABUSES. THE PREVIOUS WAVE OF MISKITO REFUGEES, IN 1982, LEFT A PERMA-

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NENT STAIN ON THE SANDINISTA IMAGE. THIS TIME THE GON
HAS RESPONDED WITH A PROPAGANDA CAMPAIGN TO SHOW THAT THE
MISKITOS FLEEING TO HONDURAS ARE NOT REFUGEES BUT VICTIMS
OF MASS KIDNAPPING BY THE CONTRAS, AND THAT ITS OWN EFFORTS
ON THE COAST ARE DIRECTED ONLY TOWARD POLITICAL DIALOGUE
AND DEVELOPMENT. BUT THE REFUGEES TELL OF NEW FIGHTING
AND SANDINISTA ATTACKS ON VILLAGES. THE FLIGHT OF MISKITOS
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PAGE 02 MANAGU 02661 02 OF 04 241841Z

TAGS: PHUM PREF PROP, MOPS NU HO
SUBJECT: MASS FLIGHT OF MISKITO INDIANS AGAIN THREATENS

THE SANDINISTAS HAVE RESPONDED TO THE OUTFLOW WITH A MAJOR PROPAGANDA CAMPAIGN DESIGNED TO CONTRAST THEIR INNOCENCE AND GOOD INTENTIONS WITH THE WICKEDNESS OF THE CONTRAS AND CIA. ITS PRINCIPAL THEMES ARE THAT: (1) THE MISKITOS IN HONDURAS WERE KIDNAPPED BY CONTRAS AND ARE HELD THERE AGAINST THEIR WILL; (2) THIS IS PART OF A CIA PLAN TO FRUSTRATE AUTONOMY AND CREATE A SEPARATE GOVERNMENT ON THE COAST; AND (3) THE REPORTS FROM HONDURAS ON REFUGEES AND SANDINISTA ABUSES ARE BEING ORCHESTRATED OR FABRICATED BY THE USG.

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4. (U) MASS KIDNAPPING

THE GON REPEATEDLY HAS CLAIMED THAT THE MISKITOS IN HONDURAS ARE NOT REFUGEES BUT KIDNAP VICTIMS. COMANDANTE BORGE PRESENTED AN EXTREME VERSION OF THIS IN A RECENT SPEECH (REF A) WHEN HE CLAIMED THAT 12 THOUSAND MISKITOS HAD BEEN KIDNAPPED IN FOUR DAYS BY KISAN/FDN FORCES, WITH THE DIRECT ASSISTANCE OF THE U.S. MILITARY AND THE CIA. THESE SAME FORCES, WITH THE CONNIVANCE OF HONDURAN AUTHORITIES, ARE PREVENTING THE THOUSANDS OF KIDNAPEES FROM RETURNING TO NICARAGUA, BORGE SAID.

5. (U) UNHCR PETITIONED

THE GON HAS BUTTRESSED ITS CLAIMS OF MASS KIDNAPPING AND FORCIBLE DETENTION BY REQUESTING THAT THE UNHCR INTERCEDE WITH THE HONDURAN GOVERNMENT TO SECURE THE RELEASE OF THE KIDNAPPED MISKITOS AND SAFEGUARD THEIR RETURN TO NICARAGUA. ACCORDING TO FSLN DAILY BARRICADA OF APRIL 22, THE GON HAS ALSO SUGGESTED THAT THE UNHCR PROPOSE A JOINT

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PAGE 03 MANAGU 02661 02 OF 04 241841Z

COMMISSION ON REFUGEES TO THE HONDURAN GOVERNMENT. BARRICADA OF APRIL 23 REPORTS THAT UNHCR OFFICERS FROM GENEVA AND THE PRESS WILL BE TRAVELLING TO THE RIO COCO AREA ABOUT APRIL 26 TO ASSESS THE SITUATION.

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6. (U) SEPARATIST PLANS

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A NEW THEME INTRODUCED IN BARRICADA OF APRIL 23 IS THAT THE CIA, KISAN AND THE FDN PLAN TO DETACH THE NORTHERN PART OF THE ATLANTIC COAST FROM NICARAGUA AND CREATE A PROVISIONAL GOVERNMENT. COMANDANTE JOSE GONZALEZ, FSLN POLITICAL SECRETARY FOR THE REGION, CLAIMED THAT THE MASS KIDNAPPINGS WERE DONE TO REINFORCE THIS SEPARATIST PLAN.

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7. (U) PEACEFUL INTENTIONS

THE SANDINISTA MEDIA ARE STRESSING THE GON'S PEACEFUL EFFORTS AS A COUNTERPOINT TO THE WARLIKE ACTIONS OF THE CONTRAS. RECENT ARTICLES IN BARRICADA AND GON-SUBSIDIZED EL NUEVO DIARIO (END) HAVE TOLD OF GON INVESTMENT IN REPAIR SHOPS, ROADS AND BRIDGES FOR THE AREA. THE MINISTRY OF INTERIOR DONATED A HOSPITAL BUILT FOR ITS SOLDIERS TO THE HEALTH MINISTRY. A SHIPLOAD OF FOOD FROM CUBA ARRIVED THIS WEEK IN PUERTO CABEZAS, THE REGIONAL CAPITAL AND SITE OF RECENT FOOD SHORTAGES. OTHER STORIES TELL OF GON ATTEMPTS TO SECURE A CEASE FIRE, AND ITS SUCCESS WITH SOME KISAN LEADERS. THE EMPHASIS IS ON SANDINISTA EFFORTS FOR DIALOGUE AND DEVELOPMENT ON THE COAST.

8. (U) COUNTERATTACK ON REPORTS FROM HONDURAS

BARRICADA AND END OF APRIL 22 ALSO ATTACKED U.S. EFFORTS TO CALL ATTENTION TO THE PLIGHT OF THE MISKITOS. BARRI-

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PAGE 01 MANAGU 02661 03 OF 04 241842Z
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PAGE 02 MANAGU 02661 03 OF 04 241842Z

TAGS: PHUM PREF PROP, MOPS NU HO
SUBJECT: MASS FLIGHT OF MISKITO INDIANS AGAIN THREATENS

CADA DEVOTED HALF A PAGE TO EXCERPTS FROM AN AMERICAS WATCH REPORT OF APRIL 11 THAT, WHILE IT ADMITS THAT THE MISKITOS FLED OUT OF FEAR OF THE SANDINISTAS, CLAIMS THAT THE FLIGHT OF THE MISKITOS WAS "A PREARRANGED PLAN" CARRIED OUT BY KISAN TO INFLUENCE CONGRESSIONAL VOTING ON CONTRA AID. END OF APRIL 22 USED STORIES FROM THE BOSTON GLOBE AND PHILADELPHIA ENQUIRER, ON THE TRANSPORTATION OF REPORTERS TO REFUGEE CAMPS IN U.S. HELICOPTERS AND ALLEGED KISAN ATTEMPTS TO COORDINATE REFUGEES' STORIES, TO DEMONSTRATE THAT THE CLAIM THAT THE MISKITOS IN HONDURAS ARE REFUGEES IS A "COARSE TRICK" PLANNED IN WASHINGTON.

9. (U) SOVIETS APPARENTLY CONCERNED

SOVIET CONCERN WITH THE POTENTIAL DAMAGE THEIR NICARAGUAN CLIENTS COULD SUFFER FROM A NEW WAVE OF MISKITO REFUGEES IS SHOWN IN A RARE TASS ARTICLE FILED FROM PUERTO CABEZAS BY SPECIAL CORRESPONDENT SERGEY GORBUNOV. HE REPORTED THAT NINE THOUSAND MISKITOS TRIED TO RETURN TO NICARAGUA, BUT WERE PREVENTED FROM DOING SO BY "ARMED GANGS OF CIA MERCENARIES." TASS QUOTES TOMAS BORGE'S ALLEGATION THAT U.S. FORCES WERE DIRECTLY INVOLVED IN THE KIDNAPPING, AND CALLS THE SITUATION ON THE RIO COCO "ANOTHER LARGE SCALE ACT OF TERRORISM" BY THE CIA (REF B).

10. (U) REFUGEES' MOTIVES

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A) THERE ARE SEVERAL POSSIBLE MOTIVES FOR THE MISKITO OUTFLOW. MANY OF THE NEW REFUGEES HAD PREVIOUSLY BEEN IN SANDINISTA RELOCATION CAMPS. AS PART OF THE AUTONOMY PRO-

GRAM, THE GON RELEASED THOUSANDS OF THESE MISKITOS IN JANUARY AND FEBRUARY AND ALLOWED THEM TO RETURN TO THEIR VILLAGES, WHERE THEY DISCOVERED THAT THEIR HOUSES AND BOATS HAD BEEN BURNED, AND THEIR LIVESTOCK SLAUGHTERED BY THE EPS AFTER THEIR 198
1-82 REMOVAL. THE RETURNEES ALSO FOUND
THAT THE GON WAS UNABLE TO SUPPLY THE CONSTRUCTION MATERIALS, AGRICULTURAL EQUIPMENT AND FOOD IT HAD PROMISED TO HELP THEM REBUILD. MOST OF THOSE PEOPLE SIMPLY CONTINUED ON TO HONDURAS.

B) (U) THEY, AND OTHER MISKITOS, MAY ALSO HAVE BEEN PROMPTED BY RUMORS OF A NEW, LESS DRAMATIC AND SMALLER SCALE RELOCATION CAMPAIGN BY THE SANDINISTAS. THERE HAVE BEEN SEVERAL REPORTS IN BARRICADA OF MISKITO VILLAGES "ASKING" TO BE MOVED FROM THE RIO COCO, AND THERE IS SPECULATION THAT THE SANDINISTAS WOULD LIKE POTENTIAL KISAN SUPPORTERS AWAY FROM THE BORDER. GIVEN TRADITIONAL MISKITO DISTRUST OF THE "SPANISH," AND THE UNHAPPY EXPERIENCE OF THE LAST RELOCATION, THESE RUMORS COULD HAVE HAD A POWERFUL EFFECT.

C) (U) RENEWED FIGHTING ON THE ATLANTIC COAST SINCE FEBRUARY ALSO ACTED AS A POWERFUL SPUR. THE PARTIAL TRUCE BEGAN TO CRUMBLE IN EARLY FEBRUARY WHEN LARGE SANDINISTA AIR, NAVAL AND GROUND FORCES PURSUED MISKITO LEADER BROOKLYN RIVERA AND A GROUP OF NORTH AMERICAN INDIANS HE WAS ESCORTING. THIS EFFORT APPARENTLY LED TO THE RESUMPTION OF FIGHTING. SOME REFUGEES REPORT THAT THEIR VILLAGES HAD BEEN BOMBED AND STRAFED BY EPS AIRCRAFT. OTHER REFUGEES REPORT ATTACKS ON THEIR VILLAGES BY EPS ARMORED VEHICLES AND ARTILLERY. FORTY MISKITO CIVILIANS HAVE BEEN REPORTED KILLED BY EPS ATTACKS IN THE FIRST TWO WEEKS OF APRIL. THE EPS ALSO HAS BEEN ACCUSED OF ARRESTING OR ASSASSINATING MISKITOS SUSPECTED OF TIES TO

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FROM AMBASSADOR HABIB

E.O. 12356: DECL:OADR
TAGS: PREL, XX, BR, NU
SUBJ: HABIB TRIP: MEETINGS IN BRAZIL

1. SECRET ENTIRE TEXT.

2. SUMMARY AND COMMENT: THE BRAZILIANS UTILIZED MY VISIT TO PROBE FOR THE BOTTOM LINE OF OUR POLICY TOWARD CONTADORA AND NICARAGUA. IN PARTICULAR, THEY WANT TO KNOW IF WE ARE WILLING TO SETTLE FOR A "YUGOSLAV" OUTCOME (I.E., THE SANDINISTAS STAY IN POWER), TRADING OFF POLITICAL OBJECTIVES FOR A SATISFACTORY AGREEMENT ON SECURITY. I STRONGLY AFFIRMED THE IMPORTANCE OF ALL OF THE CONTADORA'S OBJECTIVES. I SAID THAT WE STAYED OUT OF CONTADORA BECAUSE THE CONTADORA COUNTRIES DEFINED THEIR OBJECTIVES TO INCLUDE NATIONAL RECONCILIATION AND DEMOCRATIZATION. CONTADORA COULD NOT START CHANGING THE OBJECTIVES NOW, I SAID. OTHER POINTS OF INTEREST WERE THE BRAZILIAN OBSERVATION THAT MEXICO'S SEPULVEDA HAD BEEN IN FREQUENT TELEPHONE CONTACT WITH ORTEGA THROUGHOUT THE PANAMA MEETING, I.E., IT WAS NOT JUST D'ESCOTO WHO WAS UNYIELDING, AND THAT PANAMA'S ABADIA HAS SENT WORD THAT NICARAGUA IS NOW WILLING TO SIGN "THE" CONTADORA ACTA. ABADIA'S CABLE BARELY STOPPED SHORT OF A FORMAL INVITATION TO BE PRESENT JUNE 6. THE BRAZILIANS HAVE HEARD NOTHING ABOUT FURTHER NEGOTIATIONS, HOWEVER, AND BELIEVE THE PANAMANIANS ARE STICKING THEIR NECKS OUT IN EXPRESSING SUCH CONFIDENCE. BRAZILIAN OPPOSITION TO PARTICIPATION IN ANY PEACEKEEPING ARRANGEMENT WAS EXPRESSED OPENLY, BUT ACTING FOREIGN MINISTER FLECHA DE LIMA SAID BRAZIL COULD GIVE MATERIAL SUPPORT TO A SUPERVISORY COMMISSION. PRESIDENT SARNEY SPOKE OF THE BRAZILIAN DECISION TO JOIN THE SUPPORT GROUP IN FAMILIAR TERMS -- TO KEEP CONTADORA ALIVE AND TO SHIELD BRAZILIAN DOMESTIC POLITICS FROM REPERCUSSIONS FROM CENTRAL AMERICA. END SUMMARY AND COMMENT.

3. CHARGE WATSON AND I MET WITH ACTING FOREIGN MINISTER FLECHA DE LIMA AND HIS TOP ADVISERS FOR NEARLY TWO HOURS APRIL 24. ARA/CEN OFFICER HAMILTON (NOTETAKER) ALSO PARTICIPATED. OTHER MEMBERS OF MY PARTY AND EMBASSY STAFF JOINED US FOR MORE DISCUSSION OVER LUNCH AT ITAMARATY. CHARGE WATSON HOSTED A RETURN DINNER WITH MANY OF THE SAME OFFICIALS PLUS GENERAL IVAN DE SOUZA MENDES, HEAD OF THE NATIONAL INTELLIGENCE SERVICE, AND GENERAL CARLOS OLAVO GUIMARAES OF THE ARMY MINISTER'S STAFF. WE ALSO MET SEPARATELY, FOR A MORE GENERAL DISCUSSION, WITH PRESIDENT SARNEY.

PAGE #1 BRASIL #4452 ## OF #3 2517582 3122 SS07664

4. I BEGAN WITH THE SAME POINTS I'VE STRESSED AT OTHER STOPS. MY INSTRUCTIONS ARE TO EXPLORE THE POSSIBILITIES OF A DIPLOMATIC SOLUTION; AS INDICATED BY MY LETTER OF APRIL 11, WE WILL SUPPORT AND ABIDE BY A SOLUTION THAT IS COMPREHENSIVE, VERIFIABLE AND SIMULTANEOUS IN IMPLEMENTATION. BUT WE WILL NOT ACQUIESCE IN PIECEMEAL SOLUTIONS OR THAT DO NOT OTHERWISE MEET THESE CRITERIA. WE BELIEVE THAT SETTING DEADLINE FOR REACHING A SOLUTION IS BENEFICIAL. FROM CONSULTATIONS WITH THE CENTRAL AMERICANS, WE KNOW THAT THEY ARE WILLING TO NEGOTIATE A COMPREHENSIVE SOLUTION IN GOOD FAITH. THE CENTRAL AMERICANS ARE CONCERNED, HOWEVER, THAT THE SUPPORT GROUP COUNTRIES IN PARTICULAR ARE WILLING TO SETTLE FOR ANY AGREEMENT AND THAT THEY WILL CONCEDE NICARAGUA WHAT EVER IT WANTS TO GET AN AGREEMENT.

5. ACTING FOREIGN MINISTER FLECHA DE LIMA SKETCHED OUT BRAZIL'S GENERAL POSITION IN RESPONSE. BRAZIL HAS NO TRADITION OF INVOLVEMENT IN CARIBBEAN AND CENTRAL AMERICAN MATTERS, EXCEPT FOR THE DOMINICAN REPUBLIC IN 1965, A CONTROVERSIAL EXPERIENCE THAT STILL CONDITIONS BRAZILIAN ATTITUDES TOWARD PEACE-KEEPING EXERCISES. BRAZIL HAS NOT "KNOCKED ON ANYONE'S DOOR" TO GET INVOLVED IN CENTRAL AMERICA. BUT CONCERN THAT CENTRAL AMERICA COULD HAVE REPERCUSSIONS FOR BRAZIL LEAD THE SARNEY GOVERNMENT TO PARTICIPATE IN THE SUPPORT GROUP. BRAZIL IS ALSO CONCERNED THAT AGGRAVATION OF THE SITUATION IN CENTRAL AMERICA, COMBINED WITH NEW CONFLICT WITH OTHER NATIONS (READ LIBYA), WILL DIMINISH POSSIBILITIES FOR A U.S.-SOVIET DIALOGUE. ALTHOUGH BRAZIL IS PARTICIPATING IN THE SUPPORT GROUP, ITS PERSPECTIVE IS THAT OF AN ONLOOKER, NOT A FULL-FLEDGED MEMBER OF THE CONTADORA GROUP. THIS POINT WAS MADE REPEATEDLY IN VARIOUS WAYS IN SIDE CONVERSATIONS BY OTHER BRAZILIAN OFFICIALS.

6. FLECHA DE LIMA SAID HE AGREES THAT THE NICARAGUANS WERE INTRANSIGENT AT PANAMA. IT WAS NOT JUST D'ESCOTO, HOWEVER, WHO WAS HANGING TOUGH. MEXICO'S SEPULVEDA SPOKE BY PHONE MANY TIMES DURING THE WEEKEND WITH ORTEGA, WHO WAS JUST AS UNYIELDING. BUT ACCORDING TO PANAMA'S ABADIA, THE NICARAGUANS HAVE NOW CHANGED THEIR POSITION. BRAZIL RECEIVED A TELEX FROM ABADIA CIRCA APRIL 22 THAT, WHILE NOT QUITE A FORMAL INVITATION TO A JUNE 6 SIGNING CEREMONY, WAS THE NEXT THING TO IT. THE BRAZILIANS BELIEVE THE PANAMANIANS ARE ASSUMING GREAT RISK SINCE IT IS FAR FROM CERTAIN THAT THERE WILL BE ANYTHING TO SIGN. IT WOULD HAVE BEEN MORE PRUDENT TO RECONVENE NEGOTIATIONS FIRST. THE BRAZILIANS ASSUME THAT NEGOTIATIONS WILL BE RESUMED, BUT SAY THEY HAVE NO WORD AS TO WHEN. FLECHA DE LIMA ALSO ACKNOWLEDGED THAT THE CONTADORA ACTA IS FAR FROM BEING READY TO SIGN AND IMPLEMENT. NOTING THAT A SWISS-NEGOTIATED PEACEKEEPING ARRANGEMENT IN 1956 RAN MORE THAN 100 PAGES IN THE BASIC LETTER OF REFERENCE ALONE, HE CONVEYED AN IMPRESSION THAT THE BRAZILIANS HAVE LITTLE RESPECT FOR THE WAY THE CONTADORA COUNTRIES ARE APPROACHING THESE ISSUES. I EMPHASIZED THAT THIS APPARENT LACK OF PROFESSIONAL ATTENTION TO THE DETAILS OF HOW AN AGREEMENT COULD BE EFFECTIVELY IMPLEMENTED CONCERNS US GREAT CONCERN. IN THE U.S. VIEW, AGREEMENTS OF THIS SORT REQUIRE A COMBINATION OF POLITICAL WILL AND EFFECTIVE MECHANISMS TO MAKE THEM WORK. THEY ARE NOT SELF-ENFORCING AND GOOD WILL IS NOT ENOUGH. BRAZILIAN PRESENCE IN THE PROCESS IS REASSURING TO US, I SAID, PRECISELY

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BECAUSE THEY APPROACH SUCH MATTERS PROFESSIONALLY AND SERIOUSLY.

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7. FLECHA DE LIMA SAID THERE HAD BEEN SOME MISUNDERSTANDING ABOUT BRAZILIAN INTENTIONS TOWARD POSSIBLE PEACEKEEPING ARRANGEMENTS. BRAZIL IS PREPARED TO SUPPORT SUCH ARRANGEMENTS, EVEN MATERIALLY. BUT OWING TO ITS "LACK OF FAMILIARITY" WITH THE REGION, BRAZIL IS NOT PREPARED TO PARTICIPATE WITH TROOPS. MOREOVER, IT DOES NOT BELIEVE THAT ANY LATIN AMERICAN TROOPS SHOULD BE INVOLVED; THEY WOULD BE A "TARGET FOR SABOTAGE." BETTER TO LET OUTSIDERS WITH EXPERIENCE -- E.G., THE FINNS AND AUSTRALIANS -- PROVIDE THE SOLDIERS. FLECHA DE LIMA SAID TOMAS BORGE HAD ARRIVED IN BRASILIA WITH THE MISTAKEN IMPRESSION THAT BRAZIL OPPOSES PEACEKEEPING ARRANGEMENTS ALTOGETHER. IT TOOK SOME DOING TO CONVINCE HIM OTHERWISE. I PICKED UP ON THIS SUBJECT TO REGISTER OUR OPPOSITION TO THE PROPOSED COSTA RICAN/NICARAGUAN BORDER COMMISSION AS JUST THE KIND OF PIECEMEAL APPROACH THAT UNDERCUTS CHANCES FOR A COMPREHENSIVE SOLUTION.

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8. FLECHA DE LIMA NEXT RAISED SEVERAL QUESTIONS WITH ME. DID OUR INSISTENCE ON SIMULTANEITY MEAN THAT EVERYTHING HAS TO BE DONE AT ONCE? I EXPLAINED THAT THE STRUCTURE OF THE ACTA LEAVES SOME ISSUES FOR FUTURE NEGOTIATION EVEN AS COMMITMENTS ON OTHER ISSUES ARE BEING IMPLEMENTED. THIS IS WHAT WE MEAN BY THE LACK OF SIMULTANEITY. A COMPREHENSIVE AGREEMENT COULD PROVIDE FOR IMPLEMENTATION OF SOME COMMITMENTS BEFORE OTHERS. BUT SIGNING AN AGREEMENT THAT HAS NOT BEEN FULLY NEGOTIATED VIOLATES THE PRINCIPLE OF SIMULTANEITY.

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9. FLECHA DE LIMA ASKED IF WE REGARD MILITARY AID TO THE CONTRAS AS ESSENTIAL. I SAID THAT WE DO, BUT AS PRESSURE IN SUPPORT OF NEGOTIATIONS. IN A SERIES OF QUESTIONS AND EXCHANGES THAT INVOLVED PRESIDENTIAL ADVISER RICUPERO AS WELL AS FLECHA DE LIMA, THE BRAZILIANS PROBED FOR OUR BOTTOM LINE. WOULD WE ACCEPT A CONTADORA AGREEMENT THAT LEAVES THE SANDINISTAS IN POWER? WOULD A YUGOSLAV OUTCOME BE ACCEPTABLE? I INDICATED THAT THE QUESTION ITSELF DISTURBS US, BECAUSE IT SUGGESTS THAT THE CONTADORA MEDIATORS ARE NOT TAKING CONTADORA'S DECLARED OBJECTIVES SERIOUSLY. WE WANT THE SANDINISTAS TO DO WHAT A CONTADORA AGREEMENT REQUIRED THEM TO DO: HOLD REGULAR, FREE AND FAIR ELECTIONS; OPEN A DIALOGUE WITH THEIR OPPOSITION; LIFT PRESS RESTRICTIONS; AND ALL THE REST. THESE ARE CONTADORA OBJECTIVES THAT NICARAGUA HAS ACCEPTED, I SAID. THE CONTADORA COUNTRIES TOLD US AT THE OUTSET THAT THEY WILL PURSUE THESE OBJECTIVES AND WE STAYED OUT OF CONTADORA BECAUSE WE WERE TOLD THAT A SOLUTION INCORPORATING THEM WOULD BE ATTAINED. THE CONTADORA COUNTRIES HAVE ASSUMED A RESPONSIBILITY TO PRODUCE NOTHING LESS THAN A COMPREHENSIVE AGREEMENT. "DON'T START CHANGING THE OBJECTIVES OF CONTADORA AT THIS POINT," I CONCLUDED.

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10. RICUPERO FOLLOWED UP. WHAT WILL WE DO IF OUR POLICY DOES NOT WORK? IF THE U.S. HOLDS OUT FOR DEMOCRATIZATION AND DOES NOT GET IT, WON'T IT IN THE END HAVE TO SETTLE FOR NOTHING AT ALL, I.E. THE SANDINISTAS CONSOLIDATED IN POWER WITH THE CUBANS STILL THERE? I SAID IF THE SANDINISTAS REJECT A COMPREHENSIVE SOLUTION, THE PRESIDENT WILL GET ALL THE RESOURCES HE NEEDS FROM THE CONGRESS AND THE SANDINISTAS WILL HAVE A SERIOUS PRICE TO PAY. A LONG DISCUSSION OF CONTRA CAPABILITIES ENSUED, WITH THE BRAZILIANS CLEARLY DOUBTFUL THAT THE CONTRAS CAN EVER

BRING STRONG MILITARY OR POLITICAL PRESSURE TO BEAR. I ARGUED THAT GIVEN SUBSTANTIAL, SUSTAINED SUPPORT THEY CAN DO BOTH.

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11. FLECHA DE LIMA'S HEAD OF CABINET, SANTOS NEVES, WHO WAS AT THE PANAMA MEETING, SAID THAT DEMOCRACY AND NATIONAL RECONCILIATION WERE NOT EVEN DISCUSSED AT PANAMA. PANAMA DEALT WITH WHETHER THE CENTRAL AMERICANS ARE PREPARED TO COMMIT THEMSELVES TO SIGN AN AGREEMENT JUNE 6. NICARAGUA'S CHIEF CONCERN, AS IT WAS EXPRESSED AT PANAMA, IS SECURITY. AS D'ESCOTO EXPLAINED IT REPEATEDLY, THE CONTADORA ACTA AS PRESENTLY CONCEIVED DOES NOT MEET NICARAGUA'S SECURITY CONCERNS, BECAUSE IT DOES NOT OBLIGATE THE UNITED STATES. NICARAGUA, ACCORDING TO D'ESCOTO, DOES NOT CONSIDER ITS NEIGHBORS ENEMIES -- ONLY THE UNITED STATES. NICARAGUA WAS THEREFORE EMPHASIZING THAT U.S. AGGRESSION HAD TO CEASE BEFORE SIGNATURE. I COUNTERED THAT THIS IS A FALSE ISSUE AND HAD HAMILTON EXPLAIN HOW WE HAD DEALT WITH THE SAME QUESTION AT MANZANILLO. IN THOSE DISCUSSIONS WE HAD INDICATED THAT A BINDING U.S. COMMITMENT WOULD NOT BE A PROBLEM IF THE SUBSTANCE OF AN AGREEMENT COULD BE WORKED OUT. THE NICARAGUANS ONLY RAISED THE ISSUE AT MANZANILLO WHEN, SENSING THAT WE WERE SERIOUS ABOUT A SETTLEMENT, BEGAN TO CAST ABOUT FOR PRETEXTS TO DUCK OUT.

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12. THE MEETING WITH PRESIDENT SARNEY WAS MUCH SHORTER, AMICABLE, AND GENERALLY DEVOID OF SPECIFICS. SARNEY (AND FLECHA DE LIMA IN THE FIRST MEETING) PROFESSED TO DERIVE REASSURANCE FROM THE FACT OF MY APPOINTMENT. I TOLD BOTH THAT MY INSTRUCTIONS FROM THE PRESIDENT AND SECRETARY ARE TO EXPLORE EVERY POSSIBLE AVENUE FOR A SOLUTION. SARNEY EXPLAINED BRAZIL'S DECISION TO JOIN THE SUPPORT GROUP AS AN EFFORT TO OVERCOME INERTIA AND TO PREVENT A POSSIBLE ESCALATION IN CENTRAL AMERICA OUT OF CONCERN FOR THE IMPACT IT WOULD HAVE ON BRAZILIAN POLITICS. AS DID FLECHA DE LIMA AND HIS COLLEAGUES, SARNEY STRESSED THAT BRAZIL'S ROLE IN CONTADORA IS TO SUPPORT, NOT TO TAKE INITIATIVES OR EVEN TO ACT IN PARALLEL. THIS EMPHASIS STOOD IN CONTRAST TO WHAT WE HEARD IN ARGENTINA AND URUGUAY.

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TEXT OF TELEGRAM 86MEXICO09107

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PAGE 01 MEXICO 09107 01 OF 03 281822Z
ACTION SS-00

INFO LOG-00 ADS-00 SSO-00 (AS-01 CIAE-00 DODE-00 NSCE-00)
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----------171073 282033Z /38

O 281816Z APR 86
FM AMEMBASSY MEXICO
TO SECSTATE WASHDC IMMEDIATE 1806
INFO CONTADORA COLLECTIVE IMMEDIATE

~~S E C R E T~~ SECTION 01 OF 03 MEXICO 09107

EXDIS/CONTRA, EXDIS FOR CONTRA DISTRIBUTION

DECAPTIONED

FROM HABIB

E.O. 12356: DECL:OADR
TAGS: CS PREL XK
SUBJECT: HABIB VISIT: MEETING WITH COSTA RICAN
- PRESIDENT ELECT ARIAS
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1. ~~SECRET - ENTIRE~~ TEXT.
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SUMMARY

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2. I TOLD ARIAS THAT THE U.S. WOULD SUPPORT A CONTADORA AGREEMENT THAT WAS COMPREHENSIVE, VERIFIABLE, AND SIMULTANEOUS. I TOLD HIM THAT IN MY TALKS WITH CENTRAL AND SOUTH AMERICAN LEADERS, I HAD CONCLUDED THAT THIS IS WHAT MOST OF THEM WANTED ALSO.
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3. ARIAS SAID THAT HIS RECENT TRIP THROUGH SOUTH AMERICA HAD CHANGED THE OPINIONS OF MANY ABOUT THE CHARACTER OF THE SANDINISTA REGIME. NICARAGUA'S FRIENDS WERE RAPIDLY LOSING PATIENCE. HE INTENDED TO USE HIS INAUGURATION
~~SECRET~~
SECRET

PAGE 02 MEXICO 09107 01 OF 03 281822Z

TO PUT MAXIMUM PRESSURE ON THE SANDINISTAS. HE WAS DELIGHTED THAT VICE PRESIDENT BUSH WAS TO HEAD THE U.S. DELEGATION.
-
4. HE SAID THE PANAMA MEETING HAD BEEN VERY CONFUSING, AND THAT NICARAGUA HAD IRRITATED EVERYONE WITH ITS INTRANSIGENCE. NEGOTIATIONS ON THE UNRESOLVED ISSUES WOULD PROBABLY START SOON, BUT IT WAS DOUBTFUL THAT ALL THE DETAILS COULD BE FINISHED BY JUNE 6. END SUMMARY.

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ISJ FPC/CDR Date 12-19-96
DEPARTMENT OF STATE
(X) RELEASE ( ) EXCISE ( ) DENY ( ) DELETE
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PA Exemptions
( ) DECLASSIFY ( ) DECLASSIFY IN PART
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MR Cases Only:
EO Citations
TS authority to
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UNCLASSIFIED

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5. AT A LUNCHEON HOSTED BY AMBASSADOR TAMBS ON APRIL 26, I HAD A WARM CONVERSATION WITH PRESIDENT ELECT OSCAR ARIAS WHO WAS ACCOMPANIED BY HIS BROTHER, MINISTER OF THE PRESIDENCY DESIGNATE RODRIGO ARIAS, FIRST VICE PRESIDENT ELECT JORGE MANUEL DENGO, AND FOREIGN MINISTER DESIGNATE RODRIGO MADRIGAL NIETO. I EXPLAINED THAT MY MISSION WAS TO LOOK INTO THE POSSIBILITIES OF A PEACEFUL SOLUTION TO THE CONFLICT IN CENTRAL AMERICA AND DETERMINE THE STATUS OF THE CONTADORA PROCESS FOLLOWING THE PANAMA MEETING EARLIER IN THE MONTH. I SAID THAT THE U.S. SUPPORTED PEACE, NOT PROTRACTED CONFLICT, AND WOULD WELCOME AN AGREEMENT THAT WAS COMPREHENSIVE, VERIFIABLE, AND SIMULTANEOUS. CONTADORA IS THE FRAMEWORK FOR SUCH AN AGREEMENT. THE LATIN AMERICANS HAD ASKED THE U.S. TO STAY OUT OF THE PROCESS AND WE HAD COMPLIED. NOW WE WERE LOOKING FOR THEM TO PRODUCE AN AGREEMENT BASED ON THE TWENTY-ONE OBJECTIVES THEY SET IN 1983. THE PANAMA MEETING HAD PROVIDED NEW MOMENTUM TO THE PROCESS, ALTHOUGH WE WERE DISAPPOINTED BY THE PERFORMANCE OF THE NICARAGUANS. WE WERE RAPIDLY APPROACHING THE JUNE 6 DATE SET FOR CONCLUDING AGREEMENT, BUT THERE REMAINED MANY ISSUES TO BE RESOLVED.

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6. I TOLD ARIAS THAT IN MY TALKS WITH THE CENTRAL AMERICAN DEMOCRACIES, I HAD SEEN THAT THEY ALL WOULD LIKE TO ACHIEVE A GOOD AGREEMENT. I HAD BEEN IMPRESSED THAT THE DEMOCRACIES WERE WORKING TOGETHER AS NEVER BEFORE. AMONG THE CONTADORA AND SUPPORT GROUPS, I FOUND THAT MOST FELT THIS WAY, ALTHOUGH A FEW STILL SEEMED INCLINED TO WANT TO SIGN ANY AGREEMENT SIMPLY TO SIGN SOMETHING. I HAD TOLD THE LATIN AMERICANS THAT THE U.S. WOULD, OF COURSE, RESERVE THE RIGHT TO JUDGE FOR ITSELF IF THE FINAL AGREEMENT WAS ACCEPTABLE, BUT OUR VIEWS MATCHED THOSE OF THE CENTRAL AMERICANS VERY CLOSELY. CERTAINLY, WE WOULD NOT SUPPORT ANY AGREEMENT THAT THEY COULD NOT ACCEPT. MY RECENT LETTER TO THREE MEMBERS OF CONGRESS HAD MADE CLEAR THAT THE U.S. WOULD BE WILLING TO DO ITS PART TO COOPERATE WITH SUCH AN AGREEMENT.

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7. ARIAS SAID THAT THIS TRACKED PERFECTLY WITH HIS OWN APPROACH, AND HE SAID THAT THE TIMING OF MY TRIP WAS EXCELLENT. IT HAD GIVEN THE LATIN AMERICANS SECURITY THAT THE U.S. WAS SUPPORTING THEIR EFFORTS TO FIND A PEACEFUL SOLUTION.

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ARIAS' TRIP TO SOUTH AMERICA

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8. ARIAS SAID THAT HE HAD GONE TO THE CONTADORA AND SUPPORT GROUPS TO CHANGE THE OPINIONS OF THOSE WHO WERE TOO PRO-SANDINISTA. HE BELIEVED THAT HE HAD HAD AN IMPACT,

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TEXT OF TELEGRAM 86MEXICO09107

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PAGE 01 MEXICO 09107 02 OF 03 281824Z
ACTION SS-00

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INFO LOG-00 ADS-00 SSO-00 /000 W
---163340 281827Z /38

O 281816Z APR 86
FM AMEMBASSY MEXICO
TO SECSTATE WASHDC IMMEDIATE 1807
INFO CONTADORA COLLECTIVE IMMEDIATE

S E C R E T SECTION 02 OF 03 MEXICO 09107

EXDIS/CONTRA, EXDIS FOR CONTRA DISTRIBUTION

FROM HABIB

E.O. 12356: DECL:OADR
TAGS: CS PREL XK
SUBJECT: HABIB VISIT: MEETING WITH COSTA RICAN

AND NOW MANY OF THE LATIN AMERICANS COULD BETTER UNDER-
STAND COSTA RICA'S DISLIKE OF THE SANDINISTAS. FOR
EXAMPLE, HE HAD MET WITH PERUVIAN PRESIDENT GARCIA FOR
THREE HOURS AND MADE A VISIBLE IMPRESSION ON HIM. I
REMARKED THAT I HAD TALKED WITH GARCIA JUST THE DAY
BEFORE, AND I AGREED THAT ARIAS HAD INDEED HAD AN IMPACT.
ARIAS BELIEVED THAT THE SUPPORT FOR THE SANDINISTAS
IN LATIN AMERICA WAS DRYING UP, AND THEIR FORMER SUPPORTERS
WERE RAPIDLY BECOMING IMPATIENT WITH SANDINISTA
INTOLERANCE. THE CURRENT ROUND OF CONTADORA ACTIVITIES
MAY BE THEIR WAY OF GIVING THE SANDINISTAS ONE LAST
CHANCE; IF THE SANDINISTAS DO NOT TAKE IT, THEY WILL
BE ISOLATED IN LATIN AMERICA. THE CONTADORA AND SUPPORT
GROUP FOREIGN MINISTERS WERE PARTICULARLY UPSET BY
SANDINISTA INTRANSIGENCE AT PANAMA. FOREIGN MINISTER
D'ESCOTO HAD BEEN INFLEXIBLE AND HAD TO CONTACT MANAGUA
EVERY HALF HOUR FOR INSTRUCTIONS. HE HAD GRATUITOUSLY
INSULTED THE COLOMBIANS WHO HAD BEEN WORKING HARD TO

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PAGE 02 MEXICO 09107 02 OF 03 281824Z

ACCOMMODATE NICARAGUA. ARIAS BELIEVED THAT AN OPPORTUNITY
WAS DEVELOPING FOR THE GENERALLY MIDDLE-OF-THE-ROAD
DEMOCRACIES OF CENTRAL AND SOUTH AMERICA TO BEGIN TO
WORK TOGETHER AS NEVER BEFORE.

THE INAUGURATION

9. ARIAS WAS EXPECTING TEN OR TWELVE LATIN AMERICAN PRESIDENTS TO ATTEND HIS INAUGURATION. THIS WOULD SEND A STRONG MESSAGE OF LATIN SUPPORT FOR COSTA RICA TO THE SANDINISTAS. HE PLANNED TO USE THE OCCASION TO MOUNT MAXIMUM PRESSURE ON NICARAGUA. HE PLANNED A TWO HOUR MEETING WITH THE PRESIDENTS TO DISCUSS CENTRAL AMERICA. DURING HIS INAUGURAL ADDRESS, HE INTENDED TO MAKE A STRONG STATEMENT ABOUT DEMOCRATIZATION IN NICARAGUA. THE ATTENDING PRESIDENTS WOULD BE INVITED TO SIGN A DECLARATION OF SAN JOSE WHICH WOULD ENUNCIATE DEMOCRATIC PRINCIPLES FOR ALL LATIN AMERICA. ARIAS WOULD UNVEIL HIS CALENDAR FOR DEMOCRATIZATION IN NICARAGUA. WHILE THE OTHER PRESIDENTS WOULD NOT BE EXPECTED TO DIRECTLY ENDORSE THE CALENDAR, THE DECLARATION OF SAN JOSE WOULD "RECOGNIZE WITH INTEREST" THE CALENDAR AND THUS ALLOW THEM TO SUPPORT IT INDIRECTLY. ARIAS WOULD MAKE SPECIFIC PROPOSALS FOR NICARAGUA'S NEW CONSTITUTION AND FOR A SERIES OF DATES BY WHICH CERTAIN THINGS SHOULD OCCUR. THE SCHEDULE WOULD BE ARRANGED SO THAT SPECIFIC CONCESSIONS WOULD BE REWARDED WITH SPECIFIC BENEFITS. I ASKED IF HE INTENDED TO LINK THESE PROPOSALS TO CONTADORA, AND HE INDICATED THAT THAT WAS A POSSIBILITY. HE CONFIRMED THAT DANIEL ORTEGA HAD NOT BEEN INVITED, AND SERGIO RAMIREZ PROBABLY WOULD BE REPRESENTING NICARAGUA.

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10. ARIAS WAS DELIGHTED THAT VICE PRESIDENT BUSH WOULD BE HEADING THE U.S. DELEGATION. HE SAID THAT THIS WOULD GIVE ANOTHER STRONG SIGNAL OF U.S. COMMITMENT TO COSTA RICAN DEMOCRACY.

CONTADORA

11. DENGO REMARKED THAT INITIALLY CONTADORA HAD HAD NO PURPOSE. IT NOW HAD ACQUIRED A PURPOSE, HOWEVER. IT WAS TO DEFINE THE GOALS IN CENTRAL AMERICA. THESE WERE THE GOALS OF DEMOCRACY VERSUS THE GOALS OF TOTALITARIANISM. I STRESSED THE IMPORTANCE OF CLEARLY DEFINING THESE TERMS AND MAKING THEM AN ESSENTIAL ELEMENT OF THE AGREEMENT. IT WAS CENTRAL TO THE WHOLE CONTADORA PROCESS THAT THE SANDINISTAS BE COMMITTED TO CHANGE THE WAY IN WHICH THEY TREATED THEIR OWN PEOPLE.

12. ARIAS SAID THAT THE SITUATION IN PANAMA HAD BEEN CONFUSING TO EVERYONE. THE FRUSTRATION WITH THE NICARAGUANS HAD LED CAPUTO TO ASK D'ESCOTO IF NICARAGUA REALLY WANTED PEACE OR WANTED WAR. HE BELIEVED THAT PANAMA WOULD SOON CONTACT THE PARTICIPATING GOVERNMENTS

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TO ARRANGE FOR NEGOTIATIONS ON THE REMAINING TWO ISSUES.
I NOTED THAT THERE ACTUALLY WERE MANY PARTS LEFT UNSETTLED
AND WONDERED IF THE JUNE 6 DEADLINE WAS FEASIBLE.
MADRIGAL SAID THAT CHANGES WOULD BE MADE ON TWO OF THE

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TEXT OF TELEGRAM 86MEXICO09107

UNCLASSIFIED

ADP507
SECRET

PAGE 01 MEXICO 09107 03 OF 03 281824Z
ACTION SS-00

INFO LOG-00 ADS-00 SSO-00 /000 W
----------163346 281827Z /38
O 281816Z APR 86
FM AMEMBASSY MEXICO
TO SECSTATE WASHDC IMMEDIATE 1808
INFO CONTADORA COLLECTIVE IMMEDIATE

S E C R E T SECTION 03 OF 03 MEXICO 09107

EXDIS/CONTRA, EXDIS FOR CONTRA DISTRIBUTION

FROM HABIB

E.O. 12356: DECL:OADR
TAGS: CS PREL XK
SUBJECT: HABIB VISIT: MEETING WITH COSTA RICAN

CHAPTERS BY THEN, BUT THE WORK ON FINALIZING THE LANGUAGE AND INSERTING SPECIFIC FACTS WOULD GO BEYOND THAT DATE. I ADVISED THEM TO BE VERY SPECIFIC, INCLUDING PROVISIONS FOR SUCH THINGS AS CEASE FIRES AND AMNESTIES.

13. ARIAS ASKED ME WHAT THE CENTRAL AMERICANS SHOULD DO IF NICARAGUA REFUSED TO SIGN. I SAID THAT THEY SHOULD PROCEED AND LEAVE THE DOOR OPEN TO NICARAGUA. THE SANDINISTAS WOULD FIND THEMSELVES ISOLATED, UNDER PRESSURE, AND THE CENTRAL AMERICANS SHOULD MAKE IT POSSIBLE FOR NICARAGUA TO REINTEGRATE INTO LATIN AMERICA IF IT CHOSE TO DO SO. IT WOULD BE RETURNING ON THE CENTRAL AMERICANS' TERMS, HOWEVER. IF NICARAGUA SIGNED THE AGREEMENT AND THEN VIOLATED IT, IT WOULD BE UP TO THE CONTADORA AND SUPPORT GROUPS, AS GUARANTORS, TO SEE THAT NICARAGUA COMPLIED. THEY HAD ACCEPTED THIS RESPONSIBILITY, AND WE AND THE CENTRAL AMERICANS EXPECT THEM TO FULFILL IT.

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PAGE 02 MEXICO 09107 03 OF 03 281824Z

I ADDED THAT PRESIDENT REAGAN WOULD SOON OBTAIN HIS AID FOR THE ARMED OPPOSITION. HOW HE USED IT WOULD DEPEND ON NICARAGUA. DENGO SAID THAT THESE ALTERNATIVES SHOULD BE EXPLAINED TO ORTEGA AT ESQUIPULAS.

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THE SANDINISTAS AND THE DEMOCRATIC RESISTANCE

14. I ASKED IF THERE WERE SERIOUS DIFFERENCES IN THE SANDINISTA LEADERSHIP ABOUT THE GOALS OF THE REVOLUTION. I EXPLAINED THAT IN SOUTH AMERICA, SOME PEOPLE TRIED TO TELL ME THAT NOT ALL WERE COMMUNISTS. ARIAS AND HIS COLLEAGUES ASSURED ME THAT THERE WERE NO SUCH IDEOLOGICAL SPLITS AMONG THOSE WHO CONTROL THE FSLN. (MADRIGAN SAID THAT ORTEGA WOULD HAVE TO CONSULT HAVANA AND MOSCOW ABOUT EVEN GOING TO WAR.)

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15. I INQUIRED ABOUT THE STATUS OF THE DEMOCRATIC RESISTANCE UNDER A CONTADORA TREATY, NOTING THAT THEY WERE ALL NICARAGUANS. MADRIGAL SAID THAT IT WOULD NOT BE POSSIBLE TO BRING ALL OF THE RESISTANCE INTO A DIALOGUE. SOME OF ITS POLITICAL LEADERS COULD PARTICIPATE, SUCH AS CRUZ, BUT NOT CALERO OR BERMUDEZ. DENGO REMARKED THAT WITHIN THE RESISTANCE, THERE WAS A DEMOCRATIC CORE, BUT THEY WERE MIXED UP WITH ALL THESE OTHERS (WHO DENGO CLEARLY DID NOT LIKE).

ECONOMICS

16. THE REMAINING DISCUSSION DEALT WITH COSTA RICA'S

ECONOMY. ARIAS WAS CONCERNED THAT THE PERCEPTION OF INSTABILITY IN THE REGION CAUSED BY NICARAGUA WAS ADVERSELY AFFECTING HIS NATION'S ECONOMY. HE WANTED TO RESOLVE THE CRISIS SO THAT FOREIGN INVESTORS WOULD REGAIN CONFIDENCE. HE WAS INTERESTED IN DEVELOPING THE ECONOMY IN A VARIETY OF WAYS, AND LOOKED TO PROGRAMS SUCH AS THE CBI TO PROVIDE NEEDED CAPITAL. BUSBY

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MEMORANDUM OF CONVERSATION

DISTRIBUTION: ARA/PPC
ARA/CEN
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AmEmb Guatemala

DATE:APRIL 29, 1986

PLACE: JOHNS HOPKINS SCHOOL OF ADVANCED INTERNATIONAL STUDIES (SAIS), WASHINGTON, D.C.

PARTICIPANTS: BEATRIZ MANZ: Manz is a Chilean associated with Wesleyan University. An anthropologist by training, she is a said to have been doing Guatemalan field work since 1973.

OSCAR PADILLA VIDAURRE: Washington correspondent for LA HORA, a Guatemalan daily newspaper. Padilla identified himself as "a personal friend of Guatemalan President Vinicio Cerezo"

ALLAN NAIRN: Journalist. He said he has been "following Guatemala since 1980" and was in country in October/November 1985.

ATTENDED BY: CESAR SERESERES, ARA/PPC
LYNN SCHIVELEY, ARA/CEN

SUMMARY: PANEL DISCUSSION: "GUATEMALA SINCE THE ELECTIONS" Sponsored by the COMMITTEE FOR A FREE GUATEMALA and SAIS PROGRESSIVE STUDENT NETWORK

SUBJECTS DISCUSSED

THE 1985 PRESIDENTIAL ELECTIONS
-impact on nation
-why the military supported civilian elections

ANALYSIS OF CEREZO AND HIS GOVERNMENT:
PROSPECTS FOR REFORM
-the power of Cerezo
-role of the military and the oligarchy
-the economy
-civil defense patrols
-the development poles
-guerrillas

United States Department of State
Office of FOI, Privacy, & Classification Re
Review Authority: MOSKOWITZ, SAM
Date: 06/29/95
Case ID: 95122212

BOX 132
PA- Man Con 1986

THE U.S.ROLE IN GUATEMALA
-military and economic support
-recommendations

FORECAST(Prospects)FOR THE GOVERNMENT

HUMAN RIGHTS
-the record
-bringing human rights violators to justice
-GAM
-GAM and the Church
-refugees
-missing Americans, Blake and Davis

SUMMARY: Over 100 individuals attended the discussion--mostly university-age students. No major media, Congressional, nor academic representatives were present. The Guatemalan Embassy did not send an observer. Those in attendance included members of NISGUA, ENFOPRENSA, "Witness For Peace," the "Sojourners," the Guatemalan Human Rights Commission (GHRC) and sanctuary movement representatives. A question and answer period followed the presentations by the panel members.

The panel members were generally critical of Guatemalan governments past and present. They were in general agreement that despite the 1985 presidential elections and Cerezo's good intentions, the military and the oligarchy still rule. However, the three were less unanimous in their assessments of the significance of the elections and in the prognosis for Cerezo's reform efforts.

Nairn was especially pessimistic. He discounted the elections as a manuever designed to give the GOG the more acceptable image it requires to receive the foreign aid sorely needed to solve the ruling military/oligarchic network's financial crisis. He dismissed Cerezo as well-meaning but impotent, bought off by the military and not willing to abolish the controversial civil defense units or the development poles. Nairn predicted that efforts, led by GAM, to press for government action to examine past human rights abuses will precipitate a military response which will derail the new democratic-image campaign and will reveal the true, oppressive character of the power structure. In declaration and inference he was critical of past USG support of the GOG and of the lack of U.S. action in human rights matters.

Manz warned that this was the last chance for the government to show its good faith to the Guatemalan population. She also criticized the Church heirarchy for not supporting the GAM, and she claimed that the environment is still not right for the return of refugees.

Nairn claimed that Cerezo acknowledges that his is merely a government of transition to a true democracy and admits that the Army has 70% of the power. Archbishop Penados, Nairn says, states that the army has 80% of the power. The journalist added that Cerezo had received a $40,000 campaign loan from CACIF, the organization of private sector business, commercial and agricultural interests, in exchange for pledges that he would not undertake land or tax reform, and that "Colonel Gustavo Ruano, campaign leader for Cerezo, was with Mejia." (Note: this is a reference to Col. Julio Ruano, the chief of the Presidential (under Mejia, the Chief of State) Staff). Colonel Bucaro, Finance Minister under Lucas, has provided additional financial support to Cerezo, according to Nairn.

The military passed a flurry of last minute decree laws before it left office which "completely institutionalized its power," which continue in effect, and which Cerezo has taken no action to repeal, Nairn said. He mentioned decrees which legitimize the "food for work" assistance plans for conflictive areas and the state security council, legalize the civil defense patrols and provide amnesty for "political crimes which occurred after the March 1982 coup of Rios Montt". Nairn said there has been a "grass roots movement" by GAM and others to repeal these laws, but Cerezo has resisted so far. Cerezo's cabinet is composed of conservative technocrats; the President did not select military officers, and the Minister of Defense is picked by the army. (Note: the only change in the law is that qualifications were actually broadened so that the President can reach down to the rank of colonel to select a Minister of Defense). Current military figures were responsible for abuses in previous regimes, Nairn said and he claimed that General Gramajo's military base, "Cuartel General," in the capital, had been used for disappearances, while Colonel Mata was military zone commander at El Quiche during the period of the worst massacres.

Padilla said that Cerezo "is still not free to operate and must whisper in his own office." He added that "the army is not defeated yet, but it will be done, by law, not by Cerezo himself." As the reporter emphasized Cerezo's full commitment to democratic principles, he asked that electronic recording devices at the discussion be turned off, because he said, he wanted to share that "Vinicio said to me that he would join the guerrillas if democracy failed."

THE ECONOMY: Guatemala suffers from 40% inflation and strikes, but a government economic package will cause more price increases, and plans to compensate via taxes won't work, Nairn claimed. The GOG has approached Mexico to reschedule debt and the Inter-American Development Bank for a new loan to bring a

$600 million debt payment down to about $250 million. He said the U.S. Congress will provide development aid, and military aid is also available, with the proviso that "Cerezo has to ask for it."

CIVIL PATROLS: "Although voluntary on paper," Nairn "finds across the countryside that they are obligatory" and that "a rather surprising series of decrees" legalized them. However, Padilla said that they are now under civil control and are strictly voluntary.

THE DEVELOPMENT POLES: Beatriz Manz said that Chacaj development pole village in Huehuetenango "is the best example of economic failure of the polo program.., and that it "can't make a go of it, because it is not economically feasible."

THE GUERRILLAS: Nairn said that guerrilla political forces had diminished in the last couple of years, but insurgent military activities are about as before, with about 260 attacks last year. The main difference is that massacres destroyed the guerrilla grassroots network. There are probably several thousand guerrillas still remaining but they now must work via a more elaborate underground. The guerrillas are a latent force and their main role now is to wait to see what happens. If Cerezo doesn't make the needed reforms and dismantle the repressive capabilities of the army, they will gain more grass roots support. Many progressive Christian Democrats at local levels will possibly join the guerrillas if the Cerezo experiment doesn't work, Nairn warned.

THE U.S. ROLE IN GUATEMALA

MILITARY SUPPORT AND ECONOMIC AID: Allan Nairn told the audience that behind the scenes underground arms shipments to Guatemala continue as they have since 1977. Israel is the main supplier. Supplementary aid of more than $30 million in 1982 was received in the form of U.S.-made tanks. Laser-sights for rifles have been supplied for a number of years by Mass Transit Systems Corporation of the U.S. (Note: A Department attendee asked Nairn about details. Nairn said he had talked to the MTS president--he pointed to an article which named "Leon Kopyt"--who told him that licensing was not necessary because "items were coming from a foreign supplier," and Nairn said that he assumed Kopyt was right. However, a secretary at MTS told a munitions control official that Nairn had never talked to the MTS president).

Nairn told the group that although MTS has contracted for arms for the CIA since 1981, he "did not link this deal to the CIA."

RECOMMENDATIONS: A NISGUA representative asked the panel what U.S. policy should be. Padilla replied, "I refuse to answer." When pressed he explained that he would not reply "because the Reagan Administration doesn't understand Guatemala or Central America. We are against the Contras. The U.S. policy should be to sponsor the development of democracy. Aid should be strictly developmental, not lethal, not military. Like the president of Costa Rica said, 'the $100 million of Contra aid should better go for development in Costa Rica and Honduras.'"

Nairn said the U.S. should cut off the underground flow of arms, give no open military aid, and no economic aid until there is an objective improvement in human rights and "until the apparatus is dismantled." Economic aid should await army structural changes and actual performance. He said the Guatemalan army is "well-provisioned" and therefore a $10 million dollar military aid request is "more sideshow or symbol." The real need is money, because there is an economic crisis within the oligarchy and loans must be renegotiated, he reiterated.

FORECASTS FOR THE GOVERNMENT

The present situation appears ideal for the military because more loan money will be forthcoming from the U.S. But, "it won't work," Nairn predicted. He explained that "the GAM is mounting protest demonstrations in the streets already and therefore in the next few months the patience of the army will run out and this will lead to confrontation...."

Manz said the army "probably won't come around,"because, unlike Argentina, the Guatemalan military has not been defeated, and has conducted an "incredibly successful military campaign."

Nairn said the key question is how one can tell if the "experiment" is successful. Cerezo only wants to serve out his term, is on the record that he will not go after the army, and that his succesor must make reforms, Nairn added. "The only real test will be when popular crises arise and the army wants to crush them, i.e., when it moves beyond day-to-day assassinations and disappearances," Nairn said. He continued that he was "doubtful that it will work...the real question is to what extent will persons be permitted to say what they know, and will there be a revelation of names of officers responsible, lists of prisoner names and location where they are, or were, held. The real test is what information will be allowed to come out, and will the killings stop?"

HUMAN RIGHTS IN GUATEMALA

THE RECORD: According to Nairn, Guatemala has had "in the last five years a higher percentage of civilian population killed of any country in the world;" has been "the most dangerous place" on the globe, and "according to Enfoprensa, the number of widows and orphans indicates that since 1978, 60-100,000 people have been killed, not including urban assassinations and disappearances." He spoke of the assassination of the entire political leadership, except that of the right, by the G-2 of the Guatemalan army. He said the total was equivalent to the death of 2.6 million people in the U.S. in 5 years, and was as if "Mayors Berry and Koch, all the top leadership of the Democrats and the Republicans, and Dan Rather and Peter Jennings....," were assassinated in the U.S.

Nairn said killings are up now, although the DIT was disbanded, because the G-2 of the army is still in place. "Assassinations and disappearances also have increased because some of the dismissed DIT is running wild." The Secret Anti-Communist Army" (ESA), accused of extra-judicial executions and detentions, "is actually the G-2 unit of the army," Nairn said. The journalist announced that he would "publish an article about death squads in a few weeks."

Nairn talked about a "U.S. Embassy attitude" apparent when several Americans were killed in Guatemala (he named Brother James Miller and Father Rother). "In the Rother case the Embassy lent itself to a rather crude cover up. Witnesses saw three tall men, but three small Indians were arrested. The Embassy played along, and didn't aid the investigation. Unfortunately that is the historic pattern of the Embassy down there," he said.

BRINGING HUMAN RIGHTS VIOLATORS TO JUSTICE: Manz said that the GAM and others reject Cerezo's view that "we must look forward. "The people of Guatemala will have no confidence to go on if those responsible are not brought to justice, i.e. you 'can't turn the page' as Venicio has said. The people of Guatemala cannot pretend that nothing happened," she added.

Nairn added that the current military "is as bad a crew as the country has had in years" and uses the "twisted but articulate rationale" that its actions are necessary to stop insurgents. He said that "institutionalized corruption" is "inherent in the structure", that "assassination and disappearances are part of the institution," and "that is why punishment is so important."

GAM (THE MUTUAL SUPPORT GROUP): Before introduction of the panel, an audience member announced that GAM leader Nineth Garcia and another GAM member were unable to attend the

discussion as scheduled because of an incident when the two, travelling from Europe, entered the U.S. at Chicago. He claimed that they had been "mistreated" by U.S. immigration officials who accused the two of being "subversives," and had been detained and subjected to both a luggage and body search. However, another audience member refuted this account, and said the GAM travelers had only had their luggage searched and had then been allowed into the country. According to this account, the Guatemalans did not travel on to Washington because Mrs. Garcia had become ill and returned to Guatemala. (Note: Guatemalan Desk Officer Jim Cason talked with the director of immigration at O'Hare Airport in Chicago. He told Cason that the two Guatemalans had arrived from Europe without onward air travel tickets and with very little money and thus had been taken to "secondary" inspection where their baggage was examined. At this point, members of a U.S. church group who were waiting to receive the two explained that they were responsible for the visitors and Garcia and the other GAM representative were allowed to enter the U.S. The immigration official told Cason that the GAM members had not been subjected to a body search, but merely to baggage examination, and were not detained, but had been interviewed in a routine manner to establish their status, as required by U.S. immigration law.

Beatriz Manz said, '"GAM is making no headway in its demands that civilians and military be brought to justice. They will probably never hear about the tens of thousands of disappeared." Nairn noted that decree laws passed before Cerezo's inauguration had "effectively eliminated the possiblity of bringing those responsible (for human rights violations) to justice." But, he said that GAM was going to persist; that it now has 1500 members, and that it "moves with a courage that is astonishing." He said there is friction between Cerezo and Nineth Garcia of GAM, but, ".. GAM is going to create a popular dynamic with a constant, unending demand for justice."

THE GAM AND THE CHURCH: Manz said that "the 'institutional Church' has not been forthcoming. Although GAM had tried to make links--tried to have an office at the Church, it was turned down and has had even less luck since its take-over of the Cathedral." (Note: GAM associates told an Embassy political officer that GAM's first-ever meeting was at the Cathedral. Also, the Church allowed the group to use Cathedral meeting rooms even during a 48-hour fast at the Cathedral in 1985). Manz said that the relationship to GAM was "quite different in the grass roots church," however.

REFUGEES: There are "hundreds of thousands" of refugees in Mexico, Manz claimed, but the climate is not right for their return. She said, "one must understand that the human rights

abuse equation includes not only bloodshed but structural changes; and that such structures are so changed now in Guatemala that it is difficult for the people to change to fit them. Therefore, even if there were no civil defense patrols, there are still problems, and it is hard for refugees to return."

MISSING AMERICANS: BLAKE AND DAVIS: A member of the audience introduced himself as a friend of the Blake family. He said that he and two Blake brothers had made four trips to Guatemala to search for the two missing free-lance reporters. He said that he and the Blakes "first went to the Embassy and made a lot of noise. They kept telling us 'we don't know anything and the army would have told us if they knew anything.'" The two missing men "had been looking to make contact with the EGP in Quiche," he said. He noted that he had gone to EL Llano at the Huehuetenango/Quiche border via military helicopter and that the region where the Americans disappeared is a "difficult area." He explained that he had heard a rumor about army involvement, "by the grapevine;" searched out the supposed witness; spoke with him "for about two hours and dried up the rumor." The friend added that "we really don't know" about the fate of the two and that "we are inclined to believe that it is as likely that guerrillas were involved as the army."

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E.O. 12356: DECL: OADR
TAGS: PREL, XK, MX
SUBJECT: HABIB TRIP: MEETINGS IN MEXICO

1. SECRET - ENTIRE TEXT.

2. SUMMARY AND COMMENT: WITH SEPULVEDA AND HIS CONTADORA COLLEAGUES, WITH PRESIDENT DE LA MADRID, AND AGAIN OVER LUNCH WITH SEPULVEDA, I REPEATEDLY EMPHASIZED THAT A CONTADORA AGREEMENT MUST BE COMPREHENSIVE, VERIFIABLE AND SIMULTANEOUS TO BE ACCEPTABLE TO THE CENTRAL AMERICAN DEMOCRACIES AND TO THE UNITED STATES. I MADE IT CLEAR THAT THESE CRITERIA INCLUDE DEMOCRATIC NATIONAL RECONCILIATION IN NICARAGUA, THAT A CONTADORA AGREEMENT WITHOUT PRECISE MECHANISMS FOR ENDING THE INTERNAL CONFLICT IN NICARAGUA DEMOCRATICALLY IS NO SOLUTION AND THAT WE WOULD NOT FEEL BOUND TO ABIDE BY SUCH AN AGREEMENT. I AM CONFIDENT BY THEIR REACTIONS THAT THE MEXICANS CLEARLY UNDERSTOOD.

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PRESIDENT DE LA MADRID DESCRIBED THE U.S.-NICARAGUAN CONFLICT AS THE KEY IMPEDIMENT TO A SOLUTION. HE SUGGESTED MEDIATION THROUGH A THIRD PARTY TO RESOLVE IT. HE RULED OUT MEXICO BECAUSE "SOME BELIEVE THAT WE ARE TOO SYMPATHETIC TO THE SANDINISTAS." ALTHOUGH I DID NOT GIVE

HIM A DEFINITIVE ANSWER, I GAVE HIM NO REASON TO HOPE THAT WE WOULD AGREE. I SAID THAT CONTADORA IS FULLY

ADEQUATE TO RESOLVE BOTH THE INTERNAL CONFLICT IN NICARAGUA AND THE CONFLICT AMONG THE CENTRAL AMERICANS. THOSE PROBLEMS RESOLVED, NICARAGUA WOULD HAVE NO PROBLEM WITH THE UNITED STATES.

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A SECOND COMMENT OF NOTE BY DE LA MADRID WAS THAT, SINCE THE CENTRAL AMERICANS ARE MOVING TOWARD A DIRECT DIALOGUE AMONG THEMSEVLES, IT MIGHT BE BEST TO LET THEM TAKE OVER THE DIPLOMATIC PROCESS. I SUGGESTED THAT MEXICO HAS ASSUMED AN OBLIGATION TO STICK WITH THE PROCESS, WHOSE OBJECTIVE WE SEE AS CHANGING SANDINISTA BEHAVIOR.

UNLIKE THEIR CONTADORA GROUP COLLEAGUES, THE MEXICANS SEEMED TO BE UNDER NO ILLUSIONS ABOUT SANDINISTA INTENTIONS AND APPEARED DISPIRITED. THEY WERE SILENT WHEN WE ASKED ABOUT THE TIMING OF RESUMED NEGOTIATIONS. END SUMMARY AND COMMENT.

3. CHARGE BUSBY AND I MET FOR A TOTAL OF NEARLY FOUR HOURS WITH MEXICAN OFFICIALS APRIL 28. WE BEGAN WITH A 40-MINUTE INTRODUCTORY SESSION WITH FOREIGN SECRETARY SEPULVEDA AND HIS TOP CONTADORA ADVISERS: VICE MINISTER RICARDO VALERO, DIRECTOR FOR UN AFFAIRS CLAUDE HELLER, AND SEPULVEDA'S PERSONAL AIDE, MANUEL RODRIGUEZ. ARA/CEN

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OFFICER HAMILTON SAT IN OUR ON SIDE. THESE SAME OFFICIALS AND WE THEN MET FOR AN HOUR WITH PRESIDENT DE LA MADRID AT LOS PINOS. CONVERSATION WITH SEPULVEDA AND HIS TEAM CONTINUED FOR ANOTHER TWO HOURS OVER LUNCH. THE CONVERSATION AND ATMOSPHERE WERE FRIENDLY AND BUSINESSLIKE THROUGHOUT. BUT BOTH SIDES WERE FRANK AND THE MEXICANS APPEARED SOBERED BY MY INSISTENCE THAT AN AGREEMENT MUST BE COMPREHENSIVE, VERIFIABLE AND SIMULTANEOUS, AND BY MY EXPLANATION OF THESE TERMS. FOR MY PART, I CAME AWAY CONCERNED THAT THE MEXICANS ARE UNWILLING TO ADDRESS THE INTERNAL POLITICAL ISSUE IN NICARAGUA IN A SERIOUS MANNER.

4. I BEGAN BY MAKING THE SAME POINTS THAT I HAVE MADE AT EVERY OTHER CONTADORA STOP. I WENT INTO SOMEWHAT GREATER DETAIL THAN IN OTHER MEETINGS, EXPLAINING WHAT WE MEAN BY EACH OF THESE TERMS. I PUT UNITED STATES CONFIDENCE AND SUPPORT FOR CONTADORA IN TERMS OF OUR BELIEF THAT IT PROVIDES A FRAMEWORK FOR ADDRESSING ALL REPEAT ALL ELEMENTS OF THE CENTRAL AMERICAN CRISIS. IN PARTICULAR, I MADE IT CLEAR THAT THE POLITICAL CHAPTER OF CONTADORA IS VITAL TO ACHIEVING A WORKABLE AGREEMENT AND THAT, IN OUR VIEW, THIS IS WHERE THE GREATEST AMOUNT OF WORK STILL

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REMAINS TO BE DONE. I STRESSED THAT, ALTHOUGH A CONTADORA AGREEMENT MUST BE ACCEPTABLE IN THE FIRST

INSTANCE TO THE CENTRAL AMERICAN DEMOCRACIES, IT MUS ALSO BE ACCEPTABLE TO THE UNITED STATES. I CITED THE INTENTION OF PRESIDENT-ELECT ARIAS IN FORMULATING A SPECIFIC TIMETABLE FOR POLITICAL ACTIONS AS THE KIND OF PRECISE APPROACH TO NATIONAL RECONCILIATION THAT THE CONTADORA PROCESS MUST TAKE TO BRING THE DRAFTING PROCESS TO A SUCCESSFUL CONCLUSION.

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5. SEPULVEDA RESPONDED THAT THERE ARE TWO CONTADORA DOCUMENTS THAT THE CENTRAL AMERICANS HAVE ADOPTED BY

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PAGE 04 STATE 133893

CONSENSUS: THE DOCUMENT OF OBJECTIVES AND THE CARABALLEDA MESSAGE. SEPULVEDA SAID THAT CARABALLEDA IS STILL RELEVANT. I REJOINED THAT THE CENTRAL AMERICAN DEMOCRACIES HAVE HAD SECOND THOUGHTS ABOUT CARABALLEDA AND THAT WE HAVE NEVER ACCEPTED IT. WE BELIEVE TAT CARABALLEDA'S CALL FOR THE U.S. TO CEASE SUPPORT FOR IRREGULAR FORCES AND TO TAKE OTHER ACTIONS VIOLATES THE PRINCIPLE OF SIMULTANEITY. SEPULVEDA ARGUED THAT CARABALLEDA IS THE ONLY CONTADORA DOCUMENT THAT MENTIONS SIMULTANEITY, SUGGESTING THAT ITS INCLUSION IS A CONCESSION TO THE U.S. THIS LED TO A DISCUSSION OF WHAT WE MEAN BY SIMULTANEITY, HAMILTON JOINING IN AT MY INVITATION TO SAY THAT IT IS THE DRAFT TREATY'S STRUCTURE OF SOME COMMITMENTS TAKING EFFECT WHILE OTHER ISSUES ARE STILL BEING NEGOTIATED THAT VIOLATES WHAT WE MEAN BY SIMULTANEITY. RETURNING TO CARABALLEDA, I SAID NOW THAT THE CONTADORA PROCESS HAS RETURNED TO THE ACTA AS THE CENTRAL FOCUS OF ITS ACTIVITY, WE ARE LESS CONCERNED ABOUT CARABALLEDA AND HAVE NO WISH TO DEBATE IT.

6. SEPULVEDA PERSISTED. HE REVIEWED THE PURPOSE OF CARABALLEDA: TO RECREATE A CLIMATE IN WHICH NEGOTIATIONS COULD RESUME AND PROSPER. THIS REQUIRES TAKING THE 9 ACTIONS ENNUMERATED IN THE CARABALLEDA MESSAGE. I REITERATED THAT THE UNITED STATES DOES NOT ACCEPT AND IS NOT BOUND BY CARABALLEDA. I SAID THERE WILL BE NO CESSATION OF U.S. SUPPORT FOR THE CONTRAS OR OF OUR OTHER PRESSURES ON NICARAGUA EXCEPT AS PURSUANT TO IMPLEMENTATION OF AN ACCEPTABLE COMPREHENSIVE AGREEMENT. MY LETTER OF APRIL 11 MAKES THAT CLEAR. ON THE OTHER HAND, I NOTED, WE WILL SUPPORT AND RESPECT, FROM THE DATE OF SIGNATURE, AN AGREEMENT THAT MEETS THOSE CRITERIA. WE SEE NO REASON WHY NEGOTIATIONS SHOULD TAKE MORE THAN

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PAGE 05 STATE 133893

ANOTHER MONTH OR TWO TO CONCLUDE. WE APPROVE OF CONTADORA HAVING SET A DEADLINE. ALTHOUGH IT COULD HAVE

TO SLIP SOMEWHAT, THE PROCESS SHOULD NOT IN OUR VIEW BE PROLONGED INDEFINITELY.

7. FOLLOWING THE MEETING WITH PRESIDENT DE LA MADRID (SEE PARAS 12-14), CONVERSATION WITH SEPULVEDA AND HIS AIDES CONTINUED ALONG THESE LINES FOR ANOTHER TWO HOURS. I TOOK THE LINE THAT CONTADORA HAS A RESPONSIBILITY TO MOVE NICARAGUA TOWARD DEMOCRACY. SEPULVEDA DEMURRED. THIS IS BEYOND CONTADORA'S ROLE, HE SAID. I DISAGREED ON THE GROUNDS THAT CONTADORA HAD ASSUMED SUCH A RESPONSIBILITY WHEN IT TOOK ON THE MEDIATION EFFORT AND KEPT THE UNITED STATES OUT. THE ROOT SOURCE OF CONFLICT IS THAT THE SANDINISTAS ARE NOT TREATING THEIR PEOPLE PROPERLY. THE BOTTOM LINE IS THAT THE SANDINISTAS HAVE TO CHANGE THEIR WAYS. IN OUR VIEW THAT IS WHAT CONTADORA IS ALL ABOUT. THAT IS WHY WE SUPPORT IT.

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8. SEPULVEDA ASKED WHAT NICARAGUA WOULD HAVE TO GAIN FROM SUCH AN AGREEMENT. I SAID A CONTADORA AGREEMENT IS THE ALTERNATIVE TO A PROLONGED AND INTENSIFIED CONFLICT THAT IS ALREADY TEARING THE COUNTRY APART. WE ALSO POINTED OUT THAT CONTADORA ACHIEVES NICARAGUAN SECURITY OBJECTIVES. SEPULVEDA SAID HE WISHED HE COULD CONVINCE THE SANDINISTAS OF THAT.

9. SEPULVEDA COMPLAINED THAT THE CENTRAL AMERICANS ARE POSTURING IN SAYING THAT THEY ARE READY, EVEN IF NICARAGUA DOES NOT SIGN, TO SIGN THE ACTA ON JUNE 6. THE HONDURANS ARE NOT RECONCILED TO THE SEPTEMBER 1985 DRAFT PROVISIONS ON MANEVUERS. THEIR TALK OF SIGNATURE IS DISINGENUOUS. I REPLIED THAT, WHILE THIS IS POSSIBLE, MY OWN IMPRESSION IS THAT THE CENTRAL AMERICANS ARE READY TO NEGOTIATE A FINAL AGREEMENT. IF THE MEXICANS DOUBT THEIR SINCERITY, THE ONLY WAY TO SMOKE THEM OUT IS TO RECONVENE

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NEGOTIATIONS. THE PROBLEM IS THAT GOVERNMENTS DO NOT MAKE HARD DECISIONS UNTIL NEGOTIATIONS NEAR A CONCLUSION. CONTADORA IS AT THAT MOMENT BUT APPEARS HESITANT TO GO FORWARD. I NOTED THAT THE PANAMA COMMUNIQUE EMPHASIZED SIGNATURE BY JUNE 6. IT IS NOW THE END OF APRIL AND TALKS HAVE YET TO RESUME. WHEN WILL TALKS RESUME, I ASKED? THE MEXICANS WERE SILENT. (THE MEXICAN PRESS REPORTED APRIL 27 THAT THE CONTADORA GROUP IS CONTEMPLATING INDIVIDUAL CONSULTATIONS IN LIEU OF A NEW ROUND OF NEGOTIATIONS.)

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10. SEPULVEDA ALSO COMPLAINED (INTIMATING U.S. PRESSUR) THAT ARIAS HAS NOT INVITED ORTEGA, RAMIREZ, OR D'ESCOTO TO HIS INAUGURATION. I TOLD SEPULVEDA THAT RAMIREZ IS ATTENDING, ACCORDING TO WHAT ARIAS TOLD US APRIL 26. SOMEWHAT MOLLIFIED, SEPULVEDA SAID THE ARIAS INAUGURATION

COULD BECOME AN OCCASION FOR DEALING SERIOUSLY WITH

REMAINING ISSUES. IT WOULD DO GOOD TO PRETEND THAT THEY DO NOT EXIST. SEPULVEDA URGED THAT I HAVE A PRIVATE CHAT WITH RAMIREZ. I WENT OVER OUR OBJECTIONS TO BILATERAL TALKS. LATER IN THE CONVERSATION, SEPULVEDA ACKNOWLEDGED THAT MY LETTER OF APRIL 11 WAS POSITIVE BUT ADDED THAT "YOU SHOULD HAVE GONE TO MANAGUA" ON THIS TRIP.

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11. SEPULVEDA REITERATED THAT ONLY ARMS AND MANEUVERS REMAIN TO BE NEGOTIATED BUT BACKTRACKED SOMEUHAT WHEN WE RAISED VERIFICATION AND RELATED ISSUES. I THANKED SEPULVEDA FOR PROVIDING US WITH AN UP-TO-DATE TREATY TEXT AND SAID WE WOULD STUDY IT CAREFULLY. OUR FIRST READING, HOWEVER, IS THAT WE COULD NOT AGREE TO THE PROVISIONS ON MANEUVERS, WHICH ARE TOO RESTRICTIVE. I EXPLAINED THAT THE MANEUVERS AND OUR MILITARY PRESENCE ARE REASSURING TO

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BOTH HONDURAS AND TO EL SALVADOR. I URGED THAT CONTADORA GET ON WITH ACTUAL ARMS NEGOTIATIONS SO AS TO COMPLETE TALKS BY JUNE 6. SEPULVEDA SAID MATTERS ARE NOT THAT SIMPLE. "THE ACTA IS NOT READY" AND IS NOT LIKELY TO BE FOR A LONG TIME.

12. IN OUR MEETING WITH THE PRESIDENT, DE LA MADRID CAME QUICKLY TO HIS MAIN POINT. IN THE MEXICAN VIEW, THE CENTRAL AMERICAN CONFLICT HAS TWO DIMENSIONS: NICARAGUA VERSUS ITS NEIGHBORS AND NICARAGUA VERSUS THE UNITED STATES. SINCE RENEWAL OF THE U.S. - NICARAGUAN DIALOGUE SEEMS IMPROBABLE, THE PRESIDENT SAID, WHY NOT TRY THIRD-PARTY MEDIATION? DE LA MADRID QUICKLY ADDED THAT MEXICO COULD NOT PLAY SUCH A ROLE, BECAUSE "SOME BELIEVE WE ARE TOO SYMPATHETIC TO THE SANDINISTAS." I SAID WE WOULD CONSIDER HIS SUGGESTIONS, BUT GAVE NO HOPE THAT WE WOULD AGREE. I SAID THE BASIC CONFLICT IS BETWEEN THE NICARAGUAN GOVERNMENT AND ITS PEOPLE. IF CONTADORA LIVES UP TO ITS COMMITMENTS AND SOLVES THE BASIC ISSUE, THE PROBLEM OF THE CONTRAS WILL GO AWAY. A BILATERAL DIALOGUE ONLY ENCOURAGES THE SANDINISTAS IN THE BELIEF THAT THEY CAN AVOID DEALING WITH THIS BASIC ISSUE.

13. DE LA MADRID SAID U.S. SUPPORT FOR THE CONTRAS CONSTITUTES THE BASIC IMPEDIMENT TO AGREEMENT. IT IS DIFFICULT FOR LATINS TO ACCEPT THAT A GOVERNMENT MUST NEGOTIATE WITH AN EXTERNALLY SUPPORTED REBEL GROUP. I POINTED TO EL SALVADOR, AND ARGUED THAT, IF CONTADORA'S POLITICAL CHAPTER HAS ANY MEANING AT ALL, IT MEANS THAT NICARAGUA MUST CHANGE ITS BEHAVIOR TOWARD ITS OWN PEOPLE. IF IT DID THAT, U.S. SUPPORT FOR THE CONTRAS WOULD BECOME A MOOT ISSUE. IF A CONTADORA AGREEMENT FAILS TO BRING ABOUT A CHANGE IN NICARAGUAN BEHAVIOR, IT

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WILL NOT BE ACCEPTABLE TO THE CENTRAL AMERICANS OR TO THE

U.S. THAT, SAID DE LA MADRID, IS THE DIFFERENCE BETWEEN

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14. NOTING THAT CEREZO AND ARIAS APPEAR TO HAVE POSITIVE ATTITUDES TOWARD DIALOGUE, DE LA MADRID SAID THEIR EFFORTS SHOULD BE ENCOURAGED AND STIMULATED. THE IDEAL, DE LA MADRID SAID, WOULD BE FOR THEM TO TAKE OVER THE DIPLOMATIC EFFORT THEMSELVES, AND WORK OUT THEIR PROBLEMS ON THEIR OWN. I SAID CONTADORA'S HELP IS STILL NEEDED. CONTADORA HAS ASSUMED A RESPONSIBILITY TO GET AN AGREEMENT AND CAN NOT ABANDON THE PROCESS NOW. WHITEHEAD

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PUBLIC DIPLOMACY PLAN FOR EXPLAINING U.S. CENTRAL AMERICAN POLICY IN EUROPE AND LATIN AMERICA

BACKGROUND

The Sandinistas came to power in July 1979 in a coalition with genuine democrats. However, within weeks the Sandinista National Liberation Front (FSLN) began a pattern of actions reflecting a betrayal of the revolution: internal repression of genuine democrats and of non-communist institutions such as religious organizations; aggression against fellow Latin American countries through armed subversion; ties with terrorist organizations in Latin America, the Middle East, and Europe; and a military buildup supported by the Soviet Bloc and Cuba. That pattern continues today.

Under President Reagan, a balanced U.S. policy has been followed in Central America. It contains four mutually reinforcing elements:

1. Encouragement of democracy;
2. Economic aid to improve living conditions;
3. Active diplomacy for realistic political solutions;
4. Security assistance to give the people of Central America the means to defend themselves against expanded Soviet-bloc/Cuban/Nicaraguan subversion or armed aggression.

Much progress has been made in four of the five Central American countries since 1981: Costa Rica, Honduras, El Salvador, and Guatemala are democratic and are steadily strengthening their democratic institutions. The U.S. Congress has year by year provided support for the President's policy through increasing appropriations for economic and security assistance (total amounts by fiscal year 1983--$513 million; 1984--$939 million; 1985--$951 million; 1986--$1,014 million).

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GOALS

-- To convince audiences in Central and South America (particularly the Contadora and Contadora Support Group countries) and in Europe that U.S. policy toward Central America is balanced, workable, and the best alternative possible.

-- To convince audiences in Latin America and Europe that the Nicaraguan democratic resistance has a cohesive and credible political program and that it is a viable, democratic force worthy of the support of the U.S. and other democratic nations.

-- To demonstrate to audiences in Latin America and Europe that the Sandinistas support international terrorism and that Sandinista external subversion threatens the nascent democracies in neighboring countries.

-- To demonstrate that the Sandinistas consciously and systematically violate human rights.

-- To convince audiences in Latin America and Europe that the United States seeks only that the Sandinistas deliver on their promises of 1979 to the Organization of American States; that we believe that the best way to do this is for the Sandinistas to engage in dialogue with the opposition; that the Contadora process, if it can meet our three requirements that it be comprehensive, simultaneous, and verifiable, is an alternative we can support.

-- To demonstrate to audiences in Latin America and Europe how Sandinista ties to Cuba and the Soviet Union adversely affect U.S. and their own national security interests.

-- To persuade the internationals (Socialist International, Christian Democrats, International Democrat Union, etc.) to speak out on their concern for civil and human rights in Nicaragua, Sandinista intervention in neighboring countries, and Sandinista ties with international terrorists; and to encourage the internationals to oppose aid to the Sandinistas for the same reasons.

-- To counter Sandinista disinformation activities with facts.

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ADDITIONAL GOALS IN LATIN AMERICA

-- To convince the countries of Central America that the United States shares their political and economic goals and can be counted upon to stick with them for the long haul (the U.S. is a reliable ally).

-- To persuade Central American government, political, church, and labor leaders to be more active in telling the Central American story in Europe, South America, Mexico, and the Caribbean.

ADDITIONAL GOAL IN EUROPE

-- To convince European publics that the U.S. is responding in a constructive manner to the desires of Central American nations for political and economic reform.

THEMES

-- Stress positive aspects (economic development, promotion of democracy, security) of U.S. policy in Central America.

-- Set record straight on U.S. policy toward negotiations with Nicaragua and on Contadora, including Nicaraguan refusal to negotiate a comprehensive agreement and U.S. aid to the Nicaraguan resistance.

-- Emphasize democratic background and objectives of the Nicaraguan resistance, while reiterating totalitarian nature of the Sandinista regime. Point out militaristic and undemocratic Sandinista educational system; exploit existence of neighborhood committees and internal repression. Remind audiences of Sandinista efforts to crush internal opponents, especially the Catholic Church, political parties, and labor unions not controlled by the government. Focus on new Nicaraguan constitution when it is unveiled by the Sandinistas and on totally controlled process in which constitution will be subjected to "public discussion."

-- Reemphasize progress and successes in El Salvador, while publicizing the destructive and totalitarian nature of the Salvadoran guerrillas.

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-- Explain that the United States supports those people and governments who are furthering the democratic process--in Costa Rica, Honduras, Guatemala, and El Salvador--and seeking to foster reconciliation and the democratic process in Nicaragua.

-- Remind audiences of Sandinista and Salvadoran guerrilla ties with terrorists in Latin America (example, M-19 in Colombia) and elsewhere (including Middle East), arms and drug runners, and of their Soviet-Cuban ties. Mention Sandinista practice of giving Nicaraguan passports to terrorists.

-- Continue to present U.S. position on, and rationale for, withdrawal from Nicaraguan case before the International Court of Justice. Note: The ICJ decision on the merits of the Nicaraguan case, expected in May, will spark Nicaraguan attempts to garner support for calls for the U.S. to comply with the Court's rulings, likely including a Nicaraguan approach to the UN Security Council for enforcement of the ICJ's ruling under Article 94(2) of the UN Charter.

ADDITIONAL THEME IN CENTRAL AMERICA

-- Europeans do not have a clear understanding of progress toward democracy in Central America, nor do they understand the threat to democracy posed by the Sandinistas. The United States government cannot alone convey that story to Europeans. The Central Americans should take on a share of that task.

AUDIENCES

Political and government leaders in Latin America and Europe
Media in Latin America and Europe
The Internationals
Religious leaders
Academics

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Note: The following three audiences have ready access to the American news media and to U.S. public opinion data. This will affect their willingness to accept materials and information aimed directly at them.

European and Latin American delegations to the United Nations
Latin American and European diplomatic missions in Washington, D.C.
Latin American and European journalists in the United States

ACTIONS

-- Make increased use of WORLDNET as an interactive medium for explaining U.S. policy in Central America (among officials to be sought as spokesmen on Central America are Vice President Bush, Ambassador Walters, Assistant Secretary Abrams, and Ambassador Habib).

-- Speech by President Reagan describing his positive vision for Central Americans. This should note our greatly increased economic assistance, including scholarship programs, and our identification with the hopes of the people of the region for a better life. The speech should also note that the door is open for Nicaraguans to share in this prospect--if their Sandinista leaders will allow them the freedom to pursue it. This speech should be a major event delivered on some appropriate occasion, preferably during the June 10-11 visit of the four Central American democratic presidents. Other possibilities might be to have the President speak to the OAS or during either the President Sanguinetti or President Azcona visits.

-- A senior Administration official, perhaps Secretary Shultz, should publicly unveil the second annual report on the implementation of the Kissinger Commission (or Jackson Plan) findings. This can be an opportunity to demonstrate that we recognize the North-South dimensions of the problem, and to stress the affirmative part of our strategy.

-- For Socialist International in Lima, June 20-23, State will instruct embassies in the countries represented to make demarches to party leaders. USIS Lima will try to place material on Central America in the Peruvian media at that time, and will also distribute ARA/LPD pamphlets presenting U.S. views on Central America.

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-- USIA will maintain a steady flow of AMPARTS to Europe and Latin America to speak about Central America. These will be arranged according to the needs identified by posts in their country plans.

-- In addition to continuous reporting by its own media, USIA will distribute abroad increased numbers of copies of studies produced by ARA/LPD. USIA will encourage its posts in Europe to translate more ARA/LPD documents into local languages.

-- DOD will continue its series of research/study seminars in Latin America on the Strategic Challenges to Regional Security.

-- DOD and USIA will distribute the 80-piece slide presentation "The Challenge and Response" to posts in Europe and Latin America. USIA will consider translating the show into local languages.

-- Put ARA/LPD sponsored "Arms Display" exhibit at key points in U.S. and overseas.

-- ARA/LPD will work closely with IO/UNP to prepare U.S. statements and rights of reply in multilateral fora to counter Sandinista disinformation.

-- ARA/LPD and USIA will be prepared to exploit any Nicaraguan intransigence at the Esquipulas, Guatemala, summit (May 24-26), and at the June 6 Contadora meeting (possible Contadora conclusion), and at Contadora negotiating sessions leading up to June 6. ARA/LPD and USIA will also prepare to support positions taken by the Central American democracies.

ACTIONS (Latin America)

-- During President Duarte's travel to Costa Rica, Peru, Uruguay, and Brazil, May 9-22, USIS posts at each stop promoted media coverage; USIA media covered in depth.

-- At the Costa Rican Inaugural, May 8, the U.S. delegation took the opportunity to meet with Contadora and Contadora support country leaders to demonstrate U.S. support for their goals.

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-- During visit of Uruguayan President Sanguinetti to Washington in June, Administration leaders will underscore U.S. support for democracy and economic progress, emphasizing a positive vision, rather than reiterating well-known American opposition to oppression. USIA media will cover in full and also assist Uruguayan media traveling with the president.

-- USIA will provide full media coverage and assistance to the working visit of Honduran President Azcona to Washington May 26-29. Appropriate quotes by Azcona will be played into Europe and Latin America.

-- ARA/LPD will prepare a cable to Embassies in Central America instructing them to discuss with government officials, political, church, and labor leaders the need to tell the Central American story in Europe. A special effort will be made to persuade President Duarte to begin a public affairs effort in Europe.

-- DOD Policy Support Staff prepared special briefing and display materials on Central America for use at the meeting with air force chiefs of staff from 20 Latin American and Caribbean countries May 5-9. Similar materials and briefings will be given to air force intelligence chiefs from 20 Latin American and Caribbean countries when they meet at Homestead AFB, Florida, in August 1986.

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DO 63428

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Department of State TELEGRAM

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Chile Project (#S199900030)
U.S. Department of State
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~~C O N F I D E N T I A L~~ STATE 137663

ROME PASS TO VATICAN

E.O. 12356: DECL: OADR
TAGS: PHUM, UNHRC, CI
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PAGE 02 STATE 137663

SUBJECT: HISTORY OF TREATMENT OF CHILE AT UNHRC

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1. ~~CONFIDENTIAL~~ - ENTIRE TEXT.

2. GOC OFFICIALS APPEAR NOT TO UNDERSTAND FULLY US POSITION ON CHILE ISSUE AT UNHRC AND HAVE TENDED TO OVERLOOK THE SIGNIFICANT DIFFERENCE BETWEEN THE U.S.-DRAFTED RESOLUTION, ON ONE HAND, AND THE DRAFT RESOLUTION OFFERED BY MEXICO IN 1986 AND THE SIMILAR UNHRC RESOLUTION ADOPTED IN 1985 BY A VOTE OF 32-1 (U.S.) -8, ON THE OTHER HAND. THE 1986 RESOLUTION IS THE FIRST UNHRC RESOLUTION ON CHILE SINCE 1978 TO REFER TO THE GOVERNMENT OF CHILE RATHER THAN "THE CHILEAN AUTHORITIES." IT IS ALSO THE FIRST RESOLUTION SINCE 1981 NOT TO CONTAIN AN ADVERSE COMMENT ON CHILE'S 1980 CONSTITUTION, AND IS OTHERWISE FAR LESS STRIDENT THAN ANY OF ITS FORERUNNERS FOR THE LAST TEN YEARS.

3. DURING THE COURSE OF CONTACT WITH APPROPRIATE GOC OFFICIALS, YOU SHOULD EMPHASIZE THESE IMPORTANT DIFFERENCES. YOU MAY WISH TO NOTE THAT THE HIGH WATER MARK OF "NO" VOTES AND ABSTENTIONS WAS REACHED IN 1981 BUT "YES" VOTES CLIMBED SHARPLY THEREAFTER DESPITE

CONTINUED STRIDENCY IN THE RESOLUTION TEXTS. IN 1985, THE U.S. CAST THE ONLY "NO" VOTE IN THE UNHRC. EMBASSY MAY ALSO FIND IT USEFUL TO DRAW ON HISTORICAL ANALYSIS BELOW IN BRIEFING MFA OFFICIALS ORALLY TO CALL THEIR ATTENTION TO DIFFERENCES BETWEEN US RESOLUTION AND PREVIOUS TEXTS.

4. THE FOLLOWING TABLE DEPICTS THE EVOLUTION OF THE CHILE RESOLUTION SINCE 1974:

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YEAR	ACTION	VOTE	KEY PROVISIONS AND PHRASES
1974 - - -	TELEGRAM	WITHOUT A VOTE	"CALLS UPON YOUR GOVERNMENT FOR THE IMMEDIATE CESSATION OF ANY KIND OF VIOLATIONS OF HUMAN RIGHTS".
1975 -	RESOLUTION	ADOPTED WITHOUT	ESTABLISHES 5-MEMBER AD HOC WORKING GROUP ON CHILE

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-		A VOTE	"APPEALS TO THE GOVERNMENT OF CHILE TO EXTEND ITS FULL CO-OPERATION TO THE WORKING GROUP"
1976	RESOLUTION	26(US)-2-4	EXTENDS MANDATE OF WORKING GROUP
-			"EXPRESSES ITS PROFOUND DISTRESS AT THE CONSTANT, FLAGRANT VIOLATIONS O HUMAN RIGHTS, INCLUDING THE INSTITUTIONALIZED PRACTICE OF TORTURE."
"APPEALS TO THE CHILEAN			AUTHORITIES TO TAKE, WITHOUT DELAY, ALL NECESSARY MEASURES TO RESTORE AND SAFEGUARD BASIC HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS."
1977	TELEGRAM	26(US)-1-5	EXTENDS MANDATE OF WORKING GROUP.

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"SHARES THE PROFOUND			INDIGNATION . . . THAT CONSTANT AND FLAGRANT VIOLATIONS OF HUMAN RIGHTS HAVE TAKEN PLACE AND CONTINUE TO TAKE PLACE IN CHILE."
-			"CALLS UPON THE CHILEAN AUTHORITIES TO PUT AN END TO THE INADMISSIBLE PRACTICE OF SECRET ARRESTS AND SUBSEQUENT DISAPPEARANCE OF PERSONS"
"CALLS ONCE MORE UPON THE			

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	CHILEAN AUTHORITIES TO RESTORE AND SAFEGUARD, WITHOUT DELAY, BASIC HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS"
1978 RESOLUTION 21(US)3-6	EXTENDS MANDATE OF WORKING GROUP
	"SHARES THE PROFOUND INDIGNATION . . . THAT THE CHILEAN PEOPLE CONTINUE TO BE SUBJECTED TO CONSTANT AND FLAGRANT VIOLATIONS OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS"

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	"DEMANDS THAT THE CHILEAN AUTHORITIES CLARIFY FORTHWITH THE FATE OF NUMEROUS PERSONS WHO HAVE . . . DISAPPEARED"
	"EXPRESSES ITS GRAVE CONCERN AT THE NEW MEASURES TAKEN RECENTLY BY THE GOVERNMENT OF CHILE IN ORDER TO SUPPRESS ANY POLITICAL OPPOSITION"
	"DEEPLY DEPLORES THE DESTRUCTION OF DEMOCRATIC INSTITUTIONS AND OF CONSTITUTIONAL SAFEGUARDS"
	"CALLS ONCE AGAIN ON THE CHILEAN AUTHORITIES TO RESTORE AND SAFEGUARD, WITHOUT DELAY, BASIC HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS"

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1979	24(US)2-6	APPOINTS A SPECIAL RAPPORTEUR TO SUCCEED WORKING GROUP
-		"EXPRESSES ITS SHOCK AT THE RECENT DISCOVERY OF BODIES AT A MASS GRAVE"
-		"CALLS ONCE MORE ON CHILEAN AUTHORITIES TO RESTORE AND

-		SAFEGUARD, WITHOUT DELAY, BASIC HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS"
-		"URGES THE CHILEAN AUTHORITIES" TO TAKE SPECIFIC MOVES TO IMPROVE HUMAN RIGHTS CONDITIONS
1980	29(US)-3-10	EXTENDS MANDATE OF RAPPORTEUR
-		"REITERATES ITS INDIGNATION THAT THE FACT THAT VIOLATIONS OF HUMAN RIGHTS STILL TAKE PLACE IN CHILE"
-		"EXPRESSES ITS GRAVE CONCERN THAT THERE HAS BEEN A DETERIORATION IN A NUMBER OF AREAS"
-		"STRONGLY URGES THE CHILEAN AUTHORITIES TO RESPECT AND PROMOTE HUMAN RIGHTS"
-		"URGES THE CHILEAN AUTHORITIES SCRUPULOUSLY TO RESPECT THE DUTY OF THEIR JUDICIARY"
1981	RESOLUTION 22-4(US)-17	EXTENDS MANDATE OF

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RAPPORTEUR

"CONSIDERING THE TOTAL LACK OF POPULAR PARTICIPATION IN THE PREPARATION OF THE NEW CONSTITUTION"

"REITERATES ITS INDIGNATION AT THE PERSISTENCE AND FURTHER DETERIORATION OF THE HUMAN RIGHTS SITUATION IN CHILE"

"ONCE MORE STRONGLY URGES THE CHILEAN AUTHORITIES TO RESPECT AND PROMOTE HUMAN RIGHTS"

"CALLS UPON THE CHILEAN JUDICIARY TO EMPLOY FULLY AND WITHOUT RESTRICTIONS ITS POWERS UNDER HABEAS CORPUS AND AMPARO"

1982 RESOLUTION 28-6(US)-B EXTENDS MANDATE OF SPECIAL RAPPORTEUR

"CONVINCED THAT THE NEW CONSTITUTION IN FORCE IN CHILE . . . WAS PREPARED WITH A LACK OF POPULAR PARTICIPATION"

"REITERATES ITS SERIOUS CONCERN AT THE PERSISTENCE AND, IN CERTAIN RESPECTS, THE DETERIORATION OF HUMAN

RIGHTS VIOLATIONS IN CHILE"

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-			"REPEATS ITS URGENT APPEAL TO THE CHILEAN AUTHORITIES TO RESPECT AND PROMOTE HUMAN RIGHTS"
1983	RESOLUTION	29-6(US)-8	EXTENDS MANDATE OF SPECIAL RAPPORTEUR
-			"REITERATES ITS GRAVE CONCERN AT THE PERSISTENCE OF SERIOUS AND SYSTEMATIC VIOLATIONS OF HUMAN RIGHTS IN CHILE -- AND THE EXISTENCE OF A CONSTITUTION WHICH DOES NOT REFLECT THE WILL OF THE PEOPLE FREELY EXPRESSED"
-			"URGES THE CHILEAN AUTHORITIES TO PUT AN END TO THE STATE OF EMERGENCY"
-			"URGES AGAIN THE CHILEAN AUTHORITIES TO PUT AN END TO INTIMIDATION AND PERSECUTION"
1984	RESOLUTION	31-5(US)-6	EXTENDS MANDATE OF SPECIAL RAPPORTEUR
-			"EXPRESSES ITS PROFOUND DISTRESS AT THE PERSISTENCE OF AND INCREASE OF SERIOUS AND SYSTEMATIC VIOLATIONS OF HUMAN RIGHTS IN CHILE"
-			"REITERATES ONCE AGAIN ITS DISMAY AT THE DISRUPTION IN CHILE OF THE TRADITIONAL DEMOCRATIC LEGAL ORDER . . .

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AND THE EXISTENCE OF A CONSTITUTION WHICH DOES NOT REFLECT THE WILL OF THE PEOPLE FREELY EXPRESSED"

"ONCE AGAIN CALLS UPON THE CHILEAN AUTHORITIES TO RESTORE AND RESPECT HUMAN RIGHTS"

"ONCE AGAIN EXHORTS THE CHILEAN AUTHORITIES TO COOPERATION WITH THE SPECIAL RAPPORTEUR"

1985 RESOLUTION 32-1(US)28 EXTENDS MANDATE OF SPECIAL RAPPORTEUR

"ONCE AGAIN EXPRESSES ITS DISMAY AT THE SUPPRESSION IN CHILE OF THE TRADITIONAL DEMOCRATIC LEGAL ORDER AND ITS INSTITUTIONS AND THEIR REPLACEMENT BY A CONSTITUTION WHICH DOES NOT

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REFLECT THE WILL OF THE PEOPLE FREELY EXPRESSED"

"EXPRESSES ITS INDIGNATION AT THE PERSISTENCE OF AND INCREASE IN SERIOUS AND SYSTEMATIC VIOLATIONS OF HUMAN RIGHTS IN CHILE"

"DENOUNCES ONCE AGAIN THE FACT THAT THE REPRESSIVE AND ARBITRARY ACTIVITIES OF THE POLICE AND SECURITY AGENCIES . . . HAVE GONE . . . UNPUNISHED"

"ONCE AGAIN CALLS URGENTLY

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-			ON THE CHILEAN AUTHORITIES TO RESTORE AND RESPECT HUMAN RIGHTS"
-			"ONCE AGAIN EXHORTS THE CHILEAN AUTHORITIES TO COOPERATE WITH THE SPECIAL RAPPORTEURS"
1986	RESOLUTION	ADOPTED WITHOUT A VOTE	EXTENDS MANDATE OF SPECIAL RAPPORTEUR
-			"RECOGNIZES AS A POSITIVE DEVELOPMENT THE FACT THAT THE GOVERNMENT OF CHILE

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-			PERMITTED A SPECIAL RAPPORTEUR TO ENTER THE COUNTRY AND PROVIDED THE COOPERATION AND FREEDOM OF ACCESS . . . NECESSARY FOR HIS INVESTIGATION"
-			"EXPRESSES ITS CONCERN . . . AT THE PERSISTENCE OF SERIOUS VIOLATIONS OF HUMAN RIGHTS IN CHILE"
-			"ONCE AGAIN APPEALS TO THE
GOVERNMENT OF CHILE TO			
-			RESPECT HUMAN RIGHTS"
-			"NOTES WITH PARTICULAR DISMAY THE INEFFECTIVENESS OF GOVERNMENT AND JUDICIAL AUTHORITIES IN PREVENTING THE RECURRENCE OF ABUSES IN THE SECURITY FORCES"
-			"STRONGLY URGES THE GOVERNMENT OF CHILE TO TAKE" CERTAIN SPECIFIC

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STEPS TO IMPROVE HUMAN
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E.O. 12356: N/A
TAGS: PREL, PTER, PGOV, LY, US, GY
SUBJ: PPP ACCUSES PRESIDENT REGAN AND THE CIA OF "TERRORIST TACTICS"

CHARGING THAT "LAWLESSNESS IS THE FORTE OF THE U.S. CIA, "THE PEOPLE'S PROGRESSIVE PARTY (PPP) HAS STEPPED UP ITS CAMPAIGN TO FORCE THE GOVERNMENT OF GUYANA TO CONDEMN THE U.S. AIR STRIKE ON LIBYA. BLINDLY FOLLOWING THE MOSCOW-LINE, THE COMMUNIST PPP, IN AN APRIL 27 EDITORIAL IN THE PARTY'S WEEKLY, THE "MIRROR," ACCUSED THE USG OF BEING GUILTY OF TERRORISM AND CHARGED THAT THE CIA IS OUT TO DELIBERATELY ASSASSINATE QUADHAFI. THE PPP ASSERTS THAT "THERE IS NO MORE BLOOD-THIRSTY TERRORIST OUTFIT ON EARTH THAN THE CIA, THE GLOBAL THUG ARM OF U.S. IMPERIALISM. CIA HEADQUARTERS AT LANGLEY FLOATS IN A LAKE OF BLOOD AND EMITS AND AURA OF EVIL, BARBARISM, VIOLENCE, DESTRUCTION, LIES, SLANDERS, AND TERROR." THE PPP CONCLUDED THE MIRROR EDITORIAL BY CHARGING THAT CONTRAS ARE "HARD CORE TERRORISTS FIELDED BY THE CIA" ND THAT PRESIDENT REAGAN, "THE *CHIEF CONTRA" SHOULD NOT BE GIVEN "ONE SINGLE CENT"* BY UNCLASSIFIED

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PAGE 02 GEORGE 01882 051903Z

CONGRESS TO FUND THE CONTRAS. MARTIN

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E.O. 12356: N/A
TAGS: MNUC, TRGY, KSCA, MX
SUBJECT: CHERNOBYL REACTOR ACCIDENT REVIVES OPPOSITION TO NUCLEAR POWER PLANT

1. IN A CONVERSATION ON A SEPARATE MATTER, MIGUEL MEDINA, HEAD OF THE MEXICAN NATIONAL COMMISSION FOR NUCLEAR SAFETY AND SAFEGUARDS, TOLD EMBASSY SCIENCE ATTACHE THAT THE CHERNOBYL REACTOR ACCIDENT WAS INCREASING OPPOSITION TO THE COMPLETION OF THE U.S. - ORIGIN LAGUNA VERDE NUCLEAR POWER STATION. MEDINA SAID PEOPLE IN THE AREA OF THE REACTOR NEAR THE COASTAL CITY OF VERACRUZ HAD BEGUN DEMONSTRATIONS AND OTHER EFFORTS TO BLOCK COMPLETION OF THE PLANT.

2. MEDINA AND THE UNDERSECRETARY OF ENERGY ARE GOING TO VERACRUZ ON WEDNESDAY, MAY 7 TO HOLD A "TECHNICAL NEWS CONFERENCE" TO EXPLAIN THE DIFFERENCES BETWEEN THE GE BOILING WATER REACTORS UNDER CONSTRUCTION IN LAGUNA VERDE AND THE CHERNOBYL REACTOR. (J.DETHOMAS) BUSBY
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FY 1986 Assistance Requests for Latin America and the Caribbean

DEPARTMENT OF STATE BULLETIN
RELEASED
El Salvador: Human Rights Special Project (1993)
RELEASE

by Langhorne A. Motley

Based on a statement before the Subcommittee on Western Hemisphere Affairs of the House Foreign Affairs Committee on March 5, 1985. Ambassador Motley is Assistant Secretary for Inter-American Affairs.[1]

Five weeks ago, on January 29, I stressed to this subcommittee the vital importance of defending U.S. interests in the Western Hemisphere by standing by our friends, adhering to our principles, and supporting democracy and the common defense. I stressed my conviction that the Administration and the Congress have good reason to conclude that the policies we have been pursuing the last several years are beginning to succeed and that the best option for the future is firm, bipartisan continuity.

Today, I come before you to support the Administration's request of $1,551 million for economic assistance and $357 million for military aid for Latin America and the Caribbean in fiscal year (FY) 1986. This request balances important needs of the United States. We need budgetary stringency to advance the U.S. economic recovery. And we also need to protect U.S. interests abroad.

In Latin America and the Caribbean, this requires that we invest now in the future of democracy, that we support the recovery and security of our neighbors, and that we assist them to achieve a more secure environment in which political freedom and economic opportunity may flourish.

In requesting this assistance, our focus is on the U.S. national interest. We have neither the resources nor the responsibility to solve our neighbors' problems. But the fragility of democratic institutions and their vulnerability to violence—bred by poverty, injustice, and in many cases abetted by hostile external forces—create an obligation, rooted in our national interest, to help our neighbors. We do have the means and the will to serve as a friend and catalyst to help our neighbors to the path of growth with freedom. As Secretary Shultz said to you 2 weeks ago:

> . . . the domestic policies of these countries will determine the strength and sustainability of their economies and their political institutions. Our foreign assistance can provide those critical incremental resources to help them achieve those objectives.

This prepared statement addresses the assistance we have requested for FY 1986 in two ways:

First, by the three main regions for which we are proposing programs—Central America, the Andes, and the Caribbean; and

Second, certain specific innovations based on lessons learned and which will require legislation to be implemented.

Central America

In Central America, except for Nicaragua, economic decline has been stemmed, and a basis for gradual long-term revitalization is being laid. While per capita income continued to decline, gross domestic product (GDP) grew by 1.2% last year after a decline of 4% over the previous 2 years. Unemployment, underutilized productive resources, lack of foreign exchange, and inflation all, nonetheless, remain serious. Were the Central American crisis economic alone, it might be on its way to resolution; but it would still be a crisis.

Significant advances are taking place with regard to another primary objective of U.S. policy—democracy and its attendant institutions. Underscoring the changes is the percedent-setting insistence in the regional Contadora peace process that democracy based on open elections is essential for peace in Central America. And five of the six countries have now held free elections. The exception, again, is Nicaragua, whose elections were carefully staged to prevent an electoral challenge to the Sandinista monopoly of power.

We are in the first year of implementation of the recommendations of the National Bipartisan Commission on Central America. Although it is less than a year since Congress approved the new funding levels, the longer term focus recommended by the bipartisan commission is beginning to take shape. We are working with governments and legal organizations to improve the administration of justice. Technical training and scholarship programs are underway. We are developing programs for leadership training, political networking, and support for democratic institutions. Nutrition and health programs have been designed and implementation has begun. The trade credit insurance program has been established. We are looking for the most effective way to strengthen the role of the Central American Bank for Economic Integration.

As all of us from Secretary Shultz on down have stressed, policy consistency is necessary in order to pursue our interests in the economic and political development of Central America. Current policy is working, and we must [illegible] perseverence we will still fail—despite our good start. We need the reliability of a multiyear commitment and the confidence that this commitment will continue to be tied to equity, reform, and freedom. We—and each of our friends in this region—need your support for this.

We propose to continue our support for economic stabilization and adjustment in FY 1986 with $601 million in economic support funds (ESF). This assistance helps governments address balance-of-payments problems, provides resources needed for imports of basic commodities, and generates counterpart funds that governments can use to address destabilizing sociopolitical problems. In addition to ESF, we propose $269 million for development assistance—for programs such as agriculture development, education, family planning, and health and nutrition.

We have requested $236 million in military assistance program (MAP) funds, $14 million for foreign military sales (FMS) credits, and $4 million in international military education and training (IMET) funds for FY 1986.

The Andean Region

The five Andean countries—Bolivia, Colombia, Ecuador, Peru, and Venezuela—all have democratically elected governments. They merit U.S. support. They must deal in differing degrees with serious economic problems, coupled in some cases with the need to cope with the terrorism of guerrillas and narcotics traffickers.

Except for Venezuela and Colombia, where we are not proposing economic assistance, our aid is primarily economic but limited military assistance is also important. The only new economic assistance program in our request is an ESF program for Ecuador, Peru, and Bolivia. The economies of Peru and Bolivia, along with their democratic systems themselves, face very serious challenges and both are scheduled to hold presidential elections this year. Each has so far had great difficulty in dealing with the impact of grave natural disasters, low commodity prices, and the consequences of past policy errors. Ecuador, on the other hand, is pursuing sound economic policies, although its recovery, too, is tenuous.

We propose an ESF program of $70 million and development assistance of $57 million for these three countries. To strengthen peaceful politics and defend against antidemocratic violence, we have requested $24 million in military assistance program funds and $38

RELEASED
El Salvador: Human Rights
Special Project (1993)

Latin America and the Caribbean: FY 1986 Foreign Assistance Request

($millions)

	Economic Assistance				Military Assistance			
	ESF	DA	PL 480	TOTAL	MAP	FMS	IMET	TOTAL
Central America	**600.5**	**268.6**	**110.8**	**979.9**	**235.9**	**14.0**	**4.125**	**254.025**
Belize	4.0	6.8	0.0	10.8	1.0	0.0	.100	1.100
Costa Rica	150.0	14.4	23.0	187.4	2.5	0.0	.225	2.725
El Salvador	210.0	89.8	50.8	350.6	131.0	0.0	1.600	132.600
Guatemala	25.0	33.0	19.0	77.0	0.0	10.0	.300	10.300
Honduras	80.0	45.0	18.0	143.0	87.0	0.0	1.250	88.250
Panama	40.0	22.6	0.0	62.6	14.4	4.0	.650	19.050
Regional Programs	91.5	57.0	0.0	148.5	NA*	NA	NA	NA
Andean	**70.00**	**57.4**	**58.6**	**186.0**	**24.35**	**35.0**	**3.00**	**62.350**
Bolivia	10.0	7.8	28.6	46.4	6.0	0.0	.300	6.300
Colombia	0.0	0.0	0.0	0.0	0.0	20.0	.950	20.950
Ecuador	15.0	25.0	0.6	40.6	0.0	5.0	.800	5.800
Peru	45.0	24.6	29.4	99.0	18.35	10.0	.850	29.200
Venezuela	0.0	0.0	0.0	0.0	0.0	0.0	.100	.100
Caribbean	**160.0**	**110.1**	**87.9**	**358.3**	**24.5**	**4.0**	**2.15**	**30.65**
The Bahamas	0.0	0.0	0.0	0.0	0.0	0.0	.050	.050
Dominican Republic	50.0	30.0	31.8	111.8	6.0	4.0	.800	10.800
Eastern Caribbean	35.0	31.1	0.0	66.1	10.0	0.0	.400	10.400
Guyana	0.0	0.0	0.0	0.0	0.0	0.0	.050	.050
Haiti	5.3	25.0	25.7	56.0	0.5	0.0	.475	.975
Jamaica	70.0	24.0	30.4	124.4	8.0	0.0	.275	8.275
Suriname	0.0	0.0	0.0	0.0	0.0	0.0	.050	.050
Trinidad and Tobago	0.0	0.0	0.0	0.0	0.0	0.0	.050	.050
Other	**2.2**	**24.8**	**0.0**	**27.0**	**0.0**	**2.5**	**7.300**	**9.800**
Argentina	0.0	0.0	0.0	0.0	0.0	0.0	.100	.100
Brazil	0.0	0.0	0.0	0.0	0.0	0.0	.100	.100
Chile	0.0	0.0	0.0	0.0	0.0	0.0	.100	.100
Mexico	0.0	0.0	0.0	0.0	0.0	0.0	.250	.250
Paraguay	0.0	0.0	0.0	0.0	0.0	0.0	.125	.125
Uruguay	0.0	0.0	0.0	0.0	0.0	2.5	.125	2.625
Latin America and Caribbean Regional Programs	2.2	24.8	0.0	27.0	NA	NA	NA	NA
Panama Canal Military Schools	NA	NA	NA	NA	0.0	0.0	2.500	2.500
U.S. Army School of the Americas	NA	NA	NA	NA	0.0	0.0	4.000	4.000
TOTAL: Latin America and the Caribbean	**833.0**	**460.9**	**257.3**	**1,551.2**	**284.75**	**55.5**	**16.575**	**356.825**

*NA = not applicable.

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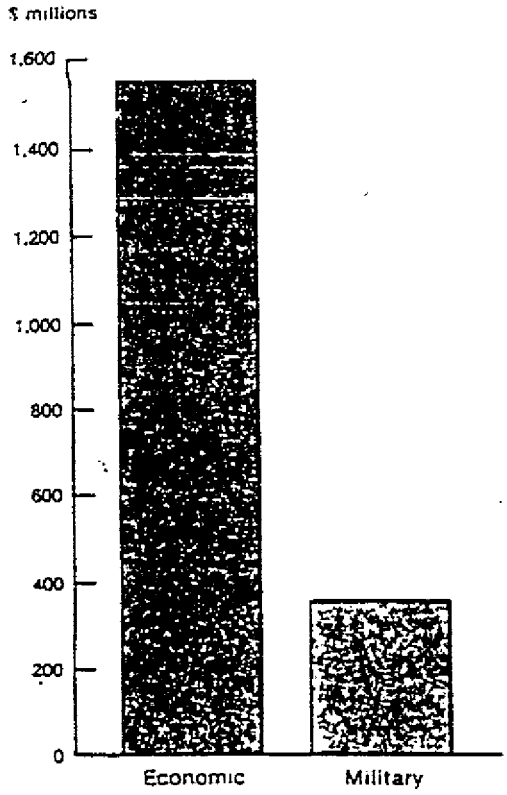
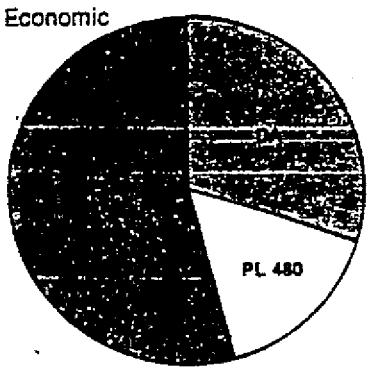
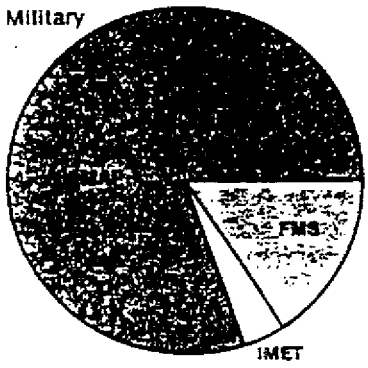
El Salvador: Human Rights
Special Project (1993)







Glossary

DA—development assistance.

ESF—economic support fund (economic stabilization and development funds).

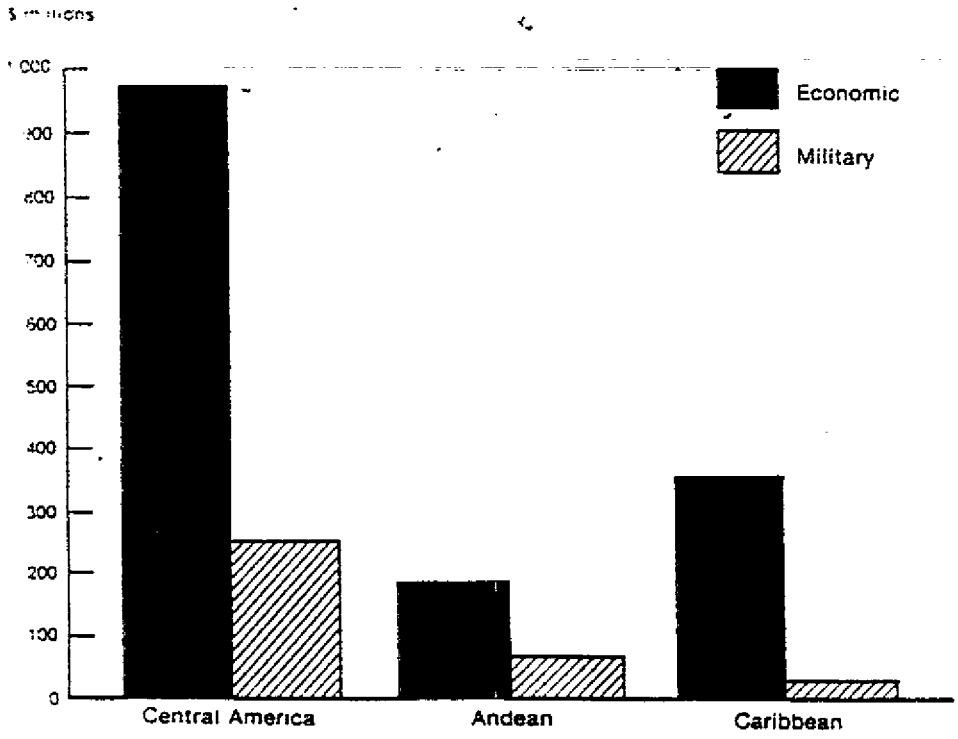
FMS—foreign military sales (program to facilitate sale of U.S. military equipment, spare parts, and training).

IMET—international military education and training program.

MAP—military assistance program (grant military aid).

PL 480—Food for Peace program.

Regional Comparison: FY 1986 Foreign Assistance Request



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This small program is not by itself the answer to all their economic and social difficulties. It is, however, an incremental resource, and thus an added incentive for these democratic governments to engage the international financial community in ongoing dialogue. It is a means to show concrete support for their undertaking the necessary steps toward stabilization. It is a small price to pay for the chance to participate directly in the resolution of problems in countries important to the future of the region.

The Caribbean

The countries of the Caribbean do not face the immediate challenge of externally supported violence but must deal with high debt and unemployment, poor traditional export markets, internal disequilibria, and inadequate infrastructure. The island states of the eastern Caribbean also must establish their own economic viability in the world marketplace.

The problems are daunting, and solutions are not available in the short run, no matter how great the will. Markets for sugar and bauxite, two mainstays of the region, are unlikely to recover in the short term, and major investments in these industries are being abandoned. The entire world economy, from the perspective of these island nations, has undergone a major negative change over the past few years. Although the need for adjustment to these new realities is obvious, it is by far easier said than accomplished.

Economic stabilization and restructuring are necessary to build a foundation for sustained economic growth and development. That is the basic challenge facing the governments of the region. Our task is to facilitate the adjustments. Without support from the United States and others, improved policies will result in stabilization and renewed growth at levels of economic activity well below those of recent history. We must help develop growth paths which will lead to healthy and sustained development.

The more open U.S. market achieved by the Caribbean Basin Initiative can help. For our Caribbean neighbors to seize that advantage requires, among other things, foreign exchange markets which allow exporters and others in the private sector to increase export production and sales. It requires fiscal policies that stimulate investment and allow the private sector to compete equally for credit and resources with the public sector. It requires open economies receptive to investment from both domestic and foreign sources. And it requires political and social stability.

To support the adjustment process, we request $160 million in ESF for the Caribbean in FY 1986. To deal with sectoral problems and problems in human development, we propose $110 million in development assistance. We have requested $25 million in MAP funds, $4 million in FMS credits, and $2 million in IMET to assist the Caribbean nations to modernize and professionalize their security forces.

Lessons Learned: Some Legislative Proposals

Let me now turn to several legislative proposals that will help us to better advance U.S. interests in Latin America and the Caribbean. These are based on the lessons we have learned in developing and applying assistance programs. Some are recent lessons. Others are rooted on dilemmas and confusions that have bedeviled foreign assistance virtually from its inception.

Administration of Justice. Last year we proposed to help strengthen judicial systems in Central America and the Caribbean by assisting the entire process, including the training and support of law enforcement agencies under carefully defined conditions. We have learned that this is a significant, low-cost program which will strengthen democracy and the observance of basic human rights. And we have discovered a significant number of allies—Latin American and Caribbean lawyers, judges, bar associations, justice ministers, prosecutors, and professors of law—who are actively engaged in efforts to reform and strengthen a sector central to the functioning of any civilized society, and who want our support. This year we have expanded this proposal to cover all of Latin America and the Caribbean.

Economic Assistance Coordination. We are again requesting your cooperation in authorizing U.S. participation in an effective forum for dialogue on the problems of the Central American region. The bipartisan com-

mission argued for the Central American Development Organization to facilitate the direct participation of Central Americans, from the private sector as well as from the government, in the formulation of strategies to achieve our common objectives. We believe that the operation of such a regional organization can guarantee that congressionally sought purposes will, in fact, be integrated into the long-term regional development policies. Our experience with such concepts as the Caribbean Basin Initiative has taught us that when we listen to our neighbors, they do a better job of listening to us.

Multiyear Authorization of Funds. The National Bipartisan Commission on Central America concluded that uncertaintly about future U.S. assistance undermines the implementation of current aid programs. We fully agree. This phenomenon is a reflection of a broader problem: many Latin Americans have had the experience of seeing the United States periodically lose interest in their affairs. The ironic result is that many of our neighbors to the south, especially in Central America, are more concerned about U.S. *withdrawal* than about American *involvement*. It is true that the United States—or any country—focuses attention on the "crises" that shifts in concern from one area of the world to another are to be expected; it is an altogether human trait. The problem is that, for example, the ministers of planning dealing with today's crisis must act as if international attention will shift elsewhere by tomorrow.

In Central America today, the result is to weaken not only the ability of the planners to plan, and the private sector to invest, but also to undercut the middle- and long-term approach which is a necessary part of our assistance philosophy—and one in which the Congress has always had a special interest. To in one sentence, year-by-year funding in a situation as complex as Central America diminishes the impact of our support in such key areas as human rights and economic reform.

The bipartisan commission concluded that Central America today presented an opportunity for us to initiate a more mature and more effective relationship with that majority of Central Americans who want progressive change but need a reliable and steady U.S. commitment to help them make it happen.

Training. Over the years a number of prohibitions on U.S. assistance have applied to training. While these legislative provisions have laudable goals, we believe their application to training can be self-defeating. The targets of the legislation are usually specific governments, but the "victims" are often individuals who may influence the future, often with a different government. The result is a kind of foreign policy catch-22: develop a course designed to inform future leaders about democracy; then prohibit attendance from the very countries we would like to see move in that direction.

There is no more worthwhile and long-lasting investment we can make than in people. And training—which develops professional skills while deepening understanding of our democratic and humane ideals—has proven to be an unusually effective channel for such investment. We believe that opening channels of influence and communications, rather than reinforcing existing isolation, would serve our national interests throughout Latin America and the Caribbean.

The Administration is, therefore, proposing legislation to permit training from funds made available in this act to be treated the same as the Peace Corps, U.S. Information Agency, disaster relief, and narcotics programs—that is, as being exempt from general prohibitions on assistance. Of course, Congress could otherwise specify at any time in any particular case. The human rights provisions of the Foreign Assistance Act, as well as the general prohibition against police training, would continue to apply.

Safety Equipment. Another section of the proposed legislation would permit the sale or licensing for export of items which are necessary for the safe operation of previously supplied U.S. defense equipment. Because of certain country-specific provisions in U.S. law, some countries have not been able to obtain items necessary for the safe operation of previously supplied U.S. defense articles. We believe the United States should not be in the position of denying equipment needed to avoid jeopardizing the lives of pilots or other foreign military personnel.

El Salvador Land Reform. We are again requesting authorization to use U.S. assistance funds to accelerate compensation to former landowners in El Salvador affected by the agrarian reform. The land reform has proven effective in rallying peasant support and limiting guerrilla opportunities. Valuation of affected properties, many of which were middle sized, appears to have been fair in most instances. But compensation has often been delayed. We must help this key reform move forward. Uncertainty, evictions, and other enemies of effective planning; entrepreneurship; and production are all aggravated by the absence of compensation.

El Salvador Conditionality. Finally, our proposed legislation this year does not provide for a continuation of detailed reporting requirements with regard to El Salvador. Singling out particular countries for specific monitoring has limited usefulness and can be quickly overtaken by psychological and other factors. This is especially true when a government like that of President Duarte is committed to the same objectives as we are, and the conditions serve mainly to denigrate his efforts. We demonstrated this past year, I believe, that the route of two-way cooperation between the U.S. and Salvadoran Governments is effective in achieving our mutual human rights and other priority goals.

Conclusion

I believe that our understanding of the problems and the proposals for their remedy are realistic. We have not claimed credit for all the progress in the past, and I am not predicting that we will run a 3-minute mile if you provide everything we have requested. But, as I suggested to you and your colleagues when you launched your review of policy 5 weeks ago, the alternatives—a harder line, a softer line, any attempted quick fix or plain inaction—on analysis simply do not coalesce into policies which serve our national interests.

The democratic transition in the hemisphere over the past half dozen years has shown that the people of Latin America and the Caribbean have an enhanced ability to use the kinds of economic, military, social, and political support I have outlined for FY 1986. At the same time, their own goals and objectives—whether outlined in the Contadora objectives or the latest national economic restructuring program—coincide more and more with our own. It is in our own national interest to provide that support to them.

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[1]The complete transcript of the hearings will be published by the committee and will be available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. ■

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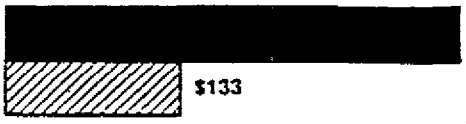
FY 1986 Foreign Assistance Requests for Selected Countries

Central America

El Salvador



U.S. assistance was part of an overall effort that enabled the Salvadoran economy to grow by 1.5% in 1984—the first year of growth since 1979. Living standards remain painfully low, but the economic decline appears to be bottoming out, helped along by the cautious optimism engendered by political and military events. The government has taken policy measures to increase incentives to exporters of nontraditional products, has made progress in allowing exchange rates to respond to market forces, and has improved its overall foreign exchange management.

Political life was highlighted over the past year by the election and inauguration of President Duarte—with congressional and municipal elections scheduled for this month. Improvements in the judiciary helped complete judicial action against the murderers of four American churchwomen. Last fall, President Duarte took the initiative to open direct dialogue with the FMLN/FDR [Farabundo Marti National Liberation Front/Revolutionary Democratic Front]. This was an important new step in the process of national reconciliation in El Salvador. Guerrilla intransigence at the second meeting dramatized the problems that lie ahead but could not obscure the Duarte Government's historic accomplishment and commitment to constitutionalism and peace.

The Salvadoran Armed Forces have played a major role in these events, moving a considerable distance in the past few years in terms of professionalism, effectiveness in combat, and observance of human rights. The guerrilla offensive planned for last fall never took place in large part because the FMLN was thrown off balance by the constant operations of the Salvadoran Armed Forces. The increased mobility provided by U.S.-supplied helicopters, and the controlled fire support of the C-47 aircraft have permitted rapid reaction to surprise attacks, interfering with the guerrillas' ability to mass, strike, and withdraw before reinforcements arrive. The improving capabilities of government troops have forced the guerrillas to break up into smaller units and to rely increasingly on economic sabotage and subversion.

It remains vital for the constitutional government of President Duarte to have the economic and military assistance it needs to defend democracy and to approach its dialogue with the insurgents with confidence. On the economic side, we are requesting $210 million in ESF and $90 million in development assistance to bolster economic stabilization, support the land reform, and provide humanitarian assistance. We are also proposing $51 million under the PL 480 program.

On the military side, the proposed MAP program of $131 million will be used for unit and individual equipment and training, ammunition, replacement parts, aircraft, and naval patrol craft. The $1.6 million IMET program will be used to teach essential technical and managerial skills, including officer development, pilot and other training, and the technical skills necessary to operate and maintain U.S. equipment. All training, as in the past, will emphasize professionalism and human rights.

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Department of State

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INFO LOG-00 ADS-00 ARA-06 CA-02 /008 R

DRAFTED BY: CA/OCS/EMR:RTSMITH:P4S
APPROVED BY: CA/OCS/EMR:TLRANDALL, JR.
CA/OCS/EMR:GAROGERS CA/OCS/EMR:JHADAMS
CA/OCS:TADTHARP ARA/CEN:JCASON (SUBS)
ARA/MEX:PKLYNE (SUBS)

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AMEMBASSY GUATEMALA PRIORITY

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E.O. 12356: N/A
TAGS: CASC (BLAKE, NICHOLAS AND DAVIS GRIFFITH)
SUBJECT: M/M: CASE OF NICHOLAS BLAKE AND GRIFFITH DAVIS

REF: A) MEXICO 8742; B) 85 MEXICO 9491

1. MOST OF THE INFO IN REFTEL A WAS PASSED TO THE FAMILIES OF THE MISSING MEN. THEY ARE GRATEFUL FOR ASSISTANCE RENDERED BY AMEMBASSY MEXICO BUT DO NOT AGREE THAT WELL-MEANING AMATEURS SHOULD CEASE WORKING ON THE CASE. THEY BELIEVE THAT PRIVATE INDIVIDUALS MIGHT BE ABLE TO ASK QUESTIONS THAT GOVERNMENT OFFICIALS MIGHT AVOID. THEY ALSO APPRECIATE FREQUENT VISITS TO THE AREA SO PUBLIC AWARENESS OF THE CASE MIGHT BE KEPT UP. RANDY BLAKE POINTED OUT THAT CONCERNED GOVERNMENT OFFICIALS HAD NOT YET RESOLVED THE CASE.

2. MEXICO'S EXPERIENCE WITH [redacted] WAS INTERESTING BUT PUZZLING TO FAMILY MEMBERS. IS HE OR IS HE NOT A MEXICAN GOVERNMENT EMPLOYEE? RANDY BLAKE ASKED FOR AND WAS GIVEN MR. TELEPHONE NUMBERS AND SAID HE WOULD REPORT ANY RESULTS TO THE DEPARTMENT. THE REPORTS FROM MR. SUAREZ WERE MORE SATISFYING TO THE RELATIVES, WHO NOW BELIEVE HE IS TELLING THE TRUTH ABOUT EVERYTHING EXCEPT THE GUATEMALAN COLONEL. NICK BLAKE WAS NOT KNOWN TO HAVE ANY CONTACTS IN THE GUATEMALAN ARMY. THE FAMILIES ARE ALSO SURPRISED AT THE MEXICAN OFFICIALS READINESS TO BELIEVE THE TWO MEN ARE STILL PREPARING TO VISIT THE GUERRILLAS IN VIEW OF GOVERNMENT AND PRIVATE BRIEFINGS BEGINNING A YEAR AGO (REF B).

3. RANDY BLAKE AND JIM ADRIANCE WERE IN THE DEPARTMENT APRIL 24 FOR A TWO-HOUR MEETING ABOUT THE CASE WITH DAS THARP AND OFFICER RENNY SMITH. ALTHOUGH THEY ARE STILL NOT SATISFIED WITH THE DEPARTMENT'S ACTIVITIES ON BEHALF OF THE MISSING AMERICANS, THEY ARE UNABLE TO SUGGEST A GREAT DEAL MORE IN PARTICULAR THAT CAN BE DONE. THEY WOULD LIKE A LOCAL PRIEST OR AN AGRICULTURAL EXTENSION WORKER TO TRAVEL OVER THE ROUTE TO PERSONALLY QUERY THE LOCAL POPULATION. THEY REALIZE THAT THE EMBASSY CANNOT FORMALLY ARRANGE THIS.

4. MRS. DAVIS, WHO EARLIER HAD WRITTEN TO BISHOP RUIZ GARCIA THROUGH HER OWN BISHOP IN PENNSYLVANIA WAS APPROACHED WITH THE IDEA OF ASKING THE RELIGIOUS HIERARCHY IF ANY INFORMATION COULD BE DEVELOPED BY THE CHURCH. SHE WAS NATURALLY RELUCTANT TO ASK A PRIEST TO PUT HIS LIFE IN DANGER. SHE MENTIONED THAT SHE HAS CONSULTED A PSYCHIC WHO BELIEVES HER SON IS ALIVE AND "WITH SOMEONE WHOSE NAME BEGINS WITH J."

5. SAM BLAKE TOLD HIS BROTHER RANDY THAT THE GUATEMALAN MILITARY IS NOW IN CONTROL OF THE AREA WHERE MR. BLAKE AND MR. DAVIS DISAPPEARED. IF THIS IS TRUE, NICK BLAKE'S BROTHERS AND FRIENDS WOULD LIKE TO TRAVEL THROUGH THE AREA THEMSELVES AND MAKE INQUIRIES. THIS PLAN WAS DISCOURAGED BY DEPARTMENT OFFICERS BUT IF AMEMBASSY GUATEMALA DISAGREES WITH DEPT'S APPREHENSION, TE BLAKES WILL BE ADVISED ACCORDINGLY. THEY WERE INFORMED THAT IF THE AREA WERE CONSIDERED SAFE, EMBASSY OFFICERS IN GUATEMALA WOULD GO THERE ON BEHALF OF THE FAMILY.
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United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 06/29/95
Case ID: 95122212

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UNCLASSIFIED United States Department 867572

CASC 2:4 Blake

ARA E436

'86 MY 15 P8:20 May 14, 1986

INFORMATION MEMORANDUM S S BMcK

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MEMORANDUM

BEST COPY AVAILABLE

TO: The Deputy Secretary

FROM: CA - Joan M. Clark

SUBJECT: Case of Nicholas Blake and Griffith Davis who are missing in Guatemala

The case of the disappearance of Nicholas Blake and Griffith Davis has been given a very high priority in the Department and has been followed closely by Vice President Bush's staff and several Congressional offices. A number of Department representatives including the Deputy Assistant Secretary for Overseas Citizens Services and Ambassador Piedra in Guatemala have frequently met with the families, their representatives, and interested parties with ideas on how the case might be solved. The most recent meeting was April 24, 1986 here in Washington. The Blake brothers have been particularly active in the case and have made several trips to Guatemala in an effort to locate the missing men.

The case came to the Department's attention on April 8, 1985 when it was reported to the American Embassy in Guatemala that the two men were overdue from a walking trip through the Guatemalan highlands. After confirming the report and the U.S. citizenship of both men, the Embassy immediately notified the Guatemalan police, missionary groups working in the highlands, and the Department. Since the area where the men were walking is known to be an area of conflict, the Guatemalan military was also asked to assist. The State Department has had a travel advisory recommending against travel to the highlands on the Mexican border since at least 1981.

Department officers located the next of kin for both men, and they were informed on April 13. The search for Mr. Blake and Mr. Davis has been ongoing for the last thirteen months. Embassy officers have personally canvassed as much of the area as security conditions

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 06/29/95
Case ID: 9512212

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permitted beginning on April 18 when two officers and a translator went there by helicopter. They continue to interview anyone from the area who might be helpful. The Guatemalan Army has made repeated searches incurring several casualties in the process. The one fact which can be verified is that the men were seen leaving the village of Llano on March 29. They had intended to spend some time with the guerrillas as Mr. Blake, a freelance journalist, was interested in pursuing a story about the conflict. Mr. Davis went along as a guide.

Mexican officials and U.S. officials in Mexico are also well aware of the case. The Guerrilla Army of the Poor (EGP), which controls much of the area where the men were hiking denies knowledge of the men's whereabouts.

A copy of a detailed congressional letter is attached along with recent cables on the case. Mrs. Blake and Mrs. Davis continue to send messages of support and encouragement to the Department for the way the case is being handled.

Attachment:

Tab A - Congressional letter and cables.

CA/OCS/EMR:RTSmith:pas
5/13/86 75225
document 0512A

CA/OCS/EMR:TLRandall, Jr.
:GARogers
:JHAdams
CA/OCS:TADTharp
CA:MMarine
:PBucsko
:JMClark
ARA/CEN:WSchofield

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PAGE 01 MEXICO 10110 01 OF 03 140016Z
ACTION OES-09

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	CEA-01	OMB-01	STR-20	FRB-01	ACDA-12	JUS-01	USIE-00
	SP-02	NRC-02	SNP-01	PRS-01	/119 W		

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DEPARTMENT OF STATE
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PASS TO NATIONAL SCIENCE FOUNDATION AND NUCLEAR REGULATORY COMMISSION

E.O. 12356:N/A
TAGS: ENRG, TRGY, KSCA, MX
SUBJECT: VISIT TO INSTITUTE FOR ELECTRICAL RESEARCH (IIE)

1. SUMMARY: EMBASSY SCIENCE COUNSELOR AND SCIENCE ATTACHE VISITED THE INSTITUTE FOR ELECTRICAL RESEARCH (IIE) APRIL 22. EMBASSY REPRESENTATIVES MET WITH HEADS OF IIE RESEARCH DEPARTMENTS AND TOURED MOST OF THE INSTITUTES MAJOR RESEARCH FACILITIES AT ITS MAIN SITE IN CUERNAVACA. IIE IS WELL-EQUIPPED AND FINANCED BY MEXICAN STANDARDS. IIE OFFICIALS EXPRESSED INTEREST IN STRENGTHENING CONTACTS WITH THE U.S. AND REQUESTED ASSISTANCE IN DEALING WITH THE PROCESS FOR GETTING PROJECTS APPROVED BY THE U.S.-GOM MIXED COMMISSION. SPECIFIC ACTION REQUESTED PARAS 11 AND 12. END SUMMARY.

2. EMBASSY SCIENCE COUNSELOR AND SCIENCE ATTACHE

VISITED THE CUERNAVCA HEADQUARTERS OF THE INSTITUTE FOR ELECTRICAL RESEARCH (IIE) ON APRIL 22. EMBASSY REPRESENTATIVES MET WITH IIE DIVISION HEADS AND VISITED

A NUMBER OF FACILITIES AND LABORATORIES.

3. IIE SERVES AS THE RESEARCH ARM OF THE ELECTRICAL INDUSTRY IN MEXICO. THIS INDUSTRY IN MEXICO INCLUDES BOTH THE STATE-OWNED ELECTRIC GENERATING INDUSTRY AND THE PRIVATE ELECTRICAL EQUIPMENT MANUFACTURING INDUSTRY. REPRESENTATIVES OF BOTH GROUPS SIT ON IIE'S BOARD. THE BULK OF IIE'S BUDGET CONTINUES TO COME FROM THE FEDERAL ELECTRICITY COMMISSION (CFE) THROUGH DIRECT FUNDING, BUT AN INCREASING PROPORTION OF THE BUDGET IS NOW OBTAINED THROUGH RESEARCH CONTRACTS FROM CFE OR ELECTRICAL EQUIPMENT MANUFACTURERS. IIE'S BUDGET IS APPROXIMATELY 3 BILLION PESOS (ONE USD EQUALS PESOS 513).

4. TOTAL STAFF AT IIE IS 1200. OF THAT NUMBER, 650 ARE COLLEGE EDUCATED RESEARCHERS. OF THE RESEARCHERS 54 PERCENT ARE ELECTICAL ENGINEERS, 17 PERCENT ARE CHEMISTS OR CHEMICAL ENGINEERS, 9 PERCENT ARE IN THE BASIC SCIENCES. 80 RESEARCHERS RECEIVED SOME PART OF THEIR HIGHER EDUCATION IN THE U.S., 39 IN THE U.K., 13 IN FRANCE, 13 IN CANADA, AND 9 IN LATIN AMERICA. OF THOSE RESEARCHERS THAT RECEIVED THEIR DEGREES FROM MEXICAN INSTITUTIONS, 188 GRADUATED FROM THE AUTONOMOUS UNIVERSITY OF MEXICO (UNAM), 170 FROM THE NATIONAL POLYTECHNIC INSTITUTE, AND 60 FROM THE MONTERREY INSTITUTE OF TECHNOLOGY. AT THE MOMENT, ONLY 10 MEMBERS OF THE INSTITUTE ARE BEING TRAINED IN THE U.S., WHILE 16 ARE TRAINING IN THE U.K. AND 8 ARE IN FRANCE. (ONE REASON FOR THIS IS THE LACK OF PROGRAMS AT THE UNCLASSIFIED

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PAGE 03 MEXICO 10110 01 OF 03 140016Z

GRADUATE LEVEL IN ELECTROMECHANICAL ENGINEERING IN THE U.S.) 80 OF IIE'S RESEARCHERS RECEIVE SUPPLEMENTARY, TAX-FREE SALARY GRANTS FROM THE GOM FOR HIGH QUALITY RESEARCH.

5. IIE'S PRINCIPAL DIVISIONS ARE AS FOLLOWS:

-- ENERGY SOURCES (FOSSIL, NUCLEAR, SOLAR, HYDRO, AND GEOTHERMAL)

-- POWER SYSTEMS (INCLUDING ADVANCED STUDIES ON THE COMBUSTION OF LOWER QUALITY FOSSIL FUELS)

-- EQUIPMENT

-- ENGINEERING STUDIES

-- TRAINING AND COMMUNICATION (INCLUDING COMPUTER SERVICES, EFFORTS TO DISSEMINATE THE LATEST TECHNICAL DEVELOPMENTS TO THE ELECTRICAL INDUSTRY, LIBRARIES, AND TRAINING)

COMPUTER CAPABILITY AND OTHER EQUIPMENT

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6. IIE IS PROBABLY THE BEST-EQUIPPED SCIENTIFIC FACILITY IN MEXICO, ESPECIALLY IN THE AREA OF COMPUTERS. THE INSTITUTE HAS AQUIRED 12 VAX (3 VAX 11/780'S AND 9 VAX 11/730'S) IN THE PAST SIX YEARS. THE INSTITUTE ALSO HAS A LARGE NUMBER OF MINI-VAX'S AND WILL OBTAIN A VAX 8600 NEXT YEAR. AMONG OTHER USES, THE COMPUTERS ARE BEING UTILIZED FOR COMPUTER AIDED DESIGN AND MANUFACTURING.

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PAGE 01 MEXICO 10110 02 OF 03 140016Z
ACTION OES-09

INFO	LOG-00	COPY-01	ADS-00	AID-00	INR-10	SS-00	CIAE-00
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	NSAE-00	COME-00	L-03	TRSE-00	PM-10	EPA-04	OPIC-07
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UNCLAS SECTION 02 OF 03 MEXICO 10110

FOR OES/N; DOE FOR IE
PASS TO NATIONAL SCIENCE FOUNDATION AND NUCLEAR REGULATORY COMMISSION

E.O. 12356:N/A
TAGS: ENRG, TRGY, KSCA, MX
SUBJECT: VISIT TO INSTITUTE FOR ELECTRICAL RESEARCH

7. THE INSTITUTE IS WELL-ENDOWED WITH OTHER ANALYTICAL EQUIPMENT FOR WORK SUCH AS MICROSCOPIC AND SPECTROGRAPHIC ANALYSIS OF MATERIALS AND FOR WORK ON THE COMBUSTION OF LOW-GRADE FUELS IN ELECTRIC GENERATING FACILITIES. FOR EXAMPLE, HIGH SPEED PHOTOGRAPHY AND LASER ANALYSIS IS BEING USED IN CONJUNCTION WITH THE INSTITUTE'S COMBUSTION LAB. THE CUERNAVACA FACILITY ALSO POSSESSES SOPHISTICATED EQUIPMENT FOR SIMULATING HIGH PRESSURES AND TEMPERATURES USEFUL FOR RESEARCH AND DEVELOPMENT IN THE AREA OF GEOTHERMAL ENERGY.

8. COMMENT: THE EQUIPMENT AT IIE MIGHT BE SOMEWHAT UNDERUTILIZED. THIS ESPECIALLY APPEARED TO BE THE CASE
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PAGE 02 MEXICO 10110 02 OF 03 140016Z

WITH THE COMBUSTION LABORATORY AND THE ANALYTIC EQUIPMENT ASSOCIATED WITH IT. END COMMENT.

ACTIVITIES OF INTEREST

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9 AMONG THE ACTIVITIES OF POSSIBLE INTEREST TO USG AGENCIES ARE THE FOLLOWING:

-- COMBUSTION LAB - IIE HAS DONE CONSIDERABLE RESEARCH ON THE EFFICIENT COMBUSTION OF HEAVY GRADE FUELS BASED ON MAYA CRUDE OIL FOR ELECTRICITY GENERATION. RESEARCH ALSO EXTENDS TO THE DESIGN AND ADAPTATION OF EQUIPMENT FOR EFFICIENT BURNING OF SUCH FUELS.

-- GEOTHERMAL ENERGY - MEXICO IS THE THIRD LARGEST GENERATOR OF ELECTRICITY FROM GEOTHERMAL ENERGY IN THE WORLD. IIE IS ACTIVE IN RESEARCH AND DEVELOPMENT OF EQUIPMENT AND PROCESSES USEFUL IN THIS AREA. IIE COOPERATES WITH STANFORD UNIVERSITY AND LAWRENCE BERKELEY LAB IN THESE ACTIVITIES. IIE RESEARCH INCLUDES WORK IN MAPPING AND MAINTAINING GEOTHERMAL RESERVOIRS, ENCRUSTATION, DEVELOPMENT OF CHEMICAL PRODUCTS (POTASSIUM CHLORIDE AND LITHIUM CHLORIDE) FROM BRINE, AND OTHER WORK ON BINARY CYCLE GEOTHERMAL PLANTS.
-- SOLAR ENERGY - IIE CONCENTRATES ON THE DESIGN OF SOLAR RESERVOIRS OR PONDS.

-- NUCLEAR ENERGY - IIE HAS NEARLY COMPLETED THE CONSTRUCTION OF A FULL-SCALE MOCK-UP OF THE LAGUNA VERDE NUCLEAR POWER PLANT'S CONTROL ROOM. LAGUNA VERDE IS A MID-1970'S VINTAGE GE BOILING WATER TYPE PLANT. THE FIRST UNIT OF THE PLANT IS ABOUT ONE YEAR AWAY FROM
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PAGE 03 MEXICO 10110 02 OF 03 140016Z

OPERATION. THE MOCKUP INCLUDES A SOPHISTICATED COMPUTER SIMULATION OF PLANT OPERATION INCLUDING 175 GENERIC AND 500 SPECIFIC MALFUNCTIONS. COMPUTER SIMULATION IS MANAGED BY 2 SEL 6750 UNITS. THE SIMULATOR'S COMPUTER SOFTWARE MODULES (47 IN ALL) ARE ABOUT 50 PERCENT COMPLETE. UPON COMPLETION THE SIMULATOR AND THE CONTROL ROOM MOCK-UP WILL BE DELIVERED TO THE LAGUNA VERDE PLANT FOR OPERATOR TRAINING.

A SPIN-OFF

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10. IIE WORK IN SIMULATORS HAS ATTRACTED MAJOR INTEREST IN MEXICO. IIE HAS ALREADY DELIVERED SIMULATORS FOR CONVENTIONAL POWER PLANTS. THE AIRLINE MEXICANA IS INTERESTED IN PURCHASING A FLIGHT SIMULATOR FOR PILOT TRAINING. AS A RESULT OF THE DEMAND, IIE INTENDS TO SPIN-OFF ITS SIMULATOR DIVISION AND TO CREATE A PRIVATE FIRM DEDICATED TO PRODUCTION OF COMPUTER SIMULATORS.

USG COOPERATION

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11. IIE OFFICIALS EXPRESSED INTEREST IN INCREASED COOPERATION WITH THE U.S. IN SEVERAL AREAS:

A) IIE OFFICIALS ARE CONCERNED ABOUT THE REDUCED NUMBERS OF STUDENTS GOING TO THE U.S. FOR TRAINING IN THE FIELDS OF INTEREST TO IIE. (MOST OF THE DIVISION DIRECTORS HAVE HAD SOME TRAINING IN THE U.S.). THE RELATIVE DEARTH OF SCHOLARSHIPS FOR TECHNICAL EDUCATION WAS NOTED.

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PAGE 01 MEXICO 10110 03 OF 03 140017Z
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UNCLAS SECTION 03 OF 03 MEXICO 10110

FOR OES/N; DOE FOR IE
PASS TO NATIONAL SCIENCE FOUNDATION AND NUCLEAR REGULATORY COMMISSION

E.O. 12356:N/A

TAGS: ENRG, TRGY, KSCA, MX
SUBJECT: VISIT TO INSTITUTE FOR ELECTRICAL RESEARCH

B) INCREASED INTERCHANGES OF SCIENTISTS BETWEEN IIE AND U.S. TECHNICAL INSTITUTIONS WAS ENCOURAGED. IIE, FOR EXAMPLE, HAS NUMEROUS FOREIGN SCIENTISTS AT CUERNAVACA ON LOAN. SCIENTISTS FOR SHORT OR MEDIUM-TERM ASSIGNMENTS FROM U.S. LABS OR OTHER INSTITUTIONS WOULD BE WELCOMED.

C) IIE IS RELATIVELY POORLY CONNECTED TO USG AGENCIES AND POTENTIAL U.S. COOPERATING PARTNERS. (IT IS - ON THE OTHER HAND - WELL CONNECTED TO EPRI AND U.S. UTILITIES.) IN PARTICULAR, IIE COULD USE INFORMATION ON U.S. THE ACTIVITIES IN ITS AREA OF INTEREST ESPECIALLY GOVERNMENT LABS, NATIONAL LABORATORIES, AND UNCLASSIFIED

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PAGE 02 MEXICO 10110 03 OF 03 140017Z

ENERGY TECHNOLOGY CENTERS WITH CONNECTIONS TO DOE.

12. TWO SPECIFIC REQUESTS IN THIS REGARD ARE AS FOLLOWS:

-- IIE GEOTHERMAL DIVISION WOULD LIKE TO OBTAIN THE NAME, ADDRESS AND PHONE NUMBER OF THE INDIVIDUAL IN THE USG WHO IS COORDINATING ACTIVITIES UNDER THE DOE-CFE GEOTHERMAL ENERGY AGREEMENT.

-- THE IIE INTERNATIONAL AFFAIRS DIVISION WOULD APPRECIATE GUIDANCE AND INFORMATION ON HOW IT OBTAINS CONTACTS AND POTENTIAL PARTNERS FOR PROJECTS UNDER THE U.S.-GOM MIXED COMMISSION ON SCIENCE AND TECHNOLOGY. THIS WOULD PROBABLY AMOUNT TO PROVIDING IIE WITH INFORMATION ON THE RESEARCH ACTIVITIES OF U.S. GOVERNMENT AGENCIES IN THE AREA OF ELECTRICITY, ALTERNATIVE ENERGIES, NUCLEAR ENERGY, AND ENGINEERING. (JDETHOMAS) GAVIN

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C O N F I D E N T I A L STATE 159641

E.O. 12356: DECL:OADR
TAGS: CASC: (BLAKE, NICHOLAS) (DAVIS, GRIFFITH)
SUBJECT: W/W: CASE OF NICHOLAS BLAKE AND GRIFFITH DAVIS

REF: GUATEMALA 5976

1. RANDY BLAKE HAS NOT CALLED [redacted] HE WAS DISTRACTED BY CALL FROM [redacted] IN MEXICO CITY WHO REPORTED THAT DURING CONVERSATIONS WITH AN EGP OFFICIAL [redacted] WAS TOLD THE GUERRILLA ORGANIZATION HAD EXECUTED TWO AMERICANS. BECAUSE OF THE CALL, RANDY AND SAM BLAKE HAVE DECIDED TO GO TO MEXICO CITY AND THEN TO MANAGUA. THEY INTENDED TO SPEAK TO EGP OFFICIALS IN MEXICO CITY AND HAVE ALREADY OBTAINED AN APPOINTMENT WITH A HIGH SANDINISTA OFFICIAL IN MANAGUA. THEY BELIEVE THE SANDINISTA'S SUPPORT THE EGP AND THUS HAVE LEVERAGE WITH THE ORGANIZATION.

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2. SAM AND RANDY BLAKE WILL CALL CONOFF GRASTI FOR AN APPOINTMENT TO DISCUSS AND EVALUATE ANY INFO ARISING FROM THE MEETING WITH KNOWLEDGEABLE U.S. OFFICIALS. THEY INTEND TO CONTACT CONOFF MORENO IN MANAGUA FOR THE SAME TYPE OF MEETING.

3. THE BROTHERS ARE READY TO BELIEVE THAT THE GUERRILAS HAVE KILLED NICK BLAKE AND GRIFFITH DAVIS AND HAVE DECIDED THAT THEY WILL FORCE THEM TO DISCLOSE THE LOCATION OF THE REMAINS BY ORCHESTRATING AN ANTI-SANDINISTA PUBLICITY CAMPAIGN.

4. FOR GUATEMALA: THE INFO ABOUT THE SUMALON AREA WAS PASSED TO THE BLAKES BUT THEY ARE NOT PLANNING TO TRAVEL THERE NOW. RANDY BLAKE SAID THAT HE WAS IN TOUCH WITH CATHOLIC MISSIONARIES IN THE AREA AND WOULD BE CALLING THEM FOR INFO AS SOON AS HE COULD LOCATE A TRANSLATOR. SHULTZ

putting all this until later

Ben Sam met w. Omar Cabezas in NY - is to checked w. some E/GP contacts in Managua

CA MODLA HARTY BLAKE DAVIS GUATEMALA

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 06/29/95
Case ID: 95122212

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C O N F I D E N T I A L STATE 164610

E.O. 12356: DECL:OADR
TAGS: CASC: (BLAKE, NICHOLAS) (DAVIS, GRIFFITH)
SUBJECT: W/W: CASE OF NICHOLAS BLAKE AND GRIFFITH DAVIS

REF: STATE 159641

1. SAM BLAKE CALLED TO SAY THE BROTHERS ARE POSTPONING THEIR TRIP BECAUSE OMAR CABESAS, THE NICARAGUAN OFFICIAL WHO HAD OFFERED THEM AN APPOINTMENT, HAS SENT WORD THAT HE WILL BE ON VACATION NEXT WEEK. THEY HOPE TO GO LATE NEXT WEEK INSTEAD AND WILL KEEP THE DEPARTMENT INFORMED.

2. SAME BLAKE WILL CALL [redacted] AND HAS PROMISED TO RELAY HIS IMPRESSIONS OF THE CONVERSATION. HE EXPRESSED REGRET AT THE IMPENDING TRANSFER OF CONOFF LARRY KERR FROM GUATEMALA. SHULTZ

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CA MOUCH HARTY
BLAKE DAVIS
GUATEMALA

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 06/29/95
Case ID: 95122212

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Dept. of State, RPS/IPS, Margaret P. Grafeld, Dir.
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UNCLAS MANAGUA 03469

E.O. 12356: N/A
TAGS: PGOV PROP ASEC, NU
SUBJECT: PRODEMCA CONFERENCE PARTICIPANTS ATTACKED
- BY GON NEWS AGENCY.

REF MANAGUA 3450

1. PRO-GON DAILY EL NUEVO DIARIO (END) HAS JOINED THE OTHER GON - CONTROLLED MEDIA (REFTEL) IN CONDEMNING THE PARTICIPATION OF NICARAGUAN OPPOSITION FIGURES IN A CONFERENCE IN THE US ORGANIZED BY PRODEMCA. END'S MAY 23 FRONT PAGE STORY, BASED ON A NICARAGUAN NEWS AGENCY (ANN) REPORT DATELINED WASHINGTON, FOCUSSED ON THE DINNER COMMENTS OF VIOLETA CHAMORRO AND JAIME CHAMORRO, BOTH OF LA PRENSA. THE FSLN'S BARRICADA ALSO CARRIED THE ANN DISPATCH MAY 23.

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2. END CLAIMED THAT THE CHAMORROS "TRIED TO JUSTIFY IN WASHINGTON THE 100 MILLION DOLLARS REQUESTED BY THE

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PAGE 02 MANAGU 03469 241703Z

REAGAN ADMINISTRATION FOR THE CONTRAS DURING A DINNER SPONSORED BY THE CIA".

ACCORDING TO ANN, THE DINNER WAS PART OF A PLAN BY THE CIA AND ITS AFFILIATE, PRODEMCA, TO INFLUENCE UNDECIDED CONGRESSMEN TO VOTE FOR THE FUNDING. END ALLEGED THAT THE REAGAN ADMINISTRATION HAS USED PRODEMCA AS A MEANS TO CHANNEL FUNDS TO INDIVIDUALS AND GROUPS OPPOSED TO THE NICARAGUAN GOVERNMENT.

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3. ANN REPORTED THAT MRS. CHAMORRO TOLD THOSE PRESENT THAT HER NEWSPAPER "FINDS ITSELF NOW IN THE WORSE SITUATION EVER, AFTER FIGHTING FOR 60 YEARS AGAINST

DICTATORS". "WE ARE FIGHTING TO FREE OURSELVES FROM A REGIONAL DICTATORSHIP OF CUBANS AND SOVIETS", SAID MRS. CHAMORRO. JAIME CHAMORRO REPORTEDLY ADDED THAT THE DAILIES BARRICADA AND EL NUEVO DIARIO ARE "OFFICIAL ORGANS OF THE SANDINISTA FRONT" AND ARE THE ONLY ONES "WITH THE ECONOMIC FREEDOM TO FUNCTION". HE SAID THAT HIS NEWSPAPER HAD RECEIVED ALL TYPES OF THREATS AND THAT HIS HOUSE HAD BEEN STONED AND PAINTED BY "TURBAS".

4. ANN IDENTIFIED GEN. PAUL GORMAN, ROBERT LEIKEN, WAYNE SMITH AND JORGE SOLORZANO AS SOME OF THE "PARTICIPANTS" AT THE DINNER.

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*** Current Handling Restrictions *** n/a
*** Current Classification *** UNCLASSIFIED

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May 23, 1986

CIA HAS NO OBJECTION TO
DECLASSIFICATION AND/OR
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DATE: APR 2002
BY: 0664393

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[redacted]

MEMORANDUM TO VADM JOHN M. POINDEXTER
THE WHITE HOUSE

SUBJECT: Public Diplomacy Plan for Explaining U.S. Central American Policy in Europe and Latin America

The Department submits herewith a public diplomacy plan for explaining U.S. Central American policy to Latin Americans and Europeans. Parts of the plan focus on explaining those same policies to international political organizations such as the Socialist International, the International Democrat Union, and the Christian Democrats.

Nicholas Platt
Executive Secretary

Attachment:
Public Diplomacy Plan

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UNCLAS STATE 167916

E.O. 12356: N/A
TAGS: CASC (BLAKE, NICHOLAS), (DAVIS, GRIFFITH)
SUBJECT: WELFARE/WHEREABOUTS: CASE OF NICHOLAS BLAKE AND GRIFFITH DAVIS

REF: STATE 16410

1. SAM AND RANDY BLAKE MET TODAY WITH MEXICAN EMBASSY OFFICIALS WALTER ASTIE AND SALVADOR JIMINEY IN WASHINGTON. THEY WERE TOLD THAT THE MEXICAN GOVERNMENT HAS NO OFFICIAL RELATIONS WITH THE EGP AND THAT EGP ACTIVITIES IN MEXICO ARE NOT MONITORED BY ANY AGENCY OF THE MEXICAN GOVERNMENT. THEY ARE DISAPPOINTED, SINCE THEY KEEP HOPING THAT SOMEONE IN ONE OF THE CONCERNED GOVERNMENTS MIGHT BE ABLE TO GET INFO ABOUT THE MISSING MEN THROUGH CLANDESTINE MEANS.

2. THEY INTEND TO COME TO MEXICO ON MAY 29 AND WILL BE IN TOUCH WITH USG OFFICERS THAT MORNING. THEY INTEND TO SPEAK TO CONTACTS IN THE PRESS AND THE EGP IN ADDITION TO EMBASSY PERSONNEL.

3. FOR MEXICO: PLEASE ADVISE MANAGUA WHEN THE BLAKES EXPECT TO GO THERE SO EMBASSY OFFICERS CAN BE AVAILABLE TO THEM. ARMACOST

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 06/29/95
Case ID: 9512212

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Chile Project (#S199900030)
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PAGE 01 SANTIA 03326 01 OF 02 291104Z
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UNCLAS SECTION 01 OF 02 SANTIAGO 03326

BRUSSELS FOR LABATT

E.O. 12356: N/A
TAGS: ELAB, CI
SUBJ: ICFTU/ORIT PRESS STATEMENT ON CHILE

REF: (A) SANTIAGO 3000

1. INTERNATIONAL CONFEDERATION OF FREE TRADE UNIONS (ICFTU) SECRETARY GENERAL JOHN VANDERVEKEN, ACCOMPANIED BY ORIT SECRETARY GENERAL LUIS ANDERSON, SPANISH UGT SECRETARY GENERAL NICOLAS REDONDO, CANADIAN LABOR CONGRESS EXECUTIVE VICE PRESIDENT RICHARD MARTIN, CANADIAN LABOR CONGRESS INTERNATIONAL AFFAIRS DIRECTOR RICK JACKSON, AFL-CIO SECRETARY TREASURER TOM DONAHUE, AND AIFLD EXECUTIVE DIRECTOR WILLIAM DOHERTY, JR., MADE A HECTIC TWO-DAY STOP IN CHILE MAY 22-24. FOLLOWING A SERIES OF VISITS WITH LEADERS OF THE NATIONAL WORKERS COMMAND (CNT) AND THE CENTER FOR DEMOCRATIC WORKERS (CDT), PLUS CALLS ON POLITICAL AND CHURCH LEADERS, THE
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PAGE 02 SANTIA 03326 01 OF 02 291104Z

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TEAM ISSUED A PRESS STATEMENT ON MAY 24, PRIOR TO THEIR DEPARTURE FOR BUENOS AIRES. AN INFORMAL TRANSLATION OF . THIS PRESS STATEMENT FOLLOWS:

2. BEGIN QUOTE: PROFOUNDLY AFFECTED BY THE CRITICAL SITUATION OF THE CHILEAN PEOPLE AND WORKERS, THE ICFTU AND ORIT DECIDED TO SEND TO CHILE A MISSION TO EXPRESS THEIR SOLIDARITY AND SUPPORT TO THE TRADE UNION MOVEMENT. AS A RESULT OF THIS VISIT, THE ICFTU AND ORIT MISSION CONSIDER IT THEIR RESPONSIBILITY TO MAKE KNOWN TO CHILEAN PUBLIC OPINION AND TO THE INTERNATIONAL COMMUNITY THE FOLLOWING:

DECLARATION:

WE REITERATE OUR PERMANENT AND ACTIVE SOLIDARITY WITH THE TRADE UNION MOVEMENT AND WITH THE CHILEAN PEOPLE WHO FIGHT TO RECUPERATE THEIR HISTORIC TRADITION OF DEMOCRACY AND LIBERTY.

WE RECOGNIZE WITH ADMIRATION THE HEROIC FORCE OF THE CATHOLIC CHURCH, OF THE SOCIAL ORGANIZATIONS AND OF THE DEMOCRATIC POLITICAL PARTIES TO ESTABLISH COOPERATIVE MEANS TO FIND POLITICAL FORMULAS WHICH WILL PERMIT THE ACHIEVEMENT, IN THE SHORTEST POSSIBLE TIME, OF THE RESTORATION OF DEMOCRACY IN CHILE.

WE SALUTE WITH HOPE THE CONCEPTS OF THE NATIONAL ACCORD AND OF THE CIVIC ASSEMBLY, ORGANS WHICH DEMONSTRATE THE MATURITY OF THE CHILEAN PEOPLE AND WHICH CONSTITUTE FUNDAMENTAL ELEMENTS IN THE FIGHT FOR DEMOCRACY.

WE OBSERVE WITH PREOCCUPATION AND THEREFORE ENERGETICALLY
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PAGE 03 SANTIA 03326 01 OF 02 291104Z

REPUDIATE THE UNJUSTIFIED ATTACKS OF THE MILITARY REGIME AGAINST THE VICARIATE OF SOLIDARITY, AN ORGANIZATION RECOGNIZED WORLD-WIDE FOR ITS UNSELFISH DEDICATION TO THE DEFENSE OF HUMAN RIGHTS. IN THE NAME OF MORE THAN 85 MILLION WORKERS IN THE WORLD, WE DEMAND THE IMMEDIATE LIBERTY OF DOCTOR RAMIRO OLIVARES AND LAWYER GUSTAVO VILLALOBOS, WHO HAVE BEEN MADE VICTIMS OF THE REPRESSION

AND REVANCHISM OF THE CHILEAN MILITARY GOVERNMENT.

WE NOTE THAT THE MISTAKEN FINANCIAL AND ECONOMIC POLICIES OF THE GOVERNMENT OF GENERAL PINOCHET ARE THE PRINCIPAL CAUSE OF THE EXTREME EXTERNAL DEBT AND HAVE RESULTED IN THE ENDEMIC POVERTY OF THE CHILEAN PEOPLE, CHARACTERIZED BY HIGH LEVELS OF UNEMPLOYMENT AND UNDEREMPLOYMENT AND GENERAL MISERY; A SITUATION WHICH HAS IN TURN CAUSED THE EXISTENCE OF SOCIAL DISGRACES SUCH AS THE LACK OF OR THE DISMANTLING OF SCHOOLS AND HOSPITALS, THE MALNUTRITION OF A HIGH PERCENTAGE OF THE POPULATION, AND INFANTILE AND JUVENILE PROSTITUTION.

WE REITERATE OUR CONDEMNATION BEFORE PERTINENT INTERNATIONAL ORGANIZATIONS AND THE WORLD COMMUNITY, FOR THE PERSISTENT AND ABOMINABLE VIOLATIONS OF THE MOST ELEMENTAL HUMAN, POLITICAL, AND SOCIAL RIGHTS OF THE CHILEAN PEOPLE ON THE PART OF THE MILITARY REGIME.

WE NOTE AS REPULSIVE AND INTOLERABLE THE ABSENCE OF TRADE UNION LIBERTIES AND THE VIOLENT REPRESSION WHICH HAS BEEN INSTITUTIONALIZED AGAINST THE PEOPLE, LEADERS AND ACTIVISTS OF THE LABOR MOVEMENT, WHO ONLY WISH TO PEACEFULLY EXERCISE THE RIGHT TO PROTEST, DISSENT, AND TO FIGHT FOR LIBERTY AND JUSTICE.

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PAGE 01 SANTIA 03326 02 OF 02 291105Z

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UNCLAS SECTION 02 OF 02 SANTIAGO 03326

BRUSSELS FOR LABATT

E.O. 12356: N/A
TAGS: ELAB, CI
SUBJ: ICFTU/ORIT PRESS STATEMENT ON CHILE

WE ENDORSE THE CONTINUED CHARGES FORMULATED BY THE CHILEAN TRADE UNION MOVEMENT OVER THE REFUSAL OF THE REGIME TO MEET THE MINIMUM DEMANDS WHICH THEY HAVE PRESENTED. THESE HAVE BEEN RESTRICTED BY THE EXISTENCE AND APPLICATION OF A DEHUMANIZED LABOR LEGISLATION, WHICH IS AGAINST THE INTERESTS OF THE WORKERS AND NEGATES THE CONVENTIONS AND RECOMMENDATIONS OF THE INTERNATIONAL LABOR ORGANIZATION.

FINALLY, IN SAYING GOODBY TO CHILE, WE HAVE THE PROFOUND SADNESS TO HONOR THE MEMORY OF RONALD WILLIAMS WOOD, A YOUNG STUDENT WHOSE LIFE WAS TAKEN IN AN ACTION WHICH IS EVIDENCE OF THE REPRESSION WITH WHICH THE MILITARY REGIME
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PAGE 02 SANTIA 03326 02 OF 02 291105Z

OF GENERAL AUGUSTO PINOCHET ATTEMPTS TO STOP THE LEGITIMATE PROTESTS OF THE CHILEAN PEOPLE.

SANTIAGO DE CHILE 24 MAY 1986. END QUOTE.

3. COMMENT: ACCORDING TO BILL DOHERTY, THE PRESS STATEMENT IS A COMPROMISE BETWEEN THE HARD LINE OF THE CNT LEADERS AND THE MORE PRAGMATIC APPROACH OF THE CDT LEADERS. IT WAS DRAFTED BY LUIS ANDERSON, ASSISTED BY CNT VICE PRESIDENT MANUAL BUSTOS AND CDT SECRETARY GENERAL HERNOL FLORES. THE STATEMENT AND THE PRESS CONFERENCE HELD ON MAY 24, RECEIVED FAIRLY GOOD PRESS COVERAGE IN THE GENERALLY PRO-GOVERNMENT PRESS. BARNES

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FM AMEMBASSY MEXICO
TO AMEMBASSY MANAGUA IMMEDIATE
INFO AMEMBASSY GUATEMALA IMMEDIATE
SECSTATE WASHDC 2939

UNCLAS MEXICO 11468

FOR CA/OCS/EMR

E.O. 12356: N/A
TAGS: CASC: MX (BLAKE, NICHOLAS), (DAVIS, GRIFFITH)
SUBJECT: WELFARE AND WHEREABOUTS: CASE OF NICHOLAS BLAKE AND GRIFFITH DAVIS.

REF: A) STATE 16410; B) STATE 167916.

1. SAM AND RANDY BLAKE AND LUCIAN YOKANA ARE LEAVING MEXICO EITHER FRIDAY MAY 30 OR SATURDAY MAY 31. THEY WOULD LIKE TO MEET WITH EMBASSY OFFICIALS IN MANAGUA MUNDAY JUNE 2 OR TUESDAY JUNE 3.

BUSBY

CA/EX/AC

CA MOORA HARTY
BLAKE DAVIS
GUATEMALA

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 06/29/95
Case ID: 9512212

UNCLASSIFIED

Given by Larry Rosen to the CNI on 6-2-86

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Chile Project (#S199900030)
U.S. Department of State
Release X Excise_____ Deny_____
Declassify: In Part_____ In Full_____
Exemption(s)_____

Boris Weisfeiler

Date of Birth: April 19, 1941
[redacted] Naturalized U.S. citizen
U.S. passport #Z4003331 issued in Spain

Weisfeiler arrived in Santiago on December 24, 1985, on a LAN CHILE flight from New York City. Immediately upon arriving in Santiago he traveled by bus to Los Angeles, ~~a city that lies approximately 300 miles south of the capital~~. The following day he set out from his hotel by public transportation, we believe, in the direction of the foothills of the Andes near a spot called El Salto del Laja. Between December 26, 1984 and January 4, 1985 we have no information about his activities or whereabouts, but must assume that he was backpacking alone and camping out along the route north that he had been taking, along the Nuble river.

The afternoon of January 3, 1985, he encountered two local men who were working as shepherds and who had an encampment south of the confluence of the Nuble and the Sauce rivers. They invited Weisfeiler to share their dinner and to spend the night in their lean-to which he did. The next morning he resumed his journey on foot and later in the day met the brother of one of the shepherds on the trail that follows the Nuble, but they did not speak to each other. According to all official reports, this man was the last person to see Weisfeiler alive.

Nothing further was known about Weisfeiler until January 15, when his backpack was found on the bank of the Nuble river at a point about 1,800 meters downstream from where he encountered the shepherd's brother. That discovery led to a series of searches carried out by the local Carabineros (police), firemen and farmers in addition to searches of the Nuble river by Naval frogmen. In addition, the court in the nearby town of San Carlos opened an official inquiry into the case of Weisfeiler's disappearance and finally concluded that he was most likely dead and that the probable cause of death was drowning. In March 1985, the Court declared the case closed for

Box 1/1
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Boris Weisfeiler

Fecha de Nacimiento: 19 de abril de 1941
Ciudadano de los Estados Unidos de América, Nacionalizado
Pasaporte Estadounidense No. Z4003331 emitido en España

Weisfeiler llegó a Santiago el 24 de diciembre de 1984 a bordo de un vuelo de LAN Chile procedente de la ciudad de Nueva York. A su llegada a Santiago viajó de inmediato por bus a Los Angeles. Al día siguiente partió de su hotel por transporte público, creemos que en dirección a los faldeos de los Andes cerca de un lugar llamado El Salto del Laja. No tenemos información sobre sus actividades o paraderos entre el 26 de diciembre de 1984 y el 4 de enero de 1985, pero debemos suponer que se encontraba "mochileando" solo y acampando por la ruta norte que había tomado, siguiendo el curso del río Ñuble.

En la tarde del 3 de enero de 1985, se encontró con dos hombres de la localidad que trabajaban como pastores y que tenían un campamento al sur de la confluencia de los ríos Ñuble y Sauce. Invitaron a Weisfeiler a compartir su cena y pernoctar en su cobertizo, lo cual él hizo. A la mañana siguiente reanudó su viaje a pié y más tarde durante el mismo día se encontró con el hermano de uno de los pastores en el sendero que sigue el curso del río Ñuble, pero no se hablaron. De acuerdo con todos los informes oficiales, este hombre fué la última persona que vió a Weisfeiler con vida.

Nada más se supo de Weisfeiler hasta el 15 de enero, al encontrarse su mochila en la ribera del río Ñuble en un punto aproximadamente 1.800 metros río abajo de donde se encontró con el hermano del pastor. Este descubrimiento condujo a un serie de búsquedas realizadas por Carabineros de la localidad (policía), bomberos y agricultores, además de búsquedas en el río Ñuble por hombres rana de la Armada. Además, la Corte de la cercana ciudad de San Carlos abrió una investigación oficial sobre el caso de la desaparición de Weisfeiler y finalmente concluyó que lo más probable era que hubiera muerto y que posiblemente su muerte fué causada por inmersión. En marzo de 1985 la Corte declaró cerrado el caso por falta de mayor evidencia.

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Chile Project (#S199900030)
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AMEMBASSY SANTIAGO PRIORITY
INFO USMISSION GENEVA

~~C O N F I D E N T I A L~~ SECTION 01 OF 02 USUN NEW YORK 01570

E.O. 12356: DECL: OADR
TAGS: PHUM, UN, UNHRC, CI, US
SUBJECT: AMBASSADOR BARNES CALLS UPON CHILEAN U.N.
- AMBASSADOR DAZA

1. ~~CONFIDENTIAL~~ - ENTIRE TEXT.

2. U.S. AMBASSADOR TO CHILE HARRY BARNES CALLED UPON CHILE'S AMBASSADOR TO THE U.N. PEDRO DAZA, JUNE 2, AT THE CHILEAN MISSION. CHILEAN MISSION COUNSELLOR PATRICIO DAMM AND U.S. MISSION OFFICER LEWIS AMSELEM ALSO ATTENDED.

3. DAZA ARGUED THAT THE U.N. WAS A LARGELY USELESS ORGANIZATION IN THE FIELD OF HUMAN RIGHTS. HE FELT THAT THE HUMAN RIGHTS ISSUE AT THE U.N. WAS HIGHLY POLITICIZED AND THAT CERTAIN COUNTRIES, SUCH AS CUBA AND THE SOVIET UNION, WHICH CONSTANTLY ATTACKED CHILE HAD NO INTEREST IN PROMOTING RESPECT FOR HUMAN RIGHTS. DAZA SAID THE U.S. AND CHILE HAD TWO PRINCIPAL GOALS IN COMMON: (1) TO IMPROVE THE HUMAN RIGHTS SITUATION IN CHILE, AND (2) TO STRENGTHEN THEIR BILATERAL RELATIONS. HE DOUBTED THAT THE U.N. FORUM SERVED EITHER OF THOSE OBJECTIVES AND

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PAGE 02 USUN N 01570 01 OF 02 032303Z

STRESSED THE IMPORTANCE OF CLOSE BILATERAL CONTACTS.

4. DAZA AGREED THAT THE U.S.-DRAFTED RESOLUTION ADOPTED AT THE LAST SESSION OF THE COMMISSION ON HUMAN RIGHTS (CHR) WAS THE MOST MODERATE AND BALANCED OF ANY PREVIOUSLY ADOPTED BY THE U.N. HE CLAIMED, NEVERTHELESS, THAT THE COMMUNIST COUNTRIES AND CHILE'S NON-DEMOCRATIC OPPOSITION, IGNORING THE RESOLUTION'S TEXT, HAD DEPICTED IT AS A UNIVERSAL CONDEMNATION OF CHILE'S CURRENT GOVERNMENT. SOME PORTRAYED THE U.S. SPONSORSHIP OF THE RESOLUTION AS A SHARP CHANGE IN U.S. POLICY AND ONE AIMED AT "DESTABILIZING" THE PINOCHET GOVERNMENT.

5. AMBASSADOR BARNES SAID THE U.S. HAD ADOPTED THE COURSE IT HAD AT THE CHR AS A RESULT OF THE FRUSTRATIONS ENCOUNTERED IN OUR BILATERAL APPROACHES TO CHILE ON HUMAN RIGHTS AND AS A WAY OF TAKING THE ISSUE AWAY FROM ITS TRADITIONAL SPONSORS. BARNES SAID THE U.S. HAD OUT-MANEUVERED THE COMMUNIST COUNTRIES BY GETTING A U.N. BODY TO ADOPT A MODERATE U.S. RESOLUTION ON CHILE. THE AMBASSADOR STATED THAT THE RESOLUTION GAVE THE U.S. INCREASED INFLUENCE AMONG THE DEMOCRATIC OPPOSITION; HE DISAGREED WITH DAZA'S CONTENTION THAT THE RESOLUTION HAD PLAYED INTO THE HANDS OF THE EXTREME OPPOSITION. BARNES POINTED OUT, HOWEVER, THAT THERE WAS A NEED FOR THE GOC TO SHOW PROGRESS IN HUMAN RIGHTS BEFORE CHILE COMES UP AT THE NEXT U.N. GENERAL ASSEMBLY. HE SAID THAT A NUMBER OF THE RECOMMENDATIONS CONTAINED IN THE REPORT OF THE U.N. SPECIAL RAPPORTEUR ON CHILE, FERNANDO VOLIO, COULD BE CARRIED OUT IMMEDIATELY BY THE GOC; THERE WAS PARTICULAR URGENCY IN DEALING WITH THE CONTINUING REPORTS OF TORTURE IN CHILE. SOMETHING ALSO COULD AND SHOULD BE DONE ABOUT THOSE CHILEANS STILL IN EXILE.
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PAGE 03 USUN N 01570 01 OF 02 032303Z

6. DAZA AGREED THAT TORTURE MUST BE STAMPED OUT. HE SAID HE HAD INSTRUCTIONS TO PASS ALONG TO HIS MFA FOR INVESTIGATION ANY SPECIFIC CASES OF TORTURE BROUGHT TO HIS ATTENTION. THE GOC OPPOSED TORTURE, HE SAID. BARNES URGED THAT THE CHILEAN GOVERNMENT'S STATED OPPOSITION TO TORTURE, INCLUDING RECENT ORDERS AGAINST IT ISSUED BY THE

DEFENSE AND INTERIOR MINISTRIES, BE MORE WIDELY PUBLICIZED AND THAT THE GOVERNMENT ESTABLISH IMPARTIAL MACHINERY FOR THE INVESTIGATION OF REPORTS OF SUCH ABUSES. THIS WOULD PROVIDE PROTECTION BOTH FOR VICTIMS OF TORTURE AND FOR THE GOVERNMENT AGAINST POLITICALLY MOTIVATED EFFORTS TO DISCREDIT THE GOC. DAZA SAID HE WOULD RETURN TO SANTIAGO IN EARLY JULY TO DISCUSS WHAT HIS GOVERNMENT SHOULD DO PRIOR TO THE NEXT G.A.

7. COMMENT: DAZA IS WIDELY REGARDED AS A POLITICAL MODERATE AND A FIRM BELIEVER IN THE NEED FOR CHILE TO RETURN TO DEMOCRATIC WAYS. HE IS AT THE SAME TIME, HOWEVER, VERY MUCH A PROFESSIONAL DIPLOMAT WHO SEES HIS ROLE AT THE U.N. AS ONE OF DEFENDING CHILE'S GOVERNMENT AGAINST THE CRITICISM DIRECTED AGAINST IT. THEREFORE, SOME OF DAZA'S DISAGREEMENT WITH THE APPROACH TAKEN BY THE U.S. AT THE LAST CHR CAN PROBABLY BE ATTRIBUTED TO DAZA'S SPEAKING FOR THE RECORD. DAZA IS CLEARLY WORRIED THAT UNLESS CHILE CAN SHOW PROGRESS IN IMPLEMENTING AT LEAST SOME OF VOLIO'S RECOMMENDATIONS, CHILE'S ISOLATION AT THE U.N. WILL INCREASE. SHOULD THAT HAPPEN, OUR ABILITY TO PRODUCE ANOTHER MODERATE TEXT ON CHILE, FREE OF THE RADICAL FORMULATIONS TRADITIONALLY INTRODUCED BY MEXICO AND CUBA, WILL BE GREATLY DIMINISHED. END COMMENT

8. AMBASSADOR BARNES DID NOT HAVE AN OPPORTUNITY TO CLEAR THIS CABLE.

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PAGE 01 USUN N 01570 02 OF 02 032303Z

ACTION IO-17

INFO LOG-00 COPY-01 ADS-00 INR-10 EUR-00 SS-00 OIC-02
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TO SECSTATE WASHDC PRIORITY 4086
AMEMBASSY SANTIAGO PRIORITY
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~~C O N F I D E N T I A L~~ SECTION 02 OF 02 USUN NEW YORK 01570

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AMEMBASSY MANAGUA IMMEDIATE

C O N F I D E N T I A L MEXICO 11644

DEPT FOR CA/OCS/EMR, ARA

12356: DECL: OADR
TAGS CASE: (BLAKE, NICHOLAS), (DAVIS, GRIFFITH)
SUBJECT: WELFARE/WHEREABOUTS: CASE OF NICHOLAS BLAKE AND GRIFFITH DAVIS

REF: STATE 167916

1. (U) SAM BLAKE, RANDY BLAKE AND LUCIAN YOKANA, A FAMILY FRIEND, MET WITH EMBASSY OFFICIALS THURSDAY, MAY 29, AND WITH THE DCM FRIDAY, MAY 30.

2. (C) THE BLAKES TOLD EMBASSY OFFICIALS THAT THEY WERE NOW CONVINCED THAT THE GUATEMALAN ARMY WAS NOT INVOLVED IN THE DISAPPEARANCE OF NICHOLAS BLAKE AND GRIFFITH DAVIS. THEY WERE PURSUING LEADS THAT THE EGP HAD KILLED THE TWO MISSING PERSONS. THIS LEAD IS BASED ON A COMMENT MADE TO [redacted] IN MEXICO BY A CONTACT [redacted] WITH THE EGP. B6
THIS INFORMATION WAS ALSO CORROBERATED BY WESTERN JOURNALISTS IN GUATEMALA. THE BLAKES DISCUSSED THEIR EFFORTS TO SECURE INFORMATION ABOUT THEIR BROTHER AND TALKED ABOUT A PLANNED MEETING WITH A HIGH RANKING EGP MEMBER KNOWN TO THEM ONLY AS [redacted] B6

3. (C) THE BLAKES WERE PLANNING TO MEET WITH [redacted] B6
IN MEXICO CITY THE EVENING OF MAY 30. CONTACT WAS MADE WITH MORALES THROUGH SOME ANTHROPOLOGISTS WORKING IN THE GUATEMALA HIGHLANDS. MARK FAZLOLLAH, A STRINGER FOR THE WASHINGTON POST WHO HAD TRAVELLED WITH THE GUATEMALAN TROOPS WAS SCHEDULED TO ATTEND THIS MEETING. THE MEETING, HOWEVER, DID NOT TAKE PLACE. THE BLAKES WERE ALSO ATTEMPTING TO SET UP A MEETING IN MANAGUA WITH OMAR CABEZAS, BELIEVED TO BE CLOSELY ASSOCIATED WITH THE EGP.

4. (C) THE BLAKES ASKED THE DCM IF HE WOULD CONTACT THE MEXICAN AUTHORITIES TO ASK THEM TO APPLY SUBTLE PRESSURE ON THE EGP IN MEXICO TO EITHER CONFIRM THE DEATHS OF BLAKE AND DAVIS AND RELEASE THE REMAINS, OR PROVIDE INFORMATION AS TO WHERE THE REMAINS ARE LOCATED, OR THE WHEREABOUTS OF BLAKE AND DAVIS ON THE OFF-CHANCE THAT THEY ARE STILL ALIVE.

5. (C) THE BLAKE BROTHERS FEEL AT THIS POINT THAT BOTH NICHOLAS BLAKE AND GRIFFITH DAVIS ARE DEAD. (DRAFTED BY CCCS: BYETT) BUSBY

Blake/Davis

CA - Maura Harty
Blake Davis

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 06/29/95
Case ID: 95122212

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DEPT FOR CA/OCS/EMR, ARA

12356: DECL:OADR
TAGS CASE: (BLAKE, NICHOLAS), (DAVIS, GRIFFITH)
SUBJECT: WELFARE/WHEREABOUTS: CASE OF NICHOLAS BLAKE AND GRIFFITH DAVIS

Guatemala
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#327224
Blake/Davis

REF: STATE 167916

1. (U) SAM BLAKE, RANDY BLAKE AND LUCIAN YOKANA, A FAMILY FRIEND, MET WITH EMBASSY OFFICIALS THURSDAY, MAY 29, AND WITH THE DCM FRIDAY, MAY 30.

2. (C) THE BLAKES TOLD EMBASSY OFFICIALS THAT THEY WERE NOW CONVINCED THAT THE GUATEMALAN ARMY WAS NOT INVOLVED IN THE DISAPPEARANCE OF NICHOLAS BLAKE AND GRIFFITH DAVIS. THEY WERE PURSUING LEADS THAT THE EGP HAD KILLED THE TWO MISSING PERSONS. THIS LEAD IS BASED ON A COMMENT MADE TO [redacted] IN MEXICO BY A CONTACT OF HIS WITH THE EGP. B6
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3. (C) THE BLAKES WERE PLANNING TO MEET WITH MORALES IN MEXICO CITY THE EVENING OF MAY 30. CONTACT WAS MADE WITH MORALES THROUGH SOME ANTHROPOLOGISTS WORKING IN THE GUATEMALA HIGHLANDS. [redacted] A B6
STRINGER FOR THE WASHINGTON POST WHO HAD TRAVELLED WITH THE GUATEMALAN TROOPS WAS SCHEDULED TO ATTEND THIS MEETING. THE MEETING, HOWEVER, DID NOT TAKE PLACE. THE BLAKES WERE ALSO ATTEMPTING TO SET UP A MEETING IN MANAGUA WITH OMAR CABEZAS, BELIEVED TO BE CLOSELY ASSOCIATED WITH THE EGP.

4. (C) THE BLAKES ASKED THE DCM IF HE WOULD CONTACT THE MEXICAN AUTHORITIES TO ASK THEM TO APPLY SUBTLE PRESSURE ON THE EGP IN MEXICO TO EITHER CONFIRM THE DEATHS OF BLAKE AND DAVIS AND RELEASE THE REMAINS, OR PROVIDE INFORMATION AS TO WHERE THE REMAINS ARE LOCATED, OR THE WHEREABOUTS OF BLAKE AND DAVIS ON THE OFF-CHANCE THAT THEY ARE STILL ALIVE.

United States Department of State
Office of FOI, Privacy, & Classification Revie
Review Authority: MOSKOWITZ, SAM
Date: 06/29/95
Case ID: 95122213

5. (C) THE BLAKE BROTHERS FEEL AT THIS POINT THAT BOTH NICHOLAS BLAKE AND GRIFFITH DAVIS ARE DEAD. (DRAFTED BY CCCS:PYETT) BUSBY
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C O N F I D E N T I A L MEXICO 011544

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APPROVED BY: HA: RSCHIFTER
HA: JMONTGOMERY EUR/NE: KRESSLER
ARA/SC: JSWIGERT HA/HR: DWAKE
ARA/CEN: R. GODDARD HA/MLP: T. WILLIAMS
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INFO AMEMBASSY CARACAS
AMEMBASSY BOGOTA
AMEMBASSY BRUSSELS
AMEMBASSY MEXICO
AMEMBASSY PANAMA
AMCONSUL STRASBOURG
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PAGE 02 STATE 182035

C O N F I D E N T I A L STATE 182035

BRUSSELS FOR USEC, CAPE TOWN FOR EMBASSY

E.O. 12356: DECL: OADR
TAGS: PHUM, CI, XK, NL
SUBJECT: HUMAN RIGHTS: BILATERAL DISCUSSIONS WITH THE NETHERLANDS

REF: (A) STATE 175897; (B) STATE 175231; (C) THE HAGUE 03981

1. CONFIDENTIAL - ENTIRE TEXT.

2. THE HA BUREAU CONTINUED ITS BILATERAL CONSULTATIONS ON SELECTED HUMAN RIGHTS ISSUES IN A MAY 29 MEETING WITH THE DCM OF THE EMBASSY OF THE NETHERLANDS, GERHARD J. VAN HATTUM. OUR SIDE WAS REPRESENTED BY HA A/S RICHARD SCHIFTER, HA OFFICERS LEO MOSER, DOUGLAS WAKE, AND STANLEY IFSHIN (NOTETAKER), AND EUR/NE KIRK RESSLER.

3. WE COVERED THE SAME GROUND AND IN MUCH THE SAME MANNER AS IN REF B.

4. MR. VAN HATTUM HAD A LISTENING BRIEF, BUT, BECAUSE OF HIS PREVIOUS SERVICE AS THE NETHERLANDS AMBASSADOR TO CHILE, WAS QUITE FORTHCOMING WITH REGARD TO CHILE. VAN HATTUM LED OFF BY NOTING THAT HUMAN RIGHTS IN CHILE HAS NOT SHOWN MUCH IMPROVEMENT, AND "WE" HAVE THE IMPRESSION

NOTHING MUCH WILL CHANGE UNTIL PINOCHET HAS LEFT. AS 1989 APPROACHES, THE QUESTION IS "DOES HE INTEND TO
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PAGE 03 STATE 182035

LEAVE." HE ADDED THAT THE U.S. HOLDS THE KEY POSITION, AND PRESSURE FROM THE UNITED STATES COULD ALTER THE SITUATION DRAMATICALLY FOR THE GOOD. AMBASSADOR SCHIFTER RESPONDED THAT WE HAVE BOTH PUBLICLY AND PRIVATELY STATED THAT WE WISH TO SEE A PEACEFUL TRANSITION TO DEMOCRACY, AND THAT WE CONSIDERED DIALOGUE WITH THE DEMOCRATIC OPPOSITION INTRINSIC TO THAT PROCESS. WITH THAT END IN

MIND, WE ARE CURRENTLY PROMOTING BETTER COMMUNICATION BETWEEN CONSERVATIVE BUSINESS CIRCLES AND THE DEMOCRATIC OPPOSITION. SCHIFTER NOTED THAT WE ALSO ARE URGING THE DEMOCRATIC OPPOSITION TO ESCHEW COOPERATION WITH THE COMMUNISTS. IT WOULD BE HELPFUL, SCHIFTER TOLD VAN HATTUM, IF OTHERS COULD CAUTION THE DEMOCRATIC OPPOSITION OF THE NEGATIVE IMPACT ON THE MILITARY OF PERCEIVED COLLABORATION.

5. VAN HATTUM OBSERVED THAT HUMAN RIGHTS ARE "THE CORNERSTONE OF THE NETHERLANDS' FOREIGN POLICY," AND THE GOVERNMENT TRIES TO KEEP HUMAN RIGHTS CONCERNS FROM DAMAGING OTHER FOREIGN POLICY CONSIDERATIONS. HE POINTED OUT THAT WHEN HE WAS AMBASSADOR TO CHILE, HE HAD STANDING INSTRUCTIONS NOT TO PROMOTE NETHERLANDS-CHILE COMMERCIAL RELATIONS WHICH OTHERWISE MIGHT INTERFERE WITH THE NETHERLANDS' HUMAN RIGHTS CONCERNS IN CHILE.

6. CONCERNING EL SALVADOR

NR

SHULTZ

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part X In Full ____
Exemption(s) NR

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PAGE 01 STATE 181535
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APPROVED:HA:RSCHIFTER
HA:JMONTGOMERY
HA/MLP:TWILLIAMS
EUR/NE:SMCGANN
ARA/SC:JSWIGERT
ARA/CEN:RGODDARD
AF/RA:BALLEN
HA/HR:RRACKMALES

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AMEMBASSY BUJUMBURA
AMCONSUL CAPE TOWN
AMEMBASSY GUATEMALA
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AMEMBASSY SAN JOSE
AMEMBASSY SAN SALVADOR
AMEMBASSY SANTIAGO
AMEMBASSY TEGUCIGALPA
AMEMBASSY THE HAGUE
INFO AMEMBASSY CARACAS
AMEMBASSY BOGOTA
AMEMBASSY MEXICO
CONFIDENTIAL

PAGE 02 STATE 181535

AMEMBASSY PANAMA
AMCONSUL STRASBOURG

C O N F I D E N T I A L STATE 181535

BRUSSELS ALSO FOR USEC, CAPE TOWN FOR EMBASSY

C O R R E C T E D C O P Y (ADDRESSEE)

E.O. 12356: DECL: OADR
TAGS: PHUM, BE, CI, ET, BY, SF
SUBJECT: HUMAN RIGHTS - BILATERAL CONSULTATIONS WITH BELGIUM

REF: (A) STATE 175897
(B) STATE 175231; (C) STATE 154645

1. CONFIDENTIAL - ENTIRE TEXT.

2. SUMMARY: HA CONTINUED ITS BILATERAL DISCUSSIONS IN MEETING WITH BELGIUM. WE COVERED MOST OF THE SAME TOPICS AS IN EARLIER MEETINGS (REF B). THE BELGIAN SIDE MADE CLEAR THE IMPORTANCE THEY PUT ON COORDINATING WITH THE EC TWELVE, ALTHOUGH NOTING THAT BELGIUM DID PRESERVE FREEDOM OF ACTION. FOREIGN MINISTER TINDEMANS RELATIONSHIP WITH PRESIDENT DUARTE HAS BEEN IMPORTANT IN SHAPING BELGIUM'S POLICY TOWARD EL SALVADOR. END SUMMARY.

3. HA BUREAU CONTINUED ITS SERIES OF BILATERAL DISCUSSIONS IN A JUNE 6 MEETING WITH MR. ALEXIS REYN, MINISTER-COUNSELOR OF THE BELGIAN EMBASSY IN WASHINGTON. OUR SIDE WAS REPRESENTED BY HA A/S RICHARD SCHIFTER, HA DAS JAMES MONTGOMERY, HA/MLP: TOM WILLIAMS, EUR/ NE: CONFIDENTIAL

PAGE 03 STATE 181535

STEVE MCGANN, AND HA/MLP: STAN IFSHIN (NOTETAKER).

4. OUR PRESENTATION COVERED MANY OF THE SAME POINTS REPORTED IN REF C, INCLUDING CHILE, EL SALVADOR, CUBA, ETHIOPIA, SOUTH AFRICA, AND THE PROBLEM OF THE SEVENTH DAY ADVENTISTS IN BURUNDI.

5. WITH REFERENCE TO CHILE, AMBASSADOR SCHIFTER EXPLAINED THAT AT NEXT SESSION OF THE UNGA WE WOULD CONSIDER INTRODUCING A RESOLUTION ON CHILE SIMILAR TO THE RESOLUTION WHICH HAD PASSED THE UNHRC, AND SAID WE ARE INTERESTED IN EUROPEAN IDEAS ON THIS. ASSISTANT SECRETARY SCHIFTER NOTED THAT GOC HAD FOR THE FIRST TIME PERMITTED VISIT OF A SPECIAL RAPPORTEUR, NAMELY FERNANDO VOLIO (COSTA RICA). THERE ARE ELEMENTS IN GOC WHO WANT

TO MAKE PROGRESS IN HUMAN RIGHTS AREA BUT GOC WILL REJECT "EXTREMIST" APPROACHES. VOTING FOR RESOLUTIONS WHICH CHALLENGE GOC LEGITIMACY, AS EUROPEAN COUNTRIES HAVE DONE, DESTROYS CREDIBILITY. EUROPEAN SUPPORT FOR A PRACTICAL, PRODUCTIVE APPROACH COULD, HOWEVER, BE VERY HELPFUL WITH GOC. IF THERE ARE IMPROVEMENTS IN CHILE'S HUMAN RIGHTS POSTURE WE WOULD BE WILLING TO TAKE NOTE OF THEM IN OUR RESOLUTION. MR. REYN ASKED ABOUT LIKELY CHILEAN REACTION TO SUCH EFFORTS. AMBASSADOR SCHIFTER EXPLAINED THAT THE CHILEAN RESPONSE, EXPECTED IN THE NEAR FUTURE, TO UNHRC SPECIAL RAPPORTEUR VOLIO'S REPORT WOULD BE AN IMPORTANT FACTOR IN JUDGING THE EXTENT TO WHICH THE CHILEAN GOVERNMENT IS WILLING TO IMPROVE ITS HUMAN RIGHTS PERFORMANCE IN RESPONSE TO THE RAPPORTEUR'S EFFORTS.

6. AMBASSADOR SCHIFTER ALSO POINTED OUT THAT, IF WE CRITICIZE CHILE, SIMILARLY WE SHOULD CONDEMN CUBA WHICH FOR MORE THAN TWENTY-FIVE YEARS HAS BEEN GETTING AWAY WITH WORSE PRACTICES. IN FACT, ONE REASON CUBA HAS ESCAPED CLOSER SCRUTINY IS BECAUSE THE INTERNATIONAL PRESS HAS RELATIVELY OPEN ACCESS TO, FOR EXAMPLE, SANTIAGO, BUT CONFIDENTIAL

PAGE 04 STATE 181535

FINDS HAVANA CLOSED. JUST RECENTLY, HE CONTINUED, THE CUBANS HUSTLED OUT TWO AMERICAN JOURNALISTS FOR CONTACTING PEOPLE THE CUBAN AUTHORITIES DIDN'T WANT CONTACTED.

7. ON EL SALVADOR

NR

NR

8. DURING THE DISCUSSION OF ETHIOPIA,

NR

9. WITH REGARD TO SOUTH AFRICA,

NR

10. ON RELIGIOUS INTOLERANCE IN BURUNDI

[redacted] NR

[redacted] SHULTZ

CONFIDENTIAL

<< END OF DOCUMENT >>

E456

UNCLASSIFIED

CASC 2.4 Blake

RELEASE

DRAFT

CA/OCS/EMR:RTSMITH:JL

6/11/86 EXT 75225

CA/OCS/EMR:TRANDALL

ARA/CEN:NHARMS

ARA/CEN:JCASON

ARA/MEX:PKLINE

IMMEDIATE MEXICO, MANAGUA IMMEDIATE

IMMEDIATE GUATEMALA

TR

N/A

RTS

CASC: (BLAKE, NICHOLAS), (DAVIS, GRIFFITH)

NH

PK

JC

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 06/29/95
Case ID: 95122213

UNCLASSIFIED

89D241,10091 CASC 2.4

WELFARE/WHEREABOUTS: CASE OF NICHOLAS BLAKE AND GRIFFITH DAVIS

REF: MEXICO

1. SAM BLAKE CALLED THE DEPARTMENT JUNE 9 TO REPORT ON THE RESULTS OF THE TRIP HE AND HIS BROTHER TOOK TO MEXICO. HE SAID THEY MET WITH JOURNALISTS, AMERICAN EMBASSY OFFICIALS, EGP REPRESENTATIVES, AND A FIRST SECRETARY FROM THE EMBASSY OF NICARAGUA. HE BELIEVES THEY HAVE STRONG CIRCUMSTANTIAL EVIDENCE THAT THE EGP IS RESPONSIBLE FOR THEIR BROTHER'S DISAPPEARANCE. AS REPORTED REFTEL, THEY WISH TO REQUEST ASSISTANCE FROM THE EGP AND ANYONE WHO MAY HAVE INFLUENCE OVER THE GROUP. IF, AFTER A CERTAIN TIME, THE ASSISTANCE IS NOT FORTHCOMING, THE BROTHERS PLAN TO ORCHESTRATE A PUBLIC CAMPAIGN AGAINST THE GROUP AND ITS SUPPORTERS.

2. THE BLAKES EXPRESSED GRATITUDE FOR THE LEVEL OF INTEREST SHOWED BY AMEMBASSY MEXICO. THEY WERE PARTICULARLY IMPRESSED BY CONOFF KEN GRASTI. THEY ~~EXPRESSED~~ APOLOGIZED TO AMEMBASSY MANAGUA FOR THEIR FAILURE TO APPEAR, BUT THE MEETING BETWEEN RANDY BLAKE

AND THE NICARAGUAN EMBASSY WAS MARKED BY ACRIMONY AND THEY HAVE ABANDONED PLANS TO PERSONALLY PURSUE THE CASE WITH NICARAGUAN OFFICIALS FOR THE TIME BEING.

3. BECAUSE NICK BLAKE DEALT DIRECTLY WITH THE SANDINISTA GOVERNMENT IN ORDER TO GET ACCESS TO THE EGP, THE BROTHERS ARE CONVINCED THERE IS AN OPEN, OFFICIAL RELATIONSHIP BETWEEN THAT GOVERNMENT AND THE INSURGENTS IN GUATEMALA. THEY HAVE ASKED THE U.S. EMBASSY IN MANAGUA TO APPROACH FOREIGN MINISTRY OFFICIALS THERE ONCE AGAIN ABOUT THE CASE. DEPARTMENT REQUESTS THAT POST ASK APPROPRIATE NICARAGUAN OFFICIALS WHETHER THEY WOULD BE ABLE TO INTERCEDE WITH CONTACTS IN GUATEMALA AND LEARN WHAT BECAME OF NICHOLAS BLAKE AND GRIFFITH DAVIS. PLEASE ADVISE THE DEPARTMENT OF THE ANSWER. SAM AND RANDY BLAKE PLAN TO BASE FUTURE ACTIVITIES ON BEHALF OF THEIR BROTHER ON THE RESPONSE. YY

Norma - I'd prefer a note; if the brothers suspicions have any basis in fact. Advise me. Ramsey

Case 2.4 Blake

UNCLASSIFIED

Department of State

RELEASED OUTGOING TELEGRAM

E458

PAGE 01 STATE 188491 7554 ARA6491
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INFO FILE-01 PPC-01 MX-03 DCEN-01 REG-01 GT-02 NU-02
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INFO LOG-00 ADS-00 ARA-00 CA-02 /008 R

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ARA/CEN: NHARMS ARA/MEX: PKLINE
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CA/OCS/EMR: JHADAMS CA/OCS: TADTHARP
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TO AMEMBASSY MEXICO IMMEDIATE
AMEMBASSY MANAGUA IMMEDIATE
INFO AMEMBASSY GUATEMALA IMMEDIATE

UNCLAS STATE 188491

E.O. 12356: N/A
TAGS: CASC: (BLAKE, NICHOLAS), (DAVIS, GRIFFITH)
SUBJECT: WELFARE/WHEREABOUTS: CASE OF NICHOLAS BLAKE AND GRIFFITH DAVIS

REF: MEXICO

1. SAM BLAKE CALLED THE DEPARTMENT JUNE 9 TO REPORT ON THE RESULTS OF THE TRIP HE AND HIS BROTHER TOOK TO MEXICO. HE SAID THEY MET WITH JOURNALISTS, AMERICAN EMBASSY OFFICIALS, EGP REPRESENTITIVES, AND A FIRST SECRETARY FROM THE EMBASSY OF NICARAGUA. HE BELIEVES THEY HAVE STRONG CIRCUMSTANTIAL EVIDENCE THAT THE EGP IS RESPONSIBLE FOR THEIR BROTHER'S DISAPPEARANCE. AS REPORTED REFTEL, THEY WISH TO REQUEST ASSISTANCE FROM THE EGP AND ANYONE WHO MAY HAVE INFLUENCE OVER THE GROUP. IF, AFTER A CERTAIN TIME, THE ASSISTANCE IS NOT FORTHCOMING, THE BROTHERS PLAN TO ORCHESTRATE A PUBLIC CAMPAIGN AGAINST THE GROUP, AND ITS SUPPORTERS.

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AND THE NICARAGUAN EMBASSY WAS MARKED BY ACRIMONY AND THEY HAVE ABANDONED PLANS TO PERSONALLY PURSUE THE CASE WITH NICARAGUAN OFFICIALS FOR THE TIME BEING.

3. BECAUSE NICK BLAKE DEALT DIRECTLY WITH THE SANDINISTA GOVERNMENT IN ORDER TO GET ACCESS TO THE EGP, THE BROTHERS ARE CONVINCED THERE IS AN OPEN, OFFICIAL RELATIONSHIP BETWEEN THAT GOVERNMENT AND THE INSURGENTS IN GUATEMALA. THEY HAVE ASKED THE U.S. EMBASSY IN MANAGUA TO APPROACH FOREIGN MINISTRY OFFICIALS THERE ONCE AGAIN ABOUT THE CASE. DEPARTMENT REQUESTS THAT POST ASK APPROPRIATE NICARAGUAN OFFICIALS WHETHER THEY WOULD BE ABLE TO INTERCEDE WITH CONTACTSIN GUATEMALA AND LEARN WHAT BECAME OF NICHOLAS BLAKE AND GRIFFITH DAVIS. PLEASE ADVISE THE DEPARTMENT OF THE ANSWER. SAM AND RANDY BLAKE PLAN TO BASE FUTURE ACTIVITIES ON BEHALF OF THEIR BROTHER ON THE RESPONSE. SHULTZ

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 06/29/95
Case ID: 95122213

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89D241, 10091, Box 24

MORI DocID: 756961

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June 16, 1986

Executive Registry
86- 3723x/4

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DATE: APR 2002
BY: 0664393

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NSC DOC

MEMORANDUM FOR NICHOLAS PLATT
Executive Secretary
Department of State

JAMES F. LEMON
Executive Secretary
Department of Defense

RICHARD MEYER
Executive Secretary
Agency for International Development

RONALD J. POST
Acting Chief of the Executive Secretariat
U.S. Information Agency

SUBJECT: Public Diplomacy Plan for Central America (U)

The NSC Staff approves the Public Diplomacy Plan submitted by the Department of State on this subject. We note that there has been considerable progress in the realization of our public diplomacy goals concerning Central America among European audiences. We must, however, continue to emphasize our comprehensive policy towards Central America at the same time that we focus on the specific question of Nicaragua. (C)

There is a need to maintain this as a high priority of our missions Europe and Latin America. The opposition is engaged in an intensive propaganda effort to sustain their point of view in these areas, and our activity must be at a high level to gain support for our policies. In addition to the continued provision of important materials to the field missions, we must keep up a flow of speakers to the target areas. We must also seek to utilize, as much as possible, Central American spokesmen to speak on their own behalf in Latin America and Europe. Posts in Europe and Latin America should find ways to encourage locals to travel to Central America to gain on-the-ground knowledge of what is happening. (C)

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The limited reorganization of the SLPD function should in no way suggest any dimunition of effort. (C)

The NSC requests a status report of activities undertaken to implement the action plan by August 31, 1986. (U)

Rodney B. McDaniel
Executive Secretary

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PAGE 01 MEXICO 12935 192135Z UNCLASSIFIED

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ACTION OES-09

INFO LOG-00 COPY-01 ADS-00 INR-10 SS-00 CIAE-00 EB-08
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EPA-01 ACDA-12 SP-02 NRC-02 SNP-01 /077 W
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DEPARTMENT OF STATE IM/TPS/CP/IR Date: 4-1-98
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PASS TO NRC FOR A. GORE

E.O. 12356: DECL:OADR
TAGS: TRGY, KSCA, MX
SUBJECT: READOUT ON NUCLEAR AND NUCLEAR SAFETY ISSUES

1. (C) DURING A CONVERSATION ON OTHER ISSUES, MIGUEL MEDINA THE HEAD OF THE MEXICAN COMMISSION ON NUCLEAR SAFETY AND SECURITY (CNSNS) MADE THE FOLLOWING POINTS OF INTEREST TO U.S. AGENCIES:

-- THE GOM IS BEING PRESSURED BY ENVIRONMENTAL GROUPS CONCERNING THE LAGUNA VERDE NUCLEAR POWER PLANT. THE GROUPS ARE TRYING TO GET THE GOM TO CONVERT THE PLANT TO BURN GAS OR COAL.

-- CNSNS IS NOT PERMITTED TO RESPOND IN THE PRESS TO THE CHARGES OF ENVIRONMENTAL GROUPS.

-- FUEL LOADING AT UNIT ONE AT LAGUNA VERDE IS SCHEDULED FOR JAN. 1987. ALTHOUGH THIS WILL NOT BE STATED PUBLICLY, THE TESTING PHASE FOR THE REACTOR WILL PROBABLY EXTEND LONGER THAN THE SCHEDULED EIGHT MONTHS BECAUSE A LARGE NUMBER OF SYSTEMS HAVE NOT YET

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PAGE 02 MEXICO 12935 192135Z

BEEN TESTED.

-- ANOTHER IAEA SAFETY TEAM WILL VISIT THE REACTOR

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FOLLOWING FUEL LOADING.

--CNSNS HAS FINALLY HAD ITS BUDGET FOR THE YEAR RELEASED, BUT HAS NOT YET RECEIVED FORMAL CLEARANCE TO SPEND FUNDS TO PURCHASE EQUIPMENT OR FACILITIES.

-- CNSNS, WORKING WITH UNIVERSITIES AND THE SECRETARIAT OF URBAN DEVELOPMENT AND ECOLOGY (SEDUE) WILL CONSTRUCT A RADIATION MONITORING NETWORK ALONG THE U.S.-MEXICO FRONTIER AREA.

-- CNSNS' AGREEMENTS WITH NRC ARE STALLED IN THE NORTH AMERICAN AFFAIRS DIVISION OF THE SECRETARIAT OF FOREIGN RELATIONS.

2. (U) JULIAN SANCHEZ OF THE NUCLEAR SAFETY DIVISION OF CNSNS ALSO NOTED THAT NRC HAD SENT COPIES OF CERTAIN NUREG'S TO THE EMBASSY FOR TRANSMITTAL TO THE CNSNS. EMBASSY HAS NOT YET RECEIVED THE NUREGS.

3. (U) MEDINA AND SANCHEZ EXPRESSED INTEREST IN AN NRC-BROOKHAVEN NATIONAL LABORATORY REACTOR SIMULATION CODE PROJECT. THEY ASKED IF CNSNS COULD PARTICIPATE IN THE PROJECT WHICH APPARENTLY SIMULATES REACTOR RESPONSES TEN TIMES FASTER THAN REAL TIME.
(DETHOMAS) BUSBY

[redacted]

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*** Current Handling Restrictions *** n/a
*** Current Classification *** [redacted]

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E-9

PAGE 01 MEXICO 13207 01 OF 04 232225Z
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INFO	LOG-00	COPY-01	ADS-00	AID-00	INR-10	SS-00	CIAE-00
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INFO ALL USCONS MEXICO POUCH

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UNCLAS SECTION 01 OF 04 MEXICO 13207

E.O. 12356: N/A
TAGS: ENRG, MX
SUBJECT: EMBASSY REPORTING PLAN: ELECTRICAL SECTOR

REF: 85 MEXICO 8359

1. SUMMARY: MEXICO'S NATIONAL ENERGY PLAN SETS OUT THE COUNTRY'S GOALS AND ASPIRATIONS FOR THE ELECTRICITY GENERATING SECTOR. IT EXPRESSES THE DESIRE TO DIVERSIFY SOURCES AWAY FROM THE SECTOR'S HEAVY DEPENDENCE ON HYDROCARBONS (OIL AND GAS). ALTERNATIVE ENERGY SOURCES, HOWEVER, ARE NOT PROMISING AND TEND TO BE MUCH MORE EXPENSIVE. FOR MANY YEARS NOW THE FEDERAL ELECTRICITY COMMISSION (CFE), WHICH PRODUCES AND SELLS ALL COMMERCIAL ELECTRICITY, HAS SOLD ELECTRICITY AT PRICES WELL BELOW COSTS. A HUGE DEBT HAS RESULTED. THE GOM NOW IS ADDRESSING THIS ISSUE AND HAS SET A HIGH PRIORITY ON PUTTING CFE ON A SOUND FINANCIAL BASE. SINCE 1982 ELECTRICITY RATES HAVE INCREASED SUBSTANTIALLY ALTHOUGH NOT ALL SUBSIDIES HAVE BEEN REMOVED. THE COUNTRY'S MAJOR SOURCES OF ELECTRICITY IN 1985 ARE HYDROCARBONS (62
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PAGE 02 MEXICO 13207 01 OF 04 232225Z

PERCENT), WATER (31 PERCENT), GEOTHERMAL (2 PERCENT) AND COAL (4 PERCENT). THE MAJOR USERS OF ELECTRICITY WERE INDUSTRY (57 PERCENT), DOMESTIC/RESIDENTIAL (20 PERCENT),

COMMERCIAL/SERVICE SECTORS (16 PERCENT) AND AGRICULTURE (7 PERCENT). END SUMMARY.

2. THE NATIONAL ENERGY PLAN (NEP) FOR MEXICO CALLS FOR DIVERSIFICATION OF THE COUNTRY'S ENERGY RESOURCES. ALTHOUGH IT IS WIDELY RECOGNIZED THAT MEXICO WOULD LIKE TO MOVE AWAY FROM ITS DEPENDENCE ON HYDROCARBONS AS THE PRINCIPAL SOURCE OF ENERGY, THE ENERGY PLAN PUTS IT MORE OBLIQUELY. THE NEP WANTS TO ACHIEVE GREATER COORDINATION AMONG THE ENTITIES IN THE ENERGY SECTOR WHICH WILL GUARANTEE THE BEST COMBINATION OF PRIMARY SOURCES AND ENSURES A LONG TERM SUPPLY AT THE LOWEST COST. OTHER POINTS INCLUDE INCREASING THE NATIONAL CAPACITY FOR THE DESIGN AND CONSTRUCTION OF POWER PLANTS BASED ON ALTERNATIVE SOURCES, TO SPUR THE DEVELOPMENT OF THERMOELECTRIC FACILITIES THAT CAN OPERATE ON ALTERNATIVE FUELS AND TO ESTABLISH REALISTIC PRICING. THE ALTERNATIVE SOURCES FOR ELECTRICAL ENERGY ARE HYDROENERGY, COAL, NUCLEAR POWER AND GEOTHERMAL. NON-CONVENTIONAL SOURCES SUCH AS SOLAR, WIND AND BIOMASS ARE TO BE ENCOURAGED ALONG WITH THE POSSIBILITIES FOR COGENERATION.

3. A MAJOR PROBLEM RE DIVERSIFICATION AWAY FROM HYDROCARBONS IN THE GENERATION OF ELECTRICITY IS THAT HYDROCARBONS REMAIN ABUNDANT AND COMPARATIVELY LESS EXPENSIVE. THE ALTERNATIVE SOURCES SUFFER FROM HIGHER COST AND REGIONAL VARIATIONS. ABUNDANT WATER, FOR INSTANCE, IS IN THE SOUTHERN PORTION OF THE COUNTRY WHERE MOST OF THE HYDROENERGY OPPORTUNITIES HAVE BEEN DEVELOPED
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PAGE 03 MEXICO 13207 01 OF 04 232225Z

BUT ARE FAR FROM THE AREAS WHERE DEMAND IS STRONGEST. GEOTHERMAL PROSPECTS LAY MOSTLY IN THE NORTHWESTERN AREA WHICH HAS NOT YET BEEN TIED INTO THE NATIONAL GRID. COAL IS IN LIMITED QUANTITIES AND NOT THE BEST QUALITY FOR GENERATING ELECTRICITY. MEXICO IS CONSIDERING THE POSSIBILITY OF IMPORTING COAL; NO CONTRACTS HAVE YET BEEN SIGNED. NUCLEAR POWER IS ENORMOUSLY EXPENSIVE TO INSTALL. THE ORIGINAL PLAN CALLED FOR ABOUT $463 PER KILOWATT HOUR; THIS FIGURE IS NOW ABOUT $2,300. MEXICO HAS TWO UNITS UNDER CONSTRUCTION AT LAGUNA VERDE. FUEL LOADING IS SCHEDULED FOR UNIT ONE IN DECEMBER 1986, WITH FULL COMMERCIAL OPERATION LIKELY BEFORE DECEMBER 1987. UNIT TWO IS ABOUT 50 PERCENT COMPLETE AND CERTAINLY WILL

NOT BE IN COMMERCIAL OPERATION BY 1988. LAGUNA VERDE HAS BEEN THE TARGET OF POST CHERNOBYL PRESSURE FROM ENVIRONMENTAL GROUPS, BUT IT APPEARS LIKELY THAT THE FIRST OF THE TWO REACTORS WILL OPERATE IN THIS DECADE. UNIT TWO'S FUTURE IS MORE CLOUDY.

-

4. CURRENTLY ABOUT 25,000 LOCALITIES AND OVER 55 MILLION PEOPLE IN MEXICO HAVE ACCESS TO ELECTRICITY. THE GOAL FOR 1988 IS 30,000 LOCALITIES AND 65 MILLION PEOPLE. STILL BY 1990 A LARGE NUMBER OF AREAS AND PEOPLE WILL NOT HAVE ELECTRICITY. THIS PROSPECT REINFORCES THE NEED TO SUPPORT OPTIONS OF NON-CONVENTIONAL SOURCES. ONCE AGAIN, HOWEVER, MEXICO IS FACED WITH LIMITED FINANCIAL RESOURCES AND IT IS DIFFICULT TO FORESEE FROM WHERE THE INVESTMENT FUNDS CAN COME.

-

5. IN FACT, ONE OF THE MOST SERIOUS PROBLEMS FACED BY FEDERAL ELECTRICITY COMMISSION (CFE) TODAY IS FINANCIAL. PRIOR TO THE 1965-66 PERIOD CFE'S REVENUES COVERED ITS COSTS AND PROVIDED SOME FUNDS FOR INVESTMENTS. SOME EXTERNAL CREDITS ALSO WERE AVAILABLE FROM THE WORLD BANK, THE EXPORT-IMPORT BANK AND FROM SUPPLIERS. SINCE

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PAGE 01 MEXICO 13207 02 OF 04 232226Z
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TO SECSTATE WASHDC 3814
INFO ALL USCONS MEXICO POUCH

UNCLAS SECTION 02 OF 04 MEXICO 13207

E.O. 12356: N/A
TAGS: ENRG, MX
SUBJECT: EMBASSY REPORTING PLAN: ELECTRICAL SECTOR

THIS TIME, HOWEVER, THE ONSET OF ECONOMIC DIFFICULTIES AND CHANGES IN THE GOM FINANCE POLICIES, HAVE PUT CFE IN THE RED. SUBSIDIES DURING THIS TIME WERE MADE EXPLICIT BY THE GOVERNMENT TO SUPPORT INDUSTRIAL DEVELOPMENT AND PROVIDE CHEAP ELECTRICITY FOR RESIDENTIAL AND COMMERCIAL USES.

-

6. THE NEP RECOGNIZED THAT LOW ENERGY PRICES HAVE LED TO INEFFICIENT AND WASTEFUL CONSUMPTION PATTERNS. IN ADDITION, CFE HAS BUILT UP A LARGE "DEBT" FROM ITS OPERATING DEFICIT. THE PRESIDENT RECOGNIZED THIS FACT IN 1984 WHEN HE SAID THAT PUTTING CFE ON A SOUND FINANCIAL BASIS WAS ONE OF THE GOVERNMENT'S MAJOR DOMESTIC PRIORITIES. IN FACT THE GOVERNMENT MOVED IN JANUARY 1985 TO RESTRUCTURE ELECTRIC RATES SO THAT LARGE USERS PAY MORE. CFE HAS NOT YET ACHIEVED FULL COST RECOVERY IN ITS PRICES BUT MOVEMENT IS BEING MADE IN THAT DIRECTION. CURRENTLY, PRICES COVER ABOUT 90 PERCENT OF COSTS BUT BY UNCLASSIFIED

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PAGE 02 MEXICO 13207 02 OF 04 232226Z

THE END OF THIS YEAR, THE TARGET IS TO ACHIEVE 100 PERCENT. A MAJOR IMPROVEMENT IN CFE'S FINANCIAL POSITION WOULD BE REALIZED IF THE FEDERAL GOVERNMENT ABSORBED ITS DOMESTIC DEBT. TO DATE ABOUT 5 PERCENT OF CFE'S INTERNAL DEBT HAS BEEN RESTRUCTURED, BUT MORE NEEDS TO BE DONE.

-

7. THE MAJOR SOURCES OF ELECTRICAL POWER IN MEXICO IN 1985 WERE THERMAL FROM HYDROCARBON FUELS (62 PERCENT) HYDRO PROJECTS (31 PERCENT), GEOTHERMAL FIELDS (1 PERCENT) AND COAL FIRED (4 PERCENT). THE FIGURES FOR 1984 WERE 61 PERCENT, 34 PERCENT, 1 PERCENT, AND 3 PERCENT, RESPECTIVELY. SIX YEARS AGO THE FIGURES WERE 64 PERCENT, 35 PERCENT, AND 0.5 PERCENT FROM GEOTHERMAL; THERE WERE NO PLANTS USING COAL. AS THE FIGURES SHOW LITTLE PROGRESS HAS BEEN MADE IN DIVERSIFYING THE SOURCES OF ELECTRICAL POWER ALTHOUGH THE TREND IS IN THE DESIRED DIRECTION. IN 1985 THE INSTALLED OPERATING CAPACITY WAS 19,984 MW. THIS FIGURE REACH 20,806 MW IN 1985. CFE REPORTS THAT THE ANNUAL GROWTH RATE FOR ELECTRICITY USE IS ABOUT 6-1/2 PERCENT OF WHICH 1 PERCENT IS FOR EXPORT.

-

8. THE INCREASE IN INSTALLED CAPACITY OF 4 PERCENT FROM 1984 TO 1985 WAS ACCOUNTED FOR BY THE ADDITION OF A GEOTHERMAL UNIT AT CERRO PRIETO AND STEAM PLANTS AT EL SAUZ, PUNTA PRIETA, LIBERTAD AND CIUDAD JUAREZ. UNITS

WHICH HAD BEEN PLANNED FOR 1985 NOW WITH COMPLETION DATES IN 1986 WERE STEAM PLANTS AT TULA (2 UNITS) AND SAN LUIS POTOSI, A COAL UNIT AT RIO ESCONDIDO, AND A GEOTHERMAL UNIT AT CERRO PRIETO. CURRENT PLANS FOR 1986 CALL FOR THE INSTALLATION OF 14 PLANTS ADDING ABOUT 2,303 MW TO THE NATIONAL CAPACITY. A SHORTAGE OF INVESTMENT FUNDS PROBABLY WILL BE TRANSLATED INTO "STRETCHED OUT" PROJECTS. AS WE SAW 1985 PROJECT SLIP INTO 1986 SO WE UNCLASSIFIED

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PAGE 03 MEXICO 13207 02 OF 04 232226Z

CAN SOME EXPECT 1986 PROJECTS TO SLIP INTO 1987 AND SO FORTH. CFE WILL STRIVE TO JUST MEET INCREASED DEMAND BUT WE SUSPECT THAT IN FACT MEXICO WILL FALL BEHIND IN THIS EFFORT.

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9. IN 1985, THE MAJOR USERS OF ELECTRICAL WERE INDUSTRY (57 PERCENT), RESIDENTIAL (20 PERCENT), COMMERCIAL/SERVICE SECTORS (16 PERCENT) AND AGRICULTURE (7 PERCENT). THESE FIGURES IN 1984 WERE 57 PERCENT, 20 PERCENT, 17 PERCENT, AND 7 PERCENT; THERE WAS NO SIGNIFICANT CHANGE FROM 1984 TO 1985. THE FOLLOWING IS A TABLE OF ELECTRICITY SALES FOR THE YEARS 1979-85:

-

-- ELECTRIC SALES
-- (GIGAWATT - HOUR) (1)

-

-

--	1979	1980	1981	1982
RESIDENTIAL	9			
210 10 038	11 511	12 979		
COMMERCIAL	5 202	5 630	6 062	6 442
INDUSTRIAL	27 521	28 744	31 731	33 254
OTHERS	7 264	7 889	8 040	9 250
TOTAL	49 197	52 301	57 044	61 457
ELECTRICITY GENERATION	58 070	61 868	67 868	73 225

-

-

-

--	1983	1984	1985	1986
RESIDENTIAL	12 979	13 411	14 285	
COMMERCIAL	6 275	6 448	6 725	
INDUSTRIAL	34 299	37 471	40 115	

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PAGE 01 MEXICO 13207 03 OF 04 232226Z
ACTION EB-08

INFO	LOG-00	COPY-01	ADS-00	AID-00	INR-10	SS-00	CIAE-00
	DINT-05	DODE-00	H-01	ARA-00	NSAE-00	COME-00	L-03
	TRSE-00	PM-10	OPIC-07	CEA-01	OMB-01	STR-20	FRB-01
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R 232218Z JUN 86
FM AMEMBASSY MEXICO
TO SECSTATE WASHDC 3815
INFO ALL USCONS MEXICO POUCH

UNCLAS SECTION 03 OF 04 MEXICO 13207

E.O. 12356: N/A
TAGS: ENRG, MX
SUBJECT: EMBASSY REPORTING PLAN: ELECTRICAL SECTOR

OTHERS	8 664	8 903	9 489	
TOTAL	62 217	66 233	70 614	N.A.
ELECTRICITY GENERATION	74 831	79 507	85 374	N.A.

-
-
N.A. NOT AVAILABLE
(1) ONE GIGAWATT HOUR ONE MILLION WATS PER HOUR
-
-
10. MEXICO HAS HAD MODEST ELECTRICAL EXCHANGE PROGRAMS

NOW FOR SOME YEARS ACROSS THE BORDER AT TEXAS AND CALIFORNIA. THESE ARRANGEMENTS WERE MADE FOR CONVENIENCE UNTIL MEXICO BEGAN TO DEVELOP ITS GEOTHERMAL FACILITIES AT CERRO PRIETO NEAR THE CITY OF MEXICALI. THE FEDERAL ELECTRIC COMMISSION (CFE) NOW HAS AN AGREEMENT WITH SAN DIEGO GAS AND ELECTRIC (SDGE) AND SOUTHERN CALIFORNIA EDISON (SCE) TO SELL ELECTRICITY. PRIOR TO 1985, MEXICO
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WAS SELLING ONLY SURPLUS ELECTRICITY ACROSS THE BORDER, MAKING MEXICO AN OVERALL NET EXPORTER. THE FOLLOWING IS A TABLE OF IMPORTS, EXPORTS AND EXCHANGES OF ELECTRICITY FOR THE YEARS 1975-85: (GIGAWATT HOURS)

YEAR	IMPORTS	EXPORTS	EXCHANGES (1)
1975	352	0	-5
1976	279	14	14
1977	54	15	36
1978	54	7	23
1979	48	0	-31
1980	615	104	111
1981	336	48	46
1982	9	6	-6
1983	5	81	88
1984	5	90	118
1985	72	114	-9

(1) EXCHANGES ARE PAID FOR "IN KIND."
AFTER THE SETBACK RESULTING FROM AN EXPLOSION AND FIRE AT THE CERRO PRIETO GEOTHERMAL FACILITIES IN JANUARY 1985, CFE RECOVERED SOMEWHAT ITS EXPORT CAPABILITY SO THAT BY THE END OF THIS YEAR ALL EXPORT CAPACITY SHOULD BE IN PLACE. EXPORTS OF ELECTRICITY SHOULD EARN THE COUNTRY SOME $70-80 MILLION THIS YEAR.

11. SINCE DECEMBER 1982, MEXICO HAS MOVED TOWARD MORE REALISTIC PRICES FOR ENERGY UNITS. (SEE TABLE IV BELOW FOR PRICE HISTORY 1974-85). IN JANUARY 1985, SUBSTANTIAL INCREASES WERE MADE IN ELECTRICITY RATES. THE AVERAGE INCREASE WAS 18 PERCENT BUT DOMESTIC USERS EXCEEDING 50 KILOWATT HOURS PER MONTH WILL BE CHARGED AT A HIGHER
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PAGE 03 MEXICO 13207 03 OF 04 232226Z

RATE. RATE INCREASES IN 1984 WERE 35 PERCENT. THE 1985 RATE INCREASES, HOWEVER, PROVIDED FOR A 2.5 PERCENT PER MONTH INCREASE EACH MONTH AFTER FEBRUARY EXCEPT FOR AGRICULTURAL USERS. THE NEW RATES ARE EXPECTED TO MOVE CFE AWAY FROM THE OVER 200 BILLION PESO (CURRENT RATE OF EXCHANGE IS 630 PESOS TO THE DOLLAR) PER YEAR SUBSIDY BILL AND PROVIDE FUNDS FOR INVESTMENTS DURING 1986. THESE NEW RATES SHOULD MOVE THE SYSTEM TO WITHIN ABOUT 90 PERCENT OF ITS COSTS. SOME FACILITIES SUCH AS THE CERRO PRIETO GEOTHERMAL PLANTS EXPECT TO REALIZE INCOME IN EXCESS OF COSTS. AT SOME POINT YET TO BE DETERMINED THE SLIDING SCALE OF RATE INCREASES WILL PUT CFE OUT OF THE SUBSIDY BUSINESS ALTOGETHER, EXCEPT FOR ELECTRICITY TO WATER PUMPING UNITS FOR IRRIGATION. THESE LATTER RATES CFE OFFICIALS ANTICIPATE WILL BE KEPT WELL BELOW COSTS AS A FORM OF GOVERNMENT AID TO AGRICULTURE. A POSSIBLE HITCH IN THIS PLAN IS THE VERY HIGH INFLATION RATE BEING RECORDED, PERHAPS OVER 100 PERCENT IN 1986.

-- TABLE IV
-- PRICES FOR ELECTRICITY
-- 1974 - 1985
-- (AVERAGE PRICES PAID BY THE USER)
-- (PESOS KWH)

YEAR	RESIDENTIAL	COMMERCIAL	INDUSTRIAL	SERVICE SECTOR	AGRICULTURE	TOTAL
1974	0.58	0.57	0.25	0.15	0.17	0.34
1975	0.60	0.63	0.28	0.17	0.14	0.36
1976	0.67	0.76	0.34	0.24	0.15	0.43
1977	0.83	0.94	0.51	0.63	0.27	0.61
1978	0.84	0.95	0.53	0.64	0.24	0.62
1979	0.98	1.12	0.62	0.70	0.20	0.72
1980	1.18	1.43	0.83	0.85	0.20	0.92

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PAGE 01 MEXICO 13207 04 OF 04 232227Z
ACTION EB-08

INFO	LOG-00	COPY-01	ADS-00	AID-00	INR-10	SS-00	CIAE-00
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	TRSE-00	PM-10	OPIC-07	CEA-01	OMB-01	STR-20	FRB-01
	OES-09	ACDA-12	JUS-01	USIE-00	SP-02	DOEE-00	SNP-01
	PRS-01	/094 W					

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FM AMEMBASSY MEXICO
TO SECSTATE WASHDC 3816
INFO ALL USCONS MEXICO POUCH

UNCLAS SECTION 04 OF 04 MEXICO 13207

E.O. 12356: N/A
TAGS: ENRG, MX
SUBJECT: EMBASSY REPORTING PLAN: ELECTRICAL SECTOR

1981	1.45	1.74	0.99	0.98	0.19	1.11
1982	1.95	2.43	1.41	1.28	0.22	1.53
1983	4.21	5.19	3.45	3.37	0.42	3.57
1984	6.92	9.25	5.65	5.40	1.12	5.94
1985 1/	8.17	10.92	6.67	6.37	1.12	6.65

-

1/ PRICE INCREASES ALSO INCLUDE PROVISION FOR INCREASES AT 2 1/2 PERCENT PER MONTH BEGINNING IN FEBRUARY EXCEPT FOR THE PRICE LEVEL.

-

12. CFE IS AIDED IN ITS EFFORTS BY THE MEXICAN ELECTRICAL RESEARCH INSTITUTE (IIE) WHICH IS A RESEARCH ARM OF THE GOVERNMENT. ALTHOUGH TECHNICALLY AUTONOMOUS, THE IIE RECEIVES ITS BUDGET THROUGH THE CFE. OTHER FUNDS ARE EARNED THROUGH CONSULTING SERVICES AND ROYALTIES. THE IIE HOLDS SOME PATENTS AND LICENSES MANUFACTURERS.

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13. IMPORT SUBSTITUTION IS AN IMPORTANT ITEM IN CFE'S
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PAGE 02 MEXICO 13207 04 OF 04 232227Z

PLANS AS IT IS IN THE ENERGY SECTOR AT LARGE. MEXICO IS FAIRLY SELF-SUFFICIENT IN CERTAIN SMALLER ITEMS BUT IS AT A COMPARATIVE DISADVANTAGE FOR THE LARGER TRANSFORMER/GENERATOR ITEMS. NEVERTHELESS, THERE IS AN ACTIVE EFFORT TO ENCOURAGE LOCAL PRODUCTION. AND ALONG THESE LINES THE GOVERNMENT HAS STEPPED UP ITS EFFORTS TO COORDINATE AMONG THE VARIOUS ENERGY ENTITIES IN THE SECTOR TO FOSTER A WIDER BASE FOR PROCUREMENT. SOME CFE OFFICIALS BELIEVE THAT MORE EFFORT IS NEEDED IN THIS AREA, ESPECIALLY IN STANDARDIZED SPECIFICATIONS FOR SUCH ITEMS AS MOTORS AND OTHER MACHINERY AND EQUIPMENT.

-

14. THE ELECTRIC ENERGY SECTOR IS MAKING PROGRESS TOWARD FINANCIAL VIABILITY. THE CURRENT ADMINISTRATION SEEMS DETERMINED TO MAKE HEADWAY AGAINST DEFICITS AND HAS TAKEN HARD DECISIONS ON PRICING ISSUES. BUT THIS IS A LARGE PROBLEM AND THE EFFORTS WILL HAVE TO BE SUSTAINED OVER A LONG PERIOD.

-

15. A SUCCESSFUL DIVERSIFICATION EFFORT REMAINS PROBLEMATICAL. ALTERNATIVE FORMS OF ENERGY ARE EXPENSIVE AND PROGRESS WILL BE SLOW. THE INITIAL EFFORT WILL FOCUS ON ENERGY SAVINGS EFFORTS TO HELP ADJUST THE ENERGY BALANCE.

-

16. SO FAR IN 1986 THE OUTLOOK FOR SUFFICIENT RAINS TO STOCK HYDROELECTRIC RESERVOIRS AT LEAST IN THE SOUTH IS GOOD. THE DROP IN NATURAL GAS PRODUCTION HAS INCREASED THE DEMAND FOR FUEL OIL TO FIRE THE THERMAL PLANTS. NO COAL IMPORTS ARE IN THE PLANS FOR 1986. WHILE SOME INCREASED PRODUCTION IS EXPECTED FROM THE GEOTHERMAL FIELDS, WE SEE LITTLE CHANGE IN THE SOURCE OR USE PATTERNS FOR ELECTRICAL ENERGY IN 1986.
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PAGE 03 MEXICO 13207 04 OF 04 232227Z

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PAGE 01 MANAGU 04240 261713Z
ACTION OCS-06

INFO LOG-00 ADS-00 ARA-00 AMAD-01 CA-02 /009 W
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FM AMEMBASSY MANAGUA
TO SECSTATE WASHDC 1265
INFO AMEMBASSY GUATEMALA
AMEMBASSY MEXICO

LIMITED OFFICIAL USE MANAGUA 04240

E.O. 12356: N/A
TAGS: CASC, NU (BLAKE, NICHOLAS) (DAVIS, GRIFFITH)
SUBJECT: W/W NICHOLAS BLAKE AND GRIFFITH DAVIS

United States Department of State
Office of FOI, Privacy, & Classification Revi
Review Authority: MOSKOWITZ, SAM
Date: 06/29/95
Case ID: 95122213

REF: STATE 188491 AND PREVIOUS

1. ON JUNE 25 CONSUL GENERAL RELATED TO ASSISTANT TO GON'S DIRECTOR OF CONSULAR AFFAIRS A SUMMARY ACCOUNT OF BLAKE'S INTERVIEWS IN MEXICO CITY, INCLUDING HIS MEETING WITH A FIRST SECRETARY OF THE NICARAGUAN EMBASSY, AND ASKED IF SOMEONE IN GON MIGHT BE ABLE TO ASSIST IN MAKING THE CONTACT BLAKE SEEKS. ASSISTANT UNHESITATINGLY SAID NO, ALTHOUGH HE ADDED THAT HE WOULD ATTEMPT TO GET AN ACCOUNT OF WHAT HAPPENED IN BLAKE'S MEETING WITH NICARAGUAN EMBASSY OFFICER IN MEXICO.

2. COMMENT: WE ARE UNAWARE OF ANY PUBLIC OFFICIAL ACKNOWLEDGEMENT BY THE GON OF LINKS WITH THE EGP AND THINK IT HIGHLY UNLIKELY THE GON WILL OFFER BLAKE ANY ASSISTANCE. END COMMENT. BERGOLD

CA MAURA HARTY
BLAKE DAVIS
GUATEMALA

Mrs. B informed - Sam Rudy could not be reached 6/27/86

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CONFIDENTIAL
n/a
Case Number: S199900030

F, NR

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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part X In Full ____
Exemption(s) NR

PAGE 01 STATE 203503
ORIGIN HA-09

INFO LOG-00 COPY-01 ADS-00 EUR-00 AF-00 MMO-01 ARA-00
EAP-00 SIG-03 /014 R

DRAFTED BY: HA/MLP:SRIFSHIN:JM
APPROVED BY: HA: RSCHIFTER
HA/MLP:TEWILLIAMS EUR/NE: RCHRISTENSON
HA: JMMONTGOMERY ARA/SC: JSWIGERT
AF/RA: BALLEN ARA/CEN: PFITZGERALD
HA/HR: RRACKMALES

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TO ALL OECD CAPITALS
AMEMBASSY ADDIS ABABA
AMEMBASSY ASUNCION
AMCONSUL CAPE TOWN
AMEMBASSY GUATEMALA
AMEMBASSY MANAGUA
AMEMBASSY SAN JOSE
AMEMBASSY SAN SALVADOR
AMEMBASSY SANTIAGO
AMEMBASSY TEGUCIGALPA
INFO AMEMBASSY CANBERRA
AMEMBASSY CARACAS
AMEMBASSY BOGOTA
AMEMBASSY DUBLIN
JSINT HAVANA
AMEMBASSY MEXICO
AMEMBASSY PANAMA
AMEMBASSY STOCKHOLM
AMCONSUL STRASBOURG
AMEMBASSY TOKYO
AMEMBASSY HELSINKI
AMEMBASSY WELLINGTON
AMEMBASSY VIENNA
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PAGE 02 STATE 203503

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C O N F I D E N T I A L STATE 203503

BRUSSELS ALSO FOR USEC, CAPE TOWN FOR EMBASSY

E.O. 12356: DECL:OADR
TAGS: PHUM, NO, CI, ET, SF, XK
SUBJECT: HUMAN RIGHTS: BILATERAL CONSULTATIONS WITH NORWAY

REF: STATE 191757 (NOTAL)

UNCLASSIFIED

1. CONFIDENTIAL, ENTIRE TEXT.

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2. HA CONTINUED ITS BILATERAL HUMAN RIGHTS DISCUSSIONS IN MEETING WITH NORWAY. NORWAY HAD VERY MUCH A LISTENING BRIEF, OCCASIONALLY ASKING CLARIFYING QUESTIONS. NORWAY DID NOTE ITS CONCERN WITH THE LACK OF CIVILIAN CONTROL IN EL SALVADOR AND GUATEMALA, AND RAISED A QUESTION REGARDING THE HOPI-NAVAJO LAND DISPUTE IN ARIZONA. END SUMMARY.

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5. WITH REGARDS TO CHILE, AMBASSADOR SCHIFTER STRESSED THE NEED TO ACHIEVE A PEACEFUL TRANSITION TO DEMOCRATIC

GOVERNMENT. OUR POLICY IS TO SUPPORT DIALOGUE BETWEEN THE GOVERNMENT AND ALL THOSE ELEMENTS, FROM RIGHT OF CENTER TO LEFT OF CENTER, WHO ARE INTERESTED IN DEMOCRACY. EFFORTS BY SOME ELEMENTS OF THE DEMOCRATIC OPPOSITION TO FORM TACTICAL ALLIANCES WITH THE COMMUNISTS ARE LIKELY TO STRENGTHEN THE HAND OF HARDLINERS WITHIN THE MILITARY AND THUS ARE COUNTERPRODUCTIVE. WE HAVE NO ASSURANCE OF SUCCESS FOR OUR POLICY BUT ARE DETERMINED TO CONTINUE PRESSING IT, ESPECIALLY WITH THE MILITARY. AMBASSADOR SCHIFTER NOTED THAT WE ARE DISTURBED BY SUCH TENDENCIES AS USE OF EXCESSIVE FORCE IN SUPPRESSING DISSENT, POLICE SWEEPS IN URBAN AREAS, AND THE CAMPAIGN AGAINST THE VICARIATE OF SOLIDARITY. HE OBSERVED THAT WE RECOGNIZE THAT CHILE HAS A TERRORISM PROBLEM WITH WHICH IT MUST COPE, BUT THAT WE BELIEVE IT MUST DO SO UNDER THE RULE OF LAW. FINALLY, HE POINTED TO OUR INITIATIVE IN THE UN HUMAN RIGHTS COMMISSION, AND SAID THAT WE ARE CONSIDERING SPONSORING A SIMILAR RESOLUTION AT THE UNGA AND WOULD WELCOME THE COMMENTS AND SUPPORT OF OUR WESTERN EUROPEAN FRIENDS.

6. ELIASSEN OBSERVED THAT PINOCHET HAS SAID HE WILL STAY IN POWER UNTIL 1989 -- COULD THERE BE A PEACEFUL TRANSITION WITH PINOCHET IN POWER? AMBASSADOR SCHIFTER RESPONDED THAT WE RECOGNIZE PINOCHET AS A HARDLINER. THE QUESTION IS WHETHER OTHER ELEMENTS IN THE MILITARY WILL CONCLUDE IT IS IN EVERYONE'S BEST INTEREST TO PROCEED WITH A PEACEFUL TRANSITION AND WHETHER THEY CAN PERSUADE PINOCHET TO ACCEPT THAT VIEW.

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PAGE 01 MEXICO 13692 302200Z
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DEPARTMENT OF STATE — IPS/SCA — Date: 4-1-98
(X) RELEASE (X) DECLASSIFY
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TS authority
FOIA Exemptions
PA Exemptions
( ) CLASSIFY as ( ) S or ( ) C Sec.
( ) DOWNGRADE TS to ( ) S or ( ) C

[redacted] MEXICO 13692

E.O. 12356: DECL:OADR
TAGS: TRGY, PARM, KNNP, PTER, KSCA, MX
SUBJECT: NUCLEAR MATERIALS TRANSPORTATION (C-G16-51654)

REF: STATE 204953

1. [redacted] - ENTIRE TEXT.

2. SHIPMENT OF NUCLEAR FUEL CYCLE MATERIALS IS A RARE EVENT IN MEXICO. WE ARE UNAWARE OF ANY SHIPMENT OF SIGNIFICANT QUANTITIES OF PLUTONIUM OR MIXED OXIDE FUEL AND DO NOT HAVE ANY INFORMATION THAT SUCH MATERIALS EXIST IN MEXICO EXCEPT IN QUANTITIES SUITABLE FOR LABORATORY STANDARDS. MEXICO HAS NOT RECEIVED A SHIPMENT OF HIGHLY ENRICHED URANIUM IN THIS DECADE TO OUR KNOWLEDGE. MEXICO'S POWER REACTORS HAVE NOT YET OPERATED SO THAT NO LARGE QUANTITIES OF SPENT FUEL HAVE YET BEEN PRODUCED HERE. THE ONLY SPENT FUEL WOULD BE FROM THE TRIGA RESEARCH REACTOR AT THE INSTITUTE FOR NUCLEAR RESEARCH (ININ). THIS SPENT FUEL WOULD BE LOW IN PLUTONIUM CONTENT. MOREOVER, MOST - IF NOT ALL - OF THE REACTOR'S FUEL SUPPLY IS STILL BEING USED AT ININ.

3. WITH REGARD TO THE SHIPMENT OF NUCLEAR MATERIALS IN GENERAL, THE GOM IS NOT A PARTY TO THE CONVENTION ON [redacted]

[redacted]

PAGE 02 MEXICO 13692 302200Z

THE PHYSICAL PROTECTION OF NUCLEAR MATERIAL. HOWEVER, THE GOM DOES APPLY THE STANDARDS FOR PHYSICAL SECURITY PROVIDED BY THE INTERNATIONAL ATOMIC ENERGY AGENCY.

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IN ADDITION, THE RELEVANT GOM AGENCIES ARE WELL ACQUAINTED WITH THE PROVISIONS OF THE U.S. CODE OF FEDERAL REGULATIONS FOR THE SHIPMENT OF NUCLEAR MATERIAL.

4. THE GOM AGENCIES INVOLVED IN SHIPMENT'S OF NUCLEAR MATERIAL ARE THE NATIONAL COMMISSION FOR NUCLEAR SAFETY AND SAFEGUARDS (CNSNS) WHICH IS THE MEXICAN COUNTERPART TO THE USNRC AND IS IN CHARGE OF SUCH SHIPMENTS, THE SECRETARIAT OF ENERGY AND PARASTATAL INDUSTRIES (SEMIP), WHOSE U.S. COUNTERPART WOULD BE DOE, ELEMENTS OF THE MEXICAN MILITARY, AND RELEVANT FEDERAL POLICE AGENCIES AND THE SECRETARIAT OF COMMUNICATIONS AND TRANSPORTS. FOR THE HIGHWAY SHIPMENT OF NUCLEAR MATERIALS, FOR EXAMPLE, ESCORT BY THE FEDERAL HIGHWAY POLICE IS PROVIDED. THE MEXICAN MARINES OR ARMY ARE OFTEN TASKED WITH THE PHYSICAL SECURITY OF NUCLEAR MATERIAL AT MEXICAN INSTALLATIONS. FOR EXAMPLE, PHYSICAL SECURITY OF LEU FUEL FOR THE LAGUNA VERDE POWER REACTOR IS CURRENTLY PROVIDED BY MEXICAN MARINES.

5. THE NUCLEAR SHIPMENTS OF WHICH THE EMBASSY IS AWARE, HAVE BEEN MADE BY TRUCK. THE EMBASSY IS UNAWARE OF ANY THREATS OR INCIDENTS INVOLVING THE SHIPMENT OF NUCLEAR MATERIAL IN MEXICO.

6. EMBASSY WILL DISCUSS THIS MATTER WITH THE CNSNS WHEN AN APPROPRIATE OPPORTUNITY PRESENTS ITSELF. (JDETHOMAS) BUSBY

[redacted]

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*** Current Handling Restrictions *** n/a
*** Current Classification *** [redacted]

I-1010

Case Number: S199900030

PAGE 01 STATE 207899
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DRAFTED BY: HA/MLP:SRIFSHIN:JM
APPROVED BY: HA: RSCHIFTER
HA: JMMONTGOMERY HA/MLP: TEWILLIAMS
EUR/WE: MLEMB HA/HR: RRACKMALES
ARA/SC: JSWIGERT ARA/CEN: PFITZGERALD
AF/RA: BALLEN ARA/SC:LKUSNITZ
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AMEMBASSY ASUNCION
AMCONSUL CAPE TOWN
AMEMBASSY GUATEMALA
USINT HAVANA
AMEMBASSY MANAGUA
AMEMBASSY SAN JOSE
AMEMBASSY SAN SALVADOR
AMEMBASSY SANTIAGO
AMEMBASSY TEGUCIGALPA
INFO AMEMBASSY CARACAS
AMEMBASSY BOGOTA
AMEMBASSY MEXICO
AMEMBASSY PANAMA
AMCONSUL STRASBOURG

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part X In Full ____
Exemption(s) NR

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RUSSELS ALSO FOR USEC; CAPE TOWN FOR EMBASSY

E.O. 12356: DECL:OADR
CONFIDENTIAL
UNCLASSIFIED

PAGE 02 STATE 207899

TAGS: PHUM, SP, CI, CU, ES, ET, XK
SUBJECT: HUMAN RIGHTS: BILATERAL CONSULTATIONS WITH
SPAIN

REF: (A) STATE 191757 (NOTAL); (B) MADRID 07412 (NOTAL); (C) HAVANA 2636 (NOTAL)

1. CONFIDENTIAL-ENTIRE TEXT.

2. BEGIN SUMMARY: HA CONTINUED ITS SERIES OF HUMAN RIGHTS BILATERAL DISCUSSIONS IN A MEETING WITH SPANISH AMBASSADOR. WHILE TOUCHING ON AFRICA AND THE CSCE PROCESS THE MEETING FOCUSED ON LATIN AMERICA AND PARTICULARLY ON CHILE. AMBASSADOR MANUECO NOTED THAT BOTH CHILE AND CUBA WERE POLITICALLY SENSITIVE ISSUES IN SPAIN, AND THAT POLITICIANS AND HUMAN RIGHTS ACTIVISTS MIGHT TAKE THE INITIATIVE AWAY FROM THE PROFESSIONAL DIPLOMATS ON THESE ISSUES. [NR

1] AMBASSADOR MANUECO CONCLUDED BY WELCOMING THESE EXCHANGES, AND SAYING THAT HE WOULD REPORT THE IDEAS THAT HAD COME OUT OF THEM TO MADRID WITH HIS SUPPORT. END SUMMARY.

3. THE HA BUREAU CONTINUED ITS SERIES OF BILATERAL HUMAN RIGHTS DISCUSSIONS IN A JUNE 26 MEETING WITH SPANISH AMBASSADOR GABRIEL MANUECO. THE DEPARTMENT WAS REPRESENTED BY HA ASSISTANT SECRETARY RICHARD SCHIFTER, HA/MLP: TOM WILLIAMS, HA: GEORGE LISTER, AND HA/MLP: STAN IFSHIN (NOTETAKER).

CONFIDENTIAL

PAGE 03 STATE 207899

[NR]

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TURNING TO CHILE, MANUECO NOTED THAT THE SPANISH AMBASSADOR IN SANTIAGO IS A FORMER UNDERSECRETARY OF THE MINISTRY AND VERY MUCH A PROFESSIONAL DIPLOMAT. HE ADDED THAT SPAIN IS IN TOUCH WITH THE CHRISTIAN DEMOCRATS IN CHILE. "WE ARE NOT DUPED BY PROPOGANDA ON CHILE OR NICARAGUA. PRIME MINISTER GONZALES 'KNOWS THEM.'

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CONFIDENTIAL

PAGE 04 STATE 207899

. AMBASSADOR SCHIFTER BEGAN WITH CHILE. HE NOTED THAT WE ALL WANT TO SEE A STRENGTHENING OF THE DEMOCRATIC PARTIES, AND A PEACEFUL TRANSITION TO DEMOCRACY. HE CONTINUED THAT THERE WAS ONE AREA WHERE SPAIN COULD PLAY A CRUCIAL ROLE--A KEY ELEMENT IN SUCH A TRANSITION IS THE FAITH OF THE MILITARY IN THE MODERATES WHO WILL BE CALLED UPON TO LEAD THE COUNTRY. THE MILITARY MUST BE ASSURED THAT CIVILIAN LEADERS WILL NOT RETURN THE COUNTRY TO THE SITUATION IN THE EARLY 70S; THERE MUST BE NO ALLIANCES WITH LENINISTS. SOME PERSONS IN THE CHILEAN DEMOCRATIC OPPOSITION SAY THERE IS NO ALLIANCE, BUT MERELY A TACTICAL ARRANGEMENT, BUT THIS CREATES A SITUATION WHERE CHILEAN HARDLINERS CAN SAY TO MODERATES IN THE MILITARY "YOU CAN'T TRUST THEM, THEY ARE IN BED WITH THE COMMUNISTS." IF SPAIN WERE TO WARN THE DEMOCRATIC OPPOSITION TO ESCHEW CONTACTS WITH THE COMMUNISTS IT WOULD HAVE GREAT CREDIBILITY.

. MANUECO RESPONDED BY POINTING TO THE COMPLEXITY OF

SPANISH-CHILEAN RELATIONS. PINOCHET, HE NOTED, HAS TRIED TO EMULATE FRANCISCO FRANCO. THIS CREATES A DIFFICULT SITUATION FOR ANY SPANISH POLITICIAN DEALING WITH CHILE. MOREOVER, CONTACTS WITH THE CHILEAN MILITARY RAISE RISKS WITH REGARD TO SPANISH PUBLIC OPINION. THE SPANISH MILITARY IS NOW TRYING TO BE VERY PROFESSIONAL; THE CHILEAN MILITARY WAS VERY DISCIPLINED, VERY PROFESSIONAL. THERE ARE ALL SORTS OF UNEASY VIBRATIONS IN CONTACTS WITH THE CHILEAN MILITARY. USING THE ANALOGY OF SPAIN AFTER THE DEATH OF FRANCO, MANUECO POINTED OUT THAT IT WAS VERY DIFFICULT TO PROMOTE CONTACT BETWEEN OPPONENTS OF FRANCO AND PERSONS WHO HAD COOPERATED WITH THE REGIME, AND TRUST COULD ONLY BE BUILT UP OVER TIME. SIMILARLY IT WILL BE DIFFICULT TO ESTABLISH CONTACT
CONFIDENTIAL

PAGE 05 STATE 207899

BETWEEN THE DEMOCRATIC OPPOSITION AND THE CHILEAN MILITARY.

3. AMBASSADOR SCHIFTER REPEATED THE IMPORTANCE OF PERSUADING THE DEMOCRATIC OPPOSITION TO AVOID CONTACTS WITH THE COMMUNISTS, THAT THE MILITARY NEEDS TO BE ASSURED THAT THE LENINISTS HAVE NOT ENTRENCHED THEMSELVES WITHIN OPPOSITION STRUCTURES. MANUECO SAID "THE MILITARY MUST BE PEPARED TO TAKE RISKS." SCHIFTER POINTED TO THE COMMUNIST ROLE IN THE SPANISH CIVIL WAR, HOW THEY HAD EMBEDDED THEMSELVES AND USURPED THE LEADING POSITION. MANUECO RETURNED TO THE THEME "HOW TO PERSUADE THE MILITARY." SCHIFTER RESPONDED THAT WE COULD LEAVE THIS PROBLEM TO OUR RESPECTIVE AMBASSADORS IN SANTIAGO, BUT, HE REITERATED, SPAIN IS UNIQUELY CAPABLE OF CONVEYING THE MESSAGE TO THE DEMOCRATIC OPPOSITION IN CHILE REGARDING THE IMPORTANCE OF AVOIDING CONTACTS WITH THE COMMUNISTS. MANUECO SAID THAT COMMUNICATING WITH THE OPPOSITION PARTIES "IS EASY" AND THAT HE WOULD CONVEY THE IDEA TO

MADRID. HOWEVER, HE ADDED, "WHAT THE REACTION IN MADRID WILL BE I DON'T KNOW." EVERYONE, HE EXPLAINED, SEES SUCH THINGS THROUGH THE PRISM OF THEIR OWN EXPERIENCE, AND SPANISH POLITICIANS MAY BE RELUCTANT TO ADVISE CHILEAN POLITICIANS ON SUCH MATTERS.

4. AMBASSADOR SCHIFTER REVIEWED THE RECORD OF SPANISH INVOLVEMENT IN OUR CHILE INITIATIVE AT THE UN HUMAN

RIGHTS COMMISSION. HE NOTED THAT THE SPANISH AMBASSADOR IN SANTIAGO HAD SEEMED TO SUPPORT OUR RESOLUTION. SIMILARLY, THE SPANISH REPRESENTATIVE IN GENEVA SEEMED TO THINK OUR RESOLUTION MADE SENSE. BUT SOMETHING SEEMED TO HAVE GONE WRONG IN MADRID, AND SPAIN HAD SUPPORTED THE COMPETING MEXICAN DRAFT WHICH IN OUR VIEW WAS POLEMICAL AND HENCE COUNTERPRODUCTIVE. MANUECO NOTED THAT CHILEAN HUMAN RIGHTS IS A POLITICAL ISSUE IN SPAIN. MANY

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PERSONS ACTIVE IN HUMAN RIGHTS TODAY WERE ANTI-FRANCO ELEMENTS, TO THIS DAY THEY DON'T BELIEVE THAT COEXISTENCE WITH FRANCO WAS A GOOD POLICY. MOREOVER, MANUECO CONTINUED, MEXICO HAS INFLUENCE WITH CERTAIN POLITICIANS IN SPAIN. AMBASSADOR SCHIFTER SAID WE WOULD LIKE TO PROVIDE COPIES OF THE TEXTS OF THE MEXICAN RESOLUTION AND OURS FOR THE AMBASSADOR TO COMPARE. THEREAFTER, WE'D LIKE TO DISCUSS IT WITH HIM.

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CONFIDENTIAL

Page 64 has been eliminated because it is entirely irrelevant

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Case Number: 9199900030

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MORI DocID: 756977

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*** Reply to note of 07/03/86 12:15
NOTE FROM: [redacted]
Subject: OTTO REICH

EO 12958 1.6(d)(1)>10<25Yrs
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19c R

After much discussion, Bob Kagan, who was Elliot Abrams' Special Assistant, was named as Otto's replacement. Kagan's office was folded under ARA for command and control but continues to have a reporting responsibility to the IPC and the SPG as part of my effort to give it an interagency mandate. It remains to be seen if this will weaken the effort. One key will be the need for people to be assigned from an interagency pool.

Meanwhile, I continue to chair weekly meetings to sustain the public diplomacy effort. They are attended by Kagan, Speakes rep, Buchanan rep, DOD, CIA, USIA and NSC LA officer. (When there is a Sitrm mtg of the Centam coordinating group for Hill strategy we get a feed from that group). Our brief is much broader. We seek to lay out and implement broader international strategies, particularly in LA and EUR. We approved a new strategy paper on 16 June which was sent out over Rod McDaniel's signature. This basically calls for a sustained effort to garner support for our overall Centam policy, increase understanding of the issues and, in the specific case of Nica, concentrate on gluing black hats on the Sandinistas and white hats on UNO. We have requested a community report on the level of activity sustained under the latest NSC PD tasking by 31 Aug.

The group has produced an outstanding collection of materials to suuport our policy. It is also light years ahead of where it was three years ago, but much work needs to be done. At our most recent weekly Centam mtg the following items were covered:

--Senate strategy: Focus on key Senators who can be brought over to increase victory margin and show momentum.

--Maximize exposure for Bishop Bismarck Carvallo and La Prensa to highlight Nic internal crackdown. Lousy coverage to date in foreign press and not much better in US.

--Play on key themes in Europe which will strengthen our case:

3 3A

o Popularize Centam support for UNO. Note USIA poll which showed popular support for armed opposition to Nics in Honduras and Costa Rica.

o We are on the winning side. The House vote can help convince the Europeans that we will see this through...we are not going to be blown away by the Hill. It is always politically easier to support a winner.

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DO 63427

--Arms Display--use on Hill or at UN. This does not mean to say everything is perfect, but there is a process under way and world opinion, often fluctuating because of many reasons includng the East-West Relationship, has been gradually moving. We have to sustain it.

3 3A

MORI DocID: 756977

OFFICE OF THE DEPUTY DIRECTOR FOR OPERATIONS

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Hqtrs Attachment A

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14	D/PAO		X		
15	D/PERS				
16	VC/NIC				
17	C/LA/DO		X		
18	C/CATF/DO		X		
19	D/ALA/DI		X		
20	NIO/LA		X		
21	Counselor, DCI		X		
22	ES		X		
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Remarks

This is the "missing" attachment to the 13 August memo from Poindexter to the DCI re Central American Public diplomacy which was provided to you earlier.

Executive Secretary

18 Aug 86

Date

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TEXT OF TELEGRAM 86SAN SA009636

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PAGE 01 SAN SA 09636 01 OF 03 112059Z
ACTION SS-00

INFO LOG-00 ADS-00 SSO-00 /000 W
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FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 4284
INFO CONTADORA COLLECTIVE IMMEDIATE

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~~S E C R E T~~ SECTION 01 OF 03 SAN SALVADOR 09636

EXDIS CONTRA

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DEPARTMENT OF STATE IS/FPC/CDR Date. 12-19-9
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( ) EXCISE ( ) DECLASSIFY EO Citations
( ) DENY IN PART
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FOIA exemptions ( ) CLASSIFY as ( ) S or (
PA Exemptions ( ) DOWNGRADE TS to S or

FROM HABIB

E.O. 12356: DECL: OADR
TAGS: PREL, XK, CR
SUBJECT: AMBASSADOR HABIB'S MEETING IN COSTA RICA

~~1. SECRET - ENTIRE TEXT~~

2. SUMMARY: AMBASSADORS HABIB AND TAMBS MET WITH PRESIDENT ARIAS AND FOREIGN MINISTER MADRIGAL ON JUNE 10 TO REVIEW CONTADORA DEVELOPMENTS. HABIB EXPLAINED THAT THE PURPOSE OF HIS MISSION WAS TO MAKE CLEAR OUR DESIRE TO KEEP THE DIPLOMATIC TRACK ALIVE AS WE INCREASE PRESSURE ON THE SANDINISTAS. WE WERE PLEASED THAT THE CORE FOUR NOW HAD THE INITIATIVE IN THE NEGOTIATIONS; WE WERE PREPARED TO SUPPORT A UNIFIED CORE FOUR POSITION, ASSUMING THAT IT WAS CONSISTENT WITH OUR CRITERIA. ARIAS EXPRESSED PESSIMISM ABOUT THE POSSIBILITY OF A NEGOTIATED SOLUTION. THE CORE FOUR AND NICARAGUA WERE SPEAKING DIFFERENT LANGUAGES AND THE NEW AID TO THE CONTRAS WOULD GIVE MANAGUA AN EXCUSE TO BECOME MORE TOTALITARIAN AND INTRANSIGENT. HABIB COMMENTED THAT WE WOULD BE ABLE TO SEE LATER THIS YEAR WHETHER INCREASED PRESSURE RESULTED IN GREATER SANDINISTA FLEXIBILITY.

~~SECRET~~

PAGE 02 SAN SA 09636 01 OF 03 112059Z

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MEANWHILE, THE CORE FOUR SHOULD DEFINE THEIR POSITION SO THAT THEY WOULD BE PREPARED IF MANAGUA DID SHOW IT WAS READY TO NEGOTIATE. MADRIGAL EXPLAINED THAT A CENTRAL AMERICAN FOREIGN MINISTERS MEETING ORIGINALLY PLANNED FOR JULY 14 IN GUATEMALA WAS NOW CANCELLED. MADRIGAL HAD INSISTED THAT THE FIVE MINISTERS SHOULD NOT MEET UNTIL THE CORE FOUR HAD AGREED ON A UNIFIED POSITION. MADRIGAL HOPES THAT THE CORE FOUR MINISTERS CAN MEET IN TEGUCIGALPA ON JULY 16, FOLLOWED BY A MEETING OF THE

FIVE THE FOLLOWING WEEK ON THE MARGINS OF ANOTHER VICE PRESIDENTIAL SESSION ON THE CENTRAL AMERICAN PARLIAMENT. THIS SCHEDULE DEPENDS ON RESOLVING A DIPLOMATIC SPAT BETWEEN HONDURAS AND GUATEMALA, WHICH REMAINS A RELUCTANT PARTNER IN THE CORE FOUR. MADRIGAL SAYS THE CORE FOUR ARE NOW WORKING ON THREE DOCUMENTS: (1) A CRITIQUE OF THE JUNE 7 ACTA, WHICH MAY BE ISSUED JOINTLY; (2) A JOINT "POLITICAL STATEMENT" WHICH WILL EMPHASIZE WHY THE DEMOCRACIES CAN NEVER LIVE IN PEACE WITH A MARXIST-LENINIST NICARAGUA; AND (3) THEIR INDIVIDUAL RESPONSES TO THE CONTADORA GROUP. MADRIGAL CONTINUES TO INSIST ON A DEMOCRATIZATION TIMETABLE FOR NICARAGUA. HE STRESSED THAT THE CORE FOUR REMAIN UNITED IN DEMANDING THAT ALL SECURITY, POLITICAL AND VERIFICATION ISSUES MUST BE RESOLVED BEFORE SIGNATURE. ARIAS AND MADRIGAL ENVISION AN AGGRESSIVE CORE FOUR APPROACH WHICH WOULD PUT CONTADORA AND SUPPORT GROUP COUNTRIES ON THE DEFENSIVE FOR THEIR INCONSISTENT POSITION ON HEMISPHERIC DICTATORSHIPS. END SUMMARY.

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3. AMBASSADORS HABIB AND TAMBS, ACCOMPANIED BY NSC STAFF MEMBER BURGHARDT, MET WITH PRESIDENT ARIAS ON JULY 10. FOREIGN MINISTER MADRIGAL AND MINISTER OF THE PRESIDENCY RODRIGO ARIAS WERE ALSO PRESENT AT THE MEETING IN THE

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PRESIDENT'S HOME.

4. HABIB BEGAN BY EXPLAINING THAT THE PURPOSE OF HIS MISSION WAS TO MAKE CLEAR OUR DESIRE TO KEEP THE DIPLOMATIC TRACK ALIVE AS WE INCREASE PRESSURE ON THE SANDINISTAS. WE WERE NOT WEDDED TO ANY PARTICULAR FORUM -- IT COULD BE CONTADORA OR, IF THE CENTRAL AMERICANS PREFERRED, SOME OTHER ARRANGEMENT. IT WAS ESSENTIAL, HOWEVER, THAT IN ANY NEGOTIATING FORUM, THE CORE FOUR REMAIN FIRM ON THE CRITERIA OF COMPREHENSIVENESS, SIMULTANEITY AND VERIFIABILITY. WE WERE PLEASED THAT CONTROL OF THE PROCESS HAD NOW PASSED TO THE CENTRAL AMERICAN DEMOCRACIES AND THAT THE INITIATIVE WAS NOW IN THEIR HANDS RATHER THAN IN MEXICO'S. HABIB SAID WE BELIEVE THAT THE INCREASED PRESSURE ON THE SANDINISTAS ULTIMATELY WILL HELP THE DIPLOMATIC TRACK, BUT IT WILL TAKE A FEW MONTHS FOR THE PRESSURE TO BE FELT AND MEANWHILE THE SANDINISTAS APPEAR TO BE RESISTING ANY ATTEMPT AT A POLITICAL SOLUTION.

5. HABIB SAID THAT A MAJOR PURPOSE OF HIS TRIP WAS TO UNDERSTAND BETTER THE POSITIONS OF THE FOUR DEMOCRACIES. WE WERE NOT COMPLETELY CLEAR ON THE POINTS OF AGREEMENT AND DISAGREEMENT AMONG THE FOUR. WE HOPED THAT THE FOUR COULD DEVELOP A UNIFIED POSITION. WE WERE PREPARED TO SUPPORT A UNIFIED POSITION, ASSUMING THAT IT WAS CONSISTENT WITH OUR THREE CRITERIA. WE AGREED WITH

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THE EMPHASIS WHICH COSTA RICA HAD PUT ON NATIONAL RECONCILIATION AND DEMOCRACY, BUT BELIEVED IT NEEDED MORE SPECIFICITY.

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TEXT OF TELEGRAM 86SAN SA009636

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PAGE 01 SAN SA 09636 02 OF 03 112100Z
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INFO LOG-00 ADS-00 SSO-00 /000 W
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O 112056Z JUL 86
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 4285
INFO CONTADORA COLLECTIVE IMMEDIATE

~~S E C R E T~~ SECTION 02 OF 03 SAN SALVADOR 09636

EXDIS CONTRA

FROM HABIB

E.O. 12356: DECL: OADR
TAGS: PREL, XK, CR
SUBJECT: AMBASSADOR HABIB'S MEETING IN COSTA RICA
6. PRESIDENT ARIAS RESPONDED THAT NOW THAT THE CONTADORA GROUP HAS ASSUMED A LOW PROFILE, THE OTHER CENTRAL AMERICAN DEMOCRACIES RECOGNIZE THAT COSTA RICA SHOULD PLAY SOMETHING OF A LEADERSHIP ROLE BECAUSE OF ITS PRESTIGE AS A DEMOCRACY. ARIAS SAID HE WAS PESSIMISTIC. A DIPLOMATIC SOLUTION SEEMED TO BE VERY FAR AWAY. ALL OF CONTADORA'S EFFORTS SEEMED TO BE LOST BECAUSE EVERY DAY HE BECAME MORE SKEPTICAL ABOUT NICARAGUA. SINCE THE ESQUIPULAS SUMMIT, HE HAD UNDERSTOOD THAT THE CORE FOUR AND NICARAGUA ARE SPEAKING DIFFERENT LANGUAGES. WITH THE NEW AID FOR THE CONTRAS, THE NICARAGUAN GOVERNMENT WILL HAVE AN EXCUSE TO BE EVEN MORE TOTALITARIAN, CLOSED AND ALIGNED WITH THE SOVIET BLOC.

7. ARIAS OBSERVED THAT THE MORAL AUTHORITY OF CONTADORA HAD BEEN UNDERMINED BY THE ACCUSATIONS AGAINST PANAMA. ARIAS INTENDED TO EXPLOIT THAT SITUATION BY PUTTING THE CONTADORA AND SUPPORT GROUPS ON THE DEFENSIVE CONCERNING

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PAGE 02 SAN SA 09636 02 OF 03 112100Z

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THEIR STAND ON DEMOCRACY. HE HAD TAKEN THE FIRST STEP IN A STATEMENT ISSUED ON THE OCCASION OF THE GOCR SEVERING RELATIONS WITH SOUTH AFRICA; HE HAD CRITICIZED CUBA, NICARAGUA, PARAGUAY AND CHILE AS NONDEMOCRATIC REGIMES. BY CRITICIZING RIGHT AND LEFT WING DICTATORSHIPS, COSTA RICA WOULD GIVE THE LIE TO ACCUSATIONS THAT IT ONLY ATTACKED NICARAGUA TO PLEASE THE U.S. HE WOULD ALSO DEMONSTRATE THE INCONSISTENCY OF THE SOUTH AMERICAN COUNTRIES WHICH ATTACK CHILE WHILE

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REFRAINING FROM ANY CRITICISM OF NICARAGUA. IN THIS WAY, COSTA RICA WOULD BE HELPING THE U.S.

8. HABIB COMMENTED THAT THE INCREASED REPRESSIVENESS OF THE NICARAGUAN GOVERNMENT COULD WORK AGAINST THE SANDINISTAS INTERNALLY AS WELL AS INTERNATIONALLY. THE EXAMPLE OF FREEDOM AND PROGRESS IN COSTA RICA ALSO MUST HAVE SOME EFFECT ON THE NICARAGUAN POPULATION AS THEY SUFFERED INCREASED REPRESSION AND ECONOMIC DECLINE. ARIAS AGREED THAT EVERY DAY THE NICARAGUAN COMMUNISTS LOSE POPULAR SUPPORT, BUT HE DID NOT SEE THEIR CONTROL OVER SOCIETY THREATENED IN ANY WAY. HE WISHED THAT HE WAS MISTAKEN, BUT HE DID NOT THINK THAT THE CONTRAS COULD WIN. HE WAS ALSO CONCERNED THAT THE NEW AID TO THE CONTRAS WOULD REDUCE POLITICAL PRESSURE ON NICARAGUA FROM LATIN AND EUROPEAN COUNTRIES; THOSE GOVERNMENTS WOULD NOW SEE DANIEL ORTEGA AS THREATENED BY FORCES BACKED BY THE POWERFUL U.S. AND WOULD ASSUME THAT IT WAS MORE DIFFICULT TO EXPECT ANY FLEXIBILITY.

9. HABIB REPLIED THAT THE INCREASED CONTRA PRESSURE WOULD AT A MINIMUM DIMINISH THE SANDINISTAS' ABILITY TO CONSOLIDATE THEIR CONTROL. WE NOW WOULD HAVE A TEST TO SEE WHETHER THE INCREASED PRESSURE WOULD EVENTUALLY MAKE

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THE NICARAGUAN REGIME MORE FLEXIBLE DIPLOMATICALLY. BY THE END OF THE YEAR, WE PROBABLY WOULD KNOW WHETHER IT HAD THE DESIRED EFFECT. MEANWHILE THE CORE FOUR SHOULD DEFINE AND UNIFY THEIR POSITION SO THAT THEY WOULD BE PREPARED IF MANAGUA DID SHOW IT WAS READY TO NEGOTIATE.

10. FOREIGN MINISTER MADRIGAL AGREED THAT THIS PERIOD HAD TO BE USED TO KEEP THE DIPLOMATIC CHANNEL OPEN, WITH THE CENTRAL AMERICAN DEMOCRACIES TAKING THE INITIATIVE AND DEMONSTRATING NEW AGGRESSIVENESS. MADRIGAL THOUGHT THE CONTADORA GROUP HAD HANDED RESPONSIBILITY TO THE CENTRAL AMERICANS BECAUSE OF THE STRONG CORE FOUR REACTION TO MEXICO'S EFFORTS TO EXCLUDE THEM FROM THE LAST PANAMA MEETING.

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11. MADRIGAL EXPLAINED THAT THE MEETING OF CENTRAL AMERICAN FOREIGN MINISTERS, ORIGINALLY PLANNED FOR JULY 14 IN GUATEMALA, HAS NOW BEEN CANCELLED. GUATEMALA HAD PUSHED HARD FOR THE MEETING TO BE HELD ON THE MARGINS OF A VICE PRESIDENTS' MEETING ON THE CENTRAL AMERICAN PARLIAMENT. BUT MADRIGAL PERSUADED THE GOG TO CANCEL THE ENTIRE AFFAIR BECAUSE: (1) THE CORE FOUR HAVE NOT YET DEFINED THEIR UNIFIED POSITION; (2) VICE PRESIDENT DENGO IS IN TAIWAN. MADRIGAL HOPES THAT A MEETING OF THE CORE FOUR FOREIGN MINISTERS WILL BE HELD ON JULY 16 IN TEGUCIGALPA, BUT HONDURAS IS RELUCTANT TO INVITE

GUATEMALA (BECAUSE LOPEZ CONTRERAS IS IN A SNIT OVER QUINONES' APPARENT FAILURE TO CONVENE THE FOREIGN MINISTERS MEETING ON JULY 27) AND IT IS NOT CERTAIN GUATEMALA WOULD ACCEPT.

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TEXT OF TELEGRAM 86SAN SA009636

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PAGE 01 SAN SA 09636 03 OF 03 112100Z
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TO SECSTATE WASHDC IMMEDIATE 4286
INFO CONTADORA COLLECTIVE IMMEDIATE

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~~S E C R E T~~ SECTION 03 OF 03 SAN SALVADOR 09636

EXDIS CONTRA

FROM HABIB

E.O. 12356: DECL: OADR
TAGS: PREL, XK, CR
SUBJECT: AMBASSADOR HABIB'S MEETING IN COSTA RICA

12. IF THE CORE FOUR MEETING IS HELD, IT WILL DISCUSS THREE DOCUMENTS: (1) A CRITIQUE OF THE JUNE 7 ACTA, WHICH THE CORE FOUR MAY SUBMIT JOINTLY OR INDIVIDUALLY; (2) THE INDIVIDUAL STATEMENTS WHICH EACH COUNTRY WILL MAKE CONCERNING THE ACTA. COSTA RICA WOULD HAVE PREFERRED A JOINT STATEMENT, BUT HONDURAS AND EL SALVADOR ALREADY HAVE ISSUED THEIRS. (3) A JOINT "POLITICAL DOCUMENT" WHICH WOULD GO BEYOND THE ISSUE OF THE ACTA AND DISCUSS THE GVERALL REGIONAL SITUATION. MADRIGAL SAID THAT AT THE JUNE 27 FOREIGN MINISTERS MEETING IN GUATEMALA (WHICH LOPEZ CONTRERAS APPARENTLY DID NOT ATTEND) HE WAS TASKED TO PREPARE A FIRST DRAFT OF THIS POLITICAL DOCUMENT, WHICH WOULD EMPHASIZE WHY THE CENTRAL AMERICAN DEMOCRACIES COULD NEVER LIVE IN PEACE WITH A MARXIST-LENINIST NICARAGUA.

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13. BURGHARDT ASKED MADRIGAL IF THE CORE FOUR WOULD BE ABLE TO RESOLVE DIFFERENCES WHICH SURFACED AT THE

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PAGE 02 SAN SA 09636 03 OF 03 112100Z

MEETING OF VICE MINISTERS CONCERNING THE POSSIBILITY OF INSERTING A DEMOCRATIZATION TIMETABLE INTO THE ACTA. MADRIGAL SAID SOME COUNTRIES HAD VIEWED THIS COSTA RICAN PROPOSAL AS TOO "INTERVENTIONIST" AND OTHERS SAW A TECHNICAL PROBLEM IN THE REQUIREMENT TO POSTPONE ALL IMPLEMENTATION UNTIL THE ACTA GOES INTO EFFECT. MADRIGAL THOUGHT THESE PROBLEMS HAD BEEN OVERCOME AT THE JUNE 27 FOREIGN MINISTERS MEETING. THERE WAS AGREEMENT THAT A POLITICAL TIMETABLE WAS NECESSARY AND SOME

ACTIONS, SUCH AS OPENING OF A DIALOGUE WITH THE OPPOSITION, COULD BE REQUIRED BETWEEN SIGNATURE AND RATIFICATION. MADRIGAL STRESSED THAT THE CORE FOUR WERE COMPLETELY UNIFIED ON THE NEED TO REQUIRE THAT ALL ISSUES -- POLITICAL AND SECURITY -- MUST BE AGREED BEFORE SIGNATURE. COSTA RICA WAS CONFIDENT, MADRIGAL SAID, THAT THE CORE FOUR POSITION ON CONTADORA ADHERED TO THE SAME THREE CRITERIA WHICH WERE THE BASIS OF THE U.S. POSITION.

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14. HABIB BRIEFED THE COSTA RICANS ON HIS DISCUSSIONS ON CENTRAL AMERICA IN LONDON AND PARIS. THE AMBASSADOR NOTED THAT WHILE THE SANDINISTAS ARE CARRYING OUT AN EFFECTIVE PROPAGANDA CAMPAIGN IN EUROPE, THE CORE FOUR ARE NOT. FOREIGN SECRETARY HOWE OBSERVED THAT THE SANDINISTAS WERE HAVING A FREE RUN BECAUSE THE OTHER CENTRAL AMERICANS ARE NOT PLAYING A PUBLIC DIPLOMACY ROLE. MADRIGAL EXPLAINED HIS MINISTRY'S BUDGETARY PROBLEMS BUT TOOK THE POINT THAT DIPLOMATS FROM THE CENTRAL AMERICAN DEMOCRACIES NEED TO BE MORE VOCAL.

15. ARIAS ALSO RAISED ECONOMIC ISSUES, PLEADING FOR GREATER FLEXIBILITY IN THE APPLICATION OF AID CONDITIONALITY FOR ESF DISBURSEMENTS. HABIB PROMISED TO

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LOOK INTO THE ISSUE AFTER DISCUSSING IT WITH AMBASSADOR TAMBS.

16. AT THE END OF THE MEETING, ARIAS INVITED THE PRESS INTO HIS HOME AND ASKED THAT HABIB REMAIN FOR THE QUESTION AND ANSWER PERIOD. IN RESPONSE TO A QUESTION ON CONTRA AID, ARIAS RESPONDED THAT THE SANDINISTAS, BECAUSE OF THEIR INTRANSIGENCE, HAD ONLY THEMSELVES TO BLAME FOR THE VOTE IN THE HOUSE OF REPRESENTATIVES. EMBASSY SAN JOSE WILL REPORT FULL TEXT OF ARIAS' REMARKS IN SEPTEL.

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Chile Project (#S199900030)
U.S. Department of State
Release X Excise_____ Deny_____
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Exemption(s)_____

July 11, 1986

N#146F
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Dear Sergio:

I am writing to you and -- through you-- to the other coordinators of the National Accord to make the following inquiry.

Recent events in Chile have increased public attention in the United States on the efforts of the Chilean people to achieve a peaceful transition to democracy. During the two day strike sponsored by the Civic Assembly, the American people saw dramatic and shocking evidence of the brutality with which General Pinochet has responsed to these efforts. Now more than ever before, there is a deep desire among the American people and in the Congress for the United States to play a positive and constructive role in the effort to achieve an early return to democracy in Chile.

As you may recall, when I left Chile last January, I made a point of saying that those of us in Congress who cared so deeply about the restoration of democracy in Chile would be guided by the advice and leadership of the National Accord. The purpose of this letter is to seek that advice and leadership. We would be grateful to receive your thoughts on how we in the Congress can be most helpful in your efforts to achieve an early return to democratic government and a genuine reconciliation among the Chilean people.

I would be grateful if you would circulate this letter among the other coordinators of the National Accord.

Thank you for all that you have done. I look forward to hearing from you.

Sincerely,

Edward M. Kennedy

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TEXT OF TELEGRAM 86GUATEM007232

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PAGE 01 GUATEM 07232 01 OF 04 121704Z
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FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC IMMEDIATE 7846
INFO CONTADORA COLLECTIVE IMMEDIATE

~~S E C R E T~~ SECTION 01 OF 04 GUATEMALA 07232

EXDIS

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9704669

E.O. 12356 DECL: OADR
TAGS: PREL, XK, ES
SUBJ: AMBASSADOR HABIB'S MEETING WITH
- SALVADORAN PRESIDENT DUARTE

~~9704669~~

DEPARTMENT OF STATE IS/FPC/CDR Date 12-19-96

(X) RELEASE (X) DECLASSIFY
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FOIA exemptions
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MR Cases Only:
EO Citations
TS authority
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~~1. (SECRET - ENTIRE TEXT.)~~

2. SUMMARY
- - - -

AMBASSADORS HABIB AND CORR MET WITH SALVADORAN PRESIDENT DUARTE ON JULY 11 TO REVIEW THE STATUS OF THE CONTADORA PROCESS. DUARTE SAID THAT THE CENTRAL AMERICANS HAD TAKEN THE LEAD AND THE DEMOCRACIES WERE WORKING TOGETHER TO DEFINE THEIR POSITION AND IMPROVE THE AGREEMENT. HE STATED THAT EL SALVADOR WOULD INSIST THAT ANY AGREEMENT MEET THE ESSENTIAL CRITERIA: COMPREHENSIVE, VERIFIABLE, AND SIMULTANEOUS. HE EXPLAINED THAT BECAUSE OF GUATEMALA'S "ACTIVE NEUTRALITY" POLICY, COMPLETE UNITY AMONG THE CENTRAL AMERICAN DEMOCRACIES WAS NOT FEASIBLE AT THIS TIME. THE CURRENT ALIGNMENT WAS THREE-ONE-ONE, BUT HE HOPED THAT WITH PATIENCE, THE NATURAL DEMOCRATIC ORIENTATION OF CEREZO AND HIS CHRISTIAN DEMOCRATS WOULD LEAD THEM TO SIDE WITH THEIR FELLOW DEMOCRATS

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PAGE 02 GUATEM 07232 01 OF 04 121704Z

AGAINST THE COMMUNIST SANDINISTAS. DUARTE OPINED THAT UNLESS THE DEMOCRATIC RESISTANCE COULD PENETRATE INTO THE POPULATED CENTERS OF NICARAGUA AND CHALLENGE THE TOTAL CONTROL OF THE SANDINISTAS THERE, THEY COULD NOT PREVAIL ON THE BATTLEFIELD. HE WAS VERY CONCERNED THAT THE SANDINISTAS WOULD RESPOND TO THE U.S. ASSISTANCE FOR THE RESISTANCE BY PROMOTING A MAJOR GUERRILLA OFFENSIVE IN

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EL SALVADOR AND EQUIP THE FMLN WITH SA-7 MISSILES. HE WANTED REASSURANCE THAT WE WOULD STAND FIRMLY BEHIND EL SALVADOR AND PROVIDE WHATEVER RESOURCES WERE NEEDED TO DEFEAT SUCH AN OFFENSIVE.

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END SUMMARY

3. AMBASSADORS HABIB AND CORR MET WITH PRESIDENT DUARTE, VICE PRESIDENT CASTILLO, MINISTER OF THE PRESIDENCY TENORIO, AND EXECUTIVE SECRETARY OF THE PRESIDENT PERDOMO ON JULY 11 TO REVIEW THE STATUS OF THE CONTADORA PROCESS.

4. DUARTE OPENED THE MEETING BY EXPRESSING HIS CONCERN ON THE POSSIBLE IMPACT ON EL SALVADOR OF THE APPROVAL OF THE ASSISTANCE FOR THE NICARAGUAN DEMOCRATIC RESISTANCE. SALVADORAN INTELLIGENCE HAD OBTAINED INFORMATION INDICATING THAT THE SANDINISTAS INTENDED TO RESPOND TO THE ASSISTANCE BY PROMOTING A MAJOR GUERRILLA OFFENSIVE IN EL SALVADOR. AS PART OF THE DEVELOPMENT OF THIS "SECOND FRONT," THE SANDINISTAS WOULD PROVIDE THE FMLN GUERRILLAS WITH SA-7 ANTIAIRCRAFT MISSILES. DUARTE AND HIS MILITARY WERE VERY TROUBLED BY THE PROSPECTS OF THE HIGH LOSSES SUCH WEAPONS COULD INFLICT ON SALVADOR'S RELATIVELY SMALL AIR FORCE. THE MILITARY HAD EVEN WARNED DUARTE TO

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CUT BACK ON HIS TRAVEL AROUND THE COUNTRY IN ORDER TO REDUCE HIS EXPOSURE TO THIS NEW THREAT. HABIB REPLIED THAT IF THE WAR DOES ESCALATE AND ANTIAIRCRAFT MISSILES ARE INTRODUCED, THE GOES WOULD NEED TO HAVE LOST AIRCRAFT REPLACED AND WOULD HAVE TO INSTITUTE APPROPRIATE COUNTERMEASURES TO PROTECT THEIR PLANES AND HELICOPTERS. DUARTE STRESSED THAT HIS MILITARY WOULD HAVE TO KNOW THAT THEY COULD DEPEND ON BEING PROVIDED WITH THE RESOURCES TO MATCH THE GUERRILLA ESCALATION.

5. HABIB EXPLAINED THAT THE PURPOSE OF HIS VISIT WAS TO INQUIRE ABOUT THE STATUS OF THE CONTADORA PROCESS. HE WANTED TO LEARN EL SALVADOR'S IDEAS ABOUT RECENT DEVELOPMENTS AND ITS PLANS FOR CONTINUING THE NEGOTIATING PROCESS. DUARTE REPLIED THAT CENTRAL AMERICA HAD SECURED CONTROL OF THE PROCESS AND THAT CONTADORA COULD ONLY MOVE IF THE CENTRAL AMERICANS WANTED TO PUSH IT. HABIB NOTED THAT THIS NEW CENTRAL AMERICAN DOMINANCE WAS A POSITIVE FACTOR, ADDING THAT IN WHATEVER FORM THE NEGOTIATIONS CONTINUE, IT WOULD BE USEFUL TO KEEP THE ESSENCE OF THE CONTADORA PROCESS. DUARTE CONCURRED, STATING THAT THE PRINCIPLES AND CONCEPTS OF CONTADORA (A COMPREHENSIVE REGIONAL SETTLEMENT IMPLEMENTING THE 21 POINTS IN THE 1983 DOCUMENT OF OBJECTIVES) REMAINED VALID. EL SALVADOR WOULD INSIST ON STRENGTHENING THE

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MECHANICS OF THE AGREEMENT, INCLUDING VERIFICATION AND CONTROL, AS WELL AS NATIONAL RECONCILIATION THROUGH AN

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PAGE 01 GUATEM 07232 02 OF 04 121705Z
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INFO CONTADORA COLLECTIVE IMMEDIATE

S E C R E T SECTION 02 OF 04 GUATEMALA 07232

EXDIS

E.O. 12356 DECL: OADR
TAGS: PREL, XK, ES
SUBJ: AMBASSADOR HABIB'S MEETING WITH

INTERNAL DIALOGUE. DUARTE SAID THAT EL SALVADOR WOULD CONTINUE TO WORK WITH THE OTHER CENTRAL AMERICANS TO IMPROVE THE AGREEMENT. HE NOTED THAT THE CENTRAL AMERICAN FOREIGN MINISTERS MEETING SCHEDULED FOR GUATEMALA ON JULY 14 HAD BEEN POSTPONED. INSTEAD, A MEETING OF THE CORE THREE WOULD BE HELD IN TEGUCIGALPA ON WEDNESDAY, JULY 16.

6. THE DISCUSSION THEN TURNED TO AN ANALYSIS OF CENTRAL AMERICAN UNITY AND PARTICULARLY THE ROLE OF GUATEMALA. DUARTE EXPLAINED THAT THE CHRISTIAN DEMOCRATS IN GUATEMALA SHARED HIS PARTY'S BASIC CONCEPTS AND PRINCIPLES, BUT THAT THE REALITIES OF GUATEMALA'S SITUATION SHAPED THEIR ATTITUDE ABOUT CERTAIN TOPICS. THUS, EL SALVADOR AND GUATEMALA DID NOT SEE EYE TO EYE ON EVERY ISSUE. IN THE ECONOMIC FIELD, THERE WERE POLICIES FOLLOWED BY CEREZO THAT MIGHT BE GOOD FOR GUATEMALA, BUT WERE BAD FOR EL SALVADOR. FOR EXAMPLE, GUATEMALA'S SUBSIDY PROGRAM ON CERTAIN GOODS ALLOWED GUATEMALA TO VIRTUALLY DUMP THOSE PRODUCTS IN THE SALVADORAN

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PAGE 02 GUATEM 07232 02 OF 04 121705Z

MARKET. THIS SERIOUSLY HURT SALVADORAN PRODUCERS. AS ANOTHER EXAMPLE, HE SAID THAT GUATEMALA WANTED EL SALVADOR TO PAY IN DOLLARS FOR GUATEMALAN PRODUCTS, WHILE IT PAID QUETZALES FOR SALVADORAN PRODUCTS. THESE TYPES OF DIFFERENCES SPREAD ALSO INTO THE POLITICAL ARENA. CEREZO WAS USING HIS RELATIONS WITH NICARAGUA AND MEXICO TO ISOLATE GUATEMALA'S OWN LEFT AND GAIN MORE

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POLITICIAL SPACE FOR HIMSELF. HE SAID THAT CEREZO WAS ANXIOUS TO HAVE NICARAGUA PARTICIPATE IN THE CENTRAL AMERICAN PARLIAMENT AND WANTED TO USE MEXICO TO HELP CONVINCE THE SANDINISTAS TO REMAIN IN THE PARLIAMENT.

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7. DUARTE SAID THAT BECAUSE OF THIS SITUATION, EL SALVADOR HAD MORE IN COMMON WITH COSTA RICA THAN IT DID WITH GUATEMALA. RATHER THAN A STRONG ALLIANCE OF THE FOUR CENTRAL AMERICAN DEMOCRACIES VERSUS NICARAGUA, DUARTE SAW THE MORE REALISTIC BREAKDOWN TO BE THREE-ONE-ONE. CASTILLO REMARKED THAT GUATEMALA DID NOT HAVE A WELL-DEFINED POSITION. CEREZO HAD PROCLAIMED A POLICY OF "ACTIVE NEUTRALITY", PORTRAYING ITSELF AS A MEDIATOR IN THE CENTRAL AMERICAN CRISIS. HE ADDED THAT GUATEMALA WAS FINDING THIS POSITION HARDER AND HARDER TO SUSTAIN. HE ANTICIPATED THAT AT SOME FUTURE POINT, GUATEMALA WOULD ULTIMATELY SIDE WITH THE OTHER DEMOCRACIES.

8. DUARTE ASSERTED THAT EL SALVADOR SHOULD FIRST WORK WITH COSTA RICA AND HONDURAS TO DERIVE A COMMON POSITION WITH RESPECT TO THE CONTADORA AGREEMENT. ONCE A JOINT POSITION WERE ACHIEVED, THEN THE CORE THREE COULD BEGIN TO WORK TO ADD GUATEMALA. AFTER THE CORE FOUR HAD REACHED A COMMON POSITION, THEN THEY COULD MOVE ON TO

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NICARAGUA TO SEE WHAT THE SANDINISTAS WERE PREPARED TO DO. CASTILLO SAID THAT COSTA RICA DID NOT SHARE THIS IDEA OF PATIENTLY WORKING ON GUATEMALA TO BRING IT AROUND AND THAT SAN JOSE PREFERRED TO INCLUDE GUATEMALA AS A FULL PARTNER FROM THE BEGINNING. WHILE THERE WAS THE COMMON BELIEF THAT THE DEMOCRACIES SHOULD BE UNITED, THERE WAS THUS DIFFERENCES ABOUT HOW THAT UNITY WAS TO BE FORGED.

9. DUARTE SAID THAT THE ESQUIPULAS MEETING IN MAY AND RECENT STATEMENTS BY FMLN GUERRILLA LEADER VILLALOBO AND NICARAGUAN FOREIGN MINISTER D'ESCOTO HAD UNDERSCORED THE NEED TO HAVE THE TERMS USED IN THE AGREEMENT CLEARLY DEFINED. IT WAS CLEAR, HE NOTED, THAT THE WORD "DEMOCRACY" MEANT ENTIRELY DIFFERENT THINGS TO THE DEMOCRACIES AND TO THE COMMUNISTS. EL SALVADOR WAS THEREFORE DRAFTING A DOCUMENT WITH PRECISE DEFINITIONS FOR THE TERMS USED IN THE AGREEMENT. IN ACCORDANCE WITH EL SALVADOR'S THREE-ONE-ONE APPROACH, IT WOULD FIRST CONSULT WITH HONDURAS AND COSTA RICA AND THEN MOVE ON TO GUATEMALA. SINCE THIS PAPER WAS FUNDAMENTALLY A THEORETICAL PAPER CONTAINING THE CONCEPTS THAT CEREZO'S PARTY SHARED, DUARTE WAS HOPEFUL THAT GUATEMALA WOULD ACCEPT IT.

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10. RESPONDING TO HABIB'S INQUIRY ABOUT THE LATEST SPAT BETWEEN HONDURAS AND GUATEMALA, DUARTE SAID THAT THE GUATEMALANS HAD NOT BEEN TREATING THEIR NEIGHBORS'

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TEXT OF TELEGRAM 86GUATEM007232

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PAGE 01 GUATEM 07232 03 OF 04 121706Z
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S E C R E T SECTION 03 OF 04 GUATEMALA 07232

EXDIS

E.O. 12356 DECL: OADR
TAGS: PREL, XK, ES
SUBJ: AMBASSADOR HABIB'S MEETING WITH

VICE PRESIDENTS AND FOREIGN MINISTERS PROPERLY, AND HONDURAN FOREIGN MINISTER LOPEZ CONTRERAS HAD FELT SNUBBED AT LAST MONTH'S MEETING IN GUATEMALA. LOPEZ WAS NOT MET AT THE AIRPORT AND HAD TO FIND HIS OWN WAY TO THE HOTEL. THERE, HE DISCOVERED THAT HE DID NOT EVEN HAVE A RESERVATION. WHEN HE FINALLY SAW THE GUATEMALAN FOREIGN MINISTER, QUINONES EXPRESSED SURPRISE THAT LOPEZ HAD EVEN COME. DUARTE COMMENTED THAT CASTILLO HAD RECEIVED SIMILAR TREATMENT, BUT THAT EL SALVADOR HAD COME TO EXPECT BEING SLIGHTED BY THE GUATEMALANS AND SIMPLY IGNORED IT.

11. HABIB STRESSED THE NEED FOR THE CENTRAL AMERICAN DEMOCRACIES TO BE MORE ENERGETIC IN THEIR PUBLIC DIPLOMACY EFFORTS. HIS RECENT TRIP TO EUROPE HAD SHOWN ONCE AGAIN THAT ALTHOUGH THE DEMOCRACIES HAD A GOOD STORY TO TELL, THEIR MISSIONS WERE LARGELY INACTIVE, WHILE THE SANDINISTA PROPAGANDA MACHINE WAS HIGHLY EFFECTIVE. HABIB' COMMENTS STRUCK A RAW NERVE; DUARTE

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PAGE 02 GUATEM 07232 03 OF 04 121706Z

CONCEDED THAT MORE NEEDED TO BE DONE, BUT HE LISTED NUMEROUS FACTORS -- BUDGET CONSTRAINTS, LACK OF EXPERIENCED PERSONNEL, HEAVY COMMITMENT OF THE FOREIGN MINISTRY'S SCARCE RESOURCES TO THE HONDURAN BORDER DISPUTE ISSUE -- WHICH INHIBITED THEIR EFFORTS. DUARTE SAID THAT THE CHRISTIAN DEMOCRATS DID NOT HAVE THE WORLDWIDE PROPAGANDA APPARATUS OF THE SANDINISTAS AND THEIR COMMUNIST ALLIES. TO GET ATTENTION, HE OFTEN HAD TO TRAVEL HIMSELF, BUT EVEN THEN HIS MESSAGE WAS

FREQUENTLY IGNORED BY THE PRESS. "WE JUST DON'T COUNT IN EUROPE," HE CONCLUDED. HABIB ACKNOWLEDGED THESE PROBLEMS, BUT HE URGED THAT EL SALVADOR RAISE THIS ISSUE WITH THE OTHER DEMOCRACIES TO SEE IF SOMETHING COULD BE DONE.

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12. ASKED ABOUT THE SITUATION IN NICARAGUA, DUARTE SAID THAT THE DEMOCRATIC RESISTANCE HAD NOT PENETRATED INTO THE POPULATED CENTERS OF THE COUNTRY. THE WAR HAD NOT TOUCHED THE GREAT MAJORITY OF THE NICARAGUAN PEOPLE, AND THE SANDINISTAS REMAINED IN TOTAL CONTROL. "THE REAR GUARD OF THE SANDINISTAS IS ABSOLUTELY SOLID," HE SAID, AND UNLESS THE RESISTANCE COULD CARRY THE WAR TO THE CITIES, THE SANDINISTAS COULD PREVAIL ON THE BATTLEFIELD. WHILE NICARAGUA'S ECONOMIC SITUATION WAS VERY POOR, THIS WOULD NOT DESTABILIZE THE REGIME.

13. HABIB CONCLUDED BY STATING THAT THE U.S. WAS PLEASED THAT THE CENTRAL AMERICANS WERE NOT DOMINANT IN THE PEACE PROCESS. HE REITERATED THAT THE ESSENCE OF THE CONTADORA PROCESS WAS USEFUL -- A COMPREHENSIVE, VERIFIABLE, AND SIMULTANEOUS AGREEMENT -- AND WAS GLAD TO SEE THAT THE CENTRAL AMERICANS WERE WORKING TO

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IMPROVE THE AGREEMENT AND MOVE THE WHOLE PROCESS IN THE RIGHT DIRECTION. IN THE COMING MONTHS, HE ADDED, THE IMPACT OF THE AID TO THE NICARAGUAN RESISTANCE WOULD BE FELT IN MANAGUA, AND THEN WE WOULD ALL SEE IF THE SANDINISTAS WOULD BE PREPARED TO NEGOTIATE IN EARNEST. DUARTE AGREED THAT THE SITUATION HAD IMPROVED; THE CENTRAL AMERICANS WERE STRONGER, WHILE THE CONTADORA GROUP WAS WEAKER. THE REPLACEMENT OF THE BETANCUR ADMINISTRATION IN COLOMBIA WAS LIKELY TO REDUCE THE POSITION OF THE CONTADORA GROUP EVEN FURTHER. (DUARTE SAID HE PLANNED TO ATTEND THE INAUGURATION OF PRESIDENT-ELECT BARCO.)

14. COMMENT

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DUARTE REMAINS COMMITTED TO ACCEPT NOTHING LESS THAN A STRONG AND EFFECTIVE SETTLEMENT. HE WILL CONTINUE WORKING WITH THE OTHER DEMOCRACIES TO IMPROVE THE CURRENT DRAFT AND DEFINE THEIR COMMON POSITION. WHILE HE HAS A DIFFERENT VIEW THAN THE COSTA RICANS OF HOW TO HANDLE THE GUATEMALAN PROBLEM, HE FULLY RECOGNIZES THE NEED FOR CORE FOUR UNITY AND IS FOLLOWING WHAT HE BELIEVES TO BE A MORE REALISTIC AND PRACTICAL COURSE TO ACHIEVE THAT END. DUARTE AND HIS MILITARY SEEM DEEPLY DISTURBED BY THE POSSIBILITY OF A SANDINISTA-SPONSORED GUERRILLA

OFFENSIVE AND ARE SEEKING REASSURANCE THAT THE U.S. WILL STAND FIRMLY BEHIND THEM AND PROVIDE THE RESOURCES NEEDE TO DEFEAT IT. THEY PARTICULARLY WANT TO BE TOLD THAT WE

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TEXT OF TELEGRAM 86GUATEM007232

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PAGE 01 GUATEM 07232 04 OF 04 121706Z
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S E C R E T SECTION 04 OF 04 GUATEMALA 07232

EXDIS

E.O. 12356 DECL: OADR
TAGS: PREL, XK, ES
SUBJ: AMBASSADOR HABIB'S MEETING WITH
ARE PREPARED TO REPLACE AIRCRAFT AND HELICOPTERS THAT
MAY BE DOWNED. WE SHOULD ADDRESS THIS ISSUE IMMEDIATELY
SO THAT WE ARE READY TO RESPOND QUICKLY IN CASE SUCH AN
OFFENSIVE DOES MATERIALIZE.

END COMMENT

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E.O. 12356: DECL: OADR

TAGS: PREL, XK, GT

SUBJECT: AMBASSADOR HABIB'S MEETING WITH GUATEMALAN FOREIGN MINISTER QUINONES

1. S - ENTIRE TEXT

2. SUMMARY: AMBASSADORS HABIB AND PIEDRA MET WITH FOREIGN MINISTER QUINONES TO REVIEW THE CONTADORA PEACE PROCESS. HABIB ASSURED QUINONES THAT DESPITE PRESS REPORTS HE HAD NOT COME TO SOLICIT PUBLIC SUPPORT FOR THE NICARAGUAN DEMOCRATIC RESISTANCE BUT RATHER TO REAFFIRM U.S. SUPPORT FOR THE NEGOTIATING PROCESS. QUINONES NOTED THAT THE CONTADORA PROCESS WAS IN A DIFFICULT TIME, AND THAT THE CORE THREE NOW DISTRUSTED THE CONTADORA GROUP. HE SAID THAT GUATEMALA CONTINUED TO SUPPORT THE PROCESS BUT THAT IT HAD NO PLANS FOR NEW INITIATIVES. HE DID NOT BELIEVE THAT MEXICO WOULD EVER ALLOW CONTADORA TO BE CONVERTED FROM A PROCESS FOR HELPING NICARAGUA INTO A PROCESS FOR PRESSURING NICARAGUA. ALTHOUGH PRESIDENT CEREZO HAD ENDORSED THE PRINCIPLE OF DEMOCRATIZATION, QUINONES BELIEVED THAT THE SANDINISTAS WOULD RESIST ANY MOVEMENT TOWARDS TRUE DEMOCRACY AND THEREFORE INSISTANCE ON THIS WOULD MAKE AN AGREEMENT IMPOSSIBLE. HABIB URGED THAT THE CENTRAL AMERICAN DEMOCRACIES WORK TOGETHER TO

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DEFINE THEIR COMMON POSITION SO THAT THEY WOULD BE READY IF THE SANDINISTAS DECIDED THAT, AS A RESULT OF INCREASED PRESSURE BROUGHT ABOUT BY OUR AID TO THE RESISTANCE, THEY SHOULD TO NEGOTIATE SERIOUSLY. DURING THE MEETING, THE GAP BETWEEN GUATEMALA AND THE OTHER DEMOCRACIES REPEATEDLY SURFACED. END SUMMARY.

3. AMBASSADORS HABIB AND PIEDRA MET WITH GUATEMALAN FOREIGN MINISTER QUINONES ON JULY 12 TO REVIEW THE STATUS OF THE CONTADORA PROCESS. HABIB BEGAN BY ASSURING QUINONES THAT DESPITE ERRONEOUS PRESS REPORTS, HE HAD NOT COME TO OBTAIN THE PUBLIC SUPPORT OF THE CENTRAL AMERICAN DEMORACIES FOR THE NICARAGUAN RESISTANCE. HIS PURPOSE WAS TO REAFFIRM THAT THE U.S. WAS MAINTAINING ITS TWO-TRACK POLICY OF PRESSURE AND NEGOTIATIONS. WE WANTED TO KEEP THE DIPLOMATIC TRACK OPEN FOR THE TIME WHEN THE SANDINISTAS DECIDED THEY WERE READY TO NEGOTIATE. U.S. SUPPORT FOR THE RESISTANCE WAS INTENDED TO SUPPORT THE PEACE PROCESS, NOT SABOTAGE IT. THE CONTADORA PROCESS HAD ENTERED A NEW PHASE, WITH THE CENTRAL AMERICAN DEMOCRACIES NOW DOMINATING THE PROCESS. WE BELIEVED THAT THE PEACE PROCESS SHOULD CONTINUE, ALTHOUGH THE CENTRAL AMERICANS SHOULD BE THE ONES TO DECIDE WHETHER TO CONTINUE USING THE EXISTING CONTADORA FRAMEWORK OR SUBSTITUTE SOME OTHER FORUM. IN ANY EVENT, WE BELIEVED THAT IT WOULD BE USEFUL TO KEEP THE ESSENCE OF CONTADORA: THE CONCEPT OF A COMPREHENSIVE, VERIFIABLE AND SIMULTANEOUS REGIONAL SETTLEMENT IN SUPPORT OF THE 21 OBJECTIVES OF CONTADORA.

4. QUINONES COMMENTED ON THE DIFFICULT SITUATION IN WHICH THE CONTADORA PROCESS CURRENTLY FOUND ITSELF. HE DESCRIBED THE CONFUSION SURROUNDING THE RECENT MEETING IN PANAMA, INCLUDING THE CONTADORA GROUP'S INDECISION ABOUT INVITING THE CENTRAL AMERICANS AND NICARAGUAN FOREIGN MINISTER D'ESCOTO'S UNEXPECTED PRESENCE IN PANAMA. THE CORE THREE SUSPECTED THAT THE ENTIRE AFFAIR HAD BEEN ARRANGED BY THE CONTADORA GROUP TO GIVE NICARAGUA AN OPPORTUNITY TO SIGN AN AGREEMENT. THUS, THEY WERE DISTRUSTFUL OF THE CONTADORA GROUP AND WERE FEELING THAT THE ENTIRE CONTADORA PROCESS MAY HAVE BEEN A MISTAKE. HE ADDED THAT IT HAD BEEN A MISTAKE FOR THE CONTADORA GROUP TO HAVE PRESENTED A NEW DRAFT ACTA DURING THE PANAMA MEETING.

5. QUINONES THEN REVIEWED THE EVENTS SINCE THE PANAMA MEETING. HE ACKNOWLEDGED THAT THE CORE FOUR WORKING-LEVEL MEETING IN EL SALVADOR HAD ACCOMPLISHED LITTLE. HE STATED THAT THE CORE FOUR FOREIGN MINISTERS

HAD MET IN GUATEMALA ON THE MARGINS OF THE VICE PRESIDENT'S MEETING, BUT ADDED THAT THERE HAD BEEN PROBLEMS. HE SAID THAT NICARAGUAN VICE PRESIDENT RAMIREZ HAD ASKED HIM TO ARRANGE A MEETING WITH THE CORE FOUR FOREIGN MINISTERS. HONDURAN FOREIGN MINISTER LOPEZ DECLINED, HOWEVER, AND HASTILY DEPARTED THE FOLLOWING MORNING. QUINONES JUDGED THAT THE IMPORTANT THING ABOUT THIS WAS THAT THE NICARAGUANS WANTED TO CONTINUE THE NEGOTIATIONS. HABIB RESPONDED THAT THE OTHER CENTRAL AMERICANS DID NOT WANT TO TALK TO NICARGUA UNTIL THEY HAD BEEN ABLE TO DEFINE THEIR JOINT POSITION.

6. QUINONES CONFIRMED THAT THE JULY 14 MEETING OF THE VICE PRESIDENTS HAD BEEN POSTPONED. HE EXPLAINED THAT COSTA RICA HAD SENT WORD THAT IT WAS NOT PREPARED TO MEET WITH NICARAGUA. ANOTHER FACTOR WAS THAT ONE OF THE SANDINISTA COMANDANTES HAD INSULTED GUATEMALA IN A MEXICAN NEWSPAPER BY ASSERTING THAT CEREZO'S APPEAL FOR MORE U.S. ECONOMIC ASSITANCE AMOUNTED TO ASKING FOR A RAISE IN SALARY.

7. QUINONES SAID THAT GUATEMALA'S POSITION ON CONTADORA WAS ACCURATELY SUMMARIZED IN THE RECENT JOINT COMMUNIQUE ISSUED DURING CEREZO'S VISIT TO MEXICO. THE BRIEF PASSAGE IN THE TEXT PRAISED CONTADORA AND CALLED FOR CONTINUING THE NEGOTIATIONS. IT OFFERED NO SPECIFICS, HOWEVER. PRESENTLY, EVERYONE WAS WAITING FOR ALL THE CENTRAL AMERICANS TO RESPOND TO THE JUNE 7 DRAFT. HABIB NOTED THAT THEY ALL HAD EITHER DECLARED THEIR POSITION OR WERE ABOUT TO DO SO. THE DEMOCRACIES WERE WORKING TO DEFINE THEIR POSITION MORE CLEARLY. FOR EXAMPLE, THEY FAVORED STRENGTHENING THE PROVISIONS ON DEMOCRATIZATION AND WERE CONSIDERING INCLUDING A TIMETABLE FOR DEMOCRATIZATION IN NICARGAUA IN THE VERIFICATION ANNEX. QUINONES RESPONDED THAT COSTA RICAN FOREIGN MINISTER MADRIGAL WAS WRONG TO THINK THAT THE CORE FOUR COULD CONVERT CONTADORA FROM A PROCESS FOR HELPING NICARAGUA INTO A PROCESS FOR PRESSURING NICARAGUA: MEXICO WOULD NOT LET THAT HAPPEN. HE SAID THAT MADRIGAL WAS ALSO WRONG TO PUSH NICARAGUA ON DEMOCRACY: THE SANDINISTAS WOULD INSIST THAT THAT WAS AN INTERNAL MATTER. HE BELIEVED THAT THIS WOULD BE EVEN HARDER TO NEGOTIATE THAN THE MILITARY MATTERS, FOR NICARAGUA WOULD RESIST IT STRONGLY. THE NET EFFECT WOULD BE TO MAKE IT IMPOSSIBLE TO REACH AN AGREEMENT.

8. HABIB REPLIED THAT DEMOCRACY MUST BE IN INTEGRAL ELEMENT OF ANY SETTLEMENT, NOTING THAT CEREZO HAD CONCURRED IN THIS. AS THE SANDINISTAS FELT INCREASING

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MILITARY PRESSURE, THEY MIGHT LOOK FOR A WAY OUT THROUGH A POLITICAL SETTLEMENT. QUINONES AGREED THAT ADDITIONAL PROVISIONS ON DEMOCRATIZATION COULD BE INCLUDED IN THE VERIFICATION ANNEX, BUT INSISTED THAT THE CHAPTER ON POLITICAL MATTERS IN THE BODY OF THE AGREEMENT WAS CLOSED AND COULD NOT BE RENEGOTIATED. HABIB STATED THAT PRIOR TO SIGNATURE ANY SECTION COULD BE REVISED IF NECESSARY, BUT THAT THE VERIFICATION ANNEX WOULD BE AN APPROPRIATE PLACE TO INCLUDE SUCH COMMITMENTS. HE STRESSED THAT THE LANGUAGE ON DEMOCRATIZATION MUST BE PRECISE SO THAT THERE COULD BE NO QUESTION ABOUT THE SPECIFIC COMMITMENTS AND WHETHER THEY WERE BEING FULFILLED. QUINONES REITERATED HIS CONCERN THAT NICARAGUA WOULD NOT ACCEPT REAL DEMOCRATIZATION, AND THUS AN AGREEMENT WOULD BE IMPOSSIBLE.

9. HABIB STATED THAT THE IMPORTANT THING NOW WAS FOR THE DEMOCRACIES TO WORK TOGETHER TO DEFINE THEIR POSITION. AS OUR AID TO THE NICARAGUAN RESISTANCE BEGAN TO FLOW, THE SANDINISTAS WOULD FEEL INCREASING MILITARY PRESSURE. THE CENTRAL AMERICAN DEMOCRACIES SHOULD BE READY TO RESPOND IF AND WHEN THE SANDINISTAS SHOWED THAT THEY WERE READY TO TALK SERIOUSLY. QUINONES EXPRESSED RESERVATIONS ABOUT THE MILITARY SITUATION, NOTING THAT NICARAGUA HAD JUST RECEIVED ANOTHER SHIPMENT OF HELICOPTERS. HABIB RESPONDED THAT THE RESISTANCE WOULD RECEIVED WEAPONS TO COUNTER THE HELICOPTER THREAT.

10. HABIB THEN ASSURED QUINONES THAT HE UNDERSTOOD GUATEMALA'S DESIRE TO DEMONSTRATE ITS INDEPENDENCE, BUT STATED THAT ON POLITICAL ISSUES THE DEMOCRACIES SHOULD STAND UNITED. QUINONES RESPONDED THAT IT WAS NOT NECESSARY TO WORK WITH THE DEMOCRACIES IN ORDER TO SUPPORT THEM. HABIB REITERATED THE IMPORTANCE OF UNITY.

11. QUINONES ASKED WHAT COULD FOLLOW CONTADORA. HABIB REPLIED THAT PERHAPS THE CENTRAL AMERICANS WOULD NOW MOVE TO CREATE THEIR OWN PROCESS. IF SO, THEY COULD USE THE ESSENCE OF CONTADORA AS THE BASIS FOR NEGOTIATIONS. HE WARNED AGAINST ALLOWING NICARAGUA TO SPLIT THE PEACE PROCESS EITHER BY COUNTRY OR ISSUE. QUINONES REMARKED THAT THE SANDINISTAS WOULD LOVE TO DO EXACTLY THAT.

12. HABIB THEN DESCRIBED HIS IMPRESSIONS OF HIS RECENT TRIP TO EUROPE. HE NOTED THAT FRANCE, IN PARTICULAR, WAS REVISING ITS POLICY TOWARD THE REGION, ADDING THAT IT MIGHT BE RECEPTIVE TO AN APPEAL BY GUATEMALA FOR ECONOMIC ASSISTANCE.

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13. HABIB CLOSED BY RESTATING THAT THE U.S. HAD NOT ABANDONED THE NEGOTIATING TRACK OF ITS POLICY. WE BELIEVED THAT THE CENTRAL AMERICANS SHOULD CONTINUE WORKING TO DEFINE THEIR POSITION, PARTICULARLY WITH REPECT TO DEMOCRACY. QUINONES AGREED.

14. COMMENT: THE ABSENCE OF CEREZO, WHO WAS OUT OF TOWN, DETRACTED FROM THE USEFULNESS OF THE MEETING. QUINONES, WHO IS PERSONALLY MORE SYMPATHETIC TO OUR POSITION, CLEARLY FELT BOUND TO HOLD BACK AND FOLLOW HIS PRESIDENT'S LINE. AMBASSADOR PIEDRA WILL ENSURE THAT OUR MESSAGE IS DELIVERED DIRECTLY TO CEREZO DURING HIS NEXT MEETING WITH THE PRESIDENT. STILL, QUINONES' REMARKS, PARTICULARLY HIS RESERVATIONS ABOUT PUSHING DEMOCRACY AND COOPERATING WITH THE OTHER CENTRAL AMERCAN DEMOCRACIES, UNDERSCORE THE GAP BETWEEN GUATEMALA AND THE CORE THREE.
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TO AMEMBASSY GUATEMALA IMMEDIATE
INFO CONTADORA COLLECTIVE IMMEDIATE

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DEPARTMENT OF STATE IS/FPC/CDR Date: 12-19-96

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E.O. 12356: DECL: OADR
TAGS: PREL, XK, GT
SUBJECT: AMBASSADOR HABIB'S MEETING WITH GUATEMALAN FOREIGN MINISTER QUINONES

1. S - ENTIRE TEXT

2. SUMMARY: AMBASSADORS HABIB AND PIEDRA MET WITH FOREIGN MINISTER QUINONES TO REVIEW THE CONTADORA PEACE PROCESS. HABIB ASSURED QUINONES THAT DESPITE PRESS REPORTS HE HAD NOT COME TO SOLICIT PUBLIC SUPPORT FOR THE NICARAGUAN DEMOCRATIC RESISTANCE BUT RATHER TO REAFFIRM U.S. SUPPORT FOR THE NEGOTIATING PROCESS. QUINONES NOTED THAT THE CONTADORA PROCESS WAS IN A DIFFICULT TIME, AND THAT THE CORE THREE NOW DISTRUSTED THE CONTADORA GROUP. HE SAID THAT GUATEMALA CONTINUED TO SUPPORT THE PROCESS BUT THAT IT HAD NO PLANS FOR NEW INITIATIVES. HE DID NOT BELIEVE THAT MEXICO WOULD EVER ALLOW CONTADORA TO BE CONVERTED FROM A PROCESS FOR HELPING NICARAGUA INTO A PROCESS FOR PRESSURING NICARAGUA. ALTHOUGH PRESIDENT

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PAGE 02 STATE 220014

UNCLASSIFIED

CEREZO HAD ENDORSED THE PRINCIPLE OF DEMOCRATIZATION, QUINONES BELIEVED THAT THE SANDINISTAS WOULD RESIST ANY MOVEMENT TOWARDS TRUE DEMOCRACY AND THEREFORE INSISTANCE ON THIS WOULD MAKE AN AGREEMENT IMPOSSIBLE. HABIB URGED THAT THE CENTRAL AMERICAN DEMOCRACIES WORK TOGETHER TO

DEFINE THEIR COMMON POSITION SO THAT THEY WOULD BE READY IF THE SANDINISTAS DECIDED THAT, AS A RESULT OF INCREASED PRESSURE BROUGHT ABOUT BY OUR AID TO THE RESISTANCE, THEY

SHOULD NEGOTIATE SERIOUSLY. DURING THE MEETING, THE GAP BETWEEN GUATEMALA AND THE OTHER DEMOCRACIES REPEATEDLY SURFACED. END SUMMARY.

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3. AMBASSADORS HABIB AND PIEDRA MET WITH GUATEMALAN FOREIGN MINISTER QUINONES ON JULY 12 TO REVIEW THE STATUS OF THE CONTADORA PROCESS. HABIB BEGAN BY ASSURING QUINONES THAT DESPITE ERRONEOUS PRESS REPORTS, HE HAD NOT COME TO OBTAIN THE PUBLIC SUPPORT OF THE CENTRAL AMERICAN DEMORACIES FOR THE NICARAGUAN RESISTANCE. HIS PURPOSE WAS TO REAFFIRM THAT THE U.S. WAS MAINTAINING ITS TWO-TRACK POLICY OF PRESSURE AND NEGOTIATIONS. WE WANTED TO KEEP THE DIPLOMATIC TRACK OPEN FOR THE TIME WHEN THE SANDINISTAS DECIDED THEY WERE READY TO NEGOTIATE. U.S. SUPPORT FOR THE RESISTANCE WAS INTENDED TO SUPPORT THE PEACE PROCESS, NOT SABOTAGE IT. THE CONTADORA PROCESS HAD ENTERED A NEW PHASE, WITH THE CENTRAL AMERICAN DEMOCRACIES NOW DOMINATING THE PROCESS. WE BELIEVED THAT THE PEACE PROCESS SHOULD CONTINUE, ALTHOUGH THE CENTRAL AMERICANS SHOULD BE THE ONES TO DECIDE WHETHER TO CONTINUE USING THE EXISTING CONTADORA FRAMEWORK OR SUBSTITUTE SOME OTHER FORUM. IN ANY EVENT, WE BELIEVED THAT IT WOULD BE USEFUL TO KEEP THE ESSENCE OF CONTADORA: THE CONCEPT OF A COMPREHENSIVE, VERIFIABLE

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AND SIMULTANEOUS REGIONAL SETTLEMENT IN SUPPORT OF THE 21 OBJECTIVES OF CONTADORA.

4. QUINONES COMMENTED ON THE DIFFICULT SITUATION IN WHICH THE CONTADORA PROCESS CURRENTLY FOUND ITSELF. HE DESCRIBED THE CONFUSION SURROUNDING THE RECENT MEETING IN PANAMA, INCLUDING THE CONTADORA GROUP'S INDECISION ABOUT INVITING THE CENTRAL AMERICANS AND NICARAGUAN FOREIGN MINISTER D'ESCOTO'S UNEXPECTED PRESENCE IN PANAMA. THE CORE THREE SUSPECTED THAT THE ENTIRE AFFAIR HAD BEEN ARRANGED BY THE CONTADORA GROUP TO GIVE NICARAGUA AN OPPORTUNITY TO SIGN AN AGREEMENT. THUS, THEY WERE DISTRUSTFUL OF THE CONTADORA GROUP AND WERE FEELING THAT THE ENTIRE CONTADORA PROCESS MAY HAVE BEEN A MISTAKE. HE ADDED THAT IT HAD BEEN A MISTAKE FOR THE CONTADORA GROUP TO HAVE PRESENTED A NEW DRAFT ACTA DURING THE PANAMA MEETING.

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5. QUINONES THEN REVIEWED THE EVENTS SINCE THE PANAMA MEETING. HE ACKNOWLEDGED THAT THE CORE FOUR WORKING-LEVEL MEETING IN EL SALVADOR HAD ACCOMPLISHED LITTLE. HE STATED THAT THE CORE FOUR FOREIGN MINISTERS

HAD MET IN GUATEMALA ON THE MARGINS OF THE VICE PRESIDENT'S MEETING, BUT ADDED THAT THERE HAD BEEN PROBLEMS. HE SAID THAT NICARAGUAN VICE PRESIDENT RAMIREZ

HAD ASKED HIM TO ARRANGE A MEETING WITH THE CORE FOUR FOREIGN MINISTERS. HONDURAN FOREIGN MINISTER LOPEZ DECLINED, HOWEVER, AND HASTILY DEPARTED THE FOLLOWING MORNING. QUINONES JUDGED THAT THE IMPORTANT THING ABOUT THIS WAS THAT THE NICARAGUANS WANTED TO CONTINUE THE NEGOTIATIONS. HABIB RESPONDED THAT THE OTHER CENTRAL AMERICANS DID NOT WANT TO TALK TO NICARGUA UNTIL THEY HAD BEEN ABLE TO DEFINE THEIR JOINT POSITION.

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6. QUINONES CONFIRMED THAT THE JULY 14 MEETING OF THE

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VICE PRESIDENTS HAD BEEN POSTPONED. HE EXPLAINED THAT COSTA RICA HAD SENT WORD THAT IT WAS NOT PREPARED TO MEET WITH NICARAGUA. ANOTHER FACTOR WAS THAT ONE OF THE SANDINISTA COMANDANTES HAD INSULTED GUATEMALA IN A MEXICAN NEWSPAPER BY ASSERTING THAT CEREZO'S APPEAL FOR MORE U.S. ECONOMIC ASSITANCE AMOUNTED TO ASKING FOR A RAISE IN SALARY.

7. QUINONES SAID THAT GUATEMALA'S POSITION ON CONTADORA WAS ACCURATELY SUMMARIZED IN THE RECENT JOINT COMMUNIQUE ISSUED DURING CEREZO'S VISIT TO MEXICO. THE BRIEF PASSAGE IN THE TEXT PRAISED CONTADORA AND CALLED FOR CONTINUING THE NEGOTIATIONS. IT OFFERED NO SPECIFICS, HOWEVER. PRESENTLY, EVERYONE WAS WAITING FOR ALL THE CENTRAL AMERICANS TO RESPOND TO THE JUNE 7 DRAFT. HABIB NOTED THAT THEY ALL HAD EITHER DECLARED THEIR POSITION OR WERE ABOUT TO DO SO. THE DEMOCRACIES WERE WORKING TO DEFINE THEIR POSITION MORE CLEARLY. FOR EXAMPLE, THEY FAVORED STRENGTHENING THE PROVISIONS ON DEMOCRATIZATION AND WERE CONSIDERING INCLUDING A TIMETABLE FOR DEMOCRATIZATION IN NICARGAUA IN THE VERIFICATION ANNEX. QUINONES RESPONDED THAT COSTA RICAN FOREIGN MINISTER MADRIGAL WAS WRONG TO THINK THAT THE CORE FOUR COULD CONVERT CONTADORA FROM A PROCESS FOR HELPING NICARAGUA INTO A PROCESS FOR PRESSURING NICARAGUA: MEXICO WOULD NOT LET THAT HAPPEN. HE SAID THAT MADRIGAL WAS ALSO WRONG TO PUSH NICARAGUA ON DEMOCRACY: THE SANDINISTAS WOULD INSIST THAT THAT WAS AN INTERNAL MATTER. HE BELIEVED THAT THIS WOULD BE EVEN HARDER TO NEGOTIATE THAN THE MILITARY MATTERS, FOR NICARAGUA WOULD RESIST IT STRONGLY. THE NET EFFECT WOULD BE TO MAKE IT IMPOSSIBLE TO REACH AN AGREEMENT.

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8. HABIB REPLIED THAT DEMOCRACY MUST BE IN INTEGRAL ELEMENT OF ANY SETTLEMENT, NOTING THAT CEREZO HAD

CONCURRED IN THIS. AS THE SANDINISTAS FELT INCREASING

MILITARY PRESSURE, THEY MIGHT LOOK FOR A WAY OUT THROUGH A POLITICAL SETTLEMENT. QUINONES AGREED THAT ADDITIONAL PROVISIONS ON DEMOCRATIZATION COULD BE INCLUDED IN THE VERIFICATION ANNEX, BUT INSISTED THAT THE CHAPTER ON POLITICAL MATTERS IN THE BODY OF THE AGREEMENT WAS CLOSED AND COULD NOT BE RENEGOTIATED. HABIB STATED THAT PRIOR TO SIGNATURE ANY SECTION COULD BE REVISED IF NECESSARY, BUT THAT THE VERIFICATION ANNEX WOULD BE AN APPROPRIATE PLACE TO INCLUDE SUCH COMMITMENTS. HE STRESSED THAT THE LANGUAGE ON DEMOCRATIZATION MUST BE PRECISE SO THAT THERE COULD BE NO QUESTION ABOUT THE SPECIFIC COMMITMENTS AND WHETHER THEY WERE BEING FULFILLED. QUINONES REITERATED HIS CONCERN THAT NICARAGUA WOULD NOT ACCEPT REAL DEMOCRATIZATION, AND THUS AN AGREEMENT WOULD BE IMPOSSIBLE.

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9. HABIB STATED THAT THE IMPORTANT THING NOW WAS FOR THE DEMOCRACIES TO WORK TOGETHER TO DEFINE THEIR POSITION. AS OUR AID TO THE NICARAGUAN RESISTANCE BEGAN TO FLOW, THE SANDINISTAS WOULD FEEL INCREASING MILITARY PRESSURE. THE CENTRAL AMERICAN DEMOCRACIES SHOULD BE READY TO RESPOND IF AND WHEN THE SANDINISTAS SHOWED THAT THEY WERE READY TO TALK SERIOUSLY. QUINONES EXPRESSED RESERVATIONS ABOUT THE MILITARY SITUATION, NOTING THAT NICARAGUA HAD JUST RECEIVED ANOTHER SHIPMENT OF HELICOPTERS. HABIB RESPONDED THAT THE RESISTANCE WOULD RECEIVED WEAPONS TO COUNTER THE HELICOPTER THREAT.

10. HABIB THEN ASSURED QUINONES THAT HE UNDERSTOOD GUATEMALA'S DESIRE TO DEMONSTRATE ITS INDEPENDENCE, BUT STATED THAT ON POLITICAL ISSUES THE DEMOCRACIES SHOULD STAND UNITED. QUINONES RESPONDED THAT IT WAS NOT

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NECESSARY TO WORK WITH THE DEMOCRACIES IN ORDER TO SUPPORT THEM. HABIB REITERATED THE IMPORTANCE OF UNITY.

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11. QUINONES ASKED WHAT COULD FOLLOW CONTADORA. HABIB REPLIED THAT PERHAPS THE CENTRAL AMERICANS WOULD NOW MOVE TO CREATE THEIR OWN PROCESS. IF SO, THEY COULD USE THE ESSENCE OF CONTADORA AS THE BASIS FOR NEGOTIATIONS. HE WARNED AGAINST ALLOWING NICARAGUA TO SPLIT THE PEACE PROCESS EITHER BY COUNTRY OR ISSUE. QUINONES REMARKED THAT THE SANDINISTAS WOULD LOVE TO DO EXACTLY THAT.

12. HABIB THEN DESCRIBED HIS IMPRESSIONS OF HIS RECENT TRIP TO EUROPE. HE NOTED THAT FRANCE, IN PARTICULAR, WAS REVISING ITS POLICY TOWARD THE REGION, ADDING THAT IT MIGHT BE RECEPTIVE TO AN APPEAL BY GUATEMALA FOR ECONOMIC ASSISTANCE.

13. HABIB CLOSED BY RESTATING THAT THE U.S. HAD NOT ABANDONED THE NEGOTIATING TRACK OF ITS POLICY. WE BELIEVED THAT THE CENTRAL AMERICANS SHOULD CONTINUE WORKING TO DEFINE THEIR POSITION, PARTICULARLY WITH REPECT TO DEMOCRACY. QUINONES AGREED.

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14. COMMENT: THE ABSENCE OF CEREZO, WHO WAS OUT OF TOWN, DETRACTED FROM THE USEFULNESS OF THE MEETING. QUINONES, WHO IS PERSONALLY MORE SYMPATHETIC TO OUR POSITION, CLEARLY FELT BOUND TO HOLD BACK AND FOLLOW HIS PRESIDENT'S LINE. AMBASSADOR PIEDRA WILL ENSURE THAT OUR MESSAGE IS DELIVERED DIRECTLY TO CEREZO DURING HIS NEXT MEETING WITH THE PRESIDENT. STILL, QUINONES' REMARKS, PARTICULARLY HIS RESERVATIONS ABOUT PUSHING DEMOCRACY AND COOPERATING WITH THE OTHER CENTRAL AMERCAN DEMOCRACIES, UNDERSCORE THE GAP BETWEEN GUATEMALA AND THE CORE THREE. SHULTZ

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PAGE 01 SANTIA 04742 01 OF 03 212057Z
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~~C O N F I D E N T I A L~~ SECTION 01 OF 03 SANTIAGO 04742

AMEMBASSY ASUNCION PASS TO DAS GELBARD

E.O. 12356: DECL: OADR
TAGS: PREL, PHUM, PINT, CI
SUBJECT: VISIT OF DAS ROBERT GELBARD - JULY 13-18: OVERVIEW OF VISIT RESULTS

1. ~~CONFIDENTIAL~~ - ENTIRE TEXT.

2. SUMMARY: ALTHOUGH INITIALLY THOUGHT OF AS AN ORIENTATION TO UR, DAS GELBARD'S VISIT COINCIDED WITH A PERIOD OF HEIGHTENED STRAINS IN OUR RELATIONS AND THEREFORE HAD A MUCH BIGGER IMPACT. A SERIES OF CONCURRENT EVENTS AND GELBARD'S MESSAGES IN PUBLIC AND PRIVATE COMBINED TO TURN THE VISIT INTO A MAJOR INGREDIENT OF OUR POLICY IMPLEMENTATION PROCESS. IT REMAINS TO BE SEEN WHETHER THE GOC WILL BE INFLUENCED BY GELBARD'S MESSAGE, BUT THERE IS NO LONGER MUCH DOUBT THAT THE MESSAGE WAS CLEAR AND PRECISE ENOUGH TO KNOW EXACTLY WHAT THE U.S. WANTS. THE FOREIGN MINISTER SAID PRECISELY THAT THE DAY AFTER GELBARD'S PRESS CONFERENCE. WE THINK THE MODERATE OPPOSITION ALSO BENEFITED NOT ONLY BY THE
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PAGE 02 SANTIA 04742 01 OF 03 212057Z

UNCLASSIFIED

BOOST HE OFFERED BUT ALSO BY HIS INSISTENCE ON PRAGMATISM. END SUMMARY.

3. WHILE THE CASE OF BURN VICTIM ROJAS AND THE ATTACK ON THE AMBASSADOR BY SENATOR HELMS DREW THE MOST ATTENTION, UNDERLYING TENSIONS CAUSED BY CHILE'S FAILURE TO MAKE SIGNIFICANT PROGRESS ON EITHER HUMAN RIGHTS OR A DEMOCRATIC TRANSITION WERE THE MAJOR THEMES OF GELBARD'S DISCUSSIONS. THE ATTITUDE OF GOVERNMENT OFFICALS WAS GENERALLY AN UNCOMPROMISING DEFENSE OF WHAT THEY ARE DOING AND FRUSTRATION THAT THE U.S. IS NOT SATISFIED WITH THEIR PROMISES. THEY NOTED THAT THE POLITICAL PARTIES LAW WILL BE IN FORCE AND OPERATING IN MARCH 1987, AND MINISTER OF INTERIOR GARCIA CLAIMED THAT A POLITICAL CONTEXT OF CIVIL LIBERTIES WOULD ACCOMPANY IT TO MAKE IT MEANINGFUL. AMONG THE MILITARY INTERLOCUTORS, THERE WAS A SLIGHTLY MORE WILLINGNESS TO LISTEN TO THE US VIEWPOINT ON THE PART OF SOME, AND RESPONSIVENESS RANGING FROM ALMOST TOTAL (MATTHEI) TO NIL (CNI CHIEF GORDON).

4. REACHING OUT TO THE ARMY BELOW THE VERY TOP LEVEL. WAS OBSTRUCTED AND ADMIRAL MERINO WAS FRIGID, WHILE STANGE AND MATTHEI RECOGNIZED THE NEED FOR FUNDAMENTAL CHANGES. THE IMPRESSION RECEIVED BY GELBARD WAS THAT OF A GOVERNMENT RIGID IN ITS POSITION, WITH BLINDERS ON AND WITHOUT THE WILL TO ENGAGE ITS OWN POPULATION, MUCH LESS THE OPPOSITION. HE STRESSED THE NEED FOR CONFIDENCE BUILDING MEASURES AND THE GOC'S RESPONSIBILITY AS A GOVERNMENT TO TAKE THE FIRST STEPS TO REACH OUT. WHEN GELBARD MENTIONED
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PAGE 03 SANTIA 04742 01 OF 03 212057Z

GROWING RADICALIZATION AND POLARIZATION, MOST CHILEAN OFFICIALS DENIED IT. WHETHER SINCERE OR A DEFENSE MECHANISM, THE ATTITUDE OF GOC AUTHORITIES WAS THAT THINGS ARE GOING FINE IN CHILE EXCEPT FOR A FEW AGITATORS, AND IF FOREIGNERS WOULD LEAVE CHILE ALONE AND WAIT, THEY WILL BE PLEASANTLY SURPRISED THAT ALL WILL WORK OUT FINE.

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5. SOME OF THE CONSERVATIVE BUSINESS COMMUNITY, CHILEAN AND U.S., SHARE THIS VIEW, WHILE OTHERS ARE DISTURBED BY UNCERTAINTY BUT UNWILLING TO GET INVOLVED. MANY OF THEM EXPRESSED OPPOSITION TO U.S. POLICY, FEARING THAT THE U.S. WILL CONTRIBUTE TO INSTABILITY. THE CHILEAN BUSINESSMEN GENERALLY AGREED, AND SOME EMPHASIZED THAT THE OPPOSITION IS IRRESPONSIBLE AND UNTRUSTWORTHY. OTHERS AGREED TO THE NEED FOR A QUICK RETURN TO DEMOCRACY THAT WOULD ENSURE THE TRANSITION DID NOT RESULT IN A TAKEOVER BY MARXISTS. CARDINAL FRESNO EMPHASIZED THAT IT WAS IMPORTANT THEY ARE AMONG THE FEW WHO CAN INFLUENCE PINOCHET. SEVERAL OF THEM, PERHAPS THINKING OF THE POSITIVE EFFECTS OF THE ECONOMIC BOOM ON THE APPROVAL OF THE 1980 CONSTITUTION, TALKED WISTFULLY ABOUT HOW THE REVIVING ECONOMY WOULD MAKE PEOPLE PAY LESS ATTENTION TO POLITICAL MATTERS.

6. THE DEMOCRATIC OPPOSITION WAS MORE DEPRESSED THAN USUAL, PROBABLY BECAUSE OF PINOCHET'S SPEECHES THE WEEK BEFORE IN WHICH HE MADE CLEAR HIS DETERMINATION TO PREVENT ANY SUBSTANTIAL CHANGE IN 1989, AND THEIR OWN WEAKNESS TO COMBAT IT. THE

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PAGE 01 SANTIA 04742 02 OF 03 212059Z

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~~C O N F I D E N T I A L~~ SECTION 02 OF 03 SANTIAGO 04742

AMEMBASSY ASUNCION PASS TO DAS GELBARD

E.O. 12356: DECL: OADR
TAGS: PREL, PHUM, PINT, CI
SUBJECT: VISIT OF DAS ROBERT GELBARD - JULY 13-18:

ABSENCE OF OPPOSITION PRAGMATISM, WITH A FEW NOTABLE EXCEPTIONS, WAS ONLY SLIGHTLY LESS STARK THAN THE RIGIDITY AND BLINDNESS OF THE GOVERNMENT. THE NATIONAL ACCORD PARTY LEADERS DID SAY THE PARTIES RECOGNIZE THE NEED TO REASSURE THE MILITARY ON HUMAN RIGHT TRIALS, PRIVATE PROPERTY AND THE FUTURE ROLE OF THE COMMUNISTS, BUT THEY DIVERGE SHARPLY ON HOW A CONSENSUS SOLUTION LIKE IT.

7. GELBARD TRIED TO DISCOURAGE THEM FROM SOCIAL PRESSURE TACTICS BECAUSE IT PLAYS INTO THE HANDS OF THE EXTREMES WHO EMPLOY VIOLENCE, BUT MOST OF THEM STILL SUSTAIN HOPES SUCH PRESSURE WILL ERODE MILITARY ZEST FOR GOVERNANCE ENOUGH TO
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PAGE 02 SANTIA 04742 02 OF 03 212059Z

REMOVE PINOCHET AND BEGIN BARGAINING. THE AFL-CIO SUPPORTED CDT ADVOCATES A NATIONWIDE STRIKE LATER IF OTHER ACTIONS FAIL, BUT OPPOSES SMALL STOPPAGES

OR STRIKES IN THE NEAR FUTURE. IN THE MIND OF THE CHRISTIAN DEMOCRATS AND SOME OTHERS, A SOCIAL PRESSURE STRATEGY REQUIRES COORDINATION WITH THE COMMUNIST PARTY, BUT GELBARD MADE CLEAR U. S. OPPOSITION TO THEIR LINKS WITH THE COMMUNISTS. ALL AGREED THAT MORE FREQUENT AND CLOSER CONTACTS BETWEEN U. S. AND CHILEAN MILITARIES IS NECESSARY. SURPRISINGLY, WITH THE EXCEPTION OF CNT LABOR LEADERS, OPPOSITION REPS OPPOSED ECONOMIC SANCTIONS WHICH COULD HURT CHILE'S ECONOMY, BUT THEY ADVOCATE THE USE OF THE THREAT OF ECONOMIC PUNISHMENT TO TRY TO MOVE THE GOC. EVEN CARDINAL FRESNO AND ACCORD COORDINATOR SERGIO MOLINA SAID THERE WOULD BE NO OTHER CHOICE UNLESS THERE WERE A POLITICAL BREAK-THROUGH IN THE NEXT FEW MONTHS.

8. DURING A MEETING WITH CONSERVATIVE PRO-GOVERNMENT POLITICAL FIGGURES JAIME GUZMAN, JUAN DE DIOS CARMONA AND JAIME TORMO, THE LAST TWO DEFENDED THE REGIME, ALTHOUGH THEY CALLED FOR OPEN PRESIDENTIAL ELECTIONS AND REJECTED PINOCHET'S ATTEMPT TO SUCCEED HIMSELF. THEY ALSO CALLED FOR A POLITICAL PARTIES LAW AS SOON AS POSSIBLE. GUZMAN CALLED FOR LIBERALIZATION ACROSS THE BOARD (UNIVERSITIES, REPEAL OF TRANSITORY PRIVISION 24, RETURN OF EXILES AND SO ON) BUT ARGUED AGAINST AN OPEN PRESIDENTIAL ELECTION. HE FORECASTS A CIVIL WAR IF EITHER THERE IS AN OPEN ELECTION OR THERE IS A PLEBISCITE AND PINOCHET IS THE CANDIDATE. HE INSISTS ON A PLEBISCITE FOR A CONSENSUS CANDIDATE, WHO COULD BE ANYONE ACCEPTABLE TO THE PARTIES, SOCIAL
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ORGANS (EMPLOYERS) AND ARMED FORCES. HE CONSIDERED FERNANDO LENIZ OR SERGIO MOLINA POSSIBLE CONSENSUS CANDIDATES. LENIZ, IN TALKING WITH GELBARD, PROPOSED MOLINA AS A POSSIBLE SINGLE CANDIDATE OF THE OPPOSITION, MOLINA, WHO WAS PRESENT, NEITHER PUSHED THE IDEA NOR OBJECTED TO IT.

9. THE OPPOSITION HUMAN RIGHTS COMMISSIONS REPORTED A DETERIORATION IN CONDITIONS IN RECENT MONTHS. THEY WANT TO SEE A SHARP RESOLUTION AT

THE UN THIS DECEMBER. THE VICARIATE IS UNDER CONTINUING GOC PRESSURE AND FEAR HAS AFFECTED THE WORK OF SOME VICARIATE EMPLOYEES. THE VICARIATE AND THE CHILEAN HUMAN RIGHTS COMMISSION (CHRC) ACCEPT THE CREATION OF AN OFFICIAL HUMAN RIGHTS COMMISSION (OHRC) AS A POTENTIALLY POSITIVE MOVE AND WILL GIVE IT A CHANCE TO PROVE ITSELF. ALTHOUGH THE MORE RADICAL MEMBERS OF THE CHRC BOARD (TABORGA AND DOMINGUEZ) OPPOSED COLLOBORATION WITH IT OF ANY KIND, THE VICARIATE IS PREPARED TO BRING CASES TO THE OGRC. THE CHRC WANTS TO WORK CLOSELY WITH THE US ON THE UN RESOLUTION THIS FALL, WITH ALMEYDA SOCIALIST TABORGA PROPOSING THAT THE U.S. WORK WITH THE CHRC'S TRADITIONAL FRIENDS (READ NON-ALIGNED RADICALS, MEXICO AND OTHERS ON THE FAR LEFT) IN ORDER TO SECURE A CONSENUS RESOLUTION. IN GELBARD'S MEETING WITH THE OHRC MEMBERS, THEY STRESSED THAT THEY WERE STILL SETTLING IN BUT INTEND TO PROVE THEIR INDEPEDENCE AND SERIOUSNESS. GELBARD ALSO MET WITH REPRESENTATIVES OF THE CIVIC ASSEMBLY AND WITH THE PARENTS OF BURN VICTIM CARMEN QUINTANA.

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PAGE 01 SANTIA 04742 03 OF 03 212101Z
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AMEMBASSY ASUNCION PASS TO DAS GELBARD

E.O. 12356: DECL: OADR
TAGS: PREL, PHUM, PINT, CI
SUBJECT: VISIT OF DAS ROBERT GELBARD - JULY 13-18:

10. IN MEETINGS WITH UNIVERSITY RECTORS AND STUDENT LEADERS, GELBARD WAS APPRISED OF THE GULF THAT DIVIDES THEM AND THE LACK OF COMMUNICATION. THE RECTORS, WITH ONE EXCEPTION, FOCUS ON AGITATORS, WHILE THE STUDENTS ARE BEING DRAWN INTO GREATER RADICALISM BY THE POLITICAL DEADLOCK AND RECTOR INTRANSIGENCE. THEY AGREED, HOWEVER, THAT ONE OF THE ROOT CAUSES OF PROBLEMS IS FISCAL STARVATION.

11. MEDIA COVERAGE WAS GREATER THAN ANY RECEIVED IN RECENT YEARS FOR A U.S. VISITOR, AND WAS BALANCED EXCEPT FOR THE GOVERNMENT CONTROLLED "LA NACION", WHICH BEAT THE ANTI-INTERVENTION DRUM. GELBARD'S PRESS CONFERENCE RECEIVED WIDE DISSEMINATION AND HAS PROMOTED GENERALLY FAVORABLE REACTIONS FROM MOST OF THE MODERATE OPPOSITION. DEL VALLE SAID HE WOULD COMMENT FURTHER AFTER
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PAGE 02 SANTIA 04742 03 OF 03 212101Z

CAREFULLY STUDYING THE STATEMENT ALTHOUGH HE SAID IT HAD VARYING POINTS ABOUT WHICH THE GOC AGREED OR DISAGREED. IT HAD THE VIRTURE, HE SAID, OF BEING "A VERY CLEAR AND PRECISE YARDSTICK WITH WHICH TO MEASURE (USG) THINKING; THERE IS NO WAY TO BE MISTAKEN ABOUT IT." DEL VALLE AGREED WITH GELBARD'S

STATEMENT ABOUT A CLIMATE OF MISTRUST: "IT IS OBVIOUS THAT IT EXISTS...ALL CHILEANS, WITHOUT EXCEPTION, SHOULD WORK TO ELIMINATE IT." THE FAR LEFT ATTACKED GELBARD'S MISSION AS INTERVENTION, AS DID THE FAR RIGHT. SEVERAL MEMBERS OF THE CENTER-RIGHT FACTION OF THE CHRISTIAN DEMOCRATIC PARTY TOLD GELBARD AND/OR EMBOFFS THAT THEY WERE PLEASED WITH THE CLARITY AND PRECISION OF HIS STATEMENT REGARDING STEPS THAT THE U.S. THINKS ARE NECESSARY TO HAVE A MEANINGFUL DEMOCRATIC TRANSITION.

12. IN THE WAKE OF THE WHITE HOUSE STATEMENT EXPRESSING FULL CONFIDENCE IN THE AMBASSADOR AND UNDERCUTTING THE UNHELPFUL INTERVENTION OF SENATOR HELMS, GELBARD ENJOYED ENHANCED CREDIBILITY AS THE SPOKESMAN FOR A STATE DEPARTMENT WHOSE CONTROL OF OUR POLICY TOWARD CHILE HAD JUST BEEN STRONGLY REINFORCED. HE WAS THUS ABLE TO SPEAK WITH AUTHORITY THAT WAS UNQUESTIONED BY INTERLOCUTORS AND MAY BE PART OF THE REASON HE WAS RECEIVED AT AN UNUSUALLY HIGH LEVEL, (ALL FOUR JUNTA MEMBERS AND FIVE MINISTERS, ALL IN SEPARATE MEETINGS). HE WAS NOT RECEIVED BY THE PRESIDENT, BUT PINOCHET GENERALLY RECEIVES ONLY HIGHER RANKING U.S. OFFICIALS. GELBARD'S ATTENTIVE AUDIENCE HEARD A VERY CLEAR AND DETAILED
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PAGE 03 SANTIA 04742 03 OF 03 212101Z

MESSAGE OF WHAT IT IS WE MEAN BY A DEMOCRATIC TRANSITION; THAT THE PROMULGATION OF LAWS IS NOT ENOUGH. IT MUST BE ACCOMPANIED BY A LIBERALIZED CLIMATE AND AN ATTITUDE OF COMPROMISE. WE THINK THE VISIT GAVE THE DEMOCRATIC OPPOSITION A BOOST, AND IT REINFORCED OUR ATTEMPTS TO GET THEM TO APPROACH THEIR CHALLENGE WITH PRAGMATISM AND A CLEAR, LOGICAL AND PEACEFUL STRATEGY DESIGNED TO PERSUADE THE MILITARY THAT A DEMOCRATIC TRANSITION IS IN THEIR LONG TERM INTEREST. IT REMAINS TO BE SEEN HOW EACH SIDE REACTS.

13. WE WILL BE SENDING BY SEPARATE TELEGRAMS OR

POUCHED MEMORANDUMS OF CONVERSATION DETAILS OF MR. GELBARD'S DISCUSSIONS WITH SPECIFIC INTERLOCUTORS. BARNES

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Case Number: S199900030

Chile Project (#S199900030)
U.S. Department of State
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Exemption(s)_____

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PAGE 01 SANTIA 04743 212103Z
ACTION ARA-00

INFO LOG-00 COPY-01 ADS-00 INR-10 SS-00 CIAE-00 DODE-00
H-01 NSCE-00 NSAE-00 HA-09 L-03 PM-10 PA-02
OMB-01 SIL-01 USIE-00 SP-02 SNP-01 PRS-01 /042 W
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R 212058Z JUL 86
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 7047

UNCLAS SANTIAGO 04743

E.O. 12356: N/A
TAGS: PGOV, SCUL, CI
SUBJ: CATHOLIC UNIVERSITY STUDENTS "TAKE" MAIN CAMPUS

1. 88 STUDENTS WERE DETAINED AFTER OCCUPYING THE MAIN CAMPUS BUILDING OF THE CATHOLIC UNIVERSITY ON JULY 16. THE OCCUPATION WAS AN EFFORT TO FORCE THE RECTOR, JUAN DE DIOS VIAL, INTO SIGNING A DOCUMENT THAT WOULD READMIT EXPELLED STUDENT DAUNO TOTORO. THE TAKEOVER WAS WELL PLANNED AND PEACEFULLY EXECUTED.

2. THE STUDENT ASSOCIATION (FEUC) LED THE TAKEOVER AND ENSUING DEMAND THAT TOTORO BE READMITTED, PROMULGATED BY FEUC PRESIDENT TOMAS JOCELYN-HOLT AND JORGE IRIBARRA. THE OCCUPATION LASTED FOR 7 HOURS WHILE DISCUSSIONS WERE HELD BETWEEN THE RECTOR AND THE STUDENT LEADERS. AT DUSK THE RECTOR REQUESTED THAT CARABINEROS REMOVE THE STUDENTS FROM THE PREMISES AS NO AGREEMENT HAD BEEN REACHED (VIAL SAID THAT HE COULD NOT PERMIT THE STUDENTS TO BE IN THE BUILDING AFTER DARK.)

3. THE STUDENTS DID NOT RESIST AND THE ONLY DISTURBANCES OCCURRED OUTSIDE THE CAMPUS BUILDING WHERE DEMONSTRATORS WERE DISPERSED BY A CARABINERO WATER CANNON.
4. ALL 88 STUDENTS WERE RELEASED JULY 20, NO CHARGES
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PAGE 02 SANTIA 04743 212103Z

WERE BROUGHT AGAINST THEM AND TALKS CONTINUE WITH THE RECTOR CONCERNING THE READMITTANCE OF THE EXPELLED STUDENT. BARNES

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Case Number: S199900030

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Chile Project (#S199900030)
U.S. Department of State
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Exemption(s) ____

PAGE 01 SANTIA 04740 212042Z
ACTION ARA-00

INFO LOG-00 COPY-01 ADS-00 AID-00 INR-10 SS-00 CIAE-00
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R 212039Z JUL 86
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 7041

~~C O N F I D E N T I A L~~ SANTIAGO 04740

E.O. 12356: DECL: OADR
TAGS: EFIN, PGOV, CI
SUBJ: DAS GELBARD'S MEETING WITH FINANCE MINISTER BUCHI

1. SUMMARY: IN A MEETING WITH FINANCE MINISTER BUCHI ON JULY 15, DAS GELBARD OUTLINED U.S. CONCERNS ON VOTES ON UPCOMING MDB LOANS, AND ASKED FOR BUCHI'S HELP IN INFLUENCING CHILEAN POLICIES TO AVOID NEGATIVE VOTES. BUCHI DEMURRED ON THE REQUEST, NOTING HIS LIMITED INFLUENCE OUTSIDE ECONOMIC ISSUES; BUCHI ALSO OUTLINED CHILEAN ECONOMIC POLICY OVER THE PAST TWO YEARS, AND PROJECTED MODERATE ECONOMIC PERFORMANCE. END SUMMARY.

ECONOMIC PERFORMANCE 1985-6

2. DAS GELBARD, ALONG WITH THE AMBASSADOR AND EMBOFF, HELD A 45 MINUTE MEETING WITH FINANCE MINISTER HERNAN BUCHI BUC. MR. GELBARD OPENED THE MEETING BY ASKING FOR MINISTER BUCHI'S THOUGHTS ON THE CURRENT CHILEAN ECONOMIC SITUATION. MINISTER BUCHI NOTED THAT WHEN THE GOC PUT TOGETHER ITS PLAN FOR 1985-6, IT HAD TO ADJUST TO A WORSE-THAN-PREDICTED ECONOMIC SITUATION, PRINCIPALLY CAUSED BY SOFT COMMODITY PRICES. THE GOC DELIBERATELY CHOSE A POLICY OF 1) BOOSTING EXPORTS, PARTICULARLY NON-TRADITIONAL EXPORTS, THROUGH AN EXCHANGE RATE DEVALUATION,
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PAGE 02 SANTIA 04740 212042Z

AND 2) INCREASING EMPLOYMENT BY FREEZING REAL WAGES AND CHANGING LABOR LAWS TO ALLOW GREATER EMPLOYMENT FLEXIBILITY. ALTHOUGH COMMODITY PRICES CONTINUED TO DECLINE, CHILE WAS ABLE TO MORE THAN MAKE UP THE DIFFERENCE THROUGH HIGHER VOLUME. NON-TRADITIONAL EXPORTS RESPONDED PARTICULARLY WELL, ALTHOUGH BUCHI THOUGHT THAT THE FUTURE FOR CONTINUED GROWTH WAS UNCERTAIN. ON THE EMPLOYMENT FRONT, MINISTER BUCHI NOTED THAT NOT ONLY HAD THE UNEMPLOYMENT RATE FALLEN, BUT THAT THE NUMBER OF PERSONS IN GOVERNMENT SPONSORED EMPLOYMENT PROGRAMS DROPPED FROM 9 PERCENT OFF THE WORK FORCE AT THE BEGINNING OF 1985 TO AROUND 5 PERCENT AT PRESENT.

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3. MINISTER BUCHI WRAPPED UP BY NOTING THAT HE EXPECTED MODERATE ECONOMIC GROWTH AND A CONTINUATION OF CURRENT ECONOMIC POLICIES. HE ADDED THAT CHILE WOULD NEED ABOUT $500 MILLION IN NEW EXTERNAL FINANCING OVER THE NEXT TWO YEARS AND THAT THE GOC WAS CLOSELY FOLLOWING THE MEXICAN DEBT SITUATION IN HOPES OF OBTAINING TERMS AT LEAST AS GOOD AS MEXICO.

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VOTES ON MDB LOANS

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4. IN THE LAST 10 MINUTES OF THE MEETING, DAS GELBARD RAISED THE ISSUE OF POSSIBLE NEGATIVE VOTES OR ABSTENTIONS ON UPCOMING MDB LOANS. MR. GELBARD NOTED OUR LEGISLATION THAT REQUIRES THAT THE ADMINISTRATION TAKE INTO ACCOUNT THE GOC'S HUMAN RIGHTS PERFORMANCE IN OUR MDB VOTES. HE ALSO MENTIONED THAT WE WOULD BE TAKING THE ISSUE UNDER REVIEW OVER THE NEXT SEVERAL MONTHS AS LOANS CAME BEFORE THE BOARDS OF DIRECTORS -- THE IBRD AND IDB, BUT NOTED THAT THE ADMINISTRATION WAS ALREADY UNDER CONSIDERABLE PRESSURE TO VOTE AGAINST CHILE LOANS FROM THE CONGRESS,
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THE AFL-CIO AND HUMAN RIGHTS ORGANIZATIONS. HE MENTIONED, TOO, THE UNFORTUNATELY LEAKED EXCHANGE OF MEMORANDA BETWEEN TREASURY AND STATE WHICH DEMONSTRATED THAT EVEN SIX MONTHS AGO TREASURY HAD BEEN INCLINED TO VOTE AGAINST CHILEAN LOANS ACROSS THE BOARD. HE ADDED THAT BANKERS ARE WORRIED FOR THE FIRST TIME ABOUT POLITICAL INSTABILITY SWAMPING THE EXCELLENT ECONOMIC PROGRESS THAT HAS BEEN

MADE. MR. GELBARD NOTED THAT HE HOPED THAT IT WOULD NOT HAVE TO COME TO A U.S. VOTE AGAINST THE MDB LOANS, SINCE A) HE WAS CONCERNED ABOUT POLITICIZING BANK LOAN VOTES, AND B) HE PERSONALLY ADMIRED THE CHILEAN ECONOMIC POLICIES WHICH WERE IN MANY RESPECTS A MODEL FOR THE BAKER PLAN. NEVERTHELESS, MR. GELBARD ADDED, THE CURRENT POLITICAL SITUATION MAY FORCE THE U.S. GOVERNMENT INTO VOTING "NO". HE ASKED MINISTER BUCHI TO INTERCEDE WITH GENERAL PINOCHET TO MODERATE THESE POLICIES.

5. MINISTER BUCHI RESPONDED THAT THERE WERE LIMITS TO HIS INFLUENCE. OUTSIDE THE ECONOMIC SPHERE, HE HAD LITTLE INFLUENCE WITH THE JUNTA. THE MINISTER ASKED FOR UNDERSTANDING OF THE DIFFICULTIES THAT THE PINOCHET GOVERNMENT HAS HAD IN CARRYING OUT SUCH A DIFFICULT ECONOMIC PROGRAM. GOVERNMENTS AROUND THE WORLD HAD BEEN THROWN OUT FOR ATTEMPTING TO IMPOSE AUSTERITY PROGRAMS. MINISTER BUCHI EXPRESSED THE HOPE THAT WE WOULD NOT TAKE ACTIONS WHICH WOULD UNDERCUT THE SUCCESSFUL ECONOMIC PROGRAM. AS AN ASIDE, MINISTER BUCHI ADDED THAT OTHER GOVERNMENTS WERE FAR WORSE IN TERMS OF CORRUPTION AND OTHER PROBLEMS. BARNES

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R 211640Z JUL 86
FM AMEMBASSY MADRID
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INFO AMEMBASSY MANAGUA

Dept. of State, RPS/IPS, Margaret P. Grafeld, Dir.
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Date 2/21/02 Exemption _____

UNCLAS MADRID 08401

C O R R E C T E D C O P Y TEXT

E.O. 12356: DECL: OADR
TAGS: PGOV, NU, SP
SUBJECT: COMANDANTE ZERO VOWS TO CONTINUE THE
- POLITICAL STRUGGLE
1. APPEARING ON THE SPANISH TELEVISION TALK SHOW "EL PORTADO," EDEN PASTORA CRITICIZED BOTH THE UNITED STATES AND THE SANDINISTA REGIME. PORTRAYING HIMSELF AS REPRESENTING THE TRUE NICARAGUAN SANDINISTA REVOLUTION, HE CHARACTERIZED THE JUNTA AS "TRAITORS TO THE REVOLUTION." HE ALSO SAID HIS GUERRILLA MOVEMENT FAILED BECAUSE THE CIA DID NOT ALLOW HIM THE "POLITICAL-MILITARY SPACE" TO SUCCEED. PASTORA OFFERED TWO REASONS FOR GIVING UP THE ARMED FIGHT: ONE, THAT U.S. AID TO THE CONTRAS PROHIBITED HIS OWN GROUP'S SUCCESS, AND, TWO, THE CIA PREVENTED HIM FROM RECEIVING ANY SUPPORT. HE LEFT OPEN THE POSSIBILITY OF RETURNING TO THE FIGHT IF "THE U.S., AND OTHER COUNTRIES WOULD SUPPORT HIM FINA2. HAVING GIVEN UP THE GUERRILLA FIGHT, PASTORA SAID HE HOPES TO CONTINUE THE STRUGGLE POLITICALLY BY HEADING "A MOVEMENT OF THE CENTER." IN THIS HE PLANS TO PRESENT "A THIRD WAY" BETWEEN THE NICARAGUAN REGIME AND THE U.S. SUPPORTED CONTRAS. HE EXPRESSED BELIEF THAT THE PLAN
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PAGE 02 MADRID 08401 221358Z

COULD WORK IF "THE DEMOCRACIES SUPPORT IT," BUT DOUBTS HE CAN SUCCEED BY WORKING FROM WITHIN NICARAGUA. "ONE

CANNOT RETURN TO A COUNTRY OCCUPIED BY 3,000 CUBAN SOLDIERS DISGUISED AS INTERNATIONALISTS, A COUNTRY THAT LACKS FREEDOM OF EXPRESSION, WHERE ALL WHO OPPOSE THE GOVERNMENT, EVEN THOUGH THEIR CRITICISM IS REVOLUTIONARY, ARE CONSIDERED COUNTER-REVOLUTIONARY, A CIA AGENT, A TRAITOR," HE EXPLAINED.
3. THE FORMER ANTI-SOMOZA FIGHTER SAID HE ABANDONED THE SANDINISTAS IN 1982 WHEN HE REALIZED "HE DID NOT FIGHT THE REVOLUTION IN ORDER TO DRIVE A MERCEDES OR LIVE IN THE VILLAS OF THE SOMOCISTAS." "I ALSO REALIZED," HE CONTINUED, "THAT I DID NOT WANT TO BE IN THE HANDS OF MOSCOW OR CUBA." HE FURTHER CRITICIZED THE SANDINISTA REGIME FOR ITS INABILITY TO MAKE POLITICAL DECISIONS WHEN A CONSENSUS CANNOT BE REACHED. AS AN EXAMPLE OF SANDINISTA INDECISIVENESS PASTORA POINTED TO HIS EXPERIENCE AFTER HE GAVE UP THE GUERRILLA FIGHT AND WAS IN A COSTA RICAN JAIL. WHILE HE WAS IN JAIL SEVERAL FSLN LEADERS WANTED TO TALK TO HIM, A SIMPLE ACTION THAT PASTORA SAID WOULD HAVE CAUSED CONGRESS TO VOTE AGAINST AID TO THE CONTRAS. HOWEVER, ACCORDING TO PASTORA, NO CONVERSATIONS WERE EVER HELD BECAUSE TOMAS BORGE OPPOSED THE IDEA AND NO CONSENSUS WAS REACHED. DESPITE HIS DISILLUSIONMENT PASTORA ALSO SAID HE FEELS CLOSER TO THE ACTUAL LEADERS OF NICARAGUA THAN TO THE CONTRA LEADERS. HIS DIFFERENCES WITHIS DIFFERENCES WITH THE COMANDANTES ARE "POLITICA
L AND
MORAL" RATHER THAN PERSDNAL, HE SAID.
4. FINALLY, PASTORA SAID THAT UNLIKE THE COMANDANTES, HE DOES NOT FEAR AN IMMINENT U.S. INVASION. IN HIS ANALYSIS THE POLITICAL CONDITIONS ARE NOT RIGHT. HOWEVER, HE ADDED THAT SHOULD "THE MARINES LAND I WOULD
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PAGE 03 MADRID 08401 221358Z

BE AT THE SIDE OF THE NICARAGUAN PEOPLE. SHOULD THE PEOPLE REJECT THE INVASION I WOULD REJECT IT ALSO AND TAKE UP ARMS AGAINST THE INVADERS." SERVI
-
5. FROM MADRID PASTORA TRAVELLED TO BARCELONA WHERE A PLANNED PRESS CONFERENCE WAS INTERRUPTED BY PRO-SANDINISTA DEMONSTRATORS. THIRTY MEMBERS OF A GROUP CALLED "THE CATALAN COMMITTEE FOR SOLIDARITY WITH NICARAGUA" MINGLED WITH JOURNALISTS IN THE LAW OFFICES OF JAVIER NART, WHERE THE PRESS CONFERENCE WAS TO BE HELD. THE DEMONSTRATORS THREW EGGS AT PASTORA, AMID

CATCALLS OF "SON OF REAGAN", "TRAITOR", AND "GET OUT OF SPAIN." THE EX-GUERRILLA LEADER SHOUTED BACK "IF THIS IS A DEMOCRACY, LET ME SPEAK." BUT HE WAS UNABLE TO GO ON AND THE PRESS CONFERENCE WAS CANCELLED. NO ARRESTS WERE REPORTED. SERVICE

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Case Number: S199900030

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PPROVED BY: HA: RSCHIFTER
A/MLP: TEWILLIAMS EUR/NE: RMEYERS(INFORMED)
RA/SC: DCOX ARA/CEN: PFITZGERALD
F/RA: BALLEN HA/HR: TMURPHY
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MEMBASSY GUATEMALA
SINT HAVANA
MEMBASSY MANAGUA
MEMBASSY SAN JOSE
MEMBASSY SAN SALVADOR
MEMBASSY SANTIAGO
MEMBASSY TEGUCIGALPA
MFO AMEMBASSY CARACAS
MEMBASSY BOGOTA
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Chile Project (#S199900030)
U.S. Department of State
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Exemption(s) NR

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CONFIDENTIAL STATE 228842

USSELS ALSO FOR USEC, CAPE TOWN FOR EMBASSY

O. 12356: DECL:OADR
GS: PHUM, EI, CI, CU, ES, ET, SF
BJECT: HUMAN RIGHTS: BILATERAL CONSULTATIONS WITH
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F: (A) DUBLIN 02686; (B) STATE 191757

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. THE HA BUREAU CONTINUED ITS SERIES OF BILATERAL HUMAN IGHTS DISCUSSIONS IN A JULY 16 MEETING WITH THE IRISH MBASSY'S DEPUTY CHIEF OF MISSION, ANTOIN MACUNFRAIDH. ACUNFRAIDH WAS ACCOMPANIED BY ONE OTHER EMBASSY FFICER. THE DEPARTMENT WAS REPRESENTED BY HA ASSISTANT ECRETARY RICHARD SCHIFTER, EUR/NE: BOB MEYERS, HA/MLP: OM WILLIAMS, AND HA/MLP: STAN IFSHIN (NOTETAKER).

NR

TURNING TO SPECIFIC HUMAN RIGHTS SITUATIONS, BASSADOR SCHIFTER BEGAN WITH CHILE. HE NOTED THAT OUR LICY AIM IS A PEACEFUL TRANSITION TO DEMOCRACY WITH ALL AT IMPLIES, INCLUDING POLITICAL PARTIES, ELECTIONS, AN

LECTED PARLIAMENT, AND AN ELECTED PRESIDENT. TO ARRIVE
T THAT POINT PEACEFULLY WE SEE NO ALTERNATIVE TO AN
RRANGEMENT ACCEPTABLE TO THE MILITARY. THE MILITARY
JST BE PERSUADED TO RETURN TO THE BARRACKS. TO PROMOTE
HAT GOAL WE ARE IN ACTIVE COMMUNICATION WITH THE
EMOCRATIC OPPOSITION, EXCLUDING ONLY THOSE OPPOSITION
ORCES COMMITTED TO A TOTALITARIAN IDEOLOGY AND TO
ERRORISM. WE HOPE OVER TIME TO PERSUADE A PREPONDERANT
JMBER OF PEOPLE IN THE GOVERNMENT OF THE UTILITY OF
NTERING INTO A DIALOGUE WITH THE DEMOCRATIC OPPOSITION.
T IS STILL UNCERTAIN AS TO HOW THIS WILL COME OUT BUT WE
OPE FOR CONCERTED SUPPORT FROM OUR EUROPEAN FRIENDS IN
A) PERSUADING THE CHILEAN GOVERNMENT THAT THIS IS THE
GHT COURSE; AND (B) PERSUADING THE DEMOCRATIC
POSITION TO ESCHEW EVEN TACTICAL ALLIANCES WITH THE
OMMUNISTS. SCHIFTER POINTED OUT THAT WE BELIEVE THIS
TTER POINT IS IMPORTANT BECAUSE ANY SUCH ALLIANCE WOULD
EXPLOITED BY BOTH THE COMMUNISTS AND BY MILITARY
RDLINERS.

SCHIFTER WENT ON TO NOTE SOME SLIGHT INDICATIONS OF
OGRESS IN HUMAN RIGHTS IN CHILE--WE HAVE THE IMPRESSION
AT THERE IS AN EFFORT UNDERWAY TO ADDRESS THE PROBLEM
TORTURE. HE CONTINUED THAT THE APPROPRIATE
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VESTIGATION AND FOLLOW-UP IN THE RECENT TRAGIC DEATH BY
RNING OF RODRIGO ROJAS WILL BE A CRITICAL TEST.

SCHIFTER NOTED THAT UN RESOLUTIONS ON CHILE ADOPTED
IOR TO 1986 HAD NOT BEEN PRODUCTIVE. IN THE MOST
CENT SESSION OF THE UN HUMAN RIGHTS COMMISSION THE US
D INTRODUCED ITS OWN DRAFT WHICH ULTIMATELY HAD BEEN
E BASIS FOR THE UNHRC RESOLUTION. OUR RESOLUTION
FERRED TO THE CHILEAN GOVERNMENT INSTEAD OF THE PAST
SOLUTIONS' REFERENCES TO THE "CHILEAN AUTHORITIES;"
LIKE THE PAST RESOLUTIONS OURS HAD NOT DENOUNCED THE
80 CONSTITUTION; FINALLY THE RESOLUTION AVOIDED EMPTY
VECTIVE AND INSTEAD MADE CONCRETE RECOMMENDATIONS FOR
MAN RIGHTS IMPROVEMENTS BASED ON THE RECOMMENDATIONS OF
E UNHRC SPECIAL RAPPORTEUR ON CHILE FERNANDO VOLIO.
HIFTER CONTINUED THAT WE ARE SERIOUSLY CONSIDERING
ONSORING A SIMILAR RESOLUTION AT THE UNGA, AND ARE
TERESTED IN THE THOUGHTS OF OUR WESTERN EUROPEAN

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Case Number: SI99900030

RIENDS ON THIS SUBJECT.

. AMBASSADOR SCHIFTER ALSO MENTIONED THE SUBJECT OF
)TING ON CHILE PROJECTS IN INTERNATIONAL FINANCIAL
NSTITUTIONS. MACUNFRAIDH NOTED THAT MANY COUNTRIES TAKE
IE POSITION THAT ECONOMIC QUESTIONS SHOULD BE DETERMINED
N THEIR (ECONOMIC) MERITS RATHER THAN SUBORDINATED TO
)LITICAL CONSIDERATIONS THAT MIGHT PROVE SHORT TERM.
JRELY, HE CONCLUDED RHETORICALLY, WE WOULD NOT WISH TO
)LITICIZE THE IFIS. AMBASSADOR SCHIFTER RESPONDED THAT
ANY IN USG AGREE WITH MACUNFRAIDH'S POSITION, BUT THAT
I ARE UNDER A STATUTORY MANDATE TO TAKE HUMAN RIGHTS
ITO CONSIDERATION IN DETERMINING OUR VOTES IN THE
JLTILATERAL DEVELOPMENT BANKS, AND WE WILL WISH TO
)NSULT WITH OUR EUROPEAN COLLEAGUES WHEN WE MAKE SUCH A
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TERMINATION ON CHILE.

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The next three pages have been eliminated because they are entirely irrelevant.

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PAGE 01 STATE 228857
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Chile Project (#S199900030)
U.S. Department of State
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Exemption(s) ____

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FM SECSTATE WASHDC
INFO AMEMBASSY CANBERRA PRIORITY
USMISSION USUN NEW YORK PRIORITY
AMEMBASSY LONDON PRIORITY
AMEMBASSY BONN PRIORITY
AMEMBASSY BRUSSELS PRIORITY
AMEMBASSY MADRID PRIORITY
AMEMBASSY ROME PRIORITY
AMEMBASSY THE HAGUE PRIORITY
AMEMBASSY PARIS PRIORITY
AMEMBASSY STOCKHOLM PRIORITY
USMISSION GENEVA PRIORITY
AMEMBASSY TEL AVIV PRIORITY
AMEMBASSY TOKYO PRIORITY

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ROME FOR VATICAN BRUSSELS FOR USEC

FOLLOWING SANTIAGO 04681 DTD JUL 18, SENT ACTION USIA WASHDC SECSTATE WASHDC ASUNCION BUENOS AIRES CARACAS LIMA LA PAZ BRASILIA MONTEVIDEO QUITO BOGOTA MEXICO BEING REPEATED TO YOU FOR YOUR INFO:

QUOTE:

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PAGE 02 STATE 228857

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FOR USIA FOR AR - WELCH, OGLESBY; P/PFL; VOA/BRL
STATE FOR ARA/SC - SWIGERT, COX

E.O. 12356: N/A
SUBJ: TEXT OF STATEMENT BY DAS ROBERT GELBARD IN SANTIAGO ON 7/17.

1. FOLLOWING IS COMPLETE TEXT OF A STATEMENT BY DAS ROBERT GELBARD AT HIS PRESS CONFERENCE IN SANTIAGO ON 7/17.
2. BEGIN TEXT: "MY PURPOSE IN COMING TO CHILE WAS TO LEARN AS MUCH AS POSSIBLE ABOUT THE CURRENT SITUATION IN THIS COUNTRY BY MEETING WITH A WIDE SPECTRUM OF INFLUENTIAL CHILEANS IN MANY DIFFERENT FIELDS. THIS TRIP WAS PLANNED MORE THAN TWO MONTHS AGO.

IN THE PAST FEW DAYS, I HAVE SPOKEN WITH MEMBERS OF THE JUNTA, WITH MINISTERS AND OTHER HIGH GOVERNMENT OFFICIALS, POLITICAL LEADERS, TRADE UNIONISTS, CATHOLIC CHURCH OFFICIALS, STUDENTS, BUSINESSMEN, INTELLECTUALS, UNIVERSITY AUTHORITIES, AND YOUTH LEADERS ON A RANGE OF ISSUES OF BI-LATERAL AND GLOBAL CONCERN. THEY HAVE BEEN VERY FRANK AND FORTHCOMING IN GIVING ME THEIR OPINIONS, WHICH I VERY MUCH APPRECIATED. I HAVE ALSO BEEN CANDID IN EXPRESSING THE POSITION OF THE UNITED STATES GOVERNMENT REGARDING CHILE'S TRANSITION TO DEMOCR DEMOCRATIC RULE.
THAT POSITION, REITERATED BY U.S. OFFICIALS FROMQY PRESIDENT REAGAN TO SECRETARY SHULTZ TO AMBASSADOR BARNES IS THAT THE UNITED STATES SUPPORTS A PEACEFUL TRANSITION TO FULL DEMOCRATIC RULE IN CHILE BY THE UNCLASSIFIED

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PAGE 03 STATE 228857

MOST PROMPT AND EFFECTIVE MEANS. HOW CHILE ACHIEVES A DEMOCRATIC SYSTEM MUST BE DETERMINED BY THE CHILEAN PEOPLE.

IN THE OPINION OF MY GOVERNMENT, A TRANSITION TO DEMOCRACY CAN ONLY COME ABOUT THROUGH THE CREATION OF AN ENVIRONMENT OF GREATER FREEDOM WHICH IS CONDUCIVE

TO DEMOCRATIC DECISION-MAKING. SUCH AN ENVIRONMENT WOULD BE MARKED BY FREEDOM OF INFORMATION, FREEDOM OF ASSEMBLY, LEGAL POLITICAL PARTIES, AND RESPECT FOR CIVIL AND HUMAN RIGHTS. THE UNITED STATES HAS COMMENTED FAVORABLY ON THE AUTHORIZATION TO PUBLISH A NEW DAILY NEWSPAPER "LA EPOCA" AND OF THE ESTABLISHMENT OF A HUMAN RIGHTS COMMISSION WHOSE MEMBERS I MET WITH YESTERDAY. WE LOOK FORWARD TO THE ESTABLISHMENT OF ELECTORAL REGISTERS AND THE FULL LEGALIZATION OF POLITICAL PARTIES IN THE VERY NEAR FUTURE. THESE WILL BE POSITIVE STEPS, BUT TO BE TRULY MEANINGFUL, THEY SHOULD BE TAKEN IN A CONTEXT OF FULL CIVIL LIBERTIES, SUCH AS FREEDOM OF ASSEMBLY, SPEECH, AND PRESS AND ACCESS TO THE MEANS OF COMMUNICATION. ADVANCES IN THESE CRUCIAL AREAS MEAN PROGRESS IN RESTORING DEMOCRACY. DELAY IN BRINGING ABOUT THESE CHANGES BENEFITS THE ENEMIES OF DEMOCRACY ON THE EXTREME LEFT AND RIGHT.

THE GOVERNMENT OF THE UNITED STATES SUPPORTS THE EFFORTS OF TRUE DEMOCRATS IN CHILE TO BUILD A BROAD CONSENSUS AND ENGAGE IN MEANINGFUL DIALOGUE. WE PARTICULARLY ADMIRE THE EFFORTS OF CARDINAL JUAN FRANCISCO FRESNO AND THE EPISCOPAL CONFERENCE TO BRING ABOUT NATIONAL RECONCILIATION AND AN END TO VIOLENCE. EFFORTS SUCH AS THOSE OF THE CARDINAL WE HOPE WILL LEAD TO AN UNDERSTANDING AMONG SECTORS OF CHILEAN SOCIETY WHICH, AS I HAVE PERSONALLY NOTED DURING MY VISIT, REMAIN DEEPLY DIVIDED BY A LACK OF COMMUNICATION AND MUTUAL DISTRUST. WE REJECT
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VIOLENCE FROM ANY SIDE AS AN ATTACK NOT ONLY ON HUMAN AND CIVIL RIGHTS BUT AGAINST THE FUTURE OF A DEMOCRATIC CHILE. GROUPS SUCH AS THE COMMUNIST PARTY, WHO FAVOR VIOLENT MEANS TO POLITICAL ENDS TODAY, CANNOT BE EXPECTED TO ABIDE BY DEMOCRATIC RULES TOMORROW. THOSE WHO ACCORD LEGITIMACY TO THE COMMUNISTS AND OTHER EXTREMISTS ARE NOT CONTRIBUTING TO A STABLE, DEMOCRATIC CHILE.

IN THE COMING MONTHS, THE GOVERNMENT AND PEOPLE OF THE UNITED STATES WILL FOLLOW EVENTS IN CHILE WITH GREAT INTEREST. WE REALIZE, HOWEVER, THAT THE DESTINY

OF CHILE IS A MATTER FOR CHILEANS TO DECIDE. MY GOVERNMENT IS CONFIDENT THAT WHEN THE VOICE OF THE PEOPLE IS FREELY EXPRESSED, CHILEANS WILL REJECT CONFRONTATION IN FAVOR OF RECONCILIATION AND DEMOCRACY." DESHAZO UNQUOTE SHULTZ

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United States Department of State

Washington, D. C. 20520

July 25, 1986

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INFORMATION MEMORANDUM

S/S KO126

TO: The Secretary

FROM: PA - Bernard Kalb BK

SUBJECT: Editorial Comment on I. Murder in Chile of Rojas de Negri
II. World Court Ruling Against U.S.

I. MURDER IN CHILE OF ROJAS DE NEGRI

We received comment from 28 papers (published July 12-21) on events surrounding the death of Rodrigo Rojas de Negri. The 24 papers that commented on either the U.S. response or Ambassador Barnes' role, were all laudatory. All 22 papers commenting on Senator Helms' activities in Chile were harshly critical.

U.S. Response Deemed Praiseworthy

Twenty-four papers approved of the administration's response: "Reagan Administration officials are closing ranks in a cohesive, coherent, and welcome policy toward Chile's military dictatorship" (Miami HERALD); "In too many countries the United States has been on the wrong side of progress and democracy, but that has not been the case recently in Chile" (Milwaukee JOURNAL). Nine of these papers commended Ambassador Barnes: "To their credit, the White House and State Department make plain that this sensitive Ambassador is not for burning. He has made himself a vivid symbol of democratic values" (New York TIMES); "Mr. Barnes' gesture of compassion...fully endorsed by the administration, was a demonstration of the kind of values we treasure in this country and would like to see a lot more of in Chile" (Chicago TRIBUNE).

Nine of these papers also took the opportunity to criticize past U.S. practices toward Chile: "The difficulty is that the U.S. helped to create this friendly dictator, and the Reagan administration is finding it increasingly hard to excuse or live with him" (St. Louis POST-DISPATCH).

Helms Viewed Harshly

All 22 papers commenting on statements made by Senator Helms during his visit to Chile were strongly critical: "Senator Jesse Helms of North Carolina evidently sees himself as the last

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obstacle to a Communist takeover of the State Department" (Louisville COURIER-JOURNAL); "Senator Helms is giving aid and comfort to one of the most brutal dictatorships in the Western Hemisphere" (Raleigh [NC] NEWS & OBSERVER); "...nobody, especially a U.S. senator, should go to a foreign country and attempt to undercut U.S. policy, which is what Senator Helms did in Chile" (Washington TIMES). Four of these papers criticized the senator's overall foreign policy effectiveness: "Having succeeded in mucking up administration policy toward Mexico... Helms...now is trying his hand with Chile" (Philadelphia INQUIRER); "He is also extradordinarily ill-informed about Latin American affairs" (Charleston [SC] NEWS & COURIER).

Administration Urged to Continue Pressure

Ten papers urged the administration to continue pressuring the Pinochet regime towards democracy: "The recent U.S. policy of quiet pressure and indirect criticism must give way to forthright and firm denunciation of the last important dictator in Latin America" (Los Angeles TIMES); "The United States cannot impose democracy on Chile. But it can sustain and increase the volume of its protest..." (Minneapolis STAR TRIBUNE). Five papers drew an analogy with other dictatorships: "To a remarkable extent, the situation in Chile resembles that of the Philippines at this time last year when Ferdinand E. Marcos insisted he would remain in office come what may....Unlike former President Marcos [however], General Pinochet has shown no reluctance to order his troops to fire on their own people" (Baltimore SUN); "Chile is becoming ripe for a Sandinista equivalent..." (Kansas City [MO] STAR).

II. WORLD COURT RULING AGAINST U.S.

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BJECT: HUMAN RIGHTS: BILATERAL CONSULTATIONS WITH

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THE HA BUREAU CONTINUED ITS SERIES OF BILATERAL HUMAN
TS DISCUSSIONS IN A JULY 23 MEETING WITH AUSTRIAN
SSADOR THOMAS KLESTIL. AMBASSADOR KLESTIL WAS
IPANIED BY SECOND SECRETARY LEOPOLD RADAUER. THE
RTMENT WAS REPRESENTED BY HA ASSISTANT SECRETARY
ARD SCHIFTER, EUR/CE: JOHN NESVIG, HA/MLP: TOM
IAMS, AND HA/MLP: STAN IFSHIN (NOTETAKER).

NRE

URNING TO SPECIFIC HUMAN RIGHTS CASES, SCHIFTER
WITH CHILE. HE NOTED THE BROAD BASE OF SUPPORT FOR
OLITICAL PARTIES AND PERSONALITIES WHO MAKE UP THE
R LEFT TO CENTER RIGHT PORTION OF THE POLITICAL
RUM, AND OUR POLICY AIM OF A PEACEFUL TRANSITION TO
RACY. THE BASIS FOR SUCH A TRANSITION--THE PEOPLE,
NSTITUTIONS, THE ATTITUDES--EXIST IN CHILE, HE
NUED. A CRITICAL FACTOR IS THE ATTITUDE OF THE
E IN POWER, AND WE HOPE THEY WILL RECOGNIZE THAT
A TRANSITION IS IN EVERYONE'S INTEREST. THE CHURCH,
UCH OF THE BUSINESS COMMUNITY, ALREADY RECOGNIZE
. THE EXTREME RIGHT, THE HARDLINERS IN THE
RNMENT, AND THE EXTREME LEFT, INCLUDING THE
UNISTS, FEED OFF OF ONE ANOTHER. WE HAVE URGED THE
RATIC OPPOSITION TO AVOID ALL ENTANGLEMENTS WITH THE
UNISTS. WE HAVE INDICATED TO OUR FRIENDS IN THE
PEAN COMMUNITY THAT WE HOPE TO HAVE THEIR SUPPORT IN
E ENDEAVORS. WE UNDERSTAND AUSTRIA IS A NEUTRAL,
FTER CONTINUED, BUT A WORD FROM THE AUSTRIAN
SSADOR DEMONSTRATING THAT WESTERN EUROPE IS UNITED IN
ORT OF A PEACEFUL TRANSITION TO DEMOCRACY WOULD BE
FUL. AS FOR CONSIDERATION OF CHILE IN UN FORA,
SSADOR SCHIFTER NOTED THAT AT THE LAST SESSION OF THE
UMAN RIGHTS COMMISSION WE HAD OFFERED OUR OWN
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OLUTION ON CHILE. WE ARE CONSIDERING SUCH A STEP AT

UPCOMING UNGA AND ARE INTERESTED IN THE IDEAS OF OUR
OCRATIC FRIENDS ON THIS.

AMBASSADOR KLESTIL RESPONDED THAT ON THE ISSUE OF
AN RIGHTS "AUSTRIA IS NOT NEUTRAL." PARTICULARLY, HE
TINUED, IN THE CASE OF CHILE. THERE IS, HE NOTED, A
SIDERABLE CHILEAN EXPATRIATE COMMUNITY IN AUSTRIA.
IFTER NOTED THAT ALL OF THE CHILEAN REFUGEES ARE
ITLED TO THEIR HUMAN RIGHTS, BUT POLITICALLY A
TINCTION SHOULD BE DRAWN BETWEEN DEMOCRATS AND
INISTS BOTH OF WHICH ARE TO BE FOUND IN THE CHILEAN
LE COMMUNITIES. AMBASSADOR KLESTIL CONTINUED BY
ING THAT AUSTRIAN POLITICAL PARTIES HAVE CONTACTS WITH
LEANS IN BOTH THE SOCIALIST INTERNATIONAL AND THE
ERNATIONAL DEMOCRATIC UNION.

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. KLESTIL INQUIRED WHETHER PINOCHET HAD INDICATED THAT
E PLANNED TO STAY ON IN OFFICE. SCHIFTER RESPONDED THAT
E MOST RECENTLY HAD BACKED OFF FROM THAT STANCE,
PPARENTLY BECAUSE SOME OF THE OTHER MEMBERS OF THE
HILEAN JUNTA DID NOT LIKE IT. THIS INDICATES, SCHIFTER
ONTINUED, THE CRITICAL NATURE OF WHAT GOES ON WITHIN THE
UNTA. KLESTIL INQUIRED ABOUT PRESSURE THE UNITED STATES
OULD PUT ON PINOCHET, ASKING WHETHER CHILE RECEIVES
CONOMIC OR MILITARY AID. SCHIFTER RESPONDED THAT IT
OES NOT, BUT THERE IS THE QUESTION OF MULTI-LATERAL
EVELOPMENT BANK LENDING. THIS IS SOMETHING THAT WE ARE
EQUIRED BY LEGISLATION TO KEEP UNDER CONTINUED REVIEW.

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The next three pages have been eliminated because they are entirely irrelevant.

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DEPARTMENT OF STATE

BRIEFING PAPER

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P- Sec 1.5(d)

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Your Meeting with Costa Rican Public Security Minister Benjamin Piza

SETTING

Benjamin Piza is a key player in President Luis Monge's administration. He has been Minister of Public Security since September 1984. He reorganized his Ministry in March 1985 to increase efficiency and requested monetary authorization for additional civil guard personnel. Piza supports U.S. assistance programs to upgrade the Costa Rican security forces. He has approached other Western countries for security assistance. Piza shares our concerns regarding Nicaragua.

I. MEETING OBJECTIVES

- To emphasize U.S. security commitment to Costa Rica and support for Costa Rican democracy.

II. SUPPORT FOR DEMOCRACY

- Costa Rica is Central America's model democracy; uninterrupted free elections since 1948.
- February 86 elections, along with November elections in Honduras and Guatemala, symbolize what we stand for in region.
- POINTS TO MAKE
  - -- U.S. policy in region is predicated on fostering the democratic process. We want to avoid becoming an issue in your domestic politics.
  - -- We look forward to continued close relations with Costa Rica whoever wins elections.

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III. SUPPORT FOR COSTA RICAN SECURITY

- o We have provided measured program of security assistance and reiterated our Rio Treaty commitments. Costa Ricans seek frequent reassurance.
- o Security assistance controversial; portrayed by Cubans and Sandinistas as militarizing unarmed Costa Rica.
- o Central American counterterrorism proposal provides $1.5 million for Costa Rican law enforcement.
- o POINTS TO MAKE
  - -- We are prepared to defend Costa Rican democracy; we take our Rio Treaty commitments seriously.
  - -- Our support of Nicaraguan resistance is intended to resolve the Sandinista threat in the mid-term.
  - -- The USG will continue to respond appropriately to requests for security aid.
  - -- The counterterrorism program now proposed to the U.S. Congress includes $1.5 million for Costa Rica. We anticipate that the proposal will be adopted, although exact funding levels are uncertain.

IV. NICARAGUA

- o Costa Rica's support for our regional policy has resulted in vicious Cuban and Sandinista propaganda.

[redacted]

- o The OAS this summer refused to condemn Nicaragua for a May 31 border incursion which killed two Costa Rican

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Civil Guardsmen. This inability to mobilize Latin support when threatened has shaken the Monge government and prompted it to reassess its foreign policy.

o POINTS TO MAKE

-- Sandinista goals in Nicaragua and in Central American region becoming increasingly clear, not only to those whose interests are directly involved, but to those previously sympathetic to the Sandinista regime.

-- We appreciate Costa Rica's continuing cooperation [redacted] Both political and military pressure against the Sandinistas are vital to long-term regional stability.

-- We share your concern for the failure of the OAS to condemn vigorously Sandinista border incursions, including the May 31 attack against the Civil Guardsmen.

* -- I trust that U.S. security assistance and training have made a substantial contribution to your ability to respond effectively to protect your borders AND DEAL WITH NICARAGUAN ARCH EFFORTS TO DESTABILIZE YOUR GOVERNMENT.

-- You may rest assured that the U.S. will continue to offer its full support to your country in its efforts to maintain a firm position in opposition to Sandinista goals, and to meet the needs of your own people.

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DEPARTMENT OF STATE

BRIEFING PAPER

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Your Meeting with Guatemalan Chief of State Oscar Mejia Victores and Vice Head of State Hector Rodolfo Lobos

SETTING

You will be meeting with Chief of State Mejia and Brigadier General Rodolfo Lobos, Vice Head of State and Chief of the National Defense Staff. Lobos is the leading contender for Minister of Defense by virtue of his current positions and senior rank in the military hierarchy but does not appear to have the full support of the institution. Many junior and middle-grade officers believe [redacted] that his selection as MOD would signal a perpetuation of past mistakes. President-elect Vinicio Cerezo favors Hector Gramajo for the post, but has told General Mejia that he will accept the military's candidate. Lobos' eligibility for the MOD is questionable under the existing Organic Military Law, and an internal battle is raging in the military on whether to amend the Law to allow for Lobos' eligibility. General Mejia plans to retire following the inauguration.

I. MEETING OBJECTIVES

- To state strong USG support for institutionalization of the democratic process in Guatemala and for the Cerezo administration.
- To indicate willingness to help the Guatemalan military modernize as long as civilian rule is respected and there is continuing progress in human rights.

II. SUPPORT FOR DEMOCRACY

- The Guatemalan military lived up to its pledge of impartiality in the just-concluded elections. There is no evidence it intends to prevent Cerezo from assuming office January 14.
- But Cerezo is inexperienced and may be under pressure from party hardliners to pursue policies that bring him into conflict with the military.
- A coup or insubordination would be disasterous for our efforts to establish closer relations with the Guatemalan military.

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o POINTS TO MAKE

-- Your institution is to be commended for living up to its pledge of electoral impartiality. This will help us in getting Congressional support for more military assistance.

-- We plan to support your new government fully and will work through it to improve bilateral relations.

-- We will use appropriate occasions to encourage the new government to work constructively with your institution for the benefit of Guatemala.

-- You have indicated in the past that your institution intends to support fully the new civilian government. We applaud that commitment.

-- A cooperative relationship with the new civilian authorities will bear fruit in our attempts to get the assistance you and the President need in the military area.

-- Once you and the President have decided on your needs, we will attempt to remove existing Congressional restrictions on the kind and amount of military assistance we can provide.

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-- We are willing now to [redacted] and provide other support permitted by our laws to your counterinsurgency efforts.

-- Our preliminary plans are to ask Congress for MAP grant aid for FY87 and for additional FMS credits and IMET training funds as well.

-- What are your estimates of the insurgents plans for the coming year and their ability to destabilize the country?

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PAGE 02 STATE 241677

E.O. 12356: DECL: OADR

Current Class: CONFIDENTIAL

TAGS: PHUM, JA, CI, ES, ET, SF, CU, IR
SUBJECT: HUMAN RIGHTS: BILATERAL CONSULTATIONS WITH JAPAN

REF: STATE 191757

1. CONFIDENTIAL UNCLASSIFIED ENTIRE TEXT.

2. SUMMARY: HA CONTINUED ITS SERIES OF HUMAN-RIGHTS CONSULTATIONS IN A MEETING WITH THE JAPANESE DCM. ALTHOUGH OUR APPROACH WAS ROUGHLY SIMILAR TO THAT IN THE PREVIOUS MEETINGS IN THIS SERIES, DEALING WITH CHILE, PARAGUAY, EL SALVADOR, CUBA, SOUTH AFRICA, ETHIOPIA, BULGARIA, AND IRAN, THE JAPANESE REACTION WAS SHARPLY DIFFERENT FROM THAT OF OUR EUROPEAN AND AUSTRALIAN INTERLOCUTORS PRESUMABLY REFLECTING THE RELATIVE LACK OF A DOMESTIC HUMAN RIGHTS CONSTITUENCY. THE JAPANESE MADE IT CLEAR THAT HUMAN RIGHTS IS NOT YET PART OF THEIR BILATERAL DIPLOMACY AND THAT JAPAN DOES NOT "INTERVENE" IN THE INTERNAL AFFAIRS OF OTHER COUNTRIES. THE JAPANESE WERE SUPPORTIVE REGARDING OUR APPROACHES TO THE CHILE AND

E LALVADOR RESOLUTIONS IN UN FORA. THEY ALSO TOLD US THAT A JAPANESE MINISTER HAS BEEN IN TOUCH WITH ANC LEADER OLIVER TAMBO IN LUSAKA. END SUMMARY.

3. THE HA BUREAU CONTINUED ITS SERIES OF BILATERAL HUMAN RIGHTS DISCUSSIONS IN A JULY 25 MEETING WITH THE JAPANESE EMBASSY'S DEPUTY CHIEF OF MISSION, HAOHIRO KUMAGAI. ALSO PARTICIPATING FOR THE JAPANESE SIDE WAS MASATOSHI MUTO FROM THEIR UN MISSION, AND EMBASSY THIRD SECRETARY NORIE OKA. THE DEPARTMENT WAS REPRESENTED BY HA ASSISTANT

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SECRETARY RICHARD SCHIFTER, HA/MLP: TOM WILLIAMS, EAP/J: CHARLES COHEN, IO/HW: BEVERLY ZWEIBEN, AND HA/MLP: STAN IFSHIN (NOTETAKER).

4. AMBASSADOR SCHIFTER EXPLAINED OUR RATIONALE FOR HOLDING THESE BILATERAL CONSULTATIONS. THE JAPANESE SIDE RESPONDED THAT IT APPRECIATED THE INITIATIVE, AND HAS SIMILAR VIEWS AS TO HOW HUMAN RIGHTS SHOULD BE ADDRESSED IN INTERNATIONAL FORA. WHEN AMBASSADOR SCHIFTER TURNED TO COUNTRY SPECIFIC SITUATIONS, HOWEVER, IT WAS APPARENT

THAT JAPAN HAS VERY DIFFERENT VIEWS REGARDING HUMAN RIGHTS AS AN ELEMENT IN BILATERAL RELATIONS WITH THIRD COUNTRIES. AS MR. MUTO PUT IT "OUR BASIC NOTION IS TO AVOID INVOLVEMENT IN THE POLITICAL AFFAIRS OF OTHER COUNTRIES." MINISTER KUMAGAI PUT IT THIS WAY, "WE REPORT, BUT WE DO NOT INTERVENE. WE ARE VERY PASSIVE."

5 THE OCCASION FOR THESE REMARKS WAS AMBASSADOR SCHIFTER'S FIRST PRESENTATION, THAT ON CHILE. SCHIFTER NOTED THAT THE STRUCTURES EXIST IN CHILE FOR A DEMOCRATIC SYSTEM, AND THAT A RECENT POLL HAD INDICATED THAT MORE THAN SEVENTY PERCENT OF THE POPULATION FAVORS THE DEMOCRATIC CENTER WITH THE REMAINDER DIVIDED MORE OR LESS EQUALLY BETWEEN THE EXTREME RIGHT AND THE EXTREME LEFT. AMBASSADOR SCHIFTER NOTED THAT THESE EXTREMES FEED ON ONE ANOTHER. OUR POLICY IS TO WORK WITH THE CENTER TO PROMOTE A PEACEFUL TRANSITION TO DEMOCRACY. WE HOPE TO PERSUADE A PREPONDERANT NUMBER OF OFFICIALS IN THE GOVERNMENT AND THE MILITARY OF THE IMPORTANCE OF SUCH A TRANSITION, AND WE BELIEVE THAT AT LEAST SOME PEOPLE IN THE GOVERNMENT ARE PAYING ATTENTION TO THIS VIEW. THE CHURCH IS ACTIVELY COMMITTED TO PROMOTING PEACEFUL CHANGE, AND THE BUSINESS COMMUNITY IS INCREASINGLY CONCERNED WITH LOOKING BEYOND PINOCHET. ULTIMATELY, SCHIFTER CONTINUED, THE DECISIONS WILL HAVE TO BE MADE BY CHILEANS, BUT WE MAY BE ABL5 TO PLAY A USEFULCCA ALYTIC
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ROLE. THE EUROPEAN COMMUNITY, JAPAN AND THE U.S., SCHIFTER CONCLUDED, ARE THE MAJOR FOREIGN "PLAYERS" IN

SANTIAGO, AND WE BELIEVE IT WOULD BE USEFUL FOR OUR EMBASSIES THERE TO EXCHANGE THOUGHTS ON THE SITUATION.

6. KUMAGAI WAS CLEARLY DISCONCERTED BY THIS PRESENTATION. HE NOTED THAT HIS TALKING POINTS PREPARED BY THE FOREIGN MINISTRY FOR THIS MEETING HAD LOOKED AT THE CHILEAN SITUATION IN TERMS OF A UN RESOLUTION. AMBASSADOR SCHIFTER NOTED THAT THIS WAS PRECISELY OUR POINT IN HOLDING THESE BILATERAL MEETINGS. WE BELIEVE IT MAKES MORE SENSE TO START BY LOOKING AT THE ACTUAL SITUATION IN A COUNTRY AND FROM THAT SITUATION DETERMINE WHAT SHOULD BE DONE IN MULTI-LATERAL FORA, INCLUDING THE MULTI-LATERAL DEVELOPMENT BANKS. KUMAGAI NOTED THAT

JAPAN HAS WANTED TO USE INTERNATIONAL FORA TO IMPROVE THE HUMAN RIGHTS SITUATION INSIDE A GIVEN COUNTRY, BUT, HE CONCEDED, "YOUR WAY DOES SEEM MORE PRACTICAL; RESOLUTIONS SHOULD BE BASED ON FACTS." HOWEVER, HE CONTINUED, "OUR AMBASSADORS USUALLY DO NOT HAVE AN ACTIVIST ROLE IN TERMS OF THE INTERNAL POLITICS OF A GIVEN COUNTRY."

7. SCHIFTER NOTED THAT HUMAN RIGHTS IS A RELATIVELY NEW AREA IN DIPLOMACY. IN MANY COUNTRIES IT IS DEALT WITH BY THE OFFICE HANDLING INTERNATIONAL ORGANIZATIONS. IN THE US STATE DEPARTMENT WE NOW HAVE A HUMAN RIGHTS BUREAU WHICH LOOKS AT SUCH PROBLEMS ACROSS THE BOARD, BILATERALLY AND MULTI-LATERALLY. THE FRENCH HAVE NOW CREATED A POSITION OF "UNDERSECRETARY FOR HUMAN RIGHTS" IN THE PRIME MINISTER'S OFFICE, AND THE FRG IS ALSO CONSIDERING CREATING AN OFFICE TO DEAL WITH HUMAN RIGHTS ACROSS THE BOARD. KUMAGAI NOTED THAT JAPAN HAD CREATED A

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DIVISION TO DEAL WITH HUMAN RIGHTS, BUT THAT IT STILL LOOKS AT HUMAN RIGHTS IN TERMS OF INTERNATIONAL ORGANIZATIONS.

8. MUTO, RESPONDING TO OUR POINTS ON CHILE, NOTED THAT PUBLIC OPINION POLLS THERE SHOWED THAT MOST PEOPLE WERE PRINCIPALLY CONCERNED WITH ECONOMIC PROBLEMS, AND, IN ANY CASE, THE MATTER OF TRANSITION IN THE FORM OF GOVERNMENT IS A POLITICAL PROBLEM RATHER THAN A HUMAN RIGHTS PROBLEM. AFTER REFERRING TO JAPAN'S WISH TO AVOID INVOLVEMENT IN THE POLITICAL AFFAIRS OF OTHER COUNTRIES, MUTO CONCLUDED, "IT WOULD BE VERY DIFFICULT TO DO WHAT YOU ARE SUGGESTING." AMBASSADOR SCHIFTER RESPONDED THAT WE WERE NOT SUGGESTING ANY SPECIFIC COURSE OF ACTION FOR JAPAN, RATHER WE WERE DESCRIBING WHAT WE ARE DOING AND WERE ENCOURAGING DISCUSSION WITH OUR FRIENDS BOTH HERE AND IN THE COUNTRIES CONCERNED TO ACHIEVE THE GREATEST POSSIBLE MUTUAL UNDERSTANDING.

9. TURNING TO TREATMENT OF CHILE BY THE UN, SCHIFTER NOTED THAT OVER THE YEARS THE RESOLUTIONS ON CHILE HAD BEEN VERY MUCH AN AFFRONT TO THE CHILEAN GOVERNMENT--THEY HAD REFERRED TO THE "CHILEAN AUTHORITIES" RATHER THAN USE THE TERM GOVERNMENT", THEY HAD ATTACKED THE 1980 CONSTITUTION, AND THEY HAD USED VITUPERATIVE LANGUAGE. AS

WE BELIEVE IT NECESSARY TO PERSUADE THE PERSONS IN AUTHORITY TO RETURN TO THE BARRACKS, WE CONSIDERED SUCH RESOLUTIONS COUNTERPRODUCTIVE. CONSEQUENTLY, AT THE 1986 UN HUMAN RIGHTS COMMISSION SESSION, WE INTRODUCED OUR OWN RESOLUTION. OUR RESOLUTION REFERRED TO THE CHILEAN GOVERNMENT, AVOIDED CHALLENGES TO THE CONSTITUTION, AND INSTEAD OF EMPTY INVECTIVE CALLED FOR SPECIFIC IMPROVEMENTS IN CHILE'S HUMAN RIGHTS PERFORMANCE BASED ON THE RECOMMENDATIONS OF UNHRC SPECIAL RAPPORTEUR FERNANDO VOLIO. SCHIFTER CONCLUDED BY NOTING THAT, ALTHOUGH WE HAVE NOT YET MADE A FINAL DETERMINATION, WE MAY SPONSOR A

SIMILAR RESOLUTION AT THE UNGA. MOREOVER, IF THERE ARE IMPROVEMENTS IN THE CHILEAN HUMAN RIGHTS SITUATION WE WILL REFER TO THEM IN OUR RESOLUTION. OBVIOUSLY RELIEVED TO BE DISCUSSING MULTI-LATERAL HUMAN RIGHTS DIPLOMACY, KUMAGAI AGREED, NOTING THAT A RESOLUTION SHOULD NOT JUST BE ACCUSATORY BUT SHOULD ENCOURAGE IMPROVEMENTS, AND SHOULD MENTION IMPROVEMENTS ALREADY MADE. HE ALSO NOTED THAT JAPAN PREFERS THAT CHILE BE CONSIDERED UNDER UNHRC AGENDA ITEM 12, THE ITEM THAT DEALS WITH HUMAN RIGHTS PROBLEMS THROUGHOUT THE WORLD, RATHER THAN UNDER ITEM 5, WHICH DEALS SOLELY WITH CHILE.

7

NR

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Pages 6 thru 10 have been eliminated because they are entirely irrelevant

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MORI DocID: 756983

United States Department of State

Assistant Secretary of State for Inter-American Affairs

Washington, D.C. 20520

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[redacted]

EYES ONLY

Dear Bill,

Judging from the tone of Pat Leahy's personal letter (attached), we are in for another round of finger pointing with Congressional liberals, this time over our support for Duarte in the Salvadoran elections. My personal thoughts on this matter are:

-- We are going to have to move quickly to contain this issue.

-- We will need a precise chronology of what we have done, who, when, etc.

-- A detailed exposition showing what was done in this area under the Carter Administration would be helpful. (The finding dates back to Carter, I understand.)

-- We need info on what others have done, Germany, Venezuela, etc. to show that outside support for candidates is not only a usual but accepted practice.

-- Also needed will be as much data as possible on what funds ARENA has received from U.S. sources. We can use this to show that our efforts were designed to redress other outside influences.

I think the people in your agency are best equipped to dig out this information.

If Congress runs true to form, this should break on us next week when our legislation is being considered.

Regards,

Tony Motley

Attachment:
As Stated.

cc: Secretary Shultz

EO 12958 1.6(d)(1)>10<25Yrs (C)

EO 12958 1.6(d)(1)>10<25Yrs (C)

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MORI DocID: 756984

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WASHFAX RECEIPT
DEPARTMENT OF STATE

B

S/S #

A

MESSAGE NO. 009313 CLASSIFICATION _____ No. Pages 5

FROM: Ron Godard (Officer name) ARA/CEN (Office symbol) 647-4960 (Extension) 4915 (Room number)

MESSAGE DESCRIPTION _____

TO: (Agency)	DELIVER TO:	Extension	Room No.
CIA	Central American Task Force		
CIA	Central American Task Force		

E0 12958 1 (C)

FOR: CLEARANCE [X] INFORMATION [ ] PER REQUEST [ ] COMMENT [ ]

REMARKS: FINAL DRAFT TO BE DECLASSIFIED AFTER CLEARANCE

***JUST CALL MR DUPART AND HE WILL GET A COPY TO Allan Fiers

S/S Officer: S C Mark

DD 119764

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15a(10)

DRUG TRAFFICKING AND THE NICARAGUAN DEMOCRATIC RESISTANCE

vec R

Trends in Central and South America

In recent years, the overwhelming majority of illict drugs entering the United States from Latin America have originated in Mexico or South America. In Central America, Belize is a major marijuana producer, and there is some production of marijuana throughout the isthmus. With the exception of Belize, the only other Central American country which has been a substantial producer of illicit drugs is Panama. Thanks to the U.S. assisted eradication program, Panama's production has sharply declined. Guatemala and Costa Rica are marginal producers. Otherwise, the Central American countries have been associated with drug trafficking principally as transhipment points from the large producer countries on the continent of South America.

Panama is particularly important because of its strategic location between North and South America, and it serves as a transit point for licit and illicit international commerce. Cocaine and marijuana are routed through Panama from Colombia, Peru, and Bolivia to markets in the United States, and chemicals used in processing flow the other way. In addition, the sizeable international banking establishment in Panama--some 120 banks with deposits of over $30 billion--is frequently used to launder large sums of money derived from drug traffic. To a lesser extent, other Central American countries have also been used as points for transhipment in both maritime and air traffic of drugs, and have attracted a certain amount of drug money.

Central America has not escaped the attention of international drug traffickers as a possible safehaven from law enforcement agencies. Costa Rica had been a favorite refuge for U.S. drug offenders, resulting in numerous extraditions to the United States of fugitives from justice . Mexican drug trafficker Rafael Caro Quintero, who was implicated in the murder of Drug Enforcement Agency Special Agent Enrique Camarena, also sought refuge in Costa Rica, but was captured and expelled to Mexico. Another well-known trafficker of Honduran citizenship, Ramon Mata Ballesteros, whose network involved operations in both Mexico and Colombia and who is also suspected of involvement in the Camarena murder, fled prosecution in other countries, escaped from jail in Colombia, and travelled to Honduras. He is currently under detention in

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DATE 3/28/02 BY 39083 elw/baf/ksb

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Honduras pending prosecution. Most of the governments of Central America have a good record of prosecuting drug trafficking offenders and cooperating with the efforts of international law enforcement agencies to bring traffickers to justice in other countries.

In Nicaragua, however, a former Interior Ministry official has provided details on how Minister of Interior Tomas Borge provided Colombian traffickers with planes, refueling, and transhipment facilities. During a DEA investigation conducted in 1983-1984 photographs were obtained of Borge aide Federico Vaughan loading cocaine into a plane at the military airport in Managua. Vaughan was was subsequently indicted in the Southern District of Florida for his involvement in smuggling cocaine into the United States.

Drug Traffic and Guerrilla Groups

Connections between guerrilla groups and drug trafficking in Latin America have been reported. In Colombia, active insurgent movements and terrorist groups have exacted funds from the drug trade. The longest such association -- dating from the early 1980s -- is with the Revolutionary Armed Forces of Colombia (FARC). The M-19, a group which gained particular notoriety in 1985 with its attack on the Palace of Justice in Bogota, has also developed ties with drug traffickers. In Peru, the major terrorist group, Sendero Luminoso, and Peruvian drug traffickers reportedly have made contact but not on any organized basis. They benefit from each others' activities in that both create an environment of lawlessness and stretch military and law enforcement resources.

With regard to the Nicaraguan democratic resistance groups, there has been no evidence that organizations associated with the major resistance umbrella group, the United Nicaraguan Opposition, have participated in or benefited from drug trafficking. There has been little incentive for traffickers to use resistance members within Nicaragua where they have not up to now controlled land, air, or sea routes of value to traffickers. The resistance organizations themselves have had few physical assets to complement the multiple assets already controlled by the Latin American traffickers. Instead, the available evidence points to involvement with drug traffickers by a limited number of persons having various kinds of affiliations with or political sympathies for resistance groups.

Following is a review of federal law enforcement and intelligence agencies' findings on the principal allegations of Nicaraguan democratic resistance groups' involvement in drug trafficking activities.

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...e "Progman" Case

This case gets its nickname from swimmers who brought ...caine ashore on the West Coast from a Colombian vessel in ...nuary 1983. A lengthy investigation was conducted in ...82-1983 by a San Francisco Organized Crime Drug Enforcement ...sk Force. It focussed on a major Colombian cocaine smuggler, ...lvaro Carvajal-Ninota, who supplied a number of West Coast ...raffickers. It was alleged, but never confirmed, that ...icaraguan citizen Horacio Pereira, an associate of Carvajal, ...ad helped the Nicaraguan resistance. Pereira was subsequently ...onvicted on drug charges in Costa Rica and sentenced to twelve ...ears imprisonment. Two other Nicaraguans, Carlos Cabezas and ...ilio Zavala, who were among the jailed West Coast traffickers ...onvicted of receiving drugs from Carvajal, claimed long after ...heir conviction that they had delivered large sums of money to ...esistance groups in Costa Rica and that Pereira, who was not ...harged in the case, had said the profits from the drug sales ...ould finance resistance activities.

Zavala, convicted in 1983 on cocaine trafficking charges ...nd now serving time in a federal penitentiary, was one source ...f a March 16, 1986 story in The San Francisco Examiner which ...eported that there were resistance ties to the drug ring. ...his was the first time Zavala made any mention of resistance ...nvolvement. Officials of the Justice Department subsequently ...eviewed the transcripts of some 11,000 wiretaps collected ...uring this extensive investigation and found no mention of the ...icaraguan resistance or any resistance leader. The U.S. ...torney in the case notes that Cabezas and Zavala did not ...ise these issues as a defense in their trial or at ...ntencing, but waited two years before making these ...egations, which, as indicated, could not be confirmed.

The Examiner story reported that the specific resistance ...up involved was the United Nicaraguan Opposition/Nicaraguan ...olutionary Armed Forces (UNO/FARN) headed by Fernando ...ro" Chamorro. The story also mentioned a Nicaraguan exile ...tical group based in Costa Rica, the Conservative Party of ...raguans in Exile (PCNE) as the possible recipient of drug ...y -- through two of its officials, Francisco Aviles Saens ...Vicente Rappaccioli Marquis. Costa Rica is the political ...for a number of Nicaraguan exile groups. Unlike the ...ARN, the PCNE is a civic organization with no known ties ...y group in the armed Nicaraguan opposition, although ...idual members may be sympathetic toward or supporters of ... groups.

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The head of the UNO/FARN, Fernando Chamorro, has categorically denied that he or his organization have been involved in the drug trade, and denied that Francisco Aviles Saenz has acted, as alleged, as UNO/FARN's agent in such matters. Aviles reportedly joined the UNO/FARN in early 1984, but never occupied a leadership position. He did some legal work for the UNO/FARN in San Jose, Costa Rica, but he has never held the position of international secretary of the UNO/FARN as he apparently presented himself in a letter obtained by the Examiner. Upon being informed of Aviles' implication in the San Francisco case, UNO/FARN expelled him from the organization in March 1986.

DEA has examined allegations of linkages between members of the UNO/FARN and suspected traffickers. It has found no information indicating that members of this group have been involved in narcotics trafficking.

Pena-Cabrera

Two Nicaraguans were arrested in 1984 in another investigation of drug trafficking conducted in San Francisco. One of them, Renato Pena-Cabrera, claimed at the time of his arrest that he was a volunteer worker for the San Francisco-based Nicaraguan Democratic Front (FDN). DEA has found no evidence that Pena and his associate were engaged in drug trafficking at the direction of the San Francisco-based FDN, nor for that matter any connection between the San Francisco-based FDN and the FDN which is the largest resistance group fighting in Nicaragua.

Cuban-American Connection

There have been allegations that Rene Corvo and other Cuban-Americans involved in anti-Sandinista activities in Costa Rica were connected with Miami-based drug traffickers. Corvo reportedly recruited a group of Cuban-American and Cuban exile combatants and military trainers in the Miami area who operated inside Nicaragua and in the northern part of Costa Rica. Two Cuban exiles in this group, Mario Rojas Lavas and Ubaldo Hernandez Perez, were captured by the Sandinistas in June 1986. They were reportedly members of the UNO/FARN group headed by Fernando "Negro" Chamorro. There is no information to substantiate allegations that this group from Miami has been a source of drug money for the UNO/FARN or any other resistance organization.

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Sandino Revolutionary Front (FRS)

Information developed by the intelligence community indicates that a senior member of Eden Pastora's Sandino Revolutionary Front (FRS) agreed in late 1984 with a Colombian narcotics trafficker that FRS pilots would aid in transporting narcotics in exchange for financial assistance. According to this information, the FRS officer agreed to the use of FRS operational facilities in Costa Rica and Nicaragua to facilitate transportation of narcotics. The Colombian trafficker agreed to provide financial support to the FRS, in addition to aircraft and training for FRS pilots. After undergoing flight training, the FRS pilots were to continue to work for the FRS, but would also fly narcotics shipments from South America to sites in Costa Rica and Nicaragua for later transport to the United States. Shortly thereafter, the Colombian reportedly provided the FRS one C-47 aircraft and two crated helicopters. He is reported to have paid the sum of $100,000 to the FRS, but there is no information available on who actually received this money. Supposedly he promised to pay an additional $200,000 per month once the narcotics shipments began, but there is no indication that this sum was ever delivered.

Only one incident of drug trafficking is known to have resulted from this agreement. A FRS pilot, Gerardo Duran, was arrested in January 1986 in Costa Rica for alleged involvement in transporting cocaine to the United States. DEA has been unable to substantiate allegations linking Eden Pastora directly with these activities. In a meeting with Secretary of State Shultz on March 7, Pastora categorically denied any involvement by himself or by his organization in drug trafficking. The Secretary reiterated the U.S. position that no resistance group would receive any U.S. assistance if it retained within its ranks any member who has engaged in drug trafficking.

Two individuals, who were members of or were affiliated with the Democratic Revolutionary Alliance (ARDE), the umbrella group to which the FRS belonged, were involved in small scale seizures of illicit drugs, one in Guatemala and one in Costa Rica, but there is no information to indicate that ARDE leaders or the organization itself were involved in narcotics trafficking.

Doc #5136c

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DO 119759

Case Number: S199900030

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PAGE 01 SANTIA 05101 01 OF 02 021516Z
ACTION ARA-00

INFO LOG-00 COPY-01 ADS-00 AID-00 INR-10 SS-00 CIAE-00
DODE-00 H-01 NSCE-00 NSAE-00 SSO-00 HA-09 L-03
TRSE-00 PA-01 INRE-00 ACDA-12 USIE-00 SP-02 PRS-01
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O 021513Z AUG 86
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 7263

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C O N F I D E N T I A L SECTION 01 OF 02 SANTIAGO 05101

E.O. 12356: DECL:OADR
TAGS: PREL,CI
SUBJ: DEL VALLE COMPLAINS ABOUT ABRAMS HOUSE BANKING COMMITTEE TESTIMONY

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

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1. CONFIDENTIAL - ENTIRE TEXT

2. SUMMARY: I WAS CALLED IN BY DEL VALLE LATE AUGUST 1 TO RECEIVE A NOTE (NOT A "PROTEST") OVER ASSISTANT SECRETARY ABRAMS' JULY 30 TESTIMONY, WHICH HE CHARACTERIZED AS NOT ONLY CONTAINING INACCURACIES BUT AS NOT BEFITTING A COUNTRY THAT IS SUPPOSED TO BE MAINTAINING NORMAL RELATIONS WITH CHILE. PINOCHET, HE SAID, WAS HURT BECAUSE HE WANTED GOOD RELATIONS WITH THE U.S. AND WE WERE NOT RESPONDING. I TOLD HIM CHILE NEEDED TO GIVE FURTHER THOUGHT AS TO WHY SO MANY COUNTRIES LIKE THE U.S. WERE DISTURBED BY DEVELOPMENTS HERE AND NOT TRY TO EXPLAIN IT ALL AWAY BY ASSUMING A MARXIST CONSPIRACY. END SUMMARY

3. DEL VALLE CALLED ME TO SEE HIM ON SHORT NOTICE THE LATE AFTERNOON OF AUGUST 1 BUT HAD ME COME TO HIS HOUSE TO AVOID THE PRESS THAT USUALLY HANGS OUT IN THE FOREIGN MINISTRY. HE SAID HE HAD BEEN ENTRUSTED
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PAGE 02 SANTIA 05101 01 OF 02 021516Z

BY PRESIDENT PINOCHET WITH THE TASK OF HANDING ME A NOTE, BUT BEFORE HE DID SO, HE WANTED TO PROVIDE SOME EXAMPLES OF WHY THE GOC WAS SO BOTHERED BY THE ABRAMS TESTIMONY TO THE HOUSING BANKING COMMITTEE HEARING JULY 30. HE SAID IT WAS PRIMARILY THE TONE OF WHAT HE CALLED TREATING CHILE AS IF IT WERE A POOR RELATIVE RATHER THAN ANOTHER INDEPENDENT COUNTRY, ONE WITH WHOM THE U.S. WAS PRESUMABLY SEEKING GOOD RELATIONS. HE TOOK PARTICULAR OFFENSE AT THE EXPRESSION "CARROTS AND STICKS", SAYING THAT IN CHILE THAT WAS THE SORT OF LANGUAGE YOU USED WITH DONKEYS NOT COUNTRIES, AT LEAST IN PUBLIC. HE ALSO OBJECTED TO ABRAMS' REFERENCES TO THE LARGE NUMBER OF PEOPLE DETAINED WITHOUT CLARIFYING THAT THEY WERE ONLY DETAINED FOR A FEW HOURS OR THE ALLUSIONS TO CASES OF TORTURE WITHOUT INDICATING THAT THE ALLEGATIONS HAD NOT BEEN PROVED. THESE POINTS WERE AT BEST "INEXACT", WHATEVER DEGREE OF TRUTH THEY MIGHT CONTAIN, AND WHEN WE NEXT MET HE WOULD BE ABLE TO SHOW ME AT LEAST TEN CASES WHERE ABRAMS WAS FACTUALLY OFF BASE. HE WAS ALSO UNHAPPY THAT THE U.S. WAS ALWAY CRITICIZING CHILE BUT NEVER A COUNTRY LIKE MEXICO, AS IN THE CASE OF THE MEXICAN ELECTION FRAUD.

4. DEL VALLE SAID THAT PINOCHET HAD ASKED HIM TO CONVEY HIS (PINOCHET'S) SENSE OF BEING "DEEPLY HURT" BY THIS LATEST INSTANCE OF U.S. INABILITY TO UNDERSTAND WHAT WAS HAPPENING IN CHILE. AS THE NOTE WOULD INDICATE, THE GOC WANTED GOOD RELATIONS WITH THE U.S. WE HAD A COMMON ENEMY IN THE FORM OF MARXISM AND WHERE WE DISAGREED, IT WAS REALLY OVER THE PACE OF HOW FAST THE TRANSITION TO DEMOCRACY SHOULD TAKE PLACE. THE U.S. OUGHT TO PUT THINGS IN CLEARER

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FOCUS AND WITHOUT BECOMING AN EXPONENT OF THE GOC AT LEAST SHOW MORE IN THE WAY OF UNDERSTANDING FOR WHAT THE GOC WAS CONFRONTING. DEL VALLE SAID HE DID NOT WANT TO GO INTO GREAT DETAIL TODAY BUT THAT WE WOULD GET TOGETHER IN MID MONTH AFTER HE RETURNS FROM HIS TRIP TO BOGOTA WHICH WILL BE FOLLOWED BY A WEEK'S LEAVE.

5. I TOLD HIM THAT HE OUGHT TO LOOK MORE CAREFULLY AT THE ABRAMS STATEMENT. HE WOULD SEE THAT ABRAMS HAD GONE OUT OF HIS WAY TO RECOGNIZE THOSE THINGS THAT WERE POSITIVE (SOME OF THEM BEING POINTS DEL VALLE HAD MADE TO ME. DEL VALLE ALLOWED AS TO HOW THIS WAS SO). IN ADDITION, ABRAMS COULD NOT REFUSE TO APPEAR AT A CONGRESSIONAL HEARING NOR TO ANSWER QUESTIONS PUT TO HIM AND I FELT HE WAS SETTING OUT VERY OBJECTIVELY THE SITUATION THAT FACED US IN OUR RELATIONS WITH CHILE. FINALLY, I TOLD DEL VALLE THAT WHATEVER ONE MIGHT SAY ABOUT THE INTERPRETATION OF THIS EVENT OR THAT OF A CERTAIN PHRASE, IT WAS A FACT THAT CHILE HAD A VERY NEGATIVE REPUTATION IN MOST OF THE WORLD. DEL VALLE INTERRUPTED TO SAY THAT THE SOVIETS WERE WORKING TIRELESSLY TO DEFAME CHILE AND OTHERS WERE JOINING IN THEIR GAME. I URGED HIM NOT TO BE FOOLED BY HIS OWN ARGUMENT, FOR THERE WAS SOMETHING MUCH DEEPER GOING ON WHICH THE GOC NEEDED TO UNDERSTAND. IF HE WANTED THE U.S. TO HELP CHILE, HE HAD TO RECOGNIZE THE RECIPROCAL NATURE OF HIS REQUEST. WHAT WE COULD DO DEPENDED NOT ONLY ON THE POLITICAL FORCES IN OUR OWN COUNTRY, BUT ALSO VERY MUCH ON WHAT THE GOC DID. DEL VALLE SAID HE RECOGNIZED THAT AND THEN WITH A LONG SIGH SAID

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ACTION ARA-00

INFO LOG-00 COPY-01 ADS-00 AID-00 INR-10 SS-00 CIAE-00
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TRSE-00 PA-01 INRE-00 ACDA-12 USIE-00 SP-02 PRS-01
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C O N F I D E N T I A L SECTION 02 OF 02 SANTIAGO 05101

E.O. 12356: DECL:OADR
TAGS: PREL,CI
SUBJ: DEL VALLE COMPLAINS ABOUT ABRAMS HOUSE BANKING

IF ONLY THE 2ND AND 3RD OF JULY EVENTS HADN'T
OCCURRED, HOW MUCH MORE COULD HAVE BEEN ACCOMPLISHED.

6. BEFORE GIVING ME THE NOTE, DEL VALLE SAID
HE WANTED TO STRESS THAT IT WAS NOT A "PROTEST."
SECONDLY, THE FOREIGN MINISTRY SPOKESMAN WOULD PUT
OUT A BRIEF STATEMENT THAT EVENING SAYING I HAD
BEEN CALLED IN AND GIVEN A NOTE INDICATING THE
GOC'S UNHAPPINESS WITH THE ABRAMS TESTIMONY, BUT
ALSO REITERATING CHILE'S CONTINUING INTEREST IN
GOOD RELATIONS WITH THE U.S.

7. INFORMAL TRANSLATION OF SUBSTANTIVE PARAGRAPHS
OF NOTE FOLLOWS.
BEGIN TEXT
I CANNOT HIDE FROM YOU THE SURPRISE AND DEEP UNEASE
OF THE CHILEAN GOVERNMENT UPON BECOMING AWARE OF
THE USE BY MR. ABRAMS OF OFFENSIVE EXPRESSIONS,
INCOMPATIBLE WITH THE USUAL MANNER OF REFERRING
TO A COUNTRY WITH WHICH NORMAL DIPLOMATIC RELATIONS
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PAGE 02 SANTIA 05101 02 OF 02 021517Z

ARE MAINTAINED.

THUS MY GOVERNMENT IS VERY MUCH CONCERNED TO NOTE

THE USE OF JUDGEMENTS LACKING EXACTNESS, JUDGEMENTS WHICH DISTORT CHILEAN REALITY AND IN NO WAY CONTRIBUTE TO THE SEARCH FOR FRUITFUL UNDERSTANDINGS BETWEEN OUR GOVERNMENTS, CONSTITUTING AS THEY DO AN OPEN INTERVENTION IN THE INTERNAL AFFAIRS OF MY COUNTRY.

-

ALONG WITH BRINGING THE FOREGOING TO YOUR ATTENTION, ALLOW ME TO REITERATE TO YOU THE INTENT OF THE GOVERNMENT OF CHILE TO MAINTAIN WITH THE U.S. THE BEST AND MOST OPEN RELATIONS, BASED ON THE TRADITIONAL FRIENDSHIP AND UNDERSTANDING WHICH HAVE LINKED BOTH COUNTRIES DURING THE WHOLE COURSE OF CHILE'S INDEPENDENCE.

END TEXT BARNES

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EXCISE

8/2/86

KL122A

2 August 1986

Chile Project (#S199900030)
U.S. Department of State
Release_____ Excise_X_ Deny_____
Declassify: In Part_____ In Full_____
Exemption(s)_____

Honorable Kenneth Kramer
House of Representatives
Washington, D. C.

Pinochet - prisoners

Sir:

This to urge you to use Congress to focus world attention on the plight of Juan Luis Gonzalez and Francisco Rivas - two Chilean physicians arrested by the Pinochet government.

As you know, the physicians have been investigating the torture of prisoners by the Pinochet regime, and in trying to force the dictator to hold democratic elections. It is reported that they are still alive; hopefully, if enough pressure is brought to bear, they may be able to remain alive.

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PAGE 01 MANAGU 05111 042217Z
ACTION ARA-00

INFO LOG-00 COPY-01 ADS-00 INR-10 SS-00 CIAE-00 H-01
NSCE-00 NSAE-00 SSO-00 HA-09 L-03 PM-10 PA-02
OMB-01 INRE-00 USIE-00 SP-02 SNP-01 PRS-01 /041 W
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Dept. of State, RPS/IPS, Margaret P. Grafeld, Dir.
Release ( ) Excise ( ) Deny ( ) Declassify
Date 2/22/02 Exemption

UNCLAS MANAGUA 05111

E.O. 12356: N/A
TAGS: MOPS NU
SUBJECT: GON VICE MINISTER OF DEFENSE GIVES MILITARY BRIEFING

1. JOAQUIN CUADRA LACAYO, VICE MINISTER OF DEFENSE AND CHIEF OF THE GENERAL STAFF OF THE SANDINISTA PEOPLES ARMY (EPS), HAS BEEN THE LATEST IN A SERIES OF EPS OFFICIALS TO DECLARE THE "STRATEGIC DEFEAT OF THE CONTRAS." CUADRA'S COMMENTS WERE MADE DURING A PRESS BRIEFING ON THE MILITARY SITUATION COVERING THE PERIOD JANUARY TO JULY 1986, AND WERE CARRIED BY THE SANDINISTA TELEVISION NETWORK AUGUST 1 AND BARRICADA AUGUST 3. CUADRA REPORTEDLY BOASTED THAT EVEN THE "HUNDRED MILLION DOLLARS WILL NOT CHANGE THE STRATEGIC SITUATION OF THE CONTRAS."

2. CUADRA MADE THE FOLLOWING ADDITIONAL POINTS:

-- HE CLAIMED THAT THE "JORGE SALAZAR" REGIONAL COMMAND, WHICH HAD SOUGHT TO "DEVELOP STRATEGIC OPERATIONS IN BOACO
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PAGE 02 MANAGU 05111 042217Z

AND CHONTALES (REGION V)," HAD BEEN FORCED TO RETREAT TO "MILITARILY DISADVANTAGED TERRITORY;"

-- CUADRA SAID THAT DURING THE FIRST SIX MONTHS, THE CONTRAS HAD SUFFERED 2,745 KILLED AND THAT THE EPS HAD CAPTURED 300. HE CLAIMED THE CONTRA HAD VIOLENTLY KIDNAPPED 259 PERSONS, A FIGURE THAT CORRESPONDED COINCIDENTLY TO THE NUMBER OF CONTRA DESERTERS FOR THE LAST FEW MONTH?;

-- HE NOTED THAT THE CONTRAS HAD BEEN "INCAPABLE OF BREAKING THE ECONOMIC AND SOCIAL RESTRUCTURING THAT THE REVOLUTION HAD CARRIED OUT IN THE WAR REGIONS;"

-- HE HAILED THE "IMPORTANT SUCCESS" OF THE EPS IN BEING ABLE TO "FILL UP" WITH PERSONNEL THE BLI'S AND THE "LIGHT HUNTER" UNITS;

-- CUADRA WARNED THAT THE FORTHCOMING PRESENCE OF U.S. MILITARY ADVISERS "PRESAGES" THE DIRECT INVOLVEMENT OF U.S. TROOPS;

-- HE EMPHASIZED THAT THE "POLITICAL ELEMENT" OF THE APPROVAL OF MILITARY AID TO THE CONTRAS IS THAT THE CIA HAS BEEN GIVEN "A FREE HAND TO OPENLY CARRY OUT NEW OPERATIONS AGAINST NICARAGUA;"

-- HE EXPRESSED CONCERN THAT THE CONTRAS WOULD BENEFIT FROM IMPROVED ARMAMENTS AND COMMUNICATION EQUIPMENT.
BERGOLD

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*** Current Handling Restrictions *** n/a
*** Current Classification *** UNCLASSIFIED

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____

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August 4, 1986

Dear Senator Kennedy:

I refer to your letter of July 11th, which I showed to Messrs. Zabala and Leniz, the other two coordinators of the National Accord.

The rigid position adopted by the government in maintaining unchanged the terms of the constitution approved in 1980, specially in the procedure for the election of the next president, as well as its rejection of any dialogue with the opposition has led them in turn to renew "social mobilization".

The results of this have been a growing polarization, that only favors both extremes, and which will impede a peaceful transition to a viable democracy.

As you know, in the National Accord, signed almost a year ago, there is a specific recognition of the fundamental role that the Armed Forces have and will continue to play in our country.

In the near future they will have a decisive part in working out the solution to the present situation and, subsequently, in protecting the new democratic system.

For that future role, it is important that the armed forces have the opportunity to become familiar again with the experiences of their counterparts in various democratic countries, and to do so on the basis of comparable conditions.

The recent visit of Mr. Robert Gelbard to Chile allowed him to get a clear picture of the present situation, and we are sure that he will be able to convey to you any further information you may need.

We hope that the above will help you to understand the current atmosphere in Chile. It is in this overall context, we believe that both domestic and foreign policies could be usefully reviewed.

Sincerely yours,

Sergio Molina

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Department of State

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S/S-O WA030

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PAGE 01 OF 02 SANTIA 05211 08 OF 03 072044Z 7187 087579 SS02222

ACTION OFFICE ARA-02

INFO MR-01 SSO-01 SSS-01 SSI-02 SS-01 S-02 D-01 P-02 T-01
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C O N F I D E N T I A L SANTIAGO 05211

EXDIS

DECAPTIONED

SPECAT EXCLUSIVE FOR DOD AND USCINCSO GEN. GALVIN

EO 12356: DECL: OADR
TAGS: PGOV, PREL, CR
SUBJ: GENERAL GALVIN'S CALL ON PRESIDENT PINOCHET

1. C - ENTIRE TEXT.

2. GENERAL GALVIN'S EXPRESSION OF PLEASURE AT HAVING THE OPPORTUNITY TO CALL ON PRESIDENT PINOCHET TOGETHER WITH THE AMBASSADOR (AFTER SOME UNCERTAINTY OF WHETHER PINOCHET WOULD RECEIVE US BOTH) WAS GREETED BY PINOCHET WITH A COMMENT ABOUT MILITARY MATTERS BEING MILITARY MATTERS AND THUS APPROPRIATE FOR DISCUSSION ONLY AMONG THE MILITARY. GENERAL GALVIN THEN WENT ON TO DESCRIBE THE TWO PURPOSES OF HIS VISIT: 1) TO BECOME ACQUAINTED WITH THE CHILEAN ARMED FORCES NOT JUST IN THEIR OFFICES BUT IN THE FIELD, BY WAY OF DIRECT CONTACT WITH THE TROOPS; AND 2) HIS INTEREST IN UNDERSTANDING PRESIDENT PINOCHET'S CONCEPT OF THE FUTURE OF CHILE. HE NOTED THAT THAT CONCEPT WAS NOT WELL UNDERSTOOD IN THE UNITED STATES. IN ADDITION, HE MENTIONED THAT HE WAS NOT COMING AS A "MESSENGER," BUT JUST WANTED TO UNDERSTAND THINGS BETTER, A COMMENT THAT PINOCHET WELCOMED.
GEN. GALVIN ADDED THAT PRES. PINOCHET'S "CALENDAR" OF STEPS LEADING UP TO THE PLEBISCITE IN '88 OR ELECTIONS IN '89 WAS NOT REALLY CLEAR TO PEOPLE IN THE US.
PINOCHET RESPONDED THAT IT WAS ALL IN THE CONSTITUTION AND HE INTENDED TO FOLLOW THE SCHEDULE LAID OUT THERE. HE CALLED FOR A COPY AND LATER GAVE IT TO GEN. GALVIN. EXPANDING ON THE POINT CONCERNING CLARIFICATION OF THE CALENDAR OF EVENTS FOR THE IMMEDIATE FUTURE, PINOCHET ASKED, "WHERE YOU MAKE A MILITARY PLAN, DO YOU GO OUT AND TELL EVERYONE ABOUT IT?" GALVIN SAID NO. PINOCHET THEN ADDED, "I HAVE A PLAN, BUT I'M NOT GOING TO TELL ALL ABOUT IT EITHER." GALVIN RESPONDED THAT THERE IS NO NEED TO REVEAL THE WHOLE PLAN, BUT IN THIS "AGE OF INFORMATION," PEOPLE NEED TO KNOW WHERE PINOCHET IS LEADING AND WHAT HE HAS IN MIND -- OR THEY WILL SPECULATE AND BELIEVE RUMORS.

PINOCHET CONTINUED HIS COMMENTS BY TALKING ABOUT THE 1980 CONSTITUTION'S TIMETABLE AND HOW THE ELECTORAL REGISTRY LAW WAS ABOUT TO BE ENACTED AND HOW POLITICAL PARTIES LAW WOULD COME INTO EFFECT THE FIRST PART OF THE YEAR (AS HE MENTIONED LATER HE HAD SAID IN A LETTER TO PRESIDENT REAGAN). OTHER LAWS WOULD FOLLOW.

PAGE 01 SANTIA 05211 08 OF 03 072044Z 7187 087579 SS02222

SINCE EVERYTHING WAS SET OUT IN THE CONSTITUTION. THERE WERE OF COURSE POLITICIANS ("OPPONENTS," "HIS ENEMIES") WHO WANTED TO CHANGE ALL THIS AND WANTED TO GO BACK TO THE TIMES OF SCARCITY, PLANNED ECONOMY AND MARXIST INFLUENCE, INCLUDING SOME "FRIENDS" OF THE US LIKE VALDES AND TOMIC WHO USED TO ATTACK THE US.

4. WHEN GEN. GALVIN ATTEMPTED TO EMPHASIZE THE POINT THAT CHILE'S MESSAGE WAS NOT GETTING ACROSS IN THE US AND SUGGESTED TO PINOCHET THAT IT WOULD BE IN CHILE'S INTEREST TO SEE THAT THE TRANSITION TIMETABLE WAS MORE CLEARLY UNDERSTOOD, PINOCHET SAID THAT WAS IMPOSSIBLE BECAUSE THE COMMUNISTS WOULD TAKE WHATEVER CHILE SAID, "WRAP IT UP," AND DISTORT IT. IN ADDITION, PAPERS LIKE THE NEW YORK TIMES AND THE WASHINGTON POST WERE "IN THE HANDS OF THE COMMUNISTS." WHEN GEN. GALVIN DISAGREED, SAYING SUCH PAPERS WERE LIBERAL, NOT COMMUNIST, PINOCHET SAID "THAT MAY SEEM THAT WAY TO YOU, BUT AS SEEN FROM HERE, THEY ARE."

5. AT THIS POINT, I TRIED TO MAKE THE POINT THAT THE CONSTITUTIONAL LAWS COULD BE A FACTOR IN CHILE'S FAVOR AND ASKED ABOUT REPORTS THAT THERE WERE DIFFERENCES BETWEEN PINOCHET AND THE MEMBERS OF THE JUNTA AND WHETHER THIS WOULD DELAY THE POLITICAL PARTIES LAW. PINOCHET RETORTED THAT CHILE WAS NOT A "BANANA REPUBLIC" AND THAT ALL THE LAWS HAD TO SECURE THE APPROVAL OF THE CONSTITUTIONAL TRIBUNAL. HE WENT ON TO SAY THAT IT WOULD BE THE PEOPLE OF CHILE WHO WOULD DECIDE IN A PLEBISCITE WHO THE NEXT PRESIDENT OF CHILE WOULD BE. ANYONE COULD BE THE CANDIDATE AND AS FOR THE RUMORS ABOUT HIMSELF...AT THAT POINT, HE SHRUGGED HIS SHOULDERS.

6. EARLIER IN TALKING ABOUT THE SPECIALNESS OF THE CHILEAN SITUATION, PINOCHET HAD DWELT ON THE FACT THAT CHILEANS ARE "WHITE," NOT "INDIANS;" NOT LIKE THE REST OF LATIN AMERICA OUTSIDE THE SOUTHERN CONE. THIS MEANT THEY DO THINGS DIFFERENTLY, AND WERE MUCH MORE LIKE AMERICANS.

7. BECAUSE CHILEANS ARE DIFFERENT, HOWEVER, PINOCHET INSISTED THEY WON'T TAKE ORDERS FROM ANYONE FROM OUTSIDE. THERE'S TALK NOW ABOUT CUTTING OFF CREDITS. "LET THEM CUT OFF THE CREDITS. WE DON'T CARE. MAYBE WE'LL DIE OF HUNGER. SO WE'LL DIE OF HUNGER."

8. WHEN GENERAL GALVIN SAID HE DID NOT SEE THE U. S. AS TRYING TO EXERCISE PRESSURE, PINOCHET INSISTED THAT WHATEVER NAME WAS USED, IT WAS PRESSURE AND HE WENT ON TO SAY THAT HE HAD DEFINITE INFORMATION THAT THE CIA WAS FINANCING THE OPPOSITION. HE HAD EARLIER SAID THAT FOREIGN OFFICIALS WILL ACT VERY "SAINTLY" AND DENY THEY ARE DOING ANYTHING, BUT HE KNOWS BETTER. SAYING THAT I, TOO, MAYBE WAS VERY "SAINTLY," I MAINTAINED NONETHELESS THAT THERE WAS NOTHING IN WHAT PINOCHET WAS SAYING ABOUT THE CIA.

9. PINOCHET COMPLAINED ABOUT THE EXAGGERATED TREATMENT IN THE U. S. MEDIA OVER THE TWO YOUNG PEOPLE WHO HAD BEEN BURNED, NOTING HE KNEW FOR SURE THAT THE ONE WHO HAD DIED WAS A COMMUNIST AS WAS HIS FATHER, "WHO IS NOW IN RUSSIA" AND HIS MOTHER, "WHO WAS KICKED OUT OF CHILE AS A COMMUNIST - EVEN IF THE BOY WAS A FRIEND OF CHULTZ' ADVISOR'S DAUGHTER," (HE FIRST SAID "HELMS") IN ANY CASE, HE ALSO KNEW THAT THE BURNING HAD BEEN CAUSED BY EXPLOSIVES THE TWO HAD CARRIED ON THEMSELVES. HE TOOK A SWIPE AT MY ATTENDING THE ROJAS FUNERAL BY SAYING PEOPLE WHO WENT TO SOME FUNERALS DIDN'T SEEM TO CARE WHEN NON-COMMUNISTS GOT HURT. HE COULDN'T UNDERSTAND WHY THE U. S. MADE SO MUCH FUSS OVER WHATEVER SMALL THING

PREL-1

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E.O. Project (#S199900030)
U.S. Department of State
Release Excise Deny
Declassify: In Part In Full
Exemption(s)

UNCLASSIFIED

Department of State

S/S-O
INCOMING

HAPPENED IN CHILE WHILE IGNORING WHAT GOES ON IN A COUNTRY LIKE MEXICO. PINOCHET DID PAY AN INDIRECT COMPLIMENT TO SENATOR KENNEDY BY SAYING THAT THE KENNEDY AMENDMENT HAD MADE IT POSSIBLE FOR CHILE TO BECOME MORE SELF-RELIANT AS WELL AS DEVELOP NEW SOURCES OF ARMS FROM COUNTRIES LIKE FRANCE.

18. GENERAL GALVIN BROUGHT THE CONVERSATION BACK TO THE THEME OF THE MILITARY FOCUS PART OF HIS VISIT, SAYING HE WAS A "SIMPLE INFANTRYMAN," TO WHICH PINOCHET RESPONDED THAT HE WAS TOO. HE ALSO RECALLED HE HAD KNOWN SOME OF GENERAL GALVIN'S PREDECESSORS. GENERAL GALVIN MENTIONED THAT PRIOR TO HIS DEPARTURE FROM WASHINGTON LAST WEEK, HE HAD BEEN TOLD BY BOTH THE SECRETARY OF DEFENSE AND THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF THAT THEY WANTED HIM TO EXTEND U. S. LINKS WITH THE CHILEAN ARMED FORCES. HE ADDED THAT AS HE HAD ALREADY DISCUSSED EARLIER WITH THE DEFENSE MINISTER, THERE WERE VARIOUS WAYS THIS COULD BE DONE SUCH AS WAR GAMES, SMALL EXERCISES, VISITS, SEMINARS; AND HE ASKED PINOCHET'S AGREEMENT O PURSUE THIS DISCUSSION. IN THE CONTEXT OF THE FLEXIBILITY THAT HE HAD IN HIS COMMAND, HE THOUGHT IT WOULD BE POSSIBLE TO ACHIEVE SOME "IMPORTANT" RESULTS. PINOCHET ENCOURAGED HIM TO PURSUE THE TOPIC WITH THE DEFENSE MINISTER.

11. AMBASSADOR'S COMMENT: IT WAS BEEN SEVERAL MONTHS SINCE I'VE SPENT THIS MUCH TIME WITH PINOCHET. HE HAD TROUBLE RESTRAINING HIMSELF AT TIMES IN GETTING ACROSS HIS MESSAGE ABOUT CHILE NOT SUCCUMBING TO PRESSURE FROM THE U. S. THOUGH HE GAVE THE SENSE THAT HE WAS LISTENING, I HAD THE FEELING A GOOD PART OF THE TIME HE WAS JUST WAITING FOR ANOTHER OPPORTUNITY TO PUT HIS OWN MESSAGE ACROSS. TO THAT EXTENT, I HAD THE FEELING THAT HE WAS MORE OBSESSED THAN WHEN I SAW HIM LAST. THERE WERE ALSO SEVERAL TIMES WHEN PINOCHET SEEMED TO BE SEARCHING FOR A WORD AND TAKING A LITTLE LONGER THAN USUAL TO FIND IT.

12. GENERAL GALVIN'S COMMENTS: PINOCHET'S MESSAGE SEEMED TO BE: "I HAVE A STRATEGY AND I'M GOING TO REVEAL IT IN MY OWN GOOD TIME AND DON'T CROWD ME." HE DID NOT RESPOND OVERTLY TO THE SUGGESTION THAT HIS STRATEGY MIGHT BE PROVIDING AMMUNITION TO HIS OPPONENTS, BUT THERE IS ALWAYS A CHANCE HE WILL CONSIDER THE POINTS WE RAISED.

FOR A MAN WHO HAS TAUGHT IN UNIVERSITIES AND WRITTEN BOOKS ON POLITICAL ASPECTS OF GEOGRAPHY, FOR A GENERAL AND A PRESIDENT, PINOCHET IS SURPRISINGLY UNSOPHISTICATED IN HIS WORLD VIEWS. HE SOUNDED STRANGELY LIKE A CHILEAN [illegible]

PAGE 01 STATE 247686
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DRAFTED BY: HA/MLP:SRIFSHIN:JM
APPROVED BY: HA: RSCHIFTER
HA/MLP: TEWILLIAMS
EUR/NE: RCHRISTENSON
ARA/SC: DCOX
ARA/CEN:PRITZGERALD
AF/RA: BALLEN
HA/HR: RRACKMALES

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AMEMBASSY SANTIAGO
AMEMBASSY TEGUCIGALPA
INFO AMEMBASSY CARACAS
AMEMBASSY BOGOTA
AMEMBASSY MEXICO
AMEMBASSY PANAMA
AMCONSUL STRASBOURG
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USMISSION GENEVA

C O N F I D E N T I A L STATE 247686

CONFIDENTIAL
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PAGE 02 STATE 247686

RUSSELS ALSO FOR USEC, CAPE TOWN FOR EMBASSY

.O. 12356: DECL: OADR

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ___ Deny ___
Declassify: In Part X In Full ___
Exemption(s) b1 b6

TAGS: PHUM, FI, CI, ES, ET, SF, XK
SUBJECT: HUMAN RIGHTS: BILATERAL CONSULTATIONS WITH FINLAND

REF: (A) HELSINKI 03201; (B) STATE 191757

1. CONFIDENTIAL - ENTIRE TEXT.

2. SUMMARY: HA CONTINUED ITS SERIES OF BILATERAL HUMAN RIGHTS CONSULTATIONS IN A MEETING WITH THE FINNISH AMBASSADOR. AFTER ACKNOWLEDGING "THE SPECIAL CIRCUMSTANCES GEOGRAPHY IMPOSES" ON FINLAND, WE EXPRESSED THE HOPE THAT FINLAND WOULD BE ABLE TO BE EVENHANDED IN ITS APPROACH TO HUMAN RIGHTS PROBLEMS EVERYWHERE IN THE WORLD. COUNTRIES DISCUSSED INCLUDED EL SALVADOR, GUATEMALA, CHILE, CUBA, ETHIOPIA AND SOUTH AFRICA. THE FINNISH SIDE EXPLAINED THAT FINLAND SHARES THE IDEALS OF THE US, BUT DOES NOT EASILY TAKE A PUBLIC STANCE ON THESE ISSUES. THE AMBASSADOR DID INFORM US OF THE RATHER COMPREHENSIVE SET OF SANCTIONS FINLAND HAS TAKEN AGAINST SOUTH AFRICA. HE ALSO RAISED QUESTIONS ABOUT THE

POSSIBILITY OF ESTABLISHING A HIGH COMMISSIONER FOR HUMAN RIGHTS, AND ABOUT THE FUNCTIONING OF THE UNHRC SPECIAL RAPPORTEURS. END SUMMARY.

. THE HA BUREAU CONTINUED ITS SERIES OF BILATERAL HUMAN RIGHTS DISCUSSIONS IN A JULY 29 MEETING WITH FINNISH AMBASSADOR PAAVO RANTANEN. AMBASSADOR RANTANEN WAS ACCOMPANIED BY SECOND SECRETARY MARJUKKA METTALA. THE CONFIDENTIAL

PAGE 03 STATE 247686

DEPARTMENT WAS REPRESENTED BY HA ASSISTANT SECRETARY RICHARD SCHIFTER, HA/MLP: TOM WILLIAMS, EUR/NE: DICK CHRISTENSON, IO/HW: BEVERLY ZWEIBEN, AND HA/MLP: STAN EFSHIN (NOTETAKER).

. AMBASSADOR SCHIFTER EXPLAINED OUR RATIONALE FOR THESE TALKS, AND OBSERVED THAT, ALTHOUGH WE RECOGNIZE THE SPECIAL CIRCUMSTANCE GEOGRAPHY IMPOSES ON FINLAND, WE HOPE THAT FINLAND CAN TAKE AN EVENHANDED, UNIFORM APPROACH TO HUMAN RIGHTS PROBLEMS IN VARIOUS PARTS OF THE WORLD. AMBASSADOR RANTANEN RESPONDED THAT FINLAND APPRECIATES THE INITIATIVE OF INCLUDING IT IN THESE

CONSULTATIONS. WE SHARE THE IDEALS OF THE US, HE CONTINUED, BUT DO NOT EASILY TAKE A PUBLIC STANCE, AND DO NOT NORMALLY WISH TO BE INVOLVED IN THE INTERNAL AFFAIRS OF OTHER COUNTRIES. SCHIFTER NOTED THAT WE HAVE FOUND FINLAND'S PRINCIPLED STANCE ADMIRABLE. WE WANTED TO EXCHANGE VIEWS WITH FINLAND ON THE FACTUAL SITUATIONS IN CERTAIN PROBLEM AREAS SO THAT IN FORA LIKE THE NORDIC CAUCUS FINLAND WOULD BE AWARE OF OUR VIEWS AND BE ABLE, AS APPROPRIATE, TO TAKE THEM INTO ACOUNT.

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. THE CONVERSATION NEXT TURNED TO CHILE. AMBASSADOR CHIFTER NOTED THAT THE SITUATION IS VERY DIFFERENT FROM HAT IN CENTRAL AMERICA. AS DISTINCT FROM ELECTED OVERNMENTS WE ARE DEALING WITH A MILITARY DICTATORSHIP. CONSTITUTION IS IN PLACE, HOWEVER, AND ELECTIONS ARE CHEDULED FOR 1989 AND 1990. WE WANT THESE ELECTIONS TO E AS FREE AND FAIR AS POSSIBLE. HARDLINERS IN THE OVERNMENT DO NOT WANT TO LET GO. THE RADICAL LEFT IS SING VIOLENCE TO TRY TO UNDERMINE CHILEAN SOCIETY. HESE TWO EXTREMES FEED ON ONE ANOTHER. THE GREAT AJORITY OF CHILEANS FAVOR THE DEMOCRATIC CENTER. WE ARE RYING TO SUPPORT THE CENTER, SCHIFTER CONCLUDED, AND WE OPE OTHER DEMOCRACIES WILL JOIN WITH US IN SUPPORTING A EACEFUL TRANSITION TO DEMOCRACY.

0. AMBASSADOR RANTANEN SAID THAT THIS IS CERTAINLY INLAND'S WISH, AND INQUIRED WHETHER WE SAW INDICATIONS F IMPROVEMENTS IN THE COMING MONTHS. AMBASSADOR CHIFTER RESPONDED THAT PROGRESS IN CHILE DEPENDS VERY JCH ON DISCUSSIONS WITHIN THE MILITARY JUNTA, AND HETHER A CONSENSUS FOR DEMOCRACY WILL DEVELOP OR A ONSENSUS FOR A HARD-LINE. FRANKLY, WE DO NOT KNOW HOW T WILL COME OUT. SCHIFTER NOTED THAT THE GOVERNMENT IS AKING SOME STEPS:--IT HAS ESTABLISHED AN OFFICIAL HUMAN

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IGHTS COMMISSION. WE WILL HAVE TO SEE HOW IT FUNCTIONS

EFORE MAKING ANY JUDGMENTS.--A VOTER REGISTRATION LAW IS UPPOSED TO BE PROMULGATED BY SEPTEMBER.--A POLITICAL ARTIES LAW IS TO BE PROMULGATED IN EARLY 1987. SCHIFTER ADDED THAT, CURRENTLY, ALTHOUGH OSTENSIBLY LLEGAL, POLITICAL PARTIES EXIST, AND FUNCTION.) CHIFTER CONCLUDED THAT, ON BOTH THE RIGHT AND THE LEFT, HERE ARE THOSE WHO ARE TRYING TO DERAIL THESE EVELOPMENTS.

1. RANTANEN ALSO ASKED ABOUT THE RODRIGO ROJAS CASE. MBASSADOR SCHIFTER NOTED THAT AMBASSADOR BARNES HAD TTENDED THE FUNERAL AND THAT WE HAD MADE NUMEROUS PRESS TATEMENTS ABOUT THE CASE. HE INDICATED THAT WE WOULD XPRESS OURSELVES FURTHER AS DEVELOPMENTS UNFOLDED.

2. SCHIFTER NOTED THAT WE WERE CONSIDERING OFFERING A ESOLUTION IN THE UNGA SIMILAR TO THE ONE WE HAD PONSORED AT THE UNHRC, AND WOULD BE INTERESTED IN THE HOUGHTS OF OUR DEMOCRATIC FRIENDS ON THIS. HE EXPLAINED HE DISTINCTIONS BETWEEN OUR RESOLUTION AND PREVIOUS ESOLUTIONS ON CHILE, WHICH BECAUSE OF THEIR INTEMPERATE, ITUPERATIVE LANGUAGE, WE HAD BEEN FORCED TO VOTE GAINST. MANY THOUGHT OUR RESOLUTION AT THE UNHRC HAD NDICATED A CHANGE IN US POLICY. THERE HAD BEEN NO HANGE IN POLICY, SCHIFTER EXPLAINED, BUT BY OFFERING OUR WN DRAFT, WE HAD CAUSED A MORE REASONABLE RESOLUTION TO E ADOPTED. IF A RESOLUTION CONTAINS INAPPROPRIATE ANGUAGE, IT IS UNACCEPTABLE TO US. RANTANEN TERMED THE S RESOLUTION AT THE UNHRC A "GREAT SUCCESS" AND NOTED HAT FINLAND HAD WELCOMED IT.

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8. AMBASSADOR RANTANEN ASKED ABOUT THE PROSPECTS FOR STABLISHING THE POSITION OF UN HIGH COMMISSIONER FOR UMAN RIGHTS, WHICH, HE NOTED, FINLAND SUPPORTS. MBASSADOR SCHIFTER RESPONDED THAT WE TOO SUPPORT THE ONCEPT, BUT ITS OPPONENTS, PRINCIPALLY THE SOVIETS, HAVE FFERED AMENDMENTS WHICH SO WARPED THE ORIGINAL PROPOSAL S TO MAKE IT WORTHLESS. IN RECENT YEARS, WE HAVE UPPORTED THE ESTABLISHMENT OF SUBJECT MATTER RAPPORTEURS HICH, IN PART, WE VIEW AS A WAY OF GOING AT THE CREATION

OF A HIGH COMMISSIONER FOR HUMAN RIGHTS PIECEMEAL.

19. RANTANEN ASKED ABOUT THE ROLE OF THE SPECIAL RAPPORTEURS, AND WHETHER WE SEE ANY ROOM FOR IMPROVEMENT IN THE OPERATION. SCHIFTER RESPONDED THAT THE OPERATION OF THE VARIOUS SPECIAL RAPPORTEURS SEEMED TO DEPEND VERY MUCH ON THE INDIVIDUALS CHOSEN. BY AND LARGE, WE BELIEVE THE PATTERN HAS BEEN GOOD. IF ADDITIONAL SUPPORT COULD BE PROVIDED TO THE RAPPORTEURS, SCHIFTER ADDED, PRESUMABLY THEY COULD DO MORE.

20. RANTANEN CLOSED THE MEETING BY NOTING THAT THIS HAD ALL BEEN VERY USEFUL, AND HE WOULD REPORT IT FULLY TO HELSINKI. WHITEHEAD
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PAGE 11 STATE 247686

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PAGE 01 MEXICO 16860 01 OF 03 111943Z
ACTION OES-09

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INFO UNVIE MISSION VIENNA

DEPARTMENT OF STATE
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STADIS//////////////////////////

FOR OES/NEP

E.O.: 12356:DECL:OADR
TAGS: TRGY, KNNP, KSCA, MX
SUBJ: NUCLEAR FUEL SUPPLY ISSUES WITH MEXICO

1. [redacted] ENTIRE TEXT).

2. SUMMARY: EMBASSY SCIENCE COUNSELOR AND SCIENCE ATTACHE MET WITH REPRESENTATIVES OF THE INSTITUTE FOR NUCLEAR RESEARCH (ININ) AND THE SECRETARIAT FOR ENERGY, MINES, AND PARASTATAL INDUSTRIES (SEMIP) ON AUGUST 8. THE GOM REPRESENTATIVES OFFERED PROPOSALS FOR RESOLVING TWO OUTSTANDING ISSUES INVOLVING THE SUPPLY OF NUCLEAR FUEL TO MEXICO. THE MEXICANS WISH TO PURCHASE FOR A NOMINAL SUM NATURAL URANIUM FUEL THAT HAS BEEN LEASED FROM DOE VIA THE IAEA FOR SOME 15 YEARS. THE MEXICANS BELIEVE THIS THE BEST MEANS TO RESOLVE THE REFUSAL OF THE UNIVERSITY OF ZACATECAS TO PAY RENT ON THE FUEL IT HAS HELD FOR THIS PERIOD. THE MEXICANS HAVE ALSO PROPOSED AN INTRIGUING MEANS TO ESCAPE FROM THE IMPASSE OVER THE SUPPLY OF FUEL ELEMENTS TO THE TRIGA REACTOR AT ININ.

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PAGE 02 MEXICO 16860 01 OF 03 111943Z

THE REPRESENTATIVE OF SEMIP AT THE MEETING PROPOSED THAT BACKUP SAFEGUARDS PROVIDED FOR IN THE EXCHANGE OF NOTES ON THE SUPPLY OF FUEL ELEMENTS TO THE TRIGA BE

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"MULTILATERAL" IN NATURE. THE MEXICANS SUGGESTED THAT THE MULTILATERAL BACKUP SAFEGUARDS COULD BE PROVIDED FOR BY THE ORGANIZATION FOR THE PROHIBITION OF NUCLEAR WEAPONS IN LATIN AMERICA (OPANAL). THE MEXICANS MADE PASSING REFERENCE TO THE LIKELIHOOD THAT THE GOM WILL SEEK TO OBTAIN FUEL RELOADS FOR THE LAGUNA VERDE NUCLEAR POWER PLANT UNDER A U.S.-GOM-IAEA TRILATERAL NUCLEAR SUPPLY AGREEMENT. END SUMMARY.

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3. ON AUGUST 8, EMBASSY SCIENCE COUNSELOR AND SCIENCE ATTACHE MET WITH THE DIRECTOR OF THE INSTITUTE FOR NUCLEAR RESEARCH, RUBEN BELLO, ININ'S DIRECTOR FOR INTERNATIONAL RELATIONS, DAVID SARQUIS, AND DR. EDMUNDO DE ALBA, DAS FOR RESEARCH AND DEVELOPMENT AT SEMIP. THE MEETING WAS HELD AT THE REQUEST OF DE ALBA FOR THE PURPOSE OF PROPOSING A SOLUTION TO TWO OUTSTANDING NUCLEAR FUEL SUPPLY ISSUES WITH THE U.S.

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LEASED NATURAL URANIUM FUEL

4. U.S.-ORIGIN NATURAL URANIUM FUEL ON A TRILATERAL U.S.-GOM-IAEA LEASE ARRANGEMENT FOR APPROXIMATELY 15 YEARS. THE FUEL, WHICH IS IN THE FORM OF SMALL URANIUM METAL/ALUMINUM CLAD ELEMENTS, WAS SUPPOSED TO BE USED FOR TWO SUBCRITICAL ASSEMBLIES IN MEXICO. THE ASSEMBLIES WERE LOCATED AT THE NATIONAL POLYTECHNIC INSTITUTE (IPN) IN MEXICO CITY AND AT THE UNIVERSITY OF ZACATECAS. ACCORDING TO THE MEXICANS, THE ASSEMBLY

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PAGE 03 MEXICO 16860 01 OF 03 111943Z

AT IPN HAS BEEN IN FREQUENT USE AND THE POLYTECHNIC HAS ALWAYS PAID THE RENT FOR THE FUEL. THE ASSEMBLY AT ZACATECAS, ON THE OTHER HAND, HAS NEVER USED THE FUEL AND HAS NOT PAID A DIME FOR IT. (THE EMBASSY KNOWS FROM OTHER SOURCES THAT THE DONATION OF THE ASSEMBLY TO ZACATECAS SPARKED AN ACADEMIC TONG WAR BETWEEN VARIOUS FACULTIES OF THE UNIVERSITY OVER OWNERSHIP AND USE OF THE REACTOR. THIS DISPUTE HAS NEVER BEEN RESOLVED.)

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5. RUBEN BELLO TOLD EMBASSY SCIENCE COUNSELOR AND ATTACHE THAT THE CONTINUED REFUSAL OF THE UNIVERSITY OF ZACATECAS TO PAY ITS SHARE FOR THE RENTAL OF THE FUEL WAS AN EMBARRASSMENT TO THE GOM IN VIENNA. ON THE

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OTHER HAND, BELLO NOTED THAT THE PROMPT RENTAL PAYMENTS MADE BY IPN NOW TOTALLED MORE THAN THE SALE VALUE OF THE FUEL.

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6. IN ORDER TO TERMINATE THIS PROBLEM, THE MEXICANS SUGGESTED THAT THE USG AGREE TO THE SALE OF THE FUEL TO THE GOM FOR A NOMINAL PRICE (SLIGHTLY MORE THAN USD 1000.00). THE FUEL WOULD BE PURCHASED BY ININ AND WOULD BE USED BY IPN. THIS WOULD RESOLVE THE CONTINUED NON-PAYMENT OF RENT BY ZACATECAS AND WOULD REMOVE THE NEED TO EVER HAVE TO RETURN THE FUEL TO THE U.S. DE ALBA SAID THE GOM WOULD PROPOSE THIS SALE IN VIENNA IF IT RECEIVED AN INDICATION FROM THE USG THAT THIS WOULD BE ACCEPTABLE. (THE EMBASSY DOES NOT HAVE A COPY OF THE TRILATERAL LEASE FOR THE FUEL, BUT, ACCORDING TO BELLO, THE AGREEMENT DOES HAVE A PROVISION IN IT FOR THE SALE OF THE FUEL TO MEXICO.)

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7. EMBOFFS INDICATED THEY WOULD REPORT THE PROPOSAL TO WASHINGTON.

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PAGE 01. MEXICO 16860 02 OF 03 111944Z
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STADIS//////////////////////////////////

FOR OES/NEP

E.O.: 12356:DECL:OADR
TAGS: TRGY, KNNP, KSCA, MX
SUBJ: NUCLEAR FUEL SUPPLY ISSUES WITH MEXICO

FUEL ELEMENTS FOR THE ININ TRIGA REACTOR

8. BELLO THEN PROPOSED THAT THE SOLUTION TO THE FUEL LEASE PROBLEM BE LINKED FINANCIALLY TO A RESOLUTION OF THE SUPPLY OF THE REMAINING FUEL ELEMENTS FOR THE TRIGA REACTOR AT ININ. EMBASSY SCIENCE ATTACHE NOTED THAT THE TWO PROBLEMS WERE QUITE DIFFERENT FROM THE USG POINT OF VIEW AND OPINED THAT IT WOULD MAKE RESOLUTION OF EITHER PROBLEM MORE COMPLICATED IF THEY WERE LINKED. BELLO THEN PROPOSED A SIMPLE ONE-TIME EXTENSION OF THE LAPSED U.S.-GOM-IAEA TRILATERAL SUPPLY AGREEMENT FOR FUEL FOR THE TRIGA TO GET THE REMAINING ELEMENTS FROM THE U.S. TO MEXICO. BELLO AND DE ALBA REHASHED THE NOW-FAMILIAR GOM ARGUMENTS THAT THE U.S. HAD RETRO-

[redacted]

PAGE 02 MEXICO 16860 02 OF 03 111944Z

ACTIVELY CHANGED THE LEGAL REQUIREMENTS FOR THE EXPORT OF THE ELEMENTS AFTER ININ HAD PAID FOR THEM. EMBOFFS MADE CLEAR THAT ISSUANCE OF AN EXPORT LICENSE FOR THE ELEMENTS WAS CONTINGENT ON MEETING U.S. LEGAL REQUIREMENTS FOR SUCH LICENSES. EMBASSY SCIENCE ATTACHE NOTED THERE WAS NO INTEREST IN WASHINGTON IN MAKING SPECIAL EXEMPTIONS TO THE REQUIREMENTS OF THE ATOMIC ENERGY ACT.

9. IN REPLY TO EMBASSY SCIENCE COUNSELOR'S INQUIRY ABOUT WHY THE GOM RESISTED NEGOTIATING A NEW SUPPLY AGREEMENT, DE ALBA AND BELLO STATED THAT THE SECRETARIAT OF FOREIGN RELATIONS WAS FIRMLY AGAINST A BILATERAL NUCLEAR AGREEMENT WITH THE U.S. WITH REGARD TO A TRILATERAL NUCLEAR SUPPLY AGREEMENT, THE U.S. REQUIREMENT FOR A BILATERAL EXCHANGE OF NOTES ON BACKUP SAFEGUARDS WAS

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VIEWED BY THE GOM AS A MEANS FOR THE USG TO TURN A MULTILATERAL AGREEMENT INTO A BILATERAL ONE ACCORDING TO DE ALBA.

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10. FOLLOWING A DISCUSSION OF THE REQUIREMENTS OF U.S. DOMESTIC LAW FOR IAEA SAFEGUARDS OR THEIR EQUIVALENT AS A CONDITION FOR NUCLEAR COOPERATION, DE ALBA SUGGESTED SOME MEANS BE FOUND TO MAKE THE BACK-UP SAFEGUARDS PROVISION "MULTILATERAL". DE ALBA SAID THE GOM COULD ACCEPT A BACK-UP SAFEGUARDS OBLIGATION WITH THE ORGANIZATION FOR THE PROHIBITION OF NUCLEAR WEAPONS IN LATIN AMERICA (OPANAL).

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11. WE PRESUME WHAT DE ALBA HAS IN MIND WOULD BE SOME MEANS FOR THE GOM TO AGREE TO OPANAL INSPECTIONS AS PROVIDED FOR IN ARTICLE 16 OF THE TREATY OF TLATELOLCO SHOULD IAEA SAFEGUARDS NO LONGER BE AVAILABLE.

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[redacted]

[redacted]

PAGE 03 MEXICO 16860 02 OF 03 111944Z

12. COMMENT: WE FIND THIS SUGGESTION INTRIGUING. ALTHOUGH IT WOULD APPEAR TO US THAT SOME CREATIVE MEANS WOULD HAVE TO BE FOUND TO MAKE ARTICLE 16 1 (B) APPLY TO A REQUEST FOR BACKUP SAFEGUARDS, THIS MAY NOT BE IMPOSSIBLE. MOREOVER, AT FIRST GLANCE, WE DO NOT SEE WHY SUCH A CHALLENGE INSPECTION PROVISION UNDER THE TREATY COULD NOT BE SPECIFIED TO AN EXTENT NECESSARY TO MAKE THE INSPECTION THE FUNCTIONAL EQUIVALENT OF IAEA SAFEGUARDS, IN THE UNLIKELY EVENT THAT IAEA INSPECTIONS WERE NOT BEING APPLIED HERE. WE ARE, HOWEVER, UNFAMILIAR WITH THE LEGAL HISTORY OF THE BACKUP SAFEGUARDS REQUIREMENT. WE WOULD, THEREFORE, APPRECIATE A CAREFUL EXAMINATION OF THIS PROPOSAL BY THE RELEVANT USG AGENCIES. END COMMENT.

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FUEL FOR LAGUNA VERDE

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13. WITH THE FIRST UNIT OF LAGUNA VERDE STILL SCHEDULED FOR FUEL LOADING AT THE END OF 1986, BELLO NOTED THE GOM STILL INTENDED TO SEEK FROM USDOE FUEL RELOADS BEYOND THOSE ALREADY AT SITE. BELLO SAID THESE WOULD BE SOUGHT BY MEANS OF A TRILATERAL SUPPLY AGREEMENT. IT IS POSSIBLE BELLO WAS ONLY DANGLING THE PROSPECT OF AN ENRICHMENT CONTRACT IN FRONT OF EMBOFFS TO INSPIRE

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FLEXIBILITY ON THE PART OF THE USG.

-

ACTION REQUESTED

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14. EMBASSY REQUESTS EXAMINATION OF THE PROPOSAL FOR PURCHASING THE NATURAL URANIUM FUEL AT IPN AND

[redacted]L

NNNN

[redacted]

PAGE 01 MEXICO 16860 03 OF 03 111944Z
ACTION OES-09

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TO SECSTATE WASHDC 5510
INFO UNVIE MISSION VIENNA

[redacted] SECTION 03 OF 03 ME
XICO 16860

STADIS//////////////////////////////////

FOR OES/NEP

E.O.: 12356:DECL:OADR
TAGS: TRGY, KNNP, KSCA, MX
SUBJ: NUCLEAR FUEL SUPPLY ISSUES WITH MEXICO

UNCLASSIFIED

ZACATECAS. A PRELIMINARY REACTION TO THE POSSIBILITY OF USING OPANAL AS A VEHICLE FOR BACKUP SAFEGUARDS BEFORE 8/25/86 WOULD ALSO BE MOST USEFUL.

15. ALTHOUGH WE HAVE MADE THIS MESSAGE STADIS, ACTION OFFICES IN THE DEPARTMENT MAY RELEASE IT TO DOE AND ACDA AT THEIR DISCRETION. (DRAFTER:JDETHOMAS). MOREFIELD

NNNN

*** Current Handling Restrictions *** STADIS
*** Current Classification ***

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1M0032

8/18/86

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PAGE 01 STATE 259364
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APPROVED BY: ARA/P:GMLAGANA
PA: CREDMAN (SUBS)
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AMEMBASSY MADRID IMMEDIATE
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AMEMBASSY PARIS IMMEDIATE
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AMEMBASSY THE HAGUE IMMEDIATE
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AMEMBASSY HELSINKI IMMEDIATE
AMEMBASSY STOCKHOLM IMMEDIATE
AMCONSUL RIO DE JANEIRO IMMEDIATE
USMISSION USUN NEW YORK IMMEDIATE
USCINCSO QUARRY HTS PN IMMEDIATE
USCINCLANT NORFOLK VA IMMEDIATE
COMSFORCARIB KEY WEST FL IMMEDIATE
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USAFSO HOWARD AFB PN/PAO
NAVSTA PANAMA CANAL RODMAN PN/PAO
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AMT AMEMBASSY NASSAU
AMEMBASSY PORT OF SPAIN

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PAGE 02 STATE 259364

Chile Project (#S199900030)
U.S. Department of State
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Declassify: In Part ___ In Full ___
Exemption(s) NR

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UNCLAS STATE 259364

ALL POSTS PASS PAOS

E.O. 12356: N/A
TAGS: OPRC
SUBJECT: ARA GUIDANCES/BRIEFING, AUGUST 18, 1986

1. PREPARED PRESS GUIDANCES:

2. ANNOUNCEMENT: PROTEST TO THE MEXICAN GOVERNMENT

CHILE: U.S. TO VOTE NO ON IDB LOANS?

Q. IS IT TRUE THAT THE UNITED STATES WILL VOTE AGAINST NEW WORLD BANK AND MULTILATERAL DEVELOPMENT BANK LOANS TO CHILE?

A. NO DECISIONS HAVE BEEN MADE ON HOW THE UNITED STATES WILL VOTE ON INTERNATIONAL LOANS TO CHILE. THOSE DECISIONS WILL BE MADE WHEN THE VOTE DATES ON THE NEXT LOANS TO CHILE APPROACH. NO LOANS ARE EXPECTED TO BE REVIEWED BY THE MULTILATERAL DEVELOPMENT BANKS BEFORE OCTOBER.

THE UNITED STATES SUPPORTS A PEACEFUL TRANSITION TO FULL DEMOCRATIC RULE IN CHILE BY THE MOST PROMPT AND EFFECTIVE MEANS, RECOGNIZING THAT THE TIMING AND NATURE OF A DEMOCRATIC TRANSITION ARE ISSUES FOR THE CHILEAN PEOPLE TO RESOLVE. IN DECIDING ITS VOTE ON LOANS IN INTERNATIONAL FINANCIAL INSTITUTIONS, THE UNITED STATES WILL FOLLOW ITS POLICY OF CONSIDERING ALL RELEVANT FACTORS, INCLUDING HUMAN RIGHTS AND ECONOMIC POLICY
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PAGE 03 STATE 259364

CONSIDERATIONS, AS WELL AS STATUTORY CRITERIA.

CHILE: GALVIN VISIT

. DID GENERAL JOHN GALVIN VISIT CHILE RECENTLY ON A SPECIAL MISSION? WHEN AND WHY?

A. GENERAL JOHN GALVIN, COMMANDER-IN-CHIEF OF THE U.S. SOUTHERN COMMAND, TRAVELED TO CHILE AUGUST 6-8, AND MET WITH SENIOR CHILEAN MILITARY AND GOVERNMENT OFFICIALS AND PAID A COURTESY CALL ON PINOCHET. THE TRIP WAS PART OF GENERAL GALVIN'S EFFORTS TO MEET MILITARY AND CIVILIAN LEADERS IN THE REGION. HE WAS NOT A SPECIAL MISSION.

CHILE: U.S. PREPARING TO TAKE ECONOMIC STEPS?

Q. IS THE U.S. PREPARING TO TAKE ECONOMIC STEPS AGAINST CHILE TO ENCOURAGE DEMOCRATIZATION?

A. THE UNITED STATES SUPPORTS A PEACEFUL TRANSITION TO FULL DEMOCRATIC RULE IN CHILE BY THE MOST PROMPT AND EFFECTIVE MEANS, RECOGNIZING THAT THE TIMING AND NATURE OF A DEMOCRATIC TRANSITION ARE ISSUES FOR THE CHILEAN PEOPLE TO RESOLVE.

WILL NOT SPECULATE OUR FUTURE OPTIONS.

N-12

WHITEHEAD

4811 John Adams

CA PRESS GUIDANCE

Friday, August 18, 1986

RELEASED T.R.

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C

GUATEMALA: MISSING AMERICANS

Q: What has the State Department done to investigate the April 1985 disappearance of Nicolas Blake and Griffith Davis in Guatemala?

A: -- AS SOON AS IT LEARNED ON APRIL 8, 1985 THAT BLAKE AND DAVIS HAD NOT RETURNED FROM A HIKING TRIP IN THE EL QUICHE AREA, OUR EMBASSY IN GUATEMALA REQUESTED GUATEMALAN GOVERNMENT ASSISTANCE. ARMY PATROLS IN THE AREA WERE ALERTED AND THE GUATEMALAN ARMY FOLLOWED UP WITH A WEEK-LONG, 450-MAN SEARCH OF THE AREA. THE ARMY INCURRED A NUMBER OF CASUALTIES IN CLASHES WITH GUERRILLA UNITS DURING THE SEARCH. EMBASSY OFFICERS TRAVELED TO THE AREA AND TRACED BLAKE AND DAVIS AS FAR AS THE VILLAGE OF LLANO, ON THE EDGE OF GUERRILLA-OCCUPIED TERRITORY. ON APRIL 25, AN EMBASSY OFFICER AIR-DROPPED 4,500 LEAFLETS IN SPANISH AND THE LOCAL INDIGENOUS INDIAN LANGUAGE. THE EMBASSY DISTRIBUTED ANOTHER 500 BY HAND THROUGHOUT THE SURROUNDING AREA. DURING THE SUMMER AND FALL, WE CONTINUED TO FOLLOW UP ON POSSIBLE LEADS IN THE CASE AND MAINTAINED CLOSE CONTACT WITH THE FAMILIES. IN DECEMBER 1985, EMBASSY OFFICERS RETURNED TO THE AREA AND INTERVIEWED SEVERAL FORMER GUERRILLAS WHO HAD DEFECTED TO THE GOVERNMENT. OUR POSTS IN MEXICO HAVE ALSO PURSUED POSSIBLE LEADS IN THE BORDER AREA WITH GUATEMALA.

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 06/30/95
Case ID: 95122213

CA MAUREEN HARTY
BLAKE DAVIS
GUATEMALA

TIM

Q: Does the Department agree with Nicolas Blake's brothers' contention that the "Guerrilla Army of the Poor" (EGP) is responsible for the disappearances and probable deaths of the two?

A: -- WE STILL CONSIDER THIS TO BE AN OPEN CASE; NO BODIES HAVE BEEN FOUND. GIVEN THE COMPLETE LACK OF HARD EVIDENCE ABOUT WHAT MAY HAVE HAPPENED TO BLAKE AND DAVIS, WE WILL NOT SPECULATE ON WHO MAY BE RESPONSIBLE. THE AREA IN WHICH THEY WERE HIKING IS CONSIDERED EXTREMELY DANGEROUS BECAUSE OF GUERRILLA ACTIVITY AND THE DEPARTMENT TRAVEL ADVISORY FOR GUATEMALA HAS LONG URGED AMERICANS TO AVOID THE AREA.

However we have no reason to doubt the findings (beliefs) of the GOG + the family regarding the murders.

-- THE EGP IS THE LARGEST OF SEVERAL MARXIST GUERRILLA GROUPS IN GUATEMALA. IT IS ALIGNED WITH CUBA AND GENERALLY OPERATES IN THE NORTHWEST HIGHLANDS.

Jan Per NSC 8/19

-- (CHRONOLOGY OF EMBASSY ACTIONS ATTACHED, PAGE THREE).

CA/PA:JPCallahan
x71488 8/18/86
#3177p pgs. 1-3

Clearances:
CA/OCS/EMR:JAdams
CA/OCS/EMR:LEaton
ARA/CEN:WScofield

Info:
ARA/P:GLagana
CA/OCS:TADTharp
H:RSmith
HA:KBaron

CA MOORA HARTY
BLAKE DAVIS
GUATEMALA

CHRONOLOGY OF BLAKE-DAVIS CASE

March 29, 1985	Americans last seen in Llano, El Quiche Department
April 8	First report of disappeance reached Embassy in Guatemala City from friends who had been unable to locate them. Embassy requested Guatemalan government assistance. Army dispatched patrols in area.
April 18	Embassy officers traveled to area by helicopter, traced route of Blake and Davis to Llano, interviewing people along way.
April 24	Guatemalan Army mounted week-long, 450-man search operation in El Quiche.
April 25	Embassy officer drops 4,500 leaflets printed in Spanish and local indigenous language over guerrilla territory. 500 more distributed by hand in surrounding area.
May-December	Embassy continued to maintain close contact with Guatemalan authorities who assured that patrols were still on lookout. Embassy and Department officers maintained liaison with families of Blake and Davis and with Blake family private investigator. Every lead was investigated by the Embassy, which also arranged for meetings between family members and Guatemalan officials.
December 17	Embassy officers travel again to El Quiche and interview privately six former guerrillas who had voluntarily surrendered to authorities since the disappearance. None had any knowledge of the whereabouts of Blake or Davis.

CA MAGILL HARRY
BLAKE DAVIS
GUATEMALA

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PAGE 01 HAVANA 03477 191916Z
ACTION ARA-00

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FM USINT HAVANA
TO SECSTATE WASHDC 5306
INFO AMEMBASSY BOGOTA
AMEMBASSY BRASILIA
AMEMBASSY BUENOS AIRES
AMEMBASSY LA PAZ
AMEMBASSY LIMA
AMEMBASSY MANAGUA
AMEMBASSY MEXICO
AMEMBASSY MONTEVIDEO
AMEMBASSY MOSCOW
AMEMBASSY SANTIAGO
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Chile Project (#S199900030)
U.S. Department of State
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C O N F I D E N T I A L HAVANA 3477

USIA FOR AR, VOA/M

E.O.12356: DECL:OADR
TAGS: PREL, PTER, CU
SUBJECT: GRANMA REPORTS FPMR ABDUCTION IN SANTIAGO

REF: HAVANA 3303

1. (U) THE CUBAN PARTY ORGAN GRANMA AUGUST 19 REPORTED WITHOUT COMMENT THE ABDUCTION OF CHILEAN ARMY COLONEL
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PAGE 02 HAVANA 03477 191916Z

MARIO HAEBERLE RIVADENEIRA BY THE FRENTE PATRIOTICO MANUEL RODRIGUEZ (FPMR) IN SANTIAGO ON AUGUST 19. THE NEWSPAPER ALSO REPORTED THAT TWO "NOISE BOMBS" HAD BEEN SET OFF IN THE CITY AT ABOUT THE TIME THE KIDNAPPING WAS TAKING PLACE, BUT DID NOT ASCRIBE THEM TO THE FPMR.

2. (C) COMMENT: THIS REPORT IS THE FIRST SUCH ON AN INDIVIDUAL ACTION BY THE FPMR WE REMEMBER SEEING IN GRANMA, AND FOLLOWS A WEEK AFTER GRANMA PUBLISHED AN INTERVIEW WITH AN FPMR SPOKESMAN IN WHICH THE LATTER CALLED FOR THE COMPLETE DESTRUCTION OF THE PINOCHET REGIME (REFTEL). BOTH ARTICLES REPRESENT, IN OUR OPINION, THE GOC COMING INCREASINGLY OUT OF THE CLOSET IN ITS SUPPORT FOR THE USE OF VIOLENCE BY LEFTIST GUERRILLAS IN CHILE.
KAMMAN

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PAGE 01 SANTIA 05439 191425Z
ACTION ARA-00

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Chile Project (#S199900030)
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Declassify: In Part ____ In Full ____
Exemption(s) ____

FOR HA AND ARA/SC

EO 12356: DECL: OADR
TAGS: PHUM, PGOV, UNHRC, CI
SUBJECT: GOC RESPONSE TO VOLIO REPORT

REF: SANTIAGO 4932

IN REGARD TO REFTEL, WE HAD ASKED FOR WASHINGTON COMMENTS ON GOC RESPONSE BEFORE WE PROPOSE MORE SPECIFIC TACTICS (SEE PARA 4). WE ARE HAVING A MEETING WITH MAXIMO PACHECO AUGUST 20 TO REVIEW MUTUAL PERCEPTIONS OF STATE OF HUMAN RIGHTS AT THIS STAGE. IT WOULD BE USEFUL, THEREFORE, TO KNOW WHEN WE COULD EXPECT WASHINGTON COMMENTS.
BARNES

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CA PRESS GUIDANCE Friday, August 22, 1986

RELEASED

GUATEMALA: BLAKE-DAVIS CASE

Q: What has the State Department done to investigate the April 1985 disappearance of Nicolas Blake and Griffith Davis in Guatemala?

A: -- AS SOON AS IT LEARNED ON APRIL 8, 1985 THAT BLAKE AND DAVIS HAD NOT RETURNED FROM A HIKING TRIP IN THE EL QUICHE AREA, OUR EMBASSY IN GUATEMALA REQUESTED GUATEMALAN GOVERNMENT ASSISTANCE. ARMY PATROLS IN THE AREA WERE ALERTED AND THE GUATEMALAN ARMY FOLLOWED UP WITH A WEEK-LONG, 450-MAN SEARCH OF THE AREA. THE ARMY INCURRED A NUMBER OF CASUALTIES IN CLASHES WITH GUERRILLA UNITS DURING THE SEARCH. EMBASSY OFFICERS TRAVELED TO THE AREA AND TRACED BLAKE AND DAVIS AS FAR AS THE VILLAGE OF LLANO, ON THE EDGE OF GUERRILLA-OCCUPIED TERRITORY. ON APRIL 25, AN EMBASSY OFFICER AIR-DROPPED 4,500 LEAFLETS IN SPANISH AND THE LOCAL INDIGENOUS INDIAN LANGUAGE. THE EMBASSY DISTRIBUTED ANOTHER 500 BY HAND THROUGHOUT THE SURROUNDING AREA. DURING THE SUMMER AND FALL, WE CONTINUED TO FOLLOW UP ON POSSIBLE LEADS IN THE CASE AND MAINTAINED CLOSE CONTACT WITH THE FAMILIES. IN DECEMBER 1985, EMBASSY OFFICERS RETURNED TO THE AREA AND INTERVIEWED SEVERAL FORMER GUERRILLAS WHO HAD DEFECTED TO THE GOVERNMENT. OUR POSTS IN MEXICO HAVE ALSO PURSUED POSSIBLE LEADS IN THE BORDER AREA WITH GUATEMALA.

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 07/14/95
Case ID: 95122214

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Q: Does the Department agree with Nicolas Blake's brothers' contention that the "Guerrilla Army of the Poor" (EGP) is responsible for the disappearances and probable deaths of the two?

A: -- WE STILL CONSIDER THIS TO BE AN OPEN CASE; NO BODIES HAVE BEEN FOUND. GIVEN THE COMPLETE LACK OF HARD EVIDENCE ABOUT WHAT MAY HAVE HAPPENED TO BLAKE AND DAVIS, WE WILL NOT SPECULATE ON WHO MAY BE RESPONSIBLE. WE HAVE NO REASON TO DOUBT THE CONCLUSIONS OF THE BLAKE FAMILY AND THE GOVERNMENT OF GUATEMALA, HOWEVER. THE AREA IN WHICH THEY WERE HIKING IS CONSIDERED EXTREMELY DANGEROUS BECAUSE OF GUERRILLA ACTIVITY AND THE DEPARTMENT TRAVEL ADVISORY FOR GUATEMALA HAS LONG URGED AMERICANS TO AVOID THE AREA.

-- THE EGP IS THE LARGEST OF SEVERAL MARXIST GUERRILLA GROUPS IN GUATEMALA. IT IS ALIGNED WITH CUBA AND GENERALLY OPERATES IN THE NORTHWEST HIGHLANDS.

-- ~~(CHRONOLOGY OF EMBASSY ACTIONS ATTACHED, PAGE THREE)~~.

(continued)

IF ASKED ONLY

Q: What does the U.S. government intend to do now that the Blake brothers' investigation indicates that their brother was killed by guerrilla forces?

A: -- THE U.S. GOVERNMENT ENCOURAGES THE EFFORTS OF THE GOVERNMENT OF GUATEMALA TO FOLLOW EVERY POSSIBLE LEAD IN THE DISAPPEARANCE OF MR. BLAKE AND MR. DAVIS. IF THE TWO MEN HAVE BEEN KILLED, WE APPEAL TO THE GUERRILLAS, OR TO OTHERS WHO MAY HAVE INFORMATION ON THE LOCATION OF THE MEN OR THEIR REMAINS, TO COME FORTH WITH INFORMATION AS SOON AS POSSIBLE.

CA/PA:JECallahan
X71488 8/22/86
#0662A

Clearances:
CA/OCS/EMR:JERitchie
CA/OCS/EMR:GARogers
ARA/CEN:WScofield

Info:
ARA/P:GLagana
CA/OCS:TADTharp
H:RTSmith
HA:KBaron

P B-1) NR

PAGE 01 STATE 265673 **EXCISE**
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INFO LOG-00 ADS-00 EUR-00 OIC-02 AF-00 IO-19 NEA-06
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DRAFTED BY: HA/MLP:EMICHAL:GS
APPROVED BY: HA:RSCHIFTER
HA/MLP:TEWILLIAMS
ARA/SC:JSWIGERT
ARA/SC:DBOLTON
IO/HW:BZWEIBEN
S/IL:GHEATLEY
EUR/RPM:GWARD
HA:JMONTGOMERY
ARA/CCA:KNSKOUG
HA/HR:RRACKMALES
AF/RA:BALLEN
ARA/CEN:WSCHOFIELD
EUR/CE:JNESVIG (SUBS)

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AMEMBASSY MANAGUA
AMEMBASSY PRETORIA
AMEMBASSY SAN SALVADOR
AMEMBASSY SANTIAGO
AMEMBASSY TEL AVIV
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY MEXICO
AMEMBASSY PANAMA
AMEMBASSY SAN JOSE
AMCONSUL STRASBOURG
AMEMBASSY TEGUCIGALPA
USMISSION GENEVA
CONFIDENTIAL

Chile Project (#S199900030)
U.S. Department of State
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Declassify: In Part X In Full ____
Exemption(s) B1, NR

USMISSION USUN NEW YORK

C O N F I D E N T I A L STATE 265673

E.O. 12356: DECL. OADR
TAGS: PHUM, CSCE, IRC-3, ICRC, ILO, BU, CI, CU, ET, GT, IR, IS, NU, PA, SF, SZ, US
SUBJECT: HUMAN RIGHTS: BILATERAL CONSULTATIONS WITH SWITZERLAND

REF: STATE 191757 (NOTAL).

1. (C)--ENTIRE TEXT.

NR

3. THE HA BUREAU CONTINUED ITS SERIES OF BILATERAL HUMAN RIGHTS DISCUSSIONS IN AN AUGUST 12 MEETING WITH SWISS MINISTER AND CHARGE DE PURY. MINISTER DE PURY WAS ACCOMPANIED BY FIRST SECRETARY PAUL WIDMAR AND THIRD SECRETARY THOMAS KUPFER. THE DEPARTMENT WAS REPRESENTED BY HA ASSISTANT SECRETARY RICHARD SCHIFTER; HA/HR: DOUGLAS WAKE; EUR/CE: JOHN NESVIG; IO/HW: BEVERLY ZWEIBEN AND HA/MLP: ED MICHAL (NOTETAKER).

UNCLASSIFIED

Pages 289, 290 291, 292 and 293 are
irrelevant, have been deleted.

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21. SCHIFTER RAISED THE CHILE SITUATION, INFORMING THE SWISS THAT WE ARE HEAVILY INVOLVED IN TRYING TO GET SOME IMPROVEMENTS. AN ADVISORY COMMISSION ON HUMAN RIGHTS HAS BEEN CREATED BY THE GOVERNMENT. WE ARE WAITING TO SEE WHAT WILL BE THE RESULTS. REGARDING TORTURE, THE INCIDENCE HAS GONE DOWN. AN ORDER WAS ISSUED IN JUNE OR JULY 1985 PROHIBITING TORTURE. WE HAVE HAD NEW REPORTS

OF TORTURE, AND HAVE SAID TO THE CHILEANS THAT ONE CASE IS ONE TOO MANY. THERE IS A PROBE UNDERWAY OF THE RECENT KILLING OF A MAN BY THE MILITARY. WE DO NOT BELIEVE THAT WAS ORDERED BY THE TOP, BUT RATHER WAS DONE BY SOLDIERS ON THE SPOT. MORE WOULD BE GAINED FOR THE MILITARY REGIME BY PUNISHING THOSE RESPONSIBLE THAN WOULD BE IF THERE WERE A WHITEWASH. WE ARE ALSO INTERESTED IN PRESSING FOR DIALOGUE BETWEEN THE GOVERNMENT AND THE DEMOCRATIC OPPOSITION. THE CHURCH AND BUSINESS COMMUNITY COULD PLAY A SIGNIFICANT ROLE IN SUCH A PROCESS. WE SEE POSSIBILITIES FOR DEVELOPING A CONSENSUS ON A PEACEFUL, ORDERLY AND DEMOCRATIC TRANSITION. THE SWISS TOLD US THAT [redacted] THE CNI CENTER, WHERE THEY BELIEVE TORTURE HAS TAKEN PLACE. THE SWISS DECLARED THAT THEY HAVE BEEN VERY VIGOROUS AND FORCEFUL WITH THE CHILEANS. IF TORTURE IS DECREASING, THAT IS A VERY ENCOURAGING SIGN.

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Pages 295, 296, and 297 are irrelevant and have been deleted.

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EAP-00 SP-02 /057 R

DRAFTED BY: HA/MLP:EMICHAL:EM:GS
APPROVED BY: HA:RSCHIFTER
HA/MLP:TEWILLIAMS HA:JMONTGOMERY
ARA/SC:JSWIGERT ARA/SC:DBOLTON
AF/RA:BALLEN ARA/CEN:PFITZGERALD
EAP/ANZ:MCHURCHILL HA/HR:RRACKMALE
IO/HW:BZWEIBEN
EUR/CE:JLANE (SUBS)
NEA/NGA:MMETRINKO

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AMEMBASSY SAN SALVADOR
AMEMBASSY SANTIAGO
AMEMBASSY SOFIA
INFO USMISSION USBERLIN
AMEMBASSY EMBBERLIN
AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY MEXICO
AMEMBASSY PANAMA
AMEMBASSY SAN JOSE
AMCONSUL STRASBOURG
AMEMBASSY TEGUCIGALPA
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Chile Project (#S199900030)
U.S. Department of State
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Exemption(s) NR

PAGE 02 STATE 266131

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USMISSION GENEVA

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C O N F I D E N T I A L STATE 266131

E.O. 12356: DECL. OADR
TAGS: PHUM, BU, CI, CU, ET, GE, GW, IR, NZ, PA, SF, US
SUBJECT: HUMAN RIGHTS: BILATERAL CONSULTATIONS WITH NEW ZEALAND

REF: STATE 191757 (NOTAL)

1. CONFIDENTIAL-ENTIRE TEXT.

2. SUMMARY: HA CONTINUED ITS SERIES OF BILATERAL HUMAN RIGHTS CONSULTATIONS IN A MEETING WITH THE NEW ZEALAND AMBASSADOR. OUR PRESENTATION INCLUDED CHILE, PARAGUAY, EL SALVADOR, CUBA, SOUTH AFRICA, IRAN AND BULGARIA. THE NEW ZEALAND AMBASSADOR OBSERVED THAT HIS MISSION HAS "A VERY LIMITED BRIEF" BUT ACKNOWLEDGED THE NEED TO PRODUCE "MORE COHERENT, PURPOSEFUL AND POWERFUL END RESULTS." END SUMMARY.

3. THE HA BUREAU CONTINUED ITS SERIES OF BILATERAL HUMAN RIGHTS DISCUSSIONS IN AN AUGUST 11 MEETING WITH NEW ZEALAND AMBASSADOR ROWLING, A FORMER PRIME MINISTER. AMBASSADOR ROWLING WAS ACCOMPANIED BY DEPUTY CHIEF OF MISSION JOHN WOOD. THE DEPARTMENT WAS REPRESENTED BY HA ASSISTANT SECRETARY RICHARD SCHIFTER; HA DEPUTY ASSISTANT

SECRETARY JAMES MONTGOMERY; IO/HW: BEVERLY ZWEIBEN; AND HA/MLP: ED MICHAL (NOTETAKER).
CONFIDENTIAL

4. AMBASSADOR SCHIFTER EXPLAINED THAT WE WISHED TO EXCHANGE INFORMATION ON A SYSTEMATIC BASIS WITH OTHER WESTERN DEMOCRACIES TO GET IDEAS, CONVEY OUR THOUGHTS, AND ENGAGE, WHERE APPROPRIATE, IN JOINT ACTIVITIES. HE POINTED OUT THAT IT IS IMPORTANT TO PLACE IN CONTEXT WHAT IS GOING ON IN A COUNTRY BEFORE IT COMES UP IN INTERNATIONAL AGENCIES, RATHER THAN LET INTERNATIONAL AGENCY POLITICS DRIVE SUCH ISSUES.

5. AMBASSADOR ROWLING RESPONDED THAT THIS PROPOSAL HAS A GREAT DEAL OF MERIT. ALTHOUGH HIS MISSION HAS A LIMITED BRIEF, IT HAS NO PROBLEM IN PLACING HUMAN RIGHTS HIGH ON

ITS LIST OF PRIORITIES. HE NOTED THAT NEW ZEALAND HAS NOT BEEN A CO-SPONSOR ON ANY COUNTRY-SPECIFIC RESOLUTIONS, BUT WOULD VOTE FOR THEM IF APPROPRIATE. NEW ZEALAND DOES HAVE MORE FAITH IN PRIVATE THAN PUBLIC RECRIMINATIONS. HE OBSERVED THAT PROMINENT ISSUES OFTEN COME UP BECAUSE OF THE MEDIA OR INTERNATIONAL POLITICS, AND SAW A DISCREPANCY IN TREATMENT OF COUNTRIES. ROWLING TWICE MENTIONED THAT NEW ZEALAND LACKS INFORMATION. HE CONCLUDED THAT THIS ILLUSTRATES THE NEED TO PRODUCE "MORE COHERENT, PURPOSEFUL AND POWERFUL END RESULTS."

6. SCHIFTER INDICATED THAT THIS IS PRECISELY HOW WE SEE ALL THESE PROBLEMS, AND SAID WE ARE PREPARED TO EXCHANGE DATA. WE ARE INTERESTED IN ENSURING THAT ALL THOSE SHARING A COMMITMENT TO PRINCIPLES OF DEMOCRATIC GOVERNMENT ACT TOGETHER TO REALIZE THEM. THE OBJECTIVE OUGHT TO BE TO SOLVE PROBLEMS, RATHER THAN ISSUE PRONOUNCEMENTS.

7. THE ASSISTANT SECRETARY THEN TURNED TO CHILE, WHICH HAS BEEN DISCUSSED IN THE UN SINCE 1974, ALTHOUGH THE CHILEAN RECORD IS NOT ONE OF THE WORLD'S WORST. HE EXPLAINED THAT WE ARE DEALING WITH A COUNTRY WHICH HAS CONFIDENTIAL

PAGE 04 STATE 266131

VIABLE DEMOCRATIC TRADITIONS, PROVIDING AN ALTERNATIVE TO THE EXISTING STRUCTURE. THERE ARE QUITE A NUMBER OF PARTIES IN THE CENTER AND A RECENT POLL INDICATED 72 PERCENT OF THE CHILEANS FAVOR A RETURN TO DEMOCRACY. WE WANT TO ENCOURAGE A TRANSITION BACK TO DEMOCRACY. IT IS NECESSARY, HOWEVER, FOR DEMOCRATIC GROUPS TO CONDUCT THEMSELVES SO AS TO GAIN THE CONFIDENCE AND SUPPORT NOT ONLY OF THE PUBLIC BUT THE MILITARY. WE BELIEVE THERE

MAY BE MILITARY SENTIMENT IN FAVOR OF A RETURN TO DEMOCRACY BUT ALSO SOME SENTIMENT AGAINST. AT THE OTHER END OF THE SPECTRUM THERE ARE THE COMMUNISTS AND ASSOCIATED GROUPS, WHICH HAVE PLEDGED TO INSTALL A LENINIST GOVERNMENT AND RESORTED TO TERRORISM. WE ARE URGING GOVERNMENT CIRCLES TO CONSIDER SERIOUSLY MOVES TOWARD DEMOCRATIZATION. WE ALSO ARE CAUTIONING THE DEMOCRATIC GROUPS NOT TO ASSOCIATE WITH LENINIST GROUPS, TO AVOID BOTH BEING MANIPULATED AND SCARING OFF THE MILITARY, WHICH WOULD BELIEVE CIVILIANS COULD NOT BE

TRUSTED.

8. SCHIFTER POINTED OUT THAT THE COMMUNISTS' VOTING STRENGTH TRADITIONALLY AMOUNTED TO 15 PERCENT OR LESS IN CHILE, SO THEY USE MANIPULATION AND FORCE TO PROJECT POWER. REGARDING THE GOVERNMENT, WE HAVE MADE OUR POSITION VERY CLEAR REGARDING SERIOUS HUMAN RIGHTS VIOLATIONS. THE CHILEAN GOVERNMENT IS CLAIMING SOME IMPROVEMENTS. FOR ONE, THERE IS THE ADVISORY COMMISSION ON HUMAN RIGHTS APPOINTED BY THE GOVERNMENT. WE BELIEVE THE JURY IS STILL OUT ON THAT BODY, AND THE REAL QUESTION IS WHAT THEY WILL PRODUCE. THE GOVERNMENT ALSO HAS PROMISED TO PROMULGATE A NEW VOTER REGISTRATION LAW, POSSIBLY BY SEPTEMBER, TO PREPARE FOR THE 1989 ELECTION. CONFIDENTIAL

PAGE 05 STATE 266131

IT HAS FURTHER PROMISED A POLITICAL PARTIES LAW. SCHIFTER NOTED THAT ALTHOUGH SUCH PARTIES ARE PRESENTLY OUTLAWED, THEY DO EXIST AND THEIR LEADERS DO MAKE FREQUENT PUBLIC STATEMENTS. AS FAR AS THE MILITARY IS CONCERNED, SOME JUNTA MEMBERS HAVE EXPRESSED THEMSELVES IN A WAY DIFFERENT FROM PINOCHET. TO THE EXTENT TO WHICH MESSAGES IN SUPPORT OF DEMOCRATIC PROCESSES CAN BE SENT, MODERATES WOULD BE STRENGTHENED.

9. SCHIFTER EXPLAINED THAT OUR OPTIONS IN CHILE ARE CLEAR; WE KNOW WHERE THE DEMOCRATS WANT TO GO. THE US VOTED AGAINST RESOLUTIONS ON CHILE FOR MANY YEARS, BUT OFFERED A RESOLUTION OF ITS OWN IN THE LAST UN HUMAN RIGHTS COMMISSION MEETING AND MIGHT OFFER ONE AT THE NEXT UNGA. IF SO, IT WOULD BE ONE THAT IDENTIFIES THE PROBLEMS. IT WOULD ALSO, HOWEVER, REFER TO THE CHILEAN GOVERNMENT, RATHER THAN TO CHILEAN "AUTHORITIES," AND AVOID CHALLENGING THE LEGITIMACY OF THE CHILEAN CONSTITUTION. FINALLY, IF THE GOVERNMENT ACTS CONSTRUCTIVELY, WE WILL BE PREPARED TO ACKNOWLEDGE IT IN THE RESOLUTION.

10. AMBASSADOR ROWLING REVEALED THAT THE PRIME MINISTER

RECENTLY HAD OCCASION TO CALL IN THE CHILEAN AMBASSADOR TO TELL HIM THAT RELATIONS HAD REACHED A CERTAIN STAGE, BUT WOULD NOT IMPROVE WHILE CHILE LACKED HUMAN RIGHTS AND A DEMOCRATIC SYSTEM.

[redacted]

Pages 302 thru 306 have been eliminated because they are entirely irrelevant

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SECRET

Embassy of the United States of America

Santiago, Chile
August 29, 1996

SECRET

OFFICIAL-INFORMAL

Chile Project (#S199900030)
U.S. Department of State
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Declassify: In Part ____ In Full X
Exemption(s) ____

Mr. Ludlow Flower III
ARA/SC
Room 4908 N.S.
Department of State
Washington, D. C. 20520

Dear Kim:

I'm off this afternoon and depending on how fast the pouch is may well have talked to you or Jim by the time you read this. It was good to get your first letter. For my part I don't feel we have to make it a weekly exchange in any sort of slavish fashion. Still, I've found that there usually are things that accumulate that are worth sharing. Let me start first, though, with comments on your letter of August 21.

Interagency Meeting on MDB Loan Issue. Thanks for the fill-in on who's taking what position. So far I would say they fit pretty much my expectations, based on my own last series of discussions in Washington. I come out in favor of a greater sense of speed, in that I think we need to allow enough time for lobbying or discussion or whatever the right word is in the sense of helping other countries, particularly the Latin American democracies, as Jackie noted, to think through the issues. You will have seen the report on the second in a series of get togethers that John Keane and I have had with the Brazilian, Argentine, Venezuelan and Costa Rican Ambassadors which anticipates some of the things Bob has in mind. My conclusion from these talks here is that there is just a lot of spade work that needs doing whatever the eventual outcome. And, if we want to be effective, we should not be alone. In addition, of course, there's the whole question of using leverage in a timely fashion, which we address in our telegram.

Section 552 Lobbying. I was disappointed to find that some potential allies were backing out of joint efforts to try to scuttle this proposal. Please persist with the Peace Corps for one, because Jack Burgess, the Assistant Director, did promise me some help.

As to tactics, a couple thoughts occurred to me; 1) Why is Obey so interested? It ought to be possible to find out, since

he has not been up to this point one of the active members of the House on Chilean matters. 2) Which subcommittee of the Senate appropriations committee will get the bill? I assume Kasten's on Foreign Operations. In that case, I know Hatfield well, and also Leahy, Inouye, Johnston and DeConcini.) So far as AID's worry about crossing Obey on housing, you ought to get in touch, as I believe David had earlier, with the people in the cooperative movement who are the ones trying to help on a housing guarantee program; namely, Wally Campbell and Ted Weihe. If AID is too timid, the coop movement won't be, since it was they who first alerted us to the problem.

A final comment. It seems to me that in order to minimize both the damage the Obey amendment might do as well as to minimize the amount of change being sought from Obey, his language could be amended in turn to reflect some of the language that appears in Section 701 on MDB loans and human rights. The operative phrase there as in sub section (d) is that the U. S. "should seek to channel assistance to projects which address basic human needs" of the people of the country, or in sub section (f) where assistance is "directed specifically to programs which serve the basic human needs."

Fernando Leniz. I talked to Fernando last Sunday and had I known you and he knew each other would have said something then. I've asked John to get in touch with him next week to pass on your invitation. Fernando told me that his schedule was more flexible than when he had first talked to Martha and he could make it to Washington any time between the 12th and the 19th. Jim's thoughts about people to see jibe with mine and what I told Fernando, except I would say definitely Kennedy, because Fernando as one of the Accord coordinators understands the importance of the Kennedy amendment to the Kennedy amendment on IMET and is prepared to talk about that. (Fernando helped draft the Molina letter.) His only concern is that if he sees Kennedy, that it be done discretely since in military and business circles here Kennedy is the equivalent of Helms in other quarters. I'll mention this aspect to Martha when I talk to her.

There follow some of Fernando's thoughts as he expressed them to me last Sunday on the MDB loans. Fernando Leniz is convinced that Pinochet is counting on our blocking the SAL because this will give him the missing element he needs to propel himself beyond 1989. He will be able to add foreign intervention - U. S., that is - to Soviet intervention and wrap it all up in a beautiful nationalistic surge. Fernando agrees with me that if we were to block a loan we would get no support publicly of any significance from the opposition. He understands our dilemma and thinks we can help accomplish

the primary goal (which is to isolate Pinochet) by trying to combine a gesture to the Armed Forces as represented by the amendment to the Kennedy amendment with abstentions on the loans. He even thinks the amendment to the amendment could have a clause saying it would take effect after the free elections. I've offered to talk further to Martha Muse about people he should see and I'll pass those thoughts on to Jim so he's aware, but Martha would be the coordinator.

Weisfeiler Case: We just sent a diplomatic note to the Foreign Ministry requesting answers to several questions on contradictions between our files and the Foreign Ministry's. (A copy is enclosed.) Jayne thinks, and I agree, we should wait until we have a response to that note before we go any further. We will let you know later if we think a letter from Bob to Stange would be useful.

CINCLANT Visit. The very day that I told John I thought it would be better to have an Army Officer, for example, Lt. General Ballantyine, come before another Navy Officer in the wake (no pun intended) of UNITAS' Admiral Chandler's visit, we received the IADB message on Ballantyne's imminent arrival. As John told you, I was very surprised and unhappy with this short notice. By the time you receive this, the visit will have been over, or been turned off by you and Bob. If it is turned off, I want you to know that I would like Ballantyne to come although with more forward planning. As you can imagine one of my concerns is the way the Chileans will exploit it. If there isn't proper planning both in Washington with briefings and with advance notice down here, which would include a briefing by the Embassy at the beginning of the visit, we could have unhappy surprises. We will also need to focus on how else we (the U.S.) relate to him as a non-U. S. representative.

IIR Chilean Army Officers Fearful of Civilian Prosecution. We received two weeks ago a copy of a cable with marginal notes from Jim. Peter DeShazo (who works on administration of justice) Don Knight, and the DAO will be coordinating a response that we hope to get out next week.

Jarpa. John has done a memcon of our conversation with Jarpa a few days ago. What John did not include in detail for reasons that will be obvious is Jarpa's remark on the need for us to try to persuade Pinochet to change his political strategy, or at least policies in some respects. As you will see in that memcom Jarpa blames Pinochet's unwillingness to announce open elections in 1989 on fear of becoming a lame duck. Jarpa said he has been trying to convince the President that he would be better off taking the initiative. Jarpa also said that the U.S. might play a useful role in this sense. As a military man, Pinochet will listen to U. S. military officers and he recommended fairly strongly that Dick Walters be sent down to spend some time talking to the President. According to Jarpa, Pinochet would consider Walters a credible interlocutor, one who is a friend and genuinely re-

presents the views of the U. S. military, (which is what Pinochet values). In response to my question, he added that General Galvin would also be good, as would senior military officers from the other services, although they would not be as useful as Army officers. Jim will recall that the possibility of a presidential envoy is something I have discussed with Elliott and Bob. So, I would want to raise this again with them before we think of sending someone.

Goals and Objectives. In one of the recent ARA/SC letters, you mentioned that we (and other posts) would be receiving instructions on a new goals and objectives exercise. We haven't seen the new requirement and wonder if the idea has been dropped.

Military IV Grants. Charlotte Roe recently offered an IV Grant to Brigadier Ernesto Videla, one of the officers I've been most impressed with. Videla is currently the head of the Chilean section of the Argentine/Chilean Intregation Committee and would have been a natural for a tailored IV on any one of a number of subjects, including a study of our intricate border relations with Mexico and Canada. However, Videla said that he would be promoted to General this year and will not be able to travel but he would like to be re-considered later. This could be one of our most important IVs. Some politicans consider him the ideal transition figure.

The Uprising Plan. Del Valle, as reported in our cable (Santiago 5770 handed me a copy of analysis of documents reportedly captured from the individual recently detained as responsible for the arms caches. It purports to show an elaborate plan for a national uprising, which includes a detailed order of battle of the Chilean armed forces which is surprisingly accurate. This suggests some degree of penetration. We will be sending a more detailed assessment, but we have enclosed an advance copy of what Del Valle handed me.

Sincerely,

Harry G. Barnes, Jr.

Encls.

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EXCISE

Chile Project (#S199900030)
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PAGE 01 GENEVA 07789 01 OF 02 300519Z
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C O N F I D E N T I A L SECTION 01 OF 02 GENEVA 07789
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E.O. 12356: DECL:OADR
TAGS: PHUM, PGOV, UNHRC-1, OVIP, CI, CS
SUBJECT: PROPOSED MEETINGS WITH FERNANDO VOLIO

REF: A) SAN JOSE 8154, B) STATE 264403, C) SANTIAGO, 5608

1. CONFIDENTIAL - ENTIRE TEXT.

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2. ACTION MESSAGE. SEE PARA 11.

3. SUMMARY: SPECIAL RAPPORTEUR ON CHILE FERNANDO VOLIO RESPONDED TO EXPOSITION BY CHARGE AND POLCOUNS AUG 29 BY SAYING HE HAD NOT FINALLY DECIDED WHETHER TO RESIGN. UNHRC MAY HELP LIGHTEN HIS BURDEN. VOLIO COMMENTED THAT CHILEAN OPPOSITION SUFFERS FROM INERTIA AND FACTIONALISM WHILE MODERATE INFLUENCE IN GOVERNMENT SEEMS OVERBORNE BY SUCH HARDLINE TACTICS AS MASSIVE ARMY SWEEPS OF SLUMS. VOLIO LOOKS FORWARD TO SEEING A/S SCHIFTER IN SAN JOSE ON SEPTEMBER 16. HE WOULD LIKE FULLEST AVAILABLE USG READOUT ON ORIGIN OF ARMS CACHE RECENTLY DISCOVERED. COULD IT BE GIVEN HIM DURING SEPTEMBER 3-4
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PAGE 02 GENEVA 07789 01 OF 02 300519Z

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STOPOVER IN NYC? END SUMMARY.

4. CHARGE AND POLCOUNS MET FOR AN HOUR ON AUGUST 29 AT HUMAN RIGHTS CENTER WITH PROFESSOR VOLIO, ACCOMPANIED BY HIS UNHRC STAFFER, CARLOS VILLAN-DURAN. CHARGE DREW ON REFS B AND C TO SET FORTH DEPARTMENT AND AMB BARNES' PERSONAL DESIRE THAT VOLIO NOT RESIGN. HIS RESIGNATION WOULD AT BEST LEAVE A VACUUM AND AT WORST HAVE A NEGATIVE IMPACT ON UNGA AND COMMISSION CONSIDERATION OF CHILE, ON PROTECTION OF HUMAN RIGHTS IN CHILE, AND ON DIALOGUE BETWEEN AUTHORITIES AND MODERATE OPPOSITION NEEDED FOR TRANSITION TO DEMOCRACY. CHARGE EXPRESSED A/S SCHIFTER'S HIGH REGARD FOR VOLIO AND EMPHASIZED AMB BARNES' POINT THAT HE ALONE ENJOYED OPPOSITION CONFIDENCE AND GOVERNMENT TOLERANCE.

5. VOLIO REPORTED THAT HE HAD COME TO GENEVA (ON AUG 25) DETERMINED TO RESIGN. HIS DUTIES AS DEFACTO MAJORITY LEADER IN PARLIAMENT AND AS COUNSEL TO COSTA RICA IN THE ICJ COMPLAINT FILED BY NICARAGUA LEFT HIM NEITHER THE TIME NOR THE STAFF SUPPORT NECESSARY TO CONTINUE. UNHRC ASYG HERNDL HAD ENERGETICALLY SOUGHT TO DISSUADE VOLIO, HE SAID, SINCE RESIGNATION WOULD BE SEEN AS A SETBACK FOR UNHRC AS WELL AS HUMAN RIGHTS IN CHILE. VOLIO SAID HERNDL IS EXPLORING WAYS TO LIGHTEN THE BURDEN, THE HEAVIEST ELEMENT WHICH IS THE ABSENCE OF STAFF SUPPORT IN SAN JOSE TO HANDLE THE VOLUME OF CHILEAN RELATED CORRESPONDENCE. CLEARLY GRATIFIED THAT DEPARTMENT WISHED HIM TO CONTINUE, VOLIO ASSURED CHARGE THAT HE WOULD NOT MAKE FINAL DECISION ON RESIGNATION BEFORE SEEING A/S SCHIFTER.

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Pages 92, 93, and 94 have been deleted on
B1 grounds

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USCINCSO QUARRY HTS PN IMMEDIATE
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PAGE 02 STATE 273982

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ALL POSTS PASS PAOS

E.O. 12356: N/A
TAGS: OPRC
SUBJECT: ARA GUIDANCES/BRIEFING, AUGUST 29, 1986

1. PREPARED PRESS GUIDANCES:

BOLIVIAN DECLARATION OF A STATE OF SEIGE

Q: WHAT DOES THE U.S. THINK OF THE BOLIVIAN GOVERNMENT'S DECLARATION OF A STATE OF SIEGE?

A: IN KEEPING WITH PROVISIONS OF THE BOLIVIAN CONSTITUTION PRESIDENT PAZ ESTENSSORO DECLARED A STATE FO SEIGE YESTERDAY. BOLIVIANS FACE SERIOUS ECONOMIC DIFFICULTIES BROUGHT ABOUT BY LOW WORLD PRICES FOR TIN, BOLIVIA'S MOST IMPORTANT EXPORT. MANY THOUSANDS OF JOBS ARE THREATENED BY THE CLOSING OF THE CAPITAL. THE GOVERNMENT, FEARING THE MINERS WOULD DISRUPT THE LIFE OF LA PAZ AS OCCURRED IN APRIL AND NOVEMBER 1985, HAS TAKEN THESE LEGAL MEASURES TO PREVENT THE MARCH FROM ENTERING THE CITY.

Q: DOES THE BOLIVIAN GOVERMENT'S DECISION TO DECLARE A STATE OF SIEGE HAVE ANYTHING TO DO WITH THE PRESENCE OF U.S. HELICOPTER AND TROOPS?

A: THE PROTEST MARCH BY THE BOLIVIAN MINERS AND THE BOLIVIAN GOVERNMENT DECISION TO DECLARE A STATE OF SIEGE
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PAGE 03 STATE 273982

HAVE NO RELATION TO THE ANTI-NARCOTICS CAMPAIGN IN THE EASTERN BOLIVIAN JUNGLES OR THE ASSISTANCE THE U.S. IS GIVING TO THE BOLIVIAN OPERATION.

Q: WHAT IS THE U.S. GOVERNMENT DOING TO ASSIST THE BOLIVIAN GOVERNMENT?

A: THE U.S. IS WORKING CLOSELY WITH THE BOLIVIAN GOVERNMENT IN MANY AREAS. WE ARE PROVIDING SIGNIFICANT LEVELS OF DEVELOPMENT ASSISTANCE TO BOLIVIA THROUGH VARIOUS PROGRAMS, AS WELL AS HELPING THE GOB IN NARCOTICS CONTROL ACTIVITIES. IN RESPONSE TO A RECENT BOLIVIAN REQUEST FOR FINANCIAL ASSISTANCE, THE DEPARTMENT OF TREASURY ANNOUNCED THAT IT IS ACTIVELY CONSIDERING A BRIDGE LOAN.

CHILE: DEFENSE MINISTER STATEMENTS ON U.S.SATELITES

IF AKSED

Q: CAN YOU COMMENT ON PRESS REPORTS THAT CHILEAN DEFENSE MINISTERE CARVAJAL SAID THAT THE U.S. SUPPLIED SATELITE INFORMATION THAT ALLOWED THE CHILEANS TO DETECT CLANDESTINE INTRODUCTION OF WEAPONS INTO CHILE FROM FISHING BOATS?

A: THE CHILEAN GOVERNMENT HAS ISSUES A CLARIFICATION INDICATING THAT IT WAS NOT THE ITNENT OF THE DEFENSE MINISTER TO SUGGEST THAT U.S. SATELITES HAD PROVIED INFORMATION LEADING TO THE RECENT DISCOVERY OF CLANDESTINE ARMAS CACHES IN CHILE. IN POINT OF ACT, WE DID NOT PROVIDE ANY SUCH INFORMATION.

Q; CAN YOU COMMENT ON REPORTS THAT NASA AGREEMENTS WITH CHILE PROVIDE FOR SATELITE INFORMATION IN TRACKING SOVIET OR CUBAN FISHING VESSELS?
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PAGE 04 STATE 273982

A; THE SUGGESTION THAT NASA AGREEMENTS WITH CHILE PROVIDE FOR SHARING SATELITE INFORMATION ON SUCH MATTERS IS INCORRECT. THE BROUGH TRACKING STATTION THAT NASA HAS OPERATED IN CHILE SINCE 1957 WITH THE UNIVERSITY OF CHILE RECEIVES DATA OF A STRICTLY SCIENTIFIC NATURE FROM COMMERCIAL SATELITES AND FROM SATELITES OPERATED BY THE NATIONAL OCEANIC AND ATMOSPHEREIC ADMINISTRATION.

MEXICO: VICTOR CORETZ INCIDENT

Q: IS THERE ANY COMMENT ON THE MEXICAN DIPLOMATIC NOTE DEALIG WITH THE VICTOR CORTEZ CASE?

A: THE NOTE RESPONDS TO THE ESSENTIAL ISSUE RAISED IN OUR DIPLOMATIC NOTE IN THIS CASE, THE BEATING AND TORTURE OF VICTOR CORTEZ.

IT STATES THE ACTIONS TAKEN AGAINST THE ELEVEN POLICE OFFICIALS ACCUSED IN THIS INCIDENT. SPECIFICALY, IT POINTS OUT THAT THOSE SUSPECTED OF MISTREATING MR. CORTEZ HAVE BEEN REMANDED TO A JUDGE WHO WILL TRY THEM.

IT DISCUSSES THE MEXICAN GOVERNMENT'S UNDERSTANDING OF THE NATURE OF VICTOR CORTEZ'S DIPLOMATIC STATUS AND ACTIVITIES IN MEXICO.

FINALLY, IT REAFFIRMS AT SOME LENGTH MEXICO'S DETERMINATION TO CONTINUE THE FIGHT AGAINST NARCOTICS TRAFFICKING.

Q: IS THERE ANY TRUTH TO REPORTS THAT THE NOTE RESTRICTS THE OPERATIONS OF DEA IN MEXICO?
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PAGE 05 STATE 273982

A: THE NOTE DEALS SPECIFICALLY WITH THE CIRCUMSTANCES SURROUNDING THE VICTOR CORTEZ INCIDENT. IT DOES NOT CHANGE THE GROUND RULES FOR DEA IN MEXICO.

PERU: PIA VESTA CASE

Q: DO YOU HAVE ANY COMMENT ON THE ALLEGATIONS COMING OUT OF PERU THAT THE CIA WAS INVOLVED IN THE PIA VESTA CASE?

A; ALLEGATIONS THAT THE U.S. GOVERNMENT, OR ANY OF ITS ENTITIES, DEPARTMENTS OR AGENCIES, IS SOMEHOW LINKED TO THE PIA VESTA CONTRABAND WEASPONS CASE ARE TOTALLY FALSE. THE U.S. GOVERNMENT HAS NO CONNECTION WHATSOEVER WITH THE ARMS FOUND ABOARD THE PIA VESTA.

2. SUMMARY OF NOON BRIEFING FOR AUGUST 28, 1986:

THE BRIEFER WAS CHARLES REDMAN

BOLIVIA:

Q. THE SPOKESMAN WAS ASKED ABOUT THE STATE OF SIEGE AND THE PRESENCE OF U.S. TROOPS ? A. SPOKESMAN USED PREPARED GUIDANCE. IN A FOLLOW UP, THE SPOKESMAN WAS ASKED HOW THE STATE OF SIEGE COULD AFFECT CURRENT ANTI DRUG OPERATIONS? A. SPOKESMAN REPEATED THE PREPARED GUIDANCE.

MEXICO:

SPOKESMAN WAS ASKED FOR A RESPONSE TO THE DIPLOMATIC NOTE? A. SPOKESMAN USED PREPARED GUIDANCE. Q. SPOKESMAN WAS ASKED IF THIS AFFECTED DEA OPERATIONS? A. SPOKESMAN POINTED OUT THAT NOTE DEALS STRICLY WITH CORTEZ CASE NOT THE GROUNDRULES UNDER WHICH DEA CURRENTLY UNCLASSIFIED

UNCLASSIFIED

PAGE 06 STATE 273982

OPERATES. IN A FOLLOW UP SPOKESMAN WAS ASKED IF THE GROUND RULES WERE CHANGING? USED PREPARED GUIDANCE. Q. WILL DEA CONTINUE TO OPERATE AS CORTEZ HAS? WILL NOT ATTEMPT TO ANWSER THAT. REFERRED TO DEA.

BOLIVA:

SPOKESMAN WAS ASKED ABOUT REQUEST FOR AID, TIME DEADLINE FOR USG TO RESPOND TO GOB REQUEST FOR MORE AID? SPOKESMAN USED PREPARED GUIDANCE. WHITEHEAD

Chile Project (#S199900030)
U.S. Department of State
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PAGE 01 STATE 279832
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ARA/CEN:RLIKINS
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ARA/RPP:MSINGLAUB
USOAS:RHINES
AF/RA:BALLEN
NEA/NGA:MMETRINKO(INFO)
HA/HR:KBARMON (SUBS)
ARA/CCA:KNSKOUG
ARA/SC:DBOLTON
IO/HW:MJACOB

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C O N F I D E N T I A L STATE 279832

E.O. 12356: DECL. OADR
TAGS: PHUM, OAS, CI, CS, CU, ES, ET, GT, HA, IR,
SUBJECT: HUMAN RIGHTS: BILATERAL CONSULTATIONS WITH
COSTA RICA

REF: STATE 191757 (NOTAL)

1. (C)-ENTIRE TEXT.

2. SUMMARY: HA CONTINUED ITS SERIES OF BILATERAL HUMAN
CONFIDENTIAL

PAGE 02 STATE 279832

RIGHTS CONSULTATIONS IN A MEETING WITH COSTA RICAN
EMBASSY CHARGE LUIS GUARDIA. THE CHARGE NOTED THE
CHANGES IN DEMOCRACY IN LATIN AMERICA WHICH HAVE OCCURRED

SINCE PRESIDENT REAGAN TOOK OFFICE. GUARDIA INDICATED COSTA RICA IS CONCERNED THAT CHILE WILL BECOME ANOTHER NICARAGUA. CONCERNING PARAGUAY HE NOTED THAT DOMINGO LAINO, WHILE NOT AN EXTREMIST, IS GOING TOO MUCH TO THE LEFT TOO FAST. GUARDIA DECLARED THAT THE OAS HAD FAILED TO DISCUSS A REPORT ON HUMAN RIGHTS IN CUBA SEVERAL YEARS AGO, BUT THE GREATER NUMBER OF DEMOCRATIC MEMBERS MIGHT MAKE IT POSSIBLE TO BRING UP THE ISSUE AGAIN. AMBASSADOR SCHIFTER NOTED THAT WE HAD HEARD THAT SALVADORAN FOREIGN MINISTER CASTILLO-CLARAMOUNT WAS GOING TO ASK COSTA RICA TO BE THE LEAD SPONSOR FOR THE UNGA RESOLUTION ON EL

SALVADOR. SCHIFTER INDICATED HE WILL BE GOING TO COSTA RICA SOON, IN PART TO PERSUADE UN SPECIAL RAPPORTEUR FOR CHILE FERNANDO VOLIO NOT TO RESIGN. SCHIFTER ALSO POINTED OUT THAT WE HOPE TO REPLACE THE UNHRC SPECIAL RAPPORTEURS FOR HAITI AND EL SALVADOR WITH "ADVISORY SERVICES" DURING THE UNGA. GUARDIA PROMISED IN CLOSING THAT, IN GENERAL, THE US CAN COUNT ON COSTA RICA'S SUPPORT. END SUMMARY.

3. PARTICIPANTS--THE HA BUREAU CONTINUED ITS SERIES OF BILATERAL HUMAN RIGHTS DISCUSSIONS IN AN AUGUST 29 MEETING WITH COSTA RICAN CHARGE GUARDIA. THE DEPARTMENT WAS REPRESENTED BY HA ASSISTANT SECRETARY RICHARD SCHIFTER; HA/MLP DIRECTOR TOM WILLIAMS; HA/HR: KATHLEEN BARMON; ARA/CEN: ROSE LIKINS; AND HA/MLP: ED MICHAL (NOTETAKER).

4. BILATERAL CONSULTATIONS--AMBASSADOR SCHIFTER INFORMED CONFIDENTIAL

PAGE 03 STATE 279832

CHARGE GUARDIA THAT WE VIEW HUMAN RIGHTS AS AN IMPORTANT ISSUE IN BOTH BILATERAL RELATIONS AND INTERNATIONAL FORA. WE RECENTLY BEGAN A SERIES OF BILATERAL CONSULTATIONS ON HUMAN RIGHTS WITH MEMBERS OF THE WESTERN GROUP AT THE UN. COSTA RICA WAS THE FIRST NATION WITH WHICH WE DECIDED TO CONSULT AFTER FINISHING THAT SERIES, SINCE WE WANT TO TALK WITH THOSE WHO START WITH THE SAME ASSUMPTIONS ON HUMAN RIGHTS AS WE DO. WE WISH TO LAY OUT OUR INTERESTS AND CONCERNS, AS WELL AS EXCHANGE INFORMATION. WE WOULD APPRECIATE ANY GUIDANCE COSTA RICA COULD PROVIDE ON HUMAN RIGHTS ISSUES IN LATIN AMERICA.

5. COSTA RICAN CONCERNS--GUARDIA DECLARED THAT HIS GOVERNMENT IS VERY PLEASED WITH THE US ATTITUDE. THE US IS PROVIDING AN ELEMENT VITAL TO HUMAN RIGHTS: DEMOCRATIZATION. COSTA RICA IS VERY HAPPY TO NOTE THE CHANGES IN DEMOCRACY IN LATIN AMERICA WHICH HAVE OCCURRED SINCE PRESIDENT REAGAN TOOK OFFICE. THERE HAVE BEEN SUBSTANTIAL IMPROVEMENTS IN HUMAN RIGHTS IN GUATEMALA UNDER CEREZO AND IN EL SALVADOR UNDER DUARTE. DUE TO THE GUERRILLA WAR, THE SITUATION IN EL SALVADOR IS DIFFERENT THAN IN THE REST OF CENTRAL AMERICA.

6. CHILE--GUARDIA NOTED THAT COSTA RICA VIEWS WITH GREAT CONCERN THE SITUATION IN CHILE. WITHOUT APPROPRIATE STEPS IN THE NEAR FUTURE, IT COULD END UP ANOTHER NICARAGUA. SCHIFTER RESPONDED THAT OUR EMBASSY HAS BEEN IN TOUCH WITH THE DEMOCRATIC OPPOSITION IN CHILE, WHICH IS A SIGNIFICANT GROUP. THE DEMOCRATIC

ALLIANCE (AD) ALMOST CERTAINLY REPRESENTS A MAJORITY OF THE PEOPLE. THE KEY QUESTION IS WHAT THE CHANCES ARE FOR A NON-VIOLENT, DEMOCRATIC TRANSITION. WE NEED TO APPLY OURSELVES TO THAT GOAL. WE ARE TRYING TO DO PRECISELY WHAT GUARDIA SUGGESTED--DEAL WITH A SITUATION IN WHICH INTRANSIGENCE HELPS THE COMMUNISTS. GUARDIA COMMENTED CONFIDENTIAL

PAGE 04 STATE 279832

THAT THE CHILEANS HAVE A DEMOCRATIC TRADITION, WITH WHICH SCHIFTER AGREED. AT THE END OF THE MEETING, GUARDIA RETURNED TO CHILE, NOTING THAT IF POLITICAL PARTIES COULD ASSURE THE MILITARY THAT IT WOULD NOT RISK PROSECUTION, AS IN ARGENTINA, THE MILITARY WOULD BE PREPARED TO GIVE UP POWER, ESPECIALLY IN VIEW OF THE ECONOMIC PROBLEMS. SCHIFTER STATED THAT THE AIR FORCE AND NAVY MAY BE BE READY TO RETURN TO THE BARRACKS AFTER 1989, BUT PINOCHET COMES FROM THE ARMY, AND HAS MAINTAINED SOLID ARMY SUPPORT FOR HIS REMAINING IN POWER AT LEAST UNTIL CURRENT TERM ENDS IN 1989. GUARDIA REMARKED THAT SANGUINETTI IN URUGUAY IS CONFIRMING THE TOTAL AMNESTY DECREED BY THE DEPARTING MILITARY GOVERNMENT TO THE MILITARY AND CIVILIANS, WHICH IS THE ONLY WAY TO REBUILD THE COUNTRY.

7. UNHRC SPECIAL RAPPORTEUR FOR CHILE FERNANDO VOLIO-SCHIFTER NOTED THAT HE INTENDS TO GO TO COSTA RICA IN A FEW WEEKS AND WILL MEET GUARDIA'S FELLOW COUNTRYMAN

FERNANDO VOLIO AND TRY TO PERSUADE HIM NOT TO RESIGN AS UNHRC SPECIAL RAPPORTEUR FOR CHILE. GUARDIA DECLARED THAT HE AGREES VERY MUCH THAT IF VOLIO RESIGNS, IT WOULD BE VERY DIFFICULT TO FIND SOMEONE WHO KNOWS SO MUCH ABOUT HUMAN RIGHTS AND YET IS "OF THE CENTER." SCHIFTER PROMISED TO DO HIS VERY BEST TO PERSUADE VOLIO TO STAY ON, SINCE IT WOULD BE NEARLY IMPOSSIBLE TO FIND SOMEONE ELSE WHO IS ACCEPTABLE TO BOTH SIDES.

8. PARAGUAY--OUR IMPRESSION REGARDING PARAGUAY IS THAT THERE IS A CERTAIN AMOUNT OF FERMENT IN BOTH THE OPPOSITION AND THE COLORADO PARTY, LOOKING TOWARD THE POST-STROESSNER ERA. GUARDIA REPLIED THAT DOMINGO LAINO OF THE PARTIDO RADICAL AUTENTICO IS NOT A COMMUNIST, BUT THE COSTA RICANS BELIEVE HE IS GOING TOO MUCH TO THE LEFT CONFIDENTIAL

PAGE 05 STATE 279832

AND WANTS TO MOVE TOO FAST.

9. OAS-SCHIFTER ASKED TO WHAT EXTENT THE OAS CAN DEAL WITH THE GREAT MAJORITY OF DEMOCRATIC COUNTRIES IN LATIN AMERICAN TO ENCOURAGE THE STRENGTHENING OF THE FOUNDATIONS OF DEMOCRACY. GUARDIA (WHO IS ALSO CHARGE D'AFFAIRE OF THE COSTA RICAN OAS MISSION) NOTED THAT IN THE OAS CHARTER THERE ARE PROMISES TO MAINTAIN DEMOCRATIC

INSTITUTIONS WHICH APPLY TO CHILE, PARAGUAY AND NICARAGUA. BOTH ARGENTINA AND BRAZIL MIGHT BE HELPFUL. SCHIFTER STATED THAT THE QUESTION IS WHAT CAN BE DONE IN PRACTICAL TERMS TO ENCOURAGE DEMOCRATIC INSTITUTIONS.

10. NICARAGUA-GUARDIA OBSERVED THAT WHEN SOMOZA FELL IN NICARAGUA, THE COSTA RICANS THOUGHT THE SANDINISTAS WOULD BE A DEMOCRATIC ALTERNATIVE. COSTA RICA UNDERTOOK A LOT OF PROJECTS TO SUPPORT POLITICAL PARTIES. ALL THAT EFFORT SUBSEQUENTLY WAS SUSPENDED, WHICH GUARDIA BELIEVES WAS AN ERROR, SINCE COSTA RICA SHOULD HAVE STAYED IN TOUCH WITH THOSE PARTIES.

11. CUBA AND THE OAS--SCHIFTER POINTED OUT THAT THE HUMAN RIGHTS SITUATION IN CUBA IS VERY BAD AND FEW TALK ABOUT IT. GUARDIA DECLARED THAT SEVERAL YEARS AGO THERE WAS AN OAS HUMAN RIGHTS COMMISSION REPORT ON CUBA. MEXICO, NICARAGUA AND GRENADA WERE VERY MUCH OPPOSED TO

DISCUSSING IT. MEXICO TOOK THE POSITION THAT THE OAS COULD NOT TAKE ACTION ON THE REPORT ABOUT A GOVERNMENT THAT WAS ABSENT FROM THE TABLE. A NUMBER OF RIGHT-WING COUNTRIES ALSO SUPPORTED THAT POSITION. WITH MORE DEMOCRATIC COUNTRIES NOW IN THE OAS, THE CHANCES OF GETTING ACTION ON CUBA ARE ENHANCED. SCHIFTER RESPONDED THAT DISCUSSING HUMAN RIGHTS IN CUBA WOULD BE FAIR. THERE IS NO REASON WHY AN ABSENCE SHOULD PREVENT DISCUSSION. GUARDIA SUBSEQUENTLY MENTIONED THAT A NEW CONFIDENTIAL

PAGE 06 STATE 279832

AMBASSADOR WILL BE ARRIVING TO REPRESENT COSTA RICA AT THE OAS. SCHIFTER NOTED THAT IT WOULD BE VERY USEFUL TO SEE WHETHER IT IS POSSIBLE TO REMOVE THE PRECEDENT AGAINST DISCUSSING CUBA. GUARDIA RESPONDED THAT NICARAGUA WOULD SAY IT IS A POLITICAL ISSUE IF THE US BRINGS UP CUBA, BUT COULD NOT SAY MUCH IF COSTA RICA OR ANOTHER COUNTRY WERE TO BRING IT UP.

12. COSTA RICA AND THE OAS--TOWARD THE END OF THE MEETING, SCHIFTER NOTED THAT WE WANT TO FOCUS ON HOW THE US AND COSTA RICA CAN WORK TOGETHER IN THE OAS. WE WANT TO BE SUPPORTIVE IF COSTA RICA IS PREPARED TO BE OUT IN FRONT ON CERTAIN ISSUES. GUARDIA SAID HE WOULD LIKE TO DISCUSS THESE ISSUES REGULARLY.

13. GUATEMALA AND EL SALVADOR IN THE UN--SCHIFTER THEN TURNED TO THE ISSUES OF GUATEMALA AND EL SALVADOR IN THE UN. HE NOTED THAT IN THE LAST UNHRC SESSION THE SECTION ON THE RAPPORTEUR ON GUATEMALA WAS CHANGED TO ADVISORY SERVICES. THE COSTA RICAN REPRESENTATIVE SOLEY SOLER PUT

IN A RESOLUTION ON EL SALVADOR, WHICH WAS OPPOSED BY THE MEXICANS. SOLER HANDLED HIMSELF WELL, BUT THE RAPPORTEUR'S MANDATE WAS CONTINUED. SALVADORAN FOREIGN MINISTER CASTILLO-CLARAMOUNT HAS INDICATED HE WILL REQUEST THAT COSTA RICA SPONSOR THE RESOLUTION ON EL SALVADOR AT THE UNGA. SCHIFTER OBSERVED THAT WE HAD GONE BACK TO SOLER'S ORIGINAL TEXT, BEFORE THE MEXICANS CHANGED IT, AND MADE SOME SUGGESTED CHANGES WITH THE OBJECTIVE OF ENDING THE MANDATE OF THE RAPPORTEUR FOR EL SALVADOR. WE WOULD LIKE COSTA RICA TO LOOK OVER OUR SUGGESTIONS FOR THE RESOLUTION TO BE INTRODUCED IN THIS YEAR'S UNGA. SCHIFTER GAVE GUARDIA A COPY OF SOLER'S

CONFIDENTIAL

PAGE 07 STATE 279832

DRAFT FROM THE UNHRC WITH SUGGESTED CHANGES AND PROMISED TO PROVIDE A CLEAN COPY.

14. HAITI--GUARDIA OBSERVED THAT COSTA RICA IS HAPPY WITH THE NEW DEVELOPMENTS IN HAITI. SCHIFTER CAUTIONED THAT IT WOULD BE VERY USEFUL TO THINK IN TERMS OF ADVICE THAT COULD BE GIVEN. FOR EXAMPLE, THERE IS NO NEED FOR THE UN RAPPORTEUR. HE HOPES THAT HAITI WILL MOVE ON TO ADVISORY SERVICES AT THE NEXT UNHRC SESSION. GUARDIA SAID COSTA RICA HAS OFFERED TECHNICAL ASSISTANCE TO THE GOH TO ESTABLISH AN IDENTIFICATION NUMBER SYSTEM, WHICH WOULD USE A COMMON NUMBER FOR VOTING, SOCIAL SECURITY, DRIVER'S LICENSE AND PASSPORT PURPOSES. HE ASKED WHETHER THE US MIGHT ABLE TO SUPPORT SUCH PROJECTS. SCHIFTER STATED THAT IT IS BEST FOR THE U.S. TO PROVIDE ONLY FUNDS.

15. EL SALVADOR--SCHIFTER THEN BROUGHT UP EL SALVADOR, WHICH NEEDS IMPROVEMENTS IN ITS JUDICIAL SYSTEM. IT WOULD BE VERY USEFUL TO GET SPAIN TO PROVIDE SERVICES. COSTA RICA COULD BE A GOOD INTERMEDIARY TO ORGANIZE A PROGRAM SUITABLE FOR CENTRAL AMERICA. THE EC COULD ALSO GET INVOLVED. COSTA RICA'S GUIDANCE IS NEEDED ON WHAT OUGHT TO BE DONE. AFTER A SHORT DIGRESSION, SCHIFTER POINTED OUT THAT THE MILITARY HAS ACCEPTED ITS ROLE AS DEFENDER OF THE CONSTITUTION. DUARTE IS LISTENED TO AND RESPECTED, BUT A GREAT DEAL IS REQUIRED TO BE DONE. GUARDIA AGREED, SAYING THAT JUDICIAL REFORM IS VERY IMPORTANT IN EL SALVADOR, SINCE THERE ARE SO MANY VIGILANTE KILLINGS. SCHIFTER RESPONDED THAT THE LEFT USES SUCH KILLINGS TO MAKE PROPAGANDA. THERE IS A GREAT DEAL OF VIOLENCE WHICH NEEDS TO BE DETERRED BY MORE EFFECTIVE LAW ENFORCEMENT. EL SALVADOR NEEDS RESOURCES FOR THAT, HOWEVER, ESPECIALLY FROM THE EC. THE COSTA RICAN ROLE COULD BE ENLARGED TO INCLUDE RELATIONSHIPS BETWEEN LEGAL SYSTEMS, AS WELL AS GOVERNMENT-TO-

CONFIDENTIAL

PAGE 08 STATE 279832

GOVERNMENT EXCHANGES. GUARDIA SAID THAT THE STABILITY THIS WOULD BRING WOULD BENEFIT COSTA RICA AS WELL. IT

TAKES TIME, THOUGH: IT HAS TAKEN 46-50 YEARS FOR COSTA RICA TO REACH THE POINT AT WHICH IT IS NOW. COSTA RICA IS SURPRISED THAT EL SALVADOR HAS ACHIEVED SO MUCH IN SUCH A VERY SHORT PERIOD. SCHIFTER AGREED THAT EVEN IN THE MIDST OF A CIVIL WAR, DEMOCRACY HAS GROWN THERE WHICH WE HOPE CAN BE NURTURED.

16. ETHIOPIA--SCHIFTER THEN TURNED TO THE REST OF WORLD. HE REVIEWED THE PROBLEM OF RELOCATIONS AND VILLAGEIZATION IN ETHIOPIA, WHICH HAS RESULTED IN MISERY AND DEATHS OF HUNDREDS OF THOUSANDS. ON A UNHRC RESOLUTION ON THIS SUBJECT, THE WESTERN GROUP VOTED WITH JAPAN AND COSTA RICA.

17. SOUTH AFRICA--GUARDIA STATED THAT SOUTH AFRICA IS CAUSING CONCERN IN COSTA RICA. IT IS A MAJOR POLITICAL ISSUE FOR ALL PARTIES THERE, AND THE COSTA RICAN CONGRESS DECIDED BY AN OVERWHELMING MAJORITY TO CLOSE THE COSTA RICAN EMBASSY THERE. BOTH THE GOVERNMENT AND THE OPPOSITION VOTED TOGETHER ON THAT ISSUE, ALTHOUGH COSTA RICA MAINTAINS CONSULAR RELATIONS. SCHIFTER DECLARED THAT WE ARE GREATLY TROUBLED BY THE SITUATION IN SOUTH AFRICA, SINCE WE DO NOT SEE A REAL DEMOCRATIC ALTERNATIVE YET. SECRETARY SHULTZ HAS MADE THE POINT THAT WHAT THE US DOES ON SANCTIONS MATTERS MUCH LESS THAN WHAT HAPPENS IN THE MARKETPLACE AS COMPANIES FROM ALL OVER THE WORLD PULL OUT. THE QUESTION IS WHAT WE CAN DO SO WHEN THE SOUTH AFRICAN LEADERSHIP REALIZES THEY NEED TO CHANGE, THERE IS AN INTERLOCUTOR. GUARDIA REMARKED THAT IT IS SO DIFFICULT A SITUATION THAT SOMETIMES HE BELIEVES THE WHITES MIGHT NEED TO PARTITION THE COUNTRY INTO THE CONFIDENTIAL

PAGE 09 STATE 279832

EQUIVALENT OF CANTONS, OR LATIN AMERICA WILL END UP WITH 7 MILLION SOUTH AFRICAN REFUGEES. SCHIFTER EMPHASIZED THAT THE US IS TRYING TO MAINTAIN DIRECT RELATIONSHIPS WITH THE BLACK COMMUNITY. WE ARE GIVING AID DIRECTLY, WITHOUT GOING THROUGH THE GOVERNMENT, AMOUNTING TO $ 25 MILLION PER YEAR. SCHIFTER OBSERVED HE HAS FOUND THERE IS NO EASY SOLUTION TO ANY PROBLEM--IT IS ONLY A MATTER OF THE DEGREE OF DIFFICULTY. THIS WILL BE ONE OF THE WORST AND IT IS NOT CLEAR WHERE IT CAN END UP. GUARDIA DECLARED THAT THE SOVIET UNION IS ANXIOUS TO HAVE THE SOUTHERN PART OF AFRICA.

18. IRAN, EASTERN EUROPE AND NED--SCHIFTER INDICATED THAT THE US IS ALSO CONCERNED ABOUT THE SITUATIONS IN

IRAN AND EASTERN EUROPE. AS MATTERS COME UP, WE HOPE TO STAY IN TOUCH. SCHIFTER THEN SUGGESTED THAT GUARDIA GET IN TOUCH WITH CARL GERSHMAN OF THE NATIONAL ENDOWMENT FOR DEMOCRACY, SINCE COSTA RICA COULD BE VERY HELPFUL. FOR EXAMPLE, COSTA RICA COULD LEAD SOME PROJECTS. GERSHMAN'S MISSION IS TO TRY TO SUPPORT DEMOCRATIC EFFORTS EVERYWHERE. IT IS IMPORTANT TO GET COSTA RICA INVOLVED SO SUCH EFFORTS WILL BE BOTH CREDIBLE AND EFFECTIVE.

19. COSTA RICA SUPPORT FOR US--IN CLOSING, GUARDIA STATED THAT THE US CAN COUNT WITH COSTA RICA'S SUPPORT AND ANYTHING IT CAN DO TO EFFECT CHANGES LITTLE BY LITTLE, EVEN THOUGH COSTA RICA IS NOT VERY POWERFUL. SCHIFTER REPLIED THAT IN WESTERN EUROPE, IF COSTA RICA TAKES A POSITION MANY COUNTRIES PAY ATTENTION, BECAUSE COSTA RICA IS HIGHLY RESPECTED.
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Dept. of State, RPS/IPS, Margaret P. Grafeld, Dir.
(X) Release ( ) Excise ( ) Deny ( ) Declassify
Date 2/22/02 Exemption

UNCLAS TEGUCIGALPA 13797

E.O. 12356: NA
TAGS: PHUM, PINS, HO
SUBJECT: DRAFT PRESS GUIDANCE ON ALLEGED DEATH LIST

REF: (A) TEGUCIGALPA 13474 (DTG 042307Z SEP 86)

1. FOLLOWING IS EMBASSY'S DRAFT OF SUGGESTED PRESS GUIDANCE CONCERNING ALLEGATIONS OF "DEATH SQUADS" AND POLITICAL "HIT LISTS" IN HONDURAS.

2. Q. WHAT IS THE RESPONSE TO PRESS REPORTS THAT HONDURAN DEATH SQUADS ARE BEING ACTIVATED AND TO THE PUBLICATION OF A "DEATH LIST" OF 15 PROMINENT HONDURANS?

R. THE ALLEGATIONS OF DEATH SQUAD ACTIVITIES AND OF THE EXISTENCE OF A "DEATH LIST" ARE BOTH TOTALLY UNSUBSTANTIATED. SUCH BASELESS CHARGES APPEAR TO BE PART OF A POLITICALLY-MOTIVATED EFFORT TO SLANDER HONDURAS' RECORD ON HUMAN RIGHTS WHICH IS ONE OF CONSISTENT PROGRESS. THE MOST RECENT DEPARTMENT OF STATE HUMAN RIGHTS REPORT INDICATES THAT THERE WERE NO PUBLIC ACCUSATIONS OF POLITICALLY-MOTIVATED DEATHS OR ANY DOCUMENTED DISAPPEARANCES IN 1985; NO EVIDENCE OF
UNCLASSIFIED

UNCLASSIFIED

PAGE 02 TEGUCI 13797 092354Z

EITHER POLITICALLY-MOTIVATED DEATHS OR OF DISAPPEARANCES HAS COME TO THE EMBASSY'S ATTENTION IN 1986. THE DEMOCRATICALLY-ELECTED GOVERNMENT OF PRESIDENT AZCONA, WITH THE FIRM SUPPORT OF THE ARMED FORCES, HAS AFFIRMED ON NUMEROUS OCCASIONS ITS UTMOST RESPECT FOR HUMAN RIGHTS.

3. Q. WHAT ABOUT THE CHARGES THAT THE CIA THROUGH THE "CONTRAS" CONTINUE TO COLLABORATE WITH SPECIAL UNITS IN THE ARMED FORCES IN THREATENING AND ELIMINATING POLITICAL OPPONENTS IN HONDURAS?

R. THE US GOVERNMENT IS NOT AND HAS NEVER BEEN INVOLVED IN SUCH ALLEGED ACTIVITIES.

(DRAFTED:USIS:ASKOP) PASTORINO

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*** Current Handling Restrictions *** n/a
*** Current Classification *** UNCLASSIFIED

SECRET

Department of State

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PAGE 01 OF 02 TEGUCI 13841 00 OF 02 182847Z 7415 005855 SSO6232
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INFO CONTADORA COLLECTIVE

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E.O. 12356: DECL: OADR
TAGS: PREL, XK, ES, OVIP (HABIB, PHILIP C.)
SUBJECT: AMBASSADOR HABIB'S MEETINGS IN EL SALVADOR - SEPTEMBER 8

~~1. SECRET - ENTIRE TEXT.~~

2. SUMMARY: IN A WIDE-RANGING CONVERSATION OVER DINNER SEPTEMBER 8, DUARTE STRESSED TO AMBASSADOR HABIB THE DIFFICULTIES HE WILL FACE IN THE COMING WEEKS. HE BELIEVES HIS GOVERNMENT WILL BE SEVERELY TESTED BY THE INTRODUCTION OF A "WAR" TAX TO OFFSET MASSIVE BUDGET DEFICITS AND HIS DETERMINATION TO ENFORCE THE DRAFT. ON CONTADORA, WHILE SUSPICIOUS OF RENEWED CONTADORA ACTIVITY, DUARTE IS CONFIDENT THAT NO SOLUTION CAN BE IMPOSED ON THE CENTRAL AMERICANS WITHOUT THEIR CONSENT. HE BELIEVES THAT GUATEMALA IS MOVING FARTHER AWAY FROM THE CORE THREE, BUT ALSO THAT CEREZO SHARES A SINCERE COMMITMENT TO DEMOCRACY WHICH WOULD PREVAIL IN ANY CRITICAL DECISION. DUARTE ACKNOWLEDGED THAT THE UPCOMING DIALOGUE WITH THE SALVADORAN INSURGENTS WILL NOT PRODUCE ANY RESULT AND PREDICTED ITS FAILURE WILL ABET A MAJOR ATTACK ON HIM FROM THE RIGHT. END SUMMARY.

3. AMBASSADOR CORR HOSTED DINNER AT THE RESIDENCE SEPTEMBER 8 ON THE OCCASION OF AMBASSADOR HABIB'S VISIT. PRESIDENT DUARTE WAS ACCOMPANIED BY VICE PRESIDENT CASTILLO CLARAMOUNT, NEWLY NAMED FOREIGN MINISTER RICARDO ACEVEDO, UNDERSECRETARY FOR POLITICAL AFFAIRS JOAQUIN MATA, AND PRESIDENTIAL SECRETARY JULIO RIVAS GALLONT.

4. CONTADORA: AMBASSADOR HABIB INFORMED PRESIDENT DUARTE THAT THE PURPOSE OF HIS VISIT WAS TO DEMONSTRATE U.S. COMMITMENT TO THE DIPLOMATIC TRACK AND TO CONSULT WITH THE CENTRAL AMERICAN DEMOCRACIES ON THE EVE OF THE UNGA AND IN ANTICIPATION OF THE BEGINNING OF THE FLOW OF AID TO THE CONTRAS. THE SALVADORANS KNEW OF THE PLANNED MEETING OF THE CONTADORA AND SUPPORT GROUPS IN NEW YORK SEPTEMBER 22 AND ADDED THAT THEY HAD BEEN INVITED TO A BREAKFAST SEPTEMBER 23 WITH BOTH GROUPS. DUARTE EXPRESSED HIS DISPLEASURE THAT THE CENTRAL AMERICANS WERE BEING SUMMONED TO BREAKFAST WITH THE CONTADORA GROUPS AND SAID HE WAS NOT SURE EL SALVADOR WOULD ACCEPT THE INVITATION. POINTING OUT THE POSSIBILITY THAT HONDURAS AND COSTA RICA WOULD REFUSE TO ATTEND BECAUSE OF THE ICJ SUITS, AMBASSADOR HABIB URGED HIM TO CONSULT WITH THE OTHER DEMOCRACIES BUT COUNSELED AGAINST LEAVING THE FIELD OPEN TO THE SANDINISTAS. THROUGHOUT THE LENGTHY CONVERSATION HABIB REPEATEDLY EMPHASIZED THE NEED FOR THE DEMOCRACIES TO PRESENT THEIR CASE FORCEFULLY. HE RAISED THE IDEA THAT THE DEMOCRACIES MAY WISH TO PERFECT AND ANNOUNCE THEIR AGENDA FOR NEGOTIATIONS PRIOR TO THE NEW YORK MEETINGS.

PAGE 01 TEGUCI 13841 00 OF 02 182847Z 7415 005855 SSO6232

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5. DUARTE SAID HE WAS SUSPICIOUS OF CONTADORA'S MOTIVES IN CALLING FOR THESE MEETINGS ON THE FRINGES OF THE UNGA AND SPECULATED THAT THEY MIGHT EVEN PRESENT ANOTHER DRAFT NEGOTIATED SECRETLY WITH NICARAGUA SINCE JUNE 7. HE REPORTED THAT THE BRAZILIAN AMBASSADOR HAD TOLD HIM EARLIER IN THE DAY THAT THE SUPPORT GROUP WAS PREPARING TO INITIATE" CONTINENTAL ACTION" ON CONTADORA. WHILE PROFESSING TO BE UNCLEAR ON THE MEANING OF THIS STATEMENT, THE PRESIDENT THEORIZED THAT ARGENTINE FOREIGN MINISTER CAPUTO COULD BE USING THE BRAZILIANS TO DO SOMETHING HE IS TOO WEAK TO ACCOMPLISH HIMSELF. THE PRESIDENT EMPHATICALLY REJECTED THE POSSIBILITY OF A BILATERAL ACCORD WITH NICARAGUA UPON HEARING AMBASSADOR HABIB'S REPORT THAT THE MEXICANS NOW SEEMED INCLINED TO PUSH BILATERAL AGREEMENTS IN PLACE OF A COMPREHENSIVE ONE. DUARTE COMMENTED THAT IT WAS LOGICAL FOR MEXICO TO TAKE THIS APPROACH SINCE ITS GOAL FROM THE BEGINNING WAS TO PROTECT NICARAGUA AND IT ONLY AGREED TO THE MULTILATERAL APPROACH UNDER PRESSURE FROM THE OTHER CENTRAL AMERICANS AND EVENTUALLY VENEZUELA AND COLOMBIA. HE REPORTED THAT, AT THE BALAGUER INAUGURATION, HE REJECTED AN ORTEGA PROPOSAL FOR A SUCH DEAL, REMINDING ORTEGA THAT THE OTHER CENTRAL AMERICANS HAD TO BE INCLUDED.

6. CORE FOUR UNITY: DUARTE SAID HIS CURRENT EVALUATION OF THE STATUS OF THE DEMOCRACIES WAS THAT THEY WERE THREE AND ONE QUARTER COMPARED TO THREE AND ONE HALF AT THE TIME OF HABIB'S LAST VISIT. HE EXPLAINED THAT CEREZO HAD A DIFFERENT POLITICAL SITUATION WHICH DID NOT ALLOW HIM TO APPEAR TO ACT IN CONCERT WITH THE U.S., BUT THAT HE IS SINCERELY COMMITTED TO DEMOCRACY AND IN THE FINAL ANALYSIS, HIS IDEOLOGY WOULD BE THE DETERMINING FACTOR. DUARTE NOTED HIS CLOSE RELATIONSHIP WITH CEREZO AND SAID THEY WILL MEET THIS WEEKEND TO INAUGURATE A NEW BRIDGE LINKING THE TWO COUNTRIES. FOREIGN MINISTER ACEVEDO ADDED AT THIS POINT THAT THE SALVADORANS UNDERSTOOD FROM THE GUATEMALAN AMBASSADOR THAT VICE FONMIN VILLAGRAN WOULD BE NAMED AMBASSADOR TO THE OAS. DUARTE ALSO SPECULATED THAT OF THE OTHER TWO MEMBERS OF THE CORE THREE, COSTA RICA WAS MOST LIKELY TO REACH A SEPARATE, BILATERAL AGREEMENT WITH NICARAGUA.

7. NICARAGUA: DUARTE SAID HE DID NOT PERCEIVE ANY CRACKS IN THE SANDINISTA LEADERSHIP, BUT NOTED WHAT HE PERCEIVED TO BE LESS AGRESSIVE STATEMENTS BY ORTEGA FOLLOWING HOUSE APPROVAL OF THE 12M MILLION DOLLAR PACKAGE FOR THE RESISTANCE. DUARTE TOLD HABIB THAT THE SALVADORAN CHRISTIAN DEMOCRAT PROVIDE FINANCIAL SUPPORT AND TRAINING TO THE NICARAGUAN SOCIAL CHRISTIAN PARTY AND WOULD SEND A DELEGATION TO THE UPCOMING ANNUAL MEETING OF THE NICARAGUAN PARTY.

8. SALVADORAN ECONOMY: DUARTE STRESSED (AS HE SAID HE HAD IN HIS MEETINGS WITH AID DIRECTOR MCPHERSON) THE CRITICAL BUDGETARY SITUATION HE FACES WHICH COMPELS HIM TO INTRODUCE A NEW "WAR" TAX ON CAPITAL. HE REPORTED THAT THE ARMY HAS EXCEEDED ITS BUDGET BY 12M MILLION COLONES THIS YEAR AND THAT THE TAX MAY RAISE 14M MILLION COLONES TO OFFSET THAT DEFICIT. DUARTE NOTED THAT THE CONSTITUTION REQUIRES THAT HE PRESENT A BALANCED BUDGET TO THE CONSTITUTIONAL ASSEMBLY BY SEPTEMBER 30. HE ADDED THAT HIS DEFICIT FOR NEXT YEAR COULD BE AS HIGH AS

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784 MILLION DOLLARS EVEN AFTER INCLUSION OF INCOME FROM FOREIGN ASSISTANCE. DUARTE RELATED THAT THE SALVADORAN PEOPLE DO NOT PERCEIVE THE GOVERNMENT TO BE IMPROVING THE STANDARD OF LIVING AND THAT IT HAS BECOME AN EMOTIONAL ISSUE, WEAKENING HIS GOVERNMENT. HE CONCLUDED THIS PORTION OF THE DISCUSSION BY NOTING THAT THERE IS A THREE-WAY PARTNERSHIP BETWEEN THE U.S., HIMSELF, AND THE ARMY TO KEEP THE COUNTRY GOING, BUT THAT IT COULD FAIL WITH IRREVERSIBLE CONSEQUENCES IF ANY ONE OF THE PARTNERS SURRENDERS ITS COMMITMENT.

9. EC AID: AMBASSADOR HABIB SHARED WITH THE PRESIDENT SOME FIGURES ON THE LEVELS OF EC AID TO CENTRAL AMERICA DURING THE 1985-84 PERIOD AND URGED HIM TO BRING THEM UP WITH THE EUROPEANS IN AN ATTEMPT TO CORRECT THE IMBALANCE FORWARDING NICARAGUA.

10. COMMENT: DUARTE'S OPINION OF CONTADORA HAS NOT CHANGED; HE WAS MORE CONFIDENT THAN EVER THAT AN EXTERNALLY-CONTRIVED SOLUTION CANNOT BE IMPOSED ON THE CENTRAL AMERICANS. HIS DISDAIN AND SUSPICION OF THE PROCESS AND THE MEDIATORS WAS A RECURRENT THEME OF THE CONVERSATION. HIS INTENTION TO DECLINE THE BREAKFAST INVITATION IN NEW YORK IS MORE EVIDENCE OF HIS AVERSION TO NEW INVOLVEMENT WITH CONTADORA. BUT DUARTE'S FOCUS RIGHT NOW IS NOT CONTADORA. HE IS UNDERSTANDABLY PREOCCUPIED WITH DOMESTIC CONCERNS ON SEVERAL FRONTS. PASTORINO

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E.O. 12356: DECL: OADR
TAGS: PREL, XX, HO
SUBJECT: AMBASSADOR HABIB'S MEETINGS IN HONDURAS, - SEPTEMBER 9

1. CONFIDENTIAL - ENTIRE TEXT.

2. SUMMARY. AMBASSADOR HABIB AND CHARGE PASTORINO MET WITH PRESIDENT AZCONA ON SEPTEMBER 9 TO REVIEW THE DIPLOMATIC SITUATION. AZCONA REITERATED HONDURAS' POSITION OF REFUSING TO PARTICIPATE IN ANY MEETING WITH NICARAGUA ("FOR THE TIME BEING") AS LONG AS NICARAGUA MAINTAINS ITS CASE AGAINST HONDURAS IN THE INTERNATIONAL COURT OF JUSTICE. AZCONA STRESSED THAT ANY FUTURE NEGOTIATIONS MUST DEAL WITH DEMOCRATIZATION IN NICARAGUA AS WELL AS THE ISSUE OF MILITARY BALANCE. HABIB SAID WE AGREED COMPLETELY. AZCONA THOUGHT THE NEGOTIATING POSITION OF THE CORE THREE WAS FIRM AND CLEAR AND HE BELIEVED THAT CEREZO WAS EVOLVING IN A POSITIVE DIRECTION. ON OTHER ISSUES, AZCONA EXPRESSED FRUSTRATION THAT FINAL APPROVAL OF THE $100 MILLION WAS TAKING SO LONG AND CONCERN THAT THE SANDINISTAS MIGHT REACT TO STRONG CONTRA PRESSURE BY LAUNCHING AN ATTACK AGAINST HONDURAS' VULNERABLE SOUTHERN REGION. DURING LUNCHEON MEETING, GEN. GALVIN OUTLINED SOME CONTINGENCY PLANS AND ARRANGEMENTS. AT A SEPARATE MEETING, FOREIGN MINISTRY ADVISER CALLEJAS COMMENTED THAT IN THE MONTHS AHEAD THE DIPLOMATIC TACTICS OF THE CORE FOUR WOULD DEPEND TO A LARGE EXTENT ON THE SUCCESS OF THE CONTRAS. AN AGGRESSIVE DIPLOMATIC STANCE WOULD REQUIRE "VISIBLE AND CREDIBLE VICTORIES." END SUMMARY.

3. AMBASSADOR HABIB AND CHARGE, ACCOMPANIED BY NSC STAFF MEMBER BURGHARDT, MET WITH PRESIDENT AZCONA IN THE PRESIDENT'S OFFICE ON SEPTEMBER 9. THE CONVERSATION WAS CONTINUED AT A LUNCH HOSTED BY THE CHARGE, AT WHICH FINANCE MINISTER BU GIRON, CINCSO GEN. GALVIN, MILGP COMMANDER, DATT, AND POLOFF ALSO PARTICIPATED.

4. HABIB EXPLAINED THAT HE WAS VISITING THE CORE FOUR COUNTRIES TO EXCHANGE VIEWS ON THE DIPLOMATIC TRACK, INCLUDING THE FUTURE OF THE CONTADORA PROCESS. HABIB NOTED THAT WE UNDERSTOOD THAT THE CONTADORA GROUP, LED BY MEXICO, WAS HOLDING A MEETING WITH THE SUPPORT GROUP FOREIGN MINISTERS IN NEW YORK ON SEPTEMBER 22. THE U.S. POSITION WOULD CONTINUE TO BE THAT WE MUST NOT BE THE

ONES RESPONSIBLE FOR SABOTAGING THE EFFORTS ON THE CONTADORA GROUP. WE WOULD LEAVE THE DOOR OPEN FOR A DIPLOMATIC SOLUTION.

5. AZCONA SAID HIS VIEW OF CONTADORA WAS THAT IT REPRESENTED A POLITICAL WAY OUT WHICH DEPENDED ON NICARAGUA, BUT ANY FUTURE DISCUSSIONS MUST DEAL WITH DEMOCRATIZATION AS WELL AS THE ISSUE OF MILITARY BALANCE. HABIB COMMENTED THAT WE AGREED COMPLETELY THAT ANY AGREEMENT WOULD BE INCOMPLETE WHICH DID NOT PROVIDE FOR DEMOCRATIZATION IN NICARAGUA. STRONG PRESSURE WAS NEEDED TO CREATE THE POSSIBILITY THAT NICARAGUA WOULD SHOW ANY FLEXIBILITY ON THE IMPORTANT ISSUES. AZCONA NOTED THAT ANY HOPE FOR SANDINISTAS FLEXIBILITY ON POLITICAL ISSUES WAS REMOTE SINCE THEY ARE NOT DEMOCRATS; THE SANDINISTAS ARE ACCUSTOMED TO ABSOLUTE POWER AND ARE NOT PREPARED TO NEGOTIATE ANY RELINQUISHING OF THAT POWER.

6. HABIB STRESSED THAT IT WAS IMPORTANT FOR THE CENTRAL AMERICAN DEMOCRACIES TO MAINTAIN THEIR UNITY OF VIEWS ON WHAT WAS REQUIRED FOR NEGOTIATIONS TO SUCCEED. THE CRITERIA OF SIMULTANEITY, COMPREHENSIVENESS AND VERIFIABILITY MUST BE MAINTAINED. WE HAD INFORMATION THAT THE MEXICANS WOULD MAKE ANOTHER EFFORT TO PROMOTE BILATERAL NEGOTIATIONS. AZCONA ASSURED US THAT ANY SUCH EFFORTS WOULD BE UNSUCCESSFUL WITH HONDURAS. AZCONA SAID HONDURAS ALSO WOULD CONTINUE TO REFUSE TO PARTICIPATE IN ANY MULTILATERAL TALKS IN THE CONTADORA CONTEXT AS LONG AS NICARAGUA MAINTAINED ITS SUIT AGAINST HONDURAS IN THE ICJ. PRESSED BY HABIB ON WHETHER THIS POSITION WOULD BE SUSTAINED, AZCONA REPLIED THAT IT WAS HONDURAS' POSITION "FOR THE TIME BEING."

7. AZCONA RELATED THAT AT THE BARCO INAUGURATION, VENEZUELA HAD OUTLINED TO HIM A CONTADORA/SUPPORT GROUP PROPOSAL THAT THOSE EIGHT COUNTRIES WOULD RAISE $500 MILLION IN AID FOR THE CENTRAL AMERICAN COUNTRIES, OF WHICH THE MAJOR PART WOULD GO TO NICARAGUA ON CONDITION THAT IT DEMOCRATIZE AND CUT TIES WITH THE SOVIET BLOC. AZCONA SAID HE RESPONDED THAT HE COULD SUPPORT SUCH AN APPROACH IF NICARAGUA WOULD DEMONSTRATE THAT IT REALLY WAS PREPARED TO HAVE FREE ELECTIONS. AZCONA COMMENTED TO US THAT SOME COUNTRIES OBVIOUSLY WERE OPERATING UNDER ILLUSIONS, PARTICULARLY ARGENTINA AND MEXICO. SANGUINETTI, BARCO AND LUSINCHI, HOWEVER, HAD A CLEAR UNDERSTANDING OF THE SITUATION.

8. AZCONA THOUGHT THAT THE NEGOTIATING POSITIONS OF THE CORE THREE WERE FIRM AND CLEAR. HE ALSO BELIEVED THAT CEREZO WAS EVOLVING IN A POSITIVE DIRECTION. HABIB NOTED THAT IN JULY THE FOUR DEMOCRACIES HAD DEVELOPED AN AGENDA FOR ANY FUTURE TALKS WITH NICARAGUA. AT SOME POINT, IF THE CONTADORA GROUP TRIES TO REASSERT ITSELF, IT MIGHT BE USEFUL TO MAKE THE AGENDA PUBLIC. AZCONA MADE NO RESPONSE TO THE SUGGESTION.

9. AZCONA EXPRESSED SOME FRUSTRATION THAT IT WAS TAKING SO LONG FOR THE U.S. TO APPROVE THE $100 MILLION IN AID FOR THE NICARAGUAN RESISTANCE. HABIB EXPLAINED OUR CONGRESSIONAL PROCEDURES. AT ANOTHER POINT IN THE CONVERSATION, AZCONA STRESSED THE IMPORTANCE OF RESISTANCE LEADERS COMPORTING THEMSELVES PROPERLY IN HONDURAS, DEMONSTRATING DEVOTION TO THEIR STRUGGLE RATHER THAN HAVING A GOOD TIME AT BANQUETS AND DISCOS.

10. AZCONA ALSO EXPRESSED CONCERN THAT ONCE THE CONTRA PRESSURE REALLY BEGINS TO TAKE EFFECT IN EASTERN NICARAGUA, THE SANDINISTAS COULD REACT BY LAUNCHING AN ATTACK IN HONDURAS' VULNERABLE AND STRATEGIC CHOLUTECA

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REGION. IN THAT EVENT, U.S. ASSISTANCE WOULD HAVE TO BE FORTHCOMING WITHIN 18-24 HOURS. DURING THE LUNCH MEETING, GEN. GALVIN ADDRESSED THIS CONCERN BY STRESSING THE COMMITMENT OF PRESIDENT REAGAN TO HONDURAS' SECURITY AND BY OUTLINING SOME OF THE LONG-STANDING CONTINGENCY PLANNING.

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11. BURGHARDT, RANDOLPH (ARA/CEN) AND POLOFF HAD A SEPARATE MEETING WITH FOREIGN MINISTRY ADVISORS TO REVIEW THE DIPLOMATIC SITUATION. POLICARPO CALLEJAS SAID HONDURAS CONSIDERED NICARAGUA'S ICJ SUIT AGAINST HONDURAS AND COSTA RICA INCONSISTENT WITH EFFORTS TO SEEK A DIPLOMATIC SETTLEMENT. IN ITS SUIT, NICARAGUA CITED ONE PASSAGE OF THE PACT OF BOGOTA, WHICH AT ANOTHER POINT CLEARLY STATED THAT A COUNTRY SHOULD RESORT TO JUDICIAL OR OTHER SUCH MEASURES ONLY AFTER ALL DIPLOMATIC CHANNELS HAVE BEEN EXHAUSTED. ALTHOUGH CONTADORA IS IN A STATE OF "CATALEPSY" IT IS STILL OFFICIALLY ALIVE AND THEREFORE THE ICJ SUIT IS INVALID. FOR THAT REASON, CALLEJAS NOTED, IT WAS IMPORTANT TO AVOID ANY NEW CONTADORA NEGOTIATING SESSIONS WHICH COULD RESULT IN FORMALLY KILLING THE PROCESS. THE ADVISERS STATED, AS HAD AZCONA, THAT THEY HAD NO INFORMATION CONCERNING A CONTADORA INVITATION TO A NEW YORK BREAKFAST MEETING WITH THE CENTRAL AMERICANS (AS REPORTED TO US BY THE SALVADORANS). CALLEJAS THOUGHT IT POSSIBLE THAT CONTADORA MIGHT PRESSURE NICARAGUA TO DROP THE ICJ SUIT, A PROSPECT WHICH WOULD PLEASE HONDURAS BECAUSE IT WAS BURDENED BY THE EXPENSE AND DISTRACTION OF ITS OTHER ICJ CASE WITH EL SALVADOR.

EXDIS

12. ADVISER SUAZO TOME RELATED A MEETING HE HAD WITH NICARAGUAN VICE PRESIDENT SERGIO RAMIREZ IN MANAGUA ON JULY 19 DURING CELEBRATIONS FOR THE ANNIVERSARY OF THE REVOLUTION. RAMIREZ PRESSED FOR BILATERAL NEGOTIATIONS FOCUSED ON EXPELLING THE CONTRAS FROM HONDURAS AND PACIFYING THE BORDER REGION. SUAZO TOME SAID HE RESPONDED, NOTING THAT IT WAS AN "INFORMAL, UNAUTHORIZED RESPONSE," THAT HIS GOVERNMENT MIGHT BE INTERESTED IN LOW-LEVEL TALKS ON THE FULL RANGE OF POLITICAL AND SECURITY ISSUES. RAMIREZ REPORTEDLY WAS NOT INTERESTED IN THIS INFORMAL COUNTER-PROPOSAL. (COMMENT. SUAZO'S COUNTER-PROPOSAL IS SURPRISING, BUT WE HAVE NO REASON TO BELIEVE HE WAS ACTING WITH ANY AUTHORIZATION OR THAT HIGHER AUTHORITIES WOULD HAVE ANY INTEREST IN SUCH AN ARRANGEMENT. ECONOMIC TALKS HAVE BEEN TAKING PLACE OVER THE PAST SEVERAL WEEKS. END COMMENT.)

EXDIS

13. RANDOLPH ASKED WHAT THE ADVISERS THOUGHT THE CENTRAL AMERICAN DEMOCRACIES SHOULD BE DOING ON THE DIPLOMATIC TRACK DURING THE MONTHS AHEAD. CALLEJAS RESPONDED THAT THE TACTICS OF THE CENTRAL AMERICANS WOULD DEPEND TO A LARGE EXTENT ON THE SUCCESS OF THE CONTRAS. IF THE CONTRAS HAD "VISIBLE AND CREDIBLE VICTORIES" THAT WOULD DICTATE AN AGGRESSIVE COURSE OF ACTION, WHILE A STRING OF CONTRA DEFEATS WOULD DICTATE A DIFFERENT COURSE (UNDEFINED).

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E.O. 12356: N/A
TAGS: PHUM, CI
SUBJECT: HUMAN RIGHTS

DURING LUNCH WITH GEORGE LISTER OF HUMAN RIGHTS BUREAU TODAY, LOCAL RADICAL PARTY REPRESENTATIVE HERNAN GUTIERREZ URGED THAT EMBASSY INCLUDE DEMOCRATIC ALLIANCE PRESIDENT ENRIQUE SILVA IN PREPARATIONS FOR CHILE U.N. RESOLUTION DISCUSSIONS. SILVA IS ALSO PRESIDENT OF RADICAL PARTY, AND HAS RECENTLY REPLACED CHILEAN RADICAL ANSELMO SULE AS SOCIALIST INTERNATIONAL VICE PRESIDENT. GUTIERREZ HAS WRITTEN TO SILVA, A CLOSE FRIEND, EXPLAINING U.S. HOPES TO ACHIEVE DEMOCRATIC AGREEMENT IN CHILE ON RESOLUTION DRAFT. GUTIERREZ CLAIMS SILVA IS A KEY PLAYER, WILLING AND ABLE TO PREVENT CHILEAN MDP ADHERENTS IN MEXICO AND NEW YORK FROM INTERFERING *SIGNIFICANTLY IN RESOLUTION NEGOTIATIONS. SHULTZ*

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September 12, 1986

INFORMATION MEMORANDUM

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TO: The Secretary

FROM: ECA - Philip C. Habib

SUBJECT: My September Trip to Central America

I visited the Central American democracies on September 7-11 to consult with them on the peace process. I told the four Presidents that final approval of the aid package for the Nicaraguan democratic resistance was imminent and that the assistance would soon start to flow. I made certain they understood that we wanted to keep the negotiating track alive. We would neither support nor oppose efforts to revive Contadora, as this was up to the Contadora countries and the Central Americans to decide. We would continue to support the Central Americans' demands that any agreement be comprehensive, verifiable and simultaneous.

The four democracies have no plans for any major activity on the diplomatic front in the immediate future. I believe they are waiting to see what impact the aid has on the correlation of forces on the battlefield.

The Contadora and Support Groups will meet in New York on September 22 on the margins of the UNGA. This appears to be a Mexican initiative (supported by Colombia) to revive Contadora. Mexico may push for bilateralism, which would be very much against our interests as it would allow the Sandinistas to avoid the obligations of a comprehensive, regional agreement. It is unclear whether the other Contadora and Support Group countries will follow Mexico's lead. The new Barco administration in Colombia is not backing away from Contadora as some had predicted, but it is adopting a policy which is more favorable to the Central American democracies. Panama has told us that it will join Venezuela in opposing any attempt to promote bilateralism. Panama says it will promote a series of informal Contadora Group consultations with individual Central American countries to explore any possiblity for resolving discrepencies in the draft Acta. Some of the Support Group countries are also shifting their position as a reaction to Sandinista intransigence and repression.

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The Central American democracies are firm in their determination to resist bilateralism and to reject any attempt by Contadora to impose an unsatisfactory agreement. They continue to demand that any agreement meet the criteria of comprehensiveness, verifiability and simultaneity.

In some countries, leaders expressed concerns that the United States would not stay the course in Central America. Whenever I heard this, I argued forcefully that we were indeed in for the long haul and rejected the proposition that the U.S. resolve not to accept a Marxist-Leninist state in Central America could end with the Reagan Administration.

The basic unity of views toward the issues remains intact in Costa Rica, El Salvador and Honduras. Guatemala continues to pursue what it describes as an independent policy, but the Core Three Presidents are confident that Cerezo will be with them in the final analysis.

President Cerezo assured me that Guatemala strongly supports democratization throughout Central America. He explained that because of a combination of internal and external factors, he was compelled to adhere to a policy of "active neutrality." He was far more critical of the Sandinista regime than on my previous visits. He stressed that he would work closely with the Social Christian Party in Nicaragua to oppose the Sandinistas. While Cerezo's policy is sometimes troublesome and thwarts our desire for complete unity among the four democracies, I believe that we need to continue to exercise patience. Cerezo is a democrat at heart, and this will ensure that he ultimately comes down on the right side.

President Duarte is as solid as ever. He is absorbed with domestic matters -- the economy, the dialogue with the guerrillas -- and generally unconcerned about Contadora. He understands that the Contadora countries cannot impose an agreement he does not like, and he is content to wait and see what happens in Nicaragua.

President Azcona said that "for the time being" Honduras would maintain its position of refusing to participate in multilateral talks with Nicaragua (concerning either Contadora or the Central American parliament) so long as Nicaragua maintains its suit in the International Court of Justice. Honduran Contadora experts commented that the ability of the democracies to carry out an aggressive diplomatic strategy would require "visible and credible victories" by the contras.

President Arias continues to take the lead in demanding democracy in Nicaragua. However, the Sandinistas have succeeded through their ICJ suit in compelling him to take firm action to prevent the contras from operating militarily in Costa Rica. He is deeply concerned about the effects of the war on Costa Rica, particularly in terms of the economic and social costs of the flood of Nicaraguan refugees. Because of the recent interview with the New York Times, I spoke directly with him about the importance of refraining from making any public statements critical of our policy. I believe that this problem can be managed as Arias is fundamentally on the right side, [redacted] In this regard, I believe it would be most useful to have the President invite Arias to Washington for an official visit at the earliest possible date.

During my trip, I also met in Panama with Ambassadors Gillespie and Reich. They will be taking our basic message back to the Colombians and Venezuelans. I paid a courtesy call on Panamanian Foreign Minister Abadia as well. Abadia gave me his "official word" that Panama would oppose bilateralism during the September 22 meeting. He envisioned a series of informal meetings with the Central Americans in New York, but he did not expect any major breakthroughs as the differences between Nicaragua and the Central Americans are great and neither side is prepared to compromise at this time.

Unless the Contadora Group launches a major new initiative in New York which requires immediate action by us, I do not foresee a need for me to return to the region in the near future. The focal point of activity will now shift to New York and the effort to revive Contadora. In this context, your meetings at the UNGA will provide another opportunity to reinforce our views. As of now, you have appointments in New York with Presidents Cerezo and Arias, and with Foreign Ministers involved in Contadora. President Duarte will come later in the session, but President Azcona will not be coming.

cc: D - Mr. Whitehead
P - Mr. Armacost
ARA - Mr. Abrams
NSC - Mr. Burghardt

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C O R R E C T E D C O P Y (PARA 9 OMITTED)

E.O. 12356: DECL: OADR
TAGS: PREL, OVIP (HABIB, PHILIP C.), CS, XK
SUBJECT: AMBASSADOR HABIB'S MEETING WITH COSTA RICAN PRESIDENT ARIAS

1. [redacted] - ENTIRE TEXT

2. SUMMARY: AMBASSADOR HABIB TOLD PRESIDENT ARIAS THAT THE US INTENDED TO MAINTAIN THE NEGOTIATING PART OF ITS TWO-TRACK POLICY EVEN AS AID BEGAN TO FLOW TO THE NICARAGUAN RESISTANCE. WE WERE CONCERNED THAT THE CONTADORA GROUP, PARTICULARLY MEXICO, MAY PUSH FOR BILATERALISM. ARIAS SAID COLOMBIA WAS ADOPTING A MORE FAVORABLE POLICY AND VENEZUELA, BRAZIL AND URUGUAY WERE ALSO MOVING IN THE RIGHT DIRECTION. MEXICO WAS STILL THE MAIN PROBLEM AND ATTEMPTING TO WOO COSTA RICA AND PROMOTE BILATERALISM. COSTA RICA WAS FIRM IN RESISTING BILATERALISM AND IN RESISTING ANY ATTEMPTS BY THE CONTADORA GROUP TO IMPOSE AN UNSATISFACTORY AGREEMENT. COSTA RICA COULD NOT SUPPORT THE CONTRAS, HOWEVER, AND IN LIGHT OF THE ICJ SUIT BY NICARAGUA, MUST TAKE STEPS TO PREVENT THEM FROM USING COSTA RICA MILITARILY. ARIAS INSISTED THAT HIS COUNTRY COULD BETTER SERVE THE CAUSE OF DEMOCRACY IN THE POLITICAL SPHERE THAN BY ASSISTING THE CONTRAS. ARIAS WAS DEEPLY TROUBLED BY THE EFFECTS OF THE

WAR ON COSTA RICA, NOTING THE DRAIN THAT REFUGEES WERE CREATING ON HIS COUNTRY'S SCARCE RESOURCES. THE CONTRA AID COULD GENERATE 50,### ADDITIONAL REFUGEES AND SHAKE COSTA RICA LIKE "AN EARTHQUAKE." ARIAS EXPLAINED THAT COSTA RICA'S NEUTRALITY WAS DIFFERENT FROM THAT OF GUATEMALA; COSTA RICA WOULD TAKE NO PART IN THE WAR IN NICARAGUA, BUT IT WAS STRONGLY IN THE DEMOCRATIC CAMP AGAINST THE MARXIST SANDINISTAS. END SUMMARY.

3. ON SEPTEMBER 18, AMBASSADOR HABIB AND CHARGE TULL CALLED ON PRESIDENT ARIAS TO DISCUSS THE PEACE PROCESS IN CENTRAL AMERICA. ARIAS WAS ACCOMPANIED BY SEVERAL OF HIS CLOSEST ADVISORS, INCLUDING VICE PRESIDENT DENGO, FOREIGN MINISTER MADRIGAL, AND MINISTER OF THE PRESIDENCY RODRIGO ARIAS. HABIB EXPLAINED THAT THE APPROVAL OF CONTRA AID, THE UPCOMING UNGA, AND SIGNS THAT THE CONTADORA GROUP WAS

ABOUT TO REVIVE ITS ROLE CONVINCED US THAT IT WAS TIME TO CONSULT WITH OUR FRIENDS IN CENTRAL AMERICA. HE SAID THAT THE CONTRA AID WOULD SOON BE PASSED INTO LAW AND BEGIN TO FLOW. THE US WANTED TO KEEP THE NEGOTIATING TRACK ALIVE. AS PRESSURE ON THE SANDINISTA REGIME MOUNTED, IT COULD GREATLY AFFECT THE PEACE PROCESS BY GIVING NICARAGUA AN INCENTIVE TO NEGOTIATE. THE US BELIEVED THAT WHETHER OR NOT CONTADORA RESUMED ITS ACTIVITY WAS A MATTER FOR THE CONTADORA NATIONS AND THE CENTRAL AMERICANS TO DECIDE. THE US WOULD NOT PUSH FOR A RESUMPTION OF CONTADORA, NOR WOULD WE SABOTAGE IT. IF CONTADORA WERE TO SURVIVE, HOWEVER, IT WAS IMPORTANT THAT IT TAKE INTO ACCOUNT THE POSITIONS OF THE CENTRAL AMERICAN DEMOCRACIES. THE US WANTED WHAT THEY WANTED, A COMPREHENSIVE, VERIFIABLE AND SIMULTANEOUS AGREEMENT. WE WERE CONCERNED BY REPORTS THAT MEXICO WOULD BE PUSHING FOR BILATERAL NEGOTIATIONS, AN APPROACH LONG FAVORED BY NICARAGUA, AS THIS WOULD ALLOW THE SANDINISTAS TO ESCAPE MANY OF THE ASPECTS OF A COMPREHENSIVE, REGIONAL SETTLEMENT. DURING THIS TRIP, THE OTHER THREE DEMOCRACIES HAD ALL STATED THAT THEY HAD NO INTEREST IN BILATERALISM.

4. ARIAS STATED THAT THERE HAD BEEN POSITIVE CHANGES IN THE CONTADORA GROUP. HE HAD HELD LONG DISCUSSIONS WITH COLOMBIAN PRESIDENT BARCO AND FOREIGN MINISTER LONDONO, WHO WAS PARTICULARLY WELL INFORMED ABOUT CONTADORA, AND BELIEVED THAT THEY WERE CHANGING COLOMBIA'S POLICY. HE ALSO HAD TALKED WITH VENEZUELAN PRESIDENT LUSINCHI AND THOUGHT THAT THE GOV'S POSITION WAS SHIFTING AS WELL. MADRIGAL SAID THAT HIS RECENT TRIP TO BOGOTA WAS HIGHLY SIGNIFICANT, AS THE COLOMBIANS WERE OPENLY SUPPORTING COSTA RICA BY MAKING HIM THE FIRST FOREIGN MINISTER TO

BE INVITED BY THE NEW ADMINISTRATION. MADRIGAL ALSO SENSED THAT BRAZIL AND URUGUAY WERE MOVING IN THE RIGHT DIRECTION. THE PROBLEM WAS MEXICO, WHO HE BELIVED WAS THE DRIVING FORCE BEHIND THIS LATEST EFFORT TO REVIVE CONTADORA. HE INSISTED THAT COSTA RICA WAS NOT A "SECOND CLASS DEMOCRACY," AND WOULD NEVER ALLOW THE CONTADORA GROUP TO IMPOSE AN AGREEMENT ON IT. HABIB ASSURED THE COSTA RICANS OF US SUPPORT ON THIS POINT. HE THEN ASKED ABOUT THE AGENDA THE CORE FOUR HAD PREPARED IN JULY. MADRIGAL RESPONDED THAT THE BASIC THRUST OF THEIR POSITION HAD BEEN CONTAINED IN THEIR RESPONSE TO THE JUNE DRAFT, BUT THAT THE AGENDA MAY BE MADE PUBLIC IN THE FUTURE IF THE SITUATION WARRANTED. MADRIGAL SAID THAT HE WAS AWARE OF THE CONTADORA AND SUPPORT GROUP MEETING IN NEW YORK ON SEPTEMBER 22. HE ADDED THAT SPAIN, BELGIUM AND BRAZIL HAD ALL INVITED VARIOUS COMBINATIONS OF THE CONTADORA GROUPS AND CENTRAL AMERICANS TO SOCIAL FUNCTIONS SUCH AS BREAKFASTS, BUT THAT THERE WAS NO SCHEDULED MEETING OF CONTADORA AND THE CENTRAL AMERICANS. ARIAS THOUGHT THAT THERE WAS LITTLE CHANCE THAT THIS NEW CONTADORA ACTIVITIY WOULD PRODUCE ANY RESULTS, AS THE SANDINISTS WERE NOT READY TO NEGOTIATE SERIOUSLY. TO THE CONTRARY, THEY WERE LOOKING FOR OPPORTUNITIES TO DEMONSTRATE THEIR RADICALISM.

5. MADRIGAL SAID THAT MEXICO WAS INDEED PUSHING BILATERALISM. THE MEXICANS WERE PUSHING HARD TO PROMOTE THEIR TIES WITH COSTA RICA -- FOR EXAMPLE, BY INVITING PRESIDENT ARIAS AND OTHER OFFICIALS TO VISIT THERE -- IN ORDER TO MAKE IT APPEAR THAT MEXICO HAD WARM RELATIONS WITH COSTA RICA AND THEREBY DEMONSTRATE ITS AUTHORITY IN THE CONTADORA PROCESS. ARIAS STRESSED THAT HIS GOVERNMENT WOULD NEVER ACCEPT SUCH A BILATERAL APPROACH. HE STATED THAT HE HAD NEVER CONSIDERED THIS POSSIBILITY. IT WAS QUITE CLEAR TO US THAT IT WOULD HAVE TO BE A REGIONAL [redacted] WOULD NEVER WORK." MADRIGAL ADDED THAT

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HE WAS LEERY OF ANY BILATERAL AGREEMENT WITH NICARAGUA ON ANY SUBJECT AT THIS TIME, AS IT MIGHT BE CONSTRUED AS AN EFFORT TO APPEASE NICARAGUA IN CONNECTION WITH THE ICJ SUIT AND AS A SIGN OF WEAKNESS OF COSTA RICA'S CASE.

5. ARIAS SAID THAT HIS INSITENCE ON DEMOCRACY IN NICARAGUA DID NOT MEAN THAT HE SUPPORTED THE CONTRAS. HE STRESSED THAT HE DID NOT WANT TO BE CRITICIZED FOR BEING NEGLIGENT OR COMPLACENT ABOUT HANDLING THE CONTRAS. HE ACKNOWLEGED THAT SOME COSTA RICANS WERE HELPING THE CONTRAS, BUT THIS WAS NOT GOCR POLICY. OFFICIALS WHO WERE CAUGHT WERE BEING DISMISSED. HE INSISTED THAT COSTA RICA COULD BE FAR MORE VALUABLE TO THE CAUSE OF DEMOCRACY

IN THE DIPLOMATIC SPHERE THAN IT COULD BY ASSISTING THE CONTRAS. ARIAS SAID THAT COSTA RICA MUST WIN THE ICJ SUIT, DESCRIBING IT AS A CHANCE FOR A VICTORY OF DEMOCRACY OVER DICTATORIAL MARXISM. THE NICARAGUANS HAD SUGGESTED THAT THE GOCR MAKE SOME GESTURE TO GET THEM TO DROP THE SUIT. COSTA RICA REFUSED, AS IT INTENDED TO FIGHT THE CASE AND WIN. MADRIGAL ADDED THAT COSTA RICA WAS CONSIDERING A COUNTER-SUIT. RODRIGO ARIAS NOTED THAT A RECENT POLL SHOWED THAT THE COSTA RICAN PEOPLE ENDORSED THE GOCR'S POSITION ON NOT ASSISTING THE CONTRAS BY A LARGE MARGIN. WHILE THE PEOPLE DISLIKED THE SANDINISTAS AND WISHED THAT THE GON BE OVERTHROWN, THEY BELIEVED THAT THE CONTRA AID WOULD JEOPARDIZE THEIR OWN COUNTRY AND PREFERRED TO STAY NEUTRAL.

7. PRESIDENT ARIAS EMPHASIZED THAT THE COSTA RICAN PEOPLE WERE GREATLY DISTURBED BY THE EFFECTS OF THE WAR IN NICARAGUA ON THEIR COUNTRY. THERE WERE SOME 250,000 REFUGEES IN COSTA RICA, ABOUT HALF OF WHOM WERE NICARAGUANS. THIS WAS EQUIVALENT TO TEN PERCENT OF THE POPULATION. THESE PEOPLE, ONLY A FEW OF WHOM QUALIFIED AS REFUGEES ELIGIBLE FOR ASSISTANCE IN THE DEFINITION OF THE UNHCR, WERE IMPOSING AN ENORMOUS BURDEN ON COSTA RICA. THEY WERE OVERTAXING THE COUNTRY'S SOCIAL SERVICES, SUCH AS SCHOOLS AND MEDICAL CARE, AND CREATING RAPIDLY GROWING RESENTMENT. RODRIGO ARIAS SAID THAT THE CONTRA AID COULD GENERATE 50,000 ADDITIONAL REFUGEES, AND THIS WOULD SHAKE COSTA RICA LIKE AN EARTHQUAKE OF POINT EIGHT ON THE RICHTER SCALE.

8. ASKED IF HE HAD HEARD OF ANY CRACKS AMONG THE SANDINISTA COMANDANTES, ARIAS REPLIED THAT HE WAS AWARE OF NOTHING BEYOND THE TRADITIONAL RUMORS. HE SAID THAT THE COMANDANTES WERE UNITED BY FEAR OF THE US. HE COMMENTED THAT DANIEL ORTEGA HAD BEEN SELECTED PRESIDENT BY THE NINE BECAUSE HE WAS RELATIVELY WEAK AND WOULD NOT POSE A THREAT TO THE SYSTEM OF SHARED POWER AS BORGE WOULD HAVE. AT ESQUIPULAS, IT WAS APPARENT THAT ORTEGA DID NOT HAVE THE AUTHORITY TO SPEAK FOR THE NICARAGUAN GOVERNMENT. MADRIGAL ADDED THAT ALTHOUGH THERE WERE DIVISIONS IN THE FSLN, ONCE DECISIONS WERE MADE, THEY ALL FOLLOWED THEM AND WORKED TOGETHER.

9. WHEN HABIB SAID THAT GUATEMALAN PRESIDENT CEREZO HAD TOLD HIM THAT THE COG WOULD BE VERY FIRM ON SUPPORTING DEOMOCRACY BUT WOULD MAINTAIN ITS ACTIVE NEUTRALITY POLICY, ARIAS REPLIED THAT THIS WAS DOMETHING THE TWO GOVERNMENTS HAD IN COMMON. ARIAS WENT ON TO EXPLAIN THAT THERE WAS A DIFFERENCE IN THE TWO GOVERNMENT'S DEFINITIONS OF NEUTRALITY. FOR COSTA RICA, IT MEANT NOT TAKING A PART IN THE MILITARY

CONFLICT OR VIOLENCE IN NICARAGUA. THERE WAS NO IDEOLOGICAL NEUTRALITY, HOWEVER, AS THE GOCR WAS SOLIDLY IN THE CAMP OF THE DEMOCRACIES. HE ADDED THAT THE RELATIVE STRENGTHS OF THE LEFT IN COSTA RICA AND GUATEMALA WAS A FACTOR IN THE POLICIES OF THE TWO GOVERNMENTS. IN COSTA RICA, THE LEFT WAS WEAK AND

GROWING WEAKER AS A RESULT OF EXPOSURE TO THE SITUATION INSIDE NICARAGUA. IN GUATEMALA, THE LEFT WAS STILL A MAJOR FACTOR WITH WHICH CEREZO MUST CONTEND. VICE PRESIDENT DENGO NOTED THAT CEREZO HAD SAID THAT IN ORDER TO STAY IN POWER, HE MUST COPE WITH THE ARMY, THE GUERRILLAS, AND THE OLIGARCHY; CEREZO REMAINED IN A WEAK POSITION AND SO HAD TO BE CAUTIOUS ABOUT HIS POLICIES.

10. COMMENT: ARIAS REMAINS AS COMMITTED AS EVER TO ACCEPTING NOTHING SHORT OF A COMPREHENSIVE AGREEMENT THAT INCLUDES DEMOCRATIZATION IN NICARAGUA. HE WAS FIRM ABOUT RESISTING ANY ATTEMPTS AT BILATERALISM OR CONTADORA'S IMPOSING AN AGREEMENT. HE IS VERY CONCERNED ABOUT THE ICJ CASE, AND THE SANDINISTAS HAVE SUCCEEDED IN COMPELLING HIM TO TAKE SERIOUS ACTION TO KEEP THE MILITARY ELEMENTS OF THE RESISTANCE OUT OF COSTA RICA. HE WAS GREATLY CONCERNED ABOUT THE GROWING REFUGEE PROBLEM, AND WE WILL NEED TO FACTOR THIS ELEMENT INTO OUR PLANS AS THE AID BEGINS TO FLOW TO THE CONTRAS AND MILITARY ACTIVITY INCREASES. END COMMENT. SHULTZ

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E.O. 12356: N/A
TAGS: CASC, CI (CAMBIAS, TERRENCE G. AND HENEHAN, THOMAS)
SUBJ: REVOCATION OF MISSIONARY RESIDENCE VISAS

REF: SANTIAGO 06022 AND 06023

1. FATHER TERRENCE CAMBIAS THE PROVINCIAL HEAD OF THE MARYKNOLL ORDER IN CHILE PAID A VISIT TO CONGEN TO RELATE THAT HE HAD BEEN CALLED TODAY TO THE OFFICE OF THE INVESTIGATIONS POLICE, FOREIGNER'S DIVISION, AND WAS GIVEN NOTICE THAT HIS PERMANENT RESIDENCE VISA WAS COMMUTED TO TEMPORARY STATUS. THE SPECIFIC LENGTH OF STAY WAS CITED AS FIFTEEN (15) DAYS. THE MEANING OF THIS ACTION IS NOT PRESENTLY CLEAR. POSSIBLY, THE GOC'S INTENT IS ONLY TO CAUSE MINOR HARASSMENT BY DEMANDING SHORT TERM VISA RENEWAL BUT IN THIS SCENARIO TOTAL VISA REVOCATION IS ALWAYS A POSSIBILITY, DEPENDENT ON WHETHER ONE PROVOKES OFFICIAL DISPLEASURE BY A SPECIFIC ACTION.

2. CONGEN HAS APPOINTMENT TO SEE THE CHIEF OF THE FOREIGNER'S DIVISION ON THE FIFTEENTH IN LATE AFTERNOON TO CLARIFY THE APPARENT CHANGE IN RESIDENCY POLICY AS IT PERTAINS TO FOREIGN RELIGIOUS MISSIONARIES. THOUGH A SOONER CONVERSATION WOULD BE DESIRABLE, IT IS KNOWN THAT THE OFFICIAL IS INUNDATED AT THE MOMENT DUE TO REVIEW OF OTHER NATIONALITY CASES; I.E. FRENCH, PERUVIAN AND
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MEXICAN.

3. FATHER THOMAS HENEHAN CAME IN A FEW HOURS AFTER FATHER CAMBIAS. HE IS A SUBORDINATE OF CAMBIAS' AND WAS PREVIOUSLY ARRESTED WITH HIM. HENEHAN WAS GIVEN THE SAME NOTICE--CHANGE OF PERMANENT RESIDENCE STATUS TO A 15 DAY VISA. THE PROCESSING WAS DONE BY A MID-LEVEL OFFICIAL WHO WENT TO SOME LENGTH TO ASSURE THE PRIEST THAT THIS ACTION WAS BEING DONE UNDER ORDER OF THE MINISTRY OF INTERIOR, NOT THE CHIEF OF THE FOREIGNER'S OFFICE. HE WAS ACCOMPANIED BY HUMBERTO LAGOS, A LAWYER WITH THE VICARIA DE LA SOLIDARIDAD ON THE ADVICE OF HIS SUPERVISORY CHILEAN BISHOP, BISHOP MORENO. LAGOS HAS SUGGESTED AN APPEAL OF THE ORDER BE FILED AND BOTH PRIESTS, HENEHAN AND CAMBIAS, ARE CONSIDERING THIS ACTION. IT IS NOTEWORTHY THAT NEITHER IS ENGAGED IN PASTORAL WORK BUT RATHER SOCIAL ACTION AND THAT THE PERUVIAN AND MEXICAN CASES REFERRED TO IN PARAGRAPH 1 ARE LAY MEMBERS OF THE MARYKNOLL ORDER.

4. FATHER HENEHAN FILLED IN CONGEN ON HAPPENINGS AFTER HIS ARREST. MOST PARTICULARLY THE CONDITION OF HIS HOUSE UPON RETURN FROM THE JAIL. HE STATED THAT THE RESIDENCE WAS THOROUGHLY SEARCHED AND 3 YEAR OLD LEFT OF CENTER MAGAZINES, A FEW THEOLOGY BOOKS AND TWO BIBLES WERE CONFISCATED. THERE WAS STRUCTURAL DAMAGE SUCH AS A WALL PARTIALLY BROKEN DOWN. THE MOST INTERESTING ALLEGED PROPERTY ALTERATION WAS A CONCEALED HOLE DUG IN THE BACK GARDEN UNDER A BRICK AND WOOD PLATFORM THE PRIESTS HAD CONSTRUCTED TO KEEP GARBAGE CONTAINERS OFF THE GROUND. FATHER HENEHAN SAID THE POLICE STATED THEY HAD LOCATED THIS APERTURE DURING THEIR SEARCH AND ALLEGED THE PRIESTS WERE ABOUT TO STORE ARMS UNDERGROUND.
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PAGE 03 SANTIA 06157 122121Z

5. WILL REPORT SOONEST ON RESULT OF MONDAY APPOINTMENT AT FOREIGNER'S OFFICE.JONES

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PAGE 01 SANTIA 06149 01 OF 02 122034Z
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Chile Project (#S199900030)
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C O N F I D E N T I A L SECTION 01 OF 02 SANTIAGO 06149

BRUSSELS FOR LABATT

E.O. 12356: DECL: OADR
TAGS: ELAB, PHUM, CI
SUBJECT: CDT SECRETARY GENERAL EXPRESSES FEAR FOR HIS SAFETY

1. CONFIDENTIAL - ENTIRE TEXT.

2. THE CENTRAL FOR DEMOCRATIC WORKERS (CDT) ISSUED A STATEMENT ON SEPTEMBER 5 CONCERNING THE INCIDENT WHICH OCCURRED LATE THE PREVIOUS EVENING IN WHICH THE CAR DRIVEN BY THE SON OF CDT SECRETARY GENERAL HERNOL FLORES WAS SHOT AT BY A MILITARY PATROL. THE SHOTS HIT THE CAR AND BROKE THE REAR WINDOW, CAUSING FLORES' SON TO STOP. HE WAS THEN REPORTEDLY DRAGGED FROM THE CAR, BEATEN BY THE SOLDIERS, THREATENED, AND THEN EVENTUALLY TURNED OVER TO THE CARABINEROS. THE CDT STATEMENT NOTED THAT FLORES HAD BEEN FOLLOWED AND PHOTOGRAPHED ON NUMEROUS OCCASIONS

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PAGE 02 SANTIA 06149 01 OF 02 122034Z

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DURING THE PAST TWO MONTHS, AND HAD BEEN DRIVING HIS SON'S CAR ON THE PREVIOUS FEW DAYS. THE CDT STRESSED ITS ALARM, NOTING THE SIMILARILTY OF THESE EVENTS WITH THOSE WHICH TOOK PLACE PRIOR TO THE MURDER IN 1982 OF TUCAPEL JIMENEZ, WHOM FLORES REPLACED AS HEAD OF THE ASSOCIATION OF GOVERNMENT EMPLOYEES.

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3. FLORES HAS TOLD US THAT HE BELIEVES THE SHOTS WERE INTENDED FOR HIM, AND WERE MEANT TO KILL HIM. HE STATED THAT HE HAD BEEN FOLLOWED ON A CONTINUOUS BASIS SINCE THE JULY 2-3 GENERAL STRIKE, AND HAD BEEN OPENLY PHOTOGRAPHED BY THOSE FOLLOWING HIM. THE EMBASSY'S LABOR ASSISTANT CALLED FLORES'S SON ON SEPTEMBER 5 AND HE RELATED THE EVENTS WHICH TOOK PLACE ON THE NIGHT OF THE 4TH. HE HAD SPENT ALL OF THAT DAY, DURING WHICH A WELL PUBLICIZED ANTI-GOVERNMENT STRIKE WAS TAKING PLACE, IN THE HOME OF HIS GIRL FRIEND IN THE SUBURB OF PUDAHUEL. AT APPROXIMATELY 11 THAT EVENING HE GOT IN HIS CAR TO DRIVE HOME. SEVERAL BLOCKS FROM HIS GIRL'S HOUSE, SHOTS WERE FIRED AT HIS CAR, BREAKING THE REAR WINDOW AND THE REARVIEW MIRROR. HE IMMEDIATELY STOPPED THE CAR AND LAID DOWN ON THE SEAT TO AVOID BEING HIT. THE SOLDIERS THEM CAME UP TO THE CAR AND DRAGGED HIM OUT, AND BEGAN SLAPPING HIM AROUND. THEY ACCUSED HIM OF IGNORING A COMAMND TO HALT, AND THIS CAUSED THEM TO FIRE ON HIS CAR. AFTER SOME RATHER ROUGH TREATMENT, AND VERBAL INSULTS, THE SOLDIERS TURNED HIM OVER TO A CARABINERO PATROL, WHICH TOOK HIM TO A CARABINERO HEADQUARTERS, AND THEN TO A CLINIC TO CHECK ON HIS PHYSICAL

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CONDITION. HE HAD SUFFERED NO WOUNDS, BUT A BLOOD TEST SHOWED THAT HE HAD A SIGNIFICANT AMOUNT OF ALCOHOL IN HIS BLOOD SYSTEM. THE CARABINEROS THEN CHARGED HIM WITH DRIVING UNDER THE INFLUENCE OF ALCOHOL, AND RELEASED HIM. HE REPORTED THAT HE WAS NOT HURT, OTHER THAN SHAKEN UP A BIT.

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4. AIFLD DIRECTOR TORRES ALSO TALKED WITH FLORES, WHO REITERATED HIS CONCERN OVER HIS PERSONAL SAFETY, AS WELL AS THAT OF HIS SON. HE ASKED AIFLD FOR ASSISTANCE IN PERHAPS GETTING HIS FAMILY OUT OF CHILE, AND IN PROVIDING GUARD SERVICE TO THE CDT OFFICES. TORRES SAID THAT FLORES HAS A TENDENCY TO OVER-REACT, AND THAT THE SITUATION SHOULD BE WATCHED FOR THE NEXT FEW WEEKS TO SEE IF THIS WAS AN ISOLATED INCIDENT OR PART OF A PATTERN OF INTIMIDATION OF FLORES AND/OR THE CDT.

5. COMMENT: FLORES HAS BEEN NERVOUS SINCE EARLY JULY, PARTICULARLY AFTER MOST OF THE LEADERS OF THE NATIONAL CIVIC ASSEMBLY WERE DETAINED, AND HE AND CNT LEADER SEGUEL WERE NOT. HE HAD MENTIONED ON SEVERAL OCCASIONS HIS CONCERN THAT THE GOC MIGHT HAVE SOMETHING ELSE PLANNED FOR HIM, OTHER THAN DETENTION, AND NOTED THE IMPRESSION WHICH HE HAD THAT PEOPLE WERE FOLLOWING HIM. IN DISCUSSING THE SHOOTING INCIDENT, HE HAD STRESSED THAT HE HAD BEEN USING HIS SON'S CAR FOR SEVERAL DAYS JUST PREVIOUS TO THE INCIDENT, AND WAS THEREFORE CONVINCED THAT THE SHOTS WERE INTENDED TO KILL HIM, AND HAD NOTHING TO DO WITH HIS SON. WHILE

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PAGE 02 SANTIA 06149 02 OF 02 122035Z

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C O N F I D E N T I A L SECTION 02 OF 02 SANTIAGO 06149

BRUSSELS FOR LABATT

E.O. 12356: DECL: OADR
TAGS: ELAB, PHUM, CI
SUBJECT: CDT SECRETARY GENERAL EXPRESSES FEAR

THIS CANNOT BE ENTIRELY DISCOUNTED, IT IS OUR
VIEW THAT FLORES
LIFE IS NOT IN ANY IMMEDIATE DANGER
BASED ON HIS SON'S STORY, IT WOULD APPEAR THAT
HE MADE A SERIOUS ERROR IN JUDGEMENT IN STAYING
OUT LATE IN AN AREA WHERE VIOLENT INCIDENTS ARE
KNOWN TO OCCUR, ESPECIALLY DURING ANTI-GOVERNMENT
DEMONSTRATIONS. WE WILL CONTINUE TO FOLLOW THIS,
AND WILL STAY IN CLOSE WITH FLORES. HIS REACTIONS
ARE INDICATIVE OF THE HIGH STATE OF NERVOUSNESS
WHICH APPEARS TO BE AFFECTING EVERYONE IN CHILE,
PARTICULARLY AFTER THE DISCOVERY OF THE ARMS
CACHES, THE ATTEMPT AGAINST THE PRESIDENT'S LIFE,
AND THE RECENT KILLINGS OF LEFT WING ACTIVISTS.
END COMMENT. JONES
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PAGE 02 SANTIA 06149 02 OF 02 122035Z

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E.O. 12356: DECL: OADR
TAGS: PHUM, UNGA, CI, US
SUBJECT: CHILEAN COUNSELOR ON U.S. SUPPORT FOR
- U.N. HUMAN RIGHTS RESOLUTION ON CHILE

1. CONFIDENTIAL - ENTIRE TEXT.

2. IN A BRIEF CONVERSATION WITH MISSOFFS ON THE MARGINS OF THE OPENING MEETING OF THE COMMITTEE ON HUMAN RIGHTS, SEPTEMBER 12, CHILEAN MISSION COUNSELOR PATRICIO DAMM (PROTECT) MADE A STRONG PLEA THAT WE NOT SPONSOR A RESOLUTION ON HUMAN RIGHTS IN CHILE AT THIS UNGA. HE SAID A SIEGE MENTALITY WAS DEVELOPING IN THE CHILEAN GOVERNMENT AND THAT A U.S.-SPONSORED OR SUPPORTED RESOLUTION CRITICAL OF THE GOVERNMENT OF CHILE WOULD MAKE MATTERS WORSE IN CHILE. DAMM SAID THAT CUBA AND MEXICO AND OTHER RADICALS WOULD BE PUSHING HARD AT THIS UNGA FOR A HARSH CRITICISM OF CHILE. ANY SIGN THAT THE U.S. WAS WILLING TO CRITICIZE CHILE WOULD ONLY ENCOURAGE THOSE RADICALS EVEN MORE.

3. DAMM SAID THE RECENT ASSASSINATION ATTEMPT AGAINST

GENERAL PINOCHET WAS A "DISASTER" FROM THE HUMAN RIGHTS PERSPECTIVE. ACCCORDING TO DAMM, THE GOC HAD BEEN SCHEDULED TO ANNOUNCE "COSAS FANTASTICAS" ("FANTASTIC THINGS") ON HUMAN RIGHTS THIS WEEK, BUT THAT THE ATTEMPTED ASSASSINATION HAD CHANGED EVERYTHING. HE ADMITTED THAT THE GOC HAD MADE A BAD MISTAKE BY CRACKING DOWN ON THE MODERATE OPPOSITION, ESPECIALLY THE PRESS, IN THE WAKE OF THE ATTEMPT. HE SAID ANY RESOLUTION ON CHILE AT THE UNGA WOULD UNDOUBTEDLY CONCENTRATE ON THE STEPS TAKEN BY THE GOC AFTER THE ATTEMPT WITHOUT EVEN MENTIONING THE INFLUX OF ARMS TO TERRORIST GROUPS FROM COMMUNIST COUNTRIES.
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ARA/P:TTAYLOR PA:PMARTINEZ
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TO AMEMBASSY TEGUCIGALPA PRIORITY
USIA WASHDC PRIORITY 0435
INFO USSOUTHCOM QUARRY HTS PN PRIORITY 0185

Dept. of State, RPS/IPS, Margaret P. Grafeld, Dir.
(X) Release ( ) Excise ( ) Deny ( ) Declassify
Date 2/22/02 Exemption

LIMITED OFFICIAL USE STATE 288526

E.O. 12356: N/A
TAGS: HO, PREL, PHUM
SUBJECT: APPROVED PRESS GUIDANCE ON ALLEGED HIT LIST

REF: TEGUCIGALPA 13797

1. IN THE FUTURE, CABLES PROVIDING DRAFT PRESS GUIDANCE SHOULD, IN MOST CASES, BE CLASSIFIED OR DESIGNATED FOR LIMITED OFFICIAL USE UNTIL THE GUIDANCE IS APPROVED OR USED.

2. REFTEL DRAFT GUIDANCE IS APPROVED FOR CONTINGENCY USE WITH MODIFICATIONS AS PROVIDED BELOW:

Q: WHAT IS THE U.S. REACTION TO PRESS REPORTS THAT HONDURAN DEATH SQUADS ARE BEING ACTIVATED AND TO THE PUBLICATION OF AN ALLEGED "HIT LIST" OF 15 PROMINENT
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PAGE 02 STATE 288526

HONDURANS?

A: WE HAVE NO EVIDENC5 TO SUBSTANTIATE THE ALLEGATIONS OF DEATH SQUAD ACTIVITIES IN HONDURAS OR THE EXISTENCE OF A "HIT LIST." SUCH CHARGES APPEAR TO BE PART OF A POLITICALLY-MOTIVIATED EFFORT TO SLANDER HONDURAS'

GENERALLY GOOD RECORD OF CONSISTENT PROGRESS ON HUMAN RIGHTS ISSUES. THERE WERE NO SUBSTANTIATED ACCUSATIONS OF POLITICALLY-MOTIVATED DEATHS OR ANY DOCUMENTED DISAPPEARANCES IN HONDURAS IN 1985; NO EVIDENCE OF EITHER POLITICALLY-MOTIVATED DEATHS OR DISAPPEARANCES HAS COME TO THE U.S. EMBASSY'S ATTENTION IN 1986. THE

DECONTROL

DEMOCRATICALLY-ELECTED GOVERNMENT OF PRESIDENT AZCONA, WITH THE SUPPORT OF THE ARMED FORCES, HAS AFFIRMED ON NUMEROUS OCCASIONS ITS FIRM SUPPORT FOR HUMAN RIGHTS.

Q. WHAT ABOUT THE CHARGES THAT THE CIA, THROUGH THE "CONTRAS," COLLABORATES WITH SPECIAL UNITS IN THE ARMED FORCES TO THREATEN AND TO ELIMINATE POLITICAL OPPONENTS IN HONDURAS?

A: THE CHARGES ARE ABSURD. THE U.S. GOVERNMENT IS NOT -- AND HAS NOT -- ENGAGED IN SUCH ALLEGED ACTIVITIES. SHULTZ

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NNNN

*** Current Handling Restrictions *** n/a
*** Current Classification *** LIMITED OFFICIAL USE

DECLASSIFIED

KC129A

MISIONEROS DE MARYKNOLL
Apartado Postal 29043 - La Vega
Caracas 1021 - A - Venezuela
Telf.: (58-2) 461-23-27

Chile Project (#S199900030)
U.S. Department of State
Release_____ Excise X Deny_____
Declassify: In Part SEP 1 1999 In Full_____
Exemption(s) B6

September 14, 1986

36

The Honorable Lloyd Bentsen
U.S. Senate
Washington, D.C. 20510

EXCISE

Re: Persecution in Chile

Dear Congressman Bentsen:

As a constituent of your district, I would like to express my profound concern about the current events in Chile and in particular the present status of Fr. Terence Cambias M.M., Fr. Thomas Henehan M.M. and lay missioner Jose Luis Aguilar. These pastoral workers have dedicated their lives to the poor of Chile and have recently been threatened with expulsion.

Fr. Cambias and Henehan were arrested without cause on Sept. 8, 1986 in barriada Santa Monica. Upon release, their permanent visas were rescinded and reissued temporarily for a period of 15 days. It is of the utmost importance that swift and decisive action be taken on their behalf if they are to be allowed to continue their apostolic work.

In the case of lay missioner Jose Luis Aguilar, a Mexican with U.S. residence working for the Catholic Foreign Missionary Society of America, we are seriously concerned about his personal safety and possible mistreatment given the fact that he is not a U.S. citizen. Mr. Aguilar has been under arrest since September 8.

There is no need to reiterate the seriousness of the threat which faces Fr. Cambias, Fr. Henehan and Mr. Aguilar, as I am sure you are all well aware of the persecution of the Catholic Church in Chile. It was only one week ago that three French priests were expelled from Chile, thus denying the faithful of their pastoral activities. Although the problems of the Chilean people are far from being solved, especially their struggle against one of the most ruthless dictators in Latin America, your actions could be a determining factor. I both urge and encourage you to do all within your power to stop another injustice from occurring by calling on the Chilean government to permit these pastoral workers to continue their religious functions in Chile. Further, through your petition I would hope that the U.S. State Department exercise its influence for the good of the Chilean people and the aforementioned individuals.

Sincerely,

[redacted]

DECLASSIFIED

COMPROMISOS EN: KOREA JAPON TAIWAN HONGKONG FILIPINAS ZAMBIA INDONESIA TAILANDIA KENYA YEMEN
SRI LANKA NEPAL TANZANIA BANGLADESH SAMOA DEL OESTE HAWAII PERU BOLIVIA CHILE BRASIL

MISIONEROS DE MARYKNOLL
Apartado Postal 29043 - La Vega
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UNCLASSIFIED
Chile Project (#S199900030)
U.S. Department of State
Release_____ Excise__X__ Deny_____
Declassify: In Part_____ In Full September 14, 1986
Exemption(s) B6

EL150A

The Honorable Alfonso D'Amato
U.S. Senate
Washington, D.C. 20510

EXCISE

Re: Persecution in Chile

Dear Congressman D'Amato:

As a constituent of your district, I would like to express my profound concern about the current events in Chile and in particular the present status of Fr. Terence Cambias M.M., Fr. Thomas Henehan M.M. and lay missioner Jose Luis Aguilar. These pastoral workers have dedicated their lives to the poor of Chile and have recently been threatened with expulsion.

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Sincerely,

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COMPROMISOS EN: KOREA JAPON TAIWAN HONGKONG FILIPINAS ZAMBIA INDONESIA TAILANDIA KENYA YEMEN SUDAN NEPAL TANZANIA BANGLADESH SAMOA DEL OESTE HAWAII PERU BOLIVIA CHILE BRASIL

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Chile Project (#S199900030)
U.S. Department of State
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Exemption(s) B6
September 14, 1986

KL141P

PB-1

The Honorable William Greene
U.S. House of Representatives
Washington, D.C. 20515

Re: Persecution in Chile

EXCISE

Dear Congressman Greene:

As a constituent of your district, I would like to express my profound concern about the current events in Chile and in particular the present status of Fr. Terence Cambias M.M., Fr. Thomas Henehan M.M. and lay missioner Jose Luis Aguilar. These pastoral workers have dedicated their lives to the poor of Chile and have recently been threatened with expulsion.

Fr. Cambias and Henehan were arrested without cause on Sept. 8, 1986 in barriada Santa Monica. Upon release, their permanent visas were rescinded and reissued temporarily for a period of 15 days. It is of the utmost importance that swift and decisive action be taken on their behalf if they are to be allowed to continue their apostolic work.

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Sincerely,

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COMPROMISOS EN: KOREA JAPON TAIWAN HONGKONG FILIPINAS ZAMBIA INDONESIA TAILANDIA KENYA YEMEN
SUDAN NEPAL TANZANIA BANGLADESH SAMOA DEL OESTE HAWAII PERU BOLIVIA CHILE BRASIL

MEXICO NICARAGUA ECUADOR GUATEMALA HONDURAS COSTA RICA EL SALVADOR VENEZUELA

CASA CENTRAL: Residencias Apamate - Apto. 24 - Calle La Montaña - El Paraíso - Caracas 1021-A - Venezuela - Teléfono: 461.26.27

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IT 0050

CONFIDENTIAL 9/16/86
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Case Number: S19990030 (#S199900030)

Chile Project
U.S. Department of State
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PAGE 01 STATE 291496
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	EB-04	DODE-00	NSCE-00	NSAE-00	HA-01	TRSE-00	PM-03
	EAP-00	SIG-01	SP-02	SNP-01	DS-01	DSE-00	SCT-02
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DRAFTED BY: ARA/SC:LKUSNITZ/JSWIGERT
APPROVED BY: ARA:RGELBARD
TREASURY:JCONROW ARA:PTAYLOR
ARA/SC:LFLOWER ARA/ECP:PWHITNEY
HA/HR:KBARMON (DRAFT) EB/ODF:JHEG (DRAFT)
EUR:JWILKINSON P:WWOOD S/S:BLPASCOE
EAP/J:CCOHEN (DRAFT)
EAP/ANZ:MCHURCHILL (DRAFT)

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TO AMEMBASSY MADRID IMMEDIATE
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PAGE 02 STATE 291496

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AMEMBASSY QUITO IMMEDIATE
INFO AMEMBASSY SANTIAGO IMMEDIATE
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C O N F I D E N T I A L STATE 291496

LIMDIS, ROME ALSO INFO FOR EMB. VATICAN, BRUSSELS ALSO USEC

E.O. 12356: DECL:OADR
TAGS: PREL, EFIN, PHUM, PGOV, PTER, CI
SUBJECT: PROSPECTS FOR DEMOCRATIC TRANSITION SET BACK BY ASSASSINATION ATTEMPT AGAINST PINOCHET: REQUEST FOR CONSULTATIONS

1. CONFIDENTIAL - ENTIRE TEXT.

2. THIS IS AN ACTION MESSAGE -- SEE PARA 4.

3. BEGIN SUMMARY AND INTRODUCTION: THE BLOODY ASSASSINATION ATTEMPT AGAINST CHILEAN PRESIDENT PINOCHET SEPT. 7 BY COMMUNIST TERRORISTS HAS ELIMINATED PROSPECTS FOR ANY EARLY BREAKTHROUGH IN DEVELOPING MEANINGFUL DIALOGUE BETWEEN THE GOVERNMENT AND THE DEMOCRATIC OPPOSITION ON A TRANSITION TO DEMOCRATIC SELF GOVERNMENT. THE STUNNING TERRORIST ATTACK, WHICH KILLED SIX CHILEAN POLICEMEN AND INJURED ELEVEN OTHERS, FOLLOWED BY THE GOVERNMENT'S ACTIONS DURING THE STATE OF SIEGE IMPOSED AFTER THE ASSASSINATION ATTEMPT, HAVE HELPED TO CONFIDENTIAL

PAGE 03 STATE 291496

REINFORCE AND ACCELERATE AN ALREADY EXISTING TREND TOWARD DEEPENING POLARIZATION. THIS DYNAMIC HAS TROUBLING IMPLICATIONS FOR U.S. POLICY IN CHILE OF ENCOURAGING A PEACEFUL DEMOCRATIC TRANSITION AND HUMAN RIGHTS PROGRESS. THE LATEST DEVELOPMENTS AND OTHER RECENT HUMAN RIGHTS SETBACKS HAVE PUT INTO SERIOUS QUESTION FUTURE U.S. SUPPORT FOR MULTILATERAL DEVELOPMENT BANK LOANS TO CHILE, IN VIEW OF U.S. LEGISLATION REQUIRING CONSIDERATION OF HUMAN RIGHTS CONDITIONS IN DETERMINING U.S. VOTES IN THE MDBS.

4. EMBASSIES ARE REQUESTED TO APPROACH HOST GOVERNMENTS

ASAP AND SHARE OUR VIEWS ON THE GENERAL DETERIORATION OF THE SITUATION IN CHILE, ESPECIALLY INCLUDING MEASURES TAKEN UNDER THE STATE OF SIEGE FOLLOWING THE FAILED ASSASSINATION ATTACK ON PRESIDENT PINOCHET. CONSIDERING THE POTENTIAL FAR-REACHING IMPLICATIONS OF THE MDB LOAN VOTE ISSUE, EMBASSIES ARE REQUESTED TO CONSULT WITH APPROPRIATE FINANCE MINISTRY OFFICIALS AS WELL AS WITH FOREIGN MINISTRIES (WHERE THERE IS A HUMAN RIGHTS MINISTRY AS IN FRANCE, THEY SHOULD BE APPROACHED AS WELL). TALKING POINTS ARE PROVIDED IN PARAGRAPH 18 AND MAY BE LEFT WITH HOST GOVERNMENTS AS A NON-PAPER. PLEASE REPORT HOST COUNTRY REACTION. END INTRODUCTION AND SUMMARY.

--TERRORISTS ASSAULT PINOCHET MOTORCADE--

5. ON SEPTEMBER 7 COMMUNIST TERRORISTS AMBUSHED CHILEAN PRESIDENT PINOCHET'S MOTORCADE IN A ROCKET PROPELLED GRENADE AND AUTOMATIC WEAPONS ATTACK, KILLING SIX BODYGUARDS AND WOUNDING ELEVEN OTHERS. PINOCHET HIMSELF WAS INJURED SLIGHTLY BY A PIECE OF SHRAPNEL IN THE HAND. THE UNPRECEDENTED TERRORIST ATTACK FOLLOWED DISCOVERIES LAST MONTH OF A HUGE QUANTITY OF ARMS DESTINED FOR THE SAME COMMUNIST-SUPPORTED TERRORIST ORGANIZATION--THE
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PAGE 04 STATE 291496

MANUEL RODRIGUEZ PATRIOTIC FRONT (FPMR)--THAT TOOK CREDIT FOR THE ATTACK AGAINST CHILE'S PRESIDENT. IN ADDITION TO TRYING TO ASSASSINATE PINOCHET, THE TERRORISTS PROBABLY INTENDED TO SHOW THAT EVEN AFTER THE DISCOVERY AND SEIZURE OF THEIR SECRET ARMS CACHES LAST MONTH, THEY ARE A FORMIDABLE FORCE TO CONTEND WITH.

--GOC RESPONDS BY INSTITUTING STATE OF SIEGE--

6. THE TERRORISTS NARROWLY MISSED KILLING PINOCHET BUT SUCCEEDED IN ACHIEVING BOTH THEIR OWN STRATEGIC GOALS AND THOSE OF PINOCHET: THE GOVERNMENT'S ACTIONS FLOWING FROM THE STATE OF SIEGE IMPOSED IMMEDIATELY FOLLOWING THE ATTACK HAVE REINFORCED THE ALREADY SIGNIFICANT TREND TOWARD POLARIZATION AND AT LEAST TEMPORARILY SOLIDIFIED PINOCHET'S SUPPORT, PARTICULARLY AMONG THE MILITARY. THE GOC'S REACTION IN FACT SHOWED LITTLE LINKAGE TO THE ACTUAL ATTEMPT. THE GOVERNMENT HAS USED STATE OF SIEGE

POWERS TO CLOSE REUTERS AND ANSA AND TO SUSPEND PUBLICATION OF SIX OPPOSITION MAGAZINES, INCLUDING THE CENTRIST WEEKLY HOY, LATER ALLOWED TO REOPEN. USING THE EXCEPTIONAL POWERS OF DETENTION UNDER THE STATE OF SIEGE, THE GOC SO FAR HAS DETAINED ABOUT FIFTY PEOPLE, INCLUDING A FEW MAJOR DEMOCRATIC OPPOSITION AND HUMAN RIGHTS LEADERS (BEST KNOWN IS SOCIALIST PARTY LEADER RICARDO LAGOS), AS WELL AS SEVERAL FRENCH AND AMERICAN PRIESTS (THE FORMER WERE EXPELLED FROM CHILE, THE LATTER RELEASED).

7. SINCE THE STATE OF SIEGE WAS IMPOSED, RIGHTIST TERRORISTS HAVE BECOME MORE ACTIVE. THE FOREIGN EDITOR OF ANALISIS (ONE OF THE THOSE MAGAZINES SUSPENDED) WAS ADBUCTED BY UNKNOWN ASSAILANTS REPORTEDLY IDENTIFYING THEMSELVES AS POLICE SHORTLY AFTER THE STATE OF SIEGE WAS

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DECLARED AND FOUND DEAD THE NEXT DAY. AT LEAST THREE OTHER DEATHS HAVE OCCURRED IN SIMILAR CIRCUMSTANCES. A PREVIOUSLY UNKNOWN RIGHTIST TERRORIST GROUP TOOK RESPONSIBILITY FOR THE DEATH SQUAD-STYLE KILLINGS, APPARENTLY REVENGE FOR THE DEATHS OF PINOCHET'S BODYGUARDS.

--U.S. REACTION--

8. THE STATE DEPARTMENT SPOKESMAN ON SEPT. 8 STRONGLY CONDEMNED THE ATTACK THE PREVIOUS DAY AGAINST PRESIDENT PINOCHET, AND DENOUNCED THE COMMUNIST TERRORIST ORGANIZATION THAT PERPETRATED IT. AT THE SAME TIME THE SPOKESMAN EXPRESSED CONCERN ABOUT THE IMPACT OF GREATER RESTRICTIONS ON CIVIL LIBERTIES ON PROSPECTS FOR A PEACEFUL TRANSITION, AND NOTED OUR HOPE THAT THESE MEASURES WOULD END QUICKLY. OUR PUBLIC STATEMENTS SINCE HAVE NOTED THAT WE ARE DISTURBED BY THE ARRESTS OF NON-VIOLENT HUMAN RIGHTS AND DEMOCRATIC OPPOSITION REPRESENTATIVES AND BY CLOSURE OF OPPOSITION PUBLICATIONS. WE HAVE EXPRESSED OUR STRONG OPPOSITION TO VIOLENCE OF ALL SOURCES, ABHORING THE KILLINGS OF THE ANALISIS EDITOR AND OTHERS SIMILARLY MURDERED. WE HAVE STRESSED THAT STRONG EFFORTS ARE NEEDED IN CHILE NOW TO BRING AN END TO POLITICAL VIOLENCE AND RESTORE A CLIMATE CONDUCIVE TO DISCUSSION OF A PEACEFUL TRANSITION TO DEMOCRACY.

--DIM PROSPECTS FOR DIALOGUE--

9. PINOCHET IS LIKELY TO USE THE ESCALATION OF TERRORISM TO CONTINUE TO SHUT OFF ANY PROSPECT OF DIALOGUE WITH THE DEMOCRATIC OPPOSITION AT THE TIME WHEN IT IS MOST DESIRABLE TO PREVENT FURTHER POLARIZATION. LAST DECEMBER PINOCHET REJECTED AN APPEAL BY CHILEAN CARDINAL FRESNO FOR DIALOGUE WITH THE MAJOR PARTIES OF THE DEMOCRATIC

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OPPOSITION, GROUPED TOGETHER UNDER THE CHURCH-SPONSORED NATIONAL ACCORD FOR A TRANSITION TO FULL DEMORACY. WE HAD WELCOMED ANNOUNCEMENT OF THE NATIONAL ACCORD IN AUGUST 1985, AS REPRESENTING A MAJOR ADVANCE TOWARD MODERATION AND GREATER PRAGMATISM BY CHILE'S DEMOCRATIC OPPOSITION, AND CALLED AT THAT TIME FOR ALL CHILEAN LEADERS TO RESPOND POSITIVELY TO THE ACCORD'S CALL FOR DIALOGUE. ALTHOUGH SOME OTHER JUNTA MEMBERS HAVE ADVOCATED DIALOGUE WITH THE NATIONAL ACCORD, PINOCHET HAS REMAINED ADAMANTLY OPPOSED TO ANY SUCH DISCUSSIONS.

10. IN GENERAL THE VIOLENT ATTACK ON PINOCHET TOGETHER WITH THE DISCOVERY OF HUGE CLANDESTINE ARMS CACHES HAS HAD A SOBERING EFFECT ON THE CHILEAN PUBLIC. IN THE SHORT TERM, THE ASSASSINATION ATTEMPT HAS LED THE MILITARY AND PINOCHET'S OTHER SUPPORTERS TO CLOSE RANKS BEHIND HIM. THIS SURGE OF SUPPORT MAY PROVE TEMPORARY BUT ALSO COULD HELP PINOCHET'S EFFORTS TO DEVELOP SUPPORT FOR HIS SELECTION BY THE JUNTA AS THE CANDIDATE IN THE PRESIDENTIAL PLEBISCITE SCHEDULED FOR 1989. (IN A PUBLIC SPEECH IN JULY PINOCHET IMPLIED STRONGLY THAT HE INTENDED TO CONTINUE IN OFFICE FOR ANOTHER TERM, BUT BACKED DOWN AFTER THE SOME OF THE OTHER JUNTA MEMBERS MADE PUBLIC STATEMENTS OF THEIR OWN TO THE EFFECT THAT NO CANDIDATE HAD YET BEEN SELECTED.)

11. THE GOC HAS FINALLY BEGUN TO PUT INTO EFFECT SOME OF THE POLITICAL LAWS WHICH ACCORDING TO THE 1980 CONSTITUTION, MUST BE IN PLACE BEFORE THE PLEBISCITE. FULFILLING EARLIER PUBLIC PROMISES BY GOC OFFICIALS, DURING HIS SPEECH SEPTEMBER 11 MARKING THE THIRTEENTH ANNIVERSARY OF THE MILITARY COUP, PINOCHET ANNOUNCED PROMULGATION OF A LAW TO BEGIN REESTABLISHING NATIONAL

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PAGE 07 STATE 291496

VOTER REGISTRIES IN 1987. HE ALSO PROMISED THAT A LAW LEGALIZING POLITICAL PARTIES WOULD BE IN PLACE BY EARLY 1987. THESE TENTATIVE POSITIVE STEPS, HOWEVER, WERE OVERSHADOWED BY THE CURRENT CLIMATE OF CONFRONTATION, ENCOURAGED BY PINOCHET'S REPEATED, HARSH PUBLIC ATTACKS ON THE DEMOCRATIC OPPOSITION.

12. FOR ITS PART, THE DEMOCRATIC OPPOSITION IN CHILE REMAINS FRAGMENTED AND WITHOUT STRONG, COHERENT LEADERSHIP. DESPITE THE ADVANCE REPRESENTED BY THE NATIONAL ACCORD CONSIDERABLE CONFUSION STILL EXISTS AS TO WHERE THESE PARTIES STAND ON KEY ISSUES SUCH AS THE FUTURE ROLE FOR THE COMMUNIST PARTY. SOME PARTIES HAVE ACKNOWLEDGED THIS PROBLEM AND BEGUN TO TAKE CORRECTIVE MEASURES. STATEMENTS BY THE CHRISTIAN DEMOCRATIC PARTY REJECTING ALLIANCE WITH THE COMMUNIST PARTY COULD BUILD GREATER CONFIDENCE, IF FOLLOWED THROUGH. THE CENTER-LEFT COALITION THE DEMOCRATIC ALLIANCE RECENTLY REITERATED ITS SUPPORT FOR THE PRINCIPLES OF THE NATIONAL ACCORD, SUGGESTING A PLEBISCITE TO REFORM THE CONSTITUTION TO ALLOW FOR OPEN ELECTIONS IN 1989, INSTEAD OF THE SCHEDULED SINGLE-CANDIDATE PLEBISCITE, AN IDEA WHICH HAS SOME SUPPORT WITHIN THE ARMED FORCES.

13. A FOLLOW-UP AGREEMENT SIGNED LAST WEEK BY MOST OF THE POLITICAL PARTIES IN THE NATIONAL ACCORD (AND SOME OTHERS) HELPED TO CLARIFY FURTHER DEMOCRATIC OPPOSITION POSITIONS. THIS NEW DOCUMENT OFFERS SPECIFIC GUARANTEES FOR PRIVATE PROPERTY AND ALSO ATTEMPT TO ADDRESS MORE SPECIFICALLY THAN THE ACCORD THE CONCERNS OF THE CHILEAN ARMED FORCES REGARDING POST-TRANSITION PROSECUTIONS OF HUMAN RIGHTS ABUSES AND THE ROLE OF THE COMMUNIST PARTY. THESE TENTATIVE STEPS TOWARD FACILITATING THE BEGINNING OF A MEANINGFUL DIALOGUE, HOWEVER, WILL NOT PROSPER, IF THE TREND TOWARD POLARIZATION CONTINUES.

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PAGE 08 STATE 291496

--TERRORIST VIOLENCE ON RISE--

14. THERE ARE OMINOUS SIGNS THAT CHILE'S COMMUNIST TERRORISTS MAY ATTEMPT TO BRING ABOUT A MAJOR ESCALATION IN VIOLENCE. THE ATTACK AGAINST PINOCHET CAME SHORTLY AFTER THE DISCOVERY OF SEVERAL HUGE ARMS CACHES, CONTAINING OVER 3,000 M-16S, TWO MILLION ROUNDS OF AMMUNITION, ROCKET-PROPELLED GRENADE LAUNCHERS, LIGHT ANTI-TANK LAUNCHERS (OF THE TYPE USED AGAINST PINOCHET'S MOTORCADE), AND HIGH-TECH EXPLOSIVES. THESE ARMS WERE DESTINED FOR THE FPMR, AND APPARENTLY SUPPLIED BY CUBA.

--OUR DILEMMA ON MDB LOANS TO CHILE--

15. IN VIEW OF PINOCHET'S INTRANSIGENCE TOWARD DIALOGUE AND RECENT SETBACKS IN THE HUMAN RIGHTS SITUATION AGGRAVATED BY THE STATE OF SIEGE, THE U.S. FACES A DILEMMA IN DETERMINING ITS POSTURE TOWARD CHILEAN LOANS SCHEDULED TO COME UP THIS FALL IN THE MDBS. U.S. LEGISLATION (SECTION 701 OF THE INTERNATIONAL FINANCIAL INSTITUTIONS ACT OF 1981) REQUIRES THAT U.S. EXECUTIVE DIRECTORS NOT SUPPORT LOANS TO COUNTRIES IN WHICH THERE IS "A PATTERN OF GROSS VIOLATIONS OF HUMAN RIGHTS",

EXCEPT FOR LOANS THAT ARE DETERMINED TO MEET BASIC HUMAN NEEDS (BHN). BIPARTISAN CONGRESSIONAL SENTIMENT IN FAVOR OF LEGISLATIVE RESTRICTIONS REQUIRING THE U.S. TO OPPOSE NON-BHN MDB LOANS TO CHILE IS GROWING, AND IS LIKELY TO BECOME MORE ACUTE IN THE WAKE OF THE STATE OF SIEGE AND ACCOMPANYING HUMAN RIGHTS VIOLATIONS.

16. WE SHARE MANY OF THE CONCERNS OF CONGRESS REGARDING
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PAGE 09 STATE 291496

HUMAN RIGHTS VIOLATIONS AND THE LACK OF MOVEMENT TOWARD DEMOCRACY IN CHILE. WE RECOGNIZE AT THE SAME TIME THAT U.S. VOTES ON MDB LOANS TO CHILE MAY PROVIDE THE OPPORTUNITY FOR THE U.S. TO USE ITS INFLUENCE IN FAVOR OF CONCRETE HUMAN RIGHTS PROGRESS AND MOVEMENT TOWARD DEMOCRACY. U.S. APPROVAL OF MDB LOANS WITHOUT SIGNIFICANT CHANGE IN CHILE WOULD UNDERMINE OUR CREDIBILITY WITH THE DEMOCRATIC OPPOSITION, AND WITH THE CHILEAN GOVERNMENT AND ARMED FORCES.

17. THESE LOANS, IN PARTICULAR A $250 MILLION DOLLAR

STRUCTURAL ADJUSTMENT LOAN (SAL) PRESENTLY SCHEDULED TO BE REVIEWED IN OCT./NOV., ARE IMPORTANT TO CHILE'S ECONOMIC HEALTH AND ITS ABILITY TO CONTINUE TO OBTAIN FUNDS FROM THE COMMERCIAL BANKS. DENIAL OF THESE FUNDS COULD UNDERMINE CHILE'S COMPLEX FINANCIAL PACKAGE AND HAVE A NEGATIVE IMPACT ON CHILE'S ECONOMY AND ITS POSITIVE, FREE MARKET MODEL. IF THE SAL IS BLOCKED AND CHILE'S FINANCIAL PACKAGE UNRAVELS, THIS COULD HAVE NEGATIVE IMPLICATIONS BEYOND THE CHILEAN CASE.

--TALKING POINTS--

18. -- THE SITUATION IN CHILE IS INCREASINGLY WORRISOME. THE BLOODY ASSASSINATION ATTEMPT AGAINST PRESIDENT PINOCHET SEPTEMBER 7 AND THE STATE OF SIEGE IMPOSED AS A RESULT OF THIS SEVERE TERRORIST PROVOCATION HAVE SET BACK SERIOUSLY POSSIBILITIES FOR DEVELOPMENT OF ANY MEANINGFUL DIALOGUE ON IMPLEMENTING A DEMOCRATIC TRANSITION AND FACILITATING IMPROVED RESPECT FOR HUMAN RIGHTS. THE TREND TOWARD GREATER POLARIZATION FAVORS THE UNDEMOCRATIC FORCES IN CHILE WITH NEGATIVE IMPLICATIONS FOR ALL THOSE INSIDE AND OUTSIDE CHILE WHO SUPPORT A PEACEFUL TRANSITION TO DEMOCRACY.

--THE BOLD ASSASSINATION ATTEMPT, BY THE COMMUNIST-LINKED
~~CONFIDENTIAL~~

PAGE 10 STATE 291496

MANUEL RODRIGUEZ PATRIOTIC FRONT (FPMR) AND THE EARLIER DISCOVERY OF HUGE QUANTITIES OF ARMS DESTINED FOR THIS GROUP WERE OMINOUS SIGNS THAT THE EXTREME LEFT IN CHILE MAY UNDERTAKE A SERIOUS ESCALATION OF VIOLENCE. WE CONSIDER THESE ARMS DISCOVERIES GENUINE, AND BELIEVE THE FPMR RECEIVED OUTSIDE HELP--PROBABLY FROM CUBA--IN OBTAINING THESE WEAPONS.

--THE GREATER RESTRICTIONS ON CIVIL LIBERTIES AND FREEDOM OF THE PRESS ACCOMPANYING THE STATE OF SIEGE FOLLOWED OTHER RECENT HUMAN RIGHTS SETBACKS. FREQUENT ARMY SWEEPS OF POOR NEIGHBORHOODS TOOK PLACE THIS SPRING AFFECTING THOUSANDS OF PEOPLE. THERE HAVE CONTINUED TO BE CREDIBLE REPORTS OF TORTURE BY SECURITY FORCES. AT LEAST ONE ARMY OFFICER HAS BEEN IMPLICATED BY A MILITARY TRIBUNAL IN THE BURNING DEATH OF A YOUNG CHILEAN U.S. RESIDENT. THESE PROBLEMS AND THOSE ACCOMPANYING THE STATE OF SIEGE HAVE

OBSCURED A FEW RECENT POSITIVE STEPS TAKEN BY THE GOVERNMENT, SUCH AS APPOINTMENT OF AN OFFICIAL HUMAN RIGHTS ADVISORY BOARD AND PROMULGATION OF A LAW TO REOPEN ELECTORAL REGISTERS IN 1987.

-- WE FACE A DIFFICULT DECISION IN THE NEAR FUTURE ON HOW WE WILL VOTE ON CERTAIN LOANS TO CHILE COMING UP IN THE WORLD BANK AND INTERNATIONAL FINANCE CORPORATION AND IN THE INTER-AMERICAN DEVELOPMENT BANK. U.S. LEGISLATION REQUIRES THAT WE TAKE NOT ONLY ECONOMIC CRITERIA INTO ACCOUNT IN REVIEWING LOANS, BUT ALSO THE HUMAN RIGHTS SITUATION. WE STRONGLY ADMIRE CHILE'S EFFECTIVE TEAM OF ECONOMIC MANAGERS AND FREE MARKET ORIENTATION, BUT, AS WE HAVE INDICATED, HAVE SERIOUS CONCERNS ABOUT HUMAN RIGHTS CONDITIONS AND THE LACK OF MOVEMENT TOWARD IMPLEMENTING A TRANSITION TO DEMOCRACY.
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-- AT THIS POINT WE WANT TO MAKE YOU AWARE OF OUR DEEP CONCERNS ON THIS MATTER. NO FINAL DECISION HAS YET BEEN MADE AS TO HOW WE WILL VOTE, BUT UNLESS SIGNIFICANT CHANGES IN THE HUMAN RIGHTS SITUATION OCCUR SOON, SHOULD THE LOANS COME TO A VOTE THIS FALL WE WILL HAVE SERIOUS DIFFICULTY SUPPORTING THEM.

-WE MAY BE IN TOUCH WITH YOU AGAIN PRIOR TO THE ACTUAL LOAN VOTES. IN THE MEANTIME, WE WOULD BE INTERESTED IN YOUR ASSESSMENT OF THE SITUATION IN CHILE AND IN PARTICULAR, LEARNING YOUR INTENTIONS TOWARD MULTILATERAL DEVELOPMENT BANK LENDING TO CHILE.

19. THIS MESSAGE HAS BEEN COORDINATED WITH TREASURY. SHULTZ

CONFIDENTIAL

<< END OF DOCUMENT >>

[redacted]

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C233

PAGE 01 PANAMA 13363 01 OF 02 162226Z
ACTION ARA-00

INFO LOG-00 COPY-01 ADS-00 AID-00 INR-10 SS-00 CIAE-00
H-01 NSCE-00 NSAE-00 HA-09 L-03 PM-10 PA-01
OMB-01 USIE-00 SP-02 SNP-01 PRS-01 DS-01 DSE-00
SCT-02 /043 W
----------275045 162236Z /70

R

P 162223Z SEP 86
FM AMEMBASSY PANAMA
TO SECSTATE WASHDC PRIORITY 2898
INFO DIA WASHDC
USCINCSO QUARRY HTS PN
RUEOGWA/193INFBDE FT CLAYTON PN
RUEORMA/470THMI FT CLAYTON PN
AFOSI HOWARD AFB PN DOI
AFIN LIAISON OFFICE ALBROOK AFB PN
AMEMBASSY SAN JOSE

Dept. of State, RPS/IPS, Margaret P. Grafeld, Dir.
Release ( ) Excise ( ) Deny Declassify
Date 2/27/02 Exemption

[redacted] SECTION 01 OF 02 PANAMA 13363

E.O. 12356: DECL: OADR
TAGS: PGOV, PHUM, PM
SUBJ: SPADAFORA ANNIVERSARY COMMEMORATION ATTRACTS - MODEST PUBLIC ATTENTION

1. [redacted] ENTIRE TEXT.

2. SUMMARY: A WEEK OF OPPOSITION-SPONSORED OBSERVANCES CULMINATED SEPTEMBER 13 IN A SPECIAL MASS ON THE FIRST ANNIVERSARY OF THE BRUTAL MURDER OF HUGO SPADAFORA. THE OPPOSITION MEDIA TRIED TO MAKE MUCH OF THE ANNIVERSARY AND THE PANAMA DEFENSE FORCES' (FDP) COMPLICITY IN THE STILL UNRESOLVED CASE, BUT -- EXCEPT FOR THE MASS ITSELF -- THERE WAS LITTLE PUBLIC INTEREST IN THE MATTER. THE FDP/GOP DID NOTHING TO IMPEDE THE COMMEMORATION, BUT THE FDP-CONTROLLED ERSA PRESS REPLAYED ALLEGATIONS THAT [redacted]

[redacted]

PAGE 02 PANAMA 13363 01 OF 02 162226Z

SPADAFORA WAS A VICTIM OF NARCOTICS OR ARMS TRAFFICKERS, OF MIDDLE EAST TERRORISTS, OR OF FELLOW ANTISANDINISTA EDEN PASTORA.
END SUMMARY.

FIRST ANNIVERSARY OF SPADAFORA MURDER OBSERVED

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3. THE FIRST ANNIVERSARY OF THE MURDER OF HUGO SPADAFORA, GUERRILLA FIGHTER FOR VARIOUS CAUSES AND A DECLARED ENEMY OF PANAMA DEFENSE FORCES (FDP) COMMANDING GENERAL MANUEL ANTONIO NORIEGA, WAS

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OBSERVED SEPTEMBER 13. DURING THE PRECEDING WEEK -- LABELED "DAYS OF REFLECTION" BY ITS ORGANIZERS -- THE SPADAFORA FAMILY, FRIENDS AND POLITICAL SYMPATHIZERS CARRIED OUT A SERIES OF PUBLIC SEMINARS, MARCHES, VIGILS AND RELIGIOUS SERVICES DESIGNED TO FOCUS ATTENTION ON THE ALLEGED RESPONSIBILITY OF THE FDP FOR SPADAFORA'S KIDNAPPING, TORTURE AND DECAPITATION. SINCE THE GOP QUASHED THE OFFICIAL INVESTIGATION AFTER TWO MONTHS, ACTUAL RESPONSIBILITY FOR THE SLAYING HAS NEVER BEEN ESTABLISHED, ALTHOUGH MOST PANAMANIANS CONCEDE THAT FDP OFFICIALS IN FACT WERE THE GUILTY PARTIES. THE OPPOSITION CONTINUES TO POINT TO NORIEGA HIMSELF, AT THE VERY LEAST, AS THE INTELLECTUAL AUTHOR OF THE CRIME. WINSTON SPADAFORA, THE MURDERED MAN'S BROTHER, DECLARED ON SEPTEMBER 12, "EVEN IF NORIEGA DID NOT GIVE THE ORDER FOR HUGO'S DETENTION AND SUBSEQUENT DECAPITATION, HE -- NORIEGA -- SURELY KNOWS EVERYTHING THAT HAPPENS IN PANAMA; HE KNOWS PERFECTLY WELL HOW THE CRIME OCCURRED."

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4. THE COMMEMORATIVE WEEK BEGAN WITH AN UNPLANNED CONFRONTATION BETWEEN STUDENTS AND AN FDP UNIT IN CHITRE, SPADAFORA'S BIRTHPLACE, AN EVENT WHICH COULD HAVE -- BUT DID NOT -- SET THE TONE FOR THE ENTIRE WEEK'S EVENTS. FDP PERSONNEL ARRIVING TO PAINT A LOCAL HIGH SCHOOL WERE GREETED BY STUDENTS SHOUTING PRO-SPADAFORA AND ANTI-FDP SLOGANS. NO VIOLENCE ENSUED, HOWEVER, AND THE SOLDIERS COMPLETED THEIR JOB WITHOUT FURTHER INTERRUPTION. THE REST OF THE WEEK PASSED WITHOUT MUCH PUBLIC ATTENTION, ALTHOUGH THE OPPOSITION MEDIA DID ITS BEST TO PLAY UP THE PROGRAMMED EVENTS.

5. THE CULMINATION OF THE COMMEMORATIVE WEEK WAS A SPECIAL MASS AT A PANAMA CITY CHURCH PRESIDED OVER BY PANAMA'S AUXILIARY BISHOP OSCAR BROWN AND ATTENDED BY EX-PRESIDENT ARNULFO ARIAS, CHRISTIAN DEMOCRATIC LEADER RICARDO ARIAS CALDERON AND A HOST OF OTHER OPPOSITION POLITICAL AND MEDIA LEADERS. IN HIS CAREFULLY WORDED HOMILY, BISHOP BROWN CALLED FOR THE PERPETRATORS OF THE CRIME TO STEP FORWARD AND RECEIVE THE CHURCH'S ABSOLUTION AND FOR AN IMPARTIAL, EXHAUSTIVE OFFICIAL INVESTIGATION TO BE CARRIED OUT. THE MASS ATTRACTED AN OVERFLOW CROWD, MAKING IT THE HIGH POINT OF AN OTHERWISE UNREMARKABLE WEEK OF ACTIVITIES.

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AN OFFICIAL COUNTER-CAMPAIGN

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6. DURING RECENT WEEKS OPPOSITIONISTS HAD CONTENDED

THAT THE FDP AND PRO-GOVERNMENT GROUPS WOULD SEEK

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[redacted]

PAGE 01 PANAMA 13363 02 OF 02 162226Z
ACTION ARA-00

INFO	LOG-00	COPY-01	ADS-00	AID-00	INR-10	SS-00	CIAE-00
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	OMB-01	USIE-00	SP-02	SNP-01	PRS-01	DS-01	DSE-00
	SCT-02	/043 W					

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P 162223Z SEP 86
FM AMEMBASSY PANAMA
TO SECSTATE WASHDC PRIORITY 2899
INFO DIA WASHDC
USCINCSO QUARRY HTS PN
RUEOGWA/193INFBDE FT CLAYTON PN
RUEORMA/470THMI FT CLAYTON PN
AFOSI HOWARD AFB PN//DOI
AFIN LIAISON OFFICE ALBROOK AFB PN
AMEMBASSY SAN JOSE

[redacted] L SECTION 02 OF 02 PANAMA 13363

E.O. 12356: DECL: OADR
TAGS: PGOV, PHUM, PM
SUBJ: SPADAFORA ANNIVERSARY COMMEMORATION ATTRACTS

TO UPSTAGE THE SPADAFORA OBSERVANCES, AND POINTED TO EVIDENCE (SUPPORTED BY SIGNS IN VARIOUS PANAMA CITY NEIGHBORHOODS) THAT THE FDP WOULD SPONSOR AN ATHLETIC COMPETITION IN CHITRE ON SEPTEMBER 13. THIS EVENT NEVER MATERIALIZED, HOWEVER. ON SEPTEMBER 11, THE FDP-CONTROLLED (ERSA) DAILY LA REPUBLICA INCLUDED A SPECIAL SUPPLEMENT WHICH REPRODUCED PURPORTEDLY UNPUBLISHED CORRESPONDENCE BETWEEN SPADAFORA AND NICARAGUAN REVOLUTIONARY EDEN PASTORA, AS WELL AS A FULL COLOR COMIC-BOOK STYLE BIOGRAPHY OF THE SLAIN PANAMANIAN, SUGGESTING THAT RIVALRY BETWEEN THE TWO MEN HAD PROVOKED SPADAFORA'S ASSASSINATION BY PASTORA LOYALISTS. THE ERSA PRESS ALSO

[redacted]

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RESURRECTED ITS PREVIOUS ALLEGATIONS THAT SPADAFORA -- DESCRIBED AS A BOMB-WIELDING ADVENTURER -- HAD BEEN MURDERED EITHER BY NARCOTICS OR ARMS TRAFFICKERS OR BY PALESTINIAN OR LIBYAN TERRORISTS.

-

COMMENT

-

7. PUBLIC INTEREST IN THE SPADAFORA CASE WANED LATE LAST YEAR, AND THE POLITICAL OPPOSITION HAS BEEN UNABLE TO REVIVE IT. THE OPPOSITION CONTINUES TO ATTEMPT TO CAST SPADAFORA IN THE UNLIKELY ROLE OF A MARTYR FOR JUSTICE IN THE HANDS OF A BRUTAL MILITARY REGIME. HOWEVER, THE FDP HAS BEEN ABLE TO CLOSE RANKS IN DEFENSE OF THE INSTITUTION AND INDIVIDUALS SUSPECTED OF COMPLICITY IN THE CRIME. JUDGING BY THE GENERAL PUBLIC'S INDIFFERENCE TO THE ANNIVERSARY EVENTS, THE SPADAFORA EPISODE HAS PLAYED ITSELF OUT AND, BARRING UNFORESEEN DEVELOPMENTS, THERE SEEMS NO LIKELIHOOD OF REVIVAL OF GENERAL INTEREST IN IT.

(DRAFTED:POL:FBECKER) MAISTO

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*** Current Handling Restrictions *** n/a

*** Current Classification *** ~~CONFIDENTIAL~~

UNCLASSIFIED

9/12/86

KL128A

17 September 1986

EXCISE

Chile Project (#S199900030)
U.S. Department of State
Release_____ Excise__X__ Deny_____
Declassify: In Part_____ In Full_____
Exemption(s) B6

Sr. Ricardo Garcia Rodriguez
Ministro del Interior
Palacio de la Moneda
Santiago, Chile

Your Excellency:

In view of the confirmations now received of the deaths on September 8 and 9 of Jose Carrasco Tapia, journalist, Felipe Segunc Rivera Gajardo, electrician and Gaston Vidaurrazaga Manriquez, brother of political prisoner Ignacio Vidaurrazaga, all following detention, I express my fears for the life of Abraham Muskatvlit Eidelstein, detained on 9 September at his home by military personnel.

I urgently request your guarantee of the life of Abraham Muskatvlit Eidelstein.

I urge you to direct an immediate investigation into the killings of those named above and to take all possible measures to prevent further killings.

Many throughout the world will become aware of and appreciate your efforts to stop the killings.

Sincerely,

[redacted]

copy for: Hon Alan Cranston

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PAGE 01 THE HA 07201 01 OF 05 191432Z
ACTION HA-09

INFO LOG-00 COPY-01 ADS-00 INR-10 EUR-00 SS-00 AF-00
CIAE-00 DODE-00 H-01 IO-19 NEA-06 NSCE-00 ARA-00
NSAE-00 L-03 TRSE-00 PM-10 PA-01 OMB-01 USIE-00
SP-02 SNP-01 PRS-01 /065 W
----------154124 201823Z /37

R 191349Z SEP 86
FM AMEMBASSY THE HAGUE
TO SECSTATE WASHDC 3833
INFO AMEMBASSY BONN
AMEMBASSY BRUSSELS
AMEMBASSY LONDON
AMEMBASSY PARIS
AMEMBASSY SANTIAGO
AMEMBASSY SAN SALVADOR
AMEMBASSY ISLAMABAD
AMEMBASSY ADDIS ABABA
AMEMBASSY SOFIA
AMEMBASSY MANAGUA
AMEMBASSY ASUNCION
AMEMBASSY PRETORIA
USMISSION GENEVA
USMISSION USUN NEW YORK

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ___ Deny ___
Declassify: In Part X In Full ___
Exemption(s) NN

~~C O N F I D E N T I A L~~ SECTION 01 OF 05 THE HAGUE 07201

E.O. 12356: DECL: OADR
TAGS: PHUM, PREL, UNGA, OVIP (SCHIFTER, RICHARD), NL
SUBJECT: AMB. SCHIFTER'S HUMAN RIGHTS CONSULTATIONS
- WITH THE DUTCH
-
REF: (A) THE HAGUE 6933 (B) THE HAGUE 6945
- (C) THE HAGUE 7015 (D) STATE 262350
-
1. ~~CONFIDENTIAL~~ - ENTIRE TEXT.

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~~CONFIDENTIAL~~

PAGE 02 THE HA 07201 01 OF 05 191432Z

SUMMARY

2. HA ASST. SECRETARY SCHIFTER HELD WIDE-RANGING CONSULTATIONS WITH SENIOR DUTCH MFA OFFICIALS SEPT. 12. MAJOR US HUMAN RIGHTS PRIORITIES AT THE UPCOMING UNGA WERE DISCUSSED, INCLUDING CHILE, EL SALVADOR, IRAN, AFGHANISTAN, ETHIOPIA AND RELIGIOUS INTOLERANCE. OTHER MATTERS COVERED WERE: PARAGUAY, NICARAGUA, SOUTH AFRICA AND BULGARIAN TURKS. AMB. SCHIFTER MET SEPARATELY WITH DUTCH PARLIAMENTARIANS. OF PARTICULAR NOTE IN THAT SESSION WERE THE COMMENTS OF LABOR PARTY (PVDA) MP EVELINE HERFKENS WHO AGREED THAT CHILEAN DEMOCRATS (INCLUDING NER SOCIAL DEMOCRATIC COLLEAGUES) NEEDED TO AVOID TACTICAL COOPERATION WITH THE COMMUNISTS AND

NR

END SUMMARY.

DETAILS OF ASST. SECRETARY SCHIFTER'S CONSULTATIONS

3. AMB. SCHIFTER MET FOR NEARLY THREE HOURS SEPT. 12 WITH KEY MFA OFFICIALS ON HUMAN RIGHTS ISSUES. PARTICIPANTS INCLUDED DUTCH ASST. SECRETARY EQUIVALENTS FOR LATIN AMERICA, ASIA, AFRICA AND INTERNATIONAL ORGANIZATIONS AFFAIRS, ACTING MFA COORDINATOR FOR HUMAN RIGHTS TOINE VAN DONGEN AND OTHER WORKING-LEVEL OFFICIALS RESPONSIBLE FOR UN AND REGIONAL HUMAN RIGHTS. SCHIFTER HAD EARLIER LUNCHED WITH PARLIAMENTARIANS REPRESENTING THREE OF THE FOUR LARGEST DUTCH POLITICAL PARTIES (LABOR, CHRISTIAN DEMOCRATS, AND DEMOCRATS '66).FOLLOWING ARE THE MAIN POINTS OF INTEREST FROM THOSE CONSULTATIONS. (IN ADDITION CONFIDENTIAL

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PAGE 03 THE HA 07201 01 OF 05 191432Z

AMB. SCHIFTER MET WITH THE FOREIGN MINISTER (REF A), JUSTICE MINISTER (REF B) AND MFA POLITICAL DIRECTOR (REF C), AS REPORTED PREVIOUSLY.)

CHILE

4. AMB. SCHIFTER EXPLAINED USG INTEREST IN A BALANCED

RESOLUTION ON CHILE AT THE UPCOMING UNGA, MAKING POINTS SIMILAR TO THOSE HE HAD DISCUSSED WITH THE FOREIGN MINISTER REF A. HE NOTED THE US IS CONSIDERING ITS OWN RESOLUTION ON CHILEAN HUMAN RIGHTS IN CONSULTATION WITH THE DEMOCRATIC ALLIANCE (AD) IN CHILE, AND URGED EUROPEAN SUPPORT FOR OUR EFFORTS.

5. THE DUTCH ASKED WHAT THE US RESPONSE WOULD BE TO A RESOLUTION ON CHILE ALONG LINES THAT MEXICO MIGHT SPONSOR. AMB. SCHIFTER SAID THE US COULD NOT SUPPORT SUCH A RESOLUTION IF IT FOLLOWED PAST TRENDS BY, FOR EXAMPLE, REFERRING TO "THE CHILEAN AUTHORITIES" RATHER THAN THE CHILEAN GOVERNMENT AND DENOUNCING THE 1980 CONSTITUTION. AMB. SCHIFTER, CITING EXAMPLES BASED ON HIS UNHRC EXPERIENCE, ARGUED, HOWEVER, THAT THE MEXICANS ARE SENSITIVE TO WHAT THE DEMOCRATIC FORCES IN CHILE WANT AND SUGGESTED MEXICO WOULD NOT INTRODUCE ITS OWN RESOLUTION IF FACED WITH A SOLID WESTERN FRONT IN SUPPORT OF THE TYPE OF BALANCED RESOLUTION WE SEEK. THE DUTCH SAID THEY WOULD BE "DELIGHTED" TO SEE A RESOLUTION ON CHILE THAT COULD WIN THE BROADEST POSSIBLE SUPPORT, INCLUDING THAT OF THE USG.

6. THE DUTCH ALSO INQUIRED ABOUT THE US POSITION ON FURTHER IMF AND IBRD LOANS TO CHILE. AMB. SCHIFTER

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PAGE 01 THE HA 07201 02 OF 05 191433Z

ACTION HA-09

INFO LOG-00 COPY-01 ADS-00 INR-10 EUR-00 SS-00 AF-00
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NSAE-00 L-03 TRSE-00 PM-10 PA-01 OMB-01 USIE-00
SP-02 SNP-01 PRS-01 /065 W
----------154125 201824Z /37

R 191349Z SEP 86
FM AMEMBASSY THE HAGUE
TO SECSTATE WASHDC 3834
INFO AMEMBASSY BONN
AMEMBASSY BRUSSELS
AMEMBASSY LONDON
AMEMBASSY PARIS
AMEMBASSY SANTIAGO
AMEMBASSY SAN SALVADOR
AMEMBASSY ISLAMABAD
AMEMBASSY ADDIS ABABA
AMEMBASSY SOFIA
AMEMBASSY MANAGUA
AMEMBASSY ASUNCION
AMEMBASSY PRETORIA
USMISSION GENEVA
USMISSION USUN NEW YORK

~~C O N F I D E N T I A L~~ SECTION 02 OF 05 THE HAGUE 07201

REPLIED THAT THE US WOULD NOT DISCONNECT ITS CHILE POLICY FROM OUR VOTING IN INTERNATIONAL LENDING INSTITUTIONS. HE NOTED, HOWEVER, THAT THE US WOULD HAVE DIFFICULTY SUPPORTING LOANS TO CHILE AT THIS TIME.

7. THE DUTCH ALSO ASKED FOR US REACTION TO AN AMNESTY INTERNATIONAL REPORT ON CHILE ALLEGING RECENT INSTANCES OF DISAPPEARANCES AND TORTURE. SCHIFTER NOTED THAT WE HAD RAISED THE ISSUE OF
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~~CONFIDENTIAL~~

PAGE 02 THE HA 07201 02 OF 05 191433Z

TORTURE AND MISTREATMENT OF PRISONERS DIRECTLY TO THE GOC. THE CHILEAN GOVERNMENT HAD CREATED ITS OWN HUMAN RIGHTS COMMISSION BUT THIS WAS STILL AN

UNKNOWN QUANTITY. THE DUTCH ACKNOWLEDGED THAT THE UN RAPPORTEUR FOR CHILE HAD SAID NO AGGRIEVED FAMILY MEMBER HAD EVER COME TO HIM WITH ALLEGATIONS OF DISAPPEARANCES. SCHIFTER SAID HE WOULD CAREFULLY REVIEW THE NEW AMNESTY INTERNATIONAL REPORT.

8. IN THE MEETING WITH PARLIAMENTARIANS, THE MP'S GENERALLY AGREED THE US WAS MOVING IN THE RIGHT DIRECTION ON CHILE. LABOR PARTY (PVDA) MP EVELINE HERFKENS URGED THE US TO MAINTAIN GOOD RELATIONS WITH MODERATE CHILEAN SOCIAL DEMOCRATS. AMB. SCHIFTER ASSURED HER THE US ALREADY HAD EXCELLENT CONTACTS WITH THE SOCIAL DEMOCRATS. HERFKENS CONCURRED WITH AMB. SCHIFTER'S POINT THAT IT IS IMPORTANT THE DEMOCRATIC ALLIANCE IN CHILE AVOID TACTICAL ALLIANCES WITH THE COMMUNISTS.

GUATEMALA

[redacted]

Pages 93, 94, 95 and 96, 97, 98, 99 and 100 have been eliminated because they are entirely irrelevant.

DECLASSIFIED

23. AMB. SCHIFTER DID NOT CLEAR THIS MESSAGE PRIOR TO HIS DEPARTURE. HEIMANN

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UNCLASSIFIED
Chile Project (#S199900030)
U.S. Department of State
Release ✓ Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____

9-21-81

R

September 21, 1986.

WC 096

His Excellency
Mr. Ronald Reagan
President of the
United States of America
Washington, D.C.
U. S. A.

Mr. President:

Ten years ago, on September 21, 1976 my father, Orlando Letelier del Solar, former Ambassador and Minister for Foreign Affairs of Chile, was murdered in the heart of the nation's capital, in the most notorious act of international State terrorism ever known in the history of the United States of America. Ronni Karpen Moffit, an American citizen of a mere 25 years of age, also perished as a result of the car bombing that rainy Tuesday morning on Embassy Row.

I am the youngest of his four sons. Also I am an American citizen, born and raised in the city where my father Orlando Letelier and Ronni Karpen Moffit lost their lives. As such, I was educated according to the values and principles of Justice and Liberty proclaimed by the Founding Fathers of America. It is due to my commitment with these ideals and my conviction that they must be defended if humanity is to advance toward a better world that I have decided to submit this letter for your consideration.

According to the investigation pursued by the Federal Bureau of Investigation (F.B.I.) and the U.S. Justice Department the assassins of Orlando Letelier and Ronni Karpen Moffit were agents of D.I.N.A., the political police of General Augusto Pinochet's regime, who hired Cuban nationalists to aid them in their terrorist mission. In the trial held in Washington D.C. the persons involved in the crime were identified and it was proved that the orders leading to these brutal killings were given by General Manuel Contreras, head of D.I.N.A., a subordinate and trustworthy person of General Pinochet. In a civil suit presented in a New York court the Government of the Republic of Chile and at least three members of the Chilean armed forces were found guilty of these murders. Neither of these legal suits can be considered closed since Justice has not yet been done.

There are two lines of action still pending in the United States with respect to these crimes: on one hand, the extradition to the U.S. of three members of the Chilean armed forces for trial; on the other, the materialization of the judgment dictated by a New York court against those held responsible for these deaths.

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Presently the people of Chile are engaged in the difficult and painful struggle of recuperating democracy for this country. When the goals of justice and liberty are reached there is no doubt that the absolute clarification and doing of Justice in the case of the assassination of Orlando Letelier in Washington D.C. shall be of the utmost priority. The American people can be certain that the Chilean people as a whole will contribute actively in the conclusion of the task initiated ten years ago by the U.S. judicial system in the Letelier-Moffit case. We shall discover the whole truth and Justice will be done in this land.

Until that day, no one, neither in Chile nor in the United States, can betray their moral and political obligation to continue the investigations and actions which logically and legally result from the previous findings contained in the sentences dictated by the North American courts in the case of the murder of my father and of Ronni Karpen Moffit.

The relatives and friends of Orlando Letelier, on the tenth anniversary of his assassination, have decided to initiate new efforts in Chile so that all the truth be kown and that all those responsible for this horrendous crime be indicated and taken before the courts of Justice. The lines of action contemplate the reactivation of the legal suit pending in the Chilean courts; the recuperation of his Chilean nationality which was cowardly stripped away by the government eleven days before his murder and finally the repatriation of his remains, presently buried in Venezuela.

The complete clarification of this act of international State terrorism and the application of Justice is without a doubt a common concern of the people of Chile and the United States. This results from their common commitment to the superior values of Justice and Liberty.

In the belief that the Government of the United States is seriously committed to the struggle against international terrorism as well as to the democratic cause of the Chilean people, may I ask you, as President of the United States, to help my family and me in our efforts so that Justice be done, by interceding in this case - according to the rightful interest of the American people - so that the legal actions pending in the U.S. courts be executed, not allowing any obstacle, no matter how high nor how big, hinder the conquering of this deeply needed goal.

Thanking you in advance I remain,

Sincerely yours

Juan P. Letelier

JUAN PABLO LETELIER

UNCLASSIFIED

Chile Project (#S199900030)
U.S. Department of State
Release_____ Excise_X_ Deny_____
Declassify: In Part_____ In Full_____
Exemption(s) b6

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RECEIVED
1986
CONG. JUDD GREGG
Wash. Office

KC131A

Sept. 22, 1986

The Honorable Judd Gregg
Congress of the United States
House of Representatives
Washington, DC 20515

EXCISE

Dear Representative Gregg:

I am writing you to express my grave concern about the escalation of human rights violations in Chile, and to ask your support in bringing a halt to these abuses.

I am aware that you are familiar with Amnesty International's Chile Briefing and Appeals cases on behalf of several victims of political killings in which the security forces have been implicated. I respectfully ask you to contact the Chilean Ambassador to the United States to express concern regarding the involvement of security forces in political killings, to call for prompt and complete investigations into each appeal case, and to urge that law enforcement officials responsible for these crimes be brought to justice immediately.

I am also very concerned that the State of Siege declared following the assassination attempt on General Pinochet is allowing for further serious abuse of human rights. While acknowledging the lawful function of the state to take steps to enforce the law and to prevent violence, I am nonetheless convinced that emergency measures should never violate fundamental human rights as has been the case in Chile. I therefore also request that in your contact with the Ambassador, you express concern about human rights violations under the emergency measures.

I take the liberty of further asking that you contact the State Department to urge them to offer protection and support to human rights workers in Chile who may be at risk.

In appreciation for all efforts you undertake to stop human rights violations in Chile, I am

Respectfully yours,

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UNCLASSIFIED

EXCISE

KL1183A

Legal Services For Indian People

NATIVE AMERICAN CENTER, INC.

Legal Program
2900 S. Harvey
Oklahoma City, Oklahoma 73109-6730
Area Code 405 232-2512

Chile Project (#S199900030)
U.S. Department of State
Release_____ Excise X Deny_____
Declassify: In Part_____ In Full_____
Exemption(s) B6

September 22, 1986

Hon. Glenn English
House of Representatives
Washington, D.C. 20515

PRESIDENT
MILLIE GIAGO

BOARD OF DIRECTORS
BOBBY BIGHORSE
Chairman of the Board
VERLE PARTON
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FRANK TINKER
GEORGE POOLAW

STAFF
DOUG PARR
TOBY ROBLES
ALBERT GHEZZI
BARRY BENEFIELD
DENA FANNING

Dear Mr. English:

I am writing out of concern for the United States votes on aid to Chile in multilateral banks. The World Bank will consider a $250 million structural adjustment loan in November, and it is uncertain what position the Reagan administration will take.

United States law mandates that the Administration oppose loans of this type to countries with a pattern of gross violations of internationally recognized human rights. See section 701 of the International Financial Institutions Act. The present regime in Chile is universally acknowledged to have a terrible human rights record. Tens of thousands of Chileans have been executed over the last 13 years for their political beliefs, while still greater numbers have suffered detention, torture and exile. The situation has deteriorated in the current year, with at least 28 deaths at the hands of security forces (including the burning of U.S. resident Rodrigo Rojas,) the closing of all opposition news media and widespread arrests under the recently imposed state of siege.

In spite of the legal requirements, the current Administration has voted in favor of $2.2 billion in loans to Chile and has never voted against a loan to protest human rights violations. In order to rectify this situation, I urge you to cosponsor the bill introduced by Representative Michael Barnes (H.R. 5155) which would require that U.S. representatives vote against all future assistance to Chile other than basic human needs programs. I also request you to write to Secretary of State George Schultz and urge the Administration to vote against the up-coming loan in the World Bank. I would appreciate a copy of your letter and thank you for your concern.

Very truly yours,

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I 1 0054
9/22/86

Title Project (#S199900030)
U.S. Department of State
Release X Excise Deny
Declassify: In Part In Full X
Exemption(s)

PAGE 01 SANTIA 06322 222103Z
ACTION SS-00

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INFO AMEMBASSY THE HAGUE PRIORITY

S E C R E T SANTIAGO 06322

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DECAPTIONED

EXDIS

E. O. 12356: DECL:OADR
TAGS: PREL, PHUM, EFIN, NL, CI
SUBJ: VIOLATION OF IMMUNITY OF DUTCH EMBASSY IN SANTIAGO

REF: (A) THE HAGUE 7220 (B) ARA/SC - KEANE TELCON 9/22/86

1. SECRET ENTIRE TEXT.

2. WE ARE REPEATING SANTIAGO 6055 AND OTHER RECENT CABLES OF POSSIBLE INTEREST TO THE HAGUE. AS REPORTED REF B, CHARGE ATTENDED MEETING OF DIPLOMATIC CORPS AT WHICH DUTCH CHARGE AQUARONE DESCRIBED IN DETAIL THE SEPTEMBER 8 INCIDENT AT THE DUTCH EMBASSY AND ASKED THAT THE NUNCIO, SPEAKING ON BEHALF OF THE CORPS, DELIVER A NOTE OF PROTEST TO THE CHILEAN FONMIN AND REQUEST AN APOLOGY TO THE CORPS, IN ADDITION TO THE APOLOGY ALREADY GIVEN TO THE DUTCH. CORPS VOTED UNANIMOUSLY TO GRANT THESE REQUESTS. AFTERWARDS, CHARGE CONGRATULATED AQUARONE ON THE CLARITY AND FORTHRIGHTNESS OF HIS PRESENTATION. NEITHER THEN NOR AT ANY OTHER TIME HAS DUTCH EMBASSY HERE REQUESTED ANY SEPARATE ACTION BY U.S. EMBASSY, ALTHOUGH WE HAVE BEEN IN TOUCH WITH THEM

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PAGE 02 SANTIA 06322 222103Z

FREQUENTLY DURING THE LAST THREE WEEKS.

3. AT TE DEUM IN SANTIAGO CATHEDRAL SEPTEMBER 18,

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CHARGE ASKED AQUARONE WHETHER NUNCIO'S NOTE HAD BEEN DELIVERED. HE REPLIED IN SOME IRRITATION THAT IT HAD NOT YET EVEN BEEN DRAFTED; DRAFTING COMMITTEE (BRITISH, PARAGUAYAN, SYRIAN, AND BRAZILIAN AMBASSADORS AND THE NUNCIO) WILL PRESUMABLY NOT MEET UNTIL SEPTEMBER 22. FOREIGN MINISTER DEL VALLE LEAVES FOR UNGA EVENING OF SEPTEMBER 23.

-

4. IN SHORT, WE HAVE BEEN IN CLOSE TOUCH WITH DUTCH EMBASSY AND WILL REMAIN SO. WE WILL ALSO CALL NUNCIO AND URGE PROMPT DELIVERY OF HIS NOTE. WE ARE RELUCTANT, HOWEVER TO ADD TO OUR ALREADY TENSE AND COMPLEX BILATERAL RELATIONS WITH CHILE BY ADOPTING THE CAUSE OF THE FOUR COMMUNIST STUDENTS WHOSE MOTIVATIONS IN CLIMBING THE WALL INTO THE DUTCH EMBASSY WERE AT BEST OBSCURE. WE WOULD BE MUCH MORE COMFORTABLE EXPRESSING OUR CONCERN OVER THE IMMUNITY QUESTION, BUT WOULD NEED DEPARTMENT CONFIRMATION THAT IT SHARES DUTCH VIEW OF VIENNA CONVENTION ARTICLES 19 AND 22. JONES

SECRET

<< END OF DOCUMENT >>

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EXCISE

Chile Project (#S199900030)
U.S. Department of State
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Declassify: In Part_____ In Full___
Exemption(s)_____B6_____

KL1324

September 22, 1986

Hon. Frank McCloskey
House of Representatives
Washington, D.C. 20515

Dear Mr. McCloskey:

I am writing out of concern for the United States votes on aid to Chile in multilateral banks. The World Bank will consider a $250 million structural adjustment loan in November, and it is uncertain what position the Reagan administration will take.

United States law mandates that the Administration oppose loans of this type to countries with a pattern of gross violations of internationally recognized human rights. See section 701 of the International Financial Institutions Act. The present regime in Chile is universally acknowledged to have a terrible human rights record. Tens of thousands of Chileans have been executed over the last 13 years for their political beliefs, while still greater numbers have suffered detention, torture and exile. The situation has deteriorated in the current year, with at least 28 deaths at the hands of security forces (including the burning of U.S. resident Rodrigo Rojas,) the closing of all opposition news media and widespread arrests under the recently imposed state of siege.

In spite of the legal requirements, the current Administration has voted in favor of $2.2 billion in loans to Chile and has never voted against a loan to protest human rights violations. In order to rectify this situation, I urge you to cosponsor the bill introduced by Representative Michael Barnes (H.R. 5195) which would require that U.S. representatives vote against all future assistance to Chile other than basic human needs programs. I also request you to write to Secretary of State George Schultz and urge the Administration to vote against the up-coming loan in the World Bank. I would appreciate a copy of your letter and thank you for your concern.

Very truly yours,

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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

United States Department of State

Washington, D.C. 20520

September 22, 1986

EA/ARA
NG 126 i.

TO: ARA - Mr. Abrams

FROM: ARA/SC - Ludlow Flower, III

SUBJECT: CHILE: Next Steps on MDB Vote Strategy

Although he raised the MDB vote issue with Baker, the Secretary did not check off a box in the action memo we sent asking for his approval of the postponement strategy. However, the Secretary's agreement to raise the issue with Baker seems to represent approval of the overall strategy. We have tried to learn whether Baker in fact has raised the Chile loan issue with Conable, but have no answer from Treasury to date.

The replies to our telegram on the MDB loan vote issue so far generally have followed anticipated lines. (About a third of the embassies which we asked to approach governments have reported; Bonn, Rome and Mexico are the only important ones remaining to be heard from.) As we suspected, there is no groundswell of support for opposition to Chile loans, although the idea of postponement, which the French suggested to us, might attract greater support, if pursued. We propose sending out a second cable early this week requesting third country approaches to the GOC in support of postponement. The Bank/Fund meetings next week provide a good opportunity to ask third countries to weigh in.

Before others do, however, we believe it is important that we approach the GOC directly, first here and then later in Santiago. An ideal time to make our pitch would be your lunch with Errazuriz this Wednesday. This would set up next week nicely for the Secretary to reinforce the message with Del Valle, and for Wallis and Darmon to do so separately with Finance Minister Buchi. (We are sending you a separate memo on your meeting with Errazuriz including specific points to make.)

RECOMMENDATIONS

1) That in your meeting with Errazuriz, you ask that GOC postpone consideration of the loans and suggest specific steps to be taken to enable us to resume support for MDB loans.

GA

_____ Agree _____ Disagree

2) That you authorize us to seek Department and Treasury clearance for the attached draft telegram seeking third country support for the postponement strategy.

GA

_____ Agree _____ Disagree

Drafted: JSwigert
7362B

Clearance: ARA:PTaylor
ARA/ECP:PWhitney

Attachment: Draft telegram

[redacted]
(DECL:OADR)

OCT 14 1986 Bufcm P860145-0835

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United States Department of State
Washington, D. C. 20520

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BRIEFING MEMORANDUM
SECRET S/S 9/27

REVISED

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

TO: The Secretary

FROM: ARA - James H. Michel, Acting

SUBJECT: Your Meeting with Chilean Foreign Minister Jaime Del Valle, Monday, Sept. 29, 11:00 -11:30 a.m.

I. DOUBTS ABOUT COMMITMENT TO DEMOCRATIC TRANSITION

- Apparently intent on remaining in office beyond 1989, Pinochet was strengthened by the assassination attempt, which set back already slim hopes for meaningful dialogue with democratic opposition

- Prolonged restrictions on civil liberties and snail's pace in approving laws related to transition have reinforced belief of democratic opposition that Pinochet does not intend to permit change of government in 1989

- Del Valle complains that U.S. public criticisms complicate efforts to persuade Pinochet to allow reforms; virulent attacks in GOC press on Amb. Barnes this summer made atmosphere even tenser

- Points to Make:

  -- We are concerned about absence of meaningful progress on implementing a democratic transition

  -- Your government says it is committed to a transition but your actions are inconsistent--even counterproductive--to putting in place an effective transition

  -- How is it possible to prepare the country for a return to democracy when you maintain severe limitations on freedoms of expression and speech?

  -- We welcome reopening of electoral registers next year but more than laws are needed to prepare for eventual move to civilian rule

  -- Failure to take prompt, effective

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(DECL: OADR) E.O. 12356

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measures--legalizing non-communist, democratic political parties, restoring freedoms of assembly and press--increases polarization, strengthening communists

-- Now is time to isolate communists and strengthen center, by reaching out to the centrist parties of the democratic opposition in the National Accord, which have just provided important guarantees on issue of private property

-- Only through meaningful dialogue can you test their positions on other key issues

-- Time is running out to build stable foundation for democracy that protects both Chilean and U.S. interests

-- Ambassador Barnes has full confidence of President Reagan and he; attacks on him set back development of our relations

II. MULTILATERAL DEVELOPMENT BANK LOANS

o First Chile loan could come up for vote mid-October in the IFC; SAL expected for Oct/Nov in IBRD

o GOC is aware that we would have to abstain or vote no if votes were to take place today

o Points to Make:

-- Have no desire to harm your economic recovery; support your positive, free market economy as a model for others

-- Must take account of US legislation; face intense congressional pressures on issue of MDB loan votes as well as for other punitive measures which we oppose

-- Strongly suggest that you postpone the loans until steps can be taken on transition and human rights situation that will enable us to help you

-- Don't box us in a corner: we will not be put in position of pursuing sterile approach on MDB loan votes for Chile of last Administration

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III. COMMUNIST-SPONSORED TERRORISM

- o President Reagan sent message regretting Sept. 7 terrorist attack against Pinochet
- o U.S. experts who examined huge quantity of Communist terrorist weapons found in August believe Cuba involved in arms traffic to Chile
- o Points to make:
  - -- President's message expressed the repugnance of all Americans for this attack and for all other acts of terrorism
  - -- Pleased we could send experts to assist in tracing Communist arms delivered with help of Cuba, and are considering now how to publicize findings when report is done
  - -- Our ability to do more on this issue affected by lack of progress on transition and human rights problems

IV. HUMAN RIGHTS

- o Pinochet has used state of siege to close opposition press and round up opponents--mainly Communists, but also non-violent left
- o Despite curfew and other controls right-wing death squads operating freely
- o State of siege followed other human rights setbacks this year, most visibly the Rojas burning, under investigation by military courts
- o Points to Make:
  - -- Welcome establishment of human rights advisory board, but concerned by serious setbacks in human rights over past year
  - -- Support bringing terrorists to justice but object to use of state of siege powers to stifle dissent; cannot understand failure to curb right-wing terrorists
  - -- Visible due process on Rojas case very important

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V. UN ISSUES: HUMAN RIGHTS, UN REFORM, PUERTO RICO/NAMIBIA

- We almost certainly will sponsor an updated Chile resolution at the UNGA, and have told the GOC we are likely to do so to preempt another harsh, unbalanced Mexican/Cuban resolution, as was adopted last year

- Full agreement within G-18 on all reform recommendations in G-18 report, except for key subject of budget decision-making project, in which African G-18 members have not concurred

- Chile very helpful on Puerto Rico and Namibia resolutions

- Points to Make:

-- No final decision on sponsoring a Chile resolution in UNGA; want to work with you to seek passage of a balanced and constructive text

-- Important to continue positive relationship with UN Rapporteur Fernando Volio

-- UN at critical juncture, without major reforms it risks losing vital support; G-18 report provides historic opportunity for reform

-- GA approval of G-18 recommendations to establish a budget decision-making process based on consensus is critical to US support for UN reform and to restored UN funding by US Congress

-- Appreciate your support on Puerto Rico and Namibia

Attachment:

1. Setting and list of participants
2. Scenario

JWS

Drafted:ARA/SC:JSwigert Cleared: ARA:PTaylor
9/25/86 x72575 0266t ARA/SC:LFlower
P:WWood
HA/HR:RRackmales
IO/UNP:LAroina
IO/WH:BZweiben
EB/ODF:JHeg

JWS

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SETTING

Rumors have circulated several times over the last year about Del Valle's imminent replacement by a Pinochet hard-liner. His influence with Pinochet is minimal. Del Valle earned Pinochet's displeasure by convincing him to allow UNHRC rapporteur Volio to visit Chile last year, a decision which Pinochet blames as paving the way for the US resolution last March in Geneva.

Del Valle was surprised when he learned he would meet with you, instead of Under Secretary Armacost. At his Sept. 1984 meeting with Armacost, Del Valle promised to resign if a political parties law were not approved before the end of that year. Armacost discreetly did not mention the pledge last year.

PARTICIPANTS

US	CHILE
The Secretary	Foreign Minister Jaime Del Valle
ARA AS Elliott Abrams	Amb. to the US Hernan Errazuriz
ARA DAS Robert Gelbard	Amb. Gaston Illanes
ARA/SC Dir. Ludlow Flower (Notetaker)	(Director General, Chilean MFA)
Stephanie Van Riegersburg (Interpreter)	

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CHILE - ECONOMY AT A GLANCE

o Chile has achieved upper middle-income status with sound economic policies, but future growth and development prospects are clouded by political uncertainty regarding how Pinochet exits from power.

-- Chile produces and exports more copper than any other country in the world. Copper accounted for nearly half of Chile's export earnings in 1985 and provided a substantial share of fiscal revenues.

-- Chile is making progress toward diversifying exports: grapes have overtaken copper in the US market. Access to GSP helps make the United States Chile's second most important export market.

-- Chile is the fifth largest debtor in Latin America with nearly $20 billion in external debt, an amount that exceeds Chile's entire gross domestic product. Debt service obligations take up more than half of export earnings.

o The GOC has taken a responsible and innovative approach to debt management. Chile has an excellent record of compliance with its IMF agreements.

-- In 1985, the GOC pulled together a complex financial package which combined a three-year extended fund facility for the International Monetary Fund, structural adjustment loans from the World Bank and a co-financing arrangement with commercial banks.

-- Chile has led other debtors in creative approaches to debt-related problems. For example, $370 million has been converted from debt to equity under central bank foreign exchange regulations.

-- However, investment continues to stagnate. According to the Chilean Investment Commission, US investment in Chile amounted to $1.232 billion at end-1985.

o Chile is doing better than projected thus far in 1986.

-- The trade surplus is expected to surpass $1 billion and economic growth to reach 3-5 percent. Inflation and unemployment are also down.

-- Chile's balance of payments situation has benefitted from slightly higher international copper prices, lower oil prices and lower interest rates.

-- However, loans coming up for votes this fall in the multilateral development banks are crucial to Chile's continued progress.

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ECONOMIC DATA CHART - CHILE Revised 4/88

WangPC/cidata

	1982	1983	1984	1985	1986 est
ECONOMIC INDICATORS:					
1a. Population (mid-year, million)	11.4	11.6	11.7	11.9	12.1
1b. Official Unemployment Rate (percent)	19.6	14.6	14.0	11.9	n/a
1c. Gross Domestic Product ($ billion) (1)	24.3	19.8	19.2	16.0	16.3
1d. GDP Per Capita ($)	2132	1707	1641	1350	1347
1e. Investment/GDP Ratio (percent)	11.3	9.8	13.6	13.7	15.7
1f. Real GDP (percent change)	-14.1	-0.7	6.3	2.4	4.5
1g. Real GDP Per Capita (percent change)	-15.1	-2.6	4.6	0.8	n/a
1h. Inflation Rate (percent)	20.7	2?.1	23.0	26.5	18.0
FISCAL INDICATORS:					
2a. General Gov't Revenues as percent of GDP	31.9	29.7	29.7	33.3	26.8
2b. General Gov't Expenditures as pct of GDP	34.2	32.7	33.9	29.5	26.3
2c. Overall Balance as percent of GDP	-2.3	-3.0	-4.2	-2.6	-2.2
BALANCE OF PAYMENTS:					
3a. Exports to US ($ billion)	0.8	1.1	1.0	1.0	1.0
3b. Imports from US ($ billion)	0.9	0.7	0.8	0.7	0.8
3c. Total Exports ($ billion)	3.7	3.8	3.7	3.7	4.0
3d. Total Imports ($ billion)	3.6	2.8	3.4	2.9	3.1
3e. Merchandise Trade Balance ($ billion)	0.1	1.0	0.3	0.8	0.9
3f. Current Account Balance ($ billion)	-2.3	-1.1	-2.1	-1.3	-1.2
EXTERNAL DEBT					
4a. Gross External Debt ($ billion)	17.0	17.1	18.5	19.1	19.5
4b. Gross External Debt per capita ($)	1491	1474	1581	1605	1653
4c. Debt Service Paid ($ billion) (2)	3.5	2.4	2.6	2.6	2.8
4d. Debt Service as percent of exports	76.3	52.7	58.8	57.1	52.9
4e. Gross Debt as percent of GDP (3)	69.6	86.7	95.9	118.5	116.7
US BILATERAL AID, by Fiscal Year					
5a. Economic assistance ($ million) (4)	0.0	0.0	0.0	1.0	0.0
5b. Military assistance ($ million)	0.0	0.0	0.0	0.0	0.0

(1) GDP data are derived and subject to distortion because of exchange rate fluctuations.
(2) After rescheduling
(3) GDP in current Chilean pesos converted to US dollars.
(4) Disaster Relief.

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1.

...LATERAL WITH CHILEAN FOREIGN MINISTER DEL VALLE

Democratic Transition

--Want to talk to you about lack of meaningful progress on transition

--You say you are committed to democracy but your actions are counterproductive--to achieving this goal

--How is it possible to prepare the country for a return to democracy when you retain all severe limitations on freedoms of expression and speech?

--We welcome reopening of electoral registers next year but more than law are needed to prepare for eventual move to civilian rule; failure to take prompt, effective measures--such as legalizing non-communist, democratic political parties, restoring freedoms of assembly and press--only increases polarization, strengthening communists

--Now is time to isolate communists and strengthen center, and reach out to the centrist parties in the National Accord, which have just provided important guarantees on issue of private property; through dialogue can yield test of their positions on other key issues

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UNOFFICIAL/UNOFFICIAL WITH CHILEAN FOREIGN MINISTER DEL VALLE

--Time is running out to build stable foundation for democracy that protects both Chilean and U.S. interests

--Ambassador Barnes has full confidence of President Reagan and me; attacks on him set back development of our relations

MDB Loan Votes

--Have no desire to harm your economic recovery; support your positive, free market economy as a model for others

--Must take account of US legislation; face intense congressional pressures on issue of MDB loan votes as well as for other punitive measures which we oppose

--Strongly suggest that you postpone the loans until steps can be taken on transition and human rights situation that will enable us to help you

--Don't box us in a corner: we will not be put in position of pursuing sterile approach on MDB loan votes for Chile of last Administration

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[illegible] CHILEAN FOREIGN MINISTER DEL VALLE

[illegible] share the repugnance of all Americans for this [illegible] acts of terrorism

[illegible] agreed to assist in tracing Communist arms [illegible] Cuba, and are considering now how to publicize [illegible] case

[illegible] are on this issue affected by lack of progress on [illegible] migrant problems

[illegible] of human rights advisory board, but concerned re/ [illegible] human rights over past year

[illegible] prior link to justice but object to use of state of [illegible] emergency; cannot understand failure to curb [illegible]

[illegible] Letelier case very important

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UNGA BILATERAL WITH CHILEAN FOREIGN MINISTER DEL VALLE

UN Issues: U.S. Resolution on Chilean Human Rights Situation

--We have made no final decision on sponsoring a Chile resolution in UNGA but may introduce a U.S. text to preempt a strident, unbalanced Mexican/Cuban draft as approved last year

--We will want to work with you to seek passage of a balanced and constructive text

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Bilateral With Chilean Foreign Minister 9/29/66

ARMS CACHES IN CHILE

--Chile's OAS Representative made presentation to OAS Permanent Council August 27 on this subject.

--Further finds have developed including inspection by foreign experts. Quantities found would equip 5,000 person unit. Weapons include some 3400 M-16s and heavier hand-held weapons such as 1563 RPG-7s. Chile believes it has found half of weapons.

--Chile should make longer, detailed report to OAS. We suggest video tape covering weapons, where they were found and what is known about origin and delivery method.

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YOUR BILATERAL WITH THE CHILEAN FOREIGN MINISTER

GRB

September 29

10:57 a.m.	Foreign Minister Del Valle and party arrive at the 37th floor of the UN Plaza. A protocol representative meets them and escorts them to the bilateral holding room.
11:00 a.m.	Foreign Minister Del Valle is escorted to the bilateral suite for a photo op. After photographers leave, the rest of the party is escorted to the bilateral suite.
11:00 a.m.	Bilateral begins.
11:30 a.m.	Bilateral concludes. Del Valle and party are escorted out by a protocol representative.

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Chile Project (#S199900030)
U.S. Department of State
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Declassify: In Part ____ In Full X
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PAGE 01 MADRID 10919 251624Z
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	LAB-04	TRSE-00	EAP-00	ITC-01	OPIC-07	CEA-01	OMB-01
	STR-17	SIL-01	FRB-03	JUS-01	USIE-00	SP-02	SNP-01

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AMEMBASSY COPENHAGEN
AMEMBASSY LISBON
AMEMBASSY STOCKHOLM
AMEMBASSY OSLO
AMEMBASSY HELSINKI
AMEMBASSY VIENNA
AMEMBASSY DUBLIN
AMEMBASSY BUENOS AIRES
AMEMBASSY BOGOTA
AMEMBASSY BRASILIA
AMEMBASSY CARACAS
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USMISSION USNATO
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PAGE 02 MADRID 10919 251624Z

C O N F I D E N T I A L MADRID 10919

E.O. 12356: DECL: OADR
TAGS: PREL, EFIN, PHUM, PGOV, CI, SP
SUBJECT: CHILE: SPANISH SHARE U.S. ASSESSMENT BUT WILL
- FOLLOW EC LEAD

REF: STATE 291496

1. (C - ENTIRE TEXT)

2. EMBOFF DISCUSSED THE CHILEAN SITUATION WITH MFA DESK OFFICER MERCEDES RUIZ MDLERO. ACCORDING TO HER THE SPANISH GENERALLY AGREE WITH OUR ASSESSMENT AS OUTLINED IN REFTEL. RUIZ MOLERO INDICATED THAT SPANISH INTENTIONS TOWARD THE MDB LOANS ARE NOT YET CLEAR. SHE SAID THAT ANY SPANISH ACTION WILL BE TAKEN WITHIN THE EC, WHERE SHE EXPECTS AGREEMENT TO BE DIFFICULT BECAUSE OF PROBABLE UK OPPOSITION. SHE ALSO INDICATED THAT THE FINANCE MINISTRY WOULD HAVE A LEAD ROLE ON THIS ISSUE. ECON COUNSELOR WILL CONTACT MINISTRY OFFICIALS AND REPORT VIA SEPTEL.

3. BECAUSE OF THE OBVIOUS HISTORIC CONNECTIONS SPANISH-CHILEAN RELATIONS HAVE A DOMESTIC CONTENT HERE. RUIZ MOLERO, FOR EXAMPLE, DESCRIBED CHILEAN SOCIALIST LEADER RICARDO LAGOS AS A PERSONAL FRIEND OF PRESIDENT FELIPE GONZALEZ AND SAID LAGOS' ARREST IS A MATTER OF GRAVE CONCERN. SHE ALSO POINTED OUT THAT SPAIN HAS IMPORTANT COMMERCIAL RELATIONS WITH CHILE AND THAT THERE WOULD BE EXTREME PRESSURE FROM SPANISH BUSINESSMEN OPPOSED TO ANY ACTION THAT WOULD HURT CHILE
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 MADRID 10919 251624Z

ECONOMICALLY. BASORA

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RICHARD G. LUGAR, INDIANA, CHAIRMAN
JESSE HELMS, NORTH CAROLINA
CHARLES MCC. MATHIAS, JR., MARYLAND
NANCY L. KASSEBAUM, KANSAS
RUDY BOSCHWITZ, MINNESOTA
LARRY PRESSLER, SOUTH DAKOTA
FRANK H. MURKOWSKI, ALASKA
PAUL S. TRIBLE, JR., VIRGINIA
DANIEL J. EVANS, WASHINGTON
CLAIBORNE PELL, RHODE ISLAND
JOSEPH R. BIDEN, JR., DELAWARE
PAUL S. SARBANES, MARYLAND
EDWARD ZORINSKY, NEBRASKA
ALAN CRANSTON, CALIFORNIA
CHRISTOPHER J. DODD, CONNECTICUT
THOMAS F. EAGLETON, MISSOURI
JOHN F. KERRY, MASSACHUSETTS

United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, DC 20510

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Chile Project (#S199900030)
U.S. Department of State
Release____ Excise X Deny____
Declassify; In Part____ In Full September 25, 1986
Exemption(s) B-6

ACTION
Is assigned to
ARA

EXCISE

The Honorable J. Edward Fox
Assistant Secretary for Legislative
and Intergovernmental Affairs
Department of State
Washington, D. C. 20520

Dear Mr. Fox:

Attached is an inquiry which we have received concerning some American missionaries in Chile and one Mexican lay co-worker which is worthy of your attention.

I would appreciate knowing as soon as possible what we have done or plan to do about this situation. Please direct your inquiry to the attention of Mark Falcoff in my Washington office.

Sincerely yours,

Richard G. Lugar
Chairman

1986 OCT 7 AM 10:25
RGL/mft OUT

1986 OCT -7 AM 10:23
FAIR/IAP/WI

RECEIVED BY DEPARTMENT OF STATE

RE: Request information on the status of three missionary workers Terence Cambias, Thomas Henehan and Jose Luis Aguilar who where arrested in Chile and threatened with expulsion

and others

FR: [redacted]

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Chile Project (#S199900030)
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Exemption(s) ____

United States Department of State

Washington, D. C. 20520

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BRIEFING MEMORANDUM

UNCLASSIFIED

SECRET S/S REVISED

TO: The Secretary

FROM: ARA - James H. Michel, Acting

SUBJECT: Your Meeting with Chilean Foreign Minister Jaime Del Valle, Monday, Sept. 29, 11:00 -11:30 a.m.

I. DOUBTS ABOUT COMMITMENT TO DEMOCRATIC TRANSITION

- Apparently intent on remaining in office beyond 1989, Pinochet was strengthened by the assassination attempt, which set back already slim hopes for meaningful dialogue with democratic opposition

- Prolonged restrictions on civil liberties and snail's pace in approving laws related to transition have reinforced belief of democratic opposition that Pinochet does not intend to permit change of government in 1989

- Del Valle complains that U.S. public criticisms complicate efforts to persuade Pinochet to allow reforms; virulent attacks in GOC press on Amb. Barnes this summer made atmosphere even tenser

- Points to Make:

  -- We are concerned about absence of meaningful progress on implementing a democratic transition

  -- Your government says it is committed to a transition but your actions are inconsistent--even counterproductive--to putting in place an effective transition

  -- How is it possible to prepare the country for a return to democracy when you maintain severe limitations on freedoms of expression and speech?

  -- We welcome reopening of electoral registers next year but more than laws are needed to prepare for eventual move to civilian rule

  -- Failure to take prompt, effective

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Access # 19-96008
Box 6 of 8

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measures--legalizing non-communist, democratic political parties, restoring freedoms of assembly and press--increases polarization, strengthening communists

-- Now is time to isolate communists and strengthen center, by reaching out to the centrist parties of the democratic opposition in the National Accord, which have just provided important guarantees on issue of private property

-- Only through meaningful dialogue can you test their positions on other key issues

-- Time is running out to build stable foundation for democracy that protects both Chilean and U.S. interests

-- Ambassador Barnes has full confidence of President Reagan and me; attacks on him set back development of our relations

II. MULTILATERAL DEVELOPMENT BANK LOANS

o First Chile loan could come up for vote mid-October in the IFC; SAL expected for Oct/Nov in IBRD

o GOC is aware that we would have to abstain or vote no if votes were to take place today

o Points to Make:

-- Have no desire to harm your economic recovery; support your positive, free market economy as a model for others

-- Must take account of US legislation; face intense congressional pressures on issue of MDB loan votes as well as for other punitive measures which we oppose

-- Strongly suggest that you postpone the loans until steps can be taken on transition and human rights situation that will enable us to help you

-- Don't box us in a corner: we will not be put in position of pursuing sterile approach on MDB loan votes for Chile of last Administration

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III. COMMUNIST-SPONSORED TERRORISM

- o President Reagan sent message regretting Sept. 7 terrorist attack against Pinochet
- o U.S. experts who examined huge quantity of Communist terrorist weapons found in August believe Cuba involved in arms traffic to Chile
- o Points to make:
  - -- President's message expressed the repugnance of all Americans for this attack and for all other acts of terrorism
  - -- Pleased we could send experts to assist in tracing Communist arms delivered with help of Cuba, and are considering now how to publicize findings when report is done
  - -- Our ability to do more on this issue affected by lack of progess on transition and human rights problems

IV. HUMAN RIGHTS

- o Pinochet has used state of siege to close opposition press and round up opponents--mainly Communists, but also non-violent left
- o Despite curfew and other controls right-wing death squads operating freely
- o State of siege followed other human rights setbacks this year, most visibly the Rojas burning, under investigation by military courts
- o Points to Make:
  - -- Welcome establishment of human rights advisory board, but concerned by serious setbacks in human rights over past year
  - -- Support bringing terrorists to justice but object to use of state of siege powers to stifle dissent; cannot understand failure to curb right-wing terrorists
  - -- Visible due process on Rojas case very important

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V. UN ISSUES: HUMAN RIGHTS, UN REFORM, PUERTO RICO/NAMIBIA

- We almost certainly will sponsor an updated Chile resolution at the UNGA, and have told the GOC we are likely to do so to preempt another harsh, unbalanced Mexican/Cuban resolution, as was adopted last year

- Full agreement within G-18 on all reform recommendations in G-18 report, except for key subject of budget decision-making project, in which African G-18 members have not concurred

- Chile very helpful on Puerto Rico and Namibia resolutions

- Points to Make:

-- No final decision on sponsoring a Chile resolution in UNGA; want to work with you to seek passage of a balanced and constructive text

-- Important to continue positive relationship with UN Rapporteur Fernando Volio

-- UN at critical juncture, without major reforms it risks losing vital support; G-18 report provides historic opportunity for reform

-- GA approval of G-18 recommendations to establish a budget decision-making process based on consensus is critical to US support for UN reform and to restored UN funding by US Congress

-- Appreciate your support on Puerto Rico and Namibia

Attachment:

1. Setting and list of participants
2. Scenario

JWS

Drafted:ARA/SC:JSwigert
9/25/86 x72575 0266t

Cleared: ARA:PTaylor
ARA/SC:LFlower
P:WWood
HA/HR:RRackmales
IO/UNP:LAroina
IO/WH:BZweiben
EB/ODF:JHeg

JWS FR

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SETTING

Rumors have circulated several times over the last year about Del Valle's imminent replacement by a Pinochet hard-liner. His influence with Pinochet is minimal. Del Valle earned Pinochet's displeasure by convincing him to allow UNHRC rapporteur Volio to visit Chile last year, a decision which Pinochet blames as paving the way for the US resolution last March in Geneva.

Del Valle was surprised when he learned he would meet with you, instead of Under Secretary Armacost. At his Sept. 1984 meeting with Armacost, Del Valle promised to resign if a political parties law were not approved before the end of that year. Armacost discreetly did not mention the pledge last year.

PARTICIPANTS

US	CHILE
The Secretary	Foreign Minister Jaime Del Valle
ARA AS Elliott Abrams	Amb. to the US Hernan Errazuriz
ARA DAS Robert Gelbard	Amb. Gaston Illanes
ARA/SC Dir. Ludlow Flower (Notetaker)	(Director General, Chilean MFA)
Stephanie Van Riegersburg (Interpreter)	

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YOUR BILATERAL WITH THE CHILEAN FOREIGN MINISTER

September 29

10:57 a.m.	Foreign Minister Del Valle and party arrive at the 37th floor of the UN Plaza. A protocol representative meets them and escorts them to the bilateral holding room.
11:00 a.m.	Foreign Minister Del Valle is escorted to the bilateral suite for a photo op. After pnotographers leave, the rest of the party is escorted to the bilateral suite.
11:00 a.m.	Bilateral begins.
11:30 a.m.	Bilateral concludes. Del Valle and party are escorted out by a protocol representative.

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DRAFTED BY: ARA/PPC:EMONROE
APPROVED BY: EUR/RPM:RACALDWELL
ARA:WWALKER

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~~C O N F I D E N T I A L~~ STATE 301887

E.O. 12356: DECL:OADR
TAG: XM, KL, NATO
SUBJECT: NATO LATIN AMERICAN EXPERTS MEETING HELD IN BRUSSELS SEPTEMBER 18 AND 19

~~CONFIDENTIAL~~ (ENTIRE TEXT)

1. THE NATO LATIN AMERICAN EXPERTS MEETING HELD IN BRUSSELS SEPTEMBER 18 AND 19 ADOPTED A NEW APPROACH AND SPENT MORE TIME DISCUSSING BROAD THEMES THAN EVENTS IN PARTICULAR COUNTRIES.

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PAGE 02 STATE 301887

2. THE THEMES DISCUSSED WERE: CENTRAL AMERICAN NEGOTIATIONS; THE CARIBBEAN REGONAL SECURITY SYSTEM; THE PROBLEM OF ANDEAN TERRORISM; THE COOPERATION PACT BETWEEN ARGENTINA AND BRAZIL (THE EUROPEANS, LED BY THE BRITISH ATTRIBUTED GEATER SIGNIFICANCE TO THIS LAST POINT THAN DID WE OR THE CANADIANS.) THE COUNTRIES OUTSIDE OF CENTRAL AMERICA DISCUSSED INDIVIDUALLY WERE: MEXICO, HAITI, PERU, JAMAICA, SURINAME, BARBADOS, COLOMBIA, BOLIVIA, CUBA AND CHILE. THE FINAL TEXT IS NOW BEING PREPARED BY THE NATO SECRETARIAT AND WILL BE TRANSMITTED TO POSTS.

[redacted]

[redacted]

6. THE DELEGATES WERE DEEPLY CONCERNED ABOUT RECENT

EVENTS IN CHILE AND DISCUSSED WHETHER GEATER INTERNATIONAL PRESSURE COULD BE APPLIED, INCLUDING WITHHOLDING AID. SEVERAL DELEGATES SAID THEIR COUNTRIES WOULD PROBABLY NOT BE ABLE TO VOTE AGAINST MULTILATERAL AID TO CHILE BECAUSE OF THEIR POLICY OF AVOIDING ~~CONFIDENTIAL~~

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PAGE 04 STATE 301887

POLITICIZATION OF SPECIALIZED INTERNATIONAL AGENCIES. THE CANADIAN DELEGATE SAID THAT THE VIOLENT CHILEAN LEFT HAD ACTED TO ENCOURAGA RADICAL GOVERNMENT REACTION IN ORDER TO DISCOURAGE THE MODERATE LEFT'S RAPPROCHEMENT WITH THE CENTRISTS. THE NORWEGAN DELEGATE WAS SKEPTICAL ABOUT THE QUANTITIES OF ARMS FOUND BY THE CHILEAN GOVERNMENT, AND OTHERS HAD DIFFERENT FIGURES FOR THE VALUE OF THE ARMS. WE SAID WE BELIEVED THE ARMS CACHES WERE EXTENSIVE, PROBABLY NOT EXAGGERATED, AND THAT MORE MAY BE DISCOVERED.

[redacted]

[redacted]

WHITEHEAD

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UNCLASSIFIED 9/25/86

CHILE

Del Valle to Raise UN Resolution with Shultz

USUN reports by phone that they learned from the Chilean Mission that Del Valle intends to raise the possibility of US resolution on Chile at the UNGA with Shultz, and probably request that we not do so. The Secretary's talking points indicate no decision has been made, but we may table a text to deflect the likely strident Mexican/Cuban draft. Coindidentally, Jackie Tillman called today to ask about the state of play on a resolution and asked to be included in discussions on a possible text. (Swigert)

Opinion on MDB Votes

Jackie Tillman also reported that she has tentatively put Chile on the NSC calendar for discussion Oct. 17, in case there is inter-agency conflict on loan votes. She said that Poindexter prefers an abstention, and would have major problems with a no vote. (This is her view as well.) We explained the state of play--no decision, but agreement between State and Treasury that under current conditions a yes vote could not be sustained. She said that was the NSC view as well. In a discussion yesterday with visiting mid-level political leaders from National Accord parties, only the National Union Party (MUN) representative suggested U.S. opposition to Chile loans--if ineffective in actually blocking the loans--would spark any lasting nationalistic reaction that could be used by Pinochet to his long term benefit. While careful not to recommend U.S. opposition, even the National Party representative present stressed the importance of the U.S. sending a clear signal of dissatisfaction with current human rights conditions. (Swigert)

Chile Project (#S199900030)
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Exemption(s) NR

PARAGUAY/CHILE

GSP/Worker's Rights

On Chile, the meeting deadlocked between Labor and State on whether the Chilean reply to our readout on complaints constituted sufficient progress to be considered "taking steps" per the legislation. We argued that we could not expect to get more "steps" from the GOC and that the time had come to consolidate our gains by focusing on enactment of the legislative proposals in the Chilean response. STR remained neutral, but while holding off a judgement on whether Chile met the legislative criteria, pushed for agreement to "probe" the GOC on whether they could do anything more. We agreed to seek some clarifications from the GOC on the measures they proposed and to take under advisement the question of a probe. DOL later reported their willingness to agree to nothing more than a probe/clarification at this time, but reserved their position on whether Chile has met the legislative criteria. (Bolton-Swigert)

ARGENTINA

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PAGE 01 MEXICO 20285 252242Z
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~~C O N F I D E N T I A L~~ MEXICO 20285

E.O. 12356:DECL:OADR
TAGS: PREL, PHUM, MX, CI
SUBJECT: MEXICO APPROVES OF CONDITIONS ON LOANS TO CHILE
- BUT DOESN'T SEE COMMUNIST THREAT.
-
REF: STATE 291496.
-
1. CONFIDENTIAL - ENTIRE TEXT.
-
SUMMARY

-
2. POLOFF APPROACHED JAIME SORREANO, CHILEAN DESK OFFICER AT FOREIGN RELATIONS SECRETARIAT, ON SEPTEMBER 24 TO EXPRESS OUR CONCERNS REGARDING THE SITUATION IN CHILE AS REQUESTED IN REFTEL. SORREANO SAID THAT WHILE ANY U.S. DECISION ON SUPPORT FOR LOANS TO CHILE WAS A DOMESTIC U.S. MATTER, MEXICO HAD NO OBJECTION TO THE PLACING OF CONDITIONS ON SUCH LOANS, WITH THE GOAL OF INDUCING THE CHILEAN GOVERNMENT TO OPEN DIALOGUE WITH THE OPPOSITION. HE DISCOUNTED THE COMMUNIST THREAT
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PAGE 02 MEXICO 20285 252242Z

IN CHILE, SAYING PINOCHET USES THIS TO JUSTIFY MAINTAINING HIMSELF IN POWER.

-

END SUMMARY

-

3. POLOFF CALLED ON JAIME SORREANO,DESK OFFICER FOR CHILE, ARGENTINA, AND URUGUAY AT THE FOREIGN RELATIONS SECRETARIAT, ON SEPTEMBER 24 TO MAKE APPROACH REQUESTED IN REFTEL EXPRESSING U.S. CONCERNS ABOUT RECENT DEVELOPMENTS IN CHILE. SORREANO BEGAN HIS RESPONSE BY POINTING OUT THAT MEXICO HASN'T MAINTAINED DIPLOMATIC RELATIONS WITH CHILE FOR 13 YEARS. MEXICO, HE SAID, SEES THE GROWING INTERNATIONAL CONDEMNATION OF THE HUMAN RIGHTS VIOLATIONS OF THE PINOCHET GOVERNMENT AS AN INDICATION THAT MEXICO'S POLICY HAS BEEN RIGHT ALL ALONG AND THAT OTHER COUNTRIES ARE FINALLY MOVING THEIR POLICIES WITH RESPECT TO CHILE IN THE DIRECTION OF MEXICO'S. SORREANO SAID THAT THE GOM MONITORS EVENTS IN CHILE FROM ITS EMBASSY IN BUENOS AIRES AND FROM THE PRESS. HE ALSO SAID THAT MEXICO CONSULTS FREQUENTLY WITH FRIENDLY GOVERNMENTS REGARDING EVENTS IN CHILE, AND IN PARTICULAR WITH SPAIN. HE DREW POLOFF'S ATTENTION TO A STATEMENT BY FOREIGN RELATIONS SECRETARY SEPULVEDA CONDEMNING THE STATE OF SIEGE IMPOSED FOLLOWING THE ATTEMPT ON PINOCHET'S LIFE.

-

4. SORREANO SAID THAT ANY DECISION BY THE USG ON SUPPORT FOR LOANS TO CHILE WAS A DOMESTIC POLITICAL MATTER, IMPLYING THAT HE THOUGHT IT IMPROPER TO EXPRESS AN OPINION, BUT THEN ADDED THAT IMPOSING CONDITIONS ON LOANS FROM MULTILATERAL INSTITUTIONS TO CHILE WAS APPROPRIATE, IF IT WAS DONE AS AN ATTEMPT

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CONFIDENTIAL

PAGE 03 MEXICO 20285 252242Z

TO INDUCE THE PINOCHET GOVERNMENT TO OPEN A DIALOGUE WITH THE OPPOSITION.

-

5. SORREANO SUGGESTED THAT THE PINOCHET GOVERNMENT WAS USING ALLEGATIONS OF SOVIET AND CUBAN SUPPORT FOR THE OPPOSITION AS A JUSTIFICATION FOR MAINTAINING ITSELF IN POWER. HE CONCLUDED WITH THE OBSERVATION THAT

THE BEST SOLUTION FOR CHILE WOULD BE SOMETHING SIMILAR TO WHAT HAPPENED IN THE PHILIPPINES. (DRAFTED:PRSIEKERT) BUSBY

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AMNESTY INTERNATIONAL USA

GROUP #263, BOX 652, NEWPORT, NEW HAMPSHIRE 03773

September 25, 1986

RECEIVED
SEP 29 1986
CONG. JUDD GREGG
Wash. Office

Representative Judd Gregg
308 Cannon Office Building
Washington, DC 20515

EXCISE

Dear Representative Gregg:

As a member of the Newport/Claremont chapter of Amnesty International, I am taking the liberty of writing you regarding Amnesty International's current campaign on Chile.

Since 1983, the human rights situation in Chile has deteriorated significantly. The government has responded to each legitimate expression of protest from both the middle and left segments of Chilean society with random killing, incommunicato detentions, torture and extrajudicial executions. The recent attempt on General Pinochet's life and the present state of siege seem to be only an intensification of an already untenable situation. I am enclosing a copy of Amnesty International's Chile Briefing for your information.

I respectfully request you to convey my group's concerns to the Chilean ambassador:

Ambassador H.E. Hernan Felipe Errazuriz
Embassy of Chile
1732 Massachusetts Avenue
Washington, DC 20036.

It is my understanding that the United States does not provide foreign aid to Chile. Nevertheless, I would greatly appreciate your attention to the forthcoming considerations of the World Bank and the Inter-American Development Banks regarding new and renewed loans to Chile.

Thank you for your attention to my concerns. I would be greatful to you for anything that you could do to improve the human rights situation in Chile.

Sincerely yours,

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Amnesty International is an independent worldwide movement working impartially for the release of all prisoners of conscience. We are primarily concerned with [illegible] torture and executions. It is funded by donations from its members and supporters throughout the world.

Chile Project (#S199900030)
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C O R R E C T E D COPY (DATE OMMITTED IN SUBJECT LINE)

E.O. 12356: DECL: OADR
TAGS: OVIP (SHULTZ, GEORGE P.)
SUBJECT: MEMORANDUM FOR THE PRESIDENT
- SEPTEMBER 29, 1986

1. ~~SECRET~~- ENTIRE TEXT

2. MEMORANDUM FOR: THE PRESIDENT

- FROM: GEORGE P. SHULTZ

-- SUBJECT: MY DAY IN NEW YORK, SEPTEMBER

3. A SIGNIFICANT AND INCREASING CONCERN WITH THE SITUATION IN CHILE WAS THE COMMON THREAD THAT APPEARED IN THE THREE MEETINGS I HAD TODAY WITH THE FOREIGN MINISTERS OF ARGENTINA, PERU, AND, OF COURSE, CHILE. WITH THE LATTER, I STRESSED THAT CHILEANS, AMERICANS, AND OTHERS AROUND THE WORLD WERE ALL RAPIDLY LOSING FAITH IN GENERAL PINOCHET'S STATED INTENTIONS TO RETURN TO A DEMOCRATIC SYSTEM. NOTING

~~SECRET~~

PAGE 02 SECTO 18046 012213Z

THAT CHILE HAS MANY GOOD FRIENDS IN THE U.S., INCLUDING YOU AND ME, I EXPRESSED OUR DEEPENING WORRY ABOUT THE DANGEROUS POLARIZATION THAT IS OCCURRING, WITH INCREASING GOVERNMENT REPRESSION ON THE ONE HAND

AND COMMUNIST VIOLENCE ON THE OTHER. I PRESSED THE URGENT NEED FOR PINOCHET AND HIS GOVERNMENT TO CREATE AN ATMOSPHERE THAT FOSTERS DEMOCRACY.

4. THE FOREIGN MINISTERS OF TWO OF CHILE'S NEIGHBORS FULLY SHARE OUR OWN GREAT CONCERN; THEY, TOO, CLEARLY SEE THE SOVIETS AND CUBANS AS MOVING IN TO BUILD ON THE TRADITIONALLY STRONG CHILEAN COMMUNIST PARTY AND TO TAKE ADVANTAGE OF PINOCHET'S INCREASINGLY STUBBORN REFUSAL TO TRY TO DEVELOP A CONSENSUS WITH CHILE'S LARGE, WEAKENING CENTER. I CONTINUE TO HAVE THE SENSE, AS DID THE ARGENTINE AND PERUVIAN, THAT PINOCHET AND THE COMMUNISTS SEEM TO HAVE AN IMPLICIT MEDIUM-TERM ALLIANCE AIMED AT TRYING TO PREVENT A DEMOCRATIC ALTERNATIVE. WE WILL NEED TO CONCENTRATE ON THIS INCREASINGLY DANGEROUS PROBLEM AND HOW TO CONVINCE PINOCHET TO MOVE IN THE RIGHT DIRECTION TO CREATE THE NEEDED DEMOCRATIC ENVIRONMENT LEADING TO A FULLY DEMOCRATIC SYSTEM IN 1989.

NA

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E.O. 12356: DECL: OADR
TAGS: OVIP (SHULTZ, GEORGE P.)
SUBJECT: SECRETARY SHULTZ MEETS WITH CHILEAN FOREIGN MINISTER DEL VALLE, SEPTEMBER 29, 1986

UNCLASSIFIED

1. (SECRET - ENTIRE TEXT.)

2. SUMMARY. SECRETARY SHULTZ EXPRESSED TO FOREIGN MINISTER DEL VALLE THE USG'S AND HIS OWN SERIOUS CONCERN WITH THE DIRECTION IN WHICH THE CHILEAN SITUATION IS HEADING. AS ONE WHO DESCRIBED HIMSELF AS A LONG-TIME FRIEND OF CHILE, THE SECRETARY EMPHASIZED THE NEED FOR THE GOVERNMENT TO CREATE AN ATMOSPHERE CONDUCIVE TO A TRANSITION TO DEMOCRACY, EXPRESSED SERIOUS CONCERN REGARDING THE GOC'S NEED TO CONVINCE ITS OWN PEOPLE AND THE WORLD OF ITS INTENTIONS TO FOLLOW THROUGH ON ITS COMMITMENTS, URGED GREATER OBSERVANCE OF HUMAN RIGHTS AND DUE PROCESS AND STRESSED OUR DEEP WORRY ABOUT THE SERIOUS AND INCREASING POLARIZATION INVOLVING GOVERNMENT REPRESSION AND COMMUNIST VIOLENCE, WHICH THE CHILEAN COMMUNISTS, ACTIVELY SUPPORTED BY CUBA AND THE SOVIET UNION, ARE USING TO WORSEN THE SITUATION. DEL VALLE EMPHASIZED THE GOC'S INTENT TO PROCEED WITH ITS PLAN

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PAGE 02 SECTO 18051 01 OF 04 301450Z

FOR A FULL TRANSITION BY 1989 AND PLEADED FOR TRUST FROM THE USG. HE STRESSED 1) THAT NEGATIVE U.S. VOTES IN THE MDB'S WOULD HAVE A SERIOUS NEGATIVE IMPACT ON CHILE AND BILATERAL RELATIONS; 2) HE URGED THAT THE U.S. NOT SPEAK OUT PUBLICLY ABOUT ITS CHILEAN CONCERNS AND, 3) HE PLEADED FOR NO U.S.-SPONSORED HUMAN RIGHTS RESOLUTION IN THE UN THIS YEAR. END SUMMARY.

3. SECRETARY SHULTZ MET WITH CHILEAN FOREIGN MINISTER DEL VALLE FOR FIFTY MINUTES ON SEPTEMBER 29, THEIR FIRST MEETING TOGETHER. THE SECRETARY WAS ACCOMPANIED BY AMBASSADOR WALTERS, ASSISTANT SECRETARIES ABRAMS AND KALB AND DEPUTY ASSISTANT SECRETARY GELBARD (NOTETAKER). WITH DEL VALLE WERE AMBASSADOR ERRAZURIZ, UNDER SECRETARY ILLANES AND A NOTETAKER.

4. SECRETARY SHULTZ BEGAN BY STATING THAT HE WISHED TO PASS ON TO THE FOREIGN MINISTER THE U.S. PERCEPTION OF THE CHILEAN SITUATION AND WHAT WE WOULD LIKE TO SEE TAKE PLACE RECOGNIZING THAT WHAT HAPPENS IS PRIMARILY CHILE'S BUSINESS, ALTHOUGH THE U.S. HAS A GREAT STAKE ON THE ISSUE. BEYOND THAT, MANY PEOPLE IN THE U.S. -- INCLUDING HIM -- HAVE MANY FRIENDS AND INTERESTS IN CHILE. THE SECRETARY ADDED THAT AT THE UNIVERSITY OF CHICAGO HE HAD KNOWN MANY PEOPLE WHO HAVE PLAYED A MAJOR ROLE IN CHILE'S ECONOMIC POLICY. ALL OF THESE FACTORS LED HIM TO SAY THAT HE WAS AMONG THE MANY WHO ARE PRO-CHILE. THE SECRETARY NOTED THAT THE U.S. ANALYSIS OF THE SITUATION ACKNOWLEDGED THAT THERE WAS A TRADITIONALLY LARGE AND PROBLEMATICAL COMMUNIST PARTY, WHICH HAS A PERFECT WILLINGNESS TO

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PAGE 03 SECTO 18051 01 OF 04 301450Z

USE VIOLENCE TO GET TO POWER. WE HAD GOOD INFORMATION REGARDING THE LARGE ARMS CACHES AND UNDERSTOOD THAT THEY HAD BEEN PUT THERE TO BE USED FOR AN INSURRECTION. THUS, THE SECRETARY SAID, THE USG HAS NO DOUBT REGARDING THE TOTAL UNDESIRABILITY OF A COMMUNIST TAKEOVER OF CHILE. THEREFORE, WHAT IS NEEDED IS TO HONOR THE DEEPER AND HISTORIC TRADITION

OF CHILE AS A DEMOCRATIC NATION. WITH A SERIOUS THREAT FROM THE LEFT, ON THE ONE HAND, AND A DEMOCRATIC, PEACEFUL TRADITION ON THE OTHER, THERE IS A STRONG NEED TO HAVE A DEMOCRATIC TRANSITION TAKE PLACE IN A PEACEFUL, ORDERLY MANNER, LEADING TO A DEMOCRATICALLY ELECTED GOVERNMENT WITH ALL THE PROPER JUDICIAL WAYS OF DEALING WITH INDIVIDUALS THAT A DEMOCRATIC SYSTEM USES. THE SECRETARY STATED SAID THAT OUR SERIOUS CONCERN IS THAT WE SEE A VIOLENT POLARIZATION OCCURRING IN CHILE. THERE IS THE APPARENT FEELING ON THE PART OF THE GOVERNMENT THAT CONSIDERABLE ARMED FORCE AND CONTROL ARE NEEDED WITHIN THE SOCIETY, BUT THIS IS NOT INCOMPATIBLE WITH A TRANSITION TO DEMOCRACY.

5. THE SECRETARY SAID THAT WE COUNSEL THAT EVERYONE WITHIN CHILE AVOID THE COMMUNISTS AND VIOLENCE WITH THE HOPE THAT SOMEHOW THE IDEA OF DEMOCRACY WILL PREVAIL, BUT IT BECOMES VERY DIFFICULT TO CONVINCE PEOPLE OF THIS BECAUSE ALL INDICATIONS ARE OTHERWISE. THE SECRETARY ACKNOWLEDGED THAT SOME

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S E C R E T SECTION 02 OF 04 SECTO 18051
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E.O. 12356: DECL: OADR
TAGS: OVIP (SHULTZ, GEORGE P.)
SUBJECT: SECRETARY SHULTZ MEETS WITH CHILEAN

POSITIVE STEPS HAVE BEEN TAKEN, BUT THEY WERE NOT CONVINCING. THE LARGE NUMBER OF NON-COMMUNISTS WITHIN CHILE ARE INCREASINGLY CONCERNED THAT THEY HAVE NOWHERE TO GO AND THE CENTER IS LOSING FAITH. THE SECRETARY POINTED OUT THAT OPINION IS INFLAMED AROUND THE WORLD, INCLUDING WITHIN THE U.S. AND INSIDE PRESIDENT REAGAN'S ADMINISTRATION, BUT WE WERE READY TO STAND UP AND FIGHT FOR LAW AND ORDER AND A PEACEFUL SITUATION IF THERE IS THE CLEAR SIGN OF A TRANSITIONAL ATMOSPHERE TOWARD DEMOCRACY. HOWEVER, THAT POSSIBILITY HAS APPEARED INCREASINGLY DIMINISHED AS THE ATMOSPHERE OF REPRESSION ON THE ONE HAND AND COMMUNIST VIOLENCE ON THE OTHER HAND GROWS LARGER. WITHIN THE U.S., CONGRESS HAS BECOME DEEPLY CONCERNED ABOUT EXPRESSING U.S. UNHAPPINESS, PARTICULARLY THROUGH MDB VOTES. THE ADMINISTRATION IS CONCERNED THAT IF WE VOTE FAVORABLY ON CHILEAN LOANS, CONGRESS MIGHT REDUCE OVERALL REPLENISHMENTS TO THE BANKS. THE U.S. DOES NOT WANT TO HARM THE CHILEAN ECONOMY, WHICH IS AN EXAMPLE OF GOOD ECONOMIC MANAGEMENT, BUT

UNCLASSIFIED
SECRET

PAGE 02 SECTO 18051 02 OF 04 301451Z

THERE IS A GROWING SENSE WITHIN THE ADMINISTRATION, AS WELL AS THE CONGRESS, THAT THERE HAS TO BE SOME FORM OF PROTEST ABOUT EVENTS IN CHILE.

6. THE SECRETARY ADDED THAT AMBASSADOR BARNES IS TRYING TO EXPRESS OUR SUPPORT FOR CHILE AND FOR A TRANSITION TO DEMOCRACY, BUT ALSO FOR DUE PROCESS AND LEGAL RIGHTS. HE NOTED THAT BARNES IS ONE OF OUR MOST DISTINGUISHED DIPLOMATS AND HAD DONE AN EXCELLENT JOB IN INDIA, WHERE HE PLAYED AN ESSENTIAL ROLE IN IMPROVING U.S.-INDIAN BILATERAL RELATIONS.

7. IN SUM, THE SECRETARY NOTED THAT HE HAD PROVIDED DEL VALLE WITH THE USG'S VIEWS SO FRANKLY BECAUSE HE PERSONALLY CARES A LOT ABOUT CHILE, AS DO PRESIDENT REAGAN AND MANY OTHERS WITHIN THE ADMINISTRATION AND WITHIN THE U.S. AS A WHOLE. THIS WAS WHY IT HURTS US SO MUCH TO SEE WHAT IS HAPPENING AND WHY IT IS ABSOLUTELY CRITICAL FOR GENERAL PINOCHET TO REACH OUT TO THE VAST BULK OF THE PEOPLE WHO DO NOT WANT VIOLENCE AND WHO DO WANT A DEMOCRATIC TRANSITION, WHILE UNDERSTANDING THAT COMMUNISM IS NOT GOOD FOR CHILE OR THE HEMISPHERE AS A WHOLE.

8. DEL VALLE EXPRESSED HIS THANKS FOR THE SECRETARY'S VERY FRANK AND SINCERE COMMENTS, AND SAID THAT THEY WERE MORE OR LESS WHAT HE KNEW WOULD BE THE USG'S VIEWS. HE STRESSED THAT THE GOC AND HE, AS FOREIGN MINISTER, CAN GUARANTEE CATEGORICALLY THAT THEY WANT TO REACH FULL DEMOCRACY BY THE SCHEDULED DATE, INCLUDING ALL THE STIPULATED EVENTS THAT MUST OCCUR PRIOR TO THAT DATE. DEL VALLE COMMENTED THAT EVEN WITH ALL THE PROBLEMS CHILE HAD EXPERIENCED IN

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THE PAST TWO WEEKS, PINOCHET HAD PROCEEDED WITH THE ELECTORAL REGISTRATION LAW AND WILL ENACT THE POLITICAL PARTIES LAW. THE GOVERNMENT HAD ALSO INITIATED A DIALOGUE WITH SOME POLITICAL PARTIES OF THE RIGHT RECENTLY AND WOULD PERMIT PUBLICATION OF A CHRISTIAN DEMOCRATIC NEWSPAPER IN MARCH 1987. THE GOVERNMENT WOULD COMPLY TO THE LETTER WITH WHAT IS SCHEDULED UNDER THE CONSTITUTION AND, AS HE HAD TOLD BARNES, THE GOC COULD MENTION 14-15 STEPS IN THIS PROCESS THAT HAVE TAKEN PLACE, ALTHOUGH THE U.S.

DOESN'T SEEM TO RECOGNIZE THEM. SECRETARY SHULTZ ACKNOWLEDGED THAT WHEN STEPS WERE TAKEN, THE U.S. HAD INDEED ACKNOWLEDGED THEM PUBLICLY. DEL VALLE RESPONDED THAT THIS MAY BE TRUE, BUT THE FOLLOWING DAY WE ACT AS IF THE GOC HAD NOT DONE ANYTHING. HE NOTED THAT CHILE WAS FOLLOWING A DIFFICULT PATH WITH TERRORIST ATTACKS, STRIKES, LABOR MOVEMENTS, VICIOUS SLANDER AGAINST THE GOVERNMENT FROM SOME OF THEIR MEDIA AND A SUSTAINED, 13-YEAR CAMPAIGN FROM THE SOVIET UNION. ADDITIONALLY, NUMEROUS CHILEAN POLITICANS TRAVELLED AROUND THE WORLD LYING ABOUT THE SITUATION AND SPREADING DISINFORMATION. IN THIS REGARD, HE NOTED THAT WHEN HE HAD MET WITH THE POPE SEVERAL MONTHS AGO, THE POPE HAD RECOGNIZED THE DEGREE OF DISINFORMATION THAT WAS BEING SPREAD ABOUT CHILE. DEL VALLE ADDED THAT THE GOC HAD TOLD THE POLITICIANS THAT IF THEY WANT A DIALOGUE WITH THE

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PAGE 01 SECTO 18051 03 OF 04 301452Z
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S E C R E T SECTION 03 OF 04 SECTO 18051
EXDIS

E.O. 12356: DECL: OADR
TAGS: OVIP (SHULTZ, GEORGE P.)
SUBJECT: SECRETARY SHULTZ MEETS WITH CHILEAN

GOVERNMENT THEY NEED TO RECOGNIZE THAT COMMUNISM IS AN EVIL AND DISTANCE THEMSELVES FROM IT. FOR EXAMPLE, HE MENTIONED, THE PDC HAS AN ALLIANCE WITH THE COMMUNISTS IN THE UNIVERSITIES AND IN PLANNING STRIKES. THE OPPOSITION ALSO SUPPORTS ECONOMIC SANCTIONS WHEN IT IS OUTSIDE CHILE. THEREFORE, THE BASE FOR CONSTRUCTING DEMOCRACY WITH THEM IS WEAK. THE GOVERNMENT HAS THUS DECIDED TO PROCEED WITH ITS OWN PROGRAM WHICH THEY INTENDED TO IMPLEMENT AS PROMISED. DEL VALLE ACKNOWEDGED THAT THERE ARE HUMAN RIGHTS PROBLEMS, BUT WHEN THERE WERE STRIKES AND VIOLENT OUTBURSTS FROM EXTREMISTS THESE WERE NATURAL OCCURRENCES. HOWEVER, THE GOC FUNDAMENTALLY RESPECTS HUMAN RIGHTS. DEL VALLE STRESSED, FOR EXAMPLE, THAT CHILE HAS DONE VERY WELL ON SOCIAL POLICY AND HAS MADE A PARTICULAR EFFORT TO HELP THE NATION'S POOR AND HAD DONE VERY WELL IN THE AREAS OF PUBLIC HEALTH AND EDUCATION. AND IN THE SPECIFIC HUMAN RIGHTS AREA, MORE THAN A YEAR HAD PASSED WITHOUT ANY EXILES OR DISAPPEARED; RECENTLY, THE VICARIATE HAD NOT EVEN

UNCLASSIFIED
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PAGE 02 SECTO 18051 03 OF 04 301452Z

MADE ANY COMPLAINTS. EVEN SINCE THE STATE OF SEIGE AND THE DISCOVERY OF THE ARMS CACHES, ONLY ONE SIGNIFICANT POLITICAN HAD BEEN ARRESTED AND HE WAS NOW FREE; THE WIRE SERVICES THAT HAD BEEN CLOSED WERE NOW REOPENED AND MOST OTHERS WHO HAD BEEN IMPRISONED WERE NOW FREE. THE GOC HAD THUS NOT BEEN SEVERE IN

IMPLEMENTING THE STATE OF SIEGE AND WAS NOW TRYING TO CUT IT BACK. DEL VALLE ADDED THAT MEXICO WAS FUNDAMENTALLY WORSE ON HUMAN RIGHTS PROBLEMS.

9. DEL VALLE CONCLUDED BY SAYING THAT HE WANTED TO TAKE THIS OPPORTUNITY TO ASK FOR THREE THINGS:

-- A. NEGATIVE U.S. VOTES IN THE DEVELOPMENT BANKS WOULD BE A GRAVE ERROR BECAUSE IT WOULD BE A SANCTION AGAINST THE PEOPLE OF CHILE, NOT JUST THE GOVERNMENT. IT WOULD HURT THE ECONOMY, EMPLOYMENT AND WOULD BE A SERIOUS BLOW TO BILATERAL RELATIONS.

-- B. THE U.S. HAS THE TOTAL RIGHT TO ASK THE GOC TO EXPLAIN ITS INTENTIONS, WHY INCIDENTS HAVE OCCURRED AND THE GOC WOULD RESPOND. HOWEVER, DOING THIS PUBLICLY GIVES THE APPEARANCE THAT THE USG IS TRYING TO DIRECT CHILE, WHICH IS NOT A SUITABLE WAY TO INFLUENCE MILITARY OFFICIALS. HE THUS URGED FEWER PUBLIC STATEMENTS.

-- C. DEL VALLE URGED THAT THE USG REVERT TO ITS PREVIOUS POLICY OF ABSTAINING OR OPPOSING UNBALANCED UN HUMAN RIGHTS RESOLUTIONS CONDEMNING CHILE RATHER THAN SPONSORING ITS OWN, ALBEIT MORE BALANCED, RESOLUTION. DEL VALLE NOTED THAT THE EFFECT OF THE U.S. SPONSORED RESOLUTION IN GENEVA EARLIER THIS YEAR

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HAD BEEN TO HURT THE POSSIBILITY OF CHANGE BECAUSE IT SUPPORTED THE OPPOSITON'S VIEWS. DEL VALLE SAID HE HAD WORKED HARD TO ALLOW UN RAPPORTEUR VOLIO'S VISIT ALTHOUGH THE GOC HAD PROBLEMS WITH HIS FINAL REPORT, BUT WHEN THE U.S. JOINS A CONSENSUS CONDEMNING CHILE, PINOCHET DOUBTS THE WISDOM OF WORKING IN THE UN. HE STRESSED THAT HE WAS NOT THREATENING, BUT CHILE NEEDS SUPPORT AND IS THE GREATEST ALLY THE U.S. HAS.

10. IN CONCLUSION, DEL VALLE SAID THAT THE GOC IS HONEST, TRADITIONALLY DEMOCRATIC AND IS GOING TO MEET ITS OBLIGATONS ON A TRANSITION TO DEMOCRACY. HE SAID THAT CHILE HAS ITS OWN ROAD TO FOLLOW ON THIS AND THE

U.S. SHOULD TRUST IT EVEN IF THE GOC'S PATH DOESN'T NECESSARILY COINCIDE WITH WHAT THE USG WOULD LIKE TO SEE. DEL VALLE SAID THAT HE KNOWS THAT THE U.S. HAS A DIFFICULT CONGRESS TO DEAL WITH REGARDING CHILE, BUT URGED A TOUGH U.S. POSITION TO OVERCOME THEM. CHILE WAS DOING EVERYTHING IT COULD TO DEFEAT COMMUNISM AND TERRORISM AND WOULD RETURN TO DEMOCRACY.
11. IN RESPONSE, THE SECRETARY SAID THAT HE HOPED THAT DEL VALLE AND OTHERS IN THE GOC WOULD THINK OVER WHAT HE HAD SAID. THE GOC NEEDS TO CREATE AN ATMOSPHERE THAT FOSTERS DEMOCRACY. THE U.S. WANTS TO SUPPORT CHILE, BUT IT IS IMPOSSIBLE TO DO SO WHEN THERE IS SUCH WIDESPREAD GOVERNMENT REPRESSION AND EVENTS SUCH AS THE ROJAS'S MURDERERS NOT BEING

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PAGE 01 SECTO 18051 04 OF 04 301452Z
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S E C R E T SECTION 04 OF 04 SECTO 18051
EXDIS

E.O. 12356: DECL: OADR
TAGS: OVIP (SHULTZ, GEORGE P.)
SUBJECT: SECRETARY SHULTZ MEETS WITH CHILEAN

BROUGHT TO JUSTICE. THE SECRETARY CONCLUDED BY URGING THAT THE GOC CREATE AN ATOMOSPHERE TO FOSTER A FULL TRANSITION TO A TRULY DEMOCRATIC SOCIETY BY 1988. SHULTZ

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Augusto Pinochet Ugarte
Capitán General
Presidente de la República de Chile

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SANTIAGO, 30 de Septiembre de 1986.-

Excelentísimo Señor
RONALD REAGAN
Presidente de los
Estados Unidos de América
Washington D.C.

Chile Project (#S199900030)
U.S. Department of State
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Estimado señor Presidente :

Agradezco sus sentidas expresiones de preocupación hacia mi persona y mi nieto por el alevoso ataque que, con características de acción guerrillera, sufriera el pasado 7 de Septiembre. En la misma forma, le manifiesto mi reconocimiento por su solidaridad con el enorme pesar que me ha causado la muerte y las heridas de los hombres que conforman mi escolta de seguridad, cuya valiente actuación fue en extremo eficiente y heróica.

Sus palabras son de un especial valor, ya que provienen de alguién que a su vez sufrió, si bien con significación distinta, un criminal ataque que comprometió su integridad física y la de cercanos colaboradores.

Resulta reconfortante saber que los Estados Unidos se hallan junto al pueblo de Chile en su condena a este acto cobarde, como también en su rechazo al empeño de los terroristas extremistas en todas partes y, en el caso de nuestro Continente, de las guerrillas marxistas, que actúan para obstaculizar los esfuerzos hacia soluciones pacíficas y democráticas de los problemas.

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Quiero entender con buen espíritu lo que usted señala como su apoyo al sometimiento a la justicia de los responsables del atentado, puesto que ello no responde a un esfuerzo arbitrario del suscrito, sino que, simplemente, a la aplicación por mi Gobierno del tradicional criterio chileno de ajustarse a los imperativos de un Estado de Derecho.

Junto con ser muy grato para mí recibir la seguridad de su amistad, quisiera indicarle con un sentimiento recíproco, que la vigencia del Estado de Sitio, justificada por la extrema gravedad de los últimos acontecimientos, no debe constituir un desaliento al desarrollo del diálogo y de los esfuerzos en que nos hallamos para cimentar un consenso democrático sólido, tan esencial para el éxito de la transición en que estamos trabajando. Nuestro criterio de aplicación de las facultades que tal estado de sitio otorga sólo tiene como objetivo neutralizar la agresión revolucionaria armada que nos afecta, promovida sin duda por el expansionismo soviético - cubano, que usted, como nadie, experimenta y combate en situaciones tan cercanas a su gran nación.

El ingreso clandestino de armas a Chile, en cantidad que expertos norteamericanos han calificado como una de las mayores enviadas a un país de Latinoamérica, y el intento de la guerrilla, en posesión de tales armas, de asesinar a la máxima autoridad de la República, son hechos graves que comprueban la seria agresión comunista que resiste Chile.

Esos hechos demuestran también que mi Gobierno está en lo cierto cuando adopta las adecuadas precauciones y resguardos para el cumplimiento de los objetivos institucionales que el pueblo se trazó, impidiendo con tales medidas que se creen las condiciones favorables a los propósitos totalitarios de los grupos marxistas.

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Por ello, el éxito del diálogo y la obtención del consenso, como su Gobierno sabe, están estrechamente vinculados a una clara definición teórica y a una tajante actitud práctica de importantes sectores de la oposición política, en contra de la acción destructora de la democracia que realiza el izquierdismo marxista en Chile y que dió origen a nuestros problemas políticos actuales. Estas actitudes son indispensables para que la plena democracia que se busca sea estable y segura.

Comparto sus esperanzas de que estas medidas extraordinarias puedan suspenderse tan pronto se logre un razonable control sobre la amenaza de orden bélico a que me he referido. En todo caso ellas no afectarán el proceso de institucionalización democrático que impulsa mi Gobierno.

La reciente dictación de la Ley de Inscripciones Electorales y Servicio Electoral y el estado de avance de la Ley de Partidos Políticos, que deberá ser una realidad en los primeros meses de 1987, constituyen una clara muestra de lo anterior.

Reitero mi agradecimiento por sus sinceras condolencias por aquellos que perdieron la vida y sus sentidos deseos de recuperación de quienes resultaron heridos en este vil atentado.

Saluda al Señor Presidente, con especial consideración,

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Republic of Chile
Office of the President

Chile Project (#S199900030)
U.S. Department of State
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AUGUSTO PINOCHET UGARTE
Captain General
President of the Republic of Chile

Santiago

September 30, 1986

His Excellency
Ronald Reagan
President
The United States
Washington, D.C.

Dear Mr. President:

Your kind expression of concern as to my person and my grandson with reference to the September 7 assassination attempt which partook of the characteristics of a guerrilla warfare attack is very much appreciated. I also appreciate your solidarity with the enormous grief I feel for the deaths and injuries among the men who made up my security escort, whose valiant acts were efficient and heroic to the extreme.

Your words have a special value to me, coming from someone who has personally suffered a criminal attack, although different in meaning, which endangered your physical integrity and that of your close collaborators.

We take great comfort in recognizing that the United States stands with the people of Chile in their condemnation of this cowardly act, as well as in their rejection of activities carried out by terrorist extremists everywhere and, in our own Hemisphere, by Marxist guerrilla organizations attempting to block efforts to find peaceful and democratic solutions to our problems.

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Republic of Chile
Office of the President

I want to understand what you refer to as your support for the submission to justice of those responsible for that attempt with good intentions, as there is no arbitrary effort involved on the part of the undersigned, but, simply, the application by my Government of traditional Chilean criteria of conformity to the imperatives of a State of Law.

In addition to being very pleased to receive the assurances of your friendship, reciprocating those feelings, I should like you to know that the State of Siege, justified by the extreme gravity of recent events, must not discourage the development of dialog and of efforts underway at the present time to establish the solid democratic consensus essential for the success of the transition on which we are working. The single objective of our criteria for the application of the powers granted by such a state of siege is to neutralize the revolutionary armed aggression with which we are presently confronted, doubtlessly promoted by the same Soviet-Cuban expansionism, which you, as no one else, must experience and combat in situations so close to your own great nation.

The clandestine entry of arms into Chile, in amounts characterized by American experts as among the largest arms deliveries ever to a Latin American country, and the attempt of guerrilla organizations in the possession of such arms to assassinate the maximum authority of the Republic, are grave facts which demonstrate the serious Communist aggression Chile is resisting at the present time.

These facts also indicate the correctness of my Government's having adopted adequate precautions and safeguards for compliance with the institutional objectives set by our people, thus impeding the creation of conditions favorable to the totalitarian goals of Marxist groups.

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Republic of Chile
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The success of dialog and obtaining a consensus, as your Government knows, are therefore closely linked to the ability of significant sectors of the political opposition to clearly define their principles and to adopt decisive, practical attitudes against the democracy-destroying activities of Marxist leftists in Chile, the root of our present political problems. Such attitudes are indispensable for the full democracy we all seek to be stable and safe.

I share your hopes that the extraordinary measures we have implemented can be suspended as soon as reasonable control is established over the threat of virtual war to which I have referred. In any case, such measures shall not affect the institutionalization process my Government is advancing.

The recent passage of the Law on Election Registration and the Election Service, as well as the advanced status of the Law on Political Parties, which must go into effect during the first months of 1987, are clear demonstrations of the above.

Again, my appreciation for your sincere condolences for those who lost their lives and your desires for the recovery of those injured in that murderous attack.

Mr. President, my most sincere consideration,

(signed)
A. Pinochet U.

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C O N F I D E N T I A L STATE 308110

E.O. 12356: DECL: OADR
TAGS: PHUM, PREL, CI
SUBJECT: VARGAS-SCHIFTER TALKS ON CHILEAN HUMAN RIGHTS SITUATION

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2. SUMMARY: IN A DISCUSSION WITH HA ASSISTANT SECRETARY SCHIFTER, VENEZUELA'S AMBASSADOR TO CHILE, HECTOR VARGAS ACOSTA, REVIEWED HUMAN RIGHTS CONDITIONS IN CHILE. HE SPOKE OF A SYMBIOTIC RELATIONSHIP BETWEEN GENERAL PINOCHET AND THE CHILEAN COMMUNIST PARTY, EACH HELPING THE OTHER AND EXPRESSED THE VIEW THAT THE GOVERNMENT MUST END ITS REPRESSIVE MEASURES WHILE THE DEMOCRATIC PARTIES OF CHILE MUST DISSOCIATE THEMSELVES COMPLETELY FROM THE COMMUNISTS. HE URGED THAT CHILEAN LOAN APPLICATIONS AT

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PAGE 02 STATE 308110

INTERNATIONAL LENDING INSTITUTIONS BE DEFERRED OR POSTPONED RATHER THAN VOTED DOWN. FINALLY, HE EXPRESSED THE BELIEF THAT LATIN AMERICAN COUNTRIES SHOULD ACTIVELY JOIN THE EFFORTS OF THE UNITED STATES IN ENCOURAGING A TRANSITION TO DEMOCRACY. ASSISTANT SECRETARY SCHIFTER EXPRESSED VIEWS IN GENERAL AGREEMENT WITH THE POINTS MADE BY AMBASSADOR VARGAS. END SUMMARY.

3. HA ASSISTANT SECRETARY SCHIFTER MET ON SEPTEMBER 18 AT THE DEPARTMENT WITH VENEZUELA'S AMBASSADOR TO CHILE HECTOR VARGAS ACOSTA FOR A COMPREHENSIVE DISCUSSION OF HUMAN RIGHTS CONDITIONS IN CHILE AND THE NEED TO END THE PRESENT CYCLE OF VIOLENCE. VARGAS STARTED OUT BY STRESSING WHAT HE VIEWED AS THE SYMBIOTIC RELATIONSHIP BETWEEN GENERAL PINOCHET AND CHILE'S COMMUNIST PARTY. IN 1973, HE SAID, 70 PERCENT OF THE POPULATION WELCOMED PINOCHET. TODAY, BY CONTRAST, 70 PERCENT WANT HIM TO LEAVE. HIS REPRESSIVE MEASURES HAVE TENDED TO POLARIZE CHILEAN SOCIETY, STRENGTHENING THE COMMUNISTS. THE COMMUNISTS IN TURN, BY RESORTING TO VIOLENCE, BRING ON MORE REPRESSION. RECENT KILLINGS AND OTHER ACTS OF VIOLENCE BY ARMED CIVILIANS, VARGAS SAID, WERE THE WORK OF GOVERNMENT OPERATIVES, PROBABLY ASSOCIATED WITH CNI.

4. VARGAS WAS NOT AT ALL ENTHUSIASTIC ABOUT THE PERFORMANCE OF THE LEADERS OF THE DEMOCRATIC OPPOSITION, MAKING A PARTICULARLY CAUSTIC REMARK ABOUT GABRIEL VALDES. IN HIS VIEW, THEY DID NOT DO ENOUGH TO DISTANCE THEMSELVES FROM THE COMMUNISTS.

5. INDICATING GENERAL AGREEMENT WITH VARGAS, SCHIFTER ASKED WHETHER THE MOST RECENT VIOLENT EPISODES MIGHT

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NOT HAVE THE EFFECT OF PERSUADING MODERATES IN THE GOVERNMENT AND DEMOCRATIC OPPOSITION LEADERS TO MAKE AN EFFORT TO REACH AN UNDERSTANDING SO AS TO AVOID EVEN GREATER CIVIL STRIFE. SCHIFTER CALLED PARTICULAR ATTENTION TO PLANS TO PUBLISH A DRAFT OF THE POLITICAL PARTIES LAW. HE ASKED WHETHER IN THE ABSENCE OF A FORMAL DIALOGUE BETWEEN THE GOVERNMENT AND THE

DEMOCRATIC OPPOSITION, THE INVITATION FOR COMMENTS ON THE POLITICAL PARTIES LAW MIGHT NOT SERVE AS A BASIS FOR AN INFORMAL DIALOGUE. HE ASKED FURTHER WHETHER IN THIS CONTEXT IT WAS NOT A MISTAKE FOR THE CHRISTIAN DEMOCRATS TO TAKE THE POSITION THAT THEY WOULD REJECT ANY LAW BASED ON THE 1980 CONSTITUTION. VARGAS ANSWERED BOTH QUESTIONS AFFIRMATIVELY, SUGGESTING THAT THE CHRISTIAN DEMOCRATIC RESPONSE WAS THE POSITION OF VALDES BUT WOULD NOT BE SUBSCRIBED TO BY JUAN HAMILTON. THERE FOLLOWED A FURTHER DISCUSSION ABOUT THE UNCERTAINTY AS TO WHERE ZALDIVAR STOOD.

6. CONCERNING THE PRESENT DISCUSSIONS OF CHILEAN APPLICATIONS FOR LOANS FROM INTERNATIONAL LENDING INSTITUTIONS, VARGAS EXPRESSED THE HOPE THAT AN ABSTENTION OR "NO" VOTE COULD BE AVOIDED. HE HOPED THAT ACTION ON THE LOANS COULD BE DEFERRED OR POSTPONED

LONG ENOUGH FOR SOME PROGRESS IN CHILE TO BE IN EVIDENCE, SUCH AS PROMULGATION OF THE POLITICAL PARTIES LAW, SO AS TO MAKE A YES VOTE POSSIBLE. VARGAS SAID THAT HIS OWN GOVERNMENT WOULD BE FAVORABLY DISPOSED TO A POSTPONEMENT/DEFERRAL STRATEGY.

7. IN PURSUING THE EFFORT AT THE RETURN TO DEMOCRACY IN CHILE, VARGAS NOTED, LATIN AMERICAN COUNTRIES, PARTICULARLY VENEZUELA, BRAZIL, ARGENTINA, AND URUGUAY, SHOULD JOIN THE EFFORT SO THAT THE ISSUE WOULD NOT BE CLOUDED BY THE PERCEPTION THAT IT IS ONLY THE UNITED

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STATES THAT IS PUSHING IN THAT DIRECTION. NOTING THAT THE ARMY IS THE ONLY FORCE SUPPORTIVE OF PINOCHET'S HARD-LINE POSITIONS, HE EXPRESSED THE VIEW THAT THE BRAZILIAN ARMY AND POSSIBLY ALSO THE VENEZUELAN ARMY COULD BE IN TOUCH WITH CHILEAN ARMY OFFICERS IN EFFORTS TO PERSUADE THEM TO MODIFY THEIR POSITIONS.

8. ONE OTHER POINT MADE BY AMBASSADOR VARGAS WAS THAT THE POPE'S SCHEDULED VISIT TO VENEZUELA IN THE SPRING OF 1987 OFFERS ANOTHER OPPORTUNITY TO BRING THE CONTENDING SIDES TOGETHER AND TO PUT PRESSURE ON

PINOCHET FOR CHANGE. WHITEHEAD

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REPORT ON THE SITUATION IN EL SALVADOR

October 1, 1986 - March 31, 1987

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This report responds to the congressional requirement that the Administration report on progress in El Salvador during the period October 1, 1986 through March 31, 1987. The report discusses four key areas: dialogue between the Government of El Salvador and the insurgents; civilian control over the military; judicial reform; and land reform. In addition, the report provides an overview of other important developments during the reporting period.

OVERVIEW

The powerful earthquake that struck San Salvador on October 10, 1986 was the most significant event of the reporting period. The quake left over 1,000 persons dead, some 10,000 wounded, and over 100,000 homeless. Replacement costs for destroyed and damaged infrastructure exceed one billion dollars. Some 150 public schools, four major hospitals, and hundreds of public and private buildings were destroyed or significantly damaged.

The government of President Jose Napoleon Duarte responded quickly and effectively to the quake. The President immediately declared a national disaster, convoked a national emergency committee meeting, and implemented the government's emergency action plan. At the President's request, a private sector committee was created to receive and carefully account for national and international contributions of material and money. All international donations were channeled through this private sector committee and monitored by an independent U.S. accounting firm.

One week after the quake the relief distribution effort was divided into fourteen zones and nine surrounding municipalities, each with a relief distribution center. Supplies were distributed to each zone based on a preliminary damage assessment conducted by the San Salvador municipal government. Requesting organizations submitted their needs to the local relief distribution center, which verified the need and handled distribution. While there was some isolated criticism from some localities which did not feel that aid came quickly enough or in sufficient amounts, it is clear that the government did the best it could under the difficult, chaotic and fluid circumstances. Reports that the government was keeping out private relief flights were greatly exaggerated and were based upon an initial requirement that relief flights obtain 24-hour advance landing clearances in order to allow time to arrange reception and clearance facilities at the airport. The

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El Salvador: Human Rights
Special Project (1993)

requirement was dropped after complaints about waiting relief flights. The government's emergency committee spot-checked these distribution efforts for waste and fraud.

President Duarte assigned some relief responsibilities to the Armed Forces, which carried out civic action projects, maintained control at damaged buildings, provided security, cleared streets and removed rubble. There were virtually no incidents of looting or other civil disturbances in the city, even during the first days after the initial shock, in which hundreds of thousands remained outside their homes in fear of major aftershocks. The Armed Forces radio station, Radio Cuscatlan, was the only local media source which stayed on the air throughout the quake and its aftershocks, serving to help locate and reassure families concerned about relatives.

The non-governmental sector responded as well. Archbishop of San Salvador Arturo Rivera Damas formed a separate emergency committee that independently received and distributed assistance to needy persons. The Church kept the government informed of its relief activities. The El Salvador Red Cross provided first aid and rescue services, with the help of over 400 volunteers, and set up a service to trace missing persons.

Two weeks after the earthquake, the combined government-private sector operations had by and large successfully dealt with the emergency phase of the crisis and were turning their attention to rehabilitation and long-term reconstruction. Temporary shelter had been provided to the homeless, medical care given to the injured, and many public services had been restored. Water shortages continued to be problematic due to pipe breaks, but U.S. Government-supplied water bladders temporarily served the needs of the public.

The U.S. and some 30 foreign countries provided emergency relief to El Salvador in the aftermath of the quake. In addition to more than $2 million provided by the Office of Foreign Disaster Assistance, the Congress quickly appropriated $50 million in interim reconstruction assistance. This money is being carefully disbursed in accordance with a reconstruction plan worked out by the government in conjunction with U.S. aid officials. Priority projects are temporary employment generation, restoration of public services, temporary housing and slum rehabilitation, and credits for housing reconstruction.

The earthquake is a major blow to the government's efforts to stabilize its faltering economy. Along with the earthquake, concern for the economy highlighted the reporting period. After experiencing nominal economic growth in 1984 and 1985,

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the economy faltered in 1986 and into early 1987. The dramatic drop in coffee prices in late 1986 bodes ill for foreign exchange earnings from El Salvador's most important export crop. Low prices for coffee and U.S. sugar quotas have worsened the balance of trade and fiscal deficits. Investor confidence -- both domestic and foreign -- remains shaky in the face of continuing sabotage by the Marxist-Leninist insurgents.

El Salvador's economic problems are largely a result of the continuing violence. The Salvadoran Armed Forces continue to maintain the initiative in the field, further reducing guerrilla strength and allowing the government to secure ever larger areas of the country. Nevertheless, the Farabundo Marti National Liberation front (FMLN) guerrilla bands have persisted in their strategy of destabilizing the government by destroying the economy and engaging in acts of terrorism. As mentioned in the previous report, the guerrillas have recognized that they have no hope of defeating the government militarily, and are instead trying to undermine support for the government by demonstrating that it cannot provide security for all its citizens. The guerrillas have continued their extensive use of contact mines and increasingly engage in the execution of civilians, the machine-gunning of vehicles, kidnapping, and extortion.

As part of the "prolonged popular war" strategy the FMLN and its political wing, the Democratic Revolutionary Front (FDR) have engaged in a sophisticated propaganda campaign, relying on sympathizers in El Salvador and abroad to spread disinformation about the Duarte government's human rights record, alleged repression of unions, and U.S. Government policies. The goal of this campaign is to erode the democratic government's support abroad and reduce the assistance that helps it defend itself against guerrilla sabotage and attack.

In February 1987 the government and the FMLN/FDR agreed to exchange Col. Omar Napoleon Avalos, kidnapped by the FMLN in October 1985, for 57 persons awaiting trial on charges of membership in or active support for guerrilla organizations through manipulation of labor and human rights front organizations. The negotiations leading to the exchange were mediated by the Catholic Church. In addition, 39 severely wounded guerrillas were permitted to leave the country.

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In the labor field, the most significant development was the decision by the democratic labor group Popular Democratic Unity (UPD) to withdraw from the insurgent-dominated front, the National Unity of Salvadoran Workers (UNTS). The UNTS remains dominated by the communist First of May Committee and other insurgent front unions. Meanwhile, the UPD has declared its intention to be an independent democratic labor movement. The other main democratic grouping, the National Union of Workers and Peasants (UNOC), remains the largest labor movement in the country.

Politically, the period was characterized by intense and bitter conflict between the government on the one hand and the private sector and the conservative opposition on the other hand. Private sector/government relations were quite good in the aftermath of the earthquake, when President Duarte made a conscientious effort to coordinate the relief effort with the private sector. Shortly before the earthquake, however, the Legislative Assembly had passed a bill authorizing an extraordinary tax on capital designed to raise funds to support the war effort. Not incidentally, the bill was designed to force the wealthy to take on more of the burden of the war.

The private sector and the conservatives vehemently opposed the law, publicly and vociferously attacking the government. The UNTS organization, despite the tax package's progressive features, made common cause with the conservatives and also attacked the package. Conservative businessmen petitioned the Supreme Court to rule on its constitutionality, and in January the Court issued a narrow technical ruling invalidating a portion of the law. Although concerned by this development, both President Duarte and his Minister of Defense said publicly that they would unhesitatingly abide by the Court's ruling.

Ultra-conservatives in the private sector have created the National Action Movement (MAN), a civic organization virulently opposed to the government. A national business closure orchestrated by MAN and supported by other private sector groups succeeded in paralyzing the nation's business activity for one day, January 22, 1987. Notwithstanding these confrontations, the government continues talks with the private sector, with a view toward reestablishing trust and arriving at a consensus on the proper role of the government in the economy.

The government and the opposition parties are now at loggerheads over a reform to the Electoral Law passed in December 1986 by the Assembly. The new law gives the President of the Central Elections Council (CCE) the power to make administrative decisions without consulting his two

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El Salvador: Human Rights
Special Project (19

colleagues. Under the 1983 Constitution, the CCE is comprised of three members, elected by the Assembly, and representing the parties that won the largest vote totals in the previous election. The president of the CCE is a representative of the party with the most votes. In this case, the president of the CCE is a representative of the majority Christian Democratic Party (PDC), while the other two members represent the two largest conservative parties.

Alleging that the PDC would use the administrative powers of its representative on the CCE to manipulate the forthcoming 1988 Legislative Assembly and 1989 Presidential elections, the opposition staged a "parliamentary strike" in the Legislative Assembly on January 6, 1987. The strike continues at this time, despite efforts to negotiate a solution. Recently, the Supreme Court has agreed to hear a challenge to the new law, and a ruling should be forthcoming in the near future.

The practical effect of the opposition boycott of the Assembly has been to prevent action on votes requiring a two-thirds majority (The PDC has 33 deputies in the 60 seat body). Thus, the State of Emergency, in existence since 1980 and renewed monthly by a two-thirds vote in the Assembly, has lapsed. With it, the emergency legislation governing the procedures for prosecuting suspected guerrillas, known as Decree 50, also lapsed, although temporary legislation to provide for continued processing of Decree 50 cases already in the courts has been passed.

At this time, all constitutional guarantees are in place in El Salvador, and the police may hold suspects for 72 hours before either releasing them or remanding them to the civilian courts. It should be noted that even though the State of Emergency in theory had suspended constitutional guarantees such as freedom of the press and assembly, these restrictions were not enforced by the Duarte government. The press -- including numerous publications from the left -- is free from any governmental restrictions. Labor, student, and other groups are able to engage in any legal activities without interference from the government.

Also during the reporting period, the Liberation Party (formerly Patria Libre), a conservative offshoot of the Nationalist Republican Alliance (ARENA) gained formal recognition by the elections council as a legal party. The Liberation Party is now actively engaged in organizing for next year's legislative elections.

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The March 1988 Legislative Assembly elections are already beginning to occupy the attention of all political parties. The conservatives are hopeful that popular dissatisfaction with the economy is providing the opening for a conservative majority in those elections, while the ruling PDC is working hard to maintain the support of its traditional backers in the lower economic classes.

Also of interest is a public opinion poll conducted in El Salvador by La Consultoria Interdisciplinaria en Desarrollo (CID), a Gallup International Research Institutes affiliate located in Costa Rica. Although the poll was commissioned by the Christian Democratic party, it was conducted by an independent organization using experienced poll-takers. Between October 10 and 28, 1986, the group interviewed 1280 citizens from all social classes residing in various parts of the country. We include below some relevant findings below. In some cases, the October results are compared to those obtained in an April 1986 poll conducted by CID.

I. Opinion of the performance of President Duarte (compared with April 1986 CID poll)

Opinion	April 1986 (percent)	October 1986 (percent)
Very good	7	5
Good	17	23
Neither good nor bad	40	43
Bad	19	21
Very bad	8	6
Don't know/no response	9	2

II. Opinion of which countries a trying to destabilize the Government of El Salvador (first and second choices of respondents)

Country	First Choice (percent)	Second Choice (percent)
Nicaragua	33	15
Cuba	17	23
Soviet Union	12	10
United States	6	2

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El Salvador: Human Rights
Special Project (1993)

III. Opinion of which countries are helping El Salvador (first and second choices of respondents)

Country	First Choice (percent)	Second Choice (percent)
United States	77	4
Venezuela	2	9
Mexico	1	4

IV. Opinion of who is responsible for the war in El Salvador (compared with April 1986 poll by CID)

Group Responsible	April 1986 (percent)	October 1986 (percent)
Cuba and Nicaragua	35	37
Salvadoran guerrillas	18	28
United States	20	9
Duarte Government	8	8
Armed Forces	4	4

V. The FMLN-FDR: Is it losing or winning the war? (compared with April 1986 poll by CID)

Opinion	April 1986 (percent)	October 1986 (percent)
FMLN-FDR losing	36	46
Stalemate	41	40
FMLN-FDR winning	4	4
Don't know/no response	18	10

VI. The FMLN-FDR: Is it losing or winning popular support? (compared with April 1986 poll by CID)

Opinion	April 1986 (percent)	October 1986 (percent)
FMLN-FDR losing	55	64
Stalemate	25	23
FMLN-FDR winning	4	5
Don't know/no response	17	8

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Special Project (1993)

VII. Intentions of the Government and the FMLN-FDR with respect to dialogue (compared with April 1986 CID poll)

Intention	April 1986 FMLN/FDR	April 1986 Gvt	October 1986 FMLN/FDR	October 1986 Gvt
Gain time for a military victory	22	11	29	9
Share power with the government	18	1	15	1
Propaganda tactic to gain international support	15	18	13	18
Propaganda tactic to gain popular support	12	8	16	12
Promote new elections	8	3	5	3
Achieve peace and democracy in the country	5	37	7	41
Share power	2	5	3	3
Other/don't know	18	17	12	13

VIII. The human rights situation now compared with two years ago (compared with April 1986 CID poll)

Opinion	April 1986 (percent)	October 1986 (percent)
Better	25	35
Worse	24	37
Same	45	25
Don't know/no response	7	3

We also include two questions asked in an exit poll conducted by the SIN Television Network during the March 31, 1985 Legislative Assembly elections. Although not current, the results shed light on the amount of popular support enjoyed by the FMLN/FDR, at least among the voting public.

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El Salvador: Human Rights
Special Project (1993)

I. What solution to the guerrilla problem do you prefer?

Elimination -- 54 percent
Participation in Elections -- 40 percent
Should govern the country -- 6 percent

II. The Salvadoran guerrillas receive their principal support from which of the following sources?

Salvadoran people -- 10 percent
Cuba -- 45 percent
Nicaragua -- 45 percent

DIALOGUE

By now, the chronology of events regarding dialogue is well-known. Although dialogue was discussed in informal contacts before the election of President Duarte in May 1984, it was not until September of the same year that the President initiated the formal process by calling for talks in a speech before the U.N. General Assembly. The peace offer presented by Duarte at the October 15 La Palma talks called for pacification of the country within the framework of the constitution approved in 1983 by the freely elected Constituent Assembly, and guarantees for the reincorporation of the left into the political process. In general, the talks at La Palma took place in a conciliatory atmosphere.

The mood changed abruptly at the November 30, 1984 meeting at Ayagualo, when the FMLN -- repudiating the conciliatory line taken by their more moderate civilian counterparts in the FDR at La Palma -- presented a list of hard-line demands calling for the abrogation of the constitution, the formation of a provisional government, the end of outside military aid and advisers, a cease-fire based on territorial demarcation, and reorganization of the armed forces. Only after these steps were completed would the guerrillas agree to participate in elections. These demands were a repudiation of the hard-won electoral achievements of the people of El Salvador and denied the legitimacy of the elections.

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El Salvador: Human Rights
Special Project (1993)

On June 1, 1986 President Duarte called for a third round of talks. After much discussion and a private preliminary meeting in Mexico City, the government agreed to an FMLN proposal to hold the talks at Sesori, in the eastern part of the country. Despite this agreement, the FMLN/FDR insisted on the "demilitarization" of a 400-square mile area around Sesori. The government could not agree to cede control of five percent of its national territory, and the guerrillas consequently refused to participate in the meeting. Nevertheless, President Duarte went to Sesori as scheduled on September 19 and called on the guerrillas to participate in meaningful talks. Since that time, both sides have expressed their willingness to engage in further discussions.

Little has changed in the negotiating positions of each side since the November 1984 Ayagualo meeting. The government continues to insist on maintaining the constitutional order and stands ready to discuss the procedures and security guarantees necessary for reincorporation of the insurgents into the political process. It has also repeatedly expressed its readiness to discuss ways to limit the impact of the war on the civilian population. The FMLN has held firm in its demands for abrogation of the constitution, power-sharing in advance of elections, and negotiations leading to the integration of the two armed forces. It is reluctant to discuss humanizing measures, other than evacuation of wounded guerrillas for treatment abroad in exchange for hostages held by the FMLN, because sabotage and terrorism are key components of its "prolonged popular war" strategy. Given the lack of movement on basic components of each side's negotiating position, the prospects for an early solution to the conflict through dialogue are not promising at this time.

Since more than two years have gone by with little substantive movement toward a political solution, we think it appropriate to discuss in more detail the reasons for that lack of movement. The U.S. continues to believe that a political solution to the conflict in El Salvador is essential to bring about a stable democratic society, restore economic growth, establish social justice, and end the bloodshed. We must be aware, however, that the dialogue process is not an end in itself. The goal of the Government of El Salvador -- a goal we support -- is not simply to end the war, but to end it in a way that guarantees the continuation of the current constitutional order and paves the way for the development of genuine democracy in El Salvador.

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El Salvador: Human Rights
Special Project (19

In any negotiation, the relative strength of the parties at odds is must be considered. The party with less strength is usually forced by circumstances to adapt its proposals to reflect the reality of the issue in conflict. In El Salvador, the fundamental fact is that the politico-military situation has changed dramatically since the first dialogue meeting at La Palma in October 1984. At that time the FMLN was arguably equal in strength to the Government of El Salvador (GOES) -- at least in terms of its military prowess.

From 1984 to 1986, however, the power of the GOES has grown vastly, relative to that of the FMLN/FDR. Militarily, the armed forces have become ever more effective and are engaged in permanent operations to disrupt guerrilla logistics, reduce the size of their forces, and rout them from their formerly secure rear areas in the northern part of the country. The strength of the armed forces was amply demonstrated when in early 1986 they eliminated the insurgent presence on the strategic Guazapa Volcano, long a guerrilla stronghold and the headquarters of their armed forces for the western and central parts of the country. The guerrillas, who formerly controlled territory and attempted to set up "popular local governments," are no longer able to establish and defend territorial boundaries. Government military forces operate at will throughout the country. The guerrilla armed forces, now numbering about one half of the their 1984 strength, have no hope of defeating the GOES on the battlefield, while the GOES continues to steadily reduce guerrilla strength.

Politically, the passage of time has validated and legitimized the efforts of President Duarte and those participating in the democratic process. It is clear that the vast majority of Salvadorans consider the current constitutional order to be the legitimate government of the country. They have expressed their desire for democracy by voting in four elections that have been pronounced by hundreds of qualified international observers - including members of the U.S. Congress - to have been free and fair.

At the same time, as more and more observers both inside and outside of El Salvador are beginning to recognize, the GOES has made enormous progress in ending the serious human rights abuses and repression on the part of the extreme right and some members of the military and security forces that occurred in the early 1980s. This development has been essential in legitimizing the democratic process, both domestically and internationally.

RELEASED
El Salvador: Human Rights
Special Project (1993)

The United Nations Special Representative for Human Rights in El Salvador, in his 1986 report to the U.N. Human Rights Commission, lauded President Duarte and his government for continuing the dramatic progress of recent years in improving the human rights situation.

On the other hand and contrary to the claims of FMLN/FDR sympathizers abroad, the perceived political legitimacy of the FMLN/FDR -- both domestically and internationally -- has fallen substantially. (In reality, as demonstrated by the abject failure of their 1981 "final offensive," which was accompanied by calls for national insurrection, the FMLN has never enjoyed substantial popular support within El Salvador.) Moderate democratic countries throughout the world are distancing themselves from even tacit support of the insurgents. FDR politicians are getting the cold shoulder from governments that previously sympathized with their cause. Financial support for the insurgents from the west has declined dramatically.

As noted above, independent public opinion polls indicate that far less than ten percent of the Salvadoran population would favor a guerrilla victory. The insurgents continue to inflict damage on their image by ceaselessly engaging in sabotage and terrorism that almost invariably results in increased suffering by the common people. By their indiscriminate use of land mines (which has been condemned by the Church, the U.N. Human Rights Commission and other organizations as violations of the ~~Geneva Convention of 1949~~ on ~~civilians~~, because they have killed and wounded hundreds of civilians); their unprovoked machine-gunnings of trucks, cars, and buses; their executions of persons suspected of sympathizing with the government; their kidnapping of elected local officials; their murder of peasants disregarding orders not to harvest export crops; their burning of those crops; and their endless destruction of the electrical system, the guerrillas are inadvertently demonstrating to the people their true colors. More and more Salvadorans -- however apathetic or unhappy with President Duarte's policies -- are coming to see the guerrillas as a ruthless band of insurgents whose goal is simply to prolong the war until they gain power.

~~The Protocol~~ of Protocols Additional to the Geneva Conventions of 1949.

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El Salvador: Human Rights
Special Project (1993)

Given this situation, in which the guerrillas are militarily and politically vastly inferior to the GOES, one would expect that their negotiating position on dialogue would change. But it has not. As if in a politico-military vacuum, they continue to demand the abrogation of the constitution, power-sharing in advance of elections, and the integration of the two armies. It is not reasonable to expect that the GOES, negotiating from a position of political legitimacy and strength, would consent to the destruction of its fledgling democracy and in effect commit suicide, which is essentially what the guerrillas are demanding.

Instead, the GOES continues to offer generous terms to those insurgent elements who would lay down their arms and participate in peaceful political struggle within the institutions established by the 1983 constitution. The GOES stands ready to discuss unconditional amnesty and comprehensive guarantees for returning insurgents who wish to be politically active. That those insurgents could safely do so is becoming more and more evident. Already, several mid-level members of Ruben Zamora's Popular Social Christian Movement (MPSC) are living in El Salvador, quietly testing the political waters. Some have been in the country for more than a year; none has had any problems with the government or the extreme right. Guillermo Ungo's National Revolutionary Movement Party (MNR) remains a legal political party. A new leftist Social Democratic Party has been operating for more than one year. None of its leaders or members has experienced any problems with the government or the extreme right.

All these signs -- combined with the steady improvement in human rights recognized by the U.N. Human Rights Commission, the Interamerican Human Rights Commission, and other organizations -- point to the viability of an appropriate plan to reincorporate insurgents into the democratic process. Indeed, it is possible that moderate democratic elements of the insurgent alliance will participate in the March 1988 elections for the Legislative Assembly.

Although some democratic members of the FDR may return to participate in the democratic process, their communist counterparts in the FMLN are unlikely to do so. The military leaders of the FMLN, who have a long and bloody history of eliminating moderate or dissident opposition within their organizations, have publicly vowed never to lay down their arms until they achieve power. These leaders are probably unalterably committed to gaining power through force of arms -- unless they are handed power in a political agreement. The military leaders of the FMLN took to the hills in the 1970s because they believed that armed force was the only way to bring about real change in El Salvador. After 15 or more

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years of fighting, they will settle for nothing less than (probably permanent) control of the government.

What kind of El Salvador might we reasonably expect were the FMLN to take power? We would expect a rapid evolution toward a communist state. In November 1985, the FMLN publicly declared its intention to form a single Marxist-Leninist vanguard party. The hard-core military leadership of the FMLN is beyond question communist. Their own words and actions amply support this contention. It is not reasonable to suppose that the moderate elements of the FDR -- latecomers to the revolutionary movement without any independent base of support within El Salvador -- would be able to dictate the evolution of a revolutionary regime to the armed revolutionaries who have struggled so long to gain power.

The real power in the FMLN/FDR alliance is in the hands of those with the guns: the communist military leaders of the FMLN. The reason for the lack of movement in the FMLN/FDR's dialogue position is that the communists can never agree to a political solution that does not explicitly or implicitly hand power to them. They realize that the ballot box will not bring them into positions of political power. They have clearly stated that they would prefer an endless war, which at least offers the hope that the existing system will one day be overthrown.

The guerrillas' strategy of prolonged popular war is explicitly based in part on the hope that the U.S. will lose its resolve to support the long and difficult process of democratization in El Salvador. Their aim is to wait until military and economic assistance levels are reduced to the point that they can again become militarily effective or successfully foment an irretrievable political and economic crisis. For the U.S., our moral responsibility is clear: It is to support the efforts of the civilian Government of El Salvador to negotiate a political settlement to the war under the terms of the constitution and the democratic process. The hope of dialogue is that, as the moderate elements of the FDR more and more come to realize that the military track will bring them no closer to political power and only causes hardship, pain and suffering to the people they claim to represent, they will incorporate themselves into the legitimate political process. Eventually, the hardcore, armed elements of the FMLN will find themselves isolated and without significant internal support. They will be forced to either give up the fight or remain as marginalized terrorists on the fringes of society.

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El Salvador: Human Rights
Special Project (1993)

CIVILIAN CONTROL OF THE MILITARY AND HUMAN-RIGHTS

One notable aspect of the dialogue process has been the element of overall civilian control and direction. Contrary to what is often alleged about civilian control in El Salvador, it was President Duarte and his civilian advisers who began, developed and led the dialogue process. The delicate preliminary meetings between the government and the guerrillas last summer, for example, were carried out solely by President Duarte's chosen civilian representatives

The guerrillas' failure to show up at Sesori has been blamed on the presence of Salvadoran government troops operating in the area, implying that the Salvadoran military somehow sabotaged the talks by conducting normal operations. As noted above, the guerrillas had demanded an extraordinarily large part of eastern El Salvador be "demilitarized", a demand the government felt it could not possibly meet. President Duarte had already guaranteed the safety of the guerrilla leaders, a promise all knew to be firm as the President had similarly guaranteed the well-being of the insurgents during the 1984 Ayagualo round. Intransigent guerrilla demands, not the Salvadoran military, stopped the progress of the 1986 dialogue.

There is little question that the military as an institution has historically played a predominant role in Salvadoran society. It has traditionally viewed itself as the ultimate arbiter of the nation's fate, an attitude that began to change after the reformist coup of October 15, 1979. Since that time, the military has steadily submitted itself to civilian control and authority and, in fact, has guaranteed the integrity of Salvadoran democracy by providing security for the elections of 1982, 1984, and 1985.

The Salvadorans saw a neighboring military force, Somoza's National Guard, disintegrate because of a failure to reform on the part of the ruling regime. Reformist elements of the Salvadoran military, facing the beginning of an active insurgency supported by Cuba and Nicaragua, overthrew the old regime and began the long and often bitter process of democratic reform.

The principle of civilian control of the military was neither easily nor rapidly established. Throughout the years of the revolutionary junta (1979-1982) and the provisional government (1982-1984), civilian power was often tenuous. Individual officers or groups of officers centered on military academy graduating classes often seemed as powerful as the still developing civilian institutions.

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Special Project (19

Nevertheless, as Salvadoran democrats -- military and civilian -- struggled to establish constitutional democracy in the midst of a bitter war, the principle of civilian control over the military began to take hold. The military recognized that its duty was to protect democratic institutions, not to impose candidates upon them. Consequently, the military played no political role in the elections of 1982, 1984 and 1985, an important break with the past.

With the election of President Duarte in 1984, El Salvador finally established a constitutional democracy. The principle of civilian authority, clearly implicit in the military's guaranteeing the security of the elections but remaining aloof from the political struggle, was strengthened early in the Duarte presidency by his issuance (in September 1984) of strict guidelines on aerial combat operations. These guidelines have been followed, and civilian loss of life in such operations has been minimal, occasioned at times by guerrilla fighters taking refuge among civilians during combat with the government, at other times by mistakes by Salvadoran pilots. The Air Force has also paid compensation to families that have lost relatives in air operations.

The most important area for the establishment of civilian control has been the area of human rights. President Duarte has made it a priority of his regime to pursue all violators of human rights, irrespective of position and influence. His government has kept the infamous Las Hojas case open, despite a number of legal setbacks over the years, patiently collecting evidence and submitting it to a civilian court. That court found the government's evidence permissible in August 1986 and the case remains active.

The Duarte government continued investigating and attempting to investigate the intellectual authors of the January 1981 Sheraton Hotel murders. Civilian courts ruled against the government's evidence in all but one of its attempts to prosecute the principals in the case (the actual gunmen were convicted in 1985). The government is still pressing its case against Captain Eduardo Avila Avila, presenting its latest evidence in November 1986. In December, the judge in charge of the case accepted the government's new evidence and reopened the case.

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El Salvador: Human Rights
Special Project (1993)

In the NORDAC ammunition fraud case, the government's appropriate civilian organs -- the Supreme Court, a lower level criminal court, and the Attorney General's office -- are involved in investigating, with United States assistance, the facts of the case in order to ascertain what, if any, Salvadoran laws were broken on Salvadoran soil. The government also continues to investigate the Armenia well case and the March 1980 murder of Archbishop Romero.

The most recent government investigation of military officers involves a kidnapping-for-profit ring uncovered in early 1986. An active duty officer is detained, two others fled the country and have since been charged with desertion. Former officer Isidro Lopez-Sibrian, a principal in planning the Sheraton murders, is also in jail for his involvement in the ring. This case was a critical test for civilian authority as it involved a number of active duty military officers using their positions in the Armed Forces to commit criminal acts. The government, the police and the Armed Forces were clear in their intent to see that justice was done.

It is not only in human rights and criminal cases where the civilian government maintains control of overall policy. In the extremely delicate area of foreign relations, the President and his ministers are the sole judges of the course of Salvadoran foreign policy. Civilians decide El Salvador's position on numerous foreign policy issues, including Contadora, the peace plan of Costa Rican President Arias, the border question with Honduras, and bilateral relations with the United States. All of these issues are crucial for El Salvador's security interests; the military's natural interest in them is nevertheless subordinated to civilian direction and control.

The military and security forces have also strictly followed the civilian legislature's dictates on extraordinary security legislation, especially Decree 50. This decree, in force until January 1987, was fundamental in controlling domestic subversion. When it lapsed, the military no longer had civilian-sanctioned authority to hold prisoners for up to 15 days before bringing them before a judge. Although such legislation was of obvious importance to the military's legitimate security interests, it nevertheless bowed to the legislature's failure to extend Decree 50 and no longer holds prisoners more than 72 hours, the normal period allowed under Salvadoran criminal law.

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The Duarte government expends more than 30 percent of its budget on the war. The President decided in late 1986 to impose new taxes to help finance this cost. A special one-time "war tax" was to be levied, a move the military strongly supported. The tax, however, was challenged in court and the Salvadoran Supreme Court shortly thereafter found the tax unconstitutional. Minister of Defense Vides Casanova publicly defended the Court's right to make such a ruling, despite the lost appropriations.

President Duarte, working with the Roman Catholic Church, has also been releasing wounded guerrillas as a humanitarian gesture. The military accepts such releases as the prerogative of the President.

The dramatic reduction in death squad killings is another indication of civilian control. It was widely suspected, for example, that in the early 1980s renegade security force members were responsible for political killings. As civilian authority asserted itself through El Salvador's democratic reforms, the military could no longer consider itself a law unto its own. The government, with the agreement of senior military officers, made a conscious effort to prosecute the more notorious killers. It did not always succeed, but the message was unequivocal -- the military would have to submit to civilian authority in the politically charged area of human rights.

Death squad killings in El Salvador have been drastically reduced. The State Department believes some 20 deaths in 1986 may well have been committed by rightist vigilantes, although no self-avowed death squad has taken credit for a killing in El Salvador since late 1985. The guerrillas are now responsible the majority of political executions, killing suspected government informants and agricultural workers who run afoul of insurgent sabotage efforts.

Civilian authority is firmly established in El Salvador. The Salvadoran military, as much if not more than most Latin American military establishments, has learned and accepted the principles of democratic civilian leadership. Lines of authority and responsibility have been clearly established and consistently respected.

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El Salvador Human Right
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Administration of Justice

Historically, Salvadoran judicial procedure, like that of most other Latin American Nations, has been based upon the Napoleonic Code, which itself derived from the Roman system. Code systems differ markedly from Anglo-Saxon common law legal systems such as that of the United States. Although many recently drafted constitutions in Latin countries call for the presumption of innocence, their legal systems rooted in the Napoleonic Code rest on a presumption of guilt. Frequently, jury trials are not available; decisions of guilt or innocence are made by an investigating magistrate, whose findings are reviewed by a higher appeals court or tribunal. The systems rely very heavily on written evidence and on witness and defendant testimony.

In developing countries, legal systems developed during the colonial era and continued little changed into the present decade are burdened by low pay for the ill-trained judges and staff, antiquated facilities, equipment and procedures, and police forces unprepared to use modern forensic technology in investigating crimes.

In El Salvador, the system began to show the strains of serious breakdown in the 1970s when leftist opposition groups began to turn to armed insurgency, relying on kidnappings and holdups to supply themselves with cash for arms and ammunition and on terrorism to make their political presence felt. Some army officers and right-wing groups emulated the guerrilla tactics in running kidnapping for profit rings. The public security forces had no technical or forensic expertise upon which to rely in investigating the crime wave. Judicial response to the situation was also inadequate. Suspects with enough money or the ability to intimidate judges through threats of violence were able to obtain release. As frustration with the inadequacy of the system mounted, right-wing death squads appeared on the scene, often aided by members of the security forces. Political and death squad violence mounted, and the courts found themselves no more able to respond to right-wing crime than to left-wing terrorism.

The judicial system's breakdown was brought home to the U.S. public when renegade National Guardsmen killed four U.S. churchwomen in late 1980 and two U.S. employees of the American Institute for Free Labor Development (AIFLD) were gunned down in a January 1981 attack on the Salvadoran land reform

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Special Project (1993)

director. The U.S. Government provided FBI expertise to investigate the cases and, spurred by the extreme difficulty in seeing the cases against the perpetrators prosecuted, it began to look closely at the need to reform the judicial system to cope with the current reality. Out of that situation grew the Administration of Justice project, first focused on El Salvador, and later expanded to include other Central American countries and parts of South America. A number of other countries in the hemisphere suffer from judicial inadequacies similar to those of El Salvador, but none have been under the combined pressure of left and right-wing terrorism, combined with an on-going insurgency.

Any discussion of the progress in the judicial reform program must begin with the recognition that this politically volatile project, implying as it does far-reaching changes in societal attitudes, has been in existence only since late summer 1985. It was at that time that the Salvadoran Legislative Assembly passed the legislation establishing the commissions called for by the project. Serious start-up problems at first precluded rapid progress, but indications now point to a widespread consensus within the government, the judiciary, the military, the legal community, and the people that the reform program is essential to furthering democracy in El Salvador. With this consensus, the pace of progress on all fronts of the program is quickening.

The judicial reform program comprises four distinct yet mutually reinforcing projects: the Revisory Commission, the Commission for Investigations, the Judicial Protection Unit, and Judicial Administration.

The Revisory Commission

In our last report, we noted that the Revisory Commission had completed its analysis of penal, civil and administrative law. Working groups responsible for each area are drafting legislation for submission to the Legislative Assembly. Once their work is completed, the Commission reviews the product and submits it to the legal community and the public for comments and and further review. This process, although time consuming, is essential for building the consensus necessary for the reforms to take hold once they are implemented. (During the last several months, the Commission has sponsored a number of well attended open forums on various reforms under consideration.) After the outside comments are received, the working group revises the proposed legislation to take into account the comments and recommendations and then sends it back to the Commission for final revision and approval. The Commission then formally submits the draft legislation to the Assembly.

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El Salvador: Human Rights
Specic' Project (1993)

In the area of civil law, the Commission has submitted to the Assembly a thorough study and analysis of Articles 105 and 267 of the Constitution, which deal with the holding, transfer and registering of rural land and the definition of what constitutes a campesino and a small farmer -- issues that have been the subject of great controversy and debate in the Assembly, and which are essential to the agrarian reform process. The Commission's proposal was used as the basis for the law adopted in November 1986 by the Assembly.

The civil law working group has also completed and submitted to the Commission its study of the rights of parents in informal marriages and of illegitimate children, an area of great importance in El Salvador, where the large majority of marriages are informal. The same working group is also preparing studies on immediate reforms to the adoption law and other areas of familial relationships.

The administrative law working group is preparing legislation on a National Council on the Judiciary and the Judicial Career System. The team is analyzing a survey taken of judiciary employees and practicing attorneys. In addition, it is preparing a comparative analysis of similar initiatives in other countries. The results of the survey and the comparative legal analysis were discussed at an open forum in March, with the participation of international legal experts from Spain, Venezuela, and other countries. The recommendations of the forum will be incorporated into the draft legislation sent to the Commission. The same working group is also preparing a proposal for legislation on a public defender office and legal aid. The study is being revised to incorporate recommendations made during two three-day seminars held in December 1986.

In the area of penal law, after an exhaustive review and analysis of Decree 50 (the February 1984 legislation governing prosecution of suspected guerrillas during a state of emergency), the Commission submitted to the Legislative Assembly its proposed legislation to replace Decree 50. Decree 50 has been criticized for its inadequate provisions for access to counsel, the 15 day administrative period after arrest, and the lengthy time needed to process cases.

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El Salvador: Human Rights
Special Project (1993)

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The proposed law addresses each of these issues by requiring immediate access to counsel, limiting the period of detention to the same three day period for normal criminal cases, and drastically shortening the time limits for investigating and processing the case. Unlike under Decree 50, the new law would limit the role of the military courts by giving jurisdication for appeals to the civilian courts and the Supreme Court. Of course, after debate in the Assembly the new legislation may emerge in a modified form, but it is an indication of the kind of quality work being produced by the Revisory Commission.

The penal law working group has also submitted to the Commission for review its proposals for immediate reforms to the penal procedural code and proposals to bring the legal system into compliance with Article 27 of the 1983 Constitution, which prohibits the death penalty. The working group is also studying reforms concerning rules of evidence; procedures on the execution of sentences; the jury system; laws regulating amnesty, pardons, and commutations; right to legal counsel; and an in-depth analysis of administrative detention.

Commission for Investigations

The Commission for Investigations consists of the Forensics Unit and the Special Investigative Unit. The first phase of the Forensic Unit (consisting of six sections: fingerprinting, firearms identification, document examination, polygraphing, photography and drafting) is fully operational. The unit moved to its new fully equipped headquarters in March. Now that the staffing and equipping of phase I is completed, the Commission for Investigations is turning its attention to selecting personnel to staff the divisions that will comprise phase II (serology, hairs and fibers, chemistry/toxicology and mineralogy). The training and equipment plans for these divisions are ready for implementation.

Over the last several months, members of the Special Investigative Unit and the Forensics Unit have received training in the following areas: crime scene search, legal medicine, forgery detection, crime scene drawing analysis, firearms, and questioned documents.

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Special Project (1993)

The Special Investigative Unit (SIU) continues its work on nine high-profile criminal cases, most involving abuses of human rights. Two of the cases involving Salvadorans have been resolved. Recent action in other cases under the SIU's jurisdiction include the reopening of the Sheraton-AIFLD murder case against Captain Eduardo Avila. Avila has appealed this action to the Supreme Court, which is completing its review of the appeal. The murder case against the alleged killers of U.S. citizen Michael Kline is in the final stages before going to a jury trial. In the kidnapping ring case, involving Decree 50 charges against several military officers and civilians, several of whom have apparent death squad links, the investigative judge is gathering judicially admissable evidence. As noted earlier, one officer is incarcerated and others are fugitives who have fled the country. The 1982 Las Hojas murder case has been reopened and the investigative judge is interviewing witnesses who have recently come forward. Witness interviews are underway in the 1980 murder of Archbishop Romero. Evidence in the Armenia well case has been turned over to the courts for judicial action.

The Judicial Protection Unit

After considerable debate, Salvadoran and U.S. officials have reached agreement on a revised concept for the Judicial Protection Unit (JPU). Under the revised concept, the JPU will be a civilian risk assessment management team drawing on public security force personnel or private contractors as needs arise to do the actual protection work. All of the members will be high school graduates and civilians. Their psychological profiles and physical condition will be assessed prior to their being hired, and they will be trained in judicial protection methods in El Salvador and abroad. The JPU will not itself act as an executive protection service, but rather will focus on assessing risk and assuring protection for witnesses, judges, prosecutors, and investigators. As envisioned, the JPU will eventually develop a capacity to implement a witness protection program to relocate witnesses and their families. Recruitment, testing, and selection of personnel for the JPU is now underway.

Judicial Administration and Training

Significant progress has been made in efforts to improve and streamline the system of judicial administration. Four new First Instance Tribunals (two Decree 50 and two Mercantile) began operations during the reporting period. In the Supreme Court, a new administrative unit designed to assist with the implementation

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of the reform programs and to assume most of the Court's administrative activities has been established. Agreement was reached for the establishment of three law libraries. The training of legal personnel has continued. Project funds and local currencies are being used to finance activities in support of the administration of justice effort.

LAND REFORM

On numerous occasions during the last several decades, military governments with reformist proclivities tried to redistribute land to the peasantry. Each of these attempts was stymied by the entrenched landed oligarchy, which jealously guarded its prerogatives. In a very real sense, the current conflict resulted from the grossly unfair pattern of land distribution in the countryside. In particular, the rapid development of export crops like cotton and sugar following World War II forced thousands of peasants off their land and into the marginal areas of the cities. Given El Salvador's high rate of population growth, the pressures for land were bound one day to produce an upheaval. (Nevertheless, it is important to note that the current conflict is not the result of a massive uprising by the lower classes. Rather it is the work of committed -- mostly middle and upper class -- revolutionaries who found fertile ground for their philosophies among a relatively small minority of the lower classes. Their recruitment efforts were abetted by the massive repression unleashed by the large landowners as they began to see their previously impregnable position threatened during the 1970s.)

The reformist military government that took power in the 1979 coup saw clearly the need to radically change the existing pattern of land distribution to prevent a takeover by the communist guerrillas. And before he took his Christian Democratic Party into the ruling junta in 1980, Jose Napoleon Duarte required the junta and the military to unequivocably commit themselves to large scale agrarian reform.

Land reform in El Salvador is now an established fact. Even the staunchly conservative ARENA and Partido Liberation parties have stated repeatedly that the land reform was a necessary measure that cannot and should not be undone. The fact is that, regardless of the dislocation caused by the reform, some 22 percent of the arable land in the country has been taken from its former owners and placed in the hands of peasant cooperatives and small private farmers. Also, some 26 percent of the nation's farm families are now in the reform sector. By any definition, this is a radical redistribution of land; it has resulted in new opportunities for hundreds of thousands of the rural poor.

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Special Project (1993)

Since 1980, the Salvadoran agrarian reform has transferred 782,000 acres of farmland to 525,000 beneficiaries and family members. As noted above, it has redistributed control of 22 percent of El Salvador's scarcest factor of agricultural production -- land. It has dramatically changed the nation's agricultural production structure. While more still needs to be done, the reform and its beneficiaries have faced and overcome many challenges. There is no longer fear of counter-reform or talk of reversing the new patterns of land tenure. The few Phase I owners who still hope to reclaim individual properties are doing so peacefully on the bases of legal challenges in the court system, and Phase III beneficiaries no longer report attempts to evict them. Nor do they suffer violence related to their claims.

Compensation is proceeding and beneficiaries are paying on their agrarian debts. In mid-1986, the GOES restructured the debt of Phase I cooperatives, reducing the interest rate and extending the grace periods and repayment schedules. Even before the restructuring, 65 cooperatives had already made payments on their agrarian debt.

Reform sector production is, on the whole, declining, but this is true of agricultural production in El Salvador as a whole, and the Phase I yields still exceed national averages. The declining Phase I production is viewed as a function of world prices, weather, and changing cropping patterns rather than as a result of the reform. Phase III beneficiaries produce an increasing share of the basic grains consumed in El Salvador.

Recent legislative changes have simplified the Phase III titling process. The land registry system is being changed to a folio real and modernized, which should reduce the time required to register a property, and it is now legal to register properties on which current mortgages exist, heretofore impossible.

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Special Project (1993)

Phase I:

Phase I of the agrarian reform expropriated the properties of persons owning combined landholdings of more than 1,235 acres. Some 469 properties totaling 542,000 acres were affected. These properties were organized into 317 cooperatives (or production units). A census of these cooperatives in early 1987 found 295 of the (499,000 acres) functioning in one form or another; 20 were found to be abandoned because of the war; and two could not be reached because of their location in conflictive areas, although it is safe to assume that if they function at all, it is only intermittently.

There are 31,359 direct (188,154 indirect) beneficiaries of Phase I. On the average, Phase I beneficiaries enjoy about five times as much land per family (although the land is owned collectively) as Phase III beneficiaries. It is generally believed that the Phase I beneficiary pool could be expanded greatly (some estimates run as high as three times the present number of members) by either dividing the land up and farming it individually or adding more members to existing cooperatives. The GOES intends to increase the number of Phase I beneficiaries, but since this involves "reforming the reform" and reducing the holdings of recently endowed beneficiaries, it is approaching the issue cautiously.

About 65 percent of the land in the active Phase I cooperatives is currently cultivated or in pasture. The rest is either covered by infrastructure and forests (20 percent) or is idel (15 percent). More than 17,000 acres of Phase I land is rented to and farmed individually by over 9,000 non-members, and many more non-members live on cooperatives and provide seasonal labor. The recent census revealed that approximately one-half of the families living on Phase I cooperatives are not members.

Compensation of former landowners, a prerequisite to titling, is proceeding. As of February 1, 1987, full or partial compensation had been paid on 411 of the 469 properties expropriated (88 percent); and titles had been issued to 197 of the 317 cooperatives (62 percent). Until 1986, the availability of funds for compensation was a constraint on titling. The GOES recently added 40 million colones ($8 million) to the compensation fund to match 105 million colones ($21 million) of local currency provided by USAID at the end of 1986 for compensation. This should be sufficient to complete compensation, and except for a small number of properties (20-30) in court litigation, almost all titles should be issued by the end of 1987.

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The professional management and accounting programs continue with 169 managers and 197 accountants now employed. This activity will continue to be funded by local currency.

Credit was extended to 267 cooperatives (85 percent) during the crop year 1985/86, an increase of 18 cooperatives over the previous year. Of the 267 cooperatives with credit during 1985/86, 142 of them (53 percent) had no overdue loans whatsoever. The main reasons for cooperatives not receiving credit were as follows: excessive debts (29); did not request credit (9); and location within conflictive zones (2). USAID's Agrarian Reform Financing Project will continue to extend credit through 1991.

There are unresolved issues that still affect the Phase I cooperatives and beneficiaries. Beneficiary rights and responsibilities are not well-defined, although many cooperatives made ad hoc provision for resolving various rights issues: inheritance, pensions, obligations of members, the right to rent or lease land. The GOES has agreed to provide draft legislation on the issue of membership rights before July 1987. The equity of cooperative members and a mechanism to transfer equity, permitting exit from the cooperatie without financial penalty, is still unresolved. The GOES is expected to enact a new general law of agrarian reform sometime in the latter half of 1987, replacing the revolutionary decrees under which the reform still operates, but how many of these issues it will resolve is still unclear.

Phase I Indicators as of February 28, 1987

Direct Beneficiaries	31,359
-- Including Family Members	188,154
Land Affected (acres)	542,044
Number of Cooperatives	317
Properties Affected	469
Properties Compensated	415
-- As percent of Phase I properties	88 percent
Compensation Paid (dollars)	229,946,835
-- Cash	16,989,435
-- Bonds	212,957,400
Titles Issued	197

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Special Project (1993)

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Phase II

Phase II implementation has been widely misunderstood and is generally reported never to have taken place. In fact, Phase II has been taking place through voluntary sales since ratification of the 1983 constitution, which gave Salvadorans the right to own a maximum of 605 acres. Those owning more had three years (until December 20, 1986) to sell off the excess to qualified buyers (cooperative members and small farmers).

A census of the 389 owners identified as owning in excess of 605 acres in 1983 was conducted in 1985, one year before the constitutional time limit expired. It indicated that all but 22 percent of the owners had already complied and all but 6 percent were trying to sell off their excess. The recalcitrant 6 percent stated they did not believe that the GOES would pass the required implementing legislation defining who could purchase the land. The implementing legislation defining "campesinos" and "small farmers" as the eligible buyers was passed only days before December 20, 1986. Further legislation determining the disposition of any excess land expropriated under Phase II has not been passed, but is expected as part of the reform legislation due prior to July 1987.

Depending upon the willingness and ability of owners to sell their excess, USAID estimates that the amount of land potentially expropriated under Phase II ranges from 15,000 to 42,000 acres, although given the state of the land resistry system, determining precisely how much is to be expropriated from whom will be difficult.

The census found that many of those who were trying to comply with the time and acreage limits were having difficulty selling their land, much of which was mortgaged or located in conflict zones. Persons who were eligible and wanted to buy the land had no means to do so since land financing mechanisms for campesinos and small farmers are virtually non-existent. The GOES and USAID are currently working on the possibility of land financing or land sale guarantee mechanisms to be funded with local currency. Various options exist. USAID tends to support a mechanism which would give options to purchasers instead of creating a land financing monopoly in either a GOES institution or a particular private institution. Using the campesino organizations to identify potential buyers and even indirectly guarantee purchases from a central fund is under consideration.

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Phase III

Phase III, or the "Land-to-the Tiller" program, was enacted in April 1980 by Decree 207. It was based on the principle that agricultural land should belong to the persons who farm it. Decree 207 allowed small, independent farmers who rented or sharecropped land to claim up to 17 acres of it. Its objective was to give secure title to persons who traditionally had cultivated different parcels each year under a variety of ad hoc arrangements with various landlords. Coupled with El Salvador's chronic land scarcity and over-population, the former system not only weighted the terms of trade heavily in favor of the landlord, but also gave the farmer little incentive to conserve soil or make long term investment.

Under the Phase III program, renters and sharecroppers who thought they were eligible had one year to file a title petition at local offices of the National Financial Institute for Agricultural Lands (FINATA). After initial processing in the local office, FINATA issued a provisional title which gave usufructory rights to the land to petitioners while the complex and time-consuming titling process of verification, measurement, valuation, etc, ground away toward definitive titles which could then be registered in the name of the beneficiaries.

The Phase III program has faced many implementation problems, most of which have been overcome.

When it turned out that some affected landlords were smallholders themselves, economic peers, and, in some cases, relatives of claimants, the program appeared to merely redistribute poverty among the poor until a FINATA administrative ruling exempted properties belonging to persons who owned less than 17 acres themselves or were otherwise disadvantaged.

The inability of FINATA personnel to service petitioners in conflictive zones has reduced the total number of Phase III beneficiaries and has thus so far has precluded the opportunity for secure land ownership to many potential beneficiaries within those zones.

In June 1984, after three extensions, the filing period closed and FINATA shifted its resources from extending the program to as many elegible claimants as possible to the

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laborious task of verifying petitions and transferring titles. FINATA continues these tasks today, and with the aid of a modernized land registry system, the number of definitive titles being registered has increased significantly.

Phase III beneficiaries are, on the average, among the more disadvantaged of the 2.2 million rural poor in El Salvador. One of the main objectives of granting secure title was to increase family income. In this regard, Phase III has been very successful. Total family income for Phase III beneficiaries nearly doubled between 1982 and 1984. Moreover, even when adjusted for inflation, income from the parcels increased 9 percent, a claim which few agriculturalists in El Salvador could make over the same period of time.

Phase III beneficiaries have traditionally cultivated basic grains for sale and subsistence, but with basic grain production fallilng countrywide, Phase III farms have become an important source of basic foodstuffs for the country. From 1982 to 1984, the percentage of national basic grain production attributable to Phase III beneficiaries has increased from 11 to 25 percent, and 62 percent of the production enters the marketing system (versus 58 percent in 1982).

Diversified production was another objective of Phase III, based on the hypothesis that secure tenure would promote investment in the irrigation, drainage and other structures necessary for crop diversification. In 1982, basic grains accounted for 95 percent of the value of Phase III production. In 1984, basic grains accounted for 72 percent of the value, diversified crops having increased in importance from 5 percent to 28 percent over the two year span. The average value per acre of diversified crops is 250 percent of the value of basic grains.

Although over the years the Phase III beneficiaries have employed only the crudest of tools and technology, secure tenure is now changing their propensity to invest and adopt different methods. The value of productive capital goods (plows, sprayers, irrigation equipment) has increased 197 percent (in constant prices adjusted for inflation) since 1982. With regard to productive investment expenditures, Phase III beneficiaries demonstrate an above average propensity to invest additional income in technological improvements.

Whereas before secure tenure the farmer had virtually no incentive to make long term improvements, in 1984 over 21 percent had invested in soil conversation measures of some kind; 13 percent had planted permanent (and generally higher

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Special Project (1993)

value) crops; and 6 percent had installed irrigation, drainage or other related improvements.

Twenty-two percent of the Phase III beneficiaries received formal technical assistance during 1984, mostly from the Agricultural Development Bank and the Ministry of Agriculture. Both technical assistance and agricultural credit remain problematic because of the low level of education and widely dispersed and often remote locations of Phase III beneficiaries.

In summary, we see a situation in which a significant portion (12 percent) of the rural poor have gained secure access to the land through Phase III, and they are responding remarkably to the opportunity. Although family incomes have increased, standards of living have remained constant, but only because beneficiaries are forgoing personal consumption for productive investments.

Independently, these individual small farm families are increasing the area they cultivate through buying or renting land. They are producing one-fourth of the corn and one-fifth of the beans consumed in El Salvador. While increasing production of basic grains, they are also diversifying into higher value crops. Increased disposable family incomes are being used to purchase productive capital goods, conserve precious resources, and make farm improvements -- all investments in the future.

While maintaining the security afforded by traditional production methods, they are experimenting with improved crop varieties and adopting new technology. Many of these improvements are being made with only minimal access to formal technical assistance and credit.

When asked what is the most important benefit of Phase III, the almost all beneficiaries answer either: "secure access to land" or "assured work." The Phase III beneficiaries are demonstrating that with little else than secure title and the opportunity to work, even the poorest of farm families are willing to sacrifice today to build a future in rural El Salvador.

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Special Project (1993)

Phase III indicators as of February 28, 1987

Beneficiaries	56,188
-- Including Families	337,128
Land Affected (acres)	240,054
Petitions Filed	79,142
Titles Issued	
-- Provisional	62,160
-- Definitive	16,569
Owners Compensated	2,768
-- Amount Paid (dollars)	23,653,772
-- Affected Parcels	31,449
Voluntary Payments (Beneficiaries)	54,107
-- Amount (dollars)	3,513,966

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Chile Project (#S199900030)
U.S. Department of State
Release ___ Excise ✓ Deny ___
Declassify In Part ___ In Full ___
Exemption(s) B6

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TEXAS

United States Senate
WASHINGTON, D.C. 20510

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COMMITTEES
FINANCE
ENVIRONMENT AND PUBLIC WORKS
JOINT ECONOMIC
JOINT COMMITTEE ON TAXATION
SELECT COMMITTEE ON INTELLIGENCE

October 2, 1986

EXCISE

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ACTION
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Mr. J. Edward Fox
Assistant Secretary for
Legislative and Intergovernmental Affairs
U.S. Department of State
2201 C Street
Washington, D.C. 20520

Dear Mr. Fox:

I recently received the enclosed constituent inquiry, and I would very much appreciate your providing me with any pertinent information you might have regarding the matter.

Your kind assistance is greatly appreciated.

Sincerely,

Lloyd Bentsen

Lloyd Bentsen

Enclosure

PLEASE REPLY TO:

961 Federal Building
Austin, Texas 78701
ATTN: Lauren Riggin

1986 OCT -9 PM 3:42
OUT
EAIM/IAP/WI

1986 OCT -9 PM 3:19

Re: concerned about the persecution of three priests in Chile, Fr. Terence Cambias M.M. Fr. Thomas Henehan M.M. and Jose Luis Aguilar

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THOMAS:mhl

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EXECUTIVE SESSION

BRIEFING ON CHILE

Thursday, October 2, 1986

Rec'd 12-1-86

House of Representatives

Subcommittee onInternational Development Institutions and Finance

Committee on Banking, Finance and Urban Affairs

Washington, D.C.

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

The subcommittee met, pursuant to call, at 2:25 p.m., in room 2222, Rayburn House Office Building, the Honorable Stanley N. Lundine (chairman of the subcommittee) presiding.

Members Present: Representatives Lundine, Levin, Torres, Fauntroy, Morrison, Morrison, Bereuter, McCandless, Kolbe, and McMillan.

aide was on staff

[redacted]

HANDLE AS CONFIDENTIAL

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Chairman Lundine. The meeting of the International Development Subcommittee will come to order.

As I noted in my notice to you last week, I will now move to close this meeting as provided under the rules of the House. Secretary Abrams is here in the spirit of consultation with us and it is important that we have the opportunity to speak candidly with him in private in this matter.

All those in favor of conducting this as an on the record but closed meeting, say aye.

Opposed?

The motion is carried.

Now, having gotten that out of the way we are going to have to excuse ourselves briefly to go vote.

(A short recess was taken)

STATEMENT OF ELLIOTT ABRAMS, DIRECTOR, INTER-AMERICAN FOUNDATION, ACCOMPANIED BY HARRY BARNES, U.S. AMBASSADOR TO CHILE, AND JOSEPH W. CONROW, DEPUTY ASSISTANT SECRETARY, DEVELOPING NATIONS, DEPARTMENT OF THE TREASURY

Mr. Abrams. With respect to the arms caches, at the request of the Government of Chile, we sent a team down and their conclusions, at least so far as we have stated them publicly, are that first the arms caches ~~was~~ were for real, there ~~was a~~ were large arms caches, and that ~~it was~~ they were not ~~a~~ plant or the creation of anybody in the Chilean Government and that ~~it was~~ they were extremely large.

The exact nature of what we found, what things, and where they were from, we have never stated publicly. We are working now to try to get a sanitized verion of that for public use.

To see how far the intelligence community is willing to go, the Chileans have made a number of statements about what is in there, but we have neither confirmed nor denied what they said is what in fact we found. So, all we have said really so far on the record is that we were asked to look at the arms caches and that we found some very large and genuine arms caches in the northern part of Chile.

Chairman Lundine. That takes care of that.

Why don't you start out.

Mr. McCandless. In the process of discovering this, did it look like it was an accumulated type of cache or was it transported most of it at one time? Was it possibile to

Mr. Abrams. I would say it wasn't possible to interpret. I have had a briefing on it and from my recollection of the briefing you would not be able to tell the size of it. I think you would go from that size of it, which was many tons. It is unlikely that one shipment would deliver that large a cache. It is more likely to have been somewhat smaller shipments, just for the purposes of concealment.

Mr. Torres. What was the tonnage on that?

Mr. Abrams. Have we ever stated publicly the tonnage? Seventy tons. We haven't, but the chilean Government has put that on the record.

Mr. McCandless. The perceived way of transporting?

Mr. Abrams. By sea.

Some general comments, by way of introduction and then I would like to ask Ambassador Barnes and Jim Conrow to comment.

I was here July 30, as you remember. Since then the situation has clearly gotten worse in Chile, for a variety of reasons.

For one thing, there was on September 7 an assassination attempt against President Pinochet, which was conducted by the Emmanuel Rodriguez Patriotic Front, which is a communist organization, and this is clearly a polarizing event in any political system, including the Chileans'.

It had a profound effect on Pinochet in part because his grandson was in the car. His life was at risk as well as

that of Pinochet. Several people were in fact killed.

Secondly, this followed the discovery of these very large arms caches indicating that there was, taken together, an indicated and prospective willingness to use massive amounts of violence on the part of the communist left. 'This created a kind of -- this opened a trap into which the Government of Chile had the choice of falling or not falling. That is, it could have responded with great additional repression, or it could have refused to fall into the trap. It jumped into that trap.

What we have seen in the aftermath of the assassination attempts is a very heavyhanded crackdown, for example, on ~~the~~ freedom of expression in ways that are unrelated to the assassination attempt ~~the~~ the communist group tries to kill you so you close down the Christian Democratic Party ~~newspapers~~ magazine, Obviously all these are polariz~~ation~~ing events and they are very distrubing to us.

There have been in addition to the restrictions on freedom of expression, arrests of human rights figures and political leaders, the closure of magazines and foreign news agencies -- Reuters, for example -- and a refusal or failure to punish any individuals in the government or connected with the government responsible for any of the human rights abuses and probably most serious, what I would call death squad killings in three four cases. Again no one punished for that.

Now, Pinochet, in a speech that he made after the

assassination attempt, took several steps forward and several steps back. He promised an electoral register law, something we have been waiting on for a long time, and they said they would do for a long time, that is to reopen the electoral registers in 1987. The idea is a simple one. If you claim you are ultimately going to have an election, then you have to start registering people. There haven't been elections in Chile -- well, you could say it.

Ambassador Barnes. In March '73 there was a parlimentary election.

Mr. Abrams. Thirteen and a half years. So he did that. That is a step forward and he committed himself in the same speech to publishing a draft political party law, again which is supposed to be part of the transition.

I think that those are positive steps, but I think that overall, there is no question that things are negative because the transition is not simply a matter of one or two laws, it is a question of ~~primacy~~ primacy, an atmosphere of what message comes through to the people of Chile from the government, ~~and~~ The message that is coming through (from us) is we are working hard for transition.

All that raises, of course, a lot of questions for U.S. policy. ~~One thing they have done on Cirile, is~~ We have not been sitting in the closet talking about this with each other, with Treasury, with the Ambassador, but a lot of other people. It was a subject of discussion between Secretary ~~Schultz~~ Shultz and several South American foreign ministers at the UN General Assembly, and we have also sent lengthy cables of instruction and requests for information and reaction, to places like Bonn and Rome and Paris and London to see what they are thinking about Chile and about loans.

They are all going to have to vote. We think now that the vote will be in November. This is on the basis of discussions with World Bank officials. ~~Probably the first of November.~~

These votes are more important now because the situation is more highly charged emotionally.

Now, I will ask Jim to talk about the economic situation. From a political point of view, we don't have the votes to bloc the loan ourselves. Preliminary discussions with the Europeans indicate first a mixture of views. I think the Italians have for some time not supported loans to Chile.

The Scandinavians have made it clear they won't support the loans. The biggest voters -- France, England, Germany -- have indicated real reluctance to refuse support for these loans.

Each of them has different reasons for doing so. What they say to us is, first, ~~to the general~~ is that the nonpolitization of the banks ~~that~~ is a matter of principle for most of them, and they don't have our statutes, ~~so that~~ we also believe in that principle as a generalization, but we don't strictly adhere to it, in many cases because we have a statute that we have to fulfill.

Nobody else is in that position. So we are not going to be alone if we refuse to support the loan, but right now, I would say that there aren't going to be all that many people with us. Maybe as a result of our diplomatic contacts there will be some more.

I would say the up side and down side, what we are trying to do with this vote and everything else we do, is to help the transition and help create a stronger center in Chile.

The ~~new~~ best thing that could happen would be that Pinochet

would make a significant number of forward steps between now and mid-November and we would delightedly vote yes.

What are the chances of that happening?

Not large. So what do we do? Well, we talk to the Europeans, we talk to the Chileans. We have talked to the Chilean opposition to ask them for their advice and ask them for their pressure on the government in an effort to get them to at least take some steps.

We have talked to the Europeans in a sense, trying to set up some more support, so if and when we announce ~~we announce~~ that we are not going to support the loan, we are not alone in doing that.

I don't like the idea that we would be alone. I think that we can enhance our hand and I would like to get some more support.

I am sorry to say there is no enthusiasm in Latin America for opposing this loan. We talked to people who will give a half half hour speech about how terrible the situation is in Chile and fine, are you going to be with us? No. For a variety of reasons -- Latin solidarity, nonpolitization, we might be on that side of the street next week. And most, in fact, I think it is fair to say all Latins will vote as a bloc for the loans.

What we are doing diplomatically in a sense is letting people know that though we have not made a final decision, it

looks as if we are not going to support these loans, we will be coming back to you to talk about that and ask for a judgment and support on your part.

One thing, just one more comment. If we could block the loan, which I doubt that we can do, that is not simply state our opposition, but block it, get enough people to go with us, there is a danger. The danger is that Pinochet could whip up a kind of nationalist fervor, saying that "These people are trying to destroy our economy."

The other side of this coin is there is a danger if we are against the loan, and we don't block it, we then look as if we are isolated and ~~if we are~~ not strong enough and that, of course, reduces our ability to move Pinochet in the future. So this is not a happy situation again.

The best outcome would be, on the one hand, if steps are taken, which would allow us to vote yes; that is probably not going to happen.

The second best outcome would be to get a lot of countries to go with us. That is also probably not going to happen; we are probably going to end up in a situation in which there are up sides and down sides. We don't support the loan and the loan goes through, and we will then have to try to use that to influence events in Chile as best we can to help what, ~~for the~~ in short hand, I will call the good guys.

Ambassador Barnes. I might touch on two elements which

are part of the context of the comments you have made. I see things evolving over the last six months or so in Chile. What has that to do with the democratic opposition? You will recall that over a year ago, democratic opposition, ~~eleven~~ groups issued what they call the National Accord, and not only did that represent a significant merging of ideas which otherwise traditionally very diverse groups, ~~represented~~ involvement by the Catholic Church through the Archbishop, in encouraging opposition to try to come up with something in the way of an alternative that might promote some sort of meaningful dialogue with the government.

Hopes which were significant in the fall of last year when I talked to some of ~~them~~ before going to Chile for the first time, ~~have~~ for the most part turned out to be far from being realized. The accord is still in place, the groups, with the exception of one part of the ~~team~~, basically adhering to it. And yet the government's slow but eventual total rejection of the accord as a basis for any sort of discussion has been a much more serious thing than anybody thought at the time.

Nonetheless, my own feelings ~~are~~ mid-summer were that the opposition was beginning to try to pull itself together again, and recognize the need of trying to build on the basic accord. It went in two directions. On the one hand, some of the people on the right, ~~called~~ the National Party, drew up a very detailed

approach as to what some of the more general terms in the Accord might mean. For example, questions such as private property. And that was subscribed to by just about all the others in the first part of September, but lost really in the attention that Pinochet's assassination attempt got.

They went in the second direction, which was to try to simply, by feeling if they could state very clearly a principal demand, a principal goal, and that might help them get further support, particularly among the elements of the society which still provide some significant backing for Pinochet, and the form this took was to issue a call for elections, not plebiscite in '89, but elections.

Essentially all this was hampered during this period of state of siege in terms of what they can do. And therefore, I worry that they have lost still further ground, whereas the extremes in each case have been strengthened.

The second element I want to touch on is the basis of support for Pinochet. Two important elements here are the business community and the military. I see an interesting development as far as the business community is concerned. I am talking here largely of associations of business groups, the equivalence of a chamber of commerce. Whereas, a year ago, most of them said in effect, we are so happy with the present government's policies, economic management of the soeciety and we don't want to get involved with anything, now they are

saying we are still very happy with the policies, but we are not sure the policies are going to last, unless we begin to take a more active role ourselves in trying to promote some of ~~this~~ our free market ideas. So they have begun in the last couple of months to start talking to some of the democratic opposition.

I think this is significant on two grounds. One, it will help make the democratic operation more realistic in terms of what the economic problems of the country are.

Secondly, I would like to point out ~~thing, this~~ that there is an indication that Pinochet's support group is beginning to have questions about what is going to happen in the future, and the situation in the military is ~~more complex~~, in the sense, even more complex.

Pinochet, in July, tried to launch a campaign for succeeding himself. Under the 1980 constitution that could happen if he gets designated as the candidate in '88 or '89. But he decided to advance the timetable by a couple of years, and in so doing, he stunned just about everybody in the country, including some of his own supporters.

In a very short time, the other members of the military junta, in one form or another, said we don't think '89 is an indication for continuation of Pinochet in office, and in what was rare for Pinochet, he had publicly backed off somewhat and said I really wasn't understood, I was talking about a prolongation of the regime, not myself in office.

We have also begun to see a very few indications of

thinking in the military. Contacts are quite limited -- indications of concern about what happens if Pinochet does push the idea of staying beyond '89, what implication that has for the military. One of the adverse conditions of the event Elliott was describing is that those elements, be they in the other services or the Army themselves, are having to be quiet at least for sometime, because they don't want to appear in public to be questioning Pinochet's position, in light of the assassination attempt.

end mhl

Mr. Conrow. I have the easy part -- to discuss briefly the Treasury's perception of the economy in Chile and what is going on in the development banks.

Let me begin by saying that most of the attention in the development bank area has focused on the World Bank structural adjustment loan for $250 million which, as Elliot indicated, is now scheduled for World Bank board consideration sometime in November.

But in the actual pipeline of the two multilateral banks that are involved in Chile, the World Bank and the InterAmerican Loan Bank, there are projects totalling in $1 billion, something well over $900 million, and they deal in a variety of areas of the economy, a number of which would fall under any definition of being basic human needs types of loans. Others, though, are project -- basic infrastructure type projects loans as well as major structural adjustment loans.

With regard to the World Bank structural adjustment, as I said, it was for $250 million and is expected to come before the board in mid-November.

Disbursements of the first half of the loan is a condition to a draw down of the final traunch of commercial bank financing facilities which was put together for 1985-1986.

Receipts ~~on~~ of the first half of the loan by end of this year is also ~~notices~~ needed for the rescheduling of the 1987 public

sector maturities held by Chile, vis-a-vis the commercial banks.

It is our judgment that if this loan were to be defeated, as Elliott had indicated earlier, that not only does the commercial bank package then stop, but also the rescheduling effort stops; the anticipation of seeking new funding from the commercial banks for 1987 and beyond would be delayed rather dramatically.

We would be clearly moving into a financial crisis with Chile and its ability -- in fact, its inability -- to service obligations, and the whole situation on the economic side would take a rather dramatic turn down.

I say this just to point out the other side of the equation, that at Treasury we are looking at ways to say that Chile, on the economic side, not political side, is a model performer.

They have adjusted to the loss of external factors that have been extremely harsh on them, but they have nevertheless put together very effectively an economic team that has pursued a very strong economic program. They have been in compliance with an IMF standby program all alone. They usually sail through all of the targets that are required of them. They have taken inflation levels that were in excess of 26 percent and brought them down now to roughly 18 percent.

They have reduced their unemployment level, which was up to nearly 20 percent, down to a level of around 11 percent.

This is a country that is pursuing what we at Treasury consider to be basically the Baker Plan. They are implementing effectively adjustment programs designed to promote economic growth in their country and doing it rather well.

They are also breaking ground in financing, in terms of other debtors, in the sense of pursuing debt equity swaps, trying to bring more foreign investment into the country, quiet economic investment in lieu of greater and greater debt.

They are setting a model for a number of Latin American countries on how to do that. So, on the other side of the whole equation is an economic team in this country that is really pursuing a very sound set of policies we want to encourage them to continue.

Obviously, development banks, the World Bank, and Inter-America Bank are very important parties to this whole effort.

I would echo what Elliott has said in terms of consultations that we are having with institutions and with other governments as to our approach to these loans, and I think that the answer is very clear. As Elliott said, it is that most of the countries accept our assessments of the political situation in Chile, they see the polarization growing there, but none of them, at least none of the major countries, are prepared to go down the road of voting in the development banks based on this kind of criteria.

They want to keep their votes linked to economic rationale, don't want to get into the political environment.

As Elliott has indicated, we have the statute problem. Most of these governments -- all these governments do not have that kind of legislative issue before them.

So, it seems to us quite clear that the other governments, particularly the Europeans and the Japanese, are not going to be prepared to use their voice and their vote in these institutions to pursue this human rights objective vis-a-vis Chile, and quite clearly from the Latin American ~~countryside~~ area, as I think Elliott has indicated.

I feel very strongly in my conversations with them out-and-out rejection of the notion they would enter into a voting pattern in the development banks that would be in opposition to supporting the loans for Chile. They would not do that.

Mr. Fauntroy. Let me start by saying -- you indicate that ideally, of course, Pinochet would be moved to give an indication that we are linked up on the whole process towards democracy, but that is not likely.

What are we doing to persuade, attempt to persuade them that, of course, that ought to be seriously considered?

Ambassador Barnes. Essentially, what we are trying to do is to use every possible channel we can to get, in essence, that message across. That ranges from conversations that

Secretary Shultz had earlier this week with the Chilean foreign minister in New York to the content that I have had with a great variety of people in Santiago.

Going back to some of the things I said earlier, for example, I am not limiting myself only to the government, but trying to go to people in the business communities, trying to go to people in the military.

The responses we tend to get varies somewhat from period to period. They are essentially two, one, you don't understand the seriousness of the problem we are facing, and secondly, we have our own time table. We committed ourselves to make a change in 1989, and don't get so impatient. We are going to make that change.

Part of the problem, as I indicated earlier, a serious consequences of the events of the last couple of weeks is that not only does this constitute a serious situation, it shows, as Elliott mentioned, that the Chilean government was incapable of not falling into the trap of using repression just as a general approach to all their problems.

Essentially, our strategy is to reinforce the efforts of the democratic side by trying to help them reach a better understanding with the forces in the society so that it becomes more evident to Pinochet that he is losing rather than gaining ground for the sort of approach he wants to take. But clearly, our role is marginal

compared to what Chileans can and have to do themselves.

Mr. Fauntroy. You concede the west Europeans will not entertain the thought of joining us in it?

Ambassador Barnes. The Japanese say, "Keep hands off." The Western Europeans are quite active in terms of conveying their unhappiness, particularly with the human rights situation, to the government.

Mr. Fauntroy. In tangent with you, yes, but they draw the line, as Elliott indicated, when it comes to further action of the sort that we are talking about.

Mr. Abrams. I don't want to give a picture of complete pessimism. The Italians will be on. I don't know about the Germans. You know we put them in and this is why this is a closed hearing -- put them in a tender spot.

If we refuse to support that loan and they support that loan, then they are going to hear about it in parliament to the end of time.

This German government has moved to the right of Ronald Reagan and Chile, and the German socialists are going to go nuts, and so it is for somebody like Genscher in Bonn -- it is going to be very tough.

So, I am pessimistic about the possibility of getting a lot of European support, but it is not hopeless; maybe we can get some.

Mr. Fauntroy. It seems to me that in this case they

would be very happy to join with you in seeing if we can get something to our being embarrassed.

Mr. Abrams. Well, it may be. We are getting pressure from the banks. It might be because all the bankers are in town this week for the World Bank/IMF meeting, with a whole bunch of bankers. All they want to talk about is about Chile. It is very interesting that they don't want to talk about Brazil or Mexico. They want to talk about Chile because they know that -- all over, this being talked about -- they want us to vote yes.

That has a certain impact, but it is overridden by congressional pressure and by the fact of the law.

In Germany and Japan that is not true. The banks are more influential. They don't have a statute, and presumably they are in a slightly different position in the foreign ministry.

Mr. Levin. Why is it overridden by congressional pressures and the law? You have the banks on one side and congressional pressure and the law on the other side.

Isn't there an American policy?

Mr. Abram. Well [redacted], you know, you could decide, for example, that the statute permits you to vote yes. Let us suppose Pinochet made lots of improvements or you could decide you could squeeze by on the statute but didn't want to. So even if you pass the legal test you still have a policy

mag 8

test under which you might say, all things considered, that we shouldn't support this loan even though it would be legal for us to do.

end mag
dr fls

I just wanted to say, the British, I guess -- again, this is a closed hearing -- the British, of course, have a very close relationship with Chile, for many, many years, especially in naval affairs, and they have got the complication of the Falklands, so the British are probably the least likely to join with us out of the Europeans.

The other thing, this is another complication, if you are going to ask the question who ultimately will decide this -- State or Treasury -- Conrow and I would have a fist-fight. In most European countries, there is no such fist-fight. The finance ministries clearly decides the votes in the multilateral banks, and the foreign ministries have almost no say. That militates against human rights consideration at any time.

Mr. Bereuter. Well, as you know, as my colleagues know, I have introduced a resolution to encourage you to vote no. I continue to think that might be helpful for me to have it and for you to vote no, but I am not sure that I want to see Chile plunge into economic chaos if there is another course of continued pressure on a variety of fronts -- disaffection among army generals, particularly the southern units -- I think I have read about that -- which might encourage Pinochet to leave in 1989 and move toward implementation of the democratic process.

But isn't there a possibility that you can have such people standing with you and voting no, or at least abstaining

dr2

to make a point to increase -- have people move away on the one-quarter billion dollar loan from the World Bank in particular?

It seems to me the failure to approve that, plus all the commercial money of that leverage could cause a very substantial problem in the economy which might only increase Pinochet's strength. So I am not sure that there is any inconsistency in the U.S. taking this tough stand and doing what is in the best interests of moving them toward democracy. But that really all depends upon your assessment of whether the military, for example, might continue to press Pinochet to leave on schedule.

So I would ask you just to go back for a second or two to the question of the differential as between the military, the naval military, southern generals, and so on, and any kind of likelihood, given the assassination attempt which has come up since we have talked last, that that could happen.

Ambassador Barnes. My assessment is that arbitrarily that is the only way I can handle it. I say to the end of the year, Pinochet is going to be able to benefit politically from the assassination attempt. Unless he, for other reasons of his, decides to lift the state of seige, which is not only regulation but also sort of mentality and atmosphere, and thereby encourages at least indirectly in the way of free thinking, then I think it is practically impossible for anybody

dr3

be they commander of the Navy, Air Force, or what-not, or even less, an Army General, to raise any serious questions about what he is up to in the short run or long run.

But I do think, though, that the longer time goes, again arbitrarily, I might put it in the beginning of next year, when political activity gets going again in Chile after their summer vacation, which ends in March -- by that time, the tendencies which I think are longer term tendencies, concern about what happens to the country after 1989 or what happens in 1989, also, those tendencies will again be reinforced and perhaps with some useful inputs from people like ourselves, maybe possibly again to get a situation which is more fluid, in one sense, more options, and yet perhaps more restrictive as far as Pinochet's options are concerned, because he could feel time again is moving very much against him as it was for a while this summer.

Mr. Bereuter. Jim, what percentage can vote no or abstain and still have a loan approval?

Mr. Conrow. You could have in the World Bank 22 Executive Directors. You could theoretically have 21 of 22 abstain and 1 Director vote yes, and the loan goes forward. You need to develop a quorum. Once a quorum is there, it is simply yes, no, and abstentions are out of the vote.

Mr. Morrison. Question: A majority vote approves the loan in terms of voting shares?

dr4

Mr. Conrow. Yes, sir. And the United States represents roughly 20 percent.

Mr. Abrams. This is not a good place to have this discussion. We should have had it beforehand.

My understanding is if 51 percent of the people fail to support the loan, it doesn't go through.

Mr. Conrow. Only if they vote no.

Mr. Abrams. We will have to check and get back again.

Mr. Fauntroy. You will get that together for us?

Mr. Abrams. We will supply that for the record.

[The information follows:]

COMMITTEE INSERT

dr5

Mr. Levin. I had a crack at a question, so I will pass.

Mr. McMillan. What would a kind of assessment of the political landscape in Chile be if free elections were held? How do you think it would shake out? Is there any way to really predict that?

Ambassador Barnes. It is hard to tell, because there has been no election, as indicated earlier, since 1973. There has been no real competition with the limited exception of some elections in the universities for student representatives. And there the left, center, center-left groupings and ~~those~~ generally the Christian Democrats have done best, but not a majority. And ~~they have either had a second,~~ the communist-supported groups have generally come in second and and those on the right a poor third.

There are public opinion polls which seem to have some validity, but beyond that it is hard to tell. I will give my best guess for what it is worth. If Pinochet ran in an election, I think he would lose. If Pinochet ran in a plebiscite, he ~~will~~ would lose.

If, however -- I will qualify the election part -- if, however, the ~~opposition~~ democratic opposition essentially fell apart amongst themselves, as they are capable of doing in an election period, not sticking together, then Pinochet might be able to get a plurality.

There are other scenarios that are being talked about, such as a consensus candidate where the military and the

dr6

civilian political leaders would get together and agree for the good of the country ~~this is the sort of~~ on a person who ought to lead Chile for an interim period. And if you got that sort of consensus, I think that person probably could win an election, because it would be perceived as a way out of this period.

Mr. McMillan. Somewhat related to that, I got here a little late, and in terms of the arms caches, what identifiable groups had control of those?

~~Ambassador~~ Mr. Abrams. I don't think we have answered that. We have not yet answered that question publicly.

Mr. McMillan. You used the term "terrorist."

~~Ambassador~~ Mr. Abrams. Yes, sir.

Mr. McMillan. By that, do we mean the Chilean Communist Party or --

~~Ambassador~~ Mr. Abrams. Chileans have said some things. I am not sure how, but the Chileans have said the arms were for the Manuel Rodriguez Front, which is the ~~army's~~ armed wing of the Chilean ~~Community~~ Party.

We have some classified information on that that we can share with some of the Members and that we can give you later on.

Mr. McMillan. What is the magnitude of the Chilean foreign debt, and how much is owed to the United States, and what are the basic constraints?

dr7

Mr. Conrow. I just happen to have that here with me. The total debt outstanding by Chile at the present time is $19.3 billion. Debt owed to United States Government agencies, which would be basically the U.S. Export-Import Bank, is $800 million. The debt owed to United States banks, represented in 1985, which is our most recent date, is $6.6 billion.

Mr. Fauntroy. $6.6 billion?

Mr. Conrow. Billion.

Mr. Kolbe. That means that roughly the other $7.2 billion -- rather, $12 billion, is owed European and other countries?

Mr. Conrow. Yes, sir.

Mr. Kolbe. That is also a combination of governmental units, agencies and private banks, commercial banks?

Mr. Conrow. That is right.

Mr. McCandless. How many major banks would represent that loan portfolio?

Mr. Conrow. I don't have that clearly. You could probably take the top 10 banks in ~~Chile~~ the U.S., and they would undoubtedly account for nearly 80 percent.

Mr. Abrams. I think you would find no surprises. If you look at the largest 15 U.S. banks, those are more or less the largest lenders to Chile.

Ambassador Barnes. The head of the Bank Advisory Committee is Manufacturers Hanover.

dr8

Mr. McCandless. The reason for asking this -- do we have any one bank that is in deep -- or deeper than, say, the next bank, irrespective of its size and in terms of U.S. banks?

Mr. Abrams. No bank, I would say, in my discussions, has been talking that way to me. This is not Brazil or Mexico where you have $100 billion of total exposure. It is not trivial, but I don't think there are any banks which make the claim that their own financial stability is at stake here.

Mr. Conrow. The one that comes closest would be Manufacturers Hanover.

Mr. Torres. Well, I wanted to say it seems to me that in the general discussion here we keep talking about the problem that the Government of Chile continues to perpetuate upon its people and somehow a state of seige will be the one factor that could release us from taking a different attitude. I don't think the state of seige here was the most important aspect at all, but rather the comportment of the government in all of its actions, its repression of people, its stifling of the press, keeping people, workers from the right to strike, et cetera. And I have seen no proof -- I hear the Ambassador saying there could be some easing up eventually, but we fail to see any real proof of any moves in that direction.

I think that the vote becomes a critical factor in leveraging that position for our government and perhaps for our

allies who want to go along with you.

I can appreciate polling our allies, and some of them, the European Community people being -- having the attitude they have, that is politics. I can appreciate -- and am not surprised the Latinos are in full solidarity in their position. We have been isolated many other times in the multilateral organizations, UN, ILO, FAO.

In my other life as a human rights representative, I was isolated in the UN agency. I was always voting no, no. Why do we vote no? I think we do so because it is our responsibility to do so. It is just part of the principles.

You said that you are going to reserve judgment at this point on how we vote. You may come back to the body to see what kind of attitude we have. I just simply feel we have a law and a relevant amendment in that law. We have the International Financial Institutions Act, and therein the Hawkins amendment.

What are we to believe? I am going to vote no. I am going to stand on the Floor of the House and I am going to vote no for my colleague's resolution because I think the resolution is telling us to break the law.

Are we prepared to break the law? Are we so afraid to vote no in the world body? I think we have to stand up to it.

Mr. Abrams. I don't disagree when others are with us or not, it may be nice or may be not nice, but it cannot determine how we vote. What it can do is help determine the effectiveness of the vote, which is very important.

I mean, there are two reasons to vote against the loan. One of them is because we have a legal responsibility to do so. If that is true, because we want to make our position clear, because we need to show the Chilean government, we need to show the people, the American people, that is one of the reasons, in essence to vote no for us.

But then you want to have the greatest possible impact in Chile for whatever you do. And there the question of how others vote becomes important and ~~as~~ legislation is not useful.

And so whatever we do, it seems to me we should try to get -- I am assuming we are not voting yes for the moment -- that we try to get the greatest possible support, and, for example, if we vote no we would like to get as many people as possible to vote no or at least abstain. Maybe some ~~more~~ people who can't say no would abstain because ~~it~~ abstentions in large numbers would be a stronger message to the Chileans.

What is missing in all of this, I think this came through in what the Ambassador was saying, we don't know how to get from here to there. We know what is wrong, but we don't know how to fix it.

And when I say we, it is not we, we in the United States Government; when we talk to Chileans in the opposition, and we all want the democratic transition, they don't know how either.

When I say to them at the end of a meeting, well, so what are you going to do, what is the next step, where do you go from here, the answer they give is, we don't know. You have got one way to define the problem you have. This has been very good for Chile. You have a very disciplined army. It is not Bolivia where you have a coup a year. What happens when that army has made the decision to take over the government and its commander said, Stay, and you are trying to work against all of the Chilean military to get the army to break away from its commander.

No one has figured out how to do this. And so you want to send a message. I would only say, I am repeating myself, there is not any sense in determining how we vote. We have to determine how we vote in Washington. But then, once we may have that decision, we have to get as much support as possible. So the message comes through resoundingly to everyone in and out of the Chilean government. They are capable of saying it is Congressional pressure on Reagan or it is the State Department or it is the Americans. We don't want them to be able to say we want them to have to look at it not only the Americans, but also the Germans or

whoever it is we can get together with us.

I think that makes a message stronger. If need be, we will be alone. That is not a good result; that is an acceptable result, but not the best result.

Mr. Torres. We have the capability as a government to enhance or to influence our neighbors, our colleagues, but whether it be in the European Community or in Latin America, it seems to me that we are really not for political consideration as you said earlier, that is the reason to have the closed meetings. We are not leaning hard on the Germans, on the Italians, how about the French. Our colleagues were new members to the European Community, where is Spain and Portugal on this?

Mr. Abrams. Spain -- it is interesting you mentioned that country, the Spanish in particular are in a tough place. You have a socialist prime minister. Chile is very big in Spain. They don't like to vote against loans. They hate it, and this is putting, this really puts them in between a rock and a hard place.

Mr. Fauntroy. Tell them you have company.

Mr. Cunrow. If I might pick up a little, there is a fine line where you go to get enough support amongst the ~~countries~~ other governments so the United States isn't isolated in this to the extreme where you actually get enough where you stop the loan from going forward and then impacting

the whole economy of Chile, and whether this is one's intent or not, I think that is one of the issues that we have to sort through.

If you carry this out to the extreme, and we are successful in getting the Europeans and the Japanese and others to fall into line behind us, we actually shut down MDB lending to Chile, then shut down commercial bank lending to Chile, and then precipitate a financial crisis in Chile, and all that follows thereafter, is that an outcome we want to see? Is that going to produce the results that you want to see?

I think the answer in all of our minds is that is a hell of a role of the dice. We are not sure, at least I am not, and I defer to my colleagues.

Mr. Abrams. We have talked about this. I think it is impossible to be sure. Chileans in the opposition, maybe this is wrong, but my sense is that most of the ones we have talked to don't want us to support the loan, but they also don't want the loan to be defeated, is that right?

Ambassador Barnes. I did a lot of talking before I left Santiago, to find out who felt what; that is, I couldn't find any of them even if they said we ought to vote against loans who said they would be prepared to say that was a good thing publicly when we did it.

Mr. Torres. We haven't heard about much about the

front, what about --

Ambassador Barnes. This was a group of people organized in a national strike in early July -- professional groups, some people in trade unions. They attempted to broaden the base beyond the democratic ~~links~~ parties, beyond the National ~~Accord~~ through this strike.

Interpretations vary as to how successful it was. Government reaction put most of the leaders in jail for about seven or eight weeks. When they came out of jail almost all of them felt they had moved the situation ahead by ~~bringing~~ involving more people, more groups in the society. The political ~~party~~ parties had to take more of a lead role themselves, and that is still in the process of or was in the process of being sorted out between the assembly people and the political parties.

~~When~~ Then the assassination attempt took place, ~~the state of siege~~ and everything is sort of stagnant right now. My feeling is that they don't know what it is they can usefully do at this point.

Mr. McCandless. My question has a number of facets to it. Let's see if I can boil it down.

Let me play "what if." What if the assassination had been successful? What in your mind would have taken place?

Ambassador Barnes. I think what would have happened --

Mr. McCandless. As far as the government proceeds.

Ambassador Barnes. I think what would have happened would probably have been an attempt on the part of the remaining members of the junta, the groupings of three commanders in chief, other armed forces plus an army representative --

Mr. McCandless. This consists of roughly how many people?

Ambassador Barnes. Four people. They performed in the present Chilean ~~present~~ context legislative functions.

I think what could have happened would have been that they would have attempted to assert some authority given their composition. I think they would have announced their willingness to proceed to at least a discussion of the constitutional reforms, i.e., election instead of a plebiscite.

Mr. McCandless. We do not have a second man per se?

Ambassador Barnes. No, there is no second person automatically as such. There is a senior member of the junta who is the navy commander, with the protocol rank of a second person, but he practically never functions as such.

The other thing that could have happened, that might have happened simultaneously, would have been a lot of popular emotion over the situation. Some people ~~are~~ were euphoric, some people were consternation, it would have been a very up-ended situation. I think in the circumstances, probably people

would have responded, a majority of them, to some attempt to establish a framework for change.

Mr. McCandless. The second question deals with the experiences recently. There are a number of grape growers in town right now. They are very interested in competition that is beginning to surface beyond that they have experienced before, in Chile and the amount of, planting, the acreage, taking place, to the degree if this continues for another five years, there will be more grapes grown in Chile than in California.

In discussing this in fave days with the shippers and packers, the growers and this and that, the one grower said that don't worry about it, competition, in less than two years it will be taken care of, because we will get this mess cleaned up down here or it will take care of itself.

However you might wish to interpret it, what do you perceive as that businessman's saying to our businessman, don't worry about competition; it will take care of itself in a stability of the government or in the ability to function or something?

Ambassador Barnes. I guess I don't know what he would mean because if there is a transition to a democratic society, unless he assumed that that would be such a chaotic democratic society, or that there would be a return to the traditional ~~five years~~ Chilean approach of having state control of the

activity
thing, I would be sort of confused. I don't know what else.

Mr. McCandless. In your mind, do you think the accord can stay?

Ambassador Barnes. It is not staying in the bottle. I think the time is extraordinarily short. The recent discoveries we are talking about, and the arms caches, the assassination attempt and so on, indicate a further level of violence which I think is the real world.

Mr. McCandless. The communities obviously given the opportunity would move. And the communists, who would be the next group to move in in an attempt to try to correct the deficiencies or whatever you wish to call it of the current system?

Ambassador Barnes. You could imagine a group of democratic parties, trying to perhaps interest some people in the military in making a change, but that is the outer edges of anything at this stage.

I think the democratic parties are still at this point willing to keep trying. I am less sure whether a year from now they will feel they are still prepared to do that.

Mr. McCandless. A business professional man may in part, beyond that of belonging to these parties?

Ambassador Barnes. Business people for the most part have stayed out of the parties. As I indicated earlier, some

of them are beginning to think they have got to start talking to the parties in order to try to influence the parties. You don't ordinarily think of business people as having party affiliation.

Mr. McCandless. They are not supporters of the army?

Ambassador Barnes. They are ~~more~~ supporters, not so much of the army, but more supporters of the policy of this government of encouraging the private sector. They obviously like that.

Mr. Morrison. I want to thank you, and our Chairman, who is absent for the convening of this, and thank you gentlemen for being present. I think it is useful and I hope it will be the rule and not the exception in this process.

I also want to note that we wanted the executive session with certain concern about confidentiality. I don't think it was ever said at the outside folks came back into the room, our concern that what is said in the room not go beyond it since we have prior experience apparently that is less than satisfactory, so I assume that everybody understands that.

Mr. Cunrow, one thing you said along the line of discussing the obligation, that was disturbing to me. I have to note you said that you had a statute problem -- that is a quote -- in comparison to the Europeans, and I would like to --

Mr. Cunrow. I was taking a line from Elliott.

Mr. Morrison. I won't ask you to respond to this, but I would ask you to think about the fact that one of the strengths of our democracy, the kind of thing we are trying to instill in Chile, is that statutes aren't a problem, things we sometime disagree, but they are facts, and they are policies and they are statements of desires of our government, acting as a whole.

I think it is troublesome to have representatives of our government refer to our statutes as a problem. I think maybe within your advocacy of Congress, you might say you don't like a particular statute. The notion of your thinking of that in international relations is a problem, it seems to me to have a problem.

I wonder about --

Mr. Abrams. Now it is my turn.

Mr. Morrison. I wasn't going to let you yet.

I wonder about what I will call, you may take umbrage at the Nicaragua approach. When we discussed the Nicaragua loan before, which is a loan that has been deferred repeatedly, on the grounds that it may have some political coloration, you have deferred it on economic grounds. When we had our hearings last winter, you suggested that the Nicaragua economy run as it was wasn't sound and that there were a lot of technical questions that went on. It seems to

me that is the analogy here and I wonder, first, two analogy I want to make, one is the issue of never getting to a vote as part of the strategy of opposing loans, which it seems to me votes are very rarely there is vote occur every one of these where a loan gets voted down, feeling going to get voting down is like to ask for deferral and that clearly there is a strategy.

The other point though is it seems to me defers discussion and I would like to hear you all comment on it, is that assuming that Marxist economy or centrally planned economy has lots of problems and that is really one of the reasons we don't like the idea of a loan to Nicaragua, doesn't a prerogative military regime isn't a time bomb and is not just as economically unviable in the long run even if the particular economic policy and moment and why are we not making those kind of arrangements to the Europeans and others which get around their prissy little distinction between politics and economics which I don't think really exists in the world.

Mr. Abrams. Well, I guess I disagree on the question of the economics system, and I would cite Taiwan and South Korea as examples of long-term dictatorships which have undergone phenomenal economic growth. Brazil underwent phenomenal economic growth under the period of military dictatorship that only ended in 1984. So I think in fact,

this is not a great thing but I think it is a fact that right-wing military dictatorships are capable of presiding over great economic growth because they can free up the economy. Whereas, communist regimes, with their approach to economic policy, have a dismal, unbroken ~~dismal unblemished~~ dismal track record of failing to produce good economic growth.

China is a good example because it is becoming less communist.

Mr. Morrison. Well, I mean it is the same point. I don't want to debate China with you.

Mr. Abrams. There is where I think we must disagree - and ~~the fact that, it is our opinion,~~ It is our opinion that Chilean economic management is very good. There is dispute about this. But we strongly feel that the Chilean economic team trained by George Shultz at the University of Chicago ~~has and~~ has been a terrific economic team and they are doing everything that the United States would like to see in terms of economic management. So one difference between this case and one difference between the case of Nicaragua is that in fact we in the administration believe Nicaragua economic policy is guaranteed to produce a disaster and is indeed producing it.

For example, this has nothing to do with the embargo. They can't produce rice and beans; whereas, the Chilean economic management is terrific.

Mr. Morrison. To get away from the general case, I think there is a fundamental problem just to state it in the distinction between politics and economics, because I think we would all agree in western deomotratic countries that the balance of public and private sector, which is the great argument about what they are doing in Chile and what good is and bad is is a political question, not an economic question, and so that distinction that we always are drawing seems to me is fatally flawed. That is a matter of debate somewhere else.

But the concern I have is that holding no brief for the Government of South Korea or the Government of Taiwan, the act of killing and imprisoment and oppression in Chile right now, dealing also with a country with a demotratic tradition, long traditionally active political parties, it seems to me whether or not we agree with the general case, does have some room for suggesting the question of the cork in the bottle.

I asked that question and the answer was we really couldn't say if that was true. Anybody's idea of good economic situation is not one where the society might blow up.

Mr. Abrams. I think there is a certain truth in that and one analogy ~~here~~ is South Africa. That is a number of banks have withdrawn from Soth African lending despite the fact that the U.S. Government has yet to act. Simply as a banking matter, that is too dangerous a situation for them, and regardless ~~whether it is not~~ whether it is a moral question now for banks, it is

just exposure and they don't want to lend.

So I agree, you reach a point where that becomes a straight economic question.

Mr. Conrow. With regard to the economic team in Chile, who we do have as I said, a very high regard for, we are today in fact meeting with those people -- the Minister of Finance, the President of the Central Bank, -- we have been meeting with them off and on the better part of this week.

This issues comes up all the time with them, that even though they are doing all the things one would like to see done on the economic side, the fact of the matter is the political situation is getting out of hand and it is going to ~~have a jeopardy on~~ jeopardize their ability to impliment.

So we are saying to the Miniser of Finance, you had better ~~alert~~ alert Pinochet about your need to move on this front, because it is going to undercut you in your ability to implement an effective economic program. There is no question ~~about that~~, that the message is getting through to them loud and clear. The problem that we have is these guys do not believe they are in a position to have influence on Pinochet, on his political issues.

Mr. Morrison. You spoke about the bankers, U.S. bankers speaking to you about their problem, and I would ask what you have done to get those bankers to talk to the business leaders of Chile, to say, you know, school is out, sooner or later the

the show is going to fall apart because what we're hearing back from the State and Trasury and the U.S. is that they are not going to tolerate a continuation of this status quo.

Has that happened? Are you doing it and to what extent?

Mr. Abrams. Yes sir. Their reaction varies. I find some of them say, absolutely, and we told [redacted] Minister so and so that human rights questions are crucial.

Others give you a look which I am very familiar with from my human rights days, which is, why are you messing around with this, shut up, this is money, and we are not interested in delivering that message.

Mr. Morrison. I would urge that beyond the issue of delivering the message to the ministers, because I think ministers have their unique little problems that from my discussions with business leaders down there, the business leaders have to hear from bankers and bankers in the U.S. that that string has been played out, because what business leaders say, it seems to me, and Mr. Branes can correct me if I am wrong -- what they say, we can't be bothered with all this political stuff because we like this economic program and they have made the right choices as far as we are concerned, they have to hear the message that this has no long term viability on their political choices.

Ambassador Barnes. This we are doing.

Mr. Morrison. Just to sum up one point. I think, I hope we will close this discussion, which I hear a bottom line, tha you agree that since July, if anything worse under human rights basis if not vote was indicated in July, then a no vote seems to be indicated now, and I would hope that we at the end of this process, would be one that we are not about to be surprised after we go out of session, and that if you find yourselves with a different point of view between now and then, that there will be some process set up with the chairman to give us an opportunity to weight in on that point before you.

Mr. Abrams. Yes, I am glad to end that way. I could see circumstances under which we would abstain, and when I say refuse to support the loan, to me that includes both abstaining and voting no under certain circumstances.

I would ~~rather~~, for example, be in a group ~~of people~~ that abstained rather than alone voting no, as one example, so I don't want you to rule out the possibility of abstention

Mr. Bereuter. Would you explain why you would rather abstain rather than be the sole country voting no?

Mr. Abrams. I think it might have a larger impact. We really have not made a decision on this. It might have a stronger impact on the government and business community of Chile if a large group of western countries votes together and refuses to support that loan.

Mr. Conrow. I would point out that in the MDBs abstention is

viewed as opposition. It is not neutral; it is viewed as opposition.

Mr. Morrison. It is not clear that is what the statute says?

Mr. Abrams. Well --

Mr. Morrison. Oppose. If you are correct about the vote, then abstension is a true abstention and doesn't contribute to a loss of the ability to get the loan. I wouldn't consider that opposition.

Mr. Torres. Gentlemen, time has expired.

Secretary Abrams, Ambassador Barnes, Secretary Conrow, the subcommittee, I am sure, joins me in saying we are indebted to you for taking the time to give us this extraordinary executive briefing and may I state for the staff and others that are here, the confidentiality of this meeting and the meeting now stands adjourned.

Thank you.

(Whereupon, at 3:50 p.m., the subcommittee was adjourned, subject to the call of the chair.)

ALAN CRANSTON
CALIFORNIA

UNCLASSIFIED

EXCISE

P860126-0224

1-22-86

36

United States Senate

WASHINGTON, DC 20510

IKL 128

Chile Project (#S199900030)
U.S. Department of State
Release_____ Excise_X_ Deny_____
Declassify: In Part_____ In Full_____
Exemption(s) B6

October 2, 1986

99

To: Office for Legislative Affairs
Department of State
2201 C St, N.W.
Washington, D.C. 20520

ACTION
is assigned to
ARA

Enclosure From:

[redacted]

Re: Please respond to me regarding my constituent's concerns for the welfare of Abraham Muskatvlit Eidelstein in Chile.

I forward the attached for your consideration.

Your report, in duplicate, along with the return of the enclosure will be appreciated.

Sincerely,

Alan Cranston

Alan Cranston

Please address envelope to:
Senator Alan Cranston
Senate Office Building
Washington, D.C. 20510

Att:
Ann Goldman

1986 OCT -7 PM 4:31
OUT

FAIR/IAP/WI

1986 OCT -7 PM 3:29

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F

10/2/86

UNCLASSIFIED 0950 15 - 0266

FERNAND J. ST GERMAIN
1st District, Rhode Island

2100 Rayburn House Office Building
Washington, DC 20515
Tel. 202-225-4911

[illegible]
Pawtucket, RI 02860
Tel. 401-725-5060

Toll Free Telephone
1-800-[illegible]

Congress of the United States
House of Representatives
Washington, DC 20515

CHAIRMAN,
BANKING, FINANCE AND
URBAN AFFAIRS COMMITTEE

CHAIRMAN, SUBCOMMITTEE ON FINANCIAL
INSTITUTIONS SUPERVISION,
REGULATION AND INSURANCE

ICL 130

October 2, 1986

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____

ACTION

Honorable George Shultz
Secretary of State
Department of State
Washington, D.C. 20520

Dear Mr. Secretary:

In light of the persistent and systematic violation of human rights in Chile, I am writing to urge that you oppose the upcoming structural adjustment loan from the World Bank for Chile.

The recent death of a U.S. citizen, Rodrigo Rojas deNegri, at the hands of Chilean security forces is but one example of the consistent disregard for human and political rights in Chile. Under current law, you have the responsibility to oppose loans from international financial institutions to nations that engage in a pattern of gross violations of human rights. The Reagan administration has supported these loans in the past; however, Chile's newly imposed state of emergency with its mass arrests and detention of legitimate press and political opposition leaders provides sharp, new evidence that a change in U.S. policy is long overdue. When Chile's World Bank application for a structural adjustment loan comes up for a vote, therefore, I strongly urge you instruct the U.S. to oppose this loan.

I appreciate your attention to this request and look forward to hearing from you.

Sincerely,

Fernand J. St Germain
Member of Congress

FJSTG:cp

1986 OCT -9 AM 9:58
FAIM/IA/WI

DEPARTMENT OF STATE
RECEIVED BY

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1986 OCT 6 AM 9:56

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Chile Project (#S1999600309)
U.S. Department of State 9960126-2254
Release_____ Excise_X_____
Declassify: In Part_____ Full_____
Exemption(s) B6

EXCISE

JUDD GREGG
2D DISTRICT, NEW HAMPSHIRE
WASHINGTON OFFICE:
CANNON BUILDING
WASHINGTON, DC 20515
(202) 225-6206

COMMITTEE ON
WAYS AND MEANS

DISTRICT OFFICES
N.H. NATIONAL GUARD
FIXED EDDY ROAD
CONCORD, NH 03301
(603) 228-0319

1 SPRING STREET
NASHUA, NH 03060
(603) 883-0600

157 MAIN STREET
BERLIN, NH 03570
(603) 752-5358

Congress of the United States

HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515

KL 131

October 2, 1986

ACTION
is assigned to
ARA

Mr. J. Edward Foss
Assistant Secretary
Department of State
Office of Legislative and
Intergovernmental Affairs
2201 C Street, N.W., Room 7261
Washington, D.C. 20520

Dear Mr. Foss:

Recently, I have been in receipt of constituent letters regarding the current situation in Chile. I have enclosed, for your perusal, copies of their letters. Any information which you can provide me relative to the human rights abuses and the situation faced by human rights workers in Chile would be greatly appreciated.

Sincerely,

Judd Gregg
Member of Congress

JG/cek
Enclosure

1986 OCT 20 AM 8 50
OUT

FAX 1986 OCT 20 AM 8 41

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131

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CONFIDENTIAL

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ~~CIAE-00~~

PAGE 01 THE HA 07646 031529Z
ACTION ARA-00

INFO LOG-00 COPY-01 ADS-00 INR-10 EUR-00 ~~SS-00~~
DODE-00 IO-19 NSCE-00 NSAE-00 HA-09 PA-01 USIE-00
SP-02 PRS-01 DS-01 DSE-00 /044 W
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FM AMEMBASSY THE HAGUE
TO SECSTATE WASHDC 4015
INFO AMEMBASSY SANTIAGO
USMISSION USUN NEW YORK

UNCLASSIFIED
C O N F I D E N T I A L THE HAGUE 07646

E.O. 12356: DECL: OADR
TAGS: PHUM, EFIN, CI, NL
SUBJECT: CHILEAN RELEASES COOL OFF DUTCH
-
REF: (A) SANTIAGO 6566 (B) SANTIAGO 6322
- (C) THE HAGUE 7220
-
1. C - ENTIRE TEXT.

2. ON SEPTEMBER 26 DUTCH PRIME MINISTER LUBBERS ANNOUNCED THE RELEASE (AS REPORTED REF A) OF THREE OF THE FOUR CHILEAN STUDENTS WHO HAD EARLIER BEEN DETAINED AFTER BEING HAULED OUT OF DUTCH EMBASSY VEHICLES IN SANTIAGO. THE LOCAL PRESS NOTED THAT THE RELEASE FOLLOWED "FIERCE" DUTCH PROTESTS AND ANOTHER DEMARCHE BY FOREIGN MINISTER VAN DEN BROEK TO HIS CHILEAN COUNTERPART DURING A MEETING ON THE MARGINS OF UNGA IN NEW YORK.

3. THE MEDIA REPORTED THAT THE CHILEAN MINISTER HAD TOLD VAN DEN BROEK THAT DUTCH EMBASSY OFFICIALS WOULD BE PERMITTED TO VISIT THE FOURTH STUDENT WHO WAS STILL BEING DETAINED BECAUSE THE INQUIRY

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PAGE 02 THE HA 07646 031529Z

AGAINST HIM HAD NOT YET BEEN COMPLETED. VAN DEN BROEK WAS QUOTED AS TELLING THE PRESS THAT THE FOURTH STUDENT WAS SUSPECTED BY THE CHILEAN AUTHORITIES OF ILLEGAL ARMS POSSESSION, BECAUSE EXPLOSIVES HAD BEEN FOUND IN HIS HOUSE; HE STRESSED THAT THE CHARGE WAS NOT RELATED TO THE INCIDENT INVOLVING THE DUTCH EMBASSY.

4. WE HAVE SINCE DISCUSSED THIS CASE WITH BOTH MFA AND PARLIAMENTARY CONTACTS HERE, WHO APPEARED PLEASED WITH THE CHILEAN RESPONSE AND SATISFIED THAT IT WOULD ENABLE THEM TO AVOID FURTHER POLITICAL CONFRONTATION WITH CHILE. PARLIAMENTARY DEBATE ON CHILE IS STILL EXPECTED, BUT OUR CONTACTS BELIEVE THAT THE RELEASE OF THE THREE STUDENTS PUTS THE GON IN A POSITION TO RESIST PRESSURE FOR ANY DRASTIC STEPS AGAINST CHILE AT THIS TIME.

5. HOWEVER, OUR CONTACTS TELL US PRIVATELY THAT THEY HOPE THAT IMPENDING VOTES ON CREDITS TO CHILE IN MULTILATERAL LENDING INSTITUTIONS CAN BE POSTPONED IN ORDER TO AVOID HAVING TO ADDRESS THE ISSUE OF WHETHER HUMAN RIGHTS CONCERNS SHOULD BE TAKEN INTO ACCOUNT IN CONSIDERATION OF LOANS WHICH THE DUTCH HAVE TRADITIONALLY ARGUED SHOULD BE DECIDED ON TECHNICAL GROUNDS.

6. THE DUTCH SAY THEY APPRECIATE AND VALUE THE CLOSE CONTACT WHICH THEY HAVE HAD WITH OUR EMBASSY IN SANTIAGO ON THIS AND RELATED ISSUES. HEIMANN

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TEXT OF TELEGRAM 86SAN SA014210

ADP829 [redacted]

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PAGE 01 SAN SA 14210 032237Z
ACTION ARA-00

INFO LOG-00 COPY-01 ADS-00 INR-10 EUR-00 CIAE-00 EB-08
NSAE-00 COME-00 LAB-04 STR-17 SIL-01 /041 W
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R 032027Z NOV 86
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 6508
INFO USIA WASHDC 0077
USSOUTHCOM QUARRY HTS PN
AMEMBASSY MEXICO
AMEMBASSY LONDON
AMEMBASSY STOCKHOLM
AMEMBASSY BRASILIA
AMCONSUL SAO PAULO
AMCONSUL RIO DE JANEIRO
AMEMBASSY SAN JOSE

[redacted] SAN SALVADOR 14210

DEPT PLS PASS DOL/ILAB

USIA FOR AR/CENTAM

E.O. 12356: DECL: OADR
TAGS: ELAB, SENV, ES
SUBJECT: MEXICAN UNIONS DONATE SUPPLIES TO UNTS

1. (U) OCTOBER 29 LOCAL NEWSPAPERS REPORTED THAT MEXICAN UNIONS HAD DELIVERED 20 TONS OF FOOD SUPPLIES, MEDICINES, AND CLOTHING TO THE NATIONAL UNITY OF SALVADORAN WORKERS (UNTS -- A 57,000 MEMBER UMBRELLA GROUP OF LABOR UNIONS, MOST OF WHOM ARE CONNECTED WITH THE FMLN GUERRILLA ORGANIZATION). SERGIO IBARRA, IDENTIFIED AS A LEADER OF THE NATIONAL COMPANY OF POPULAR SUBSISTENCE (CONASUPO) UNION OF MEXICO, SAID THIS WAS GESTURE OF SOLIDARITY FOR THE [redacted]

PAGE 02 SAN SA 14210 032237Z

SALVADORAN WORKERS.

2. (U) UNTS LEADER MARCO TULIO LIMA, WHO IS A MEMBER OF THE FPL FACTION OF THE FMLN, TOLD REPORTERS THAT LABOR ORGANIZATIONS IN ENGLAND, SWEDEN, BRAZIL, AND COSTA RICA HAD ADVISED UNTS THEY WERE SENDING IT ASSISTANCE.

3. [redacted] COMMENT. UNTS WILL ALMOST CERTAINLY USE

RELEASED
El Salvador: Human Rights
Special Project (1993)

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: SLOTT, DICK
Date: 06/15/94
Case ID: 9400358

DECLASSIFIED

UNCLASSIFIED

DECLASSIFIED

THE DONATEDSUPPLIES TO ATTEMPT TO BROADEN OPPOSITION
TO THE GOVERNMENT AND INCREASE SUPPORT FOR THE FMLN.
THERE IS ALSO A POSSIBILITY THAT SOME OF THE DONATIONS,
ESPECIALLY, MEDICINES, MAY WIND UP IN THE HANDS OF
THE GUERRILLAS. WE PRESUME AID FROM BRAZIL IS COMING
FROM THE CENTRAL UNICA DE TRABALHADORES (CUT).
CUT REPRESENTATIVES PARTICIPATED IN UNTS' MAY DAY
MARCH, UNTS LEADER RICARDO GUEVARA PONCE TRAVELLED
TO BRAZIL TO MEET WITH CUT IN JULY, AND WE UNDERSTAND
THAT CUT AND UNTS WILL HOLD A FORUM IN EL SALVADOR
IN DECEMBER. CORR

[redacted]

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10-3-95

United States Department of State

Washington, D.C. 20520

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part October 6 1986
In Full X
Exemption(s) ____

(NJ123) R

~~CONFIDENTIAL~~

→ ECON

Pref

TO: All Office Directors

FROM: ARA - Elliott Abrams

SUBJECT: Latin American Debt

In discussions with a number of American bankers last week we heard the following:

Mexico

-- Financial package approved in principle, but it will be much more difficult than in 1982 to get approval of all 500+ creditor banks, and 100% agreement is needed.

-- Low spread over LIBOR of 13/16ths for extremely long period of 20 years (for the rescheduling of $44 billion) will hurt bank balance sheets and is of great concern to banks. One banker regretted the opportunity cost of this provision saying his bank would lose money relative to other uses to which its funds could be put.

-- Banks have serious doubts about ability of Mexicans to make agreed upon and necessary reforms.

-- Six billion dollars of new money was excessive in the view of one banker unless Mexico was planning to implement a "Plan Azteca" of sweeping reforms in a few months.

Brazil

-- Present economic growth and current account balance are excellent.

-- However, inflation figures are dishonest and price controls combined with widespread evasion are creating serious shortages and distortions of relative prices.

-- Problem of price distortions and low level investment spell potential for problems in the future.

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Colombia

-- Best medium-term prospect other than Brazil.

-- One problem is Barco's slow pace in naming cabinet and getting it functioning well. (e.g. unimpressive Minister of Finance).

Chile

-- Every banker expressed concern over possible negative vote by U.S. on Chilean World Bank loan.

-- Some acknowledged that this concern was related to the fact that $150 million of the $250 million structural adjustment loan was a specific condition for the commercial banks to disburse money they had committed.

-- Banks were following situation in Chile closely and were well-informed on Chile's political environment.

-- Some bankers urged us to abstain because a no vote could reinforce Pinochet's political standing domestically which has increased recently after the attempt on his life.

-- Our policy was explained:

- On July 30, we would have recommended a "no" vote; decision on whether to vote no, abstain, or yes depends on assessment of Chilean human rights situation at the time the loan is presented to the World Bank board.

- We preferred to postpone decision on loan to permit greater time for Chile to make needed political and human rights changes. We would pay a heavy price on the Hill for an abstention. That is why our decision, when it occurs, will reflect a great deal of careful consideration.

Peru

-- Economic situation is steadily deteriorating.

-- Peru able to obtain some trade financing from a few renegade European banks for exports (i.e., with immediately offsetting transaction to provide payment), but trade financing for imports disappearing and shortages growing.

-- U.S. banks have been required to reserve 30% against Peruvian loans; thus Garcia has painted himself into a corner because no new financial support can be considered until something can be done to deal with this effective 30% loss of Peruvian assets.

-- Despite many efforts Garcia has been unable to gain Latin support for his approach on debt.

-- This situation should force Garcia into negotiating soon.

-- Despite Garcia's problems, he is too popular for the army to risk a take over now -- maybe later when they can blame an economic collapse on Garcia.

Ecuador

-- Good economic policies under Febres, but increasingly poisoned political atmosphere which is of concern.

-- No successor to Febres is in sight.

-- Febres does have support of army.

Venezuela

-- Handling of FOCOCAM, enacting it and then simply abolishing it instead of amending it, was tasteless irritant to banks.

-- No Fund arrangement and no prospects of one.

-- Nonetheless, outlook for improved oil prices over next two years and increasing reserves make Venezuela less worrisome than other countries.

Costa Rica

-- Recent arrogant stance of Costa Rican authorities is problem to several banks with significant Costa Rican assets, and banks affected are seriously evaluating possibility of most extreme response, namely seizure of Costa Rican assets.

Honduras

-- Banks are very close to a rescheduling agreement with the Hondurans (terms expected to be 15 years with spread of 1-1/8 over LIBOR).

El Salvador

-- Surprisingly, is considered the model debtor in Central America and is current on interest and principal payments.

cc: All Deputies PDW

Drafted: ARA/ECP:PDWhitney:sab
10/3/86:74620 (2101z)

Clearance: ARA:PDTaylor

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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
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PAGE 01 MANAGU 06385 01 OF 02 031846Z
ACTION ARA-00

INFO LOG-00 COPY-01 ADS-00 INR-10 SS-00 CIAE-00 DODE-00
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C O N F I D E N T I A L SECTION 01 OF 02 MANAGUA 06385
UNCLASSIFIED
USIA FOR P/G, AR, VOA/BRL, P/PFL

E.O. 12356: OADR
TAGS: PREL PROP PHUM, NU CI
SUBJECT: EMBARRASSING NICARAGUA AND CHILE BY COMPARING THEM IN PUBLIC

REFS: A) MANAGUA 5942, B) MANAGUA 6428

1. (C) SUMMARY AND INTRODUCTION: IN HASTE TO PROVIDE THE WORST POSSIBLE INTERPRETATION OF CHILE'S RECENTLY IMPOSED STATE OF SIEGE, THE SANDINISTA DICTATORSHIP HAS CONTRASTED ITS YEAR-LONG STATE OF EMERGENCY WITH PINOCHET'S STATE OF SIEGE (REF A). THE SANDINISTAS IGNORED THE FACTS, HOWEVER, BECAUSE BY ANY COMPARISON (AS SEEN FROM MANAGUA), WHETHER DE JURE OR DE FACTO, THE SANDINISTAS' CODIFIED REPRESSION HAS PROVEN AS ONEROUS AS THAT IN CHILE. WE HAVE COMPARED THE FACTS, AS WE KNOW THEM, IN THIS MESSAGE AND WE INVITE EMBASSY SANTIAGO TO FILL IN THE COMPARISON. WE BELIEVE THAT PUBLICATION OF IT WOULD EMBARRASS BOTH GOVERNMENTS AND WE RECOMMEND THAT THE USIA WIRELESS FILE AND THE VOA MAKE THE COMPARISON EXPLICIT, AS THEY HAVE DONE IN THE CASE OF HUMAN RIGHTS

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ABUSES IN PARAGUAY AND NICARAGUA.

2. (U) WHAT WE HAVE IN MIND IS AN UNCLASSIFIED TEXT ON THE ORDER OF THE FOLLOWING, TO BE USED BY USIA AND/OR ARA/LPD. END SUMMARY AND INTRODUCTION.

3. (U) BEGIN UNCLASSIFIED TEXT
DURATION OF THE DECREES

A. THE CURRENT SANDINISTA STATE OF EMERGENCY HAS BEEN IN EFFECT FOR ALMOST A YEAR AND CAN BE RENEWED FOR ONE YEAR PERIODS. THE STATE OF SIEGE IN CHILE HAS A 90 DAY DURATION AND IS RENEWABLE FOR AN EQUAL PERIOD.

RESTRICTIONS ON FREEDOM OF ASSOCIATION, ASSEMBLY AND TRAVEL

B. THE NICARAGUAN DECREE HAS BEEN APPLIED TO PROHIBIT PARADES AND OUTDOOR RALLIES BY LABOR UNIONS AND POLITICAL PARTIES AND OUTDOOR SERVICES BY PASTORS AND PRIESTS. WHILE THE STATE OF EMERGENCY DECREE DOES NOT INCLUDE THE POWER OF "INTERNAL BANISHMENT" (AS IN THE CASE OF CHILE'S STATE OF SIEGE), THE GON HAS EXPELLED A RELIGIOUS LEADER (BISHOP VEGA) AND PROHIBITED THE RE-ENTRY INTO THE COUNTRY OF TWO OTHERS OPPOSED TO ITS POLICIES (FATHER BISMARK CARBALLO AND 1984 PRESIDENTIAL CANDIDATE ARTURO CRUZ). THOUSANDS OF CAMPESINOS HAVE BEEN DETAINED AND FORCIBLY RELOCATED, GENERALLY FOR POLITICAL REASONS (SUSPECTED OF AIDING THE ARMED RESISTANCE, OPPOSITION TO GOVERNMENT POLICIES, ETC.).

C. THE GON HAS USED THE REQUIREMENT OF AN EXIT VISA

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TO STEM THE EXPATRIATION OF DRAFT AGE YOUNG MEN AND TO HARASS OPPOSITION POLITICAL, LABOR AND CIVIC LEADERS. THOUSANDS OF YOUNG MEN HAVE BEEN DENIED PERMISSION TO EXIT THE COUNTRY, EVEN THOUGH THEY HAVE COMPLIED WITH THE NICARAGUAN CONSCRIPTION REGULATIONS. SOME OPPOSITION FIGURES, WHILE NOT BEING DENIED PERMANENTLY PERMISSION TO LEAVE, HAVE HAD TO WAIT TWO

WEEKS FOR EXIT VISAS AND HAVE BEEN GRANTED ONLY SINGLE JOURNEY EXIT VISAS. THESE ACTIONS APPARENTLY WERE DESIGNED TO DISCOURAGE CRITICISM OF THE GON BY THE TRAVELLER WHILE OUTSIDE OF THE COUNTRY AND TO DELAY URGENT TRAVEL.

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D. COMPARED TO THE CHILEAN STATE OF SIEGE, THE GON'S STATE OF EMERGENCY ABOLITION OF RIGHTS OF ASSOCIATION APPEARS MUCH BROADER. NICARAGUANS HAVE NO RIGHTS REGARDING THE "FOUNDING" OR "PROMOTING" OF PROFESSIONAL, COMMERCIAL, SOCIAL, RURAL AND LABOR ORGANIZATIONS.

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FREEDOM OF PRESS AND SPEECH

E. BOTH REGIMES HAVE USED THEIR EMERGENCY POWERS TO CLOSE DOWN OPPOSITION NEWSPAPERS OR MAGAZINES AND TO MUZZLE THEIR CRITICS. THE GON ACTION APPEARS HARSHER, HOWEVER, SINCE THE NEWSPAPER LA PRENSA (SUSPENDED INDEFINITELY IN JUNE) HAD BEEN THE ONLY INDEPENDENT WRITTEN MASS MEDIUM IN THE COUNTRY. THE CATHOLIC RADIO STATION WAS SILENCED IN JANUARY FOR AN "INDEFINITE" PERIOD AND, NINE MONTHS LATER, REMAINS SHUT DOWN. THE CHURCH NEWSPAPER DIED STILLBORN WHEN ITS PRESS WAS CONFISCATED IN OCTOBER 1985. BOTH LA PRENSA AND CATHOLIC RADIO HAD BEEN HEAVILY CENSORED, WITH EVEN THE

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C O N F I D E N T I A L SECTION 02 OF 02 MANAGUA 06385

USIA FOR P/G, AR, VOA/BRL, P/PFL

E.O. 12356: OADR
TAGS: PREL PROP PHUM, NU CI
SUBJECT: EMBARRASSING NICARAGUA AND CHILE BY COMPARING HOMILIES OF THE CARDINAL SUBJECT TO THE KNIFE OF THE MINISTRY OF THE INTERIOR (MINT) CENSOR.

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INDIVIDUAL LIBERTY AND PERSONAL SECURITY

F. UNDER THE GON'S STATE OF EMERGENCY DECREE, "BILL OF RIGHTS" ARTICLES GUARANTEEING THE RIGHT TO PERSONAL LIBERTY AND SECURITY AND THE INVIOLABILITY OF PRIVATE DOCUMENTS AND COMMUNICATIONS HAVE BEEN SUSPENDED. MOREOVER, THE RECOURSE TO HABEAS CORPUS AND JUDICIAL REVIEW HAS ALSO BEEN ABRIDGED, LEAVING NICARAGUANS COMPLETELY WITHOUT PROTECTION FROM THE CAPRICIOUS AND ARBITRARY ACTION OF THE GOVERNMENT. LEADERS OF POLITICAL, RELIGIOUS, UNION AND PROFESSIONAL ORGANIZATIONS HAVE BEEN ARBITRARILY DETAINED AND THEIR HOMES AND PERSONAL EFFECTS HAVE BEEN SEARCHED AND PROPERTY CONFISCATED.

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G. EXAMPLES OF GON ABUSES ARE TOO NUMEROUS TO RECOUNT

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PAGE 02 MANAGU 06385 02 OF 02 031847Z

HERE, BUT A RECENT INCIDENT IS ILLUSTRATIVE. ON SEPTEMBER 17, INDEPENDENT LIBERAL PARTY VICE PRESIDENT BAYARDO GUZMAN WAS RELEASED AFTER 17 DAYS OF DETENTION.

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HE TOLD POLOFFS THAT HE WAS INTERROGATED CONTINUOUSLY FOR THE FIRST FIVE DAYS AND DEPRIVED OF SLEEP FOR 11 DAYS. HE WAS NEVER CHARGED WITH A VIOLATION OF ANY NICARAGUAN LAW, HOWEVER.

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H. THE RIGHT TO TRIAL BY JURY HAS ALSO BEEN SUSPENDED AND CASES INVOLVING STATE SECURITY AND PUBLIC ORDER ARE HANDLED BY SPECIAL "KANGAROO COURTS" (AN ANTI-SANDINISTA PEOPLES TRIBUNAL FROM WHICH THERE IS NO APPEAL). THESE COURTS HAVE A CONVICTION RATE OF OVER NINETY EIGHT PERCENT--THEY PROCESSED OVER 1,000 CASES LAST YEAR--AND ARE OUTSIDE THE REGULAR JUDICIAL SYSTEM. ONLY A SEMBLANCE OF DUE PROCESS APPLIES IN THE OPERATION OF THESE EXTRA-JUDICIAL BODIES.

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CONCLUSION

I. HAVING PROPPED ITSELF UP FROM ITS INCEPTION ON REPRESSION SANCTIONED BY A STRING OF UNPOPULAR EMERGENCY MEASURES, THE GON HAS WITNESSED A MASS EXODUS OF ITS CITIZENS, ESTIMATED AT FROM 320,000 TO 550,000 PEOPLE. WITH THE STATE OF EMERGENCY AS THE UNDERPINNING OF ITS ACTIONS, THE GON CAN BE EXPECTED TO CONTINUE TO EMPLOY EAST BLOC SECURITY TECHNIQUES. IT WILL PRESSURE AND MANIPULATE OPPOSITION FIGURES AND GROUPS, AND REDUCE FURTHER THEIR POLITICAL SPACE WITHIN THE COUNTRY, WHILE SIMULTANEOUSLY CROWING ABOUT PLURALISM.

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J. IN A REPORT PREPARED IN OCTOBER 1985, ON THE OCCASION OF THE MOST RECENT EXTENSION OF THE NICARAGUAN STATE

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OF EMERGENCY, THE INDEPENDENT PERMANENT COMMISSION ON HUMAN RIGHTS OF NICARAGUA RECALLED THAT "OF THE SIX YEARS OF THE SANDINISTA GOVERNMENT, THE PEOPLE HAVE SEEN THE TOTAL OR PARTIAL SUSPENSION OF THEIR RIGHTS FOR ALMOST FIVE YEARS." WITH THE "CELEBRATION" OF THE SEVENTH ANNIVERSARY OF THE SANDINISTA REVOLUTION LAST JULY 19, THE NICARAGUAN PEOPLE HAVE NOW ENDURED SIX YEARS OF DEPRIVATION OF CIVIL AND POLITICAL RIGHTS.
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FRANK McCLOSKEY
8TH DISTRICT, INDIANA

ARMED SERVICES COMMITTEE
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VETERANS AFFAIRS COMMITTEE
SUBCOMMITTEES:
COMPENSATION, PENSION & INSURANCE
OVERSIGHT & INVESTIGATIONS

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[illegible]

October 3, 1986

Office of Congressional Liaison
Department of State
Washington, DC

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is assigned to
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Attached is a copy of a constituent letter pertaining to a matter within your agency's jurisdiction. I would appreciate a reply to the concerns which have been raisod. In responding please return the constituent letter or copy thereof. Your reply should be directed to my WASHINGTON, DC OFFICE IN ROOM 116 CANNON HOUSE OFFICE BUILDING. Please direct the response to the attention of Mr. Chris Aldridge. Should you have any questions, the office phone number is 225-4636. Thank you.

FRANK MCCLOSKEY, MC

1986 OCT 20 AM 8 51
OUT

From: L

Re: U.S. Votes on aid to chile in multilateral Banks.

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THIS STATIONERY PRINTED ON PAPER MADE WITH RECYCLED FIBERS

10-4-88
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Case Number: S199900030

Chile Project (#S199900030)
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UNCLASSIFIED
CONFIDENTIAL

PAGE 01 SANTIA 06735 01 OF 02 041323Z
ACTION ARA-00

INFO	LOG-00	COPY-01	ADS-00	AID-00	INR-10	SS-00	CIAE-00
	DODE-00	H-01	NSCE-00	NSAE-00	HA-09	L-03	PM-10
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TO SECSTATE WASHDC PRIORITY 8198
INFO AMEMBASSY CARACAS

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C O N F I D E N T I A L SECTION 01 OF 02 SANTIAGO 06735

E.O. 12356: DECL:OADR
TAGS: PGOV,PINS,CI
SUBJ: DEBATE OVER SOCIAL MOBILIZATION

1. (C) A FERVENT DEBATE OVER OPPOSITION STRATEGY WAS SPARKED BY A PAPER PREPARED FOR INTERNAL DISCUSSION WITHIN THE SOCIALIST PARTY/NUNEZ (PSCH/N) BY SOCIOLOGIST JOSE JOAQUIN BRUNNER. THE PAPER, WHICH WAS LEAKED TO THE PRESS ON SEPTEMBER 27, MAINTAINS THAT THE STRATEGY OF SOCIAL MOBILIZATION FOLLOWED IN 1986 HAS FAILED MISERABLY BECAUSE IT HAS BEEN DOMINATED BY THE COMMUNIST-LED DEMOCRATIC POPULAR MOVEMENT (MDP), WHICH SEEKS TO DESTABILIZE THE GOVERNMENT AND DEFEAT THE ARMED FORCES POLITICALLY. BRUNNER SAYS THAT UNTIL THE OPPOSITION BREAKS AWAY FROM THE MDP AND DEVELOPS A NON-CONFRONTATIONAL MOVEMENT FOR FREE ELECTIONS, IT WILL NOT MOBILIZE THE MAJORITY OF CHILEANS OR SUCCEED IN INITIATING SERIOUS DIALOGUE WITH THE ARMED FORCES. ALTHOUGH THE PAPER'S PUBLICATION EVOKED INDIGNANT CRITICISM FROM THE PSCH/N LEADERSHIP, DEMOCRATIC SOCIALISTS ADMIT PRIVATELY THERE IS CONSIDERABLE AGREEMENT OVER

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THE MAIN POINTS OF THE DOCUMENT. THE DEBATE SHOULD ALSO HELP OTHER DEMOCRATIC ALLIANCE PARTIES CONDUCT THE KIND OF CRITICAL ANALYSIS THAT CAN LEAD TO A MORE REALISTIC CONSENSUS.

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2. (U) A PAPER PREPARED BY JOSE JOAQUIN BRUNNER, DIRECTOR OF THE LATIN AMERICAN FACULTY FOR SOCIAL SCIENCES (FLACSO-CHILE), HAS SPARKED A NEW DEBATE OVER SOCIAL MOBILIZATION. THE PAPER WAS ORIGINALLY INTENDED AS AN INTERNAL DISCUSSION DOCUMENT FOR THE PSCH/N, BUT WAS LEAKED TO THE PRESS LAST WEEK. IN THE DOCUMENT BRUNNER MAINTAINS THAT THE STRIKES OF JULY AND SEPTEMBER DEMONSTRATED THE UTTER FAILURE OF THE OPPOSITION'S STRATEGY TO CHANGE THE GOVERNMENT OF CHILE. SOCIAL MOBILIZATION, HE SAID, HAS BEEN "WEAK, FRAGMENTARY AND INEFFECTIVE." IT HASN'T REACHED THE MIDDLE CLASS, NOR HAS IT RESULTED IN ANY SIGNIFICANT INDUSTRIAL SHUTDOWN OR PARALYZATION OF PUBLIC SERVICES. WORST OF ALL, HE NOTES, "PINOCHET HAS BEEN SUCCESSFUL IN SHOWING THE COUNTRY THAT THE OPPOSITION IS SUBORDINATE TO THE ACTIONS OF THE MOST RADICALIZED SECTOR, WHILE THE GROUPS OPPOSED TO THE USE OF 'ALL THE METHODS OF STRUGGLE' WERE IN FACT RELEGATED TO THE SIDELINES."

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3. (U) THE ARMAMENTS DISCOVERY AND THE ASSASSINATION ATTEMPT REVEALED THE ARMED OPPOSITION'S STATE OF PREPAREDNESS AND ITS INTERNATIONAL CONNECTIONS. THIS, CONTINUES BRUNNER, GAVE THE GOC AN OPPORTUNITY TO GO ON THE OFFENSIVE, REDEFINING THE POLITICAL SITUATION AS A "THEATRE OF WAR", AND THEREBY REINFORCING THE PERSONAL LEADERSHIP OF PINOCHET WITH THE ARMED FORCES AND THE RIGHT. ABOVE ALL, HE SAID, IT WEAKENED THE OPERATIONAL

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CAPACITY OF THE COMMUNIST PARTY (PCCH).

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4. (U) THE PAPER CONCLUDES THAT THE OPPOSITION NEEDS A RIGOROUS SELF-CRITICISM IF IT IS TO RECUPERATE FROM THE "FAILED STRATEGY" OF 1986 AND TO STRENGTHEN ITS "AUTONOMOUS" SECTORS, I.E. THE DEMOCRATIC ALLIANCE, THE CIVIC ASSEMBLY, THE NATIONAL ACCORD AND THE PACT FOR

GOVERNABILITY. IT WILL HAVE TO DISTANCE ITSELF EXPLICITLY FROM THE MDP. IT MUST REALIZE THE CONTRADICTIONS OF SEEKING A NEGOTIATED SETTLEMENT WITH THE ARMED FORCES WHILE ENGAGING IN SOCIAL MOBILIZATION AIMED AT THEIR POLITICAL DEFEAT. IT MUST ACCEPT THE "CONDITIONS CREATED BY THE 1980 CONSTITUTION" AS A GIVEN AND CREATE A BROADLY BASED MOVEMENT FOR FREE ELECTIONS.

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5. (U) PUBLIC REACTIONS:

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PSC GENERAL SECRETARY RICARDO NUNEZ ISSUED A STATEMENT ON BEHALF OF THE PARTY'S POLITICAL COMMISSION CENSURING THOSE WHO LEAKED THE PAPER TO THE PRESS AND STRESSING THAT THE PSC SUPPORTS SOCIAL MOBILIZATION, DOES NOT ACCEPT THE LEGITIMACY OF THE 1980 CONSTITUTION, AND CONSIDERS THAT PINOCHET IS THE MAIN IMPEDIMENT TO A DEMOCRATIC TRANSITION. SOCIAL DEMOCRATIC PRESIDENT RENE ABELIUK SAID IT CONFIRMED HIS THESIS THAT IT IS IMPOSSIBLE TO COORDINATE WITH THOSE WHO HAVE DIAMETRICALLY OPPOSED OBJECTIVES. THE OLD FORMS OF SOCIAL MOBILIZATION, HE SAID, HAVE BEEN WORN OUT AND USED BY THE EXTREMES OF BOTH RIGHT AND LEFT. ANDRES ZALDIVAR, CHRISTIAN DEMOCRATIC (PDC)/LEADER, SAID HE SHARED MANY OF BRUNNER'S CONCLUSIONS BUT THAT SOCIAL MOBILIZATION COULDN'T BE ABANDONED SIMPLY BECAUSE THE

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INFO AMEMBASSY CARACAS

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C O N F I D E N T I A L SECTION 02 OF 02 SANTIAGO 06735

E.O. 12356: DECL:OADR
TAGS: PGOV,PINS,CI
SUBJ: DEBATE OVER SOCIAL MOBILIZATION

GOC HAD REMAINED INTRANSIGENT AND THE ULTRA LEFT HAD FOLLOWED A VIOLENT PATH. HOWEVER, GENARO ARRIAGADA, DIRECTOR OF RADIO COOPERATIVE WHO IS IDENTIFIED WITH THE GROUP CLOSE TO GABRIEL VALDES, SAID THAT THIS KIND OF SELF-CRITICISM IS ABSOLUTELY NECESSARY IF SOCIAL MOBILIZATION IS TO BE RESCUED FROM THE GROUPS THAT TRY TO CONFUSE IT WITH "PURE AGITATION," EXTREMIST RHETORIC AND TACTICS. "THE OPPOSITION MUST BE CHANNELED INTO A SOCIAL MOVEMENT FOR FREE ELECTIONS, AS CLEAR AND COMPELLING AS SIMILAR DEMANDS GENERATED IN BRAZIL, URUGUAY AND THE PHILLIPINES," HE SAID.

6. (C) COMMENTS: UNBEKNOWNST TO BRUNNER, WHO LEFT CHILE LAST WEEK, HIS DISCUSSION PAPER WAS DELIVERED TO THE DEMOCRATIC ALLIANCE (AND FROM THERE TO THE PRESS) BY HERNAN VODANOVICH, NUNEZ'S FORMER RIVAL FOR THE PSD SECRETARY GENERALSHIP. FLACSO ASSOCIATE ANGEL FLISFISCH TOLD POLOFF THAT VODANOVICH WAS EAGER TO DO SOME CROWING THAT "HE HAD SAID IT

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PAGE 02 SANTIA 06735 02 OF 02 041324Z

FIRST" AND TO ADVANCE HIS FACTION. AS A RESULT NUNEZ, WHO LARGELY AGREES WITH THE BRUNNER ASSESSMENT, THOUGHT HE HAD TO COME DOWN HARD TO

HOLD ON TO A RANK AND FILE WHICH STILL THINKS THE IDEA OF NEGOTIATING WITH PINOCHET OR THE MILITARY IS SOMEWHAT HERETICAL. ONE MORE, IMPORTANT ELEMENTS OF THE OPPOSITION APPEARED TO BE EMBROILED IN CONVOLUTED ARGUMENTS OVER HOW MUCH TO BLAME THE COMMUNISTS FOR THE STATUS QUO AND WHETHER OR NOT TO ACCEPT THE CONSTITUTION.

7. (C) IN THE LONG TERM, HOWEVER, THE DEBATE SHOULD HAVE A TONIC EFFECT. BRUNNER'S INTELLECTUAL HONESTY ENCOURAGES PARTIES FROM THE DEMOCRATIC LEFT TO THE CENTER-RIGHT TO DEFINE A MORE MODERATE CONSENSUS. ACCORDING TO THE CONSERVATIVE MAGAZINE "QUE PASA", IT ALSO "REAFFIRMS THE CONCEPT OF SELF-CRITICISM WHICH MARKS A PARTY (READ PSCH/N) THAT IN THE LAST 10 YEARS HAS REVISED ALL ITS ASSUMPTIONS TO THE POINT WHERE IT MAINTAINS THAT THE MARKET AND PRIVATE PROPERTY ARE OF VITAL IMPORTANCE IN A DEMOCRACY." PSCH/N LEADERS CONFIDE THAT ONCE THE FIREWORKS ARE OVER, IT WILL BE RELATIVELY EASY TO AGREE ON THE BASIC POINTS: THAT 1986 HAS BEEN THE GOC'S YEAR; THAT THE COMMUNISTS HAVE EXCLUDED THEMSELVES FROM THE LEGITIMATE OPPOSITION; THAT THE CONSTITUTION SHOULD BE NO OBSTACLE TO COMING TO TERMS WITH THE MILITARY; AND THAT NEW, LESS CONFRONTATIONAL FORMS OF SOCIAL PROTEST MUST BE CREATED.
JONES

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Case Number: S199900030

Chile Project (#S199900030)
U.S. Department of State
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Declassify: In Part ____ In Full X
Exemption(s) ____

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PAGE 01 SANTIA 06736 01 OF 02 061329Z
ACTION ARA-00

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C O N F I D E N T I A L SECTION 01 OF 02 SANTIAGO 06736

E.O. 12356: DECL:OADR
TAGS: PGOV,CI
SUBJ: STANGE AND MATTHEI ECHO CALL FOR DIALOGUE

REF: SANTIAGO 6695

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1. (C) SUMMARY:
IN THE WAKE OF JUNTA MEMBER MERINO'S PUBLIC SUPPORT FOR DIALOGUE BETWEEN THE DEMOCRATIC OPPOSITION AND THE ARMED FORCES (REFTEL), TWO OTHER MEMBERS OF THE JUNTA (BUT NOT THE ARMY) HAVE ECHOED THAT SENTIMENT. THE DEMOCRATIC OPPOSITION HAS WELCOMED MERINO'S STATEMENT, WITH VARYING DEGREES OF ENTHUSIASM DEPENDING UPON THEIR PLACEMENT ON THE POLITICAL SPECTRUM. THE PUBLIC NATURE OF THE STATEMENTS RAISES SOME HOPES THAT A DIALOGUE, THOUGH NOT IMMINENT, IS PERHAPS FEASIBLE IN THE NEAR FUTURE. END SUMMARY.

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2. (U) TWO MEMBERS OF THE RULING JUNTA HAVE ECHOED ADMIRAL MERINO'S SUPPORT FOR A DIALOGUE BETWEEN VARIOUS SECTORS AND THE ARMED FORCES. AIR FORCE GENERAL FERNANDO MATTHEI, SPEAKING TO THE PRESS IN IQUIQUE ON OCT. 1, SPOKE IN FAVOR OF THE GENERAL IDEA OF DIALOGUE AND GAVE HIS OPINION THAT IT WAS

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SOMETHING THAT SHOULD HAVE BEGUN LONG AGO. THE FOLLOWING DAY, CARABINERO GENERAL RODOLFO STANGE SAID THAT HIS DOOR WAS ALWAYS OPEN TO THE PUBLIC, SINCE IT WAS PART OF HIS DUTY AS A CARABINERO AND AS A MEMBER OF THE JUNTA TO RECEIVE PEOPLE WITHOUT MAKING DISTINCTIONS AMONG THEM.

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3. (U) THE SANTIAGO PRESS HAS GIVEN EXTENSIVE PLAY TO MERINO'S OFF-THE-CUFF REMARKS, CONCENTRATING ON THE REACTION OF VARIOUS POLITICAL SECTORS. IN GENERAL, THE RIGHT-OF-CENTER POLITICAL PARTIES HAVE WELCOMED THE MERINO STATEMENT WHILE GETTING IN A FEW DIGS AT THE LEFT. HERNAN CHADWICK OF THE INDEPENDENT UNION (UDI), A PRO-GOVERNMENT PARTY OUTSIDE OF THE NATIONAL ACCORD, STATED THAT THE CALL FOR DIALOGUE WAS A LONG-HELD POSITION OF THE UDI. HE EMPHASIZED THAT THE DIALOGUE, AS EXPRESSED BY MERINO, WOULD BE BETWEEN SECTORS AS WELL AS POLITICAL PARTIES. FERNANDO MATURANA OF THE NATIONAL UNION, A SIGNATORY PARTY OF THE NATIONAL ACCORD STRESSED THAT DIALOGUE WOULD REQUIRE THE ELIMINATION OF FACTORS THAT HAD PREVIOUSLY BLOCKED A POLITICAL OPENING, SUCH AS CONTACTS WITH MARXISTS AND ACTIONS THAT AIDED SUBVERSIVES (READ SOCIAL MOBILIZATION).

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4. (U) SEVERAL SPOKESMEN FOR THE CENTRIST CHRISTIAN DEMOCRATIC PARTY (PDC) WERE QUOTED IN SUPPORT OF THE CALL FOR DIALOGUE (FYI: THE MERINO STATEMENT WAS IN RESPONSE TO A QUESTION CONCERNING A PROPOSAL MADE BY PDC PRESIDENT GABRIEL VALDES). NATIONAL ACCORD COORDINATOR SERGIO MOLINA AND FORMER CHRISTIAN DEMOCRATIC INTERNATIONAL PRESIDENT ANDRES ZALDIVAR GAVE FULL SUPPORT TO THE IDEA, WHILE VALDES SAW IT AS

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A POSITIVE STEP BUT INTERJECTED HIS OPINION THAT THERE WERE "TERRORISTS AND FOMENTORS OF VIOLENCE IN THE GOVERNMENT, IN THE EXTREME RIGHT AS WELL AS THE EXTREME LEFT," AND THAT THE TRUE ROAD TO DEMOCRACY WAS THAT EXPRESSED THROUGH THE NATIONAL ACCORD.

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5. (U) OTHER POLITICAL SPOKESMEN EXPRESSED SOME

RESERVATIONS ABOUT ANY FUTURE DIALOGUE. SOCIAL DEMOCRATIC PRESIDENT RENE ABELIUK POINTED OUT THAT HIS CENTRIST PARTY HAD SUPPORTED DIALOGUE SINCE 1973 BUT THAT A DIALOGUE REQUIRED TWO SIDES, AND THAT ONLY THE DEMOCRATIC OPPOSITION HAD BEEN WILLING TO DISCUSS THE ISSUES IN THE PAST. HE REITERATED HIS PARTY'S OPENNESS TO A NEGOTIATED SETTLEMENT, WHILE EMPHASIZING THAT THE RETURN TO A TRUE DEMOCRACY WAS NOT NEGOTIABLE. ALONG THIS LINE, HE MENTIONED THAT A REFORM OF THE 1980 CONSTITUTION WAS NECESSARY IN ORDER TO TRANSFORM IT INTO A VEHICLE OF CONSENSUS AND TRUE DEMOCRACY.

6. (U) SPEAKING FOR THE LEFT-OF-CENTER RADICAL PARTY, RICARDO NAVARRETE EXPRESSED THE VIEW THAT WHAT MERINO WAS SUPPORTING WAS MERELY WHAT SHOULD BE THE NATURAL STATE OF AFFAIRS. WHILE ACKNOWLEDGING THE IMPORTANCE OF MERINO'S STATEMENT, HE WONDERED ALOUD IF THOSE SENTIMENTS WERE SHARED BY OTHERS WITHIN THE GOVERNMENT.

7. (C) COMMENT:

THE VIEWS EXPRESSED BY JUNTA MEMBERS MERINO, MATTHEI, AND STANGE COME AS NO SURPRISE SINCE THEY HAVE FOR SOME TIME BEEN SAYING THE SAME THING IN PRIVATE AND, OCCASIONALLY, IN PUBLIC. THE FACT THAT

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C O N F I D E N T I A L SECTION 02 OF 02 SANTIAGO 06736

E.O. 12356: DECL:OADR
TAGS: PGOV,CI
SUBJ: STANGE AND MATTHEI ECHO CALL FOR DIALOGUE

THEY ARE ALL SAYING THE SAME THING AT APPROXIMATELY THE SAME TIME IS OF SOME SIGNIFICANCE, AS WELL AS THE TOTAL LACK OF ANY RESPONSE FROM THE ARMY REPRESENTATIVE ON THE JUNTA, GENERAL JULIO CANESSA. THE WILLINGNESS OF THE AIR FORCE, NAVY, AND CARABINEROS TO SPEAK TO ELEMENTS OF THE DEMOCRATIC OPPOSITION MEANS VERY LITTLE WITHOUT THE PARTICIPATION OF THE ARMY, THE LARGEST AND MOST IMPORTANT OF THE UNIFORMED SERVICES. THE REACTION OF THE POLITICIANS WAS AS EXPECTED, WITH THE CENTER SUPPORTING THE IDEA WITH LITTLE OR NO COMMENT, WHILE ELEMENTS OF THE RIGHT AND LEFT, WHILE SUPPORTING THE IDEA, COULD NOT RESIST THE OPPORTUNITY TO MAKE A FEW DIGS AT THE OTHER SIDE OR TO INTERJECT THEIR POLITICAL POSITIONS. POST HAS NO ILLUSIONS THAT DIALOGUE IS IMMINENT.
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Chile Project (#S199900030)
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APPROVED BY: E:AWALLIS
ARA:RGELBARD ARA/SC:LFLOWER
ARA/ECP:PWHITNEY EB/ODF:JHEG (SUBS)
S/S: BLPASCOE HA:RSCHIFTER(INFO)
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AMEMBASSY BRASILIA
AMEMBASSY CARACAS

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S E C R E T STATE 314164
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E.O. 12356: DECL:OADR
TAGS: EFIN, PGOV, PREL, PHUM, CI
SUBJECT: UNDERSECRETARY WALLIS' OCT. 1 MEETING WITH CHILEAN FINANCE MINISTER BUCHI

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1. CONFIDENTIAL - ENTIRE TEXT.

2. SUMMARY: DURING A 45-MINUTE CORDIAL DISCUSSION OCT. 1 AT THE SITE OF THE BANK/FUND MEETINGS, UNDERSECRETARY WALLIS AND FINANCE MINISTER BUCHI REVIEWED THE RECENT POSITIVE PERFORMANCE OF CHILE'S ECONOMY AND DISCUSSED U.S. CONCERNS REGARDING HUMAN RIGHTS AND THE POLITICAL SITUATION IN CHILE AS THEY PERTAIN TO U.S. VOTES ON MDB CONFIDENTIAL

PAGE 02 STATE 314164

LOANS TO CHILE. WALLIS EMPHASIZED STRONG CONGRESSIONAL OPPOSITION TO U.S. SUPPORT FOR LOANS TO CHILE. THERE WAS A GREAT RISK THAT YES VOTES BY THE ADMINISTRATION ON

THESE LOANS--AND POSSIBLY EVEN ABSTENTIONS--WOULD PROMPT COUNTRY-SPECIFIC LEGISLATION MANDATING NEGATIVE VOTES IN THE FUTURE. WALLIS ASKED BUCHI WHETHER LOANS TO CHILE EXPECTED TO BE REVIEWED BY EXECUTIVE BOARDS NEXT MONTH MIGHT NOT BE POSTPONED UNTIL EARLY 1987, TO PROVIDE TIME FOR THE GOC TO MAKE HUMAN RIGHTS PROGRESS AND MOVEMENT ON A DEMOCRATIC TRANSITION THAT WOULD PERMIT THE U.S. TO

SUPPORT THE LOANS. BUCHI, SECONDED BY CHILEAN AMBASSADOR ERRAZURIZ, INSISTED THAT DELAY WAS NOT FEASIBLE. IN ORDER TO CONTINUE ITS ECONOMIC RECOVERY, HE ARGUED THAT CHILE NEEDED TO HAVE IN PLACE BY LATE NOVEMBER EITHER THE SECOND WORLD BANK STRUCTURAL ADJUSTMENT LOAN (SAL) OR AN AGREEMENT WITH THE COMMERCIAL BANKS TO PROVIDE NEW MONEY IN 1987. HE OBSERVED THAT COMMERCIAL BANKS WOULD BE VERY UNLIKELY TO MAKE A COMMITMENT TO PROVIDE NEW MONEY WITHOUT THE SAL IN PLACE. WALLIS AGREED, BUT COMMENTED THAT THE GOC NEEDED TO BALANCE THE POSSIBLE ADVERSE CONSEQUENCES OF POSTPONEMENT AGAINST THE UNCERTAIN RESULTS OF GOING AHEAD WITH THE SAL UNDER CURRENT CIRCUMSTANCES. END SUMMARY.

--CHILE'S STRONG ECONOMIC RECOVERY--

3. WALLIS ASKED ABOUT CHILE'S CURRENT ECONOMIC PERFORMANCE. BUCHI RECALLED THAT WHEN THEY HAD LAST MET ABOUT EIGHTEEN MONTHS AGO, THE GOC HAD NEARLY COMPLETED A FINANCIAL PACKAGE REFINANCING ITS EXTERNAL DEBT. WITH THE PACKAGE IN PLACE, CHILE HAS RESUMED ECONOMIC GROWTH, WHICH SHOULD BE CLOSE TO 5 PERCENT FOR 1986.

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UNEMPLOYMENT HAD EASED TO 10.8 PERCENT; THE COMBINED UNDEREMPLOYMENT/UNEMPLOYMENT FIGURE WAS NOW ONLY 15.8 PER CENT, AFTER REACHING NEARLY 30 PERCENT AT ITS PEAK.

4. BUCHI SAID THAT CHILE HAD LAID THE GROUNDWORK FOR MEDIUM TERM GROWTH. AS GROSS NATIONAL SAVINGS WENT UP--NEARLY 9 PER CENT IN 1986 AFTER HOVERING AT 2-3 PER CENT FOR THE PREVIOUS TWO YEARS--INVESTMENT IN FIXED CAPITAL GOODS HAD ALSO INCREASED. THE BUDGET DEFICIT HAD EASED TO 2.2 PERCENT FROM OVER 4 PERCENT A YEAR AGO. INFLATION HAD ALSO DROPPED AND SHOULD BE BETWEEN 15-20 PERCENT THIS YEAR. FOREIGN INVESTMENT WAS INCREASING.

ASKED ABOUT CAPITAL FLIGHT, BUCHI NOTED THAT CAPITAL WAS RETURNING TO CHILE, NOT LEAVING. IN SUM, THE MEDIUM-TERM OUTLOOK FOR THE ECONOMY WAS VERY POSITIVE.

--UNCERTAINTY ABOUT THE FUTURE --

5. WALLIS ASKED UNDER SUCH CIRCUMSTANCES WHETHER THERE WAS ANYTHING THAT WAS NOT GOING SO WELL. EXPECTATIONS, BUCHI RESPONDED. HE EXPLAINED THAT AS 1987 APPROACHED, IT WAS CLEAR THAT CHILE HAD TO GO TO THE COMMERCIAL BANKS AGAIN TO PUT TOGETHER A NEW REFINANCING PACKAGE. LOOKING INTO THE FUTURE WAS DIFFICULT. IT WAS HARD TO SAY NOW HOW DIFFICULT OR EASY IT WOULD BE FOR CHILE TO MANAGE ITS NEW MONEY NEEDS.

6. ACCORDING TO BUCHI, POLITICAL UNCERTAINTY WAS NOT A MAJOR PROBLEM. THERE WAS MORE OF A PERCEPTION OF CONTINUITY THAN OF NEW FUTURE UPHEAVALS, SUCH AS DURING THE ALLENDE PERIOD. BUCHI COMMENTED, HOWEVER, THAT THE 1987 FINANCING WAS A PROBLEM, AND WOULD BECOME MORE PROBLEMATIC THE MORE TIME PASSED WITHOUT AN AGREEMENT. HE ADDED THAT UNCERTAINTY OVER THE SAL WAS PART OF THE PROBLEM.

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--POSTPONMENT OF MDB LOANS TO CHILE--

7. PICKING UP ON BUCHI'S REFERENCE TO THE SAL, WALLIS ASKED WHAT THE CONSEQUENCES WOULD BE OF POSTPONEMENT OF THE SAL UNTIL NEXT YEAR. IN RESPONSE, BUCHI SAID SUCH A DELAY MIGHT NOT CARRY ANY IMPORTANCE OR COULD BE EXTREMELY IMPORTANT. THE VARIABLE WAS THE ATTITUDE OF THE COMMERICIAL BANKS. SHOULD THE COMMERCIAL BANKS CONCLUDE THAT POSTPONEMENT OF THE SAL MEANS SOMETHING NEGATIVE, THIS COULD DESTROY THE ENVIRONMENT FOR CONTINUED ECONOMIC GROWTH, AND COULD SEND A MAJOR SHOCKWAVE THROUGH THE ECONOMY JUST AS THE RECOVERY IS TAKING HOLD.

8. AMBASSADOR ERRAZURIZ AGREED, NOTING THAT THE SAL WAS A CONDITION FOR DISBURSEMENT OF THE LAST TRANCHE OF THE COMMERCIAL BANK NEW MONEY FACILITY NEGOTIATED LAST YEAR. ERRAZURIZ ADDED THAT IT WAS QUITE POSSIBLE THAT CHILE

COULD OBTAIN A WAIVER FOR THIS CONDITION, BUT STRESSED THAT THE GOC WOULD BE AT A LOSS TO EXPLAIN THE DELAY EXCEPT FOR POLITICAL REASONS, WHICH COULD HAVE A NEGATIVE IMPACT ON THE BANKS' ATTITUDES TOWARD CHILE. HE CONCLUDED AS WELL THAT POSTPONEMENT WAS NOT FEASIBLE.

--IMPACT OF CONGRESSIONAL CONCERNS OVER CHILE--

9. WALLIS COMMENTED THAT THE REASON HE HAD BROUGHT UP THIS SUBJECT WAS BECAUSE OF THE STRONG REACTION AGAINST U.S. SUPPORT FOR MDB LOANS TO CHILE EVIDENT IN THE U.S. CONGRESS. PRESENTLY, THE CONGRESSIONAL ENVIRONMENT WAS SUCH THAT IF THE U.S. VOTED YES ON CHILE LOANS, OR POSSIBLY ABSTAINED, LEGISLATION WOULD BE PASSED OBLIGING THE ADMINISTRATION TO VOTE AGAINST CHILE LOANS IN THE

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FUTURE. NOTING THAT LEGISLATION IN CHILE GOVERNING THE STATE OF SIEGE WOULD EXPIRE BY THE END OF THE YEAR, THAT STEPS HAD BEEN TAKEN TO REOPEN ELECTORAL REGISTERS NEXT YEAR AND THAT A POLITICAL PARTIES LAW WAS ALSO EXPECTED TO BE ENACTED IN EARLY 1987, HE WONDERED WHETHER IT MIGHT NOT MAKE SENSE TO DELAY THE LOANS UNTIL AFTER THESE STEPS HAD BEEN TAKEN. HE SAID HE UNDERSTOOD FULLY THAT IN

IDEAL TERMS THE BEST COURSE WOULD BE TO PROCEED WITH THE LOANS AS PLANNED. NONETHELESS, HE SUGGESTED THAT THE CHILEANS THINK THROUGH THE CONSEQUENCES OF THE CONGRESS MANDATING U.S. OPPOSITION TO CHILE LOANS, OR REDUCING THELEVEL OF U.S. PARTICIPATION IN THE MDBS. HE CONCLUDED THAT IT WAS A CASE OF WEIGHING ONE RISK AGAINST THE OTHER.

10. CONTINUING,WALLIS AGREED THAT THE CONSEQUENCES OF POSTPONEMENT COULD BE UNPREDICTABLE, BUT NOTED THAT THE CONSEQUENCES ON THE POLITICAL SIDE WERE EQUALLY UNPREDICTABLE IF THE GOC PROCEEDED WITH THE LOANS AS PLANNED. THERE WERE SERIOUS U.S. POLITICAL CONCERNS AFFECTING CHILE, AS AMB. ERRAZURIZ WAS WELL AWARE. WALLIS STRESSED THAT HE WAS NOT ADDRESSING THE ISSUE OF WHETHER U.S. PUBLIC PERCEPTIONS--FORMED IN LARGE PART BY PRESS AND TELEVISION ACCOUNTS--BORE ANY RELATION TO REALITY. WHAT HE WANTED TO SIGNAL WAS THAT THEY HAD A SERIOUS PROBLEM HERE. THE ASSASSINATION ATTEMPT HAD LEFT

THE IMPRESSION, WHETHER CORRECT OR NOT, THAT THERE WAS SERIOUS INSTABILITY IN CHILE. SIMILARLY, THERE WAS A WIDESPREAD IMPRESSION THAT THE GOVERNMENT HAD OVERREACTED IN ITS APPLICATION OF THE STATE OF SIEGE FOLLOWING THE ASSASSINATION ATTEMPT. THE CLIMATE WAS NOT GOOD.

11. IN RESPONSE, BOTH BUCHI AND ERRAZURIZ REPEATED THAT THE LOANS COULD NOT BE DELAYED. BUCHI SAID THAT IN HIS VIEW IT WAS NECESSARY THAT BEFORE THE END OF NOVEMBER

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CHILE HAD AN AGREEMENT EITHER WITH THE WORLD BANK OR WITH THE COMMERCIAL BANKS. THEY COULD NOT WAIT LONGER THAN NOVEMBER. HE COULD ONLY RECOMMEND A STRATEGY OF POSTPONING THE WORLD BANK LOANS IF THERE WERE A REALISTIC EXPECTATION THAT THEY COULD REACH AN AGREEMENT WITH THE BANKS WITHOUT THE SAL. AN AGREEMENT WITH THE BANKS ALONE WAS VERY UNLIKELY.

12 BUCHI SAID THAT HE HAD ALREADY BEEN IN TOUCH WITH THE WORLD BANK STAFF REGARDING THE SAL. THEY EXPECTED TO BRING THE SAL TO THE EXECUTIVE BOARD FOR A VOTE IN NOVEMBER. HE EMPHASIZED ONCE AGAIN THE IMPORTANCE THIS LOAN HOLDS FOR CHILE'S ECONOMIC RECOVERY. HE ADDED THAT IN HIS VIEW FOR CHILE TO HAVE THE CHANCE TO RETURN TO POLITICAL NORMALCY, THERE HAD TO BE A REASONABLE ECONOMIC BASE.

13. ERRAZURIZ COMMENTED THAT IT WOULD BE DISASTROUS IF CHILE COULD NOT OBTAIN THE SAL. SUCH A DEVELOPMENT WOULD HALT ECONOMIC NORMALIZATION AND JEOPARDIZE THE CONTINUITY OF SOUND ECONOMIC POLICIES. BUCHI ADDED THAT ONE COULD

NOT PREDICT HOW HIS GOVERNMENT MIGHT REACT IF IT WERE DENIED FUNDS FROM ABROAD. ERRAZURIZ AGREED THAT THE CURRENT POLITICAL CLIMATE WAS NEGATIVE. HE ARGUED, HOWEVER, THAT PRESIDENT PINOCHET'S REACTION TO THE ASSASSINATION ATTEMPT HAD BEEN VERY MODERATE, IN TERMS OF WHAT COULD HAVE HAPPENED. HE SAID THAT ONLY TWENTY PEOPLE HAD BEEN DETAINED IN SANTIAGO UNDER THE SPECIAL STATE OF SIEGE POWERS AND ONLY FIVE DAYS AFTER THE ATTACK THE ELECTORAL REGISTRY LAW WAS PROMULGATED. THE STATE OF SIEGE HAD ALREADY BEEN LIFTED IN ONE OF CHILE'S THIRTEEN

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COULD BE DEVELOPED THAT WOULD SHOW PROGRESS WAS BEING MADE ON THE TRANSITION.

14. WALLIS RESPONDED THAT HE HAD NOT SUGGESTED THAT CHILE MIGHT NOT OBTAIN THE SAL; RATHER, HE HAD ASKED ABOUT PROSPECTS FOR POSTPONING ITS CONSIDERATION. HE OBSERVED THAT AMB. ERRAZURIZ' COMMENTS SUGGESTED THAT POSPONEMENT MIGHT IN FACT BE A VERY GOOD COURSE, SINCE BY EARLY 1987 THERE MIGHT BE A MUCH BETTER CLIMATE IN CHILE AND DIFFERENT CIRCUMSTANCES HERE. HE ONLY WISHED TO SUGGEST THAT THE GOC SEPARATE WHAT WAS DESIRED FROM WHAT WAS REALISTIC. IN MAKING THEIR DECISION ON WHAT TO DO, HE URGED THAT THE GOC BALANCE THE NEGATIVE ASPECTS OF POSTPONMENT AGAINST THE UNCERTAINTIES AND NEGATIVE ASPECTS OF MOVING AHEAD IN THE CURRENT CLIMATE. HE COMMENTED THAT WERE THE SAL NOT TO GO THROUGH, IT WOULD BE MUCH BETTER IF THAT OCCURED ON THE GOC'S INITIATIVE, RATHER THAN ON THE BANK'S INITIATIVE.

15. BUCHI INDICATED THAT HE UNDERSTOOD THE POINT, ADDING THAT IT WAS HIS RESPONSIBILITY TO DECIDE WHAT TO DO. BOTH HE AND ERRAZURIZ REITERATED, HOWEVER, THAT POSTPONEMENT IN THEIR VIEW WAS NOT FEASIBLE. THE MEETING ENDED WITH WALLIS EXPRESSING INTEREST IN MEETING AGAIN WITH BUCHI DURING FUTURE VISITS TO WASHINGTON.

16. PARTICIPATING IN THE MEETING FOR CHILE WERE: MINISTER BUCHI AND AMB. ERRAZURIZ; FOR THE U.S., MR. WALLIS; CHARLES RIES (E); LARRY BENEDICT (EB/ODF); PETER WHITNEY (ARA/ECP); JIM SWIGERT (ARA/SC-NOTETAKER).
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Chile Project (#S199900030)
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PAGE 01 SANTIA 06830 072131Z
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UNCLAS SANTIAGO 06830

E.O. 12356: N/A
TAGS: PGOV,CI
SUBJ: RECENT POLL REITERATES CHILEAN POPULACE PREOCCUPATION WITH ECONOMIC CONCERNS

REF: SANTIAGO 3356

1. (U) SUMMARY: PRELIMINARY FINDINGS OF A PUBLIC OPINION POLL, AS PUBLISHED IN A SANTIAGO NEWSPAPER, SHOW STRONG SUPPORT FOR THE POLITICAL CENTER, A REJECTION OF EXTREMISM, AND A PREOCCUPATION WITH ECONOMIC AFFAIRS OVER POLITICAL MATTERS. THIS SUBSTANTIATES THE FINDINGS OF A PREVIOUS POLL CONDUCTED IN DECEMBER, 1985. END SUMMARY.

2. (U) THE OCTOBER 5 EDITION OF CONSERVATIVE SANTIAGO DAILY "EL MERCURIO" PUBLISHED PRELIMINARY FINDINGS FROM A PUBLIC OPINION SURVEY CONDUCTED BY THE CENTER FOR THE STUDY OF CONTEMPORARY REALITY (CERC), UNDER THE AUSPICES OF THE ACADEMY FOR CHRISTIAN HUMANISM. THE STUDY, FUNDED BY THE FORD FOUNDATION, WAS CARRIED OUT IN THE GREATER SANTIAGO AREA IN JUNE, 1986. THIS TIME FRAME WAS CHOSEN SINCE IT COINCIDED WITH THE

WORLD CUP IN MEXICO, WITH A RESULTANT LOWERING OF POLITICAL ACTIVITY AND POLITICAL PASSIONS IN SANTIAGO. ACCORDING TO PROJECT DIRECTOR CARLOS HUNEEUS, THE POLL DUPLICATED A SERIES OF STUDIES THAT HAD BEEN CONDUCTED BETWEEN 1957 AND 1973. HUNEEUS EMPHASIZED THAT THE POLL SHOWED LITTLE CHANGE IN PUBLIC OPINION, IN SPITE OF A SIGNIFICANT BREAK WITH CHILE'S POLITICAL TRADITIONS AND TWO SEVERE ECONOMIC CRISES SINCE THE LAST STUDY IN 1973. THE "EL MERCURIO" ARTICLE PRESENTED ONLY A FEW OF THE STUDY'S FINDINGS SINCE THE FULL REPORT HAS NOT BEEN RELEASED. SOME OF THE MORE INTERESTING RESULTS FOLLOW.

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3. (U) EXTREME ANTI-GOVERNMENT ACTIVITIES WERE REJECTED BY THE VAST MAJORITY OF THOSE POLLED. 7.6 PERCENT EXPRESSED SUPPORT FOR POWER OUTAGES, 2.2 PERCENT SUPPORTED THE PLACING OF BOMBS, 12.9 PERCENT WERE IN FAVOR OF THE OCCUPATION OF SCHOOLS OR FACTORIES, AND LESS THAN 13 PERCENT SAID THEY APPROVED OF TRANSPORTATION BLOCKAGES. AS FOR MORE CONVENTIONAL METHODS OF PROTEST, THE STUDY REVEALED THAT APPROVAL/REJECTION OF SUCH TACTICS AS MARCHES, CONCENTRATIONS, POT-BANGING, AND STRIKES WAS APPROXIMATELY 50-50. ON THE OTHER SIDE, RESPONDENTS SHOWED LITTLE SUPPORT FOR EXTREME GOVERNMENT ACTIONS TO COMBAT TERRORISM AND SUBVERSION. BY A 7 TO 1 MARGIN, THE RESPONDENTS REJECTED THE GOVERNMENT'S USE OF EXILE. THE IMPLEMENTATION OF A STATE OF SIEGE WAS OPPOSED BY A MARGIN OF 2-1/2 TO 1 (THE POLL WAS CONDUCTED BEFORE THE DECLARATION OF THE CURRENT STATE OF SIEGE). THE GOVERNMENT PRACTICE OF CONDUCTING MILITARY SWEEPS OF POOR NEIGHBORHOODS WAS OPPOSED BY UNCLASSIFIED

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PAGE 03 SANTIA 06830 072131Z

A SIMILAR 2-1/2 TO 1 MARGIN. LESS EXTREME GOVERNMENT TACTICS WERE ALSO REJECTED. WHILE CLOSE TO HALF THOSE QUESTIONED SUPPORTED A CURFEW, ONLY 10 PERCENT SUPPORTED PRESS CENSORSHIP AND 24.3 PERCENT FAVORED THE DETENTION OF THOSE INVOLVED IN PROTESTS.

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4. (U) THE POLL WOULD INDICATE THAT THE OVERRIDING

PREOCCUPATION OF THE CITIZENS OF SANTIAGO IS THE ECONOMIC SITUATION. TWO-THIRDS OF THOSE PARTICIPATING MENTIONED SUCH PROBLEMS AS UNEMPLOYMENT, THE COST OF LIVING, AND JOB SECURITY AS THEIR MAJOR CONCERN WHILE ONLY 18 PERCENT MENTIONED POLITICAL PROBLEMS SUCH AS THE TRANSITION TO DEMOCRACY, VIOLENCE, OR TERRORISM. IN EXPRESSING A POLITICAL PREFERENCE BY ASSIGNING THEMSELVES A NUMBER ON A LEFT-RIGHT SPECTRUM FROM 1 TO 10, ALMOST 40 PERCENT CHOSE THE CENTER (NUMBER 5). SLIGHTLY MORE RESPONDENTS CHOSE RIGHT-OF-CENTER OVER LEFT-OF-CENTER.

5. (U) COMMENT: THE INFORMATION CONTAINED IN THE "EL MERCURIO" ARTICLE IS SOMEWHAT SKETCHY. HOWEVER, IT WOULD SEEM TO RECONFIRM WHAT PREVIOUS POLLS HAVE SHOWN (SEE REFTEL ON FLACSO POLL OF DEC. 1985), THAT THE CHILEAN CENTER IS STRONG AND THAT THE OVERWHELMING PREOCCUPATION OF THE POPULACE IS ECONOMIC RATHER THAN POLITICAL.
END COMMENT. JONES

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UNCLAS SANTIAGO 06819

E.O. 12356: N/A
TAGS: CASC, CI, PHUM (NIECE OF VERONICA DENEGRI)
SUBJ: DEATH THREATS AGAINST NIECE OF VERONICA DENEGRI

1. ON OCTOBER 6, CONGEN WAS CALLED BY VERONICA DENEGRI'S SISTER, AMANDA DENEGRI, WHO REPORTED THAT HER EIGHT-YEAR OLD DAUGHTER HAD RECEIVED SEVERAL DEATH THREATS BY TELEPHONE IN THE COURSE OF THE DAY. THESE CALLS WERE MADE BOTH TO AMANDA'S HOME TELEPHONE AND TO HER OFFICE. SINCE HER DAUGHTER IS A CANADIAN CITIZEN, HAVING BEEN BORN IN CANADA, SHE WAS ALSO IN CONTACT WITH CANADIAN EMBASSY OFFICIALS IN SANTIAGO AND SAID THAT SHE PLANNED TO LODGE A FORMAL COMPLAINT WITH THE LOCAL COURTS. A DECISION HAS NOT YET BEEN MADE AS TO WHETHER THE CHILD WILL BE SENT TO RELATIVES IN MONTREAL.
2. THOUGH UNRELATED TO A SPECIFIC SECURITY THREAT, AMANDA SENT HER TEN YEAR OLD DAUGHTER TO FAMILY MEMBERS (A MOTHER AND TWO BROTHERS) IN THE SAME CANADIAN CITY ON THE SIXTEENTH OF SEPTEMBER AS SHE FEARED FOR THIS CHILD'S SAFETY AS WELL. COINCIDENTALLY, THE YOUNG GIRL TOOK THE SAME CANADIAN PACIFIC AIR FLIGHT AS CARMEN GLORIA QUINTANA.JONES

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Chile Project (#S199900030)
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INFO AMEMBASSY CARACAS

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E.O. 12356: N/A
TAGS: SCUL, PHUM, PGOV, CI
SUBJ: STUDENT REFUGEE LEAVES CHILE

REF: SANTIAGO 6505

1. (U) A SOCIAL DEMOCRATIC PARTY YOUTH LEADER WHO ENTERED THE VENEZUELAN EMBASSY HERE SAYING HE HAD RECEIVED DEATH THREATS (REF) HAS REPORTEDLY TRAVELED TO CARACAS. PRESS RELEASES OCTOBER 7 INDICATED THAT EDUARDO MATAMALA MORALES LEFT CHILE OCTOBER 6 UNDER THE PROTECTION OF THE VENEZUELAN EMBASSY AND AT THE INVITATION OF THE DEMOCRATIC ACTION PARTY OF VENEZUELA.

2. (U) ACCORDING TO PRESS REPORTS, THE VENEZUELAN CHARGE IN SANTIAGO RECEIVED ASSURANCES FROM THE GOC THAT THERE ARE NO CHARGES AGAINST MATAMALA AND THAT HE MAY RETURN TO CHILE WHENEVER HE WISHES. FOR THIS REASON, MATAMALA IS NOT CONSIDERED AN EXILE, NOR HAS HE BEEN GRANTED ASYLYM, SINCE THE GOC ASSURES THAT NOBODY IS "AFTER HIM". JONES

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Chile Project (#S199900030)
U.S. Department of State
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Exemption(s)

CLASS: UNCLASSIFIED
CHRGE: PROG 10-7-86
APPRV: CHARGE:JONES
DRFTD: POL:KAUFFMAN/FG
CLEAR: 1.POL:KNIGHT
DISTR: POL

E.O. 12356: N/A
TAGS: PHUM,CI
SUBJ: LETTER FROM NUNEZ TO CHARGE

ACTION COPY

1. THE FOLLOWING IS AN UNOFFICIAL TRANSLATION OF A LETTER RECEIVED OCTOBER 7 FROM THE SOCIALIST PARTY OF CHILE. BEGIN QUOTE

MR. CHARGE D'AFFAIRES:

IN THE NAME OF THE SOCIALIST PARTY OF CHILE AND IN THAT OF THOSE WHO SIGN BELOW, WE DUTIFULLY EXPRESS OUR GREATEST THANKS FOR YOUR ACTIVE CONCERN AND SOLIDARITY OVER THE UNJUST INCARCERATION OF ONE OF THE LEADERS OF OUR ORGANIZATION, RICARDO LAGOS. THE MEASURES TAKEN BY THE GOVERNMENT OF THE UNITED STATES AND YOUR EMBASSY WERE OF GREAT IMPORTANCE IN OBTAINING HIS FREEDOM.

THE AMPLE AND DIVERSE SUPPORT WE RECEIVED, AS MUCH HERE AS INTERNATIONALLY, ARE THE BEST TESTAMENT TO THE UNDERSTANDING THAT EXISTS FOR OUR EFFORTS TO FIND A POLITICAL SOLUTION TO THE GRAVE NATIONAL CRISIS, AS THIS REPRESENTS THE ONLY OPTION THAT REFLECTS THE BEST INTERESTS OF THE COUNTRY AND THE WISHES OF THE IMMENSE MAJORITY OF CHILEANS. THOSE WHO SUPPORT A LOGIC OF CONFRONTATION AND WAR ARE EXTREME SECTORS, ON OPPOSITE SIDES, AND ARE AN OBVIOUS MINORITY. THEIR ATTITUDE CAN ONLY COMPROMISE THE FUTURE OF THE CHILEAN NATION.

ALLOW US, MR. CHARGE, TO ASK THAT YOU PASS ON TO YOUR GOVERNMENT AND TO THE DIFFERENT AMERICAN PERSONALITIES AND ORGANIZATIONS THE HIGHEST REGARDS AND THANKS OF ALL THE SOCIALIST LEADERS AND MILITANTS FOR THE SOLIDARITY THEY EXPRESSED TO US DURING THE RECENT OCCURANCES. THIS COMMITS US TO INTENSIFY OUR EFFORTS TO OBTAIN DEMOCRACY AND LIBERTY IN THIS COUNTRY.

WE TAKE ADVANTAGE OF THIS OPPORTUNITY TO EXPRESS TO YOU OUR HIGHEST ESTEEM.

SINCERELY,

S/ RICARDO NUNEZ, GENERAL SECRETARY
S/ ARMANDO ARANCIBIA, CHIEF OF INTERNATIONAL RELATIONS
END QUOTE
ONES
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Chile Project (#S199900030)
U.S. Department of State
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UPGRADING TO EXDIS PER ORIGINATING POST

E. O 12356: DECL:OADR
TAGS: PREL, CI
SUBJ: PINOCHET SHOWS HIS AGE

REG: (A) SANTIAGO 5211 (B) SANTIATO 6464

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1. CONFIDENTIAL ENTIRE TEXT.

2. SEPTEMBER PROVIDES AN UNUSUAL NUMBER OF OPPORTUNITIES, IN A TWO-WEEK PERIOD, TO PINOCHET-WATCH. THERE IS THE TWO-HOUR SPEECH ON SEPTEMBER 11, WHICH THE DIPLOMATIC CORPS HEARS AT CLOSE RANGE. THERE IS THE ANNUAL LUNCHEON IN PINOCHET'S HONOR GIVEN BY THE AMERICAN CHAMBER OF COMMERCE, HELD THIS YEAR SEPTEMBER 16. THERE IS THE OPPORTUNITY TO SEE HIM A FEW FEET AWAY AT THE TE DEUM IN SANTIAGO CATHEDRAL ON INDEPENDENCE DAY, SEPTEMBER 18. AND MOST IMPORTANTLY, THERE IS THE ANNUAL COURTESY CALL BY THE COMMANDER OF UNITAS, MADE THIS YEAR ON SEPTEMBER 24. THIS TELEGRAM ATTEMPTS TO DRAW SOME CONCLUSIONS FROM THESE OBSERVATIONS.

3. PINOCHET IN PERSON LOOKS MUCH OLDER THAN HE DOES
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PAGE 02 SANTIA 06800 072340Z

ON THE COVER OF THE INTERNATIONAL EDITIONS OF NEWSWEEK AND TIME. THE HAIR, THE EYEBROWS AND THE MUSTACHE ARE MOSTLY WHITE. HE LOOKS HEALTHY, BUT IF ANYTHING OLDER

THAN HIS 70 YEARS. HE IS STILL WATCHING HIS DIET; AT THE LUNCHEON HIS AIDES ARRANGED FOR FRESH FRUIT INSTEAD OF ICE CREAM, AND BROUGHT ALONG A SPECIAL DECANTER WITH WHAT APPEARED TO BE APPLE JUICE, WHICH HE DRANK INSTEAD OF THE UBIQUITOUS CHILEAN WINE. HIS MOVEMENTS ARE STATELY. DESPITE SEVERAL MOMENTS OF INTENSE EMOTION, THE SEPTEMBER 11 SPEECH SEEMED LESS VIGOROUS THAN LAST YEAR'S. HIS CONVERSATION, DURING BOTH THE LUNCHEON AND THE COURTESY CALL, WAS VERY LOW-KEY IN VOLUME, TONE AND STYLE, EVEN WHEN DISCUSSING (AS HE DID ON BOTH OCCASIONS) THE ATTEMPT ON HIS LIFE. HE SEEMED DETACHED, ALMOST BEMUSED BY THE FAILURE OF SO MANY BULLETS AND ROCKETS TO REACH THEIR TARGET.

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4. IN HIS MEETING WITH THE AMBASSADOR IN AUGUST (REF A). PINOCHET SAID "HELMS" WHEN HE MEANT "SHULTZ." THE AMBASSADOR ALSO NOTED THAT THERE WERE "SEVERAL TIMES WHEN PINOCHET SEEMED TO BE SEARCHING FOR A WORD AND TAKIN A LITTLE LONGER THAN USUAL TO FIND IT." THAT WAS NOT NOTICEABLE IN THE SEPTEMBER 24 MEETING (REF B), BUT PINOCHET TWICE SAID M-19'S WHEN HE MEANT M-16'S, A CURIOUS MISTAKE FOR AN INFANTRYMAN. THE SECOND TIME HE GAVE THE KIND OF EMBARRASSED EXPLANATION THAT AN ELDERLY PERSON GIVES WHEN THE TONGUE DOES NOT OBEY THE MIND.

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5. NONE OF THE ABOVE SHOULD BE READ TO SUGGEST THAT PINOCHET IS ANY LESS SHARP OR SHREWD IN HIS ASSESSMENT OF PEOPLE OR OF CHILEAN POLITICS, OR ANY LESS IN COMMAND OF HIS GOVERNMENT. THE OPPOSITION, WHICH

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RESPECTS HIM IN LITTLE ELSE, CONTINUES TO RESPECT AND FEAR HIM AS A FORMIDABLE OPPONENT. HE IS ALERT AND FORCEFUL IN CONVERSATION, AND, ALTHOUGH WE DID NOT SEE IT IN SEPTEMBER, WE SUSPECT HE IS STILL CAPABLE OF INTIMIDATING A VISITOR WITH THE INTENSITY OF HIS REAL OR APPARENT ANGER.

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6. PINOCHET HAS, HOWEVER, LONG BEEN FIXATED ON EXTREMELY SIMPLISTIC AND RIGID IDEAS ABOUT BOTH LOCAL AND INTERNATIONAL POLITICS. WITH AGE CLEARLY CREEPING UP ON HIM, IT BECOMES INCREASINGLY UNLIKELY THAT ANYONE OR ANY EVENT WILL BE ABLE TO SHAKE HIS VIEW. HE WILL

CONTINUE, IN BEST MILITARY FASHION, TO SEEK TOTAL VICTORY AGAINST ABSOLUTELY UNACCEPTABLE OPPONENTS AND OPPOSING IDEAS.

7. HIS GENERALS AND HIS AIDES OF COURSE SEE HIM MUCH MORE OFTEN THAN THESE FEW SEPTEMBER GLIMPSES. ONE WONDERS WHETHER, IF NOT THE RIGIDITY (WHICH MANY OF THEM SHARE), THEN PERHAPS THE EVIDENT AGING MAY EVENTUALLY CAUSE THEM TO QUESTION THE WISDOM OF SWEARING THE GENERAL IN FOR ANOTHER EIGHT YEARS, TO END WHEN HE IS 81. JONES

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E.O. 12356: DECL: OADR
TAGS: PREL, EFIN, SNAR, PTER, AR
SUBJECT: ASSISTANT SECRETARY ABRAMS' SEPTEMBER 25 MEETING WITH ARGENTINE FOREIGN MINISTER CAPUTO

1. SUMMARY: ASSISTANT SECRETARY OF STATE FOR INTER-AMERICAN AFFAIRS ELLIOTT ABRAMS AND DAS ROBERT GELBARD MET WITH ARGENTINE FOREIGN MINISTER CAPUTO AT THE ARGENTINE MISSION TO THE UN ON SEPTEMBER 25. A WIDE RANGE OF TOPICS WAS COVERED, THOUGH MUCH OF THE MEETING FOCUSED ON CHILE. CAPUTO DESCRIBED THE GOA AS DEEPLY DISTURBED BY EVENTS IN CHILE. CAPUTO REVEALED TO ABRAMS THAT FIDEL CASTRO HAD TOLD PRESIDENT ALFONSIN AND HIM IN HARARE DURING THE NAM SUMMIT THAT CUBA HAD INDEED PROVIDED THE HUGE AMOUNT OF ARMS TO CHILEAN TERRORISTS WHICH WERE RECENTLY DISCOVERED IN CLANDESTINE LOCATIONS. ALFONSIN INTENDS TO TAKE THIS UP PERSONALLY WITH CASTRO ON HIS RETURN FROM MOSCOW. THE ARGENTINES ALSO REMAIN

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PAGE 02 STATE 315550

CAUTIOUS ON USING ECONOMIC PRESSURE AGAINST SANTIAGO. ON PARAGUAY, CAPUTO REVEALED THAT THE GOA HAS DAMNING EVIDENCE OF INVOLVEMENT IN NARCOTICS TRAFFICKING BY THE GOVERNMENT AND MILITARY IN PARAGUAY. THE GOA PLANS TO SHARE THIS INFORMATION WITH US AND SEEK SUGGESTIONS ON

STEPS TO SUPPRESS THE TRAFFICKING. ON CENTRAL AMERICA, CAPUTO AND ABRAMS DISAGREED OVER THE PROSPECTS AND MAKE-UP OF THE CONTRAS. THE GOA BELIEVES THAT ECONOMIC INCENTIVES CAN MOVE THE SANDINISTAS, A POINT ABRAMS LABELLED AS NAIVE. THE SITUATIONS IN PERU, MEXICO AND BOLIVIA WERE ALSO BRIEFLY TOUCHED UPON, WITH BROAD AGREEMENT OVER THE NEED TO AID BOLIVIA. END SUMMARY

2. CAPUTO AND ABRAMS MET ON SEPTEMBER 25 IN NEW YORK FOR APPROXIMATELY 75 MINUTES. THE DISCUSSION WAS BOTH FRANK AND AMICABLE. IN ADDITION TO ABRAMS AND CAPUTO, ARA DAS ROBERT GELBARD AND ARA/SC REGIONAL OFFICER LEN KUSNITZ (NOTETAKER) ATTENDED THE MEETING AT THE ARGENTINE UN MISSION. CAPUTO CHOSE TO SEE ABRAMS WITHOUT ANY ARGENTINE MISSION PERSONNEL, APPARENTLY DUE TO THE SENSITIVITY OF SOME OF HIS COMMENTS.

3. THE INITIAL TOPIC OF DISCUSSION WAS PERU. CAPUTO EXPRESSED CONCERN OVER THE STABILITY OF THE GARCIA REGIME AND THE ECONOMIC POLICIES LIMA IS FOLLOWING. ABRAMS OPINED THAT PERU IS LOOKING FOR A CONFRONTATION ON ITS DEBT AND WAS NOT LIKELY TO BE DISAPPOINTED. GELBARD ADDED THAT EXCEPT FOR THE ECONOMIC AREA, WE HAVE NOTICED AN INCREASED STRAIN OF PRAGMATISM RUNNING THROUGH LIMA'S POLICIES. THIS HAS LED TO FRUITFUL COOPERATION IN COMBATTING TERRORISM AND DRUG TRAFFICKING.

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4. THE MEETING THEN TURNED TO CHILE, CAPUTO STRESSING THE SENSITIVITY OF HIS REMARKS. WHILE AT THE NAM SUMMIT IN HARARE, CAPUTO SAID, FIDEL CASTRO HAD ADMITTED TO ARGENTINE PRESIDENT ALFONSIN THAT CUBA HAD INDEED PROVIDED THE HUGE AMOUNT OF ARMS TO CHILEAN TERRORISTS WHICH WERE RECENTLY DISCOVERED IN CLANDESTINE LOCATIONS. ALFONSIN HAD BEEN VERY WORRIED ABOUT THE SITUATION IN

CHILE AND THIS ONLY ADDED TO HIS CONCERN. ACCORDING TO CAPUTO, ALFONSIN TOLD CASTRO THAT PROVIDING ARMS TO CHILEAN TERRORISTS WAS DANGEROUS AND DESTABILIZING -- A DEFINITE THREAT TO THE SECURITY OF ARGENTINA. CAPUTO ALSO SAID THAT PRESIDENT ALFONSIN INTENDED TO EXPRESS HIS DEEP CONCERN TO CASTRO AGAIN PERSONALLY IN HAVANA DURING HIS STOP-OVER VISIT ON THE RETURN LEG OF HIS UPCOMING MOSCOW VISIT. IN FACT, CAPUTO SAID, THIS WAS THE PURPOSE OF THE HAVANA STOP: TO "TELL CASTRO TO STAY OUT OF CHILE." BUENOS AIRES, THE ARGENTINE FOREIGN MINISTER CONTINUED, ALSO SUSPECTED CUBAN INVOLVEMENT IN SOME FACET (E.G., TRAINING) OF THE ASSASSINATION ATTEMPT ON PINOCHET. HOW ELSE COULD THE OPERATION HAVE BEEN SO PROFESSIONALLY CARRIED OUT, CAPUTO WONDERED ALOUD.

5. THE GOA, CAPUTO STATED, WANTED CHILE TO HAVE A PEACEFUL TRANSITION TO DEMOCRACY. THE KEY WAS EITHER FOR PINOCHET TO GO NOW, OR MAKE CLEAR WHEN HE INTENDED TO LEAVE. CAPUTO, HOWEVER, WAS PESSIMISTIC ON THIS ACCOUNT. IT WAS DIFFICULT TO SEE HOW ANOTHER YEAR LIKE THIS ONE COULD AID THE CAUSE OF CHILEAN DEMOCRACY, HE ADDED. ABRAMS, GELBARD AND CAPUTO WERE IN AGREEMENT ON THE NEED TO REVERSE THE DEEPENING POLARIZATION IN CHILE, WHICH ONLY PLAYED INTO THE HANDS OF THE EXTREME LEFT AND PINOCHET TO THE DETRIMENT OF THE DEMOCRATIC CENTER. GELBARD SUGGESTED THAT PART OF THE BLAME FOR SLOW MOVEMENT TOWARD A DEMOCRATIC TRANSITION LAY WITH THE LEADERSHIP OF THE CHILEAN CHRISTIAN DEMOCRATIC PARTY. CAPUTO LISTENED ATTENTIVELY, ASKING WHAT THE US THOUGHT

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OF PDCLEFTIST LEADER TOMIC. ABRAMS SAID WE DID NOT CONSIDER TOMIC TO BE A VIABLE OR TRUSTWORTHY LEADER OF THE PDC. ABRAMS ALSO NOTED THAT VALDES MIGHT EVENTUALLY BE REPLACED BY MORE MODERATE POLITICIANS.

6. ON THE QUESTION OF MDB LOANS TO CHILE, CAPUTO WAS CAUTIOUS. THE ASSISTANT SECRETARY POINTED OUT THAT WE DON'T WANT TO HARM CHILE'S ECONOMY. NOR DO WE WANT TO CAMPAIGN AGAINST THE LOANS AND GIVE PINOCHET NATIONALISTIC AMMUNITION TO BUILD HIS DOMESTIC BASE OF SUPPORT. CAPUTO SAID NEITHER HE NOR ALFONSIN WANT TO USE

ECONOMIC PRESSURE AGAINST SANTIAGO, THOUGH THEY ARE RECONSIDERING THEIR POSITION IN LIGHT OF RECENT EVENTS.

7. THE CONVERSATION THEN MOVED ON TO PARAGUAY, WITH CAPUTO AGAIN STRESSING THE SENSITIVITY OF HIS REMARKS. THE GOA, CAPUTO SAID, HAD UNCOVERED AN IMPORTANT NARCOTICS TRAFFICKING CHANNEL ORIGINATING IN PARAGUAY AND PASSING THROUGH ARGENTINA. THE PARAGUAYAN GOVERNMENT AND MILITARY WERE DIRECTLY IMPLICATED IN THIS MOVEMENT OF DRUGS. THE GOA PLANNED TO SHARE THIS INFORMATION WITH US AND SEEK SUGGESTIONS ON THE STEPS NECESSARY TO SUPPRESS IT. ABRAMS NOTED THAT WE HAD SIMILAR INFORMATION, SOME OF WHICH IMPLICATES PARAGUAYAN ARMY GENERAL RODRIGUEZ.

8. BOLIVIA WAS ALSO DISCUSSED. ABRAMS AND CAPUTO AGREED ON THE NEED TO CONTINUE HELPING LA PAZ. GELBARD BRIEFLY DESCRIBED THE CURRENT STATE OF PLAY WITH OPERATION BLAST FURNANCE AND THE FACT THE THE USG WOULD SHORTLY TURN OVER SIX HELICOPTERS FOR NARCOTICS INTERDICTION TO THE BOLIVIANS. OUR CURRENT PROGRAM, GELBARD ADDED, WOULD END IN MIDNOVEMBER WHEN THE RAINY SEASON ARRIVED IN BOLIVIA. ABRAMS ALSO INFORMED CAPUTO THAT BRAZIL'S

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PAGE 05 STATE 315550

PRESIDENT SARNEY HAD EXPRESSED HIS APPRECIATION OF THE NEED TO AID THE PAZ ESTENSSORO GOVERNMENT. IN THIS VEIN,

BRAZIL WAS EXPLORING THE POSSIBILITIES OF BUYING BOLIVIAN GAS. CAPUTO, NOTING ARGENTINA DOES NOT NEED THE GAS IT BUYS FROM BOLIVIA, TERMED THIS TREMENDOUS PROGRESS.

9. ON MEXICO, CAPUTO ASKED ABOUT WHAT SEEMED TO HIM A CAMPAIGN OF CRITICISM AGAINST THE DE LA MADRID GOVERNMENT. ABRAMS CORRECTED THIS IMPRESSION, SAYING THE RECENT VISIT TO THE US OF THE MEXICAN PRESIDENT WENT WELL. THE INCREASED PUBLIC PROFILE OF OUR COMMENTS ON MEXICO SIMPLY REFLECTS A GROWING AWARENESS OF MEXICO'S IMPORTANCE TO THE US.

10. ABRAMS THEN INTRODUCED THE SUBJECT OF CENTRAL AMERICA. CAPUTO CLEARLY DID NOT RELISH DISCUSSING THIS SUBJECT. HE STRESSED THAT CARE MUST BE TAKEN LEST THE

WAR IN NICARAGUA SPILL INTO THE REST OF LATIN AMERICA. CAPUTO BLUNTLY SAID IT IS HIS VIEW THAT THE CONTRAS ARE MERCENARIES AND CANNOT WIN AND THAT THE BEST TRACK WAS TO OFFER ECONOMIC INCENTIVES TO MANAGUA TO MOVE TOWARD DEMOCRACY AND CUT ITS TIES TO THE EASTERN BLOC. THE GOA WOULD PUSH THIS VIEW IN ITS TALKS WITH OTHER COUNTRIES INVOLVED IN THE CONTADORA PROCESS. ABRAMS RESPONDED THAT THE USG DID NOT SHARE CAPUTO'S ASSESSMENT OF EITHER THE CONTRAS MAKEUP OR PROSPECTS. HE SUGGESTED THAT THE GOA FIRST MEET WITH THE CONTRA LEADERS BEFORE CRITICIZING THEM. CAPUTO SHOOK HIS HEAD SAYING, "YOU ARE SO INTELLIGENT AND SO NAIVE AT THE SAME TIME ON SOME THINGS." ABRAMS RESPONDED THAT THE GOA IS NAIVE IF IT BELIEVED A COMMUNIST GOVERNMENT COULD BE REMOVED THROUGH PURELY ECONOMIC INCENTIVES. SHULTZ

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Case Number: S19990003 Chile Project (#S199900030)

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Exemption(s) ____

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M AMEMBASSY SANTIAGO
O SECSTATE WASHDC 8229

NCLAS SANTIAGO 06813

O. 12356: N/A
AGS: PHUM, CI
UBJ: MDP LEADER CHARGED

F: SANTIAGO 6645

(U) POPULAR DEMOCRATIC MOVEMENT (MDP) LEADER, TRICIO HALES WAS REPORTED CHARGED WITH AN INFRACTION OF TICLE 8 OF THE ARMS CONTROL LAW ON OCTOBER 4. HALES D BEEN DETAINED UNDER THE STATE OF SIEGE AND THEN CLARED INCOMMUNICADO (REF), AT THAT POINT WITH NO ARGES AGAINST HIM.

(U) THE CHARGES AGAINST HALES HAVE BEEN REPORTED AS MMING FROM AN ATTACK AGAINST AN ARMY INTELLIGENCE ALLION IN 1984. THE ATTACK IS BEING INVESTIGATED BY SECOND MILITARY COURT IN SANTIAGO, AND HALES HAS BEEN CED AT THE DISPOSITION OF THAT COURT. ALTHOUGH ICLE 8 OF THE ARMS CONTROL LAW IS FAIRLY EXTENSIVE, SS REPORTS SUGGEST THAT HALES IS BEING ARRAIGNED ON SECTION DEALING WITH AIDING ARMED COMBATANT GROUPS.

(U) COMMENT: AS NOTED PREVIOUSLY, HALES IS THE FIRST THOSE DETAINED UNDER THE STATE OF SIEGE TO HAVE RGES BROUGHT AGAINST HIM. THUS FAR NONE OF THE OTHERS ASSIFIED

ASSIFIED

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DETAINED HAVE BEEN TAKEN BEFORE THE COURTS. UNDER THE STATE OF SIEGE THEY CAN BE DETAINED FOR AS LONG AS THE STATE OF SIEGE IS IN EFFECT, WITHOUT BEING CHARGED.
JONES

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do Socialista de Chile
SECRETARIA GENERAL

SANTIAGO, 30 de Septiembre de 1986.

CLASSIFIED
Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____
Rec'd 10-7-86 (ST122a)
POL - please translate + send to Dept. as telegram, please. Use PHUM tag.
R

Señor
George Jones
Encargado de Negocios
Embajada de
ESTADOS UNIDOS
Agustinas 1343 pisos del 5 al 9
P r e s e n t e.

Señor Encargado de Negocios:

En nombre del Partido Socialista de Chile y en el de los abajo firmantes, cumplimos con el deber de expresar el mayor agradecimiento por la activa preocupación y la solidaridad entregadas a raíz del injusto encarcelamiento del dirigente de nuestra organización, Ricardo Lagos. Las iniciativas adoptadas por el Gobierno de los Estados Unidos y esa Embajada, constituyeron un factor de extraordinaria importancia para lograr su liberación.

La amplitud y diversidad del apoyo recibido, tanto interno como internacional, son el mejor testimonio de comprensión del accionar en que estamos empeñados por alcanzar una solución política para la grave crisis nacional, en cuanto representa la única opción que responde a los intereses superiores del país y a la aspiración de la inmensa mayoría de los chilenos. Son sectores extremos, de signos opuestos, y evidentemente minoritarios, los que pugnan por imponer una lógica de confrontación y guerra, la cual sólo puede llegar a comprometer el futuro de Chile como nación.

Permítanos, señor Encargado de Negocios, solicitarle tenga a bien transmitir a su Gobierno, así como a las distintas personalidades y organizaciones estadounidenses de diversa naturaleza, el reconocimiento de todos los dirigentes y militantes socialistas por las expresiones solidarias que nos hicieron llegar ante los últimos acontecimientos. Ello nos compromete a intensificar los esfuerzos por conquistar la democracia y la libertad en este país.

Hacemos propicia la oportunidad para manifestarle nuestra más distinguida consideración.

Muy atentamente,

RICARDO NUÑEZ
Secretario General

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ARMANDO ARANCIBIA
Encargado de Relaciones Internacionales

UNCLASSIFIED 10-8-85

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EMBASSY OF THE
UNITED STATES OF AMERICA

Santiago, 8 de Octubre de 1986 M 6/13/89 R

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____

Excelentísimo Señor
Don Jaime del Valle Alliende
Ministro de Relaciones Exteriores
Ministerio de Relaciones Exteriores
PRESENTE

Estimado señor Ministro:

Conforme a nuestra conversación telefónica del día de ayer, tengo el honor de mandarle para información y uso de su gobierno, el informe de los expertos norteamericanos quienes fueron invitados por el Gobierno chileno a inspeccionar los armamentos internados clandestinamente a Chile.

Hago propicia esta oportunidad para reiterarle los sentimientos de mi más distinguida consideración y álta estima.

George F. Jones
Encargado de Negocios a. i.

Adj: Informe de los expertos norteamericanos.

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Transmitted to the following U. S. Embassies:

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PAGE 01 STATE 320130
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	OES-09	ACDA-12	USIE-00	SP-02	DOEE-00	NRC-02	SNP-01
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APPROVED BY: L/N:RJBETTAUER
OES/N:FMCGOLDRICK S/NP:STHOMPSON
OES/NEC:CTHORNE ARA/MEX:JREILLY
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TO UNVIE MISSIONS VIENNA IMMEDIATE 448
AMEMBASSY MEXICO IMMEDIATE

DEPARTMENT OF STATE IM/IPS/CR/IR Date: 4-1-98
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FOIA Exemptions ( ) CLASSIFY as ( ) S or ( ) C Sec.
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C[redacted]L STATE 320130

UNVIE FOR STOIBER AND KATZ

E.O. 12356: DECL: OADR
TAGS: IAEA, MNUC, MX
SUBJECT: MEXICAN URANIUM TRANSFER
REFS A) BETTAUER REYNOLDS TELECONS; B) MEXICO 16860

1. C - ENTIRE TEXT.

2. SUBJECT TO CERTAIN CLARIFICATIONS (BELOW), DEPARTMENT AND DOE CONCUR IN PROPOSAL PUT FORWARD BY HA VINH PHUONG OF IAEA LEGAL DIRECTORATE THAT MEXICAN URANIUM IN SPAIN BE TRANSFERRED TO THE U.S. FOR ENRICHMENT BY USDOE AND THEN REEXPORTED TO MEXICO FOR USE AS A FUEL RELOAD AT THE LAGUNA VERDE POWER PLANT
[redacted]

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PAGE 02 STATE 320130

(STILL UNDER CONSTRUCTION). THIS TRANSACTION WOULD COME UNDER THE U.S./IAEA AGREEMENT FOR COOPERATION, THE U.S./IAEA/MEXICO TRILATERAL PROJECT AND SUPPLY AGREEMENT

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FOR LAGUNA VERDE, AS AMENDED (INFCIRC/203 AND /203/ADD.1), AND THE DOE/MEXICO ENRICHMENT CONTRACT.

3. DOE ENRICHMENT HAS READ LETTER FROM CUEVAS CANCINA AND MEXICAN RESOLUTION AUTHORIZING FEDERAL ELECTRICITY COMMISSION TO USE IMPORTED MATERIAL FOR CONVERSION TO

NUCLEAR FUEL, ETC. AND JUDGED THAT THEY DO NOT CONTAIN ENOUGH INFORMATION TO PERMIT DOE TO DETERMINE WHETHER THE MATERIAL IN SPAIN MEETS DOE'S CRITERIA FOR ACCEPTANCE UNDER MEXICO'S ENRICHMENT CONTRACT WITH DOE. DOE CONCURRENCE IN THE PROPOSAL IS NECESSARILY CONTINGENT UPON SATISFACTION OF THOSE CRITERIA WITH WHICH MEXICAN NUCLEAR AUTHORITIES SHOULD BE FAMILIAR. (FYI: THE MATERIAL BASICALLY HAS TO BE #NATURAL FEED" MATERIAL AND NEVER ENRICHED.)

4. DEPARTMENT NOTES THAT LETTER FROM MEXICAN RESREP CUEVAS CANCINA (NO. 1508; 433.5'391.8(CNLV)'86) TO AGENCY DG BLIX INDICATES MEXICAN DESIRE TO RECOVER ENRICHMENT TAILS MATERIAL. USG HAS NO OBJECTION TO SUCH A PROCEDURE. WE BELIEVE, HOWEVER, THAT MEXICAN LETTER IS MISTAKEN INSOFAR AS IT ASSUMES THAT PROVIDING FOR THE RECOVERY OF TAILS MATERIAL NEEDS TO BE "EXPRESSLY INCLUDED" IN THE LAGUNA VERDE TRILATERAL PROJECT AND SUPPLY AGREEMENT. WE CONSIDER THAT ADHERENCE TO THE "WRITTEN NOTICE" PROCEDURE ANTICIPATED BY THE ENRICHMENT CONTRACT WOULD BE ADEQUATE, WOULD AVOID ANY AMENDMENT OF THE PROJECT AND SUPPLY AGREEMENT AND SO ACHIEVE OUR

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PAGE 03 STATE 320130

MUTUAL GOAL OF NOT HAVING THE TRANSACTION REQUIRE BOARD APPROVAL.

5. (FYI: AS LONG AS THE LAGUNA VERDE PROJECT AND SUPPLY AGREEMENT IS NOT REPEAT NOT AMENDED, USG WILL BE ABLE TO PERMIT TRANSACTION WITHOUT ASKING FOR ADDITIONAL COMMITMENTS. HOWEVER, IF THE GOM WERE TO INSIST ON AMENDING THE P&S AGREEMENT ON THE ISSUE OF TAILS MATERIAL, THE USG WOULD HAVE TO INSIST ON AN EXCHANGE OF NOTES CONFORMING TO THE SECOND AMENDMENT TO THE U.S./IAEA COOPERATION AGREEMENT. AS UNVIE IS AWARE, GOM IS VERY SENSITIVE ON THIS. END FYI.) WHITEHEAD

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MORI DocID: 756986

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for Emerson

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TO RUEHC/SECSTATE WASHDC IMMEDIATE 4703
RUEHGT/AMEMBASSY GUATEMALA IMMEDIATE 3823
INFO RUEHBO/AMEMBASSY BOGOTA 2336
RUEHMU/AMEMBASSY MANAGUA 7456
BT
EZ1:
C O N F I D E N T I A L TEGUCIGALPA 15564
EZ2:
E.O. 12356: DECL: OADR
TAGS: SNAR, NU, CO, HO, PGOV
SUBJECT: NICARAGUAN GOVERNMENT REPORTEDLY ASSISTS
- OVERFLIGHT OF NARCOTICS LADEN AIRCRAFT
REF: TEGUCIGALPA 15481
1. CONFIDENTIAL, ENTIRE TEXT.
-
2. SUMMARY: THE PILOT OF THE COCAINE-LADEN AIRPLANE FORCED DOWN OVER HONDURAS ON OCTOBER 8 (REFTEL) HAS TOLD DEA THAT HE OVERFLEW NICARAGUA WITH ASSISTANCE FROM GON AUTHORITIES. HE GAVE NO FURTHER DETAILS. DEA IS HOPING TO INTERVIEW THE CREW AT GREATER LENGTH LATER THIS WEEK TO DEVELOP MORE INFORMATION; THE AGENCY IS KEEPING THE MATTER CONFIDENTIAL UNTIL THEN. THE GOH MAY HAVE NO MORE THAN WE DO AT THIS POINT. WE WILL ENCOURAGE THEM TO PUBLICIZE IT WHEN THE COMPLETE ACCOUNT IS KNOWN. (DAO IS REPORTING SEPTEL BY IR THE FLIGHT PATH OF THE PLANE, AS SHOWN BY HAF RADAR TRACKING.) END SUMMARY.
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MORI DocID: 756986

3. EMBASSY ARRANGED OCTOBER 12 FOR DEA AGENT CASTILLO TO INTERVIEW THE TWO CREWMEMBERS WHO WERE CAPTURED OCTOBER 8. NO ONE ELSE WAS PRESENT FOR THE DISCUSSION, WHICH WAS HELD IN THE PRISONERS' PENITENTIARY CELL. THE AIRPLANE'S PILOT, FRANCISCO RUBIANO, DID MOST OF THE TALKING. HE TOLD CASTILLO THAT THE PLANE, BELONGING TO A MR. RODRIGUEZ, FLEW FROM CALI TO A CLANDESTINE AIRSTRIP IN LA CAUCA, COLOMBIA TO PICK UP ITS LOAD OF COCAINE. IT THEN DEPARTED FOR ANOTHER CLANDESTINE AIRSTRIP TO THE SOUTH OF LA CEIBA, HONDURAS WHERE THE LOAD WAS TO BE DELIVERED TO A MR. BARBAS. RUBIANO SAID THAT PREARRANGEMENTS HAD BEEN MADE WITH NICARAGUAN OFFICIALS HE WOULD NOT IDENTIFY TO ALLOW THE PLANE AN UNMOLESTED OVERFLIGHT ONCE THE CRAFT IDENTIFIED ITSELF WITH A SPECIAL CALLSIGN (WHICH HE WOULD NOT REVEAL). THE PILOT CLAIMED THAT HE DID NOT REFUEL IN NICARAGUA. HE SAYS HE LEFT LA CAUCA WITH 480 GALLONS OF FUEL, AND HAD 300 POUNDS IN HIS LEFT WING WHEN HE LANDED; HIS RIGHT WING WAS PUNCTURED BY HAF INTERCEPTORS' FIRE, EMPTYING THE TANK. RUBIANO DID NOT SAY HOW MUCH IT HELD WHEN IT WAS HIT.

4. AGENT CASTILLO HAS THE IMPRESSION THAT HE CAN GET MORE INFORMATION FROM THE TWO CREWMEMBERS IF HE CAN INTERVIEW THEM OUTSIDE OF THE PENITENTIARY AND SEPARATELY. THIS REQUIRES A COURT ORDER. ATTORNEY GENERAL ZEPEDA HAS PROMISED TO COOPERATE WITH US. INDEED, THE ATTORNEY GENERAL WANTS TO TRANSFER THE PRISONERS TO A MILITARY BASE SINCE THE PENITENTIARY AUTHORITIES HAVE BEEN BOUGHT OFF BY DRUG KING MATTA BALLESTEROS -- A RESIDENT OF THE JAIL. WE HOPE THE INTERVIEW WILL TAKE PLACE BY MIDWEEK.

5. AGENT CASTILLO WISHES TO KEEP HIS INFORMATION ON THE NICARAGUAN CONNECTION CONFIDENTIAL UNTIL HE CAN ROUND IT OUT. OUR IMPRESSION FROM GOH CONTACTS IS THAT THEY HAVE NO MORE INFORMATION THAN WE DO ON THE MATTER. AS NOTED REFTEL, WE WILL ENCOURAGE THEM TO FULLY DEVELOP THIS ANGLE OF THE INVESTIGATION.

(DRAFTED: CON: JCSTRUBLE) PASTORINO

END OF MESSAGE CONFIDENTIAL

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Chile Proj 1992 0036 0842
U.S. Department of State
Release_____ Excise X Deny_____
Declassify: In Part_____ In Full_____
Exemption(s) B6

FAIM

K-1298

United States Department of State

Washington, D.C. 20520

October 15, 1986

EXCISE

Dear Senator Bentsen:

We have received your letter of October 2, 1986 requesting information regarding the recent detentions in Chile of Father Henehan and Father Cambias, two Maryknoll priests. You also requested information on Jose Luis Aguilar, a religious lay worker based in Chile. Fathers Cambias and Henehan are US citizens; Mr. Aguilar is a Mexican citizen with US residency. Your inquiry was on behalf of your constituent.

You will be pleased to learn that Fathers Henehan and Cambias were released shortly after being detained. While in detention they were visited by an American Embassy consular officer. Mr. Aguilar, detained September 8, was released September 13.

Our Embassy in Santiago has also been in touch with Chilean authorities concerning Father Henehan's and Father Cambias' visa problems. Currently, both are residing in Chile on temporary visas. We will continue to monitor this situation.

If we can be of any further assistance to your office in this matter please do not hesitate to contact us.

With best wishes,

Sincerely,

J. Edward Fox
Assistant Secretary
Legislative and Intergovernmental Affairs

Enclosures:
Correspondence returned

The Honorable
Lloyd Bentsen,
United States Senate.

FORWARDED BY DEPARTMENT OF STATE
1986 OCT 17 AM 8:37
FAIR/IAP/WI

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FAIM

Draft:ARA/SC:LKusnitz
10/15/86:647-2296
7669B
ARA# 86-3158, FAIM# 1280550

Clearances:ARA/SC:DWCox
ARA:S.ERichard
H:
HA:KBarmon (subs)

UNCLASSIFIED

P860142-1055

United States Department of State

Washington, D.C. 20520

Chile Project (#S199900030)
U.S. Department of State
Release_____ Excise_X___ Deny____
Declassify: In Part_____ In Full October 20, 1986
Exemption(s) B6

KL1223

B-6

EXCISE

Dear Mr. Kramer:

We have received your letter of September 30, 1986 inquiring into the welfare of Dr. Juan Luis Gonzalez and Francisco Rivas, two Chileans detained in Santiago in early July. Your inquiry was on behalf of your constituent.

Drs. Gonzalez and Rivas and others were charged with violating state security laws due to their role in organizing the July 2-3 general strike. They are all leaders of the opposition Civic Assembly organization. On July 16, a civilian court formally indicted them. On August 18, Drs. Rivas and Gonzalez were released on bail.

Our Embassy in Santiago is closely monitoring the cases of Drs. Gonzalez and Rivas. We have been in touch with local human rights groups and have received no indication of mistreatment in these cases. We have publicly made clear that we expect Chilean authorities to provide those charged with protections of due process.

I hope the foregoing has been of value to you.

With best wishes,

Sincerely,

J. Edward Fox
Assistant Secretary
Legislative and Intergovernmental Affairs

Enclosure:
Correspondence returned.

The Honorable
Ken Kramer
House of Representatives.

UNCLASSIFIED

ORIGINAL: ECA/Mr. Habib

CCH 3632636

DIST:
RF:rw

United States Department of State

Washington, D. C. 20520

'86 OCT 20 P4:11

'86 OCT 21 P4:43

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INFORMATION MEMORANDUM

~~CONFIDENTIAL~~ S/S 10/20

TO: The Secretary

FROM: ECA - Philip C. Habib

SUBJECT: Status of the Central American Peace Process

The Contadora countries have failed to follow up on their activities in late September on the margins of the UNGA in New York. It is clear that they have not discovered a formula for moving the peace process to its next stage, a stage that would necessarily include meeting the objections of the Central American democracies to the June draft agreement. At the present time, Nicaragua is unwilling to make the compromises necessary to make its position acceptable to the democracies, and the Contadora countries are not prepared to put pressure on the Sandinistas.

The October 1 Contadora declaration (inspired by Mexico) was openly biased in favor of Nicaragua. Costa Rica, El Salvador, and Honduras were understandably irritated by the Contadora countries' failure to consult with them during the week-long deliberations preceding the declaration. The Contadora countries' behavior has reinforced the Central Americans suspicions of Mexican domination of the Contadora process. The democracies are fully prepared to resist Contadora pressure to accept anything short of a good agreement, one which coincides with our essential criteria: comprehensive, verifiable, and simultaneous.

For the time being, there may well be some public relations-oriented activities by Nicaragua and the Contadora countries at the UN. Also, I take literally what the Contadora countries told me in New York about holding ad-hoc meetings on the peace process whenever an opportunity presents itself, such as the SELA meeting in Lima and next month's OASGA in Guatemala. Nevertheless, the peace process itself is essentially on hold, as everyone awaits the results of our aid to the Nicaraguan democratic resistance. It will be several months before the impact of our aid is felt on the battlefield, and it is unlikely that there will be any change in the positions of either side in the intervening period.

~~CONFIDENTIAL~~ UNCLASSIFIED
DECL: OADR 930

DEPARTMENT OF STATE IS/FPC/CDR 8MW Date: 12-19-96

( ) RELEASE (X) DECLASSIFY
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I currently plan to meet with the Presidents of the four Central American democracies in mid-November, thus maintaining our consultation on the issues and demonstrating once again our support for a diplomatic solution. Until that time, I will be in and out of Washington on personal business. I will keep in touch, and if anything comes up which requires my presence, I will change my plans accordingly.

cc: D - Mr. Whitehead
P - Mr. Armacost
ARA - Mr. Abrams
NSC - Mr. Burghardt

UNCLASSIFIED

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Drafted:ARA/CEN:DRandolph
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EXCISE UNCLASSIFIED

P860142-1084

United States Department of State

Washington, D.C. 20520

IC 12828

Chile Project (#S199900030)
U.S. Department of State
Release_____ Excise_X_ Deny____
Declassify: In Part_____ In Full_____ October 20, 1986
Exemption(s) B6

Dear Senator Cranston:

We have received your letter of October 2, 1986 regarding the welfare of Chilean Abraham Muskatblit Eidelstein. Your letter was on behalf of your constituent.

Mr. Muskablit Eidelstein was kidnapped and killed by unknown assailants in Chile on September 12. On September 23, the Santiago Court of Appeals appointed a special investigating judge to look into this case.

We share your constituent's strong concern over this, and three other similar deaths in Chile, during the first half of September. We have publicly and privately made known our concern that those guilty of these murders be brought to justice.

I hope the foregoing has been of value.

With best wishes,

Sincerely,

J. Edward Fox
Assistant Secretary
Legislative and Intergovernmental Affairs

Enclosure:
Correspondence returned.

The Honorable
Alan Cranston,
United States Senate.

UNCLASSIFIED

FAIM

Draft:ARA/SC:LKusnitz
10/09/86:647-2296
7617B
ARA# 86-3125, FAIM# 1260224

Clearances:ARA/SC:DWCox
ARA:
HA/HR:KBarmon (subs
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UNCLASSIFIED
P860142-1538

United States Department of State

Washington, D.C. 20520

Chile Project (#S199900030)
U.S. Department of State
Release_____ Excise_X_ Deny_____
Declassify: In Part_____ In Full October 23, 1986
Exemption(s) B6

IC 141 B P8

EXCISE

Dear Mr. Green:

We have received your letter requesting information regarding the recent detentions in Chile of Father Henehan and Father Cambias, two Maryknoll priests. You also requested information on Jose Luis Aguilar, a religious lay worker based in Chile. Fathers Cambias and Henehan are US citizens; Mr. Aguilar is a Mexican citizen with US residency. Your inquiry was on behalf of your constituent.

You will be pleased to learn that Fathers Henehan and Cambias were released shortly after being detained. While in detention they were visited by an American Embassy consular officer. Mr. Aguilar, detained September 8, was released September 13.

Our Embassy in Santiago has also been in touch with Chilean authorities concerning Father Henehan's and Father Cambias' visa problems. Currently, both are residing in Chile on temporary visas. We will continue to monitor this situation.

If we can be of any further assistance to your office in this matter please do not hesitate to contact us.

With best wishes,

Sincerely,

J. Edward Fox
Assistant Secretary
Legislative and Intergovernmental Affairs

Enclosures:
Correspondence returned

The Honorable
Bill Green,
House of Representatives.

1988 OCT 24 PM 1:18
FAIR/LAP/WI

FORWARDED BY DEPARTMENT OF STATE

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Chile Project (#S199900030)
U.S. Department of State
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Exemption(s) ____

PAGE 01 STATE 335208
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DRAFTED BY: ARA/SC:JWSWIGERT:EE
APPROVED BY: ARA:RGELBARD
E:AWALLIS
TREASURY:FVUKMANIC (SUBS)
EAP/J:CCOHEN (SUBS)
HA:SIFSHIN (INFO)
S/S:BLPASCOE
S/S-O:REDOWNEY
EB:DLAMB (SUBS)
EUR/RPE:ECASEY
EAP/ANZ:MCHURCHILL (SUBS)
ARA/SC:LFLOWER

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CONFIDENTIAL

PAGE 02 STATE 335208

AMEMBASSY HELSINKI IMMEDIATE
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AMEMBASSY DUBLIN IMMEDIATE

Case Number: S199900030

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INFO AMEMBASSY SANTIAGO IMMEDIATE
USMISSION USNATO IMMEDIATE

DECAPTIONED

~~C O N F I D E N T I A L~~ STATE 335208

EXDIS, BRUSSELS ALSO FOR USEC, ROME ALSO EMBASSY VATICAN

E.O. 12356: DECL:OADR
TAGS: PREL, EFIN, PHUM, PGOV, PTER, CI
SUBJECT: CHILE: CONSULTATIONS ON MDB LOAN VOTES

REF: STATE 291496

1. ~~CONFIDENTIA~~L - ENTIRE TEXT.

2. SUMMARY: DEPARTMENT APPRECIATES EMBASSIES' EFFORTS IN RAISING THE ISSUE OF MDB LOANS TO CHILE. WE UNDERSTAND FULLY THE CONCERNS EXPRESSED BY MANY GOVERNMENTS CONCERNING THE POLITICIZATION OF THE MDBS. WE ARE NOT SEEKING ASSISTANCE TO DEFEAT LOANS TO CHILE, WHICH WE AGREE WOULD HAVE UNCERTAIN POLITICAL AND ECONOMIC EFFECTS THAT COULD VERY WELL BE COUNTERPRODUCTIVE TO OUR GOAL OF ENCOURAGING A PEACEFUL DEMOCRATIC TRANSITION. AFTER CAREFUL REVIEW OF THE HUMAN RIGHTS SITUATION IN CHILE, HOWEVER, AND TAKING INTO ACCOUNT OUR POLICY CONCERNS AND THE OBLIGATIONS OF U.S. LAW REGARDING HUMAN RIGHTS AND VOTES IN THE MDBS, WE HAVE CONFIDENTIAL

PAGE 03 STATE 335208

CONCLUDED THAT WE WILL BE UNABLE TO SUPPORT NON-BHN MDB LOANS TO CHILE UNLESS THE HUMAN RIGHTS SITUATION CHANGES SIGNIFICANTLY FOR THE BETTER BEFORE THE NEXT EXECUTIVE

BOARD VOTE. THE NEXT MDB LOAN TO CHILE, A 250 MILLION DOLLAR STRUCTURAL ADJUSTMENT LOAN (SAL), IS SCHEDULED TO GO TO THE WORLD BANK EXECUTIVE BOARD FOR A VOTE IN LATE NOVEMBER. ABSENT SIGNIFICANT HUMAN RIGHTS IMPROVEMENTS--WHICH WE CONSIDER UNLIKELY OVER THE NEXT FIVE WEEKS--WE PLAN TO ABSTAIN ON THE SAL AND ON SUBSEQUENT NON-BHN MDB LOANS TO CHILE. ACTION ADDRESSEES ARE REQUESTED TO APPROACH HOST GOVERNMENT FINANCE AND

FOREIGN MINISTRIES AS SOON AS POSSIBLE (AS WELL AS OTHER GOVERNMENT ENTITIES AND POLITICAL PARTIES WHICH MIGHT INFLUENCE PARTLY SUCH DECISION), INFORM THEM OF OUR DECISION, AND REQUEST THEIR SUPPORT IN ALSO ABSTAINING ON THE CHILE LOANS IN ORDER TO SEND A STRONG SIGNAL OF JOINT CONCERN TO THE PINOCHET GOVERNMENT, WITHOUT JEOPARDIZING APPROVAL OF LOANS. END SUMMARY.

3. THE DEPARTMENT APPRECIATES EMBASSIES' EFFORTS TO RAISE OUR CONCERNS REGARDING CHILE AND THE DILEMMA FACED BY THE U.S. ON VOTES FOR LOANS TO CHILE IN THE MDBS. WE UNDERSTAND THE DESIRE EXPRESSED BY MANY GOVERNMENTS TO AVOID MIXING POLITICAL AND ECONOMIC/TECHNICAL CRITERIA AND ARE NOT REQUESTING SUPPORT TO DEFEAT MDB LOANS TO CHILE. WE FULLY SHARE THE DESIRE EXPRESSED BY THE UK AND OTHERS TO AVOID GIVING PINOCHET A POLITICAL WEAPON THAT COULD BE USED TO EXPLOIT STRONG CHILEAN NATIONALISTIC SENTIMENTS AND STRENGTHEN HIS BASE OF SUPPORT WITHIN THE ARMED FORCES AND CONSERVATIVE SECTORS SUSPICIOUS OF THE FRAGMENTED DEMOCRATIC OPPOSITION. WE AGREE THAT PERMANENTLY DEFEATING MDB LOANS WOULD ENTAIL OTHER COUNTERPRODUCTIVE EFFECTS, INCLUDING DAMAGE TO CHILE'S ECONOMY AND POSITIVE FREE MARKET MODEL, WHICH ULTIMATELY COULD BENEFIT CHILE'S STRONG COMMUNIST PARTY.
CONFIDENTIAL

PAGE 04 STATE 335208

4. AT THE SAME TIME AFTER A CAREFUL REVIEW OF THE HUMAN RIGHTS SITUATION IN CHILE, TAKING INTO ACCOUNT U.S. LEGISLATIVE REQUIREMENTS DISCUSSED REFTEL, CONGRESSIONAL OPINION, AND THE ADMINISTRATION'S STRONG POLICY CONCERNS REGARDING HUMAN RIGHTS AND A DEMOCRATIC TRANSITION, WE HAVE CONCLUDED THAT WE CANNOT SUPPORT NON-BHN MDB LOANS TO THAT COUNTRY UNLESS SIGNIFICANT HUMAN RIGHTS IMPROVEMENTS TAKE PLACE. WITH THIS IN MIND, WE RAISED WITH GOC OFFICIALS THE POSSIBILITY OF POSTPONING CONSIDERATION OF THE SAL UNTIL EARLY NEXT YEAR, BY WHICH TIME WE HOPE THAT IMPROVEMENTS WOULD BE MADE. IN RESPONSE, THE GOC INDICATED THAT THEY WOULD BE UNWILLING TO MODIFY THE PRESENT TIMETABLE FOR EXECUTIVE BOARD CONSIDERATION OF THE SAL. FYI ONLY WE UNDERSTAND THAT WORLD BANK MANAGEMENT IS ALSO UNWILLING TO CONSIDER DELAY. END FYI.

5. IN THESE CIRCUMSTANCES, WE COULD ONLY VOTE AGAINST OR

ABSTAIN WHEN THE NEXT SERIES OF NON-BHN LOAN TO CHILE COME UP FOR APPROVAL. (EITHER WOULD CONSTITUTE QUOTE OPPOSITION UNQUOTE IN TERMS OF THE LEGISLATIVE HISTORY OF OUR STATUTE.) WE ARE CONCERNED, HOWEVER, THAT IF THE *U.S. ACTS ALONE IN OPPOSING THE CHILE LOANS, THIS WILL BE* EXPLOITED BY PINOCHET TO RALLY THE TROOPS AROUND HIM, IN THE SAME MANNER HE WOULD USE ACTUAL BLOCKAGE OF LOANS TO PROVOKE A NATIONALISTIC OUTCRY THAT MIGHT SET BACK FURTHER PROSPECTS FOR A DEMOCRATIC TRANSITION.

6. ACTION REQUESTED: ACTION ADDRESSEES ARE REQUESTED TO APPROACH BOTH FINANCE AND FOREIGN MINISTRIES AS WELL AS OTHER APPROPRIATE GOVERNMENT AGENCIES OR POLITICAL PARTIES AS SOON AS POSSIBLE, TO INFORM THEM OF OUR ~~CONFIDENTIA~~L

PAGE 05 STATE 335208

DECISION AND TO REQUEST THEIR SUPPORT IN ALSO ABSTAINING ON THE CHILE LOANS. (TALKING POINTS IN PARA SEVEN MAY BE LEFT AS A NON-PAPER; ADDITIONAL BACKGROUND ON RELEVANT U.S. LEGISLATION IS CONTAINED IN PARA EIGHT FOR POSTS' BACKGROUND INFORMATION ONLY) YOU SHOULD STRESS TO HOST GOVERNMENT OFFICIALS THAT THE DECISION TO REQUEST OTHER COUNTRIES TO ABSTAIN ON THESE LOANS WAS TAKEN AT THE CABINET LEVEL, REFLECTING THE GREAT CONCERN OF THE USG OVER THE SITUATION IN CHILE, AND OUR DESIRE TO COORDINATE CONSTRUCTIVE ACTIONS WITH OTHER CONCERNED GOVERNMENTS.

7. TALKING POINTS:

-OUR RECENT CONSULTATIONS WITH YOU AND OTHER COUNTRIES ON THE DILEMMA WE FACE ON MDB LOAN VOTES TO CHILE REVEALED CONSIDERABLE CONCERN REGARDING THE SITUATION IN CHILE. AT THE SAME TIME MANY COUNTRIES EXPRESSED RESERVATIONS--WHICH WE SHARE--ABOUT MEASURES LEADING TO POLITICIZATION OF THE MDBS.

"-THE NEXT MDB LOAN TO CHILE EXPECTED TO BE REVIEWED IS A STRUCTURAL ADJUSTMENT LOAN (SAL) IN THE WORLD BANK. A VOTE IS SCHEDULED FOR LATE NOVEMBER, PROBABLY NOV. 25. OTHERS WILL FOLLOW IN BOTH THE WORLD BANK AND INTERAMERICAN DEVELOPMENT BANK.

"IN VIEW OF THE SERIOUS HUMAN RIGHTS VIOLATIONS IN CHILE, SUCH AS THE PERSISTENCE OF CASES OF TORTURE, AND

THE LACK OF CONCRETE STEPS TOWARD IMPLEMENTING A DEMOCRATIC TRANSITION, SUCH AS ALLOWING LEGALIZATION OF POLITICAL PARTIES, OR FREEDOM OF THE PRESS, WE WILL BE UNABLE TO SUPPORT LOANS TO CHILE THAT DO NOT SPECIFICALLY ADDRESS THE BASIC HUMAN NEEDS (BHN) OF THE CHILEAN

PEOPLE.

~~CONFIDENTIAL~~L

PAGE 06 STATE 335208

--ABSENT SIGNIFICANT HUMAN RIGHTS PROGRESS, WHICH WE JUDGE UNLIKELY IN THE NEXT FIVE WEEKS, WE INTEND TO ABSTAIN ON THE SAL. WE HOPE YOUR GOVERNMENT WOULD ABSTAIN AS WELL ON THIS LOAN, AND ON SUBSEQUENT NON-BHN LOANS TO CHILE, UNTIL THERE IS VISIBLE PROGRESS ON HUMAN RIGHTS AND A DEMOCRATIC TRANSITION.

--WE DO NOT WANT TO BLOCK PASSAGE OF THE SAL, WHICH IS IMPORTANT TO CHILE'S SUCCESSFUL ECONOMIC PROGRAM. WE STRONGLY SUPPORT CHILE'S FREE MARKET POLICIES AND RESPONSIBLE RECORD ON DEBT MANAGEMENT.

DEFEATING THE SAL WOULD PENALIZE THE CHILEAN PEOPLE FOR THEIR SACRIFICES DURING THE RECENT PERIOD OF ECONOMIC ADJUSTMENT JUST AS THE ECONOMY HAS RESUMED SOLID ECONOMIC GROWTH. DEFEAT OF THE THESE LOANS WOULD ALSO HAVE UNCERTAIN POLITICAL CONSEQUENCES, AND COULD STRENGTHEN POLARIZATION AND BOTH EXTREMES IN CHILE, RATHER THAN FURTHER OUR SHARED GOAL OF HUMAN RIGHTS PROGRESS AND MOVEMENT TOWARD A PEACEFUL DEMOCRATIC TRANSITION.

--HOWEVER, ABSTENTIONS WOULD NOT JEOPARDIZE PASSAGE OF THE SAL, OR PASSAGE OF OTHER NON-BHN LOANS TO CHILE THAT WILL COME TO A VOTE SUBSEQUENTLY IN THE WORLD BANK AND THE INTER-AMERICAN DEVELOPMENT BANK.

--A GESTURE INVOLVING A LARGE NUMBER OF ABSTENTIONS WOULD SEND AN UNMISTAKABLE SIGN OF INTERNATIONAL CONCERN TO THE PINOCHET GOVERNMENT OVER THE HUMAN RIGHTS SITUATION IN CHILE. WE BELIEVE THAT IT IS JUSTIFIED TO SEND SUCH A SIGNAL IN THE MDBS, GIVEN THE CERTAINTY OF NEGATIVE ECONOMIC CONSEQUENCES IF THE CURRENT PROCESS OF POLARIZATION IN CHILE IS ALLOWED TO CONTINUE. IF STEPS CONFIDENTIAL

PAGE 07 STATE 335208

ARE NOT TAKEN TO PUT IN PLACE AN EFFECTIVE DEMOCRATIC TRANSITION, THEN THE FRUITS OF WHAT APPEAR TO BE SOUND LOANS TODAY WILL BE JEOPARDIZED BY INTENSE POLITICAL CONFLICT. IT IS ONLY PRUDENT FOR THE INTERNATIONAL COMMUNITY TO REGISTER ITS CONCERN NOW OVER THE DISTURBING TREND IN CHILE.

-WE BELIEVE IT IS IMPORTANT THAT THE U.S. NOT ACT IN ISOLATION. A LARGE NUMBER OF ABSTENTIONS WOULD BE MORE DIFFICULT FOR PINOCHET TO IGNORE OR EXPLOIT TO HIS POLITICAL ADVANTAGE.

-THE DECISION TO SEEK YOUR SUPPORT TO ABSTAIN ON THESE LOANS WAS REACHED AFTER CONSIDERING CAREFULLY THE

RESPONSE OF YOUR GOVERNMENT TO OUR EARLIER APPROACH. THIS USG DECISION WAS TAKEN AT THE CABINET LEVEL. WE WOULD APPRECIATE YOUR INDICATING YOUR INTENTIONS TO US AS EARLY IN ADVANCE OF THE VOTE AS POSSIBLE.

8. BACKGROUND ON U.S. LEGISLATION ON HUMAN RIGHTS/MDB LOAN VOTES (FYI ONLY):

THE LEGAL MANDATE UNDER WHICH THE U.S. CONSIDERS HUMAN RIGHTS CONDITIONS IN CONNECTION WITH MDB VOTES IS SECTION 701 OF THE INTERNATIONAL FINANCIAL INSTITUTIONS ACT OF 1981. THIS SECTION STATES THE POLICY THAT THE U.S. GOVERNMENT, IN CONNECTION QUOTE WITH ITS VOICE AND VOTE UNQUOTE IN THE IBRD, THE IDA, THE IFC, THE IDB AND THE OTHER REGIONAL BANKS, QUOTE SHALL ADVANCE THE CAUSE OF HUMAN RIGHTS, INCLUDING BY SEEKING TO CHANNEL ASSISTANCE TOWARD COUNTRIES OTHER THAN THOSE WHOSE GOVERNMENTS ENGAGE IN (1) A PATTERN OF GROSS VIOLATIONS OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS, SUCH AS TORTURE OR CRUEL, INHUMANE, OR DEGRADING TREATMENT OR PUNISHMENT, PROLONGED DETENTION WITHOUT CHARGES, OR OTHER FLAGRANT

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PAGE 08 STATE 335208

DENIAL TO LIFE, LIBERTY, AND THE SECURITY OF PERSON. UNQUOTE. MOST IMPORTANTLY, SECTION 701(F) QUOTE INSTRUCTS UNQUOTE THE U.S. EXECUTIVE DIRECTORS OF IFI'S

TO OPPOSE LOANS AND ASSISTANCE TO ANY COUNTRY THAT ENGAGES IN A PATTERN OF GROSS VIOLATIONS OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS, QUOTE UNLESS THE ASSISTANCE IS DIRECTED SPECIFICALLY TO PROGRAMS WHICH SERVE THE BASIC HUMAN NEEDS (BHN) OF THE CITIZENS OF SUCH A COUNTRY UNQUOTE. THE DETERMINATION OF WHAT CONSTITUTES A BHN LOAN IS LEFT TO THE EXECUTIVE. WHILE STRUCTURAL ADJUSTMENT LOANS HAVE A LONGTERM POSITIVE IMPACT ON BASIC HUMAN NEEDS, SUCH LOANS HAVE NOT BEEN CONSIDERED TO FIT THE BHN CRITERIA OF SECTION 701.

IN THE PAST THE EXECUTIV5 BRANCH AND SOME MEMBERSOOF CONGRESS ON OCCASION HAVE DISAGREED AS TO HOW MUCH FLEXIBILITY THE ADMINISTRATION HAS IN DETERMINING WHETHER A PATTERN OF GROSS VIOLATIONS EXISTS. BECAUSE OF CURRENT HEIGHTENED CONGRESSIONAL CONCERNS REGARDING CHILE THE ADMINISTRATION FACES A SITUATION IN WHICH CONCRETE STEPS BY THE GOC ON HUMAN RIGHTS ARE NEEDED BEFORE WE COULD SUSTAIN A YES VOTE WITH CONGRESS ON NON-BHN MDB LOANS TO CHILE. CONGRESSIONAL VIEWS ON THIS ISSUE WERE EXPRESSED IN THE RECENTLY PASSED CONTINUING RESOLUTION FOR FISCAL YEAR 1987, WHICH INCLUDED SECTION 557(A) PERTAINING TO CHILE - QUOTE (A) IT IS THE SENSE OF CONGRESS THAT PURSUANT TO SECTION 701 OF THE INTERNATIONAL INSTITUTIONS ACT OF 1977, THE UNITED STATES GOVERNMENT SHOULD OPPOSE

ALL LOANS TO CHILE FROM MULTILATERAL DEVELOPMENT INSTITUTIONS EXCEPT FOR THOSE FOR BASIC HUMAN NEEDS UNTIL -(1) THE GOVERNMENT OF CHILE HAS ENDED ITS PRACTICE AND PATTERN OF GROSS ABUSE OF INTERNATIONALLY RECOGNIZED
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PAGE 09 STATE 335208

HUMAN RIGHTS
--(2) SIGNIFICANT STEPS HAVE BEEN TAKEN BY THE GOVERNMENT OF CHILE TO RESTORE DEMOCRACY, INCLUDING
(A) THE IMPLEMENTATION OF POLITICAL REFORMS WHICH
-- ARE ESSENTIAL TO THE DEVELOPMENT OF DEMOCRACY, SUCH
- AS THE LEGALIZATION OF POLITICAL PARTIES, THE
-- ENACTMENT OF ELECTION LAWS, THE ESTABLISHMENT OF
-- FREEDOM OF SPEECH AND THE PRESS, AND THE FAIR AND
-- PROMPT ADMINISTRATION OF JUSTICE AND

- (B) A PRECISE AND REASONABLE TIMETABLE HAS BEEN
-- ESTABLISHED FOR THE TRANSITION TO DEMOCRACY.

9. THIS TELEGRAM HAS BEEN COORDINATED WITH TREASURY. WHITEHEAD

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Case Number: S199900030

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Chile Project (#S199900030)
U.S. Department of State
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EYES ONLY FOR A/S ABRAMS, DAS TAYLOR, AND DAS GELBARD

E.O. 12356: DECL:OADR
TAGS: XM
SUBJECT: OFFICIALINFORMAL

HERE FOLLOWS THE ASSISTANT SECRETARY'S DAILY ACTIVITY REPORT FOR OCTOBER 30, 1986:

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Pages 2 thru 6 have been eliminated because they are entirely irrelevant

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BEGIN ARA/SC

--(S) CHILE: UN INITIATIVE STILL STALLED. THE SECRETARY DECLINED OUR RECOMMENDATION THAT HE CALL POINDEXTER AND DIRECTED US TO PREPARE A SECOND PLATT-POINDEXTER, WHICH WE HAVE DONE. EMBASSY SANTIAGO REPORTED BY PHONE A FALSE REPORT THAT THE DEBATE ON CHILE HAD BEEN MOVED UP TO NEXT

SECRET

WEEK. USUN CONFIRMED THAT THIS WAS RUMOR ONLY. TIME, HOWEVER, IS GROWING SHORT. THIRD COMMITTEE DEBATE ON THE CHILEAN HUMAN RIGHTS SITUATION IS SCHEDULED TO START ON NOV. 18 AND A VOTE WILL TAKE PLACE SOMETIME NOV. 18-26.

CHILEAN SOCIALIST CARLOS PORTALES TOLD US TODAY THAT THE CHRC IS IN THE PROCESS OF LOBBYING CAPITALS IN SUPPORT OF A DRAFT CHRC RESOLUTION. WITHOUT ELABORATING, PORTALES SAID THEY WERE TRYING TO BROADEN THE GROUP OF SPONSORS TO OVERCOME PAST PROBLEMS. HE ADDED THAT HE HOPED THAT THE U.S. WOULD BE SUPPORTIVE. PORTALES SAID THAT THE DRAFT CURRENTLY BEING CIRCULATED UPDATES AN EARLIER CHRC DRAFT TO TAKE INTO ACCOUNT THE STATE OF SIEGE. (WE SAW THE EARLIER CHRC DRAFT, WHICH ALTHOUGH AN IMPROVEMENT OVER PAST MEXICAN RESOLUTIONS, STILL HAD SOME LANGUAGE WE COULD NOT ACCEPT.) A CHRC REPRESENTATIVE (NOT PACHECO) APPARENTLY WILL ARRIVE IN NEW YORK NEXT WEEK TO BEGIN LOBBYING IN EARNEST. FURTHER DELAY IN MOVING OUR INITIATIVE WILL BE COSTLY. (SWIGERT)

--(C) CHILE: OAS RESOLUTION COMING. BRUCE MCCOLM AND MARTIN POBLETE HAVE MADE APPOINTMENTS FOR TOMORROW AFTERNOON WITH HA, OAS AND THE DESK TO PRESENT THE TEXT OF A RESOLUTION ON CHILE THAT ACCORDING TO POBLETE, VENEZUELA WILL PROBABLY INTRODUCE AT THE UPCOMING OASGA. (THIS WILL ENSURE THAT THREE PUBLIC US ACTIONS ON CHILE--THE UN AND OAS RESOLUTIONS AND THE VOTE ON THE SAL--OCCUR WITHIN A PERIOD OF A FEW WEEKS.) ONCE WE HAVE THE RESOLUTION IN HAND, WE WILL CABLE YOU OUR PRELIMINARY ANALYSIS. WHILE THE IAHRC PRESS STATEMENT THAT ANNOYED DEL VALLE SO MUCH WAS UNBALANCED, THE IAHRC REPORT THIS YEAR AVOIDS POLEMICS AND CONTAINS A REASONABLY FAIR ASSESSMENT OF THE HUMAN RIGHTS SITUATION IN CHILE. IT IS UNCERTAIN AT THIS TIME, HOWEVER, WHETHER RESOLUTIONS WILL BE INTRODUCED ON ANY OTHER COUNTRIES. WE UNDERSTAND THAT USOAS HAS BEEN WORKING DISCRETELY WITH THE CENTRAL AMERICAN DEMOCRACIES TO HAVE A RESOLUTION ON NICARAGUA PUT FORWARD. (SWIGERT)

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United States Department of State

Washington, D.C. 20520

Chile Project (#S199900030)
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KL 159

October 31, 1986

Dear Mr. Schumer:

We have received your letter of October 1, 1986 requesting information regarding the recent detentions in Chile of Father Henehan and Father Cambias, two Maryknoll priests. You also requested information on Jose Luis Aguilar, a religious lay worker based in Chile. Fathers Cambias and Henehan are US citizens; Mr. Aguilar is a Mexican citizen with US residency.

You will be pleased to learn that Fathers Henehan and Cambias were released shortly after being detained. While in detention they were visited by an American Embassy consular officer. Mr. Aguilar, detained September 8, was released September 13.

Our Embassy in Santiago has also been in touch with Chilean authorities concerning Father Henehan's and Father Cambias' visa problems. Currently, both are residing in Chile on temporary visas. We will continue to monitor this situation. We have no information on Mr. Aguilar currently having a visa problem.

If we can be of any further assistance to your office in this matter please do not hesitate to contact us.

With best wishes,

Sincerely,

J. Edward Fox
Assistant Secretary
Legislative and Intergovernmental Affairs

The Honorable
Charles E. Schumer,
House of Representatives.

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Chile Project (#S199900030)
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United States Department of State

Washington, D.C. 20520

October 31, 1986

Dear Mr. McCloskey:

We have received your letter of October 3, 1986 concerning US policy toward International Financial Institution loans to Chile. Your inquiry was on behalf of your constituent. In his letter he suggests that the United States Government oppose upcoming Chilean International financial Institution (IFI) loans in accordance with Section 701 of the International Financial Institutions Act.

We share your constituent's strong concern over human rights conditions in Chile. We have made known, both publicly and privately, our views favoring increased respect for human rights and a peaceful democratic transition. When Assistant Secretary of State Elliott Abrams appeared before the House Banking Subcommittee on Development and International Financial Institutions on July 30, he testified in detail regarding the serious, persistent problems in Chile in the area of human rights. He also specifically mentioned the tragic burnings of Rodrigo Rojas and Carmen Quintana, calling for all those guilty of this terrible crime to be brought to justice. Mr. Rojas was a Chilean citizen with permission to reside legally in the U.S.

Mr. Abrams also stated on July 30 that in view of his assessment of the human rights situation in Chile and taking into account section 701 of the International Financial Institutions Act, he personally would recommend that the U.S. oppose World Bank and other International Financial Institution loans to Chile, except for those meeting basic human needs, were a vote to be taken at that particular time. Mr. Abrams noted that a final decision would not be made regarding our posture toward any upcoming Chilean loans until closer to the time of a vote, now expected in November. Mr. Abrams noted that other U.S. officials would be involved in making this decision, in particular, the Treasury Department, which gives voting instructions to the U.S. Executive Directors in the IFIs.

The aforementioned legislation requires the Executive to examine the human rights situation carefully, in addition to the economic rationale, in determining our votes on loans in the multilateral institutions. Our policy is to review each

The Honorable
Frank McCloskey,
House of Representatives.

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loan separately and consider the situation in a particular country as it exists close to the time the loans are scheduled to be reviewed by the executive boards. We have used our loan votes in the past to promote human rights improvements and movement toward democracy, and we may do so in the future.

I hope the foregoing has been of value.

With best wishes,

Sincerely,

J. Edward Fox
Assistant Secretary
Legislative and Intergovernmental Affairs

Enclosure:
Correspondence returned.

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Clearances:ARA/SC:DMCox
ARA:CHGorman
HA/HR:KBarmon (subs)
L/HRR:DPedansky (subs)
L/ARA:KVanderbilt (subs)
EB/OBP:RMarin (subs)
Treasury:NCoar (subs)
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United States Department of State

Washington, D.C. 20520

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October 31, 1986

Received in the Executive Secretariat on 11/1/86 6PM

Action assigned: EB/TRR as approved

Date due: NA

Info copies to: ALK, LG, DG, NSS, IO/C, IO/HPC

MEMORANDUM FOR VADM JOHN M. POINDEXTER
THE WHITE HOUSE

Subject: Sponsoring a Chile Resolution at the UNGA

We sent you a memo on Oct. 21 regarding our intention to introduce a resolution in the UNGA concerning the human rights situation in Chile. We understand there is reluctance to do so within NSC staff. The Secretary fully supports this initiative and wishes to move ahead quickly. UN debate on Chile is scheduled to begin Nov. 13. Time is short if we are to have any impact on this key policy issue.

In weighing the factors involved, the Secretary took into account the issue of balance in the UNGA, a problem we will continue to try to address. Balance is equally important to our policy supporting democratization and increased respect for human rights in Chile and elsewhere. The impact of failure to take this initiative on these policy objectives would be great, and more than offset the risk of getting a fair resolution on Chile but failing to win support for a resolution highlighting the much worse Cuban human rights abuses. We cannot be paralyzed because of the failings of the UN.

If we do not take the lead in proposing a balanced text, the Cuban/Mexican proposal adopted last year will again pass easily, with the support of our Latin and European allies. After our successful effort at the UNHRC in March, our passivity will be misrepresented as a shift by the U.S. in favor of Pinochet and tolerance for new repressive actions in Chile since March.

This would be especially harmful at about the same time as our anticipated abstention on a structural adjustment loan to Chile in the World Bank. As Foreign Minister Del Valle's recent public statements make clear, Pinochet will try to portray our abstention, together with our passivity in the UN, as a victory. The GOC is already

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pointing to our justified efforts to publicize the Cuban role in supplying weapons to Chilean terrorists as evidence of a major U.S. policy shift. We cannot afford to buttress such arguments.

As polarization increases the stalemated political situation in Chile becomes more dangerous to our interests. The Cubans and Soviets are making a major investment to foment violence. The Chilean Communist Party is making every effort to establish a united front of all opposition groups, including democrats as well as left-wing totalitarians. Their intention is to manipulate such a front to control any transition government.

Our withdrawal from an active position in the UNGA on this issue would weaken the standing of the opposition democrats vis-a-vis the communists. Our active role in the UNHRC strengthened democratic moderates in Chile and weakened the communists, who have in the past dominated UN debate on Chile. To drive an effective wedge between the communists and the democratic opposition (which has distanced itself from the communists), we need to continue rigorous efforts to strengthen the democratic center. Ceding the Chile issue in the UN to the communists would jeopardize the tentative gains we have made.

Moving ahead with this initiative in the UN is critical to maintaining the credibility of our policy in Chile and with Congress. Our ability to implement a constructive Chile policy could well be undercut by Congress if our critics see the U.S. backing away in the IDBs and the UN. We cannot afford that risk at this time.

In recent conversations with Ambassador Barnes, Chilean Foreign Minister Del Valle has indicated that the GOC is now resigned to our taking such an initiative, but expressed concern about a balanced text. The U.S. resolution in the telegram sent to the NSC on Oct. 21 is balanced--it refers to positive steps as well as points out problems. The Secretary would like to dispatch this telegram immediately. Further delay will prevent us from exercising decisive influence on a UN issue which will have a major impact on our Chile policy.

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Nicholas Platt
Executive Secretary

Clearances: ARA:JMichel
HA:RSchifter 15 for
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FOLLOWING ROME 26164 DTG OCT 31 86 SENT ACTION SECSTATE WASHDC TREAS DEPT WASHDC INFO EC COLLECTIVE LIMA MEXICO SANTIAGO QUITO BEING REPEATED FOR YOUR INFO:
QUOTE:
C O N F I D E N T I A L ROME 26164

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BRUSSELS ALSO FOR USEC

E.O. 12356: DECL:OADR
TAGS: PREL, EFIN, PHUM, PGOV, PTER, CI
SUBJECT: CHILE: CONSULTATIONS ON MDB LOAN VOTES

REFS: A) STATE 335208
- B) ROME 23717
-
1. CONFIDENTIAL - ENTIRE TEXT.
-
2. THE TREASURY (GIOVANNI SACCO, SENIOR DIRECTOR
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PAGE 02 STATE 342205

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IFI AFFAIRS) TOLD US THAT ITALY'S EXECUTIVE DIRECTOR AT THE WORLD BANK, MARIO DRAGHI, HAD BEEN INSTRUCTED ON OCTOBER 29 TO VOTE AGAINST, REPEAT AGAINST, ALL LOANS TO CHILE. SACCO SAID THIS WAS A POLITICAL DECISION REACHED IN CONJUNCTION WITH THE FOREIGN AFFAIRS MINISTRY AND THE PRIME MINISTER'S OFFICE. IT PRESUMABLY WAS APPROVED BY THE PRIME MINISTER.

3. STEFANO RASTRELLI, HEAD OF THE MFA'S LATIN AMERICAN ECONOMIC AFFAIRS OFFICE, CONFIRMED THE ABOVE INFORMATION IN DISCUSSIONS WITH EMBASSY ECON OFFICER. RASTRELLI EMPHASIZED THAT ITALY NO LONGER MAKES ANY DISTINCTIONS BETWEEN BASIC HUMAN NEEDS LOANS AND NON-BASIC HUMAN NEEDS LOANS OR BETWEEN LOANS WHICH CHILEAN MODERATES VALUE AS IMPORTANT TO CHILE AND THOSE WHICH WOULD ONLY STRENGTHEN THE PINOCHET REGIME. HE SAID THAT THE LACK OF ORGANIZATION AMONG THE MODERATE OPPOSITION, THEIR INABILITY TO EFFECTIVELY EVALUATE LOANS, AND THE EXTREMELY HIGH RISK OF LOAN DIVERSION LED TO THE ITALIAN POLICY CHANGE. RASTRELLI ADDED THAT THE CHILEAN ISSUE MAY BE DISCUSSED INFORMALLY AT EC MEETINGS SCHEDULED IN EARLY NOVEMBER. ITALY WOULD USE SUCH AN OCCASION TO CONVINCE ITS EC PARTNERS TO VOTE AGAINST THE CHILEAN LOAN. HE ALSO SAID THAT SHOULD THERE BE A STRONG EC CONSENSUS FOR ABSTENTION, THERE IS A VERY SLIM PROBABILITY THAT ITALY MAY BE CONVINCED TO CHANGE ITS POSITION.

4. AS REF B STATES, THIS INSTRUCTION WAS VERY MUCH IN THE AIR EARLIER THIS MONTH. WASHINGTON AND SANTIAGO WILL RECALL THAT PRIME MINISTER CRAXI AND TREASURY MINISTER GORIA HAD A ROW IN MARCH 1985 OVER IFI LENDING TO CHILE.
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PAGE 03 STATE 342205

THIS ENDED WITH THE PRIME MINISTER'S DEMANDING THAT VOTES ON IFI LOANS WITH A POLITICAL SIGNIFICANCE BE CLEARED WITH THE FOREIGN AFFAIRS MINISTRY AND THE PRIME MINISTER'S OFFICE (SEE 85 ROME 8273). THE DEGREE TO WHICH THIS HAS BEEN IMPLEMENTED HAS NOT BEEN CLEAR, BUT THE PROCESS CERTAINLY WAS APPLIED IN THIS CASE.

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C O N F I D E N T I A L STATE 342709

MONTEVIDEO PASS SAT AM TO ABRAMS, BARNES, GELBARD & FLOWER

E.O. 12356: DECL: OADR
TAGS: PREL, PHUM, OAS, CI, US, VE
SUBJECT: CHILE RESOLUTION TO BE INTRODUCED AT OASGA

1. (C-ENTIRE TEXT)

2. SUMMARY: IN SEPARATE MEETINGS WITH AMBASSADORS MCCORMACK AND SCHIFTER AND IN ARA/SC, U.S. EXPERT MEMBER ON THE IAHRC BRUCE MCCOLM TODAY PRESENTED THE TEXT OF A DRAFT RESOLUTION (IN PARA 8 BELOW) ON CHILE, WHICH HE SAID VENEZUELA WOULD INTRODUCE AT THE UPCOMING OASGA. HE STRESSED THAT THIS TEXT. WHICH FOCUSES ON RESTORATION OF DEMOCRACY, WAS NOT FINAL. SOME COUNTRIES HAVE APPARENTLY PROPOSED ADDING STRONGER LANGUAGE CRITICIZING HUMAN RIGHTS VIOLATIONS IN CONNECTION WITH THE STATE OF SIEGE. NOTING THAT IAHRC SPECIAL REPORTS ON NICARAGUA AND PARAGUAY ARE PLANNED FOR NEXT YEAR, MCCOLM ASSERTED THAT
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PAGE 02 STATE 342709

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THE OUTCOME ON CHILE IN THE OASGA WOULD AFFECT PROSPECTS FOR PASSING A SEPARATE RESOLUTION ON NICARAGUA NEXT YEAR. CITING THE U.S. ACTIVIST APPROACH ON HUMAN RIGHTS IN CHILE IN THE UNHRC LAST MARCH, HE URGED THE U.S. TO SUPPORT THIS RESOLUTION. END SUMMARY.

3. MCCOLM WAS ACCOMPANIED BY CHILEAN U.S. RESIDENT MARTIN POBLETE, A CHRISTIAN DEMOCRAT WHO WORKS FOR THE NEW YORK CATHOLIC DIOCESE. MCCOLM COVERED THE SAME GROUND IN SEPARATE MEETINGS WITH AMB. MCCORMACK, AMB. SCHIFTER AND WITH CHILE DESK OFFICER SWIGERT. HE OPENED BY REFERRING TO LAST YEAR'S OASGA, IN WHICH A CHILESPECIFIC CLAUSE FAILED TO OBTAIN A MAJORITY IN THE OMNIBUS RESOLUTION PASSED REGARDING THE IAHRC'S WORK THAT YEAR, BECAUSE MANY COUNTRIES (THE U.S. INCLUDED) ABSTAINED ON THAT PARAGRAPH.

4. MCCOLM SAID VENEZUELA PLANS TO INTRODUCE A SEPARATE RESOLUTION ON CHILE IN THE OASGA THIS YEAR AND PROVIDED A COPY OF THE RESOLUTION TEXT, WHICH HE STRESSED WAS TENTATIVE, SINCE DISCUSSIONS WERE GOING ON WITH MEMBER COUNTRIES. MCCOLM SAID THE FOCUS OF THIS DRAFT WAS ON THE NEED IN CHILE FOR THE RESTORATION OF DEMOCRACY, NOT CURRENT HUMAN RIGHTS VIOLATIONS. (COMMENT: WE NOTE, HOWEVER, THAT THE PREAMBLE DOES TALK ABOUT HUMAN RIGHTS VIOLATIONS. END COMMENT.) MCCOLM SAID THAT SOME OAS MEMBERS HAVE SUGGESTED TOUGHENING THE LANGUAGE AND INCLUDING A SECOND OPERATIVE PARAGRAPH CRITICAL OF HUMAN RIGHTS VIOLATIONS SINCE IMPOSITION OF THE STATE OF SIEGE AND PLACING GREATER URGENCY ON RESTORATION OF DEMOCRACY. HE ADDED THAT THE SUGGESTED ADDITION MAKES NO REFERENCE TO FACTORS LEADING TO THE STATE OF SIEGE.

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PAGE 03 STATE 342709

5. MCCOLM REPORTED THAT URUGUAY MAY AGREE TO CO-SPONSOR THE RESOLUTION AND THAT ACCORDING TO AN INFORMAL HEAD COUNT, VENEZUELA HAS ENOUGH VOTES TO ENSURE PASSAGE OF THE RESOLUTION. MCCOLM URGED THAT THE U.S. SUPPORT THE INITIATIVE AND TAKE AS ACTIVE AN APPROACH ON HUMAN RIGHTS QUESTIONS IN THE OAS AS WE HAD IN THE UNHRC LAST MARCH.

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6. MCCOLM ASSERTED THAT THE CHILE RESOLUTION WOULD ESTABLISH AN IMPORTANT PRECEDENT THAT COULD AFFECT WHETHER A SEPARATE RESOLUTION ON NICARAGUA COULD PASS IN NEXT YEAR'S GENERAL ASSEMBLY. (THE IAHRC IS SCHEDULED TO PREPARE SPECIAL REPORTS NEXT YEAR ON NICARAGUA AND PARAGUAY.) FOR THAT REASON, ACCORDING TO MCCOLM, MEXICO HAS DECLINED TO SUPPORT THE RESOLUTION ON CHILE. APPARENTLY, MEXICO IS ALSO CONCERNED BY THE CURRENT DRAFT'S FOCUS ON DEMOCRACY. MCCOLM ALSO STATED THAT THE SPONSORS WERE NOT SOLICITING MEXICAN CO-SPONSORSHIP OUT OF DEFERENCE TO THE U.S.

7. IN RESPONSE, THE U.S. OFFICIALS WITH WHOM MCCOLM AND POBLETE MET AGREED TO TAKE A CLOSE LOOK AT THE RESOLUTION TEXT AND CONSIDER CAREFULLY THE ISSUES RAISED BY SUCH AN

INITIATIVE.

8. BEGIN TEXT OF DRAFT RESOLUTION ON CHILE:

QUESTION OF HUMAN RIGHTS IN CHILE

THE GENERAL ASSEMBLY,
NOTING:
THE ANNUAL REPORT OF THE INTER-AMERICAN COMMISSION OF HUMAN RIGHTS:
CONSIDERING:
--THAT IN ITS ANNUAL REPORT, THE INTERAMERICAN COMMISSION OF HUMAN RIGHTS INDICATES THAT DURING THE PERIOD COVERED
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PAGE 04 STATE 342709

BY THE SAID REPORT, THE SITUATION OF HUMAN RIGHTS IN CHILE HAS WORSENED WITH RESPECT TO THE SITUATION AS IT WAS DESCRIBED IN THE REPORT ON THE SITUATION OF HUMAN RIGHTS IN CHILE, 1985 (OAS/SER. L/V/II/66).

-THAT THE COMMISSION, IN ITS ANNUAL REPORT, EXPRESSES ITS CONCERN AT THE FACT THAT PEACEFUL SOLUTIONS BASED ON PROMOTING THE EXERCISE OF REPRESENTATIVE DEMOCRACY AS A WAY TO OVERCOME THE PROBLEMS FACED BY CHILEAN SOCIETY, SEEM TO BE LOSING GROUND VIS-A-VIS THE ACTIVITIES OF POLITICAL EXTREMISTS WHICH HAVE TURNED THEMSELVES TO

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VIOLENCE. THE COMMISSION BELIEVES THAT THE ABOVE MENTIONED DEVELOPMENT CANNOT BUT RESULT IN FURTHER DETERIORATION OF THE SITUATION OF HUMAN RIGHTS IN CHILE.

-THAT THE CHARTER OF THE ORGANIZATION OF AMERICAN STATES RELATES THE LOFTY GOALS OF SOLIDARITY AMONG THE AMERICAN STATES TO A POLITICAL ORGANIZATION OF THE SAID STATES BASED UPON THE EFFECTIVE EXERCISE OF REPRESENTATIVE DEMOCRACY.

RESOLVES:

--TO CALL UPON THE GOVERNMENT OF CHILE TO USE THE INSTITUTIONAL MECHANISMS TO RESTORE, AT THE EARLIEST POSSIBLE TIME, THE FULL EXERCISE OF REPRESENTATIVE DEMOCRACY, WHICH IS THE BEST GUARANTEE TO ENSURE RESPECT FOR HUMAN RIGHTS AND TO REAFFIRM THE RELATIONS OF SOLIDARITY AMONG THE COUNTRIES OF THE HEMISPHERE AS WELL.
WHITEHEAD

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P860151-2392

Chile Project (#S199900030)

U.S. Department of State

United States Department of State

Washington, D.C. 20520

Release X Excise ____ Deny ____

Declassify: In Part ____ In Full ____

Exemption(s) ____

November -3, 1986

Dear Mr. St Germain:

We have received your letter to Secretary of State Shultz of October 2, 1986 concerning our policy toward international financial institution loans to Chile. We appreciate your sharing your views with us on this important issue. In your letter you suggest that the United States Government oppose upcoming Chilean International Financial Institution (IFI) loans in accordance with Section 701 of the International Financial Institutions Act.

We share your strong concern over human rights conditions in Chile. We have made known, both publicly and privately, our views favoring increased respect for human rights and a peaceful democratic transition. When Assistant Secretary of State Elliott Abrams appeared before the House Banking Subcommittee on Development and International Financial Institutions on July 30, he testified in detail regarding the serious, persistent problems in Chile in the area of human rights. He also specifically mentioned the tragic burnings of Rodrigo Rojas and Carmen Quintana, calling for all those guilty of this terrible crime to be brought to justice. Mr. Rojas was a Chilean citizen with permission to reside legally in the U.S.

Mr. Abrams also stated on July 30 that in view of his assessment of the human rights situation in Chile and taking into account section 701 of the International Financial Institutions Act, he personally would recommend that the U.S. oppose World Bank and other International Financial Institution loans to Chile, except for those meeting basic human needs, were a vote to be taken at that particular time. Mr. Abrams noted that a final decision would not be made regarding our posture toward any upcoming Chilean loans until closer to the time of a vote, now expected in November. Mr. Abrams noted that other U.S. officials would be involved in making this decision, in particular, the Treasury Department, which gives voting instructions to the U.S. Executive Directors in the IFIs.

The aforementioned legislation requires the Executive to examine the human rights situation carefully, in addition to the economic rationale, in determining our votes on loans in the multilateral institutions. Our policy is to review each

The Honorable
Fernand J. St Germain,
House of Representatives.

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loan separately and consider the situation in a particular country as it exists close to the time the loans are scheduled to be reviewed by the executive boards. We have used our loan votes in the past to promote human rights improvements and movement toward democracy, and we will be weighing that important consideration and your own views, as well of those of other Members of Congress, very carefully.

I hope the foregoing has been of value.

With best wishes,

Sincerely,

J. Edward Fox
Assistant Secretary
Legislative and Intergovernmental Affairs

UNCLASSIFIED

FAIM

Draft:ARA/SC:LKusnitz
10/15/86:647-2296
7679B
ARA# 86-3131, FAIM# 1280266

Clearances:ARA/SC:DWCox
ARA:
ARA/ECP:CHeileman
HA/HR:KBarmon (subs)
L/HRR:DBedansky (subs)
L/ARA:KVanderbilt (subs)
EB/ODF:RMarin (subs)
Treasury:NCoar (subs)

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Case Number: S199900030

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PAGE 01 CARACA 10806 062117Z
ACTION SS-00

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FM AMEMBASSY CARACAS
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INFO AMEMBASSY MADRID

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

C O N F I D E N T I A L CARACAS 10806

~~EXDIS~~

DECAPTIONED

E.O. 12356: DECL:OADR
TAGS: PREL, EFIN, PHUM, CI
SUBJECT: MDB LOANS TO CHILE

REF: STATE 335208

1. (C-ENTIRE TEXT).

2. ACTION MESSAGE - SEE PARA 5.

3. DURING NOVEMBER 4 CALL, AMBASSADOR DISCUSSED WITH FOREIGN MINISTER CONSALVI OUR POSITION ON MDB LOANS TO CHILE. THE AMBASSADOR INFORMED CONSALVI THAT THE US WILL ABSTAIN ON THE NEXT LOAN IN THE WORLD BANK. GIVEN VENEZUELA'S MORAL AUTHORITY, WHAT VENEZUELA DOES IS IMPORTANT IN THE HEMISPHERE, THE AMBASSADOR SAID, AND WE HOPE THE GOV WILL JOIN US IN ABSTAINING ON THE LOAN. THE AMBASSADOR NOTED THAT OUR INTENT IS AN EXPRESSION OF DISAPPROVAL OF PINOCHET'S POLICIES, NOT ACTUAL DISAPPROVAL OF THE LOAN.

4. CONSALVI SAID HE WOULD HAVE TO LOOK INTO
CONFIDENTIAL

PAGE 02 CARACA 10806 062117Z

THE MATTER. VENEZUELA'S REPRESENTATIVE IN THE BANK WAS AT PRESENT IN CARACAS. ONE POINT TO KEEP IN MIND WAS THAT VENEZUELA IS AT

PRESENT REPRESENTED BY THE SPANISH EXECUTIVE DIRECTOR ON THE BOARD. CONSALVI SAID HE WOULD LET US KNOW.

-

5. COMMENT: WE NOTE THAT MADRID DID NOT RECEIVE REFTEL. IF NOT YET DONE, WE RECOMMEND THAT THIS MATTER BE URGENTLY RAISED WITH THE GOS. CONSALVI IN FACT HAS NOT YET BEEN IN TOUCH WITH US. WE ASSUME THE GOV IS IN CONSULTATIONS WITH MADRID AND OTHER LATIN AMERICAN COUNTRIES. WE GATHER BRAZIL'S POSITION MAY WELL BE NEGATIVE (STATE 347489). VENEZUELA WOULD NOT WISH TO BE ALONE ON THIS; A DECISION TO ABSTAIN BY SOME OTHER MAJOR LATIN COUNTRIES -- ARGENTINA, MEXICO, COLOMBIA, OR PERU -- WOULD BE HELPFUL HERE. ADVISE. REICH

CONFIDENTIAL

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PAGE 01 STATE 349914
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DRAFTED BY: ARA/SC:JWSWIGERT
APPROVED BY: ARA:RGELBARD
ARA/SC:DWCOX EB/ODF:JHEG(SUBS)
S/S-O: JDBINDENAGEL EUR/NE:RRODGERS(SUBS)
TREASURY:FVUKMANIC (SUBS)
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P 070820Z NOV 86
FM SECSTATE WASHDC
TO AMEMBASSY OSLO PRIORITY
INFO AMEMBASSY STOCKHOLM PRIORITY
AMEMBASSY COPENHAGEN
AMEMBASSY ROME
AMEMBASSY SANTIAGO

Chile Project (#S199900030)
U.S. Department of State
Release X Excise Deny
Declassify: In Part In Full X
Exemption(s)

C O N F I D E N T I A L STATE 349914

EXDIS

DECAPTIONED

E.O. 12356: DECL: OADR
TAGS: PREL, EFIN, PHUM, CI
SUBJECT: CHILE: CONSULTATIONS ON MDB LOANS

REF: OSLO 06053

1. CONFIDENTIAL - ENTIRE TEXT.

2. EMBASSY SHOULD MAKE CLEAR TO GON OFFICIALS (AND LEIKVANG IN PARTICULAR) THAT U.S. EFFORTS TO ENCOURAGE OTHER COUNTRIES TO ABSTAIN WITH US ON NON-BHN LOANS TO CHILE ARE BY NO MEANS INCOMPATIBLE WITH NORWAY AND THE OTHER SCANDINAVIAN COUNTRIES MAINTAINING THEIR OPPOSITION TO MDB LOANS TO CHILE BY VOTING AGAINST THESE LOANS. CONFIDENTIAL

PAGE 02 STATE 349914

WHAT THE U.S. IS TRYING TO DO IS TO ENCOURAGE EFFECTIVE ACTION IN THE MDBS ON THIS ISSUE. THERE IS CURRENTLY NO APPARENT INTERNATIONAL SENTIMENT, OUTSIDE OF THE NORDIC

GROUP AND ITALY, IN FAVOR OF VOTING AGAINST THESE LOANS. (GON MAY TAKE THEIR OWN SOUNDINGS TO CONFIRM THIS.) FYI: NO MATTER WHAT LEIKVANG MIGHT SPECULATE, THE U.S. DOES NOT HAVE THE VOTING WEIGHT TO BLOCK SUCH LOANS, EVEN HAD WE WANTED TO DO SO. END FYI.

3. IN MAKING ABOVE POINTS TO LEIKVANG AND OTHERS, EMBASSY MAY WISH TO NOTE THAT GIVEN THE GON'S APPARENTLY STRONG VIEWS ON THIS ISSUE, INSTEAD OF TAKING ISSUE WITH THE U.S. ACTION, THEY WOULD BE MORE EFFECTIVE EXPRESSING THEIR VIEWS TO EUROPEAN COUNTRIES WHICH PRESENTLY INTEND TO VOTE IN FAVOR OF MDB LOANS TO CHILE DESPITE HUMAN RIGHTS VIOLATIONS. WHITEHEAD

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<< END OF DOCUMENT >>

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ___ Deny ___
Declassify: In Part X In Full ___
Exemption(s) NR

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PAGE 01 STATE 349814 TOSEC 230077
ORIGIN SP-02

INFO LOG-00 COPY-01 ADS-00 SS-00 SSO-00 CCO-00 /003 R

DRAFTED BY: S/P:JSHATTAN:HE
APPROVED BY: S/P:RHSOLOMON
S/S:KQUINN S/S-O:JDBNDENAGEL
----------330625 070337Z /63

O 070319Z NOV 86 ZFF6
FM SECSTATE WASHDC
TO USDEL SECRETARY IMMEDIATE

~~C O N F I D E N T I A L~~ STATE 349814 TOSEC 230077

E.O. 12356: DECL: OADR
TAGS: OVIP (SHULTZ, GEORGE P.)
SUBJECT: INFORMATION MEMORANDUM: YOUR REMARKS TO OAS S/S NO.: 8634629

1. C ENTIRE TEXT.

2.
TO : THE SECRETARY
THROUGH: S - CHARLIE HILL
FROM : S/P - RICHARD H. SOLOMON
SUBJECT: YOUR REMARKS TO THE OAS

HERE IS A SUBSTANTIALLY REVISED VERSION OF YOUR REMARKS TO THE OAS GENERAL ASSEMBLY, SCHEDULED FOR DELIVERY ON NOVEMBER 11. IT REFLECTS INPUTS FROM ARA, OAS, AND INR.

[redacted] NR

~~CONFIDENTIAL~~

PAGE 02 STATE 349814 TOSEC 230077

Pages 2, 3, 4, 5, 6, 7 and 8 have been eliminated because they are entirely irrelevant.

PAGE 10 STATE 349814 TOSEC 230077

[redacted]

NR

20. THERE ARE SIGNS OF GROWING RECOGNITION OF THIS REALITY IN LATIN AMERICA. ARGENTINA, BOLIVIA, BRAZIL, CHILE, COLOMBIA, ECUADOR, MEXICO, AND URUGUAY ARE AMONG THOSE COUNTRIES THAT HAVE TAKEN MAJOR STEPS TO CONSTRUCT MORE MARKET-ORIENTED ECONOMIES, TO REDUCE INFLATION, AND

~~CONFIDENTIAL~~

CONFIDENTIAL

PAGE 11 STATE 349814 TOSEC 230077

TO ENCOURAGE ENTREPRENEURSHIP. GUATEMALA AND OTHER CENTRAL AMERICAN COUNTRIES HAVE TAKEN ENCOURAGING STEPS TOWARD STABILIZATION. IN MOST COUNTRIES, HOWEVER, MORE

WORK NEEDS TO BE DONE ON DOMESTIC REFORM. THIS REQUIRES A GENUINE COMMITMENT TO REMOVING THOSE IMPEDIMENTS THAT LIMIT GROWTH, DISCOURAGE EXTERNAL CAPITAL FLOWS AND ENCOURAGE CAPITAL FLIGHT. THE U.S. STANDS READY TO SUPPORT SUCH EFFORTS.

Pages 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21 have been eliminated because they are entirely irrelevant.

45. WE MUST ALSO AFFIRM THAT THREATS TO DEMOCRACY AND REGIONAL SECURITY ARE NOT CONFINED TO CENTRAL AMERICA.
CONFIDENTIAL

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PAGE 25 STATE 349814 TOSEC 230077

RIGHT WING DICTATORSHIPS AND MILITARY GOVERNMENTS ARE JUST AS INHERENTLY UNSTABLE AS RADICAL MARXIST REGIMES LIKE THE SANDINISTAS, AND JUST AS DANGEROUS TO THE PEACE OF THE HEMISPHERE. THOSE COUNTRIES WHICH HAVE CONSISTENTLY PURSUED THE PRINCIPLES OF DEMOCRACY, AND THOSE WHICH HAVE RECENTLY RETURNED TO THEM, HAVE AN OBLIGATION TO HASTEN A DEMOCRATIC TRANSITION IN ALL THE REMAINING NON-DEMOCRATIC NATIONS OF THE HEMISPHERE. IN OUR RECENT RELATIONS WITH CHILE, FOR EXAMPLE, WE HAVE MADE ABSOLUTELY CLEAR OUR STRONG SUPPORT FOR A PROMPT AND SUCCESSFUL RETURN TO DEMOCRATIC GOVERNMENT.

[redacted]

NR

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PAGE 26 STATE 349814 TOSEC 230077

47. THE DANGER OF FOREIGN INTERVENTION AND EXPLOITATION OF INSTABILITY IS PRESENT WHEREVER DEMOCRACY AND HUMAN RIGHTS HAVE BEEN SYSTEMATICALLY DENIED. THE RECENT DISCOVERY IN CHILE OF SEVERAL SECRET ARMS CACHES IS A VIVID BUT BY NO MEANS ISOLATED EXAMPLE. THE CACHES CONTAINED A MIXTURE OF NEW SOVIET BLOC ARMS AND OLDER AMERICAN WEAPONS. THE AMERIAN WEAPONS HAD BEEN LEFT BEHIND IN VIETNAM, AND WERE SIMILAR TO ONES THE SOVIETS AND CUBANS HAVE RECENTLY SHIPPED TO SUBVERSIVES IN COLOMBIA, EL SALVADOR, GUATEMALA, HONDURAS, JAMAICA, AND OTHER COUNTRIES OF THE REGION. SUCH INTERVENTIONS WILL CONTINUE IF WE RELAX OUR VIGILANCE, OR IF WE WAVER IN OUR SUPPORT FOR DEMOCRACY AND JUSTICE IN THE AMERICAS.

----------IV

[redacted]

Page 24 has been eliminated because it is entirely irrelevant.

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END TEXT WHITEHEAD

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EXCISE

United States Department of State

Washington, D.C. 20520

Chile Project (#S199900030)
U.S. Department of State
Release_____ Excise_Y___ Deny~~November~~ - 7, 1986
Declassify: In Part_____ In Full_____
Exemption(s)_____B6_____

Dear Mr. Gregg:

The Secretary has asked that I respond to your letter of October 2, 1986 inquiring about US policy toward Chile. Your inquiry was on behalf of your constituents who expressed concern over the human rights situation in Chile and upcoming votes on International Financial Institution (IFI) loans to Chile.

We share your constituents' strong concern over human rights conditions in Chile. We have made known, both publicly and privately, our views favoring increased respect for human rights and a peaceful democratic transition. When Assistant Secretary of State Elliott Abrams appeared before the House Banking Subcommittee on Development and International Financial Institutions on July 30, he testified in detail regarding the serious, persistent problems in Chile in the area of human rights.

Mr. Abrams also stated on July 30 that in view of his assessment of the human rights situation in Chile and taking into account section 701 of the International Financial Institutions Act, he personally would recommend that the U.S. oppose World Bank and other International Financial Institution loans to Chile, except for those meeting basic human needs, were a vote to be taken at that particular time. Mr. Abrams noted that a final decision would not be made regarding our posture toward any upcoming Chilean loans until closer to the time of a vote, now expected in November. Mr. Abrams noted that other U.S. officials would be involved in making this decision, in particular, the Treasury Department, which gives voting instructions to the U.S. Executive Directors in the IFIs.

The aforementioned legislation requires the Executive to examine the human rights situation carefully, in addition to the economic rationale, in determining our votes on loans in the multilateral institutions. Our policy is to review each

The Honorable
Judd Gregg,
House of Representatives.

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loan separately and consider the situation in a particular country as it exists close to the time the loans are scheduled to be reviewed by the executive boards. We have used our loan votes in the past to promote human rights improvements and movement toward democracy, and we may do so in the future.

In order to further aid your constituents, I am enclosing copies of the State Department's "Background Notes" on Chile and the 1985 State Department Human Rights Report on Chile. In addition, I am enclosing Assistant Secretary Elliott Abrams July 30 prepared statement before the House Subcommittee on International Development Institutions and Finance of the Banking, Finance and Urban Affairs Committee. This statement clearly lays out US foreign policy toward Chile and also addresses some of your constituents' concerns.

If we can be of any further assistance to your office in this matter please do not hesitate to contact us.

With best wishes,

Sincerely,

J. Edward Fox
Assistant Secretary
Legislative and Intergovernmental Affairs

Enclosures:
1. Correspondence returned
2. Assistant Secretary Abrams' Testimony of July 30, 1986
3. Background Notes for Chile
4. 1985 Human Rights Report

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DRAFT:ARA/SC:LKushnick
10/27/86 647-7296
7828B
ARA# 86-32190 FAIM# 3262254

Clearances:ARA/SC:DWCox
ARA:
HA/HRR:SBarmon (subs)
L/HRR:DBedansky (subs)
L/ARA:KVanderbilt (subs)
EB/ODP:RMarin (subs)
Treasury:NCoar (subs)
ARA/ECP:CHeileman (subs)

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United States Department of State

Washington, D.C. 20520

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DEPARTMENT OF STATE
X RELEASE ( ) DECLASSIFY
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FOIA Exemptions
PA Exemptions
MR Cases Only:
EO Citations
( ) CLASSIFY as ( ) S or TS authority to:
( ) DOWNGRADE TS to ( ) S or ( ) S to ( ) C
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12/3/96

November 12, 1986

Ambassador Alberto Szekely
Legal Adviser
Secretariat of Foreign Relations
Mexico, D.F., Mexico

Re: Agreement of Cooperation Between the United States of America and the United Mexican States Regarding the Transboundary Shipments of Hazardous Waste and Hazardous Substances

Dear Ambassador Szekely:

During our negotiation of the above-referenced draft agreement in which you served as Head of the Delegation of Mexico, we agreed to memorialize in letters certain understandings reached between the United States and Mexico on the interpretation to be given certain provisions contained in the proposed agreement. This letter sets forth those understandings as they relate to the commitments of the United States.

First, for the United States, the definition of "hazardous waste" contained in Article 1, subparagraph 2 exclusively refers to waste defined as hazardous under the Resource Conservation and Recovery Act ("RCRA") and implementing regulations and subject to a manifest requirement in the United States. Under RCRA and consistent with Article 3 of the draft agreement, the export of such waste from the United States is preconditioned on the prior notification and consent of the receiving country (as that term is defined in the regulations implementing section 3017 of RCRA). The term hazardous waste also does not include waste containing polychlorinated biphenyls ("PCBs") in concentrations of 50 parts per million or greater since the export from and import to the U.S. of such wastes are prohibited.

Second, under present U.S. policies, laws, and regulations, any chemical substance or mixture, as defined in the Toxic Substances Control Act ("TSCA"), 15 U.S.C. §§ 2601 et seq., and any pesticide, as defined in the Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA"), 7 U.S.C. §§ 136, et seq., which has been banned or severely restricted by the

Environmental Protection Agency under those statutes would fall within the definition of "hazardous substances" outlined in Article 1(3). At this time, insofar as U.S. laws, regulations, and policies are concerned, no additional substances are encompassed by this definition. EPA has neither banned nor severely restricted substances other than chemical substances or mixtures under TSCA or pesticides under FIFRA.

Third, under FIFRA a pesticide is banned or severely restricted when registration is cancelled or suspended for human health or environmental reasons. Under TSCA a chemical is banned or severely restricted when: a final order or permanent injunction is issued under TSCA section 5(f); a final rule is issued under TSCA section 6(a)(1), (2), (5), (6), or (7); or a final judgment is issued in a civil action under TSCA section 7.

Fourth, in the case of the United States, the information required on the U.S. manifest that accompanies the hazardous waste shipment satisfies the requirements of Article 3, subparagraph b(i) and (iii) and will be included in the notification provided to the country of import.

Fifth, in accordance with Articles 4 and 9 of the Annex the United States will allow reentry of shipments of hazardous waste and hazardous substances in compliance with domestic law where the exporter is responsible for the shipment. Further, under Article 9, the United States will readmit any shipment of hazardous substances that was not lawfully imported into Mexico when appropriate arrangements have been made with the U.S. exporter for return of the shipment and for its proper use or disposal in the United States or reexport to another country.

Sixth, the United States will comply with Article 14(2) by taking all appropriate enforcement actions against U.S. exporters who have violated U.S. laws and regulations by unlawfully exporting hazardous wastes or hazardous substances to Mexico and by providing, to the extent possible under U.S. law, appropriate information and assistance to Mexico in any action Mexico may pursue in U.S. courts against persons responsible for damage that may occur in Mexico from exports of hazardous wastes and hazardous substances.

Finally, as provided in Article 2(1), the provisions of the proposed Annex concerning transboundary shipments of hazardous waste and hazardous substances are subject to the limits of the domestic laws of the Parties. Where additional regulations authorized by U.S. domestic law would be required

to implement the provisions of the Annex, such steps will be taken prior to the issuance of the note required by Article 19 to bring the Annex into force.

Sincerely,

Michael G. Kozak
Deputy Legal Adviser
Co-Read of U.S. Delegation

(R)

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

CONFIDENTIAL

PAGE 01 SANTIA 07833 01 OF 03 121043Z
ACTION ARA-00

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FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 8767

C O N F I D E N T I A L SECTION 01 OF 03 SANTIAGO 07833

E.O. 12356: DECL: OADR
TAGS: PGOV, CI
SUBJECT: DISCUSSION WITH ACCORD COORDINATORS ZAVALA AND LENIZ

1. CONFIDENTIAL - ENTIRE TEXT.

2. SUMMARY: DURING CONVERSATION ON NOVEMBER 6 WITH VISITING SOUTHERN CONE OFFICE DIRECTOR KIM FLOWER AND POLOFF, ACCORD COORDINATORS FERNANDO LENIZ AND JOSE ZABALA EXPRESSED STRONG SUPPORT FOR A BALANCED UNGA RESOLUTION ON CHILE SPONSORED BY A GROUP OF COUNTRIES INCLUDING THE U.S. LENIZ REMAINS EMPHATICALLY AGAINST U.S. OPPOSITION TO THE IBRD SAL, WHICH HE FEELS WOULD HELP PINOCHET. BOTH HAD FEW KIND WORDS FOR THE OPPOSITION, AND AGREED WITH FLOWER THAT IT WAS AN ERROR FOR THE OPPOSITION TO REJECT THE OFFER TO DIALOGUE WITH MINISTER OF INTERIOR GARCIA. ZABALA PASSED ON A RUMOR THAT PINOCHET MAY CALL OPEN ELECTIONS IN 1987. END SUMMARY.

3. ZABALA AND LENIZ TOLD FLOWER THAT THE ECONOMY SEEMED TO BE GOING STRONGLY AND THEY REMAIN CONFIDENTIAL

CONFIDENTIAL

PAGE 02 SANTIA 07833 01 OF 03 121043Z

OPTIMISTIC. IN RESPONSE TO A QUESTION, FLOWER SAID HE WAS CERTAIN THE U.S. ELECTION OUTCOME WOULD HAVE NO EFFECT ON THE U.S. SAL VOTE, AND THAT IT WOULD HAVE LITTLE IF ANY EFFECT ON U.S. POLICY TOWARD CHILE SINCE THAT POLICY IS ALREADY BIPARTISAN. LENIZ REITERATED HIS CONCERN THAT U.S. OPPOSITION TO THE SAL VOTE WOULD PLAY INTO PINOCHET'S CHAUVINISTIC GAME, WHILE FLOWER NOTED THAT A DECISION HAD NOT BEEN MADE. IN REPLY TO A QUESTION FROM FLOWER, ZABALA AND LENIZ SAID A BALANCED UNGA RESOLUTION WHICH ENJOYED THE CO-SPONSORSHIP OF THE U.S. WITH OTHER COUNTRIES FROM THE MOMENT OF INTRODUCTION WOULD BE USEFUL. A MEXICAN-CUBAN RESOLUTION IS "LAUGHABLE" BECAUSE OF THEIR LACK OF MORAL AUTHORITY TO JUDGE CHILE. IT WOULD BE TOTALLY IGNORED BY MOST AND SIMPLY CONFIRM THE VIEW OF OTHERS THAT THE UN IS A SOVIET INSTRUMENT. ZABALA FELT STRONGLY THAT A RESOLUTION INTRODUCED SOLELY BY THE U.S. WOULD BE NEGATIVE, FOR THE U.S. WOULD APPEAR AS CHILE'S PRINCIPAL ADVERSARY AND PINOCHET WOULD EXPLOIT IT WITH NATIONALISTIC BREAST-BEATING. ON THE OTHER HAND, A RESOLUTION CO-SPONSORED WITH OTHER DEMOCRATIC COUNTRIES FROM THE OUTSET WOULD BE USEFUL. THEY DID NOT OFFER ANY VIEWS ON THE POTENTIAL EFFECTS OF U.S. OPPOSITION TO A MEXICAN-CUBAN RESOLUTION.

4. IN RESPONSE TO A QUESTION FROM FLOWER ON THE STATUS OF THE NATIONAL ACCORD, LENIZ SAID IT WAS WAITING ON THE SHELF TO BE DUSTED OFF AND IMPLEMENTED WHEN DEMOCRATIC GOVERNMENT IS INSTALLED. THE ACCORD AS A LOOSE COALITION WAS CONFIDENTIAL

CONFIDENTIAL

PAGE 03 SANTIA 07833 01 OF 03 121043Z

DEALT TERRIBLE BLOWS BY THE GOVERNMENT'S INTRACTABILITY AND THE OPPOSITION'S OWN SQUABBLES AND INEPTNESS, SAID LENIZ, AND IT IS BEST TO THINK OF IT AS A FRAMEWORK TO BE RESPECTED BY THE PARTIES IN POWER AND THE OPPOSITION DURING THE NEXT DEMOCRATIC REGIME RATHER THAN A POLITICAL OPTION ITSELF. IT IS ALSO, ZABALA NOTED, A

POSSIBLE POINT OF DEPARTURE FOR EVENTUAL NEGOTIATIONS WITH THE OPPOSITION. FLOWER COMMENTED ON THE DEEP DISAPPOINTMENT OF THE U.S. GOVERNMENT THAT THE OPPOSITION PARTIES HAD REJECTED THE CHANCE TO TALK TO GARCIA. ZABALA COULD NOT AGREE MORE, BUT LENIZ DEMURRED, NOTING THE FORM OF "DIALOGUE" PROPOSED BY PINOCHET WAS TOO HUMILIATING, ALTHOUGH THE OPPOSITION COULD HAVE FOUND A WAY TO DEAL WITH IT BY MAKING APPROPRIATE PUBLIC STATEMENTS. (COMMENT: SOCIALIST PARTY ACTING PRESIDENT JORGE MOLINA TOLD POLCOUNSELOR ON NOVEMBER 7 THAT THEY HAD TO RECOGNIZE THE NATIONAL ACCORD COALITION HAD CEASED TO EXIST DUE TO THE PRACTICAL WITHDRAWAL OF ALLAMAND'S NATIONAL UNION AND LUIS MAIRA'S CHRISTIAN LEFT. THE ONLY VIABLE COALITION, IN MOLINA'S VIEW, IS THE "13" OF THE "BASES FOR SUSTAINING DEMOCRACY". THIS VIEW IS SHARED BY NATIONAL PARTY SECRETARY GENERAL PEDRO CORREA (SEE SANTIAGO 6226 AND MEMCON OF JULY 29, 1986). END COMMENT).

5. LENIZ, BACKED BY ZABALA, THEN APPEALED TO FLOWER, HAVING JUST COME FROM WASHINGTON, TO EMPHASIZE TO OPPOSITION LEADERS THAT THE U.S. GOVERNMENT IS VERY DISTURBED BY THEIR BEHAVIOR. "THE OPPOSITION HAS EVEN MORE RESPONSIBILITY

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PAGE 01 SANTIA 07833 02 OF 03 121044Z

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TO SECSTATE WASHDC PRIORITY 8768

C O N F I D E N T I A L SECTION 02 OF 03 SANTIAGO 07833

E.O. 12356: DECL: OADR
TAGS: PGOV, CI
SUBJECT: DISCUSSION WITH ACCORD COORDINATORS ZAVALA

THAN PINOCHET FOR THE SITUATION CHILE IS IN
AND THE POOR PROSPECTS FOR THE FUTURE", SAID
LENIZ, AND ZABALA SADLY AGREED. HE THEN
LISTED THE OPPOSITION'S WELL-KNOWN PECADILLOS
(PETTY POLITICAL INFIGHTING, EXCESSIVE CONCERN
ABOUT IMAGE, DOUBLE-DEALING, PUBLIC QUARRELS AND
UNWILLINGNESS TO MAKE DIFFICULT POLITICAL DECISIONS,
PARTICULARLY WITH RESPECT TO THE COMMUNIST PARTY).
HE NOTED THAT ON THE EVENING OF NOVEMBER 5, AFTER
THE RESULTS OF THE UNIVERSITY OF CHILE STUDENT
FEDERATION (FECH) ELECTIONS WERE KNOWN, HE
LISTENED TO A NUMBER OF DEMOCRATIC ALLIANCE
REPRESENTATIVES TALKING AGAIN IN TERMS OF HOW
THE COMMUNISTS ARE NOT SO BAD AND "YOU HAVE TO
TRY TO UNDERSTAND THEM." HE AND ZABALA EXPRESSED
CONCERN THAT THE CHRISTIAN DEMOCRATIC (PDC) AND/OR
SOCIALISTS (PS) MAY REACH SOME KIND OF UNDER-THE-TABLE
DEAL WITH THE COMMUNIST-DOMINATED MDP TO SHARE THE
LEADERSHIP OF THE FECH. (RESULTS OF FECH ELECTIONS
BEING REPORTED BY SEPTEL). POLOFF REPORTED THAT
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PAGE 02 SANTIA 07833 02 OF 03 121044Z

HE HAD ALSO JUST HEARD FROM ONE SOURCE THAT THE
SO-CALLED "MOBILIZATION COMMAND" COMPRISING
REPRESENTATIVES OF THE PDC, PS, AND MDP AMONG

OTHERS IS STILL FUNCTIONING VERY DISCREETLY. FLOWER SAID HE COULD NOT AGREE MORE ABOUT THE NEED FOR THE OPPOSITION TO BECOME MORE RESPONSIBLE AND HE WOULD BE TELLING THEM THIS IN HIS MEETINGS DURING THIS VISIT.

-

(COMMENT: STUDENT SOURCES TELL US THAT IT IS EXTREMELY UNLIKELY THE PDC-PS STUDENT LEADERSHIP WILL SUCCUMB TO MDP PRESSURE TO FORM A JOINT EXECUTIVE BOARD, IN VIEW OF THE FORMER'S STRONG PUBLIC STATEMENTS RULING IT OUT. THE ACTING SECRETARY GENERAL OF THE SOCIALIST PARTY, JORGE MOLINA, AT A DINNER IN HONOR OF FLOWER, TOLD POLCOUNSELOR THAT A RUNOFF ELECTION IS NOW VIRTUALLY INEVITABLE. HE SAID HE WOULD PREFER FOR THE MDP SLATE TO PULL OUT OF THE SECOND ROUND IN ORDER FOR HIS PARTY AND THE PDC TO AVOID THE STIGMA OF WINNING A RUNOFF WITH THE SUPPORT OF CONSERVATIVE STUDENTS, BUT IT APPEARS THE MDP WILL FORCE THE ISSUE. RENE ABELIUK, PRESIDENT OF THE SOCIAL DEMOCRATIC PARTY,RETORTED THAT THE SECOND ROUND WAS THE BEST THING THAT COULD HAPPEN BECAUSE IT "CLEARS THE PANORAMA" OF WHERE EVERYBODY STANDS. IT APPEARS TO US THAT A PDC-PS DEAL WITH THE MDP IN THE FECH IS NOW UNLIKELY. END COMMENT).

-

6. ZABALA INTERJECTED THAT THE OPPOSITION'S PROBLEMS AND DIVISIONS MAY BE EXPLOITED BY PINOCHET IN UNSUSPECTING WAYS IF THE RUMOR HE HAD JUST

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PAGE 03 SANTIA 07833 02 OF 03 121044Z

HEARD IS TRUE. ACCORDING TO THE RUMOR, PINOCHET IS PLANNING TO CALL A SURPRISE OPEN PRESIDENTIAL ELECTION IN 1987, CALCULATING THAT HIS POPULARITY IS NOW AT ITS PEAK, THAT THE CHURCH IS SO INVOLVED IN THE POPE'S VISIT THAT IT WILL NOT HAVE TIME OR INTEREST IN FOCUSING ON DOMESTIC POLITICS, THAT HE CAN EXPLOIT NATIONALISTIC ATTITUDES IN THE FACE OF U.S. PRESSURE AND PROBLEMS WITH ARGENTINA AND THAT THE OPPOSITION WILL NOT BE ABLE TO UNITE AROUND A SINGLE CANDIDATE, GIVING PINOCHET

THE CHANCE TO WIN. EMBOFF COMMENTED THIS WOULD ONLY MAKE SENSE IF HE COULD OBTAIN THE JUNTA'S ASSENT TO THE IDEA TO BEGIN WITH,AND SECONDLY,TO A REVISION OF THE CONSTITUTION, AGREED TO IN A PLEBISCITE, DELETING THE SECOND ROUND AND ALLOWING VICTORY BY PLURALITY.

-

7. COMMENT: ON NOVEMBER 8 VENEZUELAN AMBASSADOR VARGAS INFORMED POLCOUNSELOR THAT HE HAD HEARD THE SAME RUMOR ABOUT POSSIBLE OPEN PRESIDENTIAL ELECTIONS IN 1987. ACCORDING TO VARGAS, HIS SOURCE HAD BEEN TOLD BY A SENIOR ACTIVE DUTY ARMY OFFICER WHO WORKED SO CLOSELY WITH THE CHIEF OF STAFF OF THE ARMY THAT PINOCHET HAS DECIDED HE CANNOT "ELEGANTLY" REPLACE THE JUNTA MEMBERS WHO OPPOSE HIS CANDIDACY FOR A PRESIDENTIAL PLEBISCITE. HIS NEXT TERM WOULD START OFF WITH THE SHADOW OF THREE SERVICES RESENTFUL OF HIM AND NO CLEARLY ACCEPTED POPULAR MANDATE. HE IS ALSO UNEASY ABOUT USING THE NATIONAL SECURITY COUNCIL SYSTEM TO SECURE THE NOMINATION THAT THE JUNTA MEMBERS WILL DENY HIM, SINCE THAT WOULD ALSO BE A TARNISHED BEGINNING. ACCORDING TO THE RUMOR, THEREFORE, HE

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PAGE 01 SANTIA 07833 03 OF 03 121044Z
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FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 8769

C O N F I D E N T I A L SECTION 03 OF 03 SANTIAGO 07833

E.O. 12356: DECL: OADR
TAGS: PGOV, CI
SUBJECT: DISCUSSION WITH ACCORD COORDINATORS ZAVALA

HAS DECIDED TO CALL AN ELECTION SHORTLY AFTER THE VISIT OF THE POPE IN APRIL, AND HE HAS THE SUPPORT OF THE ARMY FOR THIS AUDACIOUS STROKE. HE WOULD THEN USE THE ARMY AND THE POLITICAL APPARATUS BEING MOUNTED BY THE GOVERNMENT AS WELL AS MASSIVE USE OF THE MEDIA TO CARRY OUT AN INTENSE BUT SHORT CAMPAIGN THAT WILL CATCH THE OPPOSITION DIVIDED AND OFF BALANCE. THE VENEZUELAN AMBASSADOR SAID THAT HIS SOURCE INDICATED THAT THE SENIOR OFFICER WHO TOLD HIM THIS "PLAN" WAS DOING IT EITHER AS A TRIAL BALLOON OR UNBURDENING HIS CONSCIENCE ABOUT *SOMETHING WITH WHICH HE PERSONALLY DISAGREED. OUR* OWN VIEW IS THAT WHILE PINOCHET IS A MASTER OF DARING MOVES, THE RISKS OF THE PLAN GOING AWRY ARE GREATER THAN HE IS PREPARED TO FACE. END COMMENT.

BARNES

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C O N F I D E N T I A L STATE 355238

E.O. 12356: DECL: OADR
TAGS: PREL, EFIN, PHUM, PGOV, PTER, CI
SUBJECT: CHILE: CONSULTATIONS ON MDB LOAN VOTES

REF: STATE 335208

1. ACTION ADDRESSES WHO HAVE YET TO REPLY OR ARE AWAITING FURTHER HOST GOVERNMENT DELIBERATIONS, PLEASE RESPOND TO REFTEL ASAP OR PROVIDE FURTHER UPDATE ON HOST GOVERNMENT POSITION. IBRD LOAN VOTE NOW SCHEDULED FOR NOVEMBER 20. SHULTZ

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PAGE 02 STATE 355238

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NOVEMBER 13 1986

EXCISED

Dear Senator D'Amato:

Thank you for your inquiry of October 20 on behalf of [illegible] concerning Father Henehan and Father Cambias, two Maryknoll priests, and Mr. Jose Luis Aguilar, a religious lay worker. Fathers Henehan and Cambias, U.S. citizens, and Mr. Aguilar, a Mexican citizen with U.S. residency, were all detained in Chile.

Your constituent will be pleased to learn that Fathers Henehan and Cambias were released shortly after being detained. While in detention, they were visited by an American Embassy consular officer. Mr. Aguilar, detained on September 8, was released on September 13. Our Embassy in Santiago has also been in touch with Chilean authorities concerning the Fathers' visa problems. Both are now residing in Chile on temporary visas. We will continue to monitor this situation.

U.S. policy toward Chile is to support the restoration of democracy, and we have publicly and privately encouraged increased respect for human rights. By urging dialogue among all democratically-minded persons, we hope that further polarization of society in Chile can be avoided and a broadly-based democracy established.

Sincerely,

Louise R. Hoppe
Acting Assistant Secretary
Legislative and Intergovernmental Affairs

Enclosure:

Correspondence returned.

The Honorable
Alfonse D'Amato,
United States Senate.

1986 NOV 14 PM 3:31
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ICL 189 AD

PB. 6

November 16, 1986

[redacted]

USA

Ambassador Hernan Felipe Errazuriz
Embassy of Chile
1732 Massachusetts Ave. NW
Washington DC 20036

Chile Project (#S199900030)
U.S. Department of State
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Exemption(s) B6

Your Excellency --

[redacted] On 14 October 1986 in the early morning hours, this young woman was kidnapped from her house by armed men. These men arrived in cars whose license plates were covered in mud, signs. I have been told, of a clandestine arrest. Flavia's mother was beaten by the men who bore her daughter away.

Flavia Motoro Faulis is now known to be in detention at the headquarters of the security police in Santiago, Chile. I [redacted] to use your good office both to assure her immediate access to relatives and lawyers, and to guarantee her well being while in detention.

[redacted]

Yours Sincerely,

Owen Brown

CC Senator Pete Wilson
Senator Alan Cranston
Representative Sala Burton

Dear Senator Cranston —

My congratulations on your victory. I hope you will use your influence to help with this case.

OB

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11-16-86

Chile Project (#S199900030)
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PAGE 01 GUATEM 11919 01 OF 03 160300Z
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AMEMBASSY THE HAGUE
AMEMBASSY PARIS

~~C O N F I D E N T I A L~~ SECTION 01 OF 03 GUATEMALA 11919

DEPT PLEASE PASS AMREP

FROM AMBASSADOR MCCORMACK, USOAS

E.O.12356: DECL: OADR
TAGS: PHUM, OAS
SUBJECT: HUMAN RIGHTS ISSUES AT OASGA

REF: GUATEMALA 11713 (NOTAL)
1. (CONFIDENTIAL - ENTIRE TEXT.)

2. SUMMARY: OASGA ADOPTED THREE HUMAN RIGHTS RESOLUTIONS BY CONSENSUS: A) AN "OMNIBUS" RESOLUTION ENDORSES THE SPECIFIC RECOMMENDATIONS CONTAINED IN THE 1985-86 REPORT OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR) (WHICH COVERS THE HUMAN RIGHTS SITUATION IN EIGHT COUNTRIES); AND URGES OAS NATIONS WHICH HAVE NOT DONE SO TO RESTORE FREELY ELECTED DEMOCRATIC SYSTEMS OF GOVERNMENT; B) A RESOLUTION SPONSORED BY THE
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PAGE 02 GUATEM 11919 01 OF 03 160300Z

CENTRAL AMERICAN DEMOCRACIES WHICH STRENGTHENS THE LINKAGE BETWEEN DEMOCRACY, HUMAN RIGHTS, AND PEACE; C) A RESOLUTION FORWARDING THE IACHR'S SUGGESTED DRAFT ADDITIONAL PROTOCOL ON ECONOMIC, SOCIAL, AND CULTURAL RIGHTS TO GOVERNMENTS FOR COMMENT IN THE CONTEXT OF THE INTER-AMERICAN CONVENTION ON HUMAN RIGHTS (US IS NOT A PARTY). CONSIDERATION OF IACHR REPORT REVEALED A MAJORITY OF OAS MEMBERS WAS WILLING TO FORMALLY CITE COUNTRIES BY NAME AT THE OASGA FOR POOR HUMAN RIGHTS RECORDS. A CONSENSUS WAS NOT ATTAINABLE BECAUSE A NUMBER OF MEMBERS STILL LIVE IN GLASS HOUSES AND ARE RELUCTANT TO START THROWING STONES. MEXICO WAS READY TO SACRIFICE A RESOLUTION NAMING CHILE IN ORDER TO PROTECT NICARAGUA FROM OASGA CITATION FOR HUMAN RIGHTS VIOLATIONS.
AMBASSADOR MCCORMACK DELIVERED A HARD-HITTING STATEMENT CONTRASTING THE HUMAN RIGHTS RECORDS OF THE CENTRAL AMERICAN DEMOCRACIES WITH THOSE OF NICARAGUA AND CUBA, AND REITERATING US POLICY TO ENCOURAGE CHILE'S TRANSITION TO DEMOCRACY. OASGA ADOPTED A DECLARATION PRAISING GUATEMALA, AS HOST GOVERNMENT, FOR ITS RESTORATION OF DEMOCRACY. TWO RESOLUTIONS CONCERNING SURINAM'S COMMITMENT TO ESTABLISH DEMOCRATIC RULE WERE WITHDRAWN BECAUSE OF LACK OF CONSENSUS. OASGA ATTRACTED SMALL DEMONSTRATIONS BY CENTRAL AMERICAN HUMAN RIGHTS ORGANIZATIONS. END SUMMARY.

[redacted]

NR

JR

[redacted]

5. VENEZUELA SOUGHT BROADER SUPPORT FOR ITS EFFORTS TO PASS A RESOLUTION NAMING CHILE FOR HUMAN RIGHTS VIOLATIONS. VENEZUELA INFORMALLY SHOWED DELEGATIONS FROM DEMOCRATIC COUNTRIES ITS REVISED DRAFT RESOLUTION URGING ALL EIGHT COUNTRIES DISCUSSED IN THE IACHR REPORT TO IMPLEMENT THE COMMISSION'S RECOMMENDATIONS. CHILE WAS SINGLED OUT IN A SEPARATE PARAGRAPH URGING TRANSITION TO DEMOCRACY. VENEZUELAN DRAFT ALSO INCLUDED SEPARATE PARAGRAPHS RECOGNIZING PROGRESS MADE BY GUATEMALA, EL SALVADOR, AND HAITI. USDEL INFORMED VENEZUELA WE WOULD BE UNABLE TO SUPPORT ITS RESOLUTION UNTIL CONTADORA ISSUE WAS RESOLVED (WHICH DID NOT OCCUR UNTIL AFTER OASGA DEADLINES SET FOR INTRODUCING DRAFT RESOLUTIONS HAD

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PAGE 01 GUATEM 11919 02 OF 03 160241Z

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C O N F I D E N T I A L SECTION 02 OF 03 GUATEMALA 11919

DEPT PLEASE PASS AMREP

FROM AMBASSADOR MCCORMACK, USOAS

E.O.12356: DECL: OADR
TAGS: PHUM, OAS
SUBJECT: HUMAN RIGHTS ISSUES AT OASGA

PASSED.) SEVERAL OTHER DEMOCRATIC DELEGATIONS, WERE RELUCTANT IN PRINCIPLE TO ENGAGE IN "NAME-CALLING" ON HUMAN RIGHTS AND VENEZUELA THEREFORE DID NOT INTRODUCE ITS TEXT. MEXICO CLEARLY WAS PREPARED TO SACRIFICE A RESOLUTION NAMING CHILE IN ORDER TO PROTECT NICARAGUA FROM OASGA CITATION FOR HUMAN RIGHTS VIOLATIONS. NICARAGUA'S PLANS TO INTRODUCE A RESOLUTION TO HAVE OAS ENDORSE THE ICJ DECISION WERE NEUTRALIZED BY PERSISTENT RUMORS THAT U.S. WOULD SUPPORT RESOLUTION CITING NICARAGUA AND OTHERS NAMED IN IACHR REPORT.

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Page 5 has been eliminated because it is entirely irrelevant.

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PAGE 01 GUATEM 11919 03 OF 03 160243Z
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~~C O N F I D E N T I A L~~ SECTION 03 OF 03 GUATEMALA 11919

DEPT PLEASE PASS AMREP

FROM AMBASSADOR MCCORMACK, USOAS

E.O.12356: DECL: OADR
TAGS: PHUM, OAS
SUBJECT: HUMAN RIGHTS ISSUES AT OASGA

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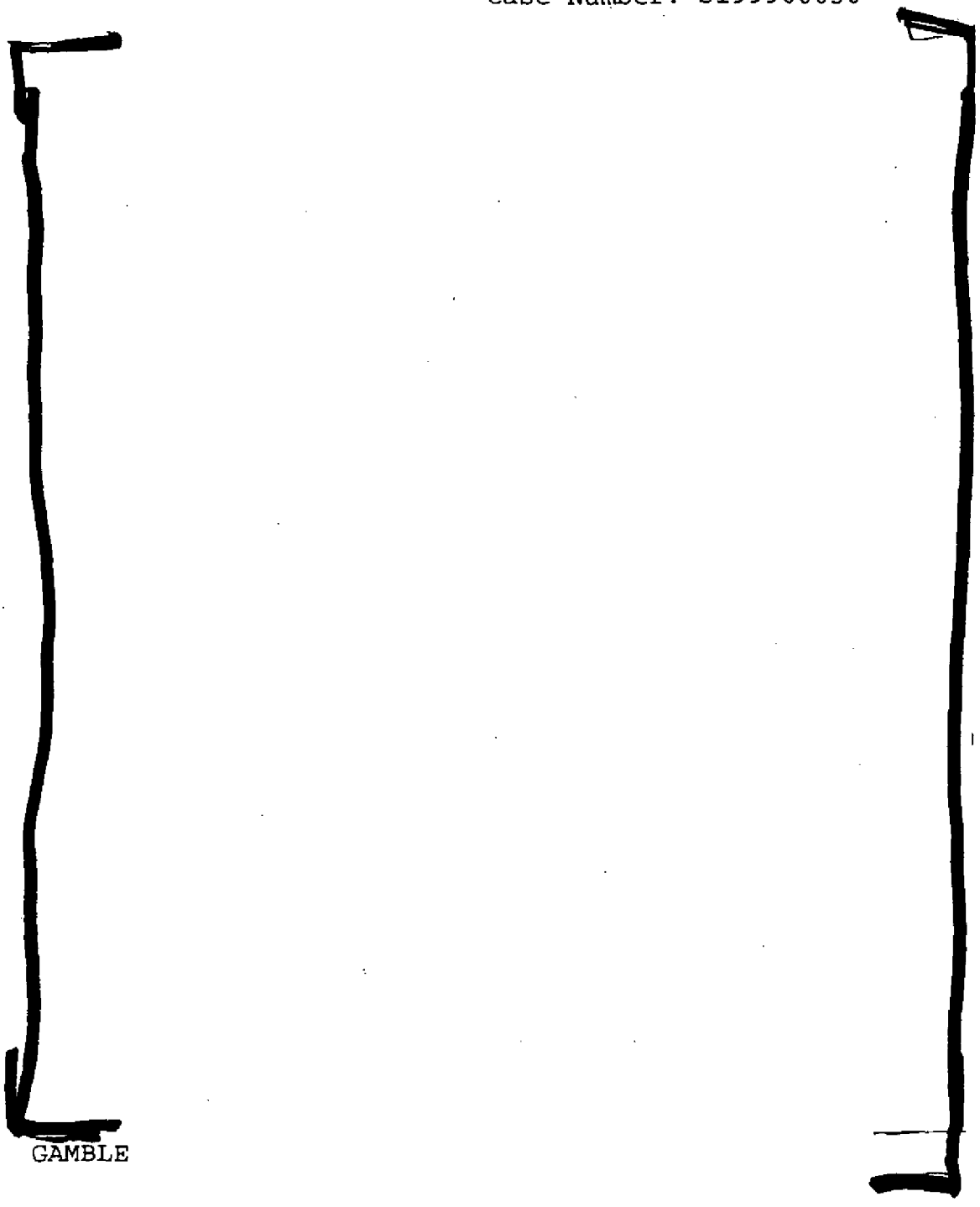

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U.S. Department of State
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LIMITED OFFICIAL USE GENEVA 10556

E.O. 12356: N/A
TAGS: PHUM, UNHRC, AORC, CI
SUBJECT: 43RD SESSION OF HUMAN RIGHTS COMMISSION: HEADS-UP ON AGENDA ITEM ON CHILE

1. HUMAN RIGHTS CENTER STAFFER MS. BRUNA MOLINA CALLED POLCOUNS NOVEMBER 17 TO ASK IF USG WAS STILL INTERESTED IN HAVING THE 43RD SESSION AGENDA ITEM NO. 5 (ON CHILE) SUBSUMED IN ITEM NO. 12 (ON HUMAN RIGHTS ABUSES ANYWHERE). AMBASSADOR SCHIFTER HAD INDICATED THAT PREFERENCE AT THE CLOSE OF THE 42ND SESSION.

2. ASSURED THAT THE USG WOULD INDEED SEEK TO HAVE THIS ANOMALY CORRECTED, MS. MOLINA SUGGESTED THE USG HAVE READY A WRITTEN REQUEST THAT THE CHANGE BE CONSIDERED AT THE OPENING OF THE 43RD SESSION. A LETTER FROM CHARGE FLACK TO HUMAN RIGHTS CENTER DIRECTOR HERNDL SHOULD SUFFICE, SHE SUGGESTED. THE LETTER SHOULD BE SUBMITTED ASAP AFTER RECEIPT BY THE MISSION OF THE TENTATIVE AGENDA, WHICH SHOULD OCCUR AROUND DECEMBER 5. MS. MOLINA CAUTIONED THAT COMMISSION PROCEDURES REQUIRED THAT SUCH REQUESTS BE RECEIVED IN WRITING SIX WEEKS
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BEFORE THE SESSION CONVENED (NOW SCHEDULED FOR FEBRUARY 2, 1987).

3. ACTION REQUESTED: MISSION WILL SEND LETTER AS SOON AS TENTATIVE AGENDA IS RECEIVED. MISSION WOULD APPRECIATE TIMELY INSTRUCTION IF DEPARTMENT WISHES ANY MATERIAL ADDITIONAL TO THE SIMPLE PROCEDURAL REQUEST INCLUDED IN THE LETTER. FLACK

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C O N F I D E N T I A L THE HAGUE 08746

E.O. 12356: DECL: OADR
TAGS: EFIN, PREL, PHUM, NL
SUBJECT: DUTCH DECISION TO ABSTAIN ON WORLD
- BANK VOTE ON STRUCTURAL LOAN FOR CHILE

REF: A. STATE 335208 B. THE HAGUE 8723

1. CONFIDENTIAL - ENTIRE TEXT.

2. CONFIRMING INDICATIONS REPORTED REF B THAT THE NETHERLANDS WOULD ABSTAIN IN VOTING ON THE FORTHCOMING WORLD BANK LOAN TO CHILE, THE FOREIGN MINISTRY HAS NOTIFIED US OF THE GON DECISION TO ABSTAIN. THE DECISION WAS TAKEN BY THE THREE RESPONSIBLE MINISTERS: FINANCE MINISTER RUDING, FOREIGN MINISTER VAN DEN BROEK AND MINISTER OF DEVELOPMENT COOPERATION BUKMAN. THE MFA FURTHER INFORMED US THAT THE NETHERLANDS MAY MAKE A STATEMENT EXPLAINING ITS DECISION TO ABSTAIN AS BASED ON THE INSTABILITY IN CHILE DUE TO CONTINUED HUMAN RIGHTS VIOLATIONS.
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UNCLAS SANTIAGO 07976

E.O. 12356: N/A
TAGS: EFIN, PGOV, PINR, CI
SUBJ: POLITICAL OPPOSITION AND THE STRUCTURAL ADJUSTMENT LOAN

1. SUMMARY: ANDRES ALLAMAND, HEAD OF THE CONSERVATIVE NATIONAL UNION MOVEMENT, RECENTLY CALLED ON OTHER OPPOSITION LEADERS TO PUBLICLY STATE THEIR POSITIONS ON THE UPCOMING WORLD BANK STRUCTURAL ADJUSTMENT LOAN (SAL). IN RESPONSE, TWO PARTY REPRESENTATIVES JOINED ALLAMAND IN SUPPORTING THE GOC POSITION, WHILE THREE OTHERS EITHER ANSWERED THAT THE SAL IS ONLY ONE OF SEVERAL QUESTIONS AND CAN'T BE STUDIED IN ISOLATION, OR QUESTIONED WHETHER THE "SAL PROBLEM" IS ONE OF OUTSIDE PRESSURES OR OF GOC ACTIONS WHICH CREATE PROBLEMS FOR THE CHILEAN PEOPLE. END SUMMARY.

2. LAST WEEK, THE PRESIDENT OF THE CONSERVATIVE OPPOSITION PARTY NATIONAL UNION MOVEMENT, ANDRES ALLAMAND, STATED HIS OWN PARTY'S OPPOSITION TO EXTERNAL (READ US) USE OF THE WORLD BANK SAL FOR POLITICAL PURPOSES AND CHALLENGED THE OTHER OPPOSITION PARTIES TO PUBLICLY STATE THEIR POSITIONS. IN RESPONSE, OFFICERS OF SIX PARTIES (NATIONAL, SOCIAL CHRISTIANS, SOCIAL
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PAGE 02 SANTIA 07976 172005Z

DEMOCRATS, RADICALS, SOCIALISTS, AND CHRISTIAN DEMOCRATS) PUBLICLY ADDRESSED THE QUESTION. CARMEN SAENZ IS PRESIDENT OF THE NATIONAL PARTY AND ONE OF THE LEADERS, ALONG WITH ALLAMAND, OF CONSERVATIVE PARTIES IN THE OPPOSITION COALITION KNOWN AS THE NATIONAL ACCORD FOR A TRANSITION TO FULL DEMOCRACY. MS. SAENZ SAID SHE OPPOSED THE DENIAL OF FINANCING AND DISCRIMINATORY TREATMENT OF CHILE. SHE ADDED "THE NATIONAL PARTY HAS MAINTAINED A CLEAR POLICY THAT WE BELIEVE ANY MEASURE AGAINST CHILE WILL BE NOT ONLY AGAINST CHILE BUT AGAINST ITS PEOPLE."

3. PRO-GOVERNMENT, SOCIAL CHRISTIAN WILLIAM THAYER STATED THAT ALLAMAND'S QUESTION WAS ENTIRELY LEGITIMATE AND THAT HIS PARTY BELIEVES THAT WORLD BANK CREDITS SHOULD BE CONSIDERED WITHOUT ANY POLITICAL CONDITIONS, AS DID ALLAMAND. SOCIAL DEMOCRAT RENE ABELIUK ACCUSED ALLAMAND OF ATTEMPTING TO TAKE POLITICAL ADVANTAGE OF CHILEAN CONCERNS ABOUT THE SAL AND SAID THE QUESTION WAS POINTLESS, SINCE "IT IS ALREADY KNOWN WHAT WILL OCCUR WITH THESE CREDITS." ABELIUK ASSERTED THAT THE REAL QUESTION WAS NOT THE SAL, BUT RATHER BROADER PROBLEMS SUCH AS HUMAN RIGHTS VIOLATIONS AND WHETHER THE COUNTRY SHOULD CONTINUE CURRENT ECONOMIC POLICIES WHICH HE CHARACTERIZED AS "PAYING FOREIGN CREDITORS AT ALL COSTS." SOCIALIST RICARDO LAGOS SIMILARLY AVOIDED A DIRECT RESPONSE TO ALLAMAND'S QUESTION AND CHALLENGED ALLAMAND TO STATE HIS POSITION ON A VARIETY OF GOC ECONOMIC POLICIES OPPOSED BY THE SOCIALIST PARTY, INCLUDING GOC GUARANTEE ON PRIVATE DEBT, INTERNAL CREDIT PRIVATIZATION, AND INTERNAL INCOME DISTRIBUTION POLICY. RADICAL PARTY VICE PRESIDENT CARLOS GONZALEZ SAID THAT "WE ARE NOT DISPOSED TO SUPPORT FOREIGN CREDITS THAT JEOPARDIZE NATIONAL PATRIMONY, THAT ARE EMPLOYED TO
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PAGE 03 SANTIA 07976 172005Z

OBTAIN INSTRUMENTS OF REPRESSION AND FAVOR AN UNJUST DISTRIBUTION OF INCOME." CHRISTIAN DEMOCRAT GENARO ARRIAGADA SAID THAT EVERY RESPONSIBLE POLITICAL LEADER WOULD AGREE THAT DEFEAT OF THE SAL WOULD CAUSE ENORMOUS DAMAGE TO THE CHILEAN ECONOMY, BUT SUGGESTED THAT ALLAMAND MIGHT BETTER HAVE DIRECTED HIS CHALLENGE TO GOC FOREIGN MINISTER DEL VALLE SO THAT CHILEANS MIGHT LEARN

THE TRUTH ABOUT THE CAUSE OF THE RISK TO THE SAL. ARRIAGADA WENT ON TO SAY THAT HE WOULD SUPPORT THE GOC IF THE OBSTACLE TO THE SAL WAS IN FACT THE US AND EUROPEAN GOVERNMENTS, BUT WOULD ACCUSE THE GOC OF "PUTTING THE LOGIC OF AUTHORITARIANISM ABOVE THE INTERESTS OF THE NATION" IF THE PROBLEM WERE THE RESULT OF GOC REFUSAL TO ACCEPT PRINCIPLES THAT ARE PART OF CHILEAN HISTORY.

4. NONE OF THE RESPONSES TO ALLAMAND WAS EARTH-SHAKING. HOWEVER, THE CHRISTIAN DEMOCRATS AT LEAST RESPONDED DIRECTLY AND, PERHAPS FOR THE FIRST TIME IN THE INTERNAL CHILEAN DEBATE, POINTED OUT THAT THE QUESTION IS NOT JUST POLITICAL INFLUENCES ON THE WORLD BANK, BUT ALSO GOC POLICIES THAT MIGHT EXPLAIN OR JUSTIFY SUCH INFLUENCES. JONES

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Case Number: S199900030

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Chile Project (#S199900030)
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PAGE 01 SANTIA 07975 172005Z
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INFO AMEMBASSY THE HAGUE PRIORITY
AMEMBASSY CARACAS PRIORITY

C O N ~~F~~ I D E N T I A L SANTIAGO 07975

E. O. 12356: DECL:OADR
TAGS: PHUM, NL, VE, CI
SUGJ: DUTCH AND VENEZUELAN EMBASSIES GRANT
- ASYLUM TO STUDENTS SOUGHT BY AUTHORITIES

REF: (A) SANTIAGO 7045 (B) THE HAGUE 8725
1. (U) PRESS REPORTS NOVEMBER 13 INDICATE THAT TWO STUDENTS, ALEJANDRO GUILLERMO MUNOZ GUTIERREZ AND PEDRO FERNANDO HENRIQUEZ ALFARO, ENTERED THE DUTCH EMBASSY IN SANTIAGO AT NOON NOVEMBER 12, AND THAT THEY ARE REMAINING IN THE EMBASSY AS "GUESTS" OF THE DUTCH GOVERNMENT. THE TWO ARE REPORTEDLY BEING SOUGHT BY THE MINISTRY OF INTERIOR, AND HAVE ARREST WARRANTS AGAINST THEM. MUNOZ IS A LAW STUDENT AND FORMER SECRETARY OF THE STUDENT FEDERATION AT THE UNIVERSITY OF CHILE'S VALPARAISO CAMPUS. HENRIQUEZ IS PRESIDENT OF THE CHEMISTRY STUDENTS ASSOCIATION AT THE SAME UNIVERSITY. IT IS REPORTED THAT THE TWO ENTERED THE EMBASSY TO PROMPT INTERNATIONAL PRESSURE FOR THE RELEASE OF LEADERS OF THE VALPARAISO STUDENT FEDERATION BEING HELD BY SECURITY FORCES. THIS
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PAGE 02 SANTIA 07975 172005Z

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REPORT HAS BEEN CONFIRMED BY THE DUTCH EMBASSY. IT IS FURTHER REPORTED THAT THE TWO INTEND TO REMAIN INSIDE THE EMBASSY INDEFINITELY.

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2. (U) THERE ARE FOUR UNIVERSITY STUDENT LEADERS REPORTEDLY BEING HELD BY THE AUTHORITIES IN VALPARAISO, AND ANOTHER 19, INCLUDING MUNOZ AND HENRIQUEZ, ARE BEING SOUGHT FOR DETENTION.

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3. (C) CHARGE WAS INFORMED DURING A LUNCH MEETING WITH THE EC REPRESENTATIVES ON NOVEMBER 12 THAT THE DUTCH AMBASSADOR HAS BEEN INSTRUCTED NOT TO EJECT ANYONE WISHING TO REMAIN IN THE EMBASSY. HE MAY ASK THEM TO LEAVE BUT CANNOT OBLIGATE THEM TO DO SO. THIS FOLLOWS THE FUROR GENERATED BY THE INCIDENT IN EARLY SEPTEMBER WHEN THE DUTCH CHARGE ATTEMPTED TO ASSIST FOUR STUDENTS TO LEAVE THE EMBASSY UNDER AN AGREEMENT REACHED WITH THE MINISTRY OF FOREIGN AFFAIRS, BUT WAS THEN FORCIBLY STOPPED AND THE STUDENTS REMOVED FROM HIS CAR.

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THE GOC HAS STATIONED ADDITIONAL UNIFORMED AND PLAINCLOTHES POLICE OUTSIDE ALL EMBASSIES IN SANTIAGO (EXCEPT THE U.S.) PRECISELY IN ORDER TO STOP ASYLUM SEEKERS. THE DUTCH WOULD ALSO LIKE TO HALT THE FLOW OF UNINVITED GUESTS, AND PLAN TO BUILD THE WALL AROUND THEIR CHANCERY HIGHER. BUT THE WALL IS NOT YET BUILT AND BY COMING IN THROUGH THE REAR OF THE PROPERTY THE STUDENTS EVADED THE POLICE. TURNING OFF THE AIR-CONDITIONING, AS SUGGESTED BY THE DUTCH OFFICIAL IN REF B, IS UNLIKELY TO HELP; SANTIAGO TEMPERATURES RARELY GO ABOVE THE '80'S. AS THE GOC IS UNLIKELY CONFIDENTIAL

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PAGE 03 SANTIA 07975 172005Z

TO DROP THE DETENTION ORDER ANYTIME SOON (AS IN THEIR VIEW THIS WOULD ONLY ENCOURAGE ASYLEES), THE DUTCH ARE LIKELY TO HAVE THEIR GUESTS FOR QUITE SOME TIME.

4. (U) ON NOVEMBER 12 ANOTHER STUDENT LEADER DAUNO TOTORO, WAS ACCEPTED BY THE VENEZUELAN EMBASSY AS A "GUEST." TOTORO,AN ACTIVIST IN THE

COMMUNIST PARTY YOUTH WING, HAS BEEN DETAINED ON SEVERAL OCCASIONS THIS YEAR, AND IT IS UNDERSTOOD THAT ANOTHER ORDER FOR HIS DETENTION HAS BEEN ISSUED BY THE MINISTRY OF INTERIOR. THE ANNOUNCEMENT OF HIS RESIDENCE IN THE VENEZUELAN EMBASSY WAS MADE ON NOVEMBER 14 BY THE MINISTRY OF FOREIGN AFFAIRS.

5. COMMENT: CONTINUED CLASHES BETWEEN THE AUTHORITIES AND STUDENTS IN THE UNIVERSITIES MAY CAUSE MORE LEADERS TO SEEK ASYLUM. JONES

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Case Number: S199900030

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Chile Project (#S199900030)
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PAGE 01 MEXICO 24172 172346Z
ACTION ARA-00

INFO LOG-00 COPY-01 ADS-00 AID-00 EB-08 COME-00 SSO-00
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FM AMEMBASSY MEXICO
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C O N F I D E N T I A L MEXICO 24172

E.O. 12356: DECL:OADR
TAGS: PREL, EFIN, PHUM, PGOV, PTER, CI
SUBJECT: CHILE: CONSULTATIONS ON MDB LOAN VOTES

REF: STATE 355238

1. C - ENTIRE TEXT.

2. ON FRIDAY, OCTOBER 31, ECONCONS MADE DEMARCHE ON MEXICAN UNDERSECRETARY FOR MULTILATERAL ECONOMIC AFFAIRS FOLLOWING TALKING POINTS CONTAINED IN REFTEL. GOM RESPONSE WAS THAT IT WAS CONTRARY TO THEIR LONG ESTABLISHED POLICY TO MAKE ANY ECONOMIC ASSISTANCE OR LOANS "CONDITIONAL ON POLITICAL POSITIONS". EMBOFF RECEIVED STRONG IMPRESSION THAT GOM HIGHLY UNLIKELY TO ABSTAIN IN IBRD LOAN ALTHOUGH THERE MAY BE SOME COMMENTS EXPLAINING THEIR VOTE IF A STRONG SIGNAL IS GIVEN BY OTHER EXECUTIVE DIRECTORS. (DRAFTED:A/DCM: RHMOREFIELD) PILLIOD

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PASS AMBASSADOR HABIB

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E.O. 12356: DECL:OADR

TAGS: PREL, FR, US, XK

SUBJECT: HABIB, BARIANI DISCUSS CENTRAL AMERICA

1. [redacted] - ENTIRE TEXT.

2. SUMMARY. QUAI STATE SECRETARY FOR FOREIGN AFFAIRS DIDIER BARIANI MET WITH AMBASSADOR PHILIP HABIB NOVEMBER 19 FOR A DISCUSSION OF US POLICY ON THE CONTADORA PROCESS AND AID TO THE CONTRAS. BARIANI SAID HE WAS RESPONSIBLE FOR IMPLEMENTING THE REVERSAL OF GOF POLICY FROM OPPOSITION TO SUPPORT OF THE US. HABIB ACKNOWLEDGED THAT WE WERE PLEASED WITH THIS CHANGE. HE EXPLAINED WE STILL SUPPORTED THE CONTADORA PEACE PROCESS, DESPITE OUR AND THE CENTRAL AMERICAN DEMOCRACIES' FRUSTRATION WITH THE JUNE 6 DRAFT. WE AND THE DEMOCRACIES FELT THE CONTADORA GROUP, PARTICULARLY MEXICO, SHOULD ALLOW THE CENTRAL AMERICANS THEMSELVES TO TAKE THE CENTRAL ROLE, AND NOT DICTATE TO THEM, AND SHOULD CONSULT WITH THE DEMOCRACIES, NOT JUST NICARAGUA. HABIB THEN SAID THE FOCAL POINT FOR US NOW WAS WHAT THE CONTRAS WERE DOING. NEW OPERATIONS WERE BEGINNING, AND WE WOULD SEE THE RESULTS IN FOUR TO SIX MONTHS. SUCCESS WOULD BE MEASURED IN THE DEGREE OF PRESSURE BROUGHT ON THE SANDINISTAS. THUS WE WERE

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PURSUING A TWO-TRACK POLICY OF CONTRA PRESSURE AND CONTADORA DIPLOMACY. END SUMMARY.

3. BARIANI CLAIMED RESPONSIBILITY FOR IMPLEMENTING CHIRAC AND RAIMOND'S CHANGES IN GOF POLICY TOWARD CENTRAL AMERICA. CHIRAC AND RAIMOND REDIRECTED FRENCH AID AWAY FROM NICARAGUA TO THE CENTRAL AMERICAN DEMOCRACIES. CHIRAC PUBLICLY ACKNOWLEDGED THE ALLIES SHOULD EXPRESS SOLIDARITY WITH US BECAUSE OF OUR STRONG INTERESTS IN THE REGION. HABIB SAID WE WERE AWARE OF THIS SHIFT, AND WE AND THE DEMOCRACIES WERE EXTREMELY PLEASED.

4. HABIB SAID WE STILL SUPPORTED THE CONTADORA PEACE PROCESS, WHICH WAS NOT YET DEAD. THE CENTRAL AMERICAN DEMOCRACIES WERE FRUSTRATED WITH CONTADORA. THEY THOUGHT THE JUNE 6 DRAFT ACT WAS INADEQUATE. FURTHER, THEY WANTED A CENTRAL ROLE, AND RESENTED DICTATES FROM STATES OUTSIDE THE REGION, SUCH AS MEXICO. STILL, WE NEEDED A PEACE PROCESS, AND IT WAS HABIB'S JOB TO KEEP ONE ALIVE, WHETHER IT BE CONTADORA OR A SUCCESSOR.

5. OUR FOCAL POINT NOW WAS NEW CONTRA MILITARY ACTION. THE FIRST RESULTS WOULD BE APPARENT IN FOUR TO SIX MONTHS. SUCCESS COULD BE MEASURED MANY WAYS. FOR A RELATIVELY SMALL OPERATION COSTING ONLY 100 MILLION DOLLARS, PRESSURE ALONE COULD REPRESENT SUCCESS.

6. THE IMPORTANT THING WAS THAT WE WERE PURSUING A TWO-TRACK POLICY. ONE TRACK WAS PRESSURE BY THE CONTRAS ON THE SANDINISTAS. THE OTHER WAS THE PEACE PROCESS IN THE CONTADORA FRAMEWORK. HABIB WOULD TRAVEL TO THE FOUR CENTRAL AMERICAN DEMOCRACIES, COLOMBIA AND MEXICO THAT DAY TO PURSUE THE PEACE PROCESS.

7. BARIANI ASKED ABOUT THE CONTRAS' SITUATION. HABIB SAID EIGHTEEN TO TWENTY THOUSAND FACED A SANDINISTA ARMY OF SEVENTY THOUSAND. SIX TO SEVEN THOUSAND CONTRAS WERE IN NICARAGUA NOW, AND THIS WOULD DOUBLE IN COMING MONTHS. BARIANI ASKED IF RENEWAL OF CONTRA AID DID NOT CONTRADICT HABIB'S WORK. HABIB SAID NO, BECAUSE HIS JOB WAS TO SHOW WE REMAINED OPEN TO A PEACE PROCESS. BARIANI ASKED IF HABIB WOULD VISIT MANAGUA, AND HABIB SAID NO. WE CUT OFF THE MANZANILLO TALKS WHEN IT WAS APPARENT THE SANDINISTAS WOULD DISCUSS ONLY BILATERAL ISSUES. WE WOULD TALK IF THEY WERE READY FOR DISCUSSIONS WITH THE INTERNAL AND EXTERNAL OPPOSITION.

8. HABIB SAID THE CONTADORA AND SUPPORT GROUP STATES HAD MADE KNOWN THEIR OPPOSITION TO THE CONTRA. HOWEVER, THE

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PEACE PROCESS HAS NOT BUDGED THE SANDINISTAS. THEY HAVE ONLY EXPANDED THEIR MILITARY DURING PERIODS OF PEACE. THE CONTRAS RECEIVED MUCH BAD PLAY IN THE PRESS, BUT IT WAS IMPORTANT TO SEE WHAT THE SANDINISTAS WERE DOING TO POLITICAL PARTIES, THE PRESS, THE CHURCH AND TO ANY INTERNAL OPPOSITION.

9. THE CENTRAL AMERICAN DEMOCRACIES HAD DIFFERENT VIEWS. HONDURAS AND EL SALVADOR SUPPORTED THE CONTRAS. COSTA RICA'S PRESIDENT ARIAS' ARGUMENT WAS THAT COSTA RICA FEARED NICARAGUA'S POWER, SANDINISTA OR SOMOZISTA. POLITICAL CHANGE COULD LEAD TO A REINING IN OF THIS POWER. CONSEQUENTLY ARIAS SAW AN OVERTURE TO DEMOCRATIC INSTITUTIONS--A FREE PRESS, POLITICAL PARTIES, A SYSTEM OF CHECKS AND BALANCES, THE RIGHT OF FREE SPEECH--AS HIS BEST PROTECTION. GUATEMALA SAW ITSELF AS A BRIDGE BETWEEN THE THREE OTHER DEMOCRACIES AND NICARAGUA. INTELLECTUALLY, CEREZO WERE CLOSE TO FELLOW CHRISTIAN DEMOCRATS DUARTE AND ESCONA, BUT GUATEMALA WAS UNDER PRESSURE FROM MEXICO.

10. HABIB SAID THE CENTRAL AMERICANS WANTED HIM TO GO TO EUROPE TO EXPLAIN US POLICY. FRANCE WAS NOT ONE OF THOSE WHICH NEEDED CONVINCING, BUT HE HOPED TO STOP IN PARIS IF HE MADE THIS TRIP. BARIANI SAID HABIB WOULD BE WELCOME, BUT HE WOULD PROBABLY FIND NO SUPPORT IN MOST OF EUROPE FOR US AID TO THE CONTRAS.

11. [redacted]

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E.O. 12356: DECL:OADR
TAGS: XM
SUBJECT: OFFICIAL-INFORMAL

HERE FOLLOWS THE ASSISTANT SECRETARY'S DAILY ACTIVITY
REPORT FOR NOVEMBER 18, 1986:

BEGIN ARA/SC:

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PAGE 02 STATE 360556

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(C) CHILE: UN RESOLUTION SHOWDOWN NEARS:
WHILE THE DRAFT MEXICAN RESOLUTION NOW CIRCULATING SHOWS SOME IMPROVEMENTS OVER LAST YEAR'S TEXT (WHICH WE VOTED AGAINST), THERE ARE CONTINUING PROBLEMS OF TONE AND SUBSTANCE. THE RESOLUTION DOES NOT TRACK WITH THE LATEST VOLIO REPORT; MAKES NO MENTION OF TERRORISM, THE ASSASSINATION ATTEMPT, OR THE ARMS CACHES; AND DISMISSES THE ELEMENTS OF HUMAN PROGRESS REFERRED TO IN THE VOLIO REPORT IN AN EXTREMELY COUNTERPRODUCTIVE FASHION. IO AND HA (SCHIFTER) BELIEVE THAT ABSENT CHANGES IN THE TEXT, WE WOULD HAVE NO CHOICE BUT TO VOTE NO. ACCORDING TO USUN, THE MEXICANS SO FAR HAVE FAILED TO PERSUADE ANY WEST EUROPEANS TO CO-SPONSOR. APPARENTLY, THE WEST EUROPEANS ARE WAITING TO SEE HOW WE REACT TO THE MEXICAN TEXT. THE MEXICANS APPEAR TO BE AVOIDING (DELIBERATELY) SEEKING

CO-SPONSORSHIP OF THE BLOC COUNTRIES WHICH HAVE TRADITIONALLY SUPPORTED THEIR EFFORTS. WE HAVE PREPARED

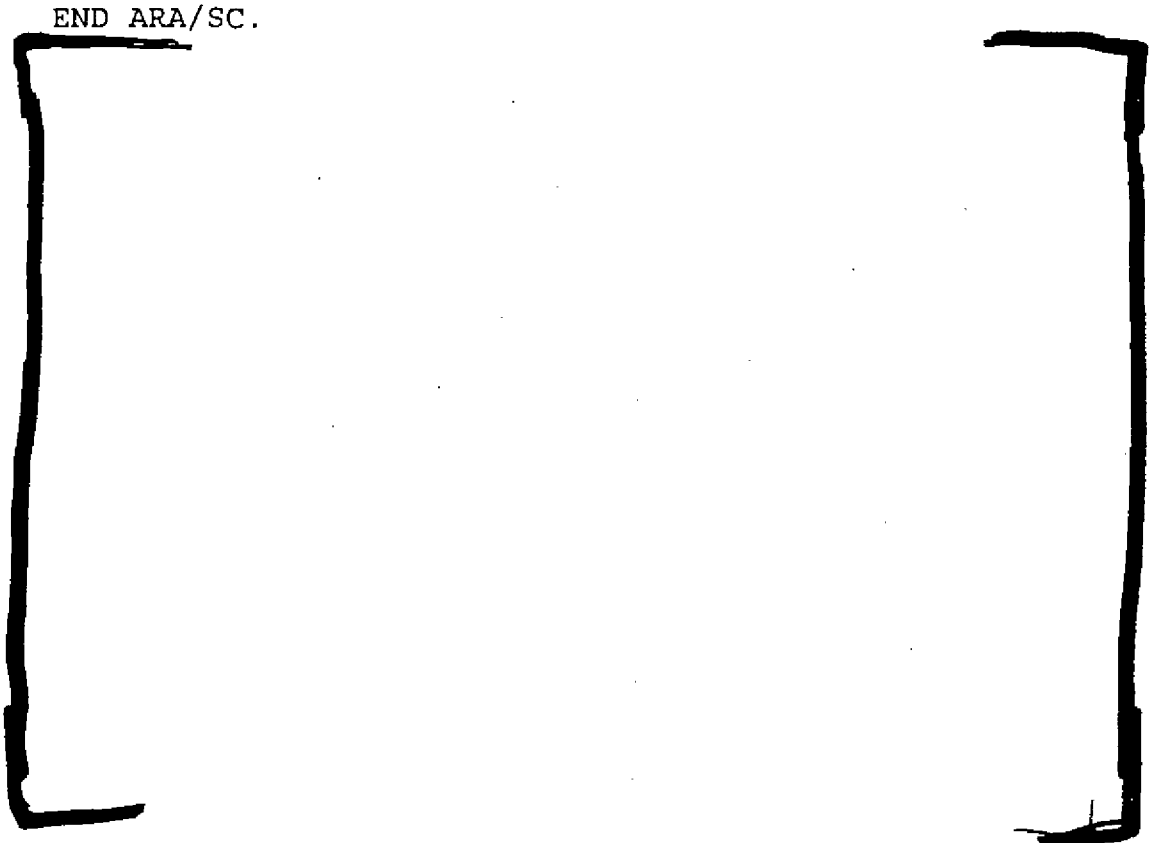
AN INSTRUCTION TO USUN ASKING THAT THEY SHARE OUR CRITICAL ANALYSIS OF THE MEXICAN TEXT WITH THE MEXICANS (WHO HAVE ASKED FOR OUR REACTION), MAXIMO PACHECO, AND THE WEOG PERMREPS. IO HAS THE CABLE FOR CLEARANCE.

(SWIGERT)

(C) CHILE: MORE COUNTRIES AGREE TO ABSTAIN ON SAL: BOTH THE NETHERLANDS AND THE FRG HAVE AGREED TO ABSTAIN ON THE SAL THURSDAY. WE BRIEFED THE CANADIAN EMBASSY ON THESE DEVELOPMENTS AND URGED THAT THEY JOIN US IN ABSTAINING. (SWIGERT)

(LOU) CHILE: CONGRESSIONAL REACTIONS TO ABSTENTION: LUNDINE STAFF UNDERSTANDING:
AT BOB GELBARD'S INSTRUCTION, WE SHOWED LUNDINE STAFFER THE TEXT OF OUR OCTOBER DEMARCHE TO CAPITALS URGING ABSTENTION, AND WE BRIEFED THE STAFFERS ON REACTION TO DATE. WHILE THEY PREDICTED THAT THERE WOULD BE CRITICISM OF THE US DECISION BY COMMITTEE DEMOCRATS, THEY SAID THAT AT THE STAFF LEVEL THERE WAS UNDERSTANDING OF THE REASONS THAT MOTIVATED THE DECISION TO OPT FOR ABSTENTION RATHER THAN A NO VOTE. STAFF DIRECTOR BARRY HAGGER ARGUED THAT REACTION TO A NO VOTE IN CHILE WOULD NOT BE AS WE FEARED, BUT AGREED THAT THIS WAS A JUDGMENT CALL. (SWIGERT)

END ARA/SC.



Pages 4, 5, 6, 7, 8, 9, 10 and 11 have been eliminated because they are entirely irrelevant.

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END ARA/CAR SHULTZ

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Chile Project (#S199900030)
U.S. Department of State
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Declassify: In Part ____ In Full X
Exemption(s) ____

PAGE 01 STATE 361814
ORIGIN IO-19

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AMEMBASSY BRASILIA
AMEMBASSY MONTEVIDEO
AMEMBASSY LIMA
AMEMBASSY BUENOS AIRES

C O N F I D E N T I A L STATE 361814

E.O. 12356: DECL: OADR
TAGS: PREL, PHUM, PGOV, UNGA, CI
SUBJECT: U.S. REACTION TO PROPOSED MEXICAN RESOLUTION ON CHILE

1. CONFIDENTIAL - ENTIRE TEXT.

2. SUMMARY: ALTHOUGH AN IMPROVEMENT IN SOME RESPECTS OVER LAST YEAR'S MEXICAN-SPONSORED RESOLUTION ON CHILE ADOPTED BY THE UNGA, THE PROPOSED MEXICAN RESOLUTION ON CHILE FOR THE UNGA THIS YEAR IS ALSO SERIOUSLY CONFIDENTIAL

PAGE 02 STATE 361814

UNBALANCED. THE US WOULD NOT BE IN A POSITION TO SUPPORT THIS RESOLUTION UNLESS SUBTANTIAL REVISIONS ARE MADE.
END SUMMARY.

3. IN SOME RESPECTS THE MEXICAN TEXT IS AN IMPROVEMENT OVER THE MEXICAN-SPONSORED RESOLUTION ON CHILE ADOPTED BY THE UNGA LAST YEAR. THE RESOLUTION, FOR THE FIRST TIME IN THE UNGA, REFERS EXPLICITLY TO THE CHILEAN GOVERNMENT, RATHER THAN TO CHILEAN AUTHORITIES. IN TERMS OF TONE, THE TEXT ALSO REPRESENTS AN ADVANCE. STRIDENT LANGUAGE STILL CHARACTERIZES THIS YEAR'S MEXICAN TEXT, ALTHOUGH NOT ON THE SCALE OF THE 1985 UNGA RESOLUTION, WHICH

EXPRESSED "INDIGNATION" AND "ALARM" OVER "SYSTEMATIC" HUMAN RIGHTS VIOLATIONS.

4. THIS IMPROVEMENT IN TONE IS EVIDENT PRINCIPALLY IN THOSE PARTS OF THE RESOLUTION WHICH WERE TAKEN DIRECTLY FROM THE US-SPONSORED UNHRC RESOLUTION ADOPTED LAST MARCH IN GENEVA. IN THIS REGARD, THE RESOLUTION INCLUDES LANGUAGE FROM THE US RESOLUTION CALLING ON THE GOVERNMENT TO (A) END TORTURE, (B) PROCEED THROUGH JUDICIAL AND ADMINISTRATIVE ACTION TO INVESTIGATE REPORTS OF HUMAN RIGHTS VIOLATIONS, (C) EFFECT SUCH REORGANIZATION OF SECURITY FORCES AS MAY BE NECESSARY TO END HUMAN RIGHTS VIOLATIONS, (D) PROVIDE FOR PROTECTION OF THE PUBLIC ORDER AGAINST ACTS OF VIOLENCE, (E) COOPERATE EFFECTIVELY WITH INVESTIGATIONS OF HUMAN RIGHTS VIOLATIONS, (F) END ACTIVITIES OF GROUPS RESPONSIBLE FOR KIDNAPPINGS, (G) REESTABLISH FULL ENJOYMENT OF LABOR RIGHTS, AND (H) RESPECT ACTIVITIES RELATED TO DEFENSE OF HUMAN RIGHTS.

5. AS WE HAVE MADE CLEAR, THE US WILL SUPPORT ONLY A CONFIDENTIAL

PAGE 03 STATE 361814

BALANCED AND CONSTRUCTIVE RESOLUTION ON CHILE. THE MEXICAN DRAFT FALLS SHORT ON BOTH COUNTS. THE RESOLUTION IS FLAWED IN SUBSTANCE AS WELL AS TONE. WE WOULD BE UNABLE TO SUPPORT THIS RESOLUTION UNLESS MAJOR, SUBSTANTIAL REVISIONS WERE MADE--REVISIONS WHICH WE DOUBT THE MEXICANS ARE WILLING TO ENTERTAIN.

6. ACTION REQUESTED: WE WANT TO MAKE CLEAR TO ALL THOSE CONCERNED THE BASIS FOR OUR OBJECTIONS TO THE TEXT. USUN THEREFORE IS AUTHORIZED TO CONVEY TO THE MEXICANS AND TO REPRESENTATIVES OF THE CHILEAN HUMAN RIGHTS COMMISSION IN NEW YORK THE FOLLOWING REACTIONS TO THE MEXICAN

RESOLUTION AS CURRENTLY DRAFTED. YOU SHOULD SHARE OUR REACTION WITH MEMBERS OF THE WEOG GROUP AS WELL, AND SUGGEST THAT THEY WORK FOR ADOPTION OF A BALANCED TEXT. FOR SAN JOSE: PLEASE SHARE OUR REACTION WITH SPECIAL RAPPORTEUR VOLIO. FOR SANTIAGO: DRAW ON THIS MESSAGE AS APPROPRIATE IN YOUR CONTACTS.

7. CRITIQUE OF MEXICAN RESOLUTION ON CHILE
WE NEED TO SEE SUBSTANTIAL IMPROVEMENTS IN THE FOLLOWING FOUR AREAS:
--THE RESOLUTION DOES NOT CONFORM WITH THE SUBSTANCE OF THE LATEST VOLIO REPORT. THE RESOLUTION DOES NOT COMMEND THE SPECIAL RAPPORTEUR, AS DID THE MARCH 1986 UNHRC RESOLUTION. NOR IS THERE ANY REQUEST THAT THE GOVERNMENT ALLOW ANOTHER VISIT BY THE SPECIAL RAPPORTEUR.

--WHAT IS MISSING FROM THE TEXT ASSURES THE LACK OF

BALANCE EVIDENT IN THE MEXICAN DRAFT. THERE IS NO EXPLICIT REFERENCE TO TERRORISM, NOR EXPLICIT ACKNOWLEDGMENT OF VIOLENCE FROM ANY SOURCE EXCEPT THE GOVERNMENT. THE STATE OF SIEGE IS MENTIONED, BUT THERE IS NO REFERENCE TO THE ASSASSINATION ATTEMPT AGAINST PRESIDENT PINOCHET WHICH PRECEDED THE IMPOSITION OF THE CONFIDENTIAL

PAGE 04 STATE 361814

STATE OF SIEGE. NOR IS THERE ANY MENTION OF THE INTRODUCTION OF LARGE QUANTITIES OF TERRORIST ARMS FROM ABROAD. BY OMITTING THESE ELEMENTS, THE RESOLUTION ALSO DIVERGES FROM THE REPORT OF THE SPECIAL RAPPORTEUR. THE RESOLUTION ALSO DOES NOT DRAW POSITIVE ATTENTION TO A SIGNIFICANT RECENT DEVELOPMENT--THE RECENT AGREEMENT BY THE GOC TO PERMIT ICRC DOCTORS TO EXAMINE INDIVIDUALS DETAINED BY SECURITY FORCES.

--BY FAILING TO TAKE INTO ACCOUNT THE FINDINGS OF THE SPECIAL RAPPORTEUR IN HIS LATEST REPORT, THE MEXICAN RESOLUTION ALSO MISSES THE OPPORTUNITY TO REINFORCE THE CONSTRUCTIVE RECOMMENDATIONS MADE BY VOLIO: FOR EXAMPLE, HIS RECOMMENDATIONS TO STRENGTHEN THE ADVISORY COMMISSION ON HUMAN RIGHTS MATTERS BY PROVIDING WIDER POWERS, TO ALLOW THE SPEEDY RETURN OF ALL EXILES, AND TO REVIEW AND AMEND AS NECESSARY EXISTING PROCEDURES AND LAWS SO AS TO MAKE IT POSSIBLE FOR DISSENTING OPINIONS TO BE EXPRESSED

PEACEFULLY, IN PARTICULAR BY AUTHORIZING THE HOLDING OF PEACEFUL GATHERINGS IN PUBLIC PLACES.

--WHILE THE TONE IS IN SOME RESPECTS AN IMPROVEMENT, THERE IS UNACCEPTABLE LANGUAGE. FOR EXAMPLE, THE RESOLUTION REFERS REPEATEDLY TO "GRAVE" VIOLATIONS OF HUMAN RIGHTS. PREVIOUS RESOLUTIONS (UNHRC 1986/63 OF 14 MARCH 1986 AND EVEN UNGA 40/145 0F 13 DECEMBER 1985) REFER TO "SERIOUS" VIOLATIONS. NO CHANGE IN THE SITUATION WARRANTS THIS CHANGE IN LANGUAGE. THE USE OF THE WORD "DEMAND" IN OPERATIVE PARAGRAPH NINE IS UNWARRANTED, AND IS NOT CONDUCIVE TO BRINGING ABOUT HUMAN RIGHTS IMPROVEMENTS.

MORE SPECIFIC PROBLEMS WITH THE TEXT INCLUDE:
CONFIDENTIAL

PAGE 05 STATE 361814

A. PREAMBULAR PARAGRAPH SIX (DEPLORING THAT THE GOVERNMENT OF CHILE HAS IGNORED REPEATED APPEALS BY THE GENERAL ASSEMBLY AND UNHRC) DISCOUNTS THE GOVERNMENT'S CURRENT COOPERATION WITH SPECIAL RAPPORTEUR VOLIO, WHICH IS DOCUMENTED IN VOLIO'S LATEST REPORT. A CONSTRUCTIVE RESOLUTION WOULD SEEK TO ENCOURAGE CLOSER, MORE INTENSIVE COOPERATION IN THE FUTURE, AND NOT FOCUS ON CONDEMNING THE GOVERNMENT FOR PERCEIVED LACK OF ATTENTION TO EARLIER UNGA AND UNHRC RESOLUTIONS. THE US DID NOT SUPPORT THOSE RESOLUTIONS AND COULD NOT ACCEPT A PARAGRAPH SUCH AS THIS.

B. PREAMBULAR PARAGRAPH EIGHT (BACKHANDED REFERENCES TO PROGRESS) IS EQUALLY UNHELPFUL IN TERMS OF THE OBJECTIVE OF SUCH A RESOLUTION, WHICH SHOULD BE TO PROMOTE HUMAN RIGHTS IMPROVEMENTS, NOT INDIFFERENCE BY THE GOVERNMENT TO RESOLUTIONS OF THIS KIND. THIS PARAGRAPH DOES NOT CONFORM TO THE LATEST VOLIO REPORT, AND ITS COMMENTS REGARDING LABOR COURTS, THE GOVERNMENT ADVISORY COMMISSION ON HUMAN RIGHTS, AND THE ABSENCE OF NEW CASES ON INTERNAL EXILE. IN FACT, IT IGNORES THE FACT THAT THE GOC COMPLIED WITH THE CALL IN THE UNGA RESOLUTION ADOPTED LAST YEAR TO END "THE PRACTICE" OF INTERNAL BANISHMENT. ACKNOWLEDGMENT THAT THE GOC HAS IN FACT ENDED THIS PRACTICE IS LOST IN CRITICISM THAT POWERS ALLOWING INTERNAL BANISHMENT AND EXILE REMAIN IN PLACE.

C. OPERATIVE PARAGRAPH TWO CONTAINS AN UNACCEPTABLE

REFERENCE TO THE CONSTITUTION OF CHILE. THIS RESOLUTION TAKES A POSITION ON WHAT IS A HIGHLY CONTROVERSIAL ISSUE WITHIN CHILE. FUNDAMENTALLY THE ISSUE OF CHILE'S CONSTITUTION IS A POLITICAL MATTER, AND IS NOT APPROPRIATE FOR A RESOLUTION ON THE HUMAN RIGHTS SITUATION. AGAIN, THIS PARAGRAPH HAS NO RELATION TO THE SPECIAL RAPPORTEUR'S REPORT.

D. OPERATIVE PARAGRAPH FOUR IS PARTICULARLY UNBALANCED, CONFIDENTIAL

PAGE 06 STATE 361814

AND LEAVES THE IMPRESSION THAT THE GOVERNMENT IS RESPONSIBLE FOR ALL VIOLENCE IN CHILE AND ALL DEMONSTRATIONS ARE PEACEFUL. THE DEGREE OF DETAIL IN THIS PARAGRAPH FAR EXCEEDS THAT IN PREVIOUS RESOLUTIONS OR IN RESOLUTIONS TREATING HUMAN RIGHTS ISSUES ELSEWHERE.

E. OPERATIVE PARAGRAPH FIVE REVISES THE UNHRC PARAGRAPH ON WHICH IT IS BASED IN AN UNACCEPTABLE MANNER, LEAVING OUT THE REFERENCE TO NATIONAL DIALOGUE, AND THE EXPLICIT REFERENCE TO FREE ELECTIONS. THE OMISSION OF THE REFERENCE TO THE IMPORTANCE OF FREE ELECTIONS TO THE FULL ENJOYMENT OF HUMAN RIGHTS IN ANY OTHER NATION IS ALSO DISTURBING.

F. OPERATIVE PARAGRAPH EIGHT IS UNCLEAR. THIS AREA HAS BEEN COVERED ELSEWHERE IN THE RESOLUTION.

G. THE SPECIFIC REFERENCE IN OPERATIVE PARAGRAPH NINE/D (DISAPPEARED) TO THE AMNESTY LAW IS COUNTERPRODUCTIVE. (THE REFERENCE TO DISAPPEARED IS ALSO REDUNDANT, HAVING BEEN COVERED PREVIOUSLY.) THE ISSUE OF AMNESTY IS EXTREMELY SENSITIVE AND IS BEST RESOLVED BY CHILEANS. THE COMMENTS OF OTHERS ON THIS SUBJECT WILL ONLY

COMPLICATE NOT PROMOTE PROGRESS IN THIS AREA.

H. WE CANNOT AGREE TO THE INFERENCE IN OPERATIVE PARAGRAPH NINE/J THAT THE SOCIAL AND CULTURAL IDENTITY OF ETHNIC MINORITIES IN CHILE IS SOMEHOW UNDER ATTACK.

I. OPERATIVE PARAGRAPH TEN GREATLY DISTORTS THE RECORD OF CHILEAN GOVERNMENT COOPERATION WITH THE SPECIAL RAPPORTEUR. IT IGNORES THE FINDINGS OF THE SPECIAL

CONFIDENTIAL

PAGE 07 STATE 361814

RAPPORTEUR IN HIS LATEST REPORT THAT THE COOPERATION OF THE CHILEAN GOVERNMENT WITH HIM HAS ALLOWED PROGRESS ON SOME ISSUES. SUBSTANTIAL PROGRESS IS LACKING ON HUMAN RIGHTS PROBLEMS AND FUNDAMENTAL FREEDOMS, BUT THAT IS MADE EVIDENT ELSEWHERE IN THE RESOLUTION. SHULTZ

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PAGE 02 STATE 361902

C O N F I D E N T I A L STATE 361902

E.O. 12356: DECL: OADR
TAGS: EFIN, PREL, PGOV, CI
SUBJECT: US ABSTENTION ON IBRD LOAN TO CHILE

1. (C - ENTIRE TEXT)

2. AS ADDRESSEES ARE AWARE, A 250 MILLION DOLLAR STRUCTURAL ADJUSTMENT LOAN (SAL) TO CHILE IN THE IBRD COMES TO A VOTE NOVEMBER 20. BECAUSE OF OUR CONTINUING CONCERNS REGARDING THE HUMAN RIGHTS SITUATION IN CHILE AND ABOUT A TRANSITION TO DEMOCRACY WE HAVE DECIDED TO ABSTAIN ON THE SAL.

3. UNDER SECRETARY ARMACOST INFORMED CHILEAN AMBASSADOR ERRAZURIZ NOV. 17 OF OUR DECISION TO ABSTAIN. EMBASSY SANTIAGO (AND OTHER ADDRESSEES AS NEEDED) MAY DRAW ON BELOW TALKING POINTS IN EXPLAINING DECISION AND THE REASONING BEHIND IT.
FYI ONLY: TEXT OF PREPARED STATEMENT BY US EXECUTIVE DIRECTOR (ED) TO BE MADE WHILE VOTING NOV. 20 FOLLOWS IN PARA 5. THIS STATEMENT WILL BE RELEASED TO THE PRESS THAT DAY, AND SHOULD NOT BE PROVIDED TO GOC OR OTHER GOVERNMENTS UNTIL THAT TIME. PRESS GUIDANCE FOR

DEPARTMENT'S SPOKESMAN WILL BE SENT SEPTEL. END FYI.

4. TALKING POINTS:

--WE WILL ABSTAIN WHEN THE SAL IS VOTED ON NOVEMBER 20. AT THE TIME OF OUR VOTE, WE WILL MAKE AN EXPLANATORY
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 STATE 361902

STATEMENT EXPRESSING OUR REASONS. WE CONSIDER IT IMPORTANT THAT OUR ACTION AND THE REASONING BEHIND IT BE UNDERSTOOD.

--AS WE HAVE MADE CLEAR BOTH PUBLICLY AND PRIVATELY, WE STRONGLY SUPPORT THE GOC'S SUCCESSFUL ECONOMIC POLICIES, AND CONSIDER ITS MARKET-ORIENTATION AND RECORD OF

RESPONSIBLE DEBT MANAGEMENT A MODEL FOR OTHERS.

--WE UNDERSTAND THE IMPORTANCE OF THE SAL TO CHILE'S ECONOMY. WE HAVE NO DESIRE TO ADD TO THE ECONOMIC DIFFICULTIES FACING THE CHILEAN PEOPLE, AND HAVE BEEN COUNSELED NOT TO TAKE ANY ACTION THAT MIGHT DO SO BY MANY CHILEANS, INCLUDING CARDINAL FRESNO AND RESPONSIBLE MEMBERS OF THE DEMOCRATIC OPPOSITION.

--WE BELIEVE THAT FURTHER ECONOMIC PROGRESS IN CHILE WILL ENHANCE PROSPECTS FOR A SUCCESSFUL DEMOCRATIC TRANSITION, AND PROVIDE THE BASIS FOR A STRONG, CONTINUING FREE SOCIETY.

--YOU ARE WELL AWARE OF OUR LEGISLATIVE CRITERIA AND OUR CONCERNS OVER THE HUMAN RIGHTS SITUATION IN CHILE AS WELL AS OUR ADVOCACY FOR A RETURN TO FREELY ELECTED DEMOCRATIC GOVERNMENT.

--GIVEN THESE CONCERNS, WE ARE UNABLE TO SUPPORT THE SAL LOAN, AND THEREFORE, WILL ABSTAIN ON THIS LOAN APPLICATION. OUR PUBLIC STATEMENT AT THE TIME OF THE VOTE WILL REFLECT OUR VIEWS ON THE CHILEAN ECONOMY AS WELL AS THE HUMAN RIGHTS SITUATION. WE HOPE THAT BEFORE THE NEXT CHILEAN NON-BASIC HUMAN NEEDS MDB LOAN COMES TO A VOTE, THERE WILL HAVE BEEN SUFFICIENT PROGRESS IN THE AREA OF HUMAN RIGHTS TO ALLOW US TO VOTE IN FAVOR OF THE LOAN.

CONFIDENTIAL

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PAGE 04 STATE 361902

5. USED STATEMENT:

--THE UNITED STATES WILL ABSTAIN ON THIS 250 MILLION DOLLAR STRUCTURAL ADJUSTMENT LOAN FOR CHILE. THIS ABSTENTION REPRESENTS A DECISION WHICH MY GOVERNMENT HAS REACHED REGARDING BOTH OUR LEGISLATIVE CRITERIA AND OUR CONCERN FOR THE HUMAN RIGHTS SITUATION IN CHILE.

--IN ABSTAINING, I WISH TO EMPHASIZE THAT THE U.S. STRONGLY SUPPORTS THE WORLD BANK IN ITS EFFORTS TO PROMOTE LONG-TERM SUSTAINED ECONOMIC GROWTH THROUGH THE

PURSUIT OF SOUND POLICIES AND MANAGEMENT IN BORROWING COUNTRIES.

--IN THIS RESPECT, CHILE'S RECORD OF EXCELLENT ECONOMIC MANAGEMENT HAS LED TO POSITIVE RESULTS WHICH, TAKEN TOGETHER WITH THE SACRIFICES THE CHILEAN PEOPLE HAVE MADE IN IMPLEMENTING DIFFICULT BUT NEEDED ECONOMIC REFORMS, ARE STRONG REASONS FOR SUPPORTING THIS LOAN ON ECONOMIC GROUNDS.

--HOWEVER, WHILE WE APPRECIATE THE ECONOMIC MERITS OF THIS PARTICULAR LOAN, WE MUST BE COGNIZANT THAT CONTINUING HUMAN RIGHTS PROBLEMS IN CHILE ARE MATTERS FOR GREAT CONCERN. IN THIS CONTEXT, WE WISH TO EMPHASIZE THAT FULL RECOGNITION OF THE RIGHTS OF THE INDIVIDUAL IN CHILE WOULD GO FAR TOWARDS ADVANCING THE LONG-TERM BENEFITS OF A SAL OR OTHER SUCH LOANS. WE ARE AWARE THAT OTHER MEMBER COUNTRIES VOTING TODAY SHARE THESE CONCERNS.

--THUS, AS MUCH AS WE COMMEND THE CONSIDERABLE PROGRESS THAT CHILE HAS MADE IN ADOPTING MARKET-ORIENTED REFORMS, WE MUST OPPOSE THIS LOAN WITH AN ABSTENTION. SHULTZ
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PAGE 05 STATE 361902

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E.O. 12356: DECL: OADR
TAGS: PREL, OVIP (HABIB, PHILIP C.), XK
SUBJECT: AMB. HABIB'S MEETING WITH SALVADORAN
- PRESIDENT DUARTE

1. [redacted] ENTIRE TEXT).

2. SUMMARY: AMB. HABIB ASSURED PRESIDENT DUARTE THAT THE USG CONTINUED TO PURSUE A TWO-TRACK POLICY IN CENTRAL AMERICA. DUARTE SAID THAT CONTADORA WAS USEFUL AS A GOOD-WILL EFFORT AND THAT HE STILL SUPPORTED THE SEARCH FOR A COMPREHENSIVE REGIONAL SETTLEMENT, BUT THAT MEXICO AND OTHERS SYMPATHETIC TO NICARAGUA WERE TRYING TO USE IT TO IMPOSE AN AGREEMENT ON THE CENTRAL AMERICANS. THE CONTADORA COUNTRIES HAD SOUGHT TO PUT PRESSURE ON THE DEMOCRACIES AT THE OAS GENERAL ASSEMBLY, BUT THE CORE THREE WERE UNITED AND FORCED THE CONTADORA COUNTRIES TO BACK DOWN. DUARTE VIEWED THE OAS/UNITED NATIONS JOINT INITIATIVE AS A FORM OF BILATERALISM AND AN ATTEMPT TO PUT A PROTECTIVE BARRIER AROUND NICARAGUA. HE SUSPECTED THAT THE OPPONENTS OF U.S. POLICY WOULD TAKE DRAMATIC ACTION TO FRUSTRATE THAT POLICY, AND EXPRESSED CONCERN THAT ANTI-U.S. SENTIMENT IN LATIN AMERICA WAS RISING. NICARAGUA WAS ADROITLY PLAYING ON LATIN CONCERNS ABOUT AN EXPANDED WAR, AND IT WAS PREPARED TO STRIKE INTO BORDER AREAS TO PREEMPT THE BUILD-UP OF THE DEMOCRATIC RESISTANCE. IF THE U.S. WERE TO BECOME DIRECTLY INVOLVED IN THE FIGHTING, THAT WOULD FURTHER INTENSIFY INTERNATIONAL PRESSURE TO END THE CONFLICT. DUARTE NOTED THAT ALL PARTIES INVOLVED IN THE CRISIS CLOSELY MONITORED U.S. DOMESTIC POLITICS, AND MANY HAD DOUBTS ABOUT THE ABILITY OF THE USG TO STAY THE COURSE. AMB. HABIB GAVE STRONG ASSURANCES ABOUT U.S. RESOLVE AND DETERMINATION TO CARRY OUT OUR POLICY. END SUMMARY

3. ON NOVEMBER 20, AMBASSADOR HABIB MET FOR NEARLY TWO HOURS WITH SALVADORAN PRESIDENT DUARTE AT A LUNCH HOSTED BY CHARGE DLOUHY. ALSO ATTENDING WERE FOREIGN MINISTER ACEVEDO, AIDE MORALES EHRLICH, AS WELL AS THE OTHER MEMBERS OF HABIB'S PARTY AND SEVERAL EMBOFFS.

CONTADORA

4. AMB. HABIB STATED THAT THE U.S. CONTINUED TO PURSUE A TWO TRACK POLICY OF PRESSURE ON NICARAGUA AND NEGOTIATIONS. WE WANTED TO KEEP THE NEGOTIATING PROCESS

GOING, AND WE DID NOT WANT TO APPEAR TO BE KILLING CONTADORA. DUARTE AGREED THAT IT WAS IMPORTANT NOT TO APPEAR IN OPPOSITION TO CONTADORA. HE STATED THAT THE PROPER ROLE OF CONTADORA WAS TO BE A "GOOD-WILL" EFFORT, AND THAT ITS SUCCESS DEPENDED ON THE POLITICAL WILL OF ALL FIVE CENTRAL AMERICAN GOVERNMENTS. CONTADORA SHOULD NOT BE SOMETHING TO IMPOSE AN AGREEMENT ON THE CENTRAL AMERICANS. HOWEVER, NICARAGUA AND SOME OF THE CONTADORA COUNTRIES WERE SEEKING TO TURN IT INTO SOMETHING ELSE. MEXICO TRIED TO USE CONTADORA TO IMPOSE ITS VIEWS.

5. DUARTE INSISTED THAT ANY AGREEMENT MUST BE COMPLETE, INCLUDING PROVISIONS FOR VERIFICATION AND CONTROL. DUARTE NOTED THE IMPACT OF NICARAGUA'S ICJ CASES ON THE NEGOTIATIONS. HE DESCRIBED IT AS A "POINT OF HONOR," EXPLAINING THAT COSTA RICA COULD NOT NEGOTIATE WHILE THE SUITS WERE PENDING AND HONDURAS FOLLOWED COSTA RICA'S LEAD. EL SALVADOR SUPPORTED THEIR POSITION IN THE INTEREST OF CORE THREE SOLIDARITY. HE THOUGHT IT LIKELY THAT NICARAGUA WOULD FILE SUIT AGAINST EL SALVADOR BECAUSE OF THE HASENFUS CASE.

6. AMB. HABIB PRAISED THE SALVADORANS FOR THEIR SUCCESS AT THE OAS GENERAL ASSEMBLY IN FORCING THE CONTADORA COUNTRIES TO AGREE TO A MILD COMPROMISE RESOLUTION. HE UNDERSCORED THAT THIS HAD DEMONSTRATED THE STRENGTH OF THE DEMOCRACIES WHEN THEY WORKED IN UNISON. ACEVEDO SAID THAT HE HAD TOLD THE CONTADORA COUNTRIES THAT THEY SHOULD PUT PRESSURE ON NICARAGUA TO DROP ITS ICJ CASES AGAINST COSTA RICA AND HONDURAS.

7. ASKED ABOUT THE UPCOMING CONTADORA MEETING IN RIO DE JANEIRO, DUARTE SAID THAT THE EIGHT COULD DEVISE A STRONG DOCUMENT AND THEN TAKE IT TO THE CENTRAL AMERICANS AND PRESSURE THEM TO SIGN, AS THE CONTADORA GROUP HAD DONE IN THE SUMMER OF 1984.

JOINT OAS/UNITED NATIONS INITIATIVE

8. DUARTE VIEWED THE JOINT OAS/UN INITIATIVE AS A NICARAGUAN/MEXICAN FORM OF BILATERALISM AND AN ATTEMPT TO FORM A PROTECTIVE BARRIER AROUND NICARAGUA. IT WOULD PREVENT A U.S. INVASION AND STRENGTHEN THE POSITION OF MEXICO AND THE SOUTH AMERICAN COUNTRIES OPPOSED TO U.S. POLICY. IT IGNORED THE POLITICAL ASPECTS OF THE 1983 DOCUMENT OF OBJECTIVES AND INSTEAD FOCUSED ON MILITARY EVENTS. WHILE SOME OF ITS POINTS COULD BE OF VALUE IN IMPLEMENTING AN AGREEMENT, THERE WAS AS YET NO AGREEMENT TO BE IMPLEMENTED. ACEVEDO STATED THAT THE INITIATIVE SHOULD NOT BECOME A METHOD TO "SALAMI SLICE" THE 21 OBJECTIVES IMPLEMENTING SOME POINTS WITHOUT HAVING A SIGNED AGREEMENT. THE MAIN EFFORT SHOULD CONTINUE TO BE TOWARD REACHING A COMPREHENSIVE AGREEMENT.

9. DUARTE STATED THAT THE INITIATIVE COULD NOT GO FORWARD WITHOUT THE AGREEMENT OF THE CENTRAL AMERICANS. NICARAGUA WOULD OBVIOUSLY SIGN ON, INSISTING THAT IT HAD NO INTERNAL PROBLEM, JUST A CONFLICT WITH THE U.S. GUATEMALA PROBABLY WOULD AGREE TO IT AS WELL. EL SALVADOR WOULD SAY "YES, BUT...". COSTA RICA WOULD SAY "YES, BUT FIRST NICARAGUA MUST DROP ITS SUIT AT THE ICJ." HONDURAS WOULD SAY THAT IT WAS NOT A MILITARY PROBLEM, BUT RATHER A POLITICAL ONE.

10. THUS, THE CORE THREE COULD BE PERCEIVED AS THE OBSTACLE TO AN AGREEMENT, AND THIS COULD DEVELOP INTO A CONFRONTATION BETWEEN THEM AND THE REST OF LATIN AMERICA. AMB. HABIB POINTED TO THE NEED FOR CONTINUED UNITY AMONG THE CORE THREE, AND STRESSED THAT THE U.S. HAD THE RESOLVE TO STAY THE COURSE. DUARTE EXPRESSED

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HIS DISCOMFORT WITH THE THOUGHT OF BEING ISOLATED, AND HE WONDERED ABOUT THE CAPACITY OF THE CENTRAL AMERICANS TO RESIST IN THAT TYPE OF SITUATION. HE NOTED THAT, EXCEPT FOR ISRAEL, ONLY EL SALVADOR HAD VOTED WITH THE U.S. AT THE UNGA ON NICARAGUA'S ICJ RESOLUTION. BURGHARDT POINTED OUT THAT MANY AFRICAN AND ASIAN COUNTRIES HAD ABSTAINED ON THE RESOLUTION, BUT DUARTE REPLIED THAT IN LATIN AMERICA, THERE WAS NO ONE WHO REALLY WAS RESISTING THE CONTADORA'S PRESSURE.

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11. DUARTE RAISED THE POSSIBILITY THAT THE OAS/UN MAY SEND BORDER OBSERVERS TO NICARAGUA. AMB. HABIB ARGUED THAT AT THE UN, ONLY THE SECURITY COUNCIL COULD TAKE SUCH ACTION, AND THE U.S. COULD VETO IT. BURGHARDT ADDED THAT THE CARIBBEAN COUNTRIES WOULD PREVENT THE OAS FROM DOING SO. DUARTE RESPONDED THAT THE OPPONENTS OF OUR POLICY MIGHT FIND SOME WAY. FOR EXAMPLE, THEY COULD INVOKE THE RIO TREATY. DUARTE ASKED WHAT WOULD HAPPEN IF MEXICO, PERU, OR ARGENTINA SENT OBSERVERS TO THE NICARAGUAN BORDER. WHEN AMB. HABIB ASKED IF ARGENTINA WOULD REALLY DO THAT FOR THE SANDINISTAS, DUARTE REPLIED "YOU WOULD BE SURPRISED". BURGHARDT NOTED THAT URUGUAY WAS ALREADY PROMOTING SUCH A SCHEME. DUARTE THEN ASKED WHAT WOULD HAPPEN WHEN THOSE OBSERVERS STARTED GETTING KILLED. THE MATTER COULD DEVELOP INTO A DRAMATIC SITUATION, WITH PERHAPS TEN LATIN COUNTRIES WITHDRAWING FROM THE OAS, INSISTING THAT IT DID NOT REPRESENT THE WILL OF THE LATIN AMERICAN COUNTRIES.

12. DUARTE EXPECTED THAT THE SITUATION ON THE BATTLEFIELD WOULD PROPEL DIPLOMATIC EVENTS. HE SUSPECTED THAT THE RECENT LULL IN FIGHTING IN EL SALVADOR WAS THE RESULT OF THE SALVADORAN GUERRILLAS RELOCATING INTO HONDURAS SO THAT THEY COULD ATTACK THE NICARAGUAN RESISTANCE FROM THE REAR. AT THE SAME TIME, THE SANDINISTAS WOULD NOT SIT BY AND WAIT FOR THE RESISTANCE TO GROW STRONGER; THEY WOULD ATTACK IN THE BORDER AREAS IN AN EFFORT TO PREEMPT THE RESISTANCE. AMB. HABIB AND BURGHARDT INJECTED THAT THE U.S. WOULD NOT STAND BY IF HONDURAS WERE ATTACKED. DUARTE REPLIED THAT THE HONDURAN ARMY AND THE U.S. WOULD BECOME INVOLVED, AND ADDED THAT SUCH AN ESCALATION WAS PRECISELY WHAT THE SANDINISTAS WANTED. THE EXPANDED CONFLICT WOULD GENERATE ENORMOUS INTERNATIONAL POLITICAL PRESSURE TO STOP THE FIGHTING. ARGENTINA, PERU, AND OTHER COUNTRIES WOULD PRESS FOR OAS ACTION. EUROPEAN COUNTRIES WOULD ALSO TRY TO STEP IN. THE SANDINISTAS WOULD BE ABLE TO CAPITALIZE ON WORLD-WIDE ANTI-IMPERIALIST SENTIMENT. THEY WERE PREPARED TO SACRIFICE SOME OF THEIR TROOPS TO DO SO, HE REMARKED.

NICARAGUA'S STRATEGY

13. NICARAGUA'S STRATEGY INCLUDED TWO ELEMENTS. FIRST, IT WAS PLAYING ON THE LATIN'S CONCERN ABOUT A WIDENING WAR AND U.S. INTERVENTION BY CLAIMING THAT U.S. POLICY WOULD LEAD TO ESCALATION AND ULTIMATELY AN INVASION. AT THE SAME TIME, THE SANDINISTAS WERE INSISTING THAT THE DEMOCRATIC RESISTANCE ITSELF COULD NOT ACHIEVE ANYTHING, AND THAT WITH DEMOCRATS NOW IN CONTROL OF BOTH HOUSES OF CONGRESS AND IN A STRONG POSITION FOR THE 1988 ELECTION, THE U.S. WOULD ULTIMATELY CHANGE ITS POLICY AND NEGOTIATE WITH NICARAGUA.

14. DUARTE REMARKED THAT THE SANDINISTAS WERE "PLAYING IT SMART" IN LATIN AMERICA. THEY WERE ARGUING THAT THE DEMOCRATIC RESISTANCE WOULD BE DEFEATED AND THAT NICARAGUA WOULD EMERGE STRONGER THAN EVER. THEY WERE ATTRACTING MORE SUPPORT WHILE ANTI-AMERICAN SENTIMENT IN

LATIN AMERICA WAS INCREASING. THIS GROWING ANTI-AMERICANISM WAS CAUSED BY THE MALVINAS SITUATION AND U.S. AID TO THE NICARAGUAN RESISTANCE. HE STRESSED THE IMPORTANCE OF THE U.S. WORKING WITH THOSE LATIN COUNTRIES WHO WERE NOT ALREADY COMMITTED, SUCH AS COLOMBIA AND VENEZUELA, AND EVEN PANAMA, ALTHOUGH THE ROLE OF THE LATTER WAS MUCH LESS.

U.S. POLITICS AND U.S. COMMITMENT

15. DUARTE SAID THAT IT WAS IMPORTANT TO ANALYZE THE LOGIC DRIVING THE ACTIONS OF THE CONTADORA COUNTRIES. THEY PERCEIVED THAT THE NEXT U.S. ADMINISTRATION WOULD HAVE A MUCH DIFFERENT POLICY. AMB. HABIB REMARKED THAT PRESIDENT REAGAN HAD TWO MORE YEARS IN OFFICE, AND MUCH COULD HAPPEN IN THAT TIME. HE ALSO ASSURED DUARTE THAT EVEN IF THE DEMOCRATS WON IN 1988, THIS WOULD NOT PRODUCE A FUNDAMENTAL SHIFT IN U.S. POLICY BECAUSE NO ADMINISTRATION COULD ACCEPT A COMMUNIST REGIME ON THE AMERICAN MAINLAND. AMB. HABIB STRESSED THAT THE RECENT U.S. ELECTION HAD NOT YIELDED A MAJOR SHIFT IN CONGRESS. OUR POLICY HAD SUBSTANTIAL BIPARTISAN SUPPORT. AS THE PERFORMANCE OF THE DEMOCRATIC RESISTANCE IMPROVED IN THE COMING MONTHS, EVEN MORE MEMBERS OF CONGRESS WOULD SEE THE CORRECTNESS OF OUR POLICY. WHILE HE DID NOT WANT TO RAISE UNREALISTIC EXPECTATIONS, AMB. HABIB SAID THAT IN A FEW MONTHS THE AID THAT WAS JUST BEGINNING TO GO TO THE RESISTANCE WOULD BEGIN TO HAVE A VISIBLE IMPACT. AMB. HABIB COMMENTED THAT HE GOT THE IMPRESSION THAT THE CENTRAL AMERICAN DEMOCRACIES FELT LIKE THE USG WOULD LEAVE THEM IN THE LURCH. DUARTE RESPONDED "SOMETIMES." AMB. HABIB REITERATED U.S. RESOLVE TO STAY THE COURSE IN CENTRAL AMERICA.

MEXICO

16. ACEVEDO SAID THAT THE MEXICAN AMBASSADOR HAD TOLD HIM THAT MEXICO HAD TAKEN SUCH A HARD POSITION ON THE SALVADOR HUMAN RIGHTS ISSUE AT THE UN BECAUSE "PRESIDENT REAGAN HAD HAD THE NERVE TO REFER TO PRESIDENT DE LA MADRID ABOUT MEXICO'S CONDUCT ON CENTRAL AMERICAN ISSUES. THIS WAS UNACCEPTABLE." MEXICO WAS DEMONSTRATING THAT IT WOULD NOT YIELD TO U.S. PRESSURE BY PUSHING FOR ITS RESOLUTION CRITICIZING SALVADOR'S HUMAN RIGHTS PERFORMANCE. AMB. HABIB ADVISED DUARTE THAT HE WOULD MAKE CLEAR IN HIS MEETING WITH DE LA MADRID ON NOVEMBER 21 THAT THE USG WAS NOT HAPPY WITH MEXICO'S ACTIONS IN NEW YORK OR AT THE OAS GENERAL ASSEMBLY. WE CONTINUED TO FAVOR A COMPREHENSIVE AGREEMENT WITH ALL 21 POINTS OF THE DOCUMENT OF OBJECTIVES, BUT WE COULD NOT ACCEPT A PIECEMEAL APPROACH.

NICARAGUAN DEMOCRATIC RESISTANCE

17. DUARTE REMARKED THAT THE RESISTANCE LACKED A STRONG LEADER THAT COULD MAINTAIN STABILITY OR APPEAL TO THE PEOPLE. IT HAD A STRUCTURE, ARMS, AND MONEY, BUT IT DID NOT HAVE AN IMAGE WHICH ATTRACTED FOLLOWERS.

18. COMMENT. DUARTE CLEARLY HAD BEEN OCCUPIED WITH INTERNAL PROBLEMS, PARTICULARLY THOSE RELATED WITH RECONSTRUCTION FOLLOWING THE OCTOBER 10 EARTHQUAKE. HE WAS CONCERNED ABOUT ACQUIRING MUCH-NEEDED ECONOMIC ASSISTANCE AND HE ASKED AMB. HABIB TO PASS ON TO AID DIRECTOR MCPHERSON THAT "IF YOU WANT YOUR HORSE TO WIN THE RACE YOU HAVE TO GIVE HIM A LITTLE OATS". HE WAS CANDID IN EXPRESSING HIS VIEWS THAT THE OPPONENTS OF

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U.S. POLICY WERE WORKING TIRELESSLY TO FRUSTRATE THAT POLICY, AND HE BELIEVED THAT THEY WERE HAVING SOME SUCCESS. HIS DECISION TO VOICE HIS BELIEF THAT ANTI-AMERICAN SENTIMENT IS RISING INDICATES HOW SERIOUS HE PERCEIVES THE PROBLEM. CLEARLY, HE AND OTHER OBSERVERS OF THE U.S. POLITICAL SCENE ARE CONCERNED ABOUT POSSIBLE IMPLICATIONS OF THE RECENT ELECTIONS FOR OUR CENTRAL AMERICAN POLICY, AND WE MUST REDOUBLE OUR EFFORTS TO CONVINCE THEM OF OUR STAYING POWER. ALSO, DUARTE WAS FRANK IN DESCRIBING HIS LACK OF CONFIDENCE IN THE POLITICAL CAPABILITY OF THE RESISTANCE. END COMMENT.

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PAGE 01 SAN SA 14790 01 OF 04 211745Z
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UNCLAS SECTION 01 OF 04 SAN SALVADOR 14790

DEPT PASS DOL/ILAB

USIA FOR AR/CENTAM

E.O. 12356: N/A
TAGS: ELAB, PHUM, ES, US
SUBJECT: U.S. GROUPS WORKING WITH FMLN TO INCREASE SUPPORT FOR GUERRILLAS

REF: SAN SALVADOR 13374

1. SUMMARY

U.S.-BASED GROUPS ARE PLANNING A SERIES OF ACTIVITIES TO TAKE PLACE IN EL SALVADOR IN NOVEMBER AND DECEMBER AIMED AT INCREASING U.S. PUBLIC AND MATERIAL SUPPORT FOR THE FMLN-FDR AND PRESSURING CONGRESS TO CUT OFF U.S. AID TO EL SALVADOR. THE GROUPS HOPE THEIR ACTIVITIES WILL OBTAIN PUBLICITY WHICH WILL REFOCUS THE ATTENTION
UNCLASSIFIED
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PAGE 02 SAN SA 14790 01 OF 04 211745Z

OF THE U.S. PUBLIC ON EL SALVADOR. THE TWO MAJOR U.S. GROUPS INVOLVED ARE THE COMMITTEE IN SOLIDARITY WITH THE PEOPLE OF EL SALVADOR (CISPES) AND MEDICAL AID TO EL SALVADOR (MAES). CISPES HAS OPENLY PROCLAIMED ITS SUPPORT FOR THE FMLN-FDR (THE SELF-AVOWED MARXIST-LENINIST GUERRILLA ORGANIZATION WHOSE STATED PURPOSE IS TO REPLACE BY FORCE THE DEMOCRATICALLY-ELECTED GOVERNMENT OF EL SALVADOR WITH A ONE-PARTY COMMUNIST GOVERNMENT). MAES HAS GIVEN FUNDS TO SET UP FMLN

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Case ID: 9940035B

MILITARY HOSPITALS IN THE PAST. ITS CURRENT ACTIVITIES SUPPORT THE ARCHBISHOPRIC. THE MOST PROMINENT SALVADORAN GROUP WORKING WITH CISPES IS THE NATIONAL UNITY OF SALVADORAN WORKERS (UNTS), A LEFTIST LABOR UMBRELLA GROUP COMPOSED ALMOST ENTIRELY OF FMLN-CONNECTED UNIONS.

2. CISPES IS CO-SPONSORING WITH UNTS A CONFERENCE WHICH WILL KICK OFF NOVEMBER 22 WITH A DEMONSTRATION IN FRONT OF EMBASSY SAN SALVADOR AND END NOVEMBER 24 WITH A PRESS CONFERENCE. MAES HOPES TO AIRLIFT ONE MILLION DOLLARS OF MEDICAL SUPPLIES TO EL SALVADOR ON NOVEMBER 30. CELEBRITIES WILL ACCOMPANY THE AIRLIFT TO DELIVER THE SUPPLIES AND ENSURE PUBLICITY. END SUMMARY.

3. UNTS - BACKGROUND

UNTS, WHICH IS CO-SPONSORING THE NOVEMBER 22-23 "U.S.-EL SALVADOR CONFERENCE IN SEARCH OF PEACE" WITH CISPES, IS A LABOR UMBRELLA GROUP COMPOSED ALMOST ENTIRELY OF FMLN-CONNECTED UNIONS. THOUGH CISPES CLAIMS THAT UNTS IS THE "LARGEST AND MOST REPRESENTATIVE ARRAY OF LABOR AND PEASANT ORGANIZATIONS IN EL SALVADOR'S HISTORY"
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PAGE 03 SAN SA 14790 01 OF 04 211745Z

AND THAT IT HAS 300,000 MEMBERS, UNTS IN REALITY HAS ONLY ABOUT 55,000 MEMBERS. BY CONTRAST, THE DEMOCRATIC LABOR UMBRELLA GROUP, THE NATIONAL WORKERS-CAMPESINOS UNION (UNOC) REPRESENTS BETWEEN 215,000 AND 250,000 MEMBERS. AS "PROOF" THAT UNTS IS DEMOCRATIC, CISPES EMPHASIZES THAT THE POPULAR DEMOCRATIC UNITY (UPD), WHICH SUPPORTED THE CHRISTIAN DEMOCRATIC PARTY (PDC) IN THE ELECTIONS, BELONGS TO UNTS. IN FACT, THE UPD FORMALLY WITHDREW FROM THE UNTS ON NOVEMBER 16 BECAUSE UNTS "LIMITED THE PLURALISTIC WORK OF THE UPD." IN JUNE 1986, THE CLAT-AFFILIATED SALVADORAN WORKERS CENTRAL (CTS) QUIT UNTS BECAUSE OF "IDEOLOGICAL DIFFERENCES."

4. FENASTRAS - BACKGROUND

THE NATIONAL FEDERATION OF SALVADORAN WORKERS (FENASTRAS) IS A LABOR FEDERATION WITH CLOSE LINKS TO THE FAPU/FARN GUERRILLA COMPONENTS OF THE FMLN. FENASTRAS HAS OBSERVER STATUS WITH THE MOSCOW-LINE WORLD FEDERATION OF TRADE UNIONS (WFTU) HEADQUARTERED IN PRAGUE. FENASTRAS U.S. REPRESENTATIVE FRANCISCO ACOSTA IS ALSO U.S. CO-DIRECTOR OF THE CISPES-UNTS CONFERENCE. IN A LETTER INVITING CERTAIN U.S. LABOR LEADERS TO ATTEND FENASTRAS' NOVEMBER 13-15 CONGRESS IN SAN SALVADOR,

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El Salvador: Human Rights Special Project (1993)

ACOSTA CALLED FENASTRAS "DEMOCRATIC" IN SPITE OF ITS GUERRILLA AND WFTU CONNECTIONS. ONLY TWO U.S. LABOR OFFICIALS ATTENDED THE CONGRESS. ONE OF THEM, JERRY OLIVEIRA OF THE INTERNATIONAL ASSOCIATION OF MACHINISTS (IAM), ENDORSED FENASTRAS BY ALLOWING HIS NAME TO BE PLACED ON A FENASTRAS NEWSPAPER AD. BRITISH LABOR M.P. JEREMY CORBYN AND FRENCH, AUSTRALIAN, AND SWISS UNION MEMBERS ALSO LENT THEIR NAMES TO THE AD.

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El Salvador: Human Rights
Special Project (1993)

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PAGE 01 SAN SA 14790 02 OF 04 211746Z
ACTION INR-10

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UNCLAS SECTION 02 OF 04 SAN SALVADOR 14790

DEPT PASS DOL/ILAB

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E.O. 12356: N/A
TAGS: ELAB, PHUM, ES, US
SUBJECT: U.S. GROUPS WORKING WITH FMLN TO INCREASE

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5. CISPES - BACKGROUND
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CISPES IS A U.S. ORGANIZATION FOUNDED BY THE LEADER OF THE SALVADORAN COMMUNIST PARTY, SHAFIK HANDAL, IN 1980. AT ITS 1985 CONVENTION, CISPES PROCLAIMED THAT ONE OF ITS GOALS WAS TO "PROVIDE POLITICAL SUPPORT FOR THE FMLN-FDR." IN A 1986 ISSUE OF CISPES' NEWSLETTER "ALERT," CISPES WROTE IT "SEEKS TO EDUCATE AND MOBILIZE PUBLIC OPINION AGAINST U.S. INTERVENTION IN EL SALVADOR AND IN SOLIDARITY WITH THE FMLN-FDR, THE LEGITIMATE
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PAGE 02 SAN SA 14790 02 OF 04 211746Z

REPRESENTATIVE OF THE SALVADORAN PEOPLE." CISPES ALSO STATES THAT IT STRIVES TO HAVE ALL U.S. AID TO EL SALVADOR CUT OFF.
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6. CISPES ORGANIZING EFFORTS

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Special Project (1993

OF CONGRESS PROTESTING AGAINST THE ARREST OF PEOPLE WITH CLEAR TIES TO THE FMLN (REFTEL). AS PART OF THIS PROGRAM, CISPES URGES ITS MEMBERS TO PERSUADE PEOPLE TO SIGN A FORM AUTHORIZING CISPES TO SEND TELEGRAMS IN THEIR NAME "WHEN A HUMAN RIGHTS EMERGENCY OCCURS." CISPES BRAGS THAT IT TARGETTED EIGHT HOUSE FOREIGN OPERATIONS SUBCOMMITTEE MEMBERS' CONGRESSIONAL DISTRICTS DURING THE ELECTIONS AND, AS A RESULT, THESE REPRESENTATIVES HAVE MOVED CLOSER TO OPPOSING AID TO EL SALVADOR. CISPES MENTIONS THAT IT LAUNCHED A MAJOR MEDIA CAMPAIGN IN THE DISTRICTS OF MATT MCHUGH (D-NY) AND DAVID OBEY (D-WI).

CISPES ALSO NOTED THAT THE MAY 14 HEARINGS BEFORE THE SUBCOMMITTEE ON WESTERN HEMISPHERE AFFAIRS OF THE HOUSE COMMITTEE ON FOREIGN AFFAIRS ON "THE AIR WAR AND POLITICAL DEVELOPMENTS IN EL SALVADOR" WAS A CISPES PROJECT TO PRESSURE CONGRESS.

7. CISPES HOPES TO RAISE 250,000 DOLLARS FOR THE NON-GOVERNMENTAL HUMAN RIGHTS COMMISSION IN EL SALVADOR (CDHES), WHICH HAS BEEN IDENTIFIED AS AN FMLN-FRONT GROUP BY FORMER CDHES LEADERS. CISPES ASKS THAT U.S. TEACHER GROUPS SUPPORT THE SALVADORAN TEACHERS UNION ANDES 21 DE JUNIO AND U.S. STUDENT GROUPS

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El Salvador: Human Rights
Special Project (1993)

UNCLASSIFIED
UNCLASSIFIED

PAGE 03 SAN SA 14790 02 OF 04 211746Z

DONATE FUNDS TO AGEUS, AN FMLN-FRONT GROUP AT THE NATIONAL UNIVERSITY. MIGUEL CASTELLANOS, AN FPL (ONE OF THE FIVE GROUPS IN THE FMLN) POLITICAL OFFICER WHO DEFECTED TO THE GOVERNMENT, HAS SAID THAT THE FPL CONTROLS ANDES AND THAT ANDES GIVES ABOUT 50 PERCENT OF THE DONATIONS IT RECEIVES TO THE GUERRILLAS. CISPES ALSO ENCOURAGES PEOPLE TO CHANNEL FUNDS THROUGH THE SALVADORAN MEDICAL RELIEF FUND (SMRF), NEW EL SALVADOR TODAY (NEST), AND MEDICAL AID FOR EL SALVADOR (MAES), ALL OF WHICH ARE U.S.-BASED GROUPS.

8. CISPES-UNTS CONFERENCE

CISPES HAS BEEN WORKING ENERGETICALLY WITH UNTS TO SPONSOR A NOVEMBER 22-23 CONFERENCE AT THE JESUIT-RUN CENTRAL AMERICAN UNIVERSITY (UCA) IN SAN SALVADOR. THE CONFERENCE WILL KICK-OFF WITH A DEMONSTRATION IN DOWNTOWN SAN SALVADOR AND END WITH A PRESS CONFERENCE. CISPES CLAIMS A 250-MEMBER DELEGATION OF U.S. LABOR, COMMUNITY, AND RELIGIOUS LEADERS, ELECTED OFFICIALS, AND MEDIA PERSONALITIES WILL ATTEND THE CONFERENCE ENTITLED "IN SEARCH OF PEACE: A U.S.-EL SALVADOR CONFERENCE." AMONG THOSE CISPES LISTS AS "CURRENT ENDORSERS" OF THE CONFERENCE ARE REV. JESSE JACKSON, DR. BENJAMIN SPOCK, AND AMALGAMATED CLOTHING AND

TEXTILE WORKERS UNION INTERNATIONAL VICE PRESIDENT
ED CLARK.

9. CISPES CLAIMS THE CONFERENCE WILL "BRING SALVADORAN AND U.S. REPRESENTATIVES TOGETHER TO EXPLORE AND PROPOSE CONCRETE STEPS TOWARD PEACE AND TO WORK FOR A NEGOTIATED SETTLEMENT TO THE WAR." CISPES STATES IN OTHER PARTS OF ITS LITERATURE, HOWEVER, THAT "JUST

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El Salvador: Human Rights
Special Project (19[illegible]

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PAGE 01 SAN SA 14790 03 OF 04 211748Z
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UNCLAS SECTION 03 OF 04 SAN SALVADOR 14790

DEPT PASS DOL/ILAB

USIA FOR AR/CENTAM

E.O. 12356: N/A
TAGS: ELAB, PHUM, ES, US
SUBJECT: U.S. GROUPS WORKING WITH FMLN TO INCREASE

KNOWING THAT THERE ARE PEOPLE IN THE UNITED STATES WHO OPPOSE THE WAR OUR GOVERNMENT IS WAGING IS A TREMENDOUS BOOST TO THE PEOPLE'S WILL TO GO ON." CISPES ALSO SAYS THAT "FOCUSING ON SUPPORT TO THE POPULAR OPPOSITION IN EL SALVADOR NOW IS ONE OF OUR GREATEST OPPORTUNITIES TO AFFECT THE FIGHT FOR JUSTICE THERE AND TO BUILD BROAD UNDERSTANDING HERE ABOUT HOW BANKRUPT THE WHOLE (U.S.) REGIONAL POLICY IS." (NOTE: CISPES REPEATEDLY REFERS TO THE FMLN AS THE POPULAR OPPOSITION.)

10. IN ITS LETTER RECRUITING DELEGATES TO THE CONFERENCE CISPES STIPULATES THAT EACH DELEGATE "MUST BE RECOMMENDED
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PAGE 02 SAN SA 14790 03 OF 04 211748Z

BY AN ORGANIZATION OR INDIVIDUAL ENDORSING THE CONFERENCE AS WELL AS SEND IN A RECOMMENDATION FROM THE ORGANIZATION CHURCH, UNION, SCHOOL, ETC. THAT THEY WILL BE REPRESENTING AT THE CONFERENCE." DELEGATES MUST HAVE A VALID PASSPORT AND VISA, ATTEND OR RECEIVE AN ORIENTATION AND "AGREE TO ABIDE BY CONFERENCE REGULATIONS." ONE REGULATION REQUIRES DELEGATES TO ARRIVE IN EL SALVADOR ON NOVEMBER 20 AND DEPART BY NOVEMBER 24. ACCORDING TO CISPES, THIS IS "TO ENSURE THAT OUR DELEGATION IS

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Special Project (1993)

RESPECTFUL OF AND ACTS RESPONSIBLE TOWARD OUR HOSTS. NO ONE CONNECTED WITH THE CONFERENCE CAN STAY IN EL SALVADOR LONGER THAN THIS TIME PERIOD UNLESS PREVIOUS ARRANGEMENTS HAVE BEEN MADE." A CISPES-CONNECTED ORGANIZATION, TACOMANS FOR PEACE IN CENTRAL AMERICA (TAPICA), STATES THAT "FOR SAFETY REASONS" PARTICIPANTS CAN ONLY REMAIN FROM NOVEMBER 18 TO NOVEMBER 25 UNLESS THEY ARE PART OF ANOTHER ORGANIZED DELEGATION.

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11. "A MILLION VOICES FOR PEACE"

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CISPES WANTS TO OBTAIN PLEDGES FROM ONE MILLION AMERICANS FOR A RESOLUTION TO CUT ALL U.S. AND ECONOMIC AID TO EL SALVADOR AND "SUPPORT A PEACEFUL SOLUTION TO THE CONFLICT AMONG THE SALVADORANS." CISPES ADVISES ITS FOLLOWERS TO IDENTIFY AN "INTERNAL ADVOCATE" IN INSTITUTIONS AND GROUPS IT IS TRYING TO CONVINCE TO ENDORSE THE PLEDGES, WHICH ARE TO BE DELIVERED AT THE CONFERENCE. CISPES INCLUDES "HOW-TO'S," A SAMPLE LETTER, AND A "SAMPLE RAP" IN ITS PACKET OF ADVICE ON OBTAINING ENDORSEMENTS. CISPES TELLS ITS MEMBERS TO INFORM AUDIENCES THAT THE DUARTE GOVERNMENT "CONTINUES TO IMPRISON, TORTURE, AND EVEN MURDER TRADE UNIONISTS,

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El Salvador: Human Rights
Special Project (1993)

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PAGE 03 SAN SA 14790 03 OF 04 211748Z

HUMAN RIGHTS ACTIVISTS, AND OTHERS WHO SPEAK OUT FOR PEACE AND JUSTICE." NOWHERE IN THE PACKET DOES CISPES SAY THAT PROSPECTIVE ENDORSERS OF THE PLEDGE SHOULD BE INFORMED THAT CISPES SUPPORTS THE FMLN-FDR.

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12. MEDICAL AID FOR EL SALVADOR - BACKGROUND

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MEDICAL AID FOR EL SALVADOR (MAES) WAS FOUNDED IN FEBRUARY 1982. ITS MOST FAMOUS BOARD OF DIRECTORS MEMBER IS ACTOR EDWARD ASNER. DR. CHARLES CLEMENTS, WHOSE BOOK "WITNESS TO WAR" DESCRIBES A YEAR HE SPENT WORKING WITH FMLN GUERRILLAS AND THEIR SUPPORTERS IN THE GUAZAPA VOLCANO AREA, IS ALSO A MAES MEMBER. ACCORDING TO MAES, IT HAS DONATED OVER 750,000 DOLLARS WORTH OF MEDICAL AID WHICH "HAS GONE TO RURAL AREAS WHERE GOVERNMENT BOMBARDMENT OF CIVILIAN TARGETS HAS MADE THE NEED FOR HEALTH CARE MOST CRITICAL." MAES ALSO REPORTS THAT IN JANUARY 1983, IT SPENT 80,000 DOLLARS TO TRAIN AND EQUIP 110 MEDICAL "BRIGADISTAS." MAES CLAIMS THAT IN AUGUST 1985, IT GAVE 195,000 DOLLARS WORTH OF MEDICAL SUPPLIES TO A STUDENT-RUN CLINIC AND PHARMACY AT THE NATIONAL UNIVERSITY. (NOTE: THEY WERE NEVER ESTABLISHED, AND THE SUPPLIES "DISAPPEARED." PRESUMABLY THEY WERE GIVEN TO THE GUERRILLAS.) MAES' BIGGEST COUP CAME IN 1985 WHEN IT SENT A SURGICAL

TEAM TO EL SALVADOR TO OPERATE ON THE HAND OF NIDIA DIAZ, AN FMLN GUERRILLA COMMANDER WHO WAS WOUNDED AND CAPTURED IN A BATTLE WITH THE SALVADORAN ARMED FORCES. MASS REFERS TO DIAZ AS A POLITICAL PRISONER AND ITS LITERATURE STATES THE OPERATION TOOK PLACE IN A PRISON THOUGH IT OCCURRED IN A HOSPITAL. A CISPES ARTICLE WHICH PRAISED THE OPERATION REFERRED TO DIAZ ONLY AS "A PARTICIPANT IN THE LA PALMA PEACE TALKS." BOTH GROUPS

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El Salvador: Human Rights
Special Project (1993)

ADP939
UNCLASSIFIED

PAGE 01 SAN SA 14790 04 OF 04 211748Z
ACTION INR-10

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UNCLAS SECTION 04 OF 04 SAN SALVADOR 14790

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USIA FOR AR/CENTAN

E.O. 12356: N/A
TAGS: ELAB, PHUM, ES, US
SUBJECT: U.S. GROUPS WORKING WITH FMLN TO INCREASE

FAIL TO MENTION THAT DIAZ WAS AMONG THOSE RELEASED IN EXCHANGE FOR FREEDOM FOR PRESIDENT DUARTE'S KIDNAPPED DAUGHTER.

13. MAES FUNDS HOSPITALS IN CONFLICTIVE ZONES. THE DESCRIPTIONS OF THESE HOSPITALS BY MAES LEADS US TO SUSPECT THESE HOSPITALS TREAT FMLN WOUNDED AS WELL AS CIVILIANS. MAES SAYS THAT THE HOSPITALS MUST BE ABLE TO MOVE CONSTANTLY IN CASE OF MILITARY ATTACKS. ONE HOSPITAL MAES FUNDED WAS ON GUAZAPA VOLCANO AND ANOTHER IS IN THE NORTHERN PART OF LA UNION DEPARTMENT.

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PAGE 02 SAN SA 14790 04 OF 04 211748Z

14. MEDICAL AIRLIFT TO EL SALVADOR

ON NOVEMBER 30, MAES PLANS TO FLY ONE MILLION DOLLARS WORTH OF MEDICAL SUPPLIES AND A 40-MEMBER "FACT FINDING" TEAM OF LABOR, CONGRESS, RELIGIOUS, AND MEDICAL COMMUNITY LEADERS AND CELEBRITIES TO EL SALVADOR.

-- THOSE AMONG THE ONE MILLION WAR REFUGEES (NOTE:

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Special Project (1993)

THERE ARE ACTUALLY ABOUT 500,000 DISPLACED PERSONS IN EL SALVADOR);

-- CIVILIAN AS WELL AS COMBATANT AMPUTEES; AND,

-- SALVADORAN CHILDREN WHO ARE SICK OR WOUNDED BECAUSE OF THE WAR. SOME OF THESE CHILDREN ARE TO BE BROUGHT BACK TO THE U.S., AND THEIR ACCOMPANYING FAMILY MEMBERS WILL BE HOSTED BY "SANCTUARY CONGREGATIONS."

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MAES LITERATURE STATES THAT THE AIRLIFT WILL BE USED AS "AN ORGANIZATION TOOL FOR THE CENTRAL AMERICAN PEACE MOVEMENT." MAES HOPES THE AIRLIFT WILL ATTRACT PUBLICITY TO "REFOCUS THE AMERICAN PUBLIC'S ATTENTION ON THE PROBLEMS IN EL SALVADOR."

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15. IN A PACKET ASKING SUPPORT FOR THE AIRLIFT IN THE FORM OF TAX-DEDUCTIBLE DONATIONS, MAES ALSO INCLUDES A TRANSLATION OF A LETTER FROM SAN SALVADOR ARCHBISHOP RIVERA DAMAS. IN HIS LETTER THE ARCHBISHOP ACCEPTS AND BLESSES THE AIRLIFT AND PROMISES THE CHURCH WILL ENSURE THE HELP WILL REACH THE MOST NEEDY. MAES APPARENTLY BROUGHT IN MUCH OF THE MEDICAL SUPPLIES INTENDED FOR THE AIRLIFT DURING THE EARTHQUAKE RELIEF EFFORT. THOSE

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SUPPLIES AS WELL AS A SINGLE PLANELOAD TO ARRIVE NOVEMBER 30 ARE CONSIGNED TO THE ARCHBISHOPRIC. MAES STATES IT IS LOOKING FOR AN OVERT VEHICLE TO CONTINUE ITS MEDICAL PROGRAM IN CONFLICTIVE ZONES, I.E., FMLN MILITARY HOSPITALS.

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16. THE MAES DELEGATION PLANS TO DEPART SAN SALVADOR ON DECEMBER 6 FOR MEXICO CITY ACCOMPANIED BY SALVADORAN CHILDREN AND THEIR FAMILIES. MAES CLAIMS IT HAS A MEETING SCHEDULED IN MEXICO CITY ON DECEMBER 7 WITH CONTADORA FOREIGN MINISTERS AND LEADERS OF THE SALVADORAN OPPOSITION (I.E. FMLN-FDR).

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El Salvador: Human Rights
Special Project (1993)

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E.O. 12356 DECL: OADR
TAGS: PREL, XK, HO
SUBJ: AMBASSADOR HABIB'S MEETINGS IN HONDURAS

REF: USUN 3994

1. (- ENTIRE TEXT).

2. SUMMARY. AMBASSADORS HABIB AND BRIGGS MET WITH PRESIDENT AZCONA AND FOREIGN MINISTER LOPEZ CONTRERAS TO REVIEW DIPLOMATIC DEVELOPMENTS. AZCONA, IN MARKED CONTRAST TO DUARTE AND ARIAS, WAS RELAXED ABOUT DEVELOPMENTS OVER THE NEXT FEW MONTHS. HE ACCEPTED THAT THE UPCOMING PERIOD WAS ONE OF WAITING TO SEE THE RESULTS OF INCREASED AID AND TRAINING FOR THE NICARAGUAN RESISTANCE. AZCONA WAS UNCONCERNED ABOUT THE INITIATIVE LAUNCHED BY THE OAS AND UN SECRETARIES GENERAL, WHICH HE DISMISSED AS "SENSELESS". THE HONDURANS WILL CONTINUE TO REJECT EFFORTS TO PROMOTE BILATERALISM AND WILL STRESS THE NEED TO RESOLVE THE INTERNAL CONFLICT IN NICARAGUA. AZCONA DID EXPRESS SOME CONCERN ABOUT THE IMPLIED THREAT CONTAINED IN THE RECENT SOVIET APPROACH TO HONDURAS. AZCONA WAS STRONGLY DISPLEASED WITH GUATEMALA'S OPEN SIDING WITH MEXICO AND PERU AT THE OAS GENERAL ASSEMBLY. HE SAW LUSINCHI AND SANGUINETTI AS THE ONLY RELIABLE FIGURES IN THE CONTADORA/SUPPORT GROUPS AND URGED GREATER CONTACT WITH THEM. END SUMMARY

3. AMBASSADORS HABIB AND BRIGGS, ACCOMPANIED BY NSC STAFF MEMBER BURGHARDT, MET WITH PRESIDENT AZCONA FOR AN HOUR ON NOVEMBER 28. AMBASSADOR BRIGGS ALSO HOSTED A DINNER MEETING WITH FOREIGN MINISTER LOPEZ CONTRERAS AND HIS KEY ADVISORS.

CONTADORA
- - - - -

4. THE HONDURANS WERE PLEASED WITH THE OUTCOME OF THE CENTRAL AMERICAN RESOLUTIONS AT THE OAS GENERAL ASSEMBLY AND THE UN GENERAL ASSEMBLY. LOPEZ CONTRERAS NOTED THAT THE UN GENERAL ASSEMBLY RESOLUTION INCLUDED A CALL FOR A "GLOBAL SOLUTION", WHICH WOULD BE USEFUL AMMUNITION IN FIGHTING OFF MEXICAN AND NICARAGUAN EFFORTS TO PROMOTE BILATERALISM AND PIECEMEAL SOLUTIONS.

5. AZCONA, IN CONTRAST TO DUARTE, WAS RELAXED ABOUT THE OAS/UNITED NATIONS SECRETARIES GENERAL INITIATIVE, WHICH

PAGE 01 GUATEM 12178 01 OF 02 2201Z 4824 004368 SSO3212

HE DISMISSED AS "SENSELESS" AND IMPOSSIBLE TO IMPLEMENT. HE SAID HONDURAS' RESPONSE WOULD BE TO CONTINUE STRESSING THAT THE KEY ISSUE IS THE POLITICAL PROBLEM INSIDE NICARAGUA. AZCONA EXPECTED THAT NOTHING OF SIGNIFICANCE WOULD HAPPEN AT THE CONTADORA EIGHT MEETING IN RIO NEXT MONTH. HE EXPECTED CONTADORA TO BE INACTIVE UNTIL THE CONTRA PRESSURE BEGINS TO INCREASE IN NICARAGUA. AT THAT POINT, THE CONTADORA GROUP MAY, FOR THE FIRST TIME, SEE THAT IT HAS TO PLAY THE ROLE OF MEDIATORS RATHER THAN OF ADVISERS TO THE SANDINISTAS. HABIB COMMENTED THAT IN THE MEANTIME IT WAS IMPORTANT TO CONTINUE TO REMIND THE CONTADORA GROUP OF THE INADEQUACY OF THE DRAFT TREATY WHICH THEY HAVE TRIED TO IMPOSE.

6. LOPEZ CONTRERAS NOTED THAT THERE HAD BEEN SOME HINTS OF THE BAENA SOARES/PEREZ DE CUELLAR INITIATIVE. ABOUT ONE MONTH AGO, AN AIDE TO THE UN SECRETARY GENERAL APPROACHED LOPEZ TO ASK HONDURAS' VIEW OF A SCHEME IN WHICH OBSERVERS WOULD BE PLACED ON THE HONDURAN-NICARAGUAN BORDER IN EXCHANGE FOR MANAGUA DROPPING ITS ICJ SUIT. THIS UN OFFICIAL ADDED THAT THE USG REACTION MIGHT BE SEVERE, INCLUDING LOWERING U.S. CONTRIBUTIONS TO THE UN. LOPEZ SAID HE RESPONDED THAT HONDURAS HAD NO CONFLICT WITH NICARAGUA WHICH REQUIRED BORDER OBSERVERS; THE ISSUE IS AN INTERNAL NICARAGUAN CONFLICT.

7. AZCONA OFFERED HIS VIEWS ON THE CONTADORA AND SUPPORT GROUP PRESIDENTS. HE SAW LUSINCHI AND SANGUINETTI AS THE ONLY RELIABLE, CLEARLY ANTI-COMMUNIST FIGURES AND URGED THAT WE INCREASE OUR CONTACT WITH THEM. AZCONA WAS DISTRUSTFUL OF ALFONSIN AND SAW BARCO AS A GOOD, BUT WEAK, MAN WHO WOULD NOT ASSUME ANY ROLE OF REGIONAL LEADERSHIP..

GUATEMALA
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8. THE HONDURANS EXPRESSED GREAT ANNOYANCE WITH GUATEMALA'S ROLE AT THE OAS GENERAL ASSEMBLY, WHERE QUINONES, ANDRADE AND VILLAGRAN HAD OPENLY LOBBIED IN FAVOR OF THE UNSUCCESSFUL MEXICAN DRAFT RESOLUTION. AZCONA ALSO WAS PIQUED THAT CEREZO HAD FAILED TO ATTEND AZCONA'S SPEECH AT THE MIAMI CCAA CONFERENCE. AZCONA SPOKE CONTEMPTUOUSLY OF CEREZO AS A "MOVIE STAR PERSONALITY" WHO FAILED IN HIS ATTEMPT TO BE A CENTRAL AMERICAN LEADER BECAUSE HE HAD LOST CREDIBILITY WITH THE OTHER COUNTRIES. AZCONA THOUGHT CEREZO NOW WOULD IGNORE CENTRAL AMERICA AND FOCUS ON RELATIONS WITH MEXICO AND OTHER LARGER COUNTRIES.

SOVIET APPROACH
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9. AZCONA EXPRESSED SOME CONCERN ABOUT THE SOVIET APPROACH EARLIER THAT DAY TO THE HONDURAN PERMREP IN NEW YORK. AZCONA INTERPRETED AS A THREAT THE SOVIET COMMENT IN THEIR NON-PAPER (REFTEL) THAT "OTHER CENTRAL AMERICAN STATES CAN ALSO BE DRAWN INTO THE ARMED CONFLICT" IN NICARAGUA. AZCONA SAID HE WAS CONSIDERING PUBLICIZING THE SOVIET PAPER. HABIB COMMENTED THAT NICARAGUA AND ITS FRIENDS SEE THAT INCREASED MILITARY PRESSURE IS IMMINENT AND ARE ATTEMPTING TO COUNTER IT IN EVERY POSSIBLE WAY, MILITARILY AND DIPLOMATICALLY. BURGHARDT ADDED THAT THE SOVIET APPROACH TO HONDURAS MAY REPRESENT MOSCOW'S RESPONSE TO A SANDINISTA APPEAL FOR SIGNS OF SUPPORT. HABIB SAID THE SOVIET UNION WAS UNLIKELY TO ENTER ITSELF DIRECTLY INTO THE CENTRAL AMERICAN SCENE BEYOND CONTINUED PROVISION OF ARMS AND GENERAL SUPPORT TO NICARAGUA. THE POSSIBILITY EXISTED OF GREATER CUBAN

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INVOLVEMENT, BUT THEY ALSO MUST RECOGNIZE THE DANGERS TO THEM WHICH THAT WOULD ENTAIL. LOPEZ CONTRERAS NOTED THAT MOSCOW'S APPROACH MAY IN PART HAVE BEEN A RESPONSE TO LOPEZ' UN GENERAL ASSEMBLY SPEECH, WHICH STATED THAT THE SOVIET PRESENCE IN CENTRAL AMERICA MADE PEACE IMPOSSIBLE.

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NICARAGUA

18. AZCONA WAS MARKEDLY MORE RELAXED THAN DUARTE OR ARIAS ABOUT THE NEXT FEW MONTHS IN NICARAGUA. HE ACCEPTED THAT NOW WE MUST WAIT TO SEE THE RESULTS OF INCREASED AID AND TRAINING FOR THE RESISTANCE. HABIB STRESSED, AS HE HAD IN EARLIER STOPS, THE FIRM POSITION OF THE REAGAN ADMINISTRATION AND THE EXTENT OF BIPARTISAN SUPPORT FOR OUR POLICY.

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November 23, 1986

Senator Rudy Boschwitz
210 Bremer Building
419 N. Robert St.
St. Paul, MN 55101

Dear Senator

In September, I wrote to you about Amnesty International's Chile campaign that we, at St. John's, are taking part in. I thank you for your help and your response. Unfortunately, the situation in Chile appears to be worsening. Again, I ask that you do all you can to help us in our fight for human rights.

Specifically, I ask that you take a look at our latest Update on our Chile campaign. This contains Amnesty International's response to the Chile government's comments on the Chile Briefing which I sent you in September. There are also several newspaper articles of interest which you should look at. Included is an article about a new member of the ruling junta that has been appointed, representing the army, General Humberto Gordon, the former head of CNI.

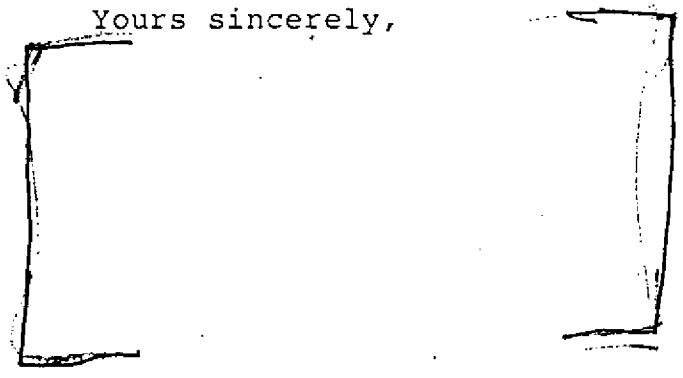
Lastly, I respectfully ask that you write to General Gordon and urge him to implement the specific measures outlined on p. 22 of the Chile Briefing. (I have enclosed a copy of these if you are unable to consult your briefing.) The general's address is:

Teniente General Humberto Gordon Rubio
Junta de Gobierno, Edificio Diego Portalies,
Santiago, Chile

You should send a copy of this letter to the Chilean ambassador in Washington and most importantly, to Elliot Abrams, Assistant Secretary of State for Inter-American Affairs, U.S. Department of State, Washington, DC 20520.

Once again, I thank you for all you've done and thank you in advance for what you will do. I am

Yours sincerely,



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November 23, 1986

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INFORMATION MEMORANDUM

S/S 11/24

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MEMORANDUM

TO: The Secretary

FROM: ECA - Philip C. Habib

SUBJECT: Report on My Consultations with the Presidents of the Central American Democracies, Mexico, and Colombia

On November 19-22, I visited the four Central American democracies and two Contadora Group members, Mexico and Colombia, to continue my consultations on Contadora and the diplomatic outlook. As usual, one of the purposes of my trip was to make clear what we considered necessary in any agreement that Contadora might produce: the comprehensive, verifiable, and simultaneous implementation of the 1983 Contadora Document of Objectives. Contadora is not dead. Although the Central American democracies are unhappy with the direction which Contadora has taken--under Mexican domination--they do not want it to be killed. There remain differences among the democracies about tactics and focus, but they continue to share a fundamental dislike for the Sandinista regime and a desire to see democratic change in Nicaragua. While Guatemala plays a somewhat independent role, the unity of Costa Rica, El Salvador, and Honduras remains strong. The latter three expressed some concern, however, about their isolation--with us--in a Latin America arrayed against "intervention" in Nicaragua. The Contadora and Support Groups will meet in December in Rio de Janeiro and may discuss ways to revive (perhaps unhelpfully) their active role. I spoke frankly with the Mexicans [redacted]

-- Of the Central Americans, my conversation with President Duarte was the most interesting. As usual, he was firm in his opposition to the Sandinistas. He was, however, uneasy about several points. He had

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serious doubts about the capability of the Nicaraguan democratic resistance, particularly on the political front. He was disillusioned with Contadora and especially Mexico's role in it. He expressed a latent but worrisome concern that the U.S. would not be able to sustain its policy or the degree of support needed to obtain its objectives, especially in view of his interpretation of our recent elections and the fact that only two years remain in President Reagan's Administration. He did not wholly accept my reassurances.

-- President Arias is still firm in his opposition to the Sandinista regime, despite his declared unwillingness to permit the Nicaraguan resistance to use Costa Rican territory. He dislikes the Sandinistas and what they stand for, and he is the most articulate proponent of the need for democratic change in Nicaragua. Like Duarte, he is concerned that the Central American democracies--and the U.S.--will become isolated in Latin America, as he sees widespread dislike for our support for the Nicaraguan resistance based on the traditional Latin opposition to intervention. Arias, Duarte and Azcona believe that it is important that more be done to convince the South American democracies to support the democratic opposition to the Sandinista regime. Arias expressed his anxiety over the impact of a lengthy war on his country, including the economic repercussions and the anticipated flood of refugees.

-- President Azcona was the most relaxed about events in the months ahead. He believed that Contadora was in a hiatus and that the main action would now take place on the battlefield. He was hopeful that the actions of the democratic resistance could bring about a change in circumstances favorable to our objectives. Azcona, like Arias, remains determined not to deal bilaterally with Nicaragua. Also like Arias, he refuses to deal with the Sandinistas and participate in the Contadora framework so long as their ICJ suit is pending. While all three democracies are displeased by Guatemala's performance at the OASGA, Azcona is particularly miffed, and this will make it more difficult to restore the harmony the four had begun to show a few months ago.

-- The three democracies have justification for their criticism of Guatemala's behavior. In implementing his "active neutrality" policy, Cerezo has been [redacted]

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still believe, however, that Cerezo's dislike for the Sandinista regime and his commitment to democracy will

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lead him to maintain a fundamental identification with the anti-Sandinista sentiments of the other democracies.

-- While in Guatemala, I met with two leaders of the Nicaraguan internal opposition. I stressed the importance of unity so that they could present a common front against the Sandinistas. They told me that they planned to form a new--and more effective--political coalition composed of the three major democratic parties. They indicated that they would renew the demands they had made on the Sandinista regime in their February proposal, including the call for a dialogue.

-- In accordance with my instructions, I made clear to the Mexicans [redacted] I recounted to President de la Madrid and Foreign Secretary Sepulveda the reasons for our opposing the June Contadora draft on the grounds that it would not achieve the comprehensive and simultaneous implementation of the Document of Objectives, and that it lacked adequate provisions for verification. I gave an accurate account of the Central American democracies' dislike for the tendency of the Contadora countries (led by Mexico) to seek to impose their positions. I urged the Mexicans to pay greater attention to the desires of the democracies for the fulfillment of all 21 points, including national reconciliation and democratization.

-- Meeting alone with de la Madrid, I explained that [redacted] I underscored the importance to this Administration of our Central American policy and objectives, and I stressed that it was among the highest priorities on the President's foreign policy agenda. De la Madrid listened carefully and calmly. He described Mexico's policy as based on the principle of non-intervention and fear that the war would widen. I emphasized the firmness of our resolve, including our determination to support the Nicaraguan resistance. On this point, there was clear disagreement. I believe that de la Madrid and Sepulveda fully understand our unhappiness about their actions in Central America. [redacted] I strongly recommend that this message be included in any high-level contacts with de la Madrid, Sepulveda, and other selected senior Mexican officials.

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-- I visited Colombia to meet President Barco and Foreign Minister Londono and personally explain our policy toward Contadora and Nicaragua. I made clear what we expected from Contadora in line with our basic criteria. I emphasized the seriousness with which our policy was viewed at the highest levels of our government and that it was a key element of President Reagan's foreign policy. Barco indicated that he did not have a strong interest in Contadora and that his primary concern was that it might escalate into a regional conflict which would adversely affect Colombia. I believe Colombia will play a moderating role in Contadora, but it will not get out in front.

-- As you are aware, on the eve of my trip, the Secretaries General of the OAS and UN launched a joint initiative on Central America. The Central American democracies agreed fully with our position that this offer would be useful only in the context of a comprehensive agreement. We need not worry that they will cave in to this effort to promote bilateralism and divide up the problem into partial solutions. The careful nurturing and consultation with the democracies which my predecessor and I have pursued is paying off.

In accordance with my instructions, I made certain that everyone understood that the U.S. was not seeking to deliver the coup de grace to Contadora. I left no doubt that our views about what Contadora should comprise were stronger than ever. I emphasized that the pressure on the Sandinistas from the democratic resistance would grow and would be sustained. I was impressed by the strength of the conviction and understanding as well as the support for our basic objectives among the Central American democracies. I am convinced that this will work to our advantage in the future. Their unity was the key factor in obtaining favorable results in the recent UNGA and OASGA. We should provide a high level of economic support for the democracies, despite our budgetary constraints. El Salvador needs additional special consideration as a result of the earthquake.

cc: D - Mr. Whitehead
P - Mr. Armacost
ARA - Mr. Abrams
DOD - Mr. Weinberger
CIA - Mr. Casey
NSC - Mr. Burghardt

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Amb. Habib's report on November 19-22 trip to Central America, Mexico, and Colombia

Drafted:ARA/CEN:DRandolph

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Chile Project (#S199900030)
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Senator Rudy Boschwitz
210 Bremer Building
419 N. Robert St.
St. Paul, MN 55101

NOV 25 1986

Dear Senator

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Specifically, I ask that you take a look at our latest Update on our Chile campaign. This contains Amnesty International's response to the Chile government's comments on the Chile Briefing which I sent you in September. There are also several newspaper articles of interest which you should look at. Included is an article about a new member of the ruling junta that has been appointed, representing the army, General Humberto Gordon, the former head of CNI.

Lastly, I respectfully ask that you write to General Gordon and urge him to implement the specific measures outlined on p. 22 of the Chile Briefing. (I have enclosed a copy of these if you are unable to consult your briefing.) The general's address is:

Teniente General Humberto Gordon Rubio
Junta de Gobierno, Edificio Diego Portalies,
Santiago, Chile

You should send a copy of this letter to the Chilean ambassador in Washington and most importantly, to Elliot Abrams, Assistant Secretary of State for Inter-American Affairs, U.S. Department of State, Washington, DC 20520.

Once again, I thank you for all you've done and thank you in advance for what you will do. I am

Yours sincerely,

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E.O. 12356: DECL: OADR
TAGS: PREL, XK, GT, OVIP (HABIB, PHILIP C.)
SUBJECT: AMB. HABIB'S MEETING WITH GUATEMALAN PRESIDENT CEREZO

1. (SECRET - ENTIRE TEXT.)

2. SUMMARY: AMBASSADORS HABIB AND PIEDRA MET ON NOVEMBER 21 WITH PRESIDENT CEREZO TO DISCUSS THE NEGOTIATING PROCESS IN CENTRAL AMERICA. HABIB EXPLAINED THAT AS OUR AID TO THE NICARAGUAN DEMOCRATIC RESISTAN E BEGAN TO FLOW, IT WAS IMPORTANT TO REITERATE THAT THE U.S. STILL MAINTAINED ITS DIPLOMATIC TRAC . HABIB NOTE THAT THE UNITY OF THE CENTRAL AMERICAN DEMOCRD IES HAD BEEN ADVERSELY AFFECTED BY GUATEMALA, ANA THE OTHER THR E DEMOCRACIES WERE CONCERNED ABOUT WHERE GUATEMALA REALLY STOOD. CEREZO SAID THAT IT WAS IMPORTANT TO ALL, INCLUDING THE U.S., THAT THE GOG MAINTAIN ITS NEUTRALITY. HE WAS AWARE OF THE CONCERN OF HIS FELLOW CENTRAL AMERICANS AND WOULD SEEK TO MAKE HIS POLICY UNDERSTOOD. HABIB ADVISED CEREZO THAT HE WOULD TALK LATER IN THE DAY WITH MEXICAN PRESIDENT DE LA MADRID ABOUT U.S. CONCERNS OVER MEXICO'S UNHELPFUL ACTIONS IN CENTRAL AMERICA. CEREZO COMMENTED THAT MEXICO MAY BE TAKING SOME OF THESE ACTIONS AS A WAY OF GETTING AT THE U.S. CEREZO SAID THAT HE WAS PROVIDING ASSISTANCE TO THE SOCIAL CHRISTIAN PARTY IN NICARAGUA AND WOULD SEEK TO HELP THE PARTY OVERCOME ITS CURRENT INTERNAL DIFFERENCES. CEREZO ADDED THAT HE SHARED OUR VIEWS THAT THE JOINT OAS/UN INITIATIVE WAS UNHELPFUL OUTSIDE THE CONTEXT OF A COMPREHENSIVE AGREEMENT AND THE GOG MISSION IN NEW YORK HAD ALREADY BEEN NOTIFIED NOT TO SUPPORT IT. END SUMMARY.

3. ON NOVEMBER 21, AMBASSADORS HABIB AND PIEDRA CA LED ON GUATEMALAN PRESIDENT CEREZO TO DISCUSS THE .ENTRAL AMERICAN NEGOTIATING PROCESS. HABIB EXPLAINED TAT THE PURPOSE OF HIS TRIP WAS TO MAINTAIN THE DIPLOMATIC TRA K OF U.S. POLICY. THE PRESSURE TRACK WAS MOVING AHEAD, AND SOON WE WOULD SEE THE IMPACT OF OUR AID TO THE NICARAGUAN DEMOCRATIC RESISTANCE. THIS WOULD AFFECT THE DIPLOMATIC TRACK. THE USG CONTINUED TO SUPPORT CONTADORA AS A MEANS TO A COMPREHENSIVE, SIMULTANEOUS AND VERIFIABLE AGREEMENT

INCLUDING ALL 21 POINTS OF THE 1983 DOCUMENT OF OBJECTIVES. THE CENTRAL AMERICAN DEMOCRACIES PLAYED A KEY ROLE IN THE PROCESS, AND OUR POLICY WAS COMPATIBLE WITH THEIRS. LIKE THE DEMOCRACIES, WE FOUND THE JUNE DRAFT AGREEMENT INADEQUATE. ANY NEGOTIATIONS WITHIN CONTADORA WERE NOW HINDERED BY NICARAGUA'S SUITS AGAINST COSTA RICA AND HONDURAS IN THE ICJ.

4. AMB. HABIB SAID THAT HE WAS TROUBLED THAT DURING HIS CURRENT TRIP THROUGH CENTRAL AMERICA, HE DID NOT DETECT THE SENSE OF UNITY AMONG THE DEMOCRACIES THAT HE HAD OBSERVED PREVIOUSLY. THE OTHER DEMOCRACIES WERE UNCERTAIN ABOUT WHERE GUATEMALA STOOD. THE USG BELIEVED THAT IT WAS IMPORTANT THAT THE DEMOCRACIES MAINTAIN THEIR UNITY AND HARMONY. CEREZO REPLIED THAT HE WAS ALSO CONCERNED THAT HIS POSITION WAS NOT UNDERSTOOD. HE INSISTED THAT IT WAS IMPORTANT FOR ALL THAT THE GOG CONTINUE ITS "ACTIVE NEUTRALITY" POLICY. WITHIN THE CONTADORA AND SUPPORT GROUPS, THERE WERE AT LEAST THREE COUNTRIES THAT WERE OPPOSED TO THE SANDINISTAS. EVERYONE WAS SEARCHING FOR ARGUMENTS TO PERSUADE THEM TO TAKE A FIRM POSITION. IT WAS CRUCIAL THAT THEY NOT SIDE WITH NICARAGUA. GUATEMALA DID NOT WANT TO GIVE THE SANDINISTAS ANY PROPAGANDA POINTS.

5. CEREZO SAID THAT IF THE NICARAGUAN RESISTANCE DID DO WELL IN THE COMING MONTHS AND BEGAN TO PUT REAL PRESSURE ON THE SANDINISTAS, MEXICO WOULD ATTEMPT TO POLARIZE THE SITUATION. IT WOULD SEEK AN OPEN CONFRONTATION BETWEEN CONTADORA AND THE U.S. BECAUSE OF THE CREDIBILITY GUATEMALA OBTAINED FROM ITS NEUTRAL STANCE, IT WOULD BE IN A STRONG POSITION TO BE A MEDIATOR BETWEEN THE DEMOCRACIES AND THE SANDINISTAS. CEREZO ADDED THAT HE WOULD BE EXPLAINING THIS RATIONALE TO FELLOW CENTRAL AMERICAN CHRISTIAN DEMOCRATS WHO WERE GATHERED IN GUATEMALA FOR A SEMINAR.

6. HABIB ADVISED CEREZO THAT HE WOULD BE SEEING MEXICAN PRESIDENT DE LA MADRID LATER THAT DAY. MEXICO WAS CLEARLY TILTING IN FAVOR OF NICARAGUA. CEREZO AGREED AND OPINED THAT THE MEXICANS WERE FOLLOWING THEIR COURSE IN ORDER TO GET AT THE U.S.

7. HABIB ASKED WHAT INFORMATION CEREZO HAD ABOUT THE DECEMBER MEETING OF THE CONTADORA COUNTRIES IN RIO DE JANEIRO. CEREZO REPLIED THAT HE UNDERSTOOD THAT THEY WERE GOING TO EVALUATE THE STATUS OF THE CONTADORA PROCESS. HABIB SUGGESTED THAT THE CENTRAL AMERICAN DEMOCRACIES MAKE THEIR POSITIONS CLEARLY KNOWN TO THE CONTADORA COUNTRIES BEFORE THE MEETING, PARTICULARLY REGARDING THE JUNE DRAFT AGREEMENT. CEREZO COMMENTED THAT HE AGREED WITH THE OTHER DEMOCRACIES ABOUT THE NEED TO HAVE DEMOCRACY INCLUDED IN ANY AGREEMENT, BUT HE BELIEVED THAT NICARAGUA WOULD REJECT THIS ON TE GROUN S THAT IT WOULD CONSTITUTE INTERVENTION IN ITS INTERNAL AFFAIRS, AND MEXICO WOULD SUPPORT THIS POSITION. HABIB ARGUED THAT NICARAGUA HAD AGREED TO NATIONAL RECONCILIATION AND DEMOCRACY WHEN IT SIGNED THE DOCUMENT OF OBJECTIVES, SO DEMANDING THAT NICARAGUA FULFILL THIS POINT COULD NOT BE REGARDED AS INTERVENTION. HE ADDED THAT THE CONTADORA PROCESS NEEDED TO TAKE INTO ACCOUNT THE POSITION OF ALL FIVE CENTRAL AMERICAN STATES, NOT JUST NICARAGUA.

8. HABIB SAID THAT HE WOULD SOON MEET WITH LEADERS OF THE NICARAGUAN CIVIC OPPOSITION. HE REFERRED TO THE CURRENT CRISIS WITHIN THE NICARAGUAN SOCIAL CHRISTIAN PARTY AND URGED CEREZO TO USE HIS INFLUENCE TO HELP RESOLVE THE DIFFERENCES. HE RECALLED THAT DURING HIS

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SEPTEMBER VISIT, CEREZO HAD STATED THAT HE WOULD ASSIST THE SOCIAL CHRISTIAN PARTY IN OPPOSITION INSIDE NICARAGUA. CEREZO WAS WELL VERSED ON THE PSC CRISIS AND NOTED THAT HE WOULD SOON MET WITH PSC PRESIDENT ER-CK RAMIREZ, WHOM HE SUPPORTED, AND WOULD WORK WITH HIM TO ACHIEVE A SOLUTION TO THE CURRENT DIFFERENCES. CEREZO SAID THAT THE GOG AND THE GUATEMALAN CHRISTIAN DEMOCRATIC PARTY WERE ALREADY GIVING SOME HELP TO THE PSC, AND THEY WERE SEEKING ASSISTANCE ALSO FROM GERMANY AND ELSEWHERE.

EXDIS

9. HABIB CONGRATULATED CEREZO FOR HIS SUCCESSFUL VISIT TO EUROPE. HE STATED THAT AT THE SUGGESTION OF THE CENTRAL AMERICAN FOREIGN MINISTERS DURING THEIR OASGA LUNCHEON WITH THE SECRETARY, HE WOULD BE TRAVELING TO EUROPE IN JANUARY TO DISCUSS OUR POLICY IN CENTRAL AMERICA. CEREZO WAS PLEASED TO LEARN THIS AND REMARKED THAT MUCH NEEDED TO BE DONE. HE URGED HABIB TO INCLUDE SPAIN, BECAUSE FELIPE GONZALEZ WAS A GOOD POLITICIAN WHO WOULD LISTEN IF OUR POLICY WERE EXPLAINED TO HIM. HABIB POINTED OUT THAT HE HAD RECENTLY TALKED TO THE FRENCH AND THAT THEY WERE ALREADY SHIFTING THEIR POLICY IN FAVOR OF THE DEMOCRACIES. THE GERMANS WERE DOING SO ALSO. HE POINTED OUT THAT EVEN IF THE AMOUNTS OF AID INVOLVED WERE NOT GREAT, IT WAS IMPORTANT PSYCHOLOGICALLY TO HAVE THE EUROPEAN DEMOCRACIES SUPPORT THE CENTRAL AMERICAN DEMOCRACIES, NOT NICARAGUA. CEREZO CONCURRED AND SAID HE WOULD BE ACTIVE IN THE SAME SENSE.

EXDIS

10. HABIB NOTED THAT AMB. PIEDRA HAD ALREADY DISCUSSED OUR POSITION ON THE JOINT OAS/UN INITIATIVE WITH FOREIGN MINISTER QUINONES. CEREZO RESPONDED THAT GUATEMALA ALSO BELIEVED THE INITIATIVE TO BE UNHELPFUL AS A POSSIBLE MEANS TO PIECE-MEAL TREATMENT OF THE ISSUES. QUINONES ADDED THAT HE HAD ALREADY SPOKEN TO GUATEMALA'S PERMREP TO THE UN ANDRADE AND INSTRUCTED HIM NOT TO SUPPORT THE INITIATIVE AS IT STOOD. IT WAS AGREED TO MAINTAIN A COORDINATED RESPONSE TO THE INITIATIVE. SHULTZ

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United States Department of State

Washington, D.C. 20520

NOVEMBER 25 1986

EXCISE

Dear Ms. Fiedler:

We have received your letter of October 28, 1986 concerning the human rights situation in Chile. Your correspondence was on behalf of your constituent.

We share your constituent's strong concern over human rights conditions in Chile. We have made known, both publicly and privately, our views favoring increased respect for human rights and a peaceful democratic transition in Chile. When Assistant Secretary of State Elliott Abrams appeared before the House Banking Subcommittee on Development and International Financial Institutions on July 30, for example, he testified in detail regarding the serious, persistent problems in Chile in the area of human rights. Our interest in improved human rights was also evident in our sponsorship of a unanimously approved human rights resolution on Chile at the United Nations Human Rights Commission (UNHRC) in March. We are enclosing Mr. Abrams' testimony, as well as the UNHRC resoltion and the 1985 State Department Human Rights report on Chile. Your constituent will find many of her concerns addressed in these documents. She may also find of interest the fact that there have been no unresolved cases of disappeared persons in Chile for several years.

If we can be of any further assistance to your office in this matter please do not hesitate to contact us.

With best wishes,

Sincerely,

Louise R. Hoppe
Acting Assistant Secretary
Legislative and Intergovernmental Affairs

FAX/ISP/WI

1986 NOV 26 PM 12:25

FORWARDED BY DEPARTMENT OF STATE

Enclosures:

1. Correspondence returned.
2. Testimony of Assistant Secretary Abrams.
3. UNHRC Resolution.
4. 1985 State Department Human Rights Report.

The Honorable
Bobbi Fiedler,
House of Representative.

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Chile Project (#S199900030)
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PAGE 01 ROME 28234 01 OF 02 251820Z
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C O N F I D E N T I A L SECTION 01 OF 02 ROME 28234

E.O. 12356: DECL:OADR
TAGS: KPIN, PGOV, PREL, IT, CI, XM, XT, XZ, XG
SUBJ: SUPPORT OF CHILEAN TRANSITION TO DEMOCRACY: ITALY

REFS: (A) STATE 343714 (B) ROME 26065 NOTAL
(C) ROME 8486 NOTAL (D) ROME 26926 NOTAL

1. (C) - ENTIRE TEXT.

SUMMARY

ITALY'S SOCIALIST (PSI) AND CHRISTIAN DEMOCRATIC (DC) PARTIES BOTH HAVE A MODERATE APPROACH TO CHILE AND FAVOR STEPS WHICH WOULD BRING A PEACEFUL TRANSITION TO DEMOCRACY. THE PSI, THOUGH RESOURCE-POOR, HAS SOUGHT TO ENCOURAGE THE MODERATE SECTORS OF THE CHILEAN SOCIALIST PARTY WHICH IN THE PAST HAVE COOPERATED WITH THE DEMOCRATIC ALLIANCE. THE POSITION OF THE ITALIAN
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PAGE 02 ROME 28234 01 OF 02 251820Z

DC AND THE CHRISTIAN DEMOCRATIC INTERNATIONAL (CDI) IS VERY CLOSE TO THAT OF THE UNITED STATES (REFS B AND C). BOTH ARE IN CLOSE CONTACT WITH CHILEAN CHRISTIAN DEMOCRATS (PDC). END SUMMARY.

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. CHILE AS A WARNING

ALL OF ITALY'S MAJOR PARTIES HAVE BEEN FASCINATED BY CHILE SINCE THE FALL OF THE ALLENDE GOVERNMENT IN 1973. THE LATE LEADER OF THE ITALIAN COMMUNIST PARTY (PCI), ENRICO BERLINGUER, IS SAID TO HAVE VIEWED ALLENDE'S FATE AS A SORT OF ADMONITION AGAINST PCI OVER-AGGRESSIVENESS IN SEEKING TO ENTER THE NATIONAL GOVERNMENT. SOME BELIEVE THAT THE 1973 COUP WAS AN IMPORTANT FACTOR IN BERLINGUER'S DECISION TO PURSUE THE "HISTORIC COMPROMISE" -- HIS GRAND STRATEGY FOR COMMUNIST/CHRISTIAN DEMOCRAT POWER SHARING -- IN THE MID-1970'S.

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. OTHER PARTIES, FROM THE NEO-FASCIST ITALIAN SOCIAL MOVEMENT TO THE TINY FRINGE GROUPS OF THE FAR LEFT, HAVE FOLLOWED EVENTS IN CHILE CLOSELY AS WELL. CHILEAN DEVELOPMENTS ALSO RECEIVE DETAILED COVERAGE IN THE ITALIAN PRESS. CURRENT PRIME MINISTER BETTINO CRAXI VISITED CHILE NOT LONG AFTER ALLENDE'S FALL -- JUST BEFORE HIS ELECTION AS SOCIALIST PARTY SECRETARY -- AND HAS SHOWN A CONTINUING INTEREST IN CHILE EVER SINCE. DC PARTY SECRETARY CIRIACO DE MITA HAS BEEN TO CHILE TWICE IN THE LAST FOUR YEARS AND IS PLANNING ANOTHER TRIP. IN SEPTEMBER CDI PRESIDENT FLAMINIO PICCOLI MADE A SHORT VISIT TO SANTIAGO, AND IN THE PAST 18 MONTHS BOTH GABRIEL VALDES AND ANDRES ZALDIVAR HAVE VISITED ROME. FOR THE PURPOSES OUTLINED IN CONFIDENTIAL

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PAGE 03 ROME 28234 01 OF 02 251820Z

REF A, THE SOCIALISTS AND CHRISTIAN DEMOCRATS ARE THE TWO ITALIAN PARTIES OF REAL INTEREST.

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THE SOCIALISTS

THE PSI HAS A FAIRLY STRONG LEFT WING, SOME OF WHOSE MEMBERS WOULD NOT BE OPPOSED TO RADICAL SOLUTIONS FOR

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CHILE. HOWEVER, THE MAINSTREAM, INCLUDING CRAXI HIMSELF, IS ALIVE TO THE DANGER OF CIVIL CONFLICT AND FAVORS A PEACEFUL, NEGOTIATED TRANSITION TO DEMOCRACY.
THE ITALIAN SOCIALISTS LACK THE MANPOWER AND RESOURCES TO CARRY OUT AN EXTENSIVE PROGRAM OF BILATERAL RELATIONS WITH OTHER SOCIALIST PARTIES, AND ARE IN MOST CASES CONTENT TO WORK THROUGH THE SOCIALIST INTERNATIONAL (SI). HOWEVER, MARGHERITA BONIVER, A FORMER SENATOR AND CLOSE COLLABORATOR OF CRAXI WHO IS RESPONSIBLE FOR PSI RELATIONS WITH THE SI, TAKES JAUNDICED VIEW OF THE EXTREMISTS IN THE RANKS OF LATIN AMERICAN SI MEMBERS AND WOULD NOT BE INCLINED TO FOLLOW THEIR LEAD. RATHER, SHE WOULD DISCOURAGE THOSE PRONE TO VIOLENCE. THE PSI HAS THEREFORE GONE ITS OWN WAY, SEEKING IN PARTICULAR TO ENCOURAGE THOSE CHILEAN SOCIALISTS WHO TAKE A MODERATE APPROACH AND FAVOR A NEGOTIATED TRANSITION AND COOPERATION WITH OTHER DEMOCRATIC PARTIES.

. THE ITALIAN SOCIALISTS MAINLY PROVIDE MORAL SUPPORT TO THE ELEMENTS OF THE CHILEAN SOCIALIST PARTY WITH WHICH THEY ARE IN CONTACT, THOUGH ON RARE OCCASIONS THEY HAVE ALSO PROVIDED SOME SMALL AMOUNTS OF FINANCIAL AID. WITH ELECTIONS SCHEDULED

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PAGE 01 ROME 28234 02 OF 02 251823Z

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C O N F I D E N T I A L SECTION 02 OF 02 ROME 28234

E.O. 12356: DECL:OADR
TAGS: KPIN, PGOV, PREL, IT, CI, XM, XT, XZ, XG
SUBJ: SUPPORT OF CHILEAN TRANSITION TO DEMOCRACY: ITALY

TO TAKE PLACE IN ITALY IN THE NEXT 18 MONTHS, IT IS UNLIKELY THAT THE PSI WOULD CONSIDER FURTHER FINANCIAL COMMITMENTS IN CHILE AT THIS TIME. THE PSI WELCOMES CONSULTATIONS WITH THE UNITED STATES ON CHILE, AND UNDERSTANDS AND IN LARGE MEASURE AGREES WITH OUR APPROACH. ITALIAN SOCIALISTS SEE THE NEED FOR COHESION IN THE DEMOCRATIC OPPOSITION. HOWEVER, WE BELIEVE THEY WOULD BE RELUCTANT TO PRESSURE THEIR CHILEAN COUNTERPARTS WITH REGARD TO A DIALOGUE WITH THE MILITARY UNLESS CONVINCED THAT A REAL POSSIBILITY FOR AN EARLY BREAKTHROUGH IN SUCH TALKS EXISTS.

8. THE CHRISTIAN DEMOCRATS

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PAGE 02 ROME 28234 02 OF 02 251823Z

THE ITALIAN CHRISTIAN DEMOCRATS AND THE CDI ARE SELF-STARTERS WITH REGARD TO CHILE. THE SUCCESS OF CHRISTIAN DEMOCRATIC PARTIES IN CENTRAL AMERICA HAS

INGENDERED INTEREST AND ENTHUSIASM FOR LATIN AMERICA IN GENERAL IN THE DC. THE DC AND CDI BELIEVE THAT CHILE OFFERS THE NEXT CLEAR OPPORTUNITY FOR CHRISTIAN DEMOCRATS TO COME TO POWER IN THE AREA, AND BOTH ORGANIZATIONS HAVE FUNNELED MODEST FINANCIAL ASSISTANCE TO THE PDC.

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9. THE ITALIAN DC AND CDI ARE ON THE SAME WAVELENGTH IS THE UNITED STATES REGARDING POLICY TOWARD CHILE. IN A RECENT MEETING WITH EMBASSY OFFICERS, PICCOLI SAID THAT HE THOUGHT U.S. POLICY IS PRECISELY WHERE IT SHOULD BE AT THIS POINT (REF B). THE DC AND CDI HAVE COUNSELED CHILEAN CHRISTIAN DEMOCRATS OVER RECENT MONTHS TO BE PATIENT, TO CONTINUE TALKS WITH THE REGIME, AND TO WORK AT HOLDING THE DEMOCRATIC ALLIANCE TOGETHER. ITALIAN CHRISTIAN DEMOCRATS ARE, MOREOVER, STRONG SUPPORTERS OF TALKS WITH THE MILITARY, WHICH THEY SEE AS THE ONLY MEANS OF ENSURING A FAIR AND OPEN CONTEST IN 1989. THEY ALSO BELIEVE THAT IT EVENTUALLY MAY BE NECESSARY FOR MODERATE ELEMENTS IN THE ARMED FORCES TO MOVE AGAINST PINOCHET IN ORDER TO OPEN THE WAY FOR A DEMOCRATIC TRANSITION (REF C).

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10. THE ITALIAN DC AND THE CDI ARE ANXIOUS TO OORDINATE THEIR APPROACH TO CHILE WITH THE UNITED TATES. PICCOLI IS ALREADY PLANNING A TRIP TO ASHINGTON (REF D). DE MITA WOULD ALSO LIKE TO TOP IN WASHINGTON AS PART OF A TRIP TO CENTRAL MERICA AND CHILE THAT, ACCORDING TO HIS ADVISORS, E HOPES TO SCHEDULE IN EITHER LATE DECEMBER OR IN

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PAGE 03 ROME 28234 02 OF 02 251823Z

ANUARY OF 1987. BOTH WOULD WELCOME THE OPPORTUNITY O COLLABORATE WITH THE UNITED STATES ON ENCOURAGING PEACEFUL TRANSITION TO DEMOCRACY IN CHILE, WHICH HEY SEE AS THE BEST MEANS OF ENSURING THE PDC'S ETURN TO POWER. HOLMES

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E.O. 12356: DECL: OADR
TAGS: PREL, PHUM, EAID, CI, NL
SUBJECT: DUTCH CHRISTIAN DEMOCRATS CONSIDER
- POSSIBLE SUPPORT FOR CHILEAN COUNTERPARTS

REF: (A) SANTIAGO 8072 (B) THE HAGUE 8725

1. CONFIDENTIAL - ENTIRE TEXT.

2. SUMMARY. A SEMI-OFFICIAL DUTCH DELEGATION CONSISTING OF POLITICAL PARTY REPRESENTATIVES AND DEVELOPMENT AID CO-FINANCING ORGANIZATIONS IS VISITING CHILE THIS WEEK (THROUGH NOVEMBER 28). INCLUDED IN THIS GROUP IS THE DIRECTOR OF CEBEMO, A CATHOLIC CO-FINANCING ORGANIZATION WHICH IS CONSIDERING FINANCIAL SUPPORT TO RADIO COOPERATIVA. OUR UNDERSTANDING, HOWEVER, IS THAT CEBEMO'S COMMITMENT TO HELPING THE RADIO STATION IS NOT AS FIRM AS THE CHILEAN DIRECTOR SEEMS TO BELIEVE (REF A), BUT A FINAL DECISION MAY BE MADE ON THE BASIS OF THE CURRENT DISCUSSIONS IN SANTIAGO. END SUMMARY.
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PAGE 02 THE HA 08963 251528Z

3. ON THE BASIS OF REF A, WE SOUGHT TO FOLLOW-UP WITH APPROPRIATE CONTACTS ON STATE OF PLAY OF ALLEGED DUTCH FINANCIAL SUPPORT FOR CHILEAN RADIO COOPERATIVA. THE "CHRISTIAN DEMOCRAT FOUNDATION FINANCED ENTIRELY BY THE DUTCH GOVERNMENT" REFERRED TO IN REF A APPEARS TO BE CEBEMO, A CATHOLIC DEVELOPMENT AID CO-FINANCING ORGANIZATION WITH CLOSE TIES TO THE DUTCH CHRISTIAN DEMOCRATIC PARTY (CDA). WE TALKED WITH A CEBEMO OFFICIAL ABOUT THE ORGANIZATION'S SUPPORT FOR RADIO COOPERATIVA. HE CONFIRMED THERE HAVE BEEN TALKS ABOUT PROVIDING FINANCIAL SUPPORT, BUT NO DEFINITE COMMITMENTS HAVE BEEN MADE. THE OFFICIAL SAID CHILEAN LAW WILL NOT ALLOW CEBEMO TO PROVIDE DIRECT SUPPORT TO RADIO STATIONS. THUS, CEBEMO IS INVESTIGATING OTHER CHANNELS THROUGH WHICH ASSISTANCE CAN BE GIVEN TO SUPPORT FREEDOM OF OPINION. THE OFFICIAL NOTED THAT ONE POSSIBILITY WOULD BE TO PROVIDE AID TO AN INDEPENDENT FOUNDATION THAT IT TURN WOULD GIVE THE MONEY TO THE RADIO STATION. HE SAID THIS ARRANGEMENT HAS BEEN EXPLORED IN THE CASE OF ANOTHER CHILEAN RADIO STATION, RADIO CHILEANA.

4. CEBEMO SEEMS SYMPATHETIC TO SUPPORTING THE CAUSE OF CHILEAN CHRISTIAN DEMOCRATS. THE CDA INTERNATIONAL SECRETARY TOLD US HIS PARTY DOES NOT GIVE DIRECT AID TO ITS COUNTERPART IN CHILE. IT DOES, HOWEVER, MAINTAIN CLOSE CONTACT WITH CHRISTIAN DEMOCRATIC LEADERS SUCH AS GABRIEL VALDEZ. ON THE BASIS OF THESE CONTACTS, IT ENCOURAGES CEBEMO TO PROVIDE AID TO PARTICULAR PROJECTS IN CHILE. OUR CONTACTS ADDED THAT A LARGE DUTCH DELEGATION COMPOSED OF REPRESENTATIVES OF TWO POLITICAL PARTIES (LABOR AND CHRISTIAN DEMOCRATS)
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PAGE 03 THE HA 08963 251528Z

AND A NUMBER OF NGO'S AND AID ORGANIZATIONS IS NOW IN CHILE. THE LEADING CDA FIGURES IN THE GROUP ARE CEBEMO DIRECTOR THOM KERSTIENS AND EUROPEAN PARLIAMENTARIAN JEAN PENDERS. UPON THE DELEGATION'S RETURN TO THE HAGUE NOVEMBER 28, IT MAY BECOME CLEARER WHAT ASSISTANCE DUTCH GROUPS ARE PREPARED TO GIVE TO THE CHILEAN OPPOSITION, INCLUDING THE SPECIFIC

CASE OF AID TO RADIO COOPERATIVA. HEIMANN

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C O N F I D E N T I A L STATE 366907

E.O. 12356: DECL: OADR
TAGS: PREL, PHUM, PGOV, UNGA
SUBJECT: US REVISIONS TO MEXICAN TEXT ON CHILE
REF: STATE 361814

1. (C - ENTIRE TEXT).

2. US MISSION SHOULD IMMEDIATELY DELIVER THE BELOW TEXT TO MEXICAN, FRENCH, DUTCH, AND OTHER RELEVANT DELEGATIONS AT UN. THE CHANGES REFLECTED IN PARA 3 ARE THOSE NECESSARY FOR US TO VOTE IN FAVOR OF HUMAN RIGHTS RESOLUTION ON CHILE AT UNGA. CHANGES ARE KEYED TO THE MEXICAN TEXT DATAFAXED NOVEMBER 20. WITHOUT SUCH CHANGES, THE U.S. WILL EITHER ABSTAIN OR VOTE AGAINST THE MEXICAN RESOLUTION ON CHILE. OUR DECISION ON ABSTENTION OR A NO VOTE WOULD BE BASED ON OUR ANALYSIS OF THE MEXICAN TEXT ACTUALLY TABLED.

3. MEXICAN TEXT OF 11/20

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PAGE 02 STATE 366907

COMMENTS ON PREAMBULAR PARAGRAPHS

1. NO CHANGES.

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2. ADD FINAL CLAUSE: QUOTE AN OBLIGATION WHICH IS NOT DIFFERENT FROM THAT OF ANY OTHER GOVERNMENT WHICH IS A PARTY TO INTERNATIONAL HUMAN RIGHTS INSTRUMENTS. END QUOTE

3. NO CHANGES.

4. REPLACE WITH: CONSIDERING THAT THE SPECIAL RAPPORTEUR HAS SUBMITTED TO THE FORTY-FIRST SESSION OF THE GENERAL ASSEMBLY A PRELIMINARY REPORT ON THE SITUATION OF HUMAN RIGHTS IN CHILE DURING 1986, AND INTENDS TO DELIVER TO THE COMMISSION ON HUMAN RIGHTS AT ITS 43RD SESSION A FINAL REPORT;

5. REPLACE CLAUSE FOLLOWING INTER ALIA TO READ: TO EXTEND THE MANDATE OF THE SPECIAL RAPPORTEUR FOR A YEAR AND TO CONSIDER THE SITUATION OF HUMAN RIGHTS IN CHILE AS A MATTER OF HIGH PRIORITY; (COMMENT: THIS CHANGE IS NECESSARY TO CONFORM WITH THE UNHRC RESOLUTION, WHICH DOES NOT REFER TO AN INCREASE IN SERIOUS VIOLATIONS OF HUMAN RIGHTS.)

6. ELIMINATE THIS PARAGRAPH AND REPLACE WITH: CONSIDERING FURTHER THAT THE SPECIAL RAPPORTEUR'S REPORT INDICATES THAT HE HAS RECEIVED THE FULL, FRANK AND OPEN COOPERATION OF THE GOVERNMENT OF CHILE, NOT ONLY BY PROVIDING DETAILED INFORMATION, BUT ALSO BY GIVING PROMPT AND EFFECTIVE ATTENTION TO REQUESTS MADE BY THE SPECIAL RAPPORTEUR IN FULFILLING HIS MANDATE;

7. CHANGE TO READ: HAVING EXAMINED THE SPECIAL RAPPORTEUR'S LATEST REPORT AND THE RESPONSE BY THE GOVERNMENT OF CHILE, AND HAVING EXAMINED REPORTS FROM VARIOUS NON-GOVERNMENTAL ORGANIZATIONS CONCERNING THE SERIOUS VIOLATIONS OF HUMAN RIGHTS IN CHILE;

8: ELIMINATE ENTIRELY; TREAT THIS MATTER IN OPERATIVE PARAGRAPH BELOW.

COMMENTS ON OPERATIVE PARAGRAPHS

1. REPLACE WITH: COMMENDS THE SPECIAL RAPPORTEUR FOR

HIS REPORTS ON THE SITUATION OF HUMAN RIGHTS IN CHILE, SUBMITTED IN ACCORDANCE WITH RESOLUTION 1986/63 OF 14 MARCH 1986 OF THE COMMISSION ON HUMAN RIGHTS AND RESOLUTION 40/145 OF 14 DECEMBER 1985 OF THE GENERAL ASSEMBLY, AND WELCOMES THE FACT THAT THE GOVERNMENT OF CHILE RESPONDED IN DETAIL TO THE SPECIAL RAPPORTEUR'S REPORT OF FEBRUARY 1986;

2. REPLACE WITH: NOTES THE POSITIVE STEP TAKEN BY THE GOVERNMENT OF CHILE IN ESTABLISHING AN ADVISORY COMMISSION TO THE MINISTRY OF INTERIOR ON MATTERS RELATING TO TORTURE, TERRORISM, AND ILLEGAL DETENTIONS, WHICH TAKES INTO ACCOUNT THE RECOMMENDATION IN THE SPECIAL RAPPORTEUR'S REPORT OF FEBRUARY 1986 THAT A SYSTEM BE SET UP TO MONITOR THE DAY-TO-DAY CONDUCT OF SECURITY FORCES. (COMMENT: NEW POINT, COVERING SUBSTANCE IN PREAMBULAR PARAGRAPH EIGHT ELIMINATED ABOVE. SUBSTANCE OF MEXICAN OPERATIVE PARAGRAPH TWO IS COVERED IN GENERAL IN OTHER PARTS OF RESOLUTION, EXCEPT FOR REFERENCE TO CONSTITUTION, WHICH IS NOT ACCEPTABLE.)

3. REPLACE WITH: RECOGNIZES ALSO AS POSITIVE THAT THE PRACTICE OF ORDERING INTERNAL BANISHMENT WITHOUT RECOURSE TO THE JUDICIAL SYSTEM WAS NOT USED IN 1986, THAT THE CONFIDENTIAL

PAGE 04 STATE 366907

LIST OF NAMES OF THOSE PROHIBITED FROM RETURNING TO CHILE WAS FURTHER REDUCED AND NO CHILEAN CITIZEN INVOLUNTARILY EXPELLED FROM THE COUNTRY IN 1986, THAT PERMISSION HAS BEEN GRANTED TO PUBLISH AN OPPOSITION NEWSPAPER BEGINNING IN MARCH 1987, THAT UNDER A NEW AGREEMENT THE GOVERNMENT HAS COMMITTED ITSELF TO ALLOW VISITS BY INDEPENDENT DOCTORS TO PERSONS DETAINED BY SECURITY FORCES, AND THAT THE SPECIAL SYSTEM OF LABOR COURTS ABOLISHED IN 1981 HAS BEEN REINSTITUTED; (COMMENT: CONTINUING DISCUSSION OF SUBSTANCE IN ELIMINATED PREAMBULAR PARAGRAPH EIGHT. SUBSTANCE OF MEXICAN OPERATIVE PARAGRAPH THREE IS COVERED IN NEW PARAGRAPH EIGHT. REFERENCE TO ANNOUNCEMENT TO REGISTER RETURNING EXILES IS ELIMINATED, SINCE NOT TO BE IMPLEMENTED.)

4. REPLACE WITH: FURTHER RECOGNIZES THAT THE GOVERNMENT OF CHILE HAS PROMULGATED A LAW ESTABLISHING VOTER REGISTRATION AND ANNOUNCED PROMULGATION OF A POLITICAL

PARTIES LAW BY EARLY NEXT YEAR, WHICH ARE INITIAL STEPS TOWARDS A TRANSITION TO A DEMOCRATIC GOVERNMENT; (COMMENT: SUBSTANCE OF MEXICAN PARAGRAPH FOUR COVERED IN PARAGRAPHS BELOW.)

5. REPLACE WITH: EXPRESSES ALARM, HOWEVER, CONCERNING THE INCREASE IN POLITICAL VIOLENCE IN CHILE AND THE WORSENING OF THE ALREADY DISTURBING POLARIZATION OF CHILEAN SOCIETY, RECOGNIZING THE DANGER REPRESENTED BY THE DISCOVERY OF LARGE QUANTITIES OF ARMS SMUGGLED INTO CHILE WITH EVIDENT ASSISTANCE FROM ABROAD, WITH THEIR POTENTIAL FOR ADDING TO THE ALREADY SUBSTANTIAL LEVEL OF VIOLENCE; (COMMENT: NEW POINT, SUBSTANCE OF MEXICAN PARAGRAPH FIVE IS COVERED IN NEW PARAGRAPH SEVEN.)

CONFIDENTIAL

PAGE 05 STATE 366907

6. REPLACE WITH: DEPLORES THE SERIOUS EVENTS OF THIS SEPTEMBER, INCLUDING THE ASSASSINATION ATTEMPT AGAINST THE CHILEAN PRESIDENT AND THE INCREASING USE OF VIOLENT TERRORIST ACTIONS BY EXTREMISTS OF THE LEFT AND THE RIGHT, NOTING THAT SUCH VIOLENCE INFRINGES SERIOUSLY ON THE RIGHTS OF INNOCENT PEOPLE, EXACERBATES ALREADY DIFFICULT POLITICAL DIVISIONS AND ACTS AS AN OBSTACLE TO THE ESTABLISHMENT OF A FREE AND REPRESENTATIVE DEMOCRATIC SYSTEM SAFEGUARDING HUMAN RIGHTS; (COMMENT: NEW POINT ALSO ADDRESSING QUESTION OF VIOLENCE TREATED ELSEWHERE IN RESOLUTION; SUBSTANCE OF MEXICAN PARAGRAPH SIX IS COVERED IN NEW OPERATIVE PARAGRAPH NINE.)

7. REPLACE WITH: REAFFIRMS ITS CONVICTION THAT A LEGAL AND POLITICAL STRUCTURE, BASED ON THE CONSENT OF THE GOVERNED, EMERGING FROM A CIVILIZED AND CONSTRUCTIVE NATIONAL DIALOGUE, REPRESENTATIVE OF THE WILL OF THE PEOPLE AS EXPRESSED IN FREE ELECTIONS, AND RESPECTING THE FULL EXERCISE OF LEGAL RIGHTS IS ESSENTIAL TO THE FULL OBSERVANCE OF HUMAN RIGHTS IN CHILE, AS IN ANY OTHER NATION; (COMMENT: THIS ELABORATES ON MEXICAN OPERATIVE PARAGRAPH FIVE AND ADDRESSES ISSUE RAISED IN MEXICAN OPERATIVE PARAGRAPH EIGHT; SUBSTANCE OF MEXICAN PARAGRAPH SEVEN IS COVERED IN NEW PARAGRAPHS TEN AND ELEVEN.)

8. REPLACE WITH: EXPRESSES ITS PROFOUND CONCERN AT THE

PERSISTENCE OF SERIOUS VIOLATIONS OF HUMAN RIGHTS IN CHILE, AS DESCRIBED IN THE REPORT OF THE SPECIAL RAPPORTEUR, PARTICULARLY THE CONTINUATION OF THE PROBLEM OF TORTURE AND ABUSES BY SECURITY FORCES, KIDNAPPINGS AND MURDERS OF OPPOSITION FIGURES, THE PROHIBITION PREVENTING SEVERAL THOUSAND CHILEAN EXILES FROM RETURNING TO THEIR COUNTRY, AND THE DENIAL OF RIGHTS AND FUNDAMENTAL FREEDOMS THROUGH THE MAINTENANCE OF STATES OF EXCEPTION AND EXTREME EXECUTIVE POWERS DURING A PROLONGED PERIOD; CONFIDENTIAL

PAGE 06 STATE 366907

(COMMENT: THIS COVERS POINTS DELETED ABOVE; ISSUE RAISED BY MEXICAN PARAGRAPH EIGHT IS SUBSUMED IN NEW PARAGRAPH SEVEN.)

9. ADD NEW POINT AS OPERATIVE PARAGRAPH NINE: REITERATES ITS APPEAL TO THE GOVERNMENT OF CHILE TO RESPECT HUMAN RIGHTS, AND TO RE-ESTABLISH, IN CONFORMITY WITH THE UNIVERSAL DECLARATION OF HUMAN RIGHTS, DEMOCRATIC INSTITUTIONS AND THE FULL PROTECTION OF LAW WHICH ARE ESSENTIAL TO THE EFFECTIVE ENJOYMENT AND EXERCISE OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, AND ARE IN THE BEST DEMOCRATIC TRADITION OF CHILE;

(COMMENT: THIS COVERS ISSUE RAISED IN DELETED MEXICAN OPERATIVE PARAGRAPH SIX.)

10. ADD NEW POINT AS OPERATIVE PARAGRAPH TEN: NOTES WITH SPECIAL DISMAY THE INEFFECTIVENESS OF EXECUTIVE AND JUDICIAL AUTHORITIES IN PREVENTING THE RECURRENCE OF ABUSES OF AUTHORITY BY SECURITY FORCES, PARTICULARLY UNLAWFUL COERCION ASSOCIATED WITH THE USE OF MILITARY PERSONNEL IN CONDUCTING SWEEPS OF URBAN COMMUNITIES IN SEARCH OF EVIDENCE OR POSSIBLE INVOLVEMENT IN ACTS CONTRARY TO PUBLIC ORDER; (COMMENT: ADDRESSES ISSUES RAISED IN DELETED MEXICAN OPERATIVE PARAGRAPH FOUR.)

11. ADD NEW POINT AS OPERATIVE PARAGRAPH ELEVEN: EXPRESSES DEEP CONCERN OVER THE FAILURE OF THE EXECUTIVE AND JUDICIAL AUTHORITIES TO ENSURE THE THOROUGH INVESTIGATION AND PROSECUTION OF THE MANY UNSOLVED CASES OF MURDER, KIDNAPPING, TORTURE, AND DISAPPEARANCES; (COMMENT: ADDRESSES SUBSTANCE OF DELETED MEXICAN OPERATIVE PARAGRAPH SEVEN.)

CONFIDENTIAL

PAGE 07 STATE 366907

12. ADD NEW POINT AS OPERATIVE PARAGRAPH TWELVE: NOTES WITH THE SAME SPECIAL CONCERN THE USE OF THE JUDICIAL SYSTEM TO DETAIN OPPOSITION FIGURES FOR INDETERMINATE PERIODS OF TIME DURING PERIODS OF POLITICAL UNREST IN A MANNER THAT DOES NOT DISTINGUISH LEADERS OF PEACEFUL DEMONSTRATIONS FROM THOSE ASSOCIATED WITH VANDALISM AND VIOLENCE; (COMMENT: ADDRESSES SUBSTANCE OF ISSUES RAISED IN DELETED MEXICAN PARAGRAPH FOUR.)

13. REPLACE INTRODUCTION TO OPERATIVE PARAGRAPH NINE WITH NEW PARAGRAPH (NOW NUMBERED THIRTEEN): STRONGLY URGES THE GOVERNMENT OF CHILE TO ASSURE THE FULL IMPLEMENTATION OF THE SPECIFIC STEPS SET FORTH IN THE HUMAN RIGHTS COMMISSION'S RESOLUTION 1986/63, OF MARCH 14, 1986, AND TO ADOPT THE MEASURES NECESSARY AND CONDUCIVE TO CARRYING OUT AT LEAST THE FOLLOWING ACTIONS:

(A) REPLACE MEXICAN 9A WITH: TAKE IMMEDIATE MEASURES, INCLUDING REMOVAL OF STATES OF EXCEPTION AND SPECIAL EDICTS, TO PROMOTE AN ATMOSPHERE CONDUCIVE TO DEVELOPMENT OF CONSENSUS ON A PEACEFUL TRANSITION TO DEMOCRACY, BY ALLOWING FULL FREEDOM OF ASSEMBLY AND FREEDOM OF EXPRESSION, INCLUDING FREEDOM OF THE PRESS, FREEDOM OF ACCESS TO ALL SECTORS OF THE MEDIA, AND THE FREEDOM TO FORM AND PARTICIPATE IN THE ACTIVITIES OF NON-VIOLENT POLITICAL PARTIES;

(B) REPLACE MEXICAN 9B WITH: IMMEDIATELY PUT AN END TO

ALL FORMS OF TORTURE BY SECURITY FORCES, AND ASSURE COMPLIANCE WITH THE ORDER OF JULY 30, 1985 BY THE MINISTERS OF DEFENSE AND OF INTERIOR WHICH CALLS FOR AN END OF THESE ABUSES;

(C) REPLACE MEXICAN 9C WITH: PROCEED VIGOROUSLY THROUGH CONFIDENTIAL

PAGE 08 STATE 366907

JUDICIAL AND ADMINISTRATIVE ACTION TO INVESTIGATE ALL REPORTS OF TORTURE, KILLINGS, DISAPPEARANCES, KIDNAPPINGS, OR OTHER ABUSES BY SECURITY FORCES AND

OTHERS, ASSURING IN ALL SUCH INVESTIGATIONS THE INDEPENDENCE OF THE JUDICIARY AND THE MAXIMUM EFFECTIVENESS OF JUDICIAL REMEDIES, AND TAKING APPROPRIATE ACTION AGAINST ALL PERSONS FOUND GUILTY OF SUCH VIOLATIONS, SO THAT THE JUDICIARY--CIVIL AND MILITARY--ASSUMES ITS ROLE AS CUSTODIAN OF HUMAN RIGHTS; (COMMENT: COVERS ISSUES RAISED IN MEXICAN OPERATIVE PARAGRAPHS 9C, 9D, AND 9F.)

(D) REPLACE MEXICAN 9D WITH: REDOUBLE EFFORTS TO INVESTIGATE THE ACTIVITIES OF GROUPS AND BANDS, WHETHER PRIVATE OR CONNECTED WITH SECURITY FORCES, WHICH HAVE BEEN REPORTED TO BE RESPONSIBLE FOR KIDNAPPINGS, INTIMIDATION AND ABUSES AND PUT AN END TO THE ACTIVITIES OF THESE ILLEGAL AND VIOLENT GROUPS, BY IDENTIFYING AND PUNISHING THOSE RESPONSIBLE, ESPECIALLY THEIR LEADERS; (COMMENT: COVERS POINT RAISED IN MEXICAN 9G.)

(E) REPLACE MEXICAN 9E WITH: PROVIDE FOR THE PROTECTION OF PUBLIC ORDER AGAINST ACTS OF VIOLENCE BY PUNISHING PERSONS FOUND TO HAVE BEEN GUILTY OF SUCH ACTS, CONSISTENT WITH DUE PROCESS OF LAW AND RESPECT FOR THE RIGHTS OF THE ACCUSED, WITH THE RECOGNITION THAT ACTS OF TERRORISM, NO MATTER HOW DEPLORABLE, ARE NOT A JUSTIFICATION FOR ANY ABUSE OF AUTHORITY; (COMMENT: COVERS POINT RAISED IN MEWXICAN 9H.)

(G) TEXT TO BE SAME AS IN MEXICAN OPERATIVE PARAGRAPH 9I.

(H) TEXT TO BE SAME AS IN MEXICAN OPERATIVCE PARAGRAPH
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PAGE 09 STATE 366907

9K.

(I) REPLACE MEXICAN 9I WITH: REVIEW AND AMEND AS NECESSARY EXISTING PROCEDURES AND LAWS SO AS TO MAKE IT POSSIBLE FOR DISSENTING OPINIONS TO BE EXPRESSED PEACEFULLY, IN PARTICULAR BY AUTHORIZING THE HOLDING OF PEACEFUL GATHERINGS OR EVENTS IN PUBLIC PLACES, AND BY ENSURING THAT THOSE DETAINED FOR ORGANIZING AND PARTICIPATING IN PEACEFUL DEMONSTRATIONS ARE NOT UNDULY DEPRIVED OF THEIR FREEDOM OR FROM CONTACT WITH VISITORS;

(COMMENT: NEW POINT.)

(J) REPLACE MEXICAN 9J WITH: STRENGTHEN THE ADVISORY COMMISSION TO THE MINISTRY OF INTERIOR IN HUMAN RIGHTS MATTERS BY PROVIDING WIDER POWERS AND GIVING GREATER ATTENTION TO ITS RECOMMENDATIONS AND THE OPINIONS OF PRIVATE NON-GOVERNMENTAL GROUPS ENGAGED IN PROTECTING HUMAN RIGHTS; (COMMENT: NEW POINT.)

(ALL SUBPARAGRAPHS ARE COVERED IN REVISED TEXT EXCEPT FOR 9J. WE PREFER THAT THIS REFERENCE BE OMITTED IN ITS ENTIRETY, BUT ARE PREPARED TO ACCEPT RELATED LANGUAGE FROM UNHRC RESOLUTION, I.E. REESTABLISH THE FULL ENJOYMENT AND EXERCISE OF LABOR RIGHTS AND TAKE INTO ACCOUNT THE LEGITIMATE CULTURAL AND SOCIO-ECONOMIC INTERESTS OF THE POPULATION.)

14. REPLACE MEXICAN OPERATIVE PARAGRAPH TEN WITH: CONCLUDES, ON THE BASIS OF THE LATEST REPORT OF THE SPECIAL RAPPORTEUR AND THE RESPONSE TO HIS EARLIER REPORT SUBMITTED BY THE GOVERNMENT OF CHILE, THAT IT IS NECESSARY TO CONTINUE TO MONITOR THE HUMAN RIGHTS SITUATION IN CHILE;

15. ADD NEW PARAGRAPH: REQUESTS THAT THE GOVERNMENT OF CONFIDENTIAL

PAGE 10 STATE 366907

CHILE CONTINUE ITS COOPERATION WITH THE SPECIAL RAPPORTEUR, INCLUDING GRANTING THE SPECIAL RAPPORTEUR PERMISSION TO VISIT CHILE IN FULFILLMENT OF HIS MANDATE, AND FULLY IMPLEMENT HIS RECOMMENDATIONS;

16. PARAGRAPH SIXTEEN WOULD BE SAME AS TEXT OF MEXICAN OPERATIVE PARAGRAPH ELEVEN. SHULTZ

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<< END OF DOCUMENT >>

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E.O. 12356: DECL: OADR
TAGS: PREL, CO, XK, OVIP (HABIB, PHILIP C.)
SUBJECT: AMB. HABIB'S MEETING WITH COLOMBIAN PRESIDENT BARCO

1. (SECRET - ENTIRE TEXT.)

2. SUMMARY: AMBASSADORS HABIB AND GILLESPIE MET WITH PRESIDENT BARCO AND FOREIGN MINISTER LONDONO TO DISCUSS THE SITUATION IN CENTRAL AMERICA. HABIB EXPLAINED THAT THE USG HAD AN ACTIVE DIPLOMATIC TRACK AND WOULD SUPPORT AN AGREEMENT THAT ACHIEVED THE COMPREHENSIVE, VERIFIABLE, AND SIMULTANEOUS IMPLEMENTATION OF THE 1983 CONTADORA DOCUMENT OF OBJECTIVES. U.S. POLICY ALSO HAD ANOTHER TRACK; WE WERE PROVIDING AID TO THE NICARAGUAN DEMOCRATIC RESISTANCE WHO WOULD SOON BEGAN PUTTING REAL PRESSRRE ON THE SANDINISTAS. BARCO NOTED THAT COLOMBIA HAD A LONG HISTORY OF SUPPORTING THE PEACEFUL RESOLUTION OF CONFLICTS AND WAS CONTINUING TO PARTICIPATE IN CONTADORA AS IT WAS THE ONLY FORUM AVAILABLE. HE MADE CLEAR THAT HE VIEWED THE CRISIS IN CENTRAL AMERICA IN TERMS OF OW IT COULD AFFECT COLOMBIA'S OWN SECURITY; HE FEARED THAT IF THE CONFLICT ESCALATED, THE FIGHTING COULD SPILL OVER INTO COLOMBIA WHERE THERE WERE ALREADY LARGE GUERRILLA FORCES. WHILE COLOMBIA'S SYMPATHIES ARE WITH THE CENTRAL AMERICAN DEMOCRACIES AND WE CAN HOPE THAT IT WILL EXERT A MODERATING INFLUENCE IN THE CONTADORA PROCESS, THE GOC DOES NOT ASSIGN A HIGH PRIORITY TO CONTADORA AND IS UNLIKELY TO TAKE A LEADING ROLE. END SUMMARY.

3. ON NOVEMBER 22, AMBASSADORS HABIB AND GILLESPIE MET FOR LUNCH WITH COLOMBIAN PRESIDENT BARCO AND FOREIGN MINISTER LONDONO TO DISCUSS THE NEGOTIATING PROCESS IN CENTRAL AMERICA. AMB. HABIB EXPLAINED THAT THE U.S. WAS MAINTAINING THE DIPLOMATIC TRACK OF ITS POLICY. THE U.S. HAD SUPPORTED THE CONTADORA PROCESS AND BELIEVED THAT TH EFFORT TO REACH AN AGREEMENT THAT ACHIEVED THE COMPREHENSIBLE, VERIFIABLE, AND SIMULTANEOUS IMPLEMENTATION OF THE 1983 DOCUMENT OF OBJECTIVES WAS VALID. IN OUR VIEW, AND IN THOSE OF THE CENTRAL AMERICAN DEMOCRACIES, THE JUNE CONTADORA DRAFT WAS INADEQUATE BECAUSE IT DID NOT MEET THESE CRITERIA. COSTA RICA, EL SALVADOR, AND HONDURAS WERE IN HARMONY ON WHAT THEY WANTED THE CONTADORA PROCESS TO PRODUCE. GUATEMALA PURSUED A POLICY OF "ACTIVE NEUTRALITY," BUT WAS FUNDAMENTALLY DEMOCRATIC. WE BELIEVED THAT CONTADORA

SHOULD LISTEN MORE TO THE DEMOCRACIES.

4. HABIB THEN REFERRED TO THE PRESSURE TRACK OF U.S. POLICY AND STATED THAT OUR AID TO THE NICARAGUAN DEMOCRATIC RESISTANCE WAS ALREADY BEGINNING TO FLOW. IT WOULD SOON HAVE AN IMPACT UPON THE BATTLEFIELD SITUATION. THIS WAS A REALITY, AND IT WOULD AFFECT THE DIPLOMATIC TRACK. AS THEY SANDINISTAS FELT THE PRESSURE MOUNT, THEY WOULD FIND THE DOOR TO SERIOUS NEGOTIATIONS OPEN FOR THEM. HABIB STRESSED THE IMPORTANCE OF OUR CENTRAL AMERICAN POLICY TO THE ADMINISTRATION, NOTING THAT IT WAS ONE OF THE HIGHEST PRIORITIES ON PRESIDENT REAGAN'S FOREIGN POLICY AGENDA.

5. BARCO PROVIDED AN OVERVIEW OF COLOMBIA'S ATTITUDE TOWARD CONTADORA. HE STRESSED THAT HIS COUNTRY HAD A LONG TRADITION OF PROMOTING THE PEACEFUL RESOLUTION OF CONFLICTS, AND IT HAD EVEN BEEN CRITICAL OF ARGENTINA'S USE OF FORCE IN THE MALVINAS. HE EXPLAINED THAT NICARAGUA WOULD LIKE TO TAKE THE ISSUE TO THE UN, BUT THAT THIS WAS NOT FEASIBLE BECAUSE OF THE U.S. VETO IN THE SECURITY COUNCIL. THE CENTRAL AMERICAN DEMOCRACIES WOULD LIKE TO GO TO THE OAS, BUT THIS WAS ALSO NOT PRACTICAL BECAUSE THE OAS LACKED A MECHANISM FOR HANDLING SUCH DISPUTES. THEREFORE, CONTADORA WAS THE ONLY AVAILABLE ALTERNATIVE. BARCO SAID THAT HE PERCEIVED OF CONTADORA AS AN OFFER OF GOOD OFFICES TO PROMOTE A DIALOGUE AMONG THE PARTIES INVOLVED. HE BELIEVED THAT AS SUCH, IT SHOULD BE SUPPORTED, BUT HE WAS FULLY AWARE OF ITS LIMITATIONS.

6. BARCO THEN OFFERED HIS ANALYSIS OF THE RELATIONSHIP BETWEEN THE SITUATION IN CENTRAL AMERICA AND COLOMBIA'S OWN INTERNAL SECURITY SITUATION. HE WAS EXTREMELY CONCERNED ABOUT COLOMBIA'S STABILITY, GIVEN THAT THERE WERE MANY GUERRILLA GROUPS OPERATING IN THE COUNTRYSIDE. WHILE A TRUCE WAS CURRENTLY IN EFFECT WITH THE LARGEST GROUP, HE FEARED THAT IF THE WAR IN CENTRAL AMERICA EXPANDED, IT COULD SPREAD TO COLOMBIA AND IGNITE A MAJOR CONFLICT THERE. BARCO MENTIONED ALSO THAT COLOMBIA'S SAN ANDRES ISLAND WAS ONLY 9 MINUTES FLYING TIME FROM A SANDINISTA AIRBASE ON NICARAGUA'S ATLANTIC COAST. BECAUSE OF COLOMBIA'S GEOPOLITICAL IMPORTANCE AND ITS LONG HISTORY OF DEMOCRACY, THE COMMUNISTS WOULD VIEW IT AS A VALUABLE PRIZE.

7. HABIB ASSURED BARCO THAT THE U.S. DID NOT SEEK A WIDER WAR IN CENTRAL AMERICA. WE INTENDED TO USE THE PRESSURE TO CONVINCE THE SANDINISTAS TO ENTER INTO SERIOUS NEGOTIATIONS. WE HAD VOTED FOR THE OASGA RESOLUTION CALLING ON CONTADORA TO PERSIST IN ITS EFFORTS, AND WE BELIEVED THAT THIS RESOLUTION HAD BEEN AN IMPORTANT REAFFIRMATION OF CONTADORA'S MANDATE. WE AND OTHERS WOULD BE WATCHING TO SEE WHICH WAY CONTADORA WENT. WE BELIEVED THAT IT WAS IMPORTANT THAT CONTADORA CONSULT MORE CLOSELY WITH THE FOUR DEMOCRACIES AND TAKE THEIR VIEWS INTO ACCOUNT.

8. HABIB ASKED ABOUT THE UPCOMING CONTADORA MEETING IN RIO DE JANEIRO. LONDONO ACKNOWLEDGED THAT THE IDEA PROMOTED BY PERU AND MEXICO TO WIDEN THE SCOPE OF CONTADORA TO INCLUDE OTHER ISSUES WOULD BE REVIEWED, BUT HE DOUBTED THAT IT COULD PROSPER. COLOMBIA WOULD NOT SUPPORT THE CONCEPT OF AN OAS WITHOUT THE U.S. HABIB NOTED THAT WHEN CONTADORA HAD BEGUN, THE LATINS HAD SAID THAT THEY WANTED TO FIND THEIR OWN SOLUTION TO THE CRISIS IN CENTRAL AMERICA. NEARLY FOUR YEARS HAD PASSED, HOWEVER, AND NO SOLUTION WAS IN SIGHT. THIS WAS MUCH TOO LONG. MANY WERE SAYING THAT CONTADORA HAD DONE LITTLE

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BUT GIVE THE SANDINISTAS TIME TO CONSOLIDAE THEIR REGIME AND BUILD UP THEIR ARMY.

9. LONDONO REPLIED THAT THE SANDINISTAS WERE CRITICIZING CONTADORA FOR NOT BEING STRONG ENOUGH TO PREVENT U.S. INTERVENTION AND WERE CLAIMING THAT THE U.S. WAS INTIMIDATING THE CONTADORA NATIONS. GILLESPIE INTERJECTED THAT THE COLOMBIANS KNEW THAT THIS WAS NOT

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TRUE. LONDONO ADDED THAT NICARAGUA WAS ASSERTING THAT THE U.S. WAS USING ITS ECONOMIC LEVERAGE TO PRESSURE CONTADORA NOT TO TAKE A STRONG STAND AGAINST U.S. POLICY.

10. HABIB STATED THAT THE CONTADORA COUNTRIES THEMSELVES SHOULD BE USING PRESSURE; THEY SHOULD BE SEEKING TO CONVINCE THE SANDINISTAS TO CHANGE THEIR BEHAVIOR, BUT THEY WERE NOT TRYING. FOR EXAMPLE, NICARAGUA'S SUITS AGAINST COSTA RICA AND HONDURAS AT THE ICJ WERE

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ANTI-CONTADORA ACTIONS THAT HAD BROUGHT THE NEGOTIATING PROCESS TO A HALT, BUT THE CONTADORA COUNTRIES WERE NOT DOING ANYTHING TO PERSUADE NICARAGUA TO DROP THE SUITS. LONDONO EXPLAINED THAT IT WAS HARD TO CRITICIZE NICARAGUA ON THIS COUNT, AS DOING SO WOULD AMOUNT TO ARGUING THAT A SMALL COUNTRY SHOULD NOT GO TO THE ICJ. THE WORLD SAW THE ISSUE AS SMALL NICARAGUA (WITH THE ICJ AND INTERNATIONAL LAW ON ITS SIDE) VERSUS THE BIG UNITED STATES.

11. LONDONO STATED THAT AT THE OASGA IN GUATEMALA, HE HAD ASKED NICARAGUAN VICE FOREIGN MINISTER VICTOR HUGO TINOCO IF NICARAGUA WOULD DROP ITS ICJ SUITS IF THE FOUR

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DEMOCRACIES ANNOUNCED THAT THEY WERE READY TO RESUME NEGOTIATIONS AND THE CONTADORA AND SUPPORT GROUPS CALLED ON NICARAGUA TO WITHDRAW THE CASES; TINOCO HAD RESPONDED AFFIRMATIVELY. HABIB SAID THAT THE SANDINISTAS HAD WANTED STRINGS ATTACHED, IN THE FORM OF BILATERA AGREEMENTS. LONDONO RESPONDED THAT THAT WAS THE MEXICAN POSITION, NOT THE NICARAGUAN POSITION. HE ASKED THE U.S. TO CONVEY THIS TO THE CENTRAL AMERICANS. HABIB URGED THAT COLOMBIA TALK WITH THE DEMOCRACIES DIRECTLY, AS THEY APPRECIATED BEING CONSULTED. THEY WERE TIRED OF BEING PUSHED AROUND BY CONTADORA AND WANTED TO HAVE THEIR VOICES HEARD IN THE NEGOTIATING PROCESS. LONDONO

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RESPONDED THAT THE REALLY HARD NEGOTIATIONS WERE THOSE GOING ON INSIDE THE CONTADORA AND SUPPORT GROUPS.

11. COMMENT: BARCO LEFT NO DOUBT THAT CONTADORA WAS LOW ON HIS LIST OF PRIORITIES. HIS MAIN INTEREST IN CEN RA AMERICA WAS PREVENTING THE SITUATION FROM ESCALATING AND THREATENING COLOMBIA'S SECURITY. BARCO HAS NO ILLUSIONS ABOUT THE SANDINISTAS AND IS SYMPATHETIC TO THE DEMOCRACIES. WE CAN HOPE FOR COLOMBIA TO BE A MODERATING FORCE WITHIN CONTADORA, BUT GIVEN THE LOW PRIORITY BARCO ASSIGNS IT, WE SHOULD NOT EXPECT ITS INFLUENCE TO BE THAT GREAT. SHULTZ

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Chile Project (#S199900030)
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C O N F I D E N T I A L SANTIAGO 08232

E.O. 12356: DECL:OADR
TAGS: ELAB,PHUM,CI
SUBJ: CLASSIFICATION ON STATUS OF CHILEAN LABOR LEADER TUCAPEL JIMENEZ

REF: THE HAGUE 8693

1. TO CLARIFY THE RECORD FOR EMBASSY HAGUE CONTACTS IN THE FNV'S CIVIL SERVANTS UNION (ABVA-KABO), CHILEAN LABOR LEADER TUCAPEL JIMENEZ ALFARO IS NOT UNDER ARREST. HE WAS MURDERED IN 1982, REPORTEDLY BY RIGHT-WING TERRORISTS. ACCORDING TO STATEMENTS BY A CHILEAN LIVING IN EXILE IN FRANCE, WHO STATED THAT HE WAS A MEMBER OF THE GROUP THAT KILLED JIMENEZ, THE GROUP WAS COMPOSED OF MEMBERS OF THE NATIONAL INFORMATION CENTER (CNI), A GOVERNMENT SECURITY FORCE. INVESTIGATION OF THIS MURDER HAS NOW BEEN CLOSED, WITH NO ARRESTS OR CHARGES, DUE TO PURPORTED LACK OF EVIDENCE. BARNES

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UNIVERSITY OF MISSOURI-COLUMBIA

Hospital and Clinics

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November 26, 1986

Chile Project (#S199900030)
U.S. Department of State
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B-6

Senator John Danforth
Room 460
Russell Senate Building
Washington, D.C. 20510

Dear Senator Danforth:

A few days ago, I watched the "Los Quemados" segment on Sixty Minutes dealing with the burning of Rodrigo Rojas and his companion. I am so horrified by this matter that I thought that I would write to you immediately to express my outrage. I was particularly distressed to learn at the end of the segment that the United States Government had not opposed a large loan by the World Bank to the repressive and murderous Pinochet regime. I should like to know whether the support for the Pinochet Government expressed by Senator Helms represents the position of the United States Government and Congress. As in the case of South Africa, I think we should not be supporting Nazi-like regimes because they claim to be anti-communist.

I fear that as in the case of South Africa, the Reagan administration is quietly supporting the Pinochet regime and might therefore seem to be condoning the continuation of the disappearances and murders in Chile. As in the case in South Africa, it is up to the Congress to show that the Reagan administration's views on Chile do not coincide with those of the American people as a whole.

Yours sincerely,

The Staff of Life UNCLASSIFIED

Chile Project (#S199900030)
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E.O. 12356: N/A
TAGS: PHUM, CI
SUBJ: ATTENDANCE AT CANDLELIGHT CEREMONY FOR HUMAN RIGHTS

1. THE AMBASSADOR AND POLITICAL COUNSELOR ATTENDED THE ECUMENICAL CANDLELIGHT SERVICE FOR HUMAN RIGHTS ON NOVEMBER 25 AT THE SANTIAGO CATHEDRAL. THE AMBASSADORS OF THE FOLLOWING COUNTRIES ALSO ATTENDED: SPAIN, COLOMBIA, AUSTRIA, FRANCE, NETHERLANDS, CANADA AND URUGUAY. APPROXIMATELY ANOTHER DOZEN COUNTRIES WERE REPRESENTED BY CHARGES, MINISTER COUNSELORS OR FIRST SECRETARIES. MEMBERS OF THE U.S. CATHOLIC CONFERENCE DELEGATION WERE ALSO PRESENT, INCLUDING BISHOP RAMIREZ OF LAS CRUCES. (CARDINAL BERNADIN WAS IN VALPARAISO AND THE OTHER BISHOP WAS IN CONCEPCION). THE CEREMONY ENDED WITHOUT INCIDENT, ALTHOUGH A FEW YOUTHS SHOUTED POLITICAL SLOGANS. BARNES

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Chile Project (#S199900030)
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AMEMBASSY DUBLIN
AMEMBASSY LONDON
AMEMBASSY LUXEMBOURG
AMEMBASSY MADRID
AMEMBASSY PARIS
AMEMBASSY ROME
AMEMBASSY THE HAGUE

~~C O N F I D E N T I A L~~ SANTIAGO 08239

ATHENS, BONN, BRUSSELS, DUBLIN, LONDON, LUXEMBOURG, MADRID
PARIS, ROOM AND THE HAGUE AS (EC COLLECTIVE)

E.O. 12356: DECL:OADRS
TAGS: ELAB,PHUM,PREL,PGOV,DA,CI
SUBJ: CLARIFICATION ON CHILEAN LABOR

REF: COPENHAGEN 8879

1. ~~CONFIDENTIAL~~ - ENTIRE TEXT

2. EMBASSY COPENHAGEN MAY WISH TO CLARIFY THE RECORD FOR ITS CONTACTS IN THE DANISH LABOR CONFEDERATION CONCERNING THE APPARENT CONTRADICTION THAT THE DANISH ~~CONFIDENTIAL~~

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PAGE 02 SANTIA 08239 261844Z

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POLITICAL AND LABOR GROUPS SAY THEY STEER CLEAR OF THE MOSCOW-DOMINATED GROUPS IN CHILE, BUT WILL AID THE NATIONAL TRADE UNION COORDINATOR (CNS) AND THE NATIONAL WORKERS COMMAND (CNT)(PARAS 4 AND 5 OF REFTEL). WE ARE CIRCULATING THIS CLARIFICATION TO EC POSTS IN THE EVENT OTHER LABOR MOVEMENTS SHARE THE DANISH LO'S CONFUSION ABOUT THE POLITICAL LEANINGS OF SOME OF CHILE'S TRADE UNION CONFEDERATIONS. THE CNS IS A GROUPING OF TRADE UNIONS LED BY COMMUNIST, SOCIALIST AND CHRISTIAN DEMOCRATIC UNIONISTS. THE DOMINANT FORCE IN THE CNS IS A COALITION OF UNIONS UNDER THE CONTROL OF THE COMMUNISTS. THE CNS IS SEEN AS THE VEHICLE SELECTED BY THE COMMUNISTS TO EVENTUALLY BRING ABOUT THE REBIRTH OF A UNIFIED CENTRAL LABOR BODY IN CHILE, SUCH AS THE COMMUNIST-DOMINATED CUT WHICH WAS ABOLISHED IN 1973 BY THE MILITARY GOVERNMENT.

3. THE CNS IS PART OF THE CNT, WHICH IS ITSELF A LOOSE GROUPING OF TRADE UNION FEDERATIONS, CONFEDERATIONS AND INDEPENDENT GROUPS SUCH AS THE CNS. WHILE THE MAJORITY OF CNT LEADERS ARE DEMOCRATIC OPPOSITION AFFILIATES, THE COMMUNIST PARTY HAS A SIGNIFICANT VOICE IN THE CNT THROUGH CONTROL OF THE CNS. THE BASIC AIM OF THE CNT HAS BEEN TO SERVE AS A VEHICLE FOR ALL OPPOSITION TRADE UNIONS TO COORDINATE THEIR ACTIVITIES AGAINST THE PINOCHET GOVERNMENT. DEMOCRATIC LABOR LEADERS INVOLVED IN THE CNT AND THE CNS HAVE PUBLICLY INDICATED THEIR WILLINGNESS TO OVERLOOK IDEOLOGICAL DIFFERENCES IN THEIR QUEST TO BRING ABOUT THE END OF THE MILITARY GOVERNMENT. THEY

ARGUE THAT THEY CAN CONTROL THEIR COMMUNIST COMRADES, AND THAT WHEN THE COUNTRY RETURNS TO A DEMOCRATIC FORM OF GOVERNMENT, THEY WILL MOVE AGAINST THE COMMUNIST TRADE UNIONS. OUR VIEW IS THAT THE COMMUNISTS HAVE USED THE ALLIANCE WITH THE DEMOCRATIC FORCES TO THEIR ADVANTAGE, AND HAVE INCREASED THEIR INFLUENCE

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WITHIN THE TRADE UNION MOVEMENT BECAUSE OF THE LACK OF CLEAR DIRECTION FROM THE DEMOCRATIC OPPOSITION UNIONISTS.

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4. THE CENTER FOR DEMOCRATIC WORKERS (CDT), ON THE OTHER HAND, HAS REFUSED TO COOPERATE WITH THE COMMUNIST UNION LEADERS, BUT THE CDT HAS NOT RECEIVED FINANCIAL ASSISTANCE FROM THE EUROPEAN TRADE UNIONS. WE ARE THEREFORE INTRIGUED AS TO WHY THE DANISH POLITICAL AND TRADE UNION GROUPS SHOULD STATE THAT THEY WILL STEER CLEAR OF MOSCOW-DOMINATED GROUPS IN CHILE, WHILE READILY ADMITTING THAT THEY CONTRIBUTE FUNDS TO THE CNS AND THE CNT. WE WOULD LIKE TO SEE THEM BE SOMEWHAT MORE DISCRIMINATING IN THEIR SELECTION OF WHICH CHILEAN OPPOSITION GROUPS TO ASSIST, AND PERHAPS WORK TO SEPARATE THE DEMOCRATIC TRADE UNION LEADERS IN THE CNS/CNT FROM THEIR COMMUNIST ALLIES.

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5. LOCAL PRESS REPORTS ON NOVEMBER 20 INDICATE THAT BOTH THE CDT AND THE CNT HAVE BEEN ACCEPTED AS AFFILIATES OF THE ICFTU. WE WOULD LIKE TO SEE THE EUROPEANS NOW BE MORE EVENHANDED IN THEIR ASSISTANCE, AND INCLUDE THE CDT AS ONE OF THE RECIPIENTS FOR THIS AID. BARNES

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Case Number: S199900030

Chile Project (#S199900030)
U.S. Department of State
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PAGE 01 LISBON 11789 261552Z
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INFO AMEMBASSY SANTIAGO

C O N F I D E N T I A L LISBON 11789

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E.O. 12356: DECL:OADR
TAGS: PREL, EFIN, PHUM, PGOV, PTER, CI, PO
SUBJECT: PROSPECTS FOR DEMOCRATIC TRANSITION IN CHILE

REF: A) STATE 291496, B) LISBON 9509

1. (C) -- ENTIRE TEXT.

2. AS ANTICIPATED BY REFTEL B, EMBOFF DISCUSSED WITH GOP SECRETARY OF STATE FOR THE TREASURY MANUEL CARVALHO FERNANDES OUR CONCERNS ABOUT CHILE AND LEFT NON-PAPER CONVEYING TALKING POINTS OUTLINED IN REFTEL A. CARVALHO FERNANDES SAID THEN THAT HE WOULD RAISE THE ISSUE WITH HIS FOREIGN MINISTRY COLLEAGUES AND WOULD CONVEY HIS REACTION AFTERWARDS. SEVERAL FOLLOW-UP EFFORTS TO OBTAIN REACTION HAVE PRODUCED RESPONSE THAT ISSUE IS STILL WITH THE FOREIGN MINISTRY.

3. FINANCE MINISTRY OFFICIALS ARE EXPECTED TO DEFER TO FOREIGN MINISTRY VIEWS ON THIS ISSUE. SINCE CHILE IS NOT A MAJOR AREA OF POLITICAL CONCERN, PORTUGAL IS UNLIKELY TO ABSTAIN OR VOTE AGAINST IFI LOANS FOR CHILE ON HUMAN RIGHTS GROUNDS.
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PAGE 02 LISBON 11789 261552Z

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Chile Project (#S199900030)
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PAGE 01 SANTIA 08256 262100Z
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FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 8989
INFO AMEMBASSY THE HAGUE

C O N F I D E N T I A L SANTIAGO 08256

E.O. 12356: DECL:OADR
TAGS: PHUM, CI
SUBJ: DUTCH "GUESTS" LEAVE EMBASSY, ARE DETAINED

REF: (A) SANTIAGO 7975, (B) SANTIAGO 7045
(C) THE HAGUE 8725

1. (U) TWO CHILEAN STUDENTS WERE DETAINED UPON ABANDONING THE DUTCH EMBASSY AFTER EIGHT DAYS AS "GUESTS." THE STUDENTS, FOR WHOM A DETENTION ORDER HAD BEEN FILED BY THE MINISTERY OF INTERIOR, ENTERED THE EMBASSY COMPOUND ON NOV 12 (REF A).

2. (C) DUTCH FIRST SECRETARY TOLD POLOFF NOV 24 THAT THE STUDENTS HAD LEFT THE EMBASSY OF THEIR OWN FREE WILL AND THAT AN AGREEMENT HAD BEEN REACHED BETWEEN DUTCH AND CHILEAN AUTHORITIES WHEREBY INVESTIGATIVE POLICE FROM VALPARAISO WOULD DETAIN THEM. THE DUTCH FEARED THAT IF THE STUDENTS WALKED OUT OF THE EMBASSY THEY WOULD BE DETAINED BY THE CNI, WHICH MONITORS EMBASSY ACTIVITY. THE TWO WERE TAKEN TO VALPARAISO WHERE THEY ARE BEING HELD UNDER THE STATE OF SIEGE (AND ARE THEREFORE NOT INCOMMUNICADO). THE

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FIRST SECRETARY VISITED VALPARAISO ON NOVEMBER 20
AND REPORTS THAT THE STUDENTS ARE BEING TREATED
"UNCOMMONLY WELL." BARNES

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PAGE 01 MANAGU 07638 260009Z UNCLASSIFIED
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E.O. 12356: DECL:OADR
TAGS: SNAR SOCI PGOV, PINR NU
SUBJ: SANDINISTAS SAY FDN AND MISURA BEHIND VAST DRUG RING

REF: MANAGUA 7498

1. (U) THE NICARAGUAN MINISTRY OF THE INTERIOR (MINT) ANNOUNCED NOVEMBER 23 THAT THEIR INVESTIGATIONS HAD UNCOVERED A "VAST NET OF DRUG TRAFFICKERS" BACKED BY THE FDN, MISURA AND "THE MAFIA." THE ANNOUNCEMENT FOLLOWED A NOVEMBER 15 MINT COMMUNIQUE IN WHICH THE BREAKUP OF THE RING AND SUBSEQUENT ARREST OF 33 PERSONS WERE PUBLICIZED (REFTEL). DETAILS OF THE MORE RECENT ANNOUNCEMENT WERE CARRIED IN FSLN DAILY
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PAGE 02 MANAGU 07638 260009Z

BARRICADA NOVEMBER 24.

2. (U) "THE SELF-NAMED COUNTERREVOLUTIONARY GROUPS 'FDN' AND 'MISURA'," WERE AIDED BY "ANTISOCIAL ELEMENTS" OF THE PACIFIC COAST, ASSERTED BARRICADA, AND WERE ATTEMPTING TO "PENETRATE THE YOUTH OF THE (EAST) COAST, THE CAPITAL AND OTHER CITIES" WITH MARIJUANA AND COCAINE. THE OPERATIONS WERE MANAGED FROM "THE CUENCA" (THE BOWL) OF PEARL LAGOON BY RADDLEY WAGGSON, AKA "MAO", AND PETER WILSON, AKA "CHE", BOTH OF WHOM WERE IDENTIFIED BY BARRICADA AS "COUNTERREVOLUTIONARY RINGLEADERS" WHO HAD PARTICIPATED RECENTLY IN CONTRA ATTACKS ON THE PEARL LAGOON INDIAN

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COMMUNITIES OF BROWN BANK AND KARAWALA.

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3. (U) A COMPANION BARRICADA ARTICLE DESCRIBED AN ORGANIZATION OF MEN, WOMEN AND "EVEN CHILDREN," WHO WOULD SMUGGLE THE DRUGS INTO THE COUNTRY "HIDDEN ON THEIR BODIES." THESE DRUGS WOULD USUALLY COME THROUGH THE ATLANTIC COAST TOWN OF BLUEFIELDS BEFORE REDISTRIBUTION TO OTHER PARTS OF THE COUNTRY, EXPLAINED 1ST LIEUTENANT RUDOLFO GARCIA, CHIEF OF INTERNAL ORDER OF SPECIAL ZONE II (SOUTH ZELAYA). THE ARTICLE QUOTED AN INITIAL SELLING PRICE OF 5,000 CORDOBAS PER GRAM OF COCAINE, BUT NOTED THAT RECENTLY IT HAD RISEN TO AS HIGH AS 20,000 CORDOBAS (ONE THOUSAND CORDOBAS EQUALS ABOUT 30 CENTS AT THE BLACKMARKET EXCHANGE RATE). MARIJUANA REPORTEDLY SOLD FOR SIMILAR PRICES AND BOTH OFTEN WERE SOLD FOR DOLLARS, SAID BARRICADA.

4. (C) BARRICADA ANNOUNCED THE FOLLOWING ARRESTS AND DETENTIONS IN THE CASE: ELVIRA LAYBAN GARCIA; [redacted]

[redacted]

PAGE 03 MANAGU 07638 260009Z

HENRY ALEXANDER SIU NARCISO; FRANCISCO TUCKLER MCLEAN; ERNESTO EVANS HODGSON; JORGE JOSE COLSON BROWN AND JAIME FERNANDO ALBUROLA. "REVOLUTIONARY GENEROSITY" AND YOUTH, REPORTED BARRICADA, WERE RESPONSIBLE FOR THE RELEASE AFTER ARREST OF THE FOLLOWING INDIVIDUALS: DOUGLAS ALFREDO BLANFORD JACKSON; PERCY LUIS GONZALEZ INGRAHAM; JAVIER FRANCISCO WILSON; MARIO ANTONIO DELGADO GUTIERREZ; CEBER SALOMON BENJAMIN; FRANCISCO LEZAMA; EDWIN PACHECO TAYLOR AND ANDERSON STERLENG (SIC).

5. (C) COMMENTS: ALTHOUGH WE ARE UNCERTAIN TO WHAT PRECISE PRODUCT BARRICADA'S PRICE QUOTES APPLY, THEY APPEAR TO BE LOWER THAN U.S. STREET RATES FOR COCAINE OR COCA PASTE.

6. (C) BARRICADA'S ASSERTION THAT THE DRUGS WERE IMPORTED INTO NICARAGUA BY THE CONTRA TO "CORRUPT NICARAGUAN YOUTH" DEPARTS FROM EARLIER CLAIMS THAT THE RESISTANCE HAD BEEN TRANSPORTING NARCOTICS THROUGH NICARAGUA FOR SALE ELSEWHERE, WITH THE PROCEEDS FUNDING MILITARY OPERATIONS OR PADDING FOREIGN BANK ACCOUNTS OF RESISTANCE LEADERS. THIS RECENT CLAIM IS ALL THE MORE SURPRISING GIVEN THE RELATIVELY LIMITED NICARAGUAN MARKET FOR HIGH PRICED NARCOTICS. MOST NICARAGUANS SPEND MOST OF THEIR INCOME FOR FOOD. BERGOLD

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PARIS FOR POL/EAU - SHARON WHITE

E.O. 12356: DECL:OADR
TAGS: PREL, FR, US, NK
SUBJECT: HABIB, BARIANI DISCUSS CENTRAL AMERICA

1. ~~C~~ - ENTIRE TEXT.

2. SUMMARY. QUAI STATE SECRETARY FOR FOREIGN AFFAIRS DIDIER BARIANI MET WITH AMBASSADOR PHILIP HABIB NOVEMBER 19 FOR A DISCUSSION OF US POLICY ON THE CONTADORA PROCESS AND AID TO THE NICARAGUAN DEMOCRATIC RESISTANCE. BARIANI SAID HE WAS RESPONSIBLE FOR IMPLEMENTING THE REVERSAL OF GOF POLICY FROM OPPOSITION TO SUPPORT OF THE US. HABIB ACKNOWLEDGED THAT WE WERE PLEASED WITH THIS CHANGE. HE EXPLAINED WE STILL SUPPORTED THE CONTADORA PROCESS, DESPITE OUR AND THE CENTRAL AMERICAN DEMOCRACIES' FRUSTRATION WITH THE JUNE 6 DRAFT. WE AND THE DEMOCRACIES FELT THE CONTADORA GROUP, PARTICULARLY MEXICO, SHOULD ALLOW THE CENTRAL AMERICANS, THEMSELVES, TO TAKE THE CENTRAL ROLE, AND NOT DICTATE TO THEM, AND SHOULD CONSULT WITH THE DEMOCRACIES, NOT JUST NICARAGUA. HABIB THEN SAID THE FOCAL POINT FOR US NOW WAS WHAT THE NICARAGUAN RESISTANCE WAS DOING. NEW OPERATIONS WERE BEGINNING, AND WE WOULD SEE THE RESULTS IN FOUR TO SIX MONTHS. SUCCESS WOULD BE MEASURED IN THE DEGREE OF PRESSURE BROUGHT ON THE SANDINISTAS. THUS WE WERE PURSUING A TWO-TRACK POLICY OF MILITARY PRESSURE AND CONTADORA DIPLOMACY. END SUMMARY.

3. BARIANI CLAIMED RESPONSIBILITY FOR IMPLEMENTING CHIRAC AND RAIMOND'S CHANGES IN GOF POLICY TOWARD CENTRAL AMERICA. CHIRAC AND RAIMOND REDIRECTED FRENCH AID AWAY FROM NICARAGUA TO THE CENTRAL AMERICAN DEMOCRACIES. CHIRAC PUBLICLY ACKNOWLEDGED THE ALLIES SHOULD EXPRESS SOLIDARITY WITH US BECAUSE OF OUR STRONG INTERESTS IN THE REGION. HABIB SAID WE WERE AWARE OF THIS SHIFT, AND WE AND THE DEMOCRACIES WERE EXTREMELY PLEASED.

4. HABIB SAID WE STILL SUPPORTED THE CONTADORA PROCESS, WHICH WAS NOT YET DEAD. THE CENTRAL AMERICAN DEMOCRACIES WERE FRUSTRATED WITH CONTADORA. THEY THOUGHT THE JUNE 6 DRAFT ACT WAS INADEQUATE. FURTHER, THEY WANTED A CENTRAL ROLE, AND RESENTED DICTATES FROM STATES OUTSIDE THE REGION, SUCH AS MEXICO. STILL, WE NEEDED A DIPLOMATIC TRACK, AND IT WAS HABIB'S JOB TO KEEP ONE ALIVE, WHETHER

PAGE 01 STATE 367956 8488 087222 SSO5

IT BE CONTADORA OR A SUCCESSOR.

5. OUR FOCAL POINT NOW WAS NEW RESISTANCE MILITARY ACTION. THE FIRST RESULTS WOULD BE APPARENT IN FOUR TO SIX MONTHS. SUCCESS COULD BE MEASURED MANY WAYS. FOR A RELATIVELY SMALL OPERATION COSTING ONLY 100 MILLION DOLLARS, PRESSURE ALONE COULD REPRESENT SUCCESS.

6. THE IMPORTANT THING WAS THAT WE WERE PURSUING A TWO-TRACK POLICY. ONE TRACK WAS PRESSURE BY THE RESISTANCE ON THE SANDINISTAS. THE OTHER WAS REGIONAL DIPLOMACY WITHIN THE CONTADORA FRAMEWORK. HABIB WOULD TRAVEL TO THE FOUR CENTRAL AMERICAN DEMOCRACIES, COLOMBIA AND MEXICO THAT DAY TO PURSUE THE PEACE PROCESS.

7. BARIANI ASKED ABOUT THE CONTRAS' SITUATION. HABIB SAID EIGHTEEN TO TWENTY THOUSAND FACED A SANDINISTA ARMY OF SEVENTY THOUSAND. SIX TO SEVEN THOUSAND RESISTANCE FIGHTERS WERE IN NICARAGUA NOW, AND THIS WOULD DOUBLE IN COMING MONTHS. BARIANI ASKED IF RENEWAL OF CONTRA AID DID NOT CONTRADICT HABIB'S WORK. HABIB SAID NO, BECAUSE HIS JOB WAS TO SHOW WE REMAINED OPEN TO A PEACE PROCESS. BARIANI ASKED IF HABIB WOULD VISIT MANAGUA, AND HABIB SAID NO. WE CUT OFF THE MANZANILLO TALKS WHEN IT WAS APPARENT THE SANDINISTAS WOULD DISCUSS ONLY BILATERAL ISSUES. WE WOULD TALK IF THEY TALKED WITH THE INTERNAL AND EXTERNAL OPPOSITION.

8. HABIB SAID THE CONTADORA AND SUPPORT GROUP STATES HAD MADE KNOWN THEIR OPPOSITION AID TO THE RESISTANCE. HOWEVER, CONTADORA HAS NOT BUDGED THE SANDINISTAS. THEY HAVE ONLY EXPANDED THEIR MILITARY DURING PERIODS OF DISCUSSIONS. THE RESISTANCE RECEIVED MUCH BAD PLAY IN THE PRESS, BUT IT WAS IMPORTANT TO SEE WHAT THE SANDINISTAS WERE DOING TO POLITICAL PARTIES, THE PRESS, THE CHURCH AND TO ANY INTERNAL OPPOSITION.

9. THE CENTRAL AMERICAN DEMOCRACIES HAD DIFFERENT VIEWS. HONDURAS AND EL SALVADOR SUPPORTED THE RESISTANCE. COSTA RICA'S PRESIDENT ARIAS' ARGUMENT WAS THAT COSTA RICA FEARED NICARAGUA'S POWER, SANDINISTA OR SOMOZISTA. POLITICAL CHANGE COULD LEAD TO A REIMING IN OF THIS POWER. CONSEQUENTLY ARIAS SAW AN OVERTURE TO DEMOCRATIC INSTITUTIONS--A FREE PRESS, POLITICAL PARTIES, A SYSTEM OF CHECKS AND BALANCES, THE RIGHT OF FREE SPEECH--AS HIS BEST PROTECTION. GUATEMALA SAW ITSELF AS A BRIDGE BETWEEN THE THREE OTHER DEMOCRACIES AND NICARAGUA. INTELLECTUALLY, CEREZO WAS CLOSE TO FELLOW CHRISTIAN DEMOCRATS DUARTE AND ESCOBA, BUT GUATEMALA WAS UNDER PRESSURE FROM MEXICO.

10. HABIB SAID THE CENTRAL AMERICANS WANTED HIM TO GO TO EUROPE TO EXPLAIN US POLICY. FRANCE WAS NOT ONE OF THOSE WHICH NEEDED CONVINCING, BUT HE HOPED TO STOP IN PARIS IF HE MADE THIS TRIP. BARIANI SAID HABIB WOULD BE WELCOME, BUT HE WOULD PROBABLY FIND NO SUPPORT IN MOST OF EUROPE FOR US AID TO THE RESISTANCE.

11. [redacted]

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PAGE 01 SANTIA 08295 01 OF 02 282333Z
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C O N F I D E N T I A L SECTION 01 OF 02 SANTIAGO 08295

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EO 12356: DECL: OADR
TAGS: PREL, PGOV, CI
SUBJ: CONVERSATION WITH DEL VALLE - NOVEMBER 28, 1986

REFS: (A) SANTIAGO 8110, (B) STGO. 7414, (B) STGO. 7298

1. C - ENTIRE TEXT.

2. MY FIRST CONVERSATION WITH DEL VALLE SINCE MY RETURN FROM THE US IN MID NOVEMBER WAS DEVOTED IN GREAT PART TO "WHAT NEXT." DEL VALLE EXPRESSED HIMSELF AS VERY PLEASED WITH THE SECRETARY'S SPEECH AT THE OAS GENERAL ASSEMBLY AS WELL AS WITH THE US SUPPORT FOR A RESOLUTION ON HUMAN RIGHTS WHICH DID NOT LIST COUNTRIES BY NAME. HE WAS ALSO GRATEFUL FOR US ASSISTANCE ON SUCH CHILEAN PROPOSALS AS THOSE DEALING WITH COPPER AND THE PANAMA CANAL.

3. IN ADDITION, SINCE THEN, HE SAID THE REACTION, INCLUDING THAT OF PINOCHET, TO THE US ABSTENTION ON THE SAL HAD BEEN POSITIVE; BECAUSE IT HAD BEEN CLEAR THAT CHILE COULD NOT REALISTICALLY EXPECT A VOTE IN FAVOR. AS TO THE VOTE ON THE MEXICAN RESOLUTION IN THE UNGA ON HUMAN RIGHTS, HE HAD UNDERSTOOD AS OF THE PREVIOUS NIGHT THAT THE US WAS LIKELY TO VOTE AGAINST

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PAGE 02 SANTIA 08295 01 OF 02 282333Z

UNCLASSIFIED
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SINCE NO SIGNIFICANT IMPROVEMENTS HAD BEEN MADE. I SAID MY LATEST INFORMATION AS OF THE MORNING WAS THAT DISCUSSIONS WERE CONTINUING, BUT THAT ONLY IF THERE WERE SOME SIGNIFICANT CHANGES MIGHT WE BE ABLE TO ABSTAIN.

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4. WE THEN WENT ON TO TALK ABOUT WHAT THE NEXT FEW MONTHS MIGHT BRING. DEL VALLE RECOUNTED A BRIEF CONVERSATION WITH THE SECRETARY IN GUATEMALA WHERE THE LATTER HAD TALKED ABOUT HIS FONDNESS FOR CHILE AND HIS WILLINGNESS TO BE OF HELP; BUT ALSO HE MENTIONED THE NEED FOR CHILE TO HELP THE US. IN THAT CONTEXT, I ASKED DEL VALLE, AND IN THE CONTEXT OF UNDER SECRETARY ARMACOST'S TALK A WEEK AGO WITH AMBASSADOR ERRAZURIZ, JUST WHAT IT WAS HE THOUGHT HIS GOVERNMENT COULD DO TO HELP US. I NOTED THAT IN ABSTAINING ON THE SAL AND QUITE POSSIBLY VOTING AGAINST A HUMAN RIGHTS RESOLUTION, WE WERE RUNNING VERY SERIOUS RISKS IN THE US CONGRESS WHEN IT RECONVENED.

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5. DEL VALLE RESPONDED BY SAYING HE COULD NOT AT THIS POINT GIVE ME EXACT DATES, BUT HE COULD OUTLINE HIS HOPES AS FOLLOWS:

- (A) EXILES - 200 CASES ARE NOW READY AND THERE ARE SEVERAL OTHER BATCHES OF 200 COMING ALONG. PINOCHET'S PLAN IS TO HAVE ENOUGH PROGRESS MADE BY THE TIME THE POPE COMES TO SHOW THAT THE NUMBER OF THOSE BARRED IS REALLY GOING DOWN TO ZERO (THE CATHOLIC BISHOPS CONFERENCE HAD IN ONE OF ITS RECENT DECLARATIONS URGED THE PROMPT ABOLITION OF EXILE).

-- (B) TORTURE -

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81

- (C) ROJAS CASE - DEL VALLE SAID HE HAS BEEN URGING THAT THE ROJAS CASE BE MADE PUBLIC NO LATER THAN

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JANUARY 10, AND HE HAS BEEN GIVEN SOME ASSURANCES THAT THAT COULD EVEN BE DONE IN THE NEXT WEEK OR TWO. MAKING THE ACCUSATIONS PUBLIC WOULD MAKE THE CASE A MATTER OF GENERAL KNOWLEDGE AND NOT JUST SPECULATION AS IT MOVED TOWARD A COURT DECISION. (LEGALLY THIS INVOLVED MAKING PUBLIC WHAT IS CALLED THE SUMARIA OR RECORD OF THE PROSECUTOR'S CONCLUSIONS.) I ASKED DEL VALLE WHETHER IT HAD REALLY BEEN NECESSARY TO ROUND UP A NUMBER OF PEOPLE WHO WERE ATTEMPTING TO REPAINT THE WALL WHERE THE TWO YOUNG PEOPLE HAD BEEN BURNED AND TO KEEP THOSE DETAINED STILL IN JAIL. HE SAID HE HAD NOT HEARDOF THE INCIDENT AND WOULD TRY TO FIND OUT WHAT HE COULD.

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6. STATE OF SIEGE: THE PRESIDENT HAS NOT YET DECIDED, DEL VALLE SAID, WHETHER HE WILL EXTEND THE STATE OF SIEGE, LIMIT ITS APPLICATION BY DROPPING SOME OF THE AREAS WHERE IT IS APPLICABLE (PERHAPS LEAVING ONLY THE MAJOR CITIES OF SANTIAGO, VALPARAISO AND CONCEPCION COVERED) OR ABOLISH IT ALTOGETHER. IN ANY CASE, DEL VALLE SAID HE WAS SURE THAT AS OF DECEMBER 10 THE SITUATION WOULD BE MUCH EASIER.

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Page: 3

ACTION SS-00

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C O N F I D E N T I A L SECTION 02 OF 02 SANTIAGO 08295
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EO 12356: DECL: OADR
TAGS: PREL, PGOV, CI
SUBJ: CONVERSATION WITH DEL VALLE - NOVEMBER 28, 1986

7. POLITICAL LAWS. DEL VALLE SAID HE WAS ABSOLUTELY CONVINCED THAT PINOCHET WOULD LIVE UP TO HIS PROMISE TO PRESIDENT REAGAN OF HAVING THE POLITICAL PARTIES' LAW IN EFFECT IN THE FIRST FEW MONTHS OF THE YEAR (PROBABLY MARCH 11 AS HE HAD SAID BEFORE). WHEN I ASKED WHAT ABOUT THE ACCOMPANYING PROVISIONS TO MAKE IT POSSIBLE FOR PARTIES TO FUNCTION EFFECTIVELY IN A FREER ATMOSPHERE, DEL VALLE SAID THAT HE FELT THEY COULD REGISTER WITHIN TWENTY DAYS AND ONCE REGISTERED BE ACCORDED THE LEGAL STATUS WHICH WOULD ENABLE THEM TO HAVE MEETINGS AND ACCESS TO GOVERNMENT AUTHORITIES FOR THE PURPOSES OF DIALOGUE. THE REASON FOR AUTHORIZING THE PUBLICATION OF A CHRISTIAN DEMOCRATIC NEWSPAPER AS OF MARCH 11, 1987, WAS PRECISELY TO MAKE IT POSSIBLE FOR THAT LARGE PARTY TO BE ABLE TO COMMUNICATE WITH THE PUBLIC.

8. VOLIO. ACCORDING TO DEL VALLE, PINOCHET HAD ALREADY DECIDED TO AGREE TO ANOTHER VOLIO VISIT, PROVIDED THAT THE UNGA ADOPT A RESOLUTION WHICH GIVES ENOUGH SUPPORT TO VOLIO TO MAKE IT LIKELY THAT WHAT

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PAGE 02 SANTIA 08295 02 OF 02 282333Z

HE SAYS IN HIS FUTURE REPORTS WILL BE LISTENED TO.

9. BY WAY OF CONCLUSION, DEL VALLE SAID HE FELT THAT

IF THE UN VOTE WENT REASONABLY WELL, THAT,ON TOP OF THE OAS MEETING AND THE SAL VOTE, WOULD ENABLE HIM TO DEMONSTATE TO PINOCHET THAT HE HAD INDEED "DELIVERED" (REFTEL C); AND HE FELT PINOCHET WOULD FOLLOW THROUGH AND AGREE TO SOME OF THE SORTS OF PROPOSALS HE WAS OUTLINING TO ME EARLIER IN THE CONVERSATION. HE CHARACTERIZED PINOCHET AS SOMEONE WHO RESPONDS TO "SUCCESS."

10. WE AGREED TO CALL EACH OTHER MONDAY, DECEMBER 1, AFTER THE UNGA VOTE AND AGREE ON WHEN WE WOULD NEXT GET TOGETHER,MOST LIKELY THE END OF THAT WEEK.
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Case Number: S199900030

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

PAGE 01 STATE 371164
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C O N F I D E N T I A L STATE 371164

E.O. 12356: DECL:OADR
TAGS: PHUM, PREL, UNGA, CI
SUBJECT: THIRD COMMITTEE RESOLUTION ON CHILE: US-PROPOSED AMENDMENTS AND VOTING INSTRUCTIONS

1. CONFIDENTIAL--ENTIRE TEXT.

2. SUMMARY AND ACTION REQUESTED: US DELEGATION IS INSTRUCTED TO APPROACH IMMEDIATELY THE HEAD OF THE MEXICAN DELEGATION AND INFORM HIM THAT (1) THE US WILL VOTE AGAINST THE TABLED RESOLUTION ON CHILE AS PRESENTLY WRITTEN BUT (2) WILL ABSTAIN IF TWO AMENDMENTS SPECIFIED BELOW ARE ACCEPTED. GIVEN THE PRESENCE OF CUBA AS A CO-SPONSOR, AND THE UNWILLINGNESS OF THE CO-SPONSORS TO MODIFY THE TEXT TO ACCEPT ALL OF OUR EXPRESSED CONCERNS, A YES VOTE IS OUT OF THE QUESTION. END SUMMARY.

CONFIDENTIAL

PAGE 02 STATE 371164

3. WE HAVE ANALYZED THE TEXT OF THE MEXICAN RESOLUTION ON CHILE (L.99) CAREFULLY. IT IS AN IMPROVEMENT OVER LAST YEAR'S TEXT AND OVER PREVIOUS DRAFTS, AND ADDRESSES

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SOME OF THE CONCERNS WE HAVE EXPRESSED REGARDING PREVIOUS DRAFTS. AS INDICATED ABOVE, A YES VOTE IS OUT OF THE QUESTION. HOWEVER, WE WOULD BE PREPARED TO ABSTAIN ON

THE RESOLUTION PROVIDED THAT THESE TWO AMENDMENTS ARE MADE TO THE PRESENT TEXT:

(1) AMEND OPERATIVE PARAGRAPH 1 OF RESOLUTION L. 99 BY STRIKING "TAKES NOTE WITH INTEREST OF THE PROVISIONAL REPORT OF THE SPECIAL RAPPORTEUR" AND SUBSTITUTING "COMMENDS THE SPECIAL RAPPORTEUR".

(2) AMEND OPERATIVE PARAGRAPH 5, BY STRIKING "CHILEAN AUTHORITIES" AND SUBSTITUTING "GOVERNMENT OF CHILE".

4. ACTION REQUESTED: US DELEGATION SHOULD IMMEDIATELY APPROACH HEAD OF MEXICAN DELEGATION AND REQUEST THAT THESE CHANGES BE MADE SO THAT THE US MAY ABSTAIN ON THE RESOLUTION, INSTEAD OF VOTING NO. SHOULD THESE AMENDMENTS BE OFFERED AND ACCEPTED, THEN US DELEGATE SHOULD ABSTAIN ON THE CHILE RESOLUTION. SHOULD THESE AMENDMENTS NOT BE MADE, US DELEGATE SHOULD VOTE NO. A PROPOSED STATEMENT TO BE USED IN THE CASE OF EITHER A NEGATIVE VOTE OR ABSTENTION IS PROVIDED IN PARAGRAPH 5. OTHER AMENDMENTS THAT WOULD BE ACCEPTABLE FOR US TO ABSTAIN ON THE RESOLUTION ARE LISTED IN PARAGRAPH 6. IF THESE ARE PROPOSED, US DELEGATION SHOULD SUPPORT THEIR INCORPORATION.

5. STATEMENT FOR US DELEGATE
CONFIDENTIAL

PAGE 03 STATE 371164

THE GOAL OF THE POLICY OF MY GOVERNMENT, AS WE HAVE REPEATEDLY AND CLEARLY INDICATED, IS TO ENCOURAGE A PEACEFUL TRANSITION TO DEMOCRACY AND INCREASED RESPECT FOR HUMAN RIGHTS IN CHILE. ALL OF OUR ACTIONS ARE PREDICATED ON HOW BEST TO CARRY OUT THIS POLICY.

AS THE SPECIAL RAPPORTEUR'S LATEST REPORT ON CHILE MAKES CLEAR, NO ASSESSMENT OF THE HUMAN RIGHTS SITUATION IS COMPLETE OR OBJECTIVE IF IT DOES NOT MAKE REFERENCE TO THE PROBLEMS OF TERRORIST VIOLENCE FROM BOTH EXTREMES AND ACKNOWLEDGE DISCOVERY OF A LARGE CACHE OF TERRORIST ARMS INTRODUCED FROM ABROAD--WE KNOW WITH CUBAN

ASSISTANCE--AND THE SUBSEQUENT ASSASSINATION ATTEMPT AGAINST PRESIDENT PINOCHET.
THE RESOLUTION IN QUESTION IS UNBALANCED IN ITS TREATMENT OF THE SPECIAL RAPPORTEUR'S WORK. IT ALSO FAILS TO SUFFICIENTLY ADDRESS THE THREAT FROM TERRORISTS OF BOTH EXTREMES WHO ARE SEEKING VIOLENTLY TO POLARIZE THE SITUATION AS A MEANS TO THEIR NON-DEMOCRATIC ENDS. THE CURRENT RESOLUTION FAILS TO REINFORCE SUFFICIENTLY THE CONSTRUCTIVE RECOMMENDATIONS MADE BY THE SPECIAL

RAPPORTEUR, AND MISSES THE OPPORTUNITY TO ENCOURAGE THE GOC TO TAKE MORE THAN THE LIMITED STEPS IT HAS TAKEN TO DATE TO CARRY OUT HIS RECOMMENDATIONS AND TAKE EFFECTIVE MEASURES TO END THE PERSISTENT HUMAN RIGHTS VIOLATIONS.
-
THE UNITED STATES IS SEEKING TO ENCOURAGE CONSTRUCTIVE CHANGE IN CHILE, A CHANGE WHICH ULTIMATELY ONLY THE CHILEAN PEOPLE CAN EFFECT. THE INTERNATIONAL COMMUNITY HAS THE RIGHT AND THE OBLIGATION TO EXPRESS ITS CONCERNS ON HUMAN RIGHTS, BUT IN DOING SO, HAS THE EQUAL OBLIGATION TO BE CONSTRUCTIVE.
-
THE HUMAN RIGHTS SITUATION IN CHILE, AS THE REPORT OF THE CONFIDENTIAL

PAGE 04 STATE 371164

SPECIAL RAPPORTEUR INDICATES, IS CAUSE FOR GRAVE CONCERN. IT IS FACT THAT SERIOUS ABUSES SUCH AS TORTURE, KIDNAPPINGS, DEATHS, AND ACTS OF INTIMIDATION OCCUR. IT IS FACT THAT THE JUDICIAL SYSTEM HAS NOT DONE ITS JOB IN CORRECTING THESE.
SADLY, THE RESOLUTION WE CONSIDER TODAY RELIES ON RHETORIC, REFLECTING THE HYPOCRITICAL STAND OF SOME OF THE NATIONS SUPPORTING IT. MUCH WORSE VIOLATIONS OF HUMAN RIGHTS OCCUR--WITHIN SOME COUNTRIES VOTING IN FAVOR OF THIS RESOLUTION--AND YET NO RESOLUTIONS ARE PASSED, NO SPECIAL RAPPORTEURS APPOINTED.
-
BUT IT IS ALSO A FACT THAT THIS RESOLUTION WILL NOT CHANGE THE REALITY IN CHILE. A MORE CONSTRUCTIVE RESOLUTION MIGHT HAVE BROUGHT ABOUT IMPROVEMENTS.
-
OUR VOTE TODAY IS CAST THEN WITH REGRET FOR AN OPPORTUNITY LOST. WE WILL CONTINUE OUR EFFORTS TO MAKE CLEAR OUR CONCERN OVER HUMAN RIGHTS PROBLEMS IN CHILE AND

TRY TO ENCOURAGE THEIR CORRECTION. IN THIS REGARD, WE BELIEVE THAT THE SITUATION WARRANTS RETENTION OF A SPECIAL RAPPORTEUR. WE WOULD NOTE THAT SPECIAL RAPPORTEUR VOLIO HAS CARRIED OUT HIS DIFFICULT TASK WITH DISTINCTION AND SHOULD BE COMMENDED FOR HIS EFFECTIVE EFFORTS.

4. ACCEPTABLE AMENDMENTS TO A/C.3/41/L.99 (RESOLUTION ON HUMAN RIGHTS IN CHILE) FOR THE UNITED STATES TO ABSTAIN RATHER THAN VOTE AGAINST:

- AMEND PREAMBULAR 2 BY STRIKING NOTING (IN SPANISH ADVIRTIENDO) AND SUBSTITUTING RECALLING, AND BY ADDING TO THE CONCLUSION THEREOF "AN OBLIGATION WHICH IS NOT CONFIDENTIAL

PAGE 05 STATE 371164

DIFFERENT FROM THAT OF ANY OTHER GOVERNMENT WHICH IS A PARTY TO INTERNATIONAL HUMAN RIGHTS INSTRUMENTS";

-- STRIKE PREAMBULAR 6 AND SUBSTITUTE THEREFOR: "CONSCIOUS THAT DESPITE THE CONCERNS EXPRESSED ON PREVIOUS OCCASIONS BY THE GENERAL ASSEMBLY, THE COMMISSION ON HUMAN RIGHTS, AND BY OTHER INTERNATIONAL BODIES, RESPECT FOR HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS HAVE NOT BEEN REESTABLISHED IN CHILE";

-- STRIKE PREAMBULAR 7 AND SUBSTITUTE THEREFOR: "CONSIDERING ALSO THE SPECIAL RAPPORTEUR'S PRELIMINARY REPORT SUBMITTED TO THE GENERAL ASSEMBLY AND THE REPLY OF THE GOVERNMENT OF CHILE TO HIS REPORT TO THE COMMISSION ON HUMAN RIGHTS, AND HAVING ALSO EXAMINED REPORTS FROM VARIOUS NON-GOVERNMENTAL ORGANIZATIONS THAT HAVE MADE PUBLIC THE SERIOUS VIOLATIONS OF HUMAN RIGHTS IN CHILE";

-- STRIKE PREAMBULAR 8 AND SUBSTITUTE THEREFOR: "TAKING NOTE THAT THE ESTABLISHMENT IN JUNE 1986 OF AN ADVISORY COMMISSION TO THE MINISTRY OF INTERIOR ON MATTERS RELATING TO HUMAN RIGHTS CONSTITUTES POSITIVE RECOGNITION BY THE GOVERNMENT OF THE EXISTENCE OF HUMAN RIGHTS PROBLEMS;"

- ADD PREAMBULAR 9 TO READ AS FOLLOWS: "NOTING THAT THE GOVERNMENT OF CHILE HAS ENDED THE PRACTICE OF ORDERING INTERNAL BANISHMENT WITHOUT RECOURSE TO THE

JUDICIAL SYSTEM, AS REQUESTED BY THE COMMISSION ON HUMAN RIGHTS IN ITS RESOLUTION 1986/63, ALTHOUGH THIS CHANGE HAS NOT LIMITED ITS DISCRETIONARY POWER TO ORDER BANISHMENT, JUST AS THE GOVERNMENT MAINTAINS THE AUTHORITY TO EXPEL CHILEAN CITIZENS, ALTHOUGH IT WAS NOT USED IN 1986;"

-- ADD PREAMBULAR PARAGRAPH 10, TO READ AS FOLLOWS:
CONFIDENTIAL

PAGE 06 STATE 371164

"FURTHER NOTING THAT THE GOVERNMENT OF CHILE HAS PROMULGATED A LAW ESTABLISHING VOTER REGISTRATION AND ANNOUNCED THAT THE PROPOSED POLITICAL PARTIES LAW IS TO BE PROMULGATION EARLY NEXT YEAR, WHICH MEASURES NEED TO BE FULLY AND PROMPTLY IMPLEMENTED TOGETHER WITH A COMPREHENSIVE EFFORT TO RESTORE FUNDAMENTAL FREEDOMS AND ENSURE RESPECT FOR HUMAN RIGHTS;"

- AMEND OPERATIVE PARAGRAPH 1 BY STRIKING "TAKES NOTE WITH INTEREST OF THE PROVISIONAL REPORT OF THE SPECIAL RAPPORTEUR" AND SUBSTITUTING "COMMENDS THE SPECIAL RAPPORTEUR FOR HIS REPORTS ON THE SITUATION OF HUMAN RIGHTS IN CHILE, SUBMITTED IN ACCORDANCE WITH RESOLUTION 1986/63 OF 14 MARCH 1986 OF THE COMMISSION ON HUMAN RIGHTS AND RESOLUTION 40/145 OF 14 DECEMBER 1985 OF THE

GENERAL ASSEMBLY, AND NOTES THE FACT THAT THE GOVERNMENT OF CHILE RESPONDED AT LENGTH TO THE SPECIAL RAPPORTEUR'S REPORT OF FEBRUARY 1986;"

-- INSERT NEW OPERATIVE PARAGRAPH 3 TO READ AS FOLLOWS: "EXPRESSES ALARM, HOWEVER, CONCERNING THE INCREASE IN POLITICAL VIOLENCE IN CHILE AND THE DANGER REPRESENTED BY THE DISCOVERY OF LARGE QUANTITIES OF ARMS SURREPTITIOUSLY INTRODUCED FROM ABROAD, WITH THEIR POTENTIAL FOR ADDING TO THE ALREADY SUBSTANTIAL LEVEL OF VIOLENCE;"

-- INSERT NEW OPERATIVE PARAGRAPH 4, TO READ AS FOLLOWS: "DEPLORES THE SERIOUS EVENTS OF THIS SEPTEMBER, INCLUDING THE ASSASSINATION ATTEMPT AGAINST THE PRESIDENT OF CHILE AND THE INCREASING USE OF VIOLENT TERRORIST ACTIONS BY EXTREMISTS OF THE LEFT AND THE RIGHT, REFLECTED IN THE UNSOLVED KIDNAPPING/MURDERS IMMEDIATELY
CONFIDENTIAL

PAGE 07 STATE 371164

FOLLOWING IMPOSITION OF THE STATE OF SIEGE;"

-- STRIKE OLD OPERATIVE PARAGRAPH 3 AND SUBSTITUTE THE FOLLOWING AS NEW OPERATIVE PARAGRAPH 5: "EXPRESSES ITS SPECIAL DISMAY OVER THE PERSISTENCE OF SEVERE RESTRICTIONS ON FUNDAMENTAL LIBERTIES IN CHILE, WHICH IMPEDE THE EFFECTIVE PROGRESS NEEDED TOWARD RESTORATION OF A DEMOCRATIC SYSTEM, REPRESENTATIVE OF THE WILL OF THE PEOPLE AS EXPRESSED IN FREE ELECTIONS;"

-- RENUMBER OLD OPERATIVE PARAGRAPH 4 AS OPERATIVE PARAGRAPH 6 AND STRIKE IN IT THE WORDS "AND THE DISCRIMINATORY CHARACTER OF THE ANNOUNCED REGISTER OF CITIZENS AUTHORIZED TO RETURN TO THE COUNTRY;"

- STRIKE OLD OPERATIVE 5 AND SUBSTITUTE AS NEW OPERATIVE 7 THE FOLLOWING: EXPRESSES ITS CONCERN OVER THE DENIAL BY THE GOVERNMENT OF CHILE OF THE RIGHTS OF FREE EXPRESSION, ASSEMBLY AND ASSOCIATION, THE EXCESSIVE VIOLENCE AND UNLAWFUL COERCION BY SECURITY FORCES TO END UNAUTHORIZED SWEEPS BY MILITARY PERSONNEL OF POOR URBAN COMMUNITIES, AND CONCERNING THE DETENTION OF OPPPOSITION FIGURES FOR INDETERMINATE PERIODS OF TIME DURING PERIODS OF POLITICAL UNREST IN A MANNER THAT DOES NOT DISTINGUISH LEADERS OF PEACEFUL DEMONSTRATIONS FROM THOSE ASSOCIATED WITH VANDALISM AND VIOLENCE;"

-- STRIKE OLD OPERATIVE 6 AND SUBSTITUTE AS NEW OPERATIVE 8 THE FOLLOWING: "REAFFIRMS ITS CONVICTION THAT A LEGAL AND POLITICAL STRUCTURE, BASED ON THE CONSENT OF THE GOVERNED, EMERGING FROM A CIVILIZED AND CONSTRUCTIVE NATIONAL DIALOGUE, REPRESENTATIVE OF THE

WILL OF THE PEOPLE AS EXPRESSED IN FREE ELECTIONS, AND RESPECTING THE FULL EXERCISE OF LEGAL RIGHTS IS ESSENTIAL TO THE FULL OBSERVANCE OF HUMAN RIGHTS IN CHILE, AS IN CONFIDENTIAL

PAGE 08 STATE 371164

ANY OTHER NATION";

-- STRIKE OLD OPERATIVE 8 AND SUBSTITUTE AS NEW

OPERATIVE 10 THE FOLLOWING: "DEMONSTRATES ITS SPECIAL CONCERN CONCERNING THE NEED FOR THE CHILEAN GOVERNMENT, IN THE FACE OF THE EVIDENT DEEP POLITICAL DIVISIONS IN CHILE, TO TAKE IMMEDIATE AND EFFECTIVE STEPS TO PROMOTE A BROAD CONSENSUS ON A TRANSITION TO DEMOCRACY THROUGH DIALOGUE AND NATIONAL RECONCILIATION";

-- STRIKE OLD OPERATIVE 9 AND SUBSTITUTE AS NEW OPERATIVE 11 THE FOLLOWING: "REITERATES ITS APPEAL TO THE GOVERNMENT OF CHILE TO RESPECT HUMAN RIGHTS IN CONFORMITY WITH THE UNIVERSAL DECLARATION OF HUMAN RIGHTS, AND TO REESTABLISH DEMOCRATIC INSTITUTIONS AND THE FULL PROTECTION OF LAW WHICH ARE ESSENTIAL TO THE EFFECTIVE ENJOYMENT AND EXERCISE OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, AND ARE IN THE BEST DEMOCRATIC TRADITION OF CHILE, AND IN PARTICULAR:"

-- AMEND OLD OPERATIVE 9A BY STRIKING "THE REGIME OF EXCEPTION" AND SUBSTITUTING THE FOLLOWING: "TO OTHER STATES OF EXCEPTION RESTRICTING FUNDAMENTAL LIBERTIES";

-- STRIKE OLD OPERATIVE 9C AND SUBSTITUTE THE FOLLOWING: "IMMEDIATELY PUT AN END TO ALL FORMS OF TORTURE, PHYSICAL AND PSYCHOLOGICAL, AND EFFECTIVELY RESPECT THE RIGHTS TO LIFE AND TO PHYSICAL INTEGRITY, AND TAKE MEASURES TO PREVENT THE RECURRENCE OF SUCH ABUSES BY ASSURING PROMPT ACCESS BY INDEPENDENT DOCTORS TO ALL PERSONS DETAINED, AS AGREED TO BY THE GOVERNMENT OF CHILE WITH THE INTERNATIONAL COMMITTEE OF THE RED CROSS";

CONFIDENTIAL

PAGE 09 STATE 371164

-- STRIKE OLD OPERATIVE 9F AND SUBSTITUTE: "REVIEW AND AMEND AS NECESSARY EXISTING PROCEDURES AND LAWS SO AS TO MAKE IT POSSIBLE FOR DISSENTING OPINIONS TO BE EXPRESSED PEACEFULLY, INCLUDING IMPLEMENTING THE GOVERNMENT DECISION ANNOUNCED TO ALLOW PUBLICATION NEXT YEAR OF A NEW NEWSPAPER EXPRESSING OPPOSITION VIEWS, AUTHORIZING THE HOLDING OF PEACEFUL GATHERINGS OR EVENTS IN PUBLIC PLACES, AND ENSURING THAT THOSE DETAINED FOR ORGANIZING AND PARTICIPATING IN PEACEFUL DEMONSTRATIONS ARE NOT UNDULY DEPRIVED OF THEIR FREEDOM OR FROM CONTACT WITH VISITORS;"

-- AMEND OLD OPERATIVE PARAGRAPH 9G BY STRIKING

REORGANIZE THE POLICE AND SECURITY FORCES SO AS TO HELP END AND SUBSTITUTING: "EFFECT SUCH REORGANIZATION OF THE SECURITY FORCES AND OF THE POLICE AS MAY BE NECESSARY TO END;"
AMEND OL OPERATIVE PARAGRAPH 9H BY STRIKING THE WORD PREVENT AND SUBSTITUTING "TAKE EFFECTIVE MEASURES TO PREVENT"

-- AMEND OLD OPERATIVE PARAGRAPH 9J BY ADDING TO ITS CONCLUSION "AND TAKE EFFECTIVE MEASURES TO PREVENT *INTIMIDATION OF CHILEAN CITIZENS AUTHORIZED TO RETURN;"*

-- STRIKE OLD OPERATIVE 9K AND REPLACE WITH THE FOLLOWING: "REESTABLISH THE FULL ENJOYMENT AND EXERCISE OF LABOR RIGHTS AND TAKE INTO ACCOUNT THE LEGITIMATE *CULTURAL AND SOCIO-ECONOMIC INTERESTS OF THE POPULATION;"*

-- AMEND OLD OPERATIVE 9L BY ADDING THE FOLLOWING TO ITS CONCLUSION: "AND END ACTS OF INTIMIDATION AGAINST RELIGIOUS AND LAY HUMAN RIGHTS BODIES;" SHULTZ

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E.O. 12356: DECL: OADR
TAGS: PREL, PGOV, NU, XR, OVIP (HABIB, PHILIP C.)
SUBJECT: AMB. HABIB'S MEETING WITH MEMBERS OF THE NICARAGUAN CIVIC OPPOSITION

1. (SECRET - ENTIRE TEXT.)

2. SUMMARY: ON NOVEMBER 21, AMB. HABIB MET IN GUATEMALA WITH TWO LEADERS OF THE NICARAGUAN CIVIC OPPOSITION, SOCIAL CHRISTIAN ERICK RAMIREZ AND CONSERVATIVE MARIO RAPPICCIOLI. HE EXPLAINED THE USG'S TWO-TRACK POLICY FOR NICARAGUA AND CONTADORA. RAPPACCIOLI WAS CRITICAL OF CONTADORA, SAYING THAT IT HAD ONLY BOUGHT THE SANDINISTAS TIME TO CONSOLIDATE. THE NICARAGUANS REVEALED PLANS TO FORM A NEW COALITION COMPOSED OF THEIR TWO PARTIES AND VIRGILIO GODOY'S INDEPENDENT LIBERAL PARTY. HABIB STRESSED THE NEED FOR UNITY OF THE INTERNAL OPPOSITION. END SUMMARY.

3. ON NOVEMBER 21, AMBASSADOR HABIB MEET IN GUATEMALA WITH TWO LEADERS OF THE NICARAGUAN CIVIC OPPOSITION, ERICK RAMIREZ OF THE SOCIAL CHRISTIAN PARTY (PSC) AND MARIO RAPPICCIOLI OF THE NICARAGUAN CONSERVATIVE PARTY (PCN). (INDEPENDENT LIBERAL PARTY PRESIDENT VIRGILIO GODOY HAD BEEN SCHEDULED TO PARTICIPATE BUT DID NOT ARRIVE DUE TO TRANSPORTATION DIFFICULTIES.) THE MEETING TOOK PLACE IN THE RESIDENCE OF DCM ROGER GAMBLE, AND ALSO ATTENDING WERE THE OTHER MEMBERS OF HABIB'S PARTY AND JANET CRIST, DEPUTY CHIEF OF POL OF AMEMBASSY MANAGUA.

4. HABIB GAVE THE TWO NICARAGUANS AN OVERVIEW OF U.S. POLICY TOWARD NICARAGUA AND CONTADORA. HE EXPLAINED THAT HE WAS INVOLVED WITH THE DIPLOMATIC TRACK OF THA POLICY. WHILE CONTADORA WAS AT A HIATUS, IT WAS NOT DEAD. THE U.S. HAD SUPPORTED THE CONTADORA PROCESS AND THE CONCEPT OF A REGIONAL SETTLEMENT THAT ACHIEVED THE COMPREHENSIVE, VERIFIABLE, AND SIMULTANEOUS IMPLEMENTATION OF THE 1983 DOCUMENT OF OBJECTIVES. WE BELIEVED THAT IT WAS ESSENTIAL THAT ANY AGREEMENT INCLUD THE POLITICAL ELEMENTS IN THE 21 POINTS, SPECIFICALLY NATIONAL RECONCILIATION AND DEMOCRATIZATION. THIS MEANT THAT THE SANDINISTAS MUST DIALOGUE WITH THEIR OPPOSITION, INCLUDING BOTH THE CIVIC OPPOSITION AND TE ARMED

RESISTANCE. THE SANDINISTAS REFUSED TO TALK WITH THE OPPOSITION, HOWEVER, BECAUSE THEY HAD NO RESPECT FOR THE OPPOSITION OR WHAT THEY STOOD FOR. THE USG WOULD NOT RESUME BILATERAL NEGOTIATIONS WITH THE SANDINISTAS UNTIL THEY ENGAGED IN A DIALOGUE WITH THEIR OWN PEOPLE. THE PROBLEM WAS NOT A BILATERAL MATTER BETWEEN THE U.S. AND NICARAGUA, IT WAS A PROBLEM BETWEEN THE SANDINISTAS AND THEIR NEIGHBORS AND BETWEEN THE SANDINISTAS AND THEIR OWN PEOPLE.

5. HABIB EXPLAINED THAT BECAUSE OF SANDINISTA INTRANSIGENCE AND REFUSAL TO PURSUE SERIOUS NEGOTIATIONS THE U.S. HAD ANOTHER TRACK, PRESSURE. U.S. AID TO THE NICARAGUAN DEMOCRATIC RESISTANCE WAS BEGINNING TO FLOW, AND WE WOULD SOON SEE ITS IMPACT ON THE BATTLEFIELD. THIS WAS A REALITY. AT THE SAME TIME, WE WERE LEAVING THE DOOR TO NEGOTIATIONS OPEN SO THAT AS THE PRESSURE MOUNTED, THE SANDINISTAS COULD TAKE THE OPTION OF A DIPLOMATIC SOLUTION.

6. RAPPACCIOLI WAS HIGHLY CRITICAL OF CONTADORA. HE CLAIMED THAT IT HAD DONE LITTLE BUT GIVE THE SANDINISTAS TIME IN WHICH TO CONSOLIDATE THEIR REGIME. ITS MEMBERS DID NOT TAKE THE NICARAGUAN CIVIC OPPOSITION SERIOUSLY. RAMIREZ SAID THAT IN DURING A TRIP THAT HE, RAPPACCIOLI, GODOY, AND TWO OTHER SIGNERS OF THE SIX-PARTY PROPOSAL HAD MADE TO SOUTH AMERICA IN FEBRUARY, THE PRESIDENTS OF COLOMBIA, VENEZUELA, AND PANAMA HAD UNDERSTOOD THEIR POSITION BUT SEEMED UNINTERESTED IN THE DETAILS OF AN INTERNAL DIALOGUE. HE NOTED THAT MEXICO WAS THE ONLY COUNTRY THAT REFUSED TO RECEIVE THEM.

7. HABIB REITERATED THAT THE ESSENCE OF CONTADORA, A COMPREHENSIVE AGREEMENT THAT INCLUDED GENUINE NATIONAL RECONCILIATION AND DEMOCRATIZATION, WAS VALID, ALTHOUGH THE CONTADORA PROCESS HAD BEEN TILTED IN FAVOR OF THE SANDINISTAS. IT WAS NECESSARY FOR CONTADORA TO RETURN TO ITS ORIGINAL OBJECTIVES. THE CENTRAL AMERICAN DEMOCRACIES HAD CALLED ON THE SANDINISTAS TO BGIN A DIALOGUE WITH THE OPPOSITION, AND THEY WOULD NOT SIGN AN AGREEMENT THAT CONTAINED ONLY A GENERAL STATEMENT ON RECONCILIATION AND DEMOCRATIZATION. THE AGREEMENT DID NOT HAVE TO SPELL OUT EVERY DETAIL OF THE DEMOCRATIZATION PROCESS, BUT A CLEAR FRAMEWORK WAS ESSENTIAL. RAMIREZ SAID THAT IT CERTAINLY WOULD HAVE TO PROVIDE FOR POLITICAL FREEDOM AND NEW ELECTIONS.

8. THE NICARAGUANS ADVISED HABIB THAT THEY WERE CONTEMPLATING FORMING A NEW OPPOSITION POLITICAL COALITION COMPOSED OF THEIR TWO PARTIES AND GODOY'S PLI. THEY CRITICIZED THE CURRENT COALITION, THE COORDINADORA, AS ENCOMPASSING TOO MANY GROUPS WITH DIFFERING IDEAS; THE RESULT WAS THAT ITS MEMBERS COULD SELDOM AGREE ON A COURSE OF ACTION. THE NEW COALITION, THOUG NOT INTENDED TO REPLACE THE COORDINADORA, WOULD OVERCOME THIS PARALYSIS BECAUSE IT WOULD CONSIST OF PARTIES PREPARED TO TAKE FIRM ACTION. THE THREE PARTIES WOULD SEEK TO EXPLOIT THEIR TIES WITH THEIR RESPECTIVE INTERNATIONAL ORGANIZATIONS: THE CHRISTIAN DEMOCRATIC INTERNATIONAL, THE INTERNATIONAL DEMOCRATIC UNION, AND THE LIBERAL INTERNATIONAL. RAPPACCIOLI REMARKED THAT THEY HOPED TO ISSUE A JOINT MEMO LINKED TO STATEMENTS OF SUPPORT BY THE INTERNATIONALS. HABIB SUGGESTED THAT IT WOULD BE USEFUL TO DO SO BEFORE THE DECEMBER CONTADORA MEETING IN RIO DE JANEIRO. RAMIREZ ADDED THAT THEY WERE ALSO TALKING WITH LEADERS OF THE SOCIALIST INTERNATIONAL, WHO WERE SLOWLY SHIFTING THEIR ATTITUDE ABOUT THE SANDINISTAS.
[illegible] WHO HAD JUST RETURNED FROM GERMANY, NOTED [illegible] EUROPEAN SUPPORT FOR THE THREE INTERNATIONALS IDEA [illegible] AND THE IDU WAS ALSO ENGAGED IN DISCUSSION OF

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THE NICARAGUAN PROBLEM WITH THE SOCIALIST INTERNATIONAL.

9. HABIB STRESSED THAT UNITY OF THE CENTRAL AMERICAN DEMOCRACIES AND UNITY OF THE NICARAGUAN INTERNAL OPPOSITION WAS ESSENTIAL. THERE COULD BE POLITICAL DIFFERENCES SUCH AS THOSE BETWEEN THE SOCIAL CRISTIANS AND THE CONSERVATIVES, BUT THERE SHOULD BE NO DISPUTE ABOUT THE STRUGGLE TO BRING ABOUT A DEMOCRATIC POLITICAL PROCESS IN NICARAGUA. THE USG WAS CONCERNED ABOUT DISUNITY AMONG THE INTERNAL OPPOSITION, ESPECIALLY IN THE

EXDIS

PSC. ONLY THE SANDINISTAS WOULD BENEFIT FROM A PARTY SPLIT. WE WOULD NOT TAKE SIDES, BUT CLEARLY THE SOCIAL CHRISTIANS MUST FIND A FORMULA FOR HARMONY. HABIB TOLD RAMIREZ THAT HE AND GUATEMALAN PRESIDENT CEREZO HAD DISCUSSED THE PSC'S PROBLEM EARLIER, AND HE SUGGES ED THAT RAMIREZ TALK WITH CEREZO AS THE LATTER MIGHT BE ABLE TO HELP FIND A FACE-SAVING SOLUTION.

EXDIS

10. RAPPACCIOLI NOTED THAT AT THE TIME OF THE SIX-PARTY PROPOSAL, THE OPPOSITION HAD ENJOYED A HIGH DEGREE OF UNITY. IT WAS DIFFICULT TO MAINTAIN THIS UNITY IN THE FACE OF THE SANDINISTAS' CATEGORICAL REFUSAL TO TALK WITH THEM, BUT RAPPACCIOLI WAS HOPEFUL THAT IT COULD BE RECREATED BY A NEW EFFORT BY THE THREE PARTIES TO REAFFIRM THE FEBRUARY DOCUMENT. HABIB SAID THAT IT WOUL BE HELPFUL TO REITERATE THE DOCUMENT AND KEEP THE PRESSURE ON THE SANDINISTAS. HE ASKED WHETHER EITHER OF THEM HAD CONTACT WITH THE RESISTANCE ORGANIZATION UNO; BOTH LAUGHED AND SAID THAT IT WOULD BE BEST NOT TO RESPOND.

EXDIS

11. RAMIREZ SAID THAT BEFORE RESORTING TO MILITARY MEANS, IT WAS BEST TO SEEK TO EXHAUST ALL POLITICAL MEANS. HE RECALLED THAT DURING HIS INTERROGATION A TER HAVING BEEN ARRESTED FOR CALLING FOR A CEASEFIRE AND DIALOGUE, COMANDANTE LENIN CERNA (HEAD OF THE SANDINISTA SECRET POLICE) HAD NOT COMPLETELY REJE.TED THE IDEA. RAMIREZ THOUGHT IT MIGHT STILL BE POSSIBLE TO DEVELOP THE CONCEPT OF NEGOTIATIONS WHICH WOULD BEGIN WITH THE INTERNAL OPPOSITION, WITH THE UNDERSTANDING THAT THE EXTERNAL OPPOSITION COULD BE INCLUDED AT A LATER STAGE. BURGHARDT NOTED THAT UNO LEADER ARTURO CRUZ HAD ONCE SUGGESTED SUCH AN APPROACH IN A WASHINGTON POST INTERVIEW.

EXDIS

12. BOTH NICARAGUANS COMMENTED ON THE MILITARIZATION OF NICARAGUA UNDER THE SANDINISTAS. LARGE NUMBERS OF YOUTHS WERE BEING INDUCTED INTO THE SANDINISTA ARMY, AND THE SANDINISTAS WERE USING THEIR MILITARY AS THEIR PRIMARY POWER BASE. THOUSANDS OF NICARAGUANS WERE DYING, WITH NO PROSPECT OF VICTORY. RAMIREZ EMPHASIZED THAT THIS WAS CREATING GROWING TENSIONS. BOTH SAID THAT WITH THE POVERTY AND SHORTAGES BROUGHT ON BY NICARAGUA S ECONOMIC CRISIS, THE PEOPLE WERE SUFFERING AS NEVER BEFORE, AND THAT THE PEOPLE BLAMED THE SANDINISTAS FOR THEIR PROBLEMS.

13. RAMIREZ COMMENTED THAT AS THE PRESSURE GREW, THE SANDINISTAS WOULD TRY TRICKS. FOR EXAMPLE, THEY WERE CURRENTLY WERE PRETENDING TO BE ENGAGED IN A DIALOGUE WITH THE CHURCH, BUT IN REALITY, THERE WAS NO PROGRESS.

THE SANDINISTAS MIGHT WELL PRETEND TO BE FLEXIBLE AND WILLING TO NEGOTIATE IN ORDER TO DIVIDE THE CENTRA AMERICAN DEMOCRACIES. SHULTZ

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TO AMBASSADOR FROM A/S SCHIFTER

E.O. 12356: DECL:OADR
TAGS: SHUM
SUBJECT: OFFICIAL INFORMAL

1. S ENTIRE TEXT.
2. AS YOU PROBABLY HAVE ALREADY HEARD, WE VOTED "NO" ON THE CHILE RESOLUTION LAST NIGHT. THE VOTE WAS 84-5 WITH 46 ABSTENSIONS. WE HAD TOLD THE MEXICANS THAT WE WOULD SHIFT TO AN ABSTENSION IF THEY AGREED TO TWO AMENDMENTS: (1) TO COMMEND VOLIO AND (2) TO CHANGE "CHILEAN AUTHORITIES" AT ONE POINT TO "GOVERNMENT OF CHILE." BUT THEY DIDN'T DO IT. IT MAY BE THAT THE CUBANS, JHO HAD JOINED AS CO-SPONSORS, BLOCKED THE CHANGE.
3. BUT ALL IS NOT LOST YET. THIS WAS ONLY THE THIRD COMMITTEE VOTE. THE VOTE IN PLENARY IS NOW EXPECTED ON DECEMBER 4. WE SHOULD THEN TRY TO GET OUR AMENDMENTS VOTED ON AND, IF THEY PASS, ABSTAIN ON THE TEXT. ARTIN POBLETE TALKED TO GEORGE LISTER TODAY AND PLEDGED THAT HE WOULD GET TO WORK IMMEDIATELY.
4. I HAVE DISCUSSED THIS WITH ELLIOTT. HE IS IN FULL

IQ 058 12-1-86

Case Number: S199900030

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Chile Project (#S199900030)
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C O N F I D E N T I A L SANTIAGO 08333

EXDIS

C O R R E C T E D C O P Y (PARAGRAPH 6)

EO 12356: DECL: OADR
TAGS: PGOV, PREL, CI
SUBJECT: BUSINESS VIEWS OF PINOCHET'S STATUS AND STRATEGY

REF: SANTIAGO 7465

1. CONFIDENTIAL - ENTIRE TEXT.

2. MANUEL FELIU, HEAD OF THE CHILEAN BUSINESS COMMUNITY'S EQUIVALENT OF THE US CHAMBER OF AND INCREASINGLY PROMINENT AND AGGRESSIVE SPOKE FOR BUSINESS INTERESTS, TOLD ME OVER DINNER NOV. 28 THAT HE SEES PINOCHET HAVING BEEN SUBSTANTIALLY STRENGTHENED BY THE ARMS FINDS AND THE ASSASSINATION ATTEMPT AND THAT THE BOOST IS NOW LASTING LONGER THAN HE HAD EARLIER ANTICIPATED. ONE RESULT HAS BEEN TO INCREASE PINOCHET'S DETERMINATION TO STAY ON AT ANY PRICE. TYPICALLY, PINOCHET, ACCORDING TO FELIU, BECOMES ARROGANT WHEN THINGS ARE GOING WELL AND REFUSES TO TAKE ADVANTAGE OF THE BREATHING SPACES THESE PERIODS OFFER TO REACH ACCOMMODATIONS.
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3. SPECIFICALLY, FELIU THINKS PINOCHET IS LIKELY TO CONTINUE THE STATE OF SIEGE, OR MAJOR PARTS OF IT

(WHEN IT COMES TIME DECEMBER 7 TO RENEW OR TERMINATE IT), AND HE WILL LIFT IT TOTALLY ONLY IN MARCH BECAUSE OF THE POPE'S VISIT IN APRIL. SECONDLY, HE DOUBTS THAT PINOCHET WILL EVER AGREE TO LET THE OPPOSITION HAVE ACCESS TO TV, POLITICAL PARTIES LAW OR NO. FOR THAT REASON, HE SEES THE ONLY CHANCE OF BREAKING THE GOVERNMENT MONOPOLY ON TV IS TO TRY TO APPEAL TO PINOCHET'S BELIEF IN THE PRIVATE SECTOR AS A WAY OF PERSUADING HIM TO LET SOME PRIVATE SECTOR ORGANIZATIONS, LIKE THE ASSOCIATION HE NOW HEADS, GET INTO TV. THIS WOULD, HOWEVER, BE ONLY A LIMITED BEGINNING AT OPENING UP THE MEDIA.

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4. WITH REGARD TO THE US, FELIU BELIEVES THAT WE PLAYED OUR CARDS WELL ON THE SAL LOAN IN THE SENSE THAT WE DID NOT GIVE PINOCHET A HANDLE FOR ATTACKING THE US AND AT THE SAME TIME SENT A CLEAR MESSAGE ABOUT OUR CONCERNS. NONETHELESS, FOR REASONS ALREADY NOTED, FELIU THINKS THAT WILL ESSENTIALLY DO NO MORE THAN KEEP PINOCHET FROM STRAYING TOO FAR FROM THE COURSE HE HAS ALREADY SET OUT. HE DOES THINK, THOUGH, THE US MIGHT BE ABLE TO BE HELPFUL IN CONTINUING TO TALK ABOUT THE IMPORTANCE OF PRIVATE ACCESS TO TV.

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5. ANOTHER AREA WHERE THE US COULD BE USEFUL WOULD BE IN WORKING WITH THE DEMOCRATIC TRADE UNIONS IN URGING THEM TO FIND WAYS OF TALKING WITH THE VARIOUS BUSINESS ASSOCIATIONS IN DEVELOPING COMMON INTERESTS AND GOALS. SO DOING WOULD IN TURN HELP CREATE A BETTER CLIMATE FOR THE EVENTUAL RETURN TO DEMOCRACY
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PAGE 03 SANTIA 08333 040916Z

BY REDUCING THE POTENTIAL AREAS FOR FRICTION OR EXTREMIST EXPLOITATION.

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6. FELIU HAS ALSO BEEN WORKING WITH CARDINAL FRESNO. HE HOPES TO ESTABLISH A CLOSER AND MORE FORMAL WORKING RELATIONSHIP WITH THE BISHOPS' CONFERENCE. AT THIS STAGE, HE FEELS THE CHURCH HAS BEEN PUT ASIDE BY THE GOVERNMENT IN ITS CALCULATIONS, BUT THAT THE POPE'S VISIT WILL HELP THE CHURCH REASSUME A MORE CENTRAL AND HELPFUL ROLE.

7. COMMENT: IN THE FEW MONTHS SINCE HE BECAME

PRESIDENT OF THE CHAMBER OF COMMERCE AND MANUFACTURING, FELIU HAS MOVED IN A NUMBER OF AREAS TO PROJECT THE IMAGE OF A MORE DYNAMIC AND CONCERNED PRIVATE SECTOR, WHICH TAKES BOTH ITS PRESENT AND ITS FUTURE RESPONSIBILITIES SERIOUSLY. MANY OBSERVERS IN CHILE FEEL THAT ASIDE FROM THE MILITARY, IT IS THE BUSINESS CLASS WHICH CAN HAVE AN IMPACT ON PINOCHET, IF ANYONE CAN; AND FELIU SEEMS CONVINCED THAT IT IS AT LEAST IN THE PRIVATE SECTOR'S INTEREST TO BEGIN TO PLAY A MUCH MORE ACTIVE ROLE.
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C O N F I D E N T I A L SECTION 01 OF 02 SANTIAGO 08326

EXDIS

EO 12356: DECL: OADR
TAGS: EFIN, PREL, PGOV, CI
SUBJECT: CONVERSATION WITH FINANCE MINISTER BUCHI

REF: SANTIAGO 5541

1. CONFIDENTIAL - ENTIRE TEXT.

2. MY DECEMBER 1 CONVERSATION WITH FINANCE MINISTER HERNAN BUCHI WAS OUR FIRST SINCE THE SAL VOTE, AND SO I ASKED HIM TO GIVE ME HIS IMPRESSIONS BOTH OF WHAT HAD HAPPENED AND THE IMPLICATIONS.

3. BUCHI AGREED WITH MY OBSERVATION THAT THERE WAS SOMETHING LIKE A CAMPAIGN IN CHILE IN OCTOBER AND THE FIRST PART OF NOVEMBER AGAINST THE US SUPPOSED INTENTION TO "VETO" THE SAL. AT THE SAME TIME, HE ARGUED THAT IT HAD NOT BEEN IN THE GOVERNMENT'S INTEREST TO STIMULATE SUCH A REACTION WHICH IRONICALLY ENOUGH CAUSED, AT LEAST IN PART, A RISE IN THE PARALLEL RATE AND SOME INCREASE IN INTEREST RATES THUS COMPLICATING THE GOVERNMENT'S POSITION ON OTHER FRONTS. HE ATTRIBUTED THE EXCESSIVE ATTENTION TO THE SAL TO VARIOUS OTHER FACTORS:
(A) A BELATED OVER-REACTION BY GOVERNMENT SUPPORTERS
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PAGE 02 SANTIA 08326 01 OF 02 011943Z

WHO REALLY BELIEVED THAT THE US WOULD BLOCK THE LOAN; (B) WITHDRAWAL OF FUNDS ON A NOTICEABLE SCALE BY SOME FOREIGN BANKS INCLUDING US BANKS; AND (C) SOME ELEMENTS IN THE GOVERNMENT AND OUT WHO WERE STILL INTERESTED IN PROVOKING A CONFRONTATION WITH THE US (REFTEL).

4. IN ANY CASE, BUCHI SAID HE HAD BEEN CONVINCED ON THE BASIS OF HIS OWN TALKS IN WASHINGTON AT THE TIME OF THE BANK AND FUND MEETINGS THAT THE US WOULD NOT TRY TO BLOCK THE SAL. HIS ONLY WORRY HAD BEEN THAT THE BANK MANAGEMENT, SENSING US RESERVATIONS, WOULD HESITATE TO BRING THE LOAN BEFORE THE BOARD. BUT ONCE IT HAD DECIDED TO DO SO, HE WAS SURE THE LOAN WOULD PASS. HE WAS AWARE OF THE EFFORTS THE US HAD MADE TO CONVEY ITS OWN POSITION INCLUDING THE LAST MINUTE PHONE CALLS TO COUNTRIES LIKE GERMANY.

5. BUCHI SAID THE GOVERNMENT NOW WANTED TO PLAY DOWN THE WHOLE QUESTION AND THAT WAS WHY EVERYONE INCLUDING PINOCHET HAD ATTEMPTED TO BE VERY RESTRAINED IN THEIR PUBLIC COMMENTS. WHAT HAD BEEN MOST HARMFUL HAD BEEN THE PERIOD OF UNCERTAINTY AND THAT WAS WHAT NOW CONCERNED HIM THE MOST FOR THE IMMEDIATE FUTURE, THIS TIME IN THE FORM OF THE RESCHEDULING OF PRIVATE BANK CREDITS. WHILE NEGOTIATIONS WITH THE PRIVATE BANKS HAD BEGUN TWO WEEKS AGO, IT WAS STILL NOT CLEAR WHETHER THEY COULD BE CONCLUDED QUICKLY, SAY IN THE NEXT TEN DAYS AS HE HOPED. WHEN I ASKED WHY THERE SHOULD BE ANY DELAY, HE SAID THERE WAS NO REASON HE KNEW CONNECTED WITH CHILE AS SUCH. RATHER CITY BANK, BECAUSE OF ITS EXPERIENCE WITH THE MEXICAN RESCHEDULING AND THE ANTICIPCATED TALKS WITH BRAZIL

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PAGE 03 SANTIA 08326 01 OF 02 011943Z

AND ARGENTINA, DID NOT WANT TO REACH A QUICK UNDER-STANDING WITH CHILE THAT MIGHT SOMEHOW PROVIDE UNHELPFUL PRECEDENTS FOR THE OTHER TWO CASES. WHEN I ASKED ABOUT THE REGIONAL BANKS, HE SAID AT THIS POINT ALL OF THEM SEEMED TO BE SATISIFED WITH THE CHILEAN SITUATION, THOUGH THEY HAD SOME MORE GENERAL CONCERNS ABOUT THIS EXPOSURE. IF THE COMMERCIAL

BANKS CANNOT REACH AGREEMENT TO MOVE QUICKLY ON A NEW ARRANGEMENT FOR CHILE, THEN THE MATTER WILL HAVE TO BE HANDLED IN THE USUAL FASHION, WHICH MEANS GOING ON PROBABLY UNTIL THE END OF JANUARY. IF THINGS GO MUCH BEYOND FEBRUARY, BUCHI IS WORRIED THAT A NEW PERIOD OF UNCERTAINTY, PERHAPS EVEN GREATED THAN THAT WHICH SURROUNDED THE SAL, COULD BE CREATED; EVEN THOUGH IT MIGHT HAVE NOTHING TO DO DIRECTLY WITH THE CHILEAN SITUATION.

6. THE OTHER MAJOR SHORT-TERM PREOCCUPATION WHICH BUCHI HAS IS WITH IADB LOANS. UNLIKE THE WORLD BANK, ABSTENTIONS IN THE IADB COUNT AS NEGATIVE VOTES, BUCHI SAID, IN THE SENSE THAT TO BE PASSED A LOAN MUST BE APPROVED BY A MAJORITY OF THOSE ENTITLED TO VOTE. EVEN THOUGH THE LATIN AMERICAN COUNTRIES HAVE TRADITIONALLY VOTED FOR ONE OR ANOTHER,HE WORRIES THAT A COUNTRY LIKE MEXICO, WHICH IS OPPOSED TO CHILE, COULD BREAK THE PATTERN. FOR THIS REASON, CHILE DECIDED TO REQUEST POSTPONEMENT OF CONSIDERATION OF A HYDROELECTRIC PROJECT LOAN TO PROVIDE MORE TIME FOR LOBBYING WITH OTHER LATIN AMERICAN COUNTRIES AND SOME OF THE EUROPEANS TO BE SURE THE NECESSARY MAJORITY

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PAGE 01 SANTIA 08326 02 OF 02 011943Z

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C O ~~N F I D~~ E N T I A L SECTION 02 OF 02 SANTIAGO 08326

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EO 12356: DECL: OADR
TAGS: EFIN, PREL, PGOV, CI
SUBJECT: CONVERSATION WITH FINANCE MINISTER BUCHI

IS THERE. WHILE HE IS WORRIED, BUCHI ALSO HOPES THAT THE MEXICANS' OWN INTEREST IN LIMITING THE ABILITY OF ANY COUNTRY LIKE THE US EXERCISING A GREATER ROLE IN DECISIONS (IE IN CONNECTION WITH THE PROPOSED REPLENISHMENT) WILL MAKE THEM HESITANT TO DEVIATE FROM THE TRADITIONAL SUPPORT OF LOANS FOR ANY COUNTRY IN THE HEMISPHERE REGARDLESS OF ITS INTERNAL REGIME.

7. FOR THE MID TERM, BUCHI IS ALREADY PREPARING HIMSELF FOR INCREASED POLITICAL PRESSURES. HE THINKS THEY ARE LIKELY TO START INCREASING SUBSTANTIALLY BY THE END OF 1987, EVEN THOUGH PINOCHET HAS ALWAYS BEEN "PRUDENT" IN MATTERS OF ECONOMIC POLICIES. WHEN I ASKED WHETHER PINOCHET HADN'T DELIBERATELY DEVIATED FROM HIS STANDARD POLICIES IN 1983-84, BUCHI SAID THAT THOSE CHANGES WERE AS MUCH A FACTOR OF DIFFERENCES AMONG PINOCHET'S ADVISORS AS THEY WERE OF POPULAR POLITICAL PRESSURES. FOR HIS PART, HE WILL HAVE THE JOB OF CONTINUING TO ARGUE THAT "TECHNICAL" REASONS JUSTIFY CONTINUING THE PRESIDENT'S MODERATE GROWTH POLICIES, IF ONLY
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PAGE 02 SANTIA 08326 02 OF 02 011943Z

BECAUSE THE CHILEAN ECONOMY IS MUCH MORE SENSITIVE TO CHANGES THAN SAY THE BRASILIAN ECONOMY, AND THEREFORE CHANGES SHOULD BE MADE WITH MUCH GREATER

CARE.

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8. FOR MY PART, AT SEVERAL POINTS, I REASSURED HIM THAT OUR DESIRE HAS BEEN TO SUPPORT THE ECONOMIC POLICIES WHICH WE HAVE FOUND VERY SOUND IN A GREAT NUMBER OF RESPECTS. AT THE SAME TIME, I REMINDED HIM OF THE DILEMMA, REFLECTED IN OUR VOTE ON THE SAL AND EXPECTED VOTE IN THE IADB, CAUSED BY THE HUMAN RIGHTS SITUATION AND THE SLOW ADVANCE TOWARD DEMOCRACY. HE REMAINS WELL AWARE OF THOSE FACTORS, AND BASICALLY RELIEVED THAT WE HAD FOUND A WAY OF EXPRESSING OUR CONCERNS WITHOUT PRODUCING THE TYPE OF CONFRONTATION HE FEARED WHEN WE TALKED IN AUGUST (REFTEL). I TOLD HIM, THOUGH, THAT THE US WAS RUNNING SIGNIFICANT RISKS OF NEW CONGRESSIONAL RESTRICTIONS IN THE NEXT SESSION BECAUSE OF OUR ABSTENTION IN THE SAL (DESPITE CONGRESSIONAL RESOLUTIONS) AND OUR VOTE IN THE UN LAST WEEK AGAINST THE MEXICAN HUMAN RIGHTS RESOLUTION.

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9. AS A FINAL POINT, I ASKED HIM IF HE THOUGHT THERE WERE ANY POSSIBILITY OF SOME CONSENSUS BEING REACHED OVER THE NEXT YEAR OR SO (PARTICULARLY IF THE POLITICAL PARTIES LAW TURNED OUT TO BE MEANINGFUL) BETWEEN THE GOVERNMENT AND SOME OF THE OPPOSITION ON MAJOR ELEMENTS OF ECONOMIC POLICY WHICH COULD MAKE FOR A SMOOTHER TRANSITION. HE AGREED THAT THERE WERE SOME THOUGHTFUL PEOPLE IN THE OPPOSITION, BUT HE WAS BOTHERED BY THE DIFFERENCES BETWEEN WHAT THEY SAID IN PRIVATE AND WHAT THEY SAID IN PUBLIC. IF THE
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PAGE 03 SANTIA 08326 02 OF 02 011943Z

TRADITIONAL CHILEAN DIVISION INTO RIGHT, CENTER AND LEFT POLITICAL GROUPS CONTINUES TO PREVAIL, THEN HE THOUGHT IT WOULD LEAD THE RIGHT TO SIDE WITH THE GOVERNMENT AND THE CENTER WOULD PER FORCE MOVE TOWARD THE LEFT. I ARGUED THAT THAT WAS NOT NECESSARILY THE CASE, GIVEN THE CENTER'S NOW BEING WILLING TO DISTANCE ITSELF FROM THE EXTREME LEFT, BUT HE WAS SKEPTICAL FOR THE FUTURE. HE AGREED, THOUGH, THAT THE DEVELOPMENT OF SUCH A CONSENSUS WOULD BE AN IMPORTANT BENEFIT FOR CHILE'S FUTURE.

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FOR ASSISTANT SECRETARIES SCHIFTER AND ABRAMS

EO 12356: DECL: OADR
TAGS: AMGT, CI
SUBJ: OFFICIAL-INFORMAL

REF: STATE 371724

1. C - ENTIRE TEXT.

2. APPRECIATE YOUR MESSAGE. I MET WITH MAXIMO PACHECO MONDAY AFTERNOON AND GAVE HIM TEXT OF THE TWO CHANGES. HE IS MEETING WITH JAIME CASTILLO AT 9 AM THURSDAY AND WITH FULL CHRC AT 10 AM AND WILL ASK THEM TO CONSIDER THE CHANGES. HE SAW NO PROBLEM WHATEVER WITH THE SECOND CHANGE. THE FIRST, COMMENDING VOLIO, HE SAID SOME EUROPEANS HAD OBJECTED TO ON THE GROUNDS THAT IT MADE THEM APPEAR TO AGREE WITH ALL OF THE REPORT'S TEXT. I POINTED OUT THAT IT COMMENDS THE RAPPORTEUR, NOT THE REPORT. HE PROMISED TO GET BACK TO US IMMEDIATELY AFTER THE CHRC MEETING. I SAID THAT WOULD BE APPRECIATED, BUT IT WOULD BE MOST USEFUL IF COMMISSION WOULD ALSO GET IN TOUCH WITH MEXICAN PERMREP AND SAY, IF THAT IS THE CASE, THAT CHRC WOULD APPRECIATE THE SPONSORS' ACCEPTANCE OF THE TWO CHANGES. PACHECO UNDERSTOOD BUT MADE NO PROMISES

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PAGE 02 SANTIA 08334 012213Z

3. I ALSO ASKED PACHECO TO RECONSIDER HIS DECISION NOT TO GO TO WASHINGTON ON DECEMBER 10. AFTER FIRST

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SAYING IT WAS IMPOSSIBLE -- HE LEAVES FOR SPAIN DEC. 3 AND FEELS HE MUST GET BACK TO CHILE AFTER HIS PROLONGED ABSENCES -- HE FINALLY SAID HE WOULD THINK ABOUT IT OVERNIGHT. I AM ALSO TRYING TO REACH PEPE ZALAQUETT TO SEE IF HE COULD FIND A WAY TO GO.
BARNES

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E.O. 12356: N/A
TAGS: PHUM, CI
SUBJ: CHILEAN MEDIA ON HUMAN RIGHTS RESOLUTION IN U.N.; EDITORIAL AND COVERAGE FLAG "SIGNIFICANCE" OF U.S. VOTE; COVERAGE OF RELATED REMARKS BY U.S. AMBASSADOR IN SANTIAGO

1. EDITORIAL IN HIGH CIRCULATION "LA TERCERA" NOVEMBER 30 STATED THAT "IT IS SIGNIFICANT...THAT THE UNITED STATES, WHICH HAD CO - SPONSORED IN GENEVA A RESOLUTION...AGAINST OUR COUNTRY," VOTED AGAINST THE U.N. RESOLUTION ON HUMAN RIGHTS IN CHILE NOVEMBER 28.

2. "IT ALSO IS SIGNIFICANT THAT ABSTENTIONS INCREASED NOTABLY. THOSE, ADDED TO THE VOTES AGAINST AND TO THE ABSENCES, SHOW THAT THERE ARE 60 NATIONS NOT DISPOSED TO VOTE AGAINST CHILE...THE INTERNATIONAL COMMUNITY HAS BEGUN TO UNDERSTAND THAT THE HUMAN RIGHTS PROBLEM IN
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PAGE 02 SANTIA 08332 012100Z

CHILE IS CLOSELY TIED TO THE ACTIVITIES OF TERRORISM...IT IS THE TERRORISTS ARE WHO ARE INFRINGING UPON THE RIGHTS OF CITIZENS...

3. "IT IS WRONG TO SAY THAT THE GOVERNMENT ATTACKS HUMAN RIGHTS WHEN IT CARRIES OUT ITS ESSENTIAL OBLIGATION TO DEFEND PEACE AND INTERNAL ORDER. BUT IT IS PRECISELY THIS DEFENSE...THAT HAS MADE THE SYNDROME OF 'FISHING IN TROUBLED WATERS' APPEAR IN INTERNATIONAL FORA. AND THE 'FISHERMEN' HAVE COME FROM...PRECISELY THOSE COUNTRIES WHICH THEMSELVES PROMOTE TERRORISM WITH THE OBVIOUS GOAL OF DISTABILIZING THE CHILEAN GOVERNMENT.
4. "IT IS BECAUSE O THIS THAT THE UNITED STATES, TO KEEP THE UNITED NATIONS FROM LOOKING LIKE A PROTECTIVE SHELL FOR COUNTRIES THAT HAVE MADE A CONSTANT AND SYSTEMATIC PRACTICE OF CYNISISM, ANNOUNCED ITS INTENTION TO INTRODUCE THE TOPIC OF CUBA IN ALL OF THE INTERNATIONAL FORA..."

5. NOVEMBER 30 "LA TERCERA" AND INFLUENTIAL CONSERVATIVE "EL MERCURIO" ALSO REPORTED ON CHILEAN REACTION TO VOTE. "LA TERCERA" REPORTED THAT "DIPLOMATIC OBSERVERS INDICATED YESTERDAY IN SANTIAGO THAT IT IS IMPORTANT TO OBSERVE THE ATTITUDE OF THE UNITED STATES...LAST YEAR IN GENEVA, THE U.S. GOVERNMENT PRESENTED A STRONGLY - WORDED RESOLUTION AGAINST CHILE. NOW INSTEAD IT VOTES AGAINST. THIS IS TO SAY THAT THERE IS A NEW POSITION, PERHAPS DETERMINED BY, AMONG OTHER FACTORS, THE PENETRATION OF ARMS INTO CHILE FOR VIOLENT PURPOSES AND FOLLOWING SOVIET ALIGNMENT."

M "EL MERCURIO" REPORTED THAT CHILEAN U.N. AMBASSADOR PEDRO DAZA "SAID YESTERDAY THAT THE RESOLUTION AGAINST UNCLASSIFIED

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PAGE 03 SANTIA 08332 012100Z

CHILE...'IS INCOMPATIBLE WITH THE REPORT THAT...VOLIO PRESENTED AND FALSIFIES OUR NATIONAL REALITY.'" ABOUT HALF OF THE "MERCURIO" REPORT DESCRIBED THE U.N. RESOLUTION ITSELF.

6. GOVERNMENT - OWNED "LA NACION" HEADLINED THAT THE "UNITED STATES VOTED AGAINST THE HUMAN RIGHTS RESOLUTION

ON CHILE" AND "UNEXPECTIDELY RETIRED ITS RESOLUTION ACCUSING CUBA OF KILLING AND TORTURING POLITICAL PRISONERS, AND THAT COUNTRY DID THE SAME FOR ITS RESOLUTION THAT CHARGED WASHINGTON WITH MISTREATING NORTH AMERICAN INDIANS AND PUERTO RICANS." COVERAGE WAS "AP" FROM NEW YORK.

7. NOVEMBER 29 MEDIA WIDELY REPORTED COMMENT BY U.S. AMBASSADOR IN SANTIAGO FINDING "PARADOXICAL AND IRONIC" CUBAN ACCUSATIONS AGAINST CHILE. COMMENT WAS IN RESPONSE TO PRESS QUESTIONS FOLLOWING MEETING OF AMBASSADOR AT HEALTH MINISTRY. "LA TERCERA" SAID THAT "THE U.S. AMBASSADOR... CALLED IT 'PARADOXICAL AND IRONIC' THAT A COUNTRY LIKE CUBA SHOULD CO - SPONSOR A HUMAN RIGHTS RESOLUTION AGAINST ANOTHER COUNTRY. 'THAT IS A COUNTRY THAT REPRESENTS A SYSTEM AND A SITUATION WHERE THERE ARE SERIOUS VIOLATIONS OF HUMAN RIGHTS,' SAID BARNES."
MCAFEE

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Pages 4 thru 6 have been eliminated because they are entirely irrelevant

12-1-86

ARA/SC - Jim Swigert

Jim:

BUFFONE

Attached is a copy of a letter I got from Buffone, making an entirely fair comment. If I recall correctly, when we last thought about it you were going to talk w/ El Gelbard about the matter, using the line I had worked up in my office about the case itself. Did we get anywhere on that? (I should note that Judge Sofaer's off the cuff reaction was that we should just associate ourselves with the decision, but that should not be taken as definitive.) L/ARA - PO

N.W.

ANNAPOLIS, MARYLAND OFFICE
301-263-9040

WC 107

Chile Project (#S1999900307)
U.S. Department of State
Release ✓ Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____

Peter M. Olson
Assistant Legal Advisor for
Inter-American Affairs
United States Department of State
Washington, D.C. 20520

Dear Mr. Olson:

On September 17, 1986 a meeting was held at the State Department to discuss the Department's position regarding enforcement of the civil judgment in the Letelier-Moffitt case. I was present along with Murray Karpen, Isabel Letelier and Michael Moffitt. During the meeting you advised us that you would communicate our request for assistance to the appropriate persons within the Department. You indicated at that time that you would provide a prompt response.

I have heard nothing from you or any other representative of the State Department since September 17, 1986. I would appreciate being advised of the status of the Department's consideration of our request.

Yours truly,

Samuel J. Buffone

SJB/ro

Chile Project (#S199900030)
U.S. Department of State
Release ✓ Excise ____ Deny ____
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Exemption(s) ____

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PAGE 01 SANTIA 08363 022040Z
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C O N F I D E N T I A L SANTIAGO 08363

FOR ASSISTANT SECRETARIES SCHIFTER AND ABRAMS

E.O. 12356: DECL:OADR
TAGS: AMGT,CI
SUBJ: OFFICIAL-INFORMAL

REF: (A) STATE 371724 (B) SANTIAGO 8334

1. CONFIDENTIAL - ENTIRE TEXT

2. POLITICAL COUNSELOR DISCUSSED THE TWO CHANGES WITH MAXIMO PACHECO EARLY IN THE AFTERNOON OF DECEMBER 2. PACHECO SAID THE CHRC HAD MET AND READILY AGREED TO THE SECOND CHANGE ("THE CHILEAN GOVERNMENT" INSTEAD OF "AUTHORITIES"(BUT, AFTER LONG DISCUSSION WITHIN THE CHRC, THEY COULD NOT AGREE TO THE FIRST. UPON BEING PRESSED, PACHECO SAID THE CHRC IS NOT PREPARED TO ENDORSE "PRAISE" FOR VOLIO OR HIS REPORT NOW SINCE THE CHRC DOES NOT LIKE HIS REPORT ("ES MALO") AND IS GOING TO CRITICIZE IT LATER. HE ADDED THAT "THE EUROPEANS" (NOT FURTHER IDENTIFIED) ARE AT LEAST EQUALLY UNHAPPY WITH VOLIO'S REPORT AND ARE NOT PREPARED TO "COMMEND" HIM. THE MOST THE CHRC IS WILLING TO SUPPORT IS "THANKS THE SPECIAL RAPPORTEUR AND TAKES NOTE WITH INTEREST", ETC. (AS IS). ("AGRADECE AL RELATOR ESPECIAL Y TOMA NOTA
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PAGE 02 SANTIA 08363 022040Z

CON INTERES....") PRESIDENT JAIME CASTILLO OF THE CHRC HAS INFORMED THE SECOND RANKING MEMBER OF THE MEXICAN DELEGATION OF CHRC VIEWS.

3. MAXIMO ALSO INFORMED POLCOUNSELOR THAT HE HAD CONSIDERED OUR REQUEST TO RECONSIDER HIS ATTENDANCE AT DECEMBER 10 CEREMONIES BUT HE WILL NOT BE ABLE TO COME TO WASHINGTON AT THAT TIME.

4. PACHECO CALLED DCM LATER IN AFTERNOON TO SAY THAT NUMBER TWO IN MEXICAN UN MISSION, WHOM HE KNEW ONLY AS "MAGARITA," HAD CALLED CASTILLO BACK. SHE ASKED "WHAT IF THE AMERICANS INSIST ON THE WORD 'COMMENDS' - WHAT DO WE DO?" ACCORDING TO PACHECO, SHE WAS TOLD THAT WAS UP TO THEM - THE MEXICANS AND THE OTHER SPONSORS. WE DON'T LIKE "COMMENDS," CASTILLO TOLD HER. BUT IF A "POLITICAL SOLUTION" CAN BE WORKED OUT IN NEW YORK, THE CHRC WILL NOT STAND IN ITS WAY. BARNES

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United States Department of State

Washington, D. C. 20520

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SECRET/EXDIS/NOFORN/NOCONTRACT/ORCON

TO: The Secretary

THRU: P - Mr. Armacost

FROM: ARA - Elliott Abrams

SUBJECT: Chilean Junta Member Perceives Pro-Pinochet US Tilt

[redacted] reportedly believes that the US may now be tilting in favor of President Pinochet due to our decision not to sponsor a human rights resolution on Chile in the UNGA. [redacted] reached this conclusion following a November 24 briefing by the Chilean Ambassador to the United States. Chilean Ambassador Errazuriz apparently reported on the substance of his November 18 discussion with Mr. Armacost, during which our decision with regard to a resolution at the UNGA was explained. Following the briefing, the moderate [redacted] reportedly commented to an aide that this perceived shift comes at a bad time. He predicted that a result could be to dishearten the democratic opposition and strain their ties with USG officials; increase their willingness to condone direct and potentially violent challenges to the GOC; and further the process of polarization in Chile, to the ultimate benefit of both Pinochet and the Communists.

Pinochet is certain to try to misrepresent our not tabling a Chile human rights resolution (and later November 28 negative vote on an unbalanced Mexican text at the UNGA) as support for his regime. Should Pinochet be successful in framing our actions in this manner, the results [redacted] predicted could come to pass. We might also face more criticism and initiatives for punitive measures from our own Congress. We are attempting to counter any misimpression Pinochet may try to convey, clarifying that our policy has not changed. Ambassador Barnes has already sought publicly to correct the record in Santiago.

Attachment: [redacted]

Draft:ARA/SC:LKusnitz
#0309S, 12/01/86

Clear:ARA/SC:LFlowe
ARA:JHMichel

Chile Project (#S199900030)
U.S. Department of State
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Exemption(s) B1

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USMISSION GENEVA
AMEMBASSY VIENNA

Chile Project (#S199900030)
U.S. Department of State
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Exemption(s) ____

~~C O N F I D E N T I A~~ L USUN NEW YORK 04185

E.O. 12356: DECL: OADR
TAGS: UNGA, PHUM, CI, US
SUBJECT: 41ST GA: THIRD COMMITTEE ADOPTS RESOLUTION ON CHILE: U.S. VOTES "NO".

REF: STATE 371164 (NOTAL)

1. (U) SUMMARY: THE UNGA'S THIRD (SOCIAL) COMMITTEE ADOPTED ON NOVEMBER 28 A RESOLUTION CRITICAL OF THE SITUATION OF HUMAN RIGHTS IN CHILE BY A VOTE OF 84-5(U.S.)-46. THE RESOLUTION MADE NO REFERENCE TO ACTS OF TERRORISM OR PROVISION OF ARMS TO TERRORIST GROUPS BY OUTSIDE POWERS. THE RESOLUTION WENT CONSIDERABLY BEYOND THE REPORT OF THE SPECIAL RAPPORTEUR AND MADE VIRTUALLY NO REFERENCES TO POSITIVE ELEMENTS DISCUSSED IN THAT REPORT. END SUMMARY.

2. (U) THE UNGA'S THIRD COMMITTEE ADOPTED ON NOVEMBER 28 A RESOLUTION ENTITLED "SITUATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN CHILE." CZECHOSLOVAKIA CALLED CONFIDENTIAL

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FOR A VOTE ON THE RESOLUTION; THE VOTE WAS 84-5(U.S.)-46. U.S. EXPLANATION OF VOTE IS CONTAINED IN PARA 4.

3. (C) REFTEL WITH PROPOSED AMENDMENTS TO MEXICO'S TEXT ON CHILE ARRIVED ABOUT 15 MINUTES AFTER THE VOTE ON THE CHILE RESOLUTION, SO THE AMENDMENTS WERE NOT PUT TO THE MEXICAN DELEGATION.

4. AMBASSADOR BYRNE MADE THE FOLLOWING EXPLANATION OF POSITION:
MR. CHAIRMAN,

MY DELEGATION WAS FORCED TO VOTE "NO" ON THE RESOLUTION CONTAINED IN DOCUMENT A/41/C.3/L.99 ENTITLED "THE SITUATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN CHILE."

THIS RESOLUTION IS, AT BEST, ONLY REMOTELY RELATED TO THE EXCELLENT REPORT OF THE SPECIAL RAPPORTEUR ON CHILE. IT IS A RESOLUTION THAT FAILS TO TAKE INTO ACCOUNT THE POSITIVE STEPS TAKEN BY THE GOVERNMENT OF CHILE, WHICH ARE MENTIONED BY THE SPECIAL RAPPORTEUR, AND FAILS TO REFER TO THE ACTIONS OF CERTAIN OPPONENTS OF THE GOVERNMENT THAT HAVE DAMAGED THE PROCESS OF DEMOCRATIC TRANSITION. I REFER IN PARTICULAR TO THE ATTEMPTED MURDER OF PRESIDENT PINOCHET BY TERRORISTS ARMED BY OUTSIDE POWERS. THE RAPPORTEUR DISCUSSED THESE ACTIONS AND THEIR NEGATIVE IMPACT IN CHILE; L.99 DOES NOT.

THE TEXT WE INTRODUCED ON HUMAN RIGHTS IN CHILE AT THE LAST SESSION OF THE COMMISSION ON HUMAN RIGHTS WAS A BALANCED ONE IN THAT IT POINTED OUT SOME SERIOUS HUMAN CONFIDENTIAL

~~CONFIDENTIAL~~

PAGE 03 USUN N 04185 030100Z

RIGHTS PROBLEMS IN CHILE WHILE IT REFRAINED FROM UNFORTUNATE NAME-CALLING. THIS RESOLUTION IS NOT BALANCED; IT RELIES ON RHETORIC, NOT REALITY.

THE INTERNATIONAL COMMUNITY HAS LEGITIMATE CONCERNS ABOU HUMAN RIGHTS IN CHILE. THESE SHOULD BE EXPRESSED. WE HAVE EXPRESSED THEM ON A NUMBER OF OCCASIONS AND WILL

CONTINUE TO DO SO IN PUBLIC AND IN OUR CONVERSATIONS WIT
THE GOVERNMENT OF CHILE.

THANK YOU, MR. CHAIRMAN.
WALTERS

~~CONFIDENTIAL~~

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For Sec's Meeting with the President 12/3

KX026

TALKING POINTS ON CHILE RESOLUTION IN UNGA

DIST: 12/3 S/S

-- CONTROVERSY HAS DEVELOPED OVER US POSTURE TOWARD CHILE RESOLUTION IN UN.

-- RESOLUTION CRITICAL OF HUMAN RIGHTS SITUATION IN CHILE WAS APPROVED OVERWHELMINGLY IN UN THIRD COMMITTEE ON NOV. 29: 84 YES; 46 ABSTENTION; 5 NO (US, CHILE, PARAGUAY, INDONESIA, LEBANON).

- o ALL WEST EUROPE VOTED YES. ALL LATIN AMERICAN DEMOCRACIES VOTED YES OR ABSTAINED.

-- US COULD NOT VOTE YES BECAUSE RESOLUTION FLAWED--NO MENTION OF ARMS FINDS OR TERRORISM, DOES NOT COMMEND UN RAPPORTEUR--ALSO OBJECT TO IT BECAUSE CUBA IS CO-SPONSOR (WITH ALGERIA, MEXICO, FRANCE, PORTUGAL, SWEDEN, YUGOSLAVIA, AND OTHER WEST EUROPEANS).

-- BUT WITH MINOR AMENDMENTS TO EXISTING TEXT WE COULD CHANGE OUR VOTE IN PLENARY TO ABSTENTION; TO GET THESE WE NEED TO MOVE DECISIVELY TO GET WEST EUROPEAN SPONSORS ON BOARD--VOTE SET FOR TOMORROW, DEC. 4.

-- GENERAL WALTERS OBJECTS TEXT IS UNBALANCED; THIS TRUE BUT ABSTENTION IS APPROPRIATE RESPONSE.

-- IN CHILE, AN ISOLATED US NEGATIVE VOTE WILL BE INTERPRETED AS SUPPORT FOR PINOCHET'S AMBITIONS TO STAY ON PAST 1989.

-- INTELLIGENCE INDICATES THAT MODERATES, INCLUDING AT LEAST ONE JUNTA MEMBER, ARE WORRIED ABOUT PERCEIVED US TILT TOWARD PINOCHET.

- o FEAR IS THAT MODERATE OPPOSITION COULD BE DRIVEN TOWARD COMMUNISTS IF THEY SENSE LACK OF US SUPPORT.

-- MOST IMPORTANT, CREDIBILITY OF YOUR POLICY OF SUPPORT FOR DEMOCRACY AND RESPECT FOR HUMAN RIGHTS IS AT STAKE.

- o WE NEED TO MAINTAIN OUR MORAL LEADERSHIP TO MAINTAIN SUPPORT FOR POLICIES IN CENTRAL AMERICA.

-- CRITICAL WE BE PART OF CONSENSUS OF DEMOCRACIES AND NOT BE PERCEIVED AS SIDING WITH DICTATORSHIPS, WHICH SOVIETS AND CUBANS WANT TO USE AGAINST US IN CHILE AND ELSEWHERE.

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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

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CONFIDENTIAL

-- A NEGATIVE VOTE, COMING ON THE HEELS OF US ABSTENTIONS IN WORLD BANK, RUNS RISK OF OUR LOSING CONTROL OF CHILE POLICY TO THE NEW CONGRESS AND LOSING INFLUENCE WITH OPPOSITION; WE NEED AT LEAST TO ABSTAIN TO CONTINUE TO SHOW OUR MORAL AUTHORITY.

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CONFIDENTIAL

DRAFTED: ARA/SC:JSwigert
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Clearance: ARA:RGelbard
ARA/SC:LFlowers
HA/HR:KBarmon

UNCLASSIFIED 12-5-5 IR011

Case Number: S199900030

Chile Project (#S199900030)
U.S. Department of State
Release X Excise_____ Deny_____
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ACTION IO-19

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E.O. 12356: N/A
TAGS: UNGA, PHUM, CI, US
SUBJECT: 41ST GA: U.S. EXPLANATION OF VOTE ON CHILE IN PLENARY

REF: COX/AMSELEM TELECON 12/5

1. AMBASSADOR BYRNE MADE THE FOLLOWING STATEMENT IN EXPLANATION OF OUR VOTE ON DECEMBER 4 AGAINST THE HUMAN RIGHTS RESOLUTION ON CHILE. THE RESOLUTION WAS ADOPTED BY THE UN GENERAL ASSEMBLY.

2. BEGIN TEXT: MR. PRESIDENT, U.S. POLICY IS TO SUPPORT RESPECT FOR HUMAN RIGHTS AND A PEACEFUL TRANSITION TO DEMOCRACY IN CHILE. THE INTERNATIONAL COMMUNITY HAS THE RIGHT AND THE OBLIGATION TO EXPRESS ITS CONCERNS ON HUMAN RIGHTS, BUT HAS THE EQUAL OBLIGATION TO BE CONSTRUCTIVE. THIS RESOLUTION IS NEITHER BALANCED NOR CONSTRUCTIVE. IT FAILS TO REINFORCE THE CONSTRUCTIVE RECOMMENDATIONS MADE BY THE UNCLASSIFIED

PAGE 02 USUN N 04240 052007Z

SPECIAL RAPPORTEUR. WITH THIS IN MIND, DESPITE OUR GREAT CONCERN OVER THE VIOLATIONS OF HUMAN RIGHTS IN CHILE, WE HAVE OPPOSED IT.

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THE COOPERATION BETWEEN THE GOVERNMENT OF CHILE AND THE UN SPECIAL RAPPORTEUR HAS RESULTED IN SOME POSITIVE BUT LIMITED STEPS. BUT MUCH MORE NEEDS TO BE DONE.

FUNDAMENTAL LIBERTIES, SUCH AS FREEDOM OF ASSOCIATION AND EXPRESSION, ARE SEVERELY LIMITED. UNDER THE STATE OF SIEGE THESE BASIC RIGHTS HAVE BEEN EVEN MORE GREATLY CURTAILED, AS OPPOSITION PUBLICATIONS HAVE BEEN CLOSED.

THESE FACTS ARE POINTED OUT IN THE RESOLUTION. BUT OTHER KEY ASPECTS OF THE CHILEAN SITUATION ARE LEFT OUT. AS THE SPECIAL RAPPORTEUR'S LATEST REPORT ON CHILE MAKES CLEAR, NO ASSESSMENT OF THE HUMAN RIGHTS SITUATION IS COMPLETE OR OBJECTIVE IF IT DOES NOT MAKE REFERENCE TO THE PROBLEMS OF TERRORIST VIOLENCE FROM BOTH EXTREMES AND ACKNOWLEDGE DISCOVERY OF A LARGE CACHE OF TERRORIST ARMS INTRODUCED FROM ABROAD--WE KNOW WITH CUBAN ASSISTANCE--AND THE SUBSEQUENT DEPLORABLE ASSASSINATION ATTEMPT AGAINST PRESIDENT PINOCHET.

TERRORIST VIOLENCE ONLY MAKES EVEN MORE URGENT EFFORTS TO DEVELOP A BROAD CONSENSUS ON A PEACEFUL TRANSITION TO DEMOCRACY THROUGH DIALOGUE AND NATIONAL RECONCILIATION. TO DEVELOP AN ATMOSPHERE CONDUCIVE TO PROGRESS IN THIS REGARD, EFFECTIVE MEASURES NEED TO BE TAKEN TO RESTORE FUNDAMENTAL LIBERTIES AND ENSURE FULL
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PAGE 03 USUN N 04240 052007Z

RESPECT FOR HUMAN RIGHTS. END TEXT.

WALTERS

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<< END OF DOCUMENT >>

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KM218a

Stan Lieberson, M.A. P.O. Box 46132 Los Angeles, California 90046

Sr. Hugo Rosende
Ministro de Justicia
Compania 111
Santiago

December 6, 1986

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____

Señor Ministro,

I am deeply concerned about the fate of DANIEL PALMA ROBLEDO. He disappeared from Santiago on August 4, 1976, but his automobile was found in the possession of officials of the National Intelligence Service some seven months later.

I am concerned not only with the disappearance of PALMA, but also with the fact that evidence of N.I.S. involvement has not been studied by your Department. This casts a serious shadow over the Department that you head, which can only be removed by your initiating an impartial and full investigation into the facts of this case.

I urge you to authorize this investigation, and look forward to a positive response from you at your earliest convenience.

Sincerely,

Stan Lieberson

cc: The Honorable Alan Cranston, U.S. Senate, Washington DC.
cc: The Honorable Peter Wilson, U.S. Senate, Washington DC

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-1866

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

GUY VON DARDEL,

Plaintiff,

v.

UNION OF SOVIET SOCIALIST REPUBLICS,

Defendant.

Civil Action No. 84-0353

DEPARTMENT OF STATE
(X) RELEASE ( ) DECLASSIFY
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( ) PRIVATE Non-Responsive Info
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PA Exemptions _____
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( ) DOWNGRADE TS to ( ) S or ( ) C
EO Citation _____
Date 12/13/03

STATEMENT OF INTEREST OF THE UNITED STATES

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ELIZABETH SARAH GERE

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Washington, D.C. 20520

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TABLE OF CONTENTS

	Page
TABLE OF AUTHORITIES	ii
STATEMENT	1
1. The Instant Proceedings	1
2. The Foreign Sovereign Immunities Act	2
3. The Position of the United States	4
DISCUSSION	6
I. The Standards For A Finding Of Contempt .	6
II. Contempt Is Inappropriate Under The FSIA And Would Be Ineffective	8
III. Contempt Is Inappropriate Because There Are Serious Questions Concerning Jurisdiction In This Case	15
A. A Foreign Sovereign Does Not Waive Immunity By Failing To Appear	18
B. Violations Of International Law Do Not Establish Jurisdiction Under The FSIA	19
C. Violations Of International Agreements Do Not Establish Jurisdiction Unless Expressly So Stated Or Unless Otherwise In Conflict With The FSIA	21
D. A Foreign Sovereign Can Waive Immunity Under The FSIA Only By Express Waiver Or By Clear Conduct .	23
E. The Alien Tort Claims Act Does Not Provide A Basis For Jurisdiction Against A Foreign State	24
F. A Foreign State's Diplomatic Presence Alone Does Not Satisfy Constitional Requirements For Minimum Contacts	26
CONCLUSION	28

UNCLASSIFIED

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PAGE

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UNCLASSIFIED

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Foreign Sovereign Immunities Act of 1976, 28 U.S.C. § 1330 ..... passim

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Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, including Diplomatic Agents, 28 U.S.T. 1975 21

Federal Rules of Civil Procedure Rule 70 12

H.R. Rep. No. 1487, 94th Cong., 2d Sess. reprinted in 1976 U.S. Code Cong. & Ad. News 6604 ..... passim

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

GUY VON DARDEL, Plaintiff, v. UNION OF SOVIET SOCIALIST REPUBLICS, Defendant.	Civil Action No. 84-0353

STATEMENT OF INTEREST OF THE UNITED STATES

STATEMENT

The United States files this Statement of Interest pursuant to the Court's request (Letter of October 19, 1986), and 28 U.S.C. § 517, which authorizes the Attorney General to attend to the interests of the United States in a pending suit.

1. The Instant Proceedings

This suit was brought by Raoul Wallenberg's half brother, Guy von Dardel, and his legal guardian, Sven Hagstromer, against the Soviet Union, alleging that Soviet treatment of Wallenberg violates international law, international agreements and the laws of the United States. The Soviet Union refused to appear, returned the Complaint to the United States Embassy in Moscow and sent a diplomatic note asserting absolute sovereign immunity from suit in non-Soviet courts. On October 15, 1985, the Court granted plaintiffs' Motion for a Default Judgment. 623 F. Supp. 246 (D.D.C. 1985). The default judgment, as amended on November 7, 1986, directed the Soviet Union to produce the person of

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Wallenberg or his remains within 60 days of the order, to provide the Court with any documents or information in its custody pertaining to Wallenberg and to pay plaintiffs compensatory damages of $39 million.

When the Soviet Union failed to comply with the judgment and returned the Notice of Default and supporting papers, plaintiffs moved to hold the Soviet Union in civil contempt, and to impose a fine of $50,000 per day which would rise by a factor of two every two weeks to a maximum of $1 million per day. (Plaintiffs' Motion for an Order Holding the Defendant Union of Soviet Socialist Republics in Civil Contempt, filed April 28, 1986.) Recognizing that the entry of such an order would involve important issues of foreign policy, the Court requested the views of the United States. As the Court stated in its October 29, 1986 letter:

> Because the entry of an order of the type that plaintiffs contemplate would involve issues of foreign policy, the Court deems it appropriate to have the views of the United States before proceeding further in this matter.

2. The Foreign Sovereign Immunities Act

Under the Foreign Sovereign Immunities Act of 1976, 28 U.S.C. §§ 1330, 1602, et seq. (hereinafter referred to as the "FSIA" or "the Act"), immunity decisions are to be made by the courts. Nevertheless, the United States maintains a continuing interest in the interpretation of the Act because of the foreign policy implications of its application, see Letter of Monroe Leigh to Attorney General Edward H. Levy, Nov. 2, 1976, LXXV St.

Dept. Bull. 649 (1976), and, in passing the FSIA, Congress certainly did not intend to preclude the Executive Branch from responding substantively to judicial requests. In response to the Court's request, we therefore offer the United States' views.

Foreign policy concerns are clearly triggered when a court contemplates holding a foreign State in contempt. Congress no doubt assumed in enacting the FSIA that foreign States would respond to suits against them in United States courts. The Department of State has strongly supported Congressional policy in the FSIA by urging all States to respond to such litigation, and the United States responds in foreign courts as the price for enforcing such a policy. The State Department has also explained to foreign States that refusal to appear may lead to entry of default judgments against them. Thus, in principle, the United States supports the rights of aggrieved plaintiffs to sue the Soviet Union in federal court when permitted under the FSIA, and has repeatedly requested the Soviet Union in the strongest terms to respond to suits against it.

Despite Congress' intention and the State Department's strenuous efforts, however, some foreign States have refused to respond to suits in our courts. Those States do not adhere to the widely-held restrictive theory of immunity under international law, on which United States law is based. They subscribe, instead, to the theory of absolute immunity. See generally Jackson v. People's Republic of China, 794 F.2d 1490, 1492-94 (11th Cir. 1986). Some States may also fail to accept

the premise of United States law that any line between immune and non-immune activities is to be drawn by our courts -- an approach to immunity determinations which is not universally practiced even by States adhering to the restrictive theory of immunity. Rather, they see immunity determinations as an issue for diplomatic resolution on a government-to-government basis. Thus, when States fail to respond in United States courts, that action should not necessarily be seen as reflecting any disrespect for our courts. It may instead represent an assertion by that State of its views concerning sovereignty and equality under international law. However much the United States may disagree with such failure to respond, one cannot lightly characterize such conduct as reflecting contemptuous behavior.

3. The Position of the United States

The United States believes that a foreign State's failure to appear should be treated with fairness and great care. While United States courts have the power to decide immunity issues, to issue default judgments, and to enforce those judgments through appropriate means, they should take special care strictly to adhere to all legal requirements and to take into account all relevant implications. Decisions holding a foreign State in default are not always challenged by a foreign State, and often adversely affect this nation's foreign relations -- sometimes seriously. Moreover, to our knowledge, a foreign government has never been held in contempt, a fact which could only be expected severely to compound foreign relations problems if that action

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were taken. In view of the importance of these default decisions, the United States will continue, when appropriate, to respond to requests from courts, parties and States for its views, and will act on its own initiative to inform courts of its views, consistent with Congress' policy of having courts decide immunity issues.

The United States believes that the exercise of the contempt powers of the Court in the instant case would be inappropriate because: (1) their exercise would be inconsistent with the purposes of the FSIA, and would be ineffective; and (2) there is serious question concerning the validity of the underlying judgment. The Court therefore should not enter an order of contempt in this case, and should reexamine under the FSIA the jurisdictional bases for its decision.

In stating its views, the United States wishes to make clear that its views on the legal elements of the von Dardel case have no effect on the United States' position concerning Soviet treatment of Wallenberg. The United States abhors the Soviet Union's unjust imprisonment of Wallenberg and continues, through Governmental channels, to seek a full and satisfactory accounting for his fate. The proper forum for such matters, however, is the diplomatic arena and not the courts of the United States.

The United States must also consider the current proceedings in terms of their potential impact on broader foreign policy interests. The imposition of contempt sanctions against the defendant under the circumstances of this case would create a

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precedent that could later be applied against other governments here -- and the United States abroad -- in factual situations that are far less sympathetic to plaintiffs.

DISCUSSION

I. The Standards For A Finding Of Contempt

Contempt sanctions would be inappropriate in the instant case for two reasons. First, the imposition of such sanctions would be inconsistent with the legal framework established by Congress in the FSIA for litigation against foreign states, particularly with respect to the enforcement of judgments. Second, such sanctions would be inappropriate because the underlying judgment is of questionable validity.

Courts generally have the inherent authority to enforce their orders and to impose sanctions on individuals who disobey those orders through contempt proceedings. See, e.g., 7 Wright & Miller, Federal Practice and Procedure, § 2960 at 581. However, the authority of our courts in cases against foreign States is circumscribed by the FSIA. To our knowledge, the question of the relationship between contempt and the FSIA is one of first impression.

As a general rule, a respondent may be held in contempt for failure to comply with a lawful court order if the following criteria are satisfied: (1) the order being enforced is clear and unambiguous; (2) proof of non-compliance is clear and convincing; (3) respondent has not exercised reasonable diligence in attempting to comply; and (4) basic standards of due process

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such as notice and an opportunity to defend have been met. See, e.g., E.E.O.C. v. Local 638, 753 F.2d 1172 (2d Cir. 1985); 7 Wright and Miller, § 2960 at 588-89.

In the FSIA, however, Congress created a legal framework for litigation against foreign States in which it sought to balance the rights and interests of foreign States against the rights of private litigants. See generally H.R. Rep. No. 1487, 94th Cong., 2d Sess. reprinted in 1976 U.S. Code Cong. & Ad. News 6604, at seq.; McKeel v. Islamic Republic of Iran, 722 F.2d 582 (9th Cir.), cert. denied, 105 S.Ct. 243 (1984). While Congress expressly provided for the enforcement of judgments against such States by attachment and execution, 28 U.S.C. §§ 1609-1611, it did not provide for the imposition of contempt sanctions. In view of this framework, the United States believes such sanctions were considered inappropriate by Congress. At a minimum, before a court considers imposing such sanctions it must, as this Court has decided to do, take into account the character of the defendant as a foreign sovereign and the implications that the contempt sanctions may have on the foreign relations of the United States. Imposing contempt sanctions in this case would set a precedent which could affect our legal and political relationships with all foreign nations potentially subject to the jurisdiction of United States courts. Furthermore, the Court should be cautious in exercising its contempt powers to ensure that the orders it enters will be effective, and that the Court has used the least power possible to achieve its objectives.

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See, e.g., Shillitani v. United States, 384 U.S. 364, 371 (1966), citing Anderson v. Dunn, 6 Wheat. 204, 231 (1821).

A finding of contempt which seeks to enforce compliance with the orders of the court or to compensate for losses or damages will not survive if the underlying decree or judgment is found invalid. See e.g., United States v. United Mine Workers, 330 U.S. 258, 294-295 (1947); Latrobe Steel Co. v. United Steel Workers, et al., 545 F.2d 1336, 1342-1348 (3d Cir. 1976). Contempt would be inappropriate in the instant case because an analysis of the jurisdictional requirements of the FSIA casts serious doubt on the validity of the underlying judgment.

II. Contempt Is Inappropriate Under The FSIA And Would Be Ineffective

Courts employ the contempt power either to coerce compliance with their orders or to compensate for losses or damages sustained (civil contempt), or to punish persons for acts against the judicial process or the courts (criminal contempt).[1] In

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[1] The determinative factor in evaluating whether contempt is civil or criminal is the purpose for which the sanction is imposed rather than the nature of the act punished. See, e.g., Shillitani, 384 U.S. at 369-370. In proceedings for civil contempt, the sanctions are intended to coerce compliance with an order of the court, or to compensate for losses or damages as a result of the defendant's non-compliance. See, e.g., Washington Metro. Area Transit Auth. v. Amalgamated Transit Union, 531 F.2d 617, 622 (D.C. Cir. 1976). Criminal contempt, by contrast, carries punitive sanctions for past acts and is designed to deter offenses against the public. See, e.g., Consolidation Coal Co. v. Local 1702, UMW, 683 F.2d 827 (4th Cir. 1982). Moreover, while the contemnor can purge himself of civil contempt through compliance with the court's order, the punishment of criminal contempt is unconditional. See United States v. North, 621 F.2d 1255 (3d Cir.), cert. denied, 449 U.S. 866 (1980). Accordingly, civil contempt is always a facet of the principal suit, while

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either event, recourse to the contempt powers is inappropriate in a case such as this.

The exercise of the contempt powers of the Court in this case would conflict with the delicate balance between the rights and interests of sovereign States and the rights of private litigants that Congress sought to strike in the FSIA. In enacting the FSIA, Congress intended to codify the restrictive theory of sovereign immunity under international law. 1976 U.S. Code Cong. & Ad. News at 6613. The Act provides jurisdiction over actions against sovereign States (and their agencies and instrumentalities) based upon the commercial activities of such States, as well as certain tort actions for monetary damages. 28 U.S.C. § 1605.

The Act establishes a comprehensive mechanism for initiating such actions and for enforcing resulting judgments against foreign States. The FSIA does not expressly provide for the imposition of contempt sanctions, and there is no indication in the history of the legislation that Congress contemplated the imposition of such sanctions under the Act, even with respect to agencies and instrumentalities of foreign States.[2] In the

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[1](...continued)
criminal contempt is a separate action prosecuted in the name of the United States. See In re Stewart, 571 F.2d 958 (5th Cir. 1978).

[2] Plaintiffs concede that the Act contains no provision for, or reference to, contempt sanctions. (Plaintiffs' Memorandum in Support of their Motion for Contempt at 10). Instead, they rely upon a single ambiguous sentence in the legislative history which (continued...)

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absence of a clear intention by Congress to the contrary, the Court should be reluctant to go beyond the statutory scheme contained in the FSIA for enforcement of judgments.

Exercise of the contempt power in response to a sovereign's failure to respond to a Court's judgment would be inappropriate because it ignores the basis for the foreign State's refusal. The refusal of a sovereign State to engage in litigation against it from its inception, absent specific evidence to the contrary, should not be considered as an expression of scorn or contempt for which such sanctions are normally imposed. Rather, such a refusal reflects a determination by that sovereign based on its strongly held principles that it is not subject to the jurisdiction of a foreign court and ought not be required to submit to that jurisdiction even for the limited purpose of disputing such jurisdiction. In the view of the foreign State, the refusal to appear in our courts normally reflects a dispute between two sovereigns concerning an issue of foreign relations and international law.[3] Some foreign States also object to the

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[2](...continued)
states that "[A] fine for violation of an injunction may be unenforceable if immunity exists under Section 1609-1610." (Plaintiffs Memorandum at 10, quoting from 1976 U.S. Code Cong. & Ad. News at 6621.) The legislative history does not explain what Congress intended by the use of the word "fines", the circumstances under which those fines could be imposed, nor against whom they could be assessed. And, as discussed, infra, the imposition of contempt is inconsistent with the entire scheme of the Act.

[3] As noted by the Court in this case, the Soviet Union returned the Complaint to the United States Embassy in Moscow and (continued...)

UNCLASSIFIED

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inconvenience and the cost associated with responding to what they see as unjustifiable attempts to assert jurisdiction over them or their agencies and instrumentalities. They maintain that they do not subject the United States to such actions and expect the United States to extend to them the same respect and courtesy. However much the United States may disagree with the refusal of such States to respond to the jurisdiction of our courts, it is important to note that a number of foreign States share that point of view.

Plaintiffs' proposed use of contempt to enforce the Court's judgment is likewise inappropriate because it ignores the intention of Congress that judgments against foreign states and their agencies and instrumentalities be enforced through attachment and execution. Congress expressly provided for attachment and execution to enforce judgments in certain cases and expressly preserved the immunity of State property in others. 28 U.S.C. §§ 1610, 1611. Thus, while Congress provided for attachment and execution against the commercial property of a State for judgments resulting from actions based upon the commercial activities of such States, Congress distinguished between property of the sovereign States and that of its agencies and instrumentalities. Compare 28 U.S.C. § 1610(a) with 28 U.S.C. § 1610(b). With respect to the foreign State itself,

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[3](...continued)
sent a diplomatic note asserting absolute sovereign immunity from suit in non-Soviet courts. 623 F. Supp. at 250.

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Congress authorized attachment and execution only against property which was used for the commercial activity upon which the cause of action is based. 28 U.S.C. § 1610(a).[4] Moreover, Congress deliberately distinguished such commercial actions from tort actions against foreign States. While permitting private litigants to file some non-commercial tort actions against foreign States, 28 U.S.C. § 1605(a)(5), Congress preserved the immunity of those States with respect to attachment and execution against the property of the State to enforce such actions. 28 U.S.C. § 1610-1611. As the Court of Appeals for the Second Circuit recognized in Letelier v. Republic of Chile, 748 F.2d 790 (2d Cir. 1984), cert. denied, 105 S.Ct. 2656 (1985), in such cases Congress, in effect, created a right which may be without an enforceable remedy.

These distinctions reflect a conscious decision on the part of Congress to strike a balance between the rights and interests of the foreign sovereign and the private litigant. Contempt, even to enforce a judgment,[5] is distinct from execution and

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[4] Section 1610(a) of the Act contains other provisions regarding immunity from attachment of State property.

[5] In this instance, the contempt that plaintiffs have requested the Court to impose is civil. The imposition of criminal contempt involves different standards and procedures. Compare 18 U.S.C. § 402 with Rule 70, Federal Rules of Civil Procedure. In any event, it is clear that Congress did not intend to authorize the imposition of criminal contempt or other punishment against foreign States. 1976 U.S. Cong. Code & Ad. News at 6621. The extraordinary sanctions that plaintiffs request in a sense seek to punish the defendant and, for that reason as well, are inconsistent with the intention of Congress.

UNCLASSIFIED

UNCLASSIFIED

attachment. It suggests purposeful wrongdoing and would be viewed by the foreign State as a serious charge.[6] For these reasons, a finding of contempt may have more serious consequences for our foreign relations than would normal recourse to the execution and attachment provisions of FSIA.

In view of the sensitivity that the FSIA reflects regarding the imposition of such an extraordinary remedy in litigation against a foreign sovereign, the Court should also consider whether use of the contempt power would be effective. See, e.g., United States v. United Mine Workers, 330 U.S. at 304. The governing principle is that a court should exercise "(t)he least possible power adequate to the end proposed." Shillitani, 384 U.S. at 371, citing Anderson v. Dunn, 6 Wheat. 204, 231 (1821). This is consistent with the general principle of judicial economy that courts should not perform futile acts. In this case the use of contempt would not be effective.[7]

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[6] Emerging international practice among those States that have followed the example of the United States also raises a question whether imposition of contempt sanctions to enforce compliance with a court order is appropriate. Of the six States that have enacted legislation similar to our FSIA, five (UK, Hong Kong, Singapore, Pakistan, and Canada) do not permit injunctive or specific performance relief and limit the imposition of fines. The sixth -- Australia -- permits the courts wide discretion in their orders, but does not provide for imposition of penalties by way of fine. Accordingly, a decision by this Court to impose contempt sanctions on the Soviet Union might conflict with the intent of Congress to enact a statute that incorporates international standards concerning sovereign immunity.

[7] Moreover, any attempt to enforce the contempt order through execution against property of a foreign State would be ineffective since the FSIA does not permit execution against the

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The United States' views on Wallenberg are well known, supra, at page 5, and we do not take issue with the Court's condemnation of Soviet conduct in regard to Mr. Wallenberg. The real question, however, is whether in the FSIA Congress intended to resolve these kinds of government to government political issues that we believe fall outside the carefully delimited scope of jurisdiction over foreign States under the Act, or whether such issues are properly left to statecraft and diplomacy.

The United States continues to urge upon the Soviet Union and other governments that they should respond to any and all United States court proceedings brought against them, regardless of their nature. However, whether in their absence in this kind of case the Court should properly find first jurisdiction and then enter contempt sometimes is another matter. For example, in recognition of these concerns, this Court (Robinson, C.J.), recently dismissed an action against the Soviet Union brought by heirs of the passengers killed in the downing of Korean Airlines flight 007. In Re Korean Airlines Disaster of September 1, 1983, M.D.L. DOcket No. 565, (D.D.C., Order of August 1985) (Copy attached as Exhibit 1). While the Court found the Soviets' actions "deplorable," id. at 13, it concluded that it did not have and should not exercise jurisdiction over the Soviet Union

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[7](...continued)
property of a foreign State on a judgment resulting from the non-commercial tortious actions of a State, regardless of how egregious that conduct might have been. Letelier, 748 F.2d at 798-799. Thus, entry of an order of civil contempt would be a futile act.

UNCLASSIFIED

UNCLASSIFIED

pursuant to the FSIA or any other of the jurisdictional bases advanced by the plaintiffs.[8]

In light of these considerations and the jurisdictional bounds of the FSIA, we do not believe that the exercise by this Court of its contempt powers is appropriate in this type of case.

III. Contempt Is Inappropriate Because There Are Serious Questions Concerning Jurisdiction In This Case

An order of civil contempt does not survive if the underlying decree or judgment is found invalid. See, e.g., United States v. United Mine Workers, 330 U.S. at 294-295; Latrobe Steel Co. v. United Steel Workers, 545 F.2d at 1342-1348. In the underlying judgment in this case, the Court found that it had jurisdiction under both the FSIA and the Alien Tort Claims Act, 28 U.S.C. § 1350. 623 F.Supp. 246. However, because the defendant did not appear in this proceeding, the Court did not have the benefit of adversarial argument on the merits of the jurisdictional issues. In similar cases which have led to default judgments, it has not been unusual for courts to reexamine the issue of jurisdiction in light of new arguments presented at some later stage in the proceeding. See Jackson v. The People's Republic of China, 794 F.2d 1490; Siderman de Blake v. The Republic of Argentina, CV No. 82-1772-RMT (C.D. Cal. March 7, 1985) (Copy attached as Exhibit 2).

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[8] An additional jurisdictional basis asserted in the KAL litigation, the Alien Tort Claims Act, was also advanced by the instant plaintiffs and is discussed infra at pp. 24-26.

UNCLASSIFIED

This Court held in its October 15, 1986 Opinion and Order, 623 F.Supp. 246, that it had subject matter and personal jurisdiction over the Soviet Union under the FSIA, on the following grounds:

(1) sovereign immunity is an affirmative defense that must be pleaded and proved by the sovereign defendant;

(2) the FSIA should be read not to extend immunity to clear violations of universally recognized principles of international law;

(3) the FSIA should be read to permit the full operation of international agreements to which the United States is a party;

(4) in ratifying an international agreement, a foreign sovereign implicitly waives the defense of sovereign immunity with regard to claims based upon violations of such agreements.

The Court also concluded that the Alien Tort Claims Act, 28 U.S.C. § 1350, provides an independent basis for subject matter jurisdiction. Finally, in holding that it had personal jurisdiction over the defendant, the Court reasoned that the minimum contacts required to bring suit against the Soviet Union under 28 U.S.C. § 1330(b) were "clearly satisfied" because the Soviet Union maintains a substantial presence in the District of Columbia.

The United States believes that these jurisdictional findings are subject to serious question. The FSIA was intended to provide jurisdiction generally over commercial actions and over a limited number and type of tort actions. 28 U.S.C.

UNCLASSIFIED

§§ 1602, 1605. The FSIA provides jurisdiction only for tort actions in which money damages are sought and where the injury occurs in the United States. 28 U.S.C. § 1605(a)(5). The legislative history of this provision, however, reflects that Congress intended that the tortious act or omission must also occur in the United States, 1976 U.S. Code Cong. & Ad. News at 6619. And, virtually every court that has addressed the issue has required that the tortious act or omission occur in the United States. See, e.g., Persinger v. Islamic Republic of Iran, 729 F.2d 835, 842-843 (D.C. Cir. 1984); Asociacion de Reclamantes v. United Mexican States, 735 F.2d 1517, 1524-1525 (D.C. Cir. 1984); Frolova v. Union of Soviet Socialist Republics, 761 F.2d 370, 379-380 (7th Cir. 1985); Olsen v. Government of Mexico, 729 F.2d 641, 645-646 (9th Cir. 1984).

To the extent that the judgment of this Court would create jurisdiction where none was intended by the FSIA, it exposes the United States to similar jurisdiction abroad. The theory of jurisdiction apparently applied by the Court could expose the United States to jurisdiction abroad for virtually any act said to be inconsistent with international law, as construed by any country in which the United States might be found. For the reasons set forth below, the United States does not believe Congress intended to establish jurisdiction over cases such as this, and would vigorously oppose the assertion of such jurisdiction against the United States abroad. Whatever one thinks of the Wallenberg controversy -- and the United States

UNCLASSIFIED

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abhors the Soviet conduct in this matter -- it clearly was not a commercial matter or a tort that Congress intended to subject to the jurisdiction of courts in the United States. In view of the arguments relating to jurisdiction presented below, the United States invites the Court, sua sponte, to review its findings on jurisdiction.

A. A Foreign Sovereign Does Not Waive Immunity By Failing To Appear

This Court has concluded that sovereign immunity under the FSIA is an affirmative defense that must be specially pleaded, and that failure to assert the defense constitutes a deliberate choice by the defendant State to forego any entitlement to immunity under the Act. 623 F. Supp. at 252-253. In arriving at this conclusion, the Court relied on a statement in the legislative history that "sovereign immunity is an affirmative defense that must be specially pleaded", 1976 U.S. Code Cong. & Ad. News at 6616.

The question whether a foreign sovereign must appear to plead immunity was conclusively resolved by the Supreme Court in Verlinden B.V. v. Central Bank of Nigeria, 461 U.S. 480 (1983). Noting the aforementioned statement in the legislative history, the Supreme Court concluded:

> Under the Act [FSIA], however, subject matter-jurisdiction turns on the existence of an exception to foreign sovereign immunity, 28 U.S.C. § 1330(a). Accordingly, even if the foreign state does not enter an appearance to assert an immunity defense, a district court still must determine that immunity is unavailable under the Act.

UNCLASSIFIED

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461 U.S. at 493-494, n. 20. See also MOL, Inc. v. People's Republic of Bangladesh, 736 F.2d 1326, 1328 (9th Cir. 1984). In view of the Supreme Court's holding, it is inconsistent with the terms of the FSIA and its legislative history to imply a waiver of immunity on the basis that the defendant State failed or refused to make an appearance.

B. Violations Of International Law Do Not Establish Jurisdiction Under The FSIA

The Court concluded that the FSIA should not be read to extend immunity to clear violations of universally recognized principles of international law. 623 F. Supp. at 253-254. This conclusion was based on a statement in the legislative history that the "Act [incorporated] standards recognized under international law," on certain decisions applying the act of state doctrine, and on the notion of "universal jurisdiction" under international law. 623 F. Supp. at 253-254.

The FSIA contains no exception to immunity based on violations of international law, and the United States believes that Congress intended to limit exceptions to immunity to those specified in the Act. The legislative history upon which the Court relied denotes merely that Congress was adopting internationally accepted standards concerning the restrictive theory of immunity. 1976 U.S. Code Cong. & Ad. News at 6613. It does not imply that the Act was intended to establish an exception to immunity for violations of international law. Amerada Hess Shipping Corp. v. Argentina, 85 Civ. 4365 (RCL)

UNCLASSIFIED

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(S.D.N.Y. May 5, 1986) (Slip opinion at 10-11.). (Copy attached as Exhibit 3.)

Decisions applying the act of state doctrine, upon which the Court also relied, do not support its conclusion. Under the act of state doctrine, a court may abstain from adjudicating a proceeding in which it otherwise has jurisdiction if the case requires the court to determine the validity of a public act of a foreign sovereign within the territory of that sovereign, even where the act is alleged to constitute a violation of international law. See, e.g., Banco Nacional De Cuba v. Sabbatino, 376 U.S. 398 (1974). The decisions upon which the Court relied reflect the willingness of courts to adjudicate proceedings in which the act of state doctrine would otherwise permit judicial abstention where international law standards are clearly established. Those decisions, however, do not bear on the central issue of this case -- whether jurisdiction exists in the first instance.[9]

Similarily, the notion of "universal jurisdiction" under international law is not relevant to the FSIA. While the United States may be entitled as a matter of international law to exercise such jurisdiction, federal courts may not exercise that jurisdiction unless empowered by Congress to do so. Owen

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[9] Courts routinely determine whether jurisdiction exists under the FSIA before addressing the applicability of the prudential Act of State doctrine. For example, in Kalamazoo Spice Extraction Co. v. Ethiopia, 729 F.2d 422 (6th Cir. 1983), the court, after finding jurisdiction under the FSIA, refused to dismiss the proceeding on the basis of the Act of State doctrine.

UNCLASSIFIED

UNCLASSIFIED

Equipment & Erection Co. v. Kroger, 437 U.S. 365, 372 (1979); Aldinger v. Howard, 427 U.S. 1, 6-16 (1976); Turner v. Bank of North America, 4 Dall. (4 U.S.) 6, 11 (1799). Congress has not so provided. Rather, Congress has determined that the FSIA is the exclusive basis of jurisdiction for suits against foreign states in our courts. See Verlinden, 461 U.S. 480; McKeel v. Islamic Republic of Iran, 722 F.2d 582; Amerada Hess Shipping Corp. v. Argentina, slip. op. at 8-9.

C. Violations Of International Agreements Do Not Establish Jurisdiction Unless Expressly So Stated Or Unless Otherwise In Conflict With The FSIA

This Court has concluded that, where the provisions of the Vienna Convention on Diplomatic Relations, 23 U.S.T. 3227, and the Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, including Diplomatic Agents, 28 U.S.T. 1975, have been violated by a defendant, section 1604 of the FSIA confers jurisdiction on United States cCourts to enforce such agreements.[10] 623 F. Supp. at 254-255.

To provide an exception to immunity under the FSIA, however, an international agreement must expressly provide for amenability to suit or otherwise conflict with the FSIA's immunity provisions. See 1976 U.S. Code Cong. & Ad. News at 6616; Amerada Hess Shipping Corp. v. Argentina, slip op. at 10-11. Neither the

[10] Section 1604 provides: "Subject to existing international agreements to which the United States is a party at the time of enactment of this Act a foreign state shall be immune from the jurisdiction of the courts of the United States and of the States except as provided in sections 1605 to 1607 of this chapter."

UNCLASSIFIED

Vienna Convention[11] nor the Convention on Protected Persons[12] preempts the FSIA's immunity provisions since neither Convention conflicts with the FSIA nor even relates to its subject matter -- lawsuits against foreign States.[13] Thus, neither provides an exception to immunity under the FSIA.

D. A Foreign Sovereign Can Waive Immunity Under The FSIA Only By Express Waiver Or By Clear Conduct

This Court has concluded that, by becoming a party to international agreements containing obligations to respect certain human rights and diplomatic immunities, the Soviet Union implicitly waived its immunity under section 1605(a)(1) of the

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[11] The Vienna Convention is limited to setting forth the scope of privileges and immunities to be accorded to diplomatic missions and their personnel, and does not give rise to an independent basis for asserting jurisdiction over a foreign State which fails to accord such protection. See Skeen v. Federative Republic of Brazil, 566 F. Supp. 1414, 1419 (D.D.C. 1983).

[12] The Convention on Protected Persons requires States to exercise jurisdiction over certain criminal offenses committed by private individuals, but does not deal with the sovereign immunity of States. Moreover, the Convention as well as domestic implementing legislation, 18 U.S.C. § 112, extends only to offenses which have been perpetrated within the territory of, or by a national of, the State exercising jurisdiction. Thus, this Convention would not apply to the case before this Court in any event.

[13] Moreover, unless implemented by legislation, international agreements do not provide the basis for private suits unless they are intended to be self executing. See Diggs v. Richardson, 555 F.2d 848 (D.C. Cir. 1976); Frolova v. Union of Soviet Socialist Republics, 761 F.2d 370. Neither agreement in this case was intended to confer rights on individuals which are judicially enforceable in United States courts. See Skeen, 566 F. Supp. at 1419. And, although the 1973 Convention has been implemented through domestic legislation, 18 U.S.C. § 112, that legislation is criminal and does not apply to the type of case before the Court.

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FSIA.[14] 623 F. Supp. at 255-256. In reaching this conclusion, the Court relied on general statements by several scholars that treaty provisions should be carried out by the courts to the fullest extent possible. Prevailing law under section 1605(a)(1), however, holds that waivers of immunity cannot be implied from the broad, general obligations contained in such Conventions.

In accord with the general principle which applies to suits against the United States that waivers of immunity should be strictly construed, the waiver provisions of the FSIA have been construed narrowly, and courts have been reluctant to find waivers of sovereign immunity by international agreement without convincing evidence that the foreign State so intended. Frolova v. Union of Soviet Socialist Republics, 761 F.2d at 376-378; Berkovitz v. Islamic Republic of Iran, 735 F.2d 329, 333 (9th Cir. 1984), cert. denied, 105 S.Ct. 510 (1985); In re KAL Disaster, Slip Op. at 5-6; Rio Grande Transport, Inc. v. Compagnie Nationale Algerienne de Navigation, 516 F. Supp. 1155, 1160 (S.D. N.Y. 1981).

The agreements at issue in this case do not address sovereign immunity. Neither the text of the agreements nor their history indicates that the parties contemplated that by acceding

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[14] Section 1605(a)(1) of the Act provides that foreign countries are not immune in cases "in which the foreign state has waived its immunity either explicitly or by implication, notwithstanding any withdrawal of the waiver which the foreign state may purport to effect except in accordance with the terms of the waiver."

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they would be waiving any sovereign immunity; nor are we aware of any support for the Court's suggestion that waiver should be implied simply because the agreements set forth recognized principles of international law. Certainly the FSIA, which establishes the sole standard for resolving questions of sovereign immunity, does not so provide. See Letelier v. Republic of Chile, 488 F. Supp. 672 (D.D.C. 1980).

E. The Alien Tort Claims Act Does Not Provide A Basis For Jurisdiction Against A Foreign State

The Court concluded that the Alien Tort Claims Act (hereinafter referred to as 'ATCA') independently provides subject matter jurisdiction over the defendant state in this case. 623 F. Supp. at 256-259. The ATCA gives the district courts "original jurisdiction of any civil action by an alien for a tort only, committed in violation of the law of nations or a treaty of the United States." 28 U.S.C. § 1350. The ATCA, however, was not intended to establish jurisdiction over a foreign State, and, even if it were, it has been modified by the FSIA.

At the time of enactment of the ATCA, 1789, both international law and United States law generally recognized the absolute immunity of States from suit. The Schooner Exchange v. McFaddan, 11 U.S. (7 Cranch) 116, 136-137 (1812). If Congress had intended to limit the well established doctrine of sovereign immunity, it would have done so expressly. It is clear from the silence of the statute and its legislative history that, whatever

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jurisdiction the ATCA established in regard to suits by aliens against individuals for torts committed in violation of the law of nations, it did not establish jurisdiction in regard to suits against foreign states. Siderman v. Argentina, Slip Op.; Amerada Hess Shipping Corp. v. Argentina, Slip Op.

Furthermore, the FSIA provides the sole jurisdictional basis for suits against foreign states in United States courts. 1976 U.S. Code Cong. & Ad. News at 6610. Almost without exception, courts interpreting the Act have treated it as the exclusive source of jurisdiction over foreign states. See, e.g., Verlinden B.V. v. Central Bank of Nigeria, 461 U.S. at 496-497; O'Connell Machinery Co. v. M.V. Americana, 734 F.2d 115, 116 (2d Cir. 1984); McKeel v. Islamic Republic of Iran, 722 F.2d 582; Gilson v. Republic of Ireland, 682 F.2d 1022, 1026 (D.C. Cir. 1982).

The instant case aside, there have been four attempts to establish jurisdiction over a foreign state under the ATCA. See, e.g., Hanoch Tel-Oran v. Libyan Arab Republic, 726 F.2d 774 (D.C. Cir. 1984); Siderman v. Argentina, Slip Op.; In re KAL Disaster, Slip Op. at 10-11; Amerada Hess Shipping Corp. v. Argentina, Slip Op.at 6-8. All have failed, including the plaintiffs in Hanoch Tel-Oran, cited by this Court.[15] Thus, whether one concludes

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[15] In Hanoch-Tel-Oran v. Libyan Arab Republic, the Court of Appeals for the District of Columbia Circuit affirmed, per curiam, the district court's dismissal of jurisdiction, with three separate concurring opinions. While the concurring opinions differed widely as to the construction of the ATCA in suits against individuals, two of the three panel members expressly found that suit against Libya was barred by reason of the FSIA. 726 F.2d at 776, n.1 (Edwards, J.), and at 805, n.13 (Bork, J.).

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that the ATCA was never intended to establish jurisdiction over States or that the subsequently enacted FSIA became the exclusive remedy against such States, the result is the same -- jurisdiction over foreign States in United States courts is available only in accordance with the FSIA, regardless of the origins of the cause of action.

F. A Foreign State's Diplomatic Presence Alone Does Not Satisfy Constitutional Requirements For Minimum Contacts

As this Court has recognized, 623 F.2d at 251, n.3, jurisdiction over a foreign state under the FSIA must also comport with minimum jurisdictional contacts and due process as required by International Shoe Co. v. Washington, 326 U.S. 319 (1945). This Court concluded that these minimum requirements are "clearly satisfied because the defendant maintains a substantial presence in the District". 623 F. Supp. at 251, n.3. The Court did not elaborate on the presence to which it was referring. The Soviet Union, of course, maintains a diplomatic presence in the District of Columbia through its Embassy. The diplomatic presence of a foreign State, however, would satisfy the requirement for minimum contacts only if the cause of action were expressly related to that presence. See, e.g., Maritima International Nominees Establishment v. Republic of Guinea, 693 F.2d 1094 (D.C. Cir. 1982), cert. denied, 464 U.S. 815 (1983).

In the view of the United States, the diplomatic activities of a foreign State that are not related to a cause of action brought under the FSIA shed no light on whether a foreign State

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is amenable to suit under one of the FSIA's exceptions to immunity, and should not be considered for minimum contact purposes. This conclusion serves important policy interests. First, foreign States should not be subject to suit for conducting internationally protected diplomatic activities. A contrary rule, in effect, punishes foreign States for conducting diplomatic relations in the United States. Second, this conclusion is consistent with the primary intention of the FSIA to reach the "commercial" or non-governmental activities of foreign States. Furthermore, this view is supported by the decision of the Court of Appeals for the District of Columbia Circuit in Fandal v. Arabian American Oil Company, 345 F.2d 87, 88-89 (D.C. Cir. 1965).[16]

CONCLUSION

For the foregoing reasons, the United States believes that the exercise of the contempt power in this case would be inappropriate.

Respectfully submitted,

RICHARD K. WILLARD
Assistant Attorney General

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[16] The court in Fandal held that an office maintained by a Saudi Arabian corporation in Washington, D.C., and used to continue relationships with the State Department and other executive agencies of the United States, with diplomatic missions and with other educational and international organizations was not "doing business" in the District, as required under the Washington, D.C., long-arm statute. Fandal is especially significant since the long-arm provisions of the FSIA were patterned on that statute. 1976 U.S. Code Cong. & Ad. News at 6612.

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CERTIFICATE OF SERVICE

I, Elizabeth Sarah Gere, certify that on this 8th day of December, 1986, a copy of the Statement of Interest of the United States was mailed, via first-class mail, postage prepaid, to the following:

Guy Struve, Esquire
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One Chase Manhattan Plaza
New York, New York 10005

Elizabeth Sarah Gere
ELIZABETH SARAH GERE

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Chile Project (#S199900030)
U.S. Department of State
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PAGE 01 STATE 380645
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PAGE 02 STATE 380645

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C O N F I D E N T I A L STATE 380645

E.O. 12356: DECL: OADR
TAGS: PHUM, EFIN, EAID, IDB
SUBJECT: IDB URBAN DEVELOPMENT LOAN FOR CHILE

REF: STATE 361902

1. C - ENTIRE TEXT.

2. THIS IS AN ACTION MESSAGE.

3. THE UNITED STATES WILL SUPPORT A DOLS 40.5 MILLION LOAN FOR CHILE IN THE IDB BOARD OF DIRECTORS DECEMBER 10 ON THE GROUNDS THAT THE PROPOSED LOAN IS FOR BASIC HUMAN NEEDS. THE LOAN IS FOR A NEIGHBORHOOD IMPROVEMENT AND SITES-AND-SERVICES PROGRAM, AND WILL SUPPORT CONSTRUCTION OF HOUSING "SOLUTIONS", AS WELL AS WATER/SEWER CONNECTIONS, FOR POOR FAMILIES IN CHILE.

4. PLEASE INFORM OFFICIALS IN THE RELEVANT HOST GOVERNMENT MINISTRIES OF THE U.S. VOTING INTENTION AS SOON AS POSSIBLE, AND IN ANY EVENT PRIOR TO WEDNESDAY DECEMBER 10. YOU SHOULD INFORM THEM THAT, WHILE WE ARE CURRENTLY ABSTAINING ON MDB LOANS TO CHILE BECAUSE OF CONFIDENTIAL

PAGE 03 STATE 380645

THAT COUNTRY'S HUMAN RIGHTS SITUATION, THIS POLICY DOES NOT APPLY TO LOANS FOR BASIC HUMAN NEEDS (BHN) PURPOSES. THE U.S. RECENTLY ABSTAINED ON A WORLD BANK STRUCTURAL ADJUSTMENT LOAN (REFTEL) AND ON AN IDB HYDROELECTRIC POWER LOAN FOR CHILE ON HUMAN RIGHTS GROUNDS. THESE LOANS DID NOT MEET BHN CRITERIA. WHITEHEAD

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PAGE 01 STATE 380528
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APPROVED BY: L/N:JBREYNOLDS:BB
OES/N:FMCGOLDRICK OES/NEP:JLUTZ
OES/NEC:CTHORNE DOE/GC:COLESZYCKI
DOE/NE32:SPESKE; ARA/MEX:JRILEY IO/T/SCT:LGALLINI (SUBS)
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UNCLAS STATE 380528

E.O. 12356: N/A
TAGS: IAEA, ENRG, MNUC, MX
SUBJECT: MEXICAN URANIUM TRANSFER: DU TAILS

REF: (A) UNVIE 16935; (B) STATE 320130

1. USG HAS NO OBJECTION TO COURSE OF ACTION PROPOSED BY ADEDE IN LETTER (REF A) AND CAN APPROVE THE TRANSFER OF THE ENRICHMENT TAILS THAT WILL RESULT FROM THE PROCEDURES LAID OUT IN REF. B. USG REMAINS PUZZLED, HOWEVER, AS TO WHY MEXICANS SEEK TO EXERCISE RIGHTS TO TAILS MATERIAL THROUGH IAEA IN THIS WAY WHEN MEXICO HAS A RIGHT TO REQUEST TAILS MATERIAL DIRECTLY OF DOE UNDER ARTICLE VII OF THE USDOE-MEXICO ENRICHMENT CONTRACT. THIS WAS POINTED OUT IN REF. B, BUT EITHER DID NOT GET PASSED ON TO THE MEXICANS OR THEY DID NOT PICK UP ON
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PAGE 02 STATE 380528

IT. WE THEREFORE SUGGEST THAT UNVIE MISSION CONTACT MEXICAN RESREP DIRECTLY AND INDICATE THAT WHILE THE PROCEDURE REPRESENTED BY ADEDE'S NOTES TO THE TWO

MISSIONS IS ACCEPTABLE TO THE USG, MEXICO MAY WANT TO AVAIL ITSELF OF THE SIMPLER, MORE DIRECT METHOD OF RECOVERING TAILS MATERIAL AS PROVIDED IN BILATERAL DOE-MEXICO ENRICHMENT CONTRACT. IF MEXICO NONETHELESS

PREFERS TO CONFIRM THIS ASPECT OF THE TRANSACTION THROUGH THE IAEA, MISSION IS AUTHORIZED TO APPROVE ARRANGEMENTS AND CONDITIONS AS SET FORTH IN ADEDE'S LETTER BY MEANS OF A RETURN LETTER. THE STATE DEPARTMENT REQUESTS THAT CERTIFIED COPIES OF CORRESPONDENCE, INCLUDING IF POSSIBLE, MEXICAN RESPONSE TO ADEDE, BE POUCHED TO L/N (ATTN. REYNOLDS).

2. ALTHOUGH NOT DIRECTLY RELEVANT TO RECOVERY OF TAILS MATERIAL, MISSION MAY ALSO WISH TO REMIND MEXICAN RES REP THAT, AS WAS POINTED OUT IN REF B, DOE'S CONCURRENCE IN THE ENTIRE PROPOSAL IS CONTINGENT ON THE MEXICAN-OWNED MATERIAL IN SPAIN MEETING ENRICHMENT CRITERIA SPECIFIED IN ENRICHMENT CONTRACT. WHITEHEAD

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*** Current Handling Restrictions *** n/a
*** Current Classification *** UNCLASSIFIED

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POL

Embassy of the United States of America

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Bio Attached

MEMORANDUM OF CONVERSATION

Subject: Perspectives of the Democratic Alliance

Participants:

Chile

Rene Abeliuk, President, Democratic Alliance (AD)
Armando Jaramaillo, Vice President, AD
Eduardo Cerda, Secretary-General, AD

U.S.

Ambassador Harry G. Barnes, Jr.
Charlotte Roe, Political Officer

Place: Ambassador's Office

Date: December 10, 1986

Distribution: AMB, DCM, POL, USIS, ECON, FILES, DAO, ARA/SC, INR/IAA, INR/B

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full Y
Exemption(s) ____

Summary: The new leadership of the Democratic Alliance expressed its view that the AD must be the "pillar" of an effort to bring about an understanding with the military and a political campaign for free elections. They expressed strong concern about the UNGA vote, suggested that a statement on continuing state of siege could help repair the damage, and said in response to Ambassador's query that they would be willing to talk with Junta members on the political parties law if assured that their request for an audience would not be rejected. In a subsequent conversation with DCM, they asked for U.S. funding for the Alliance. End Summary.

Rene Abeliuk, the new (rotating - December 1986-May 1987) President of the Alliance, had asked for this meeting in order to appraise the Ambassador of the AD's viewpoint on recent developments. Among the issues discussed were:

-- Organizing the Opposition: Abeliuk opined that the hasty, ill-conceived launching of the National Democratic Accord (ANDE) had hurt the opposition's public image. Another, more serious problem is the presence of the ultra-left MAPU, which he sees as incompatible with the goal of reaching an agreement with the military. Moreover, two major parties - the Nationals (PN) and the Christian Democrats (PDC) had come on aboard without laying the necessary organizational groundwork. In Rene's view it is the Alliance that must be considered the political "pillar' of the democratic opposition.

-- Dialogue with the Armed Forces: Abeliuk said that the Alliance's refusal to meet with Interior Minister Garcia had been "a big mistake", and that in fact his own party had engaged in unpublicized discussions with GOC officials and Junta aides over the political parties law. In particular, he cited Gen. Montero of Matthei's staff, whom he described as "a friend" with whom ideas had been shared. The Ambassador asked if the AD leadership would be willing to talk with Junta members about their perspectives on the law during the period when it was being reviewed by the Junta in the next month or so. The Ambassador said he thought there might be some value in the public seeing that the Junta and the democratic opposition could talk. After some hemming and hawing, Abeliuk said they most certainly would -- provided they could find out through informal channels that the Junta members would definitely receive them. Comment: It was useful to confirm that the Social Democrats have already engaged in dialogue with aides to Junta members over the political laws. Abeliuk is a can-do person, and a major improvement over his predecessor, the pompous and ineffectual Jaramillo. Thus there will be positive change in the leadership of the Alliance during the first half of 1987.

-- The National Campaign for Free Elections: Abeliuk said that getting the campaign in motion was a major priority, but there were details to be worked out. (At this point Jaramillo interjected that the movement would of necessity fail, because Pinochet would not budge.) Although it would be supported by all the democratic organizations such as AD and the Group of 13, it would need to be identified with a group of stellar public personalities, not with a particular political grouping. He said it was important to broaden the normal opposition spectrum to include conservatives, and said in his view Sergio Jarpa would be acceptable although not necessarily his National Labor Front. As for choosing someone to lead the movement, Abeliuk demurred, saying a lot would be decided by the outcome of the PDC Congress and the PN Directorate meeting, both scheduled to take place on the weekend of December 13.

-- The UNGA Vote: Abeliuk and Cerda commented that the negative U.S. vote very much concerned them, especially in view of how the GOC was using it as a propaganda victory and the confused impression it gave of U.S. policy. (Cerda added that he understood from conversations with Ambassador Shifter in Washington the difficulties posed by the Mexican resolution, but had himself expected that the U.S. would abstain not oppose). Abeliuk added that some of the damage could be repaired if the U.S. issued a statement - for example in response to the extension of the state of siege - to emphasize that our attitude toward the human rights situation in Chile had not changed. The Ambassador discussed the elements which led to the no vote, and stressed that our bilateral policy remained constant.

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-- Economic Consensus: The Ambassador, in the context of contacts between the government and the opposition, asked the group whether they thought there was any chance of some consensus being reached on the outlines of economic policy, which might lend some stability to the transition. He said he had the impression that there were already some factors of common interest, but he had not seen so far, at least, any real effort to identify them and build on them. He then added that there might well be an interest on the part of some U.S. foundations in supporting efforts to give shape to the economic framework of a future democratic society. The three also indicated that the idea would be worth perusing.

-- Financial State of the Opposition: Before leaving the three said it was important to keep in mind that the Democratic Alliance did not even have an office from which to function or a letterhead it could call its own. Most leaders of the democratic opposition were unable to attend the rally which was held on December 5 in Punta Arenas, they said, because they could not afford the $250 round trip plane fare. They stressed they were not asking for help, but did want us to be aware of their problem.

On December 15, Abeliuk and Cerda (without Jaramillo) called on DCM George Jones. In requesting the appointment, they asked that no one else be present. After brief discussion of the PN and PDC meetings - in both of which, they said, the moderate line, favoring free elections and negotiations with the Junta, had triumphed - they raised again the need of the Alliance for financial support. DCM said the only U.S. Government institution that came close to that area was the National Endowment and the two party institutes affiliated with it. NED, however, had made it clear it did not wish to fund activities in Chile directly related to political parties; for example, it had been reluctant to aid the Fundación Frei because it is to closely tied to the PDC. The Europeans, particularly the Germans, of course had long histories of support for Latin American parties. We had regular consultations with the EC and could raise the Alliance's interst with them. Abeliuk asked how soon we might be able to give them an answer. DCM said not before end of January.

Comment: In this conversation, the request for U.S. money was clear. The fact that they did not argue with DCM's statement that U.S. was unable to provide such assistance clearly indicates they did not believe him.

-- Cerda and General Sinclair: Also in the meeting with the DCM, Cerda said that during his recent visit to Washington Kim Flower, the director of Southern Cone Affairs, had taken him aside for a private word and urged him to seek contact with General Sinclair, the vice-commander-in-chief of the Chilean Army. Cerda wanted the Embassy to be aware of this request and of his efforts to comply with it. He had tried calling Sinclair's secretary

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asking for an appointment and also trying to set up a meeting through a relative of Sinclair's - so far without success. DCM urged him to continue trying, suggesting that perhaps some mutual friend might invite both of them, with each other's knowledge, for drinks or dinner. The Embassy also had problems of access to senior army officers, as Cerda was aware.

Drafted:POL:CEROE:12/16/86:11
Clearance:DCM:GFJones
AMB:HGBarnes, Jr.

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United States Department of State

Washington, D.C. 20520

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Chile Project (#S199900030)
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Exemption(s) B6

Dr. William Bronston
Coordinator
Sacramento Leadership Committee
on Chile

Dear Dr. Bronston:

Your letter of November 3 to the President has been referred to us for response by the White House. In your correspondence, as in your prior letter of July 1 to the President, you expressed concern over the present situation in Chile.

With regard to Chile, as we wrote you on August 6, United States policy is to encourage a peaceful democratic transition and increased respect for human rights. As the President stated in an October 8, 1986 interview in the Mexican journal Vejа, "The present policy of the US government (toward Chile) has been to encourage a peaceful transition toward democracy and greater respect for human rights. The United States works vigorously in the defense of that policy, supporting dialogue between the government and democratic opposition forces."

In your letter you also expressed concern over the World Bank Structural Adjustment Loan approved on November 20. (The amount of the loan is $250 million -- not $600 million.) The US abstained on that loan, taking into account our legislative criteria, economic concern for the Chilean people and our concern for the human rights situation in Chile. A copy of the statement by the US Executive Director at the World Bank, explaining our vote, is attached.

With regard to Chilean table grapes, the United States government has no desire to restrict Chilean imports as a sanction. As far as we are aware, the Chileans do not subsidize their grape industry.

Australia does, however, assist its vine-fruit industry. Whether Australian table grapes receive assistance, whether any such assistance would be considered countervailable under US anti-subsidy law, and whether the US table grape industry would seek to invoke US anti-subsidy law if assistance were being received, we are not in a position to know. The fundamental point, however, is that these and other laws that govern trade apply fairly and impartially to all countries which are GATT members, because it is in the US interest that we receive the same type of fair and impartial treatment when we are seeking to export. This principle of non-discrimination has been an integral part of GATT since its founding, and it is directly relevant to your concern with quarantine requirements.

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Contrary to the supposition in your letter, Australia exports to the US large quantities of a wide variety of food products. The largest of these in value terms are meat, lobsters, and sugar, but Australian fresh fruit exports consist of citrus, apples, edible nuts, and pears, as well as dried apricots and peaches.

Protecting US agriculture against plant and livestock pests is a serious responsibility, for the potential losses to US agriculture from introduced pests run into many millions of dollars. As the recent episode with the Mediterranean fruit fly demonstrated, this is of particular concern to California agriculture, because of California's mild climate and extensive fruit and vegetable farming. Plant quarantine decisions are made exclusively on technical grounds. Trade policy considerations are germane only in that quarantine restrictions may not be used as a subterfuge for trade restrictions; this, too, is a fundamental GATT principle.

We share your hope that the concerns over harmful insects associated with Australian table grapes can be satisfactorily resolved, so that Australian table grapes can be imported into the United States without harm to U.S. agriculture.

I hope the foregoing has been of value to you.

Sincerely,

Ludlow Flower, III
Director,
Office of Southern
Cone Affairs

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Case Number: S199900030

Chile Project (#S199900030)
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PAGE 01 SANTIA 08594 01 OF 02 111350Z
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AMEMBASSY SAN JOSE

C O N F I D E N T I A L SECTION 01 OF 02 SANTIAGO 08594

E.O. 12356: DECL:OADR
TAGS: PHUM,UN,CI
SUBJ: CHILEAN FONMIN ATTACKS UN VOTE ON CHILE, SUGGESTS CHILE WILL CHANGE CURRENT POLICY OF FULL COOPERATION

1. (C) SUMMARY: FOREIGN MINISTER DEL VALLE ADDRESSED THE NATION ON THE EVENING OF DEC 9 IN ORDER TO SET THE RECORD STRAIGHT ON THE RECENT UN HUMAN RIGHTS VOTE. HE ATTACKED THE POLITICALIZATION OF THE UN, EMPHASIZING THE NON-DEMOCRATIC NATURE OF SOME OF THE MOST VEHEMENT OPPONENTS OF CHILE. HE CRITICIZED THE RESOLUTION FOR NOT FOLLOWING THE MORE BALANCED APPROACH OF SPECIAL RAPPORTEUR VOLIO. RECENT ATTACKS AGAINST THE GOVERNMENT HAD FORCED THE IMPOSITION OF A STATE OF SIEGE AND HAD PREVENTED THE GOC FROM TAKING STEPS TO END THE EXILE PROBLEM. THOSE NATIONS THAT HAD OPTED NOT TO SUPPORT THE CONFIDENTIAL

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PAGE 02 SANTIA 08594 01 OF 02 111350Z

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RESOLUTION HAD EARNED CHILE'S GRATITUDE FOR THEIR "OBJECTIVITY." BECAUSE OF THE UNFAIR NATURE OF THE RESOLUTION, THE GOC WOULD HAVE TO RECONSIDER ITS CURRENT POLICY OF "FULL COOPERATION" WITH THE UN. HOWEVER, DEL VALLE STOPPED SHORT OF STATING THAT THE GOC WOULD NO LONGER COOPERATE WITH VOLIO. IN ALL LIKELIHOOD, THE GOC IS PRESENTING THE SPECIAL RAPPORTEUR AS A COUNTERWEIGHT TO THE INTENTIONS OF THE "ENEMIES" OF CHILE. END SUMMARY.

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2. (U) AT THE BEGINNING OF THE ADDRESS, WHICH WAS BROADCAST NATIONWIDE ON RADIO AND TV, FOREIGN MINISTER DEL VALLE STATED THAT PRESIDENT PINOCHET HAD REQUESTED THAT HE SPEAK TO THE CHILEAN PEOPLE CONCERNING RECENT DEVELOPMENTS IN THE AREA OF INTERNATIONAL RELATIONS. DEL VALLE WENT ON TO UNDERSCORE CHILE'S SUCCESSFUL APPLICATION FOR LOANS FROM THE WORLD BANK AND THE IDB, AS WELL AS THE FAVORABLE ATTITUDE TAKEN BY THE OASGA VIS A VIS CHILE. HE THEN PROCEEDED TO THE REAL REASON FOR THE ADDRESS: THE RECENT UNGA VOTE IN FAVOR OF THE HUMAN RIGHTS RESOLUTION ON CHILE. MAJOR POINTS OF THE ADDRESS FOLLOW:

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3. (U) POLITICALIZATION OF THE UN

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THE ENTIRE UN SYSTEM HAD BECOME POLITICIZED, WITH THE SAME COUNTRIES VOTING AGAINST CHILE YEAR AFTER YEAR FOR THE PURPOSE OF ISOLATING AND DESTABILIZING THE GOC RATHER THAN PROMOTING ANY HUMAN RIGHTS PRINCIPLES. SOME OF THE MOST VEHEMENT OF THESE OPPONENTS OF THE CURRENT GOVERNMENT WERE TOTALITARIAN STATES OR "IMITATIONS" OF DEMOCRACY. THE CUBAN CONFIDENTIAL

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PAGE 03 SANTIA 08594 01 OF 02 111350Z

DELEGATION'S CALL FOR A LIFTING OF THE STATE OF SIEGE AND THE ESTABLISHMENT OF A PLURALISTIC DEMOCRACY WAS A "MOCKERY". SINCE 1974, THERE HAS BEEN AN ANNUAL REPORT CONDEMNING CHILE, BUT NOTHING ON HUMAN RIGHTS IN THE SOVIET UNION OR POLAND OR MEXICO, WITH ITS "ONE-PARTY, NON-DEMOCRATIC GOVERNMENT."

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4. (U) THE VOLIO REPORT

THE REPORT OF THE SPECIAL RAPPORTEUR, FERNANDO VOLIO, HAD CONTAINED INACCURACIES WHICH THE GOC HAD REFUTED POINT BY POINT. THE FINAL REPORT MADE NOTE OF CERTAIN SPECIAL CIRCUMSTANCES IN CHILE, SUCH AS THE THREAT OF TERRORISM AND THE ATTEMPTED ASSASSINATION OF PRESIDENT PINOCHET. HOWEVER, THE CURRENT UN RESOLUTION ON CHILE BEARS NO RESEMBLANCE WHATSOEVER TO THE VOLIO REPORT AND THUS BRINGS INTO QUESTION THE WHOLE RATIONALE BEHIND THAT REPORT.

5. (U) CURRENT SITUATION IN CHILE - EXILES

THE GOC IS MAKING SATISFACTORY PROGRESS IN MEETING ITS OBLIGATIONS UNDER THE 1980 CONSTITUTION FOR THE RESTORATION OF DEMOCRACY. WHILE MAINTAINING PUBLIC ORDER, THE GOC HAS WORKED TO PROTECT HUMAN RIGHTS AND TO ASSURE THE WELL BEING OF ALL CHILEANS. THIS HAS BEEN ACCOMPLISHED IN SPITE OF TERRORIST ATTEMPTS TO MURDER THE PRESIDENT AND THE MASSIVE SHIPMENT OF ARMS TO DESTABILIZE THE REGIME. THE STATE OF SIEGE WAS NECESSITATED BY THE THREAT TO THE NATION BUT IT HAS BEEN ADMINISTERED JUSTLY AND PRUDENTLY, AND IS NOW BEING LIFTED BY STAGES. HOWEVER, RECENT EVENTS HAD INTERFERED WITH THE

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PAGE 01 SANTIA 08594 02 OF 02 111350Z

ACTION ARA-00

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AMEMBASSY SAN JOSE

C O N [redacted] I D E N T I A L SECTION 02 OF 02 SANTIAGO 08594

E.O. 12356: DECL:OADR
TAGS: PHUM,UN,CI
SUBJ: CHILEAN FONMIN ATTACKS UN VOTE ON CHILE,

GOVERNMENT'S PLANS TO SETTLE THE EXILE QUESTION SINCE A NUMBER OF THOSE INVOLVED IN RECENT TERRORIST ACTS WERE FORMER EXILES THAT THE GOC HAD GRANTED PERMISSION TO RETURN. THE WHOLE QUESTION NOW HAD TO BE RESTUDIED BUT THE GOVERNMENT WAS KEEPING A POSITIVE ATTITUDE.

6. (U) CHILE'S FRIENDS IN THE UN

FORTUNATELY, NOT ALL OF THE COUNTRIES IN THE UN HAD ALLOWED THEMSELVES TO BE COERCED INTO THIS "POLITICAL AGGRESSION" AGAINST CHILE. THESE COUNTRIES HAD VOTED WITH CHILE OR HAD ABSTAINED OR ABSENTED THEMSELVES; "TO THEM GO OUR SENTIMENTS OF GRATITUDE
CONFIDENTIAL

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PAGE 02 SANTIA 08594 02 OF 02 111350Z

AND FRIENDSHIP."

7. (U) CONCLUSION

IN LIGHT OF THE POLITICALIZATION OF THE UN AND THE DISCARDING OF THE VOLIO REPORT, THE GOC WOULD HAVE TO RETHINK ITS CURRENT POLICY OF COOPERATION WITH THE UN "ON THIS MATTER AND UNDER THE PREVIOUS CONDITIONS."

-

8. (U) NOTE: IN THE "EL MERCURIO" ARTICLE ON DEL VALLE'S SPEECH, IT WAS NOTED THAT THE DEPARTMENT OF STATE HAD CHARACTERIZED THE HUMAN RIGHTS RESOLUTION AS NEITHER BALANCED NOR CONSTRUCTIVE.

-

9. (C) COMMENT: DEL VALLE STOPPED SHORT OF ANNOUNCING THAT THE GOC WOULD CEASE ITS COOPERATION WITH VOLIO. SUCH A MOVE IS DOUBTFUL SINCE PART OF THEIR PRESENT TACTIC IS TO PORTRAY THE PRELIMINARY VOLIO REPORT AS FLAWED BUT APPROACHING MORE THE "CHILEAN REALITY" THAN THE POLITICALLY-MOTIVATED CONDEMNATION OF CHILE BY THE SOVIET UNION AND ITS LACKEYS. WARNINGS THAT IT MIGHT CEASE COOPERATION COULD, IN DEL VALLE'S MIND, SERVE TO PRESSURE VOLIO TO HOLD TO HIS CURRENT APPRAISAL OF THE SITUATION, BEARING IN MIND THAT VOLIO STILL HAS TO PREPARE A FINAL REPORT FOR THE MARCH UNHRC.

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THE GOC ALSO HAS THE CARROT OF ANOTHER VISIT TO CHILE, WHICH IT KNOWS VOLIO WANTS BUT WHICH IT HAS SO FAR DECLINED TO AUTHORIZE.

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PAGE 03 SANTIA 08594 02 OF 02 111350Z

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10. (C) MORE DIFFICULT TO EXPLAIN IS THE UNUSUAL STEP OF A TELEVISED ADDRESS TO THE NATION BY THE FOREIGN MINISTER. ALTHOUGH THE U.S. HAS BEEN EXPLICITLY CRITICIZED IN OTHER RECENT GOC SPEECHES, THIS ONE DID NOT EXPLICITLY PRAISE US - THERE WAS ONLY THE BRIEF GENERAL THANKS TO UNNAMED SUPPORTERS. THE SPEECH DID NOT TRUMPET VICTORY. IT ATTEMPTED TO EXPLAIN AND JUSTIFY DEFEAT. THE GOC APPEARS TO FEEL PARTICULARLY DEFENSIVE BEFORE ITS OWN

DOMESTIC AUDIENCE ABOUT ITS HUMAN RIGHTS RECORD, AND PARTICULARLY IN NEED OF EXPLAINING WHY MOST OF THE WORLD CRITICIZES IT. BARNES

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12-12-96

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Case Number: S199900030

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
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PAGE 01 SANTIA 08677 01 OF 02 122108Z
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C O N F I D E N T I A L SECTION 01 OF 02 SANTIAGO 08677

E.O. 12356: DECL:OADR
TAGS: PHUM,UNGA,CI
SUBJ: CHILEAN REACTIONS TO U.S. UNGA VOTE ON HUMAN RIGHTS IN CHILE

REF: SANTIAGO 8533

1. CONFIDENTIAL - ENTIRE TEXT

2. SUMMARY: CHILEAN REACTION TO OUR UNGA VOTE ON HUMAN RIGHTS IN CHILE HAS BEEN FAIRLY PREDICTABLE, WITH RIGHTIST ELEMENTS ACCEPTING OUR RATIONALE AND THE CENTER AND LEFT QUESTIONING THE DEPTH OF OUR OPPOSITION TO PINOCHET. THE GOC HAS SAID VERY LITTLE ABOUT OUR ROLE IN THE MATTER. THE HUMAN RIGHTS COMMUNITY HAS REFRAINED FROM CONFRONTING US ON THIS MATTER, PROBABLY DUE TO THEIR REALIZATION THAT THEY STILL NEED US IN GENEVA. END SUMMARY

3. AS PROMISED IN REFTEL, EMBASSY HAS BUTTON-HOLED LOCAL PLAYERS TO ASCERTAIN SIGNIFICANT REACTIONS TO OUR UNGA HUMAN RIGHTS VOTE. PRESS COVERAGE HAS BEEN FAIRLY HEAVY, THOUGH PERHAPS LESS THAN CONFIDENTIAL

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PAGE 02 SANTIA 08677 01 OF 02 122108Z

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ANTICIPATED, WITHOUT THE USUAL CANVASSING OF OPINIONS FROM VARIOUS POLITICAL LEADERS. IN GENERAL, THE RIGHT IS PLEASED WITH OUR VOTE, THE CENTER AND LEFT CONFUSED AND DISAPPOINTED. SO FAR THERE HAS BEEN LITTLE IN THE WAY OF GOC GLOATING, ALMOST AS IF THEY FEAR THAT WE CAN STILL CHANGE OUR MIND. SELECTED REACTIONS AS EXPRESSED TO EMBASSY EMPLOYEES FOLLOW.

-

4. ANDRES ALLAMAND - PRESIDENT OF THE NATIONAL UNION PARTY (CENTER RIGHT)
ALLAMAND WAS PLEASED WITH OUR VOTE, STATING THAT IT WAS POSITIVE THAT WE REFUSED TO GET INVOLVED IN THE KIND OF RESOLUTION THE MEXICANS AND OTHERS TRADITIONALLY SPONSOR. HE CONTRASTED THE MEXICAN RESOLUTION TO OUR RESOLUTION IN GENEVA, WHICH HE CHARACTERIZED AS BALANCED IN REFERRING TO THE TERRORIST THREAT AND FAIR IN RECOGNING THE LEGITIMACY OF THE PRESENT GOVERNMENT. HOWEVER, HE FELT THAT THE DEPARTMENT STATEMENT EXPLAINING OUR VOTE WAS WEAK BECAUSE IT DID NOT MAKE CLEAR WHY WE OPPOSED THIS RESOLUTION AFTER SPONSORING THE GENEVA RESOLUTION.

-

5. GERMAN RIESCO - LEADER OF THE NATIONAL PARTY (CENTER-RIGHT) AND FORMER PRESIDENT OF THE NATIONAL AGRICULTURAL SOCIETY-
RIESCO IS A LEADER OF THOSE IN THE NATIONAL PARTY WORKING FOR GREATER COOPERATION WITHIN THE DEMOCRATIC OPPOSITION LEADING TO A TRANSITION. HE TOLD US THAT PART OF HIS SPIEL TO BUSINESSMEN AND FARMERS IS THAT THEY SHOULD SUPPORT A DEMOCRATIC TRANSITION IF ONLY TO MAINTAIN U.S. COOPERATION WITH
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PAGE 03 SANTIA 08677 01 OF 02 122108Z

CHILE. THAT ARGUMENT, HE REPORTS, HAS BEEN RENDERED A BIT SILLY FOR NOW.

-

6. CARLOS DUPRE, SERGIO PAEZ, AND JOSE MORANES - LEADERS OF THE CHRISTIAN DEMOCRATIC PARTY, ALLIED WITH HAMILTON-ZALDIVAR (CENTER-RIGHT) WING - THEY FIND THE DEPARTMENT EXPLANATION TO BE WEAK

AND NOT CREDIBLE. IN LIGHT OF RECENT EVENTS IN CHILE--THEY TICKED OFF THE ROJAS CASE, THE 4 MURDERS IN EARLY SEPTEMBER, AND THE STATE OF SIEGE--THEY FEEL THAT WE HAD AMPLE REASON TO VOTE DIFFERENTLY THAN WE DID. IN THIS CONTEXT, THEY FEEL OUR VOTE HAS ENCOURAGED THE GOC TO RENEW THE STATE OF SIEGE. THEY ARE UNABLE TO RECONCILE OUR EXTENSIVE LOBBYING ON BEHALF OF THE VOLIO REPORT, IN PARTICULAR OUR EFFORTS TO GAIN THE ACCEPTANCE OF THE DEMOCRATIC OPPOSITION FOR A BALANCED AND NON-CONDEMNATORY REPORT, AND OUR VOTE IN THE UNGA, WHICH THEY SEE AS A VOTE AGAINST THE WORK OF VOLIO.

-

DUPRE, MORANES, AND PAEZ SPECULATED THAT THE UNGA AND SAL VOTES REFLECTED A POLICY STRUGGLE WITHIN THE U.S. ADMINISTRATION WHICH HAD BEEN RESOLVED IN FAVOR OF THOSE WHO VIEW PINOCHET AS THE BEST, OR LEAST OBJECTIONABLE, OF THE POSSIBLE ALTERNATIVES. THEY FEEL THAT THIS VIEW IS SHARED BY THE CHILEAN BUSINESS COMMUNITY - IT WAS REPEATED TO POLCOUNSELOR BY LIBERAL PARTY PRESIDENT FEDERICO ERRAZURIZ. PAEZ QUOTED A BUSINESS LEADER AS SAYING THAT "THE AMBASSADOR'S

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PAGE 01 SANTIA 08677 02 OF 02 122109Z

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C[redacted]A L SECTION 02 OF 02 SANTIAGO 08677

E.O. 12356: DECL:OADR
TAGS: PHUM,UNGA,CI
SUBJ: CHILEAN REACTIONS TO U.S. UNGA VOTE ON

WINGS HAVE BEEN CLIPPED."
-
THE BIG WINNER OF THIS POWER STRUGGLE, THEY OPINED, WAS AMBASSADOR WALTERS, WHOM THEY CHARACTERIZED AS A GREAT FRIEND OF PINOCHET. IN THEIR VERSION OF EVENTS, AMBASSADOR WALTERS HAD SOUGHT TO AID HIS FLOUNDERING FRIEND BY THROWING HIM A LIFE PRESERVER AT THIS CRITICAL MOMENT. DECISIVE FACTORS IN THE TURNAROUND OF U.S. POLICY, THEY SPECULATED, ARE THE PERCEIVED SIZE OF THE COMMUNIST THREAT TO CHILE AND THE FRACTIOUSNESS OF THE OPPOSITION. DUPRE AND PAEZ ARE ALSO CONCERNED THAT THE UNGA VOTE MAY HAVE WEAKENED THE POSITIONS OF JUNTA MEMBERS STANGE, MATTHEI, AND MERINO.
-
ACCORDING TO THE THREE MODERATE PDC'ERS, THE PARTY HAS BEEN DEVASTED BY THE UNGA VOTE. LEFTISTS IN THE PDC SOUGHT TO PASS A STATEMENT CONDEMNING THE U.S., IN PART TO STRENGTHEN THEMSELVES AT THE EXPENSE
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PAGE 02 SANTIA 08677 02 OF 02 122109Z

OF THOSE IN THE HAMILTON-ZALDIVAR WING OF THE PARTY. THIS MOVE WAS BARELY HEADED OFF BY PDC PRESIDENT GABRIEL VALDES, WHO APPARENTLY WANTS TO STAY ON

GOOD TERMS WITH THE U.S. DUE TO HIS STILL-ACTIVE PRESIDENTIAL AMBITIONS.

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7. RENE ABELIUK - PRESIDENT OF THE SOCIAL DEMOCRATIC PARTY AND CURRENT PRESIDENT OF THE DEMOCRATIC ALLIANCE - ABELIUK SAID THAT THE DEMOCRATIC ALLIANCE WAS CONCERNED THAT THE U.S. HAD DECIDED TO VOTE AGAINST THE MEXICAN RESOLUTION RATHER THAN ABSTAIN, SINCE ACCORDING TO THEIR STATISTICS HUMAN RIGHTS VIOLATIONS SHOWED A 15 PERCENT INCREASE DURING THE PAST YEAR. HOWEVER, ABELIUK FELT THAT THE U.S. COULD MITIGATE ANY DAMAGE IF WE WERE TO RELEASE A STATEMENT DEMONSTRATING OUR CONTINUING CONCERNS FOR HUMAN RIGHTS. HE SUGGESTED A STRONG DENUNCIATION OF THE GOC DECISION TO EXTEND THE STATE OF SIEGE.

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8. CARLOS PORTALES AND AUGUSTO VARAS - LEADERS WITHIN THE NUNEZ SOCIALIST BLOC -
FOR THEM, THE UNGA VOTE AND THE SAL VOTE ARE PART OF A PACKAGE MARKING A CHANGE IN U.S. POLICY, WHICH THEY VIEW AS INCONSISTENT IN ANY CASE. THE GOC, THEY FEEL, CAN BREATH A SIGH OF RELIEF NOW THAT IT REALIZES THAT THE U.S. WILL NOT PURSUE AN ANTI-REGIME POLICY AND DRIVE PINOCHET TO THE WALL. THE TWO VOTES, THEY BELIEVE, HAVE SEVERELY WEAKENED THE ROLE OF THE U.S. AMBASSADOR BY EFFECTIVELY "REMOVING" HIM AS A MAJOR PLAYER ON THE CHILEAN SCENE.

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CONFIDENTIAL

PAGE 03 SANTIA 08677 02 OF 02 122109Z

9. CHILEAN HUMAN RIGHTS COMMISSION -
THEIR RESPONSE HAS BEEN MINIMAL AND LOW-KEY. COMMISSION PRESIDENT JAIME CASTILLO WAS QUOTED IN THE PRESS AS SAYING THAT HE REGRETTED THE U.S. VOTE SINCE IT WAS IN CONTRAST TO OUR EARLIER ACTIONS IN GENEVA. WE SURMISE THAT THE CHILEAN HUMAN RIGHTS COMMUNITY IS DISAPPOINTED, ANGRY, BUT ALSO CONFUSED AND DISORIENTED BY OUR VOTE. OUR ACTIONS IN NEW YORK RAN COUNTER TO WHAT THEY EXPECTED (THOUGH CONSISTENT WITH WHAT WE HAD

BEEN TELLING THEM SINCE GENEVA). AS POST PREDICTED LAST MARCH, OUR SUCCESS IN INTRODUCING A RESOLUTION AT THE GENEVA MEETING HAS GIVEN US LEVERAGE OVER THE HUMAN RIGHTS COMMUNITY THAT WE PREVIOUSLY LACKED. INSTEAD OF ATTACKING US FOR OUR VOTE AGAINST THE UNGA RESOLUTION, AS THEY DID LAST YEAR, THEY ARE NOW EERILY MUTE, KNOWING THAT THE BATTLE IS STILL ON AND THAT THEY NEED US IN GENEVA. BARNES

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Embassy of the United States of America

NQ145

EFIN
MOB

Santiago, 12 de diciembre de 1986

Sr. Elías Brugere Labarthe
Presidente Nacional
Confederación Gremial del Comercio
Detallista
Merced 380 - Of. 84

Chile Project (#S199900030)
U.S. Department of State
Release X Excise_____ Deny_____
Declassify: In Part_____ In Full_____
Exemption(s)_____

Estimado Sr. Brugere:

Le agradezco su carta del 12 de noviembre en la cual hace mención a su preocupación por la política de los Estados Unidos de América hacia Chile en los bancos multilaterales de desarrollo.

Lamento mucho que no me fué posible recibir su carta y escuchar sus preocupaciones personalmente debido a que fuí llamado a Washington el día anterior. El Ministro Consejero de esta Embajada, señor George Jones, me ha informado respecto a la amena conversación que sostuvo con ustedes.

Como usted sabe, el 20 de noviembre los Estados Unidos conjuntamente con varios otros paises se abstuvieron en la votación del Banco Mundial para un Crédito de Ajuste Estructural (SAL) de US$ 250 millones. Las abstenciones no tuvieron efecto alguno sobre el resultado de la votación. Como es de su conocimiento, el SAL fué aprobado.

En su carta, usted destaca que el SAL es de gran importancia para el desarrollo del país. Mi gobierno reconoce el buen manejo económico en Chile como tambien todos los sacrificios que el pueblo chileno ha efectuado en pos de la implementación de duras pero necesarias reformas económicas. Sin embargo, a pesar de nuestro reconocimiento de los méritos económicos del préstamo, hemos tenido que observar los requisitos de la ley de los Estados Unidos que instruye a la Administración a oponerse a préstamos dirigidos a países que poseen una trayectoria de abusos de derechos humanos. Los problemas de los derechos humanos en Chile son materia de gran preocupación para mi gobierno. Un mejoramiento de los derechos humanos en Chile nos permitiría votar a favor en préstamos futuros. Asimismo, permitiría mayores beneficios de largo plazo del SAL u otros préstamos de este tipo.

Lot 89F44 Box 23

Aprecio el tiempo que ha tomado usted y su gremio para comunicarnos sus inquietudes sobre este tema. Yo creo que el diálogo continuado entre individuos con inclinaciones democráticas es necesario para reducir la polarización en la sociedad chilena y para la transición pacífica hacia la democracia.

También espero que usted se mantendrá en contacto con la Embajada. Para estos efectos, le he pedido a mi Consejero Económico, Sr. Wendell Belew, que se reuna con usted en un futuro próximo.

Atentamente,

Harry Barnes, Jr.
Embajador

P.D. Estoy mandando una carta similar a esta a los otros firmantes de la carta del 12 de noviembre.

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Embassy of the United States of America

Ng 142

Santiago, 12 de diciembre de 1986

Sr. Domingo Durán Neumann
Presidente Nacional
Confederación Gremial de Productores Agrícolas
Moneda 1040 - Of. 1105

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____

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Lot 89F44 Box 213

UNCLASSIFIED

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Atentamente,

Harry Barnes, Jr.
Embajador

P.D. Estoy mandando una carta similar a esta a los otros firmantes de la carta del 12 de noviembre.

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EDWARD F. FEIGHAN
19TH DISTRICT OHIO
MEMBER:
COMMITTEE ON FOREIGN AFFAIRS
COMMITTEE ON THE JUDICIARY

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216-522-4382

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Congress of the United States
House of Representatives
Washington, DC 20515

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ACTION is assigned to ARA

December 12, 1986

The Honorable George P. Shultz
Secretary of State
Department of State
Washington, D.C. 20520

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____

OUT

1986 DEC 29 PM 3:33

Dear Mr. Secretary:

We are deeply troubled by the Administration's weakening support for positive changes in Chile.

The Administration claims that "continuing human rights problems in Chile are matters for great concern." Yet the statements and actions of this Administration over the last year confuse any attempt to understand our policy towards the government of Chile.

In July of this year Assistant Secretary of State Elliott Abrams testified that unless the human rights situation in Chile improved he would recommend a "no" vote on World Bank loans to that country. His testimony emphasized progress in preparing for elections, the end of government sponsored torture and freedom of the press as the key points which would indicate noteworthy progress in Chile.

Since that time the situation has, indeed, deteriorated. Following the attempt on the life of President Pinochet, Amnesty International has reported that, "the threat of arrest, abduction, torture and even death is ever-present for thousands of Chileans, from church workers, human rights activists and the urban poor to members of opposition organizations."

Congress has made its views on this issue very clear. The Continuing Appropriations Resolution passed in October contained a provision "opposing all loans through multilateral development institutions" to Chile until its government made "significant progress in the area of human rights and toward establishment of a democratic government." Two letters addressed to the Secretary of the Treasury, one from the House Subcommittee on International Development Institutions and Finance and another signed by 32 members of Congress, called for a "no" vote on these loans. A third letter, signed by 54 members of Congress and sent to both the Secretary of the Treasury and the Secretary of State, also advised a "no" vote.

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But the Administration's position has been increasingly ambivalent. In November, the Administration abstained on a vote concerning a World Bank loan to Chile, citing a lack of international support for a "no" vote. One week later the United States joined four other countries, Indonesia, Lebanon, Paraguay and Chile, in voting against a United Nations resolution condemning Chile's human rights record. State Department spokesman Charles Redman explained that the Administration's "most severe" reservation with the resolution was that it "did not make reference adequately to the disturbing environment of political violence and terrorism in Chile."

These actions have been greeted with confusion and disappointment by those struggling for human rights in Chile. One week we are unwilling to stand alone to voice our strong opposition to human rights abuses. The next week we find ourselves in the company of four countries, all with questionable human rights records, opposing a resolution endorsed by the vast majority of United Nations delegates, including our European allies.

The inconsistency in Administration statements and actions jeopardizes the public trust in those who direct our foreign policy. The unwillingness to take courageous steps in support of human rights jeopardizes our status as a defender of freedom. The question arises: who are we really defending with this policy, those who want freedom or those who oppose change?

We therefore respectfully request you to make clear your priorities in recommending United States positions on matters concerning the government of Chile.

Sincerely,

Edward Feighan, M.C. (D-Ohio)

Sander M. Levin, M.C. (D-Mich.)

Major R. Owens, M.C. (D-NY)

Mel Levine, M.C. (D-Cal.)

Tom Lantos, M.C. (D-Cal.)

Mervyn M. Dymally, M.C. (D-Cal.)

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George W. Crockett, Jr., M.C
(D - Mich.)

Michael D. Barnes, M.C.
(D-Md.)

Sam Gejdenson, M.C.
(D-CT)

Gary L. Ackerman, M.C.
D-NY

Gerry Studds, M.C.
(D - Mass.)

Buddy MacKay, M.C.
(D-Fl.)

cc: Ambassador Hernan Felipe Errazuriz
of Chile

UNCLASSIFIED

12-13-95
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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____

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UNCLAS STATE 386325

E.O. 12356: NA
TAGS: PHUM, PA, UR, SF, CI, CU, BU TU
SUBJ: HUMAN RIGHTS DAY SPEECHES AT WHITE HOUSE

1. IN HUMAN RIGHTS DAY SPEECHES AT THE WHITE HOUSE ON DECEMBER 10, PRESIDENT REAGAN AND ASSISTANT SECRETARY RICHARD SCHIFTER, MADE SPECIFIC MENTION OF ACTIVITIES INVOLVING HUMAN RIGHTS VIOLATIONS AND OF INDIVIDUALS PROTESTING SUCH ABUSES IN BULGARIA, CHILE, CUBA, PARAGUAY, SOUTH AFRICA, AND THE SOVIET UNION. THIS CABLE REFERS TO PAGE AND PARAGRAPH NUMBERS OF WEDNESDAY, DECEMBER 10 USIA WIRELESS FILE'S TRANSMITTAL OF REAGAN'S AND SCHIFTER'S SPEECHES TO DIRECT POSTS ATTENTION TO REFERENCES OF SPECIFIC CONCERN TO THEM.

2. FOR ANKARA - PAGE 41, PARAGRAPH 4.
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PAGE 02 STATE 386325

3. FOR ASUNCION - PAGE 41, PARAGRAPH 4; PAGE 64, PARAGRAPH 3.

4. FOR MOSCOW - PAGE 40; PAGE 65, PARAGRAPH 3; PAGE 66, PARAGRAPHS 2-6; PAGES 67, 68, AND 69.

5. FOR PRETORIA - PAGE 41, PARAGRAPH 5; PAGE 64, PARAGRAPH 4; PAGE 69, PARAGRAPH 2.

6. FOR SANTIAGO - PAGE 42, PARAGRAPH 1; PAGE 64, PARAGRAPHS 2, 3; PAGE 69, PARAGRAPH 2.

7. FOR SOFIA - PAGE 41, PARAGRAPH 4.

8. FOR USINT HAVANA - PAGE 40, PARAGRAPH 1; PAGE 41, PARAGRAPHS 1-3; PAGE 65, PARAGRAPHS 3, 4; PAGE 66, PARAGRAPH 1; PAGE 69, PARAGRAPH 2.

9. MOSCOW MINIMIZE CONSIDERED.
WHITEHEAD

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E.O. 12356: DECL: OADR
TAGS: PHUM, UNGA, UNHRC, CI, PREL, US
SUBJECT: U.S. REPRESENTATIVE TO UNHRC MEETS
- CHILEAN PERMREP

1. (C - ENTIRE TEXT.)

2. UNITED STATES REPRESENTATIVE TO THE UN COMMISSION ON HUMAN RIGHTS (CHR), AMBASSADOR E. ROBERT WALLACH, MET CHILEAN UN PERMANENT REPRESENTATIVE PEDRO DAZA ON DECEMBER 12 TO DISCUSS FORTHCOMING CHR SESSION. CHILEAN MISSION COUNSELOR PATRICIO DAM AND U.S. MISOFF W.L. AMSELEM ALSO PARTICIPATED.

3. DAZA CLAIMED THAT THE UNITED STATES "NO" VOTE ON THE HUMAN RIGHTS RESOLUTION ON CHILE ADOPTED BY THE UNGA WAS A POSITIVE DEVELOPMENT. DAZA TOLD WALLACH THAT THERE WAS A PORTION OF THE CHILEAN GOVERNMENT WHICH WAS STRONGLY OPPOSED TO FURTHER COLLABORATION WITH THE UNHRC'S REPRESENTATIVE. AS HE HAS TOLD U.S. OFFICIALS BEFORE, DAZA SAID THE U.S. VOTE STRENGTHENED THE HAND OF MODERATES WHO WANTED THE GOC TO CONTINUE ITS COOPERATION.

3. DAZA SAID THAT U.S. SPONSORSHIP OF A RESOLUTION AT

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THE LAST SESSION OF THE CHR HAD STRENGTHENED THE HAND OF THE EXTREME LEFT AT THE EXPENSE OF THE MODERATE DEMOCRATIC OPPOSITION. DAZA FELT THAT THE ATTEMPTED MURDER OF PRESIDENT PINOCHET LAST SEPTEMBER HAD INTRODUCED A "TOUCH OF REALISM" INTO CHILE'S INTERNAL POLITICAL DEBATE; CERTAIN ELEMENTS OF THE OPPOSITION HAD REVEALED THEIR TRUE CHARACTER.

4. WALLACH REMINDED DAZA THAT THE U.S. HAD OPPOSED THE TEXT OF THE RESOLUTION BECAUSE IT WAS UNBALANCED. THE U.S. POSITION AT THE CHR WOULD CONTINUE TO BE TO SUPPORT A BALANCED RESOLUTION AND TO OPPOSE AN UNBALANCED ONE. WALLACH, IN RESPONSE TO DAZA'S QUESTION, SAID THE U.S. HAD AS YET NO POSITION ON WHETHER IT WOULD INTRODUCE A RESOLUTION AT THE CHR: DEVELOPMENTS IN CHILE BETWEEN NOW AND AT THE SESSION IN GENEVA WOULD SHAPE U.S. POLICY TOWARD CHILE AT THE CHR.

5. AMBASSADOR WALLACH DID NOT HAVE AN OPPORTUNITY TO CLEAR THIS CABLE.
WALTERS

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DEPT FOR ARA/CEN - SCHOFIELD

E.O. 12356: DECL:OADR
TAGS: PINT PHUM PREL, PTER NU CASC(HALL, SAM NESLEY)
SUBJ: SANDINISTA MEDIA ALLEGE SAM HALL HAS "TERRORIST"
- BACKGROUND, PROMISE CONSULAR ACCESS

REF: MANAGUA 8070

1. (U) UNDER THE HEADLINE "HALL IS A TERRORIST," OFFICIAL FSLN ORGAN BARRICADA REPORTED DECEMBER 16 THAT ALLEGED AMERICAN "SPY" SAM NESLEY HALL HAD PARTICIPATED IN A PLOT TO ASSASSINATE U.S. AMBASSADOR TO COSTA RICA, LEWIS TAMBS, IN ORDER TO PLACE THE BLAME FOR THE ASSASSINATION ON THE NICARAGUAN GOVERNMENT. THE ARTICLE, DATELINED NEW YORK, IDENTIFIED CUBAN JESUS GARCIA, NOW IN A FLORIDA PRISON FOR ILLEGAL ARMS TRAFFICKING, AS THE SOURCE OF THE BIZARRE REVELATION. ACCORDING TO GARCIA, HE, HALL AND FDN CHIEF ADOLFO CALERO HAD MET IN A MIAMI HOTEL IN JANUARY 1985 TO PLAN THE MURDER. GARCIA REPORTEDLY CLAIMED THAT EACH OF THE PARTICIPANTS WAS TO HAVE RECEIVED ONE MILLION USDOLLARS FROM COLOMBIAN DRUG TRAFFICKERS "FURIOUS" WITH TAMBS' ANTI-DRUG ACTIVITIES WHILE U.S. AMBASSADOR TO COLOMBIA.

2. (U) BARRICADA ALSO ANNOUNCED THAT A FOURTH PERSON INVOLVED IN THE ALLEGED ASSASSINATION PLOT, "MERCENARY" STEVEN CARR, WAS RECENTLY FOUND DEAD IN A LOS ANGELES SUBURB "36 HOURS AFTER RELATING HIS INVOLVEMENT WITH THE CONTRA TO THE FBI." APPARENTLY, DEDUCED BARRICADA, AFTER FAILING TO CARRY OUT THE ASSASSINATION PLAN, HALL AND CARR CONTINUED WORKING WITH THE NICARAGUAN RESISTANCE. CARR HAD SPENT NEARLY A YEAR IN JAIL IN

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COSTA RICA, STATED BARRICADA, AND ONLY RECENTLY HAD RETURNED TO THE UNITED STATES. BEFORE CARR DIED, HE HAD BEEN "TRYING TO CONTACT" THE SENATOR IN CHARGE OF INVESTIGATING THE IRAN ARMS SALE/CONTRA AID AFFAIR, AVERRED BARRICADA. THE ARTICLE REFERRED TO A "RADIO WBAI" BROADCAST WHICH DESCRIBED CARR'S DEATH, APPARENTLY DUE TO A DRUG OVERDOSE, AS HAVING OCCURRED UNDER "VERY SUSPICIOUS CIRCUMSTANCES."

3. (U) GON-SUPPORTED EL NUEVO DIARIO (END), FOR ITS PART, REPORTED IN ITS DECEMBER 16 EDITION FURTHER BIOGRAPHICAL DATA ON HALL. ACCORDING TO END, HALL WAS AN ANTI-TERRORISM EXPERT AND MERCENARY WHO HAD PREVIOUSLY WORKED IN ANGOLA AND ZIMBABWE (REFTEL). HALL REPORTEDLY HAD BEEN A "STAR ATHLETE" AT THE UNIVERSITY OF DAYTON AND IN THE U.S. AIR FORCE, FROM WHICH HE RESIGNED IN 1961. HE ALSO HAD SERVED AS A "REPRESENTATIVE FOR HIS STATE IN THE HOUSE OF REPRESENTATIVES" (SIC) IN 1964 AND 1965, AND IS THE SON OF A FORMER DAYTON, OHIO MAYOR, ACCORDING TO END.

4. (U) WITH RESPECT TO THE EMBASSY'S REQUEST FOR CONSULAR ACCESS TO HALL, SANDINISTA EVENING NEWS ON DECEMBER 15 SAID THE GON WOULD PERMIT ACCESS UNDER THE GENEVA (SIC) CONVENTION AT THE "APPROPRIATE TIME." END REPEATED THE ANNOUNCEMENT, BUT CITED THE VIENNA CONVENTION.

5. (U) COMMENT: AS OF 1700 LOCAL, DECEMBER 16, THE FOREIGN MINISTRY HAD NOT RESPONDED TO OUR REQUEST FOR CONSULAR ACCESS.

6. (C) DESPITE BARRICADA'S RHETORIC ABOUT AN ASSASSINATION PLOT, WE NOTE AN ONGOING ATTEMPT BY THE GOVERNMENT CONTROLLED MEDIA TO PORTRAY HALL DIFFERENTLY THAN *HASENFUS*. *IN THE HASENFUS CASE, THE DETAINEE* WAS PORTRAYED AS AN UNPROFESSIONAL, UNEMPLOYED AND POLITICALLY UNINVOLVED VICTIM OF THE "NORTH AMERICAN ADMINISTRATION'S IMMORAL EFFORTS" TO OUST THE SANDINISTA GOVERNMENT. SINCE THE BEGINNING OF THE HALL CASE, HOWEVER, THE MEDIA APPEAR TO BE CONCENTRATING ON THE PRINCIPAL, CASTING HIM AS AN ANTI-TERRORIST EXPERT AND MERCENARY WITH SUBSTANTIAL EXPERIENCE AND TRAINING.
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~~S E C R E T~~ SECTION 01 OF 03 TEGUCIGALPA 19334

EXDIS

E.O. 12356: DECL: OADR
TAGS: OREP, PREL, HO
SUBJECT: SENATOR DODD'S DECEMBER 15 MEETING WITH - PRESIDENT AZCONA AND CINC REGALADO

1. SECRET - ENTIRE TEXT.

2. SUMMARY. SENATOR CHRISTOPHER DODD AND THREE ASSISTANTS, TOGETHER WITH THE AMBASSADOR AND DATT, MET DECEMBER 15 WITH PRESIDENT AZCONA, THE ACTING FONMIN, HONDURAN CINC, AND STAFFS. THE DISCUSSION CENTERED ON NICARAGUA. AFTER FORCEFULLY BLAMING THE SANDINISTAS FOR HONDURAS'PROBLEMS (INCLUDING THE RECENT BORDER ATTACK), AND THEN IN RESPONSE TO QUESTIONS FROM THE SENATOR, AZCONA SAID: THE CONTRAS ARE THE EFFECT, NOT THE CAUSE OF WHAT'S WRONG WITH NICARAGUA (MARXIST, TOTALITARIAN GOVERNMENT); HONDURAS WILL HAVE NO REAL ECONOMIC DEVELOPMENT OR NEW INVESTMENT, WITH THE SANDINISTAS NEXT DOOR; BILATERALISM IS NO SOLUTION BECAUSE THE ISSUE IS NOT BETWEEN STATES, BUT INTERNAL TO NICARAGUA; IN LIGHT OF THE SANDINISTAS' BETRAYAL OF THEIR PLEDGES TO THE OAS IN 1979, ANY NEW PACTS WITH THE SANDINISTAS WOULD BE WORTHLESS. AZCONA SAID THERE ARE ONLY TWO ROADS: FORCE A CHANGE IN NICARAGUA, OR BUILD A WALL AROUND HONDURAS
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PAGE 02 TEGUCI 19334 01 OF 03 172038Z

AND INSTALL A PERMANENT U.S. MILITARY PRESENCE HERE. HE

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AND REGALADO POINTED OUT THE LATTER WAS UNREALISTIC. AZCONA PRESCRIBED A UNIFIED, INTER-AMERICAN CAMPAIGN TO FORCE NICARAGUA TO HONOR THEIR 1979 PLEDGES, COMMENTING THAT CONTADORA SHOULD HAVE DONE SO FROM THE START, INSTEAD OF PROTECTING THE SANDINISTAS. HE AND REGALADO COMPARED NICARAGUA AND HONDURAS TO NORTH AND SOUTH KOREA, SAYING THE U.S. HAD NO CHOICE BUT TO DEFEND HONDURAS. REGALADO DREW A DISTINCTION BETWEEN GUATEMALAN CINC GRAMAJO AND CEREZO, SAYING THE FORMER, LIKE THE REST OF THE CENTRAL AMERICAN MILITARY, UNDERSTANDS THE REALITY OF THE CUBAN-NICARAGUAN COMMUNIST THREAT. END SUMMARY.

3. SENATOR DODD, ACCOMPANIED BY BOB DOCKERY OF HIS STAFF, JANICE O'CONNELL OF THE SENATE FOREIGN RELATIONS COMMITTEE, AND MR. EDWARD KING, RECENTLY APPOINTED MEMBER OF THE COMMISSION ON CENTRAL AMERICA, TOGETHER WITH THE AMBASSADOR AND DATT JONES, MET WITH HONDURAN PRESIDENT AZCONA, ACTING FONMIN CACERES, SENIOR FONOFF ADVISER CALLEJAS, CINC B/G REGALADO AND FIVE OF HIS TOP MILITARY STAFF FOR 45 MINUTES AT THE PALACE ON DECEMBER 15.

4. AZCONA OPENED BY REVIEWING THE RECENT BORDER INCIDENTS BETWEEN NICARAGUA AND HONDURAS. HE SAID HONDURAS WAS STUNG BY BEING PORTRAYED ABROAD AS A CREATURE OF THE UNITED STATES, WHEN IN FACT THE PROBLEM WAS THAT HONDURAS FOUND ITSELF NEXT DOOR TO AN EXPANSIONIST TOTALITARIAN REGIME.

5. SENATOR DODD (IN FLUENT SPANISH) EXPLAINED THAT HE WAS ABOUT TO BECOME THE CHAIRMAN OF THE WESTERN

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HEMISPHERE SUBCOMMITTEE OF THE SFRC, AND AS SUCH HE HAD WANTED TO OBTAIN FIRST HAND CURRENT IMPRESSIONS OF CENTRAL AMERICA. THE CENTAM ISSUE WOULD BE A MAJOR AGENDA ITEM IN CONGRESS OVER THE NEXT TWO YEARS. HE HAD ALREADY CALLED ON PRESIDENTS CEREZO, DUARTE AND ARIAS AND WOULD BE TRAVELING ON TO MANAGUA LATER IN THE DAY. THIS WAS HIS FIRST VISIT TO HONDURAS, AND HE HAD ALSO COME TO LEARN MORE ABOUT OUR BILATERAL RELATIONS. EVERYONE HAD TOLD HIM OF THEIR NEEDS, BUT THE USG ALSO HAD SERIOUS ECONOMIC PROBLEMS; AND PRESIDENT REAGAN HAD

JUST ANNOUNCED A CUT OF $60 BILLION IN OLD AGE SUPPORT. IN THAT CONTEXT, IT MIGHT PROVE DIFFICULT TO CONTINUE HIGH LEVELS OF FOREIGN AID. OVER THE NEXT TWO YEARS, THE CONGRESS, WITH THE DEMOCRATS NOW IN CONTROL, WOULD HAVE A LOT TO SAY ABOUT HOW MONEY WOULD BE SPENT. HE SAID HE WAS PARTICULARLY INTERESTED IN THE NICARAGUAN QUESTION, THE CONTRAS, AND POSSIBLE ALTERNATIVE POLITICAL AND DIPLOMATIC SOLUTIONS.

6. AZCONA SAID A LOT OF PEOPLE WERE BLAMING HONDURAS' PROBLEMS ON THE PRESENCE OF THE CONTRAS. BUT IT WAS A QUESTION OF CAUSE AND EFFECT. THE CAUSE, HE SAID, WAS THE SANDINISTA REGIME IN NICARAGUA. THE SANDINISTAS HAD IMPOSED A NEW DICTATORSHIP, AND WHILE ONE MIGHT ARGUE THAT THEY HAD A RIGHT TO DO AS THEY PLEASED INSIDE THEIR OWN COUNTRY, THEY DID NOT HAVE THAT RIGHT INSIDE HONDURAS. SO LONG AS THE SANDINISTA SYSTEM LASTS, HE SAID THERE WOULD BE NO ECONOMIC DEVELOPMENT IN HONDURAS OR IN COSTA RICA.

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~~S E C R E T~~ SECTION 02 OF 03 TEGUCIGALPA 19334

EXDIS

E.O. 12356: DECL: OADR
TAGS: OREP, PREL, HO
SUBJECT: SENATOR DODD'S DECEMBER 15 MEETING WITH

7. AZCONA THEN REFERRED TO WHAT HE CALLED THE "TRAP OF BILATERALISM," SAYING THAT HONDURAS HAD NO INTENTION OF FALLING FOR THE ARGUMENT THAT IT SHOULD TRY TO RESOLVE ITS DIFFERENCES WITH NICARAGUA BILATERALLY. HE SAID NO PROBLEMS EXIST WITH NICARAGUA, EXCEPT FOR THOSE RESULTING FROM THE SITUATION INSIDE NICARAGUA ITSELF, AND THE THREAT THEIR SYSTEM REPRESENTS FOR THE DEMOCRACIES.

8. AZCONA THEN STATED (AS HE DID REPEATEDLY THROUGHOUT THE REMAINDER OF THE DISCUSSION) THAT THERE WERE ONLY TWO ROADS OPEN: EITHER THE SANDINISTAS DEMOCRATIZE OR ARE OVERTHROWN; OR HONDURAS HAS TO ADOPT SECURITY MEASURES THE COUNTRY CANNOT AFFORD, REQUIRING GREATLY INCREASED LEVELS OF U.S. ASSISTANCE AND A "PERMANENT" U.S. MILITARY PRESENCE -- IN EFFECT A WALL WOULD HAVE TO BE BUILT AROUND HONDURAS HE SAID THIS WOULD NOT WORK, A VIEW REGALADO SECONDED. AZCONA ACKNOWLEDGED THAT THE U.S. HAD ECONOMIC DIFFICULTIES, AND THAT THERE WAS NO

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PAGE 02 TEGUCI 19334 02 OF 03 172140Z

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9. AZCONA SAID IT WAS POINTLESS TO TALK ABOUT COMING TO

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ANY UNDERSTANDINGS WITH THE SANDINISTAS. WHY, HE ASKED, IF THEY HAD IGNORED THEIR PROMISES TO THE OAS, WOULD THEY HONOR ANY NEW AGREEMENTS WITH THEIR NEIGHBORS? HE URGED DODD, THE USG, AND U.S. LEGISLATORS TO PONDER THIS.

10. SENATOR DODD ASKED HOW, THEN, WAS THE PROBLEM TO BE RESOLVED? AZCONA SAID: LET THE INTER-AMERICAN COMMUNITY PRESSURE NICARAGUA TO HONOR THE SANDINISTA PLEDGES TO THE OAS. PERU'S ALAN GARCIA, MEXICO AND GUATEMALA'S CEREZO OFFERED NO SOLUTION. ALL THEY WERE DOING WAS PROTECTIONING THE SANDINISTAS. CONTADORA WAS WORTHLESS. FROM THE START, CONTADORA SHOULD HAVE INSTRUCTED THE SANDINISTAS: EITHER HONOR YOUR 1979 PLEDGES OR BE SUMMONED TO STAND TRIAL BEFORE THE OAS. INSTEAD OF THIS, CONTADORA, AIDED AND ABETTED BY THE GUATEMALANS, HAD ALMOST SUCCEEDED IN BRINGING THE CENTRAL AMERICAN DEMOCRACIES TO TRIAL AT THE RECENT OAS CONFERENCE IN GUATEMALA CITY.

11. DODD ASKED HOW LONG HONDURAS WOULD ALLOW THE CONTRAS TO REMAIN IN COUNTRY. AZCONA SAID THERE WAS NO SET TIMETABLE AND HONDURAS HAD MADE NO DEMANDS THAT THEY DEPART BY A CERTAIN DATE. HE HAD BEEN TOLD THAT THE CONTRAS WOULD SOON BE LEAVING, AND THAT WAS GOOD, BUT THE IDEA THAT HONDURAS' PROBLEMS RESULTED FROM THE PRESENCE OF THE CONTRAS WAS A FALLACY. HE REPEATED: THE CONTRAS ARE NOT THE PROBLEM. NICARAGUA'S MARXIST GOVERNMENT IS THE PROBLEM.

12. DODD ASKED IF CHANGE COULD BE EFFECTED IN NICARAGUA

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MERELY BY DIPLOMATIC PRESSURE. AZCONA SAID THE OAS SHOULD AT LEAST TRY. HE HAD CLOSELY FOLLOWED THE FALL OF SOMOZA, IN WHICH THE OAS PLAYED A SIGNAL ROLE. THE SANDINISTAS HAD LIED. D'ESCOTO LIED. WHO WAS TO BELIEVE THEM NOW? THEREFORE, THE HOPE OF REACHING AGREEMENT NOW WAS UNREALISTIC. FURTHER, THE PROBLEM NO LONGER WAS ONE OF A CONTEST BETWEEN EAST AND WEST. HE COMPARED HONDURAS AND NICARAGUA TO SOUTH AND NORTH KOREA, AND AS IN THE KOREAN CASE, THE U.S. NOW HAD NO CHOICE BUT TO HELP ITS ALLY. TO THINK THE SANDINISTAS WOULD DROP THEIR MARXIST THEOLOGY WAS AS ABSURD AS TO SUPPOSE THE FIRST CHRISTIANS WOULD HAVE BEEN WILLING TO

GIVE UP CHRISTIANITY.

13. AZCONA THEN SAID THAT IN HIS OPINION, EVEN IF THE DEMOCRATS SHOULD REGAIN THE WHITE HOUSE IN TWO YEARS, THE SITUATION WOULD NOT CHANGE AND THE U.S. WOULD STILL HAVE TO CONFRONT THE REALITY OF MARXISM IN CENTRAL AMERICA. SENATOR DODD SAID THAT EVERYONE AGREED WITH THAT, BUT HOW WAS IT POSSIBLE TO THINK OF OVERTHROWING SUCH A POWERFUL MILITARY ESTABLISHMENT AS NOW EXISTED IN NICARAGUA?

14. AZCONA SAID THAT HONDURAS FACED AN IMPOSSIBLE SITUATION: FOREIGN INVESTORS WERE SHUNNING THIS COUNTRY AND DOMESTIC INVESTORS WERE SENDING THEIR MONEY ABROAD. IF THE NICARAGUAN PROBLEM WENT ON AND ON, HONDURAS WOULD HAVE TO EXPAND ITS MILITARY MIGHT, AT TERRIBLE COST AND ONLY WITH OUTSIDE HELP. HE REPEATED: THERE WOULD HAVE TO BE A PERMANENT AMERICAN MILITARY PRESENCE HERE. HE SAID OTHER LATIN AMERICAN COUNTRIES DID NOT FEEL DIRECTLY ENDANGERED, AND FELT FREE TO "PLAY" WITH THE PROBLEM OF NICARAGUA, SOME JUST TO BE CONTRARY TO THE US AND OTHERS OUT OF MISPLACED LATIN AMERICAN "SOLIDARITY." BUT FOR HONDURAS, THE PROBLEM WAS REAL.

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15. GENERAL REGALADO NOTED THAT THE MILITARY IN CENTRAL

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EXDIS

E.O. 12356: DECL: OADR
TAGS: OREP, PREL, HO
SUBJECT: SENATOR DODD'S DECEMBER 15 MEETING WITH
AMERICA WERE ALL UNITED AGAINST THE MARCH OF COMMUNISM
FROM CUBA AND NICARAGUA UP THROUGH THE ITHSMUS. HONDURAN INTELLIGENCE REPORTS OF COMMUNICATIONS BETWEEN FIDEL CASTRO AND DANIEL ORTEGA CLEARLY ESTABLISHED THAT HONDURAS, EL SALVADOR AND GUATEMALA WERE THE IMMEDIATE TARGETS. HE SAID ALL HIS CENTRAL AMERICAN COLLEAGUES, INCLUDING GUATEMALAN CINC GRAMAJO, CONCURRED. GRAMAJO AND CEREZO WERE AT ODDS ON THIS.

16. REGALADO SAID THE SANDINISTAS HAD NOT YET CONSOLIDATED THEIR POSITION. HE SAID HE WAS CONFIDENT THAT WITH THE US SENATE NOW IN THE HANDS OF THE DEMOCRATS, SINCE THEY HAD BEQUEATHED CENTRAL AMERICA THE NICARAGUAN PROBLEM, THEY WOULD NOW SEE FIT TO HELP CENTRAL AMERICA RESOLVE IT.

17. AT THE SUGGESTION OF PRESIDENT AZCONA, SENATOR DODD, GENERAL REGALADO AND THE AMBASSADOR THEN MOVED TO THE PRESIDENT'S PRIVATE OFFICE FOR FURTHER TALKS (SEPTEL).

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18. SENATOR DODD DID NOT SEE THIS MESSAGE IN DRAFT. HE ASKED TO RECEIVE A COPY.

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BRUSSELS FOR USEC

E.O. 12356: DECL: CADR
TAGS: EIAB, ICFTU, AR
SUBJECT: SECOND TRADE UNION MEETING FOR LATIN AMERICA'S SOUTHERN CONE

REF: BRUSSELS 17234

1. (C) SUMMARY: THE SECOND TRADE UNION MEETING FOR LATIN AMERICA'S SOUTHERN CONE MET IN BUENOS AIRES FROM DECEMBER 10 TO 12. ALTHOUGH SPONSORED BY THE ICFTU AND ORIT, THE MEETING BROUGHT TOGETHER THE MAIN LABOR CENTRALS FROM ARGENTINA, BOLIVIA, BRAZIL, CHILE, PARAGUAY, AND URUGUAY, WITHOUT REGARD TO THEIR INTERNATIONAL AFFILIATIONS. THE MEETING WITNESSED THE FOUNDATION OF A COORDINATING BODY OF LABOR CENTRALS OF THE SOUTHERN CONE, ISSUED COMMUNIQUES ON CHILE AND PARAGUAY AND DREW UP A PLAN OF ACTION. THE ARGENTINE CGT WAS PLEASED TO BE CHOSEN AS THE NEW GROUP'S EXECUTIVE COORDINATOR AD INTERIM, BUT SOME IN THE CGT QUESTION THE PROSPECTS OF THE NEW ORGANIZATION. END SUMMARY.

2. (U) THE SECOND TRADE UNION MEETING FOR THE SOUTHERN CONE TOOK PLACE IN BUENOS AIRES FROM DECEMBER 10 TO 12. ATTENDING WERE LABOR CENTRALS FROM ARGENTINA (THE CGT), BOLIVIA (THE COB), BRAZIL (THE CUT), CHILE (THE CDT AND CNT), PARAGUAY (THE PIT), AND URUGUAY (PIT-CNT). THE DELEGATIONS ATTENDING AGREED TO FORM A COORDINATING BODY WHICH WOULD BE LOCATED IN BUENOS AIRES FOR THE TIME BEING. IN ADDITION, THE ARGENTINE CGT WAS NAMED AS THE NEW ORGANIZATION'S EXECUTIVE DIRECTOR AND CHARGED WITH PUTTING TOGETHER A PLAN OF ACTION WITHIN 30 DAYS. THE GROUP SET OUT SOME GENERAL LINES FOR OPERATIONS: IT WOULD PROMOTE MEETINGS BETWEEN LABOR LEADERS AND DEMOCRATIC POLITICAL PARTIES; PUSH DISCUSSION OF ECONOMIC PROBLEMS COMMON TO THE REGION (FOREIGN DEBT,

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INTEGRATION, DEVELOPMENT, ETC.); MONITOR HUMAN AND TRADE UNION RIGHTS; MOUNT CAMPAIGNS TO DEFEND WORKER RIGHTS AND INTERESTS; SPONSOR RESEARCH INTO PROBLEMS AFFECTING THE RIGHTS AND INTERESTS OF WORKERS; AND INFORM WORKERS OF THE REGION ABOUT THE ORGANIZATION'S EXISTENCE.

3. (U) THE MEETING ADOPTED AN ACTION PLAN IN SUPPORT OF UNIONS IN CHILE AND PARAGUAY. IN THIS REGARD, THE COORDINATING BODY WOULD: STIMULATE AN EXCHANGE OF VISITS WITH THE UNIONS IN THESE COUNTRIES TO DEMONSTRATE SOLIDARITY; PUSH JOINT ACTIONS TO DEVELOP REAL AND EFFECTIVE SOLIDARITY WITH WORKERS IN THOSE TWO COUNTRIES; ORGANIZE DAYS OF SUPPORT TO COINCIDE WITH ACTIONS CHILEAN OR PARAGUAYAN UNIONS MAY TAKE IN THEIR OWN COUNTRIES; HAVE ALL UNIONS BELONGING TO THE COORDINATING BODY SEND LETTERS TO POPE JOHN PAUL II INVITING HIS ATTENTION TO THE OPPRESSION OF THE CHILEAN PEOPLE IN VIEW OF HIS COMING TRIP THERE; AND ASSIST IN THE INSTALLATION OF TELEFAX SERVICES FOR THE CHILEAN AND PARAGUAYAN UNIONS TO FACILIATE THEIR COMMUNICATION WITH THE OUTSIDE.

4. (C) SOURCES IN THE ARGENTINE CGT WERE HAPPY THAT THEIR ORGANIZATION WAS GIVEN A ROLE OF PROMINENCE IN THE NEW ORGANIZATION. MANY ARGENTINE TRADE UNIONISTS FEEL THAT THEIR MOVEMENT SHOULD BE GIVEN MORE ATTENTION IN INTERNATIONAL AFFAIRS. ON THE OTHER HAND, SOME WONDERED IF THE CGT IS READY TO ASSUME A LEADERSHIP ROLE OR EVEN TO PARTICIPATE SERIOUSLY IN THIS TYPE OF INTERNATIONAL ACTIVITY. THEY POINT OUT THAT CGT EXECUTIVE BOARD MEMBERS APPEARED AT THE MEETING FOR ONLY RELATIVELY BRIEF PERIODS OF TIME. INDEED, ONE CGT SOURCE ASSERTED THAT THERE WERE TIMES WHEN NO ARGENTINE TRADE UNIONIST AT ALL WAS PRESENT. THE PERSON WHO ALLEGEDLY SPENT MOST TIME AT THE MEETING AND SHEPHERDING THE VISITORS AROUND WAS IDENTIFIED AS CARLOS ROLUBICA, A PERONIST POLITICIAN. SOME CGT SOURCES REPORTED, IN ADDITION, THAT THEY WERE NOT ENTHUSIASTIC ABOUT WORKING WITH THE MARXIST UNIONS INCLUDED IN THE BODY. AN ARGENTINE CLAT REPRESENTATIVE TOLD LABATT THAT THE ICFTU/CRIT WAS PUSHING THIS COORDINATING GROUP IN ORDER TO ESTABLISH CONTACT

Dow

LABATT told us CGT + Peronists probably not willing to provide more than lip service support to Chilean opposition; in no way, deputy overseeing CGT affairs - i.e. many CGT leaders are of feeling Pinochet is best sort of likely alternative

Probably our CGT payroll because in Argentina the labor leaders are more important than the politicians.

WITH CHRISTIAN AND LEFT, INCLUDING MARXIST, UNIONS TO WEAN THEM INTO THE ICFTU ORBIT. A HOPE THE CLAT OBSERVER THOUGHT WAS SURPRISINGLY NAIVE.

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E.O. 12356: N/A
TAGS: PROP, PINR, NU, GC
SUBJECT: POSSIBLE NEW DISINFORMATION EFFORT

1. AN ARTICLE IN THE DECEMBER ISSUE OF "HORIZONT," THE GDR'S "SOCIALIST MONTHLY FOR INTERNATIONAL POLITICS AND ECONOMICS," ACCUSES THE U.S. GOVERNMENT OF HAVING BLOWN UP A NICARAGUAN AIRLINER IN MEXICO CITY IN 1981.

2. THE PIECE, WRITTEN BY MANFRED LANGEMAU AND ENTITLED "'COVERT OPERATIONS' OF THE CIA," PURPORTS

TO CATALOGUE ACTS OF ANTI-NICARAGUAN "TERRORISM, DIRECTED BY WASHINGTON, CARRIED OUT BY CIA AGENTS OR THEIR CONTRAS." HORIZONT'S LIST INCLUDES THE

DECEMBER 1981 EXPLOSION OF "ONE OF TWO BOEING MID-RANGE AIRLINERS OF THE NICARAGUAN STATE AIRLINE, AERONICA," AT THE MEXICO CITY AIRPORT. OTHER ALLEGED CIA "CRIMES" RANGED FROM THE 1983 BOMBING OF MANAGUA BY TWO CESSNAS TO AN ATTEMPT IN THE SAME YEAR BY THREE U.S. EMBASSY EMPLOYEES TO POISON THE NICARAGUAN FOREIGN MINISTER.

3. MINIMIZE CONSIDERED. MEEHAN

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Department of State **TELEGRAM**

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AMEMBASSY CARACAS
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AMEMBASSY MEXICO PRIORITY

Chile Project (#S199900030)
U.S. Department of State
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Exemption(s) ____

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C O N F I D E N T I A L STATE 000240
ROME PASS FOR VATICAN INFO

E.O. 12356: DECL: OADR
TAGS: PREL, PHUL, CI
SUBJECT: IMPENDING ANNOUNCEMENT BY PINOCHET ON HUMAN RIGHTS AND POLITICAL REFORMS

1. C - ENTIRE TEXT.

2. CHILEAN AMBASSADOR ERRAZURIZ TELEPHONED DAS GELBARD AND ARA/SC DIRECTOR FLOWER (THE LATTER ON VACATION) ON

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PAGE 02 STATE 000240

DECEMBER 31 FROM SANTIAGO TO INFORM THEM OF WHAT HE

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DESCRIBED AS IMPORTANT POLITICAL DECISIONS TO BE ANNOUNCED BY PRESIDENT PINOCHET ON JANUARY 1. ERRAZURIZ SAID HE WAS CALLING WITH PINOCHET'S AGREEMENT TO INFORM THE USG BEFORE THE FACT BUT REQUESTED THAT WE NOT MAKE THIS PUBLIC.

3. ACCORDING TO ERRAZURIZ, PINOCHET WILL ANNOUNCE:

-IMPORTANT CHANGES REGARDING EXILES. EFFECTIVE IMMEDIATELY, 740 EXILES WILL BE ALLOWED BACK INTO THE COUNTRY. SECOND THE GOVERNMENT HUMAN RIGHTS COMMISSION WILL BEGIN IMMEDIATELY A STUDY OF 2500 EXILES FOR A 90-DAY PERIOD WITH A VIEW TO WELCOMING THE RETURN OF THE

OVERWHELMING MAJORITY, IF NOT ALL. ERRAZURIZ SUGGESTED THAT THE GOVERNMENT WOULD ULTIMATELY ALLOW 90 PER CENT OF THIS NUMBER TO RETURN.

"-THE STATE OF SIEGE WILL NOT BE RENEWED JANUARY 6 IN THE REMAINING AREAS IT COVERS.

-THE POLITICAL PARTIES LAW WILL BE SIGNED BY PINOCHET ON JANUARY 15, ALTHOUGH FINAL ENACTMENT WILL STILL TAKE PLACE MARCH 11. ERRAZURIZ OFFERED TO PROVIDE US WITH THE CURRENT TEXT.

4. ERRAZURIZ WAS CLEARLY ELATED AT THIS SERIES OF MEASURES AND WE AGREED THAT, IF IMPLEMENTED, CLEARLY THEY WOULD BE HIGHLY POSITIVE STEPS BY THE GOC. ERRAZURIZ WILL BE RETURNING TO WASHINGTON JANUARY 1 AND WILL MEET WITH GELBARD JANUARY 5, AT WHICH TIME HE WILL PROVIDE MORE BACKGROUND ON THESE ITEMS AND OTHER ASPECTS OF HIS

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DISCUSSIONS WITH PINOCHET AND OTHERS IN THE GOC. (FYI ONLY: ERRAZURIZ TOLD GELBARD THAT FOR "PERSONAL AND OTHER REASONS" HE DOUBTS THAT HE WILL BE STAYING ON AS AMBASSADOR FOR MUCH LONGER. HE ALSO SAID THAT HE INTENDS TO DISCUSS THIS FURTHER NEXT WEEK. HE REQUESTED THAT THIS INFORMATION NOT BE DIVULGED. END FYI). WHITEHEAD

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E.O. 12356: DECL:OADR
TAGS: PREL, XH, PN
SUBJECT: AMBASSADOR HABIB'S MEETINGS IN PANAMA

1. (C) ENTIRE TEXT

2. SUMMARY: AMBASSADORS HABIB AND DAVIS MET ON JANUARY 12 WITH FOREIGN MINISTER ABADIA TO REVIEW CURRENT DIPLOMATIC DEVELOPMENTS. ABADIA SAID THE EIGHT CONTADORA/SUPPORT GROUP MINISTERS WOULD MEET WITH THE UN AND OAS SECRETARIES GENERAL IN PANAMA ON JANUARY 18, BEFORE THE TWO-DAY TRIP BY THE TEN TO CENTRAL AMERICA. THE TEN WOULD THEN REVIEW THE TRIP AT A MEETING IN MEXICO CITY ON JANUARY 21. HABIB URGED THE CONTADORA MINISTERS TO LISTEN CAREFULLY TO THE VIEWS OF THE CENTRAL AMERICAN DEMOCRACIES, WHO HAD SOME IMPORTANT NEW IDEAS ON THE SEARCH FOR A NEGOTIATED SOLUTION. ABADIA ASSURED US THAT THEY WOULD ASK THE CENTRAL AMERICANS WHAT THEY THOUGHT SHOULD BE REVISED IN THE JUNE 6 DRAFT CONTADORA ACTA. HABIB SAID THAT IF CONTADORA WANTED NEW NEGOTIATIONS, IT MUST PERSUADE NICARAGUA TO DROP ITS ICJ SUITS AGAINST HONDURAS AND COSTA RICA. ABADIA SAID CONTADORA WOULD WORK ON THAT PROBLEM AND "WE WILL BE SUCCESSFUL." HABIB ALSO URGED THE MINISTERS TO MEET WITH THE NICARAGUAN INTERNAL OPPOSITION DURING THEIR VISIT TO MANAGUA. ABADIA SAID THEY WOULD DO SO IF THE OPPOSITION REQUESTED A MEETING, BUT VICE FOREIGN MINISTER CABRERA NOTED THAT THE TEN TRAVELERS WOULD HAVE TO DISCUSS THE IDEA. HABIB EMPHASIZED THAT THE CENTRAL AMERICAN DEMOCRACIES ALL SAW THE NEED FOR CONTADORA TO PROMOTE A DIALOGUE BETWEEN THE SANDINISTAS AND THEIR INTERNAL AND EXTERNAL OPPOSITION. HABIB ALSO MET WITH ACTING PRESIDENT ESQUIVEL, WHO EXPRESSED GENERAL AGREEMENT WITH U.S. POLICY TOWARD NICARAGUA. ESQUIVEL STRESSED THE NEED TO HELP THE NICARAGUAN INTERNAL OPPOSITION. AMBASSADOR HABIB SUGGESTS THAT EMBASSIES GUATEMALA, SAN JOSE, SAN SALVADOR AND TEGUCIGALPA SHARE WITH HOST GOVERNMENTS THE CONTENTS OF HIS MEETING WITH ABADIA. END SUMMARY

3. AMBASSADORS HABIB AND DAVIS, ACCOMPANIED BY DCM MAISTO AND RAY BURGHARDT, MET WITH FOREIGN MINISTER ABADIA AND VICE FOREIGN MINISTER CABRERA ON JANUARY 12 TO DISCUSS CENTRAL AMERICAN DIPLOMATIC DEVELOPMENTS. HABIB EXPLAINED THAT PANAMA WAS HIS FIRST STOP BECAUSE WE UNDERSTOOD THAT ABADIA WAS MAKING THE ARRANGEMENTS FOR THE UPCOMING TRIP TO CENTRAL AMERICA BY THE CONTADORA/SUPPORT GROUP MINISTERS AND THE UN AND OAS SECRETARIES GENERAL. ABADIA SAID THE TWO SECRETARIES GENERAL AND ALL EIGHT MINISTERS WOULD MEET IN PANAMA ON JANUARY 18; THEN PROCEED TO SAN JOSE AND MANAGUA ON THE 19TH; OVERNIGHT IN GUATEMALA; VISIT SAN SALVADOR AND TEGUCIGALPA ON THE 20TH; THEN

SPEND THE NIGHT IN MEXICO CITY, WHERE THE TEN WILL MEET ON JANUARY 21 TO REVIEW THE TRIP.

4. HABIB COMMENTED THAT THE COINCIDENCE OF SEVERAL DEVELOPMENTS MADE THIS AN IMPORTANT TIME FOR CENTRAL AMERICAN DIPLOMACY: 1) THE CONTADORA GROUP WAS MAKING ANOTHER ATTEMPT TO PROMOTE A DIPLOMATIC SOLUTION; 2) THE AID TO THE CONTRAS HAD BEGUN TO FLOW AND PRESSURE ON THE SANDINISTAS WILL INCREASE; 3) U.S. POLICY IN CENTRAL AMERICA WILL NOT CHANGE; THOSE WHO THINK THAT THE IRAN AFFAIR WILL PRODUCE A CHANGE IN POLICY ARE WRONG. TH NEXT ROUND OF SERIOUS CONGRESSIONAL DEBATE ON AID TO THE CONTRAS WILL NOT COME UNTIL SEPTEMBER; 4) THE CENTRAL AMERICAN DEMOCRACIES HAVE SOME GOOD IDEAS WHICH THEY WILL CONVEY TO THE TEN TRAVELERS. HABIB AND ABRAMS MET WITH FOREIGN MINISTER MADRIGAL IN MIAMI LAST WEEK TO HEAR COSTA RICA'S NEW IDEAS, WHICH HABIB PREFERRED THAT ABADIA HEAR DIRECTLY FROM MADRIGAL. IN CONCLUSION, HABIB NOTED THAT THE U.S. STILL ENDORSED THE IDEA OF A CONTADORA SETTLEMENT BASED ON THE 21 OBJECTIVES AND WHICH MET THE CRITERIA OF THE U.S. AND THE CENTRAL AMERICAN DEMOCRACIES. HABIB SAID ABADIA SHOULD NOT BELIEVE ANYONE WHO ASSERTED THAT THE U.S. WAS TRYING TO SABOTAGE CONTADORA.

5. ABADIA BEGAN BY STATING THAT HE WANTED TO CLEAR UP AN APPARENT U.S. MISPERCEPTION REFLECTED IN AMB MCCORMACK'S REMARKS AT THE JANUARY 8 OAS PERMANENT COUNCIL MEETING. MCCORMACK QUOTED PRESS REPORTS THAT PANAMA WAS LOOKING FOR BILATERAL SOLUTIONS. ABADIA STATED EMPHATICALLY THAT PANAMA WAS ONLY INTERESTED IN GLOBAL SOLUTIONS. HABIB PROMISED THAT THIS CLARIFICATION WOULD BE COMMUNICATED TO WASHINGTON.

6. ABADIA SAID THE CONTADORA GROUP FELT THIS WAS AN IMPORTANT TIME TO SEEK THE PACIFICATION OF CENTRAL AMERICA. THERE WAS A GENERALIZED SENSE OF THREAT AND FEAR IN THE REGION. ABADIA SAID HE KNEW THAT THE U.S. ALSO FAVORED A PEACEFUL SOLUTION, BUT THE U.S. APPROACH WAS A BIT DIFFERENT THAN PANAMA'S. PANAMA FELT THAT PRESSURE ON MANAGUA ONLY GAVE THE SANDINISTAS AN EXCUSE TO ARM THEMSELVES. HABIB RESPONDED THAT THE SANDINISTAS BEGAN THEIR ARMS BUILDING LONG BEFORE ANY PRESSURE WAS PUT ON THEM. AT ANY RATE, THE PRESSURE NOW WAS GOING TO HAPPEN. MORE RESISTANCE FIGHTERS WERE INSIDE NICARAGUA, THE SUPPLY LINES WERE ESTABLISHED, AND ACTION WOULD BEGIN. BUT WE SAW NO REASON WHY THIS INCREASE IN PRESSURE WOULD PRECLUDE A MAJOR PEACE EFFORT BY THE CONTADORA GROUP. ON THE CONTRARY, THIS WAS A GOOD TIME FOR CONTADORA TO REDOUBLE ITS EFFORTS. IT IS IMPORTANT TO HAVE BOTH A MILITARY AND A DIPLOMATIC TRACK.

7. HABIB URGED THE CONTADORA MINISTERS TO LISTEN CAREFULLY TO THE VIEW OF THE CENTRAL AMERICAN DEMOCRACIES CONCERNING THE INADEQUACIES OF THE JUNE 6 DRAFT CONTADORA ACTA. THE DEMOCRACIES FELT THAT CONTADORA HAD NOT LISTENED TO THEM SUFFICIENT IN THE PAST. THE FOUR DEMOCRACIES WERE ANXIOUS TO SEE A POLITICAL SETTLEMENT, BUT IT HAD TO MEET THEIR REQUIREMENTS AND THEY SAW THE JUNE DRAFT AS INADEQUATE IN BOTH ITS POLITICAL AND SECURITY ASPECTS. THE DEMOCRACIES FELT THAT THE SANDINISTAS MUST TALK WITH THEIR EXTERNAL AND INTERNAL OPPOSITION. CONTADORA SHOULD PUT FORWARD A FRAMEWORK FOR A DIALOGUE IN NICARAGUA AS WELL AS ONE TO RESOLVE THE SECURITY ISSUES.

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8. ABADIA SAID HE AGREED WITH MUCH OF WHAT HABIB SAID, BUT IT WAS UNFORTUNATE THAT THE U.S. HAD FAILED TO SEE THAT THE STRONGEST PRESSURE WHICH COULD BE BROUGHT TO BEAR ON MANAGUA WOULD BE THE LEGAL COMMITMENT OF SIGNING A CONTADORA ACTA. HABIB RESPONDED THAT ANY AGREEMENT HAD TO BE COMPLETE; POLITICAL AND SECURITY VERIFICATION PROCEDURES AND FORMULA FOR ARMS REDUCTION ALL HAD TO BE WORKED OUT BEFORE SIGNATURE. THE PRESENT ACTA HAD NO SCHEME FOR POLITICAL RECONCILIATION.

9. ABADIA SAID HE WOULD ASK THE CENTRAL AMERICANS WHAT SHOULD BE ADDED TO THE ACTA. HABIB SAID THAT WOULD BE PRECISELY THE RIGHT APPROACH. THE CONTADORA GROUP SHOULD DISCUSS THESE ISSUES IN DETAIL WITH THE CENTRAL AMERIANS; THAT MIGHT REQUIRE MORE TIME THAN THE TWO HOURS OR SO PER STOP WHICH THEY CURRENTLY HAD PLANNED.

10. HABIB NOTED THAT IF THE CONTADORA GROUP WISHED TO RESUME SERIOUS NEGOTIATIONS, THEY MUST PERSUADE NICARAGUA TO DROP ITS ICJ SUITS AGAINST HONDURAS AND COSTA RICA. ABADIA SAID CONTADORA WOULD WORK ON THAT PROBLEM AND "WE WILL BE SUCCESSFUL."

11. HABIB ALSO URGED THE CONTADORA MINISTERS TO MEET WITH THE NICARAGUAN INTERNAL OPPOSITON DURING THEIR VISIT TO MANAGUA. ABADIA SAID HE HAD MET WITH VIRGILIO GODOY THREE TIMES. IF THE OPPOSITION REQUESTED A MEETING, ABADIA SAID, THE CONTADORA GROUP WOULD ACCEPT. CABRERA QUICKLY INTERJECTED THAT THE EIGHT MINISTERS AND TWO SECRETARIES GENERAL WOULD HAVE TO DISCUSS THE IDEA.

12. HABIB EMPHASIZED THE IMPORTANCE OF STARTING A DIALOGUE AMONG NICARAGUANS. FOR EXAMPLE, PEOPLE TALK ABOUT A CEASEFIRE; BUT A CEASEFIRE COULD NOT OCCUR UNTIL THERE HAD BEEN AGREEMENTS WORKED OUT BETWEEN THE RESISTANCE AND THE SANDINISTAS. THE RESISTANCE NOW WAS A FACTOR WHICH THE SANDINISTAS COULD NOT IGNORE. IF THE SANDINISTAS WANTED THE FIGHTING TO STOP, THEY HAD TO AGREE TO TALK WITH THE RESISTANCE. IF THE LATIN GOVERNMENTS WANTED TO END THE FIGHTING, THEY SHOULD FOCUS NOW ON THE NEED FOR A NICARAGUAN DIALOGUE.

13. AT THE END OF THE MEETING, THERE WAS A SHORT EXCHANGE WITH CABRERA CONCERNING THE DETAILS OF A

CONTADORA AGREEMENT. CABRERA RESISTED THE NOTION THAT AN AGREEMENT ON ARMS AND FORCE LEVELS HAD TO BE WORKED OUT BEFORE SIGNATURE. HE NOTED THAT NONE OF THE FORMULAS WHICH HAD BEEN SUGGESTED SO FAR HAD PROVED ADEQUATE, BUT FINALLY CONCEDED THAT CONTADORA MUST CONTINUE TO WORK ON THE PROBLEM.

14. AMBASSADORS HABIB AND DAVIS ALSO MET AT THE RESIDENCE WITH VICE PRESIDENT ESQUIVEL, CURRENTLY SERVING AS ACTING PRESIDENT. ESQUIVEL EXPRESSED GENERAL AGREEMENT WITH U.S. POLICY TOWARD CENTRAL AMERICA. HE STRESSED THE NEED TO PURSUE THREE SIMULTANEOUS TRACKS: CONTADORA, MILITARY PRESSURE THROUGH THE CONTRAS, AND ASSISTANCE TO THE INTERNAL NICARAGUAN OPPOSITION. ESQUIVEL SAID HE WAS PERSONALLY TRYING TO HELP THE INTERNAL OPPOSITION PARTIES, WHICH HE SAW AS AN IMPORTANT BUT SOMEWHAT NEGLECTED ELEMENT. ESQUIVEL SAID HE HAD QUIETLY PROMOTED SOME CONTACT TWEEN THE INTERNAL OPPOSITION AND THE CONTRAS. HABIB ASSURED ESQUIVEL THAT WE WOULD ACTIVELY PURSUE ALL THREE TRACKS.

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UNCLAS SANTIAGO 00262

E.O. 12356: N/A
TAGS: PHUM,CI
SUBJ: STUDENT LEADER TOTORO DEPARTS VENEZUELAN EMBASSY

REF: 86 SANTIAGO 7975

1. ACCORDING TO PRESS REPORTS JAN 9, THE VENEZUELAN EMBASSY INFORMED THE MINISTRY OF FOREIGN AFFAIRS THAT FORMER STUDENT LEADER DAUNO TOTORO HAD DEPARTED FROM THE VENEZUELAN EMBASSY ON HIS OWN VOLITION ON NEW YEARS'S EVE. TOTORO, WHO SOUGHT REFUGE IN THE EMBASSY ON NOV 12, WAS REPORTEDLY LAST SEEN IN THE NEARBY CITY OF RANCAGUA, BUT HAS SINCE DROPPED OUT OF SIGHT. HIS MOTHER HAS FILED A PREVENTIVE "AMPARO" WITH THE COURTS IN SANTIAGO, ARGUING THAT THE OCTOBER ARREST ORDER FOR HER SON, ISSUED UNDER THE STATE OF SIEGE, WAS NO LONGER VALID SINCE THE STATE OF SIEGE WAS NO LONGER IN PLACE. SHE FURTHER ASKED THE COURTS TO MAKE PUBLIC ANY NEW ARREST ORDERS CONCERNING HER SON.

2. TOTORO WAS EXPELLED FROM THE CATHOLIC UNIVERSITY, WHERE HE WAS ACTIVE AS A COMMUNIST YOUTH LEADER. HE HAD BEEN SOUGHT BY THE AUTHORITIES FOR SOME TIME BEFORE ENTERING THE VENEZUELAN EMBASSY. HIS SISTER, FLAVIA, WAS ARRESTED IN MID OCTOBER FOR 3 DAYS, AND THEN DEPARTED
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CHILE FOR MEXICO. BOTH CASES GENERATED A NUMBER OF INQUIRIES FROM HUMAN RIGHTS ACTIVISTS IN THE U.S..
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C O N F I D E N T I A L SANTIAGO 00246

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ROME FOR EMBASSY VATICAN

E.O. 12356: DECL:OADR
TAGS: PREL,CI
SUBJ: FOREIGN MINISTER BLAMES PROBLEMS WITH U.S. ON MID-LEVEL OFFICIALS

1. (C) FOREIGN MINISTER DEL VALLE REVIEWED CURRENT GOC FOREIGN POLICY INITIATIVES DURING A MEETING WITH BUSINESSMEN. HE INSISTED THAT THE DECISION TO DRASTICALLY REDUCE THE EXILE LIST WAS NOT DUE TO VATICAN PRESSURES. RELATIONS WITH THE U.S. WERE CHARACTERIZED AS "DELICATE" BUT HE CLAIMED THAT SECRETARY SHULTZ HAD EXHIBITED A MODERATE APPROACH TOWARD CHILE AND THAT THE U.S. ABSTENTION ON SAL HAD BEEN DONE WITH THE INTENTION OF SEEING THAT THE CREDIT WAS APPROVED. HE PRAISED PRESIDENT REAGAN'S CHILE POLICY BUT ASSERTED THAT MID-LEVEL OFFICIALS HAD CIRCUMVENTED THAT POLICY. POST HAS PREVIOUSLY OBSERVED THIS APPROACH BY THE GOC, WHEREBY THE PROBLEMS IN THE BILATERAL RELATIONSHIP ARE LAID AT THE FEET OF *UNDERLINGS.* END SUMMARY

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2. (U) DURING A JAN 10 MEETING WITH BUSINESSMEN IN VALPARAISO, FOREIGN MINISTER JAIME DEL VALLE TOUCHED ON A VARIETY OF FOREIGN POLICY THEMES. HE DENIED THAT RECENT GOC INITIATIVES IN THE AREA OF HUMAN RIGHTS, SUCH AS THE END OF EXILE, WERE THE RESULT OF VATICAN PRESSURE. IN FACT, DEL VALLE SAID, THE CHURCH HAD PLACED NO PRE-CONDITIONS ON THE GOC IN ANTICIPATION OF THE PAPAL VISIT. RELATIONS WITH THE VATICAN, HE NOTED, ARE "NOT NORMAL; THEY ARE SPLENDID."

3. (U) IN HIS ADDRESS, DEL VALLE ASSERTED THAT GOC-U.S. RELATIONS WERE PASSING THROUGH A DELICATE PHASE BUT ADDED THAT THE RELATIONSHIP HAD HISTORICALLY BEEN CYCLICAL. THE GOC APPRECIATED THE VIEWS AND POLICIES OF PRESIDENT REAGAN TOWARD CHILE BUT "REGRETTABLY THE WORDS OF REAGAN HAVE NOT BEEN FULLY UNDERSTOOD AT THE MID-LEVELS OF THE GOVERNMENT." IN ANY CASE, HE SAID THAT THE PROBLEMS HAD DIMINISHED IN RECENT MONTHS. HE MENTIONED THE SAL VOTE AND CLAIMED THAT ALTHOUGH THE U.S. HAD ABSTAINED, "IT IS CERTAIN THAT IT TOOK ALL THE PRECAUTIONS IN ORDER THAT THE CREDIT WAS APPROVED." HE CLAIMED THAT NEGATIVE REPORTS OF HIS PERSONAL MEETINGS WITH SECRETARY SHULTZ HAD BEEN DISSEMINATED BY OPPOSITION ELEMENTS, BUT HE INSISTED THAT HIS MEETINGS IN NEW YORK AND GUATEMALA WITH THE SECRETARY HAD BEEN CORDIAL AND THAT THE SECRETARY HAD DEMONSTRATED A VERY MODERATE APPROACH TOWARD THE CHILEAN SITUATION.

4. (U) DEL VALLE REPEATED THE STANDARD GOC DENUNCIATION OF THE UN HUMAN RIGHTS RESOLUTION, ASSERTING THAT MANY OF ITS SUPPORTERS, SUCH AS CUBA AND MEXICO, HAD NO MORAL AUTHORITY IN THIS AREA. HE REFERRED TO SPECIAL

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RAPPORTEUR VOLIO AND THE GOC DECISION TO CONTINUE ITS COOPERATION WITH HIM, INSISTING THAT THE TRUTH WOULD COME OUT AND THAT, IF EQUANIMITY REMAINED IN THE INTERNATIONAL COMMUNITY, THE RECENT STEPS ANNOUNCED BY THE GOC WOULD HAVE AN IMPACT.

5. (U) DURING HIS ADDRESS, THE FOREIGN MINISTER SPOKE IN POSITIVE TERMS OF GOC-PERUVIAN RELATIONS. AFTERWARDS, HE WAS ASKED ABOUT PERU'S VOTE IN FAVOR OF THE UN HUMAN RIGHTS RESOLUTION. DEL VALLE CONCEDED

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THAT THE PERUVIAN VOTE HAD "GREATLY OFFENDED US" AND SAID THAT THIS HAD BEEN BROUGHT TO THE ATTENTION OF FOREIGN MINISTER ALAN WAGNER WHEN HE VISITED CHILE IN DECEMBER. WAGNER, WHOM DEL VALLE CHARACTERIZED AS A GENTLEMAN, HAD INDICATED TO THE GOC THAT THE PERUVIAN DECISION ON THE RESOLUTION HAD BEEN REACHED WITH GREAT DIFFICULTY.

6. (C) COMMENT: THE SPEECH CONTINUES THE CHILEAN MYTH THAT PRESIDENT REAGAN IS A FRIEND OF THE PINOCHET REGIME BUT THAT "CHILE-BASHERS" WITHIN THE BUREACRACY HAVE CIRCUMVENTED THE PRESIDENT'S WISHES. END COMMENT. BARNES

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Sociedad Interamericana de Psicología
Interamerican Society of Psychology
Sociedade Interamericana de Psicología
Societe Interamericaine de Psychologie

R

January 14, 1987

Chile Project (#S199900030)
U.S. Department of State
Release X Excise_____ Deny_____
Declassify: In Part_____ In Full_____
Exemption(s)_____

Honorable George Schultz
Secretary of State
Department of State
Washington, DC 20520

Dear Mr. Secretary:

The Interamerican Society of Psychology is an association of psychologists and behavioral scientists from all countries in the Americas. Its objectives are the development of the behavioral sciences in the Western hemisphere and the promotion of direct communication among behavioral scientists from North, Central, and South America.

The purpose of this letter is to express our concern over the events that are taking place in Chile. We are particularly concerned about the mental health consequences of repressive practices in important sectors of the Chilean population and the fate of our colleagues who, in their professional practice, deal with these problems and try to find a rational solution to the situation.

During the month of November, 1985, after continuous reports of the use of psychology on part of the Chilean government to terrorize the population and serious mental health problems associated to repressive practices, we supported a fact-finding mission to Chile by the American Psychological Association, the American Psychiatric Association and the American Committee for Human Rights. Enclosed please find a copy of the preliminary report delivered during a press conference on December 12, 1985.

Considering that this site visit took place before the recent state of siege and state violence, we can not ignore reports and desperate calls for help from our colleagues in Chile. Enclosed you will find a translation of a letter from the Chilean Psychological Association. The letter is self-explanatory and it disturbes us deeply. This, and various other sources of evidence, demonstrate that tremendous damage is being done, which in many ways compares to what was observed in Hitler' Germany.

You may recall that after the Nazi experience and the holocaust the world regretted that it did not know what was happening in Europe and the consequences of Hitler's actions for millions of people. Many studies were conducted by colleagues trying to understand how that could have happened. Today we have the results of those studies, plenty of historical evidence and concrete information concerning what

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is happening in Chile. We can not ignore it anymore. We feel a tremendous moral obligation to make you and the general public aware of the mental health and social consequences of the situation.

We hope your office will use all means available to support or defend our colleagues working with the victims of the regime, as well as other associations or individuals pursuing the restoration of democracy and attempting to stop violence. We and the educated public know that governments have several ways to influence the Chilean regime to refrain from practices that cause so much damage to its people. Actions such as opposition to loans and other economic benefits to the Chilean dictatorship, would in the long term be beneficial not only to the victims of repression but also to the political stability of the region. There are reasons to believe that the current situation and the unprecedented potential for a violent resolution are the direct results of the dictatorship and its practices. We hope your office will force some actions that reduce the chances of violence in the future.

We would sincerely appreciate your attention to this matter and whatever you can do to help our colleagues and alleviate the dramatic situation of the Chilean people. In addition to any economic or political measure it would be appreciated if your government could instruct their representatives in Chile to support and be sensitive to the call from our colleagues and other targets of violence. We are sure many people would experience a great relief and, in the long run, you and your government would have the gratitude of the Chilean people and the international scientific community.

Thank you for your kind attention to this matter.

Sincerely,

Triandis

President

Enclosed: APA Preliminary report site visit to Chile
Chilean Psychological Association letter

c.c. : Embassy of the USA in Santiago, Chile
Colegio de Psicologos de Chile

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Case Number: S1999000030

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PAGE 01 SANTIA 00316 151947Z
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Project (#S199900030)
Department of State
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Exemption(s) B 6

UNCLAS SANTIAGO 00316

H PASS

E.O. 12356: N/A
TAGS: PHUM, CI
SUBJ: CONGRESSIONAL INQUIRY: FLAVIA TOTORO

REF: 86 STATE 396941

THE HONORABLE ALAN CRANSTON
U.S. SENATE
WASHINGTON, D.C. 20510

DEAR SENATOR CRANSTON:
THE DEPARTMENT OF STATE HAS INFORMED US OF THE INTEREST OF YOUR CONSTITUENT, [redacted] IN THE WELL-BEING OF FLAVIA TOTORO TAULIS. MS. TOTORO, A DUAL NATIONAL CITIZEN OF CHILE AND MEXICO, WAS DETAINED IN OCTOBER BY CHILEAN SECURITY FORCES AND HELD FOR THREE DAYS WITHOUT CHARGE UNDER THE PROVISIONS OF THE STATE OF SIEGE. AFTER HER RELEASE FROM CUSTODY SHE VOLUNTARILY DEPARTED CHILE FOR MEXICO. THERE WERE NO ALLEGATIONS OF PHYSICAL MISTREATMENT WHILE SHE WAS UNDER DETENTION.

IT MAY BE OF INTEREST TO [redacted] THAT MS. TOTORO'S BROTHER, DAUNO TOTORO, WAS SEEKING POLITICAL ASYLUM FROM THE GOVERNMENT OF VENEZUELA AND WAS TEMPORARILY RESIDING IN THE VENEZUELAN EMBASSY. HE VOLUNTARILY LEFT THE
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PAGE 02 SANTIA 00316 151947Z

EMBASSY ON DECEMBER 31 AND HIS CURRENT WHEREABOUTS ARE UNKNOWN, THOUGH IT IS BELIEVED THAT HE IS AT LIBERTY.

I HOPE THAT THE ABOVE INFORMATION WILL BE OF USE IN ANSWERING THE CONCERNS OF YOUR CONSTITUENT.

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SINCERELY YOURS,
HARRY G. BARNES, JR.
AMBASSADOR
U.S. EMBASSY
SANTIAGO

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Chile Project (#S199900030)
U.S. Department of State
Release_____ Excise ✓ Deny_____
Declassify: In Part ✓ In Full_____
Exemption(s) B1

United States Department of State

Washington, D. C. 20520

JWG for CIA

(DOJ IAW [ ])

INFORMATION MEMORANDUM

1/15/86

JAN 15 1987

~~SECRET~~ S/S **DECAPTIONED**

DOJ

TO: The Secretary

FROM: ARA - Elliott Abrams
L - Abraham D. Sofaer

DOJ

SUBJECT: Possible Breakthrough in Letelier Case

SUMMARY: As a result of yesterday's secret interview in Chile with indicted Letelier co-conspirator Capt. Fernandez, a deal that could lead to Fernandez's prosecution in the US and provide important benefits to US anti-terrorism and Chile policies, appears within reach. If no hitches develop and the Justice Deptartment continues to pursue the case vigorously, arraignment in the US could occur within a matter of days. END SUMMARY.

The USG team in Chile (led by Mike Kozak) has concluded that Fernandez in fact played only a secondary role in the crime, and had no knowledge of the murder conspiracy. He appears guilty of only minor violations of US law, with a maximum 5-yr. sentence and possible immediate parole. Given the limited prosecutorial value of the information supplied by Fernandez, Justice may balk at a deal. While Fernandez' statements corroborate earlier testimony and help clear up the record of a major unresolved case, this prosecution will probably not help bring to justice the parties who orchestrated the Letelier murder.

Fernandez, however, has important first-hand knowledge of the official Chilean cover-up subsequent to the assassination and our extradition request. His account of his personal conversations with Pinochet directly implicates Pinochet with overseeing the cover-up.

The foreign policy benefits of pursuing this opening are substantial, particularly with regard to US anti-terrorism policy. This prosecution, and the resulting publicity given to the 10-year-old case, would demonstrate that the US will not tolerate acts of terrorism on its soil, even those committed by an erstwhile US ally. Such a message could help bolster the credibility of US policy, at home and abroad.

In terms of our Chile policy, focusing attention on

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one of the Pinochet government's most sordid episodes may help reduce support, particularly within the military, for Pinochet's efforts to extend his rule beyond 1989 and put pressure on Pinochet to accelerate the democratization process.

Justice Department officials are now considering plea bargaining terms to take account of what we now know about Fernandez' role. Fernandez has offered to take a polygraph test on any of his statements, including his assurance that he had no involvement in other crimes. The would help arrange for the test to be done in Brazil.

We will inform you immediately should it prove necessary for you to weigh in personally with Ed Meese to assure that Justice will go through with this, in the event that their interest cools due to lessened prosecutorial possibilities.

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Case Number: S1999000030

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Release X Excise ____ Deny ____
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FOR THE SECRETARY AND ASSISTANT SECRETARY ABRAMS

EO 12367: DECL: OADR
TAGS: PHUM, UNHRC, CI
SUBJ: SPONSORING A RESOLUTION ON CHILE AT THE
- FEBRUARY UNHRC

REF: SAN JOSE 324

1. S - ENTIRE TEXT.
-
2. I COME BACK TO YOU ON THE QUESTION WE DISCUSSED AT LENGTH LAST FALL -- THE IMPORTANCE OF OUR HUMAN RIGHTS POLICY IN PROMOTING OUR INTERESTS IN CHILE. BEFORE LONG, THE UN HUMAN RIGHTS COMMISSION WILL BE DEBATING THE CHILE SITUATION. BY DEFINITION, DICTATORS DO NOT CONSIDER HUMAN RIGHTS IMPORTANT, AND THEY ARE NATURALLY LOATH TO BELIEVE THAT WE DO. IN MY VIEW, THE SINGLE US ACTION IN RECENT YEARS WHICH HAS HAD THE GREATEST IMPACT ON CHILEAN BEHAVIOR WAS OUR DECISION TO SPONSOR A RESOLUTION ON CHILE AT LAST YEAR'S UNHRC, AND OUR SUCCESS IN GETTING ITS UNANIMOUS APPROVAL. BY THE SAME TOKEN, A DECISION TO STAND ASIDE THIS YEAR AND LET MEXICO AND CUBA, AIDED BY A SOVIET CHAIRMAN, PASS A BAD RESOLUTION IN GENEVA

SOME WEEKS HENCE THAT WE WILL HAVE TO OPPOSE, COMING ON THE HEELS OF A BAD RESOLUTION WHICH OCCASIONED A NEGATIVE US VOTE IN THE UNGA, WILL SUCCEED IN DESTROY-ING THE CREDIBILITY WE HAVE PAINSTAKINGLY BUILT WITH BOTH PINOCHET AND HIS OPPOSITION. WE HAVE ALREADY LOST A GREAT DEAL SINCE THE NOVEMBER VOTE.

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3. I AM NOT ALONE IN THIS VIEW. FERNANDO VOLIO, WHO WAS A MAJOR US ALLY ON CENTRAL AMERICAN POLICY WHEN HE WAS COSTA RICAN FOREIGN MINISTER, HAS DONE EXACTLY WHAT WE HOPED HE WOULD DO AS SPECIAL RAPPORTEUR ON CHILE. HE HAS WRITTEN CAREFULLY BALANCED REPORTS THAT HAVE NOTED THE GOVERNMENT'S POSITIVE STEPS, AVOIDED RHETORIC, AND DESCRIBED OBJECTIVELY THE AREAS WHERE PROGRESS STILL NEEDS TO BE MADE. THAT INCLUDES PROGRESS TOWARD DEMOCRACY, BECAUSE HE SHARES OUR VIEW THAT THE ONLY ENDURING GUARANTEE OF HUMAN RIGHTS IS A RETURN TO FREELY ELECTED GOVERNMENTS. SAN JOSE'S REPORT ON THEIR LATEST CONVERSATION WITH HIM (REFTEL) SAYS HIS NEXT REPORT TO THE UNHRC WILL CALL FOR COMPETITIVE ELECTIONS IN 1989. HE ALSO URGED THAT "THE US AGAIN TAKE THE LEAD (IN GENEVA) AND TABLE A MODERATE RESOLUTION."

-

4. PINOCHET HAS ALREADY ABLY MANEUVERED TO HOBBLE VOLIO BY GRANTING HIS REQUEST FOR A SECOND OFFICAL VISIT TO CHILE -- BUT ONLY AFTER HIS REPORT HAS BEEN SUBMITTED TO GENEVA AND THE DEBATE ON CHILE HAS TAKEN PLACE. IF THERE IS A HARSH AND UNBALANCED RESOLUTION AT THE UNHRC, IT WILL FURTHER DISCOURAGE VOLIO -- BY FAILING TO COMMEND HIS EFFORTS AT BALANCE -- AND GIVE FURTHER EXCUSE TO PINOCHET TO AVOID COOPERATION WITH THE RAPPORTEUR AND IMPLEMENTATION OF HIS RECOMMENDATIONS.

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PAGE 03 SANTIA 00334 161459Z

AN UNSUCCESSFUL VISIT TO CHILE, ON THE HEELS OF A BAD RESOLUTION IN GENEVA AND A CLEAR SIGNAL OF US . DISINTEREST, WILL ALMOSTCERTAINLY LEAD TO VOLIO'S RESIGNATION AND HIS REPLACEMENT BY SOMEONE FAR LESS SYMPATHETIC TO OUR INTERESTS.

-

5. TIME IS SHORT. THE VOTE IN GENEVA IS ONLY SEVEN OR EIGHT WEEKS AWAY. TO PREEMPT THE MEXICANS (WHO WE UNDERSTAND ARE EAGER TO REPEAT THEIR UNGA "TRIUMPH") AND ESTABLISH OUR TEXT AS THE BASIS FOR DISCUSSION, WE WILL HAVE TO CIRCULATE A DRAFT MUCH SOONER THAN THAT. MY IMPRESSION IS THAT THERE IS VERY LITTLE DIFFERENCE IN VIEW WITHIN THE USG ON WHAT THE RESOLUTION SHOULD SAY; ONLY ON THE APPROPRIATENESS OF OUR TAKING THE LEAD IN GETTING THE KIND OF RESOLUTION WE WANT. FOR MY PART, I HAVE NO DOUBT. PINOCHET, DESPITE HIS ASSERTIONS THAT HE IS NOT INFLUENCED BY EXTERNAL OPINION, DOES CONSIDER THE US IMPORTANT, AND HE RESPECTS FIRMNESS OF PURPOSE. LAST YEAR'S

RESOLUTION GOT HIS ATTENTION. IT ALSO GOT THE ATTENTION OF THE DEMOCRATIC OPPOSITION, AND BOTH HAVE MODERATED THEIR COURSES FOR SOME TIME. WITH PINOCHET, ONE HAS ALWAYS TO WONDER HOW LONG IT WILL LAST. WE MUST CONTINUE TO SEND CLEAR SIGNALS OF OUR WILLINGNESS TO PROMOTE OUR BASIC INTERESTS.
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PAGE 01 MEXICO 00980 01 OF 03 161717Z
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DEPARTMENT OF STATE IM/IFS/CO/IR 4-1-98
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DEPT FOR OES/N, ARA/MEX, EB, AND S/NP
DOE FOR DOE/NE AND DOE/IAE
PLS PASS TO NUCLEAR REGULATORY COMMISSION

E.O. 12356: DECL: OADR
TAGS: TRGY, MNUC, PGOV, KPRP, KSCA, MX
SUBJ: EMBASSY REPORTING PLAN: STARTUP OF LAGUNA VERDE - NUCLEAR POWER PLANT

REF: A. 86 MEXICO 25132 B. 86 MEXICO 26405

1. [redacted] ENTIRE TEXT.

SUMMARY

2. DESPITE ANOTHER SET OF TECHNICAL DELAYS, THE FIRST UNIT OF THE U.S.-DESIGNED NUCLEAR POWER PLANT AT LAGUNA VERDE WILL PROBABLY BE READY FOR FUEL LOADING IN THE SUMMER OR FALL OF THIS YEAR. THE PRINCIPAL RISK TO THE LAGUNA VERDE PROJECT AT THIS POINT IS POLITICAL RATHER THAN TECHNICAL. PUBLIC OPPOSITION TO THE PLANT--BOTH REGIONAL AND NATIONAL--CONTINUES TO RECEIVE CONSIDERABLE PRESS ATTENTION. HIGH LEVEL OFFICIALS ASSOCIATED WITH [redacted]

[redacted]

PAGE 02 MEXICO 00980 01 OF 03 161717Z

MEXICO'S NUCLEAR POWER PROGRAM CONTINUE TO VOICE THE SUSPICION THAT THE SECRETARIAT OF GOBERNACION (THE DEPARTMENT OF INTERIOR AND OF INTERNAL SECURITY) IS

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EITHER BEHIND OR AT LEAST TOLERATING THE OPPOSITION MOVEMENT, APPARENTLY AS A PART OF THE BYZANTINE MANEUVERING AMONG POSSIBLE SUCCESSORS TO PRESIDENT DE LA MADRID. MANY IN THE NUCLEAR COMMUNITY BELIEVE THAT IF FUEL IS NOT LOADED IN THE FIRST UNIT OF LAGUNA VERDE BY SEPTEMBER WHEN THE PRESIDENT DESIGNATES HIS SUCCESSOR, THE PRESIDENT-DESIGNATE WILL DELAY THE PLANT OR POSSIBLY MOTH-BALL IT FOR POLITICAL REASONS.

3. FROM THE U.S. POINT OF VIEW, THE PRINCIPAL DIFFICULTY PRESENTED BY THIS SCENARIO WOULD BE IF THE OPERATORS, BUILDERS AND REGULATORS OF THE PLANT WERE TO BE TEMPTED TO TAKE SHORT-CUTS IN PREPARING FOR START-UP OF THE PLANT LEAVING MEXICO WITH A POLITICALLY APPROVED BUT UNSAFE PLANT. THE GOM HAS CAREFULLY, AND WE BELIEVE DELIBERATELY, AVOIDED IDENTIFYING THE LAGUNA VERDE PLANT WITH THE U.S. IN THE EVENT OF AN ACCIDENT AT LAGUNA VERDE, WHETHER CAUSED BY DESIGN FLAWS OR ERRORS IN MEXICO, WE THINK A QUOTE MADE IN THE U.S.A. LABEL ENDQUOTE WOULD BE PROMINENTLY DISPLAYED ON THE PLANT TO THE DETRIMENT OF OUR BILATERAL RELATIONS.

4. UP TO THIS POINT, THE BUILDERS AND REGULATORS OF THE PLANT HAVE NOT GIVEN IN TO SUCH PRESSURES AND ARE MAKING CONSIDERABLE EFFORTS TO OBTAIN INTERNATIONAL ASSISTANCE IN PREPARING FOR START-UP, EVEN AT THE EXPENSE OF FURTHER DELAYS. RECENTLY, THE EMBASSY HAS REITERATED ITS WILLINGNESS TO ASSIST THE GOM IN ITS EFFORTS TO ASSURE A SAFE START-UP FOR LAGUNA VERDE AND THE MEXICANS ARE OBTAINING FURTHER TECHNICAL ASSISTANCE FROM U.S. SOURCES. END SUMMARY.

[redacted]

[redacted]

PAGE 03 MEXICO 00980 01 OF 03 161717Z

FUEL LOADING DELAYED AGAIN

5. ACCORDING TO HIGH LEVEL SOURCES IN THE NATIONAL COMMISSION FOR NUCLEAR SAFETY AND SECURITY (CNSNS), THE GOM CANNOT POSSIBLY ACHIEVE ITS GOAL OF LOADING FUEL FOR THE FIRST UNIT OF LAGUNA VERDE BY APRIL OF THIS YEAR. (THE APRIL DATE IS IN ITSELF A FALLBACK FROM THE DECEMBER 1986 DEADLINE SET BY THE FEDERAL ELECTRICITY COMMISSION (CFE)). PRE-FUEL LOADING SAFETY TESTING IS NOT COMPLETE AT UNIT 1. MOREOVER, CFE IS ENGAGED IN SIGNIFICANT EFFORTS TO REPAIR AND MAINTAIN EQUIPMENT ON BOTH

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THE NUCLEAR AND NON-NUCLEAR SIDES OF THE PLANT. SOME OF THE UNIT'S EQUIPMENT APPARENTLY SUFFERED FROM ITS EXTENDED STORAGE AT THE CONSTRUCTION SITE. THE CNSNS ALSO RECENTLY ORDERED CFE TO REPEAT TWO UNSPECIFIED SAFETY TESTS AT THE PLANT. (THE PLANT'S CONTAINMENT, HOWEVER, RECENTLY PASSED PRESSURE TESTS.) THE TESTS ARE ALSO GOING SLOWER THAN EXPECTED BECAUSE CFE HAS NOT MADE EXTENSIVE USE OF ITS U.S. ENGINEERING SERVICES CONTRACTORS IN THE TESTING PROCESS. CNSNS NOW BELIEVES SEPTEMBER IS A REALISTIC DATE FOR FUEL LOADING. WE UNDERSTAND THAT NO PART OF THE PLANT IS YET 100 PERCENT READY FOR FUEL LOADING. CFE HAS REJECTED THE OPTION OF EARLY LOADING OF FUEL. IT DOES NOT WISH TO USE THE REACTOR AS A QUOTE FUEL STORAGE FACILITY ENDQUOTE.

THE POLITICAL RISK

6. DESPITE THE TECHNICAL DELAYS, IT IS CLEAR THAT AT SOME

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PAGE 01 MEXICO 00980 02 OF 03 161718Z
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C[redacted] SECTION 02 OF 03 MEXICO 00980

DEPT FOR OES/N, ARA/MEX, EB, AND S/NP
DOE FOR DOE/NE AND DOE/IAE
PLS PASS TO NUCLEAR REGULATORY COMMISSION

E.O. 12356: DECL: OADR
TAGS: TRGY, MNUC, PGOV, KPRP, KSCA, MX
SUBJ: EMBASSY REPORTING PLAN: STARTUP OF LAGUNA VERDE

POINT THE PLANT WILL BE READY IN A TECHNICAL SENSE FOR START-UP. HIGH LEVEL OFFICIALS INVOLVED WITH LAGUNA VERDE ARE, PERHAPS, MORE CONCERNED ABOUT THE INCREASED LEVEL OF POLITICAL RISK INVOLVED WITH THE PLANT. OPPOSITION TO THE PLANT AT A LOCAL LEVEL IS GROWING AND EVEN GOM OFFICIALS ADMIT THAT THE MAN-IN-THE-STREET IN THE STATE OF VERACRUZ IS ALARMED (REF A). NATIONAL OPPOSITION TO THE PLANT IS WELL FINANCED AND WELL COVERED BY THE MEXICAN PRESS. (BY THE STANDARDS OF ANTI-NUCLEAR MOVEMENTS IN THE U.S. OR WESTERN EUROPE, THE MOVEMENT HERE IS NO GREAT SHAKES.)

7. MORE IMPORTANT TO SUPPORTERS OF LAGUNA VERDE IS THEIR ANALYSIS THAT THE OPPOSITION TO THE PLANT IS ENJOYING AT LEAST THE BENIGN NEGLECT OF THE SECRETARIAT OF GOBERNACION AND MORE PROBABLY IS BEING FUNDED BY THE SECRETARIAT [redacted]

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TO FURTHER THE PRESIDENTIAL AMBITIONS OF SECRETARY BARTLETT (REF B). WE HAVE HEARD ADDITIONAL COMMENTS IN THIS REGARD FROM SOURCES OTHER THAN THE ONE IDENTIFIED IN REF B. ONE HIGHLY PLACED SOURCE IN THE GOM NUCLEAR COMMUNITY NOTED THAT GOBERNACION--AT A MINIMUM--COULD EASILY HAVE MUZZLED THE PRESS IN VERACRUZ STATE.

COMMENT: IT IS TRUE THE SECRETARY OF ENERGY DEL MAZO AND SECRETARY OF GOBERNACION BARTLETT ARE PROBABLY THE PRINCIPAL RIVALS FOR THE PRESIDENTIAL SUCCESSION. HOWEVER, WE ARE NOT PERSUADED THAT THE POLITICAL ANALYSIS OF THE SUPPORTERS OF LAGUNA VERDE IS ACCURATE. THE POINT IS THAT THE SUPPORTERS OF THE PLANT BELIEVE IT AND ARE BEHAVING ACCORDINGLY. END COMMENT.
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8. THE EMBASSY BELIEVES THE GOM WILL COMPLETE THE PLANT, SUCCESSION POLITICS NOTWITHSTANDING. HOWEVER, THE PLANT IS NOW SUBJECT TO POLITICAL RISKS IT HAS NOT FACED FOR SEVERAL YEARS. USG AGENCIES SHOULD BE AWARE OF THESE SENSITIVITIES AND THE POTENTIAL FOR A HALT IN CONSTRUCTION AT THE PLANT IN THEIR DEALINGS WITH THE GOM ON LAGUNA VERDE.

IMPLICATIONS FOR THE USG: A WORST CASE VIEW

9. THE POSSIBILITY OF A HALT IN CONSTRUCTION AT LAGUNA VERDE WOULD BE INCONVENIENT FOR THE USG, GIVEN THE FACT THAT THE PLANT IS OF U.S. DESIGN AND WILL BE FUELED BY URANIUM ENRICHED AND FABRICATED IN THE U.S. IT WOULD ALSO DESTROY THE NUCLEAR ENERGY R&D EFFORT IN MEXICO. SUCH A HALT ALSO WOULD NOT BE CONSISTENT WITH THE USG'S SUPPORT

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PAGE 03 MEXICO 00980 02 OF 03 161718Z

OF NUCLEAR POWER AS ONE MEANS FOR NATIONS--INCLUDING DEVELOPING NATIONS--TO MEET THEIR ENERGY NEEDS. MOREOVER, A LONG-TERM HALT IN STARTING UP LAGUNA VERDE MIGHT PRESENT THE USG WITH CONTRACTUAL COMPLICATIONS IF THE GOM DECIDED TO SELL ITS FUEL LOADS TO ANOTHER NATION.

10. WHILE THE EMBASSY IS CONVINCED THAT THE GOM IS COMMITTED TO BRING LAGUNA VERDE ON LINE IN A SAFE, INTERNATIONALLY ACCEPTED MANNER, AS A WORST CASE VIEW, THE EMBASSY WOULD SUGGEST IT WOULD EVEN BE WORSE FOR LONG TERM USG INTERESTS IF THE GOM WERE TO TAKE SHORT CUTS IN START-UP PROCEDURES FOR THE PLANT IN ORDER TO MEET THE POLITICAL DEADLINE OF SEPTEMBER 1987 FOR FUEL LOADING. THE ONLY WAY LAGUNA VERDE CAN BE VERY HARMFUL TO US-GOM BILATERAL RELATIONS IS IF THERE WERE A RADIATION RELEASING ACCIDENT AT THE PLANT. IF THE PLANT START-UP IS HALTED, THE VAST MAJORITY OF NEGATIVE REACTION WILL BE VISITED UPON THE GOM FOR ITS CONSTRUCTION OF A MULTI-BILLION DOLLAR WHITE ELEPHANT. WERE THERE TO BE AN ACCIDENT AT THE PLANT, LAGUNA VERDE WOULD BE RAPIDLY CONVERTED IN MEXICAN PUBLIC OPINION FROM A MEXICAN CAPITAL INVESTMENT OF UNCERTAIN VALUE TO A CLEAR CASE OF THE U.S. SUPPLYING MEXICO WITH QUOTE KILLER TECHNOLOGY ENDQUOTE. AS LONG AS THINGS GO WELL FROM A TECHNICAL AND SAFETY STANDPOINT,

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LAGUNA VERDE WILL REMAIN A MEXICAN PROJECT. THIS HAS BEEN THE LONG-STANDING POSITION OF THE GOM. THE POST-ACCIDENT POLITICAL TEMPTATION TO REVERSE SUCH A POSITION WOULD BE GREAT. (IT IS WORTH NOTING FOR THE RECORD THAT JUAN EIBENSHUTZ, THE DEPUTY DIRECTOR OF CFE, ASSURED AN EMBASSY OFFICER LAST MONTH THAT NONE OF THE DELAYS AT THE PLANT WERE CAUSED BY GENERAL ELECTRIC CORP-

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PAGE 01 MEXICO 00980 03 OF 03 161718Z
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DOE FOR DOE/NE AND DOE/IAE
PLS PASS TO NUCLEAR REGULATORY COMMISSION

E.O. 12356: DECL: OADR
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ORATION. TO THE CONTRARY, EIBENSHUTZ ASSERTED, GE HAD BEEN HELPFUL IN EXPEDITING THE PROJECT.)

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11. THUS, IT IS THE EMBASSY'S VIEW THAT USG EFFORTS SHOULD BE LIMITED AT THIS TIME TO OFFERING ALL POSSIBLE ASSISTANCE--WHETHER OR NOT WE GET PUBLIC CREDIT--FOR THE SAFE STARTUP OF THE PLANT. IF THIS ASSISTANCE WERE ALSO TO SPEED UP GOM START-UP EFFORTS, SO MUCH THE BETTER. THE EMBASSY WOULD ADVISE STRONGLY AGAINST ANY EFFORT TO INTERVENE IN THE PUBLIC DEBATE ON LAGUNA VERDE, SINCE IT MAY BE DEEPLY INTERTWINED IN SOME SORT OF SUBTERRANEAN STRUGGLE WITHIN THE MEXICAN ELITE.

EMBASSY ACTIONS

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12. THE EMBASSY HAS MADE CLEAR TO GOM NUCLEAR SAFETY OFFICIALS THAT IT STANDS READY TO ASSIST IN OBTAINING TECHNICAL ADVICE FROM THE USG OR OTHER SOURCES IN THE U.S. ON THE START-UP. THE GOM ALREADY HAS CLOSE CONTACT WITH NRC IN THE U.S. AND WE UNDERSTAND NRC AND THE CNSNS WILL BE SIGNING AN EXPANDED RESEARCH AGREEMENT IN THE NEAR FUTURE. THE EMBASSY HAS ALSO ENCOURAGED THE GOM TO ESTABLISH CONTACT WITH U.S. NUCLEAR FACILITIES THAT MIGHT HAVE GE BOILING WATER REACTORS SIMILAR TO LAGUNA VERDE (COMMONWEALTH EDISON'S LASALLE REACTOR BEING ONE CASE IN POINT). CNSNS IS ALSO HOSTING AN IAEA MISSION THAT IS DOING A SAFETY EXAMINATION OF THE PLANT. ONE AREA WHERE THE GOM IS HAVING DIFFICULTY IS IN ITS EFFORTS TO CALCULATE RADIATION DOSAGE RATES FOR AREAS SURROUNDING THE PLANT IN THE EVENT OF AN ACCIDENT. THE GOM IS USING NRC PROCEDURES TO UNDERTAKE THIS EFFORT, BUT LACKS ACCESS TO A SUFFICIENTLY CAPABLE COMPUTER TO RUN THE CALCULATIONS PROPERLY. THE EMBASSY WOULD GREET ANY SUGGESTION FOR A WAY TO ASSIST THE GOM IN THIS AREA.

13. A SECOND PART OF THIS REPORT WILL BE PREPARED IN SEPTEMBER NEAR THE TIME THE FIRST UNIT SHOULD BE FUELED. (DRAFTED:SCI:JDETHOMAS) PILLIOD

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DEPARTMENT OF STATE

INFORMATION MEMORANDUM 9304669

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DEPARTMENT OF STATE S/S S/S-I S/FPC/CDR Date: 12-19-96

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SECRET/SENSITIVE

January 16, 1987

TO: The Secretary

FROM: ECA - Philip C. Habib

SUBJECT: My Trip to Latin America - January 12-16, 1987

I visited five Contadora and Support Group countries--Panama, Argentina, Uruguay, Brazil and Venezuela--January 12-16 on the eve of the trip to Central America by the eight Contadora Foreign Ministers plus the UN and OAS Secretaries General. In accordance with your instructions, I made clear that we maintained the diplomatic track of our policy and continued to support Contadora so long as it sought an agreement based on our criteria: comprehensiveness, verifiability and simultaneity. I underscored the need for democratic political change in Nicaragua achieved through dialogue between the Sandinistas and all elements of the opposition, including the democratic resistance. I urged the Contadora countries to listen to the Central American democracies and to call on Nicaragua to drop its cases against Costa Rica and Honduras at the International Court of Justice, as these were obstacles to further negotiations. I also asked them for their thoughts on Contadora and what they expected from their trip.

All five governments welcomed my visit as a timely demonstration that the United States still was interested in the negotiating track. They were pleased to hear that we continued to support Contadora and did not seek to substitute some new channel, as had been widely speculated in the press. None were enamored with Nicaragua, and some were even quite open about their dissatisfaction with the Sandinista regime. Nevertheless, all were critical of our policy of supporting the democratic resistance. This stems in part from a generalized apprehension about any direct or indirect use of force by the United States in Latin America. Despite their disagreement over the use of military pressure, most recognized as valid our argument that political change in Nicaragua needed to be achieved as the result of a comprehensive settlement.

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The Contadora countries had no predetermined strategy for their trip, nor did they have specific ideas for follow-up measures. I believe they will listen to the four democracies and take their concerns into account. My trip may have helped to assure that they listen carefully. They will conclude their trip in Mexico, and it is likely that Mexico will push for a communique reflecting its own views. I am hopeful that as a result of our discussions and the points which I emphasized, the five Foreign Ministers will be more willing to resist Mexico's attempts to dominate the process. The participation of the two Secretaries General is an unknown factor, but I expect they will be cautious and not play an unhelpful role.

Following are short notes on each stop:

-- Panamanian Foreign Minister Abadia was the most optimistic of the five Foreign Ministers in his confidence that Contadora could remove the obstacle of Nicaragua's ICJ suits. Abadia also said that the Contadora Foreign Ministers would be willing to ask the Central Americans for their specific views on desired changes in the June draft agreement.

-- Argentine President Alfonsin and Foreign Minister Caputo doubted that progress would be made in the near term, but they wanted to preserve Contadora in the hope that someday it would be called upon for a solution. They opposed our support for the democratic resistance and feared that an escalation in Central America could trigger terrorism throughout the hemisphere, including Argentina. They pressed to find out the conditions under which we would halt our aid to the resistance; I left no doubt that we would do so only in conjunction with a political agreement that conformed with our well-known criteria.

-- Uruguayan Foreign Minister Iglesias, more than any other interlocutor, clearly recognized that the Central American democracies saw pluralism in Nicaragua as essential to regional peace. He believes that Contadora now should seek to promote democratization in Nicaragua, as well as a new dialogue between the Sandinistas and their neighbors. Iglesias expressed reluctance to resume work on the Contadora treaty; I warned that seeking a new approach could open the way for bilateral and piecemeal solutions.

-- Brazilian President Sarney was not optimistic about the prospects for a negotiated solution, but believed it important to keep Contadora alive. He acknowledged that the Sandinistas were not democratic, but he was critical of our use of military pressure. Sarney said he supported democracy, but Brazil's traditional policy of nonintervention prevented it from pressuring the Sandinistas. I sought to convince him that the 1983 Document of Objectives gave Contadora a clear mandate to promote democratic pluralism in Nicaragua.

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-- Of all my stops, I was received most warmly in Venezuela. President Lusinchi emphasized the need for political change in Nicaragua, and expressed his dislike for the Sandinistas. He did so in the presence of Foreign Minister Consalvi, who in the past has not been fully on board.

I will be travelling to the Central American democracies at the end of January to discuss the results of the Contadora trip and their thoughts on the negotiating process. In the meantime, I will visit Europe as you requested. I believe that we should maintain our support for the Contadora process, linking it, of course, to our established criteria. The Contadora process is not dead, and the Foreign Ministers' trip will likely revive its activities. I do not expect any sudden, dramatic changes as a result of this trip, as much discussion is needed before real progress is possible. In this regard, it is fortunate that we maintain the full support and understanding of Costa Rica, El Salvador and Honduras as a result of our continuing efforts at coordination and cooperation.

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cc: D - Mr. Whitehead
P - Mr. Armacost
ARA - Mr. Abrams
DOD - Mr. Weinberger
CIA - Mr. Gates
NSC - Mr. Carlucci

- Amb. Habib's memo to theSsecretary

Drafted:ARA/CEN:DRandolph:jdp
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ROGER CHANNEL

FOR A/S ABRAMS FROM AMBASSADOR PIEDRA

E.O. 12356: OADR
TAGS: PHUM, PREL, GT
SUBJECT: MEETING WITH CEREZO ON POSSIBLE DEATH SQUAD RESURGENCE

REF. STATE 1958

1. ENTIRE TEXT SECRET.

2. FOLLOWING A PRIVATE DINNER JANUARY 16 AT THE RESIDENCE, I DISCUSSED WITH PRESIDENT CEREZO OUR CONCERN ABOUT POSSIBLE STATE SECURITY INVOLVEMENT IN DEATH-SQUAD ACTIVITIES (REFTEL AND PREVIOUS). I LET HIM KNOW THAT IF THESE REPORTS WERE TRUE, SUCH ACTIVITIES WOULD JEOPARDIZE OUR ABILITY TO PROVIDE ECONOMIC AND MILITARY ASSISTANCE. I ALSO TOLD HIM THAT MY GOVERNMENT HAD INSTRUCTED ME TO OFFER ALL APPROPRIATE ASSISTANCE TO ENSURE THAT THERE IS NO RESURGENCE OF THE PROBLEM. I GAVE HIM THREE SPECIFIC EXAMPLES IN WHICH THERE IS STRONG SUSPICION OF GOVERNMENT SECURITY FORCES' PARTICIPATION.

3. PRESIDENT CEREZO ADMITTED THAT IN TWO OF THE CASES: (A) THE NOVEMBER 3 KIDNAPPING OF SCHOOL TEACHER MILDA MARTINEZ; AND, (B) THE KIDNAPPING AND DISAPPEARANCE OF FISHERMEN MARIO MORALES AND MARGARITO COLLADO OFF PUERTO QUETZAL ON DECEMBER 28; THE MILITARY HAD BEEN INVOLVED AND THAT HE WAS AWARE OF BOTH CASES. HOWEVER, HE (CEREZO) HAD ALREADY TAKEN THE NECESSARY STEPS AND THOSE RESPONSIBLE FOR THE ABUSES WOULD BE PUNISHED ACCORDINGLY. HE NOTED THAT PUERTO QUETZAL NAVAL BASE COMMANDER, CAPTAIN JORGE MAZARIEGOS, ALTHOUGH NOT PERSONALLY INVOLVED IN THE ILLEGAL ACTIVITIES, WAS RESPONSIBLE BECAUSE HE HAD NOT EXERCISED CONTROL OVER HIS SUBORDINATES ACTIVITIES; CONSEQUENTLY, CEREZO SAID, HE PROBABLY WOULD REMOVE MAZARIEGOS FROM HIS COMMAND. CEREZO GAVE ME ASSURANCES THAT HE PERSONALLY HAD TAKEN THE INITIATIVE IN DEALING WITH THOSE CASES AND THAT HE HAD RECEIVED THE FULL COOPERATION OF HIGH MILITARY AUTHORITIES.

4. CEREZO FULLY AGREED THAT THESE TYPES OF ABUSES HAD TO COME TO AN END THAT HE PERSONALLY WOULD DO WHATEVER WAS NECESSARY TO STOP ANY REPETITION OF SAID ABUSES. HE ACKNOWLEDGED THAT THE PRESTIGE AND CREDIBILITY OF HIS PRESIDENCY WAS AT STAKE.

5. WITH RESPECT TO THE DISAPPEARANCE OF BASILIO TUISY (GUATEMALA 0511), CEREZO SAID THAT THE ARMY HAD NOT BEEN INVOLVED. THE ABDUCTION, ACCORDING TO CEREZO, WAS NOT CARRIED OUT BY THE ARMY BUT, ON THE CONTRARY, BY THE GUERRILLAS. HE SAID TUISY HAD BEEN COOPERATING WITH THE ORPA, WHICH HE PRESUMED HAD "RESCUED" TUISY.

6. COMMENT. CEREZO IS FULLY AWARE OF OUR ABILITY TO FERRET OUT EVIDENCE OF STATE SECURITY INVOLVEMENT IN HUMAN RIGHTS ABUSES AND OF OUR CONCERN FOR AND REJECTION OF ANY RESURGENCY. I WILL CONTINUE TO PRESS HIM ON THIS

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S/S

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 07/03/95
Case ID: 95122215

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Guatemala

THEY KNEW ANYTHING NEW ABOUT THE CASE. GABRIEL SUAREZ GAVE US SOME NEW INFORMATION AND CONTRADICTED INFORMATION HE GAVE IN REFTEL D. THE NEW INFORMATION IS THAT SUAREZ SAID THAT GRIFFITH DAVIS AND NICK BLAKE HAD BEEN SEEN TRAVELING TOGETHER IN 1982 AND 1984. THEY ALLEGEDLY TRAVELED BACK AND FORTH ACROSS THE BORDER AT AN ILLEGAL CROSSING POINT AT GRACIAS A DIOS, GUATEMALA, A VILLAGE ABOUT TEN MILES FROM TZISCAO. THIS ACCOUNT OF BLAKE AND DAVIS TRAVELING TOGETHER GOES AGAINST EARLIER STATEMENTS BY FAMILY AND FRIENDS THAT THE TWO HAD JUST MET ONE ANOTHER SHORTLY BEFORE THE DISAPPEARANCE. SUAREZ ALSO CONTRADICTED A PREVIOUS STATEMENT MADE IN REFTEL D, IN WHICH HE STATED THAT HE TOOK BLAKE TO A REFUGEE CAMP WHERE BLAKE CHASTISED THE INHABITANTS FOR NOT FIGHTING WITH THE GUERRILLAS. SUAREZ NOW SAYS THAT BLAKE WENT TO THE CAMP ALONE AND SUAREZ HEARD THAT BLAKE HAD CRITICIZED THE REFUGEES FOR NOT RETURNING TO GUATEMALA TO FARM AND SUPPORT THE GOVERNMENT IN ITS FIGHT AGAINST THE GUERRILLAS. SUAREZ REINFORCED THIS BY SAYING THAT IN TERMS OF GUATEMALAN POLITICS, BLAKE WAS VERY PRO-MILITARY. HE MENTIONED AGAIN BLAKE'S FRIENDSHIP WITH AN UNNAMED GUATEMALAN COLONEL WHO LIVED IN HUEHUETENANGO AND SAID THAT BLAKE SUPPORTED THE ARMY IN ITS FIGHT AGAINST THE GUERRILLAS. (COMMENT: CONOFF DOES NOT KNOW WHAT TO MAKE OF SUAREZ AS A SOURCE OF INFORMATION. HE WAS VERY RELUCTANT TO BE INTERVIEWED AND HIS STATEMENTS ARE SO UNLIKE OTHER INFORMATION RECEIVED FROM FAMILY, FRIENDS AND PREVIOUS INVESTIGATIONS THAT THEY ARE DIFFICULT TO BELIEVE. IT IS POSSIBLE THAT HE IS MAKING THE STORY UP OR CONFUSING BLAKE WITH ANOTHER PERSON. END COMMENT.)

3. MEXICAN IMMIGRATION CHIEF ELPIDIO MONTES IS IN CLOSE CONTACT WITH MANY OF THE AMERICANS AND OTHER FOREIGNERS LIVING IN SAN CRISTOBAL, BUT HE SAID HE HAD NOT HEARD ANYTHING NEW ABOUT THE CASE. OUR MAIN TOPIC OF DISCUSSION WAS THE PREVIOUSLY REPORTED SIGHTING OF GRIFFITH DAVIS IN COMITAN, CHIAPAS IN AUGUST OF 1985 (REFTEL F). IN MARCH OF 1986, AN IMMIGRATION OFFICIAL IDENTIFIED GRIFFITH DAVIS AS AN AMERICAN WHO REQUESTED A 60 DAY EXTENSION OF HIS STAY IN MEXICO. MONTES SAID THAT THE OFFICIAL WHO REPORTED THE SIGHTING WAS UNABLE TO FIND ANY DOCUMENTARY EVIDENCE OF DAVIS'S VISIT TO THE OFFICE. MONTES SAID HE HAD NOT HEARD ANYTHING MORE ABOUT THIS SIGHTING SINCE THE EMBASSY'S LAST VISIT TO CHIAPAS IN 1986. HE PROMISED TO ADVISE HIS CONTACTS ON THE BORDER OF RENEWED INTEREST IN THE CASE AND SAID HE WOULD CONTACT THE EMBASSY IF HE HEARD ANYTHING NEW.

4. COMMENT: SINCE THEIR DISAPPEARANCE IN MARCH OF 1985, THERE HAVE BEEN HUNDRED SIGHTINGS OF BOTH NICK BLAKE AND GRIFFITH DAVIS IN THE STATE OF CHIAPAS. DAVIS WAS ALLEGEDLY SEEN BY AN IMMIGRATION OFFICER IN COMITAN IN AUGUST OF 1985 AND NICK BLAKE WAS ALLEGEDLY IDENTIFIED BY LUIS MALDONADO IN TZISCAO IN MARCH OF 1986. THE RECENT INVESTIGATION IN CHIAPAS PROVED THAT THE MALDONADO STORY WAS A COMPLETE FABRICATION. JOSE RIVERA MALDONADO APPARENTLY HEARD ABOUT THE CASE IN GUATEMALA CITY, AND WHAT BEGAN AS A LEGITIMATE ATTEMPT TO LOOK FOR BLAKE TURNED INTO A PLAN TO EXACT MONEY FROM THE BLAKE FAMILY. THE SIGHTING OF DAVIS IN COMITAN REMAINS AN ALLEGED SIGHTING; NO FIRM EVIDENCE HAS BEEN UNEARTHED TO SUBSTANTIATE THE CLAIM. GIVEN THE NUMBER OF AMERICANS THAT THIS IMMIGRATION OFFICER PROBABLY SEES ON A WEEKLY BASIS, AND OUTSIDE OF ANY DOCUMENTARY EVIDENCE, THIS SIGHTING SHOULD BE GIVEN LITTLE CREDENCE.

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PAGE 01 KINGST 00621 01 OF 16 212354Z
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E.O. 12356: N/A (DECONTROL ON RECEIPT)
TAGS: SNAR, JM
SUBJECT: INCSR, 1986 ANNUAL REPORT -- JAMAICA

REF: STATE 361405

A.1. STATUS OF ILLICIT NARCOTICS PRODUCTION AND
TRAFFICKING

1. JAMAICA IS A MAJOR SUPPLIER OF MARIJUANA (LOCALLY KNOWN AS GANJA) TO THE UNITED STATES, CANADA AND EUROPE. COLOMBIA, MEXICO, AKD BELIZE LEAD JAMAICA IN TERMS OF THE AMOUNT OF MARIJUANA EXPORTED TO THE U.S. MARIJUANA PRODUCTION IN JAMAICA IS ON THE INCREASE BECAUSE MAJOR TRAFFICKERS NEED MORE ACREAGE

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PAGE 02 KINGST 00621 01 OF 16 212354Z

TO MAKE UP LOSSES TO THE ERADICATION PROGRAM. GANJA IS GROWN YEAR-ROUND AND ISLAND WIDE, AND IS HARVESTED IN TWO MAIN SEASONS (5-6 MONTH CYCLES) EACH YEAR,

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WITH YIELDS OF ABOUT 675 KILOS PER HECTARE. THE SPRING HARVEST (FEB-APRIL) IS USUALLY ABOUT 50 PERCENT SMALLER THAN THE FALL HARVEST (OCT-DEC).

2. MOST OF THE MARIJUANA GROWN BY THE INDEPENDENT SMALL FARMER IS FOUND IN PLOTS OF ONE ACRE OF LESS. MORE OR
ANIZED LARGE-SCALE CULTIVATION TAKES PLACE IN THE WESTERN PARISHES WHERE AREAS UP
O 40-60 ACRES HAVE
BEEN OBSERVED. CULTIVATION TYPICALLY BEGINS IN NURSERIES WHERE SEEDLINGS ARE GERMINATED AND THEN REPLANTED ABOUT TWO FEET APART IN PREPARED FIELDS. IN THE SMALLER PLOTS, THERE IS SOMETIMES EVIDENCE OF INTERCROPPING WITH FOOD CROPS. HOWEVER, THE LARGER FIELDS GROWN FOR EXPORT DO NOT SHOW INTERCROPPING. FARMERS AND TENDERS OFTEN LIVE IN SMALL HUTS GN THE EDGE OF THE FIELD. THE MAJOR THREATS DURING THE FIVE-MONTH MATURING CYCLE ARE FROM INSECTS, BIRDS, THEFT AND GOVERNMENT ERADICATION TEAMS.

3. BECAUSE FARMERS STAGGER MARIJUANA CULTIVATION, AT ANY GIVEN TIME OF THE YEAR A PORTION OF THE MARIJUANA CROP IS IMMATURE, SOME IS HARVEST READY, SOME HAS BEEN STOCKPILED FOR AXPORT, AND SOME IS DISTRIBUTED FOR LOCAL USE. MARIJUANA CULTIVATION TAKES ADVANTAGE OF SEASONAL RAINFALL PATTERNS AND THE PEAK FALL HARVEST ALSO GENERATES THE MOST INTENSIVE PERIOD OF TRAFFICKING ACTIVITY. SMALLER AMOUNTS OF JAMAICAN MARIJUANA ARE CONSTANTLY BEING SMUGGLED OUT OF THE COUNTRY AT NON-PEAK SEASONS. JAMAICA MAY SUPPLY 10-15 PERCENT OF THE

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PAGE 03 KINGST 00621 01 OF 16 212354Z

MARIJUANA IMPORTED INTO THE UNITED STATES.

4. JAMAICAN MARIJUANA FARMERS GROW BOTH COMMERCIAL (WITH SEEDS) AND SINSEMILLA (WITHOUT SEEDS) VARIETIES OF MARIJUANA. THE LATTER IS MORE DESIRABLE AND EXPENSIVE IN EXPORT MARKETS LIKE THE U.S. HOWEVER, JAMAICA IS DIFFERENT FROM OTHER MARIJUANA PRODUCERS IN THE HEMISPHERE. IT HAS A SIGNIFICANT POPULATION OF LOCAL USERS, PRODUCES AND EXPORTS HASHISH OIL, AND HAS BEEN USED AS A TRANSSHIPMENT POINT FOR COLOMBIAN MARIJUANA AND COCAINE. IN PAST YEARS, HASH OIL PROCESSING ACCOUNTED FOR ONLY A SMALL FRACTION OF JAMAICA'S ILLICIT NARCOTICS EXPORTS. MORE HASH OIL WAS PRODUCED

IN 1986 AS A REACTION TO THE GOVERNMENT'S INTENSIFIED AND MORE EFFECTIVE ERADICATION AND INTERDICTION ACTIVITIES. HASH OIL IS LESS BULKY AND EASIER TO CONCEAL THAN MARIJUANA COMPRESSED INTO BALES OF 10 TO 60 POUNDS AND EXPORTED IN SHIPMENTS OF 200 TO 2,000 POUNDS. AN ESTIMATED 700 TONS OF MARIJUANA CAN BE PROCESSED INTO AS MUCH AS 1,000 POUNDS OF HASHISH AND HASH OIL. THE EXPORT PRICE FOR HASH OIL INCREASED IN 1986.

5. MARIJUANA CULTIVATION IS POSSIBLE THROUGHOUT JAMAICA BUT IS CONCENTRATED IN THE WESTERN AND CENTRAL PORTIONS OF THE ISLAND. THE WESTERN PARISHES OF WESTMORELAND,
O. ELIZABETH, HANOVER, AND ST. JAMES,
ALONG WITH THE CENTRAL PARISHES OF ST. ANN, ST. MARY, CLARENDON, AND ST. CATHERINE ARE PRIME MARIJUANA GROWING AREAS. THE EASTERN PARISHES OF ST. THOMAS AND PORTLAND HAVE IN THE PAST ALSO BEEN SIGNIFICANT MARIJUANA PRODUCING AREAS, BUT RECENT SURVEYS SUGGEST THAT THE EASTERN

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PAGE 01 KINGST 00621 02 OF 16 212355Z
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E.O. 12356: N/A (DECONTROL ON RECEIPT)
TAGS: SNAR, JM
SUBJECT: INCSR, 1986 ANNUAL REPORT -- JAMAICA

PORTION OF THE ISLAND IS NOT NOW A MAJOR SOURCE OF MARIJUANA.

6. JAMAICAN SECURITY FORCES ESTIMATE THAT THE WESTERN PARISHES ACCOUNT FOR 57 PERCENT
MARIJUANA CULTIVATION,
CENTRAL PARISHES 40 PERCENT, AND EASTERN PARISH
S ONLY
3 PERCENT. AN AERIAL SURVEY CONDUCTED INMSEPTEMBER BY THE JAMAICA DEFENSE FORCE (JDF) AND SUPPORTED BY THE U.S., ESTIMATED THAT HECTARES OF MARIJUANA WERE UNDER CULTIVATION IN JAMAICA. THIS REPRESENTS A POTENTIAL YIELD OF METRIC TONS. EMBASSY ESTIMATES SUGGEST METRIC TONS OF THIS MARIJUANA IS CONSUMED LOCALLY
[redacted]

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(PERCENT); METRIC TONS SUFFER SPOILAGE
(PERCENT); METRIC TONS ARE PROCESSED FOR HASH OIL (PERCENT); METRIC TONS ARE EXPORTED
(PERCENT); AND METRIC TONS MAKE THEIR WAY TO THE UNITED STATES.

MARIJUANA HARVESTING AND SMUGGLING TECHNIQUES

7. THE EXPORT PRICE FOR JAMAICAN MARIJUANA IS $150 PER POUND FOR COMMERCIAL AND $300 PER POUND FOR SINSEMILLA. JAMAICAN MARIJUANA IS HAND HARVESTED BY LOCAL FARMERS AND THEIR PAID WORKERS. SOME FARMERS PREFER TO HARVEST THEIR OWN CROP AND DEAL DIRECTLY WITH SMUGGLERS RATHER THAN GOING THROUGH LOCAL MIDDLEMEN. THE

MARIJUANA IS USUALLY DRIED AND CURED IN RUDIMENTARY SHEDS NEAR THE FIELD, CLEANED, AND PACKED FOR EXPORT IN PLASTIC-BURLAP-WRAPPED BUNDLES OF 10-60 POUNDS EACH. MUCH OF THE MARIJUANA SMUGGLED INTO THE U.S. LEAVES JAMAICA IN SMALL ONE- OR TWO-ENGINE LIGHT AIRCRAFT. MOST OF THESE AIRCRAFT HAVE U.S. REGISTRATIONS, THOUGH SOME ARE REGISTERED IN JAMAICA OR OTHER COUNTRIES IN THE REGION.

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8. AIR TRAFFICKERS TAKE ADVANTAGE OF JAMAICA'S PROXIMITY TO THE U.S. AND NUMEROUS ILLEGAL AND LEGAL LANDING FIELDS TO PICK UP MARIJUANA SHIPMENTS. SOME ILLEGAL AIRSTRIPS ARE CAMOUFLAGED WITH EASILY MOVABLE OBSTACLES. SOME HAVE SIMPLE NAVIGATIONAL BEACONS AND ALL HAVE WORKERS AVAILABLE TO LOAD SHIPMENTS. UP TO 40 BUNDLES OF MARIJUANA CAN BE LOADED IN 15 MINUTES, OFTEN WHILE THE AIRCRAFT'S ENGINES ARE RUNNING. THE AIR TRAFFICKER PAYS THE SUPPLIER IN CASH AND GENERALLY FLIES AROUND [redacted]

PAGE 03 KINGST 00621 02 OF 16 212355Z

CUBA THOUGH SOME HAVE BEEN KNOWN TO OVERFLY CUBA'S COMMERCIAL AIR CORRIDOR. SOME OF THESE CRAFT MAKE SEA DROPS TO WAITING FAST BOATS NEAR THE BAHAMAS WHILE OTHERS ENTER DIRECTLY INTO FLORIDA OR OTHER GULF STATES.

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9. JAMAICA'S LOCATION IS LESS ADVANTAGEOUS FOR SEA-BASED MARIJUANA SMUGGLERS. BOATS TAKING MARIJUANA FROM JAMAICA HAVE TO SKIRT THE SAME CHOKE POINTS -- THE YUCATAN CHANNEL AND THE WINDWARD PASSAGE -- AS SMUGGLERS COMING FROM COLOMBIA AND OFTEN RISK BEING SNARED IN THE U.S. INTERDICTION GAUNTLET. MARITIME TRAFFICKERS USUALLY USE PLEASURE BOATS OF UP TO 100 AEET AND PLY THE NORTH CENTRAL AND WESTERN COASTS OF JAMAICA WHERE THEY ANCHOR IN A MARINA, NATURAL HARBOR, OR ARE MET AT SEA BY FISHING BOATS FERRYING MARIJUANA CARGOES. COMMERCIAL FREIGHTERS AND MOTHERSHIPS ARE NOT AS COMMONLY USED IN JAMAICA NARCOTICS SMUGGLING AS IN SOME OTHER COUNTRIES. CURRENT TRENDS SUGGEST THAT SEABORNE TRAFFICKERS ARE USING PLEASURE CRAFT WITH CLEVERLY CONCEALED STORAGE COMPARTMENTS CARRYING RELATIVELY SMALL QUANTITIES (100-1,000 POUNDS) OF MARIJUANA.

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10. COURIERS WHO ATTEMPT TO CARRY OUT MARIJUANA ON THEIR BODIES OR IN THEIR LUGGAGE ABOARD COMMERCIAL AIRLINERS A

E A GROWING PROBLEM. ARRESTS OF SUCH
COURIERS, MANY OF WHOM ARE AMERICANS, ARE A NEAR-DAILY
OCCURRENCE. MANY OF THE 3,105 PEOPLE ARRESTED IN
THE FIRST 10 MONTHS OF 1986 F
R NARCOTICS OFFENSES
WERE CAUGHT AT THE TWO INTERNATIONAL AIRPORTS. OF THE
381 AMERICANS ARRESTED FOR NARCOTICS OFFENSES IN THIS
PERIOD ACCORDING TO JAMAICAN GOVERNMENT STATISTICS, THE

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PAGE 01 KINGST 00621 03 OF 16 230728Z
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VAST MAJORITY OF THEM WERE DRUG COURIERS. SMALL QUANTITIES OF MARIJUANA (2-5 POUNDS) ARE USUALLY SEIZED FROM COURIERS, EVEN THOUGH UP TO 250 POUNDS OF MARIJUANA HAS BEEN FOUND IN LUGGAGE OR OTHER FREIGHT. THE SAME COURIER METHOD IS USED TO SMUGGLE HASH OIL FROM JAMAICA. COCAINE IS ALSO SMUGGLED OUT BY COURIER OR TRANSSHIPPED BY AIR OR PLEASURE BOAT. MARIJUANA IS ALSO INCREASINGLY BEING DISCOVERED HIDDEN IN CONTAINERIZED CARGO SHIPMENTS OR DISGUISED AS LEGITIMATE EXPORT PRODUCTS. THIS PATTERN OF WIDESPREAD NARCOTICS TRAFFICKING THREATENS JAMAICA'S INTERNATIONAL TRANSPORT LINKS. AIRLINES AND SHIPPING LINES ARE BECOMING [redacted]

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INCREASINGLY CONCERNED ABOUT BECOMING UNWITTINGLY INVOLVED IN SMUGGLING AND SOME ARE CONSIDERING REDUCING SERVICE. IN DECEMBER, EASTERN AIRLINES TERMINATED ALL CARGO SERVICE OUT OF JAMAICA AFTER BEING FINED HEAVILY FOR MARIJUANA FOUND ABOARD ONE OF ITS FLIGHTS TO THE U.S. THE U.S. CUSTOMS SERVICE ALSO QAS LEVIED HEAVY FINES ON AIR JAMAICA AND OTHER INTERNATIONAL AIRLINES AND SHIPPING LINES AS A RESULT OF SIZEABLE DISCOVERIES OF JAMAICAN MARIJUANA ON THEIR VESSELS AT U.S. PORTS OF ENTRY.

TRADITIONAL MARIJUANA USE

11. MARIJUANA IS NOT NATIVE TO JAMAICA, BUT CAME WITH INDIAN INDENTKRED SERVANTS IN THE 19TH CENTURY. ITS LOCAL USE GREW SLOWLY, AND WAS INTEGRATED INTO THE RITUALS OF THE RASTAFARIANSAN A JAMAICAN RELIGIOUS GROUP, AFTER THE 1930S. THE "RASTAS" CONSIDER MARIJUANA TO BE A "SACRAMENTAL HERB," AND IT IS SMOKED IN THEIR RELIGIOUS CEREMONIES. THOUSANDS OF JAMAICANS DRINK GANJA TEA AS A CURE-ALL, AND MIX IT WITH WHITE RUM AS A TONIC. OTHERS STEAM AND EAT IT AS A VEGETABLE OR ADD IT TO THE INGREDIENTS OF PASTRIES AND CAKES. AT PUBLIC EVENTS, MARIJUANA SMOKING IS OFTEN EVIDENT.

12. RECENT FIELD SURVEYS DONE IN COLLABORATION WITH THE MINISTRY OF HEALTH INDICATE THAT ONE OF FIVE JAMAICAN YOUTHS IS A REGULAR USER OF MARIJUANA; WHILE MORE THAN HALF OF THE ADULT POPULATION HAS SMOKED THE HERB. THESE SURVEYS SUGGEST THAT COCAINE USE IS FOR NOW MARGINAL, BUT IS INCREASING, ESPECIALLY AMONG THE MORE AFFLUENT. SMALL QUANTITIES OF "CRACK" HAVE BEEN [redacted]

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REPORTED, BUT IT IS NOT YET READILY AVAILABLE TO LOCAL CONSUMERS. HASHISH AND HASH OIL ARE PRODUCED PRIMARILY FOR EXPORT.

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PROFILE OF THE TRAFFICKER ORGANIZATIONS

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13. THOUGH NO TRULY ACCURATE FIGURES ARE AVAILABLE, THE JAMAICAN MARIJUANA INDUSTRY MAY GENERATE AS MUCH AS $1 BILLION PER YEAR, WITH ABOUT $200 - 300 MILLION REMAINING IN JAMAICA. MARIJUANA PRODUCTION IN 1986 EXCEEDED THAT FOR 1985, BUT WAS SIGNIFICANTLY REDUCED IN EXPORTABLE YIELD BY THE GOVERNMENT'S ERADICATION/ INTERDICTION CAMPAIGN, CODE NAMED "OPERATION BUCCANEER." THE SUSPECTED LEADERS OF THE GANJA TRADE INCLUDE DOCTORS, LAWYERS, POLITICIANS, AND EVEN SOME POLICE AND SOLDIERS WHO PROVIDE FINANCING FOR SEEDF, FOOD SUPPLIES AND WAGES FOR WORKERS, INSECTICIDES AND FERTILIZERS, SECURITY AND PROTECTION, AND TRANSSHIPMENT EXPENSES. THEY REAP LARGE PROFITS ON THEIR INVESTMENT.

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14. THOUSANDS OF JAMAICANS ARE DIRECTLY AND INDIRECTLY INVOLVED IN MARIJUANA CULTIVATION, DISTRIBUTION, AND MARKETING -- AS FARMERS, FARM WORKERS, GUARDS, DRIVERS, RUNNERS, SUPPLIERS, MIDDLE MEN, AND MINOR TO MAJOR GANJA TRAFFICKERS. THOUSANDS MORE BENEFIT DIRECTLY OR INDIRECTLY FROM THE INCOME GENERATED BY THE TRADE. MOST OF THE GROWERS AND TRAFFICKERS ARE INDEPENDENTS. MOST OF THE WORKERS ARE ATTRACTED BY THE HIGHER WAGES OFFERED. LARGER, INDEPENDENT TRAFFICKER ORGANIZATIONS IDENTIFIED WITH THE MAJOR "GANJA BARONS" DOMINATE THE BUSINESS BY FACILITATING HIGH-VOLUME SHIPMENTS. THEY OFTEN POSE AS BENEFACTORS TO RURAL COMMUNITIES, ASSIST

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PAGE 01 KINGST 00621 04 OF 16 230730Z
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SCHOOLS, CONTRIBUTE TO INFRASTRUCTURE DEVELOPMENT, AND HAND OUT LARGESS LIKE MODERN DAY ROBIN HOODS. THE VARIOUS INDEPENDENTS AND ORGANIZATIONS IN THE JAMAICAN GANJA BUSINESS ARE LOOSELY ORGANIZED ANDARE NOT NEARLY AS DOMINANT AS THE NOTORIOUS NARCOTRAFFICANTES OF COLOMBIA.

THE POLITICAL SITUATION

15. MARIJUANA CULTIVATION, DRUG ABUSE, AND NARCOTICS TRAFFICKING IN MARIJUANA AND HARD DRUGS ARE MAJOR
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 KINGST 00621 04 OF 16 230730Z

POLITICAL ISSUES IN JAMAICA. PRIME MINISTER EDWARD SEAGA AND HIS JAMAICA LABOR PARTY (JLP), WHICH FORMS THE GOVERNMENT, IS COOPERATING WITH THE UNITED STATES IN WAGING AN INCREASINGLY EFFECTIVE MARIJUANA ERADICATION AND INTERDICTION CAMPAIGN, USING THE JAMAICA DEFENSE FORCE (JDF) AND THE JAMAICA CONSTABULARY FORCE (JCF - POLICE). "OPERATION BUCCANEER II" COVERED THE PERIOD SEPTEMBER 1985-APRIL 1986, AND "BUCCANEER III" COVERS THE PERIOD SEPTEMBER 1986-AVRIL 1987, IN ORDER TO ERADICATE AND INTERDICT A SIGNIFICANT PORTION OF THE HARMEST FOR FALL 1985, SPRING 1986, FALL 1986, AND SPRING 1987. THE CURRENT SITUATION CONTRASTS SHARPLY WITH THE GOVERNMENT'S RELUCTANCE TO INITIATE A MAJOR CAMPAIGN AGAINST THE MARIJUANA INDUSTRY IN THE EARLY 1980S. THE ISSUES FTR THE GOVERNMENT INCLUDE:

- --DRUGS AS ANLAW AND ORDER PROBLEM: LOSS OF GOVERNMENT AUTHORITY IN MARIJUANA GROWING AREAS; CORRUPTION OF PUBLIC OFFICIALS ANZ THE SECURITY FORCES RESPONSIBLE FOR ENFORCEMENT; TIE-INS WITH COMMON CRIME AND POLITICAL GANG VIOLENCE; RESULTANT LOSS OF RESPECT FOR LAW AND ORDER.

- # --DRUGS AS A NATIONAL SECURITY PROBLEM: LINKAGE TO EXTREMIST GROUPS; TIE-IN WITH FOREIGN CRIMINAL TRAFFICKING ORGANIZATIONS; UNCONTROLLED LANDING OF AIRCRAFT INVOLVED IN DRUG TRAFFICKING AND GUN RUNNING.

- --DRUGS AS AN ECONOMIC PROBLEM: PREEMPTION OF PRODUCTIVITY BY THE GROWTH OF AN UNDERGROUND GANJA ECONOMY; FOREIGN EXCHANGE LEAKAGE DUE TO HARD CURRENCY SMUGGLING AND LAUNDERING; DIVERSION FROM LEGITIMATE

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PAGE 03 KINGST 00621 04 OF 16 230730Z

LAND USE; ENVIRONMENTAL DESTRUCTION.

- --DRUGS AS A SOCIETAL PROBLEM: CORRUPTION OF YOUTH; ADVERSE IMPACT ON COMMUNITY AND INSTITUTIONAL VALUES; INCREASE RISK OF EXPANDING LOCAL USE AND DRUG DEPENDENCY.

- --DRUGS AS A FOREIGN POLICY PROBLEM; EFFECT OF DRUG TRAFFICKING ON FOREIGN AID FROM THE U.S. AND OTHER DONORS; CBI CRITERIA; RISK TO JAMAICAN LEGITIMATE EXPORTS AND INTERNATIONAL PASSENGER AND CARGO AIR AND SHIPPING LINKS.

16. THE PRIME MINISTER HAS ACKNOWLEDGED THAT JAMAICA IS A PRIME TARGET FOR LOCAL AND INTERNATIONAL TRAFFICKING ORGANIZATIONS. JAMAICA'S GOOD GROWING CLIMATE, LOCATION, LONG COASTLINE, NUMEROUS AIRSTRIPS, AND MODEST LAW ENFORCEMENT CAPABILITIES MAKE IT IDEAL FOR DRUG TRAFFICKERS. JAMAICA HAS NO ISLAND-WIDE RADAR, NO PURSUIT AIRCRAFT, A SMALL COAST GUARD WITH FOUR OPERATING BOATS, A SMALL PROFESSIONAL ARMY AND AIR WING, AND AN UNDERPAID, ILL-EQUIPPED POLICE FORCE.

17. THE NARCOTICS ISSUE IS ALSO A POLITICAL FOOTBALL. BOTH MAJOR PARTIES HAVE BEEN ACCUSING EACH OTHER OF SUPPORTING OR BENEFITTING FROM THE GANJA INDUSTRY. THERE ARE ALSO THOSE WHO PROMOTE THE LEGALIZATION OR DECRIMINAL-IZATION OF MARIJUANA, "THE POOR MAN'S FRIEND," AND THERE IS SIGNIFICANT SUPPORT FOR THIS IDEA AMONG THE POPULACE. MANY JAMAICANS ARGUE THAT THE MARIJUANA TRADE S AN AMERICAN PROBLEM, NOT A JAMAICAN PROBLEM. THEY ARGUE THAT IT IS THE U.S. CONSUMER'S GREAT DEMAND FOR JAMAICAN MARIJUACA WHICH PROVIDES A POWERFUL INCENTIVE FOR FARMERS TO GROW MARIJUANA FOR EXPORT TO THE UNITED

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PAGE 01 KINGST 00621 05 OF 16 230730Z
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STATES.

18. THE VARIOUS INTEREST GROUPS THAT SPEAK ON NARCOTICS ISSUES OFTEN ALIGN THEMSELVES WITH ONE OR THE OTHER MAJOR POLITICAL PARTY AND SIGNIFICANTLY INFLUENCE THE LOCAL DEBATE. THE GOVERN
MENT, THE POLITICAL OPPOSITION, LOCAL NEWSPAPERS, THE INDEPENDENT RADIO STATIONS AND THE GOVERNMENT-OWNED TELEVISION NETWORK ALL HAVE COME OUT STRONGLY AGAINST NARCOTICS TRAFFICKING JND INFAVOR OF ERADICATING AND INTERDICTING MARIJUANA. THERE IS WIDESPREAD CONCERN ABOUT THE GROWING THREAT OF HARD DRUGS BEING TRANSSHIPPED AND CONSUMED IN JAMAICA. THERE

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IS ALSO CONCERN ABOUT THE RISK OF INCREASED LOCAL USE OF NARCOTICS, ESPECIALLY AMONG SCHOOL CHILDREN.

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ECONOMIC CONSIDERATIONS AFFECTING NARCOTICS TRAFFICKING

19. THE GOVERNMENT IS UNDERTAKING A POLITICALLY AND ECONOMICALLY DIFFICULT STRUCTURAL ADJUSTMENT PROGRAM THAT MAY, OVER THE MEDIUM TERM, REVERSE THE DOWNWARD DRIFT IN REAL INCOMES. INFLATION AND UNEMPLOYMENT ARE CURRENTLY ESTIMATED AT 13 PERCENT AND 25 PERCENT RESPECTIVELY. THE JAMAICAN FISCAL YEAR ENDING MARCH 1987, IS EXPECTED TO SHOW A REAL INCREASE IN GDP OF 2 PERCENT, WHICH IS A REVERSAL OF THE REAL DECLINE OF 4 PERCENT THE PREVIOUS YEAR. U.S. ASSISTANCE WILL EASE THE TRANSITION, AND ENABLE THE GOVERNMENT TO ADDRESS ISSUES SUCH AS NARCOTICS ERADICATION AND INTERDICTION.

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20. THE MOTIVATION FOR MANY JAMAICANS TO INVOLVE THEMSELVES IN THE NARCOTICS TRADE STEMS FROM ECONOMIC HARDSHIP AND THE PROMISE OF QUICK PROFITS. UNEMPLOYMENT, LOW WAGES, LACK OF JOB ALTERNATIVES, AND MODEST EDUCATIONAL LEVELS, MAKE THE TEMPTATION TO GET RICH QUICK WITH GANJA ALLURING, IN SPITE OF THE ILLEGALITY. "GANJA BARONS" CONTROL THE INDUSTRY AND DEAL THROUGH MIDDLEMEN WITH A NETWORK OF FARMERS. IT IS DIFFICULT TO TRACK HOW MUCH MONEY FLOWS INTO JAMAICA AS A RESULT OF THE MARIJUANA TRADE. THERE IS SUSPICION THAT THE LARGEST SHARE OF THE PROFITS FROM SALES TO OVERSEAS BUYERS NEVER RETURNS TO JAMAICA BUT IS MOST LIKELY DEPOSITED IN INTERNATIONAL BANKING SAFE HAVENS OR IS PLACED IN LEGITIMATE OVERSEAS INVESTMENTS.

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PAGE 03 KINGST 00621 05 OF 16 230730Z

HOWEVER,
THE ILLICIT NATURE OF THE ENTERPRISE MEANS THAT ACCURATE DATA ARE NOT AVAILABLE.

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21. MARIJUANA FARMERS, MIDDLEMEN, TRAFFICKERS, AND THOSE WMO BENEFIT DIRECTLY FROM THE GANJA TRADE ARE SENSITIVE TO GOVERNMENT INITIATIVES WHICH MAY THREATEN THE TRADE. THEY HAVE, IN TURN, THREATENED TO RETALIATE AGAINST THE GOVERNMENT'S ERADICATION AND INTERDICTION EFFORTS AND AGAINST THE U.S. GOVERNMENT, ALTHOUGH TO

DATE THEY HAVE DONE,
OTHER THAN ISOLATED,
INEFFECTIVE ATTEMPTS TO SABOTAGE CANE FIELDS IN WESTERN
JAMAICA.

22. THE "GANJA LOBBY" IS THE TERM USED TO DESCRIBE INDIVIDUALS AND GROUPS WITH A VESTED INTEREST IN THE TRADE AND WHO ATTEMPT TO INFLUENCE GOVERNMENT POLICY. MEMBERSHIP IN THE GANJA LOBBY IS DIVERSE AND CONSISTS OF A VARIETY OF MARIJUANA TRAFFICKERS, SOME POLITICIANS, SELECTED BUSINESSMEN
WHO USE MARIJUANA-RELATED BLACK
MARKET SYSTEMS TO IMPORT CONTRABAND AND OTHER GOODS, SOME MEMBERS OF THE SECURITY FORCES WHO HAVE SUCCUMBED TO INFLUENCES OF BRIBES AND CORRUPTION, A RELIGIOUS GROUP WHICH CONSIDERS
MARIJUANA THE "WEED OF WISDOM"
AND THE "SACRED HERB," SOME MEMBERS OF THE RADICAL POLITICAL LEFT WHO ARE BELIEVED TO FINANCE SOME OF THEIR ACTIVITIES FROM THE MARIJUANA TRADE, AND A FEW INFLUENTIAL JAMAICANS WHO, ALTHOUGH NOT PROFITING DIRECTLY FROM MARIJUANA, BELIEVE THE MARIJUANA TRADE IS IN JAMAICA'S BEST INTEREST GIVEN THE COUNTRY'S WEAK ECONOMY. THIS LATTER GROUP ARGUES THAT MARIJUANA CULTIVATION SHORES UP THE OTHERWISE DEPRESSED AGRICULTURAL SECTOR WHERE DEPENDENCE ON THE ILLICIT CROP HAS BEEN

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PAGE 01 KINGST 00621 06 OF 16 230732Z
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A.2 NARCOTICS CONTROL ACCOMPLISHMENTS IN 1986

U.S. GOVERNMENT INTERESTS AND ASSISTANCE

23. A HIGH PRIORITY FOR THE UNITED STATES GOVERNMENT IN JAMAICA IS THE EXPANSION OF COOPERATIVE PROGRAMS DESIGNED TO ELIMINATE MARIJUANA PRODUCTION AND TRAFFICKING. THE SUPPORTIVE ROLE PLAYED BY THE UNITED STATES IS SIGNIFICANT; ESSENTIALLY, WE PROVIDE THE ONLY INTERNATIONAL FINANCIAL AND OTHER SUPPORT JAMAICA [redacted]

RECEIVES FOR THE ERADICATION AND INTERDICTION EFFORT. U.S. GOVERNMENT SUPPORT TO JAMAICA FOR THIS PURPOSE INCLUDES:

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- --AN INM-FUNDED MAINTENANCE PROGRAM FOR THE JDF HELICOPTER FLEET.

- --OPERATIONAL PLANNING AND FUNDING SUPPORT FOR THE "OPERATION BUCCANEER" ERADICATION AND INTERDICTION PROGRAM TO LIMIT TO THE GREATEST EXTENT POSSIBLE THE AMOUNT OF MARIJUANA AVAILABLE FOR EXPORT TO THE UNITED STATES.

- --ASSISTING JAMAICA'S CONTINUING PROGRAM OF DESTROYING ILLEGAL AIRSTRIPS TO RENDER THEM INOPERABLE FOR NARCOTICS TRAFFICKING.

- --ASSISTING WITH THE ACQUISITION OF MATERIEL AND EQUIPMENT FOR MARIJUANA ERADICATION, INCLUDING LEASED HELICOPTERS, MOTORIZED BRUSH CUTTERS, AVIATION AND MARITIME FUEL, AND COMMUNICATIONS EQUIPMENT.

- --PROMOTING CLOSE COOPERATION AND COORDINATION BETWEEN JAMAICA AND THE UNITED STATES ON NARCOTICS-RELATED LAW ENFORCEMENT MATTERS OF MUTUAL INTEREST.

- --ENCOURAGING AGGRESSIVE PROSECUTION OF DRUG TRAFFICKERS AND IMPOSITION OF STIFFER PENALTIES.

- --PROVIDING TRAINING TO JAMAICAN OFFICIALS IN THE AREAS OF ASSETS SEIZURE AND FORFEITURE, ASSETS IDENTIFICATION, AND TECHNIQUES FOR TRACING LAUNDERING OF NARCOTICS PROFITS.

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- --PROVIDING TRAINING ASSISTANCE TO JCF, JDF, COAST GUARD, CUSTOMS AND EXCISE OFFICERS INVOLVED IN CONTRABAND IDENTIFICATION AND ENFORCEMENT.

- --CONTINUING TO SUPPORT THE JAMAICA'S DRUG USE
AWARENESS AND EDUCATION CAMPAIGN.

-

JAMAICAN ACCOMPLISHMENTS IN NARCOTICS CONTROL

24. THE JAMAICAN GOVERNMENT HAS SIGNIFICANTLY INCREASED ITS COMMITMENT TO THE ERADICATION OF MARIJUANA AND THE INTERDICTION OF MARIJUANA TRAFFICKING. AND THE U.S. GOVERNMENT HAS INCREASED ITS FUNDING SUPPORT IN KIND. U.S. FUNDING SUPPORT SHOWED A RAPID INCREASESFROM $49,000 IN FY 1984, TO $430,000 IN FY 1985, AND $1,521,000 IN FY 1986. THE PROJECTED INM BUDGET FOR JAMAICA IN FY 1987 IS $2.4 MILLION. SINCE FEBRUARY 1985, THE JAMAICAN GOVERNMENT HAS SIGNED 16 LETTERS OF AGREEMENT WITH THE UNITED STATES ON NARCOTICS CONTROL MATTERS AND HAS ALSO DEMONSTRATED THE ABILITY TO USE THIS FUNDING SUPPORT EFFECTIVELY.

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25. THE STRUCTURE OF THE JAMAICA'S ERADICATION EFFORT FOCUSES ON PRIME MINISTER SEAGA. THE PRIME MINISTER ESTABLISHES POLICY AND GIVES DIRECTION TO THE MINISTRIES AND AGENCIES INVOLVED IN THE ERADICATION/INTERDICTION CAMPAIGN. THE MINISTER OF NATIONAL SECURITY HAS OVERALL RESPONSIBILITY FOR "OPERATION BUCCANEER" AND THE CHIEF

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PAGE 01 KINGST 00621 07 OF 16 230733Z
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OF STAFF OF THE JDF, WORKING IN CONJUNCTION WITH THE
POLICE COMMISSIONER AND THE JCF HIGH COMMAND, PROVIDES
OPERATIONAL LEADERSHIP AND CONTROL FOR THE ERADICATION

AND INTERDICTION FORCES.

26. DURING THE PERIOD SEPTEMBER - DECEMBER 1986, THE JDF HAD 64 TROOPERS DEPLOYED FULL TIME DIVIDED INTO THREE CUTTING TEAMS INVOLVED IN ERADICATION ACTIVITIES WITH LEASED HELICOPTER SUPPORT IN THE WEST, AND ONE TEAM IN ST. ANN PARISH, ALL IN SUPPORT OF "BUCCANEER III.", AT THE SAME TIME, THE JCF NARCOTICS UNIT HAD 30 POLICE OFFICERS AND 80 CIVILIAN WORKERS ENGAGED IN [redacted]

PAGE 02 KINGST 00621 07 OF 16 230733Z

ERADICATION FOR "BUCCANEER III." DISTRICT CONSTABULARY PRECINCTS ALSO PERFORM ANTI-NARCOTICS ROLES IN THEIR LOCAL JURISDICTIONS. THE JDF AND JCF ARE ENGAGED IN MECHANICAL ERADICATION USING U.S.-SUPPLIED MOTORIZED BRUSH CUTTERS. THE U.S. SUPPORTS JAMAICA'S ERADICATION/ INTERDICTION CAMPAIGN WITH ADMINISTRATIVE SUPPORT, OPERATIONAL SUPPORT FUNDS, AIRCRAFT AND COAST GUARD VESSEL MAINTENANCE AND SPARE PARTS, EQUIPMENT AND SUPPLIES. THE U.S., THROUGH I.N.M., FINANCED THE LEASE BY THE JDF OF TWO BELL 212 HELICOPTERS FROM A U.S. CONTRACTOR TO SUPPORT ERADICATION OPERATIONS. THE HELICOPTERS HAVE BEEN USED TO INSERT ERADICATION TEAMS IN HARD-TO-REACH GROWING AREAS AS WELL AS TO PROVIDE AERIAL RECONNAISSANCE AND TRANSPORT FOR JOINT POLICE/ ARMY SEARCH-AND-DEST
ROY RAIDING TEAMS. THE JDF COAST
GUARD PLAYS AN INDEPENDENT MARITIME INTERDICTION ROLE IN ADDITION TO PARTICIPATING IN REGIONAL "HAT TRICK III" OPERATIONS.

27. CALENDAR YEAR 1986 ENCOMPASSED THE SECOND HALF OF "BUCCANEER II" (JAN - MAR) AND THE FIRST HALF OF "BUCCANEER III" (SEP - DEC). IN THIS PERIOD, A TOTAL OF:

- HECTARES OF MARIJUANA WERE ERADICATED
- METRIC TONS OF MARIJUANA WERE SEIZED OR DESTROYED
- PLANTS OR SEEDLINGS WERE DESTROYED
- METRIC TONS OF COCAINE WERE SEIZED OR DESTROYED

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-		METRIC TONS OF HASH OIL WERE SEIZED OR DESTROYED
-		OTHER NARCOTICS WERE SEIZED OR DESTROYED
-	5	AIRCRAFT WERE SIEZED
-	13	AIRCRAFT CRASH LANDED
-	8	BOATS WERE SEIZED
-	17	VEHICLES SEIZED
-		RADIOS OR COMMUNICATIONS EQUIPMENT SIEZED
-	3105	PERSONS ARRESTED FOR NARCOTICS OFFENSES

THESE PERFORMANCE LEVELS COMPARE FAVORABLY WITH THE PREVIOUS YEARS. (REFER TO TABLES IN C.1 FOR COMPARATIVE ANALYSIS.)

28. THIS WAS A CRUCIAL YEAR FOR JAMAICA'S MARIJUANA ERADICATION AND INTERDICTION PROGRAMOM THE PROBLEM HAS GROWN IN SCOPE AND COMPLEXITY AND THE GOVERNMENT'S EFFORTS HAVE SHOWN GREATER POLICY-ORIENTED AND OPERATIONAL PERFORMANCE RESULTS THAN IN ANY PREVIOUS YEAR. HIGHLIGHTING THESE ACCOMPLISHMENTS, THE JAMAICAN GOVERNMENT IN 1986:

- --MADE A POLICY COMMITMENT TO MOVE FORWARD WITH A HERBICIDAL ERADICATION PROGRAM FOR MARIJUANA USING

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PAGE 01 KINGST 00621 08 OF 16 230734Z
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BACKPACKS TO APPLY GLYPHOSATE TO IMMATURE MARIJUANA CROPS.

- --CLEARED OBSTACLES TO JAMAICAN RATIFICATION OF A NEW U.S.-JAMAICA EXTRADITION TREATY WHICH WILL FACILITATE BRINGING NARCOTICS OFFENDERS TO JUSTICE. (THE UNITED STATES HAS ALREADY RATIFIED THE TREATY.)

- --EXTENDED THE SUPPRESSION OF CRIME ACT WHICH ALLOWS THE MILITARY TO PARTICIPATE IN NARCOTICS ENFORCEMENT ACTIONS WITH THE NATIONAL POLICE.

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PAGE 02 KINGST 00621 08 OF 16 230734Z

- --ARRESTED SEVERAL MAJOR JAMAICAN MARIJUANA TRAFFICKERS (SOME ARE ALREADY ON TRIAL.)

- --CO-HOSTED WITH U.S. CUSTOMS TRAINING PROGRAMS TR POLICE, COAST GUARD, AND CUSTOMS OFFICIALS IN NARCOTICS ENFORCEMENT.

- --STRENGTHENED CERTIFICATION AND REGISTRATION REQUIREMENTS FOR JAMAICAN EXPORTERS TO LIMIT NARCOTICS TRAFFICKING THROUGH LEGITIMATE EXPORT CHANNELS.

- --COMPILED A LIST OF KNOWN OR SUSPECTED "GANJA BARONS" FOR INVESTIGATION AND APPROPRIATE ACTION BY THE CRIMINAL JUSTICE AND TAX SYSTEMS.

- --INSTITUTED NARCOTICS SNIFFING DOG TEAMS AT THE TWO INTERNATIONAL AIRPORTS TO DETECT MARIJUANA IN LUGGAGE AND AIR CARGO.

- --TIGHTENED SECURITY PROCEDURES AT THE AIRPORTS AND SEA PORTS WHICH HAS RESULTED IN IMPROVED NARCOTICS INTERDICTION AND MORE ARRESTS.

- --RECOMMENDED AMENDING THE ANTIQUATED ANTI-DRUG STATUTES (1948) TO PROVIDE FINES, PRISON SENTENCES, AND SEIZURE AND FORFEITURES OF NARCOTICS TRAFFICKER ASSETS.

- --PARTICIPATED IN A USAID-SPONSORED CONFERENCE FOR JAMAICAN JUDGES AND PROSECUTORS ON DISPARITIES AMONG JURISDICTIONS IN SENTENCING OFFENDERS FOR DRUG OFFENSES AND OTHER SERIOUS CRIMES.

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PAGE 03 KINGST 00621 08 OF 16 230734Z

- --PARTICIPATED IN A USAID-FUNDED EPIDEMIOLOGICAL SURVEY, ADMINISTERED BY THE PAN AMERICAN HEALTH ORGANIZATION (PAHO), ON LOCAL DRUG USE, ABUSE, AND ATTITUDES TO SERVE AS THE BASIS FOR AN IMPROVED EDUCATIONAL CAMPAIGN.

- --DECLARED OCTOBER 1986 AS "DRUG AWARENESS MONTH," AND CARRIED OUT A HIGH-PROFILE, NATIONWIDE PROGRAM OF ACTIVITIES ORGANIZED BY THE MINISTRY OF YOUTH AND PARTICIPATED IN BY SENIOR GOVERNMENT OFFICIALS.

- --CONTINUED AN ISLAND-WIDE DRUG ABUSE EDUCATION CAMPAIGN DIRECTED BY THE DRUG ABUSE SECRETARIAT AND THE NATIONAL DRUG ABUSE COUNCIL.

- --INCREASED THE NUMBER OF POLICE AND JDF TROOPERS ENGAGED IN "OPERATION BUCCANEER."

- --LEASED WITH INM FUNDS TWO BELL 212 HELICOPTERS FROM A U.S. CONTRACTOR TO SUPPORT "BUCCANEER III."

- --INTENSIFIED THE CAMPAIGN TO DESTROY ILLEGAL AIRSTRIPS AND KEEP THEM INOPERABLE.

OBSTACLES TO OVERCOME FOR ENHANCED NARCOTICS CONTROL

29. THE JAMAICAN GOVERNMENT IS MAKING A MAJOR EFFORT TO ELIMINATE NARCOTICS TRAFFICKING, AND THE CAMPAIGN NOW UNDERWAY IS THE LARGEST EVER MOUNTED IN THE COUNTRY. NEVERTHELESS, THERE ARE SOME SERIOUS HANDICAPS. AMONG THE OBSTACLES ARE A LACK OF BUDGETARY RESOURCES TO SUSTAIN AN EFFECTIVE CAMPAIGN N ITS OWN, A LACK OF SUFFICIENT EXPERTISE TO WAGE A LONG-TERM ERADICATION

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PAGE 01 KINGST 00621 09 OF 16 230735Z
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AND INTERDICTION EFFORT, LACK OF EQUIPMENT AND SUPPLIES TO SUPPORT YEAR-ROUND FIELD OPERATIONS, AND A LIMITED POOL OF SECURITY PERSONNEL AVAILABLE FOR THESE ENDEAVORS. WITHOUT U.S. ASSISTANCE, THE JAMAICAN GOVERNMENT WOULD BE ABLE TO MOUNT ONLY A FAR MORE MODEST EFFORT TO CONTROL MARIJUANA CULTIVATION AND TRAFFICKING.

30. ANOTHER DIFFICULTY HAS ARISEN FROM THE IMPACT OF TRAFFINKER NETWORKS ON THE POLITICAL FABRIC OF THE COUNTRY. THE INFLUENCE OF TRAFFICKERS, VIEWED IN SOME RURAL AREAS A "ROBIN HOODS," HAS GROWN. THEY OFTEN USE FUNDS AT THEIR DISPOSAL FOR "GOOD WORKS"--OR FOR MORE

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PAGE 02 KINGST 00621 09 OF 16 230735Z

TRADITIONAL ACTIVITIES LIKE SEEKING TO CORRUPT LOCL OFFICIALS OR WEIGHING IN WITH CONTRIBUTIONS TO POLITICAL PARTIES. IT IS THUS OFTEN DIFFICULT TO GENERATE SUPPORT FOR THE GOVERNMENT ANTI-NARCOTICS EFFORT IN SOME RURAL AREAS. IN URBAN SETTINGS, THE PROBLEM OF GETTING SUPPORT IS COMPOUNDED BY THE VIEW OF SOME OPINION LEADERS THAT MARIJUANA IS NOT A

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DANGEROUS SUBSTANCE AND THAT, IN ANY EVENT, MARIJUANA AND OTHER DRUGS ARE A PROBLEM FOR THE UNITED STATES, NOT JAMAICA, DESPITE MOUNTING EVIDENCE THAT COCAINE HAS MADE ITS ENTRANCE INTO THE COUNTRY.

A.3 PLANS, PROGRAMS, AND TIMETABLES

31. --LEASED HELICOPTER CONTRACT TERMINATES JAN 31, 1987.

- --BACKPACK SPRAYING OF THE HERBICIDE GLYPHOSATE IS EXPECTED TO BEGIN DURING THE SECOND HALF OF "BUCCANEER III" (JAN - MAR 1987).

- --INM-SPONSORED NARCOTICS DETECTOR DOG FIVE-WEEK TRAINING COURSE FOR THE JAMAICA CONSTABULARY FORCE (FEB 1987).

- --DEVELOP AN OPERATIONAL PLAN FOR "BUCCANEER IV" (APR 1987).

- --NEGOTIATE A BILATERAL NARCOTICS CONTROL PROGRAM AGREEMENT BETWEEN THE U.S. AND JAMAICA.

- --CONCLUDE DISCUSSIONS ON A BILATERAL MUTUAL LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 KINGST 00621 09 OF 16 230735Z

LEGAL ASSISTANCE TREATY.

- --ESTABLISH AN EMBASSY NARCOTICS ASSISTANCE UNIT.

- --CONTINUE THE EXISTING PROGRAM TO DEMOLISH ILLEGAL AIRSTRIPS.

- --CONTINUE TO ASSIST DRUG ABUSE EDUCATION.

- --CONCLUSION OF THE PAHO EPIDEMIOLOGICAL STUDY (SEP 1987).

- --CARRY OUT "OPERATION BUCCANEER IV" (SEP-DEC 1987).

A.4 ADEQUACY OF LEGAL AND LAW ENFORCEMENT

32. INTERNATIONAL NARCOTICS ENFORCEMENT: JAMAICA IS

SIGNATORY TO THE SINGLE CONVENTION ON NARCOTIC DRUGS. IT SUPPORTS CALLS IN THE U.N. GENERAL ASSEMBLY, THE COMMONWEALTH OF NATIONS, THE ORGANIZATION OF AMERICAN STATES, THE NON-ALIGNED MOVEMENT, CARICOM AND OTHER FORA FOR COOPERATION AMONG NATIONS TO ELIMINATE TRAFFICKING IN NARCOTICS. JAMAICA IS A MEMBER OF INTERPOL AND PARTICIPATES IN
CONFERENCES AND INFORMATION SHARING
ON INTERNATIONAL NARCOTICS CRIMINAL ACTIVITY. USDEA HAS AN OFFICE IN JAMAICA AND WORKS CLOSELY WITH JAMAICAN COUNTERPARTS ON ISSUES OF MUTUAL INTEREST. JAMAICA IS MOVING TO FINALIZE A NEW U.S.-JAMAICA EXTRADITION TREATY, AND DISCUSSIONS ARE CONTINUING ON A BILATERAL MUTUAL LEGAL ASSISTANCE TREATY. JAMAICA ALSO PARTICIPATES IN A U.S.-SUPPORTED NATIONAL NARCOTICS CONTROL PROGRAM (OPERATION BUCCANEER), AND PARTICIPATES IN ONGOING "OPERATION HAT TRICK" REGIONAL MARITIME INTERDICTION

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PAGE 01 KINGST 00621 10 OF 16 230736Z
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OPERATIONS.

33. THE PRIME MINISTER PROVIDES OVERALL LEADERSHIP FOR JAMAICA'S NARCOTICS CONTROL PROGRAM. WORKING CLOSELY WITH HIM IN HIS ROLE OF P.M. AND MINISTER OF FINANCE ARE THE MINISTERS OF JUSTICE, NATIONAL SECURITY, AND PUBLIC UTILITIES AND TRANSPORT. THE MINISTER OF NATIONAL SECURITY HAS RESPONSIBILITY FOR THE ADMINISTRATION OF THE GOVERNMENT'S EFFORT, AND THE CHIEF OF STAFF OF THE JDF HAS OPERATIO AL COMMAND OF "OPERATION BUCCANEER" PLANNING ANDIMPLEMENTATION. THE [redacted]

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JDF COMMANDER WORKS IN CONJUNCTION WITH THE COMMISSIONER OF POLICE TO DETAIL UNITS WHICH ARE DEDICATED TO "OPERATION BUCCANEER" AND THOSE WHICH PERFORM OTHER ROLES IN SUPPORT OF "OPERATION BUCCANEER." THE MINISTER OF JUSTICE PLAYS A KEY ROLE IN LEGAL REFORM OF NARCOTICS LAWS AND PROSECUTING TRAFFICKERS AND GROWERS BROUGHT BEFORE THE COURTS. THE MINISTRY OF FINANCE'S COLLECTOR OF INLAND REVENUE IS INVOLVED IN ISSUES OF TAX ASSESS-MENT AND SEIZURE OF TRAFFICKER ASSETS. THE MINISTRY OF PUBLIC UTILITIES AND TRANSPORT IS ONE OF THE PRINCIPAL AGENCIES INVOLVED IN NARCOTICS CONTROL ACTIVITIES BECAUSE OF ITS SUPERVISORY AND POLICY RESPONSIBILITIES FOR AIRPORTS, SEAPORTS AND INTER-NATIONAL SHIPPING LINKS. THE MINISTRIES OF AGRICULTURE, EDUCATION, YOUTH, FOREIGN AFFAIRS, TRADE AND INDUSTRY, AND TOURISM PROVIDE INPUT TO THE GOVERNMENT'S NARCOTICS ENFORCEMENT AND CONTROL GOALS AND ACTIVITIES.

34. THE DRUG ABUSE SECRETARIAT, DIRECTED BY THE MINISTER OF JUSTICE, AND BASED WITHIN THE NATIONAL DRUG ABUSE COUNCIL, WAS CREATED BY LEGISLATION IN 1985 AND HAS BEEN AN ACTIVE, GOSITIVE CONTRIBUTOR TO THE NATIONAL DEBATE ON NARCOTICS. IT HELPED MOUNT A MAJOR DRUG AWARENESS EDUCATION AND DEMAND REDUCTION EFFORT IN 1986.

35. NERCOTICS PRODUCTION AND TRAFFICKING HAVE BECOME A CORROSIVE INFLUENCE ON JAMAICAN SOCIETY. CORRUPTION

IN THE PUBLIC SECTOR IS A SIGNIFICANT PROBLEM. THE NARCOTICS TRADE HAS CORRUPTED SOME MEMBERS OF THE SECURITY FORCES, PUBLIC OFFICIALS, AND PRIVATE ENTREPRENEURS. ONE JOURNALIST WROTE THAT GANJA MONEY SOONER [redacted]

PAGE 03 KINGST 00621 10 OF 16 230736Z

OR LATER REACHES EVERY POLITICAL CQXPAIGN FUND AND EVERY CHURCH COLLECTION PLATE IN JAMAICA. THERE ARE INDICATIONS THAT POLITICAL PARTIES, WHICH ARE LARGE, NATIONWIDE ORGANIZATIONS, HAVE INDIVIDUALS WIITHIN THEM INVOLVED IN THE NARCOTICS TRADE. THE DIRECT AND INDIRECT BENEFICIARIES AND SUPPORTERS OF THE GANJA TRADE REPRESENT A LARGE NUMBER OF PEOPLE WITH SIGNIFICANT POLITICAL INFLUENCE AND POLITICIANS ARE SENSITIVE TO THEIR PRESSURE. HOWEVER, THE OFFICIAL POSITION OF BOTH MAJOR PARTIES IS TO OPPOSE ALL FORMS OF U E AND TRADE IN NARCOTICS, AND THE PRESENT GOVERNMENT HAS PROGRESSIVELY INCREASED ITS COMMITMENT TO NARCOTICS CONTROL.

36. NATIONAL NARCOTICS ENFORCEMENT: THE CULTIVATION, USE, AND TRAFFICKING IN MARIJUANA HAVE LONG BEEN ILLEGAL IN JAMAICA. THERE IS GENERAL CONSENSUS IN THE LEGAL COMMUNITY THAT THE CURRENT ANTI-DRUG LAW, ENACTED IN 1948, IS OUTDATED AND IN NEED OF MAJOR REFORM TO TAKE INTO CONSIDERATION MODERN PATTERNS OF CRIMINAL BEHAVIOR. TWO CONFERENCES WERE RECENTLY HELD IN KINGSTON ON MODERNIZING EXISTING ANTI-NARCOTICS STATUTES TO PROVIDE FOR STRONGER ENFORCEMENT AND STRICTER PENALTIES FOR OFFENDERS. THE GOVERNMENT IS CURRENTLY REVIEWING EXISTING LAWS FOR POSSIBLE CHANGES.

37. THE CRIMINAL JUSTICE SYSTEM SUFFERS FROM CHRONIC UNDERFUNDING, A LACK OF PROPER FACILITIES, AND A DEARTH OF ADEQUATELY TRAINED PERSONNEL. AS A RESULT, THERE ARE SERIOUS BACKLOGS OF CRIMINAL AND CIVIL CASES WAITING FOR TRIAL, IN ADDITION TO MAJOR PROBLEMS WITH RECORD KEEPING. ADDITIONAL PROBLEMS AFFECTING JAMAICA'S CRIMINAL JUSTICE SYSTEM INCLUDE INCOMPLETE POLICE SEARCH AND EVIDENCE COLLECTION, INADMISSIBLE EVIDENCE BECAUSE OF INAPPROPRIATE SECURITY FORCE ACTIONS, DISAPPEARANCE OF KEY WITNESSES, ABSENCE OF LAWYERS OR COURT OFFICIALS [redacted]

PAGE 04 KINGST 00621 10 OF 16 230736Z

AT SCHEDULED TIMES, LOSS OR DESTRUCTION OF EVIDENCE,

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PAGE 01 KINGST 00621 11 OF 16 230737Z
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LOSS OR DESTRUCTION OF RECORDS, AND LACK OF UNIFORM SENTENCING GUIDELINES FOR NARCOTICS OFFENSES. THE JAMAICAN GOVERNMENT IS COMMITTED TO IMPROVING THE NATION'S CRIMINAL JUSTICE SYSTEM. THE UNITED STATES IS ASSISTING THROUGH AN ADMINISTRATION OF JUSTICE PROGRAM AIMED AT UPGRADING PHYSICAL FACILITIES OF THE COURT SYSTEM AND PROVIDING LEGAL RESOURCE MATERIALS, AND THROUGH THE INTERNATIONAL CRIMINAL INVESTIGATIVE TRAINING ASSISTANCE PROGRAM (ICITAP).

38. THE JAMAICA DEFENSE FORCE, THE JAMAICA CONSTABULARY FORCE (NARCOTICS DIVISION AND CANINE DIVISION), AND [redacted]

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PAGE 02 KINGST 00621 11 OF 16 230737Z

CUSTOMS AND EXCISE OFFICERS ARE THE PRINCIPAL BENE-FICIARIES OF U.S.-SPONSORED NARCOTICS CONTROL TRAINING

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PROGRAM. THE JDF BENEFITS FROM IMET, INM, JUSTICE DEPARTMENT, AND OTHER U.S.-SPONSORED SPECIALIZED TRAINING THAT CAN BE APPLIED TO THE NARCOTICS CONTROL EFFORT. THE JCF BENEFITS FROM TRAINING PROVIDED IN JAMAICA UNDER ICITAP AND IN THE UNITED STATES BY THE U.S. CUSTOMS SERVICE AND THE DEPARTMENT OF JUSTICE. WITHOUT U.S.-SPONSORED SPECIALIZED TRAINING FOR NARCOTICS ENFORCEMENT, JAMAICA WOULD NOT HAVE THE CAPABILITY TO PROVIDE THIS IMPORTANT COMPONENT OF THE ANTI-NARCOTICS EFFORT. THE TRAINING PROVIDED BY THE UNITED STATES GOVERNMENT HAS BEEN BENEFICIAL TO THE INDIVIDUALS INVOLVED, BY THEIR OWN ASSESSMENTS AS WELL AS BY THAT OF THEIR GOVERNMENT. TRAINING PROGRAMS FOR NARCOTICS ENFORCEMENT AND CONTROL WILL BE AN IMPORTANT PART OF THE FUTURE PROGRAM EFFORT IN JAMAICA.

39. ADMINISTRATIVE REFORMS FOR NARCOTICS ENFORCEMENT: THE JAMAICAN GOVERNMENT HAS TAKEN VARIOUS ADMINISTRATIVE STEPS TO REINFORCE NARCOTICS CONTROL EFFORTS:

- --MARIJUANA CULTIVATION: A PLAN ANNOUNCED IN DECEMBER 1986, TO INSTITUTE HERBICIDAL ERADICATION OF MARIJUANA IN 1987; TWICE-YEARLY AERIAL SURVEYS TO ESTIMATE THE SIZE OF THE SPRING AND FALL MARIJUANA CROPS; INCREASED JDF AND JCF PARTICIPATION IN THE "OPERATION BUCCANEER" ERADICATION AND INTERDICTION CAMPAIGN; AND DIRECTION TO LOCAL POLICE PRECINCTS TO ERADICATE MARIJUANA FIELDS IN THEIR JURISDICTIONS.

- --AERIAL TRAFFICKING: DESTRUCTION, STAKE OUTS, AND RAIDS ON ILLEGAL AIRSTRIPS USED FOR NARCOTICS [redacted]

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PAGE 03 KINGST 00621 11 OF 16 230737Z

TRAFFICKING; EFFORTS TO CONTROL ACCESS TO AVIATION FUEL, USE OF ROAD BLOCKS TO INTERDICT VEHICLES AND PASSENGERS TRANSPORTING NARCOTICS TO POINTS OF SHIPMENT; AND INCRE
SED CRIMINAL PENALTIES AND FINES FOR ILLEGAL LANDING.

- --MARITIME TRAFFICKING: JDF COAST GUARD HAS REDEPLOYED ITS SHIPS TO IMPROVE ITS COVERAGE OF SUSPECTED TRAFFICKING AREAS. IT IS ALSO PARTICIPATING IN "HAT TRICK III."

- --PORTS OF ENTRY: ENHANCED SECURITY AT BOTH INTERNATIONAL AIRPORTS; MORE EXTENSIVE AND INTENSIVE USE OF NARCOTICS DETECTOR DOGS; REPEAL OF EXPORT CERTIFICATION FOR 77 FIRMS FOUND WITH LAX SECURITY PROCEDURES OR INVOLVED IN DRUG SMUGGLING; NARCOTICS INTERDICTION TRAINING FOR CUSTOMS ENFORCEMENT OFFICERS; AND IMPROVED SECURITY AND EXPORT LICENSING PROCEDURES AT THE CONTAINER PORTS.

- --MAJOR TRAFFICKING ORGANIZATIONS: EXTENSION OF THE SUPPRESSION OF CRIME ACT ALLOWING THE JAMAICA DEFENSE FORCE TO PARTICIPATE WITH THE POLICE IN NARCOTICS ENFORCEMENT ACTIONS; INTENSIVE EFFORTS TO TAX UNREPORTED TRAFFICKER ASSETS; INCREASED WILLINGNESS TO PROSECUTE TRAFFICKERS CAUGHT ATTEMPTING TO EXPORT NARCOTICS.

--NARCOTICS RELATED ARRESTS: FROM JANUARY-OCTOBER 1986,
THE JAMAICA CONSTABULARY FORCE MADE 3,105 NARCOTICS-RELATED ARRESTS, INCLUDING 381 AMERICANS.
-
40. THE GOVERNMENT HAS EVOLVED A FLEXIBLE ORGANIZATION

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PAGE 01 KINGST 00621 12 OF 16 230738Z
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OF THE PERSONNEL AND AGENCIES INVOLVED IN THE OVERALL NARCOTICS CONTROL EFFORT. THE PRIME MINISTER IS DIRECTLY INVOLVED IN ALL MAJOR NARCOTICS CONTROL INITIATIVES. THE VARIOUS GOVERNMENT AGENCIES INVOLVED ARE BETTER ABLE TO WAGE A MEANINGFUL WAR ON MARIJUANA CULTIVATION AND TRAFFICKING THAN IN THE PAST, BUT STILL NEED OUTSIDE FINANCIAL, TRAINING, AND EQUIPMENT SUPPORT AND ADDI- TIONAL STAFF TO SUSTAIN SUCH AN EFFORT. THE U.S. GOVERNMENT HAS PROVIDED ESSENTIAL SUPPORT SERVICES AND TRAINING. WITHOUT U.S. HELP, JAMAICA WOULD BE ABLE TO DO FAR LESS TO CURB MARIJUANA TRAFFICKING.

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PAGE 02 KINGST 00621 12 OF 16 230738Z

A.5 DOMESTIC DRUG ABUSE PROBLEM

41. THERE ARE NO UP-TO-DATE EMPIRICAL DATA WHICH PROVIDE INSIGHTS INTO DOMESTIC PATTERNS OF MARIJUANA USE OR OTHER DRUG USE AND ABUSE IN JAMAICA. THE MOST RECENT STUDY WAS CARRIED OUT BETWEEN 1979 AND 1984. THIS STUDY SHOWED THAT DRUG USE IN JAMAICA HAS BEEN INCREASING OVER THE LAST DECADE, ESPECIALLY AMONG YOUNG PEOPLE. A SURVEY OF SECONDARY SCHOOL STUDENTS SHOWED THAT 26 PERCENT OF THE GIRLS AND 30.5 PERCENT OF THE BOYS RESPONDING HAD USED MARIJUANA, AND 13 PERCENT KNEW SOMEONE WHO HAD USED COCAINE. A MINISTRY OF SCIENCE, TECHNOLOGY, AND ENVIRONMENT STUDY, DONE IN COLLABORATION WITH THE NATIONAL COUNCIL ON DRUG ABUSE (NCDA), INDICATED THAT 25 PERCENT OF THOSE RESPONDING HAD USED SOME NARCOTICS. OF THOSE, 78 PERCENT OF THEM HAD USED MARIJUANA, WITH COCAINE SECOND AT SIX PERCENT. ONLY 26 PERCENT OF RESPONDENTS FELT THAT DRUG ABUSE HAD ADVERSE HEALTH EFFECTS. THE NCDA IS THE LEAD ORGAN- IZATION FOR DRUG ABUSE EDUCATION AND RECENTLY INITITATED A PUBLIC EDUCATION DRIVE INCLUDING SEMINARS, HOT LINES, AND A POSTER COMPETITION. THE MINISTRY OF YOUTH

DECLARED OCTOBER AS "DRUG AWARENESS MONTH," AND THE GOJ IS PROMOTING THE DEVELOPMENT OF REGIONAL DRUG ABUSE COUNCILS AND VARIOUS HIGH-PROFILE DRUG ABUSE PROGRAMS ISLAND-WIDE. THE UNIVERSITY OF THE WEST INDIES HAS INITIATED A DRUG ABUSE EDUCATION CURRICULUM FOR THE FACULTY, AND, SIGNIFICANTLY, THE FIRST DRAFT OF A PROPOSED NATIONAL PLAN ON DRUG ABUSE PREVENTION AND CONTROL HAS BEEN COMPLETED. THIS PLAN CALLS FOR DRUG ABUSE EDUCATION IN PRIMARY AND SECONDARY SCHOOLS, TEACHER TRAINING IN DRUG ABUSE EDUCATION, AND STRENGTH-

[redacted]

[redacted]

ENING OF EXISTING LAWS. FOLLOWING REVIEW, THE PLAN WILL BE SENT TO PARLIAMENT FOR DECISION.

-

42. THE EPIDEMIOLOGICAL STUDY NOW UNDERWAY IS EXPECTED TO BE COMPLETED IN THE THIRD QUARTER OF 1987. THIS SURVEY WILL PROVIDE, FOR THE FIRST TIME, A SAMPLE OF GENERAL HOUSEHOLD DRUG USE AND ABUSE PATTERNS AND WILL ALSO PROVIDE THE BASIS FOR JAMAICA'S DRUG ABUSE EDUCATION AND REHABILITATION EFFORTS. THE NATIONAL DRUG ABUSE COUNCIL, THE MINISTRY OF YOUTH AND SPORTS, THE MINISTRY OF EDUCATION, AND THE PARISH COUNCILS THROUGHOUT THE ISLAND HAVE BEEN ACTIVELY INVOLVED IN DRUG ABUSE PREVENTION, EDUCATION, AND DEMAND REDUCTION. HOWEVER, NO FACILITY EXISTS ON THE ISLAND WHICH IS DEDICATED TO DRUG DEPENDENCY REHABILITATION. THE PRISONS HAVE NOT HAD SUCCESS IN REHABILITATING DRUG OFFENDERS.

-

43. DOMESTIC CONSUMPTION IS NOT THE DRIVING FORCE BEHIND THE RAPID EXPANSION OF MARIJUANA CULTIVATION. MOST OF THE MARIJUANA SMOKERS IN RURAL AREAS HAVE NO PROBLEM GROWING THEIR OWN, AND AN ESTIMATED 10-20 PERCENT OF TOTAL PRODUCTION MAKES ITS WAY TO LOCAL CONSUMERS. THE BULK OF THE MARIJUANA GROWN IN JAMAICA TODAY IS BOUND FOR EXPORT. DEMAND REDUCTION HAS NOT BEEN AS IMPORTANT TO JAMAICA'S NARCOTICS ENFORCEMENT EFFORTS AS HAS BEEN ERADICATION, INTERDICTION, AND ARREST/ PROSECUTION OF NARCOTICS TRAFFICKERS. THE PRIVATE SECTOR HAS NOT SUSTAINED EFFECTIVE ACTION IN THE AREAS OF DEMAND REDUCTION. HOWEVER, PRIVATE ASSOCIATIONS, CHURCH GROUPS, EDITORIALISTS, AND OTHER INDIVIDUALS HAVE BEEN SUPPORTIVE OF THE GOVERNMENT'S NARCOTICS

ENFORCEMENT PROGRAM.

B.1 NATURE OF ILLICIT DRUG PRODUCTION PROBLEM

[redacted]

[redacted]

PAGE 04 KINGST 00621 12 OF 16 230738Z

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PAGE 01 KINGST 00621 13 OF 16 230739Z
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[redacted] SECTION 13 OF 16 KINGSTON 00621

C O R R E C T E D C O P Y - FIRST LINE OF TEXT

DEPT FOR INM; DEPT FOR AID; UNVIE FOR NARCOTICS OFFICER

E.O. 12356: N/A (DECONTROL ON RECEIPT)
TAGS: SNAR, JM
SUBJECT: INCSR, 1986 ANNUAL REPORT -- JAMAICA

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44. JAMAICA PRODUCES METRIC TONS OF MARIJUANA PER YEAR, PERCENT IS CONSUMED DOMESTICALLY AND PERCENT IS EXPORTED. THE GOVERNMENT'S MARIJUANA CONTROL PROGRAM FOCUSES ON REDUCTION IN SUPPLY BY ERADICATING MARIJUANA IN THE FIELD TO THE GREATEST EXTENT POSSIBLE, SUPPLEMENTED BY INTERDICTION BEFORE IT REACHES EXPORT CHANNELS THROUGH TRAFFICKER ORGANIZATIONS. THE MARIJUANA CROP IS JAMAICA'S ONLY NATIVE CONTRIBUTION TO INTERNATIONAL NARCOTICS SMUGGLING. HOWEVER, COLOMBIAN COCAINE AND MARIJUANA HAVE BEEN LIMITED OFFICIAL USE

[redacted]

TRANSSHIPPED THROUGH JAMAICA TO THE U.S. ABOUT
METRIC TONS OF HASHISH OIL WAS SMUGGLED OUT OF JAMAICA IN 1986. MARIJUANA CULTIVATION PROVIDES INCOME AND CAPITAL AND MANY SMALL FARMERS WHO HAVE BECOME DEPENDENT ON IT IN JAMAICA'S DEPRESSED RURAL ECONOMY. THE PROFITS, WAGES, AND RETAIL SALES IMPACT OF MARIJUANA PRODUCTION IN JAMAICA ARE PARTICULARLY IMPORTANT IN RURAL COMMUNITIES IN THE WESTERN AREA OF THE COANTRY. THOUGH IT IS A MATTER OF SPECULATION, THE GOVERNMENT ESTIMATES THAT ABOUT $200-300 MILLION REMAINS IN THE LOCAL ECONOMY FROM NARCOTICS TRAFFICKING ANNUALLY.

B.2 FACTORS AFFECTING PRODUCTION

45. CLIMATIC FACTORS: SUBTROPICAL GROWING CONDITIONS WITH SEASONAL RAIN PATTERNS IDEAL FOR MARIJUANA CULTIVATION ALONG WITH A NEW PATTERN OF CULTIVATION IN HARD-TO-REACH VALLEYS AND REMOTE HILLSIDES TO ESCAPE SECURITY FORCE ERADICATION TEAMS.

46. GEOGRAPHIC FACTORS: PROXIMITY TO THE UNITED STATES MAKES JAMAICA AN ATTRACTIVE DESTINATION FOR AIR TRAFFICKERS; THE LONG POROUS COAST LINE FACILITATES MARITIME TRAFFICKING; MOUNTAINOUS AND HILLY TERRAIN MAKES ERADICATION EXTREMELY DIFFICULT WITHOUT HELICOPTER AIRLIFT CAPABILITY.

47. POLITICAL FACTORS: THE GOVERNMENT'S STRONG DECISIONS AND ACTIONS ON NARCOTICS ERADICATION AND INTERDICTION INVOLVE A RISK OF ALIENATING POLITICAL SUPPORT. TRAFFICKERS CAN BE EXPECTED TO MAKE EVERY EFFORT TO MOUNT POLITICAL COUNTERPRESSURES, AND HAVE THE MONEY

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[redacted]

TO MAKE THE ATTEMPT.

48. ECONOMIC FACTORS: REDUCTION IN PUBLIC SECTOR SUBSIDIES AND EMPLOYMENT, PARTICULARLY IN RURAL AREAS, ATTRACTS SURPLUS WORKERS TO PAID LABOR IN THE MARIJUANA BUSINESS. THE LOWER PRICE MOST FARMERS GET FOR THEIR

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LEGITIMATE PRODUCE WILL CONTINUE TO MAKE DIVERSIFYING INTO MARIJUANA ATTRACTIVE. THE GOVERNMENT DOES NOT HAVE THE RESOURCES, EXPERTISE, CAPABILITY OR MANPOWER TO MOUNT AND SUSTAIN AN EFFECTIVE ERADICATION AND INTERDICTION CAMPAIGN ON ITS OWN.

49. SOCIAL FACTORS: LARGE NUMBERS OF JAMAICANS USE MARIJUANA; THE RASTAFARIAN CULT CONSIDERS MARIJUANA SACRAMENTAL, AND SMOKE IT IN RELIGIOUS CEREMONIES. MANY JAMAICANS BENEFIT DIRECTLY OR INDIRECTLY FROM THE MARIJUANA BUSINESS; PEOPLE FROM ALL WALKS OF LIFE AND ACROSS THE POLITICAL SPECTRUM MAY BE INVOLVED IN THE TRADE. SOME VIEW U.S. PROMOTION AND SUPPORT OF THE GOVERNMENT'S NARCOTICS CONTROL AND ENFORCEMENT EFFORTS AS INTERFERENCE AND PRESSURE POLITICS. MANY

JAMAICANS BELIEVE THERE IS NO DOMESTIC MARIJUANA PROBLEM, AND THAT THE REAL PROBLEM LIES IN THE DEMAND FOR MARIJUANA FROM CONSUMERS IN THE UNITED STATES.

B.3 MAXIMUM ACHIEVABLE REDUCTIONS

50. TOTAL CULTIVATION IN 1986 WAS ESTIMATED TO HAVE BEEN BETWEEN AND HECTARES, CONSISTING OF A LARGE FALL CROP PLUS A SMALLER SPRING CROP. THIS IS ESTIMATED TO HAVE PRODUCED A YIELD BETWEEN AND METRIC TONS OF MARIJUANA. FACTORING IN AN

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PAGE 01 KINGST 00621 14 OF 16 220006Z
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PORTION OF THE ISLAND IS NOT NOW A MAJOR SOUR
CE OF
ERADICATION FIGURE OF HECTARES, 1986 PRODUCTION
IS THOUGHT TO HAVE BEEN BETWEEN AND METRIC
TONS. THIS COMPARES WITH 1985'S TOTAL CULTIVATION
ESTIMATE OF BETWEEN 1,880 AND 2,850 HECTARES; ZITH AN
ESTIMATED POTENTIAL PRODUCT YIELD OF BETWEEN 1,269
AND 1,963 METRIC TONS OF MARIJUANA. IN 1985, 955
HECTARES OF MARIJUANA WERE ERADICATED RESULTING IN AN
ESTIMATED RANGE OF 625 TO 1,280 METRIC TONS OF
MARIJUANA PRODUCED FOR THAT YEAR.

B.4 METHODOLOGY FOR ESTIMATES

[redacted]

51. THE 1986 CULTIVATION ESTIMATES ARE BASED ON AVAILABLE INFORMATION INCLUDING A SPRING AERIAL SURVEY. YIELDS WERE CALCULATED AT 675 KG/HECTARE (602 POUNDS PER ACRE YIELD); OTHER FIGURES ARE BASED ON ESTIMATES PROVIDED BY THE JAMAICAN ENFORCEMENT OFFICIALS. IT SHOULD BE NOTED NET MARIJUANA PRODUCTION IS SIGNIFICANTLY (REDUCED OR INCREASED? DEPENDS ON AERIAL SURVEY RESULTS) FROM 1985 LEVELS. THE ERADICATION EFFORTS OF THE JAMAICAN SECURITY FORCES RESULTED IN ERADICATION IN EXCESS OF PERCENT OF THE TOTAL CROP AGAINST THE ESTIMATED PERCENT ERADICATION ACHIEVED IN 1985.

52. IT IS IMPOSSIBLE TO ASSESS ACCURATELY HOW MUCH OF THE TOTAL MARIJUANA CROP IS CONVERTED TO HASH OIL, PRIMARILY MADE FROM "WASTE" MARIJUANA (E.G. STEMS, ETC.). DOMESTIC AND THIRD COUNTRY CONSUMPTION FIGURES ARE ROUGH ESTIMATES.

53. PROJECTIONS FOR 1987 ARE BASED ON THE ASSUMPTION THAT THE JAMAICAN GOVERNMENT WILL INCREASE ERADICATION ACTIVITY OVER 1986 LEVELS. ERADICATION EFFECTIVENESS WILL BE MATERIALLY AFFECTED BY THE ADEQUACY OF AIR SUPPORT FOR NARCOTICS CONTROL PROGRAMS AND THE JAMAICAN GOVERNMENT'S INITIATION OF HERBICIDAL ERADICATION.

PART C

A. SUMMARY TABLES

- 8	1985	1986
HECTARES CULTIVATED (FALL PLUS [redacted]		

SPRING)	1880-2850
- MID POINT	2365
HECTARES ERADICATED	955
HECTARES HARVESTED	925-1895
- MID POINT	1410
NET YIELD AT HARVEST (MI)	625-1280
- MID POINT 950	
LOSS FACTOR (.05)	30-65
MARIJUANA SEIZED IN COUNTRY (MT)	80
CONVERTED TO HASHISH	UNKNOWN
HASHISH OIL YIELD (MT)	1
HASHISH OIL EXPORTED ELSEWHERE (MT)	1
MARIJUANA AVAILABLE FOR CONSUMPTION (MT)	515-1135
MARIJUANA CONSUMED LOCALLY AND	

ELSEWHERE (MT) 150-290

MARIJUANA EXPORTED TO USA (MT) 365-845

B. DATA TABLES

[redacted]

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PAGE 01 KINGST 00621 15 OF 16 220006Z
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--	1984	1985	1986	1987
CULTIVATION (HA):				
MARIJUANA (MID POINT)	2575	2365		
GROSS POTENTIAL (MT):				
MARIJUANA (MID POINT)	1740	1595		
HECTARES ERADICATED:				

[redacted]

PAGE 02 KINGST 00621 15 OF 16 220006Z

MARIJUANA	260	955		
CROPS ERADICATED (MT):				
MARIJUANA	175	645		
NET YIELD (MT):	1565	950		
REFINING (MT):				
HASHISH OIL	.7	1.0		
ARRESTS:				
NATIONALS -	3980	2272 (9 MOS)	2571 (10 MOS)	
FOREIGNERS -	UNKNOWN	UNKNOWN	534 (10 MOS)	
SEIZURES (MT):				
COCAINE	0.4	0.4		

MARIJUANA 105 80

DOMESTIC CONSUMPTION: FIGURES NOT AVAILABLE

[redacted]

PAGE 03 KINGST 00621 15 OF 16 220006Z

DOMESTIC USERS: FIGURES NOT AVAILABLE

PART D

D.1 STATUS OF U.S. ASSISTANCE (U.S. FISCAL YEARS)

(IN $MILLIONS)	1985	1986	1987 (PROJECTED)
DA DEVELOPMENT ASSISTANCE	16.0	17.5	14.5
ESF ECONOMIC SUPPORT FUND	80.5	58.0	24.7
PL 480 TITLE I	40.0	32.6	30.0
PL 480 TITLE II H	4.8	6.0	4.8
PEACE CORPS	0.78	1.7	1.6
INM INTERNATIONAL NARCOTICS	0.46	1.5	2.4
IMET	0.283	0.293	0.3

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PAGE 01 KINGST 00621 16 OF 16 220007Z
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SUBJECT: INCSR, 1986 ANNUAL REPORT -- JAMAICA

MAP 7.36 2.6 3.0

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SOTIRHOS

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Case Number: S1999000030

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PAGE 01 SANTIA 00469 01 OF 02 222036Z
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TO USMISSION USUN NEW YORK
INFO SECSTATE WASHDC 9759
AMEMBASSY STOCKHOLM
AMEMBASSY PANAMA

Chile Project (#S199900030)
U.S. Department of State
Release_____ Excise_X_ Deny_____
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Exemption(s)_____

~~C O N F I D E N T I A L~~ SECTION 01 OF 02 SANTIAGO 00469

TERREP

PANAMA FOR ADS

E.O. 12356: DECL:OADR
TAGS: PTER,PHUM,SW,CI
SUBJ: SWEDISH REQUEST FOR INFORMATION ON SERGIO BUSCHMANN SILVA

REF: (A) USUN 146 (B) 86 SANTIAGO 8864

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1. CONFIDENTIAL ENTIRE TEXT

2. USUN MAY WISH TO PASS THE FOLLOWING INFORMATION TO SWEDISH AMBASSADOR (REFTEL).

3. ACCORDING TO NUMEROUS PRESS ACCOUNTS AND REPORTS FROM HUMAN RIGHTS ORGANIZATIONS, SERGIO BUSCHMANN SILVA WAS DETAINED BY SECURITY FORCES ON AUG 13 IN THE AREA OF CARRIZAL BAJO, WHERE A LARGE ARMS

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PAGE 02 SANTIA 00469 01 OF 02 222036Z

CACHE BELONGING TO THE COMMUNIST-TERRORIST MANUEL RODRIGUEZ PATRIOTIC FRONT (FPMR) WAS DISCOVERED SIX DAYS PREVIOUSLY. BUSCHMANN WAS ARRESTED WITH TWO OTHER MEN, AND CHARGED WITH INVOLVEMENT IN THESE ARMS CACHES. AFTER BEING HELD SEVERAL DAYS INCOMMUNICADO BY THE NATIONAL

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INFORMATION CENTER (CNI - CHILE'S SECRET POLICE), BUSCHMANN WAS CHARGED ON AUG 30 BY A MILITARY JUDGE WITH PARTICIPATION IN THE CLANDESTINE INTRODUCTION OF LARGE NUMBERS OF MILITARY WEAPONS INTO CHILE AND BELONGING TO A TERRORIST ORGANIZATION. IT WAS LATER REVEALED BY THE GOVERNMENT THAT BUSCHMANN WAS CONSIDERED THE LEADER IN THE CARRIZAL BAJO AREA OF THE GROUP WHICH SMUGGLED THE WEAPONS, AND WAS THE HEAD OF A SEAWEED PROCESSING COMPANY ESTABLISHED BY THE COMMUNIST PARTY AS A COVER FOR THIS SMUGGLING OPERATION.

4. WE ARE UNABLE TO CONFIRM CHARGES THAT BUSCHMANN WAS TORTURED, BUT AT LEAST 22 OF THE 29 PEOPLE DETAINED IN RELATION TO THE ARMS CACHES HAVE TOLD HUMAN RIGHTS GROUPS THAT THEY WERE TORTURED. ONLY ONE CASE HAS BEEN BROUGHT BEFORE THE COURTS. IN THAT CASE, A CARABINERO (UNIFORMED POLICE) DOCTOR EXAMINED THE DETAINEE AND FOUND INDICATIONS THAT THIS PERSON WAS TORTURED WHILE UNDER CNI CUSTODY. THIS CASE IS UNDER INVESTIGATION.

5. ALL OF THOSE BEING HELD HAVE BEEN SEEN ON A NUMBER OF OCCASIONS BY MEMBERS OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC), WHICH HAS ACCESS TO DETAINEES WHENEVER IT REQUESTS A VISIT. ALL OF

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PAGE 03 SANTIA 00469 01 OF 02 222036Z

THESE PEOPLE ARE PRESENTLY IN GOOD PHYSICAL CONDITION, ALTHOUGH THEY DID UNDERTAKE A HUNGER STRIKE FOR SEVERAL DAYS IN DECEMBER. THEY ALSO HAVE ACCESS TO VISITS BY LAWYERS AND FAMILY MEMBERS.

6. THE GOC CHARGED FROM THE BEGINNING THAT ALL OF THOSE DETAINED IN THE ARMS DISCOVERIES WERE MEMBERS OF THE COMMUNIST PARTY'S MILITARY APPARATUS (FPMR) WHICH HAS BEEN INVOLVED IN TERRORIST ACTIVITIES IN CHILE SINCE 1983. SERGIO BUSCHMANN, ALONG WITH FOUR OTHERS, WAS RECENTLY QUOTED IN THE MEXICAN PRESS ADMITTING THAT THEY ARE FPMR MEMBERS, AND THAT THE ARMS DISCOVERED BY THE GOC BELONGED TO THE FPMR. IN EARLY DECEMBER THE CHILEAN OPPOSITION NEWS MAGAZINE "HOY" REPORTED A CLANDESTINE NEWS CONFERENCE HELD BY MEMBERS OF THE FPMR, IN WHICH THEY READ A LETTER, REPORTEDLY WRITTEN BY BUSCHMANN AND THE OTHER FOUR, STATING

THAT THEY WERE FPMR MEMBERS.

THE "COMMANDANTES" OF THE FPMR WHO HELD THE NEWS CONFERENCE ALSO CLAIMED FPMR RESPONSIBILITY FOR THE ARMS SMUGGLED INTO CHILE AND FOR THE ASSASSINATION ATTEMPT AGAINST PINOCHET. MOREOVER, ROBERTO TORRES, WHO CLAIMS TO BE A SPOKESMAN FOR THE FPMR, CLAIMED IN MEXICO ON SEPTEMBER 11 THAT THE FPMR WAS RESPONSIBLE FOR THE AMBUSH, A CLAIM BACKED UP BY AN FPMR COMMUNIQUE THAT APPEARED IN BUENOS AIRES ON SEPTEMBER 11 AS WELL.

7. COMMENT: THIS CASE IS STILL UNDER ACTIVE INVESTIGATION, AND PRESS REPORTS INDICATE THAT THE GOC EXPECTS TO MAKE STILL MORE ARRESTS. BUSCHMANN

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PAGE 01 SANTIA 00469 02 OF 02 222036Z
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	CCO-00	INRE-00	CA-02	FAA-00	USSS-00	USIE-00	JUSE-00
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AMEMBASSY STOCKHOLM
AMEMBASSY PANAMA

~~C O N F I D E N T I A L~~ SECTION 02 OF 02 SANTIAGO 00469

TERREP

PANAMA FOR ADS

E.O. 12356: DECL:OADR
TAGS: PTER,PHUM,SW,CI
SUBJ: SWEDISH REQUEST FOR INFORMATION ON SERGIO

IS BEING DEPICTED AS ONE OF THE LEADING MEMBERS OF THE LOCAL GROUP WHICH RECEIVED THE ARMS FROM THE FPMR'S ASSOCIATES IN CUBA. HE HAS ALSO BEEN REPORTED TO HAVE BEGUN HIS PART OF THIS EFFORT

WHILE VISITING NICARAGUA SHORTLY BEFORE BEING ALLOWED TO RETURN TO CHILE FROM EXILE. THE GOC HAS MADE A MAJOR PUBLIC RELATIONS EFFORT IN REPORTING ALL THE BITS AND PIECES IT WANTS KNOWN ABOUT THE ARMS CACHES, AND WE CANNOT VOUCH FOR MANY OF THE DETAILS. IT APPEARS, HOWEVER, THAT BUSCHMANN WAS VERY MUCH A FORCE IN THE ARMS SMUGGLING EFFORT, A POINT WHICH HIS STATEMENTS

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PAGE 02 SANTIA 00469 02 OF 02 222036Z

TO THE PRESS TEND TO SUPPORT. WE ARE REPEATING TO USUN AND STOCKHOLM OUR MESSAGE REPORTING FPMR CLAIMS OF RESPONSIBILITY FOR THE AMBUSH AND ARSENALS. BARNES

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PAGE 01 OF 02 MADRID 00069 00 OF 02 2219492Z 5876 005242 3300576
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INFO EC COLLECTIVE IMMEDIATE
CONTADORA COLLECTIVE IMMEDIATE
AMCONSUL BARCELONA IMMEDIATE
AMCONSUL BILBAO IMMEDIATE

C O N F I D E N T I A L MADRID 00069

E.O. 12356: DECL: OADR
TAGS: PREL, MX, EEC, NU, SP
SUBJECT: AMBASSADOR HABIB SPELLS OUT USG CENTRAL AMERICAN POLICY TO SPANISH FOREIGN MINISTER ON EVE OF SAN JOSE III

(A - ENTIRE TEXT)

2. SUMMARY: ON JANUARY 22 SPECIAL ENVOY FOR CENTRAL AMERICA PHILIP HABIB MET WITH SPANISH FOREIGN MINISTER FRANCISCO FERNANDEZ ORDONEZ. AMBASSADOR HABIB EMPHASIZED THAT THE USG IS PURSUING A TWO TRACK APPROACH WHICH INCLUDES DIPLOMACY AS WELL AS PRESSURE VIA THE CONTRAS. HE EXPLAINED THAT THE CURRENT EFFORTS OF THE SO-CALLED "GROUP OF TEN" SIGNIFIES A REVIVAL OF THE CONTADORA PROCESS, SOMETHING THAT PLEASES THE USG. HOWEVER HE STATED THAT UNDER THE INFLUENCE OF MEXICO CONTADORA HAS, IN THE PAST, TILTED IN FAVOR OF NICARAGUA. HE URGED THE SPANISH TO LISTEN CAREFULLY TO THE FOUR CENTRAL AMERICAN DEMOCRACIES, AND TO THEIR CALL FOR PLURALISM AS EXPRESSED IN THEIR RECENT COMMUNIQUE. LOOKING TOWARD THE UPCOMING SAN JOSE III MEETING, AMBASSADOR HABIB CALLED ON THE SPANISH TO ENCOURAGE MORE EC SUPPORT FOR THE CENTRAL AMERICAN DEMOCRACIES. WHILE INDICATING AGREEMENT ON BASIC U.S. ASSESSMENTS ORDONEZ DIFFERED ON SOME KEY POINTS, ESPECIALLY ON THE ROLE OF THE CONTRAS. [redacted] THE MEETING ENDED WITH AMBASSADOR HABIB TELLING THE SPANISH THAT THEY COULD PLAY AN IMPORTANT ROLE BY URGING THE OTHER EUROPEAN COUNTRIES TO LISTEN MORE CLOSELY TO THE VIEWS OF THE CENTRAL AMERICAN DEMOCRACIES. END SUMMARY.

3. AMBASSADOR PHILIP HABIB, THE PRESIDENT'S SPECIAL ENVOY FOR CENTRAL AMERICA, CALLED ON SPANISH FOREIGN MINISTER FRANCISCO FERNANDEZ ORDONEZ TODAY, JANUARY 22. OTHER SPANISH OFFICIALS AT THE MEETING WERE INOCENCIO ARIAS, DIRECTOR GENERAL OF THE OFFICE OF DIPLOMATIC INFORMATION; EUBALDO NIRAPEIX, DIRECTOR GENERAL OF NORTH AMERICAN AFFAIRS; JUAN LENA, SUB-DIRECTOR FOR NORTH AMERICA; JOSE ANTONIO MARTINEZ DE VILLARREAL, SUB-DIRECTOR FOR LATIN AMERICAN AFFAIRS; AND LUIS JESSENS, SUB-DIRECTOR OF THE MINISTER'S CABINETE. PRESENT WITH AMBASSADOR HABIB WERE

PAGE 01 MADRID 00069 00 OF 02 2219492Z 5876
AMBASSADOR REGINALD BARTHOLOMEW, DEPARTMENT OFFICER RAYMOND BURGHARDT, AND EMBASSY POLOFF RAYMOND BALLARD (NOTE TAKER).

4. AMBASSADOR HABIB BEGAN BY SAYING SECRETARY SHULTZ ASKED HIM TO VISIT EUROPE WHILE PREPARATIONS ARE UNDERWAY FOR THE SAN JOSE III MEETING IN FEBRUARY. HE NOTED THAT THE CONTADORA PROCESS IS BEING REVIVED THANKS TO THE EFFORTS OF THE "GROUP OF TEN", SOMETHING THE USG VIEWS FAVORABLY. AMBASSADOR HABIB STRESSED THE IMPORTANCE OF DIPLOMACY IN THE USG'S TWO TRACK POLICY TOWARDS CENTRAL AMERICA, AND MADE CLEAR TO ORDONEZ THAT THE U.S. SUPPORTS THE CONTADORA PROCESS. NEVERTHELESS, AS AMBASSADOR HABIB POINTED OUT, IT IS OUR VIEW THAT MEXICO HAS BEEN ABLE TO TILT CONTADORA TOWARDS THE SANDINISTAS. HE ALSO STRESSED THAT THE CENTRAL AMERICAN DEMOCRACIES ARE NOW ASSERTING THEMSELVES. THESE FOUR COUNTRIES EMPHASIZE DEMOCRATIC PLURALISM AND ARE OTHERWISE CONSISTENT IN THEIR VIEWS. AMBASSADOR HABIB EXPLAINED THAT THEIR VIEWS ARE ALSO COMPATIBLE WITH OURS, AND ARGUED THAT THE EUROPEAN COUNTRIES SHOULD PAY MORE ATTENTION TO THE POSITIONS OF THESE COUNTRIES.

5. WITH RESPECT TO THE UPCOMING SAN JOSE III MEETING, AMBASSADOR HABIB SUGGESTED THAT THE THEME OF A DIALOG IN NICARAGUA BE STRESSED, RECOGNIZING THAT THE FOUR CENTRAL AMERICAN DEMOCRACIES HAVE CALLED ON THE NICARAGUANS TO DO SO. BEFORE ENDING HIS REMARKS AMBASSADOR HABIB REMINDED ORDONEZ THAT NICARAGUA IS IN OUR OWN BACK YARD, AND OF OBVIOUS SECURITY CONCERN TO THE U.S.

6. FOREIGN MINISTER ORDONEZ'S REMARKS CAME IN RESPONSE TO THOSE OF AMBASSADOR HABIB. GENERALLY, ORDONEZ ACKNOWLEDGED AGREEMENT, BUT THERE WERE CLEAR DIFFERENCES ON SEVERAL ISSUES. [redacted] ORDONEZ NOTED THAT HE SHARES THAT VIEW. AMBASSADOR HABIB QUICKLY POINTED OUT THAT WELL BEFORE THE CONTRAS EXISTED THE SANDINISTAS SET ABOUT ESTABLISHING A MARXIST-LENINIST REGIME, AND WERE ACCEPTING WEAPONS FROM THE SOVIET UNION; TWO FACTS WHICH MAKE CLEAR THE TRUE NATURE OF THE REGIME. LATER IN THE CONVERSATION AMBASSADOR HABIB TOLD THE FOREIGN MINISTER TO WAIT A FEW MONTHS BEFORE JUDGING THE CONTRAS' PERFORMANCE. SUGGESTING THAT PERHAPS BY FEBRUARY OR MARCH WE WILL SEE IF THEY CAN PREVENT A SANDINISTA CONSOLIDATION OF POWER.

7. REGARDING THE DIPLOMATIC COMPONENT OF OUR POLICY, [redacted] IT IS [redacted] TO HAVE A DIALOG DURING A WAR. TO WHICH AMBASSADOR HABIB RESPONDED THAT DUARTE HAS DONE IT, AND CONTINUES TO BE WILLING TO DO IT. HE ADDED THAT THE OAS, IN SUPPORT OF NICARAGUA, PERMITS FREE ELECTIONS AND A FREE PRESS. ORDONEZ ALSO AVOIDED ANSWERING DIRECTLY AMBASSADOR HABIB'S REQUEST THAT EUROPEAN COUNTRIES SUPPORT THE CALL FOR DIALOG ISSUED BY THE CENTRAL AMERICAN DEMOCRACIES. WHILE HE LATER AGREED THAT THE CENTRAL AMERICAN DEMOCRACIES SHOULD BE LISTENED TO, ORDONEZ BEGAN THE MEETING BY WONDERING WHAT ONE MEANS BY "DEMOCRACY" OR BY "DEMOCRACY IN CENTRAL AMERICA."

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8. GUTIERREZ SAID THAT HIS GOVERNMENT ALSO SUPPORTS
CONTADORA, [redacted]

BARTHOLOMEW

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QUOTE:

C O N F I D E N T I A L GENEVA 00426

DEPARTMENT (IO/HW) PLEASE HOLD FOR AMBASSADOR WALLACH

E.O. 12356: DECL: OADR
TAGS: PHUM, UNHRC-1, CI, XM
SUBJECT: 43RD SESSION OF U.N. HUMAN RIGHTS COMMISSION: LATIN AMERICAN VIEWS ON AGENDA ITEM 5 (CHILE)

REF: MCKEE/OKUN TELCON OF 16 JANUARY

1. (C - ENTIRE TEXT)

2. SUMMARY AND ACTION REQUEST: COLOMBIAN CHAIRMAN (PROTECT) OF HUMAN RIGHTS COMMISSION (HRC) REPORTS LATIN
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PAGE 02 STATE 021322

AMERICAN GROUP DIVIDED ON QUESTION OF SUBSUMING HRC AGENDA ITEM 5 (CHILE) UNDER ITEM 12 (VIOLATIONS ANYWHERE). MISSION ENDORSES HIS SUGGESTION THAT A HIGH LEVEL APPROACH TO THE BRAZILIANS COULD HELP ISOLATE MEXICO AND NICARAGUA IN THE REGION ON THIS QUESTION, AND SUGGESTS DEPARTMENT INSTRUCT EMBASSY BRASILIA

ACCORDINGLY. A HIGH-LEVEL DEMARCHE IN BUENOS AIRES MIGHT ALSO BRING DIVIDENDS, MISSION BELIEVES. END SUMMARY AND ACTION REQUEST.

3. COLOMBIAN PERMANENT REPRESENTATIVE HECTOR CHARRY-SAMPER (PROTECT), THE CAPABLE IF SOMETIMES SELF-PROMOTING CHAIRMAN OF THE HRC, CALLED POLCOUNS JANUARY 16 AND VOLUNTEERED A PARTIAL DEBRIEFING ON THE JUST-CONCLUDED MEETING OF THE LATIN AMERICAN GROUP, PREPARATORY TO THE CONVENING OF THE 43RD HRC SESSION HERE ON FEBRUARY 2.

4. IMPLYING THAT THERE HAD BEEN A CHALLENGE FROM THE LEFT, CHARRY EXPRESSED RELIEF THAT VENEZUELAN PERMREP ADOLFO TAYLHARDAT HAD BEEN CHOSEN TO REPRESENT THE GROUP ON THE HRC BUREAU. EXPERIENCED VENEZUELAN MISSOFF MARIA ESPERANZA RUESTA DE FURTER WOULD BE THE GROUP COORDINATOR.

5. REGARDING THE INITIATIVE TO SUBSUME AGENDA ITEM 5 (CHILE) UNDER ITEM 12 (HUMAN RIGHTS VIOLATIONS ANYWHERE), CHARRY REPORTED DIVISIONS IN THE GROUP. HE SAID COSTA RICA AND VENEZUELA WOULD VOTE IN FAVOR OF SUPPRESSING ITEM 5; COLOMBIA AND PERU WOULD SUPPORT THE MOVE OR ABSTAIN; THE BRAZILIANS WERE UNDECIDED; THE MEXICANS AND NICARAGUANS WOULD OPPOSE IT. CHARRY WAS OF THE VIEW THAT THE BRAZILIAN POSITION WOULD PROVE INFLUENTIAL WITH OTHER GROUP MEMBER COUNTRIES; IF
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PAGE 03 STATE 021322

BRASILIA REACTED FAVORABLY TO A HIGH-LEVEL USG DEMARCHE, "WE COULD ISOLATE THE MEXICANS AND NICARAGUANS ON THIS ONE."

6. ARGENTINE MISSION MINISTER GREGORIO DU PONT COMMENTED SEPARATELY TO POLCOUNS ON JANUARY 15 THAT BUENOS AIRES WAS UNDECIDED REGARDING ITEM 5. HE REMARKED THAT THE ARGENTINE POSITION WOULD BE DECIDED PERSONALLY BY FOREIGN MINISTER CAPUTO, PROBABLY IN CONSULTATION WITH THE PRESIDENT. (DU PONT DID NOT SUGGEST ANY USG DEMARCHE.) FLACK
UNQUOTE SHULTZ

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C O N F I D E N T I A L SECTION 01 OF 02 SANTIAGO 00522

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GENEVA FOR AMBASSADOR WALLACH

E. O. 12356: DECL:OADR
TAGS: PHUM, UNHRC, CI
SUBJ: CONVERSATION WITH FOREIGN MINISTER DEL VALLE

1. CONFIDENTIAL ENTIRE TEXT.

SUMMARY: DEL VALLE'S AND MY JANUARY 23, CONVERSATION FOCUSED ON HIS HOPES THAT WE COULD REFRAIN FROM INTRODUCING A RESOLUTION AT THE UNHRC, WITH THE IMPLIED THREAT THAT THE GOC MIGHT NOT BEHAVE WELL IF WE DID. BUT WHEN I ARGUED THAT IF CHILE HAD ACCOMPLISHED AS MUCH IN THE HUMAN RIGHTS REALM AS DEL VALLE SAID, CHILE OUGHT TO WANT THAT RECOGNIZED. HE RETREATED TO THE POINT OF SAYING THAT WE, OF COURSE, HAD TO DECIDE OUR OWN STRATEGY. END SUMMARY.

2. UNHRC. DEL VALLE ASKED ME TO TAKE ADVANTAGE OF MY FORTHCOMING TRIP TO WASHINGTON TO TRY TO PERSUADE PEOPLE THERE, INCLUDING IN THE CONGRESS THAT CHILE HAD MADE STRIDES OF IMPORTANCE IN THE AREA OF HUMAN RIGHTS. HE SAID, FOR EXAMPLE, I COULD ARGUE THAT NOT LONG

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AFTER WE HAD VOTED NO IN THE UNGA, PINOCHET HAD ANNOUNCED

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THAT EXILES COULD RETURN AND PROMISED TO PUSH THROUGH THE POLITICAL PARTIES LAW. ERGO, SAID DEL VALLE, THE CONGRESS SHOULD UNDERSTAND THAT IF THE U.S. VOTES NO IN GENEVA, GOOD THINGS WILL CONTINUE TO HAPPEN.

3. HE DESCRIBED PINOCHET AS BEING IN A VERY GOOD MOOD AT THIS STAGE IN GENERAL AND HE HOPED IT WOULD NOT BE NECESSARY TO UPSET HIM. HE MENTIONED FOR EXAMPLE THAT OUR NEW AMBASSADOR TO THE UNHRC, AMBASSADOR WALLACH HAD TOLD THE CHILEAN AMBASSADOR ESCOBAR THAT ELLIOTT ABRAMS WAS STILL VERY "TOUGH" (OURO), THAT THERE WERE DIVIDED OPINIONS IN WASHINGTON AS TO WHETHER TO SPONSOR OR NOT SPONSOR A RESOLUTION, BUT THAT THE U.S. WOULD TRY TO SWITCH THE CHILEAN ITEM FROM ITEM 5 TO ITEM 12.

4. I TOLD DEL VALLE THAT ACCORDING TO MY LATEST INFORMATION THE QUESTION ON WHETHER TO SPONSOR A RESOLUTION WAS STILL BEING DISCUSSED IN WASHINGTON AND I THOUGHT IT MIGHT WELL BE A WHILE YET BEFORE A DECISION WAS TAKEN. BUT SO FAR AS I KNEW THERE WAS NO DIVISION OF OPINION ON THE DESIRABILITY OF MOVING FROM ITEM 5 TO 12. WHERE I WAS LESS SURE WAS WHAT SORT OF SUPPORT THAT COULD GET, BECAUSE SOME COUNTRIES WANTED TO KNOW IF WE WERE PREPARED TO SPONSOR A RESOLUTION AGAIN BEFORE THEY WOULD HELP US ON THE AGENDA ITEM.

5. IN MY VIEW, I TOLD DEL VALLE, THERE WAS A QUESTION OF THE MOST EFFECTIVE STRATEGY THAT STILL MADE ME WONDER WHETHER THE APPROACH HE WAS ADVOCATING MADE THAT MUCH SENSE FOR THE U.S., OR FOR CHILE FOR THAT MATTER. WE IN THE U.S. NEEDED TO HAVE STEADY AND SOLID

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CONGRESSIONAL SUPPORT FOR OUR POLICIES AND WE WERE BEING CRITICIZED BY SOME MEMBERS FOR OUR UNGA VOTE. SECONDLY, IF CHILE HAD MADE PROGRESS IN MEETING HUMAN RIGHTS CONCERNS, THEN IT MIGHT BE A MUCH BETTER TACTIC TO TRY TO GET INTERNATIONAL RECOGNITION INSTEAD OF ALWAYS TAKING A NEGATIVE, DEFENSIVE ATTITUDE. AND LASTLY ONE OF OUR MAJOR AIMS WAS TO SUPPORT VOLIO, AND I WONDERED HOW LONG VOLIO COULD SURVIVE A SERIES OF MEXICAN RESOLUTIONS.

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6. DEL VALLE SAID THAT THE POINTS I HAD MADE WERE REASONABLE, AND IN CONTRAST TO SOME OF HIS ADVISORS WHO WANTED TO SAY THERE WAS ONE WAY AND ONLY ONE WAY TO DEAL WITH THE HUMAN RIGHTS QUESTION IN THE UN SYSTEMS, HE FELT THAT THE GOC HAD TO HAVE ENOUGH CONFIDENCE IN THE U.S. PURSUING THE SAME GOALS OF A DEMOCRATIC CHILE TO LEAVE UP TO US THE BEST STRATEGY.

NR

B) SPEAKING OUT. DEL VALLE SAID HE FELT ELLIOTT ABRAMS LATEST STATEMENTS ON CHILE (VIA WORLDNET) WERE MUCH MORE MODERATE AND BALANCED. HE HOPED THE U.S. WOULD CONTINUE TO FOLLOW THE PATTERN, BUT HE RECOGNIZED

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GENEVA FOR AMBASSADOR WALLACH

E. O. 12356: DECL:OADR
TAGS: PHUM, UNHRC, CI
SUBJ: CONVERSATION WITH FOREIGN MINISTER DEL VALLE

THE GOC COULDN'T EXPECT US TO RUSH INTO PRINT EVERY TIME SOMETHING HEI PFUL HAPPENED IN CHILE.

E

NR

COMMENT: DEL VALLE CAME PRETTY CLOSE TO SAYING THAT U.S. VOTES DETERMINED CHILEAN POLICIES, AS IF PINOCHET WOULD NOT HAVE GONE AHEAD WITH THE POLITICAL PARTIES LAW OR ALLOWED ANY EXILES TO RETURN IF THE U.S. VOTED

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DIFFERENTLY. HE OBVIOUSLY HAS A VESTED INTEREST IN A SATISFIED PINOCHET AND PINOCHET'S GOOD MOOD PROBABLY

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DOES REFLECT SOME OF DEL VALLE'S HOPES. BUT PINOCHET ALSO HAS SEEN ABLE TO OUTFOX HIS CRITICS, BOTH DOMESTIC AND FOREIGN WHICH IS PROBABLY A MORE IMPORTANT SOURCE OF HIS CURRENT SATISFACTION.
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DEPARTMENT OF STATE

INFORMATION MEMORANDUM

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Janaury 27, 1987

TO: The Secretary

FROM: ECA - Philip C. Habib

SUBJECT: Consultations in Europe on Central America

Thanks for your efforts & this informative memo on an important trip.

Note: Thanks your efforts this informat memo on an important trip. GPS 2/2/8

I visited Brussels, Bonn, Rome, Lisbon, Madrid, London, and Paris from January 18-25 to ensure that key European Community governments understood our views on Central America prior to the "San Jose III" meeting in Guatemala on February 9. I met with foreign ministers in all countries except Britain (where Howe was suddenly called to Parliament) and the FRG (where Genscher was campaigning). I also saw President Soares of Portugal and Prime Minister Chirac.

I urged the Europeans: (1) to listen carefully to the ideas of the Central American democracies, who feel that they have too often been ignored by the Contadora Group and Western Europe; (2) to use their influence to encourage dialogue between the Sandinistas and their internal and external opposition; and (3) to shift their Central American economic assistance from Nicaragua to the four democracies. At each stop, I stressed that the U.S. continues to follow a two-track policy (pressure and negotiations) and underlined the compatibility between our views and those of the four Central American democracies.

In the seven countries I visited, only [redacted] expressed complete support for our policy toward Nicaragua. [redacted] Each of the above [redacted] also appreciates that Nicaragua is in our backyard and has special importance for our security.

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[redacted] is basically sympathetic to our policy and is especially friendly toward you. [redacted] we can expect [redacted] to be helpful at Guatemala.

In [redacted] we encountered varying degrees of criticism of our aid to the Nicaraguan democratic resistance. We doubtless would have heard similar criticism in [redacted] Everyone was anxious to make clear that they have no illusions about the Sandinistas, but [redacted] they part company with us on "the use of force." You had a sample of that from [redacted] reflected that view in full. I suspect that at bottom this attitude reflects a fear that if the contras fail, we will resort to direct intervention.

I found [redacted] most troublesome because it appears to represent widespread public views. Officials noted their sensitivity to [redacted] press attention to Central America. [redacted] doubts about our policy paled in comparison to the vitriolic denunciations we heard from [redacted] If they come to power they will carry their criticism of our policy much further than [redacted]

We found [redacted] less critical than I had anticipated. He was quite clear, however, in his belief that the Sandinistas could not conduct a dialogue with their opposition while they face an active guerrilla war. In [redacted] we would not expect any serious difficulty, but the influence of pro-Sandinista Social Democrats seems to keep [redacted] from aligning itself too closely with the U.S. on this issue.

While Central America appears to be a relatively live public issue in Britain, officials and private opinion leaders in other countries (e.g., France) told us that the region is a remote problem for them. This waning interest will be reflected in the downgrading of attendance at the Guatemala meeting. Nearly all EC foreign ministers attended the two previous meetings with their Central American and Contadora counterparts at San Jose and Luxembourg, but this year only the Belgian, Spanish, and Italian ministers are likely to attend, while the other nine countries will be represented by undersecretaries.

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I believe that this trip helped our Central American policy. Our embassies felt that it was useful for the EC governments to know that we were prepared to consult with them on this regional issue. My urging that they give the Central American democracies' views greater weight than those of Nicaragua and the Contadora Group appeared to register. At most stops the governments promised that nothing would emerge at Guatemala which would be directed against us. Whether they can deliver on that in face of Mexico's attitude waits to be seen. The shift of aid away from Nicaragua toward the democracies is already well underway. Finally, several governments stated that my presentation had removed any doubts they may have had about whether the U.S. has a serious negotiating track in Central America.

cc: D - Mr. Whitehead
P - Mr. Armacost

ARA - Mr. Abrams
EUR - Ms. Ridgeway

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27 January 1987

Chile Project (#S199900030)
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Sr. Hugo Rosende
Ministro de Justicia
Ministerio de Justicia
Compania IIII
Santiago, Chile

Human Rts

Your Excellency:

I express my deep concern at the re-arrest on 12 December 1986 of Dr. Ramiro Olivares, staff member of Vicaria de la Solidaridad.

Amnesty International believes that he has been incarcerated as a sole and direct result of his non-violent professional activities, in this case the giving of humanitarian assistance to a man with bullet injuries, unaware of the conditions under which the victim had been wounded.

I call for and ask you to arrange, his immediate and unconditional release.

Sincerely,

Michael W. Dunn
1915 Chapman Road
Claremont, California 91711
U.S.A.

Copy for: Hon Allan Cranston

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100th Congress
2d Session

JOINT COMMITTEE PRINT

COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1987

REPORT

SUBMITTED TO THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

AND THE

COMMITTEE ON FOREIGN RELATIONS
U.S. SENATE

BY THE

DEPARTMENT OF STATE

IN ACCORDANCE WITH SECTIONS 116(d) AND 502B(b) OF THE FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED

FEBRUARY 1987

Printed for the use of the Committees on Foreign Affairs and Foreign Relations of the House of Representatives and the Senate respectively

RELEASED
El Salvador Human Rights
Special Project (1993)

RELEASED
El Salvador: Human Rights
Special Project (1990)

EL SALVADOR

El Salvador continues to consolidate the democratic system adopted in 1983 under a constitution drafted by a popularly elected assembly. The President, Legislative Assembly, and mayors have been chosen in elections which were pronounced open and fair by observers from some 40 countries. El Salvador is preparing for another round of elections for the Assembly and mayors' offices in March 1988 and for the presidency in March 1989.

The economy is mixed. Export of major crops and banking are government controlled, and the price of food grains is subsidized. The Government continues to implement a major agrarian reform program. Poor market conditions and continuing sabotage by a Communist-led insurgency contributed to another year of very low economic growth in 1987. El Salvador is still recovering from the devastating 1986 San Salvador earthquake, with damage estimated at more than $1 billion. Severe droughts in 1986 and 1987 added to economic woes by causing major crop damage and a severe shortage of hydroelectric power.

For 8 years, the Government has fought an insurgency supported by the Soviet Union, Cuba, and Nicaragua. The Farabundo Marti National Liberation Front (FMLN), numbering between 6,000 and 8,000 combatants, is formally allied with the Revolutionary Democratic Front (FDR), itself an alliance of several small political parties. Human rights in El Salvador have suffered as a result of this ongoing insurgency. The FMLN/FDR has continued to rely on the indiscriminate use of landmines, kidnaping, forced recruitment (including increasing use of children in combat), machine-gunning and burning of vehicles on the nation's roads, and generalized economic sabotage, in addition to attacks on military personnel and facilities.

While abuses continue to be alleged and investigated, the conduct of the military and security forces continued to show improvement. The Government does not condone human rights abuses and is actively seeking to inculcate respect for human rights throughout society, including at all levels of the military. The Government's Human Rights Commission (CDH) plays an important role in this effort. Credible accusations of human rights abuses and of indiscriminate aerial bombing were fewer in 1987 than in previous years. Some members of the armed forces were arrested in 1987 for serious abuses, although several alleged abuses remained unresolved. The bulk of politically motivated killings appeared to have been committed by FMLN guerrillas. The infamous rightwing death squads which used to advertise their murders in the media have made no claims of killings since 1984. In June death threats were issued by unknown persons in the name of a death squad. The threats were not carried out, and their authenticity remains in doubt. Some unexplained deaths may still be the work of extreme rightist elements, but there is no evidence that the Government is either linked to or condones these killings.

The internal conflict is a major cause of the continued displacement of approximately 327,000 Salvadorans from their homes in conflict zones. As the Government has been able to restore its authority in contested areas, an increasing number of the displaced are returning home.

The state of emergency instituted in 1980 expired in January 1987, and all constitutional provisions were restored at that time. Special military courts established by the now-expired

EL SALVADOR

Legislative Decree 50 processed captured guerrilla suspects under the state of emergency. Under interim legislation, these courts have retained jurisdiction over those persons arrested during the state of emergency. Guerrilla suspects arrested since the state of emergency ended are processed through the civilian criminal courts and have the right to full due process and constitutional protection. In November all prisoners held for insurgency-related offenses that occurred before October 22, 1987, became eligible for the Government's amnesty program, implemented in compliance with the August 7 Guatemala accords. All but a handful of guerrilla suspects, whose amnesty grants have been individually appealed, were released. Two persons convicted of rightwing death squad killings were also released.

A large backlog of cases and prolonged incarceration before trial plague the criminal court system. The Government has undertaken a comprehensive program to revamp court procedures, update laws, improve the investigative capacity and training of judges, and protect witnesses and court personnel from intimidation. In December the Attorney General established a new section in his office to concentrate on prosecuting major human rights cases.

In fulfillment of its obligations under the Guatemala accords, the Government met with FMLN/FDR leaders in San Salvador on October 4-5 for the third round of peace talks since the war began. The two sides agreed to form two joint commissions to continue discussions on a cease-fire and other steps toward national reconciliation. An unsuccessful meeting of the commissions in Caracas on October 21-23 was to be followed by renewed cease fire talks in Mexico on October 30. However, following the October 26 assassination of Herbert Anaya, director of the pro-guerrilla Human Rights Commission of El Salvador (CDHES), the FMLN unilaterally suspended the talks. The Government is unwilling to accept FMLN/FDR demands that a political solution include power-sharing before elections, territorial demarcation, and integration of FMLN forces into the army.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

The number of deaths reported in the Salvadoran press which appeared to be politically motivated averaged 28 per month through June; this compares with a monthly average of 22 in 1986, 28 in 1985, 64 in 1984, and 140 in 1983.

On October 26, the president of the nongovernmental Human Rights Commission of El Salvador (CDHES), Herbert Ernesto Anaya Sanabria, was murdered outside his home. Anaya had been arrested in May 1986 and charged with membership in the Peoples' Revolutionary Army (ERP), one of the five guerrilla factions of the FMLN. He was among 57 prisoners released in February 1987 in exchange for the former director of civil aviation, kidnaped 15 months earlier by the FMLN. The Government promised a full and thorough investigation of the Anaya killing and assigned it to the Special Investigations Unit, a U.S.-trained criminal investigations unit under direct civilian control. A $10,000 reward was offered by the Government for information leading to the arrest of the

assailants. On January 4, 1988 Jorge Alberto Miranda Arevalo, a member of the ERP, confessed to First Criminal Court Judge Edgar Morales Joya that he had participated in the assassination of Anaya Sanabria along with two guerrilla comrades, on the orders of ERP leaders who, he said, suspected Anaya had become an informant. On December 9, the delegate of the CDH in San Miguel, Rene Joaquin Cardenas Vargas, was killed by gunfire as he was leaving his car in front of his home. Two persons arrested for auto theft in a separate incident on December 10 have now been charged with Cardenas' murder, based on forensic evidence. The motive remains unclear.

Statistics on apparently politically-motivated killings compiled by the U.S. Embassy during 1987, principally from reports in the local press but also from guerrilla media and other publicly available sources, indicate that most were attributable to guerrilla insurgents. Of the 169 deaths ascribed to political motives during the first 6 months of 1987, 53 appeared clearly to have been perpetrated by, and another 81 possibly committed by, the FMLN/FDR. In 7 cases there was insufficient evidence to designate the likely assailants. Five killings were attributed to military personnel. Finally, 23 civilians reportedly killed in combat action between the two sides are included among the 169 victims.

Collection and classification of information on political murders is necessarily inexact, and these numbers can only be interpreted as indicative of trends in violence over time and for comparison with past reports using the same methodology. Common criminal deaths, for example, are easily disguised as political killings by perpetrators wishing to confound investigators; at the same time, political motivation in other murders may go undetected, causing them to be classified as common crimes. Finally, it is likely that the number of civilians killed in action by both sides in the context of the armed conflict is somewhat higher than reported in the press.

There continue to be occasional reports of noncombat killings attributed to members of the armed forces. Five young men returning from carrying supplies for the guerrillas on May 21 were killed by soldiers of the army's Arce Battalion, and their bodies were dumped into a well. The soldiers claim they killed the five in combat, while persons claiming to be witnesses say the men were murdered after capture. In another incident, unidentified army troops killed in a June 6 attempt to kill four farmworkers. Rightwing death squads which formerly publicized their murders did not claim responsibility for any killing during 1987, although a heretofore unknown organization claimed responsibility for the September 24 assassination of a postal workers' union executive. The executive, however, was reportedly investigating corruption among postal workers, leaving doubt as to the authenticity of the claim. The Catholic Church's Tutela Legal attributed 9 killings to rightwing death squads from January to May, as compared with 42 in all of 1986 and 136 in 1985. Tutela Legal does not count or consider murders by the FMLN in its death squad figures and frequently classifies as "death squad killings" murders that other observers view as criminal rather than political in nature. It occasionally gives no reason and provides no evidence for attributing a murder to death squads.

Anonymous death threats against human rights workers continued in 1987. Members of the CDHES, identified by former guerrillas

RELEASED
El Salvador: Human Rights
Special Project (1993)

as an FMLN front organization, charged that a group of armed men attempted on May 30 to break into CDHES offices and subsequently reported receiving telephoned death threats. Members of the CDH have also received death threats. On June 15, a person using the name of a notorious death squad issued a death threat against students and faculty members of the National University of El Salvador; the threat was never carried out. The Government and armed forces condemned the threats and vowed to use the full force of the Government to prevent a resurgence of death squad activity. A Lutheran bishop received threats in September. The police offered to provide protection.

b. Disappearance

Government policy forbids unacknowledged detention by security or armed services. However, there have been occasional credible reports of persons taken away by men thought to be members of the army or security forces, although positive proof has not been available. Miguel Angel Rivas, a 17-year-old student, was reported to have been picked up by an Air Force patrol near the Ilopango Air Base on November 29, 1986 and then passed to the National Guard in January 1987. He has not been found. The families of three young labor union members who disappeared from Santa Ana city after a May 1 labor demonstration claimed to have been told the three were picked up by soldiers of the intelligence section of the Army's Second Brigade. Efforts to locate them have been fruitless. Salvador Ubau, a university official, disappeared after being forced into a pick-up truck by armed men in San Salvador on September 1. The armed and security forces denied any part in the disappearances, and all these cases were referred to the Civilian Commission for Investigations.

Many persons reported missing by family members and human rights organizations were found later to have been legally arrested and duly entered in a security force register of detained persons. Some persons who desert their families, emigrate, or join guerrilla ranks are also reported as disappearances.

c. Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The Salvadoran security forces are required by arrest regulations to register detainees and have them examined by a doctor or nurse upon entry into police facilities. In insurgency-related cases, they are required to notify promptly the family of the detainee, Tutela Legal, the CDH, and the International Committee of the Red Cross (ICRC) of the arrest. The registration and notification procedures, together with the official prohibition on mistreatment of prisoners, have markedly reduced the incidence of torture by government authorities. The Constitution requires that all persons arrested by the police be freed or turned over to the courts within 72 hours. Although this requirement is followed in the great majority of cases, on occasion arrestees are held for longer periods, most often when a military unit in the field is the arresting authority and when battlefield exigencies preclude the rapid transfer of the arrestee to the police.

According to the U.N. Special Rapporteur for Human Rights in El Salvador, physical mistreatment is not systematically practiced nor condoned by government authorities. He

considered, however, some reports of mistreatment by individual personnel to be credible. The number and severity of reported cases of torture have declined, but allegations of abuse by the arresting forces continue. Most allegations involve abuses that leave no marks and thus are extremely difficult to prove or disprove. Other alleged abuses include deprivation of food and sleep, threats against the detainee or his family, prolonged interrogation while blindfolded, being forced to stand for long periods of time, forced exercise, and blows to the ears. Some prisoners claim to have been forced to sign confessions without being permitted to read them. Some instances of severe beatings, rape, choking, and electric shock were reported. When a complaint of mistreatment appears credible, the CDH reports the incident to the commander of the unit responsible and to the Ministry of Defense.

The Government continued to use disciplinary action to reduce abuses of authority by the military and police forces. Between October 1979 and December 1986 over 913 military and police were disciplined or turned over to the courts for abuses of authority. More than 130 were similarly treated in the first 9 months of 1987. Archaic judicial recordkeeping makes it difficult to determine the disposition of these cases. Human rights instruction is part of police recruit training and officers' classes. The CDH, the ICRC, and Catholic clergy participate in courses on human rights for police, military, and civil defense personnel. The security forces instituted a separate intensive human rights training program for all police.

In recent years, there have been few allegations of mistreatment of prisoners in El Salvador's prisons. There were no verifiable instances of torture occurring in the penitentiaries in 1987. Punishment cells are reportedly rarely used. In an isolated incident, inmates in Mariona Prison claimed the guards on August 28 fired into the cellblocks, causing the wounding of five prisoners by ricochets. Prison officials say the gunfire came from a guerrilla attack on the prison. In December two Mariona inmates died under mysterious circumstances. The first died of internal injuries allegedly sustained during the time he was in police custody, prior to his declaration before a civilian magistrate and transfer to prison pending trial. The second death occurred as a result of a fall from a prison roof during the transfer of several prisoners to other facilities. The authorities claim he allegedly jumped from the building while attempting to elude security force personnel charged with effecting the transfer. Some nongovernmental organizations have alleged that he was thrown or pushed from the roof. Both incidents are being investigated by the authorities.

[illegible] prisoners [illegible] supplies. Prisoners receive [illegible] and medical visits and have access to primary education [illegible] religious services. Many prisoners earn money by making [illegible] for sale.

[illegible] Arbitrary Arrest, Detention, or Exile

The Criminal Code contains statutes prohibiting terrorism, insurgency, and other actions against the stability of the State, and persons arrested under them have the same legal protection as common criminals. The Constitution permits the security (police) forces to hold the arrestees incommunicado for periods up to 72 hours before releasing them or turning them over to the courts for a determination as to whether continued detention is warranted. Arrests without apparent sufficient cause do occur, but detention beyond 3 days is rare. An arrestee has the right to have a defense attorney present after being turned over to the courts. Holding political views opposed to the Government is not justification for arrest if the suspect does not advocate violence. The courts have held that membership in a front organization controlled by insurgents is not by itself sufficient reason for holding an arrestee, although membership in one of the violent guerrilla groups is. From January to August, the security forces arrested 1,871 persons, including foreign nationals, for insurgency-related offenses. Of that number, 1,577 were subsequently released by the police or the courts. 183 were bound over for trial, and 111 were hospitalized, deported, or sent to the juvenile facility. All but 17 persons determined to be held for politically motivated crimes committed before October 22 or membership in guerrilla organizations were released from custody in November under the provisions of the general amnesty.

RELEASED
El Salvador: Human Rights
Special Project (1993)

Salvadoran judges theoretically are constrained legally by time limits for investigating the case and bringing it to trial, but in practice these limitations are not followed. The backlog of cases is one major reason for delay. As a recourse against illegal detention, the subject can request, from the time an arrest warrant is issued by a court until the trial is completed and a sentence is being carried out, that the Supreme Court review the legal merit of the detention. This appeal freezes action on the case until the Supreme Court has rendered its decision.

Insurgency-related cases begun before the termination of the state of emergency in January 1987 remained in the military court system. Decree 50, the law detailing procedures for trying these cases, expired and was replaced by Legislative Decree 618, a virtually identical statute, to permit continued processing of pending Decree 50 cases. However, Decree 618 does not apply to new arrests unless a state of emergency is in place. There was a large backlog of these cases at the beginning of the year, but the situation changed considerably after the state of emergency ended, and no new cases were added. A backlog of more than 1,070 cases was reduced to 557 by September, and in November, most of the remaining Decree 50/618 prisoners were released under the provisions of the amnesty.

There are no provisions in the law for exile or for the revocation of citizenship. Some leaders of the FMLN/FDR claim to be in exile, but it is self-imposed. However, they could be subject to arrest in El Salvador for membership in guerrilla combatant organizations if they return. The amnesty law provided a 15-day period in November during which any guerrilla could renounce armed conflict, giving those who claimed to be in exile an opportunity to return without having to face criminal charges.

The Government prohibits forced labor, and it is not practiced.

e. Denial of Fair Public Trial

Salvadoran law provides that a person accused of a crime may

present, court-appointed attorneys are not available to a defendant until the investigative phase is over and the judge determines there is sufficient evidence to enter the final, or plenary, stage of the trial. However, a bill to change the criminal procedural code to provide counsel from the beginning of the legal process has been submitted to the legislature. The defendant has a right to be present in court and to confront the witnesses against him. All court records of trials of adults are open to the public unless the judge rules the case is to be kept confidential. Most major crimes in El Salvador are tried publicly with a five-person jury. Jury trials, however, resulted in only a 15 percent conviction rate in 1987, despite clear proof of guilt against the accused in many of the acquittals, probably because either jurors feared later reprisal or hoped for a later reward from the defendants. This led the Legislative Assembly to pass a law in March to eliminate jury trials in kidnaping, drug-trafficking, and extortion cases. Inordinate delays in processing cases, absences of attorneys, half-day work schedules, the destruction of many court buildings in the October 1986 earthquake, and defects in the jury selection system result in an inability of the judicial system expeditiously to process cases. As a result, only about 10 percent of all prison inmates are serving sentences; the rest are awaiting adjudication of their cases. Bail is available for some offenses but is seldom used. Prisoners are usually incarcerated for 6 to 18 months between the time they are charged and the time they are brought to trial, and even longer waits are common. A bill before the Legislative Assembly aimed at alleviating this situation will free on their own recognizance many detainees until trial and will establish parole for some convicts.

The Government continues to move forward with a comprehensive judicial reform program, including proposed legislation to revise portions of the penal, penal procedural, and civil codes. The Government is also working over the longer term to overhaul and update the entire system of laws and procedures in order to produce a modern and efficient judicial system. One key proposal would establish a judicial career with minimum requirements for judges at each level of the judiciary.

The Commission for Investigations, consisting of a Special Investigations Unit (SIU) and a fully equipped and staffed Forensic Unit, is investigating a number of sensitive cases of human rights abuse. It has, for example, dedicated a major part of its investigative capability to investigating the murder of Herbert Anaya.

The Salvadoran judiciary, the Attorney General's office, and the Solicitor General's office are independent of the rest of the Government. Supreme Court justices, the Attorney General, and the Solicitor General are chosen by the Legislative Assembly after nomination by political parties. The judicial branch determines its own budget, which must be approved by the legislature. A new Attorney General took office in June and has shown a willingness to prosecute vigorously major human rights cases stalled during his predecessor's time in office.

Historically, judicial authority has not extended to the military officer corps. Although low-ranking military and police officers have been discharged and turned over to the civilian courts for trial of criminal offenses, in practice the officers of the armed and security forces are treated differently from other citizens before the law. Judges are frequently reluctant to bring charges against them, and colleagues often cannot be relied upon to cooperate in the prosecution of crimes imputed to a fellow officer.

RELEASED
El Salvador: Human Rights
Special Project (1993)

While numerous enlisted personnel have been convicted, no military officer has been convicted of human rights violations in recent years. Several have been incarcerated pending trial. The October amnesty has been applied to some cases involving military and security personnel. The judge hearing each case must decide on the applicability of the amnesty in individual cases based on the evidence available as of November 6, although the findings are subject to government appeal.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government does not arbitrarily interfere in the personal lives of citizens, although it reserves the right to intervene when it believes national security is threatened. Both the Government and the guerrillas use networks of informers. The security forces need no warrant to use forced entry to carry out arrests and investigations if they believe they have sufficient evidence that a crime may have been committed. The constitutional protection of the inviolability of correspondence is in full force following the termination of the state of emergency.

g. Violations of Humanitarian Law in Armed Conflicts

As compared with previous years, few claims were made that the Air Force engaged in indiscriminate bombing in 1987. Most of those allegations that did surface proved groundless. Many of the charges themselves appear to be part of the FMLN's strategy to manipulate human rights issues and organizations for tactical military and political purposes. On at least two occasions, however, the armed forces acknowledged that civilians were accidentally killed or wounded in aerial attacks, including an incident in Santa Marta, Cabanas Department, in which one civilian was killed and several wounded by a misdirected air strike. Following the guidelines set by President Duarte in 1984, the Air Force generally refrained from attacking guerrilla concentrations and installations when civilians were nearby.

The guerrillas frequently attack economic targets, which greatly affects the well-being of the population; e.g., country-wide transportation stoppages to hinder the flow of foodstuffs and consumer goods; destruction of bridges and the telephone and electric power grids; interference with the production, harvesting, and transportation of major export crops; hindrance of government sponsored repopulation of farmlands; and assassination and kidnaping of mayors and other local government officials. In addition, FMLN guerrillas mount periodic large-scale attacks against key government installations. There were no credible reports of government troops conducting comparable operations, such as burning crops or forcibly moving inhabitants. The military has on occasion, however, burned limited areas during military operations in order to detonate home-made guerrilla mines and thereby minimize casualties.

Of the killings attributed to the FMLN, many victims were rural residents who refused to collaborate with the guerrillas

or were suspected of being government informers. Other victims were drivers or passengers of vehicles machine-gunned by the guerrillas during one of the seven "traffic bans" declared by the FMLN in the course of the year. There are eyewitness reports of soldiers on leave and civilians being pulled off buses and executed by guerrillas and of persons kidnaped by guerrillas who have never reappeared. In January the bodies of six coffee workers abducted the previous day by guerrillas were found with their thumbs tied together behind their backs, hacked with machetes, and shot. In February the guerrillas announced they had tried and executed three captives whom they accused of participating in the Government's "United to Reconstruct" campaign in Usulutan Department. The bodies were found shortly thereafter. On September 28, FMLN guerrillas forced the mayor of a small town out of her house and assassinated her in front of her daughter. On November 17, a Salvadoran employee of the U.S. Embassy was murdered by an apparent FMLN assassination team.

On October 1, the President of the Salvadoran Trial Lawyers Association was murdered in San Salvador. There has been speculation that an FMLN group had targeted him for his role as management representative in a labor dispute with an FMLN-controlled union. On October 27, three people were abducted by the FMLN from a cooperative farm in La Paz Department, where they were conducting management training at a cooperative. On December 12-13, guerrillas attacked a coffee farm in Usulatan, killing 11 farm workers and 4 security guards. Several of the farm workers died inside a warehouse the guerrillas had set afire. The latter prevented the farm workers' escape by firing automatic weapons at the doors.

A major cause of death and maiming is the guerrillas' use of indiscriminately placed landmines and booby traps. Planted along farm roads and paths, around guerrilla-downed electric poles, under railroad tracks, near water sources, in farmlands, and on coffee plantations to impede the harvest, these "revolutionary mines" (as the guerrillas call them) killed some 31 civilians in 1984, 55 in 1985, 62 in 1986, and 31 in the first 8 months of 1987. From January through August, another 115 civilians, many of them children, were injured by guerrilla mines. The military uses mines on the perimeters of their installations. There have been a few allegations that these areas were not properly marked, resulting in civilian injuries.

Instances of military mistreatment of noncombatants and prisoners occur, as noted above. There is no evidence they are widespread or that they are condoned by the high command. The Government does not recognize the insurgency as a belligerent power and thus does not accord prisoner-of-war status to captured guerrillas. The armed forces are required to turn captured guerrillas over to the civilian court system for criminal prosecution.

In 1987 the FMLN greatly increased the use of children in combat, and many of them appear to be victims of kidnaping. Videotapes of an FMLN/FDR clandestine press conference in Morazan department before the October 4 dialog show numerous armed 8 to 14-year-old boys keeping guard. A young boy, found with a pistol in his hand, was among several dead children left by guerrilla forces after an attack on a government communications installation in Morazan department on September 30. Still other credible reports were received of children

RELEASED
El Salvador: Human Rights
Special Project (1993)

their use as couriers and spotters. According to press reports, 79 civilians disappeared between January and June, including nonpolitical disappearances such as lost or runaway children aged 10 or over. During the same period, the press reported 249 persons abducted by the guerrillas and 13 abducted by unknown assailants. A government report gave the higher figure of 441 persons kidnaped by the guerrillas between January and July. Both the press and the government figures show a considerable increase over the 98 recorded for 1986, attributable primarily to a guerrilla campaign to fill their ranks by forced recruitment of both combatants and support personnel.

Col. Omar Napoleon Avalos, the Director of Civil Aviation, kidnaped by the FMLN in October 1985, was held for more than 15 months until the guerrillas could negotiate what they considered a suitable exchange. Avalos was freed on February 2 in exchange for the Government's release from prison of 57 FMLN suspects. In the course of 1987, the guerrillas captured and exchanged or released seven mayors and several members of the armed forces. Guerrillas keep prisoners with them during their frequent moves and expose them to the danger of attack by the military. They often do not permit ICRC visits to prisoners.

The FMLN claims to respect the physical and psychological integrity of its captives. Nevertheless, the guerrillas occasionally torture captives and then kill them. On November 6, the guerrillas abducted three peasants they claimed were members of the civil defense. The bodies were found the next day with signs of severe torture. The guerrillas reportedly perform executions in front of other kidnap victims as a form of intimidation to persuade the captives to be cooperative.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

There are no governmental restrictions on freedom of speech and the press. San Salvador, a city of 1 million, has five daily papers, six television stations, and a multitude of radio stations. There are three major evening and two morning newscasts, which broadcast live interviews with a full range of political figures, including guerrilla commanders and political leaders. Four leading daily newspapers in the capital are conservative, and they vigorously criticize the Government. The fifth, while editorially conservative, reports on the press conferences of FMLN front groups and carries unedited pieces from the FMLN press agencies Notisal and Salpress. The views of the radical left continue to be expressed in a variety of journals, periodicals, newsletters, bulletins, and paid advertisements in the daily press, as well as television and radio interviews. The openly pro FMLN/FDR National University of El Salvador and the leftist, Jesuit-run University of Central America publish weekly supplements in one of the major dailies. Commercial radio stations frequently repeat reports broadcast by clandestine guerrilla radio stations. The Government owns no newspapers, but runs one radio station and two television stations with identical programming. The Army operates another radio station, which focuses on Latin music, sports, and pep talks to the troops. An 8-year-old decree forbidding publication of anonymous communiques remains in effect and is largely observed by the media. When it has been violated, the Government has taken

action against the reporting media. Academic freedom is protected by the Constitution and respected by the Government.

b. Freedom of Peaceful Assembly and Association

Any association not formed for criminal purposes is legal and permitted in El Salvador. Political, professional, religious, labor, and social organizations operate openly and freely. Various groups criticize the Government from both the left and the right, holding marches and demonstrations without interference from the Government. On January 22, the private sector called a shutdown to protest government economic policies. An estimated 90 percent of the businesses in San Salvador closed their doors. Marches by labor, displaced persons, and human rights front organizations of the FMLN are frequent. On October 3-5, some 2,500 persons, led by FMLN front groups, gathered in the vacant lot across the street from the Papal Nunciature to express their solidarity with the FMLN/FDR delegation during the dialog with the Government.

The Constitution provides for the right of private sector and autonomous public institution employees to organize unions, bargain collectively, and strike. Under the antiquated labor code, however, the bureaucratic procedures required before a union can legally strike make such action extremely difficult. The labor code requires that labor disputes go through protracted stages of direct bargaining, conciliation, and arbitration before a strike or lockout can be declared. The law states that strikes may be called only to demand the implementation or review of the collective bargaining agreement, or in the defense of the common interests of the workers. A majority of the workers must agree before a strike is called. Unions often ignore these requirements, and many strikes are declared to be illegal. The labor ministry oversees the implementation of collective bargaining agreements and serves as conciliator in labor disputes in the private sector and in autonomous institutions. Government employees of nonautonomous public institutions are prohibited by the Constitution from forming unions and striking, but most of these employees are represented by associations which, in fact, act as unions by bargaining collectively and calling work stoppages. Salvadoran unions draw up their own charters and elect their own officers. The Government has not acted upon a proposal which would extend collective bargaining rights to peasant organizations. Labor unions participated in numerous marches and demonstrations, both for and against the Government throughout 1987, often in cooperation with other nongovernmental organizations.

Unions may join national and international federations. Part of the democratic trade union movement is affiliated with the International Confederation of Free Trade Unions, while Christian Democratic unions are affiliated with the World Confederation of Labor. Some leftist unions maintain association with the Communist-dominated World Federation of Trade Unions.

c. Freedom of Religion

Freedom of religion is provided for by the Constitution and is respected in practice. Although the country is predominantly Roman Catholic, an estimated 20 percent of the population subscribe to other faiths, mainly Protestant Fundamentalists. Foreign and Salvadoran missionaries operate freely and without harassment. Church members and employees, both Catholic and

Protestant, have on occasion been arrested, but these arrests were unrelated to the person's religious beliefs or activities. The Catholic Church continues to be one of the most influential institutions in the country. The Archbishop's Sunday homily is broadcast live from the Metropolitan Cathedral on one of the Government's television stations and on radio. The Archbishop was officially appointed as mediator in the dialog between the Government and the guerrillas. Church publications disseminate the church's position on human rights and the war. Church statements have become increasingly critical of the leftist insurgency, but the church has not hesitated to criticize the Government.

RELEASED
El Salvador: Human Rights Special Project (1993)

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

With the expiration of the state of emergency, constitutional protection of the right of free movement is in force. Nevertheless, local military commanders have denied entry to areas where military operations are under way and require that foreign visitors receive permission before entering combat zones. The Government instituted a requirement that all foreign visitors obtain a Salvadoran visa before entering the country. On occasion it ordered out of the country foreigners who it considered had involved themselves in internal political affairs.

An estimated 327,000 people are displaced within El Salvador by the conflict, primarily from the northern and eastern zones. Another 167,400 are refugees in other Central American countries and in Mexico, and more than 500,000 are estimated to be illegal immigrants in the United States. As the level of violence falls, an increasing number of refugees are returning from abroad. More than 4,833 had already returned from other Central American countries since 1984, according to the U.N. High Commissioner for Refugees; on October 10, another 4,300 chose to leave the Mesa Grande refugee camp in Honduras, where some had been living since the beginning of the war, to return to their homes in El Salvador. The Intergovernmental Committee for Migration (ICM), which met and maintained contact with some 9,510 returnees between December 1984 and December 1986 and continued to meet Salvadorans deported from the United States in 1987, reported no evidence of government harassment of individuals returning to El Salvador from abroad, either from the United States or elsewhere. The Government imposes no control on emigration and cooperates with international organizations on Salvadorans' emigration to other countries.

El Salvador has registered some 200 Nicaraguan refugees, although officials estimate there may be up to 1,000 residing in the far southeastern part of the country. Those refugees who are registered are free to travel within El Salvador.

Section 3 Respect for Political Rights: The People's Right to Change Their Government

El Salvador is a representative democracy. The governing Christian Democratic Party (PDC) enjoys a 31-seat majority in the 60-member Legislative Assembly. In addition to one independent member, four other parties are also represented in the Assembly. Legislators are elected for 3-year terms. In preparation for the 1988 legislative/municipal elections and the 1989 presidential election, the Central Elections Council (CCE) created a new voter registry and began distribution of

new voter's registration card to safeguard against fraud. The CCE, composed of one representative of each of the three major parties--the PDC, the National Republican Alliance (ARENA), and the National Conciliation Party (PCN)--is also drafting a streamlined electoral law to present to the Assembly. The PCN presented its draft of an electoral reform law to the Assembly, which is now studying it.

The Constitution allows the participation in the electoral process of all political parties that do not advocate armed opposition to the Government and protects the right to membership in any legally recognized party. Although the National Revolutionary Movement (MNR) is a member organization of the FDR, the MNR remains a legally recognized party. The Popular Social Christian Movement (MPSC), though never inscribed as a legal party, has resumed political activity inside El Salvador, and its self-exiled Secretary General Ruben Zamora has publicly stated he will return to El Salvador permanently to participate in political activities. In 1987 two new political parties, the Social Democratic Party (PSD) and the Liberation Party (PL), were inscribed as political parties and will participate in the upcoming legislative and mayoral elections. On November 29, the PSD formally signed an agreement with the MNR and the MPSC to form the "Democratic Convergence." This new organization has not decided whether it will contest the elections, although it could do so using the PSD's inscription.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government continues to be receptive to visiting groups interested in human rights. High-ranking government officials and military officers have briefed and been interviewed by U.S. Congressmen, church and labor groups, and others. Americas Watch maintains an office and a part-time representative in San Salvador. The ICRC has an agreement with the Government that permits it to work in the conflictive areas to assist noncombatants and to make confidential reports to the Government on human rights issues. The ICRC, Tutela Legal, and the CDH groups are permitted visits to prisons. An Amnesty International delegation visited the country in March and met with a variety of groups. The U.N. Special Rapporteur on Human Rights in El Salvador made his seventh annual visit to the country from September 25 to October 5, during which he met with government representatives, including President Duarte and the military high command; visited prison inmates; spoke with representatives of the Catholic Church and official and unofficial human rights organizations; and conducted personal interviews.

Domestic human rights organizations active in El Salvador include the governmental CDH, an agency which investigates complaints of human rights abuse by the Government and the FMLN, and Tutela Legal of the Catholic Archdiocese of San Salvador. The nongovernmental Human Rights Commission of El Salvador (CDHES), the Committee of Mothers of Political Prisoners, Disappeared and Assassinated of El Salvador (CO-MADRES), and the Christian Committee for the Displaced (CRIPDES) have been exposed by guerrilla defectors and captured documents as political fronts of the FMLN. These groups report only on perceived abuses by the Government and refuse to investigate, acknowledge, or even record human rights abuses by the FMLN. Many of the government abuses they

RELEASED
El Salvador: Human Rights
Special Project (1993)

report, moreover, appear to be fabrications. They continue to operate freely, although some individual members were arrested during 1987 and charged with guerrilla membership or activities.

The CDH receives testimony about human rights violations, conducts investigations, visits arrested persons, and reports to the local commanding officer and the Ministry of Defense when it discovers a case of abuse. Its doctors examine detainees to determine the validity of complaints. The CDH keeps a register of persons injured by landmine explosions and is working in conjunction with aid organizations on a project to register civilian amputees and provide them with prosthetic devices.

Tutela Legal's staff visits persons detained by the security forces, carries out some on-site investigations, receives testimony about human rights violations, and uses the press as a major source for its monthly reports. Tutela Legal's methodology in interpreting its statistical information, however, casts doubt on the organization's findings. Tutela Legal frequently counts victims as civilians even when they may be guerrillas, as noted by the UN Special Rapporteur in his 1986 report.

In March a new human rights organization, the Salvadoran Association for Human Rights (ASPRODERH), was founded by a group of FMLN defectors who had worked in the CDHES and CO-MADRES on behalf of the FMLN. The ASPRODERH founders stated their intention to have the organization fill the human rights middle ground between the Government's Human Rights Commission and the various pro-FMLN groups.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

El Salvador is ethnically homogeneous, and few ethnic Indians remain. There is no official discrimination against Indians, but there have been disputes over Indian land ownership. Under the Constitution, women enjoy the same legal rights as men. Although women are represented in all three branches of government, in business, and in the professions, their numbers are limited by cultural constraints. In the armed forces, women serve as nurses and in administration and intelligence; the security services have a limited number of policewomen. A high proportion of women in the lower economic strata are heads of single parent households, often providing for large families. In general, women tend to occupy jobs at the lower end of the economic scale, and outside the Government, women's wages tend to be lower than those of men for equivalent work.

CONDITIONS OF LABOR

The Constitution permits employment of children under 14 years of age only when their employment is necessary to provide for their own or their families' subsistence. Children under age 18 are prohibited from working at night or in dangerous occupations. In reality, however, teenage and even younger children work long hours. The minimum wage applies to persons working at least 5 hours a day and is equivalent to about $1.00 per day. In practice, most workers are paid more than the minimum wage. The law entitles them to 15 days of annual paid vacation and extra pay for working at night or for more than 44 hours a week. Persons working less than 5 hours per day receive a proportion of the minimum daily wage equivalent

to the hours worked. The law also requires that those paid by piecework or commission receive a salary at least equivalent to the minimum wage. The minimum wage for farm workers is equivalent to about $1.60 per day plus food. Most farm workers receive only the minimum, but piece rates paid at harvest time net workers triple or quadruple the minimum wage. The Government requires that work sites be safe, and that drinking water, toilets, and adequate ventilation be provided workers, but enforcement is inadequate.

RELEASED
El Salvador: Human Rights
Special Project (1993)

Chile Project (#S19990030)
U.S. Department of State
Release ____ Excise X Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) B6 11
EXCISE KM104a

1 February, 1987

Hon. Barbara Mikulski
U. S. Senate
Washington, DC 20510

Dear Sen. Mikulski:

I have received information that on November 28, 1986, the USA voted "no" on a U. N. resolution condemning human rights abuses in Chile. I feel that this vote was wrong and that we should have voted "yes."

I would appreciate it if you would request clarification of this vote from Elliott Abrams, Undersecretary of State for Inter-American Affairs.

Thank you.

Sincerely,

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IU075

Case Number: S199900030
Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

CONFIDENTIAL

PAGE 01 BRASIL 01147 031504Z
ACTION ARA-00

INFO LOG-00 COPY-01 ADS-00 INR-10 SS-00 OIC-02 CIAE-00
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P 031503Z FEB 87
FM AMEMBASSY BRASILIA
TO SECSTATE WASHDC PRIORITY 2673
INFO AMEMBASSY BOGOTA
AMEMBASSY BUENOS AIRES
AMEMBASSY CARACAS
USMISSION GENEVA
AMEMBASSY LIMA
AMEMBASSY MANAGUA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
USMISSION USUN NEW YORK

C O N F I D E N T I A L BRASILIA 01147

E.O.12356: DECL: OADR
TAGS: UNHRC-1, PHUM, CI, BR
SUBJECT: 43RD SESSION OF THE UN HUMAN RIGHTS
COMMISSION: DEMARCHE ON AGENDA ITEM 5 (CHILE)

REF(S): A) GENEVA 426, B) STATE 022796

1. (C - ENTIRE TEXT.)

2. POLCOUNSELOR REVIEWED SITUATION OF CHILE AS HANDLED BY THE UNHRC WITH AMB. BERNARDO PERICAS, CHIEF OF MFA DEPARTMENT OF INTERNATIONAL ORGANIZATIONS, AND URGED PERICAS TO INSTRUCT BRAZIL'S DELEGATION IN GENEVA TO VOTE IN FAVOR OF SUBSUMING AGENDA ITEM 5 (CHILE) UNDER ITEM 12 (VIOLATIONS ANYWHERE). PERICAS SAID HE APPRECIATED THE U.S. APPROACH AND AGREED THAT IT MADE SENSE. HE STATED THAT THE BRAZILIAN DELEGATION WOULD

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PAGE 02 BRASIL 01147 031504Z

VOTE TO MOVE CHILE TO ITEM 12 IF THE DECISION COULD BE TAKEN ON PROCEDURAL GROUNDS. PERICAS NOTED THAT MEXICO AND NICARAGUA WOULD OPPOSE, AND THE VOTE WOULD BE CLOSE.

3. PERICAS THOUGHT ARGENTINA MIGHT GO ALONG WITH THE MOVE TO ITEM 12. POLCOUNS POINTED OUT THAT BRAZILIAN

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LEADERSHIP WAS IMPORTANT. PERICAS ACKNOWLEDGED THAT BRAZIL WISHED TO BE MORE ACTIVE ON HUMAN RIGHTS ISSUES. IN ANY CASE, THE GOB DELEGATION WOULD GO ALONG WITH SUBSUMING AGENDA ITEM 5 UNDER ITEM 12, EXPLAINING THAT ITS ACTION WAS PROCEDURAL ONLY AND NOT RELATED IN ANY WAY TO THE SUBSTANCE OF THE HUMAN RIGHTS SITUATION IN CHILE.
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PAGE 01 STATE 022796
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Chile Project (#S199900030)
U.S. Department of State
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Declassify: In Part ____ In Full X
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APPROVED BY ARA/SC:DWCOX
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FM SECSTATE WASHDC
INFO AMEMBASSY SANTIAGO IMMEDIATE

C O N F I D E N T I A L STATE 022796

FOLLOWING REPEAT SENT ACTION BRASILIA INFO BOGOTA BUENOS AIRES CARACAS GENEVA LIMA MANAGUA MEXICO SAN JOSE USUN NEW YORK JANUARY 27
QUOTE
C O N F I D E N T I A L STATE 022796

E.O. 12356: DECL: OADR
TAGS: UNHRC-1, PHUM, CI, BR
SUBJECT: 43RD SESSION OF THE UN HUMAN RIGHTS
- COMMISSION: DEMARCHE ON AGENDA ITEM 5 (CHILE)

REF: GENEVA 426

1. (CONFIDENTIAL - ENTIRE TEXT.)

2. DRAWING ON INFORMATION REPORTED REFTEL AND BACKGROUND BELOW, POST SHOULD MAKE DEMARCHE AT HIGHEST APPROPRIATE LEVEL TO URGE BRAZIL TO INSTRUCT ITS DELEGATION AT THE UNHRC SESSION IN GENEVA TO VOTE IN FAVOR OF SUBSUMING AGENDA ITEM 5 (CHILE) UNDER ITEM 12 (VIOLATIONS ANYWHERE).

3. A SEPARATE AGENDA ITEM DEALING WITH HUMAN RIGHTS IN CHILE SUGGESTS INCORRECTLY AND UNFAIRLY THAT THE HUMAN
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PAGE 02 STATE 022796

RIGHTS SITUATION IN THAT COUNTRY IS UNIQUE OR IS CONSIDERABLY WORSE THAN IN ALL OTHER COUNTRIES UNDER CONSIDERATION BY THE COMMISSION. TO SUBSUME THE MATTER UNDER ITEM 12 WOULD PERMIT THE UNHRC TO TREAT THIS MATTER MORE FAIRLY, AVOIDING THE APPEARANCE OF APPLYING A DOUBLE STANDARD.

4. FROM AN EXAMINATION OF THE HISTORY OF UNHRC CONSIDERATIONS OF COUNTRY SITUATIONS INVOLVING HUMAN RIGHTS VIOLATIONS, IT IS CLEAR THAT THE SEPARATE TREATMENT OF THE HUMAN RIGHTS SITUATION IN CHILE IS ANOMALOUS AND NOT IN LINE WITH THE PATTERN OF PRACTICE WHICH THE UNHRC HAS FOLLOWED. THE HUMAN RIGHTS SITUATIONS IN EL SALVADOR, GUATEMALA, IRAN, AFGHANISTAN, AND POLAND HAVE BEEN CONSIDERED UNDER ITEM 12. THE HUMAN RIGHTS SITUATION IN CHILE WAS FIRST RAISED AT THE 30TH SESSION (1974) BY BULGARIA, BYELORUSSIA, AND THE USSR, WHO ACTED UNDER ITEM 12. THE MATTER WAS THEN TREATED SEPARATELY, HOWEVER, AT THE 31ST SESSION (1975) AND AT ANNUAL SESSIONS SINCE THEN. THIS SHIFT TO A SEPARATE AGENDA ITEM APPEARS TO HAVE BEEN BASED ON THE FACT THAT THE UNHRC'S RENEWED CONSIDERATION OF THE MATTER IN 1975 WAS PURSUANT TO A SPECIFIC RECOMMENDATION OF ITS SUBCOMMISSION. THE COMMISSION'S PRACTICE UNDER SUCH CIRCUMSTANCES HAS NOT, HOWEVER, BEEN CONSISTENT. FOR EXAMPLE, AT ITS 40TH SESSION (1984) , THE COMMISSION RECEIVED FROM ITS SUBCOMMISSION A DRAFT RESOLUTION PROPOSING THE APPOINTMENT OF A SPECIAL RAPPORTEUR TO EXAMINE THE HUMAN RIGHTS SITUATION IN AFGHANISTAN, AN ENTIRELY NEW ITEM FOR UNHRC CONSIDERATION. IN THIS INSTANCE, THE SUBCOMMISSION'S PROPOSAL WAS CONSIDERED BY THE COMMISSION UNDER ITEM 12, AND THE COMMISSION'S ENDORSEMENT OF THE SUBCOMMISSION'S PROPOSAL FOR A SPECIAL CONFIDENTIAL

CONFIDENTIAL

PAGE 03 STATE 022796

RAPPORTEUR ON HUMAN RIGHTS IN AFGHANISTAN WAS TAKEN AS THE END RESULT OF THE DEBATE UNDER ITEM 12. THIS ACTION MERELY CONFIRMED THE UNHRC'S SETTLED PRACTICE OF DEALING WITH COUNTRY SITUATIONS OF HUMAN RIGHTS VIOLATIONS, I.E. EL SALVADOR, GUATEMALA, IRAN, AND POLAND, UNDER ITEM 12.

5. IT IS ERRONEOUS TO CLAIM, AS SOME HAVE DONE, THAT AGENDA ITEM 5 PROVIDES SPECIAL AND PUBLIC TREATMENT OF A SPECIFIC CASE WHEREAS ITEM 12 IS GENERAL AND PRIVATE IN NATURE. CONSIDERATION OF CASES RAISED BY GOVERNMENTS OR THE UNHRC'S SUBCOMMISSION UNDER ITEM 12 IS FULLY AS PUBLIC AND SPECIFIC AS HAS BEEN THE CONSIDERATION OF THE CHILE CASE WHICH HAS BEEN PURSUED UNDER ITEM 5. IF THE CHILEAN CASE WERE TRANSFERRED TO ITEM 12, IT WOULD STILL BE TREATED PUBLICLY.

6. DEPARTMENT AGREES WITH CHARRY SAMPER'S VIEW (REFTEL) THAT THE BRAZILIAN POSITION ON THIS ISSUE WOULD PROVE INFLUENTIAL WITH OTHER LATIN AMERICAN GROUP MEMBER COUNTRIES. SHULTZ

UNQUOTE SHULTZ

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IU089 2-4-97

Case Number: S1999000030

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

CONFIDENTIAL

PAGE 01 STATE 032072
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DRAFTED BY: ARA/SC:LKUSNITZ
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C O N F I D E N T I A L STATE 032072

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E.O. 12356:DECL: OADR
TAGS: PTER PREL, CI
SUBJECT: DAS GE.BARD'S FEBRUARY 3 MEETING WITH CHILEAN CHARGE ON LETELIER CASE

1. CONFIDENTIAL - ENTIRE TEXT.

2. SUMMARY. DAS GELBARD CALLED IN CHILEAN CHARGE MATURANA TO BREAK NES OF FERNANDEZ' ARRIVAL INTO US AND FEB. 4 ARRAIGNMENT, FOLLOWING AMBASSADOR BARNES' BRIEFING OF INTERIOR MINISTER GARCIA. GELBARD EMPHASIZED THAT THE US HAS CONTINUED TO VIEW THE UNRESOLVED LETELIER/MOFFITT MURDERS WITH SERIOUS CONCERN. HE SUGGESTED THAT IT WOULD BE HELPFUL IF, IN LIGHT OF NEW EVIDENCE PRESENTED BY FERNANDEZ STATEMENT, THE GOC COULD IN SOME WAY PROVIDE OTHER INDICTED CO-CONSPIRATORS TO THE US. SEPTEL REPORTS ANOTHER TOPIC COVERED IN THE MEETING. END SUMMARY.

3. DAS GELBARD CALLED IN CHILEAN CHARGE PATRICIO
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PAGE 02 STATE 032072

MATURANA TO INFORM HIM OF SCHEDULED FEB. 4 ARRAIGNMENT OF LETELIER CO-CONSPIRATOR ARMANDO FERNANDEZ LARIOS. MATURANA WAS INFORMED THAT AMB. BARNES HAD PASSED ON A SIMILAR MESSAGE TO MINISTER GARCIA EARLIER IN THE DAY,

AFTER BEING UNABLE TO REACH OTHER MEMBERS OF THE GOC.

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STRESSING THAT THIS WAS PRINCIPALLY A LAW ENFORCEMENT MATTER, HANDLED BY THE US ATTORNEY'S OFFICE, THE JUSTICE DEPT., AS WELL AS THE STATE DEPARTMENT, GELBARD BEGAN BY NOTING THE USG'S LONGSTANDING SERIOUS CONCERN OVER THE MURDERS OF LETELIER AND MOFFITT. AFTER THIS DEPLORABLE CRIME OCCURRED, TOWNLEY WAS JAILED AND WE MADE EXTRADITION REQUESTS TO THE GOC FOR FERNANDEZ, ESPINOZA AND CONTRERAS. THESE REQUESTS WERE DENIED. NOW, GELBARD CONTINUED, FERNANDEZ HAS VOLUNTARILY COME TO THE UNITED STATES. HE WILL BE ARRAIGNED ON FEB. 4 AND PLEAD GUILTY TO THE CHARGES AGAINST HIM AND SUBSEQUENTLY RECEIVE A PRISON TERM. FERNANDEZ' TESTIMONY, SAID GELBARD, IS CREDIBLE, HAS BEEN CHECKED BY POLYGRAPH, AND ORROBORATES THAT GIVEN BY TOWNLEY, BESIDES ADDING IMPORTANT NEW INFORMATION.

4. GELBARD THEN NOTED HIS HOPE THAT THE GOC WOULD COOPERATE WITH US TO HELP RESOLVE OUTSTANDING QUESTIONS IN THIS CASE. THIS ISSUE SHOULD NOT BECOME MORE OF AN IMPEDIMENT TO OUR RELATIONS. GELBARD UNDERLINED THAT THE USG HAS NOT YET DECIDED WHETHER TO SEEK PROVISIONAL ARREST OF ESPINOZA AND CONTRERAS PENDING AN EXTRADITION REQUEST. WHILE WE ARE PREPARED TO GO THROUGH THE EXTRADITION PROCESS, THE GOC COULD SHOW ITS INTEREST IN JUSTICE AND MUTUAL COOPERATION BY COMMITTING ITSELF TO MAKE EVERY EFFORT TO SEND ESPINOSA AND CONTRERAS TO THE US TO STAND TRIAL.
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PAGE 03 STATE 032072

5. MATURANA EXPRESSED COMPLETE SURPRISE AT THE INFORMATION PROVIDED HIM, WONDERING ALOUD WHY FERNANDEZ WOULD TURN HIMSELF IN. GELBARD OFFERED THAT REMORSE WAS A KEY MOTIVE. FERNANDEZ, GELBARD CONTINUED, SAID THAT HE HAD PREPARED A TRUE VERSION OF HIS INVOLVEMENT IN THE LETELIER/MOFFITT CASE AND WAS TOLD TO TEAR IT UP AND PARTICIPATE IN THE COVER-UP BY GENERAL OROZCO, THE MILITARY PROSECUTOR. FERNANDEZ APPEARED TO FEEL GENUINE REMORSE OVER HIS ROLE IN THE EVENTS AND COVER-UP. MATURANA HAD LITTLE SUBSTANTIVE COMMENT ON WHAT HE WAS TOLD, EXCEPT TO STATE THAT THE ORIGINAL 1978 EXTRADITION REQUEST WAS DENIED ON "TECHNICAL GROUNDS" AND THAT THERE WAS "NOTHING POLITICAL" IN THIS DENIAL. MATURANA DOUBTED THAT THE REMAINING INDICTED CO-CONSPIRATORS WOULD BE SENT TO THE US WITHOUT AN EXTRADITION REQUEST GOING THROUGH THE COURTS. TO DO OTHERWISE, HE SAID, WOULD VIOLATE THEIR RIGHTS.

6. IN CLOSING THIS PORTION OF THEIR CONVERSATION,

GELBARD NOTED THAT THE USG WAS SEEKING TO HANDLE THIS

MATTER IN A BUSINESS-LIKE MANNER. WE WOULD BE MAKING NO COMMENT ON THIS CASE PRIOR TO THE ARRAIGNMENT OF FERNANDEZ ON FEB. 4. HE ADDED THAT MRS. LETELIER AND MEMBERS OF THE MOFFITT FAMILY WERE INFORMED TODAY (FEB. 3) OF DEVELOPMENTS BY THE US ATTORNEY'S OFFICE.
SHULTZ

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PAGE 01 GENEVA 01132 041810Z
ACTION IO-19

INFO LOG-00 COPY-01 ADS-00 AID-00 INR-10 EUR-00 SS-00
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P 041804Z FEB 87
FM USMISSION GENEVA
TO SECSTATE WASHDC PRIORITY 5064
INFO USINT HAVANA
AMEMBASSY MEXICO
USMISSION USUN NEW YORK
AMEMBASSY SANTIAGO

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part X In Full ____
Exemption(s) X NR

UNCLASSIFIED
C O N F I D E N T I A L GENEVA 01132

E.O. 12356: DECL: OADR
TAGS: PHUM, UNHRC, CU, CI
SUBJECT: 43RD SESSION OF UNHRC: MEETING WITH MEXICANS ON CUBA AND CHILE

UNCLASSIFIED
1. CONFIDENTIAL ENTIRE TEXT. THIS IS HRC-013.

2. AMBASSADOR E. ROBERT WALLACH, U.S. REPRESENTATIVE TO THE COMMISSION ON HUMAN RIGHTS, MET AMBASSADOR JORGE MONTANO, MEXICO'S REPRESENTATIVE TO THE HRC, ON FEBRUARY 2. MONTANO WAS ACCOMPANIED BY MEXICAN MISSION MINISTER MONTEMAYOR CANTU; WALLACH WAS ACCOMPANIED BY USDELOFF W. L. AMSELEM. MAIN TOPICS DISCUSSED ARE PROVIDED BELOW.

3. CUBA:

5. CHILE: WALLACH SAID THAT NO DECISION HAD YET BEEN REACHED BY THE U.S. ON WHAT POSTURE TO ADOPT ON CHILE. HE ASSURED MONTANO THAT WE WISHED TO WORK WITH MEXICO ON THE ISSUE AND THAT WE WOULD NOT TABLE ANY U.S. TEXT WITHOUT FIRST SHOWING IT TO MEXICO IN THE HOPES OF REACHING A MUTUALLY SATISFACTORY OUTCOME THAT WOULD BENEFIT THE CAUSE OF DEMOCRACY IN CHILE.

6. MONTANO SAID THAT HE, TOO, HOPED FOR AN ACCOMMODATION ON CHILE AND WISHED TO AVOID THE U.S. VERSUS MEXICO PROCEDURAL BATTLES OF THE FIRST HRC SESSION. HE ALSO SAID HE WANTED TO AVOID A U.S. NEGATIVE VOTE.

7. WALLACH SAID THAT MEXICO SHOULD UNDERSTAND THAT THE U.S. WISHED TO ELIMINATE A SEPARATE AGENDA ITEM FOR CHILE, AS SUCH AN ITEM WAS UNFAIR. MONTANO DID NOT COMMENT. FLACK

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PAGE 03 GENEVA 01132 041810Z

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Case Number: S1999000030

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Chile Project (#S199900030)
U.S. Department of State
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PAGE 01 GENEVA 01136 041826Z
ACTION IO-19

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AMEMBASSY SAN JOSE PRIORITY
USMISSION USUN NEW YORK PRIORITY

C O N F I D E N T I A L GENEVA 01136

E.O. 12356: DECL: OADR
TAGS: PHUM, UNHRC, CI
SUBJECT: 43RD SESSION OF UN HUMAN RIGHTS COMMISSION: AMBASSADOR WALLACH'S FEBRUARY 3 MEETING WITH CHILEAN ENVOY CALDERON

1. CONFIDENTIAL - ENTIRE TEXT. THIS IS HRC-003.

2. AT THE REQUEST OF THE CHILEAN MISSION, USDEL HEAD AMBASSADOR WALLACH MET FOR ONE-HALF HOUR FEBRUARY 3 WITH CHILEAN FOREIGN MINISTRY SUB-SECRETARY FOR HUMAN RIGHTS CALDERON. CALDERON, WHO HAD JUST COME FROM A LENGTHY MEETING WITH SPECIAL RAPPORTEUR VOLIO, SAID THAT HIS MESSAGE FOR WALLACH WAS THAT THE CHILEAN GOVERNMENT WOULD CONTINUE "FULL COOPERATION" WITH VOLIO. VOLIO HAD JUST BEEN GIVEN A LARGE AMOUNT OF INFORMATION BY CALDERON ON ACTIONS TAKEN (EXILES, STATE OF SIEGE) AND CONTEMPLATED (POLITICAL PARTIES LAW). VOLIO WOULD VISIT CHILE MARCH 20-31, "JUST BEFORE THE POPE."

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PAGE 02 GENEVA 01136 041826Z

3. CALDERON STRESSED THAT THIS COOPERATION WAS EXTENDED BY THE CHILEAN GOVERNMENT PERSONALLY TO VOLIO, FOR WHOM THE GOVERNMENT MAINTAINS GREAT RESPECT. CALDERON LAMENTED THAT HIS MINISTRY HAS DIFFICULTY IN EXPLAINING TO OTHER ELEMENTS IN THE CHILEAN GOVERNMENT WHY CHILE SHOULD CONTINUE TO COOPERATE WITH THE COMMISSION.

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SENIOR CHILEAN OFFICIALS DO NOT ACCEPT THE LEGITIMACY OF DEBATE ON HUMAN RIGHTS IN CHILE LED BY A BYELORUSSIAN CHAIRMAN, WHEN MORE SERIOUS HUMAN RIGHTS SITUATIONS IN OTHER COUNTRIES ARE PASSED OVER IN SILENCE. IN THIS REGARD, CALDERON EXPRESSED RATHER MILD REGRET THAT THE USG DID NOT PRESS HARDER TO SUPPRESS ITEM 5 (CHILE) AT THE OPENING SESSION OF THE COMMISSION.

4. AMBASSADOR WALLACH REITERATED THAT THE USG AND THE DELEGATION HAD CONCLUDED THAT THE VOTES SIMPLY WERE NOT THERE TO SUPPRESS ITEM 5. A COMPROMISE WORKED OUT TO CLUSTER ITEMS 5 AND 12 (VIOLATIONS ANYWHERE) CREATED A DE FACTO SUPPRESSION OF ITEM 5 IN TERMS OF THE DEBATE ITSELF. WHILE NO FINAL DECISION HAD, AS YET, BEEN REACHED, SERIOUS CONSIDERATION WAS BEING GIVEN TO INSURE THAT THE RESOLUTION ON CHILE INCLUDED LANGUAGE WHICH NEXT YEAR WOULD ELIMINATE THE PROCEDURAL DISCRIMINATION AGAINST CHILE EMBODIED IN A SEPARATE ITEM 5. WALLACH EMPHASIZED THAT THE USG WOULD CONSIDER SYMPATHETICALLY THE EVIDENCE OF HUMAN RIGHTS PROGRESS IN CHILE. POLCOUNS CAUTIONED THAT CALDERON WOULD HAVE TO SHOW THAT THE GOC WAS MOVING FORWARD WITH A PROGRAM, NOT MERELY ISOLATED MEASURES, AND THAT THE JUDICIARY WAS INDEPENDENT AND ENERGETIC. FLACK

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CONFIDENTIAL
Case Number: S199900030

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PAGE 01 LONDON 02322 01 OF 02 041706Z
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R 041615Z FEB 87
FM AMEMBASSY LONDON
TO SECSTATE WASHDC 7128
INFO AMEMBASSY BRUSSELS
AMEMBASSY SANTIAGO
AMEMBASSY MOSCOW
AMEMBASSY VIENNA
USMISSION USNATO

Chile Project (#S199900030)
U.S. Department of State
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C O N F I D E N T I A L SECTION 01 OF 02 LONDON 02322

VIENNA ALSO FOR USDEL CSCE
BRUSSELS ALSO FOR USEC

E.O.12356: DECL: OADR
TAGS: PHUM, CU, CI, UR, UNHRC-1,
SUBJECT: AMBASSADOR SCHIFTER'S CONSULTATIONS WITH BRITISH ON HUMAN RIGHTS

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1. CONFIDENTIAL - ENTIRE TEXT.

2. SUMMARY: F

NK

HE ALSO ENCOURAGED AN ALTERNATE EUROPEAN RESOLUTION ON CHILE.

NK

END SUMMARY

n/a
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UN HUMAN RIGHTS COMMISSION

NR

CUBA

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CHILE
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6. DEPUTY HEAD OF THE FCO SOUTH AMERICA DEPARTMENT CHARLES DE CHASSIRON REVIEWED BRITISH PLANNING FOR THIS MONTH'S GENEVA VOTE ON CHILE, NOTING THAT HMG EXPECTED A HEAVY CHILEAN LOBBYING CAMPAIGN ON SELECTIVITY. THE

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PAGE 04 LONDON 02322 01 OF 02 041706Z

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PAGE 01 LONDON 02322 02 OF 02 041712Z
ACTION HA-09

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INFO AMEMBASSY BRUSSELS
AMEMBASSY SANTIAGO
AMEMBASSY MOSCOW
AMEMBASSY VIENNA
USMISSION USNATO

C O N F I D E N T I A L SECTION 02 OF 02 LONDON 02322

VIENNA ALSO FOR USDEL CSCE
BRUSSELS ALSO FOR USEC

E.O.12356: DECL: OADR
TAGS: PHUM, CU, CI, UR, UNHRC-1,
SUBJECT: AMBASSADOR SCHIFTER'S CONSULTATIONS WITH

CHILEAN UNITED NATIONS PERMREP, AMBASSADOR DAZA, WOULD BE IN LONDON FEBRUARY 18-20, AND THE FCO WAS NOW PONDERING AT WHAT LEVEL TO RECEIVE HIM.

7. ASSISTANT SECRETARY SCHIFTER NOTED THAT, WHILE THE USG HAD NOT YET REACHED A DECISION ON THE GENEVA VOTE, IT WOULD MAKE IT EASIER FOR US TO DEAL WITH THE ISSUE IF THE EUROPEANS PARTICIPATED ACTIVELY IN THIS EFFORT. HE THOUGHT THERE WAS A GOOD CHANCE WE WOULD VOTE YES IF THE EUROPEANS WERE TO COME FORWARD WITH A GOOD RESOLUTION WHICH THE DEMOCRATIC OPPOSITION IN CHILE COULD SUPPORT, AND WHICH COULD PERSUADE MEXICO NOT TO PROCEED WITH ITS

OWN RESOLUTION. ONE THING WAS ESSENTIAL: THAT WE PAY ATTENTION TO PROGRESS BEING MADE IN CHILE BY OFFERING A FAIR AND BALANCED RESOLUTION, NOTING PROGRESS AS WELL AS FAILURES.

SOVIET HUMAN RIGHTS

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CONFIDENTIAL
Case Number: S1999000030

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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
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PAGE 01 SANTIA 00821 041612Z
ACTION ARA-00

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TO SECSTATE WASHDC IMMEDIATE 9951

C O N ~~F I D E~~ N T I A L SANTIAGO 00821

E.O. 12356: DECL: OADR
TAGS: PTER, CI
SUBJECT: LETELIER CASE

1. ~~CONFIDENTIAL~~ ENTIRE TEXT.

2. ACTING FOREIGN MINISTER COVORRUBIAS TELEPHONED AMBASSADOR AT 11:10 A.M. FEBRUARY 4 TO CONVEY THE FOLLOWING MESSAGE: "THE GOVERNMENT OF CHILE CONSIDERS THAT THIS MATTER (THE LETELIER CASE) PERTAINS TO THE COURTS. THE GOVERNMENT OF CHILE WILL GIVE THE COURTS THE COLLABORATION DUE THEM IN ACCORDANCE WITH CHILEAN LAW."

3. COVORRUBIAS ADDED THAT THE GOVERNMENT WOULD AWAIT RECEIPT OF FULL INFORMATION ABOUT THE STATEMENTS BEING MADE THIS MORNING IN WASHINGTON AT THE DISTRICT COURT HEARING BEFORE ISSUING ANY DECLARATION OF ITS OWN, BUT HE WAS SURE THAT DECLARATION WOULD INCLUDE THE POINTS HE HAD JUST CONVEYED.

4. AMBASSADOR EXPRESSED SURPRISE THAT COVORRUBIAS HAD NOT SAID ANYTHING ABOUT COOPERATION WITH THE U.S. GOVERNMENT, TO WHICH COVORRUBIAS RESPONDED BY SAYING ~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 02 SANTIA 00821 041612Z

ONLY THAT THAT COOPERATION WOULD TAKE THE FORM OF THE GOVERNMENT'S COLLABORATION WITH THE CHILEAN COURTS.

5. WHEN THE AMBASSADOR THEN PRESSED COVORRUBIAS AS TO WHETHER THIS MEANT THAT THE CHILEAN GOVERNMENT NO

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LONGER CONSIDERED VALID THE 1978 UNDERSTANDING BETWEEN THE THEN UNDERSECRETARY OF THE INTERIOR AND THE U.S. DISTRICT ATTORNEY ON EXCHANGING INFORMATION;, COVORRUBIAS SAID THAT WAS NOT CORRECT. THE GOVERNMENT OF CHILE CONSIDERS THAT THE APRIL 1978 AGREEMENT IS STILL IN FORCE.

-

COMMENT: THE GOC HAS OBVIOUSLY OPTED TO DO THE MINIMUM POSSIBLE AND IN ANY CASE NOT SHOW ANY PARTICULAR WILLINGNESS TO COOPERATE WITH THE U.S. AT THIS STAGE. BARNES

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PAGE 01 STATE 034557
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APPROVED BY ARA/SC:DWCOX

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ✓
Exemption(s) ____

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INFO AMEMBASSY SANTIAGO

C O N F I D E N T I A L STATE 034557

FOLLOWING REPEAT SENT ACTION SECSTATE INFO BOGOTA BUENOS AIRES CARACAS GENEVA LIMA MANAGUA MEXICO SAN JOSE USUN NEW YORK FEBRUARY 3
QUOTE
C O N F I D E N T I A L BRASILIA 01147

E.O.12356: DECL: OADR
TAGS: UNHRC-1, PHUM, CI, BR
SUBJECT: 43RD SESSION OF THE UN HUMAN RIGHTS COMMISSION: DEMARCHE ON AGENDA ITEM 5 (CHILE)

REF(S): A) GENEVA 426, B) STATE 022796

1. (C - ENTIRE TEXT.)

2. POLCOUNSELOR REVIEWED SITUATION OF CHILE AS HANDLED BY THE UNHRC WITH AMB. BERNARDO PERICAS, CHIEF OF MFA DEPARTMENT OF INTERNATIONAL ORGANIZATIONS, AND URGED PERICAS TO INSTRUCT BRAZIL'S DELEGATION IN GENEVA TO VOTE IN FAVOR OF SUBSUMING AGENDA ITEM 5 (CHILE) UNDER ITEM 12 (VIOLATIONS ANYWHERE). PERICAS SAID HE APPRECIATED THE U.S. APPROACH AND AGREED THAT IT MADE SENSE. HE STATED THAT THE BRAZILIAN DELEGATION WOULD
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 034557

VOTE TO MOVE CHILE TO ITEM 12 IF THE DECISION COULD BE TAKEN ON PROCEDURAL GROUNDS. PERICAS NOTED THAT MEXICO AND NICARAGUA WOULD OPPOSE, AND THE VOTE WOULD BE CLOSE.

3. PERICAS THOUGHT ARGENTINA MIGHT GO ALONG WITH THE MOVE TO ITEM 12. POLCOUNS POINTED OUT THAT BRAZILIAN

LEADERSHIP WAS IMPORTANT. PERICAS ACKNOWLEDGED THAT BRAZIL WISHED TO BE MORE ACTIVE ON HUMAN RIGHTS ISSUES. IN ANY CASE, THE GOB DELEGATION WOULD GO ALONG WITH SUBSUMING AGENDA ITEM 5 UNDER ITEM 12, EXPLAINING THAT ITS ACTION WAS PROCEDURAL ONLY AND NOT RELATED IN ANY WAY TO THE SUBSTANCE OF THE HUMAN RIGHTS SITUATION IN CHILE.
SHLAUDEMAN
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ANNEX

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MEMORANDUM OF LAW

This memorandum presents views of the Republic of Chile concerning a legal proceeding that is reportedly pending in the United States District Court for the District of Columbia under Civil Action No. 86-3085. This legal proceeding is apparently brought by Veronic DeNegri and others against the Republic of Chile and the Armed Forces of Chile. It is referred to below as "the DeNegri proceeding."

Preliminarily, the Republic of Chile advises that the Armed Forces of Chile are not a separate legal person either under Chilean law or under the Foreign Sovereign Immunities Act, 28 U.S.C. 1603(b). The Armed Forces are an integral part of the Chilean state. The Armed Forces have no separate capacity to bring legal proceedings, to defend legal proceedings, or to engage in legal transactions except on behalf of the Republic of Chile itself.

I. INTRODUCTION

The plaintiffs in the DeNegri proceeding have attempted to serve legal documents upon the Embassy of Chile and its military mission. The Clerk of the District Court has also mailed legal documents to the military mission. As discussed under point IV below, such methods both violate the diplomatic immunities of the Republic of Chile and its diplomatic mission, and are improper under Section 1608 of the Foreign Sovereign Immunities Act,

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
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Exemption(s) ____

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28 U.S.C. 1608. The Republic of Chile, nevertheless, is concerned about a possible exercise of jurisdiction in the DeNegri proceeding, as a result of these invalid and improper attempts to serve legal process and, thus, suggests consideration of the legal standards presented in this memorandum.

The Republic of Chile also presents this memorandum so that the District Court may determine, at the earliest appropriate occasion, the lack of jurisdiction over the subject matter of this legal proceeding. The Republic of Chile is advised that the District Court is empowered to determine, at any time and at its own initiative, that it lacks jurisdiction over the subject matter of a legal proceeding. See Rule 12(h)(3) of the Federal Rules of Civil Procedure, and Louisville and Nashville Railroad v. Motley, 211 U.S. 149 (1908). Professor Moore of the United States has also written that when a court lacks jurisdiction over the subject matter and even when the parties before the court do not call attention to this lack of jurisdiction, "the court at any stage of the proceedings has a duty to raise such a defense on its own initiative." Moore's Federal Practice, Vol. 2A, Section 12.23, page 12-204 (second edition 1986).

When a foreign sovereign is the defendant, the United States Supreme Court has ruled that a court must determine its jurisdiction over the subject matter, and sovereign immunity, "even if the foreign state does not enter an appearance to assert an immunity defense . . . ." Verlinden B. V. v. Central Bank

of Nigeria, 461 U.S. 480, 493-494 n.20 (1983). Other United States courts have also determined that they must independently determine their own jurisdiction in all cases against foreign sovereigns. MOL, Inc. v. People's Republic of Bangladesh, 736 F.2d 1326, 1328 (9th Cir. 1984); Frolova v. Union of Soviet Socialist Republics, 761 F.2d 370, 373 (7th Cir. 1985); Jackson v. The People's Republic of China, 794 F.2d 1490 (11th Cir. 1986); In Re Korean Airlines Disaster of September 1, 1983, M.D.L. Docket No. 565 (D.D.C. Memorandum and Order of August 1, 1985); McKeel v. Islamic Republic of Iran, 722 F.2d 582, 585-87 (9th Cir. 1983); Meadows v. Dominican Republic, 628 F. Supp. 599, 603 (N.D. Cal. 1986).

The DeNegri proceeding presents this question of lack of jurisdiction. It also raises the most serious questions about the principle of sovereign immunity under international law and the competence of a court in one country to assert jurisdiction against a foreign sovereign with respect to matters that have occurred exclusively within the territory of that foreign sovereign. In this regard, all of the events in question occurred entirely within Chile. All participants in the events were Chilean nationals and were present in Chile at all times. The injuries and death occurred in Chile to Chilean nationals. As a result, formal charges have been filed in Chile by Chilean authorities and criminal proceedings are pending in Chile. To assert jurisdiction in such circumstances would be inconsistent

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with the concern of the United States Congress in adopting the Foreign Sovereign Immunities Act, that United States courts not be "turned into small 'international courts of claims' . . . open to all comers to litigate any dispute which any private party may have with a foreign state anywhere in the world." Verlinden B.V. v. Central Bank of Nigeria, 461 U.S. at 490, citing Hearings on H.R. 11315, page 31.

The plaintiffs in the DeNegri proceeding have remedies available in Chile. They have retained Chilean counsel who has participated directly on their behalf in the criminal proceedings in Chile. As a result, the plaintiffs have acquired the legal status, under Chilean law, of "interested parties" in those Chilean criminal proceedings. Plaintiffs have not, however, attempted to avail themselves of civil tort remedies available in Chile. See point VII below. They have preferred instead to initiate the civil proceedings in question within the United States.

Because of the impropriety of these civil proceedings and their implications under international law and for ongoing criminal proceedings in Chile, the Republic of Chile desires that the District Court promptly determine its own jurisdiction concerning the subject matter, and suggests that the authorities discussed below be given consideration.

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II. THE COURT LACKS JURISDICTION OF THE SUBJECT MATTER UNDER UNITED STATES LAW

A. The Foreign Sovereign Immunities Act Governs Jurisdiction In Every Case Against a Foreign Sovereign.

The Foreign Sovereign Immunities Act, 28 U.S.C. 1330, 1604-1607, is the exclusive basis by which a United States court may have subject matter jurisdiction in cases against a foreign sovereign government. The United States Supreme Court made this clear in its decision in Verlinden B.V. v. Central Bank of Nigeria, 461 U.S. 480 (1983). The Supreme Court recognized that all actions against foreign sovereigns involve important federal and international concerns: "Actions against foreign sovereigns in our courts raise sensitive issues concerning the foreign relations of the United States, and the primacy of federal concerns is evident." 461 U.S. at 493. In view of these concerns, the Supreme Court concluded that the United States Congress had intended the Foreign Sovereign Immunities Act to be the exclusive basis for determining jurisdiction in "every" case against a foreign sovereign:

> To promote these federal interests, Congress exercised its Article I powers by enacting a statute comprehensively regulating the amenability of foreign nations to suit in the United States. The statute must be applied by the district courts in every action against a foreign sovereign, since subject matter jurisdiction in any such action depends on the existence of one of the specified exceptions to sovereign immunity . . . . At the threshold of every action in a district court against a foreign state,

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> therefore, the court must satisfy itself that one of the exceptions applies--and in doing so it must apply the detailed federal law standards set forth in the Act.

461 U.S. at 493-494 (emphasis supplied). In this regard, the legislative history to the Foreign Sovereign Immunities Act states that it was "intended to preempt any other State or Federal law . . . for according immunity to foreign sovereigns." House of Representatives Report No. 94-1498, 94th Congress, 2d Session (referred to below as "House Report"), page 12.

Other United States courts have also ruled that the Foreign Sovereign Immunities Act, 28 U.S.C. 1330(a), is the only basis for subject matter jurisdiction in cases against a foreign sovereign. For example, while aliens may possibly sue individual persons for torts in violation of the "law of nations" under 28 U.S.C. 1350, they may not sue a foreign sovereign under this statute--because a foreign sovereign may only be sued under 28 U.S.C. 1330. Amerada Hess Shipping Corp. v. Argentine Republic, 638 F.Supp. 73 (S.D.N.Y. 1986), appeal pending; In Re Korean Airlines District of September 1, 1983, M.D.L. Docket No. 565 (D.D.C. Memorandum and Order of August 1, 1985); Tel-Oren v. Libyan Arab Republic, 726 F.2d 774 (D.C. Cir. 1984), at 776 n. 1 (opinion of Judge Edwards) and at 805 n. 13 (opinion of Judge Bork). Nor may a foreign sovereign be sued under 28 U.S.C. 1331 or 1332. McKeel v. Islamic Republic of Iran, 722 F.2d 582, 585-587 (9th Cir. 1985); O'Connell Machinery Co. v.

UNCLASSIFIED

UNCLASSIFIED

M. V Americana, 734 F.2d 115, 116 (2d Cir. 1984); Goar v. Compania Peruana de Vapores, 688 F.2d 417, 421-422 (5th Cir. 1982); Rex v. Cia. Peruana de Vapores, 660 F.2d 61, 64-65 (3d Cir. 1981); Williams v. Shipping Corp. India, 653 F.2d 875, 880-881 (4th Cir. 1981).

The United States Government has adopted the same view, that 28 U.S.C. 1330(a) is the only basis for subject matter jurisdiction in cases against a foreign sovereign. See Statement of Interest of the United States, in Guy von Dardel v. Union of Soviet Socialist Republics, United States District Court for the District of Columbia, Civil Action No. 84-0353 (filed December 8, 1986), page 25. Thus, if jurisdiction is lacking under this statute, no jurisdiction may exist against a foreign sovereign under United States law.

B. A Foreign Sovereign Is Immune From Jurisdiction Unless An "Exception" In 28 U.S.C. 1604-1607 Clearly Applies.

The jurisdictional framework established by the Foreign Sovereign Immunities Act "begins with the presumption that foreign states are immune from suit." Frolova v. Union of Soviet Socialist Republics, 761 F.2d at 372. Thus, the Supreme Court in the Verlinden case noted that the jurisdictional section of the Foreign Sovereign Immunities Act, 28 U.S.C. 1330(a), confers jurisdiction only where a foreign sovereign does not have

UNCLASSIFIED

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sovereign immunity under one of the "exceptions" of 28 U.S.C. 1604-1607:

> If one of the specified exceptions to sovereign immunity applies, a federal court may exercise subject matter jurisdiction under 1330(a); but if the claim does not fall within one of the exceptions, federal courts lack subject matter jurisdiction.

461 U.S. at 489.

The first immunity section, 28 U.S.C. 1604, states the basic presumption, that a foreign sovereign is to be accorded immunity unless one of the limited exceptions in sections 1605-1607 applies. The principal immunity exceptions then appear in 28 U.S.C. 1605. (The next section, 28 U.S.C 1606, states consequences that may result if sovereign immunity is not conferred. The final section, 28 U.S.C. 1607, applies only to counterclaims.)

An analysis of 28 U.S.C 1605 indicates that none of its limited exceptions to sovereign immunity applies to the apparent subject matter of the DeNegri proceeding. Some of these exceptions are totally irrelevant, such as the "commercial activity" exception of Section 1605(a)(2); the expropriated property exception of Section 1605(a)(3); the real estate and inheritance exception of 1605(a)(4); and the maritime claim exception of Section 1605(b).

The discussion below establishes that the other potential exceptions to the fundamental rule of sovereign immunity also

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do not apply--specifically, the tort claim exception of Section 1605(a)(5), the waiver exception of Section 1605(a)(1), and the international agreement clause of Section 1604.

C. All Foreign Sovereigns Are Immune From Non-Commercial Tort Claims Unless Both the Injury and the Alleged Tortious Acts Have Occurred Within the United States.

Besides occurrence of the injury in the United States, the tort claim exception, 28 U.S.C. 1605(a)(5), removes sovereign immunity and provides jurisdiction only for limited types of tort claims. Significantly, it permits a district court to exercise jurisdiction against a foreign sovereign only where the injury occurs "in the United States" itself. 28 U.S.C. 1605(a)(5); Persinger v. Islamic Republic of Iran, 729 F.2d 835 (D.C. Cir 1984); Perez v. The Bahamas, 652 F.2d 196 (D.C. Cir. 1981) (ruling that The Bahamas were immune from tort claims based on injuries in Bahamian territorial waters inflicted by Bahamian gunboats). The apparent subject matter of the DeNegri proceeding involves injuries that occurred entirely within Chile, not at all within the United States. For this sole reason, the district court may not exercise jurisdiction.

Besides occurrence of the injury in the United States, the legislative history to 28 U.S.C. 1605(a)(5) shows that the United States Congress intended a second requirement--that the tortious act or omission must also occur within the United States. House Report, page 21. The United States courts have, thus, ruled that

UNCLASSIFIED

not only the injury, but also the tortious act or omission, must occur within the United States and not abroad. Persinger v. Islamic Republic of Iran, 729 F.2d at 842-843; Asociacion de Reclamantes v. United Mexican States, 735 F.2d 1517, 1524-1525 (D.C. Cir. 1984); Frolova v. Union of Soviet Socialist Republics, 761 F.2d 370, 379-380, (7th Cir. 1985); Olsen v. Government of Mexico, 729 F.2d 641, 645-646 (9th Cir. 1984); Kline v. Republic of El Salvador, 603 F. Supp. 1313, 1315-1316 (D.D.C. 1985).

The apparent subject of the DeNegri proceeding concerns not only injuries occurring entirely within Chile, but also alleged acts and omissions entirely within Chile. None were within the United States. For this reason, the Foreign Sovereign Immunities Act prevents the District Court from exercising jurisdiction.

D. The Republic of Chile Has Never Waived Its Immunity, Either By International Agreement Or By Any Other Act.

The Foreign Sovereign Immunities Act, 28 U.S.C. 1605(a)(1), allows a court to exercise jurisdiction where a foreign sovereign has waived its immunity either explicitly or by implication. In view of the purposes of the statute and the potential "sensitivity" of all actions against foreign sovereigns, Verlinden B.V. v. Central Bank of Nigeria, 461 U.S. at 493, these waiver exceptions have been very narrowly interpreted.

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The legislative history lists only three examples of waivers by implication: (1) an agreement to arbitration by the foreign state of the dispute in question, (2) an agreement by a foreign state in a contract dispute that the contract is governed by the law of a particular country, and (3) the filing of a responsive pleading by a foreign state in a case in the United States without raising the defense of sovereign immunity. House Report, at page 18. The "courts have been reluctant to stray beyond these examples when considering claims that a nation has implicitly waived its defense of sovereign immunity." Frolova v. Union of Soviet Socialist Republics, 761 F.2d at 377. Even "proyisions allegedly waiving sovereign immunity are narrowly construed." 761 F.2d at 377. The same court has said that "courts rarely find that a nation has waived its sovereign immunity . . . without strong evidence that this is what the foreign state intended." 761 F.2d at 377, referring to Maritime Int'l Nominees Establishment v. Republic of Guinea, 693 F.2d 1094, 1100 n. 10 (D.C. Cir. 1982). Thus, a foreign state does not waive its sovereign immunity, unless there has been "an intentional and knowing relinquishment of the legal right." Castro v. Saudi Arabia, 510 F. Supp. 309, 312 (W.D. Tex. 1980).

The Republic of Chile has never explicitly or otherwise waived its right of sovereign immunity in connection with any subject matter involved in the DeNegri proceeding. It has never made "an intentional and knowing relinquishment of the legal

UNCLASSIFIED

right" to sovereign immunity. It has never intended to waive its sovereign immunity. In fact, as discussed under point III below, the Republic of Chile adheres to the absolute principle of sovereign immunity under international law, and retains its sovereign immunity unless it has explicitly relinquished that immunity in writing in a particular case. Moreover, under Chilean law, there is a statute that provides a detailed procedure that must be followed before the Republic of Chile may relinquish its sovereign immunity in particular cases. Decree Law No. 2349, Article 4, Diario Oficial No. 30,201, October 13, 1978. Neither that law nor its detailed procedures have been followed in connection with the subject matter of the DeNegri proceeding.

In addition, the Republic of Chile has never waived its sovereign immunity in any international agreement that might in any way be relevant to the DeNegri proceeding. In this regard, it has been claimed before other courts, that other foreign states waived their sovereign immunity by entering into international agreements which do not specifically address the subject of sovereign immunity--such as the United Nations Charter and the Universal Declaration of Human Rights. The courts, however, "have generally required convincing evidence that a treaty was intended to waive sovereign immunity before holding that a foreign state may be sued in this country." Frolova v. Union of Soviet Socialist Republics, 726 F.2d at 378. Accordingly, the courts have rejected the view that adherence to such general

UNCLASSIFIED

international agreements have, in any way, resulted in any waiver of sovereign immunity. Frolova v. Union of Soviet Socialist Republics, 761 F.2d at 376-378; Berkovitz v. Islamic Republic of Iran, 735 F.2d 329, 333 (9th Cir. 1984); Rio Grande Transport Inc. v. Compagnie Nationale Algerienne de Nauvigation, 517 F.2d 1155, 1160 (S.D.N.Y. 1981); In re Korean Airlines Disaster of September 1, 1983, United States District Court for the District of Columbia, M.D.L. Docket No. 565 (opinion of August 1985) at p. 5-6. The United States Government has also adopted this view. See Statement of Interest of the United States, in Guy Von Dardel v. Union of Soviet Socialists Republics, United States District Court for the District of Columbia, Civil Action No. 84-0353 (filed December 8, 1986), at pages 22-24.

For these reasons, the Republic of Chile may not be deemed, in any fashion, to have waived its sovereign immunity.

E. No International Agreement Deprives the Republic of Chile of Its Sovereign Immunity.

The basic immunity provision in the Foreign Sovereign Immunities Act, 28 U.S.C. 1604, is "subject to existing international agreements of which the United States is a party at the time of enactment of this Act. . . ." The legislative history to this clause indicates that it applies only "in the event an international agreement expressly conflicts" with the Foreign Sovereign

UNCLASSIFIED

UNCLASSIFIED

Immunities Act. House Report, page 17. The provision was intended not to upset the NATO Status of Forces Agreement or other "agreements to which the United States is a party, calling for exclusive non-judicial remedies through arbitration or other procedures for the settlement of disputes." House Report, page 17. Moreover, the Foreign Sovereign Immunities Act prevails whenever "international agreements are silent on a question of immunity . . .; the international agreement would control only where a conflict was manifest." House Report at 18.

The United States Government, in another case before the District Court, has made clear that for an international agreement to deprive a foreign sovereign of its sovereign immunity, that international agreement "must expressly provide for amenability to suit or otherwise conflict with the FSIA's immunity provisions." Statement of Interest of the United States, in Guy Von Dardel v. Union of Soviet Socialists Republics, cited above, page 21. The same conclusion was reached in Colonial Bank v. Compagnie General Maritime et Financiere, 645 F. Supp. 1457, 1460-1461 (S.D.N.Y. 1986). The Republic of Chile has never entered into any international agreement that would relinquish or limit, in any respect, its sovereign immunity in cases of tort. No such international agreement exists.

For all of the above reasons, the District Court, under United States law, lacks jurisdiction in the DeNegri proceeding.

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III. THE COURT LACKS JURISDICTION UNDER INTERNATIONAL LAW

As discussed below, any exercise of jurisdiction in the DeNegri proceeding by a United States court against the Republic of Chile would also violate international law and, thus, give rise to an international claim by the Republic of Chile against the United States. See Restatement of the Law Second, Foreign Relations Law of the United States, Sections 3 and 8 (1965), pages 8-14, 23-25. Principles of international law are, in addition, relevant to the interpretation of the Foreign Sovereign Immunities Act. Congress purported to base the main principles of this statute on "international law." See 28 U.S.C. 1602. The legislative history has numerous references to the intent of Congress to conform to international law:

> Sovereign immunity is a doctrine of international law under which domestic courts, in appropriate cases, relinquish jurisdiction over a foreign state. . . .
>
> Sovereign immunity as a doctrine of international law was first recognized in our courts in the landmark case of The Schooner Exchange v. M'Faddon, 7 Cranch 116 (1812).

House Report, page 8.

> In virtually every country, the United States has found that sovereign immunity is a question of international law to be determined by the courts.

House Report, page 9.

> Section 1602 sets forth the central premise of the bill: That decisions on claims by foreign states to sovereign immunity are best made by the judiciary on the basis of a statutory regime which incorporates standards recognized under international law.

UNCLASSIFIED

UNCLASSIFIED

House Report, page 14.

It is universally recognized under international law that a foreign state, like the Republic of Chile, may not be sued in the national courts of another country (like the United States) with respect to alleged torts that occurred within the foreign sovereign's own territory. Indeed, for the majority of the world's countries, sovereign immunity is absolute. There are no exceptions to sovereign immunity unless a foreign sovereign explicitly relinquishes its sovereign immunity. Most Latin American countries adhere to this view. Indeed, virtually all countries of Latin America are parties to the Inter-American Convention on Private International Law of 1928 (Bustamante Code). Under Articles 333-335 of this international treaty, foreign states are entitled to immunity, except in certain cases involving real property and inheritances and except where the foreign state has voluntarily and intentionally submitted to a court's jurisdiction.

The Republic of Chile has consistently applied these principles. For example, the case of Senerman Rapaport v. Republic of Cuba, Revista De Derecho Jurisprudencia, Vol. 72 (1975), Part II, Page 54; 65 International Law Reports 29 (Chile Supreme Court 1975), decided that legal proceedings could not be maintained in Chile against a foreign state, even for a contract to sell real property, in view of the equality of sovereigns and the "principle of internatipnal law . . . that a sovereign State shall not be subject to the jurisdictional power of the courts of

UNCLASSIFIED

UNCLASSIFIED

another State." 64 International Law Reports at 30. This principle applied even to Cuba, a hostile nation with which Chile did not maintain diplomatic relations. In fact, the Government Attorney's Office of the Republic of Chile asserted sovereign immunity to the Supreme Court of Chile on Cuba's behalf. See also Oppenlander De Soska v. Embassy of Ecuador, Fallos de la Corte Suprema, Vol. 221, 1959, page 171, 65 International Law Reports 2 (Argentina Supreme Court, 1951), holding that a tort claim based on an industrial accident could not be maintained where "the government of Ecuador does not consent to this Court trying the action."

Many developing countries and socialist nations adhere to this absolute view of sovereign immunity. Indeed many such countries have specific statutes adopting this absolute view of sovereign immunity. See for example Argentina, Act No. 21,708, Boletin Oficial 28-12-77, Article 24, reprinted in United Nations Legislative Series, Materials On Jurisdictional Immunities Of States And Their Property, ST/LEG/SER.B/20 (1982), page 4 (this is referred to below as "U.N. Legislative Series"); Czechoslovakia, Act Concerning Private International Law And The Rules Of Procedure Relating Thereto, Section 47, in U.N. Legislative Series, pages 14-15; Hungary, Law Degree No. 13 Of 1979 On Private International Law, Section 17(c), in U.N. Legislative Series, page 17; Union of Soviet Socialist Republics, Law Dated 8 December, 1961, Proceedings of the Supreme Soviet of the USSR,

UNCLASSIFIED

UNCLASSIFIED

1961, No. 50, page 526, Article 61, in U.N. Legislative Series, page 40. Colombia, Brazil, Ecuador, Portugal, Sudan, Syria, Trinidad, and Venezuela, also follow the absolute view of sovereign immunity under their laws. See U.N. Legislative Series, pages 78-79, 559-560, 564-565, 592-593, 601, 604-605, 610-611, 638. The views of such countries are to be respected by United States courts. See Banco Nacional de Cuba v. Sabbatino, 376 U.S. 398, 429-430 (1964).

Certain western countries have a more liberal view of sovereign immunity. Some have adopted statutes that restrict, in a limited fashion, the traditional immunities of foreign sovereigns. For tort claims, however, each of these statutes creates only a very limited exception, requiring at a minimum that either the injury, or the tortious act, or both, occur entirely within the forum:

United Kingdom. The State Immunity Act, Section 5, requires that any injury, death or damage to property be "caused by an act or omission in the United Kingdom." U.N. Legislative Series, page 43; 17 International Legal Materials 1123 (1978).

Canada. The Canadian statute, An Act to Provide for State Immunity in Canadian Courts, Section 6, limits immunity only with respect to an injury, death or property damage "that occurs in Canada." 21 International Legal Materials 798 (1982).

Pakistan. State Immunity Ordinance, 1981 Sections 5 and 7 would appear to permit tort actions only where the tort relates

UNCLASSIFIED

UNCLASSIFIED

to a commercial transaction or to the possession or use of immovable property in Pakistan. U.N. Legislative Series, pages 20-27.

Singapore. The State Immunity Act 1979, Section 7, limits immunity in tort actions, only where the death, injury or damage is "caused by an act or omission in Singapore." U.N. Legislative Materials, page 30.

South Africa. The Foreign Sovereign Immunity Act (1981), Section 6, limits immunity in tort actions, only where the death, injury or damage is "caused by an act or omission in the Republic" of South Africa. U.N. Legislative Series, pages 36-37.

European Convention. There exists a European Convention on State Immunity. Article 11 of that Convention restricts sovereign immunity in tort cases only "if the facts which occasioned the injury or damage occurred in the territory of the State of the forum, and if the author of the injury or damage was present in that territory at the time when those facts occurred." Council of Europe, No. 74 (1972); U.N. Legislative Series, page 159; 11 International Legal Materials 470 (1972).

Foreign courts have, understandably, rarely been confronted with tort claims against foreign sovereigns where the events have occurred abroad. On the few occasions when those cases have been brought, however, immunity has always been granted and the case dismissed:

UNCLASSIFIED

UNCLASSIFIED

Amanat Kahn v. Fredson Travel Inc. (1982) 36 Ontario Reports 17, 64 International Law Reports 733 (Canada, High Court of Ontario 1982), an airline crash tort action against the Government of Pakistan for negligence in failing to provide proper security at Karachi Airport. The Canadian court dismissed the case on grounds of sovereign immunity from jurisdiction, holding that operation of an airport is a sovereign act and noting that "the acts alleged to have created liability upon the government of Pakistan all arose in Pakistan or other foreign countries." 64 International Law Reports, at 737.

Church of Scientology Case, Case No. VI ZR 27-76, 65 International Law Reports 193 (Federal Republic of Germany, Federal Supreme Court 1978). A tort claim was asserted against the head of New Scotland Yard for having made false accusations against plaintiff in a report issued in the United Kingdom. The court concluded that it lacked jurisdiction because the head of Scotland Yard was carrying out police functions of the British Government and, thus, entitled to sovereign immunity.

Immunity of United Kingdom from Jurisdiction Case, 24 International Law Reports 207 (Federal Republic of Germany: Ct. of App. Schleswig, March 26, 1957). An individual accompanying British forces in Germany following World War II was sent to the Soviet Zone in Germany to bring back certain arms and military plans. He was arrested by Soviet forces, sustained injuries, and subsequently brought suit against the United Kingdom in a West

UNCLASSIFIED

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German court. That court refused to exercise jurisdiction on grounds of sovereign immunity.

Societe Anonyme Eau, Gaz, Electricite et Applications v. Office D'Aide Mutuelle, 23 International Law Reports 205 (Belgium: Ct. of App. Brussels, January 25, 1956). The plaintiff suffered damages in a traffic accident involving a British military truck transporting troops in Belgium. The court concluded that claims relating to the transport of troops on the order of a foreign government (apparently from abroad) could not be heard because the foreign state was entitled to immunity.

U Kyaw Din v. The British Government, 23 International Law Reports 209 (Burma: High Court of Rangoon, July 14, 1948), where immunity was accorded in a tort action relating to the deliberate destruction of property by the British forces when evacuating Rangoon in 1942.

The United States is participating in an effort by the International Law Commission of the United Nations to draft an international convention on the jurisdictional immunities of foreign states. Article 14 of that draft convention, in its initial form, would have deprived a foreign state of its sovereign immunity in tort actions only where:

> the act or omission . . . occurred wholly or partly in the territory of the State of the forum, and if the author of the act or omission was present in that territory at the time of the act or omission.

UNCLASSIFIED

UNCLASSIFIED

Yearbook of the International Law Commission, 1984, Vol. II, Part Two, United National Publication No. A/CN.4/SER.A/1984/Add.1 (Part 2), page 66. The commentary to this provision indicates the limited nature of this exception:

> The existence of two cumulative conditions is necessary for the application of this exception. The act or omission causing the death, injury or damage must occur in whole or in part in the territory of the State of the forum so as to locate the locus delicti commissi within the territory of that State. In addition, the author of such act or omission must also be present in that State at the time of the act or omission so as to render even closer the territorial connection between the State of the forum and the author or individual whose act or omission was the cause of the damage in the State of the forum.

Ibid, pages 66-67.

Even with these limitations, Article 14 was criticized within the International Law Commission because it "found no support in the general practice of States." Yearbook of the International Law Commission 1984, Vol. II, Part One, page 10. Accordingly, Artitle 14 has been further limited to apply only to "insurable risks" arising from the occupation of real property or the transport of passengers or cargo, provided the act or omission occur in the forum and provided the author of the act or omission be also within the forum at the time of the occurrence. Ibid., page 11.

See also, Draft Articles for Convention on State Immunity, Article III.F., International Law Association, Report of the

UNCLASSIFIED

UNCLASSIFIED

Sixtieth Conference, Montreal, 1982 (London 1983), 22 International Law Materials 287, which would require that the tortious act or omission "occur wholly or partly in the forum State" before jurisdiction could be asserted; Inter-American Draft Convention on Jurisdictional Immunity of States (1983), Articles 5 and 6(e), 22 International Legal Materials 292 (1983), which, though never adopted, would have restricted immunity only if the tort arose from commercial activity in the forum.

The subject matter of the DeNegri proceeding would not satisfy any of these criteria which reflect the most liberal view of international law on sovereign immunity. Under the laws of all nations, and the law of nations, the Republic of Chile is immune from jurisdiction in this proceeding. The Foreign Sovereign Immunities Act was intended to reflect, not depart from, this consensus as to sovereign immunity under international law. For these reasons as well, the District Court lacks jurisdiction.

IV. THE COURT LACKS PERSONAL JURISDICTION; NO VALID SERVICE HAS OCCURRED

Under the Foreign Sovereign Immunities Act, 28 U.S.C. 1330(b), a court may obtain personal jurisdiction over a foreign sovereign only if (A) jurisdiction over the subject matter exists under 28 U.S.C. 1330(a), and (B) valid service has occurred under 28 U.S.C. 1608.

UNCLASSIFIED

UNCLASSIFIED

A. In analyzing 28 U.S.C. 1330(b), the United States Supreme Court has stated:

> Under the Act, however, both statutory subject matter jurisdiction (otherwise known as "competence") and personal jurisdiction turn on application of the substantive provisions of the Act. . . . 1330(b) provides personal jurisdiction whenever subject matter jurisdiction exists under subsection (a) and service of process has been made under 28 U.S.C. 1608. Thus, if none of the exceptions to sovereign immunity set forth in the Act applies, the District Court lacks both statutory subject matter jurisdiction and personal jurisdiction.

Verlinden B.V. v. Central Bank of Nigeria, 461 U.S. at 485 n.5.

As discussed in points II and III above, the Republic of Chile has clear sovereign immunity from the subject matter jurisdiction of the court in the DeNegri proceeding. For this reason, "the District Court lacks both statutory subject matter jurisdiction and personal jurisdiction."

B. The second requirement for personal jurisdiction under 28 U.S.C. 1330(b), is that valid service of legal documents must occur under 28 U.S.C. 1608. The provisions of Section 1608 are "the exclusive means of service under the FSIA." Lippus v. Dahlgren Mfg. Co., 644 F. Supp. 1473, 1476 (E.D.N.Y. 1986); Luccino v. Foreign Countries, 631 F. Supp. 821, 825 (E.D. Pa. 1986). The Section 1608 requirements must be strictly followed. Gray v. Permanent Mission of People's Republic of China, 443 F. Supp. 816, 821 (S.D.N.Y. 1978); Magnus Electronics, Inc. v. Royal Bank of Canada, 620 F. Supp. 387, 389 (D.C. Ill. 1985),

UNCLASSIFIED

> It is also contemplated that the courts will not direct service in the United States upon diplomatic representatives . . . or upon consular representatives . . . .
>
> * * *
>
> A second means, of questionable validity, involves the mailing of a copy of the summons and complaint to a diplomatic mission of the foreign state. Section 1608 precludes this method so as to avoid questions of inconsistency with section 1 of article 22 of the Vienna Convention on Diplomatic Relations, 23 UST 3227, TIAS 7502 (1972), which entered into force in the United States on December 13, 1972. Service on an embassy by mail would be precluded under this bill. See 71 Dept. of State Bull. 458-59 (1974).

House Report, pages 25-26 (emphasis supplied). Courts have thus rejected service of process by mail on diplomatic missions. See 40 D. 6262 Realty Corp. v. United Arab Emirates Government, 447 F. Supp. 710, 712 (S.D.N.Y. 1978); Lucchino v. Foreign Countries, 631 F. Supp. 821, 826-827 (E.D. Pa. 1986).

For these reasons, the above attempts do not constitute proper or valid service under 28 U.S.C. 1608 against the Republic of Chile (including the Armed Forces of Chile which, as discussed above, is not a separate legal person but is an integral part of the Republic of Chile).

C. The Republic of Chile reserves its position under international law that no proper service of process can be made against a foreign state in a legal proceeding of this nature, whether or not the method of service is provided under United States law.

UNCLASSIFIED

D. Where a foreign government is concerned, United States law on personal jurisdiction also requires "minimum contacts" with the forum. This requirement has four parts:

> [T]he court must examine the extent to which defendants availed themselves of the privileges of American law, the extent to which litigation in the United States was foreseeable to them, the inconvenience to defendants of litigating in the United States, and the countervailing interest of the United States in hearing the suit.

Texas Trading v. Federal Republic of Nigeria, 647 F.2d 300, 314 (2d Cir. 1981).

These factors cannot depend on diplomatic and other governmental activities of a foreign government in the United States. General governmental and diplomatic activities do not create "minimum contacts." See Fandel v. Arabian American Oil Company, 345 F.2d 87 (D.C. Cir. 1965). Foreign states "should not be subject to suit for conducting internationally protected activities". Statement of Interest of the United States, in Von Dardel v. Union of Soviet Socialist Republic, cited above, page 27. Instead, "minimum contacts" for a foreign government require a connection with the specific activity on which the alleged cause of action is based. Ibid., pages 26-27.

When these standards are applied, the required "minimum contacts" are missing for the events in question. The Republic of Chile has never "availed [itself] of the privileges of American law" with respect to any matter involved in the DeNegri proceeding. Such litigation in the United States was not "forseeable".

UNCLASSIFIED

In view of the pending criminal proceeding in Chile and the connection of all events and participants with Chile, the factors of "convenience" to defendants and "countervailing interest of the United States in hearing the suit" also cannot be met. For these reasons as well, personal jurisdiction is lacking.

V. THE COURT SHOULD NOT EXERCISE JURISDICTION BECAUSE NO COGNIZABLE "CAUSE OF ACTION" EXISTS, AND NONE MAY PROPERLY EXIST

Before a court may exercise jurisdiction in any matter, whether against a private defendant or a foreign sovereign, there must be a cause of action or claim recognized by the tribunal. This requirement is not met here: (A) United States law does not provide a cause of action in cases between foreign parties involving foreign events that have no connection with the United States; (B) United States courts have refused to recognize a cause of action for foreign events involving conduct by military personnel, even United States military personnel; (C) recognition of a cause of action or claim would exceed international rules on jurisdictional competence; and (D) international law creates no private cause of action where the "responsibility" of a foreign sovereign itself is in question. Thus, even if the District Court believes, incorrectly, that it has jurisdiction, there is not any claim cognizable in United States courts as to which jurisdiction may be exercised.

A. Under United States law, courts may exercise jurisdiction only if a private right of action, or cause of action, has been accorded with respect to the subject matter. Davis v. Passman, 442 U.S. 228, 239 (1979). The existence of a cause of action, however, must be carefully reviewed when a case involves international relations. Tel-Oren v. Libyan Arab Republic, 726 F.2d 774 (D.C. Cir. 1984), at 801-802 (concurring opinion of Judge Bork).

Reserving the right to address specific claims in the event a complaint is validly served, the Republic of Chile suggests that no cause of action has been conferred by United States law that would apply to a case between foreign parties involving events and injuries that occurred entirely within a foreign land. Even where private parties are defendants, United States courts rarely imply a cause of action in cases between foreign parties with respect to foreign events. As stated in Lauritzen v. Larsen, 345 U.S. 571, 578 (1953), quoting Rex v. Jameson, [1896] 2 Q.B. 425, 430:

> . . . if any construction otherwise be possible, an Act will not be construed as applying to foreigners in respect to acts done by them outside the dominions of the sovereign power enacting. This is a rule of international law, by which one sovereign power is bound to respect the subjects and the rights of all other sovereign powers outside its own territory.

The Supreme Court in the Lauritzen case ruled that the Jones Act did not grant a cause of action to a Danish seaman hired in the United States, but injured aboard a Danish ship while in a Cuban

port. Other decisions have consistently denied causes of action in similar circumstances. See Restatement of the Law Second, Foreign Relations Law of the United States, Section 38 (1965), pages 107-111 (referred to below as "Restatement"); Foley Bros. v. Filardo, 336 U.S. 281 (1949)(Eight Hour law provides no cause of action covering employment in foreign country); McCulloch v. Sociedad Nacional de Marineros de Honduras, 372 U.S. 10 (1963) (National Labor Relations Act does not provide cause of action to foreign seamen on foreign-flag ships); Commodity Futures Trading Commission v. Nahas, 738 F.2d 487, 493 (D.C. Cir. 1984); Fitzgerald v. Texaco, Inc., 521 F.2d 448, 454 (2d Cir 1975), (plaintiffs can recover under a statute "only if they are able to establish some significant national contacts warranting application of the statute to non-resident aliens"); Montreal Trading Ltd. v. Amax, Inc., 661 F.2d 864, 870 (10th Cir. 1981) (no antitrust cause of action where transactions occurred in Canada and were directed toward trade with Korea); Nat. Bank of Canada v. Interbank Card Association, 666 F.2d 6, 8-9, (2d Cir. 1981); Fidenas AG v. Compagnie Internationale, 606 F.2d 5 (2d Cir. 1979) (no cause of action under securities laws where transactions and parties were foreign); Mormel v. Girofinance, S.A., 544 F.Supp 815 (S.D.N.Y. 1982) (U.S. securities laws do not provide cause of action for predominantly foreign frauds). These limitations also apply to causes of action under state laws. In fact, state laws must be more restrictive in their

UNCLASSIFIED

scope, so that they do not have "a direct impact upon foreign relations . . . [or] adversely affect the power of the central government to deal with those problems." Zschernig v. Miller, 389 U.S. 429, 441 (1968).

Thus, United States laws should not be interpreted as affording a cause of action with respect to a foreign dispute between foreign parties involving injuries abroad.

B. Even where a cognizable cause of action or claim might otherwise exist with respect to a foreign dispute between foreign parties, the cause of action may not be extended to cover acts of military personnel abroad, especially not acts of a foreign sovereign's soldiers within that sovereign's own territory.

The United States Supreme Court has refused to extend causes of action, where United States military personnel are involved. In Feres v. United States, 340 U.S. 135 (1950), the Supreme Court refused to interpret the Federal Tort Claims Act to cover military torts. In Chappell v. Wallace, 462 U.S. 296 (1983), soldiers brought claims of blatant racial discrimination against their superior officers. Of course, such racial discrimination would violate the United States Constitution as well as international law. Nevertheless, the Supreme Court ruled that civilian courts should not imply a cause of action under the Constitution and that "such a remedy will not be available when 'special factors counseling hesitation' are present." 462 U.S. at 298.

UNCLASSIFIED

In Sanchez-Espinoza v. Reagan, 770 F.2d 202 (D.C. Cir. 1985), the Court of Appeals for the District of Columbia Circuit ruled that the courts should be "hesitant" to recognize damage remedies for foreign nationals who have been injured by tortious acts abroad of U.S. military personnel. The Sanchez-Espinoza case involved injuries inflicted by "Contra" forces in Nicaragua, who were allegedly aided by U.S. military personnel in Central America. The plaintiffs, Nicaraguan nationals, alleged that torts were committed by United States military forces in violation of international law. The Court of Appeals ruled that it would not find a cause of action against the United States Government in these circumstances:

> Just as the special needs of the Armed Forces require the courts to leave to Congress the creation of damage remedies against military officers for allegedly unconstitutional treatment of soldiers, see Chappell v. Wallace, supra, so also the special needs of foreign affairs must stay our hand in the creation of damage remedies against military and foreign policy officials for allegedly unconstitutional treatment of foreign subjects causing injury abroad. The foreign affairs implications of suits such as this cannot be ignored . . . . Whether or not the present litigation is motivated by considerations of geopolitics rather than personal harm, we think that as a general matter the danger of foreign citizens' using the courts in situations such as this to obstruct the foreign policy of our government is sufficiently acute that we must leave to Congress the judgment whether a damage remedy should exist.

770 F.2d at 208-209.

Certainly, if alleged torts in violation of international law and committed abroad by U.S. military personnel will not give

UNCLASSIFIED

rise to a cause of action in United States courts, then it follows that similar tort allegations against a foreign sovereign for acts of its military personnel cannot properly give rise to a cause of action in the same United States courts.

C. International law places limitations on the ability of one nation to regulate, and impose liability rules concerning, disputes between foreign parties with respect to events abroad. These international limitations on a nation's "jurisdiction to prescribe or jurisdiction to enforce" a rule of law with respect to foreign disputes, are recognized in the United States. Restatement, cited above, Sections 8 and 38, pages 23-25, 107-111; Lauritzen v. Larsen, 345 U.S. at 578; F.T.C. v. Compagnie de Saint-Gobain-Pont-A-Mousson, 636 F.2d 1300, 1315-1317 (D.C. Cir. 1980); Commodity Futures Trading Commission v. Nahas, 738 F.2d 487, 493 (D.C. Cir. 1984). By contrast, United States courts have usually found a cause of action covering foreign events to be consistent with international law, only where the parties are United States citizens or where the events include significant conduct or effects within the United States. Blackmer v. United States, 284 U.S. 421, 437 (1931) (U.S. citizens as parties); Leasco Data Processing Equipment Corp. v. Maxwell, 468 F.2d 1326, 1332 (2d Cir. 1982) (significant conduct within United States); Tumari v. Bache & Co. (Lebanon) S.A.L., 730 F.2d 1103, 1107 n.11 (7th Cir. 1984). Compare Steele v. Bulova Watch Co., 344 U.S. 280 (1952) (U.S.

UNCLASSIFIED

trademark laws may cover trademark infringement by U.S. citizens abroad), with Vanity Fair Mills, Inc. v. T. Eaton Co., 234 F.2d 633, 641-643 (2d Cir. 1956) (no cause of action for trademark infringement against a Canadian citizen for use abroad of a trademark that the defendant registered in Canada). These international constraints on the ability of one nation to prescribe causes of action with respect to events in another nation, are additional reasons why the District Court should not recognize a cause of action in the DeNegri proceeding.

D. Finally, a state's responsibility for injuries to individuals, under international law, may only be asserted by another sovereign state, not by a private plaintiff. Restatement, cited above, Sections 174 and 175, pages 526-527. The only exceptions are where there is an explicit international agreement giving an alien a remedy (such as an international claims agreement), or where the foreign state itself provides a remedy under its own laws or by agreement. Restatement, Section 175, page 527. See Dames & Moore v. Reagan, 453 U.S. 654, 679-680 (1981). Compare Restatement, Section 3, for issues other than state responsibility.

In fact, international law itself does not provide any cause of action to individuals. "To imply a cause of action from the law of nations would completely defeat the critical right of the sovereign to determine whether and how international rights should be enforced in that municipality." Handel v. Antukovic,

UNCLASSIFIED

601 F.Supp. 1421, 1428 (C.D. Calif. 1985). As the Supreme Court has stated:

> The traditional view of international law is that it establishes substantive principles for determining whether one country has wronged another. Because of its peculiar nation-to-nation character the usual method for an individual to seek relief is to exhaust local remedies and then repair to the executive authorities of his own state to persuade them to champion his claim in diplomacy or before an international tribunal.

Banco Nacional de Cuba v. Sabbatino, 376 U.S. 398, 422, (1964) (emphasis supplied); see Dreyfus v. Von Finck, 534 F.2d 24, 31 (2d Cir. 1976) (international law "deals primarily with the relationship among nations rather than among individuals . . . . Like a general treaty, the law of nations has been held not to be self-executing so as to vest a plaintiff with individual legal rights"); Hunt v. BP Exploration Co. (Libya) Ltd., 492 F.Supp. 885, 903 (N.D. Texas 1980):

> It is doubtful that Hunt, as a private individual, would have standing to raise as a cause of action . . . violation of customary international law . . . . Even where the United States enters into a treaty with another nation, . . . unless the treaty is self-executing it must be implemented by legislation before it gives rise to a private cause of action.

Compare Tel-Oren v. Libyan Arab Republic, 726 F.2d at 811-819 (concurring opinion of Judge Bork) with Filartiga v. Pena-Irala, 630 F.2d 876, 887 (2d Cir. 1980), ruling that a cause of action existed under the law of nations against a private defendant. Where a foreign sovereign is the defendant, there is no basis for contending that international law provides a private cause of

UNCLASSIFIED

UNCLASSIFIED

action on issues of state responsibility. See Banco Nacional de Cuba v. Sabbatino, 376 U.S. at 422; compare Statement of Interest of the United States, in Von Dardel v. Union of Soviet Socialist Republics, United States District Court for the District of Columbia, Civil Action No. 84-0353 (filed December 8, 1986), pages 24-25.

Thus, issues of state responsibility under international law are left to sovereign states for resolution among themselves either diplomatically or through other international procedures. International law confers no private cause of action in this area. In addition, before the issue of state responsibility can even be considered, the individual in question must have exhausted all domestic remedies within the foreign state concerned. Restatement, Section 206, pages 610-614. As discussed in point VII below, plaintiffs in the DeNegri proceeding have not pursued, or exhausted, domestic remedies within Chile. Moreover, these remedies apply only in Chile. Chilean law provides no cause of action against the Chilean state that may be exercised outside Chile.

All these considerations further suggest that the District Court in the DeNegri proceeding should not recognize a claim or cause of action. The Republic of Chile also reserves its position under international law that the United States may not prescribe a cause of action in its courts or otherwise exercise jurisdiction with respect to the events in question.

UNCLASSIFIED

UNCLASSIFIED

VI. THE RESPONSIBILITY OF A FOREIGN SOVEREIGN FOR CLAIMS BASED ON ALLEGED ACTS OF ITS SOLDIERS IN ITS OWN TERRITORY IS NOT JUSTICIABLE UNDER EITHER THE "POLITICAL QUESTION" OR "ACT OF STATE" DOCTRINES

Extension of any cause of action to a foreign government defendant presents an additional issue--justiciability of the claim. The Republic of Chile suggests that the District Court is being asked to decide a non-justiciable question: Whether the Republic of Chile itself should be held "responsible" by a United States Court for acts of military personnel within Chile. The Republic of Chile itself is conducting its own criminal proceedings with respect to the events and soldiers involved. The Republic of Chile has not sought, and indeed strongly opposes, the intervention of any United States court with respect to these matters. Understandably, a finding by a United States court that a foreign government itself is "responsible" for these events should be expected to affect the sensitivities of any sovereign.

A. Issues affecting foreign relations have been viewed as non-justiciable "political questions", especially when no treaty or statute expressly confers a cause of action for the particular issue. Diggs v. Richardson, 555 F.2d 848, 851 (D.C. Cir. 1976) (claim for violation of a United Nations resolution is not justiciable, "in the absence of domestic legislation evincing an intention for judicial enforcement" of the resolution's terms); Tel-Oren v. Libyan Arab Republic, 726 F.2d at 823-827

UNCLASSIFIED

(concurring opinion of Judge Robb); Cranston v. Reagan, 611 F. Supp. 247, 253 (D.D.C. 1985) (even where a statute puts the issue "within the court's province to decide," possible foreign policy consequences of judicial action "render the case non-justiciable"); In re Korean Air Lines Disaster of September 1, 1983, 597 F. Supp. 613, 616-617 (D.D.C. 1984) (tort claims against United States under the Federal Tort Claims Act were not justiciable, when based on the exercise of military and national security activities abroad).

The basis of the political question doctrine is that certain questions either are not suited to resolution by United States courts, or have been allocated to the political branches of the United States Government. The Supreme Court has expressed the following criteria for a "political question":

> It is apparent that several formulations . . . may describe a political question, although each has one or more elements which identify it as essentially a function of the separation of powers. Prominent on the surface of any case held to involve a political question is found a textually demonstrable constitutional commitment of the issue to a coordinate political department; or a lack of judicially discoverable and manageable standards for resolving it; or the impossibility of deciding without an initial policy determination of a kind clearly for non-judicial discretion; or the impossibility of a court's undertaking independent resolution without expressing lack of the respect due coordinate branches of government; or an unusual need for unquestioning adherence to a political decision already made; or the potentiality of embarrassment from multifarious pronouncements by various departments on one question.

Baker v. Carr, 369 U.S. 186, 217 (1962) (emphasis supplied).

UNCLASSIFIED

Only one of these criteria need be present. Cranston v. Reagan, 611 F. Supp. at 252; In re Korean Air Lines Disaster, 597 F. Supp. at 616. Certainly, "one or more elements" described by the Supreme Court are present here. Finding a foreign state "responsible" for acts of its military personnel within its own borders involves a "demonstrable constitutional commitment of the issue to a coordinate political department." The reasons for this are that (1) questions of state responsibility for injuries to individuals are, under international law, left for resolution among nations through diplomatic and political means (see point V.D. above); and (2) under the United States Constitution, such diplomatic and political remedies are allocated to the Executive Branch. In these areas, "the President alone has the power to speak or listen as a representative of the nation." United States v. Curtiss-Wright Export Corp., 299 U.S. 304, 319 (1936); Chicago & Southern Air Lines v. Waterman S.S. Corp., 333 U.S. 103, 111 (1948). United States positions on a foreign nation's responsibility, and similar matters "intimately related to foreign policy . . . are rarely proper subjects for judicial intervention." Haig v. Agee, 453 U.S. 280, 292 (1981). See Matthews v. Diaz, 426 U.S. 67, 81 (1976).

Holding a foreign state "responsible" in these circumstances also involves "an initial policy determination of a kind clearly for non-judicial discretion" as well as "the potentiality of embarrassment from multifarious pronouncements by various

UNCLASSIFIED

UNCLASSIFIED

departments on one question." Not only has the issue of state responsibility for acts of military personnel abroad been an issue committed to foreign relations between nations, but also courts have been reluctant to recognize any cause of action even where United States military personnel are involved. See Sanchez-Espinoza v. Reagan, 770 F.2d at 208-209. Compare, Japan Whaling Assn. v. American Cetacean Society, 106 S. Ct. 2860 (1986), where the existence of an express Congressional statute and treaty made justiciable the issue of the Secretary of Commerce's statutory actions in response to violations of whaling quotas by Japanese fishermen.

B. Moreover, this issue of state "responsibility" for acts of military personnel within the foreign state's own territory, is also not justiciable under the "act of state" doctrine:

> Every sovereign state is bound to respect the independence of every other sovereign state, and the courts of one country will not sit in judgment on the acts of the government of another done within its own territory. Redress of grievances by reason of such acts must be obtained through the means open to be availed of by sovereign powers as between themselves.

Underhill v. Hernandez, 168 U.S. 250, 252 (1897), ruling that a claim of assault by a Veneuelan military commander against an American citizen in Venezuela could not be adjudicated by United States courts; Oetjen v. Central Leather Co., 246 U.S. 297 (1918), ruling that a seizure by a Mexican general of a Mexican citizen's property in Mexico could not be adjudicated; Ricaud v. American Metal Co., 246 U.S. 304 (1918), ruling that a seizure

UNCLASSIFIED

UNCLASSIFIED

by a Mexican general of an American citizen's property in Mexico could not be adjudicated. These decisions were cited with approval in Banco Nacional de Cuba v. Sabbatino, 376 U.S. 398, 416-418 (1964).

The "act of state" doctrine precludes judicial inquiry into the validity or lawfulness of alleged foreign state acts performed within a foreign state's own territory. Ibid., 376 U.S. at 401. The doctrine reflects "the proper distribution of functions between the judicial and political branches of government on matters bearing on foreign affairs." 376 U.S. at 427-428. Consequently, it even precludes judicial inquiry into the propriety or motivations of foreign government actions within its own borders. Hunt v. Mobil Oil Corp., 550 F.2d 68 (2d Cir. 1977). The issue of state responsibility in the DeNegri proceeding would involve such judicial inquiry into alleged foreign government acts. In addition, the act of state doctrine should be applied so that the District Court does not violate the international law principle of non-intervention into the internal affairs of a sovereign nation: "No State or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State." Charter of the Organization of American States, Article 18, 2 U.S.T. 2394; Declaration of Principles of International Law Concerning Friendly Relations, Principle 3, GA Res. 2625 (XXV), 25 UN GAOR, Supp. (No. 28), page 121, U.N. Doc. A/8028

UNCLASSIFIED

UNCLASSIFIED

(1970). For these reasons also, the issue is not justiciable.

VII. THE COURT SHOULD NOT EXERCISE JURISDICTION BECAUSE THE UNITED STATES IS NOT A PROPER OR CONVENIENT FORUM

In the event the District Court decides to exercise jurisdiction despite the authorities discussed in points II through VI above, it should then consider the doctrine of forum non conveniens, as applied by the United States Supreme Court in Piper Aircraft Company v. Reyno, 454 U.S. 235 (1981). The case involved an aircraft crash in Scotland and a suit against the American airplane manufacturer. The Supreme Court ruled that a foreign forum could not be rejected simply because the rules of liability, or potential damages, in the foreign forum would be less favorable than in the United States. In its decision, the Supreme Court stated that the appropriate analysis requires a "balancing" of both private and public interests. 454 U.S. at 257.

With respect to "private interest" factors, the Supreme Court in the Piper Aircraft case considered the location of witnesses and evidence. It ruled that it was reasonable to find that many of the relevant interests were located in Great Britain, even though the claims against the American manufacturer would involve

UNCLASSIFIED

UNCLASSIFIED

evidence in the United States. 454 U.S. at 257-58. In the DeNegri proceeding, virtually all of the relevant evidence and witnesses are located in Chile.

With respect to "public interest" factors, the Supreme Court in the Piper Aircraft case stated:

> Scotland has a very strong interest in this litigation. The accident occurred in its airspace. All of the decedents were Scotish. Apart from Piper and Hartzell, all potential plaintiffs and defendants are either Scotish or English. As we stated in Gilbert, there is "a local interest in having localized controversies decided at home."

454 U.S. at 260.

In the DeNegri proceeding, the Republic of Chile has an overwhelming interest in the subject matter of the litigation. All events were in Chile. The potential defendants are all Chilean. The Republic of Chile has brought criminal proceedings against one of its soldiers, in Chile, in connection with these Chilean events. There is an overriding interest in having any other proceedings also occur in Chile.

The Supreme Court in the Piper Aircraft case also addressed the question of whether there is an adequate remedy in the foreign country. The laws of Chile clearly provide such remedies for the plaintiffs. A leading precedent in Chile is Pino Silva v. Republic of Chile, Docket No. 16,129 (Court of Appeals of Concepion, June 15, 1982). The plaintiff in that case was permanently crippled from an assault by a soldier, during the martial law imposed twelve days after the military government

UNCLASSIFIED

UNCLASSIFIED

came to power in September 1973. The soldier was charged and convicted of unnecessary violence. Following the conviction, the victim brought a civil tort action against the Republic of Chile. Under Chilean law, a civil proceeding cannot be completed until a verdict is reached in a related criminal proceeding; however, a criminal conviction is conclusive evidence of tort liability. The Court of Appeals affirmed a judgment of 8,390,000 pesos (approximately $195,000 in June 1982), concluding that there was a civil tort remedy against the Republic of Chile in these circumstances.

The plaintiffs in the DeNegri proceeding have such an avenue available to them in Chile. The plaintiffs have also shown an ability to participate in Chilean legal proceedings, because they have hired counsel and have become "interested parties" in the pending criminal proceedings in Chile involving these same events.

By contrast, a decision to exercise jurisdiction in the United States would present the "practical problems" that concerned the Supreme Court in the Piper Aircraft case:

> The American courts, which are already extremely attractive to foreign plaintiffs, would become even more attractive. The flow of litigation to the United States would increase and further congest already crowded courts.

454 U.S. at 251-252. See also, Castillo v. Shipping Corp. of India, 606 F. Supp. 497, 503-504 (S.D.N.Y. 1985) (dismissal in favor of forum in India, and on grounds of sovereign immunity);

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Cheng v. The Boeing Company, 708 F.2d 1406 (9th Cir. 1983) (dismissal in favor of Taiwanese forum despite presence of American as well as foreign plaintiffs and argument that Taiwanese court might have to apply U.S. law).

For these reasons as well, the District Court should not exercise jurisdiction.

VIII. CONCLUSION

The United States District Court lacks subject matter jurisdiction over the DeNegri proceeding, and personal jurisdiction over the Republic of Chile. Valid service also has not occurred. Moreover, even if the District Court should, incorrectly, believe that it has jurisdiction, it should not exercise jurisdiction because no cognizable "cause of action" exists, because the issue of government "responsibility" is not justiciable in this case, and because the United States is not a proper or convenient forum. Thus, the case should be dismissed.

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PAGE 01 OF 10 STATE 036971 0137 ORA3898
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INFO FILE-01 ARA-04 DECP-01 ECP-01 CBI-01 OPP-02 OAS-01
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GJFW-02 OSC-01 AR-03 CI-03 OVPA-03 EX-01 PMO-05 FM-01
ADM-01 PER-01 SM-01 /081 A3 RD

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E.O. 12356: N/A
TAGS: PGOV
SUBJECT: TEXTS OF STATEMENTS DELIVERED BY ASSISTANT SECRETARY ABRAMS AND AMBASSADOR HABIB BEFORE THE COMMITTEE ON FOREIGN RELATIONS UNITED STATES SENATE

1. THE TEXTS OF ASSISTANT SECRETARY ABRAMS' AND AMBASSADOR HABIB'S PUBLIC STATEMENTS BEFORE THE SENATE COMMITTEE ON FOREIGN RELATIONS, FEBRUARY 5, 1987, ARE TRANSMITTED FOR POSTS' USE. AS ABRAMS' TEXT IS CONTAINED IN PARAGRAPH 2. AMBASSADOR HABIB'S TEXT IS CONTAINED IN PARAGRAPH 3.

2. (BEGIN ABRAMS TEXT):
PREPARED STATEMENT
THE HONORABLE ELLIOTT ABRAMS
ASSISTANT SECRETARY OF STATE
FOR INTER-AMERICAN AFFAIRS
BEFORE THE
COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE
FEBRUARY 5, 1987

I. SUPPORT FOR THE NICARAGUAN RESISTANCE IS PART OF A BROADER STRATEGY

U.S. SUPPORT FOR NICARAGUANS FIGHTING THE SANDINISTAS IS AN ESSENTIAL ELEMENT OF A COMPREHENSIVE STRATEGY FOR CENTRAL AMERICA.

THERE ARE COMPELLING MORAL ARGUMENTS IN FAVOR OF U.S. SUPPORT FOR THE NICARAGUAN RESISTANCE. THEY HAVE TO DO WITH A REVOLUTION BETRAYED; WITH THE BRAVERY OF THOUSANDS OF YOUNG NICARAGUAN PEASANTS AND INTELLECTUALS FIGHTING A BACKWARD DICTATORSHIP IN THE PROCESS OF FUSING WITH THE TOTALITARIANISM OF THE MODERN SOVIET EMPIRE; WITH THE ROLE OF THE UNITED STATES IN KEEPING ALIVE THE FLAME OF

FREEDOM IN TODAY'S WORLD.

THE STRATEGIC ARGUMENTS IN FAVOR OF U.S. SUPPORT FOR THE NICARAGUAN RESISTANCE ARE JUST AS COMPELLING. OUR NATIONAL SECURITY REQUIRES US TO PREVENT THE SOVIET UNION FROM GAINING A STRATEGIC FOOTHOLD AND FURTHER UNDERMINING DEMOCRACY IN CENTRAL AMERICA. SANDINISTA CONSOLIDATION IN NICARAGUA WOULD BE A DOUBLE THREAT TO DEMOCRACY IN CENTRAL AMERICA, LEADING TO THE DANGER IF NOT THE INEVITABILITY OF FURTHER COMMUNIST EXPANSION AND TO THE DANGER OF AN UGLY RESURGENCE OF RIGHT-WING EXTREMISM IN REACTION TO THE HEIGHTENED COMMUNIST THREAT. OUR FRIENDS AND ALLIES IN THIS NEARBY AREA NEED OUR HELP TO MEET THESE COMMON CHALLENGES.

AS THE NATIONAL BIPARTISAN COMMISSION ON CENTRAL AMERICA OBSERVED THREE YEARS AGO, RARELY DO MORAL AND STRATEGIC CONSIDERATIONS COINCIDE AS THEY DO IN CENTRAL AMERICA.

WHILE AGREEING WITH MUCH OF THIS, SOME ARGUE THAT SUPPORT FOR THE RESISTANCE WILL GET US NOWHERE (OR AT LEAST NOWHERE THAT WE WANT TO GO), AND THAT THERE ARE OTHER, BETTER WAYS TO PROTECT OUR INTERESTS. IN CONSIDERING THAT ARGUMENT, I WOULD LIKE TO START BY LOOKING AT OUR OVERALL STRATEGY, THEN CONSIDER OUR RELATIONS WITH NICARAGUA AND THE (WHY, WHAT, AND HOW) OF OUR EFFORTS TO IMPROVE THEM.

II. U.S. POLICY IS COMPREHENSIVE AND LONG-TERM

THERE ARE NO SHORT-TERM SOLUTIONS TO THE CENTRAL AMERICAN CRISIS.

THERE ARE, IN THEORY, TWO QUICK FIXES. ONE WOULD BE DIRECT U.S. MILITARY INTERVENTION TO REMOVE THE REGIME IN NICARAGUA. NO ONE IN THE ADMINISTRATION IS ADVOCATING THIS, AND NO ONE OF YOU OR THE AMERICAN PUBLIC WOULD WISH US TO. IN FACT, OUR POLICY IS DESIGNED TO PROTECT OUR NATIONAL INTERESTS WITHOUT RESORTING TO DIRECT U.S. MILITARY ACTION.

THE OTHER QUICK FIX WOULD BE TO TRY TO FORCE THE CENTRAL AMERICAN DEMOCRACIES TO ACCEPT NICARAGUAN PROPOSALS ON SECURITY ARRANGEMENTS. LET'S BE HONEST. THAT IS A PRESCRIPTION FOR DISASTER CAMOUFLAGED AS A DIPLOMATIC SOLUTION. PIECES OF PAPER ALONE ARE NOT GOING TO STOP THE SANDINISTAS.

NO WHATEVER THE THEORY, IN PRACTICE THE TRUTH IS THAT NEITHER OF THESE QUICK FIXES WOULD BE A FIX AT ALL.

THE PROBLEMS OF CENTRAL AMERICA REQUIRE PATIENT, SUSTAINED U.S. EFFORTS ON MANY INTERRELATED FRONTS AT ONCE.

OVER THE PAST THREE OR FOUR YEARS, WITH THE HELP OF THE CONGRESS AND OF THE NATIONAL BIPARTISAN COMMISSION ON CENTRAL AMERICA, WE HAVE DEVELOPED AND BEGUN TO IMPLEMENT A COMPREHENSIVE PROGRAM DESIGNED TO WORK OVER THE LONG HAUL.

WE BELIEVE IT IS WORKING. WE BELIEVE IT IS WORKING BECAUSE ITS COMBINATION OF MEASURES, FROM DEFENSE TO NEGOTIATION, AND FROM DEVELOPMENT TO THE PAINSTAKING BUILDING OF DEMOCRACY, ADDRESS ALL OF THE CAUSES OF CONFLICT AS THEY ACTUALLY PLAY OUT IN CENTRAL AMERICA.

LET ME LIST SIX CAUSES OF CONFLICT FOR YOU, TOGETHER WITH WHAT WE ARE DOING ABOUT THEM.

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FIRST, CENTRAL AMERICA BECAME VULNERABLE TO VIOLENCE AND COMMUNIST PENETRATION BECAUSE ECONOMIC GROWTH ALONE PROVED INSUFFICIENT TO ELIMINATE INHERITED INEQUALITIES BETWEEN THE LANDED RICH AND THE LANDLESS POOR.

THE POLICY WE ARE IMPLEMENTING SUPPORTS SOCIAL AND ECONOMIC REFORM. WE WANT THE PEASANTS AND THE WORKERS TO BE SHAREHOLDERS IN CENTRAL AMERICA'S FUTURE. OUR PRIMARY EMPHASIS IS ON EVOLUTIONARY CHANGE THROUGH EQUITABLE DEVELOPMENT, EDUCATION, AND THE CREATION OF NEW OPPORTUNITIES. BUT WE RESPECT THE POSITIONS OF OUR DEMOCRATIC ALLIES. IN EL SALVADOR, THE AGRARIAN REFORM WHOSE IMPLEMENTATION WE ARE SUPPORTING IS AS FAR-REACHING AS THOSE UNDERTAKEN DURING THE MEXICAN OR THE BOLIVIAN REVOLUTIONS.

SECOND, WHEN PEOPLE BEGAN TO STAND UP FOR THEIR RIGHTS, MOST OF CENTRAL AMERICA'S POLITICAL SYSTEMS (EXCEPT FOR COSTA RICA'S LONG-STANDING DEMOCRACY) PROVED TOO CLOSED TO PROVIDE A REAL OUTLET FOR EITHER NEW SOCIAL GROUPS OR THE AWAKENING POOR.

OUR POLICY STRONGLY SUPPORTS OPENING UP THE REGION'S POLITICS THROUGH REGULAR ELECTORAL COMPETITION AND DEMOCRATIC PROCESSES. THAT IS OUR POSITION IN EL SALVADOR AND GUATEMALA, AND IT IS OUR POSITION IN NICARAGUA. EL SALVADOR AND GUATEMALA HAVE BOTH IN THE LAST THREE YEARS REPEATEDLY HELD ELECTIONS THAT WERE NOT ONLY FREE BUT HIGHLY COMPETITIVE. NICARAGUA'S SANDINISTAS REFUSE TO EVEN TALK TO THOSE WHO RESIST THEIR DICTATORSHIP.

THIRD, RELIANCE ON VIOLENCE TO RESOLVE CONFLICT BECAME INGRAINED.

THIS IS A SECOND REASON WE ARE FOSTERING DEMOCRACY. DEMOCRACY IS THE BEST MECHANISM THERE IS FOR PEACEFUL SOCIAL PROGRESS AND PEACEFUL POLITICAL CHANGE. IT IS WHY WE ARE WORKING TO STRENGTHEN JUDICIAL PROCESSES THROUGHOUT CENTRAL AMERICA. IT IS WHY WE HAVE INSISTED ON AN END TO DEATH SQUADS IN EL SALVADOR AND GUATEMALA AND WHY WE WOULD BE DELIGHTED TO SEE AN END TO THE "DIVINE MOBS" AND SECRET POLICE OF NICARAGUA'S MINISTRY OF THE INTERIOR.

FOURTH, THE DOWNTURN IN THE GLOBAL ECONOMY, AGGRAVATED BY THE GUERRILLA WARFARE SUPPORTED BY THE SOVIET BLOC FROM NICARAGUAN TERRITORY, HAS SEVERELY DAMAGED THE ECONOMY OF EL SALVADOR AND DRIVEN CAPITAL OUT OF CENTRAL AMERICA GENERALLY, INCREASING BOTH SUFFERING AND POTENTIAL INSTABILITY.

THAT IS WHY SUBSTANTIAL FINANCIAL AND ECONOMIC ASSISTANCE IS ESSENTIAL, FIRST TO HELP STABILIZE THE REGION'S ECONOMIES, THEN TO HELP RESTORE GROWTH AND REGIONAL COOPERATION. IT IS VITAL THAT WE CONTINUE TO MEET THE AGREED KISSINGER COMMISSION GOALS.

FIFTH, THEIR NUMBERS HAVE DECLINED AS THE POPULATION HAS TURNED AWAY FROM THEM, BUT THE SALVADORAN GUERRILLAS HAVE REMAINED A FORMIDABLE MILITARY FORCE BECAUSE THE SOVIETS HAVE USED CUBA AND NICARAGUA TO PROVIDE THE OUTSIDE SUPPORT NEEDED TO OPERATE DESPITE THE OPPOSITION OF MOST SALVADORANS.

THAT IS WHY U.S. MILITARY ASSISTANCE IS REQUIRED. IN FACT, THE MILITARY COMPONENT OF OUR POLICY HAS, IF ANYTHING, BEEN TOO SMALL. THREE YEARS AGO, THE BIPARTISAN COMMISSION WARNED: "THE WORST POSSIBLE POLICY FOR EL SALVADOR IS TO PROVIDE JUST ENOUGH AID TO KEEP THE WAR GOING, BUT TOO LITTLE TO WAGE IT SUCCESSFULLY." WE HEEDED THE COMMISSION'S WARNING ON EL SALVADOR. THE RESULTS HAVE BEEN FAR BETTER THAN MOST OBSERVERS BELIEVED POSSIBLE.

SIXTH, NICARAGUA'S INTERNAL REPRESSION, MILITARY BUILDUP AND TIES TO THE SOVIET BLOC ARE BECOMING A PERMANENT SOURCE OF INSTABILITY IN THE ENTIRE REGION. CUBAN AGENTS ENTERED MANAGUA WITH THE SANDINISTAS IN JULY 1979; 3 MONTHS LATER, THE CUBAN CONTINGENT HAD GROWN TO 2,000. TODAY, EXCLUDING CUBAN CIVILIANS, WHO SINCE THE LIBERATION OF GRENADA ARE MAINLY YOUNG MALES WHO HAVE SERVED IN THE CUBAN MILITIA, THE U.S. INTELLIGENCE COMMUNITY ESTIMATES THE CUBAN MILITARY AND SECURITY PRESENCE AT BETWEEN 2,000 AND 2,500. PEACE IN CENTRAL AMERICA WILL BE IMPOSSIBLE AS LONG AS THIS MILITARY-SUBVERSIVE APPARATUS REMAINS IN PLACE UNCHECKED.

THE NEED TO DEFEND DEMOCRACY AND TO DEFEAT SOVIET-BACKED SUBVERSION AND MILITARIZATION IN NICARAGUA AND IN CENTRAL AMERICA AS A WHOLE IS WHERE THE NICARAGUAN RESISTANCE FORCES FIT IN -- NOT AS A SOLUTION BY THEMSELVES, BUT AS PART OF A STRATEGY TO INDUCE THE SANDINISTAS TO CHANGE THEIR BEHAVIOR OR FACE THE POSSIBILITY OF LOSING POWER ENTIRELY.

THE INDIVIDUAL ELEMENTS OF THIS STRATEGY CAN AND INDEED MUST BE COMBINED FLEXIBLY THROUGH DIPLOMACY TO MEET CHANGING SITUATIONS.

III. THE SANDINISTAS STARTED NASTY

IT IS SOMETIMES SAID THAT THE SANDINISTAS ARE JUST A GROUP OF THIRD WORLD REFORMERS WHO HAVE BEEN FORCED BY THE UNITED STATES AND A HANDFUL OF REACTIONARIES TO SUSPEND TEMPORARILY A FEW FREEDOMS IN SELF DEFENSE AND ALLY THEMSELVES WITH THE SOVIET UNION. THIS PROPOSITION IS FALSE.

--THE SANDINISTAS HAVE ALWAYS BEEN A MINORITY (THEY STILL PROUDLY REFER TO THEMSELVES AS A "VANGUARD"), BUT ONCE THE IMMENSELY POPULAR REVOLUTION AGAINST SOMOZA ENDED IN 1979 WITH THEM SHARING POWER IN THE GOVERNMENT, THEY SET OUT TO MONOPOLIZE POWER IN NICARAGUA AND TO HELP OVERTHROW NEIGHBORING GOVERNMENTS BEGINNING WITH EL SALVADOR.

--THE KEY TO THEIR CONFIDENCE WAS SUPPORT FROM THE SOVIET BLOC. THEY BELIEVED THIS SUPPORT, WHICH THEY HAD OBTAINED YEARS BEFORE THE FALL OF SOMOZA AND WHICH THEY EQUATED WITH "THE FORCES OF HISTORY," WOULD ENABLE THEM TO OVERCOME RESISTANCE BOTH AT HOME AND ABROAD.

--SO THEY SAW COLLABORATION WITH TRUE DEMOCRATS AND DIPLOMATIC NEGOTIATIONS SIMPLY AS A TACTIC TO DIVIDE THEIR NEIGHBORS AND NEUTRALIZE THE UNITED STATES. THEY WERE PLAYING THE OLD BROAD POPULAR FRONT GAME ADVOCATED BY THE COMINTERN IN THE 1930S.

U.S. OBJECTIVES AFTER SOMOZA FELL IN 1979 WERE TO PERSUADE THE SANDINISTAS AND THEIR DEMOCRATIC ALLIES IN THE NEW NICARAGUAN GOVERNMENT THAT THE GOALS OF THE NICARAGUAN NATION COULD BE ACHIEVED THROUGH DEMOCRACY AND PEACEFUL RELATIONS WITH ALL MEMBERS OF THE INTER-AMERICAN COMMUNITY, AND THAT, CONVERSELY, THEIR COMMUNIST ALLIANCES WERE DANGEROUS TO THEM AS WELL AS TO OTHERS.

--FOR A YEAR AND A HALF AFTER THE FALL OF SOMOZA, U.S. EFFORTS CENTERED ON POLITICAL BRIDGE-BUILDING AND SUBSTANTIAL ECONOMIC ASSISTANCE FOR THE RECONSTRUCTION OF NICARAGUA.

--THIS ATTEMPT BY THE CARTER ADMINISTRATION TO BUILD FRIENDLY RELATIONS WAS IGNORED BY THE SANDINISTAS, WHO SECRETLY SOUGHT SOVIET BLOC AID TO HELP TURN THEIR GUERRILLA FORCES INTO A POWERFUL MODERN ARMY AND BUILD AN INTERNAL SECURITY SYSTEM ALONG CUBAN LINES.

--BY THE FALL OF 1980, DESPITE SPECIFIC WARNINGS THAT THIS WOULD JEOPARDIZE OUR ASSISTANCE AND OUR RELATIONS, THE SANDINISTAS WERE COOPERATING ACTIVELY WITH A SOVIET-CUBAN STRATEGY TO SUPPLY ARMS AND TRAINING TO GUERRILLA FORCES IN EL SALVADOR.

--BY EARLY 1981, AFTER THE EXTENT OF SANDINISTA PARTICIPATION IN THE SOVIET BLOC INTERVENTION IN EL SALVADOR HAD BECOME CLEAR, THE CARTER ADMINISTRATION SUSPENDED, THEN THE REAGAN ADMINSTRATION TERMINATED, U.S. ASSISTANCE TO THE NICARAGUAN GOVERNMENT AS REQUIRED BY LAW.

--BY THAT TIME THE SANDINISTAS HAD DRIVEN NON-MARXISTS

OUT OF THE GOVERNMENT, REPRESSED INDEPENDENT GROUPS, ESTABLISHED INTIMATE TIES WITH CUBA AND THE SOVIET BLOC GENERALLY, AND GIVEN FULL SUPPORT TO THE GUERRILLAS IN EL SALVADOR AND WERE BEGINNING TO SPONSOR TERRORISM IN HONDURAS AND COSTA RICA.

--BUT WE CONTINUED OUR EFFORTS TO NEGOTIATE. IN AUGUST 1981, WE SENT ASSISTANT SECRETARY ENDERS TO MANAGUA TO INVITE THE SANDINISTAS TO EXCHANGE PROPOSALS SO THAT POSITIVE RELATIONS AND ASSISTANCE COULD BE RESUMED.

--WE PUT THOSE PROPOSALS IN WRITING, BUT THE SANDINISTAS DID NOT RESPOND.

--ATTEMPTS TO REASON WITH THE SANDINISTAS ON THE BASIS OF POSITIVE INDUCEMENTS WERE GOING NOWHERE.

--IT WAS THEN, NEARLY TWO AND ONE HALF YEARS AFTER SOMOZA FELL, THAT WE DECIDED TO SUPPORT NICARAGUAN PATRIOTS FIGHTING THE SANDINISTAS. IF CARROTS WERE NOT ENOUGH, MAYBE A STICK WOULD HELP.

--AT THE SAME TIME, WE CONTINUED TO PROBE FOR NEGOTIATING OPENINGS.

--IN THE SPRING OF 1982, AT THE SUGGESTION OF MEXICAN PRESIDENT LOPEZ PORTILLO, WE AGAIN OFFERED, IN WRITING, TO RESUME POSITIVE RELATIONS AND ASSISTANCE IF THEY MET REGIONAL CONCERNS. AGAIN THE SANDINISTAS TOOK NO ACTION.

--AFTER THE 1982 ELECTIONS IN EL SALVADOR, THE SANDINISTAS ACTUALLY EXPANDED THEIR SUPPORT FOR THE GUERRILLAS IN EL SALVADOR. WE ASKED THE NICARAGUAN GOVERNMENT TO CLOSE DOWN THE COMMAND AND CONTROL CENTER THE SALVADORAN EXTREMISTS WERE OPERATING IN THE OUTSKIRTS OF MANAGUA -- AND WHEN THEY PROFESSED IGNORANCE OF ITS EXISTENCE, WE OFFERED TO SEND DOWN A TECHNICAL TEAM TO HELP THEM LOCATE IT. THE SANDINISTAS DID NOT EVEN BOTHER TO REPLY.

--NEGOTIATIONS INVOLVING THE SANDINISTAS HAVE TAKEN PLACE ALMOST CONTINUALLY SINCE THEN, OFTEN UNDER THE AUSPICES OF THE CONTADORA PROCESS THAT BEGAN IN 1983. THE UNITED STATES HAS SUPPORTED THESE NEGOTIATIONS THROUGH SECRETARY

SHULTZ' 1984 VISIT TO MANAGUA AND THE ACTIVITIES OF THREE SPECIAL ENVOYS, INCLUDING NINE ROUNDS OF BILATERAL TALKS, ONE IN ATLANTA, AND EIGHT IN MANZANILLO, MEXICO.

--AS SOON AS THE SANDINISTAS ACCEPT THE NECESSITY OF FACE

TO FACE TALKS WITH THE DEMOCRATIC RESISTANCE SPAWNED BY THEIR INTRANSIGENCE AND REPRESSION, WE WILL SIT DOWN TO TALK DIRECTLY TO THEM AGAIN.

IV. U.S. NEGOTIATING OBJECTIVES

BY THE SUMMER OF 1982, WHAT WE HAD LEARNED FROM OUR REPEATED EFFORTS TO ENGAGE IN CONCRETE, MEANINGFUL TALKS HAD LED US TO EVOLVE FOUR MAJOR OBJECTIVES FOR NEGOTIATING WITH THE SANDINISTAS. THESE OBJECTIVES REFLECT OUR SECURITY NEEDS AND THOSE OF OUR FRIENDS AS WELL AS OUR AND THEIR DESIRES FOR DEMOCRACY. WHAT WE SEEK IN NICARAGUA IS FULLY CONSISTENT WITH OUR SUPPORT FOR DEMOCRACY, DEVELOPMENT AND SECURITY THROUGHOUT CENTRAL AMERICA.

THOSE OBJECTIVES ARE STILL VALID TODAY. THEY ARE:

--ENDING NICARAGUAN SUPPORT FOR GUERRILLA GROUPS;

--CUTTING NICARAGUAN MILITARY AND SECURITY TIES TO CUBA AND THE SOVIET BLOC;

--REDUCING NICARAGUA'S MILITARY STRENGTH TO LEVELS THAT WOULD RESTORE MILITARY EQUILIBRIUM IN THE AREA;

--FULFILLMENT OF THE SANDINISTAS' OWN ORIGINAL PROMISES TO BUILD DEMOCRATIC PLURALISM.

THESE OBJECTIVES HAVE BEEN AT THE HEART OF INTERNATIONAL DIPLOMACY INVOLVING CENTRAL AMERICA SINCE WE FIRST ARTICULATED THEM IN AUGUST 1982.

IN OCTOBER 1982, UNDER COSTA RICAN LEADERSHIP, A GROUP OF EIGHT DEMOCRATIC STATES DEVELOPED A COMPREHENSIVE SET OF PROPOSALS TO REDUCE TENSIONS. THE SAN JOSE STATEMENT, OF WHICH WE WERE BOTH PRIME MOVERS AND A SIGNATORY TOGETHER WITH THE OTHER DEMOCRACIES, INCORPORATED OUR OBJECTIVES IN FULL. NICARAGUA REFUSED EVEN TO MEET THE COSTA RICAN FOREIGN MINISTER TO DISCUSS THEM.

IN JANUARY 1983, THE CONTADORA PROCESS BEGAN. COMPARE THE FOUR U.S. OBJECTIVES WITH THE SUBSTANCE OF THE CONTADORA DOCUMENT OF OBJECTIVES AGREED TO ON SEPTEMBER 7, 1983, BY THE FOUR CONTADORA SPONSORS AND ALL FIVE CENTRAL AMERICAN COUNTRIES:

-WE SEEK AN END TO NICARAGUAN SUPPORT FOR GUERRILLA GROUPS: THE DOCUMENT OF OBJECTIVES CALLS FOR AN END TO

SUPPORT FOR SUBVERSION.

--WE WANT NICARAGUA TO SEVER ITS MILITARY AND SECURITY TIES TO CUBA AND THE SOVIET BLOC: THE DOCUMENT OF OBJECTIVES CALLS FOR THE PROSCRIPTION OF FOREIGN MILITARY BASES AND THE REDUCTION AND EVENTUAL ELIMINATION OF FOREIGN MILITARY ADVISERS AND TROOPS.

--WE SEEK REDUCTION OF NICARAGUA'S MILITARY STRENGTH TO LEVELS THAT WOULD RESTORE MILITARY EQUILIBRIUM IN THE AREA: THE DOCUMENT OF OBJECTIVES CALLS FOR THE REDUCTION OF CURRENT INVENTORIES OF ARMS AND MILITARY PERSONNEL.

--WE SEEK FULFILLMENT OF THE ORIGINAL SANDINISTA PROMISES

TO SUPPORT DEMOCRATIC PLURALISM: THE DOCUMENT OF OBJECTIVES CALLS FOR THE ESTABLISHMENT OF DEMOCRATIC SYSTEMS OF GOVERNMENT BASED ON GENUINELY OPEN ELECTIONS.

--FINALLY, WE SEEK A DIPLOMATIC SOLUTION THAT IS VERIFIABLE AND ENFORCEABLE: THE DOCUMENT OF OBJECTIVES CALLS FOR ADEQUATE MEANS OF VERIFICATION AND CONTROL.

IF ACTUALLY IMPLEMENTED SIMULTANEOUSLY ON A VERIFIABLE AND ENFORCEABLE BASIS, THE SUBSTANCE OF THE 21 CONTADORA OBJECTIVES IS VIRTUALLY IDENTICAL WITH OUR OWN EVALUATION OF WHAT IS NECESSARY TO SATISFY U.S. INTERESTS IN THE AREA.

THAT IS WHY, DESPITE THE BILATERAL RECORD DETAILED ABOVE, WE SAW IN NICARAGUA'S ACCEPTANCE OF THE CONTADORA DOCUMENT OF OBJECTIVES THE POSSIBILITY THAT OUR OWN OBJECTIVES MIGHT ULTIMATELY BE REACHED THROUGH NEGOTIATIONS.

AS THE THE YEARS HAVE GONE BY, SANDINISTA ABUSES AND INTRANSIGENCE HAVE INCREASED, AND THE CONTADORA PROCESS HAS SOMETIMES SEEMED TO LOOK THE OTHER WAY. WE HAVE INCREASED THE PRESSURES. BUT WE HAVE ALSO CONSTANTLY PROBED THE SANDINISTAS ON THEIR INTENTIONS. U.S. PRESSURE ON NICARAGUA IS NOT PRESSURE FOR PRESSURE'S SAKE. IT HAS DIPLOMATIC AND POLITICAL GOALS.

THE BASIC FACT IS THIS: IF THE SANDINISTAS IMPLEMENT THESE PRINCIPLES IN A WAY IN WHICH WE CAN HAVE CONFIDENCE -- WHETHER ON THE BASIS OF A FORMAL TREATY OR NOT -- ITS NEIGHBORS WILL DO THE SAME, AND SO WILL WE. DEMOCRACY, AFTER ALL, IS THE BEST VERIFICATION MECHANISM. THE PRESSURE WILL HAVE WORKED, MEMBERS OF THE RESISTANCE FORCES WILL HAVE BEEN ABLE TO LAY DOWN THEIR ARMS, OUR

CONCERNS WILL HAVE BEEN ALLEVIATED, AND A POLITICAL SOLUTION WILL HAVE BEEN ACHIEVED IN CENTRAL AMERICA.

V. U.S. SUPPORT FOR THE NICARAGUAN RESISTANCE

U.S. SUPPORT FOR THE DEMOCRATIC RESISTANCE IN NICARAGUA IS DESIGNED TO ADVANCE THESE BROADER OBJECTIVES. ONCE IT BECAME CLEAR THAT NORMAL DIPLOMATIC AND ECONOMIC INDUCEMENTS WERE NOT ENOUGH TO PERSUADE THE SANDINISTAS TO COMPROMISE, A PROGRAM WAS BEGUN TO AID AN ANTI-SANDINISTA GROUP THAT WAS ALREADY IN EXISTENCE. THE RESISTANCE HAS ACHIEVED A MEASURE OF SUCCESS NOT SOLELY OR EVEN PRIMARILY BECAUSE OF OUR EFFORTS, BUT BECAUSE RESISTANCE HAS BEEN STIMULATED BY CONTINUING SANDINISTA REPRESSION AND BY DEFECTIONS FROM THE SANDINISTA RANKS.

U.S. SUPPORT FOR THE RESISTANCE IS INTENDED TO HELP LIMIT AND ULTIMATELY END THE CONFLICT IN CENTRAL AMERICA, NOT TO WIDEN IT. IT IS DESIGNED TO EITHER INDUCE THE SANDINISTAS TO CHANGE THEIR ASSUMPTIONS AND THE AGGRESSIVE ACTIONS THAT FLOW FROM THEM, OR, IF THEY DO NOT, TO HELP PUT THE NICARAGUAN PEOPLE THEMSELVES INTO A POSITION TO RID THEMSELVES OF THE SANDINISTAS.

THE GROWTH OF THE RESISTANCE AND ITS TRANSFORMATION FROM A GROUP CENTERED INITIALLY AROUND A FEW HUNDRED EX-NATIONAL GUARDSMEN TO A PEASANT ARMY OF NEARLY 20,000 FIGHTERS, MANY OF WHOSE LEADERS ARE FORMER SANDINISTAS, MAKE CLEAR IT IS AN AUTHENTIC, INDIGENOUS MOVEMENT RESPONSIVE TO THE DEMOCRATIC ASPIRATIONS OF THE NICARAGUAN PEOPLE.

SOME CRITICS OF U.S. SUPPORT HAVE SUGGESTED THAT IT HAS BEEN COUNTERPRODUCTIVE, THAT IT HAS RADICALIZED THE

SANDINISTAS AND HELPED THEM TO CONSOLIDATE THEIR POWER.

THE OPPOSITE IS TRUE. THE SANDINISTAS SET A RADICAL COURSE FROM THE VERY START. AS DETAILED ABOVE, THEY DECIDED TO EMBRACE THE CUBANS AND SOVIETS AND TO SUPPORT GUERRILLA WARFARE ELSEWHERE IN CENTRAL AMERICA EVEN BEFORE THEY CAME TO POWER, LONG BEFORE THERE WAS ANY PRESSURE FROM THE U.S., FROM MILITARY EXERCISES OR FROM U.S.-SUPPORTED NICARAGUANS.

THE SANDINISTAS HAVE SCORED MANY PROPAGANDA POINTS AGAINST THE NICARAGUAN RESISTANCE FIGHTERS, PARTICULARLY OUTSIDE OF NICARAGUA. BUT IN FACT THE ARMED RESISTANCE HAS SUCCEEDED IN PREVENTING THE SANDINISTAS FROM USING THEIR SUPERIOR MILITARY FORCE TO CONSOLIDATE THEIR

POWER. BY 1982, DEMOCRATIC GROUPS INSIDE NICARAGUA WERE INCREASINGLY DEMORALIZED BY SANDINISTA REPRESSION. WHEN ANTI-SANDINISTA NATIONALISTS TOOK UP ARMS, LARGE NUMBERS OF PEASANT MILITIA MEMBERS DESERTED AND CHOSE TO FIGHT TO DEFEND THEIR COUNTRY AGAINST THE SOVIET BLOC AND THE FOREIGN "INTERNATIONALISTS." THEIR RESISTANCE KEPT NICARAGUA'S FUTURE IN DOUBT AND GAVE FRESH HOPE TO ALL NICARAGUANS WHO OPPOSED THE SANDINISTAS.

THE SANDINISTAS' ATTEMPT TO SHRUG ALL THIS OFF BY LABELING THEIR OPPONENTS "SOMOCISTAS" FIGHTING AS "MERCENARIES" IN A "YANKEE WAR" OF AGGRESSION HAS PROVED BOTH LESS ACCURATE AND LESS EFFECTIVE THAN THEY OBVIOUSLY HOPED.

THE MAIN RESISTANCE ORGANIZATION, THE UNITED NICARAGUAN OPPOSITION (UNO), HAS BECOME A FOCUS FOR NICARAGUANS FROM ALL WALKS OF LIFE AND POLITICAL CONVICTION. MANY OF THEM HAVE DIFFERENT IDEAS ABOUT HOW TO REGAIN THE REVOLUTION THAT THE SANDINISTAS STOLE FROM THEM, BUT THEY REALIZE THAT THEIR COMMON RESISTANCE TO THE SANDINISTAS IS MORE IMPORTANT THAN THEIR INDIVIDUAL DIFFERENCES.

THIS MULTIPLICITY OF VIEWS AND TALENT HAS RESULTED IN GROWING PAINS FOR UNO. WE EXPECT THE UNO COALITION TO CONTINUE TO BROADEN, BOTH INSIDE AND OUTSIDE NICARAGUA. IT IS ONLY NATURAL THAT NEW LEADERS SHOULD EMERGE. WE VIEW THIS EFFORT TO MAKE ROOM FOR NEW IDEAS AS A HEALTHY AND NECESSARY STEP IN THE DEVELOPMENT OF A DEMOCRATIC OPPOSITION.

THE LEADERS OF UNO, ADOLFO CALERO, ARTURO CRUZ, AND ALFONSO ROBELO, SHARE WITH THE NEW TALENT THAT HAS JOINED UNO A HISTORY OF OPPOSITION TO SOMOZA. ALL THREE ACTIVELY OPPOSED SOMOZA WHILE HE WAS STILL IN POWER. CALERO WAS JAILED BY SOMOZA; FIRST ROBELO THEN CRUZ BECAME JUNTA MEMBERS WITH THE SANDINISTAS.

THE LARGEST GUERRILLA FORCES BELONG TO THE NICARAGUAN DEMOCRATIC FORCE (FDN), HEADED BY CALERO SINCE 1983. OTHER IMPORTANT RESISTANCE ORGANIZATIONS INCLUDE THE SOUTHERN OPPOSITION BLOC (BOS, WHICH GREW OUT OF ARDE, BUILT BY ROBELO AND FORMER SANDINISTA COMANDANTE EDEN PASTORA), AND MISURASATA AND KISAN FIGHTERS ACTIVE AMONG THE INDIANS OF THE ATLANTIC COAST.

RESISTANCE FIGHTERS ARE OVERWHELMINGLY RURAL YOUTHS. MOST WERE IN THEIR EARLY TEENS, AND MANY EVEN YOUNGER, WHEN SOMOZA FELL IN 1979. THEIR STRUGGLE IS NOT ON BEHALF OF

THE OLD DICTATORSHIP--IT IS AGAINST THE NEW DICTATORSHIP ARMED BY CUBA AND THE SOVIET UNION. THEY FIGHT IN RESPONSE TO SANDINISTA ATTEMPTS TO CONTROL THEIR FARMING, THEIR CHURCHES, THEIR SCHOOLS, AND IN SOME CASES THEIR

INDIGENOUS CULTURES. MANY JOINED THE RESISTANCE IN PREFERENCE TO BEING DRAFTED TO FIGHT FOR THE SANDINISTAS AGAINST THEIR FRIENDS AND NEIGHBORS. IN DEFENDING THEIR FAMILIES AND COMMUNITIES, THESE YOUNG NICARAGUANS ARE FIGHTING ABOVE ALL ELSE FOR SELF-DETERMINATION.

THE $100 MILLION IN RENEWED AID TO THE RESISTANCE IS HELPING THE RESISTANCE TO IMPROVE ITS MILITARY SKILLS AND CAPABILITIES. BY THE TIME IT WAS APPROVED IN MID-OCTOBER 1986, HOWEVER, THE PREVIOUS ALLOTMENT OF U.S. AID, $27 MILLION IN HUMANITARIAN ASSISTANCE, HAD BEEN ESSENTIALLY EXHAUSTED SINCE THE END OF JULY. NEW SUPPLIES HAVE MET BASIC NEEDS FOR FOOD, MEDICAL CARE, UNIFORMS AND MILITARY MATERIEL. THE RESULT IS THAT THE NUMBER OF RESISTANCE COMBATANTS INSIDE NICARAGUA HAS GROWN BY THOUSANDS IN THE LAST THREE MONTHS.

MILITARY IMPROVEMENTS HAVE BEEN EQUALLED BY IMPORTANT STRIDES IN THE RESISTANCE'S POLITICAL ACTIVITIES, WHICH ARE ESSENTIAL TO THE TASK OF INCREASING ACTIVE SUPPORT FOR THE RESISTANCE IN NICARAGUA AND TO THE ULTIMATE VICTORY OF DEMOCRATIC FORCES.

LESS THAN A MONTH AGO, ON JANUARY 10, UNO AND BOS ISSUED AN AGREEMENT ON JOINT POLITICAL GOALS, THE "STATEMENT OF THE COMMITMENT TO DEMOCRACY OF THE NICARAGUAN RESISTANCE." THE STATEMENT CALLS FOR POLITICAL PLURALISM, REPRESENTATIVE DEMOCRACY, A STATE OF LAW THAT RESPECTS AND GUARANTEES FUNDAMENTAL HUMAN RIGHTS AS RECOGNIZED IN INTERNATIONAL CONVENTIONS, A FAIR SYSTEM OF JUSTICE, ECONOMIC FREEDOM WITH GUARANTEED PROPERTY RIGHTS, AND RESPECT FOR THE CULTURAL IDENTITY AND POLITICAL RIGHTS OF INDIGENOUS GROUPS OF THE ATLANTIC COAST. UNO AND BOS ALSO CALL FOR THE DISMANTLING OF THE SANDINISTA SYSTEM OF PARTY CONTROL OF THE ARMY AND POLICE FORCES, AND THE SUBORDINATION OF SUCH FORCES TO NATIONAL CIVILIAN AUTHORITIES IN THE DEMOCRATIC NICARAGUA OF THE FUTURE. THIS DOCUMENT IS THE PRODUCT OF EXTENSIVE DISCUSSIONS AMONG UNO AND BOS LEADERS, AND IT WAS CONSIDERED BY THE UNO AND BOS ASSEMBLIES. THE UNO ASSEMBLY, A BODY INCLUDING REPRESENTATIVES OF THIRTEEN NICARAGUAN POLITICAL, LABOR, BUSINESS AND ETHNIC ORGANIZATIONS IN EXILE, DEBATED IT AT A TWO-DAY SESSION IN SAN JOSE, COSTA RICA, LAST NOVEMBER.

SINCE JANUARY 4, 1987, RADIO LIBERACION, THE OFFICIAL VOICE OF UNO, HAS BEEN ON THE AIR CARRYING A MESSAGE OF HOPE AND RESISTANCE TO THE NICARAGUAN PEOPLE. IT PROVIDES AN OBJECTIVE SOURCE OF INFORMATION ON WORLD AND DOMESTIC NEWS, AND IT GIVES RESISTANCE LEADERS A CHANCE TO EXPLAIN THEIR POLITICAL MESSAGE DIRECTLY TO THE PEOPLE OF NICARAGUA. RADIO LIBERACION IS HEARD THROUGHOUT THE COUNTRY FOR TWELVE HOURS EACH DAY.

UNO HAS DEVELOPED A DIPLOMATIC STRATEGY TO GET ITS MESSAGE ACROSS TO LATIN AMERICAN AND OTHER GOVERNMENTS; IT HAS A FUNCTIONING SECRETARIAT FOR INTERNATIONAL RELATIONS WITH REPRESENTATIVES IN SEVERAL LATIN AMERICAN AND EUROPEAN CAPITALS. IN ADVANCE OF THE JANUARY CENTRAL AMERICAN TOUR OF THE CONTADORA FOREIGN MINISTERS WITH THE UN AND OAS SECRETARIES GENERAL, THE UNO DIRECTORS SENT A LETTER OUTLINING THE UNO POSITION ON NEGOTIATIONS AND DETAILING THE OFFERS FOR DIALOGUE THE RESISTANCE HAS MADE SINCE LATE 1982.

INDICATIVE OF UNO'S SUCCESS IN BROADENING ITS POLITICAL BASE IS THE ADDITION OF TWO NEW KEY PERSONNEL TO THE DIRECTORATE STAFF:

THE FORMER PRESIDENT OF THE NICARAGUAN SOCIAL DEMOCRATIC

PARTY, LUIS RIVAS LEIVA, BECAME AN UNO POLITICAL COORDINATOR.

A FORMER PASTORA COMMANDER, LUIS "NICHO" RIVAS LEAL, WAS NAMED MILITARY COORDINATOR TO STRENGTHEN CIVILIAN CONTROL OF THE RESISTANCE FORCES.

IN NOVEMBER, THE NICARAGUAN HUMAN RIGHTS ASSOCIATION WAS ESTABLISHED HEADED BY MARTA PATRICIA BALTODANO, A HIGHLY RESPECTED HUMAN RIGHTS ACTIVIST. FUNDED BY THE $3 MILLION AUTHORIZED BY CONGRESS FOR HUMAN RIGHTS PROGRAMS AND NOW FULLY STAFFED, THIS INDEPENDENT GROUP IS MONITORING HUMAN RIGHTS PERFORMANCE BY BOTH SIDES IN THE CIVIL WAR AND IS PROVIDING TRAINING IN HUMAN RIGHTS AND THE LAWS OF WAR TO RESISTANCE FORCES.

THESE AND OTHER EFFORTS HAVE MADE CLEAR BEYOND DOUBT THE DEMOCRATIC COMMITMENT OF THE NICARAGUAN RESISTANCE. THEY HAVE ALSO GIVEN THE RESISTANCE THE TOOLS IT NEEDS TO PROJECT ITS DEMOCRATIC MESSAGE TO NICARAGUA AND TO THE WORLD. THE SANDINISTAS ARE DOING THEIR PART, TOO: THEIR DIPLOMATIC INTRANSIGENCE AND THEIR BOGUS CONSTITUTION, LARGELY SUSPENDED LESS THAN FOUR HOURS AFTER IT WAS ISSUED, HAVE ADDED TO THEIR ISOLATION FROM BOTH THE

NICARAGUAN PEOPLE AND THEIR DEMOCRATIC NEIGHBORS. MORE THAN EVER, THE RESISTANCE IS POISED AND EQUIPPED TO ADVANCE ITS CAUSE ON THE POLITICAL, MILITARY AND DIPLOMATIC FRONTS. AS ALWAYS, THEY ASK FOR AMERICAN AID BUT NOT FOR AMERICAN TROOPS. OUR CONTINUED SUPPORT IS ESSENTIAL TO THEIR PROSPECTS FOR SUCCESS.

VI. THE DIPLOMATIC SITUATION

OUR OBJECTIVE REMAINS A POLITICAL SOLUTION TO THE CENTRAL AMERICAN CONFLICT. BUT LET ME SPEAK BLUNTLY. NICARAGUA IS AT THE ROOT OF THE MILITARY CONFLICT IN CENTRAL AMERICA, AND THERE WILL BE NO PEACE IN THE REGION UNTIL THE PROBLEM POSED BY NICARAGUA HAS BEEN DEALT WITH.

WE SUPPORT THE CONTADORA PROCESS. THAT PROCESS, INITIATED ALMOST FOUR YEARS AGO, IS DESIGNED TO BRING ABOUT A COMPREHENSIVE SOLUTION TO THE PROBLEMS AFFLICTING THE REGION. WE HAVE LONG STATED THAT AN ACCEPTABLE AGREEMENT MUST BE COMPREHENSIVE; ITS COMMITMENTS MUST ENTER INTO FORCE SIMULTANEOUSLY; IT MUST HAVE ADEQUATE PROVISIONS FOR VERIFICATION. AND IT MUST BE ACCEPTABLE TO THE CENTRAL AMERICANS. AN AGREEMENT CANNOT BE IMPOSED FROM OUTSIDE THE REGION. IT CANNOT BE IMPOSED BY US, AND IT CANNOT BE IMPOSED BY THE CONTADORA GROUP.

ALL OF US ARE LOOKING FOR A FORMULA THAT WILL BRING PEACE TO THIS TROUBLED REGION. WHO COULD WANT PEACE MORE THAN PRESIDENT DUARTE OF EL SALVADOR, A MAN WHO HAS SEEN HIS COUNTRY RAVAGED FOR ALMOST SEVEN YEARS BY A COMMUNIST-LED INSURGENCY. WHO COULD WANT PEACE MORE THAN PRESIDENT AZCONA OF HONDURAS, WHOSE COUNTRY HAS SUFFERED THE DIRECT CONSEQUENCES OF TWO MAJOR SANDINISTA INCURSIONS DURING THE PAST YEAR. WHO COULD WANT PEACE MORE THAN PRESIDENT CEREZO OF GUATEMALA AS HE LEADS HIS COUNTRY FROM MILITARY RULE TO CIVILIAN-LED DEMOCRACY. AND WHO COULD WANT PEACE MORE THAN OSCAR ARIAS OF COSTA RICA, PRESIDENT OF A NATION WITHOUT AN ARMY, WHO LOOKS ACROSS AN UNDEFENDED BORDER AT THE LARGEST MILITARY FORCE IN CENTRAL AMERICAN HISTORY.

YET IT IS THE LEADERS OF THESE SAME CENTRAL AMERICAN DEMOCRACIES WHO STEADFASTLY RESIST PRESSURES FROM OUTSIDE THE REGION -- FROM THE CONTADORA AND THE SUPPORT GROUP, FROM EUROPEAN DEMOCRATS, AND EVEN FROM MEMBERS OF OUR OWN

CONGRESS -- TO ACCEPT AN UNBALANCED AGREEMENT MERELY FOR THE SAKE OF HAVING AN AGREEMENT IN THE VAIN HOPE THAT SUCH AN AGREEMENT WOULD SOMEHOW CONTAIN VIOLENCE IN THE REGION.

THE CENTRAL AMERICAN DEMOCRACIES ARE INCREASINGLY VOCAL IN THEIR JUDGMENT THAT DEMOCRACY IN NICARAGUA IS THE KEY TO PEACE IN CENTRAL AMERICA. COSTA RICAN PRESIDENT ARIAS IS ATTEMPTING TO CREATE A PLAN FOR A CEASE-FIRE AND A TRANSITION TO DEMOCRATIC RULE IN NICARAGUA; THIS PLAN MAY BE UNVEILED AT A FORTHCOMING MEETING OF THE PRESIDENTS OF THE FOUR CENTRAL AMERICAN DEMOCRACIES.

THE PRESIDENT'S SPECIAL ENVOY FOR CENTRAL AMERICA, AMBASSADOR PHILIP HABIB, ONE OF OUR MOST DISTINGUISHED CAREER DIPLOMATS, IS CONSULTING WITH OUR ALLIES. SINCE ASSUMING HIS RESPONSIBILITIES IN MARCH 1986, AMBASSADOR HABIB HAS MADE 18 TRIPS TO THE REGION. HIS ACTIVE DIPLOMACY IS TANGIBLE EVIDENCE OF OUR DETERMINATION TO KEEP THE NEGOTIATING DOORS OPEN.

OUR EXPERIENCE IN SEVEN YEARS OF DEALING WITH THE SANDINISTA LEADERSHIP MAKES CLEAR THAT THE MARXIST-LENINISTS IN MANAGUA WILL NEGOTIATE SERIOUSLY ONLY WHEN THEY ARE CONVINCED THAT THEY HAVE MORE TO LOSE THAN TO GAIN IF THEY CONTINUE TO REFUSE TO SIT DOWN WITH THOSE WHO WANT AN OPEN, PLURALISTIC SOCIETY.

VII. PROSPECTS

WE STILL HAVE A LONG WAY TO GO. NICARAGUA IS CLEARLY THE MAJOR STUMBLING BLOCK TO PEACE IN CENTRAL AMERICA. WHILE AT TIMES OSTENSIBLY COOPERATING WITH CONTADORA, THE SANDINISTAS HAVE PERSISTENTLY TRIED TO REORIENT THE NEGOTIATING PROCESS TO THEIR OWN ADVANTAGE.

ON THE INTERNAL SCENE, THE SANDINISTAS' PERIODIC GESTURES TO THE OPPOSITION HAVE ALWAYS LACKED SUBSTANCE AND HAVE BEEN REVERSED. THE INDEPENDENT DAILY LA PRENSA IS CLOSED INDEFINITELY. THE STATE OF EMERGENCY HAS BEEN PROLONGED DESPITE THE PROMULGATION OF A NEW CONSTITUTION IN JANUARY 1987.

THE MILITARY PRESSURE BY THE RESISTANCE HAS GIVEN STRENGTH TO DIPLOMATIC INITIATIVES AND OTHER EFFORTS TO PRESSURE NICARAGUA TO FULFILL ITS COMMITMENTS TO PLURALISM AND BASIC HUMAN RIGHTS. IRONICALLY, THE FEAR OF MORE DIRECT U.S. INTERVENTION HAS GALVANIZED SOME LATIN AMERICANS AND EUROPEANS INTO PRESSING THE SANDINISTAS TO REDUCE THEIR TIES TO CUBA AND THE SOVIET UNION. THERE IS A CONSENSUS, EXPRESSED BY THE BIPARTISAN COMMISSION AND SHARED PRIVATELY BY THE CONTADORA NEGOTIATORS, THAT NICARAGUA'S MILITARY TIES TO CUBA AND

THE SOVIET UNION ARE AN OBSTACLE TO PEACE AND DEVELOPMENT IN THE ENTIRE REGION.

THE SANDINISTA'S PERIODIC NEGOTIATING POSTURES HAVE TENDED TO BE COSMETIC. THESE TACTICAL MOVES ARE LARGELY THE RESULT OF PRESSURES -- THE PRESSURES CREATED BY THE ARMED RESISTANCE, BY OUR SUPPORT FOR NICARAGUA'S NEIGHBORS, THE END OF SOVIET AND CUBAN INFLUENCE IN GRENADA, AND GROWING WESTERN EUROPEAN CRITICISM.

BUT NO PRESSURE CHALLENGES THE SANDINISTAS MORE DIRECTLY THAN THE GROWING OPPOSITION THEY FACE AT HOME.

--THE SANDINISTAS HAD ASSUMED THAT THEIR MASSIVE MILITARY AND SECURITY APPARATUS WOULD SILENCE THEIR INTERNAL CRITICS.

--BUT NEITHER THE CHURCH, LABOR, BUSINESS NOR THE PRESS HAVE BEEN COWED. DESPITE ENORMOUS PRESSURES, THEY HAVE CONTINUED TO DEFEND THEMSELVES AND THEIR PRINCIPLES.

--THE ARMED RESISTANCE IS FIGHTING NOT BECAUSE THEY WANT A RETURN TO SOMOCISMO AS THE SANDINISTAS CLAIM, BUT BECAUSE NICARAGUANS FOUGHT SOMOZA FOR FREEDOM, NOT JUST TO FALL PREY TO THE SOVIET BLOC.

ON EASTER SUNDAY 1984, NICARAGUA'S CATHOLIC BISHOPS SAID EXPLICITLY THAT "THE NICARAGUANS THAT HAVE RISEN IN ARMS AGAINST THE GOVERNMENT" MUST BE ALLOWED TO PARTICIPATE IN A DIALOGUE FOR PEACE. IF SUSTAINED, U.S. SUPPORT FOR THE RESISTANCE COULD ACHIEVE WHAT DIPLOMACY ALONE HAS NOT: TO CREATE DOUBTS IN THE MINDS OF THE SANDINISTAS ABOUT THEIR ASSUMPTION THAT SOVIET BLOC SUPPORT GUARANTEES THAT THEY CAN DO WHAT THEY WANT.

PRESSURES HAVE AT ONE POINT OR ANOTHER ALREADY FORCED THE SANDINISTAS TO THINK ABOUT HOW TO DEAL WITH SUCH KEY ISSUES AS:

--THEIR SUPPORT FOR THE SALVADORAN GUERRILLAS;

--THE PRESENCE OF CUBAN ADVISORS IN NICARAGUA;

--TRYING TO USE ELECTIONS TO REDUCE INTERNAL OPPOSITION; AND

--ATTEMPTING TO TURN CONTADORA INTO A MEANS OF STOPPING EXTERNAL SUPPORT FOR THE RESISTANCE.

TO DATE, THESE MOVES HAVE ULTIMATELY PROVED WHOLLY TACTICAL. THE SANDINISTAS HAVE YET TO GIVE UP ANYTHING SIGNIFICANT, EITHER DOMESTICALLY OR IN THEIR TIES TO CUBA AND THE SOVIET UNION.

WE BELIEVE THEY WILL NOT GIVE UP ANYTHING THEY ARE NOT FORCED TO GIVE UP.

VIII. CONCLUSION

SECRETARY SHULTZ HAS STRESSED REPEATEDLY THAT THE COMPLEXITY OF THE CENTRAL AMERICAN CRISIS DEMANDS EQUALLY SOPHISTICATED AND RESPONSIBLE U.S. POLICIES.

AS NOTED AT THE BEGINNING OF THIS STATEMENT, OUR STRATEGY SEEKS TO APPLY MANY ELEMENTS SIMULTANEOUSLY. THE ADMINISTRATION WAS PLEASED TO SUPPORT LAST YEAR'S MOVE IN CONGRESS TO ADD $300 MILLION TO OUR FISCAL YEAR 1986 AID TO THE CENTRAL AMERICAN DEMOCRACIES. THIS WAS A POSITIVE CONTRIBUTION TO OUR REGIONAL APPROACH TO THE DEFENSE OF DEMOCRACY IN CENTRAL AMERICA. WE SHARED THE WIDESPREAD DISAPPOINTMENT IN CONGRESS WHEN THE FINAL TERMS OF THE CONTINUING RESOLUTION PREVENTED THE RELEASE OF THESE ADDITIONAL FUNDS. ADDITIONAL AUTHORIZATION IS NOT NEEDED NOW. THE FUNDS HAVE BEEN AUTHORIZED. THE PROBLEM IS THAT THEY HAVE NOT BEEN APPROPRIATED IN A FORM WHICH ENABLES US TO PROVIDE THEM AS THE ADDITIONAL ASSISTANCE THE DEMOCRACIES NEED. THIS $300 MILLION IS NOW INCLUDED IN THE ADMINISTRATION'S SUPPLEMENTAL BUDGET REQUEST. WE STAND READY TO COOPERATE WITH YOU IN HAVING IT PASSED AND SIGNED INTO LAW.

SUPPORT FOR THE NICARAGUAN RESISTANCE IS ALSO AN ESSENTIAL COMPONENT OF OUR REGIONAL POLICY TO PROMOTE DEMOCRACY AND PEACE. IT IS THE ONLY ELEMENT THAT DIRECTLY COUNTERS THE SANDINISTAS' PLAN TO MONOPOLIZE POWER IN NICARAGUA ON THEIR OWN TERMS. IN THE

COMPREHENSIVE CENTRAL AMERICAN OUTLOOK, THE RESISTANCE IS INDISPENSABLE TO THE SUCCESSFUL INTERPLAY BETWEEN ECONOMIC AND MILITARY ASSISTANCE, DIPLOMACY AND NEGOTIATIONS.

TO ACHIEVE REAL PROGRESS, PRESSURE ON THE SANDINISTAS MUST BE RELENTLESS AND THERE MUST BE A DIPLOMATIC ALTERNATIVE OPEN TO THEM. THIS MEANS THAT U.S. SUPPORT FOR NICARAGUAN RESISTANCE FORCES MUST CONTINUE. IT ALSO MEANS THAT WE SHALL CONTINUE TO SUPPORT THE CONTADORA OBJECTIVES, INCLUDING THE CONTADORA GOAL OF INTERNAL DIALOGUE IN NICARAGUA, WHICH THE RESISTANCE EMBRACES AND

THE SANDINISTAS REJECT.

ALL OF NICARAGUA'S NEIGHBORS ACCEPT DEMOCRATIC PRINCIPLES OF NATIONAL RECONCILIATION. ALL OF NICARAGUA'S NEIGHBORS HAVE JOINED IN COOPERATING TO RESIST SANDINISTA PRESSURES -- OFTEN SETTING ASIDE MAJOR DIFFERENCES OF THEIR OWN IN THEIR CONVICTION THAT THE TOTALITARIAN AMBITIONS AND COMMUNIST TIES OF THE SANDINISTAS ARE A BARRIER TO PEACE FOR THE ENTIRE REGION.

THE ODD MAN OUT IS NICARAGUA, WHICH ALSO MUST BE BROUGHT IN -- AND KEPT IN -- THE PROCESS. THE DEMOCRATIC RESISTANCE IS INDISPENSABLE TO THAT END.

THE CHOICES FOR THE UNITED STATES ARE CLEAR:

(1) TO WALK AWAY, ABANDONING THE NICARAGUAN PEOPLE AND OUR DEMOCRATIC FRIENDS IN CENTRAL AMERICA TO FEND FOR THEMSELVES;

(2) TO ATTEMPT A CONTAINMENT POLICY, ACCEPTING COMMUNIST RULE IN MANAGUA (AND THE DEFEAT OF THE DEMOCRATIC HOPES OF THE NICARAGUAN PEOPLE) BUT SEEKING TO SUSTAIN DEMOCRACY ELSEWHERE IN CENTRAL AMERICA WITH MASSIVE EXPENDITURES AND MILITARY DEPLOYMENTS; OR

(3) TO CONTINUE OUR CURRENT TWO-TRACK POLICY, BACKING THE RESISTANCE AS OFFERING THE ONLY PROSPECT FOR NEGOTIATING A DEMOCRATIC SOLUTION IN CENTRAL AMERICA THAT PROTECTS OUR NATIONAL INTERESTS.

OUR ASSESSMENT IS THAT WE CAN AND MUST HELP THE DEMOCRACIES TO DEVELOP THROUGH ECONOMIC AND SECURITY ASSISTANCE, BUT THAT ONLY PRESSURE APPLIED DIRECTLY TO NICARAGUA CAN PRODUCE GAINS THAT WILL DECREASE THE RISK OF SOVIET AND CUBAN DOMINATION OF CENTRAL AMERICA. IF WE ARE CORRECT IN THIS ASSESSMENT, AND EXPERIENCE SUGGESTS THAT WE ARE, THEN THE ALTERNATIVE TO OUR CURRENT TWO-TRACK POLICY OF SUPPORT FOR THE RESISTANCE AND NEGOTIATIONS WOULD BE TO FURTHER SHORE UP NICARAGUA'S NEIGHBORS AGAINST SANDINISTA AGGRESSION. THE ALTERNATIVE APPROACH WOULD BE VERY DIFFICULT AND WOULD CARRY AT BEST LIMITED ASSURANCES THAT IT COULD WORK. THE KISSINGER COMMISSION ANALYZED WHAT CONTAINMENT IN THIS SITUATION WOULD REQUIRE AND WHERE IT WOULD LEAD. ITS FINDINGS, ANNEXED TO THIS STATEMENT, LED IT TO REJECT CONTAINMENT ON THE GROUNDS THAT THE ATTEMPT WOULD BE MORE LIKELY TO CREATE GARRISON STATES AND DOOM DEMOCRACY THAN TO BRING PEACE UNLESS U.S. FORCES BECAME DIRECTLY INVOLVED.

ON DECEMBER 16, SPEAKING TO JOURNALISTS IN SAN JOSE, COSTA RICA, PRESIDENT ARIAS SAID:

I WANT TO MAKE CLEAR TO YOU MY POSITION, WHICH IS THE SAME THAT I EXPRESSED IN WASHINGTON.

IT WOULD CAUSE ME GREAT SORROW IF, BECAUSE OF WHAT HAS

HAPPENED IN THE U.S. -- THE SO-CALLED IRANGATE -- AID TO THE CONTRAS IS TERMINATED AND NOTHING MORE . . .

. THAT THIS RESULTS IN ALLOWING THE SANDINISTA REGIME TO CONSOLIDATE, TO NOT CHANGE, TO NOT YIELD, TO NOT COMPROMISE, AND EVERYTHING REMAINS THE SAME. I WOULD SAY TO YOU THAT TO ME AS A COSTA RICAN IT WOULD CAUSE GREAT REGRET, AND I BELIEVE THAT IT WOULD HURT THE NICARAGUAN PEOPLE MUCH MORE THAN ME BECAUSE THEY HAVE FOUGHT SO HARD TO GET RID OF ONE TYRANT, ONE DICTATOR, AND SEVEN YEARS LATER THEY HAVE NINE . . .

(IF) THIS SCANDAL RESULTS ONLY IN CONGRESS NOT APPROVING MORE MILITARY AID, AND LEAVES MATTERS IN NICARAGUA AS THEY ARE, I THINK IT WOULD BE REGRETTED BY THE CONTADORA GROUP, THE SUPPORT GROUP, BY THE OTHER CENTRAL AMERICAN NATIONS, BY THE WHOLE WORLD. BECAUSE -- LET'S NOT FOOL OURSELVES -- ALTHOUGH THE WORLD DOES NOT SUPPORT THE WAR, THIS DOESN'T MEAN IT CONCURS IN THE STATUS QUO IN NICARAGUA. THERE IS A DISTINCTION BETWEEN NOT CONCURRING IN A MILITARY OUTCOME BUT WANTING IMPORTANT CHANGE IN THE MANAGUA REGIME . . .'

LIKE PRESIDENT ARIAS, WE SEEK A DEMOCRATIC OUTCOME FOR THE STRUGGLE OF THE PEOPLE OF NICARAGUA. THE COSTS OF FAILURE ARE TOO HIGH: A DIRECT SOVIET CHALLENGE TO U.S. SECURITY INTERESTS NOT LIMITED TO CENTRAL AMERICA ALONE, ACCOMPANIED BY SPREADING POLITICAL EXTREMISM GENERATED BY SOVIET SUPPORT FOR TOTALITARIAN ELEMENTS AND BY LOCAL REACTIONS AGAINST IT, ALL THIS CREATING A DYNAMIC THAT WOULD RISK THE FUTURE WELLBEING OF MILLIONS OF OUR NEIGHBORS.

JUST AS DEMOCRACY CAME TO EL SALVADOR, IT CAN COME TO NICARAGUA. AS IN EL SALVADOR, IT CAN BE WON BY CENTRAL AMERICANS WHO ARE WILLING TO DEFEND THE DEMOCRATIC CAUSE AND SERVE OUR COMMON INTERESTS DEFEATING A SOVIET-SUPPORTED STRATEGY TO GAIN NEW SATELLITES -- AND NEW MILITARY BEACHHEADS -- IN THIS HEMISPHERE. FOR OUR PART, WE NEED TO SUPPORT OUR FRIENDS WITH PATIENCE, CONFIDENCE AND STEADFASTNESS. THE ELEMENTS OF A

SUCCESSFUL POLICY ARE IN PLACE. NOW LET'S COMBINE OUR EFFORTS TO MAKE IT WORK.

ANNEX

THE REPORT OF THE NATIONAL BIPARTISAN COMMISSION ON CENTRAL AMERICA, ISSUED IN JANUARY 1984, STATES THE CONCLUSIONS OF THE COMMISSION THIS WAY AT PAGES 114-115:

THEORETICALLY, THE UNITED STATES AND ITS FRIENDS COULD . . . TRY TO CONTAIN A NICARAGUA WHICH CONTINUED TO RECEIVE MILITARY SUPPLIES ON THE PRESENT SCALE. IN PRATICAL (SIC) TERMS, HOWEVER, SUCH A COURSE WOULD PRESENT MAJOR DIFFICULTIES. IN THE ABSENCE OF A POLITICAL SETTLEMENT, THERE WOULD BE LITTLE INCENTIVE FOR THE SANDINISTAS TO ACT RESPONSIBLY, EVEN OVER A PERIOD OF TIME, AND MUCH INDUCEMENT TO ESCALATE THEIR EFFORTS TO SUBVERT NICARAGUA'S NEIGHBORS. TO CONTAIN THE EXPORT OF REVOLUTION WOULD REQUIRE A LEVEL OF VIGILANCE AND SUSTAINED EFFORT THAT WOULD BE DIFFICULT FOR NICARAGUA'S NEIGHBORS AND EVEN FOR THE UNITED STATES. A FULLY MILITARIZED AND EQUIPPED NICARAGUA, WITH EXCELLENT INTELLIGENCE AND COMMAND AND CONTROL ORGANIZATIONS, WOULD WEIGH HEAVILY ON THE NEIGHBORING COUNRIES OF THE REGION. THIS THREAT WOULD BE PARTICULARLY ACUTE FOR DEMOCRATIC, UNARMED COSTA RICA. IT WOULD HAVE ESPECIALLY SERIOUS IMPLICATIONS FOR VITAL U.S. INTERESTS IN THE PANAMA CANAL. WE WOULD THEN FACE THE PROSPECT, OVER TIME, OF

THE COLLAPSE OF THE OTHER COUNTRIES OF CENTRAL AMERICA, BRINGING WITH IT THE SPECTRE OF MARXIST DOMINATION OF THE ENTIRE REGION AND THUS THE DANGER OF A LARGER WAR.

THE NOTION THAT THE UNITED STATES SHOULD COPE WITH A MARXIST-LENINIST NICARAGUA, MILITARILY ALLIED TO THE SOVIET UNION AND CUBA, THROUGH LONG-TERM CONTAINMENT ASSUMES AN ANALOGY BETWEEN CONDITIONS IN POST-WAR EUROPE AND THE PRESENT CIRCUMSTANCES OF CENTRAL AMERICA. THE EXPERIENCE OF THE POST-WAR PERIOD, HOWEVER, SHOWS THAT CONTAINMENT IS EFFECTIVE TO BACK UP LOCAL FORCES OF STABLE ALLIES FULLY CAPABLE OF COPING WITH INTERNAL CONFLICT AND SUBVERSIO N FROM WITHOUT. IN SUCH CIRCUMSTANCES, THE UNITED STATES CAN HELP TO ASSURE THE DETERRENCE OF OVERT MILITARY THREATS BY CONTRIBUTING FORCES IN PLACE, OR MERELY BY STRATEGIC GUARANTEES.

ON THE OTHER HAND, WHERE INTERNAL INSECURITY IS A CHRONIC DANGER AND WHERE LOCAL GOVERNMENTS ARE UNABLE TO DEAL WITH EXTERNALLY SUPPORTED SUBVERSION, A STRATEGY OF CONTAINMENT HAS MAJOR DISADVANTAGES. IT WOULD RISK THE

INVOLVEMENT OF U.S. FORCES AS SURROGATE POLICEMEN. ANY SIGNIFICANT DEPLOYMENT OF U.S. FORCES IN CENTRAL AMERICA WOULD BE VERY COSTLY NOT JUST IN A DOMESTIC POLITICAL SENSE BUT IN GEO-STRATEGIC TERMS AS WELL. THE DIVERSION OF FUNDS FROM THE ECONOMIC, SOCIAL, MEDICAL, AND EDUCATIONAL DEVELOPMENT OF THE REGION INTO MILITARY CONTAINMENT WOULD EXACERBATE POVERTY AND ENCOURAGE INTERNAL INSTABILITY IN EACH OF THE COUNTRIES THAT BECAME HEAVILY MILITARIZED.

FURTHERMORE . . . THE CREATION OF GARRISON STATES WOULD ALMOST CERTAINLY PERPETUATE THE ARMIES OF THE REGION AS PERMANENT POLITICAL ELITES. THE HOPES OF TRUE DEMOCRACY WOULD NOT BE ENHANCED.

THEREFORE, THOUGH THE COMMISSION BELIEVES THAT THE SANDINISTA REGIME WILL POSE A CONTINUING THREAT TO STABILITY IN THE REGION, WE DO NOT ADVOCATE A POLICY OF STATIC CONTAINMENT. (END ABRAMS TEXT)

3. (BEGIN HABIB TEXT):
PREPARED STATEMENT
THE HONORABLE AMBASSADOR PHILIP C. HABIB
SPECIAL ENVOY FOR CENTRAL AMERICA
BEFORE THE
COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE
FEBRUARY 5, 1987

I AM PLEASED TO HAVE BEEN INVITED TO ACCOMPANY ASSISTANT SECRETARY ABRAMS TO DISCUSS WITH THE DISTINGUISHED MEMBERS OF THIS COMMITTEE U.S. POLICY TOWARDS NICARAGUA. MR. ABRAMS HAS JUST GIVEN YOU A BROAD OVERVIEW OF OUR TWO-TRACK POLICY, AND I WILL NOW EXPLAIN OUR VIEWS ON NEGOTIATIONS IN GREATER DETAIL.

WE BELIEVE THAT THERE SHOULD BE A NEGOTIATING PROCESS FOR EVERY CONFLICT. IN CENTRAL AMERICA IT SHOULD BE CLEAR BY NOW THAT NEGOTIATIONS THAT PRODUCE A DEMOCRATIC OUTCOME IN NICARAGUA OFFER THE BEST HOPE FOR PEACE IN THE REGION. THE CONTADORA PROCESS HAS ACKNOWLEDGED THIS ESSENTIAL PRINCIPLE, AND WE HAVE SUPPORTED ITS NEGOTIATING EFFORTS.

THE CONTADORA PROCESS BEGAN IN JANUARY 1983 WHEN COLOMBIA, MEXICO, PANAMA, AND VENEZUELA FORMED THE CONTADORA GROUP TO SEEK A NEGOTIATED SOLUTION TO THE CONFLICT IN CENTRAL AMERICA. IN SEPTEMBER OF THAT YEAR, THEY AND THE FIVE CENTRAL AMERICAN COUNTRIES PRODUCED THE

DOCUMENT OF OBJECTIVES. THIS DOCUMENT REPRESENTS THE ESSENCE OF CONTADORA; IT CONTAINS 21 POINTS ESSENTIAL TO A JUST AND DURABLE PEACE.

FOR OVER THREE YEARS, THE CONTADORA PROCESS HAS SOUGHT A FORMULA FOR ACCOMPLISHING THESE 21 OBJECTIVES. SEVERAL DRAFT AGREEMENTS OR ACTAS HAVE BEEN TABLED, AND THROUGH LENGTHY NEGOTIATIONS MUCH OF THE LANGUAGE HAS BEEN ACCEPTED BY ALL FIVE OF THE CENTRAL AMERICAN COUNTRIES. HOWEVER, SEVERAL CRITICAL POINTS REMAIN UNRESOLVED. IN 1985, WITH THE PROCESS APPARENTLY DEADLOCKED, FOUR SOUTH AMERICAN NATIONS--ARGENTINA, BRAZIL, PERU, AND URUGUAY--FORMED THE SUPPORT GROUP IN AN EFFORT TO REVITALIZE THE NEGOTIATIONS.

CONTADORA IS AN ALL-LATIN PROCESS THAT NOW INCLUDES THE LARGEST LATIN NATIONS; THESE ARE IMPORTANT COUNTRIES, AND PEOPLE LISTEN WHEN THEY SPEAK. THIS IS AN ENCOURAGING DEVELOPMENT SINCE IT SHOWS LATIN AMERICAN NATIONS COMING TO GRIPS WITH HEMISPHERIC PROBLEMS.

CONTADORA SEEKS A COMPREHENSIVE, REGIONAL APPROACH TO THE PROBLEMS IN CENTRAL AMERICA. THE 21 POINTS OF THE DOCUMENT OF OBJECTIVES COVER THE FULL RANGE OF POLITICAL, SECURITY, MILITARY, AND ECONOMIC ISSUES WHICH MUST BE TAKEN INTO ACCOUNT TO RESOLVE THE CONFLICT IN CENTRAL AMERICA. THEY SPECIFICALLY INCLUDE THE NEED FOR NATIONAL RECONCILIATION AND DEMOCRATIZATION, WHICH ARE THE KEYS TO LASTING PEACE.

THE UNITED STATES HAS CONSISTENTLY SUPPORTED THE CONTADORA PROCESS. WE BELIEVE THAT THIS REGIONAL APPROACH IS THE ONLY WAY TO PRODUCE A DURABLE SOLUTION. OUR OBJECTIVES IN NICARAGUA, WHICH ASSISTANT SECRETARY ABRAMS HAS JUST DESCRIBED TO YOU, ARE FULLY CONSISTENT WITH THE 21 POINTS. WE WOULD WELCOME, AND WE WOULD SUPPORT, AN AGREEMENT THAT ACHIEVED THE COMPREHENSIVE, VERIFIABLE, AND SIMULTANEOUS IMPLEMENTATION OF THE DOCUMENT OF OBJECTIVES.

WHILE WE SUPPORT THE CONTADORA PROCESS, WE DO NOT NECESSARILY ENDORSE EACH AND EVERY ACTION BY THE CONTADORA COUNTRIES. LARGELY BECAUSE SANDINISTA INTRANSIGENCE HAS FRUSTRATED EFFORTS TO ACHIEVE AN AGREEMENT, WE HAVE SEEN A TENDENCY FOR CONTADORA TO STRAY FROM ITS ORIGINAL OBJECTIVES. SOME MEMBERS HAVE PROMOTED PIECEMEAL SOLUTIONS WHICH WE BELIEVE WOULD ONLY DETRACT FROM THE EFFORTS TO ACHIEVE A DURABLE PEACE. SUCH PARTIAL SOLUTIONS WOULD TEND TO BENEFIT NICARAGUA AND

REDUCE THE INCENTIVE OF THE SANDINISTAS TO NEGOTIATE SERIOUSLY ON KEY ISSUES. THE CENTRAL AMERICAN DEMOCRACIES, THE COUNTRIES MOST AFFECTED BY THE PROBLEM, ALSO DISAGREE WITH THIS PIECEMEAL APPROACH.

LAST JUNE, FOLLOWING THE INABILITY OF THE FIVE CENTRAL AMERICAN COUNTRIES TO REACH AN AGREEMENT AMONG THEMSELVES ON UNRESOLVED PORTIONS OF THE ACTA, THE CONTADORA COUNTRIES PRESENTED THEM WITH A NEW VERSION WHICH THEY DESCRIBED AS THE "FINAL DRAFT." THE CENTRAL AMERICAN DEMOCRACIES FOUND THIS DRAFT TO BE INADEQUATE ON SEVERAL GROUNDS, AND WE AGREED WITH THEM.

FOR ONE THING, THE JUNE DRAFT FAILED TO ADDRESS FULLY THE POLITICAL ISSUES OF NATIONAL RECONCILIATION AND DEMOCRATIZATION. THESE ARE CRUCIAL INGREDIENTS TO PEACE AND ARE SPECIFICALLY CALLED FOR IN THE DOCUMENT OF OBJECTIVES, BUT THE JUNE DRAFT DID LITTLE MORE THAN PAY

THEM LIP SERVICE. THIS WAS A FATAL FLAW IN THE VIEW OF THE CENTRAL AMERICAN DEMOCRACIES. AT A SUMMIT MEETING JUST A FEW WEEKS EARLIER, THE FOUR DEMOCRATIC PRESIDENTS HAD BEEN LECTURED BY DANIEL ORTEGA ABOUT "REVOLUTIONARY DEMOCRACY" IN NICARAGUA; ORTEGA INSISTED THAT HIS SANDINISTA PARTY WAS THE "VANGUARD" OF THE PEOPLE WITH A HISTORIC RIGHT TO RULE, AND NEITHER BULLETS NOR BALLOTS WOULD EVER DRIVE IT FROM POWER. THE FOUR PRESIDENTS REALIZED THAT ORTEGA WAS USING AN ENTIRELY DIFFERENT VOCABULARY WHEN TALKING ABOUT PLURALISM AND DEMOCRACY. THEY RECOGNIZED THAT IN ANY AGREEMENT, THE POLITICAL TERMS MUST BE SPELLED OUT CLEARLY AND NICARAGUA'S OBLIGATIONS MUST BE ESTABLISHED PRECISELY SO THAT THERE COULD BE NO DOUBT ABOUT WHAT THE SANDINISTAS WERE REQUIRED TO DO. LACKING ADEQUATE PROVISIONS ON POLITICAL ISSUES, THE JUNE DRAFT WAS NOT COMPREHENSIVE.

THE JUNE DRAFT ALSO DID NOT FULLY ADDRESS THE ISSUE OF VERIFICATION. THE WHOLE ANNEX ON VERIFICATION WAS ONLY A ROUGH DRAFT. KEY QUESTIONS WERE UNRESOLVED; FOR EXAMPLE, THERE WAS NO AGREEMENT ON THE MEMBERSHIP OF THE VARIOUS COMMISSIONS, WHAT RIGHTS THEY WOULD HAVE (SUCH AS ACCESS TO MILITARY FACILITIES), AND WHO WOULD PAY FOR THE VARIOUS MECHANISMS.

MOREOVER, THE JUNE DRAFT WOULD NOT IMPLEMENT THE DOCUMENT OF OBJECTIVES IN A SIMULTANEOUS MANNER. WITH THE CENTRAL AMERICANS UNABLE TO RESOLVE KEY MILITARY AND SECURITY ISSUES DURING NEGOTIATIONS IN MAY, THE JUNE DRAFT SOUGHT TO SIDESTEP THE ISSUE. IT PROPOSED THAT ARMS TALKS BE DELAYED UNTIL AFTER THE AGREEMENT HAD BEEN SIGNED,

RATIFIED, AND ENTERED INTO FORCE. THE CENTRAL AMERICAN DEMOCRACIES REJECTED THIS "SIGN NOW, NEGOTIATE LATER" APPROACH. THEY WERE NOT GOING TO "BUY A PIG IN A POKE." THEY WANTED AT LEAST THE BASIC MILITARY AND SECURITY ISSUES TO BE DECIDED BEFORE THEY SIGNED, NOT AFTER.

I SHOULD POINT OUT THAT ALTHOUGH NICARAUGA SAID IT WAS WILLING TO SIGN THE JUNE DRAFT, IT ADDED THE CONDITION THAT FUTURE ARMS TALKS MUST BE CONDUCTED ON ITS TERMS. THE SANDINISTAS HAVE MADE CLEAR THAT THEY WILL NOT EVEN DISCUSS PLACING ANY LIMITS ON THE SIZE OF THEIR ARMY, THE LARGEST IN CENTRAL AMERICA, OR ON MOST OF THE HUGE ARSENAL THEY HAVE RECEIVED FROM THE SOVIETS. THIS IN EFFECT STYMIES ACHIEVEMENT OF ONE OF CONTADORA'S MAIN GOALS--RESTORING A REGIONAL BALANCE OF POWER.

THE CENTRAL AMERICAN DEMOCRACIES INFORMED THE CONTADORA COUNTRIES OF THE DEFICIENCIES THEY SAW IN THE JUNE DRAFT AND INDICATED THEIR DESIRE FOR FURTHER NEGOTIATIONS TO STRENGHTEN THE AGREEMENT. IN JULY, HOWEVER, NICARAGUA FILED SUIT AGAINST COSTA RICA AND HONDURAS AT THE INTERNATIONAL COURT OF JUSTICE. THIS ACTION VIOLATED THE ACT OF BOGOTA WHICH SAYS THAT PARTIES SHOULD NOT SEEK A JURIDICAL RESOLUTION OF A DISPUTE WHILE AN ACTIVE NEGOTIATING PROCESS IS UNDERWAY. COSTA RICA AND HONDURAS, INFURIATED BY THE SANDINISTAS' BAD FAITH, HAVE REFUSED TO PARTICIPATE IN FURTHER NEGOTIATIONS WHILE THE COURT CASES ARE PENDING.

WITH THE NEGOTIATING PROCESS BLOCKED BY THE SANDINISTAS, THE CONTADORA COUNTRIES AND OTHERS HAVE BEEN LOOKING FOR NEW APPROACHES. LAST NOVEMBER, THE SECRETARIES GENERAL OF THE UN AND THE OAS LAUNCHED A JOINT INITIATIVE. THEY OFFERED A "MENU OF SERVICES" AVAILABLE FROM THEIR ORGANIZATIONS TO SUPPORT CONTADORA. WE BELIEVE THAT THESE ORGANIATIONS, PARTICULARLY THE OAS AS THE REGIONAL BODY, COULD PLAY A USEFUL ROLE IN FACILITATING THE IMPLEMENTATION OF AN AGREEMENT. OF COURSE, FIRST AN AGREEMENT MUST BE REACHED, AND THIS IS THE TASK CONTADORA SEEKS TO FACILITATE.

LAST MONTH, THE EIGHT CONTADORA AND SUPPORT GROUP FOREIGN MINISTERS PLUS THE UN AND OAS SECRETARIES GENERAL VISITED CENTRAL AMERICA IN AN EFFORT TO REVIVE THE PROCESS. THEY WERE LOOKING FOR COMMON GROUND ON WHICH TO RESUME THE NEGOTIATIONS. THE CENTRAL AMERICAN DEMOCRACIES EXPRESSED THEIR CONTINUING DESIRE FOR A POLITICAL SOLUTION, AND THEY STRESSED THAT THE KEY TO LASTING PEACE WAS DEMOCRATIC POLITICAL CHANGE IN NICARAGUA. PRESIDENT

AZCONA OF HONDURAS SENT A LETTER TO HIS COUNTERPARTS IN THE EIGHT CONTADORA AND SUPPORT GROUP COUNTRIES EXPLAINING THAT THE CRISIS IN CENTRAL AMERICA WAS NOT AN INTERNATIONAL CONFLICT BETWEEN COUNTRIES, BUT RATHER AN INTERNAL CONFLICT IN NICARAGUA SPILLING OVER ITS BORDERS; THIS INTERNAL CONFLICT WAS CAUSED BY THE LACK OF DEMOCRACY IN NICARAGUA AND THE SANDINISTAS' EFFORTS TO CONSOLIDATE A MARXIST-LENINIST DICTATORSHIP ALIGNED WITH THE SOVIET UNION AND CUBA. THE DEMOCRACIES STRESSED THAT THE SANDINISTAS MUST ENTER INTO A PROCESS OF DIALOGUE AND NATIONAL RECONCILIATION WITH THEIR OPPOSITION.

UNFORTUNATELY, THE SANDINISTAS REMAIN INTRANSIGENT. THE COMMUNIQUE THEY ISSUED DURING THE CONTADORA VISIT DEMONSTRATED THEIR DESIRE FOR A PIECEMEAL, BILATERAL APPROACH WHICH WOULD RELIEVE THEM OF THE OBLIGATIONS OF A COMPREHENSIVE, VERIFIABLE, AND SIMULTANEOUS CONTADORA SETTLEMENT. THEY CALLED FOR TALKS WITH THE UNITED STATES, HONDURAS, AND COSTA RICA, AS IF THOSE COULD REALLY GET THE ROOT OF THE PROBLEM. THEY REFUSED TO WITHDRAW THEIR CASES AT THE WORLD COURT AGAINST COSTA RICA AND HONDURAS SO THAT NEGOTIATIONS COULD RESUME. MOST IMPORTANTLY, THEY SHOWED NO SIGNS THAT THEY WERE WILLING TO ENTER INTO A DIALOGUE WITH THEIR OWN PEOPLE.

LAST MONTH, ASSISTANT SECRETARY ABRAMS AND I MET IN MIAMI WITH THE FOREIGN MINISTER OF COSTA RICA TO DISCUSS SOME IDEAS HIS GOVERNMENT HAD FOR OVERCOMING THE PROBLEMS CAUSED BY SANDINISTA INTRANSIGENCE. PRESIDENT ARIAS, A MAN DEDICATED TO DEMOCRACY WHO SEES POLITICAL CHANGE IN NICARAGUA AS HIS COUNTRY'S ONLY LONG-TERM PROTECTION FROM THE SANDINISTAS, IS SEEKING A FORMULA WITHIN THE CONTADORA FRAMEWORK TO ADDRESS THE SPECIFIC ISSUES OF NATIONAL RECONCILIATION AND DEMOCRATIZATION. HE HAS CALLED FOR A SUMMIT MEETING WITH THE PRESIDENTS OF EL SALVADOR, GUATEMALA, AND HONDURAS FOR FEBRUARY 15, AND HE MAY FORMALLY UNVEIL HIS PROPOSALS AT THAT TIME.

THE UNITED STATES STANDS READY TO COOPERATE WITH CONTADORA AND THE CENTRAL AMERICA DEMOCRACIES AND TO DO WHAT IT CAN TO SUPPORT THE NEGOTIATING PROCESS. IN 1984, MY PREDECESSOR CONDUCTED NINE ROUNDS OF BILATERAL TALKS WITH THE SANDINISTAS AT THE REQUEST OF CONTADORA. WE SUSPENDED THESE TALKS WHEN IT BECAME CLEAR THAT THE SANDINISTAS WERE ATTEMPTING TO USE THEM NOT TO COMPLEMENT CONTADORA BUT TO REPLACE IT. ESSENTIALLY, THEY SOUGHT A BILATERAL ACCORD WITH THE UNITED STATES WHICH WOULD RESOLVE THEIR MOST PRESSING PROBLEMS AND LEAVE THEM FREE

TO WALK AWAY FROM CONTADORA, THE COMMITMENTS THEY WOULD BE REQUIRED TO MAKE IN ORDER TO FULFILL THE DOCUMENT OF OBJECTIVES, AND ULTIMATELY THE COMMITMENTS TO DEMOCRACY TO NICARAGUA'S PEOPLE THEY MADE IN 1979. WE HAVE STATED THAT WE ARE READY TO RESUME BILATERAL TALKS AS SOON AS THE SANDINISTAS ENGAGE IN A DIALOGUE WITH ALL ELEMENTS OF THEIR OPPOSITION, INCLUDING THE DEMOCRATIC RESISTANCE. WE VIEW OUR POSITION AS AN INCENTIVE FOR THE SANDINISTAS

TO ENTER INTO A PROCESS OF NATIONAL RECONCILIATION.

THE SANDINISTAS TRY TO CONVINCE ALL WHO WILL STILL LISTEN THAT THE CONFLICT IS A BILATERAL ONE BETWEEN NICARAGUA AND THE UNITED STATES. FEWER AND FEWER PEOPLE ARE BUYING THIS LINE, HOWEVER, AS THEY COME TO REALIZE THAT THE REAL PROBLEM IS BETWEEN THE SANDINISTA REGIME AND ITS OWN PEOPLE, AND BETWEEN NICARAGUA AND ITS DEMOCRATIC NEIGHBORS. WE BELIEVE THAT UNTIL THE SANDINISTAS ARE READY TO COME TO TERMS WITH THEIR OWN PEOPLE, THERE IS NOTHING TO BE GAINED IN BILATERAL TALKS.

SINCE BECOMING THE PRESIDENT'S SPECIAL ENVOY LAST MARCH, I HAVE MADE TEN TRIPS TO THE REGION. I HAVE MADE CLEAR THAT THE UNITED STATES MAINTAINS THE NEGOTIATING HALF OF ITS TWO-TRACK POLICY. WE WANT A GOOD AGREEMENT, NOT A HALF-BAKED SOLUTION THAT WILL MERELY LEAD TO MORE CONFLICT IN THE FUTURE. LIKE THE CENTRAL AMERICAN DEMOCRACIES, WE REJECT THE PIECEMEAL APPROACH. LIKE THEM, WE ALSO WANT A DEMOCRATIC OUTCOME.

LAST MONTH, I VISITED FIVE OF THE CONTADORA AND SUPPORT GROUP CAPITALS AND EXPLAINED THAT WE WELCOME THEIR EFFORTS TO REVIVE THE NEGOTIATING PROCESS. I URGED THEM TO LISTEN CLOSELY TO THE CENTRAL AMERICAN DEMOCRACIES, WHO ARE THE ONES MOST FAMILIAR WITH THE REALITIES OF THE REGION AND WITH WHOM THEY HAVE MUCH MORE IN COMMON THAN SANDINISTA NICARAGUA. WE HOPE THAT THEY ARE LISTENING AND THAT THE VIEWS OF THE CENTRAL AMERICAN DEMOCRACIES ARE GIVEN THE CONSIDERATION THEY CLEARLY DESERVE.

WE ARE HOPEFUL THAT, AWARE THAT THE SANDINISTA REGIME IS THE CORE OF THE PROBLEM, THE CONTADORA COUNTRIES WILL NOW BE PREPARED TO TACKLE THE DIFFICULT POLITICAL ISSUES OF NATIONAL RECONCILIATION AND DEMOCRATIZATION IN NICARAGUA. SOME OF THE CONTADORA COUNTRIES, WHILE RECOGNIZING THE MARXIST-LENINIST NATURE OF THE SANDINISTA REGIME, HAVE BEEN HESITANT TO PROMOTE DEMOCRATIC POLITICAL CHANGE OUT OF CONCERN THAT THIS WAS INTERFERENCE IN NICARAGUA'S INTERNAL AFFAIRS. I BELIEVE THAT AT LEAST SOME OF THEM HAVE NOW COME TO RECOGNIZE

THAT INSISTING ON NATIONAL RECONCILIATION AND DEMOCRATIZATION IS NOT INTERVENTION; NICARAGUA SPECIFICALLY AGREED TO THIS WHEN IT SIGNED THE DOCUMENT OF OBJECTIVES IN 1983. THUS, CONTADORA HAS A MANDATE TO PROMOTE DEMOCRACY AND AN OBLIGATION TO ENSURE THAT THE SANDINISTAS LIVE UP TO THEIR COMMITMENT.

THE SANDINISTAS ARE COMMITTED MARXIST-LENINIST REVOLUTIONAIRES WHO WILL ONLY NEGOTIATE IN EARNEST WHEN UNDER PRESSURE. THE INCREASING PRESSURE ON THE REGIME FROM THE DEMOCRATIC RESISTANCE WILL GIVE THE SANDINISTAS AN INCENTIVE TO ABANDON THEIR INTRANSIGENCE AND TO NEGOTIATE SERIOUSLY. EVEN AS PRESSURE ON THE SANDINISTAS MOUNTS THROUGH OUR AID TO THE DEMOCRATIC RESISTANCE, THE DOOR TO PEACE IS LEFT OPEN. IT IS UP TO THE SANDINISTAS TO WALK THROUGH THAT DOOR. END RABIN TEXT. SHULTZ

2-7-87

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Department of State

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2/9/87 INCOMING

Chile Project (#F1999000030)
U.S. Department of State
Release [illegible] Excise X Deny [illegible]
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EXDIS

E.O. 12356: DECL: OADR
TAGS: PREL, U.S., CI
SUBJECT: LETELIER CASE: [redacted] DISCUSSES CASE AND POSSIBLE GOC RESPONSE TO U.S. REQUEST FOR COOPERATION

REF: (A) SANTIAGO 867

DECAPTIONED

1. ~~SECRET~~ ENTIRE TEXT.

2. SUMMARY: [redacted] WHO WAS AN IMPORTANT PARTICIPANT IN THE LETELIER CASE IN THE 1978'S AND ATTENDED RECENT GOC MEETINGS ON THE ISSUE, OFFERED HIS VIEWS ON FEBRUARY 6 TO POLITICAL COUNSELOR. [redacted] SAID HE BELIEVES THAT THE CHILEAN GOVERNMENT, AND PARTICULARLY INTERIOR MINISTER GARCIA, WANTS TO COOPERATE WITH THE U.S. AND HE [redacted] PERSONALLY BELIEVES CONTRERAS AND ESPINOZA ARE GUILTY NOT ONLY OF THIS CRIME BUT MANY OTHERS AND SHOULD BE BEHIND BARS. HOWEVER, HE THINKS THAT THERE IS ONLY ONE AVENUE WHICH LOOKS PROMISING, PROSECUTION OF THEM IN CHILE. HE DOUBTS THE GOC WILL EXPEL THEM; ANOTHER EXTRADITION REQUEST WILL ALMOST SURELY BE TURNED DOWN BY THE SUPREME COURT; THE APPOINTMENT OF A SENIOR OFFICIAL WOULD PROBABLY BE FUTILE. THE PENDING COURT CASE BROUGHT BY FABIOLA LETELIER DEL SOLAR FOR MURDER, PASSPORT FRAUD AND OTHER CRIMES COULD BE REACTIVATED BY NEW EVIDENCE. [redacted] IS CONVINCED THAT IF THE CASE IS REACTIVATED AND A "TOUGH AD HOC PROSECUTOR" IS APPOINTED BY THE MILITARY COURT, CONTRERAS AND ESPINOZA WILL BE INDICTED, DETAINED AND PROSECUTED. [redacted] SAID HE STRONGLY HOPES THAT IF THE CHILEAN GOVERNMENT COLLABORATES IN THE PROSECUTION AND PUNISHMENT OF THOSE "KILLERS" ("MATONES") THAT IT WOULD USHER IN A SIGNIFICANT IMPROVEMENT IN U.S. - CHILEAN RELATIONS. POLITICAL COUNSELOR LIMITED HIMSELF TO ASKING [redacted] QUESTIONS AND LISTENING, WHILE EMPHASIZING THAT WE WANTED COOPERATION IN BRINGING THE GUILTY TO JUSTICE, AND ADDING THAT IF THE GOC COOPERATES FULLY TO THAT END IT WOULD BE SEEN VERY POSITIVELY IN THE U.S. AND COULD OPEN UP A NEW ERA IN OUR RELATIONS. END SUMMARY.

3. [redacted] DURING THE U.S. - CHILEAN DISCUSSIONS REGARDING THE EXPULSION OF MICHAEL VERNON TOWNLEY AND THE SUBSEQUENT EXTRADITION PROCEEDINGS FOR CONTRERAS, ESPINOZA AND FERNANDEZ. HE IS INTIMATELY FAMILIAR

WITH THE LETELIER CASE. HE AND THE POLITICAL COUNSELOR HAD OCCASIONAL CONTACT DURING 1986 TO EXCHANGE VIEWS ON THE GENERAL POLITICAL SITUATION.

4. [redacted] CALLED POLCOUNSELOR LATE ON FEBRUARY 6 AND ASKED THAT HE COME SEE HIM THAT EVENING. WHEN POLCOUNSELOR ARRIVED AT [redacted]

POLCOUNSELOR SAID THAT HE HAD BEEN CALLING [redacted] FOR WEEKS TO ARRANGE TO MEET AND REVIEW RECENT GENERAL POLITICAL SITUATIONS, BUT ASKED IF [redacted] WOULD NOT MIND STARTING WITH OFFERING HIS VIEWS ON THE LATEST DEVELOPMENTS IN THE LETELIER CASE, SINCE THE PRESS HAD REPORTED HIS ATTENDANCE AT GOC MEETINGS DEALING WITH THE CASE. [redacted] APOLOGIZED FOR THE DELAY IN RESPONDING TO POLCOUNSELOR'S CALLS, NOTING THAT HE HAD BEEN EXTREMELY BUSY IN DECEMBER AND JANUARY, SAID HE WANTED TO DISCUSS POLITICS GENERALLY, BUT WOULD BE PLEASED TO COMMENT ON THE LATEST LETELIER DEVELOPMENTS. (IT WAS OBVIOUS, NEVERTHELESS, THAT [redacted] PURPOSE IN CALLING POLCOUNSELOR SUDDENLY WAS TO DISCUSS THE CASE). [redacted] LOOKED HAGGARD, PALE AND AS IF HE HAD BEEN WORKING LONG HOURS UNDER A GREAT DEAL OF STRAIN.)

5. HE STARTED BY SAYING THAT THE LATEST DEVELOPMENTS HAD CAUSED A MAJOR FLAP AND COULD HAVE IMPORTANT REPERCUSSIONS (NOT FURTHER IDENTIFIED). HE SAID HE WAS VERY DEPRESSED ALL WEEK BUT TODAY HE FELT BETTER BECAUSE HE SEES A SOLUTION. HE ADDED WITH GREAT EMOTION, THESE "KILLERS", ("MATONES") HAD CAUSED CHILE ENORMOUS HARM AND THEY SHOULD BE "LOCKED UP". HE ALSO REFERRED TO CONTRERAS AND ESPINOZA BY NAME, CALLING THEM "BASTARDS" AND "SHAMELESS ONES" ("SIN VERGUENZAS"). REVIEWING THE PAST A BIT, HE EXPRESSED COMPLETE DISDAIN FOR THE "INCOMPETENT" GENERAL ORLOFF AND SAID THAT HE, [redacted] AND A FEW OTHERS FELT AT THE TIME THAT CONTRERAS, ESPINOZA AND WHOEVER ELSE WAS INVOLVED SHOULD BE PUNISHED BY CHILEAN COURTS IF THEY WERE NOT EXTRADITED, BUT "OTHERS" THEN BELIEVED THAT THE "POLITICAL COSTS" OF PROSECUTING THEM IN CHILE WOULD BE EXCESSIVE. (COMMENT: "OTHERS" WAS UNDERSTOOD TO INCLUDE PINOCHET. END COMMENT).

6. RETURNING TO THE PRESENT, HE NOTED THAT HE HAD PARTICIPATED IN THREE MEETINGS ON THE LETELIER CASE IN RECENT DAYS, THE LAST ONE ONLY TWO HOURS BEFORE [redacted] MEETING AND THIS ONE WAS ATTENDED BY PINOCHET.

[redacted] POLCOUNSELOR AGREED. [redacted] SAID THAT INTERIOR MINISTER GARCIA IS A FINE, WELL-MEANING HONEST MAN AND IT IS HIS IMPRESSION [redacted] THAT THE GOVERNMENT WANTS TO COOPERATE WITH THE U.S. HE ADDED THAT HE WAS INFORMED OF THE AMBASSADOR'S REQUEST AND OF THE MODIFICATIONS THE AMBASSADOR PROPOSED. [redacted] HE SAID HE TOLD THE PARTICIPANTS IN THE MEETINGS THAT HE SAW PROBLEMS IN THE REVISIONS PROPOSED BY THE AMBASSADOR. APART FROM OTHER CONSIDERATIONS, THE IDEA OF APPOINTING A "SENIOR OFFICIAL" TO REVIEW INFORMATION ON THE CASE

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AND INTERVIEW THOSE ASSOCIATED WITH THE INVESTIGATION WOULD NOT PRODUCE ANYTHING BECAUSE EXECUTIVE-APPOINTED OFFICIALS LACK THE AUTHORITY TO COMPEL WITNESSES TO TESTIFY.

EXDIS

2. POLCOUNSELOR SAID THAT HE WONDERED WHETHER, SINCE THIS IS A CASE OF TERRORISM PERHAPS SOMEONE LIKE THE GOC'S RECENTLY APPOINTED ANTI-TERRORISM CZAR, AMBROSIO RODRIGUEZ, COULD UNDERTAKE THE TASK. [redacted] REPLIED, HOWEVER, THAT EVEN RODRIGUEZ CANNOT FORCE ANYONE TO ACCEPT INTERROGATION WITHOUT A COURT ORDER. POLCOUNSELOR REPORTED THAT WHAT THE U.S. WANTS IS FULL GOC COOPERATION. THE SPECIFICS ON THE AMBASSADOR'S SUGGESTED AMENDMENT [redacted] WERE JUST A FEW EXAMPLES OF HOW THE CHILEAN GOVERNMENT COULD DEMONSTRATE A SINCERE COOPERATIVE APPROACH, BUT WHAT IS IMPORTANT IS GOC COLLABORATION IN BRINGING THE GUILTY TO JUSTICE. 3.1

EXDIS

3. [redacted] AGREED, BUT HE SAID THAT HE HAD EXPLORED THE VARIOUS POSSIBLE AVENUES AND FOUND NEARLY ALL OF THEM UNPROMISING. THE GOC CANNOT EXPEL CHILEAN CITIZENS WHOSE EXTRADITION HAD ALREADY BEEN DENIED BY THE SUPREME COURT; IT WOULD SIMPLY NOT BE ACCEPTED IN CHILE. (POLCOUNSELOR RESTRAINED HIMSELF FROM COUNTERING THAT BETWEEN 1973 AND 1984 THE GOC HAD EXPELLED THOUSANDS OF CHILEANS WITHOUT CHARGES AGAINST THEM OF ANY KIND. WE MAY WANT TO STRESS THIS POINT AT THE RIGHT OPPORTUNITY WITH THE GOC, HOWEVER.) ALTHOUGH THE CURRENT PRESIDENT OF THE SUPREME COURT (RAFAEL RETAMAL) "RATED" THE MILITARY, THE COURT WOULD MOST PROBABLY RULE THAT THE CASE HAS ALREADY BEEN "TRIED", THE EVIDENCE FOUND WANTING AND THE ACCUSED RELEASED. IN CHILEAN JURISPRUDENCE, A PERSON ONLY CAN BE TRIED TWICE FOR THE SAME CRIME WHEN THE RESULT MAY BENEFIT THE DEFENDANT. IF THE ACCUSED HAS BEEN FOUND GUILTY AND NEW EVIDENCE IS DISCOVERED WHICH COULD RESULT IN HIS ACQUITTAL OR A REDUCED SENTENCE, A SECOND TRIAL IS POSSIBLE. THERE CAN BE NO SECOND TRIAL IF THE ACCUSED MAY FARE WORSE WHETHER OR NOT THERE IS NEW EVIDENCE OR THERE WERE PROCEDURAL OR OTHER PROBLEMS (E.G., FALSE TESTIMONY) WHICH PREJUDICED THE OUTCOME. THE SAME RULES APPLY TO EXTRADITION REQUESTS, HE CLAIMED. PARENTHETICALLY, POLCOUNSELOR ASKED AS A POINT OF INFORMATION ABOUT LEGAL CONSIDERATIONS RELATED TO EXTRADITION FOR OBSTRUCTION OF JUSTICE, BUT [redacted] POINTED OUT THAT THE STATUTE OF LIMITATIONS (FIVE YEARS) HAD RUN OUT ON OBSTRUCTION OF JUSTICE ("PREVARICACION"). 3.1

EXDIS

4. [redacted] THEN RECALLED THAT IT WAS HIS UNDERSTANDING THAT WHAT THE U.S. WANTED IN THE LATE 1970'S WAS THE PROSECUTION OF CONTRERAS AND OTHERS, WHETHER IN THE U.S. OR IN CHILE. IF THAT WAS CORRECT, HE SAID, IT SEEMED LOGICAL THAT THE U.S. WOULD STILL NOW CONSIDER THEIR PROSECUTION IN CHILE TO BE COOPERATION IN THE SENSE THAT THE AMBASSADOR HAD REQUESTED OF THE CHILEAN AUTHORITIES. IT WAS HIS IMPRESSION FROM THE MEETING HE HAD JUST ATTENDED, WHICH INCLUDED THE PRESIDENT, THAT THE GOC WOULD REACT POSITIVELY TO A RENEWED ATTEMPT TO BRING THEM TO JUSTICE IN CHILE. 3.1

5. HE ADDED THAT HE THOUGHT THAT IF THE CASE CURRENTLY IN THE SECOND MILITARY COURT BROUGHT

BY FABIOLA LETELIER FOR PASSPORT FRAUD, MURDER ("HOMICIDIO CALIFICADO") AND OTHER CRIMES AGAINST CONTRERAS, ET. AL., WERE TO BE REACTIVATED BY PRESENTATION OF NEW EVIDENCE, THE GOC WOULD INDICT THEM AND PROSECUTE THEM TO THE FULL EXTENT OF THE LAW. IT WOULD BE IMPORTANT FOR THE OUTCOME, HE SAID AS AN ASIDE, THAT THE MILITARY PROSECUTOR ("FISCAL AD HOC") ASSIGNED TO THE CASE BE A COURAGIOUS MAN WHO WOULD CARRY THE INVESTIGATION TO ITS ULTIMATE CONCLUSIONS. HE REMARKED THAT IT SHOULD BE RELATIVELY EASY FOR U.S. AUTHORITIES AND THE LETELIER FAMILY TO COOPERATE IN SEEING THAT CONVINCING EVIDENCE IS PRESENTED TO THE MILITARY COURT. HE ASSERTED THAT IT AS HIS IMPRESSION THAT THERE WAS A GOOD CHANCE THE CASE WOULD SUCCEED AND CONTRERAS AND ESPINOZA AND ANY OTHERS INVOLVED WOULD BE PUNISHED. [redacted] 6.

EXDIS

11. [redacted] ASKED WHETHER THIS KIND OF COOPERATION FROM THE CHILEAN AUTHORITIES WOULD SATISFY THE U.S. GOVERNMENT. POLCOUNSELOR RESPONDED THAT HE DID NOT KNOW WHETHER THIS WOULD "SATISFY" THE U.S., ALTHOUGH UNDOUBTEDLY DEMONSTRATED WILLINGNESS TO PROSECUTE AND PUNISH THOSE INVOLVED WOULD BE CONSIDERED POSITIVE. [redacted] REITERATED THAT HE THOUGHT THAT THIS WAS THE ONLY APPARENT SOLUTION. HE ADDED THAT, WHILE HE COULD NOT BE CERTAIN WHAT DECISIONS ULTIMATELY WILL BE MADE, IT WAS HIS IMPRESSION FROM THE MEETING WITH THE PRESIDENT ON FEBRUARY 6 THAT THIS WAS THE APPROACH THE GOC AUTHORITIES WERE GOING TO TAKE, AND SAID THAT THE MINISTER OF INTERIOR OR ANOTHER SENIOR GOC OFFICIAL WOULD PROBABLY REQUEST A MEETING WITH THE CHARGE EARLY THIS WEEK TO DISCUSS IT. (COMMENT: ON MONDAY FEBRUARY 9 THE FOREIGN MINISTRY'S PROTOCOL OFFICE CALLED THE CHARGE TO REQUEST A MEETING WITH THE MINISTER OF INTERIOR, WHICH WILL TAKE PLACE ON FEBRUARY 18. END COMMENT). 6.1

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Case Number: S1999000030 Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
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INFO AMEMBASSY SANTIAGO

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~~STADIS~~ ////////////////////////////////////

DECAPTIONED

E.O. 12356: DECL:OADR
TAGS: CJAN, PREL, PA, US, CI
SUBJECT: LETELIER-MOFFIT INVESTIGATION

1. ~~CONFIDENTIAL~~ - ENTIRE TEXT.

2. WE HAVE NOTED WITH INTEREST LOCAL PUBLICATION OF WIRE SERVICE REPORTS ON THE LETELIER-MOFFIT ASSASSINATION INVESTIGATION IN WHICH THE NAME OF GEN. OROZCO APPEARS AS PLAYING A PROMINENT ROLE IN THE COVER UP. LEST ANYONE FORGET, MG HECTOR MANUAL OROSCO SEPULVEDA HAS BEEN CHILEAN AMBASSADOR IN ASUNCION SINCE MARCH 1984. WE HAVE NOT RUN INTO OROZCO RECENTLY, BUT WILL CERTAINLY REPORT ANY COMMENTS HE MAY OFFER ON THE INVESTIGATION. IF ADDRESSEES THINK WE MIGHT BE HELPFUL, PLEASE KEEP US INFORMED ON OROZCO'S INVOLVEMENT. TAYLOR

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PAGE 01 GENEVA 01315 091454Z
ACTION IO-19

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FM USMISSION GENEVA
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USINT HAVANA
AMEMBASSY MEXICO
AMEMBASSY SANTIAGO
USMISSION USUN NEW YORK

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part X In Full ____
Exemption(s) NR

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S E C R E T GENEVA 01315

FOR IO (A/S KEYES); HA (A/S SCHIFTER); AND ARA (A/S ABRAMS)

E.O. 12356: DECL: OADR
TAGS: PHUM, UNHRC
SUBJECT: 43RD UNHRC: NEGOTIATIONS ON LATIN AMERICAN ISSUES

UNCLASSIFIED

1. SECRET - ENTIRE TEXT.

2. THIS IS HRC-017.

3. CUBA:

NR

4. CHILE: WHILE WE ARE OVER THE FIRST HURDLE, PROBLEM OF ITEM 5 REMAINS. I AM AWAITING INSTRUCTIONS. ALTERNATE DELEGATE BEVERLY ZWEIBEN REPORTS ON A CONVERSATION BETWEEN THE BRAZILIANS, BELGIANS, AND IRISH

CONCERNING POSSIBILITY OF MOVING ALL MATTERS SUBJECT TO SPECIAL RAPPORTEUR TO ITEM 12 AS A MEANS OF RATIONALIZING THE AGENDA. THIS WOULD INCLUDE CHILE, OF COURSE, WITH OBVIOUS RESULTS. THIS STRIKES ME AS A POSSIBLE FINESSE OF A DIFFICULT, AND, AT THIS POINT, LOSING EFFORT, AND I WOULD LIKE TO QUIETLY ENCOURAGE THIS OUTCOME.

5. MEXICO: (

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2/10/87 EXT. 73381
ECA:PHABIB

ARA/CEN:RMELTON

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ARA:WGWALKER

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IMMEDIATE SAN SALVADOR

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DEPARTMENT OF STATE IS/FPC/CDR 8/m Date. 12-19-96
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WGW

E.O. 12356: DECL: OADR

TAGS: PREL, ES, XK

SUBJECT: SALVADORAN AMB. RIVAS GALLONT CALLS ON AMB. HABIB

1. ~~CONFIDENTIAL~~ - ENTIRE TEXT.

2. ON FEBRUARY 10, SALVADORAN AMBASSADOR RIVAS GALLONT CALLED ON AMB. HABIB TO DISCUSS THE DIPLOMATIC TRACK IN CENTRAL AMERICA. HE INFORMED HABIB THAT SALVADORAN FOREIGN MINISTER ACEVEDO HAD BOYCOTTED THE EC MEETING IN GUATEMALA ON FEBRUARY 9 BECAUSE FIRST NICARAGUA AND THEN GUATEMALA HAD REFUSED TO ACCEPT EL SALVADOR AS THE SPOKESMAN FOR THE CENTRAL AMERICAN COUNTRIES. WHILE NICARAGUA'S ACTION WAS NOT SURPRISING, GUATEMALA HAD RENEGED ON ITS PRIOR AGREEMENT TO ACCEPT EL SALVADOR.

3. RIVAS WAS CONCERNED ABOUT HOW THIS INCIDENT WOULD AFFECT THE SAN JOSE SUMMIT ON FEBRUARY 15, AS IT WOULD REINFORCE THE PERCEPTION AMONG THE OTHER THREE DEMOCRACIES THAT GUATEMALA COULD NOT BE TRUSTED. RIVAS ADDED THAT PRESIDENT CEREZO HAD AGREED TO ATTEND THE SUMMIT ONLY WITH THE UNDERSTANDING THAT HE WOULD VISIT NICARAGUA ENROUTE BACK TO GUATEMALA.

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4. RIVAS SAID THAT UNO LEADERS ARTURO CRUZ AND ALFONSO ROBELO HAD TELEPHONED HIM FROM SAN JOSE ON FRIDAY, FEBRUARY 6, TO SAY THAT THEY HAD JUST MET FOR ONE HOUR WITH PRESIDENT ARIAS AND HAD AGREED ON BEHALF OF UNO TO THE ARIAS PEACE PLAN. RIVAS SAID THAT THE PLAN HAD FOUR ELEMENTS: A CEASE-FIRE; A DIALOGUE WITH THE CIVIC OPPOSITION; DEMOCRATIC ELECTIONS; AND END OF U.S. SUPPORT FOR THE DEMOCRATIC RESISTANCE. HABIB EXPRESSED HIS SURPRISE THAT CRUZ AND ROBELO COULD ACCEPT THE PLAN AS DESCRIBED BY RIVAS; HE COULD NOT UNDERSTAND HOW THEY COULD AGREE TO A PROPOSAL WHICH WOULD NOT REQUIRE DIALOGUE BETWEEN THE SANDINISTAS AND THE RESISTANCE AND WHICH WOULD END U.S. AID TO THE RESISTANCE AT THIS STAGE. HABIB STATED THAT A CEASE-FIRE SHOULD NOT BE A PRECONDITION TO DIALOGUE; A CEASE-FIRE SHOULD BE THE PRODUCT OF NEGOTIATIONS BETWEEN THE SANDINISTAS AND THE RESISTANCE. IT WAS THEREFORE INDISPENSABLE THAT THE RESISTANCE PARTICIPATE IN THE DIALOGUE, PARTICULARLY WHEN DISCUSSING A CEASE-FIRE. RIVAS THEN ADDED THAT THE ARIAS PLAN DID INCLUDE SOME PROVISION FOR CONTACT BETWEEN THE SANDINISTAS AND THE RESISTANCE THROUGH AN INTERMEDIARY AND THE EVENTUAL INCLUSION OF THE RESISTANCE IN THE DIALOGUE. HABIB RESPONDED THAT THESE ELEMENTS HAD TO BE CAREFULLY WORDED AND THE ARIAS PLAN NEEDED TO BE IMPROVED. RIVAS ADDED THAT CRUZ AND ROBELO HAD REQUESTED THAT HE CALL PRESIDENT DUARTE TO URGE HIM TO ACCEPT THE ARIAS PLAN. RIVAS HAD CALLED DUARTE, BUT DUARTE WAS NONCOMMITTAL. HABIB ASKED RIVAS TO CONVEY HIS COMMENTS TO DUARTE AND NOTED THAT DUARTE AND AZCONA COULD PLAY A CRUCIAL ROLE AT THE SAN JOSE SUMMIT IN CONVINCING ARIAS TO STRENGTHEN HIS PLAN ALONG THE LINES SUGGESTED.

5. RIVAS STATED THAT THE CENTRAL AMERICAN DEMOCRACIES WERE FED UP WITH CONTADORA AND PARTICULARLY MEXICO'S DOMINATION OF THE PROCESS; THEY WANTED TO MOVE ON TO SOME NEW PHASE IN THE NEGOTIATIONS. HABIB RESPONDED THAT HE FULLY UNDERSTOOD THEIR FRUSTRATION WITH CONTADORA BUT POINTED OUT THAT CONTADORA STILL COULD BE OF VALUE BECAUSE IT ADDRESSED THE FULL RANGE OF POLITICAL, SECURITY, AND MILITARY ISSUES WHICH NEEDED TO BE DEALT WITH. WHILE MEXICO'S ABILITY TO TILT THE PROCESS IN FAVOR OF NICARAGUA WAS A DIFFICULT PROBLEM, THE OTHER CONTADORA MEMBERS WERE MORE MODERATE AND WERE BEGINNING TO PAY MORE ATTENTION TO THE CENTRAL AMERICAN DEMOCRACIES. THE SUPPORT OF THESE MAJOR LATIN STATES FOR ANY AGREEMENT WAS IMPORTANT, AND IT WOULD NOT BE WISE TO ALIENATE THEM. WHILE THE CENTRAL AMERICANS SHOULD PROCEED AT FULL SPEED WITH THEIR OWN DIPLOMATIC ACTIVITY, THEY SHOULD NOT SEEK TO BURY CONTADORA WHILE IT STILL WAS USEFUL. HABIB NOTED THAT DUARTE HAD NEVER ADVOCATED THE END OF CONTADORA. RIVAS AGREED THAT DESPITE THEIR MISGIVINGS ABOUT CONTADORA, NONE OF THE CENTRAL AMERICANS WANTED TO KILL IT. 44

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EMBASSY OF THE
UNITED STATES OF AMERICA

Santiago, Chile

10 de febrero de 1987

Señor
Ricardo Martin Díaz
Presidente
Comisión Asesora de Derechos Humanos
Teatinos 251, Of. 501
Santiago

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____

Estimado señor Martin:

Me permito hacer referencia a la visita del Consejero Político de esta Embajada, señor John Keane, a vuestras oficinas en el día de hoy en que presentó para la consideración de la Comisión Asesora de Derechos Humanos los nombres de los siguientes ciudadanos chilenos quienes aparecen actualmente en la lista de personas a quienes se les prohibe regresar a Chile.

- Jorge Arrate
- Aniceto Rodríguez
- José Miguel Insulza
- Eric Schnacke
- Carmen Lazo

El Gobierno de los Estados Unidos ha expresado su interés en estos casos y me ha solicitado atraer vuestra atención hacia ellos. Tenemos entendido, a través de conversaciones con varios distinguidos ciudadanos chilenos de innegable orientación democrática que las personas arriba indicadas no son terroristas ni constituirían, de ningún modo, una amenaza para la seguridad de Chile en el caso que sus nombres fueran borrados de la lista de individuos que tienen prohibición de entrar al país.

En espera de su grata acogida a la presente, le saluda muy cordialmente,

George F. Jones
Encargado de Negocios, a.i.

[illegible], abogado, candidato a Dr. en Economía en la Universidad de Harvard (EE.UU.), actualmente Director del Instituto para el Nuevo Chile, con sede en Rotterdam, Holanda. Autor de diversas publicaciones, entre las que destaca su más reciente libro "La Fuerza Democrática de la Idea Socialista".

- Eric Schnacke, abogado, ex-senador y actual miembro del Gabinete de la Presidencia de la Autonomía de Madrid, España.

- Carmen Lazo, ex-diputada socialista de prolongada trayectoria, también exiliada en Venezuela.

Jose Miguel Insulza (Insulza and Insunza are different, unrelated names). He is a lawyer, 43, and specialist in international affairs. He is a Professor at the Instituto de Estudios de los Estados Unidos of CIDA, the Centro de Investigaciones Y Docencia Economica of Mexico. Actually, he may become the next Director of the Center. Jose Miguel is well-known as a Latin American scholar with a strong expertise on the United States. His daughter Francisca Valeria Insulza, 15-years old, is actually an American citizen and I understand she lives in Washington, D.C. Jose Miguel studied in an American high school, St. George's which, as you know, is related to Notre Dame University. He received his master degree at the University of Michigan. Before the present government took over in 1973, Jose Miguel was one regular participant in the famous TV program "A Esta Hora se Improvisa", in Chile. In the course of that program, as he had to debate Jaime Guzman every week, he and Jaime developed quite a cordial entente. Jaime Guzman has been interceding on his behalf but so far with no visible results. Jose Miguel was allowed temporary entry in Chile at the same time I was there in January this year. During his stay there, Jaime Guzman and others intensified their efforts on behalf of Jose Miguel to the point that he thought permission for him to return to Chile was imminent. It turned out not to be the case and actually his brother in Chile received a letter from the government last month saying that "for the time being" Jose Miguel's request could not be accepted.

Aniceto Rodriguez is currently in Venezuela. A former Secretary-General of the Socialist Party, he was a Senator during the Popular Unity government. He was arrested shortly after the coup and sent to Dawson Island for four months. He later went to Venezuela voluntarily and was told he could not return to Chile. Was viewed in 1970-73 period as one of the more moderate Socialist leaders. A former rival of Allendes for party leadership.

- JORGE AREATE, abogado, candidato a Dr. en Economía en la Universidad de Harvard (EE.UU.), actualmente Director del Instituto para el Nuevo Chile, con sede en Rotterdam, Holanda. Autor de diversas publicaciones, entre las que destaca su más reciente libro "La Fuerza Democrática de la Idea Socialista".

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Chile Project (#S19990030)
U.S. Department of State
Release X Excise Deny
Declassify: In Part In Full X
Exemption(s)

E.O. 12356: DECL:OADR
TAGS: PTER, CI
SUBJ: LETELIER CASE

DECAPTIONED

REF: SANTIAGO 00879

1. SECRET - ENTIRE TEXT.

2. SUMMARY. INTERIOR MINISTER AND ACTING FOREIGN MINISTER CALLED IN CHARGE AND REITERATED THEIR BASIC MESSAGE OF LAST THURSDAY, THAT THE ONLY VIABLE AVENUES FOR ADDRESSING THE LETELIER CASE WERE (A) EXTRADITION, WHICH USG IS FREE TO PURSUE, AND (B) THE CHILEAN MILITARY COURT INVESTIGATION INTO CHARGES OF HOMOCIDE AND PASSPORT FRAUD, IN WHICH LETELIER'S FAMILY CAN SUBMIT THE NEW EVIDENCE PROVIDED BY FERNANDEZ LARIOS. CHARGE SAID HIS PERSONAL CONCERN WAS THAT NEITHER OF THESE AVENUES INVOLVED THE GOC IN ANY WAY, AND THAT GOC WOULD BE PERCEIVED IN THE U.S. AS HAVING DONE NOTHING IN RESPONSE TO FERNANDEZ' EXTREMELY SERIOUS CHARGES AND USG REQUEST FOR GOC COOPERATION. END SUMMARY.

3. INTERIOR MINISTER GARCIA AND ACTING FOREIGN MINISTER COVARRUBIAS CALLED IN CHARGE FEBRUARY 18 TO CONTINUE OUR DIALOGUE ON THE LETELIER CASE. GARCIA DID ALMOST ALL THE TALKING. HE SAID THAT AS A RESULT OF FURTHER CONSIDERATION WITHIN THE GOC, IT WAS EVEN MORE CLEAR TO THEM THAN AT THE TIME OF THEIR LAST CONVERSATION WITH THE AMBASSADOR (REFTEL), THERE WERE TWO VIABLE ROUTES FOR PROGRESS ON THE CASE. FIRST, THERE WAS EXTRADITION. HE HAD NOTED ON THURSDAY THAT SOME CHILEAN LEGAL SCHOLARS HAD BEEN QUOTED AS SAYING THIS WAS OUT OF THE QUESTION, AND OTHERS HAD BEEN QUOTED IN THE DAYS SINCE THEN. NEVERTHELESS, HE HIMSELF THOUGHT THE QUESTION WAS ARGUABLE AND, IN ANY EVENT, THIS AVENUE WAS ALWAYS OPEN TO THE USG.

4. SECOND, THERE IS THE ONGOING LEGAL CASE IN THE CHILEAN MILITARY COURTS, IN WHICH CONTRERAS AND ESPINOSA ARE ACCUSED OF HOMOCIDE AND PASSPORT FRAUD. THE LOWER COURT JUDGE LAST OCTOBER DECREED THE PERMANENT CLOSING OF THE CASE AND DISMISSAL OF THE CHARGES. THIS DECISION WAS NOW BEFORE THE CORTE MARCIAL (SUPERIOR MILITARY COURT) FOR REVIEW. THE "AFFECTED PARTY" (THE LETELIER FAMILY WHO BROUGHT THE CHARGES) CAN SUBMIT COPIES OF THE DOCUMENTS SUBMITTED TO THE U.S. COURT, AS NEW ELEMENTS IN THE CORTE MARCIAL'S CONSIDERATION OF THE CASE. HE HOPED THAT THIS WOULD BE DONE AT THE EARLIEST POSSIBLE DATE.

5. CHARGE TOLD THEM OF THE VISIT MADE THE PREVIOUS DAY BY ORLANDO LETELIER'S SISTER AND SON TO THE EMBASSY'S POLITICAL COUNSELOR (SEPTEL), IN WHICH THEY REQUESTED OUR ASSISTANCE IN OBTAINING PROPERLY LEGALIZED COPIES OF THE U.S. COURT DOCUMENTS SO THAT THEY COULD SUBMIT THEM TO THE CORTE MARCIAL. WE TOLD THEM WE WOULD PROVIDE EVERY APPROPRIATE ASSISTANCE, BUT NEEDED TO KNOW THE PRECISE FORMAT AND PROCEDURE THAT WOULD MAKE THE DOCUMENTS ACCEPTABLE TO THE CHILEAN COURT. WE WERE ANXIOUS NOT TO COMMIT A PROCEDURAL ERROR WHICH WOULD LEAD TO THE DOCUMENTS' REJECTION. THE FAMILY REPRESENTATIVES PROMISED TO INFORM THEMSELVES ON THE EXACT FORMAT AND GET BACK TO US. GARCIA INTERJECTED THAT HE THOUGHT THE DOCUMENTS COULD BE SUBMITTED TO THE COURT EVEN IF THEY WERE NOT LEGALIZED, WITH PROMISE THAT PROPERLY CERTIFIED DOCUMENTS WOULD FOLLOW. (COMMENT: TEMPTATION TO PASS THIS ON TO THE LETELIERS IS GREAT) BUT IF THEY ACT ON EMBASSY'S ADVICE AND DOCUMENTS ARE THEN REJECTED BY THE CORTE MARCIAL, RESPONSIBILITY WOULD BE OURS. EMBASSY THEREFORE PLANS NOT TO TRY TO TELL THE LETELIERS WHAT TO DO, BUT RATHER TO LEND EVERY COOPERATION TO WHAT THEY TELL US THEY NEED.) CHARGE ASKED WHETHER, GIVEN THIS COMMENDABLE INTEREST IN MOVING MATTERS FORWARD, GOC COULD NOT INSTRUCT ITS EMBASSY IN WASHINGTON, WHICH UNDOUBTEDLY HAS ALL THE RELEVANT DOCUMENTS, TO INITIATE THE LEGALIZATION PROCESS. COVARRUBIAS SAID THE FOREIGN MINISTRY WAS LOOKING INTO THAT POSSIBILITY. CHARGE SAID HE WAS SURE THAT USG WOULD PROVIDE THE MOST EXPEDITIOUS HANDLING TO ANY REQUEST IT MIGHT RECEIVE FOR LEGALIZATION OF THE COURT DOCUMENTS.

6. CHARGE SAID HE WOULD THEN LIKE TO EXPRESS A PERSONAL CONCERN. HE STRESSED THAT THE ONLY INSTRUCTIONS WE HAD RECEIVED WERE THOSE THE AMBASSADOR HAD CONVEYED TO GARCIA ON FEBRUARY 3, BUT HE KNEW THAT THE AMBASSADOR HAD THE SAME CONCERN, THAT IF THE ONLY ACTIONS IN THIS CASE ARE THOSE TAKEN BY THE USG, THE LETELIER FAMILY, OR EVENTUALLY THE CHILEAN COURTS, THE PERCEPTION IN THE UNITED STATES -- IN THE EXECUTIVE BRANCH, IN THE CONGRESS AND IN THE PUBLIC -- WOULD BE THAT THE GOVERNMENT OF CHILE WAS TAKING NO ACTION AT ALL, AND THEREFORE HAD NO INTEREST IN BRINGING THOSE RESPONSIBLE FOR THE MURDER OF LETELIER TO JUSTICE. WE NOTED THE INTEREST AND THE COMMITMENT TO "APPROPRIATE COOPERATION" EXPRESSED IN THE FOREIGN MINISTRY SPOKESMAN'S STATEMENT AND WE WERE CONSCIOUS OF THE INTEREST THAT HAD BEEN EXPRESSED IN THESE PRIVATE CONVERSATIONS WITH THE TWO MINISTERS. BUT THERE WAS A LIMIT TO HOW MUCH WE COULD SAY ABOUT PRIVATE CONVERSATIONS PUBLICLY, AND EVEN IF WE SAID THAT THE MINISTERS HAD EXPRESSED TO US THEIR INTEREST AND DESIRE TO ADVANCE THE CAUSE OF JUSTICE, WE WOULD IMMEDIATELY BE ASKED WHAT HAS THE GOC DONE TO TRANSLATE THAT INTEREST INTO ACTION. IT WAS WITH THAT CONCERN IN MIND THAT THE AMBASSADOR HAD PUT FORWARD THREE PERSONAL IDEAS IN HIS FIRST CONVERSATION WITH GARCIA, NAMELY, THE RENEWAL AND IF POSSIBLE EXPANSION OF THE MONTERO-SILBERT AGREEMENT; THE APPOINTMENT OF A GOC OFFICIAL TO COORDINATE GOC ACTION ON THE CASE, AND THE APPOINTMENT OF A SPECIAL PROSECUTOR. PERHAPS NONE OF THESE IDEAS WAS FEASIBLE IN THE CHILEAN SYSTEM; BUT WE HAD HOPED THAT THEY WOULD STIMULATE GOC THINKING ABOUT WHAT IT COULD DO TO BRING THOSE RESPONSIBLE FOR LETELIER'S MURDER TO JUSTICE.

7. GARCIA IMMEDIATELY ASSURED THE CHARGE THAT ALL OF THESE IDEAS WERE STILL UNDER STUDY, AND HE LOOKED SPECIFICALLY TO COVARRUBIAS FOR CONFIRMATION THAT RENEWAL OF THE SILBERT AGREEMENT WAS BEING STUDIED. COVARRUBIAS AGREED. HE HOPED THAT THE EMBASSY HAD MADE CLEAR IN ITS REPORTS ON THE PREVIOUS CONVERSATIONS, AND WOULD MAKE CLEAR ON THIS ONE, THAT GOC WAS HIGHLY INTERESTED IN BEING JUST AS COOPERATIVE ON THIS CASE AS IT LEGALLY AND CONSTITUTIONALLY COULD BE.

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8. COMMENT. GARCIA, AT LEAST, SEEMED TO TAKE THE POINT THAT THIS WAS A POLITICAL AS WELL AS A LEGAL MATTER, AND THAT WE WOULD BE LOOKING TO SEE WHAT THE GOC WAS PREPARED TO DO, AS WELL AS THE CHILEAN JUDICIARY. IT WAS ALSO CLEAR, HOWEVER, THAT THERE WAS NOTHING FURTHER THAT THEIR INSTRUCTIONS PERMITTED THEM TO SAY.
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FBI WASHDC

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DEPARTMENT FOR DEPUTY LEGAL ADVISOR KOZAK; FBI FOR PIMENTAL

E.O. 12356: DECL: OADR
TAGS: PREL, PHUM, CVIS, CI
SUBJECT: LETELIER CASE: UPDATE ON SITUATION OF ARTURO FERNANDEZ LARIOS

REF: (A) SANTIAGO 951

1. ~~CONFIDENTIAL~~ - ENTIRE TEXT.

2. ARTURO FERNANDEZ LARIOS CALLED ON POLCOUNSELOR FEBRUARY 10 AFTER HIS VISIT TO THE CARABINEROS AND THE MINISTRY OF INTERIOR, WHERE HE WAS RECEIVED BY THE MINISTER'S CHIEF OF CABINET, FERNANDO CANAS. CARABINEROS TOOK COPIOUS NOTES AND ASKED HIM MANY QUESTIONS ABOUT THE CARS THAT ARE FOLLOWING HIM AND THE PHONE CALLS AT HIS HOME. CANAS ASKED A FEW QUESTIONS BUT WAS "UNPERTURBED" REGARDING THE TAIL ON FERNANDEZ, COMMENTING THAT "SURVEILLANCE OF PEOPLE IN THESE KINDS OF SITUATIONS IS THE NORM." FERNANDEZ SAID HE HAS THE IMPRESSION THAT CANAS EITHER KNEW IN ADVANCE ABOUT HIS BEING FOLLOWED OR ~~CONFIDENTIAL~~

Chile Project (#S199900030)
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PAGE 02 SANTIA 01044 121430Z

WAS SO USED TO LEARNING OF CASES OF TAILS ON PEOPLE INVOLVED IN SENSITIVE CASES THAT HE TAKES IT FOR GRANTED AND DOES NOT EVEN BOTHER TO SHOW MUCH INTEREST. CANAS ASKED FERNANDEZ TO SEND MINISTER OF INTERIOR GARCIA A LETTER DESCRIBING HIS PROBLEM. HE ALSO SAID THAT IF FERNANDEZ

REQUESTED PROTECTION THEY WOULD CONSIDER IT. FERNANDEZ SAID HE WOULD SEND THE LETTER BUT HE IS NOT THINKING OF REQUESTING PROTECTION BECAUSE HE DOES NOT WANT THE SECURITY SERVICE TO KNOW ALL HIS MOVEMENTS.

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3. ARTURO FERNANDEZ ALSO REVEALED FOR THE FIRST TIME THE FULL IDENTITY OF THE MAN WORKING WITH CONTRERAS WHO HAS BEEN TRYING TO CONTACT HIM (REFTEL). HE IS MANUEL PALACIOS, DESCRIBED BY FERNANDEZ AS CONTRERAS' PERSONAL ASSISTANT ("SECRETARIO") AND A MAN WHO HAS WORKED BY CONTRERAS' SIDE SINCE JUST AFTER THE 1973 COUP. PALACIOS IS MARRIED TO THE COUSIN OF FERNANDEZ' HALF-BROTHER, BUT THEY HARDLY KNOW EACH OTHER AND THE LAST TIME FERNANDEZ SAW HIM WAS SEVERAL YEARS AGO. PALACIOS HAS CONTACTED FERNANDEZ' HALF-BROTHER FOUR TIMES IN THE LAST WEEK ASKING WHERE HE CAN FIND FERNANDEZ.

-

4. ON FEBRUARY 11 FERNANDEZ RETURNED TO EMBASSY TO PICK UP HIS PASSPORT WITH RENOVATED VISA. HE ADVISED POLCOUNSELOR THAT HE IS STILL BEING FOLLOWED AND RECEIVED ANOTHER ANONYMOUS PHONE CALL INSISTING THAT HE TELL THE PRESS THAT HIS BROTHER ARMANDO IS INSANE AND IS ON DRUGS. ARTURO IS NOW SCARED AND ASKED WHAT HIS SITUATION WOULD BE IF HE DECIDES TO LEAVE CHILE FOR THE U.S., TEMPORARILY CONFIDENTIAL

CONFIDENTIAL

PAGE 03 SANTIA 01044 121430Z

OR FOR A LONG PERIOD. HE SAID HIS SISTER IN NEW YORK HAD PROMISED TO HELP HIM IF HE DECIDED TO VISIT HER. HE ADDED THAT HE HAS ENOUGH MONEY TO LIVE FOR A WHILE WITHOUT INCOME, SAY A FEW MONTHS, BUT EVENTUALLY WOULD NEED TO LAND A JOB. POLCOUNSELOR REPLIED THAT HIS VISA PERMITS HIM TO VISIT AS A TOURIST, BUT IF HE WANTED TO WORK HE WOULD HAVE TO REQUEST STATUS AS A REFUGEE. A DETERMINATION ON HIS STATUS WOULD HAVE TO BE MADE BY INS AND IT WAS IMPOSSIBLE TO PREDICT WHAT THE OUTCOME WOULD BE. POLCOUNSELOR SAID HIS PERSONAL IMPRESSION WAS THAT A FAVORABLE DECISION WAS POSSIBLE, BUT HE COULD OFFER NO ASSURANCES AND WOULD ASK THE DEPARTMENT IF IT COULD OFFER ANY ADVICE.

-

5. WE WOULD APPRECIATE ANY COMMENTS FROM DEPARTMENT THAT FERNANDEZ MIGHT WANT TO CONSIDER IN MAKING HIS DECISION. WHILE THE TAIL ON ARTURO FERNANDEZ AND THE PHONE CALLS MAY BE NO MORE OMINOUS THAN AN EFFORT AT THIS STAGE TO

UNCLASSIFIED

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n/a

INTIMIDATE HIM INTO DISCREDITING ARMANDO, WITHOUT PLANS FOR VIOLENCE AGAINST HIM, ONE CANNOT BE CERTAIN TO WHAT LENGTHS HIS TORMENTORS MIGHT GO, AND WE CONSIDER THE ATTEMPTS BY PALACIOS TO LOCATE FERNANDEZ PARTICULARLY DISTURBING.
JONES

~~CONFIDENTIAL~~

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n/a

Declassified/Released
by Department of State
Date: 2007
Exemption(s) B6

LM065
P B6
75

United States Senate

WASHINGTON, D.C. 20510

March 9, 1987

EXCISE

ACTION
LETTER

Mr. J. Edward Fox
Assistant Secretary for
Legislative and Intergovernmental Affairs
U.S. Department of State
2201 C Street
Washington, D.C. 20520

Dear Mr. Fox:

I recently received the enclosed constituent inquiry, and I would very much appreciate your providing me with any pertinent information you might have regarding the matter, or any assistance you might be able to give in routing it to the proper authorities.

Your kind consideration is greatly appreciated.

Sincerely,

Lloyd Bentsen

Lloyd Bentsen

Enclosure

PLEASE REPLY TO:

961 Federal Building
Austin, Texas 78701
ATTN: Lauren Riggin

RECEIVED BY
DEPARTMENT OF STATE
1987 MAR 13 PM 12:40
FAIM/IAP/WI

Re: Concern about the current situation in Chile, repression, terror and torture of its people

fr: [illegible]

UNCLASSIFIED

OUT
1987 MAR 13 PM 2:41

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PAGE 01 GENEVA 02827 01 OF 02 091941Z
ACTION IO-19

INFO	LOG-00	COPY-01	ADS-00	INR-10	EUR-00	SS-00	AF-00
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O 091837Z MAR 87
FM USMISSION GENEVA
TO SECSTATE WASHDC IMMEDIATE 6857
INFO AMEMBASSY SANTIAGO IMMEDIATE
AMEMBASSY MEXICO IMMEDIATE

Chile Project (#S199900030)
U.S. Department of State
Release X Excise Deny
Declassify: In Part In Full X
Exemption(s)

~~C O N F I D E N T I A L~~ SECTION 01 OF 02 GENEVA 02827

DEPT FOR P/ARMACOST; IO A/S KEYES; ARA A/S ABRAMS;
HA A/S SCHIFTER

DEPT ALSO PASS TO NSC JOSE SORZANO

E.O. 12356: DECL: OADR
TAGS: PHUM, UNHRC, CI
SUBJECT: 43RD UNHRC: CHILEAN AMB CALDERON MEETING WITH
AMB WILLIAMSON, MARCH 9, 1987

1. ~~CONFIDENTIAL~~ - ENTIRE TEXT. THIS IS HRC-341.

2. SUMMARY: AMBASSADOR WILLIAMSON AND USDELOFF ATKINS MET WITH CHILEAN AMBASSADOR CALDERON AT CALDERON'S REQUEST. CALDERON SAID ALTHOUGH THE MEXICAN TEXT WAS IMPROVED IT WAS UNACCEPTABLE TO HIS GOVERNMENT. CALDERON SAID HIS GOVERNMENT WAS WATCHING THE DEVELOPMENTS CLOSELY AND SOME WITHIN THE GOC WERE CONSIDERING THE USEFULNESS OF FURTHER COOPERATION WITH THE SPECIAL RAPPORTEUR. AMBASSADOR WILLIAMSON SAID THE U.S. REMAINED CONCERNED ABOUT HUMAN RIGHTS IN CHILE AND SEEKS REAL IMPROVEMENT OF THE SITUATION THERE.
~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 02 GENEVA 02827 01 OF 02 091941Z

AMBASSADOR WILLIAMSON SAID IF FURTHER NEGOTIATIONS WERE NOT SUCCESSFUL REGARDING MENTION OF PINOCHET ASSASSINATION ATTEMPT AND ITEM FIVE, THE USDEL WILL TABLE ITS OWN RESOLUTION. END SUMMARY.

3. CHILEAN AMBASSADOR CALDERON APPROACHED USDEL ATKINS

MONDAY A.M., MARCH 9. CALDERON ASKED TO MEET WITH AMBASSADOR WILLIAMSON REGARDING POSSIBLE UNHRC RESOLUTIONS ON CHILE.

4. WILLIAMSON AND USDEL MET WITH CALDERON A.M., MARCH 9.

5. CALDERON RAISED CHILE'S SERIOUS CONCERNS ABOUT THE MEXICAN RESOLUTION ON CHILE. HE SAID THAT GOC HAS MADE EXTENSIVE EFFORTS TO COOPERATE WITH THE UNHRC AND ITS AGENTS. CALDERON SAID THAT MANY IN HIS GOVERNMENT QUESTION WHETHER THIS IS THE PROPER COURSE. SOME IN SANTIAGO HAVE GREAT CONCERN ABOUT THE CONTINUING DISCRIMINATION AGAINST CHILE IN THE UNHRC. THEY QUESTION WHETHER CONTINUED COOPERATION WITH UNHRC IS IN CHILE'S INTEREST. THE ALTERNATIVE, HE SUGGESTED, IS TO CHANGE TO AN OBSTRUCTIONIST COURSE IN DEALING WITH UNHRC. CALDERON SAID THAT MANY OF HIS COLLEAGUES IN SANTIAGO ARE WATCHING THE RESULTS OF THE 43RD SESSION OF THE UNHRC WITH GREAT ATTENTIVENESS TO SEE WHETHER THERE WOULD BE A BALANCED APPROACH TO CHILE.

6. CALDERON MADE CLEAR THAT HE FEELS CONTINUED COOPERATION WITH UNHRC IS IMPORTANT BUT THAT "OTHERS" WERE NOT REPEAT NOT SURE.

7. CALDERON THEN SAID THAT HE FELT THE MEXICAN TEXT REMAINED EXTREMELY UNBALANCED; FAILED TO CREDIT THE CONFIDENTIAL

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PAGE 03 GENEVA 02827 01 OF 02 091941Z

POSITIVE STEPS TAKEN; FAILED PROPERLY TO TAKE NOTE OF THE ASSASSINATION ATTEMPT AGAINST CHILEAN PRESIDENT; FAILED TO DISCUSS THE ELEMENT OF TERRORISM.

8. CALDERON WENT ON TO EXPRESS DEEP APPRECIATION TO USG FOR ITS EFFORTS TO ACHIEVE REVISIONS IN THE ORIGINAL MEXICAN TEXT THAT WOULD MAKE IT A SOMEWHAT MORE BALANCED TEXT, AND, THEREFORE, HE SAID, A TEXT MORE HELPFUL FOR THE CAUSE OF HUMAN RIGHTS.

9. CALDERON WENT ON TO ACKNOWLEDGE THAT AS A RESULT OF THESE USG EFFORTS, THE NEGOTIATIONS HAVE RESULTED IN A MEXICAN TEXT THAT IS SIGNIFICANTLY IMPROVED, LESS UNBALANCED, BUT STILL UNACCEPTABLE.

10. WILLIAMSON THANKED CALDERON FOR HIS CANDID COMMENTS.

11. WILLIAMSON SAID THAT IT MUST BE PERFECTLY CLEAR THAT THE USG HAS A DEEP CONCERN AND DEEP COMMITMENT TO

THE PRINCIPLES OF HUMAN RIGHTS EVERYWHERE. THE USG WANTS A STRONG EFFECTIVE UNHRC WHICH WILL VIGOROUSLY ENCOURAGE THE IMPROVEMENT OF HUMAN RIGHTS. WHILE THE USG WANTS A BALANCED TEXT, THERE SHOULD BE NO REPEAT NO CONFUSION THAT THE USG REMAINS CONCERNED ABOUT HUMAN RIGHTS IN CHILE AND SEEKS REAL IMPROVEMENTS OF THE SITUATION THERE.

12. *CALDERON SAID THAT THE USG'S FIRM POSITION ON HUMAN* RIGHTS WAS PERFECTLY CLEAR.

13. *WILLIAMSON NOTED THAT THE USG BELIEVES THAT THE* ORGANIZATIONS SUCH AS THE UNHRC ARE MOST EFFECTIVE IF THEY HAVE A RECORD AND ADOPT RESOLUTIONS THAT ARE BALANCED, NONDISCRIMINATORY AND FAIR. DOUBLE STANDARDS

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PAGE 04 GENEVA 02827 01 OF 02 091941Z

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PAGE 01 GENEVA 02827 02 OF 02 091941Z
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	SSO-00	HA-09	L-03	PM-10	EAP-00	PA-01	*OMB-01*
	INRE-00	USIE-00	SP-02	SNP-01	PRS-01	/065 W	

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O 091837Z MAR 87
FM USMISSION GENEVA
TO SECSTATE WASHDC IMMEDIATE 6858
INFO AMEMBASSY SANTIAGO IMMEDIATE
AMEMBASSY MEXICO IMMEDIATE

~~C O N F I D E N T I A L SECTI~~ON 02 OF 02 GENEVA 02827

DEPT FOR P/ARMACOST; IO A/S KEYES; ARA A/S ABRAMS;
HA A/S SCHIFTER

DEPT ALSO PASS TO NSC JOSE SORZANO

E.O. 12356: DECL: OADR
TAGS: PHUM, UNHRC, CI
SUBJECT: 43RD UNHRC: CHILEAN AMB CALDERON MEETING WITH

UNDERMINE THE ENTIRE ORGANIZATION. THEREFORE, USDEL HAS WORKED AND CONTINUES TO WORK FOR APPROPRIATE REVISIONS IN THE MEXICAN TEXT AND ELIMINATION OF A SEPARATE ITEM 5 ON THE AGENDA.

14. WILLIAMSON TOLD CALDERON THAT IF NEGOTIATIONS FOR FURTHER REVISIONS ARE NOT FULLY SUCCESSFUL, THE USDEL WOULD GO AHEAD AND TABLE ITS OWN RESOLUTIONS ON THE CHILE ISSUE.

15. THE MEETING CONCLUDED WITH WILLIAMSON REITERATING THE USG COMMITMENT TO HUMAN RIGHTS, THE NEED FOR FURTHER REFORM IN CHILE ON HUMAN RIGHTS, AND THE USDEL CONFIDENTIAL

~~CONFIDENTIAL~~

PAGE 02 GENEVA 02827 02 OF 02 091941Z

COMMITMENT TO CONTINUE TO WORK FOR A FAIR, BALANCED RESOLUTION -- AND, FAILING THAT, THE INTENT OF THE USDEL TO TABLE ITS OWN CHILE RESOLUTION. FLACK

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3-13-87

United States Department of State

Chile Project (#S199900030)
U.S. Department of State Washington, D.C. · 20520
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

Rec'd 3-16-87

NH0944A.

SECRET
MEMORANDUM

TO: S/PPR - ARA Inspectors

MAR 10 1987

FROM: ARA/SC - Richard B. Howard

SUBJECT: Program Inspection of ARA

The Office of Southern Cone Affairs has primary action responsibility for the conduct of US relations with Argentina, Chile, Paraguay, and Uruguay. We interact daily with and are under the immediate supervision of Deputy Assistant Secretary for South America Gelbard.

We deal with two countries which have recently returned to democracy after periods of harsh military rule, Argentina and Uruguay, and two authoritarian, non-democratic military governments, Chile and Paraguay. We enjoy good relations with Argentina and Uruguay, while our current relations with Chile and Paraguay are cool and difficult.

The Administration's emphasis on democracy and human rights in Latin America, as applied to the SC countries, was demonstrated most notably by the successful state visits of the Argentine and Uruguayan presidents in 1985 and 1986. Through such visits and other actions we are trying to assist those countries to consolidate their recently re-established democratic forms of government. These efforts include attempts to enhance relations with the military services of the two countries, though in Argentina we are hampered by effective British opposition to the transfer of combat aircraft and some other military materiel and the lack of an IMET program (the latter of which we are trying to remedy through legislation), and in Uruguay we have up to now been unable to obtain a MAP allocation. On the economic front, the international debt issue looms large. Most bilateral economic issues with the two countries involve trade, and are not easily resolved in this period of record US trade deficits. On multilateral political issues in the UN and other international bodies, Argentina and Uruguay are more moderate than other Latin American countries such as Mexico and Peru, but still often do not support us on key issues.

In Chile and Paraguay, septugenarian Presidents (and Generals) Pinochet and Stroessner appear to want to perpetuate their authoritarian regimes until they die, and very serious human rights abuses abound, though the histories and political cultures of the two countries differ markedly. The

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DECL: OADR

Administration's emphasis on democracy and human rights, particularly during the tenure in ARA of Assistant Secretary Abrams and the tours of two able, activist career chiefs of mission, has inevitably led to our current strained relations, but hopefully to the long-term benefit of US interests. The "long term" will probably be longer in Paraguay than in Chile, since the former lacks the democratic tradition and relatively strong opposition political parties of the latter. While opposing many of the policies and actions of these regimes, we are nevertheless attempting to enhance our ties with the military forces, since they will necessarily play pivotal roles in any democratic transitions. In the case of Chile, we are hampered by a legal prohibition on IMET. On the economic front, we are impressed by Chile's responsible policies as it copes with its large foreign debt, whereas we have tried through the MDBs to ameliorate the effects of the GOP's egregious economic mismanagement. We advocate improved human rights performance of the two in international fora, but nevertheless generally enjoy more support on political issues than from Argentina and Uruguay. Relations with Paraguay are now at a particularly low point because of an unsatisfactory GOP response to our protest over the February 9 teargassing of Ambassador Taylor and others by GOP security forces.

There are major areas of disagreement within the Department and the Administration on two issues affecting Argentina and Chile--whether to authorize the transfer of A-4 aircraft to Argentina in the face of UK opposition, and how hard to push for a democratic transition and human rights progress in Chile in international fora. These issues have been vetted as high as the cabinet and NSC levels at various times over the past few years. At lower levels, we have also encountered opposition within and outside the Department to taking measures in the civil aviation and trade fields beneficial to Uruguay and to allocating scarce MAP resources to that country. There appears to be general concensus in the government on our policy toward Paraguay.

Policy toward Chile is also a contentious issue among the American public and in the Congress, which is reflected in our heavy volume of public and congressional correspondence on that country and in occasional congressional hearings. Hill liberals are today publicly introducing proposed economic sanctions legislation on Chile, which the Administration opposes, and there is the possibility that some in Congress may attempt to include Paraguay in such legislation.

For more detail, please see the four enclosed memoranda dated January 5, 1987 prepared for the Inspectors currently in the SC area in the field, which include the Secretary's letters of instruction and goals and objectives workplans. Also

enclosed are the current post reporting plans and our contact lists. NSC papers, important State and CIA assessments, and state visit briefing books are available in a file drawer designated for the inspectors in ARA/SC.

Enclosures: Separate Memoranda for the Inspectors on Argentina, Chile, Paraguay, and Uruguay dated January 5, 1987
1987 Post Reporting Plans for Embassies Buenos Aires, Santiago, Asuncion, and Montevideo
Contact Lists

ARA/SC:DWCox
3/10/87

LA SITUACION ACTUAL DE LOS DERECHOS HUMANOS

EN CHILE

por

MAXIMO PACHECO G., Vice Presidente de la Comisión Chilena de Derechos Humanos (Bolonia - 13 de marzo de 1987).

1.- La situación actual de los derechos humanos en Chile es consecuencia de un proceso que se ha desarrollado por trece años y medio, durante los cuales las violaciones a los derechos humanos han sido realizadas como una forma de establecer un nuevo orden cultural, social, político y económico que, expresando la ideología del estado de seguridad nacional, aspira a refundar nuestra sociedad, olvidando nuestra fisonomía histórica, cultura, tradiciones y costumbres libertarias y democráticas.

2.- Manifestación de ésto es la subsistencia de un orden constitucional que no consulta la voluntad popular libremente expresada y que niega o restringe el libre ejercicio de los derechos civiles, políticos, económicos, sociales y culturales, mediante el mantenimiento de poderes ejecutivos arbitrarios.

3.- El Gobierno ha continuado negando las aspiraciones y reivindicaciones de los distintos sectores sociales y partidos políticos y aplicando leyes que establecen restricciones sociales, ilicitudes políticas o prácticas gubernamentales de hostilidad, todo lo cual ha impedido el desarrollo de un proceso de concertación social y político para una rápida transición a la democracia.

4.- El Gobierno ha continuado rechazando iniciativas que conduzcan a una estructura jurídica y política basada en la soberanía popular, expresada mediante elecciones directas de los gobernantes, en procesos electorales libres, informados y en igualdad de condiciones para todos, en pleno ejercicio de los derechos legales que son fundamentales para la plena observancia de los derechos humanos en Chile.

5.- Existe una sistemática renuencia de parte del Gobierno de Chile a respetar los derechos humanos y restablecer el Estado de Derecho de conformidad con la Declaración Universal de Derechos Humanos, que son esenciales para el efectivo disfrute y ejercicio de los derechos humanos y libertades fundamentales y que responden a la mejor tradición democrática de Chile.

6.- El agravamiento en 1986 de la ya deteriorada situación de los derechos humanos del año anterior, se manifestó por la persistencia de graves violaciones tales como asesinatos, muertos en supuestos enfrentamientos, secuestros, desapariciones temporales, torturas y malos tratos que son imputables o hay fuertes indicios que sólo pudieron ser cometidos por fuerzas militares o grupos que actúan en favor del Gobierno. Esta situación general afectó el 31 de diciembre de 1986, inclusive, al Comité Intergubernamental de Migraciones (C.I.M.) con sede en Ginebra, a su personal internacional, a su local y a la seguridad de sus labores humanitarias.

7.- Ha continuado la persistente lesión, a los derechos civiles y políticos, tanto individuales como colectivos, en particular el derecho a la vida y a la libre determinación del pueblo. Por vías admistrativas y judicial, se ha intentado acallar y desmovilizar a las organizaciones sociales, estudiantiles y políticas de oposición mediante la aplicación de nuevos métodos represivos y la respuesta violenta a toda manifestación pacífica convocada por ella, lo que ha originado un número considerable de heridos, detenciones masivas e individuales, crímenes alevosos en que están judicialmente implicados efectivos militares y de seguridad y continuas y masivas ocupaciones militares de poblaciones marginales, allanamientos de sedes universitarias e intimidaciones y acciones para desacreditar a organismos religiosos y laicos de derechos humanos.

8.- Las autoridades gubernamentales no han adoptado efectivas medidas destinadas a impedir la repetición de malos tratos y vejaciones de parte de las fuerzas militares, policiales y de seguridad como tampoco han procurado investigar a fondo y enjuiciar a los responsables, hasta ahora impunes, de los numerosos casos no resueltos de asesinatos, raptos, torturas, desapariciones y lesionados graves mediante el uso de métodos represivos de innecesaria crueldad.

9.- A lo anterior se suma la ineficacia del Poder Judicial en su papel de resguardar el respeto de los derechos y libertades básicas de la población, llegando incluso los Tribunales Superiores de Justicia a sancionar a jueces dispuestos a lograr resultados definitivos en sus investigaciones.

10.- Durante el año 1986, se acentuó la creciente tendencia a ampliar la jurisdicción de los Tribunales Militares, haciendo crecer el número de procedimientos especiales a esta Judicatura, creándose un virtual poder judicial alternativo, frente al cual los derechos de los procesados resultan perjudicados, llegándose al extremo del abuso del sistema de " incomunicaciones ", de acuerdo con el cual se ha llegado a mantener incomunicada a una persona por el lapso de 43 días.

A través de la creación de tribunales especiales con posterioridad a los hechos que se investigan (fiscales ad-hoc nombrados por el Juez Militar de Santiago), se ha afectado el derecho a la defensa, al ejercicio ético de las profesiones y se ha pretendido dañar el prestigio universal logrado por la Vicacría de la Solidaridad de la Iglesia Católica Chilena.

11.- Subsiste, también, el trágico problema del exilio, a pesar de las autorizaciones masivas ya concedidas y de las anunciadas por el Gobierno el 31 de diciembre pasado, puesto que son medidas administrativas insuficientes que no significan una limitación de las facultades discrecionales de la autoridad ni un reconocimiento amplio del derecho a vivir en la patria y a entrar y salir libremente de su territorio, sin restricciones de ninguna naturaleza.

12.- La utilización durante 1986 de restricciones administrativas y de requerimientos judiciales han seguido limitando o suspendiendo los derechos de opinión, información, asociación y reunión, los que han afectado hasta con la privación de la libertad personal a dirigentes políticos, sociales, estudiantiles y a los profesionales y colaboradores de los medios de comunicaciones.

13.- Durante la vigencia del Estado de Sitio (7 de septiembre de 1986 al 5 de enero de 1987), se creó un clima generalizado de amedrentamiento de la población civil, caracterizado, por los siguientes hechos :

- Secuestros, con resultado de muerte, de ciudadanos opositores realizados bajo toque de queda y sin que los servicios policiales ni el Poder Judicial hayan avanzado en la averiguación de los responsables ;

- Persecución, por vías administrativas y de justicia militar, de dirigentes sociales y políticos, a los cuales el Ejecutivo ha tratado de involucrar en los procesos por investigaciones del arsenal y del atentado al General Augusto Pinochet manteniéndolos arrestados por tiempo indefinido y sin formulación de cargos ;

- Denuncias por violaciones al debido proceso en esas investigaciones, de torturas e incomunicaciones indefinidas, con grave detrimento del derecho a la defensa de los inculpados;

- Indefensión de las poblaciones marginales y sedes universitarias, que sufrieron la acción militar (allanamientos, ocupaciones y detenciones individuales y masivas) ;

- Permanente hostilidad mostrada hacia los medios de comunicación opositores, que se reflejó en el cierre de cinco órganos periodísticos, destrucción de ediciones y requisamiento de publicaciones en imprentas de opositores, con los consiguientes perjuicios económicos para editores y su personal,y la aplicación de tratos discriminatorios entre los medios y el ataque horrendo contra un dirigente nacional de la Orden y campañas de amendrentamientos que permanecen impunes;

14.- Es evidente que en un país en crisis moral y donde el ejercicio del poder se realiza mediante la negación o restricción de los derechos de las personas y éstas no gozan del derecho

pleno a la justicia, se producen delitos graves por parte de las personas entre sí o de éstas hacia los agentes del poder. Sin embargo, esos crímenes, por condenables que sean, no son estrictamente violaciones de los derechos humanos, pues éstos son los que la Declaración Universal impone a los Estados como obligatorios, en beneficio de los pueblos, como sujeto jurídico colectivo.

En una violación de derechos humanos, como los sucedidos en Chile, el agresor es, justamente, el que cuenta con los medios para ello, pues la sociedad se los otorgó con el fin de asegurar el ejercicio de los derechos humanos para toda la población. Además, por el hecho de controlar los mecanismos de poder, tiene la posibilidad de eludir las consecuencias penales de su agresión, logrando la impunidad oficial y, como consecuencia de ello, la indefensión total de la víctima. En un crimen contra cualquiera persona y, en especial, un agente del poder del Estado, se aplican sobre el agresor todos los instrumentos políticos, legales y judiciales para sancionarlo.

De lo dicho se desprende que éste es un informe sobre violaciones a los derechos humanos y no un estudio general de la violencia en la sociedad chilena.

15.- No obstante lo anterior, el estudio y análisis de las condiciones políticas y la forma en que se desenvuelven las reacciones ciudadanas en contra de un sistema violatorio de los derechos humanos son también indispensables para formular una apreciación exacta del problema.

En Chile, la política gubernativa es respondida diferentemente según diversas concepciones ideológicas. Algunos prefieren usar como método esencial la reorganización de la estructura política y social; otros , reivindican el derecho a la

subversión; y otros, los menos, emplean una violencia directa que se ha traducido en actos, como el atentado contra el General Augusto Pinochet. Esta última circunstancia ha facilitado una fuerte operación del gobierno, tanto nacional como internacional, para lograr que el problema de la violación de derechos humanos quede subordinado a una acusación por actos terroristas. Al proceder así, el gobierno quiere acusar a toda la oposición y justificar la adopción de medidas " drásticas " , a veces del todo ilegales o innecesarias y la instauración de procesos en que de ninguna manera se cumplen las normas procesales debidas. A ello se agrega la impunidad de grupos anónimos que actuan bajo estado de sitio o simplemente a cara descubierta, sin que la autoridad controle, impida, investigue adecuadamente y menos sancione crímenes tan graves.

De ahí que es necesario tener en cuenta la responsabilidad del Gobierno, por acción u omisión, en la totalidad de lo que sucede, sin que sea posible justificar la conducta de aquel por el mero hecho de haberse producido un atentado o una intervención armada desde el exterior; hechos que la opinión pública nacional e internacional ha condenado mayoritariamente, en forma categórica.

16.- Durante el año de 1986, el Gobierno ha aprobado las leyes políticas sobre Tribunal Calificador de Elecciones y de Sistema Electoral e Inscripciones Electorales . Ha anunciado, también, la dictación de varias otras, tales como las del Congreso Nacional y Complementarias del Artículo 8º de la Constitución.

La Ley de Sistema Electoral e Inscripciones Electorales entrega a autoridades dependiente del Ejecutivo, la responsabilidad en la confección de los padrones o registros electorales en que se inscribiran los futuros ciudadanos, con lo cual,

a juicio de observadores nacionales, hace posible la comisión de fraudes electorales masivos.

El 19 de enero de 1987 se aprobó por la Junta Militar la Ley de Partidos Políticos.

Sus normas establecen un complejo sistema que dificultará el funcionamiento del régimen de partidos, consustancial con una sólida democracia, y que debilitará a las colectividades que tuvieron y tienen una significación nacional. Establecen, además, un riguroso control financiero y arbitrarias inhabilidades para dirigentes sociales que no podrán postular a cargos de elección popular .

Estas leyes ratifican los principios y normas constitucionales inspirados por la doctrina autoritaria del régimen, no conforme a las exigencias básicas de la Declaración Universal de Naciones Unidas.

Ellas han sido dictadas sin consultar la voluntad del pueblo y por órganos del Estado que se han subrogado en sus actuales facultades para hacerlo, según la Constitución de 1980. Esta situación infringe los artículos 1º y 25 del Pacto Internacional de Derechos Civiles y Políticos y el 21 de la Declaración Universal de Derechos Humanos .

17.- La reciente decisión del Gobierno sobre el exilio dista mucho de ser una realidad.

Se trata de una promesa que debiera estar cumplida en un plazo de noventa días, manteniendo el Gobierno sus facultades de expulsar a otros ciudadanos y de impedir el regreso de aquellos que excluye por su mera voluntad. Esperamos resultados positivos pero no podemos darlos por ya logrados.

18.- Otras medidas adoptadas por el Gobierno, tales como el restablecimiento de los Tribunales del Trabajo, que había suprimido

en 1981 y la creación de la Comisión Asesora del Ministerio del Interior para Derechos Humanos, no significan avances efectivos debido a las limitaciones jurisdiccionales de los primeros en comparación con los Tribunales que antes existían y a la competencia restringida de la segunda, que le resta eficacia y significación práctica.

19.- Otras decisiones gubernativas, como la de no relegar ni expulsar a opositores chilenos del país, han sido actos discrecionales que no alteran las omnímodas facultades de hacerlo que mantiene plenamente vigente. Sus eventuales efectos positivos se ven anulados por el reemplazo de otras medidas, tales como los arrestos indefinidos y sin encausamiento, bajo la vigencia del Estado de Sitio, en campos de prisioneros que funcionaron en recintos policiales del centro de la capital o de las ocupaciones militares de poblaciones, allanamientos y amedrentamientos que obligaron a cierto número de chilenos durante 1986, a abandonar sus hogares o a emigrar para escapar del hostigamiento.

20.- El estado actual de los derechos humanos en Chile hace necesario mantener la exigencia de la comunidad internacional de que las autoridades chilenas restablezcan y respeten los derechos humanos en cumplimiento de las obligaciones que han contraído en diversos acuerdos internacionales y que adopte, a lo menos, las siguientes medidas, ya contenidas en las resoluciones de la Comisión de Derechos y de la Asamblea General de las Naciones Unidas:

a) Modificar la legislación, incluída las leyes que autorizan la declaración de los estados de excepción, con el fin de ajustarlas a las garantías de los derechos humanos definidas en los tratados internacionales aplicables, y poner fin a los estados de excepción bajo los cuales se llevan a cabo graves y contínuas violaciones de dichos derechos;

b) Terminar con todas las formas de torturas, física y sicológica por parte de las fuerzas militares, de policía y de seguridad, y respetar efectivamente los derechos a la vida y a la integridad física y moral cesando, además, las intimidaciones y persecusiones, los encuentros, las detenciones arbitrarias y al encarcelamiento en lugares secretos;

c) Proceder vigorosamente, a través de medidas judiciales y administrativas, a investigar todos los informes de muertes , torturas, raptos y demás violaciones a los derechos humanos por parte de las fuerzas militares y de seguridad y adoptar medidas adecuadas contra todas las personas declaradas culpables de tales violaciones;

d) Investigar y esclarecer la suerte de las personas detenidas por motivos políticos y luego desaparecidas, sin que la aplicación de la amnistía pueda entrabar el conocimiento de los responsables y la administración de la justicia ;

e) Efectuar la reorganización de las fuerzas de seguridad que sean necesarias para poner fin a problemas persistentes de derechos humanos, con inclusión de organizaciones tales como la Central Nacional de Informaciones y establecer un sistema permanente para vigilar el comportamiento de las fuerzas armadas, de policía y de seguridad;

f) Cooperar plena y eficazmente en la investigación de las violaciones de derechos humanos, garantizando en todas esas investigaciones la independencia del Poder Judicial y la máxima eficacia de los recursos judiciales, especialmente el de amparo y el de habeas corpus, e impidiendo el amedrentamiento y privación de libertad de los testigos y abogados defensores . Asimismo, restablecer las potestades de los Tribunales Civiles de Justicia en materias que les son propias y que en los últimos años fueron transferidas a los Tribunales Militares;

g) Poner fin a las bandas o grupos, ya sean privados o relacionados con las fuerzas de seguridad, que son responsables de raptos, secuestros con resultado de muertes, allanamientos, interrogatorios, intimidaciones y palizas contra ciudadanos corrientes, y castigar a los responsables, especialmente a los jefes de esos grupos;

h) Garantizar que la legislación antiterrorista no sea utilizada contra personas que no han cometido actos terroristas; que las personas inculpadas por actos de violencia o de terrorismo tengan el debido proceso y respeto de sus derechos, y que la acusación de terrorismo no sea aducida para intentar justificar abusos de autoridad, torturas y tratos inhumanos;

i) Permitir el irestricto regreso de todos los ciudadanos chilenos que viven actualmente en el extranjero y que desean regresar, y reconocer su derecho continuo a entrar y salir del país libremente;

j) Restablecer el pleno disfrute y ejercicio de los derechos laborales y sindicales y los legítimos intereses culturales y socioeconómicos de la población, preservando particularmente la identidad sociocultural de las minorías étnicas ;

K) Respetar las actividades relacionadas con la defensa y promoción de los derechos humanos, sean ellas realizadas por organismos internacionales, no gubernamentales o de iglesias .

21.- Consideramos que todo ser humanos tiene derechos fundamentales que le corresponden en razón de su propia naturaleza y que deben ser reconocidos nacional e internacionalmente .

En consecuencia, condenamos toda violación de estos derechos, quien quiera que los cometa y quien quiera que sea la víctima. Frente a un ser humano indefenso, humillado y agobiado, nuestra alternativa sigue siendo un mensaje esperanzador de los que creemos en el hombre libre y capaz de liberarse.

Sólo el diálogo de hombres iguales, libres y dignos, que ejercitan fraternalmente el derecho a la libre determinación del pueblo, para alcanzar la justicia, podrá vencer la violencia y asegurar la paz perdida.

Sólo la acción solidaria, pluralista, fundada en los Derechos Humanos de todos, podrá superar la tentación de la violencia e impulsar un poderoso movimiento de reencuentro del pueblo con su historia, de los hombres con su dignidad, de la sociedad con la justicia y del Estado con la soberanía popular. Para ello es necesario recoger la historia de las violaciones de los derechos humanos, para forjar, entre todos nosotros, el compromiso con los derechos violados, para que nunca más, bajo pretexto alguno, podamos repetir esta dolorosa experiencia que se vive hoy en Chile.

Santiago, Marzo de 1987.-
MPG/spo.-

(F-1999-00030) 3/10/87
UNCLASSIFIED U.S. Department of State
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Declassify: In Part In Full
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A Report on Legal Issues in the Letelier Murder Case

1. Would a new demand of extradition be feasible?

1.1 - Extradition in Chilean law is a purely judicial matter in which the Executive takes no part.

It is decided by the President of the Supreme Court at the first level and by a panel ("chamber") of the Supreme Court at the appelate level.

The President of the Supreme Court must open and lead an inquiry with the purpose to determine:

(1) Whether the arrested person is in fact the same person mentioned in the demand of extradition;

(2) If the offence with which he is charged is or is not extraditable according with the treaties in force and "the general priniciples of international law";

(3) Whether the accused person has in fact committed the offence attributed to him. In this connection he must examine the evidence submitted by the requesting country and all additional evidence that might be produced in the course of the extradition proceedings.

Extradition is granted or refused according to the treaties in force and the principles of international law.

All this is set forth in Arts. 644 and ff (particularly arts 647 and 651) of the CPP.

1.2 - Could a demand of extradition be renewed with regard to the same persons and on the same charges?

The Bilateral Treaty now in force between Chile and the USA is silent on the point.

But both the Bustamante Code (linking 15 American countries, though not the U.S.) and the Montevideo Convention (to which the U.S. is a party) set forth explicitly the Rule that once a demand of extradition has been rejected it cannot be renewed on the same charges.

Therefore, it is almost a certainty that a new demand of extradition with regard to Conteras and Espinoza would again be turned down by the Chilean courts, on the basis that it is a widely accepted principle of international law (admitted even by the U.S. through the M.C.) that a demand of extradition cannot be renewed on the same charges.

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1.3 - Moreover, it must be borne in mind that the previous demand was rejected because the bulk of the evidence consisted of Townley's testimony or derived from it, and that testimony has been obtained through a plea-bargain, which would make it inadmissible under Chilean law, as it is expressly forbidden by arts. 213 and 323 of the CPP with regard to witnesses and to suspected people.

As it would seem that the new Fernandez Larios testimony has also been secured through a plea-bargain it is most likely that it would also be ruled inadmissible by the Chilean courts and the new demand would be rejected again.

In addition, it must be taken into account that by granting the new demand of extradition the Chilean Supreme Court would in fact admit that they committed a serious mistake in their previous decision.

Finally, we must remember that Chile is not bound to grant the extradition of its own citizens (arts. V of the Bilateral Treaty, 345 CB and 2 CM).

1.4 - In sum, a new demand of extradition would almost certainly be rejected again, and such demand would mean a great relief to the Chilean Executive, that could not be pressed with regard to proceedings that fall exclusively in the province of the judiciary, a situation that would last the one or two years that the new proceedings would take in court.

2. Would it be possible to request the extradition of other people, or of the same people on different charges?

2.1 - It would be possible, but:

2.1.a - New indictments would be necessary.

2.1.b - The new charges should be related to crimes committed "within the U.S. jurisdiction" (art. I of the Bilateral Treaty). Most of the new possible offences such as obstruction of justice or perjury seem to have been committed in Chile; at least, the jurisdictional aspects are not quite clear. It is very likely that Chilean courts would rule in favour of Chilean jurisdiction.

2.1.c - If the evidence with regard to the new charges consists mainly in Fernandez Larios testimony, the remarks made above on the inadmissibility of plea-bargain are relevant here too.

3. Would it be possible to secure a conviction of C and E in the so-called "passport case" now being tried in Chile?

3.1 - When the involvment of C and other Chilean military men became public the Chilean authorities opened an inquest at a military court with the acknowledged purpose of investigating the use of forged passports by two Chilean Army officers. Actually, the inquest also dealt with the part C and others had taken in the Letelier - Moffitt murder, though this has never been expressly admitted.

3.2 - In March 1978, Decree Law 2191 granted anmesty with regard to criminal offences committed by military people prior to that date, but an exception was expressly made in art. 4 thereof, with regard to people that might appear as responsible" of the facts that are being investigated in case 192-78". This was interpreted as including the Letelier murder and not only the passport forgery.

3.3 - The military court inquest ended in a dismissal, nobody being indicted on any charge.

On appeal, the Supreme Court reversed that decision and issued a decree of temporary staying in its stead; on the basis that the innocence of the people involved had not been established clearly. That left the legal possibility of re-opening the inquiry if new evidence were produced.

At the end of 1985, the defence of C filed a petition of dismissal, this time on the basis of the statute of limitations. This could have a sound basis with regard to the passport forgery, but not with regard to the murder. In Chilean law, the limitation term is 15 years in the case of murder (which would end in 1991).

The court granted the dismissal requested by C. This was appealed by the Letelier family (a civil party to the proceedings) and the appeal is pending (March 10, 1987) before the Military Court of Appeals.

3.4 - In the light of the new Fernandez Larios testimony it is almost certain that the MCOA will reverse the decree of dismissal and will reopen the inquiry.

If that is the case, the Letelier family is entitled to an appeal to the Supreme Court.

3.5 - If the inquiry is re-opened, it is possible that the written transcript of the Fernandez Larios testimony will not be accepted as such (being in Chile a written attestation not subject to cross examination, and also on account of the plea-bargain problem).

But in that case a new Fernandez Larios testimony could be obtained by the Chilean court through letters rogatory, which can be taken through the court's own motion or by a request of the Letelier family.

3.6 - The final outcome of that case will depend entirely on the integrity and civic courage of the judges that take part in the decision.

And of course the attitude of the Chilean Government will be of paramount importance.

4. What other ways are still open to the U.S. Government?

4.1 - Art. 24 "transitorio" (temporary) of the 1980 Constitution entitles the President of the Republic to expel from the Chilean territory any person that "performs acts that are contrary to the interests of Chile."

Further, it is expressly provided that no appeal or remedy is available with regard to such a decree of expulsion (not even habeas corpus).

This power is granted to the President when he has declared the country as being in a particular state of emergency called "danger to the internal peace". This state has been in force since the Constitution was enacted (1980), without interruption. It has been just renewed for a further term of 90 days (March 10, 1987).

It must be warned that so far this provision has been used by the Government with regard to political foes, and that it has been the subject of sharp criticism from the opposition.

4.2 - If such a request is turned down, some or all of the following requests may be made:

4.2.a - The opening of an internal inquest ("sumario") within the Army, with the purpose to investigate the activities of C, E, FL, Orozco and other military people involved in the murder case as well as the following cover-up.

This investigation is completely independent from any judicial proceedings and its purpose is that of applying disciplinary sanction. If evidence of criminal acts is found, it must be reported to the competent courts.

All this is proviced for in art 32.37 and 45 of the Disciplinary Regulations for the Armed Force, (RDFA).

4.2.b - The intervention of the Military Public Prosecutor ("Fiscal General Militar") in the "passport case".

This position was created in 1980 and is in charge of acting in the military courts "in defence of the social interest endangered" in the cases tried in those courts.

It is vested with much more procedural rights than a mere civilian party like the Letelier family.

Of course, the importance of his intervention will depend on his integrity and energy.

The role and rights of the IGM are described in arts. 70-B and ff. of the CJM.

4.2.c - The opening of a judicial inquiry at the military courts to investigate the possible prevarication (art 224 no. 60 CP), perjury, obstruction of justice (arts 206 and ff., and 212 CP) and other offences committed by military men after the murder as it appears from the Fernandez Larios testimony.

The intervention of the FGM in this case could also be requested.

Drafted:AEtcheberry:imj
03/10/87
#1692S

Abbreviations:

CPE	Constiticion Politica del Estado (Chilean Constitution of 1980)
CP	Codigo Penal (Penal Code)
CPP	Codigo de Procedimento Penal (Code of Criminal Procedure)
CJM	Codigo de Justicia Militar (Code of Military Justice)
CB	Codigo Bustaimante (Bustamante Code, also known as Code of Private International Law)
CM	Convencio de Montevideo (Montevideo Convention)
FGM	Fiscal General Militar (Military Public Prosecutor)
RDFA	Reglamento de Disciplina de las Fuergas Armadas (Disciplinary Regulations of the Armed Forces)
MCOA	Military Court of Appeals (in Spanish "Corte Marcial")
C	Contreras
E	Espinoza
FL	Fernandez Lanos

DECONTROL

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FOR L - VERVILLE

E. O. 12356: N/A
TAGS: PHUM, PREL, CI, PGOV
SUBJ: ROJAS CASE: DE NEGRI LAWSUIT

REF: STATE 58115

1. DURING AMBASSADOR'S MARCH 9, MEETING WITH FOREIGN MINISTER DEL VALLE, IT WAS AGREED THAT EMBASSY'S CONSUL GENERAL WOULD CONVEY DOCUMENTS PERTAINING TO MRS. DE NEGRI'S SUIT TO HEAD OF FOREIGN MINISTRY'S CONSULAR DIVISION. DEL VALLE SAID THAT THE LATTER WOULD MAKE A BRIEF ORAL STATEMENT BUT THAT FORMAL CHILEAN REPLY WOULD BE CONVEYED IN WASHINGTON.

2. WHEN AMBASSADOR ASKED IF DEL VALLE WAS FAMILIAR WITH RECENT DISCUSSIONS BETWEEN DEPUTY LEGAL ADVISOR VERVILLE AND ERRAZURIZ, IN WHICH VERVILLE HAD PROVIDED THE AMBASSADOR WITH SUBSTANTIAL BACKGROUND AND ADVICE, DEL VALLE SAID HE WAS BUT THAT THE GOC STILL WISHED TO ASK THE STATE DEPARTMENT TO CONVEY ITS VIEWS TO THE COURT. THIS HE SAID WOULD BE DONE WITHOUT PREJUDICE TO THE CHILEAN EMBASSY POSSIBLY BEING REPRESENTED IN

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E.O. 12356: N/A
TAGS: PGOV, PHUM, CI
SUBJ: GOC EXTENDS STATE OF EMERGENCY FOR 90 DAYS

1. THE GOC HAS FORMALLY EXTENDED THE STATE OF EMERGENCY FOR 90 DAYS. THE ANNOUNCEMENT, DATED MARCH 5, APPEARED IN THE "DIARIO OFICIAL" OF MARCH 9. AN ACCOMPANYING DECREE SPECIFIED THE SCOPE OF THE STATE OF EMERGENCY. IN THOSE AREAS COVERED (ALL OF CHILE), THE MEDIA IS PROHIBITED FROM REPORTING ON CERTAIN PROSCRIBED GROUPS AND THEIR ACTIVITIES UNLESS THE INFORMATION IS PROVIDED BY THE GOC. IN ADDITION, THE INTERIOR MINISTRY DELEGATES TO THE RESPECTIVE HEADS OF THE VARIOUS EMERGENCY ZONES THE POWER TO RESTRICT TRANSIT AND THE RIGHT TO GATHER IN PUBLIC.

2. THE EXTENSION OF THE STATE OF EMERGENCY IS PRO FORMA AND CONTAINS THE SAME ELEMENTS OF PREVIOUS DECREES. IN PRACTICE, ENFORCEMENT OF THE DECREE DEPENDS UPON TIME AND PLACE, WITH A CERTAIN LEEWAY BEING THE NORM. THE THREAT LIES IN THE CAPRICIOUS NATURE OF THE ENFORCEMENT.
BARNES

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E.O. 12356: DECL: OADR
TAGS: PREL, CI, PE
SUBJECT: 43RD UNHRC: CHILE RESOLUTIONS

1. ~~CONFIDENTIAL~~ - ENTIRE TEXT.

2. DURING DCM'S MARCH 10 CONVERSATION WITH MFA AMERICAS DEPARTMENT DIRECTOR EDUARDO PONCE TO PRESS OUR POSITION ON THE CUBA RESOLUTION (SEPTEL), PONCE VOLUNTEERED AN UPDATE ON THE PERUVIAN VIEW OF THE COMPETING CHILEAN RESOLUTIONS. REPORTEDLY NEGOTIATIONS HAVE BROKEN DOWN OVER THE MEXICAN REFUSAL TO INCLUDE A REFERENCE TO THE ATTACK ON PINOCHET. THUS, BOTH RESOLUTIONS ARE MOVING FORWARD, WITH THE MEXICAN ONE TO BE VOTED ON FIRST.

3. PERU PLANS TO ABSTAIN ON THE MEXICAN RESOLUTION, ~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

WITH AN EXPLANATION OF THE REASONS FOR ITS ABSTENTION. IF THE U.S. RESOLUTION IS BROUGHT TO A VOTE, PONCE CONFIRMED THAT PERU WILL SUPPORT IT. WATSON

~~CONFIDENTIAL~~

Case Number: S1999000030

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INFO AMEMBASSY SANTIAGO

~~C O N F I D E N T I A~~L GENEVA 02904

E.O. 12356: OADR
TAGS: PHUM, UNHRC, CI
SUBJECT: 43RD SESSION OF THE UN HUMAN RIGHTS COMMISSION: CHILE RESOLUTION

REF: GENERO/WILLIAMSON TELECON 03/10/87

1. (CONFIDENTIAL - ENTIRE TEXT.)

2. THIS IS HRC - 376.

3. PER REF TELECON, USDEL REQUESTS INSTRUCTIONS FOR VOTE ON MEXICAN TEXT OF CHILE RESOLUTION. VOTING IS CURRENTLY SCHEDULED FOR A.M., MARCH 11.

4. USDEL ALSO REQUESTS TALKING POINTS FOR EXPLANATION OF VOTE, ETC., ASAP. AMBASSADOR WALLACH IS ALSO TELEPHONING FOR INSTRUCTIONS ON CHILE RESOLUTION.
FLACK

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FOR USDEL/UNHRC AMBASSADORS WALLACH AND WILLIAMSON

E.O. 12356: DECL: OADR

SUBJECT: 43RD UNHRC: MONTANO-WALLACH CONVERSATION ON CHILE

REF: A) GENEVA 2740; B) GENEVA 2715

1. (~~CONFIDENTIAL~~ - ENTIRE TEXT.)

2. DEPARTMENT NOTES REFTEL A) THAT MONTANO IS PORTRAYING AS HELPFUL HIS ROLE IN NEGOTIATING LANGUAGE ON PINOCHET ASSASSINATION IN MEXICAN TEXT ON CHILE.

3. DEPARTMENT WISHES USDEL TO NOTE THAT THE PROBLEM IS ~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 02 STATE 068402

THE CONFIGURATION OF LANGUAGE PROPOSED BY MONTANO AND CO-SPONSORS. MONTANO AND OTHER NEGOTIATORS HAVE RECONFIGURED THE SENTENCE PROPOSED BY THE USG TO GIVE EXACT OPPOSITE MEANING USG INTENDED.

THIS WAS CAREFULLY EXPLAINED TO USEMBASSY MEXICO,

WHICH MADE DEMARCHE TO SEPULVEDA, ASKING THAT MEXICO SUPPORT ORIGINAL USG LANGUAGE CONFIGURATION ON PINOCHET

ASSASSINATION. MONTANO IS UNDER INSTRUCTIONS TO DO MORE THAN REFER TO PINOCHET ASSASSINATION IN TEXT ON CHILE. HE IS UNDER INSTRUCTION TO ACCEPT USG LANGUAGE ON THIS SUBJECT, WHICH WAS DISCUSSED TWICE, IN DEPTH, WITH MEXICAN FOREIGN MINISTER SEPULVEDA WHO AGREED TO SUPPORT USG.

5. A COMPARISON OF THE LANGUAGE WILL MAKE THE PROBLEM CLEAR TO USDEL:

-- LANGUAGE PROPOSED BY USG: "NOTING THE ASSASSINATION ATTEMPT AGAINST THE CHILEAN PRESIDENT AND THE STILL UNRESOLVED MURDERS OF FOUR OPPOSITION FIGURES DURING THE ENSUING STATE OF SEIGE;"

-- MEXICAN LANGUAGE: "NOTING THE STILL UNRESOLVED MURDERS OF FOUR OPPOSITION FIGURES DURING THE STATE OF SIEGE UNJUSTIFIABLY IMPOSED FOLLOWING THE ASSASSINATION ATTEMPT AGAINST THE CHILEAN PRESIDENT IN SEPTEMBER 1986;"

6. THE PURPOSE OF USG LANGUAGE IS TO GIVE SOME BALANCE TO THE TEXT BY NOTING THERE WAS AN ASSASSINATION ATTEMPT AGAINST THE CHILEAN PRESIDENT, WHICH CREATES AN ENVIRONMENT IN WHICH PROGRESS TOWARDS HUMAN RIGHTS IS CONFIDENTIAL

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PAGE 03 STATE 068402

MORE DIFFICULT. IT UNDERSCORES, IN A SUBTLE WAY, THAT VIOLENCE LEADS TO MORE VIOLENCE, AND THE REAL NEED IN CHILE IS FOR A PEACEFUL RETURN TO DEMOCRACY. THE RECONFIGURATION OF THIS SENTENCE MAKES THE OPPOSITION LEADERS THE FOCUS, AND THE ASSASSINATION ATTEMPT AN AFTERTHOUGHT IN WHICH OUR POINT IS LOST.

7. USDEL SHOULD NOT BE CONFUSED BY MONTANO REPRESENTATIONS, BUT CONTINUE TO PRESS FOR USG LANGUAGE ON THIS ONE PARAGRAPH. OF OPTIONS PRESENTED REFTEL B), PARAGRAPH 19, MOST PREFERABLE IS (B) WITH THE ADDED CONDITION THAT THE SENTENCE ON PINOCHET ASSASSINATION BE RECONFIGURED. THE CONFIGURATION PROPOSED BY USG HAS BEEN AGREED TO BY MEXICAN FOREIGN MINISTER SEPULVEDA WHO APPARENTLY FELT STRONGLY ENOUGH ABOUT IT TO CALL HIS AMBASSADOR AT 2:00 AM IN THE MORNING. DEPARTMENT BELIEVES MONTANO HAS THE CLOUT TO SELL THIS APPROACH TO THE CO-SPONSORS AND OTHERS REFERRED TO REFTEL B), PARAGRAPH 10, IF HE WANTS TO USE IT.

8. ITEM 5-12 DEAL: DEPARTMENT NOTES REFTEL B, PARAGRAPH 22, THAT UK WISHES TO NARROW LANGUAGE IN RESOLUTION ON SEPARATE AGENDA ITEM SO IT IS CLEARLY, BUT NOT EXPLICITLY, LIMITED TO ITEM 5. IF UK CAN PROPOSE LANGUAGE THAT CAN BE AGREED TO BY CONTACT GROUP, DEPARTMENT WOULD LIKE TO SEE IT AND CONSIDER IT.

9. IF OUTCOME OF MONDAY NEGOTIATIONS IS SUCCESSFUL, USDEL MAY WISH TO SAY THAT IT WILL RECOMMEND TO WASHINGTON THAT USG JOIN CONCENSUS ON CHILE TEXT. USDEL, HOWEVER, SHOULD NOT GO BEYOND THIS AND GIVE FINAL COMMITMENT. ARMACOST *UNQUOTE SHULTZ*

~~CONFIDENTIAL~~

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Case Number: S1999000030

IV070

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PAGE 01 SANTIA 01695 01 OF 02 101704Z
ACTION L-03

INFO LOG-00 COPY-01 ADS-00 AID-00 INR-10 SS-00 CIAE-00
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PA-02 OMB-01 USIE-00 SP-02 SNP-01 PRS-01 /041 W
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P 101658Z MAR 87
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 0479
USMISSION GENEVA PRIORITY
INFO DEPTJUSTICE WASHDC PRIORITY
FBI WASHDC PRIORITY

Chile Project (#S199900030)
U.S. Department of State
Release X Excise Deny
Declassify: In Part In Full
Exemption(s)

UNCLAS SECTION 01 OF 02 SANTIAGO 01695

DEPARTMENT FOR DEPUTY LEGAL ADVISOR KOZAK; FBI FOR PIMENTEL

E.O. 12356: N/A
TAGS: PGOV, PHUM, CI
SUBJ: PINOCHET SPEAKS OUT ON HIS POSSIBLE CANDIDACY, HUMAN RIGHTS, FERNANDEZ LARIOS CASE

REF: (A) SANTIAGO 1649

1. SUMMARY: PRESIDENT PINOCHET TALKED WITH THE PRESS ON MARCH 6 AND RELEASED WRITTEN RESPONSES TO 17 QUESTIONS. HE HINTED THAT HE WOULD BE A PRESIDENTIAL CANDIDATE IN 1989 DUE TO POPULAR DEMAND AND DISMISSED THE IDEA OF OPEN ELECTIONS. HE WAS OPTIMISTIC FOR THE FUTURE AND FELT THAT THE PEOPLE OVERWHELMINGLY SUPPORTED RECENT LEGISLATION. HE REJECTED UNHRC RESOLUTIONS ON CHILE AS POLITICIZED BUT REITERATED GOC SUPPORT FOR VOLIO. HE INSISTED THAT THE GOC HAD GIVEN FULL COOPERATION IN THE FERNANDEZ LARIOS CASE AND EXCORIATED THOSE POLITICIANS WHO HAD MADE IT A POLITICAL ISSUE. HE STRONGLY CRITICIZED THE BISHOPS FOR THEIR RECENT PASTORAL LETTER.
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PAGE 02 SANTIA 01695 01 OF 02 101704Z

END SUMMARY.

2. PRESIDENT PINOCHET MET ON MARCH 6 WITH MEMBERS OF THE PRESS ACCREDITED TO LA MONEDA. FOLLOWING A 40 MINUTE SESSION, THE PRESIDENT RELEASED A WRITTEN RESPONSE TO 17 QUESTIONS SUBMITTED PRIOR TO THE MEETING. HIGHLIGHTS OF

THE ORAL AND WRITTEN RESPONSES FOLLOW.
1989PRESIDENTIALELECTIONS,PINOCHETCANDIDACY:
PINOCHET WAS ASKED IF THERE WOULD BE A PLEBISCITE OR AN OPEN ELECTION IN 1989. HE RESPONDED THAT THE ANSWER TO THAT QUESTION WAS IN THE CONSTITUTION OF 1980, IMPLYING THAT THERE WOULD BE A PLEBISCITE. WHEN ASKED ABOUT THIS AT THE OPEN SESSION, PINOCHET ASSERTED THAT THERE WAS NO NEED TO CONTINUE DISCUSSING FICTIONAL MATTERS. IN REGAR TO HIS OWN SITUATION VIS A VIS 1989, THE PRESIDENT SAID THAT THE JUNTA'S CHOICE FOR PRESIDENT WAS A DECISION THA DEPENDED ON A GREAT MANY FACTORS OVER THE COMING MONTHS AND THAT TO DISCUSS POSSIBLE CANDIDACIES AT THIS TIME WOULD BE PURE SPECULATION. HOWEVER, HE REMINDED THE PRESS THAT THE CARRYING OUT OF THE "POPULAR WILL" WAS REQUIRED IN A DEMOCRACY, HINTING THAT IF THE PEOPLE WANTED HIM HE WAS AVAILABLE. A JOURNALIST AT THE OPEN SESSION ASKED HIM WHEN HE WOULD ANNOUNCE HIS CANDIDACY. THE PRESIDENT SMILED AND SAID THAT HE WOULD DO SO "WHEN THE PEOPLE REQUEST IT." WHEN A JOURNALIST NOTED THAT TH DEADLINE FOR HOLDING THE PRESIDENTIAL PLEBISCITE IS 22 MONTHS AWAY, PINOCHET RESPONDED THAT HIS DECISION WILL B KNOWN BEFORE THEN - IN 15 MONTHS. (THIS IMMEDIATELY LED TO SPECULATION THAT PINOCHET IS PLANNING AN EARLY PLEBISCITE, E.G., ON SEPTEMBER 11, 1988.) PINOCHET WAS ASKED IF THERE MIGHT BE SOME IMPORTANT ANNOUNCEMENTS ON MARCH 11, WHICH IS THE ANNIVERSARY OF THE CONSTITUTION. HE RESPONDED THAT THE PEOPLE SHOULD LISTEN TO WHAT IS UNCLASSIFIED

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PAGE 03 SANTIA 01695 01 OF 02 101704Z

SAID THAT DAY AND MEDITATE ON ITS SIGNIFICANCE.

3. POLITICALVIOLENCE:
PINOCHET WAS ASKED ABOUT POSSIBLE VIOLENCE IN THE COMING MONTHS, IN LIGHT OF THE PRESSURE FROM THE ROJC

OS EKLEOATED BY THE POSITIVE DEVELOPMENTS IN THE COUNTRY. I FACT, HE POSTULATED, AS THINGS GOT BETTER THE EXTREMISTS WERE MORE ANXIOUS TO CREATE PROBLEMS. AS FOR THE LEGAL MATTERS, THEY WERE PRESENTLY BEFORE COMPETENT JUDICIAL AUTHORITIES AND WOULD BE DEALT WITH ACCORDING TO LAW.

4. HUMANRIGHTS:
PINOCHET REMINDED THE MEDIA THAT CHILE HAD BEEN THE SUBJECT OF AN INTERNATIONAL CAMPAIGN FINANCED BY THE SOVIET UNION DESIGNED TO PERPETRATE A "BLACK LEGEND" CONCERNING THE EVENTS OF SEPTEMBER 11, 1973. HOWEVER, H WAS PLEASED THAT FERNANDO VOLIO HAD BEEN ABLE TO SEE THROUGH SO MANY OF THESE FALSEHOODS. UNFORTUNATELY, HE

POINTED OUT, THE HEAD OF THE UNHRC IS FROM A SOVIET STAT (BYELORUSSIA) AND THEREFORE PINOCHET WAS UNABLE TO PREDICT WHAT WOULD HAPPEN IN GENEVA. AS FOR THE MEXICAN AND U.S. RESOLUTIONS, HE FOUND THEM BOTH TO BE "TOTALLY POLITICAL" AND WONDERED HOW THEY COULD BE SO DIFFERENT FROM THE FINDINGS OF VOLIO. HE ADDED THAT AMBASSADOR MARIO CALDERON HAD INSTRUCTIONS TO REJECT THE POLITICAL USE OF THE COMMISSION. HOWEVER, HE EMPHASIZED THAT CHIL

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PAGE 01 SANTIA 01695 02 OF 02 101704Z
ACTION L-03

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TO SECSTATE WASHDC PRIORITY 0480
USMISSION GENEVA PRIORITY
INFO DEPTJUSTICE WASHDC PRIORITY
FBI WASHDC PRIORITY

UNCLAS SECTION 02 OF 02 SANTIAGO 01695

DEPARTMENT FOR DEPUTY LEGAL ADVISOR KOZAK; FBI FOR PIMENTEL

E.O. 12356: N/A
TAGS: PGOV, PHUM, CI
SUBJ: PINOCHET SPEAKS OUT ON HIS POSSIBLE CANDIDACY,

WOULD CONTINUE ITS COOPERATION WITH VOLIO.

5. LETELIERCASE:
A QUESTION RELATING TO FERNANDEZ LARIOS' SITUATION REFERRED TO RECENT STATEMENTS BY JUNTO MEMBER AND AIR FORCE GENERAL FERNANDO MATTHEI INSISTING THAT THE ARMY WOULD CLEAN ITS OWN LAUNDRY. PINOCHET EXPRESSED HIMSELF IN AGREEMENT WITH MATTHEI, THEN QUICKLY WENT ON TO ATTAC POLITICIANS, WHOM HE ACCUSED OF TRYING TO SOIL THE PRESTIGE OF THE ARMY. "THESE GENTLEMEN DO NOT HAVE A MORAL STATURE TO ENABLE THEM TO SPEAK OF PRESTIGE, MUCH LESS TO SPEAK ABOUT MILITARY HONOR." THESE POLITICIANS, HE ADDED, TRAVEL FROM COUNTRY TO COUNTRY AND EMBASSY TO EMBASSY, BEGGING ASSISTANCE IN ORDER TO COVER UP THEIR

FAILURES, WHILE FORGETTING THAT THE ARMY WAS THE TRUE
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PAGE 02 SANTIA 01695 02 OF 02 101704Z

DEFENDER OF THE NATION, LIBERTY, ORDER, AND DEMOCRACY. IN ANY CASE, PINOCHET POINTED OUT, THE "FERNANDEZ CASE" WAS BEFORE THE COURTS AND THE GOVERNMENT COULD NOT INTERFERE EXCEPT TO GRANT ITS FULL COPPERATION, WHICH HA BEEN DONE. POLITICAL POLEMICS ONLY CONFUSED THE ISSUE, HE SAID, AND THE GOVERNMENT WOULD CONTINUE TO AWAIT THE JUDICIAL FINDINGS.

6. BISHOPS' CONFERENCE:
PINOCHET SAID THAT WHEN HE READ THE PASTORAL LETTER RELEASED BY THE CONFERENCE (REFTEL), HIS FIRST THOUGHT WAS THAT HE WAS READING THE PLATFORM OF A NEW POLITICAL PARTY, SINCE HE ASSUMED THE BISHOPS HAD BETTER THINGS TO DO WITH LENT AND UPCOMING PAPAL VISIT. HE STATED THAT H COULD NOT CRITICIZE THE BISHOPS SINCE THEY HAD THE RIGHT TO SAY WHAT THEY WANTED BUT HE WONDERED ALOUD IF IT MIGH NOT BE BETTER IF THEY SPENT 90 PERCENT OF THEIR TIME PRAYING. THE PRESIDENT ADDED THAT AS A PRACTICING CHRISTIAN WHO NEVER MISSED SUNDAY MASS, THE LETTER HAD CAUSED HIM DEEP PAIN.
BARNES

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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
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Exemption(s) ~~1.4(b)~~ ~~1.4(d)~~

PAGE 01 MANILA 07329 101100Z
ACTION IO-19

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TO SECSTATE WASHDC PRIORITY 4599
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AMEMBASSY SANTIAGO

~~C O N F I D E N T I A~~ L MANILA 07329

E.O. 12356: DECL: OADR
TAGS: UNHRC, PHUM, CI, RP
SUBJECT: U.S. SPONSORSHIP OF CHILE HUMAN RIGHTS
- RESOLUTION AT UNHRC

REFS: A) STATE 58286, B) STATE 51557, C) STATE 52474

1. C - ENTIRE TEXT.

2. FOLLOWING-UP ON A FEBRUARY 27 DEMARCHE TO DEPARTMENT OF FOREIGN AFFAIRS ON U.S. RESOLUTION ON CHILE AT UNHRC, POLOFF ASKED DFA OFFICIAL IN THE OFFICE OF IO/UN AFFAIRS MARCH 10 WHETHER THE GOP HAD REACHED A DECISION ON U.S. REQUEST FOR SUPPORT AND CO-SPONSORSHIP OF RESOLUTION. OFFICIAL SAID IO/UN ASSISTANT MINISTER VALDERRAMA WAS STILL STUDYING TEXT OF U.S. RESOLUTION. OFFICIAL REMARKED, HOWEVER, THAT THE DFA HAD INDICATED EARLIER TO CHILEAN EMBASSY IN MANILA THE LIKELIHOOD THE GOP WOULD ABSTAIN. ACCORDING TO OFFICIAL, THE GOP PLANNED TO STUDY THE MEXICAN DRAFT BEFORE ARRIVING AT A DECISION.

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PAGE 02 MANILA 07329 101100Z

3. DRAWING ON TALKING POINTS IN REFTELS, POLOFF UNDERSCORED THAT THE U.S. FOUND THE MEXICAN DRAFT UNACCEPTABLE AND NOTED IT DID NOT CALL FOR AN END TO THE PRACTICE OF CONSIDERING CHILE IN THE UNHRC UNDER A SEPARATE AGENDA ITEM. POLOFF EMPHASIZED IMPORTANCE U.S. ATTACHES TO THIS ISSUE AND REITERATED REQUEST FOR GOP

SUPPORT FOR U.S. RESOLUTION ON CHILE. BOSWORTH

ACTION OFFICE PLEASE NOTE DATE AND TIME OF RECEIPT AND RETURN COPY TO OC/DC/T/CI.

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Department of State

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PAGE 01 SANTIA 01696 101711Z 5180 ARA5826
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S E C R E T SANTIAGO 01696

NOFORN - WNINT

ARA FOR DAS GELBARD

STATE FOR DEPUTY LEGAL ADVISOR KOZAK

E. O. 12356: DECL: OADR
TAGS: ASEC, PINR, CI
SUBJ: CHILEAN SURVEILLANCE OF EMBASSY PHONE CALLS

REF: STATE 7178

1. SECRET NOFORN WNINTEL ENTIRE TEXT.

2. ON MARCH 3, A SENIOR OFFICIAL OF THE CNI, THE CHILEAN INTELLIGENCE SERVICE, TOLD [redacted] THAT THE THREE U.S. OFFICIALS WHO CAME TO CHILE IN JANUARY SUPPOSEDLY DID SO ON MATTERS RELATED TO THE POLITICAL PROBLEMS IN CENTRAL AMERICA. CNI WANTED [redacted] TO KNOW, HOWEVER, THAT CNI WAS AWARE THIS WAS A COVER STORY, AND OFFICIALS' REAL PURPOSE WAS TO MEET WITH MAJOR ARMANDO FERNANDEZ LARIOS AND PERSUADE HIM TO "DEFECT" TO THE UNITED STATES, WHICH HE DID ON JANUARY 22.

3. THIS CONVERSATION REVEALS KNOWLEDGE OF THE GIST OF REFTEL. WITHIN THE EMBASSY, IT WAS DISTRIBUTED ONLY TO DCM AND [redacted] OFFICER (WHO WAS ACTING ADMIN OFFICER). IT WAS SUBSEQUENTLY SHOWN TO AMBASSADOR, [redacted] AND RSO AND POSSIBLY GSO. [redacted] OFFICER AND GSO MET THE TWO INCOMING FLIGHTS DISCUSSED REFTEL. NO FSNS HAD ACCESS TO THE TELEGRAM.

4. THERE EXISTS, HOWEVER, A MORE LIKELY SOURCE OF COMPROMISE. CHILEAN DESK OFFICER AND DCM DISCUSSED PARA ONE OF REFTEL OVER THE OPEN PHONE LINES ON AT LEAST TWO OCCASIONS. THIS WAS DONE QUITE DELIBERATELY, IN ORDER TO ESTABLISH THE COVER STORY IN THE HEARING OF ANYONE WHO MIGHT BE LISTENING IN. CLEARLY, THE CNI WAS. [redacted] THE FACT THAT IT HAS ONLY RECENTLY BEEN MENTIONED TO [redacted] MAY INDICATE THAT THE CNI PAID LITTLE ATTENTION TO THE CONVERSATION AT THE TIME BUT HAS BEEN REPLAYING ITS TAPES.

5. DEPARTMENT MAY WISH TO USE THIS AS THE BASIS FOR A REMINDER TO ALL POSTS ABOUT CONVERSATIONS ON INTERNATIONAL PHONE LINES.
BARNES

NOTE BY OC/T: REFTEL NUMBER APPARENTLY INCORRECT. VERIFICATION HAS BEEN REQUESTED FROM EMBASSY.

Chile Project (#S199900030)
U.S. Department of State
Release ____ Excise ✓ Deny ____
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Exemption(s) B1

EWH CONFIDENTIAL SANTIAGO 01722

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Chile Project (#S199900030)
U.S. Department of State
Release X Excise Deny
Declassify: In Part In Full X
Exemption(s)

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CHRGE: PROG 3-10-87
APPRV: AMB:HGBARNESJR
DRFTD: AMB:AL
CLEAR: DCM:GEJONES
DISTR: AMB DCM POL DAO

C O N F I D E N T I A L SANTIAGO 01722

PERSONAL FOR GENERAL GALVIN

EO 12356: DECL: OADR
TAGS: OTRA (BARNES, HARRY), CI
SUBJ: RESTORATION OF IMET FOR CHILE

ACTION COPY

1. C - ENTIRE TEXT.

2. THIS IS JUST A BRIEF ALERT TO ONE TOPIC I'D LIKE TO REVIEW WITH YOU NEXT WEEK. AS I MENTIONED WHEN WE TALKED ON THE PHONE IN WASHINGTON, ONE OF MY FEBRUARY MISSIONS ON CAPITOL HILL WAS TO EXPLORE THE POSSIBILITIES OF GETTING CONGRESSIONAL SUPPORT FOR REINSTITUTION OF IMET. I'LL FILL YOU IN IN MORE DETAIL ON THE REACTION, BUT BASICALLY IT WAS ONE THAT VARIED FROM UNDERSTANDING TO VERY SKEPTICAL, WITH ALMOST EVERYONE FEELING IT WOULD BE EXTREMELY DIFFICULT TO ACHIEVE IN THE CLIMATE OF CONTINUING CRITICISM OF CHILE'S HUMAN RIGHTS ABUSES.

3. IN THE COURSE OF DISCUSSIONS WITH GREG CRAIG OF SENATOR KENNEDY'S STAFF, HE TOLD ME THE SENATOR WAS VERY FAVORABLY IMPRESSED WITH YOUR CONCEPT ON RETHINKING THE PURPOSES OF SECURITY ASSISTANCE, AND HE ASKED ME TO TRY TO LOOK AT IMET FOR CHILE IN THAT CONTEXT.

4. UNTIL NEXT WEEK,
BARNES
FT
#1722

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EWH CONFIDENTIAL SANTIAGO 01722

Lot. 89180 Box 91/359

3-11-87

NH092

ARA PRESS GUIDANCE March 11, 1987

CHILE: Kennedy Proposes Economic Sanctions

Q: Can you comment on legislation introduced on March 10 by Senators Kennedy and Harkin and Representatives Morrison and Feighan that would impose economic sanctions on Chile?

(FYI: Proposed legislation would mandate "no" votes on Chile loans in MDBs, end GSP and OPIC benefits for Chile, restrict LanChile landing rights, and ban US imports of Chilean copper)

A: THE ADMINISTRATION WILL OPPOSE THIS PROPOSED LEGISLATION AS WE HAVE DONE WITH SIMILAR LEGISLATION IN THE PAST.

WE ARE DEEPLY CONCERNED ABOUT PERSISTENT HUMAN RIGHTS PROBLEMS IN CHILE AND THE LACK OF SUBSTANTIAL PROGRESS TOWARD IMPLEMENTING A TRANSITION TO FULL DEMOCRACY. BUT ADOPTING PUNITIVE ECONOMIC MEASURES WILL NOT BRING DEMOCRACY TO CHILE, NOR END SUCH HUMAN RIGHTS PROBLEMS AS TORTURE. ON THE CONTRARY, SUCH MEASURES WOULD UNJUSTLY PENALIZE THE CHILEAN PEOPLE AND COULD UNDERCUT CHILE'S EXCELLENT ECONOMIC PROGRAM AND POLICIES. THEY COULD ALSO BE COUNTERPRODUCTIVE BY ENCOURAGING A NATIONALISTIC BACKLASH IN CHILE AGAINST THE US, AND THEREBY REDUCE US INFLUENCE AND EFFECTIVENESS.

WE NEED TO USE WHAT INFLUENCE WE HAVE IN CHILE CONSTRUCTIVELY TO ENCOURAGE INCREASED RESPECT FOR HUMAN RIGHTS AND DEVELOPMENT OF A FREE POLITICAL ATMOSPHERE CONDUCIVE TO IMPLEMENTING A SUCCESSFUL TRANSITION TO FULL DEMOCRACY. US SANCTIONS ARE PARTICULARLY INAPPROPRIATE AT A TIME WHEN THE CHILEAN GOVERNMENT HAS CARRIED OUT SOME POSITIVE ACTIONS, SUCH AS REDUCING THE NUMBER OF POLITICAL EXILES AND ENACTING A LAW PROVIDING FOR LEGALIZATION OF POLITICAL PARTIES, TO GO INTO EFFECT TODAY.

Chile Project (#S199900030)
U.S. Department of State
Release X Excise_____ Deny_____
Declassify: In Part_____ In Full_____
Exemption(s)_____

IF ASKED ONLY

Q: A month has passed since one of the defendants in the Letelier/Moffitt case entered the US voluntarily to cooperate with US law enforcement officials. What does the US intend to do, ask for extradition of other Chileans indicted in the case?

A: WE ARE SEEKING THE COOPERATION OF THE GOVERNMENT OF CHILE TO BRING TO JUSTICE OTHER CULPABLE INDIVIDUALS IN THE LETELIER/MOFFITT MURDERS AND WILL NOT CONSIDER THIS CASE CLOSED UNTIL JUSTICE IS DONE. I AM NOT GOING TO GO BEYOND THAT AT THIS TIME.

Drafter: ARA/SC:JSwigert
1682S

Clearances: ARA:RGelbard
ARA/SC:RHoward
HA/HR:KBarmon
EB/ODF:LBenedict
L:MKozak
ARA/P:KMarshall
ARA:EAbrams

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PAGE 01 GENEVA 02967 01 OF 02 111848Z
ACTION ARA-00

INFO	LOG-00	COPY-01	ADS-00	AID-00	INR-10	EUR-00	SS-00
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TO SECSTATE WASHDC IMMEDIATE 7020
INFO AMEMBASSY SANTIAGO
AMEMBASSY DUBLIN

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
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~~C O N F I D E N T I A L~~ SECTION 01 OF 02 GENEVA 02967

E.O. 12356: DECL: OADR
TAGS: PHUM, UNHRC
SUBJECT: 43RD UNHRC: STATUS REPORT ON CHILE RESOLUTION

REFS: A) STATE 70348; B) TELECON WILLIAMSON/KEYES AND GENERO, 3/11/87

1. ~~CONFIDENTIAL~~ - ENTIRE TEXT. THIS IS HRC-387.

2. USDEL INSTRUCTIONS ON CHILE ARRIVED HALFWAY THROUGH THIS MORNING'S WEOG MEETING (REF A).

3. AMBASSADOR WILLIAMSON MADE CLEAR USG POSITION THAT USDEL COULD JOIN CONSENSUS ON THE MEXICAN TEXT AND WITHDRAW THE U.S. RESOLUTION ON CHILE IF AND ONLY IF (A) THE WEOG WOULD SUPPORT AN ITEM 24 TO START A PROCESS TO ELIMINATE ITEM 5 FROM FUTURE UNHRC AGENDAS, AND (B) USDEL BELIEVES THAT ELIMINATION OF ITEM 5 NEXT YEAR HAS A GOOD CHANCE. ALSO, USDEL SAID THAT IF USG JOINED CONSENSUS, USDEL WOUL MAKE A STATEMENT EXPLAINING OUR POSITION.

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PAGE 02 GENEVA 02967 01 OF 02 111848Z

4. USDEL ALSO MADE CLEAR THAT IF THE CONDITIONS ABOVE WERE NOT REPEAT NOT SATISFIED, USDEL INTENDED TO CALL FOR A VOTE ON THE MEXICAN TEXT ON CHILE AND ABSTAIN, MAKE A STATEMENT CLARIFYING USG POSITION ABOUT CONCERNS IN THAT TEXT, AND PUSH FOR CONSIDERATION OF THE USG TEXT ON CHILE.

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5. USDEL INFORMED WEOG THAT WE WOULD TAKE THE POSITION THAT THE MEXICAN AND THE U.S. TEXTS WERE COMPATIBLE AND BOTH SHOULD BE CONSIDERED, AS OCCURRED WITH THE UNHRC ADOPTION OF TWO RESOLUTIONS ON PROPERTY RIGHTS THE NIGHT BEFORE.
6. WEOG CHAIRMAN, UK, MADE CLEAR UK'S CONCERN ABOUT TWO TEXTS. THEN THERE WAS A REVIEW OF HOW WEOG MEMBERS WOULD VOTE IF THE ITEM 24 WERE NOT REPEAT NOT SATISFIED AND THE UNHRC WERE CONFRONTED WITH TWO TEXTS (MEXICAN AND USG).

7. THE FOLLOWING IS THE RESULT OF THAT POLL:

-		SUPPORT PROCEDURE TO ALLOW	
-	MEXICAN	CONSIDERATION	
COUNTRY	TEXT	USG TEXT	USG TEXT
AUSTRIA	YES	NO	YES
AUSTRALIA	YES	NO	ABSTAIN
BELGIUM	YES	NO	NO
FRG	YES	NO	NO
IRISH	YES	NO	NO
ITALY	YES	NO	ABSTAIN
JAPAN	ABSTAIN	ABSTAIN	

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PAGE 03 GENEVA 02967 01 OF 02 111848Z

UK	YES	NO	

8. USDEL EMPHASIZED A NEED TO REAFFIRM THE SUPPORT OF WEOG MEMBERS REGARDING A SEPARATE DECISION UNDER ITEM 24 THAT WOULD SET UP A PROCESS TO EVENTUALLY ELIMINATE ITEM 5 FROM FUTURE UNHRC AGENDAS.

9. IN THE DISCUSSION THAT FOLLOWED, A VARIETY OF VIEWS WERE EXPRESSED, FROM THE FRG'S FIRM POSITION TO ELIMINATE ITEM 5 TO IRELAND DEL WHO SAID THEY COULD SUPPORT A DECISION TO ENSURE THAT THE QUESTION OF A SEPARATE ITEM 5 WOULD AUTOMATICALLY BE RAISED NEXT YEAR, BUT THEY COULD NOT PRE-JUDGE HIS GOVERNMENT'S DECISION PENDING WHAT PROGRESS, IF ANY, ON HUMAN RIGHTS ARE MADE BY THE CHILEAN GOVERNMENT IN COMING MONTHS.

10. WEOG CHAIRMAN, UK AMBASSADOR SIR ANTHONY WILLIAMS, SUMMED UP THE VIEW OF THE MEMBERS BY SAYING THE WEOG WAS APPRECIATIVE OF USG MOVEMENT ON THIS

ISSUE AND WOULD WORK WITH USDEL TO GAIN ACCEPTABLE LANGUAGE ON ITEM 24.
11. WILLIAMSON INFORMED MEXICAN AMBASSADOR MONTANO OF DEVELOPMENTS JUST BEFORE WEDNESDAY A.M. SESSION OF UNHRC WAS TO BEGIN. SINCE ITEM 5 WAS SCHEDULED TO COME UP WITHIN MINUTES OF OPENING OF SESSION, WILLIAMSON AND MONTANO APPROACHED SECRETARIAT AND GAINED A DELAY OF CONSIDERATION OF ITEM 5 UNTIL LATER INTO OR AFTER CONSIDERATION OF THE VARIOUS *RESOLUTIONS UNDER ITEM 12.*

12. USDEL WILL PROCEED PER INSTRUCTIONS (REF A) AND

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PAGE 01 GENEVA 02967 02 OF 02 111848Z
ACTION ARA-00

INFO	LOG-00	COPY-01	ADS-00	AID-00	INR-10	EUR-00	SS-00
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INFO AMEMBASSY SANTIAGO
AMEMBASSY DUBLIN

C O N F I D E N T I A L SECTION 02 OF 02 GENEVA 02967

E.O. 12356: DECL: OADR
TAGS: PHUM, UNHRC
SUBJECT: 43RD UNHRC: STATUS REPORT ON CHILE RESOLUTION

TELEPHONE CONVERSATION WITH AMBASSADOR KEYES AND DAS GENERO (REF B).FLACK

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n/a

Case Number: S1999000030

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
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Exemption(s) ____

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PAGE 01 STATE 070348
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DRAFTED BY: ARA/SC:JSWIGERT
APPROVED BY: IO:LGENERO
ARA:RGELBARD
ARA/SC:RHOWARD (SUBS)
ARA:EABRAMS (SUBS)
S/S: KQUINN (SUBS)
HA:RSCHIFTER (SUBS)
IO:ALKEYES (SUBS)
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TO USMISSION GENEVA NIACT IMMEDIATE
INFO AMEMBASSY SANTIAGO IMMEDIATE

~~C O N F I D E N T I A~~ L STATE 070348

FOR DELIVERY OOB 3/11 TO USDEL/UNHRC

E.O. 12356: DECL: OADR
TAGS: PREL, UNHRC, CI
SUBJECT: UNHRC: RESOLUTION ON CHILE: VOTING
- INSTRUCTION

1. C - ENTIRE TEXT.

2. USDEL IS INSTRUCTED TO INFORM WEOG AND MEXICAN RESOLUTION CO-SPONSORS PRIOR TO VOTE THAT US 1S PREPARED TO JOIN CONSENSUS ON MEXICAN RESOLUTION AS INTRODUCED, AND WITHDRAW US RESOLUTION ON CHILE, PROVIDED THAT USDEL IS REASONABLY CONVINCED THAT WEOG HAS GIVEN FIRM COMMITMENT TO MAKE A GOOD FAITH EFFORT TO ELIMINATE SEPARATE AGENDA ITEM FIVE ON CHILE FOR NEXT SESSION UNDER ~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 02 STATE 070348

ITEM 24, AND THAT IN USDEL'S JUDGEMENT, EFFORT HAS A REASONABLE CHANCE OF SUCCEEDING. WITH THIS PROVISO, USDEL IS INSTRUCTED TO JOIN CONSENSUS ON MEXICAN TEXT WITHOUT REVISION AND TO VOTE YES, RPT YES, IF TEXT IS BROUGHT TO A VOTE.

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3. FOLLOWING CONSENSUS ADOPTION OF RESOLUTION, USDEL SHOULD MAKE AN EXPLANATION OF VOTE, USING TALKING POINTS IN PARA 4. USDEL SHOULD REQUEST THAT DELEGATIONS FAVORABLE TO US POSITION MAKE SIMILAR STATEMENTS.

4. TALKING POINTS:

--THE UNITED STATES HAS DECIDED TO WITHDRAW ITS RESOLUTION ON CHILE SO THAT THERE CAN BE A SINGLE CONSENSUS RESOLUTION.

--WE HAVE MADE EXTENSIVE EFFORTS TO REVISE THE TEXT OF THIS RESOLUTION. A NUMBER OF OUR CONCERNS HAVE BEEN ADDRESSED, BUT THIS RESOLUTION IS STILL FLAWED.

--WE CONSIDER IT VERY POSITIVE THAT THIS RESOLUTION ACKNOWLEDGES EFFORTS BY THE CHILEAN GOVERNMENT TO ADDRESS HUMAN RIGHTS PROBLEMS. MORE COULD BE SAID, AND IN A MORE POSITIVE FASHION, BUT THIS IS AN IMPROVEMENT OVER THE TEXT ORIGINALLY CIRCULATED AT THIS SESSION.

--SIMILARLY IT IS POSITIVE THAT THE RESOLUTION NOW CONTAINS A SECTION CRITICIZING EXTREMIST VIOLENCE FROM ALL SIDES AND NOTING THE NEGATIVE IMPACT OF THIS VIOLENCE ON CARRYING OUT A DEMOCRATIC TRANSITION.

--BUT THE RESOLUTION STILL OMITS A REFERENCE TO THE
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PAGE 03 STATE 070348

BLOODY ASSASSINATION ATTEMPT LAST FALL AGAINST CHILEAN PRESIDENT PINOCHET WHICH KILLED FIVE PEOPLE. TO IGNORE THIS TERRORIST ACT, WHICH COMMUNIST TERRORISTS TOOK CREDIT FOR PUBLICLY, AND WHICH WAS CONDEMNED BY THE CHILEAN DEMOCRATIC OPPOSITION, IS A SERIOUS FLAW, WHICH PLAYS INTO THE HANDS OF VIOLENT TERRORIST EXTREMISTS.

--THESE TERRORISTS ARE SUPPORTED BY ELEMENTS OUTSIDE CHILE, SOME OF WHOM HAVE THE AUDACITY TO CONDEMN HUMAN RIGHTS VIOLATIONS IN CHILE WHILE THEY ARM TERRORISTS WHO

TO CUBA, WHICH PLAYED A KEY ROLE IN SMUGGLING HUGE QUANTITIES OF ARMS TO CHILEAN TERRORIST. US EXPERTS EXAMINED THESE ARMS AFTER THEY WERE UNEARTHED LAST SUMMER AND CONFIRMED THE CUBAN CONNECTION.

--THE SERIOUS HUMAN RIGHTS PROBLEMS IN CHILE ARE BEST UNDERSTOOD IN THE OVERALL CONTEXT. TERRORISM, WHILE NEVER A JUSTIFICATION FOR ABUSES, IS UNFORTUNATELY A

REALITY IN CHILE. TERRORIST VIOLENCE CREATES AN UNNECCESARY OBSTACLE TO IMPLEMENTING A DEMOCRATIC

TRANSITION IN CHILE. ANY RESOLUTION INTENDED TO ENCOURAGE DEMOCRACY, MUST DEAL FORTHRIGHTLY WITH THIS ISSUE.

--THE LACK OF SERIOUSNESS DEMONSTRATED BY THE FAILURE OF THE RESOLUTION CO-SPONSORS TO FACE UP TO THE TERRORISM ISSUE--AND TO CALL TERRORISM BY ITS RIGHT NAME--IS ALSO EVIDENT IN THE FAILURE OF THE RESOLUTION TO END THE DISCRIMINATORY TREATMENT OF CHILE IN A SEPARATE AGENDA ITEM.

--DESPITE THE FACT THAT THERE ARE MANY WORSE HUMAN RIGHTS SITUATIONS IN THE WORLD--MY DELEGATION HAS BROUGHT THE CASE OF CUBA TO THE COMMISSION'S ATTENTION--NO OTHER
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PAGE 04 STATE 070348

COUNTRY IS SINGLED OUT IN THE MANNER OF CHILE.

--THERE MAY BE A HISTORICAL REASON FOR A SEPARATE AGENDA ITEM FOR CHILE, BUT THE TIME HAS LONG SINCE PASSED TO END THAT PRACTICE.

--TO CONTINUE THIS PRACTICE, DESPITE ITS GLARING DISCRIMINATORY NATURE, IS TO UNDERMINE THE CREDIBILITY OF THIS COMMISSION AS AN IMPARTIAL HUMAN RIGHTS ADVOCATE.

--THE COMMISSION HAS THE OPPORTUNITY TO CORRECT THIS UNFORTUNATE AND UNWARRANTED PRACTICE WHEN IT CONSIDERS THE ORGANIZATION OF ITS AGENDA UNDER ITEM TWENTY-FOUR. WE ARE GRATIFIED THAT MANY OF OUR COLLEAGUES HAVE TOLD US THEY AGREE THAT THE TIME HAS COME TO TAKE THESE SIMPLE PROCEDURAL STEPS NECESSARY TO CORRECT THIS UNFORTUNATE SITUATION, SO THAT THE COMMISSION CAN FOCUS ON SUBSTANCE AT ITS NEXT SESSION.

5. IF DELEGATION IS NOT SATISFIED THAT OBJECTIVES STATED IN PARA TWO ARE OBTAINABLE, USDEL SHOULD CALL FOR A VOTE ON US RESOLUTION AND ABSTAIN ON THE MEXICAN TEXT. IN AN EFFORT TO ACHIEVE GREATER BARGAINING LEVERAGE, USDEL SHOULD NOT INDICATE BEFOREHAND HOW THE US WILL VOTE. IN THE EVENT OF AN ABSTENTION, USDEL SHOULD MAKE AN EXPLANATION OF VOTE DRAWING ON TALKING POINTS IN PARAGRAPH 3. SHULTZ

~~CONFIDENTIAL~~

EXCISE UNCLASSIFIED WW 016 3-11-87

SWIGERT

p B-1, B-6

TO: The DCM

FROM :David Dreher

file CASC

59-96-0079

CONFIDENTIAL

1/2

SUBJECT: Charles Horman case

Several weeks ago I received a call from [ ] Apparently he had called the front office and asked for the AMB or DCM and was told they were not available. Thecall was transferred to me. I agreed to meet him the next day but he failed to show. On the afternoon of March 11 he appeared at the Embassy and asked for me. He explained that [ ] preventing his attendance at the earlier date. I asked if he could come back the next day but he said he was going to [ ] for a few days to [ ] So. I arreed to see him for a few minutes. He told the following story:

[

] Charles Horman was detained on Sept. 18, interrogated on Sept. 19, and executed that evening for being an extremist. [ ] says that the GOC deliberately [ ] report and issued a false one claiming Horman was killed by the left. In his opinion, Horman was a leftist but not a radical extremist and therefore his death was an injustice. He feels that the cause of justice requires that the truth be known.

[

] expressed didpleasure with the current regime though maintaining his own anti-Communism [

]

He says that he knows who ordered the killing of Horman and that some of these people are currently top officials. He would like to discuss the case further with a high Embassy official and will call me when he returns from [ ] He says that he will name names. (FYI. He was extremely critical of our role in 1973, saying we did next to nothing to aid Mr. Horman (the father)) He was especially critical of some consular officers.

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copy sent Swigert

Chile Project (#S199900030)
U.S. Department of State
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Declassify: In Part X In Full ____
Exemption(s) B1 B2

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E-18

PAGE 01 MEXICO 05131 112323Z
ACTION OES-09

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TO SECSTATE WASHDC PRIORITY 2940
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DEPARTMENT OF STATE
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UNCLAS MEXICO 05131

FOR OES/N; PASS NRC

E.O. 12356: N/A
TAGS: TRGY, KSCA, MX
SUBJECT: SAFETY OF CUBAN REACTORS

REF: A) MEXICO 4985; B) 86 MEXICO 12836;
C) 86 STATE 183835

1. IN TESTIMONY BEFORE A PUBLIC HEARING OF THE MEXICAN CONGRESS' ECOLOGY COMMISSION ON THE LAGUNA VERDE NUCLEAR POWER REACTOR ON THE AFTERNOON OF MARCH 10, JUAN EIBENSCHUTZ, THE NUMBER TWO MAN IN THE MEXICAN FEDERAL ELECTRICITY COMMISSION, STATED THAT THE CUBANS WERE INTERESTED IN EXCHANGES WITH THE MEXICANS ON NUCLEAR SAFETY. HE SAID MIGUEL MEDINA, HEAD OF THE MEXICAN NATIONAL COMMISSION FOR NUCLEAR SAFETY AND SAFEGUARDS WOULD BE TRAVELLING TO CUBA IN A FEW DAYS FOR DISCUSSIONS ON NUCLEAR SAFETY.

2. ACTING SCIENCE COUNSELOR CONTACTED EIBENSCHUTZ ON THE MORNING OF MARCH 11 ABOUT HIS TESTIMONY. EIBENSCHUTZ
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PAGE 02 MEXICO 05131 112323Z

CONFIRMED THE CONTACT WITH THE CUBANS AND MEDINA'S TRAVEL TO CUBA. HE SAID, HOWEVER, NOTHING CONCRETE WAS KNOWN ABOUT WHAT THE CUBANS WANTED BUT IT APPEARED THAT THEY

WERE INTERESTED IN INTERCHANGES ON NUCLEAR SAFETY. EISENSCHUTZ FURTHER NOTED THAT THE CUBANS HAD TWICE VISITED LAGUNA VERDE AT THE INVITATION OF THE LATIN AMERICAN NUCLEAR SOCIETY. (SCI: JDETHOMAS) GAMBLE

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*** Current Handling Restrictions *** n/a
*** Current Classification *** UNCLASSIFIED

M I N U T A

NH217A_R

1. El artículo 24 transitorio de la Constitución de 1980 contempla un especial estado de excepción que suele llamarse "estado de peligro de perturbación de la paz interior". La declaración de dicho estado la hace el Presidente de la República; las causales de declaración son: a) Producción de actos de violencia destinados a alterar el orden público y b) el peligro de perturbación de la paz interior.

   Este especial estado de excepción no está contemplado en el articulado permanente de la Constitución, que sólo considera los de "asamblea", "sitio", "emergencia" y "catástrofe" (Arts. 39 y sgts.)

   Una vez decretado el estado de"peligro de perturbación de la paz interior", el Presidente puede: a) ordenar arrestos; b) restringir el derecho de reunión y la libertad de información; c) prohibir el ingreso y expulsar personas, y d) disponer relegaciones o "permanencias obligadas".

2. El ejercicio de estas atribuciones se cumple mediante decretos supremos del Ministerio del Interior. De este modo, TODAS las detenciones, relegaciones, EXPULSIONES Y PROHIBICIONES DE INGRESO CONSTAN EN UN DECRETO FIRMADO POR EL MINISTERIO DEL INTERIOR.

3. El país ha sido declarado en "estado de peligro de perturbación de la paz interior" desde el mismo día 11 de Marzo de 1981, fecha de vigencia de la actual Constitución. Como la declaración es por seis meses, el 11 de Septiembre de 1981 fue prorrogada, y así ha ocurrido ININTERRUMPIDAMENTE cada 11 de Marzo y 11 de Septiembre de los años 1981 a 1987.

4. Aunque el texto no lo dice, las medidas adoptadas en virtud de este estado de excepción terminan con su vigencia. Así ha sido la tradición jurídica chilena (lo establecía el Art. 72 Nº 17 de la Constitución de 1925), y así lo dice el Art. 41 Nº 7 de la actual, si bien establece una norma especialísima para las expulsiones y prohibiciones de ingreso "que se autorizan en los números precedentes (es decir, en estado de asamblea, sitio y emergencia). Como no existe una norma similar en el artículo 24 transitorio SIEMPRE SE HA ENTENDIDO QUE LAS MEDIDAS DE PROHIBICION DE INGRESO Y EXPULSION CADUCAN CON LA VIGENCIA DEL ESTADO DE PELIGRO DE PERTURBACION DE LA PAZ INTERIOR.

5. De esta forma cada 11 de Septiembre y cada 11 de Marzo, junto con renovarse la vigencia del estado de excepción citado, mediante decretos supremos del Ministerio del Interior SE RENUEVAN TODAS LAS ORDENES DE PROHIBICION DE INGRESO, tal como se aprecia en los documentos que se adjuntan.

   Esto significa que las personas que tienen HOY prohibición de ingreso es porque el 11 de Marzo de 1987 se dispuso la renovación de la prohibición anterior. Si no se hubiere dictado la prórroga, no existirían personas impedidas.

Chile Project (#S199900030:
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6. Conviene aclarar que los "listados de personas impedidas de ingresar a Chile" no son sino resúmenes de los nombres que aparecen en los decretos supremos que establecen las prohibiciones.

CONCLUSION.

Los documentos adjuntos demuestran que el 11 de Marzo de 1987 el Ministerio del Interior dispuso las prohibiciones de ingreso de chilenos y extranjeros que se encuentran vigentes.

3-12-87

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PAGE 01 MANILA 07586 120531Z
ACTION IO-19

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AMEMBASSY SANTIAGO PRIORITY

Chile Project (#S199900030)
U.S. Department of State
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Declassify: In Part_____ In Full X
Exemption(s)_____

C O N F I D E N T I A L MANILA 07586

E.O. 12356: DECL: OADR
TAGS: UNHRC, PHUM, CI, RP
SUBJECT: U.S. SPONSORSHIP OF CHILE HUMAN RIGHTS RESOLUTION AT UNHRC

REFS: A) MANILA 7329 B) STATE 58286
C) STATE 52474 D) STATE 51557

1. ~~CONFIDENTIAL~~ - ENTIRE TEXT.

2. DEPARTMENT OF FOREIGN AFFAIRS ASSISTANT SECRETARY FOR IO/UN AFFAIRS VALDERRAMA TOLD POLOFF MARCH 11 THAT THE PHILIPPINES WILL SUPPORT U.S. RESOLUTION ON CHILE AT UNHRC AND HE HAS INSTRUCTED THE PHILIPPINE DELEGATION IN GENEVA TO VOTE ACCORDINGLY. VALDERRAMA SAID HE INFORMED CHILEAN EMBASSY CHARGE EARLIER THAT DAY OF GOP'S DECISION. ACCORDING TO VALDERRAMA, THE CHILEAN OFFICIAL APPEARED PLEASED, STATING THAT THE MEXICAN DRAFT WAS UNACCEPTABLE TO HIS GOVERNMENT. BOSWORTH

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PAGE 01 GENEVA 03041 131033Z
ACTION ARA-00

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FM USMISSION GENEVA
TO SECSTATE WASHDC IMMEDIATE 7130
INFO AMEMBASSY SANTIAGO
USMISSION USUN NEW YORK

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

C O N F I D E N T I A L GENEVA 03041

E.O. 12356: DECL: OADR
TAGS: PHUM, UNHRC, CI
SUBJECT: 43RD UNHRC-CHILE RESOLUTION: CONVERSATION WITH
- CHILEAN AMB CALDERON MARCH 11, 1987

REF: STATE 70348

1. (C-ENTIRE TEXT).

2. THIS IS HRC 389.

3. WEDNESDAY, MARCH 9, P.M. (SHORTLY AFTER VOTE ON INDIAN MOTION TO HAVE NO DECISION ON USG RESOLUTION ON CUBA), CHILEAN AMB CALDERON SOUGHT OUT AMB WILLIAMSON.

4. AMB CALDERON SAID THAT THIS VOTE ON CUBA WAS ANOTHER DEMONSTRATION THAT THE UNHRC IS NOT A SERIOUS BODY. HE WENT ON TO SAY THAT HE EXPECTED THAT THIS VOTE WILL BE A FURTHER REASON CITED BY SOME IN SANTIAGO THAT THE UNHRC IS NOT REPEAT NOT A BODY WORTHY OF RESPECT NOR WORTHY OF CONTINUED COOPERATION BY HIS GOVERNMENT.

5. AMB CALDERON SAID THAT WHILE HE WAS SADDENED BY THE
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PAGE 02 GENEVA 03041 131033Z

CUBA VOTE AND THAT WHILE THIS VOTE FURTHER CONFIRMED THE "POLITICALZATION" OF THE UNHRC WITHOUT REGARD TO THE MERITS OF HUMAN RIGHTS PROBLEMS, HE PERSONALLY FEELS CHILE SHOULD TRY TO CONTINUE TO COOPERATE WITH THE UNHRC AS FAR AS POSSIBLE. THEN AMB CALDERON ASKED ABOUT THE STATUS OF THE CHILE RESOLUTION.

6. WILLIAMSON AGAIN SAID THE USG HAS A DEEP, CONSTANT COMMITMENT TO HUMAN RIGHTS EVERYWHERE. HE SAID THE USG IS NOT REPEAT NOT SATISFIED WITH THE RATE OF PROGRESS OF HUMAN RIGHTS CONDITIONS IN CHILE. WILLIAMSON SAID THE SITUATION CONTIUES TO BE SIMPLY UNACCEPTABLE. HE SAID, FURTHER, IT IS IMPORTANT TO THE USG THAT CHILE MAKE FURTHER PROGRESS IN THIS AREA AND DO SO MORE RAPIDLY.

7. WILLIAMSON WENT ON TO SAY THAT THE USG CONTINUES TO HAVE CONCERNS WITH THE MEXICAN TEXT ON CHILE. IT STILL IS FLAWED IN A NUMBER OF AREAS. FOR EXAMPLE, HE SAID, IT FAILS TO MAKE REFERENCE TO THE ASSASSINATION ATTEMPT AGAINST THE CHILEAN PRESIDENT.

8. NONETHELESS, HE TOLD AMB CALDERON THAT IF THROUGH A SEPARATE ITEM 24 DECISION CONCRETE MOVEMENT CAN BE MADE FOR EVENTUAL ELIMINATION OF A SEPARATE ITEM 5 IN FUTURE UNHRC AGENDAS, THEN THE USG COULD JOIN CONSENSUS ON THE MEXICAN TEXT.

9. AMB CALDERON EXPRESSED DISAPPOINTMENT THAT THE MEXICAN TEXT, WHICH HE CALLED VERY IMBALANCED, MIGHT GET CONSENSUS.

10. WILLIAMSON AND AMB CALDERON AGREED TO CONTINUE TO EXCHANGE VIEWS ON THIS MATTER AS IT DEVELOPS. FLACK
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PAGE 03 GENEVA 03041 131033Z

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United States Department of State

Washington, D. C. 20520

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EXCISE

Chile Project (#S1999) MAR 16 1987
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part X In Full ____
Exemption(s) NR

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BRIEFING MEMORANDUM
CONFIDENTIAL S/S 3/17

TO: D - Mr. Whitehead

FROM: EB - Doug McMinn

SUBJECT: Your Meeting with Peter Kilborn, Financial Journalist from the New York Times, Wednesday, March 18, 1987, 3 PM

I. Setting

- Mr. Kilborn, who has written extensively on international debt issues for the New York Times, requested to speak with you about (a) the U. S. approach to managing LDC debt, and (b) the subject of debt/equity conversions.

- You should take the opportunity to reaffirm that the general thrust of our debt management approach is correct but indicate that refinements in response to evolving market developments may be appropriate.

- You could also indicate that increased stress on promoting equity investment is fully consistent with our approach and that debt/equity conversions can be one important element in promoting such investment.

II. Background

NR

- The recent profusion of debt alleviation proposals, as well as heightened Congressional interest in debt issues, reflect that view.

- We do not accept the view that our approach to LDC debt management is in need of major revision. As noted in the attached Talking Points, there have been important signs of progress. At the same time however, there are areas where actual developments have not met our expectations.

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- One major sign of progress is that a number of debtors (Mexico, Philippines, Ecuador, Chile) are moving to improve their investment climates and seeking to transfer enterprises from public to private sector control. Equity investment can and should serve as a more productive alternative to the accumulation of more debt.

- [redacted] NR

- Since mid-1985, Chile has approved debt/equity conversions of some $1.2 billion. By the end-86, Mexico had approved conversions worth $650 million.

- For 1987, conversions in Mexico and Chile could be in the $1 billion range. By end-87, conversions in the Philippines could be as much as $500 million.

[redacted] NR

You may wish to use the attached Talking Points in your meeting.

Attachment:

Talking Points

Drafted: EB/OMA:RLGlass Wang 676 OMA
647-9497 revised 3/13/87
Cleared: EB/OMA:NBurakow
EB/IFD:WBMilam
EB/PAS:SWebb
EB/OIA:SVillarosa
E:PBalabanis

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Case Number: S1999000030

Chile Project (#S199900030)
U.S. Department of State
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PAGE 01 STATE 075774
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~~C O N F I D E N T I A L~~ STATE 075774

E.O. 12356: DECL: OADR
TAGS: CI, PHUM
SUBJECT: REPORTS ON TORTURE IN CHILE

REF: A) SANTIAGO 1640; B) SANTIAGO 1618; C) STATE 65381

1. DEPARTMENT IS GRATEFUL FOR EMBASSY'S PROMPT RESPONSE IN REF. A TO INQUIRY ABOUT TORTURE IN CHILE. REF B ALSO SHEDS LIGHT ON THE PROBLEM.

2. DEPARTMENT BELIEVES THAT IF TORTURE IS TAKING PLACE, AS EMBASSY BELIEVES IT IS, USG MUST CONTINUE TO MAKE CLEAR AND STRONG STATEMENT ON THE SUBJECT AND WE MUST ALSO CONTINUE TO MAKE STRONG REPRESENTATIONS TO GOC. HOWEVER, BEFORE WE MAKE ANY FURTHER DEMARCHE WE MUST BE SURE THAT WE HAVE AS CLEAR AN UNDERSTANDING OF THE FACTS AS IS REASONABLY POSSIBLE.

3. ACTION REQUESTED. ACCORDINGLY, DEPARTMENT REQUESTS YOU REVIEW CASES REFERRED TO IN REF C AND OTHER RELEVANT CASES, INCLUDING THOSE LISTED IN THE AMNESTY ~~CONFIDENTIAL~~

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PAGE 02 STATE 075774

INTERNATIONAL REPORT OF FEBRUARY 1987, TO DETERMINE WHETHER THEY CAN SERVE AS A BASIS FOR A FURTHER DEMARCHE. WOULD IT BE FEASIBLE TO INTERVIEW PERSONS

INFORMED ON THE SUBJECT SO AS TO ESTABLISH AS CLEARLY AS POSSIBLE NAMES OF PERSONS TORTURED, PLACE OF

TORTURE, AGENCY RESPONSIBLE FOR TORTURE, NATURE OF TORTURE? IF SUCH FURTHER INVESTIGATION MAKES IT CLEAR THAT THERE IS A BASIS FOR FURTHER USG ACTION, DEPARTMENT REQUESTS THAT YOU RECOMMEND THE FORM IN WHICH USG SHOULD EXPRESS ITS VIEWS. SHULTZ

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PAGE 01 GENEVA 03112 01 OF 02 141118Z
ACTION IO-19

INFO	LOG-00	COPY-01	ADS-00	INR-10	EUR-00	SS-00	OIC-02
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AMEMBASSY SANTIAGO PRIORITY

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
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Exemption(s) ____

~~C O N F I D E N T I A L~~ SECTION 01 OF 02 GENEVA 03112

E.O. 12356: DECL: OADR
TAGS: PHUM, UNHRC, CI, US
SUBJECT: 43RD UNHRC - FINAL REPORT ON CHILE RESOLUTION

REF: A) STATE 70348/01, B) TELECON WILLIAMSON/GENERO 3/11/87

1. (C-ENTIRE TEXT).

2. THIS IS HRC-407.

3. SUMMARY: REVIEW OF FINAL DISPOSITION OF CHILE RESOLUTION AT 43RD UNHRC. END SUMMARY.

4. REGARDING ELIMINATION OF A SEPARATE AGENDA ITEM FIVE ON CHILE FOR NEXT UNHRC SESSION, AS DISCUSSED WITH DEPARTMENT WEDNESDAY NIGHT (REFTEL B), OBVIOUSLY USDEL CAN NOT REPEAT NOT GUARANTEE SUCCESS. HOWEVER, PER INSTRUCTIONS (REFTEL A), USDEL HAS SOUGHT A FIRM COMMITMENT FROM WEOG, THAT THERE WILL BE A GOOD FAITH EFFORT TO ACHIEVE THIS END.
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PAGE 02 GENEVA 03112 01 OF 02 141118Z

5. VARIOUS MEMBERS WITHIN WEOG HAVE GIVEN DIFFERENT DEGREES OF COMMITMENT (SEE PARAGRAPH 6 BELOW). HOWEVER, AT THE THURSDAY AM WEOG MEETING (MARCH 12) AT THE CONCLUSION OF DISCUSSION OF THIS TOPIC, AMB WILLIAMSON AGAIN STATED THAT THE "USG STRONG POSITION IS THAT A

SEPARATE ITEM 5 AGENDA ITEM SHOULD BE ELIMINATED. IT IS DISCRIMINATORY. WE MUST MAKE PROGRESS ON THIS CONCERN," AND THAT USG AGREEMENT TO JOIN CONSENSUS ON THE MEXICAN TEXT IS CONTINGENT ON ADOPTION OF AN ACCEPTABLE ITEM 24 DEALING WITH NEXT YEAR'S AGENDA WITH WEOG COMMITMENT FOR "GOOD FAITH, COOPERATION AND MAJOR EFFORT FROM ALL OF US TO IMPROVE THE AGENDA NEXT YEAR" ALONG THESE LINES, PLUS WHATEVER IMPROVEMENTS MIGHT MAKE THE AGENDA MORE EFFECTIVE AND EFFICIENT.

6. WHILE THERE IS GENERAL SUPPORT, AND "USDEL IS REASONABLY CONVINCED THAT WEOG HAS GIVEN FIRM COMMITMENT TO MAKE A GOOD FAITH EFFORT TO ELIMINATE SEPARATE AGENDA ITEM 5 ON CHILE FOR NEXT SESSION" (REFTEL A), THE VIEWS OF SOME COUNTRIES AS EXPRESSED IN GENEVA IN RECENT DAYS DESERVE SPECIAL NOTE:

--FRG: VERY FIRM FOR ELIMINATION OF ITEM 5.

--UK: FIRM FOR ELIMINATION OF ITEM 5.

--FRANCE: FIRM FOR ELIMINATION OF ITEM 5.

--AUSTRALIA: FOR ELIMINATION OF ITEM 5.

--AUSTRIA: FOR ELIMINATION OF ITEM 5.

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PAGE 03 GENEVA 03112 01 OF 02 141118Z

--BELGIUM: FOR ELIMINATION OF ITEM 5.

--JAPAN: FOR ELIMINATION OF ITEM 5.

--DENMARK: FOR ELIMINATION OF ITEM 5 AS PART OF A LARGER AGENDA REFORM PACKAGE.

--NORWAY: FOR ELIMINATION OF ITEM 5 AS PART OF A LARGER AGENDA REFORM PACKAGE.

--ITALY: FOR ELIMINATION OF ITEM 5 AS PART OF A LARGER AGENDA REFORM PACKAGE.

--NETHERLANDS: FOR ELIMINATION OF ITEM 5 AS PART OF A LARGER AGENDA REFORM PACKAGE.

--IRELAND: VERY SOFT. SUPPORT CONTINGENT ON FURTHER IMPROVEMENTS OF HUMAN RIGHTS IN CHILE.

7. DISCUSSIONS WITH MEMBERS OF THE LATIN GROUP REVEALS BROAD SUPPORT FOR ELIMINATION OF ITEM 5 (INCLUDING A PERSONAL PLEDGE FROM MEXICAN AMB MONTANO).

8. THE SOCIALIST, AFRICAN AND ASIAN GROUPS ARE HARDER TO JUDGE AT THIS POINT. ONE CAN EXPECT OUR USUAL ADVERSARIES TO PUT ROADBLOCKS IN FRONT OF THIS EFFORT.

9. NONETHELESS, USDEL'S JUDGMENT IS THAT THERE IS A "REASONABLE CHANCE OF SUCCEEDING" ON ELIMINATION OF A SEPARATE ITEM 5. HOWEVER, THE ISSUE WILL NEED WORK WELL BEFORE THE NEXT UNHRC BEGINS.

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PAGE 01 GENEVA 03112 02 OF 02 141118Z
ACTION IO-19

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AMEMBASSY SANTIAGO PRIORITY

~~C O N F I D E N T I A L~~ SECTION 02 OF 02 GENEVA 03112

10. DUE TO THIS JUDGMENT, AT THURSDAY AM SESSION USDEL WITHDREW ITS RESOLUTION ON CHILE, JOINED THE CONSENSUS RESOLUTION, AND AMB WILLIAMSON MADE AN EXPLANATION OF VOTE ALONG THE TALKING POINTS PROVIDED IN THE INSTRUCTION CABLE (REFTEL A).

11. REGARDING THE ITEM 24 DECISION, THE LANGUAGE REVIEWED WITH DEPARTMENT ON WEDNESDAY EVENING (REFTEL B) WAS ADOPTED BY CONSENSUS ON FRIDAY, MARCH 13, IT READS AS FOLLOWS: BEGIN TEXT:

DECISION:

THE COMMISSION ON HUMAN RIGHTS, BEARING IN MIND THE NEED TO CONSIDER RATIONALIZATION OF ITS AGENDA AND DEBATE, AS WELL AS OTHER RELEVANT CONSIDERATIONS, AND TAKING DUE

NOTE OF ITS DISCUSSION AT THE CONCLUSION OF ITS 42ND SESSION OF THE POSSIBLE DELETION OF ITEM 5 FROM THE DRAFT PROVISIONAL AGENDA FOR ITS 43RD SESSION, AND THE INCLUSION UNDER ITEM 12 OF THE LEGISLATIVE AUTHORITY AND DOCUMENTATION LISTED UNDER ITEM 5, DECIDES TO CONSIDER ~~CONFIDENTIAL~~

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PAGE 02 GENEVA 03112 02 OF 02 141118Z

THIS QUESTION FURTHER AT THE 44TH SESSION BEFORE ADOPTION OF THE AGENDA.

END TEXT. FLACK##

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United States Department of State

Washington, D.C. 20520

CONFIDENTIAL
MEMORANDUM

TO: ARA - James H. Michel

THRU: ARA - Robert S. Gelbard

FROM: ARA/SC - Richard B. Howard

SUBJECT: Demarche to Mexicans on UNHRC Resolution

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
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Exemption(s) ____

As you are aware, we are close to negotiating a consensus text on the Chilean human rights resolution at the UNHRC Geneva meeting. IO has serious problems with preambular paragraph 12 of the draft text, which mentions the Pinochet assassination attempt. They feel that our suggested wording in this paragraph has been re-worked in negotiations in Geneva to the point where it does not adequately reflect our concerns over presenting a resolution balanced in all its parts. While agreeing with the substance of IO's concern, we do not feel the Mexican formulation of this paragraph should prevent our voting for the resolution. IO is amenable to this position, and will not seek to block consensus on this point.

As originally proposed (by the US) this paragraph read, "Noting the assassination attempt last fall against the Chilean President and the still unsolved murders of four opposition figures during the ensuing state of siege." The formulation proposed by Mexico downplays the significance of the assassination attempt by reading, "Noting the still unsolved murders of four opposition figures during the state of siege imposed following the assassination attempt."

We have discussed the paragraph 12 issue with Bob and, on his suggestion, are forwarding talking points to be phoned down by you to Amb. Pilliod in Mexico for immediate use with the highest available appropriate government official. The tabling deadline is tomorrow at 1300 hours Geneva time.

Attachments:

1. Talking Points.
2. Draft Mexican text.
3. State 64014, Instructions to Geneva.

Draft:ARA/SC:LKusnitz
#1623S, 3/5/87

Clear:HA:SIfshin (subs)
IO/HW:MJacobs(subs)
ARA/MEX:JLandberg (subs)

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DECL: OADR

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Talking Points:

--We are close to achieving a consensus on a Chilean human rights text in Geneva. Passage of a balanced text by consensus will aid the cause of democracy in Chile and encourage improvements in the human rights situation. Our objective is to encourage real improvements, not simply criticize.

--Our delegations have worked together in Geneva on forging a consensus document. I understand that one sticking point remains. This involves preambular paragraph 12.

--As originally proposed this paragraph reads,"Noting the assassination attempt last fall against the Chilean President and the still unsolved murders of four opposition figures during the ensuing state of siege." The formulation proposed by your delegation downplays the significance of the assassination attempt by reading, "Noting the still unsolved murders of four opposition figures during the state of siege imposed following the assassination attempt."

--We believe it important to have a formulation for this paragraph which draws attention to the attempt on Pinochet's life. In order for international resolutions to have impact, they need to address the reality of the situation. Clearly, the attempt on the Chilean President's life was a major incident last year. Failure to include it prominently will undercut the resolution and make it less likely that it will have positive impact by making it appear that the resolution is unbalanced and, therefore, not worthy of response.

--I ask you to immediately contact your delegation in Geneva in order that this remaining issue can be resolved.

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Department of State

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EXDIS

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FOR L - KOZAK

E. O. 12346: DECL:OADR
TAGS: CJAN, PTER, CI
SUBJ: LETELIER CASE: WILLOUGHBY TRIP TO THE U.S.

1. [redacted] ENTIRE TEXT.

2. FEDERICO WILLOUGHBY WILL GO TO THE STATES FOR MEDICAL TREATMENT, ARRIVING MIAMI AT 0554 FRIDAY, MARCH 20, ON EASTERN 22, AND NEW YORK AT 1100 SAME DAY, ON EASTERN 14. HE TOLD DCM HE WOULD BE WILLING TO MEET WITH STATE AND JUSTICE OFFICIALS IN WASHINGTON. WE ARE ATTEMPTING TO OBTAIN PHONE NUMBER WHERE HE COULD BE REACHED IN NEW YORK; MEANWHILE, WOULD APPRECIATE KNOWING WHETHER DEPARTMENT IS INTERESTED.

3. IN EARLIER CONVERSATION WITH WILLOUGHBY, HE MADE THES COMMENTS ON LETELIER CASE:

-- HE BELIEVES THAT ESPINOZA "IS VERY CLOSE TO THE POSITION OF FERNANDEZ LARIOS," I.E., WANTS TO FREE HIMSELF OF THE BURDEN HANGING OVER HIM.

-- THREE CNI AGENTS HAVE BEEN PUT AT DISPOSAL OF RAUL GONZALEZ ALFARO, MANAGING EDITOR OF ULTIMAS NOTICIAS NEWSPAPER WHO IS PINOCHET SUPPORTER, TO HELP HIM DIG UP MATERIAL TO DISCREDIT FERNANEZ LARIOS. MARINA CALLEJAS, TOWNLEY'S EX-WIFE WHO ONCE WORKED WITH HIM FOR DINA, IS AGAIN WORKING FOR CNI. WILLOUGHBY BELIEVES THAT FERNANDEZ' ARMY MEDICAL RECORDS MAY BE CHANGED TO SUPPORT STORY THAT HE IS MENTALLY ILL.

-- WHEN WILLOUGHBY VISITED TOWNLEY IN A U.S. JAIL IN 1979, TOWNLEY TOLD HIM THAT FERNANDEZ LARIOS HAD NO PRIOR KNOWLEDGE OF THE MURDERS. WILLOUGHBY ASSERTED THAT GENERAL ORDZCO, IN PRIVATE TALKS WITH TOWNLEY IN THE U.S., PERSUADED HIM TO LIMIT CERTAIN ASPECTS OF HIS TESTIMONY IN RETURN FOR GUARANTEES CONCERNING HIS WIFE AND CHILDREN.

-- WILLOUGHBY ASSERTED THAT HE NEVER PURPORTED TO REPRESENT THE GOC DURING HIS 1979 TRIP TO THE U.S. AND DOES NOT UNDERSTAND HOW U.S. ATTORNEYS GOT THAT IMPRESSION. HE SAYS HE ACTED SOLELY OUT OF FRIENDSHIP FOR FERNANDEZ.

-- WILLOUGHBY SAID HE WAS AWARE THAT HE IS A PARTICULAR TARGET OF PINOCHET'S WRATH, BUT SEEMED QUITE RELAXED. HE SAID HIS CONTACTS WITH BOTH ACTIVE DUTY AND RETIRED MILITARY HAVE CONTINUED. HE CITED A RECENT VISIT BY A GROUP OF RETIRED GENERALS ONE MENTIONED ARELLANO OF CALAMA FAME, BONILLA, AND KURTZI WHOM HE KNEW TO BE ACTING ON BEHALF OF PINOCHET.

PAGE 01 SANTIA 01958 88 OF 02 162026Z 1998 SS09985

-- NOR DID HE EXPRESS CONCERN ABOUT ARTURO FERNANDEZ' SECURITY, BUT HE DID WORRY ABOUT ARTURO'S ECONOMIC SITUATION AS HE HAS BEEN UNABLE TO FIND EMPLOYMENT SINCE BEING FIRED.

-MANY OF THE MILITARY DO VIEW FERNANDEZ AS A TRAITOR, BUT IN THE ARMY, A TRAITOR TODAY CAN BE A HERO TOMORROW - IF THE ORDERS CHANGE. HE CITED GENERAL PRATS AS AN EXAMPLE IN REVERSE - THE OBJECT OF INTENSE LOYALTY UNTIL THE 1973 COUP, AND SINCE THEN A TRAITOR.

-- GOC HAS ORDERED THE MEDIA TO STOP REFERRING TO "LETELIER CASE" AND INSTEAD ALWAYS SAY "FERNANDEZ LARIOS" CASE. WILLOUGHBY GAVE AN INTERVIEW TO COSAS MAGAZINE IN WHICH HE INSISTED "LETELIER" BE USED OR NO INTERVIEW.

4. TURNING TO CHILEAN POLITICS, WILLOUGHBY CONTINUES TO BELIEVE - AS HE HAS INSISTED IN EVERY CONVERSATION WITH EMBOFFS - THAT PINOCHET WANTS TO LEAVE THE PRESIDENCY (BUT NOT THE COMMAND OF THE ARMY) IN 1989. HE SAID THIS IS ALSO MRS. PINOCHET'S WISH. (BOTH STATEMENTS ARE CONTRARY TO CONVENTIONAL WISDOM IN CHILE.) HE SAID WHEN HE TOLD PINOCHET THAT HE WOULD HAVE TO RESIGN AS HIS PRESS SECRETARY BECAUSE OF HIS WORSENING KIDNEY CONDITION, PINOCHET ASKED HIM WHO ELSE HE HAD TOLD. WILLOUGHBY SAID ONLY PINOCHET, NOT EVEN HIS OWN WIFE. PINOCHET SAID KEEP IT THAT WAY; NEVER ANNOUNCE YOU'RE LEAVING POWER, JUST DO IT WHEN THE TIME COMES. HE EVEN TOLD WILLOUGHBY TO "APRETAR" (TURN THE SCREWS ON) VARIOUS MINISTERS, TO SHOW THAT HE WAS STILL A POWERFUL MAN. BUT, WILLOUGHBY SAID, PINOCHET WANTS TO LEAVE THE PRESIDENCY IN THE HANDS OF SOMEONE SAFE. HE MENTIONED BELTRAN URENA, PRESIDENT OF THE GOC ECONOMIC ADVISORY COUNCIL, AS A POSSIBILITY. WILLOUGHBY BELIEVES MAJORITY OF THE ARMY WANTS PINOCHET TO TURN OVER THE PRESIDENCY TOO, AND THAT IT COULD BE PERSUADED TO ACCEPT SOMEONE LIKE URENA ON THE GROUNDS THAT "WE FINALLY GOT HIM TO AGREE TO GO." THE DANGER, WILLOUGHBY SAID, IS THAT A CIVILIAN CANDIDATE IMPOSED THROUGH A YES-OR-NO PLEBISCITE COULD BE DEFEATED JUST AS PINOCHET WOULD BE, AND THE MILITARY AS AN INSTITUTION WOULD BE THE LOSER. THEREFORE, WILLOUGHBY BELIEVES COMPETITIVE ELECTIONS, WITH OR WITHOUT PINOCHET AS A CANDIDATE, ARE THE ONLY WAY OUT FOR THE ARMY.
JONES

Chile Project (#S199900030)
U.S. Department of State
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Assistant Secretary's Daily Activity Report
March 16, 1987

NR

ARGENTINA

CHILE

Sentencing Date for Fernandez Likely to be Delayed

The US Attorney's office will ask that the April 6 sentencing date be delayed three weeks. Fernandez' defense attorney will not object. Although Judge Parker is said to be unpredictable, he is likely to agree. (Swigert)

Moffitt Family Supports Holding Off New Request for Extradition

After several false starts Bob Gelbard and Mike Kozak met on March 12 with Michael Moffitt, Murray Karpen (Ronni Moffitt's father) and their attorney Buffone. (Mrs. Letelier could not attend.) The meeting went as well as could be expected. Moffitt and Karpen expressed a great deal of skepticism, but said they were willing to give us the benefit of the doubt, and accept Gelbard's assurances that the USG was genuinely interested in seeking to bring Contreras and Espinoza to justice, seek compensation for the victims' families from the GOC (at the appropriate time), and continue to work in favor of bringing democracy to Chile. Buffone said they were pleased that the US favored holding off another request for extradition, which in their view would lead only to Pinochet shifting responsibility to the courts for the prolonged period a new request would be "under study". They promised to keep this information in confidence. Gelbard said we would keep them informed about future US actions. (Swigert)

Lawyer for Rojas Case Describes Next Steps

At their request Mrs. Dènegri and her Chilean lawyer Hector Salazar of the Vicariate of Solidarity met last week with Jim Swigert. Salazar said he planned to request a second reenactment of the crime--this time with the family's witnesses--once Carmen Quintana had recovered from a new operation and could travel to Chile. He estimated this would be June or July. Salazar charged a GOC whitewash in the case. According to Salazar, the forced retirement and prosecution of an Army Colonel (for failure to inform his superiors that an army patrol had encountered Rojas) was aimed at explaining why the GOC had insisted at first that army personnel had nothing at all to do with Rojas' burning. This arrest did not imply acknowledgement by the Army of criminal wrongdoing; the defense's story was still that Rojas and Quintana had burned themselves. Pressed concerning the number of eyewitnesses, Salazar said that other than the patrol and Carmen Quintana, there was only one eyewitness to the actual burning--and he had fled to Australia after receiving death threats. Other witnesses saw earlier events, e.g. the youths' detention and subsequent beating. But it was likely that only Quintana would be present for the reenactment to explain how the youths were burned. Salazar, who had been quoted last fall by The Washington Post as saying that Rojas was carrying a molotov cocktail when arrested, was much less definite when questioned by Swigert regarding this point. Salazar said that eyewitness testimony on this matter was contradictory. Furthermore the two eyewitnesses who reported Rodrigo as carrying flammable material (Quintana denies this) at his time of detention, so reported this after their detention and release by Chilean authorities. (Swigert)

ARA/SC:RHoward

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Case Number: S1999000030

Chile Project (#S199900030)
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PAGE 01 SANTIA 01877 161031Z
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~~C O N F I D E N T I A~~ L SANTIAGO 01877

EO 12356: DECL: OADR
TAGS: PREL, PGOV, UNHRC, CI
SUBJ: DEL VALLE FIRST REACTIONS ON UNHRC VOTE AND SANCTIONS LEGISLATION

1. C - ENTIRE TEXT.

2. FOREIGN MINISTER DEL VALLE CALLED AMBASSADOR LATE MARCH 13, A SHORT TIME AFTER HIS RETURN FROM A CONFERENCE IN MONTEVIDEO, TO MAKE TWO BRIEF COMMENTS: 1) THE VOTE IN GENEVA ON HUMAN RIGHTS IN CHILE WAS "DEPLORABLE" AND, 2) ESPECIALLY IN THE LIGHT OF THAT EVENT CHILE NEEDED US GOVERNMENT SUPPORT IN OPPOSING THE LEGISLATION INTRODUCED IN THE CONGRESS SEVERAL DAYS EARLIER WHICH WOULD IMPOSE SANCTIONS.

3. AMBASSADOR SAID HE STILL DID NOT HAVE FULL DETAILS ON WHAT HAD TRANSPIRED IN GENEVA, BUT IN ANY CASE, AGREED HE AND DEL VALLE NEEDED TO TALK ABOUT THE IMPLICATIONS OF THE CONSENSUS RESOLUTION WHEN THEY GOT TOGETHER FOR DINNER LATER IN THE MONTH AFTER THE AMBASSADOR'S RETURN.

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4. WITH REGARD TO THE SANCTIONS PROPOSAL, HE THEN ASKED IF DEL VALLE HAD SEEN THE STATEMENT OPPOSING THE LEGISLATION THAT HAD ALREADY BEEN ISSUED IN WASHINGTON. DEL VALLE SAID HE HAD. THE AMBASSADOR ADDED THAT HE WAS CERTAIN THAT WOULD CONTINUE TO BE THE EXECUTIVE BRANCH POSITION, GIVEN THE LONG STANDING

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OPPOSITION TO SANCTIONS IN PRINCIPLE. HE ALSO SAID HE HAD HIS OWN DOUBTS AS TO WHETHER THE LEGISLATION WOULD EVEN GET THROUGH CONGRESS. IN ANY EVENT, THE AMBASSADOR PROMISED TO CONVEY DEL VALLE'S REQUEST FOR HELP TO WASHINGTON.
BARNES

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L.O.C.

FROM THE AMBASSADOR

file NH097 R
Letelier
case

DATE: 3/17/87

TO: ~~[illegible]~~
ADMIN
AGR
AIFLD
APHIS
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CONS
DAO
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Chile Project (#S199900030)
U.S. Department of State
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cc: David Dreier / John Keane

Laura
Anne
Return to AMB

cc: Other: Larry Rubin

An anecdote told by Hermogenes de Perez de Arce at Pinochet's yesterday. On September 1973 when he was serving in Panama and Treaty signing and attended a Chilean Embassy reception where Pinochet was present. A report had appeared that day in El Mercurio that the U.S. Treaty contents

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The Letelier assassination had
suspicion that DINA had
been involved. When Perez de
Cuellar asked Pinochet about
the report, Pinochet became
furious and categorically
denied it. When Perez de Cuellar
suggested that DINA might
have done things without
Pinochet knowing about them,
Pinochet grew even more angry,
saying he knew everything
DINA did.

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elier Prosecution Boosts US Policy on Terrorism

Chilean Army officer Armando Fernandez' surrender to US law enforcement officials this weekend has produced a dramatic breakthrough in the long-stalled prosecution of the Chilean intelligence officers who directed the 1976 bombing in Washington D.C. that killed former Chilean ambassador Orlando Letelier and his US citizen assistant Ronni Moffitt. Fernandez approached US officials secretly over a year ago to express remorse over his role in the crime (he surveilled Letelier's movements) and seek a plea-bargain. Following extensive secret negotiations in Chile and Brazil he arrived in the US January 31.

Fernandez will be arraigned before the D.C. District Court on Wednesday February 4. At that time his cooperation and sworn statements, which we consider truthful, will become public, and major news. Fernandez fingers Pinochet as directing the cover-up which followed (and thwarted) our 1978 extradition request. He fully substantiates other evidence in the case.

This development will boost US anti-terrorism policy by demonstrating our determination to prosecute terrorists even ten years after the fact. Amb. Barnes is being instructed to inform th GOC of Fernandez' arraignment and to request their cooperation bringing other guilty individuals to justice. As evidenc Pinochet himself being involved in the cover-up, and murder plot itself, chances are slim for getting th orchestrated the killings.

Chile Prc.
U.S. Depa
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Drafter: ARA/SC:JSwigert
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Clearances: ARA:RGelbard
ARA/SC:DCox
L:MKozak

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PAGE 01 SANTIA 01995 01 OF 06 171914Z
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Exemption(s)_____

UNCLAS SECTION 01 OF 06 SANTIAGO 01995

FOR ARA/SC

E.O. 12356: N/A
TAGS: OTRA (BARNES, HARRY G.), CI
SUBJ: AMBASSADOR'S KEYNOTE SPEECH AT THE JOURNALISTS' AND EDITORS' WORKSHOP ON LATIN AMERICA

AMBASSADOR HAS BEEN TOLD BY THE DIRECTOR OF THE WORKSHOP TO BE HELD MARCH 19-21 AT THE MIAMI HERALD THAT THE MIAMI HERALD MIGHT WANT TO PUBLISH THE KEYNOTE SPEECH HE WILL BE GIVING ON FRIDAY. THEREFORE, WE ARE CABLING AN ADVANCE TEXT.

BEGIN TEXT:
KEYNOTE ADDRESS
JOURNALIST'S AND EDITOR'S WORKSHOP ON LATIN AMERICA
FLORIDA INTERNATIONAL UNIVERSITY - MIAMI, FLORIDA
MARCH 20, 1987
HARRY G. BARNES, JR., AMBASSADOR TO CHILE

LET ME START WITH MY ASSIGNMENT. EVEN THOUGH WE AMBASSADORS ARE CACLED ENVOYS EXTRAORDINARY AND MINISTERS PLENIPOTENTIARY, WE ARE VERY DISCIPLINED AND TAKE OUR INSTRUCTIONS VERY SERIOUSLY. SO YOU SHOULD KNOW THE ASSIGNMENT I RECEIVED FROM MARK ROSENBERG. HE ASKED FIRST OF ALL THAT I ANALIZE THE SITUATION IN CHILE, PARTICULARLY CONCERNING THE EFFORTS AT DEMOCRATIZATION
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PAGE 02 SANTIA 01995 01 OF 06 171914Z

AND TRENDS IN HUMAN RIGHTS. THEN HE ASKED ME TO ADDRESS U.S. CHILEAN RELATIONS WITH SPECIAL EMPHASIS ON THE LIMITS OF OUR ABILITY TO INFLUENCE CHANGES IN CHILE. THE OTHER INSTRUCTION MARK GAVE ME WAS TO TALK FOR ABOUT TWENTY-FIVE MINUTES. I'LL TRY TO CARRY OUT ALL THREE REQUIREMENTS.

THIS IS A GOOD TIME TO LOOK AT CHILE BECAUSE MARCH REPRESENTS THE START OF THE WHOLE SERIES OF ACTIVITIES ASSOCIATED WITH THE END OF SUMMER AS PEOPLE COME BACK FROM THEIR VACATIONS AT THE BEACH OR ON THE LAKES IN THE SOUTH. THE SCHOOLS HAVE OPENED, THE POLITICIANS ARE STARTING TO SPEAK AGAIN, AND MARCH IS IMPORTANT THIS YEAR IN PARTICULAR BECAUSE IT IS FULL OF PREPARATIONS FOR THE VISIT OF THE POPE EARLY IN APRIL. THIS IS ONLY MY SECOND FALL IN CHILE, BUT SOMEHOW THE CHANGE FROM FEBRUARY TO MARCH SEEMED MORE ABRUPT THAN I REMEMBER LAST YEAR. ON FEBRUARY 28 IT WAS HOT, AND AS I SAT OUTSIDE THAT EARLY EVENING THE SUN SEEMED TERRIBLY BRIGHT. THE NEXT EVENING AT ABOUT THE SAME TIME I FELT AS IF I COULD USE A SWEATER. WITHOUT GETTING INTO A THEORY OF LINKS BETWEEN WEATHER AND POLITICS, MY SENSE IS THAT I987 PROMISES TO BE A MORE EXCITING YEAR THAN 1986 WHICH WAS EXCITING ENOUGH.

WHAT DO I SEE? AFTER YEARS OF TALK, THE FRAMEWORK OF THE PINOCHET GOVERNMENT'S PROGRAM FOR TRANSFORMING THE POLITICAL STRUCTURE OF THE COUNTRY IS BECOMING CONSIDERABLY MORE VISIBLE. OTHER STEPS HAVE BEEN TAKEN AS WELL THAT AFFECT DEMOCRATIZATION. THERE IS NOW A SYSTEM FOR REGISTERING VOTERS AND PEOPLE ARE STARTING TO SIGN UP. THERE IS A LAW JUST PROMULGATED WHICH PROVIDES FOR STEPS THAT CAN LEAD TO LEGALIZATION OF POLITICAL PARTIES. THE FIRST NEW OPPOSITION NEWSPAPER TO BE UNCLASSIFIED

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PAGE 03 SANTIA 01995 01 OF 06 171914Z

AUTHORIZED STARTED APPEARING A FEW DAYS AGO, AND EACH WEEK LISTS APPEAR OF SEVERAL HUNDRED PEOPLE WHO ARE NOW PERMITTED TO RETURN FROM EXILE. AT THE SAME TIME, IT IS CLEAR THAT THESE MEASURES DO NOT SATISFY MANY CHILEANS. SOME, LIKE THE COMMUNIST PARTY, HAVE TOLD THEIR ADHERENTS NOT EVEN TO REGISTER TO VOTE, OTHER PARTIES, WHILE STRONGLY CRITICIZING THE NEW PROVISIONS, HAVE NONETHELESS DECIDED THEIR MEMBERS SHOULD REGISTER. SOME HAVE ALSO COME OUT IN FAVOR OF FOLLOWING THE TORTUOUS PATH TO LEGALIZE THEIR PARTIES. IT IS NOT CLEAR AT THIS POINT HOW MANY MORE WILL ADOPT THE SAME POSITION, NOR IS IT CLEAR WHAT SORT OF ACCESS, IF ANY, THE PARTIES WILL EVENTUALLY HAVE TO GOVERNMENT CONTROLLED TV, ESPECIALLY DURING THE PERIOD WHEN THEY ARE TRYING TO MEET THE QUALIFICATIONS IMPOSED UNDER THE NEW LAW. THE PRINCIPAL REQUIREMENT IS THAT FOR A PARTY TO BE RECOGNIZED AT THE NATIONAL LEVEL, IT MUST HAVE 35,000 CITIZENS WHO ARE PREPARED TO DECLARE PUBLICLY THEIR MEMBERSHIP.

WHILE THERE IS ABSOLUTELY NO DOUBT IN MOST PEOPLE'S MINDS THAT PRESIDENT PINOCHET WILL BE A CANDIDATE IN THE 1889 PRESIDENTIAL PLEBISCITE, THERE ARE PLENTY OF DOUBTS AS TO WHO MIGHT REPRESENT THE DEMOCRATIC OPPOSITION. THE CLASSICAL PATTERN IN PRE 1973 CHILE HAD BEEN FOR THE PARTIES TO DIVIDE THEMSELVES INTO WHAT WAS CALLED THE THREE THIRDS ("TRES TERCIOS"), AND IN FACT, THE VERY CLOSE VICTORY OF ALLENDE IN 1973 CAN BE SEEN IN THOSE TERMS. NOW, WITH THE COMMUNISTS WHO WERE A MAJOR PARTY OF THE LEFT THIRD TELLING THEIR SYMPATHIZERS NOT TO REGISTER, THAT LEAVES THE LEFT LARGELY IN THE HANDS OF

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PAGE 01 SANTIA 01995 02 OF 06 171914Z
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UNCLAS SECTION 02 OF 06 SANTIAGO 01995

FOR ARA/SC

E.O. 12356: N/A
TAGS: OTRA (BARNES, HARRY G.), CI
SUBJ: AMBASSADOR'S KEYNOTE SPEECH AT THE JOURNALISTS' AND

VARIOUS GROUPS OF A DEMOCRATIC ORIENTATION SUCH AS THE RADICAL PARTY AND THE NUNES SOCIALISTS. STRADDLING THE CENTER IS THE CHRISTIAN DEMOCRATIC PARTY WHICH WAS IN POWER FROM 1964 - 1970 AND IS STILL PROBABLY THE SINGLE LARGEST AND BEST ORGANIZED PARTY. IN ADDITION, THERE ARE GROUPS LIKE THE SOCIAL DEMOCRATICS, THE REPUBLICANS AND THE LIBERALS, ALL RELATIVELY SMALL IN NUMBER. TO THE RIGHT COME THE NATIONALS, ANOTHER HISTORIC PARTY, AND THEN A NEW ENTITY CALLED NATIONAL RENEWAL WHICH HAS JUST BEEN FORMED OUT OF THREE ACTIVE ELEMENTS. IF THIS PANOPLY OF PARTIES, AND I HAVEN'T NAMED THEM ALL, IS SOMEWHAT CONFUSING, LET ME ADD TO YOUR CONFUSION BY TELLING YOU THAT THERE IS A GROUPING OF PARTIES CALLED THE DEMOCRATIC ALLIANCE, ANOTHER CALLED THE NATIONAL ACCORD, AND A THIRD CALLED THE GROUP OF THIRTEEN, WITH MANY PARTIES BELONGING TO TWO OR THREE OF THESE ENTITIES. IN ADDITION, IT IS IMPORTANT TO BEAR IN MIND

THAT NONE OF THESE PARTIES EXIST -- THAT IS, EXIST LEGALLY. THE COMMUNISTS ARE BANNED, AND ALL OF THE DEMOCRATIC GROUPS ARE "IN RECESS". HENCE THE SIGNIFICANCE OF THE NEW LAW WHICH OFFERS A WAY OF
UNCLASSIFIED

UNCLASSIFIED

PAGE 02 SANTIA 01995 02 OF 06 171914Z

ACQUIRING WHAT IS CALLED A JURIDICAL PERSONALITY. NONETHELESS, THERE HAVE BEEN SERIOUS EFFORTS TO BRING TOGETHER REPRESENTATIVES OF THE DEMOCRATIC OPPOSITION, MOST NOTABLY BY THE CARDINAL, JUAN FRANCISCO FRESNO. HIS EFFORTS LED TO THE PUBLICATION OF THE NATIONAL ACCORD FOR TRANSITION TO FULL DEMOCRACY IN AUGUST 1985, A DEVELOPMENT WHICH OUR OWN GOVERNMENT AMONG OTHERS WELCOMED AS PROMOTING THE CHANCES OF A CONSTRUCTIVE DIALOGUE BETWEEN THE GOVERNMENT AND THE OPPOSITION. PRESIDENT PINOCHET, HOWEVER, IN A WELL PUBLICIZED TEA WITH CARDINAL FRESNO ON CHRISTMAS EVE, 1985, REJECTED THE ACCORD AND SAID IT WAS TIME TO MOVE ON TO OTHER THINGS. IN THE ENSUING MONTHS THE OPPOSITION TURNED BACK TO THE TECHNIQUE OF STREET DEMONSTRATIONS WHICH HAD BEEN BRIEFLY SUCCESSFUL IN 1983 - 1984 IN INDUCING THE GOVERNMENT TO BEGIN DESCUSSIONS; THIS TIME THE SAME APPROACH FAILED AND IF ANYTHING, THE GOVERNMENT ENDED UP IN A STRONGER POSITION BY THE END OF 1986. IN GOOD PART THIS WAS DUE TO THE IMPACT OF DISCOVERIES OF LARGE ARMS CACHES LAST AUGUST AND THE ASSASSINATION ATTEMPT AGAINST PRESIDENT PINOCHET IN SEPTEMBER, BOTH EVENTS FOR WHICH THE COMMUNIST PARTY'S VIOLENT AFFILIATE THE MANUEL RODRIGUEZ PATRIOTIC FRONT CLAIMED CREDIT. ASIDE FROM A BRIEF PERIOD LAST NOVEMBER WHEN THE MINISTER OF THE INTERIOR ASKED FOR COMMENTS ON THE VOTERS REGISTRATION AND PARTY LAWS, THE GIVERNMENT HAS TAKEN THE POSITION THAT IT HAS ITS TIMETABLE IN ACCORDANCE WITH THE CONSTITUTION OF 1980 AND IT WILL CARRY OUT THAT PLAN. HENCE THERE IS NO PRESSING NEED FELT FOR CONSULTATION WITH OTHER ELEMENTS OF THE SOCIETY. IN FACT, PRESIDENT PINOCHET HAS BEEN EMPHATIC IN HIS REJECTION OF ANY DISCOURSE WITH THE OPPOSITION, WHOSE LEADERS HE HAS CALLED "PILGRIMS OF POWER", BECAUSE OF THEIR TRAVELLING AROUND THE WORLD
UNCLASSIFIED

UNCLASSIFIED

PAGE 03 SANTIA 01995 02 OF 06 171914Z

SEEKING FOREIGN SUPPORT. HE CURRENTLY INSISTS, FOR EXAMPLE, THAT THE CONSTITUTION SHOULD NOT BE AMENDED FOR ANY PURPOSE. THE DEMOCRATIC OPPOSITION, FOR ITS PART,

HAS JUST LAUNCHED A CAMPAIGN FOR OPEN ELECTIONS, DESIGNED TO PRESSURE THE GOVERNMENT INTO CALLING A PLEBISCITE TO APPROVE REPLACEMENT OF THE PRESIDENTIAL PLEBISCITE WITH COMPETITIVE ELECTIONS. ALTHOUGH SUPPORT FOR THE IDEA HAS COME EVEN FROM SECTORS SYMPATHETIC TO THE GOVERNMENT, IT IS TOO EARLY TO TELL WHETHER THE CAMPAIGN WILL PRODUCE THE DESIRED EFFECT. TO SUMMARIZE THEN, THE POLITICAL SCENE IS BEGINNING TO CHANGE AND 1989 IS ALREADY LOOMING MUCH CLOSER, THEREBY FORCING PEOPLE TO THINK IN MUCH MORE CONCRETE TERMS. BUT, FOR THE MOMENT, IT LOOKS AS IF THE ONLY 1989 EVENT WILL BE A PLEBISCITE TO ACCEPT OR REJECT PRESIDENT PINOCHET FOR ANOTHER EIGHT YEAR TERM, FOLLOWED BY CONGRESSIONAL COMPETITIVE ELECTIONS IN 1990. BUT BETWEEN NOW AND 1989, THE SOMEWHAT MORE OPEN ATMOSPHERE COULD IN TURN SET IN MOTION A DYNAMIC THAT COULD CHANGE THAT PICTURE.
WITH REGARD TO HUMAN RIGHTS, THE PICTURE IS ALSO MIXED. I HAVE ALREADY MENTIONED THE QUESTION OF EXILES, WHERE PRESIDENT PINOCHET ANNOUNCED IN HIS NEW YEAR'S MESSAGE THAT ALMOST ALL EXILES WOULD BE ALLOWED TO RETURN. THE REVIEW OF THE CASES OF EXILES, IN FACT, HAS TURNED OUT TO BE ONE OF THE MAIN ACTIVITIES OF THE ADVISORY COMMISSION ON HUMAN RIGHTS THE GOVERNMENT SET UP LAST YEAR. IN ADDITION, THE INTERNATIONAL COMMITTEE OF THE RED CROSS HAS BEEN ABLE TO REACH AGREEMENTS WITH THE SECURITY SERVICES WHEREBY RED CROSS REPRESENTATIVES ARE ALLOWED TO VISIT DETAINEES. TERRORISM, HOWEVER, REMAINS A SERIOUS

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PAGE 01 SANTIA 01995 03 OF 06 171915Z
ACTION ARA-00

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UNCLAS SECTION 03 OF 06 SANTIAGO 01995

FOR ARA/SC

E.O. 12356: N/A
TAGS: OTRA (BARNES, HARRY G.), CI
SUBJ: AMBASSADOR'S KEYNOTE SPEECH AT THE JOURNALISTS' AND

PROBLEM. NOT ONLY WAS PRESIDENT PINOCHET ALMOST KILLED,

FIVE OF HIS BODY GUARDS DID DIE. THEN, IN THE NEXT DAY OR SO FOUR OPPOSITION FIGURES WERE MURDERED, APPARENTLY IN RETALIATION. IN THE FIRST INSTANCE, A NUMBER OF SUSPECTS HAVE BEEN CHARGED, IN THE LATTER NONE. IN FACT ONE OF THE MOST SERIOUS CRITICISM OF HUMAN RIGHTS PRACTICES IN CHILE IS PRECISELY THAT -- WHERE THE GOVERNMENT IS THE VICTIM, THE APPREHENSION AND PROSECUTION OF THOSE RESPONSIBLE IS CARRIED OUT PERSISTENTLY, WHERE IT IS THE GOVERNMENT THAT IN TURN IS ACCUSED OF HUMAN RIGHTS VIOLATIONS, NEITHER THE GOVERNMENT'S SECURITY SERVICES NOR THE COURTS SEEM CAPABLE OF MAKING PROGRESS IN APPREHENDING OR PROSECUTING. A CASE IN POINT IS THAT OF "LOS QUEMADOS", THE BURNED ONES, WHICH OCCURRED LAST JULY WHEN TWO TEENAGERS, ONE OF WHOM, RODRIGO ROJAS, HAD BEEN A RESIDENT OF THIS COUNTRY, WERE BADLY BURNED AND RODRIGO DIED. IN ADDITION, THE RED CROSS ARRANGEMENTS DO NOT APPLY IN THE PERIODS WHEN SOMEONE IS "INCOMUNICADO" -- BARRED FROM SEEING FAMILY OR COUNSEL -- AND THERE ARE STILL RELIABLE REPORTS OF PSYCHOLOGICAL AND PHYSICAL
UNCLASSIFIED

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PAGE 02 SANTIA 01995 03 OF 06 171915Z

TORTURE IN THOSE CIRCUMSTANCES.
TV, AS I NOTED EARLIER, IS GOVERNMENT CONTROLLED AND THE OPPOSITION HAS NO ACCESS TO IT, BUT THERE ARE A FEW RADIO STATIONS WHICH ARE OPEN TO THEM AND THE PRESS, ESPECIALLY THE WEEKLY NEWS MAGAZINES, DO PROVIDE SPACE FOR CRITICISM, SOMETIMES, VERY STRONG, AGAINST THE GOVERNMENT. NONETHELESS, CENSORSHIP IS EXERCISED EFFECTIVELY IF INDIRECTLY IN MANY INSTANCES. UP TO NOW OPPOSITION GROUPS HAVE GENERALLY NOT BEEN GIVEN PERMISSION TO HOLD RALLIES IN PUBLIC PLACES AND HAVE AT TIMES BEEN DENIED PERMISSION TO ORGANIZE MEETINGS AS WELL. IN PRINCIPLE, ONCE THEY ACQUIRE THEIR JURIDICAL PERSONALITY THEY SHOULD HAVE NO BAR TO THE MEETINGS AT LEAST, BUT AN IMPORTANT UNCERTAINTY IS, AS I NOTED EARLIER, WHETHER THEY WILL BE ABLE TO HAVE ANY ACCESS TO TV IN THE PERIOD WHEN THEY HAVE TO SIGN UP THEIR 35,000 MEMBERS EACH TO LEGALIZE THEIR EXISTENCE.
WHEN IT COMES TO THE QUESTION OF U.S. CHILEAN RELATIONS, LET ME START BY RECALLING THAT THIS YEAR WE CELEBRATE THE 175TH YEAR OF THOSE LINKS. THEY BEGAN WITH THE ARRIVAL OF A SOUTH CAROLINIAN NAMED JOEL POINSETT. POINSETT, WHO INCIDENTALLY, GAVE HIS NAME TO THE POINSETTA WHICH HE LATER BROUGHT FROM MEXICO, WAS ALSO A MEMBER OF CONGRESS AND SUBSEQUENTLY SECRETARY OF WAR. SOME OF HIS EARLY MILITARY EXPERIENCE CAME FROM FIGHTING ALONGSIDE CHILEAN PATRIOTS IN THEIR OWN WAR FOR INDEPENDENCE. BUT THE

RELATIONSHIP BETWEEN THE TWO COUNTRIES IN SUBSEQUENT YEARS WAS NOT ALWAYS AN EASY ONE. IN FACT, EVEN BEFORE CHILEAN INDEPENDENCE, AN ADVISOR TO THE THEN ROYAL GOVERNOR WARNED OF THE DANGEROUS IDEAS THAT NORTHAMERICANS WERE BRINGING, IDEAS ABOUT SUCH THINGS AS THE DIGNITY OF MAN; AND ONE OF THE EARLY GREAT STATESMEN OF INDEPENDENT CHILE, DIEGO PORTALES, ALSO VOICED HIS
UNCLASSIFIED

UNCLASSIFIED

PAGE 03 SANTIA 01995 03 OF 06 171915Z

SUSPICIONS IN THE I820'S ABOUT U.S. HEGEMONISTIC INTENTIONS. WE WERE SEEN TO BE MORE SUPPORTIVE OF PERU THAN OF CHILE IN THE WAR OF THE PACIFIC, ONE HUNDRED YEARS AGO, AND IN THIS CENTURY TO HAVE PUT UNDUE PRESSURE ON CHILE TO BREAK ITS RELATIONS WITH THE AXIS. I MENTION THESE ASPECTS NOT TO PAINT AN OVERLY GLOOMY PICTURE BUT TO ADD A DIMENSION THAT CHILEANS HAVE REMINDED ME OF WHEN I EXPRESS SURPRISE AT THE READINESS WITH WHICH SOME OF THEM USE THE TERM "INTERVENTIONISM" TO DESCRIBE OUR EXPRESSIONS OF INTEREST, CONCERN.OR CRITICISM ON.THEIR PROGRESS TO DEMOCRACY OR THEIR HUMAN RIGHTS RECORD. MANY OF YOU WILL HAVE HEARD OF THE VENERABLE NEWSPAPER CALLED EL MERCURIO. IN AN EDITORIAL ON U.S. CHILEAN RELATIONS JUST A WEEK AGO, EL MERCURIO GAVE A GOOD DESCRIPTION OF THE CURRENT STATE THEREOF. LET ME USE A FEW CITATIONS FROM THE ARTICLE AS A BACKGROUND FOR SOME COMMENTS. "U.S. CHILEAN RELATIONS HAVE BEEN CHARACTERIZED IN THE LAST DECADE BY A DICHOTOMY REPRESENTED BY THE DEEPENING OF JOINT INTERESTS IN CERTAIN ASPECTS (AND) BY THE DIFFICULTY OF (FINDING SUCH INTERESTS) IN OTHERS." EL MERCURIO GOES ON TO SAY THAT IN THE FIRST CATEGORY FALL ECONOMIC AND COMMERCIAL RELATIONSHIPS, IN THE LATTER POLITICAL, ESPECIALLY IN THE AREAS OF DEMOCRACY AND HUMAN RIGHTS. ON THE FORMER COUNT, NOT ONLY DOES THE U.S. CONTINUE TO BE CHILE'S LARGEST BUYER AND SELLER, BUT IN MANY RESPECTS CHILE HAS MET IN MODEL FASHION THE AIMS OF THE BAKER PLAN. THE

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PAGE 01 SANTIA 01995 04 OF 06 171915Z
ACTION ARA-00

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UNCLAS SECTION 04 OF 06 SANTIAGO 01995

FOR ARA/SC

E.O. 12356: N/A
TAGS: OTRA (BARNES, HARRY G.), CI
SUBJ: AMBASSADOR'S KEYNOTE SPEECH AT THE JOURNALISTS' AND

STRONG PUSH GIVEN BY THE PRESENT GOVERNMENT TO THE PRIVATE SECTOR AND THE REDUCTION IN STATE CONTROL HAS ALSO OBVIOUSLY BEEN SUPPORTED BY THE U.S. ALTHOUGH THERE IS NOT AS MUCH U.S. INVESTMENT IN CHILE AS THERE WAS DURING THE HEYDAY OF ANACONDA AND KENNECOTT IN CHILEAN COPPER IN THE 1960S, STILL CHILE CONTINUES TO ATTRACT THE ATTENTION OF U.S. INVESTORS, INCLUDING MOST RECENTLY PROVISIONS FOR DEBT-EQUITY SWAPS. AND THE INTERNATIONAL BANKING COMMUNITY HAS JUST CONCLUDED RESCHEDULING OF CHILE'S PRIVATE DEBT THROUGH 1991. THERE ARE SOME PROBLEMS, TO BE SURE, EVEN SO. CHILEANS WORRY ABOUT WHAT THEY CONSIDER U.S. PROTECTIONIST LEGISLATION OR ACTIONS, BE THEY ARE AGAINST COPPER OR FRUIT; WE FOR OUR PART OBJECT TO CHILEAN PRICE SUPPORTS FOR WHEAT WHICH SHUT US OUT OF THE MARKET OR INADEQUATE PROTECTION FOR U.S. PHARMACEUTICAL PATENTED PRODUCTS. AND THERE HAVE BEEN SEVERAL CASES LATELY WHERE DUMPING CHARGES HAVE BEEN BROUGHT AGAINST CHILEAN FIRMS.
BUT IT IS, AS EL MERCURIO NOTES, IN THE AREAS OF DEMOCRACY AND HUMAN RIGHTS WHERE THE MAIN DIFFERENCES LIE. IN PRINCIPLE, ONE WOULD THINK THAT IN A COUNTRY
UNCLASSIFIED

UNCLASSIFIED

PAGE 02 SANTIA 01995 04 OF 06 171915Z

LIKE CHILE WITH ITS LONG DEMOCRATIC HERITAGE, THERE SHOULD NOT BE PROBLEMS OF SUCH MAGNITUDE. BUT THEY DO EXIST AND ARE LIKELY TO CONTINUE SO LONG AS CHILE REMAINS UNDER AUTHORITARIAN RULE AND HUMAN RIGHT ABUSES PERSIST. SO FAR AS DEMOCRACY IS CONCERNED, WE HAVE FELT THAT THE PACE OF CHANGE HAS BEEN TOO SLOW AND THAT THE UNWILLINGLESS ON THE GOVERNMENT'S PART TO ENGAGE IN MEANINGFUL DIALOGUE WITH THE DEMOCRATIC OPPOSITION PROMOTES POLARIZATION AND ONLY FAVORS THE SAME VIOLENT ELEMENTS IN THE SOCIETY WHICH THE GOVERNMENT SAYS IT IS FIGHTING. FOR ITS PART, THE CHILEAN GOVERNMENT RESENTS WHAT IT CONSIDERS TO BE THESE LATEST MANIFESTATIONS OF U.S. INTERFERENCE, CONSIDERS THAT WE GROSSLY UNDERSTIMATE

THE COMMUNIST DANGER AND SHOW NONE OF THE TRUST WE OUGHT TOWARDS A COUNTRY THAT IS SO STRONGLY ANTI-COMMUNIST. WITH REGARD TO HUMAN RIGHTS, ALTHOUGH THE SAME EL MERCURID EDITORIAL ALLOWS FOR THE LEGITIMACY OF INTERNATIONAL CONCERNS ON THAT SCORE (AS COMPARED INCIDENTALLY TO THE MATTER OF DEMOCRACY), THE GOVERNMENT HAS USUALLY MAINTAINED THAT REPORTS OF HUMAN RIGHTS VIOLATIONS ARE EITHER EXAGGERATED OR ARE THE INVENTION OF COMMUNIST SYMPATHIZERS. IN ADDITION, THE GOVERNMENT ARGUES THAT THE U.S. AND OTHERS APPLY A DOUBLE STANDARD, AND IGNORES THE LOSSES THE POLICE AND INNOCENT CIVILIANS SUFFER AT THE HANDS OF LEFT WING TERRORISTS.
THOUGH THERE ARE THESE SERIOUS DIFFERENCES IN JUDGMENT AND APPROACH, THIS DOES NOT MEAN THERE IS NO HOPE OF CHANGE. MARK ASKED ME, YOU WILL RECALL, TO TALK IN PARTICULAR ABOUT OUR ABILITY TO INFLUENCE CHANGE. LET ME MAKE A COUPLE GENERAL OBSERVATIONS ON THAT SCORE FROM MY EXPERIENCES IN VARIOUS COUNTRIES. ONE COUNTRY'S ABILITY TO INFLUENCE ANOTHER OBVIOUSLY IS SOMEWHAT LIKE GRAPHING AN EQUATION. THERE ARE AT LEAST TWO FUNCTIONS; THE
UNCLASSIFIED

UNCLASSIFIED

PAGE 03 SANTIA 01995 04 OF 06 171915Z

NATURE OF THE RELATIONSHIP AND THE DIFFICULTY OF THE PROBLEM INVOLVED. IF YOU ARE ON VERY BAD TERMS, NO MATTER HOW EASY THE PROBLEM IS, YOU WILL HAVE REAL TROUBLE EFFECTING CHANGE; IF THE RELATIONS ARE GOOD, THEN CHANGE IS A LOT EASIER THOUGH NOT GUARANTEED, FOR THE SIMPLE REASON THAT COUNTRIES' INTERESTS VARY SO GREATLY. FOR EXAMPLE, WHEN I WAS IN INDIA, IT WAS CLEAR THAT WE BOTH WANTED TO SUSTAIN AND EXPAND SCIENTIFIC AND CULTURAL EXHANGES, BUT A MAJOR OBSTACLE IN NEGOTIATING AN ARRANGEMENT TO FINANCE THESE EXCHANGES TURNED OUT TO BE THE INDIAN PERCEPTION THAT TOO LONG TERM AN AGREEMENT WOULD BECOME WHAT GEORGE WASHINGTON ONCE CALLED "ENTANGLING." IN THE CASE OF CHILE, WHAT HAS IMPRESSED ME FROM THE BEGINNING HAS BEEN THE EXTREMELY GREAT IMPORTANCE ATTACHED TO WHAT THE U.S. SAYS AND DOES.
I DON'T THINK I EXAGGERATE IF I SAY THAT THERE ARE SOME WHO FEARED THAT MY MISSION WAS TO "BOOT OUT" THE GOVERNMENT, ESPECIALLY AFTER THE FALL OF MARCOS AND DUVALIER, AND OTHERS WHO HOPED IT WAS. THERE ARE ALSO THOSE WHO ARE CONVINCED THAT SUSTAINED PRESSURE FROM THE UNITED STATES WILL ACCOMPLISH THAT SAME RESULT. IN THE LATTER CASE, IT IS ALMOST AS IF THE U.S. WERE THE BIG BAD WOLF (OR MAYBE THE BIG GOOD WOLF) IN THE FAIRY STORY AND THAT BY HUFFING AND PUFFING SOME MORE WE COULD BLOW THE HOUSE DOWN.
NO COUNTRY, LIKES TO BE TOLD WHAT TO DO. WE OURSELVES,

FOR THAT MATTER. IN ANY CASE, THE PINOCHET GOVERNMENT IS EXTREMELY SENSITIVE TO ANYTHING THAT SMACKS OF FOREIGN

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PAGE 01 SANTIA 01995 05 OF 06 171916Z
ACTION ARA-00

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UNCLAS SECTION 05 OF 06 SANTIAGO 01995

FOR ARA/SC

E.O. 12356: N/A
TAGS: OTRA (BARNES, HARRY G.), CI
SUBJ: AMBASSADOR'S KEYNOTE SPEECH AT THE JOURNALISTS' AND

INTERVENTION AND IF CHANGES DO OCCUR IT IS QUICK TO UNDERLINE THAT THEY ARE THE RESULT, AGAIN TO QUOTE EL MERCURIO "OF DECISIONS ADOPTED FOR THE GOOD OF THE

COUNTRY AND BECAUSE OF THE SOLEMN UNDERTAKING OF THE ARMED FORCES AND NOT BECAUSE OF INTERNATIONAL PRESSURE." NONETHELESS, IT IS ALSO TRUE THAT OFFICIALS OF THE GOVERNMENT DO LISTEN TO VIEWS EXPRESSED FROM ABROAD, BE THEY CONVEYED PRIVATELY OR MORE PUBLICLY. A CASE IN POINT IS THE WILLINGNESS OF CHILE SINCE 1985 TO WORK WITH THE U.N. HUMAN RIGHTS COMMISSION SPECIAL RAPPORTEUR, FORMER FOREIGN MINISTER VOLIO OF COSTA RICA, WHO WILL BE VISITING CHILE AGAIN STARTING THIS WEEKEND. IN ADDITION, I AM CONVINCED THAT THE GOVERNMENT'S DECISIONS TO SET UP ITS OWN HUMAN RIGHTS ADVISORY COMMISSION AND TO PERMIT AN ACCELERATED RETURN OF EXILES, WHILE CERTAINLY TAKEN FOR REASONS THAT MAKE SENSE IN THE INTERNAL CONTEXT, ALSO WERE TAKEN WITH A VIEW TO FEELINGS IN THE INTERNATIONAL COMMUNITY, INCLUDING PARTICULARLY THE UNITED STATES, ON THE IMPORTANCE OF HUMAN RIGHTS.
TO PUT IT IN ANOTHER WAY, THERE IS NOT A STRAIGHT LINE
UNCLASSIFIED

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PAGE 02 SANTIA 01995 05 OF 06 171916Z

EFFECT BETWEEN THE UNITED STATES SAYING OR DOING SOMETHING IN THE AREA OF EITHER DEMOCRACY OR HUMAN RIGHTS AND A CORRESPONDING ACTION BY THE GOVERNMENT OF CHILE. IN FACT, THERE ARE MANY CHILEANS WHO HAVE WARNED ME THAT THE BEST WAY NOT TO ACHIEVE INFLUENCE IS TO PRESS TOO -

MUCH FOR IT. I HAVE BEEN ACCUSED BY OTHER CHILEANS, HOWEVER, OF SUBSTITUTING "NOISY" DIPLOMACY FOR THE SO CALLED MORE CONVENTIONAL "SILENT" DIPLOMACY.
THAT LEADS ME TO ANOTHER POINT WHICH I THINK IS VITAL, AT LEAST FOR US AS AMERICANS. WE PRIDE OURSELVES ON BEING PRACTICAL, AND WE ARE; WE SEE PROBLEMS AND WE SEEK SOLUTIONS; WE ARE RESULTS ORIENTED AND WE KNOW HOW TO GET A JOB DONE. DIPLOMACY IS NO DIFFERENT; IF ANYTHING, IT IS VERY MUCH THE ART OF THE POSSIBLE, OF THE PRACTICAL, OF FINDING WHERE INTERESTS CONVERGE. AT THE SAME TIME THERE IS ANOTHER VERY AMERICAN CHARACTERISTIC, SOMETHING OF THE ESSENCE OF OUR COUNTRY AND THAT IS, A BELIEF IN VALUES, A CONCERN FOR IDEALS. DEMOCRACY AND HUMAN RIGHTS ARE FUNDAMENTAL IN THAT CONTEXT, AND THEREFORE EVEN IF WE CANNOT BE SURE EXACTLY WHAT CHANGES OUR ADVOCACY OF THEM WILL HAVE, WE STILL HAVE THE OBLIGATION, I BELIEVE, TO BE VERY CLEAR ABOUT OUR DEDICATION TO PROMOTING THEM. WE HAVE TO BE AS CLEAR AND AS CONSISTENT AS WE POSSIBLY CAN, AND THIS IS WHAT I HAVE SEEN AS ONE OF THE PRINCIPAL OBJECTIVES OF MY MISSION IN CHILE, WHICH IS PERHAPS WHY I SOUND "NOISY". I AM FURTHER PERSUADED THAT FOR ALL THE HISTORICAL DIFFICULTIES FROM TIME TO TIME, FOR ALL THE ANNOYANCES THAT SPECIFIC ACTIONS IN THE TRADE FIELD MIGHT NOW OCCASION, AND FOR ALL THE DISAPPOINTMENT ON ONE SIDE OR ANOTHER OF THE POLITICAL SPECTRUM, MOST CHILEANS WANT AND FEEL THEY NEED GOOD RELATIONS WITH THE UNITED STATES, IN LARGE PART BECAUSE OF WHAT THIS COUNTRY REPRESENTS.
UNCLASSIFIED

UNCLASSIFIED

PAGE 03 SANTIA 01995 05 OF 06 171916Z

THEREFORE, WHAT WE SAY AND WHAT WE DO CAN MAKE A DIFFERENCE EVEN IF THAT DIFFERENCE IS NOT IMMEDIATELY PERCEPTIBLE. OUR SUPPORT FOR HUMAN RIGHTS, FOR EXAMPLE, DOES HELP SUSTAIN THOSE WHO WORK IN THAT FIELD, AND IT ALSO SHOWS THE GOVERNMENT THE SERIOUSNESS WE ATTACH TO THE ISSUE. SIMILARLY, OUR ADVOCACY OF A SUCCESSFUL RETURN TO DEMOCRACY, TO A REAL AND STABLE DEMOCRACY, HELPS THOSE OF SIMILAR MIND, WHILE OUR OPPOSITION TO VIOLENCE AND TERRORISM FROM WHATEVER QUARTER REINFORCES OUR STATEMENT ABOUT THE NATURE OF THE DEMOCRACY WE SUPPORT.
LET ME TURN TO AN EXAMPLE OR SO OF EXTERNAL INFLUENCES ON CHANGE AND OF THE DILEMMAS THE U.S. THEREBY CONFRONTS.

LAST FALL WE HAD TO DECIDE WHETHER TO ABSTAIN OR VOTE AGAINST A LARGE WORLD BANK LOAN FOR CHILE, GIVEN LEGISLATION WHICH REQUIRES OPPOSITION IN CASES WHERE PATTERNS OF GROSS HUMAN RIGHTS VIOLATIONS EXIST. WE FINALLY DECIDED TO ABSTAIN. THAT DECISION SYMBOLIZED THE CONFLICT BETWEEN OUR RECOGNITION OF THE SUBSTANTIAL SUCCESSES ACHIEVED ON THE ECONOMIC SIDE AND THE GRAVE SHORTCOMINGS IN THE AREA OF HUMAN RIGHTS, AS WELL AS THE PRACTICAL ASSESSMENT OF THE EFFECTS OF ONE TYPE OF VOTE OR THE OTHER. RIGHT NOW, TO TAKE ANOTHER INSTANCE, LEGISLATION IS BEING INTRODUCED IN THE U.S. CONGRESS WHICH WOULD MANDATE NEGATIVE VOTES IN SUCH CASES, INSTEAD OF LEAVING THE EXECUTIVE BRANCH WITH ANY DISCRETION, AND WOULD REQUIRE OTHER SANCTIONS AS WELL. THE STATED AIM OF THE LEGISLATION IS TO SUPPORT THE STRUGGLE FOR DEMOCRACY AND HUMAN RIGHTS IN CHILE BY USING THIS FORM OF PRESSURE TO COMPEL CHANGE. THOSE WHO SUPPORT IT ARE CLEARLY

UNCLASSIFIED

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PAGE 01 SANTIA 01995 06 OF 06 171917Z
ACTION ARA-00

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UNCLAS SECTION 06 OF 06 SANTIAGO 01995

FOR ARA/SC

E.O. 12356: N/A
TAGS: OTRA (BARNES, HARRY G.), CI
SUBJ: AMBASSADOR'S KEYNOTE SPEECH AT THE JOURNALISTS' AND

CONCERNED ABOUT THE SLOW PROGRESS ON BOTH FRONTS AND BELIEVE THIS MEASURE WILL ACCELERATE CHANGE. WE HAVE HAD SOME SANCTIONS IN PLACE, SINCE THE MID 1970S AND IN THE SAME DECADE WE CONSISTENTLY VOTED AGAINST LOANS FOR CHILE. TO MY VIEW, THESE MEASURES HAVE NOT BROUGHT ABOUT CHANGES OF THE SORT INTENDED, WHATEVER OTHER JUSTIFICATION THERE MAY HAVE BEEN FOR THEM. IN ADDITION, BASED ON CONVERSATIONS WITH A NUMBER OF CHILEANS WHO ARE OUTSIDE THE GOVERNMENT, THEY HAVE THEIR DOUBTS ABOUT WHETHER THE PROPOSED NEW LEGISLATION WILL BE ANY MORE EFFECTIVE IN BRINGING ABOUT CHANGE.

CLEARLY, IF CHANGE IS TO COME IN CHILE IT WILL COME PRIMARILY BECAUSE CHILEANS WANT CHANGE. AND AS I INDICATED AT THE BEGINNING, 1987 MAY BE A YEAR WHEN THAT PROCESS OF CHANGE BEGINS TO TAKE PLACE, EVEN BEYOND THE EXPECTATIONS OF THE PARTICIPANTS. THOSE OF US ON THE OUTSIDE WHO ARE FRIENDS OF CHILE AND CONCERNED ABOUT PROMOTING DEMOCRACY AND HUMAN RIGHTS CANNOT KEEP QUIET ABOUT OUR CONCERNS.
PRESIDENT REAGAN PUT IT THIS WAY IN JUNE OF 1986 WHILE WELCOMING PRESIDENT SANGUINETTI OF URUGUAY TO THE WHITE
UNCLASSIFIED

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PAGE 02 SANTIA 01995 06 OF 06 171917Z

HOUSE: "WE SHOULD NOT BE SATISFIED UNTIL ALL AMERICANS -- AND THIS MEANS EVERY LIVING SOUL FROM THE NORTH SLOPE OF ALASKA TO THE TIP OF TIERRA DEL FUEGO -- LIVE IN FREEDOM, AS IS THEIR BIRTHRIGHT." OR LOOK AT WHAT THE NOTED ARGENTINE POLITICAL SCIENTIST GUILLERMO O'DONNELL SAID IN WRITING ABOUT "LATIN AMERICA, THE UNITED STATES AND DEMOCRACY": "IT WOULD BE A STUPID PARADOX IF THE DEMOCRATIC FORCES IN BOTH CONTINENTS (AND IN THE REST OF THE WORLD WHICH INCLUDES THE INCREASINGLY ACTIVE PRESENCE POLITICALLY OF EUROPE) WERE TO ABSTAIN FROM RECOGNIZING THEIR COMMON INTERESTS AND ACTING THEREFORE, WHEN POWERFUL PRO-AUTHORITARIAN FORCES ARE DOING SO WITHOUT ANY HESITATION WHATSOEVER."
ON THE CONTRARY, WE NEED TO KEEP MAKING CLEAR WHERE WE STAND. THIS IS OF COURSE FAR FROM SIMPLE, ESPECIALLY WHEN AS EDWIN NEWMAN SAID FROM THIS SAME PLATFORM TWO YEARS AGO WHEN TALKING ABOUT THE RESPONSIBILITY OF JOURNALISTS, "THERE ARE TIMES WHEN THERE IS NO PERFECT ANSWER. THERE ARE TIMES WHEN YOU MUST WEIGH THE VARIOUS FACTORS AND DECIDE WHAT TO DO." IN FACT, I CAN MAKE THE CASE THAT THAT IS PRECISELY THE WORLD OF THOSE OF US IN THE BUSINESS OF DIPLOMACY; WE ARE FOREVER IN THE WORLD OF IMPERFECT ANSWERS. WHEN THE FRUSTRATION MOUNTS, I FIND IT USEFUL TO GO BACK TO THE WRITINGS OF TWO INDIVIDUALS WHO FOR ME REPRESENT OUR OWN COUNTRY EXCEPTIONALLY WELL -- ONE OF THEM BENJAMIN FRANKLIN, THE OTHER WOODROW WILSON. TO OVERSIMPLIFY, WILSON THE IDEALIST, FRANKLIN THE PRAGMATIST. IN THE PERIOD WHEN HE WAS STRUGGLING FOR THE LEAGUE OF NATIONS, WILSON ARGUED THAT: "AMERICA HAS NO REASON FOR BEING UNLESS HER DESTINY AND DUTY BE IDEAL. NOTHING LESS IS WORTH FIGHTING FOR, NOTHING LESS IS WORTH SACRIFICING FOR. THE MEN AND WOMEN OF THE AMERICAN COLONIES WERE PHYSICALLY CONFORTABLE...WE WOULD
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PAGE 03 SANTIA 01995 06 OF 06 171917Z

HAVE BEEN AS PROSPEROUS UNDER THE BRITISH CROWN, BUT WE SHOULD NOT HAVE BEEN AS HAPPY, AND WE SHOULD NOT HAVE RESPECTED OURSELVES SO MUCH." FRANKLIN FOR HIS PART ONCE SAID PITHILY: "WHAT SIGNIFIES PHILOSOPHY THAT DOES NOT APPLY TO SOME USE?"
SOMEWHERE IN THIS MEETING OF IDEALS AND PRACTICALITY, THE CHALLENGE IS TO EXPRESS OUR BELIEFS AND SHAPE OUR ACTIONS IN WAYS THAT DO NOT HINDER BUT RATHER HELP THE PROCESS OF DEMOCRATIZATION AND RESPECT FOR HUMAN RIGHTS, BE IT IN CHILE OR ANYWHERE.
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United States Senate

WASHINGTON, D.C. 20510

Chile Project (#S199900030)
U.S. Department of State
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Exemption(s) ____

March 17, 1987

Dear Colleague,

We are writing to ask you to join us in taking a significant step to promote human rights and democracy in Chile. We urge you to cosponsor S. 709, the Democracy in Chile Act of 1987 which we introduced in the Senate on March 10, 1987.

This legislation will terminate U.S. economic support for the dictatorial regime in Chile and will impose certain economic sanctions against that government. The time has come for Congress to take this step for the following reasons:

First, Chile continues to pursue a policy of terrorism at home and abroad.

On February 4, 1987, a former member of the Chilean military appeared in the Federal District Court for the District of Columbia and provided evidence implicating the President of Chile, General Augusto Pinochet, in the murder-by-bombing of two residents of Washington, D.C., Orlando Letelier, the former Chilean Ambassador to the United States, and Ronni Karpen Moffitt, an American citizen working with Letelier. That testimony also provided additional evidence against two other Chilean officials already indicted by U.S. courts for those murders. The government of Chile steadfastly refuses to cooperate in the effort to bring these individuals to justice.

The Government of Chile has also failed to take adequate steps to prosecute those members of the government security forces who beat and set on fire a Washington resident, Rodrigo Rojas, and his Chilean companion, Carmen Gloria Quintana. Rojas died in great pain shortly after the incident, yet the Chilean government has set free on $25 bail the last remaining member of the security forces held in the case.

The terror and repression unleashed upon Orlando Letelier, Ronni Moffitt and Rodrigo Rojas are felt daily by the people of Chile. Since General Pinochet seized power 14 years ago, tens of thousands of political opponents of his regime have endured his brutal policies -- assassinations, physical and psychological torture, abductions, arbitrary arrests, detentions in secret locations and violations of labor rights.

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Second, General Pinochet continues to block the return of democracy in Chile. The National Accord formed last year by 13 opposition parties to promote a peaceful transition to democracy, has been rejected by Pinochet. Last July, in a direct affront to the democratic opposition, General Pinochet announced his intention to remain in power for another decade. Pinochet's intransigence promises further polarization and violence for the people of Chile.

Finally, in the face of the Chilean government's terrorism and intransigence, the Reagan Administration has continued to provide substantial economic support to Chile, to the extent that most Chileans see the United States as propping up the Pinochet regime. For six years, this Administration has supported billions of dollars in loans from multilateral development banks to the government of Chile and has given Chile millions of dollars in guaranteed credits and preferential trade assistance.

The Administration has pursued this policy despite U.S. laws requiring the United States to oppose such assistance to countries whose governments systematically violate human and labor rights. The time has come to put the U.S. clearly on the side of justice, democracy and human rights in Chile. The imposition of these measures against the Government of Chile will accomplish that goal.

When enacted, S. 709 will require a U.S. no vote on international loans to Chile, will revoke Chile's trade benefits under the General System of Preferences, will prohibit guarantees and insurance of U.S. investments in Chile by the Overseas Private Investment Corporation, will revoke the landing rights of Chile's national airline and will prohibit the importation into the U.S. of Chilean copper.

The sanctions can be lifted if the Congress approves a Presidential certification that Chile has made significant progress in respecting human rights and worker rights, in promoting a return to democracy, and in acting on the Letelier-Moffitt and Rojas-Quintana cases.

If you would like any further information or to cosponsor this legislation, please call Ed Long at x4-3254 or Nancy Soderberg at x4-2635.

Sincerely,

Tom Harkin

Edward M. Kennedy

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[redacted]

PAGE 01 MEXICO 05678 182358Z
ACTION OES-09

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DEPT FOR OES/N; PLS PASS NRC INTERNATIONAL PROGRAMS
DOE FOR NE AND IAE

E.O. 12356: DECL: OADR
TAGS: TRGY, KSCA, MX
SUBJ: VISIT OF NRC EXPERT SHAW

REF: A. DETHOMAS-GORE TELCON, 3-12-87 B) DETHOMAS-
- CHANEY TELCON, 3-12-87 C) DETHOMAS-GORE TELCON,
- 3-17-87

1. [redacted] - ENTIRE TEXT.

2. MIGUEL MEDINA, CHIEF OF THE MEXICAN NATIONAL COMMISSION ON NUCLEAR SAFETY AND SAFEGUARDS (CNSNS), DISCUSSED PROPOSED VISIT OF NRC EXPERT TO LAGUNA VERDE WITH ACTING SCIENCE COUNSELOR ON 3-17-87. MEDINA SAID THE CNSNS HAD ENCOUNTERED TECHNICAL PROBLEMS AT LAGUNA VERDE AND NEEDED THE SERVICES OF A TOP-OF-THE-LINE EXPERT LIKE SHAW URGENTLY. IF LAGUNA VERDE'S TECHNICAL PROBLEM IS NOT RESOLVED, MEDINA SAID, THE PLANT WILL BE DELAYED BY ONE YEAR.

3. THE SPECIFIC PROBLEM FACING THE CNSNS IS THE NEED FOR [redacted]

[redacted]

PAGE 02 MEXICO 05678 182358Z

ASSISTANCE ON PIPE STRESS ANALYSIS. THE AS-BUILT PIPING AT LAGUNA VERDE IS DIFFERENT FROM THE APPROVED DESIGN. THE DESIGN WAS SUBJECTED TO THE APPROPRIATE STRESS

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ANALYSIS, AND CFE, THE CONSTRUCTOR/OWNER OF THE PLANT, HAS DONE AN ANALYSIS OF THE AS-BUILT PIPING AT LAGUNA VERDE, BUT CNSNS IS NOT CONFIDENT OF THE METHOD USED BY CFE IN ITS STRESS ANALYSIS. APPARENTLY, A CNSNS VISITOR TO NRC WAS TOLD THE METHOD USED BY CFE WAS NOT APPROPRIATE. IF CFE WERE TO BE REQUIRED TO REBUILD THE PIPING, IT WOULD DELAY LAGUNA VERDE BY UP TO ONE YEAR. CNSNS SAYS IT URGENTLY NEEDS AN NRC EXPERT TO GUIDE IT ON HANDLING PIPE STRESS ANALYSIS AT LAGUNA VERDE.
(DRAFTED:SCI:JDETHOMAS) PILLIOD

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*** Current Handling Restrictions *** n/a
*** Current Classification *** [redacted]

3-18-87

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PAGE 01 SANTIA 02018 181418Z
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Chile Project (#S199900030)
U.S. Department of State
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Exemption(s)_____

~~C O N F I D E N T I A L~~ SANTIAGO 02018

E.O. 12356: DECL:OADR
TAGS: PGOV, CI
SUBJ: MERINO RULES OUT MODIFYING THE CONSTITUTION

1. (U) IN A PRESS INTERVIEW FOLLOWING THE MARCH 16 MEETING OPENING THE 1987 CALENDAR OF THE FIRST LEGISLATIVE COMMITTEE HEADED BY JUNTA MEMBER ADMIRAL JOSE MERINO, HE STATED THAT THERE ARE NO PRESENT PLANS TO MODIFY THE CONSTITUTION BECAUSE OF THE LACK OF TIME. MERINO NOTED THAT ANY SUCH CHANGES WOULD HAVE TO BE STUDIED AND THEN APPROVED IN ACCORDANCE WITH THE CONSTITUTION, WHICH WOULD MEAN HOLDING A PLEBISCITE. THIS COULD NOT BE DONE UNTIL EVERYONE HAS HAD THE OPPORTUNITY TO REGISTER TO VOTE, AND THIS IS NOT EXPECTED TO BE FINISHED UNTIL LATE IN 1988. IT WOULD THEREFORE NOT BE POSSIBLE TO CHANGE THE CONSTITUTION IN A VALID MANNER UNTIL LATE 1988.

2. (C) COMMENT: MERINO'S REMARKS ARE OF INTEREST IN THAT THEY ARE ONE OF THE FIRST PUBLIC STATEMENTS BY A JUNTA MEMBER THAT APPEAR TO RULE OUT ANY POSSIBILITY OF MODIFYING THE CONSTITUTION BEFORE 1988. THEY ARE ALSO NOTEWORTHY IN THAT ONE YEAR AGO MERINO ADDRESSED THE NEED TO CHANGE THE CONSTITUTION ON INAUGURATING THE LEGISLATIVE
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PAGE 02 SANTIA 02018 181418Z

YEAR. MERINO CANDIDLY RECOGNIZES THE TIME FACTOR INVOLVED IN COMPLETING THE VOTER REGISTRATION DRIVE, AND SEEMS SINCERE IN RULING OUT ANY CHANCE OF CHANGING THE RULES TO ALLOW FOR ANYTHING OTHER THAN A PLEBISCITE IN 1989. SINCE HE IS SOMETIMES GIVEN TO MAKING CASUAL OFF-THE-CUFF REMARKS TO

THE PRESS, HOWEVER, IT CANNOT YET BE RULED OUT THAT SOME METHOD MIGHT STILL BE FOUND TO HOLD AN OPEN ELECTION INSTEAD OF A PLEBISCITE.
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PAGE 01 STATE 077770
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FOLLOWING STATE 077770 DTD MAR 17 87 SENT ACTION CARACAS INFO ACCRA ANKARA ATHENS BERN BONN BRASILIA BRUSSELS BUENOS AIRES CANBERRA COPENHAGEN DAMASCUS DHAKA HARARE ISLAMABAD JAKARTA KUWAIT LAGOS LIMA LISBON LONDON LUSAKA MADRID MANILA MEXICO NAIROBI NEW DELHI OTTAWA PARIS ROME STOCKHOLM THE HAGUE TOKYO VIENNA SAN JOSE BEING REPEATED FOR YOUR INFO:
QUOTE:
UNCLAS STATE 077770

PASS TO USIS

E.O. 12356: N/A
TAGS: KAMR, PROP
SUBJECT: SOVIET DISINFORMATION ON OLAF PALME ASSASSINATION

REF: A) ACCRA 05440 86, B) LAGOS 10433 86,
-- C) SOFIA 02595 86, D) CARACAS 02307

1. SUMMARY. A WORLDWIDE DISINFORMATION CAMPAIGN CLAIMING THAT THE U.S. IS RESPONSIBLE FOR THE PALME ASSASSINATION IS WELL UNDERWAY. RECENTLY, THE SPREAD OF UNCLASSIFIED

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PAGE 02 STATE 077770

THE STORY RECEIVED A BOOST THROUGH SCREENING IN THE USSR AND SWEDEN OF A SOVIET DOCU-DRAMA ON THE SUBJECT WHICH

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INSINUATES U.S. COMPLICITY IN THE CRIME. THE STATEMENT IN PARAGRAPH 2 WAS MADE AT THE DEPARTMENT'S NOON PRESS BRIEFING ON MARCH 16. ADDITIONAL INFORMATION IS AVAILABLE IN FOLLOWING PARAGRAPHS WHICH MAY BE OF USE TO POSTS. END SUMMARY.

2. BEGIN PRESS STATEMENT. YOU WILL RECALL THAT AT THE FEBRUARY 13 BRIEFING A QUESTION WAS RAISED CONCERNING A SOVIET FILM WHICH INSINUATES THAT THE USG WAS INVOLVED IN PALME'S ASSASSINATION. WE SAID THAT WE HAD EXPRESSED OUR

CONCERN OVER THIS MALICIOUS AND OUTRAGEOUS CHARGE IN THE FILM.

SOVIET EFFORTS TO LINK THE USG TO PALME'S MURDER ARE CONTINUING. MOST RECENTLY, THE STORY WAS REPEATED IN ULTIMAS NOTICIAS, A VENEZUELAN DAILY.

LET ME REPEAT THAT THE US REJECTS THE ALLEGATION THAT IT WAS LINKED IN ANY WAY TO OLAF PALME'S ASSASSINATION. THE ATTEMPT TO EXPLOIT THE DEATH OF THIS WORLD LEADER IS A DISSERVICE TO HIS MEMORY. END TEXT.

3. BEGIN BACKGROUND. IN NEWSPAPERS IN MANY COUNTRIES, THERE HAVE BEEN STORIES ATTEMPTING TO BLAME THE UNITED STATES FOR THE TRAGIC ASSASSINATION OF SWEDISH PRIME MINISTER OLAF PALME. THESE STORIES ARE GRIEVEOUSLY WRONG, AND THEY ARE AN AFFRONT TO THE AMERICAN PEOPLE AND THE U.S. GOVERNMENT. OUR AFFECTION AND RESPECT FOR OLAF PALME AS A MAN, AS THE LEADER OF SWEDEN, AND AS A CHAMPION OF DEMOCRATIC VALUES WAS REFLECTED IN THE UNCLASSIFIED

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STATEMENT BY PRESIDENT REAGAN ISSUED FROM THE WHITE HOUSE FOLLOWING THE ASSASSINATION. HE SAID, "I HAVE LEARNED WITH GREAT SHOCK OF THE TRAGIC DEATH OF SWEDISH PRIME MINISTER OLAF PALME. MY SORROW IN THE FACE OF THIS SENSELESS ACT OF VIOLENCE IS PROFOUND. OLAF PALME WAS ONE OF THE WORLD'S MOST RESPECTED LEADERS, A MAN WHO MADE COMPASSION THE HALLMARK OF SWEDISH POLICY. THE WORLD WILL REMEMBER HIM FOR HIS DEVOTION TO DEMOCRATIC VALUES AND HIS UNTIRING EFFORTS TO PROMOTE PEACE."

4. THE U.S. GOVERNMENT IS AWARE THAT MANY WILL WONDER WHY WE EXPEND THE EFFORT TO CALL ATTENTION TO AND DENY SUCH AN OUTRAGEOUS ACCUSATION. IN FACT, WHEN THE STORY FIRST APPEARED, WE CHOSE TO IGNORE IT BECAUSE IT WAS

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PRIMARILY IN SOVIET OR COMMUNIST-CONTROLLED MEDIA. FOR EXAMPLE, THE JUNE 14, 1986 EDITION OF THE BULGARIAN COMMUNIST PARTY DAILY "RABOTNICHESKO DELO" CARRIED THE STORY. IT THEN SPREAD TO THE THIRD WORLD PRESS; FOR EXAMPLE, THE GOVERNMENT OF GHANA'S NEWSPAPER, THE "DAILY GRAPHIC," REPEATED THE ACCUSATIONS ON JULY 17, CITING "SOVIET NEWS COMMENTARY" AS ITS SOURCE.

5. THE SOVIET UNION HAS NOW TAKEN A FURTHER STEP IN THE UNSUBSTANTIATED CLAIMS OF U.S. COMPLICITY IN THE PALME ASSASSINATION; THEY HAVE PRODUCED A TELEVISION FILM, SHOWN IN THE USSR AND SWEDEN, WHICH INSINUATES THAT THE U.S. IS RESPONSIBLE. ABSOLUTELY NO EVIDENCE IS

PRESENTED THROUGHOUT THE FILM. A SOVIET COMMENTATOR INQUIRES, "WHY WAS OLAF PALME KILLED?" THE QUESTION IS ANSWERED BY ANOTHER COMMENTATOR, "THREADS OF CONSPIRACY LEAD TO THE CIA." NO BACKUP INFORMATION IS PROVIDED. THE REASON IS, OF COURSE, BECAUSE THERE IS NONE.

6. THE U.S. HAS PROTESTED THIS FILM TO THE SOVIET UNION AND NOW CALLS UPON WORLD PUBLIC OPINION TO REJECT SUCH UNCLASSIFIED

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PAGE 04 STATE 077770

ATTEMPTS TO EXPLOIT THE TRULY TRAGIC DEATH OF A WORLD LEADER. END BACKGROUND.

7. FOR CARACAS. IT WOULD BE USEFUL TO HAVE THE DATE OF THE ULTIMAS NOTICIAS ARTICLE. SHULTZ
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19 MAR 1987

8/19/87 Letelier Case NH103 R DOS REF/DOS

EN LO PRINCIPAL : RECUSACION. OTROSI CONSIGNACION.

Exma. Corte Suprema.

Fabiola Letelier del Solar, por la parte perjudicada, en autos rol ingreso N° 29 - 81 Corte Marcial, instruído por el delito de falsificación documentario y otros, a US. Exma, con respeto digo :

Vengo en solicitar a S.S. Exma. que se declare recusado en esta causa el Señor Ministro de la Corte Marcial, don Enrique Montero Marx y que, por tanto quede excluído de la vista de la causa. Fundo esta solicitud en lo dispuesto en el artículo 196 N^{os} 9, 14, 15, 16 y 17 del Código Orgánico de Tribunales.

Cabe hacer presente en esta oportunidad que el señor Montero Marx se desempeñó como sub - Secretario del Interior entre el 11 de septiembre de 1973 y el 22 de abril de 1982, y de esta última fecha al 10 de agosto de 1983 como Ministro del Interior del actual Gobierno; es decir realizó funciones del más alto nivel y absoluta confianza para el régimen durante exastamente 9 años y 12 meses. Durante su gestión de Sub - Secretario del Interior, año 1976, se produjaron los hechos que motivaron la sustanciación de la presente causa, y que dicen relación con la supuesta falsificación de pasaportes oficiales. Del merito de autos ha quedado establecida la responsabilidad que les cupo a funcionarios de Gobierno, específicamente del Ministerio de Relaciones Exteriores, en el otorgamiento fraudulento de pasaportes oficiales. Materia tam - bién de la investigación sumarial en esta causa en la conexión que habría habido entre el otorgamiento de los mencionados pasaportes oficiales y la posterior muerte del ex - Canciller Orlando Letelier del Solar. Al respecto, cabe hacer notar

Chile Project (#S199900030)
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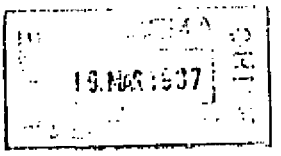

que el señor Montero Marx, en su calidad de representante del Gobierno chileno viajo a Estados Unidos de Norteamerica, donde subscribió un acuerdo entre el Gobierno Norteamericano y el Chileno, que tuvo por objeto limitar las declaraciones de Michael Townley exclusivamente a lo referente a la investiga - ción por el asesinato de Orlando Letelier. Este acuerdo fue subscrito durante el otoño de 1978, habiendo constancia de él y del posterior reconocimiento de firma hecha por el señor Montero Marx en el proceso seguido para extraditar a tres oficiales chilenos implicados en el asesinato de Letelier.

Todos los hechos sumariamente enunciados configuran las siguientes causales de recusación :

Artículo 196, N° 9 del C. O. T. "Haber el juez declarado como "testigo en la cuestión actualmente sometida a su conocimien- "to". Como se desprende de la diligencia de reconocimiento de firma prestada por el señor Montero Marx, en relación al acuerdo subscrito entre los Gobierno de Chile y Estados Unidos, de lo cual hay constancia en el proceso 1 - 78 sobre extradición pasiva.

Artículo 196 N°14 del C.O.T. " Haber el juez recibido de alguna de las partes un beneficio de importancia, que haga presumir empeñada su gratitud". No habiendo en la causa parte pasiva por el hecho de que los inculpados no han sido encargados dos reos, y teniendo en cuenta que fue el propio Presidente de la República General Pinochet, quien el 23 de marzo de 1978 ordenó que se remitieran los antecedentes a la justicia militar y se instruyera proceso, llevando el rol 192 - 78, queda establecida la causal, cuando el señor Montero Marx en abril de 1972, es decir con posterioridad a los hechos, es promovi- al cargo de Ministro del Interior.

Artículo 196 N° 15 del C.O.T. "Tener el juez con alguna de

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19 MAR 1987

"las partes amistad que se manifieste por actos de estrecha "familiariaddd". Al respecto damos por reproducidos los argumentos aducidos en la causal anterior, señalando que esta parte estima que se deben entender por actos de extrema familiaridad los prolongados servicios prestados al Gobierno en cargos de su más absoluta confiansa.

Artículo 196 N° 16 del C.O.T. "Tener el juez con alguna de "las partes enemistad, odio o resentimiento que haga presumir "que no se halla revestido de la debida imparcialidad". Al respecto cabe señalar que el señor Montero Marx durante su desempeño como Sub-Secretario del Interior, es decir parte del Gobierno de Chile, fue parte de la campaña del desprestigio dirigida desde las esferas de Gobierno y a través de todos los medios de comunicación con los que contaba, en contra del Ex- Canciller Orlando Letelier. Posteriormente durante el año 1981, cuando se encontraba pendiente ante la Corte Marcial, la apelación al sobreseimiento definitivo dictado por el juez militar, y siendo el señor Montero Marx Sub Secretario del Interior, se procedió a expulsar del país, por vía administrativa precisamente por orden del Ministerio del Interior, a don Jaime Castillo Velasco, abogado de la familia Letelier del Solar, parte perjudicada en la causa. Una vez expulsado el señor Castillo Velasco, y habiendo quedado la familia sin abogado defensor, el señor Montero Marx, siendo ya Ministro del Interior, manifestó en reiteradas oportunidades en forma pública, que mientras él se desempeñara en su cargo, el señor Castillo Velasco no podría volver a entrar al país.

Artículo 196 N° 17 C.O.T. "Haber el juez recibido, después de comenzado el pleito, dádivas o servicios de alguna de

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"las partes, cualquiera que sea su valor o importancia ". Al respecto esta parte reproduce el expresado en relación a la causal Nº 14 del Artículo 196 del C.O.T. debiendo tenerse presente que el proceso en cuestión sobre el cual se pretende evitar que el señor Montero Marx se pronuncie, se inició en marzo de 1978 y el fue promovido en abril de 1972 al cargo de Ministro del Interior, lo cual significó una importante distinción por parte del gobierno.

POR TANTO, en atención a lo expresado y a lo dispuesto en los artículos 194 y siguientes del Código Orgánico de Tribunales, 113 y siguientes del Código de Procedimiento Civil y 107 y siguiente del Código de Justicia Militar,

Ruego a US. Exma se sirva tener por formulado incidente de recusación en contra del Señor Ministro de la Corte Marcial don Enrique Montero Marx.

OTROSI: Ruego a US. Exma. tenerpresente que acompaño boleta de consignación por el máximo legal.

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Department of State

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INCOMING TELEGRAM 7094

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INFO AMEMBASSY SANTIAGO IMMEDIATE

~~S E C R E T~~ ASUNCION 01108

ROGER CHANNEL

DECAPTIONED

E.O. 12356: DECL: OADR
TAGS: PTER, PA
SUBJECT: LETELIER/MOFFITT CASE (HECTOR OROZCO)

REFS: (A) STATE 76265; (B) ASUNCION 933; (C) ASUNCION 864; (D) STATE 56754

1. ~~SECRET~~ - ENTIRE TEXT.

2. IT PROVED CONVENIENT TO SPEAK WITH AMBASSADOR HECTOR OROZCO AT CLOSE OF MARCH 19 MEETING OF DIPLOMATIC CORPS AT THE NUNCIATURA. I CONVEYED THE MESSAGE OF REF C AND OROZCO REPLIED, AS TRANSLATED, "IN A WORD, 'NO' (I.E., I WILL NOT AGREE TO MEET WITH U.S. ENFORCEMENT OFFICERS); ARMANDO FERNANDEZ IS LYING AND I COULD EASILY GET 40 WITNESSES WHO WOULD TESTIFY IN MY FAVOR, AS WELL AS THAT OF CONTRERAS AND ESPINOZA. FURTHERMORE, THERE IS NO POSSIBILITY OF THOSE ACTIONS" (I.E., A PROVISIONAL DETENTION OR EXTRADITION). I ASKED IF HE SENSED ANY PERSONAL SECURITY PROBLEMS IN CHILE (PER REF D), TO WHICH HE REPLIED, "JAMAS" (NEVER). FYI: OROZCO PLANS TO TERMINATE HIS TOUR END MAY.

3. COMMENT: THERE WAS NO CONFUSION ON HIS PART AS TO OUR MESSAGE AND REQUEST; HE REPEATED IT BACK TO ME IN HIS OWN WORDS. ALTHOUGH HE APPRECIATED THAT I WAS THE MESSENGER, HE CLEARLY HAD TO EXERCISE CONTROL IN RESTRAINING HIS SENSE OF OFFENSE OVER THE ACCUSATION OF "COVER-UP." HIS TONE CONVEYED UTTER CONTEMPT FOR FERNANDEZ. TAYLOR

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Leteia Cox

MEMORANDUM

March 20, 1987

TO: Charge - Mr. Jones

THRU: POL - Mr. Keane

FROM: Labor Attache - Don Knight

SUBJECT: Fabiola Letelier Message

Fabiola Letelier was seated next to me last evening at the Colegio de Abogados forum on the Letelier case. She gave me a copy of the legal document she had filed yesterday challenging the right of the Air Force judge to hear the court martial case of the false passports. She said this judge was the Vice-Minister of Interior in the late 1970s, when the Letelier case was brought before the Supreme Court, and his judgement may not be balanced in reviewing the passport case at this time.

Attached is a copy of her challenge, so you can tell her the next time you see her that the document was delivered.

The forum, by the way, was very interesting, and rather exciting towards the last when Brigadier Espinosa's lawyer walked out. He had a hard night of it, and the audience was obviously not receptive to his point of view. The newspaper acounts of the meeting are accurate, with the Epoca article being very good.

Chile Project (#S199900030)
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Case Number: S1999000030

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E.O. 12356: DECL: OADR
TAGS: PHUM, UNHRC, CI
SUBJECT: UNHRC: CHILE RESOLUTION

REF: (A) GENEVA 3112, (B) STATE 70348

1. CONFIDENTIAL- ENTIRE TEXT.

2. REFTELS BEING REPEATED FOR INFO SEPTEL AS APPROPRIATE.

3. US JOINED CONSENSUS ON CHILE RESOLUTION AND WITHDREW OUR TEXT. THOUGH WE WERE ABE TO GAIN IMPORTANT MODIFICATIONS TO RESOLUTION INTRODUCED BY MEXICO, NEVERTHELESS WE STILL FOUND FAULT WITH PORTIONS OF FINAL TEXT. USDEL MADE STATEMENT USING TALKING POINTS REF (B) TO EXPLAIN OUR CONCERNS WHEN WE JOINED CONSENSUS. DISCUSSIONS WITH WEOG AND LATINS IN GENEVA SHOWED BROAD SUPPORT FOR ENDING DISCRIMINATORY TREATMENT (I.E., ELIMINATION OF ITEM 5) OF CHILE AT NEXT UNHRC MEETING.

4. DEPT WISHES TO THANK ALL THOSE INVOLVED WHO AIDED OUR EFFORT ON CHILE RESOLUTION. EFFORTS TO PIN DOWN COMMITMENTS ON ITEM 5 ELIMINATION WILL NECESSITATE CONFIDENTIAL

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FURTHER DEMARCHES IN COMING YEAR. POSTS WILL BE INSTRUCTED AT LATER DATE AS APPROPRIATE. SHULTZ

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E.O. 12356: DECL: OADR
TAGS: PREL, XK, NO, OVIP (HABIB, PHILIP C.)
SUBJECT: HABIB MEETING WITH PRESIDENT AZCONA,
- MARCH 23, 1987

1. ~~SECRET - ENTIRE TEXT.~~

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2. SUMMARY: PRESIDENT AZCONA IS DEEPLY SKEPTICAL ABOUT ARIAS' PLAN FOR PEACE AND DOES NOT EXPECT MUCH TO COME OUT OF THE ESQUIPULAS MEETING WHICH HE BELIEVES WILL NOT NOW TAKE PLACE UNTIL LATE JUNE. NEVERTHELESS, IN CONTRAST TO DUARTE, AZCONA IS PREPARED TO PLAY AN ACTIVE ROLE IN THE PROCESS LEADING UP TO THE MEETING. HABIB HAD VOICED OUR DISAPPOINTMENT THAT LITTLE HAD BEEN DONE AND URGED AZCONA TO POSITIVE ACTION. THE SANDINISTAS, AZCONA SAID, WILL SIGN ON TO THE ARIAS PROPOSALS IN ORDER TO GAIN THE TIME TO DEFEAT FURTHER MILITARY ASSISTANCE TO THE CONTRAS, AND FOR THE U.S. ADMINISTRATION TO TURN IN THEIR FAVOR. AZCONA INSTRUCTED HIS FOREIGN MINISTER TO INITIATE CONTACT WITH FONMIN ACEVEDO OF EL SALVADOR FOR THE PURPOSE OF DEVELOPING A COMMON APPROACH FOR ESQUIPULAS. FOREIGN MINISTER LOPEZ CONTRERAS' WORST FEAR IS THAT HONDURAS WILL BE ISOLATED AT ESQUIPULAS AND CHARACTERIZED BY THE WORLD AS OBSTRUCTIONIST. ALSO ON AZCONA'S MIND WAS CONGRESSMAN OBEY'S REALLOCATION OF FUNDS IN THE DOL 300 MILLION FOREIGN ASSISTANCE SUPPLEMENTAL, REDUCING SUBSTANTIALLY HONDURAS' SHARE. HE SEES OBEY'S RE-ORDERING AS PUNISHING THOSE WHO SHARE THE ADMINISTRATION'S VIEWS AND REWARDING THOSE WHO DON'T. AZCONA'S MILITARY CHIEFS ARE IMPRESSED WITH THE CONTRAS AND SAY THEIR ACCOMPLISHMENTS SO FAR EXCEED EXPECTATIONS. CONTRAS ARE CREDITED WITH GOOD PLANNING, EXECUTION AND WITH DOWNING FOUR SANDINISTA HELICOPTERS. HABIB ENTHUSIASTICALLY WELCOMED AZCONA'S WILLINGNESS TO TAKE AN ACTIVE ROLE IN THE PEACE PROCESS AND ENCOURAGED HIM TO SEEK CONTACT WITH ALL THE OTHER DEMOCRACIES IN PREPARATION FOR ESQUIPULAS. HABIB POINTED OUT THE COINCIDENCE IN OUR VIEWS, PARTICULARLY WITH RESPECT TO THE NECESSITY OF DEMOCRACY IN NICARAGUA AND CONVEYED TO AZCONA SECRETARY SHULTZ'S ASSURANCES THAT THE ADMIN-

ISTRATION WOULD MAKE A MAJOR EFFORT TO RESTORE THE ECONOMIC ASSISTANCE TAKEN AWAY BY CONGRESSMAN OBEY. END SUMMARY.

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3. ON MARCH 23, AMBASSADOR HABIB, AMBASSADOR BRIGGS, AND NSC STAFFER KIM FLOWER MET WITH HONDURAN PRESIDENT AZCONA TO DISCUSS THE SITUATION IN CENTRAL AMERICA. PRESIDENT AZCONA WAS JOINED BY FOREIGN MINISTER LOPEZ CONTRERAS AND BY COMMANDER-IN-CHIEF GENERAL REGALADO AND ARMY CHIEF OF STAFF GUTIERREZ MINERA.

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4. PRESIDENT AZCONA OPENED BY OBSERVING THAT A DELEGATION OF FRENCH PARLIAMENTARIANS HAD JUST VISITED HONDURAS AND THAT EVEN THE SOCIALIST DEPUTY SEEMED TO HAVE A BETTER UNDERSTANDING OF CENTRAL AMERICA. AMBASSADOR HABIB SAID THAT HE HAD GAINED THE SAME IMPRESSION FROM A RECENT TRIP TO EUROPE. THE FRENCH (AND THE EUROPEANS) WERE TURNING AROUND ON NICARAGUA. THE EC WAS REALLOCATING ECONOMIC ASSISTANCE AWAY FROM NICARAGUA TO THE FOUR DEMOCRACIES. WE HAD ASKED THE EUROPEANS TO DO THIS AND HAPPILY OUR ADVICE SEEMED TO HAVE BEEN TAKEN TO HEART. HABIB TOLD THE PRESIDENT THAT HE WAS PLEASED, TOO, TO REPORT THAT THE PROPOSED SALE OF REPLACEMENT AIRCRAFT (F-5S) HAD BEEN SETTLED TO HONDURAS' SATISFACTION.

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5. LEADING INTO THE PRINCIPAL TOPIC OF DISCUSSION, AMBASSADOR HABIB TOLD AZCONA THAT ON THIS TRIP HE WOULD VISIT ALL FOUR CENTRAL AMERICAN DEMOCRACIES AS WELL AS THE ORIGINAL FOUR CONTADORA CAPITALS. HE SAID HE WOULD BE PARTICULARLY INTERESTED TO HAVE AZCONA'S APPRECIATION FOR THE HEALTH AND PROGRESS OF THE DIPLOMATIC/NEGOTIATING TRACK, ESPECIALLY COSTA RICAN PRESIDENT ARIAS' PROPOSALS, AND HIS IDEAS ABOUT WHAT COMES NEXT, TACTICALLY AND PRACTICALLY.

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6. AZCONA OBSERVED THAT THE NEXT MEETING OF THE CENTRAL AMERICAN PRESIDENTS IS LIKELY TO TAKE PLACE IN LATE JUNE IN ESQUIPULAS. THE DATE, HABIB SAID, SEEMS TO GET MORE AND MORE DISTANT. MAY HAD PREVIOUSLY BEEN SUGGESTED, AND DUARTE HAD MENTIONED EARLY JUNE. DUARTE HAD TALKED ABOUT POSSIBLY VISITING TAIWAN SOME TIME IN JUNE.

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7. AZCONA RECALLED THAT AT THE SAN JOSE MEETING HE HAD PUSHED FOR MORE TIME IN ORDER TO SEE HOW THE SITUATION DEVELOPED, PARTICULARLY THE RENEWED EFFORT BY THE CONTRAS. ANOTHER IMPORTANT ASPECT THAT WOULD AFFECT ESQUIPULAS WOULD BE THE FINAL DISPOSITION OF THE DOL 300 MILLION SUPPLEMENTAL FOREIGN ASSISTANCE LEGISLATION. WOULD THE ADMINISTRATION AND THE SENATE BE ABLE TO UNDO THE REALLOCATION MADE BY CONGRESSMAN OBEY AND HIS HOUSE SUBCOMMITTEE? HABIB TOLD THE PRESIDENT THAT THE ADMINISTRATION WAS DEAD SET AGAINST OBEY'S REALLOCATION AND THAT SECRETARY SHULTZ HAD PERSONALLY INSTRUCTED HIM TO TELL PRESIDENT AZCONA THAT WE WOULD ENERGETICALLY FIGHT THE BILL ON THE FLOOR AND IN CONFERENCE. THE

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ADMINISTRATION WOULD MAKE A MAJOR EFFORT, HABIB SAID.

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8. WHERE WAS THE PEACE PROCESS GOING NOW, HABIB ASKED? HOW ABOUT PREPARATION FOR THE NEXT ROUND AT ESQUIPULAS? SHOULD THE CORE FOUR NOT BE HOLDING DISCUSSIONS IN ANTICIPATION OF THE PROBLEMS TO BE CONFRONTED? HABIB SAID THAT PRESIDENT DUARTE HAD TOLD HIM THAT THERE HAD BEEN NO DISCUSSIONS AT ALL AMONG THE FOUR DEMOCRACIES SINCE THE SAN JOSE MEETING. WE WERE QUITE DISAPPOINTED THAT NO EFFORT HAD BEEN MADE. UNITY AND HARMONY AMONG THE DEMOCRATIC ALLIES WAS ESSENTIAL IN THE FACE OF OUR COMMON ENEMY, THE SANDINISTAS. HABIB ASKED: HOW DID AZCONA SEE THE SITUATION? WHAT COULD BE DONE TO IMPROVE ARIAS' PROPOSAL? AZCONA'S RESPONSE WAS BLUNT. ARIAS HAS MADE HIS PROPOSAL VERY ATTRACTIVE TO NICARAGUA; THEY WILL SIGN IT. BESIDES, THE U.S. SENATE HAS PRAISED IT SO FULSOMELY THAT ARIAS' PLAN IS NOW DIFFICULT TO CRITICIZE. IN THIS SENSE ESQUIPULAS IS A TRAP, AND THE PRESIDENT SAID, FRANKLY, THAT HE WOULD PREFER NOT TO GO. HABIB TOLD HIM THAT HE WAS TOO IMPORTANT NOT TO GO; THAT IT WAS THE SANDINISTAS THAT MUST BE SHOWN TO BE UNREASONABLE. IF AZCONA WERE NOT TO ATTEND, HIS ACTION WOULD NOT BE UNDERSTOOD. AS HE HAD WITH DUARTE, HABIB PARAPHRASED THE LANGUAGE OF THE SENATE RESOLUTION POINTING OUT THAT THE SENATE HAD IN FACT PRAISED THE HEADS OF GOVERNMENT OF CENTRAL AMERICA COLLECTIVELY, AND HAD NOT SPECIFICALLY SINGLED OUT ARIAS. THE LANGUAGE SPOKE OF THE INITIATIVE OF THE FOUR PRESIDENTS. HABIB WENT ON TO REMIND AZCONA THAT THE LAST TIME THEY HAD SPOKEN OF ARIAS' PLAN, IT WAS CONSIDERED A DRAFT MUCH IN NEED OF IMPROVEMENT. SINCE THEN VERY LITTLE DIALOGUE HAD TAKEN PLACE. AZCONA AGREED THAT LITTLE HAD BEEN DONE.

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9. FOREIGN MINISTER LOPEZ CONTRERAS COMMENTED THAT HONDURAS COULD NOT GO TO ESQUIPULAS AND BE THE ONLY COUNTRY OBJECTING TO ARIAS' PLAN OR EVEN PAIRED WITH EL SALVADOR IN THIS POSITION AGAINST COSTA RICA, GUATEMALA AND NICARAGUA. HONDURAS CANNOT AFFORD TO BE CAST AS AN OBSTRUCTIONIST. AMBASSADOR BRIGGS SAID THAT FOR HONDURAS TO BE BLAMED FOR FAILURE AT ESQUIPULAS WOULD BE BAD; BUT A BAD AGREEMENT COULD BE WORSE.

10. ADDRESSING THE MINISTER, HABIB ASKED ABOUT THE PROSPECTS FOR A MEETING OF THE FOREIGN MINISTERS? HAD COSTA RICA'S MADRIGAL BEEN IN TOUCH TO ARRANGE A MEETING? LOPEZ CONTRERAS REPLIED THAT THEY HAD NOT BEEN IN TOUCH RECENTLY. PICKING UP THE POINT, PRESIDENT AZCONA SAID THAT IT WOULD BE VERY DIFFICULT FOR THE PRESIDENTS TO MEET PRIOR TO ESQUIPULAS BUT THAT THE FOREIGN MINISTERS CERTAINLY COULD AND SHOULD. HE SAID THAT THE POSITIONS OF EL SALVADOR AND HONDURAS WERE CLOSE; THAT MINISTER ACEVEDO WAS A TRUSTWORTHY MAN; AND THAT HONDURAS WOULD TAKE THE INITIATIVE WITH EL SALVADOR, AND PERHAPS WITH THE OTHERS AS SOON AS POSSIBLE. THE PRESIDENT OBSERVED THAT PERHAPS HONDURAS COULD INFUSE THE PROCESS WITH SOME MUCH-NEEDED DYNAMISM. LOPEZ

CONTRERAS SAID THAT THE TIMING WOULD BE RIGHT TO APPROACH EL SALVADOR NOW, FIRST; AND THAT THERE WERE OTHER DEVELOPMENTS TO WATCH, NAMELY, THAT CEREZO WAS GOING TO NICARAGUA THIS WEEK AND THAT ARIAS WAS SENDING A DELEGATION TO MANAGUA AS WELL. THE MINISTER SAID THAT BILATERAL MEETINGS WOULD PROVE TO BE USEFUL. HABIB SAID HE WOULD URGE MADRIGAL TO CALL THE FOREIGN MINISTERS TOGETHER. AMBASSADOR BRIGGS EMPHASIZED THAT THE MAIN POINT WAS NOT TO LEAVE THE INITIATIVE TO OTHERS, I.E., THE SANDINISTAS. TO AZCONA, HABIB SAID THAT DUARTE HAD TOLD HIM THAT HE CANNOT TAKE THE LEAD ROLE THIS TIME. DUARTE FEELS THAT HE IS TOO WEAK AND PREOCCUPIED DOMESTICALLY TO PLAY THE LEAD ROLE THIS TIME.

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11. WHILE PROMPTED TO TAKE SOME ACTION, AZCONA WAS CLEARLY SKEPTICAL. HE STATED FLATLY THAT HE DID NOT EXPECT MUCH IF ANYTHING FROM ESQUIPULAS. HABIB RESPONDED THAT IF THAT WERE TO BE THE CASE IT MUST BE CLEAR THAT THE SANDINISTAS ARE TO BLAME. THE SITUATION WAS REGRETTABLE BECAUSE, AZCONA FELT, SOMEWHERE IN THE ARIAS INITIATIVE THERE WAS A DOCUMENT THAT COULD BE ACCEPTABLE IF ITS FAILINGS COULD BE ADDRESSED. HABIB TOLD HIM THAT THE SALVADORAN FOREIGN MINISTRY HAD ACTUALLY DONE QUITE A LOT OF ANALYTICAL WORK IN THIS REGARD, PARTICULARLY ON THE SEQUENCE PROBLEM. AZCONA AGAIN SAID THAT HONDURAS WOULD INITIATE CONTACT WITH MINISTER ACEVEDO SOON. FIRST THEY WILL WORK OUT A JOINT APPROACH WITH EL SALVADOR AND THEN TALK TO THE OTHERS. HABIB TOLD THE PRESIDENT THAT HE WAS MOST PLEASED TO SEE THE PROSPECT OF CONCRETE ACTION IN PREPARING FOR ESQUIPULAS.

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12. AZCONA ASKED IF HABIB HAD SEEN GUATEMALA'S FOREIGN MINISTER QUINONES ON THIS TRIP. HABIB SAID HE WAS SAVING THAT FOR AFTER CEREZO HAD RETURNED FROM MANAGUA AND THAT AMBASSADOR BRIGGS WOULD GIVE AZCONA A READ-OUT OF THE MEETING NEXT WEEK. HABIB ASKED IF AZCONA'S RELATIONS WITH CEREZO WERE STILL STRAINED. THE PRESIDENT SAID THEY WERE NOT. BUT THEN HE SARDONICALLY COMMENTED THAT IT WAS TOO BAD THE U.S. CONGRESS INSISTED ON GIVING CEREZO SO MUCH MORE MONEY. HABIB SAID THAT IT WAS IMPORTANT THAT THE DEMOCRATIC PRESIDENTS REMAIN ON GOOD TERMS; THAT THE SANDINISTAS NOT BE ABLE TO SET THEM AGAINST EACH OTHER.

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13. AZCONA SPECULATED THAT IF HE, ARIAS AND DUARTE COULD ONLY AGREE, CEREZO WOULD FIND IT DIFFICULT NOT TO COME ALONG. GUATEMALA, HOWEVER, WAS SUBJECT TO PRESSURE FROM MEXICO AND THIS WAS ALWAYS A FACTOR TO BE CONSIDERED. THE SANDINISTAS, AZCONA SAID, WILL SIGN ANYTHING IN ORDER TO GAIN TIME FOR THE U.S. ADMINISTRATION TO TURN IN THEIR FAVOR. HABIB REPLIED THAT THE CURRENT DOCUMENT WAS FRONT-

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LOADED IN FAVOR OF NICARAGUA AND THAT AMONG OTHER THINGS THE SEQUENCE WAS ALL WRONG. HE MENTIONED AGAIN THAT THE SALVADORANS HAD DONE SOME GOOD WORK ON THE SEQUENCE PROBLEM. AS FOR MEXICO, HABIB SAID IT WAS TRUE THAT

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CEREZO HAD TO TAKE THE MEXICAN POSITION INTO ACOUNT. MOREOVER, HE HAD GOTTEN THE IMPRESSION HIMSELF WHEN RECENTLY IN MEXICO THAT FONMIN SEPULVEDA SAW THE ARIAS PLAN AS UNWELCOME COMPETITION TO CONTADORA, AND THAT THERE WOULD BE EVEN GREATER UNHAPPINESS IF CONTADORA WERE IGNORED. AZCONA OBSERVED THAT CONTADORA HAD NOT SUCCEEDED BECAUSE IT LACKED THE VITAL INGREDIENT - REAL PRESSURE ON NICARAGUA, MILITARY PRESSURE. THE MEXICANS DON'T AGREE ABOUT MILITARY PRESSURE SAID HABIB, BUT THEY CAN'T IGNORE CORE FOUR UNITY.

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14. FOREIGN MINISTER LOPEZ CONTRERAS SAID THAT AS BAD AS CONTADORA WAS, ARIAS' PLAN WAS WORSE. AUDACIOUS AND COMPLETELY GENERAL IN CONCEPT, ARIAS' PLAN OFFERS ONLY A BIG QUESTION MARK ABOUT WHERE IT LEADS TO. AT BEST IT IS A TENTATIVE PROPOSAL: A SHORT-TERM AND INCOMPLETE EFFORT THAT WOULD NEED MASSIVE SUPPORT FROM INTERNATIONAL ORGANIZATIONS FOR IT TO HAVE MEANING. HABIB CONCLUDED THAT ARIAS WAS CLOSER TO THE MARK ON POLITICAL OBJECTIVES (DEMOCRACY IN NICARAGUA) BUT THAT CONTADORA WAS BETTER ON MILITARY SUBJECTS, ESPECIALLY ON VERIFICATION. IN FACT, HABIB SAID, ARIAS HAD TOLD HIM THAT HE LOOKED TO HONDURAS AND EL SALVADOR TO FLESH OUT THE MILITARY ASPECTS OF HIS PROPOSAL. BUT LITTLE HAD BEEN DONE AND IN THE MEANTIME HIS PLAN HAS TAKEN ON A LIFE OF ITS OWN. AZCONA INTERJECTED WITH GOOD HUMOR - "WE'RE WAITING FOR THE CONTRAS."

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15. HABIB CONTINUED HIS ANALYSES OF CONTADORA. IN ADDITION TO THE MORE COMPLETE FRAMEWORK, CONTADORA INCORPORATED THE POWER AND PRESTIGE OF LATIN AMERICA'S MOST SIGNIFICANT COUNTRIES, PARTICULARLY BRAZIL, ARGENTINA, AND VENEZUELA. LATIN AMERICA HAD A MUCH GREATER LEVEL OF RESPONSIBILITY IN THE CONTADORA PROCESS. MOREOVER, CONTADORA WAS ABLE TO CALL ON SERIOUS INTERNATIONAL SUPPORT. AND FINALLY, IF CONTADORA WERE IGNORED, THERE WERE SOME CONTADORA COUNTRIES WHICH WOULD THEN WORK ACTIVELY AGAINST THE CENTRAL AMERICANS. THE KEY, HABIB SAID, WAS TO LINK CONTADORA WITH ARIAS' PLAN BY ADOPTING THE BEST FEATURES OF BOTH.

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16. GENERAL REGALADO SAID THAT IN FACT THE CONTRAS WERE DOING VERY WELL INDEED. JUST TODAY, HE HAD RECEIVED A FULL REPORT FROM COL. GUTIERREZ ON THE STATUS OF THE FIGHTING INSIDE NICARAGUA. HE AND HIS STAFF ARE VERY IMPRESSED WITH WHAT THE CONTRAS SEEM TO BE ACCOMPLISHING, FAR MORE THAN THEY HAD EXPECTED. THE CONTRAS, HE SAID, HAVE SET SPECIFIC MILITARY OBJECTIVES, ESTABLISHED TIMETABLES AND ARE ACHIEVING THEIR GOALS. THERE IS GOOD EVIDENCE THAT THEY HAVE SHOT DOWN FOUR HELICOPTERS INCLUDING AT LEAST ONE ARMED MI-24. ONE PARTICULARLY TALENTED INDIVIDUAL IS REPORTEDLY CREDITED WITH TWO KILLS, USING A SAM-7. ANOTHER ENCOURAGING SIGN WAS THAT ANTI-GOVERNMENT SLOGANS WERE NOW APPEARING ON CITY WALLS IN MANAGUA. AZCONA SAID THAT IT WAS EQUALLY IMPORTANT FOR UNO TO GET ITS POLITICAL ACT TOGETHER. HE WAS, HOWEVER, CONTEMPTUOUS OF ALFREDO CESAR AND ARTURO CRUZ, JR., CHARACTERIZING THEM AS WORTHLESS (NO

SIRVEN). HE IS NOT IMPRESSED WITH BOS. ECHOING DUARTE, AZCONA SAID CESAR HAD COME TO SEE HIM IN SAN JOSE TO SAY HE UNCONDITIONALLY SUPPORTED ARIAS' PLAN.

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17. AZCONA SAID THE SENATE VOTE AFFIRMING CONTINUED AID TO THE CONTRAS WAS VERY IMPORTANT AND PROVIDED RENEWED HOPE. HE WAS ENCOURAGED BY THE FACT PRESIDENT REAGAN DIDN'T HAVE TO USE HIS VETO POWER. HABIB AGREED, BUT SAID THAT POLITICAL PRESSURE FROM THE FOUR DEMOCRACIES WOULD BE AN ESSENTIAL FACTOR FOR THE FUTURE. THE DIPLOMATIC/NEGOTIATION TRACK WAS VERY IMPORTANT. IT MUST BE UNDERSTOOD THAT EVERY EFFORT IN THIS REGARD HAD BEEN MADE. GOOD FAITH HERE WAS KEY TO CONGRESSIONAL SUPPORT FOR FUTURE MILITARY ASSISTANCE TO THE CONTRAS.

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18. HABIB ENCOURAGED AZCONA TO AVAIL HIS STAFF OF THE EXPERTISE OF COL. RON LESTER WHOM HE HAD BROUGHT ON THE TRIP IN PART BECAUSE OF HIS UNDERSTANDING OF THE MILITARY HARDWARE FACTORIZATION CONCEPT. AZCONA SAID THAT THIS ISSUE WAS A VERY SENSITIVE ONE FOR DUARTE WITH HIS OWN MILITARY. HE WENT ON, HOWEVER, TO STATE THAT ARMS WERE NOT REALLY THE PROBLEM. THE PROBLEM IN CENTRAL AMERICA WAS POLITICAL AND WAS CENTERED ON THE ABSENCE OF DEMOCRACY IN NICARAGUA. HABIB TOLD AZCONA THAT HIS UNDERSTANDING OF THE PROBLEM WAS PRECISELY THE SAME AS THAT OF PRESIDENT REAGAN WHO HAD ESTABLISHED THE PRINCIPAL GOAL OF AMERICAN POLICY TO BE DEMOCRACY IN NICARAGUA. "CLARO!" RESPONDED AZCONA.

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19. COMMENT: THIS VISIT MORE THAN PAID FOR ITSELF. WHILE SKEPTICAL OF ARIAS' PLAN AND DOUBTFUL ABOUT PROSPECTS FOR ESQUIPULAS, PRESIDENT AZCONA IS NOW ENERGIZED AND WILLING TO ENGAGE THE PEACE PROCESS AND PREPARE FOR ESQUIPULAS WITH HONDURAS PLAYING A LEADERSHIP ROLE (THROUGH FONMIN LOPEZ CONTRERAS). WITH DUARTE APPARENTLY DOWN IN THE DUMPS - AT LEAST AT THE MOMENT - IT IS VERY IMPORTANT THAT THE DEMOCRACIES HAVE SOMEONE TO TAKE THE INITIATIVE WHO UNDERSTANDS AND IS PREPARED TO WORK TO IMPROVE THE ARIAS PROPOSALS.

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ALFONZO WASHINGTON
ADMINISTRATIVE ASSISTANT

California State Senate

DIANE E. WATSON

TWENTY-EIGHTH SENATORIAL DISTRICT

CHAIRPERSON
Senate Committee on Health and Human Services

COMMITTEES
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HEALTH AND HUMAN SERVICES

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IN GOVERNMENT

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DRUG AND ALCOHOL ABUSE

SELECT COMMITTEE ON
CHILDREN AND YOUTH

March 25, 1987

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The Honorable Harry Barnes
American Ambassador to Chile
Embassy of the United States
Agustinas 1343
Santiago, Chile

Chile Project (#S199900030)
U.S. Department of State
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Dear Mr. Ambassador:

We have had the privilege of meeting Mr. Ulises Gomez, only recently released from prison in Chile, after 7 terrible years as a political detainee. His experiences and insights into the situation in Chile are truly enlightening.

As an expression of our regard for his heroism and commitment to the highest ideals of a journalistic free press, democracy and human rights, we have conveyed to Mr. Gomez the enclosed Resolution on behalf of the California Senate Rules Committee, a ceremony carried out on the floor of the Senate February 9, 1987 followed by a reception in honor of Mr. Gomez.

I hope you will take notice of this action and share it with appropriate colleagues and the press as you see fit. We shall continue to take a keen interest in the human rights conditions in Chile and support every effort to restore full democracy and the rule of law there given the significant commercial relations which exist between Chile and California.

Sincerely,

Diane E. Watson

DIANE E. WATSON
Senator, 28th District

DEW:ec

Enclosure

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ALAN CRANSTON
CALIFORNIA

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United States Senate

WASHINGTON, DC 20510

Chile Project (#S199900030)
U.S. Department of State
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March 25, 1987

Ambassador Richard Schifter
Assistant Secretary of State for the
Bureau of Human Rights and Humanitarian Affairs
Department of State
Washington, D.C. 20520

Dear Richard,

[redacted] has expressed to me the City's serious concern for the safety of several native Chilean citizens.

Fanor Castillo and Laura Soto, both lawyers, work with the Valparaiso branch of the Chilean Commission on Human Rights. Both have received threats against their physical well-being and their lives. [redacted] on behalf of the city of Long Beach, requests that our government look into this situation.

He also urges investigation of the whereabouts and circumstances surrounding the disappearance of the following people:

Alejandro Rodriquez Urzua
Carolina Wiff Sepulveda
Jorge Muller Silva
Carmen Bueno Cifuentes

I very much appreciate your help in these matters. Please let me know what you can do.

Cordially,

Alan Cranston

Alan Cranston

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Case Number: S19990003 0 (#S199900030)

Chile Project

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U.S. Department of State
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TO AMEMBASSY SANTIAGO IMMEDIATE

~~C O N F I D E N T I A L~~ STATE 088507

E.O. 12356: DECL: OADR
TAGS: PHUM, CI
SUBJECT: TORTURE IN CHILE

1. C - ENTIRE TEXT.

2. IN A ONE-ON-ONE MEETING ON MARCH 23, HA ASSISTANT SECRETARY SCHIFTER HANDED CHILEAN AMBASSADOR ERRAZURIZ A COPY OF THE RECENT AMNESTY INTERNATIONAL REPORT ON TORTURE IN CHILE. COMMENTING ON THE REPORT, SCHIFTER SAID THAT HE WAS NOT PREPARED TO STATE WITH CERTAINTY THAT ALL OF THE ALLEGATIONS CONTAINED IN THE REPORT WERE TRUE, BUT THAT HE BELIEVED THAT MUCH THAT WAS CONTAINED IN THE REPORT MAY VERY WELL BE TRUE. HE ADDED THAT THE VICTIMS ARE LIKELY TO HAVE BEEN INVOLVED IN THE PINOCHET ASSASSINATION ATTEMPT AND THE ASSEMBLING OF THE ILLEGAL ARMS CACHE, BUT THAT WOULD NOT JUSTIFY THEIR BEING TORTURED. ALL THE PROGRESS WHICH CHILE IS MAKING IN LAYING A FOUNDATION FOR A DEMOCRATIC TRANSITION, HE OBSERVED, WAS BEING NEGATED BY THESE REPORTS ON TORTURE IN CHILE. HE REMINDED ERRAZURIZ OF THE FACT THAT IN PREVIOUS CONVERSATIONS ON ~~CONFIDENTIAL~~

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PAGE 02 STATE 088507

TORTURE, ERRAZURIZ HAD ASKED FOR SPECIFIC ALLEGATIONS. HERE, SCHIFTER CONCLUDED, WERE SPECIFICS THAT DESERVED BEING LOOKED INTO.

3. ERRAZURIZ TOOK THE MATTER MOST SERIOUSLY. HE SAID THAT HE SOMETIMES DESPAIRED WHETHER ANY STEPS TAKEN BY

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THE GOVERNMENT OF CHILE ON THE ROAD BACK TO DEMOCRACY WOULD EVER BE WELCOMED IN LIGHT OF HIS COUNTRY'S NEGATIVE IMAGE. NEVERTHELESS, HE ADDED, IF TORTURE TAKES PLACE, IT MUST BE ENDED FOR MORAL REASONS. HE SAID HE WOULD TRANSMIT THE AMNESTY INTERNATIONAL REPORT WITH SCHIFTER'S COMMENT THAT HE BELIEVES THAT THE ALLEGATIONS MAY VERY WELL BE TRUE. THE REACTION OF SOME GOVERNMENT OFFICIALS IN SANTIAGO, HE SPECULATED, WILL BE: "THERE GOES ERRAZURIZ AGAIN. NOW HE IS TAKEN IN BY AMNESTY INTERNATIONAL." HE CONTINUED HIS MUSINGS BY NOTING THAT A GOOD MANY PEOPLE IN THE CHILEAN SECURITY FORCES HAVE HERETOFORE BEEN KILLED OR MAIMED IN TERRORIST ATTACKS. SOME SECURITY PEOPLE, HE HINTED, HAVE TOLD HIM THAT IT IS SOMETIMES NECESSARY TO PLAY ROUGH TO GET THE INFORMATION NECESSARY TO PREVENT FURTHER TERRORISM. HE CONCLUDED, HOWEVER, THAT IN SPITE OF ALL OF THAT, CHILE'S GOVERNMENT SHOULD NOT BE INVOLVED IN TORTURE.

5. SUPPORTING THIS POINT, SCHIFTER OBSERVED THAT ARGUMENTS SIMILAR TO THOSE TO WHICH ERRAZURIZ HAD JUST REFERRED HAD BEEN RAISED IN TURKEY AND EL SALVADOR AND THAT BOTH OF THESE COUNTRIES HAD TAKEN SIGNIFICANT STEPS TO END THE PRACTICE OF TORTURE.

6. AT THE CONCLUSION OF THE MEETING, ERRAZURIZ PRESENTED TO SCHIFTER THE CHILEAN GOVERNMENT'S COMMENTS
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PAGE 03 STATE 088507

ON THE 1986 CHILE HUMAN RIGHTS REPORT, WHICH WILL BE SUMMARIZED IN SEPTEL. SHULTZ

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Case Number: S1999000030
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PAGE 02 STATE 087698

AMEMBASSY NEW DELHI IMMEDIATE

~~C O N F I D E N T I A L~~ STATE 087698

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QUOTE
~~C O N F I D E N T I A L~~ GENEVA 03112

E.O. 12356: DECL: OADR
TAGS: PHUM, UNHRC, CI, US
SUBJECT: 43RD UNHRC - FINAL REPORT ON CHILE RESOLUTION

REF: A) STATE 70348/01, B) TELECON WILLIAMSON/GENERO 3/11/87

1. (C-ENTIRE TEXT).

2. THIS IS HRC-407.

3. SUMMARY: REVIEW OF FINAL DISPOSITION OF CHILE RESOLUTION AT 43RD UNHRC. END SUMMARY.

4. REGARDING ELIMINATION OF A SEPARATE AGENDA ITEM FIVE ON CHILE FOR NEXT UNHRC SESSION, AS DISCUSSED WITH DEPARTMENT WEDNESDAY NIGHT (REFTEL B), OBVIOUSLY USDEL CAN NOT REPEAT NOT GUARANTEE SUCCESS. HOWEVER, PER INSTRUCTIONS (REFTEL A), USDEL HAS SOUGHT A FIRM COMMITMENT FROM WEOG, THAT THERE WILL BE A GOOD FAITH EFFORT TO ACHIEVE THIS END.

5. VARIOUS MEMBERS WITHIN WEOG HAVE GIVEN DIFFERENT DEGREES OF COMMITMENT (SEE PARAGRAPH 6 BELOW). HOWEVER,
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PAGE 03 STATE 087698

AT THE THURSDAY AM WEOG MEETING (MARCH 12) AT THE CONCLUSION OF DISCUSSION OF THIS TOPIC, AMB WILLIAMSON AGAIN STATED THAT THE "USG STRONG POSITION IS THAT A SEPARATE ITEM 5 AGENDA ITEM SHOULD BE ELIMINATED. IT IS DISCRIMINATORY. WE MUST MAKE PROGRESS ON THIS CONCERN," AND THAT USG AGREEMENT TO JOIN CONSENSUS ON THE MEXICAN TEXT IS CONTINGENT ON ADOPTION OF AN ACCEPTABLE ITEM 24 DEALING WITH NEXT YEAR'S AGENDA WITH WEOG COMMITMENT FOR "GOOD FAITH, COOPERATION AND MAJOR EFFORT FROM ALL OF US TO IMPROVE THE AGENDA NEXT YEAR" ALONG THESE LINES, PLUS WHATEVER IMPROVEMENTS MIGHT MAKE THE AGENDA MORE EFFECTIVE AND EFFICIENT.

6. WHILE THERE IS GENERAL SUPPORT, AND "USDEL IS REASONABLY CONVINCED THAT WEOG HAS GIVEN FIRM COMMITMENT TO MAKE A GOOD FAITH EFFORT TO ELIMINATE SEPARATE AGENDA ITEM 5 ON CHILE FOR NEXT SESSION" (REFTEL A), THE VIEWS OF SOME COUNTRIES AS EXPRESSED IN GENEVA IN RECENT DAYS DESERVE SPECIAL NOTE:

--FRG: VERY FIRM FOR ELIMINATION OF ITEM 5.

--UK: FIRM FOR ELIMINATION OF ITEM 5.

--FRANCE: FIRM FOR ELIMINATION OF ITEM 5.

--AUSTRALIA: FOR ELIMINATION OF ITEM 5.

--AUSTRIA: FOR ELIMINATION OF ITEM 5.

--BELGIUM: FOR ELIMINATION OF ITEM 5.

--JAPAN: FOR ELIMINATION OF ITEM 5.

--DENMARK: FOR ELIMINATION OF ITEM 5 AS PART OF A LARGER AGENDA REFORM PACKAGE.
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PAGE 04 STATE 087698

--NORWAY: FOR ELIMINATION OF ITEM 5 AS PART OF A LARGER AGENDA REFORM PACKAGE.

--ITALY: FOR ELIMINATION OF ITEM 5 AS PART OF A LARGER AGENDA REFORM PACKAGE.

--NETHERLANDS: FOR ELIMINATION OF ITEM 5 AS PART OF A LARGER AGENDA REFORM PACKAGE.

--IRELAND: VERY SOFT. SUPPORT CONTINGENT ON FURTHER IMPROVEMENTS OF HUMAN RIGHTS IN CHILE.

7. DISCUSSIONS WITH MEMBERS OF THE LATIN GROUP REVEALS BROAD SUPPORT FOR ELIMINATION OF ITEM 5 (INCLUDING A PERSONAL PLEDGE FROM MEXICAN AMB MONTANO).

8. THE SOCIALIST, AFRICAN AND ASIAN GROUPS ARE HARDER TO JUDGE AT THIS POINT. ONE CAN EXPECT OUR USUAL ADVERSARIES TO PUT ROADBLOCKS IN FRONT OF THIS EFFORT.

9. NONETHELESS, USDEL'S JUDGMENT IS THAT THERE IS A "REASONABLE CHANCE OF SUCCEEDING" ON ELIMINATION OF A SEPARATE ITEM 5. HOWEVER, THE ISSUE WILL NEED WORK WELL BEFORE THE NEXT UNHRC BEGINS.

10. DUE TO THIS JUDGMENT, AT THURSDAY AM SESSION USDEL WITHDREW ITS RESOLUTION ON CHILE, JOINED THE CONSENSUS RESOLUTION, AND AMB WILLIAMSON MADE AN EXPLANATION OF VOTE ALONG THE TALKING POINTS PROVIDED IN THE

INSTRUCTION CABLE (REFTEL A).

11. REGARDING THE ITEM 24 DECISION, THE LANGUAGE
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PAGE 05 STATE 087698

REVIEWED WITH DEPARTMENT ON WEDNESDAY EVENING (REFTEL B) WAS ADOPTED BY CONSENSUS ON FRIDAY, MARCH 13, IT READS AS FOLLOWS: BEGIN TEXT:

DECISION:

THE COMMISSION ON HUMAN RIGHTS, BEARING IN MIND THE NEED TO CONSIDER RATIONALIZATION OF ITS AGENDA AND DEBATE, AS WELL AS OTHER RELEVANT CONSIDERATIONS, AND TAKING DUE NOTE OF ITS DISCUSSION AT THE CONCLUSION OF ITS 42ND SESSION OF THE POSSIBLE DELETION OF ITEM 5 FROM THE DRAFT PROVISIONAL AGENDA FOR ITS 43RD SESSION, AND THE INCLUSION UNDER ITEM 12 OF THE LEGISLATIVE AUTHORITY AND DOCUMENTATION LISTED UNDER ITEM 5, DECIDES TO CONSIDER THIS QUESTION FURTHER AT THE 44TH SESSION BEFORE ADOPTION OF THE AGENDA.

END TEXT. FLACK
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Case Number: S1999000030

Chile Project (#S199900030)
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E.O. 12356: N/A
TAGS: UNHRC-1, PHUM, CI
SUBJECT: 43RD UNHRC: CHILE

REF: GENEVA 3490

DEPARTMENT CONCURS IN RECOMMENDATION REFTEL, WHICH ALSO SERVES TO STRENGTHEN USG VIEW THAT CHILE BELONGS UNDER ITEM 12. SHULTZ

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TEXT OF TELEGRAM 87SAN JO003267

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E.O. 12356: DECL: OADR
TAGS: PREL, CS, XK, OVIP (HABIB, PHILIP C.)
SUBJECT: AMBASSADOR HABIB'S MEETING WITH
- COSTA RICAN PRESIDENT ARIAS

1. ~~SECRET - ENTIRE~~ TEXT.

2. SUMMARY: ON MARCH 24, AMBASSADOR HABIB AND CHARGE MELTON MET WITH COSTA RICAN PRESIDENT ARIAS, FOREIGN MINISTER MADRIGAL, AND MINISTER OF THE PRESIDENCY RODRIGO ARIAS. IN A PRELIMINARY MEETING WITH MADRIGAL, HABIB NOTED HIS DISAPPOINTMENT THAT SINCE HIS LAST VISIT IN FEBRUARY THERE HAD BEEN NO REAL CONSULTATIONS AMONG THE DEMOCRACIES AND THAT VALUABLE TIME TO COORDINATE WAS BEING LOST. MADRIGAL REPLIED THAT COSTA RICA HAD REPEATEDLY TRIED TO ARRANGE FOR MEETINGS WITH EL SALVADOR AND HONDURAS, BUT THAT THOSE TWO NATIONS WERE NOT RESPONDING. COSTA RICA WANTED TO HAVE VICE MINISTERIAL LEVEL MEETINGS TO BE FOLLOWED BY MEETINGS AT THE MINISTERIAL LEVEL TO DEAL WITH ANY PARTICULARLY DIFFICULT ISSUES.

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PAGE 02 SAN JO 03267 01 OF 08 262218Z

THE NEXT PHASE WOULD BE TO GET GUATEMALA ON BOARD. HABIB NOTED THAT BOTH EL SALVADOR AND HONDURAS WERE DEEPLY CONCERNED THAT COSTA RICA WOULD NOT ACCEPT THEIR PROPOSED CHANGES. MADRIGAL ASSURED HABIB THAT COSTA RICA WAS INDEED PREPARED TO ACCEPT CHANGES SO LONG AS THEY DID NOT ALTER THE UNDERLYING PRINCIPLE OF THE ARIAS PROPOSALS, WHICH WAS TO PUT TO THE TEST THE SANDINISTAS'

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WILLINGNESS TO DEMOCRATIZE. HABIB REPEATEDLY STRESSED THE IMPORTANCE OF UNITY AMONG THE DEMOCRACIES. THE SANDINISTAS WOULD SEEK TO EXPLOIT ANY DIFFERENCES AND DIVIDE THE DEMOCRACIES. IT COULD RESULT IN A 2-3 SPLIT, WITH NICARAGUA ACCEPTING THE CURRENT DRAFT OF THE ARIAS PROPOSALS, AND WITH COSTA RICA AND GUATEMALA CONCURRING. MADRIGAL AGREED THAT THIS OUTCOME WOULD BE A DISASTER AND MUST BE AVOIDED. HE DOUBTED THAT THE SANDINISTAS COULD EVER ACCEPT A PLAN THAT REQUIRED THEM TO DEMOCRATIZE, BUT HE ACKNOWLEDGED THAT IF THEY WERE CONVINCED THAT EL SALVADOR AND HONDURAS WOULD NOT SIGN, THEY MIGHT DECLARE THEIR ACCEPTANCE AS A TACTICAL MANEUVER. THE GOCR HAD NOT BEEN IN CONTACT WITH THE NICARAGUAN DEMOCRATIC RESISTANCE ABOUT THE ARIAS PROPOSALS, AND HABIB NOTED THAT IT WAS IMPORTANT TO CONSULT WITH THE RESISTANCE, AS THEY MUST CONCUR IN ANY AGREEMENT IF IT IS TO SUCCEED. HABIB POINTED OUT THAT THE U.S. HAD BEEN VERY SUPPORTIVE OF THE EFFORT BY THE FOUR DEMOCRACIES TO PROMOTE DEMOCRACY IN

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NICARAGUA. HE NOTED THE SEVERE DEFICIENCIES IN THE MILITARY AND SECURITY ASPECTS OF THE PROPOSALS AS THEY NOW STOOD. MADRIGAL STATED THAT HE WOULD TAKE PROMPT ACTION TO CONSULT WITH THE DEMOCRACIES AND WAS CONFIDENT THAT THERE WAS SUFFICIENT TIME TO ATTAIN A UNIFIED POSITION BEFORE ESQUIPULAS.

3. HABIB AND MELTON THEN CALLED ON PRESIDENT ARIAS WHO WAS ACCOMPANIED BY MINISTER OF THE PRESIDENCY RODRIGO ARIAS AS WELL AS BY MADRIGAL. ARIAS SAID THAT HE HAD JUST RECEIVED A LETTER FROM UNO AND HAD NOT HAD A CHANCE TO READ IT. HABIB EMPHASIZED THAT THE POSITION OF THE RESISTANCE MUST BE TAKEN INTO ACCOUNT. HABIB EXPRESSED HIS CONCERN ABOUT THE LACK OF CONSULTATIONS AMONG THE DEMOCRACIES SINCE THE SAN JOSE SUMMIT AND NOTED THAT HE WAS PLEASED TO LEARN FROM MADRIGAL THAT COSTA RICA WOULD NOW REDOUBLE ITS EFFORTS TO GET THE PROCESS UNDERWAY. HE REITERATED THE POINTS HE HAD MADE TO MADRIGAL ABOUT THE NEED FOR UNITY AND THE DANGERS THAT THE SANDINISTAS COULD USE THE INITIATIVE TO DIVIDE THE DEMOCRACIES AND STRING OUT THE PROCESS. HE ALSO RE-

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FERRED TO THE NEED TO IMPROVE THE PROPOSALS IN AREAS SUCH AS MILITARY AND SECURITY ISSUES, VERIFICATION, AND THE SEQUENCE OF

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TEXT OF TELEGRAM 87SAN JO003267

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S E C R E T SECTION 02 OF 08 SAN JOSE 03267

EXDIS

E.O. 12356: DECL: OADR
TAGS: PREL, CS, XK, OVIP (HABIB, PHILIP C.)
SUBJECT: AMBASSADOR HABIB'S MEETING WITH

EVENTS. ARIAS EXPRESSED HIS GREAT PLEASURE IN THE WIDESPREAD SUPPORT HIS PROPOSALS HAD ATTRACTED. HE ASSERTED THAT HE WANTED HIS STRATEGY TO SUCCEED: HE WANTED TO GIVE THE SANDINISTAS AN OPPORTUNITY TO BE SEEN BY THE WORLD AS LIARS AND FOR THE U.S. TO ACHIEVE A BIPARTISAN POLICY. HE WAS TOTALLY CONVINCED THAT IF THE SANDINISTAS OPPOSED THE DEMOCRATIC PROCESS THEY WOULD PAY A HIGH PRICE INTERNATIONALLY. HE SAID THAT IT WOULD BE AWFUL IF, INSTEAD OF BOXING IN NICARAGUA, THE PROCESS BROKE DOWN BECAUSE EL SALVADOR AND HONDURAS QUESTIONED OTHER POINTS OF THE PROPOSALS. HE SAID THAT THEY, AND NATURALLY WASHINGTON, WOULD THEN BE BLAMED. ARIAS WORRIED THAT EL SALVADOR AND HONDURAS WOULD ASK FOR SO MANY CHANGES THAT IT WOULD DETRACT FROM THE REAL ISSUE OF DEMOCRACY AND THE NEED TO PUT NICARAGUA TO THE TEST. ARIAS SAID

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PAGE 02 SAN JO 03267 02 OF 08 262219Z

THAT HE WOULD SOON SEND MADRIGAL TO NICARAGUA TO DISCUSS THE PROPOSALS WITH THE SANDINISTAS. HIS INTENTION WAS TO PUSH THE SANDINISTAS ON THE POLITICAL ASPECT OF THE PROPOSALS. HABIB SAID THAT WE AND THE OTHER DEMOCRACIES AGREED WITH THE FOCUS ON DEMOCRACY. HE POINTED OUT THAT THE OTHER ISSUES COULD NOT BE NEGLECTED, HOWEVER, AND THAT THE PROPOSALS WOULD HAVE TO PROVIDE

FOR A PROCESS OF DIALOGUE AMONG THE VARIOUS PARTIES WHICH WOULD DEAL FULLY WITH KEY MATTERS SUCH AS THE TERMS OF A CEASE-FIRE AND THE NATURE OF THE POLITICAL SYSTEM. HABIB ASSURED ARIAS THAT THIS ADMINISTRATION WAS DETERMINED TO PURSUE ITS POLICY OF PROMOTING DEMOCRACY IN NICARAGUA. HE REEMPHASIZED THE NEED FOR COSTA RICA TO WORK WITH THE OTHER DEMOCRACIES TO ACHIEVE UNITY. HE POINTED OUT THAT THE FINAL VERSION OF THE PROPOSALS SHOULD HAVE THE SANDINISTAS' ACTIONS TOWARD DEMOCRACY AT THE BEGINNING OF THE SEQUENCE. HE SAID THAT THE GROWING MILITARY PRESSURE FROM THE RESISTANCE AND THE INTERNAL PRESSURE IN THE FORM OF DISSATIS-FACTION WITH THE REGIME WERE FACTORS IN FAVOR OF HIS STRATEGY. FOR IT TO WORK, HOWEVER, THERE MUST BE ADDED PRESSURE IN THE FORM OF UNITY OF THE FOUR DEMOCRACIES. END SUMMARY.

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4. ON MARCH 24, AMBASSADOR HABIB AND CHARGE MELTON MET WITH COSTA RICAN PRESIDENT ARIAS, FOREIGN MINISTER MADRIGAL, AND MINISTER OF

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THE PRESIDENCY RODRIGO ARIAS TO DISCUSS THE NEGOTIATING TRACK IN CENTRAL AMERICA AND PARTICULARLY THE ARIAS PROPOSALS. THEY FIRST MET MADRIGAL AT THE FOREIGN MINISTRY FOR NEARLY ONE HOUR. HABIB OPENED THE MEETING BY INFORMING MADRIGAL THAT ON THIS TRIP HE INTENDED TO VISIT THE FOUR CENTRAL AMERICAN DEMOCRACIES AND THE FOUR CONTADORA COUNTRIES. HE EXPLAINED THAT, ALTHOUGH THE DEMOCRACIES NOW HAD THE INITIATIVE ON THE NEGOTIATING TRACK, IT WAS IMPORTANT TO KEEP IN TOUCH WITH CONTADORA. MADRIGAL AGREED, ADDING THAT COSTA RICA HAD RECEIVED MESSAGES FROM THE CONTADORA COUNTRIES THAT THEY DID NOT WANT TO BE IGNORED AND THAT IT WOULD CREATE RESISTANCE TO THE ARIAS PRO-POSALS IF THEY WERE NEGLECTED. HABIB THEN NOTED HIS DISAPPOINTMENT THAT SINCE HIS LAST VISIT IN FEBRUARY, THERE HAD BEEN NO REAL CONSULTATIONS AMONG THE DEMOCRACIES. HABIB STRESSED THAT VALUABLE TIME TO COORDINATE WAS BEING LOST AND ASKED WHEN THE ESQUIPULAS SUMMIT WOULD BE HELD. MADRIGAL REPLIED THAT HE WAS SUGGESTING THAT IT BE HELD IMMEDIATELY FOLLOWING THE JUNE 17-20 SEMINAR IN NEW ORLEANS ARRANGED BY THE MAYOR OF NEW ORLEANS

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AND TULANE UNIVERSITY WHICH WOULD BE
ATTENDED BY ALL FIVE CENTRAL AMERICAN PRESI-

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TEXT OF TELEGRAM 87SAN JO003267

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S E C R E T SECTION 03 OF 08 SAN JOSE 03267

EXDIS

E.O. 12356: DECL: OADR
TAGS: PREL, CS, XK, OVIP (HABIB, PHILIP C.)
SUBJECT: AMBASSADOR HABIB'S MEETING WITH

DENTS. ARIAS' INITIAL REACTION TO THIS IDEA WAS THAT IT WOULD BE BETTER TO WAIT FOR AT LEAST 30 DAYS AFTER THE NEW ORLEANS MEETING, WHICH WOULD PUSH ESQUIPULAS BACK UNTIL JULY. UPON REFLECTION, ARIAS HAD THEN CONCLUDED THAT THIS WOULD BE TOO LATE, BECAUSE IT WAS IMPORTANT THAT THE SUMMIT BE HELD IN TIME TO GIVE NICARAGUA 60 DAYS IN WHICH TO IMPLEMENT A GENUINE POLITICAL OPENING BEFORE THE SEPTEMBER DEBATE IN THE U.S. CONGRESS ON AID TO THE DEMOCRATIC RESISTANCE. THE SANDINISTAS WOULD EITHER HAVE TO SHOW THEIR TRUE COLORS, WHICH WOULD MAKE OBTAINING THE AID EASIER, OR BEGIN A PROCESS OF DEMOCRATIZATION THAT WOULD RESULT IN THEIR DOWNFALL. HABIB COMMENTED THAT THE DATE FOR ESQUIPULAS KEPT SLIPPING FURTHER AND FURTHER INTO THE FUTURE.

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5. HABIB ASKED WHY THERE HAD BEEN NO CON-

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PAGE 02 SAN JO 03267 03 OF 08 262220Z

SULTATIONS YET AMONG THE DEMOCRACIES. MADRIGAL REPLIED THAT COSTA RICA HAD REPEATEDLY TRIED TO ARRANGE FOR MEETINGS WITH EL SALVADOR AND HONDURAS, BUT THAT THOSE TWO NATIONS WERE NOT RESPONDING. COSTA RICA HAD SOUGHT A MEETING WITH SALVADORAN VICE FOREIGN MINISTER MAZA MARTELLI, BUT WAS TOLD THAT HE WAS NOT READY BECAUSE PRESIDENT DUARTE HAD

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NOT REVIEWED THEIR POSITION PAPER. COSTA RICA ALSO SOUGHT A MEETING WITH HONDURAN OFFICIAL JORGE HERNANDEZ. BUT HE WAS NOT ANSWERING THEIR REQUESTS. COSTA RICA WANTED TO HAVE VICE MINISTERIAL LEVEL MEETINGS INDIVIDUALLY WITH THE GOES AND THE GOH TO LEARN THEIR POSITIONS AND ESTABLISH WHAT POINTS THEY AGREED UPON AND WHAT REVISIONS THEY WANTED. THIS COULD BE FOLLOWED BY MEETINGS AT THE MINISTERIAL LEVEL TO DEAL WITH ANY PARTICULARLY DIFFICULT ISSUE. MADRIGAL EMPHASIZED THAT THE GOCR INTENDED TO BE FLEXIBLE. IF THE OTHER DEMOCRACIES WANTED JOINT MEETINGS, THE GOCR WOULD AGREE. THE NEXT PHASE WOULD BE TO GET GUATEMALA ON BOARD.

6. HABIB SAID THAT IN HIS CONVERSATIONS WITH THE GOES AND THE GOH, HE HAD BEEN TOLD THAT COSTA RICA HAD NOT TAKEN THE INITIATIVE TO ARRANGE CONSULTATIONS AND HE WAS PLEASED TO LEARN THAT THE GOCR WAS INDEED TRYING TO DO SO. HABIB NOTED THAT BOTH EL SALVADOR AND

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HONDURAS WERE DEEPLY CONCERNED THAT COSTA RICA WOULD NOT ACCEPT THEIR PROPOSED CHANGES. IN BOTH CAPITALS, IT HAD BEEN POINTED OUT THAT DURING THE MEETING ON THE EVE OF THE FEBRUARY 15 SAN JOSE SUMMIT, THE GOES AND THE GOH HAD MADE KNOWN THEIR OBSERVATIONS TO THE GOCR. BUT COSTA RICA HAD IGNORED THEIR CONCERNS AND ANNOUNCED ITS OWN DRAFT. THIS HAD GREATLY TROUBLED THEM AND CAUSED THEM TO QUESTION COSTA RICA'S INTENTIONS. MADRIGAL ASSURED HABIB THAT COSTA RICA WAS INDEED PREPARED TO ACCEPT CHANGES. THE PROBLEM AT SAN JOSE WAS THAT THE OTHER DEMOCRACIES WANTED TOO MANY CHANGES TO WORK THEM ALL OUT IN ONE DAY. EL SALVADOR, IN PARTICULAR, HAD MANY SUGGESTIONS BASED ON THE FACT THAT IT HAD ITS OWN INSURGENCY AND MUST CONSIDER HOW ANY AGREEMENT WOULD AFFECT ITS SITUATION. THE ONLY QUICK WAY TO ACCOMMODATE ALL OF EL SALVADOR'S RESERVATIONS WOULD HAVE BEEN TO MAKE THE PROPOSALS APPLY ONLY TO NICARAGUA. HOWEVER, GUATEMALA MADE IT CLEAR THAT IT WOULD NOT ACCEPT A PLAN DIRECTED ONLY AT NICARAGUA. SINCE IT WAS IMPOSSIBLE TO REACH AN AGREE-

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MENT BY THE CLOSE OF THE MEETING, COSTA

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TEXT OF TELEGRAM 87SAN JO003267

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PAGE 01 SAN JO 03267 04 OF 08 262221Z
ACTION SS-00

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INFO LOG-00 ADS-00 SSO-00 /000 W
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FM AMEMBASSY SAN JOSE
TO SECSTATE WASHDC IMMEDIATE 3358
INFO CONTADORA COLLECTIVE IMMEDIATE

~~S E C R E T~~ SECTION 04 OF 08 SAN JOSE 03267

EXDIS

E.O. 12356: DECL: OADR
TAGS: PREL, CS, XK, OVIP (HABIB, PHILIP C.)
SUBJECT: AMBASSADOR HABIB'S MEETING WITH

RICA OPTED TO PUT ITS OWN IDEAS ON THE RECORD, WITH THE UNDERSTANDING THAT THE PROPOSALS WERE A DRAFT SUBJECT TO CHANGE. COSTA RICA WAS ON THE SIDE OF EL SALVADOR AND HONDURAS, AND IT WAS PREPARED TO ACCEPT CHANGES SO LONG AS THEY DID NOT ALTER THE UNDERLYING PRINCIPLE OF THE ARIAS PROPOSALS, WHICH WAS TO PUT TO THE TEST THE SANDINISTAS' WILLINGNESS TO DEMOCRATIZE. FOR EXAMPLE, IF THE GOES AND THE GOH WANTED TO HAVE THE CEASE-FIRE COME AS THE RESULT OF DIALOGUE, THAT COULD BE DONE. COSTA RICA DID NOT KNOW THE SPECIFICS OF HOW IT COULD BE ARRANGED BUT ENVISIONED HAVING SOME FORM OF INTERNATIONAL SUPERVISION OF THE CEASE-FIRE, PRESUMABLY BY THE OAS. MADRIGAL INSISTED THAT THE ARIAS PROPOSALS WERE A STEP FORWARD; IN FOUR YEARS, CONTADORA HAD ACHIEVED NOTHING, NOR HAD THE NICARAGUAN DEMOCRATIC RESISTANCE. THIS WAS A NEW

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PAGE 02 SAN JO 03267 04 OF 08 262221Z

APPROACH WHICH WOULD BOX IN THE SANDINISTAS IN A VERY LIMITED TIME FRAME.

7. HABIB REPEATEDLY STRESSED THE IMPORTANCE OF UNITY AMONG THE DEMOCRACIES. UNLESS THEY WERE UNITED, THIS INITIATIVE COULD TURN INTO A DISASTER. THE SANDINISTAS WOULD SEEK TO EXPLOIT ANY DIFFERENCES AND DIVIDE THE DEMOCRACIES. HE ADVISED MADRIGAL THAT

THE GOES AND GOH WERE CONCERNED THAT COSTA RICA HAD BROKEN THE EXISTING UNITY. THEY FEARED THAT RATHER THAN HAVE THE PROCESS BOX IN NICARAGUA IT COULD RESULT IN A 2-3 SPLIT, WITH NICARAGUA ACCEPTING THE CURRENT DRAFT OF THE ARIAS PROPOSALS AND WITH COSTA RICA AND GUATEMALA CONCURRING. MADRIGAL AGREED THAT THIS OUTCOME WOULD BE A DISASTER AND MUST BE AVOIDED. HE DOUBTED THAT THE SANDINISTAS COULD EVER ACCEPT A PLAN THAT REQUIRED THEM TO DEMOCRATIZE, BUT HE ACKNOWLEDGED THAT IF THEY WERE CONVINCED THAT EL SALVADOR AND HUNDURAS WOULD NOT SIGN, THEY MIGHT DECLARE THEIR ACCEPTANCE AS A TACTICAL MANEUVER. HE ADDED THAT IF DRASTIC CHANGES WERE MADE IN THE PROPOSALS IN ORDER TO OBTAIN UNITY THIS WOULD GIVE THE SANDINISTAS AN EXCUSE TO REJECT THEM OR TO ASK FOR 60-90 DAYS TO STUDY THE CHANGES, THUS DRAWING OUT THE PROCESS WITHOUT BEING PUT TO THE TEST. HABIB REPLIED THAT IF THE CHANGES SERVED TO STRENGTHEN THE PROPOSALS IN A WAY THAT WAS PERCEIVED AS FAIR AND REASONABLE, THE SANDINISTAS WOULD

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NOT BE ABLE TO USE THAT ARGUMENT. WHILE IT WOULD BE BEST IF THERE WERE AGREEMENT THAT BROUGHT PEACE AND DEMOCRACY, IF THE INITIATIVE FAILED IT MUST BE CLEAR TO ALL THAT THE SANDINISTAS WERE TO BLAME BECAUSE THEY REFUSED TO ACCEPT DEMOCRACY. MADRIGAL AGREED, ADDING THAT HE DOUBTED THAT THE SANDINISTAS COULD EVER ACCEPT IN GOOD FAITH AN AGREEMENT THAT INCLUDED DEMOCRACY.

8. HABIB ASKED IF THE GOCR HAD BEEN IN CONTACT WITH THE NICARAGUAN DEMOCRATIC RESISTANCE ABOUT THE ARIAS PROPOSALS. MADRIGAL REFERRED TO THE TELEX FROM THE UNO DIRECTORATE AND THE LETTER FROM BOS RECEIVED IN FEBRUARY. HABIB ASKED IF HE KNEW WHETHER UNO HAD EVEN SEEN THE PROPOSALS WHEN THEY HAD SENT THE TELEX, AND MADRIGAL ACKNOWLEDTED THAT HE DID NOT. MADRIGAL REMARKED THAT THE POSITION OF THE RESISTANCE WILL REFLECT WHAT HAPPENS ON THE GROUND IN NICARAGUA. HABIB NOTED THAT IT WAS IMPORTANT TO CONSULT WITH THE RESISTANCE, AS THEY MUST CONCUR IN ANY AGREEMENT IF IT IS TO SUCCEED.

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9. HABIB POINTED OUT THAT THE U.S. ADMINIS-

TEXT OF TELEGRAM 87SAN JO003267

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PAGE 01 SAN JO 03267 05 OF 08 262222Z
ACTION SS-00

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INFO LOG-00 ADS-00 SSO-00 /000 W
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FM AMEMBASSY SAN JOSE
TO SECSTATE WASHDC IMMEDIATE 3359
INFO CONTADORA COLLECTIVE IMMEDIATE

~~S E C R E T~~ SECTION 05 OF 08 SAN JOSE 03267

EXDIS

E.O. 12356: DECL: OADR
TAGS: PREL, CS, XK, OVIP (HABIB, PHILIP C.)
SUBJECT: AMBASSADOR HABIB'S MEETING WITH

TRATION HAD BEEN VERY SUPPORTIVE OF THE INITIATIVE. WE WELCOMED AN EFFORT BY THE FOUR DEMOCRACIES TO PROMOTE DEMOCRACY IN NICARAGUA. WE HAD OUR OWN INTERESTS IN THE REGION, AND UP UNTIL NOW OUR POSITION HAS BEEN IN HARMONY WITH THAT OF COSTA RICA BECAUSE WE BOTH WANTED THE SAME THING: DEMOCRACY. MADRIGAL ACKNOWLEDGED THAT THE USG HAD GIVEN APPROPRIATE SUPPORT TO THE INITIATIVE. HABIB REITERATED THAT IT WAS NECESSARY FOR THE DEMOCRACIES TO ACHIEVE UNITY AND TO IMPROVE THE PROPOSALS SO THAT IF THE SANDINISTAS ACCEPTED, THEY WOULD SERVE THE INTENDED PURPOSE. HE NOTED THE SEVERE DEFICIENCES IN THE MILITARY AND SECURITY ASPECTS. HE POINTED OUT ONCE AGAIN THE NEED TO GET THE CONSULTATION PROCESS MOVING IMMEDIATELY. MADRIGAL REPLIED THAT HE WOULD TAKE PROMPT ACTION TO CONSULT WITH THE DEMOCRACIES AND WAS

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PAGE 02 SAN JO 03267 05 OF 08 262222Z

CONFIDENT THAT THERE WAS SUFFICIENT TIME TO ATTAIN A UNIFIED POSITION BEFORE ESQUIPULAS.

10. HABIB AND MELTON THEN CALLED ON PRESIDENT ARIAS WHO WAS ACCOMPANIED BY HIS BROTHER, MINISTER OF THE PRESIDENCY RODRIGO ARIAS, AS WELL AS BY MADRIGAL. WHEN HABIB SAID THAT HE WAS VISITING THE CONTADORA COUNTRIES, ARIAS

REMARKED THAT THIS WAS VERY IMPORTANT. ARIAS NOTED THAT HE HAD MET EARLIER WITH PANAMANIAN PRESIDENT DELVALLE, ADDING THAT DELVALLE WANTED TO VISIT HIM IN COSTA RICA BEFORE FOREIGN MINISTER ABADIA DEPARTED FOR THE CONTADORA MEETING IN ARGENTINA IN MID-APRIL. HABIB SAID THAT HE HAD MET WITH THE POLITICAL LEADERSHIP OF UNO AND BOS AND FOUND THEM TO BE SURPRISINGLY FLEXIBLE ABOUT NEGOTIATIONS. ARIAS SAID THAT HE HAD JUST RECEIVED A LETTER FROM UNO AND HAD NOT HAD A CHANCE TO READ IT. (UNO DIRECTORATE MEMBER PEDRO JOAQUIN CHAMORRO WAS SEEN DEPARTING THE PRESIDENT'S OFFICE BUILDING JUST AS HABIB ARRIVED.) HABIB EMPHASIZED THAT THE POSITION OF THE RESISTANCE MUST BE TAKEN INTO ACCOUNT.

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11. HABIB EXPRESSED HIS CONCERN ABOUT THE LACK OF CONSULTATIONS AMONG THE DEMOCRACIES IN THE WEEKS SINCE THE SAN JOSE SUMMIT AND NOTED THAT HE WAS PLEASED TO LEARN FROM MADRIGAL THAT COSTA RICA WOULD NOW REDOUBLE ITS EFFORTS TO GET THE PROCESS UNDERWAY. HE REITERATED THE POINTS HE HAD MADE TO MADRIGAL

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ABOUT THE NEED FOR UNITY AND THE DANGERS THAT THE SANDINISTAS COULD USE THE INITIATIVE TO DIVIDE THE DEMOCRACIES AND STRING OUT THE PROCESS. HE ALSO REFERRED TO THE NEED TO IMPROVE THE PROPOSALS IN AREAS SUCH AS MILITARY AND SECURITY ISSUES, VERIFICATION, AND THE SEQUENCE OF EVENTS. HE ASKED ARIAS WHAT HE THOUGHT ABOUT THE DELAY IN HOLDING ESQUIPULAS. ARIAS RESPONDED THAT THERE WERE MANY PROBLEMS IN SCHEDULING THE SUMMIT. BOTH HE AND HONDURAN PRESIDENT AZCONA WERE TRAVELLING TO EUROPE IN MAY. GUATEMALAN PRESIDENT CEREZO WAS GOING ON AN OFFICIAL TRIP TO WASHINGTON AND WANTED TO DELAY ESQUIPULAS UNTIL AFTER HE RETURNED. THE JUNE MEETING IN NEW ORLEANS WAS ANOTHER COMPLICATION. ARIAS SAID HE WAS NOW THINKING ABOUT THE THIRD WEEK IN JUNE, NOTING THAT THERE HAD TO BE TIME TO TEST THE SANDINISTAS BEFORE THE CONGRESS TOOK UP AID TO THE RESISTANCE IN SEPTEMBER. HABIB CAUTIONED THAT THE SANDINISTAS MIGHT WELL TRY TO DELAY THE PROCESS, AND ARIAS REPLIED THAT HE WOULD NOT PERMIT THIS; THAT WAS PRECISELY THE PURPOSE OF SPECIFYING A TIMETABLE.

TEXT OF TELEGRAM 87SAN JO003267

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PAGE 01 SAN JO 03267 06 OF 08 262223Z
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FM AMEMBASSY SAN JOSE
TO SECSTATE WASHDC IMMEDIATE 3360
INFO CONTADORA COLLECTIVE IMMEDIATE

~~S E C R E T~~ SECTION 06 OF 08 SAN JOSE 03267

EXDIS

E.O. 12356: DECL: OADR
TAGS: PREL, CS, XK, OVIP (HABIB, PHILIP C.)
SUBJECT: AMBASSADOR HABIB'S MEETING WITH
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12. ARIAS EXPRESSED HIS GREAT PLEASURE IN THE WIDESPREAD SUPPORT HIS PROPOSALS HAD ATTRACTED. HE MENTIONED STATEMENTS BY ADMINISTRATION LEADERS AS WELL AS THE SENATE RESOLUTION. HE SAID HE WAS FLATTERED, AND ADDED THAT THIS WAS THE FIRST TIME THE U.S. PRESS HAD EVER WRITTEN ABOUT COSTA RICA EXCEPT FOR AN EARTH-QUAKE. HE ASSERTED THAT HE WANTED HIS STRATEGY TO SUCCEED: HE WANTED TO GIVE THE SANDINISTAS AN OPPORTUNITY TO BE SEEN BY THE WORLD AS LIARS AND FOR THE U.S. TO ACHIEVE A BIPARTISAN POLICY. HE WAS TOTALLY CONVINCED THAT IF THE SANDINISTAS OPPOSED THE DEMOCRATIC PROCESS, THEY WOULD PAY A HIGH PRICE INTERNATIONALLY. HE SAID THAT IT WOULD BE AWFUL IF, INSTEAD OF BOXING IN NICARAGUA, THE PROCESS BROKE DOWN BECAUSE EL SALVADOR AND HONDURAS QUESTIONED OTHER POINTS OF THE PROPOSALS.

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PAGE 02 SAN JO 03267 06 OF 08 262223Z

HE SAID THAT THEY, AND NATURALLY WASHINGTON, WOULD THEN BE BLAMED. HABIB REPLIED THAT IF THE AGREEMENT IS GOOD, THE USG WOULD SUPPORT IT; IF NOT, WE WOULD NOT. HE SAID THAT THERE WAS LITTLE DIFFERENCE AMONG THE FOUR DEMOCRACIES ABOUT THE NEED FOR DEMOCRACY IN NICARAGUA. THIS WAS THE HEART OF THE PROPOSALS. THE DEMOCRACIES SHOULD PROCEED TO WORK OUT THE OTHER POINTS SO THAT THEY

COULD REESTABLISH THEIR PREVIOUS HARMONY. ARIAS WORRIED THAT EL SALVADOR AND HONDURAS WOULD ASK FOR SO MANY CHANGES THAT IT WOULD DETRACT FROM THE REAL ISSUE OF DEMOCRACY AND THE NEED TO PUT NICARAGUA TO THE TEST. HABIB WARNED ARIAS OF THE CAPACITY OF COMMUNISTS TO PLAY OFF DEMOCRACIES AGAINST EACH OTHER, AND ARIAS CONCEDED THAT THIS WORRIED HIM. ARIAS URGED HABIB TO PERSUADE CEREZO TO SUPPORT HIS PROPOSALS, SAYING THAT GUATEMALA'S ROLE WAS CRITICAL AND THAT ALTHOUGH CEREZO WAS WITH THE OTHER DEMOCRACIES IN SPIRIT, HE WAS CONCERNED ABOUT CONTADORA AND MEXICO.

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13. HABIB EXPLAINED THAT EL SALVADOR AND HONDURAS WERE VERY CONCERNED ABOUT THE WAY COSTA RICA HAD HANDLED THE PROPOSALS AND WERE WAITING FOR COSTA RICA TO TAKE THE LEAD IN THE CONSULTATIONS TO ACHIEVE UNITY. HE NOTED THAT DUARTE HAD DESCRIBED HOW HE WAS CONFRONTED BY SERIOUS INTERNAL PROBLEMS AND WAS TOO WEAK TO TAKE THE INITIATIVE. CEREZO ALSO HAD HIS PROBLEMS, ALTHOUGH THEY WERE

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LESS SEVERE. HABIB STRESSED THAT THE USG SUPPORTED ALL OF THE CENTRAL AMERICAN DEMOCRACIES AND COULD NOT AFFORD TO SEE ANY OF THEM FALL TO MILITARY COUPS. ARIAS ASKED IF HABIB WAS SEEING SALVADORAN GENERAL BLANDON AND HONDURAN GENERAL REGALADO, EXPLAINING THAT THEY HAD GREAT INFLUENCE. HE SAID THAT BLANDON IN PARTICULAR INHIBITED DUARTE FROM PLAYING A MORE POSITIVE ROLE IN SUPPORTING HIS PROPOSALS. HABIB ASSURED ARIAS THAT BLANDON AND REGALADO FULLY UNDERSTOOD THE USG'S SUPPORT FOR CIVILIAN DEMOCRATIC GOVERNMENT. WHEN HABIB MENTIONED THAT HE WOULD MEET WITH PANAMANIAN GENERAL NORIEGA ON THIS TRIP, ARIAS RESPONDED THAT THIS WOULD BE VERY USEFUL, AS FONMIN ABADIA WAS NORIEGA'S MAN. ARIAS SAID THAT IN HIS MEETING WITH NORIEGA EARLIER THIS MONTH, HE HAD ASKED THE GENERAL TO TALK WITH BLANDON AND PERSUADE HIM TO GIVE PRESIDENT DUARTE MORE SPACE IN WHICH TO OPERATE REGARDING THE ARIAS PROPOSALS. ARIAS THEN ASKED IF HABIB COULD ENCOURAGE NORIEGA TO DO THIS. HABIB ANSWERED THAT IT WOULD NOT BE WISE FOR THE U.S. TO PROMOTE NORIEGA IN SUCH A ROLE. MELTON COMMENTED

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TEXT OF TELEGRAM 87SAN JO003267

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PAGE 01 SAN JO 03267 07 OF 08 262223Z
ACTION SS-00

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FM AMEMBASSY SAN JOSE
TO SECSTATE WASHDC IMMEDIATE 3361
INFO CONTADORA COLLECTIVE IMMEDIATE

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~~S E C R E T~~ SECTION 07 OF 08 SAN JOSE 03267

EXDIS

E.O. 12356: DECL: OADR
TAGS: PREL, CS, XK, OVIP (HABIB, PHILIP C.)
SUBJECT: AMBASSADOR HABIB'S MEETING WITH

THAT WE AND ARIAS SHOULD BE CAREFUL ABOUT GETTING THE MILITARY INVOLVED IN THIS PROCESS AT A TIME WHEN WE WERE SEEKING TO ASSERT THE PRINCIPLE OF CIVILIAN CONTROL OVER THE MILITARY.

14. ARIAS SAID THAT HE WOULD SOON SEND MADRIGAL TO NICARAGUA TO DISCUSS THE PROPOSALS WITH THE SANDINISTAS. HE HAD CONSIDERED GOING HIMSELF, BUT HAD DECIDED AGAINST IT. HABIB AGREED THAT IT WOULD BE UNWISE TO EXPOSE HIMSELF IN THAT FASHION AND THAT MADRIGAL IS THE RIGHT MAN FOR THE JOB. ARIAS SAID THAT HIS INTENTION WAS TO PUSH THE SANDINISTAS ON THE POLITICAL ASPECTS OF THE PROPOSALS. HE EXPLAINED THAT CONTADORA HAD FOCUSED ON THE SECURITY ASPECTS FOR FOUR YEARS WITHOUT SUCCESS, AND HE WOULD NOT FOLLOW CONTADORA'S EXAMPLE. HABIB SAID THAT WE AND THE OTHER DEMOCRACIES

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PAGE 02 SAN JO 03267 07 OF 08 262223Z

AGREED WITH THE FOCUS ON DEMOCRACY. HE POINTED OUT THAT THE OTHER ISSUES COULD NOT BE NEGLECTED, HOWEVER, AND THAT THE PROPOSALS WOULD HAVE TO PROVIDE FOR A PROCESS OF DIALOGUE AMONG THE VARIOUS PARTIES THAT WOULD DEAL FULLY WITH KEY MATTERS SUCH AS THE TERMS OF A CEASE-FIRE AND THE NATURE OF THE POLITICAL SYSTEM. HE ASKED WHAT COSTA RICA HAD HEARD THUS FAR

FROM NICARAGUA. MADRIGAL ANSWERED THAT THERE HAD BEEN NO FORMAL RESPONSE. THE NICARAGUAN COMMUNIQUE ON THE PROPOSALS HAD BEEN ISSUED BEFORE COSTA RICA ACTUALLY DELIVERED THE PROPOSALS TO THE NICARAGUAN EMBASSY IN SAN JOSE, SO IT DID NOT CONSTITUTE A REPLY. COSTA RICA HAD HEARD INFORMALLY THAT NICARAGUA WAS NOT READY TO ACCEPT DEMOCRACY. MADRIGAL SAID THAT THE PROPOSALS WERE VERY STRICT ON ELECTIONS, FOR EXAMPLE, AND CALLED FOR THEM TO BE SUPERVISED BY THE OAS, NOT MERELY OBSERVED. HE MADE A POINT THAT THE SPANISH WORD USED IN THE TEXT (VIGILADAS) WAS ACTUALLY EVEN STRONGER THAN THE ENGLISH WORD SUPERVISED. THE SANDINISTAS WOULD FIND THIS VERY DIFFICULT TO ACCEPT.

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15. HABIB RAISED THE ISSUE OF THE CONTADORA CONNECTION TO THE PROPOSALS. HE NOTED THAT MEXICAN FOREIGN SECRETARY SEPULVEDA HAD MADE CLEAR THAT HE WOULD OPPOSE ANY PLAN THAT IGNORED CONTADORA. THE MEXICANS ARGUED THAT DEMANDING DEMOCRATIZATION WAS INTERFERENCE IN NICARAGUA'S INTERNAL AFFAIRS. ARIAS WAS

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CONFIDENT THAT CONTADORA WOULD ENDORSE THE PROPOSALS. HE BELIEVED THAT THEY COULD NOT IGNORE THE WILL OF THE CENTRAL AMERICAN DEMOCRACIES OR THE 97-1 VOTE IN THE SENATE. HE ARGUED ALSO THAT MEXICO HAD NO MORAL AUTHORITY TO TAKE THIS POSITION, AS ONLY A FEW YEARS AGO IT HAD JOINED FRANCE IN TELLING EL SALVADOR WHAT TYPE OF GOVERNMENT IT SHOULD HAVE. ARIAS SAID THAT WHEN HE HAD MADE THIS POINT TO MEXICAN PRESIDENT DE LA MADRID DURING HIS RECENT VISIT TO MEXICO, DE LA MADRID'S ONLY REJOINDER WAS "THAT WAS LOPEZ PORTILLO, NOT ME." MADRIGAL STATED HAT COSTA RICA HAD CONTACTED OR WAS IN HE PROCESS OF CONTACTING ALL THE CONTADORA AND SUPPORT GROUP COUNTRIES EXCEPT PERU. MOST WERE SUPPORTIVE. HABIB NOTED THAT THERE WERE CERTAIN ADVANTAGES TO WORKING WITH CONTADORA. HE NOTED THAT HONDURAN FOREIGN MINISTER LOPEZ CONTRERAS HAD COMMENTED TO HIM THAT THERE WERE MANY GOOD ELEMENTS IN THE CONTADORA DRAFT AGREEMENT THAT NEEDED TO BE TIED IN SOME MANNER TO THE GOOD POINTS IN THE ARIAS PROPOSALS.

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16. HABIB REMINDED ARIAS THAT FOREIGN POLICY

IN THE UNITED STATES IS CONDUCTED BY THE
EXECUTIVE BRANCH. CONGRESS HAS A ROLE, BUT

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TEXT OF TELEGRAM 87SAN JO003267

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PAGE 01 SAN JO 03267 08 OF 08 262224Z
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FM AMEMBASSY SAN JOSE
TO SECSTATE WASHDC IMMEDIATE 3362
INFO CONTADORA COLLECTIVE IMMEDIATE

~~S E C R E T~~ SECTION 08 OF 08 SAN JOSE 03267

EXDIS

E.O. 12356: DECL: OADR
TAGS: PREL, CS, XK, OVIP (HABIB, PHILIP C.)
SUBJECT: AMBASSADOR HABIB'S MEETING WITH

THE ADMINISTRATION FORMULATES AND EXECUTES POLICY. THIS ADMINISTRATION WAS DETERMINED TO PURSUE ITS POLICY OF PROMOTING DEMOCRACY IN NICARAGUA. ARIAS THEN ASKED HABIB'S HELP IN OBTAINING A MEETING BETWEEN AMBASSADOR GUIDO FERNANDEZ AND SECRETARY SHULTZ IN ORDER TO EXPLAIN DIRECTLY COSTA RICA'S POINT OF VIEW. HABIB REPLIED THAT A MEETING AT THIS TIME WOULD BE VERY DIFFICULT, AS THE SECRETARY WAS PREPARING FOR HIS TRIP TO MOSCOW. HE ASSURED ARIAS THAT THE SECRETARY IS WELL INFORMED ON THIS ISSUE, AND CENTRAL AMERICA IS ONE OF THE HIGHEST PRIORITIES ON THIS ADMINISTRATION'S FOREIGN POLICY AGENDA.

17. HABIB CLOSED BY REEMPHASIZING THE NEED FOR COSTA RICA TO WORK WITH THE OTHER DEMOCRACIES TO ACHIEVE UNITY. HE POINTED OUT THAT THE FINAL VERSION OF THE PROPOSALS

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PAGE 02 SAN JO 03267 08 OF 08 262224Z

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SHOULD HAVE THE SANDINISTAS' ACTIONS TOWARD DEMOCRACY AT THE BEGINNING. HE SAID THAT THE GROWING MILITARY PRESSURE FROM THE RESISTANCE AND THE INTERNAL PRESSURE IN THE FORM OF DISSATISFACTION WITH THE REGIME WERE FACTORS IN FAVOR OF HIS STRATEGY. FOR IT TO WORK, HOWEVER, THERE MUST BE PRESSURE IN THE FORM OF UNITY OF THE FOUR DEMOCRACIES. MELTON

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TEXT OF TELEGRAM 87MEXICO006448

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PAGE 01 MEXICO 06448 01 OF 02 272358Z
ACTION SS-00

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FM AMEMBASSY MEXICO
TO SECSTATE WASHDC IMMEDIATE 3596
INFO CONTADORA COLLECTIVE

~~S E C R E T~~ SECTION 01 OF 02 MEXICO 06448

EXDIS

DECAPTIONED

E.O. 12356: DECL: OADR
TAGS: PREL, PN, XK, OVIP (HABIB, PHILIP C.)
SUBJECT: AMB. HABIB'S MEETING WITH PANAMANIAN
- PRESIDENT DELVALLE

1. ~~SECRET - ENTIRE TEXT~~

2. SUMMARY: AMB. HABIB TOLD PRESIDENT DELVALLE AND FOREIGN MINISTER ABADIA THAT THE USG WELCOMED THE EFFORTS OF THE CENTRAL AMERICAN DEMOCRACIES TO REVITALIZE THE NEGOTIATING TRACK. WE SAW THEIR INITIATIVE AS PART OF AN OVERALL PEACE PROCESS WHICH INCLUDED CONTADORA. WHILE THE ARIAS PROPOSALS HAD SERIOUS OMISSIONS AND DEFICIENCIES, THEY FOCUSED ON THE KEY ISSUE OF DEMOCRACY IN NICARAGUA, WHICH WAS OUR MAIN OBJECTIVE. WE WERE DISTURBED THAT THE DEMOCRACIES HAD NOT BEGUN CONSULTING WITH EACH OTHER TO RESOLVE THEIR DIFFERENCES AND ACHIEVE HARMONY. THE PANAMANIANS AGREED THAT THE DEMOCRACIES MUST BE UNITED AND THE NEGOTIATING PROCESS MUST MOVE AHEAD QUICKLY. THEY MADE CLEAR THAT THEY WANTED TO SUPPORT THE ARIAS PROPOSALS BUT COULD ONLY DO SO IF THEY WERE LINKED TO CONTADORA. END SUMMARY.

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PAGE 02 MEXICO 06448 01 OF 02 272358Z

3. ON MARCH 26, AMB HABIB, AMB. DAVIS AND DCM JOHN MAISTO CALLED ON PANAMANIAN PRESIDENT DELVALLE AND FOREIGN MINISTER ABADIA TO DISCUSS THE NEGOTIATING PROCESS. HABIB STATED THAT THE USG SUPPORTED THE INITIATIVE OF THE CENTRAL AMERICAN DEMOCRACIES AT THE FEBRUARY SAN JOSE SUMMIT. WE VIEWED THIS INITIATIVE AND THE UPCOMING ESQUIPULAS MEETING AS PART OF THE OVERALL PEACE PROCESS FOR CENTRAL AMERICA. WE DID NOT VIEW IT

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DEPARTMENT OF STATE
(X) RELEASE ( ) EXCISE ( ) DENY ( ) DELETE Non-Responsive Info
FOIA Exemptions
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IS/FPC/ODR Date: 4-11-96
MR Cases Only:
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( ) DOWNGRADE TS to ( ) S or

AS AN EFFORT TO PUT ASIDE CONTADORA. TO THE CONTRARY, CONTADORA WOULD STILL PLAY AN IMPORTANT ROLE WHETHER ESQUIPULAS SUCCEEDED OR NOT. HABIB NOTED THAT HE HAD BEEN DISTURBED TO HAVE FOUND THAT THERE HAD BEEN NO REAL CONSULTATIONS AMONG THE CENTRAL AMERICAN DEMOCRACIES SINCE SAN JOSE. HE HAD URGED THEM TO BEGIN TALKING TO EACH OTHER SO THAT THEY COULD HARMONIZE THEIR POSITIONS AND ACHIEVE UNITY. EL SALVADOR AND HONDURAS WERE UPSET AT THE WAY COSTA RICA HAD LAUNCHED THE INITIATIVE. THE SANDINISTAS MUST NOT BE ALLOWED TO USE THE INITIATIVE TO SPLIT THE DEMOCRACIES OR TO STRING OUT THE PROCESS. HABIB WELCOMED THE NEWS THAT COSTA RICA HAD ANNOUNCED THAT THE CONSULTATION PROCESS WOULD SOON BEGIN. DELVALLE SAID THAT THE DEMOCRACIES HAD TO REACH AGREEMENT AMONG THEMSELVES BEFORE ESQUIPULAS, AND ABADIA ADDED THAT IT WOULD BE DANGEROUS IF THEY DID NOT. THE PANAMANIANS AGREED THAT IT WAS IMPORTANT TO GET THE NEGOTIATING PROCESS MOVING AND NOT ALLOW IT TO DRAG ON FOR YEARS.

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4. HABIB EXPLAINED THAT THE NICARAGUAN DEMOCRATIC RESISTANCE WAS BEGINNING TO PUT REAL PRESSURE ON THE SANDINISTA REGIME AND THAT THIS PRESSURE WOULD INCREASE SIGNIFICANTLY IN THE NEXT FEW MONTHS. THE SANDINISTAS

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WERE ALSO FEELING PRESSURE FROM THE GROWING INTERNAL DISCONTENT. THE NEGOTIATING TRACK OFFERED THE SANDINISTAS A WAY OUT. THERE COULD BE NO AGREEMENT WITHOUT GENUINE DEMOCRACY, HOWEVER, AND DEMOCRACY IN NICARAGUA WAS OUR PRINCIPAL GOAL. THE ARIAS PROPOSALS FOCUSED ON DEMOCRACY AND WERE DESIGNED TO PROMOTE A POLITICAL OPENING. THE PROPOSALS ALSO CONTAINED SOME DEFICIENCIES WHICH NEEDED TO BE CORRECTED. FOR EXAMPLE, A CEASE-FIRE CANNOT BE SIMPLY DECLARED; IT MUST HAVE TERMS WHICH ARE THE PRODUCT OF NEGOTIATIONS BETWEEN THE COMBATANTS. THE PROPOSALS WERE ALSO FRONTLOADED IN FAVOR OF THE SANDINISTAS AND NEEDED TO HAVE THEIR ACTIONS TO OPEN THE POLITICAL SYSTEM COME AT THE BEGINNING. ANY AGREEMENT NEEDED A VIABLE VERIFICATION MECHANISM. HABIB ADDED THAT CONTADORA WITH ITS 21 OBJECTIVES WAS MORE COMPREHENSIVE THAN THE ARIAS PROPOSALS.

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5. DELVALLE STATED THAT PANAMA HAD PROMPTLY DECLARED ITS GENERAL SUPPORT OF THE ARIAS PROPOSALS. CONTADORA HAD DONE ITS BEST TO PROMOTE THE NEGOTIATIONS, AND NOW IT WAS UP TO THE CENTRAL AMERICANS THEMSELVES TO DEMONSTRATE THEIR POLITICAL WILL TO RESOLVE THE CRISIS. HE ADDED THAT THE ARIAS PROPOSALS WERE SIMILAR TO CONTADORA AND REALLY OFFERED NOTHING NEW. HABIB REPLIED THAT THE ARIAS PROPOSALS DID EXPAND THE POLITICAL ELEMENTS AND ALSO INCLUDED A CHRONOLOGY FOR SPECIFIC

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ACTIONS. IT WAS IMPORTANT TO GET THE PROCESS MOVING AND NOT TO LET IT DRAG ON INTERMINABLY LIKE CONTADORA. IF ESQUIPULAS MADE REAL PROGRESS, THEN THIS MOMENTUM COULD STIMULATE CONTADORA TO COMPLETE QUICKLY A COMPREHENSIVE AGREEMENT. DELVALLE PREDICTED THAT AT SOME POINT SOONER

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TEXT OF TELEGRAM 87MEXICO06448

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PAGE 01 MEXICO 06448 02 OF 02 272359Z
ACTION SS-00

INFO LOG-00 ADS-00 SSO-00 /000 W
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O 272348Z MAR 87
FM AMEMBASSY MEXICO
TO SECSTATE WASHDC IMMEDIATE 3597
INFO CONTADORA COLLECTIVE

S E C R E T SECTION 02 OF 02 MEXICO 06448

EXDIS

E.O. 12356: DECL: OADR
TAGS: PREL, PN, XK, OVIP (HABIB, PHILIP C.)
SUBJECT: AMB. HABIB'S MEETING WITH PANAMANIAN

OR LATER THE NEW INITIATIVE WOULD BOG DOWN AND THE CENTRAL AMERICANS WOULD TURN TO CONTADORA FOR HELP. ABADIA SAID THAT IT WAS IMPORTANT THAT THE INITIATIVE BE LINKED TO CONTADORA. IF AN ESQUIPULAS AGREEMENT WAS INTERRELATED WITH CONTADORA, THEN PANAMA COULD SUPPORT IT; IF IT REPLACED CONTADORA, PANAMA COULD NOT. ABADIA SAID HE WAS SEEKING A LETTER FROM ARIAS EXPLICITLY STATING SUCH A LINKAGE WHICH HE COULD TAKE TO THE APRIL CONTADORA MEETING IN ARGENTINA. IF HE HAD SUCH A LETTER, HE WAS CERTAIN HE COULD GET CONTADORA TO SUPPORT THE INITIATIVE. HABIB POINTED OUT THAT ARIAS HAD SPECIFICALLY NOTED THAT HIS PROPOSALS WERE WITHIN THE CONTADORA CONTEXT.

6. ABADIA ASKED IF THE SANDINISTAS HAD TOLD ARIAS WHETHER THEY WOULD GO TO ESQUIPULAS. HABIB REPLIED THAT THE SANDINISTAS HAD NOT SENT ARIAS A FORMAL RESPONSE BUT HAD STATED IN THE PRESS THAT THEY COULD GO. DELVALLE SAID THAT ARIAS HAD TOLD HIM AT THE MEETING IN DAVID THAT HE DOUBTED THE SANDINISTAS WOULD EVEN GO TO

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PAGE 02 MEXICO 06448 02 OF 02 272359Z

ESQUIPULAS. HABIB REMARKED THAT ARIAS WAS SKEPTICAL ABOUT THE WILLINGNESS OF THE SANDINISTAS TO ACCEPT HIS PROPOSALS, BUT HABIB HIMSELF BELIEVED THAT THE SANDINISTAS MIGHT WELL ATTEMPT TO USE THE PROPOSALS TO SPLIT THE DEMOCRACIES. COSTA RICAN FOREIGN MINISTER MADRIGAL WOULD SOON VISIT MANAGUA TO SOUND OUT THE SANDINISTAS. DELVALLE ASKED WHY THE SANDINISTAS WOULD SIGN AN ESQUIPULAS AGREEMENT IF THEY WERE DOING ALRIGHT NOW WITHOUT AN AGREEMENT. HABIB SAID THAT THIS IS WHERE

THE PRESSURE FIT IN. THIS MEANT PRESSURE FROM THE RESISTANCE BUT ALSO FROM NICARAGUA'S NEIGHBORS. NICARAGUA COULD BE ISOLATED FROM ALL OF LATIN AMERICA IF IT REFUSED DEMOCRATIZATION. HE ADDED THAT THE SANDINISTAS SHOULD UNDERSTAND THAT THEY COULD NOT SIMPLY STALL UNTIL 1988 AWAITING A CHANGE OF ADMINISTRATION IN THE U.S.; NO U.S. ADMINISTRATION COULD QUIETLY ACCEPT AN AGGRESSIVE MARXIST-LENINIST STATE ON THE AMERICAN MAINLAND.

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7. DEVALLE RECALLED HABIB'S REFERENCE TO THE GROWING PRESSURE FROM THE RESISTANCE AND ASKED IF THIS DID NOT JUSTIFY THE SANDINISTAS' ARGUMENT THAT THEY COULD NOT ACCEPT A CEASE-FIRE WHILE UNDER PRESSURE. HABIB STATED THAT EXACTLY THE OPPOSITE WAS TRUE. THE PRESSURE WAS THE ONLY INCENTIVE FOR THE SANDINISTAS TO ACCEPT A NEGOTIATED CEASE-FIRE. IF THE SANDINISTAS THEN VIOLATED THE CEASE-FIRE, THE PRESSURE WOULD BE RESTORED. HABIB REMARKED THAT HE HAD MET WITH THE POLITICAL LEADERSHIP OF THE RESISTANCE AND FOUND THEM VERY FLEXIBLE AND DESIRING AN AGREEMENT THAT LED TO A GENUINE POLITICAL OPENING. THEY WANTED CHANGES IN THE ARIAS PROPOSALS BUT SUPPORTED THE INITIATIVE ITSELF. THEY WOULD NOT ABIDE BY AN INADEQUATE AGREEMENT, OF COURSE, AND WE WOULD

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SUPPORT THEM.

8. DELVALLE ASKED IF THE SANDINISTAS WERE CONTINUING TO PROVIDE ARMS TO GUERRILLAS IN EL SALVADOR. HABIB ANSWERED THAT THEY CONTINUE TO DO SO. HE NOTED THAT DESPITE THE SANDINISTA'S AID TO THE GUERRILLAS, THE MILITARY SITUATION WAS IMPROVING IN EL SALVADOR. THERE HAD TO BE A TEMPORARY LOSS OF MOMENTUM IMMEDIATELY FOLLOWING THE EARTHQUAKE, BUT THE GOVERNMENT HAD AGAIN SEIZED THE INITIATIVE. HABIB ADDED THAT DESPITE THIS PROGRESS, PRESIDENT DUARTE WAS FACING ENORMOUS DIFFICULTIES, INCLUDING PRESSURE FROM THE FAR RIGHT. DUARTE FELT HE WAS TOO WEAK TO TAKE THE LEAD IN THE NEGOTIATIONS ON THE ARIAS PROPOSALS.

9. AT THE THE CONCLUSION OF THE MEETING, HABIB ASKED ABADIA TO MEET WITH AMB. DAVIS AFTER THE CONTADORA MEETING IN ARGENTINA AND PASS ON HIS IMPRESSIONS. ABADIA ASSURED HABIB HE WOULD CONSULT CLOSELY WITH DAVIS.

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TEXT OF TELEGRAM 87MEXICO006447

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PAGE 01 MEXICO 06447 01 OF 03 272354Z
ACTION SS-00

INFO LOG-00 ADS-00 SSO-00 (AS-01 CIAE-00 DODE-00 NSCE-00
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FM AMEMBASSY MEXICO
TO SECSTATE WASHDC IMMEDIATE 3593
INFO CONTADORA COLLECTIVE IMMEDIATE

~~S E C R E T~~ SECTION 01 OF 03 MEXICO 06447

EXDIS

DECAPTIONED

E.O. 12356: OADR
TAGS: CO, XK, PREL, OVIP (HABIB, PHILIP C.)
SUBJECT: AMB. HABIB'S MEETING WITH COLOMBIAN PRESIDENT BARCO, 3/26/87

1. ~~SECRET~~ - ENTIRE TEXT.

2. SUMMARY. AMB. HABIB MET WITH PRESIDENT BARCO AT PRESIDENTIAL PLACE MARCH 26. ACCOMPANYING HABIB WERE AMB. GILLESPIE AND NOTETAKER PETER OLSON (L/ARA); WITH BARCO WERE FONMIN LONDONO AND MINISTER OF THE PRESIDENCY CEPEDA. HABIB REPORTED HE HAD ENCOURAGED THE CENTRAL AMERICANS TO WORK TOGETHER TO ENSURE ESQUIPULAS PRESSURED THE SANDINISTAS RATHER THAN THE DEMOCRACIES. LONDONO ALSO EXPRESSED CONCERN ABOUT A POSSIBLE SPLIT OF THE DEMOCRACIES AT ESQUIPULAS. THE CONTADORA AND SUPPORT GROUPS WILL ANALYZE AND ADOPT A COMMON POSITION ON THE ARIAS PROPOSALS IN BUENOS AIRES. BUT LONDONO DID NOT KNOW THE POSITIONS OF ANY OTHER COUNTRIES AT THIS TIME. HABIB EMPHASIZED CONTADORA'S MANDATE TO PRESS FOR DEMOCRATIZATION IN NICARAGUA. UNLIKE THE SITUATION WHEN CONTADORA BEGAN, NICARAGUA NOW STANDS ALONE IN RESISTING DEMOCRACY. LONDONO DOUBTED THAT NICARAGUA COULD BE MADE

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PAGE 02 MEXICO 06447 01 OF 03 272354Z

TO AGREE TO NEW ELECTIONS IN ADVANCE OF THE CONSTITUTIONAL SCHEDULE AND SUGGESTED THE KEY PROBLEM IS NICARAGUAN INTERVENTION IN OTHER COUNTRIES. LONDONO OBSERVED THAT CUBA'S MAIN CONCERN IS AND HAS BEEN DIALOG IN EL SALVADOR, AND THAT ITS SUPPORT FOR AN AGREEMENT MAY BE NECESSARY. BARCO FOLLOWED THE DISCUSSION CLOSELY AND TOOK EXTENSIVE NOTES. END SUMMARY.

3. HABIB BEGAN BY EMPHASIZING THAT DEMOCRATIZATION IN

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NICARAGUA IS NECESSARY FOR PEACE AND STABILITY IN CENTRAL AMERICA. CURRENT INITIATIVE IS USEFUL AND IMPORTANT BUT DOES NOT SIGNIFY ABANDONMENT OF CONTADORA, WHICH REPRESENTS A UNIFIED LATIN APPROACH AND LATIN SUPPORT FOR AN AGREEMENT IN CENTRAL AMERICA. CENTRAL AMERICANS HAD NOT COORDINATED TO DATE, ALTHOUGH THERE ARE VERY REAL DIFFERENCES. HE HAD NOW "ENERGIZED" CENTRAL AMERICANS TO TALK, AND MADRIGAL HAS NOW CALLED A MEETING OF VICEMINISTERS. ESQUIPULAS AND THE ARIAS PROPOSALS OFFER A CHANCE TO FORCE NICARAGUA TO ACCEPT A SCHEDULED MOVE TO DEMOCRACY. WHILE ARIAS PROPOSALS REQUIRE IMPROVEMENT, CENTRAL AMERICANS MUST AGREE ON FINAL PROPOSAL AND THUS DENY SANDINISTAS OPPORTUNITY TO PLAY THEM OFF AND BLAME AN ESQUIPULAS FAILURE ON THEM.

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4. ASKED HOW HE SAW NEXT STEPS IN DIPLOMATIC PROCESS, LONDONO SAID THAT BUENOS AIRES MEETING OF CONTADORA AND SUPPORT GROUPS WOULD ANALYZE ARIAS PROPOSALS, BUT THAT HE HAD NO FIRM SENSE OF WHAT THE OTHER SEVEN FEEL ABOUT THEM. HE EXPECTS THEY WILL ADOPT A COMMON POSITION ON THE PROPOSALS, AS WELL AS IDEAS ON HOW TO PROCEED AFTER ESQUIPULAS. ALTHOUGH THE COSTA RICAN VICE FONMIN AND HONDURAN FONMIN HAD CONTACTED HIM, HE WAS ALSO UNCLEAR ON THEIR POSITIONS OTHER THAN THAT THERE ARE SIGNIFICANT

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DIFFERENCES OVER THE PROPOSALS' CONTENT - AS THERE ARE IN THE UNITED STATES. HABIB CLARIFIED THAT THE SENATE HAD SUPPORTED THE INITIATIVE OF THE FOUR DEMOCRACIES, NOT THE ARIAS PROPOSAL PER SE, WHICH IS THE ADMINISTRATION'S POSITION AS WELL. THE USG HAD WELCOMED THE INITIATIVE BUT HAD NOT PUBLICLY COMMENTED SPECIFICALLY ON THE PLAN'S CONTENTS, AND ARIAS IS SATISFIED WITH OUR POSITION. THE USG HAS PRIVATELY INDICATED AREAS WHICH MIGHT BE IMPROVED, BUT AT THIS TIME PREFERS THAT THE CENTRAL AMERICANS THEMSELVES COOPERATE IN MAKING NEEDED CHANGES. THE UNITED STATES UNDERSTANDS DUARTE AND AZCONA HAVE STRONG VIEWS ON WHAT IS NEEDED. ARIAS IS OPEN TO CHANGE IN BOTH THE SECURITY AND, TO SOME EXTENT, THE POLITICAL ELEMENTS. WHETHER HE WILL RESIST CHANGES ON TIMING IS UNCLEAR. WHAT MATTERS IS TO TEST THE SANDINISTAS ON DEMOCRATIZATION EARLY.

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5. LONDONO NOTED THAT CONTADORA SHOWED IT IS EASY TO AGREE ON GRAND PRINCIPLES. THE PROBLEMS WOULD BEGIN WHEN IT CAME TO THE DETAILS OF THE DIALOG, SECURITY ELEMENTS, ETC. THESE DETAILS WILL BE IMPORTANT TO BOTH NICARAGUA AND THE OTHERS, ESPECIALLY EL SALVADOR AND HONDURAS. EACH HAS ITS OWN INTERESTS, AND A 3-1-1 OR 2-2-1 OUTCOME AT ESQUIPULAS WAS CLEARLY POSSIBLE. HABIB RESPONDED THAT, WHILE THE CONTADORA PRINCIPLES ARE IN SOME WAYS MORE COMPLETE, THE ARIAS PROPOSALS COMPLEMENTED THEM BY

EMPHASIZING THE POLITICAL ELEMENTS AND SPECIFYING A SERIES OF ACTIONS TO BE TAKEN ON A DEFINED SCHEDULE. CONTADORA HAD DELIBERATELY AVOIDED THIS APPROACH, APPARENTLY ON GROUNDS IT WAS IMPROPER INTERFERENCE IN INTERNAL AFFAIRS. TO THE CONTRARY, THE 21 OBJECTIVES GAVE CONTADORA A

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TEXT OF TELEGRAM 87MEXICO006447

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FM AMEMBASSY MEXICO
TO SECSTATE WASHDC IMMEDIATE 3594
INFO CONTADORA COLLECTIVE IMMEDIATE

~~S E C R E T~~ SECTION 02 OF 03 MEXICO 06447

EXDIS

E.O. 12356: OADR
TAGS: CO, XK, PREL, OVIP (HABIB, PHILIP C.)
SUBJECT: AMB. HABIB'S MEETING WITH COLOMBIAN PRESIDENT

MANDATE TO ADDRESS THE PROBLEM OF DEMOCRATIZATION IN NICARAGUA. IF NICARAGUA IS INTRANSIGENT ON THIS POINT, ESQUIPULAS WILL FAIL.

6. LONDONO NOTED THAT DUARTE SEES NO ROLE FOR OUTSIDE STATES IN DEVELOPING AND CONDUCTING THE DIALOG, OTHER THAN GENERAL SUPPORT. THE QUESTION OF DIALOG BETWEEN THE GOES AND THE GUERRILLAS HAD FOR FOUR YEARS BEEN THE MOST IMPORTANT ISSUE FOR THE CUBANS WITH RESPECT TO THE CENTRAL AMERICAN PEACE PROCESS. AND WITHOUT CUBAN SUPPORT, HOW COULD AN AGREEMENT BE OBTAINED? HABIB SAID THE UNITED STATES UNDERSTOOD THAT CUBA WAS ENCOURAGING NICARAGUA TO GO TO ESQUIPULAS, ALTHOUGH WE DID NOT KNOW WHAT POSITION IT WAS URGING, AND THAT NICARAGUA WAS NOW TAKING A MORE POSITIVE ATTITUDE. CUBA'S POSITION WAS IMPORTANT, BUT THE SOVIET UNION'S IS MORE SO. OUR IMPRESSION IS THAT THE SOVIETS ARE MORE CAUTIOUS, AND DO NOT WISH TO UNNECESSARILY ENDANGER THEIR OTHER INTERESTS, INCLUDING EXPANDING THEIR PRESENCE IN LATIN AMERICA.

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PAGE 02 MEXICO 06447 02 OF 03 272355Z

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7. ASKED WHETHER CONTADORA WOULD BE PREPARED TO ASSIST IF ESQUIPULAS DID RESULT IN AN AGREEMENT, LONDONO SAID THAT IF THE FIVE CENTRAL AMERICANS REACHED AGREEMENT CONTADORA WOULD HAVE NO CHOICE, AND THAT COLOMBIA AT LEAST WOULD WORK TO MAKE SUCH AN AGREEMENT EFFECTIVE. HE DID NOT REACT TO HABIB'S OBSERVATION THAT MEXICAN FONMIN SEPULVEDA HAD INDICATED HE WOULD WORK AGAINST ANY AGREEMENT THAT IGNORED CONTADORA.

8. LONDONO THEN EXPRESSED DOUBT THAT IT WAS POSSIBLE TO DEMAND NEW ELECTIONS IN NICARAGUA NOW, ESPECIALLY SINCE THE 1984 ELECTIONS HAD GENERALLY BEEN ACCEPTED AS CLEAN. HABIB OBSERVED THAT THE ARIAS PROPOSALS DO NOT EXPRESSLY REQUIRE NEW ELECTIONS AND THAT THIS IS A TOPIC BEST DISCUSSED AS PART OF THE DIALOG. BY SITTING DOWN WITH THE SANDINISTAS THE CIVIL AND ARMED OPPOSITION WOULD TACITLY ACCEPT THE 1984 ELECTION RESULTS BUT THEY HAD A RIGHT TO ASK FOR NEW ELECTIONS UNDER PROPER CONDITIONS. THE SANDINISTAS HAD PROMISED A POLITICAL OPENING, AND THE OPPOSITION HAD A RIGHT TO INSIST ON ELECTIONS NOT CONDUCTED UNDER THE REPRESSIVE CONDITIONS OF THE PAST. THE CENTRAL AMERICAN PARLIAMENT ELECTIONS WOULD BE A TEST OF THIS AT THE SAME TIME AS THE DIALOG CONTINUED. THE ARIAS PROPOSALS IMPLY, BUT DO NOT STATE, THAT UNO WOULD PARTICIPATE IN THE DIALOG IF ITS LEADERS RETURNED TO NICARAGUA, AS SEVERAL ARE PREPARED TO DO. UNO SUPPORTS THIS APPROACH AND HAS MADE ITS VIEWS KNOWN TO ARIAS. THE RESISTANCE WAS PREPARED TO FIGHT THE SANDINISTAS THROUGH FREE ELECTIONS, AND SOMEHOW THIS MUST BE MADE POSSIBLE UNDER ACCEPTABLE CONDITIONS.

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9. AFTER LONDONO OBSERVED THAT CARDINAL OBANDO IS THE ONLY NICARAGUAN WITH WIDESPREAD POPULAR SUPPORT IN

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NICARAGUA, HABIB REPLIED THAT THE SANDINISTAS REGRETTABLY SEEMED UNPREPARED TO ACCEPT HIM EVEN AS AN INTERMEDIARY WITH THE RESISTANCE. THE OAS MIGHT SERVE THIS FUNCTION. WHETHER VIA AN INTERMEDIARY OR OTHERWISE, THE RESISTANCE MUST OBVIOUSLY BE INVOLVED IF A CEASEFIRE IS TO BE ACHIEVED, AND ATTENTION SHOULD BE GIVEN TO SUCH PRACTICAL QUESTIONS AS HOW TO DO SO.

10. HABIB STATED THAT HIS INSTRUCTIONS FROM THE PRESIDENT AND THE SECRETARY WERE TO PURSUE THE U.S. GOAL, WHICH IS DEMOCRACY IN NICARAGUA. OUR FRIENDS MUST UNDERSTAND THAT PURSUING A DIPLOMATIC TRACK DOES NOT MEAN THAT THE UNITED STATES IS PREPARED TO ACCEPT AN AGREEMENT WHICH DOES NOT MEET OUR REQUIREMENTS. THE UNITED STATES WILL OPPOSE ANY AGREEMENT WHICH DOES NOT.

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11. IN RESPONSE TO LONDONO'S REFERENCE TO THE IMPORTANCE OF THE PRINCIPLE OF NON-INTERVENTION, HABIB UNDERSCORED THAT IN THIS CASE CONTADORA HAD A MANDATE TO CONCERN ITSELF WITH DEMOCRATIZATION IN NICARAGUA. MOREOVER, TO THE EXTENT NON-INTERVENTION MEANS PREVENTING U.S. INTERVENTION, IT WAS CONTADORA'S RESPONSIBILITY TO HELP PRODUCE A LATIN SOLUTION. MUCH OF CENTRAL AMERICA HAD BECOME DEMOCRATIC SINCE CONTADORA BEGAN; NICARAGUA ALONE RESISTED DOING SO. THE CONVICTION OF THE DEMOCRACIES THAT DEMOCRATIZATION IN NICARAGUA WAS NECESSARY DESERVED

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GREATER ATTENTION THAN CONTADORA HAD GIVEN IN THE PAST. LONDONO OBSERVED THAT THIS ISSUE WAS IMPORTANT NOT ONLY FOR THE SECURITY OF NICARAGUA'S IMMEDIATE NEIGHBORS, BUT FOR THAT OF COLOMBIA AS WELL.

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TEXT OF TELEGRAM 87MEXICO06447

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PAGE 01 MEXICO 06447 03 OF 03 272355Z
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FM AMEMBASSY MEXICO
TO SECSTATE WASHDC IMMEDIATE 3595
INFO CONTADORA COLLECTIVE IMMEDIATE

~~S E C R E T~~ SECTION 03 OF 03 MEXICO 06447

EXDIS

E.O. 12356: OADR
TAGS: CO, XK, PREL, OVIP (HABIB, PHILIP C.)
SUBJECT: AMB. HABIB'S MEETING WITH COLOMBIAN PRESIDENT

12. TAKING ANOTHER TACK, LONDONO SUGGESTED THAT NICARAGUAN NON-INTERVENTION IN OTHER COUNTRIES' AFFAIRS WAS THE KEY. HABIB REPLIED THAT THE SECURITY AND POLITICAL ELEMENTS WERE CO-EQUAL: BOTH MUST BE ADEQUATELY ADDRESSED IF A PEACE WAS TO BE ACHIEVED. NICARAGUA'S OFFERS TO CUT A DEAL ON THE MILITARY SIDE ONLY WERE ILLUSORY, JUST AS ITS SUGGESTIONS THAT CONTADORA PROVIDE A BORDER VERIFICATION FORCE AVOIDED THE FACT THAT THE REAL PROBLEMS ARE INSIDE NICARAGUA, NOT ACROSS ITS BORDERS. ON THE MILITARY SIDE, NICARAGUA'S ARMED FORCES MUST BE IN EQUILIBRIUM WITH THEIR NEIGHBORS'. LONDONO DOUBTED THEY WOULD ACTUALLY SACRIFICE ARMS, BUT DID NOT DISAGREE THAT THEY WOULD DO SO IF THAT WERE THE ONLY OBSTACLE TO AN AGREEMENT.

13. LONDONO NOTED THAT IT WAS DIFFICULT TO COOPERATE WITH THE CENTRAL AMERICAN DEMOCRACIES IF THEY WERE NOT INTERESTED IN COOPERATING WITH EACH OTHER. HABIB SAID THAT, ALTHOUGH THERE HAD IN RECENT MONTHS BEEN A TROUBLING RESURGENCE OF OLD JEALOUSIES, THEY WERE NOW STARTING

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PAGE 02 MEXICO 06447 03 OF 03 272355Z

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JAMES M. JEFFORDS
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March 30, 1987

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ACTION is assigned to ARA

The Honorable Elliott Abrams
Assistant Secretary for
Inter-American Affairs
U.S. Department of State
Washington, DC 20520

Chile Project (#S199900030)
U.S. Department of State
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Dear Secretary Abrams:

(R)

I am writing to you to express my concern regarding the U.S. delegation's vote of "no" on the United Nations resolution entitled "The Situation of Human Rights and Fundamental Freedoms in Chile."

The position taken by the U.S. delegation on this vote does not seem to correspond to the State Department's expressed commitment to encourage reform of human rights by the government of Chile. In my view, the U.N. resolution was a reasonably worded document that expressed disapproval of human rights violations in Chile and the "absence of institutional machinery" to protect basic freedoms. These points are well taken regardless of particular difficulties the Chilean government may be experiencing at the hands of political opponents.

Furthermore, I am troubled by some aspects of Ambassador Patricia M. Byrne's explanation of the U.S. vote as presented in Press Release USUN 177-(86). Ambassador Byrne claims that the U.N. resolution "fails to take into account the positive steps taken by the government of Chile, which are mentioned by the Special Rapporteur..." In fact, the resolution praises the Chilean government for cooperating with the Special Rapporteur and "invites the Commission on Human Rights to consider, as a matter of high priority, the report of the Special Rapporteur..." Thus, rather than supposing that this resolution ignored the report of the Special Rapporteur, I am led to understand that it weighed the report but concluded that human rights abuses in Chile warranted the admonition contained in this resolution. I find no evidence of Ambassador Byrne's claim that the U.N. resolution employs "name-calling." Rather, it expresses concern with human rights violations described in the report of the Special Rapporteur and encourages adoption of specific steps to end such abuses.

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I am sure that the U.S. vote on this resolution does not indicate a retraction of concern for the state of human rights in Chile. However, it seems that a vote of "yes" would have been more in keeping with the U.S. responsibility to present a firm and consistent viewpoint to the Chilean government. Bearing in mind that we all support the goal of the development of democracy in Chile, I would hope that the United States will keep these concerns carefully in mind during any future review of that government's human rights record.

Thank you for your attention to this matter.

Sincerely,

James M. Jeffords

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TEXT OF TELEGRAM 87TEGUCI005169

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PAGE 01 TEGUCI 05169 01 OF 05 300423Z
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FM AMEMBASSY TEGUCIGALPA
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INFO CONTADORA COLLECTIVE IMMEDIATE
AMCONSUL GUADALAJARA IMMEDIATE

~~S E C R E T~~ SECTION 01 OF 05 TEGUCIGALPA 05169

EXDIS

DECAPTIONED

E.O. 12356: DECL:OADR
TAGS: PREL, XK, NV, OVIP, (HABIB, PHILIP C.), MX
SUBJECT: (S) AMB. HABIB'S MEETING WITH MEXICO'S
- FOREIGN SECRETARY SEPULVEDA, FRIDAY,
- MARCH 27, 1987

1. ~~SECRET~~ - ENTIRE TEXT.

2. SUMMARY. MEXICAN FOREIGN SECRETARY BERNARDO SEPULVEDA TOLD CENTRAL AMERICAN ENVOY AMBASSADOR HABIB THAT MEXICO HAD WARMLY RECEIVED COSTA RICAN PRESIDENT ARIAS' PEACE INITIATIVE AS A POSITIVE INDICATION OF CENTRAL AMERICA'S CONCERN FOR ITS OWN REGION. MEXICO WILL RESERVE JUDGMENT ON THE SPECIFICS UNTIL AFTER ESQUIPULAS. SEPULVEDA STRONGLY BELIEVES THAT ARIAS PROPOSALS ARE COMPLEMENTARY TO CONTADORA'S EFFORTS WHICH IN FACT REPRESENT A FAR MORE COMPREHENSIVE APPROACH TO SOLVING THE CRISIS OF CENTRAL AMERICA. SEPULVEDA SAYS ARIAS WAS PROMPTED BY FEAR OF A GENERALIZED VIOLENCE PROVOKED BY THE "CONTRAS", AND NOT PRIMARILY BY CONCERN ABOUT THE LACK OF DEMOCRACY IN NICARAGUA. THE CARABALLEDA DECLARATION IS THE BEST DISTILLATION OF CONTADORA.
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PAGE 02 TEGUCI 05169 01 OF 05 300423Z

SECURITY, DEMOCRACY AND ECONOMIC/SOCIAL DEVELOPMENT MUST BE DEALT WITH SIMULTANEOUSLY AS EQUALLY IMPORTANT ASPECTS OF THE PROBLEM. TO FOCUS ON DEMOCRACY AS PREEMINENT IS TO MISUNDERSTAND THE PROBLEM AND TO ALIENATE NICARAGUA FROM THE PROCESS. SEPULVEDA CONTEMPTUOUSLY DISMISSED THE "CONTRAS" AS EX-SOMOCISTAS AND CRITICIZED THE U.S. FOR SUPPORTING THEM, SUGGESTING SARCASTICALY THAT WE FUND "CONTRAS" AGAINST PINOCHET. HE DEFENDS NICARAGUA BY CLAIMING THAT PRESSURE FROM

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THE "CONTRAS" IMPEDES GREATER PROGRESS TOWARD FULL DEMOCRACY AND CIVIL RIGHTS AND CLAIMS THAT NICARAGUA, TOO, HAS HELD ELECTIONS. MEXICO IS UNALTERABLY OPPOSED TO OUTSIDE INTERVENTION OF ANY KIND IN NICARAGUA WHETHER IT IS MILITARY PRESSURE FROM THE "CONTRAS" OR PRESSURE ON NICARAGUA TO CHANGE ITS POLITICAL SYSTEM. HABIB DEFENDED THE "CONTRAS" AS A NECESSARY INGREDIENT IN A MIXTURE OF MEASURES TO COMPEL THE SANDINISTAS TO DEMOCRATIZE. HE TOLD SEPULVEDA THAT ARIAS PROPOSALS WERE A SIGNIFICANT STEP FORWARD BECAUSE THEY FOCUSED ON DEMOCRACY IN NICARAGUA, AN ESSENTIAL PRIOR CONDITION TO A PEACEFUL SETTLEMENT AND ECONOMIC AND SOCIAL DEVELOPMENT IN CENTRAL AMERICA. HABIB TOLD SEPULVEDA THAT DEMOCRACY IN NICARAGUA WAS A SPECIFIC FOREIGN POLICY OBJECTIVE OF THE UNITED STATES AS ESTABLISHED BY THE PRESIDENT. HE ALSO SAID THAT SEPULVEDA SHOULD HAVE NO ILLUSION THAT A DIFFERENT ADMINISTRATION - REPUBLICAN OR DEMOCRAT - WOULD TOLERATE A TOTALITARIAN, MARXIST-LENINIST REGIME IN NICARAGUA. HABIB APPRISED SEPULVEDA OF OUR VIEW THAT ARIAS PROPOSALS CONTAINED SERIOUS OMISSIONS AND DEFICIENCIES, AND THAT EL SALVADOR AND HONDURAS HAVE TOLD US THEY THINK SIMILARLY. NEVERTHELESS, NOW IT SEEMS THAT SOME CONSULTATIONS WILL TAKE PLACE AMONG THE FOUR

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DEMOCRACIES, PERHAPS LEADING TO A MORE FAVORABLE SITUATION IN ESQUIPULAS. HABIB SAID THAT IF CIRCUMSTANCES WERE TO BRIGHTEN IN THIS REGARD HE WAS PREPARED TO SPEND MUCH MORE TIME IN THE REGION.
END SUMMARY.

3. AMBASSADOR HABIB ACCOMPANIED BY AMBASSADOR PILLIOD AND NSC STAFFER KIM FLOWER LUNCHED WITH MEXICAN FOREIGN SECRETARY BERNARDO SEPULVEDA AND HIS SENIOR STAFF ON FRIDAY, MARCH 27, 1987, AT THE FOREIGN MINISTRY. THE MINISTER WAS OBVIOUSLY IN A MOOD FOR A GOOD, LONG TALK AND THE SESSION WENT ON FOR NEARLY TWO AND ONE-HALF HOURS.

4. SEPULVEDA BEGAN BY OBSERVING THE FULL CONTADORA GROUP WOULD MEET IN ARGENTINA EASTER WEEK. THERE WOULD BE TWO ASPECTS TO THE GATHERING. FIRST, IN BUENOS AIRES, THE EIGHT COUNTRIES WOULD DISCUSS GENERAL HEMISPHERIC ISSUES UNRELATED TO CENTRAL AMERICA. THEN, DURING THE LATER HALF OF THE WEEK, CONTADORA WOULD MOVE TO THE MOUNTAIN RESORT OF BARILOCHE TO TAKE UP THE SUBJECT OF CENTRAL AMERICA. HABIB OBSERVED THAT THE FIRST PART OF THE MEETING APPEARED TO DUPLICATE THE ROLE OF THE OAS. SEPULVEDA REMARKED THAT THE OAS WAS NOT ALWAYS A COMFORTABLE FORUM FOR THE EIGHT LATIN AMERICAN COUNTRIES. HIS

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EMPHASIS WAS ON THE WORD LATIN.

5. HABIB RECOUNTED HIS ITINERARY AND REVIEWED THE CONSULTATIVE NATURE OF HIS TRIP. IN ADDITION TO MEETING WITH CORE FOUR AND CONTADORA LEADERS HABIB TOLD SEPULVEDA THAT HE HAD MET WITH UNO LEADERS IN

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TEXT OF TELEGRAM 87TEGUCI005169

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PAGE 01 TEGUCI 05169 02 OF 05 300330Z
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TO SECSTATE WASHDC IMMEDIATE 9152
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AMCONSUL GUADALAJARA IMMEDIATE

S E C R E T SECTION 02 OF 05 TEGUCIGALPA 05169

EXDIS

E.O. 12356: DECL:OADR
TAGS: PREL, XK, NV, OVIP, (HABIB, PHILIP C.), MX
SUBJECT: (S) AMB. HABIB'S MEETING WITH MEXICO'S
SAN JOSE AND WOULD MEET WITH "CONTRA" COMMANDERS IN
TEGUCIGALPA ON SUNDAY. SEPULVEDA FACTITIOUSLY ASKED
IF THERE WERE ANY "CONTRAS" LEFT TO TALK WITH AND
CONTEMPTUOUSLY REFERRED TO THEM AS SOMOCISTAS.
HABIB POINTED OUT THAT THE "CONTRAS" COULD NOT BE
CHARACTERIZED AS SOMOCISTAS, AND THAT THOUSANDS OF
"CONTRA" FIGHTERS HAD RETURNED TO NICARAGUA AND
WERE ACHIEVING NOTABLE MILITARY SUCCESSES. IN FACT,
IN THE NEXT FEW MONTHS THE "CONTRAS" WOULD PUT MAXIMUM
PRESSURE ON THE SANDINISTA REGIME. HABIB WENT ON
TO SAY THAT UNO LEADERSHIP WAS SAVVY AND FLEXIBLE:
THAT UNO HAD A REALISTIC APPRECIATION FOR COSTA RICAN
PRESIDENT ARIAS PEACE PROPOSALS AND HAD OFFERED
SOME USEFUL SUGGESTIONS FOR THEIR IMPROVEMENT.
HABIB SUGGESTED TO THE MINISTER THAT HE SHOULD HAVE
CONTACT WITH THE NICARAGUAN DEMOCRATIC RESISTANCE,
IF NOT PERSONALLY, THEN INDIRECTLY. SEPULVEDA
REJECTED THE SUGGESTION INSTANTLY WITHOUT QUALIFICATION
AND FURTHER OBSERVED THAT HE WAS UNHAPPY TO LEARN OF
THE "CONTRAS'" MILITARY SUCCESSES, REMARKING THAT

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PAGE 02 TEGUCI 05169 02 OF 05 300330Z

THIS WAS HARDLY CONDUCIVE TO PEACE IN CENTRAL AMERICA.
PRESSURE ON THE SANDINISTAS, COUNTERED HABIB, WAS THE
ONLY WAY TO GET THEM TO SERIOUSLY NEGOTIATE. NOT ONLY
MILITARY PRESSURE, BUT POLITICAL PRESSURE FROM CONTADORA,
THE ARIAS PROPOSALS, ECONOMIC PRESSURE, AND PRESSURE
FROM THE INTERNAL AS WELL AS EXTERNAL OPPOSITION
WERE ALL NECESSARY TO COMPEL THE SANDINISTAS TO MOVES
TO DEMOCRATIZE NICARAGUA.

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6. HABIB ASKED SEPULVEDA FOR THE MEXICAN VIEW OF THE ARIAS PROPOSALS AND HOW THEY FIT IN WITH CONTADORA. HE SAID WE SAW THEM AS FLAWED BUT USEFULLY COMPLEMENTARY. CONTADORA REMAINED THE MOST COMPREHENSIVE EFFORT AND PROVIDED SOME WELL-CONCEIVED MECHANISMS PARTICULARLY IN REGARD TO VERIFICATION. AND THE 21 POINTS PROVIDED THE ESSENTIAL OVERALL BASIS FOR A COMPREHENSIVE SETTLEMENT. STILL, ARIAS PROPOSALS HAD VALUE BECAUSE THEY FOCUSED SPECIFICALLY ON THE ISSUE OF DEMOCRACY IN NICARAGUA, AN ASPECT CONTADORA HAD NOT BEEN WILLING TO SERIOUSLY COPE WITH. PREHAPS IT COULD BEST BE INCORPORATED AS A PROTOCOL TO THE CONTADORA ACTA.

7. CONTADORA, THE MEXICAN SAID, WAS FAR MORE COMPLETE THAN THE ARIAS PROPOSALS. CONTADORA, FOR INSTANCE, HAD DEVELOPED CAREFULLY ELABORATED PROVISIONS NOT ONLY ON VERIFICATION BUT ON THE RELATED QUESTIONS OF REFUGEES, FOREIGN MILITARY ADVISORS AND MILITARY BASES, TOPICS NOT EVEN MENTIONED BY ARIAS. EVEN ON THE SUBJECT OF POLITICAL ARRANGEMENTS CONTADORA HAD NEGOTIATED A CHAPTER THAT HAD BEEN AGREED TO BY ALL PARTIES AND HAD BEEN CONSIDERED CLOSED UNTIL ARIAS SURFACED HIS PROPOSALS. THE DECLARATION OF CARABALLEDA WAS PERHAPS THE BEST SHORT FORMULATION

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OF THE VIEWS OF THE EIGHT LATIN AMERICAN COUNTRIES. CARABALLEDA IDENTIFIED THREE BASIC CONCERNS. ALL WERE INTERRELATED AND EQUALLY IMPORTANT AND MUST BE DEALT WITH SIMULTANEOUSLY: SECURITY ARRANGEMENTS, POLITICAL SYSTEMS AND ECONOMIC/SOCIAL DEVELOPMENT. IN CONTRAST THE U.S., SEPULVEDA SAID, SEEMED TO BELIEVE THAT NICARAGUA'S POLITICAL SYSTEM (I.E., DEMOCRACY) WAS PARAMOUNT. NICARAGUA, ON THE OTHER HAND, BELIEVED THAT SECURITY WAS THE MOST IMPORTANT. AFTER ALL, THE U.S. IS AT THIS MOMENT PLANNING MASSIVE MILITARY MANEUVERS IN HONDURAS, AN ASPECT OF THE PROBLEM THE U.S. HAD REFUSED TO NEGOTIATE. AND, OF COURSE, THE DISMAL ECONOMIC CONDITIONS AND VERY BACKWARD SOCIAL DEVELOPMENT EXACERBATED THE WHOLE SITUATION. HABIB AGREED THAT ALL THREE CONCERNS WERE OF VITAL IMPORTANCE AND SAID THAT WE DID NOT MINIMIZE ANY OF THEM, BUT THAT DEMOCRACY IN NICARAGUA WAS THE ESSENTIAL PRE-CONDITION. HABIB TOLD THE MINISTER THAT PRESIDENT REAGAN HAD SET THE PROMOTION OF DEMOCRACY AS THE PRIMARY OBJECTIVE OF U.S. POLICY. CONTRARY TO WHAT SEPULVEDA MAY HAVE HEARD FROM SOME U.S. CONGRESSMEN, ANY ADMINISTRATION - REPUBLICAN OR DEMOCRAT - WOULD INSIST ON DEMOCRACY IN NICARAGUA. SUCH CONGRESSMEN SPEAK ONLY FOR THEMSELVES, AND NOT FOR THE UNITED STATES. NO FUTURE ADMINISTRATION COULD TOLERATE A TOTALITARIAN MARXIST-LENINIST REGIME IN NICARAGUA.

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THERE WAS NO SYMPATHY IN THE CONGRESS FOR THE SANDINISTAS. AS FOR THE QUESTION OF MANEUVERS, THE U.S. HAD NOT SO FAR AS HE KNEW REFUSED TO DISCUSS THE MATTER. THE U.S. WAS OBLIGED UNDER THE RIO TREATY TO COME TO THE ASSISTANCE OF AN ALLY IN THE

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PAGE 01 TEGUCI 05169 03 OF 05 300332Z
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INFO CONTADORA COLLECTIVE IMMEDIATE
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~~S E C R E T~~ SECTION 03 OF 05 TEGUCIGALPA 05169

EXDIS

E.O. 12356: DECL:OADR
TAGS: PREL, XK, NV, OVIP, (HABIB, PHILIP C.), MX
SUBJECT: (S) AMB. HABIB'S MEETING WITH MEXICO'S
EVENT OF EXTERNAL AGRESSION, AND OUR OBLIGATION IN-
CLUDED ADEQUATE PREPARATION, INCLUDING MANEUVERS.
LIMITS AND CONDITIONS ON MANEUVERS SEEMED A VALID
TOPIC FOR DISCUSSION. IF THE U.S. HAD, IN FACT,
TAKEN A DIFFERENT POSITION HABIB WOULD GET BACK TO
THE MINISTER.

8. AS FOR SECURITY, HABIB TOLD SEPULVEDA THAT ARIAS
HAS APPRISED US THAT HE HAD NO EXPERIENCE IN THESE
MATTERS AND THAT HE LOOKED TO DUARTE AND AZCONA TO
FILL IN THAT ASPECT OF HIS PROPOSALS. TO THE
CONTRARY, SEPULVEDA SAID. ARIAS HAD TOLD HIM THAT
THE VERY EXISTENCE OF THE "CONTRAS" AND THE SECURITY
QUESTION HAD PROMPTED HIM TO COME FORTH WITH HIS
PROPOSALS IN THE FIRST PLACE. WE DO NOT AGREE, SAID
HABIB. ARIAS HAS TOLD US REPEATEDLY THAT HIS UNDERLYING
FEAR IS OF NICARAGUA AS A REVOLUTIONARY, HEAVILY
ARMED, AND EXPANSIONIST REGIME. TO COUNTER THIS THREAT
TO A PEACEFUL, UNARMED COSTA RICA, ARIAS HAD MADE
DEMOCRACY IN NICARAGUA THE CENTRAL PURPOSE OF HIS PRO-

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PAGE 02 TEGUCI 05169 03 OF 05 300332Z

POSAL. IT IS OBVIOUS: IF THE SANDINISTAS WOULD
ACCEPT MOVES TOWARD DEMOCRACY AND THE "CONTRAS"
BECAME PART OF THE AGREED POLITICAL PROCESS THERE
WOULD BE NO NEED FOR THE "CONTRAS"; THEY WOULD BECOME
A NON-ISSUE. ARIAS PROPOSALS DO, HOWEVER, HAVE SEVERAL
SERIOUS OMISSIONS AND DEFICIENCIES, HABIB POINTED OUT.
ONE OF THE MOST SIGNIFICANT IS HIS IDEA OF A CEASE-
FIRE. A MEANINGFUL CEASEFIRE CANNOT BE MERELY PRO-
CLAIMED AS ARIAS PROPOSES. IT MUST BE THE RESULT OF

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NEGOTIATIONS BETWEEN THE BELLIGERENTS. IN OTHER WORDS DIALOGUE MUST COME FIRST AND A CEASEFIRE SHOULD BE THE RESULT AND STARTING POINT FOR NEGOTIATIONS ABOUT THE NATURE OF FUTURE POLITICAL LIFE.

FLEXIBILITY IS THE KEY. THE "CONTRAS" MUST BE INVOLVED IN THE PROCESS BUT NOT NECESSARILY DIRECTLY AT FIRST. HABIB CAUTIONED SEPULVEDA THAT THE ARIAS PROPOSALS WERE NOT COMPLETELY ACCEPTABLE TO HIS DEMOCRATIC COLLEAGUES IN THE REGION. BOTH DUARTE AND AZCONA HAD SOME SERIOUS RESERVATIONS. ESQUIPULAS COULD CONCEIVABLY RESULT IN A SETBACK FOR THE PROCESS.

9. HABIB ASKED SEPULVEDA HOW HE SAW THE RELATIONSHIP BETWEEN THE ARIAS PROPOSALS AND CONTADORA. SEPULVEDA SAID THAT HE SAW NO BASIC CONFLICT; THAT MEXICO WARMLY SUPPORTED ARIAS' INITIATIVE BECAUSE IT REPRESENTED REAL PROGRESS IN THE SENSE THAT FOR THE FIRST TIME CENTRAL AMERICANS THEMSELVES, BY THEMSELVES, WERE GRAPPLING WITH THE BASIC ISSUES CONVULSING THEIR REGION. ESQUIPULAS I HAD BEEN MOSTLY A DISCUSSION OF THE CENTRAL AMERICAN PARLIAMENT. SEPULVEDA SAID HE, TOO, WAS DISAPPOINTED THAT THE ESQUIPULAS MEETING HAD BEEN POSTPONED UNTIL LATE JUNE. ADVERSE DEVELOP-

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MENTS COULD OCCUR BETWEEN NOW AND THEN THAT MIGHT NEGATIVELY ALTER THE NEGOTIATING CLIMATE - WHICH THE MINISTER CONSIDERED TO BE QUITE FAVORABLE AT THE MOMENT. IN FACT, SEPULVEDA SAID, CIRCUMSTANCES HAVE NOT BEEN AS PROPITIOUS SINCE 1984 WHEN CONTADORA HAD MAINTAINED A FULL-TIME TEAM OF EXPERTS IN PANAMA. UNFORTUNATELY, THE TEAM WAS NOT THERE NOW TO TAKE ADVANTAGE OF THE MOMENT. HABIB REMARKED THAT SUCH A TEAM COULD BECOME USEFUL AGAIN, PERHAPS IN THE NOT TOO DISTANT FUTURE: AND THERE MIGHT BE GOOD REASON TO HAVE SOME U.S. EXPERTS CLOSE AT HAND ON A CONSULTATIVE BASIS. AFTER ALL, ANY AGREEMENT HAD TO BE ACCEPTABLE TO THE U.S. AS WELL AS ALL THE OTHER PARTIES OR WE COULD NOT BE EXPECTED TO ABIDE BY IT. THE U.S., SAID HABIB, HAD A VITAL NATIONAL INTEREST IN CENTRAL AMERICA, JUST AS DID MEXICO, AND WE HAD TO SATISFY OUR CONCERNS. THE U.S. SHOULD NOT BE EXCLUDED FROM THE NEGOTIATING PROCESS. SEPULVEDA SAID THAT THAT WAS NOT HIS INTENTION. HABIB REMARKED THAT THE TIME COULD COME WHEN HE WOULD HOLD THE FOREIGN SECRETARY TO HIS COMMITTMENT. HABIB SAID THAT HE INTENDED TO SPEND MORE TIME IN THE REGION, AND WOULD BE BACK TO SEE THE CORE FOUR IN EARLY APRIL. IF EVENTS MOVED FAVORABLY TO JUSTIFY A MORE INTENSE EFFORT BY THE U.S. HABIB SAID HE WOULD CONSIDER STEPPING UP HIS VISITS, A REAL SHUTTLE DIPLOMACY, SPENDING LONG

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PERIODS IN THE AREA. THE SITUATION WAS NOT CLOSE TO THAT YET.

10. SEPULVEDA RETURNED TO CARABALLEDA, SAYING THAT DEMOCRACY WAS ONLY ONE ASPECT OF THE PROBLEM, AND

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TEXT OF TELEGRAM 87TEGUCI005169

ADP089
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PAGE 01 TEGUCI 05169 04 OF 05 300333Z
ACTION SS-00

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~~S E C R E T~~ SECTION 04 OF 05 TEGUCIGALPA 05169

EXDIS

E.O. 12356: DECL:OADR
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SUBJECT: (S) AMB. HABIB'S MEETING WITH MEXICO'S
THAT IN ANY CASE DEMOCRACY COULD NOT BE IMPOSED FROM OUTSIDE. HABIB AGREED THAT DEMOCRACY WOULD NOT FLOURISH OVERNIGHT. THAT IS WHY WE TALK ABOUT A PROCESS AND WHY OUR EMPHASIS IS ON THE "PROMOTION" OF DEMOCRACY. NICARAGUA HAD GONE FROM SOMOZA'S DICTATORSHIP TO A DICTATORSHIP OF MARXIST-LENINISTS: OR, AS ARIAS HAD PUT IT, NICARAGUA NOW HAD NINE SOMOZAS. THE PROBLEM WAS HOW TO MOVE THE PROCESS TOWARD PLURALISTIC DEMOCRACY. BUT ONLY NICARAGUA COULD BRING DEMOCRACY TO NICARAGUA, INTERJECTED SEPULVEDA. FOR OTHER COUNTRIES TO BECOME INVOLVED WOULD BE UNACCEPTABLE INTERFERENCE IN THE INTERNAL AFFAIRS OF A SOVEREIGN AND INDEPENDENT COUNTRY. BESIDES, NICARAGUA HAD HAD AN ELECTION EVEN THOUGH SOME DISPUTED ITS LEGITIMACY. MEXICO, SEPULVEDA SAID, WOULD NEVER, EVER COUNTENANCE OUTSIDE INTERFERENCE. SPEAKING OF INTERFERENCE, SEPULVEDA ASKED WHY THE U.S. SEEMS SO EASILY DISPOSED TO INTERVENE IN NICARAGUA WITH THE "CONTRAS," BUT WAS NOT SIMILARLY ENTHUSIASTIC ABOUT INTERVENING IN CHILE, SOUTH AFRICA OR SOUTH KOREA. WOULD THE U.S.

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PAGE 02 TEGUCI 05169 04 OF 05 300333Z

BE WILLING TO FINANCE "CONTRAS" AGAINST PINOCHET? SUPPORT FOR DEMOCRACY IN NICARAGUA WAS NOT INTERVENTION AT ALL, HABIB SAID. THE 21 POINTS OF THE ACTA OF CONTADORA CLEARLY PROVIDED FOR THE DEMOCRATIZATION OF THE COUNTRIES OF CENTRAL AMERICA. ALL BUT NICARAGUA HAD MADE IMPRESSIVE PROGRESS. NICARAGUA HAD WILLINGLY SIGNED ON TO THIS PROCESS AND SO HAD MEXICO. INDEED, CONTADORA AND NICARAGUA BOTH HAD AN OBLIGATION TO ACCEPT AND PROMOTE DEMOCRACY AS A

BASIC OBJECTIVE OF THE PEACE PROCESS IN CENTRAL AMERICA GENERALLY AND IN NICARAGUA SPECIFICALLY. THE DEMOCRATIC COUNTRIES OF THE REGION DID NOT ACCEPT THE LEGITIMACY OF NICARAGUA'S MARXIST-TYPE ELECTION. AND NEITHER COULD CONTADORA. HABIB DID NOT RESPOND TO SEPULVEDA'S PROVOCATIVE COMPARISON OF NICARAGUA WITH CHILE. AMBASSADOR PILLIOD OBSERVED TO SEPULVEDA THAT MEXICO APPEARED TO UNCRITICALLY DEFEND NICARAGUA; TO SING THE SANDINISTA'S SONG. SEPULVEDA STRONGLY DEMURRED, AFFIRMING THAT HE SPOKE ONLY FOR NON-INTERVENTION. WHY DID HE NOT SPEAK AS LOUDLY FOR SELF-DETERMINATION THEN, ASKED PILLIOD?

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11. SEPULVEDA, RETURNING TO THE ESQUIPULAS MEETING, SAID THAT MEXICO WOULD WAIT FOR THE OUTCOME BEFORE MAKING ANY PUBLIC STATEMENTS ABOUT THE MEETING OR ON THE PARTICULARS OF THE ARIAS PROPOSALS. HE SAID FROM MEXICO'S STANDPOINT THE BEST OUTCOME OF ESQUIPULAS WOULD BE SERIOUS DICUSSION; DECISIONS COMPLIMENTARY TO CONTADORA; AND IMPLIMENTATION POSTPONED FOR LATER, AFTER CONTADORA COULD ABSORB THE ESQUIPULAS RESULTS. HABIB AGREED THAT AT THIS POINT IT SEEMED BEST TO WAIT AND SEE, AND STRONGLY CAUTIONED THE MINISTER AGAINST PERMITTING THE PROCESS POST-ESQUIPULAS TO

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DRAG ON INTERMITABLY LIKE CONTADORA. THEN WOULD BE THE TIME FOR CONTADORA TO ACT EXPEDITIOUSLY. HABIB ASKED SEPULVEDA IF HE HAD ANY FEELING FOR HOW THE NICARAGUANS VIEW ESQUIPULAS AND ARIAS' PLAN. SEPULVEDA SAID HE HAD NO DIRECT KNOWLEDGE OF HOW THE SANDINISTAS FELT BUT THAT ONE ASPECT OF CONCERN WAS THAT THE ARIAS PROPOSALS DID NOT PROVIDE FOR ELECTIONS FOR A CENTRAL AMERICAN PARLIAMENT. HABIB INFORMED THE MINISTER OTHERWISE: THAT IN FACT ELECTIONS FOR A CENTRAL AMERICAN PARLIAMENT WERE A PROMINENT FEATURE. THE REAL PROBLEM WAS TO ASSURE THAT ELECTIONS IN NICARAGUA WERE NOT MERELY MARXIST-STYLE ELECTIONS, BUT RATHER WERE FREE ELECTIONS UNDER CONDITIONS FAIR TO THE OPPOSITION. FREEDOM OF SPEECH AND ASSEMBLY, AND ACCESS TO THE MEDIA WERE ESSENTIAL. SEPULVEDA SAID THE SANDINISTAS HAD, INITIALLY, SUGGESTED THAT DELEGATES TO THE CENTRAL AMERICAN PARLIAMENT BE INDIRECTLY ELECTED BY THE EXISTING LEGISLATURES. HABIB INFORMED HIM THAT THE GON HAD GONE FURTHER AND NOW HAD AGREED TO DIRECT ELECTIONS. THE PROBLEM WAS HOW TO BE SURE THAT THE ELECTIONS WOULD BE FAIR AND REPRESENTATIVE, AND THEN THERE WAS THE QUESTION OF FREE NATIONAL, AND LOCAL ELECTIONS FOR NICARAGUA ITSELF.

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12. SEPULVEDA POINTED OUT THAT THE ARIAS PROPOSALS

WERE NOT THE ONLY IDEAS ON THE TABLE. EL SALVADOR, HONDURAS, NICARAGUA AND GUATEMALA ALL HAD DEVELOPED THEIR OWN PROPOSALS ON SOME ASPECTS OF THE PEACE PROCESS. MANY OF THESE IDEAS HAD BEEN PRESENTED ON THE OCCASION OF THE VISITS OF THE SECRETARIES GENERAL

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TEXT OF TELEGRAM 87TEGUCI005169

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PAGE 01 TEGUCI 05169 05 OF 05 300333Z
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~~S E C R E T~~ SECTION 05 OF 05 TEGUCIGALPA 05169

EXDIS

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TAGS: PREL, XK, NV, OVIP, (HABIB, PHILIP C.), MX
SUBJECT: (S) AMB. HABIB'S MEETING WITH MEXICO'S
OF THE UN AND THE OAS. SEPULVEDA SAID THESE IDEAS
SHOULD ALSO BE CONSIDERED AT ESQUIPULAS. HABIB AGREED
THAT THE ARIAS PROPOSAL SHOULD NOT BE THE ONLY AGENDA
ITEM BUT THAT ALL REASONABLE, RELEVANT IDEAS SHOULD
BE CONSIDERED. THIS WAS WHY, HABIB CONTINUED, IT WAS
IMPORTANT TO HAVE PRIOR CONSULTATIONS, AND WHY WE HAD
BEEN SO DISAPPOINTED TO LEARN ON THIS TRIP THAT
NOTHING HAD BEEN DONE SINCE THE SAN JOSE MEETING.
HAPPILY, NOW THERE SEEMS TO BE SOME MOVEMENT IN THIS
RESPECT. MADRIGAL HAD ANNOUNCED HIS INTENTION TO
BRING THE FOREIGN MINISTERS TOGETHER AND BOTH HE AND
CEREZO WERE GOING TO VISIT MANAGUA SOON. SO APPARENTLY
BOTH BILATERAL AND MULTILATERAL TALKS WERE IN THE OFFING,
BOTH AT THE MINISTERIAL AND VICE-MINISTERIAL LEVEL.
SEPULVEDA SAID THAT NICARAGUA SHOULD ALSO BE INVOLVED.
HABIB DOUBTED THAT NICARAGUA WOULD BE INCLUDED IN
MULTI-LATERAL TALKS. EL SALVADOR AND HONDURAS WOULD
NOT WANT TO SHARE WITH NICARAGUA THEIR POSITIONS
PRIOR TO ESQUIPULAS.

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PAGE 02 TEGUCI 05169 05 OF 05 300333Z

13. SEPULVEDA ASKED HABIB IF HE INTENDED TO VISIT
MANAGUA AT SOME POINT. HABIB REMINDED THE MINISTER
OF LONG-STANDING U.S. POLICY, SAYING THAT AS LONG AS
THE SANDINISTAS SOUGHT TO CONVERT THE CENTRAL AMERICAN
PROBLEM INTO A BILATERAL ISSUE WITH THE UNITED STATES,
THERE WAS NO POINT IN TALKING TO THEM. THERE WERE
NOW IN TRAIN SEVERAL USEFUL MULTILATERAL MECHANISMS -
CONTADORA, ESQUIPULAS - AND THESE FORUMS WERE THE
APPROPRIATE PLACE FOR NICARAGUA TO VOICE ITS VIEWS.

14. SEPULVEDA SAID THAT MEXICO, TOO, WANTED DEMOCRACY IN CENTRAL AMERICA, BUT THAT THIS WAS A PROCESS THAT WOULD TAKE MANY YEARS. HABIB SAID MAYBE NOT. SUPPOSE THERE IS AGREEMENT IN ESQUIPULAS ON THE ISSUE OF DEMOCRACY IN NICARAGUA. THEN THE CONTADORA ACTA COULD COME INTO PLAY WITH ITS MORE DETAILED, CAREFULLY WORKED OUT PLANS FOR VERIFICATION AND DISARMAMENT, PERHAPS CALLING ON THE OAS FOR ADDITIONAL EXPERTISE AND HUMAN RESOURCES. UNDER THESE CONDITIONS THE PROCESS FOR PEACE AND DEMOCRATIZATION COULD MOVE FORWARD RAPIDLY. COMPLETION OF THE PROCESS, THE END RESULT, WOULD, OF COURSE, TAKE MUCH MORE TIME, PERHAPS YEARS.

BRIGGS

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~~SECRET~~

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NH085 B.

EXCISE

Chile Project (#S1999000030)
U.S. Department of State
Release_____ Excise_X_ Deny_____
Declassify: In Part_____ In Full_____
Exemption(s) B6

February 13, 1987

The Honorable Strom Thurmond
U.S. Senate
Washington, DC 20510

Dear Senator Thurmond:

This is to express my dismay of the United States of America's vote, on November 28, 1987, on the U.N. Resolution condemning human rights abuses in Chile. The vote was "no".

Ambassador Patricia Byrne's rationale was that the resolution was unbalanced because it failed "to take into account the positive steps taken by the government of Chile," and because the resolution did not condemn the attempted murder of President Pinochet.

There are continuing reports of repression in that once democratic country and the callousness of General Pinochet toward human rights; including, but not limited to, mass roundups, bullying use of the judiciary; burning alive, branding of crosses on priest's bodies, arrest of doctors who protest involvement of other doctors in torture.

I, as a taxpayer of the United States of America, vigorously object to this country's United Nation's vote and any further funding of the Pinochet, Regime. Further, please obtain clarification of this vote form Elliott Abrams, Undersecretary of State for Inter-American Affairs and so inform me.

Your attention to this matter is sorely needed and greatly appreciated.

Sincerely.

[UNCLASSIFIED]

NH085 C.

EXCISE

b 6

Chile Project (#S199900030)
U.S. Department of State
Release_____ Excise__X__ Deny_____
Declassify: In Part_____ In Full_____
Exemption(s)____B6_____

February 13, 1987

The Honorable Strom Thurmond
U.S. Senate
Washington, DC 20510

Dear Senator Thurmond:

This is to express my dismay of the U.S. vote, on 28 November, a U.N. Resolution condemning human rights abuses in Chile, was voted "no". Ambassador Patricia Byrne's retionale was that the resolution was unbalanced because it failed "to take into account the positive steps taken by the government of Chile," and because the resolution did not condemn the attempted murder of President Pinochet. The resolution's recommendations are similar to those of Amnesty in its report on Chile.

Sincerely,

[ ]

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CONFIDENTIAL

2-18-87
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Case Number: S1999000030

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

~~CONFIDENTIAL~~

PAGE 01 GENEVA 01717 180926Z
ACTION IO-19

INFO	LOG-00	COPY-01	ADS-00	INR-10	EUR-00	SS-00	OIC-02
	AF-00	CIAE-00	DODE-00	H-01	NEA-06	NSCE-00	ARA-00
	NSAE-00	SSO-00	HA-09	L-03	TRSE-00	PM-10	EAP-00
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	PRS-01	/079 W					

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O 180927Z FEB 87
FM USMISSION GENEVA
TO SECSTATE WASHDC IMMEDIATE 5669
INFO USMISSION USUN NEW YORK PRIORITY
AMEMBASSY SANTIAGO PRIORITY
AMEMBASSY MEXICO PRIORITY

C O ~~N F I D E N T I~~ A L GENEVA 01717

DEPT FOR A/S KEYES FROM AMB. WALLACH
USUN NEW YORK FOR AMB. WALTERS; ALSO FOR HA - A/S SCHIFTER

E.O. 12356: DECL: OADR
TAGS: PHUM, UNHCR
SUBJECT: 43RD UNHRC: USG POSITION ON CHILE RESOLUTIONS

REF: GENEVA 1520

1. ~~CONFIDENTIAL~~ - ENTIRE TEXT.

2. THIS IS HRC-100

3. FURTHER TO REFTEL, USDEL HAS BEEN APPROACHED BY GUY TROUVEROY, BELGIAN DELEGATION (PROTECT), REQUESTING CONFIRMATION OF USG POSITION ON MEXICAN TEXT REGARDING CHILE. TROUVEROY ADVISED USDEL THAT EC-12 WILL BE MEETING ON THURSDAY, FEBRUARY 19, TO CONFIRM STRATEGY. TROUVEROY RAISED THIS ISSUE IN RESPONSE TO HIS ~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 02 GENEVA 01717 180926Z

INFORMATION FROM GOB MFA CONCERNING CONVERSATION BETWEEN HA - A/S SCHIFTER AND BELGIAN EMBASSY IN WASHINGTON. TROUVEROY, AS PRESIDENT OF EC-12, REQUESTED PROMPT CONFIRMATION OF USG POSITION ON CHILE RESOLUTION AND INFORMATION WHETHER US WILL TABLE SEPARATE RESOLUTION. OPTIONS AT THIS MOMENT APPEAR TO

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CONFIDENTIAL

INCLUDE (1) BEGINNING NEGOTIATIONS (IN CONJUNCTION WITH EC-12) TO MODIFY MEXICAN TEXT ON MINOR POINTS NECESSARY TO ALLOW USG TO JOIN CONSENSUS OR VOTE YES; (2) DISTRIBUTING IMMEDIATELY USG COUNTER DRAFT TO EC-12 AND MEXICANS AND LAUNCHING EXPLANATORY DEMARCHES TO GAIN SUPPORT FOR USG POSITION.

4. COMMENT: MEXICANS HAVE PROVED TO BE FIENDISHLY CLEVER IN PREPARING DRAFT TEXT VERY CLOSE IN LANGUAGE TO CONSENSUS TEXT ADOPTED BY UNHRC IN 1986. IF DEPT CHOOSES TO INTRODUCE USG TEXT, USDEL WOULD REQUIRE CLEAR AND DETAILED TALKING POINTS WITH WHICH TO EXPLAIN WHY WE CANNOT SUPPORT MODIFIED MEXICAN TEXT. USDEL OPEN TO DEPT SUGGESTIONS REGARDING MODIFICATIONS OF MEXICAN TEXT. IN VIEW OF EC MEETING ON THURSDAY, FEBRUARY 19, USDEL REQUESTS INSTRUCTIONS BY OOB WEDNESDAY, FEBRUARY 18. END COMMENT. FLACK

CONFIDENTIAL

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2-17-87
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Page: 1
Case Number: S199900030 Chile Project (#S199900030)
U.S. Department of State
Release X Excise Deny
Declassify: In Part In Full X
Exemption(s)

~~CONFIDENTIAL~~

PAGE 01 GENEVA 01829 210908Z
ACTION IO-19

INFO LOG-00 COPY-01 ADS-00 INR-10 SS-00 OIC-02 CIAE-00
DODE-00 H-01 NSCE-00 ARA-00 NSAE-00 HA-09 L-03
PM-10 PA-01 OMB-01 USIE-00 SP-02 SNP-01 PRS-01
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P 191606Z FEB 87
FM USMISSION GENEVA
TO SECSTATE WASHDC PRIORITY 5779
INFO AMEMBASSY MEXICO
AMEMBASSY SANTIAGO
USMISSION USUN NEW YORK

C O N ~~F I~~ D E N T I A L GENEVA 01829

C O R R E C T E D C O P Y (PARA NUMBERING)

E.O. 12356: DECL: OADR
TAGS: PHUM, UNHRC, CI, US, CU
SUBJECT: 43RD UNHRC SESSION: CONVERSATION WITH REPRESENTATIVE OF CHILEAN CHRISTIAN DEMOCRACY

1. (C-ENTIRE TEXT). THIS IS HRC-127.

2. MR. SOTOMAYOR (CHILE), ACCREDITED TO THE UNHRC AS A MEMBER OF THE CHRISTIAN DEMOCRATIC INTERNATIONAL, TOLD DELOFF ON FEB 18 OF HIS PARTY'S HOPE THAT THE U.S. WOULD SUPPORT A RESOLUTION ON CHILE ALONG THE LINES OF THAT APPROVED BY THE LAST SESSION OF THE COMMISSION. HE SAID HIS PARTY WAS CONCERNED BY THE GROWING POLARIZATION OF POLITICS IN CHILE AND PARTICULARLY WORRIED BY THE INCREASING STRENGTH OF COMMUNISTS AND OTHER EXTREME LEFTISTS AMONG THE URBAN AND RURAL POOR. SOTOMAYOR SAID HE REALIZED THAT THE CHILEAN COMMISSION ON HUMAN RIGHTS HAD MADE A MISTAKE BY SENDING MR. TABORGA TO CARRY ON ITS CONTACT WORK IN GENEVA. SOTOMAYOR SAID TABORGA WAS CONFIDENTIAL

~~CONFIDENTIAL~~

PAGE 02 GENEVA 01829 210908Z

"PROBABLY" A COMMUNIST AND NO LOVER OF DEMOCRACY. HE SAID, HOWEVER, THE COMMUNISTS ALWAYS SEEMED TO HAVE MONEY FOR TRAVEL.

3. SOTOMAYOR CLAIMED THAT U.S. SUPPORT FOR A MODERATE REALISTIC TEXT WOULD ENCOURAGE MODERATES WITHIN THE GOC,

UNCLASSIFIED
CONFIDENTIAL
Page: 1

INCLUDING IN THE MILITARY, AND THE OPPOSITION TO CONTINUE SEEKING A PEACEFUL TRANSITION TO DEMOCRACY. THE INCREASING TREND OF BOTH SUPPORTERS AND OPPONENTS OF THE PINOCHET GOVERNMENT TO USE VIOLENCE WAS A SERIOUS THREAT TO THAT PROCESS OF TRANSITION.

4. DELOFF SAID THAT WHILE, SO FAR, THE U.S. DELEGATION HAD RECEIVED NO INSTRUCTIONS ON THE DRAFT RESOLUTION ON CHILE INFORMALLY CIRCULATED BY MEXICO, THAT IN PRINCIPLE THE U.S. HAD NO PROBLEM IN SUPPORTING A REALISTIC AND WELL-BALANCED TEXT ON CHILE. FLACK

CONFIDENTIAL

NNNN

United States Department of State

Washington, D.C. 20520

BH0060R

February 19, 1987

Mrs. Isabel Letelier
Institute for Policy Studies
1901 9th St., N.W.
Washington, D.C. 20009

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____

Dear Mrs. Letelier:

As we discussed by phone, I regret very much the prolonged delay in getting back to you regarding the issues you and your attorney raised last September when you met with Jim Swigert and Peter Olson. Under normal circumstances, this would never have occurred. The circumstances, however, were not normal. As you now know, very sensitive efforts have been underway for some time which have led to a significant development in the long-stalled criminal prosecution of the murderers of your husband and Ronni Moffitt.

Common courtesy as well as usual State Department practice dictated our responding to your September request much more expeditiously, especially following the misunderstanding regarding the missing letter to Secretary Shultz apparently sent by your attorney in September 1985. We considered it critical, however, to efforts by USG prosecutors to revive the criminal case to avoid any action that might, even inadvertently, have jeopardized the departure from Chile and prosecution in the United States of former Chilean Army Major Fernandez Larios. Regretfully, we could not inform you of these efforts when you visited the State Department in September. Nor could we address the substance of the issues you, your attorney, Mr. Karpen and Mr. Moffitt raised at that time, until these efforts were resolved. We hope you can understand the reasons for the delay.

Now that Mr. Fernandez Larios is safely in the custody of U.S. officials, we would be very pleased to meet with you and the other plaintiffs to discuss the civil court case, as well as discuss issues related to prosecution of the other individuals indicted for the murders of your husband and Ronni Moffitt. I plan to be out of the country the remainder of February, but a meeting can be set up right after my return at the beginning of March. I suggest that you, Mr. Karpen and Mr. Moffitt agree on a time frame you can all be in Washington and then contact Mr. Swigert (202-647-2575) to set up an appointment. Your attorney, of course, is welcome to be present in accordance with your desires.

I am sending similar letters to Mr. Moffitt and Mr. Karpen, with copies to Mr. Buffone as well.

Sincerely yours,

Robert S. Gelbard
Deputy Assistant Secretary
for South America

cc: Mr. Buffone

UNCLASSIFIED
CONFIDENTIAL
n/a

IH140

2-17-87

Case Number: S1999000030

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

CONFIDENTIAL

PAGE 01 STATE 048382
ORIGIN ARA-00

INFO LOG-00 COPY-01 ADS-00 SS-00 OIC-02 IO-19 SSO-00
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DRAFTED BY: ARA/SC:JSWIGERT
APPROVED BY: P:MARMACOST
ARA:JM-CHEL IO:AKEYES (SUBS)
ARA/SC:DCOX IO/HW:MJACOBS
S/S:KMQUINN P:WBWOOD
S/S-O:LTRACY

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AMEMBASSY SANTIAGO IMMEDIATE
AMEMBASSY MEXICO

C O N F I D E N T I A L STATE 048382

GENEVA FOR AMB. WALLACH FROM UNDERSECRETARY ARMACOST

E.O. 12356: DECL: OADR
TAGS: PHUM , UNHRC, PREL, CI
SUBJECT:
43RD UNHRC: USG POSITION ON CHILE RESOLUTION

REF: GENEVA 01717

1. CONFIDENTIAL - ENTIRE TEXT.

2. THIS IS AN ACTION MESSAGE.

3. PRIOR TO FEB. 19 EC-12 MEETING DISCUSSED REFTEL USDEL SHOULD INFORM BELGIANS THAT (1) THE US WILL INTRODUCE A RESOLUTION ON CHILE DURING UNHRC; (2) WE WOULD LIKE EC CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 048382

SUPPORT FOR THIS INITIATIVE; AND () TEXT OF US RESOLUTION FOLLOWS SEPTEL AND WILL BE MADE AVAILABLE TO EC MEMBERS ASAP. SHULTZ

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FWE C O N F I D E N T I A L GENEVA 001829

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DE RUFHGV #1829 0501606
ZNY CCCCC ZZH
P 191606Z FEB 87
FM USMISSION GENEVA
TO RUEHC/SECSTATE WASHDC PRIORITY 5779
INFO RUEEMB/AMEMBASSY MEXICO 1606
RUEBSG/AMEMBASSY SANTIAGO 2409
RUEHIT/USMISSION USUN NEW YORK 3185
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C O N F I D E N T I A L GENEVA 01829

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
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Exemption(s) ____

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DIST: POL

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Make sure this goes into Bio file
G.

E.O. 12356: DECL: OADR
TAGS: PHUM, UNHRC, CI, US, CU
SUBJECT: 43RD UNHRC SESSION: CONVERSATION WITH REPRESENTATIVE OF CHILEAN CHRISTIAN DEMOCRACY

1. (C-ENTIRE TEXT). THIS IS HRC-127.

2. MR. SOTOMAYOR (CHILE), ACCREDITED TO THE UNHRC AS A MEMBER OF THE CHRISTIAN DEMOCRATIC INTERNATIONAL, TOLD DEPOFF ON FEB 18 OF HIS PARTY'S HOPE THAT THE U.S. WOULD SUPPORT A RESOLUTION ON CHILE ALONG THE LINES OF THAT APPROVED BY THE LAST SESSION OF THE COMMISSION. HE SAID HIS PARTY WAS CONCERNED BY THE GROWING POLARIZATION OF POLITICS IN CHILE AND PARTICULARLY WORRIED BY THE INCREASING STRENGTH OF COMMUNISTS AND OTHER EXTREME LEFTISTS AMONG THE URBAN AND RURAL POOR. SOTOMAYOR SAID HE REALIZED THAT THE CHILEAN COMMISSION ON HUMAN RIGHTS HAD MADE A MISTAKE BY SENDING MR. TAPORGA TO CARRY ON ITS CONTACT WORK IN GENEVA. SOTOMAYOR SAID TAPORGA WAS "PROBABLY" A COMMUNIST AND NO LOVER OF DEMOCRACY. HE SAID, HOWEVER, THE COMMUNISTS ALWAYS SEEMED TO HAVE MONEY FOR TRAVEL.

4. SOTOMAYOR CLAIMED THAT U.S. SUPPORT FOR A MODERATE REALISTIC TEXT WOULD ENCOURAGE MODERATES WITHIN THE GOC, INCLUDING IN THE MILITARY, AND THE OPPOSITION TO CONTINUE SEEKING A PEACEFUL TRANSITION TO DEMOCRACY. THE INCREASING TREND OF BOTH SUPPORTERS AND OPPONENTS OF THE PINOCHET GOVERNMENT TO USE VIOLENCE WAS A SERIOUS THREAT TO THAT PROCESS OF TRANSITION.

5. DEPOFF SAID THAT WHILE, SO FAR, THE U.S. DELEGATION HAD RECEIVED NO INSTRUCTIONS ON THE DRAFT RESOLUTION ON CHILE INFORMALLY CIRCULATED BY MEXICO, THAT IN PRINCIPLE THE U.S. HAD NO PROBLEM IN SUPPORTING A REALISTIC AND WELL-BALANCED TEXT ON CHILE. FLACK
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#1829

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FWE C O N F I D E N T I A L GENEVA 001829

UNCLASSIFIED
CONFIDENTIAL
n/a

Case Number: S1999000030

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

~~CONFIDENTIAL~~

PAGE 01 SANTIA 01176 191245Z
ACTION L-03

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R 191255Z FEB 87
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 0167
INFO DEPTJUSTICE WASHDC

C O N ~~F I D E N T~~ I A L SANTIAGO 01176

DEPARTMENT FOR DEPUTY LEGAL ADVISOR KOZAK AND ARA/SC

3.O. 12356: DECL:OADR
TAGS: PREL, PHUM, CI
SUBJECT: EXTRADITION TREATY

1. ~~CONFIDENTIAL~~ - EXTIRE TEXT

2. AS DEPARTMENT IS AWARE, MISSION SOME TIME AGO SUGGESTED CONSIDERATION BE GIVEN TO NEGOTIATING A NEW EXTRADITION TREATY WITH CHILE. EXPERIENCE WITH THE LETELIER CASE AND MORE RECENTLY WITH BUESO ROSA AND GOMEZ CASES DEMONSTRATE THAT THE CURRENT TREATY IS VIRTUALLY USELESS. APART FROM OUR PERMANENT INTEREST IN AN EFFECTIVE TREATY, NOW MIGHT BE A PARTICULARLY PROPITIOUS TIME TO APROACH THE GOC ABOUT A NEW TREATY, EVENTHOUGH, UNFORTUNATELY, IT WOULD NOT BE RETROACTIVE. IT WOULD BE DIFFICULT FOR THE GOC TO REFUSE TO NEGOTIATE A MODERN TREATY.

EM ALTERNATIVELY, WE COULD CONSIDER THE ROUTE RECOMMENDED BY ALFRED ETCHEBERRY IN HIS NOVEMBER 1985 MEMORANDUM (ARA/SC HAS COPY). ETCHEBERRY POINTED OUT THAT TREATY COULD BE DENOUNCED ON SIX MONTHS' NOTICE AND THAT AT END OF SIX MONTHS THE MONTEVIDEO CONVENTION
~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 02 SANTIA 01176 191245Z

OF 1933 WOULD AUTOMATICALLY COME INTO FORCE BETWEEN THE TWO COUNTRIES. IN HIS VIEW THIS WOULD GIVE US A FAR BETTER EXTRADITION INSTRUMENT. DEPARTMENT MIGHT LOOK INTO WHAT EFFECT THE CONVENTION MIGHT HAVE ON OUR ABILITY TO RENEW EXTRADITION REQUESTS.
JONES

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CONFIDENTIAL
n/a

UNCLASSIFIED

United States Department of State

Washington, D.C. 20520

FBH0066

February 19, 1987

R

Mr. Michael Moffitt
Shearson-American Express
12th Floor
666 Fifth Ave.
New York, N.Y. 10108

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____

Dear Mr. Moffitt:

We regret very much the prolonged delay in getting back to you regarding the issues you and your attorney raised during a meeting last September with State Department officials. Under normal circumstances, this would never have occurred. The circumstances, however, were not normal. As you now know, very sensitive efforts have been underway for some time which have led to a significant development in the long-stalled criminal prosecution of the murderers of your wife and Orlando Letelier.

Common courtesy as well as usual State Department practice dictated our responding to your September request much more expeditiously, especially following the misunderstanding regarding the missing letter to Secretary Shultz apparently sent by your attorney in September 1985. We considered it critical, however, to efforts by USG prosecutors to revive the criminal case to avoid any action that might, even inadvertently, have jeopardized the departure from Chile and prosecution in the United States of former Chilean Army Major Fernandez Larios. Regretfully, we could not inform you of these efforts when you met with Mr. Swigert and Mr. Olson in September. Nor could we address the substance of the issues you and your attorney raised at that time, until these efforts were resolved. We hope you can understand the reasons for the delay.

Now that Mr. Fernandez Larios is safely in the custody of U.S. officials, we would be very pleased to meet with you and the other plaintiffs to discuss the civil court case, as well as discuss issues related to prosecution of the other individuals indicted for the murders of your wife and Mr. Letelier. I plan to be out of the country the remainder of February, but a meeting can be set up after my return at the beginning of March. I suggest that you, Mr. Karpen and Mrs. Letelier agree on a time frame you can all be in Washington and then contact Mr. Swigert (202-647-2878) to set up an appointment. Your attorney, of course, is welcome to be present in accordance with your desires.

UNCLASSIFIED

I am sending similar letters to Mr. Karpen and Mrs. Letelier, with copies to Mr. Buffone as well.

Sincerely yours,

Robert S. Gelbard

Robert S. Gelbard
Deputy Assistant Secretary
for South America

cc. Mr. Buffone

IU157

Case Number: S1999000030

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

CONFIDENTIAL

PAGE 01 STATE 052474
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DRAFTED BY: ARA/SC:JSWIGERT
APPROVED BY: IO:NSSMITH
ARA:RGELBARD ARA/SC:DHOWARD
HA:JMONTGOMERY P WBWOOD
S/S: KMQUINN S/S-O:RMBISHOP AF:JBISHOP (SUBS)
IO HW:MJACOBS EAP/RA:LMCNUTT (SUBS)
NEA/INS:BCAMP(SUBS)
EUR:MJWILKINSON(SUBS)

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AMEMBASSY MANILA IMMEDIATE
AMEMBASSY COLOMBO IMMEDIATE
AMEMBASSY BRASILIA IMMEDIATE
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CONFIDENTIAL

PAGE 02 STATE 052474

AMEMBASSY BONN IMMEDIATE
AMEMBASSY BRUSSELS IMMEDIATE
AMEMBASSY CANBERRA IMMEDIATE
AMEMBASSY DUBLIN IMMEDIATE
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C O N F I D E N T I A L STATE 052474

GENEVA FOR USDEL UNHRC

E.O. 12356: DECL:OADR
TAGS: PHUM, UNHRC
SUBJECT: US SPONSORSHIP OF CHILE HUMAN RIGHTS RESOLUTION AT UNHRC: REQUESTED DEMARCHE

REF: STATE 049996

1. CONFIDENTIAL- ENTIRE TEXT.

2. SUMMARY: EMBASSIES ARE INSTRUCTED TO APPROACH FOREIGN MINISTRIES ASAP TO REQUEST THAT THEY INSTRUCT THEIR DELEGATIONS AT UNHRC MEETING IN GENEVA TO SUPPORT, AND IF POSSIBLE, TO CO-SPONSOR US RESOLUTION ON CHILE WE INTEND TO INTRODUCE. USDEL IS INSTRUCTED TO APPROACH DELEGATIONS FROM ACTION ADDRESSEE COUNTRIES ASAP TO REQUEST SUPPORT FOR US INITIATIVE. PLEASE REPORT HOST GOVERNMENT AND DELEGATIONS' REACTIONS. END SUMMARY.

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 STATE 052474

3. WE HAVE DECIDED TO INTRODUCE AT THE UNHRC IN GENEVA A RESOLUTION ON THE HUMAN RIGHTS SITUATION IN CHILE. (TEXT OF RESOLUTION SENT REFTEL, BEING REPEATED TO ALL ACTION ADDRESSEES.) WE ARE SEEKING BROAD SUPPORT FOR THIS US INITIATIVE. ACTION ADDRESSEES ARE INSTRUCTED TO MAKE AN

IMMEDIATE APPROACH TO APPROPRIATE HOST GOVERNMENT OFFICIALS TO REQUEST SUPPORT FOR US DRAFT. WE WOULD WELCOME OTHERS AS CO-SPONSORS. YOU SHOULD ASK HOST GOVERNMENTS TO INSTRUCT THEIR DELEGATIONS TO SUPPORT THE US RESOLUTION AS SOON AS POSSIBLE. IN PARTICULAR, FOREIGN MINISTRIES IN EC-12 COUNTRIES AND LATIN AMERICAN COUNTRIES SHOULD BE ENCOURAGED TO INSTRUCT THEIR DELEGATION TO WORK CLOSELY WITH USDEL IN GENEVA. WE UNDERSTAND THAT DEBATE ON CHILE COULD TAKE PLACE AS EARLY AS FEBRUARY 25. IN MAKING THIS APPROACH, YOU MAY DRAW ON BELOW TALKING POINTS (WHICH MAY BE LEFT AS NON-PAPER).

4. USDEL IN GENEVA IS INSTRUCTED TO MAKE SIMULTANEOUS,

PARALLEL APPROACH FOR SUPPORT TO DELEGATIONS OF ACTION ADDRESSEE COUNTRIES. YOU MAY ALSO INFORM MEXICAN AND CHILEAN DELEGATIONS OF OUR INITIATIVE.

5. PLEASE REPORT ALL SIGNIFICANT REACTIONS.

6. TALKING POINTS:

--THE US WILL INTRODUCE A RESOLUTION AT THE UNHRC MEETING IN GENEVA ON THE HUMAN RIGHTS SITUATION IN CHILE, FOR WHICH WE WOULD LIKE YOUR GOVERNMENT'S SUPPORT. MY GOVERNMENT IS SERIOUSLY CONCERNED ABOUT HUMAN RIGHTS PROBLEMS IN CHILE, AND ALSO DISTURBED BY UNFAIR TREATMENT OF CHILE IN PAST RESOLUTIONS.

--THE US TEXT GIVES A FAIR APPRAISAL OF THE HUMAN RIGHTS SITUATION IN CHILE. IT CALLS ATTENTION TO THE CONFIDENTIAL

CONFIDENTIAL

PAGE 04 STATE 052474

SIGNIFICANT PROBLEM AREAS, SUCH AS TORTURE BY SECURITY FORCES, RESTRICTIONS ON FUNDAMENTAL FREEDOMS, SUCH AS FREEDOM OF ASSEMBLY AND FREEDOM OF EXPRESSION, AND THE PERSISTENT FAILURE BY GOVERNMENT AUTHORITIES TO IDENTIFY AND PROSECUTE THOSE RESPONSIBLE FOR HUMAN RIGHTS ABUSES.

--AT THE SAME TIME OUR RESOLUTION NOTES THOSE EFFORTS THAT HAVE BEEN MADE BY THE CHILEAN GOVERNMENT TO ADDRESS HUMAN RIGHTS PROBLEMS, SUCH AS THE GOVERNMENT'S COOPERATION WITH THE SPECIAL RAPPORTEUR--UNLIKE SOME OTHER COUNTRIES WITH SPECIAL RAPPORTEURS, SUCH AS IRAN AND AFGHANISTAN--AND THE SUBSTANTIAL REDUCTION IN THE NUMBER OF CHILEANS PROHIBITED FROM ENTERING CHILE.

--THE RESOLUTION ALSO REFERS TO THE GENERAL PROBLEM OF TERRORISM, WHICH HAS HELPED CREATE AN ENVIRONMENT WHICH IMPEDES THE RETURN TO DEMOCRACY.

--THE RESOLUTION CALLS ON THE CHILEAN GOVERNMENT TO TAKE

MEASURES TO RETURN CHILE TO DEMOCRATIC RULE. IT EXPLICITLY SUPPORTS A RETURN TO DEMOCRACY THROUGH A NON-VIOLENT, NATIONAL DIALOGUE. THE US RESOLUTION ACCURATELY REFLECTS AND REINFORCES THE EFFECTIVE WORK OF THE UN SPECIAL RAPPORTEUR, FERNANDO VOLIO.

--THE RESOLUTION ALSO CALLS FOR ENDING THE PRACTICE OF SINGLING CHILE OUT FOR CONSIDERATION UNDER A SEPARATE AGENDA ITEM. THIS ANOMALOUS PRACTICE DEVELOPED ONLY

BECAUSE CHILE WAS THE FIRST COUNTRY TO HAVE A SPECIAL RAPPORTEUR ON HUMAN RIGHTS, AND THEREFORE CHILE WAS CONSIDERED UNDER A SEPARATE AGENDA ITEM. NOW THERE ARE MANY COUNTRIES WITH SPECIAL RAPPORTEURS. IT IS ONLY FAIR
CONFIDENTIAL

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PAGE 05 STATE 052474

THAT THE HUMAN RIGHTS SITUATION IN CHILE BE CONSIDERED AT THE SAME TIME AS FOR THESE OTHER COUNTRIES, UNDER GENERAL AGENDA ITEM TWELVE.

--LAST YEAR THE UNHRC APPROVED A BALANCED RESOLUTION ON CHILE BY CONSENSUS, WITH US SUPPORT. WE BELIEVE THAT PASSAGE OF ANOTHER BALANCED RESOLUTION ON CHILE WOULD HELP ENCOURAGE CONSTRUCTIVE ACTION BY THE GOVERNMENT TO ADDRESS THE SERIOUS HUMAN RIGHTS PROBLEMS IN CHILE. OUR OBJECTIVE SHOULD BE TO ENCOURAGE REAL IMPROVEMENTS, NOT SIMPLY CRITICIZE.

--IN THE PAST WE HAVE VOTED AGAINST UNFAIR RESOLUTIONS ON CHILE, BOTH IN THE UNHRC AND UNGA. WE PREFER TO VOTE IN FAVOR, AS WE WERE ABLE TO DO LAST YEAR ON THE CHILE RESOLUTION IN THE UNHRC. WE WILL NOT SUPPORT ANY RESOLUTION ON CHILE WHICH IS NOT FAIR AND BALANCED, AND WHICH DOES NOT CONTAIN ALL ESSENTIAL ELEMENTS CONTAINED IN THE US DRAFT.

--IN THIS REGARD, WE SHOULD NOTE THAT THE MEXICANS HAVE CIRCULATED A COMPETING DRAFT ON CHILE. WE DO NOT FIND THIS DRAFT ACCEPTABLE.

--OUR MOST SERIOUS OBJECTION TO THE MEXICAN TEXT IS WHAT THIS TEXT OMITS. THE MEXICAN TEXT MAKES NO REFERENCE TO THE EFFORTS BY THE CHILEAN GOVERNMENT TAKEN FOLLOWING LAST YEAR'S UNHRC RESOLUTION TO ADDRESS HUMAN RIGHTS PROBLEMS. IT DOES NOT MENTION THE PROBLEM OF TERRORISM, THE DISCOVERY OF MAJOR QUANTITIES OF TERRORIST ARMS, OR THE ASSASSINATION ATTEMPT AGAINST PRESIDENT PINOCHET LAST SEPTEMBER, WHICH WE CONSIDER IMPORTANT ASPECTS OF THE OVERALL ENVIRONMENT IN CHILE. THE TEXT ALSO DOES NOT CALL FOR AN END TO THE PRACTICE OF CONSIDERING CHILE IN THE UNHRC UNDER A SEPARATE AGENDA ITEM.

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PAGE 06 STATE 052474

--WE WOULD LIKE YOUR SUPPORT FOR OUR INITIATIVE AND HOPE YOU WILL INSTRUCT YOUR DELEGATION TO CO-SPONSOR THE US TEXT.

--WE HOPE YOU WILL ACT ON THIS REQUEST EXPEDITIOUSLY. THIS ISSUE COULD COME TO A VOTE IN THE UNHRC AS EARLY AS FEBRUARY 25. WHITEHEAD

CONFIDENTIAL

NNNN

PETE V. DOMENICI, NEW MEXICO, CHAIRMAN
WILLIAM L. ARMSTRONG, COLORADO
NANCY LANDON KASSEBAUM, KANSAS
RUDY BOSCHWITZ, MINNESOTA
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J. JAMES EXON, NEBRASKA
FRANK R. LAUTENBERG, NEW JERSEY
G. WILLIAM HOAGLAND, STAFF DIRECTOR
RICHARD N. BRANDON, MINORITY STAFF DIRECTOR

PROFILE

NH086A.

United States Senate

COMMITTEE ON THE BUDGET
WASHINGTON, DC 20510-6100

DECLASSIFIED

75

February 23, 1987

Our File: 7054030010

ACTION
is assigned to
PA/PC

Chile Project (#S199900030)
U.S. Department of State
Release_____ Excise X Deny_____
Declassify: In Part_____ In Full_____
Exemption(s) B6

Congressional Liaison
Department of State
2201 C Street N.W.
Washington, D.C. 20520

Dear Director:

Because of the desire of this office to be responsive to all inquiries and communications, your consideration of the attached is requested.

YOUR FINDINGS AND VIEWS, IN DUPLICATE, ALONG WITH RETURN OF THIS MEMO PLUS ENCLOSURE, WILL BE APPRECIATED.

Please refer to the constituent name and file number.

Reply to:

Senator Rudy Boschwitz
210 Bremer Bldg.
419 N. Robert Street
St. Paul, MN 55101

Many thanks.

Sincerely,

-28-

Rudy Boschwitz
United States Senator

RB/hw
Enclosure

Re: concerned about the situation in Chile of continued human rights violations

1987 FEB 27 PM 1:00 OUT

1987 FEB 27 AM 11:39
FAIM/IAP/WI

RECEIVED BY
DEPARTMENT OF STATE

IU159

Case Number: S1999000030

Chile Project (#S199900030)
U.S. Department of State
Release_____ Excise_X___ Deny_____
Declassify: In Part_X___ In Full_____
Exemption(s)_____

CONFIDENTIAL

PAGE 01 ISLAMA 04129 231054Z
ACTION ARA-00

INFO	LOG-00	COPY-01	ADS-00	INR-10	EUR-00	SS-00	OIC-02
	AF-00	CIAE-00	DODE-00	H-01	IO-19	NEA-06	NSCE-00
	NSAE-00	SSO-00	HA-09	L-03	PM-10	EAP-00	PA-01
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O 231051Z FEB 87
FM AMEMBASSY ISLAMABAD
TO SECSTATE WASHDC IMMEDIATE 3712
INFO USMISSION GENEVA IMMEDIATE
AMEMBASSY SANTIAGO
AMCONSUL KARACHI
AMCONSUL LAHORE
AMCONSUL PESHAWAR

~~C O N F I D E N T I A L~~ ISLAMABAD 04129

GENEVA FOR UNHRC

E.O. 12356: DECL: OADR
TAGS: UNHRC, PHUM, CI, PK
SUBJECT: 43RD UNHRC: U.S. RESOLUTION ON CHILE - DEMARCHE TO PAKISTAN

REFS: (A) STATE 52474; (B) STATE 51557

1. CONFIDENTIAL - ENTIRE TEXT.

2. ON FEBRUARY 22, POLOFF DELIVERED ORALLY AND AS NON-PAPER POINTS CONTAINED REF A ON U.S. CHILE RESOLUTION AND PROVIDED COPY OF DRAFT RESOLUTION TEXT (REF B) TO MFA UN DIRECTOR SALMAN BASHIR.

3. BASHIR WAS MORE RESPONSIVE ON CHILE RESOLUTION THAN ON THE PROPOSED U.S. RESOLUTION ON CUBA (SEE

SEPTEL). HE NOTED THAT SEVERAL YEARS AGO THE GOP SWITCHED FROM SUPPORTING TO OPPOSING NEGATIVE AND UNBALANCED RESOLUTIONS ON CHILEAN HUMAN RIGHTS. HE RECALLED PAKISTAN'S SUPPORT OF LAST YEAR'S CONSENSUS RESOLUTION AND HOPED A SIMILAR APPROACH WOULD BE ADOPTED THIS YEAR.

4. WHILE COMMENTING THAT INSTRUCTIONS HAVE NOT BEEN ISSUED ON HANDLING A RESOLUTION ON CHILE, BASHIR INDICATED UNOFFICIALLY THAT THE GOP WOULD PROBABLY SUPPORT THE U.S. APPROACH AND OPPOSE THE MEXICAN DRAFT IF IT IS UNBALANCED AND INCOMPLETE.

5. COMMENT: PAK POSITION IN HUMAN RIGHTS COMMISSION APPEARS TO BE THAT GOP WILL SUPPORT MOVES THAT HAVE CONSENSUS BACKING, E.G., AGAINST INTERNATIONAL PARIAHS.

B1

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PAGE 01 SANTIA 01289 232252Z
ACTION DSE-00

INFO	LOG-00	ADS-00	AID-00	INR-05	SS-00	CIAE-00	EB-05
	DODE-00	NSCE-00	ARA-00	NSAE-00	COME-00	SSO-00	L-02
	AMAD-01	TRSE-00	PM-05	PA-02	CCO-00	INRE-00	CA-02
	FAA-00	USSS-00	USIE-00	JUSE-00	FBIE-00	OC-02	DOEE-00
	FAIM-01	DS-01	SCT-02	ZOVD-00	(AS-01	DOEE-00	)/028 W

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FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 0245

LIMITED OFFICIAL USE SANTIAGO 01289

Chile Project (#S199900030)
U.S. Department of State
Release_____ Excise X Deny____
Declassify: In Part_____ In Full____
Exemption(s) B6

TERREP

DEPT FOR DS/I/MFO

E.O. 12356: DECL: OADR
TAGS: ASEC, PTER, CI
SUBJECT: THREAT AGAINST AMERICAN

1. ON FEBRUARY 16, 1987 DONALD R. KNIGHT, LABOR ATTACHE, WAS ON LADECO FLIGHT 311 TRAVELING FROM BOGOTA TO SANTIAGO. DURING THE FLIGHT MR. KNIGHT HELD A CONVERSATION WITH[ ] THEIR CONVERSATION CENTERED AROUND LIFE IN CHILE, ETC. SEATED BEHIND MR. KNIGHT WAS AN UNKNOWN LATIN MALE WHO APPEARED TO BOTH MR. KNIGHT AND[ ] AS BEING UNDER THE INFLUENCE OF ALCOHOL. THIS INDIVIDUAL WAS LATER IDENTIFIED AS RICARDO ALVARO PALAVICINO SOTOMAYOR. IN ARICA, CHILE, ALL PASSENGERS WERE REQUIRED TO DISEMBARK AND REMAIN IN THE WAITING ROOM UNTIL DEPARTING FOR SANTIAGO.

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PAGE 02 SANTIA 01289 232252Z

DURING THIS TIME, RICARDO ALVARO MADE AN OVERT GESTURE OF "CUTTING THE THROAT" AND STATED THAT "YOU GUYS BETTER WATCH OUT." AFTER REBOARDING, MR. ALVARO CONTINUED HIS VERBAL HARRASSMENT OF MR. KNIGHT AND[ ] AT THIS TIME, MR. ALVARO ALSO STATED THAT FOR THE PRICE OF A MCDONALD'S HAMBURGER, HE COULD HAVE FRIENDS TAKE CARE OF MR. KNIGHT AND

[redacted] MR. KNIGHT TOOK THIS AS A DIRECT THREAT AGAINST HIS LIFE. PRIOR TO LANDING IN SANTIAGO, MR. ALVARO STRUCK (WITH HIS FIST) [redacted] IN THE MOUTH. MR. KNIGHT THEN ASKED THE CREW TO CONTACT THE APPROPRIATE AUTHORITIES IN SANTIAGO FOR ASSISTANCE.

-

2. BECAUSE GOC AUTHORITIES DID NOT MEET THE AIRCRAFT AS REQUESTED, MR. KNIGHT PROCEEDED DIRECTLY TO THE INTERNATIONAL POLICE TO SEEK ASSISTANCE. DURING MR. KNIGHT'S ABSENCE, MR. ALVARO CONTINUED TO VERBALLY ABUSE [redacted] WHILE BOTH WERE WAITING FOR THEIR BAGGAGE. BECAUSE OF THIS DISTURBANCE AND AT MR. KNIGHT'S INSISTANCE, MR. KNIGHT, [redacted] MR. ALVARO AND HIS FAMILY WERE REQUIRED TO GO TO THE CARABINEROS (POLICE) STATION FOR STATEMENTS.

-

3. TO DATE, [redacted] HAS APPEARED BEFORE A CHILEAN JUDGE, WITH HIS ATTORNEY, AND A HEARING HAS BEEN SCHEDULED FOR FEBRUARY 24. ARSO ADVISED MR. KNIGHT TO INFORM THE MINISTRY, THROUGH DIPLOMATIC CHANNELS, OF THE INCIDENT AND REMIND THEM OF THE HOST'S GOVERNMENT'S RESPONSIBILITY FOR HIS SAFETY. ARSO ALSO ADVISED MR. KNIGHT THAT ALL DOCUMENTATION PROVIDED TO THE MINISTRY SHOULD ALSO BE AVAILABLE AT THE HEARING.

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PAGE 03 SANTIA 01289 232252Z

BACKGROUND INFORMATION ON SUBJECT:

-

NAME: RICARDO ALVARO PALAVICINO SOTOMAYOR
DPOB: OCTOBER 10, 1955, SANTIAGO, CHILE
EMPLOYED: ARCHITECT FIRM IN MIAMI (NAME UNKNOWN)
ADDRESS IN CHILE: SEBASTIAN ELCANO #1475
CHILE ID #: 6.285.173-2
CHILE PASSPORT #: 211343
MOTHER'S NAME: ADA
FATHER'S NAME: DAGOBERTO

-

4. MR. ALVARO ENTERED CHILE WITH CHILEAN PASSPORT #211343; HOWEVER, HIS MOTHER (WITNESS TO EVERYTHING) STATED THAT HE IS A U.S. CITIZEN. AT ONE POINT, MR. KNIGHT HAD A CHANCE TO LOOK AT MR. ALVARO'S PASSPORT AND NOTED HIS LAST U.S. ENTRY STAMP WAS FOR 1982, THEREFORE, IT IS STRONGLY BELIEVED HE ALSO HAS A U.S. PASSPORT, OTHERWISE HE COULD NOT HAVE BOARDED THE AIRCRAFT IN MIAMI. PLEASE DETERMINE IF ALVARO IS OF INTEREST TO U.S. LAW ENFORCEMENT.

'WILL ADVISE OF COURT ACTION. JONES

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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____

PHUM → PDL

NH062

Rec'd 2-23-07

---CHILE AND COMMISSION ON HUMAN RIGHTS:PRESS LINE APPEARANCE AT CHR OF CARMEN GLORIA QUINTANA,ONE OF TWO CHILEAN YOUTHS ASSAULTED AND BURNED BY CHILEAN ARMY PERS LAST JULY,AND HER SPONSORSHIP THERE BY CDN INTER-CHURCH CTTEE MAY LEAD TO MEDIA INTEREST.SUGGEST YOU DRAW ON FOLLOWING AS APPROPRIATE.

QUOTE CARMEN GLORIA QUINTANA,A CHILEAN NATIONAL,IS RESIDING IN CDA UNDER TERMS OF A SPECIAL PERMIT ISSUED BY THE MINISTER OF EMPLOYMENT AND IMMIGRATION.AS SUCH SHE IS FREE TO LEAVE AND ENTER CDA.OFFICIALS IN THE DEPT OF EXTERNAL AFFAIRS HAD BEEN INFORMED BY THE INTERCHURCH CTTEE ON HUMAN RIGHTS IN LATIN AMERICA,AS A MATTER OF COURTESY,OF CARMEN GLORIAS PENDING VISIT TO GENEV.DURING HER WEEKLONG STAY,WHICH BEGINS 20/20FEB,WE UNDERSTAND THAT SHE WILL SEEK MTGS WITH A NUMBER OF DELS,INCLUDING THE CDN.

2.WITH REGARD TO THE HUMAN RIGHTS SITUATION IN CHILE,CDN SPOKESMEN HAVE VIGOROUSLY CONDEMNED THE CONTINUING VIOLATIONS OF HUMAN RIGHTS IN THAT COUNTRY.WE HAVE ALSO EXPRESSED OUR CONCERN OVER THE USE OF VIOLENCE BY BOTH THE SUPPORTERS AND

...2

OPPONENTS OF THE PRESENT REGIME.SUCH ACTIVITIES,WE BELIEVE,ONLY PROMOTE EXTREMISM,HINDER ANY PRODUCTIVE DIALOGUE BETWEEN THE VARIOUS DEMOCRATIC GROUPINGS AND THE GOVT,AND UNDERMINE THE TRANSITION TO FULL DEMCCRACY.

3.CDA HAS WELCOMED RECENT ANNOUNCEMENTS BY THE CHILEAN GOVT WHICH COULD LEAD TO AN IMPROVEMENT IN THE HUMAN RIGHTS SITUATION.THESE INCLUDE A LIFTING OF THE STATE OF SIEGE,MOVES TO LEGALIZE DEMOCRATIC POLITICAL PARTIES,STEPS TO SIGNIFICANTLY REDUCE THE NUMBER OF EXILES,AND AGREEMENTS BETWEEN THE RED CROSS AND THE CHILEAN SECURITY AUTHORITIES TO PERMIT ACCESS TO PRISONERS.THESE ARE POSITIVE, WELCOMED DEVELOPMENTS BUT MUCH MORE CLEARLY NEEDS TO BE DONE.WE CALL ON THE CHILEAN GOVT TO CONTINUE THIS MOMENTUM.UNQUOTE.

UUU/111 1323172 LSR0229

FYI

CANADIAN PRESS LINE

UNCLASSIFIED

UNCLASSIFIED
CONFIDENTIAL
n/a

IU158 2-27-87

Case Number: S1999000030

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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

~~CONFIDENTIAL~~

PAGE 01 DUBLIN 00703 240117Z
ACTION EUR-00

INFO LOG-00 COPY-01 ADS-00 INR-10 SS-00 OIC-02 CIAE-00
DODE-00 H-01 IO-19 NSCE-00 NSAE-00 HA-09 L-03
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R 231600Z FEB 87
FM AMEMBASSY DUBLIN
TO SECSTATE WASHDC 7378
INFO USMISSION GENEVA
EC COLLECTIVE

C O N ~~F I D~~ E N T I A L DUBLIN 00703

E.O. 12356: DECL: OADR
TAGS: PHUM, UNHRC, EI
SUBJECT: US SPONSORSHIP OF CHILE HUMAN RIGHTS RESOLUTION
- AT UNHRC: REQUESTED DEMARCHE

REF: STATE 52474

1. ~~CONFIDENTIAL~~ - ENTIRE TEXT.
-

2. WE MADE POINTS IN REFTEL TO DFA COUNSELOR O'CONNOR ON FEBRUARY 23, LEAVING NON-PAPER AND COPY OF DRAFT U.S. RESOLUTION. HE SAID DFA HAD NOT YET FOCUSSED ON THIS ISSUE AND THAT U.S. VIEWS WOULD BE STUDIED. HIS ONLY INITIAL REACTION WAS THAT SOME MIGHT THINK MOVING CHILE'S PLACE ON THE AGENDA WOULD BE GIVING THE WRONG "SIGNAL."

GEWECKE

~~CONFIDENTIAL~~

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PAGE 02 DUBLIN 00703 240117Z

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2/23/87

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PETE V. DOMENICI, NEW MEXICO, CHAIRMAN

WILLIAM L. ARMSTRONG, COLORADO
NANCY LANDON KASSEBAUM, KANSAS
RUDY BOSCHWITZ, MINNESOTA
ORRIN G. HATCH, UTAH
MARK ANDREWS, NORTH DAKOTA
STEVEN D. SYMMS, IDAHO
CHARLES E. GRASSLEY, IOWA
ROBERT W. KASTEN, WISCONSIN
DAN QUAYLE, INDIANA
SLADE GORTON, WASHINGTON
JOHN C. DANFORTH, MISSOURI

LAWTON CHILES, FLORIDA
ERNEST F. HOLLINGS, SOUTH CAROLINA
J. BENNETT JOHNSTON, LOUISIANA
JIM SASSER, TENNESSEE
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HOWARD M. METZENBAUM, OHIO
DONALD W. RIEGLE, JR., MICHIGAN
DANIEL PATRICK MOYNIHAN, NEW YORK
J. JAMES EXON, NEBRASKA
FRANK R. LAUTENBERG, NEW JERSEY

G. WILLIAM HOAGLAND, STAFF DIRECTOR
RICHARD M. BRANDON, MINORITY STAFF DIRECTOR

United States Senate

COMMITTEE ON THE BUDGET
WASHINGTON, DC 20510-6100

P B6

EXCISE

75

February 23, 1987

Our File: 7054030010

ACTION is assigned to PA/PC

Chile Project (#S199900030)
U.S. Department of State
Release_____ Excise_X_ Deny_____
Declassify: In Part_____ In Full_____
Exemption(s) B6

Congressional Liaison
Department of State
2201 C Street N.W.
Washington, D.C. 20520

Dear Director:

Because of the desire of this office to be responsive to all inquiries and communications, your consideration of the attached is requested.

YOUR FINDINGS AND VIEWS, IN DUPLICATE, ALONG WITH RETURN OF THIS MEMO PLUS ENCLOSURE, WILL BE APPRECIATED.

Please refer to the constituent name and file number.

Reply to:

Senator Rudy Boschwitz
210 Bremer Bldg.
419 N. Robert Street
St. Paul, MN 55101

Many thanks.

Sincerely,

-28-

Rudy

Rudy Boschwitz
United States Senator

RB/hw
Enclosure

1987 FEB 27 PM 1:00 OUT

1987 FEB 27 AM 11:39 FAIM/IAP/WI

RECEIVED BY DEPARTMENT OF STATE

Re: concerned about the situation in Chile of continued human rights violations

UNCLASSIFIED

UNCLASSIFIED 14164
CONFIDENTIAL
n/a
2-24-97

Case Number: S1999000030

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

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PAGE 01 SAN JO 02083 242202Z
ACTION IO-19

INFO LOG-00 COPY-01 ADS-00 INR-10 SS-00 OIC-02 CIAE-00
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R 242200Z FEB 87
FM AMEMBASSY SAN JOSE
TO SECSTATE WASHDC 2735
AMEMBASSY SANTIAGO
USMISSION GENEVA
USMISSION USUN NEW YORK

C O N ~~F I D E N T~~ I A L SAN JOSE 02083

SANTIAGO FOR AMB BARNES

E.O. 12356: DECL: OADR
TAGS: PHUM, UNHRC-1, CI, CS
SUBJ: HUMAN RIGHTS IN CHILE - VOLIO REQUESTS MEETING WITH AMB BARNES; URGES U.S. SUPPORT IN UNHRC

1. (C) ENTIRE TEXT.

2. U.N. SPECIAL RAPPORTEUR ON HUMAN RIGHTS IN CHILE FERNANDO VOLIO INFORMED POLOFF FEBRUARY 23 THAT HE WILL TRAVEL TO CHILE MARCH 1. VOLIO ASKS THAT AMBASSADOR BARNES MEET WITH HIM (WITHOUT PUBLICITY) OVER LUNCH AT THE COSTA RICAN EMBASSY DURING HIS VISIT. (WE UNDERSTAND THAT COSTA RICAN MINISTER COUNSELOR JIMENEZ HAS ALREADY BEEN IN TOUCH WITH EMBASSY SANTIAGO TO ARRANGE THIS.)

3. VOLIO WAS PLEASED BY REPORTS THAT THE U.S. HAD INTRODUCED A MODERATE DRAFT RESOLUTION ON CHILE AT THE UNHRC IN GENEVA. VOLIO REPEATED HIS DIS-
~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 02 SAN JO 02083 242202Z

PLEASURE WITH THE MEXICAN DRAFT RESOLUTION WHICH IGNORES HIS LABORS. VOLIO REQUESTED THAT THE U.S. DELEGATION STRIVE TO ACHIEVE A MODERATE FINAL RESOLUTION WHICH RECOGNIZES HIS EFFORTS. ANYTHING ELSE, VOLIO SAID, WOULD SIGNAL TO THE CHILEAN GOVERNMENT THAT IT WOULD HAVE LITTLE REASON TO CONTINUE ITS

n/a
CONFIDENTIAL
UNCLASSIFIED

)OPERATION WITH HIM AS SPECIAL RAPPORTEUR.

. POLOFF ASSURED VOLIO THAT OUR SUPPORT FOR HIM
; WELL KNOWN AND CONTINUES TO BE THE CASE.

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Department of State

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PAGE 01 OF 03 TEGUCI 02846 00 OF 04 241833Z 5748 SS02248
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ACTION SS-00

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TO SECSTATE WASHDC IMMEDIATE 0000
CONTADORA COLLECTIVE IMMEDIATE

S E C R E T TEGUCIGALPA 02846

EXDIS

DECAPTIONED

E.O. 12356: DECL: OADR
TAGS: PREL, CS, XK, OVIP (HABIB, PHILIP C.)
SUBJECT: AMB. HABIB'S MEETING WITH COSTA RICAN PRESIDENT ARIAS

~~1. SECRET - ENTIRE TEXT.~~

2. SUMMARY: AMBASSADOR HABIB OPENED DISCUSSION OF PRESIDENT ARIAS' RECENT PROPOSAL NOTING SIMILAR DESIRE ON THE PART OF THE UNITED STATES TO EMPHASIZE THE IMPORTANCE OF BRINGING DEMOCRACY TO NICARAGUA. WE WANTED TO WORK WITH COSTA RICA TO ACHIEVE THIS COMMON GOAL BUT WE WERE DISTURBED THAT OUR CONCERNS HAD BEEN IGNORED IN DRAFTING HIS PROPOSALS. THE PLAN HAD SERIOUS DEFICIENCIES AND OMISSIONS, WHICH WERE THEN OUTLINED. ARIAS SAID HE WAS TROUBLED BY THE U.S. CONCENTRATION ON AID TO THE NICARAGUAN RESISTANCE. HE SAW HIS PLAN AS A WAY TO BOX IN NICARAGUA. IF THEY ACCEPTED, THEY WOULD FALL FROM POWER. IF THEY REJECTED IT OR RENEGED, THEY WOULD BE ISOLATED, AND THE U.S. COULD TAKE WHATEVER ACTION IT WANTED. TO HAVE THIS AFFECT HIS PLAN REQUIRED CONTADORA'S SUPPORT, INCLUDING MEXICO. HE ALSO SPOKE OF THE NEED THAT GUATEMALA ACCEPT THE PLAN. ARIAS REPEATEDLY SAID THAT THE PLAN WAS ONLY A DRAFT AND ACKNOWLEDGED IT HAD MAJOR FLAWS. CONCERNING A CEASE-FIRE, FOR EXAMPLE, HE SAID COSTA RICA DID NOT KNOW ABOUT SUCH THINGS, SO THE DRAFT JUST MENTIONED IT BRIEFLY; HE EXPECTS HONDURAS AND EL SALVADOR TO FLESH OUT THAT SECTION BEFORE ESQUIPULAS. HE ACCEPTED THAT THE RESISTANCE SHOULD PARTICIPATE IN THE DIALOGUE AT SOME POINT, AND IN PARTICULAR WITH REGARD TO A CEASE-FIRE. HE ALLEGED THAT CALERO, CRUZ AND ROBELO HAD WIRED HIM SUPPORT FOR HIS PROPOSALS. HE ERRONEOUSLY THOUGHT THE CALL FOR AN END TO AID THE RESISTANCE WOULD NOT REPEAT NOT HAVE AN IMPACT UNTIL THE FALL, AS THE DOLS. 48 MILLION WOULD BE DISBURSED BEFORE THE ESQUIPULAS MEETING.
END SUMMARY.

3. ON FEBRUARY 23, AMB. HABIB AND CHARGE TULL CALLED ON COSTA RICAN PRESIDENT ARIAS AND FOREIGN MINISTER MADRIGAL TO DISCUSS THE NEGOTIATING PROCESS IN CENTRAL AMERICA. AMB. HABIB STATED THAT THE UNITED STATES WELCOMED THE EFFORTS OF THE CENTRAL AMERICAN DEMOCRACIES TO ASSERT THEMSELVES AND THE EMPHASIS THEY WERE PLACING ON DEMOCRACY. THE UNITED STATES INTENDED TO INTENSIFY ITS DIPLOMATIC EFFORTS, AND THE GOAL OF ITS POLICY WAS TO BRING ABOUT DEMOCRACY IN NICARAGUA AND BREAK THE RELATIONSHIP WITH THE SOVIET BLOC.

4. HABIB TOLD ARIAS THAT THE USG HAD SOUGHT TO COOPERATE WITH COSTA RICA AS IT DRAFTED ITS PEACE PROPOSAL AND WAS DISTURBED THAT OUR CONCERNS HAD BEEN IGNORED. THIS WAS A SERIOUS PROBLEM, FOR THE PLAN

AFFECTED US AND OUR POLICY, AND IT REQUIRED US TO TAKE CERTAIN ACTIONS. THE PLAN NEEDED U.S. SUPPORT OR IT WOULD FALL APART. IT ALSO NEEDED THE SUPPORT OF THE OTHER CENTRAL AMERICAN DEMOCRACIES, AND AS OF NOW, IT DID NOT HAVE THEIR SUPPORT. HABIB NOTED HIS CONCERN THAT THE SANDINISTAS MIGHT ACCEPT, OR PARTIALLY ACCEPT, THE PLAN AND THEN MANAGE TO TURN THE WHOLE COSTA RICAN INITIATIVE TO THEIR ADVANTAGE.

5. ARIAS EXPRESSED HIS PLEASURE THAT THE UNITED STATES CONTINUED TO PURSUE THE DIPLOMATIC TRACK. HE SHARED U.S. OBJECTIVES OF DEMOCRACY IN NICARAGUA, BUT DISAGREED WITH OUR MEANS. HE WAS TROUBLED THAT ALL HE SAW FROM THE U.S. WAS SUPPORT FOR THE CONTRAS. HE HAD BEEN TOLD BY A RECENT CONGRESSIONAL VISITOR THAT THE REAGAN ADMINISTRATION WAS ONLY CONCERNED WITH TWO ISSUES, SDI AND CONTRA AID. BUT THE ONLY ONES WHO HAD ANY CONFIDENCE IN THE CONTRAS WERE A FEW PEOPLE IN WASHINGTON. FROM WHERE HE STOOD, THE CONTRAS WERE IN DISARRAY. PEDRO JOAQUIN CHAMORRO HAD CALLED HIM OVER THE WEEKEND TO ASK HIM FOR ADVICE ABOUT WHAT HE SHOULD DO. ARTURO CRUZ HAD BEEN DISCOVERED TO BE ON OLIVER NORTH'S PAYROLL. NO ONE TRUSTED ADOLFO CALERO. ALFREDO CESAR HAD INVITED HIMSELF TO LUNCH AT ARIAS' RESIDENCE THE PREVIOUS SUNDAY TO SHOW ARIAS A LETTER RENOUNCING CESAR'S SHARE OF THE DOLS 5 MILLION IN U.S. AID IF THE SANDINISTAS ACCEPTED THE ARIAS PLAN. HE MADE CLEAR THAT HE WOULD BE PREPARED TO RETURN TO NICARAGUA. MOREOVER, ARIAS HAD RECEIVED A TELEX FROM THE THREE UNO DIRECTORS SUPPORTING HIS PLAN (PRESUMABLY IN PRINCIPLE, BEFORE THEY SAW THE TEXT). AMIDST ALL THIS CONFUSION, THERE WAS A MAJOR BATTLE GOING ON IN WASHINGTON OVER CONTRA AID.

6. ARIAS SAID HE WAS SEEKING A NEW APPROACH WHICH WOULD FOCUS ON DEMOCRACY, AN AREA IN WHICH COSTA RICA HAD MORAL AUTHORITY. HE WANTED NEGOTIATIONS, SO HE HAD TABLED HIS PROPOSAL AS A DRAFT, NOT AS A "TAKE IT OR LEAVE IT" PLAN. ALL FOUR OTHER CENTRAL AMERICAN STATES, INCLUDING NICARAGUA, WOULD SUBMIT THEIR RECOMMENDED REVISIONS. THE FINAL TEXT WOULD BE CONSIDERED AT THE ESQUIPULAS MEETING WITHIN 90 DAYS. HE WANTED HIS DRAFT, NOT THE DRAFT CONTADORA AGREEMENT, TO BE THE SUBJECT OF THE DISCUSSION AT ESQUIPULAS. (THE SANDINISTAS DID NOT WANT THIS, AND WERE TREATING HIS PLAN AS ONE OF MANY.) ARIAS SAID THAT HE INTENDED TO GET THE SANDINISTAS IN A BOX. IF THEY ACCEPTED HIS PLAN WITH ITS REQUIREMENT FOR DEMOCRACY, IT WOULD MEAN THEIR DOWNFALL. IF THEY REFUSED, OR IF THEY ACCEPTED AND THEN RENEGED, THEN THEY WOULD BE EXPOSED TO THE WORLD, AND THE U.S. "COULD DO WHAT IT WANTED." THIS WOULD RESULT IN A BIPARTISAN U.S. POLICY, AND SEN. DODD HAD TOLD ARIAS THAT HE WOULD AGREE WITH THE ADMINISTRATION IN SUCH A SITUATION.

7. ARIAS SAID THAT HE DID NOT WANT TO GET DRAWN INTO U.S. POLITICAL INFIGHTING. MANY PEOPLE WERE TRYING TO USE HIM AND HIS WORDS TO THEIR OWN POLITICAL ADVANTAGE. HE HOPED THAT HIS PLAN COULD ALLOW A BIPARTISAN U.S. POLICY. HABIB EXPLAINED THAT THE 1988 CAMPAIGN WAS ALREADY BEGINNING, AND THAT HE SHOULD NOT BE MISLED INTO THINKING THAT HIS DEMOCRATIC VISITORS WERE APPROACHING THE ISSUE IN A BIPARTISAN SPIRIT.

8. HABIB SAID THAT ARIAS HAD GIVEN TOO MUCH AWAY IN ORDER TO MAKE THE PROPOSAL ACCEPTABLE TO THE SANDINISTAS. IT WAS CLEARLY FRONT LOADED IN FAVOR OF NICARAGUA, WITH THOSE THINGS WHICH BENEFIT THE SANDINISTAS COMING EARLY, AND THE SANDINISTAS' ACTIONS COMING MUCH LATER. HE EXPLAINED THAT IT WAS BAD NEGOTIATING TACTICS TO GIVE YOUR OPPONENT TOO MUCH OF THEY WANT AT THE BEGINNING, FOR THEY WILL SIMPLY START THERE AND DEMAND EVEN MORE CONCESSIONS. TURNING TO

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SPECIFICS, HABIB NOTED THAT THE PROVISION FOR A CEASE-FIRE WAS TOTALLY INADEQUATE. A CEASE-FIRE WAS A COMPLICATED MATTER WHICH REQUIRED TOUGH NEGOTIATIONS BETWEEN THE ARMED PARTIES. THE ARIAS PROPOSAL IGNORED THE CONTRAS AND WOULD SIMPLY PROCLAIM A CEASE-FIRE, WITHOUT ANY OF THE TERMS BEING AGREED UPON BY THE PARTIES CONCERNED. MOREOVER, IT WOULD START AT THE INITIATION OF DIALOGUE AMONG THE INTERNAL OPPOSITION, WITH NO CLEAR NOTION OF WHERE THOSE NEGOTIATIONS WOULD LEAD. THE PROPOSAL WOULD ALSO CALL FOR THE END OF U.S. AID TO THE RESISTANCE UPON SIGNATURE OF THE AGREEMENT, BEFORE THE SANDINISTAS HAD TAKEN A SINGLE STEP TOWARD DEMOCRATIZATION. THE PLAN ACCEPTED THE SANDINISTA CONSTITUTION AND WOULD HAVE NO NATIONAL ELECTIONS UNTIL 1990. HABIB SAID HE UNDERSTOOD THE REASONS FOR INCORPORATING THE CENTRAL AMERICAN PARLIAMENT INTO THE PLAN, BUT QUESTIONED WHY NATIONAL ELECTIONS SHOULD BE PUT OFF THREE YEARS. HABIB ALSO ASKED WHY THE PLAN WAS REGIONAL, WHEN EVERYONE KNEW THAT NICARAGUA WAS THE PROBLEM.

9. ARIAS REPLIED THAT THE PLAN NEEDED TO BE REGIONAL TO BE ACCEPTED BY GUATEMALA. CEREZO WOULD NOT AGREE TO ANY PLAN WHICH WAS DIRECTED SPECIFICALLY AGAINST NICARAGUA. GUATEMALA WAS THE KEY TO THE PLAN, AND WITHOUT IT THE PLAN DIED. ARIAS EXPLAINED THAT TO SUCCEED, THE PLAN NEEDED CONTADORA'S ENDORSEMENT. UNLESS GUATEMALA SIGNED, MEXICO WOULD DENOUNCE THE PLAN AS SIMPLY THE WORK OF THREE U.S. PUPPETS. IN THIS CASE, THE OTHER CONTADORA AND SUPPORT GROUP COUNTRIES WOULD BE COMPELLED NOT TO SUPPORT IT. NICARAGUA WOULD THEN BE JUSTIFIED IN REJECTING THE PLAN. IF MEXICAN FOREIGN SECRETARY SEPULVEDA APPROVED THE PLAN, THE OTHER CONTADORA COUNTRIES WOULD CERTAINLY DO SO ALSO, AND NICARAGUA WOULD BE FORCED TO DISCUSS THE PLAN AT ESQUIPULAS. ARIAS HAD HEARD THAT MEXICO HAD PRESSURED CEREZO NOT TO ATTEND THE SUMMIT, AND HE HAD INFORMED THE MEXICAN AMBASSADOR THAT IF THIS HAPPENED, ARIAS WOULD CANCEL HIS PENDING TRIP TO MEXICO. THE MEXICANS HAD ASSURED HIM THIS WAS NOT TRUE. ARIAS WOULD OF COURSE BE DISCUSSING THE MATTER LATTER THIS WEEK WITH PRESIDENT DE LA MADRID DURING HIS VISIT TO MEXICO. HABIB SAID THAT HE WOULD SEE SEPULVEDA ON FEBRUARY 24 AND WOULD SEND ARIAS FEEDBACK ON THE MEETING BEFORE ARIAS EMBARKED ON FEBRUARY 25.

10. ARIAS READILY ACKNOWLEDGED THAT HIS PLAN'S PROVISIONS CONCERNING A CEASE-FIRE WERE INADEQUATE. HE EXPLAINED THAT SINCE COSTA RICA HAS NO ARMY, IT DOES NOT KNOW ABOUT CEASE-FIRES. HE HAD DELIBERATELY LIMITED THE PASSAGE ABOUT CEASE-FIRE TO "A LINE AND A HALF" BECAUSE HE INTENDED TO LEAVE IT TO HONDURAS AND EL SALVADOR WHICH DID HAVE ARMIES TO WORK OUT THE SPECIFICS. HE AGREED THAT THE RESISTANCE WOULD NEED TO BE INCLUDED IN ARRANGING THE TERMS. SCANNING THE TEXT OF THE PLAN, HE SUGGESTED THAT THE PRINCIPLE OF THEIR PARTICIPATION WAS INCLUDED IN SECTION 7 OF THE PLAN WHICH CALLED FOR NEGOTIATIONS ON MILITARY MATTERS. WHEN IT WAS POINTED OUT TO HIM THAT THE LANGUAGE APPEARED TO REFER TO NEGOTIATIONS AMONG THE FIVE NATIONS AND NOT BETWEEN GOVERNMENTS AND INSURGENT FORCES, HE SEEMED A BIT PUZZLED.

11. HABIB ASKED ABOUT WHETHER THE RESISTANCE WOULD BE INCLUDED IN THE DIALOGUE AFTER A CEASE-FIRE TOOK PLACE. ARIAS SAID THAT IT WOULD, AND AGAIN LOOKED OVER THE PLAN TO FIND SOME PASSAGE THAT MIGHT BE INTERPRETED TO MEAN THAT.

12. ARIAS SAID THAT THE CALL FOR AN END TO SUPPORT FOR IRREGULAR FORCES SHOULD NOT BOTHER THE UNITED STATES.

THE PLAN WOULD NOT BE SIGNED UNTIL ESQUIPULAS, WHICH WOULD PROBABLY BE IN MAY. SINCE THE U.S. WAS GOING TO GET THE FINAL DOLS 48 MILLION FOR THE CONTRAS IN A FEW WEEKS, THE CALL FOR AN END TO AID WOULD HAVE NO REAL IMPACT UNTIL IT SOUGHT ADDITIONAL FUNDS IN THE FALL. BY THIS TIME, THE AGREEMENT WOULD HAVE TAKEN HOLD OR--MORE LIKELY--THE SANDINISTAS WOULD HAVE REJECTED OR VIOLATED IT, MAKING IT EASIER FOR THE U.S. TO SECURE MORE CONTRA AID. HABIB QUICKLY POINTED OUT THE ERROR OF THIS LOGIC. HE EXPLAINED THAT THE AID WAS DISBURSED OVER A PERIOD OF TIME, AND SOME OF THE 48 MILLION WOULD STILL BE IN THE PIPELINE EVEN AFTER SEPTEMBER. AN END TO AID AS CONTEMPLATED IN THE PLAN WOULD TAKE EFFECT IMMEDIATELY AND CRIPPLE THE RESISTANCE. THE UNITED STATES COULD NEVER ACCEPT THIS. ARIAS AND MADRIGAL WERE SURPRISED THAT THEIR PLAN WOULD HAVE THIS KIND OF EFFECT. THEY DID NOT INDICATE A WILLINGNESS TO CHANGE THE PROPOSAL, HOWEVER. ARIAS SAID THAT IF THE PLAN WERE TO BE TOUGH ON DEMOCRATIZATION, IT MUST BE TOUGH ON AID TO THE CONTRAS, TOO.

13. HABIB NOTED THAT THE PLAN OUTLINED NEGOTIATIONS ON MILITARY FORCE LEVELS. HE SAID THAT THESE ALSO WERE COMPLICATED MATTERS THAT WOULD REQUIRE GREAT THOUGHT AND EFFORT, BUT WERE BARELY MENTIONED. AGAIN, ARIAS SAID EL SALVADOR AND HONDURAS WOULD HAVE TO TAKE THE LEAD AND WORK OUT REVISIONS FOR ESQUIPULAS. HABIB NOTED THAT THE PLAN LACKED ANY MENTION OF FOREIGN MILITARY ADVISORS, AND EXPLAINED THAT THE PRESENCE OF THOUSANDS OF CUBAN AND SOVIET BLOC ADVISORS IN NICARAGUA WAS A SERIOUS DESTABILIZING FACTOR. ARIAS AGREED THIS WAS AN OMISSION.

14. ARIAS SAID THAT PRECEDING THE ESQUIPULAS MEETINGS, THERE WOULD BE A SERIES OF TALKS AMONG THE CENTRAL AMERICAN STATES. SOME WOULD BE BILATERAL BETWEEN COSTA RICA AND THE OTHER FOUR TO DISCUSS THEIR INDIVIDUAL PROPOSALS FOR CHANGES. THERE COULD ALSO BE JOINT MEETINGS OF THE DEMOCRACIES WITHOUT NICARAGUA. ARIAS WAS SEEKING TO ACHIEVE A JOINT POSITION FOR THE FOUR DEMOCRACIES, SO THAT THEY WOULD BE IN A STRONG POSITION VIS-A-VIS NICARAGUA. ARIAS SAID THAT HE RECOGNIZED THAT MANY REVISIONS WERE NEEDED IN PARTS OF THE PLAN, BUT HE INSISTED THAT HE WOULD NOT CHANGE ONE WORD OF THE SECTIONS ON DEMOCRATIZATION AND ELECTIONS. HABIB WARNED AGAINST ALLOWING THE SANDINISTAS TO PLAY THE DEMOCRACIES AGAINST ONE ANOTHER, AND ARIAS SAID HE WOULD NOT LET THIS HAPPEN.

15. ARIAS SAID THAT AT THE SAN JOSE SUMMIT, IT WAS CLEAR THAT NO AGREEMENT WAS GOING TO BE REACHED IN A SINGLE DAY. NOT ONLY WAS CEREZO UNWILLING TO BE PART OF ANYTHING DIRECTED AGAINST NICARAGUA, BUT EL SALVADOR ARRIVED WITH A LONG LIST OF PROPOSED CHANGES. HE NOTED THAT GENERAL BLANDON HAD ACCOMPANIED DUARTE AND WAS CONSTANTLY LOOKING OVER HIS SHOULDER. DUARTE HAD CONFIDED PRIVATELY THAT IF HE ACCEPTED THE PLAN AS ORIGINALLY DRAFTED, WHICH WOULD RESULT IN A CUT-OFF OF MILITARY AID TO EL SALVADOR, HE WOULD BE OVERTHROWN IN 24 HOURS. ARIAS HAD SUGGESTED HOLDING ESQUIPULAS IN 15 DAYS TO PUT PRESSURE ON NICARAGUA TO RESPOND QUICKLY. HONDURAN PRESIDENT AZCONA HAD OBJECTED, HOWEVER, AND WANTED TO DELAY 30 DAYS, CLAIMING THAT THE CONTRAS WOULD MOVE OUT OF HONDURAS DURING THIS TIME. AZCONA COULD THEN FACE ORTEGA WITHOUT HAVING CONTRAS INSIDE HIS COUNTRY. ARIAS ADDED THAT HE ASSUMED THAT WE HAD PERSUADED AZCONA TO SEEK THIS DELAY. HABIB REPLIED THAT TO THE BEST OF HIS KNOWLEDGE, THE UNITED STATES HAD NOT DONE SO. HABIB ADDED THAT HE AGREED WITH ARIAS THAT THE ESQUIPULAS MEETING SHOULD BE HELD AS SOON AS POSSIBLE.

16. HABIB ASKED WHY ARIAS HAD ANNOUNCED THE SPECIFICS

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OF HIS PLAN AT THE SUMMIT EVEN THOUGH NO AGREEMENT HAD BEEN REACHED. ARIAS SAID THAT DRAFTS HAD BEEN CIRCULATED TO THE OTHER THREE DEMOCRACIES DURING THE PRECEDING WEEK. GUATEMALA MAY WELL HAVE PASSED A COPY TO MEXICO. HE CONCLUDED THAT WITH SO MANY COPIES FLOATING AROUND, IT WOULD INEVITABLY LEAK VERY SOON, SO HE MIGHT AS WELL RELEASE THE DRAFT.

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17. HABIB ASKED WHY COSTA RICA HAD ABANDONED ITS DEMAND THAT NICARAGUA DROP ITS ICJ SUIT BEFORE COSTA RICA RESUMED BILATERAL NEGOTIATIONS. MADRIGAL REPLIED THAT COSTA RICA HAD ADOPTED ITS EARLIER POSITION IN ORDER TO PUT PRESSURE ON CONTADORA TO IN TURN PRESSURE NICARAGUA; THIS HAD NOT WORKED. IF PROGRESS IS MADE AT ESQUIPULAS, THEN THE CONTADORA COUNTRIES WOULD BE LIKELY TO ASK NICARAGUA TO DROP THE CASES.

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18. HABIB ASKED HOW ARIAS SAW HIS PROPOSAL IN RELATION TO CONTADORA. ARIAS SAID IT COMPLEMENTED CONTADORA, BUT WAS A CONCRETE PLAN THAT FOCUSED ON POLITICAL ISSUES, WHEREAS CONTADORA HAD FOCUSED ON SECURITY ISSUES. HABIB SAID THAT CONTADORA'S INABILITY TO DEAL WITH POLITICAL ISSUES WAS WHAT HAD MADE IT INCOMPLETE. ARIAS SAID THAT HE NATURALLY COULD NOT COME OUT AGAINST CONTADORA, BUT HE DID NOT WANT IT TO INTERFERE WITH THIS PLAN. HE HOPED CONTADORA WOULD EMBRACE IT, BUT HE DID NOT WANT CONTADORA TO TAKE IT OVER. WHEREAS THE CENTRAL AMERICAN DEMOCRACIES HAD BEEN WEAK BEFORE, HE WANTED THEM TO ASSERT THEMSELVES UNDER COSTA RICAN LEADERSHIP.

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19. ARIAS EXPLAINED THAT HE HAD INCLUDED THE UN AND OAS SECRETARIES GENERAL IN HIS PROPOSALS BECAUSE BOTH DISLIKED THE SANDINISTAS, AND IT WOULD BE USEFUL TO HAVE THEIR ORGANIZATIONS INVOLVED IN THE VERIFICATION ASPECTS OF ANY AGREEMENT.

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20. ARIAS SAID THAT ELECTIONS FOR THE CENTRAL AMERICAN PARLIAMENT WOULD TEST THE WILLINGNESS OF THE SANDINISTAS TO ACCEPT DEMOCRACY. THESE ELECTIONS WOULD HAVE INTERNATIONAL SUPERVISION. IN A FAIR CONTEST, THE SANDINISTAS WOULD WIN ONLY 20 PERCENT OF THE VOTE, AND THIS WOULD BE POLITICALLY DEVASTATING FOR THEM.

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21. ARIAS ASKED WHAT THE UNITED STATES INTENDED TO DO DURING THE NEXT 90 DAYS. HABIB ANSWERED THAT THE UNITED STATES WOULD INTENSIFY ITS NEGOTIATING EFFORTS. HE NOTED THAT ALTHOUGH ARIAS DISAGREED WITH OUR POLICY OF SUPPORTING THE RESISTANCE, MANY THOUSANDS OF FIGHTERS WERE NOW INSIDE NICARAGUA AND WERE PUTTING INCREASING PRESSURE ON THE SANDINISTAS. THIS FACT COULD HELP MAKE THE SANDINISTAS MORE FLEXIBLE AND ENHANCE THE PROSPECTS FOR A NEGOTIATED SETTLEMENT.

22. AMBASSADOR HABIB APPROVED THIS MESSAGE. (POL 866) BRIGGS

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SUBJECT: AMB. HABIB'S MEETING WITH LEADERS OF THE NICARAGUAN CIVIC OPPOSITION

1. ~~(S)~~ - ENTIRE TEXT.

2. SUMMARY: ON FEBRUARY 22, AMB. HABIB MET WITH NICARAGUAN CIVIC OPPOSITION LEADERS ERICK RAMIREZ AND MAURICIO DIAZ TO DISCUSS THE NEGOTIATING PROCESS IN CENTRAL AMERICA. HE EXPLAINED THAT THE GOAL OF U.S. POLICY TOWARD NICARAGUA WAS DEMOCRACY. RAMIREZ AND DIAZ SAID THAT NICARAGUA WAS IN THE MIDST OF A MAJOR CRISIS MARKED BY GROWING SOCIAL UNREST. THE PEOPLE WERE UNHAPPY WITH THE GOVERNMENT, AND THE CIVIC OPPOSITION WAS GEARING UP TO TAKE ADVANTAGE OF THIS DISCONTENT. THE CRISIS WAS HELPING PROMOTE OPPOSITION UNITY, MANIFESTED IN THE 7-PARTY PROPOSAL. THIS PROPOSAL WAS DESIGNED TO START A PROCESS WHICH WOULD EVENTUALLY INCLUDE THE ARMED OPPOSITION IN A DIALOGUE, AND THE PARTIES WOULD SOON MEET TO ELABORATE THE DETAILS. THEY HAD NOT SEEN THE FULL TEXT OF THE ARIAS PLAN. HABIB INFORMED THEM THAT THE TWO PLANS WERE GENERALLY COMPATIBLE AND FOCUSED ON DEMOCRACY IN NICARAGUA, BUT THE 7-PARTY INCLUDED SOME IMPORTANT CONCEPTS THE ARIAS PLAN DID NOT, SUCH AS REACHING A CEASE-FIRE THROUGH DIALOGUE AND HAVING A TIMETABLE FOR NATIONAL ELECTIONS. RAMIREZ AND DIAZ SAID THAT THEY PLANNED TO PROMOTE THEIR PLAN ABROAD ACTIVELY, VISITING LATIN AMERICA AND EUROPE. HABIB ASKED IF THEY FORESAW WORKING WITH THE RESISTANCE IN A POLITICAL BATTLE AGAINST THE SANDINISTAS IF A POLITICAL OPENING AND A CEASE-FIRE COULD BE ARRANGED. DIAZ ANSWERED THAT THEY HAD NOT. HABIB NOTED THAT THE RESISTANCE HAD 20,000 NICARAGUANS UNDER ARMS AND WERE A POLITICAL FORCE THAT HAD TO BE TAKEN INTO ACCOUNT. RAMIREZ AND DIAZ SAID THAT THEY SAW A CHANCE FOR A POLITICAL OPENING, AS SOME SANDINISTAS WERE UNHAPPY WITH THE COURSE OF EVENTS AND READY TO REACH AN AGREEMENT. END SUMMARY.

3. ON FEBRUARY 22, AMBASSADOR HABIB MET IN SAN JOSE WITH TWO LEADERS OF THE NICARAGUAN CIVIC OPPOSITION, ERICK RAMIREZ OF THE SOCIAL CHRISTIAN PARTY (PSC) AND MAURICIO DIAZ OF THE POPULAR SOCIAL CHRISTIAN PARTY (PPSC). BOTH NICARAGUANS HAD SIGNED THE 7-PARTY PROPOSAL PRESENTED TO THE SANDINISTA GOVERNMENT ON

FEBRUARY 6 AND HAD BEEN PART OF THE OPPOSITION DELEGATION THAT HAD DISCUSSED THE PLAN WITH THE VARIOUS EUROPEAN GOVERNMENTS ATTENDING THE EC MINISTERIAL (SAN JOSE III) IN GUATEMALA. VIRGILIO GODOY OF THE INDEPENDENT LIBERAL PARTY (PLI), ALSO A MEMBER OF THAT DELEGATION, HAD AGREED TO TAKE PART IN THE MEETING WITH AMBASSADOR HABIB BUT FAILED TO APPEAR. JANET CRIST OF THE POLITICAL SECTION AT AMEMBASSY MANAGUA ALSO WAS PRESENT.

4. AMBASSADOR HABIB OPENED THE MEETING BY EXPLAINING THAT HE WAS RESPONSIBLE FOR PURSUING THE DIPLOMATIC TRACK OF U.S. POLICY IN CENTRAL AMERICA. THE U.S. OBJECTIVE IN NICARAGUA WAS DEMOCRACY AS WELL AS THE RESOLUTION OF THE CONDITIONS WHICH CREATED INSTABILITY SUCH AS THE SANDINISTAS' TIES TO THE SOVIETS AND CUBANS, THEIR MILITARY BUILDUP, AND THEIR EFFORTS TO SUBVERT THEIR DEMOCRATIC NEIGHBORS.

5. DIAZ SAID THAT NICARAGUA WAS AT A TIME OF GREAT CRISIS. THERE WAS GROWING SOCIAL UNREST, DUE LARGELY TO ECONOMIC HARDSHIP. RAMIREZ NOTED THAT THE SITUATION HAD DETERIORATED SIGNIFICANTLY SINCE HIS NOVEMBER MEETING WITH HABIB IN GUATEMALA. THE DISCONTENT WAS MANIFESTED BY THE WILLINGNESS OF PEOPLE TO SPEAK OUT OPENLY IN CRITICIZING THE GOVERNMENT. DIAZ ADMITTED THAT IN THE PAST, THE INTERNAL OPPOSITION HAD NOT MOVED TO TAKE ADVANTAGE OF THIS "AMORPHOUS DISCONTENT" AND NEEDED TO DO SO QUICKLY. HE RECALLED THAT WHEN THE SANDINISTAS HAD INSTITUTED THE MILITARY DRAFT, THERE HAD BEEN A SIMILAR REBELLIOUS SPIRIT, BUT THE SANDINISTAS HAD SUCCEEDED IN GETTING THE PEOPLE TO ACCEPT IT. IF THE CIVIC OPPOSITION DID NOT ACT TO FOCUS THE CURRENT DISCONTENT, THERE WAS THE DANGER THAT THE PEOPLE WOULD BECOME ACCUSTOMED TO THE CURRENT SITUATION AND THEIR TOLERANCE LEVEL WOULD RISE, AS HAD HAPPENED IN CUBA. RAMIREZ ADDED THAT THE PARTIES WERE TAKING ACTIONS SUCH AS STAGING ILLEGAL MARCHES, ORGANIZING FAMILIES OF POLITICAL PRISONERS, AND FOCUSING CRITICISM ON THE ECONOMIC SITUATION.

6. RAMIREZ SAID THAT AS A RESULT OF THIS CRISIS, THE CIVIC OPPOSITION WAS SUCCEEDING IN DRAWING TOGETHER. THE 7-PARTY PROPOSAL WAS A MANIFESTATION OF THIS INCREASING UNITY. THE PARTIES WOULD MEET ON MARCH 1 TO ELABORATE THE SPECIFICS OF THE PROPOSAL. THEIR PLAN WAS CENTERED ON THE FORMATION OF A NATIONAL COMMISSION INCLUDING THE SANDINISTAS AND THE CIVIC OPPOSITION. ONCE IN OPERATION, THIS COMMISSION WOULD CONCLUDE THAT PEACE WAS THE FIRST PRIORITY, AND PEACE REQUIRED A DIALOGUE WITH THE ARMED RESISTANCE. DIAZ EXPLAINED THAT THE SANDINISTAS WOULD REJECT ANY PROPOSAL IF DIALOGUE WITH THE RESISTANCE WAS SPECIFICALLY INCLUDED, SO IT WAS NECESSARY TO DRAW THEM INTO THE PROCESS, THEN HAVE THE PROCESS LEAD THEM INEVITABLY TO A DIALOGUE. HE ADDED THAT NO PARTY COULD ACT AS THE AGENT OF THE RESISTANCE IN A DIALOGUE WITHOUT BEING REPRESSED. ASKED IF THE CIVIC OPPOSITION HAD COORDINATED THEIR APPROACH WITH UNO, RAMIREZ SAID THAT THEY HAD NOT. HABIB STRESSED THE IMPORTANCE OF THINKING THROUGH THIS PROCESS VERY CAREFULLY. IN WORKING OUT THE TERMS OF A CEASE-FIRE, IT WAS VITAL TO DEFINE THE SPECIFIC COMMITMENTS OF THE SANDINISTAS AND HAVE A TIMETABLE FOR THEIR IMPLEMENTATION. THEY SHOULD NOT GIVE SOMETHING FOR NOTHING. ONCE THE PRESSURE FROM THE RESISTANCE WAS BLUNTED, IT WOULD BE VERY DIFFICULT TO RENEW IT. HABIB SUGGESTED THAT THE OPPOSITION SHOULD CONSIDER THE ADVANTAGES OF LINKING ANY AGREEMENT TO

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INTERNATIONAL SUPPORT SUCH AS THE ARIAS PLAN OR CONTADORA. HE WARNED AGAINST ALLOWING THE SANDINISTAS TO DRAW OUT ANY DIALOGUE, WHILE ALL THE TIME GUARANTEEING THEIR HOLD ON POWER. THE NICARAGUANS SAID THE 7-PARTY PLAN WOULD ALLOW CONTADORA A CHANCE TO REVIVE AND MAKE PROGRESS BECAUSE IT ADDRESSED THE KEY ISSUE OF POLITICAL CHANGE IN NICARAGUA.

7. HABIB ASKED WHAT THE TWO NICARAGUANS THOUGHT OF THE ARIAS PLAN. THEY SAID THAT THEY DID NOT KNOW ALL THE DETAILS OF THE ARIAS PLAN; IT HAD NOT BEEN PUBLISHED IN FULL IN NICARAGUA, AND THEIR ONLY INFORMATION ABOUT IT WAS WHAT FILTERED THROUGH THE SANDINISTA MEDIA. THEY BELIEVED THAT THE SANDINISTAS PREFERRED THE ARIAS PLAN TO THE 7-PARTY PROPOSAL, BECAUSE IT WOULD NOT LEAD TO THE SAME KIND OF INTERNAL DIALOGUE THE OPPOSITION WAS CALLING FOR. HABIB NOTED THAT THE 7-PARTY PLAN AS THEY HAD EXPLAINED IT WOULD HAVE A CEASE-FIRE AS THE RESULT OF DIALOGUE, WHILE THE ARIAS PLAN WOULD SIMPLY HAVE IT DECLARED AT THE OUTSET. THE ARIAS PLAN ALSO WOULD ACCEPT THE SANDINISTAS' CONSTITUTION AND NOT REQUIRE ELECTIONS FOR NATIONAL LEADERS UNTIL 1990, WHILE THE 7-PARTY PROPOSAL CALLED FOR ELECTION IN ONE YEAR.

8. HABIB ASKED IF THE CIVIC OPPOSITION WAS WORKING WITH THE CENTRAL AMERICAN DEMOCRACIES. DIAZ REPLIED THAT GUATEMALAN PRESIDENT CEREZO HAD SAID HE WOULD TAKE THE 7-PARTY PROPOSAL TO THE SAN JOSE SUMMIT ON FEBRUARY 15, BUT THEY DID NOT KNOW IF HE HAD ACTUALLY DONE SO. RAMIREZ ADDED THAT CEREZO WAS GENERALLY VERY SUPPORTIVE OF THE SOCIAL CHRISTIAN PARTY IN NICARAGUA. EL SALVADOR'S ROLE WAS MORE LIMITED BECAUSE OF THE TENSION BETWEEN THE SANDINISTAS AND THE SALVADORAN GOVERNMENT. ARIAS, WHOSE PARTY WAS SOCIAL DEMOCRATIC, HAD LIMITED CONTACT WITH THE NICARAGUAN SOCIAL CHRISTIANS. HABIB URGED THE TWO NICARAGUANS TO TRY AND MEET WITH COSTA RICAN GOVERNMENT OFFICIALS WHILE THEY WERE IN SAN JOSE TO MAKE THEIR POSITION KNOWN, AND THEY AGREED TO TRY.

9. RAMIREZ STATED THAT THE SANDINISTAS' INTERNAL CRISIS IS ACCOMPANIED BY AN INTERNATIONAL CRISIS, AS LATIN AMERICA AND EUROPE ARE SOURING ON THE SANDINISTAS. HE SAID HE HAD BEEN WELL RECEIVED ON A RECENT TRIP TO EUROPE AND BY NUMEROUS DELEGATIONS AT THE EC MEETING IN GUATEMALA. THE OPPOSITION WAS NOW PLANNING A MAJOR CAMPAIGN TO PROMOTE THEIR PLAN INTERNATIONALLY. THEY WOULD VISIT ALL THE CONTADORA AND SUPPORT GROUP COUNTRIES (WITH ONLY MEXICO'S SEPULVEDA LIKELY TO DECLINE AN INTERVIEW), THE UNITED STATES, WESTERN EUROPE, HAVANA, AND EVEN MOSCOW. HABIB WELCOMED THIS ACTIVE APPROACH AND SAID THE UNITED STATES WOULD DO WHATEVER IT COULD TO HELP THE OPPOSITION MAKE CONTACT WITH GROUPS IN THESE OTHER COUNTRIES. HE ADDED THAT HE HAD FOUND OPINIONS ABOUT NICARAGUA SHIFTING DURING HIS RECENT TRIP TO EUROPE. HE COMMENTED THAT HE DOUBTED THAT VISITING MOSCOW WOULD BE OF MUCH USE, HOWEVER. RAMIREZ NOTED THAT THE CIVIC OPPOSITION WAS ALSO GOING TO PUT PRESSURE ON THE SANDINISTAS IN THE PERIOD LEADING UP TO THE INTER-PARLIAMENTARY UNION MEETING IN MANAGUA IN THE END OF APRIL. HE ASKED IF THE RESISTANCE MIGHT NOT CALL A CEASE-FIRE FOR 90 DAYS TO ALLOW THE CIVIC OPPOSITION A CHANCE TO USE INTERNAL PRESSURE. HABIB RESPONDED THAT THE RESISTANCE HAD STATED ITS WILLINGNESS TO ACCEPT A CEASE-FIRE, BUT THAT THE TERMS AND CONSEQUENTIAL ACTIONS MUST BE CLEARLY DEFINED, AND HE DOUBTED THAT THEY WOULD AGREE TO ANY UNILATERAL CEASE-FIRE.

10. HABIB NOTED THE NEED FOR UNITY AMONG ALL ELEMENTS OF THE OPPOSITION IF THEY WERE TO CONFRONT SUCCESSFULLY THE SANDINISTAS AND ASKED ABOUT ANY PLANS FOR THE CIVIC OPPOSITION TO WORK WITH THE RESISTANCE POLITICALLY IF A GENUINE POLITICAL OPENING WERE TO TAKE PLACE. DIAZ DISMISSED ANY THOUGHT OF A COALITION WITH THE RESISTANCE. HABIB URGED THAT HE CONSIDER CAREFULLY THE FACT THAT THE RESISTANCE HAD 20,000 NICARAGUANS UNDER ARMS; THEY WERE A POLITICAL FORCE THAT WOULD NEED TO BE TAKEN INTO ACCOUNT IN ANY POLITICAL SOLUTION. HABIB ASKED WHAT IMPACT THE RESISTANCE HAD INSIDE NICARAGUA. RAMIREZ SAID THAT THE RESISTANCE HAD ACTUALLY HELPED THE SANDINISTAS IN MANY WAYS, SUCH AS GIVING THEM AN EXCUSE FOR REPRESSION AND THEIR MILITARY BUILDUP. HE ACKNOWLEDGED THAT THEY HAD ALSO PROVOKED SANDINISTA REPRESSION WHICH HAD CONTRIBUTED TO THE CURRENT DISCONTENT.

11. RAMIREZ COMMENTED THAT THE INTERNAL AND EXTERNAL PRESSURES FACING THE SANDINISTAS NOW WERE OFFERING THE FIRST REAL CHANCE OF A POLITICAL OPENING IN MANY YEARS. DIAZ EXPLAINED THAT THERE WERE A NUMBER OF SANDINISTAS WHO WERE NOT HARDCORE MARXIST-LENINISTS AND WHO WERE DISTURBED BY THE COURSE OF EVENTS: THEY WANTED TO REACH AN UNDERSTANDING WITH THE UNITED STATES. HE NOTED THAT INTERIOR MINISTER TOMAS BORGE, WHO WAS REGARDED AS THE TOP HARDLINER IN THE FSLN, HAD LOST MUCH POWER AND NO LONGER EVEN CONTROLLED THE SECRET POLICE (DGSE). HE POINTED OUT THAT THE FACT THAT THE INTERNAL OPPOSITION WAS MEETING WITH HABIB HAD BEEN PUBLICIZED IN NICARAGUA BUT THE SANDINISTAS HAD NOT ATTACKED THEM ABOUT IT. INSTEAD, ORTEGA HAD ASKED THEM TO INVITE HABIB TO MANAGUA. HABIB RESPONDED THAT OUR POSITION ABOUT NOT DEALING WITH THE SANDINISTAS WAS WELL KNOWN. THE SANDINISTAS WANTED TO BILATERALIZE THE ISSUE, TRYING TO PORTRAY THEIR PROBLEM AS A CONFLICT BETWEEN THE UNITED STATES AND NICARAGUA. IN FACT, THE PROBLEM WAS BETWEEN THE SANDINISTAS AND THEIR OWN PEOPLE AND BETWEEN NICARAGUA AND ITS NEIGHBORS. WHEN THE SANDINISTAS WERE PREPARED TO FACE THIS AND NEGOTIATE SERIOUSLY WITH THEIR OWN PEOPLE, THEN THE UNITED STATES WOULD TALK TO THEM. PILLIOD

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FOR ARA AND L - MIKE KOZAK

DECAPTIONED

E. O. 12356: DECL: OADR
TAGS: PROP, CI
SUBJ: CHILEAN MEDIA DISTORTION OF LETELIER CASE

REF: A. STATE 43736, B. SANTIAGO 1288

1. CONFIDENTIAL ENTIRE TEXT.

2. SUMMARY: CHARGE PROTESTED TO ACTING FONMIN THE CONTINUING CAMPAIGN IN THE CHILEAN PRESS CHARGING CIA AND/OR FBI WITH MURDER OF LETELIER, WITH HAVING BRIBED AND/OR BRAINWASHED FERNANDEZ LARIOS, AND INSULTING PRESENT AND FORMER U. S. AMBASSADORS. FONMIN SAID GOC DID NOT ENDORSE THESE ALLEGATIONS, BUT ASSUMED U.S. DID NOT WANT IT TO LIMIT FREEDOM OF THE PRESS. HE ASKED FOR EARLY STATE DEPARTMENT ACTION ON CIVIL SUIT FILED BY MRS. *DENEGRI AND SAID GOC HAD SENT FERNANDEZ* LARIOS DOCUMENTS TO THE MILITARY APPEALS COURT. END SUMMARY.

3. DURING CALL ON ACTING FONMIN COVARRUBIAS FEBRUARY 23, CHARGE SAID HE WISHED TO MAKE MOST FORCEFUL PROTEST AGAINST WHAT WAS OBVIOUSLY A CAMPAIGN IN THE CHILEAN PRESS TO DEFAME USG AGENCIES AND PRESENT AND FORMER U.S. AMBASSADORS WITH THE MOST OUTRAGEOUS LIES. HE READ EXCERPTS FROM LA TERCERA PIECE OF FEBRUARY 11, AND FROM LA NACION ARTICLE OF FEBRUARY 23 (REF B), BOTH OF WHICH PURPORTED TO BE NEWS STORIES, AND FROM HIDALGO CALVO AND CRUZ COKE COLUMNS THAT APPEARED IN TERCERA AND NACION RESPECTIVELY. HE SAID HE COULD HAVE LISTED A NUMBER OF OTHERS. HIDALGO PIECE WAS MOST REPUGNANT OF THE LOT, SUGGESTING LINKAGE BETWEEN AMBASSADOR BARNES AND ASSASSINATION OF INDIRA GANDHI, AND BETWEEN CIA AND PALME, ROLDOS AND TORRIJOS DEATHS. CRUZ COKE (DEFENSE ATTORNEY FOR CONTRERAS AND ESPINOZA) SAID CIA HAD BRIBED FERNANDEZ TO LEAVE CHILE AND THEN "BROKE" HIM UNDER INTERROGATION. LA NACION THAT VERY MORNING HAD TURNED WHAT OTHER PAPERS *CARRIED AS A PAID AD INTO A "NEWS" STORY, INCLUDING THE* SUGGESTION THAT AMBASSADOR LANDAU HAD BEEN A CIA OFFICIAL AND THAT VICE PRESIDENT BUSH HAD BEEN INVOLVED IN COVERUP AFTER LETELIER MURDER. CHARGE NOTED EFFORTS WE HAD MADE TO HANDLE FERNANDEZ LARIOS CASE STRICTLY AS A LEGAL MATTE WHICH NEED NOT AFFECT OUR BILATERAL RELATIONS. THIS ORGANIZED CAMPAIGN IN THE PRESS WAS CLEARLY POINTED IN A DIFFERENT DIRECTION.

4. COVARRUBIAS SAID THESE SAME THINGS ARE SAID IN THE UNITED STATES. CHARGE RETORTED THAT IN A COUNTRY OF 228 MILLION YOU COULD FIND SOMEONE WHO WOULD SAY ALMOST ANYTHING; THAT WAS NO EXCUSE FOR PRINTING IT. COVARRUBIA SAID U.S. WAS FIRST TO PROTEST IF GOC CLOSED A MAGAZINE AND ASSUMED WE DID NOT WISH THEM TO PREACH AGAINST FREEDO OF PRESS. NO, SAID CHARGE, BUT IN THIS CASE HE WAS

PAGE 01 SANTIA 01313 00 OF 02 2419572 6144 SS02327

SPEAKING TO THE OWNER OF ONE OF THE PAPERS, GOC'S LA NACION, AND HOPED THAT GOC WOULD SEE THE MERIT OF NOT POISONING THE BILATERAL ATMOSPHERE THROUGH ONE OF ITS OWN INSTRUMENTS. GOC MIGHT WELL "PREACH," TO USE THE MINISTER'S WORD, TO OTHER NEWSPAPERS THAT CHILE'S INTERESTS WERE NOT SERVED BY PRINTING THIS KIND OF GARBAGE.

5. COVARRUBIAS SAID STATE DEPARTMENT SPOKESMAN HAD ALSO MADE ERRONEOUS STATEMENTS IMPUGNING THE HONOR OF CHILE'S PRESIDENT (SANTIAGO 9241). CHARGE DENIED ANY ERROR; WE WERE TALKING ABOUT A QUESTION OF PHRASING, NOT OUTRIGHT *LIES OF THE KIND HE WAS PROTESTING. COVARRUBIAS* FINALLY SAID GOC OF COURSE DID NOT "SHARE" THE SENTIMENTS EXPRESSED IN THE ARTICLES, BUT HE DID NOT OFFER TO DO ANYTHING ABOUT THEM.

6. COMMENT: OWNER OF LA TERCERA TOLD PAO THAT HIDALGO HAD BEEN HIRED AS A COLUMNIST ON THE EXPRESS ORDERS OF GOC PRESS CZAR FRANCISCO CUADRA. ULTIMAS NOTICIAS HAS ALSO BEEN HEAVILY DISTORTING ITS COVERAGE TO IMPUGN MOTIVES OF USG, AND FERNANDEZ, AT EVERY OPPORTUNITY, BUT NOT QUITE AS SLANDEROUSLY AS THE OTHER PAPERS. MERCURIO HAS BEEN MUCH MORE SUBTLE AND SEGUNDA, AS USUAL, THE MOST OBJECTIVE OF ALL THE PAPERS.

7. TURNING TO OTHER SUBJECTS, COVARRUBIAS SAID CHILEAN EMBASSY IN WASHINGTON HAD SENT THE STATE DEPARTMENT A NOTE ON FEBRUARY 7 CONCERNING THE CIVIL SUIT FILED IN THE U.S. BY MRS. DENEGRI. NOTE HAD ASKED THAT DEPARTMENT CONVEY PROMPTLY TO THE COURT ITS VIEW ON CHILE'S SOVEREIGN IMMUNITY FROM SUITS OF THIS KIND. AMBASSADOR ERRASURIZ HAD JUST TOLD HIM BY PHONE THAT DEPARTMENT HAD NOT YET ACTED. CHARGE SAID HE WOULD REPORT GOC *CONCERN.*

8. COVARRUBIAS SAID LETELIER FAMILY HAD NOT YET SUBMITTED TO THE MILITARY APPEALS COURT THE FACTUAL PROFFER AND OTHER DOCUMENTS SUBMITTED TO THE U.S. DISTRICT COURT IN THE FERNANDEZ LARIOS CASE, SO GOC HAD TAKEN THE INITIATIVE TO SEND THEM TO THE COURT. CHARGE SAID THAT WAS GOOD NEWS AND EXPRESSED APPRECIATION FOR GOC ACTION. HE SAID HE ASSUMED COURT WOULD STILL REQUIRE LEGALIZED COPIES OF THE DOCUMENTS; COVARRUBIAS CONFIRMED THAT WAS CORRECT.

9. CHARGE GAVE COVARRUBIAS A COPY OF WIRELESS FILE STORY (ART 483 OF FEBRUARY 19) ON LETTERS FROM HOUSE SUBCOMMITTEE ON IDI'S TO SECRETARIES BAKER AND SHULTZ, NOTING THAT ADMINISTRATION POLICY OF ABSTAINING WAS BEING CRITICIZED IN THE CONGRESS. COVARRUBIAS MADE NO COMMENT. JONES

Chile Project (#S199900030)
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DEPARTMENT FOR DEPUTY LEGAL ADVISOR KOZAK; FBI FOR PIMENTAL

E.O. 12356: N/A
TAGS: PREL, PHUM, CI
SUBJECT: LETELIER CASE: RELATIVES OF DISAPPEARED REQUEST ASSISTANCE OF FERNANDEZ

REF: A) SANTIAGO 1170

1. (U) RELATIVES OF 5 OF A NUMBER OF PEOPLE MISSING SINCE 1973 IN CALAMA AND ANTOFAGASTA HAVE SENT A LETTER TO POST ASKING FOR OUR ASSISTANCE IN CLEARING UP THESE DISAPPEARANCES. THESE PEOPLE WERE PRESUMABLY EXECUTED IN OCTOBER, 1973, DURING THE PASSAGE OF A "DEATH SQUADRON" HEADED BY GENERAL SERGIO ARELLANO. PEDRO ESPINOZA AND ARMANDO FERNANDEZ LARIOS WERE PART OF THE UNIT. THE LETTER PRESENTS A NUMBER OF QUESTIONS WHICH THE FAMILIES WOULD LIKE ANSWERED, SUCH AS BURIAL SITE AND THE IDENTITY OF THOSE WHO ORDERED THE EXECUTIONS. WE ARE ASKED TO PASS ON THE LETTER TO ARMANDO FERNANDEZ AND TO THE PROSECUTOR HANDLING THE CASE.
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PAGE 02 SANTIA 01330 242059Z

2. (U) A COPY OF THE LETTER IS BEING POUCHED TO ARA/SC/SWIGERT. JONES

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PAGE 01 SANTIA 01312 2416142
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~~C O N F I D E N T I A L~~ SANTIAGO 01312

DEPARTMENT FOR DEPUTY LEGAL ADVISOR KOZAKI FBI FOR PIMENTEL

E.O. 12356: N/A
TAGS: PTER, CI
SUBJECT: FAMILY OF GENERAL PRATS REQUEST INFORMATION RELATING TO HIS MURDER

1. ~~CONFIDENTIAL~~ - ENTIRE TEXT.

1. CHARGE RECEIVED A VISIT ON FEBRUARY 20 BY TWO OF THE DAUGHTERS OF GENERAL CARLOS PRATS, WHO WITH HIS WIFE WAS ASSASSINATED BY A CAR BOMB IN BUENOS AIRES IN SEPTEMBER 1974. THE DAUGHTERS, SOPHIA AND ANGELINA, REQUESTED ANY ASSISTANCE WHICH THE U.S. MIGHT BE ABLE TO PROVIDE IN SOLVING THE ASSASSINATION OF THEIR PARENTS, AND IN PARTICULAR ANY INFORMATION WHICH MIGHT BE MADE AVAILABLE TO U.S. OFFICIALS BY FERNANDEZ LARIOS. THEY STRESSED THAT THE MURDER OF THEIR PARENTS APPEARS TO HAVE BEEN PART OF A LARGER TERRORIST EFFORT, WHICH INCLUDED THE
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PAGE 02 SANTIA 01312 2416142

MURDERS OF LETELIER AND THE ATTEMPTED MURDER OF

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BERNARDO LEIGHTON AND HIS WIFE IN ROME, AND THAT FERNANDEZ LARIOS MIGHT BE ABLE TO SHED FURTHER LIGHT ON ALL OF THESE INCIDENTS. THEY ASKED THAT THE U.S. TAKE THE INITIATIVE IN SEEKING FURTHER INFORMATION FROM FERNANDEZ LARIOS AND MICHAEL TOWNLEY ON THESE MATTERS, AND MAKE ANY INFORMATION ON THE PRATS MURDER AVAILABLE TO THE JUDGE IN CHARGE OF THE CASE IN ARGENTINA.

2. CHARGE INFORMED THEM THAT INFORMATION AVAILABLE TO US WAS THAT FERNANDEZ LARIOS HAD NO INFORMATION ON THE MURDER OF THE PRATS. IT WAS OUR UNDERSTANDING THAT FERNANDEZ HAD BEEN CAREFULLY QUESTIONED ON THIS MATTER WHILE UNDERGOING A POLYGRAPH TEST, AND THAT THE POLYGRAPH HAD SUPPORTED HIS DENIAL OF ANY KNOWLEDGE. WE ASSUMED THAT SOME WAY COULD BE FOUND FOR THE ARGENTINE COURTS TO SUBMIT QUESTIONS TO FERNANDEZ IF THEY SO REQUESTED. THE AGREEMENT BETWEEN U.S. AUTHORITIES AND FERNANDEZ LARIOS APPLIED ONLY TO THE LETELIER CASE, AND THERE WAS NO BAR TO HIS EXTRADITION TO ARGENTINE, IF BASIS WERE ESTABLISHED FOR DOING SO. CHARGE PROVIDED THE WOMEN WITH A COPY OF THE AGREEMENT BETWEEN THE U.S. ATTORNEYS AND FERNANDEZ LARIOS, AT THEIR REQUEST, AND ASSURED THEM THAT WE WOULD DO WHATEVER POSSIBLE TO ASSIST THEM IN THEIR EFFORTS TO RESOLVE THE MURDER OF THEIR PARENTS. HE MADE NO COMMENT ON THEIR REQUEST THAT TOWNLEY BE REINTERVIEWED.

4. THEY ALSO ASKED WHY THE U.S. DID NOT INITIATE EXTRADITION PROCEEDINGS AGAINST CHILEAN
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PAGE 03 SANTIA 01312 2416142

ARMY COLONEL PEDRO ESPINOZA, WHO IS REPORTEDLY SERVING WITH THE CHILEAN EMBASSY IN SOUTH AFRICA. THEY WERE TOLD THAT NO DECISION HAD BEEN MADE ON ANY NEW EXTRADITION REQUEST. OBVIOUSLY IN ESPINOZA'S CASE HIS DIPLOMATIC STATUS, IF CONFIRMED, WOULD HAVE TO BE TAKEN INTO ACCOUNT. THEY INDICATED THEY HAD THOUGHT THIS WOULD BE THE CASE, BUT FELT THEY HAD TO ASK THE QUESTION.

5. COMMENT: WE ARE AWARE OF NO FURTHER

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INFORMATION STEMMING FROM THE FERNANDEZ LARIOS TESTIMONY WHICH WE MIGHT BE ABLE TO SHARE WITH THE PRATS FAMILY. WOULD APPRECIATE ANY GUIDANCE WASHINGTON MIGHT PROVIDE. JONES

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Case Number: S1999000030

Chile Project (#S199900030)
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FBI WASHDC

UNCLAS SANTIAGO 01331

DEPARTMENT FOR DEPUTY LEGAL ADVISOR KOZAK; FBI FOR PIMENTEL

E.O. 12356: N/A
TAGS: PREL, CI
SUBJ: MFA RELEASED FERNANDEZ LARIOS DOCUMENTS TO MILITARY COURT

1. (U) AFTERNOON PAPERS ON FEBRUARY 24 REPORT THAT THE MINISTRY OF FOREIGN RELATIONS HAS PLACED AT THE DISPOSITION OF THE MARTIAL COURT (THE HIGHEST COURT WITHIN THE MILITARY JUSTICE SYSTEM) THE DECLARATIONS MADE BY FERNANDEZ LARIOS IN THE UNITED STATES.

2. FOLLOWING IS AN INFORMAL TRANSLATION OF THE TEXT OF THE MFA STATEMENT: QUOTE: TODAY, WITHIN THE SPIRIT OF COOPERATION OF THE GOVERNMENT WITH THE JUSTICE TRIBUNALS, THE MINISTRY OF FOREIGN RELATIONS SENT A COMMUNICATION TO THE PRESIDENT OF THE COURT MARTIAL PROVIDING THE TEXT OF A DECLARATION PRESENTED BEFORE THE DISTRICT COURT OF COLUMBIA OF THE UNITED STATES ON THE FOURTH OF FEBRUARY BY MR. ARMANDO FERNANDEZ LARIOS, IN THE CRIMINAL CASE NUMBER 78-0367 WHICH IS BEFORE THE COURT. THIS DOCUMENT WAS MADE AVAILABLE BY THE UNITED STATES EMBASSY IN
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PAGE 02 SANTIA 01331 242101Z

SANTIAGO. FURTHER, THE MINISTRY ALSO SENT TO THIS COURT (THE COURT MARTIAL) A COPY OF THE DECLARATION MADE BY THE SAME PERSON IN THIS PROCESS BEFORE THE JUDGE OF THE DISTRICT COURT OF THE UNITED STATES OF AMERICA, DISTRICT OF COLUMBIA, MR. BARRINGTON D. PARKER, ON FEBRUARY 4. THE ABOVE RELATES TO THE COURT MARTIAL'S REVIEW OF

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PROCESS NUMBER 192-78 OF THE SECOND MILITARY COURT OF SANTIAGO IN WHICH IT IS INVESTIGATING FACTS RELATED WITH THE MATERIAL COVERED IN THE DOCUMENTS MENTIONED PREVIOUSLY. END QUOTE. JONES

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Case Number: S1999000030

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E.O.12356: DECL: OADR
TAGS: PHUM, UNHRC, CI, BR
SUBJECT: US SPONSORSHIP OF CHILE HUMAN RIGHTS RESOLUTION AT UNHRC

REF: STATE 52474

(C) PER INSTRUCTIONS (REFTEL), POLOFF CALLED FEB 23 ON MARIA ERCILIA BORGES ALVES, ACTING CHIEF OF THE FOREIGN MINISTRY'S UN DIVISION, TO MAKE REQUESTED DEMARCHE ON U.S. SPONSORSHIP OF CHILE HUMAN RIGHTS RESOLUTION. AFTER READING THROUGH NON-PAPER (BASED ON TALKING POINTS PROVIDED IN REFTEL) POLOFF GAVE HER, ALVES NOTED THAT SINCE CHILE IS A SENSITIVE ISSUE FOR THE GOB BRAZIL WOULD HAVE TO LOOK VERY CAREFULLY AT THE LANGUAGE OF THE RESOLUTION BEFORE DECIDING WHETHER TO

SUPPORT IT OR NOT. HOWEVER, IN RECOGNITION OF A VOTE TAKING PLACE AS EARLY AS FEB 25, ALVES SAID THAT SHE WOULD BRING NON-PAPER TO THE IMMEDIATE ATTENTION OF AMB. BERNARDO PERICAS, CHIEF OF THE FOREIGN MINISTRY'S INTERNATIONAL ORGANIZATIONS DEPARTMENT.

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STATE FOR DEPUTY LEGAL ADVISOR KOZAK; FBI FOR PIMENTAL

E.O. 12356: DECL:OADR
TAGS: PREL, CASC, PHUM, KJUS, CI
SUBJECT: WOMAN COMPANION OF ARMANDO FERNANDEZ LARIOS IN THE LETELIER CASE

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1. SECRET ENTIRE TEXT.

2. IN A CASUAL CONVERSATION WITH THE CONSUL GENERAL, AN FSN EMPLOYEE OF THE EMBASSY SAID "EVERYBODY KNOWS" THE TRUE IDENTITY OF THE WOMAN WHO TRAVELLED WITH FERNANDEZ LARIOS TO WASHINGTON IN 1976 UNDER THE PSEUDONYM "LILIANA WALKER MARTINEZ."

ACCORDING TO THE EMPLOYEE, SHE IS LILIANA MANS, THE DAUGHTER OF RETIRED ARMY GENERAL ALFREDO MANS, WHO IS CURRENTLY RESIDENT IN SANTIAGO. LILIANA'S WHEREABOUTS ARE UNKNOWN BUT AT ONE TIME SHE WAS ALLEGEDLY EMPLOYED UNDER THE MANS NAME WITH THE ORGANIZATION OF AMERICAN STATES IN WASHINGTON D.C. SHE MAY STILL BE SO.

3. [ ] FILES HAVE BEEN CHECKED AND CONTAIN NO INFORMATION ON EITHER GENERAL ALFREDO MANS OR LILIANA

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PAGE 02 SANTIA 01301 241209Z

MANS. WE ASSUME THAT THESE NAMES SURFACED LONG AGO DURING THE ORIGINAL INVESTIGATION, BUT ON THE OFF CHANCE THAT FERNANDEZ HAS NOT BEEN ASKED ABOUT THESE NAMES, WE FOWARD THE INFORMATION. JONES

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Case Number: S1999000030

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Chile Project (#S199900030)
U.S. Department of State
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Exemption(s) ____

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PAGE 01 BANJUL 00594 241546Z
ACTION IO-19

INFO LOG-00 COPY-01 ADS-00 INR-10 SS-00 OIC-02 AF-00
CIAE-00 DODE-00 H-01 NSCE-00 ARA-00 NSAE-00 SSO-00
HA-09 L-03 PM-10 PA-01 OMB-01 INRE-00 USIE-00
SP-02 SNP-01 PRS-01 /061 W
----------167140 241548Z /45

O 241538Z FEB 87
FM AMEMBASSY BANJUL
TO SECSTATE WASHDC IMMEDIATE 4172
INFO USMISSION GENEVA IMMEDIATE

C O N ~~F I D E N~~ T I A L BANJUL 00594

E.O. 12356: DECL: OADR
TAGS: PHUM, UNHRC, GA
SUBJECT: UNHRC: DEMARCHE ON CUBA AND CHILE

REF: (A) STATE 53570 (B) STATE 52474

ALMOST ALL SENIOR GAMBIAN OFFICIALS ARE AWAY FROM BANJUL THIS WEEK ATTENDING THE PEOPLE'S PROGRESSIVE PARTY (PPP) CONGRESS IN BASSE. THUS, ON FEBRUARY 23 THE AMBASSADOR AND POL/ECON OFFICER CALLED ON DR. LANGLEY, SECRETARY GENERAL OF THE PRESIDENT'S OFFICE, AND LEFT WITH HIM A COPY OF THE SECRETARY'S LETTER TO FOREIGN MINISTER JABANG ON THE CUBA RESOLUTION AND BACKGROUND MATERIAL ON THE CHILE RESOLUTION. IN HIS ORAL PRESENTATION, THE AMBASSADOR EMPHASIZED THE IMPORTANCE TO THE UNITED STATES OF THESE TWO RESOLUTIONS AND OF ACHIEVING BALANCE AND FAIRNESS IN DELIBERATIONS AND RESOLUTIONS BEFORE THE HUMAN RIGHTS COMMISSION. THE AMBASSADOR THEN REPEATED THE PROCESS WITH THE SENIOR OFFICER AT THE MINISTRY OF EXTERNAL AFFAIRS, UNDERSECRETARY RUTH SOWE. BOTH DR. LANGLEY AND MISS SOWE PROMISED TO TRY TO CONTACT THE FOREIGN MINISTER AS SOON AS POSSIBLE. EMBASSY
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PAGE 02 BANJUL 00594 241546Z

WILL FOLLOW UP. HOROWITZ

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IU166 2-24-98

UNCLASSIFIED
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Page: 1
Case Number: S1999000030

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

CONFIDENTIAL

PAGE 01 SANTIA 01311 241608Z
ACTION IO-19

INFO LOG-00 COPY-01 ADS-00 INR-10 SS-00 OIC-02 CIAE-00
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FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 0256
INFO USMISSION GENEVA PRIORITY

C O N F I D E N T I A L SANTIAGO 01311

GENEVA FOR USDEL UNHRC

E. O. 12356: DECL:OADR
TAGS: PHUM, UNHRC, CI
SUBJ: US RESOLUTION ON CHILE AT UNHRC

REF: STATE 49996

1. CONFIDENTIAL ENTIRE TEXT.

SUMMARY: CHARGE DELIVERED TEXT OF DRAFT U.S. RESOLUTION TO ACTING FONMIN, WHO PROMISED TO RESPOND LATER TO CHARGE'S INVITATION TO LET US HAVE COMMENTS AND SUGGESTIONS. FONMIN REGRETTED THAT WE HAD SEEN FIT TO SUBMIT ANY RESOLUTION AT ALL, AS OUR VERSION, HOWEVER COMMENDABLE, WOULD BE WATERED DOWN IN NEGOTIATIONS WITH OTHERS. HE WAS PLEASED, HOWEVER, TO HEAR THAT WE WOULD NOT SUPPORT ANY RESOLUTION THAT DID NOT DECIDE TO CONSIDER CHILE UNDER AGENDA ITEM 12 NEXT YEAR. END SUMMARY.

2. CHARGE PHONED AMBASSADOR MARIO CALDERON, CHILEAN FOREIGN MINISTRY HUMAN RIGHTS SPECIALIST, FRIDAY MORNING, FEBRUARY 20, AND INFORMED HIM WE HAD DECIDED TO TABLE CONFIDENTIAL

CONFIDENTIAL

PAGE 02 SANTIA 01311 241608Z

A RESOLUTION ON CHILE AT THIS YEAR'S UNHRC. HE WAS ASKING FOR AN IMMEDIATE APPOINTMENT WITH LT. GEN. SERGIO COVARRUBIAS, THE ACTING FONMIN, TO GIVE HIM THE TEXT. CALDERON SAID HE WOULD BE PRESENT. SUBSEQUENTLY, CHARGE INFORMED BELGIAN CHARGE (PRESIDENT OF EC), GERMAN CHARGE, AND CHILEAN HUMAN RIGHTS COMMISSION PRESIDENT JAIME

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Page: 1

CASTILLO AND VICE PRESIDENT MAXIMO PACHECO. (BRITISH DCM HAD BEEN TOLD THE PREVIOUS DAY WHEN HE CALLED TO CONFIRM *REPORT FROM THEIR WASHINGTON EMBASSY.)*

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3. APPOINTMENT WAS SET FOR AFTERNOON FEBRUARY 23, AND ONLY COVARRUBIAS' CHEF DE CABINET ACCOMPANIED HIM. CHARGE MADE TALKING POINTS, STRESSING OUR SUPPORT FOR *VOLIO, RECOGNITION OF TERRORISM AND PARTICULARLY ATTEMPT* ON PRESIDENT'S LIFE, AND OUR DECISION NOT TO SUPPORT ANY RESOLUTION THAT DID NOT DECIDE TO CONSIDER CHILE UNDER ITEM 12 NEXT YEAR. LAST POINT APPEARED TO BE NEWS TO COVARRUBIAS AND HE EXPRESSED PLEASURE; BUT HE SAID THAT *AS WE KNEW, CHILE WOULD HAVE PREFERRED WE NOT SUBMIT* A RESOLUTION. HOWEVER COMMENDABLE OUR DRAFT, IT WOULD BE WATERED DOWN, JUST AS IT WAS LAST YEAR, IN EFFORT TO OBTAIN THE SUPPORT OF OTHERS. CHARGE SAID ALTERNATIVE WAS TO LEAVE CLEAR FIELD TO THE MEXICANS, WHICH DID NOT APPEAR *TO US TO BE DESIRABLE EITHER FROM STANDPOINT OF PRESTIGE* OF THE U.N. OR OF OUR OWN INTEREST IN VOTING FOR MODERATE AND BALANCED RESOLUTIONS. COVARRUBIAS DID NOT OFFER ANY COMMENTS ON THE TEXT, BUT IN RESPONSE TO CHARGE'S STATEMENT THAT WE WOULD WELCOME SUGGESTIONS AND COMMENTS *HE PROMISED THAT MINISTRY WOULD RESPOND IN DUE COURSE.*

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4. PRESS WERE WAITING WHEN CHARGE LEFT COVARRUBIAS' OFFICE AND HE TOLD THEM THAT UNHRC HAD BEEN DISCUSSED. HE DID NOT, HOWEVER, MENTION DRAFT RESOLUTION, ALTHOUGH
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CONFIDENTIAL

PAGE 03 SANTIA 01311 241608Z

IN RESPONSE TO A QUESTION HE CONFIRMED THAT U.S. WOULD BE SEEKING A DECISION TO CONSIDER CHILE UNDER ITEM 12 IN THE FUTURE. HE ALSO DISCUSSED OUR INTEREST IN CONSIDERATION OF CUBA (FULLER REPORT SEPTEL).

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5. ACTION REQUESTED: POST WOULD APPRECIATE RECEIVING SOONEST A SPANISH TRANSLATION OF U.S. RESOLUTION BY TELEGRAM, AND ENGLISH VERSION OF VOLIO REPORT BY POUCH. JONES

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Case Number: S1999000030

Chile Project (#S199900030)
U.S. Department of State
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Exemption(s) ____

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PAGE 01 SANTIA 01312 241614Z
ACTION L-03

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P 241610Z FEB 87
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 0257
INFO DEPTJUSTICE WASHDC PRIORITY
FBI WASHDC PRIORITY
AMEMBASSY BUENOS AIRES PRIORITY

C O N ~~F I D E N~~ T I A L SANTIAGO 01312

DEPARTMENT FOR DEPUTY LEGAL ADVISOR KOZAK; FBI FOR PIMENTEL

E.O. 12356: N/A
TAGS: PTER, CI
SUBJECT: FAMILY OF GENERAL PRATS REQUEST INFORMATION RELATING TO HIS MURDER

1. ~~CONFIDENTIAL~~ - ENTIRE TEXT.

1. CHARGE RECEIVED A VISIT ON FEBRUARY 20 BY TWO OF THE DAUGHTERS OF GENERAL CARLOS PRATS, WHO WITH HIS WIFE WAS ASSASSINATED BY A CAR BOMB IN BUENOS AIRES IN SEPTEMBER 1974. THE DAUGHTERS, SOPHIA AND ANGELINA, REQUESTED ANY ASSISTANCE WHICH THE U.S. MIGHT BE ABLE TO PROVIDE IN SOLVING THE ASSASSINATION OF THEIR PARENTS, AND IN PARTICULAR ANY INFORMATION WHICH MIGHT BE MADE AVAILABLE TO U.S. OFFICIALS BY FERNANDEZ LARIOS. THEY STRESSED THAT THE MURDER OF THEIR PARENTS APPEARS TO HAVE BEEN PART OF A LARGER TERRORIST EFFORT, WHICH INCLUDED THE ~~CONFIDENTIAL~~

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MURDERS OF LETELIER AND THE ATTEMPTED MURDER OF BERNARDO LEIGHTON AND HIS WIFE IN ROME, AND THAT FERNANDEZ LARIOS MIGHT BE ABLE TO SHED FURTHER LIGHT ON ALL OF THESE INCIDENTS. THEY ASKED THAT THE U.S. TAKE THE INITIATIVE IN SEEKING FURTHER INFORMATION FROM FERNANDEZ LARIOS AND MICHAEL TOWNLEY

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ON THESE MATTERS, AND MAKE ANY INFORMATION ON THE PRATS MURDER AVAILABLE TO THE JUDGE IN CHARGE OF THE CASE IN ARGENTINA.

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2. CHARGE INFORMED THEM THAT INFORMATION AVAILABLE TO US WAS THAT FERNANDEZ LARIOS HAD NO INFORMATION ON THE MURDER OF THE PRATS. IT WAS OUR UNDERSTANDING THAT FERNANDEZ HAD BEEN CAREFULLY QUESTIONED ON THIS MATTER WHILE UNDERGOING A POLYGRAPH TEST, AND THAT THE POLYGRAPH HAD SUPPORTED HIS DENIAL OF ANY KNOWLEDGE. WE ASSUMED THAT SOME WAY COULD BE FOUND FOR THE ARGENTINE COURTS TO SUBMIT QUESTIONS TO FERNANDEZ IF THEY SO REQUESTED. THE AGREEMENT BETWEEN U.S. AUTHORITIES AND FERNANDEZ LARIOS APPLIED ONLY TO THE LETELIER CASE, AND THERE WAS NO BAR TO HIS EXTRADITION TO ARGENTINE, IF BASIS WERE ESTABLISHED FOR DOING SO. CHARGE PROVIDED THE WOMEN WITH A COPY OF THE AGREEMENT BETWEEN THE U.S. ATTORNEYS AND FERNANDEZ LARIOS, AT THEIR REQUEST, AND ASSURED THEM THAT WE WOULD DO WHATEVER POSSIBLE TO ASSIST THEM IN THEIR EFFORTS TO RESOLVE THE MURDER OF THEIR PARENTS. HE MADE NO COMMENT ON THEIR REQUEST THAT TOWNLEY BE REINTERVIEWED.

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4. THEY ALSO ASKED WHY THE U.S. DID NOT INITIATE EXTRADITION PROCEEDINGS AGAINST CHILEAN

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PAGE 03 SANTIA 01312 241614Z

ARMY COLONEL PEDRO ESPINOZA, WHO IS REPORTEDLY SERVING WITH THE CHILEAN EMBASSY IN SOUTH AFRICA. THEY WERE TOLD THAT NO DECISION HAD BEEN MADE ON ANY NEW EXTRADITION REQUEST. OBVIOUSLY IN ESPINOZA'S CASE HIS DIPLOMATIC STATUS, IF CONFIRMED, WOULD HAVE TO BE TAKEN INTO ACCOUNT. THEY INDICATED THEY HAD THOUGHT THIS WOULD BE THE CASE, BUT FELT THEY HAD TO ASK THE QUESTION.

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5. COMMENT: WE ARE AWARE OF NO FURTHER INFORMATION STEMMING FROM THE FERNANDEZ LARIOS TESTIMONY WHICH WE MIGHT BE ABLE TO SHARE WITH THE PRATS FAMILY. WOULD APPRECIATE ANY GUIDANCE WASHINGTON MIGHT PROVIDE. JONES

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FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 8782
INFO CONTADORA COLLECTIVE IMMEDIATE

~~S E C R E T~~ SECTION 01 OF 03 SAN SALVADOR 02424

EXDIS **DECAPTIONED**

E.O. 12356: DECL:OADR
TAGS: PREL, HO, XK, OVIP (HABIB, PHILIP C.)
SUBJECT: AMBASSADOR HABIB'S MEETING WITH PRESIDENT AZCONA

1. (S-ENTIRE TEXT.)

2. SUMMARY: PRESIDENT AZCONA DOES NOT BELIEVE AN AGREEMENT WILL BE SIGNED WHEN THE CENTRAL AMERICAN PRESIDENTS MEET NEXT IN ESQUIPULAS: THE SANDINISTAS WILL NOT SIGN IT, AND THE GUATEMALANS WILL NOT SIGN IT IF THE SANDINISTAS DON'T. HE DESCRIBED THE ARIAS PLAN AS "NAIVE." AZCONA SAID THAT HE HAD ASKED FOR THE ESQUIPULAS MEETING TO OCCUR IN 90 DAYS BECAUSE HE HOPED THE NICARAGUAN DEMOCRATIC RESISTANCE COULD PERHAPS "SOFTEN" THE SANDINISTAS BY THEN. AMBASSADOR HABIB EXPLAINED THAT THE PURPOSE OF HIS TRIP WAS TO GET THE VIEWS OF THE DEMOCRATIC CENTRAL AMERICAN PRESIDENTS ABOUT THEIR FEBRUARY 15 MEETING IN SAN JOSE AND TO GET A FULLER UNDERSTANDING OF HOW THE ARIAS PLAN FIT INTO THE BROADER PROCESS OF SEEKING A DIPLOMATIC SOLUTION TO THE CENTRAL AMERICAN PROBLEM. DEMOCRACY IN NICARAGUA WAS OUR GOAL. AMBASSADOR HABIB AND PRESIDENT AZCONA

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PAGE 02 SAN SA 02424 01 OF 03 242034Z

AGREED THAT THERE WAS A LARGE COINCIDENCE IN OUR VIEWS ABOUT THE ARIAS PLAN WHICH HE BELIEVED NEEDED EXTENSIVE REVISION. END SUMMARY

3. ON FEBRUARY 23, AMBASSADOR HABIB MET WITH HONDURAN PRESIDENT AZCONA TO DISCUSS THE NEGOTIATING PROCESS IN CENTRAL AMERICA. PRESIDENT AZCONA WAS ACCOMPANIED BY FOREIGN MINISTER LOPEZ CONTRERAS, AND AMBASSADOR TED BRIGGS AND NSC STAFFER JACQUELINE TILLMAN ACCOMPANIED

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AMBASSDOR HABIB. AMBASSAOR HABIB EXPLAINED THAT RECENT EVENTS--THE MEETING IN SAN JOSE OF THE FOUR DEMOCRATIC CENTRAL AMERICAN PRESIDENTS; THE EC MEETING IN GUATEMALA; THE RECENT CONTADORA, SUPPORT GROUP AND SECGENS OF THE UN AND OAS TOUR--ALL MADE THIS ROUND OF CONSULTATIONS QUITE TIMELY. HE REITERATED THAT HIS PURPOSE, AS ALWAYS, WAS TO PURSUE THE PEACE PROCESS AND ASSESS WHAT MIGHT AFFECT AND INFLUENCE IT. WE WERE ESPECIALLY INTERESTED IN THE POINTS OF VIEW OF THE DEMOCRATIC CENTRAL AMERICAN PRESIDENTS ABOUT THE ARIAS PROPOSAL AND WERE ALSO TRAVELLING TO MEXICO TO LEARN FOREIGN MINISTER SEPULVEDA'S VIEWS ABOUT THE STATE OF PLAY IN CONTADORA. AMBASSADOR HABIB EXPLAINED THAT WE THOUGHT THE ARIAS INITIATIVE WAS IMPORTANT BUT FELT THERE WERE DEFICIENCES IN HIS PROPOSAL. WE WERE INTERESTED IN PRESIDENT AZCONA'S VIEWS ABOUT THE PLAN AND HOW HE THOUGHT THE PROCESS WOULD DEVELOP BETWEEN NOW AND THE UPCOMING MEETING IN ESQUIPULAS.

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4. THE ARIAS PLAN: PRESIDENT AZCONA SAID THAT HONDURAS HAD ASKED FOR SOME MODIFICATIONS IN THE DRAFT, EVEN THOUGH THEY HAD DECIDED NOT TO SIGN ANYTHING AT THE SAN JOSE MEETING, AND HAD RAISED SPECIFIC QUESTIONS ABOUT PARTS OF ARIAS'S PLAN. THE SEQUENCE OF EVENTS IN

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THE ARIAS PLAN WOULD WEAKEN THOSE WHO ARE FIGHTING THE SANDINISTAS. THE CEASE-FIRE SHOULD BE A RESULT OF A DIALOGUE; IT SHOULD NOT PRECEDE THE DIALOGUE. VARIOUS TIME FRAMES FOR THE FUTURE ESQUIPULAS MEETING HAD BEEN DISCUSSED IN SAN JOSE--30 DAYS, 45 DAYS--BUT HE HAD REQUESTED THAT THE MEETING TAKE PLACE IN 90 DAYS BECAUSE HE WANTED TO SEE HOW THE FUTURE ACTIONS OF THE NICARAGUAN DEMOCRATIC RESISTANCE WOULD DEVELOP AND AFFECT THE INTERNAL NICARAGUAN SITUATION. HE SAID THAT THE HONDURAN GOVERNMENT HAD SUPPORTED THE CONTRAS, ALBEIT NOT OFFICIALLY, AND WAS NOT COMFORTABLE WITH THE PROSPECT OF GOING TO ESQUIPULAS IN JUST 30 DAYS, SAY, TO SIGN, PRESUMABLY ALONG WITH THE SANDINISTAS, A DOCUMENT CALLING FOR A CEASE-FIRE. THE CHANGE TO 90 DAYS HAD NOT BEEN HARD TO GET. PRESIDENT AZCONA SAID THAT WHILE HE DIDN'T WANT TO SOUND AS THOUGH HE WAS LOSING FAITH, HE DID NOT EXPECT MUCH FROM THE ESQUIPULAS MEETING UNLESS THE PRESSURE FROM THE CONTRAS IN THE NEXT 90 DAYS WAS STRONG ENOUGH TO FORCE ORTEGA TO ARRIVE AT ESQUIPULAS "WITH A LESS ARROGANT ATTITUDE." EL SALVADOR AND HONDURAS WOULD GO WITH A TRUSTWORTHY POSITION. HE SAID THAT HE AND DUARTE HAD CONFERRED BEFORE THE SAN JOSE MEETING SO HE WENT TO SAN JOSE KNOWING THAT DUARTE HAD DECIDED NOT TO SIGN.

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5. WHEN ASKED BY AMBASSADOR HABIB ABOUT OTHER ASPECTS

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OF THE ARIAS PLAN THAT HE MIGHT COMMENT ABOUT, PRESIDENT AZCONA REPLIED THAT THE DIALOGUE HAD TO BE WITH THE ARMED OPPOSITION AND WHILE THE DIALOGUE COULD BEGIN FIRST WITH THE CIVIC OPPOSITION, THERE HAD TO BE A DIALOGUE WITH THE ARMED OPPOSITION BEFORE A CEASE-FIRE

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PAGE 01 SAN SA 02424 02 OF 03 242035Z
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TO SECSTATE WASHDC IMMEDIATE 8783
INFO CONTADORA COLLECTIVE IMMEDIATE

~~S E C R E T~~ SECTION 02 OF 03 SAN SALVADOR 02424

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COULD BE DECLARED. AMBASSADOR HABIB SAID HE HAD RAISED THE IDENTICAL POINT WITH PRESIDENT ARIAS THAT MORNING IN SAN JOSE. AZCONA SAID THAT HONDURAS WOULD HAVE TO ANALYZE THE WHOLE DOCUMENT CAREFULLY, ESPECIALLY THE PART THAT CALLED FOR THE CUT IN ASSISTANCE TO THE CONTRAS ON SIGNATURE, AND REITERATED THE HONDURAN VIEW THAT WITHOUT A DIALOGUE WITH THE ARMED OPPOSITION, THE ARIAS PLAN OFFERED NO SOLUTION TO THE PROBLEMS IN CENTRAL AMERICA. HE DESCRIBED THE ARIAS PLAN AS "NAIVE."

6. AMBASSADOR HABIB SAID THAT IN HIS CONVERSATION WITH ARIAS EARLIER IN THE DAY, ARIAS HAD MADE IT CLEAR THAT THE PLAN PRESENTED TO SAN JOSE ON FEBRUARY 15 WAS A COSTA RICAN DRAFT AND THAT HE EXPECTED THAT THE HONDURANS AND EL SALVADORANS WOULD CHANGE IT. HONDURAS AND EL SALVADOR WERE MORE EXPERIENCED AND COULD DEAL WITH ISSUES LIKE THE CEASE-FIRE AND ARMS LEVELS, BUT COSTA RICA COULD AND WOULD TAKE THE LEAD ON DEMOCRATIZATION AND NATIONAL RECONCILIATION. COSTA RICA WOULD PUSH FOR OPENING UP THE POLITICAL SYSTEM FOR THE PARTIES, WOULD PUSH FOR FREEDOM OF THE PRESS AND SO FORTH. AMBASSADOR HABIB SAID THAT HE HAD COMMENTED TO PRESIDENT ARIAS THAT HIS PLAN HAD PUT WHAT THE SANDI-

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PAGE 02 SAN SA 02424 02 OF 03 242035Z

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NISTAS WANTED FIRST (CUT IN AID TO THE CONTRAS) AND THE ISSUES THEY LEAST LIKED (DEMOCRATIZATION) WERE TO BE IMPLEMENTED AT THE END OF THE PROCESS. TWO CIRCUMSTANCES FOR ELECTIONS WERE DISCUSSED IN THE ARIAS PLAN: ELECTIONS FOR THE CENTRAL AMERICAN PARLIAMENT WHICH WOULD OCCUR IN THE FIRST HALF OF 1988, BUT ELECTIONS FOR PRESIDENT, PARLIAMENT, AND MUNICIPALITIES WERE LEFT TO THE CONSTITUTION, AND COULD BE POSTPONED AS LATE AS 1990.

7. PRESIDENT AZCONA SAID THAT THE NICARAGUAN CONSTITUTION DID NOT HAVE A FIXED DATE FOR ELECTIONS. AMBASSADOR HABIB ASKED IF THE HONDURANS HAD ANALYZED THE NICARAGUAN CONSTITUTION. WHEN PRESIDENT AZCONA REPLIED NEGATIVELY, AMBASSDAOR HABIB REQUESTED THAT THE ANALYSIS PREPARED BY THE U.S. BE MADE AVAILABLE TO HIM. PRESIDENT AZCONA SAID HE THOUGHT IT WOULD BE DIFFICULT TO GET TO A POINT WHERE SOMETHING COULD BE SIGNED IN 90 DAYS. HE GAVE AMBASSADOR HABIB A COPY OF THE HONDURAN ANALYSIS OF THE ARIAS PROPOSAL PREPARED BEFORE THE SAN JOSE MEETING AND A COPY OF A PRESS RELEASE ISSUED THAT MORNING ABOUT THE SAN JOSE MEETING. (SEPTEL)

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8. THE ROAD TO ESQUIPULAS: AMBASSADOR HABIB THEN ASKED ABOUT THE PROCESS LEADING TO THE ESQUIPULAS MEETING. PRESIDENT AZCONA SAID THAT HE DID NOT ANTICIPATE THAT THE CORE FOUR PRESIDENTS WOULD MEET BEFORE ESQUIPULAS, BUT THE FOREIGN MINISTERS MIGHT MEET IN THE INTERIM PERIOD. AS OF NOW, THE HONDURANS INTENDED TO TAKE A WELL DEVELOPED ANALYSIS TO ESQUIPULAS.

9. CEREZO: PRESIDENT AZCONA SAID GUATEMALAN PRESIDENT

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CEREZO WAS CURRENTLY IN LIMA PURSUING HIS ACTIVE NEUTRALITY POLICY AND READ A STATEMENT CEREZO MADE IN LIMA STATING THAT U.S. AND CENTRAL AMERICAN INTRANSIGENCE WERE THE PRINCIPAL OBSTACLES TO PEACE. PRESIDENT AZCONA SAID THAT CEREZO WOULD NOT SIGN A DOCUMENT THAT ALL FIVE CENTRAL AMERICAN PRESIDENTS WOULD NOT SIGN. AMBASSADOR HABIB SAID THAT CEREZO'S POSITION HAD ALWAYS BEEN CAST IN REGIONAL TERMS. PRESIDENT AZCONA SAID THAT CEREZO'S INTERNAL POSITION WAS WEAK AND HE WAS LOOKING FOR LEADERSHIP OUTSIDE THE COUNTRY. HE SAID THAT CEREZO WAS ON "OUR SIDE" IN PRIVATE, BUT WOULD NOT PUBLICLY SUPPORT THE POSITION OF THE OTHER DEMOCRATIC CENTRAL AMERICNS. AMBASSADOR HABIB SAID THAT IF THE ARIAS PROPOSALS FAILED, IT WAS IMPORTANT THAT THE BLAME BE ATTRIBUTED TO SANDINISTA INTRANSIGENCE. PRESIDENT AZCONA REPLIED THAT CEREZO HAD COMMENTED IN SAN JOSE THAT THE REAL DANGER OF THE ARIAS PLAN WAS THAT THE SANDINISTAS WOULD SIGN IT RIGHT AWAY, AND SINCE IT WAS WEAK ON VERIFICATION, THE OTHERS WOULD FIND IT DIFFICULT TO SUPPORT IT, AND THEY WOULD BE PERCEIVED AS OBSTRUCTING PEACE. AZCONA DID NOT KNOW IF THIS WAS A RUSE ON CEREZO'S PART.

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10. THE ARIAS PLAN AND UNO: FONMIN LOPEZ CONTRERAS ASKED WHAT WE MIGHT KNOW ABOUT THE UNO LEADER'S SUPPORT FOR THE ARIAS PLAN BECAUSE THEY HAD BEEN LED TO BELIEVE

TEXT OF TELEGRAM 87SAN SA002424

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PAGE 01 SAN SA 02424 03 OF 03 242036Z
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INFO CONTADORA COLLECTIVE IMMEDIATE

~~S E C R E T~~ SECTION 03 OF 03 SAN SALVADOR 02424

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THAT UNO SUPPORTED IT. BOS HAD GIVEN THE PRESIDENTS A LETTER STATING THEIR SUPPORT FOR THE PLAN. AMBASSADOR HABIB SAID WE UNDERSTOOD THAT UNO HAD SENT A TELEX TO ARIAS SUPPORTING THE PLAN, BUT IT WAS NOT CLEAR TO US WHAT EXACTLY IT SAID OR WHAT THEY SPECIFICALLY WERE SUPPORTING. HE SAID HE INTENDED TO CONSULT WITH UNO'S LEADERS SOON TO LEARN WHAT EXACTLY THEIR POSITION WAS. PRESIDENT AZCONA APPEARED SURPRISED TO LEARN THAT UNO HAD ACTUALLY WRITTEN SOMETHING TO ARIAS.

11. CONTADORA: WHEN ASKED HOW HE FELT ESQUIPULAS AND CONTADORA RELATED TO EACH OTHER, PRESIDENT AZCONA REPLIED THAT THE ARIAS PLAN WAS DERIVED FROM THE 21 CONTADORA OBJECTIVES, BUT WAS MORE "SYNTHETIC" AND HAD MANY LOOSE ENDS. BUT IT WAS NOT OPPOSED TO CONTADORA. HE SAID HE THOUGHT ARIAS WANTED TO BRING THE CENTRAL AMERICANS IN AS PROTAGONISTS, AND NOT BE SO SUBJECT TO ACTIONS FROM "PERIPHERAL PLAYERS." AMBASSADOR HABIB SAID HE THOUGHT CONTADORA'S WEAKEST POINT WAS ITS FAILURE TO DEVELOP A STRONG DEMOCRATIZATION PROGRAM AND THAT PERHAPS THE ARIAS PLAN, WHICH WAS STRONG IN THIS AREA, COULD BE USED AS A LEVER, OR INCORPORATED INTO CONTADORA.

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PAGE 02 SAN SA 02424 03 OF 03 242036Z

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12. AMBASSDOR HABIB TOLD PRESIDENT AZCONA HOW MUCH HE ADMIRED HIS FORTHCOMING MANNER, AND HIS PATIENCE WITH THE MANY RECENT CONGRESSIONAL DELEGATIONS. PRESIDENT AZCONA COMMENTED THAT THOSE WHO OPPOSE THE ADMINISTRATION'S POLICY DO NOT HAVE ALTERNATIVES. AMBASSADOR HABIB REASSURED PRESIDENT AZCONA THAT THE U.S. GOVERNMENT, AND THE PRESIDENT, WERE FULLY COMMITTED TO SEEING A DEMOCRACY IN NICARAGUA.

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United States Department of State

Assistant Secretary of State
for Inter-American Affairs

Washington, D.C. 20520

February 24, 1987

2/26/87
Dick - I have a call in to Nic. to see if there is anything more on

MEMORANDUM

TO: ARA - All Deputies
- All Office Directors

FROM: ARA - Elliott Abrams

SUBJECT: Management Review of the Bureau of Inter-American Affairs

S/PPR has scheduled a program inspection of ARA beginning the last week of March and ending by the 25th of May. Senior Inspector Arthur Tienken will oversee the inspection.

The Bureau Executive Director, Gene Scassa, will be the principal liaison with the inspectors and will coordinate the preparation for the inspection.

I ask all members of the Bureau to be candid with the inspectors and to cooperate fully with all members of the team.

WD071 2/25/87

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United States Department of State

Washington, D.C. 20520

February 25, 1987

DECONTROL

Chile Project (#S19990030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____

MEMORANDUM

TO: ARA - Mr. Gelbard

FROM: L - Michael G. Kozak MGK

SUBJECT: Chile's Request for Transmittal of Diplomatic Note

As you are aware, on February 11, 1986, the Department received a diplomatic note from the Embassy of Chile which discussed a lawsuit brought against the Government of Chile (hereinafter "GOC") in the United States District Court for the District of Columbia by the family of Rodrigo Rojas DeNegri. Attached to the note was a lengthy legal brief that argued that the case against the GOC should be dismissed. The note requested that the Department transmit the note and brief to the District Court.

The GOC's request places the Department in an awkward position. Generally, when foreign states are sued in the United States, it is their responsibility to appear before the court and raise any defenses to which they may be entitled. Accordingly, in 1978, the Department issued a circular note informing foreign states that we would no longer transmit diplomatic notes to the Supreme Court or to the U.S. courts of appeal. With respect to transmittal of notes to trial courts, the Department practice is less uniform: although it is against our policy, on several occasions we have transmitted such notes. Indeed in the Letelier proceeding, the Department twice transmitted Chilean notes to the district court. 1/ Thus, the Department has a sound basis to either grant or deny the GOC's request.

The Department can anticipate criticism either way it decides the issue. If we transmit the note, we could be perceived to be supporting Chile's case in the Rojas killing. If we do not transmit the note, we could be criticized for

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1/ When the Department transmitted the GOC's note in 1983, we explained that we were making an exception to our general policy because of the unique procedural posture of that case (i.e., a plaintiff attempted to attach the assets of Lan Chile to collect on a judgment against the GOC).

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treating the GOC unfairly, since we have on a few occasions transmitted diplomatic notes to other countries, including the USSR.2/ The GOC also could attempt to use our refusal as a pretext to refuse our request for its cooperation in the Letelier proceeding in Chile.

The irony of Chile's request is that transmittal of the note could actually harm the GOC's legal position in the Rojas proceeding. Were we to send the note, the GOC might then conclude that it need not appear in the case.3/ As L has witnessed repeatedly, states which do not appear as parties in litigation are at a tremendous disadvantage. Even if the Department were to transmit the note, moreover, there is no guarantee that the court would accept it. Worse, from the GOC's perspective, the court might hold that the submission of the lengthy brief constituted an "appearance" by the GOC in the case. Not only would this finding have serious negative legal consequences, it is precisely the outcome that the GOC hoped to avoid by declining to appear before the court.

Given these considerations, I recommend that before the Department decides whether to transmit the note, we make a demarche to Ambassador Errazuriz, urging his government to reconsider its request. In this demarche, we would emphasize the serious risks Chile would take if the note were sent to the district court. In addition, we would reiterate that the Department does not generally involve itself in litigation in which it is not a party, and that foreign states are expected to appear in U.S. courts to assert sovereign immunity. Ultimately if the GOC insists, we might agree to forward a reformulated diplomatic note (without an attached legal brief) which explicitly stated the GOC's intention to appear before the court at a later date. If pressed by Ambassador Errazuriz, we could suggest this option.

A meeting has been scheduled for 10:00 A.M. on February 26, between Ambassador Errazuriz and Liz Verville and Leonard Kusnitz. Attached are suggested talking points for the demarche.

2/ In a recent proceeding involving the USSR as defendant, the Department transmitted a diplomatic note which informed the court that the USSR intended to appear in the proceeding. Gregorian v. Izvestia, No. 85-1011-KN (C.D. Cal.).

3/ Recently, the Chilean Ambassador told ARA that although the GOC eventually intends to appear in court, it does not want to appear at this stage "for strategic reasons." When we speak with Ambassador Errazuriz, we will ask him to clarify these considerations.

Attachment:
A. Talking points

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TALKING POINTS

decision made not to return note

-- On February 11, the Department received your embassy's diplomatic note on the lawsuit brought by Veronica DeNegri.

-- Without addressing the substance of the note, I would like to return it to you and ask that your Government reconsider its request to have the Department transmit this note and the attached legal brief to the court.

-- As a general matter, the Department does not participate in legal proceedings in which it is not a party. Our general practice, as enunciated in an August 17, 1978 diplomatic note, is to refuse to transmit diplomatic notes to the courts.

-- Under U.S. law, a party does not waive its sovereign immunity nor its adherence to the theory of absolute immunity by appearing before a U.S. court. In fact, such appearance is the proper way for the state to assert its immunity.

  o Countries which adhere to absolute immunity (e.g., China, Poland, and Czechoslovakia) appear in U.S. courts to raise the issue of immunity.

-- I am informed that the GOC may appear in this proceeding at a later date, but does not want to appear now for "strategic reasons." What are these reasons?

-- For the following reasons, transmission of the note is not in GOC's interest.

  o If GOC hopes to prevail in this proceeding, it should retain U.S. counsel and assert its sovereign immunity in court.

  o Were GOC not to appear, there is a high probability that the court would issue a default judgment against Chile. Plaintiff might then attempt to execute against GOC assets in the United States.

  o Even if the Department were to go against its policy and transmit the note, the court would not be obliged to accept it.

  o Worse from GOC's perspective, the court might hold that submission of the note and legal brief constituted an "appearance" by GOC. This is precisely the outcome GOC hoped to avoid by not appearing. Moreover, this finding would place the GOC in the worst possible position, since it would have forfeited its chance to have its legal position zealously presented to the court by its legal counsel.

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-- (If asked about the Department's transmittal of a diplomatic note in Letelier)

o In returning this note, the Department is asking the GOC to reconsider its request; we are not rejecting the request.

o In any event, at the time the Department transmitted the note in Letelier, it explained to the GOC that its general policy was to refuse such requests. As the USG also explained, it made an exception to its policy in that case because of the unique procedural posture of that proceeding (i.e., a party attempted to attach the assets of Lan Chile to collect on a judgment against the GOC).

-- (If the Ambassador refuses to reconsider the GOC's request)

o Given the GOC's intention to appear at a later date, the Department would consider transmitting to the court a new diplomatic note (without an attached brief) which stated this intention. [FYI: This would offer the GOC the same treatment that we gave the USSR in the Gregorian case.]

-- (If the Ambassador says that if the GOC participates, it will ask the court to request the Department's views on the FSIA, thereby entangling the USG in the DeNegri case)

o If the GOC participates, it is free to avail itself of this opportunity. Because this case involves rather straight-forward issues of law, it is doubtful that a court would ask for our views.

o In any event, the USG is not obligated to respond to a judicial invitation to express its views.

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Drafted:L/M/DL:RKHarris
2/25/87 ext. 7-1074

Cleared:L/M/DL:JEDonoghue
L/ARA:DDarm
ARA/SC:JWSwigert

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Case Number: S1999000030

Chile Project (#S1999000030)
U.S. Department of State
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INFO USMISSION GENEVA PRIORITY

C O ~~N F I D E N T~~ I A L LOME 01089

GENEVA FOR USDEL UNHRC

E.O. 12356: DECL: OADR
TAGS: PHUM, UNHRC, CI
SUBJECT: US SPONSORSHIP OF CHILE HUMAN RIGHTS
- RESOLUTION AT UNHRC: REQUESTED DEMARCHE

REF: (A) STATE 052474, (B) STATE 51557

1. (CONFIDENTIAL - ENTIRE TEXT)

2. AMBASSADOR MADE DEMARCHE AS INSRUCTED REF A TO ACTING FOREIGN MINISTER KEKEH MORNING FEBRUARY 25 AND LEFT WITH KEKEH ENGLISH LANGUAGE TEXT OF DRAFT RESOLUTION CONTAINED REF B. KEKEH DID NOT SEEM ENTHUSIASTIC ABOUT COSPONSORSHIP BUT SAID HE WOULD LOOK CLOSELY AT TEXT AND BE IN TOUCH WITH TOGOLESE DELEGATION IN GENEVA.

3. AMBASSADOR TOOK OPPORTUNITY OF MEETING WITH THE ACTING FOREIGN MINISTER TO EXPRESS USG APPRECIATION FOR TOGO'S NO VOTE ON NAME-CALLING PARAGRAPH OF RESOLUTION ON HUMAN RIGHTS ON SYRIAN-OCCUPIED TERRITORY.
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PAGE 02 LOME 01089 251139Z

KEKEH WAS CLEARLY VERY PLEASED OVER THESE WORDS OF THANKS, KORN

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STROM THURMOND
SOUTH CAROLINA
COMMITTEES

ARMED SERVICES
JUDICIARY
VETERANS' AFFAIRS
LABOR AND HUMAN RESOURCES

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United States Senate

WASHINGTON, DC 20510

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EXCISE

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Chile Project (=S1999000030)
U.S. Department of State
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Declassify: In Part_____ In Full_____
Exemption(s) B6

ACTION
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February 25, 1987

Honorable J. Edward Fox
Assistant Secretary for Legislative Affairs
Department of State
Washington, D.C. 20520

Dear Secretary Fox:

I am enclosing copies of two letters concerning the United States of America's vote on November 28, 1986 regarding the U.N. Resolution to condemn human rights abuses in Chile. These letters are from [redacted] of Greenville, South Carolina, and I believe that you will find them to be self-explanatory.

Pursuant to her request and the concerns she has expressed in her correspondence, I would appreciate your response to her inquiry.

Thank you for your attention to this matter.

With kindest regards and best wishes,

Sincerely,

Strom Thurmond

Strom Thurmond

ST/bdd

Enclosures

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1987 MAR -5 AM 9:04
RECEIVED BY
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AMEMBASSY SANTIAGO IMMEDIATE
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AMCONSUL SYDNEY

Chile Project (#S199900030)
U.S. Department of State
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UNCLASSIFIED
C O N F I D E N T I A L SECTION 01 OF 02 CANBERRA 01871

E.O. 12356: DECL:OADR
TAGS: PHUM, UNHRC-1, CI, AS
SUBJECT: AUSTRALIA WILL NOT SUPPORT U.S. RESOLUTION
--- ON CHILE AS IS; COSPONSORS NORWEGIAN DRAFT
--- ON GUATEMALA

REF: (A) STATE 52474
--- (B) STATE 51557
--- (C) CANBERRA 973
--- (D) CANBERRA 663

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1. CONFIDENTIAL - ENTIRE TEXT.
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2. SUMMARY: AUSTRALIA WILL NOT SUPPORT THE U.S. DRAFT RESOLUTION ON CHILE AS IS. OPERATIVE PARA 15 (CONSIDERATION OF CHILE UNDER AGENDA ITEM 12) MUST BE DELETED AND SOME OTHER PROVISIONS MUST BE EDITED TO WIN GOA SUPPORT. NEVERTHELESS, DFA EXPECTS THE U.S. RESOULTION WILL BE AMENDED IN GENEVA TO THE GOA'S SATISFACTION AND WILL EVENTUALLY BE ADOPTED BY CONSENSUS.
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PAGE 02 CANBER 01871 01 OF 02 250633Z

END SUMMARY.

4. POLOFF DELIVERED U.S. DRAFT UNHRC RESOLUTION ON CHILE (REFTEL B) FEBRUARY 23 TO DFA ACTING IO ASSISTANT SECRETARY GEOFF FORRESTER AND HUMAN RIGHTS SECTION HEAD GERALD HARDING, AND ASKED THAT THE GOA CONSIDER COSPONSORING THE RESOLUTION. A NON-PAPER CONTAINING REFTEL A TALKING POINTS WAS ALSO PASSED TO THE AUSTRALIANS.

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5. AFTER REVIEWING THE RESOLUTION AND TALKING POINTS, FORRESTER STATED THAT OPERATIVE PARA 15 (ELIMINATING THE SPECIAL AGENDA ITEM ON CHILE) WOULD BE UNACCEPTABLE TO THE GOA THIS YEAR. THE REST OF THE DRAFT COULD EASILY BE MISTAKEN FOR GOA TALKING POINTS ON CHILE, ACCORDING TO FORRESTER. NEVERTHELESS, BOTH HE AND HARDING THOUGHT CHANGES WOULD BE NEEDED TO WIN GOA SUPPORT, PARTICULARLY TO THOSE PARAS APPARENTLY FAVORABLE TO THE GOC. TO ILLUSTRATE, FORRESTER SAID THAT CANBERRA WOULD WANT TO INCLUDE REFERENCE TO TERRORISM BUT NOT THE ATTEMPT TO ASSASSINATE PINOCHET. THUS, HE RECOMMENDED SHORTENING OPERATIVE PARA 3 TO END WITH "... IMPEDES THE RETURN TO DEMOCRACY."

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6. FORRESTER RECALLED THAT LAST YEAR'S DRAFT ON

CHILE WAS CHANGED CONSIDERABLY BEFORE IT WAS FINALLY ADOPTED BY CONSESUS. HE OPINED THAT THE U.S. DRAFT WOULD GO THROUGH THE SAME PROCESS THIS YEAR. IN ANY EVENT, THE GOA COULD NOT COSPONSOR THE RESOLUTION IN ITS PRESENT FORM.

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7. REGARDING THE COMPETING MEXICAN DRAFT, CANBERRA HAS NOT YET RECEIVED THE TEXT. HOWEVER, HARDING RECALLED A REPORT FROM THE AUSTRALIAN DELEGATION IN GENEVA WHICH STATED THAT THE MEXICAN PROPOSAL WAS "STRONGER" THAN THE DRAFT MEXICO CIRCULATED INFORMALLY LAST YEAR. IF THIS PROVED TO BE THE CASE, NEITHER OFFICIAL BELIEVED CANBERRA WOULD SUPPORT IT.

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9. COMMENTS: FORRESTER'S RESPONSE TO OPERATIVE

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AMEMBASSY SANTIAGO IMMEDIATE
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AMCONSUL SYDNEY

C O N F I D E N T I A L SECTION 02 OF 02 CANBERRA 01871

E.O. 12356: DECL:OADR
TAGS: PHUM, UNHRC-1, CI, AS
SUBJECT: AUSTRALIA WILL NOT SUPPORT U.S. RESOLUTION

PARA 15 OF THE U.S. DRAFT ON CHILE WAS NOT SURPRISING. WE WERE TOLD LAST MONTH (REFTEL C) THAT FOREIGN MINISTER HAYDEN HAD DECIDED NOT TO SUPPORT ABOLISHING AGENDA ITEM 5 (CHILE) WHEN HE AGREED TO SUPPORT A RESOLUTION ON CUBA. THE UNHRC'S SIMULTANEOUS CONSIDERATION OF ITEMS 5 AND 12 (ANY PART OF THE WORLD) WAS SEEN HERE AS A SATISFACTORY COMPROMISE ON THE ISSUE OF CHILE'S EXCEPTIONAL CONSIDERATION BY THE COMMISSION.

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] END COMMENTS. TEARE

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February 25, 1987

Chile Project (#S199900030)
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Exemption(s) B6

The Honorable Barbara Mikulski
Senate Office Building
Washington, D. C.

Re: Amnesty International Prisoner of Conscience Dagoberto Lopez Rebolledo

Dear Senator:

In early December I wrote to you on behalf of Amnesty International Group 297 in Silver Spring, to ask you to ask the State Department to investigate the case of Dagoberto Lopez Rebolledo, whose case was investigated by AI and who was adopted by our group as a prisoner of conscience. As I said in my December letter, Mr. Lopez was arrested in 1984 for allegedly having participated in an attack on a police station in which two officers were killed. AI is satisfied that Mr. Lopez has never used nor advocated violence and that he is not guilty as charged. He confessed under torture; his confession was the evidence used against him. Although he was not tried, he has been "provisionally sentenced" to 35 years and a day in prison, where he now is.

We would appreciate any help you can provide. Specifically, the State Department seems satisfied with Chile's response, that this is simply a case of terrorism. Would you ask them to make a deeper inquiry, please? I look forward to hearing from you. Thanks for thinking about it.

Sincerely yours,

[redacted]

AI Group 297

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Residence: 104 Hodges Lane, Takoma Park, Maryland 20912 • 301-589-4926

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Case Number: S1999000030

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
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C O N F I D E N T I A L LIMA 02160

GENEVA FOR USDEL UNHRC

E.O. 12356: DECL: OADR
TAGS: PHUM, PGOV, UNHRC, CH, PE
SUBJECT: U.S. SPONSORSHIP OF CHILE HUMAN RIGHTS RESOLUTION AT UNHRC: PERUVIAN REACTION

REF: (A) STATE 52474, (B) STATE 51557

1. CONFIDENTIAL - ENTIRE TEXT.

2. POLOFF CALLED ON PERUVIAN ASSISTANT SECRETARY FOR MULTILATERAL AFFAIRS AMBASSADOR JORGE DEL CAMPO ON FEBRUARY 24 TO CARRY OUT DEMARCHE ON U.S. SPONSORSHIP OF CHILE HUMAN RIGHTS RESOLUTION. USING TALKING POINTS PROVIDED IN REF B, POLOFF REVIEWED WITH DEL CAMPO REASONS FOR PROPOSING SUCH A RESOLUTION AT THIS TIME AND HANDED AMBASSADOR DEL CAMPO A COPY OF THE U.S. DRAFT (REF A).

3. AMBASSADOR DEL CAMPO WELCOMED THE U.S. DRAFT, CHARACTERIZING IT AS "A GOOD ALTERNATIVE TO MEXICO'S."
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HE AGREED WITH OUR VIEWS ON THE MEXICAN RESOLUTION BUT POLITELY PARRIED EFFORTS TO ASCERTAIN HOW THE GOP WOULD VOTE ON OUR RESOLUTION ALLEGING HE NEEDED TIME TO STUDY OUR DRAFT. WATSON

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United States Department of State

Washington, D. C. 20520

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INFORMATION MEMORANDUM S/S

~~SECRET/SENSITIVE~~

February 25, 1987

TO: The Secretary

FROM: ECA - Philip C. Habib

SUBJECT: The Diplomatic Track - My February Trip to Central America and Mexico

I travelled to Central America and Mexico February 22-24 to continue my consultations on the negotiating process. I began in Costa Rica to seek President Arias' views on his peace proposals. I then visited Honduras, El Salvador, and Mexico.

President Arias is determined to make a major effort to promote his initiative. He has put his own and his nation's prestige on the line. By going public with his proposals, he has ensured that it will be the focal point of the next phase of the negotiating process. He enjoys that he and Costa Rica will be in the international spotlight and that he has managed to place himself at the center of the Central American democracies' desire to assert themselves and have their views taken into account in any peace plan.

Arias views his proposals as having two parts, political elements and security elements. He has emphasized the former, and paid relatively little attention to the latter. He accepts that his plan is a draft that needs revision, although he clearly regards it as more than a draft. I told him that we wanted to work with him, but that his plan had major deficiencies and omissions. He did not argue with me about its weaknesses. He understands that Presidents Azcona and Duarte also have strong objections to parts of his plan. He had hoped that the other three presidents would sign on immediately but now accepts that his proposals will require considerable deliberation.

It is not clear to what extent he is willing to make changes in the proposals, but in general he will be less likely to revise the political elements than the security elements. Before he begins redrafting, he will probably wait to receive all the recommendations from the other Central American democracies, Nicaragua, Mexico, us, and probably others. In the end, there will be an effort to get an agreement at

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DEPARTMENT OF STATE IS/FPC/CDR Date: 12-19-96

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Esquipulas or the effort will break down. If it breaks down, it will be in our interest to have it do so because of Sandinista intransigence. That is what Arias expects, or at least what he says he does.

Arias wanted to make a big splash by announcing his proposals. He now has less than 90 days until the Esquipulas meeting to attempt further manipulation. He may well start dealing directly with the Sandinistas, if he concludes this will be useful. But he did not give much indication of what his approach would be or show awareness of how the Sandinistas might try to take advantage of his proposals. This will be a critical period, and we must maintain close and careful contact with him, both through the Embassy and my visits. If his initiative goes awry, it could seriously complicate our policy.

He has drafted his proposals in consultation with various members of Congress, particularly Sen. Dodd, who was present before, during, and after the San Jose summit on February 15. I was told that Sen. Dodd has sought to define how U.S. Democrats will react to the Arias plan; he allegedly has told Arias that if the Sandinistas reject or accept and then renege on the Arias plan, the Democrats will support the Administration policy.

One factor influencing Arias as he prepared the text of his plan has been the distorted and one-sided view of the American political scene he has received from these Congressional members. This has affected and strengthened his already existing bias against the democratic resistance. Also, his views have been reinforced by the apparent acceptance of his proposals by resistance leaders; he believes that UNO endorses his proposals, and he is certain that BOS does.

Presidents Azcona and Duarte remain stalwarts upon whom we can rely. They share our views on the Arias proposals, and their criticisms parallel our own. Their attitude is already beginning to show, especially in the case of Azcona who has analyzed carefully the proposals and understands the relationship between the political and security elements and the importance that they be placed in the proper sequence. Azcona is less concerned about the Arias proposals because he doubts they will go anywhere. Duarte is more concerned. He is troubled that Arias chose to ignore his recommended changes to the draft as well as his advice not to make the draft public. Duarte's serious internal political problems are weighing heavily on his mind; this influences his response, compelling him to be more assertive lest the proposals contribute to his domestic difficulties.

I did not see President Cerezo who was travelling in South America. I expect that he will continue his "active neutrality" policy and be reluctant to participate openly in

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any plan directed against Nicaragua. He will also seek to link the Arias proposals to Contadora, as will Duarte. Nevertheless, I still believe that he will be sympathetic to efforts to promote democracy in Nicaragua.

The problem of the resistance's role in a dialogue and its future political role in Nicaragua have been scarcely thought about by Arias. Azcona has focused on this, however, because he does not want resistance troops coming back into Honduras. Azcona pointed out that the success of the resistance on the ground in the next 90 days will be an important factor in what happens at Esquipulas. If there is no intensification of their activity marked by what can clearly be viewed as real success, they will be of little value in the negotiations.

In all three of the Central American democracies I visited there is concern about our resolve. Thus Arias and to a lesser extent Azcona and Duarte are hedging their bets in fear that we will not stay the course. I made a point of emphasizing to all of them the President's firmness and determination to pursue his objectives. I stressed the President's view that the goal in Nicaragua is democracy. This was well received by all. While Azcona and Duarte remain firm, events in Washington -- reinforced by the message they are hearing from a deluge of CODELs -- only feeds their fears that someday the United States will abandon them, beginning with an end to aid to the resistance and leaving Nicaragua unchanged with the Sandinistas in power and consolidating their control.

Foreign Secretary Sepulveda made clear that he is determined to keep Contadora alive and would lead the charge against any plan to replace Contadora. He has not been well briefed on the Arias proposals and is uncertain about how they will correspond to Contadora. He is also committed to protecting the Sandinistas and ensuring their participation in discussions under the Arias plan. Sepulveda argues that Contadora is a better and more comprehensive process than the Arias proposals. It provides for the full range of political and security issues and has a better verification system. He will seek to take what he wants from the Arias proposals, while discarding the rest. Arias intends to press on with his own initiative independent of Contadora. He recognizes that he has the option of marrying up the two at some point.

I intend to return to the region in 2 to 3 weeks. Meanwhile, I will see Cerezo, who will be a key figure in the coming negotiations. In addition, I intend to meet with Calero, Cruz, and Robelo to ascertain just where they stand. For now, I have laid down our markers, and we will see how the situation evolves. I intend to work closely with Arias, while depending on Azcona and Duarte to remain firm. The Arias proposals have injected a new and urgent note in the peace process. We should not reject the Arias plan, just as we do

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not reject Contadora, but treat it as one element of a continuing negotiating process. One advantage of the Arias plan is that it comes at a time when, for our own reasons, we wanted to intensify our diplomatic efforts. Our purpose will be to lead the process in a direction that could produce an agreement acceptable to us and centered on the goal of democracy in Nicaragua. Thus, in this sense, the Arias proposals are useful to us.

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cc: D - Mr. Whitehead
P - Mr. Armacost
ARA - Mr. Abrams
DOD - Mr. Weinberger
NSC - Mr. Carlucci
CIA - Mr. Gates

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Amb. Habib Memo to the Secretary: The Diplomatic Track of My February Trip to Central America and Mexico

Drafted:ARA/CEN:DRandolph
doc 2068A, x73381, 2/25/87
Cleared:ECA:PHabib

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IU187

Chile Project (#S199900030)
U.S. Department of State
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Declassify: In Part_X_ In Full_____
Exemption(s) B1

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GENEVA FOR USDEL UNHRC

E.O.12356: DECL: OADR
TAGS: PHUM, UNHRC, CI, UK
SUBJECT: UNHRC CHILE HUMAN RIGHTS RESOLUTION:
- BRITISH SEEK TO TOUGHEN U.S. DRAFT

REF: A) STATE 52474 B) STATE 51557

1. ~~CONFIDENTIAL~~ - ENTIRE TEXT.

2. SUMMARY: THE FCO APPROVES OF THE BALANCED APPROACH TAKEN BY THE U.S. DRAFT HUMAN RIGHTS RESOLUTION ON CHILE. THEY WOULD PREFER, HOWEVER, A MORE POINTED TEXT WHICH CITES SPECIFIC HUMAN RIGHTS VIOLATIONS. THE BRITISH ATTACH GREAT IMPORTANCE TO THE EMERGENCE OF A SINGLE RESOLUTION ON CHILE AND URGE THE U.S. WORK WITH THE MEXICANS FOR A BALANCED AND HARD-HITTING TEXT. END SUMMARY.

3. PER REF A, WE DISCUSSED THE U.S. DRAFT RESOLUTION ON

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HUMAN RIGHTS IN CHILE WITH DAVID GORDON-MCCLOUD, SENIOR CHILE DESK OFFICER IN THE FCO'S SOUTH AMERICA DEPARTMENT. GORDON-MCCLOUD COMMENDED THE U.S. DRAFT FOR ITS BALANCE, BUT WARNED THAT IT WOULD HAVE TO BE MORE "HARD-HITTING" TO WIN BRITISH SUPPORT.

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5. TO ILLUSTRATE HIS POINT, GORDON-MCCLOUD SUGGESTED THE FOLLOWING ADDITIONS TO THE U.S. DRAFT (REF B):

. -- OPERATIVE PARAGRAPH 8 (EXPRESSING CONCERN ABOUT CONTINUED VIOLATIONS OF HUMAN RIGHTS IN CHILE) SHOULD BE BEEFED UP TO INCLUDE REFERENCE TO THE OPERATION OF RIGHT WING DEATH SQUADS IN THE AFTERMATH OF THE PINOCHET ASSASINATION ATTEMPT;

. -- OPERATIVE PARAGRAPH 11 SHOULD BE PREFACED BY PARAGRAPHS WHICH EXPRESS CONCERN AT A) THE FAILURE TO SUCCESSFULLY PROSECUTE SECURITY FORCES FOR HUMAN RIGHTS ~~CONFIDENTIAL~~

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VIOALATIONS, AND B) THE FACT THAT ONLY THREE OF PERHAPS 10,000 APPLICATIONS FOR REVIEW BASED ON AMPARO (HABEAS CORPUS) HAVE BEEN UPHELD SINCE THE REVIEW;

. -- OPERATIVE PARAGRAPH 12 (F) SHOULD CITE SPECIFIC CASES OF TORTURE, KILLINGS, KIDNAPPINGS AND OTHER ABUSES AND PERHAPS MENTION THE ROJAS CASE.

6. REGARDING THE MEXICAN DRAFT RESOLUTION, GORDON-MCCLOUD INDICATED THAT THE FCO HAD SENT UKDEL UNHRC A DETAILED CRITIQUE WHICH EMPHASIZED THE TEXT'S LACK OF BALANCE. HE SAID THE U.S. AND MEXICO SHOULD WORK TOWARD THE COMMON GOAL OF ENCOURAGING THE UNHRC TO MAINTAIN A UNITED FRONT ON CHILE BY APPROVING ONE RESOLUTION THAT IS BALANCED AND YET STRONG ENOUGH TO PROD THE PINOCHET GOVERNMENT.

7. GORDON-MCCLOUD SAID THAT HMG WOULD SUPPORT A U.S. EFFORT TO MOVE CONSIDERATION OF HUMAN RIGHTS VIOLATIONS IN CHILE TO THE GENERAL AGENDA ITEM NUMBER 12. HE SAID

HMG CONSIDERS THIS A PROCEDURAL ISSUE UNRELATED TO THE SUBSTANTIVE ISSUE OF HUMAN RIGHTS VIOLATIONS IN CHILE.

8. MCCLOUD ALSO SAID THAT WHILE HMG WOULD IN PRINCIPLE BE WILLING TO CO-SPONSOR A U.S. RESOLUTION THAT WAS BOTH HARD-HITTING AND BALANCED, THE DECISION WOULD HAVE TO TAKE INTO ACCOUNT DEVELOPMENTS IN GENEVA. HE URGED US TO STAY IN CLOSE TOUCH WITH THE UKDEL UNHRC.
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Case Number: S199900030

Chile Project (#S199900030)
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ACTION IO-19

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TO SECSTATE WASHDC IMMEDIATE 5686
INFO USMISSION GENEVA IMMEDIATE

C O N F I D E N T I A L KIGALI 00968

GENEVA FOR USDEL UNHRC

E.O. 12356: DECL:OADR
TAGS: PHUM UNHRC RW
SUBJECT: U.S. SPONSORSHIP OF CHILE HUMAN RIGHTS
- RESOLUTION AT UNHRC: REQUESTED DEMARCHE

REF: STATE 52474

1. (C-ENTIRE TEXT.)

2. GIVEN THE FACT THAT MOST OF OUR USUAL INTERLOCUTORS AT MOFA ARE ON THE ROAD, CHARGE DID NOT FIND AN APPROPRIATE RECIPIENT FOR OUR DEMARCHE ON THE CHILEAN RESOLUTION UNTIL FEBRUARY 26 WHEN HE SPOKE TO THE DIRECTOR OF MULTILATERAL AFFAIRS SIBOMANA. SIBOMANA PROFESSED SYMPATHY WITH OUR POSITION, AND OUR DESIRE TO SEE A BALANCED RESOLUTION. HE UNDERTOOK TO CALL HIS DELEGATION IN GENEVA THIS MORNING (PHONES WILLING) TO MAKE OUR POSITION KNOWN TO THEM. HE INDICATED THAT UNLESS THE LATIN AMERICAN GROUP WERE UNITED BEHIND THE MEXICAN DRAFT, RWANDA SHOULD BE ABLE TO SUPPORT OUR DRAFT. A UNITED LATIN GROUP, HOWEVER, WOULD TEND TO INVOKE A UNITED AFRICAN SUPPORT FROM WHICH RWANDA WOULD HAVE DIFFICULTY EXTRICATING ITSELF. LAST YEAR'S
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PAGE 02 KIGALI 00968 261011Z

CONSENSUS ADOPTION OF THE CHILEAN RESOLUTION CLEARLY APPEALED TO SIBOMANA AS THE BEST PRECEDENT TO FOLLOW THIS YEAR.
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Case Number: S1999000030

Chile Project (#S199900030)
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Exemption(s) ____

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GENEVA FOR USDEL UNHRC

E.O. 12356: DECL: OADR
TAGS: PHUM, UNHRC, TO, CI
SUBJECT: US REQUEST FOR TOGOLESE SUPPORT FOR US
- RESOLUTION ON HUMAN RIGHTS IN CHILE
- AT UNHRC

REF: LOME 1089

1. (~~CONFIDENTIAL~~ - ENTIRE TEXT)

2. WHILE AT FOREIGN MINISTRY MORNING FEBRUARY 26 TO DELIVER SECRETARY'S LETTER ON USG RESOLUTION ON CUBAN HUMAN RIGHTS ABUSES, AMBASSADOR ASKED ACTING FOREIGN MINISTER KEKEH WHETHER WE COULD EXPECT TOGOLESE SUPPORT FOR OUR DRAFT RESOLUTION ON CHILE. KEKEH SAID THAT AFTER MEETING WITH AMBASSADOR FEBRUARY 25 HE HAD SENT INSTRUCTIONS TO TOGOLESE DELEGATION IN GENEVA TO VOTE WITH THE USG ON THE RESOLUTION ON CHILE. KORN

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ACTION IO-19

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C O N F I D E N T I A L BRASILIA 02228

GENEVA FOR USDEL UNHRC

E.O. 12356: DECL: OADR
TAGS: PHUM, UNHRC, CI, BR
SUBJECT: US SPONSORSHIP OF CHILE HUMAN RIGHTS RESOLUTION AT UNHRC

REF: A) STATE 52474, B) BRASILIA 02028

1. C - ENTIRE TEXT.

2. FOLLOWING UP ON FEBRUARY 23 EMBASSY DEMARCHE ON CHILE HUMAN RIGHTS SITUATION (REFTEL B), POLITICAL COUNSELOR DISCUSSED ISSUE WITH CHIEF OF MFA INTERNATIONAL ORGANIZATIONS DEPARTMENT, BERNARDO PERICAS, ON FEBRUARY 25. PERICAS SAID THAT, ACCORDING TO INFORMATION HE HAD RECEIVED, THE VOTE ON CHILE WOULD COME UP ON OR ABOUT MARCH 12. CHILE WOULD BE CONSIDERED UNDER AGENDA ITEM 5

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PAGE 02 BRASIL 02228 262111Z

BUT BE CONSIDERED AS A PACKAGE WITH ITEM 12 MATTERS. PERICAS REITERATED THAT BRAZIL COULD SUPPORT U.S. EFFORTS TO MOVE CONSIDERATION OF CHILE TO ITEM 12 FOR NEXT YEAR'S SESSION.

2. PERICAS CRITICIZED THE MEXICAN DRAFT

RESOLUTION ON CHILE AND SAID THAT IT FAILED TO TAKE SUFFICIENTLY INTO ACCOUNT THE FINDINGS OF THE RAPPORTEUR. HE INDICATED THAT BRAZIL COULD NOT VOTE FOR IT IN THE PRESENT FORM AND WOULD PROBABLY ABSTAIN IF IT CAME TO A VOTE. POLITICAL COUNSELOR POINTED OUT THAT THE U.S. OBJECTIONS TO THE MEXICAN TEXT INCLUDE ITS FAILURE TO MENTION THE PROBLEM OF TERRORISM AND THE ASSASSINATION ATTEMPT AGAINST PINOCHET. PERICAS ACKNOWLEDGED THAT, BUT REMARKED THAT ATTITUDES TOWARD THE GOC ARE NOT HELPED BY NEW DEVELOPMENTS IN THE LETELIER CASE.

3. FINALLY, PERICAS SAID THAT BRAZIL WOULD CAREFULLY STUDY THE U.S. RESOLUTION. HE OPINED THAT THE BEST RESULT WOULD BE A COMPROMISE (OF THE U.S. AND MEXICAN) DRAFT SO THAT THE UNHRC COULD APPROVE A BALANCED RESOLUTION BY CONSENSUS AS HAPPENED LAST YEAR.

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E.O. 12356: DECL: OADR
TAGS: PREL, MX, XK, OVIP (HABIB, PHILIP C.)
SUBJECT: AME. HABIB'S MEETING WITH MEXICAN FOREIGN SECRETARY SEPULVEDA

1. (S) - ENTIRE TEXT.

2. SUMMARY: ON FEB. 24, AME. HABIB MET WITH MEXICAN FOREIGN SECRETARY SEPULVEDA AND REVIEWED TE PURPOSES OF HIS STOP IN MEXICO: TO SEEK THE MEXICAN VIEWS ON THE ARIAS PLAN AND TO SOLICIT THE VIEWS OF THE MEXICANS ON THE STATE OF PLAY IN CONTADORA. SEPULVEDA EMPHASIZED THAT HE DID NOT WANT TO SEE CONTADORA "SABOTAGED." HE SPOKE OF THE IMPORTANCE THAT SOLUTIONS TO CENTRA AMERICAN PROBLEMS REQUIRED THE AGREEMENT OF ALL FIVE

OF THE SAN JOSE MEETING WAS THE INCLUSION OF NICARAGUA IN THE UPCOMING ESQUIPULAS MEETING. SEPULVEDA WAS NOT WELL BRIEFED ON THE ARIAS PROPOSALS BUT EXPRESSED A STRONG CONVICTION THAT CONTADORA REMAINED VERY MUCH A PART OF THE SEARCH FOR PEACE IN CENTRAL AMERICA. END SUMMARY.

3. MEXICAN FOREIGN SECRETARY BERNARDO SEPULVEDA HOSTED A LUNCHEON IN HONOR OF AMB. HABIB ON FEBRUARY 24. HABIB WAS ACCOMPANIED BY AME. PILLIOD AND NSC STAFFER

JACQUELINE TILLMAN. HABIB INFORMED SEPULVEDA THAT WE BELIEVED AN INTENSIFIED U.S. DIPLOMATIC TRACK WAS TIMELY IN LIGHT OF THE RECENT INITIATIVES INVOLVING THE SEARCH FOR PEACE IN THE CENTRAL AMERICAN REGION. HE HAD CONSULTED WITH THREE OF THE FOUR DEMOCRATIC CENTRAL AMERICAN PRESIDENTS ON THIS TRIP ABOUT THEIR FEB. 15 MEETING IN SAN JOSE BUT HAD FELT THAT IT WAS IMPOR AN TO CONSULT WITH THE MEXICANS AS WELL BECAUSE OF THE POTENTIAL IMPACT THE ARIAS INITIATIVE MIGHT HAVE ON THE CONTADORA PROCESS. THE U.S. GOVERNMENT SUPPORTED CONTADORA AND DID NOT WANT EITHER TO SABOTAGE THE PROCESSS OR TO SEE IT SABOTAGED. TWO THINGS WERE OF PARTICULAR INTEREST TO US AT THIS POINT: THE VIEW OF THE MEXICANS REGARDING THE ARIAS PLAN AND HOW THE MEXICANS ASSESSED WHERE THINGS CURRENTLY WERE REGARDING THE CONTADORA PROCESS.

4. THE ARIAS PLAN: HABIB SAID THAT COSTA RICAN PRESIDENT ARIAS HAD EMPHASIZED THAT HIS PLAN WAS A DRAFT, A COSTA RICAN DRAFT, AND THAT HE FULLY EXPECTED THAT IT WOULD BE REVISED. HE AND THE GOVERNMENTS OF HON URAS AN

EL SALVADOR FELT THE DRAFT PROPOSAL HAD SOME STRENGTHS AND SOME DEFICIENCIES. THERE WOULD BE A PROCESS OF CONSULTATIONS LEADING TO A MEETING IN ESQUIPULAS IN 90 DAYS OF THE FIVE CENTRAL AMERICAN PRESIDENTS, INCLUDING NICARAGUA. SEPULVEDA SAID THAT THE MEXICANS DID NOT HAVE A DIRECT EVALUATION OF THE ARIAS PLAN YET, BUT EXPECTED TO DISCUSS IT MORE FULLY DURING ARIAS'S STATE VIST WHICH WOULD BEGIN THE NEX DAY. SEPULVEDA SAID THAT FROM THE BEGINNING OF CONTADORA, THEY HAD INSISTED THAT ANY SOLUTION TO THE PROBLEMS IN CENTRAL AMERICA HAD TO HAVE ALL FIVE COUNTRIES AS PARTICIPANTS AND ALL HAD TO BE SUBJECT TO ALL PARTS OF A FINAL AGREEMENT. CONTADORA'S FIRST SUCCESS HAD BEEN TO GET THE FIVE CENTRAL AMERICAN COUNTRIES TOGETHER FOR DISCUSSIONS. THERE ORE, WHA HAD BEEN MISSING IN THE FEB. 15 SAN JOSE MEETING WAS THE PRESENCE OF NICARAGUA AND THE MEETING'S MOST POSITIVE RESULT WAS THE INCLUSION OF NICARAGUA AT THE UPCOMING ESQUIPULAS MEETING.

5. SEPULVEDA SAID THAT A NUMBER OF IDEAS IN THE ORIGINAL ARIAS PROPOSAL WERE NOT PRESENT IN THE FINA PROPOSAL THAT HAD BEEN SIGNED. HABIB AGAIN STRESSED THAT ARIAS HAD BEEN CLEAR THAT WHAT HAD BEEN PRESENTED IN SAN JOSE WAS A DRAFT, WAS SUBJECT TO MODIFICATIONS, AND THAT ONLY A STATEMENT OF PRINCIPLES HAD BEEN SIGNED IN SAN JOSE. HABIB EXPLAINED THAT WE BELIEVED THAT THE ELEMENTS OF THE ARIAS PLAN THAT CONCERNED DEMOCRATIZATION WERE THE MOST SIGNIFICANT AND NEWEST CONTRIBUTIONS IN THE NEGOTIATING

PROCESS. THE DRAFT HAD BEEN COUCHED IN A CENTRAL AMERICAN CONTEXT DELIBERATELY TO AVOID POINTING THE FINGER AT NICARAGUA, BUT IT WAS CLEAR THAT THE DEMOCRATIZATION ELEMENTS DID NOT REFER TO THE FOUR DEMOCRACIES. CONTADORA HAD NOT REACHED THE SAME DEGREE OF PRECISION ON DEMOCRATIZATION THAT THE COSTA RICANS HAD DEVELOPED. THE ARIAS PLAN WAS NOT AS STRONG ON SECURITY AND VERIFICATION MEASURES PERHAPS BECAUSE CONTA ORA HAD ALREADY DONE EXTENSIVE WORK ON THESE AREAS. IN ANY CASE, ARIAS HAD SAID THAT HE DID NOT KNOW MUCH ABOUT THESE MATTERS AND ANTICIPATED THAT EL SALVADOR AND HON URAS WOULD MAKE EXTENSIVE CONTRIBUTIONS IN THESE AREAS. COSTA RICA INTENDED TO PRESS ON DEMOCRATIZATION. HABIB SAID THAT THE SEQUENCES IN THE PLAN WERE NOT RIGHT: A CEASE-FIRE SHOULD COME AFTER DIALOGUE BETWEEN THOSE WITH THEIR FINGERS ON THE TRIGGER. HE ASKED AGAIN IF THE MEXICANS HAD ANY VIEWS ON THE ARIAS PLAN. SEPULVEDA AVOIDED SUCH DISCUSSION, STATING THAT THEY WERE WAITING FOR THE MEETING WITH ARIAS.

6. CONTADORA AND THE ARIAS PLAN: SEPULVEDA THEN RECTED HIS FAMILIAR LITANY ABOUT HOW THE CONTADORA PROCESS HAD DEVELOPED OVER THE LAST FOUR YEARS, MOVING CONSISTENTLY FROM GENERAL PRINCIPLES TO SPECIFIC ITEMS IN ACTUAL DRAFT TREATIES. THE ORIGINAL DOCUMENT OF OBJECTIVES HAD BEEN INTENDED TO BE THE FIRST STEP IN THE ELABORATION OF A TREATY. HE SAID THAT COSTA RICA HAD NOW SUBMITTED A DRAFT THAT WENT BACK TO WHERE CONTADORA HAD STARTED, WITH A FEW SIMPLE IDEAS. HABIB POINTED OUT THAT WHI E THE ARIAS PLAN HAD NOT DEVELOPED THE VERIFICATION OR SECURITY AREAS VERY WELL, THE POLITICAL PLAN WAS MUCH MORE SPECIFIC THAN ANYTHING CONTADORA HAD DEVELOPED TO DATE. SEPULVEDA SAID THAT CONTADORA WAS HAPPY TO PLAY A USEFUL ROLE IN NEGOTIATIONS OR MEDIATIONS WITH THE CENTRAL AMERICANS, BUT EMPHASIZED THAT HE DID NOT WANT AN EROSION OF CONTADORA, A "DOUBLE TALK WITH LIP SERVICE ABOUT CONTADORA AND ACTIONS BEING TAKEN EXACTLY CONTRARY TO WHAT CONTADORA SAYS." HE IMPLIED THAT ARIAS HAD PROFESSED SUPPORT FOR CONTADORA IN HIS INAUGURAL ADDRESS AND HIS AM SPEECH AND THAT IF HE AND THE OTHER CENTRA AMERICANS WANTED CONTADORA TO PLAY A ROLE, THEY SHOULD

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LET CONTADORA FUNCTION AND NOT SABOTAGE IT. HABIB REPLIED THAT CENTRAL AMERICA HAD CHANGED OVER THE LAST FOUR YEARS; THE CENTRAL AMERICANS WERE MORE ASSERTIVE NOW. THEY WANTED THEIR VIEWS TO BE TAKEN INTO ACCOUNT IN A MUCH MORE POSITIVE MANNER THAN CONTADORA HAD IN THE PAST. ARIAS DID NOT WANT TO SABOTAGE CONTADORA AND BY REFERRING SPECIFICALLY TO CONTADORA OBJECTIVES, HAD INDICATED THAT HIS PLAN OCCURRED IN THE CONTEXT OF

CONTADORA.

2. ICJ CASE: THE MAIN OBSTACLE TO DATE IN CONTADORA, WHICH SEPULVEDA SAID "WE REGARD AS AN EXCUSE," WAS THE HONDURAN AND COSTA RICAN POSITION REGARDING NICARAGUA'S PETITION BEFORE THE INTERNATIONAL COURT OF JUSTICE. HABIB ASKED WHY, DURING THE TRAVELS OF THE TEN (CONTADORA, SUPPORT GROUP AND SECGENS OF THE OAS AND UN), THEY HAD NOT PRESSURED THE SANDINISTAS TO MOVE THE ICJ CASE OFF THE TABLE. SEPULVEDA REPLIED THAT THE NICARAGUANS BELIEVE THAT THEY HAD A LEGAL FORUM BASED ON THE UN CHARTER AND THAT THE UN HAD BEEN PROMOTING THE USE OF THE COURT TO RESOLVE CONFLICTS. THE NICARAGUANS ASKED, "WHAT DO WE GET FROM THE CENTRAL AMERICANS FOR A WITHDRAWAL OF THE CASE?" HABIB REPLIED THAT THE POINT WAS TO HAVE A FORUM WHERE ALL COULD TALK AND THAT IT WAS IN CONTADORA'S INTEREST THAT ANY EXTRANEOUS OBSTACLES SHOULD BE REMOVED. CONTRADICTING HIS OPENING REMARK, SEPULVEDA REPLIED THAT THIS REALLY WAS NOT A PROBLEM ANYMORE BECAUSE THE DOCUMENT THE NICARAGUANS HAD GIVEN THE TEN HAD NOT REFERRED TO THE ICJ CASES, THE FIVE HAD MET IN GUATEMALA WITH THE EC AND ALL HAVE NOW SAID THAT THEY WILL MEET IN ESQUIPULAS.

3. THE INTERNAL AND ARMED NICARAGUAN OPPOSITION: HABIB INFORMED THE MEXICANS THAT HE HAD MET WITH MEMBERS OF THE INTERNAL NICARAGUAN OPPOSITION WHILE IN SAN JOSE AND THAT THEY HAD DEVELOPED A NINE-POINT PROPOSA FOR POLITICAL CHANGE THAT DID NOT CONTRADICT THE OBJECTIVES DEVELOPED BY CONTADORA. SEPULVEDA SAID THAT WHEN THE TEN HAD GONE TO MANAGUA, REFERENCE HAD BEEN MADE TO THIS PROPOSAL AND THAT THE SANDINISTAS HAD SUGGESTED THAT THEY MIGHT CONSIDER TWO SETS OF ELECTIONS: FOR THE CENTRAL AMERICAN PARLIAMENT AND MUNICIPAL ELECTIONS. AMB. HABIB POINTED OUT THAT ONE PROBLEM WITH THE ARIAS PLAN WAS THAT IT RECOGNIZED THE NICARAGUAN CONSTITUTION. THE CONSTITUTION HAD TRAPS ALL THROUGHOUT THAT GUARANTEED THE CONTINUATION IN POWER OF THE SANDINISTAS. FOR EXAMPLE, THE SANDINISTAS WOULD EXERCISE TOTAL CONTROL OVER THE ELECTIONS COMMISSION. SEPULVEDA SAID THAT THE NICARAGUANS FELT THEY WOULD HAVE PROBLEMS HAVING ELECTIONS IN A NUMBER OF MUNICIPALITIES BECAUSE OF THE WAR. TURNING TO THE ARMED OPPOSITION, HABIB INFORMED THE MEXICANS THAT THERE WERE OVER 12,000 RESISTANCE FIGHTERS BACK IN NICARAGUA AND VERY FEW WERE LEFT IN HONDURAS. HE SAID THEY HAD TO BE PART OF ANY DIALOGUE LEADING TO A CEASE-FIRE. HE ANTICIPATED A CONTINUATION OF THEIR FUNDING AND IT APPEARED POSSIBLE TO GET THE THIRD TRANCHE WITHOUT THE USE OF A PRESIDENTIAL VETO. ARIAS HAD TOLD

US THAT OAS LEADERS HAD APPROVED OF HIS PLAN, BUT WE WERE NOT SURE WHAT THIS REALLY MEANT, AND WE WANTED TO CONSULT WITH THEM ABOUT THEIR SPECIFIC IDEAS REGARDING THE ARIAS PLAN. DOS HAD ALSO DISCUSSED THE PLAN WITH ARIAS, AND ACCORDING TO ARIAS DOS HAD INDICATED ITS SUPPORT. ARIAS HAD AGREED THAT HIS PLAN COULD PERMIT A DIALOGUE WITH ARMED RESISTANCE LATER ON IN THE PROCESS.

4. DUARTE AND AZCONA: SEPULVEDA OPENED A DISCUSSION ABOUT DUARTE AND AZCONA BY STATING THAT HE HAD A FEELING THAT HONDURAS WAS NOT FULLY COMMITTED TO A GIVE-AND-TAKE

DIALOGUE WITH THE NICARAGUANS. HABIB REPLIED THAT WHEN THE HONDURANS BELIEVED THAT THE NICARAGUANS ARE SERIOUS ABOUT NEGOTIATIONS, THEY WOULD BE MORE FORTCOMING. THE HONDURANS DID NOT HAVE MUCH CONFIDENCE IN THE MANAGUA COMANDANTES. SEPULVEDA REPLIED THAT PERHAPS SOME CONFIDENCE BUILDING MEASURES SHOULD BE DEVELOPED. HABIB REPLIED THAT HE HOPED SEPULVEDA WAS RAISING CARAB LLEDA AND THE SUBJECT WAS DROPPED. SEPULVEDA THEN ASKED ABOUT DUARTE. HABIB SAID DUARTE WAS STILL FIGHTING FOUR TO SIX THOUSAND GUERRILLAS HEADQUARTERED AND SUPPLIED BY MANAGUA. HE ALSO HAD SOME POLITICAL PROBLEMS WHICH INFLUENCED WHAT HE COULD OR COULD NOT DO. THE U.S. WAS TOTALLY COMMITTED TO SUPPORT FOR EL SALVADOR'S DEMOCRACY. SEPULVEDA THEN ASKED ABOUT THE PROSPECTS FOR AN INTERNAL PROCESS OF RECONCILIATION IN EL SALVADOR AND IF ONE WAS ENVISIONED IN THE NEAR FUTURE. HABIB ANSWERED THAT DUARTE HAD ALWAYS BEEN WILLING TO TALK BUT WAS UNDER LESS PRESSURE TO DO SO BECAUSE OF INCREASING MILITARY SUCCESSES.

10. ARIAS VISIT TO MEXICO: SEPULVEDA SAID THE MEXICANS WERE LOOKING FORWARD TO ARIAS'S STATE VISIT WHICH BEGAN THE FOLLOWING DAY. BEYOND DETAILED DISCUSSIONS ABOUT THE

ISSUES AND WOULD SIGN VARIOUS AGREEMENTS ON FEB. 28 REGARDING DEBT, TRADE AND DRUG TRAFFICKING.

11. COMMENT: THROUGHOUT THE DISCUSSION IT WAS EVIDENT THAT SEPULVEDA WAS NOT WELL BRIEFED ON THE DETAILS OF THE ARIAS PROPOSALS. BUT HE WAS ANXIOUS AND PREPARED TO EMPHASIZE HIS INSISTENCE ON THE CONTINUED VALIDITY AND USEFULNESS OF CONTADORA. THIS WAS TO BE EXPECTED, BUT IT IS ALSO CLEAR THAT MEXICO WILL WORK AGAINST THE ARIAS PROPOSALS UNLESS THEY ARE ENFOLDED INTO CONTADORA IN SOME WAY. SHULTZ

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INFO AMEMBASSY SAN JOSE
USMISSION GENEVA

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E.O. 12356: N/A
TAGS: PHUM, UNHRC, CI
SUBJ: MFA HUMAN RIGHTS ADVISOR COMMENTS ON VOLIO REPORT, U.S. AND MEXICAN DRAFT RESOLUTIONS

1. MFA SPECIAL ADVISOR FOR HUMAN RIGHTS, AMBASSADOR MARIO CALDERON, TOLD THE PRESS ON FEBRUARY 26 THAT THE GOC RESPONSE TO THE VOLIO REPORT WAS TO BE SUBMITTED TO PRESIDENT PINOCHET ON FEBRUARY 27 FOR FINAL APPROVAL. CALDERON PLANNED TO TRAVEL TO GENEVA ON FEBRUARY 28 FOR A MARCH 2 MEETING WITH VOLIO, WHERE FINAL ARRANGEMENTS WOULD BE MADE FOR THE SPECIAL RAPPORTEUR'S LATE MARCH VISIT TO CHILE.

2. CALDERON WAS ASKED VARIOUS QUESTIONS CONCERNING THE MEXICAN AND U.S. DRAFT RESOLUTONS ON HUMAN RIGHTS IN CHILE. THE MEXICAN DRAFT, HE SAID, WAS TOTALLY UNACCEPTABLE SINCE IT TOOK NO NOTICE OF THE VOLIO REPORT. THEREFORE, "OUR POSITION IS TO CATEGORICALLY REJECT IT." THE U.S. PROPOSAL, HE SAID, WAS MORE BALANCED BUT STILL LACKING IN SEVERAL RESPECTS. CALDERON SAW NO INCONSISTENCY IN THE U.S. POSITION OF VOTING
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PAGE 02 SANTIA 01440 272004Z

AGAINST A RESOLUTION ON CHILE AT THE 1986 UNGA AND NOW INTRODUCING A RESOLUTION TOUCHING ON THE SAME THEME. HE CONJECTURED THAT THE PRESENT U.S. DRAFT WAS IN RESPONSE TO THE HIGHLY CONDEMNATORY MEXICAN PROPOSAL. TAKEN IN THAT LIGHT, THE U.S. DRAFT COULD BE INTERPRETED AS "POSITIVE". CALDERON EMPHASIZED THAT THE IDEAL

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RESOLUTION FOR CHILE WOULD BE ONE THAT FOLLOWED THE VOLIO REPORT. IN HIS OPINION, THE U.S. DRAFT CONTAINED SOME MAJOR DISCREPANCIES WITH THAT REPORT.
3. CALDERON APPLAUDED U.S. EFFORTS TO END THE CONSIDERATION OF CHILE UNDER ITEM 5 AND SAID THAT VOLIO WOULD SUPPORT THIS CHANGE. WHILE NOTING THAT THE GOC WOULD LIKE TO END THE CONSIDERATION OF CHILE ALTOGETHER, HE REALISTICALLY ACKNOWLEDGED THAT SUCH A STEP WAS NOT POLITICALLY POSSIBLE AT THIS TIME.

4. FOLLOWING UP ON THAT POINT, A REPORTER ASKED IF THE ENTIRE HUMAN RIGHTS DEBATE WAS NOT IN REALITY A POLITICAL GAME BEING PLAYED BY THE SUPERPOWERS. THE U.S. DRAFT RESOLUTION ON CUBA WAS OFFERED AS AN EXAMPLE. CALDERON READILY AGREED THAT THE CAUSE OF HUMAN RIGHTS HAD BEEN TRANSFORMED INTO A POLITICAL GAME WITH HUMAN RIGHTS BECOMING THE MEANS TO REACH POLITICAL ENDS. HOWEVER, HE OPINED THAT THE LACK OF A HUMAN RIGHTS RESOLUTION ON CUBA IN PREVIOUS YEARS WAS THE BEST EXAMPLE OF THE POLITICIZATION OF THE PROCESS, NOT THE PRESENT INITIATIVE OF THE U.S. TO END THE HYPOCRISY. CALDERON WAS THEN ASKED IF THE U.S. DRAFT RESOLUTION ON CHILE WAS NOT POLITICALLY MOTIVATED. CALDERON REPLIED "I BELIEVE IN THAT RESPECT ONE CANNOT MAKE SUCH A CATEGORICAL STATEMENT. IN THE FIRST PLACE, THE UNITED STATES HAS A TRADITION OF RESPECT FOR HUMAN RIGHTS WHICH IT HAS NEVER ABANDONED. THAT IT HAS AT TIMES ACTED IN POLITICAL TERMS
UNCLASSIFIED

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PAGE 03 SANTIA 01440 272004Z

IS INEVITABLE BUT WE CANNOT SAY THAT THE PRIMORDIAL INTEREST OF THE UNITED STATES IN HUMAN RIGHTS IS ESSENTIALLY POLITICAL." BARNES

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UNCLASSIFIED
CONFIDENTIAL
Case Number: F1999000030

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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

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PAGE 01 VIENNA 03013 272145Z
ACTION EUR-00

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FM AMEMBASSY VIENNA
TO SECSTATE WASHDC IMMEDIATE 1188
USMISSION GENEVA IMMEDIATE

C O ~~N F I D E N T~~ T I A L VIENNA 03013

E.O. 12356: DECL:OADR
TAGS: PHUM, UNHRC, AU, CI
SUBJECT: CHILE HUMAN RIGHTS RESOLUTION

REF: VIENNA 2794

1. ~~CONFIDENTIAL~~ - ENTIRE TEXT.

2. EMBASSY FOLLOWED UP OUR DEMARCHE ON THE CHILE HUMAN RIGHTS RESOLUTION WITH MINISTER MATZNER-HOLZER ON FEBRUARY 27 (REFTEL). MATZNER-HOLZER TOLD US THAT THE GOA SUPPORTS THE U.S. APPROACH ON CHILE AND COULD ACCEPT MAJOR PORTIONS OF THE SUBSTANCE OF THE CHILE RESOLUTION. THE GOA, HOWEVER, COULD NOT SUPPORT US PROCEDURALLY, THAT IS, IN TERMS OF ITS PLACEMENT ON THE AGENDA. ABOVE ALL, THE AUSTRIAN GOVERNMENT HOPED AND EXPECTED THAT THE U.S. AND MEXICO WOULD WORK OUT A COMPROMISE RESOLUTION WHICH THE GOA WOULD VOTE FOR.

3. AT THIS POINT, THE AUSTRIANS ARE WAITING FOR A RESOLUTION OF THE TWO CONTENDING DRAFTS BEFORE MAKING ANY FINAL DECISIONS. LAUDER

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PAGE 02 VIENNA 03013 272145Z

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CONFIDENTIAL

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STATE 056754

NH068 R

R-DOJ

ROGER CHANNEL

ACTION/INFO AMB DCM (COVER SHEET)
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FM SECSTATE WASHDC
TO RUEHAC/AMEMBASSY ASUNCION IMMEDIATE 6153
INFO RUEHSG/AMEMBASSY SANTIAGO IMMEDIATE 7664
BT
~~S E C R E T~~ STATE 056754

ROGER CHANNEL **DECAPTIONED**
FOR AMBASSADOR TAYLOR

LOC: 065 975
27 FEB 87 1044
ON: 079I2
CHRG: PROG
DIST: RCG

REF/cc

Roger Channel Designation Removed by Authority of INR/C Memo of Sept. 30, 1994

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

E.O. 12356: DECL: OADR
TAGS: PTER, PPEL, CI, PR
SUBJECT: LETELIER/MOFFITT CASE

REFS: A) SANTIAGO 01211, B) STATE 046692, C) ASUNCION 00546

1. ~~(S~~ ENTIRE TEXT)

2. SECUID GENERAL OROZCO RETURN TO PARAGUAY FROM VACATIONING IN CHILE (REF A), EMBASSY ASUNCION SHOULD ATTEMPT TO CONTACT OROZCO. WE WISH TO DETERMINE WHETHER OR NOT OROZCO IS WILLING TO DISCUSS IN ANY MANNER HIS KNOWLEDGE OF THE LETELIER ASSASSINATION CASE WITH USG LAW ENFORCEMENT OFFICIALS.

3. WE LEAVE TO AMBASSADOR'S DISCRETION MEANS OF ATTEMPTING TO ESTABLISH CONTACT WITH OROZCO. WE WOULD SUGGEST THAT ANY APPROACH BE MADE IN A MANNER THAT CIRCUMVENTS CHILEAN EMBASSY STAFF, SINCE OROZCO IS LIKELY TO BE UNDER SURVEILLANCE. NO EFFORT SHOULD BE MADE UNTIL OROZCO RETURNS TO PARAGUAY. WE RECOGNIZE THAT THERE IS A STRONG POSSIBILITY THAT OROZCO WILL NOT RETURN BUT REMAIN IN CHILE INDEFINITELY.

4. IN CONVEYING USG INTEREST IN DISCUSSING LETELIER MATTER WITH OROZCO, YOU SHOULD NOTE THAT IN LIGHT OF ARMANDO FERNANDEZ' STATEMENTS, USG PROSECUTORS ARE GIVING SERIOUS CONSIDERATION TO SEEKING GRAND JURY INDICTMENT AGAINST OROZCO, FOLLOWED BY PROVISIONAL ARREST REQUEST AND EXTRADITION PROCEEDINGS AGAINST OROZCO FOR HIS ROLE IN THE COVER-UP. HIS COOPERATION WITH USG LAW ENFORCEMENT OFFICIALS, OR LACK THEREOF, WOULD HAVE A STRONG INFLUENCE ON NEXT STEPS MADE BY THE USG.

5. DEPARTMENT APPRECIATES EMBASSY'S ASSISTANCE IN THIS HIGHLY SENSITIVE MATTER. WHITEHEAD
BT
#6754

Lot 96F002 Box 1

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Department of State TELEGRAM

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PAGE 01 STATE 058636
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APPROVED BY: ARA: JMICHEL
ARA/SC:RBHOWARD L:MKOZAK
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FM SECSTATE WASHDC
TO AMEMBASSY SANTIAGO PRIORITY
INFO AMEMBASSY BUENOS AIRES PRIORITY

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

~~C O N F I D E N T I A L~~ STATE 058636

E.O. 12356: DECL: OADR
TAGS: PTER, CI, AR
SUBJECT: PRATS FAMILY REQUEST FOR INFORMATION

REF: SANTIAGO 01312

1. (~~C~~ - ENTIRE TEXT)

2. CHARGE'S RESPONSE THAT WE HAVE NO INFORMATION SUGGESTING ANY KNOWLEDGE BY FERNANDEZ LARIOS OF PRATS MURDER WAS ABSOLUTELY CORRECT. AS CHARGE INDICATED, CORRECT APPROACH FOR PRATS FAMILY TO PURSUE QUESTIONS FOR FERNANDEZ WOULD BE THROUGH ARGENTINE COURTS.

3. IF ISSUE OF REINTERVIEWING TOWNLEY ON THIS SUBJECT ARISES AGAIN, EMBASSY SHOULD DIRECT FAMILY AGAIN TO ARGENTINE COURTS AS APPROPRIATE MECHANISM FOR MAKING SUCH A REQUEST. YOU MAY NOTE AS WELL THAT UNDER TERMS OF PLEA AGREEMENT WITH HIM, TOWNLEY IS UNDER NO OBLIGATION TO ANSWER QUESTIONS RELATING TO MATTERS OTHER THAN THE LETELIER/MOFFITT MURDERS. (FYI ONLY: LETTERS ROGATORY
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CONFIDENTIAL

PAGE 02 STATE 058636

FROM ARGENTINA PROVIDING QUESTION FOR TOWNLEY ON THE

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[redacted]

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PRATS MURDER HAVE BEEN RECEIVED AND ARE UNDER REVIEW BY DOJ. END FYI.) ARMACOST

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PAGE 01 STATE 058248
ORIGIN ARA-00

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APPROVED BY: ARA: JMICHEL
L:MKOZAK ARA/SC:RHOWARD
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TO AMEMBASSY SANTIAGO PRIORITY

C ~~O N~~ F I D E N T I A L STATE 058248

E.O. 12356: DECL: OADR
TAGS: PREL, PTER, CI
SUBJECT: REPORTS OF FERNANDEZ' INVOLVEMENT IN CALAMA KILLINGS

REFS: A) SANTIAGO 0898, B) SANTIAGO 1330

1. (C - ENTIRE TEXT)

2. THIS IS AN ACTION TELEGRAM.

3. US GOVERNMENT PROSECUTORS IN LETELIER/MOFFITT CASE WOULD LIKE TO EXAMINE THE REPORTED "EVIDENCE" (REF A) THAT THE LETELIER FAMILY CLAIMED TO HAVE DEMONSTRATING PARTICIPATION BY FERNANDEZ LARIOS IN THE CALAMA KILLINGS. IF YOU HAVE NOT DONE SO ALREADY, PLEASE REQUEST THAT THE LETELIER FAMILY PROVIDE US ASAP WITH WHATEVER MATERIAL THEY MAY HAVE THAT APPEARS TO LINK FERNANDEZ LARIOS TO THE CALAMA KILLINGS. EMBASSY SHOULD FORWARD ANY MATERIAL RECEIVED BY MOST EXPEDITIOUS MEANS, INCLUDING PROVIDING A SUMMARY OF POUCHED MATERIAL BY ~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 02 STATE 058248

TELEGRAM.

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

4. ALSO IN THIS REGARD, PLEASE PROVIDE ENGLISH TEXT OF ANY RECENT OPEN SOURCE MATERIAL ADDRESSING FERNANDEZ'

ROLE AT CALAMA.

n/a UNCLASSIFIED

5. US PROSECUTORS HAVE INDICATED THEY WILL ASK FERNANDEZ TO RESPOND TO QUESTIONS CONCERNING THE CALAMA KILLINGS PROVIDED BY THE VICTIMS FAMILIES (REF B). EMBASSY MAY ASSURE RELATIVES OF MISSING CHILEANS THAT WE WILL INFORM THEM OF FERNANDEZ' RESPONSE WHEN AVAILABLE.

6. SEPTEL ADDRESSES REQUEST MADE BY PRATS FAMILY.
ARMACOST

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UNCLASSIFIED (WDO 77) 3/2/87
Chile Project (#S19990030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

United States Department of State
Washington, D.C. 20520

CONFIDENTIAL

March 2, 1987

CFEO-3 DOJ

TO: ARA - Mr. Gelbard

FROM: ARA/SC - Richard Howard

SUBJECT: Next Steps on Letelier/Moffitt Case: Etcheberry Visit

Etcheberry arrives Wednesday and will be available Thursday morning. We want to use this visit (1) to pick Etcheberry's brains on propects for second extradition request and on reinforcing the Letelier family court case; and (2) to establish (via DOJ) a contractual relationship with him. We have asked L/LEI to ensure that DOJ is prepared to work out a contract with Etcheberry during the course of his visit. We have asked Etcheberry to stay until Tuesday, just in case a hitch develops or further consultations are needed.

After consulting with Mike Kozak, we have decided to start off with the large group meeting (Justice, US Attorney's Office, FBI) at 10:30 in the ARA conference room. Etcheberry will meet with you in your office at 10:00 a.m.

Harry Barnes met with Etcheberry today and provided by secure phone a preview of his current thinking:

- Etcheberry is very negative about propects for a second extradition request, because of legal obstacles (double jeopardy problem as well as that posed by plea-bargained evidence, although former could possibly be overcome if new charges are developed) and political (pressures on courts likely to be even stronger than before).

- Furthermore, Etcheberry believes a new U.S. extradition request would relieve pressure on the regime by permitting GOC to shift all responsibility to courts.

- Instead, he favors other approaches to GOC which have the effect of keeping pressure on, proposing for example:

  -- A new request to expell Contreras and Espinoza, relying on authority of a pre-1980 constitution law which may still be in effect (apparently used successfully by us in 1975 against drug traffickers).

  -- Request the GOC initiate an investigation of any violations of Chilean law revealed by Fernandez' statements, particularly by Orozco;

  -- Pursue an independent judicial investigation by Chilean courts. (Harry will ask Supreme Court President Retamal about this possible avenue when he sees Retamal on Wednesday.)

cc. L:MKozak, L/LEI:RFrank
Draft:ARA/SC:JSwigert

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3-2-97

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PAGE 01 STATE 060048
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APPROVED BY HA/MLP:TWILLIAMS
EUR/CE:JNESVIG

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
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Exemption(s) ____

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FM SECSTATE WASHDC
TO AMEMBASSY SANTIAGO PRIORITY

~~C O N F I D E N T I A L~~ STATE 060048

REF: VIENNA 3013
FOLLOWING VIENNA 3013 SENT ACTION SECSTATE GENEVA FEB 27 BEING RPTD FOR UR ACTION:
QTE:
~~C O N F I D E N T I A L~~ VIENNA 03013

E.O. 12356: DECL:OADR
TAGS: PHUM, UNHRC, AU, CI
SUBJECT: CHILE HUMAN RIGHTS RESOLUTION

REF: VIENNA 2794

1. ~~CONFIDENTIAL~~ - ENTIRE TEXT.

2. EMBASSY FOLLOWED UP OUR DEMARCHE ON THE CHILE HUMAN RIGHTS RESOLUTION WITH MINISTER MATZNER-HOLZER ON FEBRUARY 27 (REFTEL). MATZNER-HOLZER TOLD US THAT THE GOA SUPPORTS THE U.S. APPROACH ON CHILE AND COULD ACCEPT MAJOR PORTIONS OF THE SUBSTANCE OF THE CHILE RESOLUTION. THE GOA, HOWEVER, COULD NOT SUPPORT US PROCEDURALLY, THAT IS, IN TERMS OF ITS PLACEMENT ON THE AGENDA. ABOVE ALL, THE AUSTRIAN GOVERNMENT HOPED AND EXPECTED THAT THE ~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 02 STATE 060048

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3. AT THIS POINT, THE AUSTRIANS ARE WAITING FOR A RESOLUTION OF THE TWO CONTENDING DRAFTS BEFORE MAKING ANY FINAL DECISIONS. LAUDER

UNCLASSIFIED

UNQUOTE WHITEHEAD

CONFIDENTIAL

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UNCLASSIFIED

EXCISE

KMD 65L

P B6

Washington D.C. 20510

Dear Senator Dantsen,

We, the undersigned, concerned about the reign of repression, terror and torture in Chile, ask your help in urging the Chilean government to implement the following measures, which Amnesty International believes are essential in order to restore the rights to life, to freedom from torture, and to freedom from arbitrary arrest for all Chilean people. These are:

1. Repeal all emergency legislation that facilitates human rights abuses;
2. Fully restore the right to *amparo (habeas corpus)*;
3. End incommunicado detention without judicial order and without access to legal assistance;
4. Abolish all closed interrogation centers;
5. Review the composition and jurisdiction of the courts to guarantee their independence;
6. Review the structure and functions of all branches of the police and security forces, and take measures to ensure that they act within the law;
7. Issue unequivocal and public directives to all members of the police and security forces to obey the law and to cooperate with the courts of justice;
8. Establish a special investigation into the composition and operations of the clandestine forces;
9. Prosecute any members of state agencies or their associates against whom there is evidence of involvement in violations of human rights.

Signature Name Address

Chile Project (#S19990030)
U.S. Department of State
Release ____ Excise X Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) B6

RELEASED

The Honorable Alan Dixon
703 Hart Senate Office Building
Washington D.C. 20510

MAR 02 1987

KM065a

Dear Senator Dentsen,

EXCISE

P 86

We, the undersigned, concerned about the reign of repression, terror and torture in Chile, ask your help in urging the Chilean government to implement the following measures, which Amnesty International believes are essential in order to restore the rights to life, to freedom from torture, and to freedom from arbitrary arrest for all Chilean people. These are:

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9. Prosecute any members of state agencies or their associates against whom there is evidence of involvement in violations of human rights.

Signature Name Address

Chile Project (#S19990030)
U.S. Department of State
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Exemption(s) B6

UNCLASSIFIED

Child Project (#S199900030)
U.S. Department of State
Release ____ Excise X Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) B6
EMP65c
UNCLASSIFIED

Washington D.C. 20510

Dear Senator Bentsen,

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8. Establish a special investigation into the composition and operations of the clandestine forces;
9. Prosecute any members of state agencies or their associates against whom there is evidence of involvement in violations of human rights.

P B6

EXCISE

Signature Name Address

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UNCLASSIFIED (WDO 78) 3/3/87

CREDA-3

Santiago, 3 de marzo de 1987.

Chile Project (#S199900030)
U.S. Department of State
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Exemption(s) ____

Señor
Harry Barnes
Embajador de los Estados Unidos
de Norteamérica en Chile
Presente.

Estimado Señor Embajador:

Por medio de la presente queremos comunicar a usted algunas opiniones y peticiones sobre los últimos acontecimientos relacionados con el asesinato de nuestro familiar Orlando Letelier y de la ciudadana norteamericana Ronnie Karpen Moffit.

Es un hecho evidente que el gobierno militar de Chile no ha dado a ustedes la colaboración solicitada en el sentido de poner a disposición de la justicia norteamericana a los dos militares acusados del atentado en Estados Unidos, General (r) Manuel Contreras Sepúlveda y Coronel (r) Pedro Espinoza Bravo, así como de otras personas involucradas en el crimen.

Adicionalmente se ha comenzado a delinear la estrategia que el gobierno chileno seguirá frente a la nueva situación abierta con las declaraciones del Mayor Armando Fernández Larios. El día 24 de febrero recién pasado, la Cancillería chilena informó que el "espíritu de colaboración del gobierno con los tribunales de justicia"; el ministro de Relaciones Exteriores envió una comunicación al Presidente de la Ilustre Corte Marcial haciéndole llegar el texto de las declaraciones formuladas por el Sr. A. Fernández, el cual le fue proporcionado por la Embajada que usted preside.

Dicho "espíritu de colaboración", no corresponde a la petición hecha por el Gobierno de Norteamérica.

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Por nuestra parte estamos convencidos que el Sistema Judicial chileno está viciado y en forma muy especial la Corte Marcial lo cual no nos da ninguna garantía que se hará justicia en Chile.

Por las razones anteriormente expuestas es de suma importancia los pasos que el Gobierno de Norteamérica adopte en el futuro próximo frente a esta situación, entre ellos las peticiones de extradición.

Aprovechamos la oportunidad para informarle que el señor Jaime Castillo Velasco seguirá siendo el abogado de nuestra familia, el cual alegará ante la Corte Marcial el caso de los Pasaportes y Homicidio de Orlando Letelier. Entre las diligencias que él solicitará ante la Corte Marcial queremos destacar algunas que requerirán de la colaboración de ustedes: exhortos a Fernández Larios y Townley para que declaren de acuerdo a la ley chilena; un retrato hablado de la Liliana Walker que debería ser proporcionado por Fernández Larios y una lista de preguntas a Fernández Larios cuyas respuestas aclaren puntos que interesan a nuestra causa.

Finalmente, queremos reiterar a usted lo planteado al señor Encargado de Negocios George Jones respecto a la designación diplomática del Coronel Espinoza Bravo en SudAfrica, lo cual constituye para nosotros una manifestación más de la; protección y privilegio de que gozan quienes han cometido un acto de terrorismo internacional en territorio norteamericano, así como una burla más a la Justicia de Estados Unidos.

Le adjuntamos para su conocimiento un breve estudio inicial sobre las extradiciones.

Sin otro particular, lo saludan atentamente,

Juan Pablo Letelier Morel

Fabiola Letelier del Solar.

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PAGE 01 BOGOTA 02903 030052Z
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AMEMBASSY BUENOS AIRES
AMEMBASSY CARACAS
AMEMBASSY LIMA

Chile Project (#S199900030)
U.S. Department of State
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~~C O N F I D E N T I A~~ L BOGOTA 02903

GENEVA FOR USDEL/UNHRC

E.O. 12356: DECL: OADR
TAGS: PHUM, UNHRC, CI, CO
SUBJECT: COLOMBIA SUPPORTS PRINCIPLES OF U.S. CHILE RESOLUTION

REF: A) STATE 058286 B) BOGOTA 02552 C) STATE 047591

1. CONFIDENTIAL - ENTIRE TEXT

2. DURING AMBASSADOR'S FEBRUARY 24 CALL ON HIM (REF B), FOREIGN MINISTER LONDONO STATED THAT COLOMBIA WILL OPPOSE HARDLINE RESOLUTION ON CHILE AND WILL SUPPORT SHIFTING CONSIDERATION OF CHILE FROM SEPARATE AGENDA ITEM TO GENERAL AGENDA ITEM TWELVE. IN THIS CONTEXT, FOREIGN MINISTER MENTIONED PARTICULARLY ASSISTANT SECRETARY ABRAMS' PERSUASIVE PRESENTATION TO COLOMBIAN CHARGE IN WASHINGTON (REF C).

3. POLCOUNS FOLLOWED UP, FEBRUARY 27, WITH FOREIGN
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~~CONFIDENTIAL~~

PAGE 02 BOGOTA 02903 030052Z

MINISTRY'S DIRECTOR FOR INTERNATIONAL ORGANIZATIONS, DR. FORERO DE CASTELLANOS, TO GIVE HER COPY OF U.S. DRAFT RESOLUTION (STATE 049996). DR. FORERO SAID MINISTRY HAD RECEIVED TEXT OF HARDLINE ("DURO") MEXICAN DRAFT AND EXPRESSED APPRECIATION FOR U.S. TEXT WHICH, AFTER READING, SHE CHARACTERIZED AS BALANCED AND FAIR. SHE

RECONFIRMED FOREIGN MINISTER'S STATEMENT THAT COLOMBIA FAVORED ELIMINATING AGENDA ITEM 5 ON CHILE SO THAT FUTURE HRC CONSIDERATION WOULD TAKE PLACE UNDER THE GENERAL ITEM 12.

4. MISSION GENEVA MAY WISH TO RECONFIRM THAT GOC DEL HAS THE WORD AND LET US KNOW PROMPTLY IF THERE IS ANY QUESTION RE THEIR INSTRUCTIONS. GILLESPIE

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3-5-97 IK

IV013

Case Number: S1999000030

Chile Project (#S199900030)
U.S. Department of State
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FM AMEMBASSY VIENNA
TO SECSTATE WASHDC IMMEDIATE 1270
INFO USMISSION GENEVA IMMEDIATE
AMEMBASSY SANTIAGO IMMEDIATE

~~C O N F I D E N T I A L~~ VIENNA 03145

E.O. 12356: DECL:OADR
TAGS: PHUM, UNHRC, AU, CI
SUBJECT: CHILE HUMAN RIGHTS RESOLUTION

REF: STATE 60613

1. ~~CONFIDENTIAL~~ - ENTIRE TEXT.

2. WE PASSED ON TO MATZNER-HOLZER (ACTING HEAD OF THE AUSTRIAN MFA HUMAN RIGHTS DIVISION) ORALLY AND IN WRITTEN FORM THE TALKING POINTS PROVIDED IN REFTEL, AND ASKED THAT SHE BRING THIS TO THE FM'S ATTENTION ON BEHALF OF THE AMBASSADOR. SHE AGREED.

3. IN THE COURSE OF THE CONVERSATION ON THE CHILE HUMAN RIGHTS RESOLUTION, MATZNER-HOLZER TOLD POLCOUNS THAT SHE HAD FURTHER INVESTIGATED AUSTRIA'S POSITION ON THE CHILE RESOLUTION. SHE NOTED THAT THE AUSTRIAN POSITION HAD BEEN FULLY DISCUSSED WITHIN THE MFA IN JANAURY. AT THAT TIME, THE FM APPROVED THE MINISTRY'S RECOMMENDATION TO HIM THAT AUSTRIA SUPPORT ENDING THE SEPARATE AGENDA ITEM FOR CHILE. SHE BELIEVES THIS ~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 02 VIENNA 03145 031757Z

POSITION HAS BEEN COMMUNICATED TO US IN GENEVA.

4. IN A SEPARATE ASIDE, SHE ALSO NOTED THAT DESPITE AUSTRIA'S POSITION, IT WAS THE MINISTRY'S IMPRESSION THAT A SIGNIFICANT NUMBER OF THE WESTERN GROUP WOULD NOT SUPPORT THE ENDING OF THE SEPARATE AGENDA ITEM

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FOR CHILE, IN DISAGREEMENT WITH THE NOTION THAT SUCH A MOVE WOULD NOT APPEAR AS A REWARD TO THE PINOCHET GOVERNMENT.

5 DCM ALSO RAISED SUBJECT WITH FM MOCK'S CHEF DE CABINET, STAFFELMAYR, WHO PROMISED TO LOOK INTO MATTER AND BRING IT TO MOCK'S ATTENTION, IF NECESSARY. HOWEVER, STAFFELMAYR'S RECOLLECTION OF ISSUE WAS THAT DECISION HAD BEEN TAKEN TO SUPPORT US PROCEDURALLY AS WELL AS IN SUBSTANCE.

6. COMMENT: IN ANY EVENT, THE AUSTRIANS SEEM LINED UP WITH US ON THE CHILE RESOLUTION, WITH THE QUALIFIER THAT THEY HOPE THE U.S. AND MEXICO CAN COMPROMISE AND COME UP WITH SOMETHING THAT COULD BE SUPPORTED BY THE ENTIRE WESTERN GROUP.
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Chile Project (#S199900030)
U.S. Department of State
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Declassify: In Part ____ In Full X
Exemption(s) ~~OTC-02 CIAE-00~~

PAGE 01 GENEVA 02480 031806Z
ACTION IO-19

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O 031758Z MAR 87
FM USMISSION GENEVA
TO SECSTATE WASHDC IMMEDIATE 6495
AMEMBASSY MEXICO IMMEDIATE
AMEMBASSY SANTIAGO IMMEDIATE
USMISSION USUN NEW YORK PRIORITY

~~C O N F I D E N T I A L~~ GENEVA 02480

DEPT FOR P/ARMACOST; IO A/S ALLAN KEYES; ARA A/S ABRAMS;
HA A/S SCHIFTER

E.O. 12356: DECL: OADR
TAGS: PHUM, UNHRC
SUBJECT: 43RD UNHRC: ITEM 5 STATE-OF-PLAY ON U.S.-CHILE RESOLUTION

REFS: A) STATE 58286; B) STATE 51557; C) STATE 52474;
D) VIENNA 3013; E) ROME 5020; F) LONDON 4166;
G) BRASILIA 2228; H) BONN 5971; I) KIGALI 968;
J) ISLAMABAD 4129; K) DAKAR 1930; L) LIMA 2160;
M) REVISED MEXICAN DRAFT DATAFAXED TO IO/HW 3/3/87
1. CONFIDENTIAL - ENTIRE TEXT. THIS IS HRC-258.

2. USDEL HAS ATTEMPTED TO NEGOTIATE A COMPROMISE RESOLUTION WHICH WOULD INCLUDE ITEMS DEEMED NECESSARY PER REFTELS: ELIMINATE ITEM 5 AND INCLUDE THE DISCUSSION OF CHILE UNDER ITEM 12; MENTION OF TERRORIST ACTS, INCLUDING THE ATTACK ON THE LIFE OF PRESIDENT PINOCHET AND THE DEMONSTRATED PROGRESS CHILE HAS MADE
~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 02 GENEVA 02480 031806Z

TOWARD ADDRESSING ITS HUMAN RIGHTS PROBLEMS. SO FAR OUR EFFORTS HAVE FALLEN ON DEAF EARS. WE HAVE HEARD THAT TWO LATIN COUNTRIES (COSTA RICA AND COLOMBIA) WOULD SUPPORT THE ELIMINATION OF CHILE AS A SEPARATE AGENDA ITEM. THE OTHER LATIN DELEGATIONS ARE NON-COMMITTAL. AMONG THE WEOG WE CAN ONLY COUNT ON THE FIRM SUPPORT OF

THE UK AND THE FRG FOR OUR RESOLUTION. THE OTHER WEOG MEMBERS, INCLUDING THE HISTORICAL CO-SPONSORS AUSTRALIA, ITALY, FRANCE, AUSTRIA, AND OBSERVERS NETHERLANDS AND SPAIN, DO NOT REPEAT NOT WANT A "SOFT" TEXT ON CHILE. THEY FEEL THAT THE U.S. DRAFT IS TOO SOFT. NONE ARE WILLING TO CO-SPONSOR; NONE REPEAT NONE ARE WILLING TO ACCEPT THE ELIMINATION OF ITEM 5 AS PART OF A RESOLUTION. THE CURRENT DEADLINE FOR TABLING RESOLUTIONS IS THURSDAY, 6:00 P.M. LOCAL TIME (12:00 NOON WASHINGTON TIME).

3. SOME WEOG MEMBERS AND COSTA RICA HAVE PROPOSED THAT WE PURSUE A DIFFERENT TACK FOR ELIMINATING ITEM 5. THEY SUGGEST THAT THE U.S. MOVE UNDER ITEM 24 TO CONSIDER ELIMINATING ITEM 5 FROM THE AGENDA FOR NEXT YEAR'S SESSION. THE CO-SPONSORS SAY THERE IS SUPPORT FOR THIS TACTIC. WE HAVE NO FIRM COMMITMENT FROM ANY DELEGATION TO MAKE SUCH A MOTION. THEREFORE, WHILE THIS MAY BE A SLIGHT STEP FORWARD TOWARD ELIMINATION OF CHILE AS A SEPARATE AGENDA ITEM, IT IS A VERY SLIGHT STEP. THERE IS NO GUARANTEE THAT SUCH A MOTION TO CONSIDER REPEAT CONSIDER ELIMINATING CHILE AS A SEPARATE ITEM WOULD PASS THIS YEAR. AND, OF COURSE, EVEN IF EFFORTS ARE SUCCESSFUL THIS YEAR, THERE IS NO REPEAT NO GUARANTEE WE WOULD BE SUCCESSFUL NEXT YEAR.

4. WE ARE SENDING COPY OF THE REVISED MEXICAN DRAFT BY ~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 03 GENEVA 02480 031806Z

DATAFAX. WHILE REVISED DRAFT HAS INCORPORATED SOME U.S. SUGGESTION, IT HAS NOT REPEAT NOT TAKEN INTO ACCOUNT U.S. POINTS REGARDING ASSASSINATION ATTEMPT OF PINOCHET, CACHE OF ARMS, ETC., AND DOES NOT CALL FOR THE ELIMINATION OF ITEM 5. UNLESS OTHERWISE INSTRUCTED, USDEL INTENDS TO TABLE U.S. RESOLUTION AS TRANSMITTED BY 4:00 P.M. WEDNESDAY, LOCAL TIME. FLACK

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PAGE 01 DAKAR 02262 041030Z
ACTION IO-19

INFO LOG-00 COPY-01 ADS-00 INR-10 EUR-00 SS-00 OIC-02
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P 041023Z MAR 87
FM AMEMBASSY DAKAR
TO USMISSION GENEVA PRIORITY
INFO SECSTATE WASHDC 5362
USMISSION USUN NEW YORK

Chile Project (#S199900030)
U.S. Department of State
Release X Excise Deny
Declassify: In Part In Full X
Exemption(s)

C ~~O N F I D E N T I A L~~ DAKAR 02262

FOR USDEL UNHRC

E.O. 12356: DECL:OADR
TAGS: PHUM, UNHRC-1, SG, CU
SUBJECT: US RESOLUTIONS ON HUMAN RIGHTS IN CUBA AND CHILE

REF: DAKAR 1856

1. ~~CONFIDENTIAL~~--ENTIRE TEXT.

2. BABACAR CARLOS MBAYE, DIPLOMATIC COUNSELOR AT THE PRESIDENCY, CONFIRMED TO EMBOFF FEBRUARY 28 THAT BRIEFING PAPERS HAD BEEN SENT TO PRESIDENT DIOUF FOR A DECISION ON THE US-SPONSORED RESOLUTIONS ON HUMAN RIGHTS IN CUBA AND CHILE. MBAYE ADMITTED FRANKLY THAT HE HAD NO IDEA WHAT DECISION DIOUF HAD MADE, IF ANY, ADDING IT WAS QUITE LIKELY THE PRESIDENT HAD CALLED AMBASSADOR SENE DIRECTLY.

3. PLEASE PROVIDE ANY FEEDBACK YOU MAY RECEIVE FROM SENEGALESE DELEGATION, AS WELL AS YOUR BEST ESTIMATE OF WHEN THE VARIOUS RESOLUTIONS WILL COME BEFORE THE HUMAN RIGHTS COMMISSION. (FYI: AMBASSADOR EXPECTS TO SEE ~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 02 DAKAR 02262 041030Z

DIOUF AGAIN MONDAY 9 MARCH ON OTHER BUSINESS, AND WOULD APPRECIATE AN UPDATE BEFORE THEN. WALKER

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United States Department of State

Washington, D.C. 20520

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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

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UNCLASSIFIED
CONFIDENTIAL
MEMORANDUM

March 4, 1987

TO: IO - Ambassador Keyes

FROM: HA - Richard Schifter RS

SUBJECT: UNHRC Chile Resolution

I have heard the statement made yesterday that our difficulty in fighting against the Mexican 1987 UNHRC Chile Resolution is that it is like the 1986 U.S. UNHRC Chile Resolution. Before that allegation is accepted as revealed truth, it is vital to set the record straight.

I urge you most strongly to compare the two texts. You will find that Mexico has indeed used the U.S. 1986 text as its point of departure. However, throughout the Resolution you will find time again changes in wording, sometimes merely slight twists, and sometimes major changes, which have significantly altered the tone and basic thrust of the text, so as to make it unacceptable to us. This, of course, compounds the problem presented by the fact that the Mexican text fails to deal appropriately with the events which transpired during the last year.

I would be grateful if you could see to it that your bureau and the U.S. Delegation to the UNHRC stress the foregoing points in any discussions with delegations from other member states of the UNHRC.

cc: ARA - Mr. Abrams
NSC - Ambassador Sorzano
UNHRC - Ambassador Wallach
✓ AmEmbassy Chile - Ambassador Barnes
ARA - Mr. Gelbard
IO - Ms. Genero
ARA/SC - Mr. Swigert
IO/HW - Mr. Jacobs
USUN - Mr. Anselem

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Case Number: S1999000030

Chile Project (#S199900030)
U.S. Department of State
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PAGE 01 STATE 062535
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APPROVED BY: IO:DGOODMAN
HA/MLP:SIFSHIN IO/HW:MJACOBS
ARA:RGELBARD IO:LGENERO
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O P 040537Z MAR 87
FM SECSTATE WASHDC
TO USMISSION GENEVA IMMEDIATE
INFO AMEMBASSY BRASILIA PRIORITY
AMEMBASSY BUENOS AIRES PRIORITY
AMEMBASSY BOGOTA PRIORITY
AMEMBASSY CARACAS PRIORITY
AMEMBASSY LIMA PRIORITY
AMEMBASSY BONN PRIORITY
AMEMBASSY BRUSSELS PRIORITY
AMEMBASSY CANBERRA PRIORITY
AMEMBASSY DUBLIN PRIORITY
AMEMBASSY LONDON PRIORITY
AMEMBASSY OSLO PRIORITY
AMEMBASSY ROME PRIORITY
AMEMBASSY VIENNA PRIORITY
AMEMBASSY TOKYO PRIORITY
AMEMBASSY PARIS PRIORITY
AMEMBASSY SAN JOSE PRIORITY
AMEMBASSY MEXICO PRIORITY
AMEMBASSY SANTIAGO PRIORITY

~~C O N F I D E N T I A~~ L STATE 062535

E.O. 12356: DECL: OADR
TAGS: PREL, CI, PHUM, UNHRC
~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 02 STATE 062535

SUBJECT: UNHRC - RESOLUTION ON CHILE

REFS: (A) GENEVA 2480 (B) STATE 51557

1. CONFIDENTIAL - ENTIRE TEXT.

2. THE CHILE RESOLUTION AT THE UNHRC IS OF GRAVE IMPORTANCE TO OUR CHILE POLICY. THE PROPOSED "COMPROMISE" RESOLUTION WITH MEXICO (DATAFAXED) IS NOT ACCEPTABLE. US DEL IS INSTRUCTED TO TABLE RESOLUTION TRANSMITTED IN REF B WHEN DEEMED APPROPRIATE, BUT TRYING TO GET AHEAD OF MEXICO. AT THE SAME TIME US DEL SHOULD CONTINUE TO DISCUSS ALL ASPECTS OF US RESOLUTION AND OF OUR POLICY WITH LATIN AMERICAN AND WEOG DELEGATIONS AND ATTEMPT TO GAIN SUPPORT FOR OUR POSITION.

3. US DEL IS REQUESTED TO EXPLAIN THAT US PROPOSAL ON CHILE IS KEYED TO OUR EFFORTS IN SANTIAGO, THE PURPOSE OF WHICH IS TO ENCOURAGE DIALOGUE BETWEEN MODERATES IN GOC AND DEMOCRATIC OPPOSITION ON IMPLEMENTING A PEACEFUL TRANSITION TO DEMOCRACY AND BRING ABOUT HUMAN RIGHTS IMPROVEMENTS. THIS REQUIRES A BALANCED TEXT AND END TO ANOMALOUS TREATMENT OF CHILE AS SEPARATE AGENDA ITEM.

4. DEPARTMENT BELIEVES THAT US DEL SHOULD MAKE A MAJOR EFFORT TO SEEK GREATER SUPPORT FROM LATIN AMERICAN AND WEOG DELEGATIONS FOR OUR FORMULATION. WITH GREATER SUPPORT IN HAND, IT SHOULD BE POSSIBLE TO BE MORE EFFECTIVE IN CONTINUING DICUSSIONS WITH MEXICO ON A CONSENSUS TEXT.

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 03 STATE 062535

5. WITH COLOMBIA AND COSTA RICA IN SUPPORT OF US POSITION, US DEL SHOULD FOCUS ON ARGENTINA, BRAZIL, PERU AND VENEZUELA. EACH OF THESE DELS SHOULD BE PRESSED TO SUPPORT US POSITION. DEPARTMENT IS INSTRUCTING EMBASSIES IN THESE COUNTRIES TO MAKE DEMARCHES IN SUPPORT OF OUR POSITION.

6. FOLLOWING CONTACTS WITH LATIN AMERICANS, US DEL SHOULD CONCENTRATE ON BELGIUM, FRANCE, AND ITALY. WITH THE SUPPORT OF AUSTRIA, FRG, AND UK, THIS WOULD LEAVE AUSTRALIA, IRELAND AND NORWAY FOR THE END.

7. DEPARTMENT IS INSTRUCTING WEOG EMBASSIES TO MAKE ANOTHER DEMARCHE.
WHITEHEAD

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PAGE 01 SANTIA 01562 041956Z
ACTION HA-09

INFO LOG-00 COPY-01 ADS-00 INR-10 EUR-00 SS-00 CIAE-00
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FM AMEMBASSY SANTIAGO
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INFO AMEMBASSY CANBERRA IMMEDIATE
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AMEMBASSY BOGOTA IMMEDIATE
AMEMBASSY MANILA IMMEDIATE
AMEMBASSY VIENNA IMMEDIATE
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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

~~C O N F I D E N T I A~~ L SANTIAGO 01562

E.O. 12356: DECL:OADR
TAGS: PHUM, UNHRC, CI
SUBJECT: 43RD UNHRC: COMMENTS OF SANTIAGO MISSIONS ON U.S. RESOLUTION ON CHILE

REF: (A) STATE 62569, (B) BOGOTA 2903, (C) STATE 60613, (D) STATE 58286

1. ~~CONFIDENTIAL~~ - ENTIRE TEXT.

2. FOLLOWING COMMENTS HAVE BEEN RECEIVED ON DRAFT U.S. RESOLUTION ON CHILE FROM SOME OF THE MISSIONS IN SANTIAGO TO WHOM WE CIRCULATED IT LAST WEEK.

3. AUSTRIAN AMBASSADOR KREID TOLD DCM HE PERSONALLY AGREED COMPLETELY WITH U.S. TEXT, WHICH HE CONSIDERED "VERY WELL BALANCED" AND CONSISTENT WITH REPORTS ON THE CHILEAN SITUATION HE HAS BEEN SENDING TO VIENNA. HE HAD ~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 02 SANTIA 01562 041956Z

HEARD NOTHING ABOUT HIS GOVERNMENT'S POSITION.

4. COLOMBIAN AMBASSADOR RODRIGUEZ SAID HE ALSO WAS PERSONALLY IN TOTAL AGREEMENT. HE SAID THAT TWO WEEKS AGO HE HAD RECOMMENDED TO BOGOTA THAT IT SUPPORT COMBININ ITEMS 5 AND 12 AT THIS YEAR'S GENEVA SESSION.

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5. PHILIPPINES AMBASSADOR ARIZALA SAID HE PERSONALLY THOUGHT OUR TEXT WAS QUITE WELL BALANCED. HE HAS INFORMED MANILA OF TEXT HE RECEIVED FROM US, AND OF COURSE THE DECISION ON GOP POSITION WILL BE MADE THERE.

6. AUSTRALIAN AMBASSADOR FLANAGAN, WHO IS QUITE SYMPATHETIC TO THE PINOCHET GOVERNMENT, SAID HE THOUGHT THE RESOLUTION WAS GENERALLY O.K., IF ANYTHING A LITTLE BIT UNBALANCED AGAINST CHILE. HE STRONGLY AGREED, HOWEVER, WITH THE PROPOSAL TO ELIMINATE ITEM 5, AND SAID HE WOULD SO RECOMMEND TO CANBERRA.

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7. VENEZUELAN AMBASSADOR VARGAS SENT US FOLLOWING WRITTEN COMMENTS:

"(1) OPERATIVE PARA 5: SINCE DECEMBER THEY HAVE PERMITTED THE RETURN (TO CHILE) OF A LITTLE MORE THAN A THOUSAND PERSONS AND THAT THE PROHIBITION STILL EXISTS WITH RESPECT TO ALMOST THREE THOUSAND.

"(2) OPERATIVE PARA 12, SUBPARA (B): I PLAN TO SUGGEST TO MY GOVERNMENT THAT IT PROPOSE ADDING TO (B) THE FOLLOWING: 'IN PARTICULAR TRANSITORY ARTICLE 27 OF THE PRESENT CONSTITUTION.' THIS REMOVAL OF ART. 27 WOULD OPEN THE WAY TO UNIVERSAL, DIRECT AND SECRET ELECTIONS INSTEAD OF A PLEBISCITE.
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PAGE 03 SANTIA 01562 041956Z

"OBVIOUSLY, I WILL ALSO EXPRESS TO MY GOVERNMENT MY AGREEMENT WITH ALL THE REST OF THIS PROVISIONAL TEXT."

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8. COMMENT: AUSTRALIAN AMBASSADOR TOLD DCM HE HAD LITTLE HOPE HIS VIEWS WOULD BE LISTENED TO IN CANBERRA. THIS IS A COMPLAINT WE HAVE HEARD BEFORE FROM EC AMBASSADORS, MOST OF WHOM SEE MORE GREY IN THE CHILEAN SITUATION THAN DO POLITICAL MINISTERS AT HOME.

9. FOREGOING DRAFTED PRIOR TO AMBASSADOR'S MARCH 4 TELCON WITH ASSISTANT SECRETARY SCHIFTER. BARNES

~~CONFIDENTIAL~~

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Case Number: S1999000030

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Chile Project (#S199900030)
U.S. Department of State
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Exemption(s) ____

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PAGE 01 STATE 062569
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~~C O N F I D E N T I A L~~ STATE 062569

FOLLOWING STATE 062569 RPTED FOR YOUR ACTION SENT ACTION
BANJUL MASERU MONROVIA DAKAR KIGALI LOME INFO BUENOS AIRES
CARACAS BOGOTA LIMA SANTIAGO GENEVA DTD MAR 4:
QTE: C O N F I D E N T I A L STATE 062569
E.O. 12356: DECL: OADR
TAGS: PHUM, UNHRC, CI
SUBJECT: UNHRC RESOLUTION ON CHILE
~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 02 STATE 062569

1. ~~CONFIDENTIAL~~ - ENTIRE TEXT.

2. ACTION ADDRESSEES ARE REQUESTED TO APPROACH FOREIGN MINISTRIES AGAIN AT APPROPRIATELY SENIOR LEVEL TO REITERATE US DESIRE FOR THEIR SUPPORT ON US DRAFT OF CHILE RESOLUTION IN UNHRC. YOU MAY DRAW AS APPROPRIATE

ON TALKING POINTS IN STATE 058268 AND STATE 052474. IN THOSE COUNTRIES WHO HAVE INDICATED WILLINGNESS TO SUPPORT US INITIATIVE ON CHILE, EMBASSIES SHOULD CONFIRM THIS SUPPORT.

3. FOR ALL WEOG CAPITALS: IN ADDITION TO USING TALKING POINTS PREVIOUSLY PROVIDED, EMBASSIES SHOULD MAKE FOLLOWING ADDITIONAL POINTS:

- WESTERN DEMOCRACIES SHARE A COMMON INTEREST IN ENCOURAGING A DEMOCRATIC TRANSITION AND HUMAN RIGHTS IMPROVEMENTS IN CHILE. US CONSIDERS PASSAGE OF A BALANCED AND FAIR RESOLUTION A KEY ELEMENT IN WESTERN EFFORTS TO PROMOTE THESE GOALS. DECISION TO INTRODUCE

A RESOLUTION WAS TAKEN AT HIGHEST LEVEL OF US GOVERNMENT.

- WE HAVE WORKED TOGETHER BEFORE TO PROMOTE OUR MUTUAL CONCERNS ON DEMOCRACY AND HUMAN RIGHTS IN CHILE. WE BELIEVE IT IS IMPORTANT THAT WE WORK TOGETHER IN GENEVA NOW AND WANT YOUR SUPPORT FOR A BALANCED TEXT ON CHILE AS WE HAVE PROPOSED.

- OUR RESOLUTION IS PART OF A BROADER STRATEGY TO ENCOURAGE DIALOGUE BETWEEN THE DEMOCRATIC OPPOSITION ~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 03 STATE 062569

AND THE CHILEAN GOVERNMENT ON IMPLEMENTING A DEMOCRATIC TRANSITION AND BRINGING ABOUT HUMAN RIGHTS PROGRESS. THE CHILEAN GOVERNMENT'S COOPERATION WITH THE SPECIAL RAPPORTEUR HAS GIVEN US AN OPPORTUNITY TO MAKE REAL PROGRESS ON THESE CONCERNS. SOME STEPS HAVE BEEN TAKEN BY THE GOVERNMENT -- NOTABLY REDUCING THE NUMBER OF POLITICAL EXILES, PROVIDING ACCESS BY INDEPENDENT DOCTORS TO DETAINEES, MEASURES TO LEGALIZE POLITICAL PARTIES. MUCH MORE NEEDS TO BE DONE TO ADDRESS REMAINING PROBLEMS, BUT WE CONSIDER IT CRITICAL THAT THESE STEPS BE ACKNOWLEDGED BY THE INTERNATIONAL COMMUNITY NOW, PRECISELY SO THAT WE CAN ENCOURAGE GREATER PROGRESS.

- A BALANCED TEXT, SUPPORTED BY THE US AND THE OTHER WESTERN COUNTRIES WILL HAVE MUCH GREATER IMPACT IN CHILE THAN ADOPTION OF AN UNBALANCED TEXT, SUCH AS THAT PROPOSED BY MEXICO, WITHOUT US SUPPORT.

4. FOR ALL ADDRESSEES: IF APPROPRIATE, YOU SHOULD

MAKE THESE ADDITIONAL POINTS:

- RETENTION OF PARA 15 IN US TEXT IS NOT NEGOTIABLE. GREAT MAJORITY OF WEOG MEMBERS HAS FOR YEARS FAVORED ENDING SPECIAL STATUS FOR CHILE IMPLIED BY MAINTAINING A SEPARATE AGENDA ITEM. US AGREED AT 1986 UNHRC SESSION THAT VOTE ON THIS ISSUE BE POSTPONED UNTIL 1987. WE CANNOT AGREE TO POSTPONEMENT FOR ANOTHER YEAR.

- CONCERNING OTHER PARTS OF THE TEXT, DEPARTMENT IS NOT SYMPATHETIC TO FRG CONCERNS (BONN 5971) REGARDING PARA 3. THE ASSASSINATION ATTEMPT AND THE KILLING OF A NUMBER OF PRESIDENT PINOCHET'S GUARDS WAS VIEWED BY MANY, INCLUDING THE DEMOCRATIC OPPOSITION, AS A SET-BACK IN THE COUNTRY'S EVOLUTION TOWARD DEMOCRACY. ON THE OTHER HAND, DEPARTMENT WOULD CONSIDER UK
~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 04 STATE 062569

SUGGESTIONS AS SET FORTH IN LONDON 4166, PARA 5, BUT WOULD NEED TO LOOK AT SPECIFIC LANGUAGE.

5. FOR VIENNA: PLEASE CLARIFY AUSTRIA'S POSITION. WE ARE GETTING A DIFFERENT SIGNAL IN GENEVA THAN IN CAPITALS.
WHITEHEAD UNQTE WHITEHEAD

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PAGE 01 LIMA 02458 042157Z
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FM AMEMBASSY LIMA
TO SECSTATE WASHDC IMMEDIATE 7774
INFO USMISSION GENEVA
AMEMBASSY SANTIAGO
AMEMBASSY LA PAZ

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

~~C O N F I D E N T I A L~~ LIMA 02458

LA PAZ FOR MCLEAN

E.O. 12356: DECL: OADR
TAGS: PHUM, UNHRC, CI, PE
SUBJECT: US CHILE RESOLUTION AT UNHRC -- PERUVIAN POSITION

REF: STATE 058286

1. (~~CONFIDENTIAL~~ - ENTIRE TEXT)

2. DURING A FEBRUARY 25 MEETING BETWEEN DAS ROBERT GELBARD AND PERUVIAN FOREIGN MINISTER ALLAN WAGNER IN LIMA, WAGNER EXPRESSED SATISFACTION WITH THE U.S.' UNHRC RESOLUTION ON CHILE. HE TERMED IT "VERY GOOD... MODERATE...SOFT, BUT FINE," AND INDICATED THAT HE HAD INSTRUCTED THE PERUVIAN DELEGATION TO CONSULT CLOSELY WITH US ON THE ISSUE. THE GOP WOULD BE MORE COMFORTABLE WITH A CONSENSUS RESOLUTION, WAGNER NOTED, GIVEN THE SUBJECT'S SENSITIVITY IN THE BILATERAL RELATIONSHIP WITH CHILE. HE ALSO EXPRESSED SATISFACTION WITH U.S. POLICY WITH RESPECT TO CHILE'S INTERNAL DEMOCRATIC EVOLUTION, WHICH HE RECOGNIZED WAS AN EXTREMELY COMPLEX PROBLEM.

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PAGE 02 LIMA 02458 042157Z

3. IN SUBSEQUENT DAYS, MFA AMERICAS DEPARTMENT DIRECTOR EDUARDO PONCE HAS TWICE RAISED THE CHILE RESOLUTION WITH DCM. CITING REPORTS FROM THE PERUVIAN DELEGATION IN GENEVA, PONCE HAS INQUIRED WHETHER THE U.S. WAS WITHDRAWING ITS RESOLUTION IN FAVOR OF A MODIFIED VERSION OF THE MEXICAN ONE. WE WERE ABLE RAPIDLY TO COUNTER

THIS FALSE INFORMATION, WITH DEPARTMENT'S ASSISTANCE.

4. ACTION REQUESTED: IT WOULD APPEAR THAT THE PERUVIAN DELEGATION IN GENEVA IS NEITHER FOLLOWING ITS INSTRUCTIONS NOR BEING HELPFUL TO US. WOULD APPRECIATE BEING KEPT IN THE LOOP AS NEGOTIATIONS ON THE RESOLUTION DEVELOP, AND ALSO BEING INFORMED AS TO WHAT THE PERUVIAN DEL IS UP TO IN ORDER TO TAKE APPROPRIATE STEPS WITH THE MFA IN LIMA.

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PAGE 01 GENEVA 02563 01 OF 03 041841Z
ACTION IO-19

INFO LOG-00 COPY-01 ADS-00 INR-10 EUR-00 SS-00 OIC-02
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TO SECSTATE WASHDC NIACT IMMEDIATE 6560
INFO AMEMBASSY VIENNA
USMISSION USUN NEW YORK

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

~~C O N F I D E N T I A L~~ SECTION 01 OF 03 GENEVA 02563

DEPARTMENT FOR DEPUTY SECRETARY ARMACOST, IO - ASSISTANT SECRETARY KEYES, ARA - ASSISTANT SECRETARY ABRAMS, HA - ASSISTANT SECRETARY SCHIFTER

DEPARTMENT ALSO PASS TO NSC - JOSE SORZANO

E.O. 12356: OADR
TAGS: PHUM, UNHRC, CI
SUBJECT: 43RD SESSION OF THE UN HUMAN RIGHTS COMMISSION: RESOLUTION ON CHILE

REFS: A) STATE 51557, B) STATE 52474, C) GENEVA 2480, D) STATE 62535, AND E) STATE 58286

1. (CONFIDENTIAL - ENTIRE TEXT.)

2. THIS IS HRC - 280.

3. SUMMARY: U.S. DEL HAS MADE EXTENSIVE CONTACTS AND EXHAUSTIVE EFFORTS TO: (1) GET REVISIONS IN THE MEXICAN RESOLUTION ON CHILE (PROBABLE CO-SPONSORS INCLUDING NETHERLANDS, SPAIN, ITALY, AUSTRALIA, YUGOSLAVIA, ~~CONFIDENTIAL~~

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PAGE 02 GENEVA 02563 01 OF 03 041841Z

ALGERIA, DENMARK AND PORTUGAL) TO ACCOMODATE DEPARTMENT GUIDANCE (REFTEL D); (2) LINE UP SUPPORT FOR POSSIBLE SEPARATE U.S. RESOLUTION ON CHILE (REFTEL C); AND (3) GAUGE POSSIBLE CONSEQUENCES OF ACTIONS ON THE CHILE RESOLUTION TO EFFORTS ON THE CUBA RESOLUTION.

4. REGARDING (1), THERE HAVE BEEN REVISIONS IN THE INITIAL DRAFT OF THE MEXICAN RESOLUTION WHICH ACCOMMODATES SOME BUT NOT, REPEAT NOT, ALL U.S. CONCERNS (REFTEL C); (2) U.S. DEL IS NOT, REPEAT NOT, PICKING UP INDICATIONS OF SUPPORT FOR SEPARATE U.S. RESOLUTION ON CHILE (THOUGH THERE ARE A HANDFUL OF MEMBERS "SYMPATHETIC" TO ELIMINATING A SEPARATE ITEM 5 IN NEXT YEAR'S AGENDA); (3) THE STATUS ON THE CUBA RESOLUTION IS THAT WE ARE IN POSSIBLE REACH BUT STILL JUST SHORT OF A MAJORITY ON THE PROCEDURAL QUESTION, THAT WE FEEL IT POSSIBLY CAN BE WON, AND THAT SEPARATE ACTION ON CHILE COULD CRITICALLY DAMAGE WHATEVER POSSIBILITY REMAINS TO GET THE NEEDED VOTES (AND MIGHT LOSE VOTES AMONGST SOME ALREADY COMMITTED); AND (4) FINALLY, THE SPONSORS HAVE RETURNED TO US WITH A POSSIBLE COMPROMISE (SEE PARA. 11).

5. U.S. DEL NEEDS INSTRUCTIONS IMMEDIATELY. THE SPONSORS AND MEXICO HAVE DELAYED INTRODUCTION OF THEIR RESOLUTION TWO DAYS AS WE HAVE WORKED TO FIND AN ACCEPTABLE COMPROMISE. U.S. DEL HAS PROMISED TO GIVE THEM OUR FINAL DECISION AT THE 9:00 A.M. WEOG MEETING, THURSDAY, MARCH 5. END SUMMARY.

6. LOBBYING ACTIVITIES: YESTERDAY WE MET INDIVIDUALLY WITH EACH CO-SPONSOR OF THE MEXICAN RESOLUTION, MET WITH THEM IN A GROUP, AND VISITED WITH OTHER NON-SPONSOR CONFIDENTIAL

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PAGE 03 GENEVA 02563 01 OF 03 041841Z

DELEGATIONS (REFTEL). TODAY, MARCH 4, CHILE WAS DISCUSSED IN THE MORNING WEOG MEETING. ALSO, MEMBERS OF U.S. DEL AGAIN MET INDIVIDUAL WITH EACH CO-SPONSOR OF THE MEXICAN RESOLUTION, VISITED WITH OTHER NON-SPONSOR DELEGATIONS, AND, LATE THIS AFTERNOON, MET WITH THE CONTACT GROUP OF CO-SPONSORS. THIS ACTIVITY HAS BEEN GETTING AND CONTINUES TO GET SUBSTANTIAL ATTENTION FROM THE DELEGATION.

7. A REPORT ON THE OVERALL SITUATION WITH SOME COUNTRY-BY-COUNTRY BREAKDOWN FOLLOWS. THE POSITIONS OF DELEGATIONS AS OF 6:00 P.M. MARCH 4 ARE AS FOLLOWS:

AUSTRIA: DELEGATION SAYS IT HAS NOT, REPEAT NOT, RECEIVED INSTRUCTIONS TO CO-SPONSOR U.S. DRAFT AND FAVORS A CONSENSUS TEXT.

ITALY: FAVORS A CONSENSUS TEXT AND WILL CO-SPONSOR REVISED MEXICAN DRAFT.

AUSTRALIA: NOT IN FAVOR OF #5 CHANGE TO #12; SAYS IT IS PREMATURE.

NORWAY: SUPPORTS REVISED MEXICAN DRAFT; NOT IN FAVOR OF #5 CHANGE TO #12 AT THIS TIME.

YUGOSLOVIA: SUPPORTS REVISED MEXICAN DRAFT; OPPOSES #5 CHANGE TO #12.

COLOMBIA/COSTA RICA: NO CHANGE FROM PREVIOUS POSITIONS. U.S. DEL WILL CONTINUE PRESSURE ON SELECTED LATIN DELEGATIONS.

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PAGE 04 GENEVA 02563 01 OF 03 041841Z

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PAGE 01 GENEVA 02563 02 OF 03 041843Z
ACTION IO-19

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INFO AMEMBASSY VIENNA
USMISSION USUN NEW YORK

~~C O N F I D E N T I A L~~ SECTION 02 OF 03 GENEVA 02563

DEPARTMENT FOR DEPUTY SECRETARY ARMACOST, IO - ASSISTANT SECRETARY KEYES, ARA - ASSISTANT SECRETARY ABRAMS, HA - ASSISTANT SECRETARY SCHIFTER

DEPARTMENT ALSO PASS TO NSC - JOSE SORZANO

E.O. 12356: OADR
TAGS: PHUM, UNHRC, CI
SUBJECT: 43RD SESSION OF THE UN HUMAN RIGHTS

FRANCE: WILL NOT CO-SPONSOR REVISED MEXICAN DRAFT, BUT

WILL VOTE YES ON IT AND WANTS A CONSENSUS TEXT; THINKS CHILE ISSUE DETRACTS FROM ATTENTION ON CUBA.

DENMARK: NOT IN FAVOR #5 TO #12 CHANGE AT THIS TIME; WILL CO-SPONSOR REVISED MEXICAN DRAFT.

PORTUGAL: WOULD SUPPORT EVENTUAL #5 TO #12 CHANGE BUT NOT THIS YEAR.

HOLY SEE: STRONGLY OPPOSED TO A TEXT THAT IS MORE POSITIVE THAN THE REVISED MEXICAN DRAFT.
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PAGE 02 GENEVA 02563 02 OF 03 041843Z

INDIA: WILL SUPPORT MEXICAN TEXT.

BELGIUM: WILL SUPPORT A CONSENSUS TEXT AND FAVORS STRONG EUROPEAN INVOLVEMENT.

8. ATMOSPHERICS: CARMEN QUINTANA, THE CHILEAN BURN VICTIM, SPOKE TO A RAPT, ATTENTIVE COMMISSION AUDIENCE THE AFTERNOON OF MARCH 4. HER PRESENTATION WAS EMOTIONAL WITHOUT BEING OVERBEARING. PERSONS CROWDED AROUND HER FOR COPIES OF HER SPEECH AND SHE WAS EMBRACED BY VARIOUS DELEGATIONS FROM ALL REGIONAL GROUPS.

9. THESE AND OTHER DELEGATIONS WITH WHOM U.S. DEL HAVE TALKED HAVE A UNIFORM CONCERN THAT WHILE THE CHILEAN GOVERNMENT MAY HAVE MADE SOME HUMAN RIGHTS PROGRESS THAT IT HAS NOT BEEN MUCH. THEY FEEL U.S. LANGUAGE DOES NOT, REPEAT NOT, REPRESENT A BALANCED TEXT BUT AN IMBALANCED TEXT THAT IS OVER-GENEROUS TO THE CHILEAN GOVERNMENT AND SENDS THE WRONG MESSAGE. AS ONE DELEGATE AFTER ANOTHER TOLD U.S. DELEGATE, "WE SHOULD KEEP THE PRESSURE ON, WE SHOULDN'T SEND THE WRONG SIGNAL." TO THEM ELIMINATION OF ITEM 5 AS A SEPARATE AGENDA ITEM, WHILE ACCEPTABLE IN THEORY, IS NOT REPEAT NOT ACCEPTABLE NOW. IT WOULD SEND THE WRONG MESSAGE.

10. THIS VIEW IS BEING STRENGTHENED BY THE HOLY SEE DELEGATE WHO IS WORKING THE FLOOR URGING NO ELIMINATION OF THE SEPARATE ITEM 5 NOW. WE ARE TOLD THAT HE IS TELLING DELEGATES THAT THE VATICAN WANTS TO KEEP THE PRESSURE ON THE CHILE GOVERNMENT LEADING UP TO THE PENDING TRIP OF THE POPE TO CHILE. HE IS TELLING DELEGATES THAT ELIMINATION OF THE SEPARATE ITEM 5 WILL
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PAGE 03 GENEVA 02563 02 OF 03 041843Z

UNDERMINE THE POPE'S EFFORTS IN THIS REGARD.

11. COMPROMISE: THIS AFTERNOON MEMBERS OF THE U.S. DELEGATION MET WITH REPS FROM ITALY, NORWAY, MEXICO, NETHERLANDS AND DENMARK. THEY TOLD U.S. DEL THAT FOR TWO MONTHS SOME MEMBERS OF THE WESTERN GROUP HAD BEEN WORKING ON RESTRUCTURING OF THE HRC AGENDA.

12. THEY PROPOSED TO U.S. DEL A COMPROMISE WHEREBY A SEPARATE RESOLUTION WOULD BE INTRODUCED UNDER ITEM 24 CALLING ON THE SECRETARY GENERAL OF THE UN (HRC) TO PREPARE A NEW AGENDA FOR NEXT YEAR IN CONSULTATION WITH MEMBERS WHICH SHOULD BE ORGANIZED IN A MANNER THAT IS MORE PRACTICAL, DOES NOT, REPEAT NOT, DISCRIMINATE AGAINST INDIVIDUAL NATIONS AS AGAINST OTHERS (I.E., ELIMINATES A SEPARATE ITEM 5) AND WHICH DOES NOT, REPEAT NOT, ADD NEW ITEMS SUCH AS DISARMAMENT.

13. ALL CO-SPONSORS OF THE MEXICAN TEXT ON CHILE WOULD JOIN IN CO-SPONSORING THIS MOTION AND COMMIT TO U.S. TO ELIMINATE A SEPARATE ITEM 5 THROUGH THIS PROCESS.

14. OBVIOUSLY, THIS COMPROMISE PROCEDURE IS A VEHICLE TO ACHIEVE THE ELIMINATION OF ITEM 5 AS A SEPARATE AGENDA ITEM WITHOUT FORCING COUNTRIES TO HAVE A SEPARATE VOTE ON IT NOW -- WHICH, IN THEIR STRONGLY-HELD VIEW, SENDS THE WRONG SIGNAL TO CHILE AT THIS TIME.

15. *POTENTIAL CHILE-CUBA RELATIONSHIP: AS U.S.* DELEGATION HAS MADE CLEAR, DUE TO OUTSTANDING WORK BY DEMARCHES IN CAPITALS, THE VOTE ON CUBA IS VERY, REPEAT VERY, CLOSE. WHILE IT STILL IS AN UPHILL BATTLE, VICTORY IS DO-ABLE. MANY DELS SEEM TO BE WITHOUT INSTRUCTIONS OR HAVE BEEN GIVEN WIDE LATITUDE. SOME DELEGATIONS HAVE SUGGESTED THAT A SEPARATE U.S. RESOLUTION ON CHILE MAY AFFECT THE CURRENT PRECARIOUS ~~CONFIDENTIAL~~

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PAGE 04 GENEVA 02563 02 OF 03 041843Z

BALANCE ON THE CUBA RESOLUTION.

16. ACTION REQUESTED: IN LIGHT OF THE ABOVE, U.S. DEL NEEDS INSTRUCTIONS AT ONCE AS TO WHETHER TO PURSUE COMPROMISE LANGUAGE AS OUTLINED IN PARA. 11 ABOVE OR TO TABLE SEPARATE RESOLUTION. U.S. DEL HAS COMMITTED TO

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PAGE 01 GENEVA 02563 03 OF 03 041843Z
ACTION IO-19

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C O N F I D E N T I A L SECTION 03 OF 03 GENEVA 02563

DEPARTMENT FOR DEPUTY SECRETARY ARMACOST, IO - ASSISTANT SECRETARY KEYES, ARA - ASSISTANT SECRETARY ABRAMS, HA - ASSISTANT SECRETARY SCHIFTER

DEPARTMENT ALSO PASS TO NSC - JOSE SORZANO

E.O. 12356: OADR
TAGS: PHUM, UNHRC, CI
SUBJECT: 43RD SESSION OF THE UN HUMAN RIGHTS

INFORM COLLEAGUES TOMORROW AT 9:00 A.M. WEOG MEETING, MARCH 5. FLACK

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PAGE #1 OF #3 STATE #63154 6946 SS09248
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APPROVED BY: ARA:WGWALKER
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E.O. 12356: DECL: OADR
TAGS: PREL, NU, XK, OVIP (HABIB, PHILIP C.)
SUBJECT: AMB. HABIB'S MEETINGS WITH LEADERS OF THE NICARAGUAN DEMOCRATIC RESISTANCE

1. ~~SECRET~~ - ENTIRE TEXT.

2. SUMMARY. ON FEBRUARY 27, AMB. HABIB AND DAS WALKER MET SEPERATELY WITH UNO LEADERS CRUZ, ROBELO, AND CHAMORRO, AND WITH BOS LEADERS CESAR, JEREZ, AND RIVERA. HABIB WELCOMED THE ARIAS INITIATIVE WHOSE FOCUS WAS ONE DEMOCRATIZATION IN NICARAGUA. UNFORTUNATELY, THE ARIAS PROPOSALS HAD DEFICIEN.IES AND OMISSIONS AS WELL AS SOME PROBLEMS WITH SEQUENCE. CRUZ SAID THERE WAS AN URG NT NEED FOR THE UNITED STATES AND THE RESISTANCE TO AVE A CREDIBLE NEGOTIATING TRACK AND WELCOMED THE ARIAS PLAN.

INITIATIVE TO ARIAS, BUT THE PROPOSALS ANNOUNCED AT THE SUMMIT WERE FAR DIFFERENT THAN WHAT HE HAD HAD IN MIN . UNO HAD ENDORSED THE ARIAS PROPOSALS BEFORE IT KNEW THE SPECIFICS. ROBELO STRESSED THAT THERE HAD TO BE TALKS BETWEEN THE SANDINISTAS AND THE RESISTANCE TO WORK OUT THE TERMS OF A CEASE-FIRE. ONCE THE FIGHTING HAD STOPPE, UNO LEADERS WOULD PARTICIPATE IN THE INTERNAL DIALOGUE AS MEMBERS OF THE UNARNE OPPOSITION. CRUZ

NOTED THE IMPORTANCE OF RETAINING CONTADORA.

3. CESAR SAID THAT HE WELCOMED THE ARIAS PROPOSALS AS A NEW ELEMENT IN THE NEGOTIATIONS. IF A CEASE-FIRE TOOK EFFECT, THE SANDINISTAS WOULD HAVE NO EXCUSE TO CONTINUE THE STATE OF EMERGENCY AND REBEL LEADERS COULD RETURN AND JOIN IN THE NATIONAL DIALOGUE. CESAR SAID THAT BOS DID WANT TALKS WITH THE SANDINISTAS TO NEGOTIATE THE TERMS OF A CEASE-FIRE; IT WAS PREPARED TO ACCEPT THE USE OF INTERMEDIARIES. JEREZ STATED THAT IT WAS NECESSARY TO TAKE THE ARIAS PROPOSALS TO CONTADORA OR MEXICO WOULD OPPOSE IT. CESAR SAID THAT IT WAS IMPORTANT TO MAV UNITY AMONG THE CENTRA- AMERICAN DEMOCRACIES, THE UNTE STATES, AND THE RESISTANCE. END SUMMARY.

4. ON FEBRUARY 27, AMB. HABIB AND DAS WALKER MET AT UNO HEADQUARTERS IN MIAMI WITH THE LEADERS OF THE NICARAGUAN DEMOCRACTIC RESISTANCE. THEY FIRST MET FOR NEARLY TWO HOURS WITH THE LEADERSHIP OF UNO: ARTURO CRUZ, ALFONSO ROBELO, PEDRO JOAQUIN CHAMORRO, LEONARDO SOMARIBA, CAR-OS

PAGE #1 STATE #63154 6946 SS09248

ULVERT, AND ERNESTO PALACIOS. HABIB OPENE BY COMMENTING THAT THIS WAS A VERY ACTIVE PERIOD IN THE NEGOTIATING TRACK, SUCH AS THE TRIP TO CENTRAL AMERICA OF THE

EC MINISTERIAL IN GUATEMALA (SAN JOSE III), THE ARIAS PROPOSALS, THE CIVIC OPPOSITION'S 7-PARTY PLAN, AND, OF COURSE, THE ACTIVITIES OF NUMEROUS MEMBERS OF CONGRESS.

5. HABIB SAID THAT THE USG WELCOMED THE ARIAS INITIATIVE AND BELIEVED THAT ITS FOCUS ON DEMOCRATIZAON IN NICARAGUA WAS CORRECT. HE STRESSED THAT DEMOCRACY IN NICARAGUA WAS PRECISELY THE GOAL OF THE UNITED STATES. HE SAID THAT ARIAS HAD TOLD HIM THAT THE PURPOSE OF THE PROPOSALS WAS TO BOX IN THE SANDINISTAS AND COMPELL THEM TO OPEN THE POLITICAL SYSTEM (WHICH ARIAS ASSUMED WOULD RESULT IN THEIR DOWNFALL) OR BE EXPOSED TO THE WORLD AS INTRANSIGENT MARXIST-LENINISTS. UNFORTUNATELY, THE ARIAS PROPOSALS HAD SOME DEFICIENCIES AND OMISSIONS AS WELL AS SOME PROBLEMS WITH SEQUENCE. AS NOW DRAFTED, IT WAS FRONTLOADED IN FAVOR OF THE SANDINIS AS. HABIB EXP AINED THAT ARIAS HAD ASSURED HIM THAT THE PROPOSALS WERE JUST A DRAFT AND THAT WHILE HE WOULD REMAIN FIRM ON THE POLITICAL ELEMENTS, HE WAS PREPARED TO REVISE THE SECURITY ELEMENTS. HABIB ADDED THAT PRESIDENTS AZCONA AND DUARTE ALSO HAD RESERVATIONS ABOUT THE ARIAS PROPOSALS THAT WERE SIMILAR TO OUR OWN. HABIB NOTED THA IT WAS IMPORTANT NOT,TO TORPEDO CONTADORA, AS IT WAS MORE COMPETE THAN THE ARIAS PLAN AND INVOLVED THE MAJOR LATIN NATIONS. HE SAID HE HAD COME TO LEARN UNO'S POSITION ON

THE ARIAS PROPOSALS, CONTADORA, AND NEGOTIATIONS IN GENERAL.

6. CRUZ RESPONDED THAT HE BELIEVED THAT THER WAS AN URGENT NEED FOR THE UNITED STATES AND THE RESISTANC TO HAVE A CREDIBLE NEGOTIATING TRACK. HE SAID THAT MEMBERS OF CONGRESS HAD COMPLAINED THAT TE ADMINISTRATION HAD JUST USED HABIB LAST YEAR TO GET THE DOLS 100 MILLION AID PACKAGE AND HAD NOT ALLOWED HIM TO SEEK ACTIVELY A NEGOTIATED SOLUTION. HE WELCOMED THE ARIAS PLAN AND AGREED THAT CONTADORA MUST BE RETAINE, BUT DOMINA ED BY THE CENTRAL AMERICANS THEMSELVES. HE STRESSED THAT DIPLOMATIC EFFORTS MUST NOT BE COSMETIC; ALL POSSIBILITIES TO REACH A COMPREHENSIVE, VERIFIABLE, AN SIMULTANEOUS AGREEMENT MUST BE EXHAUSTED.

7. ROBELO THEN RECOUNTED THE HISTORY OF THE ARIAS PROPOSALS. HE SAID THAT LAST FALL, HE HAD SUGGEST D TO ARIAS THAT COSTA RICA TAKE THE LEAD IN PROPOSING A PLAN WITH SPECIFIC REQUIREMENTS AND DEADLINES FOR ALL PARTIES INVOLVED IN THE NICARAGUAN CRISIS. THIS PLAN COUL BE SUPPORTED BY ALL FOUR OF THE CENTRAL AMERICAN DEMOCRACIES. ARIAS HAD REPLIED THAT HE COULD ONLY DO SO IF GUATEMALA WERE ON BOARD. IF ONLY EL SALVA OR AN HONDURAS JOINED HIM, HE "WOULD GET BURNED." ARIAS HAD EXPLAINED THAT THEY WERE INVOLVED IN MILITARY AC IVITIES AGAINST NICARAGUA, AND HE WANTED TO PROTECT COSTA RICA'S "VIRGINITY" BY STICKING TO POLITICAL PRESSURE. ARIAS ALSO HAD COMPLAINED THAT THE UNITED STATES KEPT TRYING TO GET HIM INVOLVED IN SUPPORTING THE RESISTANCE'S MILITARY ACTIVITIES AND DID NOT UNDERS AND THAT HE HAD TO DEFEN COSTA RICA'S IMAGE, PARTICULARLY IN VIEW OF THE ICJ CASE.

8. ROBELO SAID THAT IN LATE NOVEMBER, HE HAD A FOLLOW-UP DISCUSSION WITH ARIAS, RODRIGO ARIAS, JOHN BIEHL, AND ALFREDO CESAR. ARIAS AGREED AT THAT TIME TO UND RTAKE SUCH AN INITIATIVE, AND ROBELO TRAVELED TO MIAMI WHERE HE PUT HIS IDEAS INTO WRITING. ROBELO PROVIDED RO RIGO ARIAS WITH A DRAFT PLAN WHICH PROVIDED FOR THREE STAGES OF DIALOGUE, BEGINNING WITH TALKS BETWEEN THE SANDINISTAS

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AND THE RESISTANCE TO ESTABLISH THE TERMS OF A CEASE-FIRE. [illegible] ALSO GAVE ARIAS ITS IDEAS ABOU WHAT A PLAN SHOULD LIKE. ROBELO SAID THAT HE EXPECTED THESE PLANS TO BE DISCUSSED DURING ARIAS'S DECEMBER TRIP TO WASHINGTON WITH THE AIM OF HAVING A FIRM PLAN REA Y FOR THE FEBRUARY EC MINISTERIAL IN GUATEMALA. TO ROBLO'S SURPRISE, THE IDEA WAS NEVER RAISED DURING ARIAS'S VISIT. HABIB NOTED THAT ARIAS HAD LONG INDICATE HIS INTEREST IN PROMOTING A PEACE PLAN BUT NO SPECIFICS HA

BEEN DISCUSSED UNTIL THE JANUARY MEETING WITH MADRIGAL IN MIAMI. ROBE O REPLIED THAT HE ASSUMED THAT THE MIAMI MEETING FINALLY HAD PUT THE PLAN ON TRACK. HE WAS CONCERNED WHEN HE LATER TALKED WITH BIEHL AND LEARNED THAT THERE WAS STILL NO PLAN PER SE BUT SIMPLY "IDEAS." ROBELO ADDED THAT UNO LEADERS PUBLICLY SUPPORTED THE ARIAS PLAN, EVEN THOUGH THEY DID NOT KNOW WHAT IT WOUD SAY, BECAUSE THEY BELIEVED THAT ARIAS WAS A GOOD MAN AND THAT IT WAS IMPORTANT TO HAVE THE FOUR CENTRA- AMERICAN DEMOCRACIES BEHIND A PLAN.

9. CRUZ STATED THAT HE AND ROBELO HAD CALLED ON ARIAS ABOUT A WEEK BEFORE THE SUMMIT AND WERE SHOCKED TO LEARN THAT THE PROPOSALS WERE NOT EVEN READY AS A ROUGH DRAFT. THEY TOLD ARIAS TO KEEP TWO THINGS IN MIND AS HE FINISH D THE DRAFT: IT MUST BE COMPREHENSIVE, VERIFIABLE, AND SUMULTANEOUS; AND UNO HAD ALREADY AGREED TO A PEACE PLAN, I.E., THE SIX-PARTY PROPOSAL BY THE CIVIC OPPOSITION OF 1986. BELIEVING THAT ARIAS WOULD TAKE THEIR POSITION INTO ACCOUNT AND PRODUCE A GOOD PLAN, THEY CONTACTED MANY PEOPLE AND URGED THEM TO SUPPORT IT. SOMARIBA EVEN HAD SENT A TELEX TO ARIAS IN THE NAME OF THE THREE MEMBERS O THE UNO DIRECTORATE (CRUZ, ROBELO, AND--AT THAT TIME--CALERO) OFFERING THEIR SUPPORT SIGHT UNSEEN FOR HIS PROPOSALS.

10. CHAMORRO SAID THAT HE LATER VISITED BIEHL, WHO WAS HIS NEIGHBOR, TO CHECK ON THE PROGRESS OF THE PROPOSALS. HE DISCOVERED THAT BIEHL WAS WORKING ON THEM AT HOME ON HIS COMPUTER. INDICATIVE OF THE HAPHAZZARD PREPARATION WAS THAT BIEHL COULD NOT PROVIDE CHAMORRO WITH A COPY OF THE DRAFT UNTIL BIEHL'S 14-YEAR-OLD ARRIVED TO OPERATE THE COMPUTER'S PRINTER. CHAMORRO WAS DISMAYE WHEN HE READ THE DRAFT, AND WROTE A CRITICAL ARTICLE IN LA NACION. ARIAS THEN CALLED IN CHAMORRO TO FIND OUT WHY HE HAD CRITICIZED THE PROPOSALS. CHAMORRO TOLD ARIAS THAT HE AGREED WITH THE DEMOCRATIZATION ELEMENTS OF THE PROPOSALS BUT COMPLAINED THAT UNO COULD NOT BE EXCLUDED FROM PARTICIPATION IN THE DIALOGUE AND THAT AID COULD NOT BE CUT OFF AS A FIRST STEP. ARIAS RESPONDED THAT HE HAD INCLUDED THESE PROVISIONS BECAUSE HE COULD NOT BE SEEN AS MERELY FOLLOWING U.S. POLICY. CHAMORRO COMMENTED TO HABIB THAT ARIAS'S ACTIONS WERE ATTRIBUTABLE IN PAR TO THE FACT HE WAS POORLY INFORME ABOUT UNO'S SITUATION, PARTICULARLY ITS MILITARY SITUATION. ARIAS BELI VES THA UNO'S FORCES ARE ON THE VERGE OF DEFEAT AND THAT CONGRESS WILL BLOCK FURTHER AID, WHICH WILL FINISH THEM OFF COMPLETELY. CHAMORRO ADDED THAT ARIAS DID NOT UNDERSTAND THAT THOUSANDS OF UNO TROOPS HAD REINFLITRA ED INTO

NICARAGUA AND WERE PREPARING FOR AN OFFENSIVE AND THA THIS PRESSURE COULD GIVE THE RESISTANCE LEVERAGE IN NEGOTIATIONS. HABIB FULLY AGREE THAT ARIAS'S MISPERCEPTIONS AND THE BAD ADVICE HIS HAS BEEN RECEIVING FROM SEVERAL QUARTERS WERE SERIOUS PROBLEMS.

11. WALKER NOTED THAT BRENT BUDDWSKI OF CONGRESSMAN'S SLATTERY'S STAFF BELIEVED THAT UNO AND BOS FULLY CONCURRED WITH THE ARIAS PLAN. ULVERT REPEATE THAT WHEN UNO HAD ENDORSED THAT ARIAS PROPOSALS, IT HAD DONE SO

WITHOUT KNOWING THE SPECIFICS. ROBE O ADDD THAT UNO HA MEANT TO ENDORSE ARIAS'S CREDENTIALS, NOT THE PROPOSALS THEMSELVES.

12. ROBELO STRESSED THAT THERE HAD TO BE TALKS BETWEEN THE SANDINISTAS AND THE RESISTANCE AT THE BEGINNING TO WORK OUT THE TERMS OF A CEASE-FIRE. ONCE THE FIGHTING HAD STOPPED, UNO LEADERS WOU-D BE ABLE TO PARTICIPA E IN THE INJERNAL DIALOGUE AS MEMBERS OF THE UNARMED OPPOSITION. HABIB ASKED WHAT FLEXIBILITY UNO HAD ABOUT DEALING WITH THE SANDINISTAS; FOR EXAMPLE, WOUL THEY ACCEPT INDIRECT NEGOTIATIONS DONE THROUGH AN INTERMEDIARY. ROBELO RESPONDED THAT THIS WAS EXACTLY WHAT HE HAD ORIGINALLY PROPOSED TO ARIAS. REGARDING THE SUSPENSION OF AID TO THE RESISTANCE, ROBELO ADDED THAT HE HAD SUGGESTED TO ARIAS THAT THE PROPOSALS INC-UDE A CALL DIRECTED TO THE RESISTANCE ASKING THAT IT STOP RECEIVING AID, AS THIS COULD BE THEN WORKED INTO THE TERMS OF A NEGOTIATED CEASE-FIRE. ROBELO HAD NOT INTENDED THE CALL BE MADE TO THE UNITED STATES, AS THIS WOULD PROMPT THE CONGRESS TO STOP THE AID UNILATERALLY. IT WAS IMPOR AN THAT UNO HAVE BOTH A CARROT AND A STICK, HE EXPLAINED.

13. HABIB ASKED WHAT UNO THOUGHT ABOUT HAVING THE CIVI OPPOSITION REPRESENT THEM IN THE DIALOGUE. CRUZ REPLIED THAT IN 1986 HE HAD MENTIONED THIS POSSIBILITY TO A JOURNALIST AND THAT IT HAD BEEN PRINTED IN THE PRESS, BUT THAT WAS ONLY HIS PERSONAL VIEW. ROBELO EMPHASIZED THA THIS WAS NOT THE POSITION OF UNO AS AN ORGANIZATION. CHAMORRO SAID THAT HE HAD TOLD ARIAS THERE WAS NO ONE INSIDE NICARAGUA THAT THEY COULD FULLY TRUST EXCEPT CARDINAL OBANDO. ARIAS HAD RAISED THE POSSIBILITY O GOING TO NICARAGUA TO SEE OBANDO. CRUZ ADDED THAT NICARAGUANS WOULD ONLY ACCEPT AN AGREEMENT IF OBANDO SIGNED IT. HABIB NOTED THAT THE UNITED STATES HAD LONG ADVOCATED A ROLE FOR THE CHURCH AS MEDIATOR.

14. HABIB ASKED WHAT UNO THOUGHT ABOUT ARIAS'S PROPOSAL TO HAVE A POLITICAL OPENING FOLLOWED BY ELECTONS FOR THE

CENTRAL AMERICAN PARLIAMENT AS OPPOSED TO NATIONA OFFICES. HE NOTED THAT THE 7-PARTY PLAN SEEM D PREFERAB-E AS IT PROVIDED FOR ELECTIONS WITHIN ONE YEAR. CRUZ ACCEPTED THE CONCEPT OF ELECTIONS FOR THE PARLIAMENT, PROVIDED THAT THE PROPER CONDITIONS EXISTE . HE ADDED THAT THE UN AND OAS SYGS WOULD SUPERVISE THE

SUGGESTION. ROBELO ADDED THAT THE SANDINISTAS NEEDED TO EXERT EVER TIGHTER CONTRO- TO STAY IN POWER. UNO NEEDED TO BE AUDACIOUS IN ITS PROPOSALS AND WILLING TO TAKE RISKS IN ORDER TO TEST THE SANDINISTAS' WILLINGNESS TO OPEN THE POLITICAL SYSTEM. THIS WAS ESSENTIAL TO ENHAN E UNO'S INTERNATIONAL CREDIBILITY AND MAKE CLEAR WHO WAS STUBBORN AND REJECTING PEACE. CRUZ SAID THAT THE SANDINISTAS WERE A WHORE DRESSED LIKE A MAIDEN, AND THE OPPOSITION NEEDED TO TAKE MEASURES WHICH WOULD EXPOSE THEM FOR WHAT THEY ARE. THIS MEANT THAT UNO MUST BE FLEXIBLE AND TAUNT THE SANDINISTAS ABOUT OPENING THE POLITICAL SYSTEM. HABIB ASKED WHETHER UNO WAS PREPARED TO RETURN TO NICARAGUA AND PARTICIPATE IN THE POLITICAL PROCESS IF SUCH AN OPENING COULD BE ACHIEVED. CRUZ AND ROBELO EMPHATICALLY STATED THAT THIS IS PRECISELY WHAT THEY WANTED.

15. HABIB SAID THAT AT THE SUMMIT, HONDURAS HAD PROPOS D DELAYING THE ESQUIPULAS MEETING FOR 90 DAYS IN ORDER TO ALLOW THE RESISTANCE TIME TO PUT PRESSURE ON THE SANDINISTAS AND MAKE THEM MORE FLEXIBLE. THE FINAL VERSION OF THE PROPOSALS WOULD NOT BE RESOLVED UNTIL ESQUIPULAS. HOPEFULLY, THE FOUR DEMOCRACIES WOU D HAVE A

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UNITED POSITION, AND NICARAGUA COULD EITHER ACCEPT OR SHOW IT WAS RESPONSIBLE FOR THE FAILURE OF THE INITIATIVE. ROBELO OPINED THAT ORTEGA WOULD TRY TO TURN THE ARIAS PROPOSALS INTO ANOTHER CONTA ORA, I.E., A PROTRACTED NEGOTIATING PROCESS YIELDING NO AGRE MEN,. HABIB REPLIED THAT HE HAD WARNED ARIAS ABOUT THIS POSSIBILITY AS WELL AS SANDINISTA EFFORTS TO USE THE PLAN TO DIVIDE THE FOUR DEMOCRACIES. HABIB NOTED THAT AZCONA AND DUARTE HAD PROVIDED THEIR RECOMMENDATIONS TO ARAS, BUT ARIAS HAD IGNORED THEM AND ANNOUNCED HIS ORIGINAL PLAN AT THE SUMMIT. HONDURAS HAD GRASPED THE IMPORTANCE OF THE CONNECTION BETWEEN THE POLITICAL AND SECURITY ELEMENTS AND HAD PLACED THEM IN THE PROPER SEQUENCE. DUARTE WAS VERY TROUBLED ABOUT HOW SOME ELEMENTS O THE PROPOSALS COULD AFFECT HIS DEALINGS WITH THE FMLN AND HIS OWN MILITARY. WE HAD MADE OUR POSITION KNOWN DURING THE MIAMI MEETING WITH MADRIGAL AND DURING NATIONAL SECURITY ADVISOR CARLUCCI'S MEETING IN FEBRUARY WITH ARIAS. UNFORTUNATELY, ARIAS IGNORED OUR COMMENTS AND APPEARE

INTENT ON SOFTENING HIS PROPOSALS IN ORDER TO MAKE THEM EASIER FOR THE SANDINISTAS TO ACCEPT. THE PROPOSALS WERE ALREADY TOO SOFT, AND NOW THAT THEY WERE PUBLIC IT WOU D BE MORE DIFFICULT TO STRENGTHEN THEM. HABIB URGED UNO TO WORK OUT ITS POSITION ON THE PROPOSALS AND GIVE THE SPECIFICS IN WRITING TO ARIAS.

16. HABIB NOTED THAT IN HIS DISCUSSIONS WITH SEPU VEDA, IT WAS CLEAR THAT MEXICO WOULD STONGLY OPPOSE ANY A TEMPT TO BYPASS CONTADORA. HE SAID THAT SEPULVEDA HAD MADE ONE POINT THAT MADE SENSE: CONTADORA HAD A FAR BETTER VERIFICATION S STEM THAN THE ARIAS PROPOSALS. CRUZ NOTE THAT IT WAS IMPORTANT TO WORK WITHIN THE CONTADORA FRAMEWORK AS ALL THE MAJOR LATIN STATES WERE INVOLVED IN THE PROCESS. HABIB REPORTED THAT ON HIS RECENT TRIPS TO THE CONTADORA COUNTRIES, THERE WAS A GROWING WILLINGNESS TO HEED THE CENTRAL AMERICAN DEMOCRACIES AND TO FOCUS ON THE ISSUE OF DEMOCRATIZATION. CRUZ REFERRED SPECSFICA -Y

17. CRUZ ASKED ABOUT THE PROSPECTS FOR OBTAINING DO-S 105 MILLION IN AID FOR FY88. HABIB ANSWERED THAT IT WOULD BE TOUGH, BUT THE ADMINISTRATION WAS COMMITTED TO ITS POLICY AND WOULD WORK HARD TO SECURE THE AID. HE SAID IT WOULD DEPEND ON THE RESISTANCE DOING A CREDIBLE JOB AND THE CREDIBILITY OF THE NEGOTIATING TRACK. SEN. DODD REPORTEDLY HAD TOLD ARIAS THAT IF THE SANDINIS AS REJECTED THE PROPOSALS OR ACCEPTED THEM AND THEN RENEGED, THE DEMOCRATS WOULD SUPPORT THE ADMINISTATRATION'S POLICY. CRUZ COMMENTED THAT SOME IN CONGRESS WANT TO CUT THE AID AND SUBSTITUTE SOMETHING ELSE. ROBELO CRITI IZ D ANY PLAN WHICH WOULD WAS TANTAMOUNT TO CONTAINMENT AND WHICH WOULD LEAVE THE SANDINISTAS FREE TO CONSOLIDATE THEIR REGIME.

18. HABIB STATED THAT DURING HIS RECENT TRIP TO CENTRAL AMERICA HE HAD MEET WITH TWO LEADERS OF THE NICARAGUAN CIVIC OPPOSITION. HE HAD BEEN DISAPPOINTED THAT THEY HAD NOT CONSIDERED HOW TO WORK WITH THE DEMOCRATIC RESISTANCE IN THE EVENT THAT A POLITICAL OPENING WERE ACHIEVED. HE ASKED ABOUT UNO'S PLANS IN THIS REGARD. CRUZ ANSWERED THAT IF THE SANDINISTAS WERE STILL IN THE PICTURE, THE OPPOSITION WOULD NEED TO WORK AS A SOLID BLOC. IF THE OPENING WERE TO COME ABOUT BY THE FALL OF THE SANDINISTAS, EACH ELEMENT OF THE UNO COALITION WOUD GO ITS OWN WAY. ROBELO NOTED THAT THE CIVIC OPPOSI ION THA REMAINED INSIDE NICARAGUA WAS VERY WEAK, AS THE BES LEADERS HAD GONE INTO EXILE.

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19. HABIB AND WALKER THEN MET FOR AN HOUR WITH BOS LEADERS ALFREDO CESAR, ALVARO JEREZ, AND BROOKLYN RIVERA. HABIB REPEATED HIS INTRODUCTOR REMARKS AND ASKED ABOUT BOS'S POSITION ON NEGOTIATIONS. CESAR SAID THAT HE WELCOMED THE ARIAS PROPOSALS AS A NEW ELEMENT IN THE NEGOTIATIONS. IT WAS IMPORTANT THAT THE CENTRAL AMERICAN DEMOCRACIES WERE TAKING THE LEAD IN THE PROCESS. BOS HAD AS ONE OF ITS STRATEGIC OBJECTIVES THE STRENGTHENING OF TIES WITH THE DEMOCRACIES. BOS HOPED THE ARIAS PROPOSALS COULD LEAD TO AN END TO THE WAR. ONCE A CEASE-FIRE TOOK EFFECT, THE SANDINISTAS WOULD HAVE NO EXCUSE TO CONTINUE THE STATE OF EMERGENCY AND THEIR

NICARAGUA AND JOIN IN THE NATIONAL DIALOGUE AND PARTICIPATE IN THE NATIONAL RECONCILIATION PROCESS.

20. HABIB NOTED THE DEFICIENCIES IN THE ARIAS PROPOSALS, SUCH AS THE EXCLUSION OF THE RESISTANC FROM THE DIA OGUE AND THE CALL FOR AN IMMEDIATE END TO U.S. AID. CESAR

FOR IT NOT TO SUPPORT HIS PROPOSALS. NEVERTHELESS, BOS DID HAVE PROBLEMS WITH THE PROPOSALS AS DRAFTED. BOS HAD INTENDED ITS LETTER TO ARIAS TO BE INTERPRETED AS GIVING ONLY QUALIFIED ENDORSEMENT. FOR EXAMPLE, BOS WOULD FOREGO U.S. AID ONLY SO LONG AS THE CEASE-FIRE WERE IN EFFECT, AND IF THE SANDINISTAS VIOLATED IT, BOS WOUL AGAIN SEEK THE AID. BOS WANTED TA-KS WITH THE SANDINISTAS TO NEGOTIATE THE TERMS OF A CEASE-FIRE; IT WAS PREPARED TO ACCEPT THE USE OF INTERMEDIARIES IN RECOGNITION OF THE SANDINISTAS' REJECTION OF DIRECT TALKS. BOS WANTED SOME INTERNATIONAL BODY TO SERVE AS THE INTERMEDIARY.

21. HABIB ASKED ABOUT BOS'S VIEW ON THE ARIAS PROPOSALS' ACCEPTANCE OF THE SANDINISTA CONSTITUTION AND PROVISION FOR ELECTIONS ONLY FOR THE CENTRAL AMERICAN PAR IAMENT. CESAR ANSWERED THAT BOS HAD NOT FORMED POSITIONS YET ON THE CONSTITUTION OR THE ISSUE OF ELECTIONS. JEREZ SAID THAT THE ELECTIONS FOR A CENTRAL AMERICAN PAR-AMENT COU D SERVE AS A TEST OF THE SANDINISTAS' WILLINGNESS TO ALOW THE CONDITIONS NEEDED FOR DEMOCRACY. CESAR STRESSED THAT ONCE A CEASE-FIRE WAS ARRANGED, BOS INTENDED TO RETURN AND PARTICIPATE IN THE INTERNAL POLITICAL STRUGGLE.

22. HABIB ASKED BOS'S POSITION ABOUT CONTADORA. JR Z REPLIED THAT IT WAS NECESSARY TO LINK THE ARIAS PROPOSALS

TO CONTADORA, OTHERWISE MEXICO WOULD OPPOSE IT. CESAR SAID THAT IT WAS IMPORTANT TO HAVE UNITY AMONG THE CENTRAL AMERICAN DEMOCRACIES, THE UNITED STATES, AND TH RESISTANCE. HABIB NOTED THAT HE HAD WARNED ARIAS ABOUT THE POSSIBILITY THAT THE PROPOSALS COULD DIVIDE THE DEMOCRACIES INSTEAD OF UNIFYING THEM. HABIB POIN ED OUT THAT CEREZO WOULD PLAY A KEY ROLE IN MAKING OR BREAKNG UNITY.

23. RIVERA STATED THAT IN ANY AGREEMENT, THE CONDI ION OF THE INDIAN PEOPLES HAD TO BE PLACED ON THE AGENDA. CESAR SAID HE AGREED WITH THIS DEMAND. WHITEHEAD

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United States Department of State

Washington, D.C. 20520

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TO: ARA - Robert S. Gelbard

FROM: ARA/SC - Richard B. Howard RBH

SUBJECT: Your Meeting with the Families and Attorney Involved in the Letelier/Moffitt Civil Suit, Tuesday, March 10 at 2:00 p.m.

As you recall, Jim Swigert and Peter Olson met on Sept. 17 with Samuel Buffone, the lawyer for the Letelier and Moffitt families, and-with his clients. They agreed to get back to Buffone with a reply to his request that the State Department assist in collection of the outstanding court judgment against the Government of Chile from the civil suit brought by the families in US courts. The prolonged delay in replying to Buffone and his clients led to some criticism of our actions, which we have sought to deflect by pointing out sensitive efforts were underway that demanded the avoidance of any action that, even inadvertantly, might have jeopardized our initiative. Copies of your letters to the families are attached as are talking points for your meeting.

Buffone and his clients have suggested a number of ways the USG might help in collection on their suit, ranging from negative votes on loans to Chile to confiscating GOC assets in the US. Buffone has also requested that the USG publicly associate itself with the court judgment. He and his clients can be expected to push hard for USG action now, arguing that we have delayed long enough, a question of good faith is involved, and that our concerns regarding Fernandez are now no longer valid. Indeed, they are likely to argue that the Fernandez revelations more clearly than ever establish GOC responsibility in the murders and, therefore, demand USG action on their behalf. The gist of your meeting is likely to be passed on to Rep. Glickman, who has charged in his letter to the Secretary reporting on a proposed revision to the FSIA (attached) that the Department has failed to advise the families and move expeditiously on their request.

Mike Kozak plans to attend the meeting. We have raised the issue of publicly associating ourselves with the civil suit judgment with L. Kozak is not willing to adopt such an approach, feeling it improper for the US to take this action.

I plan to send Jim as notetaker for the meeting. I do not plan to attend, unless you feel it would have some utility. We have also reserved the conference room for an hour should you feel your office would be too crowded.

Attachments: As stated.

Draft:ARA/SC:LKusnitz
(1573S), 3/3/87

Clear:ARA/SC:DWCox
ARA/SC:JWSwigert
L:MKozak
L/ARA:POlson

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Access #
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box 2 of 3

Talking Points:

--As I wrote you, I am sorry for the delay in response to your previous request. You now know the reason for that delay was to move forward the prosecution of the case by bringing Major Fernandez to the US.

--We have considered the arguments made by Mr. Buffone last September and have decided to make a diplomatic approach to the Chilean Government seeking compensation for the families.

--The question of timing, however, concerns us. We do not want to give the impression to the GOC that Contreras, Espinosa and whoever else may be involved in the crime and cover-up can "get off the hook" if the families are compensated. As we have repeatedly said, in public and private, our concern is that all all culpable parties face justice.

--My expectation is that we will move on this diplomatic approach following the April 6 sentencing of Fernandez. We will also likely move on the criminal case at that time.

--(if asked) No firm decision has yet been made on whether to seek extradition of Contreras/Espinosa (and Orozco). We are discussing options now with our Chilean attorney and will make a firm decision following Fernandez' sentencing. I reiterate, however, that we will not drop this matter. We intend to keep the pressure on.

--(if asked) Last September, Mr. Buffone asked that the USG take several measures to put pressure on Chile, including publicly associating itself with the civil suit judgment. We have carefully considered all of Mr. Buffone's suggestions, bearing in mind that our primary objective is to take action that will yield results. We do not feel that a public statement is called for.

--(if needed) We have chosen the diplomatic approach, seeking ex gratia (by GOC's grace, not admitting tie to case or guilt) payment, because we think this approach has the greatest chance of success. The Government of Chile is unlikely to respond to demands that it acknowledge itself bound by the court's judgment. I would add along these lines that the GOC does not believe the court had jurisdiction and that judgment is based on default (not case merits).

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NH0847

March 6, 1987

To: Dick Schifter

Subject: Chile Resolution: Velasco/Pacheco

Eugenio Velasco called this morning to report that he had been in touch with Maximo Pacheco in Santiago. Velasco said the latter believes we are close to agreement on the Chile Resolution in Geneva. Pacheco stated that the only remaining problem is in the final paragraph on the bottom of the first page (ref. attached text). Maximo argues that the GOC is guilty of terrorism as well as the MRPF, and that if we are going to mention the attempt to assassinate Pinochet we should also mention the killings of leftists which followed that attempt.

Velasco was clearly pleased with the news from Santiago and Geneva.

George Lister

cc: JM
RR
KB
Elliott Abrams
Bob Gelbard

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FOLLOWING GENEVA 2563 RPTED FOR YOUR INFO SENT ACTION SECSTATE INFO VIENNA USUN NEW YORK DTD MAR 4:
QTE: C O N F I D E N T I A L GENEVA 2563
DEPARTMENT FOR DEPUTY SECRETARY ARMACOST, IO - ASSISTANT SECRETARY KEYES, ARA - ASSISTANT SECRETARY ABRAMS, HA - ASSISTANT SECRETARY SCHIFTER

DEPARTMENT ALSO PASS TO NSC - JOSE SORZANO

E.O. 12356: OADR
TAGS: PHUM, UNHRC, CI
SUBJECT: 43RD SESSION OF THE UN HUMAN RIGHTS COMMISSION: RESOLUTION ON CHILE

REFS: A) STATE 51557, B) STATE 52474, C) GENEVA 2480, D) STATE 62535, AND E) STATE 58286

1. (~~CONFIDENTIAL~~ - ENTIRE TEXT.)

2. THIS IS HRC - 280.

3. SUMMARY: U.S. DEL HAS MADE EXTENSIVE CONTACTS AND EXHAUSTIVE EFFORTS TO: (1) GET REVISIONS IN THE MEXICAN ~~CONFIDENTIAL~~

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PAGE 02 STATE 063615

RESOLUTION ON CHILE (PROBABLE CO-SPONSORS INCLUDING NETHERLANDS, SPAIN, ITALY, AUSTRALIA, YUGOSLAVIA, ALGERIA, DENMARK AND PORTUGAL) TO ACCOMODATE DEPARTMENT GUIDANCE (REFTEL D); (2) LINE UP SUPPORT FOR POSSIBLE SEPARATE U.S. RESOLUTION ON CHILE (REFTEL C); AND (3) GAUGE POSSIBLE CONSEQUENCES OF ACTIONS ON THE CHILE

RESOLUTION TO EFFORTS ON THE CUBA RESOLUTION.

4. REGARDING (1), THERE HAVE BEEN REVISIONS IN THE INITIAL DRAFT OF THE MEXICAN RESOLUTION WHICH ACCOMMODATES SOME BUT NOT, REPEAT NOT, ALL U.S. CONCERNS (REFTEL C); (2) U.S. DEL IS NOT, REPEAT NOT, PICKING UP INDICATIONS OF SUPPORT FOR SEPARATE U.S. RESOLUTION ON CHILE (THOUGH THERE ARE A HANDFUL OF MEMBERS "SYMPATHETIC" TO ELIMINATING A SEPARATE ITEM 5 IN NEXT YEAR'S AGENDA); (3) THE STATUS ON THE CUBA RESOLUTION IS THAT WE ARE IN POSSIBLE REACH BUT STILL JUST SHORT OF A MAJORITY ON THE PROCEDURAL QUESTION, THAT WE FEEL IT POSSIBLY CAN BE WON, AND THAT SEPARATE ACTION ON CHILE COULD CRITICALLY DAMAGE WHATEVER POSSIBILITY REMAINS TO GET THE NEEDED VOTES (AND MIGHT LOSE VOTES AMONGST SOME ALREADY COMMITTED); AND (4) FINALLY, THE SPONSORS HAVE RETURNED TO US WITH A POSSIBLE COMPROMISE (SEE PARA. 11).

5. U.S. DEL NEEDS INSTRUCTIONS IMMEDIATELY. THE SPONSORS AND MEXICO HAVE DELAYED INTRODUCTION OF THEIR RESOLUTION TWO DAYS AS WE HAVE WORKED TO FIND AN ACCEPTABLE COMPROMISE. U.S. DEL HAS PROMISED TO GIVE THEM OUR FINAL DECISION AT THE 9:00 A.M. WEOG MEETING, THURSDAY, MARCH 5. END SUMMARY.

6. LOBBYING ACTIVITIES: YESTERDAY WE MET INDIVIDUALLY ~~CONFIDENTIAL~~

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PAGE 03 STATE 063615

WITH EACH CO-SPONSOR OF THE MEXICAN RESOLUTION, MET WITH THEM IN A GROUP, AND VISITED WITH OTHER NON-SPONSOR DELEGATIONS (REFTEL). TODAY, MARCH 4, CHILE WAS DISCUSSED IN THE MORNING WEOG MEETING. ALSO, MEMBERS OF U.S. DEL AGAIN MET INDIVIDUAL WITH EACH CO-SPONSOR OF THE MEXICAN RESOLUTION, VISITED WITH OTHER NON-SPONSOR DELEGATIONS, AND, LATE THIS AFTERNOON, MET WITH THE CONTACT GROUP OF CO-SPONSORS. THIS ACTIVITY HAS BEEN GETTING AND CONTINUES TO GET SUBSTANTIAL ATTENTION FROM THE DELEGATION.

7. A REPORT ON THE OVERALL SITUATION WITH SOME COUNTRY-BY-COUNTRY BREAKDOWN FOLLOWS. THE POSITIONS OF DELEGATIONS AS OF 6:00 P.M. MARCH 4 ARE AS FOLLOWS:

AUSTRIA: DELEGATION SAYS IT HAS NOT, REPEAT NOT, RECEIVED INSTRUCTIONS TO CO-SPONSOR U.S. DRAFT AND FAVORS A CONSENSUS TEXT.

ITALY: FAVORS A CONSENSUS TEXT AND WILL CO-SPONSOR REVISED MEXICAN DRAFT.

AUSTRALIA: NOT IN FAVOR OF #5 CHANGE TO #12; SAYS IT IS PREMATURE.

NORWAY: SUPPORTS REVISED MEXICAN DRAFT; NOT IN FAVOR OF #5 CHANGE TO #12 AT THIS TIME.

YUGOSLOVIA: SUPPORTS REVISED MEXICAN DRAFT; OPPOSES #5 CHANGE TO #12.

COLOMBIA/COSTA RICA: NO CHANGE FROM PREVIOUS POSITIONS. U.S. DEL WILL CONTINUE PRESSURE ON SELECTED LATIN DELEGATIONS.

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PAGE 04 STATE 063615

FRANCE: WILL NOT CO-SPONSOR REVISED MEXICAN DRAFT, BUT WILL VOTE YES ON IT AND WANTS A CONSENSUS TEXT; THINKS CHILE ISSUE DETRACTS FROM ATTENTION ON CUBA.

DENMARK: NOT IN FAVOR #5 TO #12 CHANGE AT THIS TIME; WILL CO-SPONSOR REVISED MEXICAN DRAFT.

PORTUGAL: WOULD SUPPORT EVENTUAL #5 TO #12 CHANGE BUT NOT THIS YEAR.

HOLY SEE: STRONGLY OPPOSED TO A TEXT THAT IS MORE POSITIVE THAN THE REVISED MEXICAN DRAFT.

INDIA: WILL SUPPORT MEXICAN TEXT.

BELGIUM: WILL SUPPORT A CONSENSUS TEXT AND FAVORS STRONG EUROPEAN INVOLVEMENT.

8. ATMOSPHERICS: CARMEN QUINTANA, THE CHILEAN BURN VICTIM, SPOKE TO A RAPT, ATTENTIVE COMMISSION AUDIENCE THE AFTERNOON OF MARCH 4. HER PRESENTATION WAS EMOTIONAL WITHOUT BEING OVERBEARING. PERSONS CROWDED AROUND HER FOR COPIES OF HER SPEECH AND SHE WAS EMBRACED BY VARIOUS DELEGATIONS FROM ALL REGIONAL GROUPS.

9. THESE AND OTHER DELEGATIONS WITH WHOM U.S. DEL HAVE TALKED HAVE A UNIFORM CONCERN THAT WHILE THE CHILEAN GOVERNMENT MAY HAVE MADE SOME HUMAN RIGHTS PROGRESS THAT IT HAS NOT BEEN MUCH. THEY FEEL U.S. LANGUAGE DOES NOT, REPEAT NOT, REPRESENT A BALANCED TEXT BUT AN IMBALANCED

TEXT THAT IS OVER-GENEROUS TO THE CHILEAN GOVERNMENT AND SENDS THE WRONG MESSAGE. AS ONE DELEGATE AFTER ANOTHER TOLD U.S. DELEGATE, "WE SHOULD KEEP THE PRESSURE ON, WE ~~CONFIDENTIAL~~

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PAGE 05 STATE 063615

SHOULDN'T SEND THE WRONG SIGNAL." TO THEM ELIMINATION OF ITEM 5 AS A SEPARATE AGENDA ITEM, WHILE ACCEPTABLE IN THEORY, IS NOT REPEAT NOT ACCEPTABLE NOW. IT WOULD SEND THE WRONG MESSAGE.

10. THIS VIEW IS BEING STRENGTHENED BY THE HOLY SEE DELEGATE WHO IS WORKING THE FLOOR URGING NO ELIMINATION OF THE SEPARATE ITEM 5 NOW. WE ARE TOLD THAT HE IS TELLING DELEGATES THAT THE VATICAN WANTS TO KEEP THE PRESSURE ON THE CHILE GOVERNMENT LEADING UP TO THE PENDING TRIP OF THE POPE TO CHILE. HE IS TELLING DELEGATES THAT ELIMINATION OF THE SEPARATE ITEM 5 WILL UNDERMINE THE POPE'S EFFORTS IN THIS REGARD.

11. COMPROMISE: THIS AFTERNOON MEMBERS OF THE U.S. DELEGATION MET WITH REPS FROM ITALY, NORWAY, MEXICO, NETHERLANDS AND DENMARK. THEY TOLD U.S. DEL THAT FOR TWO MONTHS SOME MEMBERS OF THE WESTERN GROUP HAD BEEN WORKING ON RESTRUCTURING OF THE HRC AGENDA.

12. THEY PROPOSED TO U.S. DEL A COMPROMISE WHEREBY A SEPARATE RESOLUTION WOULD BE INTRODUCED UNDER ITEM 24 CALLING ON THE SECRETARY GENERAL OF THE UN (HRC) TO PREPARE A NEW AGENDA FOR NEXT YEAR IN CONSULTATION WITH MEMBERS WHICH SHOULD BE ORGANIZED IN A MANNER THAT IS MORE PRACTICAL, DOES NOT, REPEAT NOT, DISCRIMINATE AGAINST INDIVIDUAL NATIONS AS AGAINST OTHERS (I.E., ELIMINATES A SEPARATE ITEM 5) AND WHICH DOES NOT, REPEAT NOT, ADD NEW ITEMS SUCH AS DISARMAMENT.

13. ALL CO-SPONSORS OF THE MEXICAN TEXT ON CHILE WOULD JOIN IN CO-SPONSORING THIS MOTION AND COMMIT TO U.S. TO ELIMINATE A SEPARATE ITEM 5 THROUGH THIS PROCESS.

14. OBVIOUSLY, THIS COMPROMISE PROCEDURE IS A VEHICLE TO ACHIEVE THE ELIMINATION OF ITEM 5 AS A SEPARATE ~~CONFIDENTIAL~~

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PAGE 06 STATE 063615

AGENDA ITEM WITHOUT FORCING COUNTRIES TO HAVE A SEPARATE

VOTE ON IT NOW -- WHICH, IN THEIR STRONGLY-HELD VIEW, SENDS THE WRONG SIGNAL TO CHILE AT THIS TIME.

15. POTENTIAL CHILE-CUBA RELATIONSHIP: AS U.S. DELEGATION HAS MADE CLEAR, DUE TO OUTSTANDING WORK BY DEMARCHES IN CAPITALS, THE VOTE ON CUBA IS VERY, REPEAT VERY, CLOSE. WHILE IT STILL IS AN UPHILL BATTLE, VICTORY IS DO-ABLE. MANY DELS SEEM TO BE WITHOUT INSTRUCTIONS OR HAVE BEEN GIVEN WIDE LATITUDE. SOME DELEGATIONS HAVE SUGGESTED THAT A SEPARATE U.S. RESOLUTION ON CHILE MAY AFFECT THE CURRENT PRECARIOUS BALANCE ON THE CUBA RESOLUTION.

16. ACTION REQUESTED: IN LIGHT OF THE ABOVE, U.S. DEL NEEDS INSTRUCTIONS AT ONCE AS TO WHETHER TO PURSUE COMPROMISE LANGUAGE AS OUTLINED IN PARA. 11 ABOVE OR TO TABLE SEPARATE RESOLUTION. U.S. DEL HAS COMMITTED TO

INFORM COLLEAGUES TOMORROW AT 9:00 A.M. WEOG MEETING, MARCH 5. FLACK UNQTE WHITEHEAD

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Case Number: S1999000030

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PAGE 01 SANTIA 01585 051700Z
ACTION IO-19

INFO	LOG-00	COPY-01	ADS-00	INR-10	EUR-00	SS-00	OIC-02
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	NSAE-00	SSO-00	HA-09	L-03	PM-10	EAP-00	PA-01
	OMB-01	INRE-00	USIE-00	SP-02	SNP-01	PRS-01	/067 W

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O 051651Z MAR 87
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 0404
INFO AMEMBASSY BRASILIA IMMEDIATE
AMEMBASSY LONDON IMMEDIATE
AMEMBASSY PARIS IMMEDIATE
USMISSION GENEVA IMMEDIATE

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

~~C O N F I D E N T I A L~~ SANTIAGO 01585

E.O. 12356: DECL: OADR
TAGS: PHUM, UNHRC, CI
SUBJECT: 43RD UNHRC: FURTHER COMMENTS BY SANTIAGO MISSIONS ON U.S. RESOLUTION ON CHILE: BRAZIL, FRANCE, U.K.

REF: (A) STATE 62569; (B) STATE 60613; (C) STATE 58286; (D) STATE 64014; (E) BARNES-SCHIFTER TELCON MARCH 4

1. ~~CONFIDENTIAL~~ - ENTIRE TEXT.

2. THE FOLLOWING IS A RUNDOWN ON THE RESULTS OF OUR LATEST DEMARCHES ON EMBASSIES OF GOVERNMENTS REPRESENTED AT THE UNHRC CONFERENCE.

3. BRAZIL: BRAZILIAN AMBASSADOR PROMISED TO SEND CABLE URGING COSPONSORSHIP OF U.S. RESOLUTION OR AT LEAST STRONG SUPPORT. HE SAID ON GROUNDS OF DOING AWAY WITH DISCRIMINATION BRAZIL SHOULD SUPPORT US ON DROPPING THE SPECIAL AGENDA ITEM ON CHILE.
~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 02 SANTIA 01585 051700Z

HE HAD HAD NO REACTION AS YET FROM BRASILIA TO HIS EARLIER CABLE GIVING THE U.S. DRAFT TEXT SOME DAYS AGO.

4. FRANCE: FRENCH AMBASSADOR WILL ALSO CABLE REITERATING HIS EARLIER ADVOCACY OF "FUSION" - ONE

n/a
CONFIDENTIAL
UNCLASSIFIED

AGENDA ITEM, NOT TWO. HIS LAST WORD FROM GENEVA WAS BSED ON TALKS BETWEEN FRENCH AND U.S. DELEGATIONS MARCH 3. AT THAT POINT QUAI WAS INTERESTED IN COMPROMISE RESOLUTION, WITH "FUSION" FEATURE AND WAS NOT PLANNING TO COSPONSOR ANY DRAFT. AMBASSADOR SAID HE WOULD ALSO ASK THAT FRENCH DELEGATION WORK CLOSELY WITH US.

-

5. *UNITED KINGDOM: UNITED KINGDOM DCM TOLD* POLCOUNSELOR THAT HIS UNDERSTANDING IS THAT HMG WOULD SUPPORT U.S. RESOLUTION SUBJECT TO REVISIONS *THAT WERE SUGGESTED TO U.S. REPRESENTATIVES TO* STRENGTHEN SOME OF THE LANGUAGE WHERE THE HMG THINKS IT IS TOO SOFT, AS REPORTED BY LONDON. DCM SAID THAT SINCE UK SUGGESTIONS FOR CHANGES DO NOT MENTION PARAGRAPH 15 HE INFERS THAT HIS GOVERNMENT SUPPORTS THE ELIMINATION OF AGENDA ITEM 5 AND WILL VOTE IN FAVOR OF THE U.S. RESOLUTION AS LONG AS THE LANGUAGE IS TOUGHENED.

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6. DCM SPOKE WITH BELGIAN CHARGE MARCH 5, AND WAS TOLD THAT APART FROM VIEWS ALREADY REPORTED NOTHING NEW HAD BEEN SAID AT EC MISSIONS MEETING ON MARCH 4. HE SAID HE DID NOT EVEN KNOW WHAT BELGIAN GOVERNMENT POSITION WAS ON U.S. RESOLUTION, AS HE WAS STILL AWAITING REPLY TO HIS INQUIRY.

BARNES

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 03 SANTIA 01585 051700Z

~~CONFIDENTIAL~~

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PAGE 01 SANTIA 01570 051151Z
ACTION ARA-00

INFO LOG-00 COPY-01 ADS-00 INR-10 SS-00 CIAE-00 DODE-00
NSCE-00 NSAE-00 HA-09 L-03 PM-10 PA-02 USIE-00
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R 051142Z MAR 87
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 0395

Chile Project (#S199900030)
U.S. Department of State
Release X Excise Deny
Declassify: In Part In Full
Exemption(s)

UNCLAS SANTIAGO 01570

E.O. 12356: N/A
TAGS: PHUM, CI
SUBJ: ROJAS/QUINTANA CASE: ARMY COLONEL CHARGED WITH PASSING ON FALSE INFORMATION

REF: (A) SANTIAGO 1363

1. THE SECOND MILITARY COURT HAS OFFICIALLY CHARGED FORMER ARMY COLONEL RENE MUNOZ WITH THE PASSING OF FALSE INFORMATION. COL. MUNOZ RESIGNED FROM THE ARMY LAST WEEK IN THE WAKE OF CHARGES THAT HE HAD FAILED TO NOTIFY HIS SUPERIORS OF VITAL INFORMATION CONCERNING THE ROJAS/QUINTANA CASE (REFTEL). THE CURRENT CHARGE AGAINST HIM WOULD INDICATE THAT HE DELIBERATELY FALSIFIED INFORMATION IN HIS POSSESSION, MOST LIKELY THE INITIAL VERSION OF EVENTS RELATED BY THE MILITARY PATROL INVOLVED IN THE TORCHINGS. IF CONVICTED, MUNOZ WOULD BE SENTENCED TO DEPRIVATION OF LIBERTY FOR A PERIOD FROM 61 DAYS TO 3 YEARS. MUNOZ WAS RELEASED ON BAIL IMMEDIATELY FOLLOWING THE FILING OF CHARGES.

2. THE INVESTIGATION INTO MUNOZ' ROLE IS BEING HANDLED SEPARATELY FROM THE ROJAS/QUINTANA PROCEEDINGS. IT IS LIKELY, HOWEVER, THAT BOTH INVESTIGATIONS WILL SOON BE MERGED UNDER THE AUTHORITY OF MILITARY PROSECUTOR ERWIN
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PAGE 02 SANTIA 01570 051151Z

BLANCO, WHO IS INVESTIGATING THE ROJAS/QUINTANA CASE.
BARNES

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~~CONFIDENTIAL~~

3-5-87

n/a

Case Number: S1999000030

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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

~~CONFIDENTIAL~~

PAGE 01 BONN 06778 051714Z
ACTION ARA-00

INFO	LOG-00	COPY-01	ADS-00	INR-10	EUR-00	SS-00	OIC-02
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	HA-09	L-03	PM-10	PA-01	OMB-01	INRE-00	USIE-00
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FM AMEMBASSY BONN
TO SECSTATE WASHDC IMMEDIATE 2315
USMISSION GENEVA IMMEDIATE
INFO USMISSION USUN NEW YORK
AMEMBASSY BRUSSELS
AMEMBASSY LONDON
AMEMBASSY OSLO
AMEMBASSY ROME
AMEMBASSY VIENNA
AMEMBASSY PARIS
AMEMBASSY MEXICO
AMEMBASSY BUENOS AIRES
AMEMBASSY SANTIAGO

~~C O N F I D E N T I A L~~ BONN 06778

E.O. 12356: DECL: OADR
TAGS: PREL, CI, PHUM, UNHRC, GE
SUBJECT: UNHRC RESOLUTION ON CHILE: FRG VIEWS

REF: A) STATE 62569; B) STATE 63563; C) STATE 62535; D) BONN 6406

1. ~~CONFIDENTIAL~~ - ENTIRE TEXT

2. WE PRESSED FRG FOREIGN MINISTRY DIRECTOR FOR IO HUMAN RIGHTS POLICY GIESDER FEBRUARY 5 ACCORDING TO INSTRUCTIONS CONTAINED REF A. GIESDER, REMAINING OPPOSED TO INCLUDING DIRECT REFERENCE TO THE ASSASSINATION ATTEMPT AGAINST ~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 02 BONN 06778 051714Z

PINOCHET IN THE HUMAN RIGHTS RESOLUTION, ASKED FOR U.S. VIEWS REGARDING A "WIDELY SUPPORTED TEXT" BEING CIRCULATED BY MEXICO. HE CLAIMED THAT THE TEXT CONTAINS MUCH U.S. LANGUAGE. (WHILE WE HAVE NOT SEEN THE MEXICAN TEXT, WE HAVE THE IMPRESSION THAT THE FRG WILL LINE UP IN FAVOR OF A TEXT WHICH AVOIDS AS MUCH AS POSSIBLE LANGUAGE CONTAINED

IN THE SECOND HALF OF PARA THREE IN THE U.S. RESOLUTION ON CHILE - SEE REF D AND PREVIOUS.)

3. WITH RESPECT TO MOVING CHILE FROM ITEM 5 TO ITEM 12, GIESDER STATED HIS OBJECTION TO INCLUDING A PROCEDURAL MATTER SUCH AS THIS IN AN OPERATIVE HUMAN RIGHTS RESOLUTION. HE REPEATED (REF D) THAT A FORMAL MOVE TO HAVE CHILE CONSIDERED PERMANENTLY UNDER ITEM 12 BEGINNING WITH NEXT YEAR COULD PROPERLY BE ADDRESSED UNDER ITEM 24, LATE IN THIS YEAR'S SESSION. IN FACT, IT HAD ALREADY BEEN DECIDED - AGREED TO BY THE U.S. IN THE SECOND UNHRC SESSION IN GENEVA THIS YEAR - THAT CHILE WOULD BE CONSIDERED THIS YEAR LUMPED TOGETHER WITH OTHER CASES UNDER ITEM 12; GIESDER FAILED TO SEE THE NECESSITY FOR INCLUDING LANGUAGE ON THIS POINT IN THE RESOLUTION.

4. WE POINTED OUT THAT ARGENTINA HAD DECIDED TO SUPPORT THE MOVE OF CONSIDERATION OF CHILE TO ITEM 12 (REF B). WHILE SEEMING PLEASED WITH THIS INFORMATION, GIESDER OBSERVED THAT THE USDEL IN GENEVA HAD TOLD HIM EARLY ON IN THE SESSION THAT ARGENTINA HAD SUPPORTED THE U.S. RESOLUTION.

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PAGE 03 BONN 06778 051714Z

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PAGE 01 SANTIA 01603 01 OF 02 052148Z
ACTION ARA-00

INFO LOG-00 COPY-01 ADS-00 INR-10 SS-00 IO-19 NEA-06
NSCE-00 SSO-00 HA-09 L-03 PM-10 EAP-00 INRE-00
SP-02 /060 W
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O 052137Z MAR 87
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 0413
AMEMBASSY BEIJING IMMEDIATE
AMEMBASSY LIMA IMMEDIATE
AMEMBASSY NEW DELHI IMMEDIATE
AMEMBASSY TOKYO IMMEDIATE
USMISSION GENEVA IMMEDIATE

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

~~C O N F I D E N T I A~~L SECTION 01 OF 02 SANTIAGO 01603

E.O. 12356: DECL:OADR
TAGS: PHUM, UNHRC, CI
SUBJECT: 43RD UNHRC, COMMENTS ON U.S. RESOLUTION ON CHILE

REF: (A) STATE 62569
(B) STATE 60613
(C) STATE 58286; (D) SCHIFTER/BARNES TELCON MARCH 3

1. ~~CONFIDENTIAL~~ - ENTIRE TEXT.

2. FOLLOWING ARE FURTHER COMMENTS WHICH WE HAVE RECEIVED ON DRAFT U.S. RESOLUTION ON CHILE FROM SOME OF THE MISSIONS IN SANTIAGO TO WHOM WE HAVE CIRCULATED IT.

3. INDIA - FIRST SECRETARY NANDAN IN THE INDIAN EMBASSY NOTED THAT HIS EMBASSY WAS JUST BEGINNING TO INTEREST ITSELF IN THE AREA OF HUMAN RIGHTS IN CHILE. THEY DO NOT HAVE GOOD COMMUNICATIONS WITH NEW DELHI, ~~CONFIDENTIAL~~

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PAGE 02 SANTIA 01603 01 OF 02 052148Z

BUT THEY HAVE FORWARDED OUR DRAFT WITH COMMENTS ON THE HUMAN RIGHTS SITUATION, BASED ON INFORMATION PROVIDED BY OUR ANNUAL HUMAN RIGHTS REPORT. NANDAN ALSO ASKED IF WE COULD PROVIDE A COPY OF THE MEXICAN DRAFT FOR COMPARISON, WHICH WE DECLINED TO DO, SAYING THAT WE DID NOT HAVE THE LATEST VERSION OF THIS DRAFT.

HE UNDERSTOOD OUR INTEREST IN A BALANCED RESOLUTION, AND OUR POSITION ON THE AGENDA ITEMS, SAID HE WOULD IMMEDIATELY INFORM HIS AMBASSADOR, BUT COULD MAKE NO COMMITMENT TO SUPPORT OUR POSITION OR NOT AS HE HAD NO GUIDANCE FROM HIS HOME OFFICE.

4. JAPAN - DCM HANAWA INFORMED POL COUNSELOR ON MARCH 5 THAT HIS EMBASSY HAD RECOMMENDED TO JAPANESE FOREIGN MINISTRY THAT JAPAN SUPPORT A RESOLUTION ALONG THE LINES OF THE U.S. RESOLUTION BECAUSE IT WOULD FOSTER HUMAN RIGHTS IMPROVEMENTS IN CHILE. HANAWA REPORTED THAT HE WAS UNDER THE IMPRESSION THAT JAPAN WOULD SUPPORT A MODERATE RESOLUTION, AND THAT AS OF A WEEK OR SO AGO WAS HOPING FOR A RECONCILED TEXT BETWEEN THE U.S. AND MEXICO. HE HAD RECEIVED A REPORT WITHIN THE LAST 24 HOURS, HOWEVER, OF ASSISTANT SECRETARY SCHIFTER'S CONVERSATION WITH THE MINISTER OF THE JAPANESE EMBASSY AT WASHINGTON IN WHICH SCHIFTER DESCRIBED THE STATE OF PLAY. HANAWA PRESUMED THAT GOJ WOULD SUPPORT THE U.S. BOTH ON PROCEDURAL MOVES AS WELL AS ON THE CONTENT OF THE RESOLUTION, BUT HE HAS RECEIVED NO INFORMATION ON TOKYO'S POSITION. HE AGREED TO SEND AN URGENT MESSAGE TO TOKYO REITERATING THE IMPORTANCE OF A MODERATE, BALANCED RESOLUTION TO ACHIEVING HUMAN RIGHTS PROGRESS IN CHILE.

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PAGE 03 SANTIA 01603 01 OF 02 052148Z

5. PERU - PERUVIAN DCM TOLD POLCOUNSELOR THAT HIS EMBASSY HAS NO INFORMATION ON LIMA'S CURRENT THINKING, BUT HE PROMISED TO SEND AN IMMEDIATE MESSAGE REPORTING OUR DEMARCHE AND REQUESTING ADVICE OF THE GOP'S VIEWS.

6. CHINA - POLOFF MET WITH POLCOUNSELOR MAI GUOYAN AT THE PRC EMBASSY ON MARCH 5. MAI WAS NOT WELL-INFORMED ABOUT OUR EFFORTS IN GENEVA, BEING UNABLE AT FIRST TO DIFFERENTIATE BETWEEN GENEVA, UNGA, AND OUR ANNUAL REPORT ON HUMAN RIGHTS. HE WAS ALSO CONFUSED ABOUT OUR VOTING RECORD, MIXING THE UNGA WITH LAST YEAR'S UNHRC VOTE. POLOFF ATTEMPTED TO SET THE RECORD STRAIGHT, AND PRESENTED MAI WITH ANOTHER COPY OF THE U.S. RESOLUTION AND AN ORAL RENDERING OF THE TALKING POINTS. MAI TOLD POLOFF THAT HE WOULD PASS ON THE INFORMATION TO HIS AMBASSADOR FOR TRANSMISSION TO BEIJING, BUT ADDED THAT IN

SUCH MATTERS THE PRC TRADITIONALLY ABSTAINS.

7. AFTERNOON MARCH 5 EDUARDO CEDRA, THE CHRISTIAN DEMOCRAT WHO IS SECRETARY OF THE DEMOCRATIC ALLIANCE (AD) THE CENTRIST COALITION OF OPPOSITION PARTIES, VISITED DCM TO GIVE ALLIANCE'S REPLY TO OUR REQUEST FOR SUPPORT OF U.S. TEXT. CEDRA SAID ALLIANCE HAD MET FORMALLY TO DISCUSS THERESOLUTION AND WITH EXCEPTION OF WORD HERE AND THERE FOUND IT QUITE ACCEPTABLE - EXCEPT FOR LAST PARA ON ITEM 5. THEY SIMPLY COULD NOT SUPPORT DROPPING SPECIAL ITEM FOR CHILE, AND THAT WAS UNANIMOUS VIEW OF THE ALLIANCE PARTIES. TO SHOW THAT THEY WERE CONSISTENT IN THEIR VIEWS, THEY WANTED US TO KNOW THAT THEY ALSO SUPPORT A PERMAMENT SPECIAL ITEM FOR DISCUSSION

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PAGE 01 SANTIA 01603 02 OF 02 052148Z
ACTION ARA-00

INFO LOG-00 COPY-01 ADS-00 INR-10 SS-00 IO-19 NEA-06
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FM AMEMBASSY SANTIAGO
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AMEMBASSY BEIJING IMMEDIATE
AMEMBASSY LIMA IMMEDIATE
AMEMBASSY NEW DELHI IMMEDIATE
AMEMBASSY TOKYO IMMEDIATE
USMISSION GENEVA IMMEDIATE

~~C O N F I D E N T I A L~~ SECTION 02 OF 02 SANTIAGO 01603

E.O. 12356: DECL:OADR
TAGS: PHUM, UNHRC, CI
SUBJECT: 43RD UNHRC, COMMENTS

OF CUBA. THEY DO NOT INTEND TO COMMUNICATE THESE VIEWS DIRECTLY TO GENEVA, BUT WILL INFORM PACHECO AT THE CHILEAN HUMAN RIGHTS COMMISSION, WHO WILL BE FREE TO PAS THEM ON TO THEIR REPRESENTATIVE IN GENEVA IF THEY WISH.
BARNES

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Case Number: S1999000030

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

IV030

~~CONFIDENTIAL~~

PAGE 01 CANBER 02116 050717Z
ACTION HA-09

INFO LOG-00 COPY-01 ADS-00 INR-10 SS-00 OIC-02 CIAE-00
IO-19 NSCE-00 ARA-00 NSAE-00 SSO-00 L-03 PM-10
EAP-00 INRE-00 SP-02 /056 W
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O 050711Z MAR 87
FM AMEMBASSY CANBERRA
TO SECSTATE WASHDC IMMEDIATE 1585
INFO USMISSION GENEVA PRIORITY
AMEMBASSY MEXICO PRIORITY
AMEMBASSY SANTIAGO PRIORITY
AMCONSUL MELBOURNE
AMCONSUL SYDNEY

~~C O N F I D E N T I A L~~ CANBERRA 02116

E.O. 12356: DECL:OADR
TAGS: PHUM, UNHRC-1, CI, AS
SUBJECT: UNHRC RESOLUTION ON CHILE

REF: (A) STATE 63563 (NOTAL)
-- (B) STATE 62569
-- (C) STATE 62535
-- (D) SANTIAGO 1562 (NOTAL)
-- (E) CANBERRA 1871 (NOTAL)
-- (F) CANBERRA 973 (NOTAL)

1. ~~CONFIDENTIAL~~ - ENTIRE TEXT.
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2. POLCOUNS AND POLOFF MET MARCH 5 WITH DFA IO ACTING ASSISTANT SECRETARY GEOFF FORRESTER (FIRST ASSISTANT SECRETARY MAC WILLIAMS BEING UNAVAILABLE) TO SOLICIT SUPPORT FOR THE U.S. DRAFT RESOLUTION ON CHILE.

3. DRAWING FROM REFTELS A, B AND C, POLCOUNS RE-
~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 02 CANBER 02116 050717Z

CALLED OUR PREVIOUS DISCUSSIONS ON THE ISSUE, AND OBSERVED THAT THE NEWS OF ARGENTINE SUPPORT FOR TERMINATION OF CHILE'S DISCRIMINATORY TREATMENT BY THE UNHRC WAS A SIGNIFICANT, NEW DEVELOPMENT. HE ASKED WHETHER BUENOS AIRES' MOVE WAS SUFFICIENT GROUNDS FOR CANBERRA TO REAPPRAISE ITS POSITION.

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CONFIDENTIAL

IF NOT, WHAT OTHER DEVELOPMENT IN GENEVA WOULD BE REQUIRED FOR THE GOA TO CONSIDER REAPPRAISING ITS POSITION?

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4. FORRESTER RECALLED THAT HE HAD PREVIOUSLY TOLD US THAT THE ITEM 5 ISSUE WAS SIMPLY SYMBOLIC AND COULD DETRACT FROM MORE IMPORTANT WEOG AND USG GOALS AT UNHRC (REFTEL F). CONVINCED OF U.S. RESOLVE ON THIS ISSUE, HE NOW BELIEVED A SIMILAR LINE SHOULD BE USED WITH THE COSPONSORS OF THE MEXICAN RESOLUTION -- NAMELY, THIS ISSUE IS NOT IMPORTANT ENOUGH TO BLOCK CONSENSUS. HE HAS CIRCULATED FOR CLEARANCE A DECISION MEMORANDUM TO FOREIGN MINISTER HAYDEN WHICH WILL ASK APPROVAL TO WITHDRAW AUSTRALIAN COSPONSORSHIP (THOUGH NOT SUPPORT) FROM THE MEXICAN RESOLUTION IF THE CONTINUATION OF ITEM 5 IS NOT DROPPED FROM THE TEXT.

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5. IN THAT REGARD, FORRESTER ASKED IF WASHINGTON WOULD BE PREPARED TO JOIN CONSENSUS ON THE MEXICAN RESOLUTION IF THE ITEM 5 ISSUE WAS RESOLVED. POLCOUNS REPLIED THAT THE USG WANTED A BALANCED TEXT, WHICH THE MEXICAN WAS NOT. NEVERTHELESS, DROPPING ITEM 5 WOULD REMOVE ONE OF THE MOST DIFFICULT HURDLES TO ACHIEVING CONSENSUS.

6. COMMENT: FORRESTER APPEARED REASONABLY ~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 03 CANBER 02116 050717Z

CONFIDENT THAT HE WOULD GET APPROVAL FOR HIS PROPOSAL TO WITHDRAW AUSTRALIAN COSPONSORSHIP FROM THE MEXICAN RESOLUTION UNLESS CONTINUATION OF ITEM 5 IS DROPPED. IN ANY EVENT, HE SAID THE AUSTRALIAN MISSION IN GENEVA HAS BEEN TALKING TO OTHER COSPONSORS ABOUT DROPPING THE DEMAND TO KEEP THE SEPARATE ITEM ON CHILE FOR THE PAST FEW DAYS. HOWEVER, CANBERRA IS NOT PREPARED TO DROP ITS SUPPORT FOR THE MEXICAN TEXT, APPARENTLY IN THE HOPE THAT IT CAN BE THE BASIS FOR CONSENSUS IF THE AGENDA ISSUE IS RESOLVED. END COMMENT. LANE

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Case Number: S1999000030

Chile Project (#S199900030)
U.S. Department of State
Release X Excise _____ Deny _____
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Exemption(s) _____

~~CONFIDENTIAL~~

PAGE 01 SANTIA 01602 052114Z
ACTION ARA-00

INFO	LOG-00	COPY-01	ADS-00	AID-00	INR-10	SS-00	CIAE-00
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	PA-01	OMB-01	USIE-00	JUSE-00	SP-02	SNP-01	PRS-01
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R 052105Z MAR 87
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 0412
INFO USIA WASHDC 5789

~~C O N F I D E N T I A~~ L SANTIAGO 01602

E.O. 12356: DECL: OADR
TAGS: PHUM, PGOV, CI
SUBJECT: CARDENAS CASE: GOC SEEKS TO OVERTURN EARLIER COURT DECISION

REFS: (A) SANTIAGO 1361; (B) SANTIAGO 693

1. ~~CONFIDENTIA~~L - ENTIRE TEXT.

2. THE GOC ON MARCH 3 ASKED THE SUPREME COURT TO OVERTURN AN APPEALS COURT DECISION IN THE JUAN PABLO CARDENAS CASE, CARDENAS, THE EDITOR OF LEFTIS NEWSMAGAZINE "ANALISIS", IS ACCUSED OF PRINTING A SERIES OF EDITORIALS LAST JUNE THAT DEFAMED PRESIDENT PINOCHET. A LOWER COURT HAD SENTENCED HIM TO THREE YEARS OF NIGHT INCARCERATION BUT AN APPEALS COURT HAD THROWN OUT THE VERDICT ON FEBRUARY 24 (REF (A). THE GOC IS NOW ASKING THE SUPREME COURT TO REINSTATE THE THREE YEAR SENTENCE.

3. COMMENT: SINCE THE END OF THE STATE OF SIEGE IN JANUARY, THE GOC HAS BEEN UNABLE TO OVERTLY CONFIDENTIAL

~~CONFIDENTIAL~~

PAGE 02 SANTIA 01602 052114Z

MANAGE THE OPPOSITION PRESS, ESPECIALLY RABID ANTI-GOVERNMENT PUBLICATIONS LIKE "ANALISIS". THE CIVILIAN COURTS HAVE DEMONSTRATED AN UNWILLINGNESS TO SUPPORT EXCESSIVE RESTRICTIONS ON THE MEDIA AND WE SUSPECT THAT THE SUPREME COURT WILL NOT OVERRULE THE APPEALS COURT IN THIS

PARTICULAR CASE. PERHAPS THE WHOLE POINT FROM THE GOC PERSPECTIVE IS TO KEEP REMINDING CARDENAS AND OTHERS IN THE OPPOSITION THAT THE GOVERNMENT REMAINS RELENTLESS IN ITS PURSUIT OF ITS MOST VOCAL AND DARING ENEMIES AMONG THE MEDIA. END COMMENT. BARNES

~~CONFIDENTIAL~~

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EXCISE P B6

JUS

CLASS: SECRET
CHRGE: PROG:83/04/87
APPRV: DCM:GEJONES
DRFTD: CONS:JKOPLISAA:HE
CLEAR: 1. POL:JAEANE
DISTR: POL

VZCZCSGI *
CC RUEHC RUEHWJA RUEHDG
DE RUEHSG #1576/01 264 **
ZNY SSSSS ZZH
O 2513192 MAR 87
FM AMEMBASSY SANTIAGO
TO RUEHC / SECSTATE WASHDC IMMEDIATE 0392
INFO RUEHWJA / DEPTJUSTICE WASHDC
RUEHDG / AMEMBASSY SANTO DOMINGO 0568
BT
~~S E C R E T~~ SANTIAGO 01576

STATE FOR DEPUTY LEGAL ADVISOR KO2AK

FBI FOR PIMENTAL

ACTION COPY

E.O. 12356: DECL: OADR
TAGS: PREL, CASC, PHUM, KJUS, CI
SUBJECT: WOMAN COMPANION OF ARMANDO FERNANDEZ LARIOS

REF: SANTIAGO 01201

1. ~~(SECRET)~~ - ENTIRE TEXT.

2. MORE HAS BEEN LEARNED ABOUT THE WOMAN REPORTED IN REFTEL AS THE POSSIBLE TRUE IDENTITY OF LILIANA WALKER MARTINEZ. THE PERSON MENTIONED AS LILIANA MANS IS MORE ACCURATELY IDENTIFIED AS LILIANA MAHN SCHOEPEN, THE WIFE OF A SALVADORIAN NATIONAL, OSCAR MENJIBAR, WHO IS CURRENTLY SERVING AS AN OFFICIAL OF THE ORGANIZATIO OF AMERICAN STATES IN THE DOMINICAN REPUBLIC. (MENJIBAR IS MS. MAHN'S SECOND HUSBAND, THE FIRST BEING A PHYSICIAN BY THE NAME OF CERUTI, WHO PRACTICES IN SANTIAGO.) MS. MAHN'S BIOGRAPHIC SKETCH AS PRINTED IN THE DICIONARIO BIOGRAFICO DE CHILE (THE 1984-86 BIOGRAPHIC REGISTER OF CHILE) IS AS FOLLOWS:

Chile Project (#S199900030)
U.S. Department of State
Release_____ Excise X Deny_____
Declassify: ~~DEPARTMENT~~ _____ In Full X
Exemption(s) B6

LILIANA MAHN SCHOEPEN DE CERUTI

BORN IN ANTOFAGASTA. PARENTS: ALFREDO AND OLGA. CHILDREN: PAOLA, FRANCISCO JAVIER AND JAIME ALEJANDRO CERUTI MAHN. STUDIES: COLLEGE OF THE ARGENTINE NUNS OF SANTIAGO AND THE SCHOOL OF ADMINISTRATION AND POLITICAL SCIENCE OF THE UNIVERSITY OF CHILE. DEGREE IN PUBLIC ADMINISTRATION WITH MAJOR IN FOREIGN SERVICE IN 1967. HER THESIS WAS ENTITLED "POLITICAL EVOLUTION IN PARAGUAY". SHE BEGAN WORKING AS A RESEARCHER IN THE SOCIAL AFFAIRS DIVISION OF THE LATIN AMERICAN INSTITUTE OF ECONOMIC AND SOCIAL PLANNING (ILPES), A BRANCH OF THE UNITED NATIONS. WHILE AT ODEPLAN, SHE WAS ASSIGNED TO THE MAGALLANES WHERE SHE STAYED BETWEEN 1967 TO 1972 AS SUB-DIRECTOR OF THIS ORGANIZATIO IN THIS PROVINCE AND THE AREA REPRESENTATIVE OF THE PLANNING BOARD OF HEALTH, EDUCATION AND TOURISM. IN 1972 SHE TRAVELLED TO SPAIN FOR A POST GRADUATE COURSE IN TOURISM AT THE TOURIST INSTITUTE AT MADRID, A

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IEPENDENCY CF THE MINISTRY CF INFCRMATICN AND TCURISM, CN A SCECIARSEIP GIVEN BY THE ORGANIZATION OF AMERICAN STATES. UPCN EER RETURN TC CDEPIAN SHE WAS SENT TC THE VALPARAISC-ACCNCAGUA PEGICN ASSIGNEL TO THE TCURISM ECARL (CCRVAS). IN 1973-74 SHE BECAME THE EXECTIVE LIRECTCR CF TRE ECARD CF CCRVAS WHERE SHE STAYEL UNTIL 1975, WHEN SEE WAS DESIGNATEL AS THE NATICNAL LIRELTCR CF TCURISM IN CHILE. IN 1979-8C SFE WAS NAMEL TEE LIRECTCR CF TEE HOLIDAY INN ANDINA.

PARALLELLY SHE WAS CN CHANNEL 11 CN TELEVISION AS A NEWSCASTER AND WITH THE PROGRAMS "525 LINES" AND "D DAY". IN JANUARY 1981 SEE BECAME TEE PRINCIPAL STOCKHCLLER AND GENERAL MANAGER CF AITC NIVEL LTDA. FRCM NCVEMBER CF 1981 SHE WAS A CCLUMNIST FOR THE NEWSPAPER "IAS LLTIMAS NCTICIAS". FROM 1982 SHE WAS A MEMBER CF TEE STAFF CF THE MAGAZINE "CLAN" AND A CCMMENTATCR CN RALIO AGRICULTURA. FROM AUGUST 1983 SHE WAS IN CHARGE CF THE TCURISM LIVISION CF THE CRGANIZATICN CF AMERICAN STATES (CEA). SHE WAS AN ASSISTANT PRCFESSCR CF HISTORY IN THE POLITICAL SCIENCE LEPARTMENT CF TEE UNIVERSITY CF CHILE AND PRCFESSCR CF PCLITICAL SCIENCE, CF ANALYSIS CF THE BUREAUCRATIC PHENCMENCN, AND CF ORGANIZATICN AND ADMINISTRATIVE METHCLS AT TEE STATE TECHNICAL UNIVERSITY. SHE IS A MEMBER CF TEE CHILEAN SCCIETY CF PLANNING (PLANDES) CF THE ASSCCIATICN CF PUBLIC ADMINISTRATORS AND CF ICREP. (MS. MAHN'S BIRTHDATE IS NOT PRINTED IN THIS SKETCH BUT IT IS KNCWN TEAT SHE IS PRESENTLY 43 YEARS CLL.) END TEXT.

3. MCRE DETAILED LINEAGE INFCRMATICN REVEALS THAT MS. MAHN IS THE DAUGHTER CF RETIRED ARMY GENERAL ALFREDO MAHN M. (ADDRESS AND TELEPHONE NUMBER IN SANTIAGC: [redacted] WHO WAS ALLEGEDLY INVCLVED WITH A CCLCNEL SCUPER IN THE ABORTED CCUP KNCWN AS THE "TANCAZC" CF THE SUMMER CF 1973.

4. UNDER SEPARATE CCVER THE SANTIAGC MAGAZINE "PAULA" CF JANUARY 1987, ISSUE #454, IS BEING FORWARDED WHICH CCNTAINS A LENGTHY ARTICLE WRITTEN BY LILIANA MAHN WHICH SKETCHES HER CURRENT AND SCMEWHAT CF HER PAST LIFE. IT CCNTAINS THREE (3) RECENT BLACK AND WHITE

PHCTCS CF MS. MAHN. PAPAIS
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Department of State

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S/S-O
INCOMING

PAGE 01 SANTIA 01681 052105Z 6849 SS00763
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INFO ARA-01 X-01 /002 A4 WLM

ACTION SS-00

INFO LOG-00 ADS-00 /000 W

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FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 0411
INFO DEPTJUSTICE WASHDC
FBI WASHDC

DECAPTIONED

C[redacted] SANTIAGO 01681

EXDIS

STATE FOR DEPUTY LEGAL ADVISOR KOZAK: FBI FOR PIMENTAL

E. O. 12356: DECL: OADR
TAGS: PREL, PHUM, CI
SUBJ: FERNANDEZ CASE, DISCUSSION WITH CHIEF JUSTICE RETAMAL

1. WHEN I SAW THE CHIEF JUSTICE MID DAY MARCH 5, I FILLED HIM IN ON THE STATUS OF THE LETELIER/FERNANDEZ CASE IN THE U.S. AND TOLD HIM WE HAD NOT YET REACHED A DECISION AS TO WHAT STEPS WE WOULD NEXT TAKE. HE SAID IT WOULD BE OBVIOUSLY IMPROPER FOR HIM TO COMMENT ON ANY ASPECTS WHICH COULD TOUCH ON HIS OWN POSSIBLE EVENTUAL HEARING OF THE CASE IN CHILE, BUT WITHIN THOSE LIMITS HE INVITED ME TO PUT ANY QUESTIONS I WANTED.

2. AS IT TURNED OUT HALF OF MY DOZEN QUESTIONS WERE ONES WHERE HE SAID HE COULD NOT COMMENT, BUT HE DID CONFIR THAT THE SUPREME COURT HAS THE AUTHORITY TO TAKE COGNIZANCE OF A CASE IN A LOWER COURT, AS HE SAID IT HAD IN THE NOT TOO DISTANT PAST IN ONE INSTANCE INVOLVING THE CARABINEROS. HE ALSO SAID THAT IN GENERAL HE WOULD NOT DISQUALIFY THE TESTIMONY OF A WITNESS, WHO WAS ALSO AN ACCUSED IN SO FAR AS THE TESTIMONY HAD TO DO WITH ANOTHER ACCUSED PERSON.

3. I HAD MENTIONED EARLIER TO HIM MY CONVERSATION OF FEBRUARY 3, WITH INTERIOR MINISTER GARCIA AND SPECIFICALLY MY REQUEST FOR COOPERATION FROM THE GOVERNMENT. RETAMAL SAID I COULD REST ASSURED THAT THERE WOULD BE NO IMPEDIMENT FROM THE JUDICIAL SIDE TO ANY COOPERATION THE GOVERNMENT MIGHT BE PREPARED TO GIVE ON THE ADMINISTRATIV SIDE. WE BOTH AGREED HOWEVER THAT THAT WOULD BE A QUES QUESTION OF WHETHER THE GOVERNMENT CHOSE TO COOPERATE. H SAID HE COULD NOT COMMENT, HOWEVER, ON WHETHER PLEA BARGAIN TESTIMONY OBTAINED IN U.S. COURTS WAS AUTOMATICALLY NOT ADMISSIBLE IN CHILEAN COURTS, NOTING THAT THAT WAS THE SORT OF EVIDENTIARY MATTER ON WHICH AT SOME POINT HE MIGHT HAVE TO EMIT AN OPINION. LIKEWISE HE WOULD NOT SPECULATE ON WHETHER PERJURY OF WITNESSES LIKE CONTRERAS AND ESPINOZA BEFORE A PANEL OF THE SUPREME COURT WOULD CONSTITUTE ADEQUATE GROUNDS FOR THE PRESENT COURT TO TAKE COGNIZANCE OF THE LETELIER FAMILY CASE NOW IN THE MILITARY COURT SYSTEM. IT WAS CLEAR, HOWEVER, THAT THE DECISION OF THE MILITARY APPEALS COURT COULD BE APPEALED TO THE SUPREME COURT AND THAT COURT WOULD HAVE TO HEAR THE CASE.

4. I ASKED RETAMAL IF HE SAW ANY REASON FOR ME NOT TO SEE HIS FELLOW JUSTICE JOSE EYZAGUIRRE WHO HAD HEADED THE SUPREME COURT PANEL THAT REJECTED THE EXTRADITION REQUEST ON APPEAL IN 1979. RETAMAL SAID NO AND SINCE

PAGE 01 SANTIA 01681 052105Z 6849 SS00763
THE DECISION WAS PUBLIC HE THOUGHT I MIGHT GET SOME SENSE OF THE PERTINENT FACTORS FROM HIS COLLEAGUE, WHOM I WILL SEEK TO SEE NEXT WEEK.

5. COMMENT: THERE WERE ABOUT 35 REPORTERS AND CAMERAMEN WAITING FOR ME AFTERWARDS, BUT I LIMITED MYSELF TO SAYING AS THE CHIEF JUSTICE HAD REQUESTED, THAT THE ASPECT OF THE LETELIER CASE ON WHICH I HAD TOUCHED WAS THAT OF FILLING HIM ON THE STATE OF PLAY IN THE U.S.
BARNES

JUS

EA
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Chile Project (#S199900030)
U.S. Department of State
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Exemption(s) ____

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Case Number: S1999000030

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PAGE 01 GENEVA 02582 01 OF 02 051341Z
ACTION ARA-00

INFO	LOG-00	COPY-01	ADS-00	INR-10	EUR-00	SS-00	OIC-02
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	NSAE-00	SSO-00	HA-09	L-03	PM-10	EAP-00	PA-01
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FM USMISSION GENEVA
TO SECSTATE WASHDC NIACT IMMEDIATE 6580
INFO AMEMBASSY SANTIAGO NIACT IMMEDIATE

Chile Project (#S199900030)
U.S. Department of State
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Exemption(s)

~~C O N F I D E N T I A L~~ SECTION 01 OF 02 GENEVA 02582

DEPT FOR P/ARMACOST: IO A/S KEYES; ARA ABRAMS;
HA A/S SCHIFTER

DEPT ALSO PASS TO NSC JOSE SORZANO

E.O. 12356: DECL: OADR
TAGS: PHUM, UNHRC
SUBJECT: 43RD UNHRC: U.S. RESOLUTION ON CHILE

REF: STATE 64014

1. ~~CONFIDENTIAL~~ - ENTIRE TEXT. THIS IS HRC-289.
THIS IS AN ACTION CABLE, SEE PARA 8.

2. *USDEL RAISED CHILE ISSUE AND U.S. CONCERNS AT WEOG* MEETING MARCH 5 A.M. USDEL REPS THEN MET WITH UNHRC CONTACT GROUP (WHICH INCLUDES MANY WEOG MEMBERS) ON CHILE RESOLUTION FOR OVER TWO HOURS TO NEGOTIATE PER REFTEL. USDEL PRESSED HARD FOR INCORPORATION OF ALL PROPOSED LANGUAGE TO MODIFY TEXT OF CONTACT GROUP DRAFT. SUBSTANTIAL AGREEMENT WAS ACHIEVED.

3. PRESENT AT MEETING WERE REPS FROM FOLLOWING
~~CONFIDENTIAL~~

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PAGE 02 GENEVA 02582 01 OF 02 051341Z

DELEGATIONS: FRANCE, AUSTRALIA, AUSTRIA, ALGERIA, ITALY, NORWAY, YUGOSLAVIA, NETHERLANDS, DENMARK, PORTUGAL AND SPAIN.

4. THE REVISED TEXT FOLLOWS (CHANGES ONLY):

PREAMBULAR PART:

PARA 5 *AGREEMENT WITH REFTEL LANGUAGE*

PARA 7 AGREEMENT WITH REFTEL LANGUAGE
PARA 8 "SOME" CHILEAN SECURITY FORCES

PARA 10 *AGREEMENT WITH REFTEL LANGUAGE*

NEW PARA 11 "A NUMBER OF" INSTEAD OF SUBSTANTIAL NUMBERS OF

NEW PARA 12 NOTING THE STILL UNRESOLVED MURDERS OF FOUR OPPOSITION FIGURES DURING THE STATE OF SIEGE IMPOSED FOLLOWING THE ASSASSINATION ATTEMPT AGAINST THE CHILEAN PRESIDENT IN SEPTEMBER 1986;

OPERATIVE PART:

PARA 3 CIVIL, POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS REMAIN IN THE TEXT;

WOULD GUARANTEES DELETED AND GUARANTEES INSERTED PER REFTEL

(NOTE OP 9 IN DATAFAXED TEXT IS MOVED TO BECOME OP 4)

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PAGE 03 GENEVA 02582 01 OF 02 051341Z

NEW OP 5 AGREEMENT WITH REFTEL LANGUAGE
(OLD OP 4)

NEW OP 6 "SYSTEMATIC AND CONTINUING"
(OLD OP 5) "CHILEAN GOVERNMENT"

NEW OP 7 AGREEMENT WITH REFTEL LANGUAGE
(OLD OP 6)

NEW OP 8 EXPRESSES DISMAY OVER ACTIONS OF
(OLD OP 7) EXTREME VIOLENCE IN CHILE WHICH HAVE EXACERBATED THE CLIMATE OF INSECURITY AND CONTRIBUTED TO AN ENVIRONMENT WHICH MAKES DIFFICULT A PEACEFUL RETURN TO DEMOCRACY

NEW OP 9 AGREEMENT WITH REFTEL LANGUAGE
(OLD OP 8)

OP 10 REMAINS AS IN DATAFAXED TEXT

THERE IS AGREEMENT BY PRINCIPAL CO-SPONSORS OF CONTACT GROUP TEXT TO CO-SPONSOR A SEPARATE RESOLUTION UNDER ITEM 24. AMONG THE AGENDA REVISIONS AGREED TO IN THE GROUP IS ELIMINATION OF A SEPARATE ITEM 5. THE PROPOSED LANGUAGE IS AS FOLLOWS:
REQUEST THE SECRETARY-GENERAL TO PROPOSE TO THE COMMISSION ON HUMAN RIGHTS AT ITS FORTY-FOURTH SESSION A PROVISIONAL AGENDA BASED ON THE EXISTING WORK PROGRAMME OF THE COMMISSION, BEARING IN MIND THE NEED TO RATIONALIZE THIS SUBJECT MATTER AND TO ENABLE THE COMMISSION TO CONCENTRATE ITS ATTENTION EQUITABLY ON ALL SUBJECTS BEFORE IT IN AN EFFORT TO REDUCE DUPLICATION OF

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PAGE 01 GENEVA 02582 02 OF 02 051341Z
ACTION ARA-00

INFO	LOG-00	COPY-01	ADS-00	INR-10	EUR-00	SS-00	OIC-02
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FM USMISSION GENEVA
TO SECSTATE WASHDC NIACT IMMEDIATE 6581
INFO AMEMBASSY SANTIAGO NIACT IMMEDIATE

~~C O N F I D E N T I A L~~ SECTION 02 OF 02 GENEVA 02582

DEPT FOR P/ARMACOST: IO A/S KEYES; ARA ABRAMS;
HA A/S SCHIFTER

DEPT ALSO PASS TO NSC JOSE SORZANO

E.O. 12356: DECL: OADR
TAGS: PHUM, UNHRC
SUBJECT: 43RD UNHRC: U.S. RESOLUTION ON CHILE

REF: STATE 64014
DEBATE AND TO MAXIMIZE THE EFFICIENCY TO MATERIAL RESOURCES THUS USED UP.

6. AMBASSADOR MONTANO OF MEXICO, FOLLOWING NEGOTIATIONS WITH CONTACT GROUP, SUGGESTED THAT "IN CONSULTATIONS WITH MEMBER STATES" BE ADDED AFTER SECRETARY GENERAL IN PROPOSAL GIVEN IN PARA 5. USDEL THINKS SUCH A CHANGE WILL BE ACCEPTABLE TO THE CONTACT GROUP.

7. USDEL MADE CLEAR THAT IF THEY JOIN IN CONSENSUS THAT USDEL RESERVES THE RIGHT TO EXERCISE A RIGHT TO MAKE AN EXPLANATION OF THE VOTE TO ADDRESS THE ISSUE OF ENDING A SEPARATE AGENDA ITEM ON CHILE AND OTHER U.S. CONCERNS. CONFIDENTIAL

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PAGE 02 GENEVA 02582 02 OF 02 051341Z

8. USDEL NEEDS INSTRUCTIONS BY 4:00 P.M. GENEVA TIME. FLACK

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PAGE 01 OSLO 01589 061416Z
ACTION IO-19

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FM AMEMBASSY OSLO
TO SECSTATE WASHDC IMMEDIATE 7531
USMISSION GENEVA IMMEDIATE
INFO USMISSION USUN NEW YORK IMMEDIATE
AMEMBASSY COPENHAGEN
AMEMBASSY REYKJAVIK
AMEMBASSY STOCKHOLM

Chile Project (#S199900030)
U.S. Department of State
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Exemption(s)

~~C O N F I D E N T I A L~~ OSLO 01589

E.O.12356: DECL:OADR
TAGS: PHUM, UNHRC, CI, NO
SUBJECT: UNHRC RESOLUTION ON CHILE -- NORWAY STILL
- WANTS AGENDA ITEM 5.

REF: A) STATE 62569; B) STATE 63563; C) OSLO 1366

1. ~~CONFIDENTIAL~~ - ENTIRE TEXT.
-
2. EMBOFF CALLED ON MFA HUMAN RIGHTS DIVISION CHIEF, ODD WIBE, TO PRESENT NEW TALKING POINTS ON CHILE AND INFORM HIM THAT RETENTION OF PARA 15 IN THE U.S. TEXT IS NOT NEGOTIABLE (REF A). EMBOFF ALSO APPRISED WIBE OF ARGENTINA'S SUPPORT FOR THE U.S. INITIATIVE TO ELIMINATE AGENDA ITEM 5, MOVING CONSIDERATION OF CHILE TO AGENDA ITEM 12 (REF B).
-
3. WIBE SAID HE HAD NOT KNOWN ABOUT ARGENTINA'S POSITION ON THIS ISSUE AND ADDED THAT THE INFORMATION FROM EMBOFF WAS "INTERESTING" BECAUSE THE GON HAD ~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 02 OSLO 01589 061416Z

ASSUMED MOST, IF NOT ALL, LATIN AMERICAN NATIONS WOULD FAVOR A TEXT MORE IN ACCORDANCE WITH LAST YEAR'S MEXICAN RESOLUTION. EMBOFF INQUIRED WHETHER, IN LIGHT OF THIS INFORMATION, THE GON WOULD BE WILLING TO RECONSIDER ITS INSISTENCE ON RETAINING AGENDA ITEM 5 (REF C). WIBE REPLIED THAT, AFTER CAREFUL

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CONSIDERATION, THE MFA HAD ISSUED SPECIFIC INSTRUCTIONS TO ITS DELEGATION ON THIS PARTICULAR ISSUE AND, FOR REASONS OUTLINED IN EMBOFF'S EARLIER DEMARCHE (REF C), THE GON FEELS "BOUND" BY ITS EARLIER INSTRUCTIONS. HE NOTED WRYLY THAT HE WAS SURE THE U.S. WOULD CONVEY INFORMATION ON ARGENTINA'S POSITION TO THE NORWEGIAN DELEGATION IN GENEVA (COMMENT: THIS WAS A HINT THAT, AT THIS POINT, WE MIGHT GET MORE MILEAGE BY LOBBYING THE GON DELEGATION AT THE UNHRC MEETING, ESPECIALLY IN LIGHT OF THE RECENT DEATH OF FOREIGN MINISTER FRYDENLUND AND THE ABSENCE OF A NEW FOREIGN MINISTER. UNDER SUCH CIRCUMSTANCES, STANDING POLICY WOULD NOT BE CHANGED UNLESS THE MFA WERE TO RECEIVE A SPECIFIC RECOMMENDATION FROM THE FIELD). STUART

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Case Number: S1999000030

Chile Project (#S199900030)
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Exemption(s)_____

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PAGE 01 SANTIA 01644 062204Z
ACTION L-03

INFO LOG-00 COPY-01 ADS-00 INR-10 SS-00 CIAE-00 NSCE-00
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FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 0450
INFO DEPTJUSTICE WASHDC
FBI WASHDC

~~C O N F I D E N T I A L~~ SANTIAGO 01644

DEPARTMENT FOR DEPUTY LEGAL ADVISOR KOZAK; FBI FOR PIMENTEL

E.O. 12356: DECL:OADR
TAGS: PREL, PHUM, CI
SUBJECT: LETELIER CASE: CONTRERAS WILL NOT OPPOSE THE REOPENING OF PASSPORT FRAUD CASE, WILL LEND FULL COOPERATION IF REOPENED

1. (U) RETIRED ARMY GENERAL MANUEL CONTRERAS HAS NOTIFIED THE MILITARY HIGH TRIBUNAL (CORTE MARCIAL) THAT HE WAS PREPARED TO ACCEPT THE REOPENING OF THE "PASSPORT FRAUD" CASE. IN A LETTER TO THE COURT PUBLISHED IN THE SANTIAGO PRESS ON MARCH 6, CONTRERAS STATED THAT HE WOULD HAVE "NO OBJECTION" TO THE COURT ORDERING THE REOPENING OF THE CASE WHICH WAS SUSPENDED IN OCTOBER, 1985. THE LETTER EXPRESSED CONTRERAS' CONFIDENCE THAT HIS INNOCENCE WOULD ONCE MORE BE DEMONSTRATED. THE FINAL PARAGRAPH ASSURED THE COURT THAT "OBVIOUSLY, I WOULD GIVE MY FULL COOPERATION" IN ANY NEW INVESTIGATION IF THE CASE IS REOPENED.

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2. (C) WE HAVE NO HARD FACTS TO INDICATE WHY CONTRERAS HAS SUDDENLY DECIDED TO ASSIST THE CAUSE OF JUSTICE, BUT IT IS DIFFICULT TO BELIEVE THAT HE IS TRULY INTERESTED IN JUSTICE BEING SERVED, GIVEN THE FACTS OF THE CASE. THE TONE OF HIS LETTER WOULD INDICATE THAT CONTRERAS EXPECTS THE MILITARY TRIBUNAL TO

OVERTURN THE 1985 DECISION TO SUSPEND THE COURT PROCESS. IT COULD BE THAT A DEAL IS BEING ARRANGED TO USE THE PASSPORT FRAUD CASE AS A VEHICLE TO HANDLE THE LETELIER CASE IN THE CHILEAN COURT SYSTEM, THUS AVOIDING EXTRADITION PROCEEDINGS AND THE AIRING OF DIRTY LAUNDRY IN A PUBLIC FORUM. SUCH A SCENARIO REQUIRES A SCAPEGOAT, OR SOMEONE WILLING TO TAKE THE HEAT, OR EVEN THE FALL. CONTRERAS WOULD SEEM THE MOST LIKELY CANDIDATE. PERSISTENT RUMORS HOLD THAT HE IS SUFFERING FROM CANCER WHICH WOULD MAKE THIS SCENARIO MORE PLAUSIBLE. PERHAPS NOT COINCIDENTALLY, PRESIDENT PINOCHET HAS IN RECENT DAYS HELD A SERIES OF MEETINGS WITH TOP-RANKING MILITARY OFFICERS.
BARNES

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PAGE 01 CARACA 02131 062055Z
ACTION IO-19

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FM AMEMBASSY CARACAS
TO SECSTATE WASHDC PRIORITY 5867
INFO USMISSION GENEVA PRIORITY
USMISSION USUN NEW YORK PRIORITY

Chile Project (#S199900030)
U.S. Department of State
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Declassify In Part ____ In Full X
Exemption(s) ____

~~C O N F I D E N T I A L~~ CARACAS 02131

E.O. 12356: DECL:OADR
TAGS: PHUM, UNHRC, CI, VE
SUBJECT: UNHRC CHILE RESOLUTION -- CHANGING AGENDA ITEM:
- DEMARCHES ON VENEZUELA

POLCOUNS AND POLOFF APPROACHED BOTH MULTILATERAL AFFAIRS DIRECTOR AND FOREIGN MINISTRY CHEF DE CABINET ON MOVING CHILE RESOLUTION FROM AGENDA ITEM 5 TO ITEM 12. WE STRESSED THAT BOTH ARGENTINA AND COLOMBIA ARE ON BOARD. NEITHER VENEZUELAN OFFICIAL WOULD COMMENT OR COMMIT.
REICH

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3-3-97

Case Number: S1999000030

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U.S. Department of State
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Exemption(s) _____

PAGE 01 SANTIA 01643 062204Z
ACTION L-03

INFO LOG-00 COPY-01 ADS-00 INR-10 SS-00 CIAE-00 NSCE-00
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FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 0449
INFO DEPTJUSTICE WASHDC
FBI WASHDC

~~C O N F I D E N T I A~~ L SANTIAGO 01643

DEPARTMENT FOR DEPUTY LEGAL ADVISOR KOZAK; FBI FOR PIMENTEL

E.O. 12356: DECL:OADR
TAGS: PREL, PHUM, CI
SUBJ: LETELIER CASE: STATEMENTS BY BISHOPS' CONFERENCE AND CUADRA

REF: (A) SANTIAGO 1222

1. (U) THE CHILEAN BISHOP'S CONFERENCE INCLUDED THE FOLLOWING STATEMENT ON THE FERNANDEZ LARIOS CASE IN ITS PASTORAL LETTER OF MARCH 4. OTHER ISSUES RAISED IN THE LETTER WILL BE COVERED IN SEPTEL.

QUOTE
A FORMER OFFICIAL OF OUR ARMY HAS MADE STATEMENTS THAT SERIOUSLY COMPROMISE HIGH AUTHORITIES OF THE ARMED FORCES. A CRIME WAS PLANNED, A CRIME WAS COMMITTED, AND THAT CRIME WAS COVERED UP.

THE MORAL WELL-BEING OF THE COUNTRY AND THE PRESTIGE OF THE CHILEAN ARMY DEMAND THAT THIS MATTER BE COMPLETELY ~~CONFIDENTIAL~~

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PAGE 02 SANTIA 01643 062204Z

CLARIFIED, NOT ONLY BY THE JUDICIAL SYSTEM, BUT MOST IMPORTANTLY BY THE INSTITUTION TO WHICH THOSE IMPLICATED IN THE MATTER BELONG OR BELONGED. GIVEN THE WEAKNESS OF HUMAN NATURE, ONE CAN UNDERSTAND THAT MEMBERS OF THE ARMED FORCES, LIKE THOSE BELONGING TO ANY INSTITUTION, ARE CAPABLE OF COMMITTING ABUSES, ESPECIALLY UNDER

DIFFICULT POLITICAL CIRCUMSTANCES. BUT THE NATION NEEDS TO BE REASSURED THAT WHATEVER THE INSTITUTION INVOLVED, IT PLEDGES ITSELF TO CLARIFY THE WRONGFUL ACTS AND TO SANCTION THOSE THAT APPEAR TO BE GUILTY.
END QUOTE.

-

2. (U) FOLLOWING THE FIRST FULL CABINET MEETING OF THE YEAR ON MARCH 4, GOVERNMENT SPOKESMAN AND SECRETARY GENERAL OF THE GOVERNMENT FRANCISCO JAVIER CUADRA SPOKE TO THE PRESS, AND TOUCHED ON THE FERNANDEZ LARIOS CONFESSION. HE SAID THAT DURING THE MEETING A GENERAL OUTLINE OF RECENT DEVELOPMENTS IN THE CASE WAS PRESENTED. CUADRA STATED THAT THE CASE WAS CURRENTLY BEFORE THE SUPREME MILITARY TRIBUNAL AND THAT A DECISION WAS EXPECTED WITHIN A FEW DAYS CONCERNING THE SUSPENSION OF THE PROCESS (REFTEL). HE EMPHASIZED THAT THIS WAS A JUDICIAL MATTER AND THAT THE GOC, "AS IT HAD FAITHFULLY DONE SINCE 1973," WOULD COOPERATE FULLY WITH THE JUDICIAL SYSTEM AND WOULD ACCEPT THOSE RESOLUTIONS ESTABLISHED BY LAW. HOWEVER, HE NOTED THAT CERTAIN POLITICAL SECTORS, "AS IS THEIR HABITUAL PRACTICE," HAD SOUGHT TO UTILIZE THE CASE FOR THEIR UNACCEPTABLE POLITICAL ENDS.

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3. (U) CUADRA WAS ASKED IF THE EXTRADITION OF GENERAL CONTRERAS AND OTHERS HAD BEEN DISCUSSED AT THE MEETING. HE REPLIED IN THE NEGATIVE, EXPLAINING THAT SUCH A DISCUSSION AT THIS TIME WOULD BE SPECULATIVE AND NOT IN
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PAGE 03 SANTIA 01643 062204Z

KEEPING WITH THE GOC POLICY OF MOVING STEP BY STEP THROUGH THE JUDICIAL SYSTEM. ANY EVENT CAN HAVE POLITICAL IMPLICATIONS, HE SAID, BUT REITERATED THAT THI WAS A JUDICIAL MATTER AND THAT TO SPECULATE ON WHAT WAS TO COME WOULD NOT BE A PROPER COURSE OF ACTION. CUADRA WAS ASKED IF THE MATTER WAS HAVING AN EFFECT ON RELATIONS WITH THE UNITED STATES. HE REPLIED THAT U.S.-CHILEAN RELATIONS WERE ONLY DISCUSSED TANGENTIALLY DURING THE MEETING AND THAT A BRIEF MENTION WAS MADE THAT THE U.S. GOVERNMENT HAD OFFICIALLY ASSURED THE GOC THAT THE U.S. ALSO CONSIDERED THE "FERNANDEZ LARIOS CASE" A JUDICIAL MATTER.

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4. (C) COMMENT: QUADRA'S STATEMENTS TO THE PRESS EMPHASIZED THAT THE CASE IS JUDICIAL RATHER THAN POLITICAL. HIS PASSING REFERENCE TO THE "PASSPORT FRAUD CASE" COULD INDICATE THAT THE GOC CONSIDERS A "CORRECT" DECISION BY THE SUPREME MILITARY TRIBUNAL TO BE A WAY OUT OF THE MORASS, PERHAPS

BY KEEPING THE MATTER WITHIN THE ARMY AND OUT OF CIVILIAN AND FOREIGN COURTS. IT IS WORTH NOTING THAT THE GOC NOW REFERS TO THIS AS THE FERNANDEZ LARIOS CASE RATHER THAN THE LETELIER CASE. FEDERICO WILLOUGHBY TOLD US MARCH 5 THAT THE PRESS HAD BEEN INSTRUCTED BY CUADRA TO USE THE SAME LABEL IN ALL ITS STORIES, IN ORDER TO FOCUS ON THE "DESERTOR," NOT ON THE CRIME. END COMMENT.
BARNES

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PAGE 01 GENEVA 02715 01 OF 03 061728Z
ACTION IO-19

INFO	LOG-00	COPY-01	ADS-00	INR-10	EUR-00	SS-00	OIC-02
	AF-00	CIAE-00	DODE-00	H-01	NEA-06	NSCE-00	ARA-00
	NSAE-00	SSO-00	HA-09	L-03	PM-10	EAP-00	PA-01
	OMB-01	INRE-00	USIE-00	SP-02	SNP-01	PRS-01	/067 W

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FM USMISSION GENEVA
TO SECSTATE WASHDC NIACT IMMEDIATE 6726

~~C O N F I D E N T I A L~~ SECTION 01 OF 03 GENEVA 02715

FOR IO/KEYES; ALA/ABRAM; HA/SCHIFTER

ALSO FOR NSC-JOSE SORZANO

E.O. 12356: DECL: OADR
TAGS: PHUM, UNHRC
SUBJECT: 43RD UNHRC: FURTHER DEVELOPMENTS ON CHILE RESOLUTION

Chile Project (#S199900030)
U.S. Department of State
Release_____ Excise X Deny_____
Declassify: In Part X In Full_____
Exemption(s) B1

REFS: A) STATE 65520; B) GENEVA 2582

1. CONFIDENTIAL ENTIRE TEXT. THIS IS HRC-309.

2. SUMMARY: USDEL MET WITH CONTACT GROUP ON MEXICAN RESOLUTION PER REFTEL A THIS A.M. FOR 90 MINUTES. USDEL MADE ABSOLUTELY CLEAR THAT FINAL INSTRUCTIONS ON USG VOTE ON CHILE RESOLUTION ARE STILL PENDING. USDEL SOUGHT AND ACHIEVED DESIRED MODIFICATIONS OF DRAFT DECISION DENIED AT RESTRUCTURING AGENDA TO ELIMINATE ITEM 5 CONSIDERATION OF CHILE IN NEXT YEAR'S AGENDA. USDEL SOUGHT FURTHER IMPROVEMENTS ON MEXICAN TEXT, ESPECIALLY ON ISSUE OF REFERENCE TO THE ASSASSINATION ATTEMPT AGAINST CHILEAN PRESIDENT PINOCHET (REF B, NEW PREAMBULAR 12). IN THIS EFFORT, USDEL FAILED. A

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TROUBLING NEW WORD HAS TENTATIVELY BEEN ADDED TO PREAMBULAR 12 (OUTLINED BELOW IN PARA 3). USDEL TOLD CONTACT GROUP THIS WAS NOT REPEAT NOT ACCEPTABLE AND WOULD FORCE U.S. TO INTRODUCE ITS OWN CHILE RESOLUTION AND VOTE AGAINST MEXICO RESOLUTION. AFTER PRIVATE CAUCUS OF CONTACT GROUP (WITHOUT USDEL), MEXICAN ASKED

USDEL TO CHECK WITH WASHINGTON ON THEIR REVISED TEXT AND SOUGHT AND ACHIEVED A DEADLINE EXTENSION FOR INTRODUCTION OF RESOLUTIONS TO 6:00 P.M. TODAY. NEED INSTRUCTIONS AT ONCE.

3. PER REFTEL A, USDEL MET WITH CONTACT GROUP ON CHILEAN ISSUE CHAIRED BY MEXICAN AMBASSADOR MONTANA. OTHERS IN ATTENDANCE INCLUDED REPRESENTATIVES FROM THE FOLLOWING DELEGATIONS: ALGERIA, AUSTRALIA, DENMARK, MEXICO, NETHERLANDS, NORWAY, SPAIN, AND YUGOSLAVIA.

4. AT THE OUTSET, USDEL EXPRESSED APPRECIATION FOR THE HARD WORK AND SPIRIT OF COMPROMISE BY ALL MEMBERS OF THE CONTACT GROUP, BUT FOUR ITEMS MUST BE ADDRESSED.

5. FIRST, USDEL MADE ABSOLUTELY CLEAR THAT THERE WERE NO FINAL INSTRUCTIONS ON USG VOTE ON CHILE RESOLUTION.

6. SECOND, USDEL SAID THAT THE LANGUAGE FOR THE DECISION RESOLUTION ON RESTRUCTURING THE AGENDA REMAINED INADEQUATE. USDEL PROPOSED INSERTION OF DEPT LANGUAGE "... TO DEAL WITH ALL RELEVANT ISSUES SYSTEMATICALLY AND UNIFORMLY." THERE WAS HEATED DISCUSSION ON THIS AS WELL AS FURTHER PROPOSED REVISIONS. FINALLY, USDEL AGREED TO A PACKAGE OF CHANGES WHEREBY THE RESOLUTION NOW READS AS FOLLOWS:

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PAGE 03 GENEVA 02715 01 OF 03 061728Z

"REQUESTS THE SECRETARY-GENERAL, WITHIN THE FRAMEWORK OF THE ONGOING RATIONALIZATION OF THE WORK OF THE UNITED NATIONS IN THE ECONOMIC AND SOCIAL FIELD, AND IN CONSULTATION WITH MEMBER STATES, TO PROPOSE TO THE COMMISSION ON HUMAN RIGHTS AT ITS FORTY-FOURTH SESSION A RECOMMENDATION FOR A POSSIBLE REVISION OF THE PROVISIONAL AGENDA BASED ON THE EXISTING WORK PROGRAM OF THE COMMISSION, BEARING IN MIND THE NEED TO RATIONALIZE THIS SUBJECT MATTER TO DEAL WITH ALL RELEVANT ISSUES SYSTEMATICALLY AND UNIFORMLY AND TO ENABLE THE COMMISSION TO CONCENTRATE ITS ATTENTION EQUITABLY ON ALL SUBJECTS BEFORE IT IN AN EFFORT TO REDUCE DUPLICATION OF DEBATE AND TO MAXIMIZE THE EFFICIENCY TO MATERIAL RESOURCES THUS USED UP."

7. IT WAS USDEL'S OPINION THAT THIS REVISION SATISFIED DEPT CONCERNS AND THIS NEW LANGUAGE WAS ACCEPTED.

8. UPON ACCEPTANCE OF NEW LANGUAGE, USDEL AGAIN SAID

THAT THIS WAS ACCEPTABLE CONTINGENT ON THE CLEAR UNDERSTANDING THAT ALL DELEGATES IN THE CONTACT GROUP RECOGNIZED AND WILL ACTIVELY SUPPORT AN AGENDA RATIONALIZATION THAT WOULD INCLUDE, BUT NOT NECESSARILY BE LIMITED TO, ELIMINATION OF CHILE AS A SEPARATE AGENDA ITEM. ALL MEMBERS OF THE CONTACT GROUP INDICATED AGREEMENT WITH THIS FORMULATION AND UNDERSTANDING.
9. THIRD, USDEL SOUGHT IMPROVEMENTS IN MEXICAN/CONTACT GROUP TEXT PER REFTEL A INCLUDING IMPROVEMENTS ON PREAMBULAR 12 REGARDING LANGUAGE REFERRING TO THE ASSASSINATION ATTEMPT AGAINST CHILEAN PRESIDENT PINOCHET.

10. A LONG ENERGETIC DISCUSSION ON PREAMBULAR 12 FOLLOWED. MEXICAN AMB. MONTANA SAID THAT FOLLOWING OUR

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PAGE 04 GENEVA 02715 01 OF 03 061728Z

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PAGE 01 GENEVA 02715 02 OF 03 061730Z
ACTION IO-19

INFO	LOG-00	COPY-01	ADS-00	INR-10	EUR-00	SS-00	OIC-02
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	OMB-01	INRE-00	USIE-00	SP-02	SNP-01	PRS-01	/067 W

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FM USMISSION GENEVA
TO SECSTATE WASHDC NIACT IMMEDIATE 6727

~~C O N F I D E N T I A L~~ SECTION 02 OF 03 GENEVA 02715

FOR IO/KEYES; ALA/ABRAM; HA/SCHIFTER

ALSO FOR NSC-JOSE SORZANO

E.O. 12356: DECL: OADR
TAGS: PHUM, UNHRC
SUBJECT: 43RD UNHRC: FURTHER DEVELOPMENTS ON CHILE RESOLUTION

NEGOTIATIONS YESTERDAY (MARCH 5) HE HAD SHARED THE REVISED (TENTATIVELY AGREED ON) TEXT WITH SEVERAL NAM

DELEGATIONS NOT MEMBERS OF THE CONTACT GROUP. HE SAID THAT THERE WAS STRONG AND REPEATED CONCERNS ABOUT THE REFERENCE TO THE ASSASSINATION ATTEMPT IN PREAMBULAR 12. HE SAID THAT HE WAS SURE THAT SOME DELEGATION WOULD ASK FOR A VOTE AND THAT OVER 20 DELEGATIONS WOULD VOTE TO ELIMINATE PREAMBULAR 12.

11. USDEL MADE CLEAR THAT SUCH A MOVE WOULD BE TOTALLY UNACCEPTABLE. USDEL WOULD VOTE AGAINST ELIMINATION OF PREAMBULAR 12 AND IF IT WERE ELIMINATED WOULD VOTE AGAINST THE ENTIRE RESOLUTION.

12. AFTER SUBSTANTIAL DISCUSSION, THE BELGIUM

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PAGE 02 GENEVA 02715 02 OF 03 061730Z

REPRESENTATIVE PROPOSED A COMPROMISE WHEREBY PREAMBULAR 12 AS TENTATIVELY AGREED TO WOULD REMAIN IN THE RESOLUTION TEXT BUT THAT THE WORD "UNJUSTIFIABLY" WOULD BE INSERTED AFTER THE WORD SEIGE.

13. THE NEW TEXT FOR PREAMBULAR 12 WOULD READ AS FOLLOWS: "NOTING THE STILL UNRESOLVED MURDERS OF FOUR OPPOSITION FIGURES DURING THE STATE OF SEIGE, UNJUSTIFIABLY IMPOSED FOLLOWING THE ASSASSINATION ATTEMPT AGAINST THE CHILEAN PRESIDENT IN SEPTEMBER 1986."

14. USDEL REACTED STRONGLY. USDEL MADE CLEAR THAT WE HAD ALREADY COMPROMISED BEYOND REASON ON THIS ISSUE, THAT WE STRONGLY FELT THE WORDING SHOULD BE CHANGED SO AS TO BE MORE BALANCED ALONG THE LINES OF REFTEL A, PARAGRAPHS 5 AND 6. USDEL SAID THIS WAS SIMPLY UNACCEPTABLE.

15. AFTER FURTHER ENERGETIC DISCUSSION, USDEL SAID THERE WERE TWO OPTIONS:

--(A) WE GO BACK TO THE CHILE RESOLUTION TEXT AS TENTATIVELY AGREED TO MARCH 5 (REFTEL B) AND THE DECISION RESOLUTION ON AGENDA RESTRUCTURING AS OUTLINED IN PARAGRAPH 6 ABOVE, AND THEN USDEL WOULD NOT REPEAT NOT INTRODUCE ITS OWN CHILE RSOLUTION. OR,
--(B) MEXICO COULD GO AHEAD AND INTRODUCE THEIR CHILE TEXT WITH THE WORDS "UNJUSTIFIED" INCLUDED IN PREAMBULAR 12 AND THEN USDEL WOULD INTRODUCE ITS OWN CHILE RESOLUTION AND USDEL WOULD PROBABLY CALL FOR A VOTE ON THE MEXICAN RESOLUTION ON CHILE AND THE USDEL WOULD PROBABLY VOTE AGAINST IT.

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PAGE 03 GENEVA 02715 02 OF 03 061730Z

16. USDEL THEN SAID THERE WAS NO MORE FOR US TO DISCUSS, AND SINCE IT WAS ONLY 30 MINUTES BEFORE THE DEADLINE TO FILE RSOLUTIONS WITH THE SECRETARIAT, THAT THE CONTACT GROUP MIGHT WISH TO CAUCUS WITHOUT USDEL PRESENT.

17. AT APPROXIMATELY 7:00 P.M., MEXICAN AMB. MONTANA APPROACHED USDEL. HE SAID AFTER MEETING, THE FOLLOWING COUNTRIES INTENDED TO CO-SPONSOR THE CHILE RESOLUTION THAT INCLUDED THE WORD "UNFORTUNATE" IN PREAMBULAR 12: ALGERIA, AUSTRALIA, DENMARK, MEXICO, NETHERLANDS, NORWAY, SPAIN AND YUGOSLAVIA. UNDECIDED AND CHECKING WAS AUSTRIA. AND NOT ABLE TO CO-SPONSOR IF THERE WERE TWO TEXTS INTRODUCED INCLUDED FRANCE AND ITALY.

18. MEXICAN AMB. MONTANA THEN TOLD USDEL THAT THEY STRONGLY DID NOT WANT TWO TEXTS INTRODUCED. WOULD WE PLEASE CHECK WITH WASHINGTON IF HE COULD GET A DEADLINE EXTENSION TO 6:00 P.M. OF THE CUT-OFF FOR INTRODUCTION OF RESOLUTIONS. USDEL AGREED. AN EXTENSION WAS AGREED TO BY THE COMMISSION.

19. ON THE WAY OUT OF THE UN CENTER TO RETURN TO THE MISSION, USDEL WAS APPROACHED BY THE BELGIUM REPRESENTATIVE TO THE CONTACT GROUP. HE SAID THAT IF USDEL COULD INDICATE A "YES" VOTE FOR MEXICAN TEXT IF IT WERE CALLED FOR A VOTE (WHILE CONTINUING TO VOTE "NO" TO ANY PROPOSED CHANGE IN PREAMBULAR 12), PERHAPS THE WORD "UNJUSTIFIABLY" COULD BE DROPPED. BUT THAT OTHER MEMBERS OF THE CONTACT GROUP ALL FELT USDEL MEANT, THOUGH NOT SAYING IT, THAT USDEL WOULD VOTE NO ON ENTIRE TEXT IF IT CAME TO A VOTE EVEN IF EFFORTS TO PUT THE WORD "UNFORTUNATE" INTO PREAMBULAR 12 WERE UNSUCCESSFUL. IN OTHER WORDS, REPEATED STATEMENTS BY USDEL THAT THERE WERE NO FINAL INSTRUCTIONS ON USG VOTE ON CHILE RESOLUTION HAD BEEN ASSUMED BY CONTACT GROUP TO ~~CONFIDENTIAL~~

CONFIDENTIAL

PAGE 04 GENEVA 02715 02 OF 03 061730Z

MEAN USG WOULD VOTE NO.
20. THE FOLLOWING APPEAR TO BE OUR OPTIONS:

--(A) TELL CONTACT GROUP THE REVISED PREAMBULAR 12 IS

UNACCEPTABLE. USDEL WILL INTRODUCE ITS OWN CHILE

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PAGE 01 GENEVA 02715 03 OF 03 061826Z
ACTION IO-19

INFO	LOG-00	COPY-01	ADS-00	INR-10	EUR-00	SS-00	OIC-02
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	OMB-01	INRE-00	USIE-00	SP-02	SNP-01	PRS-01	/067 W

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FM USMISSION GENEVA
TO SECSTATE WASHDC NIACT IMMEDIATE 6728

~~C O N F I D E N T I A L~~ SECTION 03 OF 03 GENEVA 02715

FOR IO/KEYES; ALA/ABRAM; HA/SCHIFTER

ALSO FOR NSC-JOSE SORZANO

E.O. 12356: DECL: OADR
TAGS: PHUM, UNHRC
SUBJECT: 43RD UNHRC: FURTHER DEVELOPMENTS ON CHILE RESOLUTION

RESOLUTION BEFORE THE 6:00 P.M. DEADLINE. USDEL WILL CALL FOR A VOTE ON MEXICAN TEXT AND VOTE AGAINST WHILE IT PASSES OVERWHELMINGLY. EXPECT A VOTE ON U.S. TEXT WHICH WILL LOSE OVERWHELMINGLY. AND, LOSE "DEAL" ON REMOVAL OF ITEM 5.

--(B) TELL CONTACT GROUP THAT IF THEY DROP THE WORD "UNFORTUNATE" FROM THEIR TEXT, USDEL WOULD INTEND TO VOTE "YES" ON TEXT IF IT IS CALLED FOR A VOTE (SO LONG AS ANY POSSIBLE SEPARATE MOTION ON ELIMINATING ALL OF PREAMBULAR 12 OR ANY OTHER MOTION TO ELIMINATE PART OF PREAMBULAR 12 SO AS TO ELIMINATE REFERENCE TO THE ASSASSINATION ATTEMPT AGAINST THE CHILEAN PRESIDENT IS DEFEATED REPEAT DEFEATED). IF BELGIUM REP IS ACCURATE, CONTACT GROUP MAY ACCEPT THIS COMPROMISE. IF ACCEPTED,
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PAGE 02 GENEVA 02715 03 OF 03 061826Z

THIS PROBABLY WOULD RESULT IN ADOPTION OF IMPROVED MEXICAN TEXT, RETENTION OF REFERENCE TO ASSASSINATION ATTEMPT AGAINST CHILEAN PRESIDENT, AND ACHIEVING THE "DEAL" WHEREBY ITEM 5 WOULD BE REMOVED FROM NEXT YEAR'S AGENDA.

(C) TELL CONTACT GROUP THAT USDEL CAN ACCEPT THEIR TEXT. THE TEXT WILL IN ALL LIKELIHOOD BE ACCEPTED BY CONSENSUS. THE "DEAL" WHEREBY ITEM 5 WOULD BE REMOVED FROM NEXT YEAR'S AGENDA WILL HOLD.

THERE COULD BE OTHER PERMUTATIONS THAT THE DEPARTMENT, WITH THE ADVANTAGE OF DETACHMENT FROM THE PROCESS HERE, CAN DEVISE.

INSTRUCTIONS ARE NEEDED IMMEDIATELY. TIME IS OF THE ESSENCE. THE DEADLINE TO FILE RESOLUTIONS IS 6:00 P.M. TODAY (MARCH 6).

21. I RETURNED TO THE OFFICE FROM HRC AT 5:00 P.M. TO FIND, AMONG THE CABLES TO GO OUT, THIS ONE. I CANNOT EXPLAIN WHY IT WAS NOT SENT EARLIER, AS INSTRUCTED AND AS AMBASSADOR WILLIAMSON RETURNED TO MISSION AT NOON TO ACCOMPLISH. I DISCOVERED IT AT 5:45 P.M. OUR TIME. AS THIS IS BEING SENT, I HAVE MADE AN EFFORT TO EXTEND TIME FOR FILING, BUT IF WE CANNOT, U.S. RESOLUTION WILL BE FILED.

22. UPON RETURNING TO HRC AT 3:00 P.M., I WAS APPROACHED BY

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I SENT WORD TO AMBASSADOR WILLIAMSON OF THIS INFORMATION, INDICATING THE OBVIOUS PROBLEM IT PRESENTED TO US. UK HAD A REPRESENTATIVE PRESENT DURING HIS NEGOTIATIONS WHO OBVIOUSLY DID NOT RAISE THIS OBJECTION AT THE TIME. FLACK##

FLACK

CONFIDENTIAL

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Case Number: S1999000030
Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

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PAGE 01 STATE 065520
ORIGIN IO-19

INFO	LOG-00	COPY-01	ADS-00	INR-10	EUR-00	SS-00	OIC-02
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DRAFTED BY: IO:LGENERO
APPROVED BY: IO:NSSMITH
HA: RSCHIFTER
P:WWOOD
IO/HW: MJACOBS
ARA:EABRAMS
ARA: RGELBARD
HA: SRIFSHIN
S/S:BLPASCOE
S/S-O:RABOUCHER

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INFO AMEMBASSY SANTIAGO IMMEDIATE
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~~C O N F I D E N T I A~~ L STATE 065520

FOR AMBASSADOR WILLIAMSON

E.O. 12356: DECL: OADR
TAGS: PHUM, UNHRC, XR
SUBJECT: 43RD UN HUMAN RIGHTS COMMISSION: FURTHER INSTRUCTIONS ON CHILE

REF: A) GENEVA 2582; B) MARCH 5 GENERO-WILLIAMSON TELCON

1. (SUMMARY): DEPARTMENT AGREES THAT FURTHER MAJOR CHANGES IN MEXICAN TEXT ON CHILE ARE UNLIKELY, BUT WOULD LIKE USDEL TO CONTINUE TO TRY FOR IMPROVEMENTS. WE ARE ALSO PURSUING THIS SEPARATELY THROUGH EMBASSY MEXICO. TACTICAL DECISION ON WHETHER OR NOT TO TABLE US DRAFT RESOLUTION AS PART OF NEGOTIATING EFFORT IS LEFT TO ~~CONFIDENTIAL~~

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PAGE 02 STATE 065520

DISCRETION OF DELEGATION NEGOTIATORS. FURTHER IMPROVEMENTS IN MEXICAN TEXT SOUGHT BY DEPARTMENT ARE LISTED BELOW IN PARAGRAPH 5. GUIDANCE FOR FRIDAY, MARCH 6 WEOG DISCUSSION, AND TALKS WITH CONTACT GROUP, ON SEPARATE RESOLUTION TO BE INTRODUCED UNDER AGENDA ITEM 24 ARE OUTLINED BELOW IN PARAPGRAPH 2. USDEL SHOULD MAKE IT

CLEAR IN ALL NEGOTIATIONS THAT FINAL INSTRUCTIONS ON USG VOTE ON CHILE RESOLUTION ARE STILL PENDING. (END SUMMARY)

2. US DEL IS INSTRUCTED TO SEEK FURTHER MODIFICATION OF DRAFT RESOLUTION RESTRUCTURING UNHRC AGENDA TO ELIMINATE ITEM 5 CONSIDERATION OF CHILE (REF A, PARAPGRAPH 4, LAST TIC). DEPARTMENT IS INTERESTED IN GETTING SOME LANGUAGE IN RESOLUTION WHICH COULD LATER BE INTERPRETED AS CALLING FOR ELIMINATION OF SEPARATE AGENDA ITEM FOR CHILE. DEPARTMENT SUGGESTS THE FOLLOWING: INSERT "...TO DEAL WITH ALL RELEVANT ISSUES SYSTEMATICALLY AND UNIFORMLY" AFTER THE WORD "MATTER." RESOLUTION WOULD THEN READ, "REQUESTS THE SECRETARY GENERAL TO PROPOSE TO THE COMMISSION ON HUMAN RIGHTS AT ITS FORTY-FOURTH SESSION A PROVISIONAL AGENDA BASED ON THE EXISTING WORK PROGRAM OF THE COMMISSION, BEARING IN MIND THE NEED TO RATIONALIZE THIS SUBJECT MATTER TO DEAL WITH ALL RELEVANT ISSUES SYSTEMATICALLY AND UNIFORMLY AND TO ENABLE THE COMMISSION TO CONCENTRATE ITS ATTENTION EQUITABLY ON ALL SUBJECTS BEFORE IT IN AN EFFORT TO REDUCE DUPLICATION OF DEBATE AND TO MAXIMIZE THE EFFICIENCY TO MATERIAL RESOURCES THUS USED UP."

3. IN ADDITION, DEPARTMENT CONCURS WITH WILLIAMSON SUGGESTION MADE(REF B), THAT HE FOLLOW THIS UP WITH A PERSONAL LETTER TO EACH MEMBER OF THE CONTACT GROUP
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PAGE 03 STATE 065520

AFFIRMING THIS RESOLUTION MEANS ELIMINATION OF THE SEPARATE AGENDA ITEM FOR CHILE. FYI ONLY: DEPARTMENT IS INTERESTED IN AMBASSADOR WILLIAMSON'S OPINION AS TO WHETHER OR NOT "DEAL" ON REMOVAL OF ITEM 5 HOLDS IF THE USG WERE TO ABSTAIN ON THE RESOLUTION.

4. DEPARTMENT WOULD LIKE TO SEE FURTHER IMPROVEMENTS IN MEXICAN TEXT ON CHILE. DEPARTMENT LEAVES THE TACTICAL QUESTION OF WHETHER OR NOT TO TABLE USG RESOLUTION TO DISCRETION OF DELEGATION. IF THIS WOULD HELP TO PROLONG NEGOTIATIONS AND WOULD NOT HARM THE AGREEMENTS ALREADY REACHED, DELEGATION SHOULD TABLE USG RESOLUTION. IF TABLING WOULD NEGATE IMPROVEMENTS REACHED THUS FAR, AND FURTHER IMPROVEMENTS IN THE TEXT CAN BE MADE WITHO T TABLING, DELEGATION SHOULD NOT TABLE USG RESOLUTION. IN THE LATER INSTANCE, DELEGATION SHOULD HOLD OPEN QUESTION OF HOW USG WILL VOTE ON MEXICAN RESOLUTION AS A WHOLE IN ORDER TO SECURE FURTHER IMPROVEMENTS IN TEXT.

5. DEPARTMENT CONCURS WITH CHANGES IN MEXICAN TEXT DISCUSSED IN GENERO-WILLIAMSON TELCON (REF. B). USDEL IS INSTRUCTED TO SEEK FURTHER CHANGE IN TEXT OF MEXICAN-RESOLUTION: RESOLUTION SHOULD GO BACK TO ORIGINAL U.S. FORMULATION OF LANGUAGE REFERRING TO ASSASSINATION ATTEMPT AGAINST CHILEAN PRESIDENT PINOCHET (REF, A, NEW PREAMBULAR 12). DEPARTMENT WANTS SENTENCE TRANSPOSED

BACK TO ITS ORIGINAL FORMULATION OF, "NOTING THE ASSASSINATION ATTEMPT LAST FALL AGAINST THE CHILEAN PRESIDENT AND THE STILL UNSOLVED MURDERS OF FOUR OPPOSITION FIGURES DURING THE ENSUING STATE OF SIEGE."

6. USDEL MAY WISH TO DRAW UPON FOLLOWING TALKING POINTS IN SUPPORT OF THIS CHANGE:

-- WE BELIEVE IT IMPORTANT TO HAVE A FORMULATION FOR
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PAGE 04 STATE 065520

PREAMBULAR PARA. 12 WHICH DRAWS ATTENTION TO THE ATTEMPT ON PINOCHET'S LIFE. IN ORDER FOR INTERNATIONAL RESOLUTIONS TO HAVE IMPACT, THEY NEED TO ADDRESS THE REALITY OF THE SITUATION. CLEARLY, THE ATTEMPT ON THE CHILEAN PRESIDENT'S LIFE WAS A MAJOR INCIDENT LAST YEAR. FAILURE TO INCLUDE IT PROMINENTLY WILL UNDERCUT THE RESOLUTION AND MAKE IT LESS LIKELY THAT IT WILL HAVE POSITIVE IMPACT BY MAKING IT APPEAR THAT THE RESOLUTION IS UNBALANCED AND, THEREFORE, NOT WORTHY OF RESPONSE. WHITEHEAD

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Case Number: S1999000030

CONFIDENTIAL

PAGE 01 GENEVA 02668 061356Z
ACTION IO-19

INFO LOG-00 COPY-01 ADS-00 INR-10 SS-00 OIC-02 CIAE-00
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INFO USMISSION USUN NEW YORK

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part X In Full ____
Exemption(s) NR

~~C O N F I D E N T~~ I A L GENEVA 02668

DEPT FOR IO-ASSISTANT SECRETARY KEYES, HA-ASSISTANT SECRETARY SCHIFTER, AND ARA-A/S ABRAMS
ALSO PASS TO NSC-SORZANO

E.O. 12356: DECL: OADR
TAGS: PHUM, UNHRC
SUBJECT: 43RD SESSION OF THE UN HRC: CHILE AND CUBA

1. (C-ENTIRE TEXT).

2. THIS IS HRC-302.

3. MEXICAN REPRESENTATIVE MONTANO APPROACHED AMBASSADOR WALLACH AT THE COMMENCEMENT OF THE FRIDAY HRC SESSION IN AN AGITATED STATE. HE HAD RECEIVED A 2 A.M. PHONE CALL FROM FOREIGN MINISTER SEPULVEDA IN WHICH DEMARCHE FROM AMEMBASSY MEXICO CLAIMED THAT MEXICO WAS OBSTRUCTING RESOLUTION BY REFUSING A REFERENCE TO ASSASSINATION ATTEMPT. THIS IS NOT ACCURATE, AND LAST CABLE FROM AMBASSADOR WILLIAMSON IS AN ACCURATE STATEMENT. MONTANO IS BEING COOPERATIVE AND RECORD SHOULD BE CLEAR IN HIS FOREIGN MINISTRY.

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4. DELEGATION IS HOPEFUL NEXT DEMARCHE WILL ALSO INCLUDE MEXICO'S POSITION ON CUBA RESOLUTION.

FLACK

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CONFIDENTIAL

UNCLASSIFIED

Case Number: S1999000030

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

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PAGE 01 GENEVA 02728 061829Z
ACTION IO-19

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FM USMISSION GENEVA
TO SECSTATE WASHDC IMMEDIATE 6743
INFO USMISSION USUN NEW YORK
AMEMBASSY LIMA

~~C O N F I D E N T I A L~~ GENEVA 02728

DEPARTMENT FOR UNDERSECRETARY ARMACOST, IO - ASSISTANT SECRETARY KEYES, HA - ASSISTANT SECRETARY SCHIFTER, ARA - ASSISTANT SECRETARY ABRAMS

DEPARTMENT ALSO PASS TO NSC - JOSE SORZANO

E.O. 12356: OADR
TAGS: PHUM, UNHRC, CI
SUBJECT: 43RD SESSION OF THE UN HUMAN RIGHTS COMMISSION: CHILE

1. (~~CONFIDENTIAL~~ - ENTIRE TEXT.)

2. THIS IS HRC - 305.

3. LEST THERE BE CONCERN THAT THE CUBA EFFORT HAS SUBSUMED THE CHILE EFFORT, BE REASSURED THAT WE HAVE BEEN EXPENDING SIMULTANEOUS MAJOR EFFORT ON CHILE. THE IMPORTANT ARRIVAL OF AMBASSADOR RICHARD WILLIAMSON HAS ASSISTED IMMEASURABLY IN OUR CAPACITY TO DEAL WITH THIS DIFFICULT QUESTION. HE AND DELEGATION MEMBER ATKINS HAVE BEEN FULLY INVOLVED IN THE NEGOTIATIONS AND MAKE MY ~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 02 GENEVA 02728 061829Z

LIFE EASIER BY REPORTING FULLY AND ACCURATELY FOR CONSULTATION AS WE HAVE MOVED THROUGH EACH PHASE. BECAUSE OF THE OVERLAP IN PRINCIPALS BETWEEN CUBA AND CHILE EFFORTS, COORDINATION HAS BEEN CRITICAL.

4. COMMENT: WHILE I AM ALERT TO THE FACT THAT LINKAGE

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IS AN EPHEMERAL QUALITY, WE ARE VERY SENSITIVE TO EFFECT OF CHILE NEGOTIATIONS UPON OUR NARROW CUBA VOTE. WE RECOGNIZE THE IMPORTANCE OF CHILE EFFORT AND WILL DO NOTHING TO DIMINISH THE NEED TO STATE USG POSITION FORCEFULLY ON THE RECORD. WE HAVE MADE CLEAR OUR CONCERNS AND APPRECIATE FLEXIBILITY THAT HAS BEEN SHOWN. IT NEEDS TO BE REPEATED, HOWEVER, THAT THERE IS LITTLE SYMPATHY ON THE FLOOR FOR CHILE, ESPECIALLY AFTER EMOTIONAL TESTIMONY OF THE YOUNG WOMAN WITH ROJAS, REGARDLESS OF WHAT TRUE FACTS MAY BE. FLACK

~~CONFIDENTIAL~~

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Case Number: S1999000030

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ~~1.5 (B) (D)~~

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PAGE 01 BRUSSE 03250 061535Z
ACTION IO-19

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FM AMEMBASSY BRUSSELS
TO SECSTATE WASHDC IMMEDIATE 9377
INFO USMISSION GENEVA PRIORITY
AMEMBASSY SANTIAGO
USINT HAVANA
EC COLLECTIVE
USMISSION USUN NEW YORK

~~C O N F I D E N T I A L~~ BRUSSELS 03250

E.O. 12356: DECL: OADR
TAGS: UNHRC, PHUM, CU, CI, BE
SUBJECT: UNHRC: CUBA AND CHILE RESOLUTIONS

REF: A) STATE 64120 B) STATE 62569

1. ~~CONFIDENTIAL~~ - ENTIRE TEXT.

2. WE HAVE CONFIRMED WITH THE BELGIANS THAT THEIR SUPPORT FOR THE CUBAN RESOLUTION IS SOLID. IN COMPARING HEADCOUNTS, THE BELGIANS IN THE MINISTRY'S INTERNATIONAL ORGANIZATIONS OFFICE AGREE WITH OUR PROGNOSIS. WE UNDERSTAND THAT THE DECISION ON POSSIBLE BELGIAN CO-SPONSORSHIP IS STILL PENDING, ALTHOUGH OUR CONTACTS WERE NOT OPTIMISTIC THAT BELGIUM WOULD SIGN ON.

3. ON THE CHILE RESOLUTION, THE BELGIANS SEEM TO BE WAITING FOR THE OUTCOME OF WHAT THEY SEE AS AN ~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 02 BRUSSE 03250 061535Z

INEVITABLE COMPROMISE BETWEEN THE US DRAFT AND WHAT THEY CONSIDER TO BE AN UNBALANCED MEXICAN RESOLUTION. ALTHOUGH WE ARE TOLD THEY ARE SUPPORTIVE OF OUR RESOLUTION, THEY SEEM TO BE SIDING WITH THE OTHER EC MEMBERS OF THE UNHRC IN NOT OPPOSING CHANGES WHICH WOULD RESULT IN A

COMPROMISE TEXT. WOODS

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PAGE 01 SANTIA 01617 01 OF 03 061544Z
ACTION L-03

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TO SECSTATE WASHDC 0418
INFO DEPTJUSTICE WASHDC
FBI WASHDC

C O N F I D E N T I A L SECTION 01 OF 03 SANTIAGO 01617

STATE FOR DEPUTY LEGAL ADVISOR KOZAK; FBI FOR PIMENTAL

E.O. 12356: DECL:OADR
TAGS: PREL, PHUM, CI
SUBJECT: PROPOSAL TO BE INCLUDED IN THE INTERROGATION OF FERNANDEZ LARIOS IN THE U.S.

1. CONFIDENTIAL - ENTIRE TEXT.

2. AMBASSADOR RECEIVED MARCH 5 FROM JAIME CASTILLO, THE CHILEAN ATTORNEY FOR THE LETELIER FAMILY, THE FOLLOWING QUESTIONS THE FAMILY WOULD LIKE ANSWERED.
-
SPANISH ORIGINAL IS GIVEN FOLLOWED BY INFORMAL TRANSLATION.
PROPOSICIONES PARA SER INCLUIDAS EN INTERROGATORIO DE FERNANDEZ LARIOS EN U.S.A.

1. DESCRIBA EL MECANISMO DE RELACIONES DENTRO DE LA DINA
- PARA LOS EFECTOS DE LAS ORDENES IMPARTIDAS A LOS
- FUNCIONARIOS. SI NO QUIERE HABLAR EN GENERAL, DIGA
- AL MENOS COMO RECIBIA EL SUS ORDENES O COMO LAS
- RECIBIO EN EL PRESENTE CASO.

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hile Project (#S199900030)
U.S. Department of State
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Declassify: In Part In Full X
Exemption(s)

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PAGE 02 SANTIA 01617 01 OF 03 061544Z

2. DESCRIBA LA RELACION JERARQUICA ESTABLECIDA ENTRE EL
- PODER EJECUTIVO Y LA DINA.

3. ERA POSIBLE QUE LA DINA TOMASE UN DETERMINACION DE
- TRASCENDENCIA POLITICA, COMO EL CONTACTO CON EL
- GENERAL WALTERS O LA ORDEN DE COMETER EL CRIMEN CONTRO

- LETELIER, SIN QUE DIESE CUENTA O LLEGASE A
- CONOCIMIENTO DEL EJECUTIVO?
-
4. QUE RELACION PERSONAL EXISTIA ENTRE PINOCHET Y
- CONTRERAS? ERA INDEPENDIENTE O SE SUBORDINABA A LAS
- ORDENAS DE AQUEL?

5. CUANDO EL RECIBIO LA ORDEN DE VIAJAR A ESTADOS UNIDOS
- PARA ESPIAR A LETELIER, ENTENDIO QUE ERA UNA ORDEN DE
- CONTRERAS? LA ENTENDIO COMO UNA ORDEN DE LA DINA?
- EN CASO NEGATIVO, POR QUE ENTENDIO QUE ERA UNA ORDEN
- QUE LO OBLIGABA? POR QUE PENSO QUE TENIA QUE HACERLO
- QUE SIGNIFICADO LE ATRIBUYO, QUE OBJETIVO PERSEGUIA
- ESA ACCION DE INFORMACION, A SU JUICIO?

6. QUE INSTRUCCIONES CONCRETAS RECIBIO SOBRE SU
- ACTIVIDAD JUNTO A TOWNLEY EN EL PRIMER VIAJE,
- FRUSTRADO EN PARAGUAY?
-
7. DURANTE EL JUICIO EN CHILE, SE DIJO QUE TOWNLEY
- TENIA EN SU CASE UNA VERDADERA FABRICA DE PASAPORTES
- FALSOS, ERA POSIBLE ESTO SIN QUE LO CONOCIERAN LOS
- JEFES DE LA DINA?

8. ERA POSIBLE QUE TOWNLEY VIAJARA FUERA DEL PAIS SIN
- CONOCIMIENTO O AUTORIZACION DE LA DINA?

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PAGE 03 SANTIA 01617 01 OF 03 061544Z

9. COMO ERA CONOCIDO TOWNLEY DENTRO DE LA DINA? ES
- POSIBLE QUE CONTRERAS Y ESPINOZA NO CONOCIERAN SU
- VERDADERO NOMBRE?
-

10. DESCRIBA DETALLADAMENTE SUS RELACIONES CON LILIANA
- WALKER. SABE DE ALGUIEN EN LA DINA QUE LA
- CONOCIERA? QUE CALIDAD TENIA DENTRO DE LA
- INSTITUCION? HABLO CON ELLA SOBRE ASUNTOS DE LA
- DINA Y SUS ACTIVIDADES DURANTE EL VIAJE? PUEDE DAR
- UN RETRATO HABLADO DE ELLA? PUEDE REPETIR FRASES
- DICHAS POR ELLA DURANTE EL VIAJE? SUS COMENTARIOS
- SOBRE TOWNLEY Y SU ENCUENTRO EN KENNEDY? QUE PAPEL
- JUGO LILIANA MIENTRAS EL REALIZABA SU LABOR DE
- INFORMACION? ELLA LO ACOMPANO? COMENTARON ALGO
- SOBRE LA MISION EN CODELCO? ESTA MISION FUE
- EFECTIVA? EN TAL CASO, QUE LE DIJO ELLA A SU
- RESPECTO? A QUIEN DEBIA ELLA ENTREGAR SU INFORME?
- SI NO LO SABE, QUE SERIA LO LOGICO A ESTE RESPECTO?

- ERA ESPINOZA EL RESPONSABLE DE ESA MISION? PODIA
- ESPINOZA ACTUAR SIN CONOCIMIENTO DE CONTRERAS?
-
11. HABLO CON SU ABOGADO SOBRE LA POSIBILIDAD DE LLAMAR
- A LILIANA A TESTIMONIAR EN SU FAVOR? POR QUE NO LO
- HIZO? QUE OYO POSTERIORMENTE SOBRE LILIANA?

12. RELATE DETALLADAMENTE LAS CONVERSACIONES QUE SE
- ORGANIZARON DENTRO DE LA DINA INMEDIATAMENTE
- DESPUES DEL ASESINATO? HUBO UN CHEQUEO SOBRE LAS
- ACTIVIDADES DE LOS AGENTES? FUE LLAMADO EL A
- CONVERSAR CON LOS JEFES? ESTABA TOWNLEY? DE QUE

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PAGE 01 SANTIA 01617 02 OF 03 061545Z
ACTION L-03

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TO SECSTATE WASHDC 0419
INFO DEPTJUSTICE WASHDC
FBI WASHDC

~~C O N F I D E N~~ T I A L SECTION 02 OF 03 SANTIAGO 01617

STATE FOR DEPUTY LEGAL ADVISOR KOZAK; FBI FOR PIMENTAL

E.O. 12356: DECL:OADR
TAGS: PREL, PHUM, CI
SUBJECT: PROPOSAL TO BE INCLUDED IN THE INTERROGATION

- MANERA SE COMENTABA EL ASUNTO ENTRE LOS FUNCIONARIOS?
- HUBO ALGUN SUMARIO INTERNO EN EL CUAL EL HAYA DEBIDO
- COMPARECER?
-
13. DESCRIBA MINUCIOSAMENTE SUS CONVERSACIONES CON EL
- GENERAL OROZCO INCLUSO DESDE EL PUNTO DE VISTA
- PSICOLOGICO.

14. RELATE DETALLADAMENTE SUS ACTUACIONES DESTINADAS A
- OBTENER AUTORIZACION PARA DECIR LA VERDAD.

15. LA PRENSA CHILENA HA DICHO QUE UD. AFIRMO QUE
- PINOCHET NO SUPO NADA ACERCA DE LA ORDEN DEL ASESINAT

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n/a

- ES ESO VERDAD? EN CASO DE SERLO, DIGA EN QUE SE
- FUNDA PARA DECIR QUE ASI ES. TENIA FERNANDEZ LARIOS
- UNA POSICION COMO PARA SABER LO QUE OCURRIA EN LAS
- ESFERAS DEL PRESIDENTE Y DEL ALTO MANDO DE LA DINA?
-

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PAGE 02 SANTIA 01617 02 OF 03 061545Z

-
INFORMAL TRANSLATION:
-
1. DESCRIBE THE RELATIONSHIP MECHANISMS WITHIN THE DINA ON THE EFFECTS OF THE ORDERS IMPARTED TO THE PUBLIC OFFICIALS. IF YOU DO NOT WANT TO TALK IN GENERAL, TELL AT LEAST HOW YOU WERE RECEIVING YOUR ORDERS OR HOW YOU DID RECEIVE THEM IN THE PRESENT CASE.
-
2. DESCRIBE THE HIRARCHIAL RELATIONSHIP ESTABLISHED BETWEEN THE EXECUTIVE POWER AND THE DINA.
-
3. WAS IT POSSIBLE THAT THE DINA MADE A DECISION OF A POLITICAL NATURE, LIKE THE CONTACT WITH GENERAL WALTER OR THE ORDER OF COMMITTING A CRIME AGAINST LETELIER, WITHOUT REALIZING IT OR WITHOUT THE KNOWLEDGE OF THE EXECUTIVE POWER?
-
4. WHAT PERSONAL RELATIONSHIP EXISTED BETWEEN PINOCHET AND CONTRERAS? WAS HE (CONTRERAS) INDEPENDENT OR SUBORDINATE TO HIS ORDERS?
-
5. WHEN DID YOU RECEIVE THE ORDER TO TRAVEL TO THE U.S. TO SPY ON LETELIER? DID YOU UNDERSTAND THAT IT WAS AN ORDER FRON CONTRERAS? DID YOU UNDERSTAND IT AS AN ORDER FROM THE DINA? IF NOT,WHY DID YOU UNDERSTAND THAT IT WAS AN ORDER THAT OBLIGATED YOU? WHEN DID YOB THINK THAT YOU HAD TO OBEY IT?WHAT MEANING DID YOU ATTRIBUTE TO IT? WHAT OBJECTIVE DID THIS ACTION CARRY OUT, IN YOUR JUDGMENT?
-
-
6. WHAT CONCRETE INSTRUCTIONS DID YOU RECEIVE, TOGETHER
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PAGE 03 SANTIA 01617 02 OF 03 061545Z

WITH TOWNLEY, IN THIS FIRST TRIP, FAILING IN PARAGUAY?
-

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n/a

7. DURING THE TRIAL IN CHILE, IT WAS SAID THAT TOWNLEY HAD A FACTORY OF FALSE PASSPORTS GOING ON IN HIS HOUSE. WAS THIS POSSIBLE WITHOUT THE CHIEFS OF THE DINA KNOWING
-
8. WAS IT POSSIBLE THAT TOWNLEY TRAVELED OUTSIDE THE COUNTRY WITHOUT KNOWLEDGE OR AUTHORIZATION OF THE DINA?
-
9. HOW WAS TOWNLEY REGARDED WITHIN THE DINA? IS IT POSSIBLE THAT CONTRERAS AND ESPINOZA DID NOT KNOW HIS REAL NAME?
-
10. DESCRIBE IN DETAIL YOUR RELATIONSHIP WITH LILIANA WALKER. DO YOU KNOW OF ANYONE IN THE DINA THAT KNEW HER WHAT POSITION DID SHE HAVE WITHIN THE INSTITUTION?DID YO SPEAK WITH HER ABOUT THE MATTERS OF THE DINA AND HER ACTIVITIES DURING THE TRIP? CAN YOU GIVE A VERBAL DESCRIPTION OF HER? CAN YOU REPEAT SENTENCES SHE SAID DURING THE TRIP? HER COMMENTARIES ABOUT TOWNLEY AND HER MEETING IN KENNEDY? WHAT ROLE DID LILIANA PLAY DURING HIS CARRYING OUT DURING HIS INFORMATION WORK? DID SHE ACCOMPANY HIM? DID THEY COMMENT ON ANYTHING ABOUT THE CODELCO MISSION? WAS THIS MISSION EFFECTIVE? IN THIS CASE, WHAT DID YOU SAY TO HER IN THIS RESPECT? TO WHOM SHOULD SHE HAVE DELIVERED HER REPORT?
-
-
11. DID YOU SPEAK WITH YOUR LAWYER ABOUT THE POSSIBILITY OF CALLING LILIANA TO TESTIFY ON YOUR BEHALF? WHY DIDN'T YOU DO IT? WHAT DID YOU HEAR SUBSEQUENTLY ABOUT LILIANA?

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PAGE 01 SANTIA 01617 03 OF 03 061545Z
ACTION L-03

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INFO DEPTJUSTICE WASHDC
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~~C O N F I D E N T~~ I A L SECTION 03 OF 03 SANTIAGO 01617

STATE FOR DEPUTY LEGAL ADVISOR KOZAK; FBI FOR PIMENTAL

E.O. 12356: DECL:OADR
TAGS: PREL, PHUM, CI
SUBJECT: PROPOSAL TO BE INCLUDED IN THE INTERROGATION

-
12. RELATE IN DETAIL THE CONVERSATIONS THAT WERE ORGANIZED WITHIN THE DINA IMMEDIATELY AFTER THE ASSASSINATION. WAS THERE A CHECK ON THE ACTIVITIES OF THE AGENTS? WERE YOU CALLED TO SPEAK WITH THE CHIEFS? WAS TOWNLEY THERE? HOW WAS THE AFFAIR RELATED AMONG THE PUBLIC OFFICIALS? WAS THERE ANY INTERNAL SUMMARY IN WHICH YOU SHOULD HAVE APPEARED?
-
13. DESCRIBE IN MINUTE DETAIL THE CONVERSATIONS THE GENERAL OROZCO, INCLUDING FROM THE PSYCHOLOGICAL POINT OF VIEW.
-
14. RELATE IN DETAIL HIS DESIGNATED PROCEEDINGS TO OBTAIN AUTHORIZATION TO TELL THE TRUTH.
-
15. THE CHILEAN PRESS HAS SAID THAT YOU CONFIRMED THAT PINOCHET DID NOT KNOW ANYTHING ABOUT THE ASSASSINATION CONFIDENTIAL

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PAGE 02 SANTIA 01617 03 OF 03 061545Z

ORDER. IS THIS TRUE? IN THE EVENT THAT IT IS, TELL ON WHAT GROUNDS IT IS SO. WAS FERNANDO LARIOS IN A POSITION TO KNOW WHAT OCCURRED IN THE RANKS OF THE HIGH COMMAND OF THE DINA? BARNES

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Chile Project (#S19990003)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____

Text of US Resolution
Question of Human Rights in Chile

The Commission on Human Rights

Aware of its responsibility to promote and encourage respect for human rights and fundamental freedoms and resolved to remain vigilant with regard to violations of human rights wherever they occur;

Noting the obligation of the Government of Chile to respect and protect human rights in accordance with the international instruments to which Chile is a party, an obligation which is not different from that of any other government which is a party to international human rights instruments;

Recalling its successive resolutions on the situation of human rights in Chile and in particular its resolution 11 [XXXV] of 6 March 1979, by which it appointed a Special Rapporteur on the situation of those rights, and its resolution of 1986/63 of 14 March 1986, in which it agreed most recently to extend for a year the mandate of the Special Rapporteur, and, in view of the violations of human rights in Chile, to give high priority to the study of this issue;

Also recalling General Assembly resolution 41/161 of 4 December 1986, in which the Assembly invited the Commission on Human Rights to consider the report of the Special Rapporteur, and to take the most appropriate steps for the improvement of human rights and the effective restoration of fundamental freedoms in that country, including the maintenance of the Special Rapporteur;

Considering that the Special Rapporteur submitted to the forty-first session of the General Assembly a preliminary report on the situation of human rights in Chile and has delivered to the Commission on Human Rights in its 43rd session another report, which indicate the persistence of violations of human rights in that country;

Having examined the Special Rapporteur's reports:

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1. Commends the Special Rapporteur for his reports on the situation of human rights in Chile and welcomes the fact that the Government of Chile has maintained its cooperation with the Special Rapporteur and responded at length to the Special Rapporteur's report of February 1986;

2. Recognizes as positive that the Government of Chile has authorized a visit to the country in March 1987 by the Special Rapporteur;

3. Expresses dismay over continued, violent terrorist actions in Chile which have helped create an environment which [illegible] the return to democracy, noting in particular the assassination attempt against the Chilean President and the introduc[illegible]

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PAGE 01 SANTIA 01640 01 OF 02 062203Z
ACTION HA-09

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TO SECSTATE WASHDC PRIORITY 0447

C O N F I D E N T I A L SECTION 01 OF 02 SANTIAGO 01640

HA FOR ASSISTANT SECRETARY SCHIFTER

Chile Project (#S199900030)
U.S. Department of State
Release_____ Excise X Deny_____
Declassify: In Part X In Full_____
Exemption(s) B1

E.O. 12356: DECL: OADR
TAGS: PHUM, CI
SUBJECT: TORTURE CHARGES BY DETAINEES IN ARMS DISCOVERIES AND ASSASSINATION ATTEMPT

REF: (A) SCHIFTER/JONES TELCON 3/5/87

1. CONFIDENTIAL - ENTIRE TEXT.

2. SUMMARY: TORTURE CHARGES RELATING TO THOSE DETAINED IN THE ARMS DISCOVERIES AND THE ASSASSINATION ATTEMPT SURFACED FROM THE VERY BEGINNING OF THESE DETENTIONS. THEY ARE BEING INVESTIGATED BY THE CIVILIAN COURTS, WITH SOME PROOF THAT A FEW OF THE DETAINEES WERE AT LEAST PHYSICALLY MISTREATED. WE CANNOT CONFIRM OR DENY THESE STORIES, BUT NOTE THAT THEY ARE COMMONLY HELD TO BE TRUE BY THE POLITICAL OPPOSITION. END SUMMARY.

3. CHARGES OF TORTURE ARE COMMONLY HEARD IN CHILE, AND THE DETENTION A NUMBER OF PEOPLE FOR INVOLVEMENT IN THE ARMS DISCOVERIES AND THE ASSASSINATION ATTEMPT AGAINST PINOCHET HAS STIRRED UP THESE STORIES ONCE AGAIN. THERE ARE

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PAGE 02 SANTIA 01640 01 OF 02 062203Z

SOMEWHERE BETWEEN 25 AND 30 PEOPLE BEING DETAINED FOR THE ARMS DISCOVERIES, AND APPROXIMATELY 15 TO 20 FOR THE ASSASSINATION ATTEMPT. THE EXACT NUMBER IS NOT CLEAR AS PEOPLE HAVE BEEN DETAINED, RELEASED, AND SOMETIMES DETAINED AGAIN. THE COMMON CHARGE IS THAT THESE

DETAINEES HAVE BEEN SUBJECTED TO BEATINGS, ELECTRICAL SHOCK, RAPE, SUBMERSION IN WATER, VIOLATION BY ANIMALS, PSYCHOLOGICAL TORTURE, AND OTHER METHODS OF INTIMIDATION AND PHYSICAL VIOLENCE. IN SOME INSTANCES THE VICTIMS HAVE MADE FORMAL STATEMENTS TO THE COURTS ON THIS, SUCH AS THE CASE REPORTED IN SANTIAGO 576. IN TWO INSTANCES DOCTORS FROM THE OFFICIAL LEGAL MEDICAL INSTITUTE REPORTED TO THE GOVERNMENT THE RESULTS OF MEDICAL EXAMINATIONS IN WHICH THEY FOUND SIGNS OF DETAINEES BEING MISTREATED (SANTIAGO 469). BASED ON THIS INFORMATION, WE BELIEVE THAT SOME DETAINEES HAVE MOST LIKELY BEEN PHYSICALLY AND PSYCHOLOGICALLY MISTREATED, BUT WE CANNOT CONFIRM THE SPECIFICS AS TO HOW THIS WAS DONE.

4. A MAJOR PROBLEM IS DISCUSSING THE TREATMENT OF THESE DETAINEES IS THE EXTREMELY LONG PERIODS OF TIME THEY ARE HELD INCOMMUNICADO BY THE MILITARY PROSECUTOR.

WHEN A CIVILIAN COURT HAS JURISDICTION, CHARGES OF TORTURE DO NOT GENERALLY

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PAGE 03 SANTIA 01640 01 OF 02 062203Z

APPEAR AS THE DETAINEES ARE SELDOM AGAIN HELD INCOMMUNICADO. THE MILITARY COURTS, HOWEVER, MAKE LIBERAL USE OF THIS PRACTICE, AND IT IS DURING THESE PERIODS OF PROLONGED INCOMMUNICATION THAT THE ACTS OF TORTURE ARE SAID TO OCCUR. THIS "LAPSE" HAS BEEN NOTED TO THE GOC, BUT WE ARE AWARE OF NO EFFORTS BEING MADE TO CLOSE THIS GAP.

5. THE GOC CHARGES THAT ALLEGATIONS OF TORTURE ARE PART OF A COMMUNIST CAMPAIGN TO DISCREDIT THE CHILEAN GOVERNMENT. THIS CHARGE IS GIVEN SOME CREDIBILITY BY THE SIMILARITY OF THE TORTURE STORIES, AND BY INTERNATIONAL PUBLICITY GIVEN TO STORIES PROVIDED BY EXTREME LEFT GROUPS SUCH AS THE MANUEL RODRIGUEZ PATRIOTIC FRONT. INFORMATION ON SPECIFIC TORTURE PRACTICES AND ON HOW THE DETAINEES HAVE BEEN TREATED IS PROVIDED BY THE DETAINEES, EITHER IN PERSONAL INTERVIEWS

WITH THE PRESS, OR THROUGH THEIR LAWYERS, FAMILIES AND FRIENDS. EXCEPT FOR WHEN THEY ARE HELD INCOMMUNICADO, WHICH COMES AND GOES AS THE MILITARY PROSECUTOR DICTATES, THE DETAINEES HAVE THE RIGHT TO REGULAR VISITS BY ANYONE WISHING TO SEE THEM, AS WELL AS THE ICRC. DURING THESE VISITS THEY CAN GIVE WHATEVER INFORMATION THEY MIGHT WISH TO THEIR VISITORS, INCLUDING INTERVIEWS OR STATEMENTS FOR TRANSMISSION TO OTHERS.

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PAGE 01 SANTIA 01640 02 OF 02 062203Z
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~~C O N F I D E N T I A L~~ SECTION 02 OF 02 SANTIAGO 01640

HA FOR ASSISTANT SECRETARY SCHIFTER

E.O. 12356: DECL: OADR
TAGS: PHUM, CI
SUBJECT: TORTURE CHARGES BY DETAINEES IN ARMS

6. CHARGES OF TORTURE CAN BE, AND ARE INVESTIGATED IN CHILE, NOT TO THE EXTENT WHICH WE MIGHT THINK NECESSARY, BUT AT LEAST THEY ARE NOT COMPLETELY COVERED UP. AT PRESENT A PUBLIC PROSECUTOR FROM THE SANTIAGO COURT OF APPEALS IS INVESTIGATING THE CHARGES OF TORTURE MADE BY THESE DETAINEES, AT THE ORDER OF A SUPREME COURT JUDGE. THIS FOLLOWED PETITIONS BY LAWYERS OF THE DETAINEES AND THE DENUNCIATION MADE IN JANUARY BY A PUBLIC PROSECUTOR THAT SHE HAD PERSONALLY FOUND SOME DETAINEES WITH SIGNS OF TORTURE. THIS INVESTIGATION IS BEING GIVEN PRESS COVERAGE, AND INVOLVES 25 OF THOSE DETAINED IN THE ARMS DISCOVERIES AND 19 OF THOSE INVOLVED IN THE ASSASSINATION ATTEMPT. WHERE THIS INVESTIGATION WILL COME OUT IS NOT CLEAR, BUT THE PUBLICITY ALONE MAY LEAD TO IMPROVEMENTS IN THE TREATMENT OF THE DETAINEES.

7. WE NOTE THAT ONE COMMON STORY HAS BEEN THAT ANIMALS HAVE BEEN USED IN VARIOUS WAYS TO INTIMIDATE THE DETAINEES. STORIES ON THE USE OF ANIMALS IS ~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 02 SANTIA 01640 02 OF 02 062203Z

NOT NEW, AS MANY VICTIMS OF TORTURE IN THE 1973-75 ERA REPORTED ON HOW THEY WERE ASSAULTED BY ANIMALS DURING INTERROGATION SESSIONS. WHETHER THESE STORIES ARE TRUE OR NOT WE CANNOT SAY, BUT WE ARE FAIRLY CERTAIN THAT THE CNI, FOR EXAMPLE, IS PERHAPS PROPAGATING SUCH STORIES AS PART OF ITS OWN EFFORTS TO INSTILL A CERTAIN DEGREE OF TERROR IN THOSE IT DETAINS, OR MIGHT DETAIN. WE HAVE REPORTED BY SEPTEL THE TREATMENT OF A YOUNG GIRL, CLAUDIO DRAGO CAMUS, WHO WAS DETAINED FOR 3 DAYS LAST WEEK BY THE CNI. ACCORDING TO HER, SHE WAS THREATENED, WHILE BLINDFOLDED, BY HER INTERROGATORS WITH VIOLATION BY A DOG. WHILE NO SUCH ATTACK ACTUALLY TOOK PLACE, SHE WAS SPECIFICALLY TOLD THAT IT WAS GOING TO HAPPEN. THE CNI MADE NO EFFORT LATER TO KEEP THE GIRL FROM TELLING HER STORY, ALTHOUGH THE PRESS DID NOT REPORT IT, WHICH COULD INDICATE THAT THE CNI DOES NOT CARE IF SUCH STORIES ARE SPREAD VERBALLY OR IN THE OPPOSITION NEWS MAGAZINES, AS SUCH STORIES HELP TERRORISE THOSE WHO MIGHT FEAR BEING DETAINED BY THE AUTHORITIES. AT THE SAME TIME, SUCH STORIES CAN BE DENIED BY THE GOVERNMENT AS COMMUNIST PROPAGANDA TACTICS.

8. IN SUM, WE HAVE HEARD THE STORIES OF HOW THE DETAINEES HAVE BEEN TORTURED AND MISTREATED. WE BELIEVE THAT SUCH STORIES HAVE A BASIS IN FACT, AS WITNESS BY THE MEDICAL EXAMS GIVEN BY DOCTORS TIED TO THE GOVERNMENT AND THE CHARGE MADE BY THE PUBLIC PROSECUTOR.

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 SANTIA 01640 02 OF 02 062203Z

THEREFORE, WE

CANNOT CONFIRM THAT THE USE OF TORTURE AGAINST THOSE *DETAINED IN THE ARMS DISCOVERIES AND THE ASSASSINATION* ATTEMPT IS TRUE. NOR CAN WE CONFIRM THE SPECIFICS AS TO HOW THEY MIGHT HAVE BEEN TORTURED. THE IMPORTANT THING, PERHAPS, IS THAT FOR THOSE IN THE POLITICAL OPPOSITION SUCH STORIES ARE GENERALLY ACCEPTED AS FACT, AND THEY, IN TURN, HELP SPREAD THE STORIES ON A WORLD-WIDE BASIS.

9. WE WILL CONTINUE TO MONITOR THE SITUATION TO *SEE IF WE CAN OBTAIN ANY PROOF THAT THESE STORIES* ARE EITHER TRUE OR FALSE. BARNES

CONFIDENTIAL

NNNN

Chile Project (FOIA1999-00030)
U.S. Department of State
Release_____ Excise_X_ Deny_____
Declassify: In Part_____ In Full_____
Exemption(s) B6

3-6-87

United States Department of State

Washington, D.C. 20520

NH086

EXCISE

Dear Senator Boschwitz:

We have received your letter of February 23, 1987 concerning the human rights situation in Chile. Your letter was on behalf of your constituent [redacted] a member of Amnesty International.

The US has a clear and strong policy toward Chile of encouraging a peaceful democratic transition and increased respect for human rights in that nation. All of our actions are directed toward these goals. The recommendations made by Amnesty International are congruent in many ways with those made by the US in both public and private comments about human rights in Chile. It may be that we differ from time to time on individual decisions taken to advance these objectives. This should not overshadow, however, the fact that we are in full agreement on the fundamentals. Our latest human rights report (enclosed) addresses Mr. Bialek's concerns in some depth.

As you know, there are many human rights problems in Chile. We are working to encourage progress across the board. Recent months have seen encouraging efforts by the Chilean government to address some longstanding problems, such as political exile. Since December the government has reduced the list of those Chileans banned from returning to their country from 3,500 to less than 2,000. Government security forces have recently agreed with the International Committee of the Red Cross to allow visits by independent ICRC doctors to most prisoners. This could help provide a means for addressing the serious problem of torture.

Other steps have been taken, such as authorizing publication of an opposition newspaper, to begin shortly. On the transition to democracy, the government has begun to reestablish voter registries and has published the text of a law to go into effect early this year which would permit political parties to gain legal recognition. While Chile's 1980 constitution calls for a single-candidate presidential

The Honorable
Rudy Boschwitz,
United States Senate.

plebiscite in 1989, rather than free elections, these measures will help ensure broad discussion of prospects for amending that constitution to permit free elections in 1989, as most opposition groups and many government supporters have advocated. The relaxation of constraints on press freedom has allowed an open discussion within Chile of the issues raised by Major Fernandez' decision to cooperate with U.S. law enforcement officials in the Letelier/Moffitt case, including publication of Major Fernandez' complete proffer of evidence.

We do not wish to exaggerate the relative impact of these changes on the overall human rights situation in Chile, or on prospects for a successful democratic transition. Serious problems have continued, such as torture by security forces and violent activities of right-wing groups that may have direct links to government security agencies. There has not, however, been any retreat from our vocal support for democracy and human rights in Chile. Along these lines, the Administration has proposed a resolution on Chile this year in the United Nations Human Rights Commission, just as we did last March in Geneva. We hope that once again we can win consensus for passage of a balanced and objective resolution. This may not be easy, given the posturing that characterizes the actions of many other countries in treating human rights issues in international fora. But we hope that we will be successful, and will in any event continue to strive to implement a clear, consistent and effective policy toward Chile.

If we can be of any further assistance to your office in this matter please do not hesitate to contact us.

With best wishes,

Sincerely,

J. Edward Fox
Assistant Secretary
Legislative and Intergovernmental Affairs

Enclosure:
1. Correspondence returned.
2. State Department 1986 Chile Human Rights Report.

Draft:ARA/SC:LKusnitz
03/06/87:647-2296
1637S
ARA#87-0499 , FAIM# 0202060

Clearances:ARA/SC:DWCox
ARA:
H:
HA:KBarmon (subs

Case Number: S1999000030

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____

IV056

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PAGE 01 STATE 065381
ORIGIN HA-09

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DRAFTED BY: HA:KBARMON:CBP
APPROVED BY: HA:RSCHIFTER
ARA/SC:LKUSNITZ

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FM SECSTATE WASHDC
TO AMEMBASSY SANTIAGO IMMEDIATE

UNCLAS STATE 065381

E.O. 12356: N/A
TAGS: PHUM, CI
SUBJECT: TORTURE CASES REPORTED BY AMERICAS WATCH

REF: TELCON SCHIFTER-JONES, MARCH 4

1. THE FOLLOWING IS THE TEXT OF THE CABLE SENT BY CYNTHIA BROWN OF AMERICAS WATCH TO AMBASSADOR SCHIFTER.

2. BEGIN TEXT:

SERGIO BUSCHMANN, ACTOR: ARRESTED AUGUST 12, 1986, ACCUSED IN ARMS-CACHES CASE, INCOMMUNICADO 20 DAYS, TORTURED 16-17 DAYS, INCLUDING: ELECTRICITY TO GENITALS, BEATINGS WHILE SUSPENDED TILL EARS AND NOSE BLED, RAT FORCED INTO MOUTH, FEMALE COMPANION TORTURED IN PRESENCE, BLINDFOLDED CONTINUOUSLY UNTIL BROUGHT TO PROSECUTOR'S OFFICE. SUFFERS PARTIAL DEAFNESS, PARTIAL AMNESIA.

JOSE ABELARDO MOYA, SMALL BUSINESSMAN: ARRESTED AUGUST 19, 1986 ARMS-CACHE CASE, INCOMMUNICADO 6 DAYS, HOSPITALIZED 6 DAYS. TORTURE INCLUDED: ELECTRICITY TO
UNCLASSIFIED

UNCLASSIFIED

PAGE 02 STATE 065381

NOSE, MOUTH, GENITALS; "TELEPHONE"; "SUBMARINE;" SON BEATEN IN PRESENCE, THREATS AGAINST OTHER CHILDREN. BLED PROFUSELY GENITAL REGION, SO PROSECUTOR HOSPITALIZED HIM.

ALFREDO BRUNO MALBRICH BALTRA, COMPUTER PROGRAMMER:

ARRESTED AUGUST 8, 1986, ARMS-CACHE CASE. TORTURE: ELECTRICITY, "TELEPHONE", BEATINGS. MOCK EXECUTION, HEARD SCREAMS OF BUSCHMANN TORTURED, VIDEOTAPED AFTER TORTURE AND TOLD WHAT TO SAY. SUFFERED WOUNDS ALL OVER BODY, UNCONTROLLABLE SPASMS.

ALEJANDRO PINO, MANUEL UBILLA, DOCTORS: ARRESTED DECEMBER 16 AND 17, 1986 ALLEGED CLANDESTINE CLINIC. PINO INCOMMUNICADO TILL JANUARY 23; UBILLA LONGER, INCLUDING THREE DAYS IN COMA. EARLY JANUARY APPEALS COURT JUDGE CONFIRMED TORTURE OF BOTH FROM SCARS, SWELLING/INFLAMATION, INTERVIEWS.

NOTE: MILITARY PROSECUTOR HANDLING THESE CABLES IS PLACING DETAINEES IN REPEATED INCOMMUNICADO DETENTION, HABITUAL TORTURE REPORTED. WORST TORTURES SINCE 1973-76. CIVILIAN COURTS HAVE PROTESTED CALL BACK OF COOPERATION ON ACCESS. DETAINEES INCLUDE WOMEN. ALSO TESTIFY ROLE OF DOCTORS AS ADVISORS TO TORTURERS, USE OF CNI LACK OF COOPERATION ON ACCESS. DETAINEES INCLUDE WOMEN. ALSO TESTIFY ROLE OF DOCTORS AS ADVISORS TO TORTURERS, USE OF DRUGS TO DISORIENT AND NAUSEATE. MORE DETAILED INFORMATION AVAILABLE ON REQUEST TO AMERICAS WATCH.

END TEXT.

UNCLASSIFIED

UNCLASSIFIED

PAGE 03 STATE 065381

3. FOR ACTION: AS DISCUSSED BETWEEN DCM JONES AND A/S SCHIFTER, WE ARE INTERESTED IN EMBASSY'S COMMENTS ON THE FOREGOING.
WHITEHEAD

UNCLASSIFIED

NNNN

MORI DocID: 756982

UNCLASSIFIED

Departmen

PAGE 01 STATE 065393
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DRAFTED BY: ARA/CEN: WSCHOFIELD
APPROVED BY: INR: MABRAMOWITZ
ARA/CEN: RMELTON
ARA: WWALKER
CIA:
INM: AWROBLESKI

ARA/NCC
ARA: RK/
ARA: EAE
L/ARA: F

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S E C R E T STATE 065393

EO 12958 1.6(d)(1)>10<25Yrs (C)

E.O. 12356: DECL: OADR
TAGS: PREL, SNAR, CR
SUBJECT: INVOLVEMEN IN DRUG TRAFFICKING BY

1. SECRE ENTIRE TEXT.

2. SECTION 204 (B) OF THE MILITARY CORSTRUCTION APPROPROATIONS ACT OF FY-87 WHICH AUTHORIZES AID TO THE NICARAGUAN RESISTANCE FORBIDS THE PROVISION OF ANY AID TO AN ORGANIZATION WHICH RETAINS IN ITS RANKS ANY INDIVIDUAL WHO HAS BEEN FOUND TO ENGAGE IN DRUG SMUGGLING. THERE HAVE BEEN REPORTS DATING TO 1984 THAT ADOLFO "POPO" CHAMORRO HAS BEE CONNECTED WITH THE DRUG TRADE.

3. AFTER BECOMING AWARE THAT CHAMORRO HAD AFFILIATLD WIT THE SOUTHER OPPOSITION BLOC (BOS), THE CIA MET WITH BOS LEADER ALFREDO CESAR AND INFORMED HIM THAT IT COULD NOT FINANCE ANY OF CHAMORRO'S (SIC: NOT BOS) ACTIV T ES BECAUSE O THESE ALLEGATIONS. LATER,

EO 12958 1.6(d)(1)>10<25Yrs (C)

4. GIVEN THE ABOVE, EMBASSY IS REQUESTED TO MEE IMMEDIATELY WITH ALFREDO CESAR AND INFORM HIM THAT UNLESS BOS SEVERS ALL TIES WITH CHAMORRO IMMEDIATELY THE U.S. WILL CUT OFF FUNDING TO BOS (RPT BOS) AS REQUIRED BY LEGISLATION. RECEIVL PARALLEL INSTRUCTIONS ON THIS ISSUE.

EO 12958 1.6(d)(1)>10<25Yrs (C)

5. EMBASSY SHOULD REPORT RESULTS OF MEETING WITH CESAR.

6. FYI: WE HAVE OPENED REGULAR CHANNEL OF COMMUNICATIO WITH DEA ON QUESTION OF RESISTANCE INVOLVEMENT IN DRUG TRAFFICKING. INFORMATION ON TIS ISSUE WILL BE PASSED BETWEEN STATE AND DEA ON A REGULAR BASIS. WHITEHEAD

DO 119659

UNCLASSIFIED

(1617)

H CIA

MHA — A SERIOUS EXAMPLE, NOW RESOLVED, OF CIA [illegible] CIA CUTTING LEGAL CORNERS ON CONTRAS.

WRW 3/6

Original TMH 216577

LEGISLATION TOTAL PROHIBITS CUTOFF ORGANIZATION THAT RETAINS DRUG DEALER

4 8

CATF

Case Number: S1999000030

IV055

Chile Project (#S199900030)
U.S. Department of State
Release X Excise Deny
Declassify: In Part In Full
Exemption(s)

UNCLASSIFIED

PAGE 01 SANTIA 01648 091425Z
ACTION ARA-00

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FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 0453
INFO AMEMBASSY SAN JOSE
USMISSION GENEVA

UNCLAS SANTIAGO 01648

C O R R E C T E D C O P Y (TEXT)

E.O. 12356: N/A
TAGS: PHUM, CI
SUBJ: VOLIO DISCUSSES PRELIMINARY PLANS FOR MARCH 21-30 TRIP

1. THE MARCH 5 EDITION OF SANTIAGO DAILY "EL MERCURIO" RAN AN ARTICLE ON SPECIAL RAPPORTEUR FERNANDO VOLIO'S TRAVEL PLANS IN CHILE WHICH THE NEWSPAPER HAD OBTAINED BY TELEPHONE FROM VOLIO IN GENEVA. VOLIO CONFIRMED THAT HE WOULD ARRIVE ON MARCH 21 WITH DEPARTURE ON MARCH 30 WITH PROJECTED VISITS TO FOUR UNNAMED CITIES OUTSIDE OF SANTIAGO. TYPICALLY, HE SAID, HE WOULD CALL ON GOVERNMENT OFFICIALS AND OTHER AUTHORITIES DURING THE MORNING HOURS, HOLDING HIS AFTERNOONS OPEN FOR THE GENERAL PUBLIC. THESE ENCOUNTERS WILL TAKE PLACE AT ECLAC, WHERE ARRANGEMENTS HAVE BEEN MADE FOR OFFICE SPACE.

2. VOLIO TOLD "EL MERCURIO" THAT HE WOULD MEET WITH THE PRESIDENT OF THE SUPREME COURT AND WITH RELEVANT SPECIAL INVESTIGATING JUDGES AND MILITARY PROSECUTORS IN ORDER TO FURTHER ACQUAINT HIMSELF WITH THE CHILEAN JUDICIAL
UNCLASSIFIED

UNCLASSIFIED

PAGE 02 SANTIA 01648 091425Z

SYSTEM. HE MENTIONED THAT SEVERAL UNIVERSITY RECTORS HAD ASKED TO MEET WITH HIM AND HE HAD AGREED SINCE HE PLANNED TO MEET WITH STUDENT ORGANIZATIONS. WHILE EMPHASIZING THAT HIS WORK COVERED A VAST AREA AND THAT HE HAD LIMITED TIME AND RESOURCES, HE NOTED THAT CERTAIN POINTS REQUIRED MORE ATTENTION THAN OTHERS. HE MENTIONED THE OPERATION

OF "PRIVATE GROUPS" (READ VIGILANTE ORGANIZATIONS) THAT SERVE AS "BARRIERS BETWEEN DIVERSE SECTORS OF SOCIETY". HE ADDED THAT HE WOULD ALSO BE LOOKING INTO TERRORISM AND ITS REPERCUSSIONS. "I WANT TO KNOW" HE SAID "ABOUT THE DEVELOPMENT OF THE NEW ELECTORAL LAWS, THE PROBLEMS OF THE 'DISAPPEARED', AS WELL AS THE PRESENCE OF LIBERTIES THAT ARE ESSENTIAL FOR ELECTORAL FREEDOM."

3. VOLIO WAS ASKED IF HE HAD DETECTED ANY IMPROVEMENTS DURING THE PAST YEAR. HE ANSWERED IN THE AFFIRMATIVE AN SAID THAT THE POSITIVE STEPS HAD BEEN DULY NOTED IN HIS REPORT. HE ADDED THAT THERE WAS STILL A GREAT DEAL TO ACCOMPLISH IN CHILE, OPINING THAT ONGOING HUMAN RIGHTS ABUSES CREATE TENSIONS THAT COULD IMPEDE A PEACEFUL TRANSITION PROCESS. BARNES

UNCLASSIFIED

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3-6-87
Chile Project (F1999-10050)
U.S. Department of State
Exclude ... Deny
Declassified/Released: In Part ... In Full ... EXCISE
Exemption(s) B6

United States Department of State

Washington, D.C. 20520

NH085

Dear Senator Thurmond:

We have received your letter of February 25, 1987 concerning the November UN General Assembly vote on a human rights resolution concerning Chile. Your letter was on behalf of your constituent [redacted].

In viewing our vote against the Chile resolution in the UN General Assembly last fall, it is important to recognize that the United States does not vote for resolutions unless we consider them sound. We considered the Chile resolution adopted by the General Assembly to be seriously flawed in not reflecting accurately the constructive work of the UN Special Rapporteur, former Costa Rican Foreign Minister Fernando Volio.

This was apparent in many ways. In particular, Volio, like the majority of the Chilean democratic opposition, had acknowledged that the assassination attempt against General Pinochet last September and the discovery of communist arsenals helped to impede the return of democracy in Chile. We felt it was important that a resolution on Chile recognize the negative impact of terrorism, while providing the government no excuse for human rights abuses. We did not inflate the impact of Chile's cooperation with the UN Special Rapporteur or exaggerate the importance of limited government actions to address human rights problems, many of which were taken (such as removal of the state of siege) only after the vote.

As you know, there are many human rights problems in Chile. We are working to encourage progress across the board. Recent months have seen encouraging efforts by the Chilean government to address some longstanding problems, such as political exile. Since December the government has reduced the list of those Chileans banned from returning to their country from 3,500 to less than 2,000. Government security forces have recently agreed with the International Committee of the Red Cross to allow visits by independent ICRC doctors to most prisoners. This could help provide a means for addressing the serious problem of torture.

The Honorable
Strom Thurmond,
United States Senate.

Other steps have been taken, such as authorizing publication of an opposition newspaper, to begin shortly. On the transition to democracy, the government has begun to reestablish voter registries and has published the text of a law to go into effect early this year which would permit political parties to gain legal recognition. While Chile's 1980 constitution calls for a single-candidate presidential plebiscite in 1989, rather than free elections, these measures will help ensure broad discussion of prospects for amending that constitution to permit free elections in 1989, as most opposition groups and many government supporters have advocated. The relaxation of constraints on press freedom has allowed an open discussion within Chile of the issues raised by Major Fernandez' decision to cooperate with U.S. law enforcement officials in the Letelier/Moffitt case, including publication of Major Fernandez' complete proffer of evidence.

We do not wish to exaggerate the relative impact of these changes on the overall human rights situation in Chile, or on prospects for a successful democratic transition. Serious problems have continued, such as torture by security forces and violent activities of right-wing groups that may have direct links to government security agencies. There has not, however, been any retreat from our vocal support for democracy and human rights in Chile. Along these lines, the Administration has proposed a resolution on Chile this year in the United Nations Human Rights Commission, just as we did last March in Geneva. We hope that once again we can win consensus for passage of a balanced and objective resolution. This may not be easy, given the posturing that characterizes the actions of many other countries in treating human rights issues in international fora. But we hope that we will be successful, and will in any event continue to strive to implement a clear, consistent and effective policy toward Chile.

If we can be of any further assistance to your office in this matter please do not hesitate to contact us.

With best wishes,

Sincerely,

J. Edward Fox
Assistant Secretary
Legislative and Intergovernmental Affairs

Enclosures:
Correspondence returned.

Draft:ARA/SC:LKusnitz
03/06/87:647-2296
1635S
ARA#87-0526 , FAIM# 0231687

Clearances:ARA/SC:DWCox
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3-5-87

Case Number: S1999000030

IV047

~~CONFIDENTIAL~~

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

PAGE 01 GENEVA 02742 061928Z
ACTION IO-19

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TO SECSTATE WASHDC IMMEDIATE 6769
INFO AMEMBASSY SANTIAGO IMMEDIATE

~~C O N F I D E N T I A L~~ GENEVA 02742

E.O. 12356: OADR
TAGS: PHUM, UNHRC, CI
SUBJECT: 43RD SESSION OF THE UN HUMAN RIGHTS
COMMISSION: CHILE RESOLUTION

REF: WILLIAMSON/GENERO TELECON 3/6/87

1. (CONFIDENTIAL - ENTIRE TEXT.)

2. THIS IS HRC - 318.

3. U.S. RESOLUTION ON CHILE HAS BEEN TECHNICALLY TABLED FOR TRANSLATION PURPOSES PER INSTRUCTIONS. MEXICAN TEXT WAS TECHNICALLY TABLED FIRST WITHOUT REFERENCE TO ASSASSINATION ATTEMPT ON PINOCHET. MEXICAN DELEGATION KNOWS U.S. TABLING IS NOT A HOSTILE ACT AND THAT NEGOTIATIONS CAN CONTINUE. THE DEADLINE FOR TABLING HAS BEEN EXTENDED TO 1300 LOCAL TIME MARCH 9.

4. MARCH 6, 1800, DEADLINE FOR TABLING IS NOT, REPEAT NOT, OPERATIVE FOR DRAFT DECISION UNDER ITEM 24 ACCORDING TO JOHN PACE OF THE SECRETARIAT.

5. CO-SPONSORS OF MEXICAN DRAFT ARE: NORWAY,
~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 02 GENEVA 02742 061928Z

YUGOSLAVIA, ITALY, FRANCE, AUSTRALIA AND ALGERIA. FLACK

~~CONFIDENTIAL~~

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CONFIDENTIAL

Case Number: S1999000030

IV063

~~CONFIDENTIAL~~

PAGE 01 ISLAMA 05282 100929Z
ACTION IO-19

INFO LOG-00 COPY-01 ADS-00 INR-10 SS-00 OIC-02 CIAE-00
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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

~~C O N F I D E N T I A~~ L ISLAMABAD 05282

E.O. 12356: DECL: OADR
TAGS: PHUM, UNHRC, CI, PK
SUBJECT: 43RD UNHRC: U.S. RESOLUTION ON CHILE

REF: (A) STATE 62569, (B) ISLAMABAD 4129

1. ~~CONFIDENTIAL~~ - ENTIRE TEXT.

2. IN RESPONSE TO REF A, POLOFF REITERATED ON MARCH 8 USG DESIRE FOR GOP SUPPORT OF THE AMERICAN DRAFT RESOLUTION ON CHILE TO MUNIR AKRAM, MFA DIRECTOR GENERAL FOR INTERNATIONAL ORGANIZATION. REF B HAD REPORTED GOP INCLINATION TO SUPPORT U.S. CHILE RESOLUTION AT UNHRC, PROVIDED IT WERE ADOPTED ON A CONSENSUS BASIS.

3. AKRAM, HOWEVER, TOLD POLOFF THAT GOP WOULD ABSTAIN ON BOTH MEXICAN AND AMERICAN DRAFT RESOLUTIONS ON CHILE. HE EXPLAINED THAT THE GOP WAS TAKING THIS POSITION BECAUSE IT LACKED INDEPENDENT INFORMATION ON THE INTERNAL POLITICAL AND HUMAN RIGHTS SITUATIONS IN CHILE.

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 02 ISLAMA 05282 100929Z

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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____
NH087

March 9, 1987

To: Dick Schifter

Subject: Chile Resolution Negotiations

Velasco called this morning to say he had been in touch with Jaime Castillo and Maximo Pacheco over the weekend and that they agreed the Chile Resolution draft should include a reference to the attempt on Pinochet's life, as well as murders of Chileans, of course. Castillo and Pacheco said Taborga has been sent clear instructions.

Martin Poblete called from New York to say more or less the same. However, Martin added that the democratic Opposition could not accept shifting Chile from item 5 to 12. Poblete said he understands full well that such action would not prevent discussion of Chile in the future, but he argued that item 5 has come to have such symbolic importance that no democratic leader in Santiago could agree to the shift. Martin expressed distrust of Taborga, as usual.

George Lister

cc: JM
RR
KB
Elliott Abrams
Bob Gelbard
Dick Howard

IV061

~~CONFIDENTIAL~~

PAGE 01 GENEVA 02829 01 OF 02 091942Z
ACTION IO-19

INFO	LOG-00	COPY-01	ADS-00	INR-10	EUR-00	SS-00	OIC-02
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TO SECSTATE WASHDC IMMEDIATE 6861
INFO USMISSION USUN NEW YORK IMMEDIATE
AMEMBASSY MEXICO IMMEDIATE
AMEMBASSY SANTIAGO IMMEDIATE

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

~~C O N F I D E N T I A L~~ SECTION 01 OF 02 GENEVA 02829

DEPT FOR P-U/S ARMACOST, IO-A/S KEYES, HA-A/S SCHIFTER,
ARA-A/S ABRAMS
DEPT ALSO PASS TO NSC-JOSE' SARZANO

E.O. 12356: DECL: OADR
TAGS: PHUM, UNHRC, CI
SUBJECT: 43RD UNHC: CHILE RESOLUTION

REF: A) STATE 66988, B) GENERO/WILLIAMSON TELCON 3/6/87

1. (C-ENTIRE TEXT).

2. THIS IS HRC 348.

3. SUMMARY: USDEL PRESENTED IN DETAIL USG POSITION DURING THE MARCH 9TH A.M. WEOG MEETING (REFTEL A). NEW LANGUAGE TO DEAL WITH ELIMINATION OF ITEM 5 WAS DISCUSSED. END SUMMARY.

4. WILLIAMSON, AFTER THANKING COLLEAGUES IN THE CONTACT GROUP FOR THEI EFFORTS AT COMPROMISE, TOLD THE WEOG
~~CONFIDENTIA~~L

~~CONFIDENTIAL~~

PAGE 02 GENEVA 02829 01 OF 02 091942Z

THIS MORNING (MARCH 9) THAT WE MUST REMEMBER THAI ALL SHARED A COMMON GOAL ON THE HRC CHILE RESOLUTION, NAMELY, TO ENCOURAGE FURTHER HUMAN RIGHTS REFORMS. HE SAID THAT IT IS THE USG VIEW THAT THIS GOAL WILL BE BEST ACHIEVED BY A RESOLUTION THAT IS BALANCED, CREDIBLE, REAISTIC. TO HAVE EFFECT, IT MUST NOT REPEAT NOT BE

EXTREME. HE SAID THE USG AS GONE A LONG WAY IN WORKING FOR ACCEPTABLE COMPROMISE. FROM THE OUTSET, USDEL HAS MADE CLEAR IT NEEDS (1) ELIMINATION OF A SEPERATE ITEM 5, (2) AN ACCURATE REFERENCE TO THE ASSASSINATION ATTEMPT AGAINST THE CHILEAN PRESIDENT, (3) MENTION OF THE POSITIVE DEVELOPMENTS FOR HUMAN RIGHTS IN CHILE, AND (4) MENTION OF TERRORISM IN CHILE.

5. WILLIAMSON SAID THAT AS A RESULT OF THE HARD WORK OF MANY COLLEAGUES THERE WAS COMPROMISE AND POINTS (3) AND (4) HAVE BEEN ADDRESSED; THOUGH NOT IN AS STRAIGHT FORWARD A MANNER AS USDEL WOULD HAVE LIKED. NONETHELESS, THERE WAS TENTATIVE RESOLUTION OF USG CONCERNS. HOWEVER, POINTS (1) AND (2) REMAIN MAJOR PROBLEMS.

6. WILLIAMSON REITERATED USG COMMITMENT TO ELIMINATION OF SEPARATE ITEM 5 AS DISCRIMINATORY AND AN ACCURATE AND BALANCED REFERENCE TO THE ASSASSINATION ATTEMPT ON THE CHILEAN PRESIDENT (REFTEL A). WILLIAMSON SAID THAT THESE ISSUES HAVE NOT REPEAT NOT BEEN ADDRESSED SATISFACTORILY IN THE MEXICAN TEXT.

7. WILLIAMSON REVIEWED USG DESIRE FOR REVISIONS OF TEXT REGARDING PREAMBULAR 12 AND CHANGES IN ITEM 5 COMPROMISE LANGUAGE (REFTEL A).

8. A NUMBER OF WEOG COUNTRIES EXPRESSED CONCERN THAT ~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 03 GENEVA 02829 01 OF 02 091942Z

THE LANGUAGE IN THE COMPROMISE ITEM 24 VEHICLE TO ELIMINATE ITEM 5 (REFTEL A) WAS TOO GENERAL (UK, FRG, BELGIUM).

9. A DISCUSSION FOLLOWED ABOUT THE BEST WAY TO DEAL WITH SEPARATE ITEM 5. BELGIUM SAID IT WANTED A DIRECTED VOTE ON ELIMINATING ITEM 5. A SIMPLE UP OR DOWN VOTE. NO ONE EXPRESSED SUPPORT FOR THIS. ALL OTHERS WHO SPOKE WERE CONCERNED THAT SUCH A STRAIGHT UP AND DOWN VOTE WOULD FAIL.

10. THE UK SUGGESTED THE FOLLOWING LANGUAGE WHICH, WHILE NOT DEFINITIVE, WOULD BE A SMALL STEP TOWARD EVENTUAL ELIMINATION OF A SEPARATE ITEM 5. THE TEXT READS AS FOLLOWS:

"THE COMMISSION ON HUMAN RIGHTS, BEARING IN MIND THE NEED TO CONSIDER RATIONALIZATIO OF ITS AGENDA AND TO REDUCE DUPLICATION OF DEBATE AND TAKING DUE NOTE OT ITS

DISCUSSION AT ITS 42ND SESSION OF THE POSSIBLE DELETION OF ITEM 5 FROM THE DRAFT PROVISIONAL AGENDA PRIOR TO ITS 43RD SESSION, AND ITS DECISION UNDER ITEM 12 OF THE LEGISLATIVE AUTHORITY AND DOCUMENTATION LISTED UNDER ITEM 5 DECIDES TO CONSIDER THIS QUESTION FURTHER AT THE 44TH SESSION BEFORE THE ADOPTION OF THE AGENDA."

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PAGE 01 GENEVA 02829 02 OF 02 091943Z
ACTION IO-19

INFO	LOG-00	COPY-01	ADS-00	INR-10	EUR-00	SS-00	OIC-02
	AF-00	CIAE-00	DODE-00	H-01	NEA-06	NSCE-00	ARA-00
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TO SECSTATE WASHDC IMMEDIATE 6862
INFO USMISSION USUN NEW YORK IMMEDIATE
AMEMBASSY MEXICO IMMEDIATE
AMEMBASSY SANTIAGO IMMEDIATE

~~C O N F I D E N T I A L~~ SECTION 02 OF 02 GENEVA 02829

DEPT FOR P-U/S ARMACOST, IO-A/S KEYES, HA-A/S SCHIFTER, ARA-A/S ABRAMS
DEPT ALSO PASS TO NSC-JOSE' SARZANO

E.O. 12356: DECL: OADR
TAGS: PHUM, UNHRC, CI
SUBJECT: 43RD UNHC: CHILE RESOLUTION

11. THE FOLLOWING COUNTRIES EXPRESSED GENERAL SUPPORT WITH DEVELOPING LANGUAGE ALONG THE LINES SUGGESTED BY THE UK (FRG, IRISH, NETHERLANDS, BELGIUM).
12. USDEL SAID HE FELT UK LANGUAGE DID NOT REPEAT NOT GO FAR ENOUGH. HOWEVER, IF IT IS THE WEOG COMPROMISE (AND THE CONTACT GROUPS' ITEM 24 LANGUAGE FALLS APART), USDEL WOULD WORK TO ASSIST UK AND OTHERS TO MAKE AT LEAST THIS SMALL STEP TOWAD EVENTUAL ELIMINATION OF ITEM 5.

13. AT THE END OF THIS DISCUSSION, THE NETHERLANDS DEL EXPRESSED CONTINUED DESIRE FOR CONSENSOUS, BUT SUGGESTED THIS WAS MOST DIFFICULT UNLESS USDEL COULD COMMIT TO CONFIDENTIAL

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PAGE 02 GENEVA 02829 02 OF 02 091943Z

JOINING CONSENSUS AND, IF A SEPARATE VOTE WERE CALLED ON PREAMBULAR 12, THAT TE USDEL COMMIT TO VOTE FOR, OR AT LEAST ABSTAIN, FROM A VOTE ON THE ENTIRE MEXICAN TEXT EVEN IF PREAMBULAR 12 WERE DROPPED. USDEL SAID WE COULD MAKE NO SUCH COMMITMENT.

14. WILLIAMSON SAID THAT IF USG CONCERNS COULD NOT BE DEALT WITH SATISFACTORILY THIS AM, USDEL WAS INSTRUCTED TO FILE ITS OWN CHILE RESOLUTION. BUT, OF COURSE, USDEL ALWAYS IS AVAILABLE TO CONTINUE TO WORK ON POSSIBLE REVISIONS AND IMPROVEMENTS.

15. THE WEOG MEETING MOVED ON TO OTHER ITEMS AFTER ALL AGREED TO KEEP TALKING. FLACK

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PAGE 01 GENEVA 02830 091943Z
ACTION IO-19

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FM USMISSION GENEVA
TO SECSTATE WASHDC IMMEDIATE 6863
INFO USMISSION USUN NEW YORK IMMEDIATE
AMEMBASSY MEXICO IMMEDIATE
AMEMBASSY SANTIAGO IMMEDIATE

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

~~C O N F I D E N T I A~~ L GENEVA 02830

DEPT FOR P-U/S ARMACOST, IO-A/S KEYES, HA-A/S SCHIFTER, ARA-A/S ABRAMS

DEPT ALSO PASS TO NSC-JOSE' SORZANO

E.O. 12356: DECL: OADR
TAGS: PHUM, UNHRC, CI
SUBJECT: 43RD UNHRC: CHILEAN RESOLUTION: USG TABLES RESOLUTION

REF: A) STATE 66988

1. (C-ENTIRE TEXT).

2. THIS IS HRC 349.

3. AT 11:30 A.M. U.S. DEL MET WITH CO-SPONSOR/CONTACT GROUP ON MEXICAN TEXT OF A CHILE RESOLUTION. ATTENDING WERE REPRESENTATIVES FROM THE FOLLOWING DELEGATIONS: FRANCE, SPAIN, NETHERLANDS, ITALY, DENMARK, YUGOSLAVIA, ALGERIA, NORWAY, AUSTRALIA, PORTUGAL AND MEXICO.
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PAGE 02 GENEVA 02830 091943Z

4. AMBASSADOR WILLIAMSON SAID THE U.S. NEEDED A PARA. 3. AFTER DISCUSSION THIS REVISION WAS ACCEPTED.
5. WILLIAMSON ALSO INFORMED GROUP AS A COURTESY THAT WEOG YET ON THE ITEM 24 DRAFT DECISION ON HOW TO DEAL WITH ITEM 5.
6. WILLIAMSON OUTLINED USG FIRM POSITION ON PREAMBULAR

12 AND THE NEED FOR MORE BALANCE COMPELLED THE NEED TO RETURN TO USG ORIGINAL LANGUAGE ON THE ATTEMPTED ASSASSINATION ATTEMPT OF CHILEAN PRESIDENT (REFTEL, PARA. 3).

7. NETHERLANDS DEL SAID SOME DELEGATIONS WERE CONCERNED THAT EVEN IF CO-SPONSORS/CONTACT GROUP WERE TO ACCEPT USG PROPOSAL, OTHERS OUTSIDE GROUP WOULD MAKE A MOTION FROM THE FLOOR TO ELIMINATE PREAMBULAR 12. IN THE OPINION OF NETHERLANDS, MEXICANS, YUGOSLAVIAN DELS, AND OTHERS, SUCH A MOTION WOULD PASS THEREBY ELIMINATING PREAMBULAR 12. NETHERLANDS DEL ASKED, IN THAT EVENT, HOW WOULD U.S. DEL ACT.

8. WILLIAMSON SAID HE COULD NOT, REPEAT NOT, GIVE A FINAL DEFINITIVE RESPONSE TO THAT QUESTION. HE SAID HE FELT U.S. DEL WOULD VOTE NO ON ANY SUCH MOTION. FURTHER, SINCE USG CONSISTENTLY HAS MAINTAINED THAT A BALANCED TEXT ON CHILE WAS REQUIRED FOR USG TO SUPPORT IT, AND THAT SINCE USG CONSISTENTLY HAS MAINTAINED THAT TO BE A BALANCED TEXT THERE MUST BE AN ACCURATE REFERENCE TO THE ATTEMPTED ASSASSINATION ATTEMPT, IT WOULD APPEAR THAT A TEXT SO MODIFIED ON THE FLOOR WOULD BE MOST UNFORTUNATE AND CLEARLY UNACCEPTABLE.

9. WILLIAMSON SAID IF USG SUGGESTED CHANGE ON
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PAGE 03 GENEVA 02830 091943Z

PREAMBULAR 12 WAS NOT ACCEPTABLE TO CO-SPONSORS OF MEXICAN TEXT, USG WOULD PROCEED TO OFFICIALLY INTRODUCE THEIR OWN RESOLUTION.

10. SEVERAL DELEGATES AGAIN EXPRESSED PROBLEMS WITH USG POSITION.

11. U.S. DELS EXCUSED THEMSELVES AND SUGGESTED GROUP CAUCUS WITHOUT THEM AND THEN INFORM THEM OF THEIR DECISION.

12. APPROXIMATELY 20 MINUTES LATER, U.S. DEL WAS INFORMED THAT MEXICAN DRAFT HAD BEEN OFFICIALLY TABLED WITHOUT USG REQUESTED REVISIONS.

13. JUST BEFORE 1:00 P.M. DEADLINE, U.S. DEL "OFFICIALLY" TABLED USG RESOLUTION ON CHILE. FLACK

~~CONFIDENTIAL~~

Case Number: S1999000030

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

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PAGE 01 GENEVA 02824 091924Z
ACTION IO-19

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FM USMISSION GENEVA
TO SECSTATE WASHDC IMMEDIATE 6851
INFO AMEMBASSY MEXICO

~~C O N F I D E N T I A L~~ GENEVA 02824

E.O. 12356: OADR
TAGS: PHUM, UNHRC, MX, CI, CU
SUBJECT: 43RD SESSION OF THE UN HUMAN RIGHTS COMMISSION: CHILE AND CUBA

1. (~~CONFIDENTIAL~~ - ENTIRE TEXT.)

2. THIS IS HRC - 324.

3. AMBASSADOR WALLACH HAD LUNCH WITH AMBASSADOR JORGE MONTANO (MEXICO) ON MARCH 6. IT WAS AN OPEN, REMARKABLY CANDID EXCHANGE ON MONTANO'S PART. HE CONCEDED THAT THE COMMISSION HAD BEEN CHANGED PERMANENTLY BY THE U.S. APPROACH. IT WOULD NO LONGER BE A PLACE FOR "TECHNICIANS" (HIS WORD) BUT FOR ADVOCATES. HE DID NOT KNOW IF IT WAS FOR THE BEST, BUT MIGHT WELL BE.

4. CHILE: HE WAS PLEASED WITH U.S. EFFORT AND OPTIMISTIC ABOUT ULTIMATE CONSENSUS RESULT. AMBASSADOR WALLACH EXPLAINED REMAINING PROBLEMS, ESPECIALLY WITH "UNJUST" LANGUAGE. THIS CONVERSATION TOOK PLACE BEFORE AMBASSADOR WALLACH'S TELEPHONE CONVERSATION WITH DAS LAURA GENERO. MONTANO EXPRESSED SATISFACTION WITH HIS ~~CONFIDENTIAL~~

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PAGE 02 GENEVA 02824 091924Z

CONTACT WITH AMBASSADOR WILLIAMSON, DESCRIBING HIM AS CANDID AND AS AN EXPERT NEGOTIATOR.

5. CUBA: WHILE IT SEEMS IMPOSSIBLE TO EXPECT, AMBASSADOR WALLACH UNDERTOOK TO PERSUADE MONTANO THAT MEXICO SHOULD ABSTAIN ON PROCEDURAL VOTE IN ITS OWN

INTERESTS. CITING HIS OWN BACKGROUND IN SOUTHERN CALIFORNIA WITH WIDE CONTACTS IN THE HISPANIC AND MEXICAN COMMUNITIES, AMBASSADOR WALLACH DISCUSSED THE STRAINS BETWEEN THE U.S. AND MEXICO. MONTANO EXPRESSED ACKNOWLEDGEMENT AND REGRET THAT THEY EXISTED, WHILE DEFENDING MEXICO'S POSITION. BECAUSE AMBASSADOR WALLACH IS GENERALLY FAMILIAR WITH U.S. - MEXICO JUSTICE DEPARTMENT CONTACTS REGARDING NARCOTIC AND IMMIGRATION SUBJECTS, IN WHICH HE IS INVOLVED, THEY HAD A BASIS TO CITE AN AREA OF VERY CONSTRUCTIVE WORK BETWEEN THE TWO COUNTRIES. AMBASSADOR WALLACH URGED MONTANO TO DISCUSS ABSTENTION WITH A VIEW TOWARD A MAJOR GESTURE OF COOPERATION BETWEEN THEIR TWO NATIONS, AT NO EXPENSE TO MEXICO, WHICH WOULD STILL VOTE FOR CUBA ON THE MERITS. AMBASSADOR WALLACH EMPHASIZED THAT CUBA NEEDS MEXICO MUCH MORE THAN THE OTHER WAY AROUND. MONTANO LISTENED CAREFULLY, MADE NO SPECIFIC COMMENT, AND INDICATED HE WOULD REPORT OUR REQUEST TO MEXICO CITY.

6. COMMENT: ON THE BASIS OF AMBASSADOR WALLACH'S CONTACT WITH MONTANO AND OBSERVATION OF HIS CONDUCT AT THIS YEAR'S SESSION OF HRC, IT IS APPARENT THAT MONTANO HAS GENERALLY STAYED OUT OF CUBA - U.S. FRAY. HIS MANNER, AS AMBASSADOR WALLACH HAS INDICATED EARLIER, IS LESS HOSTILE. AMBASSADOR WALLACH EXPECTS NOTHING FROM HIM ON CUBA, BUT BELIEVES EVERY GESTURE WHICH COSTS US NOTHING IS WORTHWHILE. FLACK
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PAGE 03 GENEVA 02824 091924Z

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FAIM

United States Department of State

KM067

Washington, D.C. 20520

EXCISE MARCH 9 - 1987

Dear Senator Boschwitz:

We have received your letter of February 23, 1987 concerning the human rights situation in Chile. Your letter was on behalf of your constituent [redacted].

The US has a clear and strong policy toward Chile of encouraging a peaceful democratic transition and increased respect for human rights in that nation. All of our actions are directed toward these goals. The recommendations made by Amnesty International are congruent in many ways with those made by the US in both public and private comments about human rights in Chile. It may be that we differ from time to time on individual decisions taken to advance these objectives. This should not overshadow, however, the fact that we are in full agreement on the fundamentals. Our latest human rights report (enclosed) addresses [redacted] concerns in some depth.

As you know, there are many human rights problems in Chile. We are working to encourage progress across the board. Recent months have seen encouraging efforts by the Chilean government to address some longstanding problems, such as political exile. Since December the government has reduced the list of those Chileans banned from returning to their country from 3,500 to less than 2,000. Government security forces have recently agreed with the International Committee of the Red Cross to allow visits by independent ICRC doctors to most prisoners. This could help provide a means for addressing the serious problem of torture.

Other steps have been taken, such as authorizing publication of an opposition newspaper, to begin shortly. On the transition to democracy, the government has begun to reestablish voter registries and has published the text of a law to go into effect early this year which would permit political parties to gain legal recognition. While Chile's 1980 constitution calls for a single-candidate presidential

The Honorable
Rudy Boschwitz,
United States Senate.

Chile Project (#S1999000030)
U.S. Department of State
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Exemption(s) B6

plebiscite in 1989, rather than free elections, these measures will help ensure broad discussion of prospects for amending that constitution to permit free elections in 1989, as most opposition groups and many government supporters have advocated. The relaxation of constraints on press freedom has allowed an open discussion within Chile of the issues raised by Major Fernandez' decision to cooperate with U.S. law enforcement officials in the Letelier/Moffitt case, including publication of Major Fernandez' complete proffer of evidence.

We do not wish to exaggerate the relative impact of these changes on the overall human rights situation in Chile, or on prospects for a successful democratic transition. Serious problems have continued, such as torture by security forces and violent activities of right-wing groups that may have direct links to government security agencies. There has not, however, been any retreat from our vocal support for democracy and human rights in Chile. Along these lines, the Administration has proposed a resolution on Chile this year in the United Nations Human Rights Commission, just as we did last March in Geneva. We hope that once again we can win consensus for passage of a balanced and objective resolution. This may not be easy, given the posturing that characterizes the actions of many other countries in treating human rights issues in international fora. But we hope that we will be successful, and will in any event continue to strive to implement a clear, consistent and effective policy toward Chile.

If we can be of any further assistance to your office in this matter please do not hesitate to contact us.

With best wishes,

Sincerely,

J. Edward Fox
Assistant Secretary
Legislative and Intergovernmental Affairs

Enclosure:
1. Correspondence returned.
2. State Department 1986 Chile Human Rights Report.

DECLASSIFIED

Draft:ARA/SC:LKushitz
03/06/87:647-2296
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Clearances:ARA/SC:DWCox
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Date Printed: 01/27/1998 DOC_NUMBER: 87UNVIE04825 CHANNEL: n/a 36

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PAGE 01 UNVIE 04825 01 OF 02 021022Z
ACTION L-03

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TO SECSTATE WASHDC

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UNCLAS SECTION 01 OF 02 MISSION VIENNA 04825

STATE PASS J.REYNOLDS, L/N

E.O. 12356: N/A
TAGS: IAEA, ENRG, TRGY, MNUC, KSCA, KNNP
SUBJECT: MEXICAN URANIUM TRANSFER: DU TAILS

REF: 86 STATE 380528

1. PURSUANT TO INSTRUCTIONS IN REFTEL, MISSCOUNS (ENLISTING THE AID OF IAEA LEGAL DIVISION) MET WITH MR. V M. SOLANO, MINISTER OF THE MEXICAN EMBASSY IN VIENNA TO DISCUSS SUBJECT. MISSCOUNS REITERATED U.S. PREFERENCE THAT MEXICO REQUEST TAILS MATERIAL DIRECTLY FROM DEPARTMENT OF ENERGY UNDER ARTICLE 7 OF THE U.S. DEPARTMENT OF ENERGY-MEXICO ENRICHMENT CONTRACT.

2. IAEA LEGAL DIVISION PROVIDED AIDE-MEMOIRE OUTLINING THE SITUATION AND NOTED AUGUST 11, 1986 LETTER FROM DEPARTMENT OF ENERGY, OAK RIDGE, TENNESSEE, TO COMISION FEDERAL DE ELECTRICIDAD (DOE REFERENCE AE-86-327). FULL TEXT OF AIDE MEMOIRE FOLLOWS. BEGIN TEXT.

AIDE MEMOIRE

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PAGE 02 UNVIE 04825 01 OF 02 021022Z

ON THE MEXICAN REQUEST FOR RECOVERY OF ENRICHMENT TAILS MATERIAL FROM THE U.S.A.

(1). AT THE MEXICAN REQUEST, CONSULTATIONS WERE CARRIED OUT LAST YEAR BETWEEN THE IAEA SECRETARIAT AND THE MEXICA AND UNITED STATES AUTHORITIES WITH A VIEW TO RECOVERY BY MEXICO OF 374.43 TONS OF DEPLETED URANIUM, WHICH IS MEXICAN PROPERTY AND RESULTS FROM THE ENRICHMENT PROCESS CARRIED OUT IN THE U.S.A. FOR THE INITIAL FUELLING OF THE LAGUNA VERDE NUCLEAR POWER PLANT, UNITS 1 AND 2. THE ENRICHMENT SERVICES IN QUESTION WERE PROVIDED, THROUGH TH AGENCY'S INTERMEDIARY, UNDER THE TRILATERAL SUPPLY AGREEMENTS OF 12 FEBRUARY 1974 (INFCIRC/203) AND 14 JUNE 1974 (INFCIRC/203/ADD.1) RELATING TO UNIT 1 AND UNITS 2 RESPECTIVELY, ON TERMS AND CONDITIONS AGREED BETWEEN MEXICO AND THE U.S. DEPARTMENT OF ENERGY (USDOE) IN BILATERAL LONG-TERM, FIXED-COMMITMENT CONTRACTS.

(2). AS A RESULT OF SUCH CONSULTATIONS, THE IAEA SECRETARIAT BY LETTERS OF 31 OCTOBER 1986 PROPOSED TO THE MEXICAN AND U.S. AUTHORITIES THAT THE RETURN TO MEXICO OF THE TAILS MATERIAL IN QUESTION BE EFFECTED BY AN EXCHANGE OF LETTERS BETWEEN THEM AND THE IAEA, IN CONNECTION WITH AND SUBJECT TO ALL THE TERMS AND CONDITIONS OF THE EXISTING AGREEMENTS RELATING TO THE LAGUNA VERDE NPP.

(3). ON 26 MARCH 1987, THE U.S. MISSION VERBALLY INFORMED THE IAEA SECRETARIAT OF THE FOLLOWING:

(A) THE U.S. WOULD CONCUR WITH THE PROPOSED ARRANGEMENT, SHOULD MEXICO PREFER IT;

(B) HOWEVER, AS MEXICO HAS THE RIGHT TO RECOVER
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PAGE 03 UNVIE 04825 01 OF 02 021022Z

THE TAILS MATERIAL DIRECTLY FROM THE USDOE, PURSUANT TO ARTICLE VII OF THE BILATERAL ENRICHMENT CONTRACT (DESCO 5-84 UEME-200), MEXICO MAY AS WELL EXERCISE THAT RIGHT DIRECTLY WITHOUT ADDITIONAL ARRANGEMENT THROUGH THE AGENCY (THIS POINT HAD BEEN BROUGHT EARLIER TO THE ATTENTION OF THE MEXICAN AUTHORITIES BY THE USDOE);

(C) IN EITHER ALTERNATIVE, THE INPUT MATERIAL (URANIUM CONCENTRATES IN THE FORM OF URANIUM DIURANATE) OWNED BY MEXICO AND LOCATED IN SPAIN, SHOULD MEET THE ENRICHMENT CRITERIA SPECIFIED

IN THE ENRICHMENT CONTRACT.

(4). IN THE MEANTIME, THE IAEA SECRETARIAT ON 19 MARCH 1987 RECEIVED FROM THE MEXICAN MISSION A LETTER DATED 13 MARCH 1987 PROPOSING THAT THE RETURN OF TAILS MATERIAL BE FORMALIZED BY MEANS OF A TRILATERAL AGREEMENT, WITH THE AGENCY'S INVOLVEMENT, TO PROVIDE FOR SYSTEMATIC RETURN OF ALL DEPLETED URANIUM RESULTING FROM THE ENRICHMENT SERVICES PERFORMED IN THE USA, IN CONFORMITY WITH THE ENRICHMENT CONTRACT. (COPIES OF THE MEXICAN LETTER TOGETHER WITH THE PROPOSED AGREEMENT WERE COMMUNICATED TO THE U.S. MISSION ON 26 MARCH 1987 FOR ADVANCE INFORMATION

(5). IN VIEW OF THE IAEA SECRETARIAT, AND SUBJECT TO COMPLEMENTARY INFORMATION WHICH THE MEXICAN AUTHORITIES MAY WISH TO PROVIDE FOR THE PURPOSE OF AN ADDITIONAL TRILATERAL AGREEMENT AS THUS PROPOSED, THERE DOES NOT APPEAR TO BE ANY REQUIREMENT FOR FORMAL ARRANGEMENTS INVOLVING THE AGENCY FOR RECOVERY BY MEXICO OF THE TAILINGS RESULTING FROM THE ENRICHMENT SERVICES PERFORMED IN THE USA FOR THE LAGUNA VERDE NPP, ON THE BASIS OF THE

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PAGE 01 UNVIE 04825 02 OF 02 301932Z
ACTION L-03

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TO SECSTATE WASHDC

UNCLAS SECTION 02 OF 02 MISSION VIENNA 04825

STATE PASS J.REYNOLDS, L/N

E.O. 12356: N/A
TAGS: IAEA, ENRG, TRGY, MNUC, KSCA, KNNP
SUBJECT: MEXICAN URANIUM TRANSFER: DU TAILS

FOLLOWING CONSIDERATIONS:

(A) THE RIGHT TO THE TAILS MATERIAL IN QUESTION IS PROVIDED FOR UNDER THE USDOE-MEXICO ENRICHMENT CONTRACT;

(B) EACH SUCH BILATERAL CONTRACT RELATING TO UNIT 1 AND UNIT 2, RESPECTIVELY, HAS BEEN INCORPORATED BY REFERENCE INTO THE EXISTING TRILATERAL AGREEMENTS WITH THE IAEA CONCERNING THE LAGUNA VERDE NPP AND THUS REMAINS SUBJECT TO ALL THE TERMS AND CONDITIONS SET FORTH THEREIN AND, INSOFAR AS MEXICO IS CONCERNED, TO THE SAFETY, SAFEGUARDS AND SHIPMENT PROVISIONS LAID DOWN IN THE RELATED PROJECT AGREEMENT BETWEEN IT AND THE IAEA (INFCIRC/203, PART II).

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PAGE 02 UNVIE 04825 02 OF 02 301932Z

(6). MOREOVER, ANY ADDITIONAL AGREEMENT INVOLVING THE IA WOULD REQUIRE PROPER JUSTIFICATION FOR SUBMISSION TO, AND APPROVAL, BY THE BOARD OF GOVERNORS. THE DIRECT EXERCIS BY MEXICO OF THE RIGHT TO THE TAILS MATERIAL AS PROVIDED TO IT UNDER THE ENRICHMENT CONTRACT WITH THE USDOE WOULD THUS SEEM TO BE THE SIMPLEST WAY OF RECOVERING SUCH MATERIAL FROM THE U.S. AUTHORITIES.
END TEXT OF AIDE-MEMOIRE.

3. FULL TEXT OF LETTER FOLLOWS. BEGIN TEXT.

GENTLEMEN:

DEPLETED TAILS FOR CONTRACT DE-SC05-84UEME200

YOUR LETTER OF MARCH 19, 1986, REQUESTED THE RETURN TO MEXICO OF 374.43 TONS OF DEPLETED URANIUM (0.2/U-235 ASSAY) RESULTING FROM THE ENRICHMENT OF TWO INITIAL FUEL LOADS FOR THE REACTORS IN CENTRAL LAGUNA VERDE. WE AT TH DEPARTMENT OF ENERGY (DOE) WILL BE PLEASED TO COMPLY WITH YOUR REQUEST AND WILL TAKE ACTION TO ARRANGE FOR TRANSFER OF THIS DEPLETED TAILS MATERIAL UPON NOTIFICATION BY YOU THAT YOU HAVE RECEIVED AN EXPORT LICENSE AND ARE READY TO EFFECT THE TRANSFER. PHYSICAL DETAILS OF THE CYLINDERS W WILL PROVIDE FOR CONTAINMENT OF THIS MATERIAL DURING TRANSIT, AS WELL AS THE COST OF THE CYLINDERS AND PACKAGING COSTS, ARE CONTAINED IN OUR TELEX OF AUGUST 6, 1986.

IF FURTHER DISCUSSION OF THIS MATTER IS REQUIRED, PLEASE CALL US AT (615) 576-7723.

SINCERELY, SIGNED BY F. CLARK HUFFMAN, DIRECTOR, BUSINESS
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PAGE 03 UNVIE 04825 02 OF 02 301932Z

OPERATIONS DIVISION, DEPT. OF ENERGY, OAK RIDGE .
OPERATIONS, OAK RIDGE, TENNESSEE
END TEXT OF LETTER.

4. MR. SOLANO ACCEPTED THESE MATERIALS AND REMARKED, INFORMALLY, THAT U.S. APPROACH WAS THE EASIER WAY TO GO. SOLANO AGREED TO CHECK WITH HIS AUTHORITIES AS TO WHY THE MAY PREFER AN EXCHANGE OF NEW NOTES UNDER THE IAEA AGREEMENT AND GET BACK TO US.
CHAPMAN

NOTE BY OC/T: DELAYED IN TRANSMISSION.

TEXT OF TELEGRAM 87CARACA003044

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PAGE 01 CARACA 03044 01 OF 05 312020Z
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E.O. 12356: DECL:OADR
TAGS: PREL, GT, NU, XK, OVIP (HABIB, PHILIP C.)
SUBJECT: AMB. HABIB'S MEETING WITH PRESIDENT CEREZO

~~1. (S-ENTIRE TEXT).~~

2. SUMMARY: AMB. HABIB TOLD PRESIDENT CEREZO THAT THE UNITED STATES WELCOMED THE DIPLOMATIC INITIATIVE OF THE CENTRAL AMERICAN DEMOCRACIES ALTHOUGH WE BELIEVED THE ARIAS PROPOSALS H SERIOUS DEFICIENCIES AND OMISSIONS WHICH NEEDED TO BE CORRECTED. HE STRESSED THE NEED FOR THE DEMOCRACIES TO BE UNITED AND URGED THAT THEY BEGIN THE CONSULTATION PROCESS QUICKLY. CEREZO SAID HE INTENDED TO CONSULT INDIVIDUALLY WITH EACH OF THE OTHER THREE DEMOCRACIES AND THEN DRAFT HIS OWN PROPOSALS WHICH INCORPORATED THE MAIN POINTS OF EACH POSITION. HIS GOAL WAS TO PRODUCE A DRAFT WHICH ALL FOUR DEMOCRACIES COULD ACCEPT AND WHICH WOULD PUT NICARAGUA "UP AGAINST THE WALL" AT ESQUIPULAS, NOW SET FOR JUNE 25-26. CEREZO SAID NICARAGUAN PRESIDENT ORTEGA SEEMED AFRAID OF THE POLITICAL OPENING CALLED FOR IN THE ARIAS PROPOSALS BECAUSE THIS WOULD BREAK SANDINISTA CONTROL. CEREZO

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PAGE 02 CARACA 03044 01 OF 05 312020Z

BELIEVED THAT ORTEGA WAS FEELING MILITARY PRESSURE AND WOULD BE SOMEWHAT FLEXIBLE AT ESQUIPULAS. HABIB NOTED THAT ORTEGA MIGHT TRY TO MAKE CONCESSIONS ONLY ON SECURITY ISSUES AND NOT POLITICAL ONES, THEREBY MAINTAINING AND CONSOLIDATING SANDINISTA POWER. HE SAID THE DEMOCRACIES SHOULD GO TO ESQUIPULAS DEMANDING DEMOCRACY IN NICARAGUA. HE ADDED THAT THE PRESSURE FROM THE RESISTANCE WOULD CONTINUE TO MOUNT IN THE COMING MONTHS. CEREZO SAID THAT HE WOULD SOON MEET

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WITH RESISTANCE LEADER ROBELO AND AGREED THAT IT WAS NECESSARY TO INVOLVE THE RESISTANCE IN ANY NEGOTIATED SOLUTION. HABIB STATED THAT CONGRESSIONAL FUNDING FOR THE RESISTANCE WOULD DEPEND ON THE CIRCUMSTANCES THIS FALL: IF THE RESISTANCE DID WELL AND THE SANDINISTAS WERE SEEN TO BE REJECTING A NEGOTIATED SOLUTION BECAUSE THEY REFUSED TO ACCEPT DEMOCRACY, THIS WOULD INFLUENCE THE CONGRESS. END SUMMARY.

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3. ON MARCH 30, AMB. HABIB AND AMB. PIEDRA MET WITH GUATEMALAN PRESIDENT CEREZO AND FOREIGN MINISTER QUINONES TO DISCUSS THE ARIAS PROPOSALS AND CEREZO'S JUST-COMPLETED TRIP TO NICARAGUA. WHILE AWAITING CEREZO, QUINONES REVEALED THAT JUNE 25-26 HAD BEEN SET AS THE DATE OF THE ESQUIPULAS SUMMIT. ONLY PRESIDENT DUARTE HAD NOT YET CONFIRMED. THIS WOULD FOLLOW CLOSELY THE NEW ORLEANS CONFERENCE TO WHICH ALL FIVE CENTRAL AMERICAN PRESIDENTS HAD BEEN INVITED AND ONLY NICARAGUA'S ORTEGA HAD NOT YET ACCEPTED. HABIB NOTED THAT IT WAS IMPORTANT THAT THE CENTRAL AMERICAN DEMOCRACIES CONSULT WITH EACH OTHER BEFORE ESQUIPULAS. QUINONES REPLIED THAT HE HAD TALKED BY PHONE WITH COSTA RICAN FOREIGN MINISTER

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MADRIGAL ON FRIDAY, MARCH 27, AND DISCUSSED GUATEMALA'S PLANS FOR CEREZO'S TRIP TO NICARAGUA. QUINONES ADDED THAT GUATEMALA RECOGNIZED THE NEED FOR CONSULTATIONS AMONG THE DEMOCRACIES AND PREFERRED THAT THIS BE ACCOMPLISHED THROUGH A SERIES OF BILATERAL MEETINGS. HE EXPLAINED THAT LARGE MEETINGS CAUSED PROBLEMS WITH THE NEWSPAPERS. QUINONES SAID THAT THE GENERAL POSITION OF THE FOUR DEMOCRACIES WAS KNOWN AS A RESULT OF THE CONVERSATIONS AT ESQUIPULAS. NOW THE QUESTION WAS HOW TO RESOLVE THE DIFFERENCES.

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4. UPON CEREZO'S ARRIVAL, HABIB EXPLAINED THAT HE HAD COME TO DISCUSS WITH THE CENTRAL AMERICAN DEMOCRACIES AND THE CONTADORA NATIONS THE DIPLOMATIC TRACK AND PARTICULARLY THE ESQUIPULAS MEETING WHICH HAD BECOME THE FOCUS OF THE REGIONAL NEGOTIATIONS. IT WAS IMPORTANT THAT THE FOUR DEMOCRACIES HARMONIZE THEIR VIEWS AND ARRIVE AT ESQUIPULAS UNITED. HE WAS DISTURBED THAT THERE HAD BEEN NO CONSULTATIONS AMONG THE DEMOCRACIES SINCE SAN JOSE AND HAD URGED THEM TO BEGIN THE PROCESS. THE USG WELCOMED THE CURRENT INITIATIVE OF THE DEMOCRACIES BUT BELIEVED THE ARIAS PROPOSALS HAD SERIOUS DEFICIENCES AND OMISSIONS THAT NEEDED TO BE CORRECTED. ARIAS HAD TOLD US THAT HE WAS OPEN TO SUGGESTIONS ON THE SECURITY ASPECTS OF

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THE PROPOSALS BUT WOULD NOT WEAKEN THE POLITICAL ELEMENTS. HABIB STRESSED THAT THE INITIATIVE SHOULD NOT BE ALLOWED TO SPLIT THE DEMOCRACIES AND THAT IT WAS ESSENTIAL THAT THE FOUR WORK TOGETHER. IT WAS ALSO IMPORTANT TO EXAMINE HOW ESQUIPULAS WOULD RELATE

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PAGE 01 CARACA 03044 02 OF 05 312022Z
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INFO CONTADORA COLLECTIVE IMMEDIATE

~~S E C R E T~~ SECTION 02 OF 05 CARACAS 03044

EXDIS

E.O. 12356: DECL:OADR
TAGS: PREL, GT, NU, XK, OVIP (HABIB, PHILIP C.)
SUBJECT: AMB. HABIB'S MEETING WITH PRESIDENT CEREZO

TO CONTADORA. HABIB SAID THAT IN HIS CONVERSATIONS IN PANAMA AND COLOMBIA, BOTH HAD APPEARED RELAXED ABOUT ESQUIPULAS. SIGNIFICANTLY, MEXICAN FOREIGN SECRETARY SEPULVEDA HAD INDICATED THAT HE WOULD NOT SABOTAGE ESQUIPULAS: SEPULVEDA HAD TOLD HABIB HE WOULD WAIT TO SEE WHAT CAME OUT OF ESQUIPULAS AND SEEMED TO ACCEPT THAT THE CENTRAL AMERICAN DEMOCRACIES WERE TAKING A MORE ASSERTIVE ROLE.

CEREZO'S PLANS

5. CEREZO SAID THAT HE WAS SEEKING TO DETERMINE THE BASIC ELEMENTS IN THE POSITIONS OF THE FOUR DEMOCRACIES AND BLEND THEM INTO A REVISED PLAN WHICH ALL COULD ACCEPT. HE STATED THAT IF THE FOUR COULD AGREE, THEY "COULD PUSH NICARAGUA UP AGAINST THE WALL". HE HAD TALKED BY TELEPHONE WITH ARIAS AND INFERRED THAT ARIAS WAS ONLY INTERESTED IN THE POLITICAL ASPECTS OF THE PRO-

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PAGE 02 CARACA 03044 02 OF 05 312022Z

POSALS. ARIAS DID NOT SEEM CONCERNED ABOUT THE SECURITY ELEMENTS. HABIB AGREED WITH THIS ASSESSMENT, ADDING THAT ARIAS HAD SAID HE EXPECTED GUATEMALA, EL SALVADOR, AND HONDURAS TO FLESH OUT THE SECURITY PORTIONS OF THE PROPOSALS. CEREZO SAID HE INTENDED TO SEND QUINONES TO COSTA RICA TO OBTAIN A FULLER READOUT ON THE COSTA RICAN POSITION. CEREZO SAID THAT DUARTE WOULD TRAVEL TO GUATEMALA LATER THAT WEEK FOR A PRIVATE MEETING

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ON THE PROPOSALS. DUARTE WAS VERY CONCERNED ABOUT THE SECURITY ELEMENTS AND PARTICULARLY THE ISSUE OF AID TO THE SALVADORAN GUERRILLAS. CEREZO NOTED THAT PRESIDENT AZCONA HAD SOUGHT TO DELAY ESQUIPULAS IN ORDER TO GIVE THE NICARAGUAN DEMOCRATIC RESISTANCE TIME TO IMPROVE ITS POSITION. CEREZO PLANNED TO VISIT THE BAY ISLANDS OF HONDURAS NEXT WEEK AND MEET WITH AZCONA.

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6. CEREZO STATED THAT AFTER HE HAD RECEIVED THE INPUT FROM THE OTHER DEMOCRACIES, THE GOG WOULD BEGIN DRAFTING ITS VERSION, WHICH HE ESTIMATED WOULD ONLY TAKE TWO WEEKS. HE WOULD THEN PROPOSE A MEETING OF THE FOUR "ABSOLUTELY IN PRIVATE" TO COORDINATE THEIR POSITIONS BEFORE ESQUIPULAS. HABIB AGREED THAT IT WAS IMPORTANT THAT THE FOUR DEMOCRACIES ARRIVE AT ESQUIPULAS UNITED. HE STRESSED THAT THEY MUST INCLUDE THE POLITICAL ELEMENTS: THEY MUST GO TO ESQUIPULAS DEMANDING DEMOCRATIZATION. CEREZO REPLIED THAT ALL FOUR HAD AGREED ON THIS FROM THE OUTSET, AND THAT THIS WAS THE SANDINISTAS' WEAKEST POINT. HE RECOGNIZED THAT THE SANDINISTAS WOULD BE RELUCTANT TO ACCEPT A POLITICAL OPENING, BUT IF THEY DID IT WOULD BE AN

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INDICATION OF THEIR RELATIVE WEAKNESS.

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THE TRIP TO MANAGUA

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7. CEREZO SAID THAT HE HAD TRAVELLED TO MANAGUA TO ASCERTAIN THE POSITION OF THE SANDINISTAS. HIS GENERAL IMPRESSION WAS THAT THE SANDINISTAS WERE AFRAID OF THE POLITICAL OPENING CALLED FOR IN THE ARIAS PROPOSALS, SINCE THIS WOULD BREAK THEIR CONTROL. ORTEGA HAD USED THE TRADITIONAL ARGUMENT THAT NICARAGUA COULD NOT LIBERALIZE WHILE THE WAR WAS GOING ON. CEREZO HAD ANSWERED THAT THE SANDINISTAS MUST MOVE ON THE POLITICAL FRONT, OR THERE WAS NO SOLUTION. ORTEGA HAD COMPLAINED ABOUT THE ARIAS PROPOSALS' EMPHASIS ON POLITICAL ISSUES. HE HAD PROTESTED THE COSTA RICANS' TYPICAL "ARROGANCE": THEY ONLY WANTED TO DISCUSS POLITICAL ISSUES, WHILE ALL THE OTHER COUNTRIES HAD SERIOUS SECURITY ISSUES TO WORRY ABOUT. HABIB ASKED IF THE SANDINISTAS WERE BEGINNING TO FEEL MILITARY PRESSURE, AND CEREZO REPLIED AFFIRMATIVELY.

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8. CEREZO SAID THAT ORTEGA WAS NOT WORRIED ABOUT A POSSIBLE U.S. INVASION, BUT WAS CONCERNED ABOUT THE WAR WITH THE RESISTANCE AND THE TERRIBLE ECONOMIC

SITUATION. CEREZO DREW THE CONCLUSION THAT ORTEGA WAS FEELING THE EFFECTS OF THE WAR BOTH ON THE FRONT AND IN TERMS OF THE RESOURCES THAT NEEDED TO BE DIVERTED TO FIGHT THE WAR. ORTEGA HAD

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PAGE 01 CARACA 03044 03 OF 05 312024Z
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INFO CONTADORA COLLECTIVE IMMEDIATE

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EXDIS

E.O. 12356: DECL:OADR
TAGS: PREL, GT, NU, XK, OVIP (HABIB, PHILIP C.)
SUBJECT: AMB. HABIB'S MEETING WITH PRESIDENT CEREZO

MENTIONED HOW EXPENSIVE THE WAR WAS AND WHAT A HIGH PERCENTAGE OF THE BUDGET WENT TO THE MILITARY.

9. CEREZO HAD TOLD ORTEGA THAT THERE MUST BE PARALLEL PROGRESS ON THE ISSUE OF SUPPGRT FOR INSURGENT FORCES IN EL SALVADOR AND NICARAGUA. IN OTHER WORDS, IF NICARAGUA WANTED AN END OF U.S. SUPPORT FOR THE RESISTANCE, IT WOULD HAVE TO CURTAIL ITS SUPPORT FOR THE SALVADORAN GUERRILLAS. ORTEGA HAD CLAIMED THAT THE TWO SITUATIONS WERE DIFFERENT: THE RESISTANCE ONLY HAD STRENGTH BECAUSE OF US SUPPORT, WHILE THE SALVADORAN GUERRILLAS WERE STRONG BECAUSE THEY HAD THE SUPPORT OF THE PEOPLE. CEREZO HAD DISAGREED WITH THIS ANALYSIS. ORTEGA HAD ASKED CEREZO FOR HIS POSITION ON DEALING WITH INSURGENTS, AND CEREZO HAD REPLIED THAT HE WOULD GIVE THEM AMNESTY AND WORK TO INCLUDE IN THE POLITICAL SYSTEM ANY GUERRILLAS WHO PUT DOWN THEIR ARMS. CEREZO TOLD HABIB THAT SOMETHING TO THIS EFFECT SHOULD BE

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PAGE 02 CARACA 03044 03 OF 05 312024Z

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INCLUDED IN THE PROPOSALS.

10. HABIB ASKED WHAT ORTEGA HAD SAID ABOUT DEALING WITH THE RESISTANCE. CEREZO REPLIED THAT ORTEGA'S POSITION HAD BEEN HARD. ORTEGA HAD SAID THAT THE GOVERNMENT COULD NOT RECOGNIZE THE RESISTANCE AS THIS WOULD ENHANCE THE RESISTANCE'S STATURE AS AN OPPOSITION FORCE. ORTEGA HAD SAID THAT HE WAS PREPARED TO DIALOGUE WITH THE CIVIC OPPOSITION. THE SANDINISTAS

WERE ALREADY MEETING WITH THE CHURCH AND WERE PREPARED TO DISCUSS OTHER ISSUES SUCH AS POLITICAL PRISONERS. HABIB NOTED THE IMPORTANCE OF INCLUDING THE RESISTANCE IN ANY PEACE PROCESS, ADDING THAT THE CIVIC OPPOSITION WAS TOO WEAK TO NEGOTIATE EFFECTIVELY WITH THE SANDINISTAS BY THEMSELVES. THE ISSUE OF WHO WAS GOING TO PARTICIPATE IN THE DIALOGUE SHOULD BE AGREED TO IN ADVANCE. CEREZO AGREED THAT THEY MUST FIGURE SOME WAY TO GET THEM INTO THE DIALOGUE.

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11. CEREZO RECALLED THAT ORTEGA HAD SAID THAT THE ARIAS PROPOSALS INITIALLY TALKED ABOUT NATIONAL ELECTIONS IN NICARAGUA. ORTEGA HAD STATED THAT THE SANDINISTAS WOULD REGARD THIS AS INTERVENTION IN NICARAGUA'S INTERNAL AFFAIRS AND REJECT THE PROPOSALS. ORTEGA HAD INDICATED THAT ELECTIONS FOR THE CENTRAL AMERICAN PARLIAMENT WERE A DIFFERENT MATTER, HOWEVER AS THIS WOULD NOT INTERFERE WITH THE INSTITUTIONALIZATION OF THE REVOLUTIONARY PROCESS IN NICARAGUA.

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12. HABIB SAID THAT IT SEEMED THAT ORTEGA MIGHT BE WILLING TO MAKE SOME CONCESSION ON SECURITY POINTS BUT WAS REJECTING CONCESSIONS ON POLITICAL ISSUES.

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THE SANDINISTAS MIGHT TRY TO CUT A DEAL WHICH LEFT THEIR POLITICAL POWER INTACT. HE REITERATED THE NEED TO INCLUDE THE POLITICAL ELEMENTS IN ANY AGREEMENT, NOTING THAT THE PRINCIPAL OBJECTIVE OF U.S. POLICY WAS DCMQCRACY. CEREZO NOTED THAT ORTEGA WAS SEEKING TO SWITCH THE RELATIVE IMPORTANCE OF THE SECURITY AND POLITICAL ELEMENTS. IN THIS REGARD, ORTEGA SOMEWHAT AGREED WITH DUARTE'S POSITION.

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13. CEREZO SAID THAT ORTEGA HAD TRIED SEVERAL TIMES TO CONVINCE HIM THAT NICARAGUA WAS NOT GOING TO BECOME A SOVIET BASE. CEREZO HAD TOLD ORTEGA THAT NO CENTRAL AMERICAN COUNTRY SHOULD DRAW THE REGION INTO THE EAST-WEST CONFLICT. NICARAGUA'S TIES WITH THE SOVIET UNION WERE HURTING ALL THE COUNTRIES IN THE REGION. ORTEGA HAD RESPONDED THAT HE REALIZED THAT IT WOULD BE DIFFICULT TO TRY ANOTHER CUBAN EXPERIMENT IN CENTRAL AMERICA. ORTEGA ALSO HAD SAID THAT HE WAS WORRIED ABOUT A PROLONGED CONFRONTATION WITH THE UNITED STATES. ORTEGA HAD NOTED THAT MILITARY MANEUVERS WAS ONE OF HIS GREATEST CONCERNS AND THAT THIS ISSUE MUST BE RAISED AT ESQUIPULAS. ORTEGA DID NOT STATE THAT ALL MANEUVERS MUST END, HOWEVER, ONLY THAT THIS BE DISCUSSED. ORTEGA HAD ACCEPTED THAT SOME MILITARY

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ASSISTANCE WOULD CONTINUE TO THE COUNTRIES IN THE REGION, ALTHOUGH THERE MUST BE LIMITS. HABIB ASKED IF ORTEGA WAS WILLING TO REDUCE NICARAGUA'S MILITARY. CEREZO REPLIED THAT ORTEGA HAD AGREED TO CONSIDER A

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PAGE 01 CARACA 03044 04 OF 05 312026Z
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EXDIS

E.O. 12356: DECL:OADR
TAGS: PREL, GT, NU, XK, OVIP (HABIB, PHILIP C.)
SUBJECT: AMB. HABIB'S MEETING WITH PRESIDENT CEREZO

REDUCTION IF THE WAR WERE ENDED AND HE COULD BE ASSURED THAT THE UNITED STATES WOULD NOT INVADE.

14. CEREZO SAID THAT ORTEGA HAD STATED THAT HE WAS WORRIED THAT ESQUIPULAS WOULD BREAK DOWN WITHOUT REACHING AN AGREEMENT. ORTEGA HAD EXPRESSED CONCERN THAT IF THIS HAPPENED, IT WOULD MAKE THE PROSPECTS FOR NEGOTIATIONS EVEN BLEAKER THAN BEFORE. CEREZO COMMENTED THAT DESPITE THEIR HARD LINE, HE EXPECTED THE SANDINISTAS TO BE SOMEWHAT FLEXIBLE AT ESQUIPULAS. HE ADDED THAT DURING HIS CONVERSATION WITH ORTEGA, HE HAD FOUND THE SANDINISTA LEADER TO HAVE BEEN MORE OPEN THAN DURING THE FIRST ESQUIPULAS SUMMIT IN MAY 1986.

15. CEREZO SAID THAT HE HAD MET WITH LEADERS OF THE CIVIC OPPOSITION WHILE IN MANAGUA. THE OPPOSITION LEADERS HAD ACKNOWLEDGED THAT THE SANDINISTAS WERE TALKING TO THEM, BUT COMPLAINED THAT THE SANDINISTAS

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PAGE 02 CARACA 03044 04 OF 05 312026Z

WERE AT THE SAME TIME TRYING TO DIVIDE THEM. CEREZO SAID HE HAD URGED THE OPPOSITION TO UNITE.

NICARAGUAN DEMOCRATIC RESISTANCE

16. QUINONES INQUIRED ABOUT THE STATUS OF THE RESISTANCE AND THE EXTENT TO WHICH THEY WERE PUTTING PRESSURE ON THE SANDINISTAS. HABIB REPLIED THAT

THOUSANDS OF RESISTANCE WERE NOW IN THE FIELD, BETTER ARMED, BETTER TRAINED, AND BETTER LED THAN EVER BEFORE. THEIR MORALE WAS HIGH, AND THEY WERE BEGINNING TO PUT INCREASING PRESSURE ON THE SANDINISTAS. BY SUMMER, THEY SHOULD REACH A NEW PEAK. HABIB ACKNOWLEDGED THAT THEY HAD NOT ACHIEVED UNITY ON THE POLITICAL SIDE YET, BUT SUGGESTED THAT PROGRESS WAS BEING MADE ON THAT FRONT AS WELL. HE SAID THAT ARTURO CRUZ HAD PROBABLY LEFT UNO PERMANENTLY, BUT THAT UNO WAS CONTINUING ITS REFORM EFFORTS AND WAS SEEKING TO INCLUDE BOS AND MISURASATA. QUINONES ASKED IF IT WERE NOT TRUE THAT RESISTANCE MILITARY LEADERS SUCH AS ENRIQUE BERMUDEZ WERE SOMOCISTAS. HABIB BRIDLED AT THIS CHARACTERIZATION AND EMPHASIZED THAT WHILE BERMUDEZ HAD BEEN IN THE NATIONAL GUARD, HE HAD NOT BEEN A SOMOCISTA. HABIB POINTED OUT THAT WHILE THERE WERE SOME EX-SOMOCISTAS IN THE RESISTANCE, THERE WERE ALSO SOME EX-SANDINISTAS. THE OPERATIVE WORD WAS "EX," FOR NOW THEY ALL WERE UNITED TO BRING DEMOCRACY TO NICARAGUA. QUINONES ASKED IF THE LATEST POLITICAL INFIGHTING IN THE RESISTANCE DID NOT RESULT IN DIVISIONS BETWEEN UNO AND THE

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FDN. HABIB STATED THAT THIS WAS NOT THE CASE AND NOTED THAT UNO DIRECTORATE MEMBER PEDRO JOAQUIN CHAMORRO HAD ATTENDED HIS MEETING WITH FDN MILITARY LEADERS THE PREVIOUS EVENING. CHAMORRO APPEARED TO HAVE LINKS WITH ADOLFO CALERO AND THE MILITARY LEADERS, AND HE SERVED AS THE BRIDGE BETWEEN UNO AND THE FDN.

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17. CEREZO REMARKED THAT HE WOULD SOON MEET WITH UNO LEADER ALFONSO ROBELO. HABIB RESPONDED THAT HE HAD URGED UNO TO PRESENT ITS POSITION TO THE DEMOCRACIES. HE ADDED THAT HE WAS PLEASED THAT CEREZO WOULD TALK WITH THEM AND ADVISED CEREZO THAT HE WOULD FIND THE POLITICAL LEADERS OF THE RESISTANCE SURPRISINGLY FLEXIBLE ON THE NEGOTIATING TRACK. THE RESISTANCE WAS NOT OPPOSED TO THE ARIAS PROPOSALS BUT RATHER WANTED THEM IMPROVED. PARTICULARLY WITH REGARD TO GREATER PARTICIPATION BY THE RESISTANCE IN THE PROCESS. QUINONES REMARKED THAT HE HAD ALREADY RECEIVED THE UNO LETTER CONCERNING THE ARIAS PROPOSALS. CEREZO SAID THAT IT WAS IMPORTANT THAT HE MEET WITH THEM, POINTING OUT THAT THIS GAVE THE UNO LEADERS GREATER POLITICAL POWER.

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18. QUINONES ASKED ABOUT THE IMPACT OF "IRANGATE." HABIB REPLIED THAT THE WORST WAS OVER. BARRING SOME

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EXDIS

E.O. 12356: DECL:OADR
TAGS: PREL, GT, NU, XK, OVIP (HABIB, PHILIP C.)
SUBJECT: AMB. HABIB'S MEETING WITH PRESIDENT CEREZO

STARTLING NEW REVELATIONS WHEN THE CONGRESSIONAL COMMITTEES HOLD THEIR HEARINGS THIS SUMMER, THE PRESIDENT WOULD BE IN A BETTER POSITION TO PURSUE HIS POLICIES. HE EXPLAINED THAT THE VOTE ON FURTHER AID TO THE RESISTANCE WOULD DEPEND ON THE CIRCUMSTANCES EXISTING IN THE FALL. IF THE SITUATION ON THE GROUND AND ON THE DIPLOMATIC TRACK WERE FAVORABLE, THEN THE PROSPECTS FOR AID WOULD BE MUCH BETTER. HABIB ADDED THAT IF ESQUIPULAS FAILS AND IT IS CLEAR THAT THE SANDINISTAS WERE INTRANSIGENT ON THE POLITICAL ELEMENTS, THIS WOULD INFLUENCE CONGRESS. CONGRESS, LIKE THE CENTRAL AMERICAN DEMOCRACIES, SEES DEMOCRACY IN NICARAGUA AS ESSENTIAL.

19. CEREZO REFERRED TO HIS MAY TRIP TO WASHINGTON AND SAID THAT IT WAS VERY IMPORTANT TO DRAW ATTENTION TO HOW GUATEMALA HAS CHANGED AS IT HAS DEMOCRATIZED. HABIB REPLIED THAT THERE IS WIDESPREAD RECOGNITION OF THE PROGRESS IN RECENT YEARS. HABIB SUGGESTED

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PAGE 02 CARACA 03044 05 OF 05 312027Z

THAT CEREZO NOT ALLOW HIMSELF TO BECOME SIDETRACKED ON THE HUMAN RIGHTS ISSUE, HOWEVER, BUT INSTEAD MAKE HIS SEARCH FOR PEACE AND DEMOCRACY THE THEME OF HIS VISIT.

20. HABIB CLOSED THE MEETING BY TELLING CEREZO THAT HE HOPED THAT THE DEMOCRACIES WOULD MAKE SIGNIFICANT PROGRESS IN THEIR CONSULTATIONS IN THE COMING WEEKS.

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HE SAID THAT HE WOULD RETURN IN APRIL FOLLOWING HOLY WEEK TO CONTINUE HIS CONSULTATIONS. REICH

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o FERNANDEZ LARIOS SENTENCED

-- District court judge's decision this week confirmed important new evidence provided by Fernandez in Letelier/Moffitt case.

-- But charges against Contreras and Espinoza have yet to be assessed by competent judicial authorities.

-- We will not consider this matter resolved until those individuals have been tried and judged.

Chile Project (#S199900030)
U.S. Department of State
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o TESTING GOC WILLINGNESS TO COOPERATE

-- We do not want this issue to become more of an impediment to normal relations between our two countries.

-- We have treated this as a law enforcement matter, trying to avoid public comment that could hinder cooperation.

-- Your MFA statement indicated willingness to cooperate, but the results to date are insufficient.

-- Our interest is that those responsible for this crime be brought to justice. This can be done most effectively if they are tried in the United States.

-- The murders occurred in our country; one of the victims was a U.S. citizen, the other a permanent resident. It was our sovereignty that was violated.

-- Our courts are seized of the matter, have access to the evidence, and are in a position to carry out a full and fair trial.

o REQUEST FOR EXPULSION

-- This note requests that you use the legal means available to expel the two accused to the U.S.

-- Transitory article 24 of your constitution permits expulsion of anyone who carries out actions contrary to Chile's interests. These men appear to meet that test.

-- Precedent exists for expulsion of Chileans (drug traffickers) to the U.S. for law enforcement purposes.

-- We oppose forced exile. This expulsion would be for legitimate law enforcement purposes only; following conclusion of judicial proceedings and any resulting incarceration, they would be free to return to Chile.

-- Based on experience we have little confidence in extradition proceedings.

o NEED FOR RESPONSE

-- We would give full public acknowledgement for such action which would undercut Congressional moves for sanctions.

-- In making this request we do not in any way waive any of our other rights to bring these individuals to justice.

-- We hope for an expeditious and positive response.

-- Without greater assurances and visible cooperation, we cannot avoid public comment, or keep this issue compartmentalized.

-- It will not suffice to refer us to alternative procedures (e.g. extradition) that have not worked in the past.

-- The Chilean Executive Branch clearly has the legal authority to expell the accused individuals to the United States without reference to other branches of government.

-- Whether or not you take this step is a basic policy decision for the Chilean executive, and your response will be viewed in light of that fact.

Phil, thanks for this fine memo. I agree with your statement of our objectives. GPS 4/6/87

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United States Department of State

Washington, D. C. 20520

4/7/87

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Phil, thanks for this fine memo. I agree with your statement of our objectives.

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INFORMATION MEMORANDUM

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April 1, 1987

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TO: The Secretary

FROM: ECA - Philip C. Habib

SUBJECT: Status of the Diplomatic Track in Central America

I visited the four Central American democracies and the four Contadora countries March 22-31 to continue my consultations on the negotiating process. I met with the presidents of all but Mexico as well as with the political and military leadership of the Nicaraguan democratic resistance. I assessed their attitudes toward the Arias proposals and the upcoming Esquipulas meeting, and I emphasized that our goal was democracy in Nicaragua.

Esquipulas, now scheduled for June 25-26, is the center of attention. I was disturbed to find that the four democracies had done nothing since the February summit in San Jose to coordinate their positions in preparation for Esquipulas. I have succeeded in energizing the four to try to reach a harmonized position and they are beginning consultations with each other.

Presidents Duarte and Azcona have no commitment to the Arias proposals and are pessimistic about a useful outcome at Esquipulas. Tney are unhappy with the manner in which Arias has handled himself and particularly his failure to respond to their suggestions during the San Jose summit. Duarte is concerned about how the proposals would affect his own position vis-a-vis his guerrillas and his military. He regards himself as too weak because of his internal difficulties to take the initiative in correcting the proposals, but he made clear that he would be firm in his views at Esquipulas. Azcona is also unimpressed with the proposals but has done little or no work to improve them. Their views of the flaws of the Arias proposals are similar to our own, and they will not accept an agreement harmful to our interests.

Arias seeks to enhance his stature as a regional leader and peacemaker, and he intends that his proposals be the agenda at

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Esquipulas. He told me he is ready to consult with the other democracies and understands now the danger that the Sandinistas could use his initiative to divide the democracies unless they achieve unity. Shortly after my meeting, Costa Rica called a technical-level meeting of the three. Still, Arias is stubborn and we will have to wait and see how willing he is to accept modifications of the crucial elements of his proposals that deal with political issues. He has clearly sought to attract the Nicaraguans to his proposals (for example, by not specifying that they must negotiate with the resistance), and may be prepared to go even further, although I do not believe he will sacrifice his essential demands for a political opening and promotion of democratic processes.

Cerezo sees Esquipulas as an opportunity for enhancing his own role as regional leader and bridge between the other three democracies and Nicaragua. He plans to gather comments from his democratic colleagues and prepare a Guatemalan draft which all four could accept and which would, in his words, "push the Sandinistas against the wall." I met with him immediately following his trip to Managua. He said that Nicaraguan President Ortega was concerned about the economic crisis there and was feeling military pressure. I sensed that Cerezo was holding back somewhat on the proposals that might be discussed at Esquipulas.

Views of the Resistance

The resistance political leadership understands both the problems with the Arias proposals and the opportunity they present. They are flexible in their approach to negotiations and are presenting their comments in writing to Arias and the other democratic presidents. I encouraged them to increase their contacts with the democracies in the coming months.

The military leadership does not believe it possible to negotiate a workable agreement with the Sandinistas, and as a consequence, are skeptical about the diplomatic track. They fear that the Sandinistas may be offered and accept an agreement which does not protect resistance interests and that they will be isolated and abandoned if continued funding is not approved this fall. I emphasized the importance of military pressure in obtaining an agreement achieving our common objective of democracy in Nicaragua. They listened, but remained unconvinced of the viability of a negotiated agreement, preferring to believe that they can defeat the Sandinistas militarily. It will be necessary to make a special effort to consult closely with them.

Relationship to Contadora

The relationship between the Arias proposals (or any successor agreed upon by the four democracies) and Contadora

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remains to be developed. Honduras and El Salvador see in Contadora an advantage over the Arias proposals in that it is more comprehensive; for example, its security and verification provisions are far more developed. At the same time, they recognize that the Arias proposals are superior in dealing with the need for political change in Nicaragua. Guatemala also expects a tie-in to Contadora, but sees the Arias proposals -- or Cerezo's own substitute -- as an important new element. Arias feels that the initiative should essentially stand alone, although he accepts the need for some ties to Contadora. The four Contadora countries expect that any Esquipulas agreement will tie in to Contadora in some way, but are prepared to suspend judgment until they see what happens at Esquipulas.

In discussing the possible value of Contadora, I emphasized that the Arias proposals contain essential elements not found in Contadora -- notably, a clear focus on the importance of democratization in Nicaragua and a schedule of specific, coordinated commitments designed to lead to that result.

Principal Issues at Esquipulas

With respect to the political elements of the Arias proposals, the most difficult issue at Esquipulas will be the role of the resistance in the internal dialogue. The Arias proposals are obscure on this point now, which may be one of their attractions for the Sandinistas. Azcona and Duarte say they will insist on such a role, however. We have suggested ways in which this problem might be addressed, but have no assurance an answer has been found. Difficulties may also arise on sequencing, if Arias should prove as unready to change the timing of the political steps in his proposals as he is to change their substance. This could result in tabling of more than one draft by the democracies. There is also the question of the Nicaraguan constitution, which the Arias proposals appear to accept; this means that national elections would not take place until 1990. The democracies could challenge this concept, making clear that it is an issue that should be settled through the dialogue.

On the military side, the issue which will loom largest is that of Nicaraguan force levels. Contadora has achieved no agreement on this point, which is crucial to Honduras and, to a lesser extent, El Salvador. Our own readings and Cerezo's readout of his talks with Ortega suggest Nicaragua is prepared to reach agreement on the other issues of advisers, maneuvers and subversion (whether it would keep the agreement is a separate question). Although El Salvador and Honduras oppose deferring this issue for later resolution in a comprehensive Contadora agreement, we will need to consider carefully the risk that insisting on this point would weaken our goal that any Esquipulas failure clearly be blamed on Nicaraguan rejection of democratization.

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It is doubtful that Esquipulas can handle adequately the issue of verification of political and military commitments.

Possible Outcomes at Esquipulas

The Esquipulas meeting itself can develop in several different ways. Ideally, it would result in agreement among the five on a specific set of actions meeting our essential policy goals of a political opening and democratization while dealing with military and security issues in a manner we would find acceptable. If the Sandinistas are intransigent on democratization, then we would aim to achieve a 4-1 split isolating Nicaragua on this issue.

Less attractive results are also possible. Although the prospect for division among the democracies is not as great as before my trip, the possibility cannot be discounted that a combination of failure to coordinate and astute Nicaraguan actions will result in Nicaragua (and perhaps Guatemala) signing on to inadequate Arias proposals rejected by El Salvador and Honduras. Such an impasse would inevitably be blamed on the United States and would be a serious setback for our policy and hopes of receiving further assistance for the resistance. More likely is an indefinite protraction of an "Esquipulas process" such as has occurred with the Contadora process; I emphasized to all parties that this type of stalling must not be allowed. Such an outcome would probably undermine efforts to obtain renewed funding for the resistance.

Next Steps

I frankly doubt Esquipulas will produce an agreement. If it does, an agreement reached at a two-day meeting would likely be a bad one. We should therefore concentrate on ensuring the four democracies take a unified position at the meeting. This would offer the best prospect for success, and if Esquipulas fails, would highlight Nicaragua as the obstacle to peace and democracy.

Despite the unlikelihood that Esquipulas will result in an agreement, however, it is essential that we continue to act on the premise that it is possible to induce the Sandinistas to enter into a political settlement acceptable to us. We cannot appear to be aiming to produce a proposal the Sandinistas will reject. We must be willing to respond to promising developments by carrying the diplomatic track forward, particularly if some favorable elements result from the proposals on the table at Esquipulas. Congress has not asked that we abandon our goals, including democratization, but only that we pursue negotiations in good faith. In my view, this policy makes sense in any event, and any other policy will severely damage our credibility both internationally and domestically.

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In working toward a realistic agreed proposal by the democracies, we will be relying principally on Duarte and Azcona. Following this trip, I am fully confident that this "axis" will adamantly resist dangerous or ill-considered ideas to which Arias and Cerezo may be subject despite their democratic commitment. I must reiterate in this connection my concern at the effect on both Duarte and Azcona of the cuts in assistance to them proposed by Congressman Obey. We must fight those cuts, and we must get them reversed.

Everywhere I encountered nervous disappointment with the apparent absence of bipartisan support for our policies in Congress. Apparently, the constant stream of CODELs has severely damaged our credibility. We must work to get much greater expressions of Congressional support for staying the course.

I intend to stay in close contact with the democracies. I anticipate returning to the region in late April and again in May or early June in order to keep our finger on developments and to understand and influence how preparations for Esquipulas develop. In addition, our Ambassadors, who have been with me in all my meetings, are fully clued in and can be counted on to support our efforts on a daily basis.

cc: D - Mr. Whitehead
P - Mr. Armacost
ARA - Mr. Abrams
DOD - Mr. Weinberger
NSC - Mr. Carlucci
CIA - Mr. Gates

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~~C O N F I D E N T I A~~ L SANTIAGO 02377

E.O. 12356: DECL:OADR
TAGS: PHUM, CI
SUBJ: EXILE LIST: 507 NAMES REMOVED; GOC ARBITRARILY REMOVES AN ADDITIONAL 195 FROM CONSIDERATION

1. (U) INTERIOR MINISTER RICARDO GARCIA ANNOUNCED ON MARCH 31 THAT AN ADDITIONAL 507 NAMES WERE BEING REMOVED FROM THE EXILE LIST. ACCORDING TO THE GOC COUNT, THIS LEAVES 764 NAMES ON THE LIST. GARCIA SAID THAT THE GOC WAS IN NO WAY THROUGH WITH ITS TASK AND THAT THE REMAINING NAMES, WHICH HE CHARACTERIZED AS "COMPLEX AND MORE DIFFICULT," WOULD CONTINUE TO BE STUDIED. GARCIA ALSO CLAIMED THAT THE GOVERNMENT HAD NOW EFFECTIVELY COMPLIED WITH THE ORDER OF PRESIDENT PINOCHET THAT THE PROBLEM OF EXILE BE DEALT WITH BY THE END OF MARCH. IF LATEST LIST OF THOSE WHOSE NAMES HAVE
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PAGE 02 SANTIA 02377 011519Z

BEEN REMOVED FROM THE PROHIBITED ENTRY LIST CONTAINS PERSONS OF IMPORTANCE TO US, WE WILL REPORT BY SEPTEL AFTER REVIEW.

2. (C) THE GOC CONTENTION THAT ONLY 764 NAMES REMAIN ON THE LIST IS BOUND TO RAISE SOME EYEBROWS.

IN EFFECT, THE GOVERNMENT HAS PULLED A SLEIGHT OF HAND BY ARBITRARILY REDUCING THE LIST BY 195. ACCORDING TO GARCIA, 16 NAMES ON THE PREVIOUS LIST WERE THOSE OF DRUG-TRAFFICERS AND, THEREFORE, CORRESPOND TO FUGITIVES FROM JUSTICE RATHER THAN EXILES. AN ADDITIONAL 179 NAMES BELONG TO PEOPLE WHO WERE SENTENCED TO PRISON TERMS FOLLOWING THE COUP AND WERE ALLOWED TO LEAVE CHILE FOR THE DURATION OF THEIR SENTENCE. ONE OF THE MOST PROMINENT AMONG THESE IS ERICK SCHNAKE. SINCE THESE PEOPLE CANNOT RETURN UNTIL THE END OF THEIR SENTENCE, ACCORDING TO GOC LOGIC, THEY ARE NO LONGER TO BE CONSIDERED EXILES.
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THE SECRETARY OF STATE

WASHINGTON

Chile Project (#S199900030)
U.S. Department of State
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Dear Ed:

I want to applaud and express gratitude for the excellent work of members of the Department of Justice, the FBI, and the Office of the U.S. Attorney for the District of Columbia involved in the recent breakthrough in the long-stalled Letelier/Moffitt case. Close inter-agency cooperation and discretion characterized this effort and accounts, in part, for the positive outcome of our actions. The professionalism and courage of FBI [redacted] both of whom undertook personal risk in meeting with Fernandez in Chile, deserve special praise.

By bringing Chilean Armando Fernandez Larios to justice in the U.S., and gaining his cooperation in continuing our investigation against other culpable individuals in this case, we have sent a clear signal to the world of our commitment to pursue criminal cases against suspected terrorists. I look forward to our continued cooperation on this important case.

Sincerely yours,

George P. Shultz

Drafted by:ARA/SC:LXusnitz
3/26/87 ext. 72296
Doc. # 1790S

Clearances: ARA:RGelbard
ARA/SC:DWCox
L:MKozak
L/ARA:DDarman
ARA/SC:JWSwigert

The Honorable
Edwin Meese, III,
Attorney General.

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Chile Project (#S199900030)
U.S. Department of State
Release X Excise Deny
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DECAPTIONED

E.O. 12356: DECL:OADR
TAGS: PREL, PHUM, CI
SUBJ: LETELIER CASE: VIEWS OF DR. ETCHEBERRY

REF: (A) STATE 78523

1. [redacted] ENTIRE TEXT

2. THE FOLLOWING INFORMATION WAS PASSED TO THE EMBASSY BY ATTORNEY ALFRED ETCHEBERRY IN RESPONSE TO REFTEL:

AN ANSWER TO PENDING QUESTIONS RELATING TO LETELIER MURDER CASE

PARAGRAPH 3: I AM IN COMPLETE AGREEMENT WITH COURSE OF ACTION DESCRIBED IN PAR. 3. EXPULSION SHOULD NOT BE REQUESTED AS A FORM OF PUNISHMENT BUT ONLY AS AN ACT OF COOPERATION IN ENFORCING THE LAW. AS TO THE GUARANTEE OF A FREE RETURN FOR THE DEFENDANTS AFTER SERVING THEIR POSSIBLE SENTENCES, "TRANSITORIA" PROVISION 24 IS SILENT. IT WOULD BE A LEGITIMATE REQUEST SHOWING THE CONCERN OF THE USA GOVERNMENT FOR HUMAN RIGHTS. HOWEVER, IT MIGHT BE REGARDED BY THE CHILEAN GOVERNMENT AS A MOVE TO FURTHER LIMIT THEIR FREEDOM OF ACTION AND TO LIMIT THEIR SOVEREIGNTY. PERHAPS IT WOULD BE SUFFICIENT TO SAY THAT AFTER THEIR ACQUITTAL OR SERVING THEIR SENTENCES, THOSE PEOPLE WILL BE FREE TO RETURN TO CHILE AND THAT THE USA WOULD DO NOTHING TO IMPAIR THAT RIGHT OF THEM.

THIS IS ALSO AN ANSWER TO PARA. 4 AND 5.

PARAGRAPH 6: FIRST SIGHT INTERPRETATION OF ART. 24 IS INCORRECT.

ACCORDING TO ART. 24 A SPECIAL STATE OF EMERGENCY MAY BE PROCLAIMED IN TWO DIFFERENT SITUATIONS:

A) ACTS OF VIOLENCE HAVE BEEN PERFORMED WITH THE PURPOSE OF DISTURBING PUBLIC ORDER, OR
B) THERE IS A DANGER THAT DOMESTIC PEACE BE DISTURBED.

VIOLENT ACTS WOULD ONLY BE NEEDED IN CASE (A). IN CASE (B) THE SOURCE OF DANGER COULD BE ANYONE, WHETHER VIOLENT OR NOT. (FOR INSTANCE, A CONSPIRACY NOT CARRIED OUT THROUGH VIOLENT MEANS.)

THE PRESIDENT'S ASSESSMENT OF THE SITUATION IS THE SOLE JUDGE AS TO WHETHER OR NOT ONE OF THOSE TWO

STATES EXISTS.

IF THE PRESIDENT THINKS THAT ONE OF THESE SITUATIONS REALLY EXISTS, HE ISSUES A DECREE PROCLAIMING A PARTICULAR STATE OF EMERGENCY. THIS HAS BEEN DONE WITHOUT INTERRUPTION SINCE THE CONSTITUTION IS IN FORCE (MARCH 1980). THE MOST RECENT RENEWAL TOOK PLACE BY A PRESIDENT'S DECREE ON MARCH 9, 1987, FOR 90 DAYS.

THEREFORE, THE LEGAL REQUISITE TO TAKE THE MEASURES ALLOWED BY ART. 24 HAS BEEN MET.

ONCE SUCH STATE OF EMERGENCY IS IN FORCE, THE PRESIDENT IS EMPOWERED TO TAKE ALL OR ANY OF THE MEASURES DETAILED IN THE TEXT OF ART. 24. IT IS NOT NECESSARY THAT THE PEOPLE AFFECTED BY THEM HAVE COMMITTED ACTS OF VIOLENCE.

ACCORDING TO ART. 24 (C), DURING SUCH A STATE OF EMERGENCY THE PRESIDENT IS ENTITLED:
(1) TO PROHIBIT ENTRY INTO THE NATIONAL TERRITORY, AND
(2) TO EXPEL FROM THE CHILEAN TERRITORY.

THOSE MEASURES MAY BE APPLIED WITH REGARD TO THE FOLLOWING GROUPS OF PEOPLE:
(1) THOSE WHO MAKE PROPAGANDA OF THE DOCTRINES MENTIONED IN ART. 8 (PERMANENT) OF THE CONSTITUTION (DOCTRINES AGAINST THE FAMILY, THOSE THAT ADVOCATE VIOLENCE, AND THOSE THAT ADVOCATE DOCTRINES THAT ARE TOTALITARIAN OR FOUNDED ON CLASS STRUGGLE). NO ACTS OF VIOLENCE ARE NEEDED AT ALL.
(2) THOSE THAT HAVE A REPUTE OF BEING ACTIVE ADVOCATES OF SUCH DOCTRINES (SUCH REPUTE IS ENOUGH; NO ACTS ARE REQUIRED).
(3) THOSE WHO PERFORM ACTS THAT ARE CONTRARY TO CHILEAN INTERESTS (THE NATURE THEREOF IS NOT SPECIFIED: THEY COULD CONSIST OF CONVINCING A FOREIGN BANK NOT TO LOAN MONEY TO THE CHILEAN GOVERNMENT).
(4) THOSE WHO REPRESENT A DANGER FOR INTERNAL PEACE (NOTHING IS SAID OF THE GROUNDS ON WHICH SUCH DANGER WOULD BE ASCERTAINED; NO VIOLENT ACTS ARE NEEDED).

NOTHING IS SAID, EITHER, IN ART. 24, WITH REGARD TO THE PLACE WHERE SUCH DISTURBANCES SHOULD HAVE TAKEN PLACE. IF THE PRESIDENT THINKS THAT CERTAIN ACTS PERFORMED ABROAD ARE CONTRARY TO THE INTERESTS OF CHILE, HE MIGHT PROHIBIT ENTRANCE INTO THE COUNTRY TO PEOPLE WHO HAVE PERFORMED THEM ABROAD.

THIS ANSWERS PARA. 6 AND 7.

PARAGRAPH 8. STRICTLY SPEAKING, IT IS TRUE THAT ART. 24 ONLY PERMITS EXPULSION FROM CHILE AND NOT TO A PARTICULAR COUNTRY. HOWEVER, IN PRACTICE PEOPLE MUST BE EXPELLED TO A FIXED PLACE. CHILEAN AUTHORITIES USUALLY EXPEL TO COUNTRIES THAT HAVE DECLARED THEMSELVES WILLING TO RECEIVE CHILEAN EXILES.

PARAGRAPH 9. OUR ANSWER TO PARAGRAPH 8 IS PERTINENT HERE, TOO. PEOPLE TO BE TRIED IN THE USA (CHILEAN CITIZENS) ON CHARGES OF DRUG DEALING WERE IN FACT EXPELLED FROM THE COUNTRY WITHOUT TRIAL AND SENT FOR TRIAL TO THE U.S. UNDER THE PROVISIONS OF DECREE-LAW 81 THAT WAS IN FORCE PRIOR TO THE CURRENT CONSTITUTION AND GRANTED TO THE EXECUTIVE VERY SIMILAR POWERS TO THE ONES IN CURRENT ART. 24.

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PARAGRAPH 10. PERJURY-FALSE TESTIMONY.

(A) FALSE TESTIMONY CONSISTS IN MAKING FALSE STATEMENTS IN COURT, DURING A PRELIMINARY INQUEST OR A FORMAL TRIAL. OATH IS NOT RELEVANT, BUT ONLY WITNESSES, EXPERT WITNESSES AND TRANSLATORS FOR THE COURT MAY COMMIT THIS CRIME. A DEFENDANT IS NOT BOUND TO TESTIFY. IF HE CHOOSES TO DO SO, HE CANNOT BE QUESTIONED UNDER OATH AND IS NOT SUBJECT TO THE PENALTIES OF FALSE TESTIMONY IF HE LIES. THEREFORE, IT IS MOST LIKELY THAT FERNANDEZ LARIOS WAS NEVER BEEN QUESTIONED UNDER OATH. THE ALLEGED BORQUEZ WARNING DURING THE EXTRADITION PROCEEDINGS WOULD BE QUITE ACCURATE.

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THIS TAKES CARE OF PARAS. 11, 12 AND 13.

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CONFIRMED: FERNANDEZ LARIOS DID NOT TAKE AN OATH WHEN QUESTIONED AT THE SUPREME COURT.

STATUTORY PROVISIONS: CONSTITUTION OF 1925 (IN FORCE DURING THE EXTRADITION PROCEEDINGS): ART. 18.

CONSTITUTION OF 1980 (NOW IN FORCE): ART. 19, PARA. 3 E)

PENAL CODE: ARTS. 206 TO 210.

(B) PERJURY: IT IS A CRIME CONSISTING OF LYING UNDER OATH TO AUTHORITIES OTHER THAN A COURT OF JUSTICE.

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IN MY OPINION, NOT RELEVANT IN THIS CASE.

RECENT NEWS. FORMER ALLENDE MINISTER OF FOREIGN AFFAIRS CLODOMIRO ALMEYDA HAS JUST RETURNED FROM EXILE (UNAUTHORIZED) AND THE GOVERNMENT AT ONCE SENT HIM TO INTERNAL EXILE IN SOUTHERN CHILE, INVOKING ART. 24. IT IS EVIDENT THAT ALMEYDA HAS NOT PERFORMED ANY ACT OF VIOLENCE IN CHILE. ANY SUCH ACTS, OR OTHER NON-VIOLENT ACTS "CONTRARY TO CHILEAN INTERESTS," IF ANY, MUST HAVE TAKEN PLACE ABOARD.

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E.O. 12356: DECL:OADR
TAGS: PREL, VE, XK, OVIP (HABIB, PHILIP C.)
SUBJECT: AMB. HABIB'S MEETING WITH VENEZUELAN PRESIDENT LUSINCHI

1. SECRET - ENTIRE TEXT.

2. SUMMARY: ON MARCH 31, AMB. HABIB AND AMB. REICH CALLED ON PRESIDENT LUSINCHI TO DISCUSS THE NEGOTIATING TRACK IN CENTRAL AMERICA. HABIB SAID WE WERE PLEASED WITH PRESIDENT ARIAS' PROPOSALS INSOFAR AS THEY STRESSED THE IMPORTANCE OF DEMOCRACY IN NICARAGUA, BUT WARNED THAT THEY WERE DEFICIENT IN SOME RESPECTS AND OMITTED ALTOGETHER SOME IMPORTANT CONSIDERATIONS. HE ASKED LUSINCHI TO IMPRESS UPON THE CENTRAL AMERICANS THE NEED FOR CONSULTATIONS AMONG THEMSELVES IN ORDER THAT THE SANDINISTAS NOT BE ABLE TO DIVIDE THEM AND THAT THE PEACE PROCESS MUST NOT BE ALLOWED TO DRAG ON INTERMINABLY. LUSINCHI SAID THAT DEMOCRACY IN NICARAGUA WAS ALSO

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VENEZUELA'S GOAL AND THAT HE HAD TOLD THIS TO THE NICARAGUANS MANY TIMES. LUSINCHI SEES THE ARIAS PROPOSALS AS COMPATIBLE AND COMPLEMENTARY TO CONTADORA. VENEZUELA WILL WAIT FOR THE OUTCOME OF THE ESQUIPULAS MEETING BEFORE REACHING ANY CONCLUSIONS ABOUT THE CURRENT STATE OF PLAY IN THE CENTRAL AMERICAN PEACE PROCESS. END SUMMARY.

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3. ON MARCH 31, AMB. HABIB AND AMB. REICH ACCOMPANIED BY NSC STAFFER KIM FLOWER MET WITH VENEZUELAN PRESIDENT JAIME LUSINCHI IN HIS OFFICE AT MIRA FLORES PALACE. LUSINCHI WAS JOINED BY FOREIGN MINISTER CONSALVI AND INTERIOR MINISTER CILIBERTO. HABIB REVIEWED FOR LUSINCHI THE PURPOSE AND ITINERARY OF HIS TRIP, OBSERVING THAT THE MOMENT WAS PARTICULARLY GOOD TO TAKE UP THE PROBLEM OF CENTRAL AMERICA. THE UPCOMING MEETING AT ESQUIPULAS WAS AN IMPORTANT FOCUS OF ATTENTION. IT WAS ESPECIALLY WORTH COMMENTING THAT THE CENTRAL AMERICAN COUNTRIES HAD FINALLY ASSERTED THEMSELVES, CREATING A PROCESS THAT IS COMPLEMENTARY TO CONTADORA. THE ARIAS PROPOSALS EMPHASIZED THE IMPERATIVE NEED FOR DEMOCRACY IN NICARAGUA, AN ISSUE LESS EFFECTIVELY DEALT WITH BY CONTADORA. ARIAS ACTUALLY SETS UP A TIMETABLE FOR DEMOCRATIZATION. THE USG WELCOMES THIS ASPECT OF HIS PROPOSALS. HABIB REMINDED LUSINCHI THAT IN THEIR JANUARY MEETING THEY HAD AGREED THAT THE ABSENCE OF DEMOCRACY IN NICARAGUA WAS THE CENTRAL PROBLEM IN CENTRAL AMERICA. PRESIDENT REAGAN, HABIB OBSERVED, HAS MADE DEMOCRACY IN NICARAGUA THE BASIC POLICY OBJECTIVE FOR THE USG. THE ARIAS PROPOSALS ARE A GOOD START IN THIS DIRECTION, ALTHOUGH THEY ARE INCOMPLETE, ESPECIALLY ON MILITARY AND SECURITY QUESTIONS. CONTADORA, ON THE OTHER HAND, HAS

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DONE A LOT OF USEFUL WORK ON THE SECURITY ISSUES, AND IN THIS SENSE THEY ARE COMPLEMENTARY. HABIB OBSERVED THAT MEXICO RECOGNIZES THE LINK WITH CONTADORA. MEXICAN FOREIGN SECRETARY SEPULVEDA HAD TOLD HIM THAT HE WOULD WAIT AND SEE WHAT RESULTED FROM ESQUIPULAS. LUSINCHI AND CONSALVI BOTH AGREED THAT A WAIT-AND-SEE APPROACH WAS THE MOST USEFUL ATTITUDE TOWARD ESQUIPULAS.

4. HABIB TOLD LUSINCHI THAT THE CONTRAS HAVE BEEN RETURNING TO NICARAGUA IN LARGE NUMBERS AND WERE BEGINNING TO BRING REAL PRESSURE ON THE SANDINISTAS. THIS WOULD HOPEFULLY HAVE A POSITIVE EFFECT ON THE NEGOTIATING CLIMATE BY INDUCING THE SANDINISTAS TO DEAL SERIOUSLY WITH THE CONCERNS OF THEIR NEIGHBORING COUNTRIES. HABIB INFORMED THE PRESIDENT THAT SOME 13,000 WELL-TRAINED, ARMED AND CAPABLY LED CONTRAS WERE NOW BACK INSIDE. THEIR MORALE WAS HIGH, AND THEY HAD BEEN SENSITIZED TO HUMAN RIGHTS PRACTICES. THE CONTRAS WERE A FORCE THE SANDINISTAS WOULD HAVE TO RECKON WITH. THE PRESSURE WAS MOUNTING AND WOULD PEAK WITHIN THE NEXT FEW MONTHS. HABIB COMMENTED THAT GUATEMALAN PRESIDENT CEREZO HAD TOLD HIM THAT FROM HIS RECENT MEETING WITH ORTEGA, HE HAD THE CLEAR IMPRESSION THAT THE SANDINISTAS WERE

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FEELING UNCOMFORTABLE MILITARY PRESSURE.

5. PRESIDENT LUSINCHI RESPONDED THAT HE FULLY AGREED WITH PRESIDENT REAGAN THAT DEMOCRACY WAS THE CENTRAL ISSUE. A STABLE PEACE COULD ONLY BE ACHIEVED IF ALL THE COUNTRIES IN THE REGION HAD DEMOCRATIC GOVERNMENTS. LUSINCHI TOLD HABIB THAT DEMOCRACY HAD LONG BEEN THE OBJECTIVE OF VENEZUELAN POLICY AND THAT HE HAD MADE THIS CLEAR TO THE SANDINISTAS. IN FACT, HE HAD TOLD DANIEL ORTEGA HIMSELF THAT NICARAGUA MUST DEMOCRATIZE. ORTEGA HAD BEEN MORE RECEPTIVE TO THE IDEA THAN HE THOUGHT HE WOULD BE. BUT ORTEGA TENDS TO DWELL, HE SAID, ON SOCIAL

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AND ECONOMIC IDEOLOGY, CLAIMING THAT THE USG AND THE CONTRAS SOUGHT TO RETURN NICARAGUA TO A STATE OF FUEDAL OLIGARCHY. THE SANDINISTAS, LUSINCHI SAID, HAVE BECOME ISOLATED, A KIND OF CYST IN CENTRAL AMERICA. LUSINCHI SAID THAT HE HAD TOLD THE CONTRAS, TOO, THAT THEY MUST BE DEMOCRATS AND NOT SOMOCISTAS. HABIB REMINDED LUSINCHI THAT HE WAS A DOCTOR AND THEREFORE HE KNEW THAT CYSTS HAD TO BE CUT OUT. HE OBSERVED THAT IT SEEMED THAT THE SANDINISTAS HAD SPENT TOO MUCH TIME IN CUBA. HE NOTED THAT HE HAD MET WITH BOTH THE POLITICAL AND MILITARY LEADERSHIP OF THE DEMOCRATIC RESISTANCE. PARTICULARLY, THE POLITICAL LEADERSHIP OF UNO WAS FLEXIBLE AND PREPARED TO COMPETE IN A FREE POLITICAL ENVIRONMENT IN NICARAGUA, IF ONE COULD BE ESTABLISHED. UNO UNDERSTOOD ARIAS' PROPOSALS AND HAD OFFERED CONSTRUCTIVE SUGGESTIONS FOR IMPROVEMENT. HE TOLD LUSINCHI THAT HE DID NOT NEED TO WORRY ABOUT THE CONTRA LEADERSHIP BEING SOMOCISTAS. THE POINT IS THAT NOW THEY WERE STRUGGLING TO BRING DEMOCRACY TO NICARAGUA. HABIB SAID THAT HE HAD BEEN PARTICULARLY IMPRESSED WITH UNO'S NEW DIRECTORATE MEMBER PEDRO JOAQUIN CHAMORRO, WHO APPEARED TO BE ASSERTING CIVILIAN INVOLVEMENT IN MILITARY AFFAIRS. LUSINCHI SAID THAT HE, TOO, HAS BEEN FAVORABLY IMPRESSED WITH WHAT HE HAD LEARNED OF CHAMORRO.

6. LUSINCHI SAID THAT HE ALSO WAS PLEASED THAT THE CENTRAL AMERICAN DEMOCRACIES WERE PLAYING AN ACTIVE ROLE. ARIAS AND PARTICULARLY CEREZO WERE KEY FIGURES. LUSINCHI OBSERVED THAT FOR THE FIRST TIME THERE APPEARED TO BE EMERGING A CENTRAL AMERICAN COLLECTIVE CONSCIOUSNESS, AND HE SPECULATED THAT THIS FEELING MIGHT PREFIGURE A FUTURE POLITICAL FEDERATION OF CENTRAL AMERICAN STATES, AN EVENTUALITY HE HAD LONG FAVORED. THE

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CONTADORA COUNTRIES TOGETHER WITH THE USG SHOULD ENDEAVOR TO PROMOTE POLITICAL UNITY AS WELL AS A PEACEFUL

SETTLEMENT. WE EACH HAVE DEGREES OF INFLUENCE IN CENTRAL AMERICA, AND WE SHOULD USE THIS SUBTLY TO INDUCE A

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FAVORABLE, PEACEFUL OUTCOME. NICARAGUA IS THE PROBLEM. THE SANDINISTAS DO NOT TRUST ANYBODY, NOT EVEN THE MEXICANS, AND ESPECIALLY NOT VENEZUELA. PERHAPS THE RECENT EVENTS IN THE SOVIET UNION WILL HAVE AN EFFECT ON NICARAGUA. GORBACHEV'S REFORMS COULD POSITIVELY INFLUENCE THE COMANDANTES, LUSINCHI SAID.

7. HABIB REMARKED THAT SECRETARY SHULTZ WOULD SOON BE MEETING WITH SOVIET FOREIGN MINISTER SHEVARDNADZE AND THAT UNDER SECRETARY ARMACOST HAD RECENTLY VISITED MOSCOW. POSSIBLY THE SOVIETS WOULD BE MORE RECEPTIVE TO DISCUSS CENTRAL AMERICA IN A CONSTRUCTIVE WAY, BUT IN ANY CASE THE USG WAS DETERMINED NOT TO PERMIT THE SOVIETS TO PENETRATE THE WESTERN HEMISPHERE. LUSINCHI ADDED THAT IT SEEMED LIKELY TO HIM THAT THE SOVIETS WOULD LINK ANY DISCUSSIONS ABOUT CENTRAL AMERICA TO AFGHANISTAN, AND THIS ILLUSTRATED THAT THE CENTRAL AMERICAN CRISIS HAD A SUPERPOWER DIMENSION. AS FOR THE SOVIETS IN THE WESTERN HEMISPHERE, LUSINCHI SAID VENEZUELA'S POSITION IS CLEAR: NO SOVIETS. HE SAID THAT HE HAD MADE THIS POINT TO THE NICARAGUANS REPEATEDLY.

8. CUBA WAS A DIFFERENT AND MORE COMPLICATED QUESTION. LUSINCHI SEES REASON TO BELIEVE THAT CASTRO, TOO, IS CHANGING. RECENTLY, CASTRO HAD SENT HIM AN INTERESTING MESSAGE. CASTRO HAD SOUGHT OUT THE VENEZUELAN DELEGATE TO A CONFERENCE ON PEDIATRICS IN HAVANA AND TOLD HIM TO TELL LUSINCHI THAT EVERY ECONOMIC POLICY HE HAD PURSUED HAD TURNED OUT WRONG. HE SHOULD HAVE KEPT HIS POLITICAL POLICIES SEPARATE, BECAUSE EXCEPT FOR PUBLIC HEALTH AND EDUCATION, HE HAD FAILED MISERABLY. CASTRO'S MESSAGE TO

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LUSINCHI WAS: DO NOT MESS WITH THE ECONOMY. HABIB REMARKED IRONICALLY THAT IT TOOK CASTRO A LONG TIME TO DISCOVER HIS SHORTCOMINGS. THE MAIN LESSON CASTRO SEEMS TO HAVE LEARNED, SAID LUSINCHI, IS THAT AN ECONOMIC REVOLUTION CANNOT BE DECREED. GIVEN CASTRO'S ECONOMIC DIFFICULTIES, NOW MAY BE A PROPITIOUS TIME TO LOOK FOR PEACE IN CENTRAL AMERICA.

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9. RETURNING TO THE SUBJECT OF ESQUIPULAS, HABIB TOLD LUSINCHI THAT IT WOULD BE USEFUL IF HE WERE TO REINFORCE TWO POINTS WITH THE CENTRAL AMERICAN DEMOCRACIES: THAT IT WAS IMPORTANT FOR THEM NOT TO ALLOW THE SANDINISTAS TO SPLIT THEM INTO OPPOSING FACTIONS; AND THAT WHATEVER THE RESULT OF ESQUIPULAS, THE PROCESS COULD NOT BE ALLOWED TO DRAG ON INTERMINABLY AS HAD CONTADORA. HABIB SAID HE THOUGHT THAT SIX MONTHS SHOULD BE MORE THAN AMPLE TIME TO

DETERMINE WHETHER THE SANDINISTAS WERE DISPOSED TO BRING NICARAGUA INTO THE FOLD OF DEMOCRATIC CENTRAL AMERICA.

HABIB SAID THAT TO AVOID THESE NEGATIVE PROSPECTS, IT WAS ESPECIALLY IMPORTANT THAT THE CENTRAL AMERICANS CAREFULLY CONSULT IN ADVANCE OF ESQUIPULAS. WHILE ARIAS IDENTIFIED THE NEED FOR DEMOCRACY IN NICARAGUA, A MORE PRECISE APPROACH WAS CALLED FOR. FOR EXAMPLE, HOW WOULD THE CONTRAS BE INCLUDED? THERE WERE A NUMBER OF WAYS THEIR PARTICIPATION COULD BE ARRANGED WITHOUT A DIRECT CONFRONTATION WITH THE SANDINISTAS. AS FOR THE CENTRAL AMERICAN PARLIAMENT, HABIB SAID THE IDEA WAS A GOOD ONE. IT HAD THE MERIT OF CALLING FOR A FREE ELECTION. BUT THAT WAS NOT SUFFICIENT. IT WAS NOT ENOUGH JUST TO DESIRE A WAY TO GET ALONG WITH THE SANDINISTAS. WHAT WAS REALLY NEEDED WAS BASIC POLITICAL CHANGE IN NICARAGUA ITSELF, AND THIS HAD TO BE ARRIVED AT BY NEGOTIATIONS

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AMONG THE NICARAGUANS THEMSELVES.

10. IN CLOSING, LUSINCHI SAID THAT ARIAS AND CEREZO WERE THE KEY ACTORS; PARTICULARLY CEREZO, WHO WAS WELL AWARE OF GUATEMALA'S VULNERABILITY TO SUBVERSION AND INSURGENCY. GUATEMALA WAS POORER THAN EL SALVADOR AND ITS OLIGARCHY WAS THE MOST REPRESSIVE. CEREZO, LUSINCHI SAID, WAS A GOOD MAN, AND THE USG SHOULD TRUST HIM. AS FOR ARIAS, HE FEARED NICARAGUA; AND THIS FEAR PROMPTED HIM TO COME FORWARD WITH HIS PROPOSAL. LUSINCHI REMARKED THAT GIVEN THE SERIOUSNESS OF THE SITUATION, HE SIMPLY COULD NOT UNDERSTAND FORMER PRESIDENT MONGE'S RECENT STATEMENT THAT HE WAS NEUTRAL ON ARIAS' PROPOSALS. HOW COULD HE BE NEUTRAL IN THE FACE OF SUCH DANGER? HABIB SAID MONGE MAY BE NEUTRAL BUT NOT THE COSTA RICAN PEOPLE. PUBLIC OPINION POLLS HAD REPEATEDLY SHOWN THAT THEY FEARED NICARAGUA GREATLY, BY WIDE MARGINS. SHULTZ

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4-7-87

NH168

Chile Project (=S19990005)
U.S. Department of State
Release____ Excise X ...
Declassify in Part____ in Full...
Exemption(s) B6

United States Department of State

Washington, D.C. 20520

EXCISE

Dear Mr. Kolbe:

We have received your letter of April 7, 1987 concerning a negative vote cast by the United States last fall against a United Nations General Assembly resolution on the human rights situation in Chile. Your letter was on behalf of your constituent [redacted].

In viewing our vote last fall, and in considering our decision to join consensus on a Chilean human rights resolution at the United Nations Human Rights Commission in Geneva during March of this year, it is important to realize that our positions in international organizations concerning Chile are determined with US support for democracy and human rights in Chile very much in mind. We take our actions in these bodies seriously, and seek to be constructive. Accordingly, we do not vote for resolutions unless we consider them sound.

There were significant parts of the resolution on Chile presented last year that reflected our own assessment of the human rights situation in that country. But, taken as a whole, we considered it to be seriously flawed in not reflecting accurately the constructive work of the UN Special Rapporteur, former Costa Rican Foreign Minister Fernando Volio, and in not recognizing the negative impact of terrorism on the human rights situation and the effort to return Chile to democracy. We voted against the resolution only after we were unable to obtain sufficient amendments to the text to allay these fundamental concerns.

There has been no retreat from our vocal support for democracy and human rights in Chile. We took the initiative to propose a resolution on Chile this year in the UN Human Rights Commission, just as we did last year. Through persistent diplomatic efforts we were able to obtain improvements in an unbalanced resolution circulated by Mexico, and to reach agreement on a proposal for eliminating discriminatory treatment of Chile under a separate agenda item. We succeeded in revising the text so that it would deplore "continued acts of extreme violence from all quarters." In view of the improvements we obtained, despite flaws in the text, we joined the consensus in approving the resolution.

The Honorable
Jim Kolbe,
House of Representatives.

UNCLASSIFIED

Drafter: ARA/SC:LKusnitz
2341S

Clearance: ARA:
ARA/SC:DWCox
ARA/SC:JWSwigert
HA/HR:KBarmon (subs)
IO/HW:BZweiben (subs)
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NH168

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Chile Project (#S19900085)
U.S. Department of State
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Exemption(s) B6

United States Department of State

Washington, D.C. 20520

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EXCISE

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The Honorable
Jim Kolbe,
House of Representatives.

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Drafter: ARA/SC:LKusnitz
23415

Clearance: ARA:
ARA/SC:DWCox
ARA/SC:JWSwigert
HA/HR:KBarmon (subs)
IO/HW:BZweiben (subs)
H:

4-8-87

EXCISE

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SECRET

United States Department of State

Washington, D.C. 20520

April 8, 1987

Chile Project #S1999005
U.S. Department of State
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Declassify: In Part X In Full_____
Exemption(s) B1, B6, NR

Harry G. Barnes
American Ambassador
Santiago

Dear Harry:

First, my thanks to you, George, John and everyone else at the mission who went to great effort to make my orientation trip to Chile so worthwhile and productive. I consider it the best organized and most thorough visit of that kind I have made. The reporting cables on the visit were excellent, and went beyond the call of duty in covering all aspects of the visit. The round-up should be useful particularly for the analysts. We will pass on any feedback we get.

Follow-up: On the items we discussed just before I left: I have arranged a luncheon with Peter Eigen, and will probe then regarding timing for SAL III. (As you will have seen from the reporting cable, Buchi confirmed to Elliott that a third SAL is in the offing.) Before pursuing with USIA the IMET-substitute you discussed with Greg Craig, I am trying--so far unsuccessfully--to get ahold of Craig to see what, if anything, he has done on this proposal. I will keep you posted. The HG, as you know, appears to be on track. We are still considering how to proceed in planning for the UNGA. Jim has put together some thoughts on that below.

Congressional Environment: The Agris/Dunman trip was cancelled as you know.

I will see Nancy next week and try to get her sense of timetable for floor consideration of the foreign assistance bill, as well as any hearings on the Morrison/Feighan sanctions bill. We will also stay in touch with Sklar, as you suggest.

We have the sinking feeling, however, that this year we may be unable to hold off negative Congressional action on Chile, particularly if there is a continuing resolution (as the pundits here are predicting) rather than legislation. OPIC and GSP are targetted, as Sergio Bitar mentioned during my trip. Both appear vulnerable because of the controversy over the worker rights review.

DOL's handling of Congressional relations on the review has not helped, to say the least. At the HFAC mark-up last week, Bonker complained that he had received no information as to why the decision to put Chile in probationary status was made. Labor, apparently, had not followed through as we had expected they would in providing the background information on the results of the review. (We had cleared a few weeks ago a

draft of a paper which covered all the countries reviewed, not just Chile.) The DOL official present was unable to respond in a satisfactory fashion. Weiss added fuel to the fire when he read the text of an internal DOL memorandum which criticized the decision on Chile. We understand the memo was written by a DOL employee who has since resigned and gone to work on the Hill. We are working with EB to get more information to the Hill (Bonker) on the decision.

Once we get a better idea of the Congressional timetable, we can consider how your presence here might best be used to try to deflect such measures. If the pundits are right, the critical period will be in September/October when a continuing resolution may be decorated with such ornaments as suspension of OPIC to Chile.

Safety-of-Flight: The outlook for getting any broadening of the exception to the embargo is very bad. RPP has been working with DOD to come up with a short list of vital items (see draft enclosed) and will develop an alternative to our original legislative proposal. The trick is to find someone willing to push it on the Hill (other than Helms). We have had no luck on that count yet. There is no stomach in DSAA for making any push on the proposal this year. The cad-pad/technical manual exemption was approved in 1985, only because of the major investment of time made by the head of DSAA and Jim Michel.

GSP/Worker Rights: Meanwhile, the interagency quarterly review on GSP/worker rights progresses. Although Bob Serby has dropped the idea of booting Chile out after the first quarter, those engaged in the issue a few notches below Serby at DOL are concerned about the modifications made in the GOC proposals since last fall. We can expect a major bureaucratic battle if the GOC in fact makes no gesture at all towards facilitating formation of confederations. When Jim pressed Buchi on this issue, Buchi said the reason for not allowing unions or federations to join more than one confederation was their desire to avoid a proliferation of union organizations, with more union leaders entitled to excused absences, etc. Jim allowed that this could be a concern in theory, but questioned whether the practical effect would in fact be to spawn many more confederations and associated leaders. Jim urged Buchi to discuss the issue at STR and DOL (an appointment with Brock was sought but not confirmed).

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Sliding Matthei: I was struck, no doubt as you were, by the contradictory statements attributed to Matthei in recent reports. Who is the real Matthei? Given reports of renewed junta support for Pinochet's candidacy, it might be useful to do a brief telegram analyzing current positions on the junta about a Pinochet candidacy.

B-1

Visitors from Chile: We certainly want to see Molina, Arriagada and Boeninger when they are here in late May for the NED conference. Please let us know whether they would be interested in meetings here and what level you think appropriate.

I am reluctant to try to arrange meetings at any higher level than Elliott, since the group is 100% PDC. Depending on events, however, it might be worth considering the possibility

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of a high-visibility, seventh floor meeting with representatives of the Chilean democratic opposition later this year. What do you think about stimulating the visit by a broader-based group of the democratic opposition, perhaps non-partisan representatives from the campaign for free elections and seek a meeting for them on the seventh floor with Shultz or Armacost? While we could run serious risks in Chile of renewed "interventionism" that could play into government hands, there could also be some benefits to our policy in Chile--particularly in isolating the Communists--and to efforts to deflect sanctions here. How do you see the pluses and minuses? I support - H.A.

KEANE Action

The timing for such a visit would be critical. Now is not the right time, when the military seems to be rallying behind Pinochet, the opposition more fragmented than ever, and the free elections campaign just getting started. But we may want to give this idea serious thought once we get a better idea of how the Molina initiative is prospering. The possibility of a Shultz-Del Valle meeting in late May is another factor in the equation. Before we discuss this with Bob and Elliott, it would be useful to get your thoughts.

Back to the Molina, Arriagada, and Boeninger visit. Should we try to see Molina alone or just the three together? Can and will they weigh in against sanctions? If so, we believe it would very useful for them to have some appointments on the Hill. It would be better if we were not in the position of organizing these appointments [ ] Will they arrange their own schedule through local, Washington-based PDC contacts, or have you considered suggesting that they travel as voluntary IVPs so that Meridian House or another USIA contractor arranges appointments? Are there any other major political figures coming our way in the next few months (apart from Del Valle) that we should begin to plan for?

KEANE Action

B1

After the Pope: Now that the Pope's visit is over will the much-talked about cabinet shuffle take place? Are you picking up anything about Hernan Felipe's future? There has been talk in the press here about a crackdown to follow the Pope's visit. In your follow-up reporting on the Pope's visit, please address this issue. We would not be surprised if there are efforts by some sectors to demonstrate that a crackdown is in progress whether or not that is in fact the case.

POL Action

Torture: Your telegram on torture was excellent. Bob agreed with your reservations about interviewing reported torture victims (which I share completely). Dick Schifter is consumed with an upcoming visit to the Soviet Union so we have not yet gotten his reaction. But we expect he will drop the idea of your interviewing reported victims directly. We have explored the possibility you raised of an approach to the ICRC in Geneva with others in HA. Their reaction was very skeptical. Kathy Barmon, who dealt with the ICRC extensively

in El Salvador, is convinced that the higher up you go in the ICRC hierarchy, the more rigid the adherence to policy and the more bureaucratic the response. According to her, the best possibility of getting specific information on ICRC findings is to cultivate the local ICRC reps. C

B-1

I doubt if we would have such success in Chile, unless the report gave a clean bill of health to the security forces.

Meeting with Dr. Olivares: Dr. Schaller, President of the Physicians for Human Rights, met with Jim this week. Like Aryeh Neier, she also suggested that you visit Dr. Olivares in prison. Your response to Neier that you would want first to get the views of Chileans on such an initiative was absolutely correct. If you wish to pursue such a visit, we will need to raise it in advance with Elliott and Bob. From the Washington vantage point, it appears very unlikely that this would be an effective means of deflecting GOC pressure against the Vicariate. The symbolism of such a gesture could also be distorted by Pinochet to suggest US tolerance of terrorism. There are enough shades of gray in the Vicariate's handling of the Gomez case, that I am reluctant for us to become identified too closely with the specific court cases. The issue of pressure against the Vicariate is another matter. You might wish to consider how Bob's visit--if it materializes--could be used in that regard.

Telegrams of the Week: The reporting on the Pope's visit was absolutely top-notch. All three analytical cables were well-crafted, to the point, with just the right amount of detail and overview. We look forward to your further analysis of reaction to the visit over the next weeks, and will be interested in particular in the impact of the Pope's message, if any, on attitudes within the business class and armed forces, as well as the effect of the visit on Fresno's standing within the Church, and on the communists.

UNGA: Before raising how we handle Chile at the UNGA with Kim or Sorzano, I want to discuss the issue with Bob and Dick Schifter. Jim believes the tactic of our putting forward our own text has lost its utility, and could be counterproductive in New York, as it nearly was in Geneva this year. Last year the mere fact that the US had introduced a text on Chile in the UNHRC was important; what the text said was not. We probably had the opportunity in New York last year to make a US text the basis for negotiation of a consensus resolution. But when we

failed to introduce our own text, we lost the negotiating position we had gained in Geneva. By the time we managed to get agreement within the USG on a text to introduce at this year's UNHRC, the Mexicans had already made their text the point of reference. It may have been possible for the US delegation to regain the initiative, had Chile been a priority and the chief delegate determined to obtain a balanced consensus resolution. But Cuba not Chile was the priority, and Bob Wallach, as you know, was not committed to a consensus outcome on Chile.

KLAVE ACTION also as we think for April 24 ICHRC.

At New York next year we can expect both problems in spades. A knockdown fight over Cuba will consume a great deal of energy. As you well know, General Walters is unlikely to be enthusiastic about our supporting any Chile resolution, let alone introducing one. After our failure to nail down the agenda item change this year, the NSC will not be enthusiastic about undertaking new initiatives or mediating between Walters and the State Department. Our having signed on to an extremely detailed and relatively harsh Mexican resolution in the UNHRC will make it more difficult to secure support for a balanced resolution in New York. It is hard to imagine how the sort of text that we could achieve consensus on within the USG could become the basis for discussion in the UNGA. If against the odds we got agreement and introduced such a text, while it would not become a point a reference for other countries, it could serve as a reference point for those within the Administration who do not want us to support any resolution critical of Chile.

What seems to make most sense at this stage would be for us to develop a short list of criteria for a balanced resolution on Chile--similar to those used in Geneva--which we share with others well in advance. The analog of elimination of item five, which will not be an issue in New York, is elimination of Cuba as a co-sponsor. Walters will not agree to vote yes on any human rights resolution on which Cuba is a co-sponsor--and I doubt that there will be many people who will argue the point.

These are just preliminary thoughts. I will get back to you with more after we have discussed the issue with Dick and Bob.

Sincerely yours,

Dick

Richard B. Howard
Director
Office of Southern Cone

4/8/87

United States Department of State

Washington, D.C. 20520

NH946 E.

April 8, 1987

Ambassador Sol Linowitz
Chairman
Inter-American Dialogue
1 Farragut Square
Washington, D.C. 20006

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____

Dear Ambassador Linowitz:

Ambassador Harry Barnes asked that I provide you with the enclosed copies of correspondence between Senator Kennedy and Sergio Molina, one of the coordinators of Chile's National Accord.

Amb. Barnes also asked that I let you know that on the basis of his most recent discussion with Kennedy's aide Greg Craig, he is dropping for now the idea of seeking legislative changes to permit resumption of IMET. It was agreed, however, that Mr. Craig would look into alternative ways of increasing opportunities for Chilean military officers to be exposed to U.S. democratic institutions, perhaps through USIA, in ways that also included professional military contact.

Sincerely yours,

James W. Swigert

James W. Swigert
Country Officer for Chile
ARA/SC

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United States Department of State

Washington, D.C. 20520

Chile Project (#S199900030)
U.S. Department of State
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Exemption(s) ____

APRIL 8 1987

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Dear Mr. Weiss:

The letter of March 23 from you and seventeen other House colleagues to Secretary of State Shultz, concerning the Administration's request for military assistance for Chile in FY 1988, has been referred to me for response. You are apparently referring to our request for $50,000 in International Military Education and Training (IMET).

As you note in your letter, under current legislation the provision of IMET training to Chile is dependent upon presidential certification under Section 726 of the International Security and Development Cooperation Act of 1981. We do not believe that conditions warrant certification at this time. For FY 1988, however, we do not want to rule out the possibility that conditions in Chile may change so that certification under Section 726 could be considered--in close consultation with Congress.

If implemented, an IMET program would be consistent with our policy of encouraging military professionalism, a dialogue within Chile on the transition to democracy and improved human rights practices. Resuming limited military training would enable us to expand our contacts with the Chilean armed forces. This would serve both our security interests and help in our effort to promote democracy and human rights in Chile. Let me repeat, however, that we would not recommend certification without first undertaking thorough consultations with Congress.

I hope the above has addressed your concerns.

With best wishes,

Sincerely,

EJF

J. Edward Fox
Assistant Secretary
Legislative and Intergovermental Affairs

FAIM/IAP/WI

1987 APR 10 AM 8 45

The Honorable
Ted Weiss,
House of Representatives.

UNCLASSIFIED

Drafted:ARA/SC:LKusnitz
4/01/87 7-2296
Wang # 1974S
ARA No. 87-0745
S/S 8708467
FAIM#0351369

Clearances:ARA/SC:DWCox
ARA/RPP:CMorris (subs
T:PBoyce (subs
PM/SAS:JBowman (subs
ARA: T.T. Lose
H: R. Duguid

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United States Department of State

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____

Assistant Secretary of State
for Inter-American Affairs

Washington, D.C. 20520

029 — N

Dear Mr. Jeffords:

Thank you for your letter of March 30 expressing disagreement with the US delegation's "no" vote last fall against a United Nations General Assembly resolution on the human rights situation in Chile. Let me assure you that our actions in international organizations concerning Chile are determined with US support for democracy and human rights in Chile very much in mind. We take our actions in these bodies seriously, and seek to be constructive. Accordingly, we do not vote for resolutions unless we consider them sound.

There were significant parts of the resolution on Chile presented last December that reflected our own assessment of the human rights situation in that country. But, taken as a whole, we consider it to be seriously flawed in not reflecting accurately the constructive work of the UN Special Rapporteur, former Costa Rican Foreign Minister Fernando Volio. (The resolution passage quoted in your letter refers to a report not yet written at the time of the vote on the resolution, submitted later to the Human Rights Commission.)

This ommision was apparent in many ways. It is true, as you note, that the resolution praised Chilean government cooperation with the Rapporteur, but other positive steps mentioned in Volio's report were not acknowledged fairly. We consider it important that, whenever possible, progress should be recognized in order to encourage more progress in the future.

In addition, Volio, like the majority of the Chilean democratic opposition, had acknowledged that the assassination attempt against General Pinochet last September and the discovery of communist arsenals a month earlier had helped to impede the return of democracy in Chile. The UN resolution did not acknowledge that the government is not the sole source of political violence in Chile. We felt it was important that a resolution on Chile recognize the negative impact of terrorism. We voted against the resolution only after we were unable to obtain sufficient amendments to the text to allay these fundamental concerns.

The Honorable
James E. Jeffords,
House of Representatives.

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In seeking to promote human rights and democracy in Chile, we consider it important to be vocal in deploring terrorist violence, just as we are outspoken in deploring violence by theChilean government. As Pope John Paul II demonstrated in his recent visit to Chile, it is possible to condemn violence from all sources without providing the government justification for human rights abuses.

There has been no retreat from our vocal support for democracy and human rights in Chile. We took the initiative to propose a resolution on Chile this year in the UN Human Rights Commission, just as we did last March. Through persistent diplomatic efforts we were able to obtain improvements in an unbalanced Chile resolution circulated by Mexico; and to reach agreement on a proposal for eliminating discriminatory treatment of Chile under a separate agenda item. We succeeded in revising the text so that it would deplore "continued acts of extreme violence from all quarters." In view of the improvements we obtained, despite flaws in the text, we joined the consensus in approving the resolution.

We continue to work to encourage progress across the board in Chile. Recent months have seen encouraging efforts by the Chilean government to address some longstanding problems, such as political exile. Government security forces have recently agreed with the International Committee of the Red Cross (ICRC) to allow visits by ICRC doctors to most prisoners. An opposition newspaper has appeared. The government has begun to reestablish voter registries and enacted a law which permits political parties to gain legal recognition. While Chile's 1980 constitution calls for a single-candidate presidential plebiscite in 1989, rather than free elections, these measures help ensure broad discussion of prospects of the possibility of amending that constitution to permit free elections by 1989, as most opposition groups and many government supporters have advocated.

Despite these positive changes, serious human rights problems such as torture have continued. Moreover, President Pinochet gives every indication of wishing to continue in office beyond 1989, and has resisted replacement of the plebiscite with an open election.

The aforementioned steps, however, can help create the type of atmosphere conducive to a return to full democracy in Chile. We hope that these measures are followed up by greater relaxation of restrictions on individual liberties and by decisive steps to end human rights abuses. We will continue to

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strive to encourage human rights progress and a peaceful return to democracy in Chile.

Sincerely,

Elliott Abrams

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Drafter: ARA/SC:JSWigert JS
2138S

Clearance: ARA:RGelbard
ARA/SC:RHoward
HA/HR:KBarmon
IO/HW:BZweiben
H:JMcAteer
} JS

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OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

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WA0041 4/9/87

UNITED STATES GOVERNMENT

Memorandum

(1) RA R CASC-1

(2)

(3) return JWS File

TO : Memorandum for the Record DATE: 4-9-87

FROM : Harry G. Barnes, Jr.

SUBJECT: Weisfeiler Case

I had the opportunity to mention the Weisfeiler disappearance briefly to General Stange April 7, the first time I had discussed the case with him. He seemed reasonably familiar with it, saying he knew the file was very thick, that the Carabineros had deployed helicopters and police dogs in search of Weisfeiler and that to his knowledge three investigations had been carried out at different times. I told him that I had read all the material we had and could make no real sense out of it in terms of coming to any clear conclusion as to what might have happened, save it seemed to me that there existed a possiblity that Weisfeiler had not been drowned in the river. Stange said he, too, was puzzled. He knew that out consul general and representatives of our military attache office had been talking to some of his staff recently and he wanted to continue to cooperate in any way he could. He would give instructions the next day to his subordinates to be certain that cooperation was forthcoming. When I mentioned that we felt there were some "discrepancies," he asked that we be sure to point those out. I said I knew that the assistant army attache would be in touch again with General Portillo and would cover those points. I also mentioned that at some stage I might want to talk further to Stange myself, and he said I should feel free to do so whenever I thought it would be useful.

cc: DCM
CONS
DAO (COL Carpenter & LTC Nevares)
DEA
ARA/SC

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

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PAGE 01 SANTIA 02606 092026Z
ACTION ARA-00

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R 092023Z APR 87
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 0949
INFO AMEMBASSY BUENOS AIRES
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AMEMBASSY ROME

Chile Project (#S199900030)
U.S. Department of State
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C~~O N F I D E N T I A~~L SANTIAGO 02606

ROME FOR EMBASSY VATICAN

E.O. 12356: DECL: OADR
TAGS: PGOV, PREL, CI
SUBJECT: JUNTA MEMBER HINTS AT DIALOGUE, RESPONDS TO FREE ELECTIONS CAMPAIGN

REFS: (A) SANTIAGO 2588; (B) SANTIAGO 2351

1. (U) ON APRIL 9 JUNTA MEMBER ADMIRAL JOSE TORIBIO MERINO SAID THAT ONCE POLITICAL PARTIES ARE LEGALLY CONSTITUTED WITH A PROGRAM AND SET OF PRINCIPLES, THERE WILL BE A "BROAD DIALOGUE" ON ALL THE TOPICS THAT ARE RELEVANT TO THE WAY THE COUNTRY IS RUN. SPEAKING TO THE PRESS IN CONCEPCION, HE NOTED THAT NATURALLY THE MARXIST PARTIES WOULD BE EXCLUDED BECAUSE "THEY ARE CRIMINALS." ASKED ABOUT THE EFFECTS OF THE POPE'S VISIT TO CHILE, HE SAID A VIABLE SOLUTION CAN BE ACHIEVED AS LONG AS MORALITY AND ETHICS ARE "ADOPTED TO A CHRISTIAN SOLUTION,"
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PAGE 02 SANTIA 02606 092026Z

BECAUSE OTHERWISE THERE WILL BE ONLY CONFRONTATION BETWEEN THOSE WHO BELIEVE IN SOMETHING -"EVEN IF IT IS BUDDHA" - AND THOSE WHO BELIEVE IN NOTHING - "LIKE THE SOVIETS AND OTHER HUMANOIDS."

2. (U) MERINO, ALONG WITH THE OTHER THREE

JUNTA MEMBERS, HAS ALSO SENT A FORMAL REPLY TO THE MARCH 20 LETTER SENT BY SERGIO MOLINA, COORDINATOR OF THE FREE ELECTIONS COMMITTEE, REQUESTING "CONTACTS" TO DISCUSS THE GOALS OF THE NATIONAL CITIZENS' CAMPAIGN (REF B). THE PRO-FORMA REPLIES WERE LIMITED TO THANKING MOLINA FOR THE INFORMATION HE SENT THEM ON THE COMMITTEE'S NATIONAL CONVOCATION.

3. (C) COMMENT: MERINO HAS NEVER BEEN SHY ABOUT SPEAKING OUT IN HIS SINGULAR FASHION. OF ALL THE ARMED FORCES COMMANDERS BESIDES PINOCHET, HE HAD MOST CONTACT WITH THE POPE AND HIS ENTOURAGE DURING THE CEREMONIES ABOARD THE NAVY HOSPITAL BOAT IN PUERTO MONTT ON APRIL 4. TAKEN IN THE CONTEXT OF RECENT LIBERALIZATION MOVES WHICH ARE CLOSELY CONNECTED TO THE POLITICAL PARTIES LAW (REF A), HIS STATEMENT HOWEVER ERRATIC LEAVES THE DOOR SOMEWHAT OPEN FOR THE KIND OF DIALOGUE WHICH THE PONTIFF SAW AS ONE OF HIS MAIN PUBLIC GOALS IN CHILE. BARNES

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MAY 1962 EDITION
GSA FPMR 41 CFR 101-11.6

UNITED STATES GOVERNMENT

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enclose with letter to Howard 4/9/87

QQ027

Book 1

Memorandum

TO : Files

Chile Project (#S199900030)
U.S. Department of State
Release____ Excise X Deny____
Declassify: In Part X In Full____
Exemption(s) b,

DATE: 4-9-87

FROM : Harry G. Barnes, Jr.

SUBJECT: and Unresolved Judicial Cases

passed on the following information for me to use as best I could.

learned from Air Force General Vicente Rodriguez (no friend of his, but well plugged into the Army and willing to talk, according to) the following:

The several AGECH professors who had been detained by the then since abolished Carabineros organization DICOMAR (not the three who had had their throats cut) were kept in a house on 18 September street in a basement room. Their presence had been confirmed by police dogs who had picked up the trail, but then the exterior stairway leading to the area had been filled in and blocked over. At the time, the fresh cement was evident. also referred to a woman, but it was not clear who she was (perhaps the owner of the house) who could verify what had happened as well. He said he had not passed this information to General Stange, because Stange could do nothing from the inside. The present prosecutor who was handling the case, Munoz, had been told by Justice Minister Rosende to do nothing about it but mark time. knew from Rodriguez that a Carabineros official who had, according to the press, been interviewed by Munoz could if investigated further lead the prosecutor to more information, including the sort of thing he had just told me. All that, in turn, would provide leads to the murder of the three communists and to the arrest and prosecution of Col. Fontaine and other DICOMAR officials involved. In turn, they had the goods on some officials in the Army who had been involved in the murder several years earlier of labor leader Tucapel Jimenez and were using that information as blackmail to keep themselves from being prosecuted seriously.

Please see also [ ] dated 22 April.

59-96-0079
By 2/3

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Department of State

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PAGE 01 SANTIA 02605 01 OF 02 092013Z
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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____

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S/IL FOR FREEMAN; ARA/SC FOR SWIGERT

E.O. 12356: N/A
TAGS: ELAB, ETRD, PGOV, PREL, BEXP, CI
SUBJ: GSP/WORKER RIGHTS: REVIEW OF GOC STATMENT ON CENTRAL LABOR BODIES

REF: (A) KEANE/SWIGERT TELCOM 4/6/87, (B) STATE 105285

1. (U) IN RESPONSE TO REQUEST (REF) FOR FURTHER CLARIFICATION ON WHAT THE GOC MEANS WHEN IT SAYS THAT MULTI-INDUSTRY CENTRAL LABOR BODIES SHOULD BE EASY TO FORM IN CHILE, WE OFFER THE FOLLOWING AS OUR UNDERSTANDING OF THE GOC POSITION.

2. (U) THE LABOR LEGISLATION PROVIDES THAT A LOCAL UNION HAS THE RIGHT TO AFFILIATE DIRECTLY TO ONLY ONE FEDERATION OR CONFEDERATION. A LOCAL MAY, HOWEVER, SIMULTANEOUSLY AFFILIATE DIRECTLY TO ONE FEDERATION WHICH IN TURN IS AFFILIATED TO A CONFEDERATION, GIVING THE LOCAL AN INDIRECT AFFILIATION TO THE CONFEDERATION. SINCE THE ATTACHMENT BETWEEN THE LOCAL AND THE CONFEDERATION IS INDIRECT, THAT SAME LOCAL MAY AFFILIATE TO ANOTHER CONFEDERATION DIRECTLY, PRESUMABLY A MULTI-
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PAGE 02 SANTIA 02605 01 OF 02 092013Z

INDUSTRY CENTRAL LABOR BODY. THE DISTINCTION IN THE LAW

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BETWEEN DIRECT AND INDIRECT AFFILIATION, ACCORDING TO THE GOC, OPENS UP A VARIETY OF WAYS TO FORM A CENTRAL LABOR BODY. BY WAY OF ILLUSTRATION, TO FORM A CENTRAL LABOR BODY, WHICH WE WILL CALL CT (CENTRAL DE TRABAJADORES) FOR SIMPLICITY, ALL LOCAL UNIONS WHICH ARE NOT AFFILIATED DIRECTLY TO A FEDERATION OR A CONFEDERATION COULD AFFILIATE DIRECTLY WITH THE CT. MOREOVER, ALL FEDERATIONS WHICH DO NOT BELONG TO A CONFEDERATION COULD ALSO AFFILIATE DIRECTLY WITH THE CT. FURTHER, LOCAL UNIONS WHICH DO BELONG TO A FEDERATION, EVEN THOUGH THE FEDERATION IS AFFILIATED WITH A CONFEDERATION, MAY ALSO AFFILIATE INDIVIDUALLY WITH A CT. THEY COULD IN EFFECT BE PART OF BOTH A FEDERATION AND A CT, WHILE THE FEDERATION COULD EVEN BE PART OF A SEPARATE CONFEDERATON. IN ADDITION, CONFEDERATIONS COULD FORM A FEDERATION FOR THIS

(##)
IT WOULD BE USEFUL TO MAKE
A PUBLIC STATEMENT ALONG THE LINES OF THE EXPLANATION
GIVEN TO US ON THE FORMATION OF A CENTRAL LABOR
BODY -- AND THE PERIOD AROUND CHILEAN LABOR DAY,
DIN. BARNES

NOTE BY OC/T: (##) OMISSION. CORRECTION TO FOLLOW.

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PAGE 01 SANTIA 02605 02 OF 02 092036Z
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S/IL FOR FREEMAN; ARA/SC FOR SWIGERT

E.O. 12356: N/A
TAGS: ELAB, ETRD, PGOV, PREL, BEXP, CI
SUBJ: GSP/WORKER RIGHTS: REVIEW OF GOC STATEMENT ON

ONE FEDERATION OR CONFEDERATION. SINCE THE LAW SAYS NOTHING ABOUT THE FORMATION OF A CENTRAL LABOR BODY, THE CHILEAN LABOR LEADERS PRESUME THAT THEY CANNOT LEGALLY FORM SUCH A BODY.

6. (LOU) COMMENT: WE FIND THE PRESENTATION OF THE LABOR MINISTRY INTERESTING, BUT SOMEWHAT DIVORCED FROM REALITY. IF DEPARTMENT AGREES, WE WILL SUGGEST TO THE LABOR MINISTRY OFFICIALS AT THE NEXT OPPORTUNITY THAT IT WOULD BE USEFUL TO MAKE A PUBLIC STATEMENT ALONG THE LINES OF THE EXPLANATION GIVEN TO US ON THE FORMATION OF A CENTRAL LABOR BODY -- AND THE PERIOD AROUND CHILEAN LABOR DAY, MAY 1, WOULD SEEM APPROPRIATE -- SINCE THIS INFORMATION IS OF MORE VALUE TO THE CHILEAN LABOR LEADERS THAN TO US. SUCH A PUBLIC STATEMENT WOULD HOPEFULLY CLARIFY TO THE WORKERS WHAT THEIR RIGHTS ARE UNDER THE LABOR LEGISLATION. BARNES
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PAGE 02 SANTIA 02605 02 OF 02 092036Z

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4/9/87

IV 178

Case Number: S1999000030
Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

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USCINCLANT NORFOLK

~~C O N F I D E N T~~ I A L SANTIAGO 02588

PANAMA FOR ADS

E.O. 12356: DECL:OADR
TAGS: PHUM, POL, CI
SUBJ: DECREE LIFTS BAN ON POLITICAL MEETINGS; POLITICAL PARTIES GAIN ACCESS TO TV

REF: (A) SANTIAGO 2518

1. (U) ON APRIL 7 THE REGIONAL AUTHORITIES FOR THE EMERGENCY ZONE WHICH INCLUDES SANTIAGO AND SAN ANTONIO ANNOUNCED REGULATIONS DEFINING THE PROCEDURES FOR AUTHORIZING POLITICAL MEETINGS BY
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NEWLY LEGALIZED PARTIES AND OTHER CIVIC ORGANIZATIONS. DECREE NO. 49, SIGNED BY BRIGADIER JORGE ZINKE, LIFTS THE BAN ON POLITICAL GATHERINGS WHICH WAS ESTABLISHED IN MARCH, 1986 AND APPLIES TO LEGALLY RECOGNIZED ORGANIZATIONS OR TO ORGANIZATIONS WHICH ARE IN THE PROCESS OF FORMATION UNDER THE LAW.

HENCEFORTH ANY MEETINGS IN PUBLIC AREAS MUST BE AUTHORIZED BY THE CHIEF OF THE EMERGENCY ZONE IN RESPONSE TO A WRITTEN REQUEST, SIGNED BY TWO LEGAL REPRESENTATIVES OF THE ORGANIZATION, WHICH IS SUBMITTED 15 DAYS IN ADVANCE. THOSE SIGNING THE REQUEST ARE LEGALLY RESPONSIBLE FOR ANY DAMAGES WHICH OCCUR DURING THE EVENT OR BECAUSE OF IT, AND MUST STATE IN THE APPLICATION THAT THEY ARE AWARE OF ALL PARTS OF THE DECREE.

2. (C) COMMENT: THE DECREE,WHICH COMES SHORTLY AFTER A RULING BY THE NATIONAL TELEVISION COUNCIL ALLOWING LEGALIZED POLITICAL PARTIES TO BUY UP TO SIX MINUTES DAILY OF TV ADVERTISING TIME (REFTEL), COULD BE ANOTHER IMPORTANT STEP TOWARD LIBERALIZATION SINCE IN PRINCIPLE IT AUTHORIZES PUBLIC GATHERINGS BY PARTIES AS WELL AS BY UNIONS AND PROFESSIONAL ORGANIZATIONS WHICH HAVE LEGAL STATUS. BOTH MEASURES.OFFER INCENTIVES FOR PARTIES TO REGISTER UNDER THE RECENTLY IMPLEMENTED POLITICAL PARTIES LAW. THE MAIN HITCH IN THE NEW REGULATION IS THAT CIVIC LEADERS WHO SIGN THE REQUEST FOR A MEETING OR RALLY WILL THEORETICALLY BE HELD RESPONSIBLE FOR DAMAGES CAUSED BY EXTREMIST GROUPS THAT TAKE ADVANTAGE OF THE GATHERINGS TO CARRY OUT THEIR OWN VIOLENT AGENDA. WHETHER THIS IS ENFORCED OR NOT REMAINS TO BE SEEN. APPROVAL IF GRANTED CAN C~~ONFIDENTIAL~~

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PAGE 03 SANTIA 02588 091700Z

ALSO BE DELAYED UNTIL THE EVE OF AN EVENT, MAKING IT DIFFICULT TO MOBILIZE FOLLOWERS. NONETHELESS, THE ANNOUNCEMENT OF THESE MEASURES REMOVES A STRONG ARGUMENT FROM THE CONTENTION BY OPPOSITION LEADERS THAT THE CURRENT POLITICAL LAWS DO NOT PERMIT ACCESS TO THE MEDIA OR SOME FREEDOM OF ASSEMBLY. INCIDENTALLY, CHANNEL 13 TV INVITED SEVERAL OPPOSITION LEADERS TO JOIN IN TALK SHOWS DURING THE RECENT PAPAL VISIT. WE WILL BE WATCHING TO SEE WHETHER THE CHANNEL CONTINUES THIS PRACTICE. BARNES

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(KM1067)

D870048-1813 FAIM Room 1239

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1987 APR 10 AM 8:50

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Chile [illegible]
U.S. Department of State
Release X Excise ____ Deny ____
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Exemption(s) ____

The Department of State refers to the Embassy of Chile's diplomatic note of February 11, 1987 concerning the lawsuit of Denegri v. Republic of Chile, Case No. 86-3085, in the United States District Court for the District of Columbia, which requested that the Department of State transmit this Embassy's note to the court. The Department also refers to subsequent meetings between the Department and Embassy officials in which the Department asked the Government of Chile to reconsider this request and to the Embassy's later confirmation of the request.

In response to the request of the Embassy, the Department has transmitted the note and annexed Memorandum of Law to the court. The Department made this transmittal without any formal filing by it in the case.

The Department wishes to reiterate points it made in meetings with Embassy officials. Under United States law, a court is not required to consider a diplomatic note transmitted to it through diplomatic channels. Alternatively, the court might consider that the Embassy's note and annexed Memorandum of Law constitute an "appearance" by the Government of Chile in the case, which could prejudice or forfeit any subsequent opportunity for the Government of Chile to present its legal position to the court by its legal counsel.

Consistent with the advice the Department has given other foreign governments, the Department urges the Government of Chile to engage United States counsel to

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advise it and to enter an appearance before the court. Under the Foreign Sovereign Immunities Act, a foreign state named as a defendant in an action before a United States court must assert any defenses, including those of sovereign immunity, directly to the court before which the suit is pending. The function of making determinations concerning sovereign immunity and other defenses is vested solely in the courts. Neither the Department of State nor other political authorities of the United States are authorized by law to decide whether a foreign state is entitled to immunity or to other defenses; nor can the United States Government present such defenses to the court. Thus, to protect its interests, a foreign state wishing to assert the defense of sovereign immunity or other defense must present any such defenses to the court. It would be advisable for the Government of Chile to consult with its attorney in the United States.

Department of State,

Washington, April 8, 1987.

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Drafted:L/M/DL:DWolf
3/16/87
WANG 1109S

Clearance:
L/M/DL:JEDonoghue By D.W.
L/ARA:RKHarris By D.W.
ARA/SC:JSwigert By D.W.
S/S-C:JAlba

S/S-S(C)
APR 07 1987

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ARA/MEX:PSTORING DOE/IE:SCEJA
ACDA/NWC:MROSENTHAL OES/NEC:CTHORNE
OES/NTS:CKESSLER IO/SCT:LGALLINE
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DEPARTMENT OF STATE IM/IPS/CPA/IR Date: 4-1-95
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FOR SCIENCE DETHOMAS

E.O. 12356: DECL:OADR
TAGS: TRGY, KNNP, KSCA, MX
SUBJECT: NUCLEAR FUEL SUPPY FOR MEXICO

1. SUMMARY. PARA 3 BELOW CONTAINS A DRAFT U.S. NOTE TO MEXICO REGARDING A PROPOSED SERIES OF BACKUP SAFEGUARDS. THIS WOULD ACCOMPANY US-MEXICO-IAEA SUPPLY AGREEMENT TO PERMIT GOM TO OBTAIN SUPPLY OF FUEL ELEMENTS FOR TRIGA REACTOR AT NATIONAL INSTITUTE FOR NUCLEAR RESEARCH (ININ)'S SALAZAR RESEARCH CENTER. ACTING SCIENCE COUNSELOR IS REQUESTED TO CONTACT RUBEN BELLO, DIRECTOR OF ININ, FOR INFORMAL DISCUSSION AND REVIEW OF DRAFT NOTE. END SUMMARY.

[redacted]

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PAGE 02 STATE 107613

2. ON MARCH 17, RUBEN BELLO, DIRECTOR OF NATIONAL INSTITUTE FOR NUCLEAR RESEARCH (ININ) AND DAVID SARQUIS, DIRECTOR FOR INTERNATIONAL AFFAIRS AT ININ, MET WITH

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REPRESENTATIVES OF DEPARTMENT AND DOE TO DISCUSS APPROACH FOR RESOLUTION OF THE LONG-STANDING ISSUE OF FURTHER FUEL SUPPLY TO THE SALAZAR TRIGA REACTOR. FOLLOWING DRAFT NOTE IS USG ATTEMPT AT ACCOMODATING GOM CONCERNS AND

STILL MEETING US REQUIREMENT FOR BACK-UP SAFEGUARDS. DURING MARCH 17 MEETING, BELLO WAS RECEPTIVE TO OUR PROPOSED APPROACH OF IAEA BACKUP SAFEGUARDS, OPANAL BACKUP SAFEGUARDS, AND ULTIMATELY BILATERAL SAFEGUARDS, AND BELLO AGREED TO TRY TO OBTAIN THE AGREEMENT OF THE APPROPRIATE GOM AUTHORITIES. THE NOTE IN PARA 4 BELOW WOULD ACCOMPANY LATEST US PROPOSAL SET FORTH IN 84 STATE 271480 FOR A TRILATERAL SUPPLY AGREEMENT BETWEEN THE US, MEXICO AND THE IAEA AND WOULD REPLACE THE NOTE CONTAINED THEREIN.

3. I HAVE THE HONOR TO REFER TO THE SUPPLY AGREEMENT OF (TODAY'S DATE) BETWEEN THE INTERNATIONAL ATOMIC ENERGY AGENCY (HEREINAFTER CALLED THE "AGENCY), THE GOVERNMENT OF UNITED MEXICAN STATES (HEREINAFTER CALLED "MEXICO") AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA (HEREINAFTER CALLED THE "UNITED STATES"), WHEREBY THE AGENCY HAS GRANTED ITS ASSISTANCE TO MEXICO IN OBTAINING SPECIAL NUCLEAR MATERIAL FOR USE IN THE TRIGA MARK 11, RESEARCH REACTOR AT THE SALAZAR NUCLEAR CENTER, LOCATED IN STATE OF MEXICO.

THE UNITED STATES RECOGNIZES THAT MEXICO AND THE UNITED STATES DESIRE TO PROMOTE UNIVERSAL ADHERENCE TO AND IMPLEMENTATION OF THE TREATY ON THE NON-PROLIFERATION OF

[redacted]

[redacted]

PAGE 03 STATE 107613

NUCLEAR WEAPONS (HEREINAFTER CALLED "THE TREATY) AND TO ENSURE THAT THE INTERNATIONAL DEVELOPMENT AND USE OF NUCLEAR ENERGY FOR PEACEFUL PURPOSES ARE CARRIED OUT UNDER ARRANGEMENTS WHICH WILL, TO THE MAXIMUM EXTENT POSSIBLE, FURTHER THE OBJECTIVES OF THE TREATY. THE UNITED STATES ALSO EXPRESSES ITS CONTINUING DESIRE TO BROADEN ITS NUCLEAR COOPERATION WITH MEXICO AND TO PURSUE A WIDE RANGE OF PEACEFUL NUCLEAR PROJECTS OF MUTUAL INTEREST TO BOTH GOVERNMENTS.

DURING DISCUSSIONS PREPARATORY TO THE CONCLUSION OF THE SUPPLY AGREEMENT OF (TODAY'S DATE) (HEREINAFTER CALLED THE "SUPPLY AGREEMENT"), THE FOLLOWING UNDERSTANDINGS

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WERE REACHED BETWEEN MEXICO AND THE UNITED STATES (HEREINAFTER CALLED THE "PARTIES").

MEXICO AND THE UNITED STATES REAFFIRM THEIR RESPECTIVE POLICIES TO WORK TOGETHER AND IN CONCERT WITH OTHER STATES TO SUPPORT THE SAFEGUARDS SYSTEM OF THE AGENCY IN ORDER TO ENSURE CONTINUED, EFFECTIVE APPLICATION OF

SAFEGUARDS BY THE AGENCY AND TO MEET CHANGING SAFEGUARDS REQUIREMENTS. THEY EXPRESS FULL CONFIDENCE IN THE ABILITY OF THE AGENCY TO IMPLEMENT THE SAFEGUARDS PROVIDED FOR IN PARAGRAPHS 1 THROUGH 5 OF ARTICLE V OF THE SUPPLY AGREEMENT, IT BEING UNDERSTOOD THAT THE AGREEMENT BETWEEN MEXICO AND THE AGENCY IN CONNECTION WITH THE TREATY SATISFIES FULLY THE REQUIREMENT OF SAID PARAGRAPHS.

IN ACCORDANCE WITH SECTION 1 OF THE ANNEX TO THE AGREEMENT FOR COOPERATION REFERRED TO IN THE SUPPLY AGREEMENT, IF MEXICO OR THE UNITED STATES BECOMES AWARE OF CIRCUMSTANCES WHICH DEMONSTRATE THAT THE AGENCY FOR ANY REASON IS NOT OR WILL NOT BE APPLYING SAFEGUARDS AS PROVIDED FOR IN PARAGRAPHS 1 THROUGH 5 OF ARTICLE V OF [redacted]

[redacted]

PAGE 04 STATE 107613

THE SUPPLY AGREEMENT, IN ACCORDANCE WITH MEXICO'S AGREEMENT WITH THE AGENCY IN CONNECTION WITH THE TREATY, THAT PARTY SHALL INFORM THE OTHER, AND TO ENSURE EFFECTIVE CONTINUITY OF SAFEGUARDS, THE PARTIES SHALL IMMEDIATELY ENTER INTO ARRANGEMENTS WHICH CONFORM WITH AGENCY SAFEGUARDS PRINCIPLES AND PROCEDURES AND WHICH PROVIDE FOR THE COVERAGE REQUIRED BY THE SUPPLY AGREEMENT AND ASSURANCE EQUIVALENT TO THAT INTENDED TO BE SECURED BY THE SYSTEM THEY REPLACE. CHARACTERISTICS OF THESE ARRANGEMENTS SHALL INCLUDE:

(1) THE REVIEW IN A TIMELY FASHION OF THE DESIGN OF ANY FACILITY WHICH IS TO USE, FABRICATE, PROCESS OR STORE ANY MATERIAL TRANSFERRED BY THE UNITED STATES PURSUANT TO THE SUPPLY AGREEMENTS AND ANY SOURCE OR SPECIAL NUCLEAR MATERIAL USED IN OR PRODUCED THROUGH THE USE OF ANY MATERIAL SO TRANSFERRED;

(2) THE MAINTENANCE AND PRODUCTION OF RECORDS AND OF RELEVANT REPORTS FOR THE PURPOSE OF ASSISTING IN ENSURING

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ACCOUNTABILITY FOR MATERIAL TRANSFERRED BY THE UNITED STATES PURSUANT TO THE SUPPLY AGREEMENTS AND ANY SOURCE OR SPECIAL NUCLEAR MATERIAL USED IN OR PRODUCED THROUGH THE USE OF ANY MATERIAL SO TRANSFERRED; AND

(3) THE DESIGNATION OF PERSONNEL, IN CONSULTATION WITH MEXICO, WHO SHALL HAVE ACCESS TO ALL PLACES AND DATA NECESSARY TO ACCOUNT FOR THE MATERIAL REFERRED TO IN PARAGRAPH (1) AND TO INSTALL ANY DEVICES AND MAKE SUCH INDEPENDENT MEASUREMENTS AS MAY BE DEEMED NECESSARY TO

ACCOUNT FOR SUCH MATERIAL. SUCH PERSONNEL SHALL, IF MEXICO OR THE SAFEGUARDING PARTY SO REQUESTS, BE

[redacted]

PAGE 05 STATE 107613

ACCOMPANIED BY PERSONNEL DESIGNATED BY MEXICO.

THESE SAFEGUARDS SHALL BE APPLIED EITHER BY (A) THE IAEA UNDER ARRANGEMENTS BETWEEN THE IAEA AND MEXICO, OTHER THAN BY THE AGREEMENT BETWEEN MEXICO AND THE IAEA IN CONNECTION WITH THE TREATY, SO LONG AS SUCH ARRANGEMENTS ARE ACCEPTABLE TO THE PARTIES, OR (B) A GROUP OF NATIONS SUCH AS OPANAL AGREED TO BY THE PARTIES UNDER THE ARRANGEMENTS BETWEEN THE GROUP OF NATIONS AND MEXICO SO LONG AS SUCH ARRANGEMENTS ARE ACCEPTABLE TO THE PARTIES. IF EITHER PARTY CONSIDERS THAT NEITHER THE IAEA NOR A GROUP OF NATIONS SUCH AS OPANAL IS ABLE TO APPLY SUCH SAFEGUARDS, SAFEGUARDS SHALL BE APPLIED AS AN ULTIMATE STEP BY THE UNITED STATES UNDER BILATERAL ARRANGEMENTS.

IF THERE IS MATERIAL NON-COMPLIANCE WITH A SAFEGUARDS AGREEMENT MADE PURSUANT TO ARRANGEMENTS SPECIFIED IN THE ABOVE PARAGRAPH, OR IF THE ACTIONS OCCUR WHICH ARE SET FORTH IN PARAGRAPHS (1) THROUGH (5) OF SECTION J OF THE ANNEX TO THE AGREEMENT FOR COOPERATION PREVIOUSLY MENTIONED IN THIS NOTE, THE PROVISIONS OF PARAGRAPHS (A) AND (B) OF THAT SECTION SHALL APPLY. IT IS UNDERSTOOD THAT "A SUPPLY AGREEMENT REFERRED TO IN SECTION A OF THIS ANNEX" AND "THE SUPPLY AGREEMENT" IN THE AFORESAID SECTION ARE DEEMED TO MEAN THE SUPPLY AGREEMENT OF (TODAY'S DATE), AND "THE MEMBER STATE OR GROUP OF STATES" AND "SUCH STATE OR STATES" ARE DEEMED TO MEAN MEXICO.

IF THE GOVERNMENT OF MEXICO CONCURS, THE EMBASSY OF THE

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UNITED STATES SUGGESTS THAT THIS NOTE AND THE REPLY OF THE SECRETARIAT OF FOREIGN RELATIONS (OR ANOTHER AGENCY OR DEPARTMENT OF THE MEXICAN GOVERNMENT AUTHORIZED TO MAKE THE COMMITMENTS CONTAINED IN THIS LETTER) BE REGARDED AS CONSTITUTING A COMMON UNDERSTANDING BETWEEN OUR TWO GOVERNMENTS WHICH SHALL BECOME EFFECTIVE ON THE

PAGE 06 STATE 107613

DATE THE SUPPLY AGREEMENTS ENTERS INTO FORCE WITH DURATION AS PROVIDED IN ARTICLE 1X (2) OF THE SUPPLY AGREEMENT.

ACCEPT, EXCELLENCY, THE RENEWAL ASSURANCES OF MY HIGHEST CONSIDERATION.

EMBASSY OF THE UNITED STATES OF AMERICA
MEXICO CITY, (DATE) 1084. SHULTZ

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4/13/87

!PA/PC/CMD:DMcCaffrey:knw H# 45-0101 Cleared: ARA: 2/87
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KM1134

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full APRIL 13 1987
Exemption(s) ____

Dear Mr. Young:

Thank you for your letter of March 24 concerning U.S. efforts regarding the human rights situation in Chile.

The U.S. Government supports a peaceful transition to democracy and encourages greater respect for human rights in Chile. There are some who believe that moving too fast now toward democracy in Chile may jeopardize the prospects for a stable future in that country. Progressing too slowly, however, may discourage hopes for the democratic future held by a vast majority of Chileans. We are deeply concerned that the absence of a clear movement toward democratization will contribute to the polarization and radicalization of Chilean society, thereby aiding the communists. Of course, the terms and timetable for a democratic transition are matters that only the Chilean people can determine.

The United States is concerned over the human rights conditions in Chile, and we have communicated our views both publicly and privately to the Chilean Government and the international community. When Assistant Secretary of State Elliott Abrams appeared before the House Banking Subcommittee on Development and International Financial Institutions on July 30, 1986, he testified in detail regarding the serious, persistent problems in Chile in the area of human rights.

Mr. Abrams specifically referred in his testimony to the tragic burnings of Rodrigo Rojas and Carmen Quintana, calling for those guilty of this terrible crime to be brought to justice. The U.S. Government has taken a strong stand in advocating a complete and impartial investigation of the tragedy. We have made our position clear to the Chilean Government, and will continue to do so. A Chilean military court is investigating the incident and an army officer is under indictment.

The Honorable
Don Young,
House of Representatives

FAIM/IAP/WH
1987 APR 15 AM 11:47

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Regarding U.S. voting on multilateral development bank loans for Chile, the United States makes its decisions on a case-by-case basis, taking into account all relevant economic, financial, and statutory considerations. The United States abstained at the World Bank on a structural adjustment loan voted on November 20, 1986. We were joined in this abstention by several other countries which had voted in favor of such loans in the past. There is little evidence that a U.S. negative vote would have been joined by these countries. Since that time, we have also abstained on a loan at the Inter-American Development Bank (IDB) and voted in favor of a basic human needs loan at the IDB for Chile. We abstained on the two non-basic human needs loans as a way of registering our strong concerns about persistent and serious human rights problems in Chile.

The United States provides Chile with no bilateral economic assistance except for a small humanitarian assistance program which largely provides powdered milk to the poor -- distributed, in part, through voluntary church agencies.

What we seek and hope to encourage through our policy is for Chile to participate in the tide of democracy sweeping the Western Hemisphere. Thus, while we greatly value and commend the considerable economic freedom that has been established in Chile, we must also continue to voice our firm conviction that political freedom and respect for individual rights are indispensable to the establishment and long-term durability of free societies.

I am enclosing copies of the 1986 Human Rights Report on Chile and the U.S.-sponsored UN Human Rights Commission resolution on human rights in Chile. As you may know, the UN resolution was unanimously passed in March, 1986. I believe this information will be useful to you in responding to your constituents.

Sincerely,

by

J. Edward Fox
Assistant Secretary
Legislative and Intergovernmental Affairs

Enclosures:

Material as stated.

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PAGE 01 SANTIA 02713 01 OF 02 132235Z
ACTION L-03

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FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 1017
INFO DEPJUSTICE WASHDC
FBI WASHDC
AMEMBASSY MONTEVIDEO

Chile Project (#S199900030)
U.S. Department of State
Release X Excise Deny
Declassify: In Part In Full X
Exemption(s)

~~C O N F I D E N T I A~~ L SECTION 01 OF 02 SANTIAGO 02713

DEPARTMENT FOR DEPUTY LEGAL ADVISOR KOZAK; FBI FOR PIMENTEL

E.O. 12356: N/A
TAGS: PREL, PHUM, CI
SUBJ: LETELIER CASE: KLEIBOEMER CRITICIZES LACK OF GOC COOPERATION; PASSPORT FRAUD CASE POSTPONED; ALLEGED EX-INTELLIGENCE AGENT SURFACES

1. (U) SUMMARY: DEFENSE ATTORNEY KLEIBOEMER HAS CHARACTERIZED AS "USELESS" THE MILITARY RECORD OF FERNANDEZ LARIOS WHICH THE GOC TURNED OVER TO U.S. AUTHORITIES. KLEIBOEMER SAID THAT THE DOCUMENT CREATED THE FALSE IMPRESSION THAT HIS CLIENT WAS A POOR OFFICER. IN OTHER DEVELOPMENTS, THE PASSPORT FRAUD CASE HAS BEEN TEMPORARILY POSTPONED DUE TO THE ILLNESS OF THE LETELIER FAMILY ATTORNEY, THE TEXT OF ASSISTANT SECRETARY ABRAMS' LETTER TO JUAN PABLO LETELIER HAS APPEARED IN THE SANTIAGO PRESS, AND AN ALLEGED EX-INTELLIGENCE AGENT REPORTS THAT HE IS TRAVELING TO THE U.S. TO TESTIFY ON BEHALF OF FERNANDEZ. END SUMMARY.
2. (U) THE SANTIAGO PRESS REPORTED OVER THE WEEKEND THAT THE CHILEAN EMBASSY IN WASHINGTON HAS TURNED OVER TO THE DEPARTMENT OF STATE THE MILITARY RECORDS OF ARMANDO
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PAGE 02 SANTIA 02713 01 OF 02 132235Z

FERNANDEZ LARIOS. THE TEXT OF THE MILITARY RECORD WAS PUBLISHED IN THE APRIL 11 EDITION OF SANTIAGO DAILY "EL MERCURIO". BOTH "EL MERCURIO" AND "LAS ULTIMAS NOTICIAS CONTACTED DEFENSE ATTORNEY AXEL KLEIBOEMER, WHO CHARACTERIZED THE CHILEAN RESPONSE AS "DEFECTIVE" AND USELESS". KLEINBOEMER POINTED OUT THAT THE "MILITARY

RECORD" OF HIS CLIENT COVERED BARELY HALF A PAGE AND HAD AN ILLEGIBLE SIGNATURE. HE IMPLIED THAT THIS CHILEAN RESPONSE TO A SERIOUS REQUEST FOR INFORMATION BY A U.S. COURT WAS AN INSULT AND THAT THE GOC WAS NOT FULFILLING ITS PLEDGE TO COOPERATE IN THE MATTER. "I FEEL CHEATED BY THIS, AFTER TWO MONTHS OF HARD WORK. IF THE CHILEAN GOVERNMENT DOES NOT WANT TO TURN OVER THE SERVICE RECORD IT IS USELESS TO REQUEST IT AGAIN."

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3. (U) KLEIBOEMER ASSERTED THAT THE DOCUMENT CREATED NOT ONLY A BAD IMPRESSION OF HIS CLIENT BUT ALSO A FALSE ONE. ACCORDING TO KLEIBOEMER, THE "PENDING JUDICIAL MATTERS" NOTED IN THE RECORD WERE NOT THE TRUE REASON FO THE FAILURE OF HIS CLIENT TO BE ASSIGNED SINCE 1978 TO COMMAND POSITIONS. KLEIBOEMER STATED THAT HE WOULD NOW SEEK WRITTEN TESTIMONY FROM FERNANDEZ' PEERS SO THAT JUDGE PARKER WOULD BE ABLE TO KNOW THAT FERNANDEZ WAS IN FACT A "GOOD SOLDIER".

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4. (C) COMMENT: SANTIAGO IS DISAPPOINTED BUT NOT SURPRISED BY THE INCOMPLETE NATURE OF THE MILITARY RECORD TURNED OVER TO U.S. AUTHORITIES. SANTIAGO DAO REPORTS THAT THE FEW INSTANCES WHERE IT HAS SEEN MILITARY RECORDS, THEY WERE SIMILAR TO THIS ONE IN THAT ONLY CURSORY DATA AS TO RANK AND ASSIGNMENT WERE GIVEN. OTHER ITEMS SUCH AS EFFICIENCY REPORTS AND CONDUCT RECORDS ARE ~~CONFIDENTIAL~~

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PAGE 03 SANTIA 02713 01 OF 02 132235Z

CLOSELY HELD AND GENERALLY ONLY RELEASED TO COMPETENT LEGAL AUTHORITIES OR TO THE MILITARY OFFICIAL HIMSELF, AND THEN ONLY IN CERTAIN SPECIAL INSTANCES. THE CHILEAN ARMY PROBABLY TOOK INTO CONSIDERATION THE FACT THAT THE COMPETENT LEGAL AUTHORITY IS A FOREIGN COURT AND THAT FERNANDEZ LARIOS IS CONSIDERED A DESERTER BY THE CHILEAN MILITARY, INCLUDING PINOCHET. END COMMENT.

5. U) THE SUPREME MILITARY TRIBUNAL (CORTE MARCIAL) HAS POSTPONED THE "PASSPORT FRAUD" CASE ON THE REQUEST OF LETELIER FAMILY ATTORNEY JAIME CASTILLO, WHO IS ILL. THE NEXT SESSIONS OF THE COURT WILL BE APRIL 24 AND MAY 8, DUE TO NATIONAL HOLIDAYS ON APRIL 17 AND MAY 1.

-

6. U) THE LOCAL PRESS ON APRIL 13 CARRIED EXCERPTS FROM ASSISTANT SECRETARY ELLIOT ABRAMS' LETTER TO THE LETELIE FAMILY. THE CONTENTS WERE MADE PUBLIC BY JUAN PABLO LETELIER.

7. (U) AN ALLEGED EX-INTELLIGENCE AGENT FOR CHILE HAS SURFACED IN URUGUAY AND REPORTS THAT HE IS PREPARING TO TRAVEL TO THE U.S. TO OFFER HIS TESTIMONY ON BEHALF OF FERNANDEZ LARIOS, "WHO IS ALSO A VICTIM OF THE CHILEAN INTELLIGENCE SERVICES." THE "EX-AGENT", JOSE SOTO VARGAS, TOLD UPI THAT HE IS A PHYSICIAN WHO CARRIED OUT INTELLIGENCE ACTIVITIES FOR THE CHILEAN GOVERNMENT IN ARGENTINA AND BRAZIL. SOTO, A CHILEAN CITIZEN, STATED THAT HE IS NOW A POLITICAL EXILE RESIDING IN WEST GERMAN

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PAGE 01 SANTIA 02713 02 OF 02 132235Z
ACTION L-03

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FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 1018
INFO DEPJUSTICE WASHDC
FBI WASHDC
AMEMBASSY MONTEVIDEO

~~C O N F I D E N T I A~~L SECTION 02 OF 02 SANTIAGO 02713

DEPARTMENT FOR DEPUTY LEGAL ADVISOR KOZAK; FBI FOR PIMENTEL

E.O. 12356: N/A
TAGS: PREL, PHUM, CI
SUBJ: LETELIER CASE: KLEIBOEMER CRITICIZES LACK OF GOC

AND THAT HE HAD RETURNED TO VISIT RELATIVES IN ARGENTINA. BARNES

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PA/PC/CMD:DMcCaffrey:knw H#42-1974 Cleared: ARA: 2/87
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Chile Project (#S199900030)
U.S. Department of State
Release____ Excise X Deny____
Declassify: In Part____ In Full____
Exemption(s) B6

EXCISE

B6

APR 13 1987

Dear Mr. Vander Jagt:

Thank you for your letter of March 31 on behalf concerning U.S. policy toward Chile and the human rights situation in that country.

The U.S. Government supports a peaceful transition to democracy and encourages greater respect for human rights in Chile. There are some who believe that moving too fast now toward democracy in Chile may jeopardize the prospects for a stable future in that country. Progressing too slowly, however, may discourage hopes for the democratic future held by a vast majority of Chileans. We are deeply concerned that the absence of a clear movement toward democratization will contribute to the polarization and radicalization of Chilean society, thereby aiding the communists. Of course, the terms and timetable for a democratic transition are matters that only the Chilean people can determine.

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Mr. Abrams specifically referred in his testimony to the tragic burnings of Rodrigo Rojas and Carmen Quintana, calling for those guilty of this terrible crime to be brought to justice. The U.S. Government has taken a strong stand in advocating a complete and impartial investigation of the tragedy. We have made our position clear to the Chilean Government, and will continue to do so. A Chilean military court is investigating the incident and an army officer is under indictment.

The Honorable
Guy Vander Jagt,
House of Representatives.

FAIM/IAP/WJ

1987 APR 15 AM 11:47

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The United States provides Chile with no bilateral economic assistance except for a small humanitarian assistance program which largely provides powdered milk to the poor -- distributed, in part, through voluntary church agencies.

What we seek and hope to encourage through our policy is for Chile to participate in the tide of democracy sweeping the Western Hemisphere. Thus, while we greatly value and commend the considerable economic freedom that has been established in Chile, we must also continue to voice our firm conviction that political freedom and respect for individual rights are indispensable to the establishment and long-term durability of free societies.

Sincerely,

J. Edward Fox
Assistant Secretary
Legislative and Intergovernmental Affairs

Enclosure:

Correspondence returned.

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PAGE 01 SANTIA 02689 01 OF 02 132006Z
ACTION ARA-00

INFO	LOG-00	COPY-01	ADS-00	INR-10	SS-00	OIC-02	CIAE-00
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FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 1003
INFO AMEMBASSY SAN JOSE
USMISSION GENEVA

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

~~C O N F I D E N T I A~~ L SECTION 01 OF 02 SANTIAGO 02689

E.O. 12356: DECL:OADR
TAGS: PHUM, UNHRC, CI
SUBJ: WRAPUP OF VOLIO VISIT

REF: (A) SANTIAGO 2256
(B) SANTIAGO 2274

1. (C) SUMMARY: UN SPECIAL RAPPORTEUR FERNANDO VOLIO VISITED CHILE FOR TEN DAYS, CALLING ON DIVERSE POLITICAL AND HUMAN RIGHTS GROUPS. A HUNGER STRIKE AMONG "POLITICAL" PRISONERS COINCIDED WITH THE TRIP, WITH THE RESULT THAT VOLIO CALLED ON NUMEROUS DETENTION FACILITIES TO ASK THE STRIKERS TO END THEIR PROTEST. THE GOC HAS, AT TIMES, FOUND VOLIO'S RELATIVE MODERATION AND STRONG ANTI-COMMUNISM USEFUL TO COUNTER ATTACKS FROM MORE EXTREME HUMAN RIGHTS ADVOCATES. IT FINDS HIS VISITS A MIXED BLESSING, HOWEVER, SINCE HE RECEIVED HEAVY PUBLICITY FOR FORTHRIGHT CRITICISM OF THE LIMITED ROLE OF THE COURTS, GOC NON-
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PAGE 02 SANTIA 02689 01 OF 02 132006Z

RESPONSIVENESS TO TORTURE CHARGES, AND OTHER PROBLEMS. END SUMMARY.

2. U) UN SPECIAL RAPPORTEUR FERNANDO VOLIO, ACCOMPANIED BY THREE ASSISTANTS, MET WITH REPRESENTATIVES OF ALL FACTIONS DURING HIS MARCH 21-30 TRIP TO CHILE. DURING

APPROXIMATELY 200 SEPARATE MEETINGS VOLIO MET WITH A WID VARIETY OF GROUPS, RANGING FROM REPRESENTATIVES OF THE POPULAR DEMOCRATIC MOVEMENT (MDP) TO THE GOC. ASIDE FRO HIS CROWDED ITINERARY IN SANTIAGO, HE ALSO MADE ONE-DAY TRIPS TO BOTH CONCEPCION AND VALPARAISO.

-

3. (U) VOLIO'S VISIT ELICITED LESS COVERAGE AND CONTROVERSY THAN EXPECTED, NO DOUBT DUE TO THE FEVERISH PREPARATIONS FOR THE PAPAL VISIT. THE ONE EVENT OF SOM CONTROVERSY WAS THE REACTION TO VOLIO'S STATEMENT OF MARCH 21 CRITICIZING THE LACK OF INDEPENDENCE OF THE CHILEAN JUDICIARY. DESPITE A BITTER ATTACK BY JUNTA MEMBER GENERAL MATTHEI ON VOLIO'S MENTAL ABILITIES AND DENUNCIATION BY THE SUPREME COURT, VOLIO STEADFASTLY REFUSED TO BACK DOWN ON HIS STATEMENT (REFTEL A).

-

4. (U) DURING THE COURSE OF THE SPECIAL RAPPORTEUR'S VISIT, A HUNGER STRIKE BY A LARGE GROUP OF "POLITICAL" PRISONERS ENTERED ITS FOURTH WEEK (REFTEL B). A SIMILAR STRIKE, THOUGH ON A SMALLER SCALE, OCCURRED DURING VOLIO'S PREVIOUS FACT-FINDING MISSION IN DECEMBER, 1985. UNDOUBTEDLY, THE CURRENT HUNGER STRIKE WAS TIMED TO TAKE ADVANTAGE OF THE PUBLICITY ACCORDED NOT ONLY VOLIO'S PRESENCE BUT ALSO THAT OF THE POPE. VOLIO WAS ABLE TO VISIT A NUMBER OF PRISONS IN SANTIAGO AS WELL AS IN CONCEPCION AND VALPARAISO. HE TALKED WITH SOME OF THE STRIKERS AND LATER DESCRIBED HIMSELF AS A "MEDIATOR" WIT ~~CONFIDENTIAL~~

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PAGE 03 SANTIA 02689 01 OF 02 132006Z

THE GOVERNMENT. ON SEVERAL OCCASIONS HE CALLED UPON THE STRIKERS TO END THE CAMPAIGN. (FYI: THE FOLLOWING WEEK, ON APRIL 3, IN RESPONSE TO A PAPAL APPEAL, THE STRIKE WA OFFICIALLY ENDED.)

-

5. (C) AFTER VOLIO'S DEPARTURE, IT WAS REVEALED THAT HE HAD PASSED ON TO THE GOVERNMENT-SUPPORTED HUMAN RIGHTS COMMISSION THE NAMES OF 29 PEOPLE CURRENTLY BARRED FROM RETURNING TO CHILE. ALTHOUGH NEITHER VOLIO NOR THE COMMISSION WOULD REVEAL THE NAMES ON VOLIO'S LIST, SANTIAGO DAILY "EL MERCURIO" PUBLISHED THE PURPORTED LIST. BESIDES SUCH "SAFE" NAMES AS ERICH SCHNAKE AND JOSE ZALAQUETT (A STRANGE INCLUSION, AS THE GOC ALLOWED ZALAQUETT TO RETURN A YEAR AGO), THE LIST INCLUDES A LARGE NUMBER OF EXILES ASSOCIATED WITH THE NON-DEMOCRATIC OPPOSITION, SUCH AS ANSELMO SULE (RADICAL PARTY), FORMER SENATOR JULIETA

CAMPUSANA (COMMUNIST PARTY), ALLENDE'S MINISTER OF JUSTICE SERGIO INSUNZA BARRIOS (COMMUNIST PARTY), ALFREDO JOIGNANT (SOCIALIST PARTY), HEAD OF THE INVESTIGATIONS POLICE AND INTENDENTE OF SANTIAGO UNDER ALLENDE, AND JORGE INSUNZA BECKER (PCCH).

6. (C) COSTA RICAN AMBASSADOR HAD PLANNED TO GIVE A DINNER AT WHICH VOLIO COULD TALK WITH U.S., BRITISH AND FRG AMBASSADORS. VOLIO WENT TO CONCEPCION, HOWEVER, ON THE DAY THE DINNER HAD BEEN SCHEDULED, AND DESPITE EMBASSY OFFERS TO SEE VOLIO AT SOME OTHER TIME, NO ATTEMPT WAS MADE TO RESCHEDULE.

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PAGE 01 SANTIA 02689 02 OF 02 132006Z
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R 132000Z APR 87
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 1004
INFO AMEMBASSY SAN JOSE
USMISSION GENEVA

~~C O N F I D E N T I A~~L SECTION 02 OF 02 SANTIAGO 02689

E.O. 12356: DECL:OADR
TAGS: PHUM, UNHRC, CI
SUBJ: WRAPUP OF VOLIO VISIT

7. (C) COMMENT: THOUGH THE GOC DOES NOT CARE FOR HUMAN RIGHTS ADVOCATES IN GENERAL AND THE CRITICISM IT RECEIVES IN THE UN IN PARTICULAR, MODERATES IN THE REGIME - THE FOREIGN AND INTERIOR MINISTERS - HAVE CONTINUED TO ARGUE IN FAVOR OF COOPERATION WITH VOLIO AND ALLOWING HIM TO VISIT CHILE. THEY HAD CONSIDERABLE DIFFICULTY IN PERSUADING PINOCHET TO PERMIT A SECOND VISIT AFTER PINOCHET SAW VOLIO'S REPORT ON HIS FIRST TRIP, AND EVEN AFTER

IT WAS SCHEDULED THE PRESIDENT ALMOST CANCELLED IT FOLLOWING UNHRC APPROVAL OF THE MEXICAN RESOLUTION ON CHILE. HE WENT THROUGH THE ROOF AGAIN AFTER VOLIO'S REMARKS ON THE JUDICIARY (REF A). IT IS NOT AT ALL CLEAR THAT A THIRD VOLIO VISIT WILL BE AUTHORIZED. AS LONG AS MODERATES REMAIN IN THE GOVERNMENT, HOWEVER, THEY WILL FIND HIS BALANCED REPORTS AND WELL-
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PAGE 02 SANTIA 02689 02 OF 02 132006Z

KNOWN ANTI-COMMUNISM USEFUL BOTH TO COUNTER HARSHER FOREIGN CRITICS AND, THEY HOPE, AS LEVERS TO BRING ABOUT IMPROVEMENTS IN GOC HUMAN RIGHTS PRACTICES. END COMMENT.
BARNES

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DECONTROL 4/13/87

Case Number: S1999000030

Chile Project (#S199900030)
U.S. Department of State
Release X Excise_____ Deny_____
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APPROVED BY: HA/HR:RRACKMALES
ARA/SC:JSWIGERT (SUBS)
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TO AMEMBASSY SANTIAGO PRIORITY

LIMITED OFFICIAL USE STATE 110576

E.O. 12356: N/A
TAGS: CI, PHUM, H
SUBJECT: CONGRESSIONAL INQUIRY DISAPPEARANCE CASES

SENATOR ALAN CRANSTON HAS ASKED HA ASSISTANT SECRETARY SCHIFTER TO RESPOND TO THE FOLLOWING LETTER. EMBASSY IS REQUESTED TO CABLE TEXT OF PROPOSED REPLY TO DEPARTMENT, SLUGGED FOR HA/HR/ARA-BARMON.

BEGIN TEXT:

ERNIE KELL, THE MAYOR OF LONG BEACH, CALIFORNIA, HAS EXPRESSED TO ME THE CITY'S SERIOUS CONCERN FOR THE SAFETY OF SEVERAL NATIVE CHILEAN CITIZENS.

FANOR CASTILLO AND LAURA SOTO, BOTH LAWYERS, WORK WITH THE VALPARAISO BRANCH OF THE CHILEAN COMMISSION ON HUMAN RIGHTS. BOTH HAVE RECEIVED THREATS AGAINST THEIR LIVES. MAYOR KELL, ON BEHALF OF THE CITY OF LONG BEACH, REQUESTS THAT OUR GOVERNMENT LOOK INTO THIS SITUATION.

HE ALSO URGES INVESTIGATION OF THE WHEREABOUTS AND
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 STATE 110576

CIRCUMSTANCES SURROUNDING THE DISAPPEARANCE OF THE FOLLOWING PEOPLE:

ALEJANDRO RODRIQUEZ URZUA
CAROLINA WIFF SEPULVEDA
JORGE MULLER SILVA
CARMEN BUENO CIFUENTES

I VERY MUCH APPRECIATE YOUR HELP IN THESE MATTERS.
PLEASE LET ME KNOW WHAT YOU CAN DO.

END TEXT. WHITEHEAD

LIMITED OFFICIAL USE

NNNN

4/21/87

UNCLASSIFIED

EXCISE

FAIM KM119

P870057-1378

United States Department of State

Washington, D.C. 20520

Chile Project (#S199900030)
U.S. Department of State
Release_____ Excise_X_ Deny_____
Declassify: In Part_____ In Full_____
Exemption(s) B6 APR 21 1987

P
B6

Dear Mr. Kolbe:

We have received your letter of April 7, 1987 concerning a negative vote cast by the United States last fall against a United Nations General Assembly resolution on the human rights situation in Chile. Your letter was on behalf of your constituent [redacted]

In viewing our vote last fall, and in considering our decision to join consensus on a Chilean human rights resolution at the United Nations Human Rights Commission in Geneva during March of this year, it is important to realize that our positions in international organizations concerning Chile are determined with US support for democracy and human rights in Chile very much in mind. We take our actions in these bodies seriously, and seek to be constructive. Accordingly, we do not vote for resolutions unless we consider them sound.

There were significant parts of the resolution on Chile presented last year that reflected our own assessment of the human rights situation in that country. But, taken as a whole, we considered it to be seriously flawed in not reflecting accurately the constructive work of the UN Special Rapporteur, former Costa Rican Foreign Minister Fernando Volio, and in not recognizing the negative impact of terrorism on the human rights situation and the effort to return Chile to democracy. We voted against the resolution only after we were unable to obtain sufficient amendments to the text to allay these fundamental concerns.

There has been no retreat from our vocal support for democracy and human rights in Chile. We took the initiative to propose a resolution on Chile this year in the UN Human Rights Commission, just as we did last year. Through persistent diplomatic efforts we were able to obtain improvements in an unbalanced resolution circulated by Mexico, and to reach agreement on a proposal for eliminating discriminatory treatment of Chile under a separate agenda item. We succeeded in revising the text so that it would deplore "continued acts of extreme violence from all quarters." In view of the improvements we obtained, despite flaws in the text, we joined the consensus in approving the resolution.

The Honorable
Jim Kolbe,
House of Representatives.

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We will continue to encourage human rights progress and a peaceful return to democracy in Chile. The United States Government is second to none in pressing these concerns. In contrast with most nations, we buttress our words with actions and do not vote for seriously flawed resolutions which undermine the very progress we seek.

With best wishes,

Sincerely,

J. Edward Fox
Assistant Secretary
Legislative and Intergovernmental Affairs

Enclosures:
Correspondence returned.

UNCLASSIFIED

UNCLASSIFIED

Drafter: ARA/SC:LKuanitz
23418

Clearance: ARA/S:EJSalmon
ARA/SC:DWCox
ARA/SC:JWSwigert
HA/HR:KBarmon (subs)
IO/HW:BZweiben (subs)
H:

UNCLASSIFIED

[redacted]

UNCLASSIFIED

E-24

PAGE 01 MEXICO 08315 232346Z
ACTION OES-09

INFO LOG-00 COPY-01 ADS-00 INR-10 SS-00 OIC-02 CIAE-00
EB-08 DODE-00 H-01 IO-19 NSF-01 ARA-00 NSAE-00
L-03 PM-10 EPA-01 ACDA-12 SP-02 NRC-02 SNP-01
CEQ-01 T-01 /084 W

146277 240121Z /64 38

P 232345Z APR 87
FM AMEMBASSY MEXICO
TO SECSTATE WASHDC PRIORITY 4654
INFO DOEHQ WASHDC
UNVIE MISSION VIENNA

DEPARTMENT OF STATE IM/IPS/CR/IR Date: 4-1-98
(X) RELEASE ( ) DECLASSIFY
( ) EXCISE ( ) DECLASSIFY EO Citations
( ) DENY IN PART
9504332
TS authority
FOIA Exemptions ( ) CLASSIFY as ( ) S or ( ) C Sec.
PA Exemptions ( ) DOWNGRADE TS to ( ) S or ( ) C

[redacted] MEXICO 08315

DEPT FOR L/N; OES/N

E.O. 12356: DECL: OADR
TAGS: TRGY, KNNP, KSCA, MX
SUBJ: NUCLEAR FUEL SUPPLY FOR MEXICO

REF: STATE 107613

1. [redacted] - ENTIRE TEXT.

2. ACTING SCIENCE COUNSELOR MET WITH RUBEN BELLO, DIRECTOR OF THE NATIONAL INSTITUTE OF NUCLEAR RESEARCH (ININ), ON APRIL 23 ON THE USG PROPOSAL TO RESOLVE THE LONGSTANDING MATTER OF THE SUPPLY OF NUCLEAR FUEL ELEMENTS FOR THE SALAZAR NUCLEAR RESEARCH CENTER. BELLO WAS VERY PLEASED WITH THE USG EFFORT IN THE DRAFT NOTE CONTAINED REFTEL AND PROMISED HIS FULL EFFORTS TO PERSUADE GOM AUTHORITIES TO ACCEPT THE USG PROPOSAL FOR BACKUP NUCLEAR SAFEGUARDS.

3. BELLO ASKED ACTING SCIENCE COUNSELOR TO CONFIRM THAT THE USG WOULD BE ABLE TO USE THE SAME APPROACH TO SUPPLY [redacted]

[redacted]

PAGE 02 MEXICO 08315 232346Z

NUCLEAR FUEL RELOADS FOR THE LAGUNA VERDE POWER REACTOR. BELLO SAID THAT IF THE USG COULD NOT USE THE SAME APPROACH OR SOMETHING SIMILAR, IT WOULD BE BETTER FOR THE GOM TO

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UNCLASSIFIED

KNOW NOW SO THAT IT COULD FORGET ABOUT ASKING THE USG FOR FUEL RELOADS FOR LAGUNA VERDE. ACTING SCIENCE COUNSELOR SAID HE WOULD SEEK TO CONFIRM THE APPLICABILITY OF THE DRAFT NOTE TO OTHER FUTURE FUEL SUPPLY ARRANGEMENTS WITH MEXICO.

4. BECAUSE BELLO WILL BE DEPARTING HIS POST TO ASSUME HIS DUTIES AT THE INTERNATIONAL ATOMIC ENERGY AGENCY IN SEPTEMBER, HE AND ACTING SCIENCE COUNSELOR AGREED TO TRY TO MOVE THE ISSUE OF THE BACKUP SAFEGUARDS AS RAPIDLY AS POSSIBLE SO THAT MOMENTUM MIGHT NOT BE LOST DUE TO THE CHANGE IN DIRECTORS AT THE RESEARCH CENTER. (DRAFTED: SCI:JDETHOMAS) PILLIOD

[redacted]

NNNN

*** Current Handling Restrictions *** n/a
*** Current Classification *** [redacted]

UNCLASSIFIED

4/28187

UNCLASSIFIED

(KM127)

P870062-0730

Chile Project (#S199900030)
U.S. Department of State

United States Department of State
Washington, D.C. 20520

EXCISE

Release_____ Excise X Deny_____
Declassify: In Part_____ In Full_____
Exemption(s) B6

P B6

APRIL 23 1987

Dear Senator Mikulski:

I am replying to your letter of April 7, written on behalf of your constituent [redacted] who expressed concern over the United States vote against a United Nations resolution adopted last year on the human rights situation in Chile.

Let me assure you that our actions in international organizations concerning Chile are determined with U.S. support for democracy and human rights in Chile very much in mind. We take our actions in these bodies seriously, and seek to be constructive. Accordingly, we do not vote for resolutions unless we consider them sound.

There were significant parts of the resolution on Chile presented last December that reflected our own assessment of the human rights situation in that country. But, taken as a whole, we considered it to be seriously flawed in not reflecting accurately the constructive work of the UN Special Rapporteur, former Costa Rican Foreign Minister Fernando Volio.

Volio, like the majority of the Chilean democratic opposition, had acknowledged that the assassination attempt against General Pinochet last September and the discovery of communist arsenals a month earlier had helped to impede the return of democracy in Chile. The UN resolution did not acknowledge that the government is not the sole source of political violence in Chile. We felt it was important that a resolution on Chile recognize the negative impact of terrorism. In addition, positive steps taken by the government and mentioned in Volio's report were not acknowledged fairly. We consider it important that, whenever possible, progress should be recognized in order to encourage more progress in the future. We voted against the resolution only after we were unable to obtain sufficient amendments to the text to allay these fundamental concerns.

The Honorable
Barbara A. Mikulski,
United States Senate.

FAIRFAX, VA

1987 APR 27 AM 8:36

DEPARTMENT OF STATE

UNCLASSIFIED

DS/S/IE

102

UNCLASSIFIED

In seeking to promote human rights and democracy in Chile, we consider it important to be vocal in deploring terrorist violence, just as we are outspoken in deploring violence by the Chilean government. As Pope John Paul II demonstrated in his recent visit to Chile, it is possible to condemn violence from all sources without providing the government justification for human rights abuses.

There has been no retreat from our vocal support for democracy and human rights in Chile. We took the initiative to propose a resolution on Chile this year in the UN Human Rights Commission, just as we did last March. Through persistent diplomatic efforts we were able to obtain improvements in an unbalanced Chile resolution circulated by Mexico, and to reach agreement on a proposal for eliminating discriminatory treatment of Chile under a separate agenda item. We succeeded in revising the text so that it would deplore "continued acts of extreme violence from all quarters." In view of the improvements we obtained, despite flaws in the text, we joined the consensus in approving the resolution.

We continue to work to encourage progress across the board in Chile. Recent months have seen encouraging efforts by the Chilean government to address some longstanding problems, such as political exile. Government security forces have recently agreed with the International Committee of the Red Cross (ICRC) to allow visits by ICRC doctors to most prisoners. An opposition newspaper has appeared. The government has begun to reestablish voter registries and enacted a law which permits political parties to gain legal recognition. While Chile's 1980 constitution calls for a single-candidate presidential plebiscite in 1989, rather than free elections, these measures help ensure broad discussion of prospects of the possibility of amending that constitution to permit free elections by 1989, as most opposition groups and many government supporters have advocated.

Despite these positive changes, serious human rights problems such as torture have continued. Moreover, President Pinochet gives every indication of wishing to continue in office beyond 1989, and has resisted replacement of the plebiscite with an open election.

The aforementioned steps, however, can help create the type of atmosphere conducive to a return to full democracy in Chile. We hope that these measures are followed up by greater relaxation of restrictions on individual liberties and by decisive steps to end human rights abuses. We will continue

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to strive to encourage human rights progress and a peaceful return to democracy in Chile. The United States Government is second to none in pressing for both of these. In contrast with most nations, we buttress our words with actions; this is recognized in Chile by both the government and the opposition.

Sincerely,

JEF

J. Edward Fox
Assistant Secretary
Legislative and Intergovernmental Affairs

Enclosure:

Correspondence returned.

UNCLASSIFIED

UNCLASSIFIED

Drafted: ARA/SC:JSwigert:ej
4/17/87 X72407 #2257S

ARA Log No. 87-0914

Clearances: ARA: [redacted]
ARA/SC:DWCox
HA/HR:LGresham

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UNCLASSIFIED

QQ034

HR015C 4/27/87

United States Department of State

Washington, D.C. 20520

Chile Project (#S199900030)
U.S. Department of State
Release_____ Excise X Deny_____
Declassify: In Part_____ In Full_____
Exemption(s) B6

APRIL 27 1987

Dear Mr. Gregg:

I am replying to your letter of March 30, written on behalf of your constituent, [redacted] who expressed concern over the United States vote against a United Nations resolution adopted last year on the human rights situation in Chile.

Let me assure you that our actions in international organizations concerning Chile are determined with U.S. support for democracy and human rights in Chile very much in mind. We take our actions in these bodies seriously, and seek to be constructive. Accordingly, we do not vote for resolutions unless we consider them sound.

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The Honorable
Judd Gregg,
House of Representatives.

59-96-0074
90 D 75
Box 2/3

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to strive to encourage human rights progress and a peaceful return to democracy in Chile. The United States Government is second to none in pressing for both of these. In contrast with most nations, we buttress our words with actions; this is recognized in Chile by both the government and the opposition.

With best wishes.

Sincerely,

J. Edward Fox
Assistant Secretary
Legislative and Intergovernmental Affairs

Enclosure:

Correspondence returned.

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UNCLASSIFIED

Drafted: ARA/SC:JSwigert:ej
4/17/87 X72407 #2258S

ARA Log No. 87-0908

Clearances: ARA: RGelbard
ARA/SC:DWCox
HA/HR:LGresham

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UNCLASSIFIED

P
B6

COMMITTEES:
FOREIGN AFFAIRS
JOINT ECONOMIC COMMITTEE
SELECT COMMITTEE ON AGING

WASHINGTON OFFICE:
2464 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-1902
(202) 225-6306

OLYMPIA J. SNOWE
2D DISTRICT, MAINE

870064-1137

DISTRICT OFFICES:
MARGARET CHASE SMITH FEDERAL BUILDING
202 HARLOW STREET, ROOM 208
BANGOR, ME 04401-4930
(207) 945-0432

TWO GREAT FALLS PLAZA
SUITE 7B
AUBURN, ME 04210-5813
(207) 786-2451

197 STATE STREET
POST OFFICE BOX 722
PRESQUE ISLE, ME 04769-0722
(207) 764-5124

Congress of the United States

House of Representatives

Washington, DC 20515

April 27, 1987

EXCISE

26

ACTION
is assigned to
PM/PC

The Honorable J. Edward Fox
Assistant Secretary for Legislative
and Intergovernmental Affairs
Room 7261
Department of State
2201 C Street NW
Washington, D.C. 20520

Dear Secretary Fox:

I have been contacted by a constituent regarding reports of human rights abuses in Chile. I request that the State Department answer the questions raised.

I look forward to your early response on this matter. I enclose a copy of my constituent's inquiry.

Sincerely,

OLYMPIA J. SNOWE
Member of Congress
2nd District, Maine

OJS:pf
Enclosure

1987 MAY -7 PM 2:49
DEPARTMENT OF STATE
RECEIVED BY
EAIR/IAP/WI

Chile Project (#S199900030)
U.S. Department of State
Release_____ Excise X Deny_____
Declassify: In Part_____ In Full_____
Exemption(s) B6

RE: Abduction of JAIME Alarcon SoTo and Oswaldo Bravo Contreas and Olaff Niedbalsky (AI)

FR: [redacted]

1987 MAY -7 PM 2:57
OUT

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4/2718 7

UNCLASSIFIED

P870057-2378

KM 124

United States Dep[illegible]nt of State

Washington, D.C. 20520

Chile Project (#S19990030)
U.S. Department of State
Release_____ Excise X Deny_____
Declassify: In Part_____ In Full_____
Exemption(s) B6

EXCISE
FBI

APRIL 27 1987

Dear Mr. Gregg:

I am replying to your letter of March 30, written on behalf of your constituent, [redacted] who expressed concern over the United States vote against a United Nations resolution adopted last year on the human rights situation in Chile.

Let me assure you that our actions in international organizations concerning Chile are determined with U.S. support for democracy and human rights in Chile very much in mind. We take our actions in these bodies seriously, and seek to be constructive. Accordingly, we do not vote for resolutions unless we consider them sound.

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The Honorable
Judd Gregg,
House of Representatives.

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to strive to encourage human rights progress and a peaceful return to democracy in Chile. The United States Government is second to none in pressing for both of these. In contrast with most nations, we buttress our words with actions; this is recognized in Chile by both the government and the opposition.

With best wishes.

Sincerely,

JEF

J. Edward Fox
Assistant Secretary
Legislative and Intergovernmental Affairs

Enclosure:

Correspondence returned.

UNCLASSIFIED

UNCLASSIFIED

Drafted: ARA/SC:JSwigert:ej
4/17/87 X72407 #2258S

ARA Log No. 87-0908

Clearances: ARA: ~~RGelbard~~ SBassett
ARA/SC:DWCox
HA/HR:LGresham

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UNCLASSIFIED

KM128

United States Department of State

Washington, D.C. 20520

EXCISE

APR 28 1987

P BG

[redacted]

Chile Project (#S199900030)
U.S. Department of State
Release_____ Excise X Deny_____
Declassify: In Part_____ In Full_____
Exemption(s) B6

Dear [redacted]

Your letters of March 30, 1987 to President Reagan and Secretary of State Shultz have been referred to me for response. In your letters, written on behalf of Chilean Anselmo Sule, you request assistance for the return of Chilean exiles to their country. In addition to Mr. Sule, your inquiry expressed specific concern over the cases of Hugo Miranda, Carlos Morales and Orlando Cantuarias.

United States policy toward Chile is to support the restoration of democracy and to encourage greater respect for human rights. As part of this policy we have consistently called on Chilean authorities to permit all exiles, including those you have mentioned, to return to their homeland. I am enclosing copies of the 1986 State Department Human Rights Report, which addresses the question of exiles in some depth, as well as the March 1986 US-sponsored UN resolution on human rights, which calls upon Chile to allow the return of all exiles. The US also joined consensus on the March 1987 UN resolution on Chile which calls for an end to the practice of exile.

Though the Chilean Government has made considerable progress since the start of the year on the exile problem, reducing the number of those prohibited to return to Chile from more than 3500 to under one thousand, the US has continued to advocate an end to the practice of exile.

I hope the foregoing has been of value to you.

Sincerely,

Richard B. Howard
Director, Office of
Southern Cone Affairs

Enclosures: As stated.

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107

E132

TEXT OF TELEGRAM 87STATE 130757

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ADP198
~~SECRET~~

PAGE 01 STATE 130757
ORIGIN SS-00

INFO LOG-00 ADS-00 SSO-00 (AS-01 CIAE-00 DODE-00 NSCE-00
NSAE-00 INRE-00)/000 R

DRAFTED BY: ARA/CEN:DRANDOLPH
APPROVED BY: ECA:PHABIB
S/S-O:RMBISHOP

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FM SECSTATE WASHDC
TO AMEMBASSY GUATEMALA IMMEDIATE
INFO CONTADORA COLLECTIVE IMMEDIATE

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DEPARTMENT OF STATE IS/FPC/CDR 9/07 Date: 12-19-96
(X) RELEASE (X) DECLASSIFY MR Cases Only:
( ) EXCISE ( ) DECLASSIFY EO Citations
( ) DENY IN PART
( ) DELETE Non-Responsive Info
FOIA Exemptions
PA Exemptions
( ) CLASSIFY as ( ) S or (
( ) DOWNGRADE TS to ( ) S or
TS authority

~~SECRET~~ STATE 130757

EXDIS **DECAPTIONED**

E.O. 12356: DECL: OADR
TAGS: GT, XK, PREL, OVIP (HABIB, PHILIP C.)
SUBJECT: AMBASSADOR HABIB'S MEETING WITH GUATEMALAN PRESIDENT CEREZO

1. ~~SECRET~~ - ENTIRE TEXT.

2. SUMMARY: AMBASSADOR HABIB STRESSED THE NEED FOR THE FOUR CENTRAL AMERICAN DEMOCRACIES TO UNITE AT ESQUIPULAS AND FOCUS ON THE KEY ISSUE OF DEMOCRATIZATION. PRESIDENT CEREZO AGREED FULLY AND SAID HE WAS ACTIVELY SEEKING TO PROMOTE UNITY. HE WAS DEVELOPING AN IDEA TO EXPAND THE ARIAS PROPOSAL'S CONCEPT OF THE NATIONAL COMMISSION; HE WOULD HAVE IT INCLUDE ALL ELEMENTS OF THE OPPOSITION--I.E., THE DEMOCRATIC RESISTANCE--AND WORK CONCURRENTLY TOWARD ACHIEVING A CEASE-FIRE AND A POLITICAL OPENING. CEREZO SAID MEXICAN PRESIDENT DE LA MADRID ACCEPTED THAT THE CENTRAL AMERICANS HAD THE LEAD IN THE NEGOTIATING PROCESS BUT WANTED TO KEEP CONTADORA INVOLVED--EVEN TO

~~SECRET~~
SECRET

PAGE 02 STATE 130757

THE EXTENT OF OPENING THE ESQUIPULAS MEETING--ALTHOUGH NOT INTERFERING IN THE NEGOTIATIONS. END SUMMARY.

3. ON APRIL 28, AMBASSADORS HABIB AND PIEDRA MET WITH GUATEMALAN PRESIDENT CEREZO TO DISCUSS THE NEGOTIATING TRACK AND THE JUNE ESQUIPULAS MEETING. HABIB EXPRESSED

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SECRET

HIS PLEASURE THAT THE DEMOCRACIES WERE NOW CONSULTING WITH EACH OTHER. HABIB SAID THAT COSTA RICAN PRESIDENT

UNCLASSIFIED

ARIAS DID NOT WANT ANY FUNDAMENTAL CHANGES WHICH WOULD ALTER THE ESSENCE OF THE PROPOSALS, BUT FOREIGN MINISTER MADRIGAL HAD STATED THAT HE WAS HOPEFUL THAT THE FOUR DEMOCRACIES COULD REACH AN AGREEMENT. HABIB STRESSED THAT IT WAS ESSENTIAL THAT THEY ACHIEVE UNITY; IT WAS CLEAR THE SANDINISTAS WOULD SEEK TO DIVIDE THEM AT ESQUIPULAS. HABIB NOTED THAT THE FOUR DEMOCRACIES AGREED ON THE ISSUE OF DEMOCRATIZATION, WHICH WAS THE HEART OF THE ARIAS PROPOSALS, SO THEY SHOULD BE ABLE TO WORK IN HARMONY AND COME UP WITH A UNIFIED POSITION THAT STRESSED DEMOCRATIZATION.

4. RECALLING THAT IN MARCH CEREZO HAD NOTED THAT NICARAGUAN PRESIDENT ORTEGA WAS FEELING PRESSURE, HABIB STATED THAT THE PRESSURE ON THE SANDINISTAS WAS CONTINUING TO MOUNT. THIS INCLUDED MILITARY PRESSURE FROM THE RESISTANCE AS WELL AS INTERNAL PRESSURE BECAUSE OF THE MISERABLE ECONOMIC CONDITIONS. HABIB POINTED OUT THAT ANOTHER ELEMENT OF PRESSURE WAS THAT CREATED BY NICARAGUA'S DEMOCRATIC NEIGHBORS WHO WERE DEMANDING POLITICAL CHANGE.

5. CEREZO AGREED FULLY ON THE NEED FOR UNITY AND TO FOCUS ON DEMOCRACY. HE INSISTED THAT THE FOUR

~~SECRET~~
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DEMOCRACIES MUST DEVELOP A STRATEGY AND WORK OUT THE SPECIFICS OF THE PROPOSALS. HE SAID THAT HE SOUGHT TO DETERMINE WHAT DIFFERENCES THE DEMOCRACIES HAD ABOUT THE ARIAS PROPOSALS AND THEN TO REACH AGREEMENT ON THESE POINTS. HE HAD MET WITH DUARTE AND HAD TALKED ON THE TELEPHONE WITH ARIAS AND AZCONA. HE HAD BE UNABLE TO ARRANGE A MEETING WITH AZCONA, BUT STILL SOUGHT ONE; HE WOULD EITHER GO TO HONDURAS OR INVITE AZCONA TO GUATEMALA. HE WAS SENDING FOREIGN MINISTER QUINONES TO COSTA RICA ON MAY 5. CEREZO BELIEVED THAT ALL FOUR DEMOCRACIES AGREED ON THE NEED TO PUSH THE SANDINISTAS TOWARD A POLITICAL OPENING.

6. CEREZO AGREED WITH HABIB THAT SALVADORAN PRESIDENT DUARTE HAD SPECIAL PROBLEMS BECAUSE OF HIS INTERNAL SITUATION AND THAT DUARTE'S LEGITIMATE CONCERNS MUST BE TAKEN INTO ACCOUNT. HE SAID DUARTE'S MOST DIFFICULT PROBLEM WITH THE ARIAS PROPOSALS WAS THE CEASE-FIRE. CEREZO EXPLAINED A CEASE-FIRE COULD NOT BE SIMPLY DECLARED; TO WORK, IT MUST BE NEGOTIATED BY THE COMBATANTS. CEREZO NOTED THAT A CEASE-FIRE WAS ALSO A PROBLEM FOR THE USG, BECAUSE THE USG USED PRESSURE FROM THE RESISTANCE TO OPEN POLITICAL SPACE IN NICARAGUA.

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7. CEREZO SAID HE WAS CONTEMPLATING A FORMULA WHICH HE WOULD DISCUSS WITH THE OTHER DEMOCRACIES BEFORE

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ESQUIPULAS. HE WOULD PROPOSE TO MAKE THE CEASE-FIRE NOT AN IMMEDIATE OBJECTIVE BUT RATHER A GOAL FOR THE FUTURE. THE NATIONAL COMMISSION DESCRIBED IN THE ARIAS PROPOSALS WOULD BE CHARGED WITH NEGOTIATING THE CEASE-FIRE. ALL ELEMENTS OF THE OPPOSITION, INCLUDING THE DEMOCRATIC RESISTANCE, WOULD BE INCLUDED IN THE NATIONAL COMMISSION. THIS APPROACH COULD BE USED IN NICARAGUA, EL SALVADOR, AND EVEN GUATEMALA. HABIB EXPRESSED HIS INTEREST IN THIS CONCEPT AND PRESSED FOR MORE DETAILS. CEREZO EXPLAINED THAT THE NATIONAL COMMISSION WOULD

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SIMULTANEOUSLY WORK TO ACHIEVE TWO PRINCIPAL GOALS: A POLITICAL OPENING AND A CEASE-FIRE. CEREZO EXPLAINED THAT IT WAS IMPERATIVE THAT THE SANDINISTAS NOT BE ALLOWED TO DELAY TALKS WITH THE RESISTANCE.

8. HABIB ASKED IF THE SANDINISTAS HAD INDICATED THAT THEY WOULD ACCEPT SUCH A PLAN. CERERZO REPLIED THAT THEY HAD NOT; THE SANDINISTAS WANTED AN AGREEMENT ON ENDING AID TO THE RESISTANCE AND ON THEIR SECURITY, BUT THEY WERE NOT PARTICULARLY CONCERNED ABOUT A CEASE-FIRE. HABIB NOTED THAT THE RESISTANCE MUST STILL RECEIVE NON-LETHAL SUPPLIES SUCH AS FOOD AND MEDICINE IF A CEASE-FIRE WERE REACHED. CEREZO REPLIED THAT ANY CEASE-FIRE MUST BE "IN PLACE," ADDING THAT THE RESUPPLY QUESTION COULD CERTAINLY BE OPEN TO DISCUSSION.

9. CEREZO SAID THAT IT WAS NECESSARY TO INVOLVE THE SANDINISTAS IN THE DISCUSSIONS. THE DEMOCRACIES MUST SHOW THAT THEY ARE WORKING FOR PEACE AND PRODUCE A GOOD PLAN. IF THE SANDINISTAS THEN REJECT THE PLAN, THEY WILL BE TO BLAME. HE HAD NOT HAD FURTHER CONTACT WITH THE SANDINISTAS SINCE HIS VISIT TO MANAGUA IN LATE MARCH, BUT HE PLANNED TO SEND A WORKING-LEVEL DELEGATION.

10. HABIB SAID THAT ARIAS WAS CONCERNED THAT THE SANDINISTAS WOULD SEEK TO EXPAND THE AGENDA AT ESQUIPULAS. THEY WOULD INTRODUCE NEW SUBJECTS IN ORDER TO GENERATE A LENGTHY AND NON-CONCLUSIVE DISCUSSION. ARIAS WAS ADAMANT THAT HIS PROPOSALS BE THE ONLY AGENDA AT ESQUIPULAS. CEREZO ASSERTED THAT HE WANTED TO GIVE ARIAS A SUCCESS, AND HE AGREED THAT THE DISCUSSIONS SHOULD CENTER ON THE ARIAS PROPOSALS; HIS WORDS FELL SHORT OF A CONCRETE COMMITMENT NOT TO PRESENT HIS OWN

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IDEAS, HOWEVER. HE RECOGNIZED THAT ANY REVISIONS IN THE ARIAS PROPOSALS WOULD TEND TO GIVE THE SANDINISTAS A

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PRETEXT FOR REJECTING THEM AND SAID THAT FOR THAT REASON

THE DEMOCRACIES SHOULD SEEK MINIMAL CHANGES.

11. HABIB SAID THAT HE HAD SUGGESTED TO ARIAS THAT THE TIMETABLE FOR THE POLITICAL OPENING BE ADVANCED. IN PART, THIS COULD BE DONE WITHOUT EVEN CHANGING THE LANGUAGE OF THE PROPOSALS. FOR EXAMPLE, WHERE THE PROPOSALS CALLED FOR CERTAIN ACTIONS "WITHIN 60 DAYS," DURING THE NEGOTIATIONS THE DEMOCRACIES COULD INTERPRET THIS TO MEAN THAT THE ACTIONS SHOULD BE TAKEN MUCH EARLIER. HABIB QUESTIONED THE WISDOM OF WAITING UNTIL 1990 FOR NEW ELECTIONS IN NICARAGUA. HE MENTIONED THAT THE FEBRUARY PLAN OF SEVEN PARTIES OF THE NICARAGUAN CIVIC OPPOSITION PROPOSED NEW ELECTIONS IN ONE YEAR. HE ADDED THAT IT WAS ALSO IMPORTANT TO LOOK AT THE DETAILS OF THE ELECTIONS; FOR EXAMPLE, THE SANDINISTAS DOMINATED THE ELECTORAL COMMISSION. CEREZO SAID THAT A GENUINE POLITICAL OPENING WAS NEEDED AND THAT THE ELECTIONS FOR THE CENTRAL AMERICAN PARLIAMENT WERE PART OF THIS. THESE WOULD LED TO ELECTIONS FOR MUNICIPAL LEADERS. HE AGREED THAT ATTENTION MUST BE PAID TO THE DETAILS IN ORDER TO MAKE THE ELECTIONS MEANINGFUL, AND HE INDICATED HE WOULD CONSIDER THE ISSUE OF ADVANCING THE ELECTION SCHEDULE.

12. CEREZO STATED THAT HE HAD MET WITH THE CIVIC OPPOSITION AND WAS SEEKING TO HELP THEM ACHIEVE UNITY. HABIB ASKED IF CEREZO HAD HAD CONTACTS WITH THE DEMOCRATIC RESISTANCE. CEREZO REPLIED THAT UNO OFFICIALS HAD RECENTLY COME TO GUATEMALA BUT HE HAD BEEN UNABLE TO RECEIVE THEM. INSTEAD, THEY MET WITH THE LEADER OF THE CHRISTIAN DEMOCRATIC PARTY. UNO DIRECTORATE MEMBER PEDRO JOAQUIN CHAMORRO WOULD BE COMING SOON, HOWEVER, AND CEREZO PLANNED TO SEE HIM.

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13. HABIB ASKED HOW MEXICAN PRESIDENT DE LA MADRID HAD RESPONDED DURING HIS RECENT TRIP TO GUATEMALA TO THE FACT THAT THE CENTRAL AMERICANS HAD TAKEN THE LEAD AWAY FROM CONTADORA. CEREZO RESPONDED THAT DE LA MADRID RECOGNIZED THAT THE CENTRAL AMERICANS WERE THE IMPORTANT ACTORS IN THE PROCESS. DE LA MADRID WANTED CONTADORA TO REMAIN INVOLVED, HOWEVER; HE WAS PROPOSING THAT CONTADORA BE PRESENT AT ESQUIPULAS AND OPEN THE MEETING IN ORDER TO MAINTAIN THE SPIRIT OF CONTADORA. FOREIGN SECRETARY SEPULVEDA HAD WANTED TO GO EVEN FURTHER AND HAVE CONTADORA BE ACTUAL OBSERVERS DURING THE DISCUSSIONS AMONG THE PRESIDENTS. DE LA MADRID HAD OVERRULED HIM, INSISTING THAT MEXICO NEEDED TO EMPHASIZE ITS NON-INTERVENTION. DE LA MADRID DID WANT ANY AGREEMENT THAT THE FIVE CENTRAL AMERICANS REACHED AT ESQUIPULAS TO

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BE SPONSORED BY CONTADORA. CEREZO REMARKED THAT DE LA

MADRID DID NOT WANT THE USG TO INTERVENE IN NICARAGUA BUT AT THE SAME TIME DID NOT LIKE THE SANDINISTAS LINKS TO CUBA AND THE SOVIET UNION. DE LA MADRID HAD SOUGHT TO CONVINCE CEREZO THAT MEXICO WAS NOT BIASED IN FAVOR OF NICARAGUA. HABIB RESPONDED THAT MEXICO'S ACTIONS IN CONTADORA FOR YEARS SHOWED THIS NOT TO BE THE CASE. CEREZO AGREED WITH HABIB THAT SUPPORT FOR DEMOCRACY IN NICARAGUA WAS NOT INTERVENTION AND SAID HE HAD MADE PRECISELY THIS POINT TO DE LA MADRID. DEMOCRACY WAS THE MAIN ISSUE, CEREZO SAID, AND IT WAS THE MAIN DIFFERENCE BETWEEN GUATEMALA AND MEXICO. HE ADDED THAT BECAUSE OF ITS OWN POLITICAL REALITIES, THE MEXICAN GOVERNMENT DID NOT WANT TO FOCUS ON THIS ISSUE.

14. HABIB SAID HE WOULD RETURN TO CENTRAL AMERICA AFTER

THE JUNE 11 FOREIGN MINISTERS MEETING, AND THAT IN THE MEANTIME HE LOOKED FORWARD TO SEEING CEREZO IN WASHINGTON IN MAY. CEREZO COMMENTED THAT HE WAS LOOKING FORWARD TO HIS TRIP TO THE UNITED STATES. HE WOULD SEEK TO MAINTAIN HIS BALANCE AND WOULD BE ON GUARD AGAINST THOSE IN THE PRESS WHO WOULD TRY TO PROVOKE HIM INTO SAYING SOMETHING AT ODDS WITH USG POLICY. SHULTZ

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E.O. 12356: DECL: OADR
TAGS: PREL, ES, XK, OVIP (HABIB, PHILIP C.)
SUBJECT: AMBASSADOR HABIB'S MEETING WITH SALVADORAN PRESIDENT DUARTE

1. ~~SECRET~~ - ENTIRE TEXT.

2. SUMMARY. AMBASSADOR HABIB MET PRESIDENT DUARTE APRIL 28 AND URGED STRONG AND ACTIVE EFFORTS TO REACH A SOUND, UNIFIED POSITION AMONG THE FOUR DEMOCRACIES. DUARTE DOUBTED SUCH UNITY COULD BE ACHIEVED AND SAID HE DID NOT FEEL ABLE TO ASSUME NOW A STRONG LEADERSHIP ROLE TO SEEK SUCH UNITY. HE WILL FIGHT ADAMANTLY FOR DEMOCRACY AT ESQUIPULAS. HE CONSIDERS THE ARIAS PROPOSALS SO DEFECTIVE AND INCAPABLE OF IMPLEMENTATION AT THIS TIME THAT -- DESPITE SALVADORAN RESERVATIONS -- HE COULD SIGN THEM IMMEDIATELY, AS COULD THE SANDINISTAS. HE BELIEVES ARIAS IS AIMING TO OBTAIN SANDINISTA AGREEMENT TO HIS PLAN, AND THAT THIS EXPLAINS HIS
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PAGE 02 STATE 129588

RESISTANCE TO CHANGES WHICH WOULD APPEAR TO BE CONSISTENT WITH HIS STATED INTENTION TO "PUSH THE SANDINISTAS AGAINST THE WALL" ON DEMOCRACY. ARIAS, HE FEELS, IS POSITIONING HIMSELF FOR A POST-CONTRA POLICY ENVIRONMENT DOMINATED BY THE U.S. DEMOCRATIC PARTY. CEREZO, TOO, IS A "PRACTICAL MAN" WHO IS TRYING TO DEAL WITH THE

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SANDINISTAS, ALTHOUGH CEREZO'S COMMITMENT TO SUPPORTING AND PRESERVING DEMOCRACY IN THE OTHER FOUR COUNTRIES IS

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UNSHAKABLE. END SUMMARY.

3. ON APRIL 28, AMB. CORR HOSTED A LUNCH FOR PRES. DUARTE AND AMB. HABIB. ALSO PRESENT WERE FONMIN ACEVEDO, VICE FONMIN MAZA MARTELLI, DCM, POLCOUNS, POLOFF AND MEMBERS OF HABIB'S TEAM.

4. DUARTE BEGAN BY INQUIRING ABOUT NEWS REPORTS THAT THE COSTA RICANS HAD STATED THAT AMB. HABIB HAD OFFERED "COMPLETE SUPPORT" TO THE ARIAS PROPOSALS. HABIB UNDERSCORED THAT USG'S PRIVATE AS WELL AS PUBLIC POSITION WAS TO "WELCOME" PROPOSALS, BUT THAT WE BY NO MEANS APPROVED THEM UNRESERVEDLY. HABIB REPORTED ON HIS CONVERSATIONS WITH ARIAS THE DAY BEFORE, EMPHASIZING THAT THE USG CONTINUED TO INSIST ON THE GOCR'S NEED TO ADDRESS ISSUES THE OTHER DEMOCRACIES VIEWED AS IMPORTANT, IN ORDER TO REACH AGREEMENT AMONG THE FOUR. HABIB URGED THAT EL SALVADOR MAKE CLEAR ITS CONCERNS, WITH SPECIFIC PROPOSALS, SO THAT PLANNED JUNE 11 FONMINS MEETING WOULD BE SUBSTANTIVE AND PRODUCTIVE.

5. THE DIPLOMATIC PROCESS.

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HABIB URGED THE IMPORTANCE OF WORKING ALL OUT TO ACHIEVE UNITY AMONG THE FOUR AT ESQUIPULAS, BUT DUARTE EXPRESSED DOUBT UNITY COULD BE ACHIEVED AND INDICATED AN INTENT TO HOLD BACK FOR THE TIME BEING. IN RESPONSE TO DUARTE'S COMPLAINT THAT IT WAS STILL NOT CLEAR WHAT THE FIVE COUNTRIES MIGHT AGREE ON, HABIB REPLIED THAT THE FOUR (OR EVEN THE THREE) MUST AGREE FIRST ON WHAT THEY WANTED BEFORE IT WAS POSSIBLE TO STATE WHAT MIGHT EMERGE FROM ESQUIPULAS. HE OFFERED TO RETURN AFTER THE JUNE 11 FONMIN MEETING TO HELP BRING THE FOUR TOGETHER ON SPECIFICS TO THE EXTENT THEY HAD NOT BEEN ABLE TO AGREE FULLY BY THAT TIME. HE AGAIN STATED THAT THE MOST IMPORTANT GOAL IS TO KEEP ATTENTION FOCUSED ON THE DEMOCRATIZATION CORE OF THE ARIAS PROPOSALS, AND SUGGESTED THAT IF THIS OCCURRED ESQUIPULAS MIGHT WELL PRODUCE A PRODUCTIVE IDEOLOGICAL CONFRONTATION BETWEEN ARIAS AND ORTEGA. DUARTE AGREED THAT THERE WOULD BE A CONFLICT BETWEEN ARIAS AND ORTEGA, ADDING, HOWEVER, THAT THE REAL CLASH AT ESQUIPULAS WOULD BE BETWEEN HIMSELF AND ORTEGA.

6. DUARTE'S POSTURE AT ESQUIPULAS

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DUARTE CONFIRMED HE WILL ATTEND ESQUIPULAS. HE INSISTED HE DOES NOT INTEND TO LEAD ANY FIGHTS. HE WILL HOLD OUT

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ADAMANTLY ON DEMOCRACY AND FOR EL SALVADOR'S INTERESTS, BUT SEES NO USEFUL LARGER ROLE AT THIS TIME. HE EXPRESSED CONCERN ABOUT HIS OWN DOMESTIC PROBLEMS WITH HIS RIGHT WING, WHICH WISHES HIM NOT TO ATTEND ESQUIPULAS, WITH HIS NEED TO MAINTAIN SUPPORT IN THE U.S. CONGRESS, AND AT THE MANIFEST UNREADINESS OF THE OTHER PRESIDENTS TO TAKE STRONG POSITIONS. HE FEELS UNABLE TO BEAR THAT BURDEN AT THIS TIME THAT WOULD RESULT FROM TAKING THE LEAD AND SEEKING ACTIVELY TO UNIFY THE FOUR. HE ALSO BELIEVES ANY FAILURE FOLLOWING A STRONG

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SALVADORAN ROLE WILL INEVITABLY BE BLAMED ON HIM, AND ON THE UNITED STATES.

7. SALVADORAN POSITION ON SPECIFICS

ACEVEDO SAID THE FOREIGN MINISTRY'S THINKING FOCUSES ON SALVADORAN INTERESTS "RATHER THAN ON GETTING THE NOBEL PEACE PRIZE," AND THAT ITS DRAFT PROPOSALS ARE DESIGNED TO ACTUALLY ADDRESS AND RESOLVE EL SALVADOR'S PROBLEMS. DUARTE SAID HE WOULD FIGHT ADAMANTLY TO SUPPORT DEMOCRACY AT ESQUIPULAS. IN RESPONSE TO CORR'S QUESTION REGARDING THE ARIAS PROPOSALS RELATING TO AMNESTY, DIALOG, RELEASE OF POLITICAL PRISONERS AND A CEASE-FIRE WITH THE FMLN WHICH WOULD LEAVE IT IN CONTROL OF TERRITORY, DUARTE STATED THAT NONE OF THESE PROVISIONS WERE UNACCEPTABLE SINCE ALL WERE SUBJECTS TO BE COVERED IN NEGOTIATIONS. THE ARIAS PROPOSALS, HOWEVER, MAKE NO PROVISION FOR NEGOTIATIONS AND THUS CANNOT BE IMPLEMENTED. AS A RESULT, "I COULD SIGN THEM TOMORROW."

8. DURABILITY OF U.S. SUPPORT

A QUESTION WAS RAISED WITH RESPECT TO WHAT THE USG WOULD DO IN THE EVENT THE ARIAS PROPOSALS WERE SIGNED BUT -- AFTER TAKING INITIAL STEPS AS REQUIRED -- NICARAGUA THEN FAILED TO COMPLY WITH THE SERIOUS DEMOCRATIZATION ELEMENTS. HABIB SAID AID TO THE NICARAGUAN DEMOCRATIC RESISTANCE WOULD BE RESUMED, AND THAT THE SHORT AND PRECISE TIMEFRAMES OF THE ARIAS PROPOSALS WOULD MAKE THIS POLITICALLY FEASIBLE. HE REJECTED THE VIEW, OFTEN ASCRIBED TO COSTA RICA, THAT THE USG WOULD INVADE IN SUCH

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A CASE, BUT STATED THAT NO U.S. ADMINISTRATION WOULD BE PREPARED TO ACCEPT A COMMUNIST STATE ON THE MAINLAND.

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DUARTE AGREED ANY ADMINISTRATION WOULD OPPOSE SUCH A

STATE, BUT DOUBTED THE UNITED STATES WOULD WIN SUCH A CONFRONTATION AND THAT THE USG HAD THE CAPACITY TO SUSTAIN SUCH A POLICY.

9. DUARTE'S MEETING WITH CEREZO

HABIB NOTED THAT ARIAS APPEARED MOST CONCERNED ABOUT ATTEMPTS BY CEREZO TO PROPOSE AN ESQUIPULAS AGENDA OTHER THAN THE ARIAS PROPOSALS, AND THAT AZCONA AGREES WITH ARIAS THAT RETAINING FOCUS ON THE ARIAS PROPOSALS WAS HIGHLY DESIRABLE IN ORDER TO AVOID NICARAGUAN DIVERSION FROM THE KEY TOPIC OF DEMOCRATIZATION. DUARTE OFFERED NO VIEW ON THE LIKELIHOOD OF CEREZO'S PROPOSING MATTERS OTHER THAN THE ARIAS PROPOSALS, BUT SUGGESTED CEREZO'S GOAL IS TO GIVE SOMETHING TO EVERYONE: TO ARIAS, HE WOULD GIVE PUBLICITY BY CONCEDING THAT ANY DOCUMENT WOULD BE CALLED THE "ARIAS PLAN." EL SALVADOR WOULD RECEIVE CONCESSIONS ON SECURITY, WHILE HONDURAS WOULD BE SUPPORTED ON ITS CONCERNS ABOUT THE DEMOCRATIC RESISTANCE. HE WOULD ADDRESS U.S. NEEDS BY PERMITTING THE RESISTANCE PROGRAM TO CONTINUE AND FINALLY, WOULD MAKE CONCESSIONS TO NICARAGUA ON INTERNAL POLITICAL ISSUES. DUARTE HAD ONLY LISTENED, CONFINING HIMSELF TO STATING HIS INTENTION TO FIGHT FOR DEMOCRACY AT ESQUIPULAS, AND THAT ESQUIPULAS MUST BE VIEWED AS THE BEGINNING OF A PROCESS SINCE IT COULD NOT ITSELF SOLVE THE CENTRAL AMERICAN PROBLEM. DUARTE HAD TURNED DOWN CEREZO'S OFFER TO INFORM HIM WHAT ORTEGA HAD TOLD HIM IN CONFIDENCE ABOUT NICARAGUA'S REACTION TO THE ARIAS PROPOSALS. HE SUSPECTED CEREZO HAD RECEIVED COMMITMENTS FROM NICARAGUA ON THE CENTRAL AMERICAN PARLIAMENT AS WELL

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AS "COMMUNIST SUPPORT FOR THE CEREZO GOVERNMENT IN UN FORA (CITING THE RECENT ACTION ON THE GUATEMALAN HUMAN RIGHTS RAPPORTEUR AND GENERAL INTERNATIONAL SUPPORT FOR CEREZO'S POLICY OF ACTIVE NEUTRALITY). CEREZO HAD BEEN ABSOLUTELY CLEAR ABOUT HIS SUPPORT FOR SALVADORAN DEMOCRACY. DUARTE FELT CEREZO IS COMMITTED TO SUPPORTING DEMOCRACY FOR THE FOUR, BUT THAT HE IS "PRAGMATIC" AND "KNOWS HE MUST LIVE WITH A COMMUNIST NICARAGUA." CEREZO HAS PRESUMABLY COMMITTED HIMSELF TO MEXICO NOT TO JEOPARDIZE MEXICO'S CENTRAL AMERICA POLICY -- A POSITION UNIVERSALLY SUPPORTED IN GUATEMALA.

10. ASSESSMENT OF SANDINISTAS

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DUARTE BELIEVES THAT, AS HE ASSERTS EL SALVADOR IS,

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NICARAGUA IS PREPARED TO SIGN THE ARIAS PROPOSALS, EVEN

AS THEY STAND, IN ORDER TO AVOID PUBLIC OPPROBRIUM FOR UNDERMINING THE PEACE PROCESS. THEY ARE TOO CLEVER TO COOPERATE WITH ARIAS' STATED GOAL OF TRYING TO FORCE THEM TO PUBLICLY REJECT DEMOCRACY AT ESQUIPULAS. THEY WILL NOT IMPLEMENT THE TERMS OF ANY AGREEMENT, HOWEVER, BECAUSE THEY ARE INCOMPATIBLE WITH THE SANDINISTAS' TRUE GOAL OF TOTAL INTERNAL CONTROL. HE FEELS THIS GOAL IS GREATLY FORWARDED BY HAVING AN EXTERNAL ENEMY, PARTICULARLY ONE (I.E., THE UNITED STATES AND THE PUPPET RESISTANCE) COMPATIBLE WITH THE "NATURAL" LATIN POSITION OF ANTI-AMERICANISM. THE SANDINISTAS LACK SUPPORT AMONG THE PEOPLE, BUT THE CIVIC OPPOSITION IS UNABLE TO TAKE ADVANTAGE OF THIS CIRCUMSTANCE DUE TO INTERNAL FRAGMENTATION, WEAK ORGANIZATION, LACK OF FUNDS AND DISTRUST OF THE RESISTANCE. HABIB NOTED THAT THE

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SANDINISTAS ARE UNDER VERY REAL PRESSURE FROM THE RESISTANCE AND THEIR FAILING ECONOMY, AND THAT UNITY AMONG THE FOUR ON THE NEED FOR DEMOCRATIZATION IN NICARAGUA WOULD ADD A GENUINE ADDITIONAL MEASURE OF PRESSURE.

11. POSITIONS OF ARIAS AND AZCONA

DUARTE BELIEVES ARIAS HOPES NICARAGUA WILL IN FACT ACCEPT HIS PROPOSALS, AND WILL THUS RESIST CHANGES IN ORDER TO PRESERVE THIS POSSIBILITY. THERE IS A MEASURE OF TRUTH IN ARIAS' BELIEF THAT THE UNITED STATES OPPOSES HIS PROPOSALS, IN THAT ANY MODIFICATIONS COULD FATALLY DISTURBS THE BALANCE OF HIS PROPOSALS. NO MATTER HOW WELL-INTENTIONED OR -REASONED, ANY IMPROVEMENTS WOULD TEND TO WEAKEN THE CONCESSIONS (I.E., AN END TO THE RESISTANCE) HE COULD OFFER THE SANDINISTAS IN RETURN FOR COMMITMENTS ON DEMOCRATIZATION. IT MUST BE UNDERSTOOD THAT ARIAS BELIEVES AID TO THE RESISTANCE WILL NOT BE RENEWED, THAT CONGRESS NOW HOLDS THE UPPER HAND ON FOREIGN POLICY, THAT THE DEMOCRATS WILL WIN IN 1988 AND THAT HE IS BEING DENIED SUPPORT HE NEEDS TO CARRY OUT HIS CAMPAIGN PROMISES. SINCE HE THUS HAS NOTHING TO LOSE, HE IS ESTABLISHING A POSITION FOR THE FUTURE -- AND IS BEING ENCOURAGED IN THIS BY THE WIDESPREAD U.S. AND WORLD SUPPORT FOR HIS PROPOSALS. DUARTE IMPLIED ARIAS CANNOT BE RELIED ON TO WORK WITH THE OTHER DEMOCRACIES TO STRENGTHEN EITHER THE POLITICAL OR THE SECURITY PROVISIONS OF HIS PROPOSALS. INDEED, HE HAD ATTEMPTED TO CONVINCE ARIAS TO DO SO AT THE SAN JOSE SUMMIT AND ARIAS HAD REFUSED. DUARTE NOTED THAT AZCONA, AS A PRESIDENT ELECTED BY ONLY A SMALL MINORITY OF THE ELECTORATE,

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RESPONDS TO PUBLIC OPINION IN A DIFFERENT WAY THAN

ANOTHER PRESIDENT MIGHT. HE UNDERSTANDS THAT MOST

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HONDURANS WANT THE RESISTANCE OUT OF THE COUNTRY, AND HIS SINGLE INTERVENTION AT THE SAN JOSE SUMMIT -- TO DELAY ESQUIPULAS FOR THREE MONTHS -- HAD BEEN DESIGNED TO GIVE MORE TIME FOR THE RESISTANCE TO LEAVE HONDURAN TERRITORY. HE MUST ALSO RESPOND TO THE HONDURAN ARMED FORCES, HOWEVER, AND THEY HAVE FAVORED THE RESISTANCE. HE IS DEPENDENT ON THE UNITED STATES TO SOLVE HIS PROBLEM WITH THE RESISTANCE.

12. DEMOCRACY VERSUS NON-INTERVENTION

IN CLOSING, CORR INQUIRED HOW DUARTE THOUGHT THE FOUR PRESIDENTS WOULD DEAL WITH THE CONTRADICTION BETWEEN THE VALUES OF NON-INTERVENTION AND OF DEMOCRACY. NICARAGUA WILL PRESS THE FORMER: WILL THE DEMOCRACIES RESIST THIS APPROACH, SO ATTRACTIVE TO LATINS, AND ARGUE AS STRONGLY IN FAVOR OF DEMOCRACY? OR WILL AN "INTERNAL DEBATE" WITHIN EACH PRESIDENT WEAKEN THEIR POSITION ON THIS POINT? DUARTE RESPONDED BY STATING HIS GENERAL OPPOSITION TO INTERVENTION, BUT DISTINGUISHED HIS OVERALL POSITION FROM HIS RESPONSE TO SOME DOUBT THAT CURRENT POLICIES WERE THE BEST POSSIBLE FOR SUPPORTING THE COMMITTED DEMOCRATS OF THE CIVIC OPPOSITION IN NICARAGUA, DUARTE STATED THAT HE DID NOT CONSIDER SUPPORT FOR DEMOCRACY, OR FOR ACTIONS GENUINELY SUPPORTING DEMOCRACY, TO CONSTITUTE INTERVENTION. SHULTZ

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EXDIS. **DECAPTIONED**

E.O. 12356: DECL:OADR
TAGS: PREL, HO, XK, OVIP (HABIB, PHILIP C.)
SUBJECT: AMBASSADOR HABIB'S MEETING WITH HONDURAN PRESIDENT AZCONA

1. ~~SECRET~~ - ENTIRE TEXT.

2. SUMMARY. AMBASSADOR HABIB OPENED HIS MEETING WITH PRESIDENT AZCONA BY REVIEWING HIS MEETING WITH COSTA RICAN PRESIDENT ARIAS EARLIER THAT SAME DAY IN WHICH HE STRESSED TO ARIAS THE IMPORTANCE OF MAINTAINING DEMOCRATIZATION AND A POLITICAL OPENING IN NICARAGUA AS THE KEY ISSUE AT ESQUIPULAS. CORE FOUR UNITY WAS ESSENTIAL AND ARIAS HAD TO BE WILLING TO MAKE SOME COMPROMISES TO ACCOMMODATE THE CONCERNS OF EL SALVADOR AND HONDURAS. AZCONA SAID THAT ESQUIPULAS WOULD BE A DIFFICULT MEETING BUT THAT HE THOUGHT THAT, AS A MINIMUM, AGREEMENT COULD BE REACHED ON A UNIFIED POSITION AMONG HONDURAS, EL SALVADOR, AND COSTA RICA. AZCONA AGREED THAT THE ARIAS PROPOSALS WOULD BE THE

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PAGE 02 STATE 129649

AGENDA AT EXQUIPULAS AND THAT THE POLITICAL PROVISIONS WERE THE MOST IMPORTANT ISSUE WHICH WOULD SET THE STAGE FOR A CONFRONTATION BETWEEN COSTA RICA AND NICARAGUA AT ESQUIPULAS. AZCONA SAID THAT HE WOULD NOT GO TO THE NEW ORLEANS CONFERENCE ON CENTRAL AMERICA. END SUMMARY.

3. IN THE EARLY EVENING OF APRIL 27 AMBASSADORS HABIB AND BRIGGS MET WITH PRESIDENT AZCONA; GENERAL REGALADO, COMMANDER IN CHIEF OF THE ARMED FORCES; AND COLONEL

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GUTIERREZ MINERA, CHIEF OF STAFF OF THE ARMY; AT THE PRESIDENTIAL PALACE.

4. HABIB OPENED THE MEETING BY REVIEWING HIS MEETING WITH PRESIDENT ARIAS THAT SAME MORNING. HE NOTED THAT ARIAS IS CONCERNED THAT THE POSSIBILITY OF AN OPEN AGENDA AT ESQUIPULAS WILL LEAD TO A LOT OF DISCUSSION, BUT NO ACTION.

5. AZCONA SAID THAT THEY HAD HEARD THAT COSTA RICAN REPRESENTATIVES (DEPUTADOS) HAD NEGOTIATED A SECRET AGREEMENT IN SPAIN, DURING THE SOCIALIST INTERNATIONAL MEETING, IN WHICH THE SANDINISTAS HAD AGREED TO WITHDRAW THE ICJ CASE IN EXCHANGE FOR CONCESSIONS FROM COSTA RICA. HE ASKED IF HABIB HAD HEARD OF THIS. HABIB REPLIED THAT HE HAD NOT, BUT THAT MADRIGAL WOULD BE IN WASHINGTON ON WEDNESDAY TO MEET WITH THE SECRETARY AND HABIB WOULD ASK ABOUT THE MEETING IN SPAIN AND FORWARD THE REPLY TO AMBASSADOR BRIGGS.

6. HABIB INQUIRED AS TO HOW AZCONA VIEWED ESQUIPULAS. AZCONA REPLIED THAT HE HAD THE SAME CONCERNS AS BEFORE; IT WAS NOT GOING TO BE EASY. THERE WERE PROBLEMS WITH THE ARIAS PLAN SUCH AS THE SEQUENCE, THE CEASE-FIRE PROVISION, AND HOW INTERNAL DIALOGUE WOULD BE IMPLEMENTED. AZCONA

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DOES NOT THINK THERE WILL BE AN AGREEMENT BECAUSE THE SANDINISTAS WILL NOT COMMIT TO REAL INTERNAL REFORM. AZCONA WAS NOT SPECIFIC AS TO HONDURAN ACTIONS, SAYING HE PREFERRED TO WAIT AND SEE WHAT GUATEMALA AND COSTA RICA WOULD DO. AZCONA ASKED FOR HABIB'S ADVICE. HABIB REPLIED THAT HONDURAS HAD TO MAKE ITS VIEWS KNOWN ON THE MILITARY AS WELL AS THE POLITICAL ISSUES. AZCONA SAID THAT HE HAD AVOIDED COMMENTING ON THE MILITARY PROVISIONS SO AS NOT TO AFFECT EL SALVADOR AND, FUNDAMENTALLY, THE MILITARY ISSUES WERE NOT TO AS IMPORTANT AS THE POLITICAL ISSUES. HABIB AGREED, BUT SAID THAT THE MILITARY ISSUES WERE IMPORTANT, ESPECIALLY DURING THE TRANSITION PHASE. FOR EXAMPLE, YOU CAN'T JUST DECLARE A CEASE-FIRE AND YOU CAN'T IGNORE THE DEMOCRATIC RESISTANCE. AZCONA WAS EMPHATIC IN SAYING THAT THEY HAD TOLD THE COSTA RICANS THAT THE CONTRAS MUST PARTICIPATE IN THE PROCESS AND HONDURAS WILL MAINTAIN THAT POSITION.

7. HABIB SAID THAT ARIAS INDICATED THAT HE DID NOT THINK THERE WOULD BE AN AGREEMENT EITHER. THE REAL ISSUE THEN WAS HOW THE SANDINISTAS WOULD REACT TO A REASONABLE

PROPOSAL. ARIAS IS CONCERNED THAT GUATEMALA WILL SUBMIT AN ALTERNATE AGENDA WHICH WILL PROVIDE AN OPPORTUNITY FOR THE SANDINISTAS TO AVOID A CLEAR DECISION ON DEMOCRATIZATION. COSTA RICA WANTS THE DISCUSSION TO BE ON

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THE ARIAS PROPOSALS AS AGREED BY THE PRESIDENTS AT SAN JOSE. AZCONA CONFIRMED THAT THE PRESIDENTS HAD AGREED TO DISCUSS THE ARIAS PROPOSALS AT ESQUIPULAS AND THAT THEY WERE TO BE THE AGENDA. ALL OF THE COUNTRIES WERE TO PRESENT THEIR COMMENT ON THE PROPOSALS, BUT THERE WAS NOT TO BE PRESENTATION OR DISCUSSION OF ANY NEW DOCUMENTS.

8. AZCONA SAID HE HAD MET WITH MEMBERS OF THE INTERNAL NICARAGUAN OPPOSITION AND HAD FOUND THEIR COMMENTS ON THE PROPOSALS TO BE WELL-REASONED, ESPECIALLY IN TERMS OF

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ELECTIONS. ARIAS PROVIDES FOR ELECTIONS "IN ACCORDANCE WITH THE LAW." THE INTERNAL OPPOSITION STATED THAT THIS IS NOT SUFFICIENT TO GUARANTEE A DEMOCRATIC OPENING IN NICARAGUA. FOR ONE THING, IT IS NOT CLEAR WHAT PARTIES COULD PARTICIPATE IN ELECTIONS. FOR ANOTHER, THE GOVERNMENT, THE ARMY, AND THE PARTY WERE ALL ONE, THEREFORE THERE WAS INSUFFICIENT POLITICAL SPACE FOR THE INTERNAL OPPOSITION "IN ACCORDANCE WITH THE LAW." THESE CONCERNS SHOULD BE ADDRESSED IN THE PROPOSALS, BUT AZCONA WAS NOT SURE THAT ARIAS WAS WILLING TO INCLUDE THEM. HABIB SAID THAT THIS WAS AN AREA WHICH NEEDED IMPROVEMENT AND SUCH ISSUES AS THE LEGITIMACY OF THE CURRENT SANDINISTA ELECTORAL COMMISSION AND THE TIMING OF ELECTIONS WERE ISSUES FOR NEGOTIATION. IN ACCORDANCE WITH THE LAW, THERE WOULD NOT BE NATIONAL ELECTIONS IN NICARAGUA UNTIL 1990 AND THIS WAS UNACCEPTABLE. WHEN HABIB HAD RAISED THIS ISSUE WITH ARIAS, ARIAS HAD REPLIED THAT HE DID NOT WANT TO QUESTION THE LEGITIMACY OF THE SANDINISTA GOVERNMENT BECAUSE TO DO SO WOULD PREVENT ANY CHANCE THAT THE SANDINISTAS WOULD SIGN AN AGREEMENT. HABIB HAD REPLIED THAT A GOVERNMENT COULD AGREE TO INTERNAL CHANGES WITHOUT CHALLENGING ITS OWN LEGITIMACY.

9. HABIB RETURNED TO THE QUESTION OF CORE FOUR UNITY. WAS IT POSSIBLE? AZCONA REPLIED THAT IT DEPENDED ON WHAT THE OTHERS DO. HE IS NOT SURE WHAT GUATEMALA IS GOING TO DO. CEREZO IS ACTIVELY COMPETING FOR THE ROLE OF CENTRAL AMERICA LEADER AND HE HAS TO DEAL WITH MEXICO. HABIB SAID THAT THE MEXICANS ARE NOT PLAYING A PRODUCTIVE ROLE BECAUSE THEY VIEW THE POLITICAL PROVISIONS AS INTEFERENCE IN THE INTERNAL AFFAIRS OF NICARAGUA. AZCONA SAID HE IS NOT SURE HOW WILLING ARIAS IS TO ACCEPT CHANGES. AZCONA SAID THAT DUARTE WOULD REJECT THE PROPOSAL IN ITS PRESENT

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FORM AND DUARTE HAD TOLD ARIAS SO. HABIB HAD EMPHASIZED

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TO ARIAS THAT HE HAD TO MAKE COMPROMISES TO ACCOMMODATE THE CONCERNS OF THE DEMOCRACIES. ARIAS IS CONCERNED THAT IF TOO MANY CHANGES ARE MADE, IT WILL PROVIDE AN EXCUSE FOR THE SANDINISTAS TO REJECT THE AGREEMENT. AZCONA REPLIED THAT WE MUST BE CAREFUL AND MUST KEEP COSTA RICA OUT FRONT SO THAT THERE WOULD BE A CONFRONTATION BETWEEN COSTA RICA AND NICARAGUA AT ESQUIPULAS ON THE POLITICAL ISSUES. AMBASSADOR BRIGGS SAID THAT IF CORE FOUR UNITY WAS NOT POSSIBLE, THEN THERE HAD TO BE AT LEAST UNITY AMONG THE THREE. AZCONA REPLIED, "THE THREE WITH COSTA RICA IN FRONT. IF HONDURAS GETS OUT FRONT, THEN COSTA RICA WILL DROP BACK."

10. AZCONA DISCUSSED HIS FRUSTRATION WITH WHAT HAD BEEN HAPPENING IN THE CONGRESS WITH REGARD TO THE DOLS 300 MILLION AND OTHER U.S. ASSISTANCE TO HONDURAS. IT SEEMS TO HIM THAT THE CONGRESS IS INTENT ON REWARDING COSTA RICA AND GUATEMALA WHILE PENALIZING HONDURAS AND EL SALVADOR FOR SUPPORTING U.S. POLICY, EVEN THOUGH THEY ARE THE COUNTRIES THAT NEED ASSISTANCE THE MOST. AZCONA FEELS THAT COSTA RICA AND GUATEMALA ARE PLAYING TO THE CONGRESS TO GET MORE MONEY AND IT IS NOT HELPFUL FOR THEM TO PLAY THAT GAME. EARLIER PRESS REPORTS OF AZCONA NOT ATTENDING ESQUIPULAS WAS INTENDED AS A MESSAGE TO ARIAS AND CEREZO THAT AZCONA DID NOT APPROVE OF WHAT THEY WERE DOING. REGARDLESS OF WHAT HAPPENS ON THE FUNDING ISSUES, AZCONA SAID THAT HE IS NOT GOING TO PLAY GAMES WITH HONDURAN INTERESTS. AZCONA SAYS HE PLANS TO SPEAK WITH SENATOR DODD, BUT HAS NOT YET DONE SO. AZCONA ALSO SAID THAT HE EXPECTS DODD, AND OTHER U.S. CONGRESSMEN, TO BE AT ESQUIPULAS. HABIB SAID THAT THE ADMINISTRATION WILL CONTINUE TO FIGHT FOR THE DOLS 300 MILLION AND WILL RESUBMIT THE SUPPLEMENTAL WITH THE ORIGINAL DISTRIBUTION OF FUNDS. AZCONA SHOULD REALIZE THAT DODD, OBEY, AND

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OTHERS ARE NOT THE U.S. ADMINISTRATION. HONDURAS AND EL SALVADOR STILL HAVE THE FULL SUPPORT OF THE ADMINISTRATION. THE PRESIDENT HAS MANY TOOLS AT HIS DISPOSAL AND HABIB EXPRESSED HIS CONFIDENCE THAT THE ADMINISTRATION WOULD PREVAIL. (HABIB ASKED AMBASSADOR BRIGGS IF HE WAS RECEIVING SUFFICIENT INFORMATION FROM WASHINGTON SO THAT HE COULD KEEP PRESIDENT AZCONA PROPERLY INFORMED. AMBASSADOR BRIGGS REPLIED THAT HE HAD ADEQUATE INFORMATION ON CONGRESSIONAL ACTIONS WITH REGARD TO THE DOLS 300 MILLION AND THE F-5 PURCHASE, BUT THAT HE HAD NO INFORMATION ON ADMINISTRATION STRATEGY/NEXT STEPS FOR THE DOLS 300 MILLION.)

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11. AZCONA SAID THAT HE WOULD NOT GO TO THE NEW ORLEANS CONFERENCE ON CENTRAL AMERICA. HE HAD ACCEPTED ORIGINALLY BECAUSE HE WAS LED TO BELIEVE THAT ONLY THE FOUR

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DEMOCRATIC PRESIDENTS WERE INVITED. ONCE HE FOUND OUT THAT ORTEGA WAS INVITED, HE COULD NOT ATTEND. HABIB ASKED IF DUARTE WAS GOING. AZCONA SAID HE DID NOT KNOW, BUT HE WOULD ADVISE DUARTE NOT TO GO. HE ADDED THAT HE HAD NOT YET ADVISED THE SPONSORS THAT HE WAS NOT GOING.

12. HABIB ASKED REGALADO HOW THE CONTRAS WERE DOING IN THE FIELD. REGALADO SAID THAT THINGS WERE GOING FINE. RESUPPLY FLIGHTS WERE GETTING IN UNDETECTED AND THE CONTRAS WERE BEGINNING TO STORE SUPPLIES INSIDE NICARAGUA. MORALE AMONG THE CONTRAS WAS GOOD AND THEY HAD CAPTURED SUBSTANTIAL NUMBERS OF PRISONERS; MANY OF WHOM HAD BEEN INCORPORATED INTO THE CONTRA FORCES. THEY HAD REPORTS OF SIX SANDINISTA HELICOPTERS DOWNED BY THE CONTRAS AND THE HONDURANS HAD BEEN ABLE TO CONFIRM FOUR OF THOSE. HABIB ASKED WHAT THEIR SOURCES OF INFORMATION WERE. REGALADO SAID THAT THEY HAD THEIR OWN INDEPENDENT

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SOURCES AND THEY DID SHARE INFORMATION WITH THE EMBASSY. HOWEVER, THEY COULD PROVIDE NO SPECIFICS ON CASUALTIES ON EITHER SIDE, EVEN THOUGH THEY SAID THEY THOUGHT THE SANDINISTAS WERE GETTING THE WORST OF IT. HABIB REPLIED THAT THE MILITARY PRESSURE WAS IMPORTANT AS WELL AS THE PRESSURE FROM ECONOMIC DETERIORATION, INCREASED INTERNAL DISSENT, AND THE POLITICAL PRESSURE IMPOSED BY THE DIPLOMATIC COOPERATION OF THE DEMOCRACIES. SHULTZ

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Chile Project (=S19990030)
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United States Department of State

Washington, D.C. 20520

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EXCISE

Dear Mr. Kolbe:

We have received your letter of April 7, 1987 concerning a negative vote cast by the United States last fall against a United Nations General Assembly resolution on the human rights situation in Chile. Your letter was on behalf of your constituent[redacted].

In viewing our vote last fall, and in considering our decision to join consensus on a Chilean human rights resolution at the United Nations Human Rights Commission in Geneva during March of this year, it is important to realize that our positions in international organizations concerning Chile are determined with US support for democracy and human rights in Chile very much in mind. We take our actions in these bodies seriously, and seek to be constructive. Accordingly, we do not vote for resolutions unless we consider them sound.

There were significant parts of the resolution on Chile presented last year that reflected our own assessment of the human rights situation in that country. But, taken as a whole, we considered it to be seriously flawed in not reflecting accurately the constructive work of the UN Special Rapporteur, former Costa Rican Foreign Minister Fernando Volio, and in not recognizing the negative impact of terrorism on the human rights situation and the effort to return Chile to democracy. We voted against the resolution only after we were unable to obtain sufficient amendments to the text to allay these fundamental concerns.

There has been no retreat from our vocal support for democracy and human rights in Chile. We took the initiative to propose a resolution on Chile this year in the UN Human Rights Commission, just as we did last year. Through persistent diplomatic efforts we were able to obtain improvements in an unbalanced resolution circulated by Mexico, and to reach agreement on a proposal for eliminating discriminatory treatment of Chile under a separate agenda item. We succeeded in revising the text so that it would deplore "continued acts of extreme violence from all quarters." In view of the improvements we obtained, despite flaws in the text, we joined the consensus in approving the resolution.

The Honorable
Jim Kolbe,
House of Representatives.

Drafter: ARA/SC:LKusnitz
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Clearance: ARA:
ARA/SC:DWCox
ARA/SC:JWSwigert
HA/HR:KBarmon (subs)
IO/HW:BZweiben (subs)
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E.O. 12356: DECL: OADR
TAGS: PGOV, US, KPRP, CI
SUBJECT: PRESIDENTIAL PLEBISCITE OR FREE ELECTIONS: THE U.S. POSITION

REF: (A) SANTIAGO 3000 (EXDIS)

1. CONFIDENTIAL - ENTIRE TEXT.

2. SUMMARY: DURING 1987-1988 THE U.S. GOVERNMENT WILL BE PRESSURED TO PUBLICLY OPPOSE THE
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PAGE 02 STATE 140978

PRESIDENTIAL SUCCESSION PLEBISCITE AND URGE A

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COMPETITIVE ELECTION. THE DOMESTIC U.S. CONSIDERATIONS DRIVING POLICY TOWARD SUCH A PUBLIC STANCE ARE CLEAR, FORMIDABLE AND NEED NO DETAILING HERE. IT WOULD NOT ADVANCE OUR INTEREST, HOWEVER, IF THE U.S. TOO FLATLY OPPOSES A MECHANISM WHICH MANY MODERATE CHILEANS CONSIDER A VIABLE MEANS TO END PINOCHET RULE. WE CONCLUDE THAT A WELL TIMED STATEMENT OF U.S. PREFERENCE FOR OPEN ELECTIONS WOULD BE HELPFUL AT THE RIGHT TIME, BUT THAT OUTRIGHT OPPOSITION TO A PLEBISCITE WOULD OBSTRUCT RATHER THAN FACILITATE A TRANSITION. WE MAY NEED TO MAKE A STATEMENT IN THE NEXT SEVERAL WEEKS, SINCE THE EC AND/OR THE BISHOPS' CONFERENCE MAY BE DOING SO. END SUMMARY.

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3. PINOCHET APPEARS INTENT ON IMPLEMENTING THE PRESIDENTIAL SUCCESSION SCENARIO PROVIDED FOR IN THE 1980 CONSTITUTION. (FYI: AT SOME POINT, BUT NO LATER THAN DECEMBER 11, 1988, THE FOUR SERVICE COMMANDERS, INCLUDING PINOCHET, MUST CONVENE AND CHOOSE A CANDIDATE BY UNANIMOUS DECISION. IF WITHIN 48 HOURS THEY ARE UNABLE TO PICK SOMEONE, THE NATIONAL SECURITY COUNCIL (PINOCHET, THE FOUR JUNTA MEMBERS, THE PRESIDENT OF THE SUPREME COURT, THE PRESIDENT OF THE COUNCIL OF STATE) AND THE COMPTROLLER GENERAL OF THE REPUBLIC MUST MEET AND SELECT SOMEONE BY MAJORITY VOTE (FIVE OF THE EIGHT MEMBERS). THE CONSTITUTION DOES NOT PROVIDE FOR THE EVENTUALITY THAT THE NSC CANNOT DECIDE ON A CANDIDATE. A PLEBISCITE WILL BE HELD WITHIN NO LESS THAN 30 DAYS AND NO MORE THAN 60 DAYS FROM THE DATE OF THE PROPOSAL OF A CANDIDATE.

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RUMORS ARE WIDESPREAD IN SANTIAGO THAT THE GOC WOULD LIKE TO HAVE THE PLEBISCITE BEFORE THE U.S. ELECTIONS, AND SEPTEMBER 11, 1988 IS SUGGESTED AS A LIKELY DATE. END FYI).

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4. THE CONGRESS AND MEDIA ARE LIKELY TO BECOME INSISTENT THAT THE ADMINISTRATION TAKE A STAND ON THE PLEBISCITE ISSUE. APART FROM THE OBVIOUS POINT THAT A PLEBISCITE IS HARDLY A DEMOCRATIC MEANS TO CHOOSE NATIONAL LEADERSHIP AND THE

WELL-GROUNDED BELIEF THAT PINOCHET INTENDS TO CONDUCT AN UNFAIR PROCESS THAT WILL ENSURE HIS RE-ELECTION, THOSE WHO CALL FOR AN ADMINISTRATION STAND CAN POINT TO THE FACT THAT THE HUGE MAJORITY OF CHILEANS, INCLUDING ALL THE SIGNIFICANT DEMOCRATIC PARTIES AND EVEN TWO JUNTA MEMBERS, HAVE PUBLICLY ENDORSED THE IDEA OF A COMPETITIVE ELECTION. IT WILL BE DIFFICULT FOR THE ADMINISTRATION NOT TO EXPRESS ITS PREFERENCE FOR AN OPEN PRESIDENTIAL ELECTION, BUT WE THINK THERE ARE COMPELLING REASONS TO AVOID CATEGORICAL U.S. OPPOSITION TO THE PLEBISCITE, IN CASE THE DEMOCRATIC PARTIES THEMSELVES SUBSEQUENTLY SHOULD DECIDE ONE SERVES THEIR AIMS BEST.

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5. MANY CHILEANS OF THE DEMOCRATIC OPPOSITION REALIZE THEY CANNOT RULE OUT A PLEBISCITE AS POSSIBLY THE ONLY MEANS FOR ACHIEVING THE EXIT OF PINOCHET AND THE MILITARY. IT IS WIDELY AGREED AMONG PRAGMATIC CHILEANS THAT THE OPPOSITION'S CHANCES OF INFLICTING "POLITICAL DEFEAT" THROUGH DEMONSTRATIONS AND THE LIKE ARE NIL. EVEN RODOLFO SEGUEL OF THE CNT HAS CALLED A HALT, AND THUS FAR THE COMBATIVE STUDENTS HAVE INDICATED LITTLE INTEREST IN DEMONSTRATIONS. THEY REASON THAT IF THE

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PAGE 04 STATE 140978

MILITARY ARE UNWILLING TO CHANGE THE CONSTITUTION TO ELIMINATE THE PLEBISCITE PROVISIONS, IT WOULD BE BETTER TO REACH AN AGREEMENT ON A CANDIDATE OTHER THAN PINOCHET THAN TO RISK A CONFRONTATION WHICH THEY CAN ONLY LOSE. SUCH A CONFRONTATION COULD END UP IN THE PERPETUATION OF MILITARY RULE, I.E., THE TOSSING OUT OF PROVISIONS FOR A CONGRESS, INDEFINITE EXTENSION OF THE TRANSITORY PROVISIONS WHICH RESTRICT INDIVIDUAL AND CIVIL LIBERTIES, NO POPULAR PARTICIPATION WHATEVER, AND NO FORMULA OR DEADLINE FOR A CHANGE. THIS IS KNOWN AS THE "AUTO-GOLPE" FORMULA AND IS OF CONCERN TO MANY MODERATES.

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6. THE MODERATES' STRATEGY IS TO ATTEMPT TO ACHIEVE OPEN ELECTIONS AND TO MOBILIZE TO SHOW

THAT PINOCHET OR ANY GOC CANDIDATE CANNOT WIN A PLEBISCITE. THEY HOPE THAT ONCE THE MILITARY REALIZE PINOCHET WOULD BE DEFEATED THE OPPOSITION WILL BE ABLE TO BARGAIN WITH THE MILITARY AND ACHIEVE COMPETITIVE ELECTIONS. BUT THEY ARE REALISTIC ENOUGH TO HAVE SECOND OPTIONS BECAUSE THEY RECOGNIZE THAT THERE ARE MANY REASONS THE MILITARY MIGHT BALK (E.G., INABILITY TO FORCE PINOCHET TO CALL A PLEBISCITE TO REVISE THE CONSTITUTION; MILITARY PREFERENCE FOR A "SAFE" CANDIDATE OTHER THAN PINOCHET.)

7. MANY CHRISTIAN DEMOCRATIC LEADERS, AMONG THEM SERGIO MOLINA, ANDRES ZALDIVAR AND GABRIEL VALDES, FEEL THAT AN AGREED CONSERVATIVE REPLACEMENT FOR PINOCHET IS AN ACCEPTABLE SECOND ALTERNATIVE TO A COMPETITIVE ELECTION AS LONG AS THE NEW PRESIDENT

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SERVES ONLY TO CARRY OUT A GENUINE POLITICAL TRANSITION INVOLVING EXTENSIVE MODIFICATIONS TO THE CONSTITUTION AND CULMINATING IN FULL ELECTIONS FOR PRESIDENT, CONGRESS AND LOCAL OFFICIALS AT THE END OF THE 2-3 YEAR TRANSITION PERIOD. INDEED, VALDES HAS OFTEN SAID HE WOULD PREFER THAT THE FIRST POST-PINOCHET GOVERNMENT BE OF SHORT DURATION AND LED BY A DEMOCRATICALLY-INCLINED MILITARY OFFICER WHO WOULD RISE OUT THE STORM OF SOCIAL DEMANDS RATHER THAN HAVE THIS BURDEN SHOULDERED BY THE CHRISTIAN DEMOCRATS. DEMOCRATIC CONSERVATIVES SUCH AS NATIONAL RENEWAL FIND THIS ALTERNATIVE GENERALLY ACCEPTABLE AS WELL, ALTHOUGH THEY WOULD PREFER A CONSERVATIVE CIVILIAN AND SEEM TO FAVOR A LONGER TERM, PERHAPS THE FULL 8 YEARS, FOR THE FIRST POST-PINOCHET PRESIDENT. IN CONTRAST WITH THE PDC LEADERS, THEY ARE WILLING PUBLICLY TO ACKNOWLEDGE THIS AS A LESS DESIRABLE BUT ACCEPTABLE SOLUTION. NATIONAL PARTY LEADERS HAVE ALSO TOLD US THEY WOULD PREFER COMPETITIVE ELECTIONS BUT WOULD BE HAPPY WITH A CIVILIAN "CONSENSUS" CANDIDATE APPROVED IN A PLEBISCITE. DEPENDING ON WHOM THE MILIFARY CHOOSE, THE PROCESS HAS SIMILARITIES TO THE MEXICAN PROCESS OF ELECTING A "TAPADO", BUT WITH GREATER RISKS, AND ON A ONE-TIME BASIS.

8. IT IS QUITE CONCEIVABLE THAT THE CATHOLIC CHURCH GIVEN ITS NEWFOUND STRENGTH COULD HELP BROKER AN UNDERSTANDING WHICH WOULD USHER IN A GENUINE PERIOD OF TRANSITION. IN THE SPECIFICALLY POLITICAL REALM, THE BISHOPS' CONFERENCE AND THE POPE HAVE BEEN CAREFUL TO AVOID GOING BEYOND GENERAL PRONOUNCEMENTS REGARDING THE NEED FOR POPULAR PARTICIPATION. THIS IS PROBABLY A DELIBERATE EFFORT TO KEEP THEIR OPTIONS OPEN. CARDINAL FRESNO EARLIER

THIS YEAR HINTED TO THE AMBASSADOR HE THOUGHT THE BEST CHANCE OF DEFEATING PINOCHET WOULD BE THE PLEBISCITE SINCE IT WOULD UNITE PEOPLE AROUND A "NO". WE SUSPECT FRESNO HAS NOT THOUGHT THROUGH THE DANGERS OF AN "AUTO-GOLPE" DURING THE TURMOIL IN THE WAKE OF A DEFEATED PINOCHET. WE ARE CONVINCED FREE ELECTIONS ARE MUCH PREFERABLE TO A YES-OR-NO VOTE ON PINOCHET. THE FACT THAT MOLINA HAS BEEN INVITED TO ADDRESS THE MAY 20-22 BISHOPS' CONFERENCE MAY INDICATE THAT THE BISHOPS WILL COME OUT AFTER ALL IN FAVOR OF OPEN ELECTIONS. THIS AT LEAST IS VALDES' EXPECTATIONS. ON THE OTHER HAND, FRESNO'S ADVISOR MSR. RENATO POBLETE TOLD US ON MAY 3 THAT A DEFINITIVE STATEMENT BY THE BISHOPS IN LATE MAY OR EVEN JUNE REGARDING ELECTIONS OR THE POLITICAL PROCESS IS FAR FROM CERTAIN BECAUSE THE BISHOPS ARE STILL SORTING OUT THEIR VIEWS.

9. OFFICIAL U.S. PUBLIC DISAPPROVAL OF A PLEBISCITE--AS OPPOSED TO PREFERENCE FOR A FREE ELECTION--WOULD COMPLICATE THE SITUATION OF THE MODERATES. THE MODERATES ARE HAVING A DIFFICULT TIME EVEN DEFENDING THE NOTION OF REGISTERING AS OFFICIAL PARTIES AGAINST THE ATTACKS OF THE COMMUNIST-LED PARTIES OF THE DEMOCRATIC POPULAR MOVEMENT AND THE LEFTIST-ORIENTED SEGMENTS OF THEIR OWN CONSTITUENCIES. IT IS AXIOMATIC THAT CHILEAN CENTRIST OR CENTER LEFT PARTIES TAKE STANCES CONSIDERABLY TO THE LEFT OF THE U.S. AND BY

PRONOUNCING OURSELVES WE REDUCE THEIR ROOM FOR MANEUVER. ON THE OTHER SIDE, PINOCHET WOULD

EXPLOIT OUR STANCE TO STIR A NATIONALISTIC BACKLASH THAT WOULD PRESSURE THE JUNTA MEMBERS TO JOIN HIM IN DEFYING U.S. INTERFERENCE. AS WE POINTED OUT IN REFTEL THE JUNTA MEMBERS SEE ADVANTAGES TO KEEPING THEIR OPTIONS OPEN.

10. THERE ARE OTHER REASONS WHY PUBLIC U.S. FLAT OPPOSITION TO A PLEBISCITE WOULD OBSTRUCT RATHER THAN FACILITATE A TRANSITION AWAY FROM MILITARY RULE. THERE IS UNLIKELY TO BE ANY TRANSITION AT ALL IN THE NEAR FUTURE UNLESS THE MILITARY ARE ASSURED, THROUGH A DEAL WITH THE DEMOCRATIC OPPOSITION, THAT THEIR VITAL INTERESTS ARE BEYOND RISK. A CONCERTED TRANSITION IS VIRTUALLY THE ONLY POSSIBLE ORDERLY TRANSITION. THE ADDED ADVANTAGE IS THAT A CONCERTED TRANSITION TO DEMOCRACY WILL PROVIDE GUARANTEES FOR THE RIGHT WHICH HOLDS 30 PERCENT OF THE ELECTORATE AND MUCH MORE OF THE ECONOMIC POWER AND WITHOUT WHICH NO DEMOCRATIC GOVERNMENT IN CHILE CAN ENDURE.

11. U.S. PUBLIC INSISTENCE ON A COMPETITIVE ELECTION WILL ENCOURAGE THE STRONG TENDENCY AMONG MANY IN THE OPPOSITION TO CONVINCE THEMSELVES THAT THE AMERICANS WILL SOLVE THEIR PROBLEMS AND THAT THEY NEED NOT MAKE THE EFFORT AND POLITICAL SACRIFICES NEEDED TO UNIFY, GET ORGANIZED AND PRESSURE THE MILITARY TO THE NEGOTIATING TABLE. MANY WILL SIMPLY INTENSIFY THEIR OWN PRESIDENTIAL AND CONGRESSIONAL RACES. PERHAPS MORE IMPORTANTLY, MANY WILL CONVINCE THEMSELVES THAT, SINCE THE AMERICANS WILL "DELIVER" THE OPEN ELECTIONS, THEY NEED NOT PROMISE THE MILITARY AND CONSERVATIVES ANYTHING. THERE IS AN URGE IN THE CHRISTIAN

DEMOCRATS AND THE SOCIALISTS TO AVOID THE TARNISH OF PARTICIPATION IN SUCH A SILENT PACT. IN 1983 THE SOCIALISTS REFUSED TO MEET JARPA AND THE PDC DID NOT NEGOTIATE SERIOUSLY. AND THAT BRINGS US BACK TO THE CONDITIONS THE MILITARY PLACE ON LEAVING OFFICE. FINALLY, IF THE PDC THINKS OPEN PRESIDENTIAL ELECTIONS ARE LIKELY EVEN WITHOUT A GOVERNMENT-OPPOSITION UNDERSTANDING, THERE IS AN ELECTORAL INCENTIVE FOR GREATER COOPERATION BETWEEN THE LEFT WING OF THE PDC AND THE FAR LEFT, ASSUMING OF COURSE THAT PINOCHET WOULD BE PREPARED TO REACH AN UNDERSTANDING, OR *DECIDED ELECTIONS WERE IN HIS OWN INTEREST.* THROUGHOUT ALL THE ABOVE IT SHOULD BE CLEAR THAT WE CANNOT PRETEND WE DO NOT PREFER FREE ELECTIONS, BOTH IN TERMS OF OUR OWN PUBLIC OPINION AND VALUES AND ALSO IN TERMS OF MAINTAINING OUR INFLUENCE AMONG THE DEMOCRATIC ELEMENTS OF CHILEAN SOCIETY.

RECOMMENDATION

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12. IN LIGHT OF ALL OF THE ABOVE, OUR RECOMMENDATION IS THAT WE USE A FORMULA IN WHICH WE CLEARLY EXPRESS *OUR SUPPORT IN PRINCIPLE AND PRACTICE FOR OPEN* ELECTIONS, BUT AVOID THE APPEARANCE OF TRYING TO IMPOSE IT. SPECIFICALLY SUCH A FORMULA MIGHT CONTAIN THE FOLLOWING ELEMENTS WHICH COULD BE USED IN VARYING LENGTHS AND COMBINATIONS:

A. THE AMERICAN PEOPLE REGARD COMPETITIVE ELECTIONS AS THE BEST WAY TO CHOOSE POLITICAL

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LEADERSHIP IN THEIR OWN COUNTRY AND ELSEWHERE.

B. MANY CHILEAN DEMOCRATIC LEADERS HAVE CALLED FOR AN OPEN ELECTION WHICH WOULD BE MORE IN CONFORMITY WITH THE TRADITION THAT IS STRONGLY ROOTED IN CHILE'S DEMOCRATIC HISTORY.

C. THE UNITED STATES HAS REITERATED ON MANY

OCCASIONS ITS STRONG HOPE THAT CHILE WILL RETURN SOON TO THE GROWING DEMOCRATIC FOLD OF THE AMERICAS. OUR BELIEF IS THAT NO BETTER FORMULA EXISTS THAN A FAIR AND FREE ELECTION AMONG COMPETING CANDIDATES.

D. A PLEBISCITE HELD UNDER CONDITIONS STRONGLY OPPOSED BY MAJOR SEGMENTS OF THE SOCIETY WILL NOT HEAL THE SOCIETY'S WOUNDS, BUT ONE THAT WAS THE PRODUCT OF A BROAD CONSENSUS AMONG THESE ELEMENTS COULD SERVE A DEMOCRATIC PURPOSE AS SOME CHILEANS HAVE SUGGESTED.

TIMING

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13. WE UNDERSTAND THAT THE EC IN ITS MAY 11-13 MEETING WILL BE TAKING UP THE MATTER OF AN EC DECLARATION SUPPORTING OPEN ELECTIONS. MOLINA HAS TOLD US AND THE EUROPEANS THAT HE WOULD FIND SUCH DECLARATIONS HELPFUL AT THIS TIME. IN ADDITION, AS INDICATED EARLIER THE BISHOPS' CONFERENCE MAY ISSUE AN ENDORSEMENT OF THEIR OWN ALTHOUGH THAT IS FAR FROM CERTAIN. IN EITHER CIRCUMSTANCES WE MAY FIND OURSELVES PRESSED TO STATE OUR VIEWS. GIVEN OUR ASSUMPTION THAT PINOCHET WILL USE WHICHEVER VEHICLE (AND THAT FOR

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NOW STILL SEEMS TO BE THE PLEBISCITE) GIVES HIM THE BEST CHANCE TO WIN, WE SHOULD RECOGNIZE THAT ONE OF THE VERY FEW CHANCES FOR HIS NOT CONTINUING IN OFFICE AFTER 1989 IS FOR THE MILITARY (AND/OR PINOCHET) TO BE CONVINCED THAT HE WOULD LOSE THE PLEBISCITE. THIS IN TURN WILL MOST LIKELY COME ABOUT, IF IT DOES AT ALL, FROM WIDESPREAD PUBLIC SUPPORT FOR THE FREE ELECTIONS CAMPAIGN. ONE RESULT OF A SUCCESSFUL CAMPAIGN, AS INDICATED EARLIER, COULD BE THAT THE DEMOCRATIC OPPOSITION WILL FIND ELEMENTS IN THE MILITARY WHO ARE WILLING TO ENTER INTO A DIALOGUE, THE RESULT OF WHICH IN TURN COULD BE THOSE SAME DEMOCRATIC ELEMENTS AND THE MILITARY DECIDING THAT AN AGREED CANDIDATE IS

THE BEST WAY OUT. BUT IN OUR JUDGEMENT THEY WILL HAVE VERY LITTLE CHANCE OF GETTING TO SUCH A DIALOGUE UNLESS THERE IS CLEAR AND STRONG SENTIMENT FOR FREE ELECTIONS. HENCE WHILE BEING FLEXIBLE ENOUGH OURSELVES TO SUPPORT A DEMOCRATICALLY-ARRIVED-AT CONSENSUS IF ONE EMERGES, OUR OWN PREFERENCE FOR FREE ELECTIONS SHOULD NOT BE HIDDEN. HENCE ALSO OUR SEVERAL POINTED FORMULA GIVEN ABOVE. FROM OUR STANDPOINT HERE WE THINK THE BEST TIMING WOULD BE AFTER THE BISHOPS' DECLARATION DEPENDING ON WHAT THEY SAY.. JUST AS WE FOUND IT USEFUL TO SPEAK OUT AFTER THE GOVERNMENT ANNOUNCED THE POLITICAL PARTIES LAW, SO WE SHOULD BE PREPARED TO SAY SOMETHING ON FREE ELECTIONS AFTER SUCH A STATEMENT BY THE CHILEAN CATHOLIC CHURCH. IN FACT WE PROPOSE THAT CONTACTS BE ESTABLISHED WITH THE EC BEFORE THE 11TH OF MAY TO URGE THAT THEY COORDINATE ANY STATEMENT WITH US SO WE ARE ON GENERALLY THE SAME WAVE LENGTH IN PURSUING OUR MUTUAL GOALS FOR THE RETURN OF DEMOCRACY TO
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CHILE.

BARNES
UNQUOTE WHITEHEAD

PAGE 01 HELSIN 02860 01 OF 03 111102Z
ACTION ARA-00

INFO LOG-00 COPY-01 ADS-00 AID-00 INR-10 EUR-00 CIAE-00
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SIL-01 INRE-00 OPM-01 USIE-00 SP-02 PRS-01 /046 W
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R 111054Z MAY 87
FM AMEMBASSY HELSINKI
TO SECSTATE WASHDC 1688
AMEMBASSY MANAGUA
INFO AMEMBASSY CARACAS
AMEMBASSY COPENHAGEN
AMEMBASSY GUATEMALA
AMCONSUL LENINGRAD
AMEMBASSY MEXICO
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Dept. of State, RPS/IPS, Margaret P. Grafeld, Dir.
(X) Release ( ) Excise ( ) Deny ( ) Declassify
Date 1/27/02 Exemption _____

~~C O N F I D E N T I A~~L SECTION 01 OF 03 HELSINKI 02860

PARIS FOR LABATT

ROME FOR LABATT

E.O. 12356: DECL:OADR
TAGS: PROP, PGOV, ELAB, PREL, US, NU, XK, FI
SUBJECT: NICARAGUAN MINISTER, PEACE DELEGATION VISIT FINLAND
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PAGE 02 HELSIN 02860 01 OF 03 111102Z

REF: (A) HELSINKI 1498, (B) HELSINKI 1167,
(C) HELSINKI 1260, (D) HELSINKI 2269, (E) HELSINKI 1997

1. (U) THIS IS AN ACTION CABLE. SEE PARAGRAPH 7.

2. (U) IN THE LAST FEW WEEKS FINLAND HAS PLAYED HOST TO A NUMBER OF VISITORS FROM NICARAGUA. THE MOST IMPORTANT WAS SOCIAL MINISTER REINALDO ANTONIO TEFEL, WHO WAS IN THE COUNTRY ON APRIL 20-25 AS THE GUEST OF THE INTERNATIONAL SOLIDARITY FUND, AN ARM OF THE FINNISH SOCIAL DEMOCRATIC PARTY (SDP). IN INTERVIEWS GIVEN TO THE SDP'S NEWSPAPER "SUOMEN SOSIALIDEMOKRAATTI" AND THE

"MODERATE" COMMUNIST NEWSPAPER "KANSAN UUTISET", TEFEL MADE THE FOLLOWING POINTS:

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-- THE POPE HAS CHANGED HIS ATTITUDE TOWARD THE SANDINISTAS.

-- THE NEW PAPAL NUNCIO IN NICARAGUA HAS MADE THE BISHOPS NEGOTIATE WITH THE GOVERNMENT.

-- RELATIONS BETWEEN THE SANDINISTAS AND THE OFFICIAL CHURCH HAVE "IMPROVED SIGNIFICANTLY" SINCE LAST YEAR.

-- A WORKING GROUP IS CONTINUING THE DISCUSSIONS BEGUN BETWEEN DANIEL ORTEGA AND THE CARDINAL OF MANAGUA.

-- "ONLY AFTER THE USA'S AGGRESSION HAS ENDED", THE BISHOP WHO "OPENLY ASKED FOR INTERVENTION" FROM THE UNITED STATES MAY RETURN, AND "THE SAME APPLIES TO 'LA PRENSA', WHICH ATTACKED THE GOVERNMENT."

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-- IF THE NEXT PRESIDENT OF THE UNITED STATES COMES FROM THE LIBERAL WING OF THE DEMOCRATIC PARTY, THE SANDINISTAS "ARE SURE" THEY CAN NEGOTIATE A SOLUTION WITH HIM.

-- THE UNITED STATES CONGRESS WILL NOT APPROVE FURTHER AID TO THE CONTRAS.

-- THE CONTRAS CANNOT FIGHT AGAINST THE ARMY BUT RATHER SOLELY WAGE A CAMPAIGN OF TERRORISM AGAINST TOWNS AND AGRICULTURAL COOPERATIVES, I.E., AGAINST CIVILIAN TARGETS.

-- DURING THE SOMOZA DICTATORSHIP THERE WERE NORMAL LABOR UNIONS IN NICARAGUA. TODAY THERE ARE "1030 DIFFERENT KINDS OF LABOR ORGANIZATIONS" TO WHICH 113,000 OF NICARAGUA'S POPULATION OF 3.5 MILLION BELONG.

-- SINCE SOMOZAS'S FALL, 2800 COOPERATIVES HAVE BEEN CREATED.

-- NICARAGUA WILL NEED CONTINUOUSLY DIRECT INTERNATIONAL AID UNTIL THE LONG-TERM DEVELOPMENT PLAN CAN BE REALIZED.

DURING HIS SOJOURN IN FINLAND, TEFEL CALLED ON THEN-SOCIAL AFFAIRS AND HEALTH MINISTER EEVA KUUSKOSKI-VIKATMAA (CENTER PARTY), DIRECTOR OF THE SOCIAL AFFAIRS ADMINISTRATION VAPPU TAIPALE (SDP), THEN-CHAIRMAN OF THE PARLIAMENTARY FOREIGN AFFAIRS COMMITTEE ERKKI LIIKANEN (SDP), AND "REPRESENTATIVES OF THE FOREIGN MINISTRY, THE SDP, AND NATIONAL ORGANIZATIONS" (IN "KANSAN UUTISET'S" WORDS). BESIDES

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PAGE 01 HELSIN 02860 02 OF 03 111103Z
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R 111054Z MAY 87
FM AMEMBASSY HELSINKI
TO SECSTATE WASHDC 1689
AMEMBASSY MANAGUA
INFO AMEMBASSY CARACAS
AMEMBASSY COPENHAGEN
AMEMBASSY GUATEMALA
AMCONSUL LENINGRAD
AMEMBASSY MEXICO
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~~C O N F I D E N T I A~~L SECTION 02 OF 03 HELSINKI 02860

PARIS FOR LABATT

ROME FOR LABATT

E.O. 12356: DECL:OADR
TAGS: PROP, PGOV, ELAB, PREL, US, NU, XK, FI
SUBJECT: NICARAGUAN MINISTER, PEACE DELEGATION VISIT

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THE ABOVE-MENTIONED NEWSPAPERS, HIS VISIT WAS REPORTED IN A SHORT ARTICLE IN THE "STALINIST" COMMUNIST NEWSPAPER "TIEDONANTAJA".

3. (U) THE SECRETARY-GENERAL OF THE NICARAGUAN PEACE COMMITTEE (CONIPAZ), MARIA GARCIA, AND THE COMMITTEE'S EUROPEAN AFFAIRS OFFICER, LESLIE OMAR, VISITED FINLAND IN EARLY MAY AND RECEIVED EXTENSIVE COVERAGE IN FINLAND'S COMMUNIST NEWSPAPERS. IN INTERVIEWS PUBLISHED ON MAY 5, GARCIA APPARENTLY DID MOST OF THE TALKING; HER MAIN POINTS WERE:

-- THE CONTRAS WERE RESTRAINED ONLY "MOMENTARILY" BY THE SCANDAL OVER THEIR FINANCING.

-- THE SITUATION IN NICARAGUA IS BETTER THAN 2-3 YEARS AGO, BUT THE UNITED STATES IS ENCOURAGING THE CONTRAS TO MAKE NEW ATTACKS.

-- THE CIA HAS BEGUN A MAJOR CAMPAIGN IN HONDURAS AND COSTA RICA TO CLEANSE THE REPUTATIONS OF PRESIDENT REAGAN AND THE CONTRAS.

-- THERE ARE MANY MEN IN THE CONTRAS' RANKS WHO WOULD LIKE TO RETURN HOME TO NICARAGUA FROM HONDURAS UNARMED, BUT THE CIA HOLDS THEM IN ITS TIGHT GRIP AND WILL NOT LET THEM GO.

-- THE NICARAGUANS BELIEVE THAT MILITARY EXERCISES, SUCH AS "SOLID SHELL", ARE PRELUDES TO A DIRECT ATTACK BY THE UNITED STATES.

-- "THE KEEPING OF GUERRILLAS OUTSIDE THE COUNTRY'S

BORDERS IS FELT ALSO IN NICARAGUA'S EXPORT EARNINGS, WHICH HAVE COLLAPSED IN A SHORT TIME FROM 450 MILLION DOLLARS TO 218 MILLION DOLLARS" (FROM "KANSAN UUTISET").

-- FINNISH PEACE AND SOLIDARITY ORGANIZATIONS AS WELL AS THE FINNISH MUNICIPAL WORKERS' UNION (KTV) ARE COLLECTING 200,000 STORM LANTERNS FOR NICARAGUA. THESE ARE NEEDED FOR RURAL WORKERS "WHO MUST WAKE UP AT 3:00" TO GO TO WORK AND FOR ADULTS WHO STUDY AT NIGHT AFTER WORK.

4. (U) IN ADDITION, "SUOMEN SOSIALIDEMOKRAATTI" IS CONDUCTING A LOW-SCALE CAMPAIGN IN ITS "ON THE LINE" COLUMN IN FAVOR OF THE DISPATCH OF FINNISH PEACE CORPSMEN ("KEPA TEAMS") TO NICARAGUA. INITIALLY THE FOREIGN MINISTRY DECIDED NOT TO DO SO (REFTEL A), BUT

SDP ACTIVISTS MAY TRY TO BRING ABOUT A RECONSIDERATION OF THE MATTER NOW THAT SDP CHAIRMAN KALEVI SORSA IS FOREIGN MINISTER.

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5. (C) COMMENT: THE TWO VISITS SEEM TO HAVE BEEN AIMED AT DIFFERENT BUT SPECIFIC PURPOSES. TEFEL SEEMED TO BE TRYING TO REASSURE THE FINNS ABOUT CHURCH-STATE RELATIONS IN HIS COUNTRY AND ABOUT THE SANDINISTAS' RESPECT FOR TRADE-UNION RIGHTS. GARCIA AND OMAR, ON THE OTHER HAND, SEEMED TO TAKE A MORE ANTI-AMERICAN, ANTI-CONTRA LINE, EMPHASIZING THE ALLEGED THREATS TO NICARAGUA FROM MILITARY MANEUVERS BY THE UNITED STATES. IT MAY BE THAT THE FINNS ARE BECOMING MORE SKEPTICAL ABOUT THE SANDINISTAS' PERFORMANCE IN THESE AREAS.

6. (C) IN THE PAST TWO MONTHS THE OPPOSITION HAS

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PAGE 01 HELSIN 02860 03 OF 03 111104Z
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R 111054Z MAY 87
FM AMEMBASSY HELSINKI
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INFO AMEMBASSY CARACAS
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AMEMBASSY MEXICO
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AMEMBASSY REYKJAVIK
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AMEMBASSY SAN JOSE

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AMEMBASSY STOCKHOLM
AMEMBASSY ROME
AMEMBASSY TEGUCIGALPA
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~~CONFIDENTIAL~~ SECTION 03 OF 03 HELSINKI 02860

PARIS FOR LABATT

ROME FOR LABATT

E.O. 12356: DECL:OADR
TAGS: PROP, PGOV, ELAB, PREL, US, NU, XK, FI
SUBJECT: NICARAGUAN MINISTER, PEACE DELEGATION VISIT

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PAGE 02 HELSIN 02860 03 OF 03 111104Z

INVITED TO FINLAND TWO NICARAGUAN GOVERNMENT MINISTERS: TEFEL AND JAIME WHEELOCK (REFTELS B AND C), GARCIA AND OMAR, AND A SALVADORAN PRIEST (REFTELS D AND E). DURING THIS SAME PERIOD, NO ONE FROM CENTRAL AMERICAN DEMOCRATIC GROUPS AND ONLY ONE AMPART CAME TO THE COUNTRY TO TALK ABOUT CENTRAL AMERICA. NO ONE CAME FROM ANY DEMOCRATIC CENTRAL AMERICAN COUNTRY OR GROUP.

7. (C) ACTION REQUESTED: EMBASSY WOULD APPRECIATE ANY REBUTTALS THE DEPARTMENT OR EMBASSY MANAGUA MIGHT WISH TO PROVIDE TO THE CHARGES MADE BY TEFEL AND GARCIA, ESPECIALLY WITH REGARD TO THE CHURCH AND LABOR UNIONS. BECAUSE OF THE TENDENCY OF FINNS TO ACCEPT UNQUESTIONINGLY ANYTHING SAID BY THE SANDINISTAS, WE EXPECT TO BE CONFRONTED BY ASSERTIONS THAT THESE ALLEGATIONS ARE THE COMPLETE TRUTH. ALSO, EMBASSY REITERATES ITS REQUEST THAT THE DEPAR
TMENT ENCOURAGE THE VISITS OF WELL-KNOWN, CREDIBLE CENTRAL AMERICANS TO NORTHERN EUROPE UNDER NON-USG AUSPICES. SCHNABEL

[redacted]

5/13/87

FAIMM KM147

EXCISE

070086 - 0630

United States Department of State

Washington, D.C. 20520

Chile Project (#S19990050)
U.S. Department of State
Release_____ Excise X Deny_____
Declassify: In Part_____ In Full MAY 13 1987
Exemption(s) B6

P B6

Dear Senator Dixon:

We have received your letter of April 20, 1987 requesting information on the "no" vote cast by the United States on a resolution concerning human rights in Chile last year. Your inquiry was on behalf of your constituent [redacted]

Let me assure you and your constituent that our actions in international organizations concerning Chile are determined with US support for democracy and human rights in Chile very much in mind. We take our actions in these bodies seriously, and seek to be constructive. Accordingly, we do not vote for resolutions unless we consider them sound.

There were significant parts of the resolution on Chile presented last December that reflected our own assessment of the human rights situation in that country. But, taken as a whole, we considered it to be seriously flawed in not reflecting accurately the constructive work of the UN Special Rapporteur, former Costa Rican Foreign Minister Fernando Volio.

This omission was apparent in many ways. The resolution praised Chilean government cooperation with the Rapporteur, but other positive steps mentioned in Volio's report were not acknowledged fairly. We consider it important that, whenever possible, progress should be recognized in order to encourage more progress in the future.

In addition, Volio, like the majority of the Chilean democratic opposition, had acknowledged that the assassination attempt against General Pinochet last September and the discovery of communist arsenals a month earlier had helped to impede the return of democracy in Chile. The UN resolution did not acknowledge that the government is not the sole source of political violence in Chile. We felt it was important that a resolution on Chile recognize the negative impact of terrorism. We voted against the resolution only after we were unable to obtain sufficient amendments to the text to allay these fundamental concerns.

The Honorable
Alan J. Dixon,
United States Senate.

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In seeking to promote human rights and democracy in Chile, we consider it important to be vocal in deploring terrorist violence, just as we are outspoken in deploring violence by the Chilean government. As Pope John Paul II demonstrated in his recent visit to Chile, it is possible to condemn violence from all sources without providing the government justification for human rights abuses.

There has been no retreat from our vocal support for democracy and human rights in Chile. We took the initiative to propose a resolution on Chile this year in the UN Human Rights Commission, just as we did last March. Through persistent diplomatic efforts we were able to obtain improvements in an unbalanced Chile resolution circulated by Mexico, and to reach agreement on a proposal for eliminating discriminatory treatment of Chile under a separate agenda item. We succeeded in revising the text so that it would deplore "continued acts of extreme violence from all quarters." In view of the improvements we obtained, despite flaws in the text, we joined the consensus in approving the resolution.

We continue to work to encourage progress across the board in Chile. Recent months have seen encouraging efforts by the Chilean government to address some longstanding problems, such as political exile. Government security forces have recently agreed with the International Committee of the Red Cross (ICRC) to allow visits by ICRC doctors to most prisoners. Two opposition newspapers have appeared. The government has begun to reestablish voter registries and enacted a law which permits political parties to gain legal recognition. While Chile's 1980 constitution calls for a single-candidate presidential plebiscite in 1989, rather than free elections, these measures help ensure broad discussion of prospects of the possibility of amending that constitution to permit free elections by 1989, as most opposition groups and many government supporters have advocated.

Despite these positive changes, serious human rights problems such as torture have continued. Moreover, President Pinochet gives every indication of wishing to continue in office beyond 1989, and has resisted replacement of the plebiscite with an open election.

The aforementioned steps, however, can help create the type of atmosphere conducive to a return to full democracy in Chile. We hope that these measures are followed up by greater relaxation of restrictions on individual liberties and by decisive steps to end human rights abuses. We will continue to

strive to encourage human rights progress and a peaceful return to democracy in Chile. The United States Government is second to none in pressing for both of these. In contrast with most nations, we buttress our words with actions; this is recognized in Chile by both the government and the opposition.

With best wishes,

Sincerely,

J. Edward Fox
Assistant Secretary
Legislative and Intergovernmental Affairs

Enclosure:
Correspondence returned.

Draft:ARA/SC:LKuznitz/JWSwigert

ARA# 87-1059, PAIN# 0551222

Clearance: ARA/S-EC:Lamb
ARA/SC:DWCox
HA/HR:KBarmon (subs)
IO/HW:BZweiben (subs)

5-13-87 IW-00055

Case Number: S1999000030

Chile Project (#S1999000030)
U.S. Department of State
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Exemption(s) ____

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INFO AMEMBASSY SANTIAGO
USINT HAVANA
AMEMBASSY VIENNA
USMISSION GENEVA

C[redacted] USUN NEW YORK 01313

E.O. 12356: DECL: OADR
TAGS: PHUM, CI,AU, CU
SUBJECT: AUSTRIAN REQUEST FOR INFORMATION ON
- CHILEAN PRISONERS

REF: (A) HAVANA 1393, (B) STATE 125187,
- (C) SANTIAGO 2969, (D) USUN 1051

1. (C) ENTIRE TEXT.

2. MISSION APPRECIATES ADDRESSEES' RESPONSES TO REQUEST FOR INFORMATION IN REF D. WE CONVEYED THE INFORMATION IN REFS A-C TO OUR AUSTRIAN COLLEAGUES.

3. ACCORDING TO THE AUSTRIAN MISSION HERE, THE AUSTRIAN GOVERNMENT HAS OFFERED ASYLUM TO THE THREE CHILEAN PRISONERS THAT WERE THE SUBJECT OF REFTELS.

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PAGE 01 MADRID 05628 140932Z
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P 140915Z MAY 87
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INFO USIA WASHDC PRIORITY 1276
CONTADORA COLLECTIVE PRIORITY
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Dept. of State, RPS/IPS, Margaret P. Grafeld, Dir.
(X) Release ( ) Excise ( ) Deny ( ) Declassify
Date 11/27/02 Exemption _____

[redacted] MADRID 05628

E.O. 12356: DECL: OADR
TAGS: PREL, SP, CR
SUBJECT: ARIAS VISIT TO MADRID - OFF TO A GOOD START

1. (LOU) SUMMARY: JUDGING FROM THE INITIAL PRESS AND TV COVERAGE, THE VISIT OF COSTA RICAN PRESIDENT OSCAR ARIAS HAS GOTTEN OFF TO A GOOD START. INTERVIEWS IN ADVANCE OF THE VISIT HELPED GET ARIAS' MESSAGE BEFORE THE SPANISH PUBLIC. THE VISIT WAS THE TOP STORY ON THE MAY 12 NATIONAL TV NEWS, AND FEATURED A FIVE-MINUTE LIVE INTERVIEW WITH ARIAS FROM THE PARDO PALACE. ARIAS AND SPANISH PRIME MINISTER FELIPE GONZALEZ TOOK A TWO-HOUR PRIVATE WALK THROUGH THE GARDENS OF THE MONCLOA PALACE ON THE AFTERNOON OF MAY 12, POSSIBLY THE MOST IMPORTANT DISCUSSIONS TO BE HELD DURING THE VISIT. END SUMMARY.

2. (U) COSTA RICAN PRESIDENT OSCAR ARIAS' VISIT TO MADRID, THE FIRST LEG OF HIS EUROPEAN TOUR, GOT OFF TO A GOOD START. ARIAS GRANTED INTERVIEWS TO TWO OF MADRID'S LEADING NEWSPAPERS,
[redacted]E

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PAGE 02 MADRID 05628 140932Z

CONSERVATIVE "YA" AND LIBERAL/LEFT "EL PAIS", BEFORE ARRIVING IN MADRID, THEREBY INSURING THAT HIS VIEW OF THE TRIP WAS LAID BEFORE SPANISH LEADERS AND THE SPANISH PUBLIC WELL IN ADVANCE OF THE VISIT. (SPANISH LANGUAGE TRANSCRIPTS FOLLOW SEPTEL). HE HAS COMBINED PRAISE FOR SPAIN (REFERRING TO IT IN ONE INTERVIEW AS AN "EXCEPTIONAL INTERLOCUTOR"), WITH PLUGS FOR HIS PEACE PLAN. AS IS FREQUENTLY THE CASE IN ITS COVERAGE OF CENTRAL AMERICA, "EL PAIS" ACCENTUATED THE DIFFERENCES BETWEEN ARIAS AND THE UNITED STATES, REFERRING TO HIS DECISION "TO CLOSE THE SECRET AIR BASE WHICH OLIVER NORTH, GEN. SECORD, AND THE CIA WERE USING IN COSTA RICA TO SUPPLY THE CONTRAS." IT ALSO GAVE PROMINENCE TO HIS STATEMENT ON THE NICARAGUAN PRESENCE IN COSTA RICA: "I HAVE BEEN VERY INSISTENT THAT THE

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NICARAGUANS WHO LIVE HERE, WHO NUMBER NOT LESS THAN 150,000, NOT ABUSE THE HOSPITALITY OF OUR PEOPLE AND NOT USE OUR TERRITORY TO PLACE IN DANGER OUR NEUTRALITY. AND THIS CREATES A VERY GREAT DIFFERENCE WITH WASHINGTON, WHICH BELIEVES THAT THE WAY OUT IS TO KEEP EXERTING PRESSURE ON THE GOVERNMENT OF MANAGUA THROUGH THE CONTRAS. I DO NOT BELIEVE SO. AND MY ANSWER IS THE PEACE PLAN." (NOTE: "EL PAIS" ALSO BALANCED OFF ITS COVERAGE OF ARIAS BY PUBLISHING A LONG INTERVIEW WITH NICARAGUAN PRESIDENT ORTEGA ON MAY 10 -- REPORTED SEPTEL.)

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3. (U) ARIAS' ARRIVAL WAS THE TOP STORY ON THE MAY 12 NATIONAL TV NEWS, AND INCLUDED A LIVE, FIVE-MINUTE INTERVIEW FROM THE PARDO PALACE, THE OFFICIAL RESIDENCE FOR VISITING HEADS OF STATE. ARIAS HANDLED THE INTERVIEW WELL, INCLUDING ONE LOADED QUESTION ON COSTA RICAN DEPENDENCE ON THE US, WHICH HE TURNED ASIDE DEFTLY.

4. (U) THE MOST IMPORTANT MEETING OF THE ENTIRE VISIT PROBABLY TOOK PLACE ON MAY 12 AS WELL, AS ARIAS AND SPANISH PRIME MINISTER FELIPE GONZALEZ SPEND A FULL TWO HOURS WALKING

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IN THE GARDENS OF THE MONCLOA PALACE -- THE PRIME MINISTER'S OFFICIAL RESIDENCE -- WITHOUT THE PRESENCE OF ANY ADVISERS. NEITHER LEADER COMMENTED ON THEIR DISCUSSIONS TO THE PRESS. IN PUBLIC THE SPANISH GOVERNMENT HAS GIVEN THE ARIAS PEACE PLAN SUPPORT, BUT QUALIFIED IT BY SAYING THAT THE PLAN (AND SPANISH SUPPORT) IS "IN THE FRAMEWORK AND SPIRIT OF THE CONTADORA PROCESS, AND IS COMPATIBLE WITH IT."

5. (LOU) WE HAVE BEEN PROMISED A READOUT ON THE VISIT BY THE COSTA RICAN EMBASSY, WHICH WILL PROBABLY NOT BE POSSIBLE BEFORE MAY 18, AS ARIAS WILL BE IN MADRID UNTIL MAY 14, AND MAY 15 IS A HOLIDAY HERE.
BARTHOLOMEW

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QQ043 5/18/87

United States Department of State

Washington, D.C. 20520

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____

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OREP 2

Dear Senator Evans:

We have received your letter of April 30, 1987 requesting a report on the case of Clodomiro Almeyda, a Chilean relegated (internal banishment) to a small Chilean town by his government. Your inquiry was on behalf of your constituent Sergio Urrutia.

Mr. Almeyda, who was Foreign Minister in the Allende government, is now a leader of a faction of the Chilean Socialist Party allied with the Communist Party and the terrorist Movement of the Revolutionary Left. He was expelled from Chile in 1975 after being detained for sixteen months. While living in exile, Mr. Almeyda reportedly resided in both Mexico and East Germany. He returned to Chile in late March of this year and, upon turning himself into the government, was relegated to Chile Chico, a town in the south of Chile. Mr. Almeyda is allowed to move freely about town and receive visitors, but he cannot leave the area.

United States policy toward Chile is to support the restoration of democracy and to encourage greater respect for human rights. As part of this policy we have consistently called on Chilean authorities to permit all exiles to return and to end the practice of relegation, a practice infrequently used in the last two years. Our Ambassador in Santiago reiterated this policy following Mr. Almeyda's return to Chile. Some progress on the exile problem has recently occurred, with the number of Chileans barred from returning to their homeland reduced from over 3500 to 764.

I am enclosing a copy of the 1986 State Department Human Rights Report, which addresses the question of exiles and relegation in some depth. In addition, you will be interested

The Honorable
Daniel J. Evans,
United States Senate.

59-94-0079
9DD 75
Box 2/3

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to learn that in March 1986 the US sponsored a resolution on human rights at the UN Human Rights Commission (UNHRC) which calls upon Chile to allow the return of all exiles. The US also joined consensus on the March 1987 UNHRC resolution on Chile which reiterated the call for an end to the practice of exile.

With best wishes,

Sincerely,

J. Edward Fox
Assistant Secretary
Legislative and Intergovernmental Affairs

Enclosures:
1. Correspondence returned.
2. 1986 State Department Human Rights Report.

UNCLASSIFIED

Draft:ARA/SC:LKusnitz
05/18/87:647-2296
2677S
ARA# 87-1139, FAIM# 0650423

Clearances:ARA/SC:DWCox
ARA/SC:JWSwigert
ARA:
H:
HA:KBarmon (subs)

5-28-87

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EA ONLY

United States Department of State

Washington, D.C. 20520

May 28, 1987

OFFICIAL-INFORMAL

Harry G. Barnes, Jr.
American Ambassador
Santiago

Chile Project (#S199900030)
U.S. Department of State
Release ____ Excise ✓ Deny ____
Declassify: In Part ✓ In Full ____
Exemption(s) B-1, B-6, NB

SECRET

NH201

Dear Harry:

I've just returned from a long, tiring, yet stimulating visit to my old haunts in Argentina and Uruguay. Luckily, the office was in good hands while I was away and only the on-going usual set of crises faced me upon my return. I came back to find that Bob remains heavily involved in Chilean matters, though Elliott has temporarily drawn back a bit to prepare for his Contra/Iran testimony next week. I was disappointed to hear I missed seeing Miss Chile crowned Miss Universe. Is Pinochet crafty enough to get mileage out of this?

GSP Update: It appears increasingly possible that GSP (and, therefore, OPIC) will be cut-off to Chile. We are skeptical that the Front Office will want to fall on the sword to protect Chile's roughly $60 million in GSP benefits, since a strong case can be made that Santiago has not fulfilled its promises and is now stringing us along. As a sidelight on this last point, Shark has told us that he would have been willing to accept the Chilean ILO gambit two years ago, but now it is too late to entertain this idea.

The last two weeks' events seem to have swirled around the Letelier case and Chile's declining chances of retaining GSP. Len went to the Inter-Agency GSP meeting on Chile and said sentiment was so heavily weighted against Chile that he sought to give us at least a little negotiating space by speaking as if he were on retainer to the GOC. (We pouched the notes from this meeting to John.) A player in turning sentiment so negative toward Chile is, of course, Congress. In order to keep the pressure on, staffers from the Senate and House will be talking to Jim, STR's Dave Shark and someone from DOL today. The organizer of the meeting is Congressman Feighan's LA Neil Levine, fresh from the Rojas Fund and sponsorship of the sanctions legislation. Levine's wife is Chilean.

Expulsion Request: On the Letelier case, you know that our expulsion request was revealed in the May 27 Washington Post and our subsequent press guidance. Bob did this in order to provide cover for L's Liz Verville when she testifies today on the Foreign Sovereign Immunities Act. Because of a timing mix-up, nothing about the expulsion request was in her prepared statement, though she is prepared to speak on the subject and VOA has been alerted to have a correspondent in the hearing

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room. (Verville will also see Errazuriz--at his request--to explain again why the Chileans should appear in court to answer the Rojas civil suit.)

What are your views on timing for the next step? Before making the request to involve the military prosecutor, Bob is inclined to wait until we have a Chilean Embassy response in hand and have studied it. We may be forced to move more quickly because of pressure on the compensation issue. We'll see how Liz Verville's appearance goes today (final briefing materials are enclosed).

Brother Arturo:

B6

HUFFMAN ACTION

NDI Considering Direct Aid to Free Elections Committee: Jim discussed with the Democratic NDI staff the proposal you brought to our attention for a $30,000 grant to the free elections committee (FEC) to fund an executive secretariat. Noting the recent media attacks in Chile on the creation of a FEC support group headed by Jimmy Carter, Jim suggested that NDI consider a joint program with the Republican NRI, or direct NED support for the FEC. He noted that a strong identification between the FEC and the Democratic Party would make it easier for the GOC to deflect attention from the election vs. plebiscite issue. We now have the NDI proposal, which puts off the Secretariat funding until later, and proposes a study mission instead. We believe this mission makes sense as a

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bipartisan undertaking, and should not be rushed. We are asking Bob to call Brian Atwood and Carl Gershman on this.

In a later discussion, NRI president Keith Schuette told Jim that NDI President Brian Atwood had already raised support for the FEC with him. Schuette said the NRI would endorse any NDI or NED program, but did not want to get directly involved. He said the NRI, rather than such "ecumenical work", preferred to concentrate on party-building efforts with conservative political parties. As Keith told George, the NRI is considering sponsoring a conference in Chile with mainly National Party and Renovation Party participation. Schuette was favorably disposed toward joint NDI-NRI sponsorship of a team of experts to assess conditions in advance of any plebiscite, at a later date. Keith said that Andres Allamand was resigned to NRI's supporting both PARENA and the National Party. After the Fiji coup, Keith was in a particularly skeptical frame of mind about democracy-building.

Pinochet on CIA: Chapter 2: Last week, Maturana alerted us that President Pinochet had sent a letter to Ambassador Walters concerning Pinochet's remarks about the CIA. Jim asked whether the GOC had any intention of "clarifying" Pinochet's statements publicly. Maturana indicated that the Chilean Embassy response to our protest note was meant to be a definitive reply. He added that the MFA official who told the Chilean press that the US had not protested the Pinochet statement simply was poorly informed. No retraction was planned, however. Maturana asked that the USG demonstrate "good will" and accept the Embassy's explanation that Pinochet's remarks were misinterpreted. (Bob's response, as noted in the Post article, is that the Chileans can expect little "good will" from us if they show none to begin with.) USUN sent us a copy of the letter and we have sent a cable up to Elliott for approval asking Walters for a read-out of his conversations. Hopefully you will see this

cable by the time this letter reaches you. We do not plan a formal reply to GOC note. I expect Bob will continue to raise this matter as long as it proves convenient. His public reference to our protest was stimulated by the deceptive reply of the MFA official. We do not see any utility in a prolonged struggle on this--you may wish to weigh in if it appears the Pinochet/CIA business is detracting attention from more serious matters. There is some utility, however, to keeping this issue alive, to discredit Pinochet--if, in fact, that is the result.

Two Loans and a Loan Restructuring Due In June: Treasury informed us that two Chilean loans will come up at the IBRD on June 9. These will be for $95 million for power generation and $21.5 million for an irrigation project. In addition, on June 2 the IFC will take up a restructuring of a loan to the Cape Horn methanol project. None of the three projects are BHN. In line with standing instructions, Treasury will instruct our bank directors to abstain on the loans and restructuring. Besides next fall's SAL III, upcoming loans include a $35 million railroad loan expected to come up at the IBRD in August and a $68 million potable water project (presumably BHN) scheduled for November in the IDB.

ECON, NOTE

Security Consultations: Bob remains very concerned over the joint security consultations. He recalls that last year the US participants did not faithfully reflect US policy to the Chileans. He wants to be sure this does not happen again and plans to meet with JCS reps and the head of the consultations team. It may be hyperbole, but Bob tells us he is willing to seek to cancel the consultations if he is not satisifed about the approach to be taken by the US team.

DAO, NOTE.

Molina Non-Committal on Sanctions: At his presentation to the NED conference, Sergio Molina highlighted the anti-democratic provisions of Chile's 1980 constitution, and the necessity for Chileans to agree on an opposition platform and candidate to present a clear alternative to Pinochet. Asked whether he would support US sanctions legislations, Molina deflected the question deftly. He said the opposition was divided on the issue--playing off Rep. Solarz' previous comments to the group that the US should take its lead on actions to promote transitions from those working on the ground in non-democratic countries in favor of democracy. Molina said those on both sides of the issue presented logical arguments. Those against sanctions said that they would provoke a nationalistic reaction among "not unsubstantial sectors" and aid Pinochet. Those who favored sanctions felt it was necessary to take this step to discredit the regime now, because of the danger that Pinochet would extend his rule beyond 1989.

His non-answer, while not endorsing the Administration position, buttressed our assertion that the opposition is divided on the issue. Valdes' visit has already had an effect, however. After his meeting with Valdes, Cong. Bereuter is apparently reviewing options on Chile and deciding whether to

endorse the Democratic-proposed sanctions legislation or introduce his own bill. Bereuter's staffer says Bereuter has not made up his mind, but favors taking some "action" on Chile. One proposal he is reportedly looking at is "frontloading" sanctions, i.e., tying economic measures to failure to carry out free elections by 1989. We have warned about not undercutting a consensus candidate solution. Bob was to see Bereuter yesterday. We will get you a readout.

Maximo's Maxims: Maximo Pacheco met with Elliott last week. There was not much to the conversation, so we did not do a cable. Maximo said that he favors economic pressure on Pinochet and that he sees an improvement in the human rights conditions in Chile, though he has doubts over the motivation behind this. He had a few words of praise for Stange and efforts to clean up the CNI. He also said the opposition shared blame for the current state of affairs. In HA he had a brief chat with new DAS Paula Dubrianski. Both Paula and Jim mentioned that the US would have difficulty supporting any Chile resolution co-sponsored by Cuba. Maximo said he would raise with the Mexican Ambassador the possibility of dropping Cuba. Maximo said he foresaw a resolution in New York similar to that approved in Geneva. Jim mentioned to him the importance of including a clear reference to terrorist violence, as well as to government violence, and the need to recognize progress when progress occurs--as in the decline in statistics of grave human rights violations.

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Church Conclave: Pepe Zavala's predictions on the Bishops' Conference were right on the mark. Has he made known to us his views of the free elections campaign? By the way, how do you judge his reading of the "poblaciones" situation? We welcome the increased contacts you are having with the Church in the aftermath of the Pope's visit. This is an area worth concentrating on. Perhaps you can arrange regular, bi-weekly meetings by you or George with Fresno and/or Pinera--who is particularly impressive. We need to find ways to work more closely together, particularly to influence the democratic opposition.

Statement on Free Elections: The Bishops' non-endorsement has thrown cold water on our making a statement in the imminent future. I would favor holding off until after the August conclave, for the same reasons you perceived the Bishops as delaying in your excellent telegram. Bob has not yet decided. If the EC moves soon, we may want to reconsider waiting for the Bishops. But we understand from a UK diplomat here that current thinking is for an EC statement in September--tied to the anniversary of the coup. Jim, suggested that they consider pegging it to a unifying anniversary instead, such as national day. Attached is a copy of a draft free elections statement--which Bob has not yet cleared. Even if we wait, we could use parts of this statement in the interim to raise the profile of our concerns. No matter what the best timing may be from the point of view of our Chilean policy, our hand could be forced by US domestic considerations--for instance, if Congress holds hearings on Chile.

Good.

NR

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Critique of Intelligence Assessment: Many thanks for the excellent piece. I hope it has an impact.

Sincerely,

Richard B. Howard
Director
Office of Southern
Cone Affairs

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United States Department of State E2838

Washington, D.C. 20520

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5/22/87 @CVIS

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El Salvador: Human Rights
Special Project (1993)

[redacted]

MEMORANDUM

TO: L

FROM: ARA - Elliott Abrams

SUBJECT: What, If Any, Legal Avenues Exist to Counter Unrestricted FMLN/FDR Activities in the U.S.?

SUMMARY

A number of recent events highlight a continuing and essentially unrestricted presence in the U.S. of representatives of the Salvadoran Farabundo Marti National Liberation Front/Democratic Revolutionary Front (FMLN/FDR). Its "diplomats" and clandestine members representing front groups tour the country with impunity spreading propaganda and lobbying for an end to U.S. support for the GOES. Both the FMLN and FDR are proscribed organizations. They form an alliance that is trying to overthrow a friendly democratic government by force, has assassinated U.S. officials in the past, and has indicated its readiness, as a matter of policy, to do so again. FBI and INS have shown little interest in pursuing our requests for action against individual persons. Before again approaching enforcement agencies on this issue, we would like L's judgment on what legal avenues the U.S. Government might pursue to control and counter this activity.

BACKGROUND

Unable to secure victory on the battlefield, the FMLN/FDR has adopted a strategy of "prolonged popular war" designed to wear out the democratic government through military attrition, economic sabotage, terrorism, and the penetration and control of labor, student, and human rights organizations to foment political instability. An essential complementary aspect of the strategy is to promote opposition to U.S. policies in this country, the ultimate goal being the early cutoff of U.S. assistance to the government.

UNCLASSIFIED [redacted] (DECL: OADR)

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: LANDFAIR, WILLIAM E.
Date: 05/23/94
Case ID: S940035C

92D83, 13447

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El Salvador: Human Rights
Special Project (1993)

The guerrillas have been heartened by the Democrats' taking control of the U.S. Senate and the approaching end of the Reagan Administration. Encouraged by the prospect of a Democratic Administration that in their view may not be as receptive to supporting the GOES, the FMLN/FDR appears to have stepped up its propaganda and lobbying activities in the U.S.

RECENT EVENTS

Recently, we have witnessed -- incredibly in our view -- the spectacle of FMLN members, having been denied visas abroad, entering the U.S. illegally and propagandizing throughout the U.S. and even in the Congress. A recent intelligence report indicates that a hostile witness at an April 21 hearing of the House Appropriations Subcomittee on Foreign Operations is a clandestine member of the FMLN/FDR Political-Diplomatic Commission (CPD), the main international relations body of the guerrilla alliance.

Here is a brief overview of only the most visible FMLN/FDR activities in the U.S., focusing on recent events. We believe these are merely the tip of a very large iceberg.

-- Ramon Cardona, who according to a 1984 intelligence study was once the FMLN/FDR representative for the eastern Caribbean, has been touring the U.S. giving speeches.

-- Febe Elizabeth Velasquez, who according to abundant intelligence reporting is a member of the FMLN, is now touring the U.S. Velasquez has over the last several months been the most active FMLN member in the union movement in El Salvador. She has personally advocated kidnapping and violence to foment instability. She applied for a visa at Congen Toronto in April, but never followed up on the application, which had been referred to the Department. Undeterred, she simply entered illegally.

-- Maria Teresa Tula de Canales, who according to intelligence information is a member of the FMLN who has participated in murdering GOES officials, is in the U.S. illegally and has applied for political asylum. She was denied a visa in 1984 under 212(a)28(f). In February 1987

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-- Jorge Sol Castellanos is a respected economist and one of the founders of the FDR. He has apparently lived in Washington for several years. He was one of the hostile witnesses at the recent hearings of the Obey subcommittee, where he argued for an end to U.S. support for the GOES. A recent intelligence report indicates that he (or perhaps a son of the same name) was chosen by the National Revolutionary Movement (MNR) at a March meeting in Cuba to be a representative of the MNR on the FMLN/FDR's Political-Diplomatic Commission (CPD). It is quite possible, therefore, that a star witness at a Congressional hearing was a clandestine member of the FMLN/FDR. Sol was identified at the hearings only as a member of the Institute for Policy Studies.

-- The COMADRES is an ostensible human rights organization that has been identified by abundant intelligence reporting as being a front for and controlled by the FMLN. It operates freely from several offices in the U.S., spreading FMLN propaganda.

-- Francisco Altschul, who has been identified as the FMLN/FDR's Washington representative, freely travels to and from the U.S., apparently spending much of his time on the Hill. We are moving now to revoke his visa, which was probably obtained fraudulently in the early 80s.

-- The FDR has operated openly in the U.S. for many years, principally from its office in New York.

CAN ANYTHING BE DONE?

INS and the FBI have so far shown little interest in FMLN/FDR activities here, although the FBI did apparently look into the matter in 1983. (FBI has declined to give us the final report of that investigation.) We would appreciate L's analysis of the legal aspects of the insurgent presence in this country, both in terms of the overall presence and in terms of the activities of specific individuals who are FMLN members. As proscribed organizations, can the FMLN or FDR operate

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legally in the U.S? Do organizations such as the COMADRES or individuals such as Jorge Sol have to register as foreign agents? What are the prospects for our successfully moving against clandestine FMLN members in the U.S? Or against individual members of the FDR who may not be members of the FMLN?

If, as we suspect, insurgent propaganda activities are increasing, there may come a point where the heat we take by moving legally against FMLN/FDR representatives becomes an acceptable tradeoff in terms of preventing the insurgents from continued proselytizing in the U.S. That decision, of course, would come later after consultations with appropriate USG agencies. In the meantime, we would like to find out just what the law empowers the USG to do about all this. If you need additional background on the FMLN/FDR alliance, please get in touch with the El Salvador desk, which has all of the information discussed in this memorandum.

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United States Department of State

Washington, D.C. 20520

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El Salvador: Human Rights
Special Project (1993)
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(DECL: OADR)

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El Salvador: Human
Special Project (19

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[redacted]

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United States Department of State

Washington, D.C. 20520

Chile Project (#S199900030)
U.S. Department of State
Release_____ Excise_X_ Deny_____
Declassify: In Part_____ In Full_____
Exemption(s) B6

MAY 22, 1987

Dear Senator:

We have received your letter of April 30, 1987 requesting a report on the case of Clodomiro Almeyda, a Chilean relegated (internal banishment) to a small Chilean town by his government. Your inquiry was on behalf of your constituent [redacted].

Mr. Almeyda, who was Foreign Minister in the Allende government, is now a leader of a faction of the Chilean Socialist Party allied with the Communist Party and the terrorist Movement of the Revolutionary Left. He was expelled from Chile in 1975 after being detained for sixteen months. While living in exile, Mr. Almeyda reportedly resided in both Mexico and East Germany. He returned to Chile in late March of this year and, upon turning himself into the government, was relegated to Chile Chico, a town in the south of Chile. Mr. Almeyda is allowed to move freely about town and receive visitors, but he cannot leave the area.

United States policy toward Chile is to support the restoration of democracy and to encourage greater respect for human rights. As part of this policy we have consistently called on Chilean authorities to permit all exiles to return and to end the practice of relegation, a practice infrequently used in the last two years. Our Ambassador in Santiago reiterated this policy following Mr. Almeyda's return to Chile. Some progress on the exile problem has recently occurred, with the number of Chileans barred from returning to their homeland reduced from over 3500 to 764.

I am enclosing a copy of the 1986 State Department Human Rights Report, which addresses the question of exiles and relegation in some depth. In addition, you will be interested

The Honorable
Daniel J. Evans,
United States Senate.

1987 MAY 26 AM 8:21
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to learn that in March 1986 the US sponsored a resolution on human rights at the UN Human Rights Commission (UNHRC) which calls upon Chile to allow the return of all exiles. The US also joined consensus on the March 1987 UNHRC resolution on Chile which reiterated the call for an end to the practice of exile.

With best wishes,

Sincerely,

J. Edward Fox
Assistant Secretary
Legislative and Intergovernmental Affairs

Enclosures:
1. Correspondence returned.
2. 1986 State Department Human Rights Report.

UNCLASSIFIED

Drafted:ARA/SC:LKuznitz
05/19/87:647-2295
2677S
ARA# 87-1139, FAIM# 0650423

Clearances:ARA/SC:DWCole
ARA/SC:JWSwigert
ARA:SBeaudin
H:
HA:KBarmon (subs)

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Chile Project (#S199900030)
U.S. Department of State
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Declassify: In Part_____ In Full_____
Exemption(s)_____

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PAGE 01 SANTIA 03719 222018Z
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AMEMBASSY MEXICO
AMEMBASSY OTTAWA
AMEMBASSY SAN JOSE
USMISSION GENEVA
USMISSION USUN NEW YORK

UNCLAS SANTIAGO 03719

E.O. 12356: N/A
TAGS: PHUM, CI
SUBJ: EXILE LIST REDUCED BY 104 NAMES; INCLUDES THREE POLITICAL FIGURES

REF: SANTIAGO 2377

1. THE GOC ANNOUNCED LATE MAY 20 THAT IT WAS REDUCING THE LIST OF THOSE PROHIBITED TO RETURN TO CHILE BY 104 NAMES, BRINGING THE LIST DOWN FROM 764 TO 660. THE GOC ALSO ANNOUNCED THAT IT WAS CONTINUING TO STUDY THE REMAINING 660 NAMES, AND THAT THERE WOULD PROBABLY BE FURTHER LISTS OF THOSE ALLOWED TO RETURN IN THE COMING WEEKS.

2. WE HAVE NOTED THAT AMONG THE 104 PERSONS ON THE NEW LIST ARE AT LEAST THREE WELL-KNOWN POLITICAL NAMES. THESE ARE ANICETO RODRIGUEZ ARENAS, A FORMER SECRETARY
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PAGE 02 SANTIA 03719 222018Z

GENERAL OF THE SOCIALIST PARTY; RAUL GALVARINO AMPUERO DIAZ, ANOTHER FORMER SECRETARY GENERAL OF THE SOCIALIST PARTY AND FORMER SENATOR; AND EDUARDO NOVOA MONREAL, A LAW PROFESSOR AND THE FORMER PRESIDENT OF THE NATIONAL DEFENSE COUNCIL IN THE ALLENDE GOVERNMENT. NOVOA HAS ACTUALLY BEEN LIVING IN CHILE SINCE LATE LAST YEAR

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UNDER SPECIAL PERMISSION FROM THE MINISTRY OF INTERIOR.

3. REACTIONS TO THE LATEST LIST HAVE BEEN VERY POSITIVE, AS IT INCLUDES SOME OF THE NAMES WHICH HAVE BEEN SEEN AS "HARD" CASES WHICH WOULD BE DIFFICULT FOR THE GOC TO ALLOW TO RETURN.
BARNES

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SECRET 5-29-87

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DECAPTIONED

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Embassy of the United States of America
Santiago, Chile, May 29, 1987

No. 11 - 87

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Official-Informal

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U.S. Department of State
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Declassify: In Part X in Full ____
Exemption(s) B1, NR

Mr. Richard Howard
Office of Southern Cone Affairs (ARA/SC)
Room 4908 N.S.
Department of State
Washington, D. C. 20520

EXCISE

Dear Dick:

Futurology. George who is just back, mentioned that Jim had prepared a paper, of which he had seen a first draft, setting out thoughts for our actions/programs for the rest of the year. By the time you receive this George will have asked for a copy. My reason for raising it is simply to say that we have been thinking along similar future oriented lines. I've asked John Keane to work on what I call a conceptual framework starting with where we want to come out in terms of the plebiscite/election (?) and working backwards to see what the implications are for things we should be doing between then and now.

Argentina.

NR

Free Elections. We would appreciate a copy of the language you have developed for possible future use on the U.S. stance regarding the plebiscite or free elections.

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89F180 Box 98

Sergio Molina on Free Elections: Sergio gave me a quick update upon his return from the U.S. His basic points:

-- There is no pact with Gabriel Valdes to abandon the free elections campaign at any given time or upon failing to achieve a given number of voters registered. Nevertheless, he feels that the registration of only four million voters would be equivalent to defeat.

-- Apathy is the biggest problem. Money and enough people with time available away from earning a living are also obstacles but not as severe as apathy. And he draws this conclusion because five million people who have their carnet already is a good sized base to start from. He would like to see the number of voters registering climb from the current rate of approximately 10,000 per day to 20,000 per day.

-- Carl Gershman agreed that Sergio could draw on the $30,000 which have been granted in a supplement immediately, while he ›ects to be able to provide a grant of $100,000 in September ›e Italians have not yet responded to a request for assistance.* ›ff Puryear of the Ford Foundation would like to provide $50,000 for voter civic education, but that awaits Ford's Board decision. Sergio meanwhile has approximately one million pesos per month indefinitely from local business sources which covers his office expenses. He is attempting to get more money from this group for radio spots.

-- Free Elections committees have been established in Antofagasta, Arica, Punta Arenas, Concepcion, Puerto Montt and perhaps a few other cities. Sergio Molina, Edgardo Condeza and another member of the committee (Sylvia Alessandri, perhaps?) are traveling the country trying to establish committees and generate enthusiasm.

-- Sergio would get in touch with Edmundo Vargas and ask him to urge the American supporters of establishing a Free Elections committee there to hold off. Sergio feels that it is very important that such an effort not be seen as purely political; he would like to have it more broadly encompassing with people from walks of life other than the political party field.

-- Sergio is confident that the Christian Democratic Party will reach some kind of internal consensus and unity is not threatened. Sergio did not indicate who he would prefer but we have the impression from his comments and from statements by others that Sergio privately favors Aylwin. He is prudently avoiding any image of partiality.

-- Sergio thinks that a number of the smaller parties will become interested in the idea of an all-encompassing "free elections party," including the Christian Democrats, once these smaller parties realize they won't be able to garner the 35,000 signatures they need for official recognition.

*The Italian Charge told me this morning that he thinks Sergio's request for U.S. $100,000 from Italian sources will receive a positive response.

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Prison Visits: We are still having problems. Despite all our efforts with the Foreign Ministry and the "Gendarmeria", Michelle Ritterman was initially denied entry to the public jail even though she was accompanied by several Chilean members of the local psychologists association, as Amb. Gaston Illanes had recommended to us. We did lots of scrambling to get her an appointment with a senior "Gendarmeria" representative and after travails like those of Pauline she eventually secured entry and had a visit that she described very enthusiastically to Don Knight. By the way, I will be seeing Del Valle on the night of June 1 and if time permits after covering other topics will urge him to try and help develop a consistent and reasonable procedure (See Don Knight's memo enclosed).

Taller Norte: Victor Basauri came to see John on May 26. Jose Cuevas, warehouseman who works with "Construyendo Juntos", the project Bob and Dick visited at Lo Hermida, was kidnapped, drugged, beaten and badly burned in the face and arms by unidentified men in a white car with one-way glass on May 17. He was questioned about "Taller Norte", the activities of the christian base group to which he belongs in that area and the activities of his wife who is active in several community groups. (El Mercurio claims Cuevas is a MAPU member but Basauri notes that Cuevas is a rather slow-witted and harmless individual.) He will be hospitalized for several weeks. The Taller Norte people suspect the culprits are thugs working for the local municipality.

According to Taller Norte, this is a new phenomenon now appearing in several neighborhoods where they have contacts. Their explanation is that as the CNI, Investigations Police and Carabineros clean up their act for the plebiscite and post-transitory articles period, the dirty work is being done by unidentified hoodlums on the municipal payrolls. The security services may not even know who is responsible. The objective is to terrify people into refusing cooperation with base organizations that are led by the opposition. It is disturbing to the mayors that, in a number of cases of "Junta de Vecinos" elections, opposition elements have seized control of the "Juntas". (We will check with human rights and other sources about the problem of municipal thugs). Asked what we could do to help Cuevas or "Construyendo Juntos", Basauri said that they would ask the people of "Construyendo Juntos" to call us and set up a meeting in order to express their preferences directly. Of course we would like to visit Cuevas if they think it does not put him at greater risk. Finally, John is setting up a meeting between Carl Schwarz, of the IAF, who is now in town, and Taller Norte, which is putting the finishing touches on the long-promised project.

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Bissell Visit.

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Hill Climate for U.S./Chile Military Contacts. George gave us a run-down on his meeting with Ed Long (Harkin staff) and a few others on the Hill. George found that Ed sees the utility of greater U.S./Chilean military contacts, as do some other staffers. Moreover, Barry Sklar thinks that the Senate will probably approve anything along these lines on Chile that is acceptable to Harkin and Kennedy. We are aware, of course, that proposals requiring high visibility actions such as the formal agreement of Congress (e.g., IMET) have poor prospects at best. But we think it would not hurt if someone talked with appropriate staffers (Long is perhaps one) about the PEP program. Forget about the Air Force for the time being, because of undiminished anger over the FACH's latest caper, but the Army, Navy and Marine Corps all would like to have programs. If the PEP program also stirs resistance because it requires some high visibility action by the Congress, perhaps some creative equivalent could be constructed.

Destape. As we have reported, the government is taking a number of measures to create the impression of a society in which people enjoy most of the liberties of a full-fledged democrary. Don is polishing

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off now his comprehensive six-month human rights review which will give you many of the details. Greater press freedom is one of the more obvious examples. To spotlight it, the day Gabriel Valdes registered to vote his photograph was carried on the front page of most dailies, including "La Nacion," although the latter had an unrelated comment below which made it look as though Valdes was the leader of a "leftist" party. TV has also changed on the "cultural" front. Some years ago it seemed as if TV passed through censors of the Spanish Inquisition (and morals were even closely guarded in the boites). This week TV presented a flesh program that was considered so obscene and vulgar that a new protest group called the Theological Revolutionaries staged such a demonstration that it was yanked off the air. The point is, however, there is no signal that the regime plans to loosen up on those things that make a difference in terms of its chances to win the plebiscite, nor is there any sign of disposition to dialogue.

UNGA Resolution. Máximo came in May 28 to report on his Washington visit. We are reporting by telegram one part of the conversation, his account of a talk with Gordon before he left. On another topic, he said he had been told in Washington that there was no hope of U.S. support for any resolution on Chile that was co-sponsored by Cuba. He said he thought getting Cuba off the sponsors list was doable, and he had already talked with Jaime Castillo, who agreed. As usual, however, both think it necessary to get the support of the other three members of the CHRC board - Taborga, Dominguez, and Molina - before they can act. Máximo seemed optimistic and said the next step, after board approval, would be to find a handy Mexican with whom to discuss the idea. He thought perhaps the Ambassador in Argentina. I suggested Ambassador Montana, who had seemed to be kept last year in New York, but Máximo said Montana was based in Mexico City and he did not seem to think a trip there was likely. He expects to discuss the matter with his CHRC colleagues this week.

Pinochet the Civilian. You asked whether Pinochet would be more or less formidable if he resigned as Army chief. Perhaps neither, as far as the next two years are concerned. Hiw power base is the Presidency and the Army's loyalty , and he seems very likely to retain those at least through March 1989. Sinclar, e.g., as CIC seems no more of a tgreat to Pinochet than he is now, i.e., zero. The move is conceivable, given Pinochet's current emphasis on ap-earing in civilian clothes and demonstrating what a fine elected President he will be. But he did it, it would mean total confidence of victory, since if he lost the plebiscite he would then have neither Presidency nor army command.

Prosegur/Contreras.

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Sincerely,

Harry G. Barnes, Jr.

Enclosures:

1. Knight/Barnes memo 5/28/87
2. Santiago 3855, 5/28/87
3. Galvin/Pinochet letter, 5/29/87
4. Galvin/Merino letter, 5/29/87
5. Santiago 3847, 5/28/87
6. Barnes/Gildred letter, 5/26/87

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2 June 1987

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MEMORANDUM FOR: James Swiggert

SUBJECT: Contreras' Involvement in Prosegur

In an attempt to unravel the puzzle of Manuel Contreras Sepulveda's involvement in the Chilean Security Company, Prosegur,

is one of the owners.

Colonel Pedro Espinosa, of Letelier fame, was chief of personnel for Prosegur at one time. Espinosa was considered to be one of Contreras' men from the National Directorate of Intelligence (DINA). Contreras is an owner,

Contreras in the offices of Prosegur in the building occupied by Alfa-Omega. Contreras is an owner.

It would appear that Contreras is, in fact, an owner of Prosegur but his participation is hidden behind straw partners or other devices. One possible explanation for this cover-up might be that Contreras receives lucrative contracts from the government for his overt security business, Alfa-Omega. Contracts are also awarded to Prosegur, including by several state owned enterprises such as Endesa and the State Bank. It is possible that Contreras

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has needed to hide his ownership in Prosegur so as not to blatantly show he has a monopoly on government security contracts.

It should also be noted that Prosegur and Alfa-Omega are dumping grounds for ex-DINA officers. Espinoza is one example. Another example of the security service connection is the case of Patricio Vildosola Barahona. Vildosola is the former head of the National Advance Party, a known National Intelligence Center-front group. He is listed as head of the security department for Prosegur.

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Financing Terrorism in El Salvador:

The Secret Support Network for the FMLN

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by J. Michael Waller

Council for Inter-American Security

Washington, D.C.

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El Salvador: Human Rights
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June 4, 1987

DRAFT

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: LANDFAIR, WILLIAM E.
Date: 05/23/94
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SHARE Foundation

The SHARE (Salvadoran Humanitarian Aid, Research and Education) Foundation was founded in 1981 ostensibly as a fundraising organization to benefit Salvadoran refugees living inside El Salvador or elsewhere in Central America. Its first fundraising campaign took place in October, 1981, as part of a nationwide "Emergency Action Campaign" sponsored by CISPES to raise $250,000. Lisa Tarver, a staffer at the national CISPES office, sent local activists letters announcing the campaign and SHARE's function in the solidarity movement.[120]

In letter to activists dated 11 September 1981, Lisa Tarver described the new fundraising campaign, and spelled out how CISPES and SHARE comingle funds to be sent to the FMLN:

> "All funds raised in the Emergency Aid campaign will be sent to the [CISPES] national office. The money will then be channeled through SHARE, which will have tax-exempt status that we will be able to utilize. SHARE sends all financial contributions for the refugees to Archbishop Sergio Mendez Arceo in Cuernavaca, Mexico, from where they are distributed to refugee camps throughout Central America. As for making out checks, they can still be made out to 'Emergency Aid to El Salvador' as before. However, [if] an individual or organization wants to receive the tax deduction or feels uneasy about giving money to CISPES, they can make the checks payable directly to SHARE."

SHARE's involvement with CISPES is not surprising; its original six-person board of directors included CISPES national coordinator Heidi Tarver, as well as representatives of two pro-Castro groups: Council on Hemispheric Affairs director Larry Birns, and Isabel Letelier of the Institute for Policy Studies (who helped Farid Handal when he visited Washington in 1980 to set up CISPES).

The FMLN uses refugee camps just over the Salvadoran border in Honduras as sanctuaries between battles.[121] Several of these camps are operated by the United Nations High Commission on Refugees, which are tolerant of the FMLN's presence there. When Honduras proposed moving these camps further from the Salvadoran border and out of reach from the FMLN, the guerrillas' support groups in the United States, including SHARE, launched a political campaign against move, charging, "The Honduran and U.S. governments want the camps out of the way in order to carry out their military maneuvers in the vicinity without civilian observers," and adding this pitiful rationale: "The refugees believe that the infrastructure they have built in the camps will be turned into military bases for the U.S. intervention in El Salvador."[122]

THE MAIL

Your cover story about American mercenaries in Central America left out a major point: Americans are also serving the Marxist Sandinista government in Nicaragua and the FMLN guerrillas in El Salvador. There is an extensive apparatus in the United States that channels material aid to the Sandinistas and the FMLN, and the many Americans who serve them constitute a major story that has yet to be told.

J. MICHAEL WALLER
Director of Publications
Council for Inter-American Security
Washington, D.C.

NEWSWEEK : NOVEMBER 24, 1986

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Financing Terrorism in El Salvador: The Secret Support Network for the FMLN

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Introduction. [illegible] 1

The ideology of the FMLN guerrilla 2

Laying the groundwork for CISPES 6

Farid Handal's trip to the United States, 1980 6
FCS about arms support apparatus in U.S. 7
Note on Handal's visit 8
Farid's second visit to New York 9
Handal says Congressional Black Caucus volunteered to serve as guerrilla "mouthpiece in Congress 10
Farid's brother shipped for the guns 11
The setting in the summer of 1980 13

Profile of the "leading architect" of the FMLN support apparatus 14

Eulogies for Rafael at the Riverside Church 16
Messages from the FMLN, East Germany and Cuba 17

CISPES founding conference, October 1980 19

Distribution of forgery of State Department document 21

Document a forgery attributed to [illegible] 21
CISPES concerned to distribute forgery 22

CISPES decertification campaign 23

The FMLN and American politics

Changing the composition of the U.S. Congress for permanent change in policy toward El Salvador 25
The 1982 electoral campaign 27
Successfully preempting Congressional Caucus 27
Questioning the candidates 28
The FMLN's attempt to influence the 1982 elections 29
Captured FMLN documents on "peace" offensive with U.S. elections 29
Revealing what Marion said 33

The FMLN's international support apparatus 35

The World Peace Council: Promoter of the World Front 35
The founding of the World Front 39
International Commission of the World Front 41
World Front's role in Soviet active measures strategy 42

The Library White Ops.

Guerrillas proposed raising money through humanitarian fronts 41

The creation of the document 44
Transfer of cash from the United States 47

Development of the FMLN's private fundraising system 51

CISPES at the nerve center 61

Medical Aid for El Salvador 67

How funds are raised for the FMLN 69
Direct aid to terrorist commander 63
Medical airlift to El Salvador, December 1989 66
MAES sponsors and endorsers 69
Other national sponsors 70

SHARE Foundation 72

Politicians, celebrities endorse SHARE 74
Where the money goes 76

New El Salvador Today (NEST) 77

NEST board of directors 79
National office staff 81
East coast office staff 82
Board of directors 83

Oxfam-America 85

How a ten-dollar contribution reaches the FMLN 94

CISPES actions elicit response in Congress 96

Ehlers holds hearings in response to CISPES 97

Conclusion 99
Appendix 1: Statements by CISPES and the FMLN 101
Appendix 2: FMLN ideological statement (original) 103
Appendix 3: The FMLN literacy campaign 104
Appendix 4: 1980 CISPES founding conference plan 105
Appendix 5: Congressman DeLuma' CISPES fundraising letter 108
Appendix 6: Congressman Dymally's CISPES fundraising letter 109
Appendix 7: Congressman Conyers' NEST fundraising letter 113
Appendix 8: CISPES and the Coalition for a New Foreign Policy 116
Appendix 9: Overt FMLN bank accounts, addresses, and related operatives 118
Notes 120

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El Salvador: Human Rights Special Project (1993)

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El Salvador: Human Rights
Special Project (1993)

INTRODUCTION: The Salvadoran guerrillas' support apparatus and how it operates

The core of the political and financial support apparatus in the United States for the FMLN guerrillas in El Salvador is the Committee in Solidarity with the People of El Salvador (CISPES), which was officially founded the day after the FMLN itself was formally inaugurated in October, 1980. CISPES openly states its support for the FMLN and its political branch, the FDR, but is often misperceived as a "peace" group. Over the years, CISPES has been firmly supportive of the FMLN, to the point of defending its assassinations of American businessmen and Marine embassy guards.

CISPES has a multifaceted approach in its FMLN support campaign. Its own propaganda line is completely coincidental with that of the FMLN, suggesting close coordination of political activities. Founded to protest the Carter Administration's policy of cautious support for El Salvador's reformist transitional juntas, CISPES has been consistent in its steadfast opposition to any U.S. government aid of any kind, including humanitarian, to El Salvador. A cutoff U.S. aid, CISPES reasons, would completely undermine El Salvador's economic, military and political infrastructure and therefore enable the FMLN to seize power as the Sandinistas did in Nicaragua.

In an effort to pressure Congress to reduce or end aid to El Salvador, CISPES functions as a component of the "Revolution Lobby," a loose movement of political and educational organizations which support Marxist-Leninist revolutionary movements in the Third World. CISPES constantly encourages and mobilizes its activists in more than 400 local chapters to write letters and call their elected officials in Washington, demanding that they vote against aid to El Salvador. In addition, CISPES generates letters to the editor of local newspapers, organizes demonstrations at the grassroots level and in Washington, and holds media events to dramatize opposition to U.S. policy in Central America. The national office sponsors speaking tours for FMLN-FDR representatives, but much of the time, local chapters conceal or downplay their support for the FMLN. CISPES gained further political legitimacy by winning the public support of several celebrities and Members of Congress.

The support group, or "solidarity committee," as it is referred to by the FMLN, works with genuinely pacifist church organizations and exploits their desire to avoid a war in Central America. Taking advantage of concerns for peace and human rights, CISPES uses many mainline Catholic, Baptist, Presbyterian, Methodist and other clergymen to give it an appearance of legitimacy and to use their church collection boxes as a source of funds for the FMLN. More radical clergymen, many of whom espouse "liberation theology," work with CISPES out of their ideological support for the FMLN. They use the rhetoric of peace as a weapon for the FMLN's war.

Current CISPES national coordinator Angela Sanbrano is recognized by those who matter for her work in promoting the guerrillas. The September 1985 issue of the CISPES newsletter *Alert!* reported that she made an "unprecedented visit with members of the FMLN high command" in El Salavdor (including Salvadoran Communist Party leader Shafik Handal), then went to Nicaragua where she and other members of her "peace delegation" accompanied Sandinista Interior Minister Tomas Borge at a mass rally in Leon. From there, Sanbrano went to Cuba, meeting with Fidel Castro. In October the following year, according to Clergy and Laity Concerned, the Soviet Communist Party's "Peace Committee" invited Sanbrano on an all expense-paid trip to Moscow. Although her seat had already been reserved on a New York-Moscow Aeroflot flight, Sanbrano was unable to go.

CISPES is also the core of a gaggle of "humanitarian" groups which raise money for medical aid, developmental and educational projects, and financial assistance ostensibly for El Salvador's poor. These "humanitarian" affiliates, which are recognized as charities by the Internal Revenue Service, likewise support the FMLN politically, but often mask their true position when soliciting funds. Up to seventy percent of the humanitarian funds raised through these organizations are diverted to the FMLN for military purposes, according to a high-level guerrilla defector.

Since 1984, the Council for Inter-American Security has argued that CISPES and its affiliates are agents for the FMLN, and should register with the Justice Department under the Foreign Agents Registration Act. However, repeated attempts over a two year period to persuade the Justice Department to act have been rebuffed by the Foreign Agents Registration Office.

While the support network for the anti-Communist resistance fighters in Nicaragua has been thoroughly investigated, exposed, and in some cases shut down by the Justice Department, the news media, and congressional committees, the secret U.S.-based supply network for the FMLN guerrillas in El Salvador has been virtually unscathed. While the Soviet bloc provides training, weapons, and logistics to the FMLN, it is unable or unwilling to supply the dollars needed to keep the guerrilla infrastructure alive. Since 1980, the FMLN has relied on private supporters in the United States to fill the gap.

House Majority Leader Tom Foley said recently that he would favor a Congressional investigation of the Salvadoran guerrillas' private aid network in the United States if there was sufficient evidence to merit one. This study is only an outline of the FMLN's multimillion-dollar American support operation.

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The Ideology of the FMLN guerrillas

Before discussing the support apparatus for the guerrillas of the Farabundo Marti National Liberation Front (FMLN), their ideology must be addressed. While FMLN supporters, skeptics in Congress, and most journalists in the mainstream media balk at referring to the guerrillas as Communists, preferring the euphemistic terms "leftist" or "Marxist-led," the *Washington Post* and the *Miami Herald* have on occasion documented that the FMLN's entire leadership is indeed Marxist-Leninist.[1]

Once the origins of the five FMLN factions are traced, it becomes self-evident that all have been ideologically Marxist-Leninist since their inception, putting to rest once and for all the myth that the guerrillas are agrarian reformers who were forced to embrace Communism in the course of their struggle.

The FMLN is an umbrella group composed of five guerrilla/terrorist factions, each of which has a military and political branch. The FMLN General Command is made up of the top commander of each of the five factions. Beneath the FMLN General Command is the Unified Revolutionary Directorate (DRU), a panel made up of three representatives of each of the five factions which is considered the actual decision-making body of the FMLN force.[2]

The first and oldest FMLN faction, from which three of the others are derived, is the Communist Party of El Salvador (PCS), which was founded by the Comintern in the early 1920s when it was led by the FMLN's namesake, Agusto Farabundo Marti. Shafik Handal is the PCS general secretary, and is the PCS representative on the FMLN General Command, as well as on the DRU. Some accounts identify Handal as leader of the General Command. While the five factions were in the process of uniting under the FMLN umbrella in 1980, Shafik Handal traveled to Vietnam, Ethiopia and the Warsaw Pact nations to procure arms for the guerrillas' anticipated "final offensive." Handal uses the code name "Simon." The PCS' strongest historical international ties are with the Soviet Union.

The second faction is the Popular Liberation Forces (FPL), a PCS splinter group founded by Handal's predecessor in the PCS, the late Salvador Cayetano Carpio, known as "Marcial." The split was over the PCS' policy in 1970 which was insufficiently supportive of violence, in line with Brezhnev's peaceful coexistence policy at the time. Marcial, who was then PCS general secretary, stepped down and organized the FPL. (After the Sandinistas' success in 1979, the PCS adopted a policy of armed violence.) Shafik Handal succeeded him as PCS leader. Marcial died under mysterious circumstances in Managua, Nicaragua, in 1981. Currently, the FPL leader is Leonel Gonzalez, who sits on the FMLN General Command. The FPL's strongest historical international ties are with Cuba.

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A third faction in the FMLN is the People's Revolutionary Army (ERP), commanded by Joaquin Villalobos. Like the FPL, the ERP is a spinoff of the Salvadoran Communist Party. Villalobos represents the ERP on the FMLN General Command. The ERP's strongest historical international ties were briefly with the People's Republic of China.

The National Resistance, or Armed Forces of National Resistance (RN or FARN) is the fourth faction, led by Eduardo Sancho, who calls himself "Ferman Cienfuegos." The FARN is a splinter group which broke from the ERP in 1974. Cienfuegos is the FARN representative on the FMLN General Command.

The fifth faction is known as the Central American Revolutionary Workers Party (PRTC), commanded by Francisco Jovel, alias "Roberto Roca." It emphasizes a regional revolution of a single Marxist-Leninist Central American political party/guerrilla movement, and is considered Trotskyist in orientation. Roca represents the PRTC on the FMLN General Command. It is the PRTC faction which led the June 1985 terrorist attack on four U.S. Marines eating dinner at a Salvadoran restaurant, an action which was supported by the entire FMLN. The PRTC's strongest historical international ties are with North Korea.

How these five factions united under the DRU and finally in October, 1980, into the FMLN is documented by R. Bruce McColm in *El Salvador: Peaceful Revolution or Armed Struggle?* published in New York by Freedom House. Further information about the FMLN's ideology, its supply of arms and training by the Soviet bloc, and its relations with other Marxist-Leninist revolutionary movements in the Americas can be found in the bibliography.

Of all the information on the FMLN's ideology, no single document is more telling than "Fundamental Programs for the Salvadoran Revolution," a guerrilla manifesto captured from Commander Nidia Diaz in April, 1985. A complete facsimile of the original document can be found in Appendix 2. The "fundamental programs" include:

"1. To end definitively the politico-military-economic and social dependency of the country with respect to Yankee imperialism.

"2. To liquidate definitively the politico-military and economic, social power of the bourgeois landowning oligarchy allied with imperialism, and to liquidate capitalist exploitation in general.

"3. To establish economic, political, military, cultural, technical and social bases to build the construction of socialism.

"4. The construction of socialism and communism.

"5. Our organization is a working class party. Our ideology is Marxism-Leninism. . . .

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"6. We are militants of Proletarian Internationalism and Solidarity of the peoples.

"7. We struggle definitively against capitalism and dependency of the country, we struggle for victory of the revolution and the popular road of socialism.

"8. Our revolution and the national and international practice of our militancy forms part of and is squared inside the gigantic force of humanity to conquer. . . the edification of socialism and communism in the world."

"10. We recognize the World Socialist Camp, in the struggle of the proletariat and peoples of capitalist and imperialist countries for Social Revolution, as in the struggle for National Liberation, the three fundamental watersheds of the World Revolution.

"11. The World Socialist Camp is the vanguard of the World Revolution and constitutes our friend and fundamental ally. In the first stage embodying the USSR, Cuba and Vietnam as the strongest pillars in a concrete strategic sense.

"12. Fundamental in Marxism-Leninism and Proletarian Internationalism is the duty of the revolutionaries to put all our efforts toward contributing to the consolidation of Unity in the International Revolutionary and Workers' Movement.

"13. Yankee imperialism is the historic fundamental enemy of humanity and the fundamental strategic enemy of our people. In consequence, we condemn and combat the aggressive policies of imperialism and world reaction, in whatever part of the planet, is our duty.

"14. We are unconditionally in solidarity with the anti-colonialist struggles and against neocolonialism of all the peoples of Asia, Africa and Latin America. From there we oppose all forms of class and racial oppression in the world, zionism and apartheid. . . .

"15. Our Revolution is inseparable from the Revolutionary Struggle of the brother peoples in the region, de ahi que contribuir a la Revolution in the Central American region and the support to victorious Nicaragua is our natural historical objective."

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LAYING THE GROUNDWORK OF CISPES

Farid Handal's trip to the United States, February-March 1980

Fidel Castro had told Salvadoran revolutionary leaders that if they wanted his complete support, they would have to set aside their differences and form a unified "national liberation front," much like the three Sandinista factions had done in 1977.[3] While all five paramilitary factions were ideologically Marxist-Leninist, they had different doctrinal differences ranging from Stalinist to Trotskyist.

Only one revolutionary group had the total confidence of the Soviets, and that was the Salvadoran Communist Party (PCS) headed by Shafik Handal. Formed in 1925 by Salvadoran Comintern agent Agusto Farabundo Marti, the PCS was the only organization in El Salvador officially recognized by the Soviets. Like most Moscow-line Communist Parties, the PCS maintains party-to-party relations with the Communist Party of the Soviet Union (CPSU). Three other guerrilla factions were splinter groups from the PCS (Popular Liberation Forces [FPL] and People's Revolutionary Army [ERP] broke from the PCS in 1970 and '72; the National Resistance [FARN] split from the ERP in 1975.)[4] Logically from the Soviets' view, the PCS became the primary organ within the forming Salvadoran national liberation front.

The PCS began laying the groundwork for its military, financial and political support apparatuses in 1979 and knew from the successes of the Vietcong and the Sandinistas that they would fight their war on two fronts: One on the military battleground in El Salvador, and the other on the political battleground in the United States. Neither the Vietcong nor the Sandinistas won militarily, and neither would the Salvadoran revolutionaries.

The Sandinistas' recent victory against General Somoza and his National Guard was not a military one. The Sandinista National Liberation Front (FSLN) had begun setting up its own U.S.-based solidarity apparatus in 1977, officially inaugurating it in February, 1979 with the support of prominent American political leaders.[5] It promoted the FSLN as the sole legitimate representative of the Nicaraguan people, conducting political activities throughout the U.S. to help ensure that the FSLN and the FSLN alone would be accepted and recognized as the new Nicaraguan government. Washington had already turned its back on Somoza by slapping an arms embargo against his regime, and later engineered

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El Salvador: Human Rights
Special Project (1993)

diplomatic isolation of his government through the Organization of American States.

By June, 1979, the United States had disarmed the National Guard by imposing a veritable blockade of Nicaragua. Two Israeli freighters bound for Nicaragua with a resupply of arms and ammunition for the National Guard were forced to turn back by the Carter Administration. Issuing an ultimatum, the U.S. forced Somoza to flee Nicaragua. Unarmed and leaderless, the National Guard dissolved, and the Sandinistas marched into Managua two days later.[6]

The PCS was working to form the Salvadoran national liberation front in the last year of the Carter presidency, planning a "final offensive" for late December 1980. For its military campaign to be successful, there had to be heavy political pressure in the United States to continue the arms embargo of El Salvador and to promote the emerging FMLN as the sole legitimate representative of the Salvadoran people.

PCS agent sets up support apparatus in United States

Farid Handal, brother of Shafik, was the PCS agent dispatched to set up the Salvadoran guerrillas' political and financial support apparatus in the United States. He arrived in New York in February 1980, just a few months before his brother Shafik was to go on an arms-shopping trip to the Soviet bloc. Farid's objective, according to his diary which was captured by the Salvadoran military, was "the creation of the International Committee in Solidarity with the People of El Salvador."[7]

He wrote that while not an actual member of the PCS, "I accepted their line and collaborated to the extent of my possibilities." As a cover, he presented himself as a representative of the National Democratic Union (UDN), which in reality is a legal front of the PCS. During his two visits to New York, he said he made important contacts: A Cuban intelligence officer based at the United Nations and the leadership of the Communist Party USA.

Contrary to popular opinion, the CPUSA is not simply a leftist political party, but is an agent of the Soviet government for conducting political influence operations in the United States. While numerically very small, the CPUSA provides the Soviets with a disciplined cadre of operatives who receive their political directives from the International Department (ID) of the Central Committee of the Soviet Communist Party, led at the time by Comintern veteran Boris Ponomarev.[8] Much of the funding for the

[illegible]

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El Salvador: Human Rights
Special Project (1993)

CPUSA comes in the form of cash transfers from the KGB through the Soviet Mission at the U.N. and the Soviet Embassy in Washington.[9]

Meeting with "members of the Directorate of the CPUSA," Farid described the help he needed in setting up the "Committee in Solidarity with the People of El Salvador." He said that the Communist Party leaders had invited him to the meeting (implying that they knew about his visit in advance), and that "in spite of the fact that I insisted that I did not represent the PCS, they insisted that they needed to meet with me, because they wanted information."

At first, the CPUSA leaders were skeptical of him, but after a while, Farid said, they "allowed me to speak and they began to behave more cordially and humanly; now they smiled and listened. . . . The meeting lasted several hours." His specific contact and translator on the CPUSA politburo was Sandy Pollack, an attractive and energetic activist who had been involved in promoting Third World revolutionaries for the Party since her days in Cuba with the Venceremos Brigades. A CPUSA National Council (politburo)-member, Pollack was also active in the United States Peace Council (USPC), a CPUSA front which served as the U.S. chapter of the World Peace Council, the leading Soviet international front organization which organizes and promotes "active measures" campaigns against the West. Farid identified her as the "person responsible for the U.S. Peace Council" and the "solidarity coordinator" for that organization. (See section on the World Federation).

During his New York visit, Farid also met at the home of Alfredo Garcia Almeida, the fourth-ranking official at the Cuban Mission to the U.N. who has been identified as a Cuban intelligence officer under the control of the KGB.[9] According to the diary, Garcia Almeida "recommended that I should carry out work of an informational nature about the situation in El Salvador with progressive Congressmen for the purpose of making the rest of my work more natural. And in that way to protect my visa. They offered to facilitate contacts in Washington. And they did that."

More on Handal's visit

During his trip to the U.S., Farid Handal apparently passed himself off as a representative of the National Democratic Union (UDN) in order to disguise his appearance as an agent for the PCS. The UDN is the legal front of the PCS. Taking the guidance of Pollack and Garcia Almeida, Farid went to Washington for meetings arranged by the CPUSA. What follows is a verbatim transcript excerpted from Farid's diary:

> "Surprise encounter with Veronica (Chilean) of the CPUSA charged by the Directorate of the CPUSA in Washington with arranging a meeting. Meeting with

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El Salvador: Human Rights
Special Project (1993)

Mouris [sic; Maurice Jackson] president of CPUSA in Washington who informed that he had received instructions to give [me] any help that he might desire. . . . Pleasant meeting. The beginning of a valuable collaboration. . . . They played an important role in the arrangements for the meeting with Congressman Ronal Dellums [sic], Congressman from the state of California. Black, but very progressive.

"The comrades of the CP in Washington were the pioneers for the formation of the International Solidarity Committee that I took the advantage of forming in Washington.

"The comrades of the Cuban Mission had recommended Juan Ferreira, from Uruguay. I contacted him at WOLA [Washington Office on Latin America]. He helped me at WOLA and at the National Council of Churches. . . .

"I contacted Isabel Letelier who had prepared a seminar at the Institute for Policy Studies of Washington. The Seminar would be based on a talk by Napoleon Gonzalez, which had already been announced. Gonzalez was in Washington at the invitation of Amnesty International. . . .

"That same Monday at 4:00 PM the meeting with Congressman Dellums and his work team took place. At the beginning of the meeting which took place in the offices of the Congressman located in the Capitol building, his political counselor made known that my visit could not have arrived at a better moment. They were interested in better understanding the situation in El Salvador because they were ready to do battle against the Hawks who have today strengthened their position and influence in the Senate and Congress of the USA. My statement is transcribed in the attached summary. When the meeting was over they asked me to write it in the offices of Dellums and they gave me a typewriter to use. They explained that they needed it to translate into English and make a report to all of the group of black congressmen. . . . They invited me to participate in that report. At that time we agreed that I would let them know my whereabouts so that they could advise me as to the date and time of the meeting and so that they could bring me back to Washington. . . . For this meeting I prepared a folder with the program of the Government of Coordination. . . . The English translation was done by the comrades of the CP [Communist Party] in Washington. . . . All the arrangements and translations for the folders which we would give to the congressmen had to be

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El Salvador: Human Rights
Special Project (1993)

done in Washington because it was there that we received information from WOLA. . . .

"Monday morning the offices of Congressman Dellums were turned into our offices. Everything was done there. the meeting with the [Congressional] Black Caucus took place in the liver of the monster itself, nothing less than the meeting room of the commission of the exterior [Committee on Foreign Affairs of the House of Representatives]."

Farid's Second Visit to New York

Farid Handal's second visit to New York toward the end of his organizational tour described how CPUSA politburo member Pollack "proposed" a national conference to set up a permanent, centralized political and financial support apparatus for the Salvadoran revolutionaries. His notes state:

"Meeting with Sandy Pollak [sic], Solidarity Coordinator for the U.S. Peace Council. Sandy proposed a national conference under the auspices of the U.S. Peace Council, the National Council of Churches, Amnesty International, WOLA, and various important unions in the U.S. The objective of the conference would be to establish a support mechanism for the solidarity committees in those states where it does not already exist.

"The support that they proposed consisted in financing radio, TV and press programs, under its public patronage. They agreed to the idea of issuing a series of coupons worth one dollar that they would call Credit Bonds from the North American People to the Salvadoran People, as a counterpart to the credits given by the U.S. Government to the Junta of El Salvador. But all of these propositions had the following as conditions:

"1. That they would back the coordinator [the coalition of support groups] as they did not want to appear to be backing one organization in particular.

"2. That the diverse images of the movement should be eliminated and that the image of a Broad Solidarity Movement should be presented, without an ideological label. . . . Each of the representatives should have the power to express a single [political] line. . . .

"3. At this time they felt that it was indispensible that Monsignor Romero be present. . . . I let them know that it would be very difficult to convince the Monsignor to assume that role. *[Note: Conveniently for the Left's propaganda purposes, San Salvador's Archbishop, Monsignor Romero, was assassinated by unidentified gunmen weeks*

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El Salvador: Human Rights
Special Project (1993)

after this meeting. Both the Left and the Right have been blamed for the killing, but the true assassins are unknown. While the Archbishop was mourned by nearly all Salvadorans, he was exploited as a martyr by the FMLN and its support groups.]

"4. That it would be agreed to call for the conference in no less than 30 days. . . ."

Handal Says Congressional Black Caucus Volunteered to Serve as Guerrillas' Mouthpiece in Congress

Farid returned a second time to meet with the Congressional Black Caucus, according to his diary. It was a fruitful get-together. The notes show that he was to meet with a group of 32 Black and Hispanic Members of Congress, and that the Caucus would "Maintain a close contact with us for information. They would be open to concrete petitions," and "were ready to undertake immediate tasks and establish a permanent climate in favor of the struggle in El Salvador."

"It is good to point out," Farid continued, "that these people have influence and prestige. In reality they are able to collaborate even in special promotions where their prestige could mean an effective support."

Also during his second stay in Washington, Farid met with a representative of the Palestine Liberation Organization through an individual named Rene Tensen. The PLO member, who is not named, "identified himself as a representative of one of the smallest groups which make up the PLO. He said that it was one of the smallest groups but that it represented the authentic Marxist-Leninist line. . . . At the end I told him that I did not have the authority for representations at the levels which corresponded to a conversation of this type. And that I would limit myself to carrying the news of their good intentions for helping us. He spoke about help in scholarships [training] for use of arms. He spoke of other types of help."

The Handal brothers would quite naturally have an affinity for the PLO, as they are of Palestinian descent. It is believed that the PLO and some Salvadoran communists first met in 1966 at the Tricontinental Conference in Havana, where a resulting international network known as the Organization of Solidarity with the Peoples of Asia, Africa and Latin America (OSPAAL) was set up. The Sandinista National Liberation Front (FSLN) leaders also met the PLO for the first time at the Tricontinental Conference, which led to FSLN members being trained at PLO camps in Lebanon as early as 1969.

Shafik Handal has known ties with various PLO leaders, including Popular Front for the Liberation of Palestine (PFLP) chief George Habash, and PLO leader Yasser Arafat. In March 1981,

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El Salvador: Human Rights
Special Project (1993)

Shafik met with Habash in Lebanon, and the two issued a joint communique stating that an arrangement had been made to continue already existing PLO military aid to the FMLN. A month later, Arafat was publicly supporting the FMLN-FDR. He proclaimed,

> "We are a great revolution that can never be intimidated. We have connections with all the revolutions throughout the world, in El Salvador, in Nicaragua--and I reiterate Salvador--and elsewhere in the world."[10]

Farid's brother shopped for the guns

Backtracking to 1980 as the FMLN was being built: Three months after Farid Handal successfully organized the base for the guerrillas' solidarity committee in the United States, Shafik made a trip to the Soviet bloc in search of weapons and supplies.[11] His first stop was Hanoi, on 9 June, where he met with Vietnamese Communist Party leader Le Duan and received a "friendly and enthusiastic reception." They agreed to provide him with American-made weapons left behind after the U.S. pulled out of Southeast Asia; the first shipment, Shafik noted, weighed 60 tons. Weapons deliveries were expected to be made from Ho Chi Minh City, formerly Saigon.

In East Germany, Shafik was notified that that government had already shipped first-aid kits, cameras and other equipment to Nicaragua for the use of the Salvadoran guerrillas. East German leader Erich Honecker personally approved additional aid and military training to the revolutionaries, pending their detailed requests. No weapons were offered, as the East Germans had no western-made arms on hand, and did not want to give the guerrillas any East-bloc guns. Shafik then went to Czechoslovakia, where he learned that the Czech government had already decided "to send a quantity of weapons of Czech manufacture," types already available on the open market, which would be shipped in coordination with the East Germans.

A four-day stop in Bulgaria was next on Shafik's trip, where he met with Bulgarian Communist Party Secretary for International Affairs Stanichiev, who said that the Bulgarian government would give him 300 reconditioned Nazi submachine guns from World War II, as well as 200,000 rounds of ammunition, 10,000 uniforms, and 2000 medical kits. Shafik noted in his diary that the Bulgarians praised the conduct of the Salvadoran Communist Party.

From Bulgaria, Shafik went to Hungary, and met with Communist Party leader Janos Kadar. The Hungarians offered medicines and first aid kits, and 10,000 uniforms, but had no non-Soviet bloc guns. They did say that they "would be willing to participate in a deal with Ethiopia or Angola" for weapons. Shafik Handal met several times with Soviet officials about receiving military training, weapons, explosives, ammunition, and currency. The

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El Salvador: Human Rights
Special Project (1993)

Soviets said that Vietnam would be the best source of weapons, and arranged for higher level meetings with the Salvadoran that autumn.

Shafik's last stop was Ethiopia, in early July, where he was received by dictator Haile-Marian Mengistu. The Salvadoran was promised "several thousand weapons," including M-1 and M-14 rifles and some 790,000 rounds of ammunition.

The setting in the summer of 1980

Jimmy Carter was in the White House, locked in a bitter primary battle with Ted Kennedy for his party's presidential nomination. Already, an apparatus had been organized to mobilize U.S. public opinion against Carter's controversial policy toward El Salvador: His "human rights" campaign focused excessively on anti-communist military regimes, ignored the crimes of the Castro government in Cuba, and overlooked the hundreds of executions underway by the Sandinistas in Nicaragua, which were being documented at the time by the State Department.

The Carter Administration was aware of intelligence reports indicating that the Sandinistas were already sending supplies and other forms of assistance to the guerrillas in El Salvador. Cautious support was given to the transitional civilian-military juntas governing that country, while conservative and anti-communist figures in El Salvador were excoriated by U.S. Ambassador Robert White. Indeed, many Salvadorans as well as Americans believed that White was supporting El Salvador's extreme left. From the viewpoint of the Handals, Ambassador White must have been quite an encouragement.

That spring, Farid had organized a successful base for the guerrillas' support apparatus in the United States, the Committee in Solidarity with the People of El Salvador. With a grass-roots movement underway to terminate all American aid to El Salvador, Shafik must have been confident during his trip to the Soviet bloc in search of military assistance. The first guns would arrive in September. Meanwhile, the difficult and delicate process of unifying the five guerrilla groups into the Farabundo Marti National Liberation Front (FMLN) was moving along well, with the guidance of Fidel Castro. The new guerrilla alliance would be announced formally in October, coinciding with the unveiling of its American solidarity committee, CISPES.

Things looked good for the guerrillas' planned "Final Offensive," to take place before the inauguration of the next U.S. president in January 1981. The Salvadoran government was so corrupt and inept, its army so poorly motivated, trained and equipped, that the Final Offensive could be a pushover. On the other hand, the guerrillas were prepared to become engaged in a prolonged war, which would be fought on the Salvadoran battlefield, but won or lost in Washington.

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El Salvador: Human Rights
Special Project (1993)

Profile of the "leading architect" of the FMLN support apparatus

According to Farid Handal's journal of his February-March 1980 organizational trip to the United States, it was CPUSA politburo member Sandy Pollack who was his most important contact in setting up the Salvadoran guerrillas' support apparatus that was to be known as the Committee in Solidarity with the People of El Salvador (CISPES).

Scholars of the strategy and tactics of Soviet-financed active measures in the United States can find a wealth of information on how the CPUSA operates to influence American foreign policy in a 90-page volume, honoring Pollack's accomplishments published in 1986 by the U.S. Peace Council. Titled *Sandy Pollack: Her Life,*[12] this remarkable little book is a candid story of one of the top CPUSA organizers in the United States, tracing her political career as she developed from a college student to a professional agent who oversaw the implementation of active measures operations under the direction of the International Department of the Soviet Communist Party Central Committee. What follows is adapted from that publication.

Those who knew her said that Pollack was a talented and energetic Party organizer who was responsible for building coalitions between the Communist Party and "peace" and religious groups, trade unions, solidarity and human rights organizations, and old New Left activists through the 1970s and early 1980s. Pollack's career was brought to an end in January, 1985, when she was killed in a plane crash near Havana, Cuba.

A native of Queens, New York, Alexandra "Sandy" Pollack was born in 1948 to Cecilia and Harry Pollack, two leftist activists. In 1967, Sandy Pollack joined the Communist Party and was part of a cell at Boston University, where she was a transfer student. At B.U., she got her first experience in coalition building, where she worked with leftists of varying tendencies in the movement against American involvement in Vietnam. She became a leader in the local Students for a Democratic Society (SDS). In the words of the U.S. Peace Council biography, "For two years, she met almost daily with her friends in the Communist Party group at B.U. . . . Sandy organized openly as a Communist. She had a fundamental commitment to the mass anti-war movement that defined student and political life in Boston, and to the Communist Party's role within that movement. She maintained this commitment, this *modus operandi*, for the rest of her life."

She was an organizer of a mass demonstration at B.U. the day after Martin Luther King was assassinated on April 4, 1968, and was a participant in the riots at the Democrat National Convention in

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El Salvador: Human Rights
Special Project (1993)

Chicago that summer. In November 1969, Pollack was a participant in the first Venceremos Brigade to Cuba, where she spent a month working in the Aguacate camp cutting sugar cane and experiencing the Castro revolution.

Pollack became a leader of the Venceremos Brigade's New York committee and office manager of the national office of the CPUSA's youth branch, the Young Workers Liberation League. She set up a New York defense committee for Angela Davis, a CPUSA functionary who was arrested for murder in 1970.

In 1971, Pollack went back to Cuba as a national Venceremos Brigade leader. The Venceremos Brigades were created to inculcate revolutionary fervor among American radicals, to train some of them in terrorist and guerrilla tactics, to gather intelligence, and to recruit some participants as agents to operate back in the United States. All Venceremos Brigades activities were overseen by Cuba's DGI intelligenc agency, a body under the control of the Soviet KGB. Pollack directed the finances of the Venceremos Brigades.

Pollack and her husband, fellow CPUSA staffer Terry Cannon, founded the Tricontinental News Service in 1972 to disseminate news about "progressive" movements in the Third World such as the Vietcong. Much of the materials disseminated by TNS were verbatim political tracts and documents from the Palestine Liberation Organization (PLO), Hanoi and Havana.

When Chile's Marxist President Salvador Allende was ousted in a military coup in September, 1973, Pollack "became a seminal figure in the Chile solidarity movement," according to the U.S. Peace Council.

Pollack's mentor in the mid-1970s was Alberto Moreau, who, the USPC said, was "a life-long Communist and had been instrumental in helping to create and nurture several Latin American communist parties."

When the U.S. Peace Council was formed in 1979 as the American chapter of the World Peace Council, Pollack became associate director, in charge of international solidarity. Her biography says that at this time, "she helped sow the seeds of what would soon become the National Network in Solidarity with Nicaragua, the parent organization of most of the Central American solidarity activities today." (This organization is also known as the Nicaragua Network.)[13] During that year, she was busy at work in other areas, organizing three national speaking tours for a group from South Africa, for future Sandinista Minister of Culture Ernesto Cardenal, and for a radical Chilean musical group called Quilapayun. She also organized celebrations during the 20th anniversary of Castro's seizure of power on July 26, helped arrange the CPUSA national convention in Detroit in August, and set up a speaking tour for Cannon who had just returned from Vietnam and Cambodia. Additionally, she laid out the basic plans for an

RELEASED
El Salvador: Human Rights
Special Project (1993)

international forum, in support of the Marxist-Leninist Puerto Rican separatist movement in Mexico City, "and finally, the practical and political groundwork for the official founding conference of the U.S. Peace Council that year in Philadelphia."

In 1980, the biography said, "she helped to found CISPES, the Committee in Solidarity with the People of El Salvador, sat on its national advisory council, and served as one of two U.S. representatives on the world body in solidarity with El Salvador."

After President Reagan was elected in 1980, Pollack "was instrumental in organizing mass protests against U.S. troops in Lebanon, the Sabra and Shatila massacres of Palestinians, the U.S. invasion of Grenada, the [Big] Pine I and [Big] Pine II military exercises in Central America, and U.S. participation in numerous international peace congresses," said her biography. Perhaps the most noteworthy mass protest Pollack helped organize was the June 12, 1982 rally in New York City's Central Park, where some 700,000 people (the biography says "close to a million") gathered to demand a U.S. nuclear freeze. The USPC recalled, "as much as anyone, and more than most, she made it possible."[14]

Pollack went to El Salvador in 1983 to go out with the FMLN guerrillas. Her biography stated, "If the government authorities had known of her quiet visit, *this leading architect of U.S. support for the Salvadoran guerrillas* likely would have been tortured and killed. But she eluded the armed forces and the death squads." (emphasis added)

Pollack's last act was to attend a "peace" conference in Havana, Cuba, in January 1985, where she released an essay called "Reaganomics: Cornerstone of U.S. Aggression." Instead of returning to the United States as she had planned, she decided to fly to Managua instead. The plane crashed just after takeoff, killing all aboard.

She was buried in Cuba. Fidel Castro personally laid a wreath at her grave which said, "To Sandy, from the Commander-In-Chief." Two weeks later, a memorial service was held for Pollack at the Riverside Church in New York. Diplomats and United Nations officials from the Soviet Union, Czechoslovakia, East Germany, Vietnam, Cuba and Nicaragua, as well as representatives of the FMLN, the PLO, the African National Congress, Communist exile leaders from Chile and Grenada, CPUSA officials and members of the many non-Marxist church groups and trade unions who had formed coalitions with the Party attended the service, which was conducted by the Rev. William Sloane Coffin.

In his eulogy, Coffin noted that Pollack was an atheist, but praised her work as godly: "Sandy may not have believed in God, but God believed in Sandy."

RELEASED
El Salvador: Human Rights
Special Project (1993)

Eulogies for Pollack at the Riverside Church

Pollack's work was recognized from around the world. Among those sending letters of tribute published in her biography were Sandinista directorate member Bayardo Arce, Cuban Politburo member Jesus Montane Oropesa, Rene Mujica of the Cuban Interests Section at the Czechoslovakian Embassy in Washington, East German Ambassador Gerhard Herder, World Peace Council President Romesh Chandra, Soviet Peace Committee leader Yuri Zhukov, Mfanafuthi Makatini of the African National Congress, and Zehdi Labib Terzi of the PLO.

American citizens sending eulogies included those from Digna Sanchez of the Marxist-Leninist Puerto Rican Socialist Party, David Dyson and Paul Filson of the Amalgamated Clothing and Textile Workers Union (ACTWU), Dan Cantor of the National Labor Committee in Support of Democracy and Human Rights in El Salvador, Sr. Marjorie Tuite of Church Women United; CPUSA chairman Henry Winston, CPUSA General Secretary Gus Hall, and CPUSA Secretary of the Central Committee James E. Jackson; Congressman Ronald Dellums (who wrote, "Sandy Pollack accomplished. . . much more than most who shared her vision of a better and more just tomorrow for all."), former Grenadian ambassador Dessima Williams, Isabel Letelier of the Institute for Policy Studies, Leslie Cagan of Mobilization for Survival, Kathy Engel and Digna Sanchez of MADRE, Berkeley mayor and USPC co-chairman Gus Newport, Arnold Braithwaite of the N.Y. Peace Council, Libby Frank of the Womens International League for Peace and Freedom, Secretariat of Solidarity with Chile President Victor Frias, and U.S. Peace Council executive director Michael Myerson.

Messages from the FMLN, East Germany and CISPES

The FMLN and its political front, the Democratic Revolutionary Front (FMLN-FDR) sent this message:

> "Since the struggle began for peace, justice and fundamental freedoms in El Salvador, Sandy worked to give solidarity to our struggle. When the unity was formed and the alliance of the FMLN-FDR started to consolidate, Sandy worked to support the process in every aspect, and to build the non-U.S.intervention struggle. . . .
>
> "In 1982, with the formation of the first worldwide solidarity organization, the World Front in Solidarity with the People of El Salvador, she became part of the bureau along with representatives of other solidarity movements and worked not only to guarantee its existence but to ensure that it had a strong position against U.S. intervention. . . ."

RELEASED
El Salvador: Human Rights
Special Project (1993)

East German Ambassador Extraordinary and Plenipotentiary Gerhard Herder left this message:

> "Many people in the GDR [German Democratic Republic] and in our Embassy got to know her as a true internationalist, as a dedicated fighter for peace and national liberation. In her work as a founder and a leader of the U.S. Peace Council, Comrade Pollack made an immeasurable contribution to develop, broaden, educate and unify the peace movement in this country and all her short life she was in the front row of the ever growing movement in solidarity with Cuba, Nicaragua, El Salvador, Chile, Grenada and Puerto Rico."

And CISPES national relations coordinator Suzanne Ross had this to say:

> "We in CISPES who knew Sandy, and who with her lived through the very stormy early stages of building an El Salvador solidarity movement, came through a rather convoluted path to respect and love her very deeply. . . .
>
> "Our ability to grow together politically, to establish a unified perspective and to collaborate as we have in the past couple of years, was a source of real inspiration to us. . . . Sandy's loss is irreparable. We honor and celebrate her precious life and will remember her for years to come as our companera and sister, a beautiful revolutionary. We also know that the responsibility we now carry, given how few of us there are, is that much greater because she is no longer with us to carry the tremendous weight she did."

RELEASED
El Salvador: Human Rights
Special Project (1993)

CISPES Founding Conference, October 1980

". . . do everything possible and even the impossible to reinforce the pacifist wing of the bourgeoisie and increase, however feebly, its chances of success at the polls--that is the first task; the second task is to split up the countries united against us--this is our double task. . . . In no way must Communist opinions be elaborated."

--V. I. Lenin
16 February 1922.

The Committee in Solidarity with the People of El Salvador was formally founded in October, 1980, just a day after the FMLN announced that it had become the umbrella group of the five Marxist-Leninist guerrilla factions in El Salvador.

There were two founding conferences, one on the east coast, and one on the west. The resulting document from the eastern conference, which was organized by Heidi Tarver and Sandy Pollack, was called the "Work Plan for the Salvadoran Solidarity Movement," part of which is reproduced on the following pages. It resolved to pressure Congress through letter-writing campaigns, visits to the offices and public appearances of elected officials, promotion of local government resolutions concerning El Salvador, demonstrating broad-based opposition to the Carter Administration's policy by taking out newspaper ads, and organizing "fact-finding" trips to El Salvador "which can return and generate publicity and support."

Influencing the media was another objective of CISPES' founding conference, by applying "pressure" on journalists and developing "alternative channels of communication and information sharing." Discrediting U.S. policy meant comparing it to Vietnam, denouncing as a "CIA front" the AFL-CIO's American Institute for Free Labor Development (AIFLD) which was promoting agrarian reform and free trade unions, and publicizing Salvadoran government human rights violations, as well as aiding refugees and illegal aliens in the U.S. (the beginnings of the Sanctuary Movement).

Making sure the FMLN received material aid was key. On the bottom of the first page of the work plan we find this interesting entry:

"Pressure the governments of the U.S. and El Salvador to assure the neutrality and protection of humanitarian

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El Salvador: Human Rights
Special Project (1993)

relief efforts, including in particular refugee centers and medical relief personnel."

In other words, aid to areas under FMLN-dominated areas or to the FMLN itself should be guaranteed passage to its destination unimpeded by government restraints. Just below this entry, CISPES recommended the establishment of "a nationally coordinated fund-raising campaign to support the people of El Salvador, including sale of 'Free El Salvador' certificates."

The entire second page of the work plan was dedicated to working with religious groups in El Salvador and the United States. These religious organizations would become one of the most important transmission belts for FMLN propaganda, and channels for direct financial and material aid to FMLN forces fighting inside El Salvador.

Within weeks of this meeting, CISPES was putting out a regular newsletter, *El Salvador Alert!*, circulating other literature on El Salvador, including a forgery of a State Department document, working with the news media and church groups, and raising money for "the people."

RELEASED
El Salvador: Human Rights
Special Project (1993)

Distribution of Forgery of State Department Document

CISPES was a prime distributor of a forged State Department document concerning El Salvador. At times when State Department personnel disagree with official government policy, they may voice their opinions through the "dissent channel" established for that purpose. This serves as a productive mechanism to keep U.S. foreign policy in check within the executive branch. State Department employees differing with official policy often distribute their "dissent papers" throughout the government bureaucracy and the media.

Soon after it was organized, CISPES disseminated a reprint of a State Department "Dissent Paper on El Salvador and Central America." This unsigned document outlined concerns of many "current and former analysts and officials" in the National Security Council, State Department, Defense Department, and Central Intelligence Agency, and admitted that a "key objective" of American foreign policy toward Central America was "to limit Cuban and Soviet bloc influence throughout the region." The paper warned that further military aid to El Salvador would eventually force the United States to intervene militarily in the region. At the same time, however, the dissent paper noted that "a consensus in favor" of the FMLN's political front, the FDR.

The dissent paper considered the FMLN-FDR as "a legitimate and representative political force in El Salvador," and portrayed the FDR as a moderate, non-Marxist organization with wide popular support. It recommended that the United States officially recognize the FDR.

Document a forgery attributed to KGB

However, there was one problem with the document CISPES was circulating: it was pronounced a forgery by the State Department, and attributed by intelligence experts to Service A of the First Chief Directorate of the Soviet KGB. Service A is the division responsible for conducting active measures against the West.[15]

CISPES distributed this forgery to the media, and succeeded in getting it accepted as a genuine dissent paper. It first surfaced in an article by the Pacific News Agency on 19 November 1980. Stephen Kinzer of the *Boston Globe* reported on the document in a front-page article on 28 November. The forgery was publicized by small movement publications, like the November-December 1980 newsletter of the Religious Task Force on El Salvador, a pro-FMLN organization which is represented on CISPES' national board; the December 1980 issue of *Revolutionary Worker*, the publication of the Revolutionary Communist Party (RCP); and the December 1980 issue of *El Salvador Alert*, the CISPES newsletter.

RELEASED
El Salvador: Human Rights
Special Project (1993)

The first major journalist to report on the forgery as a *legitimate* document was liberal *New York Times* columnist Anthony Lewis.[16] A second *New York Times* columnist, Flora Lewis (no relation), quoted from the forgery in her 6 March 1981 column as though it were authentic. The next day, the *Times* reported in a news article that the State Department had denounced the document as a forgery, and Flora Lewis apologized to her readers in her 9 March column, admitting that she had been fooled. Anthony Lewis never recanted.

Despite the wide publicity surrounding the denunciation, the Institute for Policy Studies (IPS) treated the paper as genuine in the 18 March edition of its publication *In These Times*.

A leader of the FBI's Intelligence Division testified before the House Select Committee on Intelligence that "There are certain similarities of this operation with other forgeries. It is known that the Soviets attempted to surface this document in Central America through clandestine means."[17]

CISPES continued to distribute forgery

The forgery continued to be advertised for sale from the CISPES national office in *El Salvador Alert*. Other items sold by CISPES at the same time was the political platform of the FDR, copies of the Philip Agee-related anti-intelligence *Covert Action Information Bulletin*, a publication by EPICA leader and *Counter-Spy* magazine contributor Philip Wheaton on agrarian reform, and issues of *NACLA Report on the Americas*.[19]

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El Salvador: Human Rights
Special Project (1993)

CISPES decertification campaign

In compliance with a law passed by Congress in the midst of the aid to El Salvador controversy, the President must certify every six months that El Salvador's government is making progress in the area of human rights. The law states that Congress must receive this certification before it will permit any military aid from being sent to El Salvador. In addition, the law states that the U.S. President must certify that the land reform program is moving forward, and that the Salvadoran military is sufficiently controlled by the civilian government. This law does not apply to Marxist dictatorships such as Zimbabwe, for example, which receives U.S. military aid without any human rights certification.

CISPES anticipates these regular certification reports by holding nationwide "educational" events, press conferences in conjunction with church organizations, and meetings with congressional staffers. Also in anticipation of certification, CISPES organizes letter-writing campaigns to Congress, urging Members to cut off El Salvador as a military aid recipient. For example, the 25 January 1984 *Guardian* reported that CISPES called for a week-long "campaign of letter writing and phone calls urging Congress to vote against military aid to El Salvador."

These decertification activities include acts of civil disobedience, which uniformly received local and national media attention. On 24 January 1983, for instance, CISPES organized a "Decertification Blockade Task Force" in front of the State Department in Washington. Of the more than 700 protestors at the event, 126 were arrested. CISPES national director Heidi Tarver spoke at the beginning of the demonstration, as did a speaker from the pro-ANC South Africa Support Project and from the National Network in Solidarity with the People of Guatemala (NISGUA), the CISPES equivalent to the Marxist-Leninist guerrillas there. Two U.S. congressmen appeared at a pro-CISPES news conferenct that evening.

Anti-decertification efforts also took place that day in New York, Tallahassee, Detroit and Boulder. As one observer noted,

> "The CISPES demonstrations indicate a shift in both its political and tactical policies. Support for the FMLN in El Salvador has been broadened to a regional concept with the revolutionary movements of Nicaragua, Guatemala and Honduras presented as 'targets of U.S. imperialism.' Tactically, the demonstration showed that CISPES could mobilize a significant group on a working day (Monday) prepared to take part in a direct illegal, although peaceful, protest. . . . Obviously, fanaticism either by

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El Salvador: Human Rights
Special Project (1993)

U.S. FMLN supporters or by Salvadorean [sic] FMLN members legally or illegally in the U.S. could be escalated to non-peaceful actions."[20]

When the next certification was due to Congress six months later, a group of "Salvadoran refugees" marched for 17 days from New York to Washington "against repression and war in Central America." A pro-FMLN flyer issued by "Salvadoran Refugees Against Certification," a CISPES front group, cried, "NO to the lie of certification!" and urged people to "Join Salvadoran refugees in protest against U.S. intervention in Central America." On 21 July, a march and rally was held at the White House, followed by an ecumenical service; the next day, the dreaded "Day of Certification," the CISPES-organized "refugees" held a press conference.[21]

One of their flyers blamed "U.S.-sponsored terror" as the culprit of their "refugee" status, and echoed the FMLN line that "elections held during a state of civil war are unacceptable." (Of course, CISPES and its supporters had no such objection to the Sandinista elections which were to be held the following year in the midst of Nicaragua's civil war).

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El Salvador Human Rights
Special Project (1993)

The FMLN and American Politics:

Changing the Composition of the U.S. Congress for Permanent Change of U.S. Policy Toward El Salvador

Public pressure and lobbying to influence legislation was not enough to increase the chance that Congress would cut or even further restrict aid to El Salvador. CISPES and the other FMLN support groups became actively involved in electoral politics, backing candidates and incumbents who were against aid, and trying to defeat those who were for it.

The first two years of CISPES' existence were spent on building grassroots opposition to American aid to El Salvador, with a focus on lobbying Congress. By 1982, the CISPES leadership saw another opportunity to influence Congress--this time by working for or against congressional candidates or incumbents.

CISPES was especially involved in the 1982 and 1984 campaigns, trying to project the image that President Reagan and the Republicans were warmongers bent on getting the country involved in "another Vietnam." Groping for an issue with which to attack the President, many liberal candidates grabbed the question of U.S. "intervention" in El Salvador. CISPES and the broad coalition of old anti-Vietnam protestors, nuclear freeze activists, pacifists and radicals were there to provide instant cheerleaders and workers for those candidates' campaigns.

In El Salvador and Managua, the FMLN leadership also recognized the need to influence the American electoral process if their war against the Salvadoran government was to succeed. As revealed in captured documents, the FMLN worked to create incidents inside El Salvador which supporters and political opportunists could use in the United States during the heated 1984 campaign.

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El Salvador: Human Rights
Special Project (1993)

The 1982 Electoral Campaign

That summer, the CISPES national office mailed its local chapters an eight-page "Fall Electoral Strategy," accompanied by a detailed two-page questionnaire for congressional candidates. Mobilization of its activists, outreach and fundraising for CISPES itself and the FMLN were the leading items on the fall agenda, but eyes were on the congressional campaign. Nationwide demonstrations were organized for October 16, two weeks before the vote, as part of "a wide variety of tactics to demonstrate the breadth and strength of opposition to U.S. intervention in El Salvador," according to the strategy paper.

CISPES committees "targeted the elections as a major area of emphasis," according to the strategy paper. Below is a summary of that document. The first section gave a background to the fall, 1982 campaign in the context of its "overall electoral strategy":

> "The electoral campaign is <u>one tactic</u> within the <u>overall approach</u> to mass mobilizations. Traditionally, CISPES has used 'legislative work' as an outreach, movement-building tool, <u>and</u> as a way of helping to <u>limit</u> military and economic aid to El Salvador, Guatemala, and Honduras."

CISPES wanted to undermine the economic as well as the military strength of those three pro-western countries. The strategy document assessed CISPES' past success at influencing certain Members of Congress. It continued,

> "Although we have never seen legislative work as a primary focus, we have always considered it to be important. Our letter-writing, delegations, petitions, etc., <u>have</u> helped make some congresspeople take better positions on some votes than they otherwise would have. The effectiveness of these tactics has depended to a large degree on how we back them up with visible opposition in the streets-- demonstrations, pickets, leafletting, bannering, civil disobedience, etc. We recognize the role of Congress as the primary <u>mechanism</u> for stopping [U.S.] intervention but we are also clear that it is only an increasingly strong and broad mass movement that can force that mechanism to act. The Fall elections provide us with an opportunity to use the fanfare that surrounds the campaigns as a forum for raising our opposition to U.S. intervention in a very public way to very wide audiences." (emphasis in original)

The CISPES strategists then showed how their actions aimed at undermining U.S. support for the Salvadoran government were being done in concert with the FMLN's military actions inside El

RELEASED
El Salvador: Human Rights
Special Project (1993)

Salvador:

> "While our degree of focus on this type of work will vary, it is important to understand its direct relations to the present needs of the war. The popular victory in El Salvador will be won by the Salvadoran people themselves, but as the FMLN continues to make advances, the U.S. is dangerously raising the technical level and regionalization of the conflict. Anything we can do to limit [U.S.] military aid [to the Salvadoran government] in the coming months will have a direct impact on the war." (emphasis added)

Successfully pressuring Congressman Lantos

Encouraging activists that their work counts, CISPES strategists gave an example of successful direct action by a local chapter. Congressman Tom Lantos (D-CA), they said, was targeted by the Palo Alto CISPES chapter and as a result cosponsored House Joint Resolution 552, declaring President Reagan's certification of progress in El Salvador as "null and void," and calling for suspension of U.S. military aid to that country.

Questioning the candidates

The CISPES national office provided local activists with a detailed two-page questionnaire to be filled out by congressional candidates during the 1982 campaign. The questionnaire's purpose was to get the specifics on the candidates' stance toward various Central America issues, and to "force" the candidate to define any vague positions he may have. Candidates who indicated in their answers that they knew little about Central America were to be given "correct" information so that they would learn "the facts."

Candidates were then to be urged to take a "pledge" on his stance on Central America, to the point where CISPES activists were to "'haunt' the candidate with different people asking questions at every one of his/her public appearances about when he/she will sign the pledge."

RELEASED
El Salvador: Human Rights Special Project (1993)

The FMLN's Attempts to Influence the 1984 U.S. Elections

The "1984 CISPES National Administrative Committee Strategy Proposal," took into consideration the Central America policies of the Reagan administration and how those policies could be used against the President and his congressional allies during the campaign. The proposal noted that the President's policy had "worked in Congress--so far. . . . Most sectors of the Democratic Party have avoided the debate for fear it will weaken their possibilities for re-election and divide the Party as the issue of Vietnam did in 1968 and 1972."

At the time, the Administration was trying to forge a bipartisan consensus for a coherent policy to foster democracy and roll back communism in Central America through the special commission headed by former Secretary of State Henry Kissinger. In the CISPES 1984 agenda proposal, CISPES called this bipartisan commission "an attempt to undercut the remaining Democratic opposition."

The most popular theme around which the President's political opponents rallied was that involvement in Central America would result in "another Vietnam." CISPES leaders observed in the 1984 proposal, "People fear prolonged Vietnam-type involvement," a fear which they determined to exploit. CISPES and other leftist groups such as the Institute for Policy Studies had already begun attacking the Kissinger Commission and its findings.[22] The 25 January 1984 *Guardian* reported that CISPES called for nationwide protests to coincide with the 11 January release of the Kissinger Commission, saying that the actions were "protesting a panel of millionaires and ex-CIA agents."

CISPES leaders observed, "The Democrats have no apparent strategy around Central America, and are divided internally on the issue. They seem unsure of the strength of public opinion," the strategy proposal continued, noting that most Democrats wanted to combat communism in some way, yet had to be responsive to the highly vocal U.S.-out-of-Central America movement: "A Democratic 'anti-intervention' position would be tactical rather than genuine. It *can*, however, weaken the support Reagan needs at a critical time for intervention. . . ."

The proposal continued, "We need to make U.S. intervention a high-visibility presence as a key anti-Reagan issue." Six lines further, it was reiterated--"We can use this expanded public opposition to:

> "Make opposition to intervention a key issue in the anti-Reagan movement; Pressure Democrats to take a clear position; Isolate Reagan politically and disrupt

RELEASED
El Salvador: Human Rights
Special Project (1993)

his political alliances."

During the first CISPES national conference, held in Washington on 28-30 January 1984, "intense debate erupted over a proposal from Mid-Atlantic region affiliates that the defeat of Reagan be made a fundamental goal of 1984," according to the *Guardian*. Many conference delegates "argued that CISPES should contribute to removing Reagan through raising consciousness about Reagan's Central American policies." A resolution was passed calling on CISPES to "contribute to the defeat of Reagan and his allies in Congress through focusing on their Central American and Caribbean policy."

A resolution was passed almost unanimously to support Jesse Jackson's "Rainbow Coalition." Jackson was to be utilized by the FMLN to inject its agenda into the mainstream debate of the Democrat party during the campaign.

Captured FMLN documents show preoccupation with U.S. election

Captured FMLN documents reveal that guerrilla leaders were intensely concerned with the outcome of the 1984 U.S. presidential elections. They had good reason to believe that their forces would not be able to survive if President Reagan won a second term. The war in El Salvador was to be won or lost in Washington, and the FMLN knew that its actions on the ground could be used by the President's political opposition against him during the campaign. By projecting an image that the Salvadoran government was unable to govern, that it had lost popular support, that it was systematically abusing the people, or that the U.S. was being dragged into "another Vietnam," the FMLN created situations for propaganda purposes that were utilized by their allies such as CISPES and by President Reagan's political opponents in the United States. The success of these propaganda measures depended heavily on American politicians playing into their hands.

As students of revolutionary history, FMLN strategists drew on successful precedent, most notably on Vietnam. In doing so, they kept in constant contact with their U.S. solidarity committees, through quarterly meetings and at other gatherings. Vietnam was a useful model, as many of those leading the anti-intervention/ solidarity movement in the United States at the time did the same thing for the Vietcong a decade earlier. Captured documents from the FMLN leadership provide insight into their methods.

One FMLN document focused on the issue of exploiting the internal divisions of the enemy, in this case, the United States. Their model was the Vietnamese Communist Party (PCV) which, during its war against the U.S.-backed government and the U.S. itself "always sought to win through political work." The FMLN's analysis went as follows:

RELEASED
El Salvador: Human Rights Special Project (1993)

> "The PCV profits from the enemy's contradictions: One has to combat the enemy in every sense, from front- to rear guard, from outside to inside, one must profit from the individualist and competitive character of the enemy, creating fissures inside, exploiting internal disputes. the revolutionary forces have the obligation to profit from the enemy's internal divisions. . . . Profiting from these contradictions has a tactical value and also a strategic value. . . ."[23]

The FMLN analysis went on, "To wage an effective diplomatic struggle one must make use of the enemy's contradictions," observing, "The foreign policy of Reagan is the weak flank of his reelection campaign." It also noted that "The White House policy toward El Salvador has been one of the most constant points of rejection by public opinion since 1981. . . ."

"Policy toward El Salvador," it continued, "is one of the areas where the most relevant confrontations [exist] with Congress and the Democrat Party against Reagan, and includes a group of Republican congressmen throughout his presidential term."

Great emphasis was placed on helping President Reagan's opposition in Congress, and utilizing the Democrat national convention in San Francisco. Those actually carrying out the FMLN's policies, the documents show, would be American leftists working within the Democrat party to influence U.S. public opinion. Success depended on political opportunists to seize upon the letter-writing campaigns, demonstrations and other publicity stunts.

However, an unexpected event--the successful and extremely popular U.S. incursion into Grenada in October 1983--boosted Reagan's support among the electorate and dealt a crushing blow to the morale of the FMLN, the Sandinistas, and their American supporters. Fearing a subsequent U.S. invasion of Nicaragua, the Sandinistas abruptly cut off all clandestine arms shipments to the FMLN, in order to take away any possible excuse by the Reagan administration to do a repeat performance there.[24] Although the action ended up being only for show, the FMLN was very concerned.

In a memorandum from the FMLN General Command to the National Directorate of the ruling Sandinista National Liberation Front (FSLN) in Managua dated 24 November 1983, the Salvadoran guerrillas acknowledged the Sandinistas' new diplomatic offensive in the wake of the Grenada operation.[25] The memorandum stated that the upcoming presidential campaign was "a favorable moment to meet with the North American [U.S.] electorate," adding, "For this reason we support the current diplomatic initiatives of the FSLN to buy time, *to help Reagan's opposition in the United States* and to isolate internationally his aggressive plan toward Nicaragua and El Salvador." (Emphasis added.)

RELEASED
El Salvador: Human Rights
Special Project (1993)

Dialogue would be the tactic to be used to demonstrate the FMLN's flexibility and good faith, and to put the Reagan administration on the defensive. The key phrase here is "to help Reagan's opposition in the United States," a clear reference to the Democrat party which had found the President's Central America policies to be an important political issue. Party leaders in Congress--Robert Byrd in the Senate and Tip O'Neill and Jim Wright in the House--were bitterly denouncing the Administration's policy in El Salvador (demanding that the Salvadoran government negotiate with the FMLN) and in Nicaragua (demanding either a complete U.S. shutoff of aid to the contras or bilateral U.S.-Sandinista negotiations exclusive of either the Soviets or the Nicaraguan resistance).

A 22 November 1983 report on FMLN leaders' talks with the Sandinista directorate states, *"We see the urgency of taking political measures. . . to strengthen political opposition to Reagan in the U.S."* [26] (Emphasis added.) The objective here was, again, to buy time, given the Sandinistas' fear of a U.S. invasion. Sandinista aid to the FMLN was temporarily halted in order to "put off intervention until February," which was the beginning of the "U.S. electoral campaign."

Also in November 1983, the Salvadoran guerrillas drew up their "Directives for the Political Struggle of the FMLN in This New Phase of the War Process."[27] Part of this document discussed staving off greater U.S. "intervention" in El Salvador. The FMLN directives discussed how the American political system would determine whether the U.S. intervened directly on behalf of El Salvador's government, stressing the upcoming "presidential electoral process in the United States."

The Directives explained that President Reagan had to portray his first term in office as a success in domestic and foreign policies. What the FMLN had to do in the meantime was to deliver harsh blows to the Salvadoran government and thereby undermine the success of the Reagan agenda in Central America. In formulating the FMLN propaganda strategy for 1984, the Directives outlined the use of refugees, human rights, religious groups, and other issues on which to focus. The Directives summarized, "We should extend special interest to North American political personalities, the church, the UCA [Central American University] and the UPD."

An annex to these Directives elaborated on one point: "This situation [Reagan's reelection] obliges him to buy time and to try to profit the most by realizing successes of political character which serve as propagandistic sustenance to his reelection campaign. . . ."

The PRTC faction of the FMLN, from which most of these documents were recovered, held a meeting in April, 1984, and examined the American presidential campaign at great length. The

RELEASED
El Salvador: Human Rights
Special Project (1993)

guerrilla leaders repeated a common point: "Keep into account that the contradictions between the Democrats and the Republicans are well-centered on U.S. international politics. . ." They further noted the erosion of American prestige due to the sharp political differences in Washington: "North American imperialism is losing credibility as a strategic ally as much with governments of

underdeveloped countries as with governments of developed countries (Israel, South Africa, Holland, etc.), as important elements of contradiction persist. . . ."

At that meeting, the PRTC resolved to: "Develop a politico-military plan which would force the Reagan government to decide between intervention or for negotiations [with the FMLN] in the most critical months of the electoral campaign in the U.S. (September, October and November). Apart from the development of strategic operations, change to great importance military and political strikes in the metropolitan zone [San Salvador]."[28] In other words, make the war more visible by bringing it into El Salvador's capital city, projecting the image that the people had risen up against the government and that it was incapable of maintaining order.

Meanwhile, the FMLN should do all it could to tie up U.S. aid currently in the pipeline. Further during the PRTC meeting, the following was resolved:

> "We should work before the U.S. Congress so that it condition the military 'aid' to the Salvadoran regime toward the realization of negotiations as a form of solution to the conflict. . . . In the work plans for the U.S., we should not forget that in November there will be elections for all members of the Lower House and for one-third of the Senate."[29]

It was agreed that the PRTC would focus on working with the solidarity committees in the United States through 1984 recalling that *"solidarity activities produce repercussions in the U.S., especially in Congress."* (Emphasis added.)

The PRTC leaders reiterated their strategy again and again: to "intensify propaganda work before the U.S. Congress, with the goal that it not authorize, that it reduce, that it delay and/or condition military aid to the Salvadoran government." It also urged that pressure be brought upon Guatemala and Honduras so that no actions would be taken against FMLN bases in those countries. Additionally, it sought to utilize the Contadora group (Mexico, Panama, Colombia and Venezuela) to work for a negotiated solution to the El Salvador conflict, to "present motions before the North American Congress," and even to murder Americans in El Salvador for their propaganda value. Such killings doubtlessly would prompt U.S. politicians in Washington to demand a reduction or withdrawal

RELEASED
El Salvador: Human Rights
Special Project (1993)

of the 55 U.S. military trainers working with the Salvadoran army. Specifically, the idea was to multiply the death of U.S. Navy Commander Albert Schaufelberger, who was assassinated by the FMLN in 1983, by a factor of four. The PRTC did exactly this in June, 1985, when its terrorist Mardoqueo Cruz Urban Guerrilla Command killed four U.S. Marine Embassy guards at a San Salvador restaurant, two American businessmen, and seven other civilian bystanders.[30]

Jesse Jackson was to play an interesting role in the injection of FMLN positions into the U.S. political campaign. With CISPES taking part in the Rainbow Coalition, the FMLN had a direct voice. In a 5 June 1984 memorandum from the FMLN General Command to the FMLN Managua office, a ceasefire proposal was planned to coincide with the Democrat national convention.[31] The memorandum indicated that the cease fire proposal was for purely propagandistic purposes, to be aimed at the U.S. public to show the FMLN's willingness to resolve the war peacefully, and to portray the Reagan administration as intransigent (and therefore, anti-peace).

The ceasefire was to be announced at the San Francisco Democrat convention by Jesse Jackson. The FMLN General Command told the Managua office that a letter would be sent to the convention "in the name of the FMLN-FDR," which would describe the guerrillas' "disposition to realize a real dialogue with the Salvadoran government and army" for a political settlement. Such a settlement would be initiated by an FMLN ceasefire in order to establish a mutual accord, according to the document. The FMLN letter would then ask the Democrats to recognize Guillermo Ungo, the leader of the FMLN's political front, the FDR, to present the peace proposal to the U.S. Congress.

The FMLN General Command memorandum said that the entire campaign would be coordinated with the Sandinista National Liberation Front (FSLN).

This optimistic plan to get Ungo recognized by mainstream Democrats and have a forum in Congress did not get far, although Jackson and his Rainbow Coalition did what they could to promote the FMLN's cause. Their political work had a marked influence even on the Democrat party candidates' positions, however, probably out of fear of alienating the huge bloc of minority voters who followed Jesse Jackson.

In analyzing the American political scene just weeks before the convention, a 1 June report by the FMLN-FDR Politico-Diplomatic Commission referred to "the influence of the North American electoral campaign on U.S. policy toward Central America," and noted "the growing Democratic opposition" to such policy.[32] The FMLN (as opposed to the PRTC faction as noted earlier) made what to them was an encouraging notation: "The Democrat candidates have already included the theme of Central America in the electoral

RELEASED
El Salvador: Human Rights
Special Project (1993)

debate and have distanced themselves from the position of the President."

One American activist working with the FMLN on its ceasefire proposal, according to a captured FMLN document, was Dick McCall, an aide at the time to retiring Senator Paul Tsongas (D-MA). McCall and a colleague, retired Army Colonel Ed King, held a secret meeting on 22 June with FMLN leaders after meeting with top Salvadoran army officers. The document indicates that McCall assured the FMLN that he thought El Salvador's democratic elections were a sham, and that there could be no solution aside from power-sharing between the government and the FMLN. It also indicates that he may have passed to the FMLN potentially sensitive political and military intelligence gleaned from his conversations with army leaders, including information on the armed forces of Honduras and CIA activity in Honduras.[33]

(After Senator Tsongas retired from politics in 1984, McCall was hired by Tsongas' successor, fellow Democrat John Kerry, who in 1986 began a highly political probe of the Nicaraguan resistance and its private support network. McCall played a key role in that investigation. At the time of this writing, McCall was back working in Democrat party electoral politics as Kerry's staff director of the Democratic Senatorial Campaign Committee. Also at the time of this writing, King was the Senate Democrats' official representative on a four-person commission to monitor the progress of the Nicarguan resistance and peace prospects there. King was the personal choice of Senate Majority Leader Robert Byrd. These secret meetings with the FMLN raise serious constitutional, legal, and ethical questions and merit close investigation by appropriate Senate committees, the Justice Department, and the media).

Recalling what CISPES said

> *"a campaign of political support is needed. . . . to provide a forum for the FMLN-FDR in the U.S. . . ."*
>
> --1984 CISPES National Administrative Strategy Proposal

It is easy to see how CISPES's own strategy for agitation and propaganda inside the United States CISPES's own strategy for agitation and propaganda inside the United States coincided with the FMLN's armed propaganda plans for 1984. With U.S. aid to the Nicaraguan contras as one of the biggest foreign policy issues, CISPES also integrated anti-contra activism with its anti-El Salvador program.

The "1984 CISPES National Administrative Strategy Proposal" explicitly stated that CISPES would continue to "provide political and material support for the FMLN-FDR in El Salvador," and would "Defend the Sandinista revolution" in Nicaragua.

Diplomatically, the United States was succeeding in isolating

RELEASED
El Salvador: Human Rights
Special Project (1993)

the FMLN which, just a year or so earlier, had been enjoying international support from much of the world's democratic left. The CISPES strategy document noted that its efforts and those of the World Front in Solidarity with the People of El Salvador would have to be redoubled: "U.S. attempts internationally to isolate the FMLN-FDR also require a world-wide effort to give political and material support." Ideologically supportive of the Sandinistas and knowing that the demise of that regime would spell the practical end of the FMLN as a successful insurgency, CISPES leaders said,

> "Our defense of the Sandinista revolution will directly contribute to the Nicaraguan people's efforts to consolidate their revolution. It will also undermine Reagan's
>
> attempts to build a 'strategic consensus' in the U.S. for intervention in all of Central America."[34]

To polarize the American public during this important election year was the reasoning behind this strategy. The document continued,

> "The administration's key vulnerability in 1984 is its ability to build a bipartisan and popular consensus for long-term intervention. . . . Therefore, we propose as the basic political strategies for 1984:
>
> "1. Disrupt Reagan's alliance for intervention with the Democrats.
>
> "2. Make opposition to intervention in Central America a central anti-Reagan issue.
>
> "3. Prepare for and initiate effective, powerful and popular responses to greater escalations of U.S. intervention in Central America."

In order for this to succeed, CISPES leaders took a chapter from the New Left's anti-Vietnam strategy of building a coalition, or broad front, of ideological, social, ethnic and religious organizations and trade unions disaffected by the Reagan Administration's policies. CISPES planned to "make opposition to intervention a key issue of the anti-Reagan movement, by participating *actively* in anti-Reagan coalitions" (emphasis in original), to "use emergency situations to mobilize and expand the active participation of new sectors," and to "*Develop strategic relations with organizations of the religious sector, Blacks, Latinos, peace movement, etc.*" (emphasis added) This was the same grouping which formed the "San Francisco Democrats."

CISPES had, of course, been active in politics since it was founded in 1980, and vowed at the time to keep El Salvador a political issue. A *Guardian* article published 9 May 1984, headlined "Intervention as an Election Issue," described "the 1984 political strategy of the Central American anti-interventionist

RELEASED
El Salvador: Human Rights
Special Project (1993)

solidarity movments" and their different ways and means. The article said, "two main goals are emerging in a national strategy. The first is to organize immediate and effective antiwar protests against the Reagan Administration's step-by-step escalation of the U.S. war in Central America and the Caribbean. The second goal is to put opposition to such U.S. intervention on the agendas of the Democratic and Republican presidential nominating conventions this summer and to make it an issue in national and local election campaigns this fall."

According to the *Guardian*, CISPES (like the FMLN) considered Jesse Jackson as its main ally in the Democrat party. CISPES leader Suzanne Ross was quoted as saying, "Jackson is in a different league from Hart and Mondale, who equivocate about withdrawing all U.S. military personnel from Central America and other key issues." Ross said that CISPES was taking an active part in Jackson's Rainbow Coalition. The *Guardian* reported that Ross "predicted that Jackson would take the movement's peace platform to the Democratic convention." This is in line with the FMLN leadership's plan to use Jackson as a means of injecting its position into the Democrat party.

CISPES then set up its own political action committee, CISPES-PAC, during the summer. Activists were told that the PAC would not contribute directly to candidates, but would produce literature to be used in political campaigns "that call for defeating Reagan."

RELEASED
El Salvador: Human Rights
Special Project (1993)

The FMLN's International Support Apparatus

Working with and through foreign Communist parties and international Soviet front organizations, the FMLN has a worldwide support apparatus claiming over 300 member organizations in at least 42 countries, including the Soviet bloc. Founded in Mexico City in March, 1982, the World Front in Solidarity with the People of El Salvador serves as the international version of CISPES.

The World Front coordinates international events to be conducted simultaneously as part of the solidarity movement for the FMLN, holding meetings every three months. In addition to generating political support for the guerrillas and opposition to the Salvadoran government, the World Front also gathers funds for the FMLN forces which are deposited in a bank account at the Banca Serfin administered by Monsignor Sergio Mendez Arceo, former bishop of Cuernavaca.

The FMLN and FDR maintain offices in Mexico City, which serve as diplomatic headquarters (in contrast to central operational headquarters in the Managua offices). The Mexican government has extended diplomatic support to the FMLN-FDR, and has very close ties to Cuba, enabling Cuban and FMLN-FDR operatives to travel freely between Havana and Mexico City.

The Unified Revolutionary Directorate (DRU), the central political and military planning center for the five Salvadoran guerrilla factions which evolved into the FMLN in 1980 "called for the establishment of solidarity committees in Western Europe, Latin America, Canada, Australia, and New Zealand to serve as propaganda outlets, conduits for aid, and organizers of solidarity meetings and demonstrations," according to an interagency intelligence study published in hearings before the House Select Committee on Intelligence in 1982.[35] Those hearings also revealed that the FDR and the DRU "collaborate closely but not always openly with the Soviets, Cubans and East Europeans. Nevertheless they represent themselves as indigenous, independent organizations in an effort to conceal the Soviet and Cuban role in planning and supporting their activities."[36]

Prior to the formal founding of the World Front, FMLN solidarity committees around the world, "in cooperation with local Communist parties and leftist groups, organized some 70 demonstrations and protests that took place between mid-January and mid-March 1981 in Western Europe, Latin America, Australia and New Zealand. The Cubans and some other Communist parties provided significant support to this DRU effort and to some demonstrations," according to the published report. It continued,

> "Through front and solidarity groups, the Soviets and Cubans tried to assist the Salvadoran leftists in

RELEASED
El Salvador: Human Rights Special Project (1993)

manipulating a range of international operations to gain political legitimacy, support, and humanitarian aid for the insurgents. They specifically targeted the United Nations, the Organization of American States, the Non-Aligned Movement, the European Parliament, the Council of Europe, the International Committee of the Red Cross, and the Catholic Relief Services. The DRU, through the socialist party of El Salvador, also tried to influence the socialist parties in Venezuela, the Dominican Republic, Costa Rica, and other countries to exploit the Socialist International mechanisms as a means of waging a concerted campaign on behalf of the Salvadoran insurgency. The active measures campaign was buttered by intense diplomatic activity on behalf of the insurgents."

In January, 1981, an "El Salvador Will Win" conference was held in Managua, Nicaragua, where 270 participants--including solidarity committee representatives from over 43 countries--attended. In addition to 70 Americans representing the National Network in Solidarity with the Nicaraguan People (Nicaragua Network), the Sandinistas' counterpart of CIPSES, "numerous delegations" from the Soviet Union and Eastern Europe participated, according to official Sandinista sources, which said that "the central theme of the conference was the solidarity of the progressive peoples of the world with the Salvadoran struggle." A highlight of the event was the appearance of FMLN and FDR representatives."[37]

On the diplomatic end, the ruling PRI party in Mexico was instrumental in mustering support for the FMLN within the Socialist International. Traditionally very hostile toward the United States in international politics, Mexico has long cooperated with Castro in supporting Soviet-backed insurgencies in Nicaragua and Guatemala, as well as in El Salvador. Mexico was crucial in getting the support of France, the Socialist International, and liberals in the U.S. Congress to support the FMLN initially. Writer Max Singer said that at one point 100 U.S. congressmen urged the State Department to pay greater attention to Mexico's diplomatic initiatives toward El Salvador, and that in the summer of 1980 Mexican President Jose Lopez Portillo "reportedly promised Castro that when the [FMLN's] planned final offensive in El Salvador was carried out the following January, the Mexican army would conduct maneuvers near the Guatemalan border to discourage the Guatemalan army from interfering" on behalf of El Salvador.[38] A representative of the International Relations Commission of the PRI participated in a World Front event in August, 1983.[39] The PRI's foreign policy was enunciated quite bluntly by Mexican Interior Secretary Manuel Bartlett Diaz, who declared upon his arrival to Moscow leading Mexican delegation to Soviet Premier Konstantin Chernenko's funeral, "The policies of Mexico and the Soviet Union toward Central America coincide."[40]

RELEASED
El Salvador: Human Rights
Special Project (1993)

The World Peace Council: Guardian of the World Front in Solidarity with the People of El Salvador

The World Peace Council is the major force behind the coordinated international "peace" movement, or in the words of its president, Romesh Chandra, it is the "vanguard of the world peace movement."[41] It was a major force behind the international campaign to extract the United States from Southeast Asia, the nuclear freeze movement of the early 1980s, and the current international active measures campaign to end U.S. "intervention" in Central America.[42]

The World Peace Council supports every foreign policy position of the Soviet Union, according to Chandra. At its most recent conference, which was held in October, 1986 in Copenhagen, Denmark, World Peace Council leaders endorsed the USSR's nuclear weapons positions, threw its weight behind the Palestine Liberation Organization (PLO), the African National Congress (ANC), the Provisional Irish Republican Army and the Irish National Liberation Army, the POLISARIO guerrillas of the Western Sahara, the Puerto Rican Macheteros, and the Salvadoran FMLN. The organization also supports the governments of Libya, Vietnam, Kampuchea, Nicaragua, Syria, Cuba, and other revolutionary/communist states.[43]

In the past, the WPC has influenced, led and often controlled international campaigns against the deployment of American nuclear missiles in Europe and has worked through the democratic systems of NATO nations in an attempt to sow discord within the alliance. The WPC has also publicly supported the Soviet invasions of Czechoslovakia and Afghanistan. Chairman Chandra is a politburo member of the Communist Party of India who has been described as "slavish" in his loyalty to Moscow. Chandra has publicly stated that "the World Peace Council. . . positively reacts to all Soviet initiatives in international affairs."[44]

It should come as no surprise, then, that the World Peace Council is funded and controlled by the Soviet government. As one of 13 major international fronts which are directed and financed by the International Department of the Soviet Communist Party Central Committee and the KGB, the WPC has chapters in 130 countries. Its 1980 budget was estimated at $50 million. National WPC chapters are controlled by the local Moscow-line Communist parties.[45]

The U.S. branch of the World Peace Council is the United States Peace Council (USPC), based in New York. The USPC was founded in 1979 and is under the immediate control of the KGB-funded Communist Party USA (CPUSA).[46] Its co-chairman is Eugene "Gus" Newport, the former mayor of Berkeley, California, who is also a vice president of the World Peace Council.[47] (For more

RELEASED
El Salvador: Human Rights Special Project (1993)

information on Newport's work in support of the FMLN, see the section on New El Salvador Today [NEST], and the section on the May 14, 1986 hearings on El Salvador chaired by Congressman Michael Barnes).

U.S. congressmen who have promoted the World Peace Council in Washington include John Conyers (D-MI), Ron Dellums (D-CA), Don Edwards (D-CA), Charles Rangel (D-NY), George Crockett (D-MI), Mickey Leland (D-TX), and Mervyn Dymally (D-CA). In January 1978, Conyers, Dellums, Edwards and Rangel were part of a WPC leadership meeting in Washington, the first time the WPC had had such open access to the U.S. Capitol. It regarded this access as an "outstanding landmark in WPC history." The WPC delegation included Chandra, Oleg Kharkhardin of the CPSU Central Committee International Department, and KGB Colonel Radomir Bogdanov.[48]

Congressman Edward Boland (D-MA), in his capacity as chairman of the House Intelligence Committee, covered up for his colleagues in hearings on Soviet active measures in July, 1982.[49] As evidence of Soviet active measures operations in Washington, the Committee reprinted a 48-page brochure published by the WPC to publicize its visit to Congress. However, before the Intelligence Committee staff reprinted the document, they doctored it to erase any evidence of involvement by Boland's liberal colleagues in Congress and other liberal political leaders and activists. The reprint appeared in the published hearings as Exhibit XI, but pages 3, 4, 12, 13, 14, 18, 19, 21, 23, 45, 46, 47 and 48--which mentioned work with Congress--had been omitted. In order to disguise this from the public, Boland's staff cut out the page numbers from the remaining pages.[50] To someone who had never seen the original document, nothing appeared unusual in the Committee reprint.

In May, 1981, Conyers, Edwards, Crockett, Weiss, Leland and Dymally organized a meeting in the Rayburn House Office Building for WPC Chairman Chandra to lobby Members of Congress.[51] In January, 1982, Conyers flew to Copenhagen for a WPC meeting, and in June, 1983, Leland flew to Prague, Czechoslovakia for another WPC conference.[52] Congressman Crockett sponsored the WPC's 1986 "People's Peace Treaty" for a Soviet-initiated nuclear test ban proposal.[53] In October that year, Senator Edward Kennedy (D-MA) and Congressman Dellums extended public greetings to the WPC's World Peace Congress in Denmark.[54] Dellums and Congressman Gus Savage (D-IL) were to have attended that event, but legislative priorities prevented them from going. Dellums' administrative assistant Carlottia Scott did attend as part of the U.S. delegation.[55]

RELEASED
El Salvador: Human Rights
Special Project (1993)

The founding of the World Front

FMLN-FDR leaders and their core of international supporters sponsored a conference in Mexico City to form the World Front in

Solidarity with the People of El Salvador from March 26-28, 1982, to coincide with the constituent assembly elections in El Salvador.[56] The FMLN-FDR had refused to participate in those elections. (Note: It is of interest that the founding of the World Front coincided with the date of the elections; the day after the FMLN had been founded in October, 1980, CISPES held its founding conference). In the course of the FMLN-FDR's election boycott, its guerrillas attempted to disrupt the voting process by attacking polling places and intimidating the population.[57] Nevertheless, over 80 percent of the population participated in the elections in repudiation of the FMLN-FDR, and several people were shot by the FMLN as they stood in line to vote.[58]

CISPES organized a nationwide series of demonstrations against the Salvadoran elections on March 27, 1982, and coincided with the World Front's founding conference. A brochure against the Salvadoran elections captioned, "March 27: At The Crossroads," featured on its cover a group of CISPES demonstrators carrying a banner which proclaimed, "FDR is the only representative of the Salvadoran people." Inside, CISPES called the elections "just one of a series of smokescreens that the U.S. has used to justify its intervention in El Salvador." The other two "smokescreens" were land reform ("more peasants were getting assassinated than receiving titles to land"), and "alleged 'Soviet/Cuban/Nicaraguan interference,'" which "has turned into a mockery."[59]

The CISPES literature noted the founding of the World Front:

> "People all over the world are organizing against U.S. intervention in Central America and in favor of peace and self-determination. Solidarity networks from countries in several continents are meeting this week-end in Mexico City to forge a world-wide front against U.S. intervention and in solidarity with the people of El Salvador."[60]

CISPES used the Mexican position to add credibility to its own propaganda: "Most European countries, and many in Latin America, have criticized Reagan's El Salvador policy, and are supporting Mexican President Jose Lopez Portillo's peace plan calling for negotiations with the FMLN-FDR and separate negotiations to defuse U.S. tensions with Cuba and Nicaragua."[61]

American CISPES leadership in Mexico City joined with officials from the Cuban Communist Party, the Palestine Liberation Organization (PLO) and others to form the core of the World Front. Among the members of the Permanent Bureau of the World Front were, at the time, Alexandra "Sandy" Pollack of the politburo of the Communist Party USA and on the CISPES advisory board, and CISPES national director Heidi Tarver.[62] It will be recalled that Salvadoran Communist Party agent and CISPES organizer Farid Handal identified Pollack as the "solidarity coordinator of the U.S. Peace Council," and his main contact in New York.

RELEASED
El Salvador: Human Rights Special Project (1993)

The founding President of the World Front was Bill Zimmerman,[63] who also chairs Medical Aid for El Salvador (MAES), a CISPES affiliate which raises money and medical supplies in the United States which is funneled through Mexico City for the FMLN. (See section on Medical Aid for El Salvador). Zimmerman led a similar group called Medical Aid for Indochina to channel aid to the Vietcong during the Vietnam war.[64]

Other board members of the World Front included Monsignor Sergio Mendez Arceo of Cuernavaca, who manages FMLN bank accounts in Mexico City; Massoun Kassawat of the Organization of Solidarity of the Peoples of Africa, Asia and Latin America (OSPAAL), a Soviet front based in Cuba which was organized at the 1966 Tricontinental Conference in Havana serves as a support apparatus for international terrorist and subversive organizations supported by Cuba; Jorge Gallardo of the Cuban Institute for Friendship with the Peoples (ICAP), a front for the Americas Department of the Cuban Communist Party; Jesus Escandel, a Cuban representing another Soviet front, the World Federation of Trade Unions (WFTU); Ahmad Zobeh, the PLO's representative in Mexico, as well as Andres Fabregas of Mexico, Josefina Finders of the Netherlands, Antonio Silva of Portugal, Julio Escalona of Venezuela, Lucia Pavletich of Peru, Willy Rosenbaum of France, Hans Aalborg of Denmark, and Bob Morgan of Great Britain.[65]

This meeting marked the creation of the specific international front in support of the FMLN. However, coordination of worldwide activities on behalf of the FMLN predated the Mexico conference, as anti-U.S. and pro-FMLN demonstrations were held around the world on March 27, 1982: In Berlin, Frankfurt, Rotterdam, Mexico City, Bern, Stockholm, Luxembourg, Toronto, Calgary, London, Sao Paulo and Tel Aviv, in addition to those organized by CISPES in the United States. All were officially sponsored by local "Committees for Solidarity with the Salvadoran People."[66] The interagency study published by the House Intelligence Committee concluded, "The decidedly anti-U.S. cast to these demonstrations, their timing, and their international scale suggest that the Soviet Union or one of its fronts was behind the protests."[67]

The World Front executive committee holds quarterly meetings to monitor, organize and coordinate international campaigns. These meetings are attended by the CISPES national coordinator or a personal representative of the coordinator. The World Front's second executive committee meeting was held in Managua, Nicaragua, in September 1982. CISPES activists are urged to send triplicate copies of their literature to the national office so that the national CISPES office can send progress reports and information packets to the World Front meetings.

RELEASED
El Salvador: Human Rights
Special Project (1993)

RELEASED
El Salvador: Human Rights
Special Project (1993)

International Campaigns of the World Front

The official newsletter of the World Front in Solidarity with the People of El Salvador, *Frente Mundial*, says that there are national chapters in 42 countries, and informal networks in no less than 13 other countries, including within the Soviet bloc and in Third World Communist states allied with the USSR where political organization can function only with official party approval.

As of September, 1983, the World Front reported that it had formal campaigns in Albania, Angola, Australia, Austria, Belgium, Bolivia, Brazil, Canada, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Finland, France, Great Britain, Greece, Grenada, Hungary, Italy, Jamaica, Japan, Luxembourg, Mexico, Mozambique, the Netherlands, Nicaragua, Norway, Panama, Peru, Portugal, Spain, Sweden, Switzerland, United States, Venezuela, Vietnam, West Germany, and Yugoslavia. Countries listed as having an existing "solidarity movement with the people of Central America" but which did not have formal members of the World Front were Bulgaria, Egypt, Guyana, Libya, Morocco, New Zealand, North Korea, Philippines, Poland, Romania, South Yemen and Suriname.[68]

World Front's role in Soviet active measures strategy

The activities of the World Front and its cast of actors fit the description of objectives of all Soviet active measures operations, which are best summed up by Tufts University Professor Richard Shultz and Georgetown University Professor Roy Godson in their book *Dezinformatsia: Active Measures in Soviet Strategy* :[69]

"1. To influence American, European, and world public opinion to believe that U.S. military and political policies are the major cause of international conflict and crisis.

"2. To demonstrate that the United States is an aggressive, militaristic, and imperialistic power.

"3. To isolate the United States from its friends and allies (especially those in NATO), and to discredit those states which cooperate with the United States.

"4. To discredit U.S. and NATO military and intelligence establishments.

"5. To demonstrate that the policies and objectives of the United States are incompatible with those of the under-developed nations.

"6. To confuse world pubic opinion concerning Soviet global ambitions, creating a favorable environment for Soviet

foreign policy."

On the international scale, the World Front in Solidarity with the People of El Salvador serves to promote the FMLN worldwide and to discredit El Salvador's fledgling democratic government. More than that, it falsely portrays American policy in the region as a brutal one of propping up corrupt dictators without any regard for human rights. In turn, this discredits U.S. foreign policy in general, at a sensitive time when U.S. nuclear missiles were being placed to counter Soviet missiles already aimed at Western Europe, and currently as the United States is cultivating international support for its Strategic Defense Initiative. Most NATO allies are critical of U.S. policy in El Salvador.

Attention is thus centered on U.S. policy, while Soviet and Cuban subversion there and elsewhere is discounted or unnoticed. Leftist political leaders also point to alleged U.S. transgressions which they use to put Washington on par with Moscow.

RELEASED
El Salvador: Human Rights
Special Project (1993)

Guerrillas Proposed Raising Money Through Humanitarian Fronts

Even before uniting under the FMLN umbrella, the guerrillas set up humanitarian front organizations through which cash and supplies could be raised from foreign relief organizations. Documents captured from the FMLN and released by the State Department in 1981 reveal a sophisticated and successful plan to raise private funds from the West. Their Soviet-bloc allies, it turned out, gave the guerrillas plenty of military supplies and training, but were cheap when it came to giving them badly-needed dollars. (See footnote 11)

Before beginning this section, it is necessary to point out that the U.S. groups in question, aided by CIA defector Philip Agee, denounced the captured documents as forgeries. However, the State Department has consistently defended their authenticity, and revelations over the past six years confirmed the genuine nature of their contents.

In 1979, the Salvadoran Communist Party set up a front called the Ecumenical Committee of Humanitarian Aid (CEAH), raising over half a million dollars over the following seven months. The documents show that the PCS front received $170,575 from the World Council of Churches, $154,254 from the Catholic Relief Service, $62,230 from Oxfam-America, and $16,351 from "United Churches." In October, 1980, the month the FMLN was formed, the World Council of Churches approved another $500,000 grant for CEAH, according to a note signed by Angel V. Peiro, the World Council of Churches' subsecretary for American Aid and Caribbean [Affairs] of the Commission for Inter-Ecclesiastical Aid of the Refugees and World Service.[70]

After the FMLN unified the guerrilla groups, the FPL faction drew up an expanded aid proposal which was considered and approved by the Unified Revolutionary Directorate (DRU), the decision-making body of the FMLN.[71] The proposal sought "to capture the maximum help for humanitarian purposes in benefit of the revolutionary process," and proposed the merger of CEAH and another humanitarian front into a body called the "Salvadoran Ecumenical Committee of Humanitarian Aid," or CESAH.

RELEASED
El Salvador: Human Rights
Special Project (1993)

The contents of the document

The document speaks for itself, implying in the opening paragraph that some of the humanitarian aid would be used for the purchase of weapons: it would be a "single, 'apolitical,' ecclesiastical-humanitarian group that will guarantee the international financial agencies good administration [of funds] for victims of repression and will appear to such agencies to be incapable of using any of the funds to purchase arms."[72]

"This group should appear to be directed by persons who are not publicly identified with any revolutionary organization and who inspire confidence among ecclesiastical institutions such as the Archbishopric, Protestant churches, Catholic schools, orders of nuns and priests, etc. This would make it possible for such institutions to participate in the group and make available their many facilities (premises, vehicles, etc.) that might be used in connection with shelters, storehouses, hospitals, etc.

"This group should not only serve the revolutionary process but should be under the control of the DRU.

"The foregoing conditions may be met by creating a structure that is under the control of the DRU subcommittee on obtaining international funds. Control over the humanitarian group will be ensured by the subcommittee's direct contact with those who are in charge of the aid or who occupy key positions in carrying out the group's activities. All these must be militants of revolutionary organizations, but not known as such. In addition, an effort will be made to influence indirectly those who appear, on the surface, to be the highest authorities. This must be done with a good deal of tact so that those less progressive institutions of persons whose participation is desirable because they attract much foreign and domestic aid will not cease to participate."

The document then proposed that CEAH merge with the Salvadoran Ecumenical Council (CES) into CESAH, in part because it would resolve conflicts between the two groups and thereby enable more funds to be drawn from abroad. It would be ecumenical in order to attract contributions from the widest number of religious and other organizations. CESAH's sole role, the proposal said, would be to raise money for humanitarian purposes; it would issue no denunciations of the Salvadoran government in order to appear non-political and thereby maintain appeal while avoiding negative attention. The political statements, said the document, would come from the Non-Governmental Human Rights Commission (CDHES) and *Socorro Juridico,* the Legal Aid office of the Archdiocese--two groups that would later be revealed as FMLN fronts themselves.[73]

Care would be taken to mask CESAH's true connections. This would be done through using unwitting individuals in various churches by giving them high-level positions which really had little power. Leading CESAH's bureaucracy would be an assembly consisting of two representatives of each member organization.

The document explained, "According to the bylaws, the assembly would be the highest authority and would have no organic connection with the DRU. In practice, inasmuch as it is a very large bureaucratic group that meets every three months, its influence would be minimal. It would only provide general guidance. The importance of this assembly, which will be as numerous as possible, is to provide effective cover for the committee that will generate

RELEASED
El Salvador: Human Rights
Special Project

confidence, both in El Salvador and abroad, and will make it difficult for the government to prevent the receipt of foreign aid (medicines, food, money, etc.)."

In the results of the CISPES founding conference in Washington, the same concern was expressed. The "work plan" outlined earlier stated that CISPES would "pressure the governments of the U.S. and El Salvador" to "assure the neutrality and protection of humanitarian relief efforts," indicating concern that there would be a crackdown on private groups sending aid destined for the FMLN.

Similarly the CESAH board of directors, to have ranked below the assembly in the hierarchy, would also consist of well-known, respectable people who had little actual power within the organization. "The board of directors," the proposal said, "will consist of representatives of institutions that are best known abroad and thus make it easier to gain the confidence of funding agencies. . . These representatives should also be persons who have the trust and respect of the bishops; the bishops will then refrain from interfering in CESAH policy or, if they should interfere, the representatives would be able to stop the interference without having to break with the bishops." But while the board would have the ability to hold concerned bishops at bay, it would have no real influence within CESAH. The document continued, "Although the board members will appear to occupy key positions in the bylaws, they will not be the persons who, in practices, wield the real power in CESAH; they will be very busy persons who can only consider CESAH matters every couple of weeks. . . . The importance of the board of directors is also to privide cover and decoration for CESAH, to make it trustworthy and attractive without obstructing its real function."

Politically reliable candidates on the board were important. The designated guerrilla contact in the Archbishopric was Father Octavio Cruz. The proposal said, "We see no need to question this appointment since he sympathizes with the revolutionary organizations without being organized [without being an official member of an organized revolutionary group?] and he would let us act in CESAH without protesting." In 1987, Father Cruz was identified by former FMLN member Luz Janet Alfaro as a member of the FPL guerrilla faction and as the chief point of contact for the FMLN inside the Archbishopric. Father Cruz, to have been named chairman of CESAH, would have an important role to play in the FMLN fundraising apparatus.

While San Salvador's Archbishop Arturo Rivera y Damas was highly critical of the government, he never supported the guerrillas. An additional impediment to his possible interference was to be the inclusion of the Protestant churches. This presence, the document said, "ensures that Monsignor Rivera cannot act fully in CESAH policy and that the Protestant funding agencies will cooperate more readily."

RELEASED
El Salvador: Human Rights
Special Project (1993)

Representatives of the Confederation of Religious Orders and the local Catholic schools would also be on the CESAH board. The schools, especially the Universidad Centroamericana (UCA), were hotbeds of pro-FMLN faculty. The guerrilla proposal noted, "It is important that CESAH attract and incorporate this sector of the Catholic Church because it has a great deal of infrastructure and a certain autonomy from the Archbishopric." The director of the Sacred Heart school, whom the guerrillas identified as a supporter, was to become public relations director for the fundraising front, because "she sympathizes with the revolutionary movement without being a member of any organization and she is capable of opposing any effort by the Archbishop to change CESAH." It was suggested that she oversee a CESAH bulletin to be distributed to "collaborators and solidarity committees. The bulletin will point the increasing and specific needs for greater aid, particularly international aid."

The individual to have actual power within CESAH would be the executive secretary, who would also be t e only board member to work full-time at the CESAH office: *"He will be greatly responsible for channeling the aid to the revolutionary process. . . To accomplish this, it will suffice for him to submit exact reports to them on what has been distributed, always stating that it has been distributed to the people, the victims of the repression."* (emphasis added) In other words, the executive secretary would prepare false financial reports to deceive the board of directors, while channeling the money to the FMLN. It would be a sensitive position, and "should be held by a tested militant, a member of a revolutionary organization who is in constant contact with the DRU subcommittee for obtaining international funds, and a member of that subcommittee," the document said. "His political militance should not be publicly known."

There would be several committees to oversee certain CESAH projects. The leaders of most committees, the proposal went on, either would be "militants" of revolutionary groups, "or at least proven sympathizers" who "will work full time with the CESAH. They will directly organize distribution of the aid. Their militance must not be publicly known."

These committees would be centered around health and social welfare, to include a Pharmacy Committee to bring in medicines, a Medical Assistance Committee for building clinics, a First Aid Training Committee, a Stores Committee to gather and distribute clothing and supplies, a Shelters Committee, and an Indemnization Committee apparently supporting family members of the guerrillas. The document was plain about the purpose of these committees:

"The economic aid, clothing, food, medicines, etc., will be channeled through these committees to the combatants. However, we should not ignore persons who seek refuge in the shelters or request aid and who are not members of an organized group since it will be part of our cover to provide such assistance.

RELEASED
El Salvador: Human Rights
Special Project (1993)

"Funds will be channeled to the revolutionary organizations through contact between the CESAH committees and the health and social welfare coordinators, in accordance with the rules established by the DRU subcommittee on obtaining funds. Care should be taken that the coordination between the committees and the collaborators does not become publicly known." (emphasis added)

For this operation to succeed over the long term, the document continued, the "internal structure" of the fundraising organization had to function in a disciplined manner and would be completely under the control of the FMLN's DRU governing body. The internal structure was described as follows:

"The subcommittee for the acquisition of international funds shall be composed of the leaders of these subcommittees or teams of the various organizations that make up the DRU.

"Its purpose will be to administer the acquisition and channeling of the funds obtained by the CESAH so that they will benefit the DRU and the FDR. *In a word, it will be responsible for the financing of the revolution."* (emphasis added) Over time, the subcommittee members would attempt to win over non-committed members of the powerless board of directors "and incorporate them as soon as possible, until at least a majority of them will be following subcommittee policies."

Actual refugees in need of assistance were to be CESAH's last priority, according to the planners. The revolutionary units came first, and would have to submit requests to CESAH for funds. The document warned, "It is very important that the revolutionary organizations endeavor to channel their petitions to the CESAH only through the coordinating units, because that is the only way in which the distribution of foreign humanitarian assistance can be centralized and carried out in proportion to the organizations' actual needs.

"These coordinating units will also expedite and enhance the effectiveness of CESAH's service to the revolutionary organizations *and will prevent CESAH from giving preferential assistance to fleeing segments of the population, to the detriment of the fighting segment."*

A specific section of the proposal was reserved for dealing with American support groups. As a large resource of money and supplies, solidarity groups in the United States would have to set up specialized fundraising campaigns, along the lines of refugee subsistence, family support, medicine, food, hospitals and support for "exiles." "Collections made abroad in churches and solidarity committees for the purpose of meeting the urgent need [of] humanitarian assistance for the Salvadoran people" were one method of fundraising, the proposal said. "Such collections shall be encouraged by CESAH by disseminating information about the needs

RELEASED
El Salvador: Human Rights
Special Project (1993)

and nature of CESAH"; however, it should be "information that does not compromise too deeply persons who cooperate with CESAH, but which is likely to promote international solidarity."

Transfer of cash from the U.S.

Under the subheading "Mechanisms for transferring donations from abroad," the document explained,

> "There shall be two dollar checking accounts in the name of CESAH in Panama or in Mexico. One of the accounts shall be used to channel cash from the [humanitarian] agencies. The number of the latter account shall not appear in literature distributed during the conduct of the collections. In contrast, the other account number shall be used precisely to channel donations made by people abroad. The account number shall be disseminated widely. Both accounts shall be in the names of renowned persons and institutions who are completely trustworth to the donors and who guarantee that they will transfer to CESAH the cash deposited in the accounts in its entirety. It is recommended that the accounts be in the name of famous bishops or pastors who are committed to serve the people. In short it should be Mendez Arceo in Mexico for the public account."

Sergio Mendez Arceo is the former bishop of Cuernavaca, Mexico and a longtime supporter of Marxist-Leninist revolutionary causes. He is a member of the directorate of the World Front in Solidarity with the People of El Salvador and is an honorary president of the World Peace Council.[74] Mendez Arceo was denounced by the leader of the Mexican Catholic Bishops Conference as misrepresenting the position of the church.[75] As will be outlined, it is through Mendez Arceo that funds raised by CISPES and its affiliates are channeled to the FMLN.

The fundraising proposal explained how the money would be laundered from the accounts to the FMLN: "The manner in which the cash deposited in these two accounts shall be transferred to El Salvador shall be by bank drafts of about ten thousand dollars each made out to members or collaborators of CESAH. A different name shall be used each time. These drafts should preferably be hand-carried by trustworthy persons."[76]

This document and the Farid Handal diary created quite a controversy when they were made public in 1981. UPI wrote an article about the documents which appeared in the 26 April 1981 *Boston Globe* under the headline, "Did aid funds go to Salvador rebels?" The article and the State Department were denounced in several press conferences and public statements by the groups named in the documents, such as Oxfam, the World Council of Churches, Church World Services (an arm of the National Council of Churches) and Catholic Relief Services. It was subsequently reported that

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El Salvador: Human Rights
Special Project (1993)

UPI editor in chief H. L. Stevenson publicly apologized for UPI's not having contacted the groups in question when writing the article.[77] Nevertheless, UPI did not retract the story.

However, despite the protests of the groups involved, at least three of them, the World Council of Churches, the National Council of Churches and Oxfam, were supporting the FMLN politically at the time. To add further doubt to the credibility of claims that the documents were false is the fact that one of the most prolific attackers of the documents was Philip Agee, a former CIA operative who defected and has since dedicated his life to discrediting the U.S. government and destroying American intelligence operations. One of the West's top experts on Soviet active measures, former Czech disinformation chief Ladislaw Bittman of Boston University, says that Agee has actively "participated in Soviet disinformation campaigns" against the U.S. intelligence community.[78] Agee was quoted by the *New York Times* as saying, "I aspire to be a Communist and revolutionary,"[79] has praised the Soviet KGB,[80] and publicly acknowledged in his first anti-CIA book *Inside the Company: CIA Diary* that he relied on the Communist Party of Cuba for source material.[81]

This notwithstanding, subsequent statements over the next few years by Oxfam, CISPES, the U.S. Peace Council and other aid groups have proven beyond reasonable doubt that those documents were genuine. These statements have been used as source material throughout this study and are a matter of public record. While critics of the 1980 Farid Handal document denied any CPUSA involvement in the formation of CISPES, for example, the 1986 U.S. Peace Council biography of CPUSA operative Sandy Pollack confirmed the relationship. CISPES and Oxfam-America promote each other's material and cosponsor the same pro-FMLN and pro-Sandinista demonstrations and political events, bringing into question the veracity of Oxfam's denials.

In October 1981, Oxfam's Central America Task Force chairman Laurence R. Simon angrily challenged an article which mentioned Oxfam's aid to the guerrillas. "Oxfam is not named in any captured document describing guerrilla activity," Simon snapped, and followed up with, "the U.S. State Department is not making that claim. . ."[82] Perhaps despite Oxfam's official political support for the FMLN, Mr. Simon honestly believed that his group was not financing the guerrillas. This seems reasonable, as the fundraising system designed by the FMLN was elaborately designed to conceal its true function, even from its own board of directors and Archbishop Rivera y Damas. Simon finished, "Our funds in El Salvador are committed and used for the care of persons displaced by the civil war [sic]. The refugee organizations we are funding have the strong and continuing backing of acting Archbishop Rivera y Damas." Simon sent a copy of his letter to Oxfam's attorneys. But the reporter made no retraction, and Oxfam took no legal action.

RELEASED
El Salvador: Human Rights
Special Project (1993)

One of the reasons given for believing that the document was false was that nobody had ever heard of a group called CESAH. The document, though, was a proposal, and the final result was subject to change. Rev. Paul F. McCleary of the United Methodist Church and an officer of the Church World Service said that in January 1981, CEAH merged with the "much larger official Catholic relief group," CES. This merger was known as ASESAH, through which "nearly all worldwide relief efforts" were being coordinated in early 1981.[83]

An evangelical group from Texas visited the ASESAH office in late 1981, and reported that it was managed by Fr. Octavio Cruz in the archbishopric.[84] This evidence shows that the document in question was accurate:

1. CEAH and CES did merge into a new group.

2. The merger took place in January 1981, less than a month after the guerrilla proposal was written.

3. The new group was based in the archbishopric and managed by Father Cruz, who had been designated as such in the guerrilla proposal.

(ASESAH changed its name shortly after. Oxfam reported in its Spring 1983 newsletter that it gave $50,000 to DIACONIA, which it says was "formerly ASESAH." See section on Oxfam-America.)

RELEASED
El Salvador: Human Rights
Special Project (1993)

Development of the FMLN's private fundraising system

[Author's note: This chapter is a copy the text of a diplomatic cable from the U.S. Embassy in El Salvador to the Secretary of State in Washington. The cable number is SS10058, and is dated 18 July 1986. Its title is "Guerrilla Finances--Where Does The Money Come From?" It was originally classified "Confidential," but was declassified by the U.S. Embassy in San Salvador. The bureaucratic sections of the cable, including the numbering of each section, have been deleted for ease in reading as a text. The author made the editorial decision to insert certain items for clarity; these additions are plainly marked in brackets. All other information contained herein, including subheadings, is from the original cable].

Since 1980, the Farabundo Marti National Liberation Front (FMLN) has conducted a widespread guerrilla war that has proved costly in human and material terms. The FMLN receives most of its arms through Nicaragua and other Communist bloc countries. However, the bulk of its funds come from donations collected in western democracies as well as funds channeled to it by sympathetic human rights groups, unions, and elements in the Catholic church. The FMLN supplements this income with contributions from the socialist bloc and local Salvadoran collaborators and income obtained from kidnappings and the collection of "war taxes." Western donations have declined in the last two years, while the support of socialist states remains static. To cover the resulting budgetary shortfall, the FMLN has increasingly resorted to banditry, extortion, and kidnapping, the primary funding sources of the 1970s. In the absence of new sources of funding, we may expect these activities to increase substantially in the near future.

Much of the information for this report came from an interview with former FMLN guerrilla leader Miguel Castellanos, who served on the finance committee of the Popular Forces of Liberation (FPL) in 1978 [a major faction of the FMLN] and defected from the movement in 1985. Additional information was provided from the documents captured in April 1985 with Nidia Diaz, comandante of the Revolutionary Party of Central American Workers (PRTC)--another of the five organizations making up the FMLN. Salvadorans who were victims of guerrilla extortion also provided firsthand accounts of guerrilla fund-raising efforts. . . .

Guerrilla Finance in the Seventies.

During the seventies, the Salvadoran insurgency was a small urban-based force which relied on terrorizing the political and economic elite for most of its funds. Due to its small size, guerrilla financial

requirements for food, housing, and other recurring costs were

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El Salvador: Human Rights
Special Project (1993)

modest; however, the guerrillas had to purchase their arms on the high-priced world market. The guerrillas acquired most of their funds from kidnappings conducted in San Salvador. This enabled them simultaneously to support themselves and to terrorize the urban rich.

The Transformation to Guerrilla Warfare: An Expensive Proposition.

Spurred by government and right-wing repressive measures, the FMLN was transformed from a self-sustaining urban force into a large, rural-based guerrilla army. This dramatically altered the nature of their fiscal requirements. From 1980 onward, the guerrillas no longer had to worry about financing the purchase of arms and ammunition. Munitions flowed in quantity from Nicaragua and other Communist bloc countries. The FMLN had only to guarantee the safe passage of the weapons. At the same time, however, guerrilla leaders found themselves confronted with millions of dollars of expenses to provision their rapidly expanding army.

Where does the money go?

The documents captured in April 1985 with PRTC comandante Nidia Diaz included a number of financial documents, among which was an estimated budget for 1984. Projected annual expenditures for 19845 for the PRTC alone were about $580 thousand. Housing, food, and health-related expenditures accounted for the bulk of the projected outlays. The PRTC also budgeted $10,200 yearly for trips to obtain external financing, $15,200 to cover overseas subscriptions to newspapers and magazines, and $300 for international phone calls. Funds were also required to purchase and fuel vehicles and buy other provisions and supplies.

Support From the East--Let Them Eat Rifles

The guerrilla organizations originally planned to obtain the bulk of their funds from "fraternal" socialist states. To their dismay, although weapons were provided, only Cuba, Libya, and to a lesser extent, Nicaragua were responsive to requests for money. According to Castellanos, Facundo Guardado, a member of the FPL and of the finance committee of the FMLN, visited Libya in 1981. During his visit, Col. Muamar Gaddafi [sic] offered the FMLN $4 million in direct assistance. By 1984, at least $2 million had been delivered. East Germany, in contrast, offered only uniforms and medicine to the guerrillas. The Soviet Union ignored all direct requests for help, preferring to channel its assistance through Cuba. The extent of past (and current) Soviet assistance to the FMLN is therefore very difficult to estimate.

Direct Fund-Raising Efforts in the West.

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El Salvador: Human Rights Special Project (1993)

The Western democracies became the largest source of cash for the guerrilla[s] during the 1980s. The various constituent fronts of the FMLN and its political ally, the Revolutionary Democratic Front (FDR) set up "solidarity" organizations in western Europe, the United States, Canada, and other Latin American countries. In churches and town halls, on campuses and street corners, these support groups painted a horrific picture of government oppression and portrayed the FMLN-FDR as a force for positive change. The resulting funds soon became the most important source of income for the FMLN, raising millions of dollars in hard currency. In 1982, for example, the "Arms for El Salvador" campaign in West Germany raised approximately $2 million for the Popular Forces of Liberation (FPL).

From FMLN Records.

The documents captured with Nidia Diaz clearly reflect the dominant role of external funding as a source of guerrilla financing. One of the documents, dated April 10, 1984, provided a complete accounting of PRTC dollar and *colon* [local Salvadoran currency] accounts in 1983. During 1983, 93 percent of the PRTC's total annual revenues came from direct dollar donations. According to the captured financial records, total dollar receipts came to $389,954. The PRTC during 1983/84 was the smallest of the guerrilla armies, and probably represented less than 10 percent of the total guerrilla combatants in El Salvador. Assuming other guerrilla organizations received similar levels of direct dollar contributions from western sources relative to the size of their groups, we conservatively estimate that at least $4 million was donated to the FMLN in 1983.

Development Projects--To Feed Hungry Guerrillas.

In addition to the direct contributions which were openly associated with the leftist cause, the FMLN-FDR set itself up in the economic development business, then proceeded to siphon off the bulk of the project assistance to FMLN combatants. Former FMLN comandante Castellanos has provided a detailed explanation of how these organizations function. In 1981, Guillermo Ungo's National Revolutionary Movement (MNR--one of three parties belonging to the FDR) founded the Social Action Investment Center (CIAS) [Centro de Investigacion y Accion Social]. The CIAS collected donations from humanitarian organizations and the general public specifically to support FMLN projects in El Salvador. The projects were in areas of strong FMLN persistence and directed to their "masas" support base. A typical project involved the purchase of seed and fertilizer for peasant followers of the FPL. According to Castellanos, many of the projects were fictitious, created to impress westerners with the FPL's technical sophistication, compassion, and economic need. Only about 30 percent of these donations actually reached the projects; the FPL used the other 70 percent to maintain its combatants.

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El Salvador: Human Rights
Special Project (1993)

The success of the CIAS-FPL effort encouraged other FMLN groups to tap private development assistance funds to support their war efforts. The proliferation of these groups and the FMLN's greed to mine this rich and easy vein was counterproductive. So little care was taken to maintain the facade of requesting funds for legitimate development projects that, in at least one case, two different guerrilla groups presented virtually identical project proposals to the same international group. The CIAS and the other "development" front groups eventually lost credibility in the West. Donor agencies began to require detailed accounting of the use of their funds, including photographs of the projects and copies of receipts. The ability of the CIAS to collect funds for the FPL diminished in 1984, and it was eventually disbanded.

More From Nidia Diaz.

The Nidia Diaz documents reflect that the PRTC also milked the development projects as a source of finance. The *colon* account shows receipts of $21,998.50 from "projects" in 1983, or five percent of total PRTC revenues. The same April 1984 report projects a budget for 1984 and lists as a method to obtain funds "an increase in projects proposed to CIAS, DIACONIA, and other sources." The picture had clearly changed by 1985. In a section entitled "The Humanitarian Source," a document explaining financing sources dated 16 March 1985 and addressed to front commanders cynically states that "in the last few years a good quantity of funds from these agencies has been received by presenting projects that need developing in various zones. . . . It is essential to develop the projects in an effective way since reports have to be furnished in case of a visit from the agencies. Not being able to show proof, we lose credibility and cut ourselves off from the possibility of receiving more resources."

The Church Steps In.

With the discrediting of CIAS and other guerrilla-front development agencies, the Catholic church, through DIACONIA, became a leading management agency for funneling private development donations to qualified projects. According to Castellanos, the church's involvement brought with it much tighter controls over the use of the funds. For example, the church-sponsored projects required the approval of local parish priests. The closer controls effectively stymied widespread guerrilla appropriation of the project funds. Castellanos said there were constant complaints within the FMLN because the church allowed too little for FMLN projects.

[Note: A central organization in El Salvador called DIACONIA collects funds raised through international churches and private groups such as Oxfam. DIACONIA, which has been described as "the central reserve bank of the FMLN," is directed by church activists

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El Salvador: Human Rights
Special Project (1993)

who are members of various FMLN factions and is considered an FMLN front. Not all church groups within DIACONIA are Marxist, but non-Marxists exercise no control over the body. (see chart)

[According to a study of FMLN "human rights" fronts based on evidence provided by former FMLN members Luz Janet Alfaro and Dora Angelica Campos, the DIACONIA leadership is as follows:

> *"The Lutheran Church, with Reverend Medardo Gomez, who belongs to the Salvadoran Communist Party (PCS), as one of its representatives; the Emmanuel Baptist Church, with Brother Juan Sanchez, who is a militant in the Resistencia Nacional (RN); the Catholic Church, its representative Father Octavio Cruz, also a militant in the Popular Liberation Forces (FPL); the Episcopal Church with its representative Brito Bertiz, who does not aid any specific organization, but all of them considered 'democratic'; and finally the Federation of Cooperatives called FUNFROCOP, led by Dimas Vanegas, militant of the Salvadoran Communist Party (PCS)."*[85]

[Apparently, most international organizations donating to DIACONIA are either unaware of its FMLN ties or have no objection to such ties. DIACONIA reportedly prepares false invoices to show to officials of foreign donor organizations to justify expenses, and presents supposed recipients of such aid who are, in reality, FMLN members or supporters. It is estimated that only 10 percent of the funds given to DIACONIA are utilized for genuine relief purposes, with the remaining 90 percent going directly to the FMLN-FDR.][86]

The "Human Rights" Link.

As a consequence of the diminution of project funding, the FMLN fronts were forced to create new, more credible fund-raising organizations in the West. Some of these groups--CRIPDES (Christian Committee for the Displaced of El Salvador), CDHES (Non-Governmental Human Rights Commission of El Salvador), COMADRES (Committee of Mothers and Relatives of Political Prisoners, Disappeared and Assassinated of El Salvador Monsignor Oscar Romero), and CONIP (National Coordinating Conference of the Popular Church) were essentially reconstructed versions of the CIAS--they solicited funds for humanitarian efforts and channeled the funds to FMLN fronts. Some of these groups have recently lost credibility as well--particulaly since the recent defection and public testimony of two of their members in June [1986]--and they will likely be reincarnated under new names, according to Castellanos.

Labor Organizations Channel Funds to [the] Guerrilla[s]

The guerrillas have found that they can obtain a substantial amount of capital from donations from labor unions which they control. Groups like FENASTRAS (National Federation of Workers'

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El Salvador: Human Rights Special Project (1993)

Unions), FUSS (United Federation of Salvadoran Workers), ASIES (Independent Union Association of El Salvador), ANDES (National Association of Salvadoran Educators--21st of June), and COACES (Confederation of Cooperative Associations of El Salvador) all channel western donations to the FPL. As "representatives" of the Salvadoran working class, these organizations attract sympathy and support from many westerners who would not consciously assist a communist insurgency. Castellanos stated that the wife of French President Francois Mitterrand provided ANDES with $40,000 in 1984, much of which found its way to the FPL's coffers. Castellanos estimates that the FPL receives about 50 percent of the funds donated by the West to labor groups like ANDES.

Auxiliary Funding Sources.

Assistance from abroad, though substantial, has never provided enough money to fund the guerrilla effort completely. The guerrillas have thus found it necessary to supplement their income with local means of support. Relying on local sources for each month's revenue is not possible, as a memo which accompanied the PRTC's 10 April 1984 financial report noted. Flows may be relatively strong one month, then dry up completely the next. Unlike the external financing and the project financing, which are centrally controlled by each guerrilla organization, auxiliary funding sources are managed independently at the front or sub-front level. Cash is also sent from Nicaragua. In 1985, for instance, a Lada [automobile] from Nicaragua crashed in Honduras. A search of the vehicle revealed secret compartments which contained arms and $27,400 in cash. Castellanos said this was not destined for the FPL, and he considered it "amateurish."

Collaborators.

The guerrillas prefer, of course, to obtain funds through donations offered by collaborators. This is a painless, easy way to procure money, but it is not lucrative, because FMLN collaborators are few and generally relatively poor. A letter dated March 13, 1984, which was captured with Nidia Diaz discusses recent progress in generating resources: "The ranch will be ready shortly and will be handed over to some collaborators. We have thought about sending Victor to the front. His wife will remain in Santa Tecla and help set up a small business."

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El Salvador: Human Rights
Special Project (1993)

Kidnappings.

Another guerrilla fund-raising technique involves kidnapping. The FMLN does not discriminate in the selection of its victims; it kidnaps small cotton farmers in Usulutan and big businessmen in San Salvador. A survey of recent incidents shows that ransoms range from as little as $20 to more than $60,000, with the bulk in the $4000 to $5000 range. By early 1985, the need for money had driven

the guerrillas to seek to rebuild their capability to conduct large-scale kidnapping activities. The FMLN conducted kidnapping operations in Costa Rica and Honduras; Castellanos attributes the kidnapping of a Japanese businessman in Costa Rica in the early 1980s to the FPL.

Although potentially far more lucrative than contributions from collaborators, this strategy is problematic. It is difficult and expensive to create urban commando units which are capable of carrying out successful kidnappings. The task is all the more difficult now, because the urban infrastructure of the guerrillas is in shambles as a result of the government's thorough investigations of the Inez Duarte kidnapping and the [June 19, 1985] Zona Rosa massacre [of four U.S. Marine Embassy guards, two U.S. businessmen and seven others]. Although in need of additional professionalism, the security forces have improved their anti-terrorist capabilities. The kidnappings of wealthy members of San Salvador's elite would prove both ideologically satisfying and renumerative to the FMLN, but the guerrillas do not now appear to be in the position to carry out many of these operations.

As a result, FMLN groups direct the bulk of their operations against small farmers in rural--and generally impoverished--areas. This places the self-proclaimed "representatives of the people" in the uncomfortable position of victimizer. The victims rarely have anything to do with the government and are often individuals of modest means. Indeed, those kidnapped by one guerrilla front are sometimes sympathizers of another; on more than one occasion, says Castellanos, this type of mistake has strained relations between allied guerrilla bands. This kind of infighting has also been revealed in numerous captured documents.

War Taxes.

"War taxes" provide another means of guerrilla finance. This is the guerrilla term for the banditry and blackmail which they perpetrate. Guerrillas sometimes stop buses and rob or "solicit" money and watches from the indigent, working-class passengers. They also demand extortion payments (often a combination of cash and provisions) from farmers and businessmen who work in areas of guerrilla activity. Because of FMLN weakness in Salvadoran cities, urban dwellers and businesses usually are not subject to war taxes. According to Castellanos, the FMLN leadership does not like to rely on these activities, because they reveal the guerrillas as enemies of the people and make it difficult for the leadership to prevent their groups from deteriorating into bands of common thieves.

Two typical examples of war taxes follow. The manager of a small coffee farm received a form letter in late 1985 from the FMLN informing him that if he wished to harvest his coffee in peace, he had to:

(A) Comply with the salary schedule endorsed by the FMLN;

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El Salvador: Human Rights
Special Project (1993)

(B) Pay 10,000 *colones* in cash ($2,000);
(C) Deliver 10 pounds of aluminum oxide, 10 pounds of potassium chlorate, 10 meters of slow wick, and 10 flares.

The manager was given 17 days to purchase and deliver the cash and the goods.

Another grower, who received a similar form letter, faced much stiffer demands. This time the guerrilla demanded 250,000 *colones* ($50,000), 100 pounds each of aluminum oxide and potassium chlorate, 200 blasting caps, and a rotary multicopier. The coffee grower had only 11 days to respond.

Guerrillas also ask for boots, materials for uniforms, and knapsacks, as well as money.

Nonetheless, as foreign funding sources diminish, some fronts increasingly rely on war taxes. Castellanos says that since 1984 the San Vicente front of the FPL has received much of its funds from war tax collections. Property owners in a village in the western shadow of the San Vicente volcano report that guerrilla harassment over the past year has been at its highest level in years. A middle class resident of the village was kidnaped and ransom notes were distributed not only to his family, but a dozen of the leading villagers as well. (Although many of the villagers did not accede to the extortion demands, the victim eventually was released.) The guerrillas also prevented property owners from harvesting from the higher elevations. Posing as small farmers, they harvested the coffee themselves and sold it to INCAFE [the state- controlled coffee monopoly]. Transportation interruptions and collections of war taxes have greatly increased in frequency in this area.

Current Trends in Guerrilla Finance.

Finances are a grave problem for the FMLN. Castellanos estimates the FPL's monthly non-military expenses in 1985 at 800,000 *colones;* its monthly income from external donations had dropped from 300-400,000 *colones* in earlier years to 200,000 in 1985. It had to collect the rest from its union allies and through auxiliary measures. The crux of the shortfall lies in the increasing difficulty of raising funds for the Salvadoran guerrilla movement in the West. Past donors are no longer convinced of the inevitability of the guerrilla victory, and they have turned their attention to newly urgent areas of "struggle" like Chile and South Africa. Barring spectacular FMLN military triumphs or severe political or human rights deterioration in El Salvador, the decline in western contributions to the guerrillas will accelerate.

Unless the guerrillas manage to convince the socialist bloc to increase its financial assistance to their cause, they will find it necessary to deepen their reliance on auxiliary measures. Because

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El Salvador: Human Rights
Special Project (1993)

potential increases in collaborator donations are marginal, the FMLN will have to collect more war taxes and conduct more kidnapping operations, especially of wealthy targets. The financial exigencies of the FMLN guerrilla warfare will subject Salvadorans to heightened levels of extortion, blackmail, and terror.

[End of text. Document concludes with bureaucratic language.]

RELEASED
El Salvador: Human Rig
Special Projec (19

CISPES as the nerve center

"In the U.S., 347 'solidarity committees' funnel money to the movement. The guerrillas have even hired a U.S. public relations firm with offices in Manhattan and Washington to plead their case. Whatever their internal divisions and rivalries, the guerrillas have learned very well that the best place to put up a united front is in public."

--Time, 9 April 1984, p. 33.

Given CISPES' role as the central support apparatus for the FMLN, it is logical that it would also be the nerve center of financial support activities for the guerrillas. CISPES was a key factor in the setting up and promotion of four organizations whose specific function is to raise cash and material supplies for the FMLN. The four organizations have innocuous names, and raise funds in a manner that masks their support for the guerrillas. The Council for Inter-American Security filed complaints with the Internal Revenue Service and the U.S. Postal Service showing that the fundraising techniques of at least two of the groups through direct-mail are misleading, and urged those government entities to take action.

The four groups in question are New El Salvador Today (NEST), which raises money under the pretense of fostering economic and agricultural development in El Salvador; Medical Aid for El Salvador (MAES), whose direct-mail packages solicit funds for war victims; the Salvador Medical Relief Fund (SMRF), which says it suplies and trains rural community health workers; and the Salvadoran Humanitarian Aid, Research and Education Foundation (SHARE), which is said to benefit Salvadoran refugees living in Central America.

In a way, their statements of purpose are true, in that some of their funds are used for development and relief. However, they are also misleading, as their fundraising literature does not say explicitly that their projects are conducted inside zones controlled by FMLN paramilitary forces or that funds raised are channeled to the guerrillas. By contrast, private groups which support the contras in Nicaragua specifically tell their donors that money is to be used for aid to the fighters and their families.

In a brochure called "Humanitarian Aid Drive for the People of El Salvador," CISPES explained its version of human suffering in El Salvador and solicited donations for NEST, MAES and SMRF. A 1986 CISPES brochure titled "Raise Your Voice for Peace in El Salvador" made an identical pitch.

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El Salvador: Human Rights
Special Project (1993)

Other CISPES activities to raise cash for the FMLN was a fundraising drive "to benefit childcare centers for Salvadoran children." The money was sent directly to the Women's Association of El Salvador (Asociacion de Mujeres del Salvador, AMES), a political front for the FMLN.[87]

A September, 1981 letter to activists from the CISPES national office announced the Emergency Aid to El Salvador campaign which set a goal of $250,000 to be raised. The CISPES national office collected all the funds and in CISPES organizer Lisa Tarver's words, "The money will then be channeled through SHARE, which will have tax-exempt status that we will be able to utilize." Tarver continued, "SHARE sends all financial contributions for the refugees to Archbishop Sergio Mendez Arceo in Cuernavaca, Mexico, from where they are distributed to refugee camps throughout Central America."[88] As noted earlier, the FMLN designated the Mexican former clergyman to serve as its repository for humanitarian aid raised by groups in the United States.

Fundraising projects sponsored directly by CISPES are varied: San Francisco CISPES, for example, sponsored an effort to raise $15,000 "for a school and an agricultural project in El Salvador." The local chapter maintains a continued flow of donations through a pledge system.[89] Another CISPES chapter sponsored a 12 kilometer walkathon "to raise material aid for El Salvador."[90] In Washington, D.C., local CISPES activists held a series of functions to raise $17,000 over a six-month period to build a "shoe factory" in the FMLN-held town of Tequeque in Chalatenango province.[91] D.C.CISPES documents showed that the goals of that project were to "develop new values" among the Tequeque residents through "collective work," and to provide food to the "popular army"--the CISPES euphemism for the FMLN. (Although Tequeque's population was only 600 at the time, CISPES wanted its residents to produce 6,000 pair of shoes per year. It is doubtful that the shoes were to have been made for trade outside the area, as CISPES noted that the dirt roads in and out of Tequeque were "barely passable.")

With the separate humanitarian fundraising operations functioning as successfully as they did, CISPES concentrated its efforts on propaganda and political action aimed at changing the votes in Congress. However, as noted in the aforementioned diplomatic cable from San Salvador, the FMLN was in desperate need of cash by mid-1986. CISPES abruptly canceled its years-long "Stop the Bombing" campaign that June and re-directed its activities toward fundraising. In the July-August 1986 issue of the CISPES newsletter *Alert!*, activists were told that the "Stop the Bombing" tactic was over and that the national office had begun training activists to raise a quick quarter of a million dollars. The entire article is reprinted here from the cable to demonstrate CISPES' fundraising vocabulary and how the funds are raised on a local level:

RELEASED
El Salvador: Human Rights
Special Project (1993)

"CISPES has closed its campaign to stop the bombing, and has now begun a new cycle of material aid fundraising as part of our campaign to promote peace with justice in El Salvador.

"The culminating event of"Stop the Bombing" took place on June 20 in Washington, DC--a dinner to benefit CISPES' Healing the Wounds of War medical campaign in which CISPES pledged to raise $130,000 for medical aid for El Salvador and Salvadoran medical relief fund. The dinner itself raised over $1500, and featured as speakers Gus Newport, the mayor of Berkleley, Ca., and Violetta Delgado, a Salvadoran physician.

"CISPES kicked off its new cycle of material aid fundraising with a material aid training in Washington, DC, July 9-13. The national coordinators conference in May set the ambitious goal of $250,000 to be raised by December, and called for this training to help us meet the challenge. The NCC [national coordinators conference] designated the money to fund projects for New El Salvador Today (NEST), Medical Aid for El Salvador and Salvadoran Medical Relief Fund. [The latter is headed by Dr. Charles Clements.]

"14 people attended the material aid training, representing 10 committees in the New England, Mid-Atlantic, Midwest, and Northwest regions. Ken Jacobs, formerly of NEST in Berkeley, led the training as the new national office material aid coordinator. He considers the most important contribution of the training to be the trainees' increased understanding of just how critical material aid work is in the solidarity movement. The training also increased participants' understanding of how to carry out material aid work, particularly how to integrate it with the rest of the program. The participants learned in skills workshops how to do outreach, bring new people into committees, and increase their visibility within the community through medical aid work.

"One of the primary objectives of the training was to show the participants that they could raise a lot more material aid than they thought they could--and the inspiration proved immediate. A goal of $1500 had been set for the hands-on phone-banking and streetwork, and the trainees surpassed it by raising $2250.

"Trainers included staff from NEST, the CISPES national office, and CISPES regional offices. Diane Greene from NEST told the trainees that those who raise material aid for El Salvador should feel personally responsible for the thousands of lives that are saved through Material Aid.

"Beth Westgarde of San Francisco CISPES gave a workshop on producing dance-a-thons. Beth has worked for two years on Give Peace a Dance (GPAD), a 12-hour dance marathon which after three years has become a Bay Area tradition, and an astonishingly successful fundraiser. 3500 dancers participated in GPAD '86, sponsored by San Francisco and Oakland/Berkeley CISPES and the San Francisco Freeze. The event grossed an incredible $110,000,

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El Salvador: Human Rights
Special Project (1984

netting over $70,000, and Oakland/Berkeley CISPES earmarked half of their share for their Medical Aid for El Salvador project. (For more information call San Francisco or Oakland/Berkeley CISPES at (415)861-0425 or (415)644-3636.)

"The participants agreed that one of the greatest strengths of the training was its success in bringing together people from different sized communities and different geographic areas to share experiences and work together. The trainees are now energized to take on the $250,000 goal; most importantly, they're ready to take the training back to their committes and to other committees in their area, and pass on the information and the inspiration they received."[92]

RELEASED
El Salvador: Human Rights
Special Project (19

MEDICAL AID FOR EL SALVADOR

Tapping the generosity of the more fortunate Americans, Canadians and West Europeans, the FMLN received the organizational assistance from friends in those democracies to set up its fundraising front organizations at the same time it phased out its traditional methods of fundraising, such as kidnapping and extortion. In the U.S., three particular fronts were set up for three different "humanitarian" projects: Medical aid, development and literacy, and aid to refugees still living in Central America.

Medical Aid for El Salvador (MAES) was founded in Los Angeles in February, 1982.* One of its founders, Bill Zimmerman, was a veteran at arranging such deceitful fundraising campaigns; during the Vietnam War, Zimmerman led a Vietcong fundraising project innocuously called Medical Aid for Indochina.[93] "Medical Aid for El Salvador," Zimmerman announced, "has two purposes. One is to deliver medical assistance for the alleviation of the suffering in El Salvador; and two, to protest the involvement of our government in that struggle, because that involvement is creating more victims in need of medical care." To kick off MAES, the group presented a $25,000 check to a Salvadoran doctor based in Mexico.[94]

Reminiscent of the Vietcong support campaigns, MAES organizers recruited a host of actors to lend itself instant recognition. Ed Asner, Howard Hesseman, and Lee Grant were at the Washington press conference for its initial unveiling. Asner described how he got involved months earlier after being approached on the El Salvador issue by a politically active nun. Initially, Asner had little success in getting other Hollywood celebrities involved. "Then a guy named Bill Zimmerman approached me. He had done a phenomenal job on medical aid to Indochina, and he told me he was doing the same for El Salvador, and would I be one of the titular heads for the committee? I thought about it and thought about it and finally said okay. And he knew how to do it."[95]

Asner said that Zimmerman then wrote up a fundraising letter "which I signed after a few changes, and he got it out. Everything was cool, everything was fine. There were some internal conflicts between the Salvadoran groups, which were finally ironed out, and I was able to work easily and gracefully with the [Archbishop] Romero [Relief Fund] people and the Zimmerman group. . . . The letter provided money."

Meanwhile, Asner read up to become an instant authority on El Salvador, relying on everything from the major media to Marxist publications like *The Nation*. The nun who had initially recruited Asner passed him literature from the pro-Castro North American

*A month later, in March 1982, Zimmerman was in Mexico City as the founding president of the World Front in Solidarity with the People of El Salvador.

RELEASED
El Salvador: Human Rights
Special Project (1993)

Congress on Latin America (NACLA). "I'm not an expert on El Salvador," Asner said, "but I'm a citizen who can read."[96]

Actors Martin Sheen and Mike Farrell joined Asner in signing direct-mail fundraising letters for MAES calling for help for El Salvador's impoverished and suffering people, but conveniently failing to mention anything about the FMLN. Because of this misleading fundraising campaign, the Council for Inter-American Security filed a complaint with the Internal Revenue Service that MAES, a designated charity, is raising money under false pretenses.[97]

Asner is more open with the leftist press than with his prospective donors. In an interview with the CISPES newsletter in March 1982, Asner stated, "if we Americans want to deliver medical assistance to the people of El Salvador, frankly we must do it through the rebel forces. They are now the most effective institution in El Salvador committed to health delivery."[98] CISPES itself said that the role of MAES is *"to raise money nationwide to fund efforts by the FMLN-FDR* to provide basic medical services to the people of El Salvador."[99] (emphasis added) MAES national coordinator Christina Courtright defends the FMLN's record. In an interview with the *Los Angeles Times*, she said, "The rebels were bringing health care as part of their attempt to liberate the country, while the military and the death squads have been waging a campaign against doctors."[100]* She admitted that MAES "sympathizes with the insurgents."

How funds are raised for the FMLN

Medical Aid for El Salvador conducts many of its fundraising campaigns with CISPES at a grass-roots level, through door-to-door canvassing (activists for Ralph Nader's PIRGs have taught MAES how to canvass), benefit dances and dinners, bake sales, auctions, film festivals, walk-a-thons and even church collections, as well as more sophisticated direct-mail.[101] The pitch made is generally a broad appeal for aid to the suffering war victims in El Salvador. Unless done at an openly pro-FMLN event such as a CISPES rally or demonstration, the fundraising appeals generally avoid references to the FMLN entirely, but usually stress the need to cut off U.S. aid to El Salvador.

In a March 1984 direct-mail letter signed by Martin Sheen, MAES said that it had already raised nearly $450,000; nowhere in the letter is the FMLN mentioned. An Asner letter similarly

*Christina Courtwright is the wife of Dave Cortwright, executive director of SANE. Once confined to anti-nuclear issues, SANE has expanded its activities to "anti-intervention" work. Dave Courtwright explained his reasons for doing so in a special column he wrote for the April 23, 1987 issue of the CPUSA newspaper *People's Daily World*.

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El Salvador: Human Rights
Special Project (1993)

sidetracks the FMLN issue: "When you contribute to Medical Aid for El Salvador, you are sending a message of hope to the people there, as you are sending a message to President Reagan that you believe the road to peace is humanitarian aid, *not* military aid." The donors are misled into thinking that their contributions are intended solely for civilians.

CISPES and the World Front in Solidarity with the People of El Salvador also raised money for the MAES project. The CISPES newsletter said that October 1982 saw the "first wave of international protest coordinated by the World Front in Solidarity with the People of El Salvador. . . . Several of these actions raised funds which were channeled through Medical Aid for El Salvador to the people's clinics in El Salvador administered by the FMLN."[102] In 1983, CISPES set up its own "People-to-People" aid program, whose "two main goals" were pathetically described by CISPES newsletter editor Bob Ostertag as "to raise money for the FMLN's popular clinics and to educate people in this country about the new El Salvador being patiently and lovingly constructed in the zones of popular control."[103]

Once the funds are raised, they are deposited in the MAES account in Los Angeles, where they are "sent to an FMLN-FDR approved team of physicians in Mexico, who buy medical supplies to be taken clandestinely into FMLN-controlled areas of El Salvador," according to the Marxist *Guardian*.[104] At times, MAES money is channeled through contacts in Costa Rica.[105] By April, 1987, MAES said that it had raised nearly $1 million in cash and delivered $1.13 million in supplies.[106] MAES raised $273,000 in supplies for victims of the terrible October, 1986 earthquake which leveled part of San Salvador, but judging by MAES' record, there is little doubt that the disaster was used as a fundraising opportunity for the guerrillas.

In December, 1986, Medical Aid for El Salvador reported sending $631,000 worth of supplies to El Salvador in cooperation with Oxfam America, the Archbishop Romero Relief Fund (which was involved in setting up MAES), and Chevron Corporation, making MAES' total claimed deliveries to Salvadoran recipients $2.09 million.[107]

MAES set up a network inside El Salvador which is overseen by the National Students Association of El Salvador (AGEUS), identified as a front for the FMLN; and the Salvador Committee of Health Professionals (COPROSAL).[108] (see glossary) These two organizations are said to administer MAES projects inside FMLN-dominated areas of El Salvador, however, there is evidence that the projects never existed, and that the money "disappeared." Seventy percent of the funds raised are diverted for military purposes, according to former FMLN bookkeeper Miguel Castellanos. MAES funds are often sent either through Sergio Mendez Arceo in Mexico, or directly to Rev. Octavio Cruz, a radical priest working in the Archbishop's office in San Salvador who is a member of the FMLN and a point of contact between the guerrillas and the

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El Salvador: Human Rights Special Project (1993)

church.[109] Cruz is a leading member of the San Salvador-based FMLN fundraising front DIACONIA, a coalition of church groups which serves as a repository for funds from international humanitarian organizations which are diverted to the FMLN.[110] (see section on SHARE)

Direct aid to terrorist commander

According to a MAES flyer describing its history, it won a "landmark victory" in August, 1985, when it "pressured the Salvadoran government into permitting an urgently-needed operation on La Palma Peace Talks participant Nidia Diaz," who had been shot by the army.[111] Again, the group is misleading prospective supporters. Diaz was not a simple peace talks participant brutalized by the army, but is one of the FMLN's top commanders as a leader of the Trotskyist Central American Revolutionary Workers Party (PRTC) faction.[112] She was shot and captured in combat in April, 1985.

In danger of losing the use of her trigger finger (her right hand had been injured in battle), Diaz requested an operation. Medical Aid for El Salvador rushed to her aid. In the U.S., MAES and CISPES leaders organized a telegram-sending campaign to President Duarte and the Salvadoran Defense Minister, and a phone-in campaign to the Salvadoran Embassy in Washington. The government relented and allowed the MAES doctors inside the prison to operate. T.V. actor Mike Farrell, who played a doctor on MASH went along to heighten the drama.[113]

Medical Airlift to El Salvador, December 1986

A combination aid shipment/media event took place in late November and December 1986, when the "Medical Airlift to El Salvador" was launched from Los Angeles. Designed for its "high visibility and dramatic stance," the airlift was meant to "refocus the American public's attention on the problems of El Salvador and stimulate future support for humanitarian aid." The aid MAES referred to is private assistance through the pro-FMLN network, as MAES consistently opposes U.S. government aid of any kind, including humanitarian, to El Salvador.

MAES said that two chartered DC-6 planes and a 727 were to fly more than 50,000 pounds ($1 million) of medical supplies to El Salvador for displaced people inside El Salvador, civilian amputees and "combatants from both sides," and sick and wounded children.[114] The aid was indeed delivered, but through FMLN operative Octavio Cruz at the Archbishopric. It was reported that Archbishop Arturo Rivera y Damas, who had publicly endorsed the MAES campaign, expressed frustration that the church had little say in determining where or how this aid was distributed.[115] The U.S. Embassy in San Salvador, which met with members of the 32-person MAES delegation,

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El Salvador: Human Rights
Special Project (1993)

said that the group defended their program to aid terrorist commander Nidia Diaz, but would not comment on her faction's June 19, 1985 murder of the four U.S. Marine Embassy guards and the other people. Nor would they comment on the FMLN's kidnapping of President Duarte's daughter, who was released in exchange for Diaz and more than 100 other FMLN guerrillas and terrorists who subsequently flew to Cuba. The MAES delegates also refused to talk about Diaz's broadcasts over Radio Havana, which were occurring at the time of the visit.[116]

The Medical Airlift was organized by MAES executive director Sand Brim and staff, as well as Jon Floyd, a former decorated Marine captain who served bravely in Vietnam but subsequently joined the Vietnam Veterans Against the War (VVAW); David Evans, a Marine who enlisted in 1969, lost both legs in Vietnam, and later joined the VVAW and is now a leader of the left-of-center Vietnam Veterans of America; and Mario Velasquez, a Yale graduate and pro-FMLN activist who is said to be the son of a former high-ranking Salvadoran military official and now lives in "exile" in the U.S. To his credit, Evans visited maimed Salvadoran army soldiers and, according to MAES, delivered prosthetics devices to some of the amputees. It was not reliably recorded, however, the effect the visit had on the soldiers' morale.[117]

In the United States, the airlift was made for the media. The projected itinerary went as follows: the group was to leave Los Angeles on November 30 after a press conference and a second press photo session with the aircraft and supplies. On December 1, Evans was scheduled "to deliver and fit ten artificial limbs to selected Salvadoran amputees." Between December 2 and 4, the delegation was scheduled to deliver supplies in various camps in El Salvador, meeting with government officials on the fifth. They were then scheduled to go to Mexico City to meet with foreign ministers of the Contadora group and leaders of the FMLN-FDR, where they would publicly denounce American foreign policy.[118]

The event was conducted in cooperation with Oxfam, and was underwritten by the Chevron Corporation.[119]

MAES Sponsors and Endorsers

Members of Congress:

- Rep. George E. Brown (D-CA)
- Rep. John Conyers (D-MI)
- Rep. George Crockett (D-MI)
- Rep. Ronald Dellums (D-CA)
- Rep. Julian Dixon (D-CA)
- Rep. Mervyn Dymally (D-CA)
- Rep. Walter Fauntroy (D-DC)
- Rep. Thomas Foglietta (D-PA)

(continued)

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El Salvador: Human Rights
Special Project (1993)

Rep. Robert Garcia (D-NY)
Senator Tom Harkin (D-IA)
Rep. Mickey Leland (D-TX)
Rep. Parren Mitchell (Retired D-MD)
Rep. Richard Ottinger (Retired D-NY)
Rep. Fortney "Pete" Stark (D-CA)
Rep. Bruce F. Vento (D-MN)

Other national sponsors

Hal Ashby
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David Clennon
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Barry Commoner, Citizen's Party
Harvey Cox, Harvard Divinity School
Colleen Drewhurst, actress
E. L. Doctorow, novelist
Michael Douglas, actor
Maxwell Gail, actor
Jack Gilford
William Goodfellow, Center for International Policy
Lee Grant, producer, actress
Robert Guillaume, actor
Gregory Hines, actor
Barry Hirsh
Deborah Jackson, National Conference of Black Lawyers
Paul Jarrico
Frances Moore Lappe, founder, Institute for Food and Development Policy
Rev. James Lawson, Southern Christian Leadership Conference
Dr. Salvador Luria, Massachusetts Institute of Technology
Alan Myerson
Edward Olmos, actor
Grace Paley, poet
Michael Phillips
Tony Randall, actor
Michael Ratner, former president, National Lawyers Guild
Carl Reiner, actor
Rev. Mark Ridley-Thomas, Southern Christian Leadership Conference
Ramona Ripston, Executive Director, Southern California ACLU
Mark Rosenberg
Helen Safa, professor, University of Florida-Gainesville
Waldo Salt
Dr. John Sassin
Dr. Richard Saxon, Physicians for Social Responsibility
Roy Scheider, actor

RELEASED
El Salvador: Human Rights
Special Project (1993

Martin Sheen, actor
David Soul, actor
Dr. Benjamin Spock
Dr. Jerome Tobis
Jon Voight, actor
Ralph Waite, actor
Dr. George Wald, Harvard University
Rev. George Webber, President, New York Theological Seminary
Dr. Michael Weissberg, University of Colorado
Rev. Phil Wheaton, EPICA
Sol Yurick, actor

RONALD V. DELLUMS
[illegible]
COMMITTEE ON THE DISTRICT OF COLUMBIA
ARMED SERVICES COMMITTEE
[illegible]

Congress of the United States
House of Representatives

[illegible]

June 17, 1982

To Whom It May Concern:

I am writing this letter to express my full support of the fundraising efforts of Medical Aid for El Salvador, which is providing medical supplies and health care to the victims of the civil war in El Salvador.

The efforts of this group have already saved the lives of hundreds of innocent women, men, and children by providing such essential items as antibiotics, anesthetics, and health care manuals to those attempting to respond to the brutal violence in El Salvador. The government of El Salvador is unable or unwilling to provide medical care to all but the very few who support its policies and practices in a war against its own people.

The people of El Salvador are in urgent need of help. In the face of such incredible human need the Reagan Administration is spending hundreds of millions of dollars for more military aid to El Salvador. This money is directly supporting a military that former U.S. Ambassador Robert White has called "one of the most out-of-control, violent, bloodthirsty group of men in the world."

I urge you to support Medical Aid for El Salvador in these requests for financial contributions. In doing this, you will be contributing to the improvement of the human condition of our world.

Sincerely,

Ronald V. Dellums
Member of Congress

RVD/rdh

RELEASED
El Salvador: Human Rights
Special Project (1993)

Since mid-1982, SHARE has published a regular newsletter called "El Salvador: Refugees in Crisis." Its bias is obvious: While giving great attention to victims of the Salvadoran army, it *never* pays attention to victims of the FMLN. In one issue, the newsletter tells about a Salvadoran doctor named Leonardo Gonzalez, who "was forced to take his practice underground after other doctors were persecuted and often killed for treating peasants in poor communities." It turns out that Dr. Gonzalez is a representative of COPROSAL, a pro-FMLN group in New York that supports the FMLN.[123]

A doctor whom SHARE frequently quotes is Charles Clements, an American Vietnam veteran who was stripped of his rank for refusing to follow orders (he is a Quaker) and later spent a year in El Salvador as a medic for the FMLN. Clements, who wrote a book about his El Salvador experience titled *Witness to War*, has spent the past few years speaking out on behalf of the FMLN to civic and university groups, journalists, and on television and radio shows.[124]

Other pro-guerrilla material SHARE recycles is from the Non-Governmental Human Rights Commission (CDHES), a widely-quoted organization which has been revealed to be a propaganda front of the FMLN.[125] This is SHARE's analysis of the situation in El Salvador:

> "The growing awareness of the poor and their call for change was threatening to the wealthy and to the government, how- ever, and lead [sic] to the formation of death squads that tortured and murdered members of the base communities and burned their houses and crops. Those who remained fled for their lives.
>
> "The refugees who arrived in the camps after 1981 (the year the war started) [SHARE is wrong; it began in earnest when the FMLN was formed the previous year, but terrorist attacks had been occurring through the 1970s] were peasants from conflictive areas whose very presence drew suspicion from the military that they sympathized with the opposition.
>
> "Refugees in the camps described the invasions and indiscriminate bombings of their villages that most oftenclaimed those least able to run or take cover quickly--small children and the elderly:
>
> *"We found ourselves without a home, nothing. They burn our clothes, our homes and all our farm animals. If someone is Christian, they kill him. So we fled, we ran without knowing what direction to run in, with fear because if it isn't a truck, it's airplanes that burn us,*

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El Salvador: Human Rights
Special Project (1993)

or rockets that swirl, or explosions that go 'BOOM, BOOM, BOOM.' The smoke leaves you sick, the bombs kill the elderly and they destroy everything. . . . The situation of the women is a tragedy, they were cut in half. The armed forces killed them. We want the bombing to stop, we want to stop suffering." (Emphasis in original)[126]

Shades of Vietnam. This passage from a SHARE promotional brochure is telling:

> "To be a Salvadoran refugee is to have daily viewed slaughter so pervasive that almost every Salvadoran family has a member tortured, raped or murdered by government forces. There is no time for grief, no time for childhood, only the immediacy of survival. Among the peasant population, many of the men and single women have been assassinated [?] or left to join the opposition. . . For mothers, children and the elderly it is a daily struggle to escape, to stay alive, to avoid starvation."[127]

The theme is the same as that of CISPES and the FMLN itself. Only the Salvadoran government is guilty of atrocities, and these atrocities are so systematic and widespread, SHARE says, that "almost every Salvadoran family" has been a victim. There is no mention of the FMLN guerrillas by name; they are referred to vaguely as "the opposition." The same brochure accused the government of systematically torturing and gunning down 600 people: "Women were tortured before being killed; babies were tossed in the air for target practice."[128]

SHARE also aims its propaganda at children, in one case telling horror stories to children from the Sidwell Friends School in Washington, D.C. SHARE editor Mark Bradley told the children about an experience he said he had at a refugee camp in Honduras. The children wrote an article about what Bradley had told them, which was printed in the SHARE newsletter.

This is what they recounted: The first night Bradley was at the camp, he saw soldiers shooting inside the camp. Alarmed, he said he tried to persuade them not to shoot for fear of endangering some of the refugee children. He said that "an angry sergeant" responded, "If any of those refugees shines a flashlight on me again, I will shoot. I don't care if it hits a child." Bradley also told the schoolchildren that an old man was beaten up by soldiers when he had to go to the bathroom.[129]

SHARE also has spoken out about the plight of Guatemalan refugees and illegal aliens posing as refugees. It has shown no interest in the plight of refugees from Nicaragua.

Politicians, celebrities endorse SHARE

RELEASED
El Salvador: Human Rights
Special Project (1990

Former vice presidential candidate and George McGovern running mate Sargent Shriver and his wife Eunice Kennedy hosted a fundraising dinner for SHARE at their Washington, D.C. home. The November 16, 1982 event featured such luminaries as Carl Bernstein, Bianca Jagger (a Nicaraguan who has been identified as an agent of the Sandinista government), and Institute for Policy Studies figure and former Deputy Assistant Secretary of State for Human Rights Marc Schneider, who was master of ceremonies. A benefit film showing on December 3 was sponsored by Senator Edward Kennedy, who was unable to attend but wrote a "dear friends" letter asking for cash donations to SHARE.[130]

Some of SHARE's sponsors include:

Chauncey Alexander, *Executive Director, National Association of Social Workers*
Sergio Mendez Arceo, *former bishop of Cuernavaca, Mexico, honorary president of the World Peace Council, and manager of FMLN funds raised in Mexico and the United States*
Julian Bond, *former Georgia state senator*
Ramsey Clark, *former U.S. attorney general*
Congressman Ronald V. Dellums *(D-CA)*
Congressman Robert Garcia *(D-NY)*
Auxiliary Bishop Thomas Gumbleton *of Detroit, a Vietcong sympathizer during the Vietnam war and currently fundraiser for the pro-Sandinista "popular church" in Nicaragua*
James R. Herman, *President, International Longshoreman Workers Union*
Fr. Alan McCly, *President, Conf. of Major Superiors of Men*
Fr. Cuchulain Moriatry, *Chairman, Committee on Social Justice, Archdiocese of San Francisco*
Paul O'Dwyer, Esq.
Charles A. Perlik, Jr., *President, The Newspaper Guild*
I.F. Stone, *journalist*
Dr. George Wald, *Nobel laureate*
Cora Weiss, *Director, Riverside Church Disarmament Program*

The original board of directors of the SHARE foundation was:

Larry Birns, *Director of the Council on Hemispheric Affairs*
Jorge Lara-Braud, *Director, Council on Theology and Culture, Presbyterian Church in the U.S.*
Isabel Letelier, *Institute for Policy Studies (IPS) and widow of Orlando Letelier, a former high-ranking confidant of the late Marxist Chilean president Salvador Allende, and a reputed Cuban agent of influence*
Vicente Navarro, *Professor, Johns Hopkins University*
Simon E. Smith, *Director, Jesuit Missions Inc.*
Heidi Tarver, *National Coordinator, CISPES*

RELEASED
El Salvador: Human Rights
Special Project (19

Where the money goes

Most of the money is raised through community action programs which take advantage of people's charity without telling them that SHARE supports the FMLN. Methods of fundraising include door-to-door neighborhood campaigns; tables at shopping centers, churches, community centers, union meetings, flea markets, and clinics; events like walk-a-thons, benefit concerts and parties; displays at shopping centers and universities, and direct solicitation of individuals and humanitarian and religious organizations. Priests at Georgetown University in Washington who returned from El Salvador impressed with SHARE's model projects also made fundraising pitches during Mass.

Money raised in the United States by SHARE is sent to the same controversial former clergyman in Mexico who handles other private funds raised for "humanitarian" purposes. In SHARE's own words, "SHARE sends financial contributions for refugee assistance directly to Bishop Sergio Mendez Arceo in Cuernavaca, Mexico, who then distributes it to refugee centers in Central America."[131]

From Mexico, SHARE funds are sent to the Archdiocese of San Salvador, which runs several of the camps for displaced people. However, the individual within the Archdiocese who actually handles these programs is Father Octavio Cruz, a member of the FMLN who serves as the guerrillas' liaison inside the church and is a leader of DIACONIA, the FMLN financial front in San Salvador.

RELEASED
El Salvador: Human Rights
Special Project (199

NEW EL SALVADOR TODAY (NEST)

The division of labor between the humanitarian fundraising groups is distinct. MAES is designed for medical aid. SHARE is for refugees and displaced persons living in Central America. A third group is for developmental projects, a CISPES spinoff called New El Salvador Today (NEST), which set up operations in October, 1983 as a tax-exempt charity. Its national office in Berkeley, California, is shared with that of the local CISPES headquarters.

So as to understand NEST a bit more clearly, it is necessary to take a look at the first of its four directors, former Berkeley mayor Gus Newport. He can hardly be called a humanitarian. Newport is co-chairman of the United States Peace Council, and is a vice president of the World Peace Council.[132] At a WPC conference in Copenhagen, Denmark, Newport expressed support for the Palestine Liberation Organization and other terrorist organizations, and defended the Soviet invasion and military occupation of Afghanistan, physically grappling with a man who was passing out leaflets denouncing the Kremlin's atrocities in Afghanistan. Newport refuses to condemn the African National Congress (ANC) for its practice of burning alive moderate blacks by binding their arms and legs or hacking off their limbs, then placing a gasoline-soaked tire around their shoulders and lighting it. After a heated debate about Communist influence within the WPC conference, Newport blurted, "As a black American, I got no problem with the Communists. It's the Democrats and the Republicans who I got a problem with."[133]

Radio Havana reported in December 1986 that Newport was prominent at an anti-American demonstration in the Cuban capital, alongside Fidel Castro and FMLN commander Nidia Diaz.

Yet he puts on a great act for reporters. After returning from a trip with the FMLN in March, 1985, Newport burst into tears during a press conference, weeping that the "policy of the Duarte government is to totally wipe out the civilian population in areas under popular control."[134]

NEST sent $80,000 worth of aid to its destination in the first year. In its first annual report, NEST executive director Tracey Schear said that the aid went to "local community governments" in "areas of popular control," again the euphemisms which give no indication to unsuspecting donors that these are actually areas under Communist control. Elsewhere in NEST's literature, readers are told that the aid goes to the "Poderes Populares Locales," or PPLs, another euphemism for the local FMLN administrations which is not explained in the literature.

In early 1984, NEST set up a "National Community-to-Community Program," a sister cities concept which linked American towns with "liberated" villages in El Salvador. The pilot project was

RELEASED
El Salvador: Human Rights
Special Project (1993)

initiated by the Berkeley, California city council, which declared the FMLN-dominated village of San Antonio Los Ranchos as its sister city. Berkeley residents reportedly raised $17,000 for the village.[135] Evidently, the flow of money from NEST to sites in El Salvador does not flow through the regular FMLN conduit in Mexico.

A peculiar fundraising project was organized for 1985 called "National Work-a-Day for El Salvador." This effort entailed getting people to donate a day's pay for NEST, a concept used elsewhere to raise funds in a hurry.[136]

In response to the Salvadoran army's successful counter-insurgency campaign, NEST organized an "Emergency Fund" for Chalatenango, the northern province which has been a guerrilla stronghold. In two weeks, NEST raised $26,000, which it sent to Chalatenango with a delegation consisting of Carlottia Scott, administrative assistant to Congressman Ronald Dellums; Fr. Eugene Boyle, of San Jose, California; Mary Kay Baum, of the Madison, Wisconsin school board; and Margarita Studemeister of the Center for Central American Studies, a NEST board member. NEST personnel included Tracey Schear and Lisa Robinson. The delivery was made on 28 April 1986.[137] By July, 1986, NEST claimed to have sent "over $268,000 in humanitarian assistance to El Salvador."[138]

As with Medical Aid for El Salvador and SHARE, NEST coordinates its fundraising activities with CISPES. In the September, 1984 issue of *El Salvador Alert*, for example, CISPES notified its activists, "In upcoming months, many CISPES chapters will be focusing their material aid campaigns on New El Salvador Today. . . . This fall dozens of organizations, including over 20 CISPES chapters, plan to raise over $200,000 by January. Chapters have pledged amounts ranging from $1000 to $50,000." The money, readers were told, was to be spent on agricultural cooperatives and chicken ranches and fisheries. Other NEST projects include funding literacy campaigns for the peasants; however, these campaigns are more ideological indoctrination campaigns than they are educational. (see section on literacy campaign)

The CISPES newsletter explained what some chapters would be doing: "The fundraising schemes hint at the breadth of CISPES membership. Washington, D.C., which is funding a shoe workshop, will host a Fiesta de Zapateas, with a prize for the person wearing the most outrageous shoes. Santa Rosa will hold a paddle tennis tournament, while Berkeley, Oakland, San Francisco and Portland are organizing Work-a-Days where workers donate one day's salary to the zones. Several cities are considering 24-hour dance-a-thons." The New York CISPES printed greeting cards, while the Olympia, Washington chapter published "a bilingual coloring book on the zones."[139]

While NEST's literature aimed at donors hides the relationship between the local governments it funds and the FMLN, its spokesman have publicly acknowledged the relationship elsewhere. In the 10

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El Salvador: Human Rights
Special Project (1993)

October 1984 issue of the *Guardian*, for example, NEST is described as "a material aid project benefiting the local governments in El Salvador's rebel-held zones of control." NEST coordinator Tracey Schear is quoted by the *Guardian* as acknowledging that her group's efforts aid the FMLN militarily:

> "Within the past two years, there have been significant advances in the zones. First, the FMLN has been able to expand and consolidate those areas. Second, there's been the development of popular power. When I was in Chalatenango, 90% of the province was under popular control.
>
> "*The ability of the FMLN to develop and advance as a regular army has everything to do with these emerging civilian structures.* For example, I was told that a year ago the FMLN might recoup food for the civilian population. *Now, the popular power is developing agricultural production not only for the civilian population and the guerrillas,* but also for reserves for people fleeing government attacks." (*emphasis* added)

Schear continued, "there is essentially a transformation of an entire society in which the political, economic and military institutions of the old Salvadoran regime are being replaced by the structures of popular power, the mass organizations and the FMLN." NEST is helping with that transformation.[140]

So is a particular United States Congressman. Representative John Conyers (D-MI) signed a direct-mail fundraising letter for NEST in 1986, which contained such gross inaccuracies and untruths that U.S. Ambassador to El Salvador was prompted to respond with a long letter of clarification. Both are reprinted in Appendix 8. Like the rest of NEST's fundraising literature, Conyers' letter fails to tell the donors that the campaign has anything to do with the guerrillas.

The Council for Inter-American Security filed a complaint to the Internal Revenue Service that NEST is raising money under false pretenses to supply a foreign paramilitary organization with money and materiel.

NEST board of directors

Eugene 'Gus' Newport
Barbara Christian, Ph.D.
Margarita Studemeister
Tracey Schear

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El Salvador: Human Rights
Special Project (19

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El Salvador: Human Rights
Special Project (1993)

OXFAM-America

Oxfam-America was founded in 1970 as an autonomous sister of the original Oxfam which was founded in Oxford, England in 1942. A highly reputable refugee relief and development organization, Oxfam-America raises money for humanitarian causes in under-developed countries. However, an ongoing study by the Council for Inter-American Security shows a pattern indicating Oxfam-America's distinct political support for pro-Soviet Marxist regimes and revolutionary movements. This trend shows that in countries with a ruling Marxist party, Oxfam-America usually works through the party structure, while in pro-western countries under attack by a Marxist insurgency, the organization tends to work outside the government with groups allied with the paramilitary movement.

Oxfam-America's programs in Zimbabwe, Tanzania, Mozambique, Kampuchea, Cuba, Grenada and Nicaragua were and/or are run through or with the ruling Marxist party apparatus. Its literature praises these governments as "models" of economic development. Oxfam-America closed down its operations in Grenada after the U.S. removed the Communist government in 1983, despite that Caribbean country's dire need of continued development support.[141] By contrast, Oxfam's programs in South Africa, Guatemala and El Salvador are conducted outside government channels, and, respectively, in conjunction with the Soviet-backed and Communist-controlled ANC, URNG and FMLN paramilitary organizations.[142]

Oxfam's $15 million annual budget comes from foundation grants, direct-mail campaigns, and grass-roots activities. The latter category includes an annual "Fast for a World Harvest" where high school and college students are encouraged to forego a lunch on their meal plan, the cash value of which is donated by the food service to Oxfam. Up to $10,000 is raised from a single school in a day using this method. These fasts are popular and are widely accepted by high school and college officials who see nothing political in this ostensibly humanitarian campaign. However, Oxfam's newsletter and other publications are quite political.

In El Salvador, Oxfam-America's literature has been supportive of the FMLN-FDR and hostile to the Salvadoran government. FDR leaders Guillermo Ungo and Jose Penate were hosted at an Oxfam-America luncheon. Contrary to its stated support for democracy and consistent with the guerrillas' policy, Oxfam has not encouraged the FMLN-FDR to participate in El Salvador's electoral process. Like the guerrillas, Oxfam-America calls for "talks leading to a political solution," or power-sharing with the elected government without having to go through an election. An Oxfam "Central America Advocacy Statement" also called upon the U.S. Congress "to end bilateral military and economic assistance to El Salvador." (Emphasis added) For an organization interested in development, Oxfam's opposition to economic aid to El Salvador is

RELEASED
El Salvador: Human Rights
Special Project (1993)

RELEASED
El Salvador: Human Rights
Special Project (1984

strange, as it has criticized the U.S. government harshly for cutting aid to the Sandinista government in nearby Nicaragua.[143]

While the FMLN guerrillas destroy El Salvador's economic infrastructure through attacks on farms, roads, and energy facilities, CISPES and related groups lobby in the U.S. against economic aid to El Salvador. Here, Oxfam took an identical position.

Captured FMLN documents show that in the first six months of 1980, Oxfam sent the dollar equivalent of 62,230 Salvadoran *colones* to CEAH, the Ecumenical Committee of Humanitarian Aid, which has been identified as a front for the Communist Party of El Salvador.[144] While Oxfam leaders denounced the documents in question as containing falsehoods, the organization itself had said months earlier, in its August 1980 newsletter, "Oxfam America recently approved a grant of $50,000 for emergency aid to refugees in El Salvador," and that the funds would be distributed through CEAH.

In 1983, Oxfam-America donated $50,000 to the FMLN front DIACONIA. In its Spring '83 newsletter, Oxfam-America said that DIACONIA was formerly known as ASESAH, which has been shown to have been the result of a planned guerrilla merger between the CES and the CEAH. Any claims of ignorance by Oxfam as to DIACONIA's relationship with the FMLN is suspect due to Oxfam's open support for the guerrillas at the time.[145]

Oxfam-America's attitude toward refugees cannot be more graphically illustrated than those unfortunate people living in Honduras. The relief group publicized the fate of Salvadoran refugees in Honduras and sent aid to them in 1983. Former FMLN commander Alejandro Montenegro told the author that the FMLN routinely crossed into Honduras to use the refugee camps as sanctuaries and to be with their families who resided in those camps.[146] Meanwhile, Oxfam has all but ignored the plight of the tens of thousands of Nicaraguan refugees also living in Honduras. When asked why this was so, an Oxfam-America spokesman gave this weak excuse: "We have never worked with those [Nicaraguan refugee] camps; the Catholic Relief Service is involved with them."[147]

Politically, Oxfam-America has been very active. In November 1984, for example, Oxfam co-sponsored the pro-FMLN "March on Washington" demonstration in conjunction with the Communist Party USA (CPUSA), the Communist Workers Party, the reputed CPUSA front National Lawyers Guild, and CISPES. In fact, Oxfam-America recommends CISPES material as part of its recommended literature on El Salvador.[148]

Oxfam-America officials deny that the organization supports the FMLN, and maintain that if it ever supported the guerrillas, it was several years ago under a different administration. However, as recently as April 1987, Oxfam-America cosponsored political

events in support of the Sandinistas and the FMLN. Oxfam was an official endorser of the massive April 25 mobilization on Washington, which was denounced by Lane Kirkland of the AFL-CIO, Stephen Rosenfeld of the Washington Post, and others as a demonstration supportive of communism in Central America.[149] Leading the rally were such figures as Jesse Jackson, Ed Asner, and representatives of the Sandinista government and the FMLN. Oxfam-America officially marched with them, carrying a banner down Pennsylvania Avenue to the Capitol.[150]

RELEASED
El Salvador: Human Rights
Special Project (1993)

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El Salvador: Human Rights
Special Project (1993)

How a ten-dollar contribution reaches the FMLN

To illustrate how a ten-dollar contribution from an American donor travels from his or her pocket to the FMLN, we give the following hypothetical example:

Mary Smith receives a letter in the mail from actor Martin Sheen, asking her to donate to Medical Aid for El Salvador (MAES) to help relieve the misery of victims of the war in that country. She is told nothing about that organization's support for the FMLN. In fact, the FMLN is not mentioned at all in the letter. Heartned by the emotional appeal, she writes a check for ten dollars and sends it to MAES.

Once it reaches the MAES office, about half of it goes to pay for overhead and legitimate fundraising expenses such as list rentals, printing and postage, leaving five dollars for the people of El Salvador. That five dollars is sent to one of the bank accounts managed by Sergio Mendez Arceo in Mexico City. In Mexico, it is decided to which organization the money will be sent. These particular five dollars will go to DIACONIA.

The money is transferred to the DIACONIA office in San Salvador, where it is to be distributed to "the people." Thirty percent, or $1.50, is spent on legitimate humanitarian aid projects which politically benefit the providers--the FMLN. The other seventy percent of Mary Smith's net contribution, or $3.50, goes directly to FMLN military operations.

Months later, she receives another letter from Medical Aid for El Salvador, showing pictures of how peasant families have been benefiting from contributions like hers. These pictures are real; these programs do exist, but the nature of the programs is unknown to the donors. Mary Smith gives a second contribution. She cannot afford much, so she writes Medical Aid for El Salvador to ask what else she can do to help. In a few weeks, she receives a package of brochures, articles, and a MAES annual report showing how the money is supposedly spent. Incensed, confused and concerned, she writes a letter to her congressman, asking him to stop U.S. military aid to El Salvador. She approaches the pastor of her church, and urges him to hold a special collection for the suffering Salvadoran people. It seems like a worthy cause. On Sunday, the collection basket is passed and the money is sent to MAES. This time, there are no fundraising expenses, so a greater percentage of this contribution reaches its final destination.

On the facing page is a flow chart demonstrating how one's humanitarian contribution is diverted to the FMLN guerrillas.

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El Salvador: Human Rights
Special Project (1993)

CISPES ACTIONS ELICIT RESPONSE IN CONGRESS

Many of CISPES' activities have produced responses by Members of Congress. Representative Mervyn Dymally (D-CA), a member of the House Subcommittee on Western Hemisphere Affairs, documented some of CISPES' successes in a fundraising letter he signed for the group in early 1986. In the letter, he repeated CISPES' own themes. The congressman said,

". . . CISPES has. . . already shown results in Congress:

"47 Members of Congress have co-sponsored a resolution by Rep. John Conyers condemning the continuing human rights violations in El Salvador and calling for a halt to the indiscriminate air and ground attacks on civilians.

"At CISPES' urging, House Ways and Means Chair Dan Rostenkowski wrote letters to our colleagues, David Obey, Chair of the Foreign Operations Appropriations Subcommittee, and Michael Barnes of the Western Hemisphere Affairs Subcommittee of the Foreign Affairs Committee. He voiced opposition to the Administration's supplemental request of $54 million in Central American police training funds.

"The police training measure failed--thanks in part to the opposition of Rep. Rostenkowski and other members of Congress contacted by CISPES.

"Following Rep. Rostenkowski's letter and thousands of letters from CISPES members, Rep. Barnes held Subcommittee hearings on the human rights situation in El Salvador.

"Rep. Frank Annunzio, a former supporter of military aid to El Salvador, credits CISPES members in his district with changing his point of view about the effects of that aid in El Salvador."

In an accompanying letter, CISPES national coordinator Angela Sanbrano said, "*we're putting pressure where it's needed most.* In 50 key Congressional districts, CISPES is helping tip the balance on critical legislation." (emphasis in original)

Congressman Dymally then appealed for donations so that CISPES could continue its operations, especially its efforts to get Congress to stop the Salvadoran army's successful aerial counterinsurgency operations. Dymally continued, "Sign the 'Urgent Reply Memorandum' I am enclosing and return it along with your contribution. We need to obtain thousands of signatures as part of CISPES' effort to deliver these pledges by the truckload to Members of Congress. Your representatives must recognize that you want them to act to stop the bombings." Congressman Dymally added as a

postscript that contributions of $100 or more could be itemized as a tax-deduction if made out to the Institute for Effective Action, which would "fund CISPES' ongoing educational work."

Barnes holds hearings in response to CISPES campaign

Congressman Dymally helped CISPES launch its national petition campaign to get the House Subcommittee on Western Hemisphere Affairs to hold hearings on the "air war." Subcommittee chairman Michael Barnes (D-MD) agreed, and held a special hearing on 14 May 1986, called "The Air War and Political Developments in El Salvador." This hearing institutionalized the term "air war" as coined by the FMLN and CISPES into accepted congressional vernacular.

The development of this hearing is a textbook example of how a Communist front, its tax-exempt spinoff, and a friendly congressman work together to influence policy on Capitol Hill. It also shows the incestuous relationship between CISPES and its "humanitarian" spinoffs, and how the two work together to change public opinion and policy.

It began when Berkely, California mayor Gus Newport, leader of New El Salvador Today (NEST), returned from eight days with the FMLN in Chalatenango province in March, 1985. He returned to California denouncing the "air war," and, with Congressman Dellums, began a campaign to lobby for congressional hearings on the subject.[151] As the "air war" campaign developed, Congressman Dymally sent out the CISPES letters to generate petitions to Congress demanding the hearing. Evidently, CISPES supporters responded overwhelmingly. During the hearing, Congressman Barnes remarked, "we probably have had more requests for this hearing than any hearing we have ever held."[152] In an exchange with Barnes, Assistant Secretary of State for Inter-American Affairs Elliott Abrams called the hearing "the product of a kind of drive to besmirch and muddy the reputation of El Salvador, a drive to claim human rights abuses that do not exist."[153] Barnes protested this observation, and Congressman Dymally complained, "I frankly resent the aspersions that the committee chairman is being used and the committee is being used by people for disinformation.

"This meeting," Dymally continued indignantly, "is a result of petitions from all over the country. In fact, I brought several thousand petitions to you, Mr. Chairman. So did the gentleman from New York [Congressman Ted Weiss] and many other members." Dymally mentioned nothing of his involvement in generating the petitions. He was upset: "To suggest that this committee is being used by the guerrillas or the Communists distresses me a great deal. I want to express my strong resentment over those statements issued by the members of this committee."[154]

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El Salvador: Human Rights
Special Project (1993)

Yet the critics, including Secretary Abrams, Congressmen Dan Burton (R-IN) and John McCain (R-AZ) were correct. The guerrillas and the Communists were indeed using the hearing. Dymally was distressed because he had been caught.

To be fair, Secretary Abrams and former Salvadoran Ambassador to the United States Ernesto Rivas-Gallont were allowed to state their case, as was Democrat William C. Doherty of the AFL-CIO's American Institute for Free Labor Development (AIFLD).

Congressman Conyers was the first witness to testify. (He was not a member of the subcommittee). His testimony was the exact political line taken by the FMLN and CISPES. He made six policy recommendations: 1) For the denial of all U.S. aid to the Salvadoran police, 2) an overall cut in U.S. aid to El Salvador for FY 1987, 3) that all aid be conditional on certification of the Salvadoran government's conduct against the FMLN, 4) withholding delivery of six training helicopters "until there are several dozen prosecutions" for human rights abuses, 5) making future aid contingent on negotiations with the Communists, and 7) investigating the Reagan Administration's "misrepresentation of fact as it applies to human rights in El Salvador."[155]

This is very similar to what CISPES wanted, which is not surprising; Conyers is one of the most radical members of Congress who has taken such extreme stands as supporting the Palestine Liberation Organization and abstaining from condemning the Soviets for their shooting down of 269 people aboard Korean Air Lines flight 007 in September, 1983. Conyers is from a radical background. A native of Detroit, he is known as a Red diaper baby. His father, John Conyers, Sr., was a local Communist Party official and close friend of a leading Detroit Communist Party collaborator, George Crockett.[156]

(Congressman Barnes lost his seat in 1986. George Crockett, who was elected to Congress in 1980, succeeded Barnes as chairman of the subcommittee. For more information on Crockett, see the Council for Inter-American Security's package, *The Crockett File*.)

Conyers brought in as a witness a fellow radical, NEST leader Gus Newport, who visited the FMLN in Chalatenango in March, 1985, accompanied by Diane Greene of NEST and Mary Ann Buckley of CISPES.[157]

Needless to say, this was not made clear in the hearing. Newport was vague about exactly who hosted him in El Salvador, and would not come out and say that he was with the FMLN. However, his evasiveness was noted by Congressman Burton, who was in the same areas of El Salvador as was Newport, but saw nothing like what the Berkely mayor described.

Yet another witness was Eileen Purcell, representing San Francisco Archbishop John R. Quinn. Ms. Purcell is executive

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El Salvador: Human Rights
Special Project (1993)

director of SHARE. In October, 1986, Purcell went to El Salvador as part of a Medical Aid for El Salvador advance team to prepare for the November airlift.[158]

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Special Project (1993)

Appendix 1

Statements by CISPES and the FMLN

"The Committee in Solidarity with the People of El Salvador (CISPES) seeks to educate and mobilize public opinion against U.S. intervention in El Salvador and Central America and in solidarity with the FMLN-FDR, the legitimate representative of the Salvadoran people."

--CISPES newsletter "Alert!" April 1985.

"Our organization is a working class party. Our ideology is Marxism-Leninism."

--FMLN document AA.

"The FMLN-FDR advocates political pluralism, a mixed economy and a foreign policy of non-alignment."

--CISPES membership packet, 1/85.

"The World Socialist Camp is the vanguard of the World Revolution and constitutes our friend and fundamental ally."

--FMLN document AA.

"The El Salvadoran revolution has no alternative to armed struggle. The communists are convinced that the revolution will triumph despite all obstacles. Our revolution rests on the strength, will, and heroism of the people, and its vanguard consists of left forces that are united and have extensive experience of struggle."

--Shafik Handal, General Secretary, Communist Party of El Salvador, and leader of FMLN General Command, in *World Marxist Review* (Prague), October 1980.

CISPES Goals for 1984:

"1. Impede the escalation of U.S. intervention in Central America by (a) making the political costs of a full-scale, direct intervention too high; (b) obstructing the step-by-step escalation of U.S. intervention in Central America.

"2. Provide political and material support to the FMLN-FDR of El Salvador; and

"3. Defend the Sandinista revolution.

"Our defense of the Sandinista revolution will directly contribute to the Nicaraguan people's efforts to consolidate their revolution. It will also undermine Reagan's attempts to build a 'strategic consensus' in the U.S. for intervention in all of Central America."

--"1984 CISPES National Administrative Strategy Proposal."

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El Salvador: Human Rights
Special Project (1993)

". . . there are survivals of sectarianism. . . . But this is now of minor importance and cannot inhibit the successful development of the unitary process, whose purpose is to create a united Marxist-Leninist party, although nobody can say exactly when this will happen."

--Shafik Handal, World Marxist Review, September 1980.

"The United Revolutionary Leadership is highly appreciative of the international solidarity fettering the aggressive actions of U.S. imperialism. In this connection the main task of the day is to expose the U.S. policy of genocide relative to the peoples of El Salvador and Guatemala, whose thousands upon thousands of families have lost relatives and homes or found themselves in the bloodstained hands of butchers directed by U.S. military advisers."

--Shafik Handal, World Marxist Review, September 1980.

"We have organized a large solidarity apparatus that encompasses the whole planet, even in the United States, where one of the most active centers of solidarity exists."

--FMLN Radio Venceremos, March 13, 1983.

"Monday morning the offices of Congressman Dellums were turned into our offices. Everything was done there."

--CISPES organizer and communist agent Farid Handal, in diary of trip to U.S. to organize CISPES, March 1980.

"The heroic people and government of Viet Nam have set an example for the oppressed people of theworld by their courageous struggle and defeat of U.S. imperialism on April 30th, 1975. That victory inspired national liberation struggles around the world, many already victorious. . . We also support the heroic people of El Salvador, led by the Democratic Revolutionary Front [FDR], for their courageous struggle for self-determination."

--Undated flyer co-sponsored by CISPES and the Committee in Soliarity with Viet Nam, Kampuchea and Laos, for 9 May 1981 rally at Washington Square Methodist Church, New York City.

"The job of such a movement is to challenge U.S. policy; to disrupt the war effort, to polarize opinion, to inspire people to refuse to cooperate, to create divisions within Congress and every other institution from the AFL- CIO to the campuses, etc. Each escalation of the war must bring a response more costly than the one before, precisely the Vietnam war phenomenon the administration is trying to avoid. As the FMLN wears down each incremental phase of intervention, such a movement can make it impossible for the U.S. government to escalate to new levels at the rate it needs in order to win."

--CISPES "Alert!" editor Bob Ostertag and others, in "The Strategic Task of Our Movement," document submitted at CISPES 1985 convention, May 10, 1985.

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El Salvador: Human Rights
Special Project (1993)

On killing U.S. Army Sergeant Gregory Fronius:

"We think it is about time for the House or Senate to realize that Ronald Reagan is entangled in the region, that his policy is an attack not only on the interests of the people of the region and on the just cause of our people but also on U.S. interests. The current revolutionary campaign has revived the El Salvador debate in the United States."

--FMLN Commander Valentin Martinez, Radio Havana, April 4, 1987. Monitored in the Latin America Daily Report, FBIS, April 7, 1987.

"The war is against the United States right now."
"The bodies of more American people will be coming here."
"It is very logical they are going to be attacked. This is just the beginning."

--FMLN representative Ernesto Godoy, Associated Press, 6 April 1987.

"It was in LSM [the Liberation Student Movement] that I met my husband Carroll Ishee. In 1980, we moved to New Orleans as students with the intention of eventually travelling to Angola as brigadistas. The war in El Salvador changed that plan.

"After a difficult and painful winter of decision-making, we left school. In 1981 Carrol [sic] went to El Salvador as a militant and I became increasingly active in CISPES. In August 1983 Carroll was killed by U.S. helicopter fire as a member of the FMLN."

--LaVaun Ishee, CISPES Southeast Regional Coordinator, in biography at CISPES 1985 National Convention.

"In Nicaragua in 1980 if you asked anyone what you could do to help, you were invariably told to go home and work for El Salvador where death squad terror was at a peak and the newly-formed FMLN was preparing for the General Offensive. When I returned I immediately began working with Salvadoran refugees. . . when I returned CISPES had been formed. I jumped into the NYC chapter and became the first Mid-Atlantic Regional Coordinator. In this position, I travelled extensively doing the initial work of setting up the region, and participated in all the early CISPES political struggles."

--Bob Ostertag, editor of CISPES newsletter "Alert!," Biography at CISPES 1985 Convention.

"FMLN/FDR--The People United Will Win."

--CISPES flyer promoting National Week of Solidarity and Action with El Salvador, January 18-22, 1982.

"The FMLN/FDR together constitute the largest political movement in the history of El Salvador."

--Ibid.

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El Salvador: Human Rights Special Project (1993)

"The FMLN and FDR are working to bring to power a Democratic Revolutionary Government."

"Not a single human rights institution has condemned the FMLN as terrorist or as systematically violating human rights."

--CISPES flyer, "El Salvador's Freedom Fighters--What They Stand For," Undated.

"Our slogan is, 'Make every road a river of enemy blood, every stone a mine, and every helicopter a coffin.' We will make it a reality."

--FMLN Commander Joaquin Villalobos, Radio Venceremos Systems, El Salvador Information Center, PO Box 421965, San Francisco CA 94142.

". . . the Salvadoran opposition, united in the FMLN-FDR (Farabundo Marti National Liberation Front-Democratic Revolutionary Front), has gained the political and military initiative. They have established 'zones of control' throughout the country, clearly demonstrating that they have the support of the people."

--CISPES flyer promoting November 12, 1983 March on Washington.

"We must seriously address the question of the right of the Salvadorans to self-determination, and of the FMLN/FDR as the legitimate representative of the Salvadoran people. As more and more leaders of the FMLN are captured/arrested, as more and more organized sectors are repressed because of the alleged FMLN affiliations, we must underline their right to organize freely and struggle to replace the repressive U.S.-backed regime in El Salvador."

--CISPES national office, in letter to activists, August 27, 1982.

". . . we are also committed to support the Nicaraguan and Guatemalan revolutionary struggles, through our own work and regular participation in support of the work of the National Network in Solidarity with the Nicaraguan People (NNSNP [or Nicaragua Network]) and the Network in Solidarity with the People of Guatemala (NISGUA)."

--CISPES Membership Packet, January 1985.

"Guatemala, El Salvador and Honduras will have their hour of liberation and . . . the Sandinista revolution was the first flame in that process."

--Oscar Gonzalez, FMLN representative at conference in Cuba. Quoted in *Soviet World Outlook*, Advanced International Studies Institute and University of Miami, 15 March 1982.

"The goals of CISPES are two-fold: to educate and mobilize the public against U.S. intervention; and, to build popular support for the FMLN-FDR, the broad popular movement for social justice in El Salvador. We also support the Sandinista government in Nicaragua and the revolutionary movement in Guatemala."

--Chicago CISPES flyer, "Peace & Justice in Central America," undated.

RELEASED
El Salvador: Human Rights
Special Project (1993)

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El Salvador: Human Rights
Special Project (1993)

"This is not just a Salvadoran revolution. We have to help all of the oppressed and exploited people of Latin America. After we triumph here we will go to Guatemala and offer our proletarian brothers the benefit of our experience. . . . Eventually we will fight in Mexico."

--FMLN Comandante Neto, San Diego Union, 1 March 1981, p. 1.

"CISPES has supported the struggle of the Salvadoran people and the FMLN-FDR since our founding in October of 1980. The FMLN-FDR have legitimately earned recognition as the leaders of that struggle. This position, not only against U.S. intervention, but in support of the Salvadoran people, is the basis for our existence as a solidarity organization."

--CISPES Membership Packet, January 1985, in section titled "Why CISPES Supports the FMLN-FDR."

"During the hearing, [Congressman] Sensenbrenner and minority counsel Alan Slobodin closely questioned Michael Lent of CISPES, seeking to link his group to the Farabundo Marti National Liberation Front and its political arm, the Democratic Revolutionary Front (FMLN/FDR).

"Lent. . . denied any link to the Salvadoran rebel-political-military coalition. . . ."

--Washington Post, February 20, 1987, p. A26.

"We had hoped that our support for and contact with the FMLN-FDR would build an organization with a sophisticated understanding of the ups and downs of a revolutionary struggle and a long-term perspective."

--Bob Ostertag, "A History of CISPES," October 1983 Alert!.

"The groundwork has been laid for a larger and stronger movement that can contribute to the defeat of the U.S. and the victory of the FMLN. Now we must build that movement."

--Ibid.

"On Wednesday, 19 June, six U.S. advisers [sic] were justly punished. They were annihilated at a restaurant in the San Benito neighborhood by FMLN guerrilla commandos. . . . The FMLN's actions against the Yankee invaders will be expanded, both in number and nature. . . . The execution of these military men is an act of revolutionary justice."

--Radio Venceremos, 21 June 1985, reported in 24 June FBIS.

CISPES response to FMLN's killing of four U.S. Marines and two U.S. businessmen, 19 July 1985:

"Should it surprise us that the Salvadoran guerrillas view U.S. military personnel as enemies? The U.S. military arrives in Third World countries like El Salvador with very sophisticated, modern weapons. The guerrillas have no infrared sights, no helicopters or planes with which to counterattack, or even

anti-aircraft weaponry for simple self defense. When they hit back, they strike at a target within their means, in this case Marines at a sidewalk cafe. A 'terrorist' attack? Compared to what?"

--CISPES editorial, July-August 1985 Alert!, p. 2.

"We are not tied to terrorists." --CISPES spokesman Beth Perry.

--Miami Herald, October 25, 1984, p. 16A.

"Yankee aggressor, your tomb will be El Salvador!"

--FMLN General Command, Radio Venceremos, 25 June 1985, reported in 25 June FBIS Latin America Report.

"Our struggle in the diplomatic and political field already has a regional context, and if the imperialists insist on their policy of aggression, the open regionalization of the war will become a necessity and we will participate in it. It is in this context that the forces that form the FMLN will maintain and strengthen relations with all the forces and governments interested in the peace of Central and Latin America. That is why we reply to imperialism: We are and will continue to be friends of the peoples and governments of Cuba and Nicaragua and we are not ashamed of this. On the contrary, we are proud to maintain relations with those peoples, who are bastions of the anti-imperialist struggle."

--FMLN Radio Venceremos, 13 March 1983. Monitored in FBIS Latin America Report, 15 March, 1983.

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Special Project (1993)

Appendix 3

The FMLN literacy campaign

Charitable groups which have been either created or co-opted by FMLN support organizations have heralded the guerrillas' literacy campaign for the illiterate peasants in rural El Salvador. The FMLN's literacy program serves a threefold purpose: To demonstrate to El Salvador's poor that it can offer the people something which the government cannot, in this case education; and to project the image in the western democracies that the FMLN has a humanitarian agenda in addition to its political/military one.

Third, the image of a functioning FMLN literacy program enables FMLN supporters to raise money in the West to sustain that program. Most humanitarian funds raised for the FMLN are skimmed off and diverted for military p rposes. According to Miguel Castellanos, former finance director for the FPL faction of the FMLN, seventy percent of such humanitarian aid is channeled to the actual combatants.

Ideological indoctrination

Like the highly-publicized political indoctrination that forms the core of the literacy program sponsored by the Sandinista government in Nicaragua, the FMLN's literacy campaign serves to indoctrinate as it educates.

A hand-written FMLN literacy book captured from the unit with Commander Nidia Diaz in April 1985 shows how the paramilitary organization indoctrinates its supporters in Marxist-Leninist ideology. The following letters, words, sounds, phrases, sentences and illustrations are taken from the literacy book and serve as examples:

C. *Centro America.* (Central America). Map of Central America, with El Salvador marked with an explosion, and Nicaragua marked "libre."

CH. *Ernesto Che Guevara.* Sketch of Che Guevara. Phrase: *"La lucha de Chile."* (The struggle of Chile). For a literacy campaign, there is little concern with sentence structure.

D. *Dialogo.* (Dialogue). Picture of two men seated at table; one man is bearded and wears a cap, resembling Fidel Castro.

F. *Farabundo.* Picture of Salvadoran Communist Party founder and Comintern agent Farabundo Marti, for whom the FMLN is named.

G. *Burguesia.* (Bourgeoisie). Picture of well-dressed fat man with bag of money.

K. *"Emboscamos en el Kilometro 51."* ("We will ambush at Kilometer 51.")

L. *Liberacion.* (Liberation). Picture of map of El Salvador with FMLN flag flying over it.

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M. *Milicias Populares.* (Popular Militias). Picture of peasant with sickle and gun.

P. *Poder Popular.* (People's Power). Accompanied with a picture of a group ofpeople with an FMLN flag. *Pepe.* Picture of a man ("Pepe") holding a gun.

RR. *Barricada.* Barricade. Picture of barricade in the streets.

T. *Titere.* (Puppet). Picture of President Duarte as marionette, with puppeteer labled "Reagan."

Z. *Zapadores.* (those who dig trenches, lay mines, etc). Picture of*zapador* with gun and shovel near electric power pylon, a common target of FMLN bombings. Sentence: *"Zenobio va a la zona liberada."* (Zenobio goes to the liberated zone). "Zenobio" is not a Spanish name, but it appears to be a reference to Grigory Zinoviev, the Comintern leader who oversaw the international Communist movement at the time of Farabundo Marti in the 1920s and '30s.

"AR" sound. *Partido.* (Political party). Sentence: *"La Alfabetizacion. . . Otra arma en la revolucion."* ("Literacy. . . Other arm of the revolution.") Picture of hammer and sickle.

"AM" sound. *"Campesino. El campesino se organiza. Combatimos al imperialismo."* ("Peasant. The peasant organizes. We combat imperialism.")

"CL" sound. *"Lucha de clases." "La lucha de clases es el motor de la historia."* ("Class struggle." "Class struggle is the engine of history.") Accompanying the example is a picture of soldier and a well-dressed fat man with a bag of money, faced by an angry crowd with a gun and sickle.

"BR" sound. *"Hombre nuevo." "Obreros y campesinos al poder."* ("New man." "Workers and peasants to power.")

"DR" sound. *"La DRU." "Direccion Revolucionaria Unificada."* ("The DRU." "Unified Revolutionary Directorate.") These vocabulary words refer to the first coalition of Salvadoran guerrilla groups in 1980 that evolved into the coordinating body of the FMLN. Illustrating these examples is a cloud bearing the initials of the five political factions of the FMLN, which were also members of the DRU: FPL (Popular Liberation Forces), PCS (Communist Party of El Salvador), PRTC (Central American Revolutionary Workers Party), PRS (Salvadoran Revolutionary Party), and RN (National Resistance).

"FR" sound. *"Frentes de liberacion." "Frente Farabundo Marti para la Liberacion Nacional. Los revolucionarios no tenemos fronteras."* ("Liberation fronts." "Farabundo Marti National Liberation Front. The revolutionaries have no borders.") The accompanying picture is of the FMLN banner.

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Appendix 4

1980 CISPES Founding Conference Work Plan

WORK PLAN FOR THE SALVADOREAN SOLIDARITY MOVEMENT
as recommended by
the East Coast Conference in Solidarity with the Salvadorean People
Washington, D.C., October 11-12, 1980

EXPOSE ALL FORMS OF U.S. INTERVENTION IN EL SALVADOR

**Pressure Congress to halt all U.S. military aid to El Salvador
**Pressure the Administration to halt all U.S. military aid shipments, military cash sales, and military education and training of Salvadorean forces

--Initiate letter-writing campaigns to Congress and the Secretary of State
--Confront Congresspersons in their local districts through visits, attending fora where they will be speaking, etc.
--Promote the approval of resolutions or statements by city, county, or state governments and major political figures
--Use full-page ads in local newspapers with signatures showing broad opposition
--Organize fact-finding delegations to El Salvador which can return and generate publicity and support

BREAK THE MEDIA BLACKOUT AND INFORMATION DISTORTION

*Pressure the traditional media to include more and better coverage of El Salvador
*Pressure journalists' associations, newspaper guilds, etc., to denounce the repression of journalists and media workers in El Salvador
*Develop alternative channels of communication and information sharing

--Bombard editors with letters, arrange for visits of influential local delegations
--Prepare op-ed pieces, suggest possible radio/TV interviews with local angle
--Develop a network of people who will respond immediately to articles or coverage as it does appear
--Raise money to help distribute the bulletin of the FDR
--Develop an El Salvador news and information center here in the U.S.
--Distribute news updates on a regular basis to the solidarity network
--Provide information on a systematic basis to labor, minority, and community presses

EXPOSE THE REPRESSIVE NATURE OF THE AGRARIAN REFORM PROGRAM

**Raise public awareness of the program, linking it to the "land-to-the-tiller" pacification program used in Vietnam
**Denounce the role of AIFLD, the American Institute for Free Labor Development, in planning and implementing the reform
**Make contact with farm groups, food and farm workers, and others with a special interest in agrarian or hunger problems
**Pressure Congress to halt use of military aid, as well as World Bank, International Monetary Fund, and Inter-American Development Bank funds, for the agrarian reform

SUPPORT THE SALVADOREAN PEOPLE IN THEIR LIBERATION STRUGGLE

**Denounce the genocidal repression and the critical situation of refugees and displaced persons
**Pressure the governments of the U.S. and El Salvador to assure the neutrality and protection of humanitarian relief efforts, including in particular refugee centers and medical and relief personnel
**Work to secure refugee, or in the U.S. "extended voluntary departure", status for those Salvadoreans who have been forced to flee their country
**Encourage greater support for humanitarian assistance efforts already underway
**Establish a nationally coordinated fund-raising campaign to support the people of El Salvador, including sale of "Free El Salvador" certificates

RELIGIOUS SECTOR

General Considerations

Outreach within the religious community should seek, among other things, to highlight the witness of the Church and Christians in El Salvador today, including their support of the popular organizations. It should also seek to help North American Christians understand the theological basis for the Church's action in El Salvador, and the persecution it is subjected to as a consequence. Care needs to be taken, however, not to present the Church in isolation from the people of the community as a whole. In the same manner, solidarity efforts within the religious community here should strive to maintain close cooperation with secular groups in the broader Salvadorean solidarity movement.

Specific recommendations:

1. Organize delegations of church people to visit the religious editor of local newspapers; coordinate with a broader-based letter-writing campaign to focus on media blackout, distortion
2. Insure regular distribution of news updates, anlysis to religious press
3. Prepare Op-Ed pieces for submission by local church officials
4. Encourage local groups to plan commemorations of the anniversary of Archbishop Romero's assassination
5. Form a coordinating group for religious people within the broader El Salvador solidarity movement, with the specific task of helping develop and coordinate the following:

--Preparation of informational materials, liturgical aids, suggestions for prayer vigils, speakers, etc. for use by local churches

--Facilitation of church-to-church dialogue, arranging for visit of U.S. church delegations to El Salvador and visits of Salvadorean church people here

--Participation of religious groups in the National Week of Solidarity, suggested to be held January 18-25 so as to include commemoration of the peasant massacre in 1932 and the march of 200,000 in 1980 (both Jan. 22) and the week of Prayer for Christian Unit

--Preparation of a resource list for distribution to local churches, parishes: include "theological" resources, slides, music, speakers, forums, liturgies, etc.

--Translation and distribution of news from Socorro Jurídico, Orientación

--Approval by major church bodies of statements or resolutions denouncing U.S. aid to the junta, its genocidal policies, persecution of the Church, and offering support for the popular organizations

--Preparation of an ecumenical letter, signed by top religious officials, to the President, State Department, Congress, perhaps to be delivered by a top-level delegation

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Appendix 5

Copy of Congressman Dellums' CISPES Fundraiser

Congressman Ronald V. Dellums

Washington, D. C.
Friday morning

Dear Fellow Citizen,

A growing militarism infects our nation, threatens our planet, and poisons the hopes of our children.

Will you help me convince my colleagues in Congress to stop building a perpetual war machine and start rebuilding America?

Ronald Reagan now gives the Pentagon half of every dollar you and I pay in federal income taxes. If yours is a typical American household, you will have poured more than $20,000.00 down this defense drain before Reagan's second term is over.

Don't think it will end there. Reagan proposes a 12% increase in military spending for this year, coupled with massive cutbacks in nearly every non-military program. This arms build-up is wreaking incredible long-term damage to our economy and seriously weakening our social fabric. Education, health care, jobs -- all suffer the ill effects resulting from the misplaced priorities of this new militarism.

I plan to submit an Alternative Defense Budget to the 100th Congress when it convenes -- just as I have done in every session since 1982. It is a budget for defense -- not for playing strategic "chicken" with the Soviet Union or for war-games -- and war -- in the Third World. Instead, it will allow us to return to the vital task of building a just, compassionate America and a peaceful world.

Since I suspect you already share my concern over America's ominous, wasteful, military build-up, I invite you to join me now in support of the Alternative Defense Budget. Let us establish together the framework for a new era of safety, security, and realism about America's global role.

Together we can keep alive national debate at the highest levels of government, and make significant progress toward a sane defense policy.

In this debate, we must very clearly understand what we are willing to pay for, and why.

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I believe that until we re-order our defense policies, military spending will continue to ravage American society and drain both our personal and national resources

Military spending is the issue upon which the fate of our whole society now hinges. Its urgency does not allow you and me to sit around waiting for a changing of the guard. We must start now to bring the country back to reality.

Because many of my Congressional colleagues are now searching for the right road -- and open to alternatives -- it is particularly urgent that we fully debate the Alternative Defense Budget in the next session of Congress.

> Even my arch-conservative colleague Newt Gingrich conceded during the historic House debate on an earlier version of the Alternative Defense Budget: "I think your cry from the heart is fundamentally right."

And despite intimidation by the Pentagon brass and the arms manufacturers, we keep on winning important victories.

I have fought continuously against the MX missile. In 1977, I could muster only 11 votes to kill all funding for this dangerous, useless weapon. But in 1985, the tide had turned. Congress approved only a fraction of the requested funding. And we have succeeded in publicly exposing the fraudulent shift in strategy that would base the MX in hardened missile silos as a first-strike weapon

My opposition to the B-1 bomber also dates back to the day it was proposed. As special Congressional advisor to President Carter, I was able to halt the development of the B-1 for several years. Under Ronald Reagan, it has unfortunately been revived at an estimated $398 million per plane.

I helped engineer the successful freeze on military spending in the 99th Congress.

And I am continuing the fight against Reagan's destabilizing "Star Wars" program after helping to cut more than $1 billion from his original request for research and development.

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The humane, realistic assumptions about America's real national security needs and our proper role in world affairs are what makes the Alternative Defense Budget so different from the Reagan Administration's budget. Here is our agenda:

** We must reverse the nuclear arms race.

** We must end American interventionism in Central America and throughout the world.

** We must curtail the plans for Star Wars.

** We must initiate effective arms control negotiations with the Soviet Union.

** We must stop acting as the world's biggest arms merchant.

** We must reform the Pentagon's procurement methods.

** We must begin the conversion to a productive peacetime economy.

But as long as national priorities are defined by the Pentagon and not by the people, the debate will continue. And we will have to defer even longer our vision of full employment, true security, justice and equality.

I will not deceive you by suggesting that we can make our views about the madness of current military policies prevail overnight.

But I will not allow us to delay even a moment in carrying on the work that we must do for ourselves, our children, and our children's children.

Let me tell you exactly what I plan to do.

I will present the Alternative Defense Budget to the 100th Congress. I will make certain its assumptions and implications are explored by the full House of Representatives in debate on the Floor.

I will work to explain the Alternative Defense Budget to the national news media, to specialized journals, and to the American people directly. The counsels of peace will be given their chance to prevail.

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10

And I will keep on confronting the military establishment until it accepts the inevitable: The United States must build a just, compassionate society at home while working unceasingly for world peace.

Let us start right now to work together toward this goal.

Please respond quickly to this letter. Your persona support is a vital tool in building a Congressional coalition in favor of the Alternative Defense Budget.

The Republican National Committee and wealthy Right-wingers in California are all as eager as ever to unseat me in the coming elections. Your contribution to my re-election campaign for $25, $35, $50, $100 or more -- especially at this crucial early date -- will help ensure that my campaign committee has adequate resources to defend me from the Right-wing attack we can expect.

With your gift of $250 or more, you will become a member of the Dellums Leadership Circle, a select group of far-sighted Americans committed to a sound, progressive vision of our future.

By helping me, you will be making sure that the concerns of all progressive Americans, wherever they live and work, are voiced both in crucial Committee meetings and on the House Floor.

I will keep you fully informed of my progress. And I pledge to make your support for sane defense policies more widely known in Congress and throughout Washington. The fight for a rational alternative to military madness remains my unremitting priority.

Sincerely,

Ron Dellums

Ronald V. Dellums

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Authorized and paid for by the Committee for Congressman Ronald V. Dellums
A copy of our report is filed with and available for purchase from the Federal Election Commission, Washington, D.C.

Appendix 6

Copy of Congressman Dymally's CISPES Fundraiser

Congressman Mervyn M. Dymally

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Washington, D. C.
Wednesday afternoon

Dear Fellow American Citizen,

The United States is deeply involved in a civil war in El Salvador -- a war which has cost over a billion taxpayer dollars, killed 50,000 Salvadorans, and driven over one and a half million more from their homes.

U.S. arms provide firepower in the Salvadoran civil war. U.S. advisors provide training and oversight, and U.S. pilots use infra-red equipment to identify targets.

The war will not stop without your help.

There are three things you can do to help stop the bombing in El Salvador and end U.S. aid to the Nicaraguan Contras. But before telling you what they are, I must make clear how seriously I view this situation.

During my six years on the Foreign Affairs Committee, I have listened to witnesses chronicle our deepening military involvement in Central America. In my Los Angeles County home district, Salvadoran refugees have told me about the high human toll of the war.

Sporadic news reporting fails to convey a full picture of the intensity of the fighting or of its impact:

- Our tax dollars fund an escalating air war which features daily bombings of civilian areas. U.S.-trained pilots fly AC-47 gunships which can put a bullet in every square foot of an area the size of a football field -- within three seconds.

- Since January, the Salvadoran military has been conducting "Operation Phoenix" -- a massive drive to depopulate Guazapa Province, a few miles north of El Salvador's capital city.

- Once, 50,000 people -- mainly farmers -- lived in the area around the Guazapa Volcano. Now, less than 1,500 civilians are estimated to be left. The army has methodically killed livestock, burned fields and fruit trees, and destroyed food stocks -- all violations of the Geneva Accords.

- According to an April 18th report from the Christian Committee for the Displaced of El Salvador, Operation Phoenix has produced 245 civilians murdered, including 5 pregnant women; 1,345 civilians captured; and 13 villages totally destroyed.

On January 13, 1986 the Washington Post (p. A21) reported, "El Salvador's Roman Catholic Archbishop [Arturo Rivera y Damas] said he witnessed a government aerial bombardment of a populated

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area during his pastoral visit to guerilla-controlled areas this week ... he witnessed the bombing last Monday as residents of the embattled northern Chalatenango Province were singing songs of welcome to him.... Defense officials denied that there was any bombing in the area where Rivera y Damas visited."

The American people and their representatives in Congress must not allow our government to support the bombing of civilians. That is why the U.S. Committee in Solidarity with the People of El Salvador (CISPES) is organizing a National Emergency Campaign to Stop the Bombing. I ask you to support the campaign.

Members of CISPES are working in local communities across the country, informing their neighbors about the threat of full-scale war in Central America -- and asking them to also take action.

With 450 committees in towns and cities in all 50 states, and close working relationships with many other organizations, CISPES is ideally suited to inspire public opposition to the widening U.S. role in Central America. Through films, slide-shows, and public discussions in churches, community centers, and homes, CISPES' volunteer members are showing Americans what is really happening in Central America.

In its 5-1/2 years of existence, CISPES has helped hundreds of thousands of Americans take action for peace -- many for the first time.

** CISPES efforts have motivated thousands to call Members of Congress and to write letters voicing opposition to the U.S. war in Central America.

** CISPES volunteers are breaking through the news media blackout on El Salvador. Op-ed articles, letters to the editor, and newspaper ads are telling the facts. "Stop the Bombing" bus and subway placards are up in urban transit systems across the country.

** CISPES has sent hundreds of thousands of dollars to help meet the basic human needs of those in El Salvador suffering from war. In 1985 alone, CISPES grassroots committees sent over $180,000 in humanitarian aid.

My House and Senate colleagues have access to the same information as do I. "War stories" will not change their votes -- unless they also know that a consensus in opposition to the war is building among their own constituents.

Through organization, that consensus can be built. That is why CISPES is embarking on a two-year educational campaign in 50 key Congressional districts. With trained full-time organizers,

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CISPES will reach the unconvinced, recruit volunteers and build effective opposition to the bombing.

With generous initial contributions, CISPES has begun the effort -- and already shown results in Congress:

* 47 Members of Congress have co-sponsored a resolution by Rep. John Conyers condemning the continuing human rights violations in El Salvador and calling for a halt to the indiscriminate air and ground attacks on civilians.

* At CISPES' urging, House Ways and Means Chair Dan Rostenkowski wrote letters to our colleagues, David Obey, Chair of the Foreign Operations Appropriations Subcommittee, and Michael Barnes, Chair of the Western Hemisphere Subcomittee of the Foreign Affairs Committee. He voiced opposition to the Administration's supplemental request of $54 million in Central American police training funds.

  The police training measure failed -- thanks in part to the opposition of Rep. Rostenkowski and other members of Congress contacted by CISPES.

* Following Rep. Rostenkowski's letter and thousands of letters from CISPES members, Rep. Barnes held Subcommittee hearings on the human rights situation in El Salvador.

* Rep. Frank Annunzio, a former supporter of military aid to El Salvador, credits CISPES members in his district with changing his point of view about the effects of that aid in El Salvador.

But now our government is escalating the U.S. military role in Central America in ways reminiscent of the expansion of the war in Vietnam -- and we must all redouble our efforts to respond.

Here are the three things YOU can do RIGHT NOW to help STOP THE BOMBING:

1) Write a check to CISPES today for $35 -- or for $25, $50 or $100 -- and send it to us in the enclosed postage-paid envelope.

   The day-to day work of CISPES is carried out by volunteers, and the CISPES staff are paid subsistence wages. But other expenses are unavoidably high. To finance its National Emergency Campaign to Stop the Bombing, CISPES must raise over $45,000 in the next two weeks -- and most of it must come from individuals like yourself.

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2) Sign the "Urgent Reply Memorandum" I am enclosing and return it along with your contribution. We need to obtain thousands of signatures as part of CISPES' effort to deliver these pledges by the truckload to Members of Congress. Your representatives must recognize that you want them to act to stop the bombings.

3) If you wish to participate actively in your local community as well, write down your phone number on the enclosed reply memorandum. CISPES staff or other volunteers in your area will contact you with details about grassroots activities in which you may take part.

The Reagan Administration and the Congress are at a crossroads. You can help point out the right path.

One path leads to peace and economic justice. It is the route to the recognition of human rights and the sanctity of human life.

The other path -- the way of death squads and massive bombardment -- leads to large-scale death and destruction. We took that path in Southeast Asia.

Let us not allow our government to lead us down that path again.

Sincerely,

MERVYN M. DYMALLY
Member of Congress
Committee on Foreign Affairs

P.S. Your check for $100 or more will be tax-deductible if made payable to the "Institute for Effective Action". Contributions will fund CISPES' ongoing educational work.

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Appendix 7

Copy of Congressman Conyers' NEST Fundraiser

Congressman John Conyers, Jr.

FIRST DISTRICT MICHIGAN
UNITED STATES HOUSE OF REPRESENTATIVES

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Dear Friend,

I know you share with me a commitment to peace in Central America, and that's why I'm writing you now.

For the twenty-one years I've served as a U.S. Congressman, I've been proud of the desire of most Americans to protect human rights and their willingness to help those less fortunate when help is necessary.

Today our help is desperately needed in El Salvador.

You are no doubt aware of the shocking facts about the human toll of El Salvador's war -- 50,000 persons killed largely by the military and right-wing death squads over the past five years; 500,000 refugees struggling for survival within El Salvador alone.

Now in the Salvadoran countryside, human suffering has taken on a new face -- a face molded, in large part, by the more than $1.7 billion in U.S. aid to El Salvador during the Reagan administration.

And the chief victims are El Salvador's civilians.

Determined to destroy any base for the opposition movement, the Duarte government and the Salvadoran military forces are attacking their own people with unrestrained savagery.

Every day planes bought with U.S. tax dollars fly over countryside considered "enemy territory," machine-gunning, firing mortars and dropping anti-personnel bombs on whatever moves below. Ground forces ruthlessly carry out "search and destroy" missions -- standard procedures ordered by their U.S. advisors.

And every day, caught up in a war not of their making, hundreds of children, women and men are forced to flee their homes in terror of the military's raids or aerial attacks.

A handful of U.S. observers have taken the perilous journey into these war zones. They have brought back bloodchilling testimonies of military massacres.

- Old women unable to run -- mowed down with machine guns.
- Children stabbed, shot and mutilated.
- Babies crying in pain from white phosphorus burns.

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When the Salvadoran army mounts a drive through a village, the people flee to avoid the wrath of the military. These marches -- called guindas (pronounced "GEEN-duz") -- sometimes last for weeks.

The guindas take a shocking toll on children and the elderly. Often safe drinking water and food are simply unavailable. Without adequate shelter, without medicine, without rest, often the very youngest and the very oldest simply die. As one eyewitness said:

> "Sometimes we have suffered for eight days or ten days without water during the different times when we had to be fleeing. I have two children who died and, really, I blame that on the [military] because they didn't have to die....
>
> "A lot of times when we had to leave, I might be right in the middle of making tortillas or whatever and there was no choice, you just had to leave everything. There have been so many massacres that when you have to leave, you just leave...."

And when the survivors return, bravely determined to rebuild some semblance of a normal life, this is what they find: the military has burned down their houses, killed their chickens and pigs, even razed their newly planted crops. Deprived of their only sources of livelihood and nourishment, they are desperately hungry.

You might well ask: how can this be?

While a wealthy minority controls the bulk of the country's resources, the majority of Salvadorans are trapped in poverty and landlessness. Peaceful attempts at land reform or other democratic change that might ease this chronic impoverishment have been ruthlessly thwarted by the Salvadoran military.

It is not difficult to comprehend why some who oppose the Salvadoran government's war on its own people have fought back in desperation.

But it is difficult to comprehend why the Salvadoran military, in seeking to stop this opposition, is attacking the unarmed population with such ferocious brutality.

In destroying the rural economy and deliberately targeting civilians, Napoleon Duarte's "democratic" government hopes to undercut support for its opposition. But the true sufferers are the innocent.

> "Every time when soldiers have come here they have either burnt the fields or trampled down the new plants, so you

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never know. These are things they are doing against the civilian population because we are not [guerrillas] here...."

We can no longer avoid addressing what is being done in our name in El Salvador.

On the floor of Congress, I have adamantly opposed military aid to the Salvadoran government. And, though Congress ended up approving additional U.S. military assistance to El Salvador, I believe the American public stands with me in opposing this tragic use of our tax dollars.

I hope that someday our government will correct itself, just as it finally extricated itself from the Vietnam War. But until that happens, we cannot help but shoulder part of the responsibility for our country's role in heightening the conflict in El Salvador -- and for the human suffering this conflict is causing.

I know that you share my concern for the civilian victims of El Salvador. So I am eager to tell you about a way in which we can help, not hurt, the people of El Salvador.

A small and resourceful organization called New El Salvador Today (N.E.S.T.) is working to provide emergency help for the children, women and men living in economic desperation because of El Salvador's war.

N.E.S.T. is a non-profit tax-exempt foundation which is sending humanitarian aid to those whose lives are most affected by the violence of the U.S.-supported war. Already N.E.S.T. has succeeded in channeling over $225,000 to the civilian populations in El Salvador's war zones.

The situation these thousands of families face is truly a life-or-death emergency.

They lack even the most basic requirements for life:

- Because their crops have been destroyed, they need food.
- Because they had to flee for their lives, leaving everything behind, they need clothing.
- Because they have walked for weeks on end, wearing out what footwear they had before, they need shoes.

And, most of all, despite their incredible resilience and determination, they need our immediate help.

To respond to this urgent need, N.E.S.T. is mounting an Emergency Relief Campaign to raise $100,000 for desperately needed food and everyday necessities.

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Special Project (1994)

Because the situation is so critical, N.E.S.T. is appealing to individual Americans like you who care enough to support this Emergency Relief Campaign right now.

I am asking you to give whatever you can -- $25, $35, $50 or more. Your contribution will be used immediately to support N.E.S.T.'s efforts to provide clothing and food for the civilian populations impoverished by this violent civil conflict. These supplies will then be transported at great risk -- often on people's backs -- into El Salvador's war zones.

Our government sends billions of dollars to El Salvador that destroy lives. Here is a chance to send something to save human lives.

And it takes so little to help! Simply fill out the enclosed reply form and return it with your tax-deductible contribution -- whatever you can afford to give.

As a supporter of N.E.S.T.'s Emergency Relief Campaign, you will have the satisfaction of knowing that you are helping to redress the destruction being done by the U.S. military aid sent to El Salvador.

On behalf of N.E.S.T. and the people of El Salvador, I thank you.

Sincerely,

John Conyers

Congressman John Conyers, Jr.
1st District, Michigan

P.S. Every day is critical now for the people of war-torn El Salvador. So, please, don't put this letter aside. I urge you to take a moment to send in your contribution to N.E.S.T.'s Emergency Relief Campaign today.

JC/rmk

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Appendix 8

CISPES and the Coalition for a New Foreign Policy

The Coalition for a New Foreign Policy is a lobbying organization made up of various church, "peace" and activist groups with a liberal to leftist outlook. It serves as a coordinating body for grassroots activists to lobby their elected officials, monitoring legislatin, publicizing the bills before Congress, and mobilizing its constituent groups. There is some question as to whether the Coalition and/or its members may be violating IRS tax codes which forbid religious, charitable and educational organizations from devoting more than a small portion of their budgets and programs to lobbying.

CISPES is a member of the Coalition for a New Foreign Policy. In a March 1987 letter sent to "Dear Friends Concerned About El Salvador," the Coalition urged local activists to participate in a "Campaign of Inquiry designed to educate Congress on El Salvador," and "to prod congresspeople to learn more about the reality of El Salvador today and thus lay the foundation for specific legislation for a more positive U.S. policy."

This "positive" work is done in tandem with CISPES' own campaign to influence legislation which would help undermine the government of President Duarte in El Salvador, and brings into question whether the Coalition for a New Foreign Policy is simply a mainstream liberal organization that is being used by CISPES, or is a more radical group with a hidden agenda that is concealing its true intentions from its members and from Congress.

RELEASED
El Salvador: Human Rights
Special Project (1993)

Appendix 9

Overt FMLN bank account numbers, addresses, and related operatives

FMLN Accounts in Mexico City

Bank: BANAMEX
Account number: 516-612221-1
Name: Esteban Ramirez.

Bank: BANCA SERFIN, S.A. (Sucursal Perisur)
Account number: 66-327-5227
Name: Andres Fabregas or Gilberto Lopez y Rivas.

World Front in Solidarity with the People of El Salvador
(Frente Mundial de Solidaridad con el Pueblo Salvadoreno)
Hacienda de Colorme 51
Col. Floresta-Coyoacan
C.P. 14310
Mexico, D.F.
Tel: 905-684-6005

or

Cuauhtemoc 799
Despacho 7
Col. Navarte
C.P. 03020
Mexico, D.F.
Tel: 905-687-5659
Telex: FRENTE MUNDIAL, No. 0761155 NASRME

RELEASED
El Salvador: Human Rights
Special Project (1993)

NOTES

[1]"Structure of the Salvadoran Left," chart, The Washington Post, 9 July 1983, p. A13; Guy Gugliotta, "Leftist List: Little New, Lots That's Old," The Miami Herald, 14 March 1982, p. 10A. Also see, El Salvador Revista Internacional, No. 4, 1981, published in Mexico by the FMLN.

[2]Ibid.

[3]R. Bruce McColm. El Salvador: Peaceful Revolution or Armed Struggle? (New York: Freedom House, 1982), p. 24. Also, Roger Reed, El Salvador and the Crisis in Central America (Washington: Council for Inter-American Security, 1984), p. 13.

[4]See footnote 1.

[5]The founding and operation of the FSLN solidarity apparatus is documented by L. Francis Bouchey, ed., The Real Secret War: Sandinista Political Warfare and its Effects on Congress (Washington: Council for Inter-American Security, 1987), Part II.

[6]This is described by New York Times journalist Bernard Diederich in his book, Somoza and the Legacy of U.S. Involvement in Central America. (New York: E.P. Dutton, 1981).

[7]The Handal diary was released by the U.S. Department of State in February 1981. A published translation appears in Uri Ra'anan, et. al., Hydra of Carnage: International Linkages of Terrorism (Lexington, Mass.: Lexington Books, 1986), pp. 350-358.

[8]Edward O'Malley, Assistant Director of Intelligence Division, Federal Bureau of Investigation, in Soviet Active Measures. Hearings before the Permanent Select Committee on Intelligence, U.S. House of Representatives, 13 and 14 July 1982, pp. 203-206, 218.

[9]Farid Handal identified Garcia Almeida by name. The Cuban is identified as an intelligence operative by John Barron in KGB Today--The Hidden Hand, (New York: Readers Digest Press, 1983), p. 244.

RELEASED
El Salvador: Human Rights
Special Project (1993)

[10]See, "The Powers That Would Be," Time, 22 March 1982, pp. 30 31; "The PLO in El Salvador," Near East Report, 27 February 1980; Associated Press, 14 April 1981; and *Israeli Ministry of Foreign Affairs Briefing*, 16 May 1982, quoted in White House Digest, 20 July 1983.

[11]Shafik Handal's travel notes appear in translated form in Uri Ra'anan, et. al., Hydra of Carnage, Op. cit., pp. 335-339. The FMLN was using American-made M-16 rifles and M-79 grenade launchers by December 1980, before the Salvadoran army ever had such weapons. At that time, the army was equipped with old M-1 carbines and German G-3s. The sudden influx of M-16s in the guerrillas forces, who were using hunting rifles and shotguns only months earlier, showed that the FMLN received massive outside assistance. Captured M-16s bore serial numbers traced to rifles abandoned by the U.S. in Vietnam. See "'Revolution Beyond Our Borders,' Sandinista Intervention in Central America." Special Report No. 132, U.S. Department of State, September 1985.

[12]The book can be ordered from the United States Peace Council, 1123 Broadway, Room 513, New York, NY 10010. Cover price is $4.50.

[13]See note 5.

[14]For more information on this event, see Soviet Active Measures, the House Intelligence Committee hearings referred to in note 8, and The War Called 'Peace.' (Alexandria, VA: Western Goals, 1982).

[15]This incident was described in detail by Ladislaw Bittman, in The KGB and Soviet Disinformation: An Insider's View. (Washington: Pergamon-Brassey's, 1985), pp. 91-95. Service A of the KGB is described by John Barron, KGB Today--The Hidden Hand, op. cit., p. 447. For more information on Soviet forgeries, see Soviet Covert Action (The Forgery Offensive), Hearings before the Subcommittee on Oversight, Permanent Select Committee on Intelligence, U.S. House of Representatives, February 6 and 19, 1980. Also see the following publications issued by the U.S. Department of State: "Soviet 'Active Measures,' Forgery, Disinformation, Political Operations," Special Report No. 88, October 1981; and "Soviet Active Measures: Focus on Forgeries," Foreign Affairs Note, April 1983.

RELEASED
El Salvador: Human Rights
Special Project (1993)

[16]Anthony Lewis, "Another Noble Cause," The New York Times, 1 December 1980.

RELEASED
El Salvador: Human Rights
Special Project (1993)

[17]O'Malley, hearings, p. 230.

[18]Bittman, pp. 91-95.

[19]The North American Congress on Latin America (NACLA) is a product of the 1966 Tricontinental Conference in Havana, Cuba. NACLA is described as an offshoot of the radical Students for a Democratic Society (SDS). "NACLA specializes in the preparation of reports on Latin American affairs from a decidedly Marxist perspective," and its material "finds its way into the hands of journalists and government policy formulators," according to a study on terrorism and terrorist support operations by Stefan Possony and L. Francis Bouchey. NACLA, the study said, "has come to be known as the 'intelligence-gathering arm of the movement,' a movement dominated by groups and organizations of Marxist-Leninist persuasion who are part of the Tricontinental revolutionary support apparatus." Stefan Possony and L. Francis Bouchey, International Terrorism: The Communist Connection. (Washington: American Council for World Freedom, 1978), pp. 104-105.

[20]John Rees, Information Digest, 28 January 1983.

[21]CISPES flyer for Salvadoran "refugees," originally cited in "CISPES: A Terrorist Propaganda Network" (Washington: CIS, 1984).

[22]The Institute for Policy Studies report is described by Allan C. Brownfeld and J. Michael Waller in The Revolution Lobby (Washington: Council for Inter-American Security, 1985), pp. 23-27.

[23]"Metodo Revolucionario," historical analysis of revolution by Manuel Hernandez. Captured from Nidia Diaz archive, April 1985. (Document AQ)

[24]Dan Williams. "Salvadoran Rebel Documents, Defector Describe. . ." Los Angeles Times, 25 May 1985, p. 20. Also see "'Revolution Beyond Our Borders': Sandinista Intervention in Central America," U.S. Department of State Special Report No. 132, September 1985, p. 12.

The evidence that the Sandinista government directly provides the FMLN with weapons and supplies is incontrovertible. The following documents issued by the U.S. Department of State provide information from both public and intelligence sources: "Communist Interference in El Salvador," Special Report No. 80, 23 February 1981; "Background Paper: Nicaragua's Military Buildup and Support for Central American Subversion," 18 July 1984; "News Briefing on Intelligence Information on External Support of the Guerrillas in El Salvador," 8 August 1984; "The Soviet-Cuban Connection in Central America and the Caribbean, March 1985; "The Sandinista Military Buildup," 1985; and "The Challenge to Democracy in Central America," June 1986. Selected press reports include, "Pilot Confirms Arms Shipments to El Salvador," by the Spanish AFP news agency, 21 July 1982; "Young Defector Confirms Sandinistas Crossing to Enter El Salvador," Washington Times, 27 August 1984; "Apoyo de Sandinistas a Terroristas Salvadorenos," UPI Spanish language dispatch, 13 February 1985; "Salvadoran Rebel Leader Cites Cuban, Managuan Aid," Washington Times and wire services, 30 April 1985; "Presenta EEUU Pruebas Sobre Envio de Armas de Nicaragua a El Salvador," UPI dispatch appearing in Diario Las Americas, 21 December 1985. Perhaps the best single article is James LeMoyne's "The Guerrilla Network," which appeared in the 6 April 1986 New York Times Magazine. University of Virginia Professor John Norton Moore's book, The Secret War in Central America (Frederick, MD: University Publications of America, 1987) is the best single non-government source on the subject.

[25]Section 1 of memorandum from FMLN General Command to National Directorate of Sandinista National Liberation Front (FSLN) dated 24 November 1983, on how to isolate President Reagan internationally. Signed by Shafik Handal, Joaquin Villalobos, Roberto Roca and Leonel Gonzales. From Nidia Diaz archive. (Document Q)

[26]Section 4 of FMLN memorandum about a "very important meeting with DRI," the International Relations Department of the FSLN, dated 22 November. From Nidia Diaz archive. (Document AP-2)

[27]"Directives for the Political Struggle of the FMLN in This New Phase of the War Process." 26-page memorandum and eight-page annex, dated

RELEASED
El Salvador: Human Rights
Special Project (1993)

November 1983. From Nidia Diaz archive. (Document S)

[28]"Resolutions: C.P. of the C.C. [Central Committee] of the PRTC [Central American Revolutionary Workers Party], 3rd Day of Sessions, April 1984," pp. 3-4, 5-6, 9. From Nidia Diaz archive. (Document C)

[29]Ibid., pp. 18-19.

[30]Shirley Christian. "Salvador Rebels Say They Killed 13." New York Times, 22 June 1985, p. 3. The FMLN General Command issued a communique on 25 June 1985 praising the attack and announcing that it had been done under the auspices of the entire FMLN. Rural FMLN guerrilla forces also targeted bases where U.S. military training pers nnel were present. A large FMLN force attacked an army garrison at La Union in June 1986, inflicting heavy casualties on the army, but failing to realize its objective of killing American military personnel there. In March 1987, the FMLN assaulted the El Paraiso garrison in Chalatenango, killing U.S. Army Sergeant Gregory Fronius. The FMLN's apparent intent in conducting these attacks was to give opponents of President Reagan's policy in the United States another excuse to demand a pullout of the small U.S. contingent in El Salvador.

[31]Memorandum from the General Command of FMLN to "Exterior Commission" of FMLN (in Managua), 5 June 1984, in regard to offering a temporary ceasefire for propaganda purposes prior to Democrat Party convention in San Francisco. From Nidia Diaz archive. (Document A-3)

[32]"Analysis of the New Salvadoran Government and of its International Context." 22-page memorandum of FMLN-FDR Politico-Diplomatic Commission, 1 June 1984. From Nidia Diaz archive. (Document W)

[33]Points of "Jaime," "Maria," and "Bernardo" conversation with Dick McCall, Advisor to Senator Paul Tsongas, 22 June 1984. Signed by "Logan." From Nidia Diaz archive. (Document M)

[34]"CISPES 1984 Administrative Strategy Proposal," referred to earlier in text.

RELEASED
El Salvador: Human Rights
Special Project (1993)

[35]"Interagency Intelligence Study: Soviet Active Measures." Exhibit I, Soviet Active Measures. Hearings before the Permanent Select Committee on Intelligence, U.S. House of Representatives, 13-14 July 1982, p. 45.

[36]Ibid.

[37]Nicarauac. (Managua: Sandinista Ministry of Culture), January-March 1981.

[38]Max Singer is quoted by Michael A. Ledeen in "Central America: The Future of the Democratic Revolution." (Washington: Gulf and Caribbean Foundation, 1984), p. 24.

[39]Frente Mundial. Official newsletter of the World Front in Solidarity with the People of El Salvador. (Mexico City) September 1983, p. 9.

[40]Vanguardia. (Saltillo, Coahuila, Mexico), 15 March 1985, p. 1.

[41]The author was present and took notes when Chandra made this statement at the World Peace Congress in Copenhagen, Denmark, 15 October 1986.

[42]For more information on the World Peace Council, see Herbert Romerstein, "The World Peace Council and Soviet 'Active Measures,'" (Washington: The Hale Foundation, 1982); John Barron, KGB Today: The Hidden Hand (New York: Readers Digest Press, 1983); "World Peace Council: Instrument of Soviet Foreign Policy," Foreign Affairs Note (Washington: U.S. Department of State, April 1982); Richard H. Shultz and Roy Godson, Dezinformatsia: Active Measures in Soviet Strategy (Washington: Pergamon-Brassey's, 1984), pp. 114-132; and Richard H. Shultz, "Recent Regional Patterns" in Hydra of Carnage: International Linkages of Terrorism, Op. cit., esp. pp. 114-117.

[43]The author was a member of the United States delegation to this conference, and witnessed the proceedings. See his article based on his experience, "Soviet World Peace Council Targets South Africa," Human Events, 8 November 1986, p. 1.

[44]Barron, p. 263.

RELEASED
El Salvador: Human Rights
Special Project (19

[45]See "CIA Study: Soviet Covert Action and Propaganda." Report submitted to the Subcommittee on Oversight, Permanent Select Committee on Intelligence, U.S. House of Representatives, in Soviet Covert Action (The Forgery Offensive) hearings, p. 79.

[46]O'Malley, hearings, pp. 203, 204, 211, 218. Also see U.S. Peace Council Founding Agenda, reprinted in The Real Secret War, Op. Cit., pp. 179-182.

[47]New Perspectives, Journal of the World Peace Council (East Berlin) *January, 1987, p. 2.*

[48]Soviet Active Measures Agains the United States. (Alexandria, VA: Western Goals, 1984), p. 47. Also see Barron, p. 271.

[49]The hearings are titled "Soviet Active Measures." A copy of the original, unaltered 48-page World Peace Council brochure is in the author's collection.

[50]Barron, pp. 291-293.

[51]Ibid., p. 282.

[52]Soviet Active Measures Against the United States, p. 47.

[53]Soviet Active Measures and Disinformation Forecast (Washington: Regnery Gateway), Summer 1986, and Winter 1987, p. 5.

[54]The author saw the Kennedy and Dellums letters of greeting publicly displayed at the WPC World Peace Congress in Copenhagen, October 1986. Kennedy wrote, "We admire your commitment to the cause of peace, and we look forward to learning the results of your meetings. In the words of the old civil rights anthem, 'Deep in our hearts, we do believe that we shall overcome some day.'"

[55]Scott was witnessed at the conference. Her name appears on the official roster of delegates, which identified her as a representative of Congressman Ronald Dellums.

RELEASED
El Salvador: Human Rights
Special Project (1993)

[56]"Interagency Intelligence Study: Soviet Active Measures," Op. Cit., p. 52.

[57]"Salvadoran Rebels Assault Electoral Office," UPI article, Washington Post, 26 March 1982, p. A26; Christopher Dickey, "Turnout Heavy in El Salvador, Thousands Vote Despite Rebel Threats," Washington Post, 29 March 1982, p. 1.

[58]Caryle Murphy. "12 Will Fast Here for Salvador Peace." Washington Post, 29 March 1982, p. A13. Harkin was quoted as wanting to tell President Reagan, "No, no more guns to El Salvador."

[59]CISPES brochure titled "March 27: At the Crossroads," page 2.

[60]Ibid., p. 3. On the cover of the brochure is a photograph of demonstrators carrying a banner which reads, "F.D.R. is the Only Representative of the Salvadoran [People]."

[61]Ibid.

[62]Membership form for the World Front in Solidarity with the People of El Salvador, Hacienda de Corlome 51, Col. Floresta-Cocoacan, C.P. 14310, Mexico DF., Tel: 905-684-6005. The list of the board of directors and permanent bureau appears on the left of that page.

[63]"Reestructurado el Buro," Frente Mundial. Newsletter of the World Front in Solidarity with the People of El Salvador (Mexico City), August 1983. The article announced the reorganization of the Front's governing body, and the resignation of Zimmerman as president. The article ended, "To comrade Bill Zimmerman and to the other comrades who remain on the Permanent Bureau, we give you thanks and satisfaction for having shared with you during the first year of the FMSPS [World Front] the tasks of coordination of international solidarity: For the new members, a salute of welcome and an invitation that, with all your help, imagination and creative forces we will coordinate and build the World Front in Solidarity with the People of El Salvador into a dissuasive force against the intervention of the United States in Central America." (The July 1983 issue of Frente Mundial described the planning of the upcoming 12 November demonstrations in Washington.)

RELEASED
El Salvador: Human Rights
Special Project (1993)

[64]Pete Hamill. "What Does Lou Grant Know About El Salvador?" New York magazine, 15 March 1982. An undated Medical Aid for Indochina (MAI) brochure from 1973 said that since 1971, MAI raised over $1 million, which was sent to the "Red Cross Section" of North Vietnam (DRVN) and the Vietcong (PRG). The project was to "repair the damage inflicted by the U.S. government."

[65]This information is contained in the masthead of the World Front's newsletter Frente Mundial.

[66]"CIA Study: Trends and Developments in Soviet Active Measures." Published in the "Soviet Active Measures" hearings before the House Permanent Select Committee on Intelligence, 13 and 14 July 1982, . p. 52.

[67]Ibid.

[68]"Voces de Cuscatlan." Newsletter describing itself as the official voice of the Salvadoran community in the United States. (Mexico) October 1983. Translation appears in Ra'anan, Uri, et. al., Hydra of Carnage, Op. Cit., pp. 347-349.

[69]Richard H. Shultz and Roy Godson. Dezinformatsia: Active Measures In Soviet Strategy. (Washington: Pergamon-Brassey's, 1984), p. 40.

[70]"'Humanitarian Aid' Sent to Salvadoran Guerrillas," West Watch (Washington: Council for Inter-American Security), May 1981, p. 9.

[71]"Propuesta para Captar al Maximo de Ayuda con Fines Humanitarios en Beneficio del Proceso Revolucionario." Captured document from FPL faction of FMLN. Released by the U.S. Department of State as Annex I of a series of captured guerrilla documents, April 1981.

[72]Ibid. This was the opening paragraph of the 11-page document.

[73]For further information and documentation, see Brownfeld and Waller, The Revolution Lobby, Op. Cit., pp. 49-51. Documentation of the CDHES serving as a front for the FMLN is contained in a letter from U.S. Ambassador to San Salvador Edwin G. Corr to Congresswoman Barbara Boxer (D-CA), in diplomatic cable SS 08117, June 1986. Former

RELEASED
El Salvador: Human Rights
Special Project (19

CDHES director Luz Janet Alfaro, a member of the RN faction of the FMLN, described in a televised news conference in San Salvador on 30 May 1986 how the FMLN controlled the CDHES and CO-MADRES, the "Committee of Mothers and Relatives of Political Prisoners, Disappeared and Assassinated." More information on other FMLN fronts in El Salvador which are used to deceive international observers is contained in U.S. Embassy San Salvador cable 07425 titled "Phantom Critics from the Legal Left: FMLN Front Organizations and their Paid Announcements," May 1986.

[74]World Front in Solidarity with the People of El Salvador membership form, undated. Sergio Mendez Arceo's name appears on the form as a member of the World Front's governing body. It also appears on the masthead of the World Front's monthly newsletter, Frente Mundial. Mendez Arceo is identified as an honorary president of the World Peace Council on page 2 of the January 1987 issue of the WPC's official magazine New Perspectives, published in East Berlin.

[75]Michael Tangeman, "4 Bishops Back Sandinistas, Mexican Prelates Deviate from Majority on State-Church Rift," San Diego Union, 2 November 1986, p. 26.

[76]"Propuesta Para Captar El Maximo De Ayuda" document, Section 5.1, p. 8. Original citation in note 79.

[77]Ecumenical Press Service, 23 October 1981; United Methodist Newscope, 4 December 1981; United Methodist Reporter, 8 May 1981; Columbia Review of Journalism, September/October 1981. For added insight into the World Council of Churches and the National Council of Churches and their longtime support for left-wing and Communist causes, see C. Gregg Singer, The Unholy Alliance. (New Rochelle: Arlington House, 1975); and Rael Jean Isaac and Erich Isaac, The Coercive Utopians: Social Deception by America's Power Players. (Chicago: Regnery Gateway, 1983); and James L. Tyson, Prophets or Useful Idiots? Church Organizations Attacking U.S. Central American Policy. (Washington: Council for the Defense of Freedom, 1986). CBS "60 Minutes" exposed the National Council of Churches on 23 January 1983, in a segment titled "The Gospel According to Whom?" A four-

RELEASED
El Salvador: Human Rights
Special Project (1993)

page description of the program is contained in the February-B 1983 issue of AIM Report from Accuracy in Media.

Add: A TIME FOR CANDOR.

[78]Bittman, Op. Cit., p. 189.

[79]Ibid. See the New York Times, 17 May 1978, p. A23.

[80]Philip Agee, interview with Peter Studer. "Philip Agee--Turncoat CIA Agent." Tages-Anzeiger (Zurich), March 1975. Cited in Broken Seals, (Alexandria, VA: Western Goals, 1980), p. 46.

[81]Philip Agee. Inside the Company: CIA Diary. (Harmondsworth, Middlesex, England: Penguin, 1975), pp. 639-640.

[82]Technically, Simon could be correct about the State Department's claim. The State Department released the FMLN document containing Oxfam's name and contribution, but did not make the accusation itself. The point is moot, however, because Oxfam's August 1980 newsletter said that it gave money to the same group mentioned in the FMLN document. A recently declassified cable from Secretary of State Alexander Haig to the US Embassy in San Salvador showed official U.S. concern with possible funding of the FMLN by Oxfam. However, a letter from Assistant Secretary of State for Congressional Relations Powell Moore to Senator Jeremiah Denton dated 11 March 1982 said that "An extensive search of our files has produced no record of [Oxfam's] involvement [with the FMLN]." Moore was mistaken, because it was the State Department itself which released the captured guerrilla documents a year earlier. Additionally, former Sandinista intelligence officer Miguel Bolanos revealed that Oxfam was running financial support operations for the Sandinistas through Mexico.

[83]Roy Howard Beck. "Aid Allegation Discounted." United Methodist Reporter. 8 May 1981.

[84]Information provided by the Institute on Religion and Democracy in the form of a personal letter dated 18 December 1981 from the religious worker who visited the ASESAH office at the San Salvador archbishopric.

RELEASED
El Salvador: Human Rights
Special Project (1995)

[85]"Injerencia del FDR/FMLN en los Organismos Humanitarios de El Salvador." (FMLN-FDR Infiltration of Humanitarian Organizations in El Salvador). Unpublished report by former FMLN members Luz Janet Alfaro and Dora Angelica Campos, August 1986.

[86]Ibid.

[87]Asociacion de Mujeres del Salvador (AMES) has no public office in El Salvador. It has offices in Nicaragua (Apartado 1009, Telcor Central, Managua); Costa Rica (Apartado 7522, San Jose); Mexico City (Apartado 20-134, Mexico 20, D.F.); and three in the United States: P.O. Box 40331, San Francisco, CA 94140; PO Box 41146, Chicago, IL 60641; and PO Box 1308, Brooklyn, NY 11234. It lists no office in El Salvador, but according to its literature, AMES conducts projects in FMLN-held areas. Also see, Marilyn Thomson. Women of El Salvador: The Price of Freedom. (Philadelphia: Institute for the Study of Human Issues, 1986).

[88]Letter to local activists from CISPES national office signed by Lisa Tarver, dated 11 September 1981. She wrote, "if an individual or organization wants to receive the tax deduction or feels uneasy about giving money to CISPES, they can make the checks payable directly to SHARE."

[89]Undated letter from San Fransicso CISPES coordinator Mike Zielinski to "Friends of Proposition N," with monthly pledge card soliciting monthly donations to CISPES. From 1984.

[90]Westside (California) CISPES promotional flyer for 29 June 1985 walkathon "to raise material aid for El Salvador."

[91]Michael Boos of Young Americas Foundation attended a 9 June 1984 public meeting of the District of Columbia CISPES, and reported this in a memorandum about the fundraising effort.

[92]This section is copied from U.S. Embassy San Salvador diplomatic cable 15295 from December 1986, titled "Background on FMLN-FDR U.S. Support Campaign."

RELEASED
El Salvador: Human Rights
Special Project (1993)

[93]Pete Hamill. "What Does Lou Grant Know About El Salvador?" New York Magazine, 15 March 1982. Also see note 64.

[94]"The History of Medical Aid for El Salvador." Two-page document from Medical Aid for El Salvador, 6930 Wilshire Blvd., Suite 200, Los Angeles, CA 90036/(213) 937-3596.

[95]Hamill, Op. Cit.

[96]Ibid.

[97]See "CIS Charges Two El Salvador Charitable Groups with Fraud," Council for Inter-American Security news release, 12 January 1987. A copy of the four-page CIS letter to the IRS was attached.

[98]"Medical Aid for El Salvador." Alert! Newsletter of the Committee in Solidarity with the People of El Salvador, March 1982.

[99]Ibid.

[100]Jonathan Tasini. "The Challenge of Medical Help for El Salvador." Los Angeles Times, "View" section, page 4.

[101]Deborah Mutnik. "The Human Face of U.S. Aid to Central America." Alert!. CISPES newsletter, undated article, p. 6.

[102]Bob Ostertag, et. al. "A History of CISPES." Alert!, CISPES newsletter, October 1983, p. 6.

[103]Ibid., p. 8.

[104]"CISPES aids clinics in rebel-held areas." Guardian. 9 March 1983.

[105]Tasini, Op. cit., p. 4.

[106]Medical Aid for El Salvador direct-mail fundraising package signed by actor Mike Farrell. The exact figures given by MAES are $955,931 in funds, and $1,130,000 worth of supplies, totaling $2,094,931 delivered to its recipients in El Salvador. The figures appear on a map enclosed with the Farrell letter.

RELEASED
El Salvador: Human Rights
Special Project (1993)

[107]Ibid.

[108]Tasini, Op. Cit., pp. 1 and 4. Also, Deborah Mutnik, op. cit. AGEUS was identified as a front for the FMLN in U.S. Embassy San Salvador cable 14790, November 1986, paragraph 7. CISPES asks that U.S. teacher groups donate funds to AGEUS, the cable said.

[109] The "point of contact" for MAES at the archbishopric is Rev. Octavio Cruz, according to U.S. diplomatic cable from San Salvador number 15218, December 1986, titled "Third/Fourth U.S.-Based FMLN-FDR Support Activities Underway," paragraph 2. The cable used the term a second time to refer to Cruz as "a point of contact of the FMLN in the Archbishopric." The source of this information, the cable said, were defectors from the CDHES, but the Embassy said that it could not confirm this independently.

[110]See note 85.

[111]"The History of Medical Aid for El Salvador," MAES document cited in note 102. MAES was more forthright in another flyer, titled "Salvadoran Government Blocks Critical Surgery for Nidia Diaz," identifying Diaz as an "FMLN commander and delegate to the La Palma peace talks" of October 1984.

[112]FMLN-FDR communique of 21 April 1985, and Salvadoran Armed Forces Committee (Coprefa) bulletin of 22 April 1985, texts appearing in the 23 April 1985 issue of the Foreign Broadcast Information Service (FBIS) Latin America Daily Report, pp. P6-7. Also see texts of two Radio Venceremos clandestine broadcasts of 21 June 1985, appearing in the 21 June 1985 FBIS Latin America Daily Report, pp. P5-6; clandestine Radio Venceremos broadcast of 22 June 1985, which was the text of the PRTC's Mardoqueo Cruz Urban Guerrilla Command which conducted the attack and Radio Farabundo Marti broadcasts of 21 and 22 June, appearing in the 24 June 1985 FBIS Latin America Daily Report, pp. P9-11; and a communique from the FMLN General Command issued on Radio Venceremos on 25 June.

Diaz was planning to travel to Vietnam that year for additional guerrilla training (LA Times, 25 May 1985). Two months after her

RELEASED
El Salvador: Human Rights
Special Project (1993)

capture, fellow PRTC members launched the terrorist attack against the American Marines and businessmen at the Zona Rosa in San Salvador. CISPES defended the action in a page 2 editorial in its July-August 1985 newsletter. MAES issued no public comment, and lobbied on Diaz's behalf for the August operation.

[113]Marjorie Miller. "TV Doctor from 'MASH' Scrubs Up for Salvador Surgery. Los Angeles Times, 11 August 1985.

[114]"Medical Airlift to El Salvador," issued by Medical Aid for El Salvador, advance document, 5 September 1986.

115

[116]U.S. Embassy San Salvador diplomatic cable number 15218, December 1986, titled "Third/Fourth U.S.-Based FMLN-FDR Support Activities Underway," paragraph 2.

[117]"Medical Airlift to El Salvador" document, Op. Cit.

[118]"Projected itinerary," Ibid.

[119]Medical Aid for El Salvador promotional map with supposed breakdown of funds and supplies delivered. Part of direct-mail fundraising campaign that went out in early 1987 over signature of Mike Farrell.

[120]Lisa Tarver letter to activists from CISPES national office, 1 October 1981; and Bob Ostertag, et. al., "A History of CISPES." Op. Cit., p. 7.

[121]"UN Said to Harbor Leftist Guerrillas." Associated Press dispatch, 9 September 1985. The article is the result of an interview with a deserter from the ERP faction of the FMLN, who reported that the FMLN routinely uses refugee camps in Honduras administered by the United Nations. The former guerrilla also said that UN High Commission on Refugees (UNHCR) personnel unwittingly help the FMLN by giving the guerrillas refugee documents, and permission to rest at the camps. Medicine and cloth donated by international relief agencies for the refugees are taken from the UN camps into the combat areas for use of the FMLN combatants.

RELEASED
El Salvador: Human Rights
Special Project (1993)

Documents captured from Commander Nidia Diaz in April 1985 show that the FMLN uses Honduras as "refuge." A particular FMLN memorandum discusses the "Eastern Front" and refers to "continue directing the work in the interior from the refuge located in Honduras." (Diaz document No. 4)

[122]"Salvadorean [sic] Refugees in Honduras--A Fact Sheet." Undated document issued by SHARE.

[123]"A Doctor's Lonely Journey." El Salvador: Refugees in Crisis (SHARE newsletter), June/July 1983, p. 2.

[124]"White Phosphorus, Napalm Cited in El Salvador." Ibid. Also see Charles Clements, M.D. Witness to War. (New York: Bantam, 1984). In this book, Clements describes his year with the FMLN at Guazapa.

[125]At a San Salvador news conference on 30 May 1986, former CDHES public relations director Luz Janet Alfaro, a member of the RN faction of the FMLN, stated that the CDHES was a front under the control of the guerrillas. On 4 June 1986, Alfaro appeared with Salvadoran Foreign Minister Rodolfo Castillo Claramount before the press and the diplomatic corps with former CO-MADRES director Dora Angelica Campos.

[126]"Refugees Recall Poverty, Persecution." El Salvador: Refugees in Crisis, August/September 1983, p. 4.

[127]"Who Are the Salvadorean [sic] Refugees?". SHARE promotional brochure, undated. Address: SHARE, PO Box 53372, Washington DC 20009.

[128]Ibid.

[129]"El Salvadoreans [sic] in Trouble." El Salvador: Refugees in Crisis, June/July 1983, p. 4.

[130]"Shriver Dinner Benefits Refugees." El Salvador: Refugees in Crisis, January/February 1983, p. 2.

RELEASED
El Salvador: Human Rights
Special Project (1994)

[131]"Who Are the Salvadorean [sic] Refugees?" SHARE promotional brochure, undated. Also, "Walk for Salvador." Daily World. Official newspaper of the Communist Party USA. 4 December 1981.

[132]New Perspectives. Journal of the World Peace Council. (East Berlin) January 1987, p. 2.

[133]Additional details of this event are provided by this author in the 8 November 1986 Human Events.

[134]Jack Viets. "Tears for the Salvadorans." San Francisco Chronicle, 21 February 1985.

[135]NEST 1984 Annual Report, p. 2.

[136]Bob Ostertag. "The Human Face of U.S. Aid." CISPES Alert!, undated, p. 6.

[137]See prepared statement of Carlottia Scott, Administrative Assistant to Congressman Dellums, regarding her trip to El Salvador as a member of a NEST delegation, in "The Air War and Political Developments in El Salvador," Hearing before the Subcommittee on Western Hemisphere Affairs, Committee on Foreign Affairs, U.S. House of Representatives, 14 May 1986, p. 210.

[138]NEST Foundation Progress Report Number One, January 1987, p. 2.

[139]This literature is in the collection of the author.

[140]Deborah Mutnik. "Inside the Incubator of a New Society." Interview with NEST coordinator Tracey Schear. Guardian, 10 October 1984, p. 15.

[141]Oxfam issued the following statement: "With the invasion of over 8000 foreign troops, Grenada's experiment with political independence and self-reliant development has apparently been halted." Steve Baldwin, "Humanitarian Aid, But Mostly for the Left." Human Events, 9 November 1985, p. 11.

[142]Ibid. Also see Daniel Seligman, "Oxfamism." Fortune, 12 December 1983, p. 45.

RELEASED
El Salvador: Human Rights
Special Project (1993)

[143]Ibid.

[144]Juan Walte. "Did Aid Funds Go To Salvador Rebels?" UPI dispatch, appearing in the Boston Globe, 26 April 1981. The original document naming Oxfam is titled, "Informe Sobre Donaciones y su Utilizacion Comprendidos entre Dicimbre '79 y Julio '80." Released by the U.S. Department of State after being captured from the FMLN.

[145]"Health, Education for Salvadorans Fleing Civil War." Oxfam America News, Spring 1983, p. 2. Also, "El Salvador: Surviving Now and In Future." Oxfam America Special Report, "Central America in Crisis," Fall 1983, p. 3

[146]Also see, "UN Said to Harbor Leftist Guerrillas," Associated Press dispatch, 10 September 1985., and Baldwin, Op. cit.

[147]This was told to Baldwin and published in his above article.

[148]Oxfam Facts for Action newsletter.

[149]The April 25 demonstration was held simultaneously in Washington and San Francisco. John Trinkl reported in the 6 May 1987 Guardian that the Communist Party USA, Socialist Workers Party and Revolutionary Communist Party participated. Also see, Stephen S. Rosenfeld, "A Mobilization Against Democracy," Washington Post, 24 April 1987; George Archibald, "Sandinistas, Qaddafi Fund U.S. Protest," Washington Times, 24 April 1987; Rita McWilliams, "Kirkland Cautions Unions About Pro-Sandinista Rally," Washington Times, 21 April 1987. Senate Foreign Relations Committee Chairman Claiborne Pell (D-RI) was spotted marching at the Washington rally.

[150]CIS staffers were at the rally and photographed the Oxfam delegation carrying the banner alongside a group from the Workers World Party, a Trotskyist organization.

[151]Rebecca Salner. "Mayor Reports on El Salvador; Berkeley's Newport Assails U.S. Policy." San Jose Mercury News, 21 March 1985.

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El Salvador: Human Rights
Special Project (1993)

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INFO AMEMBASSY MEXICO

UNCLAS GUATEMALA 05912

E.O. 12356: N/A
TAGS: CASC, GT (BLAKE, NICHOLAS) (DAVIS, GRIFFITH)
SUBJECT: W/W CASE OF NICHOALS BLAKE AND GRIFFITH DAVIS

REF: MEXICO 8742

1. ON 5-JUN-87 POST WAS VISITED BY JOSE M. RIVERA MALDONADO CONCERNING THE BLAKE/DAVIS CASE. HIS CARD SHOWS HIM A LICENCIADO EN ECONOMIA AND GIVES HIS ADDRESS (BOTH BUSINESS AND HOME) AS 12 CALLE "B" 39-58, ZONA 5, JARDINES DE LA ASUNCION, GUATEMALA, GUATEMALA. HIS TELEPHONE NUMBER IS 500487. HE DESCRIBED HIMSELF AS A MEMBER OF THE HUEHUETENANGO LIONS CLUB AND AS HAVING IMPORTANT POLICE CONTACTS. HE ALSO SAID THAT HE HAD IMPORTANT INFORMATION ABOUT THE WHEREABOUTS OF NICHOLAS BLAKE. HE DESCRIBED HIS EFFORTS AND THOSE OF HIS BROTHER, LUIS MALDONADO, IN LOCATING THE HOUSE WHERE BLAKE WAS LIVING IN MEXICO A YEAR AGO.

2. MALDONADO SAID THAT HE HAD TOLD THE EMBASSY OF THESE SIGHTINGS IN 1986, BUT EMBOFFS HAD NOT SEEN INTERESTING IN PAYING HIM WHAT HE DESCRIBED AS EXPENSES, SO HE HAD NOT BEEN WILLING TO TELL THEM EXACTLY WHERE HIS BROTHER HAD SEEN BLAKE. HIS EXPENSES AMOUNT TO SOME 400 QUETZALES (150 U.S. DOLLARS) AND THE EXPENSES OF HIS BROTHER ARE 3,000 U.S. DOLLARS. FOR THE PAYMENT OF THE ABOVE LISTED EXPENSES PLUS A FURTHER CONSIDERATION HE AND/OR HIS BROTHER WILL BE WILLING TO MAKE MORE TRIPS INTO THE REGION TO AGAIN LOOK FOR BLAKE. HE GAVE HIS BROTHER'S ADDRESS AS FOURTH AVENIDA NORTE PONIENTE, NUMBER 90 IN COMITAN, CHIAPAS, MEXICO. HIS BROTHER WORKS WITH THE POLICIA JUDICIAL DE MEXICO AND ALSO WORKS FOR THE BROTHER OF THE GOVERNOR OF CHIAPAS.

3. MALDONADO SAYS THAT BLAKE WAS LIVING WITH A PRIEST NAMED ALFREDO INDA WHO ALSO USED THE NAME PEDRO HERNANDEZ. WHILE LIVING THERE, HE WAS APPROACHED AND CALLED BY NAME. HE RESPONDED BY SAYING THAT HE DID NOT WANT TO BE IDENTIFIED AND WANTED NO CONTACT WITH THE OUTSIDE. ACCORDING TO MALDONADO, PEOPLE IN THE REGION OF COMITAN AND TRINITARIA MOVE FREELY ACROSS THE BORDER BETWEEN MEXICO AND GUATEMALA WITHOUT INSPECTION BY BORDER CROSSING AGENTS, AND BLAKE AND DAVIS COULD HAVE BEEN DOING THE SAME.

3. COMMENT. THIS CLAIM WAS REPORTED IN REFTEL AND APPEARS TO HAVE BEEN WELL INVESTIGATED BY EMBASSY MEXICO OVER A YEAR AGO. MR. MALDONADO INSISTS THAT FOR THE RIGHT PRICE HE CAN PRODUCE PEOPLE WHO CLAIM TO HAVE SEEN NICHOLAS BLAKE. WHETHER HE COULD PRODUCE PEOPLE WHO HAVE INDEED SEEN NICHOLAS BLAKE IS ANOTHER MATTER. PIEDRA

Info Dept Justice, Randy Blakeman 6/11/87
Dept should advise if Father Inda can be interviewed by investigator: Blake says it is important

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CA - Maura Harty
Blake/Davis Developments
August - Oct 1987

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 07/03/95
Case ID: 9612215

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PAGE 01 SAN SA 07518 01 OF 06 092303Z 0738 SSO0195
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INFO CONTADORA COLLECTIVE IMMEDIATE

S E C R E T SECTION 01 OF 06 SAN SALVADOR 07518

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E.O. 12356: DECL:OADR
TAGS: CS, XR, OVIP (HABIB, PHILIP C.)
SUBJECT: AMB HABIB'S MEETING WITH PRESIDENT ARIAS

1. SECRET - ENTIRE TEXT.

2. SUMMARY: ON JUNE 8, AMB. HABIB ASSURED PRESIDENT ARIAS THAT THE USG WELCOMED HIS PLAN TO PUSH THE SANDINISTAS TO THE WALL ON DEMOCRATIZATION BUT THAT HIS PLAN NEEDED TO BE IMPROVED SO THAT IF THE SANDINISTAS ACCEPTED IT, WE COULD ALL LIVE WITH IT. WE WERE LOOKING FOR FORMULAS FOR ADDRESSING ISSUES SUCH AS A CEASE-FIRE, A CESSATION OF MILITARY AID TO IRREGULAR FORCES, AMNESTY, ELECTIONS, AND INCLUSION OF THE RESISTANCE IN THE DIALOGUE THAT REQUIRED MINIMAL CHANGE TO THE LANGUAGE OF THE PROPOSALS. HE SUGGESTED THAT THE NATIONAL RECONCILIATION COMMISSION DESCRIBED IN THE PROPOSALS BE CHARGED WITH DEALING WITH SOME OF THESE ISSUES. HABIB ALSO NOTED THAT THE FOUR DEMOCRACIES MUST DEVELOP THEIR TACTICS FOR THE SUMMIT SO THAT THEY COULD FOCUS ON THE POLITICAL ELEMENTS OF THE PROPOSALS AND FORCE THE SANDINISTAS TO REVEAL THEIR POSITION. ARIAS WAS CONCERNED THAT THE USG STILL DID NOT SEE THE VIRTUE OF HIS PROPOSALS AND HOW THEY COULD EXPOSE THE SANDINISTAS TO THE WORLD. HE WAS FRUSTRATED THAT THE USG AND THE OTHER DEMOCRACIES COULD LET THE SANDINISTAS OFF THE HOOK. IF THE PLAN FAILED BECAUSE EL SALVADOR AND HONDURAS WERE DEMANDING TOO MANY CHANGES, ONLY CONTADORA AND NICARAGUA WOULD GAIN. HE WANTED A 4-1 OUTCOME WHICH WOULD EXPOSE THE SANDINISTAS IMMEDIATELY OR A 5-0 WHICH WOULD EXPOSE THEM IN 60 DAYS WHEN THEY HAD FAILED TO HONOR THE AGREEMENT. THIS OUTCOME WOULD ALSO KILL CONTADORA. HE DID AGREE THAT THE DEMOCRACIES HAD LEGITIMATE OBSERVATIONS AND SAID HE WOULD ACCEPT SOME CHANGES IN HIS PROPOSALS. HE SAID THAT EXPANDING THE ROLE OF THE NATIONAL RECONCILIATION COMMISSION MIGHT ADDRESS SEVERAL OF THE PROBLEMS HABIB NOTED. HE SAID THAT HE HAD ASKED EUROPEAN LEADERS IF THEY WOULD PARTICIPATE ON THE FOLLOW-UP COMMISSION, AND THEY HAD RESPONDED AFFIRMATIVELY. HABIB SUGGESTED THAT THE OAS BE USED TO STAFF THE COMMISSION. ARIAS AGREED WITH HABIB'S SUGGESTION TO DEVELOP TACTICS FOR THE SUMMIT. HE SAID THAT CEREZO WOULD MAKE THE ARIAS PROPOSALS THE AGENDA AT THE SUMMIT. CEREZO, PRESSURED BY MEXICO, WAS INSISTING THAT ONE MEMBER EACH OF THE CONTADORA AND SUPPORT GROUP BE OBSERVERS AT THE SUMMIT. HABIB NOTED THIS WAS A BAD IDEA. ARIAS AGREED TO MEET AGAIN WITH HABIB AT THE END OF HIS CURRENT VISIT TO THE REGION. END SUMMARY.

PAGE 01 SAN SA 07518 01 OF 06 092303Z 0738 SSO0195

3. ON JUNE 8, AMB HABIB, CHARGE MELTON, AND DCM STEWART MET WITH COSTA RICAN PRESIDENT ARIAS, FOREIGN MINISTER MADRIGAL, AND RODRIGO ARIAS TO DISCUSS THE NEGOTIATING TRACK. HABIB OPENED BY NOTING THAT HE HAD MET EARLIER THAT DAY WITH THREE LEADERS OF THE NICARAGUAN RESISTANCE DIRECTORATE. HE SAID THAT THESE WERE RESPECTABLE, RESPONSIBLE PEOPLE, AND THAT IT WAS IMPORTANT TO TAKE THEIR VIEWS INTO ACCOUNT. HE ADDED THAT THEY EXPECTED A LOT FROM COSTA RICA WITH REGARD TO THE UPCOMING CENTRAL AMERICAN SUMMIT IN GUATEMALA. ARIAS RESPONDED THAT HE WAS INTERESTED IN TALKING WITH THE RESISTANCE LEADERS.

4. ARIAS ADVISED HABIB THAT HE INTENDED TO VISIT THE UNITED STATES AT THE REQUEST OF SENATOR LUGAR TO GIVE A SPEECH IN INDIANAPOLIS. HE WANTED TO VISIT WASHINGTON ON HIS WAY BACK TO COSTA RICA, AND HE HAD ASKED AMB GUIDO FERNANDEZ TO SET UP AN APPOINTMENT WITH VICE PRESIDENT BUSH ON JUNE 18. HE SUGGESTED THAT AMB HABIB MEET WITH HIM AT THAT TIME.

5. HABIB ASSURED ARIAS THAT THE UNITED STATES SUPPORTED HIS PLAN IN PRINCIPLE. HE NOTED THAT THERE WERE SOME IN WASHINGTON WHO WERE CALLING ON THE PRESIDENT TO FIRE HIM BECAUSE HE WAS DEALING SERIOUSLY WITH ARIAS BUT THEY DID NOT SPEAK FOR THE ADMINISTRATION. THE USG DID WANT TO SEE NICARAGUA PUT TO THE TEST ON DEMOCRATIZATION AS ARIAS PROPOSED. HE RECALLED WHAT SECRETARY SHULTZ HAD TOLD MADRIGAL IN APRIL: THE ARIAS PROPOSALS NEEDED TO BE IMPROVED SO THAT IF THEY WERE IMPLEMENTED, WE ALL COULD LIVE WITH THEM. HABIB NOTED THAT IT WAS

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S E C R E T SECTION 01 OF 06 SAN SALVADOR 07518

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IMPORTANT THAT THE PROPOSALS WERE AN INDIVISIBLE PACKAGE. THE DEMOCRATIZATION ELEMENTS WERE THE CORE OF THE PROPOSALS. WE UNDERSTOOD ARIAS' RELUCTANCE TO MAKE CHANGES IN THE PROPOSALS, AND WE WERE LOOKING FOR FORMULAS THAT WOULD REQUIRE MINIMAL REVISION TO THE TEXT AND YET MEET THE NEED FOR IMPROVEMENT. IN MANY CASES, IT WAS POSSIBLE TO ADDRESS OUR CONCERNS WITHOUT CHANGING THE LANGUAGE BUT BY MORE CAREFULLY DEFINING AND INTERPRETING THE TERMS. WITHOUT SUCH A CLEAR DEFINITION, THE PROPOSALS WOULD LEAD TO MISUNDERSTANDINGS AND CREATE CONFUSION. HABIB ASKED ABOUT THE CEASE-FIRE: WHAT WERE THE TERMS? WHO WOULD DETERMINE THE TERMS? HE ASKED ABOUT THE TIMING OF THE SUSPENSION OF MILITARY AID TO IRREGULAR FORCES, NOTING THAT IT HAD TO BE LINKED WITH THE CEASE-FIRE OR THOSE FORCES WOULD BE LEFT EXPOSED. HE POINTED OUT THAT THE TERMS OF THE AMNESTY MUST BE WORKED OUT SO THAT THEY WOULD BE ACCEPTABLE TO ALL. IT WAS IMPORTANT TO SPECIFY AT WHAT POINT THE RESISTANCE WOULD BE INCLUDED IN THE DIALOGUE PROCESS. HABIB STRESSED THAT WE WANTED THE PLAN TO SUCCEED AND THAT WE WERE LOOKING FOR WAYS TO HARMONIZE THE VIEWS OF THE FOUR DEMOCRACIES, THE RESISTANCE, AND THE USG.

6. HABIB NOTED THAT GUATEMALAN PRESIDENT CEREZO HAD SUGGESTED EXPANDING THE ROLE OF THE NATIONAL RECONCILIATION COMMISSION TO INCLUDE THE ISSUES OF A CEASE-FIRE AND A POLITICAL OPENING. ARIAS RESPONDED THAT THIS WAS THE MAIN OBJECTIVE OF THE COMMISSION. HABIB URGED THAT THE COMMISSION ALSO BE GIVEN THE ISSUE OF DETERMINING THE TIMING OF ELECTIONS. HE EXPLAINED THAT IT WAS ENTIRELY APPROPRIATE THAT THE PARTIES IN THE DIALOGUE SHOULD DECIDE WHEN ELECTIONS COULD TAKE PLACE, AND THIS WAS A FORMULA FOR MAKING POSSIBLE ELECTIONS IN NICARAGUA BEFORE 1990 WITHOUT QUESTIONING THE LEGITIMACY OF THE GOVERNMENT WHICH ARIAS HAD SAID HE WISHED TO AVOID.

7. HABIB SUGGESTED THAT ARIAS BEGIN CONSULTING WITH THE OTHER THREE DEMOCRACIES TO DETERMINE THEIR TACTICS FOR THE SUMMIT. HE RECALLED THAT DURING THEIR LAST MEETING IN APRIL ARIAS HAD SAID IT WAS ESSENTIAL THAT THE ARIAS PROPOSALS BE THE AGENDA. ARIAS REPLIED THAT CEREZO HAD ASSURED HIM THAT HIS PROPOSALS WOULD BE THE ONLY THING ON THE AGENDA. MADRIGAL ADDED THAT THE GUATEMALAN INVITATION TO THE SUMMIT STATED CLEARLY THAT THE ARIAS PROPOSALS WERE TO BE THE FIRST ITEM ON THE AGENDA. HABIB SAID THAT WE HAD RECEIVED VARIOUS REPORTS ABOUT WHAT THE SANDINISTAS WOULD DO AT THE SUMMIT. THEY MAY INTRODUCE THEIR OWN PLAN, AS COMANDANTE ARCE HAD INDICATED. THEY MAY JUST SIT BACK AND WAIT FOR THE DEMOCRACIES TO DISAGREE. HABIB STRESSED THAT THE

PAGE 01 SAN SA 07518 02 OF 06 092304Z 0767 SSO0198
DEMOCRACIES SHOULD KEEP THE DISCUSSION FOCUSED ON THE POLITICAL ELEMENTS AND FORCE THE SANDINISTAS TO RESPOND. THIS REQUIRES THAT THEY COORDINATE SO THAT THEY KNOW WHAT TO DO AND WHEN TO DO IT. THEY MUST NOT LET THE SANDINISTAS DIVIDE THEM OR DRAG OUT THE PROCESS.

8. ARIAS, VISIBLY NERVOUS AND UNCOMFORTABLE, REPLIED THAT IT SEEMED THAT "WE ARE WHERE WE STARTED . . . BACK TO SQUARE ONE." HE SAID THAT THE USG HAD THE SAME DOUBTS AS BEFORE, DESPITE ALL HIS EFFORTS TO CONVINCE US TO PUT THE EMPHASIS ON THE REAL ISSUE: DEMOCRACY. HABIB SAID THAT WE KEPT COMING BACK TO THESE ISSUES BECAUSE THEY WERE REAL AND WOULD NOT GO AWAY; THEY NEEDED TO BE ADDRESSED. ARIAS STATED THAT HE WAS WORRIED ABOUT THIS, AND HE ASKED WHAT WOULD HAPPEN IF THE INITIATIVE FAILED. HABIB QUESTIONED WHAT HE MEANT BY FAILURE. WE WOULD WELCOME A GOOD AGREEMENT, BUT EVEN IF NO AGREEMENT RESULTED, THE INITIATIVE COULD STILL BE USEFUL IN CLEARLY ESTABLISHING THE POSITIONS OF THE VARIOUS PARTIES. ARIAS RESPONDED THAT NICARAGUA WAS A VITAL INTEREST TO COSTA RICA. HABIB REPLIED THAT THE USG ALSO HAD VITAL INTERESTS THERE. ARIAS SAID THAT THE SITUATION OF THE UNITED STATES, A SUPERPOWER, WAS QUITE DIFFERENT FROM THAT OF COSTA RICA.

9. AT THIS POINT, ARIAS WAS CALLED TO THE PHONE, AND WHEN HE RETURNED HE BEGAN TO COMPLAIN THAT HE WAS BEING CRITICIZED FOR SPENDING TOO MUCH TIME ON

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S E C R E T SECTION 03 OF 06 SAN SALVADOR 07518

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FOREIGN AFFAIRS. PEOPLE WERE CALLING ON HIM TO DEVOTE HIS ENERGIES TO SOCIAL PROBLEMS AND THE ECONOMY. HE ASSERTED THAT HE HAD NEVER EXPECTED FOREIGN AFFAIRS TO ABSORB SO MUCH OF HIS TIME AND HE WAS TIRED OF IT. HE THEN DESCRIBED HIS TRIP TO EUROPE. EXCEPT FOR MARGARET THATCHER (WHO HE DESCRIBED AS WANTING TO SEND THE FLEET AND ARMY TO MANAGUA), ALL THE LEADERS OF EUROPE SUPPORTED HIS PROPOSALS. HE HOPED THE EC WOULD FORMALLY ENDORSE HIS PROPOSALS BEFORE THE GUATEMALA SUMMIT. THE EUROPEAN LEADERS HAD ALSO PLEDGED TO RAISE HIS PROPOSALS INFORMALLY AT THE VENICE SUMMIT. HABIB ASSURED ARIAS THAT THE PRESIDENT AND SECRETARY SHULTZ ALSO WELCOMED HIS PROPOSALS, BUT WANTED THEM IMPROVED AND THE TERMS TO BE DEFINED.

10. ARIAS EMPHASIZED THAT COSTA RICA WOULD DO ALL IT COULD TO MAKE THE INITIATIVE SUCCEED. HE WAS SENDING MADRIGAL TO THE OTHER FOUR COUNTRIES, INCLUDING NICARAGUA. ARIAS THEN RETURNED TO HIS QUESTION ABOUT WHAT WOULD HAPPEN IF THE INITIATIVE FAILED, AND HE ASKED WHO WOULD WIN. HE ANSWERED HIS OWN QUESTION STATING THAT CONTADORA AND NICARAGUA WOULD BE THE WINNERS IF IT FAILED BECAUSE EL SALVADOR AND HONDURAS DEMANDED CHANGES THAT THE OTHERS COULD NOT ACCEPT. HE AGAIN DISPLAYED HIS FRUSTRATION, STATING THAT HE DID NOT WANT TO SPEND MUCH MORE TIME ON THE NEGOTIATIONS. AT THE FEBRUARY 15 SUMMIT, HE HAD WANTED THE NEXT MEETING HELD IN 15 DAYS. HE HAD DEFERRED TO HONDURAN PRESIDENT AZCONA WHO ASKED FOR THREE MONTHS IN WHICH TIME THE RESISTANCE WOULD LEAVE HONDURAS. HE NOTED THAT THE RESISTANCE WERE STILL THERE. HABIB COMMENTED THAT ONLY A FEW WERE LEFT; MOST WERE NOW INSIDE NICARAGUA. ARIAS SAID THAT IF THERE WERE NO AGREEMENT AT THE SUMMIT AND THERE WAS REASON TO HOLD A SECOND MEETING, HE WOULD INSIST THAT IT BE HELD QUICKLY, IN JUST A FEW WEEKS. HABIB SAID THAT THIS WAS ABSOLUTELY CORRECT: THE PROCESS MUST NOT DRAG OUT.

11. ARIAS THEN OUTLINED HIS SCENARIOS FOR THE SUMMIT. THE BEST OUTCOME WAS 4-1, WITH 5-0 SECOND BEST. HABIB REPLIED THAT 5-0 WOULD BE BEST IF IT WERE AN ACCEPTABLE AGREEMENT. ARIAS SAID A 5-0 WOULD BE PERFECT, BUT HE EXPLAINED THAT HIS PURPOSE WAS TO EXPOSE THE SANDINISTAS TO THE WORLD. A 4-1 WOULD ACCOMPLISH THIS IMMEDIATELY. IF THE SANDINISTAS SIGNED, THEY WOULD CERTAINLY RENEGE, SO THEN THEY WOULD BE EXPOSED IN 60 DAYS. HE EXPLAINED THAT IT WOULD BE IMPOSSIBLE FOR THE SANDINISTAS TO LIVE UP TO THE TERMS, FOR IF THEY ALLOWED A POLITICAL OPENING, SUCH AS LETTING CARDINAL OBANDO ON TELEVISION OR RADIO CATOLICA, IT WOULD BE THE BEGINNING OF THE END

PAGE 01 SAN SA 07518 03 OF 06 092305Z 0774 SSO0200
FOR THEM.

12. HABIB ASSURED ARIAS THAT WE UNDERSTOOD EXACTLY HIS OBJECTIVE, BUT HE STRESSED THAT IN ORDER TO ACCOMPLISH IT, HE NEEDED TO DEFINE HIS PROPOSALS. HE REMARKED THAT THE OTHER DEMOCRACIES RESENTED THAT ARIAS HAS MADE HIS PROPOSALS PUBLIC WITHOUT TAKING THEIR VIEWS INTO ACCOUNT. HE RECALLED THAT ARIAS HAD SAID THAT HE WOULD ACCEPT CHANGES ON THE SECURITY ASPECTS OF THE PROPOSALS, ALTHOUGH NOT ON THE POLITICAL ELEMENTS. ARIAS REPLIED THAT HE WAS PREPARED TO MAKE CHANGES AND ACCEPTED THAT THE OTHER DEMOCRACIES HAD LEGITIMATE OBSERVATIONS. HE THEN REVISITED THE MATTER OF THE ROLE OF THE NATIONAL RECONCILIATION COMMISSION AND EXPLAINED THAT ITS MAIN PURPOSE WAS TO ARRANGE A CEASE-FIRE AND POLITICAL OPENING. HABIB EXPLAINED THAT THIS WAS PRECISELY THE TYPE OF DEFINITION HE WAS SEEKING.

13. ARIAS THEN TRIED TO EXPLAIN THE ANALYSIS UPON WHICH HIS PROPOSALS WERE BASED. HE SAID THAT THE ESSENCE OF THE SANDINISTAS' SUPPORT AROUND THE WORLD WAS THEIR AMBIGUITY. THEY RECEIVED SUPPORT FROM THE WESTERN DEMOCRACIES AND FROM THE SOVIETS. MEANWHILE, THE USG WAS ISOLATED. HELMUT KOHL HAD ASKED HIM HOW HE COULD EXPECT GERMANY TO CRITICIZE THE SANDINISTAS WHILE US AGGRESSION CONTINUED. ARIAS INSISTED THAT HIS PLAN WOULD RESOLVE THIS AMBIGUITY BY EXPOSING THE SANDINISTAS TO THE WORLD AND ROBBING THEM OF THEIR EXCUSES.

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S E C R E T SECTION #4 OF #6 SAN SALVADOR #7518

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14. ARIAS SAID THAT HE HAD ASKED EUROPEAN LEADERS IF THEY WOULD BE WILLING TO SERVE ON THE FOLLOW-UP COMMISSION DESCRIBED IN HIS PROPOSALS. THEY HAD RESPONDED AFFIRMATIVELY. HABIB SUGGESTED THAT IT WOULD BE WISER TO HAVE THE OAS PERFORM THE VERIFICATION. ARIAS ASKED ABOUT USING PEREZ DE CUELLAR, NOTING THAT WAS A TRUE DEMOCRAT AND NO FRIEND OF THE SANDINISTAS. HABIB REPLIED THAT THE USG HAD THE HIGHEST REGARD FOR PEREZ DE CUELLAR, BUT THAT THE UN SYSTEM, WITH ITS VETO IN THE SECURITY COUNCIL, WAS NOT THE APPROPRIATE BODY. IT WOULD BE BETTER TO KEEP IT IN THE OAS. IF THE OAS WANTED TO INVITE IN CERTAIN EUROPEANS, THAT MIGHT BE POSSIBLE. ARIAS SUGGESTED GERMANY AND BELGIUM. HABIB RESPONDED THAT GERMANY WOULD BE RELUCTANT: PORTUGAL AND SPAIN WOULD BE BETTER. ARIAS SAID PORTUGAL WOULD BE EXCELLENT, AS MARIO SUAREZ WAS THE FIRST EUROPEAN LEADER TO CRITICIZE THE SANDINISTAS.

15. ARIAS RETURNED TO THE NEED FOR HIS PLAN TO SUCCEED LEST CONTADORA REEMERGE. HABIB NOTED THAT MEXICO DID NOT LIKE HIS PROPOSALS AS THEY FOCUSED ON DEMOCRACY. HE NOTED THAT MEXICO WAS QUIET, BUT WAS WORKING ON CEREZO. ARIAS SAID THE MEXICANS WERE PRAYING THAT NO AGREEMENT IS REACHED AT THE SUMMIT. HE STATED THAT CEREZO HAD PUBLICLY SAID THAT HE HAD NO OBJECTIONS TO THE PROPOSALS. HABIB REMARKED THAT CEREZO DID WANT SOME POINTS DEFINED. HABIB POINTED OUT THAT PRESIDENT DUARTE WAS THE MOST CONCERNED BY THE PROPOSALS: HE WAS UNDER ATTACK FROM BOTH THE RIGHT AND LEFT AND NEEDED TO BE VERY CAUTIOUS. ARIAS ACKNOWLEDGED THAT DUARTE WAS IN A DIFFICULT SITUATION AND SAID HE WOULD LIKE TO HELP HIM. HABIB SAID THAT THE FMLN'S REJECTION OF THE PROPOSALS MIGHT MAKE IT EASIER FOR DUARTE TO DEAL WITH THE PROPOSALS.

16. ARIAS AGAIN BECAME AGITATED AS HE DESCRIBED HOW IN THE PAST THE USG HAD USED COSTA RICA DELIBERATELY TO OBSTRUCT CONTADORA NEGOTIATIONS USING MANY OF THE SAME ARGUMENTS IT WAS USING NOW ABOUT HIS PROPOSALS. HE STRESSED THAT HE DID NOT WANT TO BE USED IN THAT WAY. HE ASSERTED THAT IF HIS FRIENDS DID THAT TO HIM AT THE SUMMIT, HE WOULD WALK AWAY. HE WAS TIRED OF THE WHOLE PROBLEM; THE NEGOTIATIONS COULD RETURN TO CONTADORA AND THE USG COULD INVADE NICARAGUA. HE PLEADED THAT THE SANDINISTAS BE PUT TO THE TEST AND ALLOWED TO FAIL. THEY COULD THEN BE PUT UNDER PRESSURE, BUT NOT PRESSURE IN THE FORM OF THE RESISTANCE. HE ASKED WHAT HIS SITUATION WOULD BE TODAY IF HE HAD LISTENED TO THE USG AND ALLOWED THE RESISTANCE TO USE COSTA RICAN TERRITORY. HE WOULD BE HEARING ASST. SEC. ABRAMS, EX-AMB. TAMBS, AND RICHARD SECORD TELL IT TO THE WORLD. HOW WOULD HE EXPLAIN

THIS TO FELIPE GONZALEZ? HABIB RESPONDED THAT EXPLAINING THINGS TO GONZALEZ WAS NOT IMPORTANT; THE ONLY ONES THAT WERE REALLY IMPORTANT WERE THE CENTRAL AMERICANS THEMSELVES AND THE USG. THE EUROPEANS WERE NOT CONCERNED ABOUT CENTRAL AMERICA, AND ARIAS SHOULD CARE FIRST ABOUT WHAT HIS NEIGHBORS AND WE THOUGHT.

17. MADRIGAL SAID THAT HE UNDERSTOOD THAT THE OTHER DEMOCRACIES HAD SOME OF THE SAME CONCERNS AS THE USG. HE AGREED THAT THERE WAS A NEED TO HAVE SOME SYSTEM TO WORK OUT THE TERMS OF A CEASE-FIRE. HABIB EMPHASIZED THAT THERE COULD BE NO SUSPENSION OF MILITARY AID TO THE RESISTANCE UNTIL THERE WAS A CEASE-FIRE ACCEPTABLE TO THE CONTRAS. HABIB REFERRED TO LANGUAGE IN THE REVISED DRAFT ABOUT THE SUSPENSION OF AID, AND ARIAS BECAME AGITATED THAT THE USG HAD A REVISED VERSION. MADRIGAL STATED EMPHATICALLY THAT THE REVISED VERSION WAS ONLY A WORKING DRAFT: IT HAD NOT BEEN CLEARED BY HIM OR ARIAS AND HAD NO OFFICIAL STANDING. HABIB NOTED THAT IF THE NATIONAL RECONCILIATION COMMISSION COULD WORK OUT THE TERMS OF AN AGREED CEASE-FIRE, IT COULD BE POSSIBLE TO HAVE A SIMULTANEOUS SUSPENSION OF MILITARY AID. ARIAS RESPONDED "THAT IS QUITE OBVIOUS."

18. ARIAS REMARKED THAT PERHAPS THE NATIONAL COMMISSION COULD BE GIVEN MORE FUNCTIONS TO ADDRESS THE CONCERNS HABIB HAD RAISED. HABIB REMARKED THAT THIS WAS A STEP IN THE RIGHT DIRECTION. THIS WAS

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TO SECSTATE WASHDC IMMEDIATE 1325
INFO CONTADORA COLLECTIVE IMMEDIATE

S E C R E T SECTION #5 OF #6 SAN SALVADOR #7518

EXDIS

JUST THE TYPE OF DEFINITION WHICH WE WERE SEEKING. HABIB ADDED THAT IT WAS NECESSARY TO SPECIFY ALSO AT WHAT POINT THE RESISTANCE WOULD JOIN IN THE NATIONAL RECONCILIATION PROCESS. HE POINTED OUT THAT THE RESISTANCE WAS PREPARED TO BE FLEXIBLE ABOUT HOW THIS WAS DONE. ARIAS RESPONDED THAT ANYONE WHO WANTED TO SHOULD BE ALLOWED TO RETURN. HE EXPECTED RESISTANCE LEADERS ALFREDO CESAR AND ALFONSO ROBELO TO RETURN IF AN AGREEMENT WAS REACHED. HE ADDED THAT HE DID NOT TRUST THE SANDINISTAS, AND HE WOULD EXPECT THEM TO NOT ALLOW SOME BACK IN, SUCH AS ADOLFO CALERO. THEY WOULD THUS FAIL THIS TEST, AS THEY WOULD PROBABLY FLUNK THE TEST ON PRESS FREEDOM. THIS WOULD BE EXACTLY WHAT HE WANTED, AS IT WOULD EXPOSE THE SANDINISTAS.

19. ARIAS SAID THAT IF THE SANDINISTAS WERE EVER GOING TO ACCEPT HIS PROPOSALS, NOW WAS THE TIME. THEY WERE UNDER SEVERE ECONOMIC PRESSURE AND NEEDED SOME RELIEF. HABIB REITERATED THE NEED TO KEEP THE FOCUS ON DEMOCRACY. ARIAS SAID THAT IF THE SUMMIT PRODUCED A 4-1 OR A 5-#, IT WOULD MEAN THE DEATH OF CONTADORA. HABIB NOTED THAT THE SANDINISTAS WERE TALKING ABOUT PUSHING THE ARIAS PROPOSALS BACK INTO CONTADORA. ARIAS RESPONDED THAT HE HAD MADE CLEAR TO CEREZO THAT HE DID NOT WANT CONTADORA INVOLVED AT THE SUMMIT. CEREZO HAD NEVERTHELESS INSISTED THAT ONE MEMBER OF THE CONTADORA GROUP AND ONE OF THE SUPPORT GROUP BE PRESENT. HABIB EXPRESSED HIS DISMAY AND WARNED THAT THIS WAS A SERIOUS MISTAKE. ARIAS EXPLAINED THAT THEY WOULD ONLY ATTEND AS OBSERVERS; THEY COULD POSSIBLY ATTEND A LUNCH BUT NOT THE FORMAL SESSIONS. HE NOTED THAT CEREZO WAS UNDER PRESSURE FROM MEXICO IN THIS REGARD.

20. ARIAS THEN DESCRIBED WHAT HE EXPECTED TO BE THE FUTURE OF NICARAGUA. UNDER THE SANDINISTAS, IT WOULD CONTINUE ITS DOWNWARD SPIRAL, JUST AS OTHER MARXIST COUNTRIES SUCH AS VIETNAM, ANGOLA AND MOZAMBIQUE. IT WOULD BECOME THE ETHIOPIA OF CENTRAL AMERICA. HABIB WARNED THAT NICARAGUA COULD STILL BE A PROBLEM FOR ITS NEIGHBORS, POINTING OUT THAT THERE WERE THOUSANDS OF CUBAN SOLDIERS IN ANGOLA AND ETHIOPIA. ARIAS SAID HE DID NOT SEE HOW THE SANDINISTAS COULD CHANGE. THE HARDLINERS WOULD BLOCK ANY OPENING; HISTORY HAD SHOWN, AS IN THE CASE OF PORTUGAL, THAT A TRUE OPENING WOULD LEAD TO THE REVERSAL OF THE REVOLUTIONARY PROCESS. ARIAS REPEATED ONCE AGAIN HIS DESIRE TO EXPOSE THE SANDINISTAS TO THE OAS, TO PEREZ DE CUELLAR, AND TO EUROPE. HABIB SAID HE SHARED THIS GOAL BUT THAT THE PROPOSALS NEEDED TO BE IMPROVED TO ACCOMPLISH IT. ARIAS, IN BETTER SPIRITS BY THIS POINT, JOKED THAT HABIB WANTED HIM TO WRITE AN ENCYCLOPEDIA. HIS GOAL

WAS TO HAVE SOMETHING SHORT AND SIMPLE THAT EVERYONE COULD UNDERSTAND.

21. HABIB NOTED THAT HE WAS PREPARED TO HELP HARMONIZE THE VIEWS OF THE FOUR DEMOCRACIES. HE WOULD DISCUSS THE SITUATION WITH THE OTHER THREE PRESIDENTS AND, IF ARIAS THOUGHT IT USEFUL, RETURN AT THE END OF HIS TRIP TO REVIEW THE SITUATION. ARIAS EXPRESSED HIS APPRECIATION FOR HABIB'S EFFORTS AND AGREED TO RECEIVE HIM ON THURSDAY, JUNE 11.

22. AT THE END OF THE MEETING, ARIAS TOOK HABIB ASIDE FOR A PRIVATE CONVERSATION. HE AGREED WITH HABIB ON THE NEED FOR THE FOUR TO DEVELOP TACTICS WHICH FORCED THE SANDINISTAS TO PUT FORWARD THEIR POSITION ON THE POLITICAL ELEMENTS AT THE SUMMIT AND URGED HABIB TO DISCUSS THIS WITH THE OTHERS.

23. COMMENT: THE TONE OF THE MEETING FLUCTUATED REPEATEDLY FROM WARM AND CORDIAL TO TENSE. ARIAS IS WELL AWARE THAT HIS PROPOSALS MAY TURN OUT TO BE A DISASTER IF THE DEMOCRACIES ARE NOT SUBSTANTIALLY UNITED. HE IS FRUSTRATED THAT HE CANNOT MAKE US SEE THE LIGHT, BUT HE MAY BE BEGINNING TO REALIZE THAT HE WILL HAVE TO BE MORE FLEXIBLE AND WORK WITH US AND THE OTHER DEMOCRACIES TO PREVENT HIS WORST-CASE SCENARIO. HIS WILLINGNESS TO ACCEPT AN EXPANDED ROLE ON SECURITY ISSUES FOR THE NATIONAL RECONCILIATION COMMISSION COULD BE HELPFUL. NEVERTHELESS, ARIAS STILL HAS FAR TO GO BEFORE HE WILL BE ABLE TO

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HARMONIZE HIS VIEWS WITH THOSE OF HIS DEMOCRATIC NEIGHBORS.

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FOR USIA AR/JEWELL, P/RM, P/PFL, VOA/BRL, P/PPL
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E.O. 12356: N/A
SUBJECT: REMARKS OF AMBASSADOR AT LARGE PHILIP HABIB
- IN SAN JOSE 6/8/87

1. AFTER MEETING WITH GOCR PRESIDENT OSCAR ARIAS 6/8/87, U.S. AMBASSADOR-AT-LARGE PHILIP HABIB SPOKE BRIEFLY TO LOCAL PRESS (INCLUDING LOCAL REPS FOR NBC, AP, UPI, DPA, PRENSA LATINA, AND TASS.) PRESIDENT ARIAS SPOKE FIRST, SUMMING UP THE TWO-AND-A HALF HOUR CONVERSATION; THEN AMB. HABIB RESPONDED TO TWO QUESTIONS.

2. TRANSCRIPT FOLLOWS:

PRESIDENT ARIAS: ONCE AGAIN I'D LIKE TO TELL YOU THAT WE HAVE HAD A MEETING IN WHICH WE TALKED ABOUT THE TOPIC OF CENTRAL AMERICA. I INFORMED MR. HABIB ABOUT THE RESULTS OF OUR RECENT VISIT TO EUROPE, ABOUT THE SUPPORT THE EEC HAS OFFERED ME, AND ABOUT THE NEED I PERCEIVE THAT IN THE NEXT SUMMIT MEETING IN GUATEMALA, THAT WE ARRIVE AT AN ACCORD WHICH WILL BRING PEACE TO CENTRAL AMERICA--THE PEACE SO STRONGLY DESIRED BY THE PEOPLES OF CENTRAL AMERICA.

WE HAVE SPOKEN ABOUT THE POSSIBILITY OF ARRIVING AT SUCH AN ACCORD. HE, ONCE AGAIN, HAS COME FIRST TO COSTA RICA. IN DAYS TO COME HE'LL VISIT EL SALVADOR, GUATEMALA AND HONDURAS. HE HAS PROMISED, IF IT'S NECESSARYAND IF I THINK IT CORRECT, TO RETURN NEXT THURSDAY TO INFORM ME ABOUT THE RESULTS OF HIS CONVERSATIONS WITH PRESIDENTS CEREZO, AZCONA AND DUARTE.

I ALSO INFORMED HIM OF OUR DESIRE THAT ALL POSSIBLE OBSTACLES CAN BE OVERCOME. AND AS I'VE JUST TOLD YOU, FONMIN RODRIGO MADRIGAL WILL BE TRAVELLING IN THE NEXT FEW DAYS TO THE CENAM NATIONS TO TRY TO CLEAR THE WAY FOR THE GUATEMALA MEETING.

Q AND A WITH AMB. HABIB:

- Q: MR. HABIB, WHAT DO YOU EXPECT FROM THE GUATEMALA MEETING? DO YOU BELIEVE IT WILL BE A SUCCESS?

- A: IT'S QUITE OBVIOUS THAT I HAVE COME TO COSTA RICA NOW, AND I WILL BE GOING TO THE NEIGHBORING DEMOCRACIES, TO DISCUSS THE GENERAL SITUATION IN CENTRAL AMERICA AND THE PEACE PROCESS, WHICH IS NOW CENTERED AROUND THE PROPOSALS MADE BY PRESIDENT ARIAS, WHICH WILL BE DISCUSSED IN THE MEETING IN GUATEMALA.

IT IS EQUALLY, AS YOU KNOW, MY CHARACTER NOT TO TELL YOU IN DETAIL WHAT I THINK, WHAT I'VE DISCUSSED, EXCEPT TO SAY THAT THIS IS JUST ONE MORE IN A LONG SERIES OF CONSULTATIONS, WHICH I HAVE HAD WITH PRESIDENT ARIAS AND WITH THE OTHER PRESIDENTS IN THE NEIGHBORING DEMOCRACIES.

AS YOU ALL KNOW, THE UNITED STATES IS ALSO EQUALLY INTERESTED IN THE SEARCH FOR A PEACEFUL SOLUTION TO THE PROBLEMS. THIS IS NOW IN THE HANDS OF THE CENTRAL AMERICAN PRESIDENTS, WHO WILL BE MEETING SOON.

WE SUPPORT THE PROCESS. WE SUPPORT THE SEARCH FOR A PEACEFUL RESOLUTION OF THESE ISSUES. WE HAVE WELCOMED THE PROPOSALS MADE BY PRESIDENT ARIAS IN THIS REGARD. AND IT NOW BECOMES A TEST FOR THE PRESIDENTS IN CENTRAL AMERICA TO MEET, AND LET US SEE WHERE THEY COME OUT. OTHER THAN THAT I DO NOT INTEND TO TAKE ANY OF YOUR QUESTIONS. THE PRESIDENT HAS INDICATED THAT I AM GOING ON TO SOME TO THE OTHER COUNTRIES. I MAY COME BACK IF IT'S ACCEPTABLE TO HIM.

WE WILL CONTINUE WHILE I CHARACTERIZE AS THESE NORMAL CONSULTATIONS, WHICH HAVE BEEN GOING ON FOR MORE THAN A YEAR. THANK YOU VERY MUCH, MR. PRESIDENT.

- Q: DID YOU HAVE TALKS TODAY WITH THE 'CONTRAS'?

- A: YES, I DID MAKE WITH THREE OF THEM TODAY. I WILL BE MEETING WITH THEM BY OTHER TIMES ALSO. THAT HAS ALSO BEEN A NORMAL PART OF MY CONSULTATIONS.
END TRANSCRIPT.
STANLEY

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FOLLOWING MSG SAN SALVADOR 07510 DTD 06/10/87 SENT ACTION SECSTATE CONTRADORA COLLECTIVE BEING REPEATED FOR YOUR INFO:

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E.O. 12356: DECL:OADR
TAGS: CS, XK, OVIP (HABIB, PHILIP C.)
SUBJECT: AMB HABIB'S MEETING WITH PRESIDENT ARIAS

1. ~~SECRET - ENTIRE TEXT.~~

2. SUMMARY: ON JUNE 8, AMB. HABIB ASSURED PRESIDENT ARIAS THAT THE USG WELCOMED HIS PLAN TO PUSH THE SANDINISTAS TO THE WALL ON DEMOCRATIZATION BUT THAT HIS PLAN NEEDED TO BE IMPROVED SO THAT IF
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THE SANDINISTAS ACCEPTED IT, WE COULD ALL LIVE WITH IT. WE WERE LOOKING FOR FORMULAS FOR ADDRESSING ISSUES SUCH AS A CEASE-FIRE, A CESSATION OF MILITARY AID TO IRREGULAR FORCES, AMNESTY, ELECTIONS, AND INCLUSION OF THE RESISTANCE IN THE DIALOGUE THAT REQUIRED MINIMAL CHANGE TO THE LANGUAGE OF THE PROPOSALS. HE SUGGESTED THAT THE NATIONAL RECONCILIATION COMMISSION DESCRIBED IN THE PROPOSALS BE CHARGED WITH DEALING WITH SOME OF THESE ISSUES.

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HABIB ALSO NOTED THAT THE FOUR DEMOCRACIES MUST DEVELOP THEIR TACTICS FOR THE SUMMIT SO THAT THEY COULD FOCUS ON THE POLITICAL ELEMENTS OF THE PROPOSALS AND FORCE THE SANDINISTAS TO REVEAL THEIR POSITION. ARIAS WAS CONCERNED THAT THE USG STILL DID NOT SEE THE VIRTUE OF HIS PROPOSALS AND HOW THEY COULD EXPOSE THE SANDINISTAS TO THE WORLD. HE WAS FRUSTRATED THAT THE USG AND THE OTHER DEMOCRACIES COULD LET THE SANDINISTAS OFF THE HOOK. IF THE PLAN FAILED BECAUSE EL SALVADOR AND HONDURAS WERE DEMANDING TOO MANY CHANGES, ONLY CONTADORA AND NICARAGUA WOULD GAIN. HE WANTED A 4-1 OUTCOME WHICH WOULD EXPOSE THE SANDINISTAS IMMEDIATELY OR A 5-0 WHICH WOULD EXPOSE THEM IN 60 DAYS WHEN THEY HAD FAILED TO HONOR THE AGREEMENT. THIS OUTCOME WOULD ALSO KILL CONADORA. HE DID AGREE THAT THE DEMOCRACIES HAD LEGITIMATE OBSERVATIONS AND SAID HE WOULD ACCEPT SOME CHANGES IN HIS PROPOSALS. HE SAID THAT EXPANDING THE ROLE OF THE NATIONAL RECONCILIATION COMMISSION MIGHT ADDRESS SEVERAL OF THE PROBLEMS HABIB NOTED. HE SAID THAT HE HAD ASKED EUROPEAN LEADERS IF THEY WOULD PARTICIPATE ON THE FOLLOW-UP COMMISSION, AND THEY HAD RESPONDED AFFIRMATIVELY. HABIB SUGGESTED THAT THE OAS BE USED

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TO STAFF THE COMMISSION. ARIAS AGREED WITH HABIB'S SUGGESTION TO DEVELOP TACTICS FOR THE SUMMIT. HE SAID THAT CEREZO WOULD MAKE THE ARIAS PROPOSALS THE AGENDA AT THE SUMMIT. CEREZO, PRESSURED BY MEXICO, WAS INSISTING THAT ONE MEMBER EACH OF THE CONTADORA AND SUPPORT GROUP BE OBSERVERS AT THE SUMMIT. HABIB NOTED THIS WAS A BAD IDEA. ARIAS AGREED TO MEET AGAIN WITH HABIB AT THE END OF HIS CURRENT VISIT TO THE REGION. END SUMMARY.

3. ON JUNE 8, AMB HABIB, CHARGE MELTON, AND DCM STEWART MET WITH COSTA RICAN PRESIDENT ARIAS, FOREIGN MINISTER MADRIGAL, AND RODRIGO ARIAS TO DISCUSS THE NEGOTIATING TRACK. HABIB OPENED BY NOTING THAT HE HAD MET EARLIER THAT DAY WITH THREE LEADERS OF THE NICARAGUAN RESISTANCE DIRECTORATE. HE SAID THAT THESE WERE RESPECTABLE, RESPONSIBLE PEOPLE, AND THAT IT WAS IMPORTANT TO TAKE THEIR VIEWS INTO ACCOUNT. HE ADDED THAT THEY EXPECTED A LOT FROM COSTA RICA WITH REGARD TO THE UPCOMING CENTRAL AMERICAN SUMMIT IN GUATEMALA. ARIAS RESPONDED THAT HE WAS INTERESTED IN TALKING WITH THE RESISTANCE LEADERS.

4. ARIAS ADVISED HABIB THAT HE INTENDED TO VISIT THE UNITED STATES AT THE REQUEST OF SENATOR LUGAR TO GIVE A SPEECH IN INDIANAPOLIS. HE WANTED TO VISIT

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WASHINGTON ON HIS WAY BACK TO COSTA RICA, AND HE HAD ASKED AMB GUIDO FERNANDEZ TO SET UP AN APPOINTMENT WITH VICE PRESIDENT BUSH ON JUNE 18. HE SUGGESTED THAT AMB HABIB MEET WITH HIM AT THAT TIME.

5. HABIB ASSURED ARIAS THAT THE UNITED STATES SUPPORTED HIS PLAN IN PRINCIPLE. HE NOTED THAT THERE WERE SOME IN WASHINGTON WHO WERE CALLING ON THE PRESIDENT TO FIRE HIM BECAUSE HE WAS DEALING SERIOUSLY WITH ARIAS BUT THEY DID NOT SPEAK FOR THE

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ADMINISTRATION. THE USG DID WANT TO SEE NICARAGUA PUT TO THE TEST ON DEMOCRATIZATION AS ARIAS PROPOSED. HE RECALLED WHAT SECRETARY SHULTZ HAD TOLD MADRIGAL IN APRIL: THE ARIAS PROPOSALS NEEDED TO BE IMPROVED SO THAT IF THEY WERE IMPLEMENTED, WE ALL COULD LIVE WITH THEM. HABIB NOTED THAT IT WAS

IMPORTANT THAT THE PROPOSALS WERE AN INDIVISIBLE PACKAGE. THE DEMOCRATIZATION ELEMENTS WERE THE CORE OF THE PROPOSALS. WE UNDERSTOOD ARIAS' RELUCTANCE TO MAKE CHANGES IN THE PROPOSALS, AND WE WERE LOOKING FOR FORMULAS THAT WOULD REQUIRE MINIMAL REVISION TO THE TEXT AND YET MEET THE NEED FOR IMPROVEMENT. IN MANY CASES, IT WAS POSSIBLE TO ADDRESS OUR CONCERNS WITHOUT CHANGING THE LANGUAGE BUT BY MORE CAREFULLY DEFINING AND INTERPRETING THE TERMS. WITHOUT SUCH A CLEAR DEFINITION, THE PROPOSALS WOULD LEAD TO MISUNDERSTANDINGS AND CREATE CONFUSION. HABIB ASKED ABOUT THE CEASE-FIRE: WHAT WERE THE TERMS? WHO WOULD DETERMINE THE TERMS? HE ASKED ABOUT THE TIMING OF THE SUSPENSION OF MILITARY AID TO IRREGULAR FORCES, NOTING THAT IT HAD TO BE LINKED WITH THE CEASE-FIRE OR THOSE FORCES WOULD BE LEFT EXPOSED. HE POINTED OUT THAT THE TERMS OF THE AMNESTY MUST BE WORKED OUT SO THAT THEY WOULD BE ACCEPTABLE TO ALL. IT WAS IMPORTANT TO SPECIFY AT WHAT POINT THE RESISTANCE WOULD BE INCLUDED IN THE DIALOGUE PROCESS. HABIB STRESSED THAT WE WANTED THE PLAN TO SUCCEED AND THAT WE WERE LOOKING FOR WAYS TO HARMONIZE THE VIEWS OF THE FOUR DEMOCRACIES, THE RESISTANCE, AND THE USG.

6. HABIB NOTED THAT GUATEMALAN PRESIDENT CEREZO HAD SUGGESTED EXPANDING THE ROLE OF THE NATIONAL

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RECONCILIATION COMMISSION TO INCLUDE THE ISSUES OF A CEASE-FIRE AND A POLITICAL OPENING. ARIAS RESPONDED

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THAT THIS WAS THE MAIN OBJECTIVE OF THE COMMISSION. HABIB URGED THAT THE COMMISSION ALSO BE GIVEN THE ISSUE OF DETERMINING THE TIMING OF ELECTIONS. HE EXPLAINED THAT IT WAS ENTIRELY APPROPRIATE THAT THE PARTIES IN THE DIALOGUE SHOULD DECIDE WHEN ELECTIONS COULD TAKE PLACE, AND THIS WAS A FORMULA FOR MAKING POSSIBLE ELECTIONS IN NICARAGUA BEFORE 1990 WITHOUT QUESTIONING THE LEGITIMACY OF THE GOVERNMENT WHICH ARIAS HAD SAID HE WISHED TO AVOID.

7. HABIB SUGGESTED THAT ARIAS BEGIN CONSULTING WITH THE OTHER THREE DEMOCRACIES TO DETERMINE THEIR TACTICS FOR THE SUMMIT. HE RECALLED THAT DURING THEIR LAST MEETING IN APRIL ARIAS HAD SAID IT WAS ESSENTIAL THAT THE ARIAS PROPOSALS BE THE AGENDA. ARIAS REPLIED THAT CEREZO HAD ASSURED HIM THAT HIS PROPOSALS WOULD BE THE ONLY THING ON THE AGENDA. MADRIGAL ADDED THAT THE GUATEMALAN INVITATION TO THE SUMMIT STATED CLEARLY THAT THE ARIAS PROPOSALS WERE TO BE THE FIRST ITEM ON THE AGENDA. HABIB SAID THAT WE HAD RECEIVED VARIOUS REPORTS ABOUT WHAT THE SANDINISTAS WOULD DO AT THE SUMMIT. THEY MAY INTRODUCE THEIR OWN PLAN, AS COMANDANTE ARCE HAD INDICATED. THEY MAY JUST SIT BACK AND WAIT FOR THE DEMOCRACIES TO DISAGREE. HABIB STRESSED THAT THE DEMOCRACIES SHOULD KEEP THE DISCUSSION FOCUSED ON THE POLITICAL ELEMENTS AND FORCE THE SANDINISTAS TO RESPOND. THIS REQUIRES THAT THEY COORDINATE SO THAT THEY KNOW WHAT TO DO AND WHEN TO DO IT. THEY MUST NOT LET THE SANDINISTAS DIVIDE THEM OR DRAG OUT THE PROCESS.

8. ARIAS, VISIBLY NERVOUS AND UNCOMFORTABLE, REPLIED THAT IT SEEMED THAT "WE ARE WHERE WE STARTED

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. . . BACK TO SQUARE ONE." HE SAID THAT THE USG HAD THE SAME DOUBTS AS BEFORE, DESPITE ALL HIS EFFORTS TO CONVINCE US TO PUT THE EMPHASIS ON THE REAL ISSUE: DEMOCRACY. HABIB SAID THAT WE KEPT COMING BACK TO THESE ISSUES BECAUSE THEY WERE REAL AND WOULD NOT GO AWAY; THEY NEEDED TO BE ADDRESSED. ARIAS STATED THAT HE WAS WORRIED ABOUT THIS, AND HE ASKED WHAT WOULD HAPPEN IF THE INITIATIVE FAILED. HABIB QUESTIONED WHAT HE MEANT BY FAILURE. WE WOULD WELCOME A GOOD AGREEMENT, BUT EVEN IF NO AGREEMENT RESULTED, THE INITIATIVE COULD STILL BE USEFUL IN CLEARLY ESTABLISHING THE POSITIONS OF THE VARIOUS PARTIES. ARIAS RESPONDED THAT NICARAGUA WAS A VITAL INTEREST TO COSTA RICA. HABIB REPLIED THAT THE USG ALSO HAD VITAL INTERESTS THERE. ARIAS SAID THAT THE SITUATION OF THE UNITED STATES, A SUPERPOWER, WAS QUITE

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DIFFERENT FROM THAT OF COSTA RICA.

9. AT THIS POINT, ARIAS WAS CALLED TO THE PHONE, AND WHEN HE RETURNED HE BEGAN TO COMPLAIN THAT HE WAS BEING CRITICIZED FOR SPENDING TOO MUCH TIME ON FOREIGN AFFAIRS. PEOPLE WERE CALLING ON HIM TO DEVOTE HIS ENERGIES TO SOCIAL PROBLEMS AND THE ECONOMY. HE ASSERTED THAT HE HAD NEVER EXPECTED FOREIGN AFFAIRS TO ABSORB SO MUCH OF HIS TIME AND HE WAS TIRED OF IT. HE THEN DESCRIBED HIS TRIP TO EUROPE. EXCEPT FOR MARGARET THATCHER (WHO HE DESCRIBED AS WANTING TO SEND THE FLEET AND ARMY TO MANAGUA), ALL THE LEADERS OF EUROPE SUPPORTED HIS PROPOSALS. HE HOPED THE EC WOULD FORMALLY ENDORSE HIS PROPOSALS BEFORE THE GUATEMALA SUMMIT. THE EUROPEAN LEADERS HAD ALSO PLEDGED TO RAISE HIS PROPOSALS INFORMALLY AT THE VENICE SUMMIT. HABIB

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ASSURED ARIAS THAT THE PRESIDENT AND SECRETARY SHULTZ ALSO WELCOMED HIS PROPOSALS, BUT WANTED THEM IMPROVED AND THE TERMS TO BE DEFINED.

10. ARIAS EMPHASIZED THAT COSTA RICA WOULD DO ALL IT COULD TO MAKE THE INITIATIVE SUCCEED. HE WAS SENDING MADRIGAL TO THE OTHER FOUR COUNTRIES, INCLUDING NICARAGUA. ARIAS THEN RETURNED TO HIS QUESTION ABOUT WHAT WOULD HAPPEN IF THE INITIATIVE FAILED, AND HE ASKED WHO WOULD WIN. HE ANSWERED HIS OWN QUESTION STATING THAT CONTADORA AND NICARAGUA WOULD BE THE WINNERS IF IT FAILED BECAUSE EL SALVADOR AND HONDURAS DEMANDED CHANGES THAT THE OTHERS COULD NOT ACCEPT. HE AGAIN DISPLAYED HIS FRUSTRATION, STATING THAT HE DID NOT WANT TO SPEND MUCH MORE TIME ON THE NEGOTIATIONS. AT THE FEBRUARY 15 SUMMIT, HE HAD WANTED THE NEXT MEETING HELD IN 15 DAYS. HE HAD DEFERRED TO HONDURAN PRESIDENT AZCONA WHO ASKED FOR THREE MONTHS IN WHICH TIME THE RESISTANCE WOULD LEAVE HONDURAS. HE NOTED THAT THE RESISTANCE WERE STILL THERE. HABIB COMMENTED THAT ONLY A FEW WERE LEFT; MOST WERE NOW INSIDE NICARAGUA. ARIAS SAID THAT IF THERE WERE NO AGREEMENT AT THE SUMMIT AND THERE WAS REASON TO HOLD A SECOND MEETING, HE WOULD INSIST THAT IT BE HELD QUICKLY, IN JUST A FEW WEEKS. HABIB SAID THAT THIS WAS ABSOLUTELY CORRECT: THE PROCESS MUST NOT DRAG OUT.

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11. ARIAS THEN OUTLINED HIS SCENARIOS FOR THE SUMMIT. THE BEST OUTCOME WAS 4-1, WITH 5-0 SECOND BEST. HABIB REPLIED THAT 5-0 WOULD BE BEST IF IT WERE AN ACCEPTABLE AGREEMENT. ARIAS SAID A 5-0 WOULD BE PERFECT, BUT HE EXPLAINED THAT HIS PURPOSE WAS TO

EXPOSE THE SANDINISTAS TO THE WORLD. A 4-1 WOULD ACCOMPLISH THIS IMMEDIATELY. IF THE SANDINISTAS SIGNED, THEY WOULD CERTAINLY RENEGE, SO THEN THEY

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WOULD BE EXPOSED IN 60 DAYS. HE EXPLAINED THAT IT WOULD BE IMPOSSIBLE FOR THE SANDINISTAS TO LIVE UP TO THE TERMS, FOR IF THEY ALLOWED A POLITICAL OPENING, SUCH AS LETTING CARDINAL OBANDO ON TELEVISION OR RADIO CATOLICA, IT WOULD BE THE BEGINNING OF THE END FOR THEM.

12. HABIB ASSURED ARIAS THAT WE UNDERSTOOD EXACTLY HIS OBJECTIVE, BUT HE STRESSED THAT IN ORDER TO ACCOMPLISH IT, HE NEEDED TO DEFINE HIS PROPOSALS. HE REMARKED THAT THE OTHER DEMOCRACIES RESENTED THAT ARIAS HAS MADE HIS PROPOSALS PUBLIC WITHOUT TAKING THEIR VIEWS INTO ACCOUNT. HE RECALLED THAT ARIAS HAD SAID THAT HE WOULD ACCEPT CHANGES ON THE SECURITY ASPECTS OF THE PROPOSALS, ALTHOUGH NOT ON THE POLITICAL ELEMENTS. ARIAS REPLIED THAT HE WAS PREPARED TO MAKE CHANGES AND ACCEPTED THAT THE OTHER DEMOCRACIES HAD LEGITIMATE OBSERVATIONS. HE THEN REVISITED THE MATTER OF THE ROLE OF THE NATIONAL RECONCILIATION COMMISSION AND EXPLAINED THAT ITS MAIN PURPOSE WAS TO ARRANGE A CEASE-FIRE AND POLITICAL OPENING. HABIB EXPLAINED THAT THIS WAS PRECISELY THE TYPE OF DEFINITION HE WAS SEEKING.

13. ARIAS THEN TRIED TO EXPLAIN THE ANALYSIS UPON WHICH HIS PROPOSALS WERE BASED. HE SAID THAT THE ESSENCE OF THE SANDINISTAS' SUPPORT AROUND THE WORLD WAS THEIR AMBIGUITY. THEY RECEIVED SUPPORT FROM THE WESTERN DEMOCRACIES AND FROM THE SOVIETS. MEANWHILE, THE USG WAS ISOLATED. HELMUT KOHL HAD ASKED HIM HOW HE COULD EXPECT GERMANY TO CRITICIZE THE SANDINISTAS WHILE US AGGRESSION CONTINUED. ARIAS INSISTED THAT HIS PLAN WOULD RESOLVE THIS AMBIGUITY BY EXPOSING THE

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SANDINISTAS TO THE WORLD AND ROBBING THEM OF THEIR EXCUSES.

14. ARIAS SAID THAT HE HAD ASKED EUROPEAN LEADERS IF THEY WOULD BE WILLING TO SERVE ON THE FOLLOW-UP COMMISSION DESCRIBED IN HIS PROPOSALS. THEY HAD RESPONDED AFFIRMATIVELY. HABIB SUGGESTED THAT IT WOULD BE WISER TO HAVE THE OAS PERFORM THE VERIFICATION. ARIAS ASKED ABOUT USING PEREZ DE

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CUELLAR, NOTING THAT WAS A TRUE DEMOCRAT AND NO FRIEND OF THE SANDINISTAS. HABIB REPLIED THAT THE USG HAD THE HIGHEST REGARD FOR PEREZ DE CUELLAR, BUT THAT THE UN SYSTEM, WITH ITS VETO IN THE SECURITY COUNCIL, WAS NOT THE APPROPRIATE BODY. IT WOULD BE BETTER TO KEEP IT IN THE OAS: IF THE OAS WANTED TO INVITE IN CERTAIN EUROPEANS, THAT MIGHT BE POSSIBLE. ARIAS SUGGESTED GERMANY AND BELGIUM. HABIB RESPONDED THAT GERMANY WOULD BE RELUCTANT: PORTUGAL AND SPAIN WOULD BE BETTER. ARIAS SAID PORTUGAL WOULD BE EXCELLENT, AS MARIO SUAREZ WAS THE FIRST EUROPEAN LEADER TO CRITICIZE THE SANDINISTAS.

15. ARIAS RETURNED TO THE NEED FOR HIS PLAN TO SUCCEED LEST CONTADORA REEMERGE. HABIB NOTED THAT MEXICO DID NOT LIKE HIS PROPOSALS AS THEY FOCUSED ON DEMOCRACY. HE NOTED THAT MEXICO WAS QUIET, BUT WAS WORKING ON CEREZO. ARIAS SAID THE MEXICANS WERE PRAYING THAT NO AGREEMENT IS REACHED AT THE SUMMIT. HE STATED THAT CEREZO HAD PUBLICLY SAID THAT HE HAD NO OBJECTIONS TO THE PROPOSALS. HABIB REMARKED THAT CEREZO DID WANT SOME POINTS DEFINED. HABIB POINTED OUT THAT PRESIDENT DUARTE WAS THE MOST CONCERNED BY THE PROPOSALS: HE WAS UNDER ATTACK FROM BOTH THE RIGHT AND LEFT AND NEEDED TO BE VERY CAUTIOUS. ARIAS ACKNOWLEDGED THAT UARTE WAS IN A DIFFICULT SITUATION AND SAID HE WOULD LIKE TO HELP HIM. HABIB SAID THAT

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THE FMLN'S REJECTION OF THE PROPOSALS MIGHT MAKE IT EASIER FOR DUARTE TO DEAL WITH THE PROPOSALS.

16. ARIAS AGAIN BECAME AGITATED AS HE DESCRIBED HOW IN THE PAST THE USG HAD USED COSTA RICA DELIBERATELY TO OBSTRUCT CONTADORA NEGOTIATIONS USING MANY OF THE SAME ARGUMENTS IT WAS USING NOW ABOUT HIS PROPOSALS. HE STRESSED THAT HE DID NOT WANT TO BE USED IN THAT WAY. HE ASSERTED THAT IF HIS FRIENDS DID THAT TO HIM AT THE SUMMIT, HE WOULD WALK AWAY. HE WAS TIRED OF THE WHOLE PROBLEM; THE NEGOTIATIONS COULD RETURN TO CONTADORA AND THE USG COULD INVADE NICARAGUA. HE PLEADED THAT THE SANDINISTAS BE PUT TO THE TEST AND ALLOWED TO FAIL. THEY COULD THEN BE PUT UNDER PRESSURE, BUT NOT PRESSURE IN THE FORM OF THE RESISTANCE. HE ASKED WHAT HIS SITUATION WOULD BE TODAY IF HE HAD LISTENED TO THE USG AND ALLOWED THE RESISTANCE TO USE COSTA RICAN TERRITORY. HE WOULD BE HEARING ASST. SEC. ABRAMS, EX-AMB. TAMBS, AND RICHARD SECORD TELL IT TO THE WORLD. HOW WOULD HE EXPLAIN THIS TO FELIPE GONZALEZ? HABIB RESPONDED THAT EXPLAINING THINGS TO GONZALEZ WAS NOT IMPORTANT; THE ONLY ONES THAT WERE REALLY IMPORTANT WERE THE CENTRAL

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AMERICANS THEMSELVES AND THE USG. THE EUROPEANS WERE NOT CONCERNED ABOUT CENTRAL AMERICA, AND ARIAS SHOULD CARE FIRST ABOUT WHAT HIS NEIGHBORS AND WE THOUGHT.

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17. MADRIGAL SAID THAT HE UNDERSTOOD THAT THE OTHER DEMOCRACIES HAD SOME OF THE SAME CONCERNS AS THE USG. HE AGREED THAT THERE WAS A NEED TO HAVE SOME SYSTEM TO WORK OUT THE TERMS OF A CEASE-FIRE. HABIB EMPHASIZED THAT THERE COULD BE NO SUSPENSION OF MILITARY AID TO THE RESISTANCE UNTIL THERE WAS A

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CEASE-FIRE ACCEPTABLE TO THE CONTRAS. HABIB REFERRED TO LANGUAGE IN THE REVISED DRAFT ABOUT THE SUSPENSION OF AID, AND ARIAS BECAME AGITATED THAT THE USG HAD A REVISED VERSION. MADRIGAL STATED EMPHATICALLY THAT THE REVISED VERSION WAS ONLY A WORKING DRAFT: IT HAD NOT BEEN CLEARED BY HIM OR ARIAS AND HAD NO OFFICIAL STANDING. HABIB NOTED THAT IF THE NATIONAL RECONCILIATION COMMISSION COULD WORK OUT THE TERMS OF AN AGREED CEASE-FIRE, IT COULD BE POSSIBLE TO HAVE A SIMULTANEOUS SUSPENSION OF MILITARY AID. ARIAS RESPONDED "THAT IS QUITE OBVIOUS."

18. ARIAS REMARKED THAT PERHAPS THE NATIONAL COMMISSION COULD BE GIVEN MORE FUNCTIONS TO ADDRESS THE CONCERNS HABIB HAD RAISED. HABIB REMARKED THAT THIS WAS A STEP IN THE RIGHT DIRECTION. THIS WAS JUST THE TYPE OF DEFINITION WHICH WE WERE SEEKING. HABIB ADDED THAT IT WAS NECESSARY TO SPECIFY ALSO AT WHAT POINT THE RESISTANCE WOULD JOIN IN THE NATIONAL RECONCILIATION PROCESS. HE POINTED OUT THAT THE RESISTANCE WAS PREPARED TO BE FLEXIBLE ABOUT HOW THIS WAS DONE. ARIAS RESPONDED THAT ANYONE WHO WANTED TO SHOULD BE ALLOWED TO RETURN. HE EXPECTED RESISTANCE LEADERS ALFREDO CESAR AND ALFONSO ROBELO TO RETURN IF AN AGREEMENT WAS REACHED. HE ADDED THAT HE DID NOT TRUST THE SANDINISTAS, AND HE WOULD EXPECT THEM TO NOT ALLOW SOME BACK IN, SUCH AS ADOLFO CALERO. THEY WOULD THUS FAIL THIS TEST, AS THEY WOULD PROBABLY FLUNK THE TEST ON PRESS FREEDOM. THIS WOULD BE EXACTLY WHAT HE WANTED, AS IT WOULD EXPOSE THE SANDINISTAS.

19. ARIAS SAID THAT IF THE SANDINISTAS WERE EVER GOING TO ACCEPT HIS PROPOSALS, NOW WAS THE TIME. THEY WERE UNDER SEVERE ECONOMIC PRESSURE AND NEEDED SOME RELIEF. HABIB REITERATED THE NEED TO KEEP THE

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FOCUS ON DEMOCRACY. ARIAS SAID THAT IF THE SUMMIT PRODUCED A 4-1 OR A 5-0, IT WOULD MEAN THE DEATH OF CONTADORA. HABIB NOTED THAT THE SANDINISTAS WERE TALKING ABOUT PUSHING THE ARIAS PROPOSALS BACK INTO CONTADORA. ARIAS RESPONDED THAT HE HAD MADE CLEAR TO CEREZO THAT HE DID NOT WANT CONTADORA INVOLVED AT THE SUMMIT. CEREZO HAD NEVERTHELESS INSISTED THAT ONE MEMBER OF THE CONTADORA GROUP AND ONE OF THE SUPPORT GROUP BE PRESENT. HABIB EXPRESSED HIS DISMAY AND WARNED THAT THIS WAS A SERIOUS MISTAKE. ARIAS EXPLAINED THAT THEY WOULD ONLY ATTEND AS OBSERVERS; THEY COULD POSSIBLY ATTEND A LUNCH BUT NOT THE FORMAL SESSIONS. HE NOTED THAT CEREZO WAS UNDER PRESSURE FROM MEXICO IN THIS REGARD.

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20. ARIAS THEN DESCRIBED WHAT HE EXPECTED TO BE THE FUTURE OF NICARAGUA. UNDER THE SANDINISTAS, IT WOULD CONTINUE ITS DOWNWARD SPIRAL, JUST AS OTHER MARXIST COUNTRIES SUCH AS VIETNAM, ANGOLA AND MOZAMBIQUE. IT WOULD BECOME THE ETHIOPIA OF CENTRAL AMERICA. HABIB WARNED THAT NICARAGUA COULD STILL BE A PROBLEM FOR ITS NEIGHBORS, POINTING OUT THAT THERE WERE THOUSANDS OF CUBAN SOLDIERS IN ANGOLA AND ETHIOPIA. ARIAS SAID HE DID NOT SEE HOW THE SANDINISTAS COULD CHANGE. THE HARDLINERS WOULD BLOCK ANY OPENING; HISTORY HAD SHOWN, AS IN THE CASE OF PORTUGAL, THAT A TRUE OPENING WOULD LEAD TO THE REVERSAL OF THE REVOLUTIONARY PROCESS. ARIAS REPEATED ONCE AGAIN HIS DESIRE TO EXPOSE THE SANDINISTAS TO THE OAS, TO PEREZ DE CUELLAR, AND TO EUROPE. HABIB SAID HE SHARED THIS GOAL BUT THAT THE PROPOSALS NEEDED TO BE IMPROVED TO ACCOMPLISH IT. ARIAS, IN BETTER SPIRITS BY THIS POINT, JOKED THAT HABIB WANTED HIM TO WRITE AN ENCYCLOPEDIA. HIS GOAL

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WAS TO HAVE SOMETHING SHORT AND SIMPLE THAT EVERYONE COULD UNDERSTAND.

21. HABIB NOTED THAT HE WAS PREPARED TO HELP HARMONIZE THE VIEWS OF THE FOUR DEMOCRACIES. HE WOULD DISCUSS THE SITUATION WITH THE OTHER THREE PRESIDENTS AND, IF ARIAS THOUGHT IT USEFUL, RETURN AT THE END OF HIS TRIP TO REVIEW THE SITUATION. ARIAS EXPRESSED HIS APPRECIATION FOR HABIB'S EFFORTS AND AGREED TO RECEIVE HIM ON THURSDAY, JUNE 11.

22. AT THE END OF THE MEETING, ARIAS TOOK HABIB ASIDE FOR A PRIVATE CONVERSATION. HE AGREED WITH HABIB ON THE NEED FOR THE FOUR TO DEVELOP TACTICS WHICH FORCED THE SANDINISTAS TO PUT FORWARD THEIR POSITION ON THE POLITICAL ELEMENTS AT THE SUMMIT AND URGED HABIB TO DISCUSS THIS WITH THE OTHERS.

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23. COMMENT: THE TONE OF THE MEETING FLUCTUATED REPEATEDLY FROM WARM AND CORDIAL TO TENSE. ARIAS IS WELL AWARE THAT HIS PROPOSALS MAY TURN OUT TO BE A DISASTER IF THE DEMOCRACIES ARE NOT SUBSTANTIALLY UNITED. HE IS FRUSTRATED THAT HE CANNOT MAKE US SEE THE LIGHT, BUT HE MAY BE BEGINNING TO REALIZE THAT HE WILL HAVE TO BE MORE FLEXIBLE AND WORK WITH US AND THE OTHER DEMOCRACIES TO PREVENT HIS WORST-CASE SCENARIO. HIS WILLINGNESS TO ACCEPT AN EXPANDED ROLE ON SECURITY ISSUES FOR THE NATIONAL RECONCILIATION COMMISSION COULD BE HELPFUL. NEVERTHELESS, ARIAS STILL HAS FAR TO GO BEFORE HE WILL BE ABLE TO HARMONIZE HIS VIEWS WITH THOSE OF HIS DEMOCRATIC NEIGHBORS.

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TEXT OF TELEGRAM 87TEGUCI009954

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PAGE 01 TEGUCI 09954 01 OF 04 112238Z
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~~S E C R E T~~ SECTION 01 OF 04 TEGUCIGALPA 09954

EXDIS **DECAPTIONED**

E.O. 12356: DECL: OADR
TAGS: PREL, GT, XK, OVIP (HABIB, PHILIP C.)
SUBJECT: AMBASSADOR HABIB'S MEETING WITH PRESIDENT CEREZO

~~1. (S - ENTIRE TEXT.)~~

2. SUMMARY: IN A MEETING WITH PRESIDENT CEREZO ON JUNE 10, AMBASSADOR HABIB TOLD THE GUATEMALAN PRESIDENT THAT THE ARIAS PROPOSALS MUST BE STRENGTHENED, SO THAT WE CAN LIVE WITH THEM IF NICARAGUA SHOULD ACCEPT THEM. EMPHASIZING THE IMPORTANCE OF DEMOCRATIZATION, HABIB TOLD CEREZO IT IS VITALLY IMPORTANT TO PREVENT THE SANDINISTAS FROM DIVIDING THE DEMOCRACIES OR DIVIDING THE ISSUES. NOTING THAT ARIAS SEEMED RELUCTANT TO ACCEPT CHANGES, HABIB URGED CEREZO TO CONTINUE EFFORTS TO HARMONIZE THE POSITIONS OF THE FOUR DEMOCRACIES, AND ASSURED HIM THAT THE U.S. WOULD SUPPORT A STRENGTHENED PLAN. CEREZO OUTLINED MAJOR CHANGES TO THE ARIAS PLAN WHICH HE HOPES THE OTHERS WILL ACCEPT. CEREZO PROPOSES TO PROVIDE MORE CONCRETE DEFINITION TO THE WHOLE RECONCILITION PROCESS, ALLOW ALL ELEMENTS "WILLING TO WORK FOR DEMOCRACY" TO PARTICIPATE IN THAT PROCESS, AND DEFER THE CEASE-FIRE AND CUT-OFF OF AID TO INSURGENTS
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PAGE 02 TEGUCI 09954 01 OF 04 112238Z

UNTIL THE RECONCILIATION PROCESS IS WELL ADVANCED. HE ALSO PROPOSES TO STRENGTHEN THE MILITARY SIDE OF THE PLAN BY ADDING PROVISIONS DESIGNED TO CURTAIL NICARAGUA'S TIES WITH THE SOVIET BLOC. CEREZO SAID THAT IN HIS MEETING WITH ARIAS LAST WEEK HE FOUND THE COSTA RICAN PRESIDENT SOMEWHAT RECEPTIVE TO HIS IDEAS, AND FOREIGN MINISTER MADRIGAL WOULD BE ARRIVING LATER IN THE DAY FOR FURTHER CONSULTATIONS ABOUT THEM. QUINONES WILL SEE ACEVEDO IN SAN SALVADOR ON JUNE 15, AND ON JUNE 16

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CEREZO WILL SEE PRESIDENT AZCONA IN HONDURAS. CEREZO SAID HE IS WILLING TO SEE THE JUNE 25-26 SUMMIT END WITHOUT A SIGNED AGREEMENT, BUT THE FOUR DEMOCRACIES MUST PRESENT A PROPOSAL WHICH IS SEEN TO BE REASONABLE. HOWEVER, HE DID NOT SAY WHAT HE WOULD DO IF NICARAGUA AND COSTA RICA SIGN ARIAS' ORIGINAL PROPOSAL. HABIB URGED CEREZO TO MEET WITH RESISTANCE LEADERS, AND CEREZO INDICATED HIS WILLINGNESS TO DO SO. END SUMMARY.

3. AMBASSADOR HABIB, DAS WALKER, AND AMBASSADOR PIEDRA CALLED ON PRESIDENT CEREZO ON JUNE 10. ALSO IN ATTENDANCE WERE FOREIGN MINISTER QUINONES, COLONEL ROBERTO MATA, CEREZO'S CHIEF OF STAFF, SARA MISHAAN, THE PRESIDENT'S SECRETARY FOR POLITICAL AFFAIRS, AND HOWARD DAVIS, NOTETAKER.

4. HABIB BEGAN BY DESCRIBING HIS MEETINGS IN THE LAST FEW DAYS WITH PRESIDENT ARIAS, PRESIDENT DUARTE, AND MEMBERS OF THE DEMOCRATIC RESISTANCE. THE PURPOSE OF HIS VISIT TO GUATEMALA WAS TO FIND HOW CEREZO'S VIEWS ON THE SUMMIT WERE EVOLVING AND TO EXPRESS OUR OWN VIEW THAT THE ARIAS PROPOSALS NEED IMPROVEMENT, SO THAT IF ACCEPTED WE COULD LIVE WITH THEM. HABIB SAID HE FOUND ARIAS RELUCTANT TO TALK ABOUT CHANGES, AND MENTIONED

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THAT ARIAS CLAIMS THE "REVISED" COSTA RICAN DRAFT HAS NO STANDING. IT WAS HIS OVERALL IMPRESSION THAT THERE HAVE NOT BEEN SUFFICIENT CONSULTATIONS AMONG THE DEMOCRACIES TO REACH AGREEMENT. IT IS NOT A QUESTION OF REACHING COMPLETE UNITY, BUT OF HARMONIZING THE VIEWS OF THE FOUR, PARTICULARLY ON DEMOCRATIZATION. HE NOTED THAT DURING CEREZO'S RECENT VISIT TO WASHINGTON, ALL OF HIS U.S. INTERLOCUTORS HAD BEEN DEEPLY IMPRESSED WITH THE SINCERITY WITH WHICH CEREZO HAD ARGUED FOR THE IMPORTANCE OF GETTING A PROCESS OF DEMOCRATIZATION STARTED IN NICARAGUA. THE QUESTION WE MUST NOW ASK, HE SAID, IS WHETHER THE ARIAS PROPOSALS WILL PRODUCE DEMOCRATIZATION. LOOKING AT PROSPECTS FOR THE UPCOMING SUMMIT, HABIB SAID IT IS IMPORTANT TO AVOID THE PITFALL OF DIVISIONS AS WELL AS THE PITFALL OF MAKING PARTIAL DEALS; WE AGREE WITH ARIAS THAT THE PROPOSALS MUST BE ACCEPTED OR REJECTED AS A COMPLETE PACKAGE.

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5. REFERRING TO HIS MEETING WITH DUARTE, HABIB SAID HE EXPECTS THE SALVADORAN PRESIDENT TO BE MORE ACTIVE DIPLOMATICALLY THAN HE HAS BEEN IN RECENT WEEKS. CEREZO AGREED WITH HABIB THAT DUARTE HAS "SPECIAL PROBLEMS," PARTICULARLY THE POLITICAL PROBLEMS POSED BY THE RIGHT WING AND THE GUERRILLAS ON THE LEFT. HABIB NOTED THAT THE SALVADORAN FOREIGN MINISTRY HAS DONE SOME COMMENDABLE WORK IN COMING UP WITH WAYS TO STRENGTHEN

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THE ARIAS PLAN.

6. CEREZO SAID THAT HE PLANS TO GO TO HONDURAS ON JUNE 16 TO CONSULT WITH PRESIDENT AZCONA. HE ADDED THAT HE CONTINUES TO EXCHANGE IDEAS WITH DUARTE BY TELEPHONE.

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EXDIS

E.O. 12356: DECL: OGR
TAGS: PREL, GT, XK, OVIP (HABIB, PHILIP C.)
SUBJECT: AMBASSADOR HABIB'S MEETING WITH PRESIDENT CEREZO

QUINONES SAID HE PLANS TO GO TO SAN SALVADOR ON JUNE 15 TO TALK WITH ACEVEDO.

7. HABIB SAID THERE IS NO POINT TO HAVING AGREEMENT ON SOMETHING WHICH IS NOT CLEARLY DEFINED, AND CEREZO AGREED. HABIB SAID THE ARIAS PLAN IN ITS PRESENT FORM DOES NOT ANSWER THE QUESTION WHAT HAPPENS TO THE NICARAGUAN DEMOCRATIC RESISTANCE'S POLITICAL RIGHTS. IF THERE IS NO IKEE-FIRE, THERE CANNOT BE A CESSATION OF AID. THERE IS NO CLEAR DEFINITION OF AID: THE RESISTANCE WILL HAVE A CONTINUED NEED FOR FOOD, CLOTHING AND MEDICINE, SO THE TERMS MUST BE DEFINED. WHEN CAN THE DEMOCRATIC RESISTANCE JOIN THE DIALOGUE PROCESS? HOW WILL IT DO SO? HABIB SAID HE HAD FOUND CEREZO'S IDEA OF EXPANDING THE FUNCTIONS OF THE RECONCILIATION COMMISSION USEFUL, AND HAD URGED ARIAS TO GIVE IT FAVORABLE CONSIDERATION. FOR EXAMPLE, THE COMMISSION COULD HAVE A VOICE IN THE TIMING OF ELECTIONS. THIS WOULD BE A PERFECTLY LEGITIMATE TOPIC FOR THE COMMISSION TO CONSIDER AND IT COULD DO SO WITHOUT CHALLENGING THE

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PAGE 02 TEGUCI 09954 02 OF 04 112239Z

LEGITIMACY OF THE CURRENT GOVERNMENT. ALL OF THESE QUESTIONS MUST AT LEAST BE DISCUSSED, AND THE PLAN SHOULD BE IMPROVED TO ADDRESS THEM.

8. TURNING TO TACTICS AT THE SUMMIT MEETING, HABIB SAID HE TOLD ARIAS THAT HIS PLAN SHOULD BE THE AGENDA, OR THE FIRST ITEM ON THE AGENDA. AFTER ARIAS PRESENTS HIS PLAN, CEREZO SHOULD MAKE SURE THAT ORTEGA RESPONDS. ORTEGA MUST BE MADE TO DEAL WITH THE POLITICAL ELEMENTS

OF THE ARIAS PLAN, AND IT IS IMPORTANT TO DO THIS EARLY IN THE SUMMIT.

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9. CEREZO AGREED THAT THE ARIAS PLAN IS NOT ENOUGH TO INSURE THAT WE REACH OUR GOAL. IT IS FULL OF GENERALITIES AND DOES NOT RESOLVE IMPORTANT PROBLEMS LIKE HOW TO ACHIEVE A CEASE-FIRE. HE HAD EXPLAINED THIS TO ARIAS AND FELT THAT ARIAS AGREED WITH PARTS OF WHAT HE SAID. NEVERTHELESS, IN CEREZO'S VIEW, ARIAS FEELS IT IS IMPORTANT TO HIS PRESTIGE TO GET SOMETHING SIGNED AT THE SUMMIT, ESPECIALLY IN WAKE OF THE PRAISE HIS PLAN RECEIVED DURING HIS RECENT TRIP TO EUROPE. ARIAS MAY FEEL ANYTHING IS BETTER THAN NOTHING, BUT A BAD AGREEMENT COULD DISCREDIT THE CENTRAL AMERICAN NEGOTIATION PROCESS.

10. HABIB THEN ASKED CEREZO WHETHER HE FEELS THERE MUST BE A SIGNED AGREEMENT BY THE FIVE AT THE CONCLUSION OF THE SUMMIT. CEREZO SAID NO. HE SAID THE GUATEMALAN PLAN IS TO SAY THAT THE ARIAS PLAN WOULD BE ACCEPTABLE WITH CHANGES TO WHICH ALL FOUR DEMOCRACIES AGREE. SUCH CHANGES WOULD INCLUDE CONTROLLING MILITARY ASSISTANCE FROM OUTSIDE THE REGION. THEY WOULD ALSO INCLUDE CHANGING THE ORDER OF THE STEPS PRESCRIBED IN THE PLAN.

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THE RECONCILIATION COMMISSION SHOULD PERMIT THE PARTICIPATION OF EVERYONE WILLING TO WORK FOR DEMOCRACY. THERE MUST BE AGREEMENT ON HOW THE COMMISSION WILL WORK, ON THE NATURE OF THE RECONCILIATION PROCESS, ON THE MEANING OF AMNESTY AND DIALOGUE. AND THE CEASE-FIRE SHOULD BE THE CONSEQUENCE OF THE PROCESS. HABIB ASKED IF MILITARY AID TO THE INSURGENTS WOULD CEASE ONLY WHEN A CEASE-FIRE GOES INTO EFFECT. "OF COURSE," CEREZO REPLIED.

11. CEREZO WENT ON TO SAY THAT DEMOCRATIZATION MUST PROCEED IN PARALLEL WITH THE OTHER PROVISIONS OF AN AGREEMENT. HE SAID THERE SHOULD BE AT LEAST TWO ELECTIONS WITHIN THE NEXT 18 MONTHS, IN NICARAGUA AS WELL AS THE OTHER COUNTRIES. FIRST WOULD BE ELECTIONS TO THE CENTRAL AMERICAN PARLIAMENT, THEN PERHAPS MUNICIPAL AND LOCAL ELECTIONS, AND THEN THE OTHERS. CEREZO SAID HE WANTS TO SEE THE FOUR AGREE TO "REQUEST NICARAGUA" TO HAVE THESE ADDITIONAL ELECTIONS.

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12. ON THE SUBJECT OF MILITARY ASSISTANCE, CEREZO SAID CURRENT BILATERAL AGREEMENTS SHOULD BE ALLOWED TO CONTINUE, WITH SOME LIMITS. HE WOULD PROPOSE THAT A COMMISSION BE FORMED TO PROPOSE A SCHEDULE OF WEAPONS TO BE PERMITTED IN CENTRAL AMERICA ALONG WITH PROVISIONS FOR CONTROLLING THEM AND REGULATING -- NOT TERMINATING

-- MILITARY MANEUVERS. HE ALSO SAID THE "EAST-WEST DIMENSION" IN CENTRAL AMERICA SHOULD BE NEUTRALIZED, BY PROVIDING THAT NO COUNTRY "OUTSIDE THE CONTINENT" CAN ESTABLISH BASES. FURTHER, THE MILITARY SIDE OF THE AGREEMENT SHOULD BE SUBJECT TO INTERNATIONAL SUPERVISION.

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PAGE 01 TEGUCI 09954 03 OF 04 112240Z
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EXDIS

E.O. 12356: DECL: OADR
TAGS: PREL, GT, XK, OVIP (HABIB, PHILIP C.)
SUBJECT: AMBASSADOR HABIB'S MEETING WITH PRESIDENT CEREZO

13. HABIB SAID WE BELIEVE THE OAS IS A BETTER VEHICLE THAN THE UN FOR THIS PURPOSE. CEREZO ASSURED HABIB THAT THE OAS WILL BE TAKEN INTO ACCOUNT. HE ADDED THAT HE ENVISIONS HOLDING A FOLLOW-UP MEETING OF THE PRESIDENTS TO SEE HOW THE WHOLE PROCESS IS WORKING, AND A FINAL MEETING AT THE END OF SIX MONTHS. AT THAT TIME, IF EVERYTHING IS ON SCHEDULE, THE PRESIDENTS WILL SIGN GENERAL AGREEMENTS DEALING WITH THE CENTRAL AMERICAN PARLIAMENT AND OTHER MATTERS.

14. HABIB ASKED IF CEREZO'S BASIC IDEA IS TO MOVE THE POLITICAL FEATURES OF THE PLAN TO THE FRONT, AND MOVE THE OTHER ELEMENTS BACK. CEREZO AGREED WITH THIS FORMULATION, AND SAID HE WOULD GIVE HABIB A COPY OF HIS PROPOSALS WITH A REQUEST FOR COMMENTS. HABIB PROMISED AN EARLY RESPONSE.

15. CEREZO THEN TURNED TO PRE-SUMMIT STRATEGY, SAYING HE WANTS TO GET THE FIVE FOREIGN MINISTERS TOGETHER IN GUATEMALA TWO DAYS BEFORE THE SUMMIT. THE REAL PURPOSE,

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PAGE 02 TEGUCI 09954 03 OF 04 112240Z

HE SAID, WOULD BE TO CREATE AN OPPORTUNITY FOR THE MINISTERS FROM THE FOUR DEMOCRACIES TO MEET PRIVATELY TO DISCUSS THE ISSUES. HOWEVER, HONDURAN PRESIDENT AZCONA OBJECTS TO THIS IDEA. CEREZO EXPRESSED THE HOPE THAT HABIB WOULD TALK TO AZCONA ABOUT THIS. COMMENT: CEREZO AND QUINONES WERE APPARENTLY UNAWARE AT THE TIME THAT THE MINISTERIAL MEETING SCHEDULED TO BE HELD IN TELA, HONDURAS HAS BEEN CANCELLED. END COMMENT.

16. HABIB SAID THERE IS A DANGER NICARAGUA MAY ACCEPT SOME BUT NOT ALL OF THE PROPOSALS. CEREZO REPLIED THAT IN HIS VIEW THE NICARAGUANS ARE IN A BAD SITUATION, UNDER PRESSURE, AND CAN BE FORCED TO ACCEPT A PACKAGE IF THE FOUR DEMOCRACIES ARE IN AGREEMENT. SUCH A PACKAGE MUST CONTAIN, AT A MINIMUM, PROVISIONS FOR DEMOCRATIZATION, CESSATION OF AGGRESSION BY NICARAGUA AGAINST OTHER STATES IN THE REGION, AND CURTAILMENT OR "DIMINISHING" OF NICARAGUAN TIES WITH THE SOVIET UNION.

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17. HABIB SAID THE IDEA OF PUTTING THE POLITICAL STEPS FIRST IS A GREAT IMPROVEMENT, AND THE TRACK CEREZO OUTLINED IS SOUND. BUT ITS FATE DEPENDS ON CEREZO'S SUCCESS IN DEALING WITH THE CRITICAL ISSUES. HE ADDED THAT ARIAS INDICATED DURING THEIR MEETING JUNE 8 THAT HE IS ADAMANTLY CRITICAL OF CONTADORA, AND DOES NOT WANT TO SEE ANY INTERFERENCE BY CONTADORA. ARIAS FEELS MEXICO WANTS TO SABOTAGE HIS PLAN. CEREZO, WHO EARLIER IN THE MEETING CONFIRMED THAT HE HAD INVITED BOTH THE CONTADORA AND SUPPORT GROUP TO SEND AN OBSERVER TO THE SUMMIT, INSISTED IT IS ESSENTIAL TO AVOID A CONFRONTATION WITH CONTADORA.

18. RETURNING TO THE SUBJECT OF SANDINISTA STRATEGY AT

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THE SUMMIT, HABIB SAID HE IS CONCERNED BY THE POSSIBILITY ORTEGA WILL RESPOND ONLY TO SOME OF THE PROPOSALS AND TRY TO OBFUSCATE THE ISSUES. HE NOTED THAT OUR AMBASSADOR IN MANAGUA BELIEVES NICARAGUA'S STRATEGY WILL BE TO DIVIDE THE DEMOCRACIES AND DIVIDE THE ISSUES. THEY WILL STALL FOR TIME TO SEE IF THE U.S. CONGRESS WILL CUT OFF AID TO THE CONTRAS AND SOLVE THEIR PROBLEM. CEREZO SAID THAT IF NICARAGUA WILL NOT FACE ALL THE ISSUES, "THEN WE DON'T SIGN."

19. HABIB SAID THAT IF THE SUMMIT FAILS, IT MUST BE BECAUSE THE NICARAGUANS REJECT A REASONABLE OFFER. CEREZO AGREED, SAYING EVERYONE MUST PERCEIVE THE CORRECTNESS OF THE PROPOSALS MADE BY THE DEMOCRACIES.

20. CEREZO THEN SAID THAT IF SUCCESS AT THE SUMMIT IS TO BE ACHIEVED, DUARTE AND AZCONA MUST TAKE A MORE ACTIVE ROLE IN FIGHTING FOR CHANGES TO THE ARIAS PLAN. HABIB ASKED CEREZO WHETHER HE WOULD SIGN THE ARIAS PLAN WITHOUT CHANGES, IF COSTA RICA AND NICARAGUA SIGN. IF AN UNSATISFACTORY AGREEMENT COMES OUT OF THE SUMMIT, HE CONTINUED, THE U.S. WILL NOT ABIDE BY IT. WHILE HIS TALKS WITH DUARTE WERE HEARTENING, ARIAS SHOWED FLEXIBILITY WITH REGARD TO TACTICS BUT NOT SUBSTANCE.

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21. CEREZO SAID HE BELIEVES ARIAS IS WORRIED ABOUT

DEMOCRATIZATION AND FEELS EVERYONE IN CENTRAL AMERICA WILL LOSE UNLESS THE SANDINISTAS ARE FORCED TO OPEN UP POLITICAL SPACE AND GIVE UP THEIR TIES TO THE SOVIET BLOC. FINDING A REAL SOLUTION IS VITAL TO ALL THE DEMOCRACIES OF THE REGION, AND IF THE PROBLEMS CAN BE SOLVED RELATIONS WITH THE U.S. CAN BE IMPROVED. BUT AT

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PAGE 01 TEGUCI 09954 04 OF 04 112240Z
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~~S E C R E T~~ SECTION 04 OF 04 TEGUCIGALPA 09954

EXDIS

E.O. 12356: DECL: OADR
TAGS: PREL, GT, XK, OVIP (HABIB, PHILIP C.)
SUBJECT: AMBASSADOR HABIB'S MEETING WITH PRESIDENT CEREZO

THE CURRENT CROSSROADS IT IS IMPORTANT TO KNOW WHETHER WE ARE REALLY WORKING IN THE SAME DIRECTION, AND (CEREZO CONTINUED) WE NEED TO BE CONFIDENT THAT THIS IS SO.

22. HABIB SAID HE WOULD LIKE TO REAFFIRM WHAT HE TOLD ARIAS: THE U.S. IS NOT TRYING TO SABOTAGE HIS PLAN. WE WANT TO SEE THE VIEWS OF THE DEMOCRACIES HARMONIZED, AND WE WANT TO SEE THE PLAN STRENGTHENED. BUT THE ARIAS PROPOSALS AS THEY NOW STAND ARE NOT TECHNICALLY SUFFICIENT. CEREZO ACCEPTED THIS REASSURANCE.

23. HABIB ASSURED CEREZO THAT DUARTE WILL ACCEPT A PLAN THAT WOULD RESULT IN DEMOCRATIZATION AND THE END OF SUBVERSION. THE WAY TO PUSH THE SANDINISTAS TO THE WALL IS TO GET AGREEMENT ON AMENDMENTS TO THE ARIAS PLAN ALONG THE LINES WE HAVE DISCUSSED. IT IS TO BE HOPED THAT CEREZO WILL TAKE AN ACTIVE ROLE IN HARMONIZING THE VIEWS OF THE DEMOCRACIES. CEREZO NODDED, ADDING WITH A SMILE THAT "IT IS STILL THE ARIAS PLAN."

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PAGE 02 TEGUCI 09954 04 OF 04 112240Z

24. IN CONCLUSION, HABIB EXPRESSED THE HOPE THAT CEREZO WOULD SEE THE RESISTANCE LEADERS. CEREZO ASKED WHETHER SUCH A MOVE COULD DAMAGE PROSPECTS FOR THE SUMMIT. HABIB RECOMMENDED THAT CEREZO FOLLOW DUARTE'S TACTIC OF HAVING THE RESISTANCE LEADERS SET UP A MEETING WITH THE FOREIGN MINISTER, THEN CREATE AN OPPORTUNITY TO SEE THEM IN CONNECTION WITH THAT MEETING. CEREZO NODDED HIS AGREEMENT.

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25. COMMENT: CEREZO HAS ONCE AGAIN MADE ALL THE RIGHT NOISES, BUT HIS REAL PURPOSES ARE STILL SOMEWHAT UNCLEAR. HIS PLAN TO STRENGTHEN THE POLITICAL AGENDA AND MOVE IT CHRONOLOGICALLY AHEAD OF THE CEASE-FIRE AND AID CUT-OFF IS UNLIKELY TO RECEIVE A WARM RECEPTION IN EITHER SAN JOSE OR MANAGUA. AT THE SAME TIME, CEREZO'S INSISTENCE ON AVOIDING CONFRONTATION WITH CONTADORA, AND CERTAIN ASPECTS OF HIS MILITARY PROPOSALS MAY HAVE BEEN ENCOURAGED BY MEXICO. FINALLY, CEREZO HAS YET TO ANSWER THE CRITICAL QUESTION OF WHETHER HE WOULD SIGN THE ORIGINAL ARIAS PROPOSAL, IF BOTH NICARAGUA AND COSTA RICA AGREE TO DO SO.

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6-11-87 LUNCH 12:00

EXCISE

United States Department of State RB139

Washington, D. C. 20520 Ref P NR B-1

June 11, 1987

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BRIEFING MEMORANDUM

S/S KQ 6/11

TO: P - Mr. Armacost

FROM: INR - Morton I. Abramowitz

SUBJECT: Your Luncheon With the DDCI

You are scheduled to lunch with DDCI Bob Gates at Langley on Friday, June 12, at 12:00 noon. Clair George, Dick Kerr, and I will join you. You may wish to brief Bob on our views on the Venice Summit. The following topics are also proposed for consideration:

INR/C - 87/0597

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3. Chile--Pressure on Pinochet [NO TAB]

-- Questions continue about Pinochet's strength among his own military. When Maj. Fernandez Larios gave testimony and was sentenced by a US court for his role in the 1976 Letelier assassination, questions were raised about whether his revelations would undermine Pinochet's military support. What is the Agency picking up on this? Pinochet continues to cover his tracks by refusing to expel two others involved in the case, Gen. (ret.) Contreras and Col. Espinosa.

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PAGE 01 TEGUCI 09970 01 OF 03 120123Z
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EXDIS

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E.O. 12356: DECL: OADR
TAGS: PREL, HO, OVIP (HABIB, PHILIP C.)
SUBJECT: AMBASSADOR HABIB'S MEETING WITH HONDURAN FOREIGN MINISTER LOPEZ

1. ~~SECRET~~ ENTIRE TEXT.

2. SUMMARY. AT A JUNE 10 DINNER, HONDURAN FOREIGN MINSTER LOPEZ CONTRERAS TOLD HABIB THAT HE THOUGHT THE GUATEMALA SUMMIT WOULD GO FAIRLY WELL, BY WHICH HE MEANT THAT NO AGREEMENT WOULD BE SIGNED. THE KEY QUESTION FOR HONDURAS IS NICARAGUA'S STRATEGIC ALIGNMENT, NOT ONLY DEMOCRATIZATION. HABIB SAID HE HAD BEEN TOLD THE SAME THING EARLIER IN THE DAY BY THE GUATEMALAN FOREIGN MINISTER. HABIB URGED THAT THE CENTRAL AMERICANS PREPARE THOROUGHLY BEFORE THE MEETING -- THE FOUR DEMOCRACIES MUST HARMONIZE THEIR ACTIONS AS MUCH AS POSSIBLE. THE HONDURANS CONFIRMED THAT THE PACE OF CONSULTATIONS WAS STEPPING UP, BUT MADE LITTLE EFFORT TO HIDE THEIR ANNOYANCE OVER THE WAY THAT THE GUATEMALANS HAD FORCED THEM TO ABANDON THE TELA MEETING OF FOREIGN MINISTERS. ASKED WHAT THE NEXT STEP WOULD BE IF GUATEMALA PRODUCED NO AGREEMENT, LOPEZ REPLIED FIRMLY THAT THE TASK WOULD BE TO DRAW UP A MORE CREDIBLE AND

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PAGE 02 TEGUCI 09970 01 OF 03 120123Z

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BETTER COORDINATED AGREEMENT. THE INITIATIVE FOR SUCH AN AGREEMENT SHOULD COME FROM WITHIN CENTRAL AMERICA, BUT BE COORDINATED WITH THE UNITED STATES. LOPEZ ALSO NOTED THAT HONDURAS OPPOSED TRADING SECURITY MOVES FOR NICARAGUAN INTERNAL POLITICAL MOVES. SECURITY ISSUES SHOULD BE TRADED FOR SECURITY MOVES. HABIB REPLIED THAT IT WAS NEVERTHELESS IMPORTANT FOR THE SANDINISTAS TO ACCEPT THE PROPOSITION THAT THEIR INTERNAL ARRANGEMENTS ARE UP FOR DISCUSSION IN THE CENTRAL AMERICAN PEACE

PROCESS. HABIB BRIEFED LOPEZ ON OUR VIEW OF THE RESISTANCE'S PERFORMANCE, AS WELL AS THE NICARAGUAN-SOVIET RELATIONSHIP. END SUMMARY.

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3. AMBASSADOR HABIB FOLLOWED UP HIS JUNE 10 MEETING WITH PRESIDENT AZCONA (SEPTEL) WITH A MORE EXTENDED DINNER CONVERSATION WITH HONDURAN FOREIGN MINISTER CARLOS LOPEZ CONTRERAS. HABIB LED OFF ASKING LOPEZ WHAT HE THOUGHT WOULD HAPPEN AT THE GUATEMALA SUMMIT. LOPEZ REPLIED THAT HE THOUGHT THE MEETING WOULD GO FAIRLY WELL; NO AGREEMENT WOULD BE SIGNED. AT A LATER POINT LOPEZ SAID HE WAS CONFIDENT THAT THE CENTRAL AMERICAN DEMOCRACIES COULD HANDLE THE SUMMIT. THEY HAD BEEN THROUGH MORE DIFFICULT SESSIONS IN THE CONTADORA DRAFTING PROCESS. OF GREATER CONCERN IS WHAT COMES AFTER GUATEMALA.

4. LOPEZ SUGGESTED THAT FOR HONDURAS, THE KEY QUESTION IS NOT INTERNAL NICARAGUAN DEMOCRATIZTION. WHAT HONDURAS IS MOST CONCERNED ABOUT IS STRATEGIC ALIGNMENT, NOT DEMOCRATIZATION. NICARAGUA'S ALIGNMENT WITH THE SOVIET UNION IS WHAT WORRIES HONDURAS MOST, AND THE THING HONDURAS WANTS TO CHANGE. HABIB REPLIED THAT THE GUATEMALAN FOREIGN MINISTER HAD EARLIER IN THE DAY MADE

THE SAME POINT, EVEN USING THE SAME WORD "ALIGNMENT." THE GUATEMALANS HAD SAID THAT THEY WANTED NO "EXTRA-CONTINENTAL POWER" TO BE INVOLVED IN NICARAGUA, MAKING CLEAR THAT THIS REFERRED NOT ONLY TO THE SOVIET UNION, BUT TO CUBA AS WELL. HABIB SAID HE FOUND IT INTERESTING THAT THE TWO MINISTERS WOULD USE EXACTLY THE SAME TERMINOLOGY ON THE SAME DAY, AND ASKED WHETHER GUATEMALA'S QUINONEZ AND LOPEZ HAD MET RECENTLY. LOPEZ REPLIED THAT HE HAD MADE THIS POINT ABOUT STRATEGIC ALIGNMENT TO QUINONEZ A SHORT TIME AGO.

5. HABIB COMMENTED THAT WHEN THE ARIAS PLN HAD FIRST BEEN ANNOUNCED, AND THE ESQUIPULAS MEETING (NOW GUATEMALA MEETING) SCHEDULED, HE HAD URGED THAT THE CENTRAL AMERICANS BEGIN CONSULTATION AND PREPARATION. THE DEMOCRACIES FACE A COMMON OPPONENT. THEY SHOULD LOOK AT THEMSELVES AS FOUR COUNTRIES PURSUING ONE COMMON GOAL. HE HAD BEEN TOLD BY A FRIEND THAT THE LATIN AMERICAN WAY WOULD BE TO WAIT UNTIL THE LAST MINUTE. HE HAD NOT BELIEVED THIS AT FIRST, BUT NOW WE ARE DOWN TO THE LAST TWO WEEKS BEFORE GUATEMALA AND CONSULTATIONS ARE JUST BEGINNING. HE SAID THAT HE COULD NOT EMPHASIZE TOO STRONGLY THE NEED FOR THE CENTRAL AMERICANS TO HARMONIZE THEIR POSITIONS IN ADVANCE AND GO TO GUATEMALA WITH AGREED-UPON POSITIONS. THEY COULD NOT EXPECT TO IMPROVISE AN APPROACH AT THE SUMMIT. LOPEZ NOTED THAT

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THE CONSULTATIONS WERE ALREADY TAKING PLACE; COSTA RICAN FOREIGN MINISTER MADRIGAL IS COMING TO TEGUCIGALPA ON THE AFTERNOON OF JUNE 11, AND PRESIDENT AZCONA AND COSTA RICA'S ARIAS WILL ALSO HAVE A CHANCE TO GET TOGETHER

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PAGE 01 TEGUCI 09970 02 OF 03 120124Z
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~~S E C R E T~~ SECTION 02 OF 03 TEGUCIGALPA 09970

EXDIS

E.O. 12356: DECL: OADR
TAGS: PREL, HO, OVIP (HABIB, PHILIP C.)
SUBJECT: AMBASSADOR HABIB'S MEETING WITH HONDURAN BEFORE THE SUMMIT.

6. LOPEZ MADE LITTLE EFFORT TO HIDE HIS ANNOYANCE OVER THE WAY THE GUATEMALANS HAD TREATED HONDURAS OVER THE TELA FOREIGN MINISTERS MEETING. AT NOON OF JUNE 10, THE HONDURANS HAD BEEN FORCED TO CANCEL THE TELA MEETING, WHICH HAD BEEN SCHEDULED FOR JUNE 22 AND 23, AND WHICH HAD BEEN RESCHEDULED AT LEAST TWICE TO INSURE THAT THE NICARAGUAN FOREIGN MINISTER WOULD BE ABLE TO ATTEND. INSTEAD, THE HONDURANS WILL NOW BE GOING TO A PREPARATORY FOREIGN MINISTERS' MEETING IN GUATEMALA, TO BE HELD JUNE 23 AND 24. (IN A SIDE CONVERSATION ONE OF LOPEZ' ADVISERS SAID THAT THE GUATEMALANS HAD AGREED TO THE TELA MEETING, AND THEN FLOATED THEIR OWN INVITATIONS, WITHOUT TELLING HONDURAS. AFTER GETTING ACCEPTANCES, GUATEMALA SPRANG THE NEWS ON THE HONDURANS, WHO FELT THEY HAD TO CANCEL TELA TO AVOID FURTHER SIGNS OF DIVISION.)

7. HEADING INTO THE GUATEMALA MEETING, LOPEZ SAID, HONDURAS IS FACED WITH A MAJOR PROBLEM -- THAT THE ARIAS
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PAGE 02 TEGUCI 09970 02 OF 03 120124Z

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PLAN IS IN MANY RESPECTS MORE TROUBLESOME THAN THE CONTADORA DRAFT. FURTHERMORE, ARIAS HAS RESISTED ANY EFFORTS TO CHANGE IT. HABIB NOTED THAT THE COSTA RICAN FOREIGN MINISTRY HAD COME UP WITH A MORE RECENT MODIFIED DRAFT, WHICH HAD BEEN CIRCULATED, BUT THEN DISAVOWED BY ARIAS. ONE OF LOPEZ' ADVISERS CONFIRMED THAT THE HONDURAN MFA HAD BEEN GIVEN A COPY OF THE REVISED COSTA RICAN DRAFT, BUT SAID THAT THEY HAD NEVER BEEN TOLD THAT IT HAD BEEN REPUDIATED.

8. AMBASSADOR HABIB ASKED LOPEZ IF INDEED THE GUATEMALA SUMMIT PRODUCED NO AGREEMENT, WHAT SHOULD THE NEXT STEP. LOPEZ REPLIED FIRMLY THAT THE TASK WOULD BE TO DRAW UP ANOTHER PROPOSAL, WHICH WOULD BE MORE CREDIBLE AND COORDINATED IN ADVANCE AMONG THE INTERESTED PARTIES. HE MADE CLEAR THAT HE THOUGHT ANY NEW EFFORT SHOULD DEFINITELY BE COORDINATED WITH THE UNITED STATES. HABIB SAID HE THOUGHT THIS WAS AN EXCELLENT APPROACH, AND ASKED THAT SPECIAL NOTE BE TAKEN OF IT IN THE REPORTING MESSAGE. AMBASSADOR HABIB ADDED THAT THE CENTRAL AMERICANS DID NOT NECESSARILY NEED TO GIVE UP THE CONTADORA WORK. SOME OF IT WAS INDEED VERY VALUABLE, AND THE CENTRAL AMERICANS MIGHT WANT TO GO BACK TO IT OR USE PARTS OF IT AT SOME TIME IN THE FUTURE. IT COULD BE HELD IN RESERVE.

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9. AMBASSADOR HABIB REMINDED LOPEZ THAT THE WORLD PRESS WOULD BE PRESENT IN FORCE FOR THE GUATEMALA SUMMIT. THE CENTRAL AMERICANS NEEDED TO THINK IN ADVANCE HOW THEY WOULD HANDLE THE PRESS. ONE OF THE FOREIGN MINSTERS WOULD HAVE TO BE APPOINTED AS SPOKESMAN, MAYBE LOPEZ HIMSELF. FOREIGN PRESS ATTENTION WILL BE FOCUSED PARTICULARLY ON NICARAGUA'S ORTEGA AND COSTA RICA'S

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ARIAS, SO IT WILL BE ALL THE MORE IMPORTANT TO HAVE THE CENTRAL AMERICAN DEMOCRATIC LEADERS SPEAK WITH ONE VOICE. HABIB ALSO SAID THAT THERE WILL BE MANY PRIVATE INTEREST GROUPS, AND MAYBE EVEN SOME MEMBERS OF THE U.S. CONGRESS. THOUGHT HAS TO BE GIVEN TO DEALING WITH THEM. LOPEZ SAID HE WOULD BE WILLING TO SERVE AS CENTRAL AMERICAN SPOKESMAN AT GUATEMALA.

10. LOPEZ SAID THAT ANOTHER OF THE THINGS THAT CONCERNS HONDURAS IS THE TENDENCY OF SOME TO TRY TO TRADE POLITICAL AND SECURITY GUARANTEES. THESE ARE NOT COMPATIBLE, AT LEAST NOT IN HONDURAS' VIEW. IT IT NOT A GOOD TACTIC TO OFFER TO TRADE DECREASED AID TO THE CONTRAS IN EXCHANGE FOR CERTAIN INTERNAL STEPS IN NICARAGUA. HONDURAS WOULD LIKE TO SEE A CHANGE IN NICARAGUA'S SECURITY RELATIONS, SO CHANGES IN THE PRESSURE FELT BY NICARAGUA SHOULD BE IN EXCHANGE FOR A CHANGE IN ITS SECURITY RELATIONSHIP.

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11. AMBASSADOR HABIB REPLIED THAT IT IS NEVERTHELESS EXTREMELY IMPORTANT THAT THE SANDINISTAS BE COMPELLED TO ACCEPT THE PROPOSITION THAT THEIR INTERNAL ARRANGEMENTS ARE UP FOR DISCUSSION IN THE GUATEMALA SUMMIT. ORTEGA MADE A SPEECH OVER THE WEEKEND SAYING THAT INTERNAL ARRANGEMENTS COULD NOT BE A SUBJECT OF NEGOTIATION. FOR THIS REASON, OUR AMBASSADOR IN NICARAGUA BELIEVES THAT THE NICARAGUANS WILL NOT BE ABLE TO MAKE ANY COMMITMENT AT GUATEMALA WHICH OBLIGATES THEM TO MAKE INTERNAL

CHANGES. HABIB SAID HE DID NOT FEEL ENTIRELY CONVINCED ABOUT THIS POINT.

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PAGE 01 TEGUCI 09970 03 OF 03 120124Z
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S E C R E T SECTION 03 OF 03 TEGUCIGALPA 09970

EXDIS

E.O. 12356: DECL: OADR
TAGS: PREL, HO, OVIP (HABIB, PHILIP C.)
SUBJECT: AMBASSADOR HABIB'S MEETING WITH HONDURAN

12. REFERRING TO SECURITY GUARANTEES, HABIB TOLD LOPEZ THAT SHORTLY BEFORE LEAVING WASHINGTON ON THIS LATEST TRIP, HE ASKED THE ANALYSTS TO GIVE HIM AN ASSESSMENT OF SOVIET COMMITMENTS TO NICARAGUA. HE HAD BEEN TOLD THAT THE SOVIETS HAVE FULFILLED THEIR OIL DELIVERY PLEDGES TO NICARAGUA. THE RECENT RUMORS ABOUT THE SOVIETS BEING UNWILLING TO MEET NICARAGUA'S ENERGY NEEDS ARE MORE LIKELY A SOVIET REFUSAL TO INCREASE DELIVERIES TO NICARAGUA, NOT A RETREAT FROM THEIR WRITTEN COMMITMENT. OUR ANALYSTS BELIEVE THAT THE NICARAGUANS HAVE ONLY ABOUT A 30-DAY SUPPLY OF CRUDE ON HAND.

13. DAS WALKER NOTED THAT HE HAD BEEN HEARING ANOTHER THEORY AS WELL -- THAT THE EFFORT TO PORTRAY SOVIET-NICARAGUAN FRICTIONS OVER OIL DELIVERIES WAS A CALCULATED EFFORT TO SHOW NICARAGUAN DIFFERENCES WITH THE SOVIETS IN ADVANCE OF THE GUATEMALA SUMMIT, HOPING TO GENERATE SYMPATHY FOR NICARAGUAN INDEPENDENCE FROM THE SOVIETS. HABIB SCOFFED A REPORTS THAT COUNTRIES LIKE MEXICO AND PERU WOULD BE ABLE TO OFFER MAJOR PETROLEUM ASSISTANCE TO THE NICARAGUANS.

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PAGE 02 TEGUCI 09970 03 OF 03 120124Z

14. TURNING TO THE SUBJECT OF THE DEMOCRATIC RESISTANCE, HABIB TOLD LOPEZ THAT THE AID TO THE DR HAD NOT BEEN DESIGNED TO CREATE A MAJOR MILITARY SPECTACULAR WITHIN NICARAGUA IN CONNECTION WITH THE GUATEMALA SUMMIT. THE GOAL IS TO HAVE A STEADY BUT GRADUAL INCREASE IN THE NUMBER AND IMPACT OF RESISTANCE FIGHTERS IN NICARAGUA THIS YEAR, WHICH IS BEING ACHIEVED. THE PRESSURE ON MANAGUA SHOULD PEAK LATER IN THE SUMMER.

LOPEZ FOLLOWED THIS BRIEFING WITH INTENSE INTEREST, BUT DID NOT COMMENT.

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15. PARTICIPANTS: (U.S.) AMBASSADOR BRIGGS, AMBASSADOR HABIB, DAS WALKER, NOTETAKER; (HONDURAN) FOREIGN MINISTER CARLOS LOPEZ CONTRERAS, FOREIGN MINISTRY ADVISER ROBERTO FLORES BERMUDEZ, AND USA DESK DIRECTOR POLICARPO CALLEJAS.

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E.O. 12356: N/A
TAGS: CASC, GT: (BLAKE, NICHOLAS AND DAVIS, GRIFFIN)
SUBJECT: WELFARE/WHEREABOUTS: CASE OF NICHOLAS BLAKE AND NICHOLAS GRIFFIN

REF: A) GUATEMALA 5912 B) 86 GUATEMALA 3879
C) 86 MEXICO 8742

1. DEPOFF SPOKE WITH RANDY BLAKE ABOUT JOSE RIVERA MALDONADO'S VISIT TO THE EMBASSY AND HIS OFFER OF "ASSISTANCE". BLAKE TOOK ADDRESSES OF BOTH JOSE AND LUIS MALDONADO, BUT WAS EQUALLY INTERESTED IN ALFREDO INDA, AKA PEDRO HERNANDEZ. SPECIFICALLY, BLAKE ASKED WHETHER INDA WAS EVER INTERVIEWED BY THE INVESTIGATOR WHO CHECKED MALDONADO'S ORIGINAL STORY LAST YEAR. REF: B INDICATES THAT INDA IS A U.S. CITIZEN, BUT BLAKE IS NOT AWARE OF THAT FACT. BLAKE DOES KNOW THAT PRIVACY ACT CONSIDERATIONS APPLY TO ANY AMCIT WHO MAY BE QUESTIONED ABOUT HIS BROTHER'S CASE, HOWEVER.

2. BLAKE IS INTERESTED IN DISCUSSING HIS BROTHER'S CASE WITH THE NEW AMBASSADOR TO GUATEMALA, BUT SUCH A MEETING WILL NOT TAKE PLACE UNTIL AFTER THE AMBASSADOR IS CONFIRMED.

3. ACTION REQUESTED. PLEASE REVIEW FILES ON BLAKE/DAVIS CASE WHICH RELATE TO THE INVESTIGATION IN CHIAPAS, MEXICO OF THE MALDONADO STORY. FORWARD TO OCS/EMR INFORMATION IN THE FILE RELATING TO ALFREDO INDA, AND SPECIFY WHETHER INDA HAS GIVEN A PRIVACY ACT WAIVER. IF INDA WAS NOT INTERVIEWED, DOES POST BELIEVE HE SHOULD BE? DEPT WOULD APPRECIATE POST'S ASSESSMENT OF BLAKE'S REQUEST TO HAVE ALBERTO INDA INTERVIEWED. WHITEHEAD

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 07/03/95
Case ID: 95122215

89 D 474: 3587

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Rec'd 6-15-87

United States Department of State

Assistant Secretary of State
for Inter-American Affairs

Washington, D.C. 20520

File

PHUM

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

CONFIDENTIAL
Official/Informal

The Honorable
Vernon A. Walters
U.S. Permanent Representative
to the United Nations
New York, New York

Dear Ambassador Walters:

I am writing to express my concern regarding comments about Chile included in Ambassador Byrne's May 19, uncleared statement to the ECOSOC on the recent session of the United Nations Human Rights Commission (UNHRC). Regrettably, the statement (USUN 1393) presents an incomplete and therefore unbalanced picture of the human rights situation in Chile, to the detriment of US policy toward that country. This incident recalls the unfortunate situation which developed last year, when references critical of Chile's human rights situation were omitted from the cleared text of an explanation of vote provided by the Department to be used in connection with the US "no" vote on the Chile resolution in the General Assembly.

In order to ensure that the US Government speaks with one voice and maintains credibility, it is unfortunate that the May 19 comments on Chile were not cleared in advance with the Bureau of Inter-American Affairs or the Bureau of Human Rights and Humanitarian Affairs. It is important that such major policy statements on such an important aspect of US policy toward Chile fully reflect the latest official USG assessment, which is readily available in the February 1987 State Department Human Rights Report. This document provides the best source of policy guidance, and is fully vetted by concerned executive branch offices. In preparation of the May 19 statement, my staff would have been pleased to assist in updating the information in that report.

As you know, we have worked vigorously to obtain more balanced consideration of the Chilean human rights situation in international fora, with considerable success. We joined consensus this year on the Chile resolution in the UNHRC after obtaining important revisions to the text circulated by Mexico. The consensus text adopted at Geneva took note of areas where the Chilean government has taken some steps to address human rights concerns. It reflected greater recognition of anti-government terrorist violence by deploring violence from all sides.

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That resolution also highlighted areas of continuing USG concern--among these, very serious abuses against individuals such as: cases of torture by government security forces; the failure of the government or the judiciary to punish officials responsible for human rights abuses against government political opponents; the maintenance of political exile, despite recent reductions; and failure to put an end to death-squad type activities by private groups which may have links to government security forces.

While there have been some positive steps in recent months, serious problem areas remain and have been amply documented in the State Department Human Rights reports and in the reports of the UN Special Rapporteur for Chile, Mr. Volio. The May 19 statement, however, by attacking at length UN treatment of Chile while avoiding specificity on continuing human rights abuses, seemed to dismiss UNHRC criticism of human rights violations in Chile as misguided--"a means to unleash abuse" on the Chilean Government.

Not surprisingly, the May 19 statement has already spawned considerable press speculation in Chile concerning "policy differences" in Washington. I am sure you appreciate the challenge we face in implementing the President's policy of encouraging a peaceful transition to democracy and human rights improvements in Chile. Actions that, even inadvertantly, encourage the belief that there is more than one US policy toward Chile complicate this already difficult task.

I fully share your frustration with the hypocracy of those quick to criticize Chile, but silent concerning horrendous human rights abuses in Cuba. If we are, however, to persuade our democratic Latin friends to conform to a single standard, and join with us to condemn Cuba, then we must be consistently evenhanded and set an example ourselves in speaking out against human rights abuses, wherever they occur. With regard to Chile, under current circumstances, that entails more than the mild criticism of human rights violations contained in the May 19 statement.

As the constitutional deadline approaches for a plebiscite on a presidential candidate to be selected by Chile's military junta, the period ahead in Chile will be especially critical. Faced with General Pinochet's apparent presidential ambitions to be elected via a plebiscite for eight more years, we can anticipate greater polarization in Chile. In addition, strong pressures are building in our Congress for more forceful US actions, such as the economic sanctions legislation already introduced in both houses of Congress. To avoid having counterproductive policies imposed on us, it is more critical than before that we implement a clear and consistent US policy in favor of a peaceful transition to full democracy and

increased respect for human rights. Actions which cause confusion about our policy or call into question our credibility or seriousness of purpose, will only play into the hands of those critics of Administration policy who deliberately seek to distance the United States further from Chile, making it more difficult to protect important US interests.

I know that you share many of my concerns about the future of US-Chilean relations and the need for a credible and balanced policy. In this spirit I hope that we can work closely together to ensure that the US votes in favor of passage of accurate and acceptable resolutions on both Chile and Cuba at the General Assembly this fall. I am convinced that we can do better in terms of Latin support for our Cuba effort, which will benefit from our speaking out clearly on abuses in Chile as well. In the meantime, I look forward to close cooperation and coordination, to include ensuring that public statements on Chile are properly cleared with all appropriate State Department bureaus and accurately reflect US policy.

Sincerely yours,

Elliott Abrams

cc: IO: Ambassador Reyes
HA: Ambassador Schifter

Drafter: ARA/SC:JSwigert
(2797S)

Clearances: ARA:RGelbard
ARA/SC:RHoward
ARA/RPP:MSinglaub (subs)
HA/HR:KBarmon (subs)

ACTION COPY

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Department of State

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PAGE 01 GUATEM 06197 152250Z

ACTION OCS-06

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R 152343Z JUN 87
FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC 4808
INFO AMEMBASSY MEXICO

UNCLAS GUATEMALA 06197

E.O. 12356: N/A
TAGS: CASC, GT: (BLAKE, NICHOLAS AND DAVIS, GRIFFIN)
SUBJECT: WELFARE/WHEREABOUTS: CASE OF NICHOLAS BLAKE AND GRIFFIN DAVIS

REF: A) STATE 180885, B) 86 GUATEMALA 3879

POST HAS REVIEWED THE BLAKE/DAVIS FILES AS REQUESTED IN REF A AND FINDS NO INFORMATION ON ALFREDO INDA EXCEPT FOR THE MENTION OF HIS NAME IN REF B. SINCE HE IS IN MEXICO (IF HE EXISTS AT ALL), EMBASSY GUATEMALA HAS NOT INTERVIEWED HIM. PIEDRA

1987 JUN 16 AM 7:30

CA- Harty, Maura
Blake Davis
Guatemala

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 07/03/95
Case ID: 95122215

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E-23

PAGE 01 STATE 183574
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	CIAE-00	EB-00	DODE-00	H-01	IO-19	ARA-00	NSAE-00
	L-03	PM-10	EPA-01	INRE-00	ACDA-12	SP-02	DOEE-00
	NRC-02	SNP-01	CEQ-01	T-01	/075 R		

DRAFTED BY: OES/NEC:RRDELABARRE:RRD
APPROVED BY: OES/N:FMCGOLDRICK
NRC:MPETERSON(1NFO) DOD:GBRUBAKER;OES/NEC:CTHORNE
DOE:THART;ACDA:GBRAY OES/NTS:WMURPHEY
ARA/MEX:PSTORING IO/SCT:KFIEDLER
L/N:TBOREK;DOE:NMARTIN S/NP:RSTRATFORD
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VIENNA FOR U.S. MISSION UNVIE

E.O. 12356: DECL: OADR
TAGS: TRGY, ENRG, IAEA
SUBJECT: U.S. SUPPLY OF RELOAD FUEL FOR LAGUNA VERDE NUCLEAR POWER REACTOR

REF: MEXICO 8315

1. [redacted] ENTIRE TEXT.

2. THE FOLLOWING IS PROVIDED FOR EMBASSY USE IN RESPOND1NG TO DIRECTOR, NATIONAL INSTITUTE NUCLEAR RESEARCH, RUBEN BELLO'S QUESTIONS, REPORTED REFTEL, REGARDING CURRENT U.S. REQUIREMENTS FOR SUPPLY OF LOW ENRICHED URANIUM (LEU) FUEL RELOADS FOR LAGUNA VERDE NUCLEAR POWER PLANT.

[redacted]

[redacted]

PAGE 02 - STATE 183574

3. FIRST, THE MEXICAN M1SSION TO THE IAEA WOULD NEED TO TRANSMIT A WRITTEN REQUEST TO THE AGENCY FOR FUEL RELOADS

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PURSUANT TO THE IAEA - MEXICO - U.S. PROJECT AND SUPPLY AGREEMENTS OF 1974 FOR LAGUNA VERDE (INFCIRC/203 AND INFCIRC/203/ADD 1).

4. THEN, AFTER IAEA CONSULTATIONS WITH THE U.S. HAD CONFIRMED U.S. WILLINGNESS TO SUPPLY ADDITIONAL FUEL UNDER THE CITED ARRANGEMENTS, THE IAEA COULD ADDRESS LETTERS TO THE U.S. AND MEXICAN MISSIONS REQUESTING FORMAL CONCURRENCE IN THE FUEL SUPPLY SUBJECT TO THE TERMS AND CONDITIONS OF THE EXISTING LAGUNA VERDE AGREEMENTS C1TED ABOVE, A.D THE U.S.- IAEA AGREEMENT FOR COOPERATION, AS AMENDED.

5. NO NEW OR AMENDED SUPPLY AGREEMENT WOULD BE NEEDED FOR CONTINUED LAGUNA VERDE FUEL SUPPLY. LAGUNA VERDE SUPPLY AGREEMENT, UNLIKE SUPPLY AGREEMENTS FOR RESEARCH REACTORS, PROVIDES FOR SECURING URANIUM ENRICHMENT SERVICES FOR THE LAGUNA VERDE PROJECT FOR THE LIFETIME OF THE REACTOR. WHITEHEAD

[redacted]

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*** Current Handling Restrictions *** n/a
*** Current Classification *** [redacted]

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E-28

PAGE 01 MEXICO 12407 172328Z
ACTION OES-09

INFO	LOG-00	COPY-01	ADS-00	INR-10	EUR-00	SS-00	CIAE-00
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[redacted] MEXICO 12407

E.O. 12356: DECL: OADR
TAGS: TRGY, KNNP, KSCA, IAEA, MX
SUBJ: U.S. SUPPLY OF RELOAD FUEL FOR LAGUNA VERDE
- NUCLEAR POWER STATION

REF: STATE 183574

EMBASSY SCIENCE OFFICER PASSED INFORMATION CONTAINED IN REFTEL TO RUBEN BELLO, DIRECTOR GENERAL OF THE NATIONAL INSTITUTE FOR NUCLEAR RESEARCH, ON JUNE 16. EMBASSY WILL FOLLOW UP WITH A LETTER TO BELLO ON JUNE 17. BELLO THANKED SCIOFF FOR THE INFORMATION, BUT EXPRESSED CHAGRIN AT THE EASE WITH WHICH THE LAGUNA VERDE FUEL RELOADS CAN BE HANDLED, WHILE HIS OWN RESEARCH REACTOR HAS HAD SUCH DIFFICULTIES GETTING ITS FUEL RELOADS FROM THE U.S.
(SCI:JDETHOMAS) PILLIOD

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Date Printed: 01/26/1998 DOC_NUMBER: 87MEXICO12715 CHANNEL: n/a 44

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E-29

PAGE 01 MEXICO 12715 222309Z
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TO SECSTATE WASHDC IMMEDIATE 6804

UNCLAS MEXICO 12715

PASS FEMA HQ FOR KATHLEEN GASERUUD; AID FOR OFDA, DENISE DECKER

E.O. 12356: N/A
TAGS: SENV, OTRA, AORC, KSCA, MX
SUBJECT: MEXICAN DELEGATION FOR ZION NUCLEAR POWER PLANT DRILL

1. GOM PROVIDED AT 1630 HOURS MEXICAN TIME ON JUNE 22 THE FOLLOWING LIST OF MEXICAN PARTICIPANTS TO THE ZION NUCLEAR POWER PLANT DRILL JUNE 24-26:

SECRETARIAT OF GOBERNACION

ACT. ENRIQUE TABOADA ORTIZ
LIC. GUILLERMO ANDRADE DELGADO

SECRETARIAT OF COMMUNICATIONS AND TRANSPORT

LIC. RAUL TORRES GRANADOS

FEDERAL ELECTRICITY COMMISSION

ING. SEVERIANO SANCHEZ URIBE
ING. SERGIO ALBA LOZANO

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PAGE 02 MEXICO 12715 222309Z

STATE GOVERNMENT OF VERACRUZ

LIC GUILLERMO GONZALEZ DIAZ

2. IN ADDITION TO THE SIX INDIVIDUALS LISTED ABOVE, IT IS POSSIBLE THAT THE U.S. NRC HAS INVITED TWO ADDITIONAL INDIVIDUALS FROM THE MEXICAN NATIONAL COMMISSION OF NUCLEAR SAFETY AND SECURITY TO PARTICIPATE. ALL MEXICAN PARTICIPANTS ARE AWARE THAT THE ONLY WASHINGTON PROGRAM FOLLOWING THE DRILL WILL BE WITH U.S. NRC AND NOT WITH FEMA.

3. EMBASSY REQUESTS THAT FEMA HQ PASS THIS INFORMATION TO MS GASERUUD OF FEMA INTERNATIONAL AFFAIRS SECTION AT THE MIDLAND HOTEL IN CHICAGO AS SOON AS POSSIBLE ON TUESDAY.

(SCI:JDETHOMAS) PILLIOD

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*** Current Handling Restrictions *** n/a
*** Current Classification *** UNCLASSIFIED

REPUBLICA DE CHILE
MINISTERIO DE RELACIONES EXTERIORES

UNCLASSIFIED

Chile Project (#S199900030)
U.S. Department of State
Release X Excise Deny
Declassify: In Part In Full
Exemption(s)

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TRADUCCIONES

AUTHENTIC TRANSLATION

I-157/87

INSTITUTO CHILENO DE CIENCIA POLITICA

UNIVERSIDAD DE CHILE

Santiago, January 1987

A HYPOTHESIS ON TERRORISM
METHODS OF ANALYSIS
APPLIED TO THE CHILEAN CASE
1983-1986

MILAN M. MARINOVIC

CUADERNOS DE CIENCIA POLITICA

Nº 16

MILAN M. MARINOVIC

Military Sociologist, Master of Arts, University of Maryland; Post-graduate studies at the American University.;

Author of "Teoría del Cuerpo Social" (The Social Body Theory) and initiator of the Maritime Sociology discipline.

He is a Navy Officer and has conducted research in the field of Military Sociology and Social Tension. He has also participated in the Tenth World Congress of Sociology in Mexico (1982) and in the Eleventh World Congress of Sociology in New Delhi (1986, as well as in the Biennial Congresses of Chicago (1980, 1982 and 1984), as a member of the International Research Committee for *Peace and Conflict Resolution* of ISA and of the Inter University Seminar (IUS).

2..

Professor at the University of Chile and coordinator of the line of research for the area of Studies on "Violence and Social Tension" of the "Instituto de Ciencia Política" (Political Science Institute) of this University; Professor at the "Academia de Guerra Naval" (Navy Academy of War) and the "Instituto Superior de Carabineros" (Graduate Institute of the Police Corps.). Head of the Sociological Studies Office of the Chilean Navy.

UNIVERSIDAD DE CHILE

INSTITUTO DE CIENCIA POLITICA

A HYPOTHESIS ON TERRORISM

METHODS OF ANALYSIS

APPLIED TO THE CHILEAN CASE

1983-1986

Milan Marinovic Pino

Master of Arts in Sociology

Professor, University of Chile

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Milan M. Marinovic

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INTRODUCTION

From May, 1983, Chile has witnessed an increasing amount of violent acts, affecting the physical safety and the basic needs of the people. These acts, whose characteristics differ from those of common-law crime, were systematically studied as expressions of an underlying social phenomenon or process which we have called terrorism. The period under study extends from 1983 to 1986. It begins at the time of the peaceful protests in May, 1983, and ends with the assassination attempt against the President in September, 1986.

The theoretical framework for this study is provided by the Social Body Theory(1). This sociological theory basically interprets the terrorist phenomenon by its effects at the individual and societal level. At the individual level, it exacerbates human behavior, creating factors of uncertainty, anxiety and fear. At the societal level, it generates factors of tension among the population, affecting the primary conditions of the stability of the Social Body.

This study of the terrorist phenomenon emphasizes the quantitative aspects of the problem, designs methods for data analysis and defines regularities shown by the expressions of terrorist behavior, in both its temporal and its geographic dimension.

---

(1) Marinović, Milan M. THE SOCIAL BODY AND ITS DIMENSIONS: A PARADIGM FOR POLITICAL ANALYSIS AND SOCIAL INTERPRETATION. Paper presented at the Eleventh World Congress of Sociology, New Delhi, India, August, 1986.

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The terrorist behavior patterns inferred from the regularities observed in Chile provide a scientific basis supporting the hypothesis that it obeys to a planned action, included in a psycho-policy of destabilization of the Social Body.

A. THE PROBLEM OF TERRORISM

The development of terrorist activities in Chile during the period under study (May 1983-September 1986) shows certain characteristics and regularities in its dangerousness.

The frequency and magnitude observed in the occurrence of events, as well as their relationship with the circumstances under which they happen, allow to assume that the terrorist phenomenon represents a set of planned actions, obeying to a strategy of destabilization of the current political regime.

The degree of dangerousness of terrorist activities between July and September, 1986, made explicit by the number and magnitude of the acts, as well as by the discovery of arm caches and the assassination attempt against the President, confirm the feasibility of the above stated theory.

B. CHARACTERISTICS OF TERRORISM

Terrorism as a social phenomenon shows recurring aspects related to the following sociologic considerations:

1. PARAMILITARY ORGANIZATION

Terrorist activities are carried out by groups of civilians organized on the basis of military indoctrination

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of commandos, which resort to hiding and surprise as a fighting method.

2. FOCALIZED ACTION

Terrorist activity is preferably performed in densely populated urban centers and especially in the cities concentrating political power.

3. PUBLIC SHOCK

Terrorist activities, representing armed propaganda, seek to cause an impact on the public, through the anxiety, fear and uncertainty factors they generate, by affecting the physical safety of persons and/or their basic needs.

4. DESTABILIZING OBJECTIVE

Terrorist activities, as a psychopolitical instrument of violence, aim at the instability of the social body, affecting the economic foundation, the social structure and the political system.

DEFINITION OF TERRORISM

Terrorism consists in violent acts carried out by paramilitary groups through hiding and surprise, against the physical safety of people and their basic needs. Such acts cause a public shock effect, preferably in urban centers, aimed at provoking economic, social and political destabilization.

C. CONCEPTS ASSOCIATED WITH TERRORISM

1. PSYCHO-POLICY

It is a strategy designed to destabilize the social body, affecting its Preservation, Integration and

Development functions, through Disinformation.

2. DISINFORMATION

It corresponds to planned actions designed to distort reality through the manipulation of information: ommitting, altering or emphasizing those aspects that allow to condition social behavior by means of a distorted perception of events.

3. POLITICAL ACTIVISM

Legal or illegal acts, without causing injuries to third parties, that promote Social Mobilization in order to destabilize the political regime.

4. YELLOW TERRORISM

Violent acts which, by affecting the meeting of the people's basic needs aim at conditioning their behavior by interfering with the normal activities of individuals.

5. RED TERRORISM

Violent acts which, by endangering the physical safety of individuals and of the population as a whole, aim at creating a loss of the State of Law in the perception of events.

D. A HYPOTHESIS ON TERRORISM

In general terms, the terrorist behavior observed in Chile during the 1983-1986 period corresponds to a planned action, in both time and space dimensions, designed to destabilize the current political regime.

E. VARIABLES OF THE PROBLEM

TERRORIST BEHAVIOR AND PLANNED ACTION are identified as variables of this Hypothesis.

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1. OPERATIONALIZATION OF VARIABLES

a. TERRORIST BEHAVIOR VARIABLE

This variable is broken down into two categories whose corresponding indicators operationalize the effect of Terrorism on the population (Yellow Terrorism) or on the physical safety of the people (Red Terrorism).

1) YELLOW TERRORISM INDICATORS

a) ATTACKS USING EXPLOSIVES

This indicator records the number of sabotage acts using explosives against public or private property or services, without casualties.

b) GENERAL SABOTAGE

This indicator records the number of sabotage acts using incendiary or other devices, against public or private property and services, without casualties.

2) RED TERRORISM INDICATORS

a) ARMED ATTACKS

This indicator records the number of acts in which the affected are threatened with firearms or other elements.

b) SELECTIVE ATTACKS OR KIDNAPPINGS

This indicator records the number of attacks or attempted attacks and kidnappings selectively affecting certain individuals among the population.

c) DEATH OR SERIOUS INJURY

This indicator records the numbers of victims of firearms in those events that do not represent common-law crimes.

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d) SIGNIFICANT SABOTAGE

This indicator records the number of sabotage acts causing great public shock, due to their indiscriminate effect on the safety of people or to considerable damage to public property or services of the community.

1B) PLANNED ACTION VARIABLE

1B. The operationalization of this variable is broken down into time and space dimensions.

a) Regarding the time dimension, the TIME SERIES models will be used to determine the Trend, Periodicity and Seasonality in the occurrence of terrorist acts.

b) As to the space dimension, the focusing of terrorist acts will be analyzed according to their geographical distribution with respect to the Urban Population Density in each region, within the administrative-political division of the country.

2) The time and space distribution of the events identified as terrorist acts will be concretely operationalized based on the following indicators:

a) CHRONOLOGICAL INDICATORS

PERIODICITY OF TERRORISM

This indicator registers the sequential feature of maximum and minimum values in the occurrence of terrorist acts during the annual cycle.

SEASONALITY OF TERRORISM

This indicator registers the repeating fluctuations of terrorist acts in stages determined by their significant variations within the annual cycle.

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TREND OF TERRORISM

This indicator registers variation ranges in the frequency of terrorist acts with respect to monthly average levels.

b) GEOGRAPHIC INDICATOR:

FOCALIZATION OF TERRORISM

This indicator shows the distribution of terrorist activities by regions, as related to the urban population density.

2. SCOPE OF THE STUDY

The Data Base under consideration corresponds to the Universe of actions typified as terrorism by the above indicators, and having occurred in Chile between May, 1983, and September, 1986.

3. DATA COLLECTION

The instruments employed to identify terrorist acts correspond to the police reports of subversive events furnished daily by Carabineros de Chile, as well as the Domestic Government reports issued weekly by the Regional Intendancies. They record subversive acts and instability, respectively, according to the codification specified for the corresponding formats.

4. DATA PROCESSING

The methods used, based on data collection, include the following stages:

a. Identification of subversive acts according to criteria specified in the terrorism indicators.

b. Collation of data issued by Carabineros de Chile

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and the Regional Intendancies.

c. Quantification and recording of terrorist acts in monthly summary tables and by regions, filed in the Data Base.

d. Charting of data in monthly bar histograms and frequency polygons of terrorist acts; herein included in this paper.

F. STATISTICAL ANALYSIS OF TERRORIST BEHAVIOR

1. PERIODICITY OF TERRORISM

a. The variability of the frequency of terrorist acts in different years shows a similarity regarding the months in which the maximum and minimum values occur.

b. The Frequency of Terrorist Acts Curves for 1983, 1984, 1985 and 1986 graphically show the following cyclical characteristics:

- Beginning with intermediate values of terrorist acts during the first months of the year, starting in March (GESTATION).

- Highest degree of terrorist activities halfway through the second semester (MATURITY).

- End of terrorist activities with a minimum number of acts at the end of each year, during the summer months (DEGRADATION).

CHRONOLOGICAL CHARTS OF TERRORIST BEHAVIOR

Frequency of Terrorist
Acts recorded in 1983,
1984, 1985 and 1986

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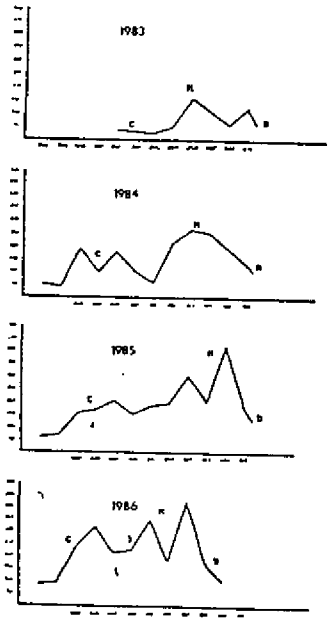

c. The cycle pattern inferred from the curves allows to define the existence of stages from now on referred to as:

Gestation Stage (G)

Maturity Stage (M)

Degradation Stage (D)

d. The cyclic pattern of Terrorist Behavior inferred from each annual curve may not be seasonally correlated in a rigid manner, since Planned Action becomes flexible according to the opportunities offered by the environment and the context of occurrence. Thus, the duration of the Gestation, Maturity or Degradation stages varies according to the destabilizing effect expected.

13..

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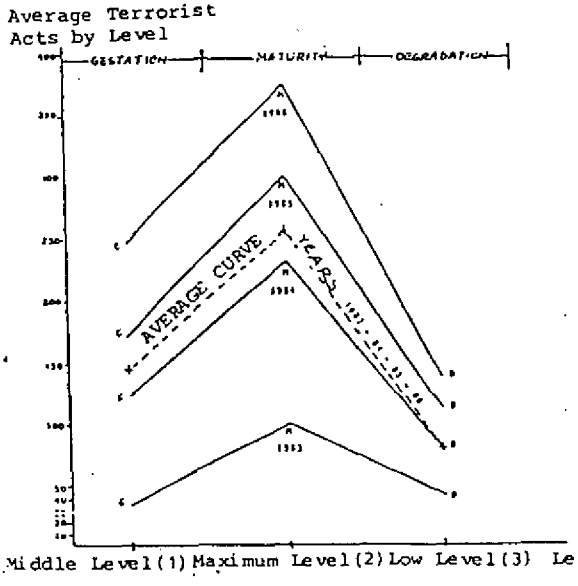
..14

The chart below, with no indication of months, is framed within the psychological time of the opportunities, instead of the chronological time of each stage. This is more representative of the levels of violence that may be expected from them.

PSYCHOLOGICAL CHART OF PLANNED ACTION



1986
Level 1:Mar-Apr-May-Jun
Level 2:Jul-Aug-Sep
Level 3:Oct-Nov

1985
Level 1:Mar-Apr-May-Jun
Jul-Aug
Level 2:Sep-Oct-Nov
Level 3:Dec-Jan-Feb

1984
Level 1:Mar-Apr-May-Jun
Jul
Level 2:Aug-Sep-Oct-Nov
Level 3:Dec-Jan-Feb

1983
Level 1:May-Jun-Jul-Aug
Level 2:Sep-Oct-Nov-Dec
Level 3:Jan-Feb

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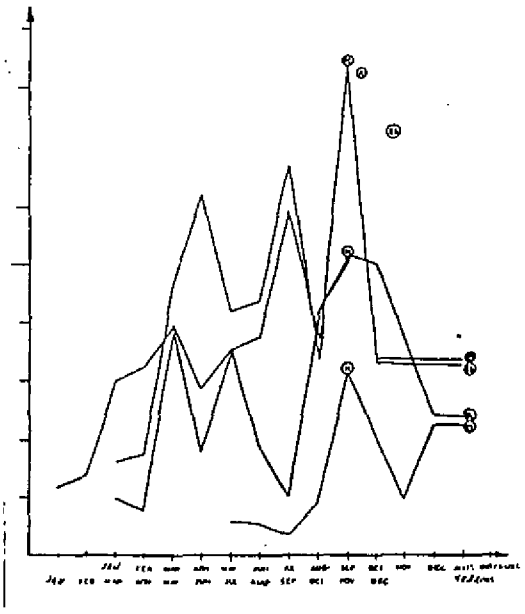
-15-

2. TERRORISM IS SEASONAL

a. The superposition of the curves of terrorism per year (1983-1986) allows to appreciate a seasonal correlation in the variability of its maximum and minimum values, with an independent behaviour of time -, illustrated below:

Number of Terrorist Acts



Annual Frequency of Terrorist Acts

b. Once the phases of Gestation, Maturity and Degradation in the annual cycle of terrorist behavior have been differentiated, it is possible to obtain a grouping by phases in the following table of fre-

-16-

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quencies, being specified due to the significant inflections of their monthly variability:

FREQUENCY CHART OF TERRORIST ACTS

GROUPED BY PHASES

PHASES	MONTHS	P-83-84	P-84-85	P-85-86	P-86-87	AVERAGE
Gestation	March	-	194	150	236	193.3
	April	-	93	163	313	189.7
	May	32	180	199	212	155.8
	June	31	99	144	221	123.8
	July	22	55	180	341	149.5
	August	50	213	191	174	157.0
Maturity	Sept.	162	263	300	422	286.8
	Oct.	107	254	191	169	184.0
	Nov.	54	193	416	102	221.0
Degradation	Dec.	123	123	173		139.7
	Jan.	51	60	82		64.3
	Feb.	41	69	90		66.7

c. In the Frequency Chart, divided into three categories by phases, the existence of a characteristic pattern of Terrorist Behavior is confirmed with the following average values and ranges in each one of them:

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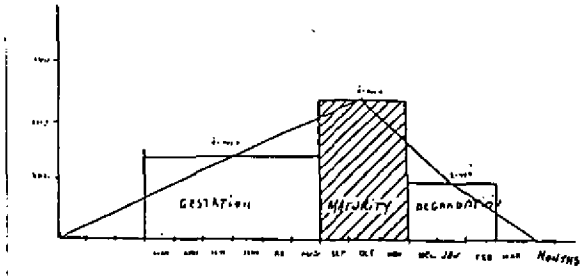
PHASES	MONTHS	P-83 -84	P-84 -85	P-85 -86	P-86 -87	AVER.	RANGE
Gestation	Mar-Aug	33.8	124.2	171.1	245.5	143.7	± 88.6
Maturity	Sep-Nov	111.5	243.3	302.3	312.3	242.4	± 92.4
Degradation	Dec-Feb	46.0	111.3	115.0	-	90.8	± 38.8

d. The following histogram and its polygon of frequencies, diagram the characteristic pattern of average values occurred during the period comprised between the years 1983 to 1986 which statistically confirm the seasonal feature of destabilization in Terrorist Behavior.

CHARACTERISTIC ANNUAL PATTERN OF TERRORIST BEHAVIOR

Average of Terrorist Acts



3. TREND OF TERRORISM

a. Having established the existence of a frequen-

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cy in the development of terrorism and having proved its seasonal features in the phases of the yearly cycles in 1983, 1984 and 1985, it was possible to project the frequencies expected for 1986 through the Regression Method.

b. The projection of acts through the method of Least Squares used the average monthly values corresponding to the phases of Gestation, Maturity and Degradation of the aforementioned years.

TABLE OF VALUES EXPECTED FOR 1986

PHASE	YEAR	AVERAGE	PROJECTION
Gestation	1983	28.3	
	1984	124.2	245.5
	1985	167.2	
Maturity	1983	93.3	
	1984	230.8	380.7
	1985	274.5	
Degradation	1983	71	
	1984	84	134.0
	1985	115	

Note: By the method of Least Squares.

c. From the values obtained by the projection of terrorist acts (according to maximum average

UNCLASSIFIED

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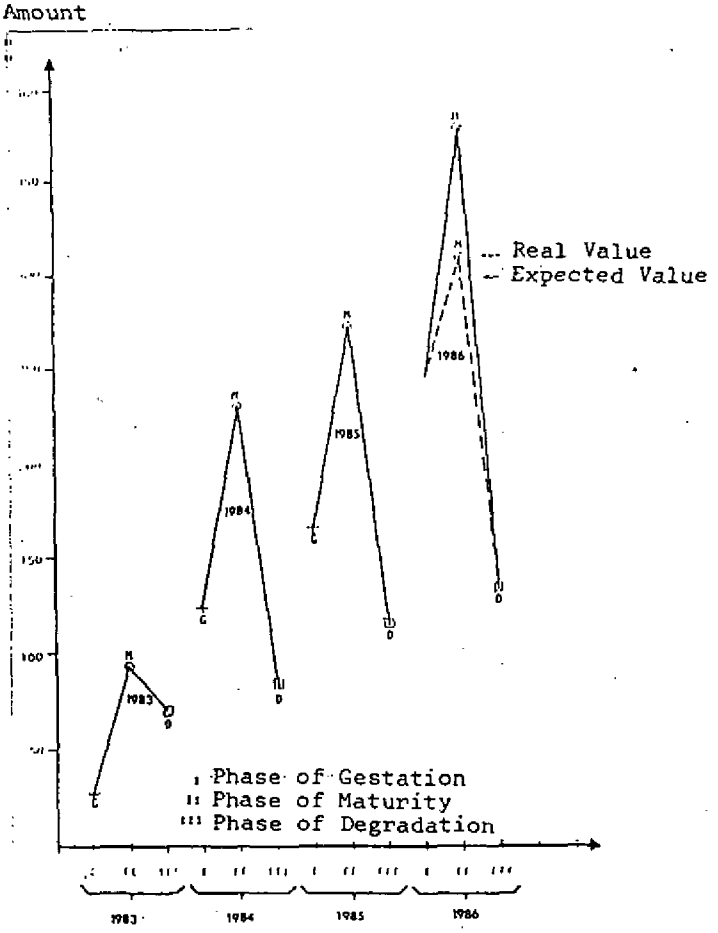
-19-

values for each phase in the years 1983 to 1985), the Expected Values for the phases of Gestation, Maturity and Degradation during 1986 were obtained; this is illustrated in the following chart:

ANNUAL PROJECTION OF TERRORIST BEHAVIOR



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d. When the expected values of terrorist behavior are contrasted with the real values registered in the said year, a coincidence may be appreciated whereof the minimum margin of error in prediction grants a high degree of reliability which confirms the existence of a planned action in the progressive increase of violence.

EXPECTED AND REAL 1986 VALUES, CONTRASTED

	Projected Value	Real Value	Percentage of Error
Phase of Gestation	246	245	12
Phase of Maturity	381	312	187

4. FOCALIZATION OF TERRORISM

Focalization of Terrorism was studied taking into account the geographical distribution, by regions, of the urban population and from the total of terrorist acts occurred during the 1983-1986 period.

In the following table regional values for the urban population are registered (in tens of thousands of inhabitants) and the total of terrorist acts occurred during the 1983-1986 period.

REGION	URBAN POPULATION (x 10,000 inh.)	TOTAL TERRORIST ACTS (T)
First	25.8	271
Second	33.7	140

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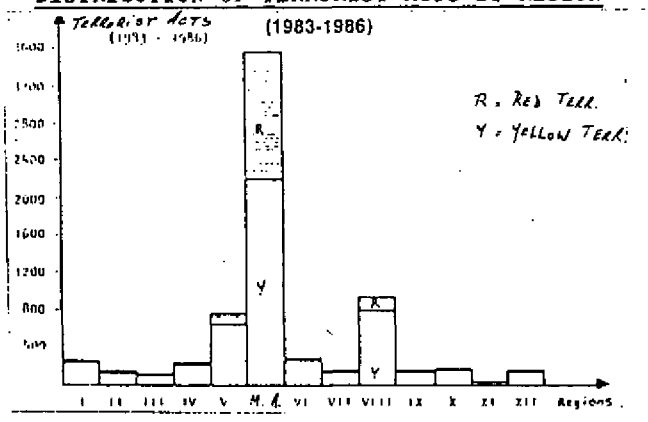
-21-

REGION	URBAN POPULATION (x 10,000 inh.)	TOTAL TERRORIST ACTS (T)
Third	16.7	116
Fourth	30.9	237
Fifth	109.3	775
Metrop. Area	415.2	3.455
Sixth	37.6	275
Seventh	40.9	151
Eighth	115.3	928
Ninth	39.6	158
Tenth	49.5	164
Eleventh	5.1	10
Twelfth	11.9	156

The graphic comparison of the following histograms suggests the existence of a strong association between terrorist behavior and the urban population of the region.

DISTRIBUTION OF TERRORIST ACTS BY REGION



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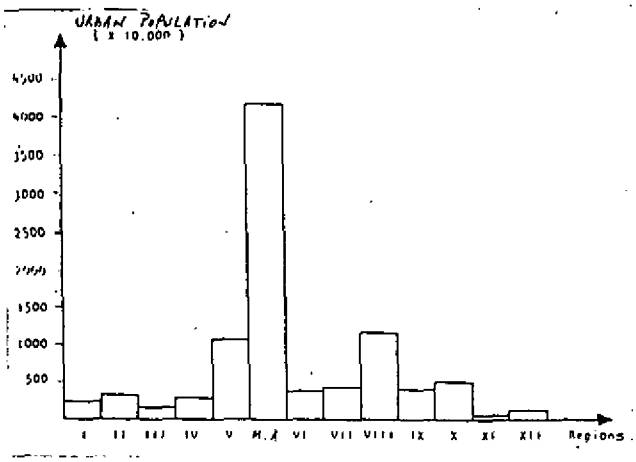
REGIONAL DISTRIBUTION OF URBAN POPULATION



Statistical Analysis of the Focalization of Terrorism

To determine the degree of association between the total of terrorist acts occurred in every region during the 1983 - 1986 period and its urban population, Pearson's coefficient of correlation 'r' between these two variables was computed. The high value obtained for this coefficient ($r = 0.995$) indicates the existence of an almost perfect correlation between them, wherewith the association suggested by the histograms of Paragraph C is proved. That is to say, TERRORIST ACTION IS ASSOCIATED WITH THE URBAN POPULATION OF THE REGION.

Focalization of Red and Yellow Terrorism

In the following table regional values for the urban population and the total acts of Yellow and Red Terrorism occurred during the 1983-1986 period are registered:

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-23-

REGIONS	URBAN POPUL. (P) (x 10,000 INH)	TOTAL ACTS OF RED TERRORISM (R)	TOTAL ACTS OF YELLOW TERR. (Y)
First	25.8	32	239
Second	33.7	13	127
Third	16.7	18	98
Fourth	30.9	15	222
Fifth	109.3	110	665
Metrop. Area	415.2	1.261	2.194
Sixth	37.6	12	263
Seventh	40.9	12	139
Eighth	115.3	143	785
Ninth	39.6	13	145
Tenth	49.5	15	149
Eleventh	5.1	0	10
Twelfth	11.9	10	146

c. Graphic Comparison of Red and Yellow Terrorism by Regions:

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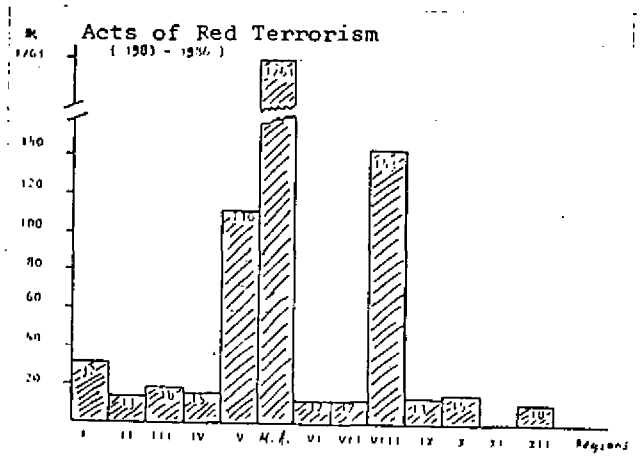

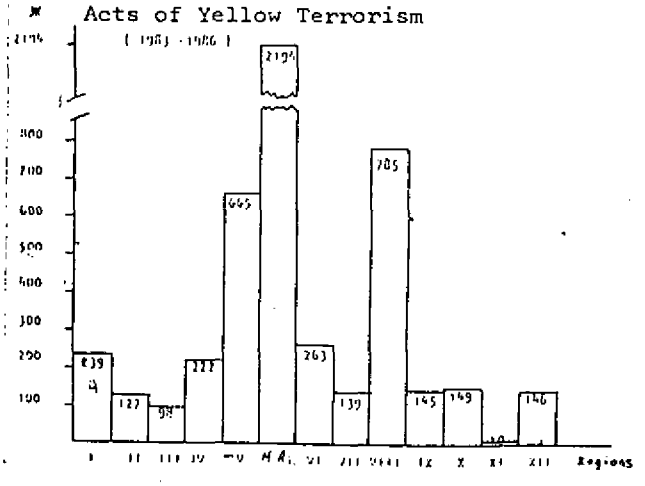

*: Number of Attacks.

Both Red Terrorism and Yellow Terrorism are highly correlated with the regional urban population(with coefficients of correlation of 0.98 and 0.99, respectively).

5. INTENSITY IN THE FOCALIZATION OF TERRORISM

a. The analysis of the geographic focalization of Terrorism proved that THERE EXISTS AN ALMOST

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-25-

PERFECT CORRELATION BETWEEN THE TOTAL NUMBER OF TERRORIST ACTS, OCCURRED DURING THE 1983-1986 PERIOD AND THE URBAN POPULATION OF THE REGION. This result confirms the hypothesis that terrorism is focalized in the regions of larger urban population.

b. In order to analyze the differences between regions, concerning terrorist activity per urban population, for each region the INDEX OF INTENSITY OF TERRORIST ACTION or simply the INTENSITY OF TERRORISM was defined (1) as the quotient between the total number of terrorist acts occurred during the 1983-1986 period and the urban population, set forth in tens of thousands of inhabitants. That is, intensity of terrorism (1) indicates the average number of terrorist acts occurred in the region during the considered period for every 10,000 of its urban inhabitants.

c. For the purposes of this analysis the following variables for each region and for the 1983-1986 period have been taken into account:

P = Urban Population (set forth in tens of thousands inhabitants)

R = Total Acts of Red Terrorism

Y = Total Acts of Yellow Terrorism

1 (R) = R/P is the intensity of Red Terrorism

1 (Y) = Y/P is the intensity of Yellow Terrorism

d. In the following table the distribution of intensity of Red and Yellow Terrorism is registered by regions.

-26-

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-26-

REGIONAL INTENSITY OF RED AND YELLOW TERRORISM

(1983-1986)

REGION	INTENSITY OF RED TERRORISM $1\ (R) = \frac{R}{P}$	INTENSITY OF YELLOW TERRORISM $1\ (Y) = \frac{Y}{P}$
First	1,24	9.26
Second	0.39	3.77
Third	1.08	5.87
Fourth	0.49	7.18
Fifth	1.01	6.08
Metrop. Area	2.99	5.28
Sixth	0.32	6.99
Seventh	0.29	3.40
Eighth	1.24	6.81
Ninth	0.33	3.66
Tenth	0.30	3.01
Eleventh	0	2.0
Twelfth	0.84	12.27

e. Comparison of Charts: The regional values of Intensity of Red and Yellow Terrorism for the 1983-1986 period respectively, are represented in the following histograms:

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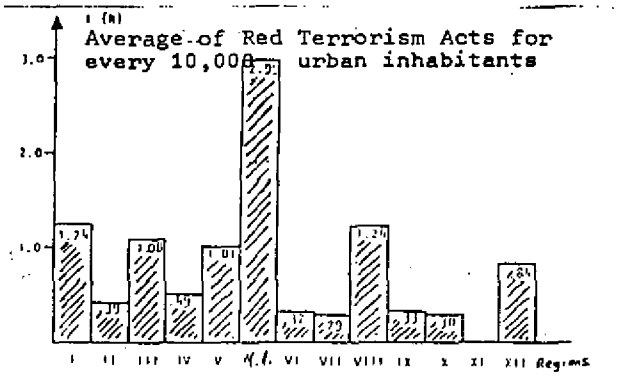
-27-

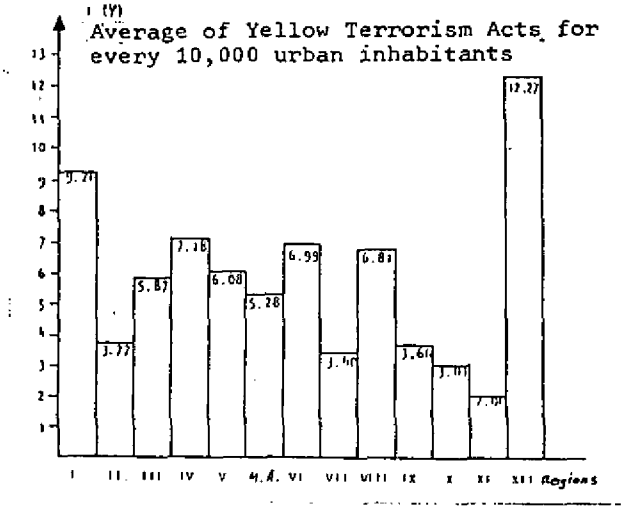
REGIONAL INTENSITY OF RED TERRORISM

(1983-1986)



REGIONAL INTENSITY OF YELLOW TERRORISM

(1983-1986)



-28-

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f. Quantitative Analysis:

Given that in every region the number of Red Terrorist Acts has been smaller than the number of Yellow Terrorist Acts (R/Y), the corresponding Intensity of Red Terrorism is smaller than the Intensity of Yellow Terrorism (1 (R) 1 (Y)).

Three groups of regions may be distinguished in terms of the INTENSITY OF RED TERRORISM, as indicated in the following table:

LEVELS OF INTENSITY OF RED TERRORISM

(1983-1986)

LEVELS OF INTENSITY	R E G I O N S	1(R) AVERAGE
LOW	II, IV, VI, VII, IX, X, XI	0.30
MEDIUM	I, III, V, VIII, XII	1.08
HIGH	METROPOLITAN AREA	2.99

It must be pointed out that the INTENSITY OF RED TERRORISM IN THE METROPOLITAN AREA IS APPROXIMATELY THREE TIMES HIGHER THAN THE AVERAGE OF THE REGIONS of the category of a medium level.

Three groups of regions may also be distinguished in terms of the Intensity of YELLOW TERRORISM, as indicated in the following table:

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-29-

LEVELS OF INTENSITY OF YELLOW TERRORISM

(1983-1984)

LEVELS OF INTENSITY	R E G I O N S	1(Y) AVERAGE
LOW	II, VII, IX, X, XI	3.17
MEDIUM	III, IV, V, M. A., VI,VIII	6.37
HIGH	I, XII	10.77

For most of the regions, the level of intensity of Red Terrorism corresponds to the same level of Yellow Terrorism. Exceptions to this pattern are the following:

- The utmost regions of the country, the First and the Twelfth, show a medium intensity of Red Terrorism but a high intensity of Yellow Terrorism.
- The nearest regions to the Metropolitan Area -, the Fourth and the Sixth, show a low intensity of Red Terrorism but a medium intensity of Yellow Terrorism.
- For the Metropolitan Area, the level of intensity of Red Terrorism is high while Yellow Terrorism shows a medium intensity.

In all the cases, with the sole exception of the Metropolitan Area, the level of regional intensity of Red Terrorism is the same or lower in one category than the level of intensity of Yellow Terrorism, as indi-

-30-

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-30-

cated in the following table:

REGION	LEVELS OF INTENSITY	
	RED TERRORISM	YELLOW TERRORISM
First	MEDIUM	HIGH
Second	LOW	LOW
Third	MEDIUM	MEDIUM
Fourth	LOW	MEDIUM
Fifth	LOW	MEDIUM
Metrop. Area	HIGH	MEDIUM
Sixth	LOW	MEDIUM
Seventh	LOW	LOW
Eighth	MEDIUM	MEDIUM
Ninth	LOW	LOW
Tenth	LOW	LOW
Eleventh	LOW	LOW
Twelfth	MEDIUM	HIGH

UNCLASSIFIED

-- 31 --

G. CONCLUSIONS RAISED FROM THE ANALYSIS OF THE TERRORIST BEHAVIOR

Pattern

1.- The analysis of the terrorist behavior, based on its time-space variability, makes it possible to infer regularities shown within a characteristic pattern of: Periodicity, Seasonality, Trend and Focalization, WHICH CONFIRMS THE INITIAL HYPOTHESIS OF THIS STUDY: THAT TERRORIST IS THE RESULT OF A PLANNED ACTION

Cycles.-

2.- The PERIODICITY of the Terrorist Behavior shows an annual cyclic regularity, having minimum and maximum degrees of activity which make up a characteristic pattern repeated in: a PHASE OF GESTATION, of increase in violence, a PHASE OF MATURITY, of maximum activity, and a PHASE OF DEGRADATION, with a decrease in terrorist activity.

Seasonality

3.- The periodicity of the Terrorist Behavior shows a coincidence with certain periods of the year, giving this phenomenon a TYPICAL SEASONALITY which normally covers the months of March to August, for the Phase of

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Gestation, the months of September to November, for the Phase of Maturity, and the months of December to February, for the Phase of Degradation.

Trend

4.- The TREND observed in the terrorist behavior shows a progressive increase in the demonstration of violence; thus, in the period comprising the years 1983 to 1986, each annual cycle shows an increase of acts in relation to the previous year, which may be predicted by means of the statistical regression method.

Focalization

5.- The GEOGRAPHICAL FOCALIZATION of the Terrorist Behavior shows an almost perfect correlation (0.99) with the urban population density.

The analysis of focalization of Terrorism in Chile during the 1983-1986 period suggests that it has been selective, because in certain regions (I, IV, Metropolitan Area, VI and XII Regions),one type of terrorism has been more intensely used than the other.

Dangerousness

The DEGREE OF DANGEROUSNESS resulting from acts of Red

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-- 33 --

Terrorism reaches its highest ratio in the the Metropolitan Area; and it is geographically distributed alternatively troughout the territory in regions I, III, V, Metropolitan Area, VIII and XII Regions, producing a homogeneous effect on its dangerousness.

From the above, it may be inferred that TERRORISM MUST BE UNDERSTOOD AS A PSYCHOPOLITICAL INSTRUMENT based on violence which seeks the destabilization of the Social Body.

This social phenomenon may be studied systematically and its explanation may be found in the approach of the theory of the Social Body (Marinovic 1986).

Basically, said sociological theory interprets the terrorist phenomenon on the basis of its effect on the individual and societal level. At the individual level, it exacerbates the human behavior, creating factors of uncertainty, anxiety and fear, and conditioning it in its most unstable degree. At the societal level, terrorism generates factors of Social Tension, affecting the primary conditions of social stability, produced by SECURITY, SOLIDARITY and PROGRESS.

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-- 34 --

7.- Targets of Terrorism

Psychopolitical targets of terrorism, as they appear from the Theory of the Social Body are the following:

The first target is the civil population. It aims at conditioning the perception of facts, creating an atmosphere of social uncertainty in order to generate social tension, which based upon political activism, promotes mobilization

Second target: Authority. It aims at causing the government organs to take measures of social control, subject to manipulation as a result of a dictatorial regime rather than as the effect of the terrorist action

The Police Forces are the third target. By systematically attacking and exacerbating police officers, it is sought to condition them in their police function, and in keeping public order in a repressive manner.

Finally, the Armed Forces are another target. The military indoctrination of their members is exploited, by leading them to face hostility of an aggression behavior, framed within a struggle strategy.

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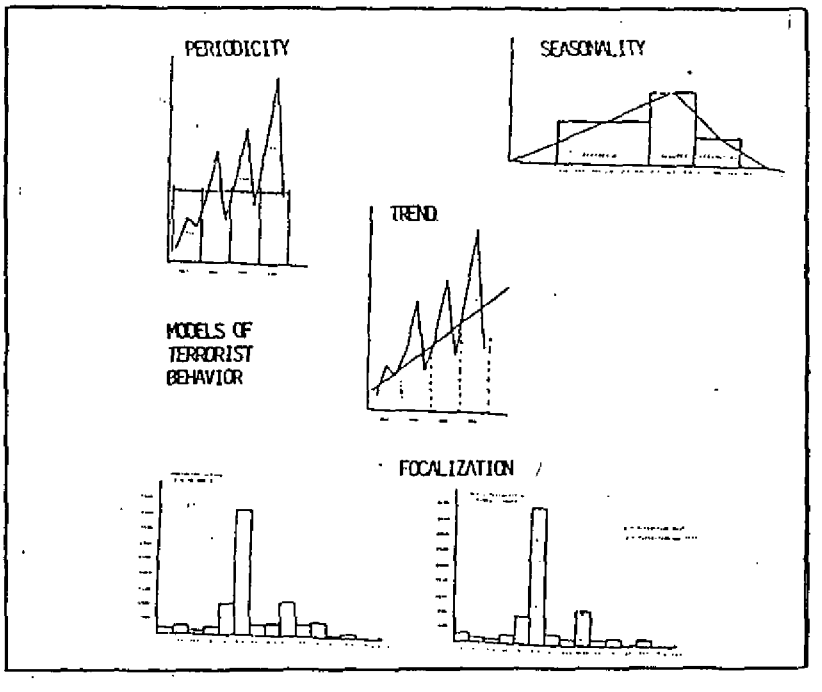
-- 35 --

By means of indirect strategies of psychological war, terrorism and guerrilla warfares seek to mislead and create frustation in the regular forces.

The conclusions raised from the QUANTITATIVE Analysis suggest that terrorism as a planned action, takes good advantage of the democratic system to achieve its destabilizing purposes. The following Phase of the QUALITATIVE Analyis of the terrorist phenomenon shall study its relation with the political activism for the destabilization of the Social Body.



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-- 36 --

H. PSYCHOPOLITICAL INTERPRETATION OF THE TERRORIST BAHAVIOR.

1.- On the basis of the theory of the Social Body, it is concluded that psychopolicy acts simultaneously at the political level by means of DISINFORMATION and at the level of violence, by means of TERRORISM.

2.- Psychopolicy seeks to affect the function of preservation of the Social Body, acting on its foundations by means of economic instability, which endangers the generation of resources. By creating unemployment and labor uncertainty in the structure of the Social Body as a consequence of the above, psychopolicy seeks to affect its integration function; and thus, the solidarity required by the State in its developmental function.

3.- Instability is achieved by generating Social Tension, which political activism and the terrorist behavior seek to promote by means of social mobilization and acts of violence.

4.- Syptoms of economic destabilization in a Social Body are: the level of unemployment, the infla-

-- 37 --

UNCLASSIFIED

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tion index and the operation margin that the State has in the external field as regards the financial management and attraction of resources.

Symptoms of political destabilization in a Social Body are: the political articulation, the labor union articulation and the level of Social Tension generated in connection with the objectives of psychopolicy.

5.- The collapse of the Social Body is achieved by breaking the principle of authority and the atmosphere of ungovernability in its social structure, and by the national paralyzation of the productive activities in its economic base.

6.- The search for the collapse in the Social Field lies within the development of the Crisis process, the steps of which coincide with the phases of Gestation, Maturity and Degradation observed in the terrorist behavior.

7.- The Periodicity of the terrorist behav-

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ior is found in the context of the patterns of life and customs of the population, for which reason, the phase of Gestation coincides with the beginning of the school year and the phase of Degradation with the summer vacation period.

8.- The seasonality of the terrorist behavior, on the other hand, shows the search for the highest instability of the Social Body in the month of September, for its historical connotation of relevant political events.

9.- The steadily increasing trend recorded in the terrorist behavior between the years 1983 and 1986, evidently shows the search for a collapse of the system. This trend being cyclically regulated by the process of crisis, is ratified by the accumulation of arms caches and ends with the attempted assassination of the President of the Republic.

10.- The coverage of geographical focalization in the terrorist behaviour indicates the attempt to generalize the effect of the political destabilization by selecting the regions where terrorist acts are carried out.

UNCLASSIFIED

-- 39 --

11.- The dangerousness of Terrorism (resulting from the ratio between Red and Yellow Terrorism) observed during the 1983-1986 period, shows a tactical consideration for the Phase of Degradation in the terrorist behavior which compensates the decrease of intensity with an increase in dangerousness.

12.- The variability in the Intensity of Terrorism (which is observed in the chart of Annex "A") allows to infer that the State of Siege, as a measure of Social Control, does not have an inhibitory effect. This may be proved by the increase of terrorism in the Phase of Gestation of 1985, despite the State of Siege being in force; in addition, the disproportionate increase, contrary to the historical trend recorded in November of the same year in the Phase of Maturity, suggests that terrorism seeks the establishment of the State of Siege. This situation is concurrent with the purposes of psychopolicy, since this measure of Social Control keeps the Social Tension in the Phase of Degradation, and enables its utilization for the Disinformation in the external front.

PARADIGM OF THE SOCIAL BODY

-- 40 --

UNCLASSIFIED

-- 40 --

A Sociological Theory for the Political Analysis and Social Interpretation.

I. INTRODUCTION

The sociological approach of the social reality requires for its interpretation, an internal viewpoint and the knowledge of the principles regulating behavior.

While the vision as a whole situates the observer in a context in which a phenomenon or social expression emerges, human knowledge sensitizes him with respect to the motivational nature of the factors conditioning and generating it.

The social behavior, like water, flows along its natural channels, and it is the function of Social Sciences to perceive these channels and analyse them objectively in their cause-effect relation.

To interpret social reality as a system is to understand it better, and definitely, to get to know it, whereby we can not only follow its processes but also make sure of the possibility to act upon it with a scientific basis.

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A country, as a Social Body is perceived as a living organism being immersed in an environment of interaction and competing with others for possibilities and resources to subsist, grow and develop.

As a living organism, its main feature is its evolution, and in its process of interaction, it is affected by environmental and technological variables of an economic, social and political nature which impose a process of readaptation and change on the social organization for its integral growth and harmonious development.

As a whole, the Social Body requires physical, and intellectual skills which are primary to the human being and which may qualify him to generate participative and creative behaviors associated with his individual and collective needs of growth and development.

Society as a group is not different in nature from that of the individuals who compose it. In its integral growth and harmonious development, individuals, like countries, require basic safety conditions

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* Theory for a Doctor's Degree Thesis.

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to preserve them, as well as social solidarity conditions to integrate them and generate the necessary conditions to promote and project their development.

As a survey, the paradigm of the Social Body is inserted in the methodology of Mueller*, who for social interpretaton distinguishes levels or fields of analysis which are related to the energetic, societal and cultural environment and forms of expression contained in one single social reality featured by its external expression, the function that it performs and the theory that explains it.

For the purpose of the analysis, a Social Matrix was created, having as a level of analysis the fields of ENERGY, the STRUCTURE and its FUNCTION, being social dimensions defined in this study and the generic forms of expression thereof given by the forms in which they are materialized.

The criterion for the analysis taken into account when applying the matrix, is based upon the social premise that there is no difference between the

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(*) G. MUELLER. Lectures in Modern Sociological Theory American University, 1979.

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phenomena regulating the physical and the social world, and that the inductive method to infer their regularities and laws is the same, and is based on OBSERVATION, ABSTRACTION AND GENERALIZATION.

II.- THE SOCIAL DIMENSIONS.

By SOCIAL Body, I mean the human being and any expression or system which, emerging from the human nature is generated from social interaction, requires resources, and is affected by the environmental variables and the technology conditioning it in its development

As in the physical world, the dimensions defining a body are contained in its length, breadth and height; in the social world, the dimensions containing it are expressed through its ENERGY, STRUCTURE and FUNCTION.

If out of the natural characteristics which are the dimensions of a physical body the notion of lenght, area and volume are derived; then out of the social dimensions, concepts related with the NATURE OF THEIR RESOURCES, THE ARTICULATION OF THEIR FORMS AND THE SENSE OF THEIR ACTION are derived.

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The dimensions of a Social Body in its energetic, structural and functional expression, make it explicit the human nature generating it, and the surrounding factors that condition it.

THE ENERGETIC DIMENSION

At the individual level, it relates with its vitality, whose energy makes it dynamic and enables its existence as such (child, adolescent, adult, aged people).

At the societal level, the Energetic Dimension becomes explicit through the nature of human, material, financial and technological resources of the organizational system, which dynamize the body enabling its existence and purpose of its role (animal, mechanical, electrical, aerobic, nuclear system etc.)

THE STRUCTURAL DIMENSION

At the individual level, it is related to the forms identifying the individual and articulating him in the context of his interaction (osseous, anatomical development; and systems of ethical, philosophical and religious values).

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-- 45 --

At the societal level, the Structural Dimension is expressed through the mechanisms of coordination that articulate the body, group or system among their parts, and the value postulates relating them with the environment (organizational systems of formal and informal nature: institutions, enterprises, associations and communities, etc.)

THE FUNCTIONAL DIMENSION

At the individual level, it is related to the individual behavior and the motivational facts which give sense and a purpose or role to the action (father, son, student, policeman, priest, merchant, etc.).

At the societal level, the Functional Dimension becomes explicit through the societal objectives or roles seeking organization (health, education, security, transport, etc.).

III. SOCIAL MATRIX OF ANALYSIS

Mueller's methodology for social interpretation makes a difference between Fields of Analysis and Forms of Expression.

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-- 46 --

The Fields of Analysis are related to the Energetic, Societal and Cultural scopes, and their Forms of Expression are related to what may be Observed, Sought and Theoretical, as well as the social expressions as a structural set, and they explain the Social phenomenon.

After defining the Social Dimensions according to their Energy, Structure and Function, it is possible to deduce by analogy to Mueller's Method, that in the energetic, structural and functional scope, they generate fields of analysis that, at their respective level, may find forms of expression through what can be observed, sought and theoretical.

MATRIX OF ANALYSIS OF A SOCIAL PHENOMENON

SOCIAL PHENOMENON / LEVELS OF ANALYSIS	OBSERVED EXPRESSION	SOUGHT EXPRESSION	THEORETICAL EXPRESSION
FUNCTIONAL	FUNCTION	PURPOSE	ROLE
STRUCTURAL	STRUCTURE	ARTICULATION	FORM
ENERGETIC	ENERGY	VITALITY	RESOURCES

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-- 47 --

The Social Dimensions and their forms of expression make up the Social Matrix of Analysis that explain a social phenomenon and give a consistent analytical base for its scientific interpretation.

The Social Phenomenon in its forms of expression involves an external demonstration which is sensitive to observation, and in its respective energetic, structural and functional dimension make it explicit the nature of their resources, the articulation of their forms and the sense of their role.

MATRIX OF LANGUAGE ANALYSIS (MUELLER)

ORAL COMMUNICATION	OBSERVED EXPRESSION	SOUGHT EXPRESSION	THEORETICAL EXPRESSION
LEVELS OF ANALYSIS	SPEECH	COMMUNICATION	LANGUAGE
FUNCTIONAL	PHRASE	MESSAGE	GRAMMAR
STRUCTURAL	WORD	IDENTITY	VOCABULARY
ENERGETIC	SOUND	VOICE	PHONETICS

ANALYSIS OF HUMAN BEHAVIOR

Once the social dimensions are defined and

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the Social Matrix of Analysis is established, we may interpret human behavior from an integral systematized point of view.

MATRIX OF BEHAVIOR ANALYSIS

SOCIAL BEHAVIOR	WHAT IS OBSERVED	WHAT IS SOUGHT	THEORETICAL VIEWPOINT
LEVELS OF ANALYSIS	ACTION	INTERACTION	BEHAVIOR
FUNCTIONAL	REASON	DEVELOPMENT	RATIONAL ORGANIZED
STRUCTURAL	FEELING	INTEGRATION	AFFECTIVE CONDITIONED
ENERGETIC	INSTINCTS	PRESERVATION	BIOLOGICAL TENDENTIAL

From the energetic, structural and functional dimension of the fields of analysis, we may infer the types of behavior which, at their respective level, are associated with a **BIOLOGICAL, AFFECTIVE** or **RATIONAL** response, depending on how instincts, feelings or reasoning prevail upon it.

IV.- DIMENSIONS OF BEHAVIOR

1. THE ENERGETIC DIMENSION

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In its energetic dimension, behavior is related to the physical constitution of the individual, which associated with the biological level, seeks to satisfy needs of preservation, inherent to its organic nature.

At this level, since factors of a biopsychical nature related to the existence of the human being and its preservation prevail in human behavior, it, being motivated by instincts, is expressed in a BIOLOGICAL-TENDENTIAL manner.

From the point of view of the stability of behavior, since needs of preservation which are vital to the individual are satisfied, at this level, Biological-Tendential manifestation involves the highest degree of social instability.

2.- THE STRUCTURAL DIMENSION

In its structural dimension, behavior is related to the emotional scope which, associated with the affective level, seeks to satisfy needs of integration, inherent to its human nature.

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At this level, because in behavior motivational factors of a psycho-social nature related to the perception of facts and to the system of values of the individual, group or system prevail, the individual and societal behavior becomes subjected to the motivational factors that condition it, expressing itself as such in an AFFECTIVE-CONDITIONED manner.

At a second level, as it satisfies needs of integration, behavior involves motivational aspects of a psycho-social nature; the stability of which is subject to the factors conditioning it.

3. THE FUNCTIONAL DIMENSION

In its functional dimension, behavior is related to the individual's intelectual sphere which, associated with a rational level and in an organized manner, seeks to satisfy the needs of development emerging from its social nature at the affective scope and those emerging from its organic nature, at the biological scope.

At this level, because in behavior, motivational factors of a social-cultural nature prevail,

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related to the rationality of the human being and with the system of values which identify him with his group or system, behavior involves in an organized, rational manner, cultural factors that explain the individual or societal degree of development.

From the point of view of the stability of behavior on a third hierarchical level, the individual and societal behavior - culturally expressed in a Rational-Organized manner - involves life-styles and habits which make it predictable and hence grant to behavior the highest degree of social stability.

DEGREES OF STABILITY OF BEHAVIOR

	INSTINCTS	FEELINGS	REASON	
UNSTABLE	INSTINCTIVE TENDENTIAL	AFFECTIVE CONDITIONED	RATIONAL ORGANIZED	STABLE

Human behavior, as a process emerging from social interaction, may be sensed in a continuum of stability, conditioned by motivational factors generating it, shifting from what is stable to what is unstable as reason, feelings or instincts prevail in its action. The motivational factors by which it is

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conditioned are of a bio-psychical, psycho-social and sociocultural nature and they appear respectively at the individual's physical, psychical and intellectual level.

V. PRIMARY FUNCTIONS OF BEHAVIOR

From the Social Matrix of Analysis in its sought Expression, we may conclude that all individuals, groups or systems, in their condition of being a Social Body and in their respective dimension, seek to preserve, integrate and develop themselves.

Said functions, which I define as Primary Functions of the Social Body are consubstantial to human nature and, as such, are present in the social reality.

The Primary Functions of a Social Body seek to satisfy individual and collective needs of the human being which emerge from his organic and social condition and are basic for the individual and societal development.

A.- THE FUNCTION OF PRESERVATION

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-- 53 --

As a primary activity of the individual, group or system in their energetical dimension, the function of preservation is related to the satisfaction of energetical needs that activate them and are vital for their existence.

At the individual level, the Primary Function of Preservation seeks to satisfy biological needs derived from the organic nature and which are basic for his existence.

At the societal level, the Primary Function of Preservation is related to the survival of the body or system which, as an organizational system, requires a minimum of resources and energy for the achievement of its objectives, that will allow to secure the assignment of its role.

At the societal level, the theoretical expression of the function of preservation becomes materialized in the ECONOMIC SYSTEM OF THE SOCIAL BODY.

At both levels, the Function of Preservation requires the primary condition of Security to insure the existence of the Social Body and to allow the

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generation of behaviors related to their growth and individual and/or societal development.

B.- THE FUNCTION OF INTEGRATION

As a primary activity of the individual, group or system, in their structural dimension, the function of integration is related to the satisfaction of needs of structuration and articulation which, in the process of social interaction, are basic for their growth and development.

At the individual level the Primary Function of Integration seeks to satisfy affective needs derived from the social nature of the individual and from his system of values which, in the process of interaction, leads him to become associated with others and to develop a sense of belonging.

As a primary function, integration involves an identification of values that structures the individual with his group or system.

At the Societal Level, the Primary Function of Integration is related to the mechanisms of articu-

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lation of the Social Body and to the structural components of the organization with which its system of norms identify, shape and provide themselves with cohesiveness.

At the societal level, the theoretical expression of the Function of Integration materializes in the PSYCHO-SOCIAL SYSTEM OF THE SOCIAL BODY.

At both levels, the Function of Integration requires the primary conditions of Solidarity by which the body or system is articulated and that makes it possible its social interaction.

C.- THE FUNCTION OF DEVELOPMENT

As a primary activity of the individual, group or system it is related in its functional dimension with the attainment of objectives and assignments of its role which grant a sense or "raison d'être" to the action of the individual, group or system.

At the individual level, the Function of Development leads the individual to, in an organized manner, satisfy by himself or together with his group,

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the needs which at the objective and subjective level are derived from the primary functions of preservation and integration.

The Primary Function of Development involves a degree of rationality or system of values in the nature of its action that conditions the individual in the rational and creative use of his resources which, made compatible with values and norms of his group or system, shape a lifestile and habits that characterize the individual and his culture.

At the societal level, the Primary Function of Development seeks to satisfy the needs of readaptation and changes derived from the environment and from technology.

As a cultural expression, the Function of Development is given by the capability of the organization to become adapted to the variables of the environment and, in a timely manner, incorporate scientific and technological breakthroughs that are a consequence of the surroundings in which the individual, group or system are immersed.

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-- 57 --

In its theoretical expression, this function is shaped in the Cultural-Political System of the Social Body.

At both levels, the function of development requires the primary condition of progress which, generated as a consequence of the readaptation process of the variables of the surroundings, promotes the dynamic balance to secure integral growth and harmonic development of the individual, group or system and by means of that way, the stability of the Social Body.

ANALYSIS OF THE SOCIAL REALITY

Once the Primary Functions of the individual, group or system are identified, we may observe that as Social Bodies, systems require for their stability primary conditions of Security to preserve them, Social Solidarity to integrate them and Progress to develop them.

Social stability is then sensed as a consequence of the condition of dynamic balance resulting from the satisfaction of primary needs of an individual and collective nature and which are basic for the

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integral growth and harmonic development of the individual, group or system.

Within this context, the State, as a Social Body, generates the Primary Institutions of which the role is to seek for the primary conditions of social stability.

MATRIX OF ANALYSIS OF SOCIAL REALITY

SOCIAL REALITY	REAL EXPRESSION	SOUGHT EXPRESSION	THEORETICAL EXPRESSION
	COUNTRIES	SOCIAL ORGANIZATION	STATES
FUNCTIONAL	GOVERNMENT	DEVELOPMENT	POLITICAL-CULTURAL SYSTEM
STRUCTURAL	POPULATION	INTEGRATION	PSYCHO-SOCIAL SYSTEM
ENERGETIC	RESOURCES	PRESERVATION	ECONOMIC-INDUSTRIAL SYSTEM

The Matrix of Analysis of the social reality in its energetic, structural and functional dimensions allows us to visualize the States as a theoretical expression of the countries which, in the observed reality, distinctively express the nature of their

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resources, population and governments.

ANALYSIS OF SOCIAL TENSION

When, due to incompetence of the System, the primary needs of Preservation, Integration and Development are not satisfied, the Social Body is thereby negatively affected in its conditions of stability (Security, Solidarity and Progress). Disfunctional behaviors to the System are then generated, which, in a rational-organized, affective-conditioned or biological-tendential manner seek to change the established order, distinctly expressing the climate of Social Tension.

MATRIX OF ANALYSIS OF THE SOCIAL CONFLICT

SOCIAL CONFLICT / LEVELS OF ANALYSIS	OBSERVED EXPRESSION	SOUGHT EXPRESSION	THEORETICAL EXPRESSION
	DISTURBANCE OF SOCIAL ORDER	SOCIAL CHANGE	SOCIAL TENSION
FUNCTIONAL	LEGAL ACTIONS	PETITION	(RATIONAL, ORGANIZED) INSTABILITY
STRUCTURAL	ILEGAL ACTIONS WITHOUT DAMAGES	PRESSURE	(AFFECTIVE-CONDITIONED) AGITATION
ENERGETIC	LEGAL ACTIONS WITH DAMAGES	IMPOSITION	(BIOLOGICAL-TENDENTIAL) VIOLENCE

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As Reason, Feelings or Instincts prevail in the action, climates of social tension are generated in a social context which I respectively define as INSTABILITY, AGITATION and VIOLENCE.

A.- CLIMATE OF INSTABILITY

In its forms of expression, Social Stability is featured by a social context in which individuals seek to solve their problems in harmony and a rational-organized manner.

A climate of Instability is generated when internal or external variables threaten the Primary Functions of Preservation, Integration and Development and, in the social context, when the Primary Conditions of Security, Solidarity and Progress of the System are seriously affected.

As a process, the climate of instability develops within the legal limits established by the social organization or system; it is rationally expressed through petitions and legal actions without damage to third parties.

B. CLIMATE OF AGITATION

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In its forms of expression, the climate of Agitation is featured by a context in which factors of Instability, Anxiety and Uncertainty exacerbate social behavior and which lead the individual to face the solution of his problems in a manner conditioned by his feelings.

The Climate of Agitation is generated when external and internal variables negatively affect the functions of Preservation, Integration and Development, thereby endangering the conditions of Security, Solidarity and Progress of the System.

As a process, the climate of Agitation develops within an illegal framework through which pressure groups with no physical damage to third parties are articulated and where affective behavior prevails.

C. CLIMATE OF VIOLENCE

In its ways of expression, the climate of Violence features a context within which the degree of exacerbation is such that it drives the individual, group or system to face the solution of his (their) problem irrationally, by means of its imposition by

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force.

The climate of Violence is generated when internal or external variables attempt against the Functions of Preservation, Integration and Development and the Primary Conditions which the system requires are adversely affected.

As a process, the Climate of Violence develops within an illegal framework through a generalized confrontation with physical damage to third parties, where tendential behavior prevails.

CLIMATES OF SOCIAL TENSION

	VIOLENCE	AGITATION	INSTABILITY	
	SOCIAL BEHAVIOR	SOCIAL BEHAVIOR	SOCIAL BEHAVIOR	
UNSTABLE	INSTINCTIVE TENDENTIAL	AFFECTIVE CONDITIONED	RATIONAL ORGANIZED	STABLE

PSYCHOPOLICY OF DESTABILIZATION

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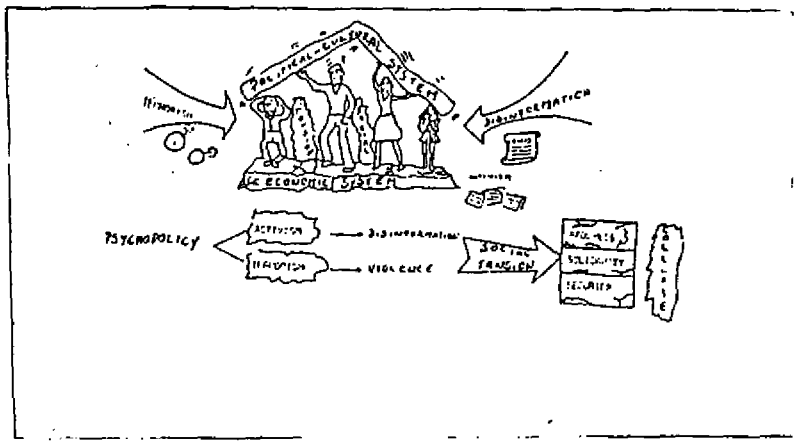
-- 63 --

PSYCHOPOLICY OF DESTABILIZATION



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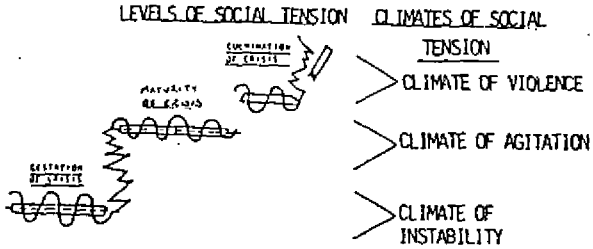

IN WITNESS WHEREOF, I have hereunto set my hand and seal in SANTIAGO, CHILE, on this 23rd day of June, 1987.

SILVIA RIVERA CARRERA
Ministerio de Relaciones Exteriores Chile
Traductora Oficial

THE OFFICIAL TRANSLATOR.

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Department of State

INCOMING TELEGRAM

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CA - Harty, Maura
Blake Davis
Guatemala

UNCLAS MEXICO 12729

FOR CA/OCS/CCS/ARA

E.O. 12356: N/A
TAGS: CASC, MX (BLAKE, NICHOLAS) (DAVIS, GRIFFIN)
SUBJECT: W/W CASE OF NICHOLAS BLAKE AND DAVIS GRIFFIN

REF: STATE 180085

1. EMBASSY FILE ON THIS CASE HAS NO INDICATION THAT ALFREDO INDA WAS INTERVIEWED REGARDING WHEREABOUTS OF NICHOLAS BLAKE. OFFICER WHO MADE INVESTIGATORY TRIP TO CHIAPAS, KEN GRASTY, IS NOW SERVING IN THE DEPARTMENT, CA/EX, AND MAY HAVE ADDITIONAL INFORMATION.

CA/EX/SA
663-1110

2. IF ANYONE CAN COME UP WITH MORE INFORMATION ABOUT INDA, ESPECIALLY HIS WHEREABOUTS, CONSULAR OFFICER MIGHT BE ABLE TO INTERVIEW HIM AS PART OF REGULARLY SCHEDULED PRISON VISIT TO CHIAPAS.

PILLIOD

CONSULAR AFFAIRS
1987 JUN 24 AM 7:33

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 07/03/95
Case ID: 95122215

1. ~~CHRON~~
2. ~~Don Knight~~

NH239 cc to Marilyn

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____

25-06-87 08:04

25 JUN 87 13:07 *
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EASYLINK 2269317A001 25JUN87 12:06/12:07 EST
FROM: TLX 350275 AMBARASSN CGO
TLX 270593 AMERICAN BAR
AMERICAN BAR ASSOCIATION
TO: 392240062

THE HONORABLE HARRY BARNES
U.S. AMBASSADOR TO CHILE
SANTIAGO, CHILE

DEAR AMBASSADOR BARNES:

FOLLOWING UP ON A PHONE CONVERSATION EARLIER TODAY WITH MARILYN MCAFEE, I WOULD LIKE TO EXTEND AN OFFICIAL INVITATION TO YOU ON BEHALF OF THE ABA'S COMMISSION ON INTER-AMERICAN AFFAIRS AND ITS CHAIRMAN FREDERICK ANDERSON TO PARTICIPATE IN A PROGRAM THE COMMISSION IS SPONSORING AT THE ABA ANNUAL MEETING IN SAN FRANCISCO IN AUGUST.

THE PROGRAM, +CONSTITUTIONALISM IN THE AMERICAS AND THE PROTECTION OF INDIVIDUAL RIGHTS,+ WILL TAKE PLACE TUESDAY, AUGUST 11, FROM 9:00 A.M. TO 12:00 NOON IN THE COMSTOCK ROOM OF THE SHERATON PALACE HOTEL. FRED ANDERSON, CHAIRMAN OF THE COMMISSION AND DEAN OF AMERICAN UNIVERSITY (DC) LAW SCHOOL, WILL SERVE AS THE MODERATOR.

THE FIRST PANEL WILL FOCUS ON A COMPARATIVE LOOK (CIVIL VS. COMMON LAW) AT DUE PROCESS IN THE AMERICAS AND HOW IT RELATES TO THE PROTECTION OF INDIVIDUAL RIGHTS. PROFESSOR TOM FARER OF THE UNIVERSITY OF NEW MEXICO LAW SCHOOL AND PROFESSOR ALEJANDRO GARRO OF COLUMBIA UNIVERSITY LAW SCHOOL WILL BE THE SPEAKERS.

THE SECOND PANEL WILL FOCUS ON THE ROLE AND RESPONSIBILITY OF LAWYERS IN UPHOLDING INDIVIDUAL RIGHTS. JUAN MENDEZ, DIRECTOR OF AMERICAS WATCH IN WASHINGTON, DC, AND DIANE ORENTLICHER OF THE LAWYERS COMMITTEE FOR HUMAN RIGHTS IN NEW YORK CITY, WILL BE THE

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WE WOULD LIKE TO ASK YOU TO BE THE KEYNOTE CONCLUDING SPEAKER DRAWING TOGETHER THE COMMENTS OF THE FOUR PANELISTS AND PRESENTING IDEAS AND PROPOSALS FOR WAYS IN WHICH LAWYERS IN THE AMERICAS CAN WORK TOGETHER TO ADVANCE THE RULE OF LAW IN THIS HEMISPHERE. GIVEN YOUR CURRENT POSITION AS U.S. AMBASSADOR TO CHILE AND YOUR WORK IN BEHALF OF HUMAN RIGHTS IN THE AMERICAS, WE KNOW YOU WOULD BRING A SPECIAL PERSPECTIVE TO OUR PROGRAM.

FOR YOUR INFORMATION, THIS PROGRAM WILL BE COSPONSORED BY THE SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES, THE SECTION OF INTERNATIONAL LAW 7 PRACTICE, THE SECTION OF GENERAL PRACTICE, THE STANDING COMMITTEE ON LAW AND NATIONAL SECURITY, THE STANDING COMMITTEE ON WORLD ORDER UNDER LAW, AND THE INTER-AMERICAN BAR FOUNDATION.

WE WOULD BE HAPPY TO PROVIDE ROUND-TRIP TRANSPORTATION FROM A U.S. PORT OF ENTRY, HOTEL ACCOMMODATIONS, AND FOOD AND LOCAL TRANSPORTATION EXPENSES. YOU MIGHT WISH TO CONSIDER ARRIVING SUNDAY, AUGUST 9, IN ORDER TO PARTICIPATE IN THE OPENING ASSEMBLY ON MONDAY MORNING AS WELL AS SEVERAL OTHER FUNCTIONS WHICH MIGHT BE OF INTEREST TO YOU.

I LOOK FORWAD TO HEARING FROM YOU AT YOUR EARLIEST CONVENIENCE.

SINCERELY,

VIRGINIA M. RUSSELL
DIRECTOR, INTERNATIONAL PROGRAMS COORDINATION OFFICE AND STAFF
LIAISON TO THE COMMISSION ON INTER-AMERICAN AFFAIRS.
AMERICAN BAR ASSOCIATION
TELEX: 270593

MMMM

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Dept. of State, RPS/IPS, Margaret P. Grafeld, Dir.
X Release ( ) Excise ( ) Deny ( ) Declassify
Date 1/27/02 Exemption

[redacted] MADRID 07558

E.O. 12356: N/A
TAGS: PTER, SP
SUBJECT: SPANISH MAGAZINE PREDICTS AL KASSAR EXPULSION

REF: DELL/HARRIS TELCON JUNE 25, 1987

1. (LOU) PER REQUEST IN REF TELCON, FOLLOWING IS A BRIEF SUMMARY OF RECENT SPANISH PRESS PLAY ON MILLIONAIRE SYRIAN BUSINESSMAN MUNZAR AL KASSAR. ARTICLES THEMSELVES HAVE BEEN POUCHED TO EUR/WE. WE HASTEN TO POINT OUT THAT THE INFORMATION PROVIDED IN THE TWO PART "TIEMPO" SERIES AND THE "INTERVIU" PIECE SHOULD BE TAKEN WITH A GRAIN OF SALT AS THE REPUTATION FOR EDITORIAL RIGOR IS NOT PARTICULARLY GOOD AT EITHER MAGAZINE.

2. (U) THE SPANISH NEWS/FEATURE MAGAZINE "TIEMPO" RAN A TWO PART SERIES ON SYRIAN EXPATRIATE BUSINESSMEN MUNZAR AL KASSAR IN ITS JUNE 15 AND 22 ISSUES. PART ONE CONCENTRATED PRINCIPALLY ON AL KASSAR'S ALLEGED CONNECTIONS TO THE TERRORIST AND DRUG UNDERWORLD. PART TWO RECAPITULATED SOME OF THE SAME INFORMATION ADDING THAT THE GOS IS ACTIVELY CONSIDERING THE EXPULSION FROM SPAIN OF AL KASSAR, ALTHOUGH THE AUTHORS HINTED

[redacted]

[redacted]

PAGE 02 MADRID 07558 261459Z

BROADLY THAT AL KASSAR MIGHT WELL BE ABLE TO BUY HIS WAY OUT OF TROUBLE.

3. (U) AMONG OTHER THINGS, SERIES AUTHORS CARLOS BELLO AND LUIS REYES LINKED AL KASSAR WITH THE FOLLOWING:

PARTICIPATION WITH ABU ABBAS IN THE 1978 KIDNAP OF SAUDI BUSINESSMAN HOUSNI SULEIMAN SCUDIAN.

WOUNDING OF PFLP COMMANDO ZAGUI AL HALOU IN MADRID IN OCTOBER 1984.

WOUNDING OF LEBANESE INTELLIGENCE OFFICER ELIAS JOUSSEF

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ASSAD AWAD IN MADRID IN NOVEMBER 1984.

1985 TERRORIST ATTACK IN THE JEWISH QUARTER OF PARIS.

RESCUE (USING HIS PRIVATE AIRPLANE) OF ABU ABBAS FROM YUGOSLAVIA AFTER THE ACHILLE LAURO HIJACKING.

STATED THAT THE AL KASSAR FAMILY IS CLOSE TO RIFAT AL ASSAD, BROTHER OF THE SYRIAN PRESIDENT.

INVOLVEMENT IN THE DRUG TRAFFIC.

SALE OF WEAPONS TO THE "CONTRAS" THROUGH A SUPPOSED CIA FRONT COMPANY IN PANAMA CALLED LAKE RESOURCES.

4. (U) "TIEMPO" ALSO CARRIED AN INTERVIEW WITH AL KASSAR AT HIS MILTI-MILLION DOLLAR ESTATE IN MARBELLA (MALAGA) IN WHICH HE ESSENTIALLY DENIED ALL CHARGES AGAINST HIM WHILE INSISTING THAT HE WAS NOTHING MORE THAN A BUSINESSMAN.

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PAGE 03 MADRID 07558 261459Z

5. (U) TWO OTHER SPANISH MAGAZINES ALSO CARRIED MENTIONS OF AL KASSAR DURING THE PAST FEW WEEKS. "INTERVIU" (A SOFT PORN/SCANDAL SHEET OWNED BY THE SAME EDITORIAL GROUP WHICH PUTS OUT "TIEMPO") CLAIMED IN ITS JUNE 24 ISSUE THAT AL KASSAR SOLD WEAPONS TO THE COUP PLOTTERS WHO ATTEMPTED TO TOPPLE THE GOVERNMENT IN SIERRA LEON LAST MARCH. "CAMBIO-16" MADE BRIEF MENTION IN ITS JUNE 29 ISSUE OF THE DEATH UNDER UNUSUAL CIRCUMSTANCES OF AL KASSAR'S 10 YEAR OLD SON. THE BOY WAS APPARENTLY KILLED WHEN AN ELECTRIC/ARMORED GARAGE DOOR CLOSED ON HIM. BARTHOLOMEW

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~~DCM~~ Don Knight

June 30, 1987

TO: Ambassador Barnes

FROM: Marilyn McAfee, RAO

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____

H239A.

SOME THOUGHTS FOR YOUR ABA SPEECH

I. INTRODUCTION

A. How pleased you are to have been invited to join their deliberations
There is no more important a group for the effective functioning of the U.S. judicial system than the collective total of its lawyers. Unlike other countries, from your ranks come not only the defense and the prosecution, but the judiciary as well, etc.....

B. Let me talk for a minute about why I think I am here--why I think I have been invited to participate in your deliberations, and what my perspective as U.S. Ambassador in a Latin American country might suggest about the importance of what is being discussed here today.

(here you might wish to cite problems in several countries in the hemisphere to document the critical situation in many Latin judicial systems. Thoughts include the take-over of the Palace of Justice in Bogota, perhaps the problem of the amnesty law in Argentina, the Letelier and Quintana-Rojas cases in Santiago, perhaps something in Mexico and El Salvador.

What all of these cases have in common, of course, is the need for justice and the difficulties faced in achieving justice in some of the countries in the Hemisphere. As a Chilean recently told me,"We have human rights. What we don't have is justice."(isn't that the Pepe quote you cited the other day to the Winsor group?)

C. We have just heard some very important presentations in the area of individual rights and law (summarize some key points)

D. What I would like to speak about briefly today is the need to be relevant--of the need to find ways to help build the kind of judicial systems that protect individual rights and make democratic government possible. Building alternatives is a slow process and your latin colleagues need and deserve your help and support.

E. Administration policy and programs

F The Need for private sector leadership and involvement

The Chile case....pre-1969 (Ford Foundation)
.....and now.
What is needed....the kinds of things that can be done
(I'll get you something further on this based on my thoughts and Cea's)

G. Wrap-up

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United States Department of State

Washington, D. C. 20520

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ACTION MEMORANDUM
S/S

CIA HAS NO OBJECTION TO
DECLASSIFICATION AND/OR
RELEASE OF THIS DOCUMENT
DATE: APR 2002
BY: 0664393

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[redacted]

TO : The Acting Secretary

FROM : ARA - Elliott Abrams
L - Abraham D. Sofaer

show pattern?

SUBJECT: Compliance with Human Rights Requirements of Contra Aid Legislation

ISSUE: Whether to approve an approach for dealing with the human rights and drug dealing requirements of the Contra aid legislation.

Discussion: The legislation providing $100 million in assistance for the Nicaraguan resistance provides inter alia that:

> "No assistance . . . may be provided to any group that retains within its ranks any individual who has been found to engage in --
>
> (1) gross violations of internationally recognized human rights . . .; or
>
> (2) drug smuggling or significant misuse of public or private funds." (Section 204 (B) of P.L. 99-591.)

don't have to engage in

suggests later time period

We have given considerable thought to how to implement these provisions. The attached memo at Tab A discusses the issues in some detail; its general thrust is summarized below. If you concur with the proposed approach, we will consult with the Agency, the Hill, and the White House. Once those consultations are complete, and any modifications called for have been made, we will prepare for your approval a final paper memorializing the policy.

Consideration must be given to both the process by which decisions will be made and the standards to be used for review.

[redacted]

MORI DocID: 754605

[redacted]

A. Decision-making Process:

(1) A judgment will be made by L and ARA as to whether any particular allegation of a human rights abuse merits an investigation for the purposes of the funding cut-off requirement, i.e. a Section 204 investigation. Generally, findings of the Independent Nicaraguan Human Rights Organization*/ (ANPDH) that members of NDR organizations have engaged in conduct which would constitute a gross violation of human rights (see standards below) will require such investigation. We will also be cognizant of information from intelligence gathering, press reports, and the work of the nascent military prosecutors office (fiscalia). (At Tab B there is a short memorandum on the progress being made in establishing the fiscalia.) We will give appropriate weight to information taking into account its nature, credibility and source. A Section 204 investigation will be initiated when we have sufficient, credible information to establish a prima facie case that a gross violation of internationally recognized human rights has occurred and that NDR personnel are responsible.

(2) If a difference of view develops between L and ARA as to whether sufficient credible information exists to merit a Section 204 investigation, the issue will be forwarded to P for a decision.

(3) Once the judgment is made to conduct a Section 204 investigation, a communication will be sent by ARA to the NDR organization concerned indicating the Department's intention to conduct an investigation, and where appropriate requesting that the individual/individuals allegedly involved be placed on an administrative leave status pending the review. The time frame for conducting the investigation will be noted and the organization and individual(s) concerned will be invited to offer evidence and argument regarding the allegations made.

*/ ANPDH is an organization headed by Marta Patricia Baltadano a respected attorney with a long and good track record for impartial and objective reporting of human rights violations under Samoza and the Sandinistas. We are currently funding ANPDH's operations. The NDR has previously made its personnel and records available to ANPDH investigations, although access

MORI DocID: 754605

[redacted]

(4) Action officers in L and in ARA will be responsible for preparing a final case report. They will seek to investigate the basis for the allegations and any defenses offered.

(5) Based on the case report, L and ARA will prepare a memorandum for your decision as to whether the evidence supports a finding that a member or members of a NDR organization receiving US funds have committed gross violations of human rights.

(6) In the event you find that a member(s) of a USG-funded NDR organization has engaged in gross violations of human rights, a letter will be sent to the organization (copy to the Agency) informing it of the finding, and advising it that if the subject individual(s) does not leave its ranks within one week, US assistance will be suspended so long as the individual(s) is retained in its ranks.

B. Applicable Standards:

In administering this provision of law, our judgment is limited to deciding whether to terminate assistance; we are not engaged in a criminal prosecution which will result in the incarceration of individuals. Thus, while we must act consistent with fundamental principles of fairness and due process in light of the circumstances presented, we should not adhere to the rigorous standards of proof which would apply in a criminal proceeding.

1. In making the initial determination to conduct a Section 204 investigation we will need to ask a basic question: given what we understand to be the case based upon credible information, does it appear that there is an individual in the ranks who has engaged in "gross violations of internationally recognized human rights"? Thus, in the first instance, there must appear to be a prima facie case based upon credible information that would warrant termination of aid. Generally, in making the initial judgment we would be guided by the following principles:

a) the alleged abuse involves torture or cruel, inhuman or degrading treatment, prolonged clandestine detention or other flagrant and unjustified denial of the right to life, liberty, or security of person

[redacted]

MORI DocID: 754605

[redacted]

(rough treatment of prisoners, failure to follow appropriate procedures that do not result in serious abuses of the person would not be considered a "gross" violation);

b) we would give the greater weight, emphasis and attention to alleged violations subsequent to resumption of U.S. humanitarian assistance in August 1985, while not disregarding previous actions where sufficient credible information appears to exist to make further investigation worthwhile;

c) we would be guided by the standard of "a preponderance of evidence" rather than a "reasonable doubt" standard.

We note in this connection that some of the findings in the recent ANPDH human rights report (attached) would appear to warrant a Section 204 investigation. (In particular, the ANPDH finding that certain NDR personnel summarily executed captured Sandinista soldiers near Cuapa in 198_ warrants an investigation in our judgment.)

2. Once an investigation is underway we would make every effort to examine the underlying evidence upon which an allegation is based. This includes the evidence relied upon by ANPDH in reaching its conclusions/findings. An opportunity should be given the individual(s) in question to respond specifically to the allegation and to the evidence upon which it is based.

3. The final judgment will be based upon the principles in (1) above; as well, it must also take into account any local disciplinary action that might have been taken by local forces. While the law does not mention appropriate local discipline as a reason not to terminate funding, we believe it would be consistent with the law's intent not to terminate funding to an organization which retains an individual in its ranks for the purpose of administering discipline. However, we would insist that the individual not participate in any military activities during the period of disciplinary proceedings and be expelled once all disciplinary proceedings (including incarceration if any) had been completed.

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MORI DocID: 754605

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RECOMMENDATION:

That you approve this proposed course of action and that we proceed to refine this proposal as noted above.

Approve _____ Disapprove _____

DACS

[redacted]

MORI DocID: 754605

Attachment A

July 9, 1987

[redacted]
MEMORANDUM

~~TO: ARA - Mr. Abrams~~

~~FROM: L - Abraham D. Sofaer~~

SUBJECT: Compliance with Human Rights Requirements of Contra Aid Legislation

The legislation providing $100 million in assistance for the Nicaraguan resistance provides inter alia that

> "No assistance . . . may be provided to any group that retains in its ranks any individual who has been found to engage in --
>
> > "(1) gross violations of internationally recognized human rights . . . ; or
> >
> > "(2) drug smuggling or significant misuse of public or private funds."
> >
> > (Section 204(B) of P.L. 99-500)

This seemingly simple provision raises several legal questions. What actions are covered? What is the time period involved? What standard of proof is required? By what process do we "find" that an individual has acted improperly? What is the role of the ANPDH or the resistance in that process? What weight should be given to various other sources of information?

Acts covered

Section 204 does not contain a definition of what actions constitute "gross violations of internationally recognized human rights." This phrase has, however, been defined in another foreign affairs context. Although that definition may not be applicable in every detail in this case, it would be appropriate to refer to other uses of such a phrase for guidance as to Congress' intentions.

[redacted]
DECL: OADR

MORI DocID: 754605

[redacted]

FAA section 502B(D)(1) defines the term "gross violations of internationally recognized human rights" to include "torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges and trial, causing the disappearance of persons by the abduction and clandestine detention of those persons, and other flagrant denial of the right to life, liberty, or the security of person . . . "

The essence of this definition is that certain categories of actions are considered inexcusable attacks on the "right to life, liberty, or the security of person." [MGK requested reference to reg~~ula~~tement definition and comments. PO's note read something like: note on what is c'd violation , i.e., torture, not roughing up.] [Martiga].

Application of this definition to resistance activities may not always be appropriate. For example, prolonged detention without trial, while always highly undesirable, is more readily characterized as a gross violation of human rights in the case of a government with power and institutions permitting it to conduct trials readily than in that of a rebel force operating in the jungle. It is noteworthy as well that the definition quoted above does not include every offensive but less serious action (for example, unwarranted roughness in conducting arrests or interrogations) which would be considered unacceptable in this country. While it is incumbent on us to discourage this latter category of actions, the law does not require termination of assistance to a resistance organization if it does not expel from its ranks persons conducting such actions.

The legislation refers only to "gross violations" and not, as elsewhere in foreign affairs legislation, to "a consistent pattern" of gross violations. This suggests that individual acts of misbehavior may require expulsion. The law also refers to drug smuggling and misuse of public or private funds. We offer no special definition of these terms (nor do we consider one necessary), but believe that actions falling under these categories should be addressed in the same manner as human rights abuses.

Period of time covered.

The law does not specify the period of time during which the gross violations of human rights or other improper acts must have occurred if they are to trigger termination of assistance, and we do not believe it possible to provide a definitive cutoff date. In particular, we see no legal merit in the proposition that the law applies only to actions taking

[redacted]

MORI DocID: 754605

[redacted]

place since enactment of the legislation last October, or since resumption of U.S. humanitarian assistance in August 1985.

On the other hand, the law is intended to address the perceived problem that human rights abusers continue to enjoy positions of authority within resistance ranks. Congress apparently seeks to have the USG pressure the resistance to expel such persons, so they do not feel free to continue their misdeeds. Given the limited resources available for pursuing investigations, and the difficulty of obtaining evidence of long-past events, we could reasonably focus on recent activities. Past activities forming part of a pattern continuing to the present should, of course, be examined, as well as particularly egregious actions taken by current resistance members. To the extent that resumption of U.S. humanitarian assistance in August 1985 is seen as a watershed in our relationship to the resistance, a pragmatic case might be made for devoting greater attention to events happening after that date than before.

Process for "finding" misconduct

The law does not specify how an individual is to be "found" to have transgressed its terms. Use of the term "found", however, implies a process of investigation and review of the evidence. The USG must act in making such findings consistent with fundamental principles of due process in light of the circumstances presented. We should proceed according to consistent standards and properly balance concepts of due process and substantive justice in reaching conclusions in cases arising under this section.

Standard of proof. This law is a funding bill, not a criminal statute, and the sanction for "violating" its terms is withholding of a benefit from an organization rather than depriving an individual of his freedom. Moreover, Congress necessarily acted with an awareness that it is virtually impossible in current circumstances to develop the kind of evidentiary record that would be required for a criminal trial in the United States. It would accordingly be inappropriate to read into the law a requirement that findings be made only if proved "beyond a reasonable doubt." We believe a more appropriate standard is that the misdeed be demonstrated by a "preponderance of the evidence" -- i.e., that on balance the credible evidence leads to the conclusion that a gross human rights violation took place.

Although any finding that assistance must be cut off will likely be interpreted widely, if inaccurately, as a conclusive

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statement that gross human rights abuses have been proved, the desire to avoid such misunderstandings is not an adequate basis for applying a higher standard of proof than that described above.

Who makes the finding. The law does not specify how the finding is to be made, or by whom. Given the preeminent policy role given the Secretary of State by the legislation, it is our view that this finding is properly to be made by the Secretary or his designee.

Under the law it is the responsibility of the USG, not the resistance forces, ANPDH, or any other outside entity, to make the "finding" that an individual has committed gross violations of human rights (potentially) requiring a cut-off. When in possession of information sufficient to make a finding, the confidence we repose in ANPDH will normally permit us to rely on its investigation rather than expend major efforts to conduct our own parallel investigations. Of course, this judgment would have to be reexamined were there any firm reason to believe that ANPDH is not conducting thorough, unbiased and professional investigations. As in our own courts, moreover, we should expect from ANPDH, not merely its conclusions, but also its findings, and the evidence ~~upon you~~ which it relies.

Role of the fiscalia. The resistance is in the process of establishing a fiscalia for the purpose of investigating and trying both human rights abuses and the broader category of offenses by resistance members against military discipline. We have been working with them in this effort, but -- especially in light of the recent friction between ANPDH and the resistance which is in part responsible for the current fiscalia activity -- cannot at this point predict when the fiscalia will be in place or how vigorous, credible or wideranging its activities may be.

We should be prepared, however, to place reliance on the fiscalia in making determinations of human rights abuses as soon as it has established a track record of credible investigation and prosecution of such abuses by resistance personnel. Until then, we could not appropriately defer making our own findings.

The resistance apparently intends that the fiscalia in time wholly duplicate the investigatory functions now being conducted by ANPDH, and that ANPDH in the end have no role with respect to allegations of resistance abuses. We should

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MORI DocID: 754605

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have no objection in principle to such a development. Indeed, it is highly desirable that the resistance effectively and credibly police itself, and helping the resistance develop and apply such a capacity is among our principal policy goals. It was the prolonged failure of the resistance to police itself, however, which led to creation of the ANPDH and enactment of section 204. Even if fiscalia reports came to be accepted as credible, we may well decide to continue our own parallel activities.

Special Atlantic Coast problems. The Indian and other Atlantic Coast resistance organizations may present special problems. At this time, there is no human rights organization or fiscalia with adequate jurisdiction to investigate human rights abuses by these groups. Moreover, these groups are far less well organized than the major forces, and it is not clear that the command structure is capable of forcing cooperation by Indian or Atlantic Coast commanders and troops with a human rights investigation or resulting sanctions. Finally, it appears that through an essentially democratic process the Rus Rus assembly decided to "forgive and forget" with respect, notably, to accusations of human rights abuses leveled against Steadman Fagoth.

As a result, it will be far more difficult to work through the structures of indigenous resistance organizations than to work with other resistance forces, and the USG will likely have to take a direct role in pursuing allegations of abuses and removing wrongdoers from the ranks of Atlantic Coast resistance groups. We may face difficult decisions in the event a group proves unable to remove a wrongdoer.

Other information sources. In the final analysis, our finding must be made on the basis of information we ourselves conclude is credible. Many potential sources of such information exist.

Inquiries are often set in train by press allegations -- some of which contain a germ of truth but many of which are so distorted that they cannot serve as an independent basis for concluding that gross human rights abuses have taken place. We believe, in fact, that press accounts alone cannot responsibly be relied on to trigger a section 204 cutoff. Allegations made by credible news organizations and reporters should, however, be investigated with care.

[redacted]

[redacted]

Embassy Managua reporting is another important asset, since it is the only direct and unfiltered information available to us from non-resistance sources in the field. The Embassy is, moreover, often able through careful examination to extract useful information from the GON, internacionalistas and other unsympathetic parties. It goes without saying that other agency resources are potentially extremely useful in some cases. Similarly, State and other agency representatives in Honduras can obtain important information from resistance headquarters as well as from participants in particular events.

Our basic pool of information in each case will consist of a mix from the above sources, in addition to information provided by ANPDH and eventually the fiscalia. Some cases may be so clear that we can and must act immediately. In many cases, however, the accused should be allowed to challenge charges against him. (We must also, of course, inform the organization itself of our conclusions, since it must act to remove the individual. In most cases, it will already be aware of the accusations and may have helped investigate them.) A two-week period would appear adequate in most cases. During that period, when reasonable grounds exist to believe that a violation of the applicable standard has occurred, the accused should be placed on the equivalent of administrative leave -- with no involvement in resistance activities -- rather than being suspended or purged.

Conclusions

Section 204 requires that the USG cut off assistance to a resistance group whenever it concludes that the group has failed to discipline a member who has engaged in gross human rights abuses. The standard for making this finding should be that of a preponderance of the evidence; proof beyond a reasonable doubt is not required. On some occasions it may be appropriate to rely on ANPDH to investigate alleged abuses and to accept that organization's conclusion that an individual is innocent of wrongdoing, but it is not yet appropriate to give similar weight to findings of the nascent resistance fiscalia. The USG should pursue credible allegations of human rights abuses through all reasonable means and sources.

[redacted]

[redacted]

MORI DocID: 754605

Drafted:L/ARA:PMOlson
8/7/87 Doc. HRTGOOD

Date Printed: 01/27/1998 DOC_NUMBER: 87USVIEN00704 CHANNEL: n/a 44

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PAGE 01 USVIEN 00704 01 OF 06 101524Z
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UNCLAS SECTION 01 OF 06 USVIENNA 00704

STATE PASS TO L. GALLINI, IO/SCT
DOE PASS TO P.N. BRUSH, IE-13
NRC PASS TO R. HAUBER, IP

FROM UNVIE MISSION

E.O. 12356: N/A
TAGS: IAEA, ENRG, TRGY, KNNP, MNUC, KSCA
SUBJECT: IAEA POST-CHERNOBYL SAFETY PROGRAM

REF: STATE 010067

1. ACTION REQUESTED SEE PARA 4.

2. IN RESPONSE TO REFTEL MISSION HAS DEVELOPED WITH AGENCY AN EXECUTIVE SUMMARY AND STATUS REPORT ON ITEMS LISTED IN PARA. 3 REFTEL. BECAUSE OF THE NATURE OF THE LIST, THERE IS SOME OVERLAP IN MATERIAL PROVIDED FOR THE VARIOUS HEADINGS. INFORMATION PROVIDED IS CURRENT AS OF 06/01/87:

3. TEXT OF REPORT FOLLOWS: BEGIN TEXT.

- (1). OPERATIONAL SAFETY REVIEW TEAMS (OSARTS)
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PAGE 02 USVIEN 00704 01 OF 06 101524Z

UNDER THE OSART PROGRAM, A TEAM OF EXPERIENCED EXPERTS IS INVITED TO VISIT A PARTICULAR PLANT AND TO PROVIDE

AN INTERNATIONAL PERSPECTIVE ON HOW THOSE RESPONSIBLE AN ENHANCE OPERATIONAL SAFETY AT THAT PLANT.

THE EXPERTS ARE RECRUITED FROM NUCLEAR POWER PLANT OPERATING ORGANIZATIONS AND REGULATORY BODIES, AS WELL AS FROM THE IAEA STAFF.

OSART REVIEWS ADDRESS EIGHT AREAS:

- MANAGEMENT ORGANIZATION AND ADMINISTRATION
- PERSONNEL TRAINING AND QUALIFICATIONS
- CONDUCT OF OPERATIONS
- MAINTENANCE
- TECHNICAL SUPPORT
- RADIATION PROTECTION
- PLANT CHEMISTRY
- EMERGENCY PLANNING AND PREPAREDNESS

REVIEW GUIDELINES HAVE BEEN DEVELOPED AND ARE IN USE IN DRAFT FORM, WITH PUBLICATION EXPECTED THIS YEAR. (MISSION WILL PROVIDE COPY TO NRC, R.HAUBER.)

AS OF MAY 1987, 18 MISSIONS HAVE BEEN COMPLETED:

- 1983: 1
- 1984: 2
- 1985: 4
- 1986: 6
- 1987: 5 (TO DATE)

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PAGE 03 USVIEN 00704 01 OF 06 101524Z

THE 1986 MISSIONS WENT TO MEXICO (LAGUNA VERDE PRE-OPERATIONAL), FINLAND (OLKILUOTO), SWEDEN (BARSEBAECK), NETHERLANDS (BORSSELE), FRG (BIBLIS) AND ROK (KO-RI).

THE 1987 MISSIONS SO FAR HAVE BEEN TO MEXICO (LAGUNA VERDE FOLLOWUP), FRG (KRUMMEL), ITALY (CAORSO), NETHERLANDS (BORSSELE FOLLOWUP AND DODEWAARD).

MISSIONS ARE SCHEDULED TO CANADA (PICKERING, JUNE 1-19), USE (CALVERT CLIFFS, AUGUST 10-28), FRG (PHILLIPSBURG, NOV 2-20) AND SPAIN (ALMARAZ, NOV 30-DEC 18).

OART REPORTS ARE SENT TO THE NATIONAL AUTHORITIES WHO MAY AUTHORIZE THEIR RELEASE. THE BARSEBACK, BORSSELE AND BIBLIS REPORTS HAVE BEEN SO CLEARED.

US. PARTICIPATION HAS BEEN TWO-FOLD: THROUGH U,S.-ORIGIN IAEA STAFF (FORMERLY TWO, FROM NRC AND INPO, NOW ONE, FROM INPO) AND THROUGH AD HOC EXPERTS (14 OUT OF 102 NON-IAEA EXPERTS IN THE 18 MISSIONS TO DATE).

- (2). RADIATION PROTECTION ADVISORY TEAMS
- (RAPATS)

RAPATS REVIEW MEMBER STATE BASIC CAPABILITY TO PROVIDE RADIATION PROTECTION IN HANDLING, STORING, TRANSPORTING AND DISPOSING OF RADIOACTIVE MATERIALS, AND TO COPE WITH RADIOLOGICAL EMERGENCIES THAT MAY

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PAGE 01 USVIEN 00704 02 OF 06 101525Z
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UNCLAS SECTION 02 OF 06 USVIENNA 00704

STATE PASS TO L. GALLINI, IO/SCT
DOE PASS TO P.N. BRUSH, IE-13
NRC PASS TO R. HAUBER, IP

FROM UNVIE MISSION

E.O. 12356: N/A
TAGS: IAEA, ENRG, TRGY, KNNP, MNUC, KSCA
SUBJECT: IAEA POST-CHERNOBYL SAFETY PROGRAM

ARISE.

TO DATE, 21 RAPAT MISSIONS HAVE BEEN COMPLETED:

- 1984: 2
- 1985: 4
- 1986: 11
- 1987: 4 (TO DATE)

THE 1986 RAPATS WENT TO DOMINICAN REPUBLIC, ECUADOR, EGYPT, ICELAND, KENYA, MEXICO, PANAMA, PORTUGAL, VENEZUELA, ZAIRE AND ZAMBIA.

IN 1987 RAPATS HAVE GONE TO COLOMBIA, PERU, SUDAN AND
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PAGE 02 USVIEN 00704 02 OF 06 101525Z

TANZANIA, AND FIVE MORE ARE SCHEDULED, TO PHILLIPINES (JUNE), ROK (JUNE), GREECE (OCT.), JORDAN (NOV.), AND SYRIA (DEC.).

U.S. PARTICIPATION: 3 OUT OF 22 NON-IAEA EXPERTS.

- (3). SAFETY MISSIONS TO DEVELOPING COUNTRIES

SEVERAL OF THE OSART MISSIONS AND ALMOST ALL OF THE RAPAT MISSIONS NOTED ABOVE ARE RELEVANT. OTHER RELEVANT SAFETY MISSIONS INCLUDE:

- INTEGRATED SAFETY ASSESSMENT MISSIONS TO RESEARCH
- REACTOR FACILITIES. IN 1986, FOR EXAMPLE, MISSIONS
- WENT TO 12 FACILITIES IN 8 COUNTRIES: CHILE, EGYPT,

- GREECE, INDONIESIA, JAMAICA, MALAYSIA, MEXICO AND
- SPAIN;

- A VARIETY OF MISSIONS ARE UNDERTAKEN ON SPECIAL
- TOPICS IN NUCLEAR SAFETY AND RADIATION PROTECTION.
- IN 1986, FOR EXAMPLE, NUCLEAR POWER PLANT SITING
- MISSIONS WENT TO 5 COUNTRIES AND ASSISTANCE WAS PROVIDED TO AN INTERREGIONAL PROJECT ON SEISMIC DATA COLLECTION.

OTHER RELEVANT ACTIVITIES INCLUDE AN IAEA-CO-ORDINATED PSA RESEARCH PROGRAM, INCLUDING CASE STUDIES ON THE SAFETY CHARACTERISTICS OF SPECIFIC RESEARCH REACTORS, WITH 10 COUNTRIES PARTICIPATING.

THE AGENCY ALSO PROVIDES CONSIDERABLE TRAINING SUPPORT TO THESE COUNTRIES. NUCLEAR SAFETY TRAINING SUPPORT IN 1986 INCLUDED A TWO-WEEK WORKSHOP IN CHINA USING

THE NUSS DOCUMENTS. RADIATION PROTECTION TRAINING SUPPORT INCLUDING: 3 INTERNATIONAL TRAINING COURSES; SUPPORT TO MEMBER STATE TRAINING PROGRAMS; SPONSORSHIP OF 4 REGIONAL MEETINGS; SUPPORT OF 60 FELLOWS AND SCIENTIFIC VISITORS; AND 8 MISSIONS AND 10 COURSES ON RADIATION PROTECTION SERVICES. THE U.S. FULLY SUPPORTS THIS PROGRAM BY SUPPLYING FELLOWSHIPS AND LECTURERS AND BY PROVIDING MAJOR COURSES AT REGULAR INTERVALS AT THE ARGONNE AND SANDIA NATIONAL LABORATORIES.

- (4). TECHNICAL ASSISTANCE PROJECTS IN POWER
- REACTOR SAFETY OR REGULATORY DEVELOPMENT

IN ADDITION TO THE MISSIONS AND TRAINING OUTLINED IN ITEM 3 ABOVE, AGENCY SAFETY PERSONNEL ARE INVOLVED IN MORE THAN A HUNDRED PROJECTS EACH YEAR IN THE AGENCY'S TECHNICAL CO-OPERATION PROGRAM ON A WIDE RANGE OF NUCLEAR SAFETY AND RADIATION PROTECTION SUBJECTS NEEDS OF MEMBER STATES. EXAMPLES INCLUDE "COMPUTER-AIDED SAFETY ANALYSIS" IN YUGOSLAVIA AND "RADIATION SAFETY OF NUCLEAR POWER PLANTS" IN THE REPUBLIC OF KOREA.

PARTICIPATION BY U.S. EXPERTS IN THESE PROJECTS CONSTITUTED ABOUT 20 PERCENT OF THE TOTAL EFFORT.

- (5). INCIDENT REPORTING AND ANALYSIS

A. IAEA INCIDENT REPORTING SYSTEM (IAEA-IRS):

- PARTICIPATING ARE 24 OF 25 MEMBER STATES WITH

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PAGE 01 USVIEN 00704 03 OF 06 101526Z
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R 101711Z JUL 87
FM USMISSION USVIENNA
TO SECSTATE WASHDC 0853
DOE HQS WASHDC
NRC WASHDC

UNCLAS SECTION 03 OF 06 USVIENNA 00704

STATE PASS TO L. GALLINI, IO/SCT
DOE PASS TO P.N. BRUSH, IE-13
NRC PASS TO R. HAUBER, IP

FROM UNVIE MISSION

E.O. 12356: N/A
TAGS: IAEA, ENRG, TRGY, KNNP, MNUC, KSCA

SUBJECT: IAEA POST-CHERNOBYL SAFETY PROGRAM

- OPERATING PLANTS. SOME PARTICIPATE IN IAEA-IRS
- DIRECTLY AND SOME (INCLUDING THE U.S.) THROUGH NEA.
- ONE, JAPAN, ACTIVELY PARTICIPATES BUT IS OFFICIALLY AN OBSERVER. (SOUTH AFRICA IS NOT A PARTICIPANT.)

CLOSE COOPERATION IS MAINTAINED WITH NEA IN OPERATION OF THE NEA-IRS FOR OECD COUNTRIES AND IN EVALUATION OF REPORTS UNDER THE TWO SYSTEMS.

THE SYSTEM SEEKS INFORMATION ON "UNUSUAL EVENTS OF SAFETY SIGNIFICANCE". THESE MAY BE "ACCIDENTS" ("INVOLVE SIGNIFICANT DAMAGE"), "INCIDENTS" ("COULD HAVE LEAD TO ACCIDENT") AND NOW, UNDER AN EXPANDED SCOPE, "DEVIATIONS" ("COULD HAVE LEAD TO AN INCIDENT UNCLASSIFIED

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PAGE 02 USVIEN 00704 03 OF 06 101526Z

OR ACCIDENT").

THE IAEA-IRS DEFINITIONS ARE DESIGNED TO BE COMPATIBLE WITH NATIONAL AND OTHER INTERNATIONAL REPORTING SYSTEMS, BUT MAY NOT BE IDENTICAL WITH THE TERMS USED IN THE OTHER SYSTEMS, E.G., THE U.S. TERM "LICENSEE EVENT".

CONSULTANTS HAVE DRAFTED AN IAEA SAFETY SERIES GUIDE FOR UNIFORM REPORTING. (COPY AVAILABLE IN USNRC-AEOD.)

IN 1986 THE IAEA-IRS RECEIVED 78 REPORTS (A TOTAL OF 264 SINCE 1983, INCLUDING 73 FROM NON-OECD COUNTRIES.)

FIVE IAEA-IRS MEETINGS WERE HELD IN 1986 TO DISCUSS AND EVALUATE REPORTED INCIDENTS, AND THE FIRST "I CIDENT REPORT REVIEW" WAS ISSUED. (COPY OF THIS "RESTRICTED DISTRIBUTION" DOCUMENT IS AVAILABLE IN USNRC-AEOD.)

THE SYSTEM IS BEING STRENGTHENED BY LOWERING THE REPORTING THRESHOLD TO INCLUDE SAFETY-SIGNIFICANT "DEVIATIONS" AND BY UPGRADING THE QUALITY OF REPORTS.

B, ASSESSMENT OF SAFETY SIGNIFICANT EVENTS TEAM
- PROGRAM (ASSET):

AN ASSET TEAM IS INVITED TO A NUCLEAR POWER PLANT TO STUDY IN-DEPTH ONE OR MORE SAFETY-SIGNIFICANT EVENTS SELECTED BY NATINAL AUTHORITIES, AND TO ASSESS THEIR DIRECT CAUSES A
ND ROOT CAUSES AND THE APPROPRIATENESS
OF CORRECTIVE ACTIONS TAKEN.
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PAGE 03 USVIEN 00704 03 OF 06 101526Z

PROGRAM METHODOLOGY WAS TESTED AT YUGOSLAVIA'S KRSKO PLANT IN DEC. 1986. THE PROGRAM IS NOW FULLY AVAILABLE. IN 1987 TWO OR MORE MISSIONS MAY BE UNDERTAKEN.

C. PERFORMANCE INDICATORS:

THE AGENCY HAS DEVELOPED PERFORMANCE INDICATOR METHODOLOGY WHICH IS NOW AVAILABLE FOR USE AS AN ADDITIONAL SAFETY ASSESSMENT TOOL IN OSART MISSIONS.

- (6). NUCLEAR SAFETY STANDARDS (NUSS)

THE LAST GUIDES IN THE NUSS PROGRAM, BEGUN A DECADE AGO, WERE ISSUED IN 1986. THESE GUIDES COVERED: NUCLEAR POWER PLANT FOUNDATIONS, DESIGN PRINCIPLES, COOLANT AND ASSOCIATED SYSTEMS, CORE DESIGN, EFFLUENT AND WASTE MANAGEMENT, AND QA IN COMMISSIONING AND OPERATION.

THERE ARE 5 CODES WITH 55 GUIDES. (THESE ARE AVAILABLE IN USNRC-RES.) TO PROVIDE PRACTICAL ADVICE ON NUSS IMPLEMENTATION, A SERIES OF MORE DETAILED IMPLEMENTING DOCUMENTS ARE BEING WRITTEN.

TO SUPPLEMENT NUSS USE FOR OPERATIONS, FOR EXAMPLE, MANUALS ON MAINTENANCE OF IMPORTANT SAFETY SYSTEMS AND COMPONENTS AND ON ASSESSING EMERGENCY POWER SUPPLY WRE ISSUED, AND MANUALS ON IN-SERVICE INSPECTION AND CORROSION CONTROL WERE BEGUN.

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PAGE 01 USVIEN 00704 04 OF 06 101526Z
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UNCLAS SECTION 04 OF 06 USVIENNA 00704

STATE PASS TO L. GALLINI, IO/SCT
DOE PASS TO P.N. BRUSH, IE-13
NRC PASS TO R. HAUBER, IP

FROM UNVIE MISSION

E.O. 12356: N/A
TAGS: IAEA, ENRG, TRGY, KNNP, MNUC, KSCA
SUBJECT: IAEA POST-CHERNOBYL SAFETY PROGRAM

IN 1987 CONSULTANT GROUPS REVIEWED THE NUSS CODES IN LIGHT OF THE CHERNOBYL EVENT AND, BASED ON THEIR SUGGESTIONS, AN ADVISORY GROUP HAS DRAFTED A REVISION FOR MEMBER STATE COMMENT. THE GUIDES CAN THEN BE ADJUSTED ACCORDINGLY AND UPDATED IN LIGHT OF MORE RECENT TECHNICAL DEVELOPMENTS.

THE AGENCY IS SEEKING ACCEPTABLE WAYS BY WHICH MEMBER STATES CAN EVIDENCE RECOGNITION OF NUSS AS AN

INTERNATIONAL BASIS FOR SAFETY.

U,S. PARTICIPANTS HAVE BEEN IMPORTANT CONTRIBUTORS TO THE NUSS PROGRAM.

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PAGE 02 USVIEN 00704 04 OF 06 101526Z

- (7). SAFETY ANALYSIS OF POWER REACTORS
IAEA'S WORK IN THIS GENERAL AREA SUPPLEMENTS ITS EFFORTS ON OPERATIONAL SAFETY AND COVERS A WIDE RANGE OF ACTIVITIES, OF WHICH THE FOLLOWING ARE EXAMPLES:

A. COMPUTER CODES FOR SAFETY ANALYSIS:
IN 1986 ADDITIONAL ADVANCED CALCULATIONAL CODES WERE MADE AVAILABLE ON THE IAEA COMPUTER AND CODES WERE USED BY 30 EXPERTS TO ANALYZE PLANTS IN 4 COUNTRIES. WITH THE HUNGARIAN NATIONAL ACADEMY OF SCIENCES, IAEA SPONSORED A STANDARD PROBLEM EXERCISE ON A LOSS OF COOLANT ACCIDENT SIMULATED IN AN EXPERIMENTAL FACILITY AT HUNGARY'S CENTRAL RESEARCH INSTITUTE FOR PHYSICS; A FOLLOWUP WORKSHOP WAS HELD AND A SECOND EXERCISE PLANNED.

B. RISK ASSESSMENT:
IAEA WORK AIMS TO REFLECT OPERATING EXPERIENCE IN PROBABILISTIC SAFETY ASSESSMENTS (PSAS), TO PREPARE USER GUIDANCE, AND TO HELP STANDARDIZE PSAS FOR RESULTS COMPARABILITY. INTERREGIONAL TECHNICAL COOPERATION ON PSA FOR ACCIDENTS BEYOND DESIGN BASIS CONTINUED AND WAS EXTENDED TO INCLUDE RESEARCH REACTORS. AN UPDATED STATUS REPORT ON MEMBER STATE PROBABILISTIC SAFETY CRITERIA IS PLANNED. A KEY FOCUS OF IAEA PSA EFFORTS IS ENCOURAGING THE USE OF ON-LINE PSA SYSTEMS, SUCH AS THE PRISIM SYSTEM DEVELOPED FOR THE USNRC.

C. PLANT AGEING:
AN IAEA TECHNICAL COMMITTEE CONSIDERED AGEING EFFECTS ON COMPONENTS, SYSTEMS AND STRUCTURES, A SUBJECT OF INCRESING IMPORTANCE AS MORE PLANTS APPROACH THEIR
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PAGE 03 USVIEN 00704 04 OF 06 101526Z

DESIGN LIFETIME. FOLLOWING AN IAEA SYMPOSIUM PLANNED FOR SUMMER 1987, THE IAEA WILL PUBLISH A STATE OF THE ART REPORT ON AGEING AND DEFINE A POSSIBLE AGENCY PROGRAM ON THE MATTER.

D. ACCIDENT CONSEQUENCE LIMITATION AND ACCIDENT MANAGEMENT:
IAEA AND CEC EXPERTS HAVE DRAFTED A STATE-OF-THE-ART REPORT ON HYDROGEN GENERATION, TRANSPORT, COMBUSTION AND MITIGATION OVER A WIDE SPECTRUM OF POSTULATED $EVERE ACCIDENTS. THE AGENCY IS DEVELOPING A REPORT ON ACCIDENT MANAGEMENT BASED ON APPROACHES BEING DEVELOPED IN MEMBER STATES. THE REPORT WILL INCLUDE OPERATOR GUIDELINES.

E. SITE SAFETY:
RECENT SITE SAFETY WORK INCLUDED A NUSS GUIDE ON FOUNDATIONS AND DOCUMENTS ON RIVER SITE FLOODING, SEISMIC EVENT PSA, DOSE ASSESSMENT, AND PREVENTING HYDROLOGICAL CONTAMINATION FROM A SEVERE ACCIDENT. AN IAEA-ORGANIZED SPECIALIST MEETING WAS HELD IN THE USSR ON STRONG EARTHQUAKE-INDUCED GROUND MOTION AND SEISMIC EVALUATION OF NUCLEAR POWER PLANTS. WORK IS UNDER WAY ON GUIDELINES FOR AND APPLICATIONS OF PROBABILISTIC REASSESSMENT OF SEISMIC DESIGN.

F. MAN-MACHINE INTERFACE--SEE ITEM 10 BELOW.

- (8). INTERNATIONAL NUCLEAR SAFETY ADVISORY GROUP:
- SAFETY PRINCIPLES

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PAGE 01 USVIEN 00704 05 OF 06 101532Z
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UNCLAS SECTION 05 OF 06 USVIENNA 00704

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E.O. 12356: N/A
TAGS: IAEA, ENRG, TRGY, KNNP, MNUC, KSCA
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IN 1986, INSAG PREPARED A SUMMARY REPORT (CALLED INSAG-1) ON THE RESULTS OF THE CHERNOBYL ACCIDENT REVIEW MEETING AND INCLUDED ITS CONCLUSIONS AND RECOMMENDATIONS FOR FURTHER ACTION. IN ADDITION, INSAG ISSUED A REPORT (INSAG-2) ON THE SOURCE TERM FOR SEVERE ACCIDENTS IN LIGHT WATER-COOLED NUCLEAR POWER PLANTS, ISSUED VIEWS ON IMPROVEMENTS TO QA (INSAG TECHNICAL NOTE NO. 1) AND CONTINUED TO CONSIDER ISSUES OF OPERATING EXPERIENCE FEEDBACK AND THE HUMAN FACTOR.

INSAG HAS BEGUN DEVELOPMENT OF A SELF-STANDING DOCUMENT ON BASIC NUCLEAR SAFETY PRINCIPLES. FOLLOWING A SCOPE DEVELOPED BY AN INSAG SUB-GROUP, AN EXPERT GROUP (CHAIRED BY R.MATTSON OF U.S.) COMPLETED
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PAGE 02 USVIEN 00704 05 OF 06 101532Z

IN APRIL A DRAFT OF THE DOCUMENT, WHICH INSAG WILL

DISCUSS IN LATE MAY. INSAG HOPES TO COMPLETE WORK ON THIS DOCUMENT WITHIN THE YEAR.

- (9). EMERGENCY PLANNING; NOTIFICATION, ASSISTANCE
- CONVENTIONS ACTIVITIES

IN ADDITION TO ITS NORMAL PROGRAM OF SUPPORT TO MEMBER STATES IN EMERGENCY PLANNING AND PREPAREDNESS, AGENCY WORK PRESENTLY CENTERS ON HARMONIZING DERIVED INTERVENTION LEVELS FOR ACTIONS IN A RADIOLOGICAL MERGENCY, AND ON IMPLEMENTING THE TWO NEW EMERGENCY RESPONSE CONVENTIONS.
A. INTERVENTION LEVEL HARMONIZATION:
GIVEN THE PUBLIC CONFUSION THAT RESULTED FROM THE WIDE VARIANCE IN INTERVENTION ACTIONS TAKEN BY NATIONAL AUTHORITIES IN RESPONSE TO THE CHERNOBYL EVENT, CONSIDERABLE INTERNATIONAL EFFORT IS UNDER WAY TO HARMONIZE THE APPROACH SO AS TO AVOID SUCH A SITUATION DEVELOPING IN FUTURE EMERGENCIES.

THE IAEA ISSUED IN DEC. 1986 A GUIDE ON PROCEDURES AND DATA FOR DERIVED INTERVENTION LEVELS, BASED ON BASIC PRINCIPLES GIVEN IN AN EARLIER (PRE-CHERNOBYL) IAEA GUIDE. IN RELATED (AND CLOSELY CO-ORDINATED) EFFORTS, THE WHO IS WORKING ON SPECIFIC GUIDANCE FOR HEALTH AUTHORITIES AND FAO ON GUIDANCE FOR INTERNATIONAL COMMERCE IN FOOD.

B. IMPLEMENTING EMERGENCY NOTIFICATION AND ASSISTANCE CONVENTIONS:
MORE THAN 30 MEMBER STATES HAVE DESIGNATED OFFICIAL CONTACT POINTS UNDER THE CONVENTIONS. THE AGENCY WILL
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PAGE 03 USVIEN 00704 05 OF 06 101532Z

PRESENT TO THE BOARD OF GOVERNORS AT THEIR JUNE MEETING A PROPOSAL FOR USING THE WORLD METEROLOGICAL ORGANIZATION'S GLOBAL TELECOMMUNICATIONS SYSTEM TO TRANSMIT INFORMATION NEEDED FOR RADIOLOGICAL PROTECTION IN AN EMERGENCY.

DEVELOPMENT WORK HAS BEGUN TO EQUIP AND PROPERLY STAFF AN IAEA EMERGENCY RESPONSE UNIT. THE UNIT WILL HAVE APPROPRIATE COMPUTERS, DATA BANKS AND COMMUNICATIONS. AN ADVISORY GROUP WILL MEET IN MAY 1987 ON MECHANISMS FOR THE AGENCY TO MEET ITS RESPONSIBILITIES UNDER THE

CONVENTIONS.

- (10). HUMAN FACTORS AND MAN-MACHINE INTERFACE

RECENT AGENCY EFFORTS HAVE INCLUDED PREPARATION, ON THE BASIS OF OPERATING EXPERIENCE, OF TWO DOCUMENTS ON IMPROVEMENTS TO THE MAN-MACHINE INTERACTION. ONE ADDRESSED COMPUTER AIDS FOR OPERATORS, AND THE OTHER DEALT WITH CRITICAL OPERATOR ACTIONS NEEDING EMPHASIS IN TRAINING, PARTICULARLY IN TRAINING ON SIMULATORS. THE IAEA IS NOW ARRANGING AN INTERNATINAL MEETING ON THIS SUBJECT IN TOKYO IN 1988.

- (11). ACTIVITIES REPORTING SOVIET CHERNOBYL EXPERIENCE INCLUDING FIELD DATA

AMONG THE MANY IAEA CHERNOBYL FOLLOWUP ACTIVITIES THAT DEPEND ON SOVIET DATA ARE EMERGENCY MEDICAL RESPONSE LESSONS LEARNED, AND DOSIMETRY FOR AN EPIDEMIOLOGICAL STUDY OF THE MORE HIGHLY EXPOSED GROUPS AT OR NEAR THE

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PAGE 01 USVIEN 00704 06 OF 06 101533Z
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UNCLAS SECTION 06 OF 06 USVIENNA 00704

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FROM UNVIE MISSION

E.O. 12356: N/A
TAGS: IAEA, ENRG, TRGY, KNNP, MNUC, KSCA
SUBJECT: IAEA POST-CHERNOBYL SAFETY PROGRAM

CHERNOBYL SITE.

A. EMERGENCY MEDICAL RESPONSE:

WITH REGARD TO MEDICAL HANDLING OF HIGHLY EXPOSED PERSONS, PLANS ARE IN MOTION FOR A STOCKHOLM MEETING ON PHYSICIAN TRAINING AND A PARIS MEETING ON TREATING BETA SKIN LESIONS. LEADING EXPERTS FROM AROUND THE WORLD WILL PARTICIPATE. A LATER MEETING WILL BE PLANNED TO ADDRESS PROGNOSIS AND BASIC THERAPY FOR HIGHLY EXPOSED PERSONS. AN ADVISORY GROUP WILL ASSESS THE EFFECTIVENESS OF PROTECTIVE ACTIONS TAKEN, AS REPORTED BY THE SOVIETS AT THE POST-ACCIDENT REVIEW MEETING IN AUGUST 1986.

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PAGE 02 USVIEN 00704 06 OF 06 101533Z

B. EPIDEMIOLOGY OF THOSE EXPOSED AT OR NEAR THE

CHERNOBYL SITE:
THE IAEA WILL HOST A MEETING IN VIENNA IN MAY 1986. THE MEETING, ORGANIZED JOINTLY WITH WHO, WILL BE ATTENDED BY MORE THAN 25 WORLD EXPERTS, INCLUDING 3 FROM THE SOVIET UNION.

AN IMPORTANT ELEMENT IN CARRYING OUT THE EPIDEMIOLOGICAL STUDY IS GOOD DOSIMETRY FOR THOSE EXPOSED. THIS WILL BE A TWO-STEP PROCESS. FIRST, THE IAEA IS BUILDING AN ENVIRONMENTAL DATA BASE: ABOUT 30

COUNTRIES, INCLUDING THE USSR, HAVE PROVIDED INPUT. SECOND, ON THE BASIS OF THIS DATA UNSCEAR WILL CARRY OUT A DOSE ASSESSMENT.

OTHER IAEA RADIATION PROTECTION PROGRAM ELEMENTS THROUGH WHICH THE USSR CAN PROVIDE THEIR EXPERIENCE INCLUDE:

- LARGE-SCALE DECONTAMINATION OF FACILITIES, LAND
- AND PEOPLE;
- PERSONNEL PROTECTIVE CLOTHING;
- RADIOLOGICAL MONITORING AND ANALYSIS; AND
- RADIOACTIVE RELEASE ENVIRONMENTAL TRANSPORT
- MODELLING.

END OF TEXT.

4. MISSION WOULD APPRECIATE COMMENTS ON FORMAT AND LEVEL OF DETAIL IN THIS SUMMARY. WE EXPECT TO BE PROVIDING UPDATES AS PROGRAMS CONTINUE. PLEASE ADVISE.

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Case Number: S1999000030

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PLEASE DELIVER 00B 7/16 TO ASST. SEC. ABRAMS

E.O. 12356: N/A
TAGS: AMGT
SUBJECT: OFFICIAL/INFORMAL

FOR ASSISTANT SECRETARY ABRAMS FROM ARA/SC

1. YOU ARE SCHEDULED TO TESTIFY ON CHILE BEFORE THE HOUSE BANKING SUBCOMMITTEE ON INTERNATIONAL FINANCE AND DEVELOPMENT ON TUESDAY, JULY 21. THE SUBCOMMITTEE HAS REQUESTED A HUNDRED COPIES OF YOUR STATEMENT NO LATER THAN FRIDAY. WE WOULD APPRECIATE YOUR COMMENTS/CLEARANCE ON THE DRAFT PREPARED STATEMENT IN THIS MESSAGE AS SOON AS POSSIBLE SO THAT WE CAN MEET THE DEADLINE. THE PREPARED STATEMENT IN PARA THREE BELOW HAS BEEN CLEARED WITH EMBASSY SANTIAGO, HA, EB, L/HR, AND TREASURY. IT COVERS THE GENERAL AREAS IN WHICH THE SUBCOMMITTEE HAS EXPRESSED INTEREST (HUMAN RIGHTS, ECONOMIC DEVELOPMENT AND IFI VOTES). IT COVERS MOST OF THE SPECIFIC QUESTIONS RAISED BY THE SUBCOMMITTEE IN ITS LETTER OF INVITATION TO YOU.

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PAGE 02 STATE 218181

2. WE HAVE ALSO PREPARED A DRAFT ORAL STATEMENT IN PARA FOUR BELOW WHICH YOU COULD USE AT THE HEARING ITSELF, AFTER INSERTING THE PREPARED STATEMENT INTO THE RECORD. WE WILL HAVE A BRIEFING BOOK WITH HARD Q'S AND A'S READY FOR YOU TO LOOK AT OVER THE WEEKEND.

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3. BEGIN TEXT DRAFT PREPARED STATEMENT.

IN JULY OF LAST YEAR AND IN CLOSED SESSION DURING SEPTEMBER, I TESTIFIED BEFORE THIS SUBCOMMITTEE CONCERNING THE CHALLENGES FACING THE UNITED STATES IN CHILE AND THE ADMINISTRATION'S STRATEGY AND POLICIES FOR CONFRONTING THOSE CHALLENGES. I NOTED OUR SHARED CONCERNS OVER THE HUMAN RIGHTS SITUATION IN CHILE IN THE WAKE OF THE BRUTAL KILLING OF LONG-TIME U.S. RESIDENT RODRIGO ROJAS AND THE BURNING OF CARMEN QUINTANA, AS WELL AS OUR OVERALL PREOCCUPATION REGARDING THE LACK OF MEANINGFUL PROGRESS TOWARD A TRANSITION TO A FULL, PARTICIPATORY DEMOCRACY. I ALSO EXPLAINED THE DILEMMAS THAT ARISE IN DETERMINING HOW TO USE MOST EFFECTIVELY THE LIMITED INFLUENCE OF THE UNITED STATES TO PROMOTE OUR GOALS OF INCREASED RESPECT FOR HUMAN RIGHTS AND A PEACEFUL DEMOCRATIC TRANSITION IN CHILE.

I WELCOME THE OPPORTUNITY TO DISCUSS THESE ISSUES WITH YOU AGAIN. IT IS AN OPPORTUNE TIME TO REVIEW THE SITUATION IN CHILE, SINCE THAT COUNTRY IS RAPIDLY APPROACHING A CRITICAL TURNING POINT, WITH SERIOUS IMPLICATIONS FOR DEMOCRACY, HUMAN RIGHTS, ECONOMIC DEVELOPMENT AND US POLICY. AS THE SITUATION IN CHILE EVOLVES, WE WISH TO CONTINUE OUR CLOSE CONSULTATION WITH
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PAGE 03 STATE 218181

CONGRESS ON US POLICY DECISIONS.

WITHHOLDING US SUPPORT FOR INTERNATIONAL LENDING TO CHILE

FIRST, LET ME MAKE SOME COMMENTS ON U.S. VOTES IN INTERNATIONAL FINANCIAL INSTITUTATIONS (IFIS) AS THEY CONCERN CHILE, SINCE THAT IS AN AREA OF PRIMARY CONCERN TO THE SUBCOMMITTEE.

SINCE MY TESTIMONY LAST YEAR, THE UNITED STATES HAS WITHHELD ITS SUPPORT FROM NON-BASIC HUMAN NEEDS LOANS TO CHILE IN THE IFIS BASED ON HUMAN RIGHTS GROUNDS. WE HAVE ABSTAINED ON LOANS TO CHILE IN BOTH THE INTER-AMERICAN DEVELOPMENT BANK (IDB) AND THE WORLD BANK. IN WITHHOLDING OUR SUPPORT FOR A CRITICAL $250 MILLION WORLD BANK STRUCTURAL ADJUSTMENT LOAN TO CHILE LAST NOVEMBER, WE WERE JOINED BY AN IMPRESSIVE GROUP OF OTHER COUNTRIES, INCLUDING CANADA, FRANCE, THE NETHERLANDS, AND SPAIN,

WHICH IN THE PAST TOTALLY DISCOUNTED THE HUMAN RIGHTS SITUATION IN DETERMINING THEIR VOTES ON IFI LOANS TO CHILE. ACTING TOGETHER, WE HAVE SENT A CLEAR SIGNAL OF INTERNATIONAL PREOCCUPATION OVER THE POLITICAL AND HUMAN RIGHTS SITUATION IN CHILE.

SOME MEMBERS OF THE SUBCOMMITTEE HAVE EXPRESSED CONCERN THAT THE ADMINISTRATION HAS ABSTAINED RATHER THAN VOTE "NO" ON IFI LOANS TO CHILE. IN ITS EXCHANGE OF CORRESPONDENCE EARLIER THIS YEAR WITH CHAIRMAN FAUNTROY, THE STATE AND TREASURY DEPARTMENTS EXPLAINED AT LENGTH THE BASIS FOR THAT DECISION.

AT THE RISK OF COVERING SOME OF THE SAME GROUND HERE, A FEW OBSERVATIONS ARE IN ORDER.
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PAGE 04 STATE 218181

FIRST, OUR VOTES IN IFIS ON CHILE NEED TO BE EVALUATED IN THE CONTEXT OF THE OVERALL ADMINISTRATION POLICY OF PROMOTING DEMOCRATIZATION AND HUMAN RIGHTS IMPROVEMENTS. WHILE DIFFERENCES OVER TACTICS FROM TIME TO TIME ARISE, THE RECORD OF ADMINISTRATION WORDS AND ACTIONS HAS DEMONSTRATED THE UNITED STATES CLEAR AND PUBLIC COMMITMENT TO PRESS VIGOROUSLY FOR A PEACEFUL DEMOCRATIC TRANSITION AND HUMAN RIGHTS PROGRESS IN CHILE.

WAS ABSTENTION THE RIGHT COURSE? WOULD A "NO" VOTE ON THE SAL IN NOVEMBER, AS I WOULD HAVE RECOMMENDED IN JULY, PRIOR TO CONSULTING WITH OTHER COUNTRIES AND PRIOR TO A DRAMATIC INCREASE IN TENSION IN CHILE, HAVE LED TO GREATER PROGRESS ON HUMAN RIGHTS IN CHILE OR PRODUCED THE DEMOCRATIC OPENING WE ALL SEEK?

TWENTY-TWENTY HINDSIGHT SOMETIMES CAN LEAD TO DIFFERENT CONCLUSIONS. IN THIS CASE, WE CONTINUE TO BELIEVE THAT OUR ABSTENTION WITH AN IMPORTANT GROUP OF WESTERN DEMOCRACIES--TOTALING NEARLY 45 OF THE VOTING WEIGHT OF THE WORLD BANK--WAS THE MOST EFFECTIVE MEANS OF USING OUR VOICE AND VOTE IN THE IFIS TO EXPRESS OUR HUMAN RIGHT CONCERNS REGARDING CHILE.

AS THE SUBCOMMITTEE IS WELL AWARE, THE U.S. DOES NOT HAVE A VETO IN THESE INSTITUTIONS. (IN THE WORLD BANK WE HAVE APPROXIMATELY 20 OF THE WEIGHTED VOTES; IN THE IDB JUST UNDER 35 .) AT ISSUE WAS HOW TO USE OUR ESSENTIALLY SYMBOLIC VOTE TO SEND THE MOST EFFECTIVE POLITICAL AND HUMAN RIGHTS SIGNAL. OUR ADVANCE CONSULTATIONS WITH THESE OTHER COUNTRIES SHOWED CLEARLY THAT POSTPONEMENT OR

ACTUAL DEFEAT OF THE SAL WERE NOT FEASIBLE. WE

PAGE 05 STATE 218181

DETERMINED THAT A U.S. ABSTENTION, HOWEVER, COULD ELICIT

SIMILAR VOTES BY OTHER DEMOCRACIES, IN SPITE OF WIDESPREAD CONCERNS ABOUT POLITICIZATION OF THE IFIS AND ABOUT DAMAGING CHILE'S ECONOMY.

WE WANTED TO ACT IN CONCERT WITH OTHERS IN ORDER TO AVOID STRENGTHENING HARDLINERS IN CHILE OPPOSED TO CARRYING OUT A GENUINE TRANSITION TO CIVILIAN RULE. TENSIONS WERE ACUTE DURING THE STATE OF SIEGE IMPOSED FOLLOWING THE COMMUNIST-SPONSORED BLOODY ASSASSINATION ATTEMPT AGAINST GENERAL PINOCHET LAST SEPTEMBER. THE GOVERNMENT CRACKDOWN BY IMPOSING THE STATE OF SIEGE WENT BEYOND UNDERSTANDABLE EFFORTS TO TRACK DOWN THOSE TERRORISTS RESPONSIBLE FOR THE ATTACK AGAINST THE CHILEAN PRESIDENT. FOR EXAMPLE, OPPOSITION MAGAZINES WERE CLOSED, AS WERE TWO FOREIGN NEWS AGENCIES.

IN THIS CLIMATE, THE DANGER EXISTED THAT A U.S. "NO" VOTE WOULD HAVE ISOLATED THE U.S FROM THE OTHER WESTERN DEMOCRACIES AND FANNED NATIONALISTIC SENTIMENTS, THEREBY FURTHER MINIMIZING THE ABILITY OF THE U.S. TO AFFECT EVENTS. A U.S. NEGATIVE VOTE, WOULD NOT HAVE BEEN ENOUGH TO BLOCK THE SAL, BUT WOULD HAVE BEEN PORTRAYED IN A NATIONALISTIC WAY AS ECONOMIC AGGRESSION AGAINST THE CHILEAN PEOPLE. OUR WITHHOLDING OF SUPPORT THROUGH GROUP ABSTENTIONS, HOWEVER, WAS FULLY UNDERSTOOD IN CHILE BY THE PINOCHET GOVERNMENT AND BY THE OPPOSITION AS AN EXPRESSION OF DISSATISFACTION WITH THE HUMAN RIGHTS PICTURE. DESPITE THE GOVERNMENT'S RELIEF THAT THE SAL WAS APPROVED, THE PINOCHET GOVERNMENT DID NOT--COULD NOT--TRUMPET WORLD BANK APPROVAL OF THE SAL AS ENDORSEMENT OF THE GOVERNMENT OR ITS POLITICAL POLICIES, IN VIEW OF SUCH SIGNIFICANT ABSTENTIONS. EVEN THE INFLUENTIAL CONSERVATIVE NEWSPAPER EL MERCURIO CALLED FOR REFLECTION ON THE REASONS FOR SUCH WIDESPREAD

PAGE 06 STATE 218181

INTERNATIONAL CONCERN OVER HUMAN RIGHTS IN CHILE.

WOULD A CHANGE IN OUR VOTING PATTERN NOW AFFECT THE VIEWS

OF OR SUPPORT GIVEN BY OTHER COUNTRIES, OR THE BEHAVIOR OF THE PINOCHET GOVERNMENT? IN CONSIDERING THAT QUESTION, IT IS ESSENTIAL TO TAKE INTO ACCOUNT RECENT DEVELOPMENTS IN CHILE AFFECTING THE DEMOCRATIC TRANSITION, THE HUMAN RIGHTS SITUATION, AND ECONOMIC DEVELOPMENT.

DEMOCRACY OR "CONTINUISMO"

WHILE THE HEADLINES TODAY FOCUS ON SOUTH KOREA AND PANAMA, AFTER NEARLY FOURTEEN YEARS OF MILITARY RULE,

CHILE IS ALSO APPROACHING A CROSSROADS: PERHAPS AS EARLY AS NEXT YEAR CHILE COULD TURN DECISIVELY TOWARD FULL DEMOCRATIC CIVILIAN RULE, OR HEAD DOWN A DIFFERENT ROAD WHICH COULD LEAD TO ESCALATING POLARIZATION, ARMED VIOLENCE, SEVERE REPRESSION, AND FURTHER INTERNATIONAL ISOLATION.

UNFORTUNATELY, CHILE'S DEMOCRATIC FUTURE IS STILL VERY MUCH IN DOUBT. THE PINOCHET GOVERNMENT HAS PUT INTO PLACE A FRAMEWORK FOR AN INSTITUTIONALIZED TRANSITION TO WHAT IT CALLS A "PROTECTED DEMOCRACY". ACCORDING TO THE CONSTITUTION ADOPTED IN 1980, NO LATER THAN FEBRUARY 1989 THERE IS TO BE A PLEBISCITE ON A PRESIDENTIAL CANDIDATE SELECTED BY THE FOUR COMMANDERS-IN-CHIEF OF THE ARMED SERVICES, OR IF THEY CANNOT REACH UNANIMOUS AGREEMENT, BY THE NATIONAL COUNCIL COMPOSED OF THE MILITARY COMMANDERS AND CERTAIN CIVILIAN OFFICIALS. IF THIS CANDIDATE IS NOT

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APPROVED, OPEN, COMPETITIVE ELECTIONS ARE TO BE HELD WITHIN A YEAR.

IN PREPARATION FOR THE PLEBISCITE, DURING 1987 THE PINOCHET GOVERNMENT HAS ENACTED LAWS TO LEGALIZE NON-MARXIST POLITICAL PARTIES, AND REESTABLISH ELECTORAL REGISTERS. WHILE ENCOURAGING MORE OPEN POLITICAL ACTIVITY, THIS LEGISLATION ALSO HAS DRAWN CRITICISM AS TOO RESTRICTIVE.

MANY WITHIN CHILE HAVE URGED A CONSTITUTIONAL CHANGE TO REPLACE THE SINGLE-CANDIDATE PLEBISCITE WITH THE TYPE OF FREE, COMPETITIVE ELECTIONS USED IN DEMOCRACIES TO ELECT LEADERS. OTHERS HAVE URGED SELECTION OF A CONSENSUS FIGURE WITH BROAD CIVILIAN AND POLITICAL SUPPORT TO LEAD THE COUNTRY THROUGH A TRANSITION TO FULL DEMOCRACY. A

GROUP OF EMINENT CHILEAN LEADERS FROM ACROSS THE POLITICAL SPECTRUM HAS FORMED A NON-PARTISAN COUNCIL FOR FREE ELECTIONS. THE CATHOLIC CHURCH HAS SUPPORTED THE COUNCIL'S APPEAL FOR VOTER REGISTRATION, WHICH HAS BEGUN UNDER LEGISLATION RECENTLY APPROVED BY THE GOVERNMENT.

WHILE THE DEMOCRATIC OPPOSITION SUPPORTS VOTER REGISTRATION AND A PROCESS LEADING TO OPEN ELECTIONS AND FULL DEMOCRACY, CHILE'S COMMUNIST FAR LEFT AND THEIR FOREIGN BACKERS ARE DOING LL POSSIBLE TO IMPEDE A SUCCESSFUL TRANSITION. THEY REASON, WITH SOME LOGIC, THAT IF GENERAL PINOCHET DOES NOT STEP DOWN WHEN HIS CURRENT TERM ENDS IN MARCH 1989, THEIR STRENGTH AND POPULAR APPEAL OF THE FAR LEFT, PERFORCE, WILL RISE. THE DISCOVERY LAST SUMMER OF MASSIVE QUANTITIES OF TERRORIST ARMS SMUGGLED INTO CHILE WITH THE HELP OF CUBA

DEMONSTRATED THAT CHILE REMAINS A SPECIAL TARGET FOR FOREIGN MARXIST-LENINISTS. U.S. EXPERTS WHO EXAMINED THE WEAPONS FOUND THAT THEY WERE STORED IN A WAY THAT
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PAGE 08 STATE 218181

INDICATED PLANS FOR FUTURE USE. CHILE'S VIOLENT COMMUNISTS ARE READY TO EXPLOIT THE ENSUING POLARIZATION IF THE CHILEAN PEOPLE'S DEMOCRATIC ASPIRATIONS REMAIN BLOCKED AFTER 1989, AND, PERHAPS, TO USE ARMS AGAINST SUCCESSOR GOVERNMENTS, EVEN IF DEMOCRATIC.

AT THIS POINT, IT IS TOO EARLY TO JUDGE THE OUTCOME. CHILE COULD GO EITHER WAY, TOWARD A FULLY FUNCTIONING DEMOCRACY BASED ON FREE AND FAIR EXPRESSION OF THE POPULAR WILL AND A TRUE NATIONAL CONSENSUS OR TOWARD THE CHAOS THAT WOULD ACCOMPANY A GOVERNMENT WHOSE LEGITIMACY IS BROADLY QUESTIONED AT HOME AND ABROAD. WHETHER ELECTION OR PLEBISCITE, SOME TEST AT THE POLLS IS SET TO OCCUR, PERHAPS AS EARLY AS SEPTEMBER 1988.

POSITIVE STEPS IN STILL MIXED HUMAN RIGHTS PICTURE

AGAINST THIS BACKDROP OF TREMENDOUS UNCERTAINTY CONCERNING A DEMOCRATIC TRANSITION, THE HUMAN RIGHTS SITUATION, WHILE STILL MIXED, HAS IMPROVED SINCE I LAST MET WITH YOU.

THE LIST OF POLITICAL EXILES HAS BEEN REDUCED SUBSTANTIALLY FROM OVER 3500 TO ABOUT 500 SINCE JANUARY.

SUCH NOTABLE FIGURES AS SOCIALIST PARTY LEADER ANICETO RODRIGUEZ HAVE RETURNED TO CHILE. THE STATE OF SIEGE WAS ALLOWED TO EXPIRE IN JANUARY; A LATE-NIGHT CURFEW IN EFFECT FOR MUCH OF THE LAST THIRTEEN YEARS ALSO WAS NOT RENEWED.

IN RESPONSE TO OBJECTIONS OVER CONTINUING CREDIBLE

REPORTS OF TORTURE, THE GOVERNMENT HAS TAKEN A POSITIVE STEP, GIVING THE INTERNATIONAL RED CROSS (ICRC) ACCESS TO MOST PRISONERS AFTER A SHORT PERIOD AND DIRECTING THE SECRET POLICE TO CLOSE ITS DETENTION CENTERS. IN ADDITION, THE CHILEAN INVESTIGATIONS POLICE NOW ALLOW THE GOVERNMENT'S ADVISORY HUMAN RIGHTS COMMISSION TO VERIFY CONDITIONS OF PRISONERS IN ITS CUSTODY. ALL THESE MOVES HAVE APPARENTLY NOT AS YET LED TO A LESSENING OF TORTURE, AS REFLECTED IN STATISTICS MAINTAINED BY THE CHURCH HUMAN RIGHTS ORGAN, THE VICARIATE OF SOLIDARITY. WE BELIEVE MORE TIME IS NEEDED BEFORE THE RESULTS OF THESE MEASURES CAN DE ADEQUATELY ASSESSED, BUT RECENT MOVES SHOW A WILLINGNESS ON THE PART OF SOME IN THE GOVERNMENT TO STOP

THE PRACTICE OF TORTURE.

PERHAPS THE GREATEST CHANGE HAS OCCURED IN THE AREA OF FREEDOM OF EXPRESSION. THOSE OPPOSITION MAGAZINES AND FOREIGN NEWS AGENCIES CLOSED DURING THE STATE OF SIEGE HAVE REOPENED. THE OPPOSITION NOW PUBLISHES TWO DAILY NEWSPAPERS. RADIO STATIONS AIR OPPOSITION VIEWS REGULARLY, INCLUDING A RECENT SPEECH BY CURRENT CHRISTIAN DEMOCRATIC PARTY PRESIDENT GABRIEL VALDEZ. THERE IS A LIVELY PUBLIC DEBATE UNDERWAY ON ALL POLITICAL ISSUES, INCLUDING A HIGH DEGREE OF CRITICISM OF THE GOVERNMENT. FOR INSTANCE, THE RELAXATION OF CONSTRAINTS ON THE PRESS HAS ALLOWED AN OPEN DISCUSSION WITHIN CHILE OF THE ISSUES RAISED BY THE DECISION OF A FORMER CHILEAN ARMY OFFICER TO COOPERATE WITH US LAW ENFORCEMENT OFFICIALS CONCERNING THE LETELIER/MOFFITT MURDERS.

BUT THE PICTURE IS STILL MIXED. CREDIBLE CHARGES OF TORTURE ARE STILL MADE. ALTHOUGH THE VATICAN PRAISED THE PERFORMANCE OF CARABINEROS (CHILEAN NATIONAL POLICE) PROVIDING SECURITY DURING THE POPE'S VISIT--ESPECIALLY THEIR RESTRAINT IN THE FACE OF FAR LEFT

PAGE 10 STATE 218181

VIOLENCE--RECENTLY THERE WERE REPORTS THAT CHILEAN SECRET POLICE (CNI) USED EXCESSIVE FORCE TO DETAIN A GROUP OF TERRORISTS, KILLING SOME WITHOUT ANY ARMED PROVOCATION.

AS I INDICATED, THE GOVERNMENT HAS MADE A VERY SUBSTANTIAL REDUCTION IN THE NUMBER OF POLITICAL EXILES, A PRACTICE WHICH THE VAST MAJORITY OF THE CHILEAN PEOPLE ABHOR. IMPORTANT FIGURES, HOWEVER, REMAIN BANNED. SOME OF THOSE STILL ON THE LIST HAVE RETURNED TO CHILE ILLEGALLY AND FACED COURT PROSECUTION AND INTERNAL BANISHMENT.

WHILE CHILE NOW HAS A VERY LIVELY PRESS ENVIRONMENT, PRESS FREEDOM IS STILL SPOTTY. THE PINOCHET GOVERNMENT CAN EXERT PRESSURE ON FINANCIALLY WEAK PAPERS THROUGH DEBTS OWED TO THE GOVERNMENT. IT MAINTAINS STRICT CONTROL OF TELEVISION. IN ADDITION, JOURNALISTS CONTINUE TO BE PROSECUTED AND IMPRISONED UNDER LAWS BARRING CRITICISM OF CHILE'S ARMED FORCES.

THE GOVERNMENT HAS EXPANDED THE ROLE OF ITS HUMAN RIGHTS ADVISORY COMMISSION BUT A GOVERNMENT PROSECUTOR HAS PUT PRESSURE ON THE VICARIATE OF SOLIDARITY, THROUGH AN INVESTIGATION LEADING TO THE PROLONGED DETENTION OF ONE VICARIATE EMPLOYEE AND AN INDEPENDENT DOCTOR FOR ASSISTANCE TO AN ALLEGED TERRORIST. AS THE COURT PROCEEDINGS ARE SECRET, THE PROSECUTOR HAS NOT HAD TO

MAKE PUBLIC ANY EVIDENCE OF IMPROPER ACTIONS BY THESE INDIVIDUALS.

ONE OF THE MOST SERIOUS PROBLEMS REMAINING IS THE FAILURE OF THE CHILEAN JUDICIARY TO ASSUME ITS ROLE AS WHAT THE

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PAGE 11 STATE 218181

UN SPECIAL RAPPORTEUR FOR CHILE HAS DESCRIBED AS "GUARDIAN OF HUMAN RIGHTS". THE JUDICIARY, THOUGH NOMINALLY INDEPENDENT, HAS FAILED TO PUNISH OFFICIALS FOR HUMAN RIGHTS ABUSES AGAINST GOVERNMENT OPPONENTS. INVESTIGATION INTO HUMAN RIGHTS VIOLATIONS USUALLY STRETCH ON INDEFINITELY WITHOUT RESULTS OR ARE "SUSPENDED" BECAUSE OF LACK OF EVIDENCE--THE PRESENT STATUS OF THE INTERNAL CHILEAN INVESTIGATION INTO THE LETELIER ASSASSINATION, EVEN AFTER THE STATEMENTS MADE TO A U.S. COURT BY MAJOR FERNANDEZ LARIOS.

THE KILLING OF RODRIGO ROJAS IS ANOTHER CASE IN POINT. ON JULY 2, THE FIRST ANNIVERSARY OF THE KILLING OF MR. ROJAS AND THE SEVERE BURNING OF HIS CHILEAN CONPANION MS. QUINTANA, THE STATE DEPARTMENT SPOKESMAN NOTED OUR CONCERN OVER THE "GLACIAL PROGRESS" IN THIS CASE. (THAT STATEMENT IS ATTACHED FOR THE RECORD.) THE ONLY SUBSTANTIVE RESULTS TO DATE ARE THAT THE CHILEAN OFFICER IN CHARGE OF THE ARMY PATROL INVOLVED IS CHARGED WITH NEGLIGENT HOMICIDE FOR NOT PROCURING MEDICAL ASSISTANCE FOR MR. ROJAS AND MS. QUINTANA. THAT CHILEAN ARMY OFFICER WAS FREED ON BOND AND PROMOTED TO CAPTAIN EARLIER THIS YEAR.

NONETHELESS, THERE HAVE BEEN POSITIVE IMPROVEMENTS IN HUMAN RIGHTS PRATICES. WHY HAVE THEY OCCURRED? EXPLANATIONS VARY. SOME OBSERVERS BELIEVE OUTSIDE PRESSURE HAS BEEN AN IMPORTANT INCENTIVE, CITING THE POPE'S VISIT IN APRIL, AND OUR STRONG STAND. OUTSIDE VIEWS MAY HAVE BEEN A FACTOR, BUT NOT THE DECISIVE ONE. CREDIT GOES TO THOSE PEOPLE WITHIN THE CHILEAN GOVERNMENT WHO ARE WORKING TO END HUMAN RIGHTS PROBLEMS, RECOGNIZING THE HARM PERSISTENT VIOLATIONS CAUSE CHILE AND ITS REPUTATION.

WHATEVER THE REASON, WE WELCOME THESE POSITIVE STEPS, AND

HOPE OTHERS WILL FOLLOW.

SOUND ECONOMIC POLICIES PRODUCE GROWTH

IN CONTRAST TO THE UNCERTAIN PROSPECTS FOR DEMOCRATIZATION AND CONTINUING HUMAN RIGHTS PROBLEMS, THE

ECONOMIC SITUATION LOOKS EXCELLENT. IF OUR DECISIONS IN THE IFIS WERE MADE ON ECONOMIC GROUNDS ALONE, IFI LOANS TO CHILE WOULD GENERALLY DESERVE OUR STRONG SUPPORT AND AFFIRMATIVE VOTES.

SINCE 1970 CHILE HAS SUFFERED AMONG THE WORST DECLINES IN ITS TERMS OF TRADE OF ALL COUNTRIES IN LATIN AMERICA. DESPITE THIS, THE GOC HAS FOLLOWED INNOVATIVE FREE MARKET POLICIES THAT, FOLLOWING A SEVERE RECESSION IN 1981-83, HAVE LED TO FIFTEEN CONSECUTIVE QUARTERS OF ECONOMIC GROWTH. THIS ECONOMIC EXPANSION IS PRINCIPALLY DUE TO THE GOVERNMENT'S HIGH REAL EXCHANGE RATE POLICY,

EXPORT-ORIENTED POLICIES, AND AN OPEN DOOR FOR FOREIGN INVESTMENT.

CHILE REMAINS AMONG THE MOST OPEN MARKETS IN LATIN AMERICA FOR U.S. EXPORTS AND INVESTMENTS. U.S. EXPORTS TO CHILE GREW 20.7 PER CENT DURING 1986 TO $823 MILLION, WITH MAJOR INCREASES IN SALES OF AIRCRAFT, FERTILIZERS, CHEMICAL PRODUCTS, COMPUTERS, OFFICE MACHINERY, PAPER AND PAPERWOOD, AND TEXTILE MANUFACTURING EQUIPMENT. CHILE REMAINS OPEN TO NEARLY ALL SERVICE EXPORTS, FOR WHICH THE U.S. IS CHILE'S MAIN SUPPLIER. WE EXPECT CONTINUED GROWTH IN U.S./CHILEAN TRADE DURING 1987.

IN CONJUNCTION WITH IMPORTANT IMF AND WORLD BANK ROLES, THE GOVERNMENT HAS PURSUED GENERALLY SOUND ECONOMIC POLICIES TO MANAGE PAYMENTS ON ITS SUBSTANTIAL FOREIGN DEBT. TOTAL EXTERNAL DEBT NOW STANDS AT ALMOST $20 BILLION--ABOUT 120 PER CENT OF GDP. U.S. BANKS HOLD ABOUT $6 BILLION OF THAT TOTAL. RECENTLY THE CHILEAN GOVERNMENT SIGNED A DEBT RESTRUCTURING AGREEMENT COVERING $15.6 BILLION IN MEDIUM AND LONG-TERM DEBT. A LEADER IN DEVELOPING DEBT-EQUITY SWAPS, CHILE HAS CONVERTED $2 BILLION OF ITS DEBT IN JUST TWO YEARS.

US INVESTMENTS IN CHILE TOTAL $1.3 BILLION AND MAY INCREASE AS THE GOC CONTINUES TO ENCOURAGE DEBT-EQUITY SWAPS AND TO PRIVATIZE CERTAIN STATE FIRMS. THE INVESTMENT CLIMATE IS SUBJECT TO INCREASING UNCERTAINTY ABOUT POLITICAL STABILITY AS THE MARCH 1989 PLEBISCITE DEADLINE APPROACHES. IT IS UNFORTUNATE THAT THE CHILEAN GOVERNMENTS COMMITMENT TO POLITICAL FREEDOM DOES NOT MATCH THE STRONG SUPPORT GIVEN TO ECONOMIC FREEDOM.

COMMON SENSE SUGGESTS THAT THE STRONG REVIVAL OF ECONOMIC GROWTH--LIKELY TO BE 5.5 PERCENT IN 1987--FAVORS THE PINOCHET GOVERNMENT. OUR JUDGMENT, HOWEVER, IS THAT ECONOMIC FACTORS ARE UNLIKELY TO BE CRITICAL IN

DETERMINING THE OUTCOME OF ANY PLEBISCITE OR ELECTION. WHILE RECENT ECONOMIC PERFORMANCE IS VERY GOOD, HOWEVER, MEMORIES OF THE 1981-83 RECESSION ARE FRESH. ALTHOUGH RELATIVELY STABLE OVER THE LAST YEAR, REAL WAGES HAVE FALLEN 19.6 BETWEEN 1982 AND EARLY 1987, DUE PRIMARILY TO SUBSTANTIAL DECLINES IN PRICES FOR CHILE'S TRADITIONAL EXPORTS AND THE GENERAL REDUCTION IN LDC ACCESS TO THE PRIVATE CAPITAL MARKET, WHICH HAVE FUELED INFLATION AND THE HISTORICALLY HIGH LEVELS OF UNEMPLOYMENT. GRADUALLY

DECREASING UNEMPLOYMENT STILL STOOD AT 9.1 IN APRIL,
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PAGE 14 STATE 218181

WITH ANOTHER 3.6 IN GOVERNMENT WORK PROGRAMS. THE CHILEAN GOVERNMENT'S EXCELLENT ECONOMIC MANAGEMENT TEAM RECENTLY MOVED TO COOL OFF THE ECONOMY, A POLICY CONSISTENT WITH PURSUING SUSTAINABLE ECONOMIC GROWTH.

THE IMPROVING ECONOMIC ENVIRONMENT, HOWEVER, CAN PROVIDE A RELATIVELY SOUND ECONOMIC BASE THAT WILL GIVE STABILITY AND VERY IMPORTANT BREATHING SPACE TO ANY FUTURE DEMOCRATIC GOVERNMENT OF CHILE. THE NEXT CHILEAN GOVERNMENT WILL FACE THE DIFFICULT PROBLEM OF MANAGING A LARGE EXTERNAL DEBT BURDEN WHILE PURSUING SUSTAINABLE POLICIES FOR NATIONAL ECONOMIC GROWTH. THIS IS, UNFORTUNATELY, THE SITUATION OF MOST LATIN AMERICAN COUNTRIES TODAY.

PURSUING SOUND ECONOMIC POLICIES IS OBVIOUSLY ESSENTIAL TO REACHING THE GOAL OF NATIONAL ECONOMIC DEVELOPMENT. BUT THE POLITICAL DIMENSION CANNOT BE OVERLOOKED. BY THAT I DO NOT MEAN THAT SHORT-TERM POPULIST MEASURES ARE IN ORDER. THESE ONLY POSTPONE A DAY OF RECKONING AND BRING ON EVEN GREATER ECONOMIC CRISIS. EVEN THE BEST ECONOMIC PROGRAM, HOWEVER, MUST HAVE A SOUND BASE OF POLITICAL LEGITIMACY IF IT IS TO ENDURE AND TO WEATHER THE LONG RUN, AND THE EXTERNAL SHOCKS THAT AFFECT ALL COUNTRIES. WHILE ECONOMIC RESULTS WILL TO CERTAIN EXTENT PROVIDE THEIR OWN LEGITIMACY, THERE IS NO SUBSTITUTE FOR THE SORT OF LEGITIMACY PROVIDED BY FULLY FUNCTIONING DEMOCRATIC INSTITUTIONS AND A SYSTEM THAT SELECTS ITS LEADERS BY OPEN AND COMPETITIVE ELECTIONS. IN CHILE SUCH A DEMOCRATIC CONSENSUS IS LACKING, AND THIS IS A MATTER OF CONCERN FOR ALL WHO WISH TO SEE CHILE'S ECONOMIC COURSE SUSTAINED.

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PAGE 15 STATE 218181

CHILE AT A CROSSROADS

CLEARLY THE SITUATION IN CHILE IS COMPLEX. CONCRETE STEPS FORWARD ON HUMAN RIGHTS HAVE OCCURRED, BUT THERE IS

STILL NO SENSE OF A DEEP AND LASTING COMMITMENT BY THE GOVERNMENT TO TAKE DECISIVE ACTION TO END ABUSES AND ESTABLISH PRECEDURES THAT WOULD MAKE SUCH PROGRESS IRREVERSIBLE.

THE GOVERNMENT IS HEADED TOWARD AN ELECTORAL PROCESS, BUT OPEN AND FULLY LEGITIMATE DEMOCRATIC CHOICE ARE IN DOUBT. POLITICAL REFORMS HAVE TAKEN PLACE, BUT ONLY WHEN INSTITUTED FROM THE TOP DOWN, WITHOUT THE INVOLVEMENT OF POLITICAL PARTIES AND OTHER CIVIC ORGANIZATIONS REPRESENTING IMPORTANT DEMOCRATIC ELEMENTS OF CHILEAN SOCIETY, WHOSE FULL PARTICIPATION AND SUPPORT IS VITAL TO A SUCCESSFUL DEMOCRATIC TRANSITION. THERE ARE ALSO STRONG FORCES OPPOSED TO A DEMOCRATIC OUTCOME IN CHILE. POLITICAL VIOLENCE, TERRORISM, AND GOVERNMENT REPRESSION HAVE HELPED TO HINDER THE NECESSARY NATIONAL RECONCILIATION.

SINCE 1979, DICTATORSHIPS OR MILITARY REGIMES HAVE BEEN REPLACED BY DEMOCRATICALLY ELECTED GOVERNMENTS IN ECUADOR, PERU, BOLIVIA, ARGENTINA, BRAZIL AND URUGUAY IN SOUTH AMERICA AND IN EL SALVADOR, GRENADA, GUATEMALA AND HONDURAS IN THE CARIBBEAN BASIN.

CHILE IS APPROACHING AN IMPORTANT TURNING POINT. WHETHER CHILE SUCCESSFULLY REJOINS THE OTHER DEMOCRACIES OF LATIN AMERICA IS CRUCIAL TO DETERMINING THE FUTURE SITUATION OF HUMAN RIGHTS THERE AND CHILE'S LONG TERM PROSPECTS FOR ECONOMIC DEVELOPMENT. IT IS OF GREAT IMPORTANCE NOT ONLY

TO THE CHILEAN PEOPLE, BUT ALSO TO THE NEW DEMOCRACIES OF SOUTH AMERICA. INSTABILITY IN CHILE WOULD DETRACT FROM THEIR EFFORTS TO GRAPPLE WITH THEIR OWN PRESSING NATIONAL PROBLEMS.

A SUCCESSFUL TRANSITION TO FULL DEMOCRACY IN CHILE WHICH RESTORES THAT COUNTRY'S LONG AND PROUD DEMOCRATIC TRADITION IS ALSO IMPORTANT TO THE UNITED STATES. ANY OTHER OUTCOME COULD THREATEN TO LEAD TO UNREST IN CHILE, AND INCREASED TENSIONS WITH THE U.S.

US SUPPORT FOR DEMOCRATIZATION AND HUMAN RIGHTS

TRANSLATING OUR GOALS INTO EFFECTIVE ACTION IS VERY MUCH COMPLICATED BY THE LIMITED LEVERAGE THE U.S. HAS IN

CHILE, SOME OF IT SELF-IMPOSED. WHILE THE CHILEAN ARMED FORCES CLEARLY HOLD THE KEYS TO A PEACEFUL DEMOCRATIC TRANSITION, PARADOXICALLY, THE RESPONSE BY MUCH OF THE

INTERNATIONAL COMMUNITY HAS BEEN TO ISOLATE THEM, AT A TIME WHEN EXPOSURE TO THE PROFESSIONAL ACTIVITIES OF THE ARMED FORCES IN DEMOCRATIC SOCIETIES COULD BE MOST BENEFICIAL. SINCE 1976 THE UNITED STATES HAS NO SECURITY ASSISTANCE PROGRAMS IN CHILE, NOT EVEN TRAINING PROGRAMS, DUE TO CONGRESSIONAL RESTRICTIONS.

OUR POLICY HAS THEREFORE HAD TO EMPHASIZE THE DIPLOMATIC SPHERE, WHERE WE HAVE COMBINED BOTH PUBLIC AND PRIVATE WORDS AND ACTIONS. WE HAVE TRIED TO BE EFFECTIVE BY TAILORING OUR ACTIONS TO INDIVIDUAL CIRCUMSTANCES, AND IN DOING SO, NOT TO UNDERCUT THOSE IN CHILE WHO ARE WORKING

TO ACHIEVE A DEMOCRATIC OUTCOME.

THIS HAS ENTAILED ENDORSING AND PUBLICLY SUPPORTING STEPS BY THE DEMOCRATIC OPPOSITION TOWARD FLEXIBLE AND PRAGMATIC POSITIONS--AS IN THE NATIONAL ACCORD. IT ALSO HAS MEANT SPEAKING OUT AGAINST THE VIOLENT FAR LEFT, AND URGING THE GOVERNMENT TO AGREE TO POLITICAL DIALOGUE AND TO CURB HUMAN RIGHTS ABUSES. WE HAVE TRANSLATED RHETORIC INTO ACTION, BY SPONSORING AND JOINING CONSENSUS ON FAIR HUMAN RIGHTS RESOLUTIONS ON CHILE IN THE UNITED NATIONS HUMAN RIGHTS COMMISSION IN 1986 AND 1987, AND BY CONTINUING TO SIGNAL OUR SUPPORT FOR DEMOCRACY AND HUMAN RIGHTS BY WITHHOLDING OUR SUPPORT OF INTERNATIONAL DEVELOPMENT BANK LENDING TO CHILE.

IN CHILE, BOTH THE GOVERNMENT AND THE OPPOSITION NOW UNDERSTAND CLEARLY THE IMPORTANCE THE REAGAN ADMINISTRATION ATTACHES TO A PROMPT RESTORATION OF DEMOCRACY AND TO THE FULL OBSERVANCE OF FUNDAMENTAL HUMAN RIGHTS. THE STRAIN INCREASINGLY EVIDENT IN OUR OFFICIAL BILATERAL RELATIONS REFLECTS THE PINOCHET GOVERNMENT'S APPRECIATION OF OUR POSITION ON FULL DEMOCRACY AND HUMAN RIGHTS, AS WELL AS OF OUR SERIOUSNESS OF PURPOSE IN PURSUING JUSTICE IN THE 1976 MURDER IN THIS CAPITAL OF ORLANDO LETELIER AND RONNI MOFFITT.

THE CHILEAN DEMOCRATIC OPPOSITION ALSO KNOWS WHERE WE STAND. IN PARALLEL WITH OUR NORMAL CONTACTS WITH THE PINOCHET GOVERNMENT, WE HAVE CONSTANT, INTENSE DIALOGUE, BOTH IN SANTIAGO AND IN WASHINGTON, WITH A BROAD SPECTRUM

OF CHILEAN DEMOCRATIC LEADERS FROM POLITICAL PARTIES, HUMAN RIGHTS, LABOR, BUSINESS AND RELIGIOUS ORGANIZATIONS, PARTICULARLY THE CATHOLIC CHURCH. THESE DISCUSSIONS CENTER ON A COMMON OBJECTIVE, THE MEANS FOR RESTORING FULL DEMOCRACY IN CHILE.

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PAGE 18 STATE 218181

NOT SURPRISINGLY, THERE IS WIDE DIVERSITY OF OPINION

WITHIN CHILE ON SPECIFIC U.S. POLICY DECISIONS, SUCH AS ON THE VOTE ON THE SAL LAST YEAR. BUT ON THE BROAD OUTLINE OF US POLICY THERE IS CONSENSUS AMONG DEMOCRATIC ELEMENTS IN CHILE, JUST AS WE FIND THAT THERE IS A LARGE DEGREE OF BIPARTISAN CONSENSUS HERE. WE HOPE TO MAINTAIN CLOSE CONSULTATIONS WITH THE CONGRESS--THROUGH SUCH TESTIMONY, THROUGH REGULAR BRIEFINGS OF MEMBERS BY AMBASSADOR BARNES AND WASHINGTON POLICY MAKERS--IN ORDER TO MINIMIZE ANY MISUNDERSTANDINGS.

ANOTHER STRUCTURAL ADJUSTMENT LOAN TO CHILE WILL BE REVIEWED BY THE WORLD BANK LATER THIS YEAR. IN DETERMINING OUR VOTE, WE WILL TAKE INTO ACCOUNT ALL RELEVANT FACTORS, INCLUDING ECONOMIC, HUMAN RIGHTS, AND STATUTORY CRITERIA. IN GENERAL, OUR PREFERENCE IS TO VOTE IN FAVOR OF LOANS THAT ARE SOUND ON ECONOMIC GROUNDS. GIVEN THE EXCELLENT RECORD OF CHILE'S CURRENT ECONOMIC MANAGEMENT TEAM, IT IS REASONABLE TO EXPECT THAT IN ECONOMIC TERMS THE NEXT SAL WILL WARRANT U.S. SUPPORT.

THE HUMAN RIGHTS SITUATION IS MORE DIFFICULT TO PREDICT. WE WOULD HOPE THAT THE POSITIVE EVOLUTION IN THIS AREA COULD DEEPEN AND ALLOW US TO SUPPORT NEW IFI LOANS TO CHILE. BUT SHOULD CIRCUMSTANCES COMPEL US TO CONTINUE NEXT FALL TO WITHHOLD OUR SUPPORT FROM THE SAL ON HUMAN RIGHTS GROUNDS, WE WILL FACE A SIMILAR RANGE OF OPTIONS AS BEFORE: SEEK TO POSTPONE THE VOTE, AS WE DID UNSUCCESSFULLY LAST YEAR; ABSTAIN AGAIN; OR VOTE "NO". IN DETERMINING THE MOST EFFECTIVE U.S. ACTION, WE WILL CONTINUE TO TAKE INTO ACCOUNT THE ATTITUDES OF OTHER

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PAGE 19 STATE 218181

COUNTRIES, AS WELL AS THE LIKELY IMPACT OF THAT ACTION IN

CHILE.

CONCERNING THE LETELIER/MOFFITT CASE, THE COOPERATION OF FERNANDEZ LARIOS WITH U.S. PROSECUTORS OPENED THE OPPORTUNITY TO MAKE PROGRESS ON THIS LONGSTANDING UNRESOLVED CASE OF POLITICAL MURDER. WE WILL NOT CONSIDER THE MATTER CLOSED UNTIL THOSE RESPONSIBLE FOR DIRECTING THE MURDERS ARE BROUGHT TO JUSTICE. THE PINOCHET GOVERNMENT TURNED DOWN OUR REQUEST THAT THEY PROVIDE US FOR TRIAL IN THE UNITED STATES THE TWO FORMER CHILEAN OFFICIALS, GENERAL CONTRERAS AND COLONEL ESPINOZA, ACCUSED OF DIRECTING THE MURDERS. WE HAVE MADE CLEAR THAT WE CONSIDER THIS RESPONSE UNSATISFACTORY, AND THAT THE CHILEAN GOVERNMENT HAS THE LEGAL AND MORAL OBLIGATION TO ASSURE THAT THESE FORMER OFFICIALS ARE PROSECUTED AND BROUGHT TO JUSTICE. WE WILL CONTINUE TO PURSUE THIS CASE VIGOROUSLY THROUGH LEGAL AND DIPLOMATIC

CHANNELS.

DESPITE OUR SHARED GOALS, FROM TIME TO TIME DISAGREEMENTS OCCUR BETWEEN THE ADMINISTRATION AND MEMBERS OF CONGRESS OVER INDIVIDUAL POLICY DECISIONS ON CHILE. BUT THESE DISAGREEMENTS SHOULD NOT OVERSHADOW THE FACT THAT ON THE FUNDAMENTALS OF U.S. POLICY TOWARD CHILE THERE IS BROAD, BIPARTISAN CONSENSUS. AS WE ATTEMPT TO INFLUENCE DEVELOPMENTS IN CHILE IN A POSITIVE DIRECTION, WE ARE MOST EFFECTIVE TO THE EXTENT WE CAN WORK TOGETHER.

END TEXT PREPARED STATEMENT

4. BEGIN TEXT DRAFT ORAL STATEMENT

IN JULY LAST YEAR AND IN CLOSED SESSION LAST SEPTEMBER, I TESTIFIED BEFORE YOU CONCERNING THE CHALLENGES FACING THE LIMITED OFFICIAL USE

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PAGE 20 STATE 218181

UNITED STATES IN CHILE. I NOTED THEN OUR CONCERNS OVER THE HUMAN RIGHTS SITUATION IN CHILE--VIVIDLY SEEN IN THE BRUTAL KILLING OF LONG-TIME U.S. RESIDENT RODRIGO ROJAS--AS WELL AS OUR GROWING PREOCCUPATION OVER THE LACK OF MEANINGFUL PROGRESS TOWARD A TRANSITION TO A FULL, PARTICIPATORY DEMOCRACY. I ALSO EXPLAINED THE DILEMMAS IN USING EFFECTIVELY THE LIMITED INFLUENCE OF THE UNITED STATES.

A LOT HAS CHANGED IN CHILE SINCE THEN, BUT UNFORTUNATELY THE SAME FAMILIAR QUESTIONS REMAIN OVER HUMAN RIGHTS AND

DEMOCRACY. NOW IS A GOOD TIME TO REVIEW THE SITUATION, SINCE CHILE IS RAPIDLY APPROACHING A CRITICAL TURNING POINT, WITH SERIOUS IMPLICATIONS FOR DEMOCRACY, HUMAN RIGHTS, ECONOMIC DEVELOPMENT AND US POLICY.

THE SITUATION IN CHILE IS COMPLEX; BLACK AND WHITE JUDGEMENTS ARE MISLEADING. CONCRETE STEPS FORWARD ON HUMAN RIGHTS HAVE OCCURRED, BUT THERE IS STILL NO SENSE OF A DEEP AND LASTING COMMITMENT BY THE GOVERNMENT TO TAKE DECISIVE ACTION TO END ABUSES, OR TO ESTABLISH PRECEDURES THAT WOULD MAKE SUCH PROGRESS IRREVERSIBLE.

THE COUNTRY IS HEADED TOWARD AN ELECTORAL PROCESS, BUT OPEN AND FULLY LEGITIMATE DEMOCRATIC CHOICE IS IN DOUBT. POLITICAL REFORMS HAVE TAKEN PLACE, BUT ONLY WHEN INSTITUTED FROM THE TOP DOWN, WITHOUT THE INVOLVEMENT OF POLITICAL PARTIES AND OTHER CIVIC ORGANIZATIONS REPRESENTING IMPORTANT DEMOCRATIC ELEMENTS OF CHILEAN SOCIETY, WHOSE FULL PARTICIPATION AND SUPPORT IS VITAL TO A SUCCESSFUL DEMOCRATIC TRANSITION.

THERE ARE ALSO STRONG FORCES OPPOSED TO A DEMOCRATIC
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PAGE 21 STATE 218181

OUTCOME IN CHILE. EXTREMIST POLITICAL VIOLENCE, TERRORISM, AND GOVERNMENT REPRESSION HAVE HELPED TO HINDER THE NECESSARY NATIONAL RECONCILIATION THAT THE POPE TRIED TO ENCOURAGE THIS SPRING.

CHILE IS APPROACHING AN IMPORTANT TURNING POINT. WHETHER CHILE SUCCESSFULLY JOINS THE OTHER DEMOCRACIES OF LATIN AMERICA IS CRUCIAL TO DETERMINING THE FUTURE SITUATION OF HUMAN RIGHTS THERE AND CHILE'S LONG TERM PROSPECTS FOR PEACEFUL POLITICAL AND ECONOMIC DEVELOPMENT. IT IS OF GREAT IMPORTANCE NOT ONLY TO THE CHILEAN PEOPLE, BUT ALSO TO THE NEW DEMOCRACIES OF SOUTH AMERICA.

A SUCCESSFUL TRANSITION TO FULL DEMOCRACY IN CHILE IS ALSO IMPORTANT TO THE UNITED STATES. ANY OTHER OUTCOME COULD THREATEN TO LEAD TO UNREST IN CHILE, AND INCREASED TENSIONS WITH THE U.S.

TRANSLATING OUR GOALS INTO EFFECTIVE ACTION IS COMPLICATED BY THE LIMITED LEVERAGE THE U.S. HAS IN CHILE, SOME OF IT SELF-IMPOSED. WHILE THE CHILEAN ARMED FORCES CLEARLY HOLD THE KEYS TO A PEACEFUL TRANSITION, PARADOXICALLY, THE RESPONSE BY MUCH OF THE INTERNATIONAL COMMUNITY HAS BEEN TO ISOLATE THEM, AT A TIME WHEN

EXPOSURE TO THE PROFESSIONAL ACTIVITIES OF ARMED FORCES IN DEMOCRATIC SOCIETIES COULD BE MOST BENEFICIAL. SINCE 1976 THE UNITED STATES HAS NO SECURITY ASSISTANCE PROGRAMS IN CHILE, NOT EVEN TRAINING PROGRAMS, DUE TO CONGRESSIONAL RESTRICTIONS.

OUR ECONOMIC LEVERAGE IS ALSO LIMITED. WE DO NOT HAVE ECONOMIC ASSISTANCE PROGRAMS TO SPEAK OF. NOR DO WE HAVE A VETO OVER LOANS FROM THE WORLD BANK AND IDB.

OUR POLICY HAS THEREFORE HAD TO EMPHASIZE THE DIPLOMATIC SPHERE, WHERE WE HAVE COMBINED BOTH PUBLIC AND PRIVATE

WORDS AND ACTIONS. WE HAVE TRIED TO BE EFFECTIVE BY TAILORING OUR ACTIONS TO INDIVIDUAL CIRCUMSTANCES, AND IN DOING SO, NOT TO UNDERCUT THOSE IN CHILE WHO ARE WORKING TO ACHIEVE A DEMOCRATIC OUTCOME.

THIS HAS ENTAILED ENCOURAGING THE GOVERNMENT TO ESTABLISH FULLY PARTICIPATORY DEMOCRACY, WHILE ENDORSING AND PUBLICLY SUPPORTING STEPS BY THE DEMOCRATIC OPPOSITION TOWARD FLEXIBLE AND PRAGMATIC POSITIONS--AS IN THE NATIONAL ACCORD. IT ALSO HAS MEANT SPEAKING OUT AGAINST THE VIOLENT FAR LEFT, AND URGING THE GOVERNMENT TO AGREE TO POLITICAL DIALOGUE AND TO CURB HUMAN RIGHTS ABUSES.

WE HAVE TRANSLATED RHETORIC INTO ACTION, BY SPONSORING AND JOINING CONSENSUS ON FAIR HUMAN RIGHTS RESOLUTIONS ON CHILE IN THE UNITED NATIONS HUMAN RIGHTS COMMISSION IN 1986 AND 1987, AND BY CONTINUING TO SIGNAL OUR SUPPORT FOR DEMOCRACY AND HUMAN RIGHTS BY WITHHOLDING OUR SUPPORT OF INTERNATIONAL DEVELOPMENT BANK LENDING TO CHILE.

IN CHILE, BOTH THE GOVERNMENT AND THE OPPOSITION NOW UNDERSTAND CLEARLY THE IMPORTANCE THE REAGAN ADMINISTRATION ATTACHES TO A PROMPT RESTORATION OF TRUE DEMOCRACY AND TO THE FULL OBSERVANCE OF FUNDAMENTAL HUMAN RIGHTS. THE STRAIN INCREASINGLY EVIDENT IN OUR OFFICIAL BILATERAL RELATIONS REFLECTS THE PINOCHET GOVERNMENT'S APPRECIATION OF OUR POSITION ON FULL DEMOCRACY AND HUMAN RIGHTS, AS WELL AS OF OUR SERIOUSNESS OF PURPOSE IN PURSUING JUSTICE IN THE LETELIER/MOFFITT MURDER AND IN THE BURNINGS OF RODRIGO ROJAS AND CARMEN QUINTANA. OUR STATEMENT ON THE ANNIVERSARY OF THE KILLING OF RODRIGO ROJAS PROMPTED THE CHILEAN GOVERNMENT TO PUBLICLY DENOUNCE "U.S. INTERFERENCE". WE WILL NONETHELESS

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PAGE 23 STATE 218181

CONTINUE TO SPEAK OUT ABOUT OUR LEGITIMATE CONCERNS.

THE CHILEAN DEMOCRATIC OPPOSITION ALSO KNOWS WHERE WE STAND. IN PARALLEL WITH OUR NORMAL CONTACTS WITH THE PINOCHET GOVERNMENT, WE HAVE CONSTANT, INTENSE DIALOGUE, BOTH IN SANTIAGO AND IN WASHINGTON, WITH A BROAD SPECTRUM OF CHILEAN DEMOCRATIC LEADERS FROM POLITICAL PARTIES, HUMAN RIGHTS, LABOR, BUSINESS AND RELIGIOUS ORGANIZATIONS, PARTICULARLY THE CATHOLIC CHURCH. THESE DISCUSSIONS CENTER ON A COMMON OBJECTIVE, THE MEANS FOR RESTORING FULL DEMOCRACY IN CHILE.

IS OUR APPROACH TOWARD CHILE ON COMPLEX ISSUES SUCH AS VOTES IN THE IFIS CORRECT? WE THINK SO, BUT WE ARE VERY AWARE THAT MANY DECISIONS ARE CLOSE JUDGMENT CALLS WITH RESPONSABLE PEOPLE ARGUING FOR A DIFFERENT COURSE. NOT SURPRISINGLY, THERE IS WIDE DIVERSITY OF OPINION WITHIN CHILE ON SPECIFIC U.S. POLICY DECISIONS, SUCH AS THE VOTE ON THE SAL LAST YEAR.

HERE THERE ARE DIFFERENCES AS WELL. SOME MEMBERS OF CONGRESS FAVOR SANCTIONS TO HURT CHILE ECONOMICALLY AND TO DISTANCE US FURTHER FROM THE PINOCHET GOVERNMENT; THE ADMINISTRATION OPPOSES SUCH PUNITIVE ECONOMIC MEASURES AS COUNTERPRODUCTIVE TO OUR EFFORTS TO PROMOTE A PEACEFUL TRANSITION. WE THINK SANCTIONS COULD STRENGTHEN, NOT WEAKEN HARDLINE ELEMENTS OPPOSED TO A TRANSITION, AND PENALIZE THE CHILEAN PEOPLE FOR THE PRESENT SITUATION.

BUT ON THE BROAD OUTLINE OF US POLICY THERE IS CONSENSUS AMONG DEMOCRATIC ELEMENTS IN CHILE, JUST AS WE FIND THAT THERE IS A LARGE DEGREE OF BIPARTISAN CONSENSUS HERE. IN CARRYING OUT A REASONABLY CLEAR AND CONSISTENT POLICY, OUR EMPHASIS IN ON EFFECTIVENESS. IN THAT REGARD, WE CONSULT REGULARLY AND TAKE INTO ACCOUNT THE ATTITUDES OF OTHER COUNTRIES, AND WHERE POSSIBLE WORK TOGETHER TO

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PAGE 24 STATE 218181

REINFORCE THE IMPACT IN CHILE OF OUR EFFORTS.

WE HOPE THAT WE CAN CONTINUE TO WORK CONSTRUCTIVELY WITH YOU IN THE CONGRESS TO MEET THE CHALLENGES THE U.S. FACES IN CHILE AND TRY TO INFLUENCE THE SITUATION IN A POSITIVE DIRECTION.

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FM AMEMBASSY BUENOS AIRES
TO RUEHME / AMEMBASSY MEXICO PRIORITY
RUEHSJ / AMEMBASSY SAN JOSE PRIORITY 1018
RUFHGV / USMISSION GENEVA PRIORITY 2339
RUEHZP / AMEMBASSY PANAMA PRIORITY 7439
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CLASS: SECRET
CHRGE: PROG 7/17/87
APPRV: CONS:TLHOLLADAY
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~~S E C R E T~~ SECTION 01 OF 02 BUENOS AIRES 07384

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

E.O. 12356: DECL:OADR
TAGS: PREF, SHUM AR
SUBJECT: CHILEAN REFUGEES IN BUENOS AIRES

FOLLOWING MSG SANTIAGO 4196 DTD 6/9/87 ACTION BUENOS AIRES INFO SECSTATE IS NOW REPEATED FOR YOUR ACTION
QUOTE
~~S E C R E T~~ SANTIAGO 04196

CA 15

E.O. 12356: DECL: OADR
TAGS: PREL, PHUM, CVIS, CI (DRAGO CAMUS, PAOLA MARIA) (DRAGO CAMUS, CLAUDIA ELENA) (PACHECO, MAXIMO) (GALDAMEZ PIZARRO, DANIEL ROBERTO)
SUBJECT: REQUEST FOR REFUGE OF PAOLA DRAGO

REF: SANTIAGO 4065 NOTAL

1. (~~SECRET~~ - ENTIRE TEXT)

2. SUMMARY: DURING THE LAST WEEK OF FEBRUARY, A BOMB EXPLODED IN AN APARTMENT IN SANTIAGO. THERE WERE NO INJURIES, BUT PAOLA DRAGO'S WALLET WAS FOUND AT THE SCENE, AND THE CHILEAN POLICE HAVE BEEN SEARCHING FOR HER AND THE APARTMENT'S OCCUPANT, EDUARDO MORGAN TIRADO, EVER SINCE. ON FEBRUARY 27, MS. DRAGO'S SISTER CLAUDIA WAS DETAINED, AND KEPT INCOMMUNICADO UNTIL MARCH 2. DURING HER INCARCERATION, 19-YEAR-OLD CLAUDIA WAS INTERROGATED FOR HOURS AT A TIME, MUCH OF IT BLINDFOLDED, AND WAS THE TARGET OF MUCH PSYCHOLOGICAL ABUSE. THERE WAS NEVER ANYTHING TO SHOW THAT CLAUDIA HAD ANYTHING TO DO WITH THE INCIDENT OTHER THAN BEING PAOLA'S SISTER. COMPLICATING FACTORS ARE THAT THE SISTERS ARE THE NIECES OF BISHOP CAMUS OF LINARES, AN OUTSPOKEN CRITIC OF THE PINOCHET REGIME, AND DAUGHTERS OF THE SECRETARY OF MAXIMO PACHECO, VICE PRESIDENT OF THE CHILEAN HUMAN RIGHT COMMISSION.

3. PAOLA DRAGO IS IN BUENOS AIRES, ALONG WITH HER FIANCE DANIEL ROBERTO GALDAMEZ PIZARRO. THE TWO WILL APPROACH THE EMBASSY TO REQUEST REFUGEE STATUS IN THE U.S.
COMMENT: POST SUPPORTS THIS REQUEST FOR THE FOLLOWING REASONS: 1. GIVEN THE TREATMENT METED OUT TO CLAUDIA, WHO OBVIOUSLY HAD NOTHING TO DO WITH THE INCIDENT, IT SEEMS LIKELY THAT PAOLA WOULD BE TREATED EVEN MORE HARSHLY. 2. BISHOP CAMUS IS AN ENEMY OF LONG STANDING OF THE PINOCHET REGIME. 3. MAXIM

PACHECO IS LIKEWISE AN OUTSPOKEN OPPONENT OF THE REGIME. HE IS OF INTERNATIONAL STANDING IN THE HUMAN RIGHTS FIELD THIS AND HIS POSITION IN CHILEAN SOCIETY PROTECT HIM TO A CERTAIN EXTENT AGAINST ATTACK. THE OPPORTUNITY TO CONVICT SOMEONE CLOSE TO CAMUS AND PACHECO OF "TERRORIST ACTIVITIES" MIGHT BE TOO TEMPTING FOR THE GOVERNMENT TO LET FACTS STAND IN ITS WAY. END SUMMARY AND COMMENT.

4. IDENTIFICATION INFORMATION: PAOLA MARIA DRAGO CAMUS, DPOB 3/29/65, CHILE. DANIEL ROBERTO GALDAMEZ PIZARRO, DPOB 4/17/63, VALPARAISO, CHILE.

5. THE ARREST OF CLAUDIA DRAGO AT HER FAMILY'S APARTMENT IN VINA DEL MAR AFTER THE EXPLOSION IN SANTIAGO CREATED A NATIONWIDE SENSATION. HER MOTHER WAS NOT ALLOWED TO SEE HER UNTIL THE LAST DAY OF HER DETENTION. BEFORE THAT THE GIRL HAD BEEN QUESTIONED FOR LONG HOURS WHILE BLINDFOLDED, MADE TO STAND OR CROUCH IN UNCOMFORTABLE ATTITUDE FOR LONG PERIODS, TOLD THAT SHE WAS GOING TO BE STRIPPED AND RAPED, OR THAT DOGS WERE GOING TO BE SET ON HER, TOLD THAT HER MOTHER WAS ALREADY UNDER ARREST AND BEING TORTURED AND THAT IT WOULD CONTINUE UNLESS CLAUDIA TALKED, AND SLAPPED SEVERAL TIMES ABOUT THE HEAD AND SHOULDERS BY A WOMAN INTEROGATOR. FROM SOON AFTER SHE WAS SHOVED INTO THE CAR ON THE FIRST DAY, UNTIL SHE WAS IN THE CAR ONLY BLOCKS FROM HER HOUSE ON THE LAST, CLAUDIA WAS KEPT BLIND FOLDED WHENEVER SHE WAS MOVED FROM ONE PLACE TO ANOTHER. AS REFTEL STATES, A POLICE OFFICIAL LATER SAID THAT CLAUDIA EXPERIENCED "NORMAL METHODS OF POLICE INTEROGATION".

6. ON JUNE 5, SANTIAGO DAILY "LAS ULTIMAS NOTICIAS" PUBLISHED A THREE-PARAGRAPH BOX ON PAGE FIFTEEN WITH THE HEADLINE "SEARCH FOR CLAUDIA DRAGO INTENSIFIED" WHICH STATED THAT SHE AND EDUARDO MORGAN TIRADO HADN'T BEEN SEEN SINCE THE EXPLOSION IN MORGAN'S APARTMENT. MAXIMO PACHECO TOLD A CONSULAR OFFICER THAT HE HAD CALLED RAUL GONZALEZ ALFARO, AN EXECUTIVE OF THE PAPER, TO POINT OUT THAT THEY WERE IN FACT TALKING ABOUT PAOLA, NOT CLAUDIA. GONZALEZ ADMITTED THEIR ERROR. WHEN PACHECO ASKED WHY THEY HAD PUBLISHED THIS, SINCE THERE HADN'T BEEN ANYTHING NEW IN THE CASE, GONZALEZ REPLIED THAT A GOVERNMENT OFFICIAL HAD CALLED HIM THAT DAY AND ORDERED HIM TO PUBLISH IT, IN ORDER TO SEND A MESSAGE TO BISHOP CAMUS IN RETALIATION FOR THE BISHOP'S COMMENTS THE DAY BEFORE ABOUT THE IMMORALITY OF PINOCHET'S 1980 CONSTITUTION.

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7. ACCORDING TO PACHECO, PAOLA DRAGO TOLD HER FAMILY THAT SHE HAD NO KNOWLEDGE OF EDUARDO MORGAN'S APPARENT INVOLVEMENT IN BOMB-BUILDING OR ANY OTHER TERRORIST ACTIVITY. SHE KNEW MORGAN AND WAS VISITING HIS APARTMENT WHEN HE SUDDENLY CAME INTO THE ROOM AND SAID THEY MUST LEAVE BECAUSE A BOMB WAS ABOUT TO EXPLODE. POST HAS NDI ON EITHER OF THE DRAGOS OR ON GALDAMEZ . ON MORGAN , WE HAVE ONLY A CLIPPING FROM A 12/11/82 NEWSPAPER REPORTING ARREST OF A PERSON OF THAT NAME AMONG A GROUP OF 12 WHO STAGED A PEACEFUL DEMONSTRATION IN THE SANTIAGO CATHEDRAL

8. COMMENT : THE ABOVE TIDBIT , ALONG WITH THE KIDNAPPING AND INTIMIDATION IN 1986 OF A MAID EMPLOYED BY MAXIMO PACHECO , HIGHLIGHTS THE PINOCHET GOVERNMENT ' S PROPENSITY TO ATTACK ITS ENEMIES IN ANY WAY POSSIBLE . IF THEY ARE TOO PROMINENT TO ATTACK DIRECTLY , AS IN THE CASE OF BISHOP CAMUS AND PACHECO , ONE GETS AT THEM THROUGH RELATIVES OR ASSOCIATES . WE HAVE NO INFORMATION CONCERNI PAOLA DRAGO ' S ACTIVITIES BEFORE THE EXPLOSION , BUT CAN SAY WITH CONFIDENCE THAT HER CHANCE OF GETTING A FAIR , SPEEDY , AND PUBLIC TRIAL IN CHILE IS NIL , AND THAT SHE COULD EXPECT TO COME OUT OF THE EXPERIENCE WITH LASTING SCARS -- AT LEAST PSYCHOLOGICALLY . END COMMENT . BARNES UNQUOTE GILDRED

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PAGE 01 USVIEN 00747 171358Z
ACTION IO-19

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UNCLAS USVIENNA 00747

STATE PASS TO L. GALLINI, IO/SCT
DOE WASHDC PASS TO P.N. BRUSH, IE-13
NRC PASS TO R. HAUBER/D. CHANEY, IP

FROM UNVIE MISSION

E.O. 12356: N/A
TAGS: IAEA, ENRG, KSCA, TRGY
SUBJECT: IAEA REQUEST FOR OSART SUPPORT

1. MISSION HAS RECEIVED SUBJECT REQUEST FOR A U.S. EXPERT TO PARTICIPATE IN A NEWLY SCHEDULED OSART MISSION TO LAGUNA VERDE NPP IN MEXICO SEPT. 4-15.

2. FULL TEXT OF REQUEST FOLLOWS:

BEGIN TEXT.
DEAR DR. KATZ,
THIS IS TO CONFIRM MY 10 JULY TELEPHONE REQUEST TO YOU FOR SUPPORT OF A PRE-OSART MISSION TO THE LAGUNA VERDE NUCLEAR POWER PLANT IN MEXICO IN EARLY SEPTEMBER, 1987. THE UNCLASSIFIED

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PAGE 02 USVIEN 00747 171358Z

REVIEW AREA FOR THE US EXPERT IS EMERGENCY PLANNING AND PREPAREDNESS, HE SHOULD THEREFORE HAVE THE FOLLOWING QUALIFICATIONS AND EXPERIENCE:

- OVER 15 YEARS OF NUCLEAR EXPERIENCE
- SOUND TECHNICAL KNOWLEDGE OF EMERGENCY PLANNING AND PREPAREDNESS REQUIREMENTS
- FAMILIARITY WITH RECENT INTERNATIONAL EVENTS AND THEIR IMPACT ON THE REVIEW AREA

IN ADDITION, THE FOLLOWING QUALIFICATIONS ARE HIGHLY DESIRABLE:

- PREVIOUS PARTICIPATION IN A MEXICAN OSART MISSION
- KNOWLEDGE OF LAGUNA VERDE POWER PLANT AND PERSONNEL AT THE PLANT
- ABILITY TO COMMUNICATE WITH LOCAL AND GOVERNEMNTAL AUTHORITIES IN SPANISH.
- WELL RESPECTED BY MEXICAN COUNTERPARTS

ALL COSTS ASSOCIATED WITH TRANSPORTATION, FOOD AND LODGING FOR THIS MISSION WILL BE PAID FOR BY THE MEXICAN AUTHORITIES, INCLUDING A PER DIEM ALLOWANCE OF 20 PERCENT OF THE STANDARD UN RATES PREVAILING AT THE TIME. THE DATES FOR THE MISSION ARE AS FOLLOW (PENDING CONFIRMATION BY THE MEXICAN AUTHORITIES):

1ST DAY OF MISSION - SEPTEMBER 4, 1987
EXIT MEETING AT PLANT - SEPTEMBER 14, 1987
EXIT MEETING AT CFE - SEPTEMBER 15, 1987

A HIGH LEVEL OF IMPORTANCE HAS BEEN PLACED ON THIS MISSION BY MEXICAN AUTHORITIES, AND THE IAEA IS PREPARED TO
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PAGE 03 USVIEN 00747 171358Z

SUPPORT THIS RECENT REQUEST. YOU ARE THEREFORE REQUESTED TO PROVIDE A TIMELY RESPONSE. YOUR SUPPORT IS APPRECIATED.

SIGNED, M.G. HAYDIN, COUNTRY OFFICER, DIVISION OF NUCLEAR SAFETY.

END TEXT.

3. PLEASE ADVISE. FRISBIE

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PP RUEHC RUEHME RUEHSJ RUFHGV RUEHZP RUEHSG
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FM AMEMBASSY BUENOS AIRES
TO RUEHC / SECSTATE WASHDC PRIORITY 9769
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RUEHSJ / AMEMBASSY SAN JOSE PRIORITY 1016
RUFHGV / USMISSION GENEVA PRIORITY 2337
INFO RUEHZP / AMEMBASSY PANAMA 7436
RUEHSG / AMEMBASSY SANTIAGO 9010
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CLASS: SECRET
CHRGE: PROG 7/17/87
APPRV: CONS:TLHOLLADAY
DRFTD: CONS:TLHOLLADAY
CLEAR: NONE
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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
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S E C R E T BUENOS AIRES 07357

DEPT FOR RP/RAP

PANAMA AND MEXICO FOR OIC/INS

E.O. 12356: DECL:OADR
TAGS: PREF, SHUM, AR
SUBJECT: CHILEAN REFUGEES IN BUENOS AIRES

REF: (A) PANAMA 9428 (NOTAL) (B) STATE 218757 (NOTAL)
(C) BUENOS AIRES 7087 (NOTAL) (D) STATE 181328 (NOTAL)
(E) SANTIAGO 4196 (NOTAL)

1. REFTELS DISCUSS REFUGEE APPLICATIONS OF CHILEANS CLAUDIA ELENA DRAGO CAMUS AND DANIEL ROBERTO GALDAMES PIZZARO WHO ARE SEEKING U.S. REFUGEE STATUS IN BUENOS AIRES. THEY FEAR THEY ARE BEING SOUGHT HERE BY CHILEAN AGENTS. WE ARE EXPLORING WITH INS PANAMA, UNHCR AND ICM PROSPECT OF TRANSFERRING THESE TWO PRIORITY ONE REFUGEES TO PANAMA OR COSTA RICA FOR INS INTERVIEW. COSTA RICA WOULD BE IDEAL SINCE IT HAS UNHCR OFFICE (PANAMA DOES NOT) AND INS OFFS FROM MEXICO WILL BE THERE NEXT WEEK INTERVIEWING REFUGEES.

2. FOR GENEVA: WOULD APPRECIATE YOUR COORDINATING WITH ICM AND UNHCR.

3. FOR SAN JOSE: PLEASE ALERT UNHCR OFFICE OF POSSIBLE REQUEST FOR TRANSFER THESE REFUGEES FOR INS PROCESSING THERE.

4. WE ARE REPEATING REF E, BACKGROUND, TO MEXICO, SAN JOSE, GENEVA AND PANAMA.
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PAGE 01 USVIEN 00748 171403Z
ACTION IO-19

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STATE PASS L.GALLINI, IO/SCT
DOE PASS P.BRUSH, IE-13
NRC PASS R.HAUBER, IP

FROM UNVIE MISSION

E.O. 12356: N/A
TAGS: IAEA, ENRG, KSCA, TRGY, MNUC, KSCA
SUBJECT: IAEA OSART SCHEDULE

REF: STATE 195222

1. PURSUANT TO PARA 1 OF REFTEL, MISSION HAS OBTAINED LATEST INFORMATION ON IAEA OSART MISSION SCHEDULE. FOLLOWING IS OSART SCHEDULE FOR REMAINDER OF 1987.

OSART NO.	DATE	PLANT AND COUNTRY	U.S. PARTICIPATION
19	AUG. 10-28	CALVERT CLIFFS USA	NONE
20	SEPT 4-14	LAGUNA VERDE, MEXICO	1 U.S. EXPERT IN EMERGENCY PLANNING

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PAGE 02 USVIEN 00748 171403Z

AND PREPAREDNESS WHO
IS FAMILIAR WITH THE
LAGUNA VERDE POWER

-			PLANT AND HAS
-			PARTICIPATED IN A
-			PREVIOUS MEXICAN
-			OSART MISSION.
21	NOV 2-20	PHILIPPSBURG,	1 U.S. MAINTENANCE
-		FRG	EXPERT WITH 20 YRS.
-			MAINTENANCE
-			EXPERIENCE AT BWR
-			NPP SUCH AS DRESDEN
-			OR LA SALLE,
-			EVALUATION
-			EXPERIENCE AT INPO
-			AND GOOD
-			COMMUNICATION
-			SKILLS.
22	NOV 30-DEC 18	ALMARAZ, SPAIN	2 U.S. EXPERTS IN
-			THE AREAS OF MANAGE-
-			MENT AND TECHNICAL
-			SUPPORT AT AN NPP
-			SIMILAR TO THAT IN
-			ALMARAZ SUCH AS THE
-			NORTH ANNA PLANT.

2. WITH REGARD TO THE 1988 OSART SCHEDULE, AGENCY IS NOT IN A POSITION TO PROVIDE THE DETAILS REQUESTED, HOWEVER, SOME PRELIMINARY INFORMATION IS AVAILABLE.

(1) CURRENTLY 4 OSART MISSIONS ARE TENTATIVELY UNCLASSIFIED

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PAGE 03 USVIEN 00748 171403Z

SCHEDULED. THE POWER PLANTS HAVE NOT/NOT BEEN IDENTIFIED.
(A) ITALY IN APRIL
(B) JAPAN IN MAY
(C) FRANCE IN SEPTEMBER
(D) HUNGARY IN OCTOBER

3. IN ADDITION TO THESE COUNTRIES, IT IS EXPECTED THAT THE FOLLOWING MAY REQUEST OSARTS IN 1988:

ARGENTINA, CHINA, CUBA, CZECHOSLOVAKIA, GERMAN DEMOCRATIC REPUBLIC, KOREA, MEXICO, SWEDEN, SWITZERLAND, U.K., AND THE USSR.

4. WITH REGARD TO U.S. EXPERTS TO SUPPORT THESE MISSIONS, IT IS ANTICIPATED THAT ONE U.S. EXPERT WOULD BE REQUESTED FOR EACH OF THE FOLLOWING COUNTRIES:

CHINA, CUBA, CZECHOSLOVAKIA, FRANCE, HUNGARY, ITALY, JAPAN, KOREA, MEXICO, SWEDEN, SWITZERLAND, AND THE USSR.

EXPERTS WOULD PRIMARILY BE NEEDED IN PLANT OPERATIONS, SECONDLY, IN EMERGENCY PLANNING AND PREPAREDNESS AND THEN IN LOWER ORDER OF PRIORITY, MANAGEMENT, ORGANIZATION AND ADMINISTRATION, AND RADIOLOGICAL PROTECTION AND CHEMISTRY.

5. PURSUANT TO INSTRUCTIONS OF PARA 2 REFTEL, MISSION COUNSELOR KATZ MET WITH DIRECTOR OF SAFETY MORRIS ROSEN AND DISCUSSED THE CONTENTS OF PARA I REFTEL IN DETAIL. AGENCY HAS AGREED TO CONFORM TO OUR REQUIREMENTS.
FRISBIE

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*** Current Handling Restrictions *** n/a
*** Current Classification *** UNCLASSIFIED

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 07/14/95
Case ID: 9512225

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Department of State TELEGRAM

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INFO AMEMBASSY GUATEMALA IMMEDIATE

UNCLAS MEXICO 14816

DEPT FOR CA/OCS/EMR (ROBT LYNN AND CA/EX/SA GLEN GRASTY)

E.O. 12356: N/A
TAGS: CASC, MX (BLAKE, NICHOLAS AND DAVIS GRIFFITH)
SUBJECT: M/M CASE OF NICHOLAS BLAKE AND GRIFFITH DAVIS - SEARCH IN CHIAPAS, MEXICO

REF: A) STATE 198035 B) GUATEMALA 5812 C) 86 GUATEMALA 3878 D) 86 MEXICO 8742 E) 86 MEXICO 5204 F) 85 MEXICO 04892

1. SUMMARY: CONOFF TRAVELED TO THE MEXICAN STATE OF CHIAPAS TO INVESTIGATE POSSIBLE SIGHTING OF NICK BLAKE IN MARCH OF 1986, ONE YEAR AFTER HIS DISAPPEARANCE IN GUATEMALA. BLAKE WAS ALLEGED TO HAVE BEEN LIVING IN THE VILLAGE OF TZISCAO, CHIAPAS WITH A PRIEST NAMED ALFREDO INDA. THE SIGHTING WAS REPORTED BY JOSE H. RIVERA MALDONADO OF GUATEMALA CITY WHO SAID THAT HIS BROTHER LUIS MALDONADO OF COMITAN, CHIAPAS HAD SEEN BLAKE AND HAD SPOKEN WITH HIM. CONOFF'S INVESTIGATION IN TZISCAO ON 16 JULY 1987 FAILED TO FIND ANY PROOF TO SUPPORT THIS SIGHTING. ON THE SAME DAY CONOFF TRIED AND FAILED TO CONTACT LUIS MALDONADO AT HIS HOME IN COMITAN. THIS VISIT FOLLOWED SEVERAL ATTEMPTS TO CONTACT HIM BY TELEPHONE. LUIS MALDONADO FINALLY CONTACTED CONOFF BY TELEPHONE ON THE EVENING OF 20 JULY 1987. HE ADMITTED THAT HE HAD NEVER ACTUALLY SEEN BLAKE AND THAT THE SIGHTING WAS A FABRICATION DESIGNED BY HIS BROTHER JOSE TO ELICIT MONEY FROM THE BLAKE FAMILY. END SUMMARY.

2. REFTELS B AND C DISCUSSED AN ALLEGED SIGHTING OF NICK BLAKE IN TZISCAO, CHIAPAS IN MARCH OF 1986. THE SIGHTING WAS REPORTED BY GUATEMALAN BUSINESSMAN JOSE RIVERA MALDONADO IN APRIL OF 1986 AND AGAIN IN JUNE OF 1987. RIVERA WENT TO AMEMBASSY GUATEMALA TO REPORT THE SIGHTING AND TO REQUEST REIMBURSEMENT FOR HIS EXPENSES IN SEARCHING FOR BLAKE. HE REQUESTED 150 DOLLARS FOR HIMSELF AND 3,000 DOLLARS FOR HIS BROTHER LUIS, A RESIDENT OF COMITAN, CHIAPAS. REFTEL C REPORTED THAT MALDONADO SAID BLAKE WAS STAYING AT THE VILLAGE CHURCH IN TZISCAO WITH AN AMERICAN PRIEST NAMED ALFREDO INDA (AKA PEDRO HERNANDEZ). WHEN JOSE RIVERA MALDONADO HEARD OF THE SIGHTING HE SAID HE SENT A PHOTO OF BLAKE TO HIS BROTHER LUIS MALDONADO, WHO ALLEGEDLY WENT TO TZISCAO IN MARCH OF 1986, IDENTIFIED BLAKE AND CALLED HIM BY NAME. BLAKE WAS APPARENTLY UPSET BY THE RECOGNITION AND RESPONDED THAT HE DID NOT WANT TO BE IDENTIFIED AND WANTED NO CONTACT WITH THE OUTSIDE.

3. CONOFF VISITED TZISCAO ON 16 JULY 1987. THE VILLAGE IS A TIGHTLY-KNIT COMMUNITY OF ABOUT 300 RESIDENTS PERCHED ON THE GUATEMALAN BORDER ABOUT THREE HOURS SOUTH SOUTHEAST OF SAN CRISTOBAL DE LAS CASAS. FATHER INDA AND AT LEAST ELEVEN OTHER TOWNSPEOPLE WHO WERE INTERVIEWED STATED THAT BLAKE HAD NEVER LIVED IN TZISCAO. THEY SAID VISITORS COME AND GO IN THE TOWN, SOME STAY A DAY OR TWO, BUT NO FOREIGNER HAD EVER LIVED THERE FOR MORE THAN A WEEK. THEY ALSO MENTIONED THAT BLAKE'S HAIR COLOR AND HEIGHT WOULD HAVE MADE HIM A PARTICULARLY NOTICEABLE GUEST. IN ADDITION, THE STORY ABOUT BLAKE LIVING IN THE TOWN CHURCH MADE NO SENSE. THE CHURCH IS SOMEWHAT REMOVED FROM THE REST OF THE COMMUNITY AND IS BASICALLY UNINHABITABLE - IT HAS NO BED OR LIVING QUARTERS, NO BATHROOM AND NO WINDOWS. FATHER INDA DOES NOT LIVE IN OR NEAR THE CHURCH BUT IN A SMALL HOUSE ABOUT HALF A KILOMETER AWAY. HE SAID THAT THE CHURCH AUTHORITIES FORBID HIM TO HAVE OUTSIDERS AS GUESTS IN THE HOUSE BECAUSE OF TZISCAO'S SOMEWHAT DELICATE POSITION AS A HOME FOR GUATEMALAN REFUGEES. FATHER INDA HELPS THE REFUGEES AS MUCH AS HE CAN, BUT HIS SUPERIORS DO NOT WANT THE APPEARANCE THAT THE CATHOLIC CHURCH IS HOSTING FOREIGNERS WHO COME TO MEET WITH THE REFUGEES.

4. FATHER INDA IDENTIFIED BLAKE FROM A PHOTOGRAPH AND SAID HE HAD MET HIM IN EITHER 1983 OR 1984. BLAKE HAD COME TO TZISCAO TO INTERVIEW THE GUATEMALAN REFUGEES AND ASKED FATHER INDA ABOUT THE CHURCH'S POSITION ON THE REFUGEE ISSUE. BLAKE WAS TRAVELING WITH A DARK-HAIRED, BEARDED FRIEND WHOSE NAME FATHER INDA COULD NOT RECALL. INDA WAS SHOWN A PHOTO OF GRIFFITH DAVIS BUT COULD NOT SAY IF DAVIS WAS BLAKE'S COMPANION AT THE TIME. CONOFF WAS SURPRISED TO LEARN THAT FATHER INDA KNEW THE BASICS OF THE CASE AND HAD HEARD OF THE EMBASSY'S ATTEMPTS TO LOCATE HIM. HE SAID ARCHBISHOP SAMUEL RUIZ OF SAN CRISTOBAL DE LAS CASAS HAD INFORMED HIM THAT THERE HAD BEEN A SIGHTING OF BLAKE IN TZISCAO AND THAT THE EMBASSY HAD BEEN LOOKING FOR INDA LAST YEAR. FATHER INDA SAID THAT HE HADN'T CONTACTED THE EMBASSY BECAUSE THE CLOSEST PHONE WAS AN HOUR AWAY AND HE THOUGHT THE SIGHTING WAS TOO FAR FETCHED TO BE IMPORTANT.

5. A TELEPHONE CALL FROM LUIS MALDONADO ON CONOFF'S RETURN TO MEXICO CITY CONFIRMED CONOFF'S CONCLUSION THAT THE WHOLE TZISCAO STORY WAS A FABRICATION. DURING THE VISIT TO MALDONADO'S HOUSE IN COMITAN CONOFF LEFT BOTH HIS HOME AND WORK TELEPHONE NUMBERS WITH LUIS MALDONADO'S WIFE. CONOFF ASKED THAT MALDONADO CALL COLLECT AND HE OBLIGED BY CALLING ON MONDAY EVENING, 20 JULY 1987. MALDONADO BEGAN THE CONVERSATION BY SAYING THAT THE SIGHTING WAS REAL AND THAT BOTH HE AND HIS BROTHER HAD SEEN NICK BLAKE IN TZISCAO. HE SAID THAT BLAKE WAS STAYING INSIDE OF THE CHURCH AND THAT FATHER INDA APPEARED TO BE TRYING TO HIDE HIM. HE ALSO SAID THAT BLAKE HAD TRAVELED AS FAR AS COMITAN WHERE HE STAYED IN THE PENSION FLORES THERE. CONOFF PRESENTED LUIS WITH THE EVIDENCE GATHERED IN TZISCAO AND SAID THAT HIS STORY WAS DIRECTLY CONTRADICTED BY EVERYONE CONOFF INTERVIEWED. HE WAS TOLD THAT THE WHOLE STORY WAS FULL OF INCONSISTENCIES AND THE PEOPLE OF TZISCAO WOULD HAVE KNOWN IF NICK BLAKE HAD BEEN LIVING IN THE VILLAGE. CONOFF ALSO SAID THAT THE FAMILY HAD MADE NO AGREEMENTS WITH THE MALDONADO'S ABOUT MONEY AND THAT THEIR CLAIM TO OVER 3,000 DOLLARS IN EXPENSES WAS BASED ON LITTLE WORK AND NO EVIDENCE. FACED WITH THIS EVIDENCE, MALDONADO BEGAN TO SLOWLY BACK OFF HIS STORY. HE SAID HE HEARD ABOUT THE CASE BECAUSE HIS BROTHER JOSE CAME TO COMITAN DETERMINED TO FIND BLAKE AFTER HEARING THAT BLAKE HAD SPENT SOME TIME IN THE TZISCAO AREA. LUIS THEN ADMITTED THAT HE HAD NEVER PERSONALLY GONE TO TZISCAO TO LOOK FOR BLAKE, AND THAT THE SIGHTING WAS MADE BY JOSE. LUIS FINALLY ADMITTED THAT JOSE HAD NEVER SEEN BLAKE EITHER AND THAT THE WHOLE STORY WAS A GRAND PLAN TO TRY TO GAIN MONEY EITHER AT THE EXPENSE OF THE BLAKE FAMILY OR THE U.S. GOVERNMENT. HE SAID HE HAD GONE ALONG WITH THE STORY AS A FAVOR TO JOSE.

6. ON 17 JULY 1987, THE DAY FOLLOWING THE TRIP TO TZISCAO, CONOFF MET IN SAN CRISTOBAL DE LAS CASAS WITH GABRIEL SUAREZ AND ELPIDIO MONTES. BOTH OF THESE GENTLEMEN WERE INTERVIEWED DURING PREVIOUS VISITS TO CHIAPAS (REFTELS D, E AND F), AND CONOFF WANTED TO SEE IF

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BLAKE, NICHOLAS
DAVIS, GRIFFITH

Contacts alleged to Randy Blake as 7/28/87

CA - MAUREEN HARTY
BLAKE/DAVIS DEVELOPMENTS
AUGUST - OCT 1987

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PAGE 01 MEXICO 14918 222303Z
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PLS PASS TO NRC

E.O. 12356: DECL: OADR
TAGS: TRGY, KSCA, MX
SUBJ: PRESS REPORTS OF LAGUNA VERDE FUEL LOADING ON
- AUGUST 14

1. (U) THREE MEXICAN NEWSPAPERS PRINTED ARTICLES ON JULY 21, 1987, QUOTING THE LEADER OF THE ELECTRICAL WORKERS UNION AS SAYING THE FUEL FOR THE LAGUNA VERDE NUCLEAR PLANT NUMBER ONE WILL BE LOADED ON AUGUST 14.

2. (U) IN EL NACIONAL (P. 3), NOVEDADES (P. 6), AND LA JORNADA (P. 7), LEONARDO RODRIGUEZ ALCAINE, HEAD OF THE SINDICATO UNICO DE TRABAJADORES ELECTRICISTAS (SUTERM), STATED THAT THE URANIUM FUEL WILL BE LOADED ON AUGUST 14. HE WAS INTERVIEWED AT THE MEXICAN LABOR CONFEDERATION HEADQUARTERS. HE STATED THAT THERE IS NO DELAY IN THE START UP OF THE NUCLEAR ENERGY FACILITY. TIME CONSUMING, EXTENSIVE SAFETY TESTS ARE BEING CONDUCTED SO THAT THE EXPERTS AND THE WORKERS ARE ABSOLUTELY CERTAIN THAT THE PLANT WILL NOT CAUSE ANY PROBLEMS IN THE FUTURE. HE ALSO DECLARED QUOTE THAT IF THE UNION IS NOT SURE THE

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PAGE 02 - MEXICO 14918 222303Z

PLANT CAN RECEIVE THE FUEL ON THIS DATE IN ORDER TO RUN LIVE TESTS, WE WILL NOT PUT IT (THE FUEL) IN. END QUOTE.
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3. (C) SCIOFF CONTACTED ING. MIGUEL MEDINA VAILLARD, HEAD OF THE MEXICAN NUCLEAR SAFETY COMMISSION (CNSNS) TO VERIFY THE ACCURACY OF THE AUGUST 14 DATE. MEDINA CONTRADICTED THE NEWSPAPER REPORTS AND SAID THAT IT IS NOT POSSIBLE TO LOAD FUEL THAT EARLY BECAUSE THE CNSNS HAS NOT YET GIVEN ITS PERMISSION. HE EXPECTS THE FUEL LOADING COULD OCCUR AS EARLY AS THE END OF SEPTEMBER, AFTER THE RESULTS OF THE SAFETY TESTING ARE KNOWN. IN ANY CASE, THERE IS NO FUEL LOADING DATE SET.

4. (C) MEDINA SPECULATED THAT THE UNION MENTIONED AUGUST 14 BECAUSE IT IS THE EXACT DATE OF THE 50TH ANNIVERSARY OF THE FOUNDING OF THE FEDERAL ELECTRICITY COMMISSION (CFE). HE DID NOT KNOW IF THE CFE HAS PLANNED ANY SPECIAL EVENT AT THE LAGUNA VERDE PLANT TO COMMEMORATE THE ANNIVERSARY.

5. (C) IN ADDITION, ING. JUAN EIBENSCHUTZ HARTMAN, SUBDIRECTOR OF THE CFE, ALSO STATED TO SCIOFF THAT A DATE FOR FUEL LOADING HAS NOT BEEN SET YET. HE, TOO, MENTIONED THAT AUGUST 14 WAS THE ANNIVERSARY OF THE CFE FOUNDING AND SUGGESTED THAT THE REPORTER MAY HAVE MISUNDERSTOOD.

6. (C) FOR NRC: AS YET, EMBASSY DOES NOT SEE ANY CONNECTION BETWEEN CFE 50TH ANNIVERSARY CELEBRATION, REPORTED AUGUST 14 FUEL LOADING, AND THE VISIT OF COMMISSIONER CARR. (SCI:ASIMON) PILLIOD

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E.O. 12356: N/A
TAGS: TNUC, OTRA, MX
SUBJECT: VISIT OF USNRC COMMISSIONER KENNETH M. CARR
- (AUGUST 10-13, 1987), AT INVITATION OF GOM.

REFERENCE: HENDERSON-SIMON TELECONS

1. COMMISSIONER KENNETH M. CARR, U.S. NUCLEAR REGULATORY COMMISSION, WILL MAKE AN OFFICIAL VISIT TO MEXICO AUGUST 10-13. COMMISSIONER CARR REQUESTS APPOINTMENTS FOR MEETINGS WITH REPRESENTATIVES OF THE MEXICAN INSTITUTO NACIONAL DE INVESTIGACIONES NUCLEARES (ININ), THE COMISION NACIONAL DE SEGURIDAD NUCLEAR Y SALVAGUARDIAS (CNSNS) IN MEXICO CITY, AND A VISIT TO THE LAGUNA VERDE NUCLEAR POWER PLANT SITE OPERATED BY THE COMISION FEDERAL DE ELECTRICIDAD (CFE) IN VERACRUZ. COMMISSIONER CARR WILL BE ACCOMPANIED BY HIS EXECUTIVE ASSISTANT GEORGE FELGATE, DIRECTOR OF GOVERNMENTAL AND PUBLIC AFFAIRS HAROLD R. DENTON, AND KAREN HENDERSON, INTERNATIONAL PROGRAMS. VISIT IS AT GOM INVITATION AND UNDER NRC/CNSNS NUCLEAR SAFETY AGREEMENT.
2. MISSION ASSISTANCE IS REQUESTED TO APPOINT (AND ADVISE
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PAGE 02 STATE 233161

NRC OF NAME OF) VISIT CONTROL OFFICER, MEET AT AIRPORT, ARRANGE GROUND TRANSPORTATION, MAKE (AND CONFIRM RATE OF) HOTEL RESERVATIONS (PARA. 4), SCHEDULE APPOINTMENTS FOR

AUGUST 10 AND 12, AND ARRANGE SITE VISIT AUGUST 11.

ARRANGEMENTS FOR DISCUSSIONS AND SITE VISIT SHOULD BE REQUESTED THROUGH NRC/CNSNS ARRANGEMENT ADMINISTRATOR DR. JULIAN SANCHEZ GUTIERREZ, TEL (5) 534-8738. EMBASSY REPRESENTATIVES WELCOME TO ACCOMPANY NRC GROUP DURING OFFICIAL APPOINTMENTS AND SITE VISIT.

3. ITINERARY:

AUGUST 10: 12:23 PM ARRIVE MEXICO CITY VIA AA-93
- 3:00 PM CNSNS/ININ FORUM
- COCKTAILS HOSTED BY CNSNS/ININ

AUGUST 11: 6:25 AM LEAVE MEXICO CITY ON MEXICANA-621 TO
- - VERACRUZ
- 9:00 AM DRIVE TO LAGUNA VERDE
- 10:00 AM SITE VISIT TO THE LAGUNA VERDE POWER
- - STATION
- 2:00 PM LUNCH HOSTED BY DIRECTOR, LAGUNA VERDE
- FREE EVENING

AUGUST 12: 7:35 AM LEAVE VERACRUZ ON MEXICANA-620 TO
- - MEXICO CITY
- 9:30 AM CALL ON AMEMBASSY DEPUTY CHIEF OF
- - MISSION
- 10:00 AM CALL ON AMBASSADOR
- 1:00 PM MEETING WITH SUB-SECRETARY OF MINES,
- - ENERGY AND PARASTATALS JOSE LUIS ALCUDIA
- 2:00 PM LUNCH HOSTED BY SUB-SECRETARY ALCUDIA

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PAGE 03 STATE 233161

- FREE EVENING

AUGUST 13: 8:27 AM LEAVE MEXICO CITY VIA AA-58

4. HOTEL RESERVATIONS:

AT MARIA ISABEL SHERATON REQUEST FOUR SINGLES NIGHTS OF AUGUST 10 AND 12, AND AT TORREMAR HOTEL IN VERACRUZ FOUR SINGLES NIGHT OF AUGUST 11. CARR GROUP DEPARTS AUGUST 13 FOR U.S.

5. PROPOSED DISCUSSION TOPICS:

NUCLEAR POWER PLANTS:

-- LAGUNA VERDE STATUS:
- . START-UP SCHEDULE
- . REMAINING WORK

-- MAINTENANCE PROGRAMS:
- . PREDICTIVE
- . PREVENTIVE
- . MAINTENANCE MONITORING
- . MECHANISM FOR FEEDBACK OF VENDOR INFORMATION

-- MAINTENANCE TRAINING AND QUALIFICATIONS OF MAINTENANCE
- PERSONNEL
- . RELATIONSHIP BETWEEN OPERATORS AND MAINTENANCE
- PERSONNEL

-- OPERATOR QUALIFICATIONS AND TRAINING
- . USE OF SIMULATORS

-- CONTROL ROOM FORMALITY
- . RESPONSIBILITIES/AUTHORITIES OF CONTROL ROOM OPERATORS

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PAGE 04 STATE 233161

WASTE:

-- HIGH LEVEL WASTE
-- LOW LEVEL WASTE

EMERGENCY PLANNING

TECHNICAL ASSISTANCE PROJECTS

6. BIOGRAPHICAL DATA ON COMMISSIONER KENNETH M. CARR:

KENNETH M. CARR WAS SWORN IN FOR A FIVE-YEAR TERM AS A MEMBER OF THE NUCLEAR REGULATORY COMMISSION ON AUGUST 14, 1986. HE RETIRED FROM THE U.S. NAVY AS A VICE ADMIRAL ON MAY 1, 1985, LAST SERVING AS DEPUTY AND CHIEF OF STAFF TO THE COMMANDER-IN CHIEF OF THE U.S. ATLANTIC FLEET.

MR. CARR ENLISTED IN THE NAVY IN 1943 AND SERVED AS A CREWMAN ON AN ASSAULT LANDING CRAFT IN THE PACIFIC THEATRE BEFORE BEING SELECTED FOR AN OFFICER CANDIDATE PROGRAM AT

THE UNIVERSITY OF LOUISVILLE IN 1944 AND BEING APPOINTED TO THE U.S. NAVAL ACADEMY AS A MEMBER OF THE CLASS OF 1949.

IN 1950 HE ENTERED SUBMARINE SCHOOL IN NEW LONDON, CONNECTICUT, AND IN 1953 WAS ASSIGNED TO THE PRECOMMISSIONING DETAIL OF THE NUCLEAR SUBMARINE USS NAUTILUS. WITH THE EXCEPTION OF A ONE-YEAR PERIOD FOR NUCLEAR POWER TRAINING, HE SERVED AS A MEMBER OF THE NAUTILUS CREW UNTIL 1960. HE LATER SERVED AS COMMANDING OFFICER OF THE NUCLEAR SUBMARINE USS FLASHER AND THE FLEET BALLISTIC MISSILE NUCLEAR SUBMARINE USS JOHN ADAMS.

HE WAS ASSIGNED TO THE OFFICE OF THE CHIEF OF NAVAL
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PAGE 05 STATE 233161

OPERATIONS (RESEARCH AND DEVELOPMENT) IN 1968 AND TO THE STAFF OF THE COMMANDER IN CHIEF OF THE U.S. ATLANTIC FLEET IN 1970 AS SENIOR MEMBER OF THE NAVAL NUCLEAR PROPULSION EXAMINING BOARD. IN 1972, COMMISSIONER CARR WAS ASSIGNED AS CHIEF OF STAFF TO THE COMMANDER, SUBMARINE FORCE OF THE U.S. ATLANTIC FLEET AND IN 1973 ASSUMED DUTIES OF MILITARY ASSISTANT TO THE DEPUTY SECRETARY OF DEFENSE.

FROM JUNE 1977 TO MAY 1980 HE COMMANDED THE SUBMARINE FORCE, U.S. ATLANTIC FLEET. HE SERVED AS VICE DIRECTOR OF STRATEGIC TARGET PLANNING AT OFFUTT AIR FORCE BASE, NEBRASKA, BEFORE ASSUMING DUTIES AS DEPUTY AND CHIEF OF STAFF TO THE COMMANDER IN CHIEF, U.S. ATLANTIC FLEET ON APRIL 1, 1983.

AMONG HIS HONORS ARE THE DISTINGUISHED SERVICE MEDAL, THE LEGION OF MERIT, PRESIDENTIAL UNIT COMMENDATION AND DEFENSE DISTINGUISHED SERVICE AND MERITORIOUS SERVICE MEDALS.

COMMISSIONER CARR WAS BORN IN MAYFIELD, KENTUCKY ON MARCH 17, 1925, AND IS MARRIED TO MOLLY PACE OF BURKESVILLE, KENTUCKY.

7. BIOGRAPHICAL DATA ON OTHER TEAM MEMBERS:

- IN 1987 HAROLD R. DENTON BECAME THE DIRECTOR OF THE NRC'S NEWLY ESTABLISHED OFFICE OF GOVERNMENTAL AND PUBLIC AFFAIRS (GPA), RESPONSIBLE FOR ESTABLISHING AND MAINTAINING GOOD COMMUNICATIONS AND WORKING RELATIONSHIPS BETWEEN THE NRC AND OTHER GOVERNMENTAL AND PUBLIC CONSTITUENTS.

PREVIOUSLY DIRECTOR OF NRC'S OFFICE OF NUCLEAR REACTOR REGULATION (1978-1986), HE HAS WORKED SINCE 1963 IN REACTOR LICENSING. MR. DENTON IS A 1958 GRADUATE OF NORTH CAROLINA STATE COLLEGE WITH A BACHELOR OF SCIENCE DEGREE IN NUCLEAR ENGINEERING, AND DID GRADUATE WORK AT THE UNIVERSITY OF MARYLAND.
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PAGE 06 STATE 233161

- GEORGE FELGATE, BORN MAY 21, 1948, JOINED THE NRC FROM THE INSTITUTE OF NUCLEAR POWER OPERATIONS (INPO) WHERE HE WAS STAFF ASSISTANT TO PRESIDENT ZACK PATE AND A TEAM MANAGER FOR INPO PLANT EVALUATIONS. PRIOR TO JOINING INPO, MR. FELGATE WAS A CONTROL ROOM SUPERVISOR AT THE WESTINGHOUSE FAST FLUX TEST FACILITY AND SERVED IN THE UNITED STATES NAVY. MR. FELGATE RECEIVED A B.S. IN MATHEMATICS FROM THE U.S. NAVAL ACADEMY AND A M.S. IN COMPUTER SYSTEMS FROM THE U.S. NAVAL POSTGRADUATE SCHOOL.

- KAREN HENDERSON, BORN JULY 7, 1954, JOINED THE INTERNATIONAL PROGRAMS OFFICE OF THE NRC IN 1984 AS A U.S. PRESIDENTIAL MANAGEMENT INTERN, STAYING ON AS A POLICY ANALYST IN 1986. MS. HENDERSON RECEIVED A B.A. IN HISTORY FROM REED COLLEGE, AND A M.A.L.D. AND PH.D. FROM THE FLETCHER SCHOOL OF LAW AND DIPLOMACY AT TUFTS UNIVERSITY.

8. EMBASSY IS AUTHORIZED TO COVER COST OF LOCAL GROUND AND AIR TRANSPORTATION CONNECTED WITH OFFICIAL TRAVEL. TRAVELERS WILL REIMBURSE EMBASSY UPON ARRIVAL FOR ROUNDTRIP AIR TICKETS TO VERACRUZ FROM MEXICO CITY. COSTS SHOULD BE CHARGED TO AGENCY BUREAU CODE 31-00, AGENCY STATION SYMBOL 3100-0001, B AND R NUMBER 70-21, CARR AUTHORIZATION NUMBER R706718.

9. IF ADDITIONAL INFORMATION IS NECESSARY, EMBASSY SHOULD CABLE DEPARTMENT TO PASS TO NRC FOR KAREN HENDERSON.
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E.O. 12356: DECL:OADR
TAGS: PREL
SUBJECT: COMMENTS BY DANIEL ORTEGA ON PROVISION OF ARMS AND SUPPLIES TO THE FMLN

REF: SALVADOR 09681

1. REFTEL PROVIDED TEXT OF DIPLOMATIC NOTE FROM SALVADOREAN ACTING FONMIN MAZA TO NICARAGUAN FONMIN D'ESCOTO IN WHICH DANIEL ORTEGA IS ALLEGED TO HAVE STATED IN AN INTERVIEW WITH EXCELSIOR OF MEXICO PUBLISHED JUNE 24 THAT NICARAGUA CONTINUES TO PROVIDE ARMS AND SUPPLIES TO THE FMLN INSURGENTS.

2. FOR THE RECORD, ORTEGA'S COMMENTS REFERRED TO ASSISTANCE DURING THE FIRST YEARS AFTER THE SANDINISTAS' TRIUMPH IN 1979. EXCELSIOR ARTICLE, IN ITS INTRODUCTORY PARAGRAPHS, STATED THE FOLLOWING (EMBASSY INFORMAL TRANSLATION):

"IN SOME CASES SOME MEMBERS OF THE NICARAGUAN ARMED FORCES PROVIDED SOME ARMS TO THE REVOLUTIONARIES OF EL SALVADOR, ADMITTED PRESIDENT ORTEGA, MAYBE FOR THE FIRST TIME PUBLICLY, SPEAKING FRANKLY OF THE FIRST YEARS AFTER [redacted]

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: LANDFAIR, WILLIAM E
Date: 06/23/94
Case ID: S940035C

PAGE 02 MEXICO 15442 01 OF 02 292131Z

THE TRIUMPH OF SANDINISM, WHEN SOME OFFICIALS AND NICARAGUAN COMBATANTS JOINED THE SALVADOREAN GUERRILLA SO THAT A VICTORIOUS REVOLUTION COULD AID THE OTHERS IN A CENTRAL AMERICANIST SPIRIT."

THE ARTICLE PROVIDES THE EXACT TEXT OF THE INTERVIEW WITH ORTEGA (BEING POUCHED TO ARA AND EMBASSIES SAN SALVADOR AND MANAGUA). ORTEGA'S EXACT WORDS ARE QUOTED BELOW:

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*-COMANDANTE, YA QUE ESTAMOS EN ESTO, A NICARAGUA SE ACUSA MUCHO DE EXPORTAR LA REVOLUCION, DE AYUDAR A LA GUERRILLA DE EL SALVADOR, TAMBIEN CON ARMAS, DE METERSE EN EL SALVADOR. CUAL ES, EN VERDAD, LA POSICION DE NICARAGUA AL RESPECTO? CUAL ES LA RELACION REAL DEL SANDINISMO CON LA GUERRILLA DE EL SALVADOR?

-NOSOTROS TENEMOS VINCULOS HISTORICOS, PORQUE CONSIDERAMOS QUE ES UNA CAUSA COMUN EN CENTROAMERICA, PARTICULARMENTE EN ESTOS PAISES EN DONDE HEMOS ESTADO SOMETIDOS EN EL PASADO, EN DONDE ESTAMOS SOMETIDOS EN EL PRESENTE.

LA LUCHA DE EL SALVADOR ES TAN ANTIGUA COMO LA LUCHA DE LOS NICARAGUENSES, CONTRA LA OLIGARQUIA, CONTRA LA EXPLOTACION, CONTRA LA DOMINACION ESTADOUNIDENSE.

DE TAL MANERA, QUE TENEMOS UNA IDENTIDAD HISTORICA, UNA IDENTIFICACION HISTORICA DE PROPOSITOS. UN PROPOSITO QUE HA ESTADO EN EL MOVIMIENTO REVOLUCIONARIO SALVADORENO Y HA ESTADO TAMBIEN EN EL SANDINISTA. DURANTE TODO EL TIEMPO REVOLUCIONARIO QUE NOS AZOTO, HEMOS MANTENIDO NUESTRO APOYO POLITICO Y MORAL, NUESTRA IDENTIFICACION CON LA LUCHA DEL PUEBLO SALVADDRENO.

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HEMOS SIDO CLAROS EN ESTAS DISPOSICIONES EN DIFERENTES FOROS INTERNACIONALES.

LOS SALVADORENOS TIENEN SU PROPIA DIRECCION, TIENEN SU PROPIA PERSONALIDAD, TIENEN SU PROPIA POLITICA. NOSOTROS NO TENEMOS NINGUNA INJERENCIA EN ESE SENTIDO ACERCA DE QUE TACTICA Y QUE ESTRATEGIA DEBEN SEGUIR ELLOS EN LA LUCHA, EN LA GUERRA REVOLUCIONARIA EN EL SALVADOR. EN ESO NOSOTROS NO TENEMOS NINGUNA INCIDENCIA; SON ELLOS LOS QUE DETERMINAN SU POLITICA.

EN EL TERRENO DE LO QUE ES LA LOGISTICA, DE LO QUE ES EL ARMAMENTO, DE LO QUE TANTO SE ACUSA A NICARAGUA, O ENTRENAMIENTO DE GUERRILLEROS, O APOYO LOGISTICO, SE DIERON MUCHOS CASOS AL INICIO DE LA REVOLUCION AQUI EN NICARAGUA, DONDE UNOS NICARAGUENSES, INCLUSO UNOS OFICIALES DE NUESTRO EJERCITO SE FUERON, POR SU PROPIA INICIATIVA, A UNIRSE AL MOVIMIENTO SALVADORENO, PENSANDO QUE LAS COSAS ESTABAN TERMINADAS EN NICARAGUA, QUE YA NO HABIA PROBLEMAS EN NICARAGUA, PORQUE LES TOCO LA REVOLUCION Y PORQUE DEBERIAN AYUDAR A OTRA REVOLUCION. CON UN SENTIDO CENTROAMERICANISTA, FUERON A AYUDAR A LOS SALVADORENOS.

TAMBIEN, ALGUNOS MIEMBROS DE LAS FUERZAS ARMADAS, POR SU PROPIA INICIATIVA, LES ENTREGARON ALGUNAS ARMAS

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.TEXT OF TELEGRAM 87MEXICO015442

AL MOVIMIENTO SALVADORENO.

NO PUEDO NEGAR, QUE EN LO QUE ES EL MOVIMIENTO O EL FLUJO DEL ARMAMENTO QUE REALIZA TODO MOVIMIENTO REVOLUCIONARIO, COMO LO REALIZAMOS TODOS NOSOTROS EN EL PASADO, UNOS CRUZAN TODOS LOS PAISES QUE TIENEN QUE

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.TEXT OF TELEGRAM 87MEXICO015442

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PAGE 01 MEXICO 15442 02 OF 02 292132Z
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[redacted] SECTION 02 OF 02 MEXICO 15442

E.O. 12356: DECL:OADR
TAGS: PREL
SUBJECT: COMMENTS BY DANIEL ORTEGA ON PROVISION OF ARMS

CRUZAR CON TAL DE LLEGAR A SU OBJETIVO, Y NO
NECESARIAMENTE CRUZAN ESTOS PAISES CON EL CONSENTIMIENTO
DE LOS GOBIERNOS.

NOSOTROS TRAIAMOS ARMAS DE ESTADOS UNIDOS, SIN EL
CONSENTIMIENTO DEL GOBIERNO ESTADOUNIDENSE. EN UNA
OCASION CAPTURARON INCLUSO AL COMPANERO, QUE ERA EL QUE
SE ENCARGABA DE ESTA LOGISTICA, QUE HOY ES MINISTRO DE
TURISMO DE NICARAGUA, PORQUE NO SE PODRIA ESTAR
VENDIENDO ARMAS A NICARAGUA.

ENTONCES, PUEDE SER QUE POR NICARAGUA PASEN ARMAS,
PUEDEN PASAR UNA CANTIDAD DE ARMAS HACIA EL SALVADOR
PERO SON CANTIDADES INFIMAS DE ARMAMENTO Y PASAN POR
COSTA RICA Y PASAN POR HONDURAS; PASANDO POR TODOS ESTOS
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PAGE 02 MEXICO 15442 02 OF 02 292132Z

ESTADOS UNIDOS HACIA EL GOBIERNO DE EL SALVADOR. NO
CABE ESE PARALELO QUE HA QUERIDO HACER ESTADOS UNIDOS,
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TEXT OF TELEGRAM 87MEXICO15442

EJERCITO SALVADORENO, Y HAY QUE VER EL IMPRESIONANTE NUMERO DE ARMAS QUE LE HAN CAPTURADO AL EJERCITO SALVADORENO, LOS COMBATIENTES REVOLUCIONARIOS. YA ES UNA REVOLUCION QUE SE ESTA ARMANDO CON LAS ARMAS DEL EJERCITO SALVADORENO DE UNA MANERA BASTANTE MASIVA."

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[redacted] SECTION 01 OF 02 MEXICO 15442

E.O. 12356: DECL:OADR
TAGS: PREL
SUBJECT: COMMENTS BY DANIEL ORTEGA ON PROVISION OF ARMS AND SUPPLIES TO THE FMLN

REF: SALVADOR 09681

1. REFTEL PROVIDED TEXT OF DIPLOMATIC NOTE FROM SALVADOREAN ACTING FONMIN MAZA TO NICARAGUAN FONMIN D'ESCOTO IN WHICH DANIEL ORTEGA IS ALLEGED TO HAVE STATED IN AN INTERVIEW WITH EXCELSIOR OF MEXICO PUBLISHED JUNE 24 THAT NICARAGUA CONTINUES TO PROVIDE ARMS AND SUPPLIES TO THE FMLN INSURGENTS.

2. FOR THE RECORD, ORTEGA'S COMMENTS REFERRED TO ASSISTANCE DURING THE FIRST YEARS AFTER THE SANDINISTAS' TRIUMPH IN 1979. EXCELSIOR ARTICLE, IN ITS INTRODUCTORY PARAGRAPHS, STATED THE FOLLOWING (EMBASSY INFORMAL TRANSLATION):

"IN SOME CASES SOME MEMBERS OF THE NICARAGUAN ARMED FORCES PROVIDED SOME ARMS TO THE REVOLUTIONARIES OF EL SALVADOR, ADMITTED PRESIDENT ORTEGA, MAYBE FOR THE FIRST TIME PUBLICLY, SPEAKING FRANKLY OF THE FIRST YEARS AFTER [redacted]

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Office of FOI, Privacy, & Classification Review
Review Authority: LANDFAIR, WILLIAM E
Date: 05/23/94
Case ID: 9940035C

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PAGE 02 MEXICO 15442 01 OF 02 292131Z

THE TRIUMPH OF SANDINISM, WHEN SOME OFFICIALS AND NICARAGUAN COMBATANTS JOINED THE SALVADOREAN GUERRILLA SO THAT A VICTORIOUS REVOLUTION COULD AID THE OTHERS IN A CENTRAL AMERICANIST SPIRIT."

THE ARTICLE PROVIDES THE EXACT TEXT OF THE INTERVIEW WITH ORTEGA (BEING POUCHED TO ARA AND EMBASSIES SAN SALVADOR AND MANAGUA). ORTEGA'S EXACT WORDS ARE QUOTED BELOW:

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"-COMANDANTE, YA QUE ESTAMOS EN ESTO, A NICARAGUA SE ACUSA MUCHO DE EXPORTAR LA REVOLUCION, DE AYUDAR A LA GUERRILLA DE EL SALVADOR, TAMBIEN CON ARMAS, DE METERSE EN EL SALVADOR. CUAL ES, EN VERDAD, LA POSICION DE NICARAGUA AL RESPECTO? CUAL ES LA RELACION REAL DEL SANDINISMO CON LA GUERRILLA DE EL SALVADOR?

-NOSOTROS TENEMOS VINCULOS HISTORICOS, PORQUE CONSIDERAMOS QUE ES UNA CAUSA COMUN EN CENTROAMERICA, PARTICULARMENTE EN ESTOS PAISES EN DONDE HEMOS ESTADO SOMETIDOS EN EL PASADO, EN DONDE ESTAMOS SOMETIDOS EN EL PRESENTE.

LA LUCHA DE EL SALVADOR ES TAN ANTIGUA COMO LA LUCHA DE LOS NICARAGUENSES, CONTRA LA OLIGAROUIA, CONTRA LA EXPLOTACION, CONTRA LA DOMINACION ESTADOUNIDENSE.

DE TAL MANERA, QUE TENEMOS UNA IDENTIDAD HISTORICA, UNA IDENTIFICACION HISTORICA DE PROPOSITOS. UN PROPOSITO QUE HA ESTADO EN EL MOVIMIENTO REVOLUCIONARIO SALVADORENO Y HA ESTADO TAMBIEN EN EL SANDINISTA. DURANTE TODO EL TIEMPO REVOLUCIONARIO QUE NOS AZOTO, HEMOS MANTENIDO NUESTRO APOYO POLITICO Y MORAL, NUESTRA IDENTIFICACION CON LA LUCHA DEL PUEBLO SALVADORENO.

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PAGE 03 MEXICO 15442 01 OF 02 292131Z

HEMOS SIDO CLAROS EN ESTAS DISPOSICIONES EN DIFERENTES FOROS INTERNACIONALES.

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PAGE 01 MEXICO 15442 02 OF 02 292132Z
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[redacted] SECTION 02 OF 02 MEXICO 15442

E.O. 12356: DECL:OADR
TAGS: PREL
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PAGE 02 MEXICO 15442 02 OF 02 292132Z

ESTADOS UNIDOS HACIA EL GOBIERNO DE EL SALVADOR. NO CABE ESE PARALELO QUE HA QUERIDO HACER ESTADOS UNIDOS, ACUSANDO A NICARAGUA QUE EN LA MISMA FORMA AYUDA A LOS REVOLUCIONARIOS SALVADORENOS, COMO REAGAN AL EJERCITO SALVADORENO. NO CABE TAL COMPARACION.

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E.O. 12356: DECL: OADR
TAGS: PTER, PHUM, PREL, PGOV, CI
SUBJECT: ABRAMS-ERRAZURIZ MEETING OF JULY 28

REF: SWIGERT-JONES SECURE TELCON OF 7/28

1. SUMMARY: IN A MEETING JULY 28 CHILEAN AMBASSADOR ERRAZURIZ AND ASSISTANT SECRETARY ABRAMS DEBATED THE NATURE OF CHILE'S HOPED-FOR TRANSITION TO DEMOCRACY, WITH ERRAZURIZ COMPLAINING (AS HE HAS BEFORE) THAT US PUBLIC STATEMENTS COMPLICATE, RATHER THAN ADVANCE, EFFORTS TO REACH THAT STILL DISTANT GOAL. ABRAMS PRESENTED ERRAZURIZ WITH A DIPLOMATIC NOTE REQUESTING THAT THE GOC COMPENSATE THE LETELIER/MOFFITT FAMILIES FOR THEIR LOSS DUE TO THE ACTIONS OF FORMER CHILEAN GOVERNMENT OFFICIALS (REPORTED SEPTEL). CHILEAN EMBASSY DCM MATURANA ACCOMPANIED ERRAZURIZ. DAS GELBARD, ARA/SC DEPUTY DIRECTOR HOPPER AND DESK OFFICER SWIGERT ALSO

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PARTICIPATED. END SUMMARY.

2. ALTHOUGH ERRAZURIZ ASKED FOR THE MEETING, HE SEEMED TO HAVE NO PARTICULAR ISSUE HE WISHED TO DISCUSS. THE ONLY SPECIFIC SUBJECT HE RAISED--US VIEWS TOWARD THE

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"GROUP OF EIGHT"--SEEMED ALMOST TO BE AFTERTHOUGHT. WHEN ABRAMS ASKED ABOUT THE ONGOING CHRISTIAN DEMOCRATIC PARTY ELECTIONS, ERRAZURIZ DESCRIBED IN DETAIL THE FRACTIOUS NATURE OF THE OPPOSITION, MAKING HIS FAMILIAR ARGUMENT THAT EVERYTHING WOULD TURN OUT FINE IF OTHERS SUCH AS THE USG WOULD STOP MEDDLING.

3. DURING THE ENSUING GIVE AND TAKE WITH ABRAMS, ERRAZURIZ ADMITTED THAT FULL DEMOCRACY, AS AMERICANS UNDERSTAND IT WITH OPEN ELECTIONS, IS STILL A LONG WAY OFF IN CHILE'S FUTURE. RECALLING SPAIN'S EVOLUTIONARY CHANGE, ERRAZURIZ ARGUED THAT THE DELAY IS BUT A SMALL INTERVAL IN THE LIFE OF A NATION. HE STRESSED THAT NO ALTERNATIVE TO THE PRESENT GOVERNMENT EXISTS. ACCORDING TO ERRAZURIZ, RECENT PUBLIC OPINION POLLS IN CHILE ARE INACCURATE--THE PINOCHET GOVERNMENT PRESENTLY ENJOYS THE MAJORITY SUPPORT OF THE CHILEAN PEOPLE. ERRAZURIZ EXPRESSED WORRY IN PARTICULAR ABOUT THE NEGATIVE IMPACT IN SANTIAGO OF STATEMENTS SUGGESTING THE US IS STIMULATING OTHERS, INCLUDING LATIN GOVERNMENTS, TO CRITICIZE CHILE. ERRAZURIZ AND ABRAMS BRIEFLY DISCUSSED THE POSITIONS OF CHILE'S NEIGHBORS TOWARD CHILE, WITH ABRAMS NOTING THE ABSENCE OF ANY GENUINE SOLIDARITY AMONG HEMISPHERIC DEMOCRACIES, AND THE PERSISTENCE OF LATIN AMERICAN SOLIDARITY AGAINST MYTHIC AMERICAN INTERVENTIONISM.

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PAGE 03 STATE 235261

4. ABRAMS CHALLENGED ERRAZURIZ' OPTIMISTIC APPRAISAL OF THE GOC'S ABILITY TO SUSTAIN ITS CURRENT COURSE, POINTING TO THE FAILURE OF THE MILITARY GOVERNMENT TO RESOLVE THE SERIOUS DIVISIONS WITHIN CHILE WHICH ALLENDE HAD EXPLOITED SO SUCCESSFULLY. IF THESE INTRACTABLE DIVISIONS HAVE PERSISTED OVER FOURTEEN YEARS, AS ERRAZURIZ HIMSELF ADMITTED, IT IS DIFFICULT TO HAVE CONFIDENCE THAT THE CONTINUATION OF THE PRESENT GOVERNMENT FOR ANOTHER EIGHT YEARS WILL BRING LASTING STABILITY. THE RISKS OF MOVING TO GENUINE DEMOCRACY SEEMED LESS THAN THOSE ASSOCIATED WITH PROLONGATION OF THIS GOVERNMENT. ABRAMS PREDICTED THAT THE ABSENCE OF A GENUINE DEMOCRATIC TRANSITION WOULD STRENGTHEN THE COMMUNIST POSITION.

5. ERRAZURIZ BROUGHT UP MEXICO'S EFFORTS TO ORGANIZE THE 'GROUP OF EIGHT", AND EXPRESSED CONCERN THAT NO CLEAR UNDERSTANDING OF THE USG POSITION ON THIS MANEUVER IS APPARENT AMONG THE LATIN AMERICAN DIPLOMATIC CORPS. HE

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OBSERVED THAT AMBASSADORS IN WASHINGTON COULD BE HELPFUL IN STIMULATING OPPOSITION IN THEIR CAPITALS TO THE MEXICAN MOVE. ERRAZURIZ ADMITTED THAT THE GOC IS NOT IN

A POSITION TO EXERCISE LEADERSHIP AGAINST MEXICO, BUT SUGGESTED WILLINGNESS TO HELP IN ANYWAY POSSIBLE.

6. ABRAMS NOTED THAT WE OPPOSE THE MEXICAN EFFORTS, AND UNDERSTAND THEM CLEARLY TO BE AN EFFORT TO ORGANIZE A FORUM MORE FAVORABLE TO MEXICO--I.E., ONE IN WHICH THE U.S. IS NOT PRESENT--IN WHICH TO CRITICIZE THE US AND ITS POLICIES. ABRAMS SAID WE WOULD SEND AN INSTRUCTION TO OUR EMBASSIES ON THIS VERY SOON, AND NOTED THAT HE RECENTLY EXPLAINED US OPPOSITION TO THE MEXICAN INITIATIVE, WHICH EXCLUDES DEMOCRACIES SUCH AS ECUADOR AND BOLIVIA WHILE INCLUDING PANAMA, TO ARGENTINE FOREIGN MINISTER CAPUTO AND TO THE COLOMBIAN PRESIDENT AND

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PAGE 04 STATE 235261

FOREIGN MINISTER. GELBARD ADDED THAT HE HAD CONVEYED US OPPOSITION TO THE MEXICAN INITIATIVE TO EUROPEAN GOVERNMENTS DURING HIS RECENT TRIP. ABRAMS INDICATED THAT WE UNDERSTOOD COMPLETELY THAT THE IMPACT OF INSTITUTIONALIZATION OF THE "GROUP OF THE EIGHT" WOULD LIKELY BE THAT OTHER COUNTRIES WOULD YIELD TO THE MOST EXTREME POSITION AND THEN HIDE BEHIND A SO-CALLED LATIN VIEW. A SIMILAR PHENOMENON IS SOMETIMES VISIBLE IN THE EC.

7. ABRAMS THEN PRESENTED ERRAZURIZ WITH A NOTE REQUESTING THAT COMPENSATION BE PAID TO THE VICTIMS' FAMILIES IN THE LETELIER/MOFFITT CASE. THIS EXCHANGE IS REPORTED SEPTEL. FYI: WE HAVE DECIDED TO HOLD OFF PRESENTING THE SECOND NOTE ON REOPENING THE COURT CASE PENDING FURTHER DISCUSSION IN WASHINGTON. PER REFTELCON, EMBASSY SHOULD CORRECT PREVIOUS UNDERSTANDING OF LETELIER FAMILY IN SANTIAGO THAT THIS SECOND NOTE WOULD BE DELIVERED ALONG WITH THE REQUEST FOR COMPENSATION. WE RECOGNIZE POSSIBILITY THAT FAMILY MAY DECIDE, IN THE ABSENCE OF USG ACTION, TO REQUEST REOPENING OF CASE DIRECTLY. THERE IS ALSO THE CHANCE THAT THE GOC MAY TRY TO PREEMPT SUCH A US MOVE BY ACTING ITSELF TO REOPEN THE CASE. SHULTZ

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PAGE 01 MEXICO 15907 01 OF 02 042030Z
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UNCLAS SECTION 01 OF 02 MEXICO 15907

E.O. 12356: N/A
TAGS: KSCA
SUBJECT: SUBMISSION ON SCIENCE, TECHNOLOGY AND AMERICAN DIPLOMACY

REF: STATE 188377

1. SUMMARY: MEXICO IS AMONG THE LEADERS OF LATIN AMERICAN COUNTRIES IN ADVANCED S AND T PROGRAMS AND CAPABILITIES AND THE USG HAS PLAYED A MAJOR PART IN THIS DEVELOPMENT. MEXICO HAS DONE NOTABLE RESEARCH IN OCEANOGRAPHY, EARTHQUAKE ENGINEERING, AND MANY OTHER FIELDS. IT HAS TAKEN AN ACTIVE PART IN THE NASA SHUTTLE PROGRAM AND IS IN THE PROCESS OF STARTING UP TWO NUCLEAR POWER REACTORS. MEXICO'S GEOGRAPHIC PROXIMITY AND OUR MUTUAL 2000 MILE BORDER DICTATE A STRONG INTEREST IN RESEARCH ON SUBJECTS OF MUTUAL BENEFIT TO BOTH COUNTRIES. END SUMMARY.

2. THE MOST IMPORTANT BILATERAL S AND T ISSUE - FROM A FOREIGN POLICY PERSPECTIVE - IS COOPERATION BETWEEN THE UNITED STATES AND MEXICO ON THE BORDER ENVIRONMENT PROBLEMS. WE ARE ACTIVELY WORKING ON A LONG TERM BINATIONAL SOLUTION TO THE SAN DIEGO/TIJUANA SANITATION
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PAGE 02 - MEXICO 15907 01 OF 02 042030Z

PROBLEM. THE INTERNATIONAL BOUNDARY AND WATER COMMISSION (IBWC) HAS THE LEAD ON THIS ISSUE AND OTHER CHRONIC POLLUTION PROBLEMS ON THE BORDER, INCLUDING PROBLEMS AT

LAREDO, NOGALES, NEW RIVER, AND OTHER LOCATIONS. THIS SUGGESTS THE NEED FOR A MORE SIGNIFICANT CONTRIBUTION FROM THE COMMISSIONER AND THE IBWC IN THE PREPARATION OF THE TITLE V REPORT.

3. THE 1983 AGREEMENT FOR COOPERATION FOR THE PROTECTION AND IMPROVEMENT OF THE ENVIRONMENT IN THE BORDER AREA AND THE ACCOMPANYING ANNEXES ARE IN FORCE. ANNEX III, COVERING TRANSPORTATION, IMPORT AND EXPORT OF HAZARDOUS MATERIALS AND SUBSTANCES, WENT INTO EFFECT IN JANUARY. THE FIRST NOTIFICATION OF A HAZARDOUS WASTE EXPORT FROM THE UNITED STATES TO MEXICO UNDER THE ANNEX WAS COMPLETED IN JULY. IN ADDITION, NOTIFICATIONS OF UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGULATORY ACTIONS ARE BEING MADE UNDER THE AGREEMENT. WHILE THERE ARE STILL ADMINISTRATIVE KINKS TO BE WORKED OUT BETWEEN THE MEXICAN SECRETARIAT OF URBAN DEVELOPMENT AND ECOLOGY (SEDUE) AND EPA, BOTH AGENCIES ARE PLEASED WITH THE SUCCESS OF ANNEX III.

4. THERE ARE SEVERAL OTHER AGREEMENTS OR TREATIES BETWEEN THE TWO COUNTRIES THAT ARE PRODUCING POSITIVE RESULTS BETWEEN THE UNITED STATES AND MEXICO IN THE REALM OF SCIENCE AND TECHNOLOGY. THE BILATERAL GEOLOGICAL PHENOMENA WORKING GROUP IN SAN DIEGO-TIJUANA, CREATED UNDER THE UNITED STATES-MEXICO AGREEMENT FOR COOPERATION IN THE CASE OF NATURAL DISASTERS, IS WORKING ON A FINAL DRAFT OF AN EARTHQUAKE EMERGENCY PLAN FOR THE REGION. HUD AND SEDUE ARE COOPERATING UNDER THE BILATERAL AGREEMENT IN THE FIELD OF HOUSING AND URBAN DEVELOPMENT.
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PAGE 03 MEXICO 15907 01 OF 02 042030Z

IN A MARCH 1987 JOINT STEERING COMMITTEE MEETING, THE TWO COUNTRIES AGREED TO PROMOTE THE CREATION OF LOCAL BINATIONAL COMMITTEES IN THE SISTER CITIES ALONG THE BORDER. A LATE 1987 OR EARLY 1988 MEETING OF ALL THE SISTER CITY REPRESENTATIVES, CHAIRED BY THE MEXICAN AND AMERICAN SECRETARIES OF URBAN DEVELOPMENT, IS BEING PLANNED AS THE FIRST ANNUAL MEETING.

5. PRIVATE ORGANIZATIONS SUCH AS PRONATURA MODEL THEMSELVES AFTER CONSERVATION ORGANIZATIONS SUCH AS THE NATURE CONSERVANCY IN THE U.S. IN THE PAST YEAR, OVER TEN MILLION DOLLARS WAS DONATED TO PROCURE RARE AND ENDANGERED HABITAT IN MEXICO THROUGH PRONATURA. DUCKS

UNLIMITED DE MEXICO (DUMAC) IS ANOTHER PRIVATE ORGANIZATION THAT SPENT OVER ONE MILLION DOLLARS IN WETLANDS' PRESERVATION AND IMPROVEMENT. U.S. DUCKS UNLIMITED CONTRIBUTED MOST OF THE TRAINING AND FINANCING FOR THIS IMPORTANT PROJECT.

6. THE U.S. FISH AND WILDLIFE SERVICE HAS SEVEN COOPERATIVE PROJECTS IN MEXICO INCLUDING ASSISTING IN PRESERVING SITES OF ENDANGERED MARINE TURTLES. THE MEXICAN GOVERNMENT ANNOUNCED THE FORMATION OF SEVERAL TURTLE EGG LAYING PRESERVES AND PRESIDENT DE LA MADRID DECREED THAT MEXICO WILL CONSIDER JOINING THE INTERNATIONAL CONVENTION FOR ENDANGERED SPECIES (CITES) IN ORDER TO STEM THE FLOW OF ILLEGAL TRADE IN ENDANGERED SPECIES. THE USG IS TRYING IN A LOW-KEYED FASHION TO PERSUADE MEXICO TO JOIN.

7. COOPERATIVE AGREEMENTS AND DISCUSSIONS BETWEEN GOM AND USG OFFICIALS TO PROMOTE FISHERIES RESEARCH AND TRADE HAVE RESULTED IN SEVERAL US/MEX JOINT VENTURE START-UPS

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PAGE 01 MEXICO 15907 02 OF 02 042030Z
ACTION OES-09

INFO LOG-00 COPY-01 ADS-00 INR-10 CIAE-00 EB-00 DINT-05
HUD-02 IO-19 NSCE-00 NSF-02 ARA-00 NSAE-00 NASA-02
SSO-00 L-03 TRSE-00 EPAE-04 SMIN-01 INRE-00 CEQ-01
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FM AMEMBASSY MEXICO

TO SECSTATE WASHDC IMMEDIATE 8395

UNCLAS SECTION 02 OF 02 MEXICO 15907

E.O. 12356: N/A
TAGS: KSCA
SUBJECT: SUBMISSION ON SCIENCE, TECHNOLOGY AND AMERICAN

IN THE FISHING INDUSTRY AND THE EXCHANGE OF VALUABLE SCIENTIFIC INFORMATION ON SHARED FISH STOCKS SUCH AS MACKEREL, SHRIMP, AND ANCHOVIES. U.S. TECHNICIANS ARE CURRENTLY WORKING WITH MEXICAN BIOLOGISTS ON AN EXPERIMENTAL TURTLE EXCLUDER DEVICE (TED) PROGRAM THAT WILL ENABLE TURTLES TO ESCAPE SHRIMP TRAWLER NETS WHILE STILL ALLOWING EFFICIENT FISHING. MEXICAN FISHERIES TRADE WITH THE U.S. REMAINS ONE OF THE MOST IMPORTANT SOURCES OF FOREIGN EXCHANGE, SECOND ONLY TO PETROLEUM.

8. THE OUTLOOK IS BRIGHT FOR CONTINUED COOPERATION IN CONSERVATION AND FISHERIES TRADE. THE U.S. AND MEXICO ARE FORMING A COOPERATIVE COMMITTEE (MEXUS-PACIFICO) FOR FISHERIES ON THE PACIFIC COAST. THIS WILL COMPLEMENT THE ALREADY EXISTING MEXUS-GULF BILATERAL PROGRAM.

9. THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA) COOPERATES IN MANY WAYS BY DONATING FORECASTING EQUIPMENT AND PROCESSING SATELLITE DATA FROM MEXICAN WEATHER STATIONS. NOAA ALSO CONDUCTS HURRICANE
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PAGE 02 MEXICO 15907 02 OF 02 042030Z

OBSERVATION FLIGHTS IN MEXICAN AIR SPACE. PARTICIPATING IN THESE FLIGHTS ARE MEXICAN METEOROLOGISTS AND TECHNICIANS WHO RECEIVE TRAINING IN THIS HIGHLY SPECIALIZED FIELD.

10. THE COOPERATIVE S AND T PROGRAM IS ONE OF THE MOST COMPREHENSIVE WE HAVE ANYWHERE IN THE WORLD. IN BREADTH AND DEPTH IT COMPARES FAVORABLY WITH OUR RELATIONSHIP WITH CANADA. AT THE LATEST COUNT, 16 TECHNICAL AGENCIES HAVE OR HAVE HAD PROJECTS WITH MEXICO. THE MIXED S AND T COMMISSION (MC) WILL LIKELY UNDERGO SOME REVISION LATER IN THE YEAR - THE FIRST SINCE 1972 WHEN IT WAS ORGANIZED UNDER THE US-MEXICAN BILATERAL AGREEMENT ON SCIENCE AND TECHNOLOGY. WE HOPE TO NEGOTIATE THE MC OUT OF DAY-TO-DAY OPERATIONS AND MOVE THE FOCUS TO COORDINATION

AND DISSEMINATION OF INFORMATION. IF POSSIBLE THE MC, WHICH HASN'T MEET SINCE 1983, WILL MEET BEFORE THE END OF THE YEAR.

11. THE LAGUNA VERDE NUCLEAR PLANT IS IN THE FINAL PHASE OF CONSTRUCTION. THIS IS MEXICO'S FIRST NUCLEAR POWER PLANT AND IS BEING BUILT WITH GENERAL ELECTRIC. REACTOR NO. 2, ALSO BUILT BY GE, IS APPROXIMATELY 50 PERCENT COMPLETE. THE GROWTH OF NUCLEAR POWER IN MEXICO IS A FUNCTION OF A NUMBER OF FACTORS INCLUDING THE SUCCESS OF LV 1 AND LV 2, THE PERCEPTION OF THE NUCLEAR INDUSTRY WORLD-WIDE AND THE GROWTH OF A LOCAL ANTI-NUCLEAR LOBBY. THE US INDUSTRY HAS AN IMPORTANT COMMERCIAL ADVANTAGE BASED ON THE NRC/CNSNS (MEXICAN NATIONAL COMMISSION FOR NUCLEAR SECURITY) RELATIONSHIP AND THE GE AND GE-SUBCONTRACTOR RELATIONSHIPS. THERE ARE NO IMMEDIATE PLANS FOR ADDITIONAL POWER REACTORS IN MEXICO. HOWEVER, IF MEXICO DECIDES TO EXPAND THEIR PROGRAM, WE HAVE A FOOT
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PAGE 03 MEXICO 15907 02 OF 02 042030Z

IN THE DOOR.

12. COMMENT: SCIENCE AND TECHNOLOGY IS AN IMPORTANT ELEMENT IN THE US MEXICAN RELATIONSHIP. IT SHOULD BE ACKNOWLEDGED THAT A GREAT MAJORITY OF VALUABLE S AND T ACTIVITY TAKES PLACE BETWEEN MEXICO AND THE UNITED STATES THROUGH THE PRIVATE SECTOR AND NOT UNDER THE FORMAL UMBRELLA OF THE AGENCY-TO-AGENCY AGREEMENTS. THERE ARE NUMEROUS CONTACTS BETWEEN UNIVERSITY RESEARCHERS, LEADING TO STRONG LINKS BETWEEN THE TWO SCIENTIFIC COMMUNITIES AND RESULTING IN SIGNIFICANT SCIENTIFIC AND ECONOMIC BENEFITS TO BOTH NATIONS. ONLY CANADA HAS A MORE DEVELOPED RELATIONSHIP AT ALL RESEARCH LEVELS WITH THE UNITED STATES. (DRAFTED:SCI:SIMPKINS, NESS, SIMON) GAMBLE

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Chile Project (#S199900030)
U.S. Department of State
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Exemption(s) ____

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CONFEDERACION SUDAMERICANA DE TIRO
SR. FRANCISCO TORRES NIETO
FEDERACION DE TIRO
MOCTEZUMA NRO. 248, MEXICO 3 D.F.
MEXICO

RUEGO A UD., INTERCEDER VIA TELEX ANTE EMBAJADOR DE ESTADOS UNIDOS EN CHILE A FIN DE QUE CONCEDA VISA AL DEPORTISTA DEL TIRO AL BLANCO SENOR FRANCISCO ZUNIGA, A QUIEN AUN NO LE HA SIDO OTORGADA, SIN EXPRESION DE CAUSA O MOTIVO ALGUNO.

ESTA SITUACION PONE EN PELIGRO LA PARTICIPACION DE NUESTRO EQUIPO DE TIRO EN LOS PROXIMOS JUEGOS PANAMERICANOS DE INDIANAPOLIS.

RUEGO HACER EXTENSIVO ESTO AL REPRESENTANTE DE AMERICA, ANTE LA U.I.T., QUIEN ENTIENDO ES UN COMPATRIOTA VUESTRO.

ATENTAMENTE

SYDNEY OJEDA FUENSALIDA
PRESIDENTE FEDERACION TIRO AL BLANCO
Y PRESIDENTE CONFEDERACION AMERICANA
DE TIRO.
TLX 240976 COCH C.L.

STGO. AGOSTO 5 DE 1987.

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SENOR
MARIO VASQUEZ RANA
PRESIDENTE ODEPA.
MEXICO

RUEGO A UD., INTERCEDER VIA TELEX ANTE EMBAJADOR DE ESTADOS UNIDOS EN CHILE A FIN DE QUE CONCEDA VISA AL DEPORTISTA DEL TIRO AL BLANCO SENOR FRANCISCO ZUNIGA, A QUIEN AUN NO LE HA SIDO OTORGADA, SIN EXPRESION DE CAUSA O MOTIVO ALGUNO.

ESTA SITUACION PONE EN PELIGRO LA PARTICIPACION DE NUESTRO EQUIPO DE TIRO EN LOS PROXIMOS JUEGOS PANAMERICANOS DE INDIANAPOLIS.

RUEGO HACER EXTENSIVO ESTO AL REPRESENTANTE DE AMERICA, ANTE LA U.I.T., QUIEN ENTIENDO ES UN COMPATRIOTA VUESTRO.

ATENTAMENTE

SYDNEY OJEDA FUENSALIDA
PRESIDENTE FEDERACION TIRO AL BALNCO
Y PRESIDENTE CONFEDERACION AMERICANA
DE TIRO.
TLX 240976 COCH C.L.

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PAGE 01 MEXICO 16604 01 OF 02 132001Z
ACTION NRC-02

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[redacted] SECTION 01 OF 02 MEXICO 16604

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PLS PASS TO NRC FOR KAREN HENDERSON

E.O. 12356: DECL: OADR
TAGS: TNUC, OTRA, MX
SUBJ: NUCLEAR REGULATORY COMMISSION MEXICO - VERACRUZ TRIP REPORT

1. [redacted]--ENTIRE TEXT.

2. SUMMARY: DURING AUGUST 10-12, NRC COMMISSIONER KENNETH CARR MET WITH KEY MEXICAN NUCLEAR OFFICIALS IN MEXICO CITY AND VISITED THE TWO-UNIT LAGUNA VERDE NUCLEAR STATION UNDER CONSTRUCTION IN THE STATE OF VERACRUZ. HE WAS ACCOMPANIED BY HAROLD DENTON, NRC DIRECTOR OF GOVERNMENTAL AND PUBLIC AFFAIRS, AND GEORGE FELGATE AND KAREN HENDERSON OF THE NRC STAFF. THE PURPOSE OF THE VISIT, WHICH WAS AT THE INVITATION OF THE COMISION NACIONAL DE SEGURIDAD NUCLEAR Y SALVAGUARDIAS (CNSNS), WAS TO DISCUSS RENEWAL OF THE NRC-CNSNS QUOTE ARRANGEMENT FOR THE EXCHANGE OF TECHNICAL INFORMATION AND COOPERATION IN NUCLEAR SAFETY MATTERS UNQUOTE, AND TO VISIT THE LAGUNA VERDE STATION. PRODUCTIVE DISCUSSIONS WITH CNSNS OFFICIALS WERE CONDUCTED, ALONG WITH A THOROUGH SITE VISIT. UNIT 1 AT THE LAGUNA VERDE STATION IS ESSENTIALLY COMPLETE. SYSTEM TESTING AND DEFICIENCY CORRECTION ARE IN [redacted]

[redacted]

PAGE 02 MEXICO 16604 01 OF 02 132001Z

PROGRESS AND A FUEL LOAD LATER THIS YEAR SEEMS ACHIEVABLE. COMMISSIONER CARR GAVE A PRESS INTERVIEW IN MEXICO CITY. END SUMMARY.

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3. ON AUGUST 10, THE COMMISSIONER MET WITH SENIOR OFFICIALS OF THE CNSNS AT THEIR OFFICES IN MEXICO CITY. PARTICIPANTS IN THIS MEETING INCLUDED ING. MIGUEL MEDINA VAILLARD, CNSNS DIRECTOR GENERAL; DR. JULIEN SANCHEZ, HEAD OF TECHNOLOGY, REGULATION, AND SERVICES; ING. JOSE LUIS DELGADO, HEAD OF THE OFFICE OF NUCLEAR SAFETY; AND ING. RAUL ORTIZ MAGANA, HEAD OF THE OFFICE OF RADIOLOGICAL PROTECTION. TOPICS DISCUSSED INCLUDED:

- CNSNS ORGANIZATION AND STAFFING;
- STATUS OF LAGUNA VERDE TESTING AND PREPARATIONS FOR FUEL LOAD;
- OPERATOR TRAINING AND EXPERIENCE REQUIREMENTS;
- PLANT HUMAN FACTORS IMPROVEMENT EFFORTS;
- LAGUNA VERDE EMERGENCY PLANNING; AND
- NRC/CNSNS TECHNICAL EXCHANGE IN NUCLEAR MATTERS.

WE CONCLUDED THAT THERE WERE NO KNOWN ISSUES THAT WOULD PRECLUDE EXTENDING THE RECENTLY EXPIRED NRC-CNSNS QUOTE ARRANGEMENT FOR THE EXCHANGE OF TECHNICAL INFORMATION AND COOPERATION IN NUCLEAR SAFETY MATTERS UNQUOTE. IN ADDITION, CNSNS EXPRESSED INTEREST IN FUTURE MEETINGS TO DISCUSS ENHANCED CNSNS-NRC COOPERATION IN THE TWO COUNTRIES' NUCLEAR PROGRAMS.

4. ON AUGUST 11, COMMISSIONER CARR VISITED COMISION FEDERAL DE ELECTRICIDAD (CFE) OFFICIALS AND TOURED THE LAGUNA VERDE NUCLEAR PLANT, LOCATED 76 KM NORTH OF VERACRUZ. ING. RAFAEL FERNANDEZ DE LA GARZA AND HIS PLANT CONFIDENTIAL

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PAGE 03 MEXICO 16604 01 OF 02 132001Z

STAFF DESCRIBED:

- LAGUNA VERDE NUCLEAR PLANT ORGANIZATION AND CURRENT STAFFING;
- STATUS OF OPERATOR TRAINING AND LICENSING;
- STATUS OF SYSTEM COMPLETION AND TESTING, AND WORK PRIOR TO FUEL LOAD AND STARTUP; AND
- EMERGENCY PLANNING ACTIVITIES.

A TWO HOUR TOUR OF UNIT 1 INCLUDED THE CONTAINMENT, TORUS, CONTROL ROOM, DIESEL GENERATOR AND BATTERY ROOMS, AND SEVERAL LEVELS OF THE TURBINE AND REACTOR BUILDING. FOLLOWING A LUNCH HOSTED BY CFE, THE COMMISSIONER VISITED THE

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CFE OFFSITE ENVIRONMENTAL LABORATORY AND THE EMERGENCY RESPONSE COMMAND CENTER IN EL FARILLON.

5. CONCLUSIONS OF THE TWO DAY VISIT INCLUDE THE FOLLOWING:

- A. LAGUNA VERDE UNIT 1 CONSTRUCTION IS ESSENTIALLY COMPLETE. SYSTEM TESTING, DEFICIENCY CORRECTION, CLEANING AND PAINTING ARE THE MAJOR ACTIVITIES REMAINING.

- B. FUEL LOAD OF UNIT 1 IN THE NOVEMBER TIME FRAME (A DATE MENTIONED BY CFE STAFF) APPEARS ACHIEVABLE. FUEL LOAD IN SEPTEMBER (THE SEMI-OFFICIAL DATE) WOULD MOST LIKELY OCCUR WITH NUMEROUS OUTSTANDING WORK ITEMS.

- C. BOTH ORGANIZATIONS, CFE AND CNSNS, ARE STAFFED WITH KNOWLEDGEABLE AND DEDICATED INDIVIDUALS. UNIT 1 STAFFING PLANS, INCLUDING LICENSED OPERATORS, APPEAR ADEQUATE.

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PAGE 01 MEXICO 16604 02 OF 02 132001Z
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TO SECSTATE WASHDC IMMEDIATE 8751

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[redacted] SECTION 02 OF 02 MEXICO 16604

PLS PASS TO NRC FOR KAREN HENDERSON

E.O. 12356: DECL: OADR
TAGS: TNUC, OTRA, MX
SUBJ: NUCLEAR REGULATORY COMMISSION MEXICO CITY AND

- D. EMERGENCY PLANS AND FACILITIES ARE IN PLACE, BUT SOME EVACUATION-RELATED PROBLEMS REMAIN, AND LINES OF COMMUNICATION DURING AN ACTUAL EMERGENCY ARE NOT YET RESOLVED AMONG PARTICIPATING GOVERNMENT AGENCIES.

- E. CNSNS AND CFE OFFICIALS WERE OPEN AND FORTHRIGHT IN THEIR DISCUSSIONS AND WERE EAGER TO CONTINUE A DIALOGUE WITH NRC AND COOPERATION IN NUCLEAR MATTERS.

6. ON AUGUST 12, COMMISSIONER CARR WAS INTERVIEWED BY TELEVISA REPORTER FRANCISCO FORTUNA REGARDING HIS VISIT TO MEXICO. THE INTERVIEW WAS A FACTUAL ONE-ON-ONE REVIEW OF THE COMMISSIONER'S TRIP TO MEXICO.

7. EMBASSY SCIENCE COUNSELOR ROY SIMPKINS AND SCIENCE OFFICER ANNE SIMON ACCOMPANIED THE DELEGATION THROUGHOUT THE VISIT. POLITICAL COUNSELOR THOMS MADE THE SITE VISIT TO LAGUNA VERDE. NRC DELEGATION COMMENT--THE EXCELLENT PLANNING AND ASSISTANCE BY THE EMBASSY SCIENCE OFFICE, CONFIDENTIAL

CONFIDENTIAL

PAGE 02 MEXICO 16604 02 OF 02 132001Z

PARTICULARLY THAT OF ANNE SIMON, CONTRIBUTED SIGNIFICANTLY TO THE SUCCESS OF THIS VISIT AND IS GREATLY APPRECIATED. END NRC COMMENT. (DRAFTED BY NRC FELGATE) PILLIOD

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RELEASE OF THIS DOCUMENT
DATE: APR 2002
BY: 0664393

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SECRET ATTACHMENTS

ROUTING AND TRANSMITTAL SLIP Date 8/18/87

TO: (Name, office symbol, room number, building, Agency/Post)	Initials	Date
1. Mr. Leonard - ARA/NCO		
2. Mr. Ortega - ARA/NHRO		
3. Ms. Barmon - HA		
4. Mr. Kagan - ARA/LPD		
5. Mr. Mallett		

Action	File	Note and Return
Approval	For Clearance	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

REMARKS

6. Mr. Lewis - ARA/NCO

Attached is an Action Memo to the Secretary addressing how we propose to deal with the issue of human rights abusers in the NR ranks. Attached to the Memo is an analysis of the legal issues.

Please provide us your comments/suggestions by COB Thursday 8/20

Thank you

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)	Room No.—Bldg.
Donna Darm/David Colson - L/ARA	5423
	Phone No. 7-5154

5041-102 OPTIONAL FORM 41 (Rev. 7-76)
Prescribed by GSA
FPMR (41 CFR) 101-11.206

*U.S.GPO:1986-0-441-274/20006

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KM220a

Stan Lieberson, M.A. P.O. Box 65732 Los Angeles, California 90046

Sr. Ricardo Martin
Presidente
Comisión Asesora de Derechos Humanos
Ministerio del Interior
Palacio de la Moneda
Santiago

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____

Señor Martin,

I am deeply concerned by the involvement of Chilean armed forces soldiers in the death by burning of Rodrigo Rojas de Negri in July, 1986.

Witnesses and lawyers involved in the case have been subject to threats which your government has failed to supress. In addition, while a patrol of several officers and soldiers was involved in the burning, only one person has been charged with the crime.

I strongly urge you to insure that this case is investigated fully and promptly, that witnesses be protected, and that all persons responsible for this terrible offense be brought to justice.

Sincerely,

Stan Lieberson

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cc: The Honorable Alan Cranston, U.S. Senate, Washington D.C.
cc: The Honorable [illegible], U.S. Senate, Washington D.C.

8/25/87

EXCISE 1987-2328

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Chile Project (#S199900030)
U.S. Department of State
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Exemption(s) B6

United States Senate

WASHINGTON, DC 20510

August 25, 1987

B6

To: Office for Legislative Affairs
Department of State
2201 C St, N.W.
Washington, D.C. 20520

47

ACTION is assigned to: HCA

Enclosure From:

Re: Please provide me with information regarding the welfare of Dr. Juan Macaya, who is reportedly being held in the Anexo Capuchinos of the Carcel Publica in Santiago, Chile, so that I might respond to my constituent.

I forward the attached for your consideration.

Your report, in duplicate, along with the return of the enclosure will be appreciated.

Sincerely,

Alan Cranston

Alan Cranston

Please address envelope to:
Senator Alan Cranston
Senate Office Building
Washington, D.C. 20510

Att:

Adam Goldman, 202/224-3553

1987 SEP -1 PM 2:28

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1987 SEP -1 PM 2:36

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ALAN CRANSTON
CALIFORNIA

8/25/87

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United States Senate

WASHINGTON, DC 20510

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August 25, 1987

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ACTION
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To: Office for Legislative Affairs
Department of State
2201 C St, N.W.
Washington, D.C. 20520

Enclosure From:
Mr. Stan Lieberson
Post Office Box 46132
Los Angeles, California 90046

Re:
Please provide me with information concerning the death of Rodrigo Rojas de Negri in Chile, and the reported involvement of Chilean armed forces soldiers in this incident, so that I might respond to my constituent.

I forward the attached for your consideration.

Your report, in duplicate, along with the return of the enclosure will be appreciated.

Sincerely,

Alan Cranston

Alan Cranston

Please address envelope to:
Senator Alan Cranston
Senate Office Building
Washington, D.C. 20510

Att:

Alan Cranston, 202/224-3553

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ALAN CRANSTON
CALIFORNIA

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Chile Project (#S199900030)
U.S. Department of State
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United States Senate

WASHINGTON, DC 20510

August 25, 1987

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To: Office for Legislative Affairs
Department of State
2201 C St, N.W.
Washington, D.C. 20520

ACTION
LA/S

Enclosure From:
Mr. Stan Lieberson
Post Office Box 46132
Los Angeles, California 90046

Re:
Please provide me with information regarding the welfare of Daniel Palma Robledo, who reportedly disappeared from Santiago, as well as with information about the involvement of the National Intelligance Service in this case, so that might respond to my constituent.

I forward the attached for your consideration.

Your report, in duplicate, along with the return of the enclosure will be appreciated.

Sincerely,

Alan Cranston

Alan Cranston

Please address envelope to:
Senator Alan Cranston
Senate Office Building
Washington, D.C. 20510

Att:

Ann Goldman, 202/224-3553

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ALAN CRANSTON

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United States Senate

WASHINGTON, DC 20510

Chile Project (#S1999000300)
U.S. Department of State
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Exemption(s) ____

August 25, 1987

ACTION
EB

To: Office for Legislative Affairs
Department of State
2201 C St, N.W.
Washington, D.C. 20520

Enclosure From:
Mr. Michael W. Dunn
1915 Chapmen Road
Claremont, California 91711

Re:
Please provide me with information regarding the welfare of Dr. Ramiro Olivares, who is reportedly inprisoned in Chile, so that I might respond to my constituent.

I forward the attached for your consideration.

Your report, in duplicate, along with the return of the enclosure will be appreciated.

Sincerely,

Alan Cranston

Alan Cranston

Please address envelope to:
Senator Alan Cranston
Senate Office Building
Washington, D.C. 20510

Att:

Ann Goldman, 202/224-3553

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1987 AUG 27 PM 12:09

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8/25/87

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Department of State **TELEGRAM**

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INFO AMEMBASSY BUENOS AIRES
AMEMBASSY LIMA

Chile Project (#S199900030)
U.S. Department of State
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Declassify: In Part ____ In Full X
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~~C O N F I D E N T I A L~~ SECTION 01 OF 03 SANTIAGO 06370

~~EXDIS~~ **DECAPTIONED**

E. O. 12356: DECL:OADR
TAGS: PGOV, OREP, CI
SUBJ: MEETING WITH PRESIDENT PINOCHET: CODEL LAGOMARSINO

1. ~~CONFIDENTIAL~~ - ENTIRE TEXT.

2. SUMMARY: IN A CONVERSATION OF OVER AN HOUR WITH CODEL LAGOMARSINO, PRESIDENT PINOCHET EMPHASIZED HIS DETERMINATION TO HOLD THE PLEBISCITE CALLED FOR IN THE 1980 CONSTITUTION. HE PROMISED IT WOULD BE CLEAN AND FREE, LIKE ALL ELECTIONS IN CHILE, AND SAID HE EXPECTED THAT BETWEEN FIVE AND A HALF AND SIX MILLION VOTERS WOULD BE REGISTERED FOR IT. CHILE WOULD MOVE CAUTIOUSLY, HOWEVER, IN RETURNING TO DEMOCRACY, BECAUSE OF ITS DANGERS. LOOK AT THE DEMOCRACIES OF ARGENTINA, BRAZIL, COLOMBIA, ECUADOR, PERU. PUBLIC OPINION CAN BE MANIPULATED, AND THE SOVIET UNION CONTINUES ITS QUEST FOR WORLD CONQUEST. U. S. RESOLVE IS WEAK, PRESIDENT REAGAN IS NOT AS VIGOROUS AS HE ONCE WAS, AND THE STATE DEPARTMENT IS INFILTRATED. PINOCHET SUPPORTS OUR CENTRAL AMERICAN POLICY, BUT WE ARE NOT DOING ENOUGH AND WILL LOSE THE WHOLE REGION. MEXICO IS A RIPE FRUIT WAITING TO FALL. PINOCHET SAID
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PAGE 02 SANTIA 06370 01 OF 03 252137Z

HE IS NOT MOTIVATED BY PERSONAL AMBITION BUT BY CON-

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CERN FOR WELFARE OF CHILE. GOD PLAYED A ROLE IN SAVING HIM FROM ASSASSINATION LAST YEAR.

3. CODEL TOLD PINOCHET THEY UNDERSTOOD THE NECESSITY FOR THE 1973 COUP AND SUPPORTED HIS EFFORTS TO STRENGTHEN THE FREE MARKET IN CHIE. BUT A TRANSITION TO DEMOCRACY WAS A NECESSITY IF THEY WERE TO CONTINUE SUPPORTING CHILE, AND SUCCEED IN WARDING OFF EFFORTS IN CONGRESS TO APPLY ECONOMIC SANCTIONS. WHATEVER THE ELECTORAL PROCESS, IT MUST - LIKE CAESAR'S WIFE - NOT ONLY BE FREE AND FAIR, BUT BE SEEN TO BE, PARTICULARL WITH REGARD TO OPPOSITION ACCESS TO TELEVISION. THE CONGRESSMEN CONCLUDED BY STRESSING THEIR SUPPORT FOR REAGAN ADMINISTRATION POLICY TOWARD CHILE, AS REPRESENTED BY ASSISTANT SECRETARY ABRAMS AND THE AMBASSADOR. END SUMMARY.

4. CODEL LAGOMARSINO, ACCOMPANIED BY CHARGE AND CONTROL OFFICER PHILLIP ANTWEILER, CALLED ON PRESIDENT PINOCHET AUGUST 13, IN THE LA MONEDA PALACE. PINOCHET WAS ACCOMPANIED BY FOREIGN MINISTER RICARDO GARCIA; A OFFICER FROM THE MINISTRY'S NORTH AMERICAN DEPARTMENT, RENE ROJAS; AND THE SECRETARY GENERAL OF THE PRESIDENCY, GENERAL SERGIO VALENZUELA. ROJAS WAS PERMITTED TO TAKE NOTES ON THE MEETING, ALTHOUGH THE CONGRESSMEN'S STAFF AND EMBOFFS HAD BEEN PROHOBITED FROM DOING SO. THE PRESIDENT, IN CIVILIAN CLOTHES, WAS ALERT AND ATTENTIVE DURING THE MEETING. AT TIMES, HE BECAME VERY ANIMATED, INTERRUPTING A PRESENTATION TO MAKE HIS POINT, LEANING FORWARD IN HIS CHAIR, AND MAKING USE OF GESTURES. THE MEETING LASTED AN HOUR AND FIFTEEN MINUTES.

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5. THE CONGRESSMEN'S PRESENTATION: CONGRESSMAN LAGOMARSINO BEGAN THE PRESENTATION AFTER INTRODUCING THE MEMBERS OF THE DELEGATION. HE EXPRESSED SYMPATHY FOR THE LOSS OF LIVES AND HOMES DUE TO RECENT FLOODS. HE TOLD THE PRESIDENT THAT THEY WERE FRIENDS OF CHILE, AND HAD SUPPORTED IT IN A NUMBER OF DIFFICULT VOTES IN THE HOUSE OF REPRESENTATIVES. HE CITED THEIR SUCCESS IN DEFEATING THE PROPOSAL TO DISINVITE THE ESMERALDA AS ONE EXAMPLE. CONGRESSMAN LEWIS EMPHASIZED THEIR

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SUPPORT FOR THE FREE MARKET ECONOMIC POLICIES THAT PINOCHET HAD FOSTERED, BUT STRESSED HOW IMPORTANT IT WAS THAT THE INCREASE IN ECONOMIC LIBERTY BE SUPPLEMENTED BY -

POLITICAL LIBERTY. WITHOUT A RAPID TRANSITION TO DEMOCRACY, THE CONGRESSMEN STATED THAT EFFORTS IN CONGRESS TO IMPOSE PUNITIVE ECONOMIC SANCTIONS COULD NOT BE RESISTED. OF PARAMOUNT IMPORTANCE WAS THAT THE PROCESS BY WHICH THE NEXT PRESIDENT IS CHOSEN BE CLEAN, OPEN, AND CLEARLY REFLECTIVE OF THE MAJORITY WILL OF THE CHILEAN PEOPLE. A KEY ASPECT OF SUCH OPENESS WOULD BE UNFETTERED ACCESS OF OPPOSITION TO TELEVISION. THEY ALSO NOTED DEEP CONCERN IN THE CONGRESS OVER THE LETELIER AND ROJAS CASES. THE CONGRESSMEN CONCLUDED BY STATING THEIR SUPPORT FOR THE ADMINISTRATION'S POLICIES BOTH TOWARD CENTRAL AMERICA AND TOWARD CHILE, AND THEIR CONVICTION THAT BOTH ASSISTANT SECRETARY ABRAMS AND THE AMBASSADOR WERE ACCURATELY REFLECTING PRESIDENT REAGAN'S POLICIES. IN SHORT, MR. LAGOMARSINO SAID, "WE WANT YOU TO KNOW

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PAGE 01 SANTIA 06370 02 OF 03 252138Z
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~~C O N F I D E N T I A L~~ SECTION 02 OF 03 SANTIAGO 06370

~~EXDIS~~

E. O. 12356: DECL:OADR
TAGS: PGOV, OREP, CI
SUBJ: MEETING WITH PRESIDENT PINOCHET: CODEL LAGOMARSINO

THAT WE ARE NOT LIKE SENATOR KENNEDY - BUT NEITHER
ARE WE LIKE SENATOR HELMS."

6. THE PLEBISCITE: PINOCHET SAID HE KNEW THE U.S. DIDN'T LIKE THE PLAN TO SELECT CHILE'S NEXT PRESIDENT IN A PLEBISCITE. "YOU ACCEPTED THE PLEBISCITE IN THE PHILIPPINES, BUT NOT OURS." REF. LAGOMARSINO SAID HE WOULD NOT ADVISE A SOVEREIGN COUNTRY ON WHAT TO DO. HE HAD A PERSONAL OPINION, BUT SINCE THE PRESIDENT HADN'T ASKED FOR IT, HE WOULDN'T OFFER IT. IN ANY EVENT, PINOCHET CONTINUED, THE 1980 CONSTITUTION MANDATES A PLEBISCITE, AND IT WAS NOT POSSIBLE TO AMEND THE CONSTITUTION. HE HAD GIVEN HIS WORD OF HONOR TO UPHOLD THE CONTITUTION. HE AGREED THAT A LARGER VOTER REGISTRATION WAS IMPORTANT, WHICH HE DEFINED AS BETWEEN FIVE AND A HALF AND SIX MILLION PEOPLE (ABOUT 70 PERCENT OF ALL THOSE OVER 18.) HE DISTINGUISHED BETWEEN FREE ELECTIONS, TO WHICH HE WAS COMMITTED, AND COMPETITIVE ELECTIONS, WHICH HE RULED OUT. ALL ELECTIONS ARE FREE,
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PAGE 02 SANTIA 06370 02 OF 03 252138Z

HE SAID, NOBODY DRAGS ANYONE TO VOTE. PINOCHET SAID IT SEEMED PREMATURE FOR THE PARTIES TO BE LOBBYING FOR

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COMPETITIVE ELECTIONS WHEN MOST OF THEM HAD NOT YET EVEN TAKEN UP THE GOVERNMENT'S OFFER TO REGISTER AS LEGAL PARTIES. HE EMPHASIZED HIS PERSONAL COMMITMENT TO A CLEAN PLEBISCITE, AND URGED THE CONGRESSMEN TO TRUST THE GOVERNMENT ON THIS POINT. HE POINTED OUT THAT TO DATE, THE DEMOCRATIZATION PROCESS HAD BEEN UNFOLDING JUST AS THE GOVERNMENT HAD PROMISED. THE PRESIDENT REMINDED THE CONGRESSMEN OF THE HISTORY OF CLEAN ELECTIONS IN CHILE UNTIL THE MARXISTS BEGAN TO TAKE CONTROL AND PAD THE ELECTORAL ROLLS. HE STRESSED THAT THIS DEBATE ON DEMOCRATIZATION WOULD NOT EVEN BE TAKING PLACE IF THE MILITARY HAD ALLOWED ALLENDE'S GOVERNMENT TO CONTINUE, AND THAT CHILE'S ELECTIONS TRADITIONALLY HAD BEEN, AND WOULD CONTINUE TO BE, CLEANER THAN THOSE OF MANY OF ITS NEIGHBORS.

7. POLITICAL PROCESS: PRESIDENT PINOCHET STRESSED THE IRRESPONSIBILITY OF THE CHILEAN POLITICAL PARTIES IN BRINGING THE COUNTRY TO A SITUATION WHERE THE MILITARY WAS FORCED TO INTERVENE. HE DISTINGUISHED BETWEEN FREEDOM OF EXPRESSION, AND LICENSE, EMPHASIZING THAT THE FORMER, BUT NOT THE LATTER WOULD BE ALLOWED. HE RIDICUL THE PARTIES FOR CLAIMING TO REPRESENT SIGNIFICANT SECTOR OF CHILEAN OPINION, AND HELD, INSTEAD, THAT THERE WAS WIDE SUPPORT FOR HIS OWN POLICIES AND GOVERNMENT. HE POINTED TO THE CHILEAN NEWSPAPERS AS PROOF THAT THERE WA OPEN POLITICAL DEBATE IN CHILE, STATING THAT SOMETIMES I SEEMED LIKE THE PAPERS TALKED ABOUT NOTHING BUT POLITICS PINOCHET STATED THAT THERE WOULD BE "A SPACE" ON TELEVISION FOR OPPOSITION VOICES DURING THE 30 DAYS PRIOR TO THE PLEBISCITE.

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8. THE DANGERS OF DEMOCRACY. PINOCHET SAID HIS VISITORS DID NOT APPRECIATE THE RISKS OF DEMOCRACY, WHICH MADE IT NECESSARY TO MOVE WITH GREAT CAUTION IN INTRODUCING IT TO CHILE. LOOK, HE SAID, AT ARGENTINA BRAZIL, COLOMBIA, ECUADOR, PERU - THEY ARE ALL DEMOCRACIES. IN CHILE THERE ARE NO EXPROPRIATIONS OF PROPERTY, NO SEIZURES OF BANKS. IN THE U.S. THERE IS ONLY A SMALL DIFFERENCE BETWEEN PARTIES. (REP. LAGOMARSINO QUIPPED, "I'M NOT SO SURE!") HERE A CHANGE OF ADMINISTATIONS IS A TOTAL TURNABOUT. PUBLIC

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OPINION CAN BE CONTROLLED AND MANIPULATED - LOOK AT THE NEW YORK TIMES AND WASHINGTON POST.

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9. THE STRUGGLE AGAINST COMMUNISM. PINOCHET ASSERTED A COMMONALITY OF VIEWPOINT BETWEEN CHILE AND THE U.S. IN THEIR EFFORTS TO COMBAT COMMUNISM. HE ADMIRED OUR WAR IN VIETNAM. HE QUESTIONED U.S. RESOLVE IN THIS STRUGGLE, HOWEVER. HE THOUGHT THAT IN HIS MOST RECENT SPEECH PRESIDENT REAGAN WAS NOT A VIGOROUS AS HE HAD BEEN. PINOCHET WAS SURPRISED AT THE NUMBER OF STATE SECRETS EXPOSED IN THE IRAN-CONTRA HEARINGS. THERE IS COMMUNIST INFILTRATION IN THE ADMINISTRATION. LOOKING AT THE CHARGE, HE SAID, "I HAVE MY OWN SOURCES OF INFORMATION FROM THERE, YOU KNOW. I HAVE JUST SEEN A CONFIDENTIAL STATE DEPARTMENT DOCUMENT WHOSE AUTHORS WERE EITHER COMMUNISTS OR DUPES." (HE GAVE NO DETAILS.) AS A RESULT, WE HANDICAPPED ANTI-COMMUNIST REGIMES WITH HUMAN RIGHTS CRITICISMS. MEANWHILE, GORBACHEV IS VERY EFFECTIVE AND THE SOVIET UNION PROCEEDS APACE IN ITS

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PAGE 01 SANTIA 06370 03 OF 03 252139Z
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~~C O N F I D E N T I A L~~ SECTION 03 OF 03 SANTIAGO 06370

~~EXDIS~~

E. O. 12356: DECL:OADR
TAGS: PGOV, OREP, CI
SUBJ: MEETING WITH PRESIDENT PINOCHET: CODEL LAGOMARSINO

EFFORTS TO TAKE OVER THE WORLD. THEIR FOREIGN MINISTER IS A KGB GENERAL. WHILE HE AND CHILE COMPLY WITH INTERNATIONAL AGREEMENTS ON HUMAN RIGHTS, THERE ARE NO HUMAN RIGHTS IN COMMUNIST COUNTRIES, AND THE ISSUE IS USED IN INTERNATIONAL COMMUNIST PROPAGANDA TO ATTACK CHILE AND UNDERMINE ITS GOVERNMENT. AT THIS POINT THE PRESIDENT PRESENTED CONGRESSMAN LAGOMARSINO WITH A COPY OF VICTORIA SIN GUERRA BY THE GERMAN ANTI-COMMUNIST COUNT HANS VON HUYN (SEE SANTIAGO 4996). PINOCHET STATED THAT THE U.S. HAD ALREADY LOST CUBA IN THIS STRUGGLE AND WAS GOING TO LOSE CENTRAL AMERICA FROM PANAMA ON UP. HE SUPPORTED U.S. POLICY IN CENTRAL AMERICA BUT WE SHOULD BE DOING MORE TO DEFEAT THE COMMUNISTS. MEXICO IS A RIPE FRUIT READY TO FALL.

10. CHARGE REPLIED THAT AS CONGRESSMEN HAD SAID, THEY WERE SUPPORTERS OF THE ADMINISTRATION, AND AS SUCH THEY WOULD LIKE, AS WOULD THE ADMINISTRATION, TO BE ABLE TO DEFEND CHILE AND ITS ELECTORAL PROCESS. IN THAT RE-
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PAGE 02 SANTIA 06370 03 OF 03 252139Z

SPECT THE FORM OF THE ELECTION IS NOT AS IMPORTANT AS TH
IT BE A COMPLETELY FREE AND INFORMED DECISION OF

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THE CHILEAN PEOPLE. AMERICANS BELEIVE THAT THE BETTER INFORMED OUR PEOPLE ARE, THE BETTER DEMOCRACY WORKS. THEREFORE, WE SOMETIMES FIND IT NECESSARY TO REVEAL EVEN GOVERNMENT SECRETS TO PREVENT ABUSES. FINALLY, CHARGE SAID HE COULD ASSURE PRESIDENT THAT WHAT ELLIOTT ABRAMS SAYS U.S. POLICY TOWARD CHILE IS IN PUBLIC - FOR EXAMPLE HIS RECENT HOUSE TESTIMONY - IS THE SAME AS WHAT HE AND HIS STAFF SAY IT IS IN "CONFIDENTIAL" DOCUMENTS.

11. PERSONAL ROLE OF PINOCHET: PRESIDENT EMPHASIZED HIS DEEP LOVE OF CHILE AND COMMITMENT TO ACTING IN ITS BEST INTERESTS. HE STATED THAT INTERNATIONAL OPINION DID NOT CONCERN HIM IN THE LEAST, AND THAT THE ONLY IMAGE HE WAS CONCERNED ABOUT WAS HIS IMAGE IN CHILE, WHERE HE WANTED TO BE FAVORABLY REMEMBERED. HE STRESSED THAT HIS CONTINUANCE IN OFFICE REFLECTED NOT PERSONAL AMBITION, BUT RATHER DEEP CONCERN FOR THE WELFARE OF CHILE. GROWING ANIMATED, THE PRESIDENT SAID THAT ANYONE CONCERNED ABOUT HIS PERSONAL FATE WOULD HAVE ALREADY RETIRED FROM THE SCENE. HE WENT ON TO DESCRIBE THE ASSASSINATION ATTEMPT IN WHICH TWO ROCKETS AND 400 BULLETS HIT HIS CAR; THE ROCKETS FAILED TO EXPLODE, AND HE EMERGED MIRACULOUSLY UNSCATHED. HE SAID GOD HAD SAVED HIM. HE INTENDED TO CONTINUE HIS SELF-SACRIFICE ON BEHALF OF CHILE UNTIL THE END OF HIS DAYS. AS THE GROUP DEPARTED, PINOCHET GAVE EACH CONGRESSMAN A COPY OF HIS BOOK ON THE 1973 COUP, THE CRUCIAL DAY, IN ENGLISH.

12. COMMENT: PINOCHET WAS LESS AGGRESSIVE AND DOMINEERING IN THE CONVERSATION THAN IN OTHER MEETINGS WITH U.S. VISITORS, IN PART PERHAPS IN A CON-

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SCIOUS EFFORT TO MAKE A GOOD IMPRESSION, IN PART PERHAPS BECAUSE HE SEEMED GENUINELY INTERESTED IN HEARING WHAT THIS GROUP HAD TO SAY. NEVERTHELESS, MANY OF THE STANDARD THEMES CAME THROUGH - THE COMMUNIST THREAT, THE DANGERS OF UNSUPERVISED DEMOCRACY, THE INTEREST OF DIVINE PROVIDENCE IN HIS PERSONAL MISSIO CONGRESSMAN LAGOMARSINO COMMENTED THAT PINOCHET CERTAINLY SOUNDED LIKE A CANDIDATE IN FULL CAMPAIGN, AND THAT THE CODEL'S OBSERVATIONS ON WHAT CONSTITUTED A FAIR ELECTORAL PROCESS SEEMED TO STRIKE A SENSITIVE NERVE. INTERESTINGLY, FOREIGN MINISTER GARCIA'S

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ONE CONTRIBUTION WAS TO RESTATE THOSE SAME POINTS, SUPPOSEDLY TO CLARIFY THE INTERPRETER'S TRANSLATION.
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PAGE 01 SANTIA 06398 01 OF 03 261905Z
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C O N F I D E N T I A L SECTION 01 OF 03 SANTIAGO 06398

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Chile Project (#S199900030)
U.S. Department of State
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E.O. 12356: DECL: OADR
TAGS: PGOV, CI
SUBJECT: GELBARD MEETING WITH SERGIO MOLINA

1. ~~CONFIDENTIAL~~ - ENTIRE TEXT.

2. SUMMARY: SERGIO MOLINA AND EDGARDO CONDEZA OF THE FREE ELECTIONS COMMITTEE (CEL) TOLD GELBARD THEY ARE GUARDEDLY HOPEFUL ABOUT ACHIEVING THEIR GOALS OF VOTER REGISTRATION, A CLEAR OPPOSITION ALTERNATIVE TO PINOCHET, AND CONVINCING THE MILITARY OF THE NEED TO NEGOTIATE. MOLINA COVERED MUCH OF THE SAME GROUND REPORTED IN SANTIAGO 5660, BUT THERE HAVE BEEN SETBACKS IN SOME AREAS AND PROGRESS IN OTHERS. END SUMMARY.

3. LEADING OFF, GELBARD COMMENTED THAT THE FREE ELECTIONS COMMITTEE HE VISITED IN VALPARAISO IS INEFFECTUAL. MOLINA AND CONDEZA ACKNOWLEDGED THAT THAT COMMITTEE IS PARTICULARLY WEAK, AND THAT SEVERAL OTHERS ARE SIMILARLY BAD, BUT CONCEPCION AND A NUMBER OF OTHERS ARE QUITE WELL ORGANIZED AND
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PAGE 02 SANTIA 06398 01 OF 03 261905Z

EFFECTIVE.

4. TURNING TO THE GENERAL PICTURE, MOLINA SAID HE IS PLEASED THAT THE CHRISTIAN DEMOCRATIC PARTY-LED CAMPAIGN FOR FREE ELECTIONS WILL BE

RUN BY ANDRES ZALDIVAR (WHO HAS REPLACED GABRIEL VALDES IN THAT JOB). ZALDIVAR IS ENERGETIC AND IS ALREADY BEGINNING TO MOBILIZE THE YOUTH, STUDENT LEADERS AND OTHER PARTY AFFILIATES. HE NOTED THAT THE NUNEZ SOCIALISTS AND OTHERS OF THE LEFTIST COMMITTEE FOR FREE ELECTIONS (CIEL) HAVE ALSO BEEN QUITE ACTIVE, AND THAT HIS OWN CAMPAIGN IS GENERATING THE ESTABLISHMENT OF COMMITTEES THROUGHOUT THE COUNTRY. MOLINA ADDED THAT THEY HAVE BEGUN TO CAMPAIGN IN A FEW SANTIAGO POOR NEIGHBORHOODS, WHILE IN CONCEPCION THERE IS GENUINE ENTHUSIASM. HE REITERATED THAT LACK OF MONEY FOR CEL HAS BEEN A CONTINUING DRAG, SINCE IN MANY AREAS OF CHILE IT WILL BE DIFFICULT FOR THE FREE ELECTIONS COMMITTEES TO ORGANIZE AND OPERATE WITHOUT FUNDING ACTIVISTS.

5. THE OTHER MAJOR OBSTACLES, ACCORDING TO MOLINA, REMAIN:

-- A. THE INCONVENIENT HOURS AND LOCATIONS OF MANY VOTER ENROLLMENT OFFICES AS WELL AS AN INSUFFICIENT NUMBER OF THEM;

-- B. POLITICAL PROBLEMS, SUCH AS OPPOSITION OF THE EXTREME LEFT, AND GENERALLY UNCOOPERATIVE ~~CO~~NFIDENTIAL

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PAGE 03 SANTIA 06398 01 OF 03 261905Z

ATTITUDE OF THE GOVERNMENT. THE INTERIOR MINISTER (FERNANDEZ) HAS THUS FAR BEEN UNWILLING TO REPLY TO A REQUEST FROM MOLINA FOR AN APPOINTMENT;

-- C. ORGANIZATIONAL DEFICIENCIES, PARTICULARLY AT THE REGIONAL LEVEL IN SOME AREAS. (MOLINA DID NOT ACKNOWLEDGE THAT THE PROLIFERATION OF PARALLEL FREE ELECTIONS COMMITTEES HAS BEEN A BRAKE ON THEM ALL, BUT THAT IS CLEARLY A PROBLEM. HE INDIRECTLY ADMITTED DIFFERENCES WITH VALDES BY SAYING THAT HE THINKS THAT COOPERATION WITH THE POLITICAL PARTIES' LED DRIVE WILL BE MUCH BETTER NOW THAT ZALDIVAR WILL HEAD IT);

-- D. SPARSE RESOURCES, UNTIL NOW.

6. THE DEMOCRATIC OPPOSITION WILL VERY SOON, PERHAPS IN AS LITTLE AS TWO WEEKS, DEVELOP A

CLEAR AND MODERATE ALTERNATIVE TO PINOCHET, MOLINA ANNOUNCED HOPEFULLY. HE HAD SPOKEN RECENTLY TO PATRICIO AYLWIN WHO SAID THAT CONVERSATIONS ARE UNDERWAY AND HE, AYLWIN, WAS OPTIMISTIC THAT A COMMON PLATFORM COULD BE WRITTEN IN A FORTNIGHT, WHICH SHOULD GIVE A BOOST TO VOTER REGISTRATION.

7. CONDEZA SAID THAT UNEQUIVOCAL FOREIGN

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PAGE 01 SANTIA 06398 02 OF 03 261906Z
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~~C O N F I D E N T I A L~~ SECTION 02 OF 03 SANTIAGO 06398

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E.O. 12356: DECL: OADR
TAGS: PGOV, CI
SUBJECT: GELBARD MEETING WITH SERGIO MOLINA

SUPPORT FOR FREE ELECTIONS WAS CRUCIAL TO INFLUENCING CHILEAN MILITARY OFFICERS AND BUSINESSMEN, AND HE APPEALED TO GELBARD FOR A STATEMENT BY PRESIDENT REAGAN, WHILE NOTING THAT IT WAS IMPORTANT AS WELL FOR THE EC TO BE HEARD. GELBARD NOTED THAT THE U.S. POSTPONED ISSUING A STATEMENT IN JUNE IN PART BECAUSE CHILEAN OPPOSITION LEADERS THEMSELVES THOUGHT IT WAS PRUDENT TO WAIT. MOLINA CORROBORATED THIS. GELBARD MADE NO COMMITTMENT REGARDING THE REQUEST FOR A PRESIDENTIAL STATEMENT NOR REGARDING THE CONTENT SHOULD WE DECIDE TO ISSUE A STATEMENT.

8. GELBARD NOTED PARTLY IN RESPONSE TO CONDEZA THAT HE SAW POTENTIAL DANGER IN THE COMMITTEE'S EMPHASIS ON FREE ELECTIONS AS THE GOAL, SINCE THAT SEEMS INCREASINGLY

REMOTE. THE LIKELIHOOD THAT THEY WILL HAVE TO CHANGE TUNES AT SOME POINT AND CALL FOR A "NO" VOTE IN A PLEBISCITE COULD DAMAGE THE CONFIDENTIAL

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PAGE 02 SANTIA 06398 02 OF 03 261906Z

. FREE ELECTIONS DRIVE'S CREDIBILITY AND DEFLATE OPPOSITION AND POPULAR ENTHUSIASM AT THE CRITICAL MOMENT, JUST BEFORE THE SCHEDULED PLEBISCITE.

9. CONDEZA ARGUED THAT THE CHILEAN PEOPLE WOULD REJECT ANY CAMPAIGN WHICH SEEMED TO ACCEPT THE PLEBISCITE AS A REALITY. MOLINA SAID THAT IT WOULD NOT BE DIFFICULT TO SWITCH GEARS AND CALL FOR A "NO" VOTE, SINCE THE TRIUMPH OF "NO" SHOULD RESULT IN FREE ELECTIONS THE FOLLOWING YEAR ANYWAY, ACCORDING TO THE CONSTITUTION. (COMMENT: WHILE MOLINA IS FACTUALLY CORRECT, WE WONDER WHETHER GELBARD IS NOT RIGHT THAT MANY PEOPLE WILL BE DISAPPOINTED IF AND WHEN THE OPPOSITION MUST ASSUME A FALLBACK POSITION. END SOMMENT).

10. A LIVELY DEBATE ENSUED BETWEEN CONDEZA (A DEMOCRATIC SOCIALIST) AND GELBARD OVER U.S. PRAISE FOR THE GOC'S ECONOMIC POLICY AND ITS PERFORMANCE OVER THE LAST HALF DECADE, WITH CONDEZA MAKING WELL-KNOWN CENTER-LEFT ARGUMENTS ABOUT THE GROWING GAP BETWEEN POOR AND WEALTHY, LEVELS OF UNEMPLOYMENT AND THE LIKE.

11. MOLINA DESCRIBED RECENT WRINKLES IN THE PROJECT TO FUND THE FREE ELECTIONS CAMPAIGN THROUGH THE CATHOLIC CHURCH SPONSORED INSTITUTE, ILADES. CARDINAL FRESNO AND MSGR. PINERA HAVE DECIDED THAT ILADES AND THE CHURCH SHOULD NOT BE THE RECIPIENTS OF FUNDS IN THE AMOUNT CONFIDENTIAL

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PAGE 03 SANTIA 06398 02 OF 03 261906Z

CONTEMPLATED (OVER 1 MILLION U.S. DOLLARS) BECAUSE OF THE HIGH PROFILE THIS WOULD GIVE THE CHURCH, AND THE MUD THAT WOULD FLY FROM GOC AND PRO-GOC QUARTERS. ILADES WILL FOLLOW THROUGH WITH

THE PROJECT DESCRIBED IN THE ILADES PROPOSAL (ONE HUNDRED SIXTY THREE THOUSAND U.S. DOLLARS) FUNDED BY THE FORD FOUNDATION, AND IT WILL BE PREPARED TO CONSIDER COOPERATION IN OTHER ELEMENTS OF THE CAMPAIGN, BUT IT IS NOT AUTHORIZED BY THE CHURCH TO RECEIVE FUNDS OTHER THAN THE FORD GRANT.

12. MOLINA LEARNED OF THIS CHURCH DECISION ON MONDAY, AUGUST 17, AND SINCE THEN HAS COME UP WITH A GENERAL IDEA OF AN ALTERNATIVE. HE TENTATIVELY PROPOSES THE FORMATION OF AN AD HOC COMMITTEE OF REPRESENTATIVES OF A NUMBER OF CHILEAN ORGANIZATIONS WHICH ENJOY "PERSONERIA JURIDICA", LEGAL PERSONALITY, WHICH CONFERS THE AUTHORITY TO RECEIVE FUNDING. THE COMMITTEE WOULD DEVISE A STRATEGY FOR THE CAMPAIGN AND DETERMINE CONCRETE TASKS FOR THE INSTITUTIONS THAT PARTICIPATE OR WANT TO COOPERATE WITH IT. FUNDS WOULD BE RECEIVED BY THE LEGAL ENTITITES AND THEN DISTRIBUTED TO THE APPROPRIATE ORGAN AS DIRECTED BY THE COMMITTEE.

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.O. 12356: DECL: OADR
AGS: PGOV, CI
UBJECT: GELBARD MEETING WITH SERGIO MOLINA

3. MOLINA IS PLANNING TO MEET WITH OTHERS O SUGGEST AND REFINE THE IDEA. HE FEELS HAT TIME IS SHORT AND WANTS TO HAVE AN OPERATIONAL SETUP FOR THE PROJECT BEFORE THE END OF AUGUST SO THAT THEY CAN START WORKING

ON THE ADVERTISING CAMPAIGN AND OTHER ELEMENTS OF THE PLAN. HE SAID THEY WILL ATTEMPT TO BEGIN TV ADVERTISING IN VALPARAISO, SINCE THE ARCHBISHOP OF THE FIFTH REGION HAS AGREED TO THE USE OF THE CATHOLIC UNIVERSITY STATION OF VALPARAISO. IF THAT WORKS, THEY WILL ATTEMPT TO AIR THEIR ADS ON CHANNEL 13 BELONGING TO THE CATHOLIC UNIVERSITY OF CHILE. CHANNEL 13 HAS A NATIONWIDE NETWORK COVERING SANTIAGO AND SEVERAL LARGE CITIES.

14. COMMENT: A GREAT DEAL OF TIME HAS BEEN PIDDLED AWAY--
PARTICULARLY DUE TO THE PDC INTERNAL ELECTIONS--AND BY THE POLITICIANS TENDENCY TO ANNOUNCE GRANDIOSE PLANS AND SHUN FOLLOW-UP. NOW THAT PDC MODERATES ~~CONFIDENTIAL~~

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PAGE 02 SANTIA 06398 03 OF 03 261906Z

ARE IN CONTROL, HOWEVER, WE MAY SEE MOBILIZATION OF THE PARTY'S RESOURCES. ZALDIVAR IS AN AVID CAMPAIGNER, ACCORDING TO SEVERAL SOURCES, AND IF HIS ORGANIZING TALENTS ARE ANY GOOD HE SHOULD BE ABLE TO CONTRIBUTE A GREAT DEAL TO THE VOTER ENROLLMENT EFFORT. WE ARE NOT SURPRISED THE CATHOLIC CHURCH HAS COLD FEET, BUT ARE TAKEN ABACK THAT THEY HAD NOT CONSIDERED THE POLITICAL IMPLICATIONS FULLY AT THE BEGINNING. IN ANY CASE, IT WILL NOT BE EASY FOR MOLINA AND THE OTHERS TO FIND OR CREATE A FIDUCIARY ENTITY WHICH IS BOTH APOLITICAL AND TRUSTWORTHY TO THE SPECTRUM OF THE CHILEAN DEMOCRATIC OPPOSITION, BUT OUR LATEST INFORMATION IS THAT THEY ARE MAKING GOOD HEADWAY.
BARNES

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RELEASED

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C O N F I D E N T I A L GUATEMALA 009014

ORIGIN POL/3 INFO AMB DCM ECON USIS AID ROCP DATT MILG CONS AGAT STORI/13

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RR RUEHC RUEHSN RUEHTG RUEHSJ RUEHMU RUEHME
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ZNY CCCCC ZZE
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FM AMEMBASSY GUATEMALA
TO RUEHC / SECSTATE WASHDC 6375
INFO RUEHSN / AMEMBASSY SAN SALVADOR 5708
RUEHTG / AMEMBASSY TEGUCIGALPA 6094
RUEHSJ / AMEMBASSY SAN JOSE 5317
RUEHMU / AMEMBASSY MANAGUA 2598
RUEHME / AMEMBASSY MEXICO 8302
BT
C O N F I D E N T I A L GUATEMALA 09014

CLASS: CONFIDENTIAL
CHRGE: PROG 08/25/87
APPRV: CHARGE D'AFFAIRS
DRFTD: HLBISHARAT
CLEAR: POL: AKSLEGHT; [illegible] GHOOKER
DISTR: POL3 RSO
ORGIN: WNG ID: 01000 JT

E.O. 12356: OADR
TAGS: PINS, PHUM, GT
SUBJECT: GUERRILLA DESERTER SPEAKS PUBLICLY

1. (U) A MEMBER OF THE REBEL ARMED FORCES (FAR) GUERRILLA GROUP HAS REQUESTED ASYLUM FROM THE GUATEMALAN MILITARY. JUAN SANIC QUILL, "LA VELOZ", 23, APPROACHED A MILITARY DETACHMENT IN TECPAN GUATEMALA IN THE DEPARTMENT OF CHIMALTENANGO ON AUGUST 20. HE WAS PRESENTED TO THE PRESS ON AUGUST 24 AT MILITARY ZONE 302 HEADQUARTERS IN CHIMALTENANGO. A MILITARY SPOKESMAN STATED THAT SANIC WOULD BE GIVEN PROTECTION.

2. (U) IN SPEAKING TO THE PRESS, SANIC EXPLAINED HIS SIX-YEAR INVOLVEMENT WITH THE GUERRILLAS. AMONG HIS MOTIVES IN JOINING THE GUERRILLAS IN 1981 WAS TO SEEK OUT RELATIVES WHO HAD BEEN KIDNAPPED. HE ALSO HAD BEEN PROMISED MANY THINGS HE FEELS HE FOOLISHLY BELIEVED WOULD HAPPEN, BUT NEVER OCCURRED. THE NON-EXISTENCE OF EQUALITY AND THE ADVANTAGE TAKEN OF THE COMBATANTS BY THE LEADERS ALSO UPSET HIM. AS A GUERRILLA HE BECAME PART OF THE "TECUN UMAN" COLUMN WHICH WAS KNOWN FOR ITS FEROCITY. SANIC TOOK PART IN SEVERAL BATTLES AGAINST THE MILITARY. ALL OF HIS TROOP WERE FROM THE CHIMALTENANGO AREA; THERE WERE NO FOREIGNERS. WHEN HE STARTED WITH THE FAR HE CARRIED A M-16 RIFLE AND THREE HAND GRENADES, BUT AFTER A WHILE HE CARRIED ONLY A REVOLVER.

3. (U) SANIC ALSO DISCUSSED THE PRESENT SITUATION OF THE GUERRILLAS. IN HIS TROOP ALMOST EVERYONE HAD DESERTED AND ONLY FIFTEEN WERE LEFT. MANY WHO LEFT TOOK RIFLES AND HAND GRENADES WITH THEM. SUMMING UP ON HIS YEARS WITH THE GUERRILLAS HE STATED HE ENCOUNTERED "WAR AND MORE WAR, BLOOD AND MORE BLOOD" WHILE HE FOUGHT FOR A CAUSE THAT DID NOT MAKE SENSE. ASKED WHY HE TURNED HIMSELF IN TO THE MILITARY, SANIC RESPONDED HE DESPAIRED SEEING SO MANY PEOPLE DIE FOR A POINTLESS CAUSE. HE HAD BEEN TOLD HE WOULD BE KILLED IF HE SURRENDERED, BUT SAID HE WAS TIRED OF CARRYING ARMS AND THOUGHT OF SUICIDE. HE ALSO TALKED OF OTHERS WHO QUIT THE GUERRILLAS BUT

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GUATEMALA AMEMBASSY #327224
BLAKE/DAVIS
United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 07/03/95
Case ID: 9512216

WERE AFRAID TO REQUEST AMNESTY AND STILL LIVED IN THE MOUNTAINS ROBBING AND KILLING.

4. (C) THE MILITARY WENT OUT OF ITS WAY TO PRESENT SANIC TO THE GUATEMALA MEDIA. FIRST REPORTED AS A "CAPTURED GUERRILLA CHIEF", SANIC REPRESENTED HIMSELF TO REPORTERS AS A SURRENDERED COMBATANT REQUESTING AMNESTY.

5. (C) COMMENT: SANIC'S MEETING WITH THE MEDIA IS ANOTHER EXAMPLE OF THE NEW PUBLIC RELATIONS EFFORTS BEING MADE BY DEFENSE MINISTER GENERAL HECTOR GRAMAJO. THE PUBLICITY BEING GIVEN TO SANIC'S DESERTION COULD ALSO BE DESIGNED TO FOCUS ATTENTION ON THE ISSUE OF AMNESTY AND "RECONCILIATION" IN THE WAKE OF THE GUATEMALAN PEACE AGREEMENT. IT REMAINS TO BE SEEN WHETHER SANIC'S MESSAGE THAT YOU CAN "COME IN FROM THE COLD" WILL STRIKE HOME WITH HIS FORMER COMRADES. END COMMENT.
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C O N F I D E N T I A L GUATEMALA 009014

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PAGE 01 MEXICO 17544 262247Z
ACTION EB-00

INFO	LOG-00	COPY-01	ADS-00	AID-00	INR-10	SS-00	CIAE-00
	DINT-05	DODE-00	H-01	ARA-00	NSAE-00	COME-00	L-03
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DEPARTMENT OF STATE IM/TPS/CPAIR Date: 4-1-98
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[redacted] MEXICO 17544

PASS TO DOE/INTERNATIONAL AFFAIRS

E.O. 12356: N/A
TAGS: ENRG, MX
SUBJECT: FUEL RODS TO BE LOADED IN LAGUNA VERDE NUCLEAR REACTOR IN MID-DECEMBER

1. (U) SEVERAL MEXICAN NEWSPAPERS RECENTLY QUOTED THE DIRECTOR GENERAL OF THE COMISION FEDERAL DE ELECTRICIDAD, FERNANDO HIRIART, AS SAYING THAT THE FIRST REACTOR AT LAGUNA VERDE WOULD BE LOADED WITH FUEL RODS IN MID-DECEMBER. HE PREDICTED THE REACTOR WOULD BE READY FOR COMMERCIAL PRODUCTION OF ELECTRICITY THREE MONTHS LATER IN MID-MARCH. HIRIART EXPLAINED THAT THE TECHNICAL ASPECTS OF THE NUCLEAR PLANT WERE COMPLETE AND CFE WAS ONLY AWAITING THE JUDGEMENTS OF THE INTERNATIONAL ATOMIC ENERGY AGENCY AND THE NATIONAL COMMISSION ON NUCLEAR SAFETY AND SAFEGUARDS. HIRIART WAS INTERVIEWED BY A GROUP OF JOURNALISTS ON AUGUST 18 AT THE PRESIDENTIAL RESIDENCE, LOS PINOS, AFTER PARTICIPATING IN A MEETING ON "INDUSTRIAL RECONVERSION".

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PAGE 02 MEXICO 17544 262247Z

2. (LOU) COMMENT: LOWER RANKING OFFICIALS HAVE PUBLICLY PREDICTED SEVERAL OTHER DATES FOR LOADING THE FUEL RODS, BUT THESE DATES HAVE ALL SLIPPED BY. HIRIART

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IS THE MOST SENIOR, KNOWLEDGEABLE OFFICIAL TO SET A DATE SO FAR AND WE SEE NO TECHNICAL REASON WHY FUEL COULD NOT BE LOADED IN MID-DECEMBER. FURTHERMORE, THERE WILL BE LESS POLITICAL CONSTRAINTS ON LOADING IN DECEMBER BECAUSE PRI SHOULD ANNOUNCE ITS CANDIDATE FOR PRESIDENT BY EARLY OCTOBER. IT IS QUITE POSSIBLE THAT ALFREDO DEL MAZO, SECRETARY OF ENERGY AND A LEADING CONTENDER FOR THE PRI NOMINATION, HAS POSTPONED THE LOADING UNTIL AFTER THE NOMINATION SO AS NOT TO HURT HIS CHANCES. AS THE CABINET MEMBER MOST CLEARLY IDENTIFIED WITH THE LAGUNA VERDE PROJECT, HE WILL BE SHARPLY CRITICIZED BY CERTAIN ANTI-NUKE GROUPS WHEN THE FUEL RODS ARE LOADED. SOME ENVIRONMENTAL GROUPS ARE STILL SAYING IT IS NOT TOO LATE TO CONVERT LAGUNA VERDE TO A CONVENTIONAL, FUEL OIL-BURNING POWER PLANT. (DRAFTED BY:ECON:JMSHELTON)
PILLIOD

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*** Current Handling Restrictions *** n/a
*** Current Classification *** [redacted]

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C O N F I D E N T I A L GENEVA 009085

ACTION ECON 2 INFO AMB DCM POL USIS FILES AGR CONS COML 10

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RR RUEHSG
DE RUEHGV #9086 2381225
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R 261225Z AUG 87
FM USMISSION GENEVA
TO RUEHC/SECSTATE WASHDC 2917
RUEHXI/LABOR COLLECTIVE
RUEHAC/AMEMBASSY ASUNCION 0377
RUMJKA/AMEMBASSY DHAKA 1169
RUEHIL/AMEMBASSY ISLAMABAD 4034
RUEHJA/AMEMBASSY JAKARTA 3126
RUEHMU/AMEMBASSY MANAGUA 1191
RUEHCR/AMEMBASSY PARAMARIBO 0211
RUEHPU/AMEMBASSY PORT AU PRINCE 0479
RUEHUL/AMEMBASSY SEOUL 2257
RUEHVA/AMEMBASSY SUVA 0355
RUEHWR/AMEMBASSY WARSAW 2831
RUEHPG/AMEMBASSY PRAGUE 1897
ZEN//AMEMBASSY MOSCOW (POUCH)
BT

LOC: 263 109
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CN: 33677
CHRG: PROG
DIST: ECON

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

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ELAB

UNCLASSIFIED

C O N F I D E N T I A L GENEVA 09086

E.O. 12356: N/A
TAGS: ELAB, PHUM, UNHRC-1, BG, BL, BR, CA, CI, CZ, EC, ES, FJ, GT, HA, ID, KS, NS, NU, PA, PK, PL, SF, TS, TU, UK, UR, VM, XH
SUBJECT: ICFTU STATEMENT TO THE UNHRC'S SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES.

1. (U) SUMMARY. IN AN AUGUST 19 STATEMENT DESIGNED TO HIGHLIGHT "A FEW OF THE MANY CASES OF SERIOUS AND PERSISTENT" VIOLATIONS OF TRADE UNION RIGHTS AROUND THE WORLD, THE INTERNATIONAL CONFEDERATION OF FREE TRADE UNIONS (ICFTU) REPRESENTATIVE IN GENEVA DREW THE SUB-COMMISSION'S SPECIAL ATTENTION TO VIOLATIONS IN SOUTH AFRICA, CHILE, PARAGUAY, VIETNAM, GUATEMALA, HAITI, EL SALVADOR AND BANGLADESH. THE STATEMENT DREW ON AN EARLIER REPORT THAT CITED VIOLATIONS IN OVER TWENTY COUNTRIES. END SUMMARY.

2. (U) THE ICFTU STATEMENT WAS ESSENTIALLY A SUMMARY OF ITS "ANNUAL SURVEY OF VIOLATIONS OF TRADE UNION RIGHTS, 1986/87," PUBLISHED EARLIER THIS SUMMER. THE SURVEY FOCUSSED ATTENTION ON VIOLATIONS IN OVER 20 COUNTRIES, WITH PARTICULAR ATTENTION PAID TO SOUTH AFRICA, TUNISIA, CHILE, PARAGUAY, TURKEY AND POLAND. OTHER COUNTRIES RECEIVING SPECIAL, BUT LESS VOLUMINOUS, CRITICISM INCLUDED: NIGERIA, BOLIVIA, BRAZIL, ECUADOR, EL SALVADOR, GUATEMALA, NICARAGUA, CANADA (RESTRICTIONS ON COLLECTIVE BARGAINING IN THREE PROVINCES), SURINAME, BANGLADESH, FIJI, INDONESIA, PAKISTAN, SOUTH KOREA, CZECHOSLOVAKIA, THE USSR, AND THE UK (LEGISLATION THAT "UNDERMINED THE RIGHTS OF TRADE UNIONS TO REGULATE THEIR

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C O N F I D E N T I A L GENEVA 009086

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8/27/87

FOIA

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Chile Project (#S199900030)
U.S. Department of State
Release_____ Excise_____ Deny____
Declassify: In Part_____ In Full____
Exemption(s)_____

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ARA/SC:RFHOPPER AND PDESHAZO
8/27/87 EXT. 72575
THE SECRETARY

ARA:EABRAMS
H:RSSCHIFTER
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IO:AKEYES
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S/S

PRIORITY USUN NY,LONDON PRIORITY ,BONN PRIORITY,PARIS PRIORITY,LISBON PRIORITY,
ROME PRIORITY, BOGOTA PRIORITY, BUENOS AIRES PRIORITY,
CARACAS PRIORITY, MONTEVIDEO PRIORITY, OTTAWA PRIORITY,
ROME PRIORITY, BRUSSELS PRIORITY, COPENHAGEN PRIORITY
ROUTINE SANTIAGO, MEXICO, USINT HAVANA

DECL: OADR

UNGA, PREL, PGOV, PHUM, PINR, CI JS
EA

CONSIDERATION OF CHILE AT UNGA

ROME ALSO FOR VATICAN; BRUSSELS ALSO FOR EC

1. ~~CONFIDENTIAL~~ - ENTIRE TEXT.

2. SUMMARY: WHILE INTERNATIONAL ATTENTION FOR THE MOMENT IS FOCUSED ELSEWHERE, CHILE IS RAPIDLY APPROACHING A TURNING POINT WITH A PRESIDENTIAL PLEBISCITE EXPECTED PERHAPS AS EARLY AS SEPTEMBER 1988. THE NEXT YEAR WILL DETERMINE WHETHER CHILE'S TRANSITION IS PEACEFUL OR TURBULENT, AND WHETHER IT HELPS OR HURTS OUR INTERESTS. TO ENHANCE THE EFFECTIVENESS OF OUR EFFORTS TO PROMOTE A PEACEFUL, ORDERLY RETURN TO FULL DEMOCRACY DURING THIS CRUCIAL PERIOD, WE WISH TO WORK AS CLOSELY AS POSSIBLE, IN NEW YORK AND IN CAPITALS, WITH OTHER WESTERN DEMOCRACIES. IN THIS CONTEXT, WE WANT TO ENCOURAGE A COORDINATED AND CONSTRUCTIVE APPROACH ON THE DEBATE AND RESOLUTION CONCERNING THE HUMAN RIGHTS SITUATION IN CHILE THAT WILL TAKE PLACE AT THE UNGA THIS FALL. ACTION

ADDRESSEES ARE REQUESTED TO APPROACH HOST GOVERNMENTS AT AN EARLY DATE TO ENSURE THAT SENIOR OFFICIALS UNDERSTAND THE IMPORTANCE WE PLACE ON THEIR ACTIVELY WORKING WITH US IN ADVANCE OF AND DURING THE UNGA TO BRING ABOUT A BALANCED RESOLUTION ON CHILE WHICH PROMOTES SHARED INTERESTS IN CHILE AND ELSEWHERE AND DOES NOT DIVIDE THE WEST NOR ISOLATE US. IN SO DOING EMBASSIES SHOULD BE GUIDED BY TACTICAL SUGGESTIONS PROVIDED BY USUN (SEPTEL) AND FOR SUBSTANCE SHOULD DRAW ON TALKING POINTS BELOW (PARAS 8 -10) WHICH CONTAIN THE ELEMENTS WE BELIEVE NEED TO BE TAKEN INTO ACCOUNT BOTH IN SEEKING TO OBTAIN A BALANCED RESOLUTION AND DURING THE DEBATE. END SUMMARY.

3. THE NEXT TWELVE MONTHS SHOULD DETERMINE THE SHAPE OF CHILE'S TRANSITION. THE GOC HAS RECENTLY TAKEN SOME POSITIVE HUMAN RIGHTS STEPS, BUT WITHOUT MATCHING POLITICAL CHANGE THEY ARE REVOCABLE AND TRANSITORY -- NOT THE STUFF DEMOCRACY IS MADE OF. INDEED, WE SUSPECT THEY ARE PART OF PINOCHET'S CAMPAIGN STRATEGY. SINGLE-MINDED IN HIS DESIRE TO REMAIN IN POWER, PINOCHET APPEARS TO BE TACTICALLY DIMINISHING POSSIBILITIES FOR AN ORDERLY TRANSITION IN ORDER TO PRESENT THE CHILEAN POPULACE WITH ONE CHOICE --"CHAOS OR ME.". HIS CANDIDACY IN THE PRESIDENTIAL PLEBISCITE WILL BE A WATERSHED EVENT, ONE THAT RISKS POLARIZING CHILE TO THE POINT OF FRACTURE. IN ANY EVENT IT WILL FORCE HARD DECISIONS ON THE CHILEAN PEOPLE, AND ON US. WITH THE CRUCIAL VOTE LIKELY TO OCCUR SOMETIME NEXT YEAR, WE NEED TO INTENSIFY EFFORTS TO ENCOURAGE CONSTRUCTIVE, MUTUALLY REINFORCING STATEMENTS AND ACTIONS BY WEST EUROPEAN AND LATIN AMERICAN DEMOCRACIES SO THAT WE WILL HAVE MADE EVERY EFFORT TO UNDERLINE OUR SUPPORT FOR A RETURN TO FULL DEMOCRACY IN CHILE WHICH WE ARE CONVINCED IS THE ONLY SURE WAY TO AVERT VIOLENT CHANGE WHICH FAVORS THE POLITICAL EXTREMES.

4. ONE KEY ARENA FOR DOING SO IS THE BIANNUAL CONSIDERATION OF CHILE HUMAN RIGHTS RESOLUTIONS IN THE UNGA AND UNHRC. THIS MARCH AT THE UNHRC WE WERE ABLE TO JOIN CONSENSUS WITH WEST EUROPEAN AND LATIN AMERICAN DEMOCRACIES ON A RELATIVELY BALANCED BUT STILL FLAWED CHILE HUMAN RIGHTS RESOLUTION. ON THE OTHER HAND, LAST FALL AT THE UNGA THE WEST EUROPEANS AND THE LATIN DEMOCRACIES ALL VOTED IN FAVOR OR ABSTAINED ON A CHILE RESOLUTION, CO-SPONSORED BY CUBA, WHICH WAS SO UNBALANCED THAT THE US WAS VIRTUALLY FORCED TO VOTE NO. SADLY, OUR VOTE, DESPITE OUR STRONG EXPLANATORY STATEMENT, IS NOW MISINTERPRETED BY DEMOCRATS IN CHILE AS A SIGN OF OUR ON-GOING SUPPORT FOR THE PINOCHET REGIME -- WHICH IT WAS NOT.

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5. WE WISH TO AVOID SUCH AN OUTCOME THIS YEAR, WHICH WOULD SEND UNHELPFUL MIXED SIGNALS CONCERNING THE ADMINISTRATION'S STRONG COMMITMENT TO PROMOTING A PEACEFUL DEMOCRATIC TRANSITION IN CHILE AS WELL AS MEANINGFUL HUMAN RIGHTS IMPROVEMENTS. WE JUDGE THAT AN EARLY, FORCEFUL, AND CONSISTENT US ROLE IN SHAPING THE HUMAN RIGHTS RESOLUTION IN THE UNGA (AND IN SETTING CLEAR TERMS AND EXPECTATIONS FOR THE DEBATE) IS THE ONLY WAY WE CAN POSSIBLY STIMULATE OTHERS TO WORK TOWARDS A BALANCED RESOLUTION ON CHILE WHICH WE COULD SUPPORT AND WORK WITH. SUCH A RESOLUTION CAN ALSO SERVE AS A PUBLIC BENCHMARK AGAINST WHICH TO JUDGE THE OUTCOME OF THE PROCESS, AND A STANDARD WHICH WILL MAKE OUR VOTE AND STATEMENT UNDERSTANDABLE TO CRITICAL AUDIENCES IN CHILE AND ELSEWHERE. MOREOVER, EARLY CONSULTATION WITH SENIOR POLICY MAKERS IN KEY FRIENDLY CAPITALS ON THE GENERAL ELEMENTS FOR THIS YEAR'S CHILE RESOLUTION SHOULD HELP AVERT OR UNDERCUT RADICAL AND UNBALANCED INTIATIVES AND FACILITATE EVENTUAL AGREEMENT AMONG OUR DELEGATIONS IN NEW YORK ON HOW BEST TO MANAGE ISSUES RELATED TO CHILE.

6. ACTION REQUESTED: ACTION ADDRESSEES SHOULD UNDERTAKE NECESSARY APPROACHES AT SUFFICIENTLY SENIOR LEVEL TO ENLIST THE ACTIVE INVOLVEMENT OF HOST GOVERNMENTS' DELEGATIONS IN WORKING TOGETHER WITH OURS TO BRING ABOUT THE PREPARATION, AND CONSISTENT SUPPORT FOR A CONSTRUCTIVE RESOLUTION ON CHILE POTENTIALLY TO BE INTRODUCED IN THIS YEAR'S UNGA. IN ADDITION WE WILL SEEK AGREEMENT ON A GAMEPLAN SO THAT CUBA AND HARD LINE MEMBERS OF THE NAM CANNOT EASILY MANEUVER THE PROCESS ON THE FLOOR IN ORDER TO PAINT ALL OF US INTO A CORNER WHICH MAKES THE ONLY CHOICES APPEAR TO BE EITHER VOTING FOR AN UNBALANCED RESOLUTION, OR SEEMING TO ACCEPT THE POLICIES OF PINOCHET. IF WE ACT NOW, AND ACT TOGETHER, WE CAN CREATE BETTER CHOICES: OUR FIRST PRIORITY, IF POSSIBLE, IS TO BRING ABOUT PASSAGE OF A FAIR AND BALANCED RESOLUTION WHICH WE WILL BE ABLE TO VOTE FOR; WHILE AT A MINIMUM WE SEEK AN OUTCOME WHICH WILL MAKE IT POSSIBLE FOR AN IMPRESSIVELY BROAD GROUP, EMCOMPASSING US, TO ABSTAIN WITH A STRONG AND CLEAR EXPLANATION OF OUR POSITION. TO THESE ENDS, WE ARE PREPARED TO CONSULT CONCERNING APPROPRIATE LANGUAGE, BUT PREFER THAT OTHER COUNTRIES TAKE THE LEAD AS DRAFTERS AND PRINCIPAL CO-SPONSORS. IF THE TEXT OF THE RESULTING RESOLUTION IS ACCEPTABLE, WE WOULD, OF COURSE, BE PREPARED TO SUPPORT IT. IN MAKING APPROACH YOU SHOULD DRAW ON TALKING POINTS BELOW, WHICH MAY BE LEFT AS A NON-PAPER.

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7. FOR EC AND VATICAN: PLEASE EXPLAIN OUR POSITION TO KEY CONTACTS AND URGE THAT THEY USE THEIR INFLUENCE WITH OTHERS TO HELP OBTAIN THE GOALS DESCRIBED IN THIS CABLE.

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8. TALKING POINTS

--THE NEXT TWELVE MONTHS ARE CRUCIAL TO THE SHAPE OF CHILE'S TRANSITION. SINGLE-MINDED IN HIS DESIRE TO REMAIN IN POWER, PINOCHET APPEARS TO BE TACTICALLY DIMINISHING POSSIBILITIES FOR AN ORDERLY TRANSITION IN ORDER TO PRESENT THE CHILEAN POPULACE WITH ONE CHOICE --"CHAOS OR ME.". HIS CANDIDACY IN THE PRESIDENTIAL PLEBISCITE WILL BE A WATERSHED EVENT, ONE THAT RISKS POLARIZING CHILE TO THE POINT OF FRACTURE.

--THE UNITED STATES STRONGLY SUPPORTS A PEACEFUL TRANSITION TO FULL DEMOCRACY IN CHILE, AS WELL AS INCREASED RESPECT FOR HUMAN RIGHTS, AND HAS ACTIVELY WORKED TOWARD THOSE OBJECTIVES. WE HAVE MADE OUR VIEWS KNOWN CLEARLY IN CHILE WHERE IT COUNTS, WITH THE GOVERNMENT IN PRIVATE, AND IN STATEMENTS TO THE CHILEAN PUBLIC.

--IN 1986 AND 1987 WE INTRODUCED AND JOINED CONSENSUS ON RESOLUTIONS IN THE UNITED NATIONS HUMAN RIGHTS COMMISSION CRITICAL OF CHILE'S HUMAN RIGHTS PERFORMANCE AND URGING DEMOCRATIZATION AND FREE, OPEN ELECTIONS.

--WITH THE CRUCIAL PLEBISCITE VOTE LIKELY TO OCCUR SOMETIME NEXT YEAR, THOSE OF US OUTSIDE CHILE WHO WISH TO ENCOURAGE PEACEFUL DEMOCRATIC CHANGE IN CHILE NEED TO WORK TOGETHER.

--WE DID SO EFFECTIVELY AT THE UNHRC EARLIER THIS YEAR, ALTHOUGH THE RESULTS WERE NOT COMPLETELY SATISFACTORY. WE WOULD HAVE PREFERED TO HAVE ELIMINATED IN MARCH THE DISCRIMINATORY PRACTICE OF TREATING CHILE UNDER A SEPARATE AGENDA ITEM. THIS IN PRACTICE IS UNFAIR; MOREOVER, ITS CONTINUATION GIVES THE PINOCHET GOVERNMENT AN EASY EXCUSE WITH WHICH TO TRY TO DISCREDIT THE VIEWS OF THE UNHRC AS BIASED AGAINST CHILE.

--WE HOPE THAT YOU WILL WORK WITH US AT THE UNHRC NEXT YEAR TO PUT AN END TO THIS DISCRIMINATORY PRACTICE.

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--BEFORE THEN THE CHILE HUMAN RIGHTS SITUATION WILL BE DISCUSSED IN THE THIRD COMMITTEE AND THE GENERAL ASSEMBLY. LAST YEAR WE VOTED AGAINST THE CHILE RESOLUTION BECAUSE OF ITS UNBALANCED ASSESSMENT OF THE SITUATION IN CHILE, WHICH, AMONG OTHER FLAWS, FAILED TO ACKNOWLEDGE VIOLENCE FROM SOURCES OTHER THAN THE GOVERNMENT.

--WE CONSIDER IT IMPORTANT TO OUR SHARED OBJECTIVES IN CHILE THAT A BALANCED RESOLUTION ON CHILE BE INTRODUCED IN THE UNGA THIS YEAR THAT THE US CAN SUPPORT. WE WOULD LIKE YOUR ACTIVE ASSISTANCE TO ENSURE SUCH AN OUTCOME.

--WE WANT TO BEGIN WORK IMMEDIATELY WITH YOU AND OTHER WEST EUROPEAN AND LATIN DEMOCRACIES TO FORMULATE A TEXT ON WHICH THE US CAN VOTE "YES". WE WOULD NOT SERVE AS CO-SPONSOR OF SUCH A TEXT, BUT WOULD BE PREPARED ULTIMATELY TO SUPPORT THE RESOLUTION. OUR ABILITY TO DO SO, HOWEVER, WOULD NOT BE HELPED WERE CUBA OR OTHER COMMUNIST COUNTRIES TO CO-SPONSOR THE RESOLUTION -- SINCE IT IS PATENTLY CLEAR THAT THESE NATIONS IN FACT OPPOSE AND DO NOT ENCOURAGE DEMOCRACY AS WE UNDERSTAND IT.

--WE ALSO BELIEVE THAT THE EVOLUTION TO DEMOCRACY IN LATIN AMERICA AS A WHOLE CAN BE EXTENDED AND CONSOLIDATED TO THE EXTENT THAT WE SEND CONSISTENT SIGNALS ABOUT THE IMPORTANCE OF DEMOCRACY AND HUMAN LIBERTY EVERYWHERE.

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5. ELEMENTS OF A RESOLUTION

--THE ELEMENTS WE SEE AS IMPORTANT TO A CONSTRUCTIVE AND BALANCED TEXT ARE:

A) A FAIR APPRAISAL OF THE CURRENT HUMAN RIGHTS SITUATION THAT EXPRESSES SERIOUS CONCERN OVER PERSISTENCE OF ABUSES, SUCH AS TORTURE, AND DEATHS OF POLITICAL OPPONENTS IN POLICE CUSTODY;

B) UNDERLINES CONCERN AT THE GOVERNMENTS FAILURE TO PUNISH SECURITY OFFICIALS FOR ABUSES OF AUTHORITY;

C) RECOGNITION, WITHOUT EXAGGERATING THEIR IMPACT, OF THOSE POSITIVE STEPS THAT HAVE BEEN MADE, SUCH AS REDUCTION IN NUMBER OF EXILES AND EXPANDED FREEDOM OF EXPRESSION, INCLUDING THE EXISTENCE OF AN OPPOSTION PRESS;

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D) STRESS THAT CHILE'S RETURN TO FULL DEMOCRACY UNDER A CIVILIAN GOVERNMENT CHOSEN IN A FAIR, FREE, AND OPEN ELECTION WILL PROVIDE THE BEST GUARANTEE FOR ASSURING RESPECT FOR HUMAN RIGHTS;

E) ACKNOWEDGEMENT OF THE COOPERATION GIVEN BY THE GOVERNMENT TO THE UN SPECIAL RAPPORTEUR; AS WELL AS RECOGNITION FOR THE FACT THAT THE GOC DOES ALLOW A WIDE RANGE OF INTERNATIONAL FIGURES TO VISIT CHILE AND TO REACH THEIR OWN CONCLUSIONS ON THE HUMAN RIGHTS SITUATION; AND

F) CLEAR DISAPPROVAL OF VIOLENCE, WHATEVER ITS SOURCE, AS SPECIFIED BY THE MARCH 1987 UNHRC RESOLUTION. (FYI: WE THINK IT IS IMPORTANT THAT THE RISKS TO HUMAN RIGHTS AND POLITICAL PROGRESS POSED BY THE MUTUALLY REINFORCING VIOLENT ACTIONS OF THE POLITICAL EXTREMES BE ACKNOWLEDGED, AND THAT THE RESOLUTION NOT IMPLY THAT THE GOVERNMENT IS THE ONLY PERPATRATOR AND THE SOLE CAUSE OF VIOLENCE. END FYI)

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10. CONCLUDING TALKING POINTS

--WE WOULD WELCOME YOUR IDEAS AND SUGGESTIONS. WE ARE CONCERNED THAT UNLESS LIKE-MINDED DEMOCRACIES WORK TOGETHER ON PREPARING A FAIR CHILE RESOLUTION, WELL IN ADVANCE OF THE THIRD COMMITTEE DEBATE THIS FALL, THE CUBANS AND THEIR ALLIES WILL PUSH FORWARD THE TYPE OF UNFAIR ASSESSMENT THAT COULD DIVIDE US AGAIN.

--IN THIS REGARD, OUR DELEGATIONS AT THE UNGA SHOULD WORK TOGETHER CLOSELY TO STRENGHTEN OUR ABILITY TO COPE WITH THE OILY TACTICS USED SO WELL BY CUBA AND ITS FRIENDS. WE PLEDGE OUR CONSISTENT COOPERATION WITH YOU SHOULD YOUR GOVERNMENT AGREE TO WORK TOGETHER IN PURSUIT OF A FAIR, BALANCED AND EFFECTIVE CHILE RESOLUTION.

--OUR OBJECTIVE IS PASSAGE OF A FAIR AND BALANCED RESOLUTION, BUT WE MUST STRESS THAT SHOULD THE PROCESS TO CONSTRUCT AND THEN DEBATE THE CHILE RESOLUTION ONCE AGAIN THIS YEAR GET CAPTURED BY THOSE WHO WILL MAKE IT UNBALANCED, WE WILL HAVE TO MAKE CLEAR OUR DISSATISFACTION WITH THE ENTIRE PROCESS. IN THAT EVENT WE WOULD HOPE TO ABSTAIN WHILE MAKING A STRONG STATEMENT. WE WILL BE BETTER ABLE TO FOLLOW THIS COURSE TO THE EXTENT THAT WE ARE NOT ALONE.

--IN CONCLUSION, AS TENSIONS RISE IN CHILE, IT IS INCREASINGLY IMPORTANT THAT THOSE OF US WHO WISH TO ENCOURAGE A PEACEFUL TRANSTION WORK TOGETHER. THIS IS ESPECIALLY IMPORTANT IN THE MONTHS BEFORE A POSSIBLE PLEBISCITE WHEN POLITICAL DEMOCRATS NEED TO BE STRENGTHENED, AND WHEN THE OPPONENTS OF DEMOCRACY SHOULD NOT BE ALLOWED TO IMAGINE THAT TACTICAL SPLITS AMONG AND WITHIN THE WESTERN DEMOCRACIES WILL ALLOW THEM TO FRUSTRATE THE ACCOMPLISHMENT OF A DEMOCRATIC TRANSITION.

THE ROLE OF SANCTIONS (FYI)

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11. SHOULD YOUR INTERLOCUTORS ASK ABOUT OUR POSITION ON ECONOMIC SANCTIONS YOU MAY DRAW ON THE FOLLOWING POINTS, BUT THEY SHOULD NOT BE INCLUDED IN THE TALKING POINTS PAPER WHICH YOU PRESENT.

-- WE OPPOSE THE USE OF ECONOMIC SANCTIONS IN THE CHILEAN CASE AS IT CURRENTLY STANDS. WE THINK THEY WOULD HARM THE CHILEAN PEOPLE AND ECONOMY, WOULD HARDEN THE RESISTANCE OF THE GOVERNMENT, AND WOULD ALLOW PINOCHET TO PLAY AN AGGRIEVED NATIONALIST CARD AGAINST THE OPPOSITION.

--WE THINK IT WOULD BE A MISTAKE TO CREATE ECONOMIC CHAOS WHICH WOULD STRENGTHEN EXTREMISTS, AND BY DISRUPTING CHILE'S ESSENTIALLY SOUND MARKET ECONOMY CREATE VERY DIFFICULT PROBLEMS FOR THE SUCCESSOR DEMOCRATIC GOVERNMENT WE ARE TRYING TO MAKE POSSIBLE IN CHILE--SUCH A GOVERNMENT WILL ALREADY FACE SUFFICIENT PROBLEMS.

--WHAT WE ARE DOING, HOWEVER, IS MAKING CLEAR TO CHILEAN AUTHORITIES THAT IF FREE MARKETS AND UNEMCUMBERED DECISION MAKING ARE GOOD FOR BUSINESS AND GOOD FOR THE ECONOMY--WHICH WE BELIEVE IS THE CASE--THEN THEY ALSO NEED TO RECOGNIZE THAT THIS IS EVEN MORE TRUE IN THE REALM OF POLITICS, IDEAS AND HUMAN LIBERTY.

YY

GUATEMALA AMEMBASSY #327224 BLAKE/DAVIS

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Embassy of the United States of America

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UNCLASSIFIED MEMORANDUM OF MEETING

Date: 3 September, 1987

Place: Consul General's Office

Those Present: CONS:DTrujillo; DATT:GHooker; CONS:Converse; Mr. Jim Ellesen (aka Tim Raub Ellis)

Subject: Blake/Davis Case

As arranged, Mr. [redacted] presented himself at the Embassy at 10AM to discuss the status of his investigation into the whereabouts of Nicholas Blake and Griff Davis. B6

Mr. [redacted] said that he came to Guatemala in 1976 to flee a sentence of one and a half years in prison for sale of drugs in Boston. He was familiar with Guatemala from frequent travel here to visit friends in the Peace Corps. B6

Last year for the first time since he came to Guatemala he re-entered the States and did it without papers. He said that he was stopped, but talked his way in. He worked for six months, but loved his two Guatemalan children too much to spend any more time away from them, so returned.

He has a range of Guatemalan identification, including a carnet as a Commissional Militar, a driver's license and a cedula indicating he was born in Guatemala (although he was actually born in PA in 1945). He used an altered birth certificate to establish an identity here in Guatemala as [redacted] B6

Mr. [redacted] contacts with the embassy began in 1984 when he contacted then DATT Charlie Stokes and later Lt. Col. Herzog from Embassy Mexico. Everything he told Stokes was repeated to him by the Military Zone Commander the next day, leading him to believe that the embassy is bugged. He doesn't believe that Col. Stokes was the source of the information. B6

Mr. [redacted] managed to stay neutral in Guatemalan internal troubles until the guerilla forces moved into Huehuetenango in force. He then decided to make friends with the military, and established a close relationship with then Zona Militar Commander Col. Hector Catalan. He supplied them with information and they gave him the run of the base. While making friends in the military he also made enemies, and he was told in 1985 that there was a clique on the base intending to kill him. He then decided to come to the embassy and talk to the DATT. He reported on such things as the shipment of arms, Mexican support for the insurgency and military responses. In the conversations B6

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Review Authority: MOSKOWITZ, SAM
Date: 07/03/95
Case ID: 95122216

he was asked, "Is Col. Catalan stealing more than" another colonel. He doesn't remember his answer, but Col. Catalan decided that his answer was a negative reflexion on him, and turned him out of the base and cut him off from support. Mr. [redacted] then cut his relations with the embassy from then until a month ago. B6

Over the course of those months of embassy contact Col. Stokes mentioned that the embassy was very interested in locating Jack Shelton, an American who had disappeared in the Huehuetenango area. After the disappearance of Blake and Davis, interest was expressed in knowing what happened to them, also. Stokes involved then ConGen Phil Taylor at that point. According to [redacted] Taylor offered to help him with his legal troubles in the U.S. while discussing information on Blake and Davis. (Taylor does not remember this being an offer of assistance in exchange for information.) B6

[redacted] says that Blake and Davis were killed the day after they were last seen. They left Huehuetenango to go to Nabaj, but had difficulty in getting there and turned back. They were shot on the way back to Huehuetenango by people who wanted their cameras and other objects of value. He does not yet know exactly where they are buried and probably won't know for a month. He is paying a person to make contact and become friendly with the murderer. This is at a delicate stage, and cannot be hurried or meddled with. The information was given to him about 6 weeks ago by someone who apparently knew about it within two days of its happening. B6

As an aside he reported that last Sunday the insurgents took the village of Aquacatan and held it for the night. The Civil Guard called for the military, then hid. The military never came to the assistance of the village. There are Peace Corps volunteers there, and he suggests that they be withdrawn. He also suggests that people not venture off the main roads in that part of Guatemala.

[redacted] suggested two things at this point in the conversation: 1) Don't investigate the murders to closely. It will open a can of worms and cause trouble for [redacted] the government and other people whom he declined to identify; and 2) Exhume the bodies and get out with minimal publicity, which might threaten the life of the go-between. B6 B6

The ConGen described the logistics of getting a team of people there for the exhumation and Col Hooker said that it would be difficult without involving the military, depending on where the grave is located.

[redacted] hopes to avoid his involvement becoming known. He will not be present at the exhumation, and discussed ways to pinpoint the grave without his having to return. He is concerned with his safety and that of the people who have helped him. He has B6

left letters with two people addressed to the embassy with all the details as he knows them to this point. If he should be killed or disappear, they will be delivered. If his sources dry up, he will also give us the details so we can try on our own. He left us a list of numbers where he can reached during the day, but he has no telephone in his house.

[redacted] is willing to talk to the Blake and Davis families, but feels that now is premature. He is also willing to speak to the Blake lawyer, but only on his terms and if the lawyer will accept him as a client so that he cannot be discussed with the Blake family. When it was suggested that this might be a conflict of interest, he said that he would probably not speak to the lawyer at this time. B6

The conversation turned to his legal problems in the states and his desire to register his children as U.S. citizens. The ConGen deliberately did not bring the subject up, leaving it to Mr. [redacted] When he finally did bring it up, it came in the form of a request, and not a quid pro quo arrangement. He clearly understood that the embassy could not assist him in settling his affairs in the U.S. Various options were outlined to him about how to register his children, but it was reiterated that his legal problems in the states are his problems. These problems include resolving his fugative status and his use of multiple names to clear the way for registration of his children and for his marriage. B6

In response to ConGen's question about whether they were killed because they were Americans, he said no, they were killed because they had cameras. It was not anti-American or anti- or pro- anything.

He left saying that he would keep in touch and expressing the hope that we would soon have an exhumation.

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CLASS: CONFIDENTIAL
CHRGE: PROG 10-SEP-87
APPRV: CHARGE:GLAMBERTY
DRFTD: CONS:JTCONVERSE
CLEAR: CONS:DTRUJILLO/
JDESHAZO
DATT:GHOOKER
DISTR: CONS
ORGIN: WNG 00011 SM

E.O. 12356: N/A
TAGS: CASC, GT (BLAKE, NICHOLAS AND DAVIS, GRIFFIN)
SUBJECT: M/W: NICHOLAS BLAKE AND GRIFFIN DAVIS

REF: A) RABADAN/TRUJILLO TELECON OF 11-SEP-87, B) GUATEMALA 8811 AND PREVIOUS

1. SUMMARY. ON 3-SEP-87 MR. [redacted] B6 KEPT HIS APPOINTMENT AT THE EMBASSY TO DISCUSS MORE DETAILS OF HIS ONGOING INVESTIGATION OF THE WHEREABOUTS OF NICHOLAS BLAKE AND GRIFFIN DAVIS. NO CONCRETE FINDINGS WERE REPORTED, BUT HE EXPECTS TO HAVE THE LOCATION OF THEIR GRAVES WITHIN A MONTH, BARRING COMPLICATIONS. END SUMMARY.

GUATEMALA AMEMBASSY #327224 BLAKE/DAVIS

2. MR. [redacted] B6 MET WITH CONGEN, DATT, AND CONOFF IN CONGEN'S OFFICE. MUCH OF THE MEETING CONSISTED OF REPEATING THE STORY TOLD IN REF B, BUT THERE WERE AMPLIFICATIONS. HE SHOWED SEVERAL PIECES OF GUATEMALAN IDENTIFICATION, INCLUDING A CARNET AS A COMMISSIONAR MILITAR, A DRIVER'S LICENSE AND A CEDULA (NATIONAL IDENTITY CARD) FALSLY INDICATING THAT HE WAS BORN IN GUATEMALA. HE USED AN ALTERED BIRTH CERTIFICATE TO ESTABLISH AN IDENTITY IN GUATEMALA AS [redacted] B6 AND HAD THE HELP OF INFLUENTIAL FRIENDS IN GETTING THE NECESSARY DOCUMENTS.

3. MR. [redacted] B6 MANAGED TO STAY NEUTRAL IN GUATEMALAN INTERNAL TROUBLES UNTIL GUERILLA FORCES MOVED INTO HUEHUETENANGO IN FORCE. HE THEN DECIDED TO MAKE FRIENDS WITH THE MILITARY, AND ESTABLISHED A CLOSE RELATIONSHIP WITH THEN ZONA MILITAR COMMANDER COLONEL HECTOR CATALAN. HE SUPPLIED THEM WITH INFORMAION AND THEY GAVE HIM THE RUN OF THE BASE. WHILE MAKING FRIENDS IN THE MILITARY HE ALSO MADE ENEMIES, AND HE WAS TOLD IN 1985 THAT THERE WAS A CLIQUE ON THE BASE WHICH INTENDED TO HAVE HIM KILLED.

4. HE DECIDED TO COME TO THE EMBASSY AND TALK TO THE DATT. HE REPORTED ON SUCH THINGS AS THE SHIPMENT OF ARMS, MEXICAN SUPPORT FOR THE INSURGENCY AND MILITARY RESPONSES. DURING THESE CONVERSATIONS HE WAS ASKED, "IS COLONEL CATALAN STEALING MORE THAN" ANOTHER COLONEL. HE DOES NOT REMEMBER HIS ANSWER, BUT COLONEL CATALAN DECIDED THAT HIS ANSWER AS REPORTED

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Review Authority: MOSKOWITZ, SAM
Date: 07/03/95
Case ID: 95122216

TO HIM WAS A NEGATIVE REFLEXION ON HIM, AND TURNED HIM OUT OF THE BASE AND CUT HIM OFF FROM MILITARY SUPPORT. MR. [redacted] THEN CUT HIS RELATIONS WITH THE EMBASSY UNTIL THIS LATEST CONTACT. B6

5. OVER THE COURSE OF THOSE MONTHS OF EMBASSY CONTACT, MR. [redacted] BEGAN AN INVESTIGATION OF THE WHEREABOUTS OF BLAKE AND DAVIS, AS REPORTED IN REF B. DURING THIS LATEST MEETING, HE SAID THAT THEY WERE KILLED THE DAY AFTER THEY WERE LAST SEEN. THEY LEFT HUEHUETENANGO TO GO TO NEBAJ, BUT HAD DIFFICULTY GETTING THROUGH AND TURNED BACK. THEY WERE SHOT ON THE WAY BACK TO HUEHUETENANGO BY PEOPLE WHO WANTED THEIR CAMERAS AND OTHER OBJECTS OF VALUE. HE DOES NOT YET KNOW EXACTLY WHERE THEY ARE BURIED AND PROBABLY WILL NOT KNOW FOR A MONTH. HE IS PAYING A PERSON TO MAKE CONTACT AND BECOME FRIENDLY WITH THE MURDERER(S). THIS IS AT A DELICATE STAGE AND CANNOT BE HURRIED OR MEDDLED WITH, ACCORDING TO HIM, OR THE WHOLE EFFORT WILL FALL APART. THE INFORMATION ABOUT THE MURDERS WAS GIVEN TO HIM ABOUT SIX WEEKS AGO BY SOMEONE WHO APPARENTLY KNEW ABOUT IT WITHIN TWO DAYS OF ITS HAPPENING. B6

6. AS AN ASIDE, HE REPORTED THAT ON SUNDAY 30-AUG-87 INSURGENTS TOOK THE VILLAGE OF AGUACATAN AND HELD IT FOR THE NIGHT. THE CIVIL GUARD CALLED FOR THE MILITARY, THEN HID. THE MILITARY NEVER CAME TO THE ASSISTANCE OF THE VILLAGE. THERE ARE PEACE CORPS VOLUNTEERS THERE, AND HE SUGGESTED THAT THEY BE WITHDRAWN. HE ALSO SUGGESTS THAT PEOPLE NOT VENTURE OFF THE MAIN ROADS IN THAT PART OF GUATEMALA.

7. [redacted] SUGGESTED TWO THINGS AT THIS POINT IN THE CONVERSATION: (1) DO NOT INVESTIGATE THE MURDERS TOO CLOSELY. IT WILL OPEN A CAN OF WORMS AND CAUSE TROUBLE FOR ELLESEN, THE GOVERNMENT OF GUATEMALA AND OTHER PEOPLE WHOM HE DECLINED TO IDENTIFY; AND (2) EXHUME THE BODIES AND GET OUT WITH MINIMAL PUBLICITY, WHICH MIGHT THREATEN THE LIFE OF THE GO-BETWEEN. THE CONSUL DESCRIBED THE LOGISTICS OF GETTING A TEAM OF PEOPLE THERE FOR THE EXHUMATION AND THE DATT SAID THAT IT WOULD BE DIFFICULT WITHOUT INVOLVING THE MILITARY, DEPENDING ON WHERE THE GRAVE IS LOCATED. B6

REF: A) RABADAN/TRUJILLO TELECON OF 11-SEP-87, B) GUATEMALA 8811 AND PREVIOUS

BE ACCEPTED THAT IT WOULD NOT BE POSSIBLE TO EXHUME BODIES WITHOUT NOTICE.

8. [redacted] HOPES HIS INVOLVEMENT WILL NOT BECOME KNOWN. HE WILL NOT BE PRESENT AT THE EXHUMATION, AND DISCUSSED WAYS TO PINPOINT THE GRAVE WITHOUT HIS HAVING TO RETURN. HE IS CONCERNED WITH HIS SAFETY AND THAT OF HIS FAMILY AND OF THE PEOPLE WHO HAVE HELPED HIM. AS "INSURANCE" HE HAS LEFT LETTERS WITH TWO PEOPLE IN HUEHUETENANGO ADDRESSED TO THE EMBASSY WITH ALL THE DETAILS AS HE KNOWS THEM TO THIS POINT. IF HE SHOULD BE KILLED OR DISAPPEAR, THEY WILL BE DELIVERED. IF HIS SOURCES DRY UP, HE WILL ALSO GIVE POST THE DETAILS SO IT CAN TRY ON ITS OWN. HE LEFT A LIST OF NUMBERS WHERE HE CAN BE REACHED DURING THE DAY, BUT HE HAS NO TELEPHONE IN HIS HOUSE. B6

9. THE CONVERSATION TURNED TO HIS LEGAL PROBLEMS IN THE STATES AND HIS DESIRE TO REGISTER HIS CHILDREN AS U.S. CITIZENS. THE CONGEN DELIBERATELY DID NOT BRING THE SUBJECT UP, LEAVING IT TO MR. [redacted] TO DO SO. WHEN HE FINALLY DID, IT WAS AS A REQUEST, AND NOT A QUID PRO QUO ARRANGEMENT. HE CLEARLY UNDERSTOOD THAT THE EMBASSY COULD NOT ASSIST HIM IN SETTLING HIS AFFAIRS IN THE STATES. VARIOUS OPTIONS WERE OUTLINED TO HIM ABOUT HOW TO REGISTER HIS CHILDREN, BUT IT WAS REITERATED THAT HIS LEGAL PROBLEMS INCLUDE RESOLVING HIS FUGITIVE STATUS AND HIS USE OF MULTIPLE NAMES TO CLEAR THE WAY FOR REGISTRATION OF HIS CHILDREN. B6

12. [redacted] EXPRESSED A DESIRE TO EVENTUALLY TALK TO THE FAMILIES OF BLAKE AND DAVIS, BUT IS UNWILLING TO DO SO NOW. THERE ARE THREE REASONS FOR HIS CURRENT REFUSAL: (1) HE DOES NOT WANT THE HOPES OF THE FAMILIES RAISED PREMATURELY, (2) HE FEARS FOR HIS SAFETY AND THAT OF HIS FAMILY AND HELPERS IF NEWS OF HIS INVOLVEMENT LEAKS OUT, AND (3) IF WORD SHOULD SPREAD THAT THE SEARCH WAS CLOSING IN ON THE GRAVES, HIS SOURCE WOULD COMPLETELY DRY UP AND PROBABLY DISAPPEAR. FOR THE SAME REASONS HE IS UNWILLING TO TALK TO THE BLAKE FAMILY LAWYER, EXCEPT ON CONDITION THAT HE NOT DEVULGE DETAILS TO THE FAMILY (A CLEARLY IMPOSSIBLE CONDITION). B6

11. THIS LEAVES POST IN A SOMEWHAT DELICATE SITUATION VIS-A-VIS THE VISIT OF THE BLAKE FAMILY LAWYER ON 21-SEP-87. POST RECOGNIZES ITS RESPONSIBILITIES TO THE BLAKE AND DAVIS FAMILIES TO KEEP THEM INFORMED, BUT ALSO FEELS THAT THEIR PREMATURE INVOLVEMENT WOULD RAISE HOPES WHICH PROBABLY WILL NOT BE REALIZED AND MIGHT CAUSE THEM TO PREJUDICE THE INVESTIGATION BY ATTEMPTING TO ASSIST MR. [redacted] IN HIS EFFORTS. ALSO, MR. [redacted] DID NOT SIGN A PRIVACY ACT WAIVER, AND POST THEREFORE IS BOUND TO RESPECT HIS CONFIDENCE. B6

12. POST FEELS THAT MR. [redacted] IS A WELL ESTABLISHED, RESPONSIBLE MEMBER OF SOCIETY AND IS NOT A CRANK. WHETHER HE WILL BE ABLE TO DELIVER ON HIS PROMISES IS AN OPEN QUESTION, BUT POST FEELS THAT HE CERTAINLY BELIEVES THAT THERE IS EVERY HOPE OF FINALLY SOLVING THIS CASE, WHILE RECOGNIZING THE POSSIBLITY THAT IT WILL LEAD NOWHERE. LAMBERTY##

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2/2 C O N F I D E N T I A L GUATEMALA 009720/02

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Chile Strategy

I. Policy Objective

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Promote the establishment of a stable, democratic regime in Chile which is friendly to the U.S. and supportive of major U.S. interests. This future regime should stem from a basic political consensus between moderate, democratic elements of Chilean society and the armed forces. As such, it should enjoy a high degree of legitimacy. Change in government should come about peacefully and with the Chilean economy as undamaged as possible, clearing the way for a vigorous future role for the private sector.

II. Obstacles to Attainment

A. Pinochet

The biggest obstacle to the attainment of U.S. policy objectives is Pinochet's ambition to continue in power. The most likely political scenario as things now stand is a Pinochet candidacy in a plebiscite to be held in the next 12 to 18 months. As outlined below, all possible results of the Pinochet candidacy are potentially dangerous to U.S. policy interests.

1. Pinochet runs in the plebiscite and loses. This result would severely undercut the regime's legitimacy and stability. Pressure from within Chile and from the outside for a rapid change of government would increase. Three likely scenarios emerge:

a. An auto-coup by Pinochet to remain in power. Such a move would eliminate all vestiges of the regime's right to rule, probably divide the armed forces, and feed violent subversion from the left. A period of chaos would ensue.

b. Pinochet calls for open elections according to constitutional stipulations. Fear of an auto-coup would be constant during the waiting period involved, with intense maneuvering going on. Pinochet would first have to be removed before his former supporters could arrive at a new strategy.

c. Military coup removes Pinochet If the armed forces remove Pinochet and take over, they would have to choose between two basic moves

--recognize as victorious the "no" faction in the plebiscite and negotiate with it. This would indicate a greater willingness to dismantle at least partially the authoritarian system.

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a. obtaining funds for CEL projects in the U.S. and elsewhere. Funds should be channeled to Chile through intermediaries for specific projects.

b. issuing a statement by the Department stating our view that free and open elections are the best possible means of selecting a president and praising the CEL campaign. At the same time, the USG should refrain from making further comments on the legitimacy of plebiscites.

c. encouraging the Church to take a more active role in supporting the CEL and the registraton campaign.

2. Abstain on a Chile resolution at the UNGA.

3. Make greater political use of U.S. military visitors to Chile to get across policy message Ditto for Chileans in U.S.

4. Obtain a postponement of the November SAL vote Explain to the GOC that the conditions for proceeding with SAL depend on:

a. The GOC's cancellation and non-renewal of the State of Emergency.

b. Expulsion from Chile to the U.S. of Contreras and Espinoza.

5. Lobby the Chilean business community in favor of a consensus settlement with the opposition. Point out that a Pinochet candidacy is detrimental to its own interests.

6. Encourage political parties from the PS-N to the PARENA to unite on a basic platform and candidate without suggesting names.

7. Enlist more active Church support for the CEL and political negotiation.

Next Step: Evaluate Results (March, 1988)

By March, 1988 if not sooner, the relative success or failure of this strategy should become clear. If the opposition remains disunited and without a candidate, if registration of voters is proceeding slowly, and if Pinochet's stock is on the rise, the strategy must be reevaluated. If however, it is clear that the opposition's campaign is proceeding well and that Pinochet's support is stagnant or declining, it should be pushed forward, but prudently to avoid looking like a "made in the USA" product. Success at this stage will provide further leverage in stimulating dialogue between the opposition and the armed forces.

United Nationalist Reaction

The above steps will undoubtedly provoke a nationalistic reaction which Pinochet will attempt to exploit to his own advantage. If the opposition is clearly gaining in prestige and influence, however, an ultra nationalistic, anti-U.S. campaign will obtain only very short-term benefits for Pinochet and then be counterproductive. If the USG is so fortunate as to provoke a similar reaction from the far left, the effect of its policy will be even more positive. Should Pinochet lash out with some dramatic action, such as declaring PNG the Ambassador, he is digging his own grave. If he refuses to comply with our conditions on the SAL, the loans should be further postponed or denied outright and more economic pressure considered.

The Plebiscite Proceeds (March, 1988 onward)

If, despite his low standing in the polls, Pinochet wins the nomination of the Junta for the plebiscite, the US should:

1. continue to channel as much support as feasible to the opposition through intermediary organizations for the "no" vote campaign.

2. Issue clear public statements expressing concern for the purity of the electoral procedure.

3. Lobby the military hard to initiate dialogue with the opposition and vice versa in the likelihood of a victory by the "no" position. Instill in the minds of both sides the need for a prearranged solution to avoid chaos following the election.

4. Enlist the support of European and democratic Latin nations to scrutinize the plebiscite proceedings to ensure fairness and equal access to the media during the campaign.

The "No" Position Wins

The most likely result of a plebiscite under these circumstances is a "no" victory. The USG should extoll the virtues of the electoral exercise and, depending on the margin of the outcome, make statements concerning the legitimate right of the opposition to control the presidency. Hard lobbying on the military and GOC civilian supporters to recognize the right of the opposition to form a new government must take place. Given the need of both the military and the opposition for each others' cooperation, the U.S. should be able to help broker a compromise solution (a fine moment for the Church to step in) which will lead to the installation of a transitional or more permanent democratic regime.

DEPARTMENT OF STATE 9202043 IS/FPC/CDR Date: 9-5-96

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~~C O N F I D E N T I A L~~ SECTION 01 OF 03 SAN JOSE 10195

E.O. 12356: N/A
TAGS: PINS, PREL, XK, CS, OREP
SUBJECT: PRESIDENT ARIAS BRIEFS FRESHMAN CODEL I ON GUATEMALA PEACE PLAN

1. ~~CONFIDENTIAL~~ - ENTIRE TEXT.

2. SUMMARY: PRESIDENT ARIAS' REPLIES TO QUESTIONS FROM FRESHMAN CODEL I COVERED MUCH FAMILIAR GROUND BUT SOME EMPHASES BEAR MENTION. HE REPEATED HIS LONG-STANDING REFUSAL TO SUPPORT RENEWED AID TO THE NICARAGUAN RESISTANCE AFTER NOV 7 IF THE SANDINISTAS FAIL TO COMPLY WITH THE GUATEMALA AGREEMENT, BUT HE HINTED THAT HE WOULD NOT OPPOSE A BIPARTISAN EFFORT TO VOTE RENEWED AID UNDER THOSE CIRCUMSTANCES. MOREOVER, HE SUGGESTED THAT HIS PERSONAL CRITICISM OF SANDINISTA NON-COMPLIANCE WOULD HELP TO SOLIDIFY DEMOCRATIC SUPPORT. FOR THE FIRST TIME IN THE CHARGE'S HEARING, HE SAID THE U.S. COULD EXPEL THE SANDINISTAS WITH 50,000 MARINES IF WE SO CHOSE. ARIAS ALSO DETAILED THE NEGATIVE CONSEQUENCES FOR COSTA RICA OF CONTINUED CIVIL WAR IN NICARAGUA, EXPLAINING

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THAT HOSTILITIES ALONG THE BORDER COULD

INVOLVE COSTA RICANS AND LEAD TO IRRESISTIBLE DEMANDS FOR THE REMILITARIZATION OF THE COUNTRY AND THE END OF ITS UNIQUE WAY OF LIFE. END SUMMARY.

3. PRESIDENT OSCAR ARIAS ANSWERED QUESTIONS ON THE GUATEMALA PEACE PLAN FOR OVER ONE HOUR SEPT 11 FROM MEMBERS OF FRESHMAN CODEL I, COMPOSED OF REPS JIM BUNNING (R-KY), ELTON GALLEGLY (R-CA), CLAUDE HARRIS (D-AL), JAMES M. INHOFE (R-OK), ERNEST KONNYU (R-CA), AND PATRICIA SAIKI (R-HI), PLUS DAS BETSY WARREN AND MICHAEL DONOVAN FROM H, AND MAJ. FRED SERENE, MILITARY ESCORT OFFICER. CHARGE ACCOMPANIED GROUP.

4. REP BUNNING BEGAN THE DISCUSSION BY ASKING ARIAS WHAT HE WILL DO IF THE SANDINISTAS DO NOT COMPLY WITH THEIR OBLIGATIONS UNDER THE GUATEMALA AGREEMENT. ARIAS NOTED IN REPLY THAT HIS MOOD SWINGS BETWEEN OPTIMISM AND PESSIMISM REGARDING SANDINISTA COMPLIANCE, BUT THAT THE COSTA RICANS ARE DOING ALL THEY CAN SO THAT THE NICARAGUANS HAVE NO EXCUSES FOR NON-COMPLIANCE. HE WARNED THAT THE SANDINISTAS CANNOT BE EXPECTED TO ACHIEVE THE DEGREE OF DEMOCRATIZATION ON NOV 7 THAT REQUIRED 200 YEARS TO MATURE IN THE UNITED STAES AND 100 YEARS IN COSTA RICA. HOWEVER, HE WILL BE PREPARED TO DENOUNCE THE SANDINISTAS, HE EXPLAINED, IF THE CHANGES THEY INTRODUCE ARE ONLY COSMETIC.

5. FOLLOWING UP, REP BUNNING ASKED IF THE

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SANDINISTAS DO NOT COMPLY, WHETHER ARIAS WILL FAVOR RENEWED AID TO THE CONTRAS BY THE U.S. CONGRESS, MILITARY ACTION BY THE UNITED STATES, OR SOME OTHER SANCTION. ARIAS BEGAN HIS REPLY BY NOTING THAT A FEW MONTHS AGO HE ASSUMED THAT THE SANDINISTAS WERE UNWILLING TO ACCEPT ANY CHANGES IN THEIR SYSTEM, GIVEN THE ATTITUDES OF BORGE AND THE OTHER HARDLINERS. NOW, HOWEVER, HE CONTINUED, HE IS WILLING TO GIVE THEM A CHANCE TO COMPLY WITH A SPECIFIC TIMETABLE FOR CHANGES.

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EVEN THOUGH UNARMED COSTA RICA IS VULNERABLE TO COVERT MILITARY ACTION BY THE SANDINISTAS, WHO VIEW THEIR SOUTHERN NEIGHBOR AS A PRIME TARGET BECAUSE OF ITS PRESTIGE IN LATIN AMERICA. IF THE SANDINISTAS FAIL TO COMPLY, ARIAS EXPLAINED, HIS JOB WILL BE TO RALLY LATIN AMERICAN SUPPORT TO ISOLATE NICARAGUA. NOW, HE SAID, WASHINGTON IS ISOLATED IN ITS SUPPORT FOR THE CONTRAS, ALTHOUGH HE HELPED TO CHANGE THE MINDS OF EUROPEANS ABOUT THE SANDINISTAS AND CONVINCED THEM TO SUPPORT THE PEACE PLAN. HE URGED THE CONGRESSMEN TO GIVE HIM A CHANCE, FOR IF THE SANDINISTAS FAIL TO COMPLY WITH THE GUATEMALA AGREEMENT, THEY WILL BE ISOLATED.

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~~C O N F I D E N T I A L~~ SECTION 02 OF 03 SAN JOSE 10195

E.O. 12356: N/A
TAGS: PINS, PREL, XK, CS, OREP
SUBJECT: PRESIDENT ARIAS BRIEFS FRESHMAN CODEL I
. ON GUATEMALA PEACE PLAN

6. REP SAIKI ASKED FOR ARIAS' REACTION TO SECRETARY SHULTZ'S ANNOUNCEMENT THAT THE ADMINISTRATION INTENDS TO ASK FOR $270 MILLION IN RENEWED AID TO THE CONTRAS. THE PRESIDENT RECALLED HIS SUGGESTION THAT THE GUATEMALA PLAN SHOULD BE GIVEN A CHANCE AND WARNED THAT IF CONGRESS VOTES AID BEFORE NOV 7, THE SANDINISTAS WILL SEIZE ON THE ACTION AS AN EXCUSE FOR NON-COMPLIANCE.

7. WHEN SAIKI THEN ASKED IF ARIAS WILL BE ABLE TO SAY ON NOV 8 WHETHER THE SANDINISTAS HAVE COMPLIED, THE PRESIDENT REPLIED IN THE AFFIRMATIVE WHILE ADDING THAT IT WILL NOT JUST BE HE WHO MAKES THAT DETERMINATION BUT CARDINAL OBANDO Y BRAVO, PEREZ DE CUELLAR, AND OTHER DISTINGUISHED OBSERVERS OF THE PEACE PROCESS. THE PRESIDENT REPEATED HIS ASSERTION THAT A JUDGMENT WILL BE POSSIBLE RIGHT AFTER NOV 7, EVEN AFTER REP GALLEGLY

LATER POINTED OUT THAT THE INTERNATIONAL VERIFICATION AND FOLLOW-UP COMMITTEE WILL NOT MEET UNTIL

DEC 7 TO MAKE ITS DETERMINATION; WHEN REP INHOFE WONDERED IF ARIAS WILL CONTINUE HIS OPPOSITION TO CONTRA AID AFTER NOV 7 IF THE SANDINISTAS FAIL TO COMPLY, THE PRESIDENT SIMPLY REPEATED THAT HE WILL NEVER FAVOR AID TO THE CONTRAS.

8. FOLLOWING UP THIS EXCHANGE, REP BROWN ASKED WHAT OPTIONS ARIAS WOULD FAVOR UNDER THESE CIRCUMSTANCES. IN REPLY, THE PRESIDENT SAID HE FAVORS "BALLOTS, NOT BULLETS." IF THE SANDINISTAS COMPLY, HE EXPLAINED, THE DEMOCRATIZATION PROCESS WILL BE IRREVERSIBLE. CITING HIS DOCTORAL RESEARCH IN ENGLAND, HE EXPRESSED CONFIDENCE THAT THE SANDINISTAS WOULD RECEIVE NO MORE THAN 10-15 PERCENT OF THE VOTE IN A FREE, VERIFIED ELECTION DUE TO THE MISERABLE STATE OF THE NICARAGUAN PEOPLE. HE EXPLAINED HIS OPPOSITION TO CONTINUATION OF THE NICARAGUAN CIVIL WAR BY POINTING TO ITS ECONOMIC AND POLITICAL CONSEQUENCES FOR COSTA RICA AND ASKED HOW U.S. CONGRESSMEN FROM CALIFORNIA AND ARIZONA WOULD LOOK ON A CIVIL WAR IN MEXICO. WHILE TAKING HIS POINTS, BROWN EXPRESSED CONCERN THAT THE DEMOCRATIZATION PROCESS WILL NEVER REACH THE POINT OF ELECTIONS.

9. IN ANSWER TO REP KONNYU'S QUESTIONS, ARIAS SAID HE HAS NO SPECIAL INTELLIGENCE INSIGHTS INTO THE SANDINISTA VIEW OF THE PEACE PLAN, BUT THOUGHT THE NICARAGUAN GOVERNMENT IS MAKING MISTAKES, SUCH AS ORTEGA'S TRIP TO MOSCOW ON

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NOV 7, IN REACTING TO ITS REQUIREMENTS. HE IS "NOT VERY CONVINCED," HE EXPLAINED, THAT THE SANDINISTAS WILL MAKE DRASTIC CHANGES IN THEIR SYSTEM, AND HE SAW THE IMPLEMENTATION TIMETABLE AS A CHANCE TO "UNMASK" THEM. IF THEY FAIL TO COMPLY, HE WILL ASK OAS SUPPORT FOR MEASURES TO ISOLATE THEM. THEY CANNOT STAND ALONE, HE ASSURED THE CODEL, AND THE SOVIETS WILL NOT HELP NICARAGUA TO THE EXTENT THEY HAVE HELPED CUBA. JOINT OAS MILITARY ACTION WAS TAKEN IN THE DOMINICAN REPUBLIC, HE POINTED OUT, BUT THE

UNITED STATES ACTED WITHOUT OAS SUPPORT IN GRENADA, AND WE COULD DO THE SAME THING IN NICARAGUA, IF WE WISHED, WITH 50,000 MARINES. IN ANY CASE, HE CONCLUDED, AFTER HE AND OTHERS PASS JUDGMENT ON THE SANDINISTA PERFORMANCE NOV 8, THE UNITED STATES MIGHT HAVE A BIPARTISAN POLICY AT LONG LAST.

10. REP INHOFE INQUIRED IF ARIAS REALLY THINKS THE SANDINISTAS WILL ALLOW FOR ELECTIONS AFTER A $2 BILLION MILITARY BUILDUP. THAT WILL DEPEND, THE PRESIDENT REPLIED, ON HOW THE GUATEMALAN ACCORD IS IMPLEMENTED. HE EXPLAINED THAT IF THEY CAN BE PRESSURED WITH INDEPENDENT NEWSPAPERS AND TV STATIONS, AND IF INDIVIDUAL LIBERTIES ARE RESTORED, THE SANDINISTAS WILL SHOW THEIR TRUE FACE. "WE KNOW THEY ARE CONVINCED MARXISTS," HE ADDED, "THAT THEY WANT TO BUILD A SECOND CUBA."

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~~C O N F I D E N T I A L~~ SECTION 03 OF 03 SAN JOSE 10195

E.O. 12356: N/A
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SUBJECT: PRESIDENT ARIAS BRIEFS FRESHMAN CODEL I
ON GUATEMALA PEACE PLAN

HOWEVER, HE CONTINUED, U.S. SUPPORT TO THE CONTRAS SUBVERTS THIS EFFORT BY ENCOURAGING INTERNATIONAL SUPPORT (E.G., FROM THE DUTCH) FOR THE SANDINISTAS. HE RECOGNIZED THIS WILL BE THE FIRST TIME A COUNTRY IS FREED FROM COMMUNISM THROUGH DEMOCRATIZATION, BUT HE WAS HOPEFUL THAT THE TIME-TABLE IN THE GUATEMALA PLAN WILL FORCE THEM FORWARD. THE CENTRAL AMERICANS WERE CHALLENGED TO SOLVE THEIR OWN PROBLEMS, HE ADDED, AFTER CONTADORA FAILED DUE TO THE LACK OF A DEMOCRATIZATION REQUIREMENT AND THE READINESS OF MEXICO TO HELP THE SANDINISTAS PLAY FOR TIME.

11. REP BUNNING POINTED OUT THE SANDINISTAS PROMISED THE OAS IN 1979 THAT THEY WOULD UPHOLD DEMOCRACY AND FAILED TO DO SO. HE WONDERED WHY THERE IS MORE HOPE FOR COMPLIANCE NOW AND ASKED IF CONGRESS COULD PASS A BILL PERMITTING NON-LETHAL AID AT THE PRESENT TIME WITH LETHAL AID AUTHORIZED AFTER NOV 7 IF THE SANDINISTAS DO

NOT COMPLY WITH THE GUATEMALA PLAN. ARIAS ANSWERED THAT THE UNITED STATES WILL FIND NO

OPEN SUPPORT IN LATIN AMERICA FOR CONTRA AID BEFORE NOV 7. HOWEVER, IF THE SANDINISTAS DO NOT COMPLY, WE WILL BE FREE TO DO WHATEVER WE WANT WITH THE POSSIBILITY OF OAS SUPPORT FOR SOME MEASURES.

12. TO REP INHOFE'S QUESTION, ARIAS CONFIRMED THAT U.S. SUPPORT FOR THE CONTRAS DID "IN A WAY" INFLUENCE ORTEGA TO SIGN THE GUATEMALA PLAN. HOWEVER, HE ASKED THAT THE UNITED STATES NOW PROVIDE THE PLAN WITH SOME "OXYGEN" BY HOLDING OFF ON RENEWED ASSISTANCE.

13. REP SAIKI SAID THAT EVERYONE WANTS TO GIVE THE GUATEMALA PLAN A CHANCE, BUT QUESTIONED WHETHER COSTA RICA WILL BE IN A STRONGER POSITION IF THE CONTRAS DISINTEGRATED AS A FIGHTING FORCE BECAUSE THE UNITED STATES HOLDS OFF ON RENEWED AID UNTIL AFTER NOV 7. ARIAS SAID THAT OAS ACTION WILL THEN BE POSSIBLE, BUT HE ADDED THAT THE FIRST PRIORITY IS TO ORGANIZE A CEASE-FIRE, BOTH IN NICARAGUA AND IN EL SALVADOR, WHERE THE GUERRILLAS ARE STRONGER THAN THE CONTRAS. (HE NOTED HERE THAT THE FMLN-FDR LEADERS GAVE HIM THEIR TELEPHONE NUMBERS AFTER THEIR RECENT MEETING, AND ALL THE NUMBERS WERE IN MANAGUA DESPITE ORTEGA'S ASSURANCE TO HIM THAT HE WAS NOT HARBORING SALVADORAN INSURGENTS.) U.S. EXPERTISE ON CEASE-FIRE WAS NEEDED, HE SAID.

14. CONTINUING WITH HER QUESTION, REP SAIKI

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ASKED ARIAS TO CONFIRM THAT HE WILL NOT SUPPORT CONTRA AID AFTER NOV 7. WHILE NOT RESPONDING DIRECTLY, ARIAS SAID HE WILL HAVE MUCH TO SAY ON SANDINISTA COMPLIANCE AFTER NOV 7, LEAVING THE REPUBLICANS FREE TO ORGANIZE RENEWED ASSISTANCE WITH THE AID OF THE DEMOCRATS. IN REPLY TO REP INHOFE'S FOLLOW-UP, ARIAS CLAIMED THAT HE IS NOT DOGMATIC AND WILL CHANGE HIS POSITION ON CONTRA AID IF THE CIRCUMSTANCES WARRANT. HOWEVER, HE EXPRESSED FEAR THAT COSTA RICAN INVOLVEMENT IN MILITARY ACTION -- EVEN THE DEATH

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OF ONE COSTA RICAN -- WOULD LEAD TO STRONG PRESSURE FROM LOCAL HARDLINERS TO REMILITARIZE. THIS WOULD BE "THE END OF THE COUNTRY," HE EXPLAINED, AS COSTA RICA WOULD EVOLVE FROM A "WELFARE STATE" INTO A "GARRISON STATE." STEWART

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FROM MADNESS TO HOPE
The 12-year war in El Salvador

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Report of the Truth Commission for El Salvador

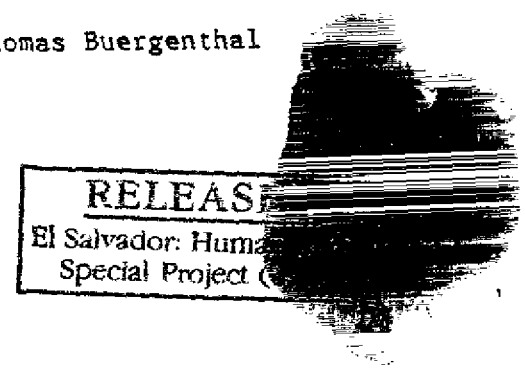
United Nations

THE TRUTH COMMISSION
FOR EL SALVADOR

Belisario Betancur
President

Reinaldo Figueredo Planchart

Thomas Buergenthal



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El Salvador Human Rights
Special Project (1993)

INDEX

I. INTRODUCTION.....1

II. MANDATE.....9
A. Mandate.....9
B. Applicable Law.....10
C. Methodology.....13

III. CHRONOLOGY.....17

IV. CASES AND PATTERNS OF VIOLENCE.....41
A. General Panorama of the Cases and Patterns of Violence...41
B. Violence Against the Opposition by Agents of the State...44
1. Illustrative Case: The Murder of the Jesuit Priests (1989).....44
2. Extrajudicial Executions.....51
a. San Francisco Guajoyo (1980).....51
b. The Leaders of the Revolutionary Democratic Front (1980).....55
c. The American Nuns (1980).....60
d. El Junquillo (1981).....66
e. The Dutch Journalists (1982).....69
f. Las Hojas (1983).....76
g. San Sebastian (1988).....82
h. Attack on an FMLN Hospital and the Execution of a Nurse (1989).....89
i. Garcia Arandigoyen (1990).....93
j. FENASTRAS and COMADRES (1989).....96
k. Oqueli y Flores (1990).....100
3. Forced Disappearances.....105
a. Ventura y Mejia (1980).....105
b. Rivas Hernandez (1986).....108
c. Chan Chan y Massi (1989).....112
C. Peasant Massacres by the Armed Forces.....118
1. Illustrative Case: El Mozote (1981).....118
2. Rio Sumpul (1980).....126
3. El Calabozo (1982).....130
4. The Pattern of Behavior.....131
D. Death Squad Murders.....132
1. Illustrative Case: Monsignor Romero (1980).....132
2. The Pattern of the Death Squads.....139
3. Zamora (1980).....145
4. Tehuicho (1980).....148
5. Viera, Hammer, and Pearlman 151

IV. CASES AND PATTERNS OF VIOLENCE (Cont.)

DRAFT

RELEASED
El Salvador Human Rights
Special Project (1993)

E. Violence against the opposition by the Farabundo Marti National Liberation Front.....156
1. Illustrative Case: Summary Execution of Mayors (1985-88).....156
2. Extrajudicial Executions.....161
a. Zona Rosa (1985).....161
b. Anaya Sanabria (1987).....167
c. Romero Garcia "Miguel Castellanos" (1989).....173
d. Peccorini Lettona (1989).....174
e. Garcia Alvarado (1989).....174
f. Guerrero (1989).....175
g. U.S. Military Survivors from Downed Helicopter (1991).....180
3. Kidnappings: Duarte and Villeda (1985).....182
F. Assassinations of Judges: Justice of the Peace from Carolina (1988).....183

V. RECOMMENDATIONS.....185

VI. EPILOGUE: PEACE SEEKERS.....199

VII. TEXTS OF THE COMMISSION'S MANDATE.....201

VIII. INDIVIDUALS WHO WORKED ON THE TRUTH COMMISSION.....205

ANNEXES

VOLUME I

1. EL MOZOTE: REPORTS FROM FORENSIC INVESTIGATION
2. EL MOZOTE: PHOTOGRAPHIC REPORT
3. PRESS ANALYSIS
4. TEXTS OF THE PEACE AGREEMENTS

VOLUME II

5. STATISTICAL ANALYSIS OF EVIDENCE RECEIVED BY THE TRUTH COMMISSION
6. LIST OF VICTIMS PRESENTED TO THE TRUTH COMMISSION
   A. DIRECT SOURCE: VICTIMS WHOSE IDENTITY IS NOT CONFIDENTIAL
   B. DIRECT SOURCE: VICTIMS WHOSE IDENTITY IS CONFIDENTIAL
   C. INDIRECT SOURCE
7. LISTS OF DISAPPEARED PERSONS FROM THE UN WORKING GROUP
8. LIST OF ARMED FORCES CASUALTIES DURING THE ARMED CONFLICT
9. LIST OF FMLN CASUALTIES DURING THE ARMED CONFLICT

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"...and all of this happened among our people..." Mayan Song

I. Introduction

From 1980 to 1991, the Republic of El Salvador in Central America was submerged in a war that plunged Salvadoran society into a nightmare of violence that left thousands upon thousands dead and seared it with criminal forms of terror. This situation continued until 16 January 1992, when the two sides came together to sign a peace agreement at Chapultepec Palace in Mexico, once again allowing the light to shine in and enabling the country to move from insanity to hope.

A. Institutions and Names

Violence was a wildfire that blazed through the fields of El Salvador, invading its villages, cutting off roads, destroying bridges and highways. It devastated energy sources and transmission systems, attacked the cities, penetrated families, and violated holy places and schools. It struck at justice and filled government offices with victims, labeling anyone not on its list of friends as an enemy. Violence transformed everything into destruction and death because such is the debris left behind by the break in peace and contentment bestowed by the rule of law. This is so because the very essence of violence is a modification, whether sudden or gradual, in the certainty that rules create in human beings when that modification does not flow from mechanisms provided by a state of law. Its victims included Salvadorans and foreigners from many lands and every social and economic background. After all, given the blind recklessness of its cruelty, violence is a great leveler.

When they finally paused to reflect, the Salvadoran people placed their hands over their hearts and felt them beat with joy. No one was winning the war; everyone was losing it. Governments of friendly nations and organizations from all over the world that had followed with anguish the painful events in the smallest Central American country, a country that was great in terms of the creativity of its people, contributed to the depth of the meditation. A visionary, Javier Perez de Cuellar, then Secretary General of the United Nations, heard the unanimous clamor and responded to it. The presidents of Colombia, Spain, Mexico, and Venezuela supported him. The Chapultepec Accord expressed the support of the new Secretary General, Butrus Butrus-Ghali, for the search for reconciliation.

B. Creative Sequels

In the long itinerary of the peace negotiations, the need to come to an agreement on a Truth Commission sprang from both sides' recognition of the collapse of communism that encouraged one of them and, perhaps, the disillusionment of the power that spurred on the other. It emerged like a link in a chain of reflections and convergences. Finally, it arose out of the jection of these facts to Salvadoran society, which was confronted with an nt need to face up to the issue of the generic, institutionalized impunity had und mined its innermost being. Indeed, outside the framework of the ith the protection of government agencies, human rights had been repeatedly olated by members of the Armed Forces; guerrilla forces had also transgressed those same rights.

Burdened with a sickening mission, the negotiators agreed that such facts should be turned over to a Truth Commission, as they agreed from the very

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beginning that it should be called. In contrast to what had occurred with the Ad Hoc Commission, so named because there was no agreement on the name to be given to the entity created to purge the Armed Forces, the Truth Commission was given its name because its vocation and essence were in fact the search, discovery, and publication of the truth concerning acts of violence committed by both sides.

"The truth, the whole truth, and nothing but the truth," to quote the ritual oath one swears. The general and specific truth, the shining but peaceful truth, the whole truth and its parts, in other words, the radiant light would shine on a surface for the purpose of illuminating it and its many parts. The parts of that whole would also be illuminated case by case, whoever the protagonists might be, but always within a pedagogical framework ensuring that one would be contributing to the reconciliation and abolition of such patterns of behavior in the new society.

Knowing the truth, strengthening and tempering the will to find it, putting an end to impunity and concealment, resolving political and social discrepancies through agreement rather than violent actions: These are the creative sequels that follow analytical access to the truth.

C. The Mandate

In addition, as a result of the scope which the negotiators gave to the agreements, it was understood that the Truth Commission would examine systematized atrocities individually and in general, inasmuch as the flagrant violations of human rights that shook Salvadoran society and the international community were not committed solely by members of the Armed Forces, but by the insurgents as well.

Article 2 of the Chapultepec Peace Accord is clear in terms of the mandate and scope of action of the Truth Commission: "It will be responsible for investigating serious acts of violence that have occurred since 1980, acts whose mark on society demands with the greatest urgency that the people know the truth." Article 5 assigns to the Commission the task of "shedding light on and overcoming any sign of impunity of Armed Forces officials." An explanation is given: "Deeds of this nature, independent of the group with which their authors were affiliated, must be the object of exemplary action by the courts so that the sanctions contemplated by law may be applied to those responsible."

The peace negotiators clearly wanted this new peace to be founded, erected, and built on the transparency of knowledge fearlessly made public. It is also clear that this public knowledge of the truth--these are the very words of the agreement--"is demanded with the greatest urgency" so that the truth will not be a docile instrument of impunity, but rather, of justice, the sine qua non requirement for the synchrony of the Accords, in which the Truth Commission is the part that greases the gears.

D. Open Doors and Windows

As soon as they embarked on their task on 13 July 1992, when they were officially installed before the Secretary General of the United Nations, the commissioners perceived how right the negotiators of the Accords were in the far-reaching importance they had given to the Commission and the scope of the prerogatives bestowed upon it. They understood that the Secretary General was not wrong to rule that judges of Salvadoran nationality were not competent to preside over hearings concerning repeated situations of violence and the atrocious crimes of the twelve years of war, for he was anxious to preserve the

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credibility of the Commission. Transcending considerations of sovereignty, he entrusted those responsibilities to three academicians of other nationalities, contrary to what was done in Argentina and Chile at the end of their military dictatorships. Finally, the commissioners perceived the beginning of a new hope in the Salvadoran soul given the imminence of the concise truth, without prejudice or pressure, with the majesty of strictness and complete impartiality. This fact contributed to a complete revival of the people's faith in the effectiveness and timeliness of justice. This is why, in their first contact with the media upon arriving in El Salvador, the commissioners declared that "they would not be amenable to pressure or impressionable" and that they would seek the objective truth, the strict reality of the facts.

The commissioners and the group of professionals working with them on their investigations overcame difficulties and limitations in order to establish the truth, starting with the brief time of six months allotted to them by the Chapultepec Accords. Given the magnitude of the task, the distance discerned as a Kafkaesque infinity when they embarked on their mission was perceived at the conclusion of that same mission as scant and as a mere preamble to the best possible execution of their task.

The overriding criterion governing the work of the Commission during its mandate and the drafting of this report was not to be tempted by any unverified fact before drawing a conclusion. The Salvadoran community and institutions and individuals knowing of incidents of violence were asked to report them to the Commission based on the guarantee of confidentiality and privacy established in the Accords. Space was purchased in the press and time on radio and television for the same purpose. Invitations, written and verbal, were extended to file reports with no limitations. The Commission opened offices in several cities in departments, including Chalatenango, Santa Ana, and San Miguel. Bulletins were issued, witnesses called, and inspections arranged in several locations (for example, El Calabozo, El Mozote, Sumpul, and Guancorita). The Commission itself also traveled to several departments, sometimes by car, but usually in helicopters furnished in a timely, diligent manner by the UN Observer Mission in El Salvador (ONUSAL), when asked by the group of professionals. Every probative step forward suggested new paths in the search for proof. Any person who might be implicated was asked to testify, this without limitations in terms of time or space and almost always in the Commission's offices or some other private place, often outside the territory of El Salvador so as to provide better protection for witnesses.

The doors and windows must be open to receive evidence: This was the Commission's method. The doors and windows must be closed in order to protect confidentiality was another procedural guideline. The probing discoveries where its work bore fruit are a sample of the horrors of a war during which insanity reigned. They exude with overwhelming reliability the accuracy of the facts reported, gathered, and verified for this report. When the investigation was deemed sufficiently complete because there was substantial proof, the case was recorded with all the details and those responsible. When it was established that further progress was impossible for the time being, the respective documents not subject to the requirement of confidentiality were sent on to the courts or held back in order to be reactivated at a later date.

One fact must be expressed on the strength of the evidence: As a result of the destruction or concealment of documents, escape from a place where many persons were jailed or where bodies were buried, in some cases, the burden of proof was reversed and the Commission was then given the task of reconstructing events. It is therefore the task of the new administration of justice to pursue

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such investigations and make the final decisions that it deems proper at this point in history.

The list of victims is inevitably an open one. It was drafted on the basis of reports and evidence received and verified by the Commission.

E. The Paroxysm

The spiritual distortions produced by the conflict led to the paroxysm. A priori, the civilian population living in disputed zones or areas controlled by the guerrillas was identified as the enemy, as was the case in El Mozote and Rio Sumpul. Similar attitudes existed on the opposite side, resulting in crises with the execution of mayors, justified as acts typical of war because such individuals hindered the supplying of insurgents. Persons seeking entertainment sometimes became military targets, as in the case of the American sailors, unarmed at the time, in the Pink Zone of San Salvador. Also based on the doctrine of saving the nation and the principle that anyone not with me is against me, the neutrality, passivity, and defenselessness of journalists and nuns and priests who had served the community in one way or another were ignored.

Such patterns of behavior also led to the sinister refinements of the death squads. The dumdum bullet that exploded in Monsignor Romero's chest as he was saying mass in a church in the capital on 24 March 1980 is a crude summary of the nightmare endured by El Salvador during the war. The murder of the six Jesuit priests a decade later was the final crisis in a delirious form of behavior that had infected the military institution and the deepest recesses of part of the national leadership. The bullet in the portrait of Monsignor Romero, mute witness to this new crime, repeats the image of the nightmare then endured.

F. Phenomenology of Violence

It is a universally recognized assertion that the subject in any criminal situation is the human individual, who alone is capable of volition and therefore of deliberate decisions. Crimes are committed by individuals, not the institutions they created. Consequently, it is to the former and not the latter that the respective penalties established by law must be applied.

Nevertheless, in certain contexts, there are repetitive acts in time and space that would seem to correct the preceding premise. Indeed, repetitions of criminal acts do occur in which different individuals from the same institution act as protagonists in an unequivocally analogous manner, transcending the political affiliation of governments and of those who make the decisions. This leads one to think that institutions do perhaps commit crimes, given the same constant forms of behavior. This is true when accusations are followed by concealment by the institution to which the protagonists involved belong and by institutional obstruction vis-a-vis the responsibilities implied by investigations. Under the circumstances, it is easy to succomb to the strength of repetitive actions in pointing out institutional culpability.

The Truth Commission did not succomb to that temptation. When it embarked on its task it heard insinuations from the highest levels to the effect that institutions cannot commit crimes and that consequently, responsibilities would have to be given specific names. At the conclusion of its mandate as well, it heard new insinuations from the highest levels to the opposite effect, that names should not be given, perhaps so as to protect specific persons in compensation for their real and praiseworthy zeal in participating in the

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creation of situations that facilitated the peace accords and national reconciliation.

All things considered, the responsibility for everything that happened during the period of the conflict, the Commission believes, could not and should not fall upon the institution, but rather, upon those who ordered the specific procedures. It should also fall upon those who, finding themselves in a position to prevent such proceedings, were compromised by the degree of tolerance and permissiveness with which they may have acted from positions of authority or leadership. Or they were compromised by their concealment of events of which they became aware or because they themselves gave the order that generated the respective action. In this way, institutions are preserved and violators punished.

G. The Recovery of Faith

As the Commission submits its report, El Salvador is going through an affirmative, irreversible process of consolidating domestic peace and adapting behavior in order to maintain an authentic, lasting atmosphere of national coexistence. The unity of wills is creating a new self-confidence in the nation, in its leaders and institutions. This does not mean that it has overcome all difficulties and stumbling blocks in the application of commitments made during the negotiations. The special sensitivity of some of the commitments, such as the purge of the Armed Forces, faces resistance to administrative action that must be taken by President Alfredo Cristiani, who a thousand headlines have destined for general recognition as the driving force behind the Peace Accords.

Nevertheless, one of the basic elements of the Accords that has a critical effect on the democratic future of El Salvador is the unreserved, unconditional submission of the military to civilian power, not in appearance only, but in actual fact. In a democratic system based on respect for constitutional order and governed by law, there is no place for conditions, personal commitments, possibilities of subverting order by internal motivations, or intimidating activities aimed at the president who, because of the office he holds, is the commander in chief of the Armed Forces.

H. The Risk of Delays

The purge resulting from the reports of the Ad Hoc Commission and the Truth Commission may seem inadvisable in cases of a rectification of conduct by an individual guilty of a serious violation in the past, but it has contributed to the negotiated peace. Nonetheless, it is a small price to be paid by anyone responsible for punishable situations, whatever his position. He must accept it for the good of his country and the democratic future of the new Salvadoran society. Moreover, the vindication, pardon, or attenuating circumstances that might be extended to those expelled from the Armed Forces are not the province of the Commission, which lacks the pertinent legal powers. It is not out of resignation, but rather, as a result of its creative attitude toward the commitment assumed and the new order of democratic coexistence that Salvadoran society as a whole will in the end establish a balance and extend consideration to those who bore responsibilities in the conflict but demonstrated merit in the peace process.

El Salvador now requires new souls. By its action in connection with the murder of the Jesuits ten years after the murder of Monsignor Romero, by the hallucinating, phantasmagoric creation of the death squads, the military leadership showed just how far the radicalization of positions could go in the

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elimination of those viewed as opponents either because they were or because they expressed discontent, as in the case of the religious leaders and newsmen. In another paroxysm of violence, the most perverse feelings of human beings resurfaced, along with the most absurd attempt to conceal the truth about who gave the orders.

What is more, the Armed Forces were diminished by having sufficient capacity to block or establish conditions for the purge. If the guilty parties were not singled out and punished, that very attitude would incriminate the institution as such; there could be no other interpretation. Those who confront the institution with this alternative must ponder the scope of such an attitude in the face of history.

I. The Truth Foundation

The collection of reports, evidence, references from newspapers and periodicals, and books published in Spanish and other languages resulted in the creation, within the Truth Commission itself, of a Center of Documents on the typology of violence in El Salvador. Public information relative to the context of the war (books, pamphlets, research by Salvadoran and international organizations), the 2,000 pieces of testimony by primary sources with regard to over 7,000 victims, information from secondary sources referring to over 20,000 victims, that from official agencies in the United States and other countries, information supplied by government entities and the FMLN [Farabundo Marti National Liberation Front], dense photographic and videographic material on the conflict and the very action of the Commission itself: All of this represents a rich source belonging to El Salvador because (even containing the wrenching reality that is depicted) it is part of the country's contemporary history. It is rich for historians and the analysts of this heartrending experience and for those who want to get closer to this painful reality in order to strengthen the lesson of "Never again!"

What is to be done with this torrent of riches in order to help seekers of peace throughout the world and present these actual experiences to the defenders of human rights? What is to be done when laboring under the limitation of documentary and evidentiary confidentiality? What application is to be given to this precedent of the creativity of the United Nations in the form of a piece of contemporary history so full of contradictions and turbulence, one that will perhaps require the analogies and responses of the Salvadoran conflict?

In order to guarantee the secrecy of evidence and the confidentiality of many documents supplied by institutions and even governments, while at the same time offering the possibility of scholarly research and maintaining that same confidentiality, the Commission obtained the assistance of both parties and the consent and support of George Washington University's International Rule of Law Center in Washington, D.C., which since 1992 has administered and protected documents relating to the transition to peace in countries dominated by oppression or emerging from armed conflicts. At the same time, the Commission has sought the cooperation of governments, academic institutions, and international foundations, always with the categorical understanding that it has jurisdiction, as if it were a personal matter, over the guarantee of confidentiality before the final transfer of the archives to their rightful owners.

The Truth Foundation would be an academic, nonprofit entity governed by bylaws in accordance with the laws of the United States. It would be governed by an international board of directors with Salvadoran participation and including a representative of the Secretary General of the United Nations and the members

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El Salvador Human Rights
Special Project (1993)

of the Commission. It would operate under the direction of Professor Thomas Buergenthal and maintain a close relationship with officials and investigators from El Salvador, the group of European, American, and Latin American professionals working with the Commission, and scientists from all over the world. There would be duplicates and data banks in the Salvadoran institutions needing them for documents not subject to confidentiality.

The Foundation will officially begin its work in June 1993 in Washington with a multidisciplinary seminar devoted to an analysis of the Truth Commission's report.

J. Appreciation

The Commission hereby expresses its admiration for and gratitude to the Salvadoran people, without exception, for the courage they demonstrated during the martyrdom of the conflict and for the high-mindedness they so generously demonstrated during the peace process. It likewise expresses its recognition to President Cristiani, the members of his government, and to the Military Headquarters and members of the Farabundi Marti National Liberation Front (FMLN) for the cooperation they extended during the completion of the Commission's task.

The Commission likewise expresses its thanks to the Secretary General of the United Nations, Javier Perez de Cuellar, Secretary General Butrus-Butrus Ghali, Undersecretary General Alvaro de Soto, and the personnel in their office for their effective cooperation. It thanks ONUSAL, particularly its director, Dr Iqbal Riza, for the diligence and promptness of its logistical support and security. It thanks jurist Pedro Nikken, who has a profound understanding of Central American reality.

It expresses its gratitude to Colombian President Cesar Gaviria Trujillo, Spanish Prime Minister Felipe Gonzalez, Mexican President Carlos Salinas de Gortari, and Venezuelan President Carlos Andres Perez, called "the four friends of the Secretary General." Likewise, their ambassadors to the United Nations and El Salvador deserve our recognition for their constant and full support.

We would also like to express our gratitude to the Salvadoran political parties and their leaders, to nongovernmental organizations in El Salvador and those working internationally, the Catholic Church and its hierarchy, and all other religious denominations. We thank the directors of the communications media and their collaborators, prominent personages in the public life of this Central American country, and the brilliant figures from the international sphere who understand the history of the conflict. Truly, without the cooperation of this group of willing contributors, it would have been impossible to penetrate the labyrinths where the truth is sometimes hidden!

This report would not have been possible without the cooperation of the interdisciplinary group of professionals who came from all over the world and who, under the executive direction of Patricia Valdez, for eight months devoted themselves with a high sense of professionalism, objectivity, and dedication to the task of seeking, deciphering and, on more than one occasion, digging up the truth.

K. Driving Idea

The members of the Commission are convinced, as a result of all they observed during the six months that they were close to Salvadoran society, that that martyrized people have no room for rancor or space for vengeance. Nor is there any attempt to humiliate, and no one today would attempt to attack the dignity

DRAFT

RELEASED
El Salvador: Human Rights
Special Project (1993)

of any human being for any type of behavior. Peace is always signed by those who waged the war and all of the veterans of the war have established the organs of reconciliation for the new society. Every individual is now summoned to contribute whatever his grief and love of country tell him to. Once again it will be the task of President Cristiani, the "president of peace," his government, and the former rebels, particularly those who were the commanding officers of the FMLN, to play a leading role in order to plot the new path of El Salvador's destiny.

They are being watched from the perspective of history by Salvadoran society, a society that has known sacrifice and hope. They are being summoned by no less than the future of the nation, a nation which, driven by one idea, seeks to rise up from the rubble and hoist the illusion of its future like a banner. They are being watched by the nations of the international community, full of joy. A new people is rising from the ashes of a war in which everyone was unjust. They are being watched, from infinity, by those who died. Finally, they are being watched, from the angle of hope, by those who wait.

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RELEASED
El Salvador: Human Rights
Special Project (1993)

II. The Mandate

A. The Mandate

The Truth Commission owes its existence and authority to the El Salvador Peace Accords. The Accords comprise a series of agreements negotiated over a period of more than three years (1989- 1992) between the Government of El Salvador and the FMLN [Farabundo Marti National Liberation Front]. The negotiating process took place under the auspices of the United Nations, with the special cooperation of Colombia, Mexico, Spain, and Venezuela (the so-called "Friends of the Secretary General) and culminated in the Peace Accord signed in Chapultepec, Mexico, on 16 January 1992.(1)

The decision to create the Truth Commission was made by the parties to the Mexican Accords signed in Mexico City on 27 April 1991.(2) These Accords define the Commission's functions and powers. The Commission's authority is expanded by Article 5 of the Chapultepec Peace Accord titled "Overcoming Impunity"(3). These provisions, considered as a whole, comprise the Commission's mandate.

The mandate defines the Commission's functions as follows:

"The Commission will have the task of investigating serious acts of violence that have occurred since 1980 and whose imprint on society demands with the greatest urgency that the public know the truth."

It then goes on to state that the Commission will take the following considerations into account:

"a) the singular, far-reaching importance that may be attributed to the acts to be investigated, their nature and effects, the social upheaval they caused; and

"b) the need to build confidence in the positive changes which the peace process promotes and to stimulate the transition toward national reconciliation."

With respect to impunity, the specific functions assigned to the Commission are partly defined in the Chapultepec Accord as follows:

"There is an awareness of the need to shed light on and overcome any suspicion of impunity on the part of officials in the Armed Forces, particularly in cases where respect for human rights is compromised. To that effect, the parties to the Accord refer consideration and the resolution of this point to the Truth Commission."

In addition to the powers which the Peace Accords confer upon the Commission relating to the matter of impunity and the investigation of serious acts of violence, the Commission is also entrusted with the task of drafting recommendations "of a legal, political, or administrative order." Such recommendations may be related to specific cases or be of a more general nature. The latter may include measures aimed at preventing a repetition of such acts (of violence), as well as proposals aimed at national reconciliation."

The Commission was therefore endowed with two specific powers: to conduct investigations and present recommendations. The second of the two assumes singular importance inasmuch as in the mandate, "both parties pledge to comply with the recommendations of the Commission." Consequently, both parties accept the obligation to obey the Commission's recommendations.

In terms of the Commissionn's other responsibility, the Mandate instructs it to investigate serious acts of violence...whose mark on society demands public knowledge of the truth with the greatest urgency." In other words, when it comes time to decide which deeds its analysis should focus upon, the Commission should consider the singular importance of each and every one, their impact, and the social disturbances they caused. Nevertheless, the mandate did not enumerate or identify any specific case to be investigated by the Commission, nor did it distinguish between large-scale acts of violence and those involving only a few

DRAFT

RELEASED
El Salvador Human Rights
Project (1993)

persons. Rather, the focus of the mandate was on serious acts of violence and their impact or repercussions. On the basis of these criteria, the Commission investigated two types of cases:

a) individual cases or acts which, because of their singular characteristics, moved Salvadoran society and/or international society;

b) a series of individual cases having similar characteristics which reveal a systematic pattern of violence or mistreatment and which, seen as a whole, likewise moved Salvadoran society, particularly since the purpose was to make an impact on certain sectors of society through intimidation.

Shedding light on the truth in both cases is of equal importance for the Commission. Moreover, these two categories of cases are not exclusive. Many of the so-called singular acts of individual violence that had the greatest impact on public opinion also displayed characteristics of systematic patterns of violence.

In investigating these events, the Commission considered three additional factors relating to the fulfilment of its mandate. First, the Commission would investigate serious or flagrant acts committed by both parties to the Salvadoran conflict rather than one side only. Second, by referring the issue of the impunity "of officials of the Armed Forces, particularly in those cases where respect for human rights is compromised," to the Commission, the Chapultepec Accord urged the Commission to pay special attention to the issue, as well as to those acts of violence committed by officials of the Armed Forces who were never investigated or punished. Third, the Commission was given six months to complete the work assigned.

When one realizes that the Salvadoran conflict lasted 12 years and that it caused such a high number of deaths and other serious acts of violence, it is obvious that it would be impossible for the Commission to handle all the events that might have been included in the sphere of its competency. In weighing the decision to opt for one case instead of another, it had to look at the representative nature of the case, the availability of sufficient proof, the investigative resources available to the Commission, the time needed to do an exhaustive investigation, and the issue of impunity as defined by the mandate.

B. Applicable Law

The Commission's mandate entrusts it with the task of investigating "serious acts of violence," but it does not specify the legal principles that are to be applied for the definition of such acts and in order to determine responsibility for them. Nevertheless, it is obvious that the concept of serious acts of violence as used in the Peace Accords does not exist in a normative vacuum and that it must therefore be analyzed in terms of specific and pertinent legal principles.

In defining the legal standards applicable to this work, it should be noted that during the Salvadoran conflict, both sides had the obligation to obey a series of standards of international law, including those stipulated in international law covering human rights or international humanitarian law or both. Moreover, throughout the period of concern to us, the government of El Salvador had the obligation to adapt its internal law to its obligations in accordance with international law.

These standards of international law must be considered as such, as must normative criteria applicable to those functions which the Peace Accords impose on the Commission.(4)

It is a fact that in principle, international law governing human rights is only applicable to governments, while in specific armed conflicts, international humanitarian law is binding on both sides, meaning that it is valid for rebels as well as government forces. However, one must recognize that when one has a

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El Salvador Human Rights
Project (1993)

case of insurgents exercising governmental powers in territories under their control, then one can also require that they comply with certain obligations regarding human rights, which bind the government based on international law. Consequently, they would be responsible for failure to comply.

The FMLN officially maintained that it had specific territories under its control and that it effectively exercised such control.

1. International law on human rights

International law on human rights applicable to this situation consists of several international instruments that were adopted within the framework of the United Nations and the Organization of American States. They are binding for the government of El Salvador. In addition to the Charters of the United Nations and the Organization of American States, they include the following treaties on human rights, among others: the International Pact on Civil and Political Rights and the American Convention on Human Rights. El Salvador ratified the pact on 30 November 1979 and the American Convention on 23 June 1978. Both instruments went into effect for El Salvador before 1980. Consequently, they were in effect throughout the conflict to which the Commission's mandate refers.

Clearly, not every violation of a right guaranteed by these instruments can be characterized as a "serious act of violence." The instruments themselves recognize that certain violations are more serious than others. This position is reflected in a provision appearing in both treaties in which a distinction is made between those rights that can never be suspended (not even in wartime or any other state of national emergency) and those that can be suspended under such circumstances. It is therefore appropriate for the Commission to classify the seriousness of every "act of violence" on the basis of the catalogue of nonrepealable rights appearing in both treaties. Those rights that are directly related to the right to life and the physical integrity of the person should be particularly taken into account.

In that sense, the Commission points out that Article 4 of the Pact includes among the nonrepealable rights that are within the province of its functions the right to life ("No one may be deprived of life arbitrarily"), the right not to be tortured or subjected to cruel, inhuman, or degrading treatment, and the right not to be subjected to slavery or various forms of servitude. Article 27 of the American Convention declares that these same rights cannot be suspended, not even "in case of war, public danger, or any other emergency threatening the independence or security of the government."

According to international law, it is illegal for a government or those acting in its name to violate any of these nonrepealable rights, no matter what the reason might be. A violation of these rights can even achieve the level of international crime in situations in which the facts comprise a consistent typology or reflect a systematic practice whose purpose is the large-scale violation of these fundamental rights of the human person.

2. International Humanitarian Law

The principles of international humanitarian law applicable to the Salvadoran conflict are contained in the common Article 3 of the four Geneva Conventions of 1949 and the Second Additional Protocol to those conventions. El Salvador ratified these instruments before 1980.

While the Salvadoran armed conflict was not international in nature, in the se that the Conventions define that concept, it did meet the requirements for plication of the common Article 3 of the four Conventions. That provision defines certain fundamental humanitarian standards that are applicable to armed conflicts that are not international. The same can be said of Protocol No 2 of the Geneva Conventions, which is concerned with protecting victims of armed conflicts that are not international in nature. The provisions of the common

DRAFT

RELEASED
El Salvador Human Rights
Special Project (1993)

Article 3 and Protocol No 2 are legally binding on the government as well as the insurgent forces.

Without analyzing the provision mentioned exhaustively, it is obvious that violations of the common Article 3 (6) and the fundamental guarantees contained in Protocol No 2 (7) for either of the two parties the conflict--especially if they are committed systematically--could be characterized as serious acts of violence for the purposes of the interpretation and application of the Commission's mandate. The foregoing includes such acts as the arbitrary deprivation of life, torture, cruel, inhuman or degrading treatment, the taking of hostages, and the denial of certain fundamental requirements of due process before the imposition and execution of serious criminal sanctions.

3. Conclusions

With rare exceptions, the serious acts of violence prohibited by the standards of humanitarian law applicable to the Salvadoran conflict are also violations of the nonrepealable provisions of the Pact on Civil and Political Rights and the American Convention, the two human rights treaties ratified by the government of El Salvador. In addition, both instruments prohibit the derogation of any rights guaranteed by any human rights treaty of which the government is a signer.

Consequently, neither the Salvadoran Government nor those acting as its representatives or in its place can claim that the existence of an armed conflict justified the commission of serious acts of violence in violation of either of the two human rights treaties or the applicable instruments of humanitarian law, which are binding on the government.

C. Methodology

In order to determine the methodology that would govern the conduct of investigations essential to the drafting of this report, the Commission took a series of factors into account.

The text of its mandate was a binding condition and the point of departure for the Commission in recording the intentions of both sides on the matter. The preamble to the mandate indicates that the Commission was created because the two sides recognized "the need to shed light promptly on those acts of violence of singular significance, whose characteristics and repercussions...demand precise knowledge of the truth with the greatest urgency...." In establishing the procedures which the Commission was to follow in performing its duties, paragraph 7 of the mandate stipulates that the Commission should perform its duties "in a confidential manner." Paragraph 5 establishes that "the Commission's proceedings are not jurisdictional." Paragraph 8 stipulates that "the Commission will have complete freedom to use whatever sources of information it deems useful and reliable," while subparagraph b of that same provision empowers the Commission to "interview, freely and privately, any persons, groups, and members of entities or institutions." Finally, in the fourth paragraph of the mandate's preamble, both sides agree that compliance with the tasks entrusted to the Commission "through a procedure that is both reliable and expeditious and that can yield results in short-range terms" did not detract from "the obligations of Salvadoran courts to resolve those cases and mete out the proper punishment to those responsible."

In analyzing these provisions of the Mandate, the Commission deemed it important that both sides had emphasized that "the Commission's proceedings are not jurisdictional." In other words, the parties to the agreement not only did not set up a court or tribunal, but rather, made it very clear that the Commission should not function as if it were a jurisdictional institution. However, they were anxious to make sure that the Commission could act confidentially and receive information from any source, public or private, that

RELEASED
El Salvador Human Rights
Project (1998)

it deemed useful and reliable. These powers were conferred upon it in order to enable it to develop an investigative procedure that would be both expeditious and, in its opinion, reliable in order to "shed light promptly on those acts of violence of singular significance, whose characteristics and repercussions...demand precise knowledge of the truth with the greatest urgency...."

It is therefore clear that both parties opted for an investigative procedure which, within the short time frame allowed, would be the most suitable for elucidating the truth about acts of violence within the Commission's province, without requiring it to comply with procedures and rules traditionally governing the conduct of any legal or quasi legal organ. Any legal function that it might have to perform would be expressly reserved for the courts of El Salvador. For both parties, the paramount consideration was to arrive at the truth without delay.

Another important general consideration that affected the Commission's methodology had to do with the situation in El Salvador today. This is not only reflected in the Commission's mandate, but also profoundly affected the Commission's investigative process and modus operandi. It forced the Commission to obtain its most valuable information in exchange for guarantees of confidentiality.

The parties to the Peace Accords not only authorized the Commission to act in a confidential manner and receive information privately, but the situation in El Salvador made this essential for two reasons: first of all, to protect the lives of the witnesses; and second, to obtain information from witnesses who, due to the climate of fear in which they still live, would not have supplied it if the Commission had not guaranteed them absolute confidentiality.

The situation as it now exists in El Salvador is that the people in general continue to believe that many military and police officials, on active duty or retired, government officials, judges, members of the FMLN, and persons who at some time or other had some connection with the death squads, are in a position to cause serious physical and material harm to any person or institution who might come forward to testify about acts of violence committed between 1980 and 1991. In the Commission's opinion, this suspicion is not irrational, given the recent history of El Salvador and the power still held or, in many cases, held until only recently by persons whose direct involvement in serious acts of violence or the concealment of such acts--without their being held accountable for their actions or omissions.

Even if the fear expressed by some of the potential witnesses may have been exaggerated, the truth is that it is real to them. Consequently, they were not willing to offer testimony unless they were guaranteed absolute confidentiality. It should be noted that a large number of witnesses had in the past refused to give information to other investigative bodies precisely because they feared their identity would be divulged.

The Commission itself testifies to the extreme fear of reprisals that was expressed repeatedly, verbally and by their behavior, by many witnesses interviewed. It is also important to emphasize that the Commission was not in a position to offer witnesses any significant protection aside from the guarantee of confidentiality. Unlike the national courts, for example, the Commission lacked the authority to dictate precautionary measures and naturally had no police powers. In addition, the public perception in general is that the Salvadoran judicial system is not capable of providing the necessary guarantees.

The Commission also received reports from a number of governments and international organizations on the condition that the source not be revealed. This information was subjected to the same test of reliability that was applied

RELEASED
El Salvador Human Rights
Special Project (1993)

to other information received, and it was mainly used to confirm or verify personal testimony and channel the Commission in its search for other investigative areas.

From the very moment it began its work, the Commission recognized that accusations presented secretly and evidence received in the same manner faced a far greater risk of being considered less reliable than that subjected to traditional judicial tests to determine the truth and other related requirements relating to due process, especially including the right of the accused to confront and examine adverse witnesses. For that reason, the Commission determined that it had a special obligation to take all possible measures aimed at ensuring the reliability of evidence used to reach a conclusion. In addition, in those cases in which the Commission found itself in the situation of identifying specific persons as responsible for having committed, arranged, or tolerated specific acts of violence, a stricter test of reliability was applied.

The Commission decided that in each of the cases described in this report, it would specify the degree of certainty on which it based its final conclusion. The different degrees of certainty are: 1) overwhelming proof: conclusive or highly convincing proof supporting the Commission's conclusion; 2) substantial proof: very solid proof supporting the Commission's conclusion; and 3) sufficient proof: more proof supporting than contradicting the Commission's conclusions. The Commission decided not to reach any specific conclusion on those cases or situations or any aspect of them in which there was less than "sufficient" proof supporting such a conclusion.

In order to guarantee the reliability of the evidence gathered, the Commission insisted on verification, crosschecking, and a reexamination of all statements concerning the events, comparing them with a large number of sources whose veracity had already been established. It was determined that no source or witness would by itself be considered sufficiently reliable to establish the truth about any matter that was in fact necessary in order for the Commission to reach a conclusion. It was decided that secondary sources, for example, reports from national or international entities, whether governmental or private, and statements by persons lacking first-hand information about the facts they related, would not in themselves constitute an adequate basis for drawing conclusions. Nevertheless, these secondary sources were used along with circumstantial evidence to verify conclusions that emerged from primary sources.

It could be argued that, given the fact that its investigative methods do not meet the traditional requirements of due process, the Commission should not give in its report the names of persons it deems are implicated in specific acts of violence. The Commission believes it had no alternative in this particular case.

The parties to the Peace Accords made it very clear that it was necessary to obtain precise knowledge of the truth and that it was for this reason that the Commission was created. However, not all the truth is being told if names are omitted. After all, the Commission was not entrusted with the task of writing an academic report on El Salvador! It was asked to investigate and describe acts of violence of singular significance and to recommend measures aimed at preventing the repetition of such acts in the future. This is not a task that can be completed in the abstract, by eliminating information (the names of those responsible for such acts, for example) when one has reliable testimony on the matter and, above all, when the persons identified occupy high posts and perform official functions directly related to violations or their concealment. Failing to mention names would strengthen that very mantle of impunity which the parties instructed the Commission to lift.

It should be stated that, in weighing certain aspects related to the protection of the lives of those testifying against the interests of persons who

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El Salvador: Human Rights
Special Project (1993)

in one way or another might be negatively affected by the publication of their names in the report, the Commission also considered the fact that the report is not a legal or quasi legal determination of the legal rights or obligations of specific persons. Consequently, the Commission is not in principle subject to the requirements which, according to traditional due process, are applied in proceedings leading to these consequences.

In addition, the application of a strict pattern of means of proof applied by the Commission to determine the degree of reliability in situations in which persons have been identified by name, as well as the high level of conviction it had reached before proceeding to do so, were additional factors influencing the Commission when it came time to make a decision about this analysis. The Commission is therefore satisfied that the patterns of impartiality and reliability that it applied to the entire process are fully compatible with the functions entrusted to it and the interests whose balance it had a duty to ensure.

The considerations that led the Commission to receive information without revealing the source of that information also forced it to omit references in reports of cases, in the text as well as the footnotes, except to specific public and official sources. Thus it is that references are found to official records of judges and other similar sources, but not to testimony or other types of information gathered by the Commission. It opted for this approach in order to reduce the likelihood that those responsible for the acts of violence described herein or their defenders might be able to identify the confidential sources of information used by the Commission. In some of the reports on cases, the Commission also omitted details that might reveal the identity of certain witnesses.

Footnotes

1. Published by the United Nations under the title "El Salvador Accords: The Path to Peace" (DPI/1208, July 1992).

2. El Salvador Accords, supra, p 30.

3. El Salvador Peace Accord (signed in Chapultepec), supra, p 55.

4. It is important to note that in the San Jose Accord on Human Rights, the parties to the Peace Accords recognized that "human rights" would be interpreted to mean "those recognized by the Salvadoran legal system, including treaties of which El Salvador is a signer, as well as declarations and principles on human rights and humanitarian rights approved by the United Nations and the Organization of American States."

5. See, for example: FMLN: The Human Rights Situation in the Light of the Geneva Conventions, p 5 (1983).

6. Article 3 (common to the four Conventions): Conflicts not of an international nature:

In the case of an armed conflict not of an international nature and occurring in the territory of one of the contracting parties, each of the opposing parties will have the obligation to apply at least the following provisions:

a. Persons not participating directly in the hostilities, including members of the Armed Forces who have laid down their arms and persons excused from combat as a result of illness, wounds, imprisonment, or any other cause, would under all circumstances be treated humanely, without any discrimination of an unfavorable nature based on race, color, religion or beliefs, sex, birth, or wealth, or any other analogous criterion.

To that effect, the following practices are and will remain prohibited, in any time and place, with respect to the persons mentioned above:

1) attacks on life and physical integrity, particularly murder in any form, mutilations, cruel treatment, torture, and torments;

DRAFT

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El Salvador Human Rights
Special Project (1993)

2) the taking of hostages;

3) attacks on personal dignity, particularly humiliating and degrading treatment; and

4) convictions dictated and executions carried out without a trial conducted by a regularly constituted court that is provided with all legal guarantees recognized as indispensable by civilized peoples.

b. The wounded and sick will be picked up and cared for....

See, for example, Article 4 of Protocol No 2.

DRAFT

RELEASED
El Salvador Human Rights
Special Project (1993)

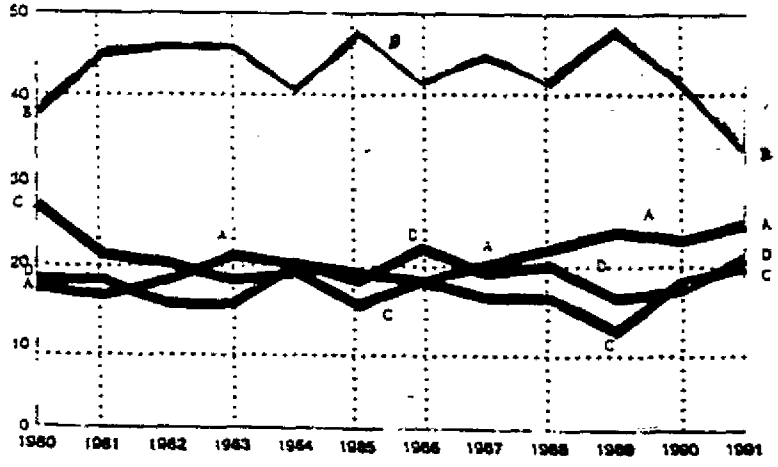
III. Chronology of Violence

Introduction

It was incumbent on the Truth Commission to investigate and analyze the serious acts of violence that occurred in El Salvador between January 1980 and July 1991.

Taking into consideration "the unique significance that could be attached to the acts that are to be investigated, their characteristics, and their repercussions, as well as the social upheaval that they caused," (8) the Commission, for methodological reasons, divided the interval 1980-1991 into four periods: 1980-1983; 1983-1987; 1987-1989; and 1989-1991. Each of these periods is associated with the political changes occurring in the country, the progress of the war, and the regularity or frequency of certain practices in violation of human rights and humanitarian international law.

Frequency of coverage of violent acts in the Salvadoran press (for further information see Annex 3)



Key: A.Peasant massacres* B.Assassinations of persons* C.Disappearances* D.Kidnappings*
(*.Average percent of coverage)

I. Period 1980-1983: The Institutionalization of Violence

The systematic establishment of violence, terror, and distrust among the civilian population was the essential characteristic of this period. The breakup of any opposition or dissident movement through arbitrary arrests, assassinations, and indiscriminate, selective disappearances of leaders became a common practice. The repression in the urban areas was aimed against political organizations, trade unions, and organized sectors of Salvadoran society. Examples of this are the persecution of such organizations as the National Association of Salvadoran Teachers (ANDES) (9), assassinations of political leaders (10), and attacks against human rights organizations.(11)

In late 1980, the Farabundo Marti National Liberation Front (FMLN) was formed; and, in January 1981, the first large-scale military offensive left a toll of hundreds of deaths. Starting in 1980, there was a series of indiscriminate attacks against the noncombatant civilian population, as well as collective summary executions afflicting the rural population in particular.

DRAFT

RELEASED
El Salvador: Human Rights
Special Project (1993)

(12) Serious massacres occurred, such as those at the Sumpul River (14-15 May 1980), the Lempa River (20-29 October 1981), and El Mozote (December 1981). The advent of organized terrorism, through the so-called death squads, became the most aberrant practice in the incremental process of violence. Civil and military groups engaged in assassinations with total impunity and regularity under the dispassionate protection of state institutions. (13)
For instance, Monsignor Romero's assassination exemplifies the unlimited, devastating power of these groups. The largest number of deaths and human rights violations occurred during this period.

1980

The government of General Carlos Humberto Romero (Jul 77-Oct 79) was overthrown on 15 October 1979. The Revolutionary Government Junta (JRG), composed of Colonel Jaime Abdul Gutierrez and Colonel Adolfo Majano, proclaimed its principal objectives: a stop to the violence and corruption, guarantees for the effectiveness of human rights, adoption of measures aimed at a just distribution of the national wealth, and a positive conduct in foreign relations. (14)

Elections were announced for February 1982 (18/10/79), and measures were issued limiting land possession to 100 hectares (Decree 43 of 6/12/79). The ORDEN (15) organization wad dissolved (6/11/79), and the National Security Agency of El Salvador (ANDESAL) was dismantled. (16)

The political strife between civilians and conservative military sectors became heightened, in an atmosphere of social agitation and mobilization. Leftist organizations, such as the People's Revolutionary Bloc (BPR), the 28 February People's Leagues (LP-28), and the Nationalist Democratic Union (UDN) announced their merger into the Revolutionary Coordinator of the Masses (CRM). (17)

On 22 January, a CRM crowded demonstration, described as peaceful by Monsignor Romero, was repressed by the National Guard, which left an undetermined number of deaths (estimated by some as between 22 and 50), as well as about 100 persons injured.

The antigovernment violence was demonstrated in activities such as occupations of radio stations, bombing of newspapers (LA PRENSA GRAFICA and EL DIARIO DE HOY), kidnappings, executions, and attacks on military targets, especially by the People's Liberation Forces (FPL) and the People's Revolutionary Armed (ERP).

On 3 January 1980, the three civilian members of the Junta and 10 of the 11 cabinet ministers resigned.(18) The Junta embarked on another crisis. The Agrarian Reform Law (19) and the nationalization of banks were announced. On 9 March, Engineer Jose Napoleon Duarte joined the Junta, after the Christian Democratic Party had expelled Dada Hizeri, Ruben Zamora, and other leaders from its ranks. The process of political polarization brought an unprecedented increase in the death squad activities.

On 6 February, the U.S. Ambassador, Frank Devine, reported to the State Department that, "...mutilated bodies are appearing on the roadsides as during the worst periods of the Romero regime." He also reported that "...the far right is arming and preparing for a confrontation, in which it undoubtedly expects to be allied with the military."(20)

On 22 February, the PDC [Christian Democratic Party] leader and Prosecutor General of the Republic, Mario Zamora, was assassinated at his residence a few days after the Broad National Front (FAN), headed by former National Guard Major

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El Salvador Human Rights
Special Project (1993)

Roberto D'Aubuisson, had publicly accused him of being a member of subversive groups (see the case in Ch. IV).

On 24 March, Monsignor Oscar Arnulfo Romero was assassinated by a sniper while celebrating Mass in the chapel of The Divine Providence (21)Hospital (see the case in Ch. IV). This crime polarized Salvadoran society even more, and became a milestone symbolizing the greatest disrespect for human rights, and a prelude to open war between the government and the guerrillas. During the funeral, a bomb exploded opposite the San Salvador Cathedral. The crowd, estimated at 50,000 persons, seized with panic, was fired upon with machine guns. It is estimated that, as a result, between 27 and 40 deaths and over 200 injuries occurred.(22)

The Nationalist Democratic Union (UDN), founded in 1969, was the legal version of the banned Salvadoran Communist Party.

On 7 May 1980, Major Roberto D'Aubuisson (23) was captured on a farm with a group of civilians and military. During the raid, a sizable volume of arms and documents implicating the group with the organization and financing of squads that had reportedly taken part in Archbishop Romero's death was discovered. The arrest was followed by a series of activities including terrorist threats and institutional pressure, culminating in D'Aubuisson's release. Moreover, the more conservative sector in the government became stronger (24), and there was marked evidence of the Judicial Branch's apathy and inertia during the period. (25)

Illegal repressive government measures (26) and activities were imposed in order to dismantle the legal structure and neutralize the opposition movement. (27)

Between 12 and 15 August, a general strike called by the FDR [Revolutionary Democratic Front], a coalition of left-center parties, was violently repressed, with a death toll of 129. (28) On 27 November, they kidnapped Alvarez Cordoba and six FDR leaders, whose corpses appeared later with signs of torture (see the case in Ch. IV). A few days later, the General Maximiliano Hernandez Martinez Anticommunist Brigade issued a communique claiming responsibility for the action.

Between October and November 1980, the five armed opposition groups: People's Liberation Forces (FPL), People's Revolutionary Army (ERP), Armed Forces of Liberation (FAL), Armed Forces of National Resistance (FARN), and the Revolutionary Party of Central American Workers (PRTC) formed the Farabundo Marti National Liberation Front (FMLN).

At the end of 1980, in the context of a change of administration in the United States, the violence in El Salvador reached U.S. citizens On 2 December, four nuns were arrested, raped, and assassinated by National Guard personnel (see the case in Ch. IV).

At the year's end, Colonel Majano was removed from the Junta, and Engineer Napoleon Duarte assumed the Presidency. (29)

The Truth Commission received direct reports on 2,597 victims of serious acts of violence occurring in 1980. (30)

1981

The individual extrajudicial executions continued, and those on a mass scale increased in the rural areas as well. On 3 January, the president of the Salvadoran Institute of Agrarian Reform and two U.S. advisers were killed at the Hotel Sheraton (31) (see the case in Ch. IV). This act was part of a campaign of assassinations of cooperative leaders and agrarian reform beneficiaries.

On 10 January, the FMLN launched the "Final Offensive," announced since the end of 1980.(32) Attacks were committed against military targets throughout the

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Special Project (1993)

attempt was made to form a transitional government that would establish a democratic system. The lack of coherence between the forces comprising the government and the dynamics of the armed conflict did not allow for substantive changes during Dr. Magana's administration.

The Ilopango Air Base was attacked by the FMLN, with the destruction of six of the Air Force's 14 UH-1H helicopters, five Ourgan planes, and three C-47's. (41) The guerrillas intensified their action against economic targets. Between February and April, a total of 439 acts of sabotage were reported, (42) as well as an increase in the number of acts of sabotage with dynamite and incendiary devices to 782 between January and September. (43) The U.S. Embassy estimated the damage to the economic infrastructure at $98 million. (44) The FMLN also carried out large-scale operations in the capital, temporarily occupying urban centers in the interior. According to some reports, the number of rebels fluctuated between 4,000 and 5,000; while others estimated it between 6,000 and 9,000. (45)

The Armed Forces' combined "land-air" military operations were an attempt to regain control over populated areas controlled by the rebels. In one of those operations (31 January), 150 civilians were reported killed by military forces in Nueva Trinidad and Chalatenango. On 10 March, about 5,000 peasants fleeing from the combat zone in San Esteban, Catarina, were pursued with gunfire from helicopters and mortars. In August, a military "pacification" campaign in San Vicente caused between 300 and 400 peasants to be killed. (46) At the end of November, 5,000 troops took part in counteroffensive operations lasting 10 days, in northern San Salvador. At the end of the operation, the Defense Ministry reported the recovery of four towns, with 20 military casualties, and 232 among the guerrillas. (47)

On 31 August, the National Commission for Assistance to the Displaced Population (CONADES) reported the number of internal displaced persons as 226,744. The number of Salvadoran refugees in Latin American by June fluctuated between 175,000 and 295,000. (48)

The U.S. Embassy reported a total of 5,639 deaths, including 2,330 of civilians, 762 among the military, and 2,547 among the guerrillas. Christian Legal Assistance reported that, during the first eight months of 1982, there were 3,059 political assassinations, "nearly all committed by government agents against the civilian population not participating in military combat." (49) The same source reported the total number of civilian victims for 1982 as 5,962. (50)

The death squads (51) continued to operate with impunity during 1982. On 10 March, the Anticommunist Alliance of El Salvador published a list of 34 persons condemned to death "for discrediting the Armed Forces," most of them journalists. The Inter-American Human Right Commission, commenting on the discovery of clandestine cemeteries for squad victims, reported that, on 24 May, in Puerta del Diablo, Panchimalco, the bodies of over 150 persons were buried. (52) On 27 May the corpses of six members of the Christian Democratic Party were found in El Playon, another clandestine cemetery used by the squads. (53) President Duarte publicly denounced the extreme right, holding it responsible for the assassination of hundreds of PDC members and mayors. Four Dutch journalists were killed on 17 March 1982 (see the case in Ch. IV).

The Truth Commission received direct testimony from 1,145 victims of serious acts of violence occurring in 1982.

II. PERIOD 1983-1987. THE ARMED CONFRONTATION AS A CONTEXT FOR VIOLATIONS

The violations of life, physical integrity, and security continued in the urban centers. Nevertheless, there was evidence of a numerical reduction

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Special Project (1993)

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country, leaving a toll of hundreds killed. Government sources announced that "at least 500 extremists died in the 'Final Offensive.'" At the beginning of the FMLN activities, the martial law decreed by the Junta was sustained until 1981.

The violence in El Salvador acquired international attention and dimensions. Foreign political figures began putting the Salvadoran conflict in the context of the East-West confrontation. On the other hand, a negotiated solution to the conflict was promoted. (33) Many sectors began viewing a negotiated solution to the conflict as a possibility, counting on appropriated resources for this purpose. On 14 January, the U.S. administration reestablished its military aid, which had been suspended after the murders of the U.S. nuns. (34) The U.S. Goverment also made a considerable increase in its military and economic assistance. The resources provided have, to an increasing extent, been allocated to train, modernize, and expand the number of Armed Forces personnel. Also started was the creation of Immediate Reaction Infantry Battalions (BIRD): (Atlacatl: March 1981; Atonal: January 1982; Belloso: May 1982, etc.), specializing in the antiguerrilla battle.

The counterinsurgent military operations affected the civilian, non-combatant population, with a high cost in lives, generating the legal category of the "displaced person."

On 17 March, in an attempt to cross the Lempa River toward Honduras, a group of thousands of peasants was attacked by air and land. As a result of the attack, between 20 and 30 deaths and 189 missing persons were reported. Something similar occurred during October, on the southern shore of the same river, leaving a toll of 147 peasants killed, including 44 children. During November, in the department of Cabanas, a counterinsurgent operation surrounded and kept under attack for 13 days a group of 1,000 persons attempting to escape to Honduras. This time, betwen 50 and 100 deaths were reported. (35) In late December, the Atlacatl battalion carried out one of the largest massacres of the war, in various villages in El Mozote (see case in Ch. IV).

According to the Salvadoran Foundation for Development (FUSADES), by 1981 the displaced persons amounted to 164,000. There was also an increase in the number of displaced persons leaving the country in search of asylum, according to the report from the United Nations High Commission for Refugees (ACNUR). (36) Moreover, Christian Legal Assistance reported 12,501 deaths in 1981. (37)

The Truth Commission received direct testimony on 1,633 victims of serious acts of violence occurring in 1981.

1982

The Constituent Assembly, composed of 60 members (38), adopted a new Constitution and elected an interim government. Although the PDC won the largest vote (40.3 percent), ARENA [Nationalist Republican Alliance] (29.3 percent), in an alliance with the National Conciliation Party, PCN (19 percent) and other minority parties, achieved control over the Assembly. Roberto D'Aubuisson was elected President of the Constituent Assembly, and two PCN members occupied the vice-presidencies. The Assembly ratified the Political Constitution of 1962. (39) Moreover, it elected Dr. Alvaro Magana as Provisional President of the Republic, and Drs. Raul Molina Martinez (PDC), Gabriel Gutierrez Castro (ARENA), and Pablo Mauricio Alvergue (PCN) as Vice-Presidents.

The National Assembly's Decree No 6 suspended Phase III (40) of the application of agrarian reform and, subsequently, the same decree was amended. Furthermore, the Apaneca Pact (3 August 1982) was signed, whereby a government of National Unity was formed. Its goals were pacification, democratization, human rights, economic recovery, security, and international reinforcement. An

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El Salvador Human Rights
Special Project (1993)

associated with greater selectivity. In 1982, 5,962 persons died at the hands of government forces, whereas by 1985 the number declined to 1,655. (54)

A marked reduction began in the death squads' activity. In December 1983, Vice President Bush paid a visit to El Salvador, publicly condemning the death squads. He demanded the removal of certain officials from the Armed Forces and security forces associated with human rights violations. The visit attested to the effect of U.S. diplomatic pressure on the reduction in violations.

The FMLN reinforced its structure and showed signs of power in the military area. It engaged in large-scale activities, exercising territorial control, albeit temporary, in various parts of the country. Starting in 1985, it used mines indiscriminately, causing many deaths among the civilian population. It waged an intense campaign to destroy economic targets, causing major material losses. It practiced the taking of hostages and assassinations, particularly of municipal mayors and government officials in troubled areas or those near the conflict. In this way, the guerrillas attempted to demonstrate, both within and outside the country, the existence of a "duality of power" in El Salvador.

The military course of the war during this phase led the Armed Forces to view the civilian population in the troubled zones as "legitimate targets of attack." They engaged in indiscrimate air bombardment, massive artillery attacks, and infantry invasions: all of which was reflected in massacres and destruction of communities, aimed at "depriving the fish of water." The systematic recurrence of these violations on the part of the Armed Forces had an effect that typified this period: legions of displaced persons and refugees. By 1984, 500,000 internal displaced persons were reported, (55) as well as 245,500 Salvadoran refugees abroad. The total number of displaced persons reached approximately 1.5 million. After much international criticism, the Armed Forces reduced their use of air attacks against the civilian population.

1983

On 4 May, the Constituent Assembly passed an Amnesty Law for civilians implicated in political crimes. (56) In November, presidential elections were agreed upon for 25 March 1983, after having originally been scheduled for December 1983. Also, on 15 December, after 20 months of debate, the new Constitution was approved. (57)

The dialogue between the government and the FDR-FMLN began, although without positive results. Delegations from both sides met on 29-30 August in San Jose, Costa Rica, and on 29 September in Bogota, under the auspices of the Contadora Group (58) Presidents. In October, President Magana announced the cancellation of a forthcoming round of dialogue, citing the FMLN's refusal to participate in the elections. On the same day, 7 October, the high-level representative of the FDR residing in El Salvador, Victor Manuel Quintanilla, was found dead, together with three other victims. The Maximiliano Hernandez Martinez Anticommunist Brigade assumed responsibility for the act. (59)

The FMLN continued its campaign of economic sabotage, with an escalation of large-scale military operations. Between 15 and 18 January, the guerrillas unleashed an offensive, with a temporary occupation of towns in Morazan. On 29 January, in a similar operation, the FMLN occupied the town of Berlin (35,000 inhabitants) for three days, destroying the National Police and National Guard headquarters. The government, for its part, responded with a large-scale counteroffensive. A few days later, Monsignor Rivera y Damas charged the Armed Forces with being responsible for the large number of civilian deaths, estimated at between 50 and 170, as well as for the material damage caused. On 22 February, uniformed troops kidnapped and summarily executed a group of peasants

DRAFT

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El Salvador Human Rights
Project (1993)

belonging to cooperatives in Las Hojas, Sonsonate. The deaths were estimated at 70 (see this case in Ch. IV). On 16 March, Marianela Garcia Villas, President of the Non-Governmental Human Right Commission, was executed by security forces. (60)

Between January and June, 37 large-scale government military operations were conducted. On 25-26 September, the FMLN attacked Army positions in Tenancingo, and A-37 aircraft responded with air bombardment. About 100 civilians were killed in this operation. (61) In November, troops from the Atlacatl Battalion invaded an area controlled by the rebels near Lago Suchitlan, and 118 deaths were reported as a result of the operation. (62) Toward the year's end, the FMLN deployed its most extensive military action against the El Paraiso military base in Chalatenango. It was estimated that over 100 soldiers were killed in the attack. On 25 May, the FPL's Clara Elizabeth Ramirez urban commando group executed Navy Commander Albert Schaufelberger, the second-ranking member of the mission of 55 U.S. military advisers in El Salvador. (63)

On 6 April, Melida Amaya Montes ("Commander Ana Maria"), second in command of the FPL, was assassinated in Managua. A few days later, Salvador Cayetano Carpio, founder and chief of the FMLN's majority faction, committed suicide, after it was proven that a close collaborator of his had committed the crime.

In 1983, the death squads continued operating, with a high toll of murders of political opposition leaders, heads of labor union sectors, and educational and church leaders. A State Department report notes:

"The resurgence of the squads' activities began in May, and during the past two months they have been more active. The main reason for the resurgence is the current, although limited, dialogue between the Peace Commission and the left." (64)

On 1 November, the Maximiliano Hernandez Martinez Anticommunist Brigade threatened Bishops Rivera y Damas and Rosas Chavez with death, warning them to "immediately stop their agitating sermons." In his farevell message, Ambassador Hinton mentioned the incident, remarking: "I have never been able to understand the private sector's silence toward the squads' activities." (65)

On 4 November, the new ambassador, Thomas Pickering, commented on the pressure brought to bear on the government of El Salvador to act against the squad leaders, among whom he cited: Hector Regalado, chief of security of the Constituent Assembly; Major Jose Ricardo Pozo, intelligence chief of the Treasury Police; Lt. Colonel Aristides Alfonso Marquez, intelligence chief of the National Police; and Colonels Denis Moran, Elmer Araujo Gonzalez, and Miguel Alfredo Vasconcelos. (66)

The most important event in this respect was the visit paid by the U.S. Vice President, George Bush, to San Salvador, on 9 December. On that occasion, Bush publicly declared that "the death squads must disappear," because they are a threat to the political stability of the government. He later submitted to the government a list of civilians and military suspected of belonging to these clandestine organizations. (67) Thereafter, a significant reduction was evident in the squads' activities, and several echelons of the government announced their future investigations of the matter. (68)

On 25 December, Monsignor Gregorio Rosas Chavez reported that 6,096 Salvadorans had died as a result of political violence in 1983. The Army and the squads killed 4,700 persons, while the deaths among the Armed Forces and security forces totaled 1,300. (69)

In the nation's interior, the number of displaced persons totaled 400,000, which, when added to the approximately 500,000 Salvadorans estimated by ACNUR as being in the United States, and the 200,000 in Mexico and Central America, made a total equivalent to 20 percent of the country's entire population. (70)

DRAFT

RELEASED
El Salvador Human Rights
Special Project (1993)

In his annual report, the special representative of the UN Human Rights Commission, Jose Antonio Pastor Ridruejo, stated:

"...the most disturbing feature of the human rights situation.... is the fact that the number of civilians killed for political reasons in El Salvador is still very high." (71)

The Truth Commission received direct testimony on 513 victims of serious acts of violence occurring in 1983.

1984

The PDC won first place in the March 1984 elections (43.41 percent), followed by ARENA (29.76 percent), and the PCN (20 percent). Since an absolute majority was not attained, the first two took part in a runoff election held on 6 May. Jose Napoleon Duarte received 53.6 percent and the ARENA candidate, Roberto D'Aubuisson, 46.4 percent. Hence, Duarte assumed the position on 1 June, becoming the first civilian elected President in 50 years.

During the interval between the election and the inauguration, the trial was held against the National Guardsmen accused of killing the American nuns, which occurred in December 1980. Strong pressure was brought to bear by the United States institutions and government, whose Congress was considering emergency aid for El Salvador. On 23 May after finding them guilty, Judge Bernardo Rauda Murcia sentenced the five National Guard members to 30 years in prison.(72)

In October, President Duarte tendered the FMLN an invitation to the dialogue. The meeting took place at La Palma, Chalatenango, on 15 October; followed by a second, on 30 November, in Ayagualo, La Libertad. Both meetings failed, because of the conflicting positions on the conditions for a possible incorporation of the FMLN into political activity. (73)

During the course of the war, a reduction occurred in political assassinations; but, at the same time, there was an increase in hostile activities evident in countless confrontations, acts of economic sabotage, (74) and massive military counterinsurgency operations in the war zones. (75)

On 23 October, in a war strategy, the People's Revolutionary Army (ERP) made it easy for Colonel Domingo Monterosa, Commander of the Third Infantry Brigade, to locate and seize the alleged transmission center of Radio Venceremos. In so doing, it installed an explosive in the transmitting unit, which blew up when it was being transported in the helicopter. The colonel and his companions were killed in the operation.

Despite the indiscriminate, disproportionate attacks against the civilian population, there was a decline in the air attacks on them. Moreover, a considerable reduction occurred in the death squads' activities during the early months of the year. (76) In April, however, the Office of Legal Protection reported that the murders by the death squads had started to resume after two months of passive conduct. (77)

Legal Assistance, in a document dated September, reports that, during the first eight months of 1984 there were 1,965 civilian deaths attributed to the Army, the security forces, and the death squads. Also, in his annual report, the United Nations Special Envoy concludes:

"...the persistence of civilian deaths during or as a result of battles, detracts from the favorable impression caused by the decline in the number of political assassinations dissociated from hostile actions." (78)

The Truth Commission received direct testimony relating to 290 victims of serious acts of violence occurring during 1984.

1985

DRAFT

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El Salvador Human Rights
Special Project (1993)

On 31 March, elections were held for the Legislative Assembly and the municipalities, in which the Christian Democrats won. The aftermath of the relative loss of political control on ARENA's part generated a process of internal reconciliation, which culminated on 29 September in the election of Alfredo Cristiani as President of that party's National Executive Committee.

During the course of the year, the process of dialogue remained stagnant, with the failure of the proposal to keep the talks unpublicized, so as thereby to progress in the pacification effort.

The violence showed a marked, visible heightening, with military confrontations and operations in the zones of guerrilla activity. Concurrently, the FMLN carried out a series of kidnappings and summary executions. (79) The act with the most serious consequences was the attack by the Revolutionary Party of Central American Workers (PRTC) at a restaurant in San Salvador's Zona Rosa on 19 June. The victims were four U.S. Marine guards from the U.S. Embassy, who were killed with nine other civilians (see this case in Ch. IV).

During 1985, the FMLN engaged in a series of kidnappings of mayors and municipal officials, which reached a total of 20 mayors abducted in September. Moreover, in combat the Army captured the PRTC Commander, Nidia Diaz, and Commander Miguel Castellanos deserted (see the case in Ch. IV).

The FMLN kidnapped the daughter of President Duarte. (80) After several weeks of negotiations, with the Church and foreign governments as mediators, Ines Guadalupe Duarte and 22 mayors held by the FMLN were exchanged for Nidia Diaz and a group of 21 leaders. A total of 101 of FMLN's disabled combatants left the country.

The FMLN began the widespread tactical use of mines in its zones of influence, This practice caused a large number of deaths and mutilations among the civilian population. The Legal Protection agency recorded 31 deaths from mines during 1985; and the Government Human Rights Commission, for its part, reported 46 fatalities and 100 injuries as a result of contact mines. (81)

No large-scale collective executions occurred during the many military counterinsurgency operations. Nevertheless, there was intensive air bombing, with evictions of the peasant population in rural areas.(82) Christian Legal Assistance reported 1,655 civilian noncombatant victims whose deaths were attributed to government forces.(83) Legal Protection indicated a death toll of 371.(84)

The activity of the death squads continued during 1985. Legal Protection recorded 136 murders by squads; whereas, during the last six months of 1984, the number had been reported as 39. On the other hand, the Anti-Communist Secret Army (ESA) threatened 11 members of El Salvador University with death, and nine of those threatened went into exile. Major D'Aubuisson expressed an opinion of the squads, remarking that they "have been operating in our country since 1969, when the Communist Party's terrorist groups were formed."(85)

According to the sources, the numbers of victims and deaths resulting from conflicts are inconsistent. They probably total approximately 2,000 persons. (86)

The Truth Commission received testimony on 141 victims of serious acts of violence occurring in 1985.

1985

The process of political dialogue for resolving the conflict became stagnant, given the radicalization of the parties concerned. The war had a negative effect on production, which has been recovering slowly. President Duarte adopted the "Economic Stabilization and Reactivation Program," while, simultaneously, the protests increased and the crisis became more acute.

DRAFT

RELEASED
El Salvador Human Rights
Project (1995)

The National Union of Salvadoran Workers (UNTS) and the National Worker-Peasant Union (UNOC) began their activities, organizing protests and people's demonstrations. Economic demands were made, and there was a call for dialogue between the government and the FMLN-FDR. The UNTS and the University Students Federation (FEUS), among other organizations, held three major protest demonstrations.

During January, the so-called "Operation Phoenix" began, for the purpose of regaining the Cerro Guazapa area from FMLN control This operation lasted throughout the year.

During the escape from the counterinsurgency operations, there were massive displacements of people from their places of origin. Those affected founded the National Repopulation Coordinating Group (CNR), which sought, "...to retrieve the civilian population's right to live in its places of origin." These "repopulation" movements received the Church's support.

President Napoleon Duarte proposed a new peace plan, but the FMLN rejected it, because the Salvadoran guerrillas refused to be equated with the Nicaraguan rebels.(87) President Duarte insisted on calling for dialogue throughout the year, also seeking international pressure in an attempt to promote peace in the region. In June, "...13 Latin American nations made a final attempt to save the Contadora pacification process, after the attempt to sign the Central American Peace Act failed for the second time."(88) In September, a new call for dialogue with the FMLN-FDR was proposed by President Duarte in the community of Sesori, San Miguel; but the guerrillas did not heed it.

The violence continued. The victims were caused by the counterinsurgency operations and the repressive measures of the state security forces; as well as the kidnappings, summary executions, attacks on town halls, and explosions of mines on the part of the FMLN. The death squads' activity continued, and the Salvadoran Army of Salvation was created. Furthermore, the October earthquake in San Salvador left hundreds of victims and material lossess. A state of emergency was declared.

The Truth Commission received testimony on a total of 155 victims of serious acts of violence occurring in 1986.

III. PERIOD: 1987-1989, THE MILITARY CONFLICT AS AN OBSTACLE TO PEACE

The Esquipulas II Accord (89) signed by President Duarte opened à political space making it possible for FDR political leaders to return at the end of 1987. They participated in the 1989 presidential elections as a coalition.

Progress was made in what the international community termed "the humanization of the conflict."(90) Nevertheless, the violence resumed, with an obvious increase in attacks on the labor movement, human rights groups, and social organizations. The FMLN engaged in a campaign of kidnappings, summary executions, and assassinations aimed against civilians associated or sympathizing with the government and the Armed Forces. The dialogue process became stagnant, and it was obvious that the institutional vacuums, complicity, or negligence facilitated human rights violations, and became the main obstacles to the attainment of pacification.

1987

The protest against the tax measures and electoral law reforms multiplied; there was also an increase in labor mobilizations and acts of violence against leaders of the cooperative movement.(91) In August 1987, the five Central American presidents signed "Esquipulas II" in Guatemala, calling for the creation of national reconciliation commissions in each country, an "International Verification Commission," and amnesty laws. The Apostolic

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El Salvador Human Rights
Special Project (1996)

Nunciature, for its part, offered its headquarters for meetings between the government and the FMLN-FDR; and Archbishop Monsignor Rivera y Damas acted as moderator. The parties publicly adhered to the Esquipulas II Accord, announcing the creation of commissions in the cease-fire areas, and other actions contained in the accord.

The Legislative Assembly approved Decree-Law No. 805, called the "Amnesty Law for Achieving National Reconciliation."(92) El Salvador's Special Representative on the United Nations Human Rights Commission,(93) and human rights organizations such as Americas Watch, criticized the scope of the amnesty.(94) Christian Legal Assistance also filed an appeal of unconstitutionality against the article granting the benefit in all types of crime.(95)

Moreover, the coordinator of the Salvadoran Human Rights Commission (CDHES-NG), Mr. Herbert Anaya Sanabria, was assassinated. The act caused great upheaval in the country.(96) The UN's Special Representative, Jose Antonio Pastor Ridruejo, reported more humane patterns of conduct in the Armed Forces, compared with the previous year. He also noted that no information had been received on large-scale massacres attributed to the Armed Forces, nor the use of torture.(97) The Special Representative concluded by citing the guerrillas' responsibility for the majority of deaths or injuries among the civilian population caused by contact mine explosions.

He also commented on the forced recruitment of children by the guerrillas. (98) Nevertheless, overall, the number of victims this year was lower than in 1986.

The Joint Chief of Staff of the Armed Forces, General Adolfo Blandon, upon submitting his annual raeport, stated that 75 percent of the Armed Forces, estimated at over 50,000 men, took part in a total of 132 military operations. The government forces suffered 3,285 casualties, with 470 deaths and 2,815 injured, 90 percent of the latter returning to active service. The list of rebel casualties totaled 2,586, with 1,004 killed, 670 injured, 847 captured, and 65 deserters.(99)

The Truth Commission received testomony on a total of 136 victims of serious acts of violence occurring in 1987.

1988

Elections were held for the National Assembly and the Municipal Councils, with results giving the majority to ARENA. The FMLN attempted to boycott the elections with transportation strikes, kidnappings, and assassinations, as well as the detonation of car bombs. The Supreme Court of Justice, applying the amnesty law, released the officials and presumed perpetrators of the Las Hojas massacre from responsibility, as well as those implicated in the killing of the U.S. advisers for agrarian reform and the ISTA director.(100)

There was evidence of a return to the practice of massive executions by the Armed Forces, the most serious occurring in the jurisdiction of San Sebastian, San Vicente, where 10 peasants were killed (see the case in Ch. IV). Moreover, the death squads multiplied the number of victims by three, compared with 1987, achieving an average of eight victims per month.(101)

The FMLN began including municipal officials and alleged Army informants as military targets. Hence, the guerrillas killed eight mayors (see the case in Ch. IV), and threatened to execute a similar number of other informants.(102) The number of victims of mine detonations in 1988 was estimated at over 150 persons.

The Truth Commission received testimony on 138 victims of serious acts of violence occurring in 1988.

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El Salvador Human Rights
Special Project (1993)

IV. Period: 1989-1991: From the "Final Offensive" to the Signing of the Peace Accords

At 2000 hours on Saturday, 11 November 1989, the FMLN unleashed the largest offensive recorded throughout the conflict. This occurred a few days after the dynamite attack on the FENASTRAS headquarters. The magnitude of the offensive against the capital and other cities led to a decree of standby status. On 13 November, a curfew was established, from 1800 hours to 0600 hours.(103) The battles waged until 12 December caused over 2,000 casualties on both sides, and damage amounting to nearly 6 billion colones.(104)

The 1989 offensive was one of the most violent episodes in the course of the war. The guerrillas shielded themselves in densely populated sections during the fighting, and urban areas were the target of indiscriminate air bombings. Violations occurred, such as arrests, torture, assassinations, and disappearances of hundreds of members of the noncombatant civilian population, as a result of the critical circumstances that the country was experiencing. In this situation, the assassination of the Jesuit priests and of two women took place.

The parties admitted the impossibility of a decisive military victory, and the negotiation process leading to the signing of the Peace Accords was resumed with greater endeavor.

Resolution 637 of the Security Council (27 July 1989) ratified intermediation through the UN Secretary General's good offices. The UN began a direct participation, through mediation between the parties, culminating in the signing of the accords. The United Nations Secretary General and his representatives intervened during the most critical intervals, to prevent one of the parties from leaving the negotiating table.

The Geneva Accord (April 1990), in the Secretary General's presence, marked the beginning of an irreversible process of advances in the establishment of the agenda and timetable: (Caracas Accord, 21 May 1990); human rights (San Jose, 26 July 1990); reforms in the Armed Forces, and the judicial and electoral system; and creation of the Truth Commission (Mexico City Accord, 27 April 1991); until the final accord of Chapultepec was achieved. It was followed by the beginning of the cessation of hostilities, disarmament, and the execution of the institutional reforms agreed upon.

1989

Two contradictory tendencies affected Salvadoran society during 1989. On the one hand, there was a heightening of acts of violence and charges of human rights violations; and, on the other, there was progress in the talks between representatives of the Government of El Salvador and members of the FMLN leadership, with a view toward achieving a negotiated and political solution to the conflict.(105)

The ARENA party's candidate, Licentiate Alfredo Cristiano,(106) was elected in the presidential elections, while the FMLN called for a boycott of the elections and a transportation strike during the week of elections. Several incidents occurred at university centers. (107) There was no stop to the systematic intimidation and threats against religious of various churches, and social workers from different church institutions.(108)

The FMLN continued its policy of "executions" and threats against mayors, causing mayors to leave their duties. This affected a third of the country. (109) Moreover, there was an increase in assassinations for political reasons, most of them attributed to the rebels. The cases that aroused the most agitation

DRAFT

RELEASED
El Salvador Human Rights
Special Project (1993)

were the killing of the former guerrilla commander, Miguel Castellanos (17 February) (see Ch. IV); the execution of Dr. Francisco Peccorini Letona, and the Prosecutor General of the Republic, Mr. Roberto Garcia Alvarado; and the assassination, on 9 June, of Dr. Jose Antonio Rodriguez Porth, who had assumed the post of Minister of the Presidency a few days earlier. He was wounded by several shots in front of his house, and died a short time later at the hospital. This act was probably committed by the FMLN. Also occurring were the murder of the conservative ideologist, Edgard Chacon; the execution of Gabriel Eugenio Payes Interiano;(110) and the death of the prominent politician, Dr. Francisco Jose Guerrero, former President of the Supreme Court. The latter occurred on 24 November, in an act attributed by the government to the FMLN urban commandos (see Ch. IV).

Progress was made in the process of dialogue between the FMLN and the Salvadoran government.(111) The talks continued in Mexico City from 13 to 15 September; in San Jose, Costa Rica, starting on 16 October; and in Caracas, a month later. The meetings were attended by observers from the Salvadoran Catholic Church, the United Nations, and the Organization of American States.

As a result of a bomb attack at the offices of the Salvadoran Workers Union National Federation, FENASTRAS 112 (see Ch. IV), the FMLN suspended the talks with the government.

On 16 November 1989, miliary personnel killed the following Jesuit priests at the Central American University (UCA): Ignacio Ellacuria, Rector of the University; Segundo Montes, Ignacio Martin-Baro, Armando Lopez, Juan Ramon Moreno, and Joaquin Lopez. Also killed were the domestic worker, Elba Ramos, and her 15-year old daughter, Celina Ramos (See Ch. IV).

Colonel Rene Emilio Ponce, Chief of Staff of the Armed Forces, reported that the casualty toll was 446 soldiers killed, and 1,228 injured; and 1,902 guerrillas killed, and 1,109 injured.(113)

The Truth Commission received direct testimony on 292 victims of serious acts of violence occurring in 1989.

1990

During 1990 there was a parallel negotiating process, with substantive progress on the one hand, and a continuation of the war, on the other. In Guatemala, Hector Oqueli Colindres, leader of the National Revolutionary Movement (MNR), was kidnapped and killed (see Ch. IV).(114) Former President Jose Napoleon Duarte died, whereupon the FMLN declared a unilateral cease-fire on the 24th and 25th.

According to the Annual Report of the Inter-American Human Rights Commission, 1990-1991, political assassinations attributable to military or paramilitary groups caused the deaths of 119 persons, 53 of whom were reportedly executed by death squads, and 42 by the Army. The FMLN executed 21 persons, 14 of whom were considered victims of political assassinations.(115)

The figures on civilian deaths were lower than those of the year before. A considerable decline was evident after the signing of the San Jose Accord on human rights on 26 July 1990. The Army's military operations caused 852 victims, but it could not be specified how many were FMLN combatants or members of the civilian population.(116)

The UN Special Representative, in his report for 1990 on the human rights situation, expressed the same concern as the Human Rights Commission did over the alarming frequency with which members of the country's Civil Defense are involved in serious acts of bloodshed, thefts, assaults, rapes, and abuses of

RELEASED
El Salvador: Human Rights
Special Project (1993)

DRAFT

authority, creating a permanent state of terror and insecurity among the citizenry.(117)

A meeting took place in Geneva between the government delegations and the Farabundo Marti National Liberation Front, and they agreed to resume the talks. On 20 May 1990, the parties signed an accord in Caracas containing the agenda for the negotiations to end the conflict, and a fixed timetable was established 118. On 19 June, the meetings of the parties continued in Oaxtepec, Mexico, to discuss demilitarization and military impunity. The round of talks ended without agreements. As part of this process, on 26 July what was considered the first substantial accord was signed. It related to respect for human rights, and was later known as the San Jose Accord. Both sides pledged to respect the most fundamental rights of the human being, and to establish an international verification procedure assigned to a mission from the United Nations Organization.

During August, a new round of talks took place, to deal with the military issue. It ended without accords. The stagnation of the progress prompted the Secretary General of the United Nations, on 31 October, to announce that the negotiations would be held in secret thereafter.

About mid-November, the FMLN heightened its military action in various parts of the country, for the purpose of exerting military pressure for an acceleration of the stagnant negotiating process. The international community responded with appeals to the FMLN to halt this action.(119)

The Truth Commission received direct testimony on 107 victims of serious acts of violence occurring in 1990.

1991

During 1991, the negotiating process between the government of El Salvador and the FMLN continued its course, while serious acts of violence were attributed to both sides. On 2 January, in San Miguel, FMLN forces downed a helicopter flown by three U.S. advisers, and executed two survivors (see Ch. IV). On 21 January, uniformed personnel executed 15 members of a family in El Zapote.(120) On 28 February, Dr. Guillermo Manuel Ungo died after a lengthy illness. That same day, the FMLN announced that it would not boycott the March elections as it had in the past. On 10 March, 53 percent of the registered voters participated in the legislative and municipal general elections held in the country.(121)

As for the dialogue process, two rounds of negotiations were held: one in Mexico City, from 3 to 6 January, and the other in San Jose, from 19 to 21 February, without concrete results. Meanwhile, the violence of the war became hightened throughout the country.(122)

On 4 April, Mexico City received the representatives of the government and the FMLN for the eighth round of negotiations, which lasted until the 27th of the same month. Significant accords were achieved, representing reforms to the Constitution on topics such as the Armed Forces, the electoral system, and the Judicial Branch. They were approved by the Legislative Assembly on 29 April. In these accords, the parties also agreed to create the Truth Commission.(123)

On 26 July, with the prior, total support of the United Nations Security Council (Resolution 693), and of the Legislative Assembly of El Salvador, the United Nations Observer Mission in El Salvador (ONUSAL) was installed, and the Human Rights Division began operating immediately. The UN Secretary General invited the parties to meet with him in New York. On 25 September, the so-called New York Accord was signed, creating the National Commission for the Consolidation of Peace (COPAZ). A process of purging and reducing the Armed

DRAFT

RELEASED
El Salvador Human Rights
Special Project (1993)

Forces was established; the commitment between the parties for redefining their doctrine was affirmed; and the effectiveness of the Mexico City Accord of 27 April 1991 was reiterated. Furthermore, certain accords reached in the economic and social realm were specified, and an agenda was established for the negotiation of unsettled issues.

The signing of the El Salvador Peace Accord in Chapultepec, Mexico, on 16 February 1992, constituted the culmination of the negotiating process and the beginning of the phase of executing the accords. At Chapultepec, it was also stipulated that the work of the Truth Commission would be associated with the clarification and elimination of impunity.(124)

For the period of the first six months of 1991, the Truth Commission received testimony on 28 victims of serious acts of violence.

The signing of the peace accord in Chapultepec put an end to 12 years of armed conflict in El Salvador. What has been briefly reviewed in this chronology is merely a part of the tragic events of that country's recent history. This event should also become the beginning of a new period which, through national reconciliation, will foster a promising future for this Central American nation.

8. United Nations, "Mexico City Accords," 27 April 1991, Truth Commission, Functions Section, point 2 a), A/46/553. S/231130. p 23.

9. The National Association of Salvadoran Teachers (ANDRES) reported that, during the period January-June 1981, 136 teachers were executed. United Nations. "Report of the Special Envoy to the Human Rights Commission [DDHH]," 1981.

10. The Inter-American Human Rights Commission [CIDH], quoting the U.S. Embassy, stated that the average number of persons subjected to political assassination in El Salvador was nearly 300 per month during 1982; and, according to the Legal Aid Office of the Catholic Church, the number totaled 500 persons per month. CIDH-OAS, Annual Report, 1981-1982, p 121.

"Archbishop Oscar Romero" Christian Legal Assistance reported the following numbers of victims among the civilian population:

1980: 11,903 1981: 16,266 1982: 5,962

Source: Human Rights Institute (IDHUCA), "Human Rights in El Salvador During 1985," Installment II, Jose Simeon Canas Central American University, San Salvador, 12 April 1986, p 39.

11. In September 1980, they blew up the residence housing the Human Rights Commission of El Salvador. The damage was substantial, and the bodies of three young persons were found at the office's main door, showing signs of having been subjected to severe torture. OAS-CIDH, Annual Report, p 125.

The attacks against the Non-Governmental Human Rights Commission, CDHES-NG were systematic during this period:

On 3 October 1980, Maria Magdalena Henriquez, the CDHES-NG's Press Secretary, was kidnapped by uniformed police, and her body was discovered later. On 25 October, they assassinated Ramon Valladares, the CDHES-NG's Administrator. On 4 December 1981, security forces kidnapped the CDHES-NG's Director, Carlos Eduardo Vides, who disappeared. In August 1982, the Treasury Police caused the disappearance of America Perdomo, Director of Public Relations. On 16 March 1983, Marianela Garcia Villas, the CDHES-NG's President, was killed in a military patrol ambush of a group of displaced persons.

Americas Watch, "El Salvador's Decade of Terror; Human Rights Since the Assassination of Archbishop Romero," Yale University Press, 1991, pp 44-45, 144-148.

12. According to Legal Assistance, between January and December 1981, 16,266 deaths occurred, 7,916 of them involving peasants. Source: "Archbishop

DRAFT

RELEASED
El Salvador Human Rights
Special Project (1993)

Oscar Romero" Christian Legal Assistance; see in Institute of Human Rights (IDHUCA), "Human Rights in El Salvador During 1985," San Salvador, April 1986, p 41.

13. On 11 November 1981, the Non-Governmental Human Rights Commission of El Salvador reported that the corpses of over 400 persons had been thrown on the site known as El Playon during recent months.

14. The MNR [National Revolutionary Movement] Secretary General, Guillermo Manuel Ungo; the Rector of the Roman Mayorga Quiroz Central American University; and the businessman, Marco Antonio Andino, joined the Junta. Colonel Jose Guillermo Garcia and Colonel Nicolas Carranza were named defense minister and vice minister, respectively. Other cabinet members included Salvador Samayoa (Education), Enrique Alvarez Cordoba (Agriculture), Colonel Engineer Rene Francisco Guerra y Guerra (undersecretary of interior), and Hector Dada Hirezi and Hector Oqueli Colindres (Foreign Relations).

15. The Nationalist Democratic Organization (ORDEN) was a civil defense institution created by General Medrano during the 1960's, its function being to exercise surveillance over the peasant population. This group became one of the precursors of the death squads.

16. The National Special Services Agency of El Salvador (ANSESAL) was the state intelligence structure created by General Medrano, whose last Director was Colonel Santibanez. National Security Archives, "El Salvador: The Making of U.S. Policy, 1977-1984," Chadwyck-Healey, Inc., Alexandria, VA, p 73.

17. The People's Revolutionary Bloc was the largest coalition of organizations during the late 1970's and the early 1980's. The BPR was created in 1975, and the sectors comprising it included the peasant organizations: Christian Federation of Salvadoran Peasants (FECCAS), and Union of Field Hands (UTC); the teachers organizations: National Association of Salvadoran Teachers (ANDES); the marginal population group: Slum Dwellers Union (UPT); and students: Movement of Revolutionary High School Students (MERS).

The 28 February People's Leagues (LP-28) was a smaller-sized organization with an urban base, controlled by student sectors. It took its name from the date on which dozens of protesting demonstrators were killed: 28 February 1987. They were charging electoral fraud in the elections that installed General Carlos Humberto Romero as president.

The United Popular Action Front (FAPU), founded in 1974, was an organization comprised of labor unions, and student, peasant, and teachers' organizations.

18. After an agreement between the Revolutionary Government Junta and the Christian Democratic Party, on 10 January those who resigned were replaced by Engineer Hector Dada Hirezi and Dr. Jose Antonio Morales Eirich, both from the PDC; and the independent, Dr. Jose Ramon Avalos Navarrete.

19. The Agrarian Reform Law promulgated the expropriation of plots exceeding 1,250 acres. This affected approximately 372 land- holders, with a total of 625,000 acres. The beneficiaries were to comprise about 85 percent of the rural population. To ward off a reaction from those affected, the Junta issued Decree 155, establishing martial law for 30 days. The National Security Archives: "El Salvador: The Making of U.S. Policy, 1977-1984," Janet Di Vicenzo, project ed.; Chadwick- Healey Inc., Alexandria, VA, 1984, p 33.

20. U.S. Embassy in El Salvador, Cable 00837, 6/2/80.

21. In his last Sunday sermon, on 23 March, Monsignor Romero said: "In the name of God, in the name of these suffering people whose cries rise up to heaven more loudly each day, I implore you, I beg you, I order you to cease the repression."

DRAFT

RELEASED
Human Rights

22. U.S. Embassy, San Salvador, Cable 02296, 31 March 1980. THE WASHINGTON POST, 31 March 1980. Op. cit., The National Security Archives, " El Salvador: The Making of U.S. Policy, 1977-1984," p 34.

23. Major in the National Guard, serving in ANDESAL until the coup of 15 October, the date on which he was forced to resign.

24. On 12 May, Majano lost his influence, when Colonel Jaime Abdul Gutierrez, of the conservative wing, was named President of the Government Junta by the Armed Forces, and as such became the latter's Commander in Chief. On the same day, a communique from a group calling itself the Death Squads was read to the press over the telephone. It stated: "...We want the release of Major D'Aubuisson and of the other companions who were captured at Santa Tecla." It threatened explosions affecting the media that did not publish the message. LA PRENSA GRAFICA, 12 May 1980, p 25.

25. D'Aubuisson and his companions were never transferred to the Judicial Branch, not even with the seriousness of the charges concerning "squads," or the death of Monsignor Romero.

26. On 22 May, the Junta issued Decrees 264 and 265, amending the Code of Criminal Procedure. The former expanded the definition of terrorist activities, prohibiting the occupation of public buildings, work centers, and religious establishments. The latter prohibited release on bail for those accused or convicted of political crimes. On 24 June, Decree 296 prohibited participation in strikes on the part of public servants and employees of state agencies, stipulating immediate dismissal of those who promote or organize strikes. On 22 August, Decree 366 granted the Executive Branch the power to deprive any state union of legal status, if it participated in strikes or caused the interruption of essential public services. On 3 December, the Junta issued Decree 507, granting military courts jurisiction over political crimes against the state.

27. On 26 June 1980, after a national strike, the Army and National Guard attacked the National University, killing between 22 and 40 students and destroying the buildings. The University's Rector, Eng. Felix Antonio Ulloa, was assassinated on 29 October.

28. Op. cit., The National Security Archives, "The Making of U.S. Policy, 1977-1984," p 35.

29. After a brief detention, Majano went into exile in March 1981.

30. The direct charges made to the Truth Commission, cited in this chronology, include those of the two conflicting sides. The largest number of charges submitted relate to violations committed by representatives of the Armed Forces or of paramilitary agencies. Only the charges with sufficient grounds to support them, in the opinion of the Truth Commission, were processed. See Annex No 5. Also received were a still greater number of charges from indirect sources, which have been included and analyzed in Annexes 5 and 6.

31. The victims were Jose Rodolfo Viera, president of the ISTA [Salvadoran Institute of Agrarian Transformation], and two agrarian advisers from AIFLD, Mark David Pearlman and Michael Hammer.

32. During one of the first mass attacks committed by the FMLN against military garrisons on 27 December, Commander Ferman Cienfuegos, of the FARN, announced that a final offensive would be launched before the Reagan inauguration on 20 January 1981. Op. cit. The National Security Archives, "El Salvador: The Making of U.S. Policy," p 38.

33. On 28 August 1981, a communique from the governments of Mexico and France cited the FDR-FMLN as a "representative political force" for seeking a political solution to the conflict.

17

DRAFT

RELEASED
El Salvador Human Rights
Special Project (1995)

34. On 14 January, in one of his last foreign policy measures, President Carter announced the sending of $5 million in military aid to El Salvador. Among the reasons given was the evidence of Nicaraguan assistance to the Salvadoran rebels. Op. cit., The National Security Archives, "El Salvador: The Making of U.S. Policy," p 34. Ronald Reagan's government had hardly begun when a State Department cable instructed the Embassy in San Salvador to inform the Duarte government that, "...we are planning to launch a diplomatic offensive next week in Europe and Latin America, to demonstrate the Cuban and Nicaraguan involvement with the insurgents in El Salvador," State Department (draft) 2/4/81.

35. Op. cit., Americas Watch, pp 48-49; 146.

36. MIAMI HERALD, 23 August 1981; op. cit., The National Security Archives, p 42.

37. Christian Legal Assistance, San Salvador, 1984 Report.

38. The composition of the Assembly by parties is as follows: Christian Democratic Party: 24 members; Nationalist Republican Alliance: 19 members; National Conciliation Party: 14 members; Democratic Action: 2 members; Salvadoran Popular Party: 1 member.

39. Decree No. 3 of the Constituent Assembly. In this decree, the Assembly revoked Decree 114, which contained the legal bases for agrarian reform.

40. Phase III of Agrarian Reform originated in Decree 207 of the Revolutionary Government Junta. It permitted peasants who were leasing small plots to purchase and obtain title to the land, with financial aid from the government. Op. cit., The National Security Archives, p 79.

41. THE NEW YORK TIMES, 7 February 1982. Also, the recently elected President Reagan, citing the attack on the Ilopango Base, signed an Executive Order on 1 February authorizing $55 million in emergency military aid to El Salvador. See THE WASHINGTON POST, 2 February 1982.

42. According to the statistics, the acts of sabotage were concentrated on transport facilities (46 percent), the electric power supply and distribution system (23.7 percent), and communications routes (5.7 percent). During the first quarter of 1982, the following bridges were destroyed or damaged: four in Santa Ana, one in San Salvador, three in Usulutan, two in San Miguel, and one in Morazan. University Documentation and Information Center, PROCESO, Vol 3, No 98, February-April 1982.

43. Op. cit. NNUU, "Report of the Special Envoy to the DDHH Comm. for El Salvador," 1982, p 34. Armed Forces of El Salvador, National Police. Statistical data on dynamite and incendiary attacks, and various acts of sabotage committed by the different terrorist groups to destroy the national economy. San Salvador, 22 September 1982.

44. U.S. Embassy in San Salvador (02165), 3 March 1983.

45. U.S. Embassy in San Salvador (00437), 3 December 1982. The report also indicates that the number of Armed Forces troops is 31,757.

46. Op. cit., Americas Watch, 1991, pp 146-147.

47. THE WASHINGTON POST, 28 December 1982.

48. United Nations High Commissioner for Refugees, UNHCR INFORMATION, Central America, June 1982, No 5.

49. Op. cit. NNUU, "Report of the Special Envoy to the DDHH Commission," p 21.

50. Human Rights Institute (IDHUCA), "Human Rights in El Salvador During 1985," Installment II, Jose Simeon Canas Central American University, 12 April 1968, p 41.

DRAFT

RELEASED
El Salvador: Human Rights
Special Project (1993)

51. "Death squads" is a general term referring to a modus operandi. They were used as instruments of terror, establishing a systematic practice of major human rights violations.

52. Op. cit. OAS-CIDH, "Annual Report," 1981-1982, p 120.

53. Op. cit., NNUU, "Report of the Special Envoy to the DDHH Commission," 22 November 1982, p 24.

54. Archbishop Oscar Romero Christian Legal Assistance, "Civilian Population Victims From 1977 to 1985, " February 1986 (mimeo.)

55. Op. cit., Americas Watch, 1991, p 108.

56. Decree 210 of the Constituent Assembly relates to the Law on Amnesty and Citizen Rehabilitation, submitted by the President of the Republic. 533 political prisoners were released as of 24 June. The law also offered amnesty to rebels who abandoned the armed struggle before 4 July.

57. The document, with 247 articles, called for greater control over presidential power. It also reduced the effect of agrarian reform on landholders. A report from U.S. labor advisers in December stated that only 57,000 out of 117,000 beneficiaries of the reform had used their right to purchase land consisting of up to 17.5 acres that they were leasing; and that over 10 percent of those who had exercised that right were evicted or murdered. THE NEW YORK TIMES, 28 December 1983.

58. The government was represented by the National Peace Commission created by the Apaneca Pact. One of the main topics discussed was the rebels' possible participation in the presidential elections. The results were unsuccessful, when the FDR-FMLN rejected the Peace Commission's conditions.

59. The other bodies were identified as those of Santiago Hernandez Jimenez, Secretary General of the FUSS [United Federation of Salvadoran Trade Unions], missing since 25 September; Jose Antonio Garcia Vazquez; and Dr. Dora Munoz Castillo. LA PRENSA GRAFICA, 2nd Edition, "The Conflict in El Salvador," 1983.

60. Op. cit., Americas Watch, p 148.

61. Op. cit., Americas Watch, p 148. THE MIAMI HERALD, 1 October 1983.

62. Press reports reveal taht a group of 20 women and children were surrounded in a dwelling and executed. Another 30 persons were drowned and thrown by soldiers in Lake Suchitlan. Op. cit., Americas Watch, 1991, p 148. THE CHRISTIAN SCIENCE MONITOR, 21 November 1983.

63. This number of advisers was the maximum limit imposed by the Congress. As of June 1983, a contingent of 130 Green Berets stationed in Honduras began training an initial group of 2,400 Salvadoran soldiers in antiguerrilla tactics.

64. State Department press briefing, 29 November 1983.

65. U.S. Embassy in San Salvador (06349), 18 July 1983.

66. THE NEW YORK TIMES, 5 and 19 November 1983. Cited in op. cit., The National Security Archives, pp 64-65.

67. U.S. Embassy in San Salvador (11503), 12 December 1983. THE NEW YORK TIMES, 15 December 1983.

68. On 14 December, the High Command ordered all the security corps to investigate the existence of the death squads. On 19 December, Captain Eduardo Ernesto Alfonso Avila was arrested at the order of the High Command, as a person suspected of having participated in the assassination of the U.S. advisers in the Sheraton case. On 21 December, Colonel Nicolas Carranza, Director of the Treasury Police, announced that his corps had captured a member of a squad, although he did not reveal the latter's identity. LA PRENSA GRAFICA, "The Conflict in El Salvador," 2nd Edition, 1983, pp 61-62.

69. THE LOS ANGELES TIMES, 27 December 1983.

15

DRAFT

RELEASED
El Salvador Human Rights
Special Project (1993)

70. Op. cit., The National Security Archives, p 63.
71. Report of the Special Representative, 22 November 1983. UN/A/38/503.
72. On that same 24 May, the House of Representatives of Congress approved $67.75 million in emergency aid for El Salvador. Op. cit, The National Security Archives, p 72.
73. President Duarte offered amnesty and legalization for the FMLN, so that it could participate in the elections as a political party, in exchange for giving up its arms. The FMLN responded with a counterproposal, calling for its participation in a provisional government that would call for elections and reorganize the Armed Forces. Op. cit., Americas Watch, 1991, p 12.
74. On 1 January, the rebels blew up the Cuscatlan bridge, the nation's largest, connecting the Eastern and Western regions. Constant acts of sabotage left the country's northern and eastern zones without electric power on various occasions. On 21 June, the FMLN attacked and occupied the Cerron Grande hydroelectric dam, with a death toll of 120. On 30 July, after several dynamite attacks, the country's train service was halted. Toward the end of the year, it was reported that the FMLN attacks against the economic infrastructure had a cost of 238 million colones. Op. cit., LA PRENSA GRAFICA, "The Conflict in El Salvador," 1984.
75. Between 17 and 22 July, 68 civilians were executed during a military operation in Los Llanitos, Cabanas, by Army troops. Again, between 28 and 30 August, another military operation by the Atlacatl Battalion in Las Vueltas, Chalatenango, culminated in a massacre of about 50 civilians, on the shores of the Gualsinga River. Op. cit., Americas Watch, 1991, p 148.
76. A cable from the U.S. Embassy states: "...known death squads have not claimed responsibility for any assassination since the end of 1983." U.S. Embassy in San Salvador (02547), 8 March 1984.
77. Op. cit., The National Security Archives, p 70.
78. NNUU, "Provisional report on the situation of human rights and fundamental liberties in El Salvador," 9 November 1984.
79. On 7 March, they executed Lt. Colonel Ricardo Aristides Cienfuegos, chief of COPREFA. On 23 March, General Jose Alberto Medrano, ex-Director of the National Guard, and creator of ORDEN and ANSESAL, was assassinated. On 17 March, Dr. Jose Rodolfo Araujo Banos, military judge of the first instance, was killed in an attack. Op. cit., LA PRENSA GRAFICA, "The Conflict in El Salvador," p 81.
80. Ines Guadalupe Duarte Duran was kidnapped with her girlfriend, Ana Cecilia Villeda. On the 16th, an organization called the "Pablo Castillo Front" claimed responsibility for the act. Op. cit., LA PRENSA GRAFICA, "The Conflict in El Salvador, " p 81.
81. Op. cit., Human Rights Institute (IDHUCA), Installment II, "Human Rights in El Salvador During 1985," pp 79-81.
82. In an October 1985 letter to Monsignor Rivera y Damas, the population of Suchitoto charged the following damage as occurring from May to October 1985: 39 bombings, four landings, 32 machine gun attacks, 28 operations, 252 captures, 26 deaths, nine injured, 28 houses destroyed, 41 manzanas of crops destroyed, and 90 corn fields destroyed. Op. cit., IDHUCA, Installment II, "Human Rights in El Salvador During 1985," p 43.
83. Op. cit., IDHUCA, Installment II, "Human Rights in El Salvador During [illegible]," p 39.
84. This list cites only the fundamental cases, in testimony from the surviving victims. Op. cit., IDHUCA, "Human Rights in El Salvador....," p 67.
85. Op. cit., LA PRENSA GRAFICA, "The Conflict in El Salvador," p 76.

(20)

DRAFT

RELEASED
El Salvador Human Rights
Special Project (1995)

86. According to the sources quoted: Legal Protection reported 3,306; Legal Aid, 1,714; the Non-Governmental Human Rights Commission, 1,995; the Government Human Rights Commission, 1,810; and the U.S. Embassy, 1,855. Op. cit., "Human Rights in El Salvador," p 36.

87. Op. cit., LA PRENSA GRAFICA, "The Conflict in El Salvador," p 86.

88. Op. cit., LA PRENSA GRAFICA, p 85.

89. The document, "Procedure for Establishing Firm and Lasting Peace in Central America," known as "Esquipulas II," was signed on 7 August 1987 in Guatemala City by the Central American presidents. The main points established the objective of achieving a cease-fire in 90 days, the formation of national reconciliation commissions, general amnesty, the creation of an International Verification Commission, and the cessation of logistical and armament aid to all the armed rebel groups in the region.

90. The "humanization of the conflict" referred to the attempts to end practices such as kidnappings, bombings, indiscriminate attacks on the civilian population, summary executions, and the indiscriminate use of mines, etc.

91. In a document published on 22 July 1987, Amnesty International expressed its concern over what appeared to be a campaign of repression aimed against the cooperative movement. Over 80 workers and cooperative leaders had suffered from disappearances, summary executions, arbitrary arrests, and beatings. Op. cit., NNUU, "Report of the Special Envoy to the DDHH Commission," 1988, p 3.

92. Law 805 gives an unconditional amnesty to anyone who has been implicated in political or common crimes with political motivation, committed before 22 October 1987, in which no more than 20 persons participated. This option also applies to the armed rebels if they appear, renounce the use of violence, and express their desire to receive amnesty within a period of 15 days after the law's promulgation. The law would not benefit those who: a) took part in the assassination of Monsignor Romero; b) committed kidnappings for purposes of personal profit; c) were involved in drug trafficking; and, d) participated in the assassination of Herbert Anaya. Op. cit., NNUU, "Report of the Special Envoy to the DDHH Commission," 1988, p 20. OAS-CIDH, "Report on the Human Rights Situation in El Salvador," 1978, p 299. Amnesty International, "Annual Report," 1988, p 137.

93. The UN's special representative remarked that the extent of the amnesty law promulgated could make it even more difficult to overcome the atmosphere of impunity already existing in El Salvador.

94. "...there is no approval for the Esquipulas II Accord, through a law pardoning the killers of non-combatants, whether the perpetrators are associated with the FMLN, the FFAA, or the death squads."

95. Op cit., NNUU, "Report of the Special Envoy to the DDHH Commission," 1988, p 20.

96. Op. cit., NNUU, "Report of the Envoy....", 1988, p 5.

97. Op. cit., NNUU, "Report of the Special Envoy to the DDHH Commission," 1988, p 14.

98. Op. cit., NNUU, "Report of the Special Envoy to the DDHH Commission," 1987, p 20.

99. Op. cit., OAS-ICHR, "Annual Report of the Inter-American Commission on Human Rights, 1987-1988," p 294. In this report, it was estimated that the civil war had left 60,000 victims to date.

100. The Supreme Court also revoked, for flaws in procedure, the request for extradition of Captain Alvaro Saravia, implicated in Monsignor Romero's assassination. As for the application of the Amnesty Law, the military judge, Jorge Alberto Serrano Panameno, shortly before issuing his verdict in the case

RELEASED
El Salvador: Human Rights
Special Project (1993)

DRAFT

of the kidnappings with extortion, declared himself opposed to granting amnesty to the officials implicated in these cases. The following day, 11 May, he was assassinated with shots fired by unknown persons at the door to his residence.

101. Op. cit., PROCESO, "Annual Sumamry," San Salvador, December 1988, p 27.

102. Source: IDHUCA, see in PROCESO, "Annual Summary," December 1988, p 30.

103. Americas Watch reported that, "...apparently, both the government and the FMLN have violated the rules of war during the first week of the offensive." Op. cit., NNUU, "Report of the Envoy...," 1990, p 3.

104. Op. cit., LA PRENSA GRAFICA, 1989, p 111.

105. Op. cit., OAS-CIDH, "Annual Report," 1989-1990, p 145.

106. Alfredo Cristiani received 53.83 percent of the 939,078 valid votes computed, exceeding the 36.05 percent won by the Christian Democratic candidate, Licentiate Fidel Chavez Mena.

107. On 28 August, Army troops opened fire on 15 university students, killing one of them and injuring six others. On 16 December, the professor from the National University in Santa Ana, Imelda Gonzalez, was murdered. Op. cit., NNUU, "Report of the Special Envoy...," 1990, p 5.

108. Op. cit. OAS-CIDH, "Report on the Human Rights Situation in El Salvador," 1989-1990, p 145.

109. Op. cit., NNUU, "Report of the Special Envoy to the DDHH Comm," 1989, p 11.

110. Edgard Antonio Chacon was President of the Institute of International Relations and a columnist, with known radically anticommunist convictions. On 30 June, while driving his car with his wife, he was attacked and killed by several gunshots. Both COPREFA and the widow of the deceased attributed the murder to FMLN urban commandos; however, that charge has been rejected by the Front. Gabriel Eugenio Payes Interiano was a computer engineer, linked with the ARENA party. On 19 July, he was attacked on a public thoroughfare with a firearm, and died on 21 August, after having been confined in a hospital.

111. In Tela, Honduras, the "Esquipulas IV" Fourth Summit was held from 5 to 7 August 1989, attended by the five Central American presidents. In Chapter III of the protocol, the governments of the Central American countries called upon the FMLN "...to hold a constructive dialogue, in order to achieve a just and lasting peace. Similarly, the aforementioned governments call upon the Government of El Salvador to agree upon full guarantees...for the incorporation of the members of the FMLN into a peaceful life." Op. cit., NNUU, "Report of the Special Envoy to the DDHH Comm.," 1990, p 3.

112. On 31 October 1989, the dynamite attack on the FENASTRAS head quarters left ten union members dead, and about 30 persons injured. Those killed included the UNTS leader, Febe Velazquez. The same day, a bomb injured four persons at the headquarters of the Mothers of Missing Persons Commission (COMADRES). Op. cit., Americas Watch, "El Salvador's Decade of Terror," p 156.

Op. Cit. Americas Watch, "El Salvador's Decade of Terror," p. 156.

113. Op. cit., LA PRENSA GRAFICA, San Salvador, p 109.

114. The Special Reporter, in principle, admitted the possibility that the murders might be linked with members of the Armed Forces and the Security Forces tolerated or protected by them. Op. cit., NNUU, "Report of the Special Envoy to the DDHH Commission," 1990, p 10.

115. Prominent among said acts was the assassination of the chief of the Armed Forces General Staff's Legal Department, Major Carlos Figueroa Morales,

DRAFT

RELEASED
El Salvador: Human Rights
Special Project (1993)

claimed to have been committed by the FMLN's Modesto Ramirez" commando group. Op. cit., NNUU, "Report of the Special Envoy to the DDHH Comm.," 1990, p 13.

116. OAS-CIDH, "Report on the Human Rights Situation in El Salvador," 1990-1991, p 472.

117. Op. cit., NNUU, "Report of the Special Envoy to the DDHH Comm.," 1990, p 11.

118. According to the timetable, the process would consist of two phases: 1) The first phase would be aimed at achieving a series of political accords leading to a cease-fire, including the issues of the Armed Forces, human rights, the judicial and electoral systems, constitutional reforms, economic and social problems, and verification of the accords achieved by the UN. 2) The second phase would be devoted to establishing the necessary conditions and guarantees for the reinstatement of FMLN members in the country's institutional, civil, and political life. Op. cit., NNUU, "Report of the Special Envoy to the DDHHN Comm.," 1991, p 4.

119. On 19 November, the UN Secretary General, Javier Perez de Cuellar, appealed to the FMLN not to jeopardize the negotiating process. Mexico, Canada, and the Central American governments also called upon he FMLN to suspend its new offensive. Finally, on 17 December, the summit of presidents from the region, convened at Punta Arenas, Costa Rica, demanded a cease-fire from the FMLN.

120. In his Sunday sermon of 3 February, Monsignor Rivera y Damas accused members of the First Infantry Brigade of this massive assassination. Op. cit., LA PRENSA GRAFICA, p 115; op cit., Americas Watch, "El Salvador's Decade of Terror," p 160.

121. The new Legislative Assembly, expanded from 60 to 84 representatives that year, consisted of 29 ARENA deputies, 26 from the Christian Democratic Party, nine from the Party of National Reconciliation, eight from Democratic Convergence, and one from the Nationalist Democratic Union and the Authentic Christian Movement, respectively.

122. On 9 February, the offices and machinery of DIARIO LATINO were destroyed by an intentionally set fire. After five days of truce, at the beginning of March, an escalation of confrontations and attacks on military installations and Army operations, etc., occurred; leaving a toll of over 100 persons killed in action.

123. Among the most important provisions are the creation of a National Civilian Police, under the direction of the civil authorities and independent of the FFAA; the creation of the National Prosecutor's Office for the Defense of Human Rights; the allocation of at least 6 percent of the current revenues from the state budget to the Judicial Organ; the creation of a Supreme Electoral Court; and the establishment of the military jurisdiction as an exceptional system with respect to unified justice, and limited to hearing solely cases involving military crimes and breaches of service. During this round of talks in Mexico, it was also agreed to establish a Truth Commission, responsible for investigating the serious acts of violence that occurred starting in 1980, the impact of which on the society demands public knowledge.

124. Peace Accord of El Salvador, Chapultepec, 16 January 1992, Number 5, "Elimination of Impunity": "Recognition is given to the necessity for clarifying and eliminating all identifications given by officers of the Armed Forces, especially in cases wherein respect for human rights is compromised. For this purpose, the parties submit to the Truth Commission for consideration and decisions regarding this point."

DRAFT

RELEASED
El Salvador: Human Rights
Special Project (1995)

IV. CASES AND PATTERNS OF VIOLENCE (125)

A. OVERVIEW OF THE CASES AND PATTERNS OF VIOLENCE

The Truth Commission logged more than 22,000 reports of serious violence in El Salvador during the period from January 1980 to July 1991 (126). More than 7,000 were received at Commission offices in various locations. The others arrived through governmental and nongovernmental organizations (127).

More than 60 percent of the total concerned extrajudicial executions; more than 25 percent, forced disappearances, and more than 20 percent, reports of torture.

The complainants attributed almost 85 percent of the cases to government agents, paramilitary groups allied with them, and the death squads.

Armed Forces personnel were accused in 60 percent of the complaints; members of security forces in approximately 25 percent; members of military escorts and civil defense in about 20 percent; and members of the death squads in more than 10 percent of the cases. The complaints held the FMLN responsible in about five percent of the cases.

Though there were many such complaints, they do not represent all of the incidents of violence. The Commission managed to receive only a significant sampling of them during the three-month period in which it logged testimony.

Nor is it being asserted that each of the incidents took place exactly as represented in the testimony. The Commission investigated certain individual cases under specific circumstances, as well as patterns of violence. Approximately 30 cases treated in the report illustrate the patterns of violence. In other words, these are systematic practices confirmed by thousands of complainants.

The specific cases, plus the patterns, show that during the 1980's unusual political violence was unleashed in the country. All Salvadorans without exception experienced such violence, some more than others though.

The introduction and methodology section of the report explain this point.

The Patterns of Violence of Government Agents and Their Collaborators

The complaints concur in indicating that the origin of this violence was a political philosophy that regarded political opponents, subversives, and enemies as synonymous. Individuals who advanced ideas that ran counter to official ones ran the risk of being eliminated, as if they were armed enemies on the battlefield. The extrajudicial executions, forced disappearances, and slayings of opposition politicians indicated in this chapter epitomize these conditions.

Any organization capable of advocating opposition ideas that questioned official policies was likened, in a conditioned reflex, to the guerrillas. To belong to such an organization was tantamount to being branded a subversive.

The counterinsurgency, in its most extreme variety, found expression in this widespread notion: "Taking the water away from the fish." The residents of areas in which the guerrillas were active were suspected of being guerrillas or of collaborating with them and thus ran the risk of being eliminated. El Mozote is a regrettable example of this view, which prevailed for several years.

Violence in the countryside became extremely indiscriminate in the early years of the decade.

Around half of the complaints analyzed concerned incidents that took place during the first two years, 1980 and 1981; and more than 20 percent had to do with the following two years, 1982 and 1983. In other words, more than 75

RELEASED
El Salvador: Human Rights
Special Project (1993)

percent of the serious incidents of violence reported to the Truth Commission were concentrated in the first four years of the decade.

Violence was less indiscriminate in urban areas and, after 1983, in the countryside as well (95 percent of the complaints came from rural areas, five percent from more urban locales).

The Patterns of FMLN Violence

The Commission recorded more than 800 complaints of serious violence attributed to the FMLN. This violence occurred mainly in the areas of conflict, in which the FMLN maintained strong military control at times.

Approximately half of the accusations against the FMLN had to do with murders, most of them extrajudicial executions. The rest have to do with forced disappearances and recruitments.

The patterns show that this violence stemmed from the war. Physically eliminating persons identified as military targets, traitors, "stool pigeons," and even political opponents was regarded as legitimate. The murders of mayors, rightist intellectuals and public officials, and judges are examples of this view.

Members of a given guerrilla organization investigated the activities of the individual likely to be branded a military target, spy, or traitor. They then evaluated the information and made a collective decision to execute the individual; special groups or commando units then planned and carried out the execution. Afterwards, they publicly claimed responsibility for the execution, indicating the organization in question, for propaganda purposes. The FMLN described such executions as "ajusticiamientos."

The executions were carried out without due process. The case of Romero Garcia, alias Miguel Castellanos, in 1989 is an example of an FMLN-ordered extrajudicial execution of an individual regarded as a traitor. He was not tried. The FMLN acknowledged, after some time had passed, that it masterminded the execution; it never clarified which organization had carried it out.

As for the mayors and the slayings of American military personnel in the Zona Rosa, the commanders of the FMLN had given orders or general guidelines to its organizations.

The Zona Rosa incident in 1985, the execution of Dr. Peccorini in 1989, and the execution of Dr. Garcia Alvarado were examples of how the various organizations that make up the FMLN interpreted in a restricted manner and applied sporadically the guidelines of general policies. This phenomenon caused an escalation of violence.

The execution of the mayors, in contrast, is an example of how the instructions from the FMLN general command were interpreted and applied broadly and extensively. From 1985 to 1989 the People's Revolutionary Army carried out extrajudicial executions of several noncombatant civilians. Under humanitarian international law, there is no way that they could have been equated with military targets.

The Commission was unable to verify the existence of general guidelines from the FMLN leadership to its member organizations concerning forced disappearances. It did receive complaints about some 300 disappearances, which took place mainly in areas in which the FMLN had strong military control. An analysis of these cases did not establish a pattern. Links were seen, however, between disappearances, forced recruitment by the FMLN, and the extrajudicial executions carried out by FMLN members against individuals described as spies and traitors.

RELEASED
El Salvador: Human Rights
Special Project (1993)

The extrajudicial execution of the U.S. military personnel who survived the helicopter attack in San Miguel in 1991 cannot be interpreted as typical. In fact, the FMLN admitted that its members were responsible. They argued publicly that it had been a mistake. Yet there is no evidence that the perpetrators were actually punished.

Lastly, despite the few complaints about the use of land mines by the guerrillas, the Commission considered the charges that various organizations had leveled at the FMLN in this connection. Members of the FMLN admitted to the Commission that they had planted mines in a far from controlled manner, so much so that the mines injured civilians and FMLN members themselves, who were not familiar enough with the roads. The Commission did not find further evidence in this regard.

FOOTNOTES

125. In investigating and resolving the cases described below, the members of the Commission reviewed documents in El Salvador and other countries; interviewed many participants, witnesses, victims, and relatives; requested information from government agencies; consulted court files; visited the scenes of the events, and requested copies of instructions and orders that had been issued.

Requests for specific information about various cases were sent to ministers and officials in government agencies and to the now former commanders of the FMLN.

In the case of the requests for reports from the Defense Ministry, the Commission received answers to some of its questions. Yet many of the answers were incomplete.

As for the requests for reports that were not responded to, some of which concerned events prior to 1984, the Defense Ministry told the Commission: "...there are no records because the staff was completely restructured that year..." (Document 10692, 27 November 1992). For its part, the Public Relations Office of the Defense Ministry (COPREFA [Armed Forces Press Committee]) informed the Commission that "...we do not keep information back to January 1980; as of this date we have a file of bulletins only back to January 1988" (Letter of 29 October 1992).

The replies to the requests made of the FMLN were also, in some cases, incomplete. The former commanders said that the irregular nature of the war and the resulting absence of records made it impossible for them to provide accurate information to the Commission.

126. A detailed analysis of the complaints and the lists of reported victims can be found in the annexes. There were also more than 18,000 complaints from indirect sources, more than 13,000 of which were analyzed. The numbers of direct and indirect sources were not combined. Estimates are that as many as 3,000 complaints were duplicated in the two sources. The Commission feels, in any event, that the total number of reported complaints is no fewer than 22,000.

127. The Commission also received thousands of other complaints from institutions, which after being logged could not be analyzed either because they did not meet the minimum requirements for this purpose, even though they were opportunely conveyed to the institutions, or because the reported events had taken place outside the time frame of the Commission's mandate.

DRAFT

RELEASED
El Salvador: Human Rights
Special Project (1993)

IV. B. Violence by Agents of the State Against Opponents

1. Illustrative Example: The Assassination of the Jesuit Priests

Summary of the Case

In the early morning hours of 16 November 1989, six Jesuit priests, a cook and her 16-year-old daughter were shot and killed in the Pastoral Center of the Jose Simeon Canas Catholic University (Central American University--UCA) in San Salvador. The victims were Fathers Ignacio Ellacuria, rector of the University; Ignacio Martin-Baro, vice rector; Segundo Montes, director of the Human Rights Institute; and Amando Lopez, Joaquin Lopez y Lopez, and Juan Ramon Moreno--all teachers at the UCA; and Mrs. Julia Elba Ramos and her daughter, Celina Mariceth Ramos.

Later, nine members of the military forces were tried in criminal court for the assassinations. Those charged included Colonel Guillermo Alfredo Benavides Moreno, director of the Military School, who was accused of giving the order for the assassination of the priests; Lieutenant Yusshy Rene Mendoza Vallecillos, a Military School officer; and Lieutenants Jose Ricardo Espinoza Guerra and Gonzalo Guevara Cerritos, officers in the Atlacatl Battalion, all of whom were charged with participating in the planning of the operation; and five soldiers in the Atlacatl Battalion, who were charged with being the actual perpetrators of the murders.

In 1991, a jury found Col. Benavides guilty on all of the murder counts, and convicted Lt. Mendoza Vallecillos of the murder of the young girl, Celina Mariceth Ramos. The judge imposed the maximum penalty, 30 years in prison, on the two officers, who are still serving their sentences. The judge also sentenced Col. Benavides and Lt. Mendoza for the crimes of intent and conspiracy to commit acts of terrorism. Lts. Espinoza and Guevara Cerritos were sentenced to three years in prison for the crime of intent and conspiracy to commit acts of terrorism. Lieutenant Colonel Hernandez was sentenced by the judge for the crime of active concealment, and Mendoza Vallecillos was also convicted of this same crime. All except for Col. Benavides and Lt. Mendoza were released on bond and continued to serve in the Armed Forces.

The Truth Commission has reached the following conclusions and recommendations:

1. On the night of 15 November 1989, the then Colonel Rene Emilio Ponce, in the presence and with the collusion of General Juan Rafael Bustillo, the then Colonel Juan Orlando Zepeda, Colonel Inocente Orlando Montano, and Colonel Francisco Elena Fuentes, gave Col. Guillermo Alfredo Benavides the order to have the priest Ignacio Ellacuria assassinated, leaving no witnesses. To this end, he arranged that a unit of the Atlacatl Battalion that had been sent to effect a search at the priests' residence two days earlier was to be used.

2. Later, all of these officers and others, including General Gilberto Rubio Rubio, who knew what had occurred, took steps to conceal it.

3. That same night, Col. Guillermo Alfredo Benavides informed the offices at the Military School of the assassination order. When he asked these officers if anyone was in disagreement, they all kept silent.

4. The assassination operation was organized by the then Major Carlos Camilo Hernandez Barahona, and it was carried out by a group of soldiers in the Atlacatl Battalion under the command of Lieutenant Jose Ricardo Espinoza Guerra and Sublieutenant Gonzalo Guevara Cerritos, accompanied by Lieutenant Yusshy Rene Mendoza Vallecillos.

RELEASED
El Salvador Human Rights
Special Project (1993)

DRAFT

5. Colonel Oscar Alberto Leon Linares, the commander of the Atlacatl Battalion, knew about the assassination, and he concealed incriminating evidence.

6. Colonel Manuel Antonio Rivas Mejia, head of the Commission to Investigate Crimes (CIHD), knew the facts and concealed the truth about them. In addition, he suggested that Col. Benavides take steps to destroy the incriminating evidence.

7. Colonel Nelson Ivan Lopez y Lopez, who was assigned to help with the CIHD investigation, knew the truth about what had occurred and concealed it.

8. The attorney Rodolfo Antonio Parker Soto, a member of the Special Honor Commission, altered statements in order to conceal the responsibility of high-ranking officials for the murders.

9. The Commission believes it unjust that Col. Guillermo Alfredo Benavides Moreno and Lt. Yusshy Rene Mendoza Vallecillos are still in prison while the other perpetrators of the assassinations and the man who gave the assassination order remain at liberty. The petition for a pardon the Society of Jesus has submitted for Col. Guillermo Alfredo Benavides Moreno and Lt. Yusshy Rene Mendoza Vallecillos should, in the opinion of the Commission, be accepted by the pertinent authorities.

Description of the Events (128)

(In investigating this case, the Commission interviewed many witnesses, reviewed the documents in the court case and other files and reports on the matter, and visited the site of the murders.)

In the early hours of 16 November 1989, a group of military personnel from the Atlacatl Battalion entered the compound of the Jose Simeon Canas Catholic University in San Salvador. They went to the building in the Pastoral Center where the Jesuit priests Ignacio Ellacuria, rector of the University; Ignacio Martin-Baro, vice rector; Segundo Montes, director of the Human Rights Institute; Amando Lopez, Joaquin Lopez y Lopez, and Juan Ramon Moreno, all three teachers at the UCA, resided.

The soldiers attempted to force the entrance to the Pastoral Center. When the priests realized what was happening, they willingly admitted the soldiers. The Army personnel searched the building and ordered the priests to go into the back garden and to lie down on the ground, face downward.

The lieutenant in command, Jose Ricardo Espinoza Guerra, gave the order to shoot the priests. The soldier Oscar Mariano Amaya Grimaldi shot and killed the priests Ellacuria, Martin-Baro, and Montes. Subsergeant Antonio Ramiro Avalos Vargas shot and killed the priests Lopez and Moreno. Shortly afterward, the soldiers, including Corporal Angel Perez Vasquez, found the priest Joaquin Lopez y Lopez inside the residence and killed him. Subsergeant Tomas Zarpate Castillo shot Mrs. Julia Elba Ramos, who worked at the residence, and her daughter Celina Mariceth Ramos, sixteen years old. The soldier Jose Alberto Sierra Ascencio shot them again, killing them.

The Atlacatl Battalion personnel took possession of a suitcase belonging to the priests, and with it, photographs, documents, and $5,000.

The soldiers fired machine-gun rounds at the facade of the residence, and launched rockets and grenades. Before withdrawing, they wrote "the FMLN [Farabundo Marti National Liberation Front] has executed the opposition spies! Triumph or death! FMLN" on a poster.

The Preceding Events

RELEASED
El Salvador Human Rights
Special Project (1995)

DRAFT

A few hours earlier, between 2200 and 2300 hours on the night of 15 November, Colonel Guillermo Alfredo Benavides Moreno, the director of the Military School, met with the officers under his command. The officers present included Major Carlos Camilo Hernandez Barahona, Captain Jose Fuentes Rodas, Lieutenants Mario Arvalo Melendez, Nelson Alberto Barra Zamora, Francisco Monico Gallardo Mata, Jose Vicente Hernandez Ayala, Ramon Eduardo Lopez Larios, Rene Roberto Lopez Morales, Yusshy Rene Mendoza Vallecillos, Edgar Santiago Martinez Marroquin, and Sublieutenant Juan de Jesus Guzman Morales.

Col. Benavides announced that he had just come from a meeting with the General Staff at which extraordinary measures to combat the FMLN offensive launched on 11 November had been adopted. At that meeting, it was announced that the situation was critical and it was decided to use artillery and armored vehicles.

It was also announced that it was necessary to eliminate all of the known subversive elements. Col. Benavides said that he had received orders to eliminate Father Ignacio Ellacuria, leaving no witnesses.

Col. Benavides asked those who were not in agreement with the order to raise their hands. No officer did so.

Maj. Hernandez Barahona organized the operation. For the purpose, the commando personnel in the Atlacatl Battalion under the command of Lt. Jose Ricardo Espinoza Guerra were used. With a view to minimizing their reluctance, it was arranged that their classmate ("tanda"), Lt. Yusshy Rene Mendoza Vallecillos, would also participate.

When the meeting ended, Maj. Hernandez Barahona met with Lt. Mendoza Vallecillos, Lt. Espinoza Guerra, and Sublieutenant Gonzalo Guevara Cerritos of the Atlacatl Battalion. In order to put the blame for the deaths on the FMLN, they decided not to use regulation weapons, and to leave no witnesses. Following the assassinations, they were to simulate a battle and leave behind a suggestive slogan.

It was decided to use an AK-47 rifle owned by Maj. Hernandez Barahona, because the weapon could be identified as one confiscated from the FMLN. The rifle was entrusted to the soldier Mariano Amaya Grimaldi, who knew how to use it.

In order to reach the UCA, it was necessary to pass through the defensive cordon around the military complex. Lt. Martinez Marroquin arranged for the passage of the Atlacatl personnel.

Lts. Espinoza Guerra and Mendoza Vallecillos and Sublieutenant Guevara Cerritos left the Military School in two pickup trucks with the personnel from the Atlacatl Battalion. They drove to some unoccupied buildings near the UCA complex, where they met other soldiers from the Atlacatl Battalion. There, Lt. Espinoza designated the soldiers who would stand guard and those would go into the Jesuits' residence.

Background Information

Members of the Armed Forces were in the habit of terming the UCA a "refuge for subversives." Col. Juan Orlando Zepeda, vice minister of defense, publicly accused the UCA of being the operations center where the terrorist strategy of the FMLN was planned. Col. Inocente Montano, vice minister of public security, stated publicly that the Jesuits were fully identified with the subversive movements.

Father Ellacuria played an important role in the search for a negotiated and peaceful solution to the armed conflict. The idea developed by sectors of the Armed Forces that the Jesuit priests were identified with the FMLN was the

RELEASED
El Salvador: Human Rights
Special Project (1993)

DRAFT

result of the special concern shown by these priests with the sectors of Salvadoran society that were poorest and most affected by the war.

On two earlier occasions in that same year, 1989, bombs had exploded in the printing premises of the University.

The Offensive

The offensive the FMLN had launched on 11 November took on an importance that was unexpected and was alarming to the Armed Forces. The guerrillas gained control of a number of zones in the capital and in the environs of San Salvador. They attacked the official and private residence of the president of the Republic, as well as that of the president of the Legislative Assembly. They also attacked the barracks of the First, Third, and Sixth Infantry Brigades and the National Police. On 19 November, the government declared a state of emergency and imposed a curfew between 1800 hours and 0600 hours in the morning.

At a General Staff meeting on 13 November, Security Commands were established to cope with the offensive. Each Command was headed by an officer under the operational control of Col. Rene Emilio Ponce, the chief of the Joint Armed Forces General Staff. Col. Benavides Moreno was appointed chief of the Security Command of the Military Complex. This area included the premises of the Military School, the Ministry of Defense, the Joint General Staff, and the National Intelligence Directorate. The Arce and Palermo settlements (in which the majority of the residents were military personnel), the residence of the ambassador of the United States of America, and the UCA campus were also within the territorial boundaries of the Command.

A national radio chain was also established, with Radio Cuscatlan of the Armed Forces as its pilot station. Telephone calls were broadcast by this station, which maintained an "open microphone." In the course of these calls, accusations were made against Father Ellacuria and there were even suggestions that he be killed.

On 11 November, guerrillas blew up a gate to the UCA and entered the school campus. The following day, a military unit was assigned to maintain surveillance over the entries into and exits from the University. Beginning on 13 November, the unit prevented anyone from entering the complex.

On 13 November, Col. Ponce ordered Colonel Joaquin Arnoldo Cerna Flores, the commander of the III General Staff Complex, to see that a search of the UCA installations was effected. According to Col. Ponce, he ordered the search because he had been informed that there were more than 200 guerrillas within the University premises.

Col. Cerna Flores entrusted the search to Lt. Jose Ricardo Espinoza Guerra, who took with him about 100 soldiers from the Atlacatl Battalion. Lieutenant Hector Ulises Cuenca Ocampo, of the National Intelligence Directorate, met the troops at the entrance of the UCA to participate in the search. Lt. Espinoza Guerra personally directed the search of the priests' residence. No indications of the presence of the guerrillas, war materiel, or propaganda were found.

When the search had been completed, Col. Espinoza Guerra reported to Maj. Hernandez Barahona. He then went to the General Staff headquarters, where he reported to Col. Cerna Flores.

At 1830 hours on 15 November, a meeting of the General Staff was held with the military chiefs and commanders present for the purpose of adopting further measures with regard to the offensive. Col. Ponce authorized the elimination of rebel leaders, trade unionists, and known member-leaders of the FMLN.

RELEASED
El Salvador Human Rights
Special Project (1995)

DRAFT

It was also decided at the meeting to step up the bombings by the Air Force and to make use of artillery and armored vehicles to force the FMLN out of the zones it controlled.

General Rafael Humberto Larios Lopez, the minister of defense, asked anyone who disagreed to raise his hand. No one did so. Also, it was agreed to consult President Cristiani about these measures.

The officers remained in the room, talking in groups, after the meeting. One of these groups included Col. Rene Emilio Ponce, Gen. Juan Rafael Bustillo, Col. Francisco Elena Fuentes, Col. Juan Orlando Zepeda, and Col. Inocente Orlando Montano. Col. Ponce called Col. Guillermo Alfredo Benavides over, and in the presence of these four officers, ordered him to eliminate Father Ellacuria, leaving no witnesses. He also ordered him to use the Atlacatl Battalion unit that had effected the search two days earlier.

President Cristiani met with the High Command between 0000 and 0230 hours on 16 November. According to his statement, the president approved a new provision for the use of armored units of the cavalry regiment and artillery pieces, but at no time during this meeting was there any discussion pertaining to the UCA.

The Cover-Up

In the early hours of the morning of 16 November, Maj. Carlos Camilo Hernandez Barahona and Lt. Jose Vicente Hernandez Ayala went to Col. Ponce's office to report in person on everything that had happened at the UCA. The officers reported that they had a suitcase containing photographs, documents, and money taken by the soldiers from the Jesuits some hours earlier. Col. Ponce ordered these items destroyed, because they were evidence of the responsibility of the Armed Forces. They destroyed the suitcase at the Military School.

On returning to his unit, Lt. Espinoza Guerra reported on what had occurred to the commander of the Atlacatl Battalion, Lieutenant Colonel Oscar Alberto Leon Linares.

President Cristiani entrusted the investigation of the crime to the Commission to Investigate Crimes.

Col. Benavides reported on what had occurred to Lieutenant Colonel Manuel Antonio Rivas Mejia, the head of the CIHD, and asked for assistance. The lieutenant colonel recommended that the barrels of the weapons used be destroyed and replaced with others in order to prevent their identification by means of ballistic tests. The barrels of some guns were then destroyed with the help of Lieutenant Colonel Oscar Alberto Leon Linares.

Lt. Col. Rivas Mejia also advised Col. Benavides to make certain that no entries remained in the books recording entries into and departures from the Military School that would make it possible to identify those responsible. Later, Col. Benavides and Maj. Hernandez Barahona ordered that all of the record books of the Military School, for both this year and last, be burned.

Shortly after the investigation began, Col. Rene Emilio Ponce ordered that Colonel Nelson Ivan Lopez y Lopez, the commander of Complex I of the General Staff, who had also been in command of the Tactical Operations Center of the General Staff during the entire night of 15-16 November, become a member of the CIHD so as to participate in the investigation of the case.

As of November, the CIHD had heard from two witnesses, Subsergeant German Orellana Vazquez and a policeman, Victor Manuel Orellana Hernandez, who told the CIHD they had seen Atlacatl personnel near the UCA that night, but they later changed their statements.

Another witness also retracted her initial statement. Lucia Barrera de Cerna, an employee of the University, said she had observed soldiers in camouflage

RELEASED
El Salvador: Human Rights
Special Project (1993)

uniforms and caps from a building adjacent to the Jesuits' residence. In the United States, where she fled for protection, she was interviewed by the Federal Bureau of Investigation (FBI), and she retracted what she had said previously. Lt. Col. Rivas Mejia, head of the CIHD, was present while she was being questioned. She later confirmed her original story.

The CIHD took no statement from Col. Benavides, despite the fact that the events had occurred in his Command zone. According to the court documents, Benavides' first statement was that made before the Commission of Honor on 11 January.

On 2 January 1990, a month and a half after the assassinations, Major Eric Warren Buckland, a United States Army officer and an adviser to the Armed Forces of El Salvador, reported a conversation held some days earlier with Colonel Carlos Armando Aviles Buitrago to Lieutenant Colonel William Hunter, his superior. In the course of this conversation, Aviles Buitrago had told him that he had learned from Col. Lopez y Lopez that Benavides had ordered the assassinations and that a unit of the Atlacatl Battalion had carried them out. He also told him that Benavides had asked Lt. Col. Rivas Mejia for his help.

Lt. Col. William Hunter passed this information on to the head of the United States Military Mission, Colonel Milton Menjivar, who arranged a meeting in the office of Col. Ponce, where Buckland and Aviles confronted each other. Aviles denied having given Buckland this information.

A few days after Buckland's statements became known, the Ministry of Defense appointed a Special Commission of Honor made up of five military officers and two civilians to investigate the assassinations.

The Commission of Honor, after studying the investigation carried out by the CIHD, questioned some 30 members of the Atlacatl Battalion, including Lt. Espinoza Guerra, Sublieutenant Guevara Cerritos, and a number of officers at the Military School, including Col. Benavides and Lt. Mendoza Vallecillos.

Lts. Espinoza and Mendoza and Sublieutenant Guevara, as well as the soldiers who participated in the murders, confessed to their crimes in extrajudicial statements made before the Commission of Honor.

A civilian member of the commission, attorney Rodolfo Antonio Parker Soto, a legal adviser to the General Staff, changed the statements made so as to eliminate reference to any higher orders. He also removed the references to certain officers, including those pertaining to Maj. Carlos Camilo Hernandez Barahona.

On 12 January, the Commission submitted its report to President Cristiani. The report named as the individuals responsible nine persons, including four officers and five soldiers, who were arrested and then tried. Later, Carlos Camilo Hernandez Barahona, who was by then a lieutenant colonel, was also included in the case.

The hearings on the case lasted almost two years. During this period, Col. (now General) Rene Emilio Ponce, Col. (now General) Juan Orlando Zepeda, Col. Inocente Orlando Montano, and Col. (now General) Gilberto Rubio Rubio exerted pressure on officers of lower rank to refrain from any mention of higher orders in their statements to the court.

Finally, the trial was held before a jury on 26, 27, and 28 September 1991 in the Supreme Court building. The identity of the five jury members was kept secret. The defendants and the charges against them were as follows:

Col. Guillermo Alfredo Benavides Moreno, Lt. Jose Ricardo Espinoza Guerra, and Sublieutenant Gonzalo Guevara Cerritos were charged with murder, acts of terrorism, actions in preparation for terrorism, and intent and conspiracy to commit acts of terrorism.

RELEASED
El Salvador: Human Rights
Special Project (1998)

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Lt. Yusshy Rene Mendoza Vallecillos was charged with murder, acts of terrorism, actions in preparation for terrorism, intent and conspiracy to commit acts of terrorism, and active concealment.

Subsergeant Antonio Ramiro Avalos Vargas, Subsergeant Tomas Zarpate Castillo, Cpl. Angel Perez Vasquez, and Private Oscar Mariano Amaya Grimaldi were charged with murder, acts of terrorism, and actions in preparation for terrorism.

Private Jorge Alberto Sierra Ascencio was tried in absentia for murder.

Lt. Col. Carlos Camilo Hernandez Barahona was charged with active concealment.

The jury was instructed to reach its verdict on the crimes of murder and acts of terrorism exclusively. The decisions on the other crimes were left to the judge.

Only Col. Guillermo Alfredo Benavides Moreno and Lt. Yusshy Rene Mendoza Vallecillos were convicted of murder. The judge imposed the maximum sentence, 30 years in prison, on both, and they are serving their sentences. The judge also found Col. Benavides and Lt. Mendoza guilty of intent and conspiracy to commit acts of terrorism. Lts. Espinoza and Guevara Cerritos were given sentences of three years in prison for intent and conspiracy to commit acts of terrorism. Lt. Col. Hernandez was also sentenced by the judge to three years in prison for active concealment.

Mendoza Vallecillos was also convicted of this crime. Espinoza, Guevara, and Hernandez were set free and returned to duty in the Armed Forces.

Conclusions

The Truth Commission has come to the following conclusions and recommendations:

1. There is substantial proof that on the night of 15 November 1989, in the presence and in collusion with Gen. Juan Rafael Bustillo, Juan Orlando Zepeda, who was then a colonel; Col. Inocente Orlando Montano; and Col. Francisco Elena Fuentes; Rene Emilio Ponce, who was then a colonel, did give Col. Guillermo Alfredo Benavides the order to assassinate the priest Ignacio Ellacuria, leaving no witnesses. To this end, he arranged for the use of a unit of the Atlacatl Battalion that had been sent to effect a search at the residence of the priests two days earlier.

2. There is full proof that later, all of these officers and others with knowledge of what had occurred took steps to conceal it. There is sufficient evidence that Gen. Gilberto Rubio Rubio, knowing what had happened, took steps to conceal it.

3. There is full proof that:

a. On the night of that same 15 November, Col. Guillermo Alfredo Benavides informed the officers at the Military School of the assassination order he had received. When he asked these officers if any of them disagreed, they all kept silent.

b. The assassination operation was organized by then Maj. Carlos Camilo Hernandez Barahona, and it was carried out by a group of soldiers from the Atlacatl Battalion under the command of Lt. Jose Ricardo Espinoza Guerra and Sublieutenant Gonzalo Guevara Cerritos, accompanied by Lt. Yusshy Rene Mendoza Vallecillos.

4. There is substantial proof that:

a. Col. Oscar Alberto Leon Linares, the commander of the Atlacatl Battalion, knew about the assassination and concealed incriminating evidence.

DRAFT

RELEASED
El Salvador Human Rights
Project (1993)

b. Col. Manuel Antonio Rivas Mejia, of the Commission to Investigate Crimes, knew of the events and concealed the truth about them, and also recommended that Col. Benavides take steps to destroy the incriminating evidence.

c. Col. Nelson Lopez y Lopez, who was assigned to help with the CIHD investigation, knew the truth about what had happened and concealed it.

5. There is full proof that attorney Rodolfo Antonio Parker Soto, a member of the Commission of Honor, altered statements in order to conceal the responsibility of high-ranking officers for the assassinations.

6. The Commission believes that it is unjust that Col. Guillermo Alfredo Benavides Moreno and Lt. Yusshy Rene Mendoza Vallecillos are still in prison, while those who planned the assassinations and gave the orders for their execution remain at liberty. The petition for pardon submitted by the Society of Jesus for Col. Guillermo Alfredo Benavides Moreno and Lt. Yusshy Rene Mendoza Vallecillos should, in the opinion of the Commission, be accepted by the pertinent authorities.

128. In the investigation of this case, the Commission interviewed many witnesses, reviewed the court documents and other documents and reports concerning the case, and visted the scene of the murders.

RELEASED
El Salvador: Human Rights
Special Project (1995)

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2. EXTRAJUDICIAL EXECUTIONS

a. SAN FRANCISCO GUAJOYO

CASE SUMMARY

Early in the morning of 29 May 1980, 58 members of the security forces and the 2nd Infantry Brigade arrived at the San Francisco Guajoyo Cooperative in the Belen Guijat Canton, Metapan Jurisdiction, Department of Santa Ana. The cooperative members who lived in the nearby housing were taken from their homes to the central complex of the ranch.

That same morning, the bodies of 12 victims were found, covered with a cloth that said, "killed as traitors." Shortly afterwards, the justice of the peace conducted the required proceedings.

The Commission concludes the following:

1. On 29 May 1980, two employees of the Salvadoran Institute of Agrarian Transformation (ISTA) and 10 members of the San Francisco Guajoyo Cooperative were executed with large-caliber firearms in the central area of the cooperative, after having been dragged out of their homes.
2. The deaths did not occur in an armed confrontation.
3. Troops of the 2nd Infantry Brigade and of the security forces exercising jurisdiction in the Department of Santa Ana were responsible for the killings.
4. The Salvadoran Government is entirely responsible for the execution of the cooperativists, which was a violation of International Humanitarian Law and international human rights law, because it took no action to have the responsible parties identified and punished.

DESCRIPTION OF EVENTS (129)

General Background

Founded in 1977, the San Francisco Guajoyo Cooperative ultimately had about 260 member families. Under the auspices of the organization, a major education and rights campaign was conducted.

The Army and the security forces launched a smear campaign against the cooperativists, whom they accused of being guerrillas. In 1979, they stepped up the threats. The Army patrols came around constantly, and the persecution increased. Most of the cooperativists

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El Salvador: Human Rights
Special Project (1993)

slept in the woods for fear they would be taken away in the middle of the night.

The operations were carried out by military troops of the 2nd Brigade and members of the security forces, frequently accompanied by Civil Defense agents. The charges were always alleged ties to the guerrillas, but the cooperativsts felt that the real reason was to prevent them from pressing their demands.

Military Operation

Early in the morning of 29 May 1980, between 50 and 80 troops of the 2nd Infantry Brigade, the National Police, the Treasury Police, and the National Guard (among them some troops responsible for guarding the Guajoyo CEL [Lempa River Hydroelectric Executive Commission]) assembled near the San Francisco Guajoyo Cooperative building.

The military contingent entered the cooperative from two equidistant points, moving toward the stable and the dwellings located around the central complex. They removed the cooperativists from their homes and took them to the central complex of the ranch. The arrests were made on the basis of a list, "although in the end they took anyone they found to the yard of the ranch house."

At the same time, they invaded the cooperative building, capturing three cooperativists who were guarding it. The group that entered the building was led by Adan Figueroa (130) of the Treasury Police, a native of the Tahuilapa Canton known as "Calache" [thingamajig]. The three detainees were taken to the central complex of the ranch. One of the survivors observed "that they already had the other cooperativists lying face down, ready to be killed." They interrogated everyone about where the weapons were hidden and about their identity. A few minutes later the shooting began.

When they realized the operation was going on, primarily because of the noise made by the troops searching the houses, other members fled their homes. One witness stated in his testimony that a member who was guarding the cooperative's tobacco warehouse came to his home to warn him that a military truck had arrived. He was able to hide in time, but he heard the shots and "the wailing and suffering" of the detainees.

Executions

Twelve people were executed. According to the record made by the 2nd Justice Court of Metapan, the bodies were found in the central area of the ranch complex. In the yard of the ranch house were found seven bodies about a half-meter apart from each other. The other five bodies were scattered a short distance from them.

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RELEASED
El Salvador: Human Rights
Special Project (1993)

According to the forensic examination, all of the injuries were made by large-caliber weapons.

People who apparently were not on the list were executed, as was the case of Jose Angel Mira, a mentally ill man who was captured. When his father asked them to let him go, the officer told him to lie down beside his son so that they could die together. And that is what happened.

The cooperativists who had fled to the woods returned after the attack and discovered the bodies. At the foot of the bodies was a cloth that said, "killed as traitors." According to the witnesses who testified, this was the usual practice of the combined forces; its purpose was to create confusion about who had perpetrated the act.

Public Reports

The next day, the press reported that a guerrilla encampment had been found in an area near Metapan, "hours after alleged leftist guerrillas had killed 12 peasants, members of a cooperative that was working a ranch seized under the Agrarian Reform program, in the area where the discovery was made." The article said that "the Information Committee of the Armed Forces told ACAN-EFE that some 30 guerrillas fought a battle with the National Guard troops who discovered the camp. There were no casualties in the clash, said the source, although he did not specify the number of victims among the leftists, either.

Another report, titled "12 Killed at Ranch in Subversive Assault," stated that an armed clash had left 12 dead, "most of them peasants, and two employees of the ISTA were wounded at the San Francisco Ranch in the jurisdiction of Metapan." It also noted that military forces had been deployed: "Men wearing olive green uniforms arrived at the ranch in Guajoyo, in the canton of La Joya, jurisdiction of Metapan."

Judicial Branch Action

On the morning of the executions, the justice of the peace with jurisdiction in that area, his clerk, and two coroners went to the cooperative to carry out the necessary legal proceedings. The main points of the record drawn up there are:

a. Twelve people were executed with firearms in the early morning hours of that day;

b. Witnesses blamed a group of individuals wearing olive green uniforms and accompanied by civilians, who dragged the victims out of their homes;

c. According to the forensic investigation, several of the victims had been shot in the back, and several of

DRAFT

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El Salvador: Human Rights
Special Project (1993)

the bodies showed signs of having been shot at close range.(131) The forensic report also indicated that it was not possible to determine the location of the entry and exit wounds.(132) It noted that several of the victims were half-dressed and barefoot.

At the conclusion of the summary proceeding, the judge turned over the file to the regular court so that the necessary judicial investigation could be carried out. That court did not conduct any further proceedings, and the case was shelved.

CONCLUSIONS

The Commission reaches the following conclusions:

1. There is clear evidence that on 29 May 1980, two employees of the Salvadoran Institute of Agrarian Transformation (ISTA) and 10 members of the San Francisco Guajoyo Cooperative were executed with large-caliber firearms in the central complex of the cooperative, after having been removed from their homes.

2. There is sufficient evidence to find that the troops of the 2nd Infantry Brigade and the members of the security forces exercising jurisdiction in the Department of Santa Ana were responsible for the incident.

3. The Salvadoran Government is entirely responsible for the execution of the cooperativists, which was a violation of International Humanitarian Law and international human rights law, because it took no action to have the responsible parties identified and punished.

b. THE LEADERS OF THE REVOLUTIONARY DEMOCRATIC FRONT

CASE SUMMARY

On 27 November 1980, Enrique Alvarez Cordoba, (133) Juan Chacon, (134) Enrique Escobar Barrera, (135) Manuel de Jesus Franco Ramirez, (136) Humberto Mendoza, (137) and Doroteo Hernandez (138) were kidnapped, tortured, and after a brief incarceration, executed in San Salvador. They were political leaders of the Revolutionary Democratic Front (FDR) and represented a major segment of Salvadoran society.

They were kidnapped in the morning at the San Jose Day School by a large number of heavily armed men.

Because of the climate of violence and danger that prevailed at that time in the country, these events would have been just one more item on a long list of atrocities that were going on if it had not been for the prominence of the victims, the time and place of the kidnapping, the type of operation that was carried out, and the social outrage that ensued.

RELEASED
El Salvador Human Rights
Special Project (1993)

DRAFT

The Truth Commission concludes that the action was carried out by one or more public security forces, and that the Treasury Police conducted the external security operation that aided and provided cover for the perpetrators. The government, by both act and omission (because it did not duly investigate the case), has failed to meet its obligations under international human rights law to protect people and guarantee them the most basic individual rights.

DESCRIPTION OF THE EVENTS

The six victims were kidnapped at the San Jose Day School, an institution run by the Company of Jesus in the heart of San Salvador, between 0930 and 1100 on 27 November 1980.

Other educational institutions and several hospitals are located near the school, and to the north is the former headquarters of the U.S. Embassy, which was under heavy guard.

On the ground floor of the school was the rector's office, the administrative office, and the Archbishopric Legal Aid office. The latter had been operating since 1975, when the school began focusing its efforts on helping the needy.

The activities of the Legal Aid office had increased considerably, because in addition to the normal flow of people coming in to seek help, other entities engaged in similar efforts had closed their doors because of the prevailing climate of terror. (140)

Despite the number of peole coming in and out of the school, there was no security system on campus. There were just a few unarmed doormen at the main entrance to the complex. That morning there was just one doorman at the main entrance.

The Events

The events occurred between 0930 and 1100. First, an undetermined number of men captured the school doorman. They took him about 500 meters from the entrance and radioed others that "you can go in."

They opened the gate and let in several vehicles containing personnel armed with machine guns and G3 rifles.(141) The group went quickly to the front door of the main building and had all the people line up against the wall. They were then ordered to lie down on the ground and close their eyes. Guards were posted at the entrances to the school, and anyone who came near was subject to the same treatment. Contemporary reports concerning the total number of men participating in the operation ranged from 13 to 200 individuals. (142) According to the information gathered, it was obvious that the reason the bodies were thrown right away onto a

DRAFT

RELEASED
El Salvador: Human Rights
Special Project (1993)

public street in full view of passersby was to make identification easy and to reduce political pressure in the matter.

The first four bodies and that of Alvarez Cordoba were found on the outskirts of the resort town of Apulo in the jurisdiction of Ilopango, approximately an hour's drive from San Salvador. The justice of the peace from Ilopango conducted the legal investigation and opened a file, which was then sent to the 4th Criminal Court in San Salvador.

The Commission did not find that any judicial, police, or administrative appeals or claims were filed to preserve the physical integrity of the kidnap victims. It believes that the reason was the people's great fear and mistrust of the court system.

The case file examined by the Commission clearly shows that the agency in charge did not investigate the case properly. Finally, it was shelved on 8 October 1982. In fact, only a bureaucratic procedure was carried out; there was no autopsy or any other proceeding to shed light on the facts and identify the culprits. (143)

ANALYSIS

After the news was released, there was a flurry of communiques charging that the kidnapping had been carried out by the security forces, or that the death squads had done it without the direct participation of government forces. The possibility that the action had been perpetrated by leftist groups was also broached. (144) The Government Junta requested that the physical and moral integrity of the kidnap victims be kept intact. (145)

In the political sphere, the kidnapping of the opposition leaders closed the door to negotiation and favored those advocating armed confrontation with the third Revolutionary Government Junta. It is worth recalling that on the same day that these events took place, former Foreign Minister Fidel Chavez Mena was in Washington, D.C. at the General Assembly of the Organization of American States (OAS), talking to church leaders and opposition officials to try to negotiate an end to the crisis. (146)

The Government Junta (JRG) promised to conduct an exhaustive investigation of the case and emphatically denied that the security forces under its command were involved. The investigations that were carried out were a mere formality. For example, even though a large number of people were present at the scene of the crime, only four were interviewed. The Commission requested the file from the National Police, but it was not released. (147)

There was a great public outcry about the case, which prompted the Armed Forces and the President's Office to

DRAFT

RELEASED
El Salvador: Human Rig
Special Project (199

interview some of the eyewitnesses. All of the country's political sectors started pointing their fingers, blaming others for the assassinations.

The FDR turned the funeral into a political event, at which the new party leadership was introduced. It contended that the assassins were paramilitary groups who had at least the complicity of the security forces. (148)

From all the evidence gathered by the Commission, it is clear that the action was aimed at arresting the leaders of the FDR. It does not seem possible that the operation and its outcome could have been a matter of chance or something done for a different purpose. The way the men who carried out the operation moved around in the building and on the campus leaves no room for doubt that this operation was specifically intended for the capture of the leaders.

The hypotheses that have been considered suggest that the action was carried out by paramilitary groups or security forces, or both together, and even that it was an individual action by members of these state agencies.

For example, the General Maximiliano Hernandez Martinez Anticommunist Brigade was blamed for the multiple assassinations. This group has been identified as one of many used by the extreme right wing to carry out such actions. One witness told the Commission that when the incident took place, active military personnel were present.

In the Commission's view, the nature of the operation suggests that although there may not have been unified planning by some security forces, the cover provided for the crime was centralized. Without such cover, the operation would have been extremely risky or difficult to carry out. At any rate, it is unlikely that the deployment involved in the operation would have been possible without at least the complicity of the security agencies, which were also monitoring closely the political leaders and the school itself, because of the activities that were going on there.

In fact, the time and place, the number of troops, the radio equipment, vehicles, weaponry, and uniforms used, the slang and the chain of command, the smooth retreat, and the lack of an adequate investigation by the security forces themselves, all indicate the extent to which they were involved.

Furthermore, diplomatic reports indicated that it was publicly known that the security agencies had perpetrated the crime, with the Treasury Police possibly figuring among them. Several witness statements point in that direction. The Commission has substantial evidence to suggest that the Treasury Police carried out the operation to secure the outer perimeter of the school. The Commission summoned several officers who had held positions of responsibility in that body at the time.

DRAFT

RELEASED
El Salvador Human Rights
Special Project (1993)

The few who appeared denied emphatically any involvement in the incident.

Another report received by the Commission regarding the activities of the security and intelligence forces indicates that the National Guard carried out the operation, independently of the Staff.

As has already been indicated, in any event the Commission cannot accept the notion that the operation took place without the cooperation of high-ranking officers in one or more of the security forces, which at that time were commanded by military officers.

According to the available information, it is difficult to determine whether this operation was planned at the highest level of the Armed Forces, or on the contrary, whether it was carried out at the level of mid-ranking officers of the security forces, presenting situations that would be difficult to reverse.

Finally, the Commission tried in vain to determine who had given the order to kill the victims, whether it was part of the initial plan or was decided afterwards. Given the violent conditions prevailing at the time, it is clear that an operation of this sort necessarily entailed a high probability that the kidnap victims would be killed.

The Commission received reliable information that the highest echelons of the right wing were consulted regarding the final execution order. It is said that there were phone calls between the executors and planners of the assassination. The latter, according to the testimony, had apparently decided to proceed as quickly as possible to reduce the political pressure that was coming down as a result of the kidnapping.

CONCLUSIONS

The Commission concludes the following:

1. The kidnapping, torture, and subsequent assassination of the political and union leaders was an incident that caused a great outcry nationally and internationally, and closed off all possibility of a negotiated end to the political crisis in late 1980. It was a very serious tragedy that merited the most thorough possible investigation by the Truth Commission.

2. It is not possible to determine precisely which public security agency perpetrated these criminal operations. Nevertheless, the Commission believes that there is sufficient evidence to indicate that a combination of government agencies were responsible for this incident, in violation of international human rights law.

3. The Commission has substantial evidence that the Treasury Police carried out the external security operation that facilitated and provided cover for the perpetrators of the assassination.

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4. There has been a clear reluctance to have an independent body carry out an exhaustive investigation to clarify the facts, determine responsibilities, and prosecute the responsible parties.

RELEASED
El Salvador Human Rights
Special Project (1993)

FOOTNOTES

129. The Commission received testimony from survivors and eyewitnesses. The statements are consistent with each other in terms of the description of the circumstances and the assignment of responsibility. In addition, the relevant documentation has been reviewed. The court record and the forensic investigation make it possible to assert that the events took place.

The Belen Guijat canton is under the military jurisdiction of the 2nd Military Brigade, commanded by Colonel Servio Tulio Figueroa in 1980. The Commission subpoenaed that officer through the Defense Ministry, and all it received was an untimely response that he was retired. It also requested information from the Defense Ministry on the military operations carried out during the period in question and in the jurisdiction where the incident occurred, and no response was received. Repeated requests for the names of the commanding officers of the security forces in Santa Ana and for a list of the military operations carried out in Metapan in May 1980 have gone unanswered by the Defense Ministry.

Another request submitted to the current commander of the 2nd Infantry Brigade was ignored. A visit to brigade headquarters to review the records was futile. In general, military authorities did not cooperate in the investigation of this case.

130. According to the testimony, he died a few years after the incident.

131. The autopsy reports expressly state that several of the bodies showed what is known as "tattooing." The forensic interpretation of this type of wound refers to the gray ring around the wound resulting from firing at close range (less than 30 centimeters). This gray ring is produced by the deflagration of the gunpowder when the bullet is fired. The result is an indelible mark left on the victim's skin. In other words, the gunshot "burns his skin."

132. Usually it is easy to identify the entry and exit wounds in persons killed by gunshots, because the dimensions and characteristics of the two are very different. Thus, the logical interpretation of the inability to describe the event forensically is that the victim was fired upon at such close range and with such

DRAFT

RELEASED
El Salvador Human Rights
Special Project (1993)

a large-caliber weapon that it literally destroyed the victim's body.

133. Enrique Alvarez Cordoba, an engineer, former minister of agriculture and livestock, president of the Revolutionary Democratic Front (FDR). His body had 12 bullet wounds. EL DIARIO DE HOY, 29 November 1980.

134. Juan Chacon, 28, general secretary of the People's Revolutionary Bloc (BPR). His body had three bullet wounds, one in the ear, one in the forehead, and one in the chest. There were also signs of strangulation. FS7, Court File No. 600, 4th Criminal Court of San Salvador.

135. Enrique Escobar Barrera, 35, member of the National Revolutionary Movement (MNR). His body had two bullet wounds in the temple and showed signs of strangulation. FS5, court file citation 2.

136. Manuel de Jesus Franco Ramirez, 35, had a degree in international relations and was a member of the Nationalist Democratic Union (UDN). His body had four bullet wounds in the chest and showed signs of strangulation. FS6, court file citation 2.

137. Humberto Mendoza, 30, member of the People's Liberation Movement (MLP). His body had two bullet wounds, one in the temple and the other in the chest, and showed signs of strangulation. FS4, court file citation 2.

138. Doroteo Hernandez, journalist and leader of the Slum Dwellers Union (UPT). At the time he was not identified as a leader of the FDR, but the document sent to the Truth Commission by the Human Rights Institute of the Central American University (UCA)-Christian Legal Aid indicates that he was a leader of the organization.

139. The Revolutionary Democratic Front (FDR) was founded on 18 April 1980 as a result of a political accord between the Democratic Front (FD) and the Revolutionary Coordinator of the Masses (CRM). It was formally launched on 18 April 1980 by various political, popular, and mass organizations.

Several of its leaders had held prominent government positions in the First Revolutionary Junta that overthrew General Romero on 15 October 1979. On that date, the FDR leadership consisted of the five victims plus Leoncio Pichinte and Mr. Juan Jose Mastel.

140. The National University of El Salvador was placed under military control along with the Western

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University Center and the Eastern University Center on 26 June 1980. REVISTA ECA No. 389, March 1981, p. 240.

Other human rights organizations were also persecuted.

RELEASED
El Salvador Human Rights Special Project (1993)

141. The G3 rifle was standard issue in the security forces at the time, and was used by the Salvadoran Armed Forces in the war against Honduras in 1969.

142. The communique issued by the JRG mentions 13, a UPI wire story speaks of 200. PRENSA GRAFICA, 28 November 1980.

143. The file consists of an on-site inspection by the justice of the peace, the autopsy report, and two death certificates. No police report of any sort is included, and no court proceeding was held. The case was finally shelved because no proceedings were held during a certain period of time. This is a clear demonstration of the fact that the judiciary did not function.

144. Major Roberto D'Abuisson made a public statement in the form of a communique: "For the time being, given the information available to us, we believe the Unified Revolutionary Directorate (DRU) was responsible, acting on direct orders from Colonel Majano...."

145. Communiques from the Maximiliano Hernandez Martinez Brigade, the Government Junta, the Armed Forces, Major Roberto D'Abuisson, the FDR, the Farabundo Marti National Liberation Front (FMLN). REVISTA ECA, No. 386, December 1980.

146. Another significant factor is that neither President Duarte nor other important leaders of the Christian Democratic Party were in the country. Colonel Majano was also away.

147. Letter from the Truth Commission to the chief of the National Police, 9 December 1992.

148. Even the burial service became another act of violence, when an explosive device was set off.

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RELEASED
Human Rights
Project (1993)

IV. B.

2C. American Nuns

Summary of the Case

On 2 December 1980, members of the Salvadoran National Guard arrested four nuns after they had left the international airport. The nuns, Ita Ford, Maura Clarke, Dorothy Kazel, and Jean Donovan, were taken to an isolated spot, and were then executed, by shooting at close range.

In 1984, Subsergeant Luis Antonio Colindres Aleman and the National Guard members, Daniel Canales Ramirez, Carlos Joaquin Contreras Palacios, Francisco Orlando Contreras Recinos, and Jose Roberto Moreno Canjura, were sentenced to 30 years in prison for assassination.

The Truth Commission concluded that:

1. The arrest and execution of the nuns were planned in advance of their arrival at the airport. Subsergeant Luis Antonio Colindres Aleman obeyed the orders from his superiors to execute them.

2. The then Colonel Carlos Eugenio Vides Casanova, General Director of the National Guard; Lt. Colonel Oscar Edgardo Casanova Vejar, commander of the Zacatecoluca military detachment; Colonel Roberto Monterrosa, Major Lizandro Zepeda Velasco, and Sergeant Dagoberto Martinez, among other military personnel, knew that National Guard members had committed the assassinations under orders from their superiors. The subsequent concealment of the facts had the effect of harming the judicial investigation process.

3. The then Defense Minister, General Jose Guillermo Garcia, made no serious effort to investigate thoroughly those guilty of the assassinations.

4. The cantonal commissioner, Jose Dolores Melendez, also knew of the executions committed by members of the security corps, and concealed them.

5. The state of El Salvador failed in its responsibility to investigate the facts thoroughly, to find those guilty, and to punish them according to law, and the stipulations of international law on human rights.

Description of the Incidents (149)

The Assassinations

On 2 December 1980, immediately after 1900 hours, members of the Salvadoran National Gaurd arrested four nuns upon their departure from the Comalapa international airport. The nuns, Ita Ford, Maura Clarke, Dorothy Kazel, and Jean Donovan, were taken to an isolated spot, and were killed there, with shots fired at close range.

Two of the four nuns killed, Ita Ford and Maura Clarke, worked in Chalatenango, and were returning from Nicaragua. The other two had come from La Libertad to pick them up at the airport.

The arrests had been planned in advance. Approximately two hours before the nuns' arrival, the National Guard Subsergeant, Luis Antonio Colindres Aleman, notified five of his subordinates that they were to arrest some individuals arriving from Nicaragua.

Colindres then went to the San Luis Talpa post to advise the Commander not to pay attention if he heard any disturbing noise, because it would be the result of an operation that Colindres and his group were to conduct.

DRAFT

RELEASED
El Salvador Human Rights
Special Project (1995)

When the members of the security corps took the nuns to a remote location, Colindres returned to his post near the airport. Upon returning to the site where they had taken the nuns, he told them that he had received the order to assassinate the nuns.

The Investigation

1. The Burial

The next morning, 3 December, the bodies were discovered on the road. When the justice of the peace arrived, he immediately decided to have them buried, as he had been instructed by the cantonal commissioner, Jose Dolores Melendez. Hence, local residents buried the nuns' bodies in that vicinity.

The U.S. Ambassador, Robert White, learned the whereabouts of the nuns' bodies on 4 December. As a result of his action, and when permission had been obtained from the justice of the peace, the corpses were removed and taken to San Salvador. There, a group of forensic physicians declined to perform the autopsies, claiming to lack surgical masks.

2. The Rogers-Bowdler Mission

Between 6 and 9 December 1980, a special mission arrived in San Salvador, headed by the Messrs. William D. Rogers, an official in ex-President Gerald Ford's administration, and William G. Bowdler, a State Department official.

They found no direct proof of the crime, nor evidence implicating the Salvadoran authorities. They concluded that the operation involved the concealment of the deaths (150). They also encouraged the FBI to play an active role in the investigation (151).

3. The Monterrosa Commission and the Zepeda Investigation

The government junta put Colonel Roberto Monterrosa in charge of an official investigating commission. Colonel Carlos Eugenio Vides Casanova, Director of the National Guard, in turn, assigned another investigation to Major Lizandro Zepeda. (152) Neither took the case seriously, nor attempted to solve it. Later, Judge Harold R. Tyler, Jr., appointed by the U.S. Secretary of State, conducted a third investigation. The latter concluded that the purpose of the two previous ones was to leave a written precedent that would give grounds for the innocence of the Salvadoran security forces (153) in the incident.

a. The Monterrosa Commission

Colonel Monterrosa admitted that his commission had rejected the possibility that security forces might have taken part in the crime. In fact, acknowledging it would have created serious difficulties for the Armed Forces.

Monterrosa actually withheld the evidence incriminating Colindres. In February 1981, he sent to the U.S. Embassy the fingerprints of three out of four National Guard members from whom the commission had taken statements. Nevertheless, none of them appeared to be involved in the assassinations. Colonel Monterrosa failed to provide the prints of the fourth man, Colindres, from whom testimony also had been taken. Thus, Judge Tyler concluded that Colonel Monterrosa had not turned over Colindres' prints because he knew, from Major Zepeda's account, that Colindres was responsible for the executions (154).

DRAFT

RELEASED
El Salvador Human Rights
Special Project (1993)

b. The Zepeda Investigation

Major Zepeda reported that there was no evidence that National Guard members had committed the executions of the nuns (155). According to the testimony, Major Zepeda had personally undertaken to conceal those responsible for the assassinations, by ordering them to exchange their rifles so as not to be detected, and to remain faithful to their institution by remaining silent about the incidents.

There is also sufficient evidence that Major Zepeda reported his activities to his superior, Vides Casanova (156).

4. Resolution of the Case

In April 1981 (157), the United States Embassy supplied the Salvadoran authorities with the evidence incriminating Colindres and his men. In any case, despite the existence of proof against Colindres, such as his fingerprints on the nuns' van, neither he nor his subordinates were found guilty of any crime (158).

In December 1981, Colonel Vides Casanova named Major Jose Adolfo Medrano to conduct a new investigation. In February 1982, one of those implicated confessed his guilt, and named the others involved, including Colindres. All of them were accused of the nuns' deaths.

On 10 February, President Duarte, in a televised message, announced that the case had been resolved. He also reported that Colindres and his men had acted on their own, and that, therefore, they had no orders from superiors. He concluded by stating that the government had the moral conviction that the accused were guilty (159).

The Judicial Process

1. The Judicial Investigation

The judicial investigation made no substantial progress beyond what had been accomplished by Medrano's task force. Nevertheless, in an FBI interview, Sergeant Dagoberto Martinez, then Colindres' immediate superior, admitted having been informed by Colindres himself of the nuns' assassination, and of his direct participation in it. On that occasion, Martinez warned Colindres not to say anything unless his superiors questioned him. Martinez also claimed to have had no knowledge of the existence of orders from superiors (160).

2. The Judgment

On 23 and 24 May 1984, members of the National Guard were found guilty of the nuns' executions, and sentenced to 30 years in prison (161).

For the first time in Salvadoran history, a member of the Armed Forces was found guilty of assassination by a judge (162). Despite the ambiguous statements of some of its official representatives (163), the United States Government made ts economic and military aid contingent on the resolution of the case, as npensation (164).

The Participation of High-Ranking Officials

Although the Tyler Report concluded, in 1983, that, "...based on the existing evidence" (165), there was no participation by superior officers, the Commission

DRAFT

RELEASED
El Salvador: Human Rights
Special Project (1993)

is of the opinion that there is sufficient proof showing that Colindres acted according to orders from superiors.

There is also substantial evidence that Lt. Colonel Oscar Edgardo Casanova Vejar, Commander of the Zacatecoluca detachment, was in charge of the National Guard at the national airport when the nuns' assassination occurred.

General Vides Casanova and Colonel Casanova Vejar have denied any personal intervention in the capture and execution, or in the subsequent concealment of the crime. Nevertheless, there is sufficient evidence showing that both General Vides Casanova and Colonel Casanova Vejar knew that members of the National Guard had assassinated the nuns, and that their action in obstructing evidence had an effect on the judicial investigation.

Cooperation With the Truth Commission

Since October 1992, the first judge of criminal proceedings in Zacatecoluca, Mr. Pleitus Lemus, refused on several occasions to collaborate with the Truth Commission, refusing to provide the evidence and complete judicial records on the case. He furnished only an abbreviated account, not including the testimony and other critical evidence on the possible participation of superior officers (166) in the case.

It was only after much insistence that the Truth Commission, on 8 January 1993, finally obtained all the case records from the Supreme Court, barely a week before its term expired.

Conclusions

The Truth Commission concludes that:

1. There is sufficient evidence that:

a) The arrests of the nuns at the airport were planned before their arrival.

b) Subsergeant Luis Antonio Colindres Aleman received and obeyed orders from his superiors when he arrested and executed the four nuns.

2. There is substantial evidence that:

a) The then Colonel Carlos Eugenio Vides Casanova, Director of the National Guard; Lt. Colonel Oscar Edgardo Casanova Vejar, Commander of the Zacatecoluca military detachment; Colonel Roberto Monterrosa, Major Lizandro Zepeda Velasco, and Sergeant Dagoberto Martinez, among other officers, knew that members of the National Guard had committed the assassinations and, by their action, had facilitated the concealment of the facts, obstructing the respective judicial investigation.

b) The then Defense Minister, General Jose Guillermo Garcia, made no serious effort to investigate thoroughly those responsible for the nuns' assassination.

c) The cantonal commissioner, Jose Dolores Melendez, also knew and concealed the members of the security corps who committed the assassinations.

3) The state of El Salvador failed to meet its obligation, stipulated in the international law on human rights, whereby it was obliged to investigate the case, to judge those responsible, who had ordered and carried out the executions, and finally, to give compensation to the victims.

149. The Truth Commission interviewed eyewitnesses and persons present on the scene, diplomats, high-ranking commanders of the National Guard and the Armed Forces, members of the Maryknoll Order, relatives of the victims, attorneys for the defendants and the nuns, and a member of the court hearing the case. The judicial records were also reviewed, and an analysis was made of both government

DRAFT

RELEASED
El Salvador: Human Rights
Special Project (1993)

and non-government reports. Colonel Zepeda Velasco was invited, unsuccessfully, to testify on several occasions.

150. Rogers-Bowdler Report, p 10.

151. Ibid., pp 13 and 14.

152. See statement by Major Oscar Armando Carranza, claiming that Colonel Eugenio Vides Casanova issued the order to investigate the deaths of the nuns.

153. Harold R. Tyler, Jr., "The Churchwomen Murders: A Report to the Secretary of State," 2 December 1983. It is known as the "Tyler Report"; p 22.

154. Ibid., pp 29-30.

155. Ibid., Tyler Report, p 24. See also the judicial statement of Lisandro Zepeda, Vol. 2, Section 266, 23 June 1982. This reports that they interviewed one person per day, reaching no conclusions although they interviewed several persons.

156. Judge Tyler concluded that Major Zepeda probably notified Colonel Vides Casanova, p 26.

In August 1982, Vides Casanova made a statement at the National Guard headquarters, in which he claimed not to have received any information regarding the participation of members of the security corps in the incidents until approximately a year after the nuns' assassination. He claimed that, based on that information, he then ordered an investigation by Medrano. Vol. 2, Section 308.

157. Ibid. Tyler Report, pp 31-32.

158. Section 102, 147-57.

159. See President Duarte's televised speech of 10 February 1982.

160. Statement by Dagoberto Martinez, Section 132, Vol. 3, 30 July 1983.

161. See Vol. 5 of the judicial record, Section 26, "Decision of the Jury," 24 May 1983. Also see Sections 26 and 65, 24 May and 20 June 1984.

162. THE NEW YORK TIMES, 25 May 1984, pp 1, 6.

163. On 16 December 1980, the ambassador to the UN, Jane Kirkpatrick, declared: "I don't think that the government (of El Salvador) was responsible. The nuns were not just nuns; the nuns were political activists. We ought to be a little more clearcut about this than we usually are. They were political activists on behalf of the Front, and somebody who is using violence to oppose the Front killed them." TAMPA TRIBUNE, 25 Dec 1980, 23A and 24A, col. 1.

The Secretary of State, Alexander Haig, testified before the House Committee on Foreign Affairs, commenting: "I would like to suggest to you that some of the investigations would lead one to believe that perhaps the vehicle that the nuns were riding in may have tried to run a roadblock or may have accidentally been perceived to have been doing so, and there may have been an exchange of fire." See: "Foreign Assistance Legislation for Fiscal Year 1982: Hearings Before the House Committee on Foreign Affairs," 97th Congress, First Session, 163, 1981.

164. On the day following the deaths, President Jimmy Carter suspended aid to El Salvador. THE NEW YORK TIMES, 14 January 1981.

In April 1981, the U.S. Congress was considering its aid to El Salvador. On 26 April, members of the embassy met with Defense Minister Garcia and Vides Casanova, indicating that the lack of an investigation of the case was jeopardizing U.S. assistance. On 29 April, members of the National Guard were arrested and, the next day, military aid totaling $25 million was approved. See: "Di Vicenzo, Janet, project ed., "El Salvador: The Making of U.S. Policy, 1984-1988," Vol. 1.

On the day after members of the security corps were found guilty, the U.S. Congress approved $62 million for emergency aid. See: USA TODAY, 25 May 1984, 9A. Also, THE BOSTON HERALD, 25 May 1984, p 5.

DRAFT

RELEASED
El Salvador: Human Rights
Special Project (1993)

165. Ibid., Tyler Report, p 63.

166. Some of the evidence not included in the condensed account furnished by the judge is the following: 1) Section 68: judicial statement by Jose Dolores Melendez, cantonal mayor, one of the first witnesses who notified the justice of the peace and identified the bodies as "unknown." 2) Sections 111-115: statements by Santiago Nonualca to the Medrano Group; he was the one who saw the white van coming and going from the scene of the crime; 3) Sections 120-133: statements by members of the National Guard to the Medrano Group regarding Colindres, with respect to actions before and after the assassinations; 4) Section 225: order from the court to take statements from Vides Casanova, Medrano, and Zepeda Velasco; 5) Section 264: judicial statement by Medrano, who remembered little about his own investigation.

DRAFT

RELEASED
El Salvador: Human Rights
Special Project (1993)

D. El Junquillo

Summary of the Case

On 3 March 1981, a military operation was carried out in the northern region of the Department of Morazan. Units led by Captain Carlos Napoleon Medina Garay arrived in El Junquillo and remained there for 8 to 12 days. When it came time to leave, Captain Medina Garay ordered the execution of the civilian population in the canton of El Junquillo.

On 12 March 1981, soldiers and members of the Cacaopera Civil Defense attacked the population, which was comprised solely of women, small children, and old people. They killed the inhabitants and raped a number of women and girls under the age of 12. They burned the houses, cornfields, and granaries.

The Commission concludes that:

1--On 12 March 1981, units from the Sonsonate Military Detachment and members of the Cacaopera Civil Defense indiscriminately attacked and summarily executed the men, women, and children of the canton of El Junquillo in the jurisdiction of Cacaopera in the Department of Morazan.

2--Captain Carlos Napoleon Medina Garay ordered the execution of the inhabitants of the canton of El Junquillo.

3--Colonel Alejandro Cisneros, commanding officer in charge of the operation carried out in March 1981 in the northern region of Morazan and involving units from Sonsonate Military Detachment No. 6 led by Captain Medina Garay, failed in his obligation to investigate whether troops under his command executed members of the civilian population in the canton of El Junquillo.

4--The government and administration of justice of El Salvador instituted no investigation into the matter. Consequently, the government failed in its duty under international law governing human rights to investigate, try, and punish those responsible and compensate the victims or their families.

5--The minister of defense and public security, General Rene Emilio Ponce, is responsible for not providing this Commission with information concerning the military operation carried out in the area of the canton of El Junquillo and therefore failed in his duty to cooperate with the Truth Commission, the government pledged to do by signing the Peace Accords. He therefore prevented the identification of other soldiers who participated in the massacre.

Description of Events (167)

The massacre: On 3 March 1981, a military operation was undertaken in the northern region of Morazan, led by Colonel Alejandro Cisneros. In the course of the operation, soldiers from the Sonsonate Military Detachment under Captain Carlos Napoleon Medina Garay proceeded to El Junquillo.

The unit camped in the area of El Junquillo and remained there for 8 to 12 days. When the unit was about to move on to another destination, testimony indicates that Captain Medina Garay ordered another officer to carry out the mission that had been agreed upon before leaving the hamlet.

On the night of 11 March 1981, the soldiers occupied the hills surrounding the canton of El Junquillo. On the following day, they pounded the canton of El Junquillo with mortar fire for 15 minutes. After the shelling, a large number of soldiers arrived in the canton and headed for the houses.

According to the testimony, soldiers and members of the Civil Defense proceeded to kill the following inhabitants: Francisca Diaz, her daughters Juana and Santana Diaz, and 9 children, all under the age of 10; Guillerma Diaz and her 13-year-old daughter Maria Santos Diaz and 5 children under the age of 12;

DRAFT

RELEASED
El Salvador: Human Rights
Special Project (1993)

Doroteo Chicas Diaz, his wife and 1-day-old baby boy, and 7 children under the age of 10; Eulalio Chicas, his wife, and 3 children; Rosa Otilia Diaz, her daughter-in-law Maria Argentina Chicas Chicas, and the children found there; Santos Majin Chicas, his wife and daughters, Lencha, 12, and Gertrudis, 9; Transito Chicas, 58, and Filomena Chicas, 68; Luciano Argueta, his wife Ufemia Sanchez, and 2 sons under the age of 7; an 80-year-old man, Leopoldo Chicas, and Esteban and Vicente Argueta, both over 70; Petronila and 2 sons under the age of 11. Some bodies had a bullet wound in the back of the head and some of the children's bodies had stab wounds in the chest and a bullet hole in the back of the head. Some of the bodies had been burned. According to the testimony, some of the women and girls had been raped.

The soldiers and members of the Civil Defense burned the houses in the hamlet, the cornfields, and the granaries. They stole part of the corn that the farmers had stored and killed some livestock.

The survivors fled. The following day, a peasant returned to see what had happened. In Doroteo Chicas' house, he saw that Chicas' children had been murdered. The soldiers noticed him and fired shots in his direction. He fled and hid in the mountains. One survivor of the massacre went to the canton to try to bury the victims, but since the soldiers were still occupying the canton, he was forced to hide once again.

The survivors remained hidden in the mountains for several days. One of them found the remains of several persons. The survivors dug several common graves and buried the remains.

One survivor went to a guerrilla camp in La Guacamaya, where a priest heard his tale and took care of him.

There was a total lack of official investigations.

Learning of the victims' accounts, the FMLN reported the massacre on Radio Venceremos and put out several announcements and press bulletins.

Despite such reports, the government, Armed Forces, and Judicial Branch of El Salvador never instituted any investigation into the matter.

Conclusions

The Commission concludes that:

1--There is substantial evidence that on 12 March 1981, units from the Sonsonate Military Detachment and members of the Cacaopera Civil Defense indiscriminately attacked and summarily executed men, women, and children in the canton of El Junquillo in the jurisdiction of Cacaopera in the Department of Morazan.

2--There is substantial evidence that Captain Carlos Napoleon Medina Garay ordered the execution of the inhabitants of the canton of El Junquillo.

3--There is sufficient evidence that Colonel Alejandro Cisneros, the military officer in charge of the operation carried out in March 1981 in the northern region of Morazan involving units of Sonsonate Military Detachment No 6 commanded by Captain Medina Garay, failed in his obligation to investigate whether troops under his command executed members of the civilian population of the canton of El Junquillo.

4--There is full evidence that the government, Armed Forces, and Judicial [illegible]nch of El Salvador did not institute investigations into the matter. The [illegible]ernment therefore failed in its duty under international law governing human [illegible]ights to investigate, try, and punish those responsible and compensate the victims or their families.

5--The minister of defense and public security, General Rene Emilio Ponce, is responsible for not providing this Commission with information on the military

DRAFT

RELEASED
El Salvador: Human Rights
Special Project (1993)

operation conducted in the area of the canton of El Junquillo, thus failing in his duty to cooperate with the Truth Commission as the government pledged to do by signing the Peace Accords and preventing the identification of other soldiers who participated in the massacre.

E. The Dutch Journalists

Summary of the Case

On the afternoon of 17 March 1982, four Dutch journalists, accompanied by five or six members of the FMLN, some of them armed, fell into an ambush laid by a patrol of the Atonal Battalion of the Salvadoran Armed Forces as they were heading for territory controlled by the FMLN. The incident occurred a short distance from the San Salvador-Chalatenango Highway in the vicinity of the turnoff to Santa Rita. The four journalists died in the confrontation and only one member of the FMLN survived.

Having analyzed the elements of evidence available, the Truth Commission has reached the conclusion that the ambush was deliberately laid in order to surprise and kill the newsmen and those accompanying them, that the decision to ambush them was made by Colonel Mario A. Reyes Mena, commanding officer of the 4th Infantry Brigade, with the knowledge of other officers, that there was no major confrontation preceding or simultaneous with the shootout that ended in the deaths of the newsmen, and finally, that the officer named and other soldiers concealed the truth and obstructed the legal investigation.

Description of Events

Preceding days: The elections for the 1982 Constituent Assembly attracted a large number of foreign journalists to El Salvador. Information on the national political situation roused the interest of international public opinion.(168)

The situation in the country at the time was one of widespread violence. Several newsmen had been threatened, presumably by death squads, and there were accusations that the information they reported was biased toward the guerrillas.

In March 1982, Dutch newsman Koos Jacobus Andries Koster was in El Salvador to do a report on the political and military situation in the country for the Netherlands television corporation IKON.(169) Producer-writer Jan Cornelius Kuiper Joop, sound technician Hans Lodewijk ter Laag, and cameraman Johannes Jan Willemsen, all Dutch, had come from Holland for that specific purpose.

The team was headed by Koster, who knew the country's political situation, spoke Spanish, and had the necessary contacts because he had been working in Latin America for years.(170)

In 1980, Koster had done a report on the Civil Defense units and death squads that was an international sensation. The government considered the report biased toward the FMLN.

The new report they planned would cover the situation in San Salvador and that of certain zones controlled by the FMLN. According to diplomatic sources, it was "general knowledge" that the Dutch newsmen were doing a report biased toward the guerrillas, similar to the 1980 piece.

On 7 March, they visited the Mariona jail in San Salvador in order to interview and film prisoners accused of belonging to the guerrilla forces. On that occasion, as part of a cultural event, one of the leaders expressed thanks for the journalists' support for political prisoners in El Salvador. The videos taken showed the prisoners' scars which they said resulted from the torture to which they had been subjected.(171)

DRAFT

In order to make the first contact with the FMLN, Koster met with one of its members. Koster gave him a piece of paper with his name, nationality, and the place where he could be contacted. After the meeting, the guerrilla soldier was followed by several men and when he jumped over a fence to escape, reportedly dropped his ID card next to which he had put the slip of paper.

During that period of time, according to his own statement, Colonel Francisco Antonio Moran, general director of the Treasury Police, received a report from the commanding officer of the Usulutan Military Detachment (172) indicating that a piece of paper had been found in the clothing on the body of a terrorist (173) with the following notation: "Contact with Koos Koster at the Alameda Hotel, Room 418, Telephone No 239999, Dutch." Colonel Moran therefore issued an order that Koster was to be brought to the General Directorate of the Treasury Police for questioning.(174)

At about 0600 hours on 11 March 1982, officers of the Treasury Police in civilian dress took Koster and the other three journalists to Colonel Moran's office.(175) Colonel Moran asked him about the piece of paper that had been found. Koster denied knowing any terrorists in the country and explained that the information referring to him could have been supplied by another newsman.(176) Before releasing the newsmen (177), Colonel Moran recommended that Koster be very careful because the terrorists knew he was in the country.(178)

On the following day, 12 March, Koster's photo appeared in the newspaper along with that of the other three journalists and a bulletin from COPREFA that was a transcription of the interrogation. The title of the article was "Foreign Newsman Is Terrorists' Contact," and the photo caption stated that Koster "had been summoned to make a statement to Treasury Police because part of his personal documents had been found on terrorist Jorge Luis Mendez, along with a piece of paper identifying the foreigner as a "contact".(179)

That same day, Dutch journalist Jan Pierre Lucien Schmeitz, who also worked for IKON, had arrived in the country to cover the election. Journalists of other nationalities informed him that Koster had been arrested and taken to the General Directorate of the Treasury Police and that the other three Dutch newsmen had accompanied him.

On the night of 12 March, the four newsmen met with Schmeitz. The latter, whose work in El Salvador went as far back as 1977, advised them to be very careful about the possible consequences of the interrogation by Colonel Moran. In spite of it all, they decided to continue their work.(180) Koster's contacts also urged him to leave the country for a time, but he nevertheless refused to cut his trip short because of the report.

On Monday, 15 March (181), Schmeitz loaned them the minivan that he was driving, but did not offer to drive it. On Tuesday, 16 March, Armin Friedrich Wertz, an independent newsman of German nationality, agreed to drive for $100. That day, Koster had another meeting with members of the FMLN at which it was agreed that they would leave the following day, 17 March. In addition to the previous contacts, the meeting was attended by "Commander Oscar," a member of the FDR [Revolutionary Democratic Front]/FMLN staff of Chalatenango, who was to travel with them and who could act as an interpreter because of his knowledge of English.

On the night of 16 March, the newsmen discovered that their rooms had been searched.

The trip to Chalatenango: On the morning of Wednesday, the 17th, they picked up Schmeitz' minivan that had PRESS-TV written in big letters on both sides, as is the custom in El Salvador. That afternoon, the four newsmen met Wertz and went to a restaurant parking lot, where they met Commander Oscar from the FPL (People's Liberation Forces). A boy named Ruben, who was 12 to 15 years old,

DRAFT

RELEASED
El Salvador: Human Rights
Special Project (1993)

would act as a guide and was the only one who knew where the meeting would take place.

At about 3:00 in the afternoon, they left San Salvador for Chalatenango, going through the city of Aguilares.(182)

A few kilometers before they reached the El Paraiso barracks, Wertz noticed in his rearview mirror that a dark brown Cherokee Chief pickup truck with polarized windows seemed to be following them. He says that even when he reduced his speed, it did not pass him and that when he speeded up, he could not lose it. They continued on until about kilometer marker 65 on the Chalatenango highway, where they were to take the cutoff to Santa Rita. About a kilometer before reaching that road, the Cherokee disappeared from view.(183)

When they had gone about a kilometer after the turnoff, they spotted another group of persons. Ruben immediately got out of the minibus and signaled to them.(184) It was the contacts who were waiting for them.

According to Wertz, the four individuals making up the escort group were on one side of the dirt road on a lower level separated from them by a barbed wire fence. One of them was carrying a rifle, probably a member of the FAL [Armed Forces of Liberation], while another had a pistol and the third a kind of carbine. The fourth man was not armed. According to the statement made by Martin (185), who was in charge of the operation and who had an M-1 rifle, he went to the meeting with the newsmen with two more men: Carlos, armed with an M-16, and Tello, who had a 9-mm pistol.

After they approached the vehicle, Wertz talked with Martin and the two reportedly agreed that he would return to pick up the group at 0800 hours on Sunday, 21 March.(186) The journalists unloaded their equipment and at about 5:10 in the afternoon, started down a path that went through a ravine opposite a hill.

Wertz says he then returned to San Salvador with the radio blaring and that he never saw any soldiers or heard any shots along the way.(187)

The ambush: According to Martin, on 14 March 1982, he received the order from the commando to go meet the group. He knew Commander Oscar and Ruben. As for the rest, he knew they were foreign journalists. He picked seven men and left the base camp at 4:00 in the afternoon on the following day, 15 March.

At about 0500 hours on the morning of 17 March, the escort reportedly reached a shelter located 2 km from the contact point. Two men came out to reconnoitre the terrain over a radius of 1 km but observed nothing out of the ordinary.

Martin has stated that he had never before had any problems (189) on that road. In contrast, Colonel Mario A. Reyes Mena has stated that the Army had information that the road was used to supply nearby guerrilla camps. During the trial, Commander Miguel Castellanos, former member of the FMLN, said the road was known to the Army.(190)

When the escort reached the appointed place, the newsmen put on their backpacks and took the rest of their equipment in order to enter the area.

According to Martin's account, the group moved forward in a long single column with intervals of about 4 meters between the men. Commander Oscar led the way, followed by Ruben, who walked with the newsmen, and Carlos stayed in the rear with his M-16.(191) When they had gone about 250 meters, the group came under heavy fire from an M-16 and an M-60 machine gun from two hills about 100 meters away. Martin saw two of the journalists go down. They had been hit by the first bullets and never moved again.(192) He reportedly ran back toward the road, dodging the soldiers' bullets, finally reached the barbed wire fence, crossed it, and escaped.

Most of Martin's account was confirmed by the statement by Sergeant Mario Canizales Espinoza, who headed the military patrol that anbushed them.(194) The

DRAFT

RELEASED
El Salvador: Human Rights
Special Project (1993)

sergeant adds that he was able to see that several of the men in the group were carrying equipment and that they were taller than the average Salvadoran. However, it did not occur to him at the time that they might be foreigners and he assumed they were armed. He also adds that toward the end of the shootout, he saw that two of the taller men ran down the hill trying to flee to the riverbed. From a distance of about 25 meters, he fired on them with his M-16 and killed them both. He says in his statements that he could not tell whether these persons were armed.(195)

The statements made by the sergeant and the other troops differ in some details from those of Martin and from each other. They claim the firing was started by FMLN guerrillas from a hill and say the shootout with the group of newsmen and their escort was part of a larger skirmish involving a second group of FMLN elements. As stated below, these claims do not appear to be true.

Origin of the patrol

According to statements by Sergeant Mario Canizales Espinoza, the patrol he headed was made up of 25 soldiers and had been sent to inspect the zone because of information that it served as a guerrilla supply route. According to him, his men were ambushed because they had seen a small group of armed guerrillas go by near the Santa Rita turnoff, just before the meeting, and he decided to surprise them when they returned. He denies having previous knowledge that a specific group would go by on this road or that it would include foreign journalists.(196)

This version is in essence the same as the one that appeared after the encounter in the bulletin issued by the Armed Forces Press Committee (COPREFA).

However, according to statements to the Truth Commission by officers then stationed at El Paraiso Barracks, there was a meeting of officers from the 4th Brigade Staff, including the commanding officer, Colonel Mario A. Reyes Mena, and officers from the Atonal Rapid Deployment Infantry Battalion (BIRI). It was at this meeting, according to precise intelligence information indicating that the newsmen would try to get into the zone controlled by the FMLN the following day (197), those interviewed say, that the ambush was planned. The mission was given to a patrol from the Atonal Battalion, which left El Paraiso Barracks at 0500 hours on the morning of the 17th in order to avoid detection and stayed in the hills all day long waiting for the group to arrive.

Subsequent events: After the skirmish, Sergeant Canizales states that he reported the outcome of the ambush to the barracks (198) by radio. Colonel Reyes Mena (199) then sent a patrol in a vehicle which found the eight bodies in the area upon its arrival.(200) The lieutenant leading the patrol sent a number of troops to the justice of the peace in Santa Rita, who arrived a half hour later.

According to one officer from the detachment, the lieutenant's decision to notify the judge and move the bodies to El Paraiso Barracks surprised and greatly irritated Colonel Reyes Mena, but the latter finally decided to inform the staff.

The next morning, 18 March, the legal process resumed at El Paraiso Barracks.(201) Commander Oscar's distinctive features caused him to be taken for a foreigner and moved to San Salvador with the Dutch newsmen.

According to Schmeitz, at around 9:00 in the morning, he was called by Howard Lane, press attache of the American Embassy in El Salvador, to confirm that his four colleagues were dead.(202) He later went to COPREFA headquarters, where an official handed out a statement saying, in sum, that the journalists had died in the crossfire of a skirmish between guerrillas and the Army.(203)

RELEASED
El Salvador: Human Rights
Special Project (1993)

Back in his hotel room, Schmeitz received a threatening call telling him to "end the inquiries and get out of the country because they already had the fifth coffin, which was for him." This type of call was reportedly repeated three times that night. On 20 March, Schmeitz left El Salvador.

During this period, the Dutch ambassador met with a member of the Revolutionary Government Junta and passed on to him his country's request that the nation's authorities be required to make a complete investigation into the events. A key element would be the interview with the sergeant and the troops involved, but it was never authorized by the Salvadoran Government. In its second report, the Commission itself states that "at the request of the government of the Netherlands, the American Government supported this request made to Salvadoran authorities."(204)

Martin, the guerrilla who survived the ambush, was taken to Holland, where he testified on 4 and 5 May 1982. Later, on 19 May, the Dutch Commission talked at length with the sergeant without any third parties present.(205)

The legal proceedings relating to the case came to a halt in 1988, when Judge Dora del Carmen Gomez de Claros requested and obtained asylum in another country. She states in correspondence that she received anonymous threats.

The Commission requested a copy of the legal record from Margarita de los Angeles Fuente Sanabria, currently judge of the first instance of El Dulce Nombre de Maria, Chalatenango, who initially offered to release it, then said shortly thereafter that she had received instructions that the Commission would have to appeal to the Chief Justice of the Supreme Court in order to obtain such a document. The Commission repeatedly made such a request in writing as well as by telephone to Chief Justice Mauricio Gutierrez Castro of the Supreme Court of El Salvador, but never received any response. In the end, it was the attorney general who sent a copy of the record to the Commission.

Conclusions

1--The Truth Commission deems that there is full evidence that the deaths of the Dutch journalists: Koos Jacobus Andries Koster, Jan Cornelius Kuiper Joop, Hans Lodewijkter Laag, and Johannes Jan Wilemsen on 17 March 1982 resulted from an ambush planned in advance by the commanding officer of the 4th Infantry Brigade, Colonel Mario A. Reyes Mena, at El Paraiso Barracks, with the knowledge of other officers, on the basis of intelligence information that alerted them to its presence. The ambush was carried out by a patrol of soldiers from the Atonal BIRI, led by Sergeant Mario Canizales Espinoza.

2--These same officers, the sergeant, and others subsequently concealed the truth about the events and obstructed investigations conducted by the Judicial Branch and other competent authorities.

3--The murders violated International Law on Human Rights and International Humanitarian Law, which provides that civilians may not be attacked.

4--The government did not comply with its obligation to investigate, try, and punish the guilty parties, which it has the duty to do, according to international law.

5--The Chief Justice of the Supreme Court, Mauricio Gutierrez Castro, did not cooperate with the Truth Commission.

c. Las Hojas

Summary of the Case

DRAFT

RELEASED
El Salvador: Human Rights
Special Project (1993)

On 22 February 1983, elements of the Jaguar Battalion, commanded by Captain Carlos Alfonso Figueroa Morales, participated in an operation in the canton of Las Hojas in the municipality of San Antonio del Monte in the Department of Sonsonate. The soldiers arrested 16 peasants and took them to Rio Cuyuapa, where they were shot at point-blank range and killed.

Those charged have steadily maintained that it was a skirmish with terrorists. A Defense Ministry investigation concluded that no member of the Armed Forces was responsible for the events.

The Supreme Court of Justice issued a stay of the legal proceedings under the Amnesty Law of 1987. In 1992, the Inter-American Human Rights Commission accused the government of El Salvador of failing in its duty to investigate and punish those responsible for violations of the American Human Rights Convention.

On the basis of varying degrees of evidence, the Commission concludes that:

1--Colonel Elmer Gonzalez Araujo, then commanding officer of Sonsonate Military Detachment No 6, Major Oscar Leon Linares, and Captain Carlos Alfonso Figueroa Morales (deceased) planned the operation in the canton of Las Hojas for the purpose of arresting and eliminating alleged subversives.

2--The execution orders were transmitted to the material authors for the then 2d Lieutenants Carlos Sasso Landaverry and Francisco del Cid Diaz.

4--Colonel Napoleon Alvarado, in charge of the Ministry of Defense investigaton, also concealed the massacre and obstructed the legal investigation.

5--The Truth Commission recommends that the government of El Salvador comply fully with the resolution of the Inter-American Human Rights Commission in this case.

Description of the Events (206)

The Massacre

Early in the morning on 22 February 1983, Captain Carlos Alfonso Figueroa Morales, commanding officer of the Jaguar Battalion based at Sonsonate Military Detachment No 6, mobilized from that site three sections belonging to the 1st Company: one led by 2d Lieutenant Carlos Sasso Landaverry, another by 2d Lieutenant Cadet Francisco del Cid Diaz, and the third by Sergeant Jose Reyes Perez Ponce.(207)

At about 0600, a section entered the Las Hojas Cooperative of the National Association of Salvadoran Indians (ANIS). With the help of members of the local Civil Defense, wearing bandannas over their faces to conceal their identity, captured seven members of the cooperative. The soldiers, who had a list of alleged terrorists and several members of the Civil Defense, pointed out those on the list, pulled them out of their houses, tied and beat them, then took them from the cooperative on the highway leading to Rio Cuyuapa.

The members captured were Gerardo Cruz Sandoval (age 34) (208), Jose Guido Garcia (age 21) (209), Benito Perez Zetino (age 35) (210), Pedro Perez Zetino (age 24) (211), Marcelino Sanchez Viscarra (age 80) (212), Juan Bautista Martir Perez (age 75) (213), and Hector Manuel Marquez (age 60) (214).

Another section of about 40 troops entered the San Antonio Ranch in the canton of Agua Santa near Las Hojas cooperative, capturing several persons and also taking them to Rio Cuyuapa.(215) Those captured were Antonio Mejia Alvarado (216), Romelio Mejia Alvarado (217), Lorenzo Mejia Carabante (218), Ricardo Garcia Elena (age 19) (219), Francisco Aleman Mejia (age 36) (220), Leonardo

DRAFT

RELEASED
El Salvador: Human Rights
Special Project (1993)

Lopez Morales (age 22) (221), Alfredo Ayala (222), and Martin Mejia Castillo.(223)

When ANIS Chief Adrian Esquino was notified of the capture of the cooperative members, he went immediately at 0700 hours to speak with Colonel Elmer Gonzalez Araujo (224), commanding officer of Sonsonate Military Detachment No 6. Colonel Gonzalez Araujo told him he knew nothing about the capture of the ANIS cooperative members, but that he knew they had captured several terrorists whose last name was Mejia.

Later that morning, a group of ANIS members found 16 bodies on the bank of Rio Cuyuapa. Their hands bore rope marks, their faces were disfigured by bullet wounds, and all had been shot at point-blank range in the temple or behind the ear.

On that same day, 22 February, Justice of the Peace Roberto Rogelio Magana and the experts examined the bodies. The body of Alfredo Ayala still had "...his arms behind his back with the thumbs tied together with a thin rope...."(225) The other victims also showed signs of having had their thumbs tied and of having been shot at point-blank range.

The official version: The operation was discussed and decided upon the preceding day by Colonel Gonzalez Araujo, Major Oscar Leon Linares, executive officer of the Battalion, and Captain Figueroa Morales, head of the S-2. According to their version, they were informed of the presence of terrorists and the purpose of the operation was therefore to sweep the area.

Captain Figueroa Morales subsequently declared that during the operation, he heard shots up ahead. Upon reaching Rio Cuyuapa, the two 2d lieutenants informed him that there had been a clash with guerrillas. Several bodies were found at the site, but none of them was tied.(227)

Although in several pieces of testimony the soldiers alleged that there had been a clash with the guerrillas, none admitted he had witnessed one. They had all merely heard it.

After the skirmish, Captain Figueroa Morales notified Colonel Gonzalez Araujo.(228) Major Leon Linares also received reports after reaching the Detachment at about 0800 hours.

Investigations

Three investigations followed. Justice of the Peace Magana sent the then new governmental Human Rights Commission to investigate the case. Consequently, before the case was turned over to the prosecutor's office, relatives were interviewed and an initial version of the events was drafted.

The minister of defense, General Jose Guillermo Garcia Merino, put Colonel Napoleon Alvarado in charge of investigating the case. As part of the investigation, statements were taken from several witnesses, not including the two 2d lieutenants, Cid Diaz and Sasso Landaverry, who were in Morazan.(229) According to the testimony of Captain Figueroa Morales, they had led the unit that was involved in the purported skirmish.

In April 1983, Colonel Alvarado determined that no proof of the guilt of any member of the Armed Forces had been found and that the deaths had resulted from a skirmish. He also expressed the opinion that the Human Rights Commission's investigation had been biased. He added that the case had been politicized by enemies of the Armed Forces and that "...the Armed Forces can bear no responsibility for what might happen to Adrian Esquino Lisco since it may be deduced that the latter...is protecting guerrilla elements in the Association that he heads."(230)

DRAFT

RELEASED
El Salvador: Human Rights
Special Project (1993)

The legal investigation took a different path. In March 1984, based on the recommendation of the Prosecutor's office (231), the provisional arrest of seven members of the Civil Defense was ordered, along with that of members of the military escort, but the order did not include the soldiers.(232) However, in December 1984, the judge of the 1st Criminal Court of Sonsonate issued a provisional stay of the proceedings and in July 1985, the Criminal Chamber approved the stay. It also ruled that it could not apply the law on accomplices to members of the Civil Defense without some proof of who the principal authors were. It had merely been established that the escorts had lent aid to the Army in the capture, but it was not stated who the immediate authors were.(233)

In reference to the stay in the case against Captain Figueroa Morales and Major Leon Linares, the Chamber ruled that it lacked the necessary proof to charge them with any offenses.(234)

In July 1986, as a result of the intervention of the American Embassy and with new proof of the soldiers' participation, criminal proceedings were reopened against several accused, including Colonel Gonzalez Araujo, Major Leon Linares, and Captain Figueroa Morales.(235)

Nevertheless, in March 1987, the judge of the first instance once again issued a final stay of proceedings in the case (236) and in August, the Court of Appeals revoked the decision and ordered that the case be taken to trial.(237)

Colonel Gonzalez Araujo then filed an appeal of habeas corpus with the Supreme Court before the National Assembly had passed the Amnesty Law (27 October 1987) (238). In July 1988, the Supreme Court maintained that the Amnesty Law had to be applied to the Las Hojas case and issued a final stay of proceedings including all those charged.(239)

Resolution of the Inter-American Human Rights Commission on Application of the 1987 Amnesty Law in the Las Hojas Case

In 1989, the Inter-American Human Rights Commission received a petition (240) condemning the application of the 1987 Amnesty Law as a violation of the obligation of the government of El Salvador to investigate and punish violations of the rights of the Las Hojas victims and to grant reparations for harm done.(241) On 24 September 1992, the same court issued a resolution ruling that the Amnesty Decree passed after the order to arrest officers of the Armed Forces had legally eliminated any possibility of an effective investigation, the trial of those responsible, and adequate compensation for victims.(242)

The Commission declared that the government of El Salvador had not complied with the obligation to guarantee free and full exercise of the fundamental human rights and guarantees of all persons subject to its jurisdiction.(243) It also recommended that the government of El Salvador: 1) conduct an exhaustive, rapid, complete, and impartial investigation into the acts reported in order to identify all victims as well as those responsible and bring them to justice; 2) adopt the necessary measures to prevent the occurrence of similar deeds in the future; and 3) make amends for the consequences of the situation and pay just compensation to the relatives of the victims.(244)

The Commission gave the government of El Salvador three months to carry out its recommendations, meaning until 24 December 1992. To date, no action has been taken to comply with the Commission's recommendations.

Conclusions

The Commission concludes that:

1--There is substantial evidence that Colonel Elmer Gonzalez Araujo, commanding officer of Sonsonate Military Detachment No 6, Major Oscar Leon Linares, and Captain Figueroa Moales (deceased) planned the operation in the

DRAFT

RELEASED
El Salvador: Human Rights
Special Project (1993)

canton of Las Hojas for the purpose of arresting and eliminating alleged terrorists.

2--There is full evidence that Captain Figueroa Morales, as captain of the Jaguar Battalion, was in command of the operation and that during the operation, 16 peasants were arrested, bound, and summarily executed. No confrontation with guerrillas ever took place.

3--There is substantial evidence that the execution orders were transmitted to the material authors by the then 2d Lieutenants Carlos Sasso Landaverry and Francisco del Cid Diaz.

4--There is substantial evidence that Colonel Gonzalez Araujo, Major Leon Linares, and Captain Figueroa Morales learned of the massacre immediately but covered it up.

5--There is sufficient evidence that Colonel Napoleon Alvarado, in charge of the Ministry of Defense investigation, also covered up the massacre and later obstructed the legal investigation.

6--The Truth Commission recommends that the government of El Salvador comply fully with the resolution of the Inter-American Human Rights Commission on this case.

G. San Sebastian

Summary of the Case

On 21 September 1988, members of the Jiboa Battalion arrested ten persons in the canton of San Francisco in the jurisdiction of San Sebastian. That same morning, Major Mauricio Jesus Beltran Granados, head of the 5th Brigade's Department of Intelligence, under orders from Colonel Jose Emilio Chavez Caceres, head of the 5th Brigade, arrived in the canton of San Francisco. After interrogating several of them, he ordered the execution of the ten prisoners and the fabrication of a fictitious ambush.

In March 1989, an Honor Commission of the Armed Forces conducted an investigation in the course of which the members of the Jiboa Battalion declared that Major Beltran Granados had ordered them to execute the prisoners and cover up the execution. Beltran Granados, another officer, other noncommissioned officers, and troops were turned over to the judge, who ordered their arrest. All were later released, except for Beltran, who is awaiting trial.

The Truth Commission concludes that:

1--Colonel Jose Emilio Chavez Caceres gave the order to execute the prisoners.

2--Major Mauricio de Jesus Beltran Granados ordered members of the Jiboa Battalion to execute the ten peasants being held prisoner.

3--Colonel Jose Emilio Chavez Caceres covered up the execution of the ten prisoners and Major Mauricio de Jesus Beltran Granados took measures to conceal the execution.

4--2d Lieutenant Arnoldo Antonio Vasquez Alvarenga conveyed Major Beltran's order to name a number of troops to finish off the victims and supplied the elements needed to activate the mines that seriously wounded them.

5--Sergeant Jorge Alberto Tobar Guzman activated the detonator of the mines, knowing that they would explode at the precise spot where the peasants were being held.

6--Subsergeant Rafael Rosales Villalobos and Privates Fermin Cruz Castro, Jose Carlos Hernandez Matute, Jose Alfredo Mendez Beltran, and Francisco Ponce Ramirez fired on the prisoners, killing them.

DRAFT

RELEASED
El Salvador: Human Rights
Special Project (1993)

7--Colonel Luis Mariano Turcios and Lieutenant Colonel Jose Antonio Rodriguez Molina knew of the order to execute the prisoners but took no measures to prevent the execution.

8--The Armed Forces Honor Commission, the Commission to Investigate Criminal Acts, and the judge of the First Criminal Court of the city of San Sebastian failed to take any steps to shed light on the responsibility of Colonel Jose Emilio Chavez Caceres, Colonel Luis Mariano Turcios, and Lieutenant Colonel Jose Antonio Rodriguez Molina.

Description of Events (245)

The Executions

On 20 September 1988, the 2d Company of the Jiboa Battalion of the 5th Brigade arrived in the municipality of San Sebastian in the Department of San Vicente. Lieutenant Manuel de Jesus Galvez Galvez, the unit's commanding officer, was informed that four men had been involved in subversive activities. He ordered 2d Lieutenant Arnoldo Antonio Vasquez Alvarenga to go to the canton of San Francisco and arrest them.

On the night of that same day, 2d Lieutenant Vasquez Alvarenga arrested one of the men. The prisoner led the soldiers to a place where subversive propaganda, explosives, backpacks, wire, and two M-16 rifles were found.(246)

2d Lieutenant Vasquez Alvarenga informed Lieutenant Galvez Galvez of the discovery.(247) Captain Oscar Armando Pena Duran heard the information over the radio and passed it on to the 5th Brigade. Early in the morning, via the Cerro Las Delicias radio repeater station, Captain Pena Duran was ordered to "eliminate" the prisoner. Captain Pena Duran said his officers (Galvez and Vasquez) could not carry out the order. He later informed Galvez Galvez of the order, but the latter also refused to carry it out. Galvez told him that if the order were repeated, the Brigade should be asked to issue it in writing.

In the night, 2d Lieutenant Vasquez Alvarenga continued to question the prisoner, who agreed to point out the houses of three more suspicious parties (248), all of whom were later arrested.

They took the four prisoners to the hamlet school. 2d Lieutenant Vasquez received a radio message from Lieutenant Galvez telling him to go to the canton of San Francisco and get all the people of the canton together at the school.(249)

At 0730 hours on 21 September, Lieutenant Galvez arrived and again questioned one of the prisoners.(250) He recontacted Captain Pena and told him he would not kill the prisoners without a written order from the commanding officer of the brigade.(251) The commanding officer of the 5th Brigade and the 5th Military Zone was Colonel Jose Emilio Chavez Caceres. Pena requested permission to go to the brigade to present the situation in San Francisco. Major Beltran denied such permission.(252) He added that he would go to the place with two interrogators. Pena Duran then spoke with Galvez Galvez and informed him that Major Beltran was on his way and that he would be notified.(253)

On the morning of 21 September, under orders from Colonel Chavez Caceres, Major Beltran left for the canton of San Francisco. He arrived that same morning with two other interrogators and his assistant.

Captain Pena Duran arrived at the Brigade at noon.(254) He reported to Major Rodriguez, whom he informed of what had occurred and of the order to eliminate the prisoner. According to Captain Pena, Major Rodriguez said the prisoner should be taken to Brigade headquarters, in accordance with the Procedure for Normal Operations. The two informed Lieutenant Colonel Turcios of what had

DRAFT

RELEASED
El Salvador: Human Rights
Special Project (1993)

occurred and of the order to eliminate the prisoner. Pena then made the same report to Colonel Chavez Caceres. According to Chavez Caceres, he told Pena that the prisoner should be taken to the Brigade.(255)

Upon his arrival, Galvez Galvez reported and Major Beltran Granados brought out three prisoners for interrogation. Returning from the interrogation, Major Beltran, who, as intelligence officer, was not in charge of the unit, told Lieutenant Galvez Galvez that he had to execute the prisoners. Galvez Galvez replied that he would not carry out such an order and that he was turning over the command of the unit carrying out the operation to Major Beltran.(257)

Beltran Granados told Galvez to arrange the arrest of other persons, which he did. A total of ten persons were arrested.(258) Then, according to testimony, Major Beltran Granados gave the order to execute them, faking a guerrilla ambush.(259)

Major Beltran Granados ordered Sergeant Tobar Guzman to look for a place further down in the street where they would place the confiscated mines in order to stage an ambush.(260) Tobar proceeded to lay the mines and connected them with wire.(261)

2d Lieutenant Vasquez ordered the soldiers to carry the rest of the confiscated material to the ambush site. 2d Lieutenant Vasquez told Privates "Churute" (Fermin Cruz Castro), Matute (Jose Carlos Hernandez Matute), and Ciguanabo (Jose Alfredo Mendez Beltran) to finish off any prisoner who survived.(262)

The prisoners (except the women) had their hands tied behind their backs and their eyes blindfolded. At about 3:00 in the afternoon, they were taken to the place of execution on the road. Vasquez gave Tobar a battery which he installed and activated the mines.(263)

A number of soldiers fired their weapons to simulate an ambush, as Major Beltran had ordered them to do.(264) This lasted for five minutes. Since the exploding mines did not kill the prisoners, Major Beltran ordered the soldiers to finish them off. One of them, Manuel de Jesus Herrera Rivera, refused to obey the order. Privates Churute (Fermin Cruz Castro), Balazo (Francisco Ponce Ramirez), and Matute (Jose Carlos Hernandez Matute) administered the coup de grace to the prisoners.(265)

Major Beltran Granados ordered Subsergeant Rosales Villalobos to fire on the prisoners and he did so. He also ordered a soldier to remove the blindfolds from those executed and told Private Hernandez Alfaro to put blood on the uniform of private Mendez Beltran (Ciguanabo) and to put a dressing on him and pretend he had been wounded in combat.

Major Beltran later ordered Lieutenant Galvez Galvez to inform the Brigade that terrorists had ambushed them, resulting in the deaths of eight prisoners and two terrorists, and that he should request a helicopter to transport a wounded soldier.(266)

A helicopter arrived with an attorney from the Brigade's Department 5 and an American adviser. Beltran boarded the helicopter with the "wounded" soldier and they proceeded to Brigade headquarters.

The concealment and the official investigations: On the following day, the justice of the peace of San Sebastian identified the peasants killed and COPREFA reported that ten terrorists had been killed in a skirmish between troops from the Jiboa Battalion and guerrillas. On 23 September, COPREFA circulated the story that Colonel Chavez Caceres said he had received from Major Beltran Granados.

Officials from nongovernmental human rights organizations (Tutela Legal and the Nongovernmental Human Rights Commission) and journalists went to the canton of San Francisco on 22 September. Several witnesses reported that the peasants

DRAFT

RELEASED
El Salvador: Human Rights
Special Project (1993)

had been killed by soldiers. In public statements, President Duarte played down the accusations.

General Blandon, chief of staff, contacted Colonel Chavez Caceres on 23 September and told him that the version of events which he had given him was not true.

On 24 September, Major Beltran Granados learned that Private Escoto had been wounded by guerrillas. He asked him to feign being wounded in San Francisco on 21 September in order to help them out of the problem. Two days later, he introduced him to the rest of the members of the 2d Section of the 2d Company of Jiboa Battalion and instructed them to say that Escoto had been in San Francisco on 21 September, where he had been wounded. Escoto was then introduced as if he had been in San Francisco that day.(267)

On the night of 26 September, Major Beltran Granados brought together the officers, noncommissioned officers, and enlisted men who had been in San Francisco. He pointed out the positions they had each occupied when they left the canton of San Francisco. He said this was the story they were to tell. Later, there were more meetings to remind the soldiers of what they were to say.

On one occasion, 2d Lieutenant Vasquez Alvarenga took the soldiers to the canton of San Francisco, where he placed every soldier in the position assigned him so that each would recognize his spot and not forget what he was to say.

On 27 and 28 September, members of the Criminal Acts Investigative Commission (CIHD) interviewed Major Beltran, Lieutenant Galvez, 2d Lieutenant Vasquez, noncommissioned officers, and enlisted men. They all stuck by the fabricated story.

Days later, attorneys Paredes and Parker from the Ministry of Defense and Staff respectively questioned personnel from the 5th Brigade who had been in the hamlet of San Francisco. They all stood by their version of the ambush. One investigator did polygraph tests, the results of which indicated that some had given "doubtful" replies. The attorneys then drafted a report which Chavez Caceres sent to the staff and Ministry of Defense.

Nine days after the incident, a member of the Jiboa Battalion told Colonel Chavez Caceres that Major Beltran had ordered the execution of the prisoners and that they had been murdered. On 5 October, the bodies were exhumed and forensic analyses revealed that the individuals had been killed by bullets fired at close range and not in any battle.(268)

On 29 October 1988, the commanding officer of the 5th Brigade announced at a press conference that the prisoners had died in an ambush and that the guerrillas had returned at night to mutilate the bodies in order to make people believe they had been shot at close range.

Between 8 and 10 December 1988, investigators from the Commission to Investigate Criminal Acts again questioned the officers, noncommissioned officers, and enlisted men. They all stood by the fabricated story.

On 3 February 1989, Vice President Dan Quayle of the United States visited El Salvador and asked that those responsible for the San Sebastian massacre be punished. He gave a list of three officers involved: Colonel Chavez Caceres, Major Beltran Granados, and 2d Lieutenant Vasquez Alvarenga.

Days later, Colonel Chavez Caceres left the brigade and it was turned over to Lieutenant Colonel Turcios. The other officers were then removed from their posts. Lieutenant Galvez Galvez was taken into custody at Treasury Police headquarters, along with 2d Lieutenant Vasquez Alvarenga.

In February and March 1989, the men who had been in the hamlet of San Francisco were once again questioned. Except for Major Beltran Granados, all abandoned the ambush story and stated that that officer had ordered the execution and the fabricated version of the incident.

DRAFT

RELEASED
El Salvador: Human Rights
Special Project (1993)

The Criminal Acts Investigative Commission accused Major Beltran of ordering the executions and 2d Lieutenant Vasquez Alvarenga, Sergeant Tobar Guzman, Subsergeant Rosales Villalobos, Corporal Ayala Arias, and Privates Cruz Castro, Hernandez Matute, Mendez Beltran, and Ponce Ramirez of being responsible for the executions.(269)

Colonel Chavez Caceres was not called to make any statement, nor was he accused or made responsible for any action or omission.

The legal process: The results of the proceedings were turned over to the judge of the first instance of San Sebastian on 11 March 1989.(270) The arrest of nine persons was ordered.(271) In February 1990, the judge freed all of them except Major Beltran (272) and Subsergeant Rosales Villalobos.(273)

In May 1990, the Chamber of San Vicente confirmed the ruling ordering the release of those in custody and revoked the decision to take Subsergeant Rafael Rosales Villalobos to trial.(274)

At the time this report was being drafted, Major Beltran remained in custody awaiting trial.

Conclusions

The Commission concludes that:

1--There is sufficient proof that Colonel Jose Emilio Chavez Caceres gave the order to execute the prisoners.

2--There is full proof that Major Mauricio de Jesus Beltran Granados ordered members of the Jiboa Battalion to execute the ten peasants under arrest.

3--There is substantial proof that Colonel Jose Emilio Chavez Caceres concealed the execution of the ten prisoners and full proof that Major Mauricio de Jesus Beltran Granados took measures to conceal the execution.

4--There is substantial proof that 2d Lieutenant Arnoldo Antonio Vasquez Alvarenga conveyed the order from Major Beltran Granados to appoint a number of soldiers to finish off the victims and sufficient proof that he supplied the elements needed to activate the mines that seriously wounded the victims.

5--There is substantial proof that Sergeant Jorge Alberto Tobar Guzman activated the detonating mechanism of the mines knowing they would explode precisely where the peasants were being held prisoner.

6--There is substantial proof that Subsergeant Rafael Rosales Villalobos and Privates Fermin Cruz Castro, Jose Carlos Hernandez Matute, Jose Alfredo Mendez Beltran, and Francisco Ponce Ramirez fired on the prisoners, killing them.

7--There is sufficient proof that Colonel Luis Mariano Turcios and Lieutenant Colonel Jose Antonio Rodriguez Molina knew of the order to execute the prisoners and took no measures to prevent the execution.

8--There is substantial proof that the Honor Commission of the Armed Forces, the Commission to Investigate Criminal Acts, and the judge of the First Criminal Court of the city of San Sebastian failed to take steps to determine the responsibility of Colonel Jose Emilio Chavez Caceres, Colonel Luis Mariano Turcios, and Lieutenant Colonel Jose Antonio Rodriguez Molina.

H. Attack Against an FMLN Hospital and the Execution of a Nurse

Summary of the Case

On 15 April 1989, Air Force units attacked an FMLN mobile hospital.(275) Five of the 15 persons in the hospital were killed, including three Salvadorans: Juan Antonio (nurse), Clelia Concepcion Diaz Salazar (literacy training teacher), Maria Cristina Hernandez (nurse and radio operator); and two foreigners: Jose

DRAFT

RELEASED
El Salvador: Human Rights
Special Project (1993)

Ignacio Isla Casares (Argentine doctor) and Madeleine Marie Francine Lagadec (French nurse).

A Salvadoran Air Force unit attacked the hospital. Elements from the unit deliberately attacked medical personnel in violation of International Humanitarian Law and captured and executed French nurse Madeleine Lagadec. Since no autopsy was performed on the other persons killed, it was not possible to determine with the same degree of accuracy whether they were also executed.

Description of Events

The Attack

At about 0700 or 0800 on 15 April 1989, according to testimony, two A-37 aircraft flying at a low altitude bombed the area around a mobile FMLN hospital near Catarina Ranch in the canton of El Tortugal in the jurisdiction of San Ildefonso in the Department of San Vicente. Three rocket-launching helicopters (UH 1M's), one Hughes 500 helicopter, and a "Push-Pull" airplane also participated in the attack. A few minutes later, six helicopters appeared carrying paratroopers armed with M-16's. At 0815, the helicopters dropped the troops near the hospital. The bombing lasted 15 minutes.

Fifteen persons were in the hospital when the bombing started. Most began to flee. One male nurse responded to the attack before escaping. Nurse and radio operator Maria Cristina Hernandez and a patient in the hospital, Juan Antonio, were seriously wounded.

Madeleine Lagadec, a French nurse who had been working with the FMLN for years, refused to flee and stayed behind to take care of Maria Cristina. Argentine Dr. Jose Ignacio Isla Casares, head of the hospital, and literacy teacher Clelia Concepcion Diaz Salazar also stayed behind.

Those who escaped later testified as to what had taken place. The soldiers approached the site and a paratrooper equipped with a radio informed his command of the capture of "the mercenaries" and asked for instructions. The soldiers then questioned the three persons captured and screams were heard, particularly from Madeleine Lagadec. Several shots were also heard. The soldiers left in the afternoon.(276)

There is substantial proof that the operation was carried out by the Salvadoran Air Force "Special Operations" group (paratroopers with artillery and air support). They were part of Operation Lightning [Operacion Rayo], whose purpose was to destroy the logistical structure and command organization of the PRTC [Revolutionary Party of Central American Workers] in the area.

The investigation: On the 17th, COPREFA issued a bulletin announcing that nine persons had died in an Air Force attack on a PRTC command post. The bulletin also reported the seizure of weapons and medical equipment.(277)

That same day, persons from the FMLN found the bodies at the site. According to two of them, Lagadec's clothing only covered her torso, her slacks were down around her knees, she had no undergarments, and her left hand had been cut off at the wrist. The five bodies had bullet wounds in the craneal area.(279)

The Autopsy

The only autopsy performed was on the French nurse in France on 2 May 1989.(280)

According to the autopsy report, Lagadec's body had at least five bullet wounds. Two of these (the one in the skull and the one in the left scapular region) were potentially fatal. The wounds were made by small caliber bullets

RELEASED
El Salvador: Human Rights
Special Project (1993)

DRAFT

(5-6 mm) and their capacity to inflict great harm can only be explained by their great speed. No precise explanation could be found for the amputation of the left hand. The French doctors said the various trajectories of the projectiles rendered the hypothesis of an execution unlikely.(281)

Nevertheless, the opinion of Dr. Robert Kirschner (282), who analyzed the reports from the autopsy in France, graphs, and documents in the possession of this Commission was that Lagadec had been executed.(283)

In his analysis for the Commission, Dr. Kirschner, whose experience in analyzing summary executions is among the most extensive in the world, explained: "The wounds and their trajectories supply important proof of the way in which Madeleine Lagadec was murdered. The body presented six bullet wounds: three in the thorax, one in the central region of each calf, and one in the head. All the wounds were inflicted from front to back and from the center toward the sides (...). (The French doctors) maintained that the diversity of the trajectories described by the projectiles indicated that it was probably not an execution. I do not agree with that conclusion. While the wounds in the thorax could have been inflicted while the victim was standing, the wounds in the calves were almost certainly inflicted while she was on the ground, and the wounds in the thorax also seem to have been inflicted when she was in a supine position. It is of particular importance that the bullet wound in the right temporal region of the head, which followed a horizontal path and emerged from the left temporal parietal region of the scalp, was a characteristic wound of a coup de grace and a distinctive trait of an extralegal execution."(284)

Dr. Kirschner's conclusion that Lagadec was executed also finds support in a different analysis made by experts in electronic microscopy in France.(285) They ascertained, first of all, that the victim was shot while already partially nude: "(...) The brassiere, panties, and slacks had absolutely no bullet holes, although the victim presented gunshot wounds in the right breast, pelvis, and lower extremities (...). It can be deduced that the victim was not wearing these three articles of clothing when she was shot."(286)

Concerning the distance from which the projectiles were fired, the aforementioned Center proposes hypotheses ruling out any claim that Lagadec was shot at long range.(287)

Conclusions

The Commission concludes that:

1--There is sufficient evidence that a Salvadoran Air Force unit attacked the field hospital and substantial evidence that it deliberately attacked medical personnel in violation of International Humanitarian Law.

2--There is substantial evidence that elements of that unit captured French nurse Madeleine Lagadec alive and executed her.

3--The Salvadoran Government failed in its responsibility to investigate the case and to try and punish the guilty parties. It was not possible to determine whether the other persons were also executed because no autopsy was performed.

I. Garcia Arandigoyen

a. Summary

On 10 September 1990 in the Department of Santa Ana, Dr. Begona Garcia Arandigoyen was summarily executed. The 24-year-old Spanish doctor died as a result of an alleged confrontation between a patrol of the 4th BIC PIPIL Company

RELEASED
El Salvador: Human Rights
Special Project (1993)

DRAFT

of the 2d Infantry Brigade of the Armed Forces of El Salvador and a column of the People's Revolutionary Army of the FMLN.

The Commission concludes that:

1--Begona Garcia Arandigoyen was extrajudicially executed by members of the 4th BIC PIPIL Company of the 2d Infantry Brigade under the immediate command of Lieutenant Roberto Salvador Hernandez Garcia and the superior command of Army Lieutenant Colonel Jose Antonio Almendariz Rivas, executive officer of the 2d Brigade.

2--These officers concealed the act with the cooperation of the 3d National Police Command, Santa Ana Unit, along with experts and legal authorities participating in the examination of Begona Garcia's body.

Description of Events

Her Death

Dr. Begona Garcia Arandigoyen, a Spanish doctor, arrived in El Salvador in September 1989 to work as a doctor with the FMLN. She was executed, following her capture, by members of the 4th BIC PIPIL Company of the 2d Infantry Brigade on 10 September 1990 in the Department of Santa Ana.

According to the official version, a patrol sweeping the southern area of the Santa Ana Volcano in the vicinity of the Montanita ranch encountered elements of the FMLN on La Graciela ranch at around 1300 hours on 10 September.

According to statements by Army Lieutenant Colonel Jose Antonio Almendariz Rivas, executive officer of the 2d Brigade and its chief of staff, was informed by radio when the exchange of fire began with the enemy and was later informed of the deaths of ten guerrillas, including two women, one of them a foreigner.(239)

According to the official version, members of the FMLN managed to retrieve the bodies of eight of the dead and the troops of the 4th BIC PIPIL Company found only the bodies of two women. One of them appeared to be a foreigner.

At nightfall, other soldiers moved the bodies of the two women from the place where the events had allegedly occurred to an area of Malacara ranch in Canton Potrero Grande Arriba in the jurisdiction of Santa Ana.

On the morning of 11 September, Army Lieutenant Colonel Jose Antonio Almendariz Rivas and personnel from COPREFA and the 3d National Police Command of the Santa Ana Unit arrived at the Malacara ranch by helicopter under the command of Lieutenant Gilberto Garcia Cisneros. COPREFA personnel photographed the bodies and, the official report states, personnel from the Third Command took paraffin tests to see whether the women had fired weapons. The bodies were not legally examined.(290) The inhabitants proceeded to bury the bodies at the request of the military.

Official examination of the body: On 14 September, the bodies were exhumed and the body of Dr. Begona Garcia was examined by the forensic surgeon on duty, Dr. Neftali Figueroa Juarez, in the presence of the judge of the First Criminal Court of the Judicial District of Santa Ana, Oscar Armando Aviles Magana. A representative of the Spanish Embassy, Lieutenant Colonel Almendariz Rivas, and others were also present.

The medical report states that "an examination was made of the body of Begona Garcia Arandigoyen, which presents a destructive wound on the right side of the face, another on the right forearm with a complete fracture and bone displacement, a destructive wound on the lateral face of the right gluteus, a wound on the external face of the right elbow, and another on the left calf. The body is in a state of advanced decomposition and death occurred a minimum of

DRAFT

RELEASED
El Salvador: Human Rights
Special Project (1993)

four days ago. There is no sign of tattooing, burns, or traces of powder in any of the aforementioned wounds, as a result of which it is deduced that the wounds were caused by long-range shots. The body was exhumed and the direct cause of death was the combined shock of multiple wounds."(291)

Autopsy in Spain

The body of Begona Garcia was taken to Spain, where the Department of Pathology of the Hospital of Navarre, run by the government of Navarre, performed a clinical autopsy. That autopsy established the following, as reflected in a report written by Dr. Carlos Martin Beristain on the forensic and medical findings (292):

1--The body presented multiple wounds, especially to the head, neck, and the upper and lower extremities.

2--In the left forearm, a large wound corresponded to a complete fracture that apparently resulted from a blunt weapon or the impact of a bullet.

3--Two round entry wounds measuring from 2.4 to 3 cm were found above the bend in both elbows, but no exit wound could be seen. The lesions were very selective, being only in the extremities and symmetrical in both arms, without any other lesions in the thorax that might follow a line of fire.

4--The lesions in the arms and left calf could have been produced by a cutting instrument such as a bayonet since the diameter was too large to have been produced by a firearm without a greater destructive effect, other exit wounds, or projectiles inside.

5--An entry wound measuring 1.8 cm in diameter was found in the lower central occipital region, the trajectory being upward and in a forward direction.

6--A circular wound measuring 2.5 cm was found in the base of the neck just above the sternum manubrium.

7--Death had to have been produced instantaneously by gunshot wounds to the cranium as a result of the destruction of vital nerve centers rather than by hemorrhaging from the wounds.

Dr Beristain's report notes that biochemical analysis detected the existence of a large amount of powder on the edges of the neck wound (on the external manubrium), indicating that it was left a shot fired from a range of only a few centimeters. Consequently, the bullet wounds in the occipital zone and the external manubrium have similar characteristics and were produced at point-blank range.

The report also notes that the official examination of the body in El Salvador did not record either of the two head wounds that were made at a distance of only a few centimeters (nape of neck and suprasternum region).

Truth Commission Expert's Report

At the request of the Truth Commission, Dr. Robert H. Kirschner, expert forensic pathologist, studied the examination report by Dr. Jose Neftali Figueroa done on 14 September 1990 and the report from the clinical autopsy performed at Navarre Hospital. In Dr. Kirschner's opinion, the Navarre autopsy directly contradicts the examination report from El Salvador and supports the assertion that Begona Garcia was captured and executed. Dr. Kirschner notes that the Navarre autopsy describes wounds inconsistent with the kind sustained in combat and that are typical of those caused by an execution, including the wound near the nape of the neck at the base of the skull and another in the upper chest resulting from a shot fired from a distance of a few centimeters.

DRAFT

RELEASED
El Salvador: Human Rights
Special Project (1993)

Conclusions

The Commission concludes that:

1--There is full evidence that Begona Garcia Arandigoyen was executed extrajudicially in flagrant violation of international humanitarian law and international law governing human rights by units of the 2d Infantry Brigade under the immediate command of Lieutenant Roberto Salvador Hernandez Garcia and the superior command of Army Lieutenant Colonel Jose Antonio Almendariz Rivas, executive officer of the 2d Brigade.

2--There is full evidence that the officers concealed the act.

3--There is full evidence of the responsibility of the Judicial Branch from the time of the involvement of the judge of the First Criminal Court of the Judicial District of Santa Ana, Oscar Armando Aviles Magana, and the forensic pathologist on duty, Dr. Neftali Figueroa Juarez, who participated in the examination of Begona Garcia's body. They omitted from their report the two wounds caused by shots fired at a distance of only a few centimeters and thus failed in their duty to conduct a complete and impartial investigation of the causes of death.

J. FENASTRAS and COMADRES

Summary of the Case

Early in the morning on 31 October 1989, unknown persons placed a bomb at the entryway to the Monsignor Oscar Arnulfo Romero Committee of Mothers and Relatives of Prisoners, Missing Persons and Political Assassination Victims of El Salvador (COMADRES) in San Salvador. Four persons, including one minor, were wounded.

At noon, a bomb was placed at the headquarters of the Salvadoran Workers National Union Federation (FENASTRAS) in San Salvador. Nine persons died and over 40 were wounded. As a result of the attack, the FMLN decided to suspend the peace negotiating process with the government.

The Truth Commission concludes that:

1--The bombings of the COMADRES and FENASTRAS offices on 31 October 1989 were part of a systematic, repeated offensive against the lives, physical integrity, and freedom of the members of the two organizations.

2--The government of El Salvador did not comply with its duty of guaranteeing the human rights which the members of those entities enjoy as individuals and as members of the institutions.

3--The attack on the FENASTRAS office was caused by a bomb which unknown persons placed outside.

4--Competent authorities in El Salvador did not conduct a complete and impartial investigation of the attacks on the COMADRES and FENASTRAS premises.

5--There is no contrary proof that the FMLN or members or affiliates of FENASTRAS authored the attack.

Description of Events (295)

The Monsignor Oscar Arnulfo Romero Committee of Mothers (COMADRES) is a nongovernmental organization created to support mothers and parents of missing persons or the victims of political assassinations. Its founding in December 1977 came at the suggestion of Monsignor Oscar Arnulfo Romero.

The Salvadoran Workers National Union Federation (FENASTRAS) is an independent federation set up in 1974 to strengthen trade union associations and

DRAFT

RELEASED
El Salvador: Human Rights
Special Project (1993)

promote the interests of Salvadoran workers. It has 25,000 affiliates and 16 member unions. FENASTRAS is the biggest industrial federation in El Salvador. Its headquarters is located two blocks from National Police Headquarters in San Salvador.

The Bombings

Early in the morning on 31 October 1989, two uniformed men reportedly placed a bomb at the entryway to the COMADRES office in San Salvador. In addition, a large truck was heard leaving the spot only moments later. Four persons, including a 4-month-old baby, were injured. The National Police blamed the guerrillas for the incident.(294)

At about 1230 hours on that same day, a worker affiliated with FENASTRAS observed an individual leaning a bag against the FENASTRAS cafeteria wall. He smelled powder and ran inside to warn his comrades. Another witness, a scrap metal vendor, saw two young men enter the FENASTRAS property through the wall door. One was carrying a suitcase in a jute bag. Through the door in the wall, he saw one of the men "bend down as if he were lighting something." Upon leaving, he shouted that they had laid a bomb and ran north.

Someone yelled "Bomb!" outside and the people began to run. The bomb exploded. Smoke and dust filled the area and the offices were destroyed. Over 40 persons were wounded and the following were killed: Ricardo Humberto Cestoni, trade unionist; Carmen Catalina Hernandez Ramos, FENASTRAS cook; Jose Daniel Lopez Melendez, trade unionist; Julia Tatiana Mendoza Aguirre, trade unionist and the daughter of the leader of the Revolutionary Democratic Front murdered in 1980; Vicente Salvador Melgar, trade unionist; Maria Magdalena Rosales, student and daughter of a union official; Rosa Hilda Saravia de Elias, FENASTRAS cook and union member; Luis Edgardo Vasquez Marquez, trade unionist; and Febe Elizabeth Velasquez, FENASTRAS secretary of international relations and member of the Executive Committee of the National Unity of Salvadoran Workers (UNTS).

FENASTRAS members and the main unions blamed the Armed Forces. UNTS accused the minister of defense of "executing" the workers in reprisal for an FMLN attack on the staff the previous day.

Background

These attacks on COMADRES and FENASTRAS offices occurred within a special political and chronological context. It was common knowledge that both organizations were critical of government policy, particularly with respect to human rights violations, and FENASTRAS of government measures which it thought harmed workers' interests. The Armed Forces considered FENASTRAS a "front" for the FMLN.(295)

Security forces exercised constant surveillance over several COMADRES and FENASTRAS members as well as their offices. They repeatedly raided the offices of the two and their affiliates were regularly threatened, persecuted, and arrested by authorities.(296) On 22 February and 5 September, explosive devices were thrown at FENASTRAS headquarters. Hundreds of incidents of violence, persecution, and threats have been reported against the two organizations.

Within such a political and chronological context, it should be noted that in the month of October 1989, there was a series of attacks on the Army and opponents to the government.(297) A day before the COMADRES and FENASTRAS attacks, members of the FMLN attacked the Armed Forces Joint Staff with explosive devices.(298)

RELEASED
El Salvador: Human Rights
Special Project (1993)

DRAFT

Investigation of Attacks

Immediately following the FENASTRAS bombing, the Commission to Investigate Criminal Acts, Judicial Branch, and National Police initiated their respective investigations. Second Justice of the Peace Nelson Ulises Umana Bojorquez tried to conduct a legal inspection (299) on 31 October, but was forced to abandon his efforts due to "the jostling and commotion of the multitude of persons present."(300) CIHD technicians arrived a half hour after the attack to perform a visual inspection, but neither they nor personnel from the Police Explosives Section obtained access to the inside.(301)

Much doubt remains about the seriousness and impartiality with which the investigations were conducted. CIHD representatives expressed the opinion that same day that "the cause of the explosion was the improper handling of explosives inside the office itself."(302) Members of the Police Explosives Section deduced that the attack "...is part of a plan of conspiracy whose purpose is to discredit the government of El Salvador by making the national and international community believe the attack was the government's response to the artillery attack which the FMLN staged on 30 October 1989 on EMCFA [Armed Forces Joint Staff] facilities...which amounts to concluding that the FMLN attacked itself in order to confuse public opinion by making it believe that it was an act of revenge for the aforementioned incident."

One deduces from the CIHD file that the Commission's investigation was based on the conclusions of the investigation of the Department of Technical Assistance of the National Police's Sergeant Carlos Sosa Santos Explosives and Demolitions Section, which ruled out the possibility that the explosive could have been placed at the FENASTRAS office "by an unknown person not from that organization, inasmuch as a union meeting was being held inside and given the possibility that access to the inside was controlled by the union."(303) One of the first steps taken by the CIHD was to submit an "urgent" request to security forces for any political or other common background of persons who died or were injured in the explosion.(304)

In November of 1989, at the request of President Cristiani, the U.S. State Department sent FBI experts to inspect the site of the explosion at the FENASTRAS office.(305) In its report, the FBI concluded that disturbance of crime scene, the passage of time, and the circumstances of the crime diminished the possiblity of identifying the type of explosive used.(306) It was only possible to determine that a high power explosive weighing approximately 15 lbs. had been used, and that the explosion had occurred between the wall at the entrance to the site and the exterior wall of the building.(307)

It is said that the government allegedly pressured certain prisoners to blame the FMLN for the attack or publish false statements.

Conclusions

The Commission concludes that:

1--There is sufficient proof that the bombings of the COMADRES and FENASTRAS remises on 31 October 1989 were part of a systematic, repeated policy of ks on the lives, physical integrity, and freedom of the members of those zations.

--There is full proof that the government of El Salvador has not complied with its duty to guarantee the human rights which the members of those entities enjoy as individuals and as members of those institutions.

3--There is full proof that the attack on the FENASTRAS office was caused by a bomb which unknown persons placed outside the premises.

RELEASED
El Salvador: Human Rights
Special Project (1993)

4--There is substantial proof that the competent authorities of El Salvador did not conduct a complete and impartial investigation of the attacks on the COMADRES and FENASTRAS premises.

5--There is no proof to indicate the contrary, that the FMLN or members or affiliates of FENASTRAS authored the attack.

K. Oqueli and Flores

Summary of the Case

On 12 January 1990, Hector Oqueli Colindres and Gilda Flores Arevalo were kidnapped in Guatemala City in the Republic of Guatemala. Their bodies were found that same day in the village of San Jose El Coco in the jurisdiction of Jalpatagua in Guatemalan territory, 5 km from the Salvadoran border.

There is no controversy about the facts of the murder, but there are different versions as to the criminal and political responsibility.

Within the confines of its own limitations, the Commission made an exhaustive effort to assign responsibility for the murders. It received part of the investigations conducted by the Office of President of the Republic of Guatemala, querried that country's authorities, evaluated information supplied by the government of El Salvador, studied the report drafted by Professors Tom Farer and Robert Goldman, and heard relevant testimony.

Having analyzed the information available, it can assert that there was involvement by members of Guatemalan security forces acting with Salvadorans.

In addition, it is certain that these happenings were not duly investigated and that a number of essential steps were omitted.

The governments of Guatemala and El Salvador must conduct a thorough investigation into this double murder.

Description of Events

Background

Hector Oqueli, leader of the National Revolutionary Movement (MNR) of El Salvador (308), enjoyed enormous national and international prestige and had long been involved in the Socialist International (IS).(309) He was emerging from his political base as the figure most likely to succeed MNR leader Dr. Guillermo Ungo.(310)

Gilda Flores Arevalo, a citizen and resident of Guatemala, was actively involved in the Democratic Socialist Party (PSD).

The murder took place shortly after the biggest military offensive of the Salvadoran conflict waged by the FMLN in November 1989.

Hector Oqueli Flores' status as a leader of the opposition in Salvadoran politics, combined with the uproar that this crime generated, turn this case into a serious act of violence covered by the mandate granted to the Commission, independently of where the events took place.

Other considerations

As soon as President Vinicio Cerezo took office in Guatemala, a number of opponents of the Salvadoran regime, including Oqueli, began to engage in low-profile political activities in Guatemalan territory.(311)

As a member of the MNR, Oqueli returned to El Salvador and began proselytizing publicly. In November 1989, during an FMLN offensive, Oqueli

DRAFT

RELEASED
El Salvador: Human Rights
Special Project (1993)

sought asylum in the Venezuelan Embassy. He proceeded on to Mexico, where he continued his political activity within the Socialist International.

The Events

On 11 January 1990, Oqueli traveled from Mexico to Nicaragua to participate in a meeting of the Socialist Internationalist in Managua. His plan was to make a 1-day stop in Guatemala and leave for Managua the following day.

The reason for the stop was to have a political meeting with Rene Flores, a member of Oqueli's same political group. Rene Flores traveled expressly from San Salvador to meet with him. Oqueli therefore visited Flores in Guatemala.

On the 11th, Oqueli arrived in Guatemala City. He met Rene Flores in the "international arrival zone" as the latter came off a flight from San Salvador.

Oqueli went through the Immigration inspection with no difficulty whatsoever. He was then approached by two Immigration officials who asked for his passport, adducing an administrative reason and detaining him for over half an hour. This delay meant that Oqueli could not leave the baggage area or go through Customs since he did not have his passport with him. Gilda Flores and Rene Flores waited for him at the gate, puzzled by his delay.

Oqueli's passport was new and in perfect order and could not have presented any problem for a mere visual inspection. Nevertheless, when it was returned to him, printed on the date of the entry seal was the notation "Please read."

Once outside, Oqueli met up with Rene Flores and Gilda Flores. They commented on the passport incident that had occurred in the baggage area and proceeded on to Rene Flores' residence.

Upon leaving the airport, they observed that they were being watched by plain-clothes policemen, but nothing untoward occurred on the way to the city.

When they arrived at Gilda Flores' house, they saw people they did not know outside, but since it was near a foreign embassy, they paid no attention.

Once inside, Oqueli made a number of telephone calls. He and Rene Flores talked about the general political situation in El Salvador and the latter gave him a number of documents.

Gilda Flores and Oqueli then took Rene Flores to the airport. Rene Flores told the Truth Commission that he found it strange that they would accompany him to the airport inasmuch as it was not necessary and did not fit in with security precautions that Oqueli scrupulously obeyed.

Gilda Flores invited Oqueli to dinner at her home. The maid left after dinner. The following morning, Flores and Oqueli left for the airport early because Oqueli had a ticket on a flight to Managua. Gilda Flores was driving.

At approximately 0545 hours on Sexta Avenida in Zone 9, they were intercepted by a private vehicle and a group of persons got out.(312) Oqueli, riding in the front seat, tried to escape but was caught, and he and Gilda were forced into the vehicle that intercepted them.

Luis Ayala, secretary general of the Socialist International, and those attending the International meeting in Managua began to miss Oqueli.

That same day, Guatemalan Police appeared at the scene of the kidnapping and found documents in the vehicle abandoned on the street indicating that it belonged to Gilda Flores. Early in the morning, a police report was filed for armed theft of a vehicle committed by two persons against a Guatemalan citizen in Guatemala City. When the vehicle was taken, the attackers were identified as police officers.(313) The vehicle turned out to be the very one in which the bodies of Oqueli and Flores were later found. The bodies had bullet wounds and there were signs that both had been injected with some substance.(314)

DRAFT

RELEASED
El Salvador: Human Rights
Special Project (1993)

The two bodies were found at 1700 on that same day, the 12th, in an abandoned vehicle on the highway leading to the Salvadoran border. Oqueli's papers were found in his clothing.

Subsequent Events

Guatemalan authorities concluded on the spot that it was indeed the body of Hector Oqueli Colindres. Gilda Flores' body was identified by relatives.

President Cerezo ordered an investigation into the case. The result of these investigations was the so-called "Third Report." The report presented no conclusions and assigned no responsibility other than the Guatemalan Government's hypotheses about possible causes of the crime. The investigation went no further despite the fact that the report itself sustained that "intelligence also found information that persons connected with the activities of Salvadoran terrorist groups in recent years might be operating in Guatemala. Among the names mentioned were those of Francisco Ricardo De Sola and Orlando de Sola. Even though there is no concrete evidence concerning the participation of these individuals, the investigation was able to ascertain that they did happen to be in the country on the precise days of the kidnapping and murder."(315) The report adds that "...they found information pointing to Salvadoran Army Colonel Mario Denis Moran Echeverria, El Salvador's military attache in Guatemala, as a person whose background might make him open to suspicion of working to provide cover for illegal terrorist groups from El Salvador."(316)

The Salvadoran Government reacted to the report by maintaining that it had implicated Salvadoran citizens without grounds, as a result of which President Cristiani ordered the attorney general to initiate an investigation. Nevertheless, that investigation produced no results.

At the request of the Socialist International, two human rights experts, Professors Tom Farer and Robert Goldman also analyzed the action of the Guatemalan Government. The Farer-Goldman report concluded that "the shortcomings" of the government reports "are so obvious that one could draw the conclusion that there was a deliberate attempt to make the investigation fail."(317)

The Oqueli-Flores case remains legally unresolved in El Salvador and Guatemala.

Analysis

The Commission held a very significant number of interviews with persons close to Oqueli, including relatives and political associates, and instituted all manner of inquiries in order to bring greater pressure to bear on official investigations conducted in Guatemala and El Salvador. It had access to opinions on many possible motives for the double murder. Unfortunately, the elements most crucial for delving further into the investigation and clearing up some of the questions put before the Commission as working hypotheses found no support from a petition for all depositions which the Salvadoran Government had on the Oqueli-Flores case. Reluctance to make available to the Commission, in Guatemala or El Salvador, the summons issued during the lapse of our investigation placed serious limitations upon it.

In this case, the facts have been documented and there is no doubt about the details of the kidnapping and death of Hector Oqueli and Gilda Flores. However, the material and intellectual authors of the double homicide have not been singled out.

DRAFT

RELEASED
El Salvador: Human Rights
Special Project (1993)

It was never made clear why Guatemalan authorities detained Oqueli at the airport and confiscated his passport for over half an hour. Nor was it determined what substance was injected into the victims before they died. There was no verification of the records of persons who entered and left the country, not even from a border post located only 5 km from the site where the bodies were found. No statements were taken from persons who would have been decisive in clarifying the events and fingerprints were not taken from the vehicles. Finally, there was no investigation of the use of police identification at the time of the theft of the car used to commit the crime.

The legal record supplies no new elements other than the sum of bulletins and reports from police stations and purely routine legal procedures.

The Commission filed a request with the highest levels of government of the Republic of Guatemala for all information on the case.(318) Despite a pledge to cooperate with the work of this Commission, no relevant information was received.(319)

The Office of Attorney General of the Republic of El Salvador gave the Commission a copy of the file on the investigation conducted at the urging of President Cristiani. It is actually only a compilation of press clippings on the case.(320) The Office of Attorney General also failed to interview Salvadorans named in the Third Report, some of whom were government employees of El Salvador.

Among the possible hypotheses are those focusing the motive for the crime on the political and international figure of Hector Oqueli. It is this figure that is analyzed by the Guatemalan Government's Third Report, which places him among the most radical sectors of the FMLN, Guatemalan Army, Salvadoran authorities, or Salvadoran far right.

The Commission received from the MNR the original copy of a military ID of Major Rene Grande Martinez, which was reportedly handed over by President Vinicio Cerezo. The ID card was said to have been found by Guatemalan authorities at the site of the murders.

The Ministry of Defense made little effort to respond to the Truth Commission's request to locate Major Grande Martinez. That officer was repeatedly summoned by the Commission, but never appeared to testify.

The Commission was able to determine that the most important details concerning the murder were: a) advance knowledge of Oqueli's presence in Guatemala; b) Oqueli's detainment at the airport by authorities; c) constant surveillance of his movements; d) the participation of alleged police officers in the theft of the vehicle in which the bodies were later found; e) the kidnapping in Guatemala City in broad daylight on a public thoroughfare; and f) the uninhibited journey from the capital to the border in a stolen car carrying the two kidnap victims. For all these reasons, it is obvious that Guatemalan authorities had to have cooperated with or allowed the commission of these crimes.

Conclusions

1--The governments of Guatemala and El Salvador did not make a sufficient effort to thoroughly investigate the causes of and responsibility for the murder of Hector Oqueli Colindres and Gilda Flores. The Truth Commission urges both governments to do whatever is necessary individually to shed light on the crime and to work with international bodies that are able to support them in the resolution of this tragic event and present to the international community the elements clarifying what took place, without in any way affecting appropriate legal action.

DRAFT

RELEASED
El Salvador: Human Rights Special Project (1993)

2--The Commission believes there is a direct tie between the following: Hector Oqueli Colindres' and Gilda Flores Arevalo's status as political activists belonging to the opposition; Oqueli's inexplicable detention at the airport by Guatemalan authorities; surveillance of Gilda Flores' home and the subsequent kidnapping and murder of Oqueli and Flores; and the alleged participation of police in the theft of the automobile in which the bodies were found.

3--The Commission has found sufficient evidence that members of Salvadoran security forces bear responsibility for this act, in combination with or tolerated by Guatemalan security forces.

4--There is sufficient evidence that Salvadoran authorities did not investigate this crime properly. There is also sufficient evidence that investigations conducted by Guatemalan authorities were inadequate and that the omission of fundamental evidence, if it did not seek concealment of the crime, produced just such a result.

Footnotes

167. Considering the total lack of any measures aimed at shedding light on the El Junquillo massacre on 28 November 1992, the Truth Commission asked the minister of defense and public security, General Rene Emilio Ponce, to supply the Commission with the following information: which military units participated in the military operation carried out between 10 and 12 March 1981 in the cantons of Agua Blanca and El Junquillo in the jurisdiction of Cacaopera in the Department of Morazan; the names of those responsible for ordering the operation and the orders they gave, as well as the responsibility assigned to each military unit; the names of the officers, noncommissioned officers, and enlisted men and the responsibilities assigned to them; a copy of any report on operations received by the Armed Forces Staff and/or the Ministry of Defense on incidents occurring in the canton of El Junquillo and the hamlet of Flor Muerto in the canton of Agua Blanca in the jurisdiction of Cacaopera in the Department of Morazan between 10 and 12 March 1981.

There had been no response to the request from the minister of defense and public security by the time this report was drafted.

This Commission received the testimony of persons making statements on events in the canton of El Junquillo, as well as from individuals to whom witnesses appealed for help. It also requested information from the government of El Salvador and Military Detachment No 6 in Sonsonate and summoned an Army officer. The request for information was never answered and the officer summoned never appeared.

All of these elements were examined.

168. In March 1982, there were some 700 journalists, photographers, and television technicians in the country. Bonner, Raymond: "Weakness and Deceit," Times Books, New York, 1984, p 295.

169. Page 252 of the record.

170. Report 1, p 2.

171. The Commission reviewed video tapes and cassettes made by newsmen on that occasion.

172. According to official information sent to the Commission by the Armed Forces, there was no military detachment in Usulutan on that date, only the 6th Infantry Brigade, whose commanding officer was Lieutenant Colonel Elmer Gonzalez Araujo.

173. Record of the interrogation at the General Directorate of the Treasury Police. Appendix II of Report 1.

DRAFT

RELEASED
El Salvador: Human Rights
Special Project (1993)

174. Page 73 and the following of the record.
175. Page 254 of the record.
176. Record of the interrogation, Appendix II, Report 1.
177. Report I, p 3.
178. Pages 73 and the following of the record.
179. Copy of the news article, Appendix III, Report 1. After reviewing the text of the bulletin, Colonel Gonzalez denied it had been done by COPREFA. He said it was done by the Treasury Police themselves and sent on to COPREFA with photos for publication.
180. Page 254 of the record.
181. Report I and page 254 of the record.
182. Pages 246 and the following of the record.
183. Page 246 of the record.
184. Page 246 of the record.
185. "Complementary Report of the Investigation into the Circumstances Surrounding the Events Leading to the Death of Four Dutch Journalists on 17 March 1982 in El Salvador." Ministry of Foreign Affairs of the Netherlands, The Hague, 28 May 1981. (Report II below)
186. Report II, p 7.
187. Pages 246 and 254 of the record. A Norwegian newsman was staying in the same house as Wertz and spoke with him after he came out of the shower at 6:30 pm.
188. Report II, p 1.
189. Report II, p 2.
190. Pages 117 and the following of the record. Pseudonym of Napoleon Romero Garcia.
191. About 50 meters from the point of encounter, Martin said he had seen a blue pickup truck with two passengers on the road to Santa Rita (Report II, p 4). Wertz, who was then driving the minivan on the same road, never mentioned this vehicle in any of his statements.
192. Report II, p 4. The sergeant also said that a few persons were hit right away. Report II, p 14.
193. Report (II), p 6.
194. Report (II).
195. Statement by the sergeant, Report II, pp 12 and the following.
196. Sergeant Canizales, Report II, p 13.
197. Information from various sources received by the Truth Commission claims the information came from the Treasury Police, which had done intelligence work on and tracked the journalists. Bonner, Raymond: "Weakness and Deceit," p 295.
198. Report (II), p 15.
199. Page 76 of the record.
200. Report I, p 11.
201. Report II, p 15. Record from the Office of Attorney General of the Republic, p 1 and the following.
202. Page 254 of the record.
203. Page 254 of the record.
204. Report II, p 9.
205. Report II, p 12 and following.
206. The Truth Commission received reports on the case and interviewed witnesses, survivors, and eye witnesses, members of the National Association of Salvadoran Indians (ANIS), members of the Armed Forces, members of the Civil Defense, members of people's organizations, and members of the Government Human Rights Commission and others. The record of the criminal trial was reviewed. The place of the captures and massacre was visited. Reports were also received from

DRAFT

RELEASED
El Salvador: Human Rights
Special Project (1993)

diplomatic and journalistic sources and government and nongovernmental reports were reviewed. The aforementioned Carlos Sasso Landaverry never appeared before the Commission.

207. Deposition by Captain Figueroa Morales, Ministry of Defense investigation, page 428.

208. Legal deposition by Florencia Cruz Sanchez, mother of Gerardo Cruz Sandoval, 3 March 1983, p 28.

209. Deposition by Maria Isabel Arevalo Moz, who cohabited with Jose Guido Garcia, 28 February 1983.

210. Legal deposition by Nicolasa Zetino de Perez, mother of Pedro Perez Zetino and Benito Perez Zetino, 28 February 1983, pp 19-20.

211. Ibid.

212. Deposition by Felipa Bonilla, who cohabited with Marcelino Sanchez Viscarra, pp 20-21.

213. Legal deposition by Francisca Jimenez de Martir, wife of Juan Bautista Martir Perez, 28 February 1983, pp 22-23.

214. Legal deposition by Santos Marquez, wife of Hector Manuel Marquez, pp 21-22.

215. Legal deposition by eye witnesses Aminta Ayala de Ayala (p 16) and Candelario Elena (p 26). Also see statements by Adan Mejia Nataren (p 15), Hortensia Dubon Ayala (p 17), Ubaldo Mejia (pp 18-19), Evangelina Escobar Mejia de Aleman (p 25), and Rubenia Lopez Morales (p 27).

216. Deposition by Hortensia Dubon Ayala, who cohabited with Antonio Mejia Alvarado, p 17.

217. Legal deposition by Adan Mejia Nataren, father of Lorenzo Mejia Carabante and uncle of Romelio Mejia Alvarado, 26 February 1983, p 15.

218. Ibid.

219. Legal deposition by Candelario Elena, father of Ricardo Garcia Elena, 1 March 1983, p 26.

220. Legal deposition by Evangelina Escobar Mejia de Aleman, wife of Francisco Aleman Mejia, 1 March 1983, p 25.

221. Legal deposition by Rebenia Lopez Morales, sister of Leonardo Lopez Morales, 2 March 1983, p 27.

222. Legal deposition by Aminta Ayala de Ayala, wife of Alfredo Ayala, 26 February 1983, p 16.

223. Deposition by Ubaldo Mejia, father of Martin Mejia Castillo, pp 18-19.

224. Colonel Elmer Gonzalez Araujo will also be interchangeably called Colonel Araujo throughout the case.

225. Examination of the body of Alfredo Ayala, pp 4-5.

226. Deposition by Captain Figueroa Morales, p 428.

227. According to all military declarants, at no time did they take out of his home any person residing in the canton of Las Hojas, nor did they realize that any of their comrades or superior officers did so. Pages 424, 426, 432, 433, and 434. See also: statements by Rufino Raymundo Ruiz, Jose Reyes Perez Ponce, Jose Sermeno, Rene Arevalo Moz, Teodoro Rodriguez Perez, and the Ministry of Defense investigation.

228. Deposition by Captain Figueroa Morales, p 429.

229. Bulletin from (Infantry) Colonel Napoleon Alvarado to the minister of defense, 20 April 1983, p 411.

230. Ibid, p 442. This report was not submitted to the court until 15 December 1986, over three years later, in accordance with instructions from the deputy minister of defense. Page 443.

231. On 16 February 1984, the attorney general handed down his opinion on the merits of the evidence and maintained that the body of the crime had been

DRAFT

RELEASED
El Salvador: Human Rights
Special Project (1993)

established by the examination and identification of the bodies and that the criminal responsibility of the persons charged had been established by the testimony of witnesses. See p 317.

232. The accused were Marcial Caceres Rosa, Rene Arevalo Moz, Mario Arias Perez, Pedro Perez Gonzalez, Leandro Perez Gonzalez, Salvador Jose Sermeno, and Vicente Sermeno. At the time, there were no eye witnesses to the participation of identified members of the Armed Forces. Page 318.

233. Page 381.

234. Page 382.

235. Page 397.

236. It states that "...since all procedures requested by the Office of Attorney General have been completed...without their changing the situation of those whose proceedings have been stayed in this case...it issues a permanent stay of proceedings in favor of those charged...." Page 471.

237. Page 486.

238. Article 1 of the Amnesty Law provides that: "Article 1: Grants absolute legal amnesty to all persons, whether nationals or foreign, who may have participated as the immediate or intermediate authors or as accomplices in the commission of political or common crimes relating to political or common crimes when, in their execution, at least 20 persons were involved...." The law contains a provision on pending actions. Article 4 (3) provides that "in cases of persons charged with cases pending, the competent judge will automatically order the stay without restrictions in favor of those involved, without halting the criminal proceedings, and ordering the immediate release of such persons." Article 4 requires that "in situations covered by No 3, any judge or court that might for any reason whatsoever be presiding over trials or proceedings relating to crimes contained in this law, must turn them over within no more than 72 hours to the competent judge of the first instance who was originally hearing such trials."

Order No 805, Vol. No. 297, DIARIO OFICIAL No. 199, 28 October 1987.

239. Pages 546 and the following. The court determined, based on the testimony of those offended and of Figueroa Morales, that more than 20 persons participated in the operation carried out on 22 February 1983 in the canton of Las Hojas, even though only 14 of those responsible had been identified. The court also deemed that the legislative Assembly deliberated the possibility of leaving the case of Las Hojas excluded as an exception in order that those charged would not enjoy special amnesty, but that in the end, the Legislative Assembly had tacitly included it in the amnesty by not ruling it to be an exceptional case. Pages 551-552.

240. El Salvador, Inter-American Human Rights Commission, 24 September 1992, Report No 26/92, Case No 10,287, paragraph 1.

241. Report No 26/92, paragraph 1.

242. Ibid, paragraph 11.

243. Ibid, paragraph 4.

244. Ibid, paragraph 5.

245. The Commission reviewed reports presented by Americas Watch, the Office of Legal Tutelage of the Archbishop, the Nongovernmental Human Rights Commission, the record of the criminal case, and the report of the Criminal Acts Investigative Commission. It also received information from diplomatic sources and witnesses.

The Commission asked Colonel Rene Arnoldo Majano to supply official information on the activities of the 5th Brigade on the date of the incident, particularly the name of the officer acting as chief of services. That petition for information was never answered.

DRAFT

RELEASED
El Salvador: Human Rights
Special Project (1993)

246. Deposition by 2d Lieutenant Arnoldo Vasquez Alvarenga and Subsergeant Hernan Ayala Arias in the offices of the Deputy Ministry of Public Security of the Ministry of Defense.

247. Deposition by Lieutenant Galvez Galvez and 2d Lieutenant Vasquez Alvarenga in the offices of the Deputy Ministry of Public Security.

248. Deposition by Subsergeant Hernan Ayala Arias and 2d Lieutenant Vasquez Alvarenga in the offices of the Deputy Ministry of Public Security.

249. Deposition by 2d Lieutenant Vasquez Alvarenga in the offices of the Deputy Ministry of Public Security.

250. Deposition by Lieutenant Galvez Galvez in the offices of the Deputy Ministry of Public Security.

251. Deposition by Lieutenant Galvez Galvez in the offices of the Deputy Ministry of Public Security.

252. Deposition by Captain Pena Duran and Major Beltran Granados in the offices of the Deputy Ministry of Public Security. The latter said he denied permission because he had to consult with the command to ascertain its opinion of the possibility. Beltran also said that Pena informed him that units of the Jiboa Battalion had made several captures and seized subversive material, adding that the captures had been seen by the people and that the previous night they had given him an order saying the prisoners had to be eliminated.

253. Deposition by Captain Pena and Lieutenant Galvez in the offices of the Deputy Ministry of Public Security.

254. In his statement in the offices of the Deputy Ministry of Public Security, Captain Pena Duran said he had contacted the Brigade for the second time and spoken with the then Major Rodriguez Molina to request permission to go to Brigade headquarters and that the latter had granted him such permission.

255. Captain Pena said in his statement in the offices of the Deputy Ministry of Public Security that he had met with the aforementioned officers in the order previously given. However, in the statement taken from him on that occasion, he said only that he reported "on the situation" in the hamlet of San Francisco, but not the existence of the order to execute the prisoner. In his hearing before the Truth Commission, Captain Pena Duran said he had expressly informed Rodriguez Molina, Turcios, and Chavez Caceres of the existence of the order. However, he said that when he informed Chavez, the latter simultaneously received the report that the prisoners died in the ambush. Colonel Chavez Caceres said in his statement before the Truth Commission that Captain Pena only informed him of the general situation in the canton of San Francisco. Colonel Turcios said that Captain Pena reported to Major Rodriguez Molina. The latter went to the office of Lieutenant Colonel Turcios and the two then went together to report to Colonel Chavez Caceres. He does not recall receiving in Pena's report information to the effect that they were going to execute the prisoner.

256. Deposition by Lieutenant Galvez Galvez in the offices of the Deputy Ministry of Public Security.

257. Depositions by Lieutenant Galvez Galvez, Reynaldo Aguilar Hernandez, and Oscar Ceron Sanchez in the offices of the Deputy Ministry of Public Security. Ceron Sanchez said he heard Corporal Hernan Ayala Arias say that Lieutenant Galvez had turned over his command to Major Beltran in order not to see his men in problems. Corporal Ayala Arias did not refer to this incident.

258. Including the four persons previously arrested, they were the following: Jose Felix Alfaro, Jesus Zepeda Rivas, Maria Zoila Rivas, Nicolas Flores Alfaro, Jose Ulises Sibrian Rivas, Teresaq de Jesus Argueta, Jose Maria Flores, Jose Atilio Rivas, Maria de Jesus Sibrian, and Jose Francisco Alfaro.

259. Deposition by Lieutenant Galvez Galvez in the offices of the Deputy Ministry of Public Security.

DRAFT

RELEASED
El Salvador: Human Rights
Special Project (1993)

260. Depositions by 2d Lieutenant Vasquez Alvarenga and Francisco Monzon Solis in the offices of the Deputy Ministry of Public Security. On 6 March in the offices of the Deputy Ministry of Public Security, Silverio Menjivar Garcia declared that Sergeant Tobar Guzman told him and other soldiers that "Major Beltran had ordered him to lay the mines for the purpose of killing the prisoners."

261. Deposition by Sergeant Tobar in the offices of the Deputy Ministry of Public Security.

262. Deposition by Private Manuel de Jesus Herrera Rivera in the offices of the Deputy Ministry of Public Security. In his legal deposition, Hernandez Matute also said that Vasquez named Churute (Cruz Castro), Beltran, and himself. In his deposition in the Deputy Ministry offices, Cruz Castro said that Vasquez had named him, (Mendez) Beltran, and (Hernandez) Matute to finish off the victims.

263. Deposition by Sergeant Jorge Alberto Tobar Guzman and Napoleon Antonio Merino in the offices of the Deputy Ministry of Public Security of the Ministry of Defense on 3 and 6 March 1989 respectively; and deposition by Manuel de Jesus Herrera in the offices of the Deputy Ministry of Public Security.

264. Deposition by Francisco de Jesus Monzon Solis in the offices of the Deputy Ministry of Public Security. Legal deposition of Francisco Ponce Ramirez. Sergeant Tobar stated in the same offices that a soldier had told him that the officers ordered them to fire after the detonation, but no more than one clip. 2d Lieutenant Vasquez stated that Major Beltran ordered the soldiers to fire in order to simulate an ambush.

265. Depositions by Manuel de Jesus Herrera Rivera, Napoleon Merino Martinez, Fermin Cruz Castro, and Santos Victorino Diaz in the offices of the Deputy Ministry of Public Security. The first said he saw Cruz Castro, Ponce Ramirez, and Hernandez Matute. The second said he saw Cruz Castro, Ponce Ramirez, Hernandez Matute, and Mendez Beltran. In his statement, Fermin Cruz Castro mentioned himself, Hernandez Matute, and Mendez Beltran. Santos Victorino Diaz said he saw Privates "Churute" (Cruz Castro), "Siguanabo" (Mendez Beltran), "Chico Balazo" (Ponce Ramirez), Matute (Hernandez Matute), and Corporal Ayala Arias fire on the wounded prisoners.

266. Deposition by Lieutenant Galvez Galvez.

267. Deposition by Lucio de Jesus Escoto Cordova in the offices of the Deputy Ministry of Public Security. After 3 March 1989, a document sent by the 5th Brigade headquartered in San Vicente was added to the case file giving the personnel roster of those in the canton of San Francisco. It included Escoto Cordova (see p 826).

268. Page 53 and the following of the case file.

269. Report of the Criminal Acts Investigative Commission.

270. Pages 867 and 966 of the case under investigation because of the San Francisco massacre. He was also told that the persons charged were in custody and at the disposal of the judge's authority in the Deputy Ministry of Public Security.

271. Case file 7, p 1180.

272. On 26 June 1990, the Supreme Court approved a motion from the attorney neral to transfer the case against Major Beltran from the Court of San Vicente the Sixth Criminal Court of San Salvador. Case file 7, p 1326.

273. Case file 7, p 1243.

274. Case file 7, p 1284.

275. Located on Catarina Ranch in the Department of San Vicente.

276. The operation began at 0800 hours and ended at 1600 hours. CIHD Report, p 1.

DRAFT

RELEASED
El Salvador: Human Rights
Special Project (1993)

277. The following were seized during the operation: Military equipment, including: 3 machine guns, 5 machine-gun clips, 2 rifles, including 1 M-16 and 1 AR-15, 8 M-16 rifle clips, 17 9-mm cartridges, 3 40-mm grenades, 1 YAESU radio, a Sony tape recorder, 2 flashlights, 4 backpacks, and 2 canteens. Drugs and medical supplies: 30 injections, 3 clinical antibodies, 1 set of instruments for minor surgery, 1 tensiometer, and an undetermined quantity of antibiotics. CIHD report, p 3. It should be noted that in information bulletins Nos. 114 and 115 issued by COPREFA on 17 and 18 April 1989, the list of materials seized did not include the drugs or medical supplies.

278. In the photos taken and released by COPREFA in order to make the incident public, photos allegedly taken shortly after the executions, Lagadec's body was clothed.

279. Juan Antonio's skull had been crushed by a rock blown into the air, while the bodies of Clelia Concepcion Diaz Salazar and Isla Casares had bullet exit wounds in the occipital zone, and that of Maria Cristina presented, in addition to a shrapnel wound in the stomach, a bullet entry wound in the frontal area and an exit wound in the occipital area.

280. The autopsy was conducted by Drs. Baccino and Quillien at the Keufatras Cemetery in Brest, France, on orders from the prosecutor of the Brest Court of the First Instance.

281. "Entry wound in the right temporal region and an exit wound in the left temporal region, path practically within a frontal plane and almost horizontal at the level of the base of the skull." Autopsy report signed by Dr. Baccino E. of the SEBILAU Service at the Morvan Research Hospital Center in Brest and Dr. Quillien J., commissioned at the request of the prosecutor of the Courts of the First Instance of Brest (2 May 1989).

282. Robert H. Kirschner, M.D., Deputy Chief Medical Examiner, Office of the Medical Examiner, Cook County, Chicago, Illinois. Physicians for Human Rights (Board of Directors, Executive Committee)

283. Report on the autopsy on Lagadec, Robert H. Kirschner, M.D., Chicago, 10 January 1993.

284. Ibid.

285. Report from the Center for Electronic Microscopy Applications and Research, drafted by Mr. Le Ribault, doctor of science, president and managing director of the Center, assisted by Mrs. Monique Roze, engineer, both experts called in by the prosecutor of the Court of the First Instance of Brest, France, 11 May 1989.

286. It is clear that Lagadec was nude when she was shot, that she was dressed when her body was photographed by COPREFA, and that her slacks were down and there was no underclothing on the body when it was found two days later by the witnesses who testified before the Commission.

287. Given the difficulty of analyzing residue from the impact of the bullet and the significant presence of phosphorus, the Center for Electronic Microscopy Applications and Research proposes two hypotheses: If the phosphorus is from the detonator, then its presence would mean that the shot was fired from close range. It is impossible to state the distance of the shot since it is not known what type of weapon or ammunition was used. The second hypothesis is that if the phosphorus is not connected with the detonator, then it could come from incendiary bullets made from white phosphorus that ignites in the air. In this case, the absence of detonating products indicates that the shot was fired from medium range (starting at 5 meters). It would not then be a short-range (point-blank) or long-range shot.

288. The Truth Commission reviewed all relevant documents on the case of Dr. Begona Garcia and obtained the testimony of an expert forensic pathologist

DRAFT

RELEASED
El Salvador: Human Rights
Special Project (1993)

concerning the validity and conclusions of the official examination of the body and clinical autopsy.

289. Deposition by Lieutenant Colonel Jose Antonio Almendariz Rivas before the First Criminal Court of Santa Ana at 1230 hours on 19 August 1991.

290. Memorandum No. 0630, dated 12 September 1990, from Lieutenant Gilberto Garcia Cisneros from the 3d Command of the National Police and addressed to the Commanding officer of the 2d Infantry Brigade.

The two judges of the respective jurisdiction declared that they had never received any notice or summons to examine any body. Memorandum No. 320, dated 28 July 1991, sent by the second justice of the peace of Chalchuapa, Gloria Macal de Fajardo, Court Record.

291. Examination at the First Criminal Court, Santa Ana, at 1715 hours on 14 September 1990.

292. Autopsy reports, Department of Pathological Anatomy, Navarre Hospital, Government of Navarre, Spain, 22 September 1990. Report from the National Institute of Toxicology, Ministry of Justice, Department of Madrid, requested by the Court of Preliminary Investigation No 2 of Pamplona (Navarre), Madrid, 30 October 1990. Report on the death of Dr. Begona Garcia Arandigoyen on 10 September 1990, Dr. Carlos Martin Beristain, November 1990.

293. The Truth Commission reviewed the records of investigations conducted by the CIHD, the second justice of the peace, and the National Police in the case of the attack on the FENASTRAS offices. It asked the Armed Forces, National Police, Treasury Police, National Guard, and CIHD for all relevant information on the 31 October 1989 bombings. The CIHD, National Police, and National Guard sent the Commission copies of official records and other documents on those incidents.

The Commission heard military officers, CIHD investigators, National Police officers, and even the chief of the Explosives Section, FENASTRAS officials, COMADRES personnel, and numerous victims and witnesses. Summons were issued to Colonel Ivan Reynaldo Diaz, Colonel Juan Vicente Eguizabal, Colonel Dionisio Ismael Machuca, Colonel Carlos Mauricio Guzman Aguilar, and Colonel Jose Antonio Almendariz Rivas, none of whom appeared.

294. The National Police Patrol Control reported to the Center of Police Operations that "D/T NI (Unidentified Criminal Terrorists) placed and detonated an explosive device." (Summary of incidents from the Police Operations Center for the period from 1800 hours on 30 October 1989 to 0600 hours on 31 October 1989, National Police)

295. A report supplied to the Truth Commission by the National Police states that FENASTRAS "is an organic part of the illegal organization known as the Armed Forces of National Resistance (FARN-RN) and its purpose is to organize the working class in order to support the destabilizing ideological plans of the FMLN against the Government of El Salvador on political, social, and economic matters and in the violation of human rights nationally and internationally, thus leading the working class into a struggle against the government.

296. On 18 September, National Police officers arrested 64 FENASTRAS members and affiliates who had participated in a demonstration. Some were tortured at the Police station. EL MUNDO, 19 September 1989, confidential memorandum from Americas Watch. According to reports, one of the persons arrested, Julia Tatiana Mendoza Aguirre, later filed a petition against the National Police for rape. She was one of the bombing victims. The Commission received 364 pieces of direct testimony on cases of violence directed at trade unionists.

297. On 19 October 1989, unknown individuals attacked the homes of Dr. Ruben Zamora and Dr. Aronette Diaz (widow of) Zamora. On 17 October, Ana Isabel Casanova Porras, daughter of Colonel Edgardo Casanova Vejar, was murdered.

RELEASED
El Salvador: Human Rights
Special Project (1993)

298. The attack left one civilian dead and more than five persons wounded. (Summary of incidents from the Police Operations Center, period from 0600 hours, 30 October 1989, to 1800 hours, 30 October 1989, National Police)

299. According to Article 149 of the Code of Criminal Procedure, in cases of crimes "that may have produced serious social disturbances due to the circumstances surrounding the incident or the status of persons who participated in them, whether they be those affected or charged, the judge of the first instance will personally institute all investigative procedures under penalty of being found subject to a fine of 200 colons...." However, the procedures were followed by the justice of the peace without the intervention of the judge of the first instance.

300. Legal inspection, 31 October 1989, Court Record page 15.

301. Report by Lieutenant Juan Antonio Aguirre Guerra, commanding officer of the Investigative Battalion, 31 October 1989, CIHD record, page 10.

302. Letter to the head of the Investigative Unit of the Executive Unit of the Commission to Investigate Criminal Acts, signed by Sergeant Detective Juan Orlando Ramos Arevalo, file page 2.

303. It was also determined that the explosion occurred in the corridor running between the protective wall and the FENASTRAS headquarters wall. The final report presented ruled out the possibility that the explosive device was thrown in from the street or that it was a car bomb. See the report from the Department of Technical Assistance, Explosives Section of the National Police, undated, CIHD file, page 11.

304. Letters to Colonel Hector Heriberto Hernandez, director of Treasury Police, Colonel Carlos Armando Carrillo Schlenker, director of the National Guard, and Colonel Dionisio Ismael Machuca, director of National Police, 7 November 1989, CIHD file. The Treasury Police sent a response to the CIHD naming nine of the victims as members of the National Resistance.

305. FBI report, 24 January 1990, court record page 50.

306. Ibid.

307. Ibid.

308. At the time, the National Revolutionary Movement (MNR) was part of the political alliance known as Democratic Convergence, which in turn was part of the Revolutionary Democratic Front (FDR).

309. The Socialist International includes Social Democratic, Labor, and Socialist parties throughout the world.

310. Dr. Guillermo Ungo died months later in Mexico after a long illness.

311. Objectively speaking, the Republic of Guatemala was not a safe place for the Salvadoran opposition to engage in political activity, basically because of Guatemala's own internal situation and the historically close ties between Salvadoran reactionary groups and their Guatemalan counterparts.

312. Office of President of the Republic, Presidential Staff, Department of Security: "Case: Oqueli Colindres," Guatemala, May 1990, p 2.

313. Deposition by Mario Antonio Sanchez Urizar, "Bulletin No. 093 from the National Police Substation of Mixco to the First Criminal Justice of the Peace," 12 January 1990.

314. "Autopsy Bulletin 045-90 from Dr. Julio Cesar Pivaral Santos to the Second Judge of the Court of the First Instance of Junapa," Jalpatagua, 15 January 1990.

315. Office of President of the Republic, Presidential Staff, Department of Security: "Case: Oqueli Colindres," Guatemala, May 1990, p 10.

316. Office of President of the Republic, Presidential Staff, Department of Security: "Case: Oqueli Colindres," Guatemala, May 1990, p 10.

DRAFT

RELEASED
El Salvador: Human Rights
Special Project (1993)

317. Goldman, Robert, and Tom Farer: "Evaluation of the Investigation and the Reports Drafted by the Government of the Republic of Guatemala," October 1990, p 32.

318. One source reported that the Presidential Staff of the Republic of Guatemala obtained transcriptions of routinely picked up and recorded radio broadcasts that would shed light on the events. One expert in Guatemala confirms the possibility that this organization was capable--at least technically--of making them. The same expert confirms that basic errors in the police investigation are not common unless, as in this case, they were deliberately made.

319. Letters sent to Guatemalan President Serrano and Minister of Labor Zolorzano, and an interview with the Guatemalan ambassador to El Salvador. Visit by the chairman of the Truth Commission to Guatemala City on 14 December 1992. Telephone request in January 1993 to President Serrano.

320. File No. 73-DD H-90 of the Office of Attorney General of the Republic of El Salvador.

RELEASED
El Salvador: Human Rights
Special Project (1993)

3. Forced Disappearances

a. Ventura and Mejia

Summary of the Case

Francisco Arnulfo Ventura and Jose Humberto Mejia, law students at the University of El Salvador, were arrested by National Guard personnel in the parking lot of the U.S. Embassy on 22 January 1980 subsequent to a student demonstration. According to witnesses, Guard agents turned the students over to some men in civilian clothes in the parking lot, and these men took them away in a private car. Despite the investigations made and the court proceedings instigated since that date, these students have never been found.

The Commission reached the following conclusions:

1. National Guard personnel seized Francisco Arnulfo Ventura and Jose Humberto Mejia, detained them in the parking lot of the United States Embassy, and then turned them over to some men in civilian clothes who took them away in a private vehicle.
2. While they were in the custody of these individuals, the students disappeared, and there is no proof that they are still alive.
3. While denying the arrest and the failure to make a diligent effort to investigate the incident and identify the specific individuals who perpetrated it, then Colonel Eugenio Vides Casanova, the commander of the National Guard, at least accepted responsibility for negligent concealment of the facts and for hindering the resulting judicial investigation.
4. The state failed in its duties to investigate, prosecute, and penalize those responsible, to provide compensation to the members of the victims' families, and to inform them of the whereabouts of the students who disappeared. The state has an obligation to carry out these duties fully and promptly.

Description of the Events (321)

On the morning of 22 January 1980, a group of demonstrating students who marched from the University of El Salvador toward the center of San Salvador was violently dispersed by the security forces in front of the cathedral. (322) The casualties included a number of dead and wounded individuals.

Two of the demonstrators, Francisco Arnulfo Ventura Reyes (24 years of age) and Jose Humberto Mejia (25), both law students, went into the grounds of the United States Embassy through the main entrance after the demonstration at about 1430 in the afternoon.

According to several witnesses, National Guard agents stopped them at the embassy door and took them to the parking lot. They remained there for several minutes in the custody of the National Guard. A short time later, a private car drove into the embassy parking lot, and the guardsmen turned the students over to some men wearing civilian clothes, who put them in the luggage compartment of the vehicle and took them away. (323)

This was the last time these students were ever seen.

The Investigation

That same afternoon, a member of Francisco Ventura's family went looking for him. Near the cathedral, several individuals told him they had heard that

RELEASED
El Salvador: Human Rights
Special Project (1993)

Francisco Ventura and Jose Humberto Mejia had been seized in front of the American Embassy by the guardsmen. The following day, when he paid a visit to the General Association of Salvadoran University Students (AGEUS), this information was confirmed.

At the request of the AGEUS, Dr. Santiago Orellana Amador and attorney Florentin Melendez were appointed to make a demand that the two students be physically produced. According to the statements they made in court, they talked with Mr. Vytantos A. Dambrava, director of the International Communications Agency at the United States Embassy, and with the chief of security there. All of the embassy personnel said that they were aware of the seizure of the two students, and that the Marines played no part in it. They also said that the National Guard agents, who were on duty outside the embassy, took the students into the courtyard to search them and kept them there. They added that a short time afterward, the two boys were taken away from the embassy. According to Mr. Dambrava, this was done by agents of that same body (324), while the security chief said that they were taken away by individuals wearing olive drab military trousers and civilian shirts who were driving a private vehicle.

Later, Dr. Orellana and attorney Melendez had an interview with Col. Eugenio Vides Casanova, who was then the commander of the National Guard. He denied the statements made by the officials at the embassy. And so it was that the lawyers filed an appeal with the Supreme Court for resolution of the problem of the contradictory information provided by the embassy and the National Guard headquarters. (325)

On the other hand, Attorney General Mario Zamora filed charges in the Second Criminal Court. Testimony was taken from the family members. Also, the judge solicited information from the Embassy of the United States and the National Guard, but obtained no response.

On 22 February 1980, the Supreme Court instructed the judge of the Second Criminal Court to order an investigation to determine the whereabouts of the vanished students. That same night, Mario Zamora was murdered. (326) Subsequently, no further action was taken.

However, the attorneys pursued their investigation, visiting the barracks, while the families searched everywhere on their own initiative, even examining the corpses found in the environs of San Salvador. (327) The families found neither the young men nor their corpses.

After three months, the death squad known as the Secret Anti-Communist Army published a list of names that included those of individuals who had been assassinated or had disappeared, such as Monsignor Romero, Father Rutilio Grande, and Attorney General Mario Zamora. The names of Francisco Arnulfo Ventura and Jose Humberto Mejia were on that list. At the end of the list, there was an exhortation to "help us eliminate all of these individuals who are selling out their country, and the criminal communists. The fatherland will thank you." (328)

Conclusions

The Commission concludes the following:

1. There is full proof that agents of the National Guard seized Francisco Arnulfo Ventura and Jose Humberto Mejia, held them in the parking lot of the United States Embassy, and turned them over to men in civilian clothes who took them away in a private car.

2. While in the hands of these individuals who arrived at the embassy parking lot by automobile and had the students handed over to them by the guardsmen who

RELEASED
El Salvador: Human Rights
Special Project (1993)

DRAFT

had seized them, Ventura and Mejia disappeared. There is no evidence that they are still alive.

3. There is substantial evidence that then Col. Eugenio Vides Casanova, by failing to take diligent action to investigate the incident and to identify the specific individuals responsible for it, made himself responsible at least for negligent concealment and hindering the resulting judicial investigation.

The state failed in its duty to investigate, prosecute, and penalize those responsible, to pay compensation to the family members of the victims, and to establish the whereabouts of the individuals who had disappeared. It is the duty of the state to fulfill its obligations.

b. Rivas Hernandez

Summary of the Case

Miguel Angel Rivas Hernandez, a young man of 17, disappeared on Saturday, 29 November 1986, in the vicinity of the Air Force Base in Ilopango, San Salvador. Witnesses said he was seized by Air Force personnel, to whom his family members went to protest. However, at the base, the seizure was denied. Despite the official denial, the family was told that the young man was at the base. For this reason, the family proceeded to report the matter to the organizations that protect human rights.

The young man was allegedly taken to the Central National Guard Barracks in San Salvador in January of 1987. In March of 1988, the victim's father asserted that he had seen him in the National Guard premises from a distance.

The Commission concludes that:

1. Miguel Angel Rivas Hernandez was detained on 29 November 1986 by Salvadoran Air Force personnel.

2. From the site of the seizure, he was taken to National Guard premises from which he disappeared, and to date there is no proof that he is still alive.

3. The Salvadoran Air Force and the National Guard concealed his seizure and detention.

4. The Commission To Investigate Crimes (CIHD) did not cooperate properly with the Commission. It submitted incomplete information on its investigations into the case.

Miguel Angel Rivas Hernandez was seized by Air Force personnel and then taken a National Guard installation. In addition to the fact that he disappeared while in the custody of that body, there is no evidence that he is alive. The personnel of the Air Force and the National Guard concealed the fact of his seizure. The state cannot avoid its duty to investigate the case fully.

Description of the Events

Miguel Angel Rivas Hernandez, the minor son of Guillermo Rivas Campos, driver, and Rosa Elba Rivas, housewife, lived in the Ilopango Subdivision, which is adjacent to the Salvadoran Air Force Base in San Salvador. He was not known in the neighborhood to have engaged in any political activity.

At the age of 17, Miguel Angel was hired as a worker at the Texaco service station located right on the Panamerican Highway, just beyond the boundary of the Air Base compound. The young man walked to and from his work daily.

RELEASED
El Salvador: Human Rights
Special Project (1993)

DRAFT

It was routine to see motorized patrols making their rounds at various times of day, as well as Salvadoran Air Force (FAS) personnel on foot. Many of the residents of the area knew soldiers who worked at the Base.

The Seizure and Disappearance

On Saturday, 29 November 1986, the superior of Miguel Angel Rivas Hernandez at the Texaco service station gave him permission to leave at about 1930. As usual, he set out for home on foot.

Miguel Angel's parents expected him to be home by about 2200. He did not arrive. The worried parents inquired at the gas station, where they were assured that their son had left a little before 1930.

His mother learned that individuals dressed in civilian clothes driving a red pickup truck with no doors had seized a boy wearing white pants and a black shirt. This description fitted Miguel Angel. The captors, at least judging from the description given of them, appeared to be members of "the regular Air Force patrol at 1930."

Very early the following day, the parents presented themselves at the Air Base to inquire about the boy's situation, but they were told there that there had been no arrest. The parents then turned to various police and military authorities, but everywhere they received denials that their son was being held.

A woman living in the area told Miguel Angel's mother that a young woman had seen the seizure and had recognized one of the captors as soldier at the Air Base nicknamed "El Mango."

Also, an Air Force member nicknamed "El Chino" confirmed to a girl who was a friend of Miguel Angel's that he was being held there at the Ilopango Air Base. Later, this friend related what she had been told to the young man's mother. But at that military facility, his arrest was always officially denied.

The Accusations and the Search

Because of these continuing denials, the family decided in December of 1986 to file complaints concerning the disappearance of Miguel Angel with various organizations defending human rights--the Human Rights Commission of El Salvador (governmental), the Legal Protection Office of the Archbishopric, the International Committee of the Red Cross, Amnesty International, and Americas Watch. This last body took the case to the Interamerican Human Rights Commission. (329)

In January of 1987, the family was informed that Miguel Angel had been taken to the National Guard barracks in San Salvador. (330) However, when his family went to this facility, there was yet another denial that the young man was being held.

The transfer of Miguel Angel Rivas Hernandez from the custody of the Air Force to the National Guard was apparently entered into the record books of that security force in January of 1987. (331)

In the month of February 1987, the case was presented to the Embassy of the United States in El Salvador. Some congressmen in the United States, for their part, wrote letters to their own embassy in El Salvador (332) and to the then president of El Salvador, Engineer Jose Napoleon Duarte, (333) voicing their concern about the disappearance of Miguel Angel. In March, the members of an Amnesty mission visited the National Guard barracks, but they failed to find the young man there.

The Investigation

RELEASED
El Salvador Human Rights
Special Project (1993)

The Commission To Investigate Crimes undertook an investigation of the case in April of 1987. (334) The investigation was assigned to Detective Sergeant Roberto Palacios Iraheta. (335)

Sgt. Palacios managed to determine, through a confidential informer, that a lieutenant in the National Guard had called a meeting of five agents and had ordered the concealment of books in which the interrogations of Rivas Hernandez, and the record of where he was held--cell No. 4 at the National Guard S-11. (336)

On receiving this last report, Lieutenant Colonel Nelson Ivan Lopez y Lopez, head of the Executive Unit of the CIHD, decided to intervene in the case personally, and he went to the National Guard barracks but did not find the young man. (337)

In a report dated 26 May, Lt. Col. Lopez said ".... The investigations concerning Mr. Rivas Hernandez are leading to complicated situations that require decisions on another level, which will in the near future be reported (to the president of the CIHD)." (338)

On 2 June 1987, Lt. Col. Lopez said in another report, "I am setting forth in general terms the difficulties encountered in connection with the disappearance of Mr. Rivas Hernandez." (339)

Meanwhile, the family was regularly receiving information about the state of health of the young Miguel Angel and about where he was being held from its own source. (The family's source and that of the CIHD were the same person.)

The family also provided this individual with various sums of money on a regular basis, which the victim's mother carefully recorded throughout the period from June of 1987 to February of 1989. The informant claimed to have personally seen the young man being held, and he also reported successive transfers, both to official National Guard establishments and to private homes. On several occasions, the CICR [International Committee of the Red Cross] visited these official establishments, but failed to find the young man.

On 23 March 1988, the Interamerican Commission on Human Rights approved Resolution No. 21/88. It stated that the facts in the accusation about the disappearance were presumed to be true and informed the government of El Salvador that this fact constituted a serious violation of human rights, and it recommended that the government investigate the case and punish those responsible.

A few days later, 16 months after the disappearance of the young man, Guillermo Rivas Campos, his father, said he succeeded in seeing Miguel Angel for a few minutes at the headquarters of the National Guard in San Pablo Tacachico.

Through one of its officials, the Embassy of the United States provided the family with continuing support in its search for the young man. Colonel Rivas Rivas of the CIHD met with a colonel and a lieutenant in the National Guard, but without positive results.

Following the FMLN [Farabundo Marti National Liberation Front] offensive in 1989, the father of Miguel Angel Rivas Hernandez was arrested. He was accused of having links with the guerrilla forces. Thanks to the intervention of the Embassy of the United States, his release was obtained.

Conclusions

The Commission concludes the following:

1. There is substantial evidence of the seizure of Miguel Angel Rivas Hernandez by Salvadoran Air Force personnel.
2. There is substantial evidence of his transfer to the National Guard.

RELEASED
El Salvador: Human Rights
Special Project (1993)

DRAFT

3. There is substantial evidence that while he was in the custody of the National Guard, the young man disappeared, and there is no evidence that he is alive.

4. There is substantial evidence that the Air Force later concealed the arrest and detention, and that the National Guard concealed the fact that he had been held in custody.

5. The state failed in its duty, in accordance with the International Law on Human Rights, to investigate the case, to prosecute, and to punish those responsible.

FOOTNOTES

321. The Truth Commission interviewed eyewitnesses and various officials serving in the United States Embassy at that time. Also, it reviewed the court record of the criminal trial and inspected the site of the seizure and disappearance. For the protection of the confidential sources, they are not being quoted in this report.

322. [left blank in Spanish text]

323. All of the testimony indicates that at least one vehicle drove into the embassy courtyard. There are indications that more than one car drove in.

324. Statements made in court by attorney Florentin Melendez, court case file, Folio 39, and Dr. Santiago Orellana Amador, Folios 41-42.

325. Court case file, Folios 50, 52.

326. See the report on the case in this chapter.

327. The premises of the Central National Guard Barracks were searched on 31 January, but the young men who had disappeared were not found. Folio 43. The attorneys were able to check the cells of the central barracks of the Treasury Police, the Municipal Police, and the National Police, but to no avail. Folios 39-40. The chief of the National Police, as well as the director general of the Treasury Police, denied having arrested the young men. Folios 52, 55.

328. Proclamation of the Secret Anti-Communist Army dated 11 May 1980.

329. Interamerican Human Rights Commission, Case No. 9844, El Salvador.

330. Ibid. Letter from Jemera Roge (Americas Watch) to the Truth Commission dated 26 August 1992.

331. Statement by Cruz Antonio Lopez Hernandez to the Human Rights Commission of El Salvador (government organization) on 1 April 1987.

332. Letter dated 23 February 1987 to Edwin Corr, United States ambassador to El Salvador, from Representatives James L. Obestar, et al.

333. Letter dated 26 February 1987 to Jose Napoleon Duarte, president of El Salvador, from Representatives James L. Obestar and others.

334. Regular session of the Commission To Investigate Crimes, 1987, Document No. 12, p. 22, according to the summary "requested by the Human Rights Commission" (governmental), but Dr. Julio Alfredo Samayos, who was the president of the CIHD at that time, says that the request was made by the Ministry of Foreign Relations.

335. At the CIHD, we were informed that he submitted his resignation some six months ago, and that he has probably left the country.

336. "Summary of the Investigations Carried Out Between 15 May 1987 and 30 May 1987," CIHD, 30 May 1987, pp. 2-3.

337. Ibid., p. 3.

338. Ordinary session of the Commission To Investigate Crimes, 1987, Document No. 16, p. 26. The CIHD proceeded that same day to give its source a polygraph test. The result was favorable. "Summary of the Investigations Carried Out Between 15 May 1987 and 30 May 1987," CIHD, 30 May 1987, pp. 3-4. The CIHD then

RELEASED
El Salvador: Human Rights
Special Project (1993)

planned to summon the Air Force and National Guard personnel referred to in order to take statements concerning the arrest and transfer and the reports of the identification of Rivas Hernandez. "Work Plan," CIHD, 30 May 1987, pp. 1-2.

339. Ordinary session of the Commission To Investigate Crimes, 1987, Document No. 17, p. 27. There was no further report on the case until 11 August of that year. Ibid., 1987, Document No. 27, p. 40. After that, there were no further reports in 1987. The minutes of the sessions of the CIHD pertaining to the year 1988 were not provided to the Truth Commission.

DRAFT

RELEASED
El Salvador: Human Rights
Special Project (1993)

C. Chan Chan and Massi

Summary of the Case

The Truth Commission received a large number of complaints regarding disappearances and studied the majority of them very closely. The present case provides a collection of symptoms of contempt for family values, family affection, maternal grief, and trade union solidarity.

On 18 August 1989 the trade unionists Sara Cristina Chan Chan Medina and Juan Francisco Massi Chavez were proceeding on foot along the Boulevard del Ejercito, near San Salvador, en route to their respective homes. Sara Cristina, 20, was a photographer for Fenastras [Salvadoran Workers National Union Federation]. Juan Francisco, 25, was a student and worked at the Lido factory. In front of the main gate of the Reprocentro factory, 2.5 km from the capital, six soldiers of the Air Force took them into custody. Some passengers on buses passing by on the highway recognized the young people and saw that they had their hands over their heads and against the wall while the soldiers were interrogating them. This took place at about 1800 hours. They have been missing ever since.

Description of the Facts (340)

Background

Juan Francisco was born on 25 February 1963 in Quezaltepeque, La Libertad, the son of Carmen Chavez de Massi and Simeon Massi. He lived with his family in the Las Margaritas district of Soyapango. He worked for the Lido company, where he was secretary of relations of the union; worked with members of Fenastras on various trade-union projects; had never been arrested; and had no criminal record.

Sara Cristina Chan Chan was the oldest daughter of Jorge Eduardo Chan Chan Jimenez and Maria Juana Antonia Medina. The family lived in the city of Santa Ana, where her father was employed and where he was a recognized leader of the ANDA [National Administration of Waterworks and Sewers] union. She had never been arrested either, nor did she have a criminal record. She had, however, suffered the consequences of her family's union activities.

On 16 June 1980, when Sara Cristina was only 10 years of age, men in civilian clothes came to her home and murdered her father in her presence and in the presence of her three younger siblings and her mother. The men showed up at 0200 and identified themselves as members of the National Guard. Because Sara Cristina's father did not open the door, the men broke the glass in one of the windows of the house and shot him. They also shot at the propane gas tank used for the kitchen, and one of the men was about to light a match when he saw Sara Cristina and her siblings hiding under a bed. Because there were "a lot of children" they did not burn down the house, and vent away.

As a result of the murder of Jorge Eduardo Chan Chan Jimenez, the family moved to San Salvador. It was only after "quite a while" that Sara Cristina's mother decided to return to Santa Ana. According to witnesses, in July 1989 a group of uniformed soldiers of the 2d Brigade--together with some civilians--came to her house. They blindfolded her and put her in a vehicle to take her to the Santa Ana barracks, torturing her en route. After she was set free that same month, the family moved back to the capital. Sara Cristina had obtained work there as a photographer with Fenastras, one of the most important and active labor unions in the nation. Fenastras adopted positions critical of the Armed Forces, and for that reason was branded as a "front for the FMLN". In 1989,

DRAFT

RELEASED
El Salvador: Human Rights
Special Project (1993)

threats against Fenastras were commonplace, and in the media its members were accused of maintaining organic ties with the FMLN. One month before the disappearance of Sara Cristina and Juan Francisco, in a paid spot appearing in the DIARIO DE HOY, the priests Ignacio Ellacuria and Segundo Montes were identified as FMLN leaders, and Fenastras leaders were accused of responsibility for the terrorist destruction in El Salvador. In the same statement, President Cristiani was asked to institute the death penalty and summary trials for these individuals.

These considerations--and, in general, the persecution of members of the labor movement and the years of confrontation between Fenastras and the Armed Forces--caused the latter to regard anyone associated with Fenastras as suspect. As a result, members of Fenastras and persons connected with the labor movement were generally regarded as a threat to the security of the state.

The Arrests

Sara Cristina was at Fenastras the entire morning of Saturday 18 August, after which she took a bus to visit Juan Francisco, who was working at the Lido factory on the Boulevard del Ejercito. They met, and then left on foot for San Salvador. The two young people lived in the Santa Lucia district, near Juan Francisco's place of work.

Six soldiers of the Air Force stopped them in front of the main gate of the Reprocentro factory, 2.5 kilometers from the capital. They were equipped with M-16 rifles and wearing red berets that bore the metal insignia of the Air Force. Three of them wore olive green uniforms, the others camouflage.

It was commonplace to see Salvadoran Air Force patrols and soldiers on foot moving about the streets. The Air Force kept reserve troops and patrols 24 hours a day on the Boulevard del Ejercito in the vicinity of their base. It also kept soldiers inside the buildings of several commercial enterprises located on the same boulevard near the base.

Between 1800 and 1830, several persons who were passing by recognized Sara Cristina and Juan Francisco. The first was a fellow worker, who upon recognizing the two prisoners got off the bus on which he was a passenger and returned to the capital to inform Fenastras of the arrests. A few minutes later two fellow workers passed by in a minibus, and when they realized what was happening also got off their vehicle and returned to the capital. Febe Elizabeth Vasquez, the secretary general of Fenastras, also passed by, witnessed the arrests, and returned to union headquarters to report the incident.

According to the log of arrivals and departures of vehicles of the Parachute Battalion, a driver left at 1850 hours to drop off patrols on the Boulevard. Other drivers also left to patrol the Boulevard during those hours. (341)

According to witnesses, one of the soldiers asked Sara Cristina and Juan Francisco for their identity documents while others stood guard. Other witnesses stated that the soldiers had surrounded the two and stood them up against a wall with their hands over their heads, directly in front of the Reprocentro factory.

Several persons were waiting for transportation near where the arrests took place and must have seen what happened. They did not come forward but did mention that "some people had been arrested there." That was what people usually said in those days.

The Parachute Battalion was in charge of patrolling the Boulevard del Ejercito, and on that day the 3d Squadron of the Parachute Battalion was the specific unit performing guard duty on the Boulevard. The officer in charge was Captain Oscar Arnulfo Diaz Amaya. In August 1989 some six to eight soldiers of the Air Force were present at the Reprocentro factory 24 hours a day. These

DRAFT

RELEASED
El Salvador: Human Rights
Special Project (1995)

soldiers had orders to stay inside the factory installations. The Air Force did not provide the Truth Commission with the names of the officers of the unit on guard duty at the factory. Fenastras immediately took note of the arrests and called the media to report the incident. Within 15 minutes a member of Fenastras went to the site to investigate, and when they [as published] arrived the two young people were still in custody there. Two other persons subsequently went to the site, but now were unable to find Sara Cristina and Juan Francisco. A total of five persons had witnessed the arrests.

The soldiers supposedly took Sara Cristina and Juan Francisco to the Air Force barracks, although no one saw any military vehicle at the site. Lieutenant Colonel Rene Alcides Rodriguez Hurtado, the then commander of the Parachute Battalion, declared before the Commission that the normal procedure when Battalion troops detained individuals was to communicate with the duty officer via the radio station at the base, whereupon a vehicle would be sent to take the prisoners to the base for interrogation. After the interrogation the prisoner was either released or remanded to the Treasury Police, the National Police, or the National Guard. Lt. Col. Rodriguez Hurtado, who had been the duty officer at the time (342), did not recall the arrest of Sara Cristina and Juan Francisco. When a telephone call was made from Fenastras to the Air Force to find out if they had been taken to the barracks, the commanding officer on duty denied that any arrest had been reported.

Steps Taken by Family Members

On the following day, Sara Cristina's mother was informed of the detention of her daughter. Juan Francisco's family, however, learned of the detentions from a family member that same day.

According to witnesses, on Monday 20 August a representative of the Human Rights Commission, who was at the Ilopango Air Base inquiring about the detention of Sara Cristina and Juan Francisco, said he had been informed that the two young people were taken into custody by elements of the Air Force but that they had already been remanded to the Central Barracks of the Treasury Police. A sister of Juan Francisco and an attorney for Fenastras also went to the base but were not permitted to enter. The log of arrivals and departures of Parachute Battalion drivers on 18, 19, and 20 August 1989, however, contains no verification of any such arrivals or departures. (343)

Ever since that time the authorities have systematically denied even the very fact of the detentions and therefore also any knowledge of the whereabouts or fate of the victims. On that same day--Monday 20 August--Sara Cristina's mother arrived at the Ilopango Air Base to inquire as to the whereabouts of her daughter. The soldier on duty took out a list and then went to get another officer. Within a few minutes an officer whose last name was Flores showed up. "Do me a big favor," he told the mother. "Tell the people at Fenastras to stop putting this propaganda on television. We do not have them in custody."

At that point Sara Cristina's mother embarked on a veritable "way of the cross." She went to various military and police installations in the city in search of information--from the National Police to the Air Force, from the Air Force to the Treasury Police, and from the Treasury Police back to the Air Force. All these efforts proved fruitless.

Juan Francisco's sister also went to the Treasury Police, where they informed her that the Air Force had not sent anyone there. When she returned to the Air Force, they told her that she had been misinformed and that the Air Force had not detained anyone named Juan Francisco Massi or Sara Cristina Chan Chan.

DRAFT

RELEASED
El Salvador: Human Rights
Special Project (1993)

Sara Cristina's mother went to the Air Force a third time, on Tuesday 21 August at 0800 hours. They insisted that she should look for her daughter at the National Guard headquarters. From there she laboriously retraced the same wearisome route: from the National Guard to the Treasury Police, from the Treasury Police to the National Police, from the National Police to the Treasury Police, and from the Treasury Police to the National Guard. Once again, all efforts proved to be unfruitful.

On Wednesday 22 August Sara Cristina's mother returned to the Air Force base accompanied by an attorney from Fenestras. At the entrance to the base she encountered Juan Francisco's father, who was making similar efforts to find his son.

They were attended by the same Air Force officer, who on this occasion told Sara Cristina's mother that if she returned one more time, "the same thing would happen to her," that is to say, they could make her disappear. The officer denied that the arrests had taken place but used the occasion to tell them that Juan Francisco was an FMLN commander and that young people who associated with the guerrillas frequently died.

Because the mother insisted that several people had witnessed the arrests by Air Force soldiers a few days previously, they finally summoned another officer, who escorted her to the jail area. She looked into six cells but did not see either Sara Cristina or Juan Francisco. "Don't come back, madam," the officer shouted at her, "or you will not leave here." Out of fear, she never returned.

On Thursday 23 August the younger sister of Sara Cristina went to the Air Force base accompanied by a woman attorney. The officer who attended them told the girl, "You must be her sister--because you look a lot like her--but we do not have her. Don't come here any more asking for her, because we do not have her here!" Sara Cristina's sister returned to the Air Base on Friday 24 August accompanied by a sister of Juan Francisco, but despite her pleas the soldiers denied once again that Sara Cristina had been detained.

The members of Sara Cristina's and Juan Francisco's families made every effort to find the two young people, including paid newspaper advertisements demanding their release (344); repeated visits to hospitals, cemeteries, and police and military installations; accusations made to the (governmental) Commission on Human Rights, the (nongovernmental) Commission on Human Rights, the Legal Aid Office of the Archbishopric, the International Committee of the Red Cross, and other human rights organizations; and petitions to the Supreme Court for writs of habeas corpus. (345)

Letters were also filed with the Legislative Assembly and the Ministry of Justice. Two deputies of the Assembly informed Sara Cristina's mother that the names of her daughter and Juan Francisco were entered in the internal control registers of prisoners of the Air Force and that both were being held in the basement of the barracks in question, thus confirming the report of the arrests and transfer to Ilopango Air Base.

The director of Legal Aid sent letters to the then Director General of Treasury Police, Colonel Hector Heriberto Hernandez; to the Commandant of the Air Force, Colonel Juan Rafael Bustillo; to the then chief of the Joint General Staff, Colonel Rene Emilio Ponce; to the then minister of defense and public security, General Rafael Humberto Larios Lopez; to the deputy minister of public security, Colonel Inocente Orlando Montano; and to the deputy minister of defense, Colonel Juan Orlando Zepeda.

She received a response only from the Treasury Police, however. In a letter dated 23 August 1989, Col. Hector Heriberto Hernandez answered that he had examined "the files meticulously" and that Juan Francisco and Sara Cristina were not--nor had they been--in the custody of the Treasury Police. (346)

DRAFT

RELEASED
El Salvador Human Rights
Special Project (1993)

The Governmental Commission on Human Rights looked for Sara Cristina and Juan Francisco at the installations of the Air Force, the Artillery Brigade, the Cavalry Regiment, the Central Barracks of the National Police, the National Guard, the Treasury Police, the First Infantry Brigade, the Fourth Infantry Brigade, and Military Detachment No. 1 (347). These efforts yielded no results, and the investigation was apparently limited to asking the commanding officer of each unit to fill out a form attesting that he did not have them in custody. The Commission on Human Rights finally declared that it had found it impossible to obtain any information concerning the case.

The Truth Commission also asked the Air Force, the National Police, the Treasury Police, and the National Guard to supply information concerning all persons they had arrested during the period from 16 to 20 August 1989. It also asked for a list of persons transferred from the Air Force to the other security corps during that week. The Air Force sent a list of persons arrested by its units during the period from 16 to 20 August 1989. The list it sent, however, was not an original but a typewritten copy listing persons who had been arrested during that period, and only recorded the arrest of six persons on 17 August. There was no record of the arrest of either Sara Cristina or Juan Francisco (348).

The National Police in their turn sent a list of persons arrested by their units during 17 and 19 August 1989. It was a typewritten copy listing several persons arrested during that period, but it likewise did not record the arrest of either Sara Cristina or Juan Francisco (349). The National Guard sent copies of the pages of the logbook in which it kept a record of persons detained during 17, 18, 19, and 20 August, but there was no mention of either Sara Cristina or Juan Francisco. The Guard declared that on those days "no persons were received by transfer from the Salvadoran Air Force" (350).

The Massi family received several telegrams to the effect that it should go to National Police headquarters to pick up Juan Francisco. Juan Francisco's father established a relationship with an individual--supposedly a member of the National Police--who told the father that his son was at the National Police barracks in the Monserrat district and that he--the father--could communicate with him. According to this source, his son had suffered injuries from the blows he received and needed clothing and money. Although Juan Francisco's father took him food, articles of clothing, and money, they never let him see his son. They told him that Juan Francisco was in poor condition and that he would have to wait until his son recovered. The father was in contact with this agent until 1991. Juan Francisco never appeared, however, and the family finally gave up the search.

One month after the disappearance of Sara Cristina and Juan Francisco, Sara Cristina's mother took part--on 18 September 1989--in a demonstration organized by Fenastras to demand the release of the two young people. Together with 63 other persons she was detained by members of the National Police and taken to the central barracks. She was threatened, beaten, and tortured. The following month her younger daughter was injured when a bomb exploded at Fenastras headquarters. After this incident the mother gave up the search for Sara Cristina.

The Official Investigations

The military authorities, the government, and the judiciary all refused to investigate these events, but because of the publicity given the case the Air Force asked the then Lieutenant Edgardo Ernesto Echeverria, chief of the C-II Tactical Support Section, to conduct an internal investigation. Lt. Echeverria

DRAFT

RELEASED
El Salvador Human Rights
Project (1993)

questioned the soldiers in his section, and upon receiving responses in the negative reported that no one in his unit had seen the two young people.

In testimony given before the Commission, Lt. Echeverria called the investigation "a bureaucratic investigation" that involved only verbal questions. He indicated that cases such as these had been frequent during the two years that he had worked in the intelligence division. The commander--or chief--of the Air Force had asked for internal investigations on a number of occasions, and Lt. Echeverria could not remember a single case in which the Air Force had acknowledged responsibility.

Conclusions

The Commission reached the following conclusions:

1. There is conclusive proof that members of the Air Force took Sara Cristina Chan Chan and Juan Francisco Massi into custody.

2. There is sufficient evidence that the prisoners were taken to the Air Force base.

3. There is sufficient evidence that they disappeared while in the custody of the Air Force, and there is no proof that they are still alive.

4. There is conclusive evidence that Air Force personnel are engaging in a cover-up when they deny that Sara Cristina Chan Chan and Juan Francisco Massi had been arrested.

5. The judiciary--and the police bureaus of investigation--which until now have refused to act should open a special investigation of the Air Force to clarify the circumstances of the arrests and subsequent disappearances. The Truth Commission regards as unacceptable the fact that in this case--which is typical of many similar cases of disappearances--it has been denied access to individuals and files in its search for evidence. It is the responsibility of the judicial branch--which is headed by the Supreme Court of Justice--to initiate the aforementioned exhaustive investigation within the Air Force. As an expression of the Salvadoran community, the state has an obligation to history to conduct an open investigation of these events, to punish those who are guilty, and to indemnify the members of the families of the young victims Sara Cristina Chan Chan and Juan Francisco Massi.

Footnotes

340. The Commission interviewed many witnesses--including civilians and military personnel--and authorized a number of public documents concerning the case.

341. Copy of the Logbook of Arrivals and Departures of vehicles of the Parachute Battalion, made available to the Truth Commission on 5 December 1992.

342. The Truth Commission had access to official documents which confirmed that Col. Rodriguez was on duty on 18 and 19 August 1989.

343. Copy of the Logbook of Arrivals and Departures of vehicles of the Parachute Battalion. Information available to the Truth Commission demonstrates that it was common practice in cases of disappeared persons not to make an official record of their arrest.

344. EL MUNDO, 21 August 1989, 4 September 1989, and 6 September 1989.

345. Through the intermediary of the Legal Aid offices of the Archbishopric, on 5 September 1989 a sister of Juan Francisco petitioned the Supreme Court of Justice for a writ of habeas corpus. For her part, the mother of Sara Cristina also petitioned for a writ of habeas corpus for her daughter. The Court never acted on the case, however.

DRAFT

RELEASED
Human Rights
(1993)

346. Letter from the Director General of the Treasury Police to Legal Aid, dated 23 August 1989, contained in the Massi Chavez Case, Legal Aid.

347. Case 1906, Commission on Human Rights of El Salvador.

348. As of this date the Armed Forces have not delivered the information requested of the Treasury Police.

349. Report by the National Police delivered to the Truth Commission on 23 December 1992.

350. Report by the former National Guard delivered to the Truth Commission on 20 January 1993.

DRAFT

RELEASED
El Salvador Human Rights
Special Project (1995)

IV. C. Massacres of Peasants by the Armed Forces

There were several massacres of peasants by members of the Armed Forces of El Salvador in 1980, 1981, and 1982. The following is a brief account of three of them.

1. Illustrative Example: El Mozote

Summary of the Case

On 10 December 1981, units of the Atlacatl Battalion seized all of the men, women, and children, who did not resist, in the hamlet of El Mozote in the department of Morazan. After spending the night locked up in their homes, on the following day, 11 December, they were deliberately and systematically executed in groups. First the men were tortured and executed; then the women were executed, and finally the children were executed in the very place where they were locked up. More than 200 victims were identified. The figure would be higher if the other, unidentified victims were included.

This incident took place during an antiguerrilla action called "Operation Rescue," in which, in addition to the Atlacatl Battalion, units from the Third Infantry Brigade and from the San Francisco Gotera Commands Training Center took part.

During Operation Rescue there were also massacres of the civilian population in the following places: on the 11th more than 20 persons in La Joya canton; on the 12th some 30 people in the hamlet of La Rancheria; on the same day, the residents of the hamlet of Los Toriles (Atlacatl Battalion); and on the 13th, the inhabitants of the hamlet of Jocote Amarillo and of the Cerro Pando canton. More than 500 identified victims died in El Mozote and the other hamlets. Many more victims have not been identified.

There are accounts of these massacres from eyewitnesses and others who later saw the bodies, which were left unburied. In the case of El Mozote, the massacre was fully confirmed, moreover, by the results of the exhumations carried out in 1992.

In spite of the public reports about the incident and although it would have been easy to confirm the massacre, the Salvadoran authorities did not order any inquiry and systematically denied its existence.

The minister of defense and the chief of staff have denied to the Truth Commission that they have information that could identify the units and officers that were involved in Operation Rescue. They have stated that there are no files from that period.

The chief justice of the Supreme Court has had a biased, political involvement in the trial that began in connection with the massacre in 1990.

Description of the Incident

Hamlet of El Mozote

On the afternoon of 10 December 1981, units of the Atlacatl Immediate Reaction Infantry Battalion (BIRI) arrived in the hamlet of El Mozote after an encounter with guerrillas nearby.

The hamlet consisted of some 20 homes on flat ground grouped around a square. Facing the square was a church, behind which was a small building known as "the convent," which the priest used to change clothes when he went into town to say mass. A short distance from the hamlet was a school, the Grupo Escolar.

DRAFT

RELEASED
El Salvador: Human Rights
Special Project (1993)

When the soldiers arrived in the hamlet, they found, in addition to the residents, other peasants from surrounding areas who had taken refuge there. They ordered everyone out of their homes and gathered them together in the square. They made them lie face down, searched them, and questioned them about the guerrillas. They then ordered them to lock themselves in their homes until the next day, warning that they would shoot anyone who tried to leave. The solders spent the night in the hamlet.

Early the next morning, 11 December, the soldiers again assembled the entire population in the square. They separated the men from the women and children and locked them up in several groups in the church, "the convent," and several homes.

That morning, they interrogated, tortured, and executed the men in different places. Around noon they began removing the women in groups, separating them from their children and machine-gunning them. Lastly, they killed the children. A group of children who had been locked in "the convent" were machine-gunned through the windows. After exterminating the entire population, the soldiers set fire to the buildings.

The soldiers spent the night of the 11th in El Mozote as well. The next day they passed through the hamlet of Los Toriles two kilometers away. Some residents managed to flee. The rest, men, women, and children, were removed from their homes, placed in rows, and machine-gunned.

The victims in El Mozote remained unburied. Over the ensuing weeks the corpses were seen by many people who passed through there. In Los Toriles, the survivors later buried the bodies.

Background

The Atlacatl Battalion arrived in El Mozote during a military action called "Operation Rescue," which had begun two days before, 6 December, and in which units from the Third Brigade and from the San Francisco Gotera Commands Training Center also took part.

Atlacatl was an "Immediate Reaction Infantry Battalion" (BIRI), that is to say, a unit specially trained for "anti-insurgency" combat, the first of its kind in the Armed Forces; it had completed its training, under the guidance and supervision of the U.S. military, in early 1981.

Nine months before Operation Rescue, a company from the Atlacatl Battalion, under the command of Captain Juan Ernesto Mendez, had taken part in an antiguerrilla action in the same northern zone of Morazan. At that time it was attacked fiercely by the guerrillas and withdrew with heavy casualties without having achieved the military objective set for it. This setback for the brand new "Immediate Reaction Infantry Battalion" gave rise to comments and jokes by officers of other units, who described it as an "Immediate Retreat Infantry Battalion."

The objective of "Operation Rescue" was to eliminate the guerrilla presence in a small area in northern Morazan Department, where the guerrillas had a camp and training center in a spot called La Guacamaya.

Colonel Jaime Florez Grijalva, the commander of the Third Brigade, was in charge of overseeing the operation. Lieutenant Colonel Domingo Monterrosa Barrios, the commander of the Atlacatl BIRI, was in charge of the participating units.

On 9 December there were encounters between the government troops and the guerrillas. That same day, a company of the Atlacatl BIRI entered the municipality of Arambala. It assembled the entire population in the square and separated the men from the women and children. They locked the women and

DRAFT

RELEASED
El Salvador Human Rights
Special Project (1993)

children in the church and ordered the men to lie face down in the square. Several men were accused of collaborating with the guerrillas. They were bound, blindfolded, and tortured. Residents later found the bodies of three of them; they had been killed with cold steel.

Atlacatl units also gathered together the residents of the Cumaro canton in the square on the morning of the 10th. There were no slayings, however.

There is sufficient evidence that Atlacatl units were involved in all of these actions. However, other mass executions were carried out during Operation Rescue by units that have not been identified precisely.

The troops took the same action in all cases: they killed the people they found, men, women, and children, and then set fire to their homes. This happened in La Joya canton on 11 December, in the hamlet of La Rancheria on the 12th, and in the hamlet of Jocote Amarillo and in Cerro Pando canton on the 13th.

Subsequent Events

The massacre in El Mozote became public knowledge on 27 January 1982, when THE NEW YORK TIMES and THE WASHINGTON POST published articles by Raymond Bonner and Alama Guillermoprieto, respectively, who reported the massacre. They had visited the scene of the events and seen the bodies and gutted homes in January.

During the year several human-rights organizations denounced the massacre. The Salvadoran authorities denied that there had ever been a massacre. No judicial investigation was begun, nor was any inquiry by the government or the Armed Forces made known.

On 26 October 1990, pursuant to criminal charges filed by Pedro Chicas Romero, criminal action was begun in San Francisco Gotera lower court. During the trial, which is still going on, testimony was taken from witnesses called by the plaintiff, and the bodies were eventually ordered exhumed, which provided irrefutable evidence of the massacre in El Mozote. The judge repeatedly asked the government for a list of the officers who took part in the military operation. The response was that the government did not have such information available.

Results of the Exhumation

The exhumation of the remains amid the ruins of the small building known as "the convent" alongside the church in El Mozote was performed between 13 and 17 November 1992.

The items found at the convent were analyzed by expert anthropologist and later examined thoroughly in the laboratory of the Institute of Forensic Medicine of Santa Tecla and in the laboratory of the Commission for the Investigation of Criminal Incidents by Dr. Clyde Snow (a forensic anthropologist), Dr. Robert H. Kirshner (a forensic pathologist), Dr. Douglas Scott, an archaeologist and ballistics expert, and Dr. John Fitzpatrick, a radiologist, in collaboration with the Argentine Team of Forensic Anthropology, consisting of Patricia Bernardi, Mercedes Doretti, and Luis Fondebrider.

The study that the experts conducted led to the following conclusions:

1. "All of the skeletons recovered, as well as the evidence associated with them, were deposited there during a single event in time..." (351) No physical evidence was found at this site to indicate that it may have been a clandestine cemetery in which bodies were buried at different times.

2. "The events under investigation presumably did not take place after 1981" (352). Coins and cartridge cases with dates of manufacture were found at the convent. Under no circumstances was the date later than 1981.

DRAFT

RELEASED
El Salvador Human Rights
Forensic Project (1993)

3. The remains of at least 143 individuals were found at the convent (353). Nevertheless, the laboratory analysis conducted indicates that "there may have been more corpses. This uncertainty regarding the total number of skeletons is a result of the massive perimortem injuries, postmortem damage, and the degree to which the remains were thrown together. Many infants may have been totally cremated; other children may not have been counted, owing to the extensive fragmentation of body parts (354).

4. The remains and items found at the convent show many signs of damage from crushing and fire.

357 (Forensic Investigation Report, p 1) 5. Most of the victims were underage children.

The experts initially determined, after conducting the exhumation, that "approximately 85 percent of the 117 victims were under the age of 12," (355) clarifying that a more accurate estimation of the age of the persons would be made in the laboratory" (356).

The skeletal remains of 143 individuals were identified there, 131 of children under the age of 12, 5 of adolescents, and 7 of adults. They added that "the average age of the children is approximately six" (357).

6. One of the victims was a pregnant woman (358).

7. Although it was not possible to determine whether all of the victims were alive when placed in the convent, "it can be concluded that at least some of them received bullet wounds inside the building that could well have been fatal" (359).

This conclusion is based on several pieces of evidence:

1. A "large number of projectile fragments were found inside the structure..." (360). "Almost all of the ballistic evidence was found at level three, in direct contact with or lodged in the remains, clothing, housewares, and the building floor" (361). Moreover, "the spatial distribution of most of the projectile fragments coincides with the area of greatest concentration of skeletons and remains" (362). The second and third areas of projectile-fragment concentrations also coincide with the second and third biggest concentrations of skeletons, respectively.

2. "Of the 117 individual skeletons in the area, 67 had projectile fragments associated with them. In 43 skeletons of this subtotal of 67, the fragments were found in areas of the cranium and/or thorax, in other words, areas of the body in which they could have caused the death of these individuals" (363).

3. "In at least nine cases the victims had been shot inside the building, in a horizontal position, lying on the floor. The trajectory of the shots was downward. In at least six of these nine cases the shots could have killed the victims." (364)

4. When the skeletons were examined directly, intact wounds from the entry of firearm projectiles could be seen in only a few crania, owing to the extensive fragmentation that characterizes these high-velocity wounds. The reconstruction of the crania identified many more entrance wounds but relatively few exit wounds. This squares with the ballistic evidence in question, in the sense that the ammunition used in this case was the type that fragments on impact, essentially becoming fragile. The radiological examination of the cranial bones showed small metal densities compatible with projectile fragments in 45.2 percent of the cases (51 of 115)."

"Fractures characteristic of wounds produced by high-velocity firearms were observed in the long bones, vertebras, pelvis, and ribs." (365)

5. The weapons used against the victims were M-16 rifles. As the ballistics expert indicated, "two-hundred and forty-five (245) spent firearm cases recovered at site 1 El Mozote were examined. Of them, 184 had discernible seals

DRAFT

RELEASED
El Salvador: Human Rights
Special Project (1993)

on the base, identifying this ammunition as having been manufactured for the Government of the United States in Lake City, Missouri. Thirty-four (34) of these spent cases were well preserved enough to be analyzed individually and also to establish categories of similarity. All of the projectiles save one (1) seem to have been fired from M-16 rifles manufactured in the United States." (366)

6. At least 24 shooters were involved in the incident (367). They fired "from inside the building, from the doorway, and probably through a window to the right of the door." (368)

An important fact emphasized in the findings is that "projectile fragments were not found in the exterior west face of the front wall" [muro de arranque] (369).

The above evidence demonstrates clearly that the victims were executed summarily, as the witnesses have asserted.

The experts who conducted the exhumation came to the following conclusion: "All of the information cited points to a mass murder, as no evidence was found that could support the possibility of a confrontation between two groups" (370).

For their part, the experts who conducted the laboratory analysis said that "the physical evidence from the exhumation at the convent building in El Mozote confirms the contentions that it was a mass murder (371). They added on the same point: "There is no evidence to support the contention that these victims, almost all of them small children, were involved in combat or had been caught in the crossfire of a confrontation. On the contrary, the evidence strongly supports the conclusion that they were the victims of an intentional, criminal mass execution" (372).

Activities of the Commission

Before the Truth Commission began its activities, the director of the Human Rights Division of the UN Mission for El Salvador (ONUSAL) managed to persuade the trial judge to appoint qualified foreign experts.

The Truth Commission, from the time that it was established, made a special effort to see to it that the exhumation was performed under conditions that would guarantee the necessary scientific rigor and impartiality.

The Commission also examined the available publications, documents, and legal evidence. It heard direct testimony from eyewitnesses to the events and visited the site of the exhumations.

The Commission wrote three times to the defense minister and once to the chairman of the Joint Chiefs of Staff of the Armed Forces, requesting information about the units and officers who took part in "Operation Rescue," as well as about the orders, reports, and other documents that might exist in the files in connection with the operation. The only response was that records of that period did not exist.

The involvement in this case of the chief justice of the Supreme Court of El Salvador, Dr. Mauricio Gutierez Castro, deserves special mention. When representatives of the organization Tutela Legal asked the trial judge on 17 July 1991 to appoint qualified foreign experts to perform the exhumations, the judge told them that he needed the approval of Dr. Gutierez Castro. It was not until nine months later, on 29 April 1992, after ONUSAL's efforts, that he proceeded to name them.

On 16 July 1992, during a visit that members of the Truth Commission paid to Dr. Gutierez Castro, he stated that the exhumation that the trial judge had ordered would show that "only dead guerrillas are buried" in El Mozote.

DRAFT

RELEASED
El Salvador Human Rights
Special Project (1993)

A few days later, the trial court decided that the appointment of the foreign experts was not valid without a complicated procedure of consultation with foreign governments through the Supreme Court; as a result, the exhumation was on the verge of being performed without their presence.

On 21 October, Dr. Mauricio Gutierrez Castro visited the site of the exhumations and, voicing his opinion on how future exhumations in the area ought to be conducted, stated that care should be taken not "to favor either party" (presumably the government and the FMLN [Farabundo Marti National Liberation Front]) "owing to the political implications of this trial, which transcend the legal arena."

Conclusions

It has been clearly established that on 11 December 1980 in the hamlet of El Mozote units of the Atlacatl Battalion deliberately and systematically killed a group of more than 200 men, women, and children, the entire civilian population that they had found there the day before and that they had under their control thereafter.

The Commission has managed to identify the following officers who were in command of the Atlacatl Battalion at the time of the operation:

Battalion Commander: Lieutenant Colonel Domingo Monterrosa Barrios (deceased);

Executive: Major Natividad de Jesus Caceres Cabrera (today a colonel);

Chief of Operations: Major Jose Armando Azmitia Melara (deceased);

Company Commanders: Juan Ernesto Mendez Rodriguez (today a colonel), Roberto Alfonso Mendoza Portillo (deceased), Jose Antonio Rodriguez Molina (today a lieutenant colonel), Captain Walter Oswaldo Salazar (today a lieutenant colonel), and Jose Alfredo Jimenez (today a fugitive from justice).

There is sufficient evidence that in the days preceding and following the massacre in El Mozote, military forces that were taking part in "Operation Rescue" massacred the noncombatant, civilian population in the canton of La Joya, in the hamlets of La Rancheria, Jocote Amarillo, and Los Toriles, and in the canton of Cerro Pando.

Taking part in this operation besides the Atlacatl Battalion were units of the Third Infantry Battalion, whose commander was Colonel Jaime Florez Grijalba (today retired), who was also in charge of supervising the operation, and of the San Francisco Gotera Commands Training Center, whose commander was Colonel Alejandro Cisneros (today retired).

Despite having heard of the massacre and even though it was readily verifiable owing to the profusion of unburied corpses, the high command of the Armed Forces failed to conduct or did not report any inquiry and repeatedly denied that there had been a massacre. There is full proof that General Jose Guillermo Garcia, the then defense minister, failed to call for investigations to shed light on the facts. There is sufficient evidence that General Rafael Florez Lima, the then chief of staff of the Armed Forces, was aware of the massacre but failed to call for an investigation either.

Nor did the high command take any steps to prevent a recurrence of such an incident, and as a result the same units were used in other operations and employed similar procedures.

The massacre in El Mozote was a serious violation of Humanitarian International Law and of International Human Rights Law.

The chief justice of the Supreme Court of El Salvador, Dr. Mauricio Gutierrez Castro, has played an improper, negative role, by taking a biased political approach, in the judicial procedures that are being followed in this case.

DRAFT

RELEASED
El Salvador: Human Rights
Special Project (1993)

The Commission recommends that the appropriate authorities apply the recommendations in the reports of the experts (See annex 1).

351. In the words of the experts, the convent was a "primary synchronic common grave." Bernardi, Patricia; Doretti, Mercedes; Fondebrider, Luis. Anthropological Report, p 15.

352. Archaeological Report, p 1.

353. When the exhumed remains were analyzed, the anthropologists managed to identify 117 anatomically articulated skeletons, as indicated above. After the laboratory analysis, a minimum of 143 skeletons were identified. Cfr.Sow, Clyde; Fitzpatrick, John; Kirshner, Robert H.; Scott, Douglas. Forensic Investigation Report.

354. Forensic Investigation Report, p 2

355. This assertion is based on "the joint presence of primary and secondary dentition" and on "the lack of fusion of their primary and/or secondary centers of ossification." Archaeology Report, p 17. Cfr. ibidem, p 6.

356. Ibidem, p 17.

357. Forensic Investigation Report, p 1.

358. "...the remains of a fetus were found in the pelvic area with the head between the two coccyx bones and above the sacrum." Archaeology Report, p 6. The laboratory report determined that the mother "was in the third trimester of pregnancy." Forensic Investigation Report, p 1.

359. Archaeology Report, p 15.

360. Ibidem, p 15

361. Ibidem, p 10.

362. Ibidem, p 10; here they indicate: "We are referring to grid squares B2, B3, and C3 and angle SO in C2, where 82 individuals--close to 70 percent of the skeletons--and 18 of the 24 concentrations of remains--close to 30 percent--were found. In these squares they found 159 projectile fragments: 102 in B3, 13 fragments in B2, 30 fragments in C3, and 14 fragments in C2. In these squares all projectile fragments were in direct contact with the remains. That is to say, 159 projectile fragments hit a large number of the 82 skeletons and 18 concentrations recovered in that area.

363. Ibidem, p 16.

364. Ibidem, p 16. In the report they based this assertion thus: "1) ...the discovery of perimortem injuries, accompanied by projectile fragments and holes in the floor beneath these projectiles. These were skeletons 2, 5, 9, 10, 26, 57, 92, 110, and 113, distributed in squares C1, C2, C1, D2, B4, C3, B2, B3-C3, and B3 respectively...2) The only way in which these shots could have made holes in the floor is if they were fired downward in a straight line or on a diagonal. 3) In the cases of skeletons 2, 10, 92, 110, and 57, the projectiles associated with the holes in the floor were found in the cranial area; in the case of skeleton 26, in the cervical vertebra (very close to the cranium).

365. Forensic Investigation Report, p 2.

366. Forensic Investigation Report, pp 3 and 4.

367. Twenty-four weapons, corresponding to at least 24 individual shooters, were identified." Forensic Investigation Report, p 4.

368. Ibidem, p 4. The experts who exhumed the remains came to the same conclusion. Archaeological Report, p 16.

369. Archaeological Report, p 16.

370. Archaeological Report, p 18.

371. Forensic Investigation Report, p 1.

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DRAFT

RELEASED
El Salvador: Human Rights
Special Project (1993)

372. They also stated that all of their conclusions "are established with a reasonable degree of medical and scientific certainty" and that they are willing to testify in court about these conclusions. Forensic Investigation Report, p 4.

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DRAFT

RELEASED
El Salvador: Human Rights
Special Project (1993)

2. The Sumpul River

Summary of the Case

On 14 May 1980, troops of the Military Detachment No. 1 of the National Guard and the paramilitary Nationalist Democratic Organization (ORDEN) deliberately murdered at least 300 noncombatants, including women and children, who were trying to flee to Honduras across the Sumpul River near the hamlet of Las Aradas in the Department of Chalatenango. The massacre was made possible by the cooperation of the Honduran Armed Forces, which prevented the Salvadoran settlers from getting across.

The Salvadoran military operation had begun the preceding day as an antiguerrilla operation. The troops came form various points and converged on the hamlet of Las Aradas, which is situated on the banks of the Sumpul River. During the operation, a number of clashes with the guerrillas had occurred.

There is sufficient proof that in the course of their advance, the government forces committed acts of violence against the population and that this caused numerous individuals to flee. Many of them came together in this hamlet of 10 or so houses.

The troops attacked the hamlet with artillery and gunfire from two helicopters. The residents and the people displaced by the operation tried to cross the Sumpul River to take refuge in Honduras. The Honduran troops deployed on the opposite bank of the river prevented their crossing, and they were then murdered by the Salvadoran troops, who fired on them deliberately.

Description of the Events

Background Information

In 1970, when the war between Honduras and El Salvador known as the "Soccer War" ended, a demilitarized zone including a strip 3 km wide on each side of the frontier was established. Surveillance of this zone was carried out by an Organization of American States (OAS) observer mission. The Armed Forces of both countries were forbidden to enter the zone.

The beginning of the conflict in El Salvador caused large numbers of Salvadoran peasants to seek refuge in Honduras, where camps were established. At the beginning of 1980, as a result of the increase in the antiguerrilla actions, large numbers of Salvadoran peasants crossed the frontier, leaving many settlements practically uninhabited, Las Aradas among them. The government of Honduras became increasingly concerned as Salvadoran refugees entered the country and settled there. It should be remembered that one of the causes of the war between the two countries had been the settlement of Salvadoran peasants in the frontier portions of the territory of Honduras.

The Salvadoran government, for its part, saw the demilitarized zone and Honduran territory as areas serving as a base for the guerrilla fighters and a refuge from which to develop their actions, which had been intensifying in the adjacent zone in northern Chalatenango Department.

Moreover, a large proportion of the peasant population in the zone belonged to the Federation of Farm Workers [Federacion de Trabajadores del Campo], which had taken up the struggle for agrarian reform and was seen by the Salvadoran government as an organization providing support to the guerrillas.

In the second half of March 1980, the Honduran authorities began to pressure the refugees to return to their own country. A group of them returned to Las Aradas.

DRAFT

RELEASED
El Salvador: Human Rights
Special Project (1993)

The Salvadoran Government continued to carry out antiguerrilla operations in the zone. Between the time the residents returned to Las Aradas and the massacre in May, National Guard and ORDEN personnel, who were not forbidden to enter the zone, came as far as Las Aradas on two occasions. In both instances, the residents fled into Honduran territory across the river.

On 5 May, nine days before the massacre, military leaders from both Honduras and El Salvador met at the frontier, according to the Honduran press, for the purpose of finding mechanisms for preventing the Salvadoran guerrillas from entering Honduras.

Some days later, Honduran military personnel again exerted pressure on the Salvadoran refugees. A group of them returned to Las Aradas.

When the operation that was to lead to the massacre began a week later, many fleeing peasants converged on Las Aradas, confident that from that point, they could cross the "hammock" bridge over the Sumpul River, which was swollen by the rainy season, and could reach safety in Honduran territory. They also expected that the Salvadoran soldiers would not enter the demilitarized zone.

Subsequent Events

The armies of the two countries abandoned the zone the very day of the massacre. The National Guard continued to patrol the area to prevent any residents from returning. The corpses remained unburied.

The media in Honduras reported extensively on what had happened. The first journalistic report appeared on 21 May in a news broadcast carried by Continental News Radio (Radio Noticias del Continente), which operates in Costa Rica. Several days later, the newspaper TIEMPO published an interview with Father Roberto Yalaga, a priest in the Santa Rosa de Copan Diocese, under the heading "At Least 325 Salvadorans Killed by Army; Honduran Military Unit Cordons off Sumpul Riverbank." The priest confirmed this occurrence.

Two foreign journalists, Gabriel Sanhuesa and Ursula Ferdinand, succeeded in reaching the Las Aradas hamlet from Honduras, and they obtained graphic evidence of the slaughter. They also managed to interview several survivors who had taken refuge in Honduran frontier hamlets, and they published a pamphlet on the incident.

Formal charges were filed concerning the incident by the Presbytery and the nuns of the Honduran Diocese of Santa Rosa de Copan on 19 June 1980, with the signatures of 38 pastoral members of the Diocese. The accusation was based on the graphic evidence and the testimony obtained by the Diocese as a part of its investigations.

In the accusation, the Government and the Armed Forces of the Republic of Honduras were charged with complicity in the perpetration of the incident and its later concealment, and the Organization of American States was accused of complicity in the concealment of the tragic event. The declaration in question was endorsed by the entire Honduran Episcopal Conference, headed by Monsignor Hector E. Santos, the archbishop of Tegucigalpa, in a statement published in the press on 1 July 1980. In El Salvador, the Archbishopric of San Salvador endorsed and expressed solidarity with the accusation made by the Santa Rosa de Copan Diocese in a communique made public on 29 June 1980.

The Salvadoran minister of defense, General Jose Guillermo Garcia, denied that a massacre had occurred. In an interview a year later, he admitted that some individuals had died in a clash that occurred at the Sumpul River on 14 May 1980, "but not in any massive numbers." (373)

In October of 1980, President Jose Napoleon Duarte admitted in an interview granted to the UNITED CHURCH OBSERVER, a Canadian publication, that "an action

DRAFT

RELEASED
El Salvador: Human Rights
Special Project (1993)

occurred on the Sumpul River" and that "about 300 persons, all of them 'communist guerrillas,' died." (374)

Similarly, the accusations made by the Santa Rosa de Copan Diocese were denied in an Official Declaration by the Government and Armed Forces of Honduras, which described the statements made as slanderous and irresponsible. (375) Honduran President Policarpo Paz denied the truth of the charges in a speech carried on the national radio and television chain. The minister of government, Colonel Cristobal Diaz Garcia, told the press that Honduras would not appoint any investigation commission. In answer to a question, he said: "No one doubts that there was a massacre on the other side, but we did not participate in it."

Colonel Alfonso Rodriguez Rincon, the officer in charge of the OAS observers, termed the charges made by the Honduran Church "excessively exaggerated creativity." He stated that "as chief of the observers, I can say that we had no knowledge of these events." He added that "there are many operations on the El Salvador side, and it is possible that a number of guerrilla fighters were killed. Perhaps this circumstance is being confused with some other."

However, the Commission had knowledge of reports by the OAS observers that "a serious clash occurred between Salvadoran troops and the FMLN [Farabundo Marti National Liberation Front] guerrilla forces between 14 and 16 May 1980 on the frontier in the region, and more than 200 deaths occurred as a result of the confrontation." They also reported that "some civilians were caught in the crossfire, but there was no evidence of a massacre of innocent civilians."

On 26 October of this year, witnesses who survived the massacre on the Sumpul River filed formal charges with the Court of the First Instance in Chalatenango, which were accepted under the title "On Inquiries Into the Assassination of 600 Persons." (376)

Action by the Commission

The Commission took about 100 direct depositions concerning the events and examined an equal number of statements submitted to other organizations. It examined the documentation available, including photographs and talked with the individuals who first reported the facts. A Commission official traveled to Honduras to collect direct testimony. The members of the Commission personally inspected the site of the events.

The Commission repeatedly solicited the cooperation of the Salvadoran military authorities in order to move the investigation forward, but the only response obtained was the statement that no records were available for that period. Colonel Ricardo Augusto Pena Arbaiza, who was the commander of Military Detachment No. 1 at that time, was summoned to appear and testify but failed to appear.

Conclusions

There is substantial evidence that on 13 and 14 May 1980, military personnel of the Military Detachment No. 1, National Guard agents, and personnel of the paramilitary Nationalist Democratic Organization, with air support from the Air Force, perpetrated a massacre of at least 300 unarmed civilians on the edge of the Sumpul River.

The Commission believes that there was concealment of the facts by some of the Salvadoran military authorities. There is adequate proof that Col. Ricardo Augusto Pena Arbaiza, the commander of Military Detachment No. 1 in May of 1980, pursued no serious investigation of the events that had occurred.

DRAFT

RELEASED
El Salvador: Human Rights
Special Project (1993)

The Sumpul River massacre constituted a serious violation of international humanitarian law and international human rights law.

3. El Calabozo

Summary of the Case

On 22 August 1982, in the locality called El Calabozo, which is located on the Amatitan River in the northern part of the Department of San Vicente, personnel of the Atlacatl Rapid Deployment Infantry Battalion (BIRI) murdered more than 200 individuals, including men, women, and children, who were at their mercy.

The victims had come to that site from various places as they fled from a vast military antiguerrilla operation launched three days earlier in the Cerros de San Pedro (San Pedro Hills) zone. In addition to the Atlacatl BIRI, other infantry, artillery, and air support units participated in that operation.

There was a substantial guerrilla presence supported by the local population in the zone where the operation took place. The government forces had penetrated the zone earlier, but the guerrilla fighters had retreated from the battle. On this occasion the operation, given the designation "Lieutenant Colonel Mario Azenon Palma," involved some 6,000 troops. Its purpose was to clear the zone of the guerrillas. With the advance of the troops, the civilian population fled out of fear of the bombings and the soldiers' violence. One of the sites where a large number of the fugitives congregated was El Calabozo.

According to the testimony, when the unit of the Atlacatl Battalion surprised the fugitives, some of them succeeded in escaping. The others were rounded up and machine-gunned.

The military operation continued for several more days. The government informed the public that it had been a success, that many guerrilla fighters had been killed, and that camps had been destroyed and weapons and other equipment captured.

On 8 September, two weeks after the event, the massacre was briefly reported in THE WASHINGTON POST, a daily newspaper. The minister of defense, Gen. Jose Guillermo Garcia, announced that there had been an investigation and that no massacre had occurred. He repeated this denial in an interview with the Commission.

In July of 1992, after special charges had been filed, the judicial investigation of the events was initiated by the Mixed Court of the First Instance in San Sebastian.

The Commission took depositions from eyewitnesses and examined the available documentation. The members of the Commission inspected the site of the events. To the efforts made to obtain information about the military operation, the units that participated in it, and the results of the investigation announced, the minister of defense responded that there were no files available on that era.

Conclusions

There is sufficient proof that on 22 August 1982, personnel of the Atlacatl Battalion deliberately murdered more than 200 civilians, including men, women, and children, whom they had taken prisoner without resistance. This event occurred at the site called El Calabozo, near the Amatitan Abajo District in the Department of San Vicente.

DRAFT

RELEASED
El Salvador: Human Rights
Special Project (1993)

Despite the public accusations made concerning these events, the Salvadoran authorities denied they had happened. Although they said an investigation had been carried out, there is no trace whatsoever of its existence.

The El Calabozo massacre constituted a serious violation of international humanitarian law and international human rights law.

4. The Pattern of Conduct

In addition to the massacres described, the Commission has taken direct testimony about numerous mass executions that occurred in the course of the years 1980, 1981, and 1982, in which Armed Forces personnel, in the course of antiguerrilla operations, executed peasants, including men, women, and children, who had put up no resistance, simply because they were thought to be collaborators of the guerrilla fighters.

The number of executions of this sort reported by individuals and groups is so large and so well-documented that the Commission is inclined to dismiss any possibility that they were isolated incidents or were merely excesses committed by the soldiers or their immediate commanders.

There is every evidence that these deaths are a part a pattern of conduct, a deliberate strategy designed to eliminate or terrorize the peasant population in the zones of guerrilla activity. The aim was to deprive the guerrillas of this source of supplies and information, as well as their ability to conceal themselves among or blend in with the people.

It is impossible to maintain that this pattern of conduct could be attributed to the local commanders alone, and that it was not known to the higher commands. As has been explained, the massacres of the peasant population were repeatedly reported. There is no evidence that any effort was made to investigate these occurrences. The authorities did nothing but term these charges slanderous propaganda by their adversaries. If it were not for the infants' skeletons found in El Mozote, even today some would doubt that these massacres occurred.

These little skeletons are proof not only that the cold-blooded El Mozote massacre occurred, but also that the higher commands were jointly responsible. This is because they are proof that the evidence of the unburied corpses was for a long time accessible to any investigation of the events that might have existed. In this case, the excuse that the higher commands were ignorant of the facts cannot be accepted.

No steps were taken to prevent occurrences of this sort. On the contrary, deliberate, systematic, and indiscriminate violence against the peasant population in the operational areas was the policy consistently pursued for years.

D. Assassinations by the Death Squads

I. Illustrative Case: Monsignor Romero

Summary of the Case

On 24 March 1980, the archbishop of San Salvador, Monsignor Oscar Arnulfo Romero y Galdamez, was murdered while officiating at a mass in the chapel of the Divine Providence Hospital.

The Commission concludes the following:

1. Former Major Roberto D'Aubuisson ordered the assassination of the archbishop and gave precise instructions to members of his security team, who

RELEASED
El Salvador Human Rights
Special Project (1993)

were to organize and supervise the execution of the crime, acting as a "death squad."

2. Captains Alvaro Saravia and Eduardo Avila played an active role in the planning and perpetration of the murder, as did Fernando Sagrera and Mario Molina.

3. Amado Antonio Garay, the former Capt. Saravia's driver, was assigned to take the marksman to the chapel. Mr. Garay was a competent witness when the gunman fired one single high-velocity .22-caliber bullet from a four-door red Volkswagen for the purpose of killing the archbishop.

4. Walter Antonio "Musa" Alvarez, together with former Capt. Saravia, was to see to paying the perpetrator of the assassination his "fee."

5. The frustrated assassination attempt on the life of Judge Atilio Ramirez Amaya was a deliberate action designed to discourage clarification of the facts.

6. The Supreme Court played an active role that served to hinder the extradition from the United States and later imprisonment of former Capt. Saravia in El Salvador. Among other things, this provided the planner of the assassination with impunity.

Description of the Events (377)

The Assassination

On Monday, 24 March 1980, the archbishop of San Salvador, Monsignor Oscar Arnulfo Romero y Galdamez, was murdered while in the midst of celebrating mass (378) in the chapel of the Divine Providence Hospital. (379) The professional assassin fired a single .22-caliber bullet from a four-door red Volkswagen, and death resulted from profuse hemorrhaging.

Background Information

Monsignor Romero had become a well-known critic of violence and injustice, and as such, he was seen in right-wing civilian and military circles as a dangerous enemy. His homilies provoked profound irritation in these circles because they included accounts of incidents in which human rights were violated, the product of the work of the Legal Aid Office of the Archbishopric.

Therefore, individuals of high rank in the government as well as the Armed Forces viewed the actions of the archbishop as aiding subversion.

The print media criticized him in unmistakably hostile terms, for example "...a demagogic and violent archbishop...(who) has encouraged the pursuit of terrorism from the pulpit..." (380) and "...it would be well for the Armed Forces to ready their rifles (...)." (381)

In his 17 February 1980 homily, the archbishop opposed military aid to El Salvador from the United States, saying that "(...) neither the (Government) Junta nor the Christian Democrats are governing the country. The political power is in the hands of the Armed Forces. They are using their power in unscrupulous fashion. All they know is how to repress the people and defend the interests of the Salvadoran oligarchy (...)." (382)

That same month, he received death threats (383), and because of this situation, he preferred not to be accompanied by his colleagues when he went out, in order to avoid unnecessary risks to them. (384) On Monday, 10 March, the day after he officiated at a mass for the late Mario Zamora (385), a suitcase was found behind the pulpit near the main altar. (386) The Explosives and Demolition Unit of the National Police ascertained that the suitcase contained a bomb which had failed to explode. (387)

RELEASED
El Salvador: Human Rights
Special Project (1993)

In his homily on Sunday, 23 March, the archbishop voiced an appeal to the Salvadoran soldiers themselves. "...I beg them, I implore them, I order them, in the name of God, to cease the repression!" (388)

The Official Investigation

The investigation process to determine who was responsible for the assassination of the archbishop proved to be very controversial and riddled with political motivations, apart from being inefficient. Some of the pertinent elements which the Commission took into account in its own investigation are summarized below.

The First Proceedings and Incidents

The National Police went to the chapel of the Divine Providence Hospital to gather evidence. However, they acted improperly, since they failed to collect material evidence of the crime at the site.

Atilio Ramirez Amaya, the presiding judge of the Fourth Criminal Court, ordered an autopsy of the prelate at the Salvadoran Polyclinic. A small entry wound in the right thorax, only 5 mm in diameter, indicated where the projectile had entered the body. It had fragmented and remained within the archbishop's body, causing fatal internal hemorrhaging. Three fragments were extracted for study. (389) Judge Ramirez Amaya maintained that the bullet used could only have been of the .22-caliber type or something similar. (390) Based on the weight of the fragments, the National Police confirmed that they came from a .22-caliber bullet, but no more precise conclusions were reached. (391) After an unsuccessful attempt was made on his life at his home on 27 March, Judge Ramirez Amaya submitted his resignation and left the country. (392)

The "Saravia Diary" and Other Documents Found at the San Luis Farm

On 7 May 1980, during a search carried out at the San Luis Farm in Santa Tecla, 12 soldiers of both high and low rank and 12 civilians (393) who were holding a meeting there were arrested. One of the men was former Maj. Roberto D'Aubuisson. The individuals arrested were formally charged with conspiracy to bring down the government by means of a coup d'etat. (394)

Among the documents seized during the search was a "Report on the Charges Made Against Monsignor Oscar Arnulfo Romero, Archbishop of San Salvador, by a South American Informant Prepared To Provide Filmed and Written Proof Within 15 Days," (395), as well as a pocket diary belonging to former Capt. Alvaro Rafael Saravia and two lists of names of senior commanders and officers (in the Salvadoran Armed Forces). (396)

The "Saravia diary" contained a number of pertinent details about the assassination of Monsignor Romero. It referred to purchases and deliveries of a number of weapons and ammunition, some of which, based on the expert ballistic analysis ordered by Judge Ramirez Amaya, corresponded to the type used in the murder. (397) Moreover, several names that appeared in the diary many times were those of individuals regarding whom the Commission has now received sufficient evidence that they participated in the planning, the perpetration, or the concealment of the assassination. (398) Other notes mention the name "Amado"--Amado Garay, the driver assigned the responsibility of providing the assassin with transportation, as well as records of payments made for gasoline for a red vehicle put at the disposal of former Capt. Saravia.

A third document entitled "General Organizational Structure for the Anti-Marxist Struggle in El Salvador" set forth the guidelines and goals of the group

DRAFT

RELEASED
El Salvador Human Rights
Special Project (1993)

at the San Luis Farm. The goal described was the seizure of power in El Salvador, and the group was relying on a political plan that called for "direct action" tasks termed "combat-network activities" and including "individual attacks." (399)

None of the documents seized at the San Luis Farm were turned over to the Fourth Criminal Court, and it was not until years later that the Court gained access to a copy of the diary. The actions undertaken by the judge to locate the original were unsuccessful.

The Charges Made by Former Maj. D'Aubuisson

In March of 1984, former Maj. Roberto D'Aubuisson gave a television address during the presidential election campaign during which he played a recording made by "Pedro Lobo," allegedly a commander in the FMLN, who admitted to being an accomplice in the assassination of Monsignor Romero. Almost immediately, "Pedro Lobo" was identified as a common criminal who was in prison from 1979 to 1981 (400), who stated that he had been offered $50,000 if he would commit the murder. (401) However, former Maj. D'Aubuisson continued to insist that Monsignor Romero was assassinated by the guerrillas (402), and the Armed Forces officially continued to take this same view. (403)

The Work of the Commission To Investigate Crimes

The Commission To Investigate Crimes (CIHD) began its inquiries into the assassination of Monsignor Romero in January of 1986. (404).

In November of 1987, Amado Antonio Garay, one of the individuals arrested at the San Luis Farm, who was former Capt. Alvaro Saravia's driver, revealed that on 24 March 1980, Saravia ordered him to drive a red Volkswagen to the Divine Providence Hospital in the Miramonte Quarter. He parked opposite the chapel. His passenger, a bearded man he did not know, ordered him to bend over and pretend to be making some repairs. He heard a shot, turned, and saw that the individual "was holding a rifle in both hands, pointed to the right out of the right rear window of the vehicle (...)." Just at that moment there was an odor of gunpowder (...) and the bearded man immediately instructed him, in a calm voice, to drive "slowly and steadily" away from the site. (405)

Garay maintained that he took the man back to former Capt. Saravia, to whom the unknown individual said the phrase "mission accomplished." Three days later, Garay drove former Capt. Saravia to a house where he met with former Maj. D'Aubuisson, to whom Saravia said: "We have now done what we had planned concerning the death of Monsignor Arnulfo Romero." (406)

The Office of the Attorney General had Garay testify before Judge Ricardo Alberto Zamora Perez on 20 November 1987. Based on Garay's verbal description of the assassin (407) and the inspections carried out at the sites mentioned by the witness (408), the judge ordered the arrest of former Capt. Saravia (409) on 24 November and notified the Central Electoral Council that he needed certification of former Maj. D'Aubuisson's status as a deputy sent to him, as a first step in obtaining revocation of his parliamentary immunity and summoning him before the court. (410)

Former Capt. Saravia filed a writ of habeas corpus on which the Supreme Court did not rule until a year later. In December of 1988, the court ruled that "(...) said testimony given in evidence (by Garay) does not fully merit confidence (...), the witness having made his statement seven years, seven months, and 24 days after the occurrence of the event about which he was testifying, (which) completely deprives his testimony of credibility (...)." The

DRAFT

RELEASED
El Salvador: Human Rights
Special Project (1993)

court also expressed the opinion that the attorney general lacked the authority to request extradition. (411)

The Accusation of the Alleged Marksman

The CIHD pursued other inquiries. Garay identified a 1969 photograph (412) of Dr. Hector Antonio Regalado, to which a beard had been added, as that which most closely resembled the verbal description provided with a view to identifying the man who fired the gun. Regalado was the man responsible, under former Capt. Saravia, for the personal safety of D'Aubuisson. (413) In a statement made before the Commission, Regalado denied that he was the man who fired the shot. The commission found no convincing evidence that he had participated in this assassination.

The Investigation by the Truth Commission

The Truth Commission obtained substantial evidence leading to the conclusion that:

Former Maj. Roberto D'Aubuisson, former Capt. Alvaro Saravia, and Fernando Sagrera (414) were present in the residence of Alejandro Caceres in San Salvador on 24 March 1980. Capt. Eduardo Avila arrived and informed them that Archbishop Romero would officiate at a mass that same day. Capt. Avila expressed the view that this offered an excellent opportunity for the assassination of the archbishop. Former Maj. D'Aubuisson ordered the deed done and put former Capt. Saravia in charge of the operation. When it was noted that a marksman would be needed, Capt. Avila stated that he would take responsibility for contacting one through Mario Molina. Amado Garay was assigned to drive the assassin to the chapel.

The parking lot of the Hotel Camino Real served as the meeting point before they proceeded to the chapel. It was there that the bearded marksman, carrying the assassination weapon, got into a four-door red Volkswagen driven by Garay. At least two vehicles drove from the Hotel Camino Real to the site of the crime. From the vehicle, which was located opposite the main entrance to the chapel, the assassin fired a single bullet, which killed Archbishop Romero.

Former Maj. D'Aubuisson ordered that 1,000 colones be delivered to Walter Antonio "Musa" Alvarez, who, together with the bearded assassin, received the corresponding payment. Alvarez was kidnapped in the month of September 1981 and was found dead a short time afterward.

Conclusions

The Commission concludes the following:

1. There is full evidence that:

a. Former Maj. Roberto D'Aubuisson gave the order for the assassination of the archbishop, and he gave precise instructions to members of his security team to organize and supervise the execution of the assassination, acting as a "death squad."

b. Capts. Alvaro Saravia and Eduardo Avila played an active role in the planning and perpetration of the assassination, as did Fernando Sagrera and Mario Molina.

c. Amado Antonio Garay, the former Capt. Saravia's driver, was instructed to and did transport the marksman to the chapel. Mr. Garay was a competent witness when the gunman fired a single high-velocity .22-caliber bullet from a four-door red Volkswagen, killing the archbishop.

DRAFT

RELEASED
El Salvador: Human Rights
Special Project (1993)

2. There is sufficient evidence that Walter Antonio "Musa" Alvarez, together with former Capt. Saravia, were responsible for paying the physical perpetrator of the crime his "fee."

3. There is sufficient evidence that the frustrated attempt on the life of Judge Atilio Ramirez Amaya was a deliberate action designed to discourage clarification of the facts.

4. There is full evidence that the Supreme Court played an active role that served to hinder the extradition from the United States and the later imprisonment of former Capt. Saravia in El Salvador. It thereby provided the planner of the assassination with impunity, among other things.

2. The Pattern of the Death Squads

The Truth Commission received a large number of reports about the serious acts of violence allegedly perpetrated by death squads. The testimony taken directly pertained to a total of 817 victims of kidnappings, disappearances, and executions perpetrated between 1980 and 1991. (415)

There remains no doubt that what have been called homicides perpetrated by the death squads in the rural zones account for a significant number out of the total number of deaths that occurred in El Salvador in the years between 1980 and 1991. The Truth Commission has received a full report on the testimony given by numerous witnesses, including a number of members of the Armed Forces and civilian members of the death squads, who confessed to and gave details about their participation in the organization, execution, and financing of these crimes, on the highest levels.

The undeniable impact of the multiple items of evidence obtained concerning the death squads leads us to confirm that we share the desire of the citizens of El Salvador, with the understanding that this is of the greatest importance, not only to determine the extent of this phenomenon in El Salvador, but also to inform the international community of the characteristics pointing to its harmful involvement with the formal structure of the state, by acts of commission or omission. Decisive action is needed to eliminate this infamous phenomenon that has so devastated the cause of human rights.

Violations of human rights were carried out in systematic and organized fashion between 1980 and 1991 by groups acting as death squads. These were organizations of individuals who usually wore civilian clothes, were heavily armed, and acted secretly and concealed their affiliation and identities. They kidnapped members of the civilian population and of rebel groups. They tortured their victims, caused their disappearance, and usually executed them. (416)

These squads, which were linked with state entities either through active participation or by tolerance, achieved control of a sort that went beyond the level of any isolated or unusual phenomenon and became a tool of terror and of systematic physical elimination of political opponents. Many of the civilian and military authorities who held office during the 1980s participated in, sponsored, or tolerated the actions of these groups. Despite the fact that there are no obvious indications of the continued existence, even latent, of these clandestine organizations' structures, they could be reactivated if signals were given on the higher levels of government that the "dirty war" might be resumed in El Salvador. And since the squad phenomenon is the characteristic pattern, par excellence, of this dirty war, which in the end destroyed every vestige of the state of law during the armed conflict, not only must an alert and determined attitude be adopted in the Salvadoran state in order to prevent the resurgence of this phenomenon, but international cooperation must also be solicited so that it can be totally and absolutely eradicated. (417)

DRAFT

RELEASED
El Salvador: Human Rights
Special Project (1993)

Origins and History

El Salvador has a long history of violence perpetrated by groups that are not sponsored by the state, nor are they common criminals. This country has for decades had a fragmented society with a weak system of justice and a tradition of impunity for officials and members of the most powerful families who have committed abuses. At the same time, El Salvador is a country with little land, many inhabitants, and tremendous social tensions. All of these things have contributed to generating an atmosphere in which violence has become a part of daily life.

Violence has become a part of the practice of the government authorities, guided directly by state officials. This has been reflected in the persistence, throughout the history of the country, of conduct within the state and the groups in power using violence as a tool for controlling civilian society. Its roots go deep. In the last 150 years, various rebellions organized by peasants and indigenous groups have been violently repressed by the state and by civilian groups armed by the landowners.

A kind of connivance developed between the businessmen and the landowners, who entered into a close relationship with the Army and the intelligence and security forces. It was a question of finding alleged subversives within civilian society so as to defend the country against the threats posed by alleged foreign conspiracies. Making the control of domestic subversion the priority for the defense of the state encouraged repression.

There have been several stages in the process of the development of the death squads in this century. Early in the decade that began in 1910, the National Guard was established and organized. From the time of its formation, National Guard agents cooperated actively with the major landowners, sometimes even going so far as to undertake the brutal repression of the peasant groups and other rural groups that threatened their interests.

The local National Guard commanders "provided service" or leased soldiers for the protection of the material interests of the landowners. Shortly thereafter, the use of "paramilitary" personnel chosen and equipped with weapons by the Army or the landowners began. They became a kind of "intelligence network" used against "subversives" or as an "instrument of local terror."

In other words, almost from the very beginning of this century, a Salvadoran state security force has, because of a distorted perception of its true function, been directed against the vast majority of the civilian population. In 1932, National Guard, Army, and paramilitary group personnel, with the local landowners collaborating, perpetrated a massacre known as "The Slaughter," during which more than 10,000 peasants were murdered in the western part of the country in order to put down a rural rebellion.

Between 1967 and 1979, General Jose Alberto Medrano, who headed the National Guard, organized the paramilitary group known as the Nationalist Democratic Organization (418). The task of this organization was to identify and eliminate alleged communists in the rural sector. He also organized the national intelligence agency, ANSESAL. These bodies served to consolidate the era of military hegemony in El Salvador, selectively sowing terror among the alleged subversives identified by the intelligence services. Thus the Army domination of civilian society was consolidated by means of repression used to maintain its control over society. During these years of military dictatorship, the government basically retained its power through the use of "selective violence."

Following the reformist coup carried out by young military personnel in 1979, a new period of consummate violence began. A number of groups in the Armed Forces and the private sector competed for control of the repressive apparatus.

DRAFT

RELEASED
El Salvador: Human Rights
Special Project (1993)

Hundreds and even thousands of individuals perceived as sympathizing with or active members in a growing guerrilla movement--the Farabundo Marti National Liberation Front--were murdered. Army, Treasury Police, National Guard, and National Police personnel formed "squads" to eliminate the enemies. Private and semiofficial groups also organized their own squads or joined the structures in existence within the Armed Forces.

The Truth Commission took testimony describing this phenomenon of local violence, for example, that which occurred in the town of Cojutepeque and the municipalities of San Rafael de los Cedros, El Rosario, and Monte San Juan in the southeastern part of the department of Cuscatlan. In that zone, civil defense personnel, soldiers from the local detachment, National Guard agents, and civilian members of ORDEN were members of squads that killed hundreds of individuals. The judge of the Second Cojutepeque Court revealed that the book of entries for 1980 showed 141 homicide cases. The judge said that 2,000 persons had been assassinated in the department of Cuscatlan that year, and that it was probable that less than 20 percent of these murders were on record with the courts.

It should be said that while it is possible to differentiate the Armed Forces squads from those made up of civilians, the boundaries between the two were often blurred. Thus, even though they were not a part of the state structure as such, squads thus organized very often received support and tolerance from the state bodies. The squads frequently coordinated their actions with the Armed Forces and served as a support structure for their activities. The clandestine nature of these actions made it possible to conceal the state's responsibility for them, and it created a climate of total impunity for the assassins who operated within the squads. This mentality and the concrete practice of allowing impunity poses a threat to Salvadoran society.

Two cases illustrate the composition and the operation of the squads during this era--the group surrounding Maj. D'Aubuisson and the squads that operated out of the intelligence sections of the military S-II or C-II departments. The Truth Commission has seen fit to describe these two groups because their actions created anxiety and fear and profoundly damaged the civilian society of El Salvador. They were not, of course, the only death squads operating in the country.

The Group Headed by Former Maj. D'Aubuisson

The 1979 coup d'etat changed the political scene in El Salvador. (419) One of the parties directly involved in the struggle was made up of a nucleus of military personnel who sought to block the path of the armed rebel groups and any reform movement. (420) In their view, the Government Junta was "infiltrated by Marxist officers, which could prove fatal to the independence and the liberty of the Salvadoran fatherland if the anticommunist sector of the people failed to take action." (421) The leader of this faction was former Maj. Roberto D'Aubuisson, who had until 1979 held the third most important post in the ANSESAL hierarchy, and who, on retiring, kept part of the institution's files.

Former Maj. D'Aubuisson won great support from civilian leaders with substantial economic assets who feared that their interests might be affected by the program of reforms announced by the Government Junta. They were convinced that the country was seriously threatened with a Marxist rebellion they would have to put down. The Truth Commission obtained testimony from many witnesses to the effect that some of the richest landowners and the businessmen in the country and outside it allowed their farms, homes, vehicles, and bodyguards to be used to help the deaths. They also provided financing for the organization

DRAFT

RELEASED
El Salvador: Human Rights
Special Project (1993)

and support of the squads, in particular those headed by former Maj. D'Aubuisson.

As the social conflict in El Salvador became more acute, the subversive actions increased. Former Maj. D'Aubuisson obtained a privileged position for himself in order to become the link between a very aggressive sector of Salvadoran society and the intelligence and operations network of the security forces' S-II. D'Aubuisson was virtually catapulted into the position of the unchallenged national political leader of the only movement capable "of preventing the leftist process from seizing power." (422) He then opted to use what in his understanding was the only method used by the subversives--the illegal use of force. "An eye for an eye," as the popular saying goes.

D'Aubuisson organized meetings between civilians with influence and economic interests and military groups. In this way, he succeeded in merging the two ingredients in a strategic relationship. It involved the provision of resources (money, vehicles, weapons, houses, etc.) by the civilians and the definition of a political direction for the actions to be carried out by the S-II intelligence units. As a result, the attacks on and intimidation of civilian opponents and individuals suspected of collaborating with or belonging to the guerrilla movement took on political meaning and intent.

For former Maj. D'Aubuisson, it was of the greatest importance to obtain intelligence reports, because it served the cause and increased the efficiency of his political plans. He wasted no resource available to him, using either infiltration or blandishments with the security corps and the Armed Forces. In the scheme of political organization promoted by D'Aubuisson, all of this intelligence was designed for use in "direct action," which explicitly included the perpetration of attacks on individuals, kidnappings, "the recovery of funds," and sabotage. (423)

Following the assassination of Monsignor Romero, the primary responsibility for which former Maj. D'Aubuisson discussed only in very limited circles (see description of the assassination of Monsignor Romero), his prestige and influence grew within the economically powerful groups. This made it easier for him to obtain even greater support and more resources. The incident at the San Luis Farm and his temporary sojourn in Guatemala caused no interruption in the development of D'Aubuisson's program, because it was precisely in Guatemala that he was able to make contact with anticommunist individuals, networks, and organizations with international connections, such as Mario Sandoval Alarcon, Luis Mondizabal, and Ricardo Lao, for example.

While in Guatemala, D'Aubuisson continued to initiate and supervise many attacks by groups identified as "death squads," and on his return to El Salvador, he had permanent sources for passing on and updating abundant intelligence data on the majority of the armed units and territorial districts whose commanders were politically sympathetic with him. He was also provided with effective logistic support for the assignment and rotation of troops for his personal safety and the transfer of weapons.

The General Staff of the Armed Forces knew of these constant intelligence leaks, but not only was no action ever taken to control them, but access was even provided to such data in calculated fashion. In fact, some officers of high rank played active roles in former Maj. D'Aubuisson's group.

There is substantial evidence that the actions of former Maj. D'Aubuisson during this period occurred within secret circuits in which civilians and military personnel of both high and low rank mixed politics, assassinations, and the defense of their own economic interests together in their zeal to combat both the peaceful opposition and armed subversive groups.

DRAFT

RELEASED
El Salvador: Human Rights
Special Project (1993)

One of the individuals closest to D'Aubuisson was his security chief, Hector Antonio Regalado. The Truth Commission obtained enough evidence to conclude that Regalado not only organized his own death squad in the town of Santiago de Maria, but also coordinated and trained D'Aubuisson's networks in the capital. Regalado supervised D'Aubuisson's squad from his office at the National Assembly, where Regalado was chief of security when D'Aubuisson was president of that body. (424)

Squads That Operated in the Intelligence Sections II

In many units of the Armed Forces, the intelligence section (S-II) organized its operations on the basis of the squad structure. These operations were carried out by members of the Armed Forces, usually wearing civilian clothes with no insignia and using vehicles with no identification.

Similarly, the Salvadoran Armed Forces maintained a secret and clandestine apparatus for obtaining intelligence on civilian political objectives. It reported to General Staff Department 5--Civilian Affairs, which received intelligence from the S-IIs of each military unit and security corps. This body had the task of obtaining intelligence data for the drafting of plans for direct action, which included the "elimination" of individuals. In some cases, these plans were translated into actual orders given to the operational units in the various security corps or the Armed Forces itself.

The following is just one example of the many squads of this type that existed.

The National Guard Intelligence Section Squads

The testimony and information received by the Truth Commission from former members of the National Guard S-II indicate that the assassination of Rodolfo Viera, the president of the Salvadoran Institute of Agrarian Transformation (ISTA), and two North American advisers in January of 1981 was not an isolated incident. Members of that unit, in collusion with economically powerful civilians, functioned as a death squad dedicated to the elimination of political opponents and those regarded as sympathizers with the armed left wing.

A group of extreme right-wing civilians, among them Mr. Hans Christ, Ricardo Sol Meza, Constantino Rampone, and Ernesto Panama, "advised" the National Guard S-II. These individuals exerted an influence on the work of the S-II. They often visited the headquarters to meet with the head of S-II, Major Mario Denis Moran, and his second in command, Lieutenant Isidro Lopez Sibrian.

On a number of occasions, they supplied money and weapons. There is also evidence and testimony to the effect that Argentine citizens frequently visited the S-II headquarters and were assigned tasks to perform, including assassinations, by that same group of civilians.

Information obtained from a wide range of sources also indicates that Maj. Moran, Lt. Lopez Sibrian, and Capt. Eduardo Avila--all three with leading positions in the S-II or linked with this division--were members of the death squads connected with the civilians mentioned.

The intelligence section was made up of subsections, such as those for operations and intelligence. There was a smaller group within the intelligence subsection responsible for "the dirty work." It specialized in interrogation, torture, and executions. This group enjoyed the highest confidence of its superior officers, and it functioned as a special unit serving Moran and Lopez Sibrian, who were the number one and number two men, respectively, in the S-II. This group included Rodolfo Orellana Osorio, Enoc Abel Campos ("Heidi"), Rene

DRAFT

RELEASED
El Salvador: Human Rights
Special Project (1993)

Mauricio Cruz Gonzalez, Oscar Reinaldo Bonilla Monge, and Mario Ernesto Aparacio, among others. The members of this group showed no respect for the hierarchic chain of command, took orders only from Moran and Lopez Sibrian, and came and went as they chose.

Conclusions

Because of their secret methods of operation, it is not easy to determine all of the links existing between the private businessmen and the squads. But the Truth Commission has not the slightest doubt about their close relationship or about the threat posed to the future of our Salvadoran society if businessmen or members of the moneyed families feel the need and have the capacity to operate with impunity in financing murderous paramilitary groups, as they have in the past.

At the same time, it must also be noted that the government of the United States tolerated, apparently with little official concern, the actions of exiled Salvadorans living in Miami, between 1979 and 1983 in particular. This group of exiles directly financed and indirectly participated in the leadership of some death squads, according to testimony obtained by the Commission. It would be useful if other investigators with greater resources and more time were to clarify this tragic story, in order to ensure that such tolerance is never accorded individuals linked with acts of terror in other countries in the United States again.

1. The Salvadoran state, through the actions of Armed Forces personnel and/or civilian officials, is responsible for having participated, sponsored, and tolerated the operation of the death squads that illegally attacked members of the civilian population.

2. Salvadoran institutions must focus their efforts on the investigation of the demonstrated structural link between the squads and state bodies. There is doubt and concern, in particular because of the fact that hundreds of former members of the civil defense bodies in the rural sector remain armed. These people could readily mobilize to commit new acts of violence in the future if they are not definitely identified and disarmed.

3. It is especially important to call attention to the repeated abuses committed by the intelligence services of the security forces and the Armed Forces. It is urgently necessary for the safeguarding of the future of El Salvador that the state devote attention to how the intelligence service is being used and how this arm of government is being exploited for the purpose of identifying individuals so that they can be killed or caused to disappear. Such an investigation should lead both to an institutional purge of the intelligence service and to identification of those responsible for this aberrant practice.

4. The lack of effective action by the judicial system has become a factor underlying the mantle of impunity that has concealed and continues to protect the members and sponsors of the death squads in El Salvador.

5. The relationship between private businessmen and some moneyed families and the financing and utilization of the death squads requires clarification.

6. The government must recognize that because of their organizational structure and their possession of weapons, there is a serious danger that the death squads may, as has been proven in some cases, be engaging in illegal activities such as trafficking in drugs and weapons and kidnapping for the purpose of extortion.

7. The problem of the death squads in El Salvador is of such extreme importance that a special investigation is needed. In particular, there is a need for more determined action by the national institutions, with the

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El Salvador: Human Rights
Special Project (1993)

collaboration and assistance of those foreign bodies possessing information on this matter. In order to verify a series of specific violations and to assign responsibility for them, it will be necessary to investigate the serious acts of violence committed by the death squads case by case.

3. Zamora

Summary of the Case

On 23 February 1980, Mario Zamora Rivas, the Christian Democratic leader and attorney general of the Republic, was murdered at his residence.

Zamora, who was regarded as one of the most important leaders of his political party, had a public image extending beyond the boundaries of his organization. Within the context of the political violence in the country, this exposed him to reprisals.

Members of a security corps were responsible for the assassination of Dr. Zamora. This was part of a pattern of behavior adopted on this level within the framework of the illegal activities of this body. Although the Commission has no doubt about the details of the murder, individual responsibility cannot be established on the basis of the testimony, inquiries, evidence, and investigations pertaining to the case.

The government did not carry out an adequate investigation leading to the identification and punishment of those responsible.

Description of the Events (425)

Background Information

The Christian Democratic Party (PDC) joined in a coalition with other parties with centrist and center-leftist positions in the First Government Junta that ousted General Romero from power in October of 1979.

The Christian Democratic Party did not withdraw from the government, as other sectors did, and in December of 1979 it participated in the Second Revolutionary Government Council.

Within the party, this action was opposed by Zamora and other leaders who believed that the Armed Forces did not offer adequate guarantees for their political program.

With a view to its continued participation in the Second Junta, the Christian Democratic Party arranged for a meeting on the highest level with the General Staff. There it presented a document detailing the violations of which its members had been victims, and it defined the foundations of the relationship between the party and the Armed Forces. One of the sponsors of this strategy was Dr. Zamora. The response was that there could be no agreement to this document because it contained serious accusations, and time was requested in order to consider it. (426)

Other evidence submitted to the Commission suggests that Zamora had initiated talks in order to open channels for dialogue with Cavetano Carpio (427), the leader of the People's Liberation Front (FPL), a party to the left of the PDC.

The dilemma in which the Christian Democratic Party found itself at that time was to have been discussed at the PDC convention scheduled for the day after Zamora's assassination.

To the extent that Zamora was the only leader of the party with the strength and the ability to persuade, he could change the direction of the alliances of

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El Salvador: Human Rights
Special Project (1995)

the political group of which Mr. Duarte was then the leader (428), and the extreme importance of his role in Salvadoran public life was clear.

A few days before the assassination, Maj. Roberto D'Aubuisson publicly accused Zamora and other PDC leaders of being communists and members of the FPL guerrilla group. (429) Because of this, Zamora filed charges against D'Aubuisson for defamation of character with the Criminal Court, based on the duty of every public official to challenge unfounded accusations in court. According to the witness, this was the first time charges had been filed in El Salvador for the purpose of using the criminal mechanisms provided for the administration of justice to restrain the ultraright wing.

Two days before the murder of Zamora, two of his colleagues in the Office of the Public Prosecutor were riddled with bullets while riding in a government vehicle. Some witnesses said that a mistake was made, since Zamora was the intended victim of the operation.

The Events

Dr. Zamora was hosting a party at his home in the company of about seven persons. The gathering ended at midnight. Without warning, a group of six individuals burst into the victim's home, entering via the roof. They wore ski masks and carried sidearms with silencers and some long-barreled weapons. They immediately forced everyone present to lie down on the floor.

The intruders demanded the keys to the outer gate, but Zamora's wife Aronette (430) said that she did not have them. Then the leader of the group asked specifically for Mario Zamora, speaking with a foreign accent. Zamora identified himself. The intruders turned up the volume of the music and took Zamora into another room. After murdering him, they withdrew from the home in orderly fashion.

Ruben (431), Zamora's brother, lived in the house next door. He had gone to bed just moments before the armed subjects broke in. He was awakened by shouting, and thought that the party had become excessively noisy. As a result, he decided to go to his brother's house, but at the urging of his wife, he telephoned instead. The line, however, appeared to be "dead." (432)

When the attackers left the site, the others in the house went in search of Mario Zamora, and began to telephone party leaders, police authorities, and government officials, including then Colonel Eugenio Vides Casanova, the director of the National Guard. By that time the telephone was functioning normally. Initially, they thought that Zamora had been kidnapped. On searching the home, they found his body, riddled with bullets, in the bathroom.

The first security corps patrol arrived to carry out the initial investigation about three or four hours after the first report was received.

Although a judicial file was opened on this case, no one was ever accused of the crime, for which reason the file was finally closed in 1981.

Analysis

This operation was carried out with extreme precision and skill, with a view to physically eliminating the victim in such a way as to make it impossible to identify the assassins.

The Commission has obtained sufficient evidence that this was an action carried out by the intelligence unit of a state security corps that had not consulted the Intelligence Department of the High Command, the institution that usually made the decisions on this kind of operation. Also, the evidence indicates that there had been a plan to eliminate the victim drafted by this

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El Salvador: Human Rights
Special Project (1993)

same security corps with the full knowledge of the Intelligence Department of the High Command. The security corps requested approval for the execution of the plan of action several times, and when no positive response was received, it was decided to proceed without authorization from above.

The reaction of the High Command to the incident was to request that military intelligence determine internally who had carried it out. The investigation, according to the information obtained, was designed to determine if the crime had been committed by one of the security corps, a death squad, or a gang of kidnappers.

This autonomous decision by the security corps would explain the alleged presence of foreign personnel in the operation as a strategy designed to obscure and hinder any later investigation by the High Command itself or any other security corps. Moreover, there is sufficient evidence that some security corps did use foreigners--for example, individuals from Argentina and Nicaragua--to carry out the "dirty work" of eliminating opposition politicians.

Although those responsible for the crime did not know Zamora personally, they were indeed aware of the victim's position and prestige, and it was obvious that a part of the plan was designed to minimize the risk during the operation so as to prevent any later public reaction.

Conclusions

On the basis of the investigation carried out and the testimony obtained, the Commission believes that it has sufficient evidence to conclude that Dr. Zamora was assassinated by members of a state security unit in an operation approved on that level and carried out within the framework of its illegal activities.

Similarly, the Commission has sufficient evidence to justify the statement that the Intelligence Department of the High Command determined precisely which security body perpetrated the crime, and that the military hierarchy in that era kept this information secret to protect those responsible. It also failed to file any charges whatsoever with the pertinent authorities, for which reason the required investigation was never carried out.

4. Tehuicho

Summary of the Case

On 23 July 1980, 13 inhabitants of the El Bartolillo hamlet in the Tehuicho district were executed by heavily armed civilians who identified themselves as guerrilla fighters. Other individuals died in the environs.

The justice of the peace went to the site the following morning, accompanied by personnel from the Artillery Brigade. He departed without undertaking the required procedures. For three days, the soldiers refused to allow the burial of the corpses.

The Commission concludes the following:

a. On 23 July 1980, thirteen civilians were executed in the Tehuicho district by a death squad made up of soldiers from the Lieutenant Colonel Oscar Osorio Artillery Brigade, as well as members of the civil defense organization in the San Juan Opico jurisdiction.

b. A military contingent of the Artillery Brigade visited the site the following day, and for three days, prevented the burial of the victims.

c. The justice of the peace failed to carry out the legally required procedures, nor did he file criminal charges so that the incident would be investigated.

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El Salvador Human Rights
Special Project (1993)

d. Miguel Lemus, a former member of the civil defense organization in the zone, was a member of the death squad.

e. Carlos Azcunaga Sanchez, who is now a lieutenant colonel, was the planner of the crime, and his motive was personal vengeance.

Description of the Events (433)

The Mass Execution

Shortly after midday on 23 July 1980, a group of approximately 100 civilians, who had blackened their faces and were dressed in peasant clothing, arrived in the El Bartolillo hamlet. They were very well-armed, and they dispersed throughout the district. Witnesses identified Miguel Lemos, who was then a member of the civil defense organization.

The members of the group said they were guerrilla fighters, and they announced a meeting to be held at the soccer field. It was for the purpose, they said, of distributing weapons. As the operation proceeded, they began to take people there by force.

The inhabitants gathered at the athletic field. They were blindfolded. The unknown persons then identified themselves as members of a "death squad," and they accused the inhabitants of having links with the guerrilla movement.

They then proceeded to select certain individuals, working apparently from a list. Their "ears" (434) identified those named on the list, and 14 persons, including 12 men and two women, were separated from the others. The men were taken to a ravine, and the two women to another site. Shots were heard, and some houses were looted and burned.

The corpses of both the men and the women were found between the night and the morning of the following day. The physical evidence indicated that they had been tortured.

On their return to their homes, the survivors saw that the words "death squad" had been painted on a wall.

Background Information

A year prior to this incident, a private dispute had developed over the ownership of some property between Pedro Franco Molina, a resident of the district of Tehuicho who sympathized with the guerrilla movement, and Antonio Azcunaga, a resident of the district of Los Amates, who was the father of then Captain Carlos Azcunaga Sanchez. The dispute became more serious after a rumor spread that Franco had offered a reward for the death of Antonio Azcunaga.

In October of 1979, witnesses said, a group of guerrillas assassinated Antonio Azcunaga.

There were reports that this group came from Santa Ana, but residents of the Tehuicho district, including Pedro Franco, were also accused. Carlos Azcunaga made various threatening statements.

Subsequent Events

Uniformed soldiers from the Lieutenant Colonel Oscar Osorio Artillery Brigade accompanied Justice of the Peace Rodolfo Sanchez (435) and the coroner to the site of the events on the following day. The soldiers refused to allow the residents to bury the corpses. Neither the justice of the peace nor the coroner carried out the required procedures, and they left the district. No court investigation was initiated.

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El Salvador: Human Rights
Special Project (1993)

The military contingent remained in the zone for three days, and prevented the burial of the remains. The residents buried the cadavers in a common grave when the soldiers left.

Later, according to witnesses, then Capt. Carlos Azcunaga Sanchez made statements that implicated him in the events that occurred. When the captain appeared before the Commission, he denied any role therein.

Conclusions

The Commission concludes the following:

1. There is substantial evidence of the following:

a. On 23 July 1980, 13 civilians were executed in the district of Tehuicho by a death squad made up of soldiers in the Lieutenant Colonel Oscar Osorio Artillery Brigade, as well as members of the civil defense organization in the San Juan Opico jurisdiction.

b. A military contingent from the Artillery Brigade arrived at the site the following day, where it remained and prevented the burial of the victims for three days.

c. The justice of the peace failed to carry out the required procedures, nor did he file criminal charges leading to an investigation of what had happened.

2. There is sufficient evidence of the following:

a. Miguel Lemos, a former member of the civil defense organization in the zone, participated as a member of the death squad.

b. The planner of the massacre was the now Lt. Col. Carlos Azcunaga Sanchez. His motive was personal vengeance.

Footnotes

373. THE WASHINGTON POST, 29 April 1981.

374. UNITED CHURCH OBSERVER, October 1980, p. 40, "Report on Human Rights in El Salvador," compiled by the Americas Watch Committee and The American Civil Liberties Union, 26 January 1982.

375. Declaration by the Government and Armed Forces of Honduras, 24 June 1980.

376. Court Case No. 218-92, Folio 4, Court of the First Instance in Chalatenango, 26 October 1992.

377. In investigating the case, the Truth Commission reviewed the previous investigations and the court file on the case, as well as other documents from various sources, and many confidential witnesses were interviewed. For the protection of the confidential sources, they are not being quoted in this report.

378. The mass, held at 1800 hours, was a memorial service for the mother of a friend of his, Jorge Pinto, Jr., the owner of the opposition newspaper EL INDEPENDIENTE. Notices of the mass had been published in two daily newspapers--LA PRENSA GRAFICA and EL DIARIO DE HOY, Monday, 24 March 1980. Court file on the case, Folios 42-43.

379. Monsignor Romero lived in a small house on the grounds of the Divine Providence Hospital.

380. EL DIARIO DE HOY, San Salvador, 11 February 1980, p. 53. Signed article.

381. EL DIARIO DE HOY, San Salvador, 23 February 1980, p. 34. Signed article.

382. 17 February 1980 homily.

383. He and several colleagues met with Hector Dada, one of the new members of the Second Junta, at the end of February 1980. Dada spoke about the death of Mario Zamora, the high-level leader of the Christian Democratic Party, on 23

RELEASED
El Salvador Human Rights
Special Project (1994)

February (see report in this chapter on the assassination of Zamora). He also mentioned his knowledge of the death threats made against himself and the archbishop, among others. Interview with the priest Rafael Urrutia.

The Monsignor commented that the threat seemed serious to him, and in private he even said that "(...) not even in the era of General Romero was I this fearful (...)." Interview with Roberto Cuellar.

Interview with Hector Dada.

Monsignor Romero received a similarly serious death threat through the Apostolic Nuncio in Costa Rica, Monsignor Lajos Kada. Diary of Monsignor Romero.

Later, on Saturday, 22 March, and Sunday, 23 March, the nuns working at the Divine Providence Hospital, where the archbishop lived, received anonymous telephone calls threatening the prelate with death.

384. Interview with Roberto Cuellar.

Interview with the priest Rafael Urrutia.

During the first week of March, Monsignor Romero met with Robert White, the United States ambassador to El Salvador, who informed him of threats that had been made against his life. Although the archbishop mentioned no specific details, his awareness of the imminent danger was very clear. He went so far as to say to Ambassador White that "I only hope that when they kill me, they will not kill many of us." Interview with Robert White.

385. See report in this chapter.

386. Statement made by the priest Fabian Conrado Amaya Torres before the Commission To Investigate Crimes. File on the court case inquiring into the death of Monsignor Oscar Arnulfo Romero, Case No. 134/80, Fourth Criminal Court, Folios 592 et seq.

387. Police search carried out on 10 March 1980, reported to the court on 14 March 1986. The bomb was made of 72 sticks of commercial dynamite that could be activated by a double clock mechanism by transmission of a radio signal. The bomb was powerful enough to have killed several of the individuals officiating at the altar and those sitting in the front pews of the church. "(...) is, moreover, a device that has never been used by the subversive elements who have traditionally operated in our country, unless it is true that they have new technicians, of whom it is known that two, of Japanese nationality, have come here (...) the electrical detonators used are not to be found in our country." File on the court case, Folio 494 et seq.

Neither the Catholic Church authorities nor those of the Legal Aid Office of the Archbishopric received any official communication concerning the results of the police action, and there is every indication that no further investigations were pursued. Interview with Roberto Cuellar. Interview with Monsignor Ricardo Urioste.

388. 23 March 1980 homily.

389. File on the court case, Folio 4.

390. Interview with Judge Atilio Ramirez Amaya.

391. Neither reports on this search nor the X-ray plates are to be found in the file on the court case. Ibid.

392. Ibid.

393. Majors Roberto D'Aubuisson, Jorge Adalberto Cruz Reyes, and Roberto Mauricio Staben; Captains Alvaro Rafael Saravia, Jose Alfredo Jimenez, Victor Hugo Vega Valencia, and Eduardo Ernesto Alfonso Avila; Lieutenants Federico Chacon, Miguel Francisco Bennet Escobar, Rodolfo Isidro Lopez Sibrian, Carlos Hernan Morales Estupinian, and Jaime Rene Alvarado y Alvarado; Messrs. Antonio Cornejo, Jr., Ricardo Valdivieso, Roberto Muyshondt, Fernando Sagrera, Amado Antonio Garay, Nelson Enrique Morales, Andres Antonio Cordova Lopez, Herbert Romeo Escobar, Fredy Salomon Chavez Guevara, Marco Antonio Quintanilla, Jose

RELEASED
El Salvador: Human Rights
Special Project (1993)

DRAFT

Joaquin Larios, and Julian Garcia Jimenez. Document dated 12 May 1980 in which Major Jose Francisco Samayos, interim commander of the CITFA, surrendered custody of those arrested to the military trial judge.

394. See Chronology.

395. Document dated 12 May 1980 in which Maj. Jose Francisco Samayos, interim commander of the CITFA, surrendered jurisdiction of those arrested to the military trial judge. Evidentiary Item No. 10 (contents not transcribed).

396. Ibid. Evidentiary Item No. 7.

397. The diary contains mention of "223 ammunition," a type of .22-caliber bullet, and "2 Bushmaster" and "5 AR-15," both types of rifles that fire .22-caliber and 223 bullets.

398. "Amado," for example, refers to Amado Garay. "Avila," "poor Avila," "Eduardo Av.," and "Eduardo A." refer to Capt. Eduardo Avila. "Negro," "Nando Sagrera," and "Nando S." refer to Fernando Sagrera. "Saravia" refers to Capt. "Alvaro Rafael Saravia. As to the roles played by all of these individuals, see below.

399. "General Organizational Framework for the Anti-Marxist Struggle in El Salvador," a document seized at the San Luis Farm on 7 May 1980. Seizure document dated 12 May 1980 transferring custody of those arrested to the military trial judge, Evidentiary Item No. 4.

400. Attorney Rey Prendes, a Christian Democratic Party leader, speaking to the press a few days after the video was shown, denounced the attribution to "Commander Pedro Lobo" and revealed his true identity and other details.

File on the court case, Folios 152 et seq.

401. In August of 1985, the Office of the Attorney General submitted the statement made by Roberto Adalberto Salazar Collier, "Pedro Lobo," to the Fourth Criminal Court, on which occasion he repeated the charge but did not mention D'Aubuisson by name. One of the alleged sponsors submitted a written statement in February of 1986 denying the charges made against him. File on the court case Folios 152 et seq. and 241. There was no positive response to Judge Zamora's requests to the television stations for a copy of the videotape containing the statements made by Salazar Collier. The Office of the Attorney General insisted that the channels reveal who delivered and who picked up the videotape, but the judge ruled that there was no legal basis for this demand. File on the court case, Folios 189, 200, 210, and 212.

402. Maj. D'Aubuisson quoted from a book entitled "The Conspiracy of Silence" by Manuel de Armas, which stated that Cuban agents committed the crime. LA PRENSA GRAFICA, "Information Revealed by Maj. D'Aubuisson," Friday, 6 September 1985, p. 2. EL DIARIO DE HOY, Friday, 6 September 1985, p. 3.

403. In October of 1992, without providing any proof, the Armed Forces officially submitted an accusation to the Truth Commission alleging that the FMLN was responsible for the murder of the archbishop.

404. File on the court case, Folio 389.

405. Statement made by Amado Antonio Garay before the CIHD on 19 November 1987. File on the court case, Folio 274.

406. Ibid.

407. Ibid., Folio 270.

408. Ibid.

409. Ibid., Folios 269 and 285.

410. File on the court case, Folio 289.

411. File on the court case, Folio 299.

412. Public letter from Dr. Hector Antonio Regalado dated 13 March 1989.

413. He later occupied the position of Legislative Assembly security chief during the time D'Aubuisson was president of that body.

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El Salvador: Human Rights
Special Project (1995)

414. Appearing before the Commission, Mr. Sagrera denied any participatory role.

415. Of the total of 817 cases, 644 (79 percent) involved extrajudicial executions.

416. The actions undertaken by the left wing that could be added to the violence perpetrated by the death squads are described in the section of this report dealing with the abuses committed by the guerrilla movement.

417. For details on how the death squads operated, see the material in this report related to the assassinations of Monsignor Oscar Arnulfo Romero and Mario Zamora, and the Sheraton case.

418. The Nationalist Democratic Organization was founded in 1963 by General Jose Alberto Medrano. It was a network, national in scope, with representatives in each municipality, district, and community with a membership of between 50,000 and 100,000. The members of the ORDEN operated in close cooperation with the security forces. One of their principal functions was "detecting" the presence and activities of "subversives" and reporting to the authorities. Also, they participated in direct actions designed to intimidate those perceived as enemies.

419. See Chronology.

420. Following the 1979 coup, about 80 officers in the Armed Forces and the security bodies were retired. Interview with Hector Dada.

421. "General Organizational Structure for the Anti-Marxist Struggle in El Salvador," document seized at the San Luis Farm on 7 May 1980. Seizure document dated 12 May 1980 surrendering custody of those arrested to the military trial judge, Evidentiary Item No. 4.

D'Aubuisson received military training in Taiwan.

422. Ibid.

423. Ibid.

424. Concerning the individuals involved in D'Aubuisson's group, see the preceding description of the Monsignor Romero assassination case.

425. The Commission interviewed witnesses and reviewed documents obtained from both confidential and public sources. For the protection of the confidential sources, they are not being quoted in this report.

426. A witness maintains that when this attitude was made clear, Zamora began to rise, intending to withdraw, and the meeting was on the point of being suspended. However, another leader suggested that not all of the statements made in the document were necessarily accurate. That having been said, the meeting was resumed, and the PDC's political statement was made more flexible, at least where the document submitted to the military was concerned.

427. FPL leader who committed suicide in Managua.

428. Engineer Napoleon Duarte was the most important leader of the Christian Democratic Party, and his influence extended beyond the boundaries of the political movement. He was a candidate for the presidency with the Alliance in 1972, went into exile in Venezuela, served in the Third Revolutionary Junta as provisional president in 1980, and was finally elected president and served from 1984 to 1989. He died in 1989 after a long illness.

429. The method used for making the accusations was the placement of paid notices both on television and in the press, as well as speeches broadcast via television and radio.

430. Aronette Zamora is currently the leader of the Nationalist Democratic Union (UDN) Party.

431. Ruben Zamora was also a Christian Democratic leader at that time. He later withdrew and was one of the founders of the Social Christian People's Movement (MPSC).

RELEASED
El Salvador Human Rights
Special Project (1993)

432. The line was dead for approximately 15 minutes.

433. The Commission obtained testimony about the development of events. Among the witnesses there were individuals who confirmed the statements made by the surviving eyewitnesses. The Commission visited the town of San Juan Opico and pursued various inquiries.

The military authorities that were asked by the Commission to provide information failed to do so. The Artillery Brigade responded that it had no files on the matter. Not all of the officers to whom summonses were issued appeared before the Commission.

434. Popular term for the inhabitants who collaborated with the security bodies or the military, providing them with information about the activities under way in the zone or the personal activities of the inhabitants. When these operations were being carried out, they accompanied the troops to identify individuals.

435. According to the law, he was the official under obligation to carry out the first procedural investigations, or in other words, to see to the medical examination of the bodies of the victims, aided by a forensic expert; to order their release to the family members for burial; and to take the first statements from the witnesses.

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El Salvador Human Rights
Special Project (1995)

IV. D. 5 - Viera, Hammer, Pearlman

5. VIERA, HAMMER, AND PEARLMAN

SUMMARY OF THE CASE

On the night of 3 January 1981, in San Salvador's Sheraton Hotel, two National Guard agents killed Jose Rodolfo Viera Lizama, president of the Salvadoran Institute of Agrarian Transformation (ISTA), Michael P. Hammer, and Mark David Pearlman, the latter two being American advisers of the American Institute for Free Labor Development (AIFLD).

The actual perpetrators of the murders, Santiago Gomez Gonzalez and Jose Dimas Valle Acevedo, National Guard agents, were found guilty and subsequently released under the 1987 Amnesty Law. The other individuals implicated in the planning and ordering of the murders, Lieutenant Rodolfo Isidro Lopez Sibrian, second in command of the National Guard Intelligence Section, Captain Eduardo Ernesto Alfonso Avila, and entrepreneur Hans Christ, were never convicted.

Months before his murder, the National Guard Intelligence Section had targeted Viera for elimination. Agents of the said National Guard carried out the killings in the manner typical of the death squads.

Lieutenant Colonel Mario Denis Moran Echeverria, who was then head of the National Guard Intelligence Section, concealed the report of the killings and Judge Hector Enrique Jimenez Zaldivar allowed one of the suspects to use makeup so as to render his identification more difficult .

DESCRIPTION OF THE EVENTS(436)

Land Reform and Death Threats

When the General Secretary of the Salvadoran Communal Union (UCS), Rodolfo Viera, was murdered, he also held the office of president of the ISTA, a government agency established to carry out the land reform program. Michael P. Hammer and Mark David Pearlman, both of whom were officials of the AIFLD, were in El Salvador for the purpose of providing support and technical assistance in the land reform process.

As ISTA's president and UCS's general secretary, Viera was perceived as a dangerous opponent by those who opposed the land reform. He had received death threats on various occasions. In May 1980, the Secret Anticommunist Army, referred to Viera as a "communist traitor" who should be eliminated by the "patriots" who are fighting for a government that respects "private property." Two attempts were made on his life in 1980.(437) Sufficient evidence is in hand that they were planned by Section Two of the National Guard.

The Murder of Viera, Hammer and Pearlman(438)

It is not clear whether the brains behind the murders planned in advance the specific place and time of the killings. Nevertheless, there is full and satisfactory evidence that they definitely took advantage of the unforeseen opportunity in the Sheraton Hotel to assassinate those who represented a previously selected target.

On the night of 3 January 1981, Lopez Sibrian ordered National Guard agent Valle Acevedo to accompany him to the home of entrepreneur Hans Christ.(439) Lopez Sibrian,(440) for his part, carried with him a 9-millimeter revolver and an Ingram submachine gun,(441) obtained from the National Guard depot.(442) At approximately 2200 hours, Christ, Lopez Sibrian, and Avila arrived at the hotel and went to dinner in the hotel's cafeteria.

Viera, Hammer, and Pearlman arrived later, after 2200 hours. The three men went to the cafeteria where Christ, Avila, and Lopez Sibrian were seated. Since the cafeteria was full, they looked for a more private place. A woman employee recommended the Salon de las Americas [The Room of the Americas], which is large. Christ recognized Viera and said to Avila: "Look, there is that son of a bitch."(443) Avila testified that someone in the group commented "... that he

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El Salvador: Human Rights
Special Project (1995)

had let his beard grow and that if only he were dead."(444) Avila also mentioned that upon seeing Viera, Lopez Sibrian had said that this was a good opportunity to kill him.(445) In any case, one of the three men got up from the table and watched to see where Viera's group was headed.(446)

A few moments later, Lopez Sibrian, Avila, and Christ left the hotel, went to the parking lot, and got into a car. There they told Valle Acevedo to kill ISTA's president and the other two,(447) but he refused to do the job alone.(448) Lopez Sibrian got out of the car, went back to the parking lot, and spoke to National Guard agent Gomez Gonzalez who was guarding Moran's car. Lopez Sibrian told him to come with him.(449) When Gomez Gonzalez answered that he could not do anything without Major Moran's authorization,(450) Lopez Sibrian went inside the hotel, came back immediately, and told Gomez that Moran had authorized Gomez to accompany him.(451)

Lopez Sibrian and Gomez Gonzalez then walked to Lopez Sibrian's car. Seated inside it were Valle Acevedo, Christ, and Avila.(452) Lopez Sibrian ordered Valle Acevedo and Gomez Gonzalez to accompany Christ to the hotel and, there, to kill the three men.(453) He also gave Gomez Gonzalez the Ingram 9-millimeter submachine gun, while Avila, for his part, gave Valle Acevedo another, 45-millimeter, submachine gun and a khaki-colored sweater with which to conceal the weapon.(454) Christ told the agents that he himself would identify the men [to be killed].(455)

The two national guardsmen entered the hotel following Christ, who showed them where Viera, Hammer, and Pearlman were seated.(456) They waited only a few moments, then Valle Acevedo and Gomez Gonzalez opened fire against Viera and his two companions.(457) Sufficient evidence exists, based upon the wounds received and the locations of the victims' bodies, that Hammer as well as Pearlman, in addition to Viera, were the targets of the assassins.

The two assassins left the hotel immediately and fled in Lopez Sibrian's car to a house near the Funeraria Auxiliadora [Auxiliadora Funeral Parlor], followed by Avila in his car.(458) There they returned the weapons to their respective owners,(459) and Lopez Sibrian then ordered them to go back to National Guard Headquarters.(460) Following the assassination of Viera, Hammer, and Pearlman, it became known that members of Section II of the National Guard, including Valle Acevedo and Gomez Gonzalez, had committed the murders.(461)

On 14 February 1986, five years after the killings, the two agents were found guilty and sentenced to 30 years in prison. On 19 December 1987, they were freed under the terms of the Amnesty Law. The case against Avila was dismissed on the same grounds.(462)

The Investigation

The seven years of investigation of the assassinations of Viera, Hammer, and Pearlman have been well documented in other places and it is not necessary to reiterate them in this report. Nevertheless, two aspects of these proceedings have merited the careful attention of the Commission.

The Role of Major Moran

There is substantial evidence that, after the assassinations had taken place, Major Moran, who was head of National Guard Intelligence at the time, learned that his second in command, Lopez Sibrian, had ordered two guards of the unit he was commanding to carry out the execution. Moran failed to report these facts to the appropriate authorities.(463)

Moreover, it is clear that the role played by Moran in the assassinations was never duly investigated. One of the convicted guards testified that Major Medrano--head of the military investigation of the case--told him to blame Lopez Sibrian,(464) apparently so as not to implicate his superior Moran.(465) Moreover, there is no indication that when it reopened the case in 1985 the

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El Salvador: Human Rights
Special Project (1995)

Criminal Acts Investigative Commission (CIHD) investigated Moran's role in the killings, although it had received proofs that Moran had participated in a meeting of the National Guard Intelligence Section on 3 January, when the assassination was perhaps planned. The CIHD also received proofs that on 5 January, Moran had received a payment to complete a "job."

Lopez Sibrian's Identification

Although the testimonies gathered by the Medrano Commission provided new information on Lopez Sibrian's role in the assassinations, there is full and satisfactory evidence that Judge Jimenez Zaldivar actively cooperated with Lopez Sibrian, allowing him to disguise himself(466) in such a way as to have completely prevented a key witness from recognizing him. The following day, Judge Jimenez Zaldivar ordered the release of Lopez Sibrian for lack of evidence.(467)

CONCLUSIONS

The Commission concludes that:

1. There is full and satisfactory evidence that Jose Dimas Valle Acevedo and Santiago Gomez Gonzalez on 3 January 1981, killed Jose Rodolfo Viera, Michael Hammer, and Mark David Pearlman in the Sheraton Hotel.

2. There is full and satisfactory evidence that Lieutenant Lopez Sibrian took part in the planning of the operation to assassinate Viera, Hammer and Pearlman, and ordered two members of the National Guard to carry out the execution. He also gave Gomez Gonzalez the weapon and helped the perpetrators to flee the scene of the crime.

3. There is full and satisfactory evidence that Captain Eduardo Avila took part in the planning of the assassinations and collaborated with Lopez Sibrian in carrying them out.

4. There is sufficient evidence that Hans Christ<sup>468<reset> participated in the planning of the assassinations and collaborated in their perpetration.

5. In regard to Lieutenant Colonel Mario Denis Moran's role, there is substantial evidence that he covered up the assassinations by omitting to report the happenings.

6. There is full and satisfactory evidence that Judge Hector Enrique Jimenez Zaldivar collaborated with the principal suspect, Lopez Sibrian, rendering difficult his identification , which would have led to the instituting of criminal proceedings.

Footnotes

436. The Commission received public reports from governmental and nongovernmental sources and from individual persons.

437. One attempt was made on 23 September, when Viera and Francisco Menjivar, an official of the Ministry of Agriculture and Urbanization, were shot, in front of the offices of the UCS in New San Salvador. Viera was wounded. His companion was killed.

438. A review of existing testimonies and other evidence, including the confessions of the two gunmen, statements by witnesses and other members of the National Guard Intelligence Section, and information received from governmental and nongovernmental authorities, yields sufficient evidence that the events occurred in the manner described hereinafter.

439. Statement by Jose Dimas Valle Acevedo, 23 August 1982, FS 793. Also 23 September 1982, FS 831.

440. He was nicknamed "fosforito" [little match].

441. Statement by Valle Acevedo, FS 793.

442. Statement by Jose Luis Sanchez, 18 August 1982, FS 755. See also Statement by Amilcar Ruiz Linares, 19 August 1982, FS 757. Statement by Roque

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El Salvador Human Rights
Special Project (1993)

Gonzalez, 19 August 1982, FS 758, indicates that Lopez Sibrian usually carried an Ingram or a submachine gun.

443. Statement by Captain Eduardo Avila, 21 September 1982, FS 806. Statement by James Kevin Murphy, 10 October 1986. Statement by Gordon Fitch Ellison, 30 October 1986. An employee of the hotel also remembers having heard these words although he did not testify before the judiciary authorities. See also statement by Teresa de Jesus Torres, 9 June 1981, FS 481. It affirms that Christ's group made disparaging remarks with regard to Viera's group.

444. Statement by Avila, FS 806.

445. Statements by James Kevin Murphy and Gordon Fitch Ellison, 30 and 31 October 1986, with reference to what Avila told both of them when they conducted his polygraph test on 21 September 1982 at the General Staff Headquarters. See also Torres statement, 24 June 1981, FS 480.

446. Statement by Torres, FS 481.

447. Statement by Valle Acevedo, FS 793.

448. Ibid.

449. Statement by Gomez Gonzalez, 23 August 1982, FS 760. Statement by Uribe Lopez, 27 August 1982, FS 767.

450. Statement by Gomez Gonzalez, FS 760. See also Statement by Uribe Lopez, 29 September 1982, FS 887.

451. Statement by Gomez Gonzalez, FS 760. He pointed out that he did not believe that Lopez Sibrian had actually consulted Moran, because of the rapidity with which Lopez Sibrian came back. Uribe Lopez stated that Lopez Sibrian was gone only three minutes. Statement by Uribe Lopez, FS 887.

452. Statement by Gomez Gonzalez, FS 760.

453. Statement by Gomez Gonzalez, FS 760. Statement by Valle Acevedo, FS 794.

454. Statement by Gomez Gonzalez, FS 760. Statement by Valle Acevedo, FS 794. Other statements indicate that Avila handed over a 9-millimeter weapon. See, for example, Statement by Jose Dagoberto Sambrano to the CIHD on 29 October 1986.

455. Statement by Gomez Gonzalez, FS 760. Statement by Valle Acevedo, FS 794. Both Gonzalez and Valle Acevedo identified Hans Christ photos as those of the person who led them to the victims.

456. Statement by Gomez Gonzalez, FS 760. Statement by Valle Acevedo, FS 794. Statement by Torres, FS 482.

457. Marroqui Lara, the waiter who actually saw the two men firing, told a witness that, immediately following the assassination, one of the gunmen stood over Viera's head firing several shots directly into it. Statement by Carlos Alfredo Portillo Morales, 11 June 1982, FS 717.

458. The gunmen thought that the house was Avila's home, but Avila stated that the house belonged to his brother. See Statement by Avila, FS 806.

459. Statement by Valle Acevedo, FS 794. Statement by Gomez Gonzalez, FS 760.

460. Ibid.

461. Statement by Sanchez, FS 755. Statement by Salvador Raimundo, 19 August 1982, FS 759. See also CIHD interview with Valle Acevedo, 24 January 1986, CIHD interview with Sanchez, 27 January 1986. One day after the assassinations, Gomez Gonzalez told Sanchez that he had killed Viera, but Sanchez could not remember details of the conversation because he took it as common and routine to the missions that were assigned to them.

462. Avila was summoned by the Truth Commission but he did not show up.

463. Moran was summoned by the Truth Commission but he did not attend.

464. This instruction was given in the context of apparently aggressive and harsh interrogations, which included threats, withholding of food, and use of drugs, to which both, Valle Acevedo as well as Gomez Gonzalez, alleged they had

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El Salvador: Human Rights
Special Project (1995)

been subjected. See interview with Valle Acevedo and Gomez Gonzalez by the CIHD, 24 January 1986, paragraph 3.

465. On 17 September 1982, Moran was questioned by the Medrano Commission. On that occasion, he stated that he had never discussed this matter with Lopez Sibrian and that there had been no comment as to those responsible for it. Later, he stated that while he "certainly" knew Gomez Gonzalez, he could not remember whether or not he was his bodyguard the night of the assassinations. Statement by Denis Moran, FS 790. On the other hand, there can be no question that Gomez Gonzalez was Moran's bodyguard on the night of the assassinations.

466. His red hair was dyed black, his mustache shaven, he wore makeup, a uniform, and a hat like the others.

467. Lopez Sibrian continued in the service of the Armed Forces until President Duarte, under pressure from the United States government, dismissed him on 30 November 1984. Later, he was arrested as the leader of a band of kidnappers, and he is still in prison. Lopez Sibrian has systematically claimed his innocence, before the Truth Commission as well.

468. The Commission was unable to locate Mr Christ so as to summon him to appear before the Commission.

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El Salvador: Human Rights
Special Project (1993)

E. VIOLENCE AGAINST OPPONENTS BY FARABUNDO MARTI NATIONAL LIBERATION FRONT

This section deals with the use of violence by the FMLN [Farabundo Marti National Liberation Front] against real or presumed opponents, in violation of the rules of international humanitarian law and the international law on human rights. It includes both the use of violence against noncombatants and the execution of presumed transgressors without due legal process.

The section begins with a typical case: the execution of mayors in the war zones. Next, after an explanation of the pattern followed in this type of violence, there is an account of some of the cases attributed to the Front that have had major repercussions on Salvadoran society. In some of them, it has been impossible to prove the intellectual perpetrator's identity; whereas, in others, the identification of the material perpetrators is impossible or dubious.

Finally, there is included a case which, in the Commission's view, constitutes an isolated incident that does not follow a pattern of illicit use of violence. The section ends with the Commission's conclusions.

I. CASE IN POINT: SUMMARY EXECUTION OF MAYORS (469)

SUMMARY OF THE CASE

Between 1985 and 1988, a large number of mayors of towns situated in war zones were executed without a trial of their cases on the part of the People's Revolutionary Army, ERP, one of the FMLN's member organizations. These executions occurred based on the application of a policy of the Front, publicly admitted by the latter.

This report contains an account of 11 executions, but the actual number of them is larger.

The Commission has reached the following conclusions:

1. The FMLN's General Command approved and adopted a policy of assassinating mayors whom they considered to have been engaged in an opposition effort.
2. The group's "Cell" was implementing that policy, ordering its local commanders to assassinate mayors engaged in an opposition effort.
3. The following persons, among others, were members of the ERP "Cell" at various times when mayors were assassinated within the territory under ERP control. They participated in the decisions to carry out those summary executions, and hence are responsible for them. They are: Joaquin Villalobos ("Atilio"), Jorge Melendez ("Jonas"), Ana Sonia Medina ("Mariana"), Mercedes del Carmen Letona ("Luisa"), Ana Guadalupe Martinez ("Maria"), and Marisol Galindo.
4. Joaquin Villalobos, as ERP Secretary General, held the highest position in that organization, bearing particular responsibility for the assassinations of mayors on the part of the ERP.
5. The local ERP commanders, or those under orders from the Cell, or with its approval and support, assassinated the mayors indicated in this summary.
6. The assassinations of Mayors Jose Alberto Lopez, Francisco Israel Diaz Vasquez, Pedro Ventura, Maria Ovidia Graciela Monico Vargas, Jose Domingo Aviles Vargas, Dolores Molina, Napoleon Villafuerte, Edgar Mauricio Valenzuela, and Terencio Rodriguez were part of an established pattern, based on a deliberate

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El Salvador: Human Rights
Special Project (1995)

FMLN policy. They were the result of orders and express approval by members of the ERP group, and the acts of its local commanders.

7. The mayor of Guatajiagua, Jose Alberto Lopez, was assassinated in October 1988, while in the custody of Commander "Amadeo."

8. The FMLN's executions of mayors constituted violations of the rules of international humanitarian law and the rules of international law on human rights.

DESCRIPTION OF THE INCIDENTS

Execution of Jose Alberto Lopez, Mayor of Guatajiagua:

Mr. Jose Alberto Lopez was elected in March 1988 as mayor of the municipality of Guatajiagua, Morazan Department. According to a source from the Front, after the election Lopez received a letter from the FMLN, warning him to resign, and informing him that the FMLN policy line was to execute every mayor in the area. Lopez responded that he would not resign.

The mayor was summoned three times by the Front to go to the guerrilla camp located in the canton of San Bartolo, but Lopez never heeded the call. Out of fear, Lopez did not remain in Guatajiagua, but rather usually worked in San Francisco Gotera. Furthermore, the premises of the mayor's office in Guatajiagua had been destroyed by the guerrillas.

On Saturday, 25 October 1988, Lopez was at home with his wife, Leticia Canales, and his four young children. The house was located in the El Calvario district of the municipality of Guatajiagua. During the morning, an FMLN combatant known to Lopez showed up, telling the mayor that his commander wished to speak with him. Fearing the consequences of a negative reply, Lopez agreed to go. Leticia, his wife, decided to accompany him, and all three left on foot for the canton of San Bartolo.

When they reached the Gualavo River, a man in uniform carrying a rifle was waiting for them. The combatant who had led them told the man in uniform that he was bringing the mayor, and turned him over to the former. The man in uniform told the wife that she could not cross the river and go to the guerrilla camp. He ordered her to return to her home, saying that they would send her husband to her on the afternoon of the same day.

Upon arriving at the camp, the mayor was taken to the commander, who was using the name "Amadeo." It has been sufficiently proven that, after talking with him, "Amadeo" ordered his execution.

On the same night, Radio "Venceremos" [We Shall Conquer] announced that the FMLN had executed the mayor of Guatajiagua, Jose Alberto Lopez.

Execution of Francisco Israel Diaz Vasquez, Mayor of Lolotique:

On 2 May 1985, Francisco Israel Diaz Vasquez took office as mayor, after having been elected by a popular vote. There is complete evidence that, on 2 June of the same year, he was kidnapped by the FMLN and held as a hostage until 24 October, when he was released, along with other mayors also kidnapped by the FMLN. His release took place after a negotiation process between the FMLN and the government, held in Panama.

On 2 June 1986, Diaz again occupied the mayor's position. In December of the same year, Diaz received death threats from the guerrillas, and resigned. Nevertheless, the guerrillas thought that he was still working for the government.

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El Salvador Human Rights
Special Project (1993)

On 5 December of the same year, 1988, an unidentified man went to Francisco Israel Diaz's house, delivering a note to his wife, in which he was ordered to appear the following day at Entrada [Entrance] de Tempisque, near Santa Barbara.

Diaz departed on the morning of 6 December with a resident of the municipality. They passed through the site known as "Entrada de Tempisque," and continued toward the canton of Santa Barbara, arriving there at approximately noon. Three uniformed combatants carrying long-barreled weapons suddenly appeared, taking Mr. Diaz into custody. Five minutes later, one of them returned, telling Mr. Diaz's companion to return home, because they were going to hold the mayor for several days.

On the afternoon of the next day, 7 December, two unidentified subjects announced at the church in Lolotique that Diaz had died, and turned in his billfold with his identity documents.

That same night, several relatives and friends of Mr. Diaz went looking for his body. When they found it, they reported that, "It had just one shot, which entered behind the ear and exited, ejecting an eye and molar teeth. On one calf there was a paper reading: 'Executed by the FMLN,' and, on the other, one adding: 'As a traitor.'"

In October 1992, the FMLN officially notified the Commission that the ERP, applying a policy approved by the Front, had executed Mayor Diaz.

Executions of Other Mayors:

The FMLN, in its message of 18 October 1992 responding to a request for information from the Truth Commission, declared that the ERP, in fulfillment of a policy approved by the Front, had also executed the following mayors:

Pedro Ventura, Mayor of San Isidro, Morazan Department, 15 April 1988.

Maria Ovidia Graciela Monico Vargas, Mayor of San Jorge, San Miguel Department, 18 January 1985.

Jose Domingo Aviles Vargas, Mayor of Santa Elena, Usulutan Department, 8 January 1985.

Dolores Molina, Mayor of Lolotiquillo, Morazan Department, 19 August 1988.

Napoleon Villafuerte, Mayor of Sesori, San Miguel Department, 25 November 1988.

Edgar Mauricio Valenzuela, Mayor of San Jorge, San Miguel Department, 4 March 1985.

The message includes the text of two communiques from the Front, dated 22 August and 26 November 1988, announcing the executions of Napoleon Villafuerte and Dolores, respectively.

Moreover, there is sufficient evidence that, on 11 May 1988, Mr. Terencio Rodriguez, Mayor of Perquin, in Morazan Province, was executed without a previous trial.

The Applicable Law:

With respect to the classification of the acts according to humanitarian law and international law on human rights, the Commission examined the arguments submitted by the Front to justify the execution of mayors.

According to the Front, these executions were justified because, "the functions of the mayors and mayors' offices had obviously become counterinsurgent. In close cooperation with the garrison commanders in the various locations, the mayors set out to perform the task of creating paramilitary forces (civil defense groups), and directing their repressive activity toward the civilian population. They developed espionage networks to

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El Salvador: Human Rights
Special Project (1993)

detect FMLN militants and sympathizers, or those merely opposed to the regime among the population, and also to obtain information on the members and plans of the popular organizations, so as later to turn the information over to the Army." It also stated that the mayors' activities were interfering with the supply lines.

The Front added: "When the massive captures of residents, the assassinations, the repression on the part of the civil defense groups, and the action of the FAES (Armed Forces of El Salvador) began, based on the information that the mayors' espionage networks were supplying, those officials came within the scope of the policy line upheld by the FMLN since 1980: considering as military targets, and executing, as legitimate acts, spies, paramilitary forces, death squad collaborators, and all those whose actions were causing repression or assassinations among the civilian population."

The Commission does not accept these conclusions from the Front. If, in describing them as "military targets," it is attempting to claim that they were combatants, it must be stated that there is no evidence warranting the claim that the executed mayors were such, in the light of the provisions of humanitarian law.

Nevertheless, whether the executed mayors may or may not be considered "military targets" at any time is irrelevant, because there is no evidence that any of them lost their lives as a result of combat action on the part of the Front. The execution of a person, whether or not he has the status of a combatant, who is being held by a guerrilla force and puts up no resistance, is not a combat action.

International humanitarian law and international law on human rights do not prohibit belligerents, in the zones controlled by them, from applying penalties to persons committing acts that are criminal in nature, based on the applicable legal code. In the aforementioned document, the Front claims to consider it a legitimate act to execute "spies, paramilitary forces, death squad collaborators, and all those whose actions were causing repression or assassinations among the civilian population." (470)

The Commission gives a reminder that, when the application of penalties to persons accused of crimes is involved, the essential elements of due legal process must be observed. International humanitarian law by no means exempts the parties in conflict from this obligation, and international law on human rights does not exempt from this obligation the party holding effective control over a territory, as it affects the persons within its jurisdiction. On the contrary, these two sources of law expressly prohibit the ordering of penalties or the implementation of executions that have not resulted from a trial before a legitimately constituted, independent, impartial court, with judicial guarantees generally acknowledged as indispensable.

In none of the aforementioned cases is there evidence that due process was carried out before the execution. Nor is there evidence that any of those persons died in combat action, or put up any resistance to their executioners.

CONCLUSIONS

The Commission has reached the following conclusions:

1. There is complete proof that the FMLN General Command approved and adopted a policy of assassinating mayors whom they considered to have engaged in an opposition effort.

RELEASED
El Salvador: Human Rights
Special Project (1993)

2. There is complete proof that the members of the group's "Cell," among others, were carrying out said policy, and were ordering their local commanders to assassinate mayors engaged in an opposition effort.

3. There is complete proof that the following persons, among others, were members of the ERP Cell at various times when mayors were assassinated within territory under ERP control, and took part in the decisions to carry out said summary executions. Hence, they bear responsibility for the latter: Joaquin Villalobos ("Atilio"), Jorge Melendez ("Jonas"), Ana Sonia Medina ("Mariana"), Mercedes del Carmen Letona ("Luisa"), Ana Guadalupe Martinez ("Maria"), and Marisol Galindo.

4. There is complete proof that Joaquin Villalobos, as ERP Secretary General, held the highest position in that organization, and bears particular responsibility for the assassinations of mayors carried out by the ERP.

5. There is complete proof that the ERP's local commanders, either under orders from the Cell or with its approval and support, assassinated the mayors indicated in this summary.

6. There is complete proof that the assassinations of Mayors Jose Alberto Lopez, Francisco Israel Diaz Vasquez, Pedro Ventura, Maria Ovidia Graciela Monico Vargas, Jose Domingo Aviles Vargas, Dolores Molina, Edgar Mauricio Valenzuela, Napoleon Villafuerte, and Terencio Rodriguez were part of an established pattern, based on a deliberate FMLN policy, and were the result of orders and the express approval of members of the ERP group, and the acts of its local commanders.

7. There is complete proof that the Mayor of Guatajiagua, Jose Alberto Lopez, was assassinated during October 1988, while in the custody of Commander "Amadeo."

8. The executions of mayors by the FMLN constituted violations of the rules of international humanitarian law and the rules of international law on human rights.

2. EXTRAJUDICIAL EXECUTIONS:

a.ZONA ROSA

SUMMARY OF THE CASE

At approximately 2100 on 19 June 1985, in a section of San Salvador containing many restaurants, and known as the "Zona Rosa" [Pink Zone], a group of armed men opened fire on a group of United States Marines. The attackers belonged to the Revolutionary Party of Central American Workers (PRTC), one of the FMLN's member organizations. These military men, who were serving as security guards at their Embassy in San Salvador, were wearing civilian clothes, and were unarmed. Killed in the shooting that followed were four Marines, nine civilians, and one of the attackers. The PRTC's "Mardoqueo Cruz" Urban Commando group proclaimed itself the perpetrator of the act; and the FMLN, in a communique, justified the attack. In a subsequent trial, three persons were judged and convicted. Two other trials were also initiated in connection with the same incident. One of them did not go so far as to issue a verdict, because amnesty was applied to the accused. In the other case, no verdict has yet been handed down against the other defendant.

The Commission reached the following conclusions:

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El Salvador: Human Rights
Special Project (1995)

1. The attack on the U.S. Marines was a part of the FMLN policy, considering the military of that country as a legitimate target.
2. A PRTC commando group carried out the attack.
3. Ismael Dimas Aguilar and Jose Roberto Salazar Mendoza participated in the planning and execution of the attack.
4. Pedro Antonio Andrade also took part in planning the attack.
5. The attack on the Marines in the Zona Rosa constituted a violation of the rules of international humanitarian law.

DESCRIPTION OF THE INCIDENTS

Background:

During 1985, the Farabundo Marti National Liberation Front's General Command adopted the decision to consider United States military personnel in El Salvador a legitimate military target; and it issued this comprehensive, general order to its rank and file for compliance. (472)

The Planning of the Action:

Early in June 1985, some members of the Revolutionary Party of Central American Workers (PRTC), one of the five politico-military organizations comprising the FMLN, planned a fire strike operation that they called "Yankee aggressor in El Salvador, another Vietnam awaits you." The purpose of the plan was to execute U.S. military personnel detailed to El Salvador, and it came within the context of the general order previously issued for this purpose by the General Command. The action was to be taken by members of the "Mardoqueo Cruz" Urban Commandos.

The commando cell was operating in the auto repair shop in which Ismael Dimas Aguilar and his brother, Jose Abraham, were partners; and at the "La Estrella" upholstery shop in which William Celio Rivas Bolanos and Juan Miguel Garcia Melendez were partners. For this reason, the main planning meetings were held on those premises. (473)

The Attack:

About 2030 on 19 June 1985, at "Chili's" restaurant, located in the section known as the Zona Rosa, in the Colonia San Benito, six U.S. Marines engaged in security at that country's Embassy were seated at one of that restaurant's tables on the sidewalk. They were frequent customers, known to the owners and employees of the local restaurants and coffee shops. They usually came to this section in groups whenever they were off duty. (474) After awhile, two of them left the group and went to sit at a table at the "Flash Back" restaurant, a few meters from their companions at "Chili's." (475)

About 2100, a group of approximately seven persons was parked in a white pickup-type vehicle with dark trim in front of the "La Hola" restaurant. They emerged, and headed for "Chili's" restaurant, where the U.S. Marines (476), Thomas Handwork, Patrick R. Kwiatkosi, Bobbie J. Dickson, and Gregory H. Weber were located. Without warning, they opened bursts of fire against the Marines, who were in civilian dress and showed no signs of carrying arms.

While the attackers were shooting at the U.S. Marines, someone returned the fire from inside "Chili's" and the "Mediterranee" restaurant. (477)

One of the members of the commando group was wounded in the cross fire. (478) The following persons were also hit by the shots and died on the scene: Humberto

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El Salvador Human Rights
Special Project (1993)

Saenz Cevallos, an attorney and secretary at the Law School of the "Jose Matias Delgado" University; Humberto Antonio Rosales Pineda, Executive Director of the "Inter Data" company; Arturo Alonso Silva Hoff, a student; Jose Elmer Vidal Penalva, a university student; Oswaldo Gonzalez Zambroni, a Guatemalan businessman; Richard Ernest MacArdie Venturino, a Chilean executive at the "Wang" company; George Viney, a U.S. citizen, Regional Director of the "Wang" company; and Roberto Alvidrez, a U.S. citizen and executive at the "Wang" company. Some of these persons were seated at "Chili's" restaurant, and others at the "Mediterranee." (479) There is no evidence that any of the civilian victims were armed. (480) Other persons were wounded on the scene as well.

A few minutes after the commando members withdrew, personnel from the U.S. Embassy arrived at the site, taking the four Marines to a treatment center in their vehicles.

At 2130, members of the National Police arrived in the area but, according to the reports, they were unable to make a satisfactory inspection because only the bodies of eight of the victims remained on the site, and the area where the incident occurred had already been rearranged. (481)

That same night, the other members of the commando group took Jose Roberto Salazar Mendoza, who was seriously injured in the incident. to an office of the Salvadoran Red Cross. He died as a result of his wounds. (482)

The Subsequent Statements:

Three days later, on 22 June 1985, the Revolutionary Party of Central American Workers, PRTC, assumed responsibility for the action, in a communique signed by "Fernando Gallardo," from the Politico-Military Headquarters of the PRTC's "Mardoqueo Cruz" Urban Guerrilla Commando group.

On 25 June 1985, the FMLN General Command issued a communique in which it fixed its position in support of the action, claiming that the four Marines constituted a legitimate military target. (483) Nevertheless, the Commission has complete evidence that the Marines were not combatants. Their duty was to guard the U.S. Embassy, and there is no indication that they participated in any combat action in El Salvador. Furthermore, international humanitarian law specifically defines the status of a combatant. The claim that they were discharging "intelligence functions" has not been substantiated. In any case, performance of intelligence functions of itself does not automatically classify a person as a combatant.

In a later Radio "Venceremos" broadcast, Ismael Dimas Aguilar admitted his participation in the planning of the Marines' execution (484), as one of the military chiefs of the "Mardoqueo Cruz" Urban Commandos, perpetrators of the action.

On 28 August 1985, the then President of the Republic, Engineer Jose Napoleon Duarte, held a press conference to report on the results of the investigation of what he termed the "Zona Rosa massacre." He announced that three persons responsible for the action had been arrested: Jose Abraham Dimas Aguilar and Juan Miguel Garcia Melendez, as intellectual perpetrators, and William Celio Rivas Bolanos, as material perpetrator.

The Judicial Proceedings:

On 27 August 1985, the National Guard put the three subjects in custody under the orders of the Military Court, submitting the results of the investigation, including the confessions of the three accused. (485) Rivas and Garcia later claimed that their confessions had been forced through torture. The information

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El Salvador: Human Rights
Special Project (1993)

collected on the investigations was incomplete because the autopsies on the victims, the ballistics reports, the reconstruction of the incidents, and other material usually provided in the investigation of a case of this type were not included. (486)

After five years, only a verdict in the first instance was issued, on 30 April 1991. Although the general confirmation of the extrajudicial confessions appears in the records, there is no evidence that the accused appeared before the court, nor that statements were taken from them, nor that any measures were adopted to explain the incidents.

Two years after the opening of the proceedings, the defense attorney for those in custody requested dismissal on their behalf, through application of the 1987 Amnesty Law. (487) On 12 November 1987, the court accepted the petition, definitively dismissing all the charges brought against the three defendants. (488)

The U.S. Consul General in San Salvador visited the court, representing the family of one of the U.S. Marines who was killed, to file an appeal against the amnesty ordered. (489) On 4 December 1987, the Court Martial confirmed the dismissal, based on its consideration that the crimes were of a political nature. (490)

On 22 February 1988, President Napoleon Duarte, in his capacity as Commander in Chief of the Armed Forces, having heard the Court Martial's decision, revoked it, because he considered (491) the acts in the Zona Rosa to be common crimes of international significance, and hence not subject to amnesty. When the Supreme Court of Justice was apprised of the action through the expedient of habeas corpus, it ratified this decision.

On 30 April 1991, a convicting verdict of the first instance was issued against the three defendants, and was confirmed almost unanimously by the respective Chamber on 5 March.

On 25 September 1992, the military judge, in response to a petition from the defense attorney that the Law on National Reconciliation be applied to the defendants, decided not to pronounce judgment until he heard the report of the Truth Commission, which he deemed indispensable for determining whether the amnesty called for in said law would be applicable. (492)

While this process was under way, two more trials of two other defendants were initiated, in connection with the same acts.

One of them was attempted against Juan Antonio Morales in 1988. Morales confessed to the Treasury Police that he was one of the members of the commando group that took action in the Zona Rosa, and ratified his statement to the Fifth Judge of Criminal Proceedings. Although his version of what occurred coincides substantially with that given by Rivas, Garcia, and Dimas, he did not name them among the participants. The trial was not held jointly with the one already in progress, nor has there been a verdict yet. After several procedural vicissitudes, those implicated wer denied the benefit of amnesty. Morales still remains in custody. (493)

The other trial, for complicity, was attempted in 1989, in the Third Court of Criminal Proceedings, against Pedro Antonio Andrade, alias "Mario Gonzalez." (494) This trial was not held jointly with the previous trials either. The 1987 amnesty was applied to Andrade, unlike the other defendants.

The Commission has received sufficient evidence indicating that Andrade was one of the intellectual perpetrators of the attack. Andrade was chief of the "Mardoqueo Cruz" Urban Commando group at the time of the incident, and confessed judicially that he had prior knowledge of an attack planned against "the white aliens." He admitted having prepared a safe house to provide medical treatment and to shelter those possibly wounded in the action. However, the Commission has

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El Salvador: Human Rights
Special Project (1993)

received credible information indicating that Andrade played a larger role in selecting the specific targets and in other aspects of the attack.

CONCLUSIONS

The Commission reached the following conclusions:

1. There is complete proof that the attack on the U.S. Marines was a part of the FMLN policy considering that country's military personnel as legitimate war targets.
2. There is complete proof that the PTRC's "Mardoqueo Cruz" Urban Commando group carried out the attack, and that the PRTC, as the agency to which this commando group belonged, bears responsibility derived from this fact.
3. There is substantial evidence that Ismael Dimas Aguilar was the intellectual perpetrator of the attack, and that he himself fired weapons against the Marines.
4. There is sufficient evidence that Pedro Antonio Andrade was among the intellectual perpetrators of the attack, and participated in planning the action.
5. The attack on the Marines in the Zona Rosa constituted a violation by the FMLN of the rules of international humanitarian law.

b. ANAYA SANABRIA

SUMMARY OF THE CASE

Herbert Ernesto Anaya Sanabria, head of the (Nongovernmental) Human Rights Commission, was shot to death on the morning of 26 October 1987 in the parking lot of his residence in San Salvador.

Two months later, the National Police captured a young member of the ERP, Jorge Alberto Miranda Arevalo, who at first declared that he had participated in the assassination as a lookout. He later retracted his confession. In 1991 he was found guilty by a jury, and subsequently sentenced to a maximum prison term of 30 years.

The Commission concludes that:

1. In this case it did not have the time required to solve the following dilemma: the presence of indications that a state security corps or a death squad may possibly have been the perpetrator, and further indications that the People's Revolutionary Army (ERP) might possibly have perpetrated the assassination of Herbert Ernesto Anaya Sanabria.
2. The treatment that Miranda received from the police, and in the judicial process, violated his basic rights.
3. The State failed in its obligation, stipulated in the international law for protection of human rights, to properly investigate the assassination of Herbert Anaya, and also to try and punish those found guilty.

DESCRIPTION OF THE INCIDENTS (495)

The Assassination:

On 26 October 1987, Herbert Anaya was shot to death in the parking lot near his house in the Colonia Zacamil. According to witnesses, three men participated

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El Salvador: Human Rights
Special Project (1995)

directly in the murder: one who fired the shots, another who served as a lookout for the former, and the third (496), who drove the vehicle. (497) The killers escaped in an old yellow pickup truck.

Ballistic tests showed that the six shell casings had been struck by the same weapon (498), and that the six bullets found had been fired by the same weapon. (499) The Commission for Investigation of Criminal Acts (CIHD) claimed that the bullets did not originate in ammunition from the Armed Forces of El Salvador. (500)

Background:

At the time of his assassination, Herbert Anaya was general coordinator of the (Nongovernmental) Human Rights Commission (CDHES-NG) (501), and was also representing a well-known spokesman against human rights violations. In addition, he was a member of the People's Revolutionary Army 502. Before his death, he apparently had been favoring a peaceful solution to the armed conflict besetting his country. (503)

On 26 May 1986, he was captured by several Treasury Police agents, heavily armed and wearing civilian clothing. (504) He was interrogated and jailed (505) until 2 February 1987, when they released him in an exchange of prisoners.

Reaction to the Assassination:

The assassination evoked a strong reaction both in and outside El Salvador. There were demonstrations in the capital. National and international human rights groups and contingents from the civilian society expressed their concern. (506)

President Duarte requested that the CIHD investigate the case, also offering a reward of 50,000 colones ($10,000). (507) The investigations produced no significant results, nor was there a serious probe of the possibility that government agencies or right-wing sectors might have assassinated Anaya.

Capture and Detention of Jorge Alberto Miranda Arevalo:

On 23 December 1987, the National Police captured Jorge Alberto Miranda Arevalo, member of a unit of the ERP (508) urban commandos. Miranda and a companion attacked a soft drink truck. His companion, "Carlos," who (according to Miranda's preliminary statement) fired at Anaya, managed to escape.

Miranda was interrogated (509) and, according to the National Police, made an extrajudicial statement in which he confessed having taken part in the Anaya assassination as a lookout. According to the judicial record, on that same day he led National Police members to concealed reserve weapons supplies.

During the first weeks of his detention, Miranda declared, he was subjected to psychological pressure. (510) He claimed to have been injected with an unknown substance (511), and to have been "deprived of sleep."

The government became convinced of Miranda's guilt. Whereas, on 4 January 1988, the government paid Miranda 12,000 colones, explaining that the payment had come from a program announced in December 1987, the Justice Ministry denied that Miranda had been given compensation for taking the blame for the assassination. (512)

During the first weeks of his incarceration, Miranda received special treatment: he was interviewed in front of cameras and visited alone by foreign journalists (513), as well as high-ranking officials. Miranda adds that he was

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El Salvador: Human Rights
Special Project (1993)

also visited by National Police agents and by some Venezuelan individuals, who offered him comforts if he maintained his original statement. (514)

The CIHD, for its part, completed its investigation shortly after Miranda's capture. According to the record, it did not follow or update the clues or the important information. It spoke with only a few witnesses, and did not compare ballistics tests of the ammunition involved in the assassination with those made on the ammunition turned over by Miranda.

Judicial Proceedings Against Miranda:

After a nine-day delay in the period allowed by the Salvadoran Constitution (515), Miranda was placed at the disposal of the First Judge of Criminal Proceedings of San Salvador (516), on the day that he received his pay from the government. On that same date, Miranda ratified his extrajudicial statement to the judge. Nevertheless, a month later, he retracted his statement regarding the assassination, although reaffirming that he was a member of the ERP. (517)

After two years with little progress, in April 1990 the judge ordered the provisional dismissal in Miranda's favor, "...because the necessary proof of his participation is lacking." (518) Later, the First Chamber of Criminal Proceedings of the Center's First Section revoked the dismissal (519), and took the case to the plenary proceedings level.

In October 1991, a jury of five persons declared Jorge Miranda guilty of the assassination and of acts of terrorism. (520)

In March 1992, the judge applied the Law on National Reconciliation in Miranda's behalf, for the crime of terrorist acts and subversive associations; but it was not applied to him for the assassination, and he was sentenced to the maximum term of 30 years in prison. (521).

The Evidence: (522)

The ERP:

No ERP member interviewed by the Commission has claimed responsibility for Anaya's assassination. Nor has any witness identified Miranda as a participant. When shown a series of photos of young people, including Miranda, an eyewitness who claimed to have seen the assassins from nearby was unable to identify Miranda. (523)

Nevertheless, there are indications of the possible participation of the ERP and Miranda in the assassination, including credible motives. There were disagreements between Anaya and the ERP. There was evidence that Anaya wanted an end to the violence, while the ERP was developing an initiative that would require violence in San Salvador.

Moreover, in his first two statements, Miranda blamed himself and the ERP. He had, and continues to have a command of the facts. (524)

Miranda persisted in denying his participation to the Commission, even claiming to have contrived the whole story of the assassination and its planning. Nevertheless, he provided information on the assassination and its apparent planning that concurs with other data which, according to our investigations, he had not given previously. He gave information on the time of a meeting held the night before the assessination, the origin of the pickup truck, the one who obtained it, and how he reached Anaya's parking lot, so as to be able to keep surveillance over it before the assassination.

The Government:

RELEASED
El Salvador Human Rights
Special Project (1995)

Salvadoran and international human rights organizations have expressed concern that the Armed Forces or a death squad killed Anaya to put an end to his criticism of human rights violations. (525)

There are indications of this possibility. According to his colleagues, Anaya had received several direct and indirect threats from the government side throughout 1987. (526) Two weeks before his assassination, according to a CDHES-NG leader, a female employee of that commission was detained by the National Police, who informed her that they knew Anaya was a leader of the organization, and that "they were going to dismantle completely the work" of the organization. (527)

During the 1980's, there were constant acts of violence against the CDHES-NG, of which Anaya was the fourth leader to be assassinated or to disappear. None of these cases have been satisfactorily solved. (528)

Also, according to Anaya's widow, at 0610 on the day of the assassination, neighbors saw a group of National Police about 200 meters from the family's residence. (529) She argues that, since they were so close to the police, the assassins could not have been from the FMLN.

CONCLUSIONS

The Commission concludes that:

1. In this case, it did not have the time required to solve this dilemma: the fact that there are indications of the possible perpetration by a state security corps or a death squad; and further indications of the possible perpetration of the assassination of Herbert Ernesto Anaya Sanabria by the People's Revolutionary Army (ERP).
2. The treatment received from the police, and in the judicial process, by Miranda violated his basic rights.
3. The State failed in its obligation, stipulated in international law on protection of human rights, to properly investigate the assassination of Herbert Anaya, and also to try and punish those found guilty.

c. ROMERO GARCIA, "MIGUEL CASTELLANOS"

SUMMARY OF THE CASE

"Miguel Castellanos," whose real name was Napoleon Romero Garcia, was assassinated on 16 February 1989 at 1830, shortly after leaving his office at the Center for Studies of the National Reality (CEREN), in San Salvador's Colonia Flor Blanca. Members of the FMLN's urban commandos machine-gunned the vehicle in which Castellanos was riding with his bodyguard, Rafael Quijada Lopez, at 43 Southern Avenue and West 16th Street. Castellanos was taken to the Military Hospital, where he died shortly thereafter. Quijada Lopez sustained three shots (two in his legs and one in the abdomen), but survived the attack.

The attackers were not identified.

The FMLN assumed responsibility for perpetrating the attack in a Radio "Vencermos" broadcast and in statements to the press.

Background:

Castellanos, aged 39, had been a member of the Political Commission of the People's Liberation Forces, FPL, one of the FMLN's affiliate organizations, until mid-April 1985, when he was captured by members of the National Guard.

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El Salvador Human Rights
Special Project (1993)

During the course of the first days of his detention, he agreed to change his position and cooperate with the authorities.

Before his capture, Castellanos had been a member of the FPL's Political Commission, and, as such, politico-military chief of the special metropolitan zone, and also a member of the FMLN's Joint Command in San Salvador. According to a report submitted to the Truth Commission by the FMLN, Castellanos was in control of a large volume of secret information and, after his capture in 1985, advised the National Guard and other Armed Forces intelligence apparatus in their pursuit of the FPL in particular, and of the FMLN in general.

After having changed his stance, Miguel Castellanos began working for the CEREN. He also was editor of the magazine ANALISIS.

Action of the Commission:

The facts of the case have not been disputed. Nevertheless, the Commission examined the available evidence, requesting and obtaining information from the FMLN.

The FMLN's position is that Miguel Castellanos' death was a legitimate execution because he was a traitor who was contributing directly and effectively to the repression against the Front.

CONCLUSIONS

Despite the motives alleged by the FMLN, international humanitarian law does not authorize the execution of civilians without due judicial process.

d. PECCORINI LETTONA

Francisco Peccorini Letona, aged 73, a Ph.D. and university professor, was a contributor to EL DIARIO DE HOY, a morning press organ in El Salvador, for which he had written various articles against the FMLN's activities.

Dr. Peccorini participated actively and overtly in a group dedicated to what it called the recovery of the University of El Salvador which, in its view, was infiltrated by the guerrillas.

On 15 March 1989, in San Salvador, while driving his vehicle, Dr. Peccorini was the target of an attack in which he was wounded by firearms. When taken to the Military Hospital, he died.

At the Cocoyoc meeting held in Mexico from 21 to 24 July 1989 between U.S. officials and FMLN representatives, the latter admitted that Dr. Peccorini's death was attributable to the Front.

e. GARCIA ALVARADO

On 19 April 1989, Dr. Jose Roberto Garcia Alvarado, Prosecutor General of the Republic, died as a result of the explosion of a device set in the car that he was driving. The incident occurred in the San Miguelito district of El Salvador, and the two persons accompanying Dr. Garcia were wounded during it.

The perpetration of Dr. Garcia Alvarado's death was claimed by the FMLN at the meeting in Cocoyoc, Mexico, in July 1989, and attributed to the Armed Forces of Liberation, FAL, one of the Front's member organizations.

f. GUERRERO

SUMMARY OF THE CASE

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El Salvador Human Rights
Special Project (1995)

On 28 November 1989, Dr. Francisco Jose Guerrero, ex-President of the Supreme Court of El Salvador, was assassinated in his car while driving it at the intersection of Boulevard de los Heroes and Alameda Juan Pablo II, in San Salvador. One of the attackers was killed, another escaped, and the third, Cesar Ernesto Erazo Cruz, was brought down when wounded.

At the hospital, Erazo Cruz declared that he had killed Guerrero at the order of the FMLN. He later changed his story, ultimately denying any participation. When he was tried, the jury acquitted him.

At that time, Dr. Guerrero was proceeding with an investigation of the assassinations of the Jesuit priests, and apparently had obtained evidence. One of the possible motives for his elimination could have been precisely to conceal it.

Dr. Guerrero died as a result of a deliberate action to kill him. Although Cesar Ernesto Erazo Cruz was acquitted in the trial, there is complete proof of his participation in the assassination. The Commission attempted, unsuccessfuly, to obtain important information in El Salvador and outside the country, to confirm or reject its hypotheses for the investigation. Upon completing its work, even though there was sufficient evidence that Erazo Cruz was an active member of the FMLN at that time, which prompted a more thorough probe of the FMLN's commission of that assassination, the available evidence did not permit the Commission to reach full agreement regarding this case.

DESCRIPTION OF THE INCIDENTS (530)

Dr. Francisco Jose Guerrero, a prominent conservative politician, had a public career spanning over three decades. (531) He was President of the Supreme Court, and served as an adviser to President Cristiani for promoting the process of dialogue with the FMLN. In addition, he was a member of the Ministry of Foreign Relations' consultative council. (532)

Dr. Guerrero was investigating the assassinations of the Jesuit priests that occurred 12 days before his own death. He contacted the Jesuit order immediately after the crime had taken place, and offered to cooperate in solving it.

Dr. Guerrero's Death:

On the morning of 28 November 1989, Dr. Guerrero left his house in the Colonia Escalon, together with his daughter-in-law, to take her to work at the San Salvador judicial center. Dr. Guerrero was driving, his daughter-in-law was in the other front seat, and his bodyguard, Victor Manuel Rivera Monterrosa, was in the rear seat. He was usually accompanied by two bodyguards, but that morning one of them failed to arrive.

They arrived at the intersection of Boulevard de los Heroes and Alameda Juan Pablo Segundo without incident, stopping there in front of a traffic light near the "Biggest" restaurant. An individual (later identified as Angel Anibal Alvarez Martinez) came running along the sidewalk and stood behind Dr. Guerrero's car. Another unidentified person stationed himself in front of the vehicle's left side; and the third, later identified as Cesar Ernesto Erazo Cruz, remained on the right side. Without a word spoken to the car's occupants, they opened fire with their weapons. (533) Dr. Guerrero's bodyguard had become aware of the situation before being fired upon first, giving him time only to react and counterattack. (534)

According to witnesses, the attackers had followed Dr. Guerrero in a yellow Volkswagen car as far as the intersection. The subjects left that vehicle and

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El Salvador Human Rights
Special Project (1995)

surrounded Dr. Guerrero. Other witnesses claimed that the attackers arrived on foot. (535)

Nine bullets struck the vehicle on three sides. (536) The attackers apparently fired first at Mr. Rivera Monterrosa, who was wounded and lost control for a few seconds. He managed to fire at his attackers with a 357 caliber revolver and an M-16 rifle. At that moment, he received another shot and discharged the entire cartridge carrier at the attackers (537).

Dr. Guerrero sustained five bullet impacts (538). All the bullets extracted from his body were 45 caliber (539), three of them fired with a pistol which, according to the person who turned it over to the police two days later, was found on Alvarez Martinez' body (540). The other two shots were fired from a different weapon, which was never confiscated.

Erazo Cruz and Alvarez Martinez were on the sidewalk in front of the "Biggest" restaurant when local residents spotted at least one man emerge from a Cherokee type vehicle located two or three cars behind that of Dr. Guerrero and fire a long-barreled weapon, apparently an M-16, at Erazo Cruz and Alvarez Martinez (541). Alvarez Martinez died instantaneously (542). Erazo Cruz was felled when wounded (543). The bullet extracted from Alvarez Martinez' body was a 5.56 caliber (544), used in an M-16.

The third attacker fled from the scene, and has never been identified. The Cherokee picked up the person with the M-16, and he also escaped in an unknown direction (545).

Dr. Guerrero and his bodyguard were taken to the Surgical Medical Hospital, where Dr. Guerrero died that same day. Dr. Guerrero's daughter-in-law was left unharmed in the attack.

The Subsequent events:

The paraffin tests on Alvarez Martinez and Erazo Cruz taken the next day by National Police agents proved positive (546).

Erazo Cruz stated in the National Police medical clinic that he was a member of the FPL urban commandos, and had participated in the assassination at the order of the FMLN command, conveyed through another member of the organization. According to this statement, he only knew that he was to assassinate a prominent politician. When questioned again, Erazo Cruz changed this statement, claiming that a certain "Manuel" had only told him that they were going to commandeer a vehicle (547).

In his second statement, given before the Sixth Judge of Criminal Proceedings, Erazo Cruz ratified the first one, with a few changes. According to this account, "Manuel" had told him that they were going to commandeer a vehicle with polarized windows. They had made several trips along the Boulevard without locating the vehicle. When they reached the corner of the "Biggest" restaurant, his two companions suddenly got out and ran toward a vehicle. "Manuel" stationed himself behind it, and fired at the rear part, while "Efrain" was shooting from the front to the rear.

According to Erazo Cruz, in view of this action, he ran toward the sidewalk in front of the "Biggest" restaurant. There, he saw a person with a long-barreled weapon emerge from a car located behind the vehicle at which "Manuel" and "Efrain" were shooting, and fire at "Manuel." At that instant he felt an impact and fell to the ground. He did not learn the direction taken by "Efrain" nor whether he was wounded (548).

The judge hearing the case ordered the provisional detention of Erazo Cruz, based on these statements (549). Upon recovering from his injuries, he was confined in the Mariona prison. The prison

RELEASED
El Salvador Human Rights
Special Project (1993)

was attacked by members of the FAL. Erazo Cruz escaped with other inmates and reached the FMLN camp (550).

In September 1991, troops from the Atlacatl Battalion wounded and captured Erazo Cruz. The soldiers took him to the hospital, and he was later moved to jail.

The public hearing was held on 21 July 1992 in the Sixth Court of Criminal Proceedings. Erazo Cruz was accused of aggravated homicide (551), serious injuries (552), subversive association (553), and violent evasion (554). Despite his judicial confession, during the trial Erazo Cruz denied his participation in the crime. He claimed to have been driving near the scene of the incidents when he was caught amid the gunfire and wounded, adding that he was later forced to admit his guilt.

The jury acquitted Erazo Cruz of the crimes of homicide and serious injuries (555). He was released in mid-August 1992.

The Guerrillas' Responsibility and Erazo Cruz' Participation

The FMLN admitted some degree of responsibility for the assassination of Dr. Guerrero. Shortly after the crime. FMLN spokesmen claimed that the assassination occurred when members of the urban commandos attempted to steal his vehicle. This account coincides with parts of Erazo Cruz' initial statements, including his judicial confession.

Moreover, the 45 and 9 mm pistols used in the assassination were typical of the urban commandos. Also, although Erazo Cruz was acquitted and denied his participation before the Commission, there is substantial evidence that he took part in the crime. An eye-witness who had not made a statement previously identified him as one of the attackers. The paraffin test proved positive, indicating that he had fired shots. There are also contradictions in parts of his testimony before the Commission (556).

The FMLN members interviewed by the Commission claimed not to have known Erazo Cruz before the assassination, nor to have any information on Alvarez Martinez and the other participants, or knowledge of the crime. Nevertheless, the Commission received reliable evidence indicating Erazo Cruz' membership in the guerrillas when Dr. Guerrero's assassination occurred.

Moreover, the Commission received a report that Dr. Guerrero had been assassinated for obtaining incriminating evidence on the persons presumed responsible in the case of the Jesuits. This story was made public in January 1992, when Marta Aracely Guerrero de Paredes, Dr. Guerrero's daughter, claimed that, on the day of his death, her father was carrying documents revealing the identities of those who committed the assassinations of the six Jesuit priests (557).

Dr. Guerrero had used his political influence to procure information. Hence, a few days before his death at least one friend warned him that his life was in danger, and that he should not continue investigating the case of the Jesuits.

The attack against Dr. Guerrero certainly did not occur as a result of an attempt to steal his vehicle. The attackers never addressed a single word to the occupants of the car, and the number of bullets that struck it made its subsequent use impossible.

The role played by the Cherokee type vehicle in the incidents has generated more doubts concerning the intellectual perpetrators. Cherokee vehicles are generally used in official circles, as are M-16 rifles, which are used by members of the Armed Forces and by bodyguards. The whereabouts of the Cherokee and its occupants is unknown.

RELEASED
El Salvador: Human Rights
Special Project (1993)

Conclusions

The Commission, taking into account the examination of the available documentation, and the direct testimony received (including the new evidence), concludes that there is complete proof that Dr. Guerrero's death did not result from an attempt to steal his vehicle, but rather from the intention of killing the person driving it: Dr. Guerrero.

Dr. Guerrero died as a result of a deliberate action to kill him. Although Cesar Ernesto Erazo Cruz was acquitted in the trial, there is full evidence of his role in the assassination. The Commission attempted, unsuccessfully, to obtain important information in El Salvador and outside the country, so as to confirm or reject its hypotheses for the investigation. At the conclusion of its work, although there is sufficient evidence that Erazo Cruz was an active member of the FMLN at that time, prompting a more thorough probe of the FMLN's commission of that assassination, the available evidence did not permit the Commission to reach complete agreement on this case.

United States Military, Survivors of a Downed Helicopter

Summary of the Case

On 2 January 1991, an artillery-equipped military helicopter of U.S. origin was shot down by rifle fire by an FMLN patrol in the canton of San Francisco, in the Lolotique jurisdiction of San Miguel Department, while flying at low altitude in the direction of its base in Soto Cano, Honduras.

As a result of the crash, the aircraft's pilot, Daniel F. Scott, was killed, and Lt. Colonel David H. Pickett and Corporal Earnest G. Dawson were injured. All were of U.S. nationality. Upon approaching the aircraft, members of the patrol fired at the survivors from some distance. The patrol left the dead American soldier and the two injured persons on the site and departed, taking weapons and equipment from the helicopter. Within a short time, one member of the patrol was sent back to the site, and killed the wounded men.

Description of the Incidents

About 1340 on 2 January 1991, a UH-1H helicopter of the U.S. Armed Forces took off from Ilopango airport in San Salvador, crewed by Lt. Colonel David H. Pickett, Corporal Earnest G. Dawson, and Pilot Daniel F. Scott, all military personnel of U.S. nationality. Pickett was the Commander of the Fourth Battalion of the 22nd Air Regiment based in Soto Cano, Honduras, where they expected to arrive shortly after 1700.

About 1400, the aircraft was flying over the canton of San Francisco, at a height ranging between 30 and 50 meters. They were flying low so as to be less vulnerable to possible missile attacks by guerrillas and because, by so doing, if they were shot down there would be more chances of survival.

That day, seven armed combatants from the People's Revolutionary Army, ERP, one of the FMLN's member organizations, were patrolling the canton of San Francisco, in the Lolotique jurisdiction of San Miguel Department. Severiano Fuentes Fuentes, alias "Aparicio," that organization's political chief in the zone, was in command of the patrol. The latter also included Antonio Bonilla Rivas, "Ulises"; Daniel Alvarado Guevara, "Macaco"; Digna Chicas, "Doris"; and Maria Lita Fernandez, "Carmen." They were accompanied by Santos Guevara Portillo, "Dominguez"; and Fernan Fernandez Arevalo, "Porfirio."

RELEASED
El Salvador Human Rights
Special Project (1995)

Upon observing the helicopter, the patrol fired its M-16 and AK-47 rifles at it. The helicopter fell to the ground about 500 meters distant.

As the autopsy later showed, Pilot Scott died when the helicopter crashed. The ERP patrol approached shooting, and wounded the two survivors.

A member of the patrol went to the canton of San Francisco, about 500 meters distant, and returned with about 10 residents. They placed the injured persons and Scott's body a few meters from the helicopter, and removed the items indicated to them by the combatants, taking them to San Francisco. Later, they burned the helicopter.

It has been sufficiently proven that Severiano Fuentes Fuentes, "Aparicio," ordered Daniel Alvarado Guevara, "Macaco," to kill the wounded, and that he refused to obey. When the patrol had traveled about a distance of 100 meters, Fernan Fernandez Arevalo, "Porfirio," at Fuentes' order, returned and killed the wounded men.

The Subsequent Events:

Several residents of San Francisco reported the incident to the authorities. That same night, the corpses were found and taken by helicopter to the Third Brigade headquarters, where they were examined by a justice of the peace. Later, they were moved to Ilopango airport in San Salvador, where they were turned over to the U.S. authorities.

The next day, 3 January, a group of U.S. military, accompanied by Salvadoran officials, inspected the wreckage of the helicopter and interviewed several local residents.

That same day, the news of the downing of the helicopter, and of the execution of the wounded military, was disseminated.

The FMLN, on Radio Venceremos, began by denying any execution of wounded persons. On 7 January, it admitted the possibility of that act, announcing an investigation. On 9 January, it admitted the execution of the wounded men; and, on 18 January, it announced that "Dominguez" and "Porfirio" would be tried for that crime. Later, it made the correction that "Dominguez" was not involved, but rather, "Aparicio."

On 17 March 1992, Fuentes ("Aparicio") and Fernandez ("Porfirio") appeared voluntarily before the Cinameca Court of the First Instance, and were imprisoned in the Mariona jail, where they still remain.

Action of the Commission:

The Truth Commission examined the information compiled in the judicial record, and the results of the investigations conducted by the U.S. experts, as well as the documentation from the investigation carried out by the FMLN, furnished to it by the latter. Interviews were held with five of the seven combatants who participated in the action, with several residents of the canton of San Francisco, and with other persons who were able to provide pertinent information.

Conclusions

The Commission considers it sufficiently proven that the members of the U.S. military, Lt. Colonel David H. Pickett, and Corporal Earnest G. Dawson, survivors of the helicopter shot down by an ERP unit, while wounded and defenseless, were executed in violation of international humanitarian law by Fernan Fernandez Arevalo, at the order of Severiano Fuentes Fuentes. The

RELEASED
El Salvador: Human Rights
Special Project (1993)

Commission has found no evidence that other members of the unit participated in the execution.

Nor has the Commission found evidence that these executions were ordered on higher levels of command, or were based on a policy of the ERP or the FMLN to kill prisoners. The Front admitted the criminal nature of the action, apprehending and trying the accused.

3. Kidnappings

DUARTE AND VILLEDA

On 10 September 1985, Ines Guadalupe Duarte Duarte, daughter of President Jose Napoleon Duarte, and her friend, Ana Cecilia Villeda, arrived in a car at the entrance of a private university in San Salvador. They were being followed in a van by two bodyguards assigned for their protection. While both vehicles were being parked, other vehicles were being positioned to block the traffic, while several armed persons killed the bodyguards and took the two women away by force in a truck (558). The abducted women were taken to a guerrilla camp.

Four days after the incident, the self-named Pedro Pablo Castillo Commando group of the FMLN publicly announced its perpetration of the act.

After several weeks of negotiation, in which the Salvadoran church and diplomats from the region acted as intermediaries in secret talks, on 24 October, Ines Duarte and her friend were released in an operation involving an exchange for 22 political prisoners (559). The operation also included the release of 25 mayors and local officials abducted by the FMLN, in exchange for 101 guerrilla fighters disabled in war, whom the government allowed to leave the country. The entire prisoner exchange process, which took place in different parts of the country, was carried out through the International Red Cross.

In a communique from the FMLN's General Command, broadcast by Radio assumed full responsibility for the operation, describing the action of the commando group, including the elimination of the bodyguards, as "impeccable."

The kidnapping of Ines Duarte and Ana Cecilia Villeda constitutes an act of hostage-taking and, therefore, is in violation of international humanitarian law (560).

F. Assassinations of Judges

During the 1980's, holding the position of judge in El Salvador was proving dangerous. As stated in the reports in this chapter on the assassinations of Monsignor Romero and the Dutch journalists, some judges had to resign and even flee the country after threats or attacks against them.

Furthermore, according to a report provided to the Truth Commission by the Supreme Court of Justice, some 28 judges were assassinated in El Salvador during the 1980's (561).

One of them, Dr. Francisco Jose Guerrero, was killed after having completed his term as President of the Supreme Court. Three other persons assassinated were judges of the first instance, and the remaining 24 were justices of the peace. Of the latter, 20 were assassinated between 1980 and 1982.

The Commission received charges and testimony from independent sources regarding several of the cases submitted by the Supreme Court, and had an opportunity to investigate two cases. As for the other assassinations, in some there were indications of perpetration by the FMLN; in others, by the death squads; and in two instances, the deaths apparently occurred in combat.

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El Salvador Human Rights
Special Project (1995)

What was really investigated in depth was the assassination of Dr. Francisco Jose Guerrero, the report on which is contained in this chapter. Presented next are the results of the investigation of the assassination of a justice of the peace.

Justice of the Peace in Carolina

Jose Apolinar Martinez, Justice of the Peace in the municipality of Carolina, in San Miguel Department, was shot to death in his residence on 14 June 1988. As a result of the attack, his three-year-old daughter was also injured, later remaining for weeks under medical treatment.

There are strong indications of the FMLN's responsibility. Approximately a year earlier, the judge had received threatening letters from the People's Revolutionary Army, one of the armed groups comprising the FMLN. The assassination took place in a zone at least partially controlled by the FMLN. The assassins later fled to a zone under even greater FMLN control. They were wearing military garb and carrying long-barreled weapons. Found on the scene of the crime was a slip of paper on which the FMLN assumed responsibility for the assassination.

On the other hand, however, a long time elapsed between the threats and the assassination. Furthermore, there was no pattern of executing justices of the peace in that period. Whereas, during the years from 1980 to 1982, there were many assassinations of justices of the peace, only two occurred between 1986 and 1988, including this case.

Nevertheless, taking all the circumstances and proof into account, the Commission concludes that there is sufficient evidence to attribute this assassination to FMLN members. The assassination of Justice of the Peace Jose Apolinar Martinez violated international humanitarian law.

Footnotes

469. The Commission received information from various sources regarding the execution of mayors by the Front. In the two cases described in detail, the Commission received direct testimony from witnesses, which it took steps to substantiate. As for the other cases, it sought information from the Front which, in its response, admitted that the execution of mayors was a policy approved by the Front, also supplying the names of some of the mayors executed.

470. FMLN, "The legitimacy of our methods of struggle," El Salvador, Central America, 30 October 1988, p 15.

471. The Commission reviewed the records of the proceedings, met with those in custody, and requested information from both the FMLN and the government authorities.

472. The FMLN, in order to demonstrate to the Commission the existence of a General Command policy line that advisers and members of the military were to be considered legitimate targets, provided the following information: a) a list of names of U.S. advisers and military killed in El Salvador between February 1983 and March 1987; b) copies of articles published in the newspaper VENCEREMOS (the FMLN's official organ), in which U.S. intervention in the war is denounced, and the deaths or executions of some of these advisers are reported; and, c) a copy of a press release containing a statement issued by Senator Edward M. Kennedy, of the U.S. Congress. According to the release, the congressman expressed his concern over the number of U.S. advisers and military assigned to the country. This statement was made in 1990.

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El Salvador Human Rights
Special Project (1993)

473. The statements of Juan Miguel Garcia Melendez and Abraham Dimas Aguilar contained in proceedings 42/86 of the Military Trial Court claim that they had only a preliminary and very general knowledge of the fire strike before it occurred.

474. According to the information from the testimony in Sections 365 and 531 of Records 42/86 of the Military Trial Court.

475. According to the comparison of the testimony in Sections 343, 365, 449, 485, and 531 of Proceedings No. 42/86, of the Military Trial Court.

476. According to the comparison of the statements in Section 8 of Proceedings No. 67/A-89, of the Fifth Court of Criminal Proceedings.

477. In Proceedings No. 42/86 of the Military Trial Court, the witnesses make the following claims: in Section 46, it is declared that the shots came from all directions; in Section 365, it is maintained that the shooting was started by the U.S. Marine seated in the "Flash Back" restaurant, and that he was the one who shot the guerrilla fighter; in Sections 155 and 449, it is claimed that an American was carrying a firearm at that time; in Section 453, it is said that a Marine had a firearm in his hands at that time; in Section 512, it is asserted that the shot that wounded the guerrilla fighter was fired by one of the Marines; in Section 531, it is declared that an individual escaped behind "Chili's" restaurant.

478. Besides the testimony claiming that cross-fire occurred on the site, reports are added to Sections 305 and 308 concerning 34 shell cases found inside the "Mediterranee" and "Chili's" restaurants, and expert examinations made of vehicles that were located on the scene at the time of the attack. These expert examinations establish that two vehicles, including that of the attackers, had bullet holes in their bodies.

479. Sections 2 to 23 of Proceedings No. 42/86 of the Military Trial Court.

480. According to the police report in Section 139, and testimony in Sections 453 and 531 of Proceedings No. 42/86 of the Military Trial Court.

481. Police report in Section 139 of Proceedings No. 42/86 of the Military Trial Court.

482. Section 285 of Proceedings No. 42/86 of the Military Trial Court.

483. LA PRENSA GRAFICA, 22 June 1985; Section 357 of Proceedings No. 42/86 of the Military Trial Court. FMLN leaders maintained that the categorization of the U.S. Marines executed as military targets had been the made under the responsibility of the members of the commando group who planned the action. They claimed that the latter had sufficient proof to convince them that the four U.S. Marines were in El Salvador engaged in military intelligence work. They asserted that this information consisted of: 1. permanent, personal monitoring of the activities of each one of them; and 2. radio interception of the Armed Forces communications system. They claimed that those executed had been constantly named in this type of communication.

The Commission asked them for written records of these claims, but they indicated that they were not equipped to submit evidence of this, because the nature of the action and the current belligerent context made it extremely difficult to obtain, for example, documentation on this type of decision.

The FMLN also informed the Commission that, in the subsequent evaluation of the action, they had determined that the "site selected" by the commando group had been improper, because consideration had not been given to the possibility of exposing civilians to the dangers of the attack. It noted that, for this reason, they had issued an order to stop attacks on this type of target on similar sites.

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El Salvador: Human Rights
Special Project (1993)

484. Ismael Dimas was interviewed by the FMLN's Radio Venceremos during the week after the attack. His pseudonym was "Ulises." In this interview, he admitted having been the military chief who directed the action, and one of those who fired at the Marines. The information from the Salvadoran Government, the FMLN, and the witnesses interviewed agree on this assertion. The information obtained in the Commission's investigation was consistent in concluding that this person died later in combat.

485. In this extrajudicial confession, those in custody also admitted having participated in a series of acts that reportedly took place between 1979 and 1985; but without citing exact dates or locations where these alleged acts were committed. (Sections 108, 122, and 130 of Proceedings No. 42/86 of the Military Trial Court).

486. For example, during the judicial proceedings, no judicial statements were taken from those in custody. Instead of these statements, there is a record of "ratification" of their declarations made to the National Guard. In these records, the acts declared by the defendants, which they ratify, are not specified.

487. The 1987 Amnesty Law was passed in October 1987 through Legislative Decree 805.

488. Section 742 of Proceedings No. 42/86 of the Military Trial Court.

489. Section 752 of Proceedings No. 42/86 of the Military Trial Court. The request of the official representative was denied, because the court did not consider this U.S. representative a party in the criminal process.

490. Section 770 of Proceedings No. 42/86 of the Military Trial Court. Several newspapers published the reactions of United States official representatives, who warned that this was jeopardizing $18.5 million in aid for El Salvador, which was in the process of being approved by the U.S. Congress.

491. Section 770 of Proceedings No. 42/86 of the Military Trial Court. The Armed Forces General Command acts, in some situations, as a Court of Incidental Plea, according to the Salvadoran Law of Procedure. When this court heard the decision for amnesty in question, it deemed the "Convention to prevent and punish acts of terrorism in the form of crimes against persons and the associated extension, when they have international significance," and the "Convention on the prevention and punishment of crimes against internationally protected persons, including diplomatic agents," applicable in the case.

492. Section 937 of Proceedings No. 42/86 of the Military Trial Court.

493. There is not sufficient evidence permitting the Commission to state whether or not he participated in the act. Moreover, in the proceedings against him, the application of the Law on National Reconciliation was refused, as in the case of the other defendants.

494. Andrade was captured in 1989. The FMLN leaders held him responsible for, among other things, having surrendered to the government forces the largest shipment of arms seized from the FMLN during the conflict. The FMLN considers Andrade a traitor because of this information that he turned over to the government of El Salvador and the United States Government during his captivity.

495. To investigate this incident, the Commission interviewed approximately 70 individuals, many in a confidential manner. The Commission checked the information from the testimony through other interviews, and reviewed judicial, police, press, government, non-government, and personal materials.

496. In his first two statements, Miranda claimed that his alias was "Jose." On 3 February 1988, Miranda identified Romualdo Alberto Zelaya, killed in a confrontation with the National Police on 27 January 1988, as "Jose". Section 750.

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El Salvador Human Rights
Special Project (1993)

497. The fact that there were three was confirmed by what several witnesses saw. Vicente Vasquez and Jose Mejia first saw the driver of the pickup truck and, a few minutes later, two subjects boarding the same vehicle. Manuel de Jesus Serrano observed two persons sitting on the pavement of the parking lot a few minutes before the assassination. Aminta Perez saw two persons beside an electric lamp-post beside the parking lot minutes before the assassination. Section 187.

498. Section 94N. Letter from Noe Antonio Gonzalez, a ballistics technician, to the CIHD Unit Chief, 1 November 1987.

499. Section 96N, letter from Noe Antonio Gonzalez, ballistics technician, to the CIHD Unit Chief, 1 November 1987.

500. The National Police informed the Commission that the expert ballistics technicians had no information on Armed Forces ammunition. See: letter from General Director Francisco Salinas, 23 February 1993.

501. Anaya was the fourth member of the CDHES-NG to be assassinated; three have disappeared. See: Lawyers Committee for Human Rights, "Underwriting Injustice: AID and El Salvador's Judicial Reform Program," April 1989, p 135.

502. One of the five factions of the Farabundo Marti National Liberation Front (FMLN).

503. See testimony of Herbert Anaya, 7 March 1986.

504. See Section 508N, document from Corporal Adan de Jesus Moran Rivera, 28 May 1986. Charge by Mirna Perla de Anaya made to the Archbishop's See's Legal Protection Office, 27 May 1986. Hers was one of several detentions made by the Treasury Police of various members of popular organizations at that time.

505. Section 527, statement by Herbert Anaya, 8 July 1986. Anaya describes how he was physically and mentally mistreated during his detention. See personal testimony of Herbert Anaya, 7 March 1986.

506. See, for example, paid ad of Christian Legal Assistance, in EL MUNDO, 27 October 1987, "CGT [General Confederation of Workers] Also Condemns Assassination," EL MUNDO, 27 October 1987. Paid ad of the (Governmental) Human Rights Commission in LA PRENSA GRAFICA, 27 October 1987. Paid ad of the Danish and Swedish sections of Amnesty International in EL MUNDO, November 1987. P. Glickman, "El Salvador: U.S. Mildly Condemns Rights Figure's Assassination," 26 October 1987.

507. EL DIARIO DE HOY: "Duarte Offers 50,000 Colones for Anaya's Assassins," 29 October 1987.

508. Members of the ERP confirmed his participation in this organization.

509. Interview with Miranda, Section 677; statement by agent Miguel Antonio Pineda Varela, of the National Police Technical Operations Department, 18 January 1988.

510. According to press reports, the International Red Cross Committee (CICR) did not visit him until 4 January, after the first 72 hours of his detention. See D. Farah; "Salvadoran Expands on Role in Killing; Prisoner Rebuts Family, Reaffirms Rebels Ordered Rights Death," THE WASHINGTON POST, 8 January 1988. See also Section 775, Miranda's retraction before the court.

511. Section 708. He does not remember when he received it, and claims that it caused him no reaction. Section 775, retraction by Miranda. He told the Commission that they had once given him one or two pills that he did not recognize.

512. See "Samayoa Denies Miranda Bribed," translation and transcription of a report by Guevara, M.A., Channel 12 Television, 8 January 1988, in Foreign Broadcast Information Service (FBIS), 12 January 1988, p 12.

NOLIBACD
El Salvador Human Rights
Special Project (1993)

513. See D. Farah, "Salvadoran Expands on Role in Killing," THE WASHINGTON POST, 8 January 1988. J. LeMoyne, "Salvadoran, in Jail Talk, Tells of Assassination," THE NEW YORK TIMES, 8 January 1988. M. Miller, "Jailed Salvadoran Student Tells Disputed Version of the Killing of a Rights Activist," THE LOS ANGELES TIMES, 9 January 1988.

514. Interview with Miranda. See also Section 708. According to Miranda, they were the same persons who deprived him of the comforts when he retracted. The ex-Justice Minister has denied that National Police agents could have visited him, claiming that only individuals whom Miranda agreed to see could do so.

515. The then Minister of Justice, Julio Samayoa, explained the delay as due to the fact that the court personnel was on vacation, and hence, it was impossible to transfer the subject in custody. See: "Duarte Comments on Case," translation and transcription of a report by M. A. Guevara, Channel 12 Television, 6 January 1988, in FBIS, 12 January 1988, p 11; tape of a press conference. President Duarte stated: the delay was permissible because Miranda had been detained for a crime, and his participation in the assassination had appeared later. See EL DIARIO DE HOY, "Admitted Convict Says: ERP 'Purged' Anaya Sanabria for Blaming Armed Forces," 6 January 1988;, tape of the press conference.

516. Judge Luis Edgar Morales Hoya fled from El Salvador after an attack on his life, on 9 August 1991.

517. See Section 775.

518. Section 937N. The judge's verdict states, verbatim: "There is no doubt...that the confessions of the accused...do not meet the intrinsic requirements of any act of confession..." He found that Miranda's statement was "the only incriminating evidence against him," and, therefore, insufficient to warrant embarking on the phase in the presence of both parties to the action.

519. Section 943-53. He reasoned that the confession "deserves credence because of its agreement with the facts and with the account given by (three) witnesses," and because "it was not established in the trial that the defendant was a victim of torture forcing him to confess, and the (first) two confessions are consistent with one another." See Section 951.

520. In July 1991, the First Court of Criminal Proceedings of the Supreme Court of Justice had reported the decision to transfer the filing of the suit to the Fifth Court of Criminal Proceedings of San Salvador, Section 1046. It had previously been transferred to the Mejicanos Court of Criminal Proceedings.

521. Section 1133. Civil penalties were also applied to him, with compensation of 20 million colones to Mirna Perla, Anaya's widow, and the corresponding loss of various political and civil rights. As for the Anaya assassination, the judge attempted to leave to the Truth Commission the final decision as to whether or not the amnesty law should be applied.

522. The Commission rejects, for lack of evidence, the theory that this assassination was a common criminal act.

523. The length of time that elapsed between the assassination and the display of photos must be taken into account; the witness had only a short time to identify them.

524. Furthermore, a polygraph test given by the CIHD on 1 January 1988 indicated that Miranda was not lying when he replied that he had participated. Section 889.

525. The Archbishop's See's Legal Protection Office has claimed that the Armed Forces are responsible. Americas Watch voiced its concern that the assassination proved the reactivation of the death squads. L. Gruson, "Killing in Salvador Imperils Peace Talks," THE NEW YORK TIMES, 28 October 1987. "Anaya's

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El Salvador Human Rights
Special Project (1993)

Widow Blames the Treasury Police." "ERP Leaders Also Blame the Salvadoran Armed Forces or Death Squads."

526. According to a colleague on the CDHES-NG, Anaya reported a death threat to him during his detention by the Treasury Police from a high-ranking officer of that corps. At Mariona, Anaya was warned by a prisoner that jail guards were saying that they intended to kill him once he left the prison. Section 694, statement by Reynaldo Blanco in the First Court of Criminal Proceedings, 6 February 1988. Anaya's father was detained by the National Guard in March 1987, and interrogated regarding the activities of his son, Herbert. Anaya publicly denounced this detention. Section 707, paid space in EL MUNDO, 21 March 1987. After his release from Mariona, the CDHES-NG charged that he was a target of constant surveillance by unknown persons, including some who used a vehicle with plates P-50-200. Section 702, paid space of the CDHES-NG, on 3 June 1987. It never received a response from the security corps to its request for information regarding that vehicle.

Radio Truth, a clandestine right-wing station, charged Anaya, apparently on 25 July 1987, with being "the nefarious, corrupt head of the Non-Governmental Human Rights Commission." It reported that "this Mr. Anaya, who has caused so much harm with so much disinformation about the country, will soon be exposed. The Salvadoran people should know the identities of the hypocrites heading the groups that are attempting to destroy the Republic." Section 701, transcription of the broadcast.

On 3 August 1987, EL DIARIO DE HOY reported that military intelligence had proven the "FMLN connection with 'humanitarian groups'." According to the newspaper, a military source declared: "The people should know...the true reality of the conflict that our country is experiencing, but without letting themselves be deceived by those false Salvadorans who are only causing serious harm to the citizens..." Section 706.

527. Section 694, statement by Reynaldo Blanco, 6 January 1988.

528. Months before the assassination, the CDHES-NG charged that approximately 10 heavily armed men attempted to enter its headquarters by force. Section 703, paid space in EL MUNDO, 3 June 1987.

529. Letter from Mirna Perla de Anaya to Dr. Edmundo Vargas Carreno, Executive Secretary of the Inter-American Human Rights Commission, 15 April 1988. She also reported that, the night before the assassination, the Anayas' house was under surveillance by unknown persons in civilian clothes, driving a light blue pickup truck and a silver-colored limousine type Toyota car.

530. Besides examining the information compiled in the judicial record, and the publications and reports on the case, the Commission interviewed many witnesses. It also obtained reports from Dr. Guerrero's personal files on the assassinations of the Jesuit priests.

531. He was one of the founders of the National Conciliation Party [PCN] in 1962, and co-editor of the Constitution of 1952; President of the Legislative Assembly (1962-65); Foreign Minister (1969-71), Minister of the Presidency (1982); presidential candidate of the PCN (1984); and President of the Supreme Court (1984-89).

532. EL DIARIO DE HOY, "Dr. Francisco Jose Guerrero Shot to Death," 29 November 1989.

533. Judicial statements by Victor Manuel Rivera Monterrosa and Lilia del Milagro Avendano de Guerrero.

534. Statement by Victor Manuel Rivera Monterrosa, 1 December 1989. Record: Section 173.

535. Statement from witness Marcelino Antonio Hernandez Ayala, 11 December 1989. Record: Section 228. Testimony of Manuel de Jesus Maldonado,

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El Salvador Human Rights
Special Project (1995)

police visual inspector, 28 November 1989. Record: Section 88. See also: LA PRENSA GRAFICA, "Ex-President of the Court, Dr. Francisco Jose Guerrero, Assassinated Yesterday," 29 November 1989. "'Chachi' Guerrero Assassinated," DIARIO LATINO, San Salvador, 28 November 1989.

536. Police report. Record: Section 79.

537. Statement by Victor Manuel Rivera Montarrosa, 1 December 1989. Record: Section 173.

538. Report on the forensic medical examination, undated. Record: Section 84.

539. Report from the National Police Technical Ballistics Section, 1 December 1989. Record: Section 168.

540. Ibid., statement by Otto Rene Rodriguez. Record: Section 145.

541. Testimony of Elias Cruz Perla, police report. Record: Section 88. Statement by Marcelino Antonio Hernandez Ayala. Record: Section 228. Some shells (bullet caps) were found about 20 meters behind Dr. Guerrero's vehicle. Location diagram. Record: Section 43.

542. Examination of the corpse of Angel Anibal Alvarez Martinez. Record: Section 8.

543. Examination, 4 April 1990. Record: Section 276.

544. Police report. Record: Section 168. There is no information in the judicial record on the bullets that struck Erazo Cruz.

545. Testimony of Elias Cruz Perla to the CIHD, 28 November 1989. Record: Section 88.

546. The paraffin test is a technical chemical analysis used to determine whether a person has fired a weapon. The test is based on the nitrate products on the backs of the hands due to the discharge of firearms.

547. Statement by Erazo Cruz at the National Police medical clinic, 30 November 1989. Record: Section 153.

548. Statement from the inquiry of Erazo Cruz, 5 December 1989. Record: Section 193. Erazo Cruz repudiated these statements at the trial and also before the Truth Commission. Moreover, Efrain had no known connection with the guerrilla movement (see subsequently).

549. Order for provisional detention, 7 December 1989. Record: Section 219. The judge later added the crimes of serious injuries, subversive associations, and violent evasion (see subsequently).

550. Statement from the inquiry of Erazo Cruz, 7 February 1992. Record: Section 405; confirmed by testimony of Erazo Cruz to the Commission, 4 September 1992.

551. Article 152, Penal Code.

552. Article 171, Penal Code.

553. Article 375, Penal Code.

554. Article 480, Penal Code.

555. The suits for violent evasion and subversive association remained pending in the Sixth Court of Criminal Proceedings. Later, at the end of July, the defense requested the application of the Law on National Reconciliation to annul the penal action for the crime of subversive associations. Article I of this law grants amnesty benefiting all persons who have participated in the commission of political crimes. Article 7 (c) of the same law stipulates that, in cases of persons charged with pending suits, the judge, on his own initiative, shall order dismissal, without restrictions, in favor of those indicted. The defense also requested that the judge order a release for Erazo Cruz in connection with the crime of violent evasion. According to Article 250, the release of the person charged for whom provisional detention has been ordered shall be in order when the crime is punished with a fine or a sentence

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El Salvador Human Rights
Special Project (1993)

of deprivation of liberty not exceeding the maximum limit of three years in prison. The judge accepted the defense's position and ordered definitive dismissal.

556. Statement by Erazo Cruz before the Commission, 4 September 1989.

557. EL MUNDO, "'Chachi' Guerrero's Daughter Relates Her Father's Death to the Jesuit Case," 30 January 1992.

558. Account of the incident by Jose Napoleon Duarte. "Duarte: My Story," pp 185-186. This version does not contradict the accounts of the incident subsequently given by the FMLN.

559. Initially, the FMLN list totaled 34, nine of whom had disappeared after their capture by government forces. During the active, secret negotiations, the FMLN also demanded the connection between Ines Duarte's release and that of the 25 mayors and 96 disabled in war (there were finally 101). It is important to mention the Salvadoran Church's high degree of involvment as a mediator, in the persons of Monsignor Rivera y Damas and Father Ignacio Ellacuria. In the documents of the FMLN and the Government of El Salvador, the mediating role of governments such as those of Colombia, Panama, Mexico, France, etc., is also obvious; as is that of individuals such as Chancellor Willy Brandt and Hans Wischnewski, of the Socialist International.

560. Translation from English. The British Broadcasting Corporation, "Release of Duarte's Daughter and Other Hostages in El Salvador." Source: Radio "Venceremos" 0045 gmt, 25 Oct. 1985. Further background on the FMLN's involvement is contained in the account of a guerrilla fighter, who declares: "Day, 16 September...Shafick Handal also arose early. He had spent a few days with us, and was now acting hurriedly, negotiating for Duarte's daughter." "The Thousand and One Stories of Radio 'Venceremos,'" Jose Ignacio Lopez Vigil, UCA Publishers, p 401.

561. The Supreme Court sent 30 cases of judges who had died to the Commission but, according to the data provided, two of them succumbed from natural causes.

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El Salvador Human Rights
Special Project (1990)

V. RECOMMENDATIONS

INTRODUCTION

One of the Commission's responsibilities is to formulate recommendations. In fact, the text of its mandate reads:

The Commission's assignment includes recommending whatever legal, political, or administrative measures the findings of the investigation may give rise to. Said recommendations may include steps to prevent a repetition of such incidents, as well as initiatives aimed at national reconciliation.

Before making specific recommendations, the Commission decided first to make some general comments about the findings of its inquiries, about the principles underlying them and its recommendations, and about who the recommendations are addressed to.

1. General Conclusions

The causes of and circumstances surrounding the many serious incidents of violence in El Salvador are very complex. The country's history and age-old injustice cannot be attributed solely to one segment of the population or to one group of individuals. This or that governmental institution, certain historic traditions, or even the ideological struggle that the East and West waged until recently and in which El Salvador was a victim and an episode, are merely factors that explain in part the complex situation in El Salvador during the 12-year period that concerns us. The Commission was not called upon to address them all, nor could it. Instead, the Commission focused on certain considerations that led it to draft its recommendations, which are essential for an understanding of these factors.

The lack of guarantees for human rights in El Salvador and the organization of society outside the principles of the rule of law place a major responsibility on the Salvadoran State itself, rather than on this or that government. The political, regulatory, and institutional mechanisms needed to assure this type of society existed in theory, at least partly. But the practice was different from what it should have been, perhaps as a result of excessive pragmatism. Over time, the military and, more specifically, certain elements within the Armed Forces, became caught up in a dynamic that they were unable to escape and wound up completely dominating the civilian authorities, often in collusion with certain influential civilians.

Neither of the three branches of government (the Judiciary, the Legislature, or the Executive) was able to control the overwhelming military domination of society. The judicial system was weakened as intimidation took hold of it and the groundwork for corrupting it was established. Since this branch had never enjoyed true institutional independence from the legislative and executive branches, it merely grew more ineffectual, eventually becoming, owing to its inaction or regrettable subservience, a contributor to the tragedy that the country has suffered. The various, often opportunistic alliances that political leaders forged (both lawmakers and members of the Executive Branch) with the military and members of the Judiciary had the effect of furthering weakening civilian control over the military, police, and security forces, all of them part of the military.

The wide-ranging network of illegal armed groups that operated with complete impunity both inside and outside our institutions, groups known as the death squads, sowed terror in Salvadoran society. Originally, these groups were formed, financed, and run by civilians. The groups of high-ranking military

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El Salvador Human Rights
Special Project (1994)

officers who initially served solely as agents and executioners slowly but surely took over the "death squads" for their own personal gain or to further certain ideological or political objectives. Thus, impunity vis-a-vis the civilian authorities was the norm in the military, in opposition to its true mission and even its calling. The military at large fell prey to certain groups of officers who eventually formed gangs, abused their power and their ties with certain civilians, and intimidated their comrades in arms who were reluctant to adopt or collaborate in their corrupt, illicit practices.

The domestic armed conflict between the opposing forces grew in intensity and magnitude. The inevitable outcome was the violent incidents that were brought before the Commission, some with anxiety and expectation. The more cruel and widespread the conflict became, the greater became the power of the top echelon of the Armed Forces and of those who were in command of the armed insurgent groups. The result of this vicious circle was a State in which certain elements of society became immune to any governmental or political restraint and were thus able to act with total impunity. They were the ones who really held State power, which they exercised in a most primitive fashion, while the administration, the Legislature, and the Judiciary were unable to perform their true functions as branches of government. The regrettable fact was that in practice they became mere facades with marginal government authority.

How else can we explain the modus operandi of the death squads, the disappearances of so many people, the attacks on major government officials, church leaders, and judges, and the fact that the perpetrators of these atrocities were rarely brought to trial? Ironically, this combination of corruption, timidity, and weakness in the Judiciary and its investigatory bodies greatly impeded their effective work, even in the case of crimes of which the FMLN was accused.

To avoid any risk of relapsing into the status quo ante, El Salvador must establish and bolster the proper balance of power among the executive, legislative, and judicial branches and institute full and indisputable civilian control over all military, paramilitary, intelligence, and security forces. The recommendations that we offer below outline the fundamental requirements for a transition to a democratic society in which the rule of law prevails and human rights are fully respected and guaranteed.

2. Principles

The report that the Commission is submitting is part of a process whose purpose, under the Geneva Accord of 4 April 1990, is to end the armed conflict through political channels as soon as possible, to spur the democratization of the country and unconditional respect for human rights, and to reunify Salvadoran society. The first of these objectives has already been achieved. The remaining goals, in contrast, require uninterrupted and, in some respects, permanent efforts. The goals are complementary: democracy loses validity when human rights are not respected unconditionally, and human rights cannot be safeguarded against arbitrary action outside the rule of law, which is the expression of a democratic system of government; and there can hardly be talk of a reunified society unless the rights and liberties of all are respected and guaranteed.

Although the Commission's recommendations are linked in all respects to the findings of its investigations, they are vehicles for pursuing these objectives, as defined within the recent history of the country by the Salvadorans who negotiated the peace accords and by the decisive majority who have supported their substance as the goals that must be achieved in the society that they are

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El Salvador Human Rights
Project (1993)

now starting to build. Consequently, the following principles underlie these recommendations:

First: democracy, which leaves fundamental decisions about the destiny of society in the hands of the people and fosters dialogue and negotiation as the basic tools of political activity.

Second: participation, which integrates minorities and majorities and enhances democracy as a model that respects the individual and collective dimensions of human coexistence. Such participation also fosters solidarity and respect among individuals.

Third: the rule of law, in which the supremacy of and respect for the law is the foundation of a culture that guarantees equality and proscribes all arbitrariness.

Fourth: respect for human rights, which are the raison d'etre of the above principles and the foundation of a society that is organized for individuals, all of whom are regarded as equally free and worthy.

The consolidation of the supremacy of civilian rule in Salvadoran Society and the necessary subordination of the military to civilian rule flow directly from the democratic philosophy of the rule of law, from the primary value of the dignity of individuals, and therefore from total respect for their rights.

The Peace Accords call for a new approach to national defense and public security, one that represents a significant step forward along the proper road to establishing the supremacy of civilian rule. It is indispensable that all, absolutely all, of the accords in this connection be executed fully.

In addition, the Commission underscores the particular care that must be taken in carrying out the measures set forth in the peace accords and in this report with regard to strengthening a comprehensive system of safeguarding human rights and a strong, independent, and effective Judiciary. The well-known vacuum that the country has had in this regard has been a primary cause of the extremely serious and systematically repeated violations of human rights, which can be regarded as eradicated once and for all only when the aforementioned objective has been achieved.

3. Audience

The Commission's mandate neither identifies nor sets limits on the audiences to whom its recommendations are addressed. It does, however, establish a procedure for the parties to fulfill the commitments that they have made in connection with these recommendations, that is to say, the government and the FMLN, which by signing the Mexico Accords created the mechanism that is completing its work today. They have pledged to carry out the recommendations of the Commission (Accord on the Truth Commission, paragraph 10) and must therefore put into practice, without delay, the ones that are addressed specifically to them. When the recommendations are addressed to others or, particularly in the case of the government, when they entail actions or initiatives by government bodies outside the Executive Branch, the government's commitment means that it must adopt the actions and initiatives that are necessary to implement the recommendations through the appropriate channels of the State apparatus.

It also bears noting with regard to the parties to whom the recommendations are addressed that now that the armed conflict is over, is stands to reason that most of the recommendations, being institutional in nature, would be directed to the government. The main recommendation that could have been made to the FMLN would have been to abandon the use of arms as a means of political struggle and, in any event, to renounce the sorts of actions and practices indicated in this report. This objective has been achieved thanks to the peace accords and their

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El Salvador Human Rights
Record Project (1996)

implementation. This does not prevent the Commission from making a strong appeal to the FMLN to see to it that its activities as a political force are always accompanied by a firm rejection of all forms of violent struggle and a permanent adherence to the legal, civilized procedures that are typical of democracy, forever renouncing the methods that led to the serious incidents of violence indicated herein for which it was to blame.

In this context, the Commission will now proceed to formulate its recommendations. Clearly, not all of them are equally important, nor do they all have the same significance. Some stem directly from the findings of the inquiry and need to be complied with urgently; they seek to remove immediately factors directly related to the incidents under investigation or to the fact that these same incidents have not been opportunely clarified. Another group of recommendations seeks to remedy certain structural ills that are directly linked to the incidents that the Commission has examined. The third group concerns institutional reforms to prevent a repetition of similar incidents. Lastly, the Commission will offer its thoughts and recommendations concerning national reconciliation.

I. Recommendations Arising Directly From the Findings of the Investigation

In this section the Commission will formulate recommendations that are the immediate and unavoidable consequence of the conclusions that it has drawn concerning the incidents that it has been called upon to investigate and clarify, in light of realities that are directly connected with them and that still exist in the country. In this regard, the recommendations that the Commission will now formulate are, by their very nature, the ones with which it is most urgent to comply.

In this context, the Commission formulates the following recommendations that must be carried out without delay:

A. Dismissal From the Armed Forces

The conclusions in the cases investigated by the Truth Commission and published in this report list the names of Salvadoran Armed Forces officers who are personally implicated in the perpetration or concealment of serious incidents of violence or who failed to fulfill their service-related obligations to begin or cooperate with the investigation or sanctioning of such violence. Regarding the officers who are still on active duty, the Commission recommends that they be dismissed from their posts and discharged from the Armed Forces. As for those who are retired or have been discharged, the Commission recommends that the measure indicated in Paragraph C of this section be applied.

C. Disqualification From Holding Public Office

Under no circumstances would it be advisable for those who have committed acts of violence such as the ones that the Commission has investigated to be involved in running the government. Hence, it deems that the individuals referred to in the preceding paragraphs, as well as any others who are likewise implicated in perpetrating the acts of violence described in this report, including civilians and the members of the FMLN Command named in the conclusions of the cases, ought to be disqualified from holding any public post or office for a period of no less than 10 years and from engaging in any activity related to public security or national defense permanently. It is not in the Truth Commission's power to enforce such a provision directly, but it is in our power

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El Salvador Human Rights
Special Project (1995)

to recommend to the National Commission for the Consolidation of Peace (COPAZ) that it prepare a first draft of legislation regulating this point, with due guarantees under Salvadoran law, and submit it to the Legislative Assembly for immediate passage, and to recommend to the bodies empowered to appoint those who are to hold public office that they refrain from designating such individuals.

D. Judicial Reform

The implementation of the agreed upon judicial reform in all its aspects. Indeed, although this reform must be complemented by additional measures, some of which will be the subject of other recommendations by the Commission, the agreements that the peace process reached in this regard must be complied with fully and immediately. Two specific issues warrant mention:

a. Reform of the Court

The Constitutional Reform approved within the framework of the peace process includes a new procedure for choosing magistrates of the Supreme Court, which presides over the Judiciary. It has not been possible to apply these innovations, as the terms of the current magistrates have yet to expire; thus, the court is still made up of individuals chosen under the rules prior to the Constitutional Reform and to the peace accords. Given the heavy responsibility that the Judiciary bears with regard to the impunity with which serious acts of violence, such as those described in this report, were committed, there is no justification for delaying the renewal of the Supreme Court, the members of which ought to allow the immediate application of the Constitutional Reform by resigning from their posts.

b. The Council of the Judicature

The peace accords called for the establishment of a National Council of the Judicature independent of the organs of government and of political parties (Mexico Accords: Political Accords for the Development of the Constitutional Reform, A.b.1; Chapultepec Peace Accord, Chapter III, Paragraph 1.A). Nevertheless, the Law of the National Council of the Judicature that the Legislative Assembly passed in December 1992 contains provisions that, in practice, leave the removal of certain members of the council altogether at the discretion of the Supreme Court. The Commission recommends that this system be modified and that the members of the council be subject to removal only on specific legal grounds, as determined by the Legislative Assembly, which being the body that is constitutionally competent to appoint said members, should logically also be the one that decides their dismissal.

E. The Judges

The Judicial Career Law, the reform of which the Commission understands is under discussion at the time this report is being submitted, should provide that only those judges who, pursuant to a rigorous evaluation by the National Council of the Judicature, have demonstrated a devotion to the law and concern for human rights and offer guarantees of independence, judicial temperament, honesty, and impartiality in their actions, may remain in the profession.

F. The Sanctions

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El Salvador Human Rights
Project (1993)

One of the direct consequences of the resolution of the serious incidents that the Commission has investigated should be, under normal conditions, appropriate punishment for those responsible for them. Nonetheless, given current conditions in the country and the situation in the administration of justice, the Commission is faced with insurmountable difficulties, which it will now describe.

The direct application of a sanction against the guilty parties is beyond the powers of the Commission. The Commission does not have jurisdictional functions and, consequently, cannot decide to apply a given sanction to an individual. This function, by its very nature, falls to the courts of justice, and this issue poses a serious problem for the Commission. Therefore, the raising of the problem and the answers that can be given to it cannot be divorced from current realities in the country.

One painfully prominent aspect of these realities is the glaring inadequacy of the judicial system, both in investigating crimes and in enforcing the law, especially in the case of crimes committed with the direct or indirect support of the State apparatus. So pronounced is this inadequacy that the government and the FMLN agreed to create an instrument, the Truth Commission, to achieve goals that would normally have been assigned to the bodies in charge of administering justice. If the Judiciary had functioned satisfactorily, not only would the incidents that the Commission has had to investigate have been opportunely clarified, but the corresponding sanctions would have been applied as well. Thus, the inability of the courts to enforce the law in connection with violent acts committed under the direct or indirect cover of the government is an integral part of the realities amid which these events took place and is inseparable from them. This is a conclusion that arises altogether clearly from most of the cases that are examined in this report and that have the characteristics described.

It thus bears asking whether the Judiciary is in a position to satisfy impartially the imperatives of justice. Looking at the situation calmly, we cannot give a positive response to this question. The judicial structure is still substantially the same as when the events described in this report took place. The reforms to the judicial system that were agreed upon during the peace process have been implemented, but with restrictions, and have thus not yet had a significant impact that would bring about a transformation of the administration of justice. Furthermore, the Judiciary remains under the control of the same individuals whose omissions were part of the scenario that we are now trying to overcome, and nothing indicates that their conduct will change in the immediate future.

These reflections place the Commission in a serious dilemma. The issue is not whether the guilty ought to be punished or not; the issue is whether or not justice can be done. Punishing the parties responsible for the crimes described is an imperative of public morality. Nevertheless, the administration of justice does not meet the minimum requirements of objectivity and impartiality to mete out justice in a reliable manner. This is one of the current objective conditions in the country, and overcoming it must become a primary objective for Salvadoran society.

The Commission does not think that a credible solution to the problems that it has examined can be found, thus bringing us back to one of their main causes. The picture that this report paints would not have developed if the judicial system had functioned appropriately. It is obvious that the judicial system has not changed enough yet to engender the sense of justice that would foster national reconciliation. On the contrary, a judicial debate under current circumstances, far from satisfying an honest yearning for justice, could serve

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El Salvador Human Rights
Project (1993)

to revive long-standing frustrations and thus thwart the cardinal objective of reconciliation. Given this context, it is clear that at the moment the Commission can only hope that justice will be served opportunely and fully by a court system that is overhauled in light of the Peace Accords.

II. Eradication of Structural Causes Directly Linked to the Events Examined

The peace process led to a series of political accords that have had the clear-cut support of the entire society, that introduce major structural reforms, and that attack numerous vices which have helped to create the picture described in this report. As a general principle, the Commission most emphatically recommends full compliance with all accords, as this represents not only a commitment for those who negotiated and concluded these accords but also the desire and hope of the Salvadoran people.

These general remarks notwithstanding, the Commission will now take the liberty of offering several additional recommendations:

A. Reforms in the Armed Forces

1. The transition to the new model of the Armed Forces as set forth in the peace accords and the constitutional reform must be undertaken as quickly and transparently as possible, under the close supervision of the civilian authorities. It is recommended that a Special Commission of the Legislative Assembly be appointed for this purpose, with the participation of the various political forces represented in the assembly. Special attention should be given to the subordination of the military to the civilian authorities, to democratic control over the main promotions and assignments of commanders, to discipline in budgetary appropriations, to a greater decentralization of the military structure, to the application of the new doctrine and the new educational system in the Armed Forces, and to the ongoing professionalization of their personnel.

2. The comprehensive revision of existing military regulations should be concluded without delay so that they can be adapted fully to the new Political Constitution, to the new doctrine of the Armed Forces, and to the requirements imposed by respect for human rights.

3. Among the reforms mentioned in the previous paragraph should be included a simple, practical mechanism for resolving the situation of a subordinate who is given an illegal order, so that he is protected when he refuses to comply with it. The provision in Article 173 of the Army Regulations that obliges a subordinate to obey the orders he receives from a superior no matter what the occasion and risk should be repealed, and the pledge to do so should be stricken from the wording of the solemn oath of loyalty to the flag during the military ceremony. It should be clear, in any event, that so-called "due obedience" does not exonerate someone who carries out a manifestly illegal order.

4. The aforementioned reforms must also provide that members of the military are committing serious violations whenever they avail themselves of their status to abuse power or commit offenses against human rights, indicating the administrative and legal sanctions that are applicable to them, including discharge, without detriment to the appropriate criminal penalties if there is cause for them. A rigorous system of discharges must not allow individuals who have been discharged for the type of conduct described or on other grounds that compromise the branch or the institution to rejoin the military.

5. Military training plans, from Military School to staff courses, should include thorough research into human rights. To this end, highly qualified civilian professors should be available.

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El Salvador Human Rights
Special Project (1994)

6. With regard to the advanced training courses that Armed Forces officers pursue overseas, care should be taken to select only those based on a philosophy of democracy and respect for human rights.

7. The Honor Commission of the Armed Forces, created under the peace accords, must give priority to eradicating all vestiges of connections between, on the one hand, their active and retired personnel and, on the other, the former paramilitary bodies or any illegal armed group.

B. Reforms in Public Security

One of the salient points in the peace accords is the decision to dissolve the former Public Security Corps (CUSEP), which were under the Armed Forces, and to make law and order the responsibility of the National Civilian Police (PNC), a new and altogether civilian body. The Commission recommends emphatically that the guidelines for the new institution be honored strictly. The demilitarization of the police is a major step forward in El Salvador, and thus there must be assurances that there are no links between the PNC and the former CUSEP or any other branch of the Armed Forces.

C. Investigation of Illegal Groups

Among the most dreadful instruments of the violence that shook the country in recent years were the private armed groups that acted with total impunity. All necessary measures must be taken to assure that they are dismantled. In light of the country's history, prevention is imperative. There is always the risk that such groups will resume their activities. The Commission recommends that a thorough investigation be undertaken immediately in this regard and that, since El Salvador's National Civilian Police is still new, the police forces of friendly countries that are able to offer support be asked, through necessarily confidential channels, to do so.

III. Institutional Reforms to Prevent the Repetition of Similar Acts

This too is an issue whose substance is related to the implementation of the reforms agreed upon under the peace accords, the execution of which will give the country a modern, democratic institutional framework commensurate with the demands of the rule of law.

The Commission feels, however, that certain points deserve emphasis, either because they are particularly important or because they were not clearly explained in the peace accords.

A. Administration of Justice

One of the most pressing needs of Salvadoran democracy in consolidating the true rule of law is the transformation of the judicial system. The judicial-reform programs currently being drafted must be further developed and implemented as soon as possible. The effort that the Justice Ministry is making in linking the judicial reform to democratization is highly positive and should be completed.

There are also issues that, owing to their importance, warrant separate mention by the Commission:

1. One of the most glaring inadequacies of the Salvadoran justice system, one that it is essential to correct, is the heavy concentration of functions in the Supreme Court and, in particular, in its chief justice as the head of the

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El Salvador Human Rights
Special Project (1993)

Judiciary. This concentration of functions seriously undermines the independence of judges in lower courts and of attorneys, to the detriment of the system as a whole. The express origin of this problem is constitutional, and thus a solution to it entails deciding whether the provisions in question ought to be amended, through the procedures that the constitution itself provides, so that the court, without losing its status as the highest court in the land, is no longer the administrative head of the Judiciary.

2. Judges should not be appointed and removed by the Supreme Court but by an independent National Council of the Judicature.

3. Each judge should take responsibility for managing the resources of the court of which he is in charge, accounting therefor to the National Council of the Judicature.

4. Authorization to practice the profession of attorney or notary and the suspension or penalizing of said professionals should be functions assigned to a special, independent entity, not to the Supreme Court.

5. The budget appropriations that the constitution provides for the justice system should be used to establish new courts and to raise the pay of judges.

6. The Commission recommends the following measures to bolster the right to due process:

a. Render extrajudicial confessions altogether null and void.

b. Assure that defendants are presumed innocent under all circumstances.

c. Comply strictly with the maximum periods of police detention and judicial detention, establishing immediate penalties for those who violate them.

d. Strengthen the right to a defense from the very first actions in a proceeding.

7. The highest priority should be given to the appropriate operation of the Judicial Training School, which is designed not only to train professionals but also to forge bonds of solidarity among judges and to create a consistent overview of the functions of the courts in the State, as the peace accords read. This is also a short-run need in training the conscientious new human resources who are to join the new courts or to replace those who the Commission has recommended should not remain in the legal profession. This is a fertile field for tangible and constructive international cooperation. The Commission calls on those who can provide such cooperation to offer it without delay under an accelerated program and even ventures to first ask the European Economic Community owing to the similarity between the Salvadoran legal system and that of several EEC countries.

B. Safeguarding Human Rights

This is an issue on which numerous accords were concluded during the peace negotiations; they include constitutional and legal reforms, as well as the deployment of a United Nations Verification Mission that was unprecedented in the organization's history. The Commission's first recommendation concerns strict compliance with the accords and the execution of the recommendations that ONUSAL formulated in relation to human rights.

In addition to everything that was set forth in this regard within the framework of the peace process, the Commission makes the following recommendations, fully aware that some of them can be carried out only under a future constitutional reform:

1. The Office of the Attorney for the Defense of Human Rights must be strengthened:

a. It would be beneficial for the attorney, with the support of ONUSAL and the participation of all sectors with an interest in the issue, both in and

Archbishop Romero Trust
El Salvador Human Rights
Special Project (1995)

outside government, to assess the current status of the office and its most immediate priorities and needs, so as to secure the means to achieve its goals, including international cooperation.

b. The presence of this office ought to be extended throughout the country, through departmental branches.

c. The office should make more frequent use of its powers to visit any site or facility in the country, especially in the case of detention centers.

2. Measures that make the amparo appeal and the habeas corpus petition truly operational must be taken. In this regard, the Commission recommends:

a. The jurisdiction to hear these appeals must be more broadly defined so that they are more accessible to the citizenry. All lower-court judges ought to have jurisdiction, within their territorial range, to hear amparo appeals or habeas corpus petitions, and in the case of the latter, jurisdiction could be extended to justices of the peace. The Supreme Court ought to be reserved as the last level of jurisdiction in such proceedings.

b. It must be expressly stipulated that the amparo appeal and the habeas corpus petition, as well as the rules of due process, cannot be suspended as guarantees under any circumstances, even in a state of emergency.

3. The constitutional status of human rights ought to be reaffirmed, even those rights that expressly appear not in the text of the constitution but in other instruments such as the human rights conventions that are binding on El Salvador.

4. The system of administrative detentions also warrants several modifications. This is an issue of primary importance, since it is a scenario in which the integrity of individuals can be violated or in which they may even disappear:

a. It must be stated specifically and restrictively which officials may order an administrative detention, which ones may execute it, and on what grounds.

b. The duration of administrative detention must be limited as much as possible.

c. The administrative authority must be stripped of jurisdiction to impose penalties that restrict liberty, which should be imposed only by the courts of justice pursuant to due process.

5. An expansion of the current system of information for detainees is recommended. The Office of the Attorney for the Defense of Human Rights should keep a central, updated list of all who have been detained for any reason, their whereabouts, and their legal status. The appropriate authorities must inform that office of an detention made and about the personnel involved in the arrest.

6. A future reform of penal legislation should give appropriate consideration to those crimes committed with the direct or indirect support of the State apparatus, whether by creating new categories of crime, by modifying existing ones, or by creating specific aggravating circumstances.

7. Legislation should be passed to give every individual who has been the victim of a human rights violation a simple, quick, and readily accessible remedy to secure material redress for the damages that have been caused him.

8. Certain decisions in the international arena should also be made to bolster the country's adherence to the universal and regional systems for safeguarding human rights. Within this framework, the recommendations are:

a. To ratify the following international instruments: the Optional Protocol to the International Pact of Civil and Political Rights, the Optional Protocol of the American Convention of Human Rights (San Salvador Protocol), Conventions 87 and 98 of the International Labor Organization, the Convention on the inapplicability of statutes of limitations to war crimes and crimes against humanity, the United Nations Convention on Torture and other cruel, inhuman, and

El Salvador Human Rights

degrading penalties and treatments, and the Inter-American Convention to prevent and punish torture.

b. To accept the obligatory jurisdiction of the Inter-American Human Rights Court, created by the American Convention on Human Rights, as all the other Central American republics have already done.

C. National Civilian Police

The Commission emphasizes how important the creation and operation of the National Civilian Police, pursuant to the model defined in the peace accords, have been for the protection of citizens and the prevention of human rights violations. Besides formulating a recommendation in this regard, the Commission feels that it must underscore an issue that has been closely linked to the impunity that has characterized the serious acts of violence described in this report: the issue of criminal investigations. We first recommend that the utmost effort be made to implement as soon as possible the mechanism for criminal investigations agreed on in the peace accords, a mechanism that entails the joint action of the National Civilian Police and the Office of the Attorney General of the Republic. This too is an area in which international technical and financial cooperation can make a substantial contribution. Second, the Commission recommends the dissolution of the Commission To Investigate Criminal Acts, whose omissions concealed serious violations of human rights during the period under investigation.

IV. Measures Towards National Reconciliation

The Geneva Accord of 4 April 1990, the framework of the negotiations and, therefore, of the peace accords, defined the goals of the process as guaranteeing unconditional respect for human rights, democratizing the country, reestablishing peace, achieving national reconciliation, and reunifying Salvadoran society. The latter two goals are complex and depend not only on the mechanism of a cease-fire but also on a process that unavoidably entails stages. Once again we are faced with inseparable objectives. There will be no reunification of the Salvadoran family outside a setting of national reconciliation, and national reconciliation will not be possible unless the people of El Salvador enjoy fraternal unity.

The point is to move from confrontation to a serene contemplation of all that has happened so that it can be banished from a future marked by a new relationship of solidarity, coexistence, and tolerance. Indispensable to achieving this is collective introspection about the events of recent years and an equally universal determination to eradicate this experience once and for all.

One unavoidable and bitter step is to note and acknowledge what happened, which must never again be repeated. The Commission was given the difficult assignment of clearing up certain significant incidents, and it hopes that it has carried out this assignment through this report. Truth does not suffice, however, to achieve the goal of national reconciliation and the reunification of the Salvadoran family. Forgiveness is indispensable. Not a formal pardon limited to forgoing sanctions or penalties, but forgiveness based on a universal determination to rectify past experiences and on the certainty that such a rectification will not be complete unless emphasis is placed more on the future than on a past that, regardless of the abominable acts it saw, cannot be undone.

Still, in order to achieve the goal of forgiveness, we must stop to consider certain consequences arising from a knowledge of the truth about the serious

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RELEASED
El Salvador Human Rights
Special Project (1995)

incidents that this report describes. One of them, perhaps the most difficult to address under circumstances in the country today, is to satisfy the requirements of justice. These requirements point in two directions. One is to punish the guilty parties. The other is to properly redress the victims and their relatives.

In the introduction to this section of the report the Commission has already referred to the insurmountable difficulties that it encountered in this regard; they stem from the glaring inadequacy of the judicial system, and a direct solution to them is beyond its powers.

Regarding this issue, the Commission can only add to what it has said that since normal, equitable trials for all of the accused could not be guaranteed, it is unfair to hold some of them in prison while others--coperpetrators and masterminds--remain at liberty. The Commission is not qualified to undo this situation, which can be resolved only through a pardon now that justice has been administered.

In spite of these circumstances, the Commission firmly hopes that a knowledge of the truth and the immediate application of the recommendations set forth above and stemming directly from the investigation will be a sufficient starting point towards national reconciliation and the longed for reunification of the Salvadoran family.

However, justice does not end with penalties; it also demands redress. The victims and, in most cases, their relatives are entitled to compensation for material losses and pain and suffering. This applies to the FMLN in the cases that are attributable to it. By the same token, it applies to the State in all instances in which the actions or omissions of government, or the means that it furnished, were among the causes of the violence that has been described or helped the guilty parties to go unpunished. The country's financial limitations and its needs in terms of national reconstruction cannot be ignored, however. Therefore, consideration should be given to complementary mechanisms such as those recommended below:

A. Material Damages

1. The recommendation is to establish a special fund as an autonomous entity with proper legal and administrative powers to pay appropriate material compensation to the victims of violence as soon as possible. The fund should take into account the particulars of the victims reported to the Truth Commission, which can be found in the annexes to this report.

2. The fund will receive an appropriate contribution from the State. Given the prevailing economic conditions, however, it should also receive substantial contributions from the international community. Therefore, without mitigating the obligations of the State and the FMLN, the Commission urgently appeals to the international community, especially to the wealthiest countries and to those that expressed the most interest in the conflict and its resolution, to establish a fund for this purpose. It also suggests that the UN Secretariat General promote and coordinate this initiative. It also recommends that no less than one percent of all international aid arriving in El Salvador be reserved for this purpose.

3. The fund could be managed by a three-person board, one person appointed by the Government of El Salvador, another by the UN secretary general, and the third by agreement of the first two.

4. The fund should have complete freedom to determine its principles of operation, as well as to proceed in accordance with the recommendations of the

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El Salvador: Human Rights
Special Project (1995)

Commission, Salvadoran law, international law, and the general principles of law.

B. Pain and Suffering

The Commission recommends:

1. The building of a national monument in San Salvador with the names of all identified victims of the conflict.
2. Acknowledgment of the worthiness of the victims and of the serious crimes committed against them.
3. The establishment of a national holiday to commemorate the victims of the conflict and to reaffirm national reconciliation.

C. Forum of Truth and Reconciliation

The Commission feels that it would be useful if this report, its conclusions and recommendations, and progress towards the goal of national reconciliation were subjected to analysis not only by the Salvadoran people as a whole but also by a special body that would bring together the most representative segments of society, who would also monitor compliance with the recommendations so that they are strictly observed.

The Commission does not wish to indicate what a forum such as the one it is suggesting ought to look like. Nevertheless, the National Commission for the Consolidation of Peace (COPAZ) was created under the accords as a "mechanism by which civil society can monitor and take part in the process of changes arising from the negotiations." It seems proper, then, for the task that the Commission has mentioned to be assigned first to COPAZ. Nonetheless, given the magnitude and momentousness of the issues addressed in this report, the Commission takes the liberty of suggesting to COPAZ that for this purpose it seek to expand the scope of its makeup so that segments of civil society that are not directly represented on it can take part in the analysis.

Furthermore, COPAZ is also the body to which the accords assign the mission of preparing the first drafts of legislation concerning the peace process. In this field it has an important task to perform in carrying out the recommendations contained in this report that entail legal reforms.

D. International Follow-up

The work and mandate of the Commission have been part of an extraordinary process that is a landmark in the history of United Nations operations to maintain international peace and security. The tragedy that El Salvador experienced focused the attention of the world community on the country. Thus, the peace process that is now under way has also raised expectations throughout the world. The United Nations also has the mission of verifying all of the accords, including verification of compliance with the recommendations of the Truth Commission, which the parties pledged to respect.

The Commission asks the Independent Expert for El Salvador on the UN Human Rights Commission to assess compliance with the recommendations of the Truth Commission in the report that he must submit to the UN Commission pursuant to his mandate and to the degree that it authorizes him to do so.

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RELEASED
El Salvador: Human Rights
Special Project (1995)

VI. Epilogue: The Seekers of Peace

Expressed in the words of the Mayan song: Yes, all of this occurred among our people. Each of us had converted our personal truth into the general truth. In keeping with the prevailing Manichaeism, the banner of each party or group was raised to the status of sole banner. And each loyalty, whether to an individual or to a party, was deemed the sole loyalty. During that time, all Salvadorans, in one way or another, were so unfair with the other Salvadorans that the heroism of the ones was immediately transmuted into a curse upon the others. And we lived under the constraint of the conflict between East and West, shipwrecks floating aimlessly in a turbulent sea of crepuscular "ideologism" and planetary contradictions. The victims were citizens of many countries, but mainly they were Salvadorans. In one way or another, the responsibility is traceable to complex events in the history of El Salvador and to a peculiar set of circumstances in world history, so that it would be unjust to attribute it to this or that person in particular, or to this or that organization or party in the main.

With the return of sound judgment, every citizen again listened to the voice of historic loyalty to country. The Salvadoran nation looked itself squarely in the eye. It then discovered the high ground of its destiny that is written in the stars, as stated in the preamble of its Constitution. Many shining figures in time of war have shone as brightly in time of peace. Yesterday's refutations and rigid mind-sets stand in contrast with today's convergences and meetings of minds. The erstwhile combatants of all factions have embraced in sign of reunion. There is neither victory of the one nor surrender of the other, since all gain in the course of the Accords. As in classical painting, the torments of the struggle are being surmounted by the higher-mindedness that makes law the concerted constraint on the unleashing of freedoms and enshrining of madness.

The report of the Truth Commission embodies the events of the reiterated violence of those 12 years of war, in order that never again.

In accordance with the terms of reference of the Peace Accords, the Commission presents this substantiation of that painful recent history as an object lesson exemplifying the need for reconciliation. This is the spirit underlying the recommendations made in this report, delivered on 15 March 1993 to President of El Salvador Alfredo Cristiani; to former commanders of the Farabundo Marti National Liberation Front (FMLN) Shafick Handal, Salvador Samayoa, and Ana Guadalupe Martinez; and to the Secretary General of the United Nations Butrus Butrus-Ghali.

The collective ethic that pervades the Accords also underlies this report, as the Truth Commission's contribution to the rebuilding of El Salvador's institutional structures. But it is the Salvadoran people themselves who must hand down the fundamental decisions on which the fulfillment of the peace will ultimately depend. The Salvadoran society holds the power of decision over past responsibilities and new discontinuances of suit. The authority to pardon is in its hands. Also in the hands of that society, toughened by the painful apprenticeship to which it has been subjected by the war, is the power to pass judgment on new bids for investiture.

As sole recompense for the conscientious fulfillment of the commitment undertaken, the Members of the Truth Commission desire that this report contribute to the providing of answers to the anxious seekers of peace, the protagonists of the new history of El Salvador.

VII. Terms of Reference of the Commission

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El Salvador: Human Rights
Special Project (1990)

This section reproduces the texts relative to the Truth Commission as contained in and annexed to the Peace Accords Between the Government of El Salvador and the Farabundo Marti National Liberation Front.

Mexico Accords, 27 April 1991

[...]

IV. Truth Commission

It has been agreed to create the Truth Commission, which shall consist of three persons to be designated by the Secretary General of the United Nations in consultation with the Parties. The Commission shall elect its president. The Commission shall preside over the investigation of serious acts of violence committed since 1980, whose impact on society imparts major urgency to the bringing of the truth to public knowledge. The Commission shall bear in mind:

a. The singular significance attributable to the acts to be investigated, their characteristics, and consequences, as well as the social disturbance they occasioned, and

b. The need to create confidence in the positive changes stemming from the peace process, and to add thrust to the movement toward national reconciliation.

The characteristics, functions, powers, and other questions relating to the Commission of Truth are addressed in the corresponding document annexed hereto.

[ ]

Document Annexed to Mexico Agreements, 27 April 1991

[ ]

Truth Commission

The Government of El Salvador and the Farabundo Marti National Liberation Front (hereinafter, "the Parties"),

Reiterating their intent to contribute to the reconciliation of the Salvadoran society;

Recognizing the need to clarify expeditiously those acts of violence of singular significance, whose characteristics and consequences, as well as the social disturbance they occasioned, impart major urgency to obtaining complete knowledge of the truth, and to strengthening the will and means to establish it;

Considering that, although the need to surmount impunity was addressed during the discussion of the topic "Armed Forces" on the agenda for negotiations approved in Caracas on 21 May 1990, the means of investigation that the Parties themselves have been willing to provide encompass situations whose complexity posits a need for separate treatment;

Concurring in the advisability of fulfilling this mission by way of a proceeding that is both trustworthy and expeditious, that can produce results within a short time, without prejudice to the obligations devolving upon the Salvadoran courts to resolve such cases and apply the corresponding penalties to those found liable;

Have arrived at the following political agreement:

1. The Truth Commission (hereinafter, "the Commission") is created. The Commission shall consist of three persons to be designated by the Secretary

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Special Project (1993)

General of the United Nations, in consultation with the Parties. The Commission shall elect its president.

Functions

2. The Commission shall preside over the investigation of serious acts of violence committed since 1980, whose impact on society imparts major urgency to the bringing of the truth to public knowledge. The Commission shall bear in mind:

a. The singular significance attributable to the acts to be investigated, their characteristics, and consequences, as well as the social disturbance they occasioned, and

b. The need to create confidence in the positive changes stemming from the peace process, and to add thrust to the movement toward national reconciliation.

3. The mission of the Commission shall include the recommending of the legal, political, and administrative measures deducible from the results of the investigation. The said recommendations may include measures designed to prevent a repetition of such acts, as well as initiatives aimed at national reconciliation.

4. The Commission shall strive to reach its decisions through unanimity. However, should this not be possible, a vote by the majority of its members shall suffice.

5. The proceedings of the Commission are not jurisdictional.

6. Should the Commission determine that a case brought under its consideration does not possess the characteristics stipulated in paragraph 2 of this Accord, it may forward such case to the Attorney General of the Republic, if the Commission deems such action warranted, for processing via the judicial system.

Powers

7. The Commission is fully empowered to organize its work and its mode of operation. Its proceedings shall be conducted in a confidential manner.

8. For the purposes of the investigation, the Commission is empowered to:

a. Gather, by the means it deems appropriate, all information it considers pertinent. The Commission shall have full freedom to utilize the sources of information it may deem useful and dependable. It shall receive such information within the time and in the form it shall determine.

b. Interview, freely and privately, any persons, groups, and members of institutional entities.

c. Visit freely any establishment or place without prior notice.

d. Conduct any other proceeding or enquiry it may deem pertinent to the fulfillment of its mission, including the placing of requests on the Parties for reports, records, documents, or of any other information from authorities and services of the state.

Commitments Undertaken by the Parties

9. The Parties undertake to provide to the Commission all cooperation that the Commission may request of them concerning access to sources of information within their reach.

10. The Parties undertake to carry out the recommendations of the Commission.

Report

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El Salvador: Human Rights
Special Project (1993)

11. The Commission shall submit a final report, with its conclusions and recommendations, within six months following the installation of the Commission.

12. The Commission shall forward its report to the Parties and to the Secretary General of the United Nations, who will publish it and implement the decisions and initiatives he may deem pertinent.

13. Submission of the report shall mark the termination of the Commission's mandate, at which point the Commission is dissolved.

14. The provisions of this Accord do not preclude the regular investigation of any situation or case, whether or not it has been investigated by the Commission, nor do they preclude the enforcement of the legal provisions pertinent to any act contrary to the law.

[ ]

El Salvador Peace Accord, Signed in Chapultepec on 16 January 1992

[ ]

5. Surmounting Impunity

The need is recognized to clarify and surmount all claims to immunity by officials of the Armed Forces, especially in cases involving the violation of human rights. To this end, the Parties commit this point to deliberation and resolution by the Truth Commission. All without prejudice to the principle that the Parties also recognize that acts of this nature, regardless of the sector to which their authors pertain, must be the object of exemplary proceedings by the courts of justice, aimed at applying to those found guilty of them the penalties provided by the law.

[ ]

VIII. Persons Who Worked on the Truth Commission

I. Members of the Commission: Belisario Betancur, President; Reinaldo Figueredo Planchart; Thomas Buergenthal

II. Advisers to Members of the Commission: Douglass Cassel; Guillermo Fernandez de Soto; Luis Herrera Marcano; Robert E. Norris

III. Executive Office: Patricia Tappata de Valdez

IV. Consultants and Researchers: Carlos Chipoco; Mabel Colalongo; Jayni Edelstein; Stener Ekern; Guillermo Fernandez-Maldonado; Alfredo Forti; Lauren Gilbert; Juan Gabriel Gomez; Javier Hernandez; Sergio Hevia; Elena Jenny-Williams; Felipe Michelini; Theodore Piccone; Clifford C. Rohde; Carlos Somigliana; Ana Maria Tello; Lucia Vasquez.

V. Personal Assistants to Members of the Commission: Lourdes Zambrano; Alba Reyes; Abigail Mellin

VI. Experts and Qualified Specialists: Clyde Snow, forensic anthropologist; Robert H, Kirschner, forensic pathologist; John Fitzpatrick, radiologist and traumatologist; Douglas D. Scott, archeologist and ballistics specialist.

Argentine Forensic Anthropology Team: Patricia Bernardi, forensic anthropologist; Mercedes C. Doren, forensic anthropologist; Luis B. Fondebrider, forensic anthropologist; Claudia Bernardi, Ph.D.

Alberto Binder, lawyer; Alejandro Garro, lawyer; Robert Goldman, lawyer; Jose Ugaz, lawyer; Marta de Carmen Bermudez, journalist; Gabriel Rodriguez, journalist.

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VII. Coding Team: Coordinator: Jose Ignacio Cano. Team: Daniel Angrisano; Gabriel Catena; Cristina Lemus; Judith Kallick; Nila Perez; Margreet Smit; Miguel Angel Ventura; Ken Ward

VIII. Administrative Personnel: Lilian Delgado; Guillermo Lizarzaburu; Sharon Singer

IX. Permanent Security Personnel: Joseph Leal (Chie); Manuel Arcos; Alfredo Figueroa; Leo Powell; Kenneth Rosario; Wilfredo Vega

X. Interns: William Cartwright, Denise Gilman; Chris Guarnota; Priscilla Hayner; Mary Beth Hastings; Jean Leong; Maggie Miqueo.

XI. Headquarters: San Salvador, EL Salvador; United Nations, New York

1. Members of the Commission

Belisario Belancur, Colombian citizen, lawyer and economist from Universidad Pontificia Bolivariana in Medellin (1955). Married to Rosa Elena Alvarez; three sons; five grandchildren; university professor; member of the Spanish Language Academy and the Colombian Academy of Jurisprudence. He has been a senator, ambassador, and minister of labor, and was president of Colombia (1982-1986). He received the degree of doctor of humanities honoris causa from Georgetown University in Washington (1984) and from Colorado University in Boulder (1988). He is a member of the Pontifical Commission for Justice and Peace (in Rome); vice president for Latin America of the Rome Club; and president of the Santillana Foundation for Latin America with headquarters in Santafe de Bogota.

Reinaldo Figueredo Planchart, member of Venezuela's National Congress. He presides over the Special Commission for Privatization and the Congressional Permanent Defense Committee's Sub-Committee for Analysis and Planning. He has held the positions of Minister of Foreign Affairs of the Republic of Venezuela (1989-1991); Minister of the Presidency (1989); Special Representative of the President of the Republic [1984-1985); Director of the United Nations Conference on Trade and Development's [UNCTAD's] Division of Manufactures, Geneva (1980-1984); President of the Foreign Trade Institute (1974-1979). He has participated in several international meetings and conferences of the United Nations, the OPEC [Organization of Petroleum Exporting Countries], financial organizations, the Andean Group, the Non-Aligned Countries Group, and the Group of Fifteen, and was Chief of Delegation on several international missions. He has been a columnist for the Caracas daily EL NACIONAL since 1970, and has published a variety of works in specialized magazines. An economist by profession, he graduated cum laude from the Free University of Brussels, Belgium.

Thomas Buergenthal, professor, Lobingier Chair of International Law and Comparative Law at George Washington University's Law School, and Director of the International Center for the State of Law [as published in Spanish]. Buergenthal has been a judge (1979-1991), vice president (1983-1985), and president (1985-1987) of the Inter-American Court of Human Rights. He is vice president of the Inter-American Development Bank's Administrative Tribunal. He was Dean of the American University Law Scool, Washington D.C. (1980-1985), and occupied the Emory University Law School's I. T. Cohen Chair of Human Rights. He was Director of the Carter Center's Program of Human Rights, Atlanta, Georgia (1985-1989). In 1980 he founded the Inter-American Institute of Human Rights, San Jose, Costa Rica, was its president until 1992, and is currently its honorary president. At the beginning of 1980 and again in 1991-1992, he presided over the Human Rights Committee of the American Bar Association's Section of the Practice of International Law. He was also vice president of the American Society of International Law. He authored more than half a dozen books and

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El Salvador Human Rights
Special Project (1993)

numerous articles on international law. He graduated from Bethany College, West Virginia, obtained his J.D. from New York University and his LL.M. and S.J.D. in international law studies from Harvard Law School. He holds a degree of doctor honoris causa from Bethany College and the University of Heidelberg in Germany.

II. Advisers to Members of the Commission

Douglas W. Cassel Jr. is the executive director of the International Human Rights Institute of De Paul University, where he is also professor of International Law of Human Rights and directs the Jeanne and Joseph Sullivan Human Rights in the Americas Program. Professor Cassel was a lawyer in the United States Navy's Office of the Judge Advocate General (1973-1976), and later a lawyer (1976-1982) and general counsultant (1982-1992) with Business and Professional People for the Public Interest, a not-for-profit law center in the city of Chicago, that litigates and investigates in the civil rights and civil liberties areas, among others, of the law. Dr. Cassel travels regularly to Central America on matters involving human rights. In 1991 he was the American Bar Association's official observer in the trial, in El Salvador, of the military personnel charged with the assassination of two Jesuit priests and two women at the Central American University in 1989. He has published articles on international law relative to human rights in technical and other magazines. He received his B.A. in Economics from Yale University and, in 1972, his J.D. from Harward Law School where he was the editor of the Harward Civil Rights-Civil Liberties Law Review.

Guillermo Fernandez de Soto, Colombian citizen, 40 years old, married, three children. Lawyer and economist (Universidad Javeriana de Bogota; Georgetown University, Washington). Colombia's Deputy Minister of Foreign Affairs. Legal adviser to the OAS Inter-American Human Rights Commission (1979-1985). Consultant to the United Nations Development Program (1987). Head of the United Nations Technical Mission for Development of the Economic Cooperation Plan for Central America (1988). Executive Director of the International Studies Center's "Inter-American Forum" (1988-1990). Dean of the Faculty of International Studies of the Universidad Jorge Tadeo Lozano in Bogota. Secretary General of the New Democratic Force in Colombia. Author of several books on international policy.

Luis Herrera Marcano, Venezuelan citizen. Studied law at the Universidad Central de Venezuela, and graduated as Doctor of Laws. He has been an ambassador, and Director of the Venezuelan Foreign Affairs Ministry's Office of International Policy and Law. He was Director of the Law School, and Dean of Faculty of Political and Juridical Sciences. He is a member of the Inter-American Juridical Committee, and has been its president.

Robert E. Norris, U. S. citizen. Professor at Stephen F. Austin State University, and Chief Attorney of East Texas Legal Services. He received his Doctorate in Ibero-American Studies from the University of New Mexico and his J.D. from the University of Texas Law School in Austin. He was the Inter-American Human Rights Commission's Principal Human Rights Specialist, and worked in the United Nations Human Rights Center on the study of the rights of indigenous populations. He is coauthor of the textbook "The Protection of Human Rights In the Americas," and of a series of volumes titled "Human Rights: The Inter-American System." He was lecturer at the International Institute of Human Rights in Strasburg (1979-1990), and at the Inter-American Human Rights Institute (1990-1992).

III. Executive Office

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El Salvador Human Rights
Special Project (1993)

Patricia Tappata de Valdez. Born in Bahia Blanca, Argentina. Researcher and consultant on matters of Human Rights in Latin America. She received her B.A. in Social Work from the Universidad Nacional de Cordoba School of Law and Social Sciences. She studied for her master's degree in Political Science at FLACSO [Latin American School of Social Sciences], Buenos Aires. Director of the Human Rights Department of Peru's Bishops Commission for Social Action [CEAS] (1977-1987). Adviser to the Peace Commission of the Presidency of Peru (1985-1986). Founder and member of the Executive Committee of the National Human Rights Coordinating Committee in Peru (1985-1987). Fellow of the "International Human Rights Program" (1988). Since 1991, she has been coordinator of the "Justice in Argentina" program of the Citizen Power Foundation in Buenos Aires.

IV. Consultants and Investigators

Carlos Chipoco, born in Lima, Peru. Law degree summa cum laude from Pontificia Universidad Catolica del Peru. Received the Master of Laws degree from Harvard Law School and a Master's in International Law from the Fletcher School of Law and Diplomacy (1990). Professor at the School of Law of Pontificia Universidad Catolica del Peru and at that of the Universidad Nacional Mayor de San Marcos. Visiting professor at the Universidad de Puerto Rico School of Law. He is an adviser to the Inter-American Commission on Human Rights before the Inter-American Court of Human Rights. He has been Director of the Legal Defense Institute of Peru (1983-1988), and a fellow of "American Watch" (1988-1989). He is the author of "En Defensa de la Vida. Ensayos sobre Derechos Humanos y Derecho Internacional Humanitario" [In Defense of Life. Essays on Human Rights and International Humanitarian Law] (CEP, Lima).

Mabel Colalongo, Argentine citizen. Public prosecutor and lawyer, graduated from the School of Law of the Universidad Nacional de Buenos Aires (1984). Adjunct professor at the Universidad Nacional de Buenos Aires School of Law and the Universidad Nacional de Lomas de Zamora. She was appointed to the Criminal and Correctional Division of the Federal Chamber's Office of the Public Prosecutor of the City of Buenos Aires (1985-1987; 1991-1992). She is a United Nations (PNUD) consultant on the commission assigned to carrying out the reform of the national system of criminal trial procedures in Argentina. Head of the Judicial Department of the Undersecretariat of Human Rights (1984-1986).

Jayni Edelstein, U. S. citizen. Received the B.A., with honors, from the University of Wisconsin (1988), and a law degree (Juris Doctor) from the New York Law School (1992). She worked three years for the Lawyers Committee for Human Rights in New York. As a student, she worked on the International Commission of Jurists (Geneva), in the Centro de Investigacion y Educacion Popular (Colombia), the Court of International Trade (New York), and the Eastern District Federal Court of New York.

Stener Ekern, Norwegian citizen. He ia a social anthropologist, University of Bergen, Norway (1986). He worked for the International FAFO as coordinator of projects. He was responsible for aid to indigenous populations of the Central American area, in the Nongovernmental Official Program Division of the Norwegian Cooperation Agency for Development (NORAD). He also worked in CARITAS-Norway as the responsible official for the Central American area.

Guillermo Arturo Fernandez-Maldonado Castro. Born in Lima, Peru. He has a law degree from the Pontificia Universidad Catolica del Peru, and the degree of Doctor of Laws cum laude from the Universidad de Alcala de Henares, Spain. He holds the degree of Master in Public Administration from the Instituto Nacional de Administracion Publica de Espana, where he was visiting professor in 1987. He received a diploma in the non-resident course on Human Rights and Humanitarian

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Special Project (1990)

Law from the Academy of International Law in The Hague. He graduated in International Relations from the Sociedad de Estudios Internacionales in Madrid. He has been a professor at the Pontificio Universidad Catolica del Peru's School of Law since 1987, and at the Graduate School of Constitutional Law and Graduate School of International Law of that University. He was general counsel of the Senate of Peru between 1982 and 1992, principal counselor of the Senate Special Committee on the Causes of Violence and Pacification Alternatives in Peru since 1988, and principal counselor of the Presidency of the UN Commission on Human Rights in 1991.

Alfredo Waldo Forti, Argentine citizen. Degree in International Relations (cum laude) from American University, Washington D.C. He is a Senior Fellow of the Center for International Policy in Washington D.C. He was Chairman of the Committee on United States-Latin America Relations, The International Center, Washington D.C. (1986-1992). Consultant for Argentine Government agencies (1989-1991), and on electoral issues for AID-Georgetown University. Worked as coordinator of the Latin American Secretariat of Human Rights, Caracas, Venezuela (1978-1980).

Lauren Gilbert, U. S. citizen. Received a degree in Political Science (magna cum laude) from Harvard University, 1983. In 1988, she received her law degree (Juris Doctor, cum laude) from the University of Michigan. She worked as an associate in the law office of Arnold & Porter, Washington D.C. (1988-1991). In 1990, she received a Pro Bono Service Award from the International Human Rights Juridical Group for her work on the electoral process in Chile. She assisted the Venezuelan Government in its entry into the GATT (General Agreement on Customs Tariffs and Trade) and on an anti-dumping law. In 1991, she received a Fulbright scholarship to study the "Initiative of the Americas" in Costa Rica, and taught a course in Foreign Trade at the School of International Relations of the Universidad Nacional, in Heredia. In 1992, she worked with the subdirectorate of the Inter-American Institute of Human Rights on the peace process in El Salvador.

Juan Gabriel Gomez Albarello, born in Ibague, Colombia, in 1968. Completed his law studies at the Universidad Externado de Colombia in 1989. He was adviser to the Francisco Rojas Birry indigenous delegatory authority in the National Constituent Assembly, and investigator for the "Commission on the Surmounting of Violence." He won second prize in the Latin American essay contest on a critique of jurisprudence and alternative uses of law, organized by the Latin American Institute of Alternative Legal Services (ILSA) in 1989, and, in 1992, first prize in the essay contest on the new Colombian Constitution, organized by the Department of Public Law at the Universidad Externado de Colombia.

Javier Hernandez Valencia, born in Lima, Peru. Law degree from Pontificia Universidad Catolica del Peru. Was adviser in the Senate of Peru (1985-1990) and member of the Legislative Research Center of that Chamber (1992). He was a member of the Congressional Investigative Committee on the 1986 Lima prisoner massacres (1987); an adviser to the Ministry of Education (1990); and to the National Planning Institute for the Government Palace "Decision-Making System"--the SITOD Project (1991). As a researcher for the Instituto Politica Popular IDS in Lima since 1988, he has developed institutional reform plans for pacification in Peru, and has published various articles on this topic in Peru.

Sergio Hevia Larenas, born in Santiago de Chile. Degree in Juridical and Social Sciences from the Universidad de Chile Law School. He has completed specialized studies in criminology and forensic medicine. He was legal adviser and member of the staff of the Santiago de Chile Archbishop's See's Vicariate of Solidarity.

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Elena Jenny-Williams, born in Panama, of Swiss nationality. Received her Master's from Harvard University (1967), graduated as a lawyer from the University of Geneva (1984). She practices as a legal consultant in private law, international law, criminal law, and tax law. She has participated in missions in Europe and Latin America.

Felipe Raul Michelini Delle Piane, born in Montevideo, Uruguay. Doctor of Law and Social Sciences from the School of Law and Social Sciences, Universidad de la Republica, Montevideo, 1987. Master of Laws, LL.M., from Columbia Law School, New York, 1992. Was Legal Adviser to Victims in Uruguay and begore the Inter-American Commission on Human Rights. Professor of Human Rights, School of Law, Universidad de la Republica, Montevideo, 1991. Professor of Legal Architecture, School of Architecture, Universidad de la Republica, Montevideo, 1988. Member of the Labor and Social Studies and Consultation Center (CEALS), Uruguay.

Theodore J. Piccone, U. S. citizen. B.A. in History (magna cum laude), University of Pennsylvania, 1984. Received his law degree from Columbia Law School, New York, in 1990. Was editor-in-chief of the Columbia Human Rights Law Review. Was International Fellow and Harlan Fiske Stone Scholar, and Director of the Youth Polich Institute; assistant in the U. S. Congress; and rapporteur of the Council on Foreign Relations. Law clerk under Federal Judge Stanley S. Brotman (New Jersey and Virgin Islands District Court). Associate lawyer with the law offices of Patton, Boggs & Blow, Cahill, Gordon, & Reindel, and Dewey Ballantine (Washington D. C.). He is presently an associate with the law offices of Schnader, Harrison, Segal & Lewis in Philadelphia, Pennsylvania.

Clifford C. Rohde, U. S. citizen. Graduated with special honors from Cornell University, Ithaca, New York, with specialization in Latin American History. He completed a year of studies at the George Washington University National Law Center, Washington, D.C. Since 1988 he has been working in Americas Watch, where he has been doing research on Mexico, Guatemala, and Colombia.

Carlos Somigliana, Argentine citizen. He is a Legal Expert in Anthropology and member of the Argentine Forensic Anthropology Team since 1987. As such he has provided expertise service in Guatemala. He is co-author of several articles on forensic anthropology. He worked in the Argentine Republic's Fiscalia de la Camara Federal en lo Penal between 1985 and 1987. He studied Law and Anthropology at Buenos Aires University.

Ana Maria Tello, born in Montevideo, Uruguay. Researcher and Professor of History and Political Sciences. Documentarist on Human Rights. Collaborator at the Latin American Study Center of the Universidad de la Republica, CEL, Montevideo, 1986. Graduated from the Instituto de Profesores Artigas, Montevideo, 1986. Teaching Career Adviser at the Higher Technical Training Institutes of Uruguay's Universidad del Trabajo, Montevideo, 1981.

Lucia Carmen Vasquez Rodriguez, born in Lima, Peru. Received the B.A. in Social Works from Peru's Pontificia Universidad Catolica. Since 1983, she has worked in the Bishops Commission for Social Action [CEAS] in Peru, where she directed the Human Rights Department (1987-1989) and the Department of Solidarity and Development (1990-1991). Member of the National Coordinating Committee on Human Rights' Executive Committee (1987-1989). Consultant for the Lima Archdiocese's Prison Visiting and Counseling Programs.

V. Personal Assistants to Members of the Commission

Lourdes Margarita Cobo de Zambrano, born in Caracas, Venezuela. Graduated in Political Sciences from Universidad Central de Venezuela in 1979. Did postgraduate studies at the Universidad Simon Bolivar, obtaining the Master of Political Sciences degree in 1981. She worked in the Venezuelan Ministry of

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Project (1993)

Foreign Affairs. She is on the board of directors and a researcher for the Venezuelan Institute of International Relations (IVRI). She participated as adviser in the Tinker Foundation Program and in the Presidential Commission for State Reform (COPRE). She coordinated the production of, and published works in ANALISIS, a specialized magazine of the Academia Diplomatica "Pedro Guai". She is the author of "La Politica de Fronteras hacia Colombia: Toma de Decisiones. Disgregacion y Consenso" [Border Policy Toward Colombia: Decision-Making. Disintegration and Consensus]; "El Estudio de las relaciones internacionales en Venezuela" [Study of Foreign Relations in Venezuela]"; and "Prioridades de la Politica Exterior de Venezuela para el ano 2000" [Venezuelan Foreign Policy Priorities for the Year 2000].

Alba Reyes, Colombian citizen, 35 years old, economist, married, two children. Law Assistant to the President of Colombia (1982-1986). Assistant to former President Betancur in his private office (1986-1993).

Abigail Mellin, U. S. citizen. Graduated and received her B.A. magna cum laude from Southwestern University. She will obtain her J.D. in May 1993 from the George Washington University National Law Center. She also studied at the London University, Goldsmith's College, Institute of Comparative Politics and Economic Systems. She held the position of Law Assistant to Senator Tejeda of the Texas State Legislative Assembly, and was Program Coordinator for The Fund for American Studies in Washington, D.C.. She also worked with the House and Means Committee and the Congressional Sunbelt Caucus.

Addendum of Names to the Report of the Truth Commission of Truth for El Salvador

From Insanity to Hope; The 12-Year War in El Salvador

UNITED NATIONS

15 March 1993

A. On page 188 of the mentioned report, under separate paragraph I.A., "Separation Within the Armed Forces," reference is made to officers of the Salvadoran Armed Forces, on active duty and not on active duty, who are personally involved in the perpetration or coverup; or who failed to comply with their functional obligations to initiate or cooperate in the investigation and punishment of the serious acts of violence; and whose names are mentioned in the conclusions drawn in the cases investigated by the Truth Commission and published in the said report.

Those officers are the following: General Juan Rafael Bustillo, General Rafael Flores Lima, General Jose Guillermo Garcia, General Rene Emilio Ponce, General Gilberto Rubio Rubio, General Carlos Eugenio Vides Casanova, General Juan Orlando Zepeda,

Colonel Napoleon Alvarado, Colonel Guillermo Alfredo Benavides Moreno, Colonel Natividad de Jesus Caceres Cabrera, Colonel Alejandro Cisneros, Colonel Jose Emilio Chavez Caceres, Colonel Francisco Elena Fuentes, Colonel Jaime Florez Grijalva, Colonel Elmer Gonzalez Araujo, Colonel Oscar Alberto Leon Linares, Colonel Nelson Ivan Lopez y Lopez, Colonel Carlos Napoleon Medina Garay, Colonel Juan Ernesto Mendez Rodriguez, Colonel Inocente Orlando Montano, Colonel Roberto Monterrosa, Colonel Ricardo Augusto Pena Arbaiza, Colonel Mario A. Reyes Mena, Colonel Manuel Antonio Rivas Mejia, Colonel Luis Mariano Turcios, Colonel Lizandro Zepeda Velasco,

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Lieutenant Colonel Jose Antonio Almendariz Rivas, Lieutenant Colonel Carlos Azcunaga Sanchez, Lieutenant Colonel Oscar Edgardo Casanova Vejar, Lieutenant Colonel Mario Denis Moran Echevarria, Lieutenant Colonel Jose Antonio Rodriguez Molina, Lieutenant Colonel Walter Oswaldo Salazar,

Major Mauricio de Jesus Beltran Granados, Major Carlos Camilo Hernandez Barahona, Captain Eduardo Avila, Captain Roberto Salvador Hernandez Garcia, Captain Alvaro Saravia, Captain Carlos Sasso Landaberry,

Lieutenant Jose Ricardo Espinoza Guerra, Lieutenant Gonzalo Guevara Cerritos, Lieutenant Rodolfo Isidro Lopez Sibrian, Lieutenant Yusshy Rene Mendoza Vallecillos, Lieutenant Arnoldo Antonio Vasquez Alvarenga.

B. On page 188 of the mentioned report, under separate paragraph I.B., reference is made to the civilian officials of the government and in the judiciary who covered up or failed to fulfill their respective responsibilities in the investigation of serious acts of violence, and whose names are mentioned in the conclusions drawn in the cases investigated by the Truth Commission published in said report.

Those officials are the following: Lawyer Oscar Armando Aviles Magana, Forensic Doctor Neftali Figueroa Juarez, Doctor Mauricio Gutierrez Castro, Judge Hector Enrique Jimenez Saldivar, Mayor Jose Dolores Melendez, Lawyer Rodolfo Antonio Parker Soto.

C. On page 188 of the mentioned report, under separate paragraph I.C., mention is made of the members of the FMLN [Farabundo Marti National Liberation Front] implicated in the perpetration of the acts of violence, whose names are mentioned in the conclusions drawn in cases investigated by the Commission of Truth published in the said report.

Those members of the FMLN are the following: Pedro Antonio Andrade Martinez, Cesar Ernesto Erazo Cruz, Fernan Fernandez Arevalo, Severiano Fuentes Fuentes, Marisol Galindo, Mercedes del Carmen Letona, Ana Guadalupe Martinez, Ana Sonia Medina, Jorge Melendez, Joaquin Villalobos.

Also mentioned under the same separate paragraph, are the other civilians implicated in the perpetration of the acts of violence, whose names are mentioned in the conclusions drawn in the cases investigated by the Commission published in said report.

Those civilians are the following: Hans Christ, Amado Antonio Garay, Miguel Lemus, Mario Molina, Fernando Sagrera.

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PAGE 01 MEXICO 19415 01 OF 05 222009Z
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UNCLAS SECTION 01 OF 05 MEXICO 19415

PASS TO DEPARTMENT OF ENERGY, OFFICE OF INTERNATIONAL
ENERGY ANALYSIS
DEPARTMENT FOR EB/ERP/EPC

E.O. 12356: N/A
TAGS: ENRG, MX
SUBJECT: FIFTIETH ANNIVERSARY OF THE COMISION FEDERAL
- DE ELECTRICIDAD (CFE) REPORT ON 1986 AND FIRST
- SEMESTER 1987 OPERATIONS WITHIN HISTORICAL
- CONTEXT

1. SUMMARY: THE CFE CELEBRATES ITS FIFTIETH BIRTHDAY THIS YEAR. AS PART OF THE CELEBRATION THE CFE HAS BEEN UNCLASSIFIED

UNCLASSIFIED

PAGE 02 - MEXICO 19415 01 OF 05 222009Z

DISCUSSING WHERE IT HAS BEEN AND WHERE IT IS GOING IN THE NEXT 25 YEARS. THE GENERAL TREND IN RECENT YEARS HAS BEEN ONE OF INCREASING NUMBERS OF CONSUMERS AND A

DECREASING LEVEL OF CONSUMPTION PER USER. SINCE 1974, THE AGGREGATE LEVEL OF SALES AS MEASURED IN KILOWATT HOURS (KWH) HAS INCREASED AT AN IMPRESSIVE ANNUAL RATE OF 7.3 PERCENT. AT THE SAME TIME, CONSUMPTION PER USER FOR THE MARKET AS A WHOLE HAS DECLINED AT AN AVERAGE ANNUAL RATE OF 0.7 PERCENT. FOR THE FIRST HALF OF 1987, ELECTRICITY SALES INCREASED BY 3.5 PERCENT IN RELATION TO THE FIRST HALF OF 1986. THE CFE HAS PREDICTED THAT TO MEET DEMAND INTO THE FUTURE IT MUST DOUBLE ITS GENERATING CAPACITY BY THE YEAR 2000 AND MORE THAN TRIPLE IT BY THE YEAR 2010. THEIR ESTIMATES APPEAR TO BE MODIFIED LINEAR EXTRAPOLATIONS BASED ON AN AVERAGE ANNUAL RATE OF GROWTH OF ABOUT 5.5 PERCENT. WHILE THIS NUMBER CERTAINLY APPEARS REASONABLE GIVEN THE TREND OF THE LAST TWELVE YEARS, THE RATE MAY BE TOO HIGH GIVEN THAT THE VAST MAJORITY OF THE POPULATION NOW ENJOYS ACCESS TO ELECTRICITY (THUS INDICATING THAT THE RATE OF GROWTH IN THE NUMBER OF CONSUMERS WILL PROBABLY DECLINE) AND THAT THE DEMAND PER CONSUMER HAS BEEN DECLINING STEADILY OVER THE LAST TWELVE YEARS. END SUMMARY.

2. MEASUREMENTS METHODOLOGY: IN THE FOLLOWING ANALYSIS, THE DISCUSSION CENTERS ON CAPACITY AND VOLUME OF PRODUCTION IN THE CONTEXT OF ELECTRICITY PROVISION. IT IS IMPORTANT TO NOTE THE DIFFERENCE BETWEEN CAPACITY AND VOLUME. CAPACITY REFERS TO THE MAXIMUM OBTAINABLE PRODUCTION LEVEL OF AN ELECTRIC GENERATOR AT ANY OR ALL MOMENTS IN TIME AND IS MEASURED HERE IN MEGAWATTS (MW). VOLUME REFERS TO THE AMOUNT OF ELECTRICITY ACTUALLY PRODUCED OR CONSUMED DURING A SPECIFIED PERIOD IN TIME, UNCLASSIFIED

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PAGE 03 MEXICO 19415 01 OF 05 222009Z

AND IS MEASURED HERE IN KILOWATT HOURS (KWH). ONE THOUSAND WATTS EQUALS ONE KILOWATT, AND ONE THOUSAND KILOWATTS EQUAL ONE MEGAWATT.

3. HISTORY: THE CFE CELEBRATES ITS FIFTIETH ANNIVERSARY THIS YEAR AS THE STATE AGENCY CHARGED WITH THE DEVELOPMENT AND IMPLEMENTATION OF NATIONAL ELECTRICITY POLICIES. THE CFE WAS CREATED IN 1937 BY PRESIDENT LAZARO CARDENAS, AND WAS GRANTED REGULATORY POWER OVER THE ELECTRICITY INDUSTRY BY DECREE IN 1938. THE 1938 DECREE GAVE THE CFE THE POWER TO REGULATE PRICES AND DISTRIBUTION STATING THAT THE ELECTRICITY INDUSTRY PROVIDES A BASIC PUBLIC NEED. IN 1960,

PRESIDENT LOPEZ MATEOS EFFECTIVELY BROUGHT THE ELECTRICITY INDUSTRY UNDER STATE CONTROL, THUS INCREASING THE ROLE OF THE CFE FROM A REGULATORY BODY TO A PRODUCTION AND DISTRIBUTION ORGAN. OVER THE LAST FIFTY YEARS, THE CFE HAS OVERSEEN THE VAST EXPANSION OF ELECTRICAL PRODUCTION CAPACITY IN MEXICO AS WELL AS GREATLY INCREASED DISTRIBUTION. MEXICO IS NOW THE 19TH LARGEST POWER GENERATOR IN THE WORLD. TODAY, 68 MILLION MEXICANS (86 PERCENT OF THE POPULATION) HAVE ACCESS TO ELECTRICITY. THIS IS DUE, IN PART, TO A FAIRLY AGGRESSIVE RURAL ELECTRIFICATION PROGRAM WHICH HAS BEEN PURSUED OVER THE LAST THIRTY-FIVE YEARS. SINCE ITS BEGINNING IN 1952, THE RURAL ELECTRIFICATION CAMPAIGN HAS BROUGHT ELECTRICITY TO 23.7 MILLION CAMPESINOS.

4. STRUCTURE: THE ELECTRICITY INDUSTRY IN MEXICO IS DOMINATED BY HYDROCARBON GENERATING FACILITIES AND HAD A CAPACITY OF 21,266 MEGAWATTS (MW) OF POWER AT THE END OF 1986. TABLE A SUMMARIZES THE SOURCES OF ELECTRICAL POWER GENERATION BY SOURCE AND CAPACITY. SINCE 1976 GENERATING CAPACITY HAS INCREASED 86 PERCENT. IN RECENT

UNCLASSIFIED

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PAGE 04 MEXICO 19415 01 OF 05 222009Z

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PAGE 01 MEXICO 19415 02 OF 05 222009Z
ACTION EB-00

INFO	LOG-00	COPY-01	ADS-00	AID-00	INR-10	SS-00	CIAE-00
	DINT-05	DODE-00	H-01	NSCE-00	ARA-00	NSAE-00	COME-00
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UNCLAS SECTION 02 OF 05 MEXICO 19415

PASS TO DEPARTMENT OF ENERGY, OFFICE OF INTERNATIONAL ENERGY ANALYSIS
DEPARTMENT FOR EB/ERP/EPC

E.O. 12356: N/A
TAGS: ENRG, MX
SUBJECT: FIFTIETH ANNIVERSARY OF THE COMISION FEDERAL

TABLE A: CAPACITY BY SOURCE OF ELECTRICAL GENERATION

SOURCE	PROPORTION	QUANTITY	UNITS
HYDROCARBONS	62.5	13,299	MW

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PAGE 02 MEXICO 19415 02 OF 05 222009Z

HYDROELECTRICTY	30.7	6,532	MW
COAL	4.2	900	MW
GEOTHERMAL	2.5	535	MW
TOTAL	100.0	21,266	MW

YEARS THE GOVERNMENT HAS PURSUED A POLICY OF DIVERSIFICATION IN THE SOURCES OF ELECTRICITY GENERATION. THIS HAS LED TO THE DEVELOPMENT OF NUMEROUS HYDRO, COAL, AND GEOTHERMAL PLANTS. IN EARLY 1988, THE MEXICAN GOVERNMENT WILL INAUGURATE THE OPERATION OF THE FIRST NUCLEAR POWERED GENERATING FACILITY WITH A PRODUCTION CAPACITY OF 658 MW. AT PRESENT, ALTERNATIVE POWER SOURCES ACCOUNT FOR 37.5 PERCENT OF THE ELECTRICITY GENERATED IN THE COUNTRY. BEFORE THE END OF THE CENTURY, THE CFE HOPES TO REDUCE THE DEPENDENCE ON HYDROCARBONS SOURCING TO LESS THAN HALF OF THE POWER GENERATED.

5. THE CFE CURRENTLY OPERATES 185 PLANTS THROUGHOUT MEXICO AND MEETS ALL OF THE NATION'S ELECTRICITY NEEDS. ADDITIONALLY, IT EXPORTS ELECTRIC POWER TO THE SOUTHWESTERN UNITED STATES. RECENTLY, THERE HAVE BEEN NUMEROUS ESTIMATES FLOATING AROUND AS TO WHAT WILL BE THE CAPACITY GENERATING NEEDS OF MEXICO INTO THE FUTURE. ESTIMATES HAVE GONE AS HIGH AS FOUR TIMES THE

PRESENT CAPACITY, OR SOME 80,000 MW, BY THE YEAR 2000. ESTIMATES OF THIS MAGNITUDE APPEAR TO BE EXAGGERATED GIVEN THE RECENT TRENDS IN ELECTRICITY CONSUMPTION. IN AN "UNOMASUNO" SUPPLEMENT ON THE CFE'S FIFTIETH ANNIVERSARY (PAID FOR BY CFE), THE ESTIMATED YEAR 2000 REQUIRED PRODUCTION CAPACITY IS 46,000 MW, WHICH IS TWICE THE CURRENT LEVEL.

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PAGE 03 MEXICO 19415 02 OF 05 222009Z

6. DURING 1986, THE CFE COVERED ONLY 53 PERCENT OF ITS COSTS OF PRODUCING AND DISTRIBUTING ELECTRICITY. THE REMAINING 47 PERCENT OF THE COSTS WERE COVERED BY TRANSFERS FROM THE FEDERAL GOVERNMENT. WHILE THE PRICE OF ELECTRICITY HAS BEEN INCREASING DURING THE CURRENT SEXENIO, IT HAS NOT BEEN INCREASING AT AN ADEQUATE RATE TO COVER THE RISE IN PRODUCTION COSTS. THE ELECTRICITY DISTRIBUTED IN MEXICO IS HIGHLY SUBSIDIZED.

7. 1986 CFE OPERATING PERFORMANCE REGISTERED A 4.7 PERCENT INCREASE IN GROSS GENERATION OVER 1985 AND AMOUNTED TO 89,383,000,000 KWH. SALES INCREASED BY 5.2 PERCENT OVER 1985 AMOUNTING TO 74,289,000,000 KWH. THE DIFFERENCE BETWEEN GROSS GENERATION AND SALES, APPROXIMATELY 17 PERCENT OF GROSS GENERATION, REPRESENTS TRANSMISSION AND DISTRIBUTION LOSSES, CFE ELECTRICITY CONSUMPTION FOR ITS OWN OPERATIONS, AND ILLEGAL CONSUMPTION OF ELECTRICITY.

8. THE ELECTRICITY RATE SCHEDULE IS VERY COMPLICATED AND DESIGNED TO ENHANCE SOCIAL POLICY GOALS OUTSIDE OF THE DIRECT PORTFOLIO OF THE CFE. FOR RESIDENTIAL SERVICE THERE ARE TWO RATES: 1 AND 1A. RATE 1 CUSTOMERS AVERAGED 86 KWH OF CONSUMPTION PER MONTH AND RATE 1A CUSTOMERS AVERAGED 147 KWH OF CONSUMPTION PER MONTH. RESIDENTIAL CUSTOMERS ACCOUNTED FOR 87.5 PERCE
NT OF THE
TOTAL NUMBER OF CUSTOMERS IN 1986, BUT ONLY ACCOUNTED FOR 20.3 PERCENT OF TOTAL SALES. AS IN PREVIOUS YEARS, THE AVERAGE LEVEL OF RESIDENTIAL CONSUMPTION WAS APPROXIMATELY ONE TENTH OF THE US AVERAGE.

9. COMMERCIAL CUSTOMERS, 11.2 PERCENT OF THE TOTAL, NUMBERED 1.5 MILLION ON AVERAGE DURING 1986, REPRESENTING A 2.9 PERCENT INCREASE OVER 1985. AS A

GROUP, COMMERCIAL CUSTOMERS CONSUMPTION INCREASED BY 0.8

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PAGE 01 MEXICO 19415 03 OF 05 222010Z
ACTION EB-00

INFO	LOG-00	COPY-01	ADS-00	AID-00	INR-10	SS-00	CIAE-00
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UNCLAS SECTION 03 OF 05 MEXICO 19415

PASS TO DEPARTMENT OF ENERGY, OFFICE OF INTERNATIONAL
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SUBJECT: FIFTIETH ANNIVERSARY OF THE COMISION FEDERAL

PERCENT TO 7,057,000,000 KWH AND ACCOUNTED FOR 9.5
PERCENT OF TOTAL CFE SALES DURING 1986, HOWEVER,
CONSUMPTION PER CONSUMER DECLINED BY 2 PERCENT ON
AVERAGE. COMMERCIAL CUSTOMERS ARE DIVIDED INTO THREE
RATE CATEGORIES: RATES 2, 3, AND 4. RATE 2 CUSTOMERS
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PAGE 02 MEXICO 19415 03 OF 05 222010Z

ARE THE SMALL BUSINESSMEN WHO CONSUME 25 KWH PER MONTH. THIS GROUP NUMBERED 1.42 MILLION AND CONSUMED 6.8 PERCENT OF ALL THE ELECTRICITY. RATE 3 CUSTOMERS ARE THOSE WHICH CONSUME MORE THAN 25 KWH PER MONTH. THERE WERE AN AVERAGE OF 16,775 RATE 3 CUSTOMERS DURING 1986 WHICH CONSUMED 2.3 PERCENT OF ALL THE ELECTRICITY SOLD BY THE CFE. RATE 4 APPLIES TO CORN MILLERS AND TORTILLA PRODUCERS, WHICH NUMBER 50,102. THIS GROUP AVERAGED 489 KWH PER MONTH REPRESENTING A 1.6 PERCENT INCREASE OVER 1985.

10. 51,112 (0.4 PERCENT OF CFE CUSTOMERS) PUBLIC ENTITIES, COVERED UNDER RATES 5 AND 6, ACCOUNTED FOR 5.8 PERCENT OF CFE SALES DURING 1986. THE 4,315,000,000 KWH CONSUMED BY PUBLIC ENTITIES REPRESENTED A 7.1 PERCENT INCREASE FOR RATE 5 AND A 4.9 PERCENT INCREASE FOR RATE 6.

11. INDUSTRIAL SALES COVERED BY RATES 8 AND 12 AMOUNTED TO 55.1 PERCENT OF TOTAL CFE SALES FOR THE YEAR, WHEREAS INDUSTRIAL CUSTOMERS ACCOUNTED FOR ONLY 0.3 PERCENT OF ALL CONSUMERS. RATE 8 USERS ARE COMPOSED OF 45,000 SMALL AND MEDIUM SIZED INDUSTRIES, HOTELS, AND LARGE COMMERCIAL CENTERS WHICH CONSUMED AN AVERAGE OF 42,079 KWH OF ELECTRICITY PER MONTH REPRESENTING A 5.3 PERCENT DECLINE FROM 1985. THE 224 USERS COVERED BY RATE 12 (UP 22 FROM 1985) CONSUMED A MONTHLY AVERAGE OF 6,753,258 KWH PER MONTH WHICH REPRESENTS A DECLINE OF 4.8 PERCENT FROM THE PREVIOUS YEAR.

12. THE CFE MAINTAINS A SPECIAL RATE CATEGORY (RATE 9) FOR ELECTRICITY CONSUMED BY IRRIGATION EQUIPMENT AND AGRICULTURAL WATER PUMPS. EACH OF THE 60,267 USERS
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PAGE 03 MEXICO 19415 03 OF 05 222010Z

INCLUDED IN THIS RATE CATEGORY CONSUMED AN AVERAGE OF 7,484 KWH FOR THE YEAR REPRESENTING A 2.5 PERCENT INCREASE OVER THE 1985 LEVEL.

13. SALES AND CONSUMPTION TRENDS, 1975 TO 1986: THE FOLLOWING TWO TABLES CHART THE SALES AND CONSUMPTION CHANGES BY SECTOR DURING THE PERIOD 1975 TO 1986.

TABLE B: CFE ELECTRICITY PERCENTAGE SALES GROWTH,
1975-1986
KILOWATT HOURS SOLD

YEAR	RESID	COMMER	INDUSTR	PUB SECT	AGRI	AGGREGATE
1975	9.9	3.7	8.2	6.8	9.1	7.8
1976	10.7	4.9	10.4	10.4	8.4	9.6
1977	9.8	5.1	8.9	9.3	8.8	8.6
1978	12.3	7.8	9.5	4.3	10.7	9.5
1979	11.4	7.6	8.9	4.3	13.4	9.2
1980	9.0	7.7	4.4	6.7	12.6	6.3
1981	11.7	14.5	10.4	7.2	2.6	9.1
1982	11.6	0.0	4.8	7.3	25.0	7.7
1983	3.7	0.0	3.1	-7.8	-7.5	1.2
1984	3.3	0.0	9.2	0.2	4.6	6.5
1985	6.5	4.2	7.1	6.1	6.8	6.6
1986	5.6	1.0	2.1	4.8	9.1	5.2
AVG	8.8	4.7	7.3	5.0	8.6	7.3

-TABLE C: PERCENTAGE GROWTH OF ELECTRICITY CONSUMPTION,
1975-1986
KILOWATT HOURS PER CONSUMER

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PAGE 04 MEXICO 19415 03 OF 05 222010Z

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PAGE 01 MEXICO 19415 04 OF 05 222058Z
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UNCLAS SECTION 04 OF 05 MEXICO 19415

PASS TO DEPARTMENT OF ENERGY, OFFICE OF INTERNATIONAL ENERGY ANALYSIS
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TAGS: ENRG, MX
SUBJECT: FIFTIETH ANNIVERSARY OF THE COMISION FEDERAL

YEAR	RESID	COMMER	INDUSTR	PUB SECT	AGRI	AGGREGATE
1975	2.5	0.3	-1.0	-3.4	-5.4	-1.6
1976	3.7	1.9	0.0	3.6	-6.4	-0.3

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PAGE 02 MEXICO 19415 04 OF 05 222058Z

1977	4.8	1.4	1.9	15.0	-2.0	2.4
1978	9.1	6.7	5.7	7.0	2.4	5.5
1979	5.2	1.3	-0.9	-4.0	2.2	-0.8
1980	1.9	2.5	-6.6	-0.7	0.0	-5.6
1981	3.9	2.7	-0.8	-1.3	-8.5	-1.5
1982	4.7	1.4	-4.0	0.1	12.9	-2.2
1983	-2.7	-6.1	-4.2	-10.3	-14.9	-5.7
1984	-1.8	-0.7	3.4	-5.5	-3.3	2.1
1985	1.9	1.0	2.2	0.4	0.3	1.9
1986	0.0	-2.0	-2.8	0.9	2.5	-2.1
AVG	2.8	0.9	-0.6	0.2	-1.7	-0.7

14. SINCE 1974 THE ELECTRICITY MARKET HAS WITNESSED A INCREASE IN THE NUMBER OF CONSUMERS AND A GENERAL DECREASE IN THE LEVEL OF CONSUMPTION PER USER. THIS IS CLEARLY EVIDENCED IN THE CASE OF INDUSTRIAL CONSUMPTION

WHICH INCREASED AT AN ANNUAL RATE OF 7.3 PERCENT OVER THE LAST TWELVE YEARS WHILE CONSUMPTION PER USER DECLINED AT AN AVERAGE ANNUAL RATE OF -0.6 PERCENT.

15. THE NUMBER OF CONSUMERS HAS INCREASED SUBSTANTIALLY OVER THE PERIOD, WHICH HAS ENABLED CFE TO EXPAND ITS SALES OF ELECTRICITY AT AN ANNUAL AVERAGE RATE OF 7.3 PERCENT. THE MEXICAN GOVERNMENT IN MAKING ITS PROJECTIONS FOR THE FUTURE SEEMS TO BE EXTRAPOLATING THIS VERY HIGH RATE OF GROWTH. CFE HAS PROJECTED THAT THE COUNTRY WILL NEED 46,000 MW OF GENERATING CAPACITY BY THE YEAR 2000 AND 77,000 MW OF CAPACITY BY THE YEAR 2010. BOTH ESTIMATES ASSUME THAT THE AVERAGE ANNUAL RATE OF GROWTH IN DEMAND WILL BE APPROXIMATELY 5.5
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PAGE 03 MEXICO 19415 04 OF 05 222058Z

PERCENT. THIS ASSUMPTION MAY NOT BE REALISTIC GIVEN THAT THE TREND IN RECENT YEARS HAS BEEN TOWARD FALLING DEMAND AT THE INDIVIDUAL CONSUMER LEVEL AND THAT THE GOVERNMENT HAS ALREADY EXTENDED DISTRIBUTION TO 86 PERCENT OF THE POPULATION.

16. PERFORMANCE DURING FIRST HALF OF 1987: ELECTRICITY SALES FOR THE FIRST HALF OF THIS YEAR WERE UP 3.5 PERCENT OVER THE SAME PERIOD IN 1986. CFE OFFICIALS HAVE STATED THEY BELIEVE THAT THIS RATE OF GROWTH INDICATES THAT THE NATIONAL ECONOMY IS RECOVERING, THOUGH, IN FACT, THIS IS A SLOWER RATE OF GROWTH THAN THE CFE RECORDED IN 1986 WHEN THE ECONOMY CONTRACTED BY 4.0 PERCENT.

17. RODRIGUEZ ALCAINE, LEADER OF THE ELECTRICITY WORKERS UNION, RECENTLY ASSERTED THAT THE CFE IS ONE OF THE MOST EFFICIENT ENTITIES OF ITS TYPE IN THE WORLD, HOWEVER, DURING THE FIRST HALF OF 1987, OPERATING COSTS HAD EATEN UP 64 PERCENT OF THE 320 BILLION PESOS THAT THE CENTRAL GOVERNMENT HAD BUDGETED FOR TRANSFERS TO CFE. THE PRINCIPAL CULPRIT CITED IS INFLATION. ACTUALLY, THE FAULT RESTS WITH THE FACT THAT THE CFE'S RATES HAVE BEEN DECLINING IN REAL TERMS BECAUSE THEY HAVE NOT BEEN ALLOWED TO INCREASE AS FAST AS INFLATION. THE GOVERNMENT NOW EXPECTS THE TRANSFERS TO THE CFE FOR 1987 TO AMOUNT TO BETWEEN 500 AND 600 BILLION PESOS.

18. COMMENT: THE CFE IS A HIGHLY SUBSIDIZED PARASTATAL

ENTERPRISE WHICH HAS MADE A POSITIVE CONTRIBUTION TO THE WELL-BEING OF MEXICAN SOCIETY. THE CFE HAS BEEN PROMOTING ITSEL
F ACTIVELY THIS YEAR PUBLICIZING ITS ACCOMPLISHMENTS AND ITS AMBITIONS FOR THE FUTURE. THE SUBSIDIES (APPROXIMATELY HALF THE OPERATING BUDGET) ARE NECESSARY DUE TO THE FACT THAT THE COST OF PROVIDING THE

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PAGE 04 MEXICO 19415 04 OF 05 222058Z

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PAGE 01 MEXICO 19415 05 OF 05 222058Z
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INFO	LOG-00	COPY-01	ADS-00	AID-00	INR-10	SS-00	CIAE-00
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UNCLAS SECTION 05 OF 05 MEXICO 19415

PASS TO DEPARTMENT OF ENERGY, OFFICE OF INTERNATIONAL
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E.O. 12356: N/A
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SUBJECT: FIFTIETH ANNIVERSARY OF THE COMISION FEDERAL

ELECTRICITY HAS BEEN RISING FASTER THAN THE RATES.
FURTHERMORE, THE RATES FOR ELECTRICITY USAGE HAVE RISEN

MUCH MORE SLOWLY THAN THOSE FOR OTHER ENERGY SUPPLIES (EG. PETROLEUM, NATURAL GAS, ETC.). THE GOVERNMENT MAY BE HOLDING DOWN THE CFE RATES IN ORDER TO CONTAIN
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PAGE 02 MEXICO 19415 05 OF 05 222058Z

INFLATION AND MINIMIZE THE NEGATIVE IMPACT THAT DRAMATICALLY RISING COSTS WOULD HAVE ON INDUSTRY (AND HENCE EMPLOYMENT) AND ON SOCIAL DISTRIBUTION OF WEALTH. END COMMENT. (DRAFTED BY:ECON:BCBRISSON) PILLIOD

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C O N F I D E N T I A L STATE 297326

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E.O. 12356: DECL: OADR
TAGS: PREL, XK, CA
SUBJECT: LATIN AMERICA TOUR D'HORIZON WITH AMBASSADOR GOTTLIEB

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1. CONFIDENTIAL - ENTIRE TEXT.

2. SUMMARY: IN A WIDE-RANGING TOUR D'HORIZON WITH ELLIOTT ABRAMS, CANADIAN AMBASSADOR ALLAN GOTLIEB REQUESTED THE U.S. ASSESSMENT OF THE CENTRAL AMERICAN PEACE PLAN, THE SITUATION IN HAITI, THE EXPANDING HORIZONS OF THE RIO GROUP, AND RECENT ELECTORAL RESULTS IN ARGENTINA. ABRAMS EXPRESSED OUR BASIC SKEPTICISM ABOUT THE SANDINISTAS' INTENTIONS TOWARD THE PEACE PLAN AND SAID WE WERE OPTIMISTIC ABOUT THE SITUATIONS IN HAITI AND ARGENTINA BUT TOOK A DIM VIEW OF MEXICAN EFFORTS TO INSTITUTIONALIZE THE RIO GROUP.

NR

END SUMMARY

3. ARA ASSISTANT SECRETARY ABRAMS ON SEPTEMBER 18 RECEIVED CANADIAN AMBASSADOR ALLAN GOTLIEB AT THE LATTER'S REQUEST TO DISCUSS THE CURRENT SITUATION IN LATIN AMERICA. GOTLIEB WAS ACCOMPANIED BY RICHARD SAINT-MARTIN, ABRAMS BY OFFICERS FROM EUR/CAN AND ARA/CEN.

PEACE PLAN

4. GOTLIEB REQUESTED THE U.S. VIEW OF HOW THE ARIAS PLAN WOULD UNFOLD IN THE COMING WEEKS. ABRAMS REPLIED THERE WOULD PROBABLY NOT BE A VOTE ON AID TO THE RESISTANCE UNTIL AFTER NOV.7 SINCE THE CONTINUING RESOLUTION WAS LIKELY TO INCLUDE ENOUGH FUNDING THE KEEP THE RESISTANCE FED AND CLOTHED. THE TWO FUNDAMENTAL ISSUES FLOWING FROM THE GUATEMALA ACCORD ARE CEASE-FIRE AND DEMOCRATIZATION. WE DO NOT EXPECT THE SANDINISTAS TO COMPLY WITH THE DEMOCRATIZATION REQUIREMENTS; THEY WILL MAKE ENOUGH COSMETIC CHANGES TO SATISFY SOME OUTSIDE OBSERVERS. WE WILL BE WATCHING FOR AND POINTING OUT THOSE COSMETIC MEASURES AND HAVE ASKED OTHERS TO DO SO AS WELL. ON THE CEASE-FIRE, IT IS QUITE CLEAR THAT THE AGREEMENT CALLS FOR

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STEAM OUT OF THIS EFFORT.

CHILE

8. ABRAMS SAID WE WOULD BE MAKING A DECISION SOON ON THE WORLD BANK LOAN FOR CHILE. WE BELIEVE PINOCHET INTENDS TO USE IT AS A WAR CHEST TO PUMP UP THE ECONOMY DURING HIS CAMPAIGN FOR THE PRESIDENCY. WE WILL CERTAINLY NOT VOTE IN FAVOR OF THE LOAN; THE ISSUE IS WHETHER TO ABSTAIN OR VOTE NO, OR PERHAPS TRY TO POSTPONE THE LOAN.

ARGENTINA

NR

EMBASSIES

10. ABRAMS EXPRESSED ADMIRATION FOR THE NEW CANADIAN CHANCERY UNDER CONSTRUCTION WHICH GOTLIEB SAID ARCHITECT ERICKSON WAS ATTEMPTING TO HARMONIZE WITH THE SURROUNDING BUILDINGS.

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Date Printed: 08/05/1998 DOC_NUMBER: 87KARACH07342 CHANNEL: n/a

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PAGE 01 KARACH 07342 01 OF 16 241247Z
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UNCLAS SECTION 01 OF 16 KARACHI 07342

STATE FOR NEA/PAB

E.O. 12356 N/A
TAGS: PGOV, PREL, PK, IN, UR, AF, US
SUBJECT: TRANSCRIPT - AMBASSADOR RAPHEL'S 9/22 "JANG" INTERVIEW

1. FOLLOWING IS USIS KARACHI PREPARED VERBATIM TRANSCRIPT OF AMBASSADOR RAPHEL'S FIRST PRESS INTERVIEW IN PAKISTAN. THE INTERVIEW WAS CONDUCTED ON SEPTEMBER 22 WITH THREE SENIOR JOURNALISTS OF "JANG", THE LARGEST CIRCULATING URDU DAILY IN PAKISTAN.

2. BEGIN TRANSCRIPT.

Q. MY INTRODUCTORY QUESTION IS RELATED TO YOUR ASSOCIATION WITH OUR REGION FOR SUCH A LONG TIME. SINCE YOU HAVE BEEN ASSOCIATED WITH THE REGION FOR A NUMBER OF YEARS AND IN VIEW OF YOUR ASSOCIATION WITH THE STATE DEPARTMENT WITH REFERENCE TO THE SITUATION, I THINK WE SHOULD BEGIN OUR DISCUSSION BY SEEKING AN OVERVIEW OF
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PAGE 02 KARACH 07342 01 OF 16 241247Z

POLITICAL AND ECONOMIC CONDITIONS IN THE NEAR EAST AND SOUTH ASIA AS YOU SEE THEM.
A. I KNEW YOU WOULD ASK THE TOUGHEST QUESTION. IT IS A VERY BROAD REGION AND THE ECONOMICS AND POLITICS OF IT ARE VERY BROAD. IF I COULD FOCUS JUST ON SOUTHWEST ASIA, AS WE CALL IT, A COUPLE OF INITIAL THOUGHTS: THE REGION IS OF GREAT IMPORTANCE TO THE UNITED STATES AND IS GROWING IN IMPORTANCE FOR SEVERAL REASONS. ONE IS THAT BECAUSE OF THE ISSUES THAT PEOPLE ALWAYS THINK

ABOUT IN THE UNITED STATES, NAMELY OIL AND THE PERSIAN GULF, OUR INTEREST IN ENSURING THE FREE FLOW OF OIL AND IN THE SECURITY OF THE REGION IS VERY HIGH. ANOTHER ISSUE OF GREAT IMPORTANCE TO US, OF COURSE, IS AFGHANISTAN, AND HELPING PAKISTAN HELP THE PEOPLE OF AFGHANISTAN IN THEIR STRUGGLE. THIRD, AND THIS IS ONE WE DON'T FOCUS ON OFTEN ENOUGH IN THE STATES, IS THE IMPORTANCE OF PAKISTAN TO THE UNITED STATES BECAUSE OF ITS GEOGRAPHICAL LOCATION. PAKISTAN IS WHERE IT IS. IT CAN'T MOVE, AND WHEN YOU LOOK AT THE FACT THAT IT'S AT THE MOUTH OF THE GULF AND TO THE NORTH IT HAS GOT THE SOVIET UNION, TO THE EAST IS INDIA -- IT'S A VERY VOLATILE REGION. PAKISTAN FOR THE LAST FORTY YEARS HAS BEEN, IN MY VIEW, A SOURCE OF STABILITY AND THE SIMILARITIES AND THE AFFINITIES BETWEEN PAKISTAN AND THE UNITED STATES ARE DEEP. TO ME IT IS THEREFORE IMPORTANT TO KEEP THIS RELATIONSHIP VERY CLOSE. I THINK SOME IN AMERICA AND SOME IN PAKISTAN THINK THAT THE ONLY REASON FOR THE RELATIONSHIP IS AFGHANISTAN. I THINK THAT'S WRONG. WE THINK WE HAD A CLOSE RELATIONSHIP BEFORE AFGHANISTAN. WE HAD UPS AND DOWNS, BUT BASICALLY WE HAD A CLOSE RELATIONSHIP AND I'M CONVINCED IT'S GOING TO CONTINUE ONCE WE GET THE SOVIETS OUT OF AFGHANISTAN. ON THE ECONOMIC SIDE, ONE THING I MIGHT POINT OUT WHICH I UNCLASSIFIED

DON'T THINK IS APPRECIATED HERE IN PAKISTAN IS THE VIEW IN THE UNITED STATES ABOUT HOW WELL PAKISTAN IS DOING ECONOMICALLY. LOOK AT THE GROWTH RATES. IN PAKISTAN, FOR THE PAST FORTY YEARS, EXCEPT FOR ABOUT THE LAST FOUR YEARS OF BHUTTO, PAKISTAN HAS HAD A REAL GROWTH RATE OF FIVE, SIX, SEVEN PERCENT EACH YEAR -- THE HIGHEST IN THE REGION BY FAR. WE HAVE TO THINK THAT ONE REASON FOR THIS IS THE ENTREPRENEURIAL SPIRIT IN PAKISTAN AND BECAUSE PAKISTANIS ARE VERY GOOD BUSINESSMEN, BECAUSE THEY KNOW HOW TO MANAGE THEIR ECONOMY. IT'S SOMETHING I DON'T THINK IS APPRECIATED ENOUGH IN THE UNITED STATES OR PAKISTAN. PAKISTAN HAS PROBLEMS ECONOMICALLY, JUST AS WE DO, BUT GENERALLY, RELATIVE TO OTHER COUNTRIES HERE, PAKISTAN IS DOING VERY WELL.

Q. WHY WERE WE FORGOTTEN FOR A COUPLE OF YEARS, YOU KNOW, OUR FRIENDSHIP AND ASSOCIATION WITH THE UNITED STATES AND (INAUDIBLE) THE UNDERSTANDING HERE WAS THAT WE WERE A FORGOTTEN PEOPLE AS FAR AS THE UNITED STATES

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PAGE 01 KARACH 07342 02 OF 16 241249Z
ACTION NEA-04

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INFO AMEMBASSY NEW DELHI
AMCONSUL LAHORE
AMCONSUL PESHAWAR

UNCLAS SECTION 02 OF 16 KARACHI 07342

WAS CONCERNED?

A. I WAS THINKING "WHAT WOULD I LIKE TO ACHIEVE AFTER THREE YEARS IN PAKISTAN?" AND MY ANSWER GETS AT YOUR QUESTION. I WOULD LIKE TO SEE OUR RELATIONSHIP NO LONGER BE LIKE A ROLLER COASTER. WE HAVE TIMES WHEN THINGS ARE MARVELOUS AND WE HAVE TIMES WHEN THINGS ARE TERRIBLE AND IT'S ALWAYS GOING UP AND DOWN. WHAT WE'D LIKE TO SEE IS SOME STABILITY AND THAT WE BOTH HAVE AN APPRECIATION FOR ONE ANOTHER. CANDIDLY, I THINK ONE PROBLEM HAS BEEN THAT OUR EXPECTATIONS OF EACH OTHER ARE

ALWAYS VERY HIGH BECAUSE AMERICANS AND PAKISTANIS AS PEOPLE ARE VERY MUCH ALIKE -- VERY FRANK, OPEN, CANDID, AND FRIENDLY -- AND SO OUR EXPECTATIONS ARE VERY HIGH. WHEN THE UNITED STATES DOES SOMETHING THAT CAUSES PAKISTAN TO FEEL LET DOWN, OR VICE VERSA, OUR REACTION IS ALWAYS VERY NEGATIVE. "HOW COULD YOU DO THIS TO A FRIEND?" IT'S ALMOST AS IF WE EXPECT TOO MUCH OF ONE ANOTHER. WE NEED A LITTLE MORE REALISM IN THE RELATIONSHIP. BY THAT I MEAN THAT THERE ARE GOING TO BE SOME TIMES WHEN OUR INTERESTS ARE DIFFERENT THAN THOSE

OF PAKISTAN AND WHEN THOSE OF PAKISTAN ARE GOING TO BE DIFFERENT THAN OURS. WHEN THAT HAPPENS THE BEST THING TO DO IS TO SAY THAT WE WILL AGREE TO DISAGREE. BUT WHAT HAS HAPPENED IN THE PAST IS, YOU'RE RIGHT, PEOPLE HAVE SEEN IT AS MAJOR SPLITS BETWEEN US, AND IT HAS BEEN A PROBLEM. I DON'T KNOW HOW YOU OVERCOME THAT. IT'S A DIFFICULT PROBLEM.

Q. MR. AMBASSADOR, YOU WERE HERE IN THE EARLY SIXTIES AND AGAIN IN THE LATE SEVENTIES. HOW DO YOU SEE THINGS IN PAKISTAN NOW COMPARED TO THEN?
A. I HAD A COUPLE OF VERY STRONG IMPRESSIONS WHEN I CAME BACK THIS TIME COMPARED TO THE LAST TWO TIMES. FIRST -- AND THESE MIGHT SEEM STRANGE TO YOU, BUT IT'S BECAUSE I WAS AWAY FOR PERIODS OF TEN YEARS -- IS THE EXTRAORDINARY GROWTH OF THE COUNTRY ECONOMICALLY. FOR SOMEONE WHO WAS FIRST HERE IN THE SIXTIES TO SEE IT NOW -- AND TO SEE THE RANGE OF GOODS AVAILABLE, TO SEE THE WAY PEOPLE ARE DRESSED AND THE WAY PEOPLE ARE FED -- THE COUNTRY HAS DONE VERY WELL ECONOMICALLY LOOKING OVER TWENTY YEARS. SECOND, NOW, COMPARED WITH EITHER OF THOSE TWO TIMES, I WAS STRUCK BY HOW OPEN THE PRESS IS, AND BY CRITICISM OF THE GOVERNMENT AND OF THE UNITED STATES. THERE'S MUCH MORE FERMENT GOING ON, AND POLITICALLY AS WELL. SOME PAKISTANIS MIGHT SAY THEY DON'T THINK THERE IS ENOUGH, BUT IF YOU ASK ME TO COMPARE IT WITH THE PAST, I'VE NOTICED MUCH MORE OF THAT. THE THIRD THING THAT STRUCK ME IS WHAT HAS HAPPENED TO CITIES LIKE KARACHI AND PESHAWAR IN TERMS OF THE INCREDIBLE GROWTH. I MEAN, KARACHI IS NOW ALMOST LIKE MEXICO CITY. IT'S GETTING OUT OF CONTROL AND YOU WONDER ABOUT SERVICES FOR THE PEOPLE, YOU WONDER ABOUT QUALITY OF LIFE. THE SAME THING IN A WAY IS HAPPENING

IN PESHAWAR BECAUSE OF THE AFGHANS. THE GOOD THING IS THAT IT'S A SIGN OF PROSPERITY, THE PEOPLE ARE COMING TO THE CITY TO FIND WORK. BUT IT REALLY MAKES YOU WONDER. I THINK BACK TO 1965 WHEN I ARRIVED HERE. YOU COULD DRIVE FROM THE AIRPORT ON DRIGH ROAD ALL THE WAY DOWN TO THE NAVAL BASE AND THERE WAS NOTHING THERE. PECHS WAS A SMALL COLONY AND THERE WAS NO DEFENSE (HOUSING SOCIETY). YOU JUST WONDER HOW THE CITY IS GOING TO COPE WITH THIS KIND OF INCREDIBLE GROWTH.

Q. I MEAN POLITICALLY.

A. POLITICALLY, I WOULD GET BACK TO MY POINT ABOUT POLITICAL FERMENT. I THINK THERE'S A LOT MORE GOING ON

Date Printed: 08/05/1998 DOC_NUMBER: 87KARACH07342 CHANNEL: n/a

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AMCONSUL LAHORE
AMCONSUL PESHAWAR

UNCLAS SECTION 03 OF 16 KARACHI 07342

HERE THAN THERE WAS IN 1965 IN TERMS OF EXPRESSION AND ACTIVITY AND A LOT MORE GOING ON THAN THERE WAS IN 1978 IN TERMS OF EXPRESSION AND ACTIVITY. ONE OF THE PROBLEMS IN THE UNITED STATES IS THAT THE CHANGES HERE IN THE LAST TWO YEARS HAPPENED PEACEFULLY. IF THERE HAD BEEN A REVOLUTION, EVERYONE IN THE UNITED STATES WOULD HAVE SAID, "WELL, THERE HAS BEEN A MAJOR CHANGE." BUT WHEN MARTIAL LAW WAS LIFTED, WHEN YOU HAD THE ELECTIONS IN 1985, WHEN YOU HAD THE PARLIAMENT AND YOU HAD THE PRIME MINISTER CHOSEN AND YOU HAD BASIC RIGHTS RESTORED, AL
L OF THAT WAS DONE QUIETLY AND PEACEFULLY, AND I DON'T THINK PEOPLE IN THE STATES APPRECIATE THE CHANGES THAT HAVE HAPPENED. ONCE AGAIN, SOME PAKISTANIS WOULD SAY THERE SHOULD BE MORE, BUT THE FACT IS THAT THE COUNTRY HAS MADE A LOT OF PROGRESS DOWN THE ROAD TOWARD DEMOCRACY, AND IT'S SOMETHING THAT IS NOT APPRECIATED ENOUGH IN OUR COUNTRY.

Q. LET'S TURN TO PAISTAN-U.S. RELATIONS. THE QUESTION, MR. AMBASSADOR, IS THAT PAKISTAN'S PEACEFUL NUCLEAR PROGRAM HAS BEEN UNDERWAY SINCE 1974. CAN YOU UNCLASSIFIED

UNCLASSIFIED

PAGE 02 KARACH 07342 03 OF 16 241251Z

OFFER ANY PLAUSIBLE EXPLANATION FOR THE FACTORS WHICH FORCED THE CONGRESS AT THIS STAGE TO PROPOSE SUSPENSION OF ECONOMIC AID TO PAKISTAN? WHY I SAY AID IS BECAUSE THAT IS THE MOST IMPORTANT FACTOR IN PAKISTAN-U.S. RELATIONS.

A. A COUPLE OF THOUGHTS. FIRST, I'LL NEVER ASK YOU TO GIVE PLAUSIBLE REASONS WHY THE NATIONAL ASSEMBLY DOES WHAT IT DOES IF YOU DON'T ASK ME TO GIVE PLAUSIBLE REASONS FOR CONGRESS| ONE USEFUL THING TO KEEP IN MIND IS THAT CONGRESS HAS NOT PASSED THIS BILL. AS YOU KNOW, ONE COMMITTEE IN THE HOUSE OF REPRESENTATIVES HAS DONE IT. THE PRESIDENT HAS SPOKEN OUT AGAINST IT... THE

PRESIDENT IS VERY FIRM THAT HE DOESN'T WANT THIS SUSPENSION AND THE ADMINISTRATION IS GOING TO FIGHT IT. IT STILL HAS A LONG WAY TO GO BEFORE IT BECOMES LAW. THE FULL HOUSE HAS TO VOTE AND THEN THE FULL CONGRESS AS TO VOTE. I DON'T NOW WHAT'S GOING TO HAPPEN BUT I THINK WE HAVE A REASONABLE CHANCE OF GETTING IT OUT, OF GETTING IT TAEN OUT OF THE LAW. WHEN THE HOUSE TOOK THIS ACTION, YOU READ HEADLINES IN THE PAPER "AID SUSPENSION", BUT WE'RE A LONG WAY FROM THERE YET. ANOTHER THING TO KEEP IN MIND IS THAT THERE WERE SOME IN THIS COMMITTEE WHO WANTED TO DO THIS, BUT TO ME WHAT'S IMPORTANT IS WHAT THE PRESIDENT OF THE UNITED STATES WANTS TO DO. WHERE IS THE ADMINISTRATION AND ON THAT IT IS VERY CLEAR.

Q. DO YOU THINK THAT THE FEELING OF THE CONGRESS, AT LEAST IN THE LOBBY OF CONGRESS, WAS THAT THE PRESSURE WAS THERE AND THE ADMINISTRATION WOULD BE ABLE TO OVERCOME IT?

UNCLASSIFIED

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PAGE 03 KARACH 07342 03 OF 16 241251Z

A. THAT'S OUR HOPE AND, AS YOU KNOW, THAT'S WHAT WE'VE DONE SO FAR. DURING THE SEVEN YEARS THAT MR. REAGAN HAS BEEN PRESIDENT WE'VE HAD A GOOD PROGRAM AND VERY GOOD COOPERATION. THERE HAS BEEN A LOT OF PRESSURE FROM SOME IN CONGRESS TO CUT BACK ON THE PROGRAM, BUT, YOU KNOW, HE IS A VERY STRONG PRESIDENT AND VERY EFFECTIVE AND VERY POPULAR AND OUR HOPE IS THAT HE WILL CONTINUE TO PREVAIL.

Q. MR. AMBASSADOR, THERE IS A STRONG IMPRESSION THIS 105 DAY SUSPENSION OF U.S. ECONOMIC ASSISTANCE HAS LED TO A CRISIS OF TRUST AND CONFIDENCE BETWEEN ISLAMABAD AND WASHINGTON.

A. I DON'T THINK THAT'S FAIR. I THINK THAT, FOR

Date Printed: 08/05/1998 DOC_NUMBER: 87KARACH07342 CHANNEL: n/a

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PAGE 01 KARACH 07342 04 OF 16 241253Z
ACTION NEA-04

INFO LOG-00 COPY-01 ADS-00 INR-10 SS-00 CIAE-00 NSCE-00
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INFO AMEMBASSY NEW DELHI
AMCONSUL LAHORE
AMCONSUL PESHAWAR

UNCLAS SECTION 04 OF 16 KARACHI 07342

EXAMPLE, IT'S INTERESTING TO LOOK AT WHAT THE PRESIDENT AND THE PRIME MINISTER SAID ABOUT THEIR MEETING. WHEN YOU READ WHAT THEY SAID THEY WERE VERY POSITIVE THINGS. THERE WAS CERTAINLY NO CRISIS IN CONFIDENCE. THE PROBLEM IS, AND IT HAS BEEN THE SAME PROBLEM SINCE 1974, THAT THERE ARE SOME PEOPLE WHO FEEL VERY STRONGLY ABOUT THE NON-PROLIFERATION ISSUE AND THEY KEEP THE PRESSURE ON TO MAKE THIS A LARGER ELEMENT IN THE RELATIONSHIP. THE ADMINISTRATION FEELS STRONGLY ABOUT NON-PROLIFERATION AS WELL, BUT WE THINK THAT WHAT CONGRESS IS RECOMMENDING IS NOT THE WAY TO GO ON THIS ISSUE. BUT I DON'T THINK, IF YOU TALK ABOUT THE LEADERSHIPS OF THE TWO COUNTRIES, I DON'T THINK THERE'S A CRISIS BETWEEN THE LEADERSHIPS. I THINK THAT THERE ARE OTHERS THAT DON'T WANT TO SEE THE RELATIONSHIP AS

GOOD AS IT IS, BUT AT THE TOP, I DON'T THINK THERE'S A CRISIS.

Q. THERE'S NO CRISIS?

A. NOT AT THE TOP, NO.
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PAGE 02 KARACH 07342 04 OF 16 241253Z

Q. LET ME COME BACK TO THE NUCLEAR PART. YOUR PREDECESSOR WAS HERE. WE INTERVIEWED HIM AND HE WAS POSITIVE THAT THE U.S. ANALYSTS ARE POSITIVE THAT PAKISTAN IS PRODUCING A NUCLEAR DEVICE.

A. WHO SAID THIS, I'M SORRY?

Q. MR. DEANE R. HINTON. HE SAID TO "JANG" THAT WE HAVE POSITIVE INFORMATION THAT PAKISTAN IS PRODUCING SOMETHING WHICH HAS COMPELLED US TO REVIEW THE WHOLE SITUATION. DO YOU AS AMBASSADOR OF THE UNITED STATES FEEL THE SAME?

A. EVERY YEAR PRESIDENT REAGAN HAS TO CERTIFY TO CONGRESS THAT PAKISTAN DOES NOT POSSESS A NUCLEAR DEVICE. HE CERTIFIED THAT LAST OCTOBER AND HE HAS GOT TO CERTIFY IT AGAIN THIS OCTOBER. MY OWN VIEW IS THAT HE IS GOING TO BE ABLE TO CERTIFY AGAIN THAT PAKISTAN DOES NOT HAVE A NUCLEAR DEVICE. I THINK THAT WHAT AMBASSADOR HINTON WAS TALKING ABOUT WAS THAT PAKISTAN DOES HAVE A NUCLEAR PROGRAM, AND IT'S A FAIRLY EXTENSIVE AND ACTIVE PROGRAM. THE CONCERN IS OVER HOW TO DIFFERENTIATE. ONCE YOU HAVE A CAPABILITY TO HAVE A VERY ACTIVE AND FULL AND COMPLETE PEACEFUL PROGRAM, THEN OBVIOUSLY YOU HAVE OTHER CAPABILITIES AS WELL. YOU CAN USE IT EITHER WAY. I KNOW (##)
ABOUT. PAKISTAN DOES HAVE A CAPABILITY AND IT IS INCREASING THAT CAPABILITY, AND IT, LIKE ALL CAPABILITIES, CAN BE USED IN SEVERAL WAYS.

Q. BUT HOW COME THE UNITED STATES IS MORE WORRIED ABOUT PAKISTAN THAN INDIA?

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PAGE 03 KARACH 07342 04 OF 16 241253Z

A. I THINK THAT WE ARE WORRIED ABOUT INDIA. IF YOU ASK ME, OR IF YOU ASK THE PRESIDENT OF THE UNITED STATES, IN FACT, "QAT IS THE WAY TO SOLVE THE NUCLEAR PROBLEM IN SOUTH ASIA", YOU'RE GOING TO GET THE SAME ANSWER, WHICH

IS THAT IT HAS TO BE A REGIONAL SOLUTION. YOU CAN'T EXPECT PAKISTAN UNILATERALLY TO SOLVE THE PROBLEM. BUT, LIKEWISE, YOU CAN'T EXPECT INDIA UNILATERALLY TO SOLVE THE PROBLEM. THE PROBLEM HAS TO BE SOLVED BY BOTH COUNTRIES -- TOGETHER -- IN A REGIONAL SOLUTION. I DON'T KNOW WHETHER YOU SAW ABOUT THREE MONTHS AGO THAT THE SENATE AND THE HOUSE PASSED A RESOLUTION ON THE SOUTH ASIA NUCLEAR ISSUE IN WHICH THEY CALLED FOR AN AGREEMENT BETWEEN INDIA AND PAKISTAN TO SOLVE THE ISSUE, WHICH, OF COURSE, IS PAKISTAN'S POSITION. AND THAT'S

NOTE BY OC/T: (##)OMISSION IN TEXT. CORRECTION TO FOLLOW.

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PAGE 01 KARACH 07342 05 OF 16 241254Z
ACTION NEA-04

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Date Printed: 08/05/1998 DOC_NUMBER: 87KARACH07342 CHANNEL: n/a

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AMCONSUL LAHORE
AMCONSUL PESHAWAR

UNCLAS SECTION 05 OF 16 KARACHI 07342

THE ADMINISTRATION'S POSITION AS WELL -- THAT HAS TO BE THE SOLUTION. WHERE WE DIFFER IS UNTIL THAT CAN BE DONE, UNTIL YOU CAN GET A REGIONAL SOLUTION, OUR VIEW IS THAT PAKISTAN SHOULD BE WILLING TO PUT ITS OWN PROGRAM UNDER SAFEGAURDS.

Q. UNILATERALLY?

A. UNILATERALLY. THAT'S WHERE THE TWO COUNTRIES DISAGREE, BECAUSE PAKISTAN TAKES THE POSITION THAT IF INDIA DOES IT, PAKISTAN WILL DO IT, BUT PAKISTAN POLITICALLY CAN'T DO IT UNILATERALLY. THAT'S WHERE WE DISAGREE ON THE PROGRAM.

Q. MR. AMBASSADOR, E PAKISTANIS FEEL A LOT OF PRESSURE FOR THE SIGNING OF THE NON-PROLIFERATION TREATY. LOOKING AT INDIA'S SIZE, ITS VARIOUS NUCLEAR PLANTS, ITS CAPABILITY TO MAKE THINGS, AS WAS ALREADY SEEN IN 1974, DON'T YOU THINK IT WOULD BE WISE TO PUT SIMILAR PRESSURE ON INDIA TO SIGN THE TREATY. AS OUR FOREIGN MINISTER OFFERED THE OTHER DAY, WE ARE WILLING TO DO IT IF INDIA
UNCLASSIFIED

UNCLASSIFIED

PAGE 02 KARACH 07342 05 OF 16 241254Z

AGEEES, IF WE CAN DO IT BOTH AT THE SAME TIME. WE FEEL IN PAKISTAN THAT AMERICANS ARE NOT PUTTING ENOUGH PRESSURE ON INDIA.

A. I DON'T KNOW IF THAT'S FAIR. EVERY TIME WE TALK TO THE INDIANS, WHEN MR. ARMACOST WAS HERE, FOR EXAMPLE, HE WAS IN DELHI FIRST, AND HE ONCE AGAIN MADE THE POINT STRONGLY TO THE INDIANS THAT WE THINK THEY SHOULD SIGN THE NPT AS WELL. NOW, WE GET THE SAME ANSWER IN NEW DELHI THAT WE GET IN ISLAMABAD ON UNILATERALLY SIGNING THE NPT. THE INDIANS SAY THEY HAVE THEIR REASONS NOT TO DO IT. BUT IT'S A POINT THAT WE CONTINUE TO MAKE IN NEW DELHI WITHOUT ANY SUCCESS.

Q. BUT WE HAVE MADE IT CLEAR THAT WE ARE WILLING TO SIGN AT THE SAME TIME AS INDIA.
A. RIGHT.

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Q. THE PRESSURE IS MUCH MORE ON PAKISTAN THAN ON INDIA.

A. I THINK THAT'S THE PERCEPTION BECAUSE OUR RELATIONSHIP IS MUCH CLOSER. WE DON'T HAVE A FOUR BILLION AID PROGRAM WITH INDIA. NEXT YEAR OUR ASSISTANCE TO INDIA -- NONE OF IT MILITARY BECAUSE, BY LAW, DUE TO INDIA'S NUCLEAR PROGRAM WE CAN'T GIVE IT MILITARY AID -- THE ONLY COUNTRY THAT HAS AN EXCEPTION IS PAKISTAN -- NEXT YEAR WE ARE GOING TO HAVE A 15 MILLION DOLLAR AID PROGRAM WITH INDIA, MOST OF IT PL-480. WHEN YOU COMPARE A 15 MILLION DOLLAR PROGRAM TO A 750 MILLION DOLLAR PROGRAM, THEN OBVIOUSLY WE ARE A LOT CLOSER TO PAKISTAN THAN WE ARE TO INDIA.

Q. BUT DON'T YOU THINK, MR. RAPHEL, THAT NOT ALL OF UNCLASSIFIED

THIS AID IS BECAUSE PAKISTAN IS DEARER TO YOU?

A. OH SURE, EXACTLY. EVERY COUNTRY ACTS IN ITS OWN NATIONAL INTEREST.

Q. THAT HAS LED YOU TO COME TO OUR AID. BUT INDIA IS GETTING IT FROM THE SOVIET UNION. THEY HAVE A THIRTY YEAR PROGRAM. BUT E IN PAKISTAN ARE BEING PRESSURIZED ON ISSUES WHICH, ON THE OTHER SIDE, YOU ARE NOT TAKING AS SERIOUSLY AS WITH US.

A. I THINK WE'RE TAKING THEM AS SERIOUSLY, BUT THE QUESTI
ON IS WHAT MORE COULD WE DO WITH INDIA. WE CAN KEEP TALKING TO THEM, WHICH WILL DO WHATEVER GOOD THAT

Date Printed: 08/05/1998 DOC_NUMBER: 87KARACH07342 CHANNEL: n/a

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PAGE 01 KARACH 07342 06 OF 16 241254Z
ACTION NEA-04

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INFO AMEMBASSY NEW DELHI
AMCONSUL LAHORE
AMCONSUL PESHAWAR

UNCLAS SECTION 06 OF 16 KARACHI 07342

DOES, BUT WHAT IS OUR INFLUENCE IN INDIA? HOW CAN AMERICAN CHANGE INDIAN POLICY?

Q. MR. AMBASSADOR, WHEN, AS YOU SAID JUST NOW, THERE IS NO CRISIS OF CONFIDENCE BETWEEN TWO COUNTRIES, I THINK YOU CAN TRUST US IF WE SAY OUR PROGRAM IS ESSENTIALLY PEACEFUL. INDIA HAS PROVED THAT THEIR PROGRAM HAS NEVER BEEN PEACEFUL. THEY DID IT IN 1974 AND WE BELIEVE THAT THEY ARE STILL GOING AHEAD WITH IT.

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Date Printed: 08/05/1998 DOC_NUMBER: 87KARACH07342 CHANNEL: n/a

DECLASSIFIED

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PAGE 01 KARACH 07342 07 OF 16 241257Z
ACTION NEA-04

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INFO AMEMBASSY NEW DELHI
AMCONSUL LAHORE
AMCONSUL PESHAWAR

UNCLAS SECTION 07 OF 16 KARACHI 07342

A. AS I SAY, IT'S NOT A QUESTION OF US QUESTIONING PAKISTAN'S STATEMENTS ABOUT PEACEFUL PROGRAMS. EVERY YEAR PRESIDENT REAGAN CERTIFIES THAT PAKISTAN DOES NOT HAVE A NUCLEAR DEVICE AND WE BELIEVE THAT. IT'S JUST THAT OUR POLICY, NOT JUST IN PAKISTAN BUT GLOBALLY, IS THAT EVERY COUNTRY SHOULD SIGN THE NPT. 122 COUNTRIES HAVE AND WE COOPERATE FULLY WITH ANY COUNTRY THAT SIGNS IN TERMS OF SELLING THEM REACTORS AT CUT PRICES. NOW, IF PAKISTAN DECIDES THAT IT'S NOT IN ITS NATIONAL INTEREST TO SIGN THE NPT, THEN WE'LL DISAGREE ABOUT IT.

Q. SIMILARLY, SOUTH AFRICA?

A. WELL, OUR AID TO SOUTH AFRICA IS NON-EXISTENT. I GUESS IT GETS BACK TO WHAT I ORIGINALLY SAID, THE IDEA OF HAVING SUCH HIGH EXPECTATIONS OF EACH OTHER. I WOULD HOPE THAT IF WE DISAGEEE ON THE NON-PROLIFERATION ISSUE, THEN WE SHOULD DISAGREE. BUT IT SHOULDN'T BECOME AN ISSUE OF HIGH EMOTION ON BOTH SIDES. IT'S POSSIBLE FOR US TO DISAGREE.

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DECLASSIFIED

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UNCLASSIFIED

PAGE 02 KARACH 07342 07 OF 16 241257Z

Q. BUT MR. RAPHEL, THERE IS ANOTHER DIMENSION TO THIS QUESTION OF BEING SO VERY SENTIMENTAL ABOUT IT AND THAT IS WHEN YOU SAY THAT THERE IS NO CRISIS IN CONFIDENCE BETWEEN THE TWO GOVERNMENTS, BUT THERE IS A DEFINITE PUBLIC OPINION IN THE UNITED STATES, THAT INCLUDES THE MEDIA, AS WELL AS YOUR CONGRESSMEN WHO HAVE VIEWS DIFFERENT FROM THOSE OF THE ADMINISTRATION. IN THE CASE OF INDIA IT IS NOT SO. THERE IS NOT SO MUCH PUBLICITY FOR CASES LIKE ARSHAD PERVEZ AND ALL THAT. WHY IS IT SO

A. ONE REASON IS THAT, AS YOU SAID, WE ARE MUCH CLOSER TO PAKISTAN. PAKISTAN IS A MORE VISIBLE COUNTRY IN THE UNITED STATES THAN INDIA IS NOW. PART OF IT IS BECAUSE OF AFGHANISTAN. PART OF IT IS BECAUSE THE PRIME MINISTER OR PRESIDENT GOES EVERY YEAR NOW, SO THERE IS A LOT MORE PRESS ATTENTION. SECOND, IF SOME SECTIONS OF THE MEDIA AND SOME SECTIONS OF CONGRESS ARE CRITICAL OF PAKISTAN, MY ATTITUDE IS THAT SOMETIMES THE NATIONAL ASSEMBLY HERE SAYS THINGS ABOUT THE UNITED STATES THAT AREN'T TOO NICE AND SOMETIMES YOU READ THEM IN THE NEWSPAPERS, BUT THAT'S WHAT THE SYSTEM IS ALL ABOUT. WHAT'S IMPORTANT IS HOW DO THE TWO GOVERNMENTS -- LEADERSHIPS -- FEEL ABOUT EACH OTHER. THAT'S WHAT IS REALLY KEY. I'VE NEVER GONE TO THE PRIME MINISTER AND SAID THAT HE'S RESPONSIBLE FOR WHAT "NAWA-I-WAQT" OR "JANG" WRITES ABOUT AMERICA AND THEY DON'T COME TO US AND SAY THAT WE'RE RESPONSIBLE FOR WHAT "THE NEW YORK TIMES" WRITES ABOUT PAKISTAN. IT'S JUST PART OF THE PRICE THAT WE PAY.

Q. SIR, LET ME ASK YOU A QUESTION ABOUT THE ARSHAD PERVEZ CASE. NO CONCLUSIVE EVIDENCE HAS BEEN BROUGHT FORWARD WHICH COULD PROVE PAKISTAN'S INVOLVEMENT IN THE UNCLASSIFIED

UNCLASSIFIED

PAGE 03 KARACH 07342 07 OF 16 241257Z

ARSHAD PERVEZ CASE. THERE IS ALSO AN IMPRESSION THAT HE IS A TARGET MAN FOR PROHIBITING PAKISTAN ON THE NUCLEAR ISSUE. THE SUSPENSION OF AID SHOULD HAVE COME AFTER COMPLETE EVIDENCE HAD BEEN BROUGHT AGAINST PAKISTAN. WHY IS THERE SO MUCH HUE AND CRY ABOUT THE ARSHAD PERVEZ CASE? (INAUDIBLE) WHY ARE WE BEING CONVICTED BEFORE ARSHAD PERVEZ HAS BEEN CONVICTED?

A. IT'S A VERY GOOD QUESTION, BUT THE WAY YOU PUT YOUR

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QUESTION WAS EXACTLY THE WAY THE AMERICAN ADMINISTRATION PUTS IT. AND THAT'S WHAT WE'VE SAID TO CONGRESS. THE TRIAL HASN'T EVEN STARTED. HOW CAN YOU FIND SOMEONE GUILTY OR A COUNTRY GUILTY BEFORE THE TRIAL HAS STARTED. SO THERE IS NO DIFFERENCE BETWEEN THE ADMINISTRATION'S POSITION AND THE WAY YOU JUST SAID IT. I DON'T THINK PERSONALLY -- I DON'T KNOW WHETHER THE GOVERNMENT OF PAKISTAN WOULD AGREE -- THAT THERE IS MUCH DIFFERENCE AT ALL BETWEEN WHAT THE UNITED STATES GOVERNMENT IS SAYING AND WHAT THE GOVERNMENT OF PAKISTAN IS SAYING. WE BOTH AGREE THAT ARSHAD PERVEZ WAS DOING THIS. WE ARE NOT CERTAIN OF THE REASONS WHY, BUT HE WAS ENGAGED IN THIS ACTIVITY. WE BOTH AGREE THAT THERE WAS A CONNECTION BACK TO BRIGADIER INAM-UL-HUQ OF LAHORE, THAT THERE IS SOME CONNECTION THERE. WHAT WE DON'T KNOW IS WHY HE WAS DOING IT. WE DON'T KNOW WHO ELSE WAS INVOLVED AND THAT'S HOPEFULLY WHAT WILL COME OUT OF THE TRIAL. THE GOVERNMENT OF PAKISTAN SAYS IT ALSO IS GOING TO INVESTIGATE. SO THERE REALLY ISN'T, SO FAR AS I CAN SEE, GOVERNMENT-TO-GOVERNMENT DISAGREEMENT ON WHAT HAS HAPPENED OR WHAT HAS TO BE DONE. WHERE WE HAVE MAJOR DISAGREEMENTS IS IN THE AMERICAN MEDIA AND, IF I CAN SAY SO, IN THE PAKISTANI MEDIA AS WELL. IN MY VIEW -- I SHOULDN'T SAY THIS TO JOURNALISTS -- ALTHOUGH I THOUGHT THE GOVERNMENT-TO-GOVERNMENT DISCUSSIONS ON ARSHAD PERVEZ WERE VERY CONSTRUCTIVE, THE PRESS IN THE UNITED STATES AND THE PRESS IN PAKISTAN REALLY INFLAMED THE UNCLASSIFIED

UNCLASSIFIED

PAGE 04 KARACH 07342 07 OF 16 241257Z

ISSUE. HEADLINES IN THE UNITED STATES SAID: "PAKISTAN

UNCLASSIFIED

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PAGE 01 KARACH 07342 08 OF 16 241259Z
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UNCLAS SECTION 08 OF 16 KARACHI 07342

BUILDING A BOMB"; HEADLINES IN PAKISTAN SAID: "AMERICA ACCUSES PAKISTAN OF BUILDING A BOMB." THEY WERE WRITING ABOUT EACH OTHER'S HEADLINES. IT HAS BECOME A REAL MAJOR ISSUE. BECAUSE THE PRESS WRITES ABOUT IT THE PUBLIC PERCEPTION IS THAT PAKISTAN IS BUILDING A BOMB, AND IT HAS GOTTEN BLOWN WAY OUT OF PROPORTION. AS I TOLD YOU, I DON'T THINK THE GOVERNMENTS REALLY DISAGREE ON THE ISSUE. PARDON ME FOR BEING SO FRANK.

Q. YOUR PRESS WAS ALWAYS FREE AND IN THIS PRESENT PERIOD WE ARE RELAXED, SO WE ARE ALSO BEHAVING THE SAME WAY.

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A. THAT'S RIGHT.

Q. NOW I COME TO ANOTHER QUESTION, MR. RAPHEL. IN THE GLOBAL ECONOMIC ENVIRONMENT, AND IN VIEW OF THE UNITED STATES' GREAT DEFICIT, WOULD IT NOT BE ADVISABLE FOR WASHINGTON, IN ITS ENLIGHTENED SELF-INTEREST, TO DERIVE POLITICAL STRENGTHS FROM U.S. ECONOMIC PROGRAMS IN DEVELOPING COUNTRIES?

UNCLASSIFIED

UNCLASSIFIED

PAGE 02 KARACH 07342 08 OF 16 241259Z

A. IN WHICH WAY? FOR EXAMPLE?

Q. FOR EXAMPLE, THE ECONOMIC PROGRAMS ARE NORMALLY TIED TO, AS YOU SAID, SOME SORT OF SELF-INTEREST OR GLOBAL INTERESTS. BUT IF THEY ARE TIED WITH POLITICAL INTERESTS, LIKE IN PAKISTAN'S CASE THE NUCLEAR PROGRAM, AFGHANISTAN, AND ALL THAT (INAUDIBLE)

A. I THINK WHAT THE UNITED STATES DOES IS REALLY DO BOTH. WHEN YOU LOOK AT THE AMOUNT OF MULTILATERAL AID TO PAKISTAN, SUCH AS THE WORLD BANK, IMF LOANS TO PAKISTAN, ASIA DEVELOPMENT BANK LOANS, THE IMF SOFT LOAN WINDOW, ABOUT 40 PERCENT OF THAT MONEY, WHICH IS NOT TIED IN ANY WAY -- IT'S JUST A LOAN WITHOUT ANY POLITICAL TIES -- 40 PERCENT OF THAT MONEY COMES FROM THE UNITED STATES IN TERMS OF OUR CONTRIBUTIONS TO THE MULTILATERAL AGENCIES. SO, IN A WAY, A LARGE PROPORTION OF ASSISTANCE TO PAKISTAN WHICH ORIGINATES IN THE UNITED STATES IS WITHOUT ANY TIES AT ALL. AS FOR THE REGULAR ASSISTANCE PROGRAM, THERE ARE VERY FEW TIES IN THE LEGISLATION. I THINK THE ONLY REAL ONE IS THAT REGARDING ANY DEVELOPMENTAL ASSISTANCE MONEY, WHICH IS NOW ABOUT 85 PERCENT GRANT, PRODUCTS WHICH ARE USED MUST BE BOUGHT IN THE UNITED STATES. FOR THAT THERE IS, FROM OUR VIEWPOINT, A SENSIBLE ECONOMIC REASON. OTHER THAN THAT THERE ARE NUCLEAR PROVISIONS, BUT WE KEEP WAIVING THEM. THE ADMINISTRATION KEEPS GIVING WAIVERS TO PAKISTAN. SO THERE REALLY IS NO OTHER POLITICAL TIE UNLESS YOU WANT TO ARGUE THAT IF IT WEREN'T FOR AFGHANISTAN WE WOULDN'T HAVE THE SAME SIZE AID PROGRAM THAT WE NOW HAVE. AND THAT I DON'T KNOW; IF WE EVER GET THE SOVIETS OUT, WE'LL SEE WHAT HAPPENS.

UNCLASSIFIED

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PAGE 03 KARACH 07342 08 OF 16 241259Z

UNCLASSIFIED

Q. MR. AMBASSADOR, IN THE CASE OF PAKISTAN, AS YOU YOURSELF COMMENTED, THE RELATIONSHIP, AND OF COURSE THAT INCLUDES THE AID, HAS BEEN GOING UP AND DOWN DURING THE PERIOD. AFGHANISTAN HAS COME ONLY IN 1979 BUT BEFORE THAT WE HAD THESE AID PROBLEMS AND OTHER PROBLEMS IN THE RELATIONSHIP. THERE IS ALSO A SORT OF POLITICAL STRING ATTACHED TO IT, ISN'T THERE?

A. I THINK THE HOPE NOW, AND THIS MIGHT BE NAIVE, IS TO SEE THE RELATIONSHIP CONTINUE AS LONG AS PAKISTAN USES THE PROGRAM WELL. THAT SHOU
LD BE THE PRIMARY
DETERMINANT. THE PRIMARY DETERMINANT IS: DOES PAKISTAN HAVE THE SAME OBJECTIVE WE DO, WHICH IS NOT TO HAVE A PROGRAM ANY LONGER, IN OTHER WORDS, TO BECOME SO SELF-SUFFICIENT THAT IT DOESN'T NEED FOREIGN ASSISTANCE? A NUMBER OF PAKISTANIS HAVE SAID TO ME, AND I THINK THEY ARE ABSOLUTELY RIGHT, THAT PAKISTAN DOESN'T WANT MORE MONEY FROM AMERICA. IT WANTS TO FIND A WAY, WITH AMERICA'S HELP, NOT TO NEED MONEY. THAT'S THE EVENTUAL GOAL OF OUR PROGRAM. UNTIL THAT DAY, THE BEST WORLD, THE IDEAL WORLD, WILL BE THAT, REGARDLESS OF WHAT HAPPENS POLITICALLY, AS LONG AS PAKISTAN USES THE FUNDS WELL, WE WILL CONTINUE TO HAVE A PROGRAM.
Q. WHAT HAS PROMPTED THE U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT TO TAKE OVER THE IMPLEMENTATION OF PROJECTS IN PAKISTAN?

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PAGE 01 KARACH 07342 09 OF 16 241301Z
ACTION NEA-04

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UNCLAS SECTION 09 OF 16 KARACHI 07342

A. I DON'T THINK A.I.D. HAS TAKEN OVER IMPLEMENTATION OF ANY PROJECTS IN PAKISTAN. WHAT A.I.D. DOES FOR THE GOVERNMENT OF PAKISTAN IS THAT, FOR EXAMPLE, THEY WILL HAVE A DISCUSSION ABOUT A HEALTH PROJECT. THE GOVERNMENT OF PAKISTAN WILL COME IN AND SAY "THIS IS WHAT WE WANT TO DO." A.I.D. WILL SAY "THAT PART MAKES SENSE TO US, THAT PART DOESN'T; HAVE YOU THOUGHT ABOUT DOING IT THIS WAY?" THEN THERE'S A NEGOTIATION. ONCE THERE IS AGREEMENT, A.I.D. WILL GIVE A CHECK, BASICALLY, TO THE MINISTRY OF HEALTH OF THE GOVERNMENT OF PAKISTAN AND THEY WILL IMPLEMENT THE PROJECT WITH TECHNICAL ADVICE FROM A.I.D. BUT YOU DON'T HAVE A.I.D. RUNNING GOVERNMENT OF PAKISTAN PROJECTS. THEY ARE BASICALLY RUN BY THE MINISTRIES, BUT THERE IS A LOT OF CONSULTATION ON THE BEST WAY TO RUN THE PROJECT.

Q. LIKE SOME ROAD BUILDING AND COMMUNICATION IN BALUCHISTAN?

A. BUT THOSE ARE DONE BY THE (INTERRUPTED)

UNCLASSIFIED

UNCLASSIFIED

PAGE 02 KARACH 07342 09 OF 16 241301Z

Q. NO, FOR EXAMPLE, I'LL TELL YOU. THERE ARE SOME PROJECTS WHERE THERE ARE CONDITIONS FOR THIS OR THAT PARTICULAR ITEM. THESE ARE THE THINGS WHICH ARE DIRECT INTERFERENCE INTO THE ECONOMIC SYSTEM OF THE COUNTRY. AS FOR THE FEASIBILITY OF A CERTAIN PROJECT, THEY SHOULD DO IT. BUT IF YOU PUT THOSE CONDITIONS WHERE IT CONCERNS ONLY THE PROJECT AND THE PEOPLE WHO NEED THE PROJECT, THEN IT BECOMES INTERFERENCE.

A. IT'S HARD TO THINK OF ANY FOREIGN ASSISTANCE PROGRAM WHICH DOESN'T WORK THAT WAY. FOR EXAMPLE, ALL THE IMF MONEY IN PAKISTAN, WHICH IS A LOT OF MONEY -- 600 OR 700 MILLION DOLLARS PER YEAR. AS YOU KNOW, THE IMF WILL

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SAY, "WE'LL GIVE YOU 200 MILLION DOLLARS FOR THE AGRICULTURAL SECTOR, BUT IF YOU DON'T MAKE THESE CHANGES IT'S NOT GOING TO HELP BECAUSE IT'S GOING TO CONTINUE TO GET WORSE. THESE ARE THE CHANGES THAT SHOULD BE MADE IN ORDER TO IMPROVE THE SECTOR." THERE'S NO REASON FOR THE IMF TO PUT ANY MONEY INTO IT IF IT'S NOT GOING TO MAKE ANY PERMANENT, POSITIVE CHANGES. FOR OUR CONGRESS, AS WELL AS FOR THE AMERICAN PEOPLE, WE HAVE TO BE ABLE TO SAY, "WE'RE NOT JUST GIVING AWAY 200 MILLION DOLLARS, BUT PAKISTAN IS MAKING CHANGES SO THAT WE WON'T HAVE TO DO THIS ANYMORE." THAT'S WHY YOU HAVE THOSE KIND OF CONDITIONS.

Q. (INAUDIBLE)

A. WE DON'T IMPLEMENT PROJECTS OURSELVES.

Q. YOU ARE NOT TAKING ANY PROJECTS INTO YOUR HANDS?

A. ALL THE PROJECTS ARE BEING DONE BY THE GOVERNMENT OF
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PAKISTAN AND WE COOPERATE WITH THEM. FOR EXAMPLE, THE ROAD BUILDING IN BALUCHISTAN IS DONE BY THE MINISTRY.

Q. ON YOUR CONDITIONS?

A. WE DO ATTACH SOME CONDITIONS AS TO HOW THE MONEY IS GOING TO BE SPENT.

Q. AND ABOUT THE SPECIFICATIONS, NO?

A. LIKE THE ROAD SPECIFICATIONS?

Q. THE SPECIFICATIONS OF ANY PROJECT. YOU DON'T INTERFERE IN THOSE AREAS?

A. NO, WE DO. FOR EXAMPLE, IF WE ARE GOING TO HAVE A CONTRACT TO BUILD A ROAD IN BALUCHISTAN AND THE MINISTRY OF ROADS IS GOING TO GIVE THIS CONTRACT TO SALIM AND SONS, FOR EXAMPLE, WE WILL SAY, "WHERE IS THE ROAD GOING? DOES IT MAKE SENSE TO HAVE A ROAD THERE?" THEN WE'LL NEGOTIATE THAT WITH THE GOVERNMENT OF PAKISTAN. TEN, SHOULD IT BE A KUCHA ROAD OR SHOULD IT BE A PUCCA ROAD? THAT WOULD BE A NEGOTIATION BETWEEN OURSELVES AND THE GOVERNMENT OF PAKISTAN.
Q. EXCUSE MY INTERRUPTION. IS THERE ANY CONNECTION BETWEEN CENTCOM OBJECTIVES AND YOUR AID?

Date Printed: 08/05/1998 DOC_NUMBER: 87KARACH07342 CHANNEL: n/a

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PAGE 01 KARACH 07342 10 OF 16 241303Z
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UNCLAS SECTION 10 OF 16 KARACHI 07342

A. NOT AT ALL. WHEN I CAME HERE 22 YEARS AGO, I READ -- IT WASN'T IN "JANG", BUT IN ANOTHER URDU NEWSPAPER -- THAT WE HAD A BASE IN GWADAR. THAT WAS 22 YEARS AGO. I SAID, "I DIDN'T KNOW WE HAD A BASE IN GWADAR." PEOPLE SAID "IT'S JUST IN THE NEWSPAPERS." TEN YEARS AGO WHEN I CAME I READ IN THE NEWSPAPERS AGAIN THAT WE HAVE A BASE IN GWADAR. STILL NONE. NOW I'M READING ONCE AGAIN THAT WE WANT A BASE IN GWADAR. WHAT I'D LIKE TO DO IS ORGANIZE A TOUR AND TAKE A GROUP OF JOURNALISTS DOWN TO GWADAR AND PASNI AND TURBAT AND SHOW THAT WE'RE NOT DOING ANYTHING THERE ON THE MILITARY SIDE AND REALLY DON'T HAVE ANY INTEREST IN DOING ANYTHING ON THE MILITARY SIDE. NEXT YEAR, WE ARE SPENDING 40 MILLION DOLLARS IN BALUCHISTAN WHICH IS AT THE REQUEST OF THE

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GOVERNMENT OF PAKISTAN AND OF THE PROVINCE. A LARGE COMPONENT OF THAT 40 MILLION DOLLARS IS FOR HEALTH AND EDUCATION. WE'RE NOW SENDING ABOUT 100 STUDENTS A YEAR FROM THE MEKRAN TO THE UNITED STATES. PLUS, A LOT OF IT IS FOR ROAD BUILDING. BUT THESE ARE ROADS THAT THE GOVERNMENT OF PAKISTAN HAS COME AND SAID "WE WANT A ROAD
UNCLASSIFIED

FROM TURBAT TO SIBI" AND WE'VE SAID "OKAY, WE'LL HELP DO IT." BUT THERE IS NO CONNECTION WITH CENTCOM AT ALL.

Q. MR. RAPHEL, PAKISTAN IS PAYING A HEAVY PRICE FOR ITS AFGHANISTAN POLICY. THE SUSPENSION OF ECONOMIC ASSISTANCE AT A TIME WHEN PAKISTAN IS FACING GRAVE ECONOMIC PROBLEMS RAISES THE QUESTION OF THE LIABILITY OF THE UNITED STATES AS A FRIEND OF PAKISTAN. WOULD THE EMERGING SITUATION LEAD TO IRREPARABLE DAMAGE TO U.S.-PAKISTAN RELATIONS?

A. I DON'T THINK SO. I AM CONFIDENT THAT IT WON'T BECAUSE, AS I MENTIONED EARLIER, AS FAR AS THE PRESIDENT AND THE ADMINISTRATION ARE CONCERNED THERE WON'T BE AN AID SUSPENSION. WE ARE OPPOSED TO AN AID SUSPENSION AND WE'LL JUST HAVE TO WORK TO DO OUR BEST TO ENSURE THAT DOESN'T HAPPEN.

Q. MR. AMBASSADOR, SHIFTING FROM PAKISTAN AND AFGHANISTAN, SINCE WE WERE TALKING ABOUT THE REGION, REGARDING THE LATEST RECONCILIATION IN SRI LANKA, THERE IS A COMMON FEELING THAT THE INDIAN EFFORTS TO REACH THAT RECONCILIATION HAD THE APPROVAL OF THE UNITED STATES GOVERNMENT. THIS HAS GIVEN RISE TO A STRONG IMPRESSION THAT IN THE SOUTH ASIAN COUNTRIES, INCLUDING PAKISTAN, INDIA HAS BEEN ASSIGNED BY THE U.S. SOME TYPE OF A BIG BROTHER ROLE IN THE REGION. HOW WOULD YOU COMMENT?

A. FIRST, WE HAD NO ADVANCE NOTICE OF THE AGREEMENT BETWEEN RAJIV AND JAYAWARDENE. WE DIDN'T KNOW ABOUT IT UNTIL WE READ ABOUT IT IN THE PAPERS. SECOND, I FEEL VERY STRONGLY THAT EVERY COUNTRY IN SOUTH ASIA HAS A RIGHT TO ITS NATIONAL INTERGITY AND TO ITS SOVEREIGNTY
UNCLASSIFIED

AND THAT THERE SHOULDN'T BE ANY BIG BROTHER IN SOUTH ASIA. THAT HAS EEN A VERY FIRM AMERICAN POLICY. WE ALL KNOW THAT THE REALITY IS -- AND PAKISTAN RECOGNIZES TOO -- THAT INDIA IS THE LARGEST COUNTRY IN THE REGION,

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BUT THAT DOESN'T MEAN THAT INDIA SHOULD BE A HEGEMONIC POWER. WE CERTAINLY DON'T SUPPORT THAT AND IT'S NOT OUR POLICY.

Q. IN CONTINUATION OF THIS QUESTION, WE ALL KNOW THAT ETHNIC CONFLICTS ARE UNIVERSAL. IT IS CHARGED HERE, AS WELL AS BY FOREIGN EXPERTS, THAT INDIA SUSTAINED THE TAMIL ETHNIC CRISIS IN SRI LANKA IN ORDER TO HAVE A CAUSE TO INTERVENE. SIMILARLY, INDIA CAN FOMENT ETHNIC CRISES IN OTHER NEIGHBORING COUNTRIES IN ORDER TO ACQUIRE A DOMINANT ROLE. WHAT HAPPENS TO THE SOVEREIGN STATUS OF SMALLER STATES IN THE REGION, ESPECIALLY IN A COUNTRY LIKE PAKISTAN? WE CAN ALWAYS EXPECT INDIA TO DO THE SAME HERE AS THEY HAVE DONE IN SRI LANKA.

A. ONE VERY GOOD THING ABOUT BEING AMERICAN AMBASSADOR TO PAKISTAN IS THAT YOU DON'T HAVE TO COMMENT ON INDIAN POLICY. TO REPEAT THE POINT THAT I MADE EARLIER, AMERICAN POLICY ON RELATIONSHIPS IN SOUTH ASIA IS VERY, VERY CLEAR. AMERICA HAS NEVER BEEN IN FAVOR OF, AND HAS BEEN OPPOSED TO, ANY COUNTRY HAVING HEGEMONIC CONTROL OVER SOUTH ASIA AND DOMINATING THE REGION. THAT HAS BEEN A CONSISTENT POLICY.

Q. I READ A NEWS ITEM FROM WASHINGTON WHICH SAID THAT

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PAGE 01 KARACH 07342 11 OF 16 241304Z
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UNCLAS SECTION 11 OF 16 KARACHI 07342

ONE OF THE CONGRESSIONAL COMMITTEES HAS ASSIGNED A NATIONAL RECONCILIATION
ROLE TO INDIA. THEY WANT INDIA
TO SOLVE THE ETHNIC PROBLEM IN SRI LANKA.

A. I DOUBT THAT'S TRUE. THE COMMITTEE CERTAINLY WASN'T SPEAKING FOR THE ADMINISTRATION.

Q. "DAWN" CARRIED A STATEMENT ON AUGUST 24.

A. I WAS NOT AWARE OF THAT, BUT CERTAINLY THE ADMINISTRATION ISN'T TAKING THE POSITION THAT INDIA SHOULD TAKE IT UPON ITSELF TO SOLVE THESE PROBLEMS. SPECIFICALLY, ON THE SRI LANKAN ACCORD, OUR VIEW HAS BEEN THAT WHAT WAS GOING ON IN SRI LANKA WAS TERRIBLE. IN TERMS OF THC CARNAE AND ETHNIC FIQHTINQ, IT WAS AWFUL FOR THE ISLAND. IF THERE CAN BE A WAY TO STOP THE ETHNIC FIGHTING WHICH ALLOWS SRI LANKA TO MAINTAIN ITS INTEGRITY AND SOVEREIGNTY, THAT'S THE ANSWER THAT WE ALL WANT TO SEE. WE DON'T KNOW YET WHETHER THIS AGREEMENT MEETS THOSE TWO OBJECTIVES.

UNCLASSIFIED

UNCLASSIFIED

PAGE 02 KARACH 07342 11 OF 16 241304Z

Q. LET US SAY, AS AN ASSUMPTION, IF INDIA DOES THE SAME THING IN PAKISTAN, WHAT WOULD BE THE STAND AND ROLE OF THE UNITED STATES IN THAT SITUATION?

A. ONE THING THAT WE BOTH BELIEVE IS THAT NEITHER INDIA NOR PAKISTAN HAS THE INTENTION OF MOVING INTO THE OTHER COUNTRY, OF TRYING TO OVERTHROW A GOVERNMENT. WE DON'T THINK EITHER COUNTRY WANTS TO DO THAT. THE SECOND THING THAT I HAVE LEARNED IN 22 YEARS OF DIPLOMACY IS TO NEVER GUESS WHAT IS GOING TO HAPPEN IN THE FUTURE.

Q. SO, WE WILL LEAVE IT FOR THE TIME BEING THAT YOU ARE NOT GOING TO COMMENT ON THAT. IT IS SAID THAT THE AFGHANISTAN PROBLEM IS THE OUTCOME OF SUPERPOWER RIVALRY AND THAT THE AMERICANS ARE FIGHTING THE CHEAPEST WAR AGAINST THE RUSSIANS IN THAT COUNTRY. WASHINGTON, SOME MAY SAY, WOULD LIKE TO BLEED THE RUSSIANS BADLY. THIS

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APPROACH IS THE GREATEST OBSTACLE IN THE WAY OF THE SOLUTION OF THE AFGHAN PROBLEM. HOW DO YOU SEE IT?

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PAGE 01 KARACH 07342 12 OF 16 241306Z
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UNCLAS SECTION 12 OF 16 KARACHI 07342

A. FIRST, I THINK IT'S WRONG TO SAY THAT AFGHANISTAN IS THE FUNCTION OF GREAT POWER RIVALRY. I THINK THAT WHAT HAS HAPPENED IN AFGHANISTAN IS A FUNCTION OF THE FACT THAT THE SOVIET UNION INVADED, HAS 115,000 TROOPS THERE, AND WON'T GET THEM OUT. THE EASIEST QUICK SOLUTION TO AFGHANISTAN IS FOR THE SOVIETS TO GO HOME. I PROMISE WE

WON'T STOP THEM. WE DON'T HAVE BARRICADES SET UP AT THE BORDERS SAYING YOU CAN'T GO BACK. IF THEY WANT TO GOBACK THAT WOULD BE MARVELOUS. FOR PEOPLE WHO CLAIM THAT WE JUST WANT TO BLEED THE SOVIET UNION, I ALWAYS ASK THE QUESTION IN RETURN, "IF YOU WERE PRESIDENT REAGAN AND YOU WERE COMING TO THE END OF YOUR SECOND TERM WOULD YOU RATHER STAND UP AND BE ABLE TO SAY 'THE SOVIET UNION HAS LEFT AFGHANISTAN AND AFGHANISTAN IS A FREE COUNTRY' OR WOULD YOU RATHER SAY 'THE SOVIET UNION IS STILL THERE IN AFGHANISTAN'"? WHICH IS BETTER FOR THE UNITED STATES? THERE'S NO QUESTION WHICH IS BETTER FOR THE UNITED STATES -- FOR THE SOVIETS TO LEAVE, TO GET OUT -- AND THAT REMAINS THE POLICY. YOU'RE RIGHT, THERE ARE SOME PEOPLE WHO SAY IT'S GOOD THAT THE SOVIETS ARE BEING BLED, BUT THAT IS CERTAINLY NOT THE
UNCLASSIFIED

GOVERNMENT'S POLICY AND IT'S NOT THE PRESIDENT'S POLICY.

Q. WOULD THE UNITED STATES SUPPORT DIRECT NEGOTIATIONS BETWEEN ISLAMABAD AND KABUL FOR AN EARLY SOLUTION OF THE WAR IN KABUL?

A. ISLAMABAD HAS SAID, AND RIGHTFULLY SO, THAT IT DOESN'T WANT TO TALK TO KABUL BECAUSE THE KABUL REGIME DOESN'T REPRESENT ANYBODY EXCEPT FOR NAJIBULLAH AND SOME OTHER COMMUNISTS IN HIS GOVERNMENT. OUR POSITION HAS ALWAYS BEEN TO SUPPORT THE GOVERNMENT OF PAKISTAN. THE GOVERNMENT OF PAKISTAN HAS SAID THAT THE SOLUTION TO THIS WAR HAS TO BE FOUND IN MOSCOW, NOT IN KABUL, AND IT HAS TO BE FOUND AMONG THE AFGHAN PEOPLE, BUT NOT IN KABUL, BECAUSE THE KABUL REGIME REALLY DOESN'T REPRESENT ANYONE EXCEPT ITSELF.

Q. DO YOU THINK THAT IF THERE ARE DIRECT NEGOTIATIONS BETWEEN THE TWO GOVERNMENTS, AN ASSUMPTION OF COURSE, IT WOULD BE EASIER TO SOLVE THE PROBLEM THAN GOING THROUGH, YOU KNOW, ALL THESE VERY CIRCULAR AND LONG NEGOTIATIONS?
A. NOT AT ALL, BECAUSE THE ANSWER TO AFGHANISTAN LIES IN MOSCOW. IT DOESN'T LIE WITH NAJIBULLAH. IT LIES AMONG THE AFGHAN PEOPLE, NOT WITH NAJIBULLAH. IF HE REPRESENTS TWO PERCENT OF THE AFGHAN PEOPLE I WOULD BE SURPRISED. IF PAKISTAN OR WE OR ANYONE ELSE START TALKING TO NAJIBULLAH IT WOULD GIVE HIM MUCH GREATER LEGITIMACY. IT WOULD GIVE HIM A MUCH GREATER ROLE. IN MY VIEW, HE DOESN'T HAVE ANY RIGHT TO THAT BECAUSE HE DOESN'T REPRESENT ANYTHING EXCEPT HIS OWN GOVERNMENT.

Q. EXCUSE ME SIR. IN THE INDIRECT TALKS, WE ARE TALKING TO THE PEOPLE WHO COME FROM NAJIBULLAH IN ANY
UNCLASSIFIED

UNCLASSIFIED

PAGE 03 KARACH 07342 12 OF 16 241306Z

CASE (INAUDIBLE)

A. BUT ONCE AGAIN, WHAT GOOD WOULD IT DO TO TALK TO NAJIBULLAH? IN OTHER WORDS, LET ME TURN THE QUESTION AROUND. IF MOSCOW DECIDES THAT IT WANTS THIS ISSUE SETTLED, WILL IT BE SETTLED? IF MOSCOW DECIDES IT DOESN'T WANT NAJIB TO DO SOMETHING, IS HE GOING TO DO IT? IS NAJIB GOING TO ACT CONTRARY TO WHAT MOSCOW SAYS? WILL HE DO WHAT MOSCOW TELLS HIM TO? I'M CONFIDENT THAT THE ANSWER TO THE FIRST IS THAT HE WILL NEVER DO ANYTHING CONTRARY TO WHAT MOSCOW SAYS. I'M CONFIDENT HE'LL DO EXACTLY WHAT MOSCOW TELLS HIM TO. SO, WHY NOT GO DIRECTLY TO THE SOURCE OF THE POWER, TO THE SOURCE OF THE AUTHORITY, WHICH IS MOSCOW? IT'S NOT NAJIBULLAH.

Q. BUT THERE WAS A QUESTION OF A GUARANTEE, OF A GUARANTEE FROM THE UNITED STATES. THAT WAS YOUR POSITION FOUR MONTHS BACK, AS I KNOW THROUGH YOUR FORMER AMBASSADOR, DEANE R. HINTON. HE SAID THAT WE WILL AGREE, OR GIVE THE GUARANTEE, WHEN CERTAIN THINGS ARE SETTLED. IF THE RESISTANCE MOVEMENT IN AFGHANISTAN AND OUTSIDE AFGHANISTAN (INAUDIBLE) AS SUGGESTED BY AGHA SHARIFF AND THEY DECIDE SOMETHING. WOULD YOU AGREE TO ANY OF THAT DECISION?

A. WE WILL ACCEPT ANY DECISION THAT THE PEOPLE OF AFGHANISTAN SUPPORT.

Q. ANY DECISION? WITHOUT ANY INTERFERENCE?

A. THAT'S RIGHT, BECAUSE WHATEVER THEY WANT FOR THEIR FUTURE IS FINE WITH US.

Q. MR. AMBASSADOR, IN CONTINUATION OF THE AFGHAN THING, ONLY THE OTHER DAY PRESIDENT REAGAN DECLARED IN THE UNCLASSIFIED

UNCLASSIFIED

PAGE 04 KARACH 07342 12 OF 16 241306Z

UNITED NATIONS GENERAL ASSEMBLY THAT THE DAYS OF THE KABUL REGIME ARE NUMBERED AND THE RUSSIANS SHOULD IMMEDIATELY PULL OUT. HAS THERE BEEN ANY RECENT DEVELOPMENT TO PROMPT MR. REAGAN TO MAKE THIS ASSESSMENT, OR DOES IT MEAN THAT WE ARE MOVING TOWARD A FURTHER ESCALATION OF RHETORIC?

Date Printed: 08/05/1998 DOC NUMBER: 87KARACH07342 CHANNEL: n/a

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PAGE 01 KARACH 07342 13 OF 16 241308Z
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UNCLAS SECTION 13 OF 16 KARACHI 07342

A. SOVIET RHETORIC HAS CHANGED CONSIDERABLY SINCE GORBACHEV HAS COME TO POWER. FOR EXAMPLE, NOW YOU HAVE THE SOVIETS SAYING -- WHICH THEY HAVE NEVER SAID BEFORE -- THAT THEY WANT TO GET OUT. THEY REALLY WANT TO GET OUT AND IT'S JUST A QUESTION OF FINDING A WAY TO GET OUT. YOU HAVE THEM TALKING ABOUT A SHORTER TIMETABLE. STILL NOT SHORT ENOUGH, WE THINK, BUT A SHORTER TIMETABLE. YOU HAVE GORBACHEV SAYING THAT HIS PRIMARY CONCERNS NOW ARE THE ECONOMY OF THE SOVIET UNION AND GETTING THE AFGHANISTAN PROBLEM SETTLED. SO, WHEN YOU LOOK AT WHAT THE SOVIEI UNION IS SAYING, THEN IT LOOKS LIKE IT IS MOVING TOWARD A DECISION TO GET OUT OF AFGHANISTAN. I THINK THAT'S WHAT THE PRESIDENT WAS REFERRING TO, THAT AT LEAST IF YOU LOOK AT THE WORDS THERE HAS BEEN SOME MOVEMENT. NOW THE REAL QUESTION IS -- AND WE DON'T KNOW THIS YET -- WILL THE WORDS TRANSLATE INTO REAL ACTIONS ON THE GROUND? WILL WE SEE THE SOVIETS START TO GET OUT? BUT, CERTAINLY THE RHETORIC HAS CHANGED CONSIDERABLY.

Q. THERE HAS BEEN MOVEMENT IN YOUR OPINION?
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UNCLASSIFIED

PAGE 02 KARACH 07342 13 OF 16 241308Z

A. THAT'S RIGHT. WE'VE GOT AN INF AGREEMENT NOW AND WE'RE GOING TO HAVE THE SUMMIT, AND WE HOPE THAT ALL THIS WILL LEAD TO SOME PROGRESS ON AFGHANISTAN.

Q. THE OTHER MOST IMPORTANT REGION, I THINK, AFTER WE HAVE DISCUSSED AFGHANISTAN AND INDIA, IS THE GULF. RECENT DIRECT MILITARY INTERVENTION OR, RATHER, I WOULD SAY INVOLVEMENT, NOT INTERVENTION, IN THE GULF HAS INCREASED TENSION IN THE GULF AREA AND HAS ALSO MADE NORMAL SHIPPING MOVEMENT UNSAFE, MORE UNSAFE THAN IT WAS PREVIOUSLY. IT HAS ALSO PUSHED IRAN CLOSER TO THE SOVIET UNION. HOW DO YOU THINK THAT UNDER THESE CIRCUMSTANCES THERE IS A POSSIBILITY OF AN EARLY END OF THE HOSTILITIES IN THE GULF?

A. ONE THING TO KEEP IN MIND IS THAT OUR PROTECTION OF THESE VESSELS HAS BEEN SUPPORTED BY ALL THE MODERATE ARABS IN THE AREA. TO ME, THE PROBLEM IS THAT PEOPLE AREN'T FOCUSING ON WHAT THE BASIC ISSUE IS. THE BASIC ISSUE IS, AS WAS SAID IN THE UNITED NATIONS SECURITY COUNCIL BY ALL 15 MEMBERS, THAT THE WAR SHOULD END. THE WAR IS NOT ENDING BECAUSE IRAN WON'T LET IT END. IRAQ WANTS TO LET IT END. ALL 15 MEMBERS OF THE SECURITY COUNCIL VOTED FOR A RESOLUTION THAT SAID THERE SHOULD BE

A CEASEFIRE AND THAT THE WAR SHOULD END. WE'VE SAID THAT AS SOON AS IRAN ACCEPTS THAT RESOLUTION -- AND IT WAS UNANIMOUSLY PASSED -- AND AS SOON AS THERE IS PEACE BETWEEN THE TWO COUNTRIES, WE HAVE NO INTENTION OF KEE
PING THAT SAME KIND OF FORCE THERE AND WE'LL WITHDRAW THAT FORCE. WE'LL HAVE A RESIDUAL PRESENCE, AS WE ALWAYS HAVE. BUT THE QUESTION IN MY MIND IS NOT SO MUCH WHY ARE WE ESCORTING OUR FRIENDS, OR WHY ARE WE
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PROTECTING OUR FRIENDS, AS IT IS WHY ISN'T THE WAR OVER. IT'S VERY SIMPLE WHY THE WAR HASN'T ENDED. IT'S BECAUSE IRAN DOESN'T WANT THE WAR TO END.

Q. NO, ONLY RECENTLY, THREE OR FOUR DAYS AGO, I THINK, IRAN MADE AN OFFER FOR A CEASEFIRE.
A. BUT ONLY IF FIRST THE UNITED NATIONS SAID WHO WAS THE AGGRESSOR.

Q. NO, THEY OFFICIALLY SAID THAT THEY WANT A CEASEFIRE, I THINK, NOT AN END OF THE WAR. THEY WANT A CEASEFIRE AND THEN THEY WANT A UNITED NATIONS COMMISSION TO PINPOINT THE AGGRESSION.

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PAGE 01 KARACH 07342 14 OF 16 241311Z
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UNCLAS SECTION 14 OF 16 KARACHI 07342

A. I'D BE SURPRISED IF THE IRANIANS SAID THAT BECAUSE THE SECURITY COUNCIL RESOLUTION CALLS FOR JSUT THAT. IT CALLS FOR A CEASEFIRE, A RETURN OF PRISONERS, AND, THEN, IN THE SECURITY COUNCIL RESOLUTION IT TALKS ABOUT FINDING OUT WHO IS RESPONSIBLE FOR THE WAR. NOW, IF IRAN ACCEPTS THE SECURITY COUNCIL RESOLUTION, THAT'S FINE WITH US, AND THE FIGHTING WILL STOP. BUT I THINK THEY STILL WANT TO HAVE THIS COMMISSION.

Q. BUT YOUR PRESENCE IN THE GULF WILL NOT DIMINISH THE TENSION IN THE REGION.

A. I THINK HAVING A MILITARY PRESENCE THERE, NOT ONLY OURSELVES BUT THE BRITISH AND THE FRENCH (INTERRUPTED) AND IF YOU HAVE A LARGER MILITARY PRESENCE, THE LEVEL OF TENSION INCREASES. I THINK THAT'S ABSOLUTELY RIGHT. OUR RESPONSE TO THAT IS THAT IT'S VERY EASY TO GET US OUT, AND TO GET THE BRITISH AND THE FRENCH OUT, AND TO GET THE RUSSIANS OUT.

Q. HOW EXPLOSIVE WILL IT BECOME IF THE IRANIANS DO NOT
UNCLASSIFIED

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PAGE 02 KARACH 07342 14 OF 16 241311Z

AGREE WITH THE SECURITY COUNCIL RESOLUTION?

A. THE PROBLEM IS THAT IT HAS BEEN AN EXPLOSIVE SITUATION IN THE GULF FOR SEVEN YEARS. WHEN YOU LOOK AT THE DEATHS ON BOTH SIDES AND THE CARNAGE, IT'S NOT AS IF THE PRESENCE OF AMERICAN SHIPS IS MAKING A PEACEFUL SITUATION MORE DANGEROUS. IT HAS BEEN DANGEROUS THERE FOR A LONG TIME. WHAT I KEEP GETTING BACK TO IS THAT IF PEOPLE ARE REALLY CONCERNED ABOUT THE AMERICAN PRESENCE OR THE ABOUT WESTERN PRESENCE OR THE SOVIET PRESENCE, THE EASIEST WAY IS TO ACCEPT WHAT THE SECURITY COUNCIL HAS SAID TO DO.

Q. MR. AMBASSADOR, I COME TO OUR QUESTION WHICH RELATES TO DEMOCRACY. IT'S A BIG QUESTION. IT IS A COMMON CHARGE THAT DEMOCRATIC MOVEMENTS WORLDWIDE HAVE SUFFERED BECAUSE OF AMERICAN SUPPORT FOR DICTATORSHIPS. U.S. POLICY IN THE EARLY DAYS OF MR. REAGAN'S ADMINISTRATION WAS TO PREFER RULERS WHO SERVED U.S. INTERESTS. RECENTLY, WASHINGTON SEEMS TO HAVE REALIZED THAT THEIR SUPPORT FOR MILITARY RULERS CANNOT SUSTAIN ITS INTERESTS. THIS IS REFLECTED IN MR. REAGAN'S OBSERVATION, QUOTED BY U.S. AMBASSADOR TO SOUTH KOREA, MR. JAMES LIBBY. I QUOTE, "THE DEVELOPMENT OF DEMOCRATIC INSTITUTIONS IS THE SUREST MEANS TO A BUILD NATIONAL CONSENSUS, WHICH IS THE FORMATION OF A TRUE STATE." CAN YOU ELABORATE ON THIS WITH REFERENCE TO PAKISTAN AND DEVELOPMENTS IN SOUTH KOREA?

A. FIRST, I WOULD CONTEND THAT FROM THE BEGINNING THE ADMINISTRATION HAS BEEN ENCOURAGING A MOVEMENT TOWARD DEMOCRACY. WHEN YOU LOOK AT THE SITUATION IN CENTRAL AND LATIN AMERICA, PEOPLE TEND TO FOCUS ON NICARAGUA
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BECAUSE IT GETS ALL THE PUBLICITY. BUT WHEN YOU LOOK AT THE NUMBER OF STATES THAT HAVE HAD FREE ELECTIONS AND NOW HAVE REPRESENTATIVE GOVERNMENTS, COMPARED TO EIGHT YEARS AGO, IT IS MANY MORE IN CENTRAL AMERICA AND IN LATIN AMERICA. I LIKE TO THINK THAT A LOT OF THAT IS BECAUSE OF AMERICAN INFLUENCE. YOUR'RE RIGHT, IN THE PHILLIPINES AND IN SOUTH KOREA, THERE, TOO, WE WERE VERY FIRM IN ENCOURAGING THAT MOVE TOWARD REPRESENTATIVE GOVERNMENT. WHEN YOU TALK ABOUT PAKISTAN, OUR VIEW IS THAT PAKISTAN OVER THE PAST TWO-AND-A-HALF YEARS HAS

Date Printed: 08/05/1998 DOC_NUMBER: 87KARACH07342 CHANNEL: n/a

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PAGE 01 KARACH 07342 15 OF 16 241311Z
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UNCLAS SECTION 15 OF 16 KARACHI 07342

MADE A NUMBER OF VERY SIGNIFICANT STEPS ON THE ROAD TO

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DEMOCRACY. YOU'VE SEEN MARTIAL LAW LIFTED. YOU'VE SEEN PARLIAMENTARY ELECTIONS. YOU'VE SEEN THE ESTABLISHMENT OF PARLIAMENT. WE'VE SEEN THE BASIC RIGHTS OF THE CONSTITUTION RESTORED. WE SEE A UCH MORE OPEN PRESS -- A FREE PRESS. WE SEE MUCH MORE POLITICAL ACTIVITY THAN YOU SAW TWO-AND-A-HALF YEARS AGO. WHAT PAKISTAN IS DOING, IN OUR VIEW, IS MOVING VERY MUCH IN THE RIGHT DIRECTION -- THE DIRECTION TOWARD A FREE AND OPEN DEMOCRATIC SYSTEM. AS ONE OF MY PAKISTANI FRIENDS SAID TO ME, THE PROBLEM SEEMS TO BE THAT PAKISTAN DID IT QUIETLY. IF EVERYBODY HAD GONE OUT INTO THE STREETS AND DONE IT, THEN THE UNITED STATES WOULD HAVE NOTICED. BECAUSE IT WAS DONE QUIETLY IT HASN'T GOTTEN THAT MUCH ATTENTION IN THE UNITED STATES.

Q. IN CASE THERE IS ANOTHER MARTIAL LAW IN THIS COUNTRY, WOULD YOU SUPPORT IT?

A. I TEND TO AGREE WITH THE PRIME MINISTER, WHO SAYS HE SEES NO REASON TO HAVE ANOTHER MARTIAL LAW IN PAKISTAN.
UNCLASSIFIED

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PAGE 02 KARACH 07342 15 OF 16 241311Z

Q. NO, LET'S ASSUME THAT THERE IS A MARTIAL LAW.

A. BUT, THEN, WE GET BACK TO MY EARLIER COMMENT THAT AFTER 22 YEARS, I HAVE LEARNED NEVER TO PREDICT WHAT IS GOING TO HAPPEN. YOU CAN ONLY GET IN TROUBLE.

Q. TO WHAT EXTENT IS THE UNITED STATES SATISFIED WITH PAKISTAN'S EFFORTS TO CONTROL DRUG TRAFFICKING WITH THE HELP OF THE UNITED STATES?

A. I THINK PAKISTAN HAS MADE INCREDIBLE STRIDES. IT LOOKS LIKE THIS YEAR THE POPPY CULTIVATION WILL BE DOWN TO 80 TONS. IT WAS 140 LAST YEAR. IN 1979, THERE WAS 800 TONS OF POPPY CULTIVATED HERE. IT HAS BEEN CUT DOWN TO ONE-TENTH, SO WE'VE REALLY MADE A LOT OF PROGRESS. EVERY TIME I THINK ABOUT NARCOTICS I THINK ABOUT WHAT PRIME MINISTER JUNEJO SAID WHEN HE WAS IN AMERICA LAST YEAR AND HE WAS ASKED, "WHAT ARE YOU GOING TO DO ABOUT THE NARCOTICS PROBLEM?" HE SAID THAT PAKISTAN NOW HAS 500,000 HEROIN ADDICTS. TODAY IT IS UP TO 660,000. IT'S HIGHER PER CAPITA THAN THE UNITED STATES. HE SAID THAT PAKISTAN'S NARCOTICS PROBLEM IS NOT AMERICA'S PROBLEM, IT'S OUR PROBLEM, AND WE HAVE TO FIND AN ANSWER FOR THE SAKE OF FUTURE GENERATIONS OF PAKISTANIS, FOR YOUNG PAKISTANIS. WE ARE GOING TO SOLVE THE PROBLEM, NOT TO HELP AMERICA OUT, BUT TO HELP PAKISTAN OUT. AND WHATEVER THE UNITED STATES CAN DO TO HELP PAKISTAN, WE WANT TO DO THAT. PAKISTAN HAS TAKEN IT VERY SERIOUSLY

AND HAS TAKEN, AS I SAY, A NUMBER OF VERY POSITIVE STEPS TOWARD GETTING IT UNDER CONTROL. IT'S TOUGH BECAUSE ON THE OTHER SIDE OF THE AFGHAN BORDER YOU DON'T HAVE PEOPLE WHO ARE THAT RESPONSIBLE. THEY DON'T CARE WHAT'S
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GOING ON IN TERMS OF GROWING. BUT THE GOVERNMENT HERE HAS DONE A VERY GOOD JOB.

Q. ONE LAST QUESTION. MR. RAPHEL, PAKISTANI EXPERTS FEEL THAT NOT ENOUGH HAS BEEN DONE FOR THE REHABILITATION OF DRUG ADDICTS. WHAT IS YOUR OPINION ABOUT THAT?

A. WE JUST HAD OUR ASSISTANT SECRETARY FOR NARCOTICS. MATTERS HERE. SHE TALKED WITH THE PRESIDENT AND THE PRIME MINISTER. THEY BOTH RAISED THIS ISSUE AND SAID, "WE HAVE 660,000 HEROIN ADDICTS. YOU'VE GOT TO DO SOMETHING FOR THEM, BUT IT'S VERY EXPENSIVE." BOTH OF THEM SAID THAT THE GOVERNMENT HAS TO DO MORE, BUT THE RESOURCES AREN'T THERE. WE ARE GIVING SOME ASSISTANCE

Date Printed: 08/05/1998 DOC NUMBER: 87KARACH07342 CHANNEL: n/a

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PAGE 01 KARACH 07342 16 OF 16 241311Z
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UNCLAS SECTION 16 OF 16 KARACHI 07342

TO PAKISTAN IN TRYING TO HELP WITH REHABILITATION, BUT, AS YOU KNOW, WHEN YOU LOOK AT THE PROBLEM IN THE UNITED STATES -- WHERE WE ONLY HAVE 500,000 ADDICTS AND WE HAVE SUCH TREMENDOUS RESOURCES -- IT HAS BEEN DIFFICULT FOR US TO FIND SOME WAY TO REHABILITATE PEOPLE. IT'S BOTH HARD TO REHABILITATE AND THE AMOUNT OF MONEY YOU NEED IS INCREDIBLE. WE'RE TRYING TO SET UP SOME PROGRAMS IN PAKISTAN TO HELP, BUT I DON'T SEE AN EASY ANSWER. IT IS GOING TO BE VERY DIFFICULT.

END TRANSCRIPT. GRAHL

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PAGE 01 MEXICO 19687 242350Z
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AMCONSUL MERIDA POUCH
AMCONSUL MONTERREY
AMCONSUL NUEVO LAREDO POUCH
AMCONSUL TIJUANA POUCH

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E.O.: 12356:DECL:OADR
TAGS: MX, PGOV, PINS, SENV
SUBJ: THE GROUP OF ONE HUNDRED (G100) IS NO THREAT
- TO THE LAGUNA VERDE NUCLEAR POWER PLANT

1. (LOU) IN A SEPTEMBER 23 CONVERSATION WITH THE POLITICAL COUNSELOR AND POLOFF, THE LEADER OF THE G100 (AN ENVIRONMENTAL LOBBYING GROUP) DESCRIBED HIS ORGANIZATION'S OPPOSITION TO THE LAGUNA VERDE NUCLEAR POWER PLANT. NOTED MEXICAN AUTHOR AND FORMER GOM AMBASSADOR TO THE NETHERLANDS HOMER ARIEJIS EXPLAINED HOW HE HELPED FOUND THE G100, WHICH IS COMPRISED OF MEXICAN INTELLECTUALS AND PROFESSIONALS, INCLUDING OCTAVIO PAZ, CARLOS FUENTES, AND GASTON GARCIA

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PAGE 02 MEXICO 19687 242350Z

CANTU. DESPITE ITS HIGH-POWERED MEMBERSHIP, THE G100 HAS NO OFFICE, NO EMPLOYEES, AND DOES NOT TRY TO RAISE FUNDS. IT MAKES NO ATTEMPT TO ORGANIZE MASS

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OPPOSITION TO THE PLANT.

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2. (LOU) THE G100 OPPOSES NUCLEAR POWER PLANTS IN GENERAL, BUT IS ESPECIALLY WORRIED ABOUT LAGUNA VERDE. ARIEJIS SAID MEXICAN TECHNICIANS, NO MATTER HOW WELL TRAINED, TEND TO BE CARELESS. AS AN EXAMPLE, HE CITED THIS MONTH'S TRAGIC FIRE AT THE MODERN INFERNILLO HYDROELECTRIC POWER PLANT IN MICHOACAN. ANOTHER OF HIS CONCERNS IS THAT THE LAGUNA VERDE PLANT WILL NOT BE WELL MAINTAINED. ALTHOUGH HE ADMITTED HE HAD NO PROOF, HE ALLEGED THAT THERE HAVE BEEN SERIOUS ACCIDENTS AT THE PLANT, EVEN A RADIOACTIVE LEAK WHICH KILLED TONS OF FISH. HE ASSERTED THAT THE LAGUNA VERDE REACTORS ARE OF A NOTORIOUSLY UNRELIABLE MODEL, NOTING THAT SOME 15 U.S. POWER PLANT OPERATORS ARE SUING GENERAL ELECTRIC.

3. (LOU) ARIEJIS CLAIMED THAT THE GOM WILL NO LONGER ALLOW NEWSPAPERS TO PUBLISH G100 ARTICLES OR LETTERS TO THE EDITOR. (NOTE: A 15-PAGE SUPPLEMENT ON LAGUNA VERDE IN THE SEPTEMBER 24 "LA JORNADA" FEATURING A DEBATE AMONG FOUR ECOLOGISTS AND FOUR AUTHORITIES MADE NO MENTION OF THE GROUP OF ONE HUNDRED ALTHOUGH IT IS POSSIBLE SOME OF THE ECOLOGISTS MAY BE ASSOCIATED WITH THE GROUP.) HE ALSO BLAMED THE GOM FOR THE ABRUPT CANCELLATION OF A RADIO DEBATE IN WHICH HE WAS TO PARTICIPATE LAST WEEK. AS A RESULT, THE G100 NOW PLANS TO TAKE ITS CAMPAIGN TO THE FOREIGN MEDIA. WHEN ASKED WHETHER HIS GROUP HAD ANY CONTACT WITH U.S. ENVIRONMENTAL ORGANIZATIONS, [redacted]

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PAGE 03 MEXICO 19687 242350Z

ARIEJIS REPLIED THAT THUS FAR THE G100 ONLY HAS COMMUNICATIONS WITH EUROPEAN ENVIRONMENTALISTS.

4. (C) COMMENT: IT WAS APPARENT FROM ARIEJIS'S REMARKS THAT THE GOM HAS VERY LITTLE TO FEAR FROM THE G100 ON THE LAGUNA VERDE ISSUE. THE GROUP'S OPPOSITION EFFORTS SEEM INEPT AND DISTANCED; ARIEJIS, FOR EXAMPLE, HAS NEVER EVEN VISITED THE PLANT ALTHOUGH INVITED TO DO SO. WHILE THE G100 ITSELF IS NOT STRONG ENOUGH TO BLOCK THE PLANT'S OPENING, THE GOM NEVERTHELESS CONTINUES TO APPROACH THE ISSUE WITH GREAT CARE AND HAS NOT YET INDICATED WHEN THE PLANT WILL BE BROUGHT ON LINE. WE SUSPECT DE LA MADRID MAY

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WISH TO DISCUSS THIS PROBLEM WITH HIS SUCCESSOR ONCE
THE LATTER IS UNVEILED. END COMMENT.
(DRAFTED BY:POL:MJZAK). GAMBLE

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*** Current Handling Restrictions *** n/a
*** Current Classification ***

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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____

10/28

EL EMBAJADOR DE AUSTRIA

Santiago, 25 de setiembre de 1987

Estimado señor Marchant :

Por intermedio de algunas familiares de presos amenazados con la pena de muerte, me enteré de que están desde hace semanas en huelga de hambre y que algunos de Uds. ya se encuentran muy debilitados. Sin entrar a examinar los motivos que les hayan inducido a tomar esta decisión, quisiera llamar su atención sobre la preocupación y el dolor que esta postura suya está causando a sus familiares que temen por su salud y hasta por su vida. En su propio interés y en él de sus familiares, les ruego que reevalúen su postura poniendo fin lo antes posible a una medida tan drástica y de consecuencias tan imprevisibles.

Quedo de Ud. con mis mejores saludos

Harald W. Kreid

Señor
Hugo Marchant Moya
Presente

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CIA HAS NO OBJECTION TO
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DATE: APR 2002
BY: 0664393

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Request for Additional Authority and Assistance for the Nicaraguan Democratic Resistance

Pursuant to the provisions of section 722(p) of the International Security and Development Cooperation Act of 1985 (P.L. 99-83) and section 106(a) of chapter V of the Supplemental Appropriations Act, 1985 (P.L. 99-88), I hereby request that the Congress approve additional authority and assistance for the Nicaraguan democratic resistance, as follows:

(1) That the sum of $100,000,000 appropriated by the Department of Defense Appropriations Act, 1986, as contained in P.L. 99-190, shall also be available to the President for assistance to the Nicaraguan democratic resistance, subject to the terms and conditions of this request.

(2) That the funds made available under paragraph (1) will include funds which have been made available for obligation until September 30, 1987, as provided by law: Provided, That not more than 25 percent shall be available for obligation upon the enactment of a joint resolution approving this request, and an additional 15 per cent shall become available upon submission of each report to the Congress required by paragraph (6)(E) of this request.

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(3) That, of the funds made available under paragraph (1), $30,000,000 shall be available for continuation of a program of humanitarian assistance to be administered by the Nicaraguan Humanitarian Assistance Office established by Executive Order 12530, of which at least $3,000,000 will be used exclusively for strengthening programs and activities of the United Nicaraguan Opposition for the observance and advancement of human rights.

(4) That, notwithstanding the proviso contained in paragraph (2) of this request, in the event of a peaceful settlement of the conflict in Central America during the period that the funds under paragraph (1) are available for obligation, any remaining balance of such funds shall then also be available for purposes of relief, rehabilitation and reconstruction in Central American countries, including Nicaragua, in accordance with the authority of chapter 4 of part II of the Foreign Assistance Act of 1961.

(5) That the approval by the Congress of this request be deemed to satisfy the requirements, terms and conditions of section 105(a) of the Intelligence Authorization Act, 1986 (P.L.99-169) as well as statutory

DO 104151

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MORI DocID: 754602

requirements for the authorization of appropriations (including section 10 of P.L. 91-672, section 502 of the National Security Act of 1947, and section 8109 of the Department of Defense Appropriations Act, 1986), subject to --

(A) all applicable provisions of law and established procedures relating to the oversight by the Congress of operations and departments and agencies; and

(B) the further terms and conditions specified in this request.

(6) That the approval by the Congress of this request be deemed to constitute the acceptance of the following undertakings:

(A) United States policy toward Nicaragua shall be based upon Nicaragua's responsiveness to continuing concerns by the United States and Nicaragua's neighbors about --

(i) Nicaragua's close military and security ties to Cuba, the Soviet Union, and its Warsaw Pact allies, including the presence in Nicaragua of military and security personnel from those countries;

DO 104150

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MORI DocID: 754602

(ii) Nicaragua's buildup of military forces in numbers disproportionate to those of its neighbors and equipped with sophisticated weapons systems and facilities designed to accommodate even more advanced equipment;

(iii) Nicaragua's unlawful support for armed subversion and terrorism directed against the democratically elected governments of other countries;

(iv) Nicaragua's internal repression and lack of opportunity for the exercise of civil and political rights which would allow the people of Nicaragua to have a meaningful voice in determining the policies of their government; and

(v) Nicaragua's refusal to negotiate in good faith for a peaceful resolution of the conflict in Central America based upon the comprehensive implementation of the September 1983 Contadora Document of Objectives and, in particular, its refusal to enter into a church-mediated national dialogue as proposed by the Nicaraguan democratic resistance on March 1, 1985.

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(B) The United States will address these concerns through economic, political and diplomatic measures, as well as through support for the Nicaraguan democratic resistance. In order to assure every opportunity for a peaceful resolution of the conflict, the United States --

(i) will engage in simultaneous bilateral discussions with the Government of Nicaragua with a view toward facilitating progress in achieving a peaceful resolution of the conflict if the Government of Nicaragua agrees to engage in a church-mediated national dialogue, as proposed by the United Nicaraguan Oposition; and

(ii) will take other positive actions in response to steps by the Government of Nicaragua toward meeting the concerns described in subparagraph (A).

(C) The duration of bilateral discussions with the Government of Nicaragua and the implementation of additional measures under subparagraph (B) shall be determined, after consultation with the Congress, by reference to Nicaragua's actions in response to the concerns described in subparagraph (A). Particular regard will be paid to whether -BO .104148

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(i) freedom of the press, religion and assembly are being respected in Nicaragua;

(ii) additional arms and foreign military personnel are no longer being introduced into Nicaragua;

(iii) a cease-fire with the Nicaraguan democratic resistance is being respected; and

(iv) Nicaragua is withholding support for insurgency and terrorism in other countries.

(D) The actions by the United States in response to the concerns described in subparagraph (A), authorized by the approval of this request, are consistent with the right of the United States to defend itself and to assist its allies in accordance with international law and treaties in force. Such actions are directed to achieving a comprehensive and verifiable agreement among the countries of Central America, based upon the 1983 Contadora Document of Objectives, and internal reconciliation within Nicaragua, based upon democratic principles, without the use of force by the United States. The approval of this request shall not be construed as authorizing any member or unit of the armed forces of the United States to engage in combat against the Government of Nicaragua.

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MORI DocID: 754602

(E) The President will transmit a report to the Congress within 90 days after the date of approval of this request, and every 90 days thereafter, on actions taken to achieve a resolution of the conflict in Central America in a manner that meets the concerns described in subparagraph (A). Each such report shall include --

(i) a detailed statement of any progress made in reaching a negotiated settlement, including the willingness of the Nicaraguan democratic resistance and the Government of Nicaragua to negotiate a settlement;

(ii) a detailed accounting of the disbursements made to provide assistance with the funds made available pursuant to paragraph (1); and

(iii) a discussion of alleged human rights violations by the Nicaraguan democratic resistance and the Government of Nicaragua, including a statement of the steps taken by the Nicaraguan democratic resistance to remove from their ranks any individuals who have engaged in human rights abuses.

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DATE: APR 2002
BY: 0664393

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DRUG TRAFFICKING AND THE NICARAGUAN DEMOCRATIC RESISTANCE

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Trends in Central and South America

In recent years, the overwhelming majority of illict drugs entering the United States from Latin America have originated in Mexico or South America. In Central America, Belize is a major marijuana producer, and there is some production of marijuana throughout the isthmus. With the exception of Belize, the only other Central American country which has been a substantial producer of illicit drugs is Panama. Thanks to the U.S. assisted eradication program, Panama's production has sharply declined. Guatemala and Costa Rica are marginal producers. Otherwise, the Central American countries have been associated with drug trafficking principally as transhipment points from the large producer countries on the continent of South America.

Panama is particularly important because of its strategic location between North and South America, and it serves as a transit point for licit and illicit international commerce. Cocaine and marijuana are routed through Panama from Colombia, Peru, and Bolivia to markets in the United States, and chemicals used in processing flow the other way. In addition, the sizeable international banking establishment in Panama--some 120 banks with deposits of over $30 billion--is frequently used to launder large sums of money derived from drug traffic. To a lesser extent, other Central American countries have also been used as points for transhipment in both maritime and air traffic of drugs, and have attracted a certain amount of drug money.

Central America has not escaped the attention of international drug traffickers as a possible safehaven from law enforcement agencies. Costa Rica had been a favorite refuge for U.S. drug offenders, resulting in numerous extraditions to the United States of fugitives from justice . Mexican drug trafficker Rafael Caro Quintero, who was implicated in the murder of Drug Enforcement Agency Special Agent Enrique Camarena, also sought refuge in Costa Rica, but was captured and expelled to Mexico. Another well-known trafficker of Honduran citizenship, Ramon Mata Ballesteros, whose network involved operations in both Mexico and Colombia and who is also suspected of involvement in the Camarena murder, fled prosecution in other countries, escaped from jail in Colombia, and travelled to Honduras. He is currently under detention in

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Honduras pending prosecution. Most of the governments of Central America have a good record of prosecuting drug trafficking offenders and cooperating with the efforts of international law enforcement agencies to bring traffickers to justice in other countries.

In Nicaragua, however, a former Interior Ministry official has provided details on how Minister of Interior Tomas Borge provided Colombian traffickers with planes, refueling, and transhipment facilities. During a DEA investigation conducted in 1983-1984 photographs were obtained of Borge aide Federico Vaughan loading cocaine into a plane at the military airport in Managua. Vaughan was was subsequently indicted in the Southern District of Florida for his involvement in smuggling cocaine into the United States.

Drug Traffic and Guerrilla Groups

Connections between guerrilla groups and drug trafficking in Latin America have been reported. In Colombia, active insurgent movements and terrorist groups have exacted funds from the drug trade. The longest such association -- dating from the early 1980s -- is with the Revolutionary Armed Forces of Colombia (FARC). The M-19, a group which gained particular notoriety in 1985 with its attack on the Palace of Justice in Bogota, has also developed ties with drug traffickers. In Peru, the major terrorist group, Sendero Luminoso, and Peruvian drug traffickers reportedly have made contact but not on any organized basis. They benefit from each others' activities in that both create an environment of lawlessness and stretch military and law enforcement resources.

With regard to the Nicaraguan democratic resistance groups, there has been no evidence that organizations associated with the major resistance umbrella group, the United Nicaraguan Opposition, have participated in or benefited from drug trafficking. There has been little incentive for traffickers to use resistance members within Nicaragua where they have not up to now controlled land, air, or sea routes of value to traffickers. The resistance organizations themselves have had few physical assets to complement the multiple assets already controlled by the Latin American traffickers. Instead, the available evidence points to involvement with drug traffickers by a limited number of persons having various kinds of affiliations with or political sympathies for resistance groups.

Following is a review of federal law enforcement and intelligence agencies' findings on the principal allegations of Nicaraguan democratic resistance groups' involvement in drug trafficking activities.

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The "Frogman" Case

This case gets its nickname from swimmers who brought cocaine ashore on the West Coast from a Colombian vessel in January 1983. A lengthy investigation was conducted in 1982-1983 by a San Francisco Organized Crime Drug Enforcement Task Force. It focussed on a major Colombian cocaine smuggler, Alvaro Carvajal-Minota, who supplied a number of West Coast traffickers. It was alleged, but never confirmed, that Nicaraguan citizen Horacio Pereira, an associate of Carvajal, had helped the Nicaraguan resistance. Pereira was subsequently convicted on drug charges in Costa Rica and sentenced to twelve years imprisonment. Two other Nicaraguans, Carlos Cabezas and Julio Zavala, who were among the jailed West Coast traffickers convicted of receiving drugs from Carvajal, claimed long after their conviction that they had delivered large sums of money to resistance groups in Costa Rica and that Pereira, who was not charged in the case, had said the profits from the drug sales would finance resistance activities.

Zavala, convicted in 1983 on cocaine trafficking charges nd now serving time in a federal penitentiary, was one source f a March 16, 1986 story in The San Francisco Examiner which eported that there were resistance ties to the drug ring. his was the first time Zavala made any mention of resistance nvolvement. Officials of the Justice Department subsequently viewed the transcripts of some 11,000 wiretaps collected ring this extensive investigation and found no mention of the caraguan resistance or any resistance leader. The U.S. torney in the case notes that Cabezas and Zavala did not se these issues as a defense in their trial or at tencing, but waited two years before making these egations, which, as indicated, could not be confirmed.

The Examiner story reported that the specific resistance up involved was the United Nicaraguan Opposition/Nicaraguan olutionary Armed Forces (UNO/FARN) headed by Fernando ro" Chamorro. The story also mentioned a Nicaraguan exile tical group based in Costa Rica, the Conservative Party of raguans in Exile (PCNE) as the possible recipient of drug y -- through two of its officials, Francisco Aviles Saenz Vicente Rappaccioli Marquis. Costa Rica is the political for a number of Nicaraguan exile groups. Unlike the 'ARN, the PCNE is a civic organization with no known ties y group in the armed Nicaraguan opposition, although idual members may be sympathetic toward or supporters of groups.

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The head of the UNO/FARN, Fernando Chamorro, has categorically denied that he or his organization have been involved in the drug trade, and denied that Francisco Aviles Saenz has acted, as alleged, as UNO/FARN's agent in such matters. Aviles reportedly joined the UNO/FARN in early 1984, but never occupied a leadership position. He did some legal work for the UNO/FARN in San Jose, Costa Rica, but he has never held the position of international secretary of the UNO/FARN as he apparently presented himself in a letter obtained by the Examiner. Upon being informed of Aviles' implication in the San Francisco case, UNO/FARN expelled him from the organization in March 1985.

DEA has examined allegations of linkages between members of the UNO/FARN and suspected traffickers. It has found no information indicating that members of this group have been involved in narcotics trafficking.

Pena-Cabrera

Two Nicaraguans were arrested in 1984 in another investigation of drug trafficking conducted in San Francisco. One of them, Renato Pena-Cabrera, claimed at the time of his arrest that he was a volunteer worker for the San Francisco-based Nicaraguan Democratic Front (FDN). DEA has found no evidence that Pena and his associate were engaged in drug trafficking at the direction of the San Francisco-based FDN, nor for that matter any connection between the San Francisco-based FDN and the FDN which is the largest resistance group fighting in Nicaragua.

Cuban-American Connection

There have been allegations that Rene Corvo and other Cuban-Americans involved in anti-Sandinista activities in Costa Rica were connected with Miami-based drug traffickers. Corvo reportedly recruited a group of Cuban-American and Cuban exile combatants and military trainers in the Miami area who operated inside Nicaragua and in the northern part of Costa Rica. Two Cuban exiles in this group, Mario Rojas Lavas and Ubaldo Hernandez Perez, were captured by the Sandinistas in June 1986. They were reportedly members of the UNO/FARN group headed by Fernando "Negro" Chamorro. There is no information to substantiate allegations that this group from Miami has been a source of drug money for the UNO/FARN or any other resistance organization.

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Sandino Revolutionary Front (FRS)

Information developed by the intelligence community indicates that a senior member of Eden Pastora's Sandino Revolutionary Front (FRS) agreed in late 1984 with a Colombian narcotics trafficker that FRS pilots would aid in transporting narcotics in exchange for financial assistance. According to this information, the FRS officer agreed to the use of FRS operational facilities in Costa Rica and Nicaragua to facilitate transportation of narcotics. The Colombian trafficker agreed to provide financial support to the FRS, in addition to aircraft and training for FRS pilots. After undergoing flight training, the FRS pilots were to continue to work for the FRS, but would also fly narcotics shipments from South America to sites in Costa Rica and Nicaragua for later transport to the United States. Shortly thereafter, the Colombian reportedly provided the FRS one C-47 aircraft and two crated helicopters. He is reported to have paid the sum of $100,000 to the FRS, but there is no information available on who actually received this money. Supposedly he promised to pay an additional $200,000 per month once the narcotics shipments began, but there is no indication that this sum was ever delivered.

Only one incident of drug trafficking is known to have resulted from this agreement. A FRS pilot, Gerardo Duran, was arrested in January 1986 in Costa Rica for alleged involvement in transporting cocaine to the United States. DEA has been unable to substantiate allegations linking Eden Pastora directly with these activities. In a meeting with Secretary of State Shultz on March 7, Pastora categorically denied any involvement by himself or by his organization in drug trafficking. The Secretary reiterated the U.S. position that no resistance group would receive any U.S. assistance if it retained within its ranks any member who has engaged in drug trafficking.

Two individuals, who were members of or were affiliated with the Democratic Revolutionary Alliance (ARDE), the umbrella group to which the FRS belonged, were involved in small scale seizures of illicit drugs, one in Guatemala and one in Costa Rica, but there is no information to indicate that ARDE leaders or the organization itself were involved in narcotics trafficking.

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THE REPRESENTATIVE
OF THE
UNITED STATES OF AMERICA
TO THE
UNITED NATIONS

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Chile Project (#S199900030)
U.S. Department of State
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Declassify: In Part ____ In Full ____
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October 2, 1987

Dear Frank:

I write regarding the deliberations on the situation of human rights in Chile due to occur in the course of the current General Assembly of the United Nations. These deliberations could affect the President's policy of support for democracy in Latin America and around the world. In this letter I present my concerns about those deliberations and provide an outline of the thinking that guides my actions here. I also request your help in ensuring that all relevant policy-makers receive the President's views on the issue of human rights in Chile.

The issue of human rights in Chile arises in the General Assembly in the form of a debate and of a lengthy resolution condemning the Government of Chile's record on human rights. In theory, the resolution draws upon the series of good and balanced reports on Chile's human rights situation produced by the Special Representative on Chile of the United Nations Commission on Human Rights, Professor Fernando Volio of Costa Rica. In fact, despite our efforts, it draws largely from the reports' negative comments about the situation in Chile and generally ignores the many positive developments stressed by Professor Volio. This comes as no surprise when one notes some of the resolution's prime movers: Mexico -- the principal drafter -- Algeria, Yugoslavia and other such "citadels" of democracy feature prominently, as do some genuine democracies which either view the situation differently than do we or which for domestic reasons cannot oppose a resolution that, no matter how intemperately, criticizes Chile.

We all know that Chile, along with the vast majority of the UN's membership, is a dictatorship. It is, however, not in the same league as the dictatorships in Cuba, the Soviet Union, or Nicaragua. During the debate on Chile at the last General Assembly, the Chilean Ambassador presented a large stack of Chilean opposition magazines and newspapers, all printed legally in Chile, and challenged the Cubans, the Soviets, the

The Honorable
Frank C. Carlucci, III,
National Security Adviser,
National Security Council.

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Nicaraguans, and the Mexicans to present a similar collection of legal opposition literature. Not one of those delegations took up his challenge. I also should note that at meetings of the Commission on Human Rights in Geneva, Chilean opposition figures speak out against Pinochet and yet freely return home; even the Secretary-General of the Chilean Communist party has returned to Chile. I cannot imagine a comparable performance by Cuban or Soviet dissidents.

The General Assembly approves the resolution on Chile by an overwhelming margin of votes. In our public statements, here and elsewhere, and in our private talks with the Chileans we have stated our concerns about the situation of human rights in Chile; I have gone to Chile three times to emphasize to President Pinochet the need to return the country to democratic rule. I believe no one can truthfully doubt that we want and actively work for a return to Chile's long-standing tradition of democratic government. We have said repeatedly that if the General Assembly developed reasonable resolutions on the situation of human rights in Chile, the United States should support them. While we have made some progress over the past couple of years in making those resolutions somewhat more realistic, they, nevertheless, have remained very unsatisfactory and, despite our concerns about human rights in Chile, we had to oppose them.

I firmly believe that our policy and tactics in New York accord with and support the President's views on Chile as he stated them last December. We seek to encourage a peaceful return to democracy in Chile in accord with that country's traditions. The situation of human rights in Chile merits careful and objective international scrutiny; we do not oppose that scrutiny. At the Commission on Human Rights we not only have supported renewing Volio's mandate but have successfully introduced our own resolution renewing that mandate. (Our success in Geneva was due in large part to the much smaller membership of the Commission, 43 members compared to the 159 of the General Assembly, and to the relatively favorable geographical distribution of the Commission's membership: Western states hold more than one-fourth of the Commission's seats.)

We do not, however, support ideologically or politically motivated abuse of Chile which hampers democracy's cause by strengthening its opponents on the right and on the left.

L.A.O.S.U.E.D

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Resolutions on Chile produced by the General Assembly have nothing to do with Professor Volio's mandate. His mandate depends upon the Commission, not the General Assembly. General Assembly resolutions on Chile have only one product: Words. General Assembly words, of course, are important and we, as wary and oft-burned consumers, have the right and the duty to examine each and every word and to reject any and all that do not conform to the President's policy for a peaceful return to democracy in Chile. This Mission should not take the easy way out by submitting to pressure in the U.N. to go along with severely flawed and counterproductive resolutions on Chile.

I reject the argument that by bashing Chile we gain credibility with critics of our policy towards the far worse dictatorships in Cuba and Nicaragua. Many such critics often remain willfully blind, until too late, to the repression and crimes that characterize "revolutionary" regimes. I remember the "political pilgrims" of the 1930's and 1940's who returned full of the wonders of Stalin's Soviet Union, those of the 1950's and 1960's who hailed and praised Mao's China, Castro's Cuba, and Ho's Vietnam, and those of more recent vintage dazzled by Bishop's Grenada and Ortega's Nicaragua. In my considerable experience in these matters, apologists for leftist dictatorships do not join our cause when we abandon our friends, or when we help remove an authoritarian regime so that others might install a totalitarian one.

The manner in which we oppose dictatorship in places such as Cuba and Nicaragua must differ from how we oppose it in Chile, a country with which we have normal diplomatic relations, a country that votes with us in the U.N. on many key issues, and a country which does not, unlike the other two, pose a threat to peace and freedom in the region. Let us not forget that Cuba and Chile have about the same population, around 10.5 million, yet Cuba has produced some 1.5 million refugees while there are, at most, some 3,000 to 5,000 refugees from Chile -- this despite the fact that it is much easier, physically and legally, to leave Chile than to leave Cuba. The Chilean Government has announced that virtually all of these Chilean refugees may now return to Chile. Nicaragua, with a population of some 3.5 million, has generated perhaps as many as 500,000 refugees.

In conclusion, I do not want to see the United States involved in needless Chile-bashing. We have considerable influence with the Government of Chile and, in general, can best exercise it behind the scenes. I have a vivid

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recollection of how General Peron "ran" successfully against U.S. Ambassador Braden in Argentina; General Noriega is attempting the same tactic in Panama against Ambassador Davis. In Chile, if Pinochet "runs" against Ambassador Barnes, Pinochet will win. An unbalanced resolution passed by the General Assembly with U.S. support would help exacerbate ever-present Chilean nationalism to the detriment of our interests and would have a very negative effect on the process of peaceful evolution towards democracy. Harsh, unfair public criticism of the Government of Chile could be easily portrayed by Pinochet as an assault upon Chile's honor and sovereignty. The people of Chile would rally to Pinochet, Chilean cooperation with Volio would end, and the gradual return to democracy now under way would suffer.

NAC:

I would urge that we support only a moderate and realistic resolution on Chile that acknowledges progress while pointing out what remains to be done. Anything else we should energetically reject. As did my predecessor, I spend considerable time and effort denouncing double standards in the field of human rights. We should not use one standard for Chile and another for Cuba, Nicaragua, Mexico, or Yugoslavia. We should not enhance an unfortunate reputation we have acquired in Latin America and, alas, elsewhere of not standing by our friends.

Over the coming weeks we will, I am sure, have occasion to discuss this matter. I hope that this letter makes clear my position and that this position derives from what I understand are the President's views. I look forward to hearing from you.

With every good wish,

Sincerely,

Vernon A. Walters

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10-2-87

URGENT ACTION amnesty international URGENT ACTION

UA office • P.O. Box 1270 • Nederland, CO 80466-1270 • 303-440-0913 International Secretariat • 1 Easton Street • London WC1X 8DJ England

UA 264/87 'Disappearance' 2 October 1987

Chile: Jose Julian Pena Maltes, aged 37
Manuel Jesus Sepulveda Sanchez, aged 28
Alejandro Alberto Pinochet Arenas, aged 23
Gonzalo Ivan Fuenzalida Navarrete, aged 26
Julio Orlando Munoz Otarola, aged 34

Chile Project (#S199900030)
U.S. Department of State
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Amnesty International is gravely concerned about the whereabouts of the five men above, who reportedly 'disappeared' in Santiago during the month of September 1987. There are fears that they may have been abducted by government agents or by clandestine groups acting with the acquiescence of the security forces. The Vicaria de la Solidaridad (Vicariat of Solidarity - human rights organization) is initiating a legal action (denuncia) before the Courts for Presuntas Desgracia (presumed misadventure) in at least two of the cases.

Jose Pena Maltes, Alejandro Pinochet Arenas, Gonzalo Fuenzalida Navarrete and Manuel Sepulveda Sanchez reportedly 'disappeared' in Santiago between 7 and 10 September. In response to an amparo petition (similar to a writ of habeas corpus) submitted on their behalf on 21 September, the Central Nacional de Informaciones (CNI-state security police), Investigaciones (criminal investigations squad), and carabineros (uniformed police) all denied that they were holding the men. Reports also indicate that they are not being held in prison.

The fifth man, Julio Munoz Otarola, reportedly 'disappeared' on 17 September. An amparo petition was presented on his behalf on 25 September. The CNI, Investigaciones and carabineros have also denied that they are holding Julio Munoz.

Several of these five men have been wanted by police in the past in connection with alleged politically-motivated offences linked to the left-wing opposition. Alejandro Pinochet Arenas was sought in February and September 1986, when armed men in civilian clothing asked for him at his home. The parents of Juan Munoz Otarola were visited in April 1987 by armed civilian police, who wanted to question him in connection with the military courts' investigation into an assassination attempt against President Pinochet in 1986. Gonzalo Ivan Fuenzalida Navarrete, who has a brother in prison for alleged politically-motivated crimes, has a trial pending for allegedly being involved in an altercation with the police.

There are more than 700 documented cases of people who 'disappeared' after detention in the years following the 1973 military coup. The policy of causing opponents to 'disappear' was however stopped in 1977. There have been very few cases of people reported missing in mysterious circumstances between 1977 and 1987. The 'disappearance' of the five men last month has, therefore, caused grave concern both inside and outside Chile that certain squads associated with the security forces may be resorting again to this method of eliminating opponents.

Amnesty International is an independent worldwide movement working for the international protection of human rights. It seeks the release of men and women detained anywhere because of their beliefs, color, sex, ethnic origin, language or religious creed, provided they have not used or advocated violence. These are termed prisoners of conscience. It works for fair and prompt trials for all political prisoners and works on behalf of such people detained without charge or trial. It opposes the death penalty and torture or other cruel, inhuman or degrading treatment or punishment of all prisoners without reservation.

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E.O. 12356: N/A
TAGS: PHUM, CI, UN
SUBJECT: CHILEAN RESERVATIONS ON TORTURE CONVENTION

REF: SANTIAGO 7459 (NOTAL)

1. (U) AS REPORTED SEPTEL, CHILEAN FOREIGN MINISTER GARCIA RODRIQUEZ SIGNED THE UN CONVENTION ON TORTURE ON SEPTEMBER 23. FOLLOWING IS AN INFORMAL TRANSLATION OF THE RESERVATIONS TO THE CONVENTION FILED BY THE GOC WITH THE UN TREATY OFFICE.

2. (U) BEGIN TEXT: RESERVATIONS OF THE GOVERNMENT OF CHILE UPON SIGNING THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT.

- 1. THE GOVERNMENT OF CHILE, IN ACCORD WITH THAT ESTABLISHED IN ARTICLE 28 PARAGRAPH 1 OF THE CONVENTION, DOES NOT RECOGNIZE THE COMPETENCE OF THE COMMITTEE AGAINST TORTURE AS IT IS ESTABLISHED IN

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PAGE 02 USUN N 03159 061440Z

ARTICLE 20 OF THE CONVENTION.

- 2. THE GOVERNMENT OF CHILE DOES NOT CONSIDER ITSELF OBLIGATED BY THAT STATED IN ARTICLE 30 PARAGRAPH 1 OF THE CONVENTION.

- 3. THE GOVERNMENT OF CHILE RESERVES THE RIGHT TO

FORMULATE, AT THE TIME OF RATIFICATION OF THE CONVENTION, DECLARATIONS OR RESERVATIONS THAT IT DEEMS NECESSARY IN ACCORD WITH ITS OWN LAWS.

(SIGNED) RICARDO GARCIA RODRIQUEZ
MINISTER OF FOREIGN RELATIONS OF CHILE. END TEXT.

3. (U) WE HAVE POUCHED A COPY OF THE RESERVATIONS TO AMEMBASSY SANTIAGO (POL SECTION), IO/HW, ARA/SC, AND HA/HR.

4. (U) COMMENT: ARTICLE 28, PARAGRAPH 1, ALLOWS ANY STATE TO DECLARE THAT IT DOES NOT RECOGNIZE THE COMPETENCE OF THE TORTURE COMMITTEE. ARTICLE 30, PARAGRAPH 1, CALLS FOR ARBITRATION IF ANY TWO STATES CANNOT AGREE ON THE INTERPRETATION OR APPLICATION OF THE CONVENTION.

5. (LOU) ONE OBSERVER COMMENTED UPON VIEWING THE GOC'S RESERVATIONS, THAT GARCIA'S WAS A "POTEMKIN SIGNATURE." WE WOULD NOT GO QUITE THAT FAR, BUT BY REFUSING TO RECOGNIZE THE COMPETENCE OF THE COMMITTEE, THE GOC SIGNIFICANTLY WEAKENS THE CONVENTION'S PRACTICAL APPLICATION IN CHILE WHEN OR IF IT IS RATIFIED. GARCIA'S SIGNATURE, HOWEVER, DOES INTRODUCE A NEW ELEMENT WHICH THE UNGA RESOLUTION ON HUMAN RIGHTS IN CHILE SHOULD REFLECT. WALTERS
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E.O. 12356: N/A
TAGS: PHUM, PREL, UNHRC-1, TU, GT, ES, CI, RO, ID, IR,
IZ, CY, SF, IS, KPAL, SZ, HA, PI, WA
SUBJECT: 39TH SESSION OF UN HUMAN RIGHTS COMMISSION:
COUNTRY-SPECIFIC RESOLUTIONS

REF: GENEVA 8990 (NOTAL)

1. SUMMARY: C

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THE SUB-COMM OVERWHELMINGLY ENDORSED RESOLUTIONS CRITICAL OF THE SITUATIONS IN CHILE, EL SALVADOR AND CYPRUS.

NR

END SUMMARY.

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The next three pages have been eliminated because they are entirely irrelevant.

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CHILE

10. THE RESOLUTION ON CHILE (L.39) WAS CO-SPONSORED BY THE CUBAN, DUTCH, FRENCH, MEXICAN, ZAMBIAN, YUGOSLAV, BRITISH, AND ETHIOPIAN EXPERTS. A GAMUT INDICATIVE OF THE MANY DIRECTIONS FROM WHICH CHILE HAD COME UNDER FIRE IN THE AUGUST DEBATE. IT WAS A NOTABLY UNBALANCED INDICTMENT, TAKING SANTIAGO TO TASK IN SIX PREAMBULAR PARAGRAPHS; IN FIVE OPERATIVE PARAGRAPHS, IT REQUESTED THE COMMISSION TO URGE THE CHILEAN AUTHORITIES TO MEND THEIR WAYS AND LOOKED FORWARD TO THE NEXT REPORT OF THE SPECIAL RAPPORTEUR. CHILEAN MISSION COUNSELOR RICARDO SATELER DID ALL THE LOBBYING FOR HIS GOVERNMENT; THOUGH

IN TOWN FOR A MEETING WITH THE SPECIAL RAPPORTEUR,

CHILEAN HUMAN RIGHTS ENVOY AMBASSADOR MARIO CALDERON AVOIDED THE SUB-COMMISSION FLOOR. CAREY'S CUSTOMARY AMENDMENTS TO DELETE MORAL JUDGMENTS FAILED OF ADOPTION 1-12-4; THE RESOLUTION PASSED 13-1 (ECUADORIAN EXPERT RODRIGO VALDEZ)-4 (CAREY).

ENCLOSURE

The next three pages have been eliminated because they are entirely irrelevant.

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PAGE 01 STATE 313487
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INFO	LOG-00	COPY-01	ADS-00	INR-10	SS-00	CIAE-00	DODE-00
	H-01	MSC-01	NSCE-00	NSAE-00	HA-09	L-03	TRSE-00
	PM-10	PA-01	OMB-01	INRE-00	USIE-00	SP-02	SNP-01
	C-01	PRS-01	P-02	T-01	/045 R		

DRAFTED BY: ARA/SC:R B HOWARD:RBH
APPROVED BY: ARA:E ABRAMS
ARA:R S GELBARD

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TO AMEMBASSY SANTIAGO IMMEDIATE
INFO AMEMBASSY BRASILIA PRIORITY
AMEMBASSY MEXICO PRIORITY
AMEMBASSY LIMA PRIORITY

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

~~C O N F I D E N T I A L~~ STATE 313487

E.O. 12356: DECL: DECL: OADR
TAGS: PREL, CI
SUBJECT: ASSISTANT SECRETARY ABRAMS' LUNCHEON MEETING WITH CHILEAN FOREIGN MINISTER GARCIA

1. SUMMARY: ON SEPTEMBER 30, ASSISTANT SECRETARY ABRAMS ACCOMPANIED BY DAS GELBARD AND SC DIRECTOR HOWARD, HOSTED A LUNCH FOR CHILEAN FOREIGN MINISTER RICARDO GARCIA, AMBASSADOR ERRAZURIZ, AND FONMIN DIRECTOR GENERAL ILLANES. AFTER TOUCHING BRIEFLY ON THE CENTRAL AMERICAN PEACE INITIATIVES, DEBT NEGOTIATIONS AND SEVERAL OTHER HEMISPHERIC DEVELOPMENTS, THE DISCUSSION TURNED TO CHILE WITH THE FOCUS ON HUMAN RIGHTS AND THE POLITICAL OUTLOOK FOR A FAIR AND CREDIBLE ELECTORAL PROCESS. ABRAMS AND GELBARD PRESSED THE CHILEANS HARD ON CHILE'S FAILURE TO BRING TO JUSTICE THOSE RESPONSIBLE FOR THE LETELIER ASSASSINATION AND THE DEATH OF US RESIDENT RODRIGO ROJAS ~~CONFIDENTIAL~~

PAGE 02 STATE 313487

BUT RECEIVED AN EVASIVE RESPONSE FROM GARCIA, WHO DWELLED ON THE LEGAL STATUS OF THESE CASES AND A MORE AGGRESSIVE POLITICAL COMMENTARY FROM ERRAZURIZ, WHO CLAIMED THAT BOTH CASES ARE BEING POLITICALLY ORCHESTRATED TO EXACERBATE BILATERAL PROBLEMS AND DAMAGE CHILE'S IMAGE.

- FONMIN GARCIA STATED THAT HE IS PERSONALLY COMMITTED TO ENSURING A CLEAN AND FAIR PLEBISCITE WITH MORE THAN SIX MILLION REGISTERED VOTERS THAT WILL GIVE CREDIBILITY TO THE ELECTORAL PROCESS AND THEREBY LEGITIMIZE THE REGIME. HE DISCOUNTED OPINIONS THAT PRESIDENT PINOCHET, FACED WITH A LOSS IN THE PLEBISCITE, MIGHT CARRY OUT AN AUTO-GOLPE,

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AND ARGUED THAT CURRENT POLLS SHOWING PINOCHET'S POPULARITY AT NO MORE THAN 23 PERCENT ARE MISLEADING AND NOT AN ACCURATE MEASURE OF THE VOTING SUPPORT WHICH HE CAN DRAW IN THE PLEBISCITE, DEPENDING ON HOW GENERALLY APOLITICAL VOTERS FEEL ABOUT THE UNCERTAINTY OF TURNING THE COUNTRY OVER TO AN UNSTABLE, OPPOSITION COALITION. DESPITE OBVIOUS DIFFERENCES, GARCIA URGED THAT BOTH COUNTRIES GIVE MORE WEIGHT TO OUR COMMON VALUES AND OPPOSITION TO EXTREMIST THREATS FROM THE LEFT. END SUMMARY

2. AFTER A GENERAL REVIEW OF OTHER DEVELOPMENTS IN THE HEMISPHERE, AS ABRAMS TURNED THE DISCUSSION TO THE SITUATION IN CHILE, ESPECIALLY RENEWED HUMAN RIGHTS PROBLEMS AS EVIDENCED BY CHARGES FILED AGAINST ANOTHER CHILEAN JOURNALIST (MONICA GONZALEZ) OF "ANALISIS" FOR SLANDER AGAINST THE PRESIDENT FOLLOWING AN INTERVIEW PUBLISHED WITH PDC LEADER ZALDIVAR. THE FOREIGN MINISTER AND HIS ASSOCIATES PROFESSED TO BE UNAWARE OF THE CASE ALTHOUGH THEY DID INDICATE KNOWLEDGE OF THE SO-CALLED APSI CASES WHICH ABRAMS AND GELBARD ALSO RAISED. FONMIN GARCIA, SETTING A PATTERN REFLECTED THROUGHOUT THE LUNCH, ~~CONFIDENTIAL~~

GAVE REASSURANCES THAT THE GOC WANTS TO MAINTAIN A CLIMATE CONDUCIVE TO FREE AND OPEN DEBATE DURING THE NEXT 14 MONTHS AS CHILE MOVES TOWARD THE PLEBISCITE. REPEATEDLY THROUGHOUT THE LUNCH HE INSISTED THAT THE GOVERNMENT WILL MAKE EVERY EFFORT TO ORGANIZE A CLEAN AND FAIR ELECTION WHICH COULD STAND THE SCRUTINY OF IMPARTIAL OBSERVERS. GARCIA CLAIMED THAT HE PERSONALLY HOPES AND EXPECTS THAT MORE THEN SIX MILLION CHILEANS WILL REGISTER TO VOTE BY THE TIME THE PLEBISCITE IS HELD AS THIS WILL GIVE THE PROCESS GREATER LEGITIMACY. HE INSISTED THAT THE GOVERNMENT IS COMMITTED TO A CLEAN AND

CREDIBLE PLEBISCITE THAT WILL BE SO PERCEIVED BY THE CHILEAN PEOPLE WHO MUST CONFIRM THE LEGITIMACY OF THE GOVERNMENT AND ITS PROGRAM. GELBARD POINTED OUT THAT ALTHOUGH GOC MINISTERS HAVE BEEN TELLING US FOR QUITE SOME TIME THAT A PLEBISCITE IS REALLY ANOTHER FORM OF AN ELECTION, PRESIDENT PINOCHET IS NOW REFERRING TO THE PLEBISCITE AS A "CONSULTA" RATHER THAN AN ELECTION -- A POINT WHICH GARCIA TRIED TO MAKE LIGHT OF BY REAFFIRMING THE GOC'S COMMITMENT TO A CLEAN ELECTION.

3. ABRAMS AND GELBARD PRESSED THE CHILEANS ON THE ABSENCE OF COOPERATION AND/OR PROGRESS IN RESOLVING THE CELEBRATED LETELIER-MOFFITT AND ROJAS CASES, EMPHASIZING THAT MUCH TIME HAS PASSED AND THERE IS NO SIGN THAT THE GUILTY WILL BE BROUGHT TO JUSTICE. IN THE ROJAS CASE FERNANDES DITTUS HAD HIS CHARGES REDUCED AND THEN SHOCKINGLY WAS PROMOTED WHILE HIS SUPERIOR WAS ONLY RETIRED WITHOUT PUNISHMENT FOR FAILING TO REPORT THE INCIDENT TO HIGHER AUTHORITY. THE INVESTIGATION CONTINUES WITH NO SIGN OF REAL JUSTICE FOR THOSE RESPONSIBLE. AS FOR LETELIER-MOFFITT, THIS SHOCKING ASSASSINATION IN THE HEART OF OUR NATION'S CAPITAL, CONTINUES TO POISON OUR RELATIONS AND THERE IS NO INDICATION THAT THE CHILEAN GOVERNMENT INTENDS TO

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COOPERATE WITH OUR MANY REQUESTS THAT THEY BE BROUGHT TO
~~CONFIDENTIAL~~

PAGE 04 STATE 313487

JUSTICE EITHER HERE IN THE UNITED STATES OR IN CHILE. THESE UNRESOLVED CASES ARE CENTRAL TO OUR RELATIONSHIP AND HAVE DONE MUCH TO DAMAGE CHILE'S INTERNATIONAL REPUTATION. MOREOVER, THEY CREATE STRONG ANIMOSITY IN OUR CONGRESS, LEADING TO PRESSURES FOR ECONOMIC SANCTIONS AGAINST CHILE. GARCIA SOUGHT TO GIVE SOFT AND EVASIVE ANSWERS TO OUR PRESSING QUESTIONS, EMPHASIZING CHILE'S NEED TO ABIDE BY ITS OWN LEGAL PROCESSES IN THE INVESTIGATION OR TREATMENT OF THESE CASES. ON ROJAS, GARCIA SAID THAT THE CASE COULD WELL GO TO A MILITARY COURT AND THEN ON APPEAL BE SENT TO THE SUPREME COURT. THE CHILEANS ALL READILY -- ALBEIT UNCOMFORTABLY -- ACKNOWLEDGED THE SERIOUS DAMAGE THESE CASES HAVE CAUSED TO THE REGIME'S REPUTATION. HOWEVER, AMBASSADOR ERRAZURIZ COULD NOT RESTRAIN HIMSELF FROM CHARGING THAT THE COMMUNISTS, USING THEIR ASSOCIATES CARMEN QUINTANA AND MRS. DENEGRI, ARE CARRYING ON A WORLDWIDE PROPAGANDA CAMPAIGN, USING THE ROJAS CASE -- WHERE THE FACTS ARE STILL DISPUTED -- TO BLACKEN THE GOVERNMENT'S IMAGE. AS FOR LETELIER, IT IS WELL KNOWN THAT THE US GOVERNMENT IN AN "INTELLIGENCE OPERATION" ENTICED FERNANDEZ LARIOS TO THE UNITED STATES AND, PROMISING HIM PROTECTION, ELICITED TESTIMONY TO STIR UP THIS DORMANT CASE AND COMPLICATE BILATERAL RELATIONS AS CHILE WAS MOVING TOWARD ITS CONSTITUTIONALLY MANDATED PLEBISCITE. HIS COMMENTS WERE

A SOFTER BUT STILL EVASIVE APPROACH WHICH OFFERED LITTLE PROSPECT OF PROGRESS IN BRINGING TO JUSTICE THOSE RESPONSIBLE FOR EITHER CRIME.

4. TOWARD THE END OF LUNCH, WE PRESSED GARCIA AND THE OTHER CHILEANS REGARDING THE OUTLOOK FOR ELECTIONS, QUESTIONS WHICH HAVE BEEN RAISED REGARDING THEIR FAIRNESS
~~CONFIDENTIAL~~

PAGE 05 STATE 313487

AND THE GOC'S COMMITMENT TO ENSURING A GENUINELY FREE AND OPEN PROCESS. GARCIA THEN LAUNCHED INTO A PERSONAL PLEA FOR GREATER US UNDERSTANDING OF THE NATURE, ACCOMPLISHMENTS AND OBJECTIVES OF THE CHILEAN REGIME, WHICH HE INSISTED ARE COMPATIBLE WITH OUR SHARED WESTERN VALUES AND THE BASIC INTERESTS OF THE UNITED STATES. AMONG OTHER THINGS HE CITED THE GOVERNMENT'S FREE ENTERPRISE ECONOMIC POLICIES, ITS DESIRE TO REESTABLISH DEMOCRACY AS PROVIDED BY THE 1980 CONSTITUTION, ITS OPPOSITION TO COMMUNISM, ITS SUPPORT FOR COMMON FOREIGN POLICY POSITIONS IN THE WORLD AND IN CENTRAL AMERICA AND ITS TRADITIONALLY FRIENDLY RELATIONS WITH THE UNITED STATES. HE ASKED FOR GREATER USG RECOGNITION OF CHILE'S PROGRESS IN HUMAN RIGHTS AND THE STEPS BEING TAKEN TO HOLD A CLEAN PLEBISCITE. HE PROFESSED TO BEING PHILOSOPHICAL ABOUT THE LACK OF US UNDERSTANDING DEMONSTRATED IN THE MEDIA AND THE US CONGRESS BUT EXPRESSED HOPE THAT THE EXECUTIVE BRANCH WITH MORE INFORMATION AND DIRECT

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KNOWLEDGE OF THE CHILEAN REALITY WOULD DEMONSTRATE GREATER UNDERSTANDING IN THE IMPORTANT PERIOD WHICH LIES AHEAD. GARCIA SAID THAT HE RECOGNIZES THE TIES WHICH EXIST WITH OPPOSITION GROUPS IN CHILE, BUT WARNED THAT THE US SHOULD CAREFULLY REFLECT IF ITS INTERESTS WOULD REALLY BE SERVED IF THESE GROUPS DID SUCCEED IN WINNING A NO VOTE IN THE PLEBISCITE OR SOMEHOW MANAGE TO TAKE POWER IN CHILE. COULD A COALITION GOVERNMENT STRETCHING FROM THE NUNEZ SOCIALISTS ON THE LEFT THROUGH THE DIVIDED CHRISTIAN DEMOCRATS TO THE SOMEWHAT ERRATIC PERSONALITY OF NATIONAL PARTY LEADER PHILLIPS REPRESENTING CERTAIN CONSERVATIVE GROUPS ON THE RIGHT REALLY PROVIDE A STABLE AND CONSTRUCTIVE ALTERNATIVE TO THE PRESENT REGIME, GARCIA MUSED. AND WHAT, HE ADDED, WOULD BE THE INFLUENCE OF THE FAR LEFT IF AN UNSTABLE COALITION GOVERNMENT OF THIS KIND WERE SOMEHOW TO REACH POWER?

5. GELBARD ASKED FOR GARCIA'S ASSESSMENT OF POLLS IN ~~CONFIDENTIAL~~

PAGE 06 STATE 313487

CHILE, MANY OF WHICH SHOW PRESIDENT PINOCHET WITH ONLY 18-23 PERCENT POPULARITY. EVEN IF THE PRESIDENT WERE TO SOMEHOW DOUBLE HIS CURRENT STRENGTH, HE WOULD FALL FAR SHORT OF THE ABSOLUTE MAJORITY REQUIRED TO WIN A PLEBISCITE. GARCIA RESPONDED THAT POLLS ARE INEXACT AND SUBJECT TO

CHANGE AND THAT THE 20 PERCENT CITED IS NOT A TRUE TEST OF PINOCHET'S POTENTIAL ELECTORAL STRENGTH. MUCH WILL DEPEND ON HOW THE YES OR NO QUESTION IN A PLEBISCITE IS POSED AND HOW VOTERS SEE THE ALTERNATIVE TO THE CURRENT GOVERNMENT. MANY CHILEANS, HE ASSERTED, ARE APOLITICAL AND EITHER DISTRUST THE COUNTRY'S MAJOR PARTIES OR ARE UNINTERESTED IN POLITICS. THEY ARE, IN CONTRAST, CONCERNED ABOUT THE ECONOMIC SITUATION, JOBS, EDUCATION, HEALTH, AND OPPOSED TO VIOLENCE. IN 1980 THE REGIME POLLED 67 PERCENT OF THE VOTE IN FAVOR OF THE CONSTITUTION, AND WHEN THE VOTERS ARE AGAIN FACED WITH A CHOICE BETWEEN THE CURRENT GOVERNMENT OR AN UNCERTAIN FUTURE SYMBOLIZED BY A DIVIDED OPPOSITION, GARCIA BELIEVES THE CURRENT POLLING RESULTS WILL PROVE MISLEADING.

6. GELBARD MENTIONED SPECULATION -- SOME OF IT PREVALENT AMONG CERTAIN CENTER RIGHT GROUPS IN CHILE -- THAT IF PINOCHET DECIDES TO RUN AND APPEARS LIKELY TO LOSE THE PLEBISCITE OR RUNS AND LOSES, THERE COULD BE AN AUTO-GOLPE. GARCIA DISCOUNTED SUCH A POSSIBILITY, ASSERTING THAT THE CONSTITUTIONAL PROVISION PROVIDING FOR FREE AND OPEN ELECTIONS WOULD BE FOLLOWED. THE ARMED FORCES WOULD NOT PERMIT AN AUTO-GOLPE, HE IMPLIED.

7. COMMENT:

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PAGE 07 STATE 313487

IN OUR LUNCHEON DISCUSSION GARCIA, AS IN HIS LUNCA

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BILATERAL WITH THE SECRETARY, TOOK A SOFT NON-CONFRONTATIONAL APPROACH TO THE SERIOUS DIFFERENCES IN OUR RELATIONSHIP. HE SOUGHT TO STRESS CHILE'S DESIRE TO RETURN TO DEMOCRACY (ALBEIT AS INTERPRETED IN THE 1980 CONSTITUTION) ITS DESIRE TO IMPROVE HUMAN RIGHTS AND ITS COMMITMENT TO HOLD A CLEAN AND FAIR PLEBISCITE. HIS APPROACH CONTRASTED SHARPLY WITH THAT OF AMBASSADOR ERRAZURIZ WHO COULD NOT CONTAIN HIMSELF FROM OCCASIONALLY MAKING SHARP COMMENTS, PARTICULARLY IN REFERENCE TO THE FERNANDEZ LARIOS AND ROJAS CASES REGARDING ALLEGED ATTEMPTS TO CREATE TENSIONS IN US-CHILEAN RELATIONS AS THE TIME APPROACHES TO SELECT A CANDIDATE FOR THE 1988 PLEBISCITE. GARCIA WENT OUT OF HIS WAY TO PROJECT AN IMAGE OF MODERATION AND REASONABLENESS, RESPONDING TO ALL QUESTIONS WITH A POSITIVE EVEN IF EVASIVE, APPROACH. HE CONSISTENTLY STRESSED THE NEED FOR GREATER US UNDERSTANDING OF CHILE'S COMPLEX POLITICAL REALITY AND THE DANGERS THAT AN IDEOLOGICALLY HETEROGENEOUS OPPOSITION'S RETURN TO POWER COULD POSE FOR WESTERN INTERESTS IN CHILE. ALTHOUGH HE COULD NOT EASILY SELL A DEFECTIVE BRIEF, GARCIA PROVED TO BE A SMOOTHER AND MORE ADROIT INTERNATIONAL SALESMAN THAN HIS PREDECESSOR, FOREIGN SHULTZ

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EXCISE

P B6

AMNESTY INTERNATIONAL USA

October 21, 1987

Bath-Brunswick Amnesty International, U. S. Group 16
P.O. Box 203, Bath, Maine 04530

Chile Project (#S199900030)
U.S. Department of State
Release_____ Excise__X__ Deny_____
Declassify: In Part_____ In Full_____
Exemption(s)____B6____

Cor. Fernando Torres Silva
Fiscal Militar
Centeno 102
Santiago, Chile

Your Excellency:

I am writing out of concern about the continued imprisonment of DR. JUAN MACAYA, a pediatrician who has worked with the Vicaria de la Solidaridad of the Catholic Church.

Dr. Macaya is one of four professionals who have been imprisoned for nearly a year for assisting a man injured in a confrontation with the police. Amnesty International has investigated the case and concluded that there is no evidence that Dr. Macaya was "assisting an armed group" as charged.

We believe Dr. Macaya to be a prisoner of conscience, detained because of his professional activities as a physician; we urge you to release him immediately and unconditionally.

Thank you.

Sincerely,

[redacted]

cc: Comision Chilena de Derechos Humanos
U.S. Senator William S. Cohen
U.S. Senator George J. Mitchell
U.S. Representative Joseph E. Brennan

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PAGE 01 GUATEM 10605 01 OF 10 211711Z
ACTION HA-09

INFO LOG-00 ACDA-13 ADS-00 AID-01 AMAD-01 ARA-01 CIAE-00
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PA-01 PM-01 PRS-01 P-01 RP-10 SIL-01 SNP-01
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FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC 2659

[redacted] SECTION 01 OF 10 GUATEMALA 10605

NOFORN
DEPARTMENT FOR HA AND S/IL

E.O. 12356: N/A
TAGS: PHUM, ELAB, PGOV, PINS, GT
SUBJECT: 1991 COUNTRY REPORT ON HUMAN RIGHTS PRACTICES:
- GUATEMALA

1. LOU--NOFORN--ENTIRE TEXT.

2. FOLLOWING IS THE 1991 COUNTRY HUMAN RIGHTS REPORT FOR GUATEMALA.

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DEPARTMENT OF STATE IM/IPS/CR/IR/Iwr Date 2/10/98
(X) RELEASE (X) DECLASSIFY EO Citations
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PA Exemptions ( ) DOWNGRADE TS to ( ) S or ( ) C
TS authority to

PAGE 02 GUATEM 10605 01 OF 10 211711Z
GUATEMALA

THE CONSTITUTION CALLS FOR ELECTION BY UNIVERSAL SUFFRAGE OF A ONE-TERM PRESIDENT, A UNICAMERAL CONGRESS (116 MEMBERS), AND MUNICIPAL OFFICERS; IT MANDATES AN INDEPENDENT JUDICIARY AND A HUMAN RIGHTS OMBUDSMAN, WHO REPORTS TO CONGRESS. JORGE SERRANO WON THE JANUARY 6 ROUND OF PRESIDENTIAL ELECTIONS WITH 68 PERCENT OF THE VOTE, TAKING OFFICE JANUARY 14. SEVERAL HUNDRED FOREIGN

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OBSERVERS AND JOURNALISTS MONITORED THE ELECTIONS, FINDING THEM FREE, FAIR, AND GENUINE.

THE 44,000-MAN ARMY HAS RESPONSIBILITY FOR NATIONAL SECURITY AND HAS FOUGHT A FOREIGN-BACKED LEFTIST INSURGENCY FOR 31 YEARS. THE ARMY INCLUDES A 3,000-MAN MOBILE MILITARY POLICE (PMA) THAT GUARDS KEY FACILITIES AND HAS A LIMITED ANTI-CRIME ROLE. THE NATIONAL POLICE (8,800 MEN) AND THE TREASURY POLICE (1,900) REPORT TO THE INTERIOR MINISTER, A CIVILIAN. ABOUT 500,000 MEN IN "VOLUNTARY CIVIL DEFENSE COMMITTEES" (CVDC), MORE COMMONLY CALLED "CIVIL SELF-DEFENSE PATROLS" (PAC), PERFORM ANTI-GUERRILLA AND LAW-AND-ORDER SUPPORT ROLES IN AND AROUND VILLAGES IN NORTH, CENTRAL, AND WESTERN GUATEMALA AND ARE ORIENTED TOWARD CIVIL DISASTER RELIEF IN NON-CONFLICTIVE EASTERN DEPARTMENTS.

SERRANO INHERITED AN ECONOMY WITH HIGH INFLATION AND A BADLY DECAYED INFRASTRUCTURE, INCLUDING A NEARLY

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DESTROYED PUBLIC HEALTH CARE SYSTEM. IN ITS FIRST MONTHS, HIS GOVERNMENT TOOK MAJOR STRIDES TO COMBAT INFLATION, STABILIZE EXCHANGE RATES, LOWER INTEREST RATES, AND START THE TOUGH TASKS OF REPAIRING THE INFRASTRUCTURE AND UNDERTAKING ECONOMIC AND FISCAL REFORMS. THIS INCLUDES OVERHAULING THE TAX SYSTEM AND ESTABLISHING A MORE LIBERAL TRADE REGIME. THE NEW ADMINISTRATION REDUCED CORRUPTION BY PUBLIC OFFICIALS AND BEGAN TO INVESTIGATE PAST GRAFT. THE ECONOMY GREW AT A REAL RATE OF 3.2 PERCENT. DIRECT PEACE TALKS BETWEEN GOVERNMENT AND GUERRILLAS CONTINUED AT A SLOW BUT REGULAR PACE.

PRESIDENT SERRANO AND SENIOR OFFICIALS, IN PARTICULAR ATTORNEY GENERAL VALLADARES AND INTERIOR MINISTER HURTADO, HAVE TAKEN WELCOME AND ENCOURAGING FIRST STEPS TO ENSURE RESPECT FOR HUMAN RIGHTS. IN HIS INAUGURAL ADDRESS, SERRANO VOWED TO END THE IMPUNITY OF RIGHTS VIOLATORS. VALLADARES REOPENED THE INVESTIGATION INTO THE 1990 MYRNA MACK MURDER CASE, OBTAINING AN ARREST WARRANT FOR A SUSPECT TIED TO THE MILITARY STAFF OF FORMER PRESIDENT CEREZO. THERE WERE ALSO POSITIVE MOVES TOWARDS RESOLVING SOME KILLINGS BY PAC. IN JULY, THE

GOVERNMENT ACKNOWLEGED THAT OVER 31,000 ARREST WARRANTS REMAINED OUTSTANDING AND VOWED POLICE WOULD ACT ON THEM. IN AUGUST, SERRANO ANNOUNCED THE CREATION OF A CABINET-LEVEL HUMAN RIGHTS COMMISSION TO ADVISE HIM AND RESPOND TO REPORTS OF VIOLATIONS. OVER 1600 POLICEMEN WERE DISCHARGED FOR A VARIETY OF ABUSES. EXTRAJUDICIAL KILLINGS AND DISAPPEARANCES DECLINED SLIGHTLY FROM

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PAGE 04 GUATEM 10605 01 OF 10 211711Z
1990. TWO ARMY PERSONNEL, INCLUDING AN OFFICER, ARRESTED FOR THE 1990 SANTIAGO ATITLAN MASSACRE WERE CONVICTED AND SENTENCED TO PRISON. THE MAIN POSITIVE CHANGE FROM THE RECENT PAST WAS A GREATER WILLINGNESS BY GUATEMALANS TO DISCUSS VIOLATIONS OF HUMAN RIGHTS. HUMAN RIGHTS BECAME AN OPEN, LEGITIMATE, AND IMPORTANT TOPIC FOR MEDIA, POLITICIANS, AND PUBLIC. THE HUMAN RIGHTS OMBUDSMAN EXPANDED HIS ACTIVITIES; THE ARCHBISHOP'S HUMAN RIGHTS OFFICE BECAME A MAJOR HUMAN RIGHTS VOICE. THERE WAS MUCH MORE INFORMATION AVAILABLE IN 1991 THAN IN PRIOR YEARS.

DESPITE THESE WELCOME SIGNS, SECURITY FORCE PERSONNEL CONTINUED TO COMMIT SERIOUS ABUSES WITH IMPUNITY. ABUSES INCLUDED EXTRAJUDICIAL KILLINGS, TORTURE, AND DISAPPEARANCES, MAINLY OF PEOPLE THOUGHT TO BE GUERRILLA BACKERS. GUERRILLAS ALSO COMMITTED MAJOR VIOLATIONS: KILLING POLICE, SUMMARY EXECUTIONS, KIDNAPINGS, FORCED LABOR AND RECRUITMENT, WIDE USE OF MINES AND OTHER

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PAGE 01 GUATEM 10605 02 OF 10 211712Z
ACTION HA-09

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INFO LOG-00 ACDA-13 ADS-00 AID-01 AMAD-01 ARA-01 CIAE-00
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FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC 2660

[redacted] SECTION 02 OF 10 GUATEMALA 10605

NOFORN
DEPARTMENT FOR HA AND S/IL

E.O. 12356: N/A
TAGS: PHUM, ELAB, PGOV, PINS, GT
SUBJECT: 1991 COUNTRY REPORT ON HUMAN RIGHTS PRACTICES:
- GUATEMALA

EXPLOSIVES, AND USE OF CHILDREN IN COMBAT. MANY CASES IN WHICH THE UNITED STATES EXPRESSED INTEREST REMAINED UNSOLVED, SUCH AS: THE 1985 DISAPPEARANCES OF U.S. CITIZENS BLAKE AND DAVIS; THE 1989 KIDNAPINGS OF SEVERAL CERJ (RUNUNEL JUNAM COUNCIL OF ETHNIC COMMUNITIES) MEMBERS AND THE DISAPPEARANCES AND MURDERS OF UNIVERSITY [redacted]

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PAGE 02 GUATEM 10605 02 OF 10 211712Z
STUDENTS; ALSO IN 1989, THE REPORTED KIDNAPING AND ABUSE OF AMERICAN NUN DIANA ORTIZ AND A KNIFE ATTACK ON MEMBERS OF THE PEACE BRIGADES (PBI); THE 1990 HECTOR OQUELI, GILDA FLORES, GONZALEZ GAMARRA, AND VILLANUEVA DE BARRERA KILLINGS; AND THE 1990 DISAPPEARANCES OF MARIA TIU TOJIN AND DAUGHTER FROM A RELOCATION CENTER. THERE IS EVIDENCE THAT THE ARMY HIGH COMMAND, DESPITE PRESIDENT SERRANO'S EFFORTS, CONTINUES TO IMPEDE A THOROUGH INVESTIGATION INTO THE 1990 MURDER OF AMERICAN CITIZEN MICHAEL DEVINE. BECAUSE OF A LACK OF SUFFICIENT PROGRESS ON HUMAN RIGHTS IN GUATEMALA, THE U.S. HAS NOT RESUMED ITS MILITARY AID PROGRAM, SUSPENDED SINCE DECEMBER 1990.

UNCLASSIFIED

RESPECT FOR HUMAN RIGHTS UNCLASSIFIED

SECTION 1 RESPECT FOR THE INTEGRITY OF THE PERSON, INCLUDING FREEDOM FROM:

A. POLITICAL AND OTHER EXTRAJUDICIAL KILLING

MEDIA AND OTHER REPORTS INDICATED THE 1991 MURDER TOLL TO BE HIGHER THAN THE OFFICIAL FIGURES OF 1800 -2000. WHILE COMMON CRIME CAUSED THE VAST MAJORITY OF VIOLENT DEATHS, THE NUMBER OF EXTRAJUDICIAL KILLINGS, THOUGH FEWER THAN IN 1990, WAS SIGNIFICANT. THE JANUARY-JUNE 1991 REPORT BY THE HUMAN RIGHTS OMBUDSMAN LISTED 321

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COMPLAINTS OF EXTRAJUDICIAL KILLINGS (COMPARED TO 588 FOR ALL 1990). OF THOSE, THE OMBUDSMAN RULED THAT 33 WERE NOT EXTRAJUDICIAL KILLINGS OR OTHERWISE FELL OUTSIDE HIS MANDATE. OF THE 288 REMAINING, HE FOUND THAT 116 WERE EXTRAJUDICIAL KILLINGS WITH 172 UNDER INVESTIGATION AT THE TIME OF THE REPORT'S PUBLICATION. THE ARCHBISHOP'S HUMAN RIGHTS OFFICE REPORTED 301 EXTRAJUDICIAL EXECUTIONS FOR THE SAME PERIOD; A LOCAL HUMAN RIGHTS GROUP, THE MUTUAL SUPPORT GROUP (GAM), REPORTED 547 "POLITICAL KILLINGS," BUT DID NOT DEFINE THE TERM. WHILE THE OMBUDSMAN HAD COMPLAINTS OF EXTRAJUDICIAL KILLINGS BY GUERRILLAS, IT SEEMS THAT PERSONS PROTECTED BY THE ARMY, SUCH AS THE PAC, COMMITTED MOST OF THE RECORDED EXTRAJUDICIAL KILLINGS. MANY WERE IN AREAS OF GOVERNMENT-GUERRILLA CONFLICT. VICTIMS GENERALLY WERE RURAL INDIGENOUS PEOPLE SUSPECTED OF BACKING THE GUERRILLAS. IN ADDITION, THERE WAS EVIDENCE OF VIGILANTE KILLINGS OF SUSPECTED CRIMINALS: IN MARCH AND AUGUST SEVERAL MEN WERE FOUND HANDS TIED, EACH KILLED BY A SHOT TO THE HEAD. POLICE AND OTHER SECURITY AGENTS ARE THOUGHT TO HAVE TAKEN PART IN THESE TYPES OF ACTS.

OFFICIAL ANTI-CRIME OR COUNTERINSURGENCY POLICIES DO NOT INCLUDE EXTRAJUDICIAL KILLINGS. HOWEVER, WITH A FEW EXCEPTIONS, AUTHORITIES DO NOT PROPERLY INVESTIGATE AND PROSECUTE SUCH ACTS. THE OMBUDSMAN, THE ATTORNEY GENERAL, AND RIGHTS GROUPS HAVE FOUND UNAMBIGUOUS

EYEWITNESS AND PHYSICAL EVIDENCE OF KILLINGS BY THE PAC; SEVERAL "CLANDESTINE" CEMETERIES WERE FOUND CONTAINING

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SUMMARILY EXECUTED VICTIMS, SOME SHOWING SIGNS OF TORTURE. THE ARMY OFTEN FAILS TO COOPERATE WITH POLICE, COURTS, AND PROSECUTORS IN BRINGING TO JUSTICE ARMY PERSONNEL INVOLVED IN ABUSES. THIS IS PARTICULARLY EVIDENT IN THE STALLED INVESTIGATION OF THE 1990 MURDER OF AMERICAN CITIZEN MICHAEL DEVINE.

IN JANUARY, GUNMEN KILLED ESCUINTLA MAYOR MARCO TULIO COLLADO; HE HAD A HISTORY OF RECEIVING THREATS. RELATIVES BLAMED "RIGHT-WING EXTREMISTS." JUAN PEREBAL AND TWO SONS, ALL REPORTEDLY MEMBERS OF CERJ, WERE SHOT NEAR CHUNIMA (QUICHE DEPARTMENT) IN FEBRUARY. ONE SON, BADLY HURT, LIVED AND IDENTIFIED THE ATTACKERS AS MANUEL PEREBAL AJTZALAM AND MANUEL XON LARES, FORMER PAC LEADERS. THE VICTIMS PREVIOUSLY NAMED THE TWO AS INVOLVED IN THE 1990 KIDNAPING OF SEBASTIAN VELASQUEZ MEJIA, ANOTHER APPARENT CERJ MEMBER LATER FOUND DEAD (SEE THE 1990 REPORT). THE TWO EX-PAC LEADERS HAD OVER 10 OUTSTANDING ARREST WARRANTS. PRAISEWORTHY EFFORTS BY POLICE TO ARREST THEM FAILED WHEN ARMED CIVIL PATROLLERS INTERVENED. DUE TO PRESSURES BROUGHT BY PRESIDENT SERRANO, IN JULY BOTH SURRENDERED AND JUDICIAL

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ACTION HA-09

INFO LOG-00 ACDA-13 ADS-00 AID-01 AMAD-01 ARA-01 CIAE-00

C-01 DODE-00 ANHR-01 EB-01 H-01 INRE-00 INR-01
IO-19 LAB-04 L-03 NSAE-00 NSCE-00 OIC-02 OMB-01
PA-01 PM-01 PRS-01 P-01 RP-10 SIL-01 SNP-01
SP-01 SR-01 SS-01 STR-18 TRSE-00 T-01 USIE-00
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R 211710Z OCT 91
FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC 2661

[redacted]SECTION 03 OF 10 GUATEMALA 10605

NOFORN
DEPARTMENT FOR HA AND S/IL

E.O. 12356: N/A
TAGS: PHUM, ELAB, PGOV, PINS, GT
SUBJECT: 1991 COUNTRY REPORT ON HUMAN RIGHTS PRACTICES:
- GUATEMALA

PROCEEDINGS HAVE BEGUN.

IN APRIL, TWO MEN IN GUATEMALA CITY KILLED DINORA PEREZ, A YOUNG WOMAN INVOLVED IN FORMING A NEW LEFTIST POLITICAL PARTY, THE PGU. MOST PGU MEMBERS, INCLUDING [redacted]

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PAGE 02 GUATEM 10605 03 OF 10 211713Z
1985 SOCIAL DEMOCRATIC PARTY VICE-PRESIDENTIAL CANDIDATE LUIS ZURITA, FLED ABROAD. THE KILLERS CLEARLY MEANT TO ABORT THE PGU--A GROUP MANY OFFICERS SAW AS A GUERRILLA FRONT. IN MAY, TWO MEN KILLED ACTIVE-DUTY GENERAL AND FORMER DEFENSE ATTACHE TO THE UNITED STATES, ANACLETO MAZA. REPORTS INDICATE MAZA WAS ABOUT TO REVEAL INFORMATION CONCERNING CORRUPTION IN THE ARMY COMMISSARY AND CORRUPT ACTS BY GOVERNMENT OFFICERS INVOLVED WITH THE NATIONAL AIRLINE. IN JUNE, ARMED MEN KILLED OSCAR OSWALDO LUNA, A MEMBER OF THE SAN CARLOS UNIVERSITY (USAC) MAINTENANCE WORKERS' UNION. HE HAD TAKEN PART IN A BITTER STRIKE IN WHICH USAC OFFICIALS WERE HELD HOSTAGE. PRESIDENT SERRANO ORDERED THAT THE KILLING BE THOROUGHLY INVESTIGATED; NO RESULTS WERE AVAILABLE AT YEAR'S END. ALSO IN JUNE, GENARO CABRERA GOMEZ, A GUERRILLA WHO ACCEPTED AMNESTY, WAS FOUND DEAD: HIS BODY SHOWED SIGNS OF TORTURE. ACCORDING TO PRESS REPORTS,

HIS BODY BORE A NOTE STATING GUERRILLAS KILLED HIM FOR "TREASON." JULIO QUEVEDO, AN AGRONOMIST IN QUICHE WITH THE CATHOLIC CHARITABLE ORGANIZATION CARITAS, WAS KILLED IN JULY. THE ARCHBISHOP CALLED THE KILLING POLITICAL AND TIED IT TO THE 1990 MURDER OF MYRNA MACK; LATER INFORMATION SHOWED THE CRIME MIGHT HAVE HAD PERSONAL MOTIVES. A CRIME WHICH MIGHT BE LINKED TO THE MACK CASE WAS THE AUGUST MURDER OF POLICE HOMICIDES INVESTIGATION CHIEF JOSE LUIS MERIDA, WHO HANDLED--AMONG OTHER TASKS--THE INVESTIGATION INTO MACK'S DEATH. TWO ARRESTS FOLLOWED. IN A TELEVISED STATEMENT, ONE OF THOSE ACCUSED SAID HE ACTED FROM PERSONAL MOTIVES; OTHER RELIABLE INFORMATION LENT CREDIBILITY TO THAT EXPLANATION. RELATIVES OF LORENZO PEREBAL AND ANDRES

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LOPIX, SOLOLA MILITARY COMMISSIONERS (CIVILIAN ARMY EMPLOYEES WHOSE MAIN JOB IS TO ENSURE COMPLIANCE WITH THE DRAFT), SAID GUERRILLAS KIDNAPED AND MURDERED BOTH MEN IN OCTOBER.

A COURT IN MARCH SENTENCED FOUR POLICEMEN TO LONG PRISON TERMS FOR THE 1990 BEATING DEATH OF "STREET CHILD" NAHAMON CARMONA LOPEZ. A HIGHER COURT, HOWEVER, FOUND ERRORS IN SENTENCING; AS 1991 ENDED, THE CASE REMAINED UNDER REVIEW. IN JUNE, POLICE ARRESTED FIVE PAC MEMBERS IN ALTA VERAPAZ FOR THE DEATH THAT SAME MONTH OF DOMINGO XE--A RARE EXAMPLE OF SWIFT ISSUANCE AND EXECUTION OF A WARRANT. FORMER PAC LEADER SANTOS COJ WAS ARRESTED IN JUNE FOR KILLING 8 PERSONS IN THE EARLY 1980'S; THE WARRANT AGAINST HIM WAS ISSUED IN 1989. AS A RESULT OF THE ATTORNEY GENERAL'S EFFORTS ON THE MACK CASE, IN JUNE AN ARREST WARRANT WENT OUT FOR NOEL BETETA ALVAREZ, SUSPECTED OF STABBING MACK. AT THE TIME OF MACK'S DEATH, BETETA HAD WORKED FOR THE PRESIDENTIAL MILITARY STAFF OF THE PRIOR ADMINISTRATION IN ITS "ARCHIVES" SECTION. BETETA HAS NOT BEEN FOUND AND MIGHT NO LONGER BE IN GUATEMALA. THE AUGUST DISCOVERY OF ELEVEN TORTURE AND MURDER VICTIMS, LED TO THE QUICK ARREST OF SEVEN NAVY PERSONNEL, INCLUDING THE COMMANDER OF THE PACIFIC NAVAL BASE. THE STRONG INITIAL REACTION BY THE PRESIDENT, THE ATTORNEY GENERAL, AND THE MINISTER OF DEFENSE DREW PRAISE FOR THE ADMINISTRATION FROM NUMEROUS FOREIGN GOVERNMENTS, INCLUDING THAT OF THE U.S. THE VICTIMS APPARENTLY BELONGED TO A CONTRABAND RING. AS 1991 ENDED, THE CASE WAS IN COURT. THE CASE AGAINST TWO

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POLICEMEN ACCUSED OF INVOLVEMENT IN THE 1990 DEATHS OF FOUR "STREET CHILDREN" CONTINUED IN COURT. IN OCTOBER, THE ATTORNEY GENERAL REAFFIRMED HIS INTENTION TO CONTINUE THE GOVERNMENT'S APPEAL AGAINST THE COURT'S 1990 DISMISSAL OF THE CONVICTIONS OF SIX QUETZALTENANGO POLICEMEN FOR THE 1986 KIDNAP AND MURDER OF TWO STUDENTS.

B. DISAPPEARANCE

THE OMBUDSMAN'S MID-YEAR REPORT STATED THAT IN THE FIRST HALF OF 1991 HE HAD 161 COMPLAINTS OF DISAPPEARANCES (COMPARED TO 350 FOR ALL 1990). OF THESE, 80 WERE RULED "POLITICALLY MOTIVATED"; 19 WERE RESOLVED BY THE REAPPEARANCE OF VICTIMS (14 ALIVE AND 5 DEAD). OF THE OTHER "POLITICAL" CASES, 27 WERE RULED "FORCED DISAPPEARANCES" AND 34 WERE UNDER REVIEW AT THE TIME OF THE REPORT'S PUBLICATION. OF THE 81 DISAPPEARANCES "FOR OTHER THAN POLITICAL REASONS," 26 WERE RESOLVED BY THE REAPPEARANCE OF THE VICTIM (24 ALIVE AND 2 DEAD); THE

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ACTION HA-09

INFO LOG-00 ACDA-13 ADS-00 AID-01 AMAD-01 ARA-01 CIAE-00
C-01 DODE-00 ANHR-01 EB-01 H-01 INRE-00 INR-01
IO-19 LAB-04 L-03 NSAE-00 NSCE-00 OIC-02 OMB-01
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FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC 2662

[redacted] SECTION 04 OF 10 GUATEMALA 10605

NOFORN
DEPARTMENT FOR HA AND S/IL

E.O. 12356: N/A
TAGS: PHUM, ELAB, PGOV, PINS, GT
SUBJECT: 1991 COUNTRY REPORT ON HUMAN RIGHTS PRACTICES:
- GUATEMALA

REMAINING 55 WERE UNDER STUDY. THE ARCHBISHOP'S HUMAN RIGHTS OFFICE REPORTED 99 DISAPPEARANCES FOR THE PERIOD; GAM CHARGED 118 KIDNAPINGS. MOST POLITICAL DISAPPEARANCES WERE COMMITTED BY PERSONS LINKED TO THE ARMED FORCES AGAINST PEOPLE THEY SAW AS INVOLVED WITH GUERRILLAS.

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IN RESPONSE TO DEMANDS FOR AN INVESTIGATION INTO THOUSANDS OF REPORTED DISAPPEARANCES OVER THE PAST DECADE, PRESIDENT SERRANO PROMISED TO NAME A COMMISSION WITH GAM AS A MEMBER. AFTER FALLING OUT WITH GAM OVER ITS BACKING OF A RESOLUTION AT THE UN COMMISSION ON HUMAN RIGHTS, SERRANO DECLINED TO FORM THE COMMISSION. THE OMBUDSMAN TOOK ON THE JOB, ASSIGNING GAM AND OTHER GROUPS ADVISORY ROLES. GAM DEMANDED CONGRESS FORM A COMMISSION TO INCLUDE THE ATTORNEY GENERAL AND HUMAN RIGHTS GROUPS AS MEMBERS. CHAIRMAN OF THE CONGRESSIONAL HUMAN RIGHTS COMMISSION ANDRES GIRON PROMISED TO PUSH THE BILL; CONGRESS HAD NOT ACTED AT YEAR END.

IN APRIL, CERJ LEADER AMILCAR MENDEZ REPORTED A KIDNAP ATTEMPT IN GUATEMALA CITY IN WHICH MEN TRIED TO DRAG HIM FROM HIS CAR INTO ANOTHER VEHICLE, DESISTING WHEN A CROWD GATHERED; NO CONFIRMATION OF THIS REPORT WAS FOUND. IN MAY, CERJ MEMBER MIGUEL SUCUQUI ALSO CLAIMED

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A BOTCHED KIDNAP ATTEMPT BY A LOCAL PAC. ACCORDING TO WITNESSES, A REPORTED MEMBER OF CERJ, FELIPE LOPEZ MENDOZA, WAS TAKEN IN JUNE BY TWO MEN NEAR SANTA CRUZ DEL QUICHE; NO RECORD OF HIS ARREST OR DETENTION WAS EVER FOUND. ALSO IN JUNE, YOLANDA FIGUEROA, A LEADER IN THE CUSTOM WORKERS UNION, WAS THE INTENDED VICTIM OF A KIDNAPING. A TREASURY POLICEMAN FOILED THE CRIME, WOUNDING TWO ASSAILANTS; THE INTERIOR MINISTER PUBLICLY PRAISED THE POLICEMAN.

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C. TORTURE AND OTHER CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT

AS IN PAST YEARS, MANY BODIES FOUND THROUGHOUT GUATEMALA BORE SIGNS OF TORTURE OR POSTMORTEM MUTILATION. SUCH TREATMENT, HOWEVER, IS NOT NECESSARILY EVIDENCE OF SECURITY FORCE INVOLVEMENT: GANGS AND OTHER CRIMINALS, AS WELL AS GUERRILLAS, ALL USE TORTURE. THERE WERE, NEVERTHELESS, CREDIBLE REPORTS OF TORTURE AND MISTREATMENT BY SECURITY FORCES.

WHILE PRISON CONDITIONS REMAINED HARSH, CONFIRMED REPORTS OF TORTURE OF PERSONS IN OFFICIAL DETENTION REMAINED RARE. IN APRIL, POLICE IN CHIQUIMULA ARRESTED EX-SECRETARY GENERAL OF THE ELECTRIC WORKERS' UNION OTTO IVAN RODRIGUEZ, CLAIMING HE BELONGED TO A CAR THEFT RING. THEY BEAT HIM, NEARLY BLINDING HIM IN ONE EYE. THE ABUSE ENDED WHEN A JUDGE HAD RODRIGUEZ TAKEN FROM THE LOCAL JAIL TO ONE IN GUATEMALA CITY. THERE HE GOT MEDICAL TREATMENT. HE WAS FREED APRIL 25 AND LEFT GUATEMALA. REPORTEDLY RODRIGUEZ'S ARREST AND ABUSE WAS ORDERED BY POWERFUL LOCAL CONGRESSMAN CHINCHILLA VEGA (ALSO IMPLICATED IN THE 1990 DEATH OF CONGRESSMAN OTTO RUANO; SEE 1990 DEPARTMENT OF STATE HUMAN RIGHTS REPORT) AS REVENGE FOR RODRIGUEZ'S WORK AGAINST HIM IN THE ELECTIONS. ANOTHER REPORTED CASE OF ABUSE IN OFFICIAL DETENTION WAS THAT OF MESSRS. ROSALES, TRUJILLO, AND CASTILLO WHO WERE ARRESTED IN AUGUST ON SUSPICION OF

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UNCLASSIFIED

MULTIPLE MURDERS. REPRESENTATIVES OF THE ARCHBISHOP'S HUMAN RIGHTS OFFICE VISITED THE PRISONERS AND CONFIRMED THEY WERE ABUSED, PRAISED THE JUDGE WHO ORDERED POLICE TO MAKE THEM AVAILABLE FOR INTERVIEWS, AND ACCUSED THE NATIONAL POLICE OF SERIOUS HUMAN RIGHTS VIOLATIONS. JUDICIAL PROCEEDINGS WERE BEGUN AGAINST THE POLICE OFFICERS THOUGHT TO BE INVOLVED IN THE TORTURE.

A CREDIBLE REPORT OF TORTURE WAS GIVEN BY JULIO CHUALCUBEN, KIDNAPED DECEMBER 16, 1990. FOUND NEAR DEATH ON A RURAL HIGHWAY 10 DAYS LATER AND TAKEN TO A HOSPITAL, HE REMAINED SEMI-COMATOSE UNTIL JUNE. AFTER AWAKENING, HE DID NOT HAVE USE OF VOICE, LEGS, AND RIGHT ARM. HE DESCRIBED HIS ORDEAL BY WRITING WITH HIS LEFT HAND. ACCORDING TO HIS ACCOUNT, MILITARY COMMISSIONERS ACCUSED HIM OF BEING A GUERRILLA AND TOOK HIM TO SOLOLA'S ARMY BASE. HE WAS INTERROGATED, TORTURED, AND LEFT FOR DEAD. BASE OFFICERS IGNORED WRITS OF HABEAS CORPUS PRESENTED ON HIS BEHALF. ONCE THE CASE BECAME KNOWN, OFFICIALS QUICKLY ISSUED TRAVEL DOCUMENTS FOR HIM TO GET TREATMENT IN THE UNITED STATES. THERE IS NO INFORMATION AVAILABLE ON WHAT MAY HAVE BEEN DONE TO

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ACTION HA-09

INFO LOG-00 ACDA-13 ADS-00 AID-01 AMAD-01 ARA-01 CIAE-00
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IO-19 LAB-04 L-03 NSAE-00 NSCE-00 OIC-02 OMB-01
PA-01 PM-01 PRS-01 P-01 RP-10 SIL-01 SNP-01
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R 211710Z OCT 91
FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC 2663

UNCLASSIFIED

[redacted] SECTION 05 OF 10 GUATEMALA 10605

NOFORN
DEPARTMENT FOR HA AND S/IL

E.O. 12356: N/A
TAGS: PHUM, ELAB, PGOV, PINS, GT
SUBJECT: 1991 COUNTRY REPORT ON HUMAN RIGHTS PRACTICES:
- GUATEMALA

INVESTIGATE THE CRIME. IN MARCH, THE OMBUDSMAN CHARGED ABUSE AT AN ARMY BASE NEAR IZABAL; THREE REPORTED VICTIMS, AND OTHER PEOPLE IN THE AREA, SAID THE BASE COMMANDER AND MILITARY COMMISSIONERS SOUGHT TO PUSH THEM OFF LAND WANTED BY A LOCAL FIRM. THE OMBUDSMAN ASKED THE DEFENSE MINISTER TO INVESTIGATE; THE COMMANDER WAS [redacted]

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PAGE 02 GUATEM 10605 05 OF 10 211714Z
PUT AT THE "DISPOSAL" OF A MILITARY JUDGE. NOTHING FURTHER WAS HEARD ABOUT THE INCIDENT.

THE GOVERNMENT UNDERTOOK STEPS TO END POLICE ABUSE OF STREET CHILDREN AND TO RESOLVE THE CASE OF THE ALLEGED NOVEMBER 1989 KIDNAPING, RAPE, AND TORTURE OF OF AMERICAN NUN SISTER DIANA M. ORTIZ. THE NEW POLICE DIRECTOR ON SEVERAL OCCASIONS MADE CLEAR HE WOULD NOT TOLERATE ABUSE OF STREET CHILDREN; REPORTS OF SUCH INCIDENTS DECLINED IN 1991. THE ATTORNEY GENERAL APPOINTED A SPECIAL PROSECUTOR AND A SPECIAL INVESTIGATOR TO LOOK INTO THE SR. ORTIZ CASE. THE INVESTIGATOR TRAVELED TO KENTUCKY TO SPEAK TO SR. ORTIZ BUT WAS REFUSED. SR. ORTIZ DID SPEAK TO A DEPUTY OMBUDSMAN BUT AS OF THIS WRITING HAS REFUSED TO ANSWER QUESTIONS OR IDENTIFY PHOTOGRAPHS AS REQUESTED BY THE HUMAN RIGHTS OMBUDSMAN AND THE SPECIAL INVESTIGATOR.

D. ARBITRARY ARREST, DETENTION, OR EXILE

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AN ARREST WARRANT IS REQUIRED UNLESS A PERSON IS CAUGHT COMMITTING A CRIME. POLICE MAY NOT KEEP A SUSPECT FOR OVER 6 HOURS WITHOUT BRINGING HIM TO A JUDGE. THE LAW PROVIDES FOR BAIL, ACCESS TO LAWYERS, AND LIMITS TO 20 DAYS THE TIME ANYONE MAY BE HELD, AFTER WHICH HE MUST BE CHARGED OR FREED. AUTHORITIES MUST PRODUCE DETAINEES ON REQUEST. EXILE IS NOT USED. DESPITE THESE SAFEGUARDS, CREDIBLE REPORTS EXIST OF ARBITRARY ARREST AND

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PAGE 03 GUATEM 10605 05 OF 10 211714Z

INCOMMUNICADO DETENTION BY SECURITY FORCES (SEE 1 A AND B). OBVIOUSLY, THOSE ENGAGED IN ILLEGAL DETENTIONS IGNORE WRITS OF HABEAS CORPUS. SEVERAL GUATEMALANS HAD TO GO ABROAD FOR SAFETY. THERE WAS RELIABLE EVIDENCE OF DETENTIONS BY GUERRILLAS, PARTICULARLY IN GUERRILLA-RUN CPR VILLAGES (POPULAR COMMUNITIES IN RESISTANCE; TOTAL POPULATION OF 8,000-10,000). GUERRILLAS FORCED CPR RESIDENTS TO TAKE PART IN PATROLS SIMILAR TO PAC. GUERRILLAS OPERATING NEAR THE CAPITAL WERE ALSO REPORTED IN OCTOBER TO HAVE TAKEN SEVERAL CIVILIAN HOSTAGES.

E. DENIAL OF FAIR PUBLIC TRIAL

NO POLITICAL PRISONERS ARE KNOWN TO EXIST. THE CONSTITUTION PROVIDES FOR AN INDEPENDENT JUDICIARY COMPRISED OF A COURT OF CONSTITUTIONALITY, A SUPREME COURT, APPEALS COURTS, AND SEVERAL COURTS OF SPECIAL JURISDICTION, SUCH AS LABOR COURTS. MILITARY COURTS HAVE JURISDICTION OVER MILITARY PERSONNEL, INCLUDING MILITARY COMMISSIONERS BUT NOT MEMBERS OF THE PAC. CIVILIAN TRIALS ARE PUBLIC; DEFENDANTS HAVE THE RIGHT TO BE PRESENT AND TO LEGAL REPRESENTATION. AN APPEALS COURT AUTOMATICALLY REVIEWS CONVICTIONS. THE JUDICIAL BRANCH REMAINS TROUBLED AND INEFFECTIVE. REFORM EFFORTS HAVE SO FAR BEEN UNSUCCESSFUL. JUDGES ARE SUSCEPTIBLE TO INTIMIDATION AND CORRUPTION, SUFFER LOW PAY, BAD WORKING CONDITIONS, AND LOW MORALE. IN OCTOBER, THE CHIEF JUSTICE OF THE SUPREME COURT DENOUNCED PRESSURE ON JUDGES BY ARMY OFFICERS IN RURAL AREAS. UN HUMAN RIGHTS

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PAGE 04 GUATEM 10605 05 OF 10 211714Z

EXPERT TOMUSCHAT ECHOED THOSE CHARGES. THE LEGAL SYSTEM IS CUMBERSOME AND VERY COMPLEX, CHARACTERIZED BY LENGTHY AND NUMEROUS APPEALS AND CHALLENGES. IT IS DIFFICULT TO OBTAIN ACCURATE INFORMATION ON THE STATUS OF CASES. AS MENTIONED (1.A), ONE ACCUSED IN THE MERIDA KILLING MADE A TELEVISED CONFESSION, RAISING DOUBTS ABOUT DUE PROCESS.

F. ARBITRARY INTERFERENCE WITH PRIVACY, FAMILY, HOME, OR CORRESPONDENCE

THE CONSTITUTION PROVIDES FOR INVIOLABILITY OF HOME, CORRESPONDENCE, AND PRIVATE DOCUMENTS; PROVISIONS WHICH ARE NOT ALWAYS RESPECTED. ARMY INTELLIGENCE UNITS ARE THOUGHT TO HAVE AND USE THE ABILITY TO MONITOR PRIVATE COMMUNICATIONS. IN ADDITION, ENFORCING THE CONSTITUTIONALLY-ALLOWED MILITARY DRAFT AT TIMES INVOLVED ENTERING HOMES AND PLACES OF BUSINESS WITHOUT COURT ORDERS.

THE CONSTITUTION DECLARES PAC SERVICE AS VOLUNTARY. WHILE IN MOST AREAS WHERE PAC STILL EXIST THEY SEEM VOLUNTARY, RELIABLE EVIDENCE EXISTS THAT THE DEGREE OF

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PAGE 01 GUATEM 10605 06 OF 10 211715Z
ACTION HA-09

INFO LOG-00 ACDA-13 ADS-00 AID-01 AMAD-01 ARA-01 CIAE-00
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IO-19 LAB-04 L-03 NSAE-00 NSCE-00 OIC-02 OMB-01
PA-01 PM-01 PRS-01 P-01 RP-10 SIL-01 SNP-01
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FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC 2664

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[redacted] SECTION 06 OF 10 GUATEMALA 10605

NOFORN
DEPARTMENT FOR HA AND S/IL

E.O. 12356: N/A
TAGS: PHUM, ELAB, PGOV, PINS, GT
SUBJECT: 1991 COUNTRY REPORT ON HUMAN RIGHTS PRACTICES:
- GUATEMALA

VOLUNTARISM OF MANY PARTICIPANTS IN CONFLICTIVE ZONES IS OPEN TO SERIOUS DOUBT. ARMY OFFICERS, MILITARY COMMISSIONERS, OR PAC LEADERS OFTEN PRESSURE MEN IN THOSE ZONES TO TAKE PART; CREDIBLE REPORTS SHOW REFUSING CAN MEAN RISKING SERIOUS ABUSE, INCLUDING DEATH.

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PAGE 02 GUATEM 10605 06 OF 10 211715Z

G. USE OF EXCESSIVE FORCE AND VIOLATIONS OF HUMANITARIAN LAW IN INTERNAL CONFLICTS

DESPITE PRESIDENT SERRRANO'S STRONG COMMITMENT TO ENDING THE INTERNAL ARMED CONFLICT AND THE START OF DIRECT TALKS BETWEEN THE GOVERNMENT AND THE GUERRILLAS, THAT CONFLICT ENTERED ITS 31ST YEAR AND CONTINUED TO BE THE PRINCIPAL CAUSE OF MAJOR HUMAN RIGHTS VIOLATIONS IN GUATEMALA. CHARGES CONTINUED OF INDISCRIMINATE ARMY "CARPET BOMBINGS" AND ARTILLERY BARRAGES. GIVEN THE SMALL, TIGHTLY CONTROLLED AERIAL AND ARTILLERY ASSETS OF THE ARMY THESE CHARGES ARE NOT CREDIBLE. IN OCTOBER, THE PRESS REPORTED AN AERIAL ATTACK ON A CPR NAMED CABA JUST PRIOR TO THE SCHEDULED VISIT OF UN HUMAN RIGHTS EXPERT TOMUSCHAT. SUBSEQUENT INFORMATION, HOWEVER, SHOWED THE FIRING WAS NOT AIMED AT CABA, BUT WAS IN RESPONSE TO GUERRILLAS 3 KILOMETERS AWAY WHO HAD FIRED ON AN ARMY HELICOPTER.

LITTLE INFORMATION EXISTS ON THE FATE OF MANY CAPTURED

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GUERRILLAS; THERE WERE, HOWEVER, PUBLICIZED REPORTS OF DEFECTORS BEING WELL RECEIVED. IN OCTOBER, THE ARMY CHARGED GUERRILLAS SUMMARILY EXECUTED FOUR WOUNDED SOLDIERS; THE REPORT WAS PLAUSIBLE, BUT WITHOUT INDEPENDENT CONFIRMATION. UNCONFIRMED REPORTS TELL OF GUERRILLA ABUSE OF CAPTURED ARMY PERSONNEL. GUERRILLAS HIT ECONOMIC TARGETS, SUCH AS POWER LINES, HIGHWAYS, AND CIVILIAN VEHICLES. THEY USED CHILDREN AS YOUNG AS 12 IN

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COMBAT AND AS YOUNG AS 7 IN NON-COMBAT ROLES, E.G., LOOK-OUTS, COURIERS, ETC. THEY ALSO MADE WIDE USE OF LAND MINES AND OTHER EXPLOSIVES, INCLUDING "PAMPHLET BOMBS," ONE OF WHICH INJURED A GIRL AT THE CAPITAL'S ZOO. IN FEBRUARY, THE "GUERRILLA ARMY OF THE POOR" (EGP) IN NORTHERN QUICHE ATTACKED A 13-MAN PAC, KILLING 10 AND WOUNDING 3. THE EGP CLAIMED THE MEN WERE A "KAIBIL" (SPECIAL FORCES) UNIT. THE HUMAN RIGHTS OMBUDSMAN, WHO BARELY ESCAPED INJURY WHEN HIS HELICOPTER TOOK GUERRILLA FIRE, VISITED THE SITE. WITNESSES SAID THE EGP HAD CAUGHT THE LIGHTLY ARMED PAC IN AN WELL-LAID AMBUSH AND SUMMARILY EXECUTED SOME WOUNDED. THE OMBUDSMAN'S REPORT FOUND THAT THE EGP VIOLATED INTERNATIONAL HUMANITARIAN LAW. IN MARCH, GUERRILLAS AMBUSHED A POLICE CAR ESCORTING A BICYCLE RACE IN SOLOLA; BOTH OCCUPANTS DIED AND THE CAR WAS SET AFIRE. GUERRILLAS KILLED TWO MORE POLICEMEN IN NUEVA VINAS IN JULY. THIS LED TO A PUBLIC OUTCRY; IN AUGUST, GUERRILLAS PROMISED THEY WOULD NO LONGER TARGET POLICEMEN AND NO MORE ATTACKS HAVE TAKEN PLACE.

IN MARCH, POLICE DISLODGED SQUATTERS ON A PACIFIC COAST ESTATE, "FINCA OLGA MARIA". A WOMAN WAS KILLED AND SEVERAL OTHER PERSONS, INCLUDING POLICE, WERE HURT. THREE FOREIGNERS OF THE PEACE BRIGADES WERE ARRESTED AND HAD TO LEAVE GUATEMALA. THE OMBUDSMAN CHARGED POLICE USED PREMEDITATED LETHAL FORCE AND ACTED WITHOUT A JUDICIAL ORDER. POLICE DENIED THE CHARGES AND CLAIMED NOT TO NEED AN ORDER AS A "CRIME WAS IN PROGRESS." A POLICE OFFICIAL NAMED BY THE OMBUDSMAN AS HAVING KILLED

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THE WOMAN WAS REMOVED FROM HIS POST BY THE INTERIOR MINISTER AND JUDICIAL PROCEEDINGS WERE INITIATED.

IN OCTOBER, A MILITARY TRIBUNAL SENTENCED AN ARMY SERGEANT TO 16 YEARS IN PRISON AND A LIEUTENANT TO 4 YEARS FOR THEIR ROLES IN THE DECEMBER 2, 1990 SANTIAGO ATITLAN MASSACRE IN WHICH 13 PERSONS WERE KILLED (SEE 1990 REPORT). WHILE HAILING THE CONVICTIONS AS AN IMPORTANT VICOTRY IN THE BATTLE AGAINST IMPUNITY, THE ATTORNEY GENERAL ANNOUNCED HIS INTENTION TO SEEK A LONGER SENTENCE FOR THE SERGEANT.

SECTION 2 RESPECT FOR CIVIL LIBERTIES, INCLUDING:

A. FREEDOM OF SPEECH AND PRESS

THE CONSTITUTION PROTECTS FREEDOM OF EXPRESSION. GOVERNMENT CRITICS, INCLUDING GUERRILLA LEADERS, HAD ACCESS TO THE MEDIA--NEARLY ALL, INCLUDING TELEVISION, PRIVATELY OWNED. A RANGE OF ORGANIZATIONS, MANY CRITICAL OF THE GOVERNMENT, HAVE THEIR OWN PUBLICATIONS,

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PAGE 01 GUATEM 10605 07 OF 10 211716Z
ACTION HA-09

INFO LOG-00 ACDA-13 ADS-00 AID-01 AMAD-01 ARA-01 CIAE-00
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R 211710Z OCT 91
FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC 2665

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[redacted] SECTION 07 OF 10 GUATEMALA 10605

NOFORN
DEPARTMENT FOR HA AND S/IL

E.O. 12356: N/A
TAGS: PHUM, ELAB, PGOV, PINS, GT
SUBJECT: 1991 COUNTRY REPORT ON HUMAN RIGHTS PRACTICES:
- GUATEMALA

INCLUDING THE OMBUDSMAN WHO BEGAN A MONTHLY NEWSLETTER. PRESS RELEASES, PAID ANNOUNCEMENTS, AND OTHER ANTI-GOVERNMENT STATEMENTS BY INDIVIDUALS, PARTIES, BUSINESS GROUPS, UNIONS, LOCAL AND FOREIGN HUMAN RIGHTS GROUPS, CPRS, AND GUERRILLA GROUPS RAN WITHOUT INTERFERENCE. FOREIGN FILMS, STAGE AND T.V. SHOWS,

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BOOKS, MAGAZINES, AND NEWSPAPERS WERE WIDELY AVAILABLE.

A SERIES OF ATTEMPTS OF UNDETERMINED ORIGIN TO INTIMIDATE THE MEDIA OCCURRED IN AUGUST AND SEPTEMBER. THESE INCLUDED ANONYMOUS TELEPHONE THREATS AND THE PLACING OF A POWERFUL BOMB (DEACTIVATED BY SECURITY FORCES) IN A LARGE OFFICE BUILDING WHERE MANY FOREIGN AND DOMESTIC PRESS AGENCIES ARE LOCATED. TWO MEN ENTERED THE OFFICES OF NOTIMEX, THREATENED THE SECRETARY, AND RIFLED THROUGH FILES. TWO DAYS LATER, THE HOME OF THE NOTIMEX CORRESPONDENT WAS ENTERED AND RANSACKED. THE LOCAL IPS CORRESPONDENT HAD TO LEAVE GUATEMALA AFTER RECEIVING THREATS, BUT THE OFFICE REMAINED OPEN.

A NUMBER OF JOURNALISTS WHO COVER THE COURTS REPORTED RECEIVING WARNINGS NOT TO PUBLISH ARTICLES ON THE CASES OF MICHAEL DEVINE, MYRNA MACK, THE 1990 ATTEMPTED MURDER OF JOURNALIST BYRON BARRERA (HIS WIFE DIED IN THE ATTACK), AND ON SEVERAL U.S. NARCOTICS-RELATED EXTRADITION REQUESTS. THESE THREATS SEEMED TO COME FROM

A VARIETY OF SOURCES. MANY JOURNALISTS COMPLAINED THAT THE SERRANO ADMINISTRATION SHOWED LITTLE SYMPATHY OR CONCERN FOR THREATENED NEWSMEN. MEDIA REPRESENTATIVES OPENLY DENOUNCED THE THREATS AND VOWED TO CONTINUE THEIR WORK, INCLUDING EXTENSIVE AND DETAILED COVERAGE OF A NUMBER OF SENSITIVE TOPICS, SUCH AS PROSPECTS OF PEACE WITH THE GUERRILLAS, EXHUMATIONS OF CLANDESTINE CEMETERIES, AND OTHER ONCE-TABOO HUMAN RIGHTS TOPICS.

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IN GENERAL, THE MEDIA WAS MORE OPEN AND AGGRESSIVE, BOTH IN ITS ARTICLES AND EDITORIALS, THAN EVER BEFORE. THEY GAVE WIDE COVERAGE, FOR EXAMPLE, TO ACTIVITIES OF HUMAN RIGHTS GROUPS AND TO CONTROVERSIAL MEETINGS SUCH AS THE OCTOBER INTERNATIONAL CONFERENCE OF INDIGENOUS PEOPLE. THERE STILL WERE TOPICS, HOWEVER, THAT WERE EITHER "OFF LIMITS" OR WHICH HAD TO BE HANDLED WITH GREAT CARE, E.G., INVESTIGATIVE REPORTING INTO CORRUPTION BY THE MILITARY OR INTO ILLEGAL ACTIONS BY POWERFUL POLITICIANS.

B. FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION

THE CONSTITUTION RECOGNIZES THE RIGHTS OF PEACEFUL ASSEMBLY AND ASSOCIATION: PARADES, RALLIES, MARCHES, FORUMS, DEBATES, AND SEMINARS ON VARIOUS TOPICS, INCLUDING HUMAN RIGHTS, TOOK PLACE AND DREW PUBLICITY. WHILE LEGALLY ORGANIZATIONS MUST HAVE ASSOCIATION STATUS, NOT HAVING IT DID NOT STOP GROUPS, INCLUDING SOME WITH FOREIGN TIES, FROM OPERATING OPENLY. IN OCTOBER, GUATEMALA PLAYED HOST TO AN INTERNATIONAL INDIGENOUS PEOPLES' GATHERING TO DISCUSS THEIR "500 YEAR STRUGGLE AGAINST OPPRESSION" SINCE CHRISTOPHER COLUMBUS ARRIVED IN AMERICA.

C. FREEDOM OF RELIGION

NO STATE RELIGION EXISTS. RELIGIOUS FREEDOM IS

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CONSTITUTIONALLY GUARANTEED AND RESPECTED IN PRACTICE. WHILE ABOUT 70 PERCENT OF GUATEMALA IS NOMINALLY CATHOLIC, MANY OTHER FAITHS EXIST OPENLY. MORE THAN 25 PERCENT OF GUATEMALANS ADHERE TO PROTESTANT DENOMINATIONS, SOME WITH INTERNATIONAL LINKS. FOREIGN MISSIONARIES WORKED WITHOUT HINDRANCE. GUATEMALA HAS ACTIVE MORMON, JEWISH, BAHA'I, BUDDHIST, JEHOVAH'S WITNESS, AND ISLAMIC COMMUNITIES. IN ADDITION, MANY INDIGENOUS PEOPLE STILL FOLLOW THEIR OWN RELIGIOUS BELIEFS.

D. FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FOREIGN TRAVEL, EMIGRATION, AND REPATRIATION

THE GOVERNMENT DID NOT RESTRICT FOREIGN TRAVEL--CRITICS WENT ABROAD AND RETURNED--NOR DID IT REVOKE CITIZENSHIP FOR POLITICAL REASONS. MOVEMENT INSIDE GUATEMALA WAS UNRESTRICTED EXCEPT IN SOME CONFLICTIVE AREAS. THE EGP CONTINUED TO CONTROL CPRS AND SEVERELY LIMITED TRAVEL OF RESIDENTS. THE ARMY, MILITARY COMMISSIONERS AND THE PAC ALSO LIMITED TRAVEL IN SOME AREAS.

REPATRIATION OF REFUGEES CONTINUED: 1200-1300 RETURNED

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TO SECSTATE WASHDC 2666

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[redacted] SECTION 08 OF 10 GUATEMALA 10605

NOFORN
DEPARTMENT FOR HA AND S/IL

E.O. 12356: N/A
TAGS: PHUM, ELAB, PGOV, PINS, GT
SUBJECT: 1991 COUNTRY REPORT ON HUMAN RIGHTS PRACTICES:
- GUATEMALA

DURING 1991. PLANS WERE MADE FOR REPATRIATION OF MANY OF THE 40,000-45,000 REFUGEES IN MEXICO; TWO GOVERNMENT AGENCIES, CEAR AND FONDOPAZ, WERE MAKING THE PREPARATIONS IN COOPERATION WITH FOREIGN AID AGENCIES. LARGE-SCALE RETURN, HOWEVER, IS NOT LIKELY UNTIL PEACE EXISTS BETWEEN GOVERNMENT AND GUERRILLAS.

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SECTION 3 RESPECT FOR POLITICAL RIGHTS: THE RIGHT OF CITIZENS TO CHANGE THEIR GOVERNMENT

GUATEMALANS CAN CHANGE GOVERNMENT BY PEACEFUL AND DEMOCRATIC MEANS. UNIVERSAL SUFFRAGE BY SECRET BALLOT EXISTS FOR THOSE 18 OR OLDER; THERE ARE NO PROPERTY OR LITERACY REQUIREMENTS. VOTING IS NOT MANDATORY. ON JANUARY 6, THE REMAINING TWO CANDIDATES, JORGE SERRANO OF THE MAS AND JORGE CARPIO OF THE UCN, HAD A RUN-OFF ELECTION FOR PRESIDENT. SERRANO WON, TAKING OFFICE JANUARY 14. THE GOVERNING CHRISTIAN DEMOCRATIC CANDIDATE WAS ELIMINATED IN A DECEMBER ROUND OF VOTING IN WHICH 20 PARTIES TOOK PART. ALL PARTIES HAD ACCESS TO THE MEDIA AND HELD RALLIES WITHOUT INTERFERENCE. FOREIGN AND LOCAL OBSERVERS MONITORED THE VOTING AND RULED IT FREE, FAIR, AND GENUINE. EIGHT PARTIES OR GROUPINGS FROM CENTER-LEFT TO FAR-RIGHT HAVE SEATS IN CONGRESS AS DO 5 INDEPENDENTS.

SECTION 4 GOVERNMENTAL ATTITUDE REGARDING INTERNATIONAL AND NONGOVERNMENTAL INVESTIGATION OF ALLEGED VIOLATIONS OF HUMAN RIGHTS

THE GOVERNMENT DID NOT HINDER INTERNATIONAL HUMAN RIGHTS GROUPS. SENIOR OFFICIALS MET REPRESENTATIVES OF AMERICAS WATCH, PHYSICIANS FOR HUMAN RIGHTS, THE [redacted]

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PAGE 03 GUATEM 10605 08 OF 10 211717Z
WASHINGTON OFFICE ON LATIN AMERICA, AMNESTY INTERNATIONAL, AND THE HUMAN RIGHTS PROJECT. WITNESSES FOR PEACE AND PBI HAD LOCAL OFFICES. THE UN HUMAN RIGHTS EXPERT VISITED GUATEMALA, AS DID OTHER FOREIGN OFFICIALS, AND RECEIVED WIDE PRESS COVERAGE FOR CRITICAL COMMENTS. SOME FOREIGN GROUPS TOOK PART IN THE LOCATION AND EXHUMATION OF CLANDESTINE CEMETERIES. THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC) OPERATED OPENLY AND VISITED CPRS. MANY LOCAL GROUPS ALSO OPERATED WITHOUT OFFICIAL INTERFERENCE ALTHOUGH, AS REPORTED PREVIOUSLY, SOME MEMBERS SUFFERED ABUSES.

THE GOVERNMENT HAILED THE DECISION BY THE UN COMMISSION ON HUMAN RIGHTS NOT TO NAME A HUMAN RIGHTS RAPPORTEUR. RELATIONS WITH THE OMBUDSMAN WERE OFTEN TENSE; OFFICIALS IMPUTED POLITICAL MOTIVES TO HIS CRITICISMS. THE GOVERNMENT, HOWEVER, ALSO WAS RESPONSIVE TO SOME CRITICISM, NAMING SPECIAL PROSECUTORS TO HANDLE PARTICULARLY NOTORIOUS CASES AND CREATING A CABINET-LEVEL HUMAN RIGHTS ADVISORY COMMITTEE. WHEN THE CERJ LEADER REPORTED THREATS, HE QUICKLY RECEIVED A POLICE ESCORT. THE ATTORNEY GENERAL AND THE NEW INTERIOR MINISTER, A FORMER DEPUTY HUMAN RIGHTS OMBUDSMAN, ARE MUCH MORE ENERGETIC AND OPEN ON HUMAN RIGHTS ISSUES THAN THEIR PREDECESSORS.

THE OFFICE OF THE HUMAN RIGHTS OMBUDSMAN EXPANDED IN SIZE AND ACTIVITY. IT ISSUED MANY REPORTS, INCLUDING A STINGING REBUKE OF THE LAST YEAR OF PRESIDENT CEREZO'S [redacted]

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ADMINISTRATION, AND WAS NOT RELUCTANT TO CRITICIZE GOVERNMENT AND GUERRILLAS FOR ABUSES. THE OMBUDSMAN'S OFFICE WAS ALSO INVOLVED IN WORK ON REPORTED ABUSES IN THE TEXTILE INDUSTRY AND ISSUED A TOUGH REPORT ON THE TOPIC. THE OFFICE REMAINED THE MOST RELIABLE SOURCE OF OBJECTIVE INFORMATION ON HUMAN RIGHTS PRACTICES.

SECTION 5 DISCRIMINATION BASED ON RACE, SEX, RELIGION, LANGUAGE, OR SOCIAL STATUS

OVER ONE HALF OF THE POPULATION IS CULTURALLY INDIGENOUS AND THE REST CULTURALLY EUROPEAN. WHILE HAVING EQUAL LEGAL RIGHTS, MANY INDIGENOUS PEOPLE STILL REMAINED OUTSIDE THE PREDOMINANT CULTURE, LANGUAGE, AND ECONOMY. RURAL INDIGENOUS MEN WERE MORE LIKELY THAN URBAN COUNTERPARTS TO BE DRAFTED BY THE ARMY OR FORCIBLY RECRUITED BY GUERRILLA GROUPS. INDIGENOUS PEOPLE SUFFERED MOST OF THE SERIOUS ABUSES (SECTIONS 1 A AND B). ALTHOUGH THERE ARE SOME INDIGENOUS ARMY OFFICERS, CONGRESSMEN, AND JUDGES, PERVASIVE DISCRIMINATION AGAINST INDIGENOUS PEOPLE EXISTS.

WOMEN ARE ACTIVE IN THE LABOR FORCE, ESPECIALLY IN THE

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ACTION HA-09

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[redacted] SECTION 09 OF 10 GUATEMALA 10605

NOFORN
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E.O. 12356: N/A
TAGS: PHUM, ELAB, PGOV, PINS, GT
SUBJECT: 1991 COUNTRY REPORT ON HUMAN RIGHTS PRACTICES:
- GUATEMALA

TEXTILE INDUSTRY, AGRICULTURE, RETAIL BUSINESS, AND IN LOWER-PAYING PUBLIC SECTOR JOBS. SEVERAL WOMEN HOLD PROMINENT POLITICAL POSITIONS, INCLUDING AT THE CABINET LEVEL. DESPITE LEGAL PROTECTION, WOMEN FACE DISCRIMINATION WITH JOBS OFTEN ADVERTISED ON THE BASIS OF SEX--THOSE FOR WOMEN GENERALLY LOWER PAYING. THERE

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PAGE 02 GUATEM 10605 09 OF 10 211718Z
ARE NO MAJOR ORGANIZATIONS DEVOTED TO WOMEN'S ISSUES. VIOLENCE AGAINST WOMEN, INCLUDING DOMESTIC VIOLENCE, REMAINS COMMON BUT RECEIVES LOW PRIORITY FROM POLICE. CRIMINAL SEXUAL VIOLENCE OFTEN GOES UNREPORTED BY VICTIMS AND RATES LOW PRIORITY FROM POLICE. RELATIVELY FEW RAPE CASES CAME TO COURT. THE OMBUDSMAN NAMED A WOMAN AS A DEPUTY WITH PARTICULAR RESPONSIBILITY FOR VIOLATIONS OF WOMEN'S RIGHTS.

ASIDE FROM PRIVATE CLUBS THAT BAR MEMBERSHIP TO PERSONS OF CERTAIN RELIGIONS, GUATEMALA IS VERY TOLERANT OF RELIGIOUS DIVERSITY. GOVERNMENT AND BUSINESS HAVE SENIOR PEOPLE FROM MANY FAITHS.

SECTION 6 WORKER RIGHTS

A. THE RIGHT OF ASSOCIATION

UNCLASSIFIED

WORKERS HAVE THE RIGHT TO JOIN OR FORM UNIONS. ABOUT 8 PERCENT OF THE WORK FORCE IS ORGANIZED, INCLUDING MUCH OF THE PUBLIC SECTOR. DUE TO THEIR COMPLEXITY, PROVISIONS OF THE LABOR CODE SERVE TO HINDER THE ABILITY TO FORM UNIONS AND OF UNIONS TO GET LEGAL RECOGNITION. DURING 1991, THE GOVERNMENT USED ADMINISTRATIVE POWERS TO SIMPLIFY RULES FOR UNION RECOGNITION. UNIONS MUST HAVE AT LEAST 20 MEMBERS, BUT CRAFT UNIONS OF SKILLED WORKERS EMPLOYED BY SEVERAL COMPANIES ARE PERMITTED.

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SOME EMPLOYERS, HOWEVER, SEEK TO AVOID UNIONIZATION BY FORMING SEVERAL ENTITIES OF FEWER THAN 20 WORKERS EACH. A COURT RULING IN 1990 OPENED THE POSSIBILITY THAT UNIONS COULD ORGANIZE THESE SEPARATE ENTITIES INTO A SINGLE UNION. WORKERS HAVE THE RIGHT TO STRIKE, BUT PROCEDURES INVOLVED MADE LEGAL STRIKES CUMBERSOME; MOST OCCUR WITHOUT PERMISSION. IN PRACTICE, THE GOVERNMENT MADE NO EFFORT TO DETERMINE THEIR LEGALITY. THE STRUCTURAL WEAKNESS OF ORGANIZED LABOR AND THE LACK OF FUNDS LIMIT MOST STRIKES' LENGTH.

UNION LEADERS MUST HAVE NO CRIMINAL RECORD, WORK AT THE COMPANY BEING ORGANIZED, AND BE LITERATE. THEY MAY SERVE ONLY ONE TERM IN A UNION OFFICE, BUT BY ROTATING OFFICES THE SAME PERSONS STAY ON UNIONS' BOARDS OF DIRECTORS. THE CONSTITUTION PROTECTS THE RIGHT OF POLITICAL PARTICIPATION FOR INDIVIDUALS AND DROPS PREVIOUS PROHIBITIONS RESTRICTING PARTICIPATION BY UNIONS AND THEIR LEADERS. ONE PROMINENT UNION LEADER WAS ELECTED TO CONGRESS IN 1990; TWO OTHERS ARE ALTERNATES. UNIONS MAY FORM FEDERATIONS AND CONFEDERATIONS, AND JOIN INTERNATIONAL ORGANIZATIONS.

A "SOLIDARITY" MOVEMENT WAS ACTIVE; CRITICS CHARGED IT WAS PROMOTED BY MANAGEMENT TO RIVAL GENUINE UNIONS. UNIONS CONTINUED TO OPERATE DESPITE "SOLIDARITY" ASSOCIATIONS AND THE GOVERNMENT MADE CLEAR THESE EXIST AS CIVIC ORGANIZATIONS, AND, AS SUCH, NEED NOT LIMIT THE ABILITY OF LEGAL TRADE UNIONS TO FUNCTION.

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A DRAFT LABOR CODE, DRAWN UP WITH HELP FROM THE INTERNATIONAL LABOR ORGANIZATION, REMAINED UNDER CONSIDERATION BY THE LABOR COMMITTEE IN CONGRESS. THE COMMITTEE GAVE A FAVORABLE RECOMMENDATION ON JULY 10, IN THE FIRST OF THREE REQUIRED READINGS.

LOCAL AND INTERNATIONAL LABOR AND HUMAN RIGHTS GROUPS, INCLUDING THE INTERNATIONAL CONFEDERATION OF FREE TRADE UNIONS, CHARGED UNIONISTS WERE "PARTICULAR TARGETS OF DEATH SQUADS." AVAILABLE EVIDENCE DOES NOT ESTABLISH A PATTERN OF SYSTEMATIC ATTACKS ON UNIONISTS BY OFFICIALS OR SECURITY FORCES. WHILE THERE HAVE BEEN THREATS TO, AND VIOLENCE AGAINST, UNIONISTS BY MEMBERS OF THE SECURITY FORCES, THESE ACTIVITIES DO NOT REPRESENT THE POLICY OF THE GOVERNMENT NOR OF THE SECURITY FORCES. DESPITE CLAIMS TO THE CONTRARY, THERE IS NO CREDIBLE EVIDENCE THAT THE ARMY TARGETTED UNION ACTIVISTS FOR UNION ACTIVITIES. LABOR VIOLENCE GENERALLY INVOLVED "THUGS" USED ON AN "AD HOC" BASIS BY EMPLOYERS OPPOSED TO UNIONS.

B. THE RIGHT TO ORGANIZE AND BARGAIN COLLECTIVELY

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ACTION HA-09

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[redacted] SECTION 10 OF 10 GUATEMALA 10605

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TAGS: PHUM, ELAB, PGOV, PINS, GT
SUBJECT: 1991 COUNTRY REPORT ON HUMAN RIGHTS PRACTICES:
- GUATEMALA

WORKERS HAVE THE LEGAL RIGHT TO ORGANIZE AND BARGAIN COLLECTIVELY BUT OFTEN FACE DISCRIMINATORY ANTI-UNION ACTIONS BY EMPLOYERS. LABOR COURTS, RESPONSIBLE FOR ENFORCING LAWS PROHIBITING SUCH DISCRIMINATION, ARE INEFFECTIVE. THE LABOR MINISTRY INDICATED IT INTENDS TO MAKE A CONCERTED EFFORT TO IMPROVE ADMINISTRATION OF

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PAGE 02 GUATEM 10605 10 OF 10 211719Z
LABOR LAWS.

LABOR LAWS AND REGULATIONS APPLY THROUGHOUT GUATEMALA; THE LAW AUTHORIZING ESTABLISHMENT OF EXPORT PROCESSING ZONES SPECIFIED THAT ALL LABOR CODE PROVISIONS APPLIED. IN APRIL, THE MINISTRY OF SOCIAL WELFARE, IN COOPERATION WITH THE LABOR MINISTRY, ISSUED A REPORT ON THE "MAQUILA" (TEXTILE) SECTOR. THE REPORT DOCUMENTED, IN AN OPEN AND FORTHRIGHT MANNER, WORKER RIGHTS PROBLEMS DISCOVERED. THESE INCLUDED MISTREATMENT OF WORKERS, LOW WAGES, LONG HOURS, AND POOR WORKING CONDITIONS. THE REPORT PUT FORWARD PROPOSALS TO PROTECT WORKERS. THE GOVERNMENT'S ISSUANCE OF THE REPORT AND THE CREATION OF A COMMISSION TO PROPOSE REFORMS TO THE 1989 MAQUILA LAW, ARE POSITIVE INITIAL STEPS TO TRY TO SOLVE WORKER RIGHTS PROBLEMS IN THE MAQUILA SECTOR.

C. PROHIBITION OF FORCED OR COMPULSORY LABOR

UNCLASSIFIED

THE CONSTITUTION BARS FORCED LABOR, AND THE PRACTICE GENERALLY DOES NOT EXIST. ALLEGATIONS WERE MADE THAT THE FORCED PARTICIPATION IN THE PAC VIOLATED PROHIBITIONS AGAINST FORCED LABOR. THERE HAVE BEEN CREDIBLE REPORTS OF ISOLATED INSTANCES OF UNPAID PATROLMEN USED TO PROVIDE FREE MANUAL LABOR, BUT NO SYSTEMATIC PATTERN OF SUCH ABUSE WAS ESTABLISHED.

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D. MINIMUM AGE FOR THE EMPLOYMENT OF CHILDREN

THE CONSTITUTION BARS EMPLOYMENT OF MINORS UNDER AGE 14. IN THE INDUSTRIAL SECTOR WHERE LABOR CODES ARE FAIRLY EASY TO ENFORCE, CHILD LABOR IS UNCOMMON--NOT SO, HOWEVER, IN THE INFORMAL AND AGRICULTURAL SECTORS. CHILDREN OFTEN HELP RUN FAMILY BUSINESSES, WORK AS DOMESTIC HELP, ENGAGE IN BEGGING, AND WASHING AUTOMOBILES. IN RURAL AREAS, WHOLE FAMILIES FREQUENTLY WORK. A LOCAL ORGANIZATION, CASA ALIANZA, WHICH CHAMPIONS THE RIGHTS OF STREET CHILDREN, ESTIMATED OVER 5,000 CHILDREN LIVE IN THE CAPITAL'S STREETS; THEY ARE OFTEN INVOLVED IN PROSTITUTION AND OTHER CRIMES.

E. ACCEPTABLE CONDITIONS OF WORK

THE WORKDAY IS LEGALLY 8 HOURS AND THE WORKWEEK 44 HOURS, BUT A SORDID TRADITION OF MUCH LONGER HOURS REMAINS. AS NOTED IN THE APRIL REPORT ON THE MAQUILA INDUSTRY, MOST OWNERS OF TEXTILE PLANTS PAID MINIMUM WAGES FOR A 12-HOUR DAY, VIOLATING BOTH THE CONSTITUTION AND THE LABOR CODE. SEVERAL COMPLAINTS OF BEATINGS AND FIRINGS OF TEXTILE WORKERS ACCUSED OF FAILING TO MEET WORK REQUIREMENTS WERE MADE TO THE LABOR MINISTRY. LABOR INSPECTORS, WHO REPORT TO THE LABOR COURTS, WERE ACCUSED OF LACK OF DILIGENCE IN ENFORCING THE 8-HOUR DAY, IN PART BECAUSE THE HIGHLY MOBILE THIRD-COUNTRY TEXTILE PLANTS MOVE WHEN THEY FIND CONDITIONS MORE

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ATTRACTIVE ELSEWHERE.

LITTLE WAS DONE TO EDUCATE WORKERS AND EMPLOYERS ABOUT THE POTENTIAL HARMFUL EFFECTS OF CERTAIN CHEMICALS AND PROCEDURES. EVEN SIMPLE PRECAUTIONS, SUCH AS HELMETS OR HEARING PROTECTION ON CONSTRUCTION SITES, WERE RARELY TAKEN. FEW EMPLOYERS OFFERED ANYWHERE NEAR ADEQUATE MEDICAL AND RETIREMENT PROGRAMS FOR THEIR WORKERS.

MINIMUM WAGES ARE SET BY LAW AND ARE THE "DE FACTO" WAGE FOR MOST RURAL AND URBAN WORKERS. THE GOVERNMENT ORDERED THE INCREASE OF MINIMUM WAGES FOR CONSTRUCTION AND RURAL WORKERS IN LATE 1990, BUT MORE THAN 20 SECTORS HAD LOWER WAGES, INCLUDING THE EXPORT PROCESSING SECTOR. WHILE SOME SKILLED WORKERS EARNED WAGES HIGHER THAN THE MINIMUM, MOST WORKERS WERE PAID BELOW THE LEGAL MINIMUM. THESE WAGES DO NOT PROVIDE A DECENT STANDARD-OF-LIVING; OVER 75 PERCENT OF THE POPULATION LIVES BELOW THE GUATEMALAN POVERTY LINE.
STROOCK ##

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*** Current Handling Restrictions *** NOFORN
*** Current Classification *** [redacted]

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PAGE 01 SANTIA 08331 01 OF 04 222024Z
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FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 3673

~~S E C R E T~~ SECTION 01 OF 04 SANTIAGO 08331

Chile Project (#S199900030)
U.S. Department of State
Release ____ Excise X Deny ____
Declassify: In Part X In Full ____
Exemption(s) B6, B1, B3

FOR ARA/SC ONLY - MR. RICHARD B. HOWARD

EO 12356: DECL: OADR
TAGS: AMGT, CI
SUBJ: OFFICIAL-INFORMAL LETTER NO. 22-87

REF: SANTIAGO 7842

1. S - ENTIRE TEXT.

2. DEAR DICK:
YOUR LETTER OF OCTOBER 8 REACHED US OCTOBER 20. INEXPLICABLE DELAYS IN POUCH SERVICE ARE A LONG-STANDING FEATURE OF OUR CORRESPONDENCE. YOU MIGHT TRY DELIVERING YOUR LETTER A FULL TWENTY-FOUR HOURS EARLIER THAN USUAL TO OC, AND SEE IF THAT MAKES ANY DIFFERENCE. CURIOUSLY, THE PACKETS OF BOOKS FOR THE NDI GROUP ARRIVED OCTOBER 13, RIGHT ON TIME FOR THEIR MEETINGS.

3. TELEVISION NEWS. USIS SATELLITE DISH RECEIVES THE THREE MAJOR NETWORKS' NIGHTLY NEWS, PLUS CNN NEWS IN THE MORNING AND AFTERNOON. USIS TAPES ABC NEWS AT 2230Z EVERY EVENING BUT NOT THE OTHER TWO NETWORKS. IF YOU GET ADVANCE WORD THAT SOMETHING OF INTEREST TO US IS GOING TO APPEAR ON CBS OR NBC, GIVE US A CALL AND WE'LL ARRANGE TO TAPE THAT NETWORK AS WELL. NOTHING

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PAGE 02 SANTIA 08331 01 OF 04 222024Z

LIKE WATCHING THE COLLAPSE OF THE STOCK MARKET IN REAL TIME.

4. SAL. YOU PROMISED TO LET US KNOW WHEN WE COULD RETRANSMIT OUR SAL STRATEGY CABLE (SANTIAGO 6740) IN OPEN CHANNELS.

5. UNGA.
PACHECO TOLD ME OCTOBER 21 THERE HAS BEEN NO RESPONSE FROM MEXICO. I URGED HIM TO PRESS THEM FOR A COMMITMENT.

6. SEPTEMBER 30 CONFERENCE ON CHILE. I GATHER THERE WERE NO PAPERS PRESENTED AT THE CONFERENCE, SO NOTHING WAS POUCHED TO US.

7. NIE UPDATE LOOKED GOOD TO US - CRYSTAL BALL NO CLOUDIER THAN OURS.

8. SERGIO FERNANDEZ AND THE UNIVERSITY OF CHILE. FERNANDEZ WAS PREVIOUSLY MINISTER OF INTERIOR FROM APRIL 1978 TO APRIL 1982, SO HE WAS INDEED AROUND WHEN THE 1979 PURGE OF THE UNIVERSITY'S FACULTY TOOK PLACE. CONVENTIONAL WISDOM, HOWEVER, IS THAT [ ] ARE THE ONES WHO SOLD PINOCHET ON THE IDEA OF THE CURRENT PURGE. THERE HASN'T BEEN EVEN A HINT OF FERNANDEZ INVOLVEMENT (NOT THAT THAT MEANS ANYTHING). CONVENTIONAL WISDOM, AGAIN, IS THAT PINOCHET WILL SACRIFICE FEREDICI, LEAVING FACULTY AND STUDENTS TOO INTIMIDATED AND FEARFUL OF LOSING MORE CLASSROOM TIME TO CAUSE HIM ANY TROUBLE IN 1988. AGAIN, HOWEVER, NO HINT OF THAT SO FAR.

B6

9. 1980 PLEBISCITE. PLEASED TO HEAR THAT INR IS DOING

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PAGE 03 SANTIA 08331 01 OF 04 222024Z

A STUDY OF THE 1978 AND 1980 PLEBISCITES. USEFUL TOPICS WOULD INCLUDE INFORMATION ON WHAT THE USG SAID AT THE TIME ABOUT THE VOTING, PRECISELY WHAT MEDIA ACCESS WAS GRANTED DURING THE LAST THIRTY DAYS BEFORE THE VOTE, WHAT REPORTS THE EMBASSY FILED AT THE TIME ON ITS AND OTHERS' OBSERVATIONS OF THE VOTING PROCESS.

10. [

B3, NA

11. WEISFEILER. FOLLOWING IS CURRENT STATUS OF OUR INVESTIGATION:
-- ON THE SCENE INVESTIGATION TURNED UP NO TRACES OR LEADS (SANTIAGO 7472).
-- [redacted] TRYING TO DETERMINE STATUS AND WHEREABOUTS OF THE CARABINEROS WHO WERE ON DUTY AT THE TIME AND PCACE OF.WEISFEILER'S DISAPPEARANCE,.BUT HAS.NOTHING. B1

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PAGE 01 SANTIA 08331 02 OF 04 222025Z
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TO SECSTATE WASHDC 3674

S E C R E T SECTION 02 OF 04 SANTIAGO 08331

FOR ARA/SC ONLY - MR. RICHARD B. HOWARD

EO 12356: DECL: OADR
TAGS: AMGT, CI
SUBJ: OFFICIAL-INFORMAL LETTER NO. 22-87

SO FAR TO REPORT.
-- LARRY HUFFMAN SAW EMILIO ZAMBRANO, AN EX-CARABINERO FRIEND OF JEFF HALL'S, ON OCTOBER 19 AFTER BEING STOOD UP TWICE. WE'RE POUCHING HIS MEMCON, BUT THE MAJOR REVELATION WAS THAT CARABINEROS HAVE NEVER INTERVIEWED THE MEN WHO WERE THERE AT THE TIME -- ONLY THOSE WHO REPLACED THEM AFTER THEY HAD ALL BEEN TRANSFERRED.
-- WE ASKED BOTH BONN AND TORONTO TO INTERVIEW PEOPLE WITH POSSIBLY RELEVANT INFORMATION, BUT NEITHER POST HAS RESPONDED.
-- WE HEARD THAT CARABINEROS MIGHT BE CARRYING OUT A NEW INVESTIGATION OF ITS OWN, BUT WHEN I SAW STANGE ON SEPTEMBER 29 I ASKED IF THERE WERE ANYTHING NEW ON WEISFEILER, HOPING HE WOULD SAY THEY WERE DOING A NEW INVESTIGATION, AND HE SAID NOTHING NEW.
-- ALL THE ABOVE STRONGLY SUGGESTS THAT WE SHOULD ASK STANGE, ORALLY OR IN WRITING, TO ORDER AN INVESTIGATION

THAT WOULD TURN OVER SOME OF THE UNTOUCHED STONES. I'LL BE DISCUSSING THIS WITH HARRY.

12. BUENOS AIRES/SANTIAGO COORDINATION. I WILL BE

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IN BUENOS AIRES ON LEAVE NOV. 1-7, BUT WILL SPEND AT LEAST ONE DAY OF THAT ON CONSULTATIONS WITH THE EMBASSY AND ARGENTINES THEY RECOMMEND I SEE. I'D WELCOME ANY NAMES YOU MIGHT SUGGEST.

13. AMBASSADOR'S GUARDS. OUR LAWYER WILL MEET AGAIN THIS WEEK WITH THE GUARNICION TO GET THEIR APPROVAL OF THE DRAFTS WE HAVE PREPARED OF THE PAPERWORK THEY WANT. WE'LL KEEP YOU POSTED. WE AWAIT YOUR VIEWS ON OUR PROPOSAL ON POLYGRAPHING.

14. KELSO VISIT WENT VERY WELL. HE VOLUNTEERED AT OUR COUNTRY TEAM BRIEFING THAT IF OPPORTUNITY CAME UP HE WOULD SAY WHAT HE BELIEVED; NAMELY, THAT THERE WAS NO CHANCE FOR ANY IMPROVEMENT IN US-CHILE RELATIONS, MILITARY OR OTHERWISE, AS LONG AS PINOCHET IS PRESIDENT. I'M NOT AT ALL SURE, HOWEVER, THAT POLITICS WAS EVER RAISED WITH HIM. HE WAS NOT ASKED TO SEE THE PRESIDENT, PERHAPS THE FIRST FOUR-STAR IN 14 YEARS THAT'S HAPPENED TO. WHEN I REALIZED THAT THEY WERE GOING TO BE IN PUNTA ARENAS AT THE SAME TIME, STAYING IN THE SAME HOTEL, I THOUGHT SURE AN END RUN WAS BEING SET UP TO PREVENT ANY CIVILIAN FROM BEING PRESENT. IT DIDN'T HAPPEN, WE THINK BECAUSE THE CHILEAN NAVY DIDN'T WANT IT TO HAPPEN. NOR DID POLITICS CROP UP AT MERINO'S DINNER FOR HIM IN SANTIAGO (MERINO MADE A POINT OF TELLING MY WIFE THAT HE LOATHES PEOPLE WHO RAISED SUBSTANTIVE ISSUED OUTSIDE OF THE OFFICE).

15. I DID GET THE CHANCE TO HEAR THE NAVY'S BRIEFING FOR KELSO. RADM AGUAYO WAS THE BRIEFER, WITH MERINO SITTING IN THE FRONT ROW AND CORRECTING HIM.

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DAO OBTAINED A COPY OF THE PREPARED SCRIPT AND WILL BE SENDING IT IN UNDER COVER OF AN IIR. C

NR

16. POPPER. I KEEP FORGETTING TO REPORT MY DEBRIEF SEPTEMBER 2, OF AMBASSADOR DAVID POPPER, WHO WAS HERE BRIEFLY TO SEE OLD FRIENDS AND DRUM UP INTEREST IN HIS ORGANIZATION TO PROMOTE WORLD DEMOCRACY. LITTLE THAT HE SAID WAS SURPRISING, BUT IT WAS INTERESTING TO HEAR

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PAGE 01 SANTIA 08331 03 OF 04 222026Z
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TO SECSTATE WASHDC 3675

~~S E C R E T~~ SECTION 03 OF 04 SANTIAGO 08331

FOR ARA/SC ONLY - MR. RICHARD B. HOWARD

EO 12356: DECL: OADR
TAGS: AMGT, CI
SUBJ: OFFICIAL-INFORMAL LETTER NO. 22-87

A FRESH PERSPECTIVE. HE SAID HE FOUND PEOPLE INTEREST-

ED IN A WORLDWIDE EFFORT IN PRINCIPLE, BUT TOTALLY ABSORBED IN CHILEAN AFFAIRS. HE ALSO FOUND A WIDE DIVERSITY OF PRO AND ANTI-REGIME VIEWS, EVEN AMONG *NON-POLITICAL PERSONAL FRIENDS. SEVERAL PEOPLE WERE* WORRIED ABOUT PREEMPTIVE COUPS - PINOCHET'S SPEECH ON A "CONSULTA," NOT A PLEBISCITE, WAS STILL FRESH. MOLINA AND CUBILLOS WERE THE MOST FREQUENTLY MENTIONED CONSENSUS CANDIDATES. HE SAW MATTHEI AND MERINO, BUT THEY DID NOT SAY MUCH ABOUT INTERNAL AFFAIRS. MERINO HE SAID HAD ALWAYS BEEN OBSESSED WITH THE SOVIET NAVAL THREAT, BUT NOW SEEMS EVEN MORE SO. JORGE CAUAS, PINOCHET'S EX-MINISTER, ADMITTED THAT THE BENEFITS OF PROSPERITY SOMEHOW HADN'T TRICKLED DOWN, BUT INSISTED THAT PURCHASING POWER OF THE LOWER CLASS WAS BEGINNING TO INCREASE AND THAT THAT WOULD CONTINUE.

17. JUAN IGNACIO GARCIA. I HAD LUNCH THIS WEEK WITH THE DIRECTOR OF THE ELECTORAL REGISTRY. THEY HAVE 2,485,905 REGISTERED AS OF SEPTEMBER 30, WHICH

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PAGE 02 SANTIA 08331 03 OF 04 222026Z

IS 30.8 PERCENT OF THE ESTIMATED ADULT POPULATION AS OF JUNE 1988. HE SAID THERE WERE NO STRIKING DIFFERENCES BETWEEN THE PERCENT REGISTERED IN ANY AREA OR REGION AND ANOTHER, ALTHOUGH I NOTE THAT 36.3 PERCENT ARE IN THE SANTIAGO METROPOLITAN AREA, ALTHOUGH IT HAS ABOUT 38 PERCENT OF THE POPULATION, INDICATING A SLIGHT UNDERREPRESENTATION OF SANTIAGO. HE ALSO SAID THE MOST ISOLATED RURAL AREAS ARE ALSO UNDERREPRESENTED, AS ONE WOULD EXPECT. IF THE CURRENT RATE OF ABOUT 400,000 REGISTRANTS PER MONTH IS MAINTAINED, THEY WILL HIT THREE MILLION IN NOVEMBER, FOUR MILLION IN JANUARY, AND SIX MILLION IN JUNE. REGISTRATION STOPS AS SOON AS ELECTIONS ARE CONVOKED, WHICH MIGHT BE IN JULY (60 DAYS BEFORE SEPTEMBER 11), OR EARLIER IF THERE WERE A DECISION TO HOLD THE PLEBISCITE EARLIER. THE MAJOR OBSTACLE HE FACES IN THE SMOOTH OPERATION OF THE REGISTRY IS THE INEFFICIENCY OF THE CIVIL REGISTRY, WHICH ISSUES THE I.D. CARDS. ALTHOUGH SUPPOSEDLY OVER 6 MILLION PEOPLE ALREADY HAVE THE NEW CARDS, THE C.R. IS NOT ABLE TO PROVIDE A BREAKDOWN BY AGE (NO ONE KNOWS HOW MANY ARE UNDER 18) OR PLACE OF RESIDENCE; IT CAN'T EVEN GIVE GARCIA A LIST OF PEOPLE WHO HAVE DIED, WHICH HE MUST HAVE TO PREVENT REGISTRATION OF THE DEAD. THE C.R. PLEADS POVERTY AND GARCIA SAYS HE PROBABLY WILL HAVE TO TRANSFER SOME OF HIS FUNDS TO

ENABLE THEM TO COMPUTERIZE THEIR RECORDS.

-

18. AS FOR CHANGING THE ELECTORAL LAW, TO REDUCE THE NUMBER OF SIGNATURES TO FORM A PARTY OR ELIMINATE FEES FOR I.D. CARDS, GARCIA SAYS PINOCHET WON'T HEAR OF IT. HE'S RULED OUT ANY CHANGE AT ALL. THE NATIONALS TELL GARCIA THEY CAN INSCRIBE THEMSELVES AS A REGIONAL

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PAGE 03 SANTIA 08331 03 OF 04 222026Z

PARTY, BECAUSE THEY HAVE ENOUGH SIGNATURES IN THREE ADJOINING REGIONS, BUT NOT ENOUGH TO QUALIFY AS A NATIONAL PARTY. THEY'RE ASHAMED TO BE ONLY A REGIONAL PARTY, BUT GARCIA TELLS THEM THAT'S BETTER THAN NOTHING, AND HAS URGED THEM TO GO AHEAD. PUZZLING TO EVERY-BODY IS THAT THE HUMANISTS HAVE GOTTEN ENOUGH SIGNATURES TO BE A NATIONAL PARTY, BUT 4,000 OF THEM ARE NOT RE-GISTERED TO VOTE, SO THEY'VE GOT TO GET THEM REGISTERED BEFORE THE PARTY CAN BE LEGALIZED. HE SAID THEY ORIGINATED IN A SORT OF RELIGIOUS CULT, WITH ECOLOGICAL OVERTONES, AND, HE SUSPECTS, SOME COM-MUNISTS SIGNING UP TO HAVE AN ELECTORAL VEHICLE.

-

19. GARCIA SUBSCRIBES TO THE GENERALLY HELD VIEW THAT THE PLEBISCITE WILL BE HELD AND PINOCHET WILL BE THE CANDIDATE (I DIDN'T ASK HIM WHAT HE THOUGHT THE RESULT WOULD BE). HE DESCRIBED HIS BROTHER RICARDO AS "ISOLATED" WITHIN THE GOC IN FAVORING A REAL APERTURA, AND PINOCHET AS OBLIVIOUS OF INTERNATIONAL OPINION - IF SOMEONE AT THE MEETING DOESN'T REMIND HIM OF POSSIBLE FOREIGN REACTION, THE SUBJECT NEVER COMES UP. (THAT SUGGESTS, AS IN THE STORY OF THE MULE, APPLICATION OF A TWO-BY-FOUR.)

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20. ON LETELIER, GARCIA SAID THE GOC'S POLICY MAKERS ARE JUSTICE MINISTER ROSENDE, MILITARY PROSECUTOR TORRES, PROCURATOR GENERAL AMBROSIO RODRIGUEZ, AND, ABOVE ALL, PINOCHET'S LEGAL ADVISER, GENERAL (RET.) FERNANDO LYON. THEIR FOCUS IS EXCLUSIVELY ON RE-ELECTING PINOCHET AND COULD CARE LESS WHAT THE U.S. THINKS. WHEN I COM-

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PAGE 01 SANTIA 08331 04 OF 04 222027Z
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FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 3676

~~S E C R E T~~ SECTION 04 OF 04 SANTIAGO 08331

FOR ARA/SC ONLY - MR. RICHARD B. HOWARD

EO 12356: DECL: OADR
TAGS: AMGT, CI
SUBJ: OFFICIAL-INFORMAL LETTER NO. 22-87

MENTED ON THE ABSENCE OF SERGIO FERNANDEZ FROM THE LIST, GARCIA SAID HE WAS THE INVISIBLE MINISTER. HE SAYS FERNANDEZ PLAYS LITTLE ROLE IN GOVERNMENT COUNCILS, TAKES NO INITIATIVES, AND DELEGATES MOST AUTHORITY TO UNDER SECRETARY CARDEMIL, WHO HAS GROWN CORRESPONDINGLY IN POWER. WHEN I SAID FERNANDEZ HAD THE REPUTATION OF HAVING BEEN THE KEY PLAYER IN THE 1980 PLEBISCITE, GARCIA SAID ON THE CONTRARY, MONICA MADARIAGA WAS. FERNANDEZ' REP HAS ALWAYS BEEN BIGGER THAN REALITY.
COMMENT: ONE MAN'S OPINION, BUT INTERESTING.
JONES

~~SECRET~~

NNNN

22 OCT 87

Embassy of the United States of America

Santiago, 22 de Octubre de 1987

NH349

Chile Project (#S199900030)
U.S. Department of State
Release X Excise_____ Deny_____
Declassify: In Part_____ In Full_____
Exemption(s)_____

Señor don
Hernán Novoa
Director de Gendarmería de Chile
Rosas 1274
Santiago

Estimado Señor Novoa:

Me es muy grato dirigirme a Ud. para solicitarle su autorización para visitar a los señores Manuel Bustos y Arturo Martínez, quienes se encuentran detenidos en la Penitenciaría. Hemos recibido varias consultas de parte de organizaciones sindicales norteamericanas, así como del AFLCIO y quisiéramos que ellos estén informados.

Estaríamos muy agradecidos si usted tuviera a bien hacer los arreglos correspondientes para autorizar una visita mía a la Penitenciaría, el día Martes, 27 de Octubre de 1987.

Con la mayor atención le saluda,

Donald R. Knight
Primer Secretario y Agregado Laboral

KM 243

TOBY ROTH
EIGHTH DISTRICT
WISCONSIN

215 CANNON HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515

PORT CAUCUS
RURAL CAUCUS
EXPORT TASK FORCE
MILITARY REFORM CAUCUS
TRAVEL AND TOURISM

United States
House of Representatives

FOREIGN AFFAIRS COMMITTEE
INTERNATIONAL ECONOMIC POLICY AND TRADE
ASIAN AND PACIFIC AFFAIRS

BANKING, FINANCE AND
URBAN AFFAIRS COMMITTEE
FINANCIAL INSTITUTIONS SUPERVISION,
REGULATION AND INSURANCE
CONSUMER AFFAIRS AND COINAGE
HOUSING AND COMMUNITY DEVELOPMENT

P 86

EXCIS

October 23, 1987

Chile Project (=8199900050)
U.S. Department of State
Release_____ Excise_X_ Deny_____ 99
Declassify in Part_____ In Full_____
Exemption(s) B6

ACTION
is assigned to
ARA

Mr. J. Edward Fox
State Dept.
Rm. 7261
2201 C. St., N.W.
Washington, D.C. 20520

Dear Mr. Fox:

[ ] has contacted me by enclosed letter in regards to his concern for the welfare of the enclosed list of people.

Your reply to Mr. [ ] inquiry would be greatly appreciated.

Thank you.

Best regards,

TOBY ROTH
Member of Congress
126 N.Oneida St.
Appleton, WI. 54911
(414) 739-4167

TR/jp
Enc.

1987 OCT 30 AM 10:15
OUT

RE: the whereabouts of Jose P. Macks, Manuel J. Sanchez and Julio O. OTarola in Chile.

1987 OCT 30 AM 10:04
RECEIVED BY
DEPARTMENT OF STATE
EIM/IAP/WI

AN: D870889-0691

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PAGE 01 BUENOS 11124 01 OF 04 282121Z
ACTION OES-09

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FM AMEMBASSY BUENOS AIRES
TO SECSTATE WASHDC 1786
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AMEMBASSY LONDON
AMEMBASSY [redacted]
AMEMBASSY OTTAWA
AMEMBASSY PARIS
AMEMBASSY ROME
USMISSION USVIENNA
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DEPARTMENT OF STATE 8/Lw IS/FPC/CDR 9102473 Date: 8-22-96
(X) RELEASE ( ) DECLASSIFY
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UNCLAS SECTION 01 OF 04 BUENOS AIRES 11124

DEPT. PASS NSF, NRC, NBS
VIENNA FOR UNVIE MISSION

E.O. 12356: N/A
TAGS: TPHY, TNGD, TRGY, KNNP, KSCA, AR
SUBJECT: SOME BASIC RESEARCH AT BARILOCHE

1. SUMMARY. THE ATOMIC CENTER AND BALSEIRO INSTITUTE AT BARILOCHE, ARGENTINA, ARE PUBLICIZING THEIR WORK IN HIGH-TEMPERATURE SUPERCONDUCTORS IN THE HOPE OF WINNING INCREASED SUPPORT FOR THEIR BASIC RESEARCH PROGRAMS. THE ARGENTINE ATOMIC ENERGY COMMISSION (CNEA) OPERATES BOTH INSTALLATIONS IN SUPPORT OF LATIN AMERICA'S LARGEST NUCLEAR PROGRAM. THE PROGRAM, WHICH ENCOMPASSES THE ENTIRE NUCLEAR
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PAGE 02 BUENOS 11124 01 OF 04 282121Z

FUEL CYCLE, IS ONLY PARTLY UNDER INTERNATIONAL

SAFEGUARDS SINCE ARGENTINA IS NOT A PARTY TO MULTILATERAL NONPROLIFERATION TREATIES.

2. THE CENTER AND INSTITUTE OPERATE MUCH AS A UNIT, WITH STUDENTS WORKING IN LABORATORIES AND RESEARCHERS TEACHING CLASSES. THE GREATEST EFFORT IS IN BASIC PHYSICS RESEARCH, WITH SMALLER PROGRAMS OF APPLIED RESEARCH AND NUCLEAR ENGINEERING. ABOUT 70 STUDENTS WORK WITH 100 RESEARCHERS. THE CENTER/INSTITUTE HAS GRADUATED ABOUT 300 PHYSICISTS SINCE ITS FOUNDING IN 1955; ABOUT 70 HAVE RECEIVED DEGREES IN NUCLEAR ENGINEERING SINCE IT WAS ADDED TO THE CURRICULUM IN 1977. (FROM INDEPENDENCE UNTIL 1955, ARGGNTINA PRODUCED ONLY ABOUT 40 PHYSICISTS.)

3. SUPERCONDUCTIVITY RESEARCHERS HAVE DUPLICATED THE SWISS NOBELISTS' WORK AND ARE TRYING MANY NEW CERAMICS. A 500-KILOWATT RESEARCH REACTOR
RA-6)
WENT INTO SERVICE IN 1982. TANGLED LINES OF AUTHORITY AMONG THE COMMISSION, THE CENTER, THE INSTITUTE AND THE CENTER'S INDUSTRIAL SPINOFF INVAP CONFUSE THE STRAIGHTFORWARD BASIC RESEARCH AND THE TRAINING GOALS OF BARILOCHE WITH THE COMMISSION'S SINGLE-MINDED PURSUIT OF AN INDEPENDENT NUCLEAR CAPABILITY. END SUMMARY.

INTRODUCTION

4. THE AWARD OF THE 1987 PHYSICS NOBEL PRIZE FOR WORK IN SWITZERLAND ON HIGH-TEMPERATURE SUPERCONDUCTORS HAS FOCUSED LOCAL ATTENTION ON THE
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BARILOCHE ATOMIC CENTER, A NATIONAL LABORATORY OF THE ARGENTINE ATOMIC ENERGY COMMISSION (CNEA), LOCATED IN AN AREA OF LAKES AND MOUNTAINS 1000 MILES SOUTHWEST OF BUENOS AIRES. FOR IT WAS HERE IN FEBRUARY THAT ARGENTINE PHYSICISTS DUPLICATED THE DECEMBER WORK CARRIED OUT BY THE NOBEL PRIZE WINNERS FROM IBM'S ZURICH LABORATORY. THEN IN MARCH THEY MATCHED FURTHER WORK ACHIEVING SUPERCONDUCTORS FUNCTIONING AT THE HIGHEST TEMPERATURES YET ACHIEVED.

5. THE FEVER PITCH OF THEIR WORK SINCE HAS PERHAPS

ONLY BEEN MATCHED BY THE INTENSITY OF THE CENTER'S OWN PUBLICITY CAMPAIGN -- FIRST TO DRAW NATIONAL ATTENTION TO THEIR WORK AND SECOND TO AUGMGNT THE MEAGER RESOURCES ALLOTTED TO BASIC RESEARCH AT THE CENTER BY THE PARENT COMMISSION. WHILE THE SUPERCONDUCTIVITY WORK ITSELF MADE A RECENT VISIT TO THE CENTER INTERESTING, IT IS PERHAPS WORTH REVIEWING AND UPDATING THE ROLE OF THE CENTER IN THE MAIN BUSINESS OF CNEA, DEVELOPING SOUTH AMERICA'S LARGEST NUCLEAR CAPABILITY. THIS CAPABILITY EXTENDS TO THE ENTIRE NUCLEAR FUEL CYCLE AND IS IN CONSIDERABLE PART OUTSIDE OF THE INTERNATIONAL SAFEGUARDS AND INSPECTION REGIME ACCEPTED BY PARTIES TO THE 1968 NUCLEAR NONPROLIFERATION TREATY.

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FOUNDING

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6. FACED WITH AN ACUTE SHORTAGE OF PHYSICISTS AFTER ITS FOUNDING IN 1950 TO DEVELOP ARGENTINA'S NUCLEAR PROGRAM, CNEA SET UP AT SAN CARLOS DE BARILOCHE (RIO NEGRO PROVINCE) IN 1955 BOTH THE BARILOCHE ATOMIC CENTER FOR RESEARCH AND AN INSTITUTE FOR TEACHING ON THE SAME 180-ACRE CAMPUS. FROM INDEPENDENCE EARLY IN

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PAGE 01 BUENOS 11124 02 OF 04 282122Z
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AMEMBASSY LONDON
AMEMBASSY MEXICO
AMEMBASSY OTTAWA
AMEMBASSY PARIS
AMEMBASSY ROME
USMISSION USVIENNA
USDOE WASHDC

UNCLAS SECTION 02 OF 04 BUENOS AIRES 11124

DEPT. PASS NSF, NRC, NBS
VIENNA FOR UNVIE MISSION

E.O. 12356: N/A
TAGS: TPHY, TNGD, TRGY, KNNP, KSCA, AR
SUBJECT: SOME BASIC RESEARCH AT BARILOCHE

THE 19TH CENTURY TO 1955, THE COUNTRY HAD PRODUCED
ONLY 40 PHYSICISTS.

7. THE INSTITUTE, NOW CALLED THE BALSEIRO INSTITUTE AFTER ITS FIRST DIRECTOR, IS OFFICIALLY PART OF THE NATIONAL UNIVERSITY OF CUYO IN MENDOZA, FAR TO THE NORTH. THE CENTER AND THE INSTITUTE OPERATE MUCH AS A UNIT, WITH RESEARCHERS TEACHING COURSES AND
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UNCLASSIFIED

PAGE 02 BUENOS 11124 02 OF 04 282122Z

STUDENTS WORKING IN THE LABORATORIES. THE ORIGINAL CURRICULUM WAS PHYSICS; NUCLEAR ENGINEERING WAS ADDED

IN 1977. ABOUT 30 STUDENTS ENTER THE INSTITUTE ANNUALLY AFTER TWO YEARS OF TRAINING ELSEWHERE AND STUDY FOUR MORE YEARS FOR THE LICENCIATURA (MASTER'S DEGREE), WHICH REQUIRES A THESIS. FOUR MORE YEARS OF STUDY LEAD TO THE DOCTORATE; HALF THE PHYSICISTS GO ON FOR IT. EIGHTY PERCENT OF ALL GRADUATES STAY IN ARGENTINA, HALF WORKING FOR CNEA. SINCE 1955 THERE HAVE BEEN OVER 300 MASTER'S DEGREES IN PHYSICS AWARDED. NUCLEAR ENGINEERING DEGREES SINCE 1977 NUMBER ABOUT 80.

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PROGRAM

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8. THE FOLLOWING CHART SUMMARIZES THE WORK OF THE DIFFERENT DEPARTMENTS AND THE SCALE OF EFFORT.

DEPARTMENT	SCIENTISTS	STUDENTS
BASIC RESEARCH		
-- LOW TEMPERATURES	8	7
-- ATOMIC COLLISIONS	15	14
-- METALS	7	5
-- NEUTRONS AND REACTORS	8	3
-- MAGNETIC RESONANCE	6	5
-- THEORY - ELEMENTARY PARTICLES	6	9
-- THEORY - SOLIDS	10	7
RELATIVITY, GRAVITATION		
- AND UNIFIED THEORIES	1	1
-	----	----
-	61	51
-	----	----

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APPLIED RESEARCH		
-- DEVELOPMENT	2	3
-- CERAMICS AND INDUSTRIAL CARBONS	5	3
-- METALLURBY	11	4
-	----	----
-	18	10
-	----	----
NUCLEAR ENGINEERING		
-- THERMOHYDRAULICS	5	8
-- COMPUTATIONAL MECHANICS	4	2
-- SAFETY AND PROTECTION	1	0

-- REACTOR CONTROL	2	0
-- RESEARCH REACTOR RA-6	13	1
-	----	----
-	25	11
-	----	----
TOTALS	104	72

-

CURRENT FIGURES MAY TOTAL SOMEWHAT LOWER. EMPHASIS ON SUPERCONDUCTIVITY IS LEADING TO EXPANSION OF THE LOW-TEMPERATURE AND DEVELOPMENT GROUPS.

9. IN ADDITION, DURING 1985, ABOUT 40 VISITING SCIENTISTS SPENT TIME WITH BASIC RESEARCH GROUPS AT BARILOCHE. EIGHT WERE FROM THE UNITED STATES. AT PRESENT THE CENTER/INSTITUTE HAS CLOSEST TIES TO FRANCE (UNIVERSIY OF GRENOBLE), BRAZIL, GERMANY AND SPAIN. NEVERTHELESS, OLD-TIMERS GRATEFULLY REMEMBER THE CONTRIBUTION MADE TO THE ORGANIZATION AND PROGRAM OF THE CENTER BY U.S. LOW-TEMPERATURE SCIENTIST JOHN WHEATLEY, WHO CAME TO BARILOCHE AS A FULBRIGHT RESEARCH SCHOLAR FROM THE UNIVERSITY OF ILLINOIS IN 1962-3.

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PAGE 01 BUENOS 11124 03 OF 04 282122Z
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SP-02 NRC-02 SNP-01 CEQ-01 T-01 /080 W
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TO SECSTATE WASHDC 1788
INFO AMEMBASSY BONN
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AMEMBASSY OTTAWA
AMEMBASSY PARIS
AMEMBASSY ROME
USMISSION USVIENNA
USDOE WASHDC

UNCLAS SECTION 03 OF 04 BUENOS AIRES 11124

DEPT. PASS NSF, NRC, NBS
VIENNA FOR UNVIE MISSION

E.O. 12356: N/A
TAGS: TPHY, TNGD, TRGY, KNNP, KSCA, AR
SUBJECT: SOME BASIC RESEARCH AT BARILOCHE

FACILITIES AND SOME PROJECTS
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10. AN OPEN-STACK LIBRARY CONTAINS 12,000 BOOKS AND SUBSCRIBES TO 300 JOURNALS. A VAX 780 COMPUTER IS SUPPLEMENTED BY NUMEROUS DESKTOPS AND ON-LINE UNITS. THE CENTER MAKES ALL OF ITS OWN LIQUID AIR, NITROGEN, OXYGEN AND HELIUM.
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PAGE 02 BUENOS 11124 03 OF 04 282122Z

11. SUPERCONDUCTIVITY: DRAWING MAINLY ON THE

LOW-TEMPERATURE AND DEVELOPMENT DIVISIONS, THE SUPERCONDUCTIVITY EFFORT HAS PRODUCED 12 ARTICLES SUBMITTED FOR PUBLICATION SINCE FEBRUARY 1987, EIGHT OF WHICH HAVE ALREADY BEEN ACCEPTED. MANY CONCERN THE PHENOMENON IN INHOMOGENEOUS MEDIA CONTAINING RARE EARTHS, THORIUM AND/OR TRANSITION ELEMENTS. ONE STARTING POINT IS AN ALLOY OF OXIDES OF YTTRIUM OR GADOLINIUM), COPPER AND BARIUM FIRST OBTAINED IN SWITZERLAND AND DUPLICATED IN BARILOCHE IN MARCH, AN ALLOY THAT IS SUPERCONDUCTING AT ABOUT 90 DEGREES ABSOLUTE. THIS TEMPERATURE IS, OF COURSE, MUCH EASIER TO OBTAIN THAN THE RECORD HIGH OF 20 DEGREES BEFORE 1986.

12. EFFORTS ARE UNDERWAY TO FIND NEW ALLOYS AND ALSO TO MASTER THE FABRICATION OF CURRENT-CARRYING FILMS AND WIRES. WITHOUT THEM THERE CAN BE NO USE OF THE NEW SUBSTANCES. THE SCIENTISTS ARE REALISTIC ABOUT APPLICATION OF THE RESEARCH BY ARGENTINE INDUSTRY -- IT PROBABLY WON'T HAPPEN. ONE SAID THE MOST ARGENTINA COULD EXPECT WOULD BE TO BE ABLE TO BUY FOREIGN SUPERCONDUCTING TECHNOLOGY APPLICATIONS MORE WISELY RATHER THAN IN THE MANNER OF MIRRORS AND GLASS NECKLACES. BUT MOST HOPE THAT BARILOCHE WILL AT LEAST GET A BUDGET INCREASE. (FRANCISCO DE LA CRUZ HEADS THE LOW-TEMPERATURE GROUP, AND DANIEL ESPARZA LEADS THE DEVELOPMENT GROUP.)

13. NUCLEAR RESEARCH: THE MOST VISIBLE NUCLEAR RESEARCH AT BARILOCHE CENTERS ON THE TEST REACTOR RA-6. OF 500-KILOWATT POWER, RA-6 IS ARGENTINA'S

NEWEST RESEARCH REACTOR, IN OPERATION SINCE 1982. IT USES FUEL ENRICHED TO 20 PERCENT URANIUM-235. OPERATION IS SUBJECT TO INTERNATIONAL SAFEGUARDS ONLY WHEN IT'S LOADED WITH SAFEGUARDED FUEL. (#) WAS DESIGNED AT THE CENTER AND BUILT BY INVAP S.E., AN INDUSTRIAL SPINOFF OF THE CENTER DATING FROM 1976, HALF OWNED BY CNEA AND HALF BY THE PROVINCE OF RIO NEGRO. (#)
SHORT FOR APPLIED RESEARCH) BUILT RA-6
AS AN EXPORT PROTOTYPE. INVAP ALSO BUILT THE URANIUM DIFFUSION ENRICHMENT PLANT UNVEILED AT NEARBY

PILCANIYEU IN 1983 THAT IS NOT OPEN TO INTERNATIONAL INSPECTION. (PROPERLY ENRICHED URANIUM CAN, OF COURSE, BE USED IN NUCLEAR EXPLOSIVES.)

-

OTHER ASPECTS OF NUCLEAR DEVELOPMENT

14. THE ORGANIZATION OF CNEA, THE ATOMIC CENTER, THE BALSEIRO INSTITUTE AND INVAP COMPLICATES ANY CONSIDERATION OF THE CENTER AND INSTITUTE AS SIMPLE ESTABLISHMENTS FOR BASIC RESEARCH AND EDUCATION. CNEA, FORMED IN 1950, NOW HAS 6500 EMPLOYEES. NUCLEAR PROGRAMS USED UP TO 2.5 PERCENT OF THE ANNUAL GNP FROM 1973-83, UP TO ONE BILLION DOLLARS A YEAR. CLOSELY LINKED TO THE NAVY AND WITH NAVY MEN AS DIRECTORS FOR 30 OF ITS FIRST 33 YEARS, THE COMMISSION REMAINED CIVILIAN IN NATURE BUT WITH IMPORTANT PROTECTION. ITS PURSUIT OF PROFESSIONALISM HAS BEEN ALONG A SINGLE CHANNEL -- NUCLEAR DEVELOPMENT. AFTER 1978 THIS MEANT DEVELOPMENT OF THE ENTIRE NUCLEAR FUEL CYCLE -- INDEPENDENTLY, EXPENSIVELY AND, AT TIMES, SECRETLY. IF CNEA NEEDED A GOOD RESEARCH CENTER AND A SCHOOL FOR PHYSICISTS, IT MADE IT. IF IT NEEDED ENRICHED URANIUM, IT HAD

NOTE BY OC/T: (#)OMISSIONS; CORRECTIONS TO FOLLOW.
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UNCLASSIFIED

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PAGE 01 BUENOS 11124 04 OF 04 282122Z
ACTION OES-09

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AMEMBASSY PARIS
AMEMBASSY ROME
USMISSION USVIENNA
USDOE WASHDC

UNCLAS SECTION 04 OF 04 BUENOS AIRES 11124

DEPT. PASS NSF, NRC, NBS
VIENNA FOR UNVIE MISSION

E.O. 12356: N/A
TAGS: TPHY, TNGD, TRGY, KNNP, KSCA, AR
SUBJECT: SOME BASIC RESEARCH AT BARILOCHE

INVAP BUILD A DIFFUSION PLANT AT PILCANIYEU, NEAR
BARILOCHE.

15. THE CONFLICT OF AUTHORITY AT BARILOCHE WAS EVIDENT FROM THE BEGINNING, FOR THERE WAS A NAVY MAN AS HEAD OF THE CENTER, AND A CIVILIAN SCIENTIST TO RUN THE INSTITUTE. THE PRESENT DIRECTOR DR. ARTURO
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PAGE 02 BUENOS 11124 04 OF 04 282122Z

LOPEZ DAVALOS) IS THE FIRST TO HEAD BOTH. STUDENTS IN THE PAST HAVE CHAFED UNDER THE OBVIOUS

NONEDUCATIONAL ACTIVITIE. THE 1985 CLASS VALEDICTORIAN SHOCKED THE AUDIENCE WITH HIS CRITICAL COMMENTS.

16. AT LEAST THE SCIENTISTS IN FIELDS FARTHEST FROM THE NUCLEAR AREA CONTINUE ON LIKE SCIENTISTS ANYWHERE, LOOKING FOR THE BEST STUDENTS, HAGGLING OVER NEW SPACE, TALKING THE DIRECTOR OUT OF MONEY FOR EXTRA EQUIPMENT AND ANGLING TO GET TO INTERNATIONAL MEETINGS. THEY AND THEIR PREDECESSORS HAVE HAD A PROFOUND AND PERMANENT EFFECT ON ARGENTINA'S SCIENCE (MAINLY PHYSICS), ITS RESEARCH PHILOSOPHY AND ITS DUCATION. U.S. SCIENTISTS CAN AND DO FIND MUCH TO ADMIRE AND LEARN AT BARILOCHE; IT'S WORLD-CLASS.

GILDRED

10-28-87

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

CONFIDENTIAL

MEMORANDUM Oct. 28, 1987

NH358 R

TO: DCM - Mr. Jones

THRU: POL - Mr. Keane

FROM: Labor Attache - Don Knight

SUBJECT: Status of Bustos and Martinez

Since I appear to be once again on Novoa's list of undesirables, I had JOrge visit Bustos and Martinez in the Penitentary on October 27. He had no trouble getting in. Joreg reports that they are both in good shape, with no major problems other than the uncertainty as to when they might be released. Based on past experiences in 1985 and 86, they feel they could be in prison until Christmas time.

They are still trying to get transferred from the Peni to the Capuchino annex, because of the continued threats being made against Bustos by the ACHA. Bustos said he has been threatened on two difference occassions by common criminals in the Peni. One was a verbal threat and the other was a slap. In both instances he complained and the two offenders were transferred to different cell blocks. He still feels insecure, however, and asked Jorge to see if the Embassy could intervene on his behalf with the GOC. Jorge said he would pass this along, but noted that our ability to influence anyone on his behalf may be rather limited.

Bustos also wondered if there had been any reaction as yet from the AFL-CIO. Jorge noted that we had not heard of anything specific, but promised to have Guillermo Santana of the AIFLD office check with his Washington office on this matter. Santana is planning to visit Bustos on October 29.

Bustos also expressed his thanks for Jorge's visit, and said he understood the complications involved in my making a visit. Jorge had told him of our attempt to obtain permission from Novoa.

As for our next move on the prison visit scene, I will send a note to Novoa on November 2 asking for permission to visit Dr. Olivares in Capuchino. I expect this to be rejected also, but we can then perhaps write a note from the Ambassador to Justice Minister Rosende asking him for any clarification possible on Decree Law 805 of May 14, 1928. Attached is a copy of the articles which Novoa uses from this law to turn down prison visits. Article 51 states that prisoners can receive visits from family, friends and guardians, and that the prison "mayor" or director can be instructed by the prisoners as to whom he wants to visit. Article 58 states that visits to prisons require the written permission of the Ministry of Justice. Based on this, we could ask Rosende for permission to carry out prison visits, to see what his reaction might be.

Lot 89F 180 Box 91/339

28 OCT 87

(R)

GENDARMERIA DE CHILE
DIRECCION NACIONAL
AYUDANTIA GENERAL

UNCLASSIFIED
RESTRICTED

NH361

EJEMPLAR Nº 1/6 HOJA 1/1

RES. Nº 14/00/00/ 1156 /87

ANT. Su Nota de 26/10/87

Chile Project (#S199900030)
U.S. Department of State
Release X Excise_____ Deny____
Declassify: In Part_____ In Full_____
Exemption(s)_____

MAT. Visita a internos que indica.-

SANTIAGO, 28 OCT. 1987

DE : DIRECTOR NACIONAL DE GENDARMERIA DE CHILE

A : SR. DONALD R. KNIGHT
PRIMER SECRETARIO Y AGREGADO LABORAL
EMBAJADA DE LOS ESTADOS UNIDOS DE AMERICA

Estimado señor Knight:

Acuso recibo de su nota de fecha de ayer por la cual tiene a bien interceder en favor de la autorización para que la señora KAREN PARKER y otros abogados de nacionalidad norteamericana puedan visitar hoy a diversos reos subversivos recluídos en distintas Unidades Penales de Santiago y la Vª Región.

Igual como se resolviera oportunamente ante una petición similar (era exclusivamente para cinco reos de Santiago) de la abogado señora Parker, lamento no acceder al tenor de los artículos 51 y 58 del Reglamento Carcelario.

Saluda atentamente a Ud.

GENDARMERIA DE CHILE
DIRECTOR NACIONAL

HERNAN NOVOA CARVAJAL
Abogado
Director Nacional

Distribución:
1.- Sr. Knight Embajada EE.UU.
2.- Sr. Jefe C.D.P. Santiago
3.- Sr. Jefe C.D.P. Santiago Sur
4.- Sr. Jefe C.R.S. San Felipe
5.- Sr. Jefe C.R.S. Valparaíso
6.- Archivo (R)

UNCLASSIFIED

UNCLASSIFIED

26 OCT 87

POL

NH359

MEMO

October 28, 1987

TO: The Ambassador

THRU: DCM - Mr. Jones

POL - Mr. Keane

Chile Project (F-S1999-00030)
U.S. Department of State
Release X Excise Deny
Declassify: In Part In Full
Exemption(s)

FROM: Labor Attache - Don Knight

SUBJECT: Appeal for Statement on Death Sentence

Attached is a copy of the letter given to us during your meeting yesterday afternoon with the 4 visiting human rights people. You will recall that they asked if the U.S. Embassy could make a statement like this on the death penalty.

I have read Ambassador Kreid's statement several times, and I find it hard to see in it any strong statement on the death sentence. He is making an appeal to Hugo Marchant and other prisoners to halt their hunger strike, which was against the death sentence. Those facing the possible death penalty do this sort of thing every once in a while, mainly to gather international support against the death penalty and against the Pinochet government.

Since the last hunger strike has now been called off, I don't see any need for us to make any statement about it. As for a statement on the death sentence or the death penalty, I do not believe we should make a special statement on that subject. In the latest annual human rights report I devote a couple of paragraphs to the 15 prisoners facing this sentence, and make the point that their confessions may have been forced from them under torture, as least that is what various human rights groups are claiming. If so, then their trials are suspect and we can urge that new, impartial trials be conducted. We don't need to say anything directly about the death sentence.

All 15 of these people are being tried, or have been tried, for charges of assassination and murder. Many have admitted they are members of the MIR (only 1 is from the FPMR) and that their actions are justified political acts against the Pinochet government. Since we have no need to get involved in defending terrorists, I think we should focus our attention only on the issue of torture and whether these people were given a fair trial or not.

MAKING A DETERMINATION ON WHETHER ONE,SOME OR ALL OF THE 15 HAD AN UNFAIR TRIAL WOULD BE DIFFICULT INDEED AND DRAW OUR HUMAN RESOURCES AWAY FROM OTHER HIGH PRIORITY ISSUES. I RECALL HOW A NUMBER OF THEM HAVE ADMITTED PUBLICLY (THRU THE OPPOSITION MAGAZINES) THAT THEY WERE HAD COMMITTED TERRORIST ACTS. THE ISSUE OF A FAIR TRIAL IS ONE WE MIGHT WANT TO PURSUE IN ONE OR TWO SELECT CASES IN THE FUTURE, SUCH AS RAMIRO OLIVARES OR CLODOMIRO ALMEYDA, AND I THINK WE SHOULD LEAVE IT AT THAT. ON THE TORTURE ISSUE, I COULD NOT AGREE MORE WITH DON.

UNCLASSIFIED

EXCISE UNCLASSIFIED

October 27, 1987

Senator Lloyd Bentsen
U.S. Senate
Washington, D.C. 20510

Chile Project (#S1999000301) KM285
U.S. Department of State
Release_____ Excise X Deny_____
Declassify: In Part_____ In Full_____
Exemption(s) B6 B6

Dear Senator Bentsen:

Thank you for your recent response to an appeal on by Amnesty International members for you to seek the release of a prisoner of conscience. Your partnership with us in working to end human rights abuses around the world is appreciated and much needed.

Our group in San Antonio has recently begun working for the release of a Chilean prisoner of conscience, Dr. Ramiro Olivares Sanhueza. Dr. Olivares is being imprisoned for treating an injured man whom Chilean authorities state is a terrorist, although Dr. Olivares had no such knowledge and was merely carrying out his professional responsibility to assist an ailing person.

He has been accused of helping terrorists and has been denied bail. He faces a possible sentence of 5 to 15 years and could be barred from medical practice for 15 years and could lose his professional title.

We would like you to ask the State Department to intervene on his behalf and ask for his release. If you need additional information I would be glad to send it to you.

Sincerely,

UNCLASSIFIED

232

10/28/87

KM 244

NLC-136-028-5
Chile Project (#S199900030)
U.S. Department of State
Release_____ Excise X Deny 86
Declassify: In Part_____ In Full_____
Exemption(s) 6b

United States Senate

Date: October 28, 1987

Respectfully referred to:

Office of Congressional Liaison
U.S. Dept. of State
Wash., DC 20520

EXCISE

ACTION is assigned to: ARA

Because of the desire of this office to be responsive to all inquiries and communications, your consideration of the attached is requested.

Please return your findings and views, in duplicate form, along with the enclosed correspondence to:

Senator William S. Cohen
Attn: Sally Lounsbury
SH-322
Washington, D.C. 20510

Thank you.

Sincerely,

William S. Cohen
United States Senator

OUT WSCsal
Enclosure
Re: [redacted] (Chile)

1987 NOV -3 PM 3:51

FORWARDED BY SENATE OFFICE OF PUBLIC RECORDS
1987 NOV -3 PM 3:51
FIN/IAP/WI

Re: request immediate and unconditional release of Dr. Juan Macaya from Santiago Chile.

Thx. [redacted]

-2- [redacted]

194

29 OCT 87

R

10/31

NH363

FROM THE DCM

~~Mr. Keane~~
POL - Mr. Knight

Máximo Pacheco saw the Amb Friday and left these two documents. The Amb. noted that Cuba was not mentioned in para 4 of the "calendario" paper, and asked if that meant they had heard from Mexico that Cuba would not be a cosponsor. Maximo said yes, but on further questioning it developed that they have hearxd nothing from the Mexicans, are simply assuming that no news is good news.

He also showed us a third paper which he would not leave, a memo from the CHRC to potential sponsors of a UNGA resolution, 10 pages in length. These are my handwritten notes on it - hope you can understand them. Main thing that struck me is there is no list of positive steps at all - only one or two passing mentions of such things as reduction in exile list - always coupled with negative phrases - e.g., "Exile, in spite of reductions in list, still remains, etc."

Geo.

Chile Project (#S199900030)
U.S. Department of State
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Exemption(s)_____

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EXCISE

Chile Project (=S199900030)
U.S. Department of State
Release_____ Excise_X_ Deny_____
Declassify: In Part_____ In Full_____
Exemption(s)_____B6_____

DEAR CONGRESSMAN ROE,

I AM CONCERNED OVER THE RECENT POLITICAL OPPONENTS BEING "DISAPPEARING" ONCE AGAIN IN CHILE. THIS HASN'T HAPPENED SINCE 1977. THESE ARE THE NAMES OF THE MISSING:

JOSE JULIAN PENA MALTS
MANUEL JESUS SEPULVEDA SANCHEZ
ALEJANDRO ALBERTO PINOCHET ARENAS
GONZALO JUAN FUENZALIDA NAVARRETE
JULIO ORLANDO MUNOZ OTAROLA

COULD YOU ASK THE CHILEAN EMBASSY ABOUT THE WHEREABOUTS OF THESE MEN AND RESULT IN HUMANE TREATMENT AND A FAIR TRIAL FOR EACH? THANK-YOU.

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10-30-87

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____

MEMORANDUM October 30, 1987

TO: The Ambassador

THRU: DCM - Mr. Jones

POL - Mr. Keane

FROM: Labor Attache - Don Knight

NH3649

SUBJECT: Further Adventures with Karen Parker

Miss Parker's interview with Mario Calderon was an interesting 1 hour lecture on international law, United Nations' declarations on human rights, and the problems with military courts. In very good Spanish she leaped right in by noting the problems with military courts sentencing people to death, adding that she was not giving any personal view on the death sentence as such, only on the international repudiation of military courts sentencing civilians under any legal system to death. Calderon attempted to explain how the Chilean legal system differs from other legal systems, and how a person can be tried by either a military or civilian court for certain state security crimes. He stressed that the death sentence has been seldom used in Chile, with the most recent cases being security forces personnel executed for a series of common crimes.

Miss Parker provided an in-depth knowledge of international law, as well as Chilean law, to argue that civilians should not be tried by military courts in any circumstances. She cited Chile as being one of the worse offenders of this internationally accepted principle of law, and added that the U.N. had repeatedly condemned the Chilean government for violations of human rights such as this. Calderon took exception to this, noting that the UN has not condemned Chile but that certain countries such as the Soviet Union and Mexico, both of whom have no moral right to condemn anyone, have sponsored resolutions on Chile that were not condemnations.

The entire conversation was along these lines, with Miss Parker voicing her strongly held beliefs about Chilean human rights violations and Ambassador Calderon stoutly defending the legality of everything that the GOC does. In the end they agreed to disagree.

She did raise the failure of the GOC to allow her to visit the prisons, and Calderon went through the motions of attempting to contact Novoa to arrange a visit. Miss Parker called me at 4:30 to report that Caldreon contacted her later in the day, at the office of the official human rights commission, to tell her that a visit to a prison would not be possible due to the late hour, as such visits can only be made during normal visiting hours.

After the Calderon meeting, Miss Parker continued to lecture me on the errors being committed by the USG in the human rights arena. She reviewed once again the problems she, and other NGOs, had with the US resolution on Chile in the UNHRC in 1986. Her main complaint was that the US brutalized the other delegates into accepting language whic did not really reflect the wishes of the NGOs. She added that the atte by the US to pack the 1987 UNHRC meeting with Cuban/Americans was also not appreciated.

I did not have the opportunity to raise with Calderon my problems with prison visits.

ACTION

Chile Project (#5199900030)
U.S. Department of State
Release X Excise Deny
Declassify: In Part In Full X
Exemption(s)

UNCLASSIFIED
CONFIDENTIAL

IO:LGENERO:ARA/SC:RFHOPPER:BKM
10/28/87 EXT. 72401
D:JWHITEHEAD

ARA:RSGELBARD
IO:NSSMITH
ARA/SC:RBHOWARD

HA:PDOBRIANSKY
EUR/RPE:PGARLAND
S/S

PRIORITY USUN NEW YORK

PRIORITY LONDON, BONN PRIORITY, PARIS PRIORITY, ROME PRIORITY, LISBON PRIORITY, MADRID PRIORITY +

BRUSSELS ALSO FOR USEC, ROME ALSO FOR VATICAN

DECL: OADR

UNGA, PREL, PGOV, PHUM, PINR, CI

CONSIDERATION OF CHILE AT UNGA

1. (CONFIDENTIAL - ENTIRE TEXT.)

2. SUMMARY: THIS MESSAGE PROVIDES GUIDANCE FOR USUN AND ESSENTIAL BACKGROUND FOR INFO ADDRESSESS ON THE COMPONENTS OF A BALANCED RESOLUTION ON THE CHILE HUMAN RIGHTS SITUATION AT THE UNGA. PASSAGE OF A FAIR AND BALANCED HUMAN RIGHTS RESOLUTION ON CHILE WOULD AVOID SENDING MIXED SIGNALS ABOUT OUR COMMITMENT TO HUMAN RIGHTS IMPROVEMENTS IN CHILE. END SUMMARY.

3. THE DEPARTMENT BELIEVES THAT THE NEXT TWELVE MONTHS ARE LIKELY TO BE CRUCIAL TO THE SHAPE AND NATURE OF CHILE'S TRANSITION TO DEMOCRACY. THE GOC HAS RECENTLY TAKEN SOME POSITIVE HUMAN RIGHTS STEPS, BUT WITHOUT MATCHING POLITICAL CHANGE THEY ARE BASICALLY COSMETIC AND THERE IS NO GUARANTEE THEY WILL BE PERMANENT OR CHANGE THE NATURE OF THE REGIME. WITH THE CRUCIAL PRESIDENTIAL VOTE LIKELY TO OCCUR SOMETIME NEXT YEAR, IT IS IMPORTANT THAT WE UNDERLINE OUR SUPPORT FOR A RETURN TO FULL DEMOCRACY IN CHILE WHICH WE ARE CONVINCED IS THE SURE WAY

CONFIDENTIAL

Here is final version --- it may get us to an absentia. To make element (G) poss if so tough that it must sink the slip. If we agree IO will tell Kim out of his

Slow will get him to agree.

changes.

CAN we give IO YOUR clearance?

yes no

JCW
LG
RSG
PD
NSS
PG
RBH
S/S:

TO AVERT VIOLENT CHANGE WHICH FAVORS THE POLITICAL EXTREMES. THE USG STRONGLY SUPPORTS A PEACEFUL TRANSITION TO FULL DEMOCRACY AND INCREASED RESPECT FOR HUMAN RIGHTS. THE USG HAS ACTIVELY WORKED TOWARDS THOSE OBJECTIVES. WE HAVE MADE OUR VIEWS KNOWN CLEARLY IN CHILE WHERE IT COUNTS, WITH THE GOVERNMENT IN PRIVATE, AND IN STATEMENTS MEANT TO BE PERCEIVED BY THE CHILEAN PUBLIC.

4. ONE FORUM AVAILABLE TO US TO MAKE OUR VIEWS KNOWN ON THE NEED FOR A PEACEFUL TRANSITION TO DEMOCRACY AND AN END TO HUMAN RIGHTS ABUSES IN CHILE IS THE ANNUAL HUMAN RIGHTS RESOLUTION ON CHILE OFFERED IN THE UN GENERAL ASSEMBLY--AND LATER IN THE MORE SPECIALIZED AND RESPONSIBLE UN HUMAN RIGHTS COMMISSION (UNHRC) IN GENEVA IN THE SPRING. LAST MARCH WE WERE ABLE TO JOIN CONSENSUS AT THE UNHRC ON A RELATIVELY BALANCED BUT STILL FLAWED HUMAN RIGHTS RESOLUTION ON CHILE. HOWEVER, THE USG HAS BEEN UNABLE TO JOIN CONSENSUS ON THE UNGA CHILE RESOLUTION FOR THE PAST SEVEN YEARS BECAUSE OF THE REGULARLY UNFAIR AND IMBALANCED NATURE OF THE TEXTS. LAST YEAR AT THE UNGA THE WEST EUROPEANS AND THE LATIN DEMOCRACIES ALL VOTED IN FAVOR OR ABSTAINED ON A CHILE RESOLUTION, CO-SPONSORED BY CUBA, WHICH WAS SO UNBALANCED THAT THE US WAS FORCED TO VOTE NO IN VIRTUAL ISOLATION. THE CHILEAN COMMUNIST PARTY, HAVANA AND MOSCOW HAVE SUBSEQUENTLY TRIED TO MISREPRESENT AND EXPLOIT OUR NEGATIVE VOTE AS A SIGN OF ALLEGED TOTAL SUPPORT FOR THE PINOCHET ADMINISTRATION.

5. WE WISH TO AVOID SUCH AN OUTCOME THIS YEAR, WHICH WOULD SEND UNHELPFUL MIXED SIGNALS CONCERNING THE ADMINISTRATION'S STRONG COMMITMENT TO PROMOTING A PEACEFUL DEMOCRATIC TRANSITION IN CHILE AS WELL AS MEANINGFUL HUMAN RIGHTS IMPROVEMENTS. WE UNDERSTAND THAT MEXICO, CUBA AND OTHERS WILL, ONCE AGAIN, INTRODUCE A RESOLUTION ON HUMAN RIGHTS IN CHILE BUT THAT THEY MAY BE TEMPERED BY WEOG PRESSURE TO NEGOTIATE A MORE BALANCED TEXT THAT WOULD NOT BE ANATHEMA TO THE UNITED STATES. WEOG MEMBERS MAY HAVE ALREADY APPROACHED USMISSION NEW YORK WITH QUERIES ABOUT HOW THEY COULD BE HELPFUL IN THIS EFFORT.

6. OUR FIRST PRIORITY, IF POSSIBLE, IS TO FACILITATE PASSAGE OF A FAIR AND BALANCED RESOLUTION FOR WHICH WE WILL BE ABLE TO VOTE. WE BELIEVE IT WILL BE MORE EFFECTIVE FOR OTHER COUNTRIES TO TAKE THE LEAD AS DRAFTERS AND PRINCIPAL CO-SPONSORS. IF THE TEXT OF THE

RESULTING RESOLUTION IS FAIR AND BALANCED AND IN LINE WITH THE ELEMENTS IN PARA 9, BELOW, WE WOULD, OF COURSE, BE PREPARED TO SUPPORT IT. IF THAT IS NOT POSSIBLE, AN ABSTENTION COMBINED WITH A STATEMENT OF US POLICY TOWARD CHILE WOULD BE AN ACCEPTABLE OUTCOME, ASSUMING ALSO THAT A NUMBER OF KEY MODERATE EUROPEANS (AND PERHAPS LATINS) FOLLOW A SIMILAR COURSE.

Oh good

7. IT SHOULD BE UNDERSTOOD THAT PERIODIC CONSULTATION AND REVIEW OF THE TEXT WILL BE NECESSARY SINCE OUR FINAL DECISION WILL OBVIOUSLY BE BASED ON THE FINAL PROPOSED TEXT OF THE RESOLUTION--BOTH WHAT IS IN THE RESOLUTION, AND WHAT IS LEFT OUT. IN THIS REGARD, OTHER DELEGATIONS NEED TO UNDERSTAND THAT THE INCLUSION OF BIASED AND UNFAIR ELEMENTS HAVE A SERIOUS IMPACT ON OUR DECISION. WE WILL ALSO BE INFLUENCED BY THE SERIOUSNESS AND BASIC FAIRNESS OF THE ENTIRE PROCESS AND WILL NOT BE PART OF AN IDEOLOGICAL, CHILE-BASHING SPREE ORCHESTRATED BY CUBA AND THE LIKE, WHICH REEKS OF THE TYPE OF DOUBLE STANDARD WHICH HAS CHARACTERIZED SOME SUCH EFFORTS IN THE PAST.

add Dpley Re Council (WA/bcs)

8. ACTION REQUESTED: THE DEPARTMENT HAS PREPARED THE FOLLOWING TALKING POINTS FOR USE BY USUN IN RESPONDING TO QUERIES ABOUT WHAT WOULD CONSTITUTE, FOR THE USG, A FAIR AND BALANCED RESOLUTION ON CHILE. INFO ADDRESSESS MAY RESPOND TO QUERIES BY SUGGESTING THAT FRIENDLY INTERESTED MODERATES CONSULT WITH USUN ON HOW BEST TO ARRIVE AT A BALANCED RESOLUTION. IF ASKED, INFO ADDRESSESS MAY SHARE ASSESSMENT OF ELEMENTS WE BELIEVE SHOULD BE ADDRESSED IN SUCH A FAIR AND BALANCED RESOLUTION.

ILLUSTRATIVE ELEMENTS FOR A BALANCED RESOLUTION

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9. THE ELEMENTS WE SEE AS IMPORTANT TO A CONSTRUCTIVE AND BALANCED TEXT ON HUMAN RIGHTS IN CHILE ARE:

(A) A FAIR APPRAISAL OF THE CURRENT HUMAN RIGHTS SITUATION THAT EXPRESSES SERIOUS CONCERN OVER PERSISTENCE OF ABUSES, SUCH AS TORTURE, AND DEATHS OF POLITICAL OPPONENTS IN POLICE CUSTODY;

(B) EXPRESSES CONCERN AT THE GOVERNMENT'S FAILURE TO PUNISH SECURITY OFFICIALS FOR SERIOUS ABUSES OF AUTHORITY;

(C) RECOGNITION THAT SOME POSITIVE STEPS HAVE BEEN MADE, SUCH AS REDUCTION IN NUMBER OF EXILES, GREATER FREEDOM OF

EMIGRATION, PARTIAL EASING OF RESTRICTIONS ON FREEDOM OF EXPRESSION, INCLUDING EXISTENCE OF AN OPPOSITION PRESS, THE FACT THAT THE INTERNATIONAL COMMITTEE OF THE RED CROSS IS ALLOWED TO VISIT SOME PRISONERS, AND THAT CHILE HAS RECENTLY SIGNED THE UN AND OAS CONVENTIONS ON TORTURE;

(D) EMPHASIS ON THE THEME THAT CHILE'S RETURN TO FULL DEMOCRACY UNDER A CIVILIAN GOVERNMENT CHOSEN IN A FAIR, FREE, AND OPEN ELECTION WILL PROVIDE THE BEST GUARANTEE FOR ASSURING RESPECT FOR HUMAN RIGHTS;

(E) ENCOURAGE THE GOVERNMENT OF CHILE TO CONTINUE STEPS TO REGISTER THE LARGEST POSSIBLE NUMBER OF VOTERS, AND TO FURTHER FACILITATE THE PARTICIPATION OF POLITICAL PARTIES;

(F) ACKNOWLEDGEMENT OF THE COOPERATION GIVEN BY THE GOVERNMENT TO THE UN SPECIAL RAPPORTEUR; AS WELL AS RECOGNITION OF THE FACT THAT THE GOC DOES ALLOW A WIDE RANGE OF INTERNATIONAL FIGURES TO VISIT CHILE AND TO REACH THEIR OWN CONCLUSION ON THE HUMAN RIGHTS SITUATION; AND

(G) CLEAR DISAPPROVAL OF VIOLENCE, FROM ALL SOURCES, WITH THE [POSSIBLE] MENTION OF THE MOST RECENT CYCLE OF VIOLENCE WHICH BEGAN WITH THE ASSASINATION ATTEMPT AGAINST GENERAL PINOCHET. IT IS IMPORTANT THAT THE RISKS TO HUMAN RIGHTS AND POLITICAL PROGRESS POSED BY THE MUTUALLY REINFORCING VIOLENT ACTIONS OF THE POLITICAL EXTREMES BE ACKNOWLEDGED, AND THAT THE RESOLUTION NOT IMPLY THAT THE GOVERNMENT IS THE ONLY PERPETRATOR AND THE SOLE CAUSE OF VIOLENCE.

(Kim would)

we don't like proposed NSC changes

10. DEPARTMNENT REQUESTS THAT MISSION KEEP US INFORMED OF DEVELOPMENTS CONCERNING THIS QUESTION, AND APPROACHES MADE BY WEOG AND OTHERLIKE-MINDED NATIONS ON THIS ISSUE. REPORTING FROM INFO ADDRESSESS ON QUERIES THEY RECEIVE ARE ALSO DESIRED. PLEASE KEEP USUN NEW YORK INFORMED AS WELL. YY

COPENHAGEN PRIORITY
BUENOS AIRES PRIORITY
CARACAS PRIORITY
SAN JOSE PRIORITY
BOGOTA PRIORITY
MONTEVIDEO PRIORITY
BRUSSELS PRIORITY
SANTIAGO PRIORITY
MEXICO PRIORITY YY

and included the discovery of a cache of weapons.

(Kim)

[illegible]

11/4/87

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DEPARTMENT FOR ARA/SC

Chile Project (#S199900030)
U.S. Department of State
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Exemption(s)

E.O. 12356: N/A
TAGS: CASC, PHUM, CI (LETELIER MOREL, JUAN PABLO)
SUBJ: JUAN PABLO LETELIER DETAINED IN DEMONSTRATION, AND HIS APARTMENT ROBBED

1. LETELIER AND A TOTAL OF 400 OTHERS WERE DETAINED AS A RESULT OF A FREE ELECTIONS DEMONSTRATION IN WHICH THEY TOOK PART ON SATURDAY, OCTOBER 31. LETELIER SAID THAT HE WAS DETAINED IN A POLICE STATION FOR ABOUT TEN HOURS AND THEN RELEASED, AS WERE THE REST OF THOSE DETAINED. HE SAID THAT HE HAD MADE NO CLAIM OF U.S. CITIZENSHIP, AND THOUGHT THAT HIS CAPTORS DID NOT KNOW THAT HE WAS ANYONE SPECIAL, BUT HAD ONLY ARRESTED HIM AS A DEMONSTRATOR. HE WAS NOT MISTREATED OR SINGLED OUT FROM THE REST OF THE ARRESTEES IN ANY WAY.

2. THE EVENING OF THE FOLLOWING DAY SOMEONE BROKE INTO HIS APARTMENT AND STOLE PHOTOGRAPHIC EQUIPMENT, MONEY, AND THE CHECKBOOK FOR THE U.S. JOINT CHECKING ACCOUNT HE HAS WITH HIS MOTHER. HIS FILES WERE STREWN OVER THE FLOOR, BUT HE DID NOT THINK ANY HAD BEEN STOLEN. LETELIER SAID THAT THE POLICE HAD COMMENTED, WHEN THEY CAME TO INVESTIGATE, THAT IT WAS ODD THAT THE THIEVES HAD LEFT BEHIND SEVERAL VALUABLE THINGS, SUCH AS HIS TV SET,
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PAGE 02 SANTIA 08700 042050Z

THAT A NORMAL THIEF WOULD HAVE STOLEN. NEVERTHELESS, THERE WAS NOTHING OTHER THAN CONSECUTIVE DATES TO LINK THE ROBBERY WITH LETELIER'S DETENTION, AND NOTHING OTHER THAN THE ODD PATTERN OF THINGS STOLEN AND LEFT BEHIND TO SUGGEST THAT THE INCIDENT WAS ANYTHING OTHER THAN AN ORDINARY ROBBERY.BARNES

[illegible]

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United States Department of State

EXCISE

Washington, D.C. 20520

NOVEMBER - 4 1987

Dear Senator Adams:

This is in response to your inquiry concerning a group of political prisoners in Chile. Your inquiry was on behalf of your constituent [redacted]. [redacted] letter seemed to refer to fifteen persons who are facing death sentences for separate crimes, including the killing of the military governor of Santiago, a robbery in which bank guards were killed, and others. All but one of the prisoners are affiliated with MIR, the revolutionary leftist organization in Chile. The cases of four of them are currently in the military court of appeals, which is composed of three military and two civilian judges. If their sentences were upheld there, they would have the right to appeal to the Chilean Supreme Court. The cases of the eleven other persons are at an earlier stage of the judicial process.

The death sentence is rarely used in Chile. The last time it was carried out was early in 1985, when two former members of the Carabineros (national police) were executed.

I hope this information is useful to you and your constituent. If we can be of further assistance to you, please do not hesitate to contact us.

With best wishes,

Sincerely,

Chile Project (=S199900030)
U.S. Department of State
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Exemption(s) B6

J. Edward Fox
Assistant Secretary
Legislative Affairs

Enclosures:
Correspondence returned.

The Honorable
Brock Adams,
United States Senate.

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ARA# 87-2252, FAIM# 1200600

Clearances:ARA/SC:RHopper
ARA/SC:PDeShazo
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HA:KBarmon (subs)

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Chile Subject (1970-1988-0760) (1990030)

U.S. Department of State
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United States Department of State
Washington, D.C. 20520

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NOVEMBER - 4 1987

Dear Senator Stafford:

This is in response to the inquiry you made on behalf of a constituent concerning the United States involvement in the overthrow of the Allende government and the disappearance and death of American newsman Charles Horman in Chile.

These are very complex subjects and it would be difficult to provide a brief response that is adequate. For a thorough examination of the events of that period, including testimony by State Department and other U.S. Government officials, I would refer your constituent to the transcript of hearings held July 1-September 18, 1974 before the House Foreign Affairs Committee on "United States and Chile during the Allende Years, 1970-1973". This public document is available in many libraries and for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

Regarding Mr. Horman, records indicate that from the moment he disappeared the Department of State undertook intensive efforts to locate him and to learn the circumstances of his disappearance and death. These efforts continued for eight years and included an internal investigation of the possibility that U.S. government officials might have condoned or failed to act effectively in Horman's disappearance and death. No light was shed upon the circumstances of his death and little upon the circumstances of his disappearance, and nothing was found to support the charge of complicity or negligence on the part of U.S. officials.

I hope this information is useful to you and your constituent. If we can be of further assistance, please do not hesitate to contact us.

With best wishes,

Sincerely,

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J. Edward Fox
Assistant Secretary
Legislative Affairs

Enclosures:
Correspondence returned.

The Honorable
Robert T. Stafford,
United States Senate.

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Draft:ARA/SC:WGrant
11/02/87 647-2296
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Clearances:ARA/SC:RHopper
ARA/SC:PDeShazo
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HA:KBarmon (subs)

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NRC PASS H.DENTON/R.HAUBER, IP

FROM UNVIE MISSION

E.O. 12356: DECL:OADR
TAGS: IAEA, ENRG, TRGY, KNNP, MNUC, KSCA, BR
SUBJECT: REQUEST FOR MODIFICATION OF URANIUM SUPPLY
- AGREEMENT WITH MEXICO

REF: USVIENNA 1000

1. MEXICAN AMBASSADOR CUEVAS-CANCINO CALLED ON CHARGE NOVEMBER 2 TO PRESENT AIDE MEMOIRE (TEXT IN PARA 3 BELOW) REQUESTING THAT U.S.G. ALLOW CONTINUED USE OF 1400 FUEL ELEMENTS AT NATIONAL POLYTECHNICAL INSTITUTE IN MEXICO CITY DESPITE THE INSTITUTE'S INABILITY TO PAY ANNUAL USE AND CONSUMPTION CHARGES OF U.S. DOLS 34,000. CUEVAS-CANCINO NOTED THAT THE FEES HAVE BEEN PAID EACH
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PAGE 02 USVIEN 01560 041320Z

YEAR SINCE THE FUEL ELEMENTS WERE PROVIDED IN 1966, BUT THAT THE PRESENT BUDGETARY SITUATION PRECLUDES PAYMENT AT THIS TIME. HE ESTIMATED THAT THE "SUSPENSION" OF PAYMENTS

WOULD PROBABLY BE NECESSARY FOR SOME FIVE YEARS, AFTER WHICH REGULAR PAYMENTS COULD BE RESUMED AND--IF NECESSARY--THE FIVE YEARS OF ARREARAGES COULD BE LIQUIDATED.

2. ACCORDING TO CUEVAS-CANCINO, PAYMENTS HAVE BEEN MADE TO IAEA WHICH HAS THEN TRANSFERRED FUNDS TO U.S.G. HE INITIALLY APPROACHED IAEA EXTERNAL RELATIONS DIRECTOR HERZIG ON THE MATTER, BUT WAS TOLD THAT IT SHOULD BE RAISED INSTEAD WITH U.S.G.

3. BEGIN TEXT OF AIDE MEMOIRE.

(1) THE BOARD OF GOVERNORS APPROVED, ON THE 15TH, JUNE, 1966, A SUPPLY AGREEMENT FOR THE PROVISIONS BY THE AGENCY OF THE ASSISTANCE REQUESTED BY MEXICO.

(2) THIS ASSISTANCE WAS PROVIDED IN ORDER TO SET UP A PROJECT CONSISTING OF A SUB-CRITICAL TRAINING FACILITY (MODEL 9000 NUCLEAR CHICAGO SUB-CRITICAL TRAINING FACILITY) FOR WHICH MEXICO RECEIVED 1400 FUEL ELEMENTS.

(3) THESE ELEMENTS, LEASED TO MEXICO BY THE AGENCY, WERE PROVIDED BY THE UNITED STATES GOVERNMENT. SINCE THE DATE OF DELIVERY, MEXICO HAS BEEN PAYING YEARLY FEES FOR A USE CHARGE AND FOR A CONSUMPTION CHARGE OF SAID FUEL ELEMENTS. THESE FEES AMOUNT TO U.S. DOLS 34,000 PER YEAR.

(4) THE SUB-CRITICAL TRAINING FACILITY HAS BEEN, SINCE 1966, A VITAL EDUCATIONAL INSTRUMENT IN THE UNITY OF UNCLASSIFIED

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PAGE 03 USVIEN 01560 041320Z

PHYSICS AND MATHEMATICS OF THE NATIONAL POLYTECHNICAL INSTITUTE IN MEXICO CITY. MANY OF THE NUCLEAR-PHYSICISTS NOW INVOLVED IN THE LAGUNA VERDE PROJECT, HAVE RECEIVED TRAINING AT THE NATIONAL POLYTECHNICAL INSTITUTE. IT IS THE CONSIDERED OPINION OF THE INSTITUTE AUTHORITIES THAT THE SUB-CRITICAL TRAINING FACILITY UNIT IS ESSENTIAL FOR THE ADEQUATE DEVELOPMENT OF NUCLEAR EDUCATION IN MEXICO.

(5) UP TO 1987, THE YEARLY FEES HAVE BEEN PAID. FOR THE FUTURE, UNFORTUNATELY, AND WITH THE TREMENDOUS DEVALUATION OF THE MEXICAN CURRENCY, AS WELL AS THE LIMITATIONS IMPOSED ON THE NATIONAL BUDGET THROUGH OVERALL CUTS, THE PAYMENT OF THE FEES BECOMES ALBEIT IMPOSSIBLE FOR THE

NATIONAL POLYTECHNICAL INSTITUTE.

(6) THE VITAL IMPORTANCE OF THE FUTURE USE OF THE SUB-CRITICAL TRAINING FACILITY IS EVIDENT. DURING THE PAST TWENTY YEARS, THE TERMS OF THE AGREEMENT, AND THE PAYMENT OF THE FEES, HAVE BEEN KEPT. FOR THE FUTURE, IT IS HOPED THAT THE UNITED STATES GOVERNMENT COULD ALLOW THE NATIONAL POLYTECHNICAL INSTITUTE TO CONTINUE TO USE THE 1400 FUEL ELEMENTS OF THE SUB-CRITICAL TRAINING FACILITY ON A LEND-LEASE BASIS. END OF TEXT.

4. ACTION REQUESTED. MISSION REQUESTS GUIDANCE ON RESPONDING TO CURRENT MEXICAN REQUESTS. MISSION ALSO AWAITS RESPONSE TO SIMILAR PREVIOUS REQUEST BY MEXICAN GOVERNMENT IN AUGUST OF THIS YEAR WHICH WAS FORWARDED IN REFTEL. FRISBIE

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PAGE 01 LIMA 13273 01 OF 05 041750Z
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~~C O N F I D E N T I A~~ L SECTION 01 OF 05 LIMA 13273

USCINCSO ALSO FOR POLAD JOHN YOULE

E.O. 12356: DECL: OADR
TAGS: PGOV, PHUM, PREL, PE
SUBJECT: POLITICAL WRAP-UP: OCTOBER 20-NOVEMBER 2

1. ~~CONFIDENTIAL~~ - ENTIRE TEXT.

2. TABLE OF CONTENTS

-- OVERVIEW (PARA 3)

-- GARCIA WATCH: RETURN TO PUBLIC ACTIVITY HAS UPS AND DOWNS (PARA 4)

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-- YUGOSLAV PRESIDENT LAZAR MOJSOV VISITS PERU: DEBT INITIATIVE DISCUSSED (PARA 5)

-- A (NEW) DIFFERENT FUTURE? (PARA 6)

-- APRA PARAMILITARY SUSPECTS RELEASED (PARA 7)

-- ALANISTAS AND ALVISTAS STILL FIGHTING FOR CONTROL OF CONGRESS (PARA 8)

-- MARXIST CGTP REELECTS TOP LEADERS (PARA 9)

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-- UPCOMING EVENTS (PARA 10)

-- POLITICAL EVENTS REPORTED SEPARATELY (PARA 11)

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3. OVERVIEW

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THE BANK EXPROPRIATION SAGA AND THE WAVE OF STRIKES THAT HAS AFFECTED THE PUBLIC SECTOR SINCE THE BEGINNING OF SEPTEMBER CONTINUED TO DOMINATE HEADLINES THESE PAST TWO WEEKS. PRESIDENT GARCIA'S OCTOBER 25 PLEDGE TO REMAIN NEUTRAL IN THE BANK EXPROPRIATION LEGAL BATTLE WAS SEEN AT FIRST AS A GENUINE OFFER OF CONCILIATION. THIS PERCEPTION, HOWEVER, CHANGED SHORTLY THEREAFTER WHEN A CON-

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TROVERSIAL JUDGE WHO HAD OPPOSED THE GOVERNMENT'S INTERVENTION OF BANCO DE CREDITO AND BANCO WIESE WAS SUMMARILY DISMISSED BY THE SUPREME COURT WITHOUT THE BENEFIT OF A HEARING. THE HAND OF THE EXECUTIVE BRANCH WAS SEEN BEHIND THIS DISMISSAL. ON THE LABOR FRONT, AN ACROSS-THE-BOARD INCREASE FOR PUBLIC SECTOR EMPLOYEES, TEACHERS, AND NON-UNIONIZED WORKERS, AS WELL AS A SIGNIFICANT INCREASE IN THE MINIMUM WAGE ANNOUNCED OCTOBER 23, FAILED TO STOP ONGOING PUBLIC SECTOR STRIKES AND TO DISSUADE MARXIST *SUTEP (TEACHERS UNION) FROM STAGING* A TWO-DAY WARNING STRIKE ON OCTOBER 27-28. IN ADDITION TO THESE HEADACHES, THE GARCIA ADMINISTRATION IS NOW SUFFERING FROM A SERIOUS CREDIBILITY GAP LARGELY OF ITS OWN MAKING. CHIEFLY TO BLAME APPEARS TO BE GARCIA'S PENCHANT FOR SAYING ONE THING AND DOING THE OPPOSITE. LATEST EXAMPLE IS GARCIA'S NOMINATION OF A PERSON WITH TIES TO APRA AND A QUESTIONABLE PROFESSIONAL BACKGROUND AS COMPTROLLER GENERAL AFTER HAVING PROMISED IN HIS JULY 28 STATE OF THE UNION SPEECH TO CONSULT WITH THE OPPOSITION ON A POLITICALLY INDEPENDENT CANDIDATE TO FILL THE JOB. MOVES SUCH AS THIS MAY EXPLAIN WHY RECENT POLLS SHOW A CONTINUING AND STEADY DECLINE IN GARCIA'S POPULARITY, AS WELL AS IN PEOPLE'S CONFIDENCE IN HIS ADMINISTRATION AND WHY RESURFACING THE REELECTION ISSUE AT THIS TIME -- AS APRA

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CONGRESSMAN CARRASCO DID ON OCTOBER 27 --

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PAGE 01 LIMA 13273 02 OF 05 041753Z
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USCINCSO ALSO FOR POLAD JOHN YOULE

E.O. 12356: DECL: OADR
TAGS: PGOV, PHUM, PREL, PE
SUBJECT: POLITICAL WRAP-UP: OCTOBER 20-NOVEMBER 2

WAS NOT WELL RECEIVED.
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4. GARCIA WATCH: RETURN TO PUBLIC ACTIVITY
- HAS UPS AND DOWNS
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PRESIDENT GARCIA HAS BEEN IN THE PUBLIC EYE CONSTANTLY THE LAST WEEK OR SO. HE CAUSED A BRIEF SENSATION OCTOBER 29 WITH A TWO AND

[redacted] UNCLASSIFIED

A HALF HOUR EXTEMPORANEOUS EXPOSITION ON REFORMING PERUVIAN EDUCATION. A CLOSE READING OF HIS SPEECH LEFT US PUZZLED AS TO WHAT HE WANTS TO ACCOMPLISH, BEYOND MAKING PERUVIAN EDUCATION LESS THEORETICAL AND MORE VOCATIONAL. HIS CRITICISMS OF ELITISM HAD THE TELEPHONES RINGING OFF THEIR HOOKS AT THE EDUCATION MINISTRY THE FOLLOWING DAY, APPARENTLY FROM CONCERN THAT PRIVATE SCHOOLS MIGHT BE TAKEN OVER. EDUCATION MINISTRY SPOKESMEN PUT OUT THAT FIRE. ON OCTOBER 31, THE PRESIDENT MADE A STRONG STATEMENT OPPOSING ANY CONCESSIONS OR DIALOGUE WITH TERRORISTS. A NOVEMBER 1 CEREMONY MARKING COMPLETION OF A FEW FISHING BOATS WENT AWRY WHEN A UNION LEADER MADE PUBLIC CHARGES OF CORRUPTION BY IMPLICATION AGAINST FISHERIES MINISTER LEBARTHE (WHO WAS PRESENT), AND REFUSED TO BE SILENCED. THE PRESIDENT MANAGED TO TURN ASIDE THE CRITICISM AND LECTURE THE FISHERMEN NOT TO EXPECT GOVERNMENT TO SOLVE ALL THEIR PROBLEMS, BUT NOT BEFORE THE MEDIA HAD A FIELD DAY, TO GARCIA'S VISIBLE ANNOYANCE. A CONSTANT THEME IN THE PRESIDENT'S PUBLIC COMMENTS LATELY HAS BEEN THAT PERU HAS FORTUNATELY TAKEN TIMELY ACTION TO INSULATE ITSELF AGAINST THE WORLD RECESSION THAT "BLACK MONDAYS" ARE FORESHADOWING. THE MODERATE OPPOSITION PRESS (E.G., "CARETAS") IS HARPING ON THE PRESIDENT'S LACK OF CREDIBILITY FOLLOWING HIS FAILURE TO CONSULT AS PROMISED ON A NEW COMPTROLLER GENERAL.
~~CONFIDENTIAL~~

THE COVER OF "CARETAS" NOVEMBER 2 PORTRAYS THE PRESIDENT WITH A PINOCCHIO-LIKE NOSE.

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5. YUGOSLAV PRESIDENT LAZAR MOJSOV VISITS
- PERU: DEBT INITIATIVE DISCUSSED
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MOJSOV GAVE STRONG SUPPORT TO PERU ON DEBT BUT REFUSED TO BE DRAWN INTO AN INTERNAL DEBATE OVER EXPROPRIATION OF THE FINANCIAL SYSTEM IN A VISIT HERE OCTOBER 27-28. THE NON-ALIGNED MOVEMENT FIGURED LARGELY IN AN EXCHANGE OF TOASTS, BUT THERE WAS NOTHING SAID PUBLICLY ON NAM PRESIDENTIAL POLITICS

IN BILATERAL RELATIONS, PERUVIAN FINANCE MINISTER SABERBEIN SUGGESTED THAT PERU WAS MOVING TOWARD PAYMENT OF A SEVERAL MILLION DOLLAR DEBT TO YUGOSLAVIA, AND THERE WERE REPORTS THAT THE TWO COUNTRIES ARE CLOSE TO SIGNATURE OF AN AGREEMENT THAT COULD FINISH UP A LARGE IRRIGATION PROJECT (CHIRA-PIURA) IN NORTHERN PERU. MOJSOV ALSO EXPRESSED SUPPORT FOR A PERUVIAN IDEA TO HOST A SIX-NATION INITIATIVE ON DEBT -- AN ANALOGUE TO THE SIX-NATION DISARMAMENT INITIATIVE. FOREIGN MINISTER WAGNER TOLD NEWSMEN AFTER MOJSOV'S DEPARTURE THAT THE MFA IS WORKING ON SUCH A CONCEPT, WHICH IT HOPES TO BRING TO FRUITION "SOON," BUT OFFERED NO DETAILS BEYOND STATING THAT IT WOULD INVOLVE DEBTOR NATIONS FROM LATIN AMERICA, ASIA, AND AFRICA (NOT NECESSARILY EXCLUSIVELY). WAGNER TOLD THE AMBASSADOR THAT THIS WAS

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~~C O N F I D E N T I A~~ L SECTION 03 OF 05 LIMA 13273

USCINCSO ALSO FOR POLAD JOHN YOULE

E.O. 12356: DECL: OADR
TAGS: PGOV, PHUM, PREL, PE
SUBJECT: POLITICAL WRAP-UP: OCTOBER 20-NOVEMBER 2

JUST A GENERAL IDEA WITH NO FRAMEWORK OR
MEMBERSHIP (OTHER THAN DEVELOPING -- BUT
NECESSARILY "NON-ALIGNED" -- COUNTRIES
IN MIND.
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6. A (NEW) DIFFERENT FUTURE?
- ----------

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MIRANDA, ON OCTOBER 31 PRESIDENT GARCIA HELD A PRESS CONFERENCE TO ANNOUNCE THE SECOND EDITION OF HIS 1982 BOOK "A DIFFERENT FUTURE." PRESIDENT GARCIA CLAIMED THAT HIS 1985 DECISION TO LIMIT PAYMENTS ON THE DEBT MAY HAVE VACCINATED THE COUNTRY AGAINST POSSIBLE FUTURE EFFECTS OF THE OCTOBER 19 DROP IN THE U.S. STOCK MARKET. HE PREDICTED THAT THE UNITED STATES WOULD TRY TO COMBAT ITS OWN BUDGET DEFICIT PROBLEMS BY SEEKING TO ATTRACT FUNDS FROM LAT IN
AMERICAN, AFRICAN AND, TO A LESSER DEGREE, ASIAN COUNTRIES. THE U.S. DEFICIT PROBLEM, HE SAID, WAS FUELED BY THE STAGGERING AMOUNTS SPENT ON THE STAR WARS PROGRAM AND AGGRAVATED BY THE UNWILLINGNESS OF THE U.S. CONGRESS TO CUT SPENDING FOR SOCIAL PROGRAMS. HE ALSO SAID THAT THE UNITED STATES INVENTED THE BAKER PLAN TO COUNTER THE GROWING INFLUENCE OF THE PERUVIAN THESIS ON DEBT ON THE ECONOMIC THINKING IN OTHER COUNTRIES. (THIS IDEA HAS BEEN PREVALENT HERE SINCE IT FIRST APPEARED IN THE "NEW YORK TIMES" SEVERAL WEEKS AGO ATTRIBUTED TO FORMER TREASURY OFFICIAL ROBIN BROAD.)

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7. APRA PARAMILITARY SUSPECTS RELEASED

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CLAIMING INSUFFICIENT EVIDENCE, A LIMA DISTRICT ATTORNEY (FISCAL) HAS DROPPED CHARGES AGAINST MIGUEL RIOS SAENZ, THE SURVIVOR OF THE FAILED OCTOBER 2 BOMBING ATTACK AGAINST THE PRO-TERRORIST DAILY "EL DIARIO" (LIMA 12040). THE FISCAL ALSO ORDERED RIOS' RELEASE FROM POLICE DETENTION (HE WAS BEING TREATED FOR BOMB BLAST INJURIES IN THE POLICE HOSPITAL). SEVERAL HUMAN RIGHTS GROUPS AND MEDIA CONDEMNED THE FISCAL'S DECISION, POINTING TO NUMEROUS DISCREPANCIES IN RIOS' VERSION OF EVENTS. RIOS' RELEASE FOLLOWS THAT OF JAIME BEDON, THE APRA YOUTH LEADER WHO APPARENTLY SOUGHT TO KIDNAP A LEFTIST CONGRESSMAN (LIMA 12541).

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THERE ARE CIVIL SUITS PENDING AGAINST BOTH BEDON AND RIOS.

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8. ALANISTAS AND ALVISTAS STILL FIGHTING FOR CONTROL OF CONGRESS

PRESIDENT GARCIA AND HIS SUPPORTERS IN THE APRA PARLIAMENTARY CAUCUS WERE DEALT ANOTHER BLOW ON OCTOBER 29 WHEN THAT GROUP ELECTED CONGRESSMAN LUIS ALVARADO CONTRERAS (A 1986 IV GRANTEE) TO HEAD THIS BICAMERAL GROUP FOR THE NEXT YEAR. A DYED-IN-THE-WOOL OLD GUARD APRISTA, ALVARADO CONTRERAS TOLD US NOVEMBER 3 THAT HE HAD NOT CAMPAIGNED FOR

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PAGE 01 LIMA 13273 04 OF 05 041756Z
ACTION ARA-00

INFO	LOG-00	COPY-01	ADS-00	AID-00	INR-10	SS-00	CIAE-00
	EB-00	H-01	MSC-01	NSCE-00	NSAE-00	COME-00	SSO-00
	HA-09	L-03	LAB-04	TRSE-00	PM-10	PA-01	OMB-01
	STR-17	SIL-01	INM-07	INRE-00	OPM-01	USIE-00	SP-02
	SNP-01	C-01	PRS-01	P-02	T-01	/075 W	

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O 041752Z NOV 87
FM AMEMBASSY LIMA
TO SECSTATE WASHDC IMMEDIATE 3889
INFO AMEMBASSY BOGOTA
AMEMBASSY LA PAZ
AMEMBASSY QUITO
USAFSO HOWARD AFB PM
USCINCSO QUARRY HTS PM
DIA WASHDC

C O N F I D E N T I A L SECTION 04 OF 05 LIMA 13273

USCINCSO ALSO FOR POLAD JOHN YOULE

E.O. 12356: DECL: OADR
TAGS: PGOV, PHUM, PREL, PE
SUBJECT: POLITICAL WRAP-UP: OCTOBER 20-NOVEMBER 2

THE JOB BUT REALIZED THAT SUPPORTERS OF LUIS ALVA CASTRO HAD FAVORED HIM OVER GARCIA'S OWN CANDIDATE, CONGRESSMAN JUAN MANUEL CORONADO BALMACEDA. WE SUSPECT THAT ALVARADO CONTRERAS SOON WILL FIND HIMSELF IN MIDDLE OF THE COMPETING EFFORTS BY ALANISTAS AND ALVISTAS TO USE CONGRESS TO ADVANCE THEIR OWN POLITICAL AGENDAS. HOWEVER, WE PREDICT THAT ALVARADO CONTRERAS, A FEISTY AND DIMINUTIVE 59-YEAR-OLD LAWYER, WILL
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PAGE 02 LIMA 13273 04 OF 05 041756Z

UNCLASSIFIED

FIGHT LIKE A TERRIER TO KEEP CONGRESS

POLITICALLY INDEPENDENT FROM THE EXECUTIVE BRANCH AND TO DEMAND MORE PARTY DISCIPLINE FROM HIS COLLEAGUES IN THE APRA CAUCUS.

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9. MARXIST CGTP REELECTS TOP LEADERS

DELEGATES OF THE VIII NATIONAL CONGRESS OF THE GENERAL CONFEDERATION OF PERUVIAN WORKERS (CGTP) WHICH MET IN LIMA IN LATE OCTOBER REELECTED MOST OF THEIR MARXIST LEADERS TO ANOTHER THREE-YEAR TERM. AMONG THE TOP PEOPLE RETURNING ARE ISIDORO GAMARRA (PRESIDENT) AND VALENTIN PACHO QUISPE (SECRETARY GENERAL), BOTH PCP-M. DELEGATES ALSO GAVE THEIR LEADERS THE AUTHORITY TO SET A DATE FOR ANOTHER GENERAL STRIKE SIMILAR TO THE ONE-DAY STRIKE HELD MAY 19 OF THIS YEAR. MODERATE ELEMENTS (PCP-M) WITHIN THE CGTP LEADERSHIP ARE RELUCTANT TO CALL A STRIKE, HOWEVER, UNTIL THE ECONOMIC AND POLITICAL SITUATION GETS MUCH WORSE THAN IT IS NOW, WHICH THEY BELIEVE MAY HAPPEN EARLY NEXT YEAR.

10. UPCOMING EVENTS

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A GROUP OF TEN APRA CONGRESSMEN HEADED BY FIRST VICE PRESIDENT OF THE LOWER HOUSE WALTER CUESTAS WILL VISIT WASHINGTON NOVEMBER 9-11 TO LOOK INTO THE USE OF TECHNOLOGY AND INFORMATION SYSTEMS IN CONGRESS FOR IDEAS ON HOW TO MODERNIZE THE PERUVIAN LEGISLATIVE SYSTEM. PRESENT UNREST AND VIOLENCE IN THE MINING SECTOR COULD ESCALATE IF DELEGATES TO A NOVEMBER 6-7 FEDERATION OF MINERS CONGRESS DECIDE TO CALL A NATIONAL STRIKE. FOREIGN MINISTER WAGNER AND MOST OF HIS LATIN AMERICAN AFFAIRS SPECIALISTS WILL LEAVE FOR WASHINGTON BETWEEN NOVEMBER 6-8 TO ATTEND THE OASGA AND OTHER REGIONAL MEETINGS. DELEGATES TO MARXIST SUTEP (TEACHERS UNION) VII NATIONAL ASSEMBLY NOVEMBER 18-19 ARE EXPECTED TO ANALYZE THE RESULTS OF THEIR TWO-DAY WARNING STRIKE IN LATE OCTOBER AND TO DECIDE WHETHER TO AUTHORIZE THEIR LEADERS

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TO CALL AN INDEFINITE NATIONAL STRIKE IN SUPPORT OF THE UNION'S COLLECTIVE BARGAINING DEMANDS. THE NATIONAL POPULAR ASSEMBLY (ANP) -- AN ATTEMPT TO FORM A COMMON FRONT OF MARXIST STUDENT, CAMPESINO, LABOR, AND POLITICAL GROUPS -- IS SCHEDULED TO MEET IN VILLA EL SALVADOR NOVEMBER 19-22. ON THOSE SAME DATES, SEVERAL MARXIST CAMPESINO GROUPS ARE PLANNING A NATIONAL AGRARIAN SECTOR STRIKE TO PROTEST AGAINST THE GOP'S AGRARIAN POLICIES. ON NOVEMBER 26, AND REGARDLESS OF WHAT HAPPENS AT ITS EARLIER ASSEMBLY, SUTEP IS PLANNING TO HOST A MASSIVE

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PAGE 01 LIMA 13273 05 OF 05 041756Z
ACTION ARA-00

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	HA-09	L-03	LAB-04	TRSE-00	PM-10	PA-01	OMB-01
	STR-17	SIL-01	INM-07	INRE-00	OPM-01	USIE-00	SP-02
	SNP-01	C-01	PRS-01	P-02	T-01	/075 W	

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O 041752Z NOV 87
FM AMEMBASSY LIMA
TO SECSTATE WASHDC IMMEDIATE 3890
INFO AMEMBASSY BOGOTA
AMEMBASSY LA PAZ
AMEMBASSY QUITO
USAFSO HOWARD AFB PM
USCINCSO QUARRY HTS PM
DIA WASHDC

~~C O N F I D E N T I A~~ L SECTION 05 OF 05 LIMA 13273

USCINCSO ALSO FOR POLAD JOHN YOULE

E.O. 12356: DECL: OADR
TAGS: PGOV, PHUM, PREL, PE
SUBJECT: POLITICAL WRAP-UP: OCTOBER 20-NOVEMBER 2

DEMONSTRATION IN LIMA IN SUPPORT OF A SIGNIFICANT INCREASE IN THE NATION'S EDUCATION BUDGET. TO CLOSE THE MONTH, PRESIDENT GARCIA IS PLANNING TO ATTEND THE GROUP OF EIGHT MEETING SCHEDULED FOR MEXICO CITY NOVEMBER 27-28.

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11. POLITICAL EVENTS REPORTED SEPARATELY
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PAGE 02 LIMA 13273 05 OF 05 041756Z

-- 1990 ELECTIONS: LIMA 12612, 13043

-- STRIKES: LIMA 12614, 12760, 12875, 13112

-- COUP POSSIBILITIES: LIMA 12761

-- PARAMILITARY ACTIVITIES: LIMA 12788, 13108

-- POLITICAL BIAS IN THE COURTS: LIMA 13042

-- FUROR OVER NEW COMPTROLLER GENERAL: LIMA 13113

-- VISIT TO PUNO DEPARTMENT: LIMA 12922

-- INSURGENCY/TERRORISM UPDATE: LIMA 13115

-- HUMAN RIGHTS REPORT: LIMA 13116

WATSON

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*** Current Handling Restrictions *** n/a
*** Current Classification *** [redacted]

EXCISE KM255

Ch[illegible] (1988 0352900030)

United States Department of State
U.S. Department of State
Washington, D.C. 20520

Release_____ Excise X
Declassify: In Part_____ In Full_____
Exemption(s) B6

P B6

NOVEMBER - 4 1987

Dear Senator DeConcini:

This is in response to your inquiry concerning the disappearance in September, 1987 of five men in Chile: Jose Julian Pena Maltes, Manuel Jesus Sepulveda Sanchez, Alejandro Alberto Pinochet Arenas, Gonzalo Ivan Fuenzalida Nararrete and Julio Orlando Munoz Otarola. Your inquiry was on behalf of your constituent[illegible]

These five men, all known leftists, disappeared under mysterious circumstances about two weeks after kidnappers siezed a Chilean army colonel in Santiago. There has been no information about them since. As the letter from [illegible] pointed out, Chilean authorities have said they do not have information about what happened to the men. While some in Chile have speculated that their disappearance was a form of retaliation for the colonel's kidnapping, there has been no evidence or public announcements by any group to support that. A Chilean leftist group, the Manuel Rodriguez Patriotic Front, has claimed responsibility for the kidnapping of the colonel and issued demands in return for his release.

The United States Government continues to be concerned with reports of alleged human rights abuses in Chile, and we have consistently expressed our desire for thorough investigations of all mysterious disappearances.

I hope this information is useful to you and your constituent. If we can be of further assistance, please do not hesitate to contact us.

With best wishes,

Sincerely,

J. Edward Fox
Assistant Secretary
Legislative Affairs

Enclosures:
Correspondence returned.

The Honorable
Dennis DeConcini,
United States Senate.

1987 NOV -5 PM 2 13
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UNCLASSIFIED

Draft:ARA/SC:WGrant
11/02/87, 647-2296
SEARASC 659
ARA# 87-2491, FAIM# 1320805

Clearances:ARA/SC:RHopper
ARA/SC:PDeShazo
ARA/S: TJRose
R:
HA:KBarmon (subs)

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Case Number: S1999000030

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PAGE 01 STATE 343186
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APPROVED BY: D:JWHITEHEAD
ARA:RSGELBARD HA:PDOBRIANSKY
IO:NSSMITH EUR/RPE:PGARLAND
ARA/SC:RBHOWARD S/S :MKLOSSON
S/S-O:ROLSON

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AMEMBASSY MADRID PRIORITY
AMEMBASSY COPENHAGEN PRIORITY
AMEMBASSY BUENOS AIRES PRIORITY
AMEMBASSY CARACAS PRIORITY
AMEMBASSY SAN JOSE PRIORITY
AMEMBASSY BOGOTA PRIORITY
AMEMBASSY MONTEVIDEO PRIORITY
AMEMBASSY BRUSSELS PRIORITY
AMEMBASSY SANTIAGO PRIORITY
AMEMBASSY MEXICO PRIORITY

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

~~C O N F I D E N T I A L~~ STATE 343186

BRUSSELS ALSO FOR USEC, ROME ALSO FOR VATICAN

E.O. 12356: DECL: OADR
TAGS: UNGA, PREL, PGOV, PHUM, PINR, CI
SUBJECT: CONSIDERATION OF CHILE AT UNGA
~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 02 STATE 343186

1. (~~CONFIDENTIAL~~ ENTIRE TEXT.)

2. SUMMARY: THIS MESSAGE PROVIDES GUIDANCE FOR USUN AND ESSENTIAL BACKGROUND FOR INFO ADDRESSESS ON THE COMPONENTS OF A BALANCED RESOLUTION ON THE CHILE HUMAN RIGHTS SITUATION AT THE UNGA. PASSAGE OF A FAIR AND

UNCLASSIFIED

BALANCED HUMAN RIGHTS RESOLUTION ON CHILE WOULD AVOID SENDING MIXED SIGNALS ABOUT OUR COMMITMENT TO HUMAN *RIGHTS IMPROVEMENTS IN CHILE. END SUMMARY.*

3. THE DEPARTMENT BELIEVES THAT THE NEXT TWELVE MONTHS ARE LIKELY TO BE CRUCIAL TO THE SHAPE AND NATURE OF CHILE'S TRANSITION TO DEMOCRACY. THE GOC HAS RECENTLY TAKEN SOME POSITIVE HUMAN RIGHTS STEPS, BUT WITHOUT MATCHING POLITICAL CHANGE THEY ARE BASICALLY COSMETIC AND THERE IS NO GUARANTEE THEY WILL BE PERMANENT OR CHANGE THE NATURE OF THE REGIME. WITH THE CRUCIAL PRESIDENTIAL VOTE LIKELY TO OCCUR SOMETIME NEXT YEAR, IT IS IMPORTANT THAT WE UNDERLINE OUR SUPPORT FOR A RETURN TO FULL DEMOCRACY IN CHILE WHICH WE ARE CONVINCED IS THE SURE WAY

TO AVERT VIOLENT CHANGE WHICH FAVORS THE POLITICAL EXTREMES. THE USG STRONGLY SUPPORTS A PEACEFUL TRANSITION TO FULL DEMOCRACY AND INCREASED RESPECT FOR HUMAN RIGHTS. THE USG HAS ACTIVELY WORKED TOWARDS THOSE OBJECTIVES. WE HAVE MADE OUR VIEWS KNOWN CLEARLY IN CHILE WHERE IT COUNTS, WITH THE GOVERNMENT IN PRIVATE, AND IN STATEMENTS MEANT TO BE PERCEIVED BY THE CHILEAN PUBLIC.

4. ONE FORUM AVAILABLE TO US TO MAKE OUR VIEWS KNOWN ON THE NEED FOR A PEACEFUL TRANSITION TO DEMOCRACY AND AN ~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 03 STATE 343186

END TO HUMAN RIGHTS ABUSES IN CHILE IS THE ANNUAL HUMAN RIGHTS RESOLUTION ON CHILE OFFERED IN THE UN GENERAL ASSEMBLY--AND LATER IN THE MORE SPECIALIZED AND RESPONSIBLE UN HUMAN RIGHTS COMMISSION (UNHRC) IN GENEVA IN THE SPRING. LAST MARCH WE WERE ABLE TO JOIN CONSENSUS AT THE UNHRC ON A RELATIVELY BALANCED BUT STILL FLAWED HUMAN RIGHTS RESOLUTION ON CHILE. HOWEVER, THE USG HAS BEEN UNABLE TO JOIN CONSENSUS ON THE UNGA CHILE RESOLUTION FOR THE PAST SEVEN YEARS BECAUSE OF THE REGULARLY UNFAIR AND IMBALANCED NATURE OF THE TEXTS. LAST YEAR AT THE UNGA THE WEST EUROPEANS AND THE LATIN DEMOCRACIES ALL VOTED IN FAVOR OR ABSTAINED ON A CHILE RESOLUTION, CO-SPONSORED BY CUBA, WHICH WAS SO UNBALANCED THAT THE US WAS FORCED TO VOTE NO IN VIRTUAL ISOLATION. THE CHILEAN COMMUNIST PARTY, HAVANA AND MOSCOW HAVE SUBSEQUENTLY TRIED TO MISREPRESENT AND EXPLOIT OUR NEGATIVE VOTE AS A SIGN OF ALLEGED TOTAL SUPPORT FOR THE PINOCHET ADMINISTRATION.

5. WE WISH TO AVOID SUCH AN OUTCOME THIS YEAR, WHICH

WOULD SEND UNHELPFUL MIXED SIGNALS CONCERNING THE ADMINISTRATION'S STRONG COMMITMENT TO PROMOTING A *PEACEFUL DEMOCRATIC TRANSITION IN CHILE AS WELL AS* MEANINGFUL HUMAN RIGHTS IMPROVEMENTS. WE UNDERSTAND THAT MEXICO, CUBA AND OTHERS WILL, ONCE AGAIN, INTRODUCE A RESOLUTION ON HUMAN RIGHTS IN CHILE BUT THAT THEY MAY BE TEMPERED BY WEOG PRESSURE TO NEGOTIATE A MORE BALANCED TEXT THAT WOULD NOT BE ANATHEMA TO THE UNITED STATES. WEOG MEMBERS MAY HAVE ALREADY APPROACHED USMISSION NEW YORK WITH QUERIES ABOUT HOW THEY COULD BE HELPFUL IN THIS EFFORT.

6. OUR FIRST PRIORITY, IF POSSIBLE, IS TO FACILITATE PASSAGE OF A FAIR AND BALANCED RESOLUTION FOR WHICH WE WILL BE ABLE TO VOTE. WE BELIEVE IT WILL BE MORE EFFECTIVE FOR OTHER COUNTRIES TO TAKE THE LEAD AS ~~CONFIDENTIAL~~

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PAGE 04 STATE 343186

DRAFTERS AND PRINCIPAL CO-SPONSORS. IF THE TEXT OF THE

RESULTING RESOLUTION IS FAIR AND BALANCED AND IN LINE WITH THE ELEMENTS IN PARA 9, BELOW, WE WOULD, OF COURSE, BE PREPARED TO SUPPORT IT. IF THAT IS NOT POSSIBLE, AN ABSTENTION COMBINED WITH A STATEMENT OF US POLICY TOWARD CHILE WOULD BE AN ACCEPTABLE OUTCOME, ASSUMING ALSO THAT A NUMBER OF KEY MODERATE EUROPEANS (AND PERHAPS LATINS) FOLLOW A SIMILAR COURSE.

7. IT SHOULD BE UNDERSTOOD THAT PERIODIC CONSULTATION AND REVIEW OF THE TEXT WILL BE NECESSARY SINCE OUR FINAL DECISION WILL OBVIOUSLY BE BASED ON THE FINAL PROPOSED TEXT OF THE RESOLUTION--BOTH WHAT IS IN THE RESOLUTION, AND WHAT IS LEFT OUT. IN THIS REGARD, OTHER DELEGATIONS NEED TO UNDERSTAND THAT THE INCLUSION OF BIASED AND UNFAIR ELEMENTS HAVE A SERIOUS IMPACT ON OUR DECISION. WE WILL ALSO BE INFLUENCED BY THE SERIOUSNESS AND BASIC FAIRNESS OF THE ENTIRE PROCESS AND WILL NOT BE PART OF AN IDEOLOGICAL, CHILE-BASHING SPREE ORCHESTRATED BY CUBA AND THE LIKE, WHICH REEKS OF THE TYPE OF DOUBLE STANDARD WHICH HAS CHARACTERIZED SOME SUCH EFFORTS IN THE PAST.

8. ACTION REQUESTED: THE DEPARTMENT HAS PREPARED THE FOLLOWING TALKING POINTS FOR USE BY USUN IN RESPONDING TO QUERIES ABOUT WHAT WOULD CONSTITUTE, FOR THE USG, A FAIR AND BALANCED RESOLUTION ON CHILE. INFO ADDRESSESS MAY RESPOND TO QUERIES BY SUGGESTING THAT FRIENDLY INTERESTED MODERATES CONSULT WITH USUN ON HOW BEST TO ARRIVE AT A BALANCED RESOLUTION. IF ASKED, INFO ADDRESSESS MAY SHARE

ASSESSMENT OF ELEMENTS WE BELIEVE SHOULD BE ADDRESSED IN SUCH A FAIR AND BALANCED RESOLUTION.

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PAGE 05 STATE 343186

ILLUSTRATIVE ELEMENTS FOR A BALANCED RESOLUTION

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9. THE ELEMENTS WE SEE AS IMPORTANT TO A CONSTRUCTIVE AND BALANCED TEXT ON HUMAN RIGHTS IN CHILE ARE:

(A) A FAIR APPRAISAL OF THE CURRENT HUMAN RIGHTS SITUATION THAT EXPRESSES SERIOUS CONCERN OVER PERSISTENCE OF ABUSES, SUCH AS TORTURE, AND DEATHS OF POLITICAL OPPONENTS IN POLICE CUSTODY;

(B) EXPRESSES CONCERN AT THE GOVERNMENT'S FAILURE TO PUNISH SECURITY OFFICIALS FOR SERIOUS ABUSES OF AUTHORITY;

(C) RECOGNITION THAT SOME POSITIVE STEPS HAVE BEEN MADE, SUCH AS REDUCTION IN NUMBER OF EXILES, GREATER FREEDOM OF

EMIGRATION, PARTIAL EASING OF RESTRICTIONS ON FREEDOM OF EXPRESSION, INCLUDING EXISTENCE OF AN OPPOSITION PRESS, THE FACT THAT THE INTERNATIONAL COMMITTEE OF THE RED CROSS IS ALLOWED TO VISIT SOME PRISONERS, AND THAT CHILE HAS RECENTLY SIGNED THE UN AND OAS CONVENTIONS ON TORTURE;

(D) EMPHASIS ON THE THEME THAT CHILE'S RETURN TO FULL DEMOCRACY UNDER A CIVILIAN GOVERNMENT CHOSEN IN A FAIR, FREE, AND OPEN ELECTION WILL PROVIDE THE BEST GUARANTEE FOR ASSURING RESPECT FOR HUMAN RIGHTS;

(E) ENCOURAGE THE GOVERNMENT OF CHILE TO CONTINUE STEPS TO REGISTER THE LARGEST POSSIBLE NUMBER OF VOTERS, AND TO FURTHER FACILITATE THE PARTICIPATION OF POLITICAL PARTIES;

(F) ACKNOWLEDGEMENT OF THE COOPERATION GIVEN BY THE GOVERNMENT TO THE UN SPECIAL RAPPORTEUR; AS WELL AS RECOGNITION OF THE FACT THAT THE GOC DOES ALLOW A WIDE

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PAGE 06 STATE 343186

RANGE OF INTERNATIONAL FIGURES TO VISIT CHILE AND TO

REACH THEIR OWN CONCLUSION ON THE HUMAN RIGHTS SITUATION; AND

(G) CLEAR DISAPPROVAL OF VIOLENCE, FROM ALL SOURCES, WITH THE POSSIBLE MENTION OF THE MOST RECENT CYCLE OF VIOLENCE WHICH BEGAN WITH THE ASSASINATION ATTEMPT AGAINST GENERAL PINOCHET. IT IS IMPORTANT THAT THE RISKS TO HUMAN RIGHTS AND POOLITICAL PROGRESS POSED BY THE MUTUALLY REINFORCING VIOLENT ACTIONS OF THE POLITICAL EXTREMES BE ACKNOWLEDGED, AND THAT THE RESOLUTION NOT IMPLY THAT THE GOVERNMENT IS THE ONLY PERPETRATOR AND THE SOLE CAUSE OF VIOLENCE.

10. DEPARTMNENT REQUESTS THAT MISSION KEEP US INFORMED OF DEVELOPMENTS CONCERNING THIS QUESTION, AND APPROACHES MADE BY WEOG ANDOTHER LIKE-MINDED NATIONS ON THIS ISSUE. REPORTING FROM INFO ADDRESSESS ON QUERIES THEY RECEIVE ARE ALSO DESIRED. PLEASE KEEP USUN NEW YORK INFORMED AS WELL. SHULTZ

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United States Department of State

Washington, D.C. 20520

EXCISE

NOVEMBER - 4 1987

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Dear Senator Cranston:

This is in response to your inquiry concerning the disappearance in Chile of Daniel Palma Robledo. Your inquiry was on behalf of your constituent.

Unfortunately, very little is known about Robledo's disappearance. He disappeared in 1976, his car was found several months later and nothing more has been heard of him since. Similar cases from that time period remain open in Chile.

The United States Government continues to be concerned with reports of alleged human rights abuses in Chile, and we have consistently expressed our desire for thorough investigations of all mysterious disappearances.

I hope this information is useful to you and your constituent. If we can be of further assistance, please do not hesitate to contact us.

With best wishes,

Sincerely,

Chile Project (#S199900030)
U.S. Department of State
Release____ Excise X Deny____
Declassify In Part____ In Full____
Exemption(s) B6

J. Edward Fox
Assistant Secretary
Legislative Affairs

Enclosures:
Correspondence returned.

The Honorable
Alan Cranston,
United States Senate.

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1987 NOV -5 PM 2:14
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Draft:ARA/SC:WGrant
11/02/87 647-2296
SEARASC 660
ARA# 87-2074, FAIM# 1061001

Clearances:ARA/SC:RHopper
ARA/SC:PDeShazo
ARA/S: TTarnoff
H:
HA:KBarmon (subs)

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Case Number: S1999000030

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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

PAGE 01 SANTIA 08745 01 OF 02 061430Z
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~~C O N F I D E N T I A L~~ SECTION 01 OF 02 SANTIAGO 08745

DECAPTIONED

MILITARY HANDLE AS SPECAT

EO 12356: DECL: OADR
TAGS: PREL, PGOV, CI
SUBJ: CONVERSATION WITH PRESIDENCY MINISTER VALENZUELA

1. C - ENTIRE TEXT.

2. BACKGROUND. I HAD MY FIRST TALK IN OVER A YEAR WITH BRIGADIER GENERAL SERGIO VALENZUELA, MINISTER SECRETARY GENERAL OF THE PRESIDENCY AND THEREBY PINOCHET'S CHIEF OF STAFF. (DAS GELBARD AND I SAW HIM IN JULY, 1986). VALENZUELA AND I HAD BEEN GETTING TOGETHER EVERY SEVERAL MONTHS OVER BREAKFAST. BUT SINCE THE FALL OF 1986, HE HAS BEEN UNAVAILABLE, AN EARLY HARBINGER OF THE BOYCOTT THAT WAS APPLIED TO ME IN THE FIRST MONTHS OF 1987 BY OTHER MINISTERIAL LEVEL FIGURES. WHEN I RETURNED FROM HOME LEAVE, I LEFT WORD AT HIS OFFICE I WAS BACK AND ON TWO DAYS NOTICE GOT AN INVITATION FOR ONE OF OUR BREAKFASTS -- NOVEMBER 5. HE GAVE NO INDICATION THAT ANYTHING HAD TRANSPIRED AND WAS AS CORDIAL AS HE USED TO BE, THOUGH NOT MUCH MORE INFORMATIVE. I SUMMARIZE BELOW SOME OF HIS COMMENTS AS REFLECTING THE ATTITUDES OF A SENIOR ~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 02 SANTIA 08745 01 OF 02 061430Z

CHILEAN ARMY OFFICER, WHO WORKS DAILY WITH PINOCHET. END BACKGROUND.

3. HAVING RESPONDED TO MY QUESTION ABOUT HOW HE SAW THE COURSE OF THE US-CHILEAN RELATIONSHIP BY SAYING IT WAS "NORMAL," VALENZUELA THEN STARTED TO ARGUE

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CONFIDENTIAL

THAT THE UPS AND DOWNS IN THAT NORMALITY WERE LARGELY DUE TO US DISCRIMINATION AGAINST CHILE. HE CITED THE *UNBALANCED US CRITICISM OF CHILE'S HUMAN RIGHTS RECORD* AND THE EXAGGERATED EXPECTATIONS WE HAVE OF CHILE'S NEED TO RETURN TO DEMOCRACY. IN THE CASE OF MEXICO OR EGYPT, HE CLAIMED THE US NEVER BOTHERED ABOUT THEIR LACK OF DEMOCRACY AND OUR PRESIDENT WOULD RECEIVE THEIR PRESIDENT WITH ALL MANNER OF HONORS, WHILE PINOCHET WOULD GET ONLY A HARSH WELCOME, IF THAT. I COUNTERED BY SAYING NEITHER OUR NEIGHBORS, NOR COUNTRIES IN STRATEGIC AREAS LIKE THE MIDDLE EAST WERE AUTOMATICALLY EXEMPT FROM CRITICISMS BY THE US AND THAT IN ANY CASE IN THE CHILEAN SITUATION WE LIKE MOST OTHER DEMOCRATIC COUNTRIES HAD VERY HIGH EXPECTATIONS OF CHILE GIVEN ITS OWN DEMOCRATIC PAST.

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4. HE THEN ASKED ME HOW CHILE SEEMED TO ME NOW COMPARED TO WHEN I FIRST CAME TO CHILE. I NOTED TWO MAJOR DIFFERENCES: MUCH GREATER WEIGHT GIVEN TO US IDEAS AND ACTIONS THAN I HAD EXPECTED AND A MUCH GREATER CHILEAN SENSITIVITY AS WELL. AS HE HAD ON AT LEAST ONE OTHER OCCASION, VALENZUELA INSISTED THAT *THE US DID MAKE A SUBSTANTIAL DIFFERENCE IN CHILE*, WHICH WAS WHY HE HAD RAISED SOME OF THE POINTS HE HAD. HE ALSO THOUGHT WE WERE GUILTY OF MISJUDGING THE STRENGTH OF THE OPPOSITION, BY EXAGGERATING IT WAY OUT OF PROPORTION AND MINIMIZING THE GOVERNMENT'S
~~CONFIDENTIAL~~

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PAGE 03 SANTIA 08745 01 OF 02 061430Z

SUPPORT. I TOLD HIM I THOUGHT WE HAD A VERY REALISTIC VIEW OF BOTH, INCLUDING PINOCHET'S POPULARITY IN VARIOUS SECTORS OF THE SOCIETY.

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5. VALENZUELA THEN WANTED TO KNOW WHETHER WE WOULD SUPPORT THE RESULTS OF THE PLEBISCITE IF IT WERE CONDUCTED IN AN ABSOLUTELY FRAUD-FREE MANNER. MY RESPONSE FOCUSED ON THE IMPORTANCE OF CREATING AN ATMOSPHERE, AS THE SECRETARY HAD TOLD MINISTER GARCIA IN NEW YORK, WHICH WOULD MAKE IT CLEAR THAT CHILEANS HAD A CLIMATE OF REAL FREEDOM OF INFORMATION IN WHICH TO MAKE THEIR CHOICE. PRESS RESTRICTIONS LIKE THOSE EXTENDING THE BAN ON COMMUNIST PARTY ACTIONS TO INCLUDE ALL MANNER OF IDEAS THAT COULD BE CALLED "COMMUNIST" AND DETENTION OF PEACEFUL DEMONSTRATORS WHO WANTED COMPETITIVE ELECTIONS DIDN'T BODE WELL. MY JUDGMENT WAS THAT AS OF THIS MINUTE, PEOPLE IN THE US WERE AT BEST SKEPTICAL OF HOW FREE AND FAIR THE PLEBISCITE WOULD BE. VALENZUELA DID NOT ARGUE ABOUT

PRESS RESTRICTIONS, BUT SAID DEMONSTRATIONS COULDN'T BE ALLOWED TO GET IN THE WAY OF TRAFFIC FLOW. HE ALSO SAID ALL THE PROPER FORMS HAD TO BE OBSERVED AND THAT PERMISSION WAS BEING GIVEN FOR A DEMONSTRATION ON NOVEMBER 19.(THE CNT AND THE NATIONAL CIVIC ASSEMBLY HAVE REQUESTED PERMISSION FROM THE INTENDENTE OF SANTIAGO TO HOLD AN OUTDOOR RALLY IN O'HIGGINS PARK, BUT THE LOCATION WILL BE DECIDED BY THE INTENDENTE. THERE WAS AN INDICATION THAT THE INTENDENTE WOULD GIVE PERMISSION FOR THE RALLY TO BE HELD ON THE 16TH, BUT THE GROUP WENT BACK YESTERDAY (THURSDAY) TO PETITION

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PAGE 01 SANTIA 08745 02 OF 02 061431Z
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EO 12356: DECL: OADR
TAGS: PREL, PGOV, CI
SUBJ: CONVERSATION WITH PRESIDENCY MINISTER VALENZUELA

FOR THE 19TH. NO FINAL DECISION HAD BEEN DECIDED AS OF YESTERDAY AFTERNOON.) VALENZUELA ADDED THAT HE "HOPED" THERE WOULD BE NO VIOLENCE ON THE OCCASION.

6. I THEN ASKED HIM ABOUT THE REPORTS IN THE MORNING'S PRESS THAT PINOCHET HAD PROCLAIMED THAT THE PLEBISCITE COULD BE HELD AT ANY TIME. VALENZUELA PLAYED THE REPORTS DOWN. HE MAINTAINED THAT SINCE THE PLEBISCITE IS SEEN BY MANY PEOPLE AS LESS LEGITIMATE THAN AN ELECTION, THEN THE GOVERNMENT WOULD HAVE NO INTEREST IN CREATING FOR ITSELF FURTHER PROBLEMS OF PERCEPTION BY ADVANCING THE DATE WHICH WOULD MEAN THAT MANY PEOPLE WOULD NOT BE ABLE TO REGISTER TO VOTE. IN HIS JUDGMENT, THE GOAL THAT

JUNTA MEMBERS AND OTHERS HAD TALKED ABOUT, NAMELY SIX OF THE EIGHT MILLION POTENTIAL VOTERS, WAS STILL REASONABLE AND THAT COULD BE REACHED BY THE MIDDLE OF 1988. HE ADDED THAT HE FELT IF WE WERE REALLY ATTUNED ~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 02 SANTIA 08745 02 OF 02 061431Z

TO OUR OWN INTERESTS WE WOULD REALIZE THAT THE PRESENT CHILEAN REGIME WAS THE ONE THAT WOULD BEST SUIT THEM,AND THEREFORE WE OUGHT TO BE STRONGLY IN FAVOR OF ITS PROLONGATION.

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7. THIS LED TO A DISCUSSION OF THE ROLE OF THE POLITICAL PARTIES AND THE FACT THAT MOST OF THEM WERE HAVING TROUBLE FINDING ENOUGH PEOPLE WHO WERE WILLING TO DECLARE PUBLICLY THEIR ALLEGIANCE TO MEET THE PRESCRIBED QUOTA OF 35,000 ON A NATIONAL BASIS. VALENZUELA NOTED THAT CHILEANS, THOUGH VERY POLITICAL, WERE NOT "JOINERS" AND THAT AT SOME POINT THE GOVERNMENT MIGHT HAVE TO ASK FOR A DOWNWARD REVISION IN THE QUOTA. (COMMENT: IT WAS PINOCHET WHO FOR ALMOST TWO YEARS HELD OUT FOR 150,000 SIGNATURES BEFORE COMPROMISING ON 35,000).

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8. COMMENT: WHILE VALENZUELA IN MANY RESPECTS IS TYPICAL OF THE "OTHER WORLD" MENTALITY OF WHICH . GEN. GALVIN SPOKE AS CHARACTERIZING CHILEAN OFFICERS, HE ALSO WILL COME THROUGH ON OCCASION, AS IN TALKING ABOUT CHANGES IN THE POLITICAL PARTIES LAW OR ADVANCING THE PLEBISCITE DATE,WITH VERY REASONABLE COMMENTS. BEFORE I LEFT, I ASKED VALENZUELA IF HE HAD ANY ADVICE. HE SAID HE WOULD SIMPLY URGE THAT I KEEP TRYING TO LEARN AND BE VERY ATTENTIVE TO PARTICULARLY CHILEAN SENSITIVITIES.
BARNES

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EXCISE
Chile Project (#S199900030)
U.S. Department of State
Release_____ Excise_X___ Deny_____
Declassify: In Part_____ In Full_____
Exemption(s) B6

Nov. 8, 1987

Sen. Chic Hecht
302 Hart Senate Office Bldg.
Washington, DC 20510

Dear Sen. Hecht,

Amnesty International has asked me to write you about the enclosed Urgent Action appeal. Anything you can do to help would be greatly appreciated.

Yours truly,

[redacted]

UNCLASSIFIED

EXCISE UNCLASSIFIED

SENATOR BOB GRAHAM
11-10-87
DEC 7 1987
MIAMI DISTRICT OFFICE

P B6 L009b

November 10, 1987

Sen. Bob Graham
241f Dirksen Senate Office Building
Washington, D.C. 20510

nile Project (#S199900030)
J.S. Department of State
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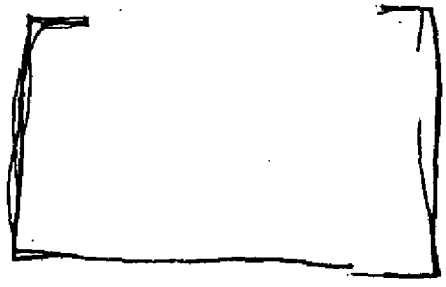
Dear Senator Graham:

Please review the attached copy of the Amnesty International Urgent Action which came out on October 2.

I urge you to inquire through the State Department, the Chilean Embassy and any other means at your disposal regarding these disappearances. If you receive any information with regard to these cases, please advise the Washington office of Amnesty International.

Thank you for your cooperation.



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UNCLASSIFIED
EXCISE

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LAWTON CHILES
FLORIDA

United States Senate

OFFICE USE ONLY

FROM (STAFF) Dean Saunders
REFERRED TO Keith Garcia
DATE 11-12-87 INITIAL CONTACT. YES X NO
VISITED ___ OFFICE DATE ___
PHONED ___ OFFICE DATE ___
"TOWN HALL MEETING" IN Plant City (CITY)

PLEASE PRINT

NAME: [redacted]

ORGANIZATION: [redacted]

ADDRESS: [redacted]

PHONE: [redacted] (Home) (Business)

Chile Project (#S199900030)
U.S. Department of State
Release ___ Excise X Deny ___
Declassify In Part ___ In Full ___
Exemption(s) B6

PLEASE BRIEFLY STATE YOUR CONCERNS:

[redacted] is a representative of Amnesty International Group 240, Tampa, Florida. She would appreciate the Senator's help in contacting the appropriate Federal agencies regarding the imprisonment of Dr. Ramiro Olivares Sanhueza and Dr. Juan Macaya Martinez in Chile because of alleged offenses under the Anti-terrorist Law and Arms Control Law. The attached information explains the situation in more detail. [redacted] feels the case is a really good one and feels that the Senator's influence can make a real difference.

She is also interested in the Moakley-DeConcini legislation which would provide temporary amnesty for Salvadorans and Nicaraguans. She hopes the Senator will support this legislation.

(USE REVERSE SIDE IF NEEDED)

If you have a problem with the Social Security or Veterans Administration, please also complete the applicable information requested below:

SOCIAL SECURITY INFORMATION: Social Security No.: ___

Indicate status of your claim:
___ Initial claim-------Date Filed: ___
___ Reconsideration-----Date Filed: ___
___ ALJ Hearing---------Date Filed: ___
___ Appeals Council-----Date Filed: ___

VETERANS ADMINISTRATION INFORMATION: Claim No.: ___

Type Benefits: ___ Compensation ___ Education Other ___

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REPLY TO: FEDERAL BUILDING, TAMPA, FL 33602

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PAGE 01 GUATEM 12166 01 OF 09 122253Z
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TO SECSTATE WASHDC 8091

[redacted] SECTION 01 OF 09 GUATEMALA 12166

ARA/CEN FOR MR. RICHARD DODSON

E.O. 12356: DECL:OADR
TAGS: PHUM, PGOV, GT
SUBJECT: 1987 COUNTRY REPORT ON HUMAN RIGHTS
PRACTICES: GUATEMALA

REF: STATE 276660

1. [redacted]

2. THE FOLLOWING IS THE DRAFT TEXT OF THE 1987 COUNTRY REPORT ON HUMAN RIGHTS PRACTICES FOR GUATEMALA, AS REQUESTED IN REFTEL.

3. BEGIN TEXT.

INTRODUCTION

IN ITS SECOND YEAR, GUATEMALAN DEMOCRACY CONTINUED TO TAKE ROOT DESPITE MANY CHALLENGES. THE HUMAN RIGHTS SITUATION IMPROVED, WITH A SMALLER NUMBER OF VIOLATIONS REPORTED, AND AN IMPROVED CAPACITY TO INVESTIGATE ALLEGED ABUSES. THE MARXIST GUERRILLA INSURGENCY, WHICH HAS PLAGUED THE COUNTRY FOR TWO DECADES, CONTINUED TO DECLINE. IN OCTOBER DIRECT TALKS WERE HELD IN MADRID [redacted]

[redacted]

BETWEEN GOVERNMENT OFFICIALS AND REPRESENTATIVES OF THE GUERRILLAS. AMONG THE MANY CHALLENGES THE GOVERNMENT FACED IN 1987 WAS Â LARGE PUBLIC EMPLOYEES' STRIKE DURING THE SPRING AND A MAJOR BUSINESS SHUTDOWN TO PROTEST TAX LEGISLATION IN OCTOBER, BOTH OF WHICH WERE

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RESOLVED THROUGH DIALOGUE AND WITHOUT LOSS OF LIFE. OTHER PROBLEMS INCLUDE A REPORTED STEEP INCREASE IN COMMON CRIME.

GUATEMALA'S INTERNATIONAL STANDING CONTINUED TO IMPROVE. AMONG THE MANY INTERNATIONAL VISITORS TO GUATEMALA IN 1987 WERE THE PRESIDENTS OF THE FEDERAL REPUBLIC OF GERMANY AND MEXICO, THE FOREIGN MINISTERS OF CANADA, EGYPT, JAPAN AND SWEDEN, AND MINISTERS FROM THE EUROPEAN COMMUNITY. IN ADDITION, THE SIGNING OF THE ESQUIPULAS II PEACE AGREEMENT IN GUATEMALA CITY BY THE PRESIDENTS OF THE FIVE CENTRAL AMERICAN COUNTRIES ENHANCED THE COUNTRY'S WORLDWIDE PRESTIGE.

A STEADY DECREASE IN THE NUMBER OF HUMAN RIGHTS VIOLATIONS CONTINUED. THE PRESENT DEMOCRATIC GOVERNMENT DOES NOT CONDONE THOSE THAT DO TAKE PLACE, AND POLITICALY-MOTIVATED KILLINGS AND KIDNAPPINGS IN 1987 OCCURRED WITH MUCH LESS FREQUENCY THAN IN THE EARLY 1980'S. THE UNITED NATIONS HUMAN RIGHTS COMMISSION PASSED A RESOLUTION IN MARCH 1987 RECOGNIZING THE IMPROVEMENTS WHICH HAVE OCCURRED. THE UN'S NEWLY-APPOINTED EXPERT FOR ADVISORY SERVICES VISITED GUATEMALA IN SEPTEMBER. THE MUTUAL SUPPORT GROUP (GAM) CONTINUED ITS EFFORTS TO HAVE THOSE RESPONSIBLE FOR PAST DISAPPEARANCES PUNISHED. TO ACHIEVE THIS, GAM LEADER MRS. NINETH DE GARCIA RECENTLY FILED A LEGAL COMPLAINT OUTLINING CHARGES AGAINST 17 INDIVIDUALS SHE SAID WERE

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SOLDIERS AND POLICEMEN. THIS CASE REPRESENTS A CHANGE IN GAM'S WILLINGNESS TO PURSUE A JUDICIAL REMEDY IN THE GUATEMALAN COURTS.

GUATEMALAN EFFORTS TO REFORM, CLEANSE AND IMPROVE THE EFFICIENCY OF THE JUDICIAL SYSTEM CONTINUE, AS DO INTENSE MEASURES TO INCREASE THE PROFESSIONALIZATION OF ITS POLICE FORCE. ASSISTANCE IN THESE ENDEAVORS HAS COME FROM MANY DEMOCRATIC NATIONS. A COMMISSION WAS FORMED IN LATE 1987 TO COORDINATE THE EFFORTS OF THE JUDICIAL, EXECUTIVE, AND LEGISLATIVE BRANCHES, TOGETHER WITH THE UNIVERSITIES AND THE BAR ASSOCIATION, IN A COHERENT PROGRAM TO IMPROVE THE ADMINISTRATION OF JUSTICE. DURING THE PAST YEAR THE NATIONAL POLICE HAS IMPROVED ITS EFFECTIVENESS AND IMAGE, AND HAS MOVED TO INITIATE PROCEEDINGS AGAINST MEMBERS WHO ARE ALLEGED TO HAVE COMMITTED CRIMINAL ACTS. THE SELECTION OF A HUMAN

RIGHTS OMBUDSMAN BY THE GUATEMALAN CONGRESS IN AUGUST WAS A LANDMARK EVENT. AS OF LATE 1987, THE OMBUDSMAN'S OFFICE WAS STILL IN THE PROCESS OF ORGANIZING, AND HAD YET TO UNDERTAKE ANY MAJOR INVESTIGATIONS.

THE INDEPENDENCE OF THE GUATEMALAN JUDICIARY WAS DEMONSTRATED THROUGHOUT 1987. A NOTEWORTHY EXAMPLE OF THIS WAS THE STRIKING DOWN BY THE CONSTITUTIONAL COURT OF POPULAR ANTI-CRIME LEGISLATION SUPPORTED BY THE INTERIOR MINISTRY WHICH WOULD HAVE ENHANCED THE ABILITY OF JUDICIAL AUTHORITIES TO HOLD REPEAT OFFENDERS IN CUSTODY PENDING TRIAL.

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PAGE 01 GUATEM 12166 02 OF 09 122254Z
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[redacted] SECTION 02 OF 09 GUATEMALA 12166

ARA/CEN FOR MR. RICHARD DODSON

E.O. 12356: DECL:OADR
TAGS: PHUM, PGOV, GT
SUBJECT: 1987 COUNTRY REPORT ON HUMAN RIGHTS

PRACTICES: GUATEMALA

ALTHOUGH SUFFERING FROM A RECESSION SINCE THE EARLY 1980'S, GUATEMALA HAS MANAGED TO STABILIZE ITS ECONOMY, AND A MODEST GROWTH IS EXPECTED FOR 1987. GUATEMALA CAN BE CHARACTERIZED AS A COUNTRY WITH A BADLY SKEWED DISTRIBUTION OF WEALTH. AMONG THE MEASURES UNDERTAKEN BY THE GOVERNMENT TO RAISE REVENUE TO ADDRESS SOCIAL PROBLEMS WAS A TAX REFORM PROPOSAL. THIS PROPOSAL MET WITH CONSIDERABLE RESISTANCE FROM THE PRIVATE SECTOR AND OPPOSITION POLITICAL PARTIES. NEVERTHELESS, THE ISSUE WAS RESOLVED PEACEFULLY.

SECTION 1: RESPECT FOR INTEGRITY OF THE PERSON, INCLUDING FREEDOM FROM:

A. POLITICAL KILLING

ALTHOUGH CRIMINAL VIOLENCE CONTINUED TO BE A SERIOUS PROBLEM IN 1987, THE NUMBER OF CASES IN WHICH A POLITICAL MOTIVE COULD NOT BE RULED OUT DECLINED [redacted]

[redacted]

SIGNIFICANTLY FOR THE FIFTH YEAR IN A ROW. EMBASSY ESTIMATES BASED ON OFFICIAL STATISTICS CALCULATE KILLINGS OF CIVILIAN NONCOMBATANTS DECLINED TO 56 FOR THE MONTHS JANUARY TO AUGUST 1987, AS COMPARED TO 111 FOR THE SAME PERIOD IN 1986. SOME OF THESE DEATHS PROBABLY HAD POLITICAL MOTIVES. CRIMINAL INCIDENTS IN WHICH MILITARY PERSONNEL OR POLICEMEN ARE INVOLVED STILL OCCUR, BUT WITH A SIGNIFICANTLY LOWER FREQUENCY AND WITH INCREASED LIKELIHOOD OF PROSECUTION.

THE CONTINUING DECREASE IN REPORTED POLITICAL KILLINGS CAN BE ATTRIBUTED TO THE EFFORTS BY THE CIVILIAN GOVERNMENT TO UPGRADE GUATEMALA'S INTERNATIONAL IMAGE AND REALIGN THE MILITARY AND SECURITY FORCES. THE PRESENT GOVERNMENT OF GUATEMALA IN NO WAY SANCTIONS DEATH SQUAD VIOLENCE AND IS ATTEMPTING TO IMPROVE THE CAPABILITY AND IMAGE OF ITS POLICE FORCE.

A HIGH RATE OF MURDERS FOR OTHER THAN POLITICAL REASONS CONTINUED IN 1987, INCLUDING CASES OF SUSPECTED VIGILANTE JUSTICE BY PRIVATE CITIZENS. ACCORDING TO NATIONAL POLICE STATISTICS, IN THE FIRST EIGHT MONTHS OF 1987, 1,183 PEOPLE WERE REPORTED MURDERED, AN AVERAGE OF

ALMOST 148 A MONTH. THIS IS SLIGHTLY LOWER THAN THE 1986 AVERAGE OF ALMOST 153 A MONTH. REPORTED CASES OF ASSAULT WITH INTENT TO KILL ROSE DRAMATICALLY FROM AN AVERAGE OF 424 A MONTH IN 1986, TO ALMOST 600 A MONTH IN 1987. A SIMILAR PATTERN IS EVIDENT IN REPORTED ARMED ROBBERIES, UP FROM AN AVERAGE 214 A MONTH IN 1986 TO 305 A MONTH THIS YEAR. CAUSES CITED FOR THIS RISE IN CRIME INCLUDE LOW WAGES, CONTINUING UNEMPLOYMENT, AND THE ACTIVITIES OF MANY UNEMPLOYED EX-SOLDIERS AND BODYGUARDS TRAINED IN THE USE OF ARMS. SOME OBSERVERS CONTINUE TO

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CITE THE HIGH RATE OF CRIMINAL VIOLENCE IN GUATEMALA AS A BASIS FOR CHARGES THAT POLITICAL KILLINGS CONTINUE UNABATED.
AMONG THE SUSPECTED POLITICAL MURDERS IN 1987 IS THE KIDNAP/MURDER OF EDGAR ARANA CASTILLO. FORMERLY ACTIVE WITH SUBVERSIVE ORGANIZATIONS, ARANA WENT INTO EXILE IN 1982 AFTER RECEIVING DEATH THREATS. HE RETURNED TO GUATEMALA WITH HIS FAMILY IN MARCH 1986. ABDUCTED MARCH 19, 1987 IN FRONT OF HIS HOME IN GUATEMALA CITY, HIS BODY WAS FOUND FLOATING IN A RIVER IN THE DEPARTMENT OF SANTA ROSA THE NEXT DAY. (HIS MURDER IS CONSIDERED AS BEING UNDENIABLY POLITICAL.) MANY BELIEVE THAT HE WAS KILLED BY SOMEONE IN THE ARMY AS A WARNING TO OTHER FORMER GUERRILLAS NOT TO RETURN FROM EXILE. MILITARY OFFICIALS, ON THE OTHER HAND, BELIEVE ARANA WAS KILLED BY THE GUERRILLAS FOR ABANDONING THEIR CAUSE.

ANOTHER MURDER SUSPECTED OF HAVING POLITICAL MOTIVATION IS THAT OF SAN CARLOS UNIVERSITY PSYCHOLOGY PROFESSOR RONALD OBDULIO VILLAGRAN MARIN. A FORMER PRESIDENT OF THE SAN CARLOS UNIVERSITY STUDENTS' ASSOCIATION (AEU) IN 1971-72, VILLAGRAN HAD RECEIVED DEATH THREATS SPORADICALLY SINCE 1980. A PREVIOUS ATTEMPT ON HIS LIFE IN 1981 FAILED, AND IN 1986 VILLAGRAN ESCAPED TWO KIDNAPPING ATTEMPTS. HE WAS KILLED BY A SHOT TO THE HEAD APRIL 10, 1987 INSIDE A TAVERN. THOSE CLOSE TO VILLAGRAN ASSERT THAT SOMEONE IN THE ARMY WANTED TO MAKE A POINT TO MEMBERS OF THE UNIVERSITY COMMUNITY WHO STILL ARE RESIDING ABROAD THAT THEY ARE NOT WELCOME IN GUATEMALA. THERE IS NO EVIDENCE TO SUBSTANTIATE THIS ALLEGATION, HOWEVER.

THE MURDER OF CHRISTIAN DEMOCRATIC CONGRESSMAN VICTOR VICENTE MOSCOSO MACHORRO OF THE DEPARTMENT OF CHIQUIMULA COULD ALSO BE CLASSIFIED AS BEING OF POSSIBLE POLITICAL

ORIGIN. CONGRESSMAN MOSCOSO WAS SHOT AND KILLED AUGUST

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PAGE 01 GUATEM 12166 03 OF 09 122256Z
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[redacted] SECTION 03 OF 09 GUATEMALA 12166

ARA/CEN FOR MR. RICHARD DODSON

E.O. 12356: DECL:OADR
TAGS: PHUM, PGOV, GT
SUBJECT: 1987 COUNTRY REPORT ON HUMAN RIGHTS
PRACTICES: GUATEMALA

8, 1987 BY A FORMER BODYGUARD OF THE MAYOR OF JOCOTAN, ALSO A MEMBER OF THE CHRISTIAN DEMOCRATIC PARTY. IN THE PAST YEAR, THE CITY OF JOCOTAN HAS ALSO WITNESSED THE MURDERS OF A UNION LEADER AND TWO CITY COUNCILMEN. INTERNAL POLITICAL STRUGGLES MAY HAVE LED TO THE MURDER OF CONGRESSMAN MOSCOSO AND OTHERS DURING 1987.

IN LATE OCTOBER, THE KIDNAP/MURDER OF AGRONOMIST DANILO SERGIO ALVARADO MEJIA AND RECENT UNIVERSITY OF SAN CARLOS GRADUATE RENE HAROLDO LEIVA CAYAX PROMPTED A PUBLIC OUTCRY IN QUETZALTENANGO. GOVERNMENT LEADERS HAVE PROMISED TO CONDUCT A THOROUGH INVESTIGATION, AND FIFTY POLICE INVESTIGATORS ARE CURRENTLY WORKING ON THE CASE.

A FEW OTHER WIDELY-PUBLICIZED CASES ALSO OCCURRED IN 1987 IN WHICH A POLITICAL MOTIVE WAS SUSPECTED. AMONG THOSE IS THE UNSOLVED KIDNAP/MURDER IN JANUARY 1987 OF MARIA ODILIA RAXJAL SISIMIT AND HER MOTHER MARIA ESTEBAN SISIMIT DE RAXJAL.

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PAGE 02 GUATEM 12166 03 OF 09 122256Z

IN 1987, A GUERRILLA INSURGENCY CARRIED OUT BY FOUR MARXIST ORGANIZATIONS CONTINUED TO PLAGUE THE CIVILIAN

GOVERNMENT. ACCORDING TO OFFICIAL STATISTICS, GUERRILLAS KILLED 53 SOLDIERS THROUGH THE MONTH OF AUGUST THIS YEAR. IN ADDITION, 31 GUERRILLAS, 8 CIVIL DEFENSE PATROLMEN, AND 54 CIVILIANS WERE REPORTED TO HAVE DIED AS A RESULT OF THE INSURGENCY. AMONG THOSE MURDERED BY THE INSURGENTS IN 1987 WERE THREE MILITARY COMMISSIONERS (CIVILIAN REPRESENTATIVES OF THE MILITARY) IN THE COMMUNITIES OF SANTIAGO ATITLAN, SOLOLA; EL ESTOR, IZABAL; AND QUETZALTENANGO. OTHERS KILLED BY THE LEFT INCLUDE FARM OWNERS AND MANAGERS IN THE DEPARTMENTS OF ESCUINTLA AND CHIMALTENANGO.

B. DISAPPEARANCE

FROM JANUARY THROUGH AUGUST 1987, THE NATIONAL POLICE REPORTED 87 KIDNAPPINGS TOOK PLACE, COMPARED TO 72 DURING THAT EIGHT-MONTH PERIOD IN 1986. KIDNAPPINGS WITH PRESUMED POLITICAL MOTIVES CONTINUED TO TAKE PLACE IN 1987. THE MOST PUBLICIZED CASE WAS THAT OF DEBORA CAROLINA VASQUEZ VELASQUEZ, WHO WAS ABDUCTED APRIL 15 IN GUATEMALA CITY. MS. VASQUEZ HAD BEEN LIVING ABROAD FOR SIX YEARS AND RETURNED TO GUATEMALA A FEW DAYS BEFORE HER ABDUCTION TO SPEND THE EASTER HOLIDAYS WITH HER FAMILY. (ONE OF HER SISTERS HAD BEEN KIDNAPPED AND KILLED IN 1981.) SHE WAS RELEASED NINE DAYS LATER, AFTER PUBLIC DENUNCIATIONS BY HER FATHER, A PROMINENT BANK EXECUTIVE, AND THE MUTUAL SUPPORT GROUP (GAM). THE FAMILY PUBLICLY BLAMED MEMBERS OF THE MILITARY FOR THE ABDUCTION. AFTER HER RELEASE, MS. VASQUEZ LEFT THE COUNTRY. FRIENDS ASSERTED THAT MS. VASQUEZ WAS KIDNAPPED AS A WARNING TO OTHER FORMER GUERRILLA

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SYMPATHIZERS NOT TO RETURN TO GUATEMALA.

THE JULY 27 KIDNAPPINGS OF ERNESTO TEMA PEREZ, THE LOCAL SECRETARY GENERAL OF THE SOCIAL DEMOCRATIC PARTY IN SIPACAPA, SAN MARCOS, AND HIS BROTHER JUAN TEMA PEREZ WERE ALSO HIGHLY PUBLICIZED. BOTH MEN WERE ABDUCTED FROM THEIR HOMES AT NIGHT AND ARE STILL MISSING AND PRESUMED DEAD. LEADERS OF THE GUATEMALAN DEMOCRATIC SOCIALIST PARTY DENOUNCED THE ABDUCTIONS IN CONGRESS, AND, IN CONJUNCTION WITH LEADERS OF OTHER POLITICAL PARTIES, HELD A MEETING AUGUST 20 WITH PRESIDENT CEREZO AND DEFENSE MINISTER GRAMAJO. THE MILITARY HIGH COMMAND AGREED TO INVESTIGATE TO ASCERTAIN IF MEMBERS OF THE MILITARY WERE INVOLVED.

EFFORTS TO LOCATE THE DISAPPEARED FROM PREVIOUS YEARS CONTINUED. THE ONLY VOCAL GUATEMALAN GROUP TO DEMAND INVESTIGATION INTO THESE DISAPPEARANCES IS THE MUTUAL SUPPORT GROUP (GAM). SINCE THE DEMOCRATIC REGIME OF PRESIDENT VINICIO CEREZO TOOK OFFICE IN JANUARY 1986, GAM LEADERS HAVE CALLED FOR AN INVESTIGATION INTO THE WHEREABOUTS OF DISAPPEARED PERSONS AND DEMANDED THAT THE PERPETRATORS OF THE ABDUCTIONS BE BROUGHT TO TRIAL. IN RESPONSE TO REPEATED DEMANDS BY THE GAM, CEREZO ANNOUNCED IN APRIL 1987 THE CREATION OF A COMMISSION, COMPOSED OF GOVERNMENT OFFICIALS, TO INVESTIGATE THE STATUS OF THE DISAPPEARED. AT THAT TIME, HE STATED THAT THE COMMISSION WOULD ISSUE A REPORT WITHIN THREE MONTHS. WHEN NO REPORT APPEARED, GAM MEMBERS PROTESTED BY OCCUPYING THE GUATEMALAN CONGRESS ON JULY 17. THE GOVERNMENTAL COMMISSION HAS YET TO ISSUE ITS REPORT OR TO PUBLICLY DEFINE ITS ROLE.

SINCE MID-1986, JUDGE OLEGARIO LABBE HAS BEEN INVESTIGATING WRITS FILED ON BEHALF OF MISSING PERSONS BY A NUMBER OF HUMAN RIGHTS ORGANIZATIONS. IN JULY

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PAGE 01 GUATEM 12166 04 OF 09 122257Z
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[redacted] SECTION 04 OF 09 GUATEMALA 12166

ARA/CEN FOR MR. RICHARD DODSON

E.O. 12356: DECL:OADR
TAGS: PHUM, PGOV, GT
SUBJECT: 1987 COUNTRY REPORT ON HUMAN RIGHTS
PRACTICES: GUATEMALA

1987, HE REPORTED THAT OF 1,367 WRITS RECEIVED, 108 INDIVIDUALS WERE ALIVE AFTER THE REPORTED DATE OF THEIR DISAPPEARANCES. MANY OF THESE CASES INVOLVED INDIVIDUALS WHO HAD DEPARTED FOR THE UNITED STATES OR WERE MISSING FOR ONLY A FEW DAYS. AT PRESENT, JUDGE LABBE IS FOCUSSING ON 20 CASES IN WHICH MISSING INDIVIDUALS HAD PASSPORTS ISSUED TO THEM. IN FOUR OF

THE CASES THE PASSPORTS WERE ISSUED AFTER THE REPORTED DISAPPEARANCE. IN OCTOBER, GAM LEADERS DEPARTED FROM THEIR PREVIOUS REFUSAL TO WORK WITH THE GUATEMALAN JUDICIAL SYSTEM AND PRESENTED A LEGAL COMPLAINT TO JUDGE LABBE. THEIR COMPLAINT ACCUSED 17 INDIVIDUALS, WHOM THEY SAID WERE SOLDIERS AND POLICEMEN, OF RESPONSIBILITY FOR DISAPPEARANCES WHICH OCCURRED IN 1983 AND 1984.

AS A WAY OF SAFEGUARDING THE HUMAN RIGHTS OF GUATEMALANS, THE SELECTION OF GONZALO MENENDEZ DE LA RIVA AS GUATEMALA'S FIRST HUMAN RIGHTS OMBUDSMAN ON AUGUST 4 FINALLY GAVE GUATEMALA AN OFFICIAL HUMAN RIGHTS ADVOCATE. AS OF THIS DATE, HIS OFFICE IS BEGINNING TO

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RECEIVE COMPLAINTS BUT IS NOT YET READY TO INITIATE INVESTIGATIONS.

THE SITUATION IN GUATEMALA TODAY BEARS LITTLE RESEMBLANCE TO THAT OF THE EARLY 1980'S. ALTHOUGH DISAPPEARANCES ARE UNDOUBTEDLY STILL TAKING PLACE, AND INDIVIDUALS WITH LINKS TO THE SECURITY FORCES ARE OCCASIONALLY INVOLVED, NEITHER CIVILIAN POLITICAL LEADERS NOR THE MILITARY LEADERSHIP SANCTION OR CONDONE POLITICALLY-MOTIVATED KIDNAPPINGS.

C. TORTURE AND OTHER CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT

REPORTS OF POLICE BRUTALITY CONTINUED TO SURFACE IN 1987. THE GUATEMALAN NATIONAL POLICE, UNDER THE COORDINATION OF THE INTERIOR MINISTRY, IS ACTIVELY WORKING TO IMPROVE ITS IMAGE AND PERFORMANCE. THROUGH TRAINING AND FOREIGN ASSISTANCE PROGRAMS FROM SEVERAL COUNTRIES, INCLUDING THE UNITED STATES, SPAIN, VENEZUELA AND THE FEDERAL REPUBLIC OF GERMANY, THE GUATEMALAN NATIONAL POLICE HAVE BEGUN TO REORGANIZE AND INSTITUTE CHANGES.

INSTANCES OF TORTURE ARE STILL REPORTED IN GUATEMALA, MANY OF WHICH ARE ALLEGED TO OCCUR IN CONNECTION WITH COMMON CRIME. INSTANCES ATTRIBUTABLE TO SECURITY FORCES ARE INFREQUENT. TORTURE IS NOT CONDONED BY THE AUTHORITIES AND THOSE GUILTY OF SUCH PRACTICES ARE SUBJECT TO PUNISHMENT.

PROSECUTION OF THOSE POLICE OFFICERS ACCUSED OF THE

UNAUTHORIZED SHOOTING DEATHS OF MRS. LUCRECIA DE UBICO

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IN AUGUST AND RAFAEL MORALES IN SEPTEMBER ARE EXAMPLES OF INSTANCES IN WHICH THE POLICE FORCE HAS TAKEN PROMPT ACTION AGAINST ITS OWN MEMBERS. THESE CASES BODE WELL FOR A STRONGER AND MORE THOROUGH INTERNAL INVESTIGATIONS UNIT.

DURING 1987 THERE WAS PUBLIC COMMENT REGARDING PRISON CONDITIONS. A MAJOR COMPLAINT REGARDED OVERCROWDING, AND THE CONGRESSIONAL HUMAN RIGHTS COMMITTEE INVESTIGATED THE SITUATION. MINISTER OF THE INTERIOR RODIL PUBLICLY STATED THAT IN ORDER TO RESOLVE THE PROBLEM, FOUR NEW PRISONS WOULD NEED TO BE BUILT BY DECEMBER 1, 1987. HOWEVER, THE LACK OF FINANCIAL RESOURCES HAS MADE THIS GOAL UNATTAINABLE.

IN 1987, THERE WERE NO KNOWN INCIDENTS IN WHICH GUERRILLAS TORTURED AND MUTILATED CAPTURED ARMY PERSONNEL, AS HAD OCCURRED IN 1986.

D. ARBITRARY ARREST, DETENTION, EXILE, OR FORCED LABOR

INSTANCES OF ARBITRARY ARREST ARE NOT FREQUENT IN GUATEMALA. ACCORDING TO THE GUATEMALAN CONSTITUTION, A PERSON CANNOT BE HELD FOR MORE THAN SIX HOURS WITHOUT BEING BROUGHT BEFORE A JUDGE AND FORMALLY CHARGED WITH A CRIME. CONSEQUENTLY, CASES MUST BE RUSHED TO A JUDGE, SOMETIMES WITH INSUFFICIENT EVIDENCE. THIS FREQUENTLY RESULTS IN SUSPECTED CRIMINALS BEING ALLOWED TO GO FREE. THE PURPOSE OF THIS REQUIREMENT IN THE 1985 CONSTITUTION WAS TO PREVENT ARBITRARY ARREST AND DETENTION.

INVOLUNTARY EXILE IS NOT USED AS A PUNISHMENT BY THE GUATEMALAN GOVERNMENT, AND ITS CRITICS ARE NOT ARRESTED AND CONVICTED ON UNSUBSTANTIATED CHARGES. THE PRACTICE OF COMPULSORY LABOR IS PROHIBITED BY LAW. CHARGES

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PAGE 01 GUATEM 12166 05 OF 09 122257Z
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[redacted] SECTION 05 OF 09 GUATEMALA 12166

ARA/CEN FOR MR. RICHARD DODSON

E.O. 12356: DECL:OADR
TAGS: PHUM, PGOV, GT
SUBJECT: 1987 COUNTRY REPORT ON HUMAN RIGHTS
PRACTICES: GUATEMALA

CONTINUE TO SURFACE THAT MEMBERS OF VOLUNTEER CIVIL DEFENSE PATROLS ARE FORCED TO DO UNRELATED TASKS WITHOUT COMPENSATION. DOCUMENTATION ON SUCH CASES IS SCARCE.

E. DENIAL OF FAIR PUBLIC TRIAL

THE LEGAL SYSTEM IN GUATEMALA HAS BEEN CHARACTERIZED AS INEFFICIENT AND CORRUPT, BUT IN 1987 EFFORTS TO IMPROVE THE JUDICIAL SYSTEM BEGAN TO BEAR FRUIT. EVEN SO, ONE POLICE OFFICIAL, IN COMMENTING ON THE INABILITY TO RETAIN SUSPECTS, SAID THAT IN ONE DEPARTMENT ALL THE PRISONERS ARRESTED IN A ONE-MONTH PERIOD WERE RELEASED. LEGISLATION SUPPORTED BY THE MINISTRY OF THE INTERIOR TO ENHANCE THE ABILITY OF JUDICIAL AUTHORITIES TO HOLD REPEAT OFFENDERS IN CUSTODY PENDING TRIAL WAS STRUCK DOWN BY THE CONSTITUTIONAL COURT DURING 1987.

PERSONS ARRESTED IN GUATEMALA ARE GUARANTEED THE RIGHT TO LEGAL COUNSEL AT ALL HEARINGS, AND LAWYERS ARE PROVIDED BY THE STATE IF THE DEFENDANTS CANNOT AFFORD [redacted]

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PAGE 02 GUATEM 12166 05 OF 09 122257Z

THEM. HOWEVER, THESE LEGAL SERVICES ARE USUALLY PROVIDED BY LAW STUDENTS. SINCE THE MAJORITY OF THE NATION'S LAWYERS LIVE IN OR NEAR GUATEMALA CITY, IT IS SOMETIMES DIFFICULT TO RETAIN LEGAL COUNSEL IN THE COUNTRYSIDE.

DEFENDANTS MAY BE RELEASED AT THE DISCRETION OF THE MAGISTRATE AFTER POSTING BAIL. HOWEVER, THE JUDICIAL MACHINERY IS CUMBERSOME AND SLOW, AND IT IS NOT UNUSUAL FOR DEFENDANTS TO SPEND SEVERAL MONTHS IN PRISON BEFORE THEIR GUILT OR INNOCENCE IS DETERMINED.

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POST IS NOT AWARE OF ANY PRISONERS OF CONSCIENCE OR POLITICAL PRISONERS BEING DETAINED IN GUATEMALAN PRISONS.

F. ARBITRARY INTERFERENCE WITH PRIVACY, FAMILY, HOME OR CORRESPONDENCE

THE GUATEMALAN CONSTITUTION GUARANTEES THE INVIOLABILITY OF THE THE HOME AND OF PERSONAL CORRESPONDENCE AND PRIVATE PAPERS. CASES IN WHICH THE PRIVACY OF THE HOME IS VIOLATED DO TAKE PLACE, BUT TEND TO BE ISOLATED INSTANCES INVOLVING ACTS OF CRIMINAL VIOLENCE AGAINST INDIVIDUALS OR PROPERTY. CHARGES THAT CORRESPONDENCE IS TAMPERED WITH CONTINUE TO BE HEARD. IN MOST OF THESE CASES, THE CULPRITS HAVE BEEN IDENTIFIED AS DISHONEST POSTAL EMPLOYEES LOOKING FOR CHECKS.

G. VIOLATIONS OF HUMANITARIAN LAW IN ARMED CONFLICTS

LIMITED ARMED CONFLICT IN THE FORM OF A DWINDLING INSURGENCY IS TAKING PLACE IN GUATEMALA. AN ESTIMATED 1,000 TO 1,200 COMMUNIST GUERRILLAS CONTINUE TO FIGHT IN [redacted]

REMOTE AREAS. DOCUMENTED CASES OF VIOLATIONS OF HUMANITARIAN LAW ARE FEW.

THE USE OF LAND MINES BY THE GUERRILLAS LED TO A NUMBER OF CIVILIAN INJURIES. AMONG THE CASES REPORTED IN 1987 WAS ONE IN WHICH A VEHICLE DETONATED A MINE AND THREE PASSENGERS WERE INJURED. IN ANOTHER HIGHLY PUBLICIZED CASE, A YOUNG BOY WAS SERIOUSLY INJURED WHEN HE STEPPED ON A LAND MINE.

OTHER VIOLATIONS INCLUDE MURDERS BY GUERRILLAS OF CIVILIANS SUCH AS FARM ADMINISTRATORS AND MILITARY COMMISSIONERS. ON APPROXIMATELY 50 OCCASIONS SO FAR THIS YEAR, GUERRILLAS HAVE STOPPED BUSES TO STEAL FOOD, MONEY AND BELONGINGS FROM PASSENGERS. RESIDENTS CONTINUE TO FLEE AREAS WITH HEAVY INSURGENT ACTIVITY.

DUE TO THE NATURE OF THE INSURGENCY, THE TAKING OF PRISONERS OF WAR BY THE MILITARY IS INFREQUENT. THOSE THAT ARE TAKEN ARE GIVEN THE CHOICE OF BEING GRANTED AMNESTY, BECOMING INFORMERS, OR REMAINING UNDER THE CUSTODY OF A MILITARY ZONE COMMANDER.

CHEMICAL WEAPONS ARE NOT USED BY EITHER THE GUATEMALAN MILITARY OR THE GUERRILLAS.

SECTION 2: RESPECT FOR CIVIL LIBERTIES, INCLUDING:

A. FREEDOM OF SPEECH AND PRESS

ALTHOUGH THERE IS NO FORMAL PRESS CENSORSHIP IN GUATEMALA, THE MEDIA CONTINUES TO EXERCISE A DEGREE OF SELF-CENSORSHIP ON CERTAIN SENSITIVE TOPICS, AND CHARGES OF CENSORSHIP WERE LEVELED AT THE GOVERNMENT FOR INITIALLY NOT ALLOWING THE AIRING OF SOME TELEVISION COMMERCIALS CRITICAL OF ITS TAX POLICY. ANOTHER

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PAGE 01 GUATEM 12166 06 OF 09 122259Z
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[redacted] SECTION 06 OF 09 GUATEMALA 12166

ARA/CEN FOR MR. RICHARD DODSON

E.O. 12356: DECL:OADR
TAGS: PHUM, PGOV, GT
SUBJECT: 1987 COUNTRY REPORT ON HUMAN RIGHTS
PRACTICES: GUATEMALA

PRESS-RELATED ISSUE BROUGHT TO THE FORE IN 1987 WAS A REQUIREMENT THAT RADIO AND TELEVISION CARRY GOVERNMENT-SUPPLIED BROADCASTING FOR FREE ON A DAILY BASIS.

THE REFUSAL OF A GOVERNMENT OFFICIAL TO ALLOW A SERIES OF SPOT POLITICAL TELEVISION ADVERTISEMENTS TO BE AIRED IN SEPTEMBER RESULTED IN CHARGES OF CENSORSHIP AGAINST THE GUATEMALAN GOVERNMENT. THE ANNOUNCEMENTS IN QUESTION WERE CRITICAL OF THE GOVERNMENT'S TAX REFORM MEASURES, AND WERE REJECTED BY GUATEMALA'S "DIRECCION

GENERAL DE RADIODIFUSION." UNDER GUATEMALAN RADIO COMMUNICATIONS LAW (WHICH GOVERNS BOTH TV AND RADIO BROADCASTING), ALL ADVERTISEMENTS MUST BE SUBMITTED TO THE DIRECCION GENERAL FOR APPROVAL. (NORMALLY ONLY

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THOSE SPOTS WHICH DO NOT HAVE MAJOR GUATEMALAN PARTICIPATION ARE REJECTED.) A GOVERNMENT OFFICIAL STATED THAT THE ADS WERE REJECTED BECAUSE THEY CONTAINED UNTRUE INFORMATION. THE OVERWHELMING MAJORITY OF THE

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PAGE 02 GUATEM 12166 06 OF 09 122259Z

ADS USED IN A MASSIVE ANTI-GOVERNMENT MEDIA BLITZ RAN UNMOLESTED. THE ADVERTISERS WERE ABLE TO OBTAIN A COURT INJUNCTION ("AMPARO") COUNTERMANDING THE GOVERNMENT OFFICIAL'S DECISION, AND THE ADS WERE BROADCAST.

THE REQUIREMENT THAT GUATEMALAN RADIO AND TELEVISION CARRY GOVERNMENT-SPONSORED BROADCASTING HAS BECOME A CONTENTIOUS ISSUE. UNDER A 1978 GUATEMALAN LAW, RADIO AND TELEVISION STATIONS CAN BE REQUIRED TO CARRY GOVERNMENT-PROVIDED BROADCASTING FOR URGENT ("TRANSCENDENTAL") MATTERS. PREVIOUSLY, THE STATIONS WERE ONLY OCCASIONALLY REQUIRED TO CARRY MAJOR NATIONAL EVENTS. SINCE MID-SUMMER, HOWEVER, THE GOVERNMENT HAS BEEN REQUIRING STATIONS TO CARRY GOVERNMENT-SUPPLIED SPEECHES AND REPORTS ON A DAILY BASIS. JOURNALISTS CHARGE THAT THIS REQUIREMENT IS AN ABUSE OF GOVERNMENTAL AUTHORITY.

AN INCIDENT IN MID-SUMMER ALSO CAUSED CONCERN WITHIN THE PRESS COMMUNITY. IT INVOLVED THE ARREST OF A NEWSPAPER REPORTER WHO WAS RETURNING TO THE POLICE A CAMERA HE APPARENTLY TOOK BY MISTAKE FROM A CRIME SCENE. THE ARREST WAS NOT REPORTED BY GUATEMALA'S PRESS DUE TO CONCERN FOR THE JOURNALIST'S REPUTATION AND SAFETY. THE REPORTER WAS RELEASED AFTER A WEEK'S DETENTION. BECAUSE THE REPORTER IN QUESTION SPECIALIZES IN INVESTIGATIVE REPORTING, SOME PRESS OBSERVERS VIEWED THE ARREST AS A VEILED WARNING AGAINST THIS SORT OF JOURNALISM.

THE LACK OF AGGRESSIVE INVESTIGATIVE REPORTING DEALING WITH THE MILITARY AND HUMAN RIGHTS VIOLATIONS IS DUE TO SELF-CENSORSHIP. THIS TRADITIONAL GUATEMALAN MEDIA RESTRAINT HAS CONTINUED INTO THE DEMOCRATIC

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PAGE 03 GUATEM 12166 06 OF 09 122259Z

ADMINISTRATION OF PRESIDENT CEREZO.

B. FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION

FREEDOM OF PEACEFUL ASSEMBLY AND POLITICAL ASSOCIATION EXISTS IN GUATEMALA. THESE RIGHTS ARE GUARANTEED IN THE GUATEMALAN CONSTITUTION, AND ARE FREELY EXERCISED. LABOR GROUPS, HUMAN RIGHTS ORGANIZATIONS AND POLITICAL PARTIES HAVE THE RIGHT TO MEET PEACEABLY AND HAVE DONE SO IN 1987 WITHOUT GOVERNMENT INTERVENTION.

THERE ARE THREE MAJOR TRADE UNION CONFEDERATIONS COMPOSED OF HUNDREDS OF SMALLER, ACTIVE LABOR UNIONS, AND MANY OTHER TYPES OF SMALLER LABOR GROUPINGS. THE LARGEST UNION CONFEDERATION IS THE GUATEMALAN CONFEDERATION FOR SYNDICAL UNITY (CUSG) COMPOSED OF 150,000 MEMBERS FROM 19 FEDERATIONS. THE CUSG IS A DEMOCRATIC GROUP WHICH RECEIVES SOME SUPPORT FROM THE AFL-CIO, AND IS FORMALLY AFFILIATED WITH THE INTERNATIONAL CONFEDERATION OF FREE TRADE UNIONS (ICFTU). THE SECOND LARGEST AND MOST ACTIVE CENTRAL IS THE COORDINATING COMMITTEE OF GUATEMALAN WORKERS (CGTG) WITH SIX FEDERATIONS AND A MEMBERSHIP ESTIMATED AT 23,500. THIS GROUP HAS A CHRISTIAN DEMOCRATIC ORIENTATION AND IS SYMPATHETIC TOWARDS THE GOVERNMENT. THE LEFTIST-ORIENTED UNION OF GUATEMALAN WORKERS' UNIONS (UNSITRAGUA) IS A LOOSE COALITION OF 33 UNIONS WITH APPROXIMATELY 12,000 MEMBERS.

THOUGH THESE UNION CONFEDERATIONS ARE FREE TO ORGANIZE, BARGAIN AND STRIKE, THE CGTG AND UNSITRAGUA HAVE YET TO OBTAIN LEGAL RECOGNITION. MANY LABOR LEADERS SEE THIS AS EVIDENCE OF STALLING BY THE MINISTRY OF LABOR. IN APRIL AND MAY, A MASSIVE PUBLIC EMPLOYEES' STRIKE WHICH ENCOMPASSED APPROXIMATELY 25,000 WORKERS ENDED WITHOUT INCIDENT. ITS SETTLEMENT WAS VIEWED AS A VICTORY BY THE

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PAGE 01 GUATEM 12166 07 OF 09 122300Z
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[redacted] SECTION 07 OF 09 GUATEMALA 12166

ARA/CEN FOR MR. RICHARD DODSON

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E.O. 12356: DECL:OADR
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SUBJECT: 1987 COUNTRY REPORT ON HUMAN RIGHTS
PRACTICES: GUATEMALA

GUATEMALA'S HUMAN RIGHTS ORGANIZATION, THE MUTUAL SUPPORT GROUP (GAM), CONTINUED TO HOLD NUMEROUS PROTEST MARCHES AND RALLIES DURING 1987. FOR 24 HOURS IN JULY THEY OCCUPIED THE GUATEMALAN CONGRESS BUILDING WITHOUT INCIDENT.

THERE ARE 12 LEGAL POLITICAL PARTIES RANGING FROM THE FAR-RIGHT TO THE DEMOCRATIC SOCIALIST PARTY, WHICH IS THE SOCIALIST INTERNATIONAL'S REPRESENTATIVE IN GUATEMALA. TEN OF THESE PARTIES ARE REPRESENTED IN CONGRESS. OTHER PARTIES ARE IN THE PROCESS OF ORGANIZING THEMSELVES FOR ELECTORAL PARTICIPATION. DURING THE YEAR, BOTH PRESIDENT VINICIO CEREZO AND DEFENSE MINISTER GEN. HECTOR GRAMAJO STATED THAT A LEGAL COMMUNIST PARTY COULD EXIST IN GUATEMALA. IN 1987, POLITICAL MEETINGS WERE NOT INTERFERED WITH BY SECURITY FORCES.

A DEMONSTRATION OF POLITICAL FREEDOM IN GUATEMALA OCCURRED IN LATE OCTOBER WHEN A SEMINAR ENTITLED [redacted]

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"SOLIDARITY FOR PEACE" WAS HOSTED IN PART BY GUATEMALA'S REPRESENTATIVE IN THE SOCIALIST INTERNATIONAL. IN ATTENDANCE WERE A NUMBER OF HIGH LEVEL SOCIAL DEMOCRATS FROM AROUND THE WORLD, INCLUDING A REPRESENTATIVE OF WILLY BRANDT, H.J. WISCHENEWSKI.

A MAJOR BUSINESS SHUTDOWN TOOK PLACE IN OCTOBER 1987 TO PROTEST THE GOVERNMENT'S NEW TAX PACKAGE AND MOST GUATEMALA CITY BUSINESSES WERE CLOSED FOR SEVERAL DAYS. NO ACTIONS WERE TAKEN AGAINST THE PRIVATE SECTOR ORGANIZERS OF THI PROTEST.

C. FREEDOM OF RELIGION

ALL RELIGIOUS DENOMINATIONS HAVE THE RIGHT TO PRACTICE FREELY IN GUATEMALA. MORE THAN 70 PERCENT OF GUATEMALA'S POPULATION IS ROMAN CATHOLIC. MANY INDIAN GROUPS, WHICH COMPRISE ROUGHLY 50 PERCENT OF THE NATION'S TOTAL POPULATION, MIX NATIVE BELIEFS WITH CATHOLIC PRACTICES. OVER 25 PERCENT OF GUATEMALANS NOW

PRACTICE PROTESTANT RELIGIONS, MOST OF WHICH ARE EVANGELICAL IN NATURE. THERE ARE ALSO SMALL COMMUNITIES OF JEWS, MORMONS, BAHAI'S AND BUDDHISTS.

TENSION BETWEEN THE NATION'S CATHOLIC HIERARCHY AND THE GROWING EVANGELICAL MOVEMENT CONTINUES, BUT FEW INSTANCES OF VIOLENT CLASHES ARE REPORTED IN 1987.

D. FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FOREIGN TRAVEL, EMIGRATION, AND REPATRIATION

THERE ARE NO LEGAL RESTRICTIONS ON FREEDOM OF MOVEMENT WITHIN THE COUNTRY AND WITH REGARD TO TRAVEL ABROAD.

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THE ONLY IMPEDIMENTS TO FREE MOVEMENT ARE OCCASIONAL GOVERNMENT AND GUERRILLA ROADBLOCKS. THE NATIONAL AND TREASURY POLICE CHECK VEHICLE REGISTRATIONS AND LOOK FOR SUSPICIOUS VEHICLES WHICH MIGHT BE STOLEN OR CARRYING STOLEN GOODS OR CONTRABAND. SOMETIMES THESE ROADBLOCKS CAN LEAD TO TRAGEDY, AS IN THE CASE OF LUCRECIA DE UBICO, WHO WAS SHOT AND KILLED IN AUGUST WHEN SHE DID NOT STOP AT AN UNAUTHORIZED POLICE ROADBLOCK. GUATEMALAN GUERRILLA GROUPS USE ROADBLOCKS TO OBTAIN GOODS AND MONEY FROM THE OCCUPANTS OF PASSING VEHICLES AND TO DISSEMINATE PROPAGANDA.

THE SITUATION WITH RESPECT TO REFUGEES HAS BEEN IMPROVING. GUATEMALA HAS CEASED TO BE A REFUGEE-GENERATING COUNTRY AND IS NOW A REFUGEE-RECEIVING COUNTRY. THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (UNHCR) ESTIMATES THE TOTAL NUMBER OF GUATEMALAN REFUGEES IN MEXICO HAS RISEN TO APPROXIMATELY 42,500 DUE SOLELY TO NATURAL INCREASE. APPROXIMATELY 800 RETURNED TO GUATEMALA DURING THE FIRST TEN MONTHS OF 1987. ABOUT 450 GUATEMALAN REFUGEES REMAIN IN HONDURAS. MOST OF THE REFUGEES ARE INDIANS FROM AREAS AFFLICTED BY INSURGENT ACTIVITIES.

THE CATHOLIC CHURCH, IN PARTNERSHIP WITH THE GOVERNMENT, IS GIVING LIMITED ASSISTANCE TO APPROXIMATELY 800 DISPLACED PERSONS WHO HAD BEEN LIVING IN AREAS OF GUERRILLA ACTIVITY IN THE HIGHLANDS. THESE DISPLACED PERSONS HAVE SOMETIMES BEEN LIVING IN THE MOUNTAINS FOR SEVERAL YEARS BEFORE SEEKING HELP. BISHOPS IN THE DEPARTMENTS OF ALTA VERAPAZ AND EL QUICHE ARE PRESENTLY ASSISTING SEVERAL HUNDRED DISPLACED PERSONS. THESE

BISHOPS PROVIDE MEDICAL ATTENTION, FOOD AND TEMPORARY HOUSING. THE GOVERNMENT HAS PROVIDED LAND FOR SETTLEMENT TO SOME GROUPS.

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IN 1987, NUMBERS OF NICARAGUANS AND SALVADORANS

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PAGE 01 GUATEM 12166 08 OF 09 122301Z
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[redacted] SECTION 08 OF 09 GUATEMALA 12166

ARA/CEN FOR MR. RICHARD DODSON

E.O. 12356: DECL:OADR
TAGS: PHUM, PGOV, GT
SUBJECT: 1987 COUNTRY REPORT ON HUMAN RIGHTS
PRACTICES: GUATEMALA

CONTINUED TO FLOCK TO GUATEMALA. ESTIMATES OF NICARAGUANS LIVING IN GUATEMALA VARY BETWEEN 7,000 AND 20,000, MOST OF WHOM ARE IN THE COUNTRY ILLEGALLY. IN ADDITION, SEVERAL THOUSAND SALVADORANS HAVE COME TO GUATEMALA TO SEEK JOBS OR TO ESCAPE GUERRILLA WARFARE. THE GUATEMALAN GOVERNMENT DOES NOT ACTIVELY DEPORT THESE REFUGEES, MANY OF WHOM OBTAIN ASSISTANCE FROM VARIOUS CHURCH GROUPS AND OTHER CHARITIES.

IN NOVEMBER, SEVEN GUATEMALANS WHO HAVE BEEN LIVING IN MEXICO CITY RETURNED FOR A VISIT IN ORDER TO ASSESS HUMAN RIGHTS CONDITIONS IN GUATEMALA. SAYING THEY REPRESENTED A LARGE NUMBER OF THE GUATEMALAN EXPATRIATE COMMUNITY IN MEXICO, THE SEVEN STATED THEY CAME TO SEE IF THE SITUATION IN MEXICO WAS AMENABLE TO THEIR PERMANANT RETURN. AFTER ONLY TWO DAYS, THE GROUP STATED THEY DID NOT YET PERCEIVE SUFFICIENT GUARANTEES OF FREEDOM IN GUATEMALA. THEY RETURNED TO MEXICO A FEW DAYS LATER.

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SECTION 3: RESPECT FOR POLITICAL RIGHTS: THE RIGHT OF CITIZENS TO CHANGE THEIR GOVERNMENT

GUATEMALA HAS BEEN A FUNCTIONING DEMOCRACY SINCE PRESIDENT VINICIO CEREZO TOOK OFFICE IN JANUARY 1986 AFTER FREE AND FAIR ELECTIONS IN 1985. THE PRESIDENT OF GUATEMALA AND A NEAR MAJORITY OF CONGRESSIONAL DEPUTIES ARE MEMBERS OF THE CHRISTIAN DEMOCRATIC PARTY. THERE ARE TEN POLITICAL PARTIES REPRESENTED IN THE 100-MEMBER UNICAMERAL CONGRESS WHICH RANGE ACROSS THE POLITICAL SPECTRUM FROM RIGHT TO LEFT. THE PRESIDENT AND CONGRESSIONAL DEPUTIES WERE ELECTED TO FIVE-YEAR TERMS IN 1985 AND NEW NATIONAL ELECTIONS ARE SCHEDULED FOR 1990. MUNICIPAL ELECTIONS ARE SCHEDULED TO BE HELD IN SMALLER MUNICIPALITIES NATIONWIDE IN APRIL 1988. AN EFFORT IS BEING MADE TO CHANGE THE ELECTORAL LAW SO THAT HALF OF CONGRESS CAN ALSO BE RENEWED IN 1988. SEVERAL GOVERNMENT OFFICIALS STATED PUBLICLY IN 1987 THAT THERE WOULD BE NO IMPEDIMENT TO THE ESTABLISHMENT OF A LEGAL COMMUNIST PARTY IN GUATEMALA.

SECTION 4: GOVERNMENT ATTITUDE REGARDING INTERNATIONAL AND NONGOVERNMENTAL INVESTIGATIONS OF ALLEGED VIOLATIONS OF HUMAN RIGHTS

PRESIDENT CEREZO AND HIS GOVERNMENT COOPERATED WITH INTERNATIONAL HUMAN RIGHTS ORGANIZATIONS DURING 1987. AMONG THE VISITORS TO GUATEMALA WAS HECTOR GROS ESPIEL OF URUGUAY, THE UNITED NATIONS HUMAN RIGHTS EXPERT FOR GUATEMALA, WHO CAME IN SEPTEMBER. IN ADDITION, MEMBERS OF THE UNITED NATIONS HUMAN RIGHTS COMMISSION'S (UNHCR) WORKING GROUP ON ENFORCED OR INVOLUNTARY DISAPPEARANCES PAID A VISIT IN OCTOBER.

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IN MARCH, IMPROVEMENTS IN THE HUMAN RIGHTS SITUATION IN GUATEMALA WERE RECOGNIZED IN A RESOLUTION PASSED BY THE UNHCR. THE IMPROVED SITUATION WAS REFLECTED IN THE SELECTION OF AN EXPERT FOR ADVISORY SERVICES TO REPLACE LORD COLVILLE, THE UNITED NATIONS SPECIAL RAPPORTEUR FOR GUATEMALA WHO RESIGNED IN LATE 1986 (GROS ESPIEL WAS SELECTED IN MAY)..

THE MUTUAL SUPPORT GROUP (GAM) CONTINUED ITS STRUGGLE TO HAVE DISAPPEARANCES FROM PREVIOUS YEARS INVESTIGATED.

IN RESPONSE TO GAM'S DEMANDS, PRESIDENT CEREZO IN APRIL ANNOUNCED THE CREATION OF A GOVERNMENTAL COMMISSION TO INVESTIGATE THE STATUS OF MISSING PERSONS. ALTHOUGH IT HAS MET PERIODICALLY, THIS COMMISSION HAS NOT YET FULLY DEFINED ITS ROLE OR PRODUCED A REPORT.

IN EARLY 1987, A GROUP OF GUATEMALANS ATTEMPTED TO FORM A LOCAL CHAPTER OF AMNESTY INTERNATIONAL. THE EFFORT ENDED WHEN A LETTER PUBLISHED IN A GUATEMALAN NEWSPAPER STATED THAT THE CENTRAL ORGANIZATION HAD NO PLANS TO FORM A CHAPTER IN GUATEMALA. MEMBERS OF THE NOW DEFUNCT ORGANIZING COMMITTEE REPORTED CASES OF HARASSMENT AND THREATS IN LATE 1986 AND EARLY 1987, AND ATTRIBUTED THESE ACTS TO A REACTION AGAINST THEIR EFFORTS TO FORM A CHAPTER.

AMNESTY INTERNATIONAL AND AMERICA'S WATCH CONTINUED TO ISSUE REPORTS IN 1987 THAT WERE CRITICAL OF THE HUMAN RIGHTS SITUATION IN GUATEMALA, ALTHOUGH SOME IMPROVEMENTS WERE NOTED. BOTH GROUPS HAVE PAID VISITS TO GUATEMALA SINCE THE DEMOCRATICALLY-ELECTED GOVERNMENT CAME TO POWER IN JANUARY 1986. PRESIDENT CEREZO PLACES A HIGH PRIORITY ON THE IMPROVEMENT OF GUATEMALA'S HUMAN RIGHTS IMAGE ABROAD, A VIEW HE EXPRESSED ON SEVERAL OCCASIONS DURING THE PAST YEAR.

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PAGE 01 GUATEM 12166 09 OF 09 122301Z
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[redacted] SECTION 09 OF 09 GUATEMALA 12166

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SUBJECT: 1987 COUNTRY REPORT ON HUMAN RIGHTS
PRACTICES: GUATEMALA

SECTION 5: DISCRIMINATION BASED ON RACE, SEX, RELIGION, LANGUAGE OR SOCIAL STATUS

STARK CULTURAL DIFFERENCES BETWEEN THE LADINO MIDDLE AND

UPPER CLASSES AND THE LARGE NUMBER OF INDIGENOUS MAYAN GROUPS, WHO NUMBER APPROXIMATELY 50 PERCENT OF GUATEMALA'S POPULATION, HAVE HISTORICALLY CREATED AN ENVIRONMENT OF MISUNDERSTANDING. IN AN ATTEMPT TO BRING INDIGENOUS GROUPS INTO NATIONAL LIFE, THE GOVERNMENT OF GUATEMALA IS PROVIDING THESE GROUPS WITH MEDICAL ATTENTION AS WELL AS BILINGUAL EDUCATION IN SPANISH AND THEIR NATIVE LANGUAGE. INDIANS FROM AREAS NEAR TOWNS HAVE HAD THESE BENEFITS, AND SEVERAL INDIANS HAVE BEEN ELECTED AS MEMBERS OF THE NATIONAL CONGRESS AND AS MAYORS.

A NUMBER OF WOMEN ARE MAKING SIGNIFICANT CONTRIBUTIONS IN THE GUATEMALAN GOVERNMENT AND PRIVATE SECTOR. TWO MEMBERS OF THE PRESIDENT'S CABINET, SEVEN MEMBERS OF THE NATIONAL CONGRESS AND FOUR OF GUATEMALA'S AMBASSADORS POSTED ABROAD ARE WOMEN, AS IS THE "NOTABLE" PERSON

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APPOINTED TO THE NATIONAL RECONCILIATION COMMISSION. DESPITE THIS PROGRESS, CENTURIES-OLD STEREOTYPES STILL EXIST. TO ADDRESS THE NEEDS OF WOMEN IN THE WORKFORCE, THE GOVERNMENT HAS ESTABLISHED A NATIONAL OFFICE OF WOMEN (ONAM). STAFF AND RESOURCE LIMITATIONS RESTRICT ITS ABILITY TO COORDINATE ACTIVITIES WITH 56 GUATEMALAN WOMEN'S ORGANIZATIONS. AMONG THE ISSUES ONAM IS ATTEMPTING TO ADDRESS ARE EMPLOYER DISCRIMINATION AGAINST MARRIED AND PREGNANT WOMEN, THE INABILITY OF PROFESSIONAL WOMEN TO FIND JOBS, AND THE LACK OF DAY CARE CENTERS FOR THE CHILDREN OF WORKING WOMEN.

CONDITIONS OF LABOR

A VARIETY OF LAWS PROTECT THE RIGHTS OF GUATEMALAN WORKERS BY ESTABLISHING MINIMUM WAGES, MINIMUM WORKING AGE, SAFE CONDITIONS, AND MAXIMUM WORKING HOURS. MINIMUM SAFETY STANDARDS AT THE WORKPLACE ARE FREQUENTLY IGNORED BY THE EMPLOYERS, AND THE GOVERNMENT HAS BEEN UNABLE TO FULLY ENFORCE THESE LAWS.
(DRAFTED:POL:HLBISHARAT)
MICHEL

11/16/87 P870140-0908

MATTHEW F. McHUGH
28TH DISTRICT, NEW YORK

COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEES:
AGRICULTURE, RURAL DEVELOPMENT AND RELATED AGENCIES
FOREIGN OPERATIONS

PERMANENT SELECT COMMITTEE ON INTELLIGENCE

SELECT COMMITTEE ON CHILDREN, YOUTH AND FAMILIES

WASHINGTON OFFICE:
2235 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-5324

P870140-0908 UNCLASSIFIED KM271

BINGHAMTON OFFICE:
201 FEDERAL BUILDING
BINGHAMTON, NY 13902
(607) 773-2708

ITHACA OFFICE
TOMPKINS HILL GUESTHOUSE
ITHACA, NY 14850
(607) 273-1588

KINGSTON OFFICE:
282 MAIN STREET
KINGSTON, NY 12401
(914) 331-4466

R

Congress of the United States
House of Representatives
Washington, DC 20515

November 16, 1987

Chile Project (#S199900030)
U.S. Department of State
Release X Excise_____ Deny_____
Declassify: In Part_____ In Full_____
Exemption(s)_____

ACTION 09

Richard Schifter, Assistant Secretary
for Human Rights & Humanitarian Affairs
U.S. Department of State
2201 C. Street NW
Washington, D. C. 20520

Dear Mr. Schifter:

Recently the case of Maria Espinoza was brought to my attention by a resident of my Congressional District. I indicated my willingness to make an inquiry with your office concerning the status of your review of the request for political asylum and I am therefore taking the liberty of contacting you at this time.

I am advised that Maria Angelica Espinoza Quinteros was born in Santiago, Chile, on October 23, 1952. She is currently residing with her sister in Albuquerque, New Mexico, and filed her request for political asylum from that address. Maria's husband has been imprisoned in Chile in the past and I am told he currently is awaiting a trial. Maria, too, was imprisoned in Chile as the wife of a political activist.

I would be very grateful to you for any information you may be able to provide concerning the status of this case. In this connection, please forward your response to me at my Ithaca office address which is listed above. If there is any help that I can provide as you review the case, please let me know.

Thank you for your kind attention.

Best regards.

Sincerely,

Matthew F. McHugh

MFM:mc

1987 NOV 24 AM 10:08 FAIM/IAP/WI

1987 NOV 24 AM 10:23 OU

RECEIVED BY DEPARTMENT OF STATE

UNCLASSIFIED

11/17/87 I-1062

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PAGE 01 USUN N 03927 01 OF 02 172243Z
ACTION IO-19

INFO LOG-00 COPY-01 ADS-00 SS-00 ARA-00 SSO-00 HA-09
L-03 C-01 P-02 /035 W
----------020433 172257Z /61

O 172236Z NOV 87
FM USMISSION USUN NEW YORK
TO SECSTATE WASHDC IMMEDIATE 2974
INFO USMISSION GENEVA PRIORITY
AMEMBASSY MEXICO PRIORITY
AMEMBASSY SANTIAGO PRIORITY

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ✓
Exemption(s) ____

~~C O N F I D E N T I A L~~ SECTION 01 OF 02 USUN NEW YORK 03927

E.O. 12356: DECL: OADR
TAGS: UNGA, UNHRC, PHUM, CI, MX
SUBJECT: 42ND GA: EVALUATION OF PROPOSED MEXICAN TEXT
- ON HUMAN RIGHTS IN CHILE.

REF: USUN DATAFAX TO IO/HW (11/13/87)

1. ~~CONFIDENTIAL~~ -- ENTIRE TEXT.

2. SUMMARY: MEXICAN DELEGATION PROVIDED US A COPY ON NOVEMBER 13 OF THEIR PROPOSED DRAFT TEXT FOR A RESOLUTION ON HUMAN RIGHTS IN CHILE. WHILE THE DRAFT IS ROUGHLY SIMILAR TO THE RESOLUTION ADOPTED AT THE LAST GA OVER U.S. OPPOSITION, IN SOME RESPECTS IT IS EVEN HARSHER. END SUMMARY.

3. MEXICO'S DELEGATION TO THE UNGA'S THIRD COMMITTEE (SOCIAL AND HUMANITARIAN AFFAIRS) GAVE US A COPY (REF A) ON NOVEMBER 13 OF MEXICO'S PROPOSED TEXT FOR A RESOLUTION ON THE SITUATION OF HUMAN RIGHTS IN CHILE. MEXICO IS TRADITIONALLY THE MAIN SPONSOR OF THE RESOLUTION ON CHILE. THE U.HAS VOTED AGAINST THE MEXICAN RESOLUTION ON CHILE, INCLUDING THE ONE OFFERED
~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 02 USUN N 03927 01 OF 02 172243Z

AT THE LAST GA (41/161), FOR ITS LACK OF BALANCE. OUR EVALUATION OF THE NEW MEXICAN TEXT FOLLOWS.

4. FIRST SEVEN PREAMBULAR PARAGRAPHS ARE IDENTICAL TO THOSE IN 41/161. PREAMBULAR PARAS 8 AND 9, HOWEVER, ARE NEW:

-- "OBSERVING THAT THE MAINTENANCE OF STATES OF LEGAL EXCEPTION CONSTITUTES A SOURCE OF FREQUENT VIOLATIONS OF HUMAN RIGHTS AND LEAD TO THE ARBITRARY INTERVENTION OF THE PUBLIC AUTHORITY IN DETRIMENT OF THE POLITICAL ACTIVITIES OF ITS CITIZENS,

-- NOTING THAT EVEN WHEN OPPOSITION PUBLICATIONS HAVE BEEN AUTHORIZED, THESE HAVE BEEN SUBMITTED TO SEVERE RESTRICTIONS AND LIMITATIONS, INCLUDING THE DETENTION AND INDICTMENT OF THEIR EDITORS,"

5. THE DRAFT'S PREAMBULAR 10 IS SIMILAR TO PREAMBULAR 10 OF THE RESOLUTION ON CHILE ADOPTED AT THE LAST SESSION OF THE COMMISSION ON HUMAN RIGHTS (CHR). THE MEXICAN TEXT STATES:

- "NOTING THAT THE ADOPTION OF MEASURES OF POLITICAL PARTY ACTIVITIES AND ELECTORAL REGISTRATION DO NOT CONSTITUTE AN EXPRESSION OF THE SOVEREIGN WILL AND THAT, IN THE ABSENCE OF THE INSTITUTIONAL FRAMEWORK FOR FREE ELECTIONS, DO NOT MEET THE BASIC REQUIREMENTS OF DEMOCRACTIC RULE OF LAW NOR OF THE PRINCIPLE OF NON-DISCRIMINATION BASED ON POLITICAL OPINIONS OR OF OTHER NATURE, RECOGNIZED IN THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS,"

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PAGE 03 USUN N 03927 01 OF 02 172243Z

6. OF THE OPERATIVE PARAGRAPHS IN THE MEXICAN DRAFT, PARAS 1 - 5, 7, 8, 11, AND MOST OF THE SUB-PARAS UNDER 10, ARE IDENTICAL OR SIMILAR TO THOSE FOUND IN 41/161. OPERATIVE PARA 6 IS NEW AND REPEATS A NUMBER OF ALLEGATIONS FOUND ELSEWHERE IN THE DRAFT:

- "EXPRESSES ITS DISTRESS AT THE DENIAL OF FUNDAMENTAL RIGHTS AND FREEDOMS THROUGH THE MAINTENANCE OF ARBITRARY EXECUTIVE POWERS DURING THE PROLONGED PERIOD OF EXISTENCE OF THE STATE OF LEGAL EXCEPTION, THE CLIMATE OF INSECURITY, THE USE OF COERCIVE METHODS, TORTURE AND ILL-TREATMENT BY THE SECURITY FORCES,, THE RENEWAL OF ADMINISTRATIVE INTERNAL EXILE AND THE PRACTICE OF FORCED DISAPPEARANCES, AS WELL AS THEIR EXISTENCE OF BANDS OF PRIVATE GROUPS RELATED TO THE SECURITY FORCES THAT, WITH IMPUNITY, ARE RESPONSIBLE FOR ACTIONS THAT RANGE FROM INTIMIDATION TO ASSASSINATION."

7. OPERATIVE PARAGRAPH 9 READS AS FOLLOWS, "URGES THE

CHILEAN GOVERNMENT TO HONOR THE REQUEST OF VARIOUS SOCIAL AND POLITICAL SECTORS FOR THE RE-ESTABLISHMENT OF A PLURALIST DEMOCRACY." IT IS LOOSELY BASED ON OPERATIVE 8 OF LAST GA'S RESOLUTION WHICH STATED "WELCOMES WITH SATISFACTION THE REQUESTS FROM VARIOUS SOCIAL AND POLITICAL SECTORS FOR THE RE-ESTABLISHMENT OF A PLURALIST DEMOCRACY."

8. MOST OF THE SUB-PARAGRAPHS OF OPERATIVE 10 ARE SIMILAR TO THE SUB-PARAGRAPHS FOUND UNDER OPERATIVE 9 OF 41/161. THERE IS SOME NEW LANGUAGE, HOWEVER, PARAGRAPH 10C HAS A PHRASE CONDEMNING "THE PRACTICES OF PROLONGED PERIODS OF INCOMMUNICADO DETENTION AND

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PAGE 01 USUN N 03927 02 OF 02 172243Z
ACTION IO-19

INFO LOG-00 COPY-01 ADS-00 SS-00 ARA-00 SSO-00 HA-09
L-03 C-01 P-02 /035 W
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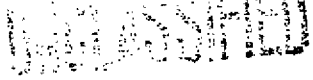
FM USMISSION USUN NEW YORK
TO SECSTATE WASHDC IMMEDIATE 2975
INFO USMISSION GENEVA PRIORITY
AMEMBASSY MEXICO PRIORITY
AMEMBASSY SANTIAGO PRIORITY

~~C O N F I D E N T I A L~~ SECTION 02 OF 02 USUN NEW YORK 03927

E.O. 12356: DECL: OADR
TAGS: UNGA, UNHRC, PHUM, CI, MX
SUBJECT: 42ND GA: EVALUATION OF PROPOSED MEXICAN TEXT

ASSASSINATIONS FOR POLITICAL REASONS." PARAGRAPH 10E HAS A PHRASE STATING THAT THE APPLICATION OF THE AMNESTY LAW SHOULD "NOT PREVENT THE IDENTIFICATION OF THOSE RESPONSIBLE (FOR DISAPPEARANCES) AND THE ADMINISTRATION OF JUSTICE."

9. PARAGRAPH 10H IS NEW: "RE-ESTABLISH THE JURISDICTION OF THE CIVILIAN COURTS ON MATTERS OF THEIR COMPETENCE WHICH HAVE BEEN DELEGATED TO THE MILITARY COURTS AND PUT AN END TO THE DESIGNATION OF AD HOC PROSECUTORS BY THE MILITARY JUDGES, AS WELL AS LEGAL MEASURES UNDER WHICH, AND BECAUSE OF THEIR BROAD ARBITRARINESS RESULT IN GREAT VIOLATIONS OF INDIVIDUAL



RIGHTS AND FREEDOMS."

10. PARAGRAPH 10K, WHILE SIMILAR TO 9J, CONTAINS NEW LANGUAGE CALLING FOR AN END TO INTERNAL EXILING OF OPPONENTS. THIS CLASHES DIRECTLY WITH PREAMBULAR PARAGRAPH 9 OF THE COMMISSION RESOLUTION WHICH
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PAGE 02 USUN N 03927 02 OF 02 172243Z

ACKNOWLEDGED THAT THE PRACTICE OF BANISHMENT HAD NOT BEEN EMPLOYED DURING 1986.

11. COMMENT: THE MEXICANS USE A TACTIC PERFECTED BY THE CUBANS AT THE GA. INSTEAD OF STARTING FROM WHAT WAS AGREED AT THE GA OR THE CHR AND GOING FORWARD FROM THERE, THEY START THE NEGOTIATIONS ALL OVER EVERY TIME. FOR EXAMPLE, THE LANGUAGE CONTAINED IN OPERATIVE 10E ON THE AMNESTY WAS NEGOTIATED OUT OF THE MEXICAN TEXT AT THE LAST GA.

12. THE PROPOSED DRAFT MAKES NO MENTION OF THE FOLLOWING: THE DECREASE IN THE NUMBER OF POLITICAL EXILES (UNLIKE PREAMBULAR PARAGRAPH 11 OF THE CHR RESOLUTION); ANY EFFORT BY THE GOC TO ADDRESS VIOLATIONS (UNLIKE OPERATIVE 11 OF TH CHR RESOLUTION); ACCESS BY THE ICRC TO PRISONERS (UNLIKE PREAMBULAR 8 OF THE CHR RESOLUTION); OR OF CHILE'S RECENT SIGNING OF THE TORTURE CONVENTION. THE DRAFT'S ONLY MENTION OF THE EXISTENCE OF AN OPPOSITION PRESS IS TO BEMOAN CONTINUING RESTRICTIONS ON THAT PRESS.

13. THE THIRD COMMITTEE BEGINS DEBATING THE SITUATION OF HUMAN RIGHTS ON NOVEMBER 18. VOTING ON RESOLUTIONS, INCLUDING CHILE, WILL OCCUR ON OR ABOUT NOVEMBER 25. GIVEN THE LATENESS OF MEXICO'S DRAFT AND THE NUMBER OF SERIOUS FLAWS IN IT, WE ARE PESSIMISTIC THAT ANY CHANGES TO COME IN THE MEXICAN TEXT WILL ENABLE US TO CHANGE OUR VOTE FROM LAST YEAR. A U.S. NEGATIVE VOTE WOULD BE A MAJOR DISAPPOINTMENT TO SEVERAL WESTERN EUROPEANS WHO DISLIKE BEING IN DIRECT OPPOSITION TO US ON AN IMPORTANT HUMAN RIGHTS ISSUE.
WALTERS
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PAGE 03 USUN N 03927 02 OF 02 172243Z

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PAGE 01 USUN N 03928 172246Z
ACTION IO-19

INFO LOG-00 COPY-01 ADS-00 AID-00 INR-10 EUR-00 SS-00
OIC-02 AF-00 CIAE-00 DODE-00 NEA-06 NSCE-00 ARA-00
NSAE-00 HA-09 EAP-00 PA-01 INRE-00 USIE-00 SP-02
C-01 PRS-01 P-02 T-01 /055 W
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FM USMISSION USUN NEW YORK
TO SECSTATE WASHDC PRIORITY 2976
INFO USMISSION GENEVA
AMEMBASSY SANTIAGO
AMEMBASSY MEXICO
AMEMBASSY MANAGUA
AMEMBASSY SAN SALVADOR
AMEMBASSY SAN JOSE

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ✓
Exemption(s) ____

~~C O N F I D E N T I A L~~ USUN NEW YORK 03928

E.O.12356: DECL: OADR
TAGS: PHUM, UNGA, UNHRC, CI, US
SUBJECT: AMBASSADOR WALTERS MEETS CHILEAN FORMER
-- FOREIGN MINISTER HERMAN CUBILLOS

1. C - ENTIRE TEXT.

2. CHILEAN'S FORMER FOREIGN MINISTER HERNAN CUBILLOS MET WITH AMBASSADOR WALTERS AT HIS RESIDENCE ON NOVEMBER 11. CUBILLOS WAS ACCOMPANIED BY CHILEAN PERMANENT REPRESENTATIVE PEDRO DAZA. MISOFF W.L. AMSELEM SERVED AS NOTE-TAKER.

3. CUBILLOS, NOW THE PUBLISHER OF "QUE PASA?" MAGAZINE, SAID THAT THE POLITICAL PROCESS UNDERWAY IN CHILE WAS NOT WELL UNDERSTOOD BY THE UNITED STATES. HE WORRIED THAT THIS LACK OF

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PAGE 02 USUN N 03928 172246Z

UNDERSTANDING COULD CREATE ANOTHER "MADE IN U.S.A." PROBLEM A LA HAITI, PHILIPPINES, IRAN, AND NICARAGUA. CUBILLOS SAID THAT AMERICAN POLICY TOWARD CHILE APPEARED DRIVEN BY TWO BLINDING OBSESSIONS: (1) THE LETELIER CASE AND (2) A BELIEF THAT CHILEAN SOCIETY IS POLARIZED THEREBY

MAKING A MARXIST TAKE-OVER LIKELY AFTER PINOCHET.

4. CUBILLOS DEALT ONLY BRIEFLY WITH THE LETELIER CASE SAYING IT HAD BEEN A CRIME AND A MISTAKE. HE SEEMED MORE CONCERNED WITH THE SECOND ALLEGED OBSESSION OF OUR POLICY. BY DECEMBER 11, HE SAID, THE RULING JUNTA WOULD SELECT A CANDIDATE FOR THE PLEBISCITE WHICH WOULD HAVE TO OCCUR WITHIN NINETY DAYS. EVERYONE EXPECTED THE CANDIDATE TO BE GENERAL PINOCHET. WHATEVER MISTAKES PINOCHET HAS MADE, PARTICULARLY IN THE AREA OF HUMAN RIGHTS, HE REMAINS POPULAR IN CHILE WHEN COMPARED WITH THE LEADING POLITICAL OPPOSITION FIGURES. THE ECONOMIC TURN-AROUND OF CHILE OVER THE PAST TEN YEARS HAS BEEN DRAMATIC; CHILE WAS RAPIDLY BUILDING A MODERN ECONOMY, LEAVING ITS LATIN AMERICAN NEIGHBORS BEHIND. CHILEANS DID NOT SEE THE CRUMBLING DEMOCRACIES ON THEIR BORDERS AS MODELS TO EMULATE.

5. CUBILLOS SAID THE MOST UNFORTUNATE DEVELOPMENT IN THE PAST FEW YEARS IN CHILE HAS BEEN THE GROWING RESENTMENT AGAINST THE UNITED STATES. THE CHILEAN MILITARY, PARTICULARLY THE YOUNGER OFFICERS, WERE INCREASINGLY ANTI-US. THE AMERICAN AMBASSADOR HAS NO ACCESS TO HIGH OFFICIALS IN SANTIAGO. THIS WAS PARTICULARLY UNFORTUNATE AS ~~CONFIDENTIAL~~

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PAGE 03 USUN N 03928 172246Z

THE GOVERNMENT OF CHILE WAS STABLE, WELL STRUCTURED, WOULD SURVIVE PINOCHET, AND EVOLVE GRADUALLY AND PEACEFULLY TO DEMOCRACY. CUBILLOS CLAIMED THAT THE U.S. WAS "BURNING ITS BRIDGES" WITH CHILE BY ITS MISTAKEN EFFORTS TO INTERVENE ON BEHALF OF DEMOCRACY. DEMOCRACY WOULD COME, BUT WITHOUT U.S. INTERFERENCE.

6. AMBASSADOR WALTERS SAID THAT THE GOC HAD TO ADMIT IT HAD MADE BLUNDERS: THE LETELIER CASE AND MANY OF ITS ACTIONS IN THE FIELD OF HUMAN RIGHTS WERE AMONG THE MOST SERIOUS. THE AMBASSADOR SAID HE WAS WILLING TO PORTRAY AN ACCURATE PICTURE OF THE SITUATION IN CHILE BUT ASKED THAT THE GOC MAKE HIS TASK EASIER BY MAKING FURTHER, IMMEDIATE, AND DRAMATIC IMPROVEMENTS IN THE HUMAN RIGHTS AREA. HE PROMISED TO PASS ALONG CUBILLOS'S VIEWS TO WASHINGTON. WALTERS

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TO RUEHIA / USIA WASHDC IMMEDIATE 7096
RUEHC / SECSTATE WASHDC IMMEDIATE 4092
BT
C O N F I D E N T I A L SANTIAGO 09060

CLASS: CONFIDENTIAL
CHRGE: USIS 11/19/87
APPRV: AMB:HGBARNES
DRFTD: USIS:DTERPSTRA
CLEAR: 1. POL:DKNIGHT
2. USIS:MMCAFEE
DISTR: USIS

USIAC

TO AR (COLE, JOHNSON), E/P (PADDACK)
STATE FOR ARA (DESHAZO)

E.O. 12356: DECL:OADR
SUBJECT: ITI AND CHILEAN THEATER INCIDENT

REF: (A) USIA 75473-C
(B) TERPSTRA-DESHAZO TELCON, 18 NOV 87

1. CONFIDENTIAL - ENTIRE TEXT.

2. POST HAS MET THREE TIMES, AT THEIR REQUEST, WITH A TOTAL OF FIVE OF THE CHILEAN ACTORS WHO RECEIVED THREATENING LETTER CITED IN REFTEL A. STATE CHILE DESK OFFICER DESHAZO HAS ALSO BEEN CONTACTED BY GROUP. THE CHILEAN ACTORS ARE ACTIVELY SEEKING BROAD INTERNATIONAL SUPPORT AGAINST INTIMIDATION BY RIGHT-WING GROUPS, AND HAVE CONTACTED SOME FIFTEEN EMBASSIES IN SANTIAGO. THEY ARE PLANNING A PUBLIC PROGRAM FOR NOVEMBER 30, THE DEADLINE GIVEN IN THE LETTER FOR THEIR DEPARTURE FROM CHILE. THE PROGRAM, ENTITLED "ARTE Y VIDA," WILL INCLUDE BRIEF ARTISTIC PERFORMANCES, BUT WILL BASICALLY BE A HIGH-PROFILE REJECTION OF THE THREAT. THE CHILEANS ARE SEEKING STATEMENTS FROM AROUND THE WORLD. THEY ALSO HOPE TO LOCATE SOME AMERICAN CELEBRITY WHO WOULD BE WILLING TO COME TO SANTIAGO FOR THE NOVEMBER 30 PROGRAM.

2. AS SUGGESTED IN REFTEL, THE AMERICAN MEMBERS OF THE ITI WHO VISITED CHILE LAST MAY ARE PERHAPS IN THE BEST POSITION TO KNOW THE CHILEAN SITUATION AND MANY OF THE ACTORS INVOLVED IN THIS INCIDENT. POST SUGGESTED TO CHILEAN ACTORS THAT THEY MIGHT ALSO CONTACT MIKE FARRELL OF "MASH" WHO VISITED CHILE LAST YEAR WITH A HUMAN RIGHTS GROUP.

3. FOR THE BENEFIT OF ITI OR ANY OTHER GROUP INTERESTED IN PURSUING THIS MATTER, POST BELIEVES IT IS IMPORTANT TO POINT OUT THAT THE CHILEAN ACTORS THEMSELVES HAVE EXPRESSED APPRECIATION FOR THE PROMPT ATTENTION GIVEN TO THIS MATTER BY THE

Chile Project (#S199900030)
U.S. Department of State
Release X Excise Deny
Declassify: In Part In Full X
Exemption(s)

CHILEAN POLICE FORCE, THE CARABINEROS, AND BY CARABINEROS DIRECTOR GENERAL RODOLFO STANGE, WHO PERSONALLY MET WITH THE GROUP TO DISCUSS PROTECTIVE MEASURES. AMERICANS WHO MAY DECIDE TO EXPRESS OPINIONS ABOUT THIS SITUATION SHOULD CONSIDER RECOGNIZING THE POSITIVE RESPONSE OF CERTAIN CHILEAN AUTHORITIES.

4. PLEASE PASS ON AMBASSADOR'S CONGRATULATIONS TO MARTHA COIGNEY FOR HER ELECTION AS ITI INTERNATIONAL PRESIDENT.
MCAFEE
BT
#9060

NNNN

BWH CONFIDENTIAL SANTIAGO 09060

11/19/87

NH 3288

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____

ROUTING AND TRANSMITTAL SLIP Date 11/19/87

TO: (Name, office symbol, room number, building, Agency/Post)	Initials	Date
1. Mr. Gelbard - ARA		
2. Mr. DeShazo - ARA/SC		
3. Mr. Murphy - L/CID		
4. Ms. Reed - L/ARA		
5.		

Action		File		Note and Return	
Approval	X	For Clearance		Per Conversation	
As Requested		For Correction		Prepare Reply	
Circulate		For Your Information		See Me	
Comment		Investigate		Signature	
Coordination		Justify			

REMARKS

Attached for your clearance is a draft cable to Santiago regarding espousal of the family claims. Espousal involves several complex questions, hence the rather lengthy talking points to use with Mr. Letelier. Given the complexity of the subject, we my be overly optimistic to think we can get the cable out Friday. We may also want to consider awaiting Mike Kozak's return. In any event, I would appreciate your comments ASAP.

Thank you.

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)	Room No.—Bldg.
Donna Darm - L/ARA	5423
	Phone No. X 5154

5041-102 ★U.S.GPO:1986-0-491-247/20047 OPTIONAL FORM 41 (Rev. 7-76) Prescribed by GSA FPMR (41 CFR) 101-11.206

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PAGE 01 SANTIA 09036 01 OF 02 191435Z
ACTION IO-19

INFO	LOG-00	COPY-01	ADS-00	INR-10	EUR-00	SS-00	OIC-02
	AF-00	CIAE-00	DODE-00	H-01	MSC-01	NEA-06	NSCE-00
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	EAP-00	PA-01	OMB-01	INRE-00	USIE-00	SP-02	SNP-01
	C-01	PRS-01	P-02	T-01	/072 W		

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FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 4083
INFO AMEMBASSY MEXICO PRIORITY
USMISSION GENEVA PRIORITY
USMISSION USUN NEW YORK IMMEDIATE

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

C~~O N F I D E N T I A L~~ SECTION 01 OF 02 SANTIAGO 09036

E.O. 12356: DECL:OADR
TAGS: UNGA, UNHRC, PHUM, MX, CI
SUBJ: 42ND GA: EVALUATION OF PROPOSED MEXICAN TEXT OF HUMAN RIGHTS IN CHILE

REF: (A) USUN NEW YORK 3927

-

1. ~~CONFIDENTIAL~~ ENTIRE TEXT.

-

2. EMBASSY HAS REVIEWED THE PROPOSED DRAFT TEXT FOR A RESOLUTION ON HUMAN RIGHTS IN CHILE, AND WISHES TO MAKE THE FOLLOWING OBSERVATIONS ON THE COMMENTS MADE IN REFTEL.

-

3. WE AGREE THAT PARTS OF THE PREAMBULAR PARAGRAPHS ARE REPETITIVE AND UNNECESSARY, AS FOR EXAMPLE PARAS 6 AND 8. THE POINTS THEY COVER ARE WELL TAKEN CARE OF IN OTHER PARAGRAPHS. PREAMBULAR PARA 9, HOWEVER, IS ACCURATE IN REFLECTING THE REALITY THAT PRESS

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PAGE 02 SANTIA 09036 01 OF 02 191435Z

FREEDOM HAS BEEN SEVERELY RESTRICTED AND LIMITED BY NUMEROUS LEGAL AND EXTRA-LEGAL ACTIONS AGAINST EDITORS AND JOURNALISTS. THE FACADE HAS BEEN ERECTED THAT PRESS FREEDOM EXISTS, BUT BEHIND THE FACADE THE REALITY IS DECIDEDLY DIFFERENT. THIS ISSUE IS BEING

DEBATED THIS WEEK IN THE
INTERAMERICAN PRESS ASSOCIATION CONVENTION
TAKING PLACE IN SANTIAGO.
-
4. PREAMBULAR PARA 10: THIS HAS A NEGATIVE
BIAS, BUT IS ESSENTIALLY CORRECT. WHILE
POSITIVE STEPS HAVE BEEN TAKEN, ON BALANCE
THE INSTITUTIONAL FRAMEWORK FOR FREE AND
INFORMED ELECTIONS IS STILL NOT IN PLACE.
THE CURRENT SCENARIO DOES NOT LEAD TO
DEMOCRATIC RULE. WE WOULD SUGGEST
BARGAINING TO ADD ACKNOWLEDGEMENT OF POSITIVE
MEASURES.
-
5. OPERATIVE PARA 9 IS REPETITIVE OF OPERATIVE
PARA 4 AND WE WOULD LIKE TO SEE IT DELETED. IT
IS NOT AN ITEM WORTH GOING TO THE MAT FOR,
HOWEVER, AND FROM OUR PERSPECTIVE WE COULD
ACCEPT IT IN RETURN FOR OTHER CHANGES.
-
6. THE SUBPARAGRAPHS UNDER OPERATIVE PARA 10 ALSO
PORTRAY ACCURATELY THE PROBLEMS IN C HILE, WITH SOME
EXCEPTIONS. THE PHRASE IN PARA 10C RULATING
TO THE "PRACTICES OF PROLONGED PERIODS OF
INCOMMUNICADO DETENTION" IS COMPLETELY CORRECT.
IT IS AIMED SPECIFICALLY AT THE "AD HOC"
MILITARY PROSECUTOR INVESTIGATING THE ARMS
~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 03 SANTIA 09036 01 OF 02 191435Z

DISCOVERIES AND THE ASSASSINATION ATTEMPT.
THIS ARMY COLONEL HAS ROUTINELY HELD SUSPECTS
FOR FORTY DAYS OR MORE IN AN INCOMMUNICADO
STATUS -- A PERIOD WHEN TORTURE HAS OFTEN
OCCURRED -- EVEN THOUGH THE LAW STATES THAT
THIS PERIOD OF DETENTION SHOULD BE LIMITED
AT MOST TO TWENTY DAYS. THIS PRACTICE
CONTINUES,AS THERE IS PRESENTLY A WOMAN BEING
HELD INCOMMUNICADO SINCE NOVEMBER 2.
-
THE OTHER PHRASE IN THAT SUBPARAGRAPH DEALING
WITH ASSASSINATIONS FOR POLITICAL REASONS
COULD BE TAKEN TO COVER MURDERS BY BOTH THE
EXTREMES IN CHILE. THIS POINT MIGHT BE MADE
CLEARER WITH A FEW WORD CHANGES, BUT THE
BASIC IDEA IS CLEARLY THERE.
-
7. THE WORDING IN SUBPARA 10E IS THE SAME
AS THAT USED IN THE UNHRC RESOLUTION ON CHILE

IN MARCH. IT REFLECTS THE LEGAL BATTLE UNDERWAY IN CHILE OVER WHETHER THE 1978 AMNESTY LAW SHOULD BE AUTOMATICALLY APPLIED TO CASES INVOLVING PEOPLE WHO DISAPPEARED IN THE 1973-78 PERIOD. ONE BODY OF LEGAL OPINION HOLDS THAT THE AMNESTY LAW SHOULD NOT APPLY TO CASES WHERE GUILT HAS NOT BEEN CLEARLY ESTABLISHED AND INVESTIGATIONS SHOULD BE ALLOWED TO CONTINUE UNTIL IT IS CLARIFIED AS TO WHAT HAPPENED TO THE DISAPPEARED AND WHO MIGHT BE GUILTY OF ANY CRIMES INVOLVED. THE SUPREME COURT, HOWEVER, RULED IN LATE 1986 THAT THE AMNESTY LAW SHOULD BE APPLIED BEFORE INVESTIGATIONS PROGRESS TO A STAGE WHERE GUILTY PARTIES MIGHT BE IDENTIFIED.

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PAGE 01 SANTIA 09036 02 OF 02 191436Z
ACTION IO-19

INFO	LOG-00	COPY-01	ADS-00	INR-10	EUR-00	SS-00	OIC-02
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FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 4084
INFO AMEMBASSY MEXICO PRIORITY
USMISSION GENEVA PRIORITY
USMISSION USUN NEW YORK IMMEDIATE

~~C O N F I D E N T I A L~~ SECTION 02 OF 02 SANTIAGO 09036

E.O. 12356: DECL:OADR
TAGS: UNGA, UNHRC, PHUM, MX, CI
SUBJ: 42ND GA: EVALUATION OF PROPOSED MEXICAN

WE FIND NOTHING OBJECTIONABLE IN THE PHRASE RELATING TO THE AMNESTY LAW.

-

8. PARAGRAPH 10H IS NEW AND COVERS DEVELOPMENTS WHICH ACCELERATED IN 1987, IN WHICH MILITARY COURTS ASSUMED A GREATER ROLE IN PROSECUTING CASES WHICH WOULD NORMALLY BE HEARD BY CIVILIAN COURTS. IT ALSO NOTES THE ACTIVITIES OF THE

"AD HOC" MILITARY PROSECUTOR, WHO HAS ADMITTED TO THE UNHRC SPECIAL RAPPORTEUR THAT SOME OF HIS ACTIVITIES MAY HAVE OVERSTEPPED PART OF THE LAW. (SEE PARAGRAPH 26 IN THE SPECIAL RAPPORTEUR'S REPORT OF SEPTEMBER 16, 1987.) WE THINK THIS SUBPARAGRAPH IS WORTHWHILE AND SHOULD BE RETAINED.

-

9. THE SUBSTANCE OF SUBPARAGRAPH 10K IS ~~CONFIDENTIAL~~

CONFIDENTIAL

PAGE 02 SANTIA 09036 02 OF 02 191436Z

ACCURATE. THERE WERE THREE CASES OF INDIVIDUALS BEING SENT INTO INTERNAL EXILE OR BANISHMENT DURING 1987. ALL HAD RETURNED TO CHILE WITHOUT PERMISSION AND WERE SENTENCED TO 90 DAYS BANISHMENT BY THE PRESIDENT UNDER THE POWERS PROVIDED TO HIM IN TRANSITORY ARTICLE 24 OF THE CONSTITUTION. THERE WERE NO SUCH CASES IN 1986. NO ONE IS PRESENTLY INTERNALLY EXILED, BUT THE GOVERNMENT'S REFUSAL TO RENOUNCE THE PRACTICE MEANS IT COULD BE REINSTATED AT ANY TIME.

-

10. WE ALSO FIND THE DRAFT RESOLUTION FAULTY FOR NOT MENTIONING THE POSITIVE ASPECTS OF THE CURRENT HUMAN RIGHTS SITUATION (PARA 12, REFTEL), AND FOR NOT GIVING GREATER RECOGNITION TO THE REPORT OF THE SPECIAL RAPPORTEUR. IT SHOULD ALSO AT LEAST COMMEND THE SPECIAL RAPPORTEUR FOR HIS EFFORTS DURING THE YEAR, AS WELL AS HIS LATEST REPORT.

-

11. WHILE WE REALIZE THE LATENESS OF MEXICO'S DRAFT MAY MAKE IT DIFFICULT TO NEGOTIATE ANY SUBSTANTIAL CHANGES TO THE TEXT, WE BELIEVE A CONCERTED EFFORT IN CONJUNCTION WITH WESTERN EUROPEAN DELEGATES MAY BE FRUITFUL. A UK DIPLOMAT HERE TOLD EMBOFF THAT THE MEXICAN RESOLUTION WAS MUCH TOO HARSH AND HE HOPED IT WOULD BE REVISED. HE EXPECTS THE UK TO VOTE IN FAVOR AS IT DID LAST YEAR BECAUSE "THE SITUATION HAS NOT IMPROVED", ALTHOUGH THE FINAL LANGUAGE MIGHT MAKE A DIFFERENCE.

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PAGE 03 SANTIA 09036 02 OF 02 191436Z

BARNES

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UNCLASSIFIED

OFFICE OF THE VICE PRESIDENT 11/23/87

EXCISE REFERRAL

WA0519

To: Administration Department Director
Central Intelligence Agency
Washington, DC 20505

Date: November 23, 1987

ACTION REQUESTED

___ Draft reply for
_____ Vice President's signature
___ Undersigned's signature.

___ Memorandum for use as enclosure to reply.

___ Direct reply.

___ Furnish information copy.

X Suitable acknowledgment or other appropriate handling.

X Furnish copy of reply, if any.

___ For your information.

___ For comment.

Chile Project (#S199900030)
U.S. Department of State
Release_____ Excise X Deny_____
Declassify: In Part_____ In Full_____
Exemption(s) B3 (CA)

NOTE

Prompt action is essential.

If more than 48 hours' delay is encountered, please telephone the undersigned immediately.

Basic correspondence should be returned when draft reply, memorandum, or comment is requested.

REMARKS:

[ ]

Description:

X ___ Letter: ___ Telegram: Other:

To: John P. Schmitz, Deputy Counsel to the Vice President
From: Peter Clever
Date: August 10, 1987
Subject: A situation in Chile involving "Colonia Dignidad"

By direction of the Vice President

John P. Schmitz
Deputy Counsel to the Vice President

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(Copy to remain with correspondence)

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Department of State

PAGE 01 OF 02 SAN SA 15513 00 OF 02 2501542 4641
ACTION INRO-00

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TO SECSTATE WASHDC 5729
INFO AMEMBASSY MANAGUA
AMEMBASSY TEGUCIGALPA
AMEMBASSY GUATEMALA
AMEMBASSY SAN JOSE

[redacted] SAN SALVADOR 15513

ROGER CHARLES

E.O. 12356: DECL: OADR
TAGS: PINS, PREL, PGOV, ES, NU
SUBJECT: SANDINISTA AID TO FMLN

SPECIAL HANDLING

REF: STATE 368519

1. [redacted] -- ENTIRE TEXT.

2. POST PROVIDED THE FOLLOWING INFORMATION TO PRESIDENT DUARTE ON SANDINISTA SUPPORT OF THE FMLN/FDR AND NONCOMPLIANCE WITH THE ESQUIPULAS II PEACE PLAN. SEPTEL REQUESTS CLEARANCE TO PASS ADDITIONAL INFORMATION ON NICARAGUAN SUPPORT FOR THE FMLN/FDR TO PRESIDENT DUARTE.

-- THE FMLN'S RADIO VENCEREMOS OFFICE IS LOCATED IN A TWO-STORY HOUSE IN COLONIA LAS PALMAS, MANAGUA, NICARAGUA.

-- FMLN-OPERATED PRESS AGENCIES NOTISAL AND SALPRESS ARE STILL LOCATED IN MANAGUA

-- FMLN REPRESENTATIVES IN MEXICO CITY HAVE ACCESS TO THE FMLN LEADERSHIP IN MANAGUA THROUGH THE NICARAGUAN EMBASSY IN MEXICO.

-- THERE ARE SEVERAL SAFEHOUSES IN MANAGUA. FMLN PEOPLE HAVE OCCUPIED FOUR HOUSES IN THE CARRETERA SUR IN MANAGUA FOR THE PAST 18 MONTHS. APPROXIMATELY 8-10 SALVADORAN NATIONALS OCCUPY ANOTHER HOUSE IN THE LOMAS LINDA NEIGHBORHOOD IN MANAGUA WHERE THEY UNDERGO SOME PHYSICAL TRAINING. THE HOUSE HAS A SINGLE DIPOLE ANTENNA WHICH COULD RECEIVE AND SEND SIGNALS TO AND FROM EL SALVADOR.

-- THERE ARE UNCONFIRMED REPORTS OF A SUSPECTED FMLN LOGISTICS BASE IN EL REALEJO, PASO ESTERO CABALLO, CONSIGNA PENINSULA, NICARAGUA.

-- AFTER THE AUGUST 7, 1987 SIGNING OF THE ESQUIPULAS II AGREEMENT, THE SANDINISTAS TOLD FMLN LEADERS THAT THE FMLN MUST REDUCE ITS PRESENCE IN NICARAGUA TO AN ABSOLUTE MINIMUM TO REDUCE FMLN VISIBILITY. THE FDR WAS ASKED TO DO THE SAME, TRANSFERRING NON-ESSENTIAL PERSONNEL TO MEXICO AND PANAMA.

-- FMLN PUBLICATIONS AT PRESENT ARE THE MONTHLY MAGAZINE, "EL SALVADOR," AND THE BI-WEEKLY 8-PAGE NEWSPAPER, "VENCEREMOS." ALTHOUGH BOTH CARRY THE ADDRESS OF A MEXICO CITY P.O. BOX (31-775), BOTH ARE PRODUCED IN NICARAGUA.

-- IN THE PAST MONTH, THERE ARE INDICATIONS OF A NOTABLE SURGE IN LOGISTICS RESUPPLY ACTIVITY CONDUCTED BY THE SALVADORAN INSURGENTS. TWO MAJOR ROUTES ARE USED. ONE CONSISTS OF AN ENTRY POINT AT THE MOUTH OF THE RIO LEMPA OR ISLA MONTECRISTO NORTHWARD. THE SECOND ROUTE BEGINS IN THE JUCUARAN COASTAL AREA, EXTENDING NORTHWARD TO THE WAR FRONTS, SOMETIMES PARALLELING THE ROUTES ORIGINATING FROM THE RIO LEMPA AREA.

-- ON OCTOBER 5, 1987, A THREE COLUMN, 70-MAN GUERRILLA LOGISTICAL SUPPLY TEAM WAS INTERCEPTED NEAR OJO DE AGUA ARRIBA, USULUTAN DEPARTMENT. EACH OF THE 70-MAN TEAM WAS CARRYING HIS PERSONAL WEAPON AND FOUR OR FIVE ADDITIONAL M-16/AR-15 RIFLES ON HIS SHOULDER. TWENTY-SIX OF THESE WEAPONS WERE CAPTURED AND SEVEN WEAPONS AND THE AMMUNITION WERE NEW. PRELIMINARY TRACING OF THE SERIAL NUMBERS ON THESE CAPTURED WEAPONS INDICATED A FEW (PROBABLY THE PERSONAL WEAPONS CARRIED BY THE SEVEN DEAD GUERRILLAS) WERE ORIGINALLY CONSIGNED TO THE SALVADORAN ARMED FORCES. AT LEAST 15 OF THE WEAPONS WERE TRACED TO WEAPONS CONSIGNED TO THE U.S. ARMED FORCES IN VIETNAM, AND PROBABLY WERE PART OF THE SUSPECTED LOGISTICAL SUPPLY RECEIVED BY SEA BETWEEN SEPTEMBER 27-OCTOBER 4, 1987.

-- NICARAGUA CONTINUES TO PROVIDE MATERIEL SUPPORT TO THE GUERRILLAS IN EL SALVADOR. SINCE SEPTEMBER 1987 THERE CONTINUES TO BE AMPLE EVIDENCE THAT RESUPPLY ACTIVITY ORIGINATING FROM NICARAGUA CONTINUES. THERE HAVE BEEN SEVEN POSSIBLE SEABORNE DELIVERIES DETECTED SINCE SEPTEMBER.

-- ON OCTOBER 4 OR 5, 1987, A BOAT FROM NICARAGUA LOADED WITH WEAPONS REPORTEDLY LANDED AT PLAYA LA CRIBA, LA UNION DEPARTMENT. THE WEAPONS CONSISTED OF SMALL MACHINE GUNS AND POSSIBLE SUB-MACHINE GUNS. THE BOAT DEPARTED AT 0200 ON OCTOBER 5, 1987 FOR PUNTA NATA, NICARAGUA.

ARA

-- NICARAGUA MAY CONTINUE TO SERVE AS A TRAINING BASE FOR SALVADORAN INSURGENTS. IN JUNE 1987, SIX FARN MEMBERS WHO HAD RECENTLY COMPLETED A TWO-YEAR MILITARY AND POLITICAL TRAINING COURSE IN NICARAGUA, RETURNED TO SAN SALVADOR. SEVERAL OF THESE GUERRILLAS WERE ACTIVISTS AT THE NATIONAL UNIVERSITY OF EL SALVADOR BEFORE LEAVING FOR TRAINING IN NICARAGUA. THESE RETURNING GUERRILLAS ARE TO ESTABLISH CELLS WITHIN SAN SALVADOR AND TO RETURN TO THE NATIONAL UNIVERSITY AND RENEW FORMER CONTACTS. THEY WILL BE TASKED WITH RECRUITMENT, POLITICAL INDOCTRINATION AND MILITARY TRAINING WITHIN THE UNIVERSITY.

-- FMLN PROPAGANDA PRINTING FACILITIES ARE LOCATED IN AN APPARENTLY ABANDONED EARTHQUAKE DAMAGED BUILDING IN DOWNTOWN MANAGUA. CLOSER INSPECTION OF THE BUILDING, WHICH IS LOCATED ABOUT 200 METERS EAST OF THE GOVERNMENT HOUSE, REVEALS IT MAY INDEED BE OCCUPIED. THERE ARE ELECTRICAL OR TELEPHONE HOOK-UPS FROM NEARBY POLES. THE NICARAGUAN GOVERNMENT REPORTEDLY PROVIDES ALMOST EVERYTHING FOR THE OPERATION "EXCEPT THE PAPER AND INK."

-- SINCE JUNE 1987, THE FMLN HAS HAD AT LEAST TWO AIRCRAFT POSITIONED IN NICARAGUA WHICH ARE DEDICATED

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: LANDFAIR, WILLIAM E.
Date: 05/23/94
Case ID: S940035C

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Special Project [illegible]

TO FMLN OPERATIONS. THE AIRCRAFT APPEAR TO BE ABLE TO REACT ON SHORT NOTICE TO FMLN HIGH COMMAND REQUESTS TO PROVIDE REQUIRED SUPPORT.

-- AS OF NOVEMBER 4, 1987, ALL FIVE SALVADORAN FMLN COMMAND AND CONTROL ELEMENTS CONTINUE TO OPERATE IN NICARAGUA AND AT LEAST TEN KEY FMLN OPERATIVES AND FOR LEADERS RESIDE IN MANAGUA. THERE IS NO EVIDENCE THEY HAVE LEFT OR HAVE BEEN ASKED TO LEAVE.

-- WHEN FMLN/FDR REPRESENTATIVES MET WITH COSTA RICAN PRESIDENT OSCAR ARIAS ON SEPTEMBER 7, THEY PROVIDED PHONE NUMBERS IN NICARAGUA TO CONTACT THEM IN THE FUTURE.

-- THE FMLN IS KNOWN TO USE CODE BOOKS SUPPLIED BY NICARAGUA WITH ONE-TIME KEY PADS.

-- THE MEXICAN NEWSPAPER, "EXCELSIOR," PUBLISHED AN INTERVIEW WITH NICARAGUAN PRESIDENT ORTEGA ON JUNE 24, 1987, WHERE HE PUBLICLY ADMITTED FOR THE FIRST TIME THAT THE SANDINISTAS HAVE GIVEN AID TO THE FMLN/FDR. THE ARTICLE QUOTES ORTEGA AS STATING, "IN SOME CASES, SOME MEMBERS OF THE NICARAGUAN ARMED FORCES DELIVERED SOME ARMS TO THE REVOLUTIONARIES OF EL SALVADOR."

-- DURING THE AUGUST 6-7 ESQUIPULAS II SUMMIT, PRESIDENT ORTEGA CONCEDED THAT THE GOVERNMENT OF NICARAGUA PROVIDES AID TO THE FMLN. HE TOLD PRESIDENT DUARTE THAT NICARAGUA HAD INCREASED AID TO THE FMLN EACH TIME THE U.S. HAD INCREASED MILITARY ASSISTANCE TO EL SALVADOR.

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11/24/87

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
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Exemption(s) 3C
NH 394

MEMC November 24, 1987

TO: The Ambasador

FROM: Labor Attache- Don Knight

SUBJECT: UNGA - Chile Resolution

I met with Maximo briefly at 1300 this afternoon to ask him the state of play on the Chile resolution in the UNGA. He said he had received the draft language from George, and had no real problem with it. He agreed with the basic thrust of the paragraph and after making a few minor word changes, he discussed it with Jaime Castillo. Jaime also agreed with the tenor of the paragraph, and he datafaxed the language to Gonzalo Taborga in New York with instructions to do whatever possible to get this language inserted into the resolution, and to make other changes to shorten the entire resolution.

This morning Max spoke with Taborga on the telephone, and was informed that Taborga had a good meeting yesterday afternoon with Amb. Byrnes (Walters' assistant) in New York. Taborga reported that he was certain that he had narrowed considerably the differences between the original draft and the US position, and things looked promising. Max stated that he thought it would now be possible for the US to abstain on the resolution, which he described as a major step forward. He would prefer a yes vote, but would certainly view the abstencion as a great improvement over last year's no vote.

He also understands from Taborga that the Chile resolution will most likely come to a vote between December 6 and 8. Max is therefore planning to stay in New York until December 9, and will be back in Santiago on December 10. He still plans to depart here on November 28.

Max asked that I remind you that you had indicated you would help get him an appointment with Amb. Walters in New York. He would like to have a name of someone in Walters' office to call for such an appointment, or a time if possible. I told him I would pass this on to you.

Max also provided me with a copy of the GOC's 30 page paper on the Volio report, as well as copies of theGOC resolution on Mexico.

CC: DCM - Mr. Jones

POL - Mr. Keane

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11-25-87 KW017

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PAGE 01 STATE 367139
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Chile Project (#S199900030)
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Declassify: In Part ____ In Full ____
Exemption(s) ____

PAGE 02 STATE 367139

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E.O. 12356: N/A
TAGS: PHUM, CI, UNGA, MX
SUBJECT: MEXICAN DRAFT RESOLUTION ON HUMAN RIGHTS IN CHILE
--

UNCLASSIFIED

1. FOLLOWING TEXT OF MEXICAN RESOLUTION ON HUMAN RIGHTS IN CHILE IS PROVIDED FOR POSTS' BACKGROUND INFORMATION

DEMARCHE ON THIS ISSUE REQUESTED SEPTEL.

2. BEGIN TEXT:

SITUATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN CHILE

THE GENERAL ASSEMBLY

AWARE OF ITS RESPONSIBILITY TO PROMOTE AND ENCOURAGE RESPECT FOR HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS AND DETERMINED TO REMAIN VIGILANT WITH REGARD TO VIOLATIONS OF HUMAN RIGHTS WHEREVER THEY OCCUR,

NOTING THE OBLIGATION OF THE GOVERNMENT OF CHILE TO RESPECT AND PROTECT HUMAN RIGHTS IN ACCORDANCE WITH THE INTERNATIONAL INSTRUMENTS TO WHICH CHILE IS A PARTY,

BEARING IN MIND THAT THE CONCERN OF THE INTERNATIONAL COMMUNITY AT THE SITUATION OF HUMAN RIGHTS IN CHILE WAS EXPRESSED BY THE GENERAL ASSEMBLY IN A NUMBER OF

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RESOLUTIONS, PARTICULARLY RESOLUTION 33/173 OF 20 DECEMBER 1978 ON DISAPPEARED PERSONS AND RESOLUTION 41/161 OF 4 DECEMBER 1986 IN WHICH THE GENERAL ASSEMBLY INVITED THE COMMISSION ON HUMAN RIGHTS TO ADOPT THE MOST APPROPRIATE MEASURES FOR THE EFFECTIVE RESTORATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN THAT COUNTRY, INCLUDING THE EXTENSION OF THE MANDATE OF THE SPECIAL RAPPORTEUR.

CONSIDERING THAT THE SPECIAL RAPPORTEUR PROPOSES TO SUBMIT TO THE COMMISSION ON HUMAN RIGHTS AT TIS FORTY-FOURTH SESSION A FINAL REPORT ON THE SITUATION OF HUMAN RIGHTS IN CHILE,

RECALLING THE PERTINENT RESOLUTIONS OF THE COMMISSION ON HUMAN RIGHTS, PARTICULARLY RESOLUTION 1987/60 OF 12 MARCH 1987, IN WHICH THE COMMISSION DECIDED, INTER ALIA, TO EXTEND THE MANDATE OF THE SPECIAL RAPPORTEUR FOR ONE YEAR AND TO CONSIDER THIS SUBJECT, AS A MATTER OF HIGH PRIORITY, IN VIEW OF THE PERSISTENCE OF SERIOUS VIOLATIONS OF HUMAN RIGHTS IN CHILE,

DEPLORING ONCE AGAIN THE FACT THAT THE REPEATED APPEALS OF THE GENERAL ASSEMBLY, THE COMMISSION ON HUMAN RIGHTS AND OTHER INTERNATIONAL ORGANS TO RE-ESTABLISH HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS HAVE BEEN IGNORED BY THE CHILEAN AUTHORITIES,

CONSIDERING THE REPORTS PREPARED BY VARIOUS NON-GOVERNMENTAL ORGANIZATIONS WHICH HAVE MADE PUBLIC THE SERIOUS VIOLATIONS OF HUMAN RIGHTS IN CHILE,

OBSERVING THAT THE MAINTENANCE OF STATES OF LEGAL EXCEPTION CONSTITUTES A SOURCE OF FREQUENT VIOLATIONS OF

HUMAN RIGHTS AND LEAD TO THE ARBITRARY INTERVENTION OF THE PUBLIC AUTHORITY IN DETRIMENT OF THE POLITICAL

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PAGE 04 STATE 367139

ACTIVITIES OF ITS CITIZENS,

NOTING THAT EVEN WHEN OPPOSITION PUBLICATIONS HAVE BEEN AUTHORIZED, THESE HAVE BEEN SUBMITTED TO SEVERE RESTRICTIONS AND LIMITATIONS, INCLUDING THE DETENTION AND INDICTMENT OF THEIR EDITORS,

NOTHING THAT THE ADOPTION OF MEASURES ON POLITICAL PARTY ACTIVITIES AND ELECTORAL REGISTRATION DO NOT CONSTITUTE

AN EXPRESSION OF THE SOVEREIGN WILL AND THAT, IN THE ABSENCE OF THE INSTITUTIONAL FRAMEWORK FOR FREE ELECTIONS, DO NOT MEET THE BASIC REQUIREMENTS OF DEMOCRATIC RULE OF LAW NOR OF THE PRINCIPLE OF NON DISCRIMINATION BASED ON POLITICAL OPINIONS OR OF OTHER NATURE, RECOGNIZED IN THE INTERNATIONAL COVENANT OF CIVIL AND POLITICAL RIGHTS,

1. TAKES NOTE WITH INTEREST OF THE PROVISIONAL REPORT OF THE SPECIAL RAPPORTEUR ON THE SITUATION OF HUMAN RIGHTS IN CHILE, SUBMITTED IN ACCORDANCE WITH COMMISSION ON HUMAN RIGHTS RESOLUTION 1987/60;

2. RECOGNIZES, AS A POSITIVE FACT, THT THE GOVERNMENT OF CHILE PERMITTED THE SPECIAL RAPPORTEUR TO VISIT THE COUNTRY IN MARCH 1987, PROVIDING HIM WITH ITS CO-OPERATION AND FREE ACCESS TO THE FACILITIES FOR CONDUCTING HIS INVESTIGATION AND EXPRESSES ITS CONSFIDENCE THAT A FURTHER VISIT WILL BE AUTHORIZED ON THE SAME CONDITIONS IN THE IMMEDIATE FUTURE AND, AT THE SAME TIME IT REGRETS THAT THIS CO-OPERATION OF THE GOVERNMENT OF CHILE WITH THE EFFORTS OF THE UNITED NATIONS HAS NOT LED TO A SUBSTANTIAL IMPROVEMENT IN HUMAN

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PAGE 05 STATE 367139

RIGHTS AND FUNDAMENTAL FREEDOMS;

3. EXPRESSES ITS DEEP DISTRESS AT THE ABSENCE OF A LEGAL AND POLITICAL STRUCTURE WHICH PROTECTS THE UNRESTRICTED EXERCISE OF CIVIL, POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS, A BASIC CONDITION FOR THE FREE EXPRESSION OF THE PEOPLE'S WILL;

4. AGAIN EXPRESSES ITS CONVICTION THAT A LEGAL AND POLITICAL ORDER BASED ON THE EXPRESSION OF THE PEOPLE'S WILL THROUGH AN OPEN ELECTORAL PROCESS, ON THE BASIS OF EQUALITY TO ALL THE CITIZENS AND ON FREE ELECTIONS, IS FUNDAMENTAL FOR THE FULL RESPECT FOR HUMAN RIGHTS IN CHILE AS IT IS IN ANY OTHER COUNTRY.

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5. EXPRESSES ITS DEEP CONCERN WITH THE SERIOUSNESS OF THE WELL DOCUMENTED ACCUSATIONS OF HUMAN RIGHTS VIOLATIONS IN CHILE, AS DESCRIBED IN THE REPORT OF THE SPECIAL RAPPORTUER WHICH REFERS TO SUCH VIOLATIONS AS THE RIGHT TO LIFE, PHYSICAL AND MORAL INTEGRITY, LIBERTY, SECURITY, THE RIGHT TO DUE PROCESS AND LEGAL GUARANTIES, THE FREEDOM TO ENTER AND LEAVE THE COUNTRY FEEELY, FREEDOM OF MOVEMENT AND FREEDOM OF EXPRESSION AND INFORMATION;

6. EXPRESSES ITS DISTRESS AT THE DENIAL OF FUNDAMENTAL

RIGHTS AND FREEDOMS THROUGH THE MAINTENANCE OF ARBITRARY EXECUTIVE POWERS DURING THE PROLONGED PERIOD OF EXISTENCE OF THE STATES OF LEGAL EXCEPTION, THE CLIMATE OF INSECURITY, THE USE OF COERCIVE METHODS, TORTURE AND ILL-TREATMENT BY THE SECURITY FORCES, THE RENEWAL OF ADMINISTRATIVE INTERNAL EXILE AND THE PRACTICE OF FORCED DISAPPEARANCES, AS WELL AS THE EXISTENCE OF BANDS AND PRIVATE GROUPS RELATED TO THE SECURITY FORCES THAT, WITH IMPUNITY, ARE RESPONSIBLE FOR ACTIONS THAT RANGE FROM

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INTIMIDATION TO ASSASSINATION;

7. EXPRESSES ITS CONCERN AT THE DENIAL BY THE CHILEAN AUTHORITIES OF THE EXERCISE OF THE RIGHTS OF FREE EXPRESSION, ASSEMBLY AND ASSOCIATION, THROUGH THE USE OF REPRESSIVE METHODS AND VIOLENT RESPONSES TO DEMONSTRATIONS OF SOCIAL AND POLITICAL OPPOSITION, IN PARTICULAR MILITARY SEARCHES OF MARGINAL SETTLEMENTS AND UNIVERSITY PREMISES AND ACTS OF INTIMIDATION AGAINST JOURNALISTS, RELIGIOUS AND LAY HUMAN RIGHTS BODIES;

8. EXPRESSES ITS GRAVE CONCERN AT THE INEFFECTIVENESS OF THE GOVERNMENT AUTHORITIES IN PREVENTING THE ILL-TREATMENT OF INDIVIDUALS BY THE MILITARY, POLICE AND SECURITY FORCES AND EXPRESSES PARTICULAR CONCERN THAT IN PRACTICE THE JUDICIARY DOES NOT ACT INDEPENDENTLY AND THAT THE COMPETENT JUDICIAL AUTHORITIES HAVE FAILED TO TAKE THE NECESSARY STEPS TO CONDUCT FULL INVESTIGATIONS AND PROSECUTE THOSE RESPONSIBLE FOR THE NUMEROUS UNSOLVED CASES OF ABDUCTIONS, TORTURE, DISAPPEARANCES AND MURDER;

9. URGES THE CHILEAN GOVERNMENT TO HONOR THE REQUEST OF VAIOUS SOCIAL AND POLITICAL SECTORS FOR THE RE-ESTABLISHMENT OF A PLURALIST DEMOCRACY;

10. EMPHASIZES THE NEED FOR THE GOVERNMENT OF CHILE TO RESTORE AND RESPECT HUMAN RIGHTS IN CONFORMITY WITH THE PRINCIPLES OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND COMPLY WITH THE OBLIGATIONS IT HAS ASSUMED UNDER VARIOUS INTERNATIONAL INSTRUMENTS, SO THAT THE PRINCIPLE OF LEGALITY, DEMOCRATIC INSTITUTIONS AND THE EFFECTIVE ENJOYMENT AND EXERCISE OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS MAY BE RESTORED, AND, IN PARTICULAR:

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(A) IMMEDIATELY PUT AND END TO THE STATE OF EMERGENCY, THE ARBITRARY PRACTICE OF DECLARATING STATES OF LEGAL EXCEPTION AND THE APPLICATION OF ARTICULES 8 AND 9 OF THE CONSTITUTION, UNDER WHICH SERIOUS AND CONTINUING VIOLATIONS OF HUMAN RIGHTS, IN PARTICULAR THE RIGHT TO LIFE AND FREEDOM OF THOUGHT, ARE COMMITED IN THE COUNTRY;

(B) AMEND LEGISLATION, INCLUDING THE LAWS PERMITTING THE ARBITRARY USE OF SUCH STATES OF LEGAL EXCEPTION, SO AS TO BRING THEM INTO CONFORMITY WITH GUARANTEES OF HUMAN RIGHTS, AS DEFINED IN INTERNATIONAL INSTRUMENTS;

(C) IMMEDIATELY PUT AN END TO ALL FORMS OF PHYSICAL AND PSYCHOLOGICAL TORTURE AND EFFECTIVELY RESPECT THE RIGHT TO LIFE AND TO PHYSICA AND MORAL INTEGRITY, AND DESIST FURTHERMORE FROM INTIMIDATION AND PERSECUTION, ABDUCTIONS, ARBITRARY ARRESTS, DETENTIONS IN SECRET LOCATIONS, AS WELL AS THE PRACTICES OF PROLONGED PERIODS OF INCOMMUNICADO DETENTION AND ASSASSINATIONS FOR POLITICAL REASONS;

(D) PROCEED, AS A MATTER OF URGENCY, THROUGH JUDICIAL AND ADMINISTRATIVE ACTION, TO INVESTIGATE ALL REPORTS OF DEATHS, TORTURE, ABDUCTIONS AND OTHER HUMAN RIGHTS VIOLATIONS BY THE MILITARY, POLICE AND SECURITY FORCES AND PUNISH THOSE FOUND GUILTY OF SUCH VIOLATIONS;

(E) INVESTIGATE AND CLARIFY THE FATE OF PERSONS ARRESTED FOR POLITICAL REASONS WHO HAVE SUBSEQUENTLY DISAPPEARED, SO THAT THE APPLICATION OF THE AMNESTY LAW DOES NOT PREVENT THE IDENTIFICATION OF THOSE RESPONSIBLE AND THE ADMINISTRATION OF JUSTICE;

(F) CO-OPERATE FULLY AND EFFICIENTLY IN THE INVESTIGATION OF HUMAN RIGHTS VIOLATIONS, ASSURING THE
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INDEPENDENCE OF THE JUDICIARY AND THE MAXIMUM EFFECTIVENESS OF JUDICIAL REMEDIES, PARTICULARLY AMPARO AND HABEAS CORPUS AND PREVENT THE INTIMIDATION OF JUDGES, DEFENSE LAWYERS AND WITNESSES;

(G) REORGANIZE THE POLICE AND SECURITY FORCES SO AS TO HELP PUT AN END TO PERSISTENT HUMAN RIGHTS VIOLATIONS;

(H) RE-ESTABLISH THE JURISDICTION OF THE CIVILIAN COURTS IN MATTERS OF THEIR COMPETENCE WHICH HAVE BEEN DELEGATED TO THE MILITARY COURTS AND PUT AN END TO THE DESIGNATION OF AD HOC PROSECUTORS BY THE MILITARY JUDGES, AS WELL AS LEGAL MEASURES UNDER WHICH, AND BECAUSE OF THEIR BROAD ARBITRARINESS RESULT IN GREAT VIOLATIONS OF INDIVIDUAL RIGHTS AND FREEDOMS;

(I) PROCEED VIGOROUSLY TO END AND PUNISH THE ACTIVITIES OF BANDS AND GROUPS, WHETHER PRIVATE OR CONNECTED WITH SECURITY FORCES, WHICH ARE RESPONSIBLE FOR ABDUCTIONS, KIDNAPINGS RESULTING IN DEATHS, DISAPPEARANCES, SEARCHES,

INTERROGATIONS, INTIMIDATION, TORTURE AND ILL-TREATMENT OF PERSONS;

(J) GUARANTEE THAT ANTI-TERRORIST LEGISLATION SHALL NOT BE USED AGAINST PERSONS WHO HAVE NOT COMMITTED TERRORIST ACTS; THAT PERSONS INCULPATED IN ACTS OF VIOLENCE OR TERRORISM SHALL BE ACCORDED DUE PROCESS OF LAW AND RESPECT FOR THEIR RIGHTS, AND THAT THE ACCUSATION OF TERRORISM SHALL NOT BE ADDUCED AS A JUSTIFICATION FOR ANY ABUSE OF AUTHORITY, TORTURE OR INHUMANE TREATMENT;

(K) PUT AN END TO THE PRACTICE OF BANISHMENT OR INTERNAL

EXILE, THROUGH ADMINISTRATIVE MEASURES AND RESPECT THE RIGHT OF NATIONALS TO LIVE IN AND FREELY ENTER AND LEAVE THEIR COUNTRY, WITHOUT ARBITRARY RESTRICTIONS OR CONDITIONS OF ANY KIND AND FINALLY PUT AN END TO THE PRACTICE OF FORECED EXILE;

(L) RESTORE THE FULL ENJOYMENT AND EXERCISE OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS, PARTICULARLY LABOR AND TRADE UNION RIGHTS, FREEDOM OF EXPRESSION AND INFORMATION, AND PRESERVE THE SOCIO-CULTURAL IDENTITY OF ETHNIC MINORITIES;

(M) RESPECT THE ACTIVITIES OF THE ORGANIZATIONS AND PERSONS RELATED TO THE PROTECTION AND PROMOTION OF HUMAN RIGHTS, WHETHER INTERNATIONAL NON-GOVERNMENTAL OR RELIGIOUS.

11) INVITES THE COMMISSION ON HUMAN RIGHTS TO CONSIDER, AS A MATTER OF HIGH PRIORITY, THE REPORT OF THE SPECIAL RAPPORTEUR, TAKING ACCOUNT OF THE RELEVANT INFORMATION OF ITS DISPOSAL; TO TAKE THE MOST APPROPRIATE STEPS FOR THE EFFECTIVE RESTORATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN CHILE, INCLUDING EXTENDING THE MANDATE OF THE SPECIAL RAPPORTEUR; AND TO REPORT TO THE GENERAL ASSEMBLY AT ITS FORTY-THIRD SESSION, THROUGH THE ECONOMIC AND SOCIAL COUNCIL, WITH A VIEW TO EXAMINING THE HUMAN RIGHTS SITUATION IN CHILE. WHITEHEAD

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Chile Project (#S199900030)
U.S. Department of State
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~~C O N F I D E N T I A L~~ STATE 366640

E.O. 12356: DECL: OADR
TAGS: UNGA, PHUM, CI
SUBJECT: CONSIDERATION OF CHILE AT UNGA
REF: STATE 363472 (NOTAL)

1. ~~CONFIDENTIAL~~ ENTIRE TEXT.

2. SEPTELS PROVIDE (A) US POSITION PAPER ON CHILE RESOLUTIONS AT UNGA, AND (B) CURRENT TEXT OF MEXICAN DRAFT RESOLUTION, NOW UNDER CONSIDERATION, AND LIKELY TO BE VOTED ON NOVEMBER 27. AS NOTED IN THE POSITION PAPER, USG COULD SUPPORT A BALANCED AND OBJECTIVE RESOLUTION REGARDING THE HUMAN RIGHTS RESOLUTION IN CHILE ALONG THE ~~CONFIDENTIAL~~

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PAGE 02 STATE 366640

LINES ALREADY DISTRIBUTED TO THE WEOG BY USUN.

3. THE MEXICAN DRAFT RESOLUTION DOES NOT FILL THAT BILL. ADDRESSEES ARE, THEREFORE, REQUESTED TO APPROACH HOST GOVERNMENTS AT HIGHEST APPROPRIATE LEVEL TO STRESS US CONVICTION THAT PASSAGE OF MEXICAN RESOLUTION WILL NOT ASSIST EFFORTS NOW UNDERWAY TO ENCOURAGE PROGRESS TOWARD

DEMOCRACY IN CHILE, ESPECIALLY IN CONNECTION WITH THE PLEBISCITE NEXT YEAR. FURTHER BACKGROUND ON US VIEWS PROVIDED REF (A)(BEING REPEATED TO ACTION ADDRESSEES).

WHAT IS NEEDED NOW IS PROMPT ACTION BY ADDRESSEE GOVERNMENTS TO INSTRUCT THEIR REPRESENTATIVES IN NEW YORK TO WORK FOR AN AMENDED AND BALANCED RESOLUTION THAT WOULD REFLECT USG VIEWS AND CONCERNS. SUCHREVISIONS, IF ACHIEVED, SHOULD BE DISCUSSED WITH US DELEGATION TO USUN.

4. FAILURE TO ACHIEVE A BALANCED RESOLUTION WOULD LEAVE USG WITH OPTION OF ABSTENTION OR NO VOTE. WE BELIEVE THAT A NO VOTE SIMILAR TO THAT MADE LAST YEAR WOULD BE INCONSISTENT WITH OUR POLICY TOWARD CHILE. IT MIGHT MEET OUR UN OBJECTIVES OF OPPOSING UNBALANCED RESOLUTIONS BUT IT WOULD SEND WRONG AND CONFUSING SIGNALS TO CHILE REGARDING OUR CONTINUED POLICY COMMITMENT TO HUMAN RIGHTS AND A FREE AND FAIR ELECTORAL PROCESS THAT WOULD RESTORE GENUINE DEMOCRACY IN CHILE.

4. TALKING POINTS:

--THE NEXT TWELVE MONTHS WILL BE CRUCIAL TO THE SHAPE AND NATURE OF CHILE'S TRANSITION TO DEMOCRACY. THE GOVERNMENT OF CHILE HAS RECENTLY TAKEN SOME POSITIVE HUMAN RIGHTS STEPS, BUT WITHOUT MATCHING POLITICAL CHANGE THERE ~~CONFIDENTIAL~~

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PAGE 03 STATE 366640

IS NO GUARANTEE THESE WILL BE PERMANENT OR CHANGE THE NATURE OF THE REGIME. WITH THE CRUCIAL PRESIDENTIAL VOTE LIKELY TO OCCUR SOMETIME NEXT YEAR, IT IS IMPORTANT THAT THE WESTERN DEMOCRACIES UNDERSCORE THEIR SUPPORT FOR A RETURN TO FULL DEMOCRACY IN CHILE.

--WE HOPE THE WESTERN NATIONS WITH WHICH WE SHARE IMPORTANT VALUES WILL JOIN US IN STRONGLY SUPPORTING A PEACEFUL TRANSITION TO FULL DEMOCRACY AND INCREASED RESPECT FOR HUMAN RIGHTS. WE BELIEVE THAT IT IS IMPORTANT TO WORK ACTIVELY TOWARDS THESE OBJECTIVES AT THE UNGA.

--A FAIR AND BALANCED RESOLUTION IS NEEDED FOR THE SAKE OF THE INTEGRITY OF THE HUMAN RIGHTS PROCESS AT THE UN.

--AMONG THE DRAFT RESOLUTION'S DEFICIENCIES ARE THE FOLLOWING: (A) IT FAILS TO CITE CHILE'S IMPROVEMENTS IN HUMAN RIGHTS, SUCH AS THE DECREASE IN THE NUMBER OF POLITICAL EXILES, ACCESS BY THE ICRC TO PRISONERS, AND CHILE'S RECENT SIGNING OF THE OAS AND UN TORTURE

CONVENTIONS; (B) IT UNDERLINES ITS IMBALANCE BY FAILING TO USE THE CUSTOMARY WORDS OF PRAISE FOR THE SPECIAL RAPPORTEUR, WHO DID FILE A BALANCED REPORT; AND (C) IT FAILS TO CONDEMN VIOLENCE FROM ALL QUARTERS.

--WE URGE THAT YOU SUPPORT APPROPRIATE AMENDATORY LANGUAGE. IF THE RESOLUTION REMAINS UNBALANCED, WE REQUEST THAT YOU SIGNIFY YOUR DISAPPROVAL BY NOT VOTING FOR IT. WHITEHEAD

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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
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FOR AMBASSADOR AND DCM FROM ELLIOTT ABRAMS

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PAGE 02 STATE 367170

E.O. 12356: DECL: OADR
TAGS: PREL, CI
SUBJECT: CHILE ISSUES -- BACKGROUND INFORMATION

REF: (A) 87 STATE 343186

1. ~~CONFIDENTIAL~~ ENTIRE TEXT

2. SUMMARY. CHILE IS APPROACHING A POLITICAL WATERSHED. AS CRITICAL EVENTS APPROACH THE USG MAY WELL BE FACED WITH THE NEED TO MAKE RAPID DECISIONS FOR WHICH WE WILL DESIRE THE SUPPORT OF CLOSE FRIENDS AND ALLIES. THIS CABLE PROVIDES

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ESSENTIAL BACKGROUND INFORMATION WHICH WILL BE HELPFUL TO EMBASSIES AS WELL AS SOME GENERAL TALKING POINTS THAT COULD BE USED WHENEVER YOU NEED TO DISCUSS THE SITUATION IN CHILE. END SUMMARY.

BACKGROUND ON US THOUGHTS ON BLOCKING PINOCHET'S PLAN

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3. IT IS THE PERCEPTION OF THE USG AND SHARED BY MANY OTHERS THAT PINOCHET INTENDS TO PERPETUATE HIMSELF IN POWER THROUGH A PLEBISCITE WHICH COULD BE HELD AS EARLY AS MARCH, THOUGH MORE LIKELY IN SEPTEMBER, 1988. WITHOUT OUTSIDE PRESSURE, THIS PLEBISCITE MAY BE CARRIED OUT UNDER UNDEMOCRATIC CIRCUMSTANCES GEARED TO OBTAIN A PINOCHET VICTORY, GIVEN HIS VERY LOW POPULARITY AT THIS TIME. SUCH A TRIUMPH WOULD BE CONSIDERED ILLEGITIMATE BOTH WITHIN CHILE AND ABROAD AND WOULD LEAD TO FURTHER GAINS BY THE VIOLENT MARXIST LEFT. THIS IN TURN WOULD GRAVELY THREATEN THE COUNTRY'S ECONOMY, ABILITY TO MEET DEBT PAYMENTS, AND MARKET-ORIENTED POLICIES.

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4. PINOCHET'S CONTINUATION IN POWER CAN BE AVOIDED ONLY IF THE DEMOCRATIC OPPOSITION'S CAMPAIGN FOR FREE ELECTIONS SUCCEEDS IN DENYING HIM THE PRESIDENCY BY DEFEATING HIM IN THE PLEBISCITE. THE GOC WILL DO EVERYTHING POSSIBLE TO PREVENT THIS FROM HAPPENING. IT ALREADY LIMITS FREEDOM OF ASSEMBLY, ASSOCIATION, AND EXPRESSION AND WILL CONTINUE TO APPLY REPRESSIVE PRESSURE AS NEEDED TO DENY THE OPPOSITION THE MEANS OF MOUNTING AN EFFECTIVE CAMPAIGN FOR A "NO" VOTE IN THE PLEBISCITE. THE RECENT ARREST OF 300 ELECTION WORKERS IS AN EXAMPLE OF THIS.

5. U.S. POLICY SEEKS THE ESTABLISHMENT OF A GENUINELY DEMOCRATIC ENVIRONMENT WHICH WOULD MAKE IT POSSIBLE FOR THE CHILEAN PEOPLE TO ORGANIZE FOR NON-VIOLENT POLITICAL ACTION AND MAKE A FREE AND INFORMED ELECTORAL CHOICE REGARDING THE FUTURE OF THEIR COUNTRY. THE SPECIFIC SHORT-TERM REFORMS WE DESIRE IN CHILE STEPS WE PROPOSE ARE: 1) AN END TO THE STATE OF EMERGENCY WHEN IT EXPIRES ON DECEMBER 4, 1987, THEREBY LIFTING GLOBAL RESTRICTIONS ON FREEDOM OF ASSEMBLY, THE MEDIA, UNIONS, ETC, 2) AN END TO THE POWER OF REGIONAL GOVERNORS (INTENDENTES) TO RESTRICT THE RIGHT OF ASSEMBLY AND ASSOCIATION THROUGH EXECUTIVE DECREES BASED IN PART ON THE STATE OF EMERGENCY, AND 3) AN AGREEMENT BY THE CHILEAN GOVERNMENT TO ALLOW FAIR ACCESS TO THE MEDIA, INCLUDING TELEVISION, FOR THE "NO" POSITION IN PLEBICITE ONCE THE PLEBICITE DATE IS OFFICIALLY ANNOUNCED.

PINOCHET'S POWER BASE

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6. IN THE VIEW OF THE USG AND MOST OTHERS WITH WHOM WE SPEAK, THERE IS NO DOUBT THAT PINOCHET, AFTER 14 YEARS IN POWER, IS INTENT ON REMAINING IN OFFICE FOR ANOTHER 8 YEARS. HIS CONSTITUTION OF 1980 STIPULATES THAT THE RULING MILITARY JUNTA MUST NAME A CANDIDATE WHO WILL BE PRESENTED TO THE CHILEAN PEOPLE FOR A STRAIGHT UP OR DOWN VOTE IN A PLEBISCITE TO BE HELD BEFORE FEBRUARY, 1989, SIMPLE MAJORITY DECIDING. DESPITE

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SOME OPPOSITION TO HIS CONTINUATION IN POWER WITHIN THE JUNTA
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PINOCHET WILL ALMOST CERTAINLY BE THE JUNTA'S CANDIDATE IN THIS PLEBISCITE. IF RATIFIED, HE WOULD REMAIN AS PRESIDENT UNTIL 1997.

7. CURRENT OPINION POLLS, HOWEVER, GIVE PINOCHET ONLY ABOUT 20 PER CENT POPULAR SUPPORT AND EVEN MANY OF HIS BACKERS ON THE CHILEAN RIGHT DOUBT HE CAN WIN FAIRLY. USING STATE FUNDS, PINOCHET HAS LAUNCHED A MULTI-MILLION DOLLAR PUBLICITY BLITZ AND A FULL-BLOWN CAMPAIGN OF PORK-BARREL POLITICS. IN THE PAST HE HAS USED THE FUNDS MADE AVAILABLE BY INTERNATIONAL LOANS FOR SUCH PURPOSES AND COULD DO SO AGAIN. HE ALSO TELLS HIS DOMESTIC AUDIENCE THAT THESE LOANS REPRESENT TANGIBLE SUPPORT FROM WESTERN GOVERNMENTS WHICH FAR OUTWEIGH THEIR PUBLIC PROTESTS OF THE POLITICAL SITUATION. IN THIS REGARD, THE PINOCHET REGIME EXPECTS TO RECEIVE ANOTHER STRUCTURAL ADJUSTMENT LOAN FROM THE WORLD BANK IN DECEMBER OF 1987. THE FIRST TRANCHE WOULD TOTAL 125M DOLLARS PAID EARLY IN 1988, WITH AN EQUAL SUM TO BE PAID BY THE END OF THAT YEAR.

8. AT THE SAME TIME, PINOCHET EFFECTIVELY MUZZLES THE OPPOSITION BY RESTRICTIONS ON FREEDOM OF ASSEMBLY, ASSOCIATION, UNIONIZATION, AND EXPRESSION. GIVEN HIS UNPOPULARITY, PINOCHET WILL ATTEMPT TO PRESERVE AS MANY OF THESE RESTRICTIONS AS POSSIBLE TO PREVENT OPPONENTS FROM GATHERING STRENGTH. FOR EXAMPLE, THE GOC STEADFASTLY REFUSES TO SLACKEN ITS TOTAL CONTROL OVER TELEVISION, THE KEY NEWS AND COMMUNICATIONS MEDIUM IN CHILE. ON NOVEMBER 7, CHILEAN POLICE ARRESTED MORE THAN 300 PEOPLE IN SANTIAGO WHO WERE PEACEFULLY DISTRIBUTING LEAFLETS URGING CITIZENS TO REGISTER TO VOTE. CHILE REMAINS UNDER A "STATE OF EMERGENCY" CONDITION (SINCE 1973) WHICH GRANTS THE GOVERNMENT WIDE POWERS TO CURTAIL BASIC CIVIL AND HUMAN RIGHTS. PROVINCIAL MILITARY GOVERNORS, ALL PINOCHET APPOINTEES, USE EXECUTIVE DECREES TO FURTHER EXPAND ON THESE
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RESTRICTIVE POWERS.

EXTREME LEFT AND EXTREME RIGHT -- A SYMBIOTIC RELATIONSHIP

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9. THE FAR LEFT IN CHILE, LED BY A LARGE AND DISCIPLINED COMMUNIST PARTY, IS TAKING ADVANTAGE OF THESE CONDITIONS TO STRENGTHEN ITS APPEAL AMONG THE UNEMPLOYED IN BIG-CITY SLUMS, LOW-INCOME WORKERS, AND STUDENTS. IT HAS FORMED AN ACTIVE TERRORIST ORGANIZATION OF GROWING STRENGTH AND IS COUNTING ON PINOCHET'S CONTINUATION IN POWER TO FURTHER DESTABILIZE THE COUNTRY. AT THE SAME TIME, THE COMMUNISTS PROVIDE PINOCHET WITH A HANDY RAISON D'ETRE. THIS SYMBIOTIC RELATIONSHIP BETWEEN THE EXTREMES WILL EVENTUALLY LEAD TO A POLARIZATION OF SOCIETY AND THREATENS THE FUTURE OF DEMOCRACY.

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US SEEKS FAIR CHANCE FOR DEMOCRACY

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10. THE U.S. OBJECTIVE IS A RETURN TO FULL AND EFFECTIVE DEMOCRACY IN CHILE. WE BELIEVE THAT THE UPCOMING PLEBISCITE, WHICH MAY BE HELD AS EARLY AS SEPTEMBER, 1988 WILL BE A KEY EVENT IN CHILEAN HISTORY. IF GIVEN A FAIR CHANCE TO ORGANIZE ITSELF AND PRESENT ITS POINT OF VIEW TO VOTERS, THE DEMOCRATIC OPPOSITION SHOULD BE ABLE TO DEFEAT PINOCHET IN THE PLEBISCITE AND FORCE GENERAL ELECTIONS TO BE CALLED. HOWEVER, IF PINOCHET IS ABLE TO MAINTAIN CURRENT RESTRICTIONS ON CIVIL AND HUMAN RIGHTS WHILE MOBILIZING ALL OF THE POWER OF THE STATE BEHIND HIS CAMPAIGN, HE MIGHT BE ABLE TO WIN A MAJORITY OF VOTES BY PRESENTING A CAJOLED AND CONFUSED ELECTORATE WITH THE CHOICE OF "ME OR CHAOS," AS HE HAS ALREADY PUT IT. SHOULD HE SENSE IN ADVANCE THAT HIS VOTE WILL FALL SHORT OF A MAJORITY, HE MAY WELL RESORT TO FRAUD.

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11. TO AVOID THIS LATTER SCENARIO, WE ARE ATTEMPTING TO BRING ABOUT A CLIMATE OF GREATER RESPECT FOR HUMAN AND CIVIL RIGHTS IN CHILE IN ORDER THAT THE FUTURE ELECTORAL PROCESS BE FAIR.

WE SEEK SHORT TERM DEMOCRATIC REFORMS

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12. THE REFORMS WE ARE SEEKING INCLUDE:

A) NON-EXTENSION OF THE "STATE OF EMERGENCY" WHEN IT EXPIRES ON DECEMBER 4, 1987. THIS STATE OF EMERGENCY GRANTS THE EXECUTIVE WIDE POWERS TO LIMIT CIVIL RIGHTS CRUCIAL TO A FREE AND FAIR ELECTORAL PROCEDURE. THE GOC, IF IT WISHES TO EXTEND THE STATE

OF EMERGENCY FOR ANOTHER 3-MONTH TERM (IT HAS BEEN IN EFFECT SINCE 1973), MUST ISSUE AN EXTENSION DECREE. IF IT REFRAINS FROM DOING SO, THE STATE OF EMERGENCY WILL AUTOMATICALLY EXPIRE. IN THIS CASE, THE GOC CAN TAKE A MAJOR STEP BY DOING NOTHING.

B) AN AGREEMENT TO CANCEL OR AT THE VERY LEAST NOT INVOKE "BANDOS" OR EXECUTIVE DECREES WHICH GIVE MUNICIPAL AUTHORITIES THE RIGHT TO LIMIT CIVIL RIGHTS, AS THEY DID IN THE MASS ARREST OF PAMPHLETEERS ON OCTOBER 31. THIS THE GOC CAN DO QUICKLY AND EASILY.

C) AN AGREEMENT BY THE GOC TO MAKE A PUBLIC STATEMENT PLEDGING THAT IT WILL ALLOW FAIR ACCESS TO THE MEDIA, INCLUDING TELEVISION, TO THE NON-OFFICIAL ("NO") POSITION IN THE PLEBISCITE.

13. THESE REFORMS ARE WELL WITHIN THE POWER OF THE GOC TO GRANT

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AND, WHILE THEY LIMIT THE GOVERNMENT'S CONTROL ON THE POPULACE,

THEY JIBE FULLY WITH THE RECENT AND REPEATED CLAIMS BY TOP CHILEAN GOVERNMENT OFFICIALS THAT THE PLEBISCITE WILL BE CARRIED OUT UNDER TOTALLY FAIR AND DEMOCRATIC CIRCUMSTANCES.

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14. TALKING POINTS:

--CHILE IS FAST APPROACHING A POLITICAL WATERSHED. PINOCHET INTENDS TO STAY ON BY MEANS OF A PLEBISICTE WHICH WILL PROBABLY BE CARRIED OUT UNDER UNDEMOCRATIC CONDITIONS. A PINOCHET VICTORY UNFAIRLY ARRIVED AT WILL LEAD TO AN UNSTABLE REGIME LACKING IN LEGITIMACY. THIS IN TURN WILL FAVOR THE GROWTH OF THE FAR LEFT AND DESTABILIZE THE COUNTRY POLITICALLY AND ECONOMICALLY.

--THE U.S. INSISTS THAT THE CHILEAN GOVERNMENT KEEP ITS PROMISE, EXPRESSED OFTEN AND MOST RECENTLY TO US IN BILATERAL TALKS WITH FOREIGN MINISTER GARCIA, THAT A CLIMATE OF RESPECT FOR HUMAN AND CIVIL RIGHTS WOULD BE CREATED IN CHILE FAR IN ADVANCE OF A PLEBISICITE DATE. THE CHILEAN PEOPLE SHOULD BE GIVEN A FAIR CHANCE TO FREELY EXPRESS THEIR WILL IN THIS PLEBISCITE, WHICH WILL PROBABLY TAKE PLACE IN SEPTEMBER, 1988.

--WE WOULD BE LESS CONCERNED ABOUT CHILE'S FUTURE IF THESE PROMISES WERE BEING CARRIED OUT. INSTEAD, WE SEE NO PROGRESS -RATHER BACKSLIDING- ON KEY CIVIL AND HUMAN RIGHTS ISSUES.

--MANY OTHER WESTERN DEMOCRACIES CLEARLY SHARE OUR CONCERN. UNTIL NOW, HOWEVER, THIS CONFLUENCE OF VIEWS ON DEMOCRACY IN CHILE HAS NOT BEEN EXPRESSED TO PRACTICAL EFFECT.

--THE U.S. SEEKS SOME EARLY PRO-DEMOCRATIC STEPS BY THE CHILEAN GOVERNMENT TO IMPROVE THE CLIMATE FOR CIVIL AND HUMAN RIGHTS IN CHILE. THESE STEPS ARE: NON-EXTENSION OF THE STATE OF ~~CONFIDENTIAL~~

EMERGENCY, REPEAL OF EXECUTIVE DECREES LIMITING RIGHTS OF ASSEMBLY AND ASSOCIATION, AND AN AGREEMENT TO ALLOW FREER ACCESS TO THE MEDIA, ESPECIALLY TELEVISION, FOR THE "NO" POSITION IN THE UPCOMING PLEBISCITE.

--THESE CONDITIONS CAN EASILY BE APPROVED BY THE GOC. FOR EXAMPLE, THE "STATE OF EMERGENCY" IS DUE TO BE RENEWED ON DECEMBER 4. IF THE GOC DOES NOTHING AT ALL, IT WILL AUTOMATICALLY EXPIRE.

-- WE SUPPORT CHILE'S FREE MARKET POLICIES AND DO NOT WISH TO HARM HER ECONOMY. ON THE OTHER HAND, CHILE'S ECONOMIC FUTURE UNDER AN INCREASINGLY UNSTABLE PINOCHET REGIME WOULD NOT BE BRIGHT. A PROLONGATION OF AUTHORITARIAN RULE UNDER THE GUISE OF A "PROTECTED DEMOCRACY" WITH PINOCHET AT THE HELM WILL NOT PROVIDE A SOLUTION TO CHILE'S PROBLEMS AND WILL NURTURE THE VIOLENT MARXIST LEFT. FOREIGN INVESTMENT, RATIONAL APPROACHES TO CHILE'S LARGE FOREIGN DEBT, AND FREE MARKET PRINCIPLES WILL ALL BE THREATENED IF PINOCHET STAYS ON, THUS CALLING INTO QUESTION CHILE'S ABILITY TO REPAY THIS AND OTHER MDB LOANS. AN ORDERLY RETURN TO FULL DEMOCRACY, ON THE OTHER HAND, WOULD

PROVIDE THE BEST CHANCE FOR CONSERVING THESE POSITIVE ECONOMIC FEATURES.

--US FRIENDS SHOULD BE AWARE OF THE INCREASING PRESSURE FOR TOUGH ECONOMIC SANCTIONS AGAINST CHILE IN THE U.S. CONGRESS AND A WILLINGNESS TO TAKE ADVERSE ACTION ON WORLD BANK REPLENISHMENT SHOULD THIS IMPORTANT IFI BE SEEN AS TAKING STEPS TO HELP PINOCHET'S ELECTION PROSPECTS
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E.O. 12356: DECL: OADR
TAGS: PGOV, PHUM, PINS, ES
SUBJECT: ~~ARENA INCENSED BY ALLEGATIONS AGAINST~~
~~D'AUBUISSON~~

REF: SAN SALVADOR 15455

1. (C) SUMMARY

THE CONSERVATIVE ARENA PARTY PLANS TO HARDEN ITS STANCE AGAINST THE DUARTE GOVERNMENT IN THE WAKE OF STATEMENTS BY A WITNESS IMPLICATING ROBERTO D'AUBUISSON IN THE 1980 ASSASSINATION OF ARCHBISHOP ROMERO (REFTEL.) ARENA VIEWS THE ACCUSATIONS AGAINST D'AUBUISSON AS A COORDINATED GOES/USEMBASSY STAB IN THE BACK OF ARENA AS THE MARCH ELECTIONS APPROACH. PARTY LEADERS ARE PARTICULARLY RESENTFUL AS THEY FEEL ARENA HAS SUPPORTED THE DEMOCRATIC PROCESS AND EXERCISED RESTRAINT IN OPPOSING THE GOVERNMENT. IN A PAID ADVERTISEMENT ON NOV. 25, ARENA REFUTED GOES CHARGES AGAINST D'AUBUISSON, AND PUT FORWARD "EVIDENCE" BY SALVADORAN JOURNALIST JORGE PINTO THAT THE TRUE ASSASSINS OF ROMERO WERE MEMBERS OF THE NATIONAL SECURITY FORCES. THE AD PLACES RESPONSIBILITY FOR THE MURDER ON EX-CHIEF OF THE NATIONAL POLICE, COL. REINALDO LOPEZ NUILA. D'AUBUISSON CLAIMS HE HAS IRREFUTABLE EVIDENCE TO PROVE HIS INNOCENCE, AND ALSO BLAMES LOPEZ NUILA. ON NOV. 25 D'AUBUISSON FILED A PETITION WITH THE SUPREME COURT ARGUING HIS CONSTITUTIONAL RIGHTS HAVE BEEN VIOLATED.

2. (C) THE ARENA HARDLINERS ARE TAKING ADVANTAGE OF THE ATTACKS AGAINST D'AUBUISSON, THE RETURN OF FDR LEADERS UNGO AND ZAMORA, PENDING LABOR AND LAND REFORM LEGISLATION IN THE NATIONAL ASSEMBLY, AND THE TEMPORARY ABSENCE OF MORE MODERATE PARTY LEADER ALFREDO "FREDY" CRISTIANI", TO LAUNCH AN OFFENSIVE AGAINST THE GOES. EXTREMIST ARENA FRINGE ELEMENTS WERE RESPONSIBLE FOR AN ANONYMOUS AD THAT APPEARED IN THE NOV. 26 ISSUE OF THE "DIARIO DE HOY", IN WHICH THE ARMED FORCES ARE ATTACKED FOR HELPING THE GOVERNMENT ADVANCE COMMUNIST INTERESTS IN EL SALVADOR, FOR LACK OF WILL TO WIN THE WAR, AND FOR ALLOWING THE "ASSASSINS" (UNGO AND ZAMORA) TO RETURN

AS "HEROES" TO THE COUNTRY. THE AD FALLS SHORT OF OPENLY CALLING FOR A COUP, BUT INSINUATES STRONGLY THAT A COUP WOULD BE JUSTIFIED UNDER CURRENT CIRCUMSTANCES. ACCORDING TO ARENA VICE PRESIDENT CALDERON SOL, THE PARTY LEADERSHIP, WHILE DISTRAUGHT, FALLS FAR SHORT OF ADVOCATING A COUP. END SUMMARY.

3. (C) POLITICAL MANEUVER AGAINST ARENA

POLCOUNS AND POLOFFS MET UNTIL LATE IN THE NIGHT OF NOV. 24 WITH ARENA VICE PRESIDENT AND PARTY WHIP ARMANDO CALDERON SOL, AND EXECUTIVE COMMITTEE (COENA) MEMBER JUAN JOSE DOMENECH TO HEAR ARENA'S REACTION TO THE LATEST DEVELOPMENTS ON THE ROMERO CASE, AND ALLEGATIONS BY THE NEW-FOUND WITNESS OF INVOLVEMENT BY ARENA HONORARY PRESIDENT-FOR-LIFE AND PARTY FOUNDER, ROBERTO D'AUBUISSON. CALDERON WAS OUTRAGED BY THE ACCUSATIONS AGAINST D'AUBUISSON, CRITICIZING THE EMBASSY FOR ALLOWING ITSELF TO BE USED BY THE GOES TO ORCHESTRATE A PRE-ELECTION CAMPAIGN TO DISCREDIT ARENA. HE RECALLED THAT EVERY TIME ELECTIONS APPROACHED, THE DUARTE GOVERNMENT PULLED SOMETHING OUT OF ITS SLEEVE TO UNDERMINE ARENA. BEFORE THE 1985 ELECTIONS IT WAS THE "SIX MILLION DOLLAR MAN" CAPER THAT WAS TURNED AGAINST ARENA. (NOTE: ONE OF D'AUBUISSON'S HENCHMEN, FRANCISCO GUIROLA, WAS ARRESTED AT A TEXAS AIRPORT IN FEBRUARY, 1985 CARRYING USDOLS 6 MILLION IN UNDECLARED CASH. THE RUMOR WAS THAT THE MONEY CAME FROM DRUG PROFITS AND WERE INTENDED TO FINANCE ARENA'S CAMPAIGN. END NOTE.) CALDERON SAID ARENA LEADERS ARE PARTICULARLY INCENSED AT PRESIDENT DUARTE'S POLITICAL MACHINATIONS GIVEN THAT ARENA HAS PLAYED LOYAL OPPOSITION AND HAS SUPPORTED THE DEMOCRATIC PROCESS, DESPITE ITS COMPLETE DISDAIN FOR THE PDC GOVERNMENT.

4. (C) "STRONG MEASURES" AGAINST PDC

IT IS NOW TIME TO RETHINK THE STRATEGY TOWARD THE GOVERNMENT, CALDERON DECLARED. HE SAID THE COENA WOULD MEET ALL DAY NOV. 25 TO CONSIDER "STRONGER MEASURES" AGAINST THE GOES. HE WAS QUICK TO ADD THESE MEASURES WOULD FALL "WITHIN LEGAL BOUNDS." ASKED WHAT SPECIFIC STEPS MIGHT BE CONTEMPLATED, CALDERON MENTIONED PUBLIC DEMONSTRATIONS AND A LESS COOPERATIVE APPROACH OVERALL IN FORA SUCH AS THE LEGISLATIVE ASSEMBLY.

5. (C) CONVINCED D'AUBUISSON INNOCENT

CALDERON SAID HE AND FELLOW ARENEROS REMAIN AS CONVINCED AS EVER OF D'AUBUISSON'S INNOCENCE. D'AUBUISSON, HE SAID, WAS BEING FRAMED BY A "BOUGHT" GOVERNMENT WITNESS THAT HAD BEEN KEPT ON HOLD UNTIL ELECTIONS GOT CLOSER. CALDERON SAID IT WAS INCONCEIVABLE THAT THE WITNESS, AMADO ANTONIO GARAY, IF INDEED HE WAS THE DRIVER OF THE VEHICLE USED IN THE CRIME, DID NOT KNOW UNTIL THREE DAYS LATER THAT THE VICTIM WAS ARCHBISHOP ROMERO. THE NEWS OF THE MURDER HIT THE STREETS OF EL SALVADOR ONLY HOURS AFTER THE ASSASSINATION. CALDERON CLAIMED ARENA HAD PROOF THAT IT WAS THE PUBLIC SECURITY FORCES AND EX-CHIEF OF THE NATIONAL POLICE, COL. REYNALDO LOPEZ NUILA WHO WERE RESPONSIBLE FOR ROMERO'S EXECUTION. AS BASIS FOR THIS CLAIM, CALDERON CITED SALVADORAN JOURNALIST JORGE PINTO, WHOSE FINDINGS HE SAID HAVE

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BEEN PUBLISHED IN A BOOK WHICH IS NOT ALLOWED IN THE COUNTRY BY THE GOVERNMENT.

6. (U) THE PINTO THEORY

IN A TWO PAGE PAID AD ON NOV. 25, ARENA PUBLICLY ACCUSED THE NATIONAL POLICE AND LOPEZ NUILA FOR AUTHORING THE CRIME. JORGE PINTO, DESCRIBED AS FORMER EDITOR OF THE "INDEPENDENCE" NEWSPAPER, IS QUOTED EXTENSIVELY FROM HIS BOOK "THE CRY FROM THE SMALLEST" (EL GRITO DEL MAS PEQUENO) TO SUBSTANTIATE THE CHARGES. PINTO RELATES HOW HE WAS IN THE CHAPEL, COMMEMORATING THE FIRST ANNIVERSARY OF THE DEATH OF HIS MOTHER, WHEN ROMERO WAS KILLED. AS EVIDENCE OF THE INVOLVEMENT OF THE NATIONAL POLICE, PINTO MENTIONS THE FOLLOWING THREE WITNESSES:

-- A MERCHANT FRIEND OF THE FAMILY, NAPOLEON MARTINEZ, WHO ARRIVED LATE AT THE MASS AND SAW NATIONAL POLICE GUNMEN CARRY OUT THE CRIME;

-- THE MAID OF A NEIGHBOR REGULARLY OBSERVED BY NATIONAL POLICE BECAUSE OF GUERRILLA ASSOCIATION, WHO RECOGNIZED THE CAR USED IN THE SURVEILLANCE AS THE POLICE VEHICLE THAT DROVE UP TO THE CHURCH WHEN ROMERO WAS KILLED. ACCORDING TO THE MAID, THE MEN WERE THE SAME, BUT DRESSED IN CIVILIAN CLOTHES.

-- AN ENGINEER LIVING IN THE NEIGHBORHOOD SAW A NATIONAL POLICE JEEP CONDUCTING SURVEILLANCE OF THE CHURCH FOR TWO WEEKS BEFORE THE ASSASSINATION.

(NOTE: ACCORDING TO A NOV. 26 SALPRESS/NOTISAL REPORT, PINTO STATED IN MEXICO CITY, WHERE HE RESIDES, THAT HE NEVER SAID IT WAS THE NATIONAL POLICE WHO KILLED ROMERO, BUT RATHER THAT HE BLAMES THE ARMED FORCES AS AN INSTITUTION FOR THE CRIME. HE ALSO SAID D'AUBUISSON COULD HAVE BEEN THE "CONTRACTOR" FOR THE MURDER, AND THAT PRESIDENT DUARTE, AS COMMANDER IN CHIEF OF THE ARMED FORCES AT THE TIME, CANNOT BE COMPLETELY FREED FROM GUILT. END NOTE.)

7. (U) DON'T LOOK AT ME, LOOK AT LOPEZ NUILA

IN SEVERAL MEDIA APPEARENCES NOV. 23-25, ROBERTO D'AUBUISSON ANGRILY DENIED HIS INVOLVEMENT IN THE ROMERO CASE. HE PROMISED TO PRESENT IRREFUTABLE EVIDENCE OF HIS INNOCENCE, INCLUDING TESTIMONY THAT

HE WAS OUTSIDE OF SAN SALVADOR ON THE DATE THAT WITNESS GARAY CLAIMS TO HAVE DRIVEN TO D'AUBUISSON'S HOUSE AND OVERHEARD HIM CONVERSE WITH CAPTAIN SARAVIA. D'AUBUISSON CHARGED THE GOES IS SEEKING TO DEFLECT ATTENTION AWAY FROM THE DISASTEROUS FAILURE OF THE ESQUIPULAS II PROCESS, INCLUDING THE RETURN OF FDR LEADERS ZAMORA AND UNGO. PRESIDENT DUARTE, D'AUBUISSON CHARGED, "IS TRYING TO ELIMINATE ME POLITICALLY." ON NOV. 25, D'AUBUISSON FILED A PETITION (RECURSO DE EXHIBICION PERSONAL) WITH THE SUPREME COURT ARGUING THAT HIS CONSTITUTIONAL RIGHTS HAVE BEEN VIOLATED. IN THE PETITION D'AUBUISSON CLAIMS THERE IS A THREAT AGAINST HIS LIBERTY, ALTHOUGH HE, AS A MEMBER OF THE NATIONAL ASSEMBLY, IS IMMUNE TO ARREST. THE PETITION FURTHER ARGUES THAT THE TESTIMONY OF WITNESS GARAY IS ILLEGAL, AS HE WAS AN ACCOMPLICE TO THE CRIME. A NOV. 27 PAID ARENA AD

CONTAINS A VEILED THREAT AGAINST THE JUDGE IN THE CASE, AND CONCLUDES THAT ANYONE GIVING CREDIBILITY TO THE WITNESS IS A MENTAL AND MORAL DELINQUENT.

8. (C) COMMENT:

ARENA IS FURIOUS AT THE GOVERNMENT AND ALARMED BY THE POLITICAL IMPLICATIONS OF THE ROMERO CASE ON THE PARTY'S ELECTORAL PROSPECTS. PARTY LEADERS AND THE NUMEROUS PARTY FAITHFUL CONTINUE TO STUBBORNLY MAINTAIN THERE IS ABSOLUTELY NO WAY D'AUBUISSON COULD HAVE BEEN CONNECTED TO THE CASE. CALDERON SOL WAS UNMOVED WHEN TOLD GARAY HAD PASSED LIE DETECTOR TESTS. THAT THERE COULD BE ANYTHING BUT CYNICAL POLITICAL MOTIVES BEHIND THE PRESENTATION OF THE WITNESS, SEEMS INCONCEIVABLE TO THE ARENEROS. ARENA AND D'AUBUISSON ARE RIGHT IN AT LEAST ONE RESPECT: THE GOVERNMENT IS USING THE ROMERO CASE TO DELIBERATELY UNDERMINE THE POLITICAL OPPOSITION AND WITHOUT MUCH CONCERN FOR THE IDEA THAT AN ACCUSED HAS THE RIGHT TO BE CONSIDERED INNOCENT UNTIL PROVEN GUILTY. THE NEW DEVELOPMENTS IN THE ROMERO CASE COINCIDE WITH OTHER EVENTS, SUCH AS THE RETURN OF FDR LEADERS UNGO AND ZAMORA, WHICH ARENA HARDLINERS CONSIDER A SELL-OUT TO THE COMMUNISTS. ARENA'S REACTION IS LIKELY TO BE MORE EMOTIONAL THAN USUAL AS PARTY PRESIDENT ALFREDO "FREDY" CRISTIANI, A RELATIVE MODERATE, IS OUT OF THE COUNTRY UNTIL NEXT WEEK ON A BUSINESS TRIP. ARENA TEMPERS ARE AT THE BOILING POINT, BUT WHILE THE EXTREME FRINGE OF THE PARTY IS ALLUDING AT A COUP, THE PARTY LEADERSHIP, AS RELATED BY CALDERON SOL, IS FAR SHORT OF ADVOCATING OR PARTICIPATING IN A COUP. THE END RESULT IS, NONETHELESS, MORE TENSION AND POLARIZATION ADDED TO AN ALREADY OVERLOADED POLITICAL AGENDA.

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PAGE 01 USUN N 04101 01 OF 06 271855Z
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UNCLAS SECTION 01 OF 06 USUN NEW YORK 04101

E.O. 12356: N/A
TAGS: UNGA, PHUM,
SUBJECT: 42ND UNGA: THIRD COMMITTEE: STATEMENT
-- BY AMBASSADOR WALTERS ON HUMAN RIGHTS

1. THERE FOLLOWS THE TEXT OF THE STATEMENT DELIVERED ON 11/23/87 BY AMBASSADOR WALTERS TO THE UNGA'S THIRD COMMITTEE ON ITEM 12 OF THE AGENDA, "THE STATE OF HUMAN RIGHTS."

BEGIN TEXT:

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PAGE 02 USUN N 04101 01 OF 06 271855Z

MR. CHAIRMAN,

THE PROTECTION OF INDIVIDUAL HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS MUST REMAIN A TOP PRIORITY OF THE UNITED NATIONS. THIS ORGANIZATION AND ITS MEMBERS HAVE THE RIGHT AND DUTY TO DECRY VIOLATIONS OF HUMAN RIGHTS

WHEREVER THEY OCCUR AND FOR WHATEVER REASON. TERROR AND TYRANNY BY THE RIGHT ARE NO MORE JUSTIFIABLE THAN BY THE LEFT. RELIGIOUS FERVOR IS NO MORE AN EXCUSE FOR PERSECUTION THAN ATHEISM. THE RACISM OF ONE GROUP DOES NOT PARDON THAT OF ANOTHER. EVERYONE HAS RIGHTS NO GOVERNMENT MAY INFRINGE. NO GOVERNMENT CAN CLAIM SOVEREIGNTY OR LACK OF DEVELOPMENT AS AN EXCUSE TO VIOLATE RIGHTS OR TO PREVENT THE WORLD FROM DENOUNCING VIOLATIONS. NO STATE, PARTY, GROUP, CAUSE, IDEOLOGY, OR IDEAL CAN JUSTIFY THE SYSTEMATIC ABUSE OF THE BASIC RIGHTS OF HUMAN BEINGS. DOUBLE STANDARDS, HYPOCRISY, OBFUSCATION, AND COWARDICE HAVE NO ROLE IN HUMAN RIGHTS. THE PHYSICAL PERSON, HIS BELIEFS AND ASPIRATIONS, AND HIS RIGHT TO PRACTICE AND PURSUE THEM OPENLY AND PEACEFULLY NEED RESPECT AND PROTECTION BY STATES AND THE UNITED NATIONS -- THE PREMIERE INTERNATIONAL ORGANIZATION.

WHEN SURVEYING THE SITUATION OF HUMAN RIGHTS AROUND THE WORLD, ONE'S ATTENTION IS QUICKLY DRAWN TO SOUTH AFRICA. APARTHEID CONTINUES TO HOLD SWAY IN THAT COUNTRY AND TO DENY THE VAST MAJORITY OF ITS PEOPLE FUNDAMENTAL HUMAN RIGHTS. THE EXISTENCE OF THAT CRUEL SYSTEM HAS LED TO A VIOLENT RESPONSE FROM SOME OF ITS FRUSTRATED OPPONENTS. THIS, IN TURN, HAS LED THE GOVERNMENT TO ADOPT EVEN HARSHER METHODS OF CONTROL AND REPRESSION. UNLESS THE CYCLE OF VIOLENCE IS BROKEN AND A PEACEFUL DISMANTLING OF APARTHEID OCCURS, THE SOUTH AFRICANS OF TOMORROW WILL
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PAGE 03 USUN N 04101 01 OF 06 271855Z

INHERIT A RUINED ECONOMY AND A NATION FULL OF BITTERNESS AND HATE. THE UNITED NATIONS HAS A RESPONSIBILITY TO HELP ELIMINATE APARTHEID IN A WAY THAT DOES NOT INCREASE THE SUFFERING OF THE PEOPLE OF THAT REGION AND DENY THEM THE BRIGHT FUTURE TO WHICH THEY ARE ENTITLED.

MR. CHAIRMAN, THIS COMMITTEE HAS BEFORE IT A REPORT ON HUMAN RIGHTS IN AFGHANISTAN BY SPECIAL RAPPORTEUR PROFESSOR ERMACORA. IN HIS REPORT, DRAFTED AFTER HE GAINED LIMITED ACCESS TO SOME OF WHAT LITTLE AFGHANISTAN KABUL CONTROLS, ERMACORA CONCLUDES THAT SOVIET TROOPS IN AFGHANISTAN ARE THE MAIN CAUSE OF THE INTENSE ARMED CONFLICT AND THE EXISTENCE OF 5.5 MILLION REFUGEES.

ONCE AN INDEPENDENT NON-ALIGNED COUNTRY, AFGHANISTAN IS NOW A HUMAN RIGHTS HORROR STORY. THE FARCICAL REGIME IN KABUL DEPENDS TOTALLY UPON MOSCOW. THE HEAD OF STATE OF THAT REGIME IS REPLACED AS OFTEN AS SUITS THE SOVIETS. TRANSMITTERS INSIDE THE SOVIET UNION EVEN JAM FOREIGN

BROADCASTS TO AFGHANISTAN.
THE AFGHAN PEOPLE, DESPITE SUFFERING ONE MILLION DEAD, CONTINUE TO RESIST; THE SOVIETS ARE FURTHER FROM VICTORY THAN IN 1979. ONLY THE WITHDRAWAL OF THEIR TROOPS CAN LEAD TO A PROCESS OF GENUINE NATIONAL RECONSTRUCTION AND RESPECT FOR HUMAN RIGHTS. THE PEOPLE OF AFGHANISTAN HAVE THE RIGHT TO LIVE FREE OF TERROR, OCCUPATION, AND SUBJUGATION. THEY HAVE THE RIGHT TO LIVE IN ACCORD WITH THEIR RELIGIOUS AND CULTURAL TRADITIONS AND TO DETERMINE THEIR INTERNAL POLITICAL STATUS AND THEIR FOREIGN RELATIONS FREE OF INTERVENTION.

IN IRAN, THE STATE OF HUMAN RIGHTS REMAINS PRECARIOUS. THE REPORT OF THE SPECIAL REPRESENTATIVE, MR. GALINDO POHL, PROVIDES NUMEROUS CREDIBLE ALLEGATIONS OF SERIOUS

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PAGE 01 USUN N 04101 02 OF 06 271856Z
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UNCLAS SECTION 02 OF 06 USUN NEW YORK 04101

E.O. 12356: N/A
TAGS: UNGA, PHUM,
SUBJECT: 42ND UNGA: THIRD COMMITTEE: STATEMENT

AND SYSTEMATIC ABUSES OF HUMAN RIGHTS BY THE IRANIAN GOVERNMENT: TORTURE, ARBITRARY DETENTION, SUMMARY EXECUTIONS, AND MANY OTHER GRAVE VIOLATIONS CONTINUE.

SCORES OF POLITICAL DETAINEES HAVE BEEN EXECUTED THIS PAST YEAR. AS WE POINTED OUT IN AN EARLIER STATEMENT, AT LEAST 12 BAHA'IS CURRENTLY AWAIT EXECUTION MERELY FOR THEIR BELIEFS. AMNESTY INTERNATIONAL REPORTS TORTURE AND UNCLASSIFIED

UNCLASSIFIED

PAGE 02 USUN N 04101 02 OF 06 271856Z

ILL-TREATMENT OF POLITICAL DETAINEES AND STONING TO DEATH AND MUTILATION CARRIED OUT AS PUNISHMENT. A GOVERNMENT WIDELY RECOGNIZED AS AN OUTLAW REGIME FOR ITS ACTIONS ABROAD IS ALSO ONE OF THE WORST OFFENDERS IN THE AREA OF HUMAN RIGHTS VIOLATIONS. THE SITUATION OF HUMAN RIGHTS IN IRAN MUST STAY UNDER ACTIVE REVIEW.

THE COMMITTEE ALSO HAS A VOLUMINOUS REPORT ON THE SITUATION OF HUMAN RIGHTS IN CHILE. AS ALWAYS, PROFESSOR VOLIO HAS PREPARED A CAREFUL AND WELL-BALANCED ACCOUNT OF THE HUMAN RIGHTS SITUATION IN CHILE. THE COOPERATION EXTENDED BY THE GOVERNMENT OF CHILE AIDED HIS ENDEAVOR GREATLY . HE VISITED ANY AND ALL INSTITUTIONS AND SPOKE WITH ANYONE HE REQUESTED. UNLIKE THE AUTHORITIES IN AFGHANISTAN AND IRAN, THE GOVERNMENT OF CHILE DEMONSTRATED ITS GOOD FAITH BY THE RANGE AND DEPTH OF ITS COOPERATION WITH THE UN'S HUMAN RIGHTS MACHINERY.

MR. CHAIRMAN, THE UNITED STATES HAS CONCERNS ABOUT THE SITUATION OF HUMAN RIGHTS IN CHILE AND AT THE LAST TWO SESSIONS OF THE COMMISSION ON HUMAN RIGHTS WE PARTICIPATED IN THE DRAFTING AND PRESENTATION OF RESOLUTIONS ON CHILE. WE ARE PARTICULARLY TROUBLED BY PERSISTENT REPORTS OF CLANDESTINE GROUPS, ALLEGEDLY CONTAINING MEMBERS OF THE SECURITY FORCES, ACTING WITH VIRTUAL IMPUNITY AND CARRYING OUT ABDUCTION, TORTURE, AND EVEN MURDER. THE GOVERNMENT MUST EXERT MAXIMUM EFFORT TO HALT THESE ACTS AND PROSECUTE THOSE RESPONSIBLE.

CHILE IS NOT AND DOES NOT PRETEND TO BE A DEMOCRACY. WE BELIEVE THAT CHILE'S LONG AND NOBLE TRADITION OF DEMOCRACY AND RESPECT FOR HUMAN RIGHTS BEGAN TO ERODE IMMEDIATELY BEFORE THE CURRENT GOVERNMENT TOOK POWER, UNCLASSIFIED

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PAGE 03 USUN N 04101 02 OF 06 271856Z

CONTINUES TO BE VIOLATED, AND WILL CONTINUE TO BE UNTIL THE PEACEFUL RETURN OF GENUINE DEMOCRACY. IT IS, THEREFORE, WITH REGRET THAT THE UNITED STATES HAS HAD TO VOTE CONSISTENTLY AGAINST THE RESOLUTIONS ON CHILE ADOPTED BY THE GENERAL ASSEMBLY. THESE RESOLUTIONS HAVE TAKEN AN UNBALANCED APPROACH TO THE CHILEAN SITUATION, REFUSING TO ADMIT THAT PROGRESS HAS OCCURRED AND THAT THE GOVERNMENT IS NOT THE ONLY SOURCE OF VIOLENCE AND HUMAN RIGHTS VIOLATIONS. UNFORTUNATELY, SOME DELEGATIONS USE THE DEBATE ON CHILE TO ENGAGE IN POLITICALLY MOTIVATED SLANDER. SOME OF THE MOST ARDENT SUPPORTERS OF THE CHILE RESOLUTIONS COMMIT AT HOME WHAT THEY CLAIM TO SEE AND DECRY IN CHILE: REPRESSION, TORTURE, EXILE, AND THE DENIAL OF OTHER BASIC RIGHTS.

WE URGE THOSE WHO GENUINELY CARE ABOUT HUMAN RIGHTS TO PROMOTE AN OBJECTIVE ASSESSMENT OF CHILE. SUCH AN ASSESSMENT WOULD ENCOURAGE THE MANY CHILEANS, INSIDE AND OUTSIDE THE GOVERNMENT, TO CONTINUE COOPERATING WITH THE COMMISSION AND TO PERSIST IN THEIR EFFORTS FOR A PEACEFUL RETURN TO DEMOCRACY.

THIS COMMITTEE HAS ANOTHER EXCELLENT REPORT BY THE SPECIAL REPRESENTATIVE ON EL SALVADOR, PROFESSOR PASTOR RIDRUEJO, WHICH CAPTURES REMARKABLY WELL THE SOCIAL, ECONOMIC, AND POLITICAL CONDITIONS IN THAT STRUGGLING DEMOCRACY. PROFESSOR PASTOR, WITHOUT IGNORING THE DEFICIENCIES THAT EXIST, HAS EXPLAINED CLEARLY THE SALVADORAN GOVERNMENT'S COMMITMENT TO HUMAN RIGHTS AND PEACE. THIS COMMITMENT HAS CONTINUED FIRM DESPITE NATURAL CALAMITY, SERIOUS ECONOMIC PROBLEMS, AND ASSAULTS FROM SMALL, INCREASINGLY DESPERATE, AND VICIOUS GUERRILLA BANDS SEEKING TO KILL DEMOCRACY IN EL SALVADOR.

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PAGE 01 USUN N 04101 03 OF 06 271857Z
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UNCLAS SECTION 03 OF 06 USUN NEW YORK 04101

E.O. 12356: N/A
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WE JOIN PROFESSOR PASTOR IN DENOUNCING THE INDISCRIMINATE USE OF LAND MINES BY THE GUERRILLAS AND THEIR EFFORTS TO DESTROY THE NATION'S ECONOMY. WE HOPE PRESIDENT DUARTE'S REPEATED EFFORTS TO END THE VIOLENCE WILL BE MATCHED BY THE ILLEGAL ARMED OPPOSITION. MR. CHAIRMAN, SOME OBSERVERS SEEM TO IGNORE THAT EL SALVADOR HAS A VIGOROUS LEGAL PEACEFUL OPPOSITION THAT PARTICIPATES OPENLY IN THE COUNTRY'S POLITICAL PROCESS. EL SALVADOR IS A
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PAGE 02 USUN N 04101 03 OF 06 271857Z

FUNCTIONING DEMOCRACY -- THE ONLY ONE SUBJECT TO REPORTS TO THE GENERAL ASSEMBLY. WE WONDER WHETHER U.N. HUMAN RIGHTS RESOURCES COULD NOT BE BETTER USED.

WHILE WE HAVE NO REPORT ON GUATEMALA, SOME HERE SEEM TO FAVOR RE-OPENING THE CASE OF GUATEMALA IN THE GA. THE UNITED STATES OPPOSES ANY SUCH EFFORT; THE DECISION OF THE COMMISSION ON HUMAN RIGHTS ON GUATEMALA MUST BE RESPECTED. WE ARE AWARE OF CONTINUING HUMAN RIGHTS PROBLEMS IN GUATEMALA. MORE IMPORTANTLY, HOWEVER, THE GOVERNMENT OF PRESIDENT CEREZO IS ALSO AWARE OF THOSE PROBLEMS AND COMMITTED TO SOLVING THEM.

THIS LEADS ME, MR. CHAIRMAN, TO OBSERVE THAT SOME HERE FIND IT EASY AND CHEAP TO INVESTIGATE AND CRITICIZE COUNTRIES SUCH AS CHILE, EL SALVADOR, AND GUATEMALA. WHILE THESE RELATIVELY SMALL COUNTRIES CLEARLY DIFFER IN MANY IMPORTANT WAYS, THEY ARE SIMILAR IN HAVING OPEN SOCIETIES THAT WELCOME VISITORS; IN COOPERATING WITH THE U.N.'S HUMAN RIGHTS REPRESENTATIVES; NONE HAS OVERBLOWN

INTERNATIONAL PRETENSIONS; AND NONE FORMS PART OF THE INTERNATIONAL TERROR NETWORK NOR POSES ANY THREAT TO OTHER STATES. WORSE OFFENDERS, SOME IN THE SAME GEOGRAPHICAL AREA, GO UNTOUCHED APPARENTLY BECAUSE MANY FEAR THEM.

ONE SUCH CASE IS NICARAGUA -- A COUNTRY WHOSE RULERS HAVE BETRAYED ITS REVOLUTION. PROMISES OF DEMOCRACY, HUMAN RIGHTS, MIXED ECONOMY, NON-ALIGNMENT, AND RESPECT FOR THE SOVEREIGNTY OF NICARAGUA'S NEIGHBORS QUICKLY FELL BY THE WAYSIDE. THE REGIME'S REPRESSIVE INTERNAL MACHINERY WENT INTO HIGH GEAR, ITS MILITARY FORCES BECAME THE LARGEST IN CENTRAL AMERICAN HISTORY, ITS DOORS OPENED TO
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PAGE 03 USUN N 04101 03 OF 06 271857Z

INTERNATIONAL TERRORISTS, AND ITS LEADERS SWORE FIDELITY TO THE SOVIET EMPIRE. THE PRISONS FILLED WITH DISSIDENTS. THE INDEPENDENT PRINT AND ELECTRONIC MEDIA WERE SHUT. THE ECONOMY CRASHED TO A HALT. RATIONING, SHORTAGES, LONG LINES, AND A BLACK MARKET SPROUTED. SHAM ELECTIONS CREATED A SHAM PARLIAMENT. LIKE THE PIGS IN GEORGE ORWELL'S ANIMAN FARM, THE COMANDANTES LIVE IN LUXURIOUS VILLAS, OWN NEW CARS, HAVE SPECIAL STORES FOR THEMSELVES, AND GO SHOPPING IN NEW YORK. CRITICS, QUICKLY LABELED "CONTRAS," SOMOCISTAS, AND AGENTS OF THE CIA, FACE DETENTION, LONG PRISON SENTENCES, TORTURE, AND EVEN DEATH. HUNDREDS OF THOUSANDS OF NICARAGUANS HAVE FLED INTO EXILE OR TAKEN UP ARMS.
THE GROWING REBELLION AGAINST THEIR TOTALITARIAN DREAMS AND BANKRUPT SOCIAL AND ECONOMIC POLICIES HAS DRIVEN THE SANDINISTAS TO SIGN THE GUATEMALA PEACE ACCORD, RE-OPEN LA PRENSA, ALLOW CENSURED BROADCASTS OF RADIO CATOLICA, AND PARDON FEWER THAN 1000 PRISONERS. WE SHOULD HAVE NO ILLUSIONS. THE MACHINERY OF REPRESSION REMAINS INTACT. PERSONS ARRESTED FOR POLITICAL "CRIMES" RECEIVE NO DUE PROCESS. SOME 9,000 POLITICAL PRISONERS REMAIN IN PRISONS SUCH AS EL CHIPOTE, LAS TEJAS, LA FORTALEZA, TIPITAPA, AND MANY MORE. FREEDOM REMAINS ONLY A HOPE; IT WILL REMAIN SO UNLESS THE WORLD INSISTS THAT THE SANDINISTAS HONOR THEIR PROMISES.

MR. CHAIRMAN, ANOTHER REGIME ENGAGING IN MASSIVE AND SYSTEMATIC ABUSES OF HUMAN RIGHTS AND RESISTING THE DEMOCRATIC REVOLUTION THAT HAS SWEPT OVER 90 PERCENT OF LATIN AMERICA IS CASTRO'S IN CUBA. HIS REGIME TOOK POWER BY VIOLENCE AND KEEPS IT THAT WAY. FOR NEARLY 30 YEARS, CASTRO HAS OPPRESSED HIS PEOPLE: SOME 1.5 MILLION HAVE FLED ABROAD; TENS OF THOUSANDS HAVE DIED IN FRONT OF

FIRING SQUADS OR IN THE TORTURE CHAMBERS OF THE

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PAGE 01 USUN N 04101 04 OF 06 271858Z
ACTION HA-09

INFO	LOG-00	COPY-01	ADS-00	AID-00	INR-10	EUR-00	SS-00
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FM USMISSION USUN NEW YORK
TO SECSTATE WASHDC 3262
INFO USMISSION GENEVA
AMEMBASSY ACCRA
AMEMBASSY SANTIAGO
AMEMBASSY SAN SALVADOR
AMEMBASSY ISLAMABAD
AMEMBASSY PRETORIA
AMEMBASSY MEXICO
AMEMBASSY SOFIA
AMEMBASSY ANKARA
AMEMBASSY MOSCOW
AMEMBASSY BAGHDAD

UNCLAS SECTION 04 OF 06 USUN NEW YORK 04101

E.O. 12356: N/A
TAGS: UNGA, PHUM,
SUBJECT: 42ND UNGA: THIRD COMMITTEE: STATEMENT

ALL-POWERFUL STATE SECURITY APPARATUS; HUNDREDS OF THOUSANDS OF POLITICAL DISSIDENTS HAVE PASSED THROUGH THE GATES OF CASTRO'S PRISONS AND LABOR CAMPS; AND THOUSANDS REMAIN IMPRISONED TODAY, SOME FOR OVER 20 YEARS.

FOR TOO LONG THE NAIVE OF THIS WORLD WERE FOOLED BY CASTRO'S REVOLUTIONARY CACHET. AS EVIDENCE OF CASTRO'S CRIMES AGAINST THE CUBAN PEOPLE HAS MOUNTED, HOWEVER, THE UNCLASSIFIED

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PAGE 02 USUN N 04101 04 OF 06 271858Z

REVOLUTION HAS BEGUN RAPIDLY TO LOSE ITS ABILITY TO DECEIVE. AT THE LAST SESSION OF THE COMMISSION ON HUMAN RIGHTS, A PROCEDURAL MOTION APPROVED BY A MARGIN OF ONE VOTE PREVENTED THE COMMISSION FROM ACTING ON A PROPOSED RESOLUTION ON HUMAN RIGHTS IN CUBA. THAT RESOLUTION, NEVERTHELESS, CONTRIBUTED FURTHER TO ALTERING THE WORLD'S PERCEPTION OF CUBA'S GOVERNMENT. ON OCTOBER 29, TO CITE ONE EXAMPLE, THE EUROPEAN PARLIAMENT PASSED A RESOLUTION, INTRODUCED BY SPANISH MEMBERS, DEPLORING THE STATE OF HUMAN RIGHTS IN CUBA; IT CALLED UPON THE U.N. COMMISSION ON HUMAN RIGHTS TO PREPARE "A COMPREHENSIVE REPORT ON THE HUMAN RIGHTS SITUATION IN CUBA, WITH SPECIAL REFERENCE TO THE CONDITIONS UNDER WHICH POLITICAL PRISONERS ARE KEPT." THE MOST RECENT REPORT OF THE OAS INTER-AMERICAN HUMAN RIGHTS COMMISSION ALSO BLASTS CASTRO'S HUMAN RIGHTS RECORD.

OUR EFFORT IN GENEVA PUSHED THE CASTRO REGIME TO TRY TO IMPROVE ITS DETERIORATING IMAGE. IN JUNE, THE SAME REGIME THAT A FEW MONTHS EARLIER IN GENEVA HAD CLAIMED THAT IT HELD AT MOST 200 POLITICAL PRISONERS, ANNOUNCED THE RELEASE OF 350 POLITICAL PRISONERS. SINCE THE COMMISSION MEETING, CASTRO HAS RELEASED A SMALL NUMBER OF LONG-TIME POLITICAL PRISONERS (PLANTADOS) AND OPENED A VERY FEW OF HIS NUMEROUS PRISONS FOR LIMITED INSPECTION BY SELECTED FOREIGN GUESTS. HE HAS ALSO REACHED AN AGREEMENT WITH THE UNITED STATES TO FACILITATE THE EXIT OF SOME OF THE MANY CUBANS WISHING TO LEAVE CUBA.

THESE ARE COSMETIC ACTS. AVAILABLE EVIDENCE CLEARLY INDICATES THAT WIDESPREAD AND SYSTEMATIC VIOLATIONS OF HUMAN RIGHTS PERSIST IN CUBA: ARRESTS FOR POLITICAL CRIMES AND TORTURE CONTINUE; THE JUDICIARY REMAINS UNDER TIGHT STATE CONTROL; A FAIR TRIAL IS IMPOSSIBLE; FREE SPEECH REMAINS PROHIBITED; ALL CUBAN MEDIA AND PUBLISHING
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PAGE 03 USUN N 04101 04 OF 06 271858Z

ACTIVITIES ARE UNDER STATE DIRECTION; AND RELIGIOUS PRACTICE IS DISCOURAGED. THE INDIVIDUAL EXISTS ONLY FOR THE GLORIFICATION OF THE STATE; THE STATE, IN TURN, EXISTS ONLY FOR THE GLORIFICATION OF MR. CASTRO.

MR. CHAIRMAN, ON PREVIOUS OCCASIONS I HAVE COME BEFORE THIS COMMITTEE AND OTHER UN FORUMS AND SPOKEN IN CRITICAL TERMS OF THE HUMAN RIGHTS SITUATION IN THE SOVIET UNION. I INTEND TO DO SO AGAIN TODAY. IN FAIRNESS, MR. CHAIRMAN, MY DELEGATION ACKNOWLEDGES THAT WE BEGIN TO HEAR SOME NEW SOUNDS FROM THE SOVIET UNION ON HUMAN RIGHTS. AFTER YEARS OF REFUSAL, THE SOVIET GOVERNMENT HAS CONSENTED TO TALK WITH U.S. OFFICIALS ABOUT A RANGE

OF HUMAN RIGHTS ISSUES. WE READ ADMISSIONS OF SHORTCOMINGS IN HUMAN RIGHTS BY SOVIET PUBLICATIONS: "IZVESTIA" HAS ADMITTED THAT PSYCHIATRIC ABUSE EXISTS IN THE SOVIET UNION. THE NUMBER OF JEWS, ARMENIANS, AND ETHNIC GERMANS ALLOWED TO EMIGRATE HAS INCREASED APPRECIABLY. SOME PROGRESS HAS BEEN MADE IN RESOLVING DIVIDED FAMILY CASES. APPROXIMATELY 200 POLITICAL DISSIDENTS HAVE BEEN RELEASED FROM DETENTION OVER THE PAST YEAR -- THE LARGEST RELEASE SINCE THE IMMEDIATE POST-STALIN ERA WHICH SAW TENS OF THOUSANDS FREED.

THE SOVIET RECORD ON HUMAN RIGHTS, NEVERTHELESS, REMAINS HIGHLY UNSATISFACTORY. THE GOVERNMENT IS NOT IN COMPLIANCE WITH THE HELSINKI FINAL ACT OR ITS OTHER OBLIGATIONS IN THE AREA OF HUMAN RIGHTS. MOST OF THE APPARENT PROGRESS REMAINS SUBJECT TO ARBITRARY REVERSAL. PERHAPS AS MANY AS SEVERAL THOUSAND POLITICAL PRISONERS REMAIN LOCKED AWAY, DENIED DUE PROCESS AND SUFFERING CONDITIONS OF DETENTION AND TREATMENT BELOW INTERNATIONALLY ACCEPTED NORMS. EMIGRATION PROCEDURES ARE ARBITRARY AND SHROUDED IN SECRECY AND IN CONFUSING

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PAGE 01 USUN N 04101 05 OF 06 271859Z
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FM USMISSION USUN NEW YORK
TO SECSTATE WASHDC 3263
INFO USMISSION GENEVA
AMEMBASSY ACCRA
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UNCLAS SECTION 05 OF 06 USUN NEW YORK 04101

E.O. 12356: N/A
TAGS: UNGA, PHUM,
SUBJECT: 42ND UNGA: THIRD COMMITTEE: STATEMENT

AND CRUEL REQUIREMENTS. ANTI-SEMITISM CONTINUES EVIDENT IN SOME OFFICIAL SOVIET PUBLICATIONS; THE RATE OF JEWISH EMIGRATION REMAINS FAR FROM THAT OF THE 1970'S, ALTHOUGH RELIABLE OBSERVERS ESTIMATE THAT SOME 400,000 JEWS WISH TO GO.

ABOVE ALL, MR. CHAIRMAN, THE SOVIET SYSTEM REMAINS FEARFUL OF THE INDIVIDUAL'S CAPACITY FOR INDEPENDENT
UNCLASSIFIED

UNCLASSIFIED

PAGE 02 USUN N 04101 05 OF 06 271859Z

THOUGHT AND ACTION -- AN ATTITUDE WHICH HAS WROUGHT INCALCULABLE DAMAGE TO SOVIET PERFORMANCE IN A NUMBER OF AREAS AND DENIED US ALL THE BENEFITS OF THE GREAT CREATIVITY OF THE RUSSIAN PEOPLE. THE SYSTEM CONTINUES TO LACK THE LEGAL FOUNDATIONS NECESSARY FOR BUILDING A SOCIETY GENUINELY RESPECTFUL OF BASIC RIGHTS AND FREEDOMS. MY GOVERNMENT SINCERELY HOPES THAT THE HESITANT STEPS THUS FAR TAKEN BY THE SOVIET UNION IN THE HUMAN RIGHTS FIELD WILL NOT BE THE LAST ONES. THE SOVIET UNION HAS A LONG WAY TO GO.

THE HUMAN RIGHTS PICTURE IN EASTERN EUROPE REMAINS GENERALLY GRIM. WHATEVER PROGRESS HAS BEEN MADE IN THE SOVIET UNION HAS, AS A RULE, YET TO BE MATCHED IN EASTERN EUROPE. BULGARIA, FOR EXAMPLE, CONTINUES ITS BRUTAL POLICIES OF FORCED ASSIMILATION OF THE ETHNIC TURKISH MINORITY THAT MAKES UP ONE TENTH OF BULGARIA'S TOTAL POPULATION. BIZARRE RACIAL AND HISTORICAL THEORIES HAVE BEEN CONCOCTED TO "PROVE" THAT THE TURKISH MINORITY NEVER EXISTED OR THAT BULGARIAN TURKS ONLY THOUGHT THEY WERE BULGARIAN TURKS. OFTEN AT GUN POINT, THEY HAVE BEEN FORCED TO CHANGE THEIR NAMES AND ABANDON THEIR TRADITIONS, LANGUAGE, AND RELIGION. AMNESTY INTERNATIONAL ESTIMATES THAT AT LEAST 100 ETHNIC TURKS WERE KILLED BY BULGARIAN SECURITY FORCES DURING THE PERIOD 1984 - 1985. ALL MENTION OF ETHNIC TURKS HAS DISAPPEARED FROM BULGARIA'S OFFICIAL DOCUMENTS; EVEN SPEECHES AND INTERVIEWS GIVEN BY THE HEAD OF STATE IN PAST YEARS HAVE BEEN EDITED TO REMOVE MENTION OF BULGARIAN TURKS. THIS CRUEL ASSAULT ON THE TURKS OF BULGARIA MUST STOP. WE URGE BULGARIA TO RESPOND TO THE MANY OFFERS OF TURKEY TO DISCUSS THIS ISSUE IN A SERIOUS

MANNER.
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PAGE 03 USUN N 04101 05 OF 06 271859Z

OTHER COUNTRIES OF EASTERN EUROPE ALSO CONTINUE TO VIOLATE THE HUMAN RIGHTS OF THEIR PEOPLE IN A SYSTEMATIC WAY. THE FREEDOMS OF SPEECH, EMIGRATION, ASSEMBLY, AND RELIGION ARE DENIED OR SEVERELY RESTRICTED THROUGHOUT THE REGION. MR. CHAIRMAN, IT IS ONE OF THE GREAT TRAGEDIES OF OUR TIME, THAT MORE THAN 40 YEARS AFTER THE DEFEAT OF THE NAZIS WHO SOUGHT TO ENSLAVE EUROPE, THE EASTERN HALF OF THAT CONTINENT STILL REMAINS IN THE NIGHT OF TYRANNY.

THE PEOPLE OF CAMBODIA CONTINUE TO BE DENIED THEIR FUNDAMENTAL RIGHTS. THE GOVERNMENT OF VIETNAM, WHICH DISREGARDS HUMAN RIGHTS AT HOME, CONTINUES IN ITS INSISTENCE ON TERRORIZING AND OCCUPYING ITS NEIGHBOR. SOME 500,000 VIETNAMESE HAVE SETTLED IN CAMBODIA AND THE SO-CALLED GOVERNMENT OF THAT COUNTRY DEPENDS ENTIRELY ON THE PRESENCE OF VIETNAMESE TROOPS FOR ITS SURVIVAL. THIS ORGANIZATION HAS AN OBLIGATION TO THE LONG-SUFFERING KHMER PEOPLE TO END THEIR AGONY AND TO ALLOW THEM TO LIVE IN PEACE AND TO ENJOY THE FULL EXERCISE OF THEIR HUMAN RIGHTS. THIS ORGANIZATION MUST, THEREFORE, INSIST THAT VIETNAM END ITS WAR AGAINST CAMBODIA.

MY STATEMENT TODAY IS NOT AN EXHAUSTIVE REVIEW OF THE STATE OF HUMAN RIGHTS IN THE WORLD TODAY. I WAS ABLE TO TOUCH ONLY BRIEFLY ON A FEW OF THE MOST GLARING EXAMPLES OF SYSTEMATIC DENIAL OF HUMAN RIGHTS. THERE ARE MANY MORE. RULERS ALL OVER THE WORLD DENY THEIR PEOPLE GOD-GIVEN RIGHTS. HE MIGHT BE A FLIGHT LIEUTENANT WHO OVERTHROWS AN ELECTED GOVERNMENT AND DECLARES HIMSELF CHAIRMAN, OR AN AGING DICTATOR WHO FORCES HIS PEOPLE TO ADDRESS HIM AS THE "GREAT LEADER" AND HIS SON AS THE "BELOVED LEADER." IT MIGHT BE A REGIME WITH THE WORD "DEMOCRATIC" IN ITS TITLE THAT HAS KILLED 15,000 PERSONS IN 1986 IN THE WAKE OF A COUP. BUT WHEREVER AND FOR

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PAGE 01 USUN N 04101 06 OF 06 271859Z
ACTION HA-09

INFO LOG-00 COPY-01 ADS-00 AID-00 INR-10 EUR-00 SS-00

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TO SECSTATE WASHDC 3264
INFO USMISSION GENEVA
AMEMBASSY ACCRA
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UNCLAS SECTION 06 OF 06 USUN NEW YORK 04101

E.O. 12356: N/A
TAGS: UNGA, PHUM,
SUBJECT: 42ND UNGA: THIRD COMMITTEE: STATEMENT

WHATEVER REASON VIOLATIONS OF HUMAN RIGHTS OCCUR, THE WORLD COMMUNITY, ESPECIALLY THE UNITED NATIONS, MUST SPEAK OUT AND BRING PRESSURE TO BEAR ON THE OFFENDERS. THIS COMMITTEE HAS A VITAL ROLE TO PLAY IN THAT PROCESS; THIS COMMITTEE CAN BE SURE THAT THE UNITED STATES WILL SUPPORT ITS EFFORTS.

THANK YOU, MR. CHAIRMAN. END TEXT.
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PAGE 02 USUN N 04101 06 OF 06 271859Z

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PAGE 01 USUN N 04120 01 OF 03 281911Z
ACTION IO-19

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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
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Exemption(s) ____

UNCLAS SECTION 01 OF 03 USUN NEW YORK 04120

E.O. 12356: N/A
TAGS: PHUM, UNGA, CI
SUBJECT: 42ND UNGA: TEXT OF RESOLUTION ON CHILE
-- ADOPTED BY UNGA'S THIRD COMMITTEE

REF: SANTIAGO 9202

1. THE 42ND UNGA'S THIRD COMMITTEE ADOPTED ON NOVEMBER 27 THE FOLLOWING RESOLUTION ON THE SITUATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN CHILE. THE VOTE ON THE RESOLUTION WAS 81 - 5 (CHILE, PARAGUAY, INDONESIA, LEBANON, THAILAND) - 47(U.S.). THE FOLLOWING COUNTRIES SPONSORED THE RESOLUTION: ALGERIA, AUSTRALIA, AUSTRIA, CUBA, DENMARK, FRANCE, GREECE, ITALY, LUXEMBOURG, MEXICO, NETHERLANDS, NORWAY, PORTUGAL, SPAIN, SWEDEN, YUGOSLAVIA. U.S. EXPLANATION OF VOTE REPORTED SEPTEL.

2. BEGIN TEXT:

THE GENERAL ASSEMBLY,

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PAGE 02 USUN N 04120 01 OF 03 281911Z

AWARE OF ITS RESPONSIBILITY TO PROMOTE AND ENCOURAGE RESPECT FOR HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS AND DETERMINED TO REMAIN VIGILANT WITH REGARD TO VIOLATIONS OF HUMAN RIGHTS WHEREVER THEY OCCUR,

NOTING THE OBLIGATION OF THE GOVERNMENT OF CHILE TO

RESPECT AND PROTECT HUMAN RIGHTS IN ACCORDANCE WITH THE INTERNATIONAL INSTRUMENTS TO WHICH CHILE IS A PARTY,
BEARING IN MIND THAT THE CONCERN OF THE INTERNATIONAL COMMUNITY AT THE SITUATION OF HUMAN RIGHTS IN CHILE WAS EXPRESSED BY THE GENERAL ASSEMBLY IN A NUMBER OF RESOLUTIONS, PARTICULARLY RESOLUTION 33/173 OF 20 DECEMBER 1978 ON DISAPPEARED PERSONS AND RESOLUTION 41/161 OF 4 DECEMBER 1986 IN WHICH THE GENERAL ASSEMBLY INVITED THE COMMISSION ON HUMAN RIGHTS TO ADOPT THE MOST APPROPRIATE MEASURES FOR THE EFFECTIVE RESTORATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN THAT COUNTRY, INCLUDING THE EXTENSION OF THE MANDATE OF THE SPECIAL RAPPORTEUR,

CONSIDERING THAT THE SPECIAL RAPPORTEUR PROPOSES TO SUBMIT TO THE COMMISSION ON HUMAN RIGHTS AT ITS FORTY-FOURTH SESSION A FINAL REPORT ON THE SITUATION OF HUMAN RIGHTS IN CHILE,

RECALLING THE PERTINENT RESOLUTIONS OF THE COMMISSION ON HUMAN RIGHTS, PARTICULARLY RESOLUTION 1987/60 OF 12 MARCH 1987, IN WHICH THE COMMISSION DECIDED, INTER ALIA, TO EXTEND THE MANDATE OF THE SPECIAL RAPPORTEUR FOR ONE YEAR AND TO CONSIDER THIS SUBJECT, AS A MATTER OF HIGH PRIORITY, IN VIEW OF THE PERSISTENCE OF SERIOUS VIOLATIONS OF HUMAN RIGHTS IN CHILE,

UNCLASSIFIED

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PAGE 03 USUN N 04120 01 OF 03 281911Z

DEPLORING ONCE AGAIN THE FACT THAT THE REPEATED APPEALS OF THE GENERAL ASSEMBLY, THE COMMISISON ON HUMAN RIGHTS AND OTHER INTERNATIONAL ORGANS TO RE-ESTABLISH HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS HAVE BEEN IGNORED BY THE CHILEAN AUTHORITIES,

CONSIDERING THE REPORTS PREPARED BY VARIOUS NON-GOVERNMENTAL ORGANIZATIONS WHICH HAVE MADE PUBLIC THE SERIOUS VIOLATIONS OF HUMAN RIGHTS IN CHILE,

OBSERVING THAT THE MAINTENANCE OF STATES OF EMERGENCY CONSTITUTES A SOURCE OF FREQUENT VIOLATIONS OF HUMAN RIGHTS AND GIVES RISE TO THE ARBITRARY INTERVENTION OF THE PUBLIC AUTHORITIES IN THE FREE EXERCISE OF DEMOCRATIC ACTIVITIES,

NOTING THAT, ALTHOUGH OPPOSITION PUBLICATIONS HAVE IN SOME CASES BEEN AUTHORIZED, THESE ARE FREQUENTLY SUBJECTED TO ARBITRARY RESTRICTIONS AND LIMITATIONS,

INCLUDING THE DETENTION AND PROSECUTION OF THEIR EDITORS,

REGRETTING THAT MEASURES TAKEN BY THE GOVERNMENT OF CHILE, SUCH AS SIGNING INTERNATINAL INSTRUMENTS AGAINST TORTURE AND AUTHORIZING THE INTERNATIONAL COMMITTEE OF THE RED CROSS TO VISIT PLACES OF DETENTION IN SOME CASES, HAVE NOT PUT AN END TO THE PRACTICE OF TORTURE AND ARBITRARY DETENTION,

NOTING THAT, IN THE ABSENCE OF AN INSTITUTIONAL FRAMEWORK FOR HOLDING FREE ELECTIONS, THE ADOPTION OF LAWS ON POLITICAL PARTIES AND ELECTORAL REGISTRATION DO NOT CONSTITUTE AN EXPRESSION OF THE PEOPLE'S SOVEREIGNTY OR MEET THE BASIC REQUIREMENTS OF A DEMOCRATIC RULE OF LAW NOR COMPLY WITH THE PRINCIPLE OF NON-DISCRIMINATION ON GROUNDS OF POLITICAL OR OTHER OPINIONS RECOGNIZED IN THE

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PAGE 04 USUN N 04120 01 OF 03 281911Z

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PAGE 01 USUN N 04120 02 OF 03 281912Z
ACTION IO-19

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INFO AMEMBASSY SANTIAGO IMMEDIATE
AMEMBASSY MEXICO IMMEDIATE

UNCLAS SECTION 02 OF 03 USUN NEW YORK 04120

E.O. 12356: N/A
TAGS: PHUM, UNGA, CI
SUBJECT: 42ND UNGA: TEXT OF RESOLUTION ON CHILE

INTERNATIONAL COVENANT ON CIVIL AND PPOLITICAL RIGHTS,

1. TAKES NOTE WITH INTEREST OF THE PROVISIONAL REPORT OF THE SPECIAL RAPPORTEUR ON THE SITUATION OF HUMAN RIGHTS IN CHILE, SUBMITTED IN ACCORDANCE WITH COMMISSION ON HUMAN RIGHTS RESOLUTION 1987/60;

2. WELCOMES THE POSITIVE FACT THAT THE GOVERNMENT OF CHILE PERMITTED THE SPECIAL RAPPORTEUR TO VISIT THE COUNTRY AGAIN IN MARCH 1987, PROVIDING HIM WITH ITS CONTINUING CO-OPERATION AND FREE ACCESS TO THE FACILITIES FOR CONDUCTING HIS INVESTIGATION AND EXPRESSES ITS CONFIDENCE THAT A FURTHER VISIT WILL BE AUTHORIZED ON THE SAME CONDITIONS IN THE IMMEDIATE FUTURE. AT THE SAME TIME, IT REGRETS THAT THIS CO-OPERATION OF THE GOVERNMENT OF CHILE WITH THE EFFORTS OF THE UNITED NATIONS HAS NOT LED TO A SUBSTANTIAL IMPROVEMENT IN HUMAN RIGHTS AND
UNCLASSIFIED

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PAGE 02 USUN N 04120 02 OF 03 281912Z

FUNDAMENTAL FREEDOMS;

3. EXPRESSES ITS DEEP DISTRESS AT THE ABSENCE OF A LEGAL AND POLITICAL STRUCTURE WHICH PROTECTS THE UNRESTRICTED EXERCISE OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, A BASIC CONDITION FOR THE FREE EXPRESSION OF THE PEOPLE'S SOVEREIGNTY;

4. AGAIN EXRESSES ITS CONVICTION THAT A LEGAL AND POLITICAL ORDER BASED ON THE EXPRESSION OF THE PEOPLE'S WILL THROUGH AN ELECTORAL PROCESS OPEN, ON AN EQUAL FOOTING, TO ALL CITIZENS AND ON FREE ELECTIONS, IS FUNDAMENTAL FOR FULL RESPECT FOR HUMAN RIGHTS IN CHILE AS IT IS IN ANY OTHER COUNTRY;

5. EXPRESSES ITS DEEP CONCERN AT THE SERIOUSNESS OF THE SIGNIFICANT AND WELL-DOCUMENTED COMPLAINTS OF SERIOUS VIOLATIONS OF HUMAN RIGHTS IN CHILE, AS DESCRIBED IN THE REPORT OF THE SPECIAL RAPPORTEUR, WHICH REFERS TO VIOLATIONS OF THE RIGHTS TO LIFE, PHYSICAL AND MORAL INTEGRITY, LIBERTY, SECURITY, DUE PROCESS AND PROCEDURAL GUARANTEES, THE RIGHT TO ENTER AND LEAVE THE COUNTRY FREELY, FREEDOM OF MOVEMENT AND FREEDOM OF SPEECH AND INFORMATION;

6. EXPRESSES ITS DISTRESS AT THE DENIAL OF FUNDAMENTAL RIGHTS AND FREEDOMS THROUGH THE MAINTENANCE OF ARBITRARY EXECUTIVE POWER DURING THE PROLONGED PERIOD IN WHICH STATES OF EMERGENCY HAVE BEEN IN FORCE, AT THE CLIMATE OF INSECURITY, THE USE OF UNLAWFUL COERCION, TORTURE AND ILL-TREATMENT BY THE SECURITY FORCES, THE RENEWAL OF

ADMINISTRATIVE BANISHMENTS AND THE PRACTICE OF FORCED DISAPPEARANCES, AS WELL AS THE EXISTENCE OF BANDS AND
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PAGE 03 USUN N 04120 02 OF 03 281912Z

GROUPS, WHETHER PRIVATE OR CONNECTED WITH THE SECURITY FORCES, THAT ENGAGE WITH IMPUNITY IN ACTIONS RANGING FROM INTIMIDATION TO ASSASSINATION;

7. EXPRESSES ITS CONCERN AT THE DEINAL BY THE CHILEAN AUTHORITIES OF THE EXERCISE OF THE RIGHTS OF FREE EXPRESSION, ASSEMBLY AND ASSOCIATION, THROUGH THE USE OF REPRESSIVE METHODS AND VIOLENT RESPONSES TO SOCIAL AND POLITICAL OPPOSITION DEMONSTRATIONS, IN PARTICULAR, MILITARY SEARCHES OF MARGINAL SETTLEMENTS AND UNIVERSITY PREMISES AND ACTS OF INTIMIDATION AGAINST JOURNALISTS AND RELIGIOUS AND LAY HUMAN RIGHTS BODIES;

8. EXPRESSES ITS GRAVE CONCERN AT THE INEFFECTIVENESS OF THE GOVERNMENT AUTHORITIES IN PREVENTING THE ILL-TREATMENT OF INDIVIDUALS BY THE MILITARY, POLICE AND SECURITY FORCES AND EXPRESSES PARTICULAR CONCERN THAT THE JUDICIARY HAS OFTEN FAILED TO ACT INDEPENDENTLY AND THAT THE COMPETENT AUTHORITIES HAVE FAILED TO TAKE THE NECESSARY STEPS TO CONDUCT FULL INVESTIGATIONS AND PROSECUTE THOSE RESPONSIBLE FOR THE NUMEROUS UNSOLVED CASES OF ABDUCTION, TORTURE, DISAPPEARANCE AND MURDER;

9. URGES THE CHILEAN GOVERNMENT TO RESPOND TO THE REQUESTS OF VARIOUS SOCIAL AND POLITICAL SECTORS FOR THE EARLY, UNCONDITIONAL RE-ESTABLISHMENT OF A PLURALIST DEMOCRACY;

10. EMPHASIZES THE NEED FOR THE GOVERNMENT OF CHILE TO RESTORE AND RESPECT HUMAN RIGHTS IN CONFORMITY WITH THE PRINCIPLES OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND TO COMPLY WITH THE OBLIGATIONS IT HAS ASSUMED UNDER VARIOUS INTERNATIONAL INSTRUMENTS, SO THAT THE PRINCIPLE OF LEGALITY, DEMOCRATIC INSTITUTIONS AND THE EFFECTIVE ENJOYMENT AND EXERCISE OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS MAY BE RESTORED, AND, IN PARTICULAR:
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PAGE 04 USUN N 04120 02 OF 03 281912Z

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PAGE 01 USUN N 04120 03 OF 03 281913Z
ACTION IO-19

INFO	LOG-00	COPY-01	ADS-00	AID-00	INR-10	EUR-00	SS-00
	OIC-02	AF-00	CIAE-00	DODE-00	H-01	MSC-01	NEA-04
	NSCE-00	ARA-00	NSAE-00	SSO-00	HA-09	L-03	TRSE-00
	PM-10	EAP-00	PA-02	OMB-01	INRE-00	USIE-00	SP-02
	SNP-01	C-01	PRS-01	P-02	T-01	/071 W	

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TO SECSTATE WASHDC IMMEDIATE 3298
INFO AMEMBASSY SANTIAGO IMMEDIATE
AMEMBASSY MEXICO IMMEDIATE

UNCLAS SECTION 03 OF 03 USUN NEW YORK 04120

E.O. 12356: N/A
TAGS: PHUM, UNGA, CI
SUBJECT: 42ND UNGA: TEXT OF RESOLUTION ON CHILE

(A) IMMEDIATELY PUT AN END TO THE APPLICATION OF ARTICLES 8 AND 9 OF THE CONSTITUTION, AND SUPPLEMENTARY LEGISLATION, UNDER WHICH SERIOUS AND CONTINUING VIOLATIONS OF HUMAN RIGHTS, IN PARTICULAR THE RIGHTS TO LIFE AND FREEDOM OF THOUGHT, ARE BEING COMMITTED IN THE COUNTRY;

(B) LIKEWISE PUT AN IMMEDATE END TO THE STATE OF EMERGENCY AND TO THE ARBITRARY PRACTICE OF DECLARING "CONSTITUTIONAL STATES OF EMERGENCY", AND AMEND LEGISLATION, INCLUDING THE LAWS PERMITTING THE ARBITRARY USE OF SUCH STATES OF EMERGENCY, SO AS TO BRING IT INTO LINE WITH GUARANTEES OF HUMAN RIGHTS, AS DEFINED IN INTERNATIONAL INSTRUMENTS;

(C) IMMEDIATELY PUT AN END TO ALL FORMS OF PHYSICAL AND PSYCHOLOGICAL TORTURE AND EFFECTIVELY RESPECT THE RIGHT
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PAGE 02 USUN N 04120 03 OF 03 281913Z

TO LIFE AND TO PHYSICAL AND MORAL INTEGRITY, AND DESIST FURTHERMORE FROM INTIMIDATION AND PERSECUTION, ABDUCTIONS, ARBITRARY ARRESTS, DETENTION IN SECRET LOCATIONS, AS WELL AS THE PRACTICES OF INCOMMUNICADO

DETENTION AND ASSASSINATION;

(D) PROCEED AS A MATTER OF URGENCY, THROUGH JUDICIAL AND ADMINISTRATIVE ACTION, TO INVESTIGATE ALL REPORTS OF DEATHS, TORTURE, ABDUCTIONS AND OTHER HUMAN RIGHTS VIOLATIONS BY THE MILITARY, POLICE AND SECURITY FORCES, AS WELL AS BY BANDS AND GROUPS, WHETHER PRIVATE OR CONNECTED WITH THE SECURITY FORCES, AND PUNISH THOSE FOUND GUILTY OF SUCH VIOLATIONS;

(E) TO INVESTIGATE AND CLARIFY WITHOUT FURTHER DELAY THE FATE OF PERSONS ARRESTED FOR POLITICAL REASONS WHO HAVE SUBSEQUENTLY DISAPPEARED;

(F) ENSURE THE INDEPENDENCE OF THE JUDICIARY AND THE MAXIMUM EFFECTIVENESS OF JUDICIAL REMEDIES, PARTICULARLY AMPARO AND HABEUS CORPUS, AND PREVENT THE INTIMIDATION OF JUDGES, DEFENSE LAWYERS AND WITNESSES;

(G) REORGANIZE THE POLICE AND SECURITY FORCES SO AS TO HELP PUT AN END TO PERSISTENT HUMAN RIGHTS VIOLATIONS'

(H) RE-ESTABLISH THE JURISDICTION OF THE CIVILIAN COURTS OVER MATTERS WITHIN THEIR COMPETENCE WHICH HAVE BEEN DELEGATED TO THE MILITARY COURTS AND PUT AN END TO THE APPOINTMENT OF AD HOC PROSECUTORS BY MILITARY JUDGES, AS WELL AS TO ARBITRARY PROCEDURAL MEASURES AND DEATH SENTENCES IMPOSED FOR POLITICAL REASONS;

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(I) GUARANTEE THAT ANTI-TERRORIST LEGISLATION SHALL NOT BE USED AGAINST PERSONS WHO HAVE NOT COMMITTED TERRORIST ACTS, THAT PERSONS ACCUSED OF ACTS OF VIOLENCE OR TERRORISM SHALL BE ACCORDED DUE PROCESS OF LAW AND RESPECT FOR THEIR RIGHTS, AND THAT THE ACCUSATION OF TERRORISM SHALL NOT BE ADDUCED AS JUSTIFICATION FOR ANY ABUSE OF AUTHORITY, TORTURE OR INHUMANE TREATEMENT;

(J) RESPECT FULLY THE RIGHT OF NATIONALS TO LIVE IN AND FREELY ENTER AND LEAVE THEIR COUNTRY, AND PUT A DEFINITE END TO THE PRACTICE OF ADMINISTRATIVE BANISHMENT OR INTERNAL EXILE AND TO FORCED EXILE;

(K) RESTORE THE FULL ENJOYMENT AND EXERCISE OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS, PARTICULARLY LABOUR AND TRADE UNION RIGHTS AND FREEDOM OF SPEECH AND INFORMATION, AND PRESERVE THE SOCIO-CULTURAL IDENTITY OF THE INDIGENOUS

POPULATION;

(L) RESPECT THE ACTIVITIES OF INSTITUTIONS, NON-GOVERNMENTAL ORGANIZATIONS AND PERSONS RELATED TO THE PROTECTION AND PROMOTION OF HUMAN RIGHTS;

11. INVITES THE COMMISSION ON HUMAN RIGHTS TO CONSIDER, AS A MATTER OF HIGH PRIORITY, THE REPORT OF THE SPECIAL RAPPORTEUR, TAKING ACCOUNT OF THE RELEVANT INFORMATION AT ITS DISPOSAL; TO TAKE THE MOST APPROPRIATE STEPS FOR THE EFFECTIVE RESTORATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN CHILE, INCLUDING EXTENDING THE MANDATE OF THE SPECIAL RAPPORTEUR; AND TO REPORT TO THE GENERAL ASSEMBLY AT ITS FORTY-THIRD SESSION, THROUGH THE ECONOMIC AND SOCIAL COUNCIL, WITH A VIEW TO EXAMINING THE HUMAN RIGHTS SITUATION IN CHILE. END TEXT. WALTERS

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DECAPTIONED

EXCISE

Embassy of the United States of America
Santiago, Chile, Nov. 30, 1987

No. 24 - 1987

~~SECRET SENSITIVE — WNINTEL — NOFORN~~

OFFICIAL-INFORMAL

UNCLASSIFIED

Mr. Richard Ho
ARA/SC, Room 4908
Department of State
Washington, D. C. 20520

Chile Project (#S199900030)
U.S. Department of State
Release____ Excise X Deny____
Declassify: In Part X In Full____
Exemption(s) B1, NR

Dear Dick:

Your letters of November 6 and 20 both got here within three days, so the system seems to be working again. As you know, Harry is in Valparaiso today, so I'm doing this week's letter.

The first comment I should make is that congratulations to you, Bob and Peter, are very much in order. Your success in getting (1) an abstention at the UNGA, (2) requests made to the G-5 governments to join us in seeking SAL postponement, and (3) Presidential approval of a free elections statement and then White House agreement to have Fitzwater issue it, all against considerable odds and conventional wisdom that it couldn't be done, reflects extraordinary effort and bureaucratic skill. I know pressure has been heavy on all of you the last weeks, and we'd like you to know it's warmly appreciated. Now then - what have you done for us lately?

November 20 Letter

-- SAL. I just want to note what you well know: that if we fail to achieve postponement, it will be important to ask those who oppose us to at least abstain - so as to keep the percentage of abstentions at least as high, if not higher, than last year. Anything less will be trumpeted by Pinochet as a victory.

-- UNGA. Did Chile withdraw its resolution on Mexico before or after the procedural vote on whether it should be discussed? If after, how did we vote procedurally - for consideration, as USUN recommended? Any idea why Walters agreed to abstain on the Mexican resolution on Chile, after taking the position he did in his letter to Carlucci and his Third Committee statement? Did he give any explanation to Abrams? Could Powell have talked to him, do you suppose?

-- Reagan/Pinochet Letter. In the midst of all your triumphs, please continue to press the NSC to get this out. I'm concerned that if it slips into the Christmas period, it will never be sent.

-- CIVITAS Grant. We know Norma Parker went to the Hill, but has the formal letter of notification actually been sent? If so, what was the date and when do the 15 days expire? Harry remains willing to call

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Obey, as Norma asked, but he is waiting first to hear Ted Weihe's report on his conversation with Mike Merrick, to see if Mike thinks Harry's call is needed. As for the need to lay off Norma for a while on new projects, we got your message.

NR

-- Frei the Candidate. Frei Jr. continues to out-run everybody else in trial heats in the opinion polls, despite the fact that he is rarely photographed or quoted in the press (not censorship, he just is not politically active). Most of the opposition agrees in theory that nominating a candidate is a good idea, once agreement has been reached on a common platform. As you know, the Abeliuk-Cerda draft platform has been submitted to all the center-left parties for comment. It has not been made public, and the drafters say the intention is never to make it public in its entirety, only a summary once it has been blessed by the parties. That, of course, is ridiculous, given the Chilean fondness for leaking - the economic portion was printed in Friday's La Segunda (enclosed, page 10. See also the cartoon

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on page 9). Even if talks on the platform bog down, as well they may, we expect the PDC at least to return to the candidate idea. Aylwin at one point said they would not propose a candidate who is a member of any party (as Frei definitely is), and others have said it should be someone to the right of the PDC (and of Frei), in order to maximize attractiveness to the military. Nevertheless, Frei's name, reputation and lack of enemies may still prove irresistible.

-- Rural Wages and Working Conditions. Chris Lynch promises some data in either a telegram or the next letter. Your question is an important one, and it's an example of just the kind of feedback/ guidance we appreciate having.

November 6 Letter:

-- Letelier. The two most urgent next steps are (1) the follow-up note on the military prosecutor, for which we are still awaiting Department approval, and (2) delivery of the letters rogatory to Orozco - by DiGenova if he can come in December or January, but by someone else if he can't. We like the idea of USG espousal of the family's claim, but obviously the timing must be carefully considered in relation to SAL, GSP, the letters rogatory, etc. In any event, consideration of that step should not delay action on (1) and (2).

-- CODEL Edwards. Did Gelbard meet with him and what did he learn?

-- Videotapes and Handbills. We sent Peter a videotape of one set of Pinochet campaign commercials. There've been several others, notably one obstensibly celebrating the International Housing Year, which we'll also try to get on tape for you. I've asked all of the staff to keep an eye out for handbills and campaign literature that we can pouch up.

New Items.

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NK

B1

Gonzalez Vergara. Every so often we find ourselves unconsciously adopting the terminology that Pinochet and his minions have purposefully created to paper over reality. One example is referring to the "judge" who decided not to reopen the passport case. The gentleman in question is Brig. Gen. Jaime Gonzalez Vergara, he is the commander of the Army's Second Division, and he ranks 15th in precedence among army generals (see enclosed list). Speaking of the court case, Fabiola told me on November 17, that the appeal to the Military Appeals Court has been put in 27th place on their agenda - so it will be quite some time before the appeal is considered, let alone decided. I happened to be speaking to her on that date because the night before her office was broken into, despite the presence of a night watchman in the building. They do not appear to have taken anything, including radios, typewriters, and other items of value, but they threw files all over the floor and made a considerable mess. The police say they found no fingerprints.

NF

Military Visits. I understand you're working on a telegram giving us guidance on a whole series of military visits and exercises planned for the first half of 1988. We welcome that, but if that takes too long to clear, please give us something on FIDA just by itself, so we can proceed with planning.

DAO Staffing.

NR

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Questions We've Posed to You:

-- Ambassador's Visit to Olivares. Dr. Olivares, the Vicariate physician whom we regard as a classic political prisoner - imprisoned for political reasons having nothing to do with what he has or has not done - will complete a year in prison on December 17, without trial. The Vic is deeply concerned that the Government is not, in this case, as in so many others, detaining for a few weeks or months and then letting the prisoner go (Bustos, e.g.), but seems bent on holding him permanently hostage in order to keep the Vic in line. They have urged the Ambassador himself to visit him in jail, and Fresno, who had earlier in the year opposed the idea, now says he thinks it would help. At the "Letter of Santiago" mass in the Cathedral on November 25, celebrating the Church's dedication to human rights, Olivares was the only specific case mentioned in Fresno's homily. Harry liked your idea of his going with other ambassadors; the Dutch and the Uruguayan we know have made prison visits, so there's two we could ask. Let us know what Abrams says.

-- Stationing an AID Rep in Santiago. Peter was to ask Tropp for a reaction to our cable on this subject, and his thoughts on what steps we should take to get a decision.

-- Republican Polling Firm. We asked whether Lagomarsino or Sensenbrenner ever followed up with the NRI on Sensenbrenner's idea of getting a polling firm with Republican connections to consider doing some polling here. If you think it necessary or helpful, pleas

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use Harry's name with Sensenbrenner to push the idea, or Harry could send them a special message.

Sincerely,

George F. Jones
Deputy Chief of Mission

Enclosures:

1. [redacted] B1
2. Knight/Barnes memo on conversation with Kobel, 11-25-87
3. Chilean Army paper on the Rio Treaty, 11-9-87
4. La Segunda issue of 11-27-87
5. Clipping from La Epoca of 10-26-87
6. Assorted copies of Hoy, Analisis, Apsi, and Chile Misionero

DECLASSIFIED

NH 397

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____

EN LO PRINCIPAL: RECURSO DE PROTECCION

PRIMER OTROSI: INFORMES QUE INDICA

SEGUNDO OTROSI: PATROCINIO Y PODER

C.A. I. C.

CORTE DE APELACIONES 30.11.87 CONFORME COPIA

LUIS BORK VEGA y RAMON CASTILLO GONZALEZ, Presidente y Secretario General de la Comisión Chilena de Derechos Humanos de Valparaíso respectivamente, ambos abogados y domiciliados en calle Blanco 604, Valparaíso, a SS.I., respetuosamente, decimos:

Que venimos en interponer recurso de protección en favor de SERGIO DEL SOLAR DU[illegible], técnico en computación civil, domiciliado en calle Madrid Nº 271, Población Centro, cédula de identidad 5.485.235-5, por las razones de hecho y de derecho que pasamos a exponer.

LOS HECHOS:

El día domingo 29 de noviembre de 1987, alrededor de las 19.00 hrs. aproximadamente, llegaron al domicilio de Sergio del Solar un grupo de cuatro (4) individuos que presentaban similares características físicas: altos, robustos, morenos, bien vestidos, usando lentes oscuros y grandes bigotes, al parecer postizos, quienes ingresaron a la casa identificándose (con toda clase de improperios) como funcionarios de la Central Nacional de Informaciones (C.N.I).

En esos momentos sólo se encontraba en la casa de Sergio del Solar su señora esposa, doña Julia Elena Bustos Billiá, a quien, una vez en el interior, los individuos hicieron saber que eran miembros del [illegible], o sea, Acción Chilena Anticomunista, y preguntaron "por el de barba", refiriéndose a Sergio del Solar, al mismo tiempo que comenzaban a inspeccionar la casa, introduciéndose en las habitaciones y pateando insistentemente el suelo, como buscando algún puerto o último inadvertido, todo lo anterior, sólo se debe a la prepotencia con que actuaron, pues

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que en tal calidad, en numerosas oportunidades ha manifestado y ha denunciado públicamente hechos y situaciones que atentan contra los derechos fundamentales de la persona humana, lo que le ha valido ser considerado por el ACHA como uno de sus blancos en esta oportunidad.

Por otra parte, preocupa que este tipo de organizaciones disponga de una información tan detallada y acuciosa de las actividades de Sergio del Solar, al punto de poder exhibir a su cónyuge un set amplísimo de fotos del amparado en las situaciones más diversas (familiares, profesionales, etc.) incluso, fotos tomadas sólo con días de anticipación a los acontecimientos a que nos referimos.

EL DERECHO:

Los hechos relatados en el presente recurso configuran graves y evidentes violaciones a las siguientes garantías individuales consagradas en las pertinentes disposiciones de nuestra Constitución Política del Estado:

a) Artículo 19 Nº 1, que asegura a todas las personas el derecho a la vida y a la integridad física y psíquica, y parece indudable que la amenaza que estos individuos hicieron a la persona de Sergio del Solar constituye una clara violación de su derecho a la vida y a su integridad física y también psíquica, por el tremendo peso psicológico que significa a cualquier persona vivir con una amenaza de muerte tan grave y proveniente de un grupo organizado y que se especializa en este tipo de acciones como es el ACHA.

b) Artículo 19 Nº 2, que asegura a todas las personas la igualdad ante la ley, y que establece que en Chile no hay personas ni grupos privilegiados, y parece indudable que ni el ACHA ni las personas que lo integran tienen el privilegio de andar sembrando el terror en las personas ni el privilegio de ingresar a hogares sin ser invitados y sin orden alguna, ni el privilegio de decidir quien deba morir y por qué motivos, y parece ser que es ese, precisamente el privilegio de que creen gozar el ACHA

gra.. dichos grupos y sobre quienes lo: dirigen.

d) Informen a S .I. sobre cualquier otros antecedente que obre en su poder y sirva para individualizar a tale. grupos y las personas que los conforman.

SEGUNDO OTROSI: Sírvase S.I. tener presente que en nuestras calidades de Abogados habilitados, patrocinamos este recurso, siendo nuestro domicilio el de Blanco 694, Valparaíso, pudiendo actuar conjunta, separada o alternativamente en estos autos.

UNCLASSIFIED 0870143-0041

KM285

LLOYD BENTSEN
Chile Project (#S199900030)
U.S. Department of State
Release_____ Excise_X_____
Declassify: In Part_____ In Full_____
Exemption(s) B6

COMMITTEES:
FINANCE
COMMERCE, SCIENCE AND TRANSPORTATION
JOINT ECONOMIC
JOINT COMMITTEE ON TAXATION
SELECT COMMITTEE ON INTELLIGENCE

United States Senate
WASHINGTON, D.C. 20510

P
B6

November 30, 1987

EXCISE

ACTION
assigned to
ARA

Mr. J. Edward Fox
Assistant Secretary for
Legislative and Intergovernmental Affairs
U.S. Department of State
2201 C Street
Washington, D.C. 20520

Dear Mr. Fox:

I recently received the enclosed constituent inquiry, and I would very much appreciate your providing me with any pertinent information you might have regarding the matter, or any assistance you might be able to give in routing it to the proper authorities.

Your kind consideration is greatly appreciated.

Sincerely,

Lloyd Bentsen

Lloyd Bentsen

Enclosure

PLEASE REPLY TO:

961 Federal Building
Austin, Texas 78701
ATTN: Lauren Riggin

Re: Imprisonment of Ramiro Olivares Sanhueza in Chile.

OUT
1987 DEC -4 AM 8:53

FAIM/IAP/WI
1987 DEC -4 AM 8:44

RECEIVED BY
DEPARTMENT OF STATE

UNCLASSIFIED -2-

23/

UNCLASSIFIED
11/30/87 IL01092

Case Number: S1999000030

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ✓
Exemption(s) ____

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PAGE 01 SANTIA 09245 01 OF 02 301957Z
ACTION ARA-00

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NSAE-00 EAP-00 PA-01 INRE-00 USIE-00 SP-02 PRS-01
P-02 /017 W
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R 301952Z NOV 87
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 4187
INFO AMEMBASSY MANILA

~~C O N F I D E N T I A L~~ SECTION 01 OF 02 SANTIAGO 09245

E.O. 12356: DECL:OADR
TAGS: PGOV, CI
SUBJ: PINOCHET COMMENTS ON PLEBISCITE AND INTERNATIONAL PRESSURES

REF: (A) SANTIAGO 9112

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1. (C) SUMMARY: IN A SIX-PAGE INTERVIEW APPEARING IN THE NOVEMBER 19 ISSUE OF THE CONSERVATIVE MAGAZINE "QUE PASA", PRESIDENT PINOCHET EXPRESSED STRONGLY WORDED VIEWS ON THE PLEBISCITE, FOREIGN ELECTION OBSERVERS, INTERNATIONAL PRESSURES, AND THE OPPOSITION. HE REACTED INDIGNANTLY AGAINST THE POSSIBILITY THAT A "NO" VOTE COULD WIN THE PLEBISCITE, SAYING IT WOULD BE AS IF A MAN WERE KICKED OUT OF HIS HOUSE BY HIS OWN FAMILY, BRINGING "UNPREDICTABLE" CONSEQUENCES. HE STATED THAT FOREIGN ELECTION OBSERVERS, MOST OF WHOM WOULD COME JUST TO HEAR THE OPPOSITION'S "PREFABRICATED" STORIES, WOULD NOT BE WELCOMED OFFICIALLY. YET HE CHAFED AT THE OPPOSITION CHARGES THAT HIS WAS A TYRANNICAL REGIME. PINOCHET'S COMBATIVE VIEWS WERE MODERATED ONLY BY THE ADMISSION THAT THE GOC HAD A LOT OF WORK AHEAD TO CONQUER THE UNDECIDED
~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 02 SANTIA 09245 01 OF 02 301957Z

VOTERS. THE INTERVIEW WILL NO DOUBT FUEL FURTHER SPECULATION THAT HE INTENDS TO FIX THE ELECTION TO COME OUT HIS WAY. END SUMMARY.

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2. (U) INDICATING THAT HE WAS IN NO HURRY TO CALL AN EARLY PLEBISCITE, PINOCHET SAID IT WAS IMPORTANT TO

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PROCEED CALMLY AND DELIBERATELY IN ORDER TO AVOID UNNECESSARY WEAR AND TEAR. HE SHOWED THE "QUE PASA" JOURNALISTS CHARTS GRAPHING HIS RISING SUPPORT IN THE POLLS. YET HE ADMITTED THAT THE UNDECIDED VOTERS WERE NUMEROUS. ONLY A DETERMINED STANCE ON HIS PART COULD SHAKE THEM OUT OF THEIR PASSIVITY. AT ONE POINT IN THE INTERVIEW HE SUGGESTED THAT THE PLEBISCITE MIGHT BE CALLED "SUDDENLY" FOR SEPTEMBER, WHILE IN ANOTHER HE MISCHIEVOUSLY SAID IT COULD BE FOURTEEN MONTHS OFF (IN JANUARY, 1989).

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3. (U) AS FOR THE POSSIBILITY OF CONSTITUTIONAL REFORM TO ALLOW FOR OPEN PRESIDENTIAL ELECTIONS, THE PRESIDENT RETORTED THAT THOSE WHO HAD PROPOSED SUCH CHANGES SINCE 1982 WERE NOW "SHIPWRECKED." HE SCOFFED AT THE IDEA THAT THE PRE-ELECTIONS CLIMATE SHOULD BE LIBERALIZED, SAYING THAT MANY POLITICAL LEADERS WERE ALREADY SPEAKING THEIR MIND IN TV FORUMS, AND THAT WHEN PARTIES BECAME LEGALIZED THEY WOULD HAVE ACCESS TO TV.

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4. (U) THE PRESIDENT TURNED GRIM WHEN ASKED IF HE HAD CONSIDERED THE POSSIBILITY THAT A "NO" VOTE COULD WIN THE PLEBISCITE, RESPONDING THAT IT WOULD BE AS IF A MAN WERE REJECTED BY HIS FRIENDS, WIFE AND CHILDREN, LEAVING HIM NO OPTION BUT TO "PACK HIS BAGS AND LEAVE." IN HIS EYES THE PLEBISCITE WAS A SIMPLE CHOICE BETWEEN ORDER AND DISORDER, AND A FAILURE WOULD BRING CONFIDENTIAL

CONFIDENTIAL

PAGE 03 SANTIA 09245 01 OF 02 301957Z

"UNPREDICTABLE" CONSEQUENCES. LIKEWISE HE NEGATED THE POSSIBILITY THAT PARLIAMENTARY ELECTIONS A YEAR LATER COULD RESULT IN AN UNFRIENDLY CONGRESS. WHOEVER TRIUMPHS IN THE PLEBISCITE, HE SAID, "COMMITS THE COUNTRY TO HAVE A CONGRESS WHICH SERVES CHILE."

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INTERNATIONAL PRESSURES

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5. U) ASKED IF HE WOULD ACCEPT FOREIGN ELECTION OBSERVERS, PINOCHET SAID IT WOULD BE LIKE HAVING OFFICIALS COME TO YOUR HOUSE TO SEE WHAT YOU DO, AS THOUGH YOU WERE A "NO-GOOD THIEF" (SEE SEPTEL). THE OBSERVERS WOULD NOT BE GIVEN OFFICIAL STATUS. MOST WOULD BE SHOWN ONLY THE "PREFABRICATED" REPORTS CONCOCTED BY THE OPPOSITION. HOWEVER HE INSISTED THAT THE PLEBISCITE WOULD HAVE TO BE RECOGNIZED AS A VALID ELECTORAL INSTRUMENT, SINCE EVEN "MUBARAK'S AND MRS. AQUINO'S (ELECTION) WERE ACCEPTED AS LEGITIMATE, AND SHE DID NOT EVEN HAVE ELECTORAL REGISTRIES."

-
THE OPPOSITION
---
6. (U) PINOCHET RIDICULED THE OPPOSITION FOR BEING SO FIXED ON THE PAST THAT THEY ARE UNABLE TO CAPTURE WHAT THE COUNTRY NEEDS AND WANTS. HE NOTED THAT THE KEY OPPOSITION PARTY (E.G., THE CHRISTIAN DEMOCRATS) TRIED TO IMPOSE ITS CANDIDATES ON THE OTHERS, WITHOUT SUCCESS. NOW RICARDO LAGOS IS OFFERING A PARTY FOR DEMOCRACY, WHICH COULD BE THE "SAME AS IN NICARAGUA, WELL PRESENTED, WITH A PRETTY RIBBON, JUST LIKE THE COMMUNISTS GIVE THEIR GULLIBLE FRIENDS."
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PAGE 01 SANTIA 09245 02 OF 02 301958Z
ACTION ARA-00

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R 301952Z NOV 87
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 4188
INFO AMEMBASSY MANILA

~~C O N F I D E N T I A L~~ SECTION 02 OF 02 SANTIAGO 09245

E.O. 12356: DECL:OADR
TAGS: PGOV, CI
SUBJ: PINOCHET COMMENTS ON PLEBISCITE AND INTERNATIONAL

PINOCHET'S INTENTIONS
---
7. U) THE PRESIDENT DENIED THAT HE WAS ALREADY A CANDIDATE FOR THE PLEBISCITE, ASSERTING THAT HE WAS JUST THE MAN OF THE MOMENT, WHO WAS REPLACEABLE, BUT WHOM GOD HAD BLESSED IN A SPECIAL WAY. AS FOR WHETHER THE NEXT PRESIDENT SHOULD BE A CIVILIAN, HE SAID THE CONSTITUTION WAS MUTE ON THE SUBJECT. HOWEVER HE NOTED THAT SEVERAL OF CHILE'S LEADING PRESIDENTS HAD BECOME COMMANDERS IN CHIEF AFTER THE END OF THEIR TERMS IN OFFICE.
-
8. (U) HE TOOK ISSUE WITH THE OPPOSITION'S "MUD-SLINGING" CHARGES THAT HIS WAS A TYRANNICAL REGIME,

INSISTING THAT HE DID NOT HAVE IT IN HIM TO BE A DICTATOR. WHY, FOR EXAMPLE, WOULD HE TRY TO LOCK HIMSELF IN POWER, WHEN IN FACT POWER HAD CONVERTED HIM INTO A "DEPENDENT" WHO DID NOT EVEN HAVE THE FREEDOM TO BROWSE IN HIS OWN LIBRARY? ONLY HIS DEDICATION TO THE GOOD OF THE COUNTRY KEPT HIM TO THE COURSE HE WAS C~~ONFIDENTIAL~~

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PAGE 02 SANTIA 09245 02 OF 02 301958Z

FOLLOWING.

9. (C) COMMENT: THIS IS PINOCHET IN HIS CLASSICALLY DEFENSIVE POSTURE: COMBATIVE, INFALLIBLE, VOCIFEROUSLY NEGATIVE TOWARD EVERYTHING BUT HIS OWN ACCOMPLISHMENTS IN OFFICE. HIS COMMENTS ON FOREIGN OBSERVERS SHOW THAT HE ONLY RELUCTANTLY WILL ALLOW THEM IN, AS IF HE HAD SOMETHING TO HIDE, AND HE HAS DISMISSED THEIR FINDINGS OUT OF HAND, SINCE THEY WILL BE INFLUENCED BY THE OPPOSITION. DESPITE HIS TRIUMPHANT ATTITUDE, HE GRUDGINGLY ACKNOWLEDGES THAT THE GOVERNMENT HAS FAR TO GO TO WOO THE UNDECIDED VOTERS. THE IDEA OF A "NO" VOTE WINNING THE PLEBISCITE EVIDENTLY CAUSES HIM GRAVE CONCERN. BY HIS REFUSAL TO ADMIT THE POSSIBILITY OF LOSING EITHER THE PLEBISCITE OR THE PARLIAMENTARY ELECTIONS, HE FUELS FURTHER SPECULATION THAT HE WILL RIG THE RESULTS BY ONE MEANS OR ANOTHER.
END COMMENT.
BARNES

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PAGE 01 STATE 371025
ORIGIN ARA-00

INFO LOG-00 COPY-01 ADS-00 SS-00 IO-19 HA-09 P-02
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DRAFTED BY: ARA/SC:R F HOPPER:RFH
APPROVED BY: ARA:E ABRAMS
IO/HW:B ZWEIBEN, HA/HR:E MICHAL, ARA/SC:R HOWARD
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TO AMEMBASSY SANTIAGO IMMEDIATE
INFO AMEMBASSY MEXICO PRIORITY
USMISSION USUN NEW YORK PRIORITY
USMISSION GENEVA PRIORITY

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ✓
Exemption(s) ____

C ~~O N F I D E N T I A~~ L STATE 371025

E.O. 12356: DECL: OADR
TAGS: PHUM, CI, MX
SUBJECT: MEXICAN RESOLUTION ON HUMAN RIGHTS IN CHILE -- DEMARCHE BY CHILEAN AMBASSADOR IN WASHINGTON ON 11/25/87

1. ~~CONFIDENTIAL~~ ENTIRE TEXT

2. SUMMARY. CHILEAN AMBASSADOR ERRAZURIZ ASKED TO MEET WITH ARA ASSISTANT SECRETARY ABRAMS ON THE AFTERNOON OF NOVEMBER 25. SINCE THE AMBASSADOR HAD JUST RETURNED THAT MORNING FROM A QUICK TRIP TO CHILE, IT WAS ANTICIPATED THAT ERRAZURIZ WOULD SEEK TO PASS ALONG HIGH LEVEL GOC VIEWS ON THE SAME WIDE RANGE OF ISSUES HE HAD JUST LISTED IN A LITANY OF COMPLAINTS TO AMBASSADOR BARNES (SANTIAGO 9170). INSTEAD, HE ONLY ADDRESSED THE MEXICAN AND CHILEAN HUMAN RIGHTS RESOLUTIONS AT THE UNGA. HIS MAIN PURPOSE WAS TO STRESS HOW NEGATIVE THE IMPACT WOULD BE IN CHILE IF THE USG SUPPORTED THE "UNBALANCED" MEXICAN-SPONSORED RESOLUTION. ASSISTANT SECRETARY ABRAMS SAID OUR FINAL POSITION WOULD DEPEND ON THE TEXT, BUT HE SAID WE WOULD
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PAGE 02 STATE 371025

PROBABLY NOT VOTE FOR THE MEXICAN RESOLUTION AND SUGGESTED THAT AN ABSTENTION WAS A POSSIBILITY AND HE ADDED THAT OUR VOTE WOULD BE ACCOMPANIED BY AN EXPLANATORY STATEMENT. RESPONDING TO A SUBSEQUENT TELEPHONE CALL FROM THE AMBASSADOR ON FRIDAY NOVEMBER 27 (SEE PARA 6), ABRAMS CONFIRMED THAT THE US INTENDED TO ABSTAIN. END SUMMARY

THE CHILE RESOLUTION ON MEXICO

3. ERRAZURIZ LAMENTED, GOOD NATUREDLY, THAT WHILE MANY DELEGATIONS IN NEW YORK PRIVATELY PRAISED THE SUBSTANCE OF CHILE'S RESOLUTION ON HUMAN RIGHTS DEFICIENCIES IN MEXICO, NOT ONE SINGLE DELEGATION SAID IT WOULD VOTE FOR OR OTHERWISE SUPPORT THE CHILEAN SPONSORED RESOLUTION. ALL DELEGATIONS STRESSED THAT THEY NEEDED TO GET ALONG WITH MEXICO INTERNATIONALLY. ERRAZURIZ SUGGESTED WE READ CAREFULLY THE SPEECH MADE BY THE CHILEAN UN PERMREP CONCERNING THE COMPLICATED SITUATION IN MEXICO -- REMARKS HE SAID HAD BEEN SERIOUSLY PREPARED BY THE GOC. IN THE SPEECH ERRAZURIZ SAID CHILE DESCRIBED CRITICALLY MEXICO'S "ARROGANT" BEHAVIOR INTERNATIONALLY AS WELL AS THE STRUCTURE OF ITS DOMESTIC SYSTEM. ERRAZURIZ ALSO SAID WE SHOULD BE AWARE OF THE TOUGH BUT SERIOUS DISCUSSION WHICH TOOK PLACE PRIVATELY WITH THE MEXICAN PERMREP WHO HAD BEEN RATHER "DEMAGOGIC."

THE MEXICAN RESOLUTION ON CHILE

4. ERRAZURIZ THEN STRESSED THAT THE GOC'S MAIN CONCERN INVOLVED HOW THE USG WOULD VOTE ON THE MEXICAN-SPONSORED TEXT. HE DESCRIBED THE STEPS TAKEN BY THE GOC DURING THE CONFIDENTIAL

CONFIDENTIAL

PAGE 03 STATE 371025

PAST YEAR ON HUMAN RIGHTS WHICH THE MEXICAN-SPONSORED RESOLUTION HAD EITHER IGNORED OR DISTORTED. WHEN ABRAMS ASKED ABOUT THE LATEST AMENDMENTS PUT FORWARD BY THE MEXICANS, ERRAZURIZ SAID THEY ONLY MADE THE RESOLUTION EQUAL TO INSTEAD OF WORSE THAN LAST YEAR'S. HE URGED THE US TO BE CONSISTENT AND VOTE AGAINST THE RESOLUTION AGAIN THIS TIME, THOUGH HE STRESSED, EVEN MORE, HOW DAMAGING A POSITIVE VOTE WOULD BE TAKEN BY THE GOC AND BY OTHERS IN CHILE.

5. INDEED, HE WENT SO FAR AS TO EXPLAIN HOW CHILE'S TRANSITIONAL BUT STILL "NON-DEMOCRATIC GOVERNMENT" DID NOT HAVE THE BUFFERS IN PLACE THAT LET DEMOCRACIES REACT SLOWLY AND, AT TIMES, MORE CAUTIOUSLY TO PROVOCATIONS. HE INDIRECTLY THREATENED THAT HIS GOVERNMENT MIGHT OVERREACT TO THIS YEAR'S UNGA DEBATE BY CANCELLING ITS PERMISSION FOR UN SPECIAL RAPPORTEUR VOLIO TO VISIT CHILE IN DECEMBER. ABRAMS EXPLAINED THAT OUR VOTE DEPENDED ON THE FINAL TEXT AND THAT IF IT DIDN'T CHANGE SUBSTANTIALLY WE PROBABLY WOULD NOT VOTE FOR IT. ABRAMS EXPLAINED THAT ONE

POSSIBILITY WOULD BE AN ABSTENTION BY THE USG COUPLED WITH AN EXPLANATION OF OUR VOTE.

ADDENDUM -- ERRAZURIZ TELEPHONES ON 11/27

6. ERRAZURIZ CALLED TO SAY "HE WAS HEARING" THAT THE USG WAS GOING TO ABSTAIN AT THE UNGA WHICH WOULD BE "BAD NEWS" IN CHILE. ABRA'S CONFIRMED THAT THE US WOULD ABSTAIN WITH AN EXPLANATION OF THE VOTE. HE REVIEWED THE LOGIC OF THE US POSITION AS FOLLOWS: CONINUING US CONCERNS ABOUT THE HUMAN RIGHTS SITUATION IN CHILE MAKE IT IMPOSSIBLE TO VOTE "NO;" BUT WE WILL NOT VOTE "YES" BECAUSE OF ELEMENTS OF UNFAIRNESS IN THE MEXICAN-SPONSORED RESOLUTION. THEREFORE, AN ABSTENTION WITH AN EXPLANATION IS THE MOST APPROPRIATE ACTION. ERRAZURIZ REGRETTED THAT SUCH A STEP CONFIDENTIAL

CONFIDENTIAL

PAGE 04 STATE 371025

AT THE UNGA WOULD REPRESENT "AN ESCALATION IN THE U.S. CONFLICT WITH CHILE" AND COMPLAINED THAT WE HAD NOT CONSULTED WITH THE GOC ABOUT THIS CHANGE IN OUR VOTE FROM LAST YEAR.
SHULTZ

CONFIDENTIAL

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12-1-87

Chile Project (#S199900030)
U.S. Department of State
Release ____ Excise X Deny ____
Declassify: In Part X In Full ____
Exemption(s) B1

CONFIDENTIAL UNCLASSIFIED

MEMORANDUM OF CONVERSATION

December 1, 1987

TO: Ambassador Walters

FROM: Ambassador Piedra

SUBJECT: Conversation with [redacted] on Mexico's Resolution on Human Rights in Chile

cc: Ambassador Okun, Ambassador Korn, CDR L. Martiny R. Immerman, C. Bunton, J. Kriendler, Albert Nahas

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On Friday evening I was approached by the head of the [redacted] delegation to the UN, [redacted] who in a very informal way let me know that he was very much concerned about the Mexican resolution on human rights in Chile. According to him, the resolution was unbalanced and distorted. The resolution [redacted] said, did not take into account the improvements that had taken place in Chile since last year. Furthermore, he commented it is ironical that Cuba and other countries well known for their human rights violations should cosponsor a resolution on human rights in Chile or for that purpose on any other country. And what is even worse, he added, is that the resolution is backed by so many democratic countries who apparently see the abuses that have taken place in Chile, but choose to ignore the human rights abuses of other countries.

[redacted] was so concerned about what he called "the injustice of the resolution" that he called [redacted] to report what was going on and ask for further instructions as to how to vote in the General Assembly. Even though he was not able to talk to [redacted] he did speak to Foreign Minister [redacted] who suggested the possibility [redacted] might change its vote at the General Assembly.

drafted by: Ambassador Piedra

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URGENT ACTION amnesty international URGENT ACTION

UA office • P.O. Box 1270 • Nederland, CO 80466-1270 • 303-440-0913 International Secretariat • 1 Easton Street • London WC1X 8DJ England

Further Information on UA 307/87 (6 November, 1 December 1987)
Death Threats

Chile: television and theater actors, writers and directors

Nissim Sharim	Peggy Cordero
Julio Jung	Gabriela Medina
Coca Rudolfi	Carlos Valenzuela

Amnesty International has received reports that some of the 78 actors who received death threats during November, have been sent further warnings.

Nissim Sharim, Julio Jung, Coca Rudolfi, and Peggy Cordero have all received telephone threats. Nissim Sharim said he was told that he and others would have their throats cut, Julio Jung was told that they were going to kill him, while the two women were warned that they were going to suffer an accident. Another actress, Gabriela Medina, had a red cross sprayed on her house.

Carlos Valenzuela, an actor who was not on the original death list has also been intimidated. On 5 December, he was the winner of a dancing contest. In the speech he gave following the competition, he made a dedication to all the actors who had been receiving death threats. This speech was broadcast live on television throughout Chile.

As he was returning home, he realized that he was being followed by four cars, so he decided to go to a friend's house. When he reached the block of flats where his friend lives, he saw two men get out of each car. Fearing an abduction, he rang the doorbell of a flat and was given refuge. A recurso de proteccion (a request to the courts for protection) has been submitted to the Corte de Apelaciones (Santiago Appeals Court).

Chile Project (#S199900030)
U.S. Department of State
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Further Recommended Actions:
- urging the courts to carry out a full investigation into these threats and that those responsible be brought to justice.

Appeals to:

Sr. Ricardo Garcia Rodriguez -Salutations-
Ministro de Relaciones Exteriores -Your Excellency-
Ministerio de Relaciones Exteriores
Palacio de la Moneda
Santiago, Chile. (Telegrams: Ministro Relaciones, Exteriores, Santiago, Chile)
(telexes: 441062 RECHI CZ: 40595)

Sr. Sergio Fernandez Fernandez -Your Excellency-
Ministro del Interior
Ministerio del Interior
Palacio de la Moneda
Santiago, Chile (Telegrams: Ministro Interior, Santiago, Chile)
(telexes: 240946 EMER CL)

Copies to:

SIDARTE
Lira 5
Santiago, Chile
(actors' union)

Ambassador Hernan Felipe Errazuriz
Embassy of Chile
1732 Massachusetts Ave NW
Washington DC 20036

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Urgent Action participants are encouraged to write to their Congressional Representatives to solicit their help with this appeal. You may summarize the case in a letter or send a copy of the UA with your own covering letter.

Please send appeals immediately. Please check with the Colorado office WEEKDAYS ONLY between 9:00 AM and 6:00 PM Mountain Time if sending appeals after January 10, 1988.

Amnesty International is an independent worldwide movement working for the international protection of human rights. It seeks the release of men and women detained anywhere because of their beliefs, color, sex, ethnic origin, language or religious creed, provided they have not used or advocated violence. These are termed prisoners of conscience. It works for fair and prompt trials for all political prisoners and works on behalf of such people detained without charge or trial. It opposes the death penalty and torture or other cruel, inhuman or degrading treatment or punishment of all prisoners without reservation.

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KM287

CHIC HECHT
NEVADA

BANKING, HOUSING AND URBAN AFFAIRS
ENERGY AND NATURAL RESOURCES
SELECT COMMITTEE ON INTELLIGENCE

United States Senate

WASHINGTON, DC 20510

STATE OFFICES
CARSON CITY OFFICE
308 North Curry Street
(702) 883-8811
LAS VEGAS OFFICE
300 Las Vegas Blvd. South
(702) 388-6605
RENO OFFICE
300 Booth Street
(702) 784-5007

EXCISE

December 1, 1987

47

ACTION
is assigned to
ARA

P
B6

Department of State
Office of Congressional Relations
2201 C Street, NW
Room 7261
Washington, D.C. 20520

Dear Director:

Enclosed is a copy of the communication I received from [redacted] regarding his concern about five men who are missing in Chile. I would appreciate any information you could provide regarding this matter.

Please forward your reply, in duplicate, to the attention of my office assistant, Sabrina Agee, Room SH-302, Hart Senate Office Building, Washington, D.C., 20510. PLEASE REFER TO THE ABOVE NAMED CONSTITUENT IN ALL CORRESPONDENCE REGARDING THIS MATTER.

Sincerely,

Chic Hecht

Chic Hecht

CH/sla
Enclosure

Re: Jose Julian Pena Mateo, Manuel Jesus Sepulveda Sanchez, Alejandro Alberto Pinochet Arenas, Gonzalo Ivan Hidalgo Navarrete, Julio Orlando Munoz Otarola from Chile.

Chile Project (#S19990003)
U.S. Department of State
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Exemption(s) B6

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1987 DEC -4 AM 9:28

DEPARTMENT OF STATE

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12-1-87

Chile Project (#S199900030)
U.S. Department of State
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Exemption(s)

MEMO

Dec. 1, 1987

TO: The Ambassador

THRU: DCM - Mr. Jones

FROM: Labor Attache - Don Knight

SUBJECT: Call on Olivares

I ran into Mons. Valech this afternoon in the Vic, when I delivered to Enrique Palet the attached suggested list of Congressmen and Senators which Valech might wish to see in Washington. Valech told me the Supreme Court will take up the Olivares case on December 7. He added that perhaps it would be best to hold off on any further attempts to see Olivares until after the court has had the opportunity to consider the case. Further attempts to visit might be taken by the members of the court as "pressure" on them to decide favorably for Olivares. Valech stated he had issued a statement today on this matter, and expects it to be in the papers on December 2. His statement repeats what Cardinal Fresno said about the Olivares matter at the November 25 ceremony.

Valech asked that I pass this on to you, since he knows you are interested in perhaps visiting Olivares. He asked that you wait a few days longer to see what the court does on December 7.

On the list of people he might see in Washington, he asked the name of the Senator you mentioned who has a son-in-law teaching here in Santiago. I told him I could not remember exactly, but that it might be Patrick Leahy. I told him I would check with you and get back to him on Thursday. (The Vicariate is closed tomorrow, a staff holiday provided by the Vicar.)

Congressmen:

Doug Bereuter
Jerry Lewis
Robert Lagomarsino
Tom Lantos
Dante Fascell
James Sensenbrenner
Gus Yatron

Senators

Tom Harkin
Patrick Leahy
John McCain

CONFIDENTIAL 12-2-87

UN 023

MEMORANDUM December 2, 1987

TO: Ambassador Walters

FROM: Ambassador Piedra

SUBJECT: Conversation with the Permanent Representative of Chile, Pedro Daza

cc: Ambassador Okun, Ambassador Korn,
POL: R. Immerman, J. Kriendler, C. Bunton,
ECO: A. Nahas, IO/UNP, ARA/SC

During our December 2 lunch, Ambassador Daza (Chile) and I had a frank discussion on the political and economic situation in Chile and U.S.-Chilean relations. Daza initiated the conversation by expressing his disappointment about the U.S. vote on the Mexican resolution on human rights in Chile. He said that he and the Chilean Government could not understand why the U.S. Government did not vote against the Mexican resolution on the basis of Chile's record which he expressed as follows:

1. "Chile has maintained a foreign policy which in many ways coincides with that of the United States. Chile has never taken a position hostile to the United States or against our interests as some of the other Latin American countries have done in the past and are still doing at present.

2. "Chile's economic policy has been a success, and it follows principles which are very much backed and fostered by the Reagan Administration. In comparison to the other Latin American countries that are experiencing serious economic and social problems, Chile has made tremendous progress which is hardly ever recognized in certain international fora. Sound Chilean economic policies have had dividends that favored all sectors of Chilean society. The statistics are there to prove it.

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3. "The human rights situation has improved significantly in Chile in spite of the barrage of propaganda which tries to prove the contrary. Velic's report on Chile points out these improvements but nothing was mentioned in the Mexican resolution. On the contrary, the resolution was even worse than the one presented last year. Chile treated the Special Rapporteur with all due respect and gave him all sorts of facilities. This was not recognized by those who only see the dark side of Chile's story.

4. "Chile is definitely moving toward a democratic system. There are going to be free elections and they are not going to be 'the Mexican way.' The elections in Chile are going to be honest and open but, what happens if Pinochet runs and wins the election? Will the international community accept the verdict of the Chilean people or will it insist on fraud?

5. "Chile has made mistakes in the past. The Chilean Government is willing to admit it, but it must be remembered that mistakes have been made by others also. The Chilean Government is trying to rectify these errors but the international community does not seem to be willing to listen to Chile's pleas for understanding and patience. After all, human rights violations in other countries are well-known, yet they don't have special rapporteurs or receive the international criticism to which Chile has been subjected. How can it be possible that countries, such as Cuba, that have a long record of human rights violations, co-sponsor a resolution on human rights violations in another country? This seems a travesty and an irony of history."

In general, Daza was very pessimistic about the future of Latin America. Latin American democracies were having tremendous economic difficulties in spite of the huge amounts of aid they have received. "How have they used the funds?", Daza asked rhetorically. "Where has the money gone"? Most of the Latin American countries have made very little progress in the social area, as available data tends to indicate. This trend does not speak well of many of the Latin American democracies where inflation, unemployment, and social problems are still rampant.

Chile, on the contrary, has accomplished -- he reiterated -- significant social improvements, and the economy is growing consistently. Chile's international debt has diminished substantially while that of some of the other major Latin

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American countries is mounting rapidly. This proves that the economic policies of the Chilean Government are working and that money is being saved and invested in a productive way.

Daza was very complimentary of the United States. He said the U.S. is a wonderful country much to be admired and imitated. But at the same time, he said that we had to be careful because we are losing ground in Latin America. Daza expressed his concern about the possible negative reaction of the Chilean people, resulting from what he considers our erroneous policy vis-a-vis his country. He stressed that we should not be misled about press reports that the majority of the Chileans are against Pinochet. It is very possible, he said, that the elections in Chile will prove the contrary. The Chilean people recognize what Pinochet's government has done in the social and economic areas and are grateful for many of the improvements that have taken place. The armed forces, a power to be reckoned with (and friendly to the U.S.), are very disappointed with the U.S. Many of the junior officers who are not familiar with our customs and traditions may take a totally different attitude toward our country in the years to come and this, he said, can be dangerous for the future of U.S.-Chilean relations.

Do not forget, Daza said, that the Latin American democracies often take attitudes unfriendly towards the United States. For example, he said, "just analyze the voting in the United Nations." Then, he added, if Gabriel Valdés were in power in Chile today, he would most probably have joined forces with many of the other Latin American countries and supported resolutions not favored by the United States. Furthermore, if he would have been in Mexico at the meeting of the Group of 8 Presidents -- adding Chile to the list of 8 -- he would probably have supported the reincorporation of Cuba into the Organization of American States, in spite of U.S. opposition.

Finally, Daza brought out the case of Haiti. Haiti, he said, is the best example of how counterproductive it is to force free elections and a democratic system on a country that is not prepared for it. According to Daza, for democracy to be successful you must prepare the ground for it. Otherwise, disappointment and frustration will follow.

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12-217

Comments:

Daza was definitely disappointed about the U.S. vote on the Mexican resolution at the UN. He did not show any resentment or antipathy toward the U.S. On the contrary, he expressed more than once his admiration for our country and for everything for which it stands. Nevertheless, he indicated his concern for Latin America as a whole and for the newly established Latin American democracies in particular. Many of them, he said, were following economic policies that in the long run could turn out to be disastrous and endanger the very foundations of political freedom.

Daza never denied the mistakes made by Chile but he did insist on the need for a greater degree of understanding on the part of the United States and other well-established democracies. The same understanding they sometimes show for regimes that are not only gross violators of human rights, but are also violently anti-U.S.

Wang #3/486

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R

MARY ROSE OAKAR

WASHINGTON OFFICE

DISTRICT OFFICE
523 Federal Court Building
215 Superior Avenue
Cleveland, OH 44114-1781
(216) 522-4877

Congress of the United States
House of Representatives
Washington, DC 20515

December 2, 1987

BANKING, FINANCE AND URBAN AFFAIRS
POST OFFICE AND CIVIL SERVICE
SELECT COMMITTEE ON AGING
COMMITTEE ON HOUSE ADMINISTRATION

The Honorable George P. Shultz
Secretary of State
Department of State
2201 C Street, NW
Washington, DC 20520

Chile Project (#S199900030)
U.S. Department of State
Release X Excise _____ Deny _____
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Exemption(s) _____

ACTION is assigned to ARA

Dear Mr. Secretary,

I write to ask for your help.

In this week of focus on human rights in the Soviet Union, we need your intervention to stop persecution and death threats in another part of the world.

Here in our own hemisphere, the Chilean Government stands aloof from escalating violence as the scheduled presidential plebiscite approaches. As you may have noted in the enclosed New York Times report, 77 of Chile's most eminent actors, directors and playwrights remain in their own country despite death squad threats.

I welcome the recent official criticisms of General Augusto Pinochet's regime. However, I believe we can and must do more. I urge you to press for guarantees of safety for the 77 artists, and demand an accounting of Chilean Government action to stop death squad activities.

I further urge you to exercise the leverage provided by the Congress in Section 701 of the International Financial Institutions Act, through bans on the Generalized System of Preferences, and with pressure through the Overseas Private Investment Corporation to temper General Pinochet's rule during the transition to democracy. When threats to peaceful Chileans are answered with threats to U.S./Chilean ties, Augusto Pinochet will lose the support of his own government.

Surely, Mr. Secretary, at the least, we can hold a regime receiving American assistance to this rudimentary standard of civilized conduct: That the government protect the people from "vigilante" ultimatums.

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As a humanitarian committed to the cause of human rights, I hope you will do all you can. I look forward to hearing from you soon.

Sincerely,

Mary Rose Oakar

Mary Rose Oakar
Member of Congress

MRO:ra

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DATE/TIME RECEIVED
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EXCISE

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C I A
OPERATIONS CENTER
SITE A

WASHFAX MESSAGE RECEIPT

CASC WASFEILER

B

FROM [redacted] J

SUBJECT A Situation in Chile Involving "Colonia Dignidad"

CLASSIFICATION

PAGES 5

SENT TO:	DELIVER TO:	EXTENSION	ROOM
B	Mr. Richard Howard ARA/SC (STATE)	647-2407	4906

Chile Project (#S199900030)
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MARKS:

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P 181

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PAGE 01 USUN N 04203 01 OF 02 031752Z
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~~C O N F I D E N T I A L~~ SECTION 01 OF 02 USUN NEW YORK 04203

E.O.12356: DECL: OADR
TAGS: PHUM, UNGA, UNHRC, PREL, CI, US
SUBJECT: CHILE HUMAN RIGHTS: OKUN/PACHECO MEETING

REF: SANTIAGO 9202

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1. CONFIDENTIAL - ENTIRE TEXT.

2. SUMMARY: THE VICE-PRESIDENT OF CHILE'S HUMAN RIGHTS COMMISSION MAXIMO PACHECO CALLED UPON ACTING U.S. PERMANENT REPRESENTATIVE OKUN ON NOVEMBER 30. HIS VISIT CAME IN THE WAKE OF U.S. MOVE FROM A 'NO' VOTE TO AN ABSTENTION ON THE ANNUAL GA RESOLUTION ON THE STATE OF HUMAN RIGHTS IN CHILE. PACHECO WAS CLEARLY PLEASED BY U.S. ABSTENTION AND URGED THAT WE MOVE TO A 'YES' VOTE SOON. PACHECO SAID U.S. MOVE FROM A NEGATIVE VOTE WOULD HAVE A POSITIVE IMPACT UPON THE CHILEAN POLITICAL PROCESS. HE EXPRESSED STRONG DOUBTS

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ABOUT PINOCHET'S COMMITMENT TO RETURN CHILE TO DEMOCRACY AND THOUGHT THAT THE PLEBISCITE WOULD HAVE VERY SERIOUS NEGATIVE CONSEQUENCES FOR CHILE REGARDLESS OF THE RESULTS OF THE VOTING. END SUMMARY.

3. FORMER FREI MINISTER OF EDUCATION AND CURRENT VICE PRESIDENT OF CHILE'S HUMAN RIGHTS COMMISSION MR. MAXIMO PACHECO MET AT HIS REQUEST WITH ACTING PERMANENT REPRESENTATIVE AMBASSADOR OKUN ON NOVEMBER 30. THE MEETING WAS IN SPANISH. MISOFFS BUNTON AND AMSELEM ALSO PARTICIPATED.

4. U.S. ABSTENTION ON CHILE RESOLUTION: IN RESPONSE TO AMBASSADOR OKUN'S QUESTION, PACHECO SAID THAT THE U.S. MOVE TO AN ABSTENTION ON THE ANNUAL GA RESOLUTION ON THE SITUATION OF HUMAN RIGHTS IN CHILE WOULD HELP IMPROVE THE U.S. IMAGE AMONG CHILEANS, PARTICULARLY YOUNGER ONES, AND WOULD HAVE A POSITIVE IMPACT ON CHILE'S POLITICAL PROCESS. PACHECO SAID HE HAD LONG FELT IT WAS BAD FOR THE UNITED STATES TO BE IN COMPANY OF PARAGUAY, INDONESIA, THAILAND, AND LEBANON IN VOTING 'NO' ON THE CHILE RESOLUTION. U.S. 'NO' VOTES, HE CLAIMED, UNDERMINED AMBASSADOR BARNES'S WORK IN FAVOR OF HUMAN RIGHTS IN CHILE; AN ABSTENTION WAS A STEP IN THE RIGHT DIRECTION AND ONE WHICH HE AND OTHERS HOPED WOULD CULMINATE IN A 'YES' VOTE.

5. AMBASSADOR OKUN POINTED OUT THAT THE RESOLUTION ADOPTED ON NOVEMBER 27 IN THE GA'S THIRD COMMITTEE (SOCIAL AND HUMANITARIAN AFFAIRS),

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ALTHOUGH AN IMPROVEMENT OVER THOSE ADOPTED PREVIOUSLY, REMAINED UNBALANCED. THE RESOLUTION MADE NO MENTION OF THE SIGNIFICANT DECLINE IN THE NUMBER OF POLITICAL EXILES NOR DID IT ADMIT THAT THE GOC WAS NOT THE ONLY SOURCE OF POLITICAL VIOLENCE IN CHILE. UNTIL THOSE AND OTHER DEFICIENCIES WERE CORRECTED IT WAS HIGHLY UNLIKELY THAT THE U.S. COULD CHANGE ITS ABSTENTION TO A POSITIVE VOTE.

6. AMBASSADOR OKUN ASKED WHAT, IF ANY, IMPACT THE U.S. MOVE TO AN ABSTENTION WOULD HAVE ON THE GOC. PACHECO ANSWERED THAT PRESIDENT PINOCHET SEEMED TO HAVE COME TO BELIEVE THAT THE U.S. WOULD NEVER CHANGE ITS NEGATIVE VOTE IN THE GA AND THAT THE U.S. WOULD SUPPORT HIM UNTIL HE DIED. HE ALSO SAID THAT EVEN SENIOR PERSONS WITHIN THE JUNTA HAD BEEN PUZZLED BY THE U.S. VOTE AND HAD FELT THAT THE U.S. WAS IDENTIFYING ITSELF TOO CLOSELY WITH

PINOCHET.

7. POLITICAL PROCESS: AMBASSADOR OKUN ASKED ABOUT THE CURRENT POLITICAL SITUATION IN CHILE AND EXPRESSED U.S. SUPPORT FOR A PROCESS THAT WOULD LEAD TO A PEACEFUL RETURN TO CHILE'S DEMOCRATIC TRADITIONS. ACCORDING TO PACHECO, A GREAT ERROR OF THE VOLIO REPORT WAS ITS VIEW THAT THE SCHEDULED PLEBISCITE AND THE VOTER REGISTRATION DRIVE LEADING UP TO IT WERE STEPS TOWARDS DEMOCRACY. PACHECO SAID THAT HE WAS MORE AND MORE CONVINCED THAT PINOCHET HAD NO INTEREST IN PROMOTING A PROCESS LEADING TO DEMOCRACY.

8. ACCORDING TO PACHECO, PINOCHET WAS A MESSIANIC ANTI-COMMUNIST, LOVED PERSONAL POLITICAL POWER, AND WAS HAUNTED BY FEAR OF WHAT COULD HAPPEN TO

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PAGE 04 USUN N 04203 01 OF 02 031752Z

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PAGE 01 USUN N 04203 02 OF 02 031754Z
ACTION IO-19

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~~C O N F I D E N T I A L~~ SECTION 02 OF 02 USUN NEW YORK 04203

E.O.12356: DECL: OADR
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SUBJECT: CHILE HUMAN RIGHTS: OKUN/PACHECO MEETING

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HIM AND HIS FAMILY SHOULD THE JUNTA STEP DOWN. PINOCHET'S ANTI-COMMUNIST STANCE WAS IRONIC SINCE, ACCORDING TO PACHECO, PINOCHET WAS THE GREATEST RECRUITER OF COMMUNISTS IN CHILE. HE SHARED WITH THE COMMUNISTS A DISDAIN FOR DEMOCRACY; PINOCHET AND THE COMMUNISTS THRIVED ON POLITICAL CHAOS AND VIOLENCE. PINOCHET, BY ACCUSING HIS OPPONENTS, INCLUDING THE HUMAN RIGHTS COMMISSION, OF BEING COMMUNISTS ENHANCED THE STATURE OF THE COMMUNISTS AND MADE THEM APPEAR TO BE A MAJOR FORCE WORKING FOR A RETURN TO DEMOCRACY IN CHILE.

9. PLEBISCITE: PACHECO SAID THAT HE DOUBTED THE PLEBISCITE WOULD TAKE PLACE BEFORE NEXT SEPTEMBER. OUT OF A POTENTIAL VOTING POPULATION

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OF NEARLY 8 MILLION PERSONS, THE GOC HAD SO FAR REGISTERED AROUND 3.5 MILLION. PACHECO ADMITTED THAT TWO-THIRDS OF THOSE REGISTERED SO FAR WERE PROBABLY PINOCHET SUPPORTERS AND THAT IF A PLEBISCITE WERE HELD TODAY PINOCHET WOULD WIN LEGITIMATELY. AS REGISTRATION CONTINUED, HOWEVER, THE OPPOSITION WOULD GAIN THE EDGE. REGARDLESS OF HOW THE PLEBISCITE TURNED OUT, PACHECO SAID HE FEARED CHILE COULD BECOME UNGOVERNABLE. IF PINOCHET WON -- EITHER GENUINELY OR THROUGH FRAUD -- CHILEANS WOULD NOT BELIEVE THE VOTE COUNT HAD BEEN HONEST. IF PINOCHET LOST, HIS LEGITIMACY AS RULER WOULD COME UNDER SEVERE AND OPEN ASSAULT. PACHECO EXPECTED LARGE-SCALE CIVIL DISTURBANCES IN THE WAKE OF THE PLEBISCITE.

10. AFTER PINOCHET: [

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PACHECO EMPHASIZED THAT AS LONG AS PINOCHET REMAINED, HOWEVER, IT WAS UNLIKELY THIS SITUATION WOULD CHANGE. PACHECO ALSO SAID THAT THE CONSTITUTION ADOPTED IN 1980 WAS FUNDAMENTALLY UNDEMOCRATIC; IF IT REMAINED IT WOULD GIVE ANY SUCCESSOR TO

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PINOCHET EXTRAORDINARY POWER OVER CHILE'S POLITICAL PROCESS.

CONFIDENTIAL
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PAGE 03 USUN N 04203 02 OF 02 031754Z

11. ECONOMIC SITUATION: PACHECO CONFIRMED AMBASSADOR OKUN'S UNDERSTANDING THAT CHILE'S ECONOMY HAD IMPROVED RECENTLY. COPPER AND AGRICULTURAL PRODUCTION AND PRICES WERE UP AND THERE HAD BEEN A MODERNIZATION OF CERTAIN SECTORS OF THE ECONOMY. ON THE OTHER HAND, PACHECO SAID CHILE'S POOR HAD BECOME POORER AND UNEMPLOYMENT REMAINED HIGH. THE ECONOMY WAS BASED ON SOCIAL INJUSTICE. PACHECO SAID THAT DOMESTIC AND FOREIGN INVESTORS MADE A MISTAKE IN BELIEVING THAT CHILE'S CURRENT ECONOMIC SITUATION WAS SUSTAINABLE. HE SAID THAT POLITICAL SECURITY BROUGHT ABOUT LASTING ECONOMIC SECURITY -- NOT THE OTHER WAY AROUND. HE HOPED THAT U.S. INVESTORS WOULD DEVELOP A GREATER SENSITIVITY FOR CHILE'S POLITICAL SITUATION.

12. PACHECO'S PLANS: HE TOLD AMBASSADOR OKUN THAT HE HAD APPOINTMENTS IN WASHINGTON TO SEE A NUMBER OF OFFICIALS IN THE DEPARTMENT, THE NSC, AND THE WHITE HOUSE. HE HOPED TO RETURN TO NEW YORK AROUND DECEMBER 5 OR 6 AND, IF POSSIBLE, CALL UPON AMBASSADOR WALTERS. AMBASSADOR OKUN ASKED HIM TO REMAIN IN TOUCH WITH THE MISSION. WALTERS

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El Salvador: Human Rights
Special Project (1993)

U.S. Bishops Meet

Statement on Central America

"It is our impression that the crises that today afflict Central America, indeed Latin America in general, are inadequately grasped by policymakers and citizens alike" in the United States, said the U.S. bishops in a statement on Central America approved Nov. 19 during their meeting in Washington. Their statement urged that attention be given to all the nations of Central America, not focused only on some; it said the problems of all of Latin America must be considered; it called the policy of support for the contras "morally flawed"; it repeated the bishops' belief that conflicts in the region should be resolved through negotiation, not through arms; it said the region should not be allowed to serve as a battleground for the superpowers; and it pointed to divisions within the U.S. Catholic community that have arisen over Central America. The bishops urged "fellow Catholics, whatever their political views, to consider how they might best bring moral perspectives to bear on the human anguish of today's Central America." The bishops also urged the leaders of both major U.S. political parties "to use the period leading up to the 1988 elections to construct a national consensus around the real challenges facing us in the hemisphere, not allowing deeper polarizaton to develop over issues of less central importance." The text of the bishops' statement follows.

Introduction

We meet at a time of unprecedented hope for peace in Central America. We celebrate the wisdom and courage of those who made at least more probable what was deemed almost impossible brief months ago. Meeting in Guatemala on the feast of the Lord's transfiguration, El Salvador's patronal feast, the five presidents of Central America committed their governments to a process of peace and reconciliation for each of their countries and for the region. We pray they will succeed, with divine guidance, in bringing it to a successful end.

We are fully sensitive to the delicacy of these present weeks in which the schedule for compliance moves forward. We wish our words here to be seen both as a further expression of our strong support for the unfolding peace process as well as the expression of our continual effort to reflect critically on the moral issues at stake. We have addressed matters of our country's relations with Central America for over a decade. We have joined with our Central American brothers in the episcopate in urging the adoption of sincere dialogue and negotiation among contending parties. And with them we have insisted, as we continue to insist, that true peace can come about only when the fundamental causes of the conflicts, especially the historic denials of social justice, are sincerely faced.

Peace, as the cessation of hostilities, may truly be at hand, for which all must give fervent thanks. But genuine peace, a gift from God and the fruit of justice, will continue to elude us until men and women of good will, here and throughout the hemisphere, resolve to construct together the civilization of love to which we are called.

"Central America has lately become a focus of attention and concern for the entire world." So wrote the bishops of Central America and Panama three years ago in their major document on the regional crisis, "Our Salvation Is Christ." Central America has clearly been a focus of great attention and concern here in the United States, as we ourselves noted in our statement on Central America in 1981, and it is of very special concern for us in the church.

Over the years we have prayed and preached and worked in varied ways for peace and justice in that troubled region. We have expressed our solidarity with our brother bishops and their local churches whose pilgrimage is marked with great suffering. We have spoken out publicly, numerous times, seeking to direct the policies of our country into ever more constructive ways.

All of these and more — our prayer, our expressions of ecclesial solidarity, our efforts to influence public policy — are distinct and proper elements of our pastoral mission today. As the Holy Father noted last spring in Santiago:

"The church, as is clearly stated in the Second Vatican Council, 'is not identified with any political community nor bound by ties to any political system' (*Gaudium et Spes*,

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Special Project (1983)

...t it is also true that, as an im...e of the mission it received from ...esus Christ, the church must cast the ...ght of the Gospel on all temporal situa...ons, including political activity, so that ...ociety will increasingly manifest those ...oral and ethical values that reveal the ...anscendental character of the person ...nd the need to protect his inalienable ...ights."

This year marks a decade of sustained attention by our episcopal conference to the issues of Central America. In this period we can note certain welcome developments in one or another country — advances in a democratic polity, election of civilian presidents, diminution of some of the most heinous human rights violations. Overall, however, the decade has witnessed a deterioration in the social, political and economic life of the region. It is this situation of crisis, and the role of our own government in affecting it, to which we direct our attention here.

It is our impression that the crises that today afflict Central America, indeed Latin America in general, are inadequately grasped by policymakers and citizens alike; that the policy focus has been distorted by an almost exclusive attention to one country; and that the broad public discussion that should inform our policy has become falsely constricted. It is in an effort to help stimulate fresh, and one hopes deeper, thinking about our government's policy toward the region that these reflections are offered.

Central America Today

Over the course of this decade the standard and quality of life of the great majority of Central Americans has declined. Untold suffering and misery have increased dramatically and the region has been brought to the very brink of devastation.

In part, this is true for much of the hemisphere where the 1980s have been termed a "lost decade" for the economies of most Latin American countries. Unemployment and underemployment have soared; inflation in some countries has reached previously unimagined heights; almost every country is saddled with heavy external debt, the total indebtedness of Latin America now approaching $400 billion. It is this tragedy that the Holy Father addressed when he met with the U.N. Economic Commission for Latin America and the Caribbean last April, noting that the crisis experienced by the region as a whole was the most serious of the past half century. It is this "perspective of pain" that moved him to issue, in Chile, "an appeal to the public authorities, to private enterprise, to whatever persons or institutions in the entire region within sound of my voice and, naturally, to the developed nations, summoning them to meet this formidable moral challenge which was described a year ago in the 'Instruction on Christian Freedom and Liberation' in the following terms: 'The aim of this in-depth reflection is to work out and set in motion ambitious programs aimed at the socio-economic liberation of millions of men and women caught in an intolerable situation of economic, social and political oppression' (No. 81)."

Central America's Specific Problems

The current crises of Latin America, especially the economic crises of growth, of inflation, unemployment and debt, are fully reflected in the small and poor countries that make up the Central American isthmus. But these countries have also experienced their own special suffering in recent years.

Poverty, injustice and violence; excessive militarism and rampant corruption; a deterioration of family life and of cultural values; widespread religious and ideological confusion; and bitter internal wars that in the decade have taken over 150,000 lives, displaced nearly 2 million more, and caused hundreds of millions of dollars of damage — these are some of the core realities of much of today's Central America.

In the recent public debates in our country over U.S. policy toward the region, these realities seem to be relegated to positions of secondary importance, when they are not ignored altogether. A near exclusive focus of attention on Nicaragua and a policy debate reduced to the question of U.S. support for an armed opposition reflects, in our view, a skewed and inadequate approach.

Voices From Central America

A more complete view can be found in the joint messages of the Central American episcopates issued at their regular biennial assemblies. At both their 1986 and 1984 assemblies, speaking as bishops and pastors, they identified the same five problem areas as of greatest concern to their local churches. We would do well to consider them.

At the top, unsurprisingly, is the problem of armed violence — the violation of human rights, the existing armed conflicts and the danger of their expansion. Next is the related issue of militarism, of the exaggerated role assumed by the armed forces in most of those societies, due in part to generous subsidies provided by outside powers. Third is the matter of rampant corruption, both public and private. Fourth, what may seem an unlikely public policy issue but which is of great concern to the bishops of Central America, the manipulation of Catholic faith and of popular religiosity by three distinct groups: the aggressively proselytizing fundamentalist sects, many with financial ties to the United States; the politically more radical Catholic sectors identified as the "popular church"; and the intransigent conservative sectors who try to put the Gospel at the service of their own interests. And fifth, the attacks on the institutions of marriage and the family from several quarters but including, according to the bishops, campaigns financed by foreign governments imposing values hostile to the existing culture.

We consider it worth re-stating what our brother bishops of Central America have to say about the fundamental issue which most directly relates to the policy of our own government, that of the problem of violence, of war and of peace:

"Armed violence has come to several of our republics, and with it the danger of turning into a regional conflict. This violence continues to bear down on our countries, causing forced displacement of people within each country, the painful drama of refugees, widows and orphans whose numbers grow constantly, the abandonment of farms, the increasing unemployment, hunger and illness, the lack of doctors and medicines.

"And though the causes of conflicts were internal, two outside forces have come into play; the ideological, generally Marxist, on the part of the revolutionary groups, and the other, that of national security which generally issues in repression by the military and the intervention of superpowers seeking to maintain spheres of influence; in their quest for a perilous balance of power, they feed the arms race, foment militarization and place the peace of the region at permanent risk.

"We can do no less than condemn the war and the consequent sending of arms to Central America and we issue a fervent invitation to the dialogue for peace.

"In this connection, we offer our encouragement to our sister church of El Salvador which has struggled to bring about a dialogue and has been accepted as mediator by both sides. We support as well those efforts of other nations to seek effective ways of ending armed intervention in our countries, the removal of outside forces from the region and the freedom for Central Americans peacefully to settle their differences. At the same time we implore the great powers to resolve their differences in peace and not continue the useless shedding of blood in our region" (Message from the XXI Plenary Meeting of SEDAC, Tegucigalpa, Nov. 29, 1984).

In these few lines the bishops of Central America and Panama have encapsulated much of the real problem of Central America and its only acceptable solution; namely, that the devastation of war affects disproportionately the most vulnerable, the poorest, and sets back already weakened economies; that while the conflicts have indigenous roots in the longstanding patterns of injustice, superpower interference has added the geopolitical dimension, threatening the expansion into a still wider war; that the

answer lies in effective dialogue among the contending parties, facilitated by sister nations of Latin America, with the superpowers resolving to deal with one another outside the Central American arena.

Central America and U.S. Policy

With this panoramic view in mind, let us look briefly at each of the countries, examining features that relate to aspects of U.S. policy.

El Salvador, once the center of attention, has all but disappeared from the policy discussion. The costly war, now in its eighth year, may have left our newspapers but not the lives of the people of El Salvador. People are still being killed — in armed confrontations, in aerial bombardments, from land mines. Both sets of combatants commit serious violations of commonly accepted human rights. Killings and disappearances by so-called death squads still continue, although not, to be sure, at the appalling levels of a few years ago. The criminal justice system barely functions; there is no single known instance of military personnel being criminally punished for human rights abuses against Salvadoran citizens. The earthquake of October 1986 caused such destruction, leaving 300,000 people homeless, that it was comparable, in the words of Archbishop Rivera, to a second war.

Refugees and displaced persons are still prominent aspects of the Salvadoran reality. Many of the "internal refugees," people who had fled to church-run centers as far back as 1980, have been helped to relocate, but people continue to flock to the city from conflict areas and many continue to seek refuge in the United States. Whatever their individual and personal motivations, most of these people have escaped from truly desperate circumstances, from a country torn by war and devastated by natural disaster, and should be allowed — once having made the difficult journey here — to remain at least until conditions in El Salvador genuinely improve. A civilian presidency is the beginning, not the end, of necessary reforms and improvements.

Many refugees as well continue to live in camps in Honduras and should be enabled, but not forced against their will, to return when their safe passage and security in their homeland can be assured. We urge the U.N. High Commission for Refugees to continue its role in providing for and protecting these persons.

The recently enacted Immigration Reform and Control Act has caused great concern among many in El Salvador, including the nation's bishops, who fear that it may result in the forced repatriation of large numbers of Salvadorans. There are reports that some Salvadorans are already returning, partly because employers have fired or refused to hire undocumented Salvadorans in the sometimes mistaken fear of incurring sanctions. The return of many thousands would have repercussions far beyond the obvious economic ones, almost certainly increasing the civil strife and violence that have for too long wracked that tiny country.

The dialogue for peace between the government and the opposition, which the church and especially Archbishop Rivera Damas have tirelessly pursued had, until lately, largely broken down. The new Central American peace process, the most hopeful development in years, calls for internal dialogue in El Salvador and may succeed in reviving the necessary talks. We continue to urge our government to provide every possible encouragement to this process.

Finally, the question of military aid to El Salvador. This was the central issue before us in 1981 as we discussed and voted on our statement on Central America. We concluded then, as Archbishop Romero had pleaded just before his assassination, that the United States should not provide arms to the then military-civilian junta. We acknowledge changes since that time, including the election of a civilian president. And while we also acknowledge the right in principle of a sovereign state to seek abroad the means for its own defense, we cannot accept that outside powers, essentially our country and the Soviet Union, vie with one another in adding fuel to the flames of an already burning house. In the sense in which it applies to both powers, we join with the Central American bishops when they say, as cited above, "We can do no less than condemn the war and the consequent sending of arms to Central America."

We have further concerns about our military aid to El Salvador, which fairly represents a still larger problem. Over the last five years El Salvador has received substantial military aid, starting with the 1980 allocation that Archbishop Romero opposed of less than $6 million, through the high point in 1984 of over $200 million to the present levels of over $100 million.

At some point, one must ask what these expenditures have resulted in. The government has not fallen nor has the insurgency been defeated, that is clear. But have we in fact, while intending to support the emergence of civilian and democratic rule, created a situation which makes it more difficult for the civilian sectors to exercise the necessary control over the military? And is this not of a piece with the problem noted over recent years of ever higher percentages of our bilateral aid being consigned to military and strategic, rather than to development, purposes? When, as in this present year, two-thirds of all bilateral aid is so committed, while in 1973 it was but a quarter, we must strongly question the military emphasis of our foreign aid program.

Nicaragua is the one country of the region not receiving economic or military assistance from the United States government; it has become increasingly dependent on such aid from the Soviet Union and its allies, an issue of growing concern to the democracies of the region. The war of attrition waged by irregular forces of Nicaraguan dissidents (the "contras"), funded largely by entities, both public and private, of this country, has been the dominant fact of Nicaragua's life today and the overriding policy issue. Tensions between the United States and Nicaragua were aggravated by the breakdown in bilateral relations between the two countries.

Significant human rights violations have been reliably attributed to both sides. Contra attacks against noncombatants, forced recruitment and kidnappings, and extensive use of land mines have been widely noted. So have Sandinista abusive treatment of prisoners and detainees, the excessive restrictions on trade union activities, on freedom of expression and other civil liberties, and the reported violation of due process associated with the special tribunals. Nicaragua's record in this regard is not, according to the principal international human rights monitors, the worst in the region, but it is sufficiently bad to concern all who favor the growth of democratic institutions.

One area of special concern to us as bishops has been the deeply disturbing conflict that has developed between the government and the leaders of the Catholic Church, with the government on several occasions marshaling the exceptional powers of the state to deprive the church of personnel, property and the free exercise of ministry. The expulsion of a bishop, the expatriation of a key aide to the archbishop, the closing of the bishops' radio station and the archdiocesan newspaper, all in the last two years, as well as the prior expulsion of several foreign clergy and religious have been matters of deep concern, whose resolution we have repeatedly urged. We welcome the steps already taken to redress these concerns within the framework of the peace process, specifically the re-opening of Radio Catolica and permission for three of the clerics to return. We urge that the remaining obstacles be swiftly addressed. We stand with the church in Nicaragua in the defense of their right to preach the Gospel without harassment or interference.

The war has been the central issue and the unfortunate, almost exclusive, focus of the policy debate in this country. There is no issue of U.S. hemispheric policy that has so sharply and bitterly divided the American people as has the policy of our government

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to arm and train that part of the Nicaraguan opposition generally referred to as the contras.

Some of our fellow citizens, indeed some of our faithful, seem genuinely convinced that so evil is the Sandinista regime, or so inevitable an eventual Soviet-Cuban aggression through Managua, that they countenance few restrictions on what the United States may do to prevent such an outcome.

We have long argued that a significant U.S.-Nicaragua problem exists but only a political solution can finally be successful in Nicaragua as in Central America generally; there is no politically or morally acceptable military solution. Further intensification of the military conflict must be avoided and the tide turned decisively in a new direction.

We have argued that direct military aid to forces seeking the overthrow of a government with which we are not at war and with which we maintain diplomatic relations is at least legally doubtful and morally wrong. U.S. mining of Nicaraguan harbors, training and supplying of irregular forces and otherwise aggressing against another sovereign nation seem clearly to violate treaty obligations under the U.N. and OAS charters and the Rio Treaty and to violate as well the principles of customary international law. The finding by the International Court of Justice that our government was guilty of nine different violations of international law is at least persuasive. But it is not ours to argue the law, nor is our objective to present policy based on the legal issues.

We do believe the policy of support for the contras to be morally flawed, however sincere the intentions of the persons who have crafted and implemented it. Our Catholic teaching demands that several stringent criteria be met before one can discard the overriding "presumption in favor of peace and against war" (U.S. bishops' 1983 pastoral letter on war and peace, 83).

Some would argue that the condition of sufficient cause was well met. As troubled as we have been by aspects of today's Nicaragua, it seems to us far from clear that Sandinista abuses could merit such lethal response. Still less do the criteria of likelihood of success, proportionality and even proper authority seem to have been met. Without formally judging any of these criteria, we do hold that the criterion of last resort has truly been disregarded and it is on this matter that we consider the U.S. contra policy to be most seriously in error.

As the Central American peace process is beginning to demonstrate, there *are* alternatives to a war policy; there *are* available structures — the Central American governments themselves, newly united by the peace accord signed in Guatemala last August, the now-forming regional parliament, the Contadora Group — all committed to the peaceful resolution of the conflicts and the protection of basic rights and freedoms. It is these profoundly hopeful efforts to construct peace with justice that we are called to encourage and support. The peaceful means, far from having been exhausted, have just begun to be explored.

Guatemala inaugurated its first civilian president in 20 years in January 1986 and some important changes have clearly taken place. For two decades of military rule, Guatemala had endured the most sustained and pervasive political violence in the Americas. Estimates of the numbers killed in just the past decade vary but all agree the victims, many of them Indians, numbered in the tens of thousands. The now familiar term "disappearance" first entered the human rights vocabulary because of Guatemala, and for years arbitrary arrest, torture, disappearance and political killings were everyday occurrences.

Although military violence against civilians in the countryside has been sharply reduced, it nevertheless still continues. The so-called model villages and the conscripted civil patrols, both highly controversial programs of former governments, continue in many areas effectively preventing the desired repatriation of thousands of refugees fom nearby Mexico. A "self-amnesty" law promulgated by the previous government just days before President Cerezo's inauguration, eliminating any possible punishment from crimes committed during previous terms of office, is a source of deep discord among many Guatemalans. According to the major human rights organizations, the rule of law has yet to be established in Guatemala and the overall human rights situation, while improved, remains very bad, particularly for the indigenous populations.

Still, there have been noteworthy advances. There appears to be no state-sponsored violence; the kidnappings and killings are believed to be the work of individual members of the security forces, not responsive to civil authority as before. There is a freely elected Congress; the president has succeeded in dissolving the much-feared Technical Investigation Department (DIT), he has sponsored the important regional initiative of a Central American parliament and has pursued a policy toward Nicaragua known as "active neutrality." He has also apparently sought to keep U.S. assistance to the Guatemalan military at minimal levels.

Guatemala, as the traditionally most prominent nation of Central America, may well be able to play a key role in the regional quest for peace. We trust that our government will do all possible to encourage President Cerezo's independent role, including his active neutrality policy, and will make aid to the Guatemalan military contingent on genuine accountability and elimination of human rights abuses.

Honduras, the second poorest country in the hemisphere, has been triply burdened by the wars waged in the three countries on its borders. It has become the host of thousands of Salvadoran, Nicaraguan and Guatemalan refugees. It has become the staging area for the principal contra forces attacking Nicaragua. And it has become the site of very large and repeated U.S. military exercises. Although it acquired an elected civilian government earlier in this decade than its neighbors, Honduras has ironically undergone greater militarization in these years than during the time of military rule.

Honduran citizens, some say as many as 16,000, have been displaced from areas of contra activities. There have been numerous reports of Hondurans abused by contras and victimized by Nicaraguan cross-border attacks; the presence of large numbers of U.S. troops creates a particular set of problems. Whatever the truth of these reports, it seems abundantly clear that Honduras has become a pawn in conflicts not of its own making and deserves to be freed at least of the excessive attentions of our military. We do not see a justification for expending so much capital and effort in developing temporary military installations and conducting repeated and costly military exercises when the Honduran people so clearly need a different kind of assistance.

Costa Rica has been spared many of the social and political upheavals that plague the region, although its grave economic crises and the large influx of undocumented aliens from neighboring countries pose daunting challenges. Fortunately, Costa Rica has long maintained a democratic and socially responsive form of government and is justly famous for having abolished its armed forces in 1949. The growing militarization of the region that the Central American bishops so lament should in no way be allowed to erode Costa Rica's exemplary non-militaristic tradition.

The country's most recent source of pride, the awarding of the 1987 Nobel Peace Prize to President Oscar Arias Sanchez, both acknowledges this tradition of peacemaking and symbolizes the universal acclaim for the Arias-led Central America peace process. With the bishops of Central America we join in fervent gratitude for this magnificent initiative of President Arias and the other four presidents of Central America and pledge our prayers and fullest support for the success of the Esquipulas II accords.

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El Salvador: Human Rights Special Project (1993)

Panama, often viewed as marginal to Central America, yet shares many of its problems. Recent internal conflicts there have highlighted the excessive military control and intervention in the civil area of government. We commend the recent and repeated calls of the Panamanian bishops for full and effective protection of civil rights and the democratic process, and for the socio-economic promotion of those large sectors of the poor who remain outside the nation's progress.

We urge that our government devise one consistent policy toward Panama, fully respectful of Panama's national sovereignty and the 1977 Torrijos-Carter treaties, while stressing respect for and promotion of human and social rights and the democratic process as essential for national and regional peace.

Summary Recommendations

We conclude by summarizing some of the concerns we have expressed over the years and again in this statement, which we commend to the community of the church and to all our fellow citizens. We pray that a renewed, more informed, public discussion may develop around these issues that so affect the future well-being of the hemisphere.

Central America in Context

1. Central America is but a part, a small but integral part, of Latin America. We urge our government to expand its policy vision beyond the immediate crises of Central America to the whole of the hemisphere. The problems and needs and dangers facing the rest of Latin America are far greater than those confronting the isthmus and, if left unattended, will overwhelm and cancel out any progress made in the Central American area.

Priority of Economic Justice

2. The most urgent policy issues facing Latin America today are economic. U.S. policy, both public and private, should give highest priority to addressing the problems of Latin America's staggering external debt, fragile economies and concentration of productive agricultural land. The return to democracy in the major countries of South America, as well as the advances of democratic rule in Central America, are put at greatest risk by the hemispheric crisis of growth and the external debt problem.

The Superpowers and the Region

3. The issues of geopolitics which have so dominated the U.S. public discourse on Central America in recent years should be taken up directly with the principal sources of U.S. concern, the Soviet Union and Cuba. While U.S.-Soviet competition is a concern to parties in the region, the task of preventing the introduction of Soviet bases or strategic weapons or combat forces into our border region should be dealt with as any other major issue threatening world peace, by direct negotiation between the United States and the Soviet Union. We should not use Central American lives as pawns in a superpower struggle.

"While U.S.-Soviet competition is a concern to parties in the region, the task of preventing the introduction of Soviet bases or strategic weapons or combat forces into our border region should be dealt with...by direct negotiation between the United States and the Soviet Union."

The Peace Process

4. Of the interlocking scourges of poverty, injustice and violence that beset Central America today, the violence of war may, ironically, be the easiest to contain. Its end is, in any case, a precondition for dealing with the others. We make our own the repeated urgings of the bishops of Central America that governments and insurgents alike pursue with vigor the dialogue and reconciliation process called for by the Central American peace accord.

Today the essential framework for negotiations is the Esquipulas II peace process initiated by President Arias. It is not a perfect instrument, it involves risk and it cannot satisfy every legitimate concern at once; but it is the most reasonable and hopeful plan yet devised and must be given every chance. We pray that the active participation of bishops in each of the national reconciliation commissions will help assure a reconciling peace based on truth.

The Necessary U.S. Support for the Peace Process

5. Our own government which has historically exercised exceptional influence in the region is in a particularly favored position today to further the incipient peace process. We urge U.S. policy to match in deed what has been repeatedly stated in principle, namely that the United States is truly committed to a peaceful resolution of the conflicts through the political processes of the dialogue and negotiations.

The Supportive Role of Other American States

6. The Central American bishops have often decried the unhelpful involvement of powers external to Latin America and have praised the peacemaking efforts of neighboring countries, essentially the four states that border Central America, the Contadora group of Mexico, Panama, Colombia and Venezuela, together with the "new democracies" of South America, Peru, Brazil, Argentina and Uruguay. The new Central America peace accord, itself "encouraged by the visionary and permanent will of the Contadora and Support group," also calls upon those Latin republics to assist in verifying compliance with the process.

These countries are as concerned as we are for the peaceful resolution of Central American conflicts and are well suited to assure its success. It is vital that our government maintain explicit support for and cooperate with the provisions of the Arias peace plan, and encourage the contributions of these other American states.

Refugees

7. The flight of so many hundreds of thousands of Central Americans from their homelands over this decade, including the desperate efforts of unprecedented numbers to seek refuge in this country, is the clearest sign of the human tragedy that besets the region. We have urged that their plight be given the high attention it deserves and that the needs of these persons be generously responded to by all the countries of the region and by our own.

Specifically, we urge our parishes, religious communities and social service agencies to increase their already commendable assistance to all refugees, asylum seekers and displaced persons in need. We are conscious in a special way at this time of those who may not fulfill the legal requirements of the present legislation on legalization. We urge our government to interpret the conditions for granting political asylum as broadly and generously as possible and we strongly urge that even those Central Americans who are not able to make a prima facie claim to refugee status under the law be allowed, on humanitarian grounds, to remain here temporarily under the conditions of what is known as extended voluntary departure status.

Our Need for Reconciliation

8. Finally, just as we recognize the need for internal reconciliation within the sharply divided societies of Central America, if peace and progress are to be achieved, so we must acknowledge that our own social fabric has been damaged in recent years precisely over the Central American issues. Our society, indeed our Catholic community, has been divided, we believe unnecessarily so, in these last years because of divergent views about Central America and we acknowledge

ed for reconciliation.

We urge the leaders of both our national parties to use the period leading up to the 1988 elections to construct a national consensus around the real challenges facing us in the hemisphere, not allowing deeper polarization to develop over issues of less central importance. We urge our fellow Catholics, whatever their political views, to consider how they might best bring moral perspectives to bear on the human anguish of today's Central America. We encourage their efforts to support the poor of Central America with humanitarian aid and development funds.

Conclusion

We offer these reflections as bishops, seeking to view these issues of public policy from the perspective of our faith and the social teachings of the church. We offer them as citizens, conscious of our responsibility to contribute according to our abilities to the formulation of ever more just and humane policies.

We renew our long-standing call for the pursuit of negotiation, peace and reconciliation at a time of great opportunity and danger for the region. There are signs of significant progress in the extraordinary efforts of the nations of Central America to fashion a regional peace accord and begin to carry it out. We especially applaud the efforts of Cardinal Obando y Bravo, Archbishop Rivera Damas and the other bishops of the region to mediate and advance the process of negotiations. But these efforts need to be actively supported, built upon and enlarged. They need the strong and persistent support of the United States. We ask our government to do everything possible to support regional efforts to turn from war to negotiations, from violations of human rights to respect for human freedom. Let us turn our energies and resources in the region from supplying weapons of war to building instruments of peace, from armed conflict to constructive negotiations on how peace might be established and freedom and democracy might be strengthened. Let us also together work to overcome the economic injustices which are still at the heart of so much conflict in this troubled region.

This year marks the 20th anniversary of the great development encyclical of Paul VI, *Populorum Progressio*. In commenting on that letter of his predecessor, Pope John Paul devoted this year's World Day of Peace message to the themes of development and solidarity, the keys for peace, and highlighted several of the same principles we have raised in our statement.

"The spirit of solidarity," John Paul insists, "is a spirit that is open to dialogue," one fruit of which can be regional agreements "to promote the common good and encourage bilateral negotiations." Nations must be free to grow and develop as equal partners. "Seeking economic, military or political superiority at the expense of the rights of other nations places in jeopardy any prospects for true development or true peace." Among the great problems facing us today, the pope mentions the developing world's external debt and the crucial problem of disarmament, noting the serious threats to world peace presented by "current East-West tensions and North-South inequalities." "All states have responsibility for world peace and this peace cannot be ensured until a security based on arms is gradually replaced with a security based on the solidarity of the human family."

We believe that peace is possible, that peace in Central America can and must be built up through dialogue and the processes of political rather than military activities, and that it must be sustained by the solidarity of the other nations, including the needed economic assistance that the wealthier countries can provide.

We ask God's blessings on the suffering people of Central America, especially those most affected by the years of crisis, the refugees, the wounded, the bereaved. In this year of Mary, we ask Our Lady of the Americas to watch over all who suffer for, and who work for, peace in Central America. ■

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U.S. Bishops Meet

Statement on Central America

"It is our impression that the crises that today afflict Central America, indeed Latin America in general, are inadequately grasped by policymakers and citizens alike" in the United States, said the U.S. bishops in a statement on Central America approved Nov. 19 during their meeting in Washington. Their statement urged that attention be given to all the nations of Central America, not focused only on some; it said the problems of all of Latin America must be considered; it called the policy of support for the contras "morally flawed"; it repeated the bishops' belief that conflicts in the region should be resolved through negotiation, not through arms; it said the region should not be allowed to serve as a battleground for the superpowers; and it pointed to divisions within the U.S. Catholic community that have arisen over Central America. The bishops urged "fellow Catholics, whatever their political views, to consider how they might best bring moral perspectives to bear on the human anguish of today's Central America." The bishops also urged the leaders of both major U.S. political parties "to use the period leading up to the 1988 elections to construct a national consensus around the real challenges facing us in the hemisphere, not allowing deeper polarizaton to develop over issues of less central importance." The text of the bishops' statement follows.

Introduction

We meet at a time of unprecedented hope for peace in Central America. We celebrate the wisdom and courage of those who made at least more probable what was deemed almost impossible brief months ago. Meeting in Guatemala on the feast of the Lord's transfiguration, El Salvador's patronal feast, the five presidents of Central America committed their governments to a process of peace and reconciliation for each of their countries and for the region. We pray they will succeed, with divine guidance, in bringing it to a successful end.

We are fully sensitive to the delicacy of these present weeks in which the schedule for compliance moves forward. We wish our words here to be seen both as a further expression of our strong support for the unfolding peace process as well as the expression of our continual effort to reflect critically on the moral issues at stake. We have addressed matters of our country's relations with Central America for over a decade. We have joined with our Central American brothers in the episcopate in urging the adoption of sincere dialogue and negotiation among contending parties. And with them we have insisted, as we continue to insist, that true peace can come about only when the fundamental causes of the conflicts, especially the historic denials of social justice, are sincerely faced.

Peace, as the cessation of hostilities, may truly be at hand, for which all must give fervent thanks. But genuine peace, a gift from God and the fruit of justice, will continue to elude us until men and women of good will, here and throughout the hemisphere, resolve to construct together the civilization of love to which we are called.

"Central America has lately become a focus of attention and concern for the entire world." So wrote the bishops of Central America and Panama three years ago in their major document on the regional crisis, "Our Salvation Is Christ." Central America has clearly been a focus of great attention and concern here in the United States, as we ourselves noted in our statement on Central America in 1981, and it is of very special concern for us in the church.

Over the years we have prayed and preached and worked in varied ways for peace and justice in that troubled region. We have expressed our solidarity with our brother bishops and their local churches whose pilgrimage is marked with great suffering. We have spoken out publicly, numerous times, seeking to direct the policies of our country into ever more constructive ways.

All of these and more — our prayer, our expressions of ecclesial solidarity, our efforts to influence public policy — are distinct and proper elements of our pastoral mission today. As the Holy Father noted last spring in Santiago:

"The church, as is clearly stated in the Second Vatican Council, 'is not identified with any political community nor bound by ties to any political system' (*Gaudium et Spes*,

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El Salvador Special Project (1993)

). But it is also true that, as an imperative of the mission it received from Christ, the church must cast the light of the Gospel on all temporal situations, including political activity, so that society will increasingly manifest those moral and ethical values that reveal the transcendental character of the person and the need to protect his inalienable rights."

This year marks a decade of sustained attention by our episcopal conference to the issues of Central America. In this period we can note certain welcome developments in one or another country — advances in a democratic polity, election of civilian presidents, diminution of some of the most heinous human rights violations. Overall, however, the decade has witnessed a deterioration in the social, political and economic life of the region. It is this situation of crisis, and the role of our own government in affecting it, to which we direct our attention here.

It is our impression that the crises that today afflict Central America, indeed Latin America in general, are inadequately grasped by policymakers and citizens alike; that the policy focus has been distorted by an almost exclusive attention to one country; and that the broad public discussion that should inform our policy has become falsely constricted. It is in an effort to help stimulate such, and one hopes deeper, thinking about our government's policy toward the region that these reflections are offered.

Central America Today

Over the course of this decade the standard and quality of life of the great majority of Central Americans has declined. Untold suffering and misery have increased dramatically and the region has been brought to the very brink of devastation.

In part, this is true for much of the hemisphere where the 1980s have been termed a "lost decade" for the economies of most Latin American countries. Unemployment and underemployment have soared; inflation in some countries has reached previously unimagined heights; almost every country is saddled with heavy external debt, the total indebtedness of Latin America now approaching $400 billion. It is this tragedy that the Holy Father addressed when he met with the U.N. Economic Commission for Latin America and the Caribbean last April, noting that the crisis experienced by the region as a whole was the most serious of the past half century. It is this "perspective of pain" that moved him to issue, in Chile, "an appeal to the public authorities, to private enterprise, to whatever persons or institutions in the entire region within sound of my voice and, naturally, to the developed nations, summoning them to meet this formidable moral challenge which was described a year ago in the 'Instruction on Christian Freedom and Liberation' in the following terms: 'The aim of this in-depth reflection is to work out and set in motion ambitious programs aimed at the socio-economic liberation of millions of men and women caught in an intolerable situation of economic, social and political oppression' (No. 81)."

Central America's Specific Problems

The current crises of Latin America, especially the economic crises of growth, of inflation, unemployment and debt, are fully reflected in the small and poor countries that make up the Central American isthmus. But these countries have also experienced their own special suffering in recent years.

Poverty, injustice and violence; excessive militarism and rampant corruption; a deterioration of family life and of cultural values; widespread religious and ideological confusion; and bitter internal wars that in the decade have taken over 150,000 lives, displaced nearly 2 million more, and caused hundreds of millions of dollars of damage — these are some of the core realities of much of today's Central America.

In the recent public debates in our country over U.S. policy toward the region, these realities seem to be relegated to positions of secondary importance, when they are not ignored altogether. A near exclusive focus of attention on Nicaragua and a policy debate reduced to the question of U.S. support for an armed opposition reflects, in our view, a skewed and inadequate approach.

Voices From Central America

A more complete view can be found in the joint messages of the Central American episcopates issued at their regular biennial assemblies. At both their 1986 and 1984 assemblies, speaking as bishops and pastors, they identified the same five problem areas as of greatest concern to their local churches. We would do well to consider them.

At the top, unsurprisingly, is the problem of armed violence — the violation of human rights, the existing armed conflicts and the danger of their expansion. Next is the related issue of militarism, of the exaggerated role assumed by the armed forces in most of those societies, due in part to generous subsidies provided by outside powers. Third is the matter of rampant corruption, both public and private. Fourth, what may seem an unlikely public policy issue but which is of great concern to the bishops of Central America, the manipulation of Catholic faith and of popular religiosity by three distinct groups: the aggressively proselytizing fundamentalist sects, many with financial ties to the United States; the politically more radical Catholic sectors identified as the "popular church"; and the intransigent conservative sectors who try to put the Gospel at the service of their own interests. And fifth, the attacks on the institutions of marriage and the family from several quarters but including, according to the bishops, campaigns financed by foreign governments imposing values hostile to the existing culture.

We consider it worth re-stating what our brother bishops of Central America have to say about the fundamental issue which most directly relates to the policy of our own government, that of the problem of violence, of war and of peace:

"Armed violence has come to several of our republics, and with it the danger of turning into a regional conflict. This violence continues to bear down on our countries, causing forced displacement of people within each country, the painful drama of refugees, widows and orphans whose numbers grow constantly, the abandonment of farms, the increasing unemployment, hunger and illness, the lack of doctors and medicines.

"And though the causes of conflicts were internal, two outside forces have come into play; the ideological, generally Marxist, on the part of the revolutionary groups, and the other, that of national security which generally issues in repression by the military and the intervention of superpowers seeking to maintain spheres of influence; in their quest for a perilous balance of power, they feed the arms race, foment militarization and place the peace of the region at permanent risk.

"We can do no less than condemn the war and the consequent sending of arms to Central America and we issue a fervent invitation to the dialogue for peace.

"In this connection, we offer our encouragement to our sister church of El Salvador which has struggled to bring about a dialogue and has been accepted as mediator by both sides. We support as well those efforts of other nations to seek effective ways of ending armed intervention in our countries, the removal of outside forces from the region and the freedom for Central Americans peacefully to settle their differences. At the same time we implore the great powers to resolve their differences in peace and not continue the useless shedding of blood in our region" (Message from the XXI Plenary Meeting of SEDAC, Tegucigalpa, Nov. 29, 1984).

In these few lines the bishops of Central America and Panama have encapsulated much of the real problem of Central America and its only acceptable solution; namely, that the devastation of war affects disproportionately the most vulnerable, the poorest, and sets back already weakened economies; that while the conflicts have indigenous roots in the longstanding patterns of injustice, superpower interference has added the geopolitical dimension, threatening the expansion into a still wider war; that the

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El Salvador: Human Rights
Special Project (1990)

answer lies in effective dialogue among the contending parties, facilitated by sister nations of Latin America, with the superpowers resolving to deal with one another outside the Central American arena.

Central America and U.S. Policy

With this panoramic view in mind, let us look briefly at each of the countries, examining features that relate to aspects of U.S. policy.

El Salvador, once the center of attention, has all but disappeared from the policy discussion. The costly war, now in its eighth year, may have left our newspapers but not the lives of the people of El Salvador. People are still being killed — in armed confrontations, in aerial bombardments, from land mines. Both sets of combatants commit serious violations of commonly accepted human rights. Killings and disappearances by so-called death squads still continue, although not, to be sure, at the appalling levels of a few years ago. The criminal justice system barely functions; there is no single known instance of military personnel being criminally punished for human rights abuses against Salvadoran citizens. The earthquake of October 1986 caused such destruction, leaving 300,000 people homeless, that it was comparable, in the words of Archbishop Rivera, to a second war.

Refugees and displaced persons are still prominent aspects of the Salvadoran reality. Many of the "internal refugees," people who had fled to church-run centers as far back as 1980, have been helped to relocate, but people continue to flock to the city from conflict areas and many continue to seek refuge in the United States. Whatever their individual and personal motivations, most of these people have escaped from truly desperate circumstances, from a country torn by war and devastated by natural disaster, and should be allowed — once having made the difficult journey here — to remain at least until conditions in El Salvador genuinely improve. A civilian presidency is the beginning, not the end, of necessary reforms and improvements.

Many refugees as well continue to live in camps in Honduras and should be enabled, but not forced against their will, to return when their safe passage and security in their homeland can be assured. We urge the U.N. High Commission for Refugees to continue its role in providing for and protecting these persons.

The recently enacted Immigration Reform and Control Act has caused great concern among many in El Salvador, including the nation's bishops, who fear that it may result in the forced repatriation of large numbers of Salvadorans. There are reports that some Salvadorans are already returning, partly because employers have fired or refused to hire undocumented Salvadorans in the sometimes mistaken fear of incurring sanctions. The return of many thousands would have repercussions far beyond the obvious economic ones, almost certainly increasing the civil strife and violence that have for too long wracked that tiny country.

The dialogue for peace between the government and the opposition, which the church and especially Archbishop Rivera Damas have tirelessly pursued had, until lately, largely broken down. The new Central American peace process, the most hopeful development in years, calls for internal dialogue in El Salvador and may succeed in reviving the necessary talks. We continue to urge our government to provide every possible encouragement to this process.

Finally, the question of military aid to El Salvador. This was the central issue before us in 1981 as we discussed and voted on our statement on Central America. We concluded then, as Archbishop Romero had pleaded just before his assassination, that the United States should not provide arms to the then military-civilian junta. We acknowledge changes since that time, including the election of a civilian president. And while we also acknowledge the right in principle of a sovereign state to seek abroad the means for its own defense, we cannot accept that outside powers, essentially our country and the Soviet Union, vie with one another in adding fuel to the flames of an already burning house. In the sense in which it applies to both powers, we join with the Central American bishops when they say, as cited above, "We can do no less than condemn the war and the consequent sending of arms to Central America."

We have further concerns about our military aid to El Salvador, which fairly represents a still larger problem. Over the last five years El Salvador has received substantial military aid, starting with the 1980 allocation that Archbishop Romero opposed of less than $6 million, through the high point in 1984 of over $200 million to the present levels of over $100 million.

At some point, one must ask what these expenditures have resulted in. The government has not fallen nor has the insurgency been defeated, that is clear. But have we in fact, while intending to support the emergence of civilian and democratic rule, created a situation which makes it more difficult for the civilian sectors to exercise the necessary control over the military? And is this not of a piece with the problem noted over recent years of ever higher percentages of our bilateral aid being consigned to military and strategic, rather than to development, purposes? When, as in this present year, two-thirds of all bilateral aid is so committed, while in 1973 it was but a quarter, we must strongly question the military emphasis of our foreign aid program.

Nicaragua is the one country of the region not receiving economic or military assistance from the United States government; it has become increasingly dependent on such aid from the Soviet Union and its allies, an issue of growing concern to the democracies of the region. The war of attrition waged by irregular forces of Nicaraguan dissidents (the "contras"), funded largely by entities, both public and private, of this country, has been the dominant fact of Nicaragua's life today and the overriding policy issue. Tensions between the United States and Nicaragua were aggravated by the breakdown in bilateral relations between the two countries.

Significant human rights violations have been reliably attributed to both sides. Contra attacks against noncombatants, forced recruitment and kidnappings, and extensive use of land mines have been widely noted. So have Sandinista abusive treatment of prisoners and detainees, the excessive restrictions on trade union activities, on freedom of expression and other civil liberties, and the reported violation of due process associated with the special tribunals. Nicaragua's record in this regard is not, according to the principal international human rights monitors, the worst in the region, but it is sufficiently bad to concern all who favor the growth of democratic institutions.

One area of special concern to us as bishops has been the deeply disturbing conflict that has developed between the government and the leaders of the Catholic Church, with the government on several occasions marshaling the exceptional powers of the state to deprive the church of personnel, property and the free exercise of ministry. The expulsion of a bishop, the expatriation of a key aide to the archbishop, the closing of the bishops' radio station and the archdiocesan newspaper, all in the last two years, as well as the prior expulsion of several foreign clergy and religious have been matters of deep concern, whose resolution we have repeatedly urged. We welcome the steps already taken to redress these concerns within the framework of the peace process, specifically the re-opening of Radio Catolica and permission for three of the clerics to return. We urge that the remaining obstacles be swiftly addressed. We stand with the church in Nicaragua in the defense of their right to preach the Gospel without harassment or interference.

The war has been the central issue and the unfortunate, almost exclusive, focus of the policy debate in this country. There is no issue of U.S. hemispheric policy that has so sharply and bitterly divided the American people as has the policy of our government

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El Salvador: Human Rights Special Project (1993)

to arm and train that part of the Nicaraguan opposition generally referred to as the contras.

Some of our fellow citizens, indeed some of our faithful, seem genuinely convinced that so evil is the Sandinista regime, or so inevitable an eventual Soviet-Cuban aggression through Managua, that they countenance few restrictions on what the United States may do to prevent such an outcome.

We have long argued that a significant U.S.-Nicaragua problem exists but only a political solution can finally be successful in Nicaragua as in Central America generally; there is no politically or morally acceptable military solution. Further intensification of the military conflict must be avoided and the tide turned decisively in a new direction.

We have argued that direct military aid to forces seeking the overthrow of a government with which we are not at war and with which we maintain diplomatic relations is at least legally doubtful and morally wrong. U.S. mining of Nicaraguan harbors, training and supplying of irregular forces and otherwise aggressing against another sovereign nation seem clearly to violate treaty obligations under the U.N. and OAS charters and the Rio Treaty and to violate as well the principles of customary international law. The finding by the International Court of Justice that our government was guilty of nine different violations of international law is at least persuasive. But it is not ours to argue the law, nor is our objective to present policy based on the *legal issues*.

We do believe the policy of support for the contras to be morally flawed, however sincere the intentions of the persons who have crafted and implemented it. Our Catholic teaching demands that several stringent criteria be met before one can discard the overriding "presumption in favor of peace and against war" (U.S. bishops' 1983 pastoral letter on war and peace, 83).

Some would argue that the condition of sufficient cause was well met. As troubled as we have been by aspects of today's Nicaragua, it seems to us far from clear that Sandinista abuses could merit such lethal response. Still less do the criteria of likelihood of success, proportionality and even proper authority seem to have been met. Without formally judging any of these criteria, we do hold that the criterion of last resort has truly been disregarded and it is on this matter that we consider the U.S. contra policy to be most seriously in error.

As the Central American peace process *is* beginning to demonstrate, there *are* alternatives to a war policy; there *are* available structures — the Central American governments themselves, newly united by the peace accord signed in Guatemala last August, the now-forming regional parliament, the Contadora Group — all committed to the peaceful resolution of the conflicts and the protection of basic rights and freedoms. It is these profoundly hopeful efforts to construct peace with justice that we are called to encourage and support. The peaceful means, far from having been exhausted, have just begun to be explored.

Guatemala inaugurated its first civilian president in 20 years in January 1986 and some important changes have clearly taken place. For two decades of military rule, Guatemala had endured the most sustained and pervasive political violence in the Americas. Estimates of the numbers killed in just the past decade vary but all agree the victims, many of them Indians, numbered in the tens of thousands. The now familiar term "disappearance" first entered the human rights vocabulary because of Guatemala, and for years arbitrary arrest, torture, disappearance and political killings were everyday occurrences.

Although military violence against civilians in the countryside has been sharply reduced, it nevertheless still continues. The so-called model villages and the conscripted civil patrols, both highly controversial programs of former governments, continue in many areas effectively preventing the desired repatriation of thousands of refugees fom nearby Mexico. A "self-amnesty" law promulgated by the previous government just days before President Cerezo's inauguration, eliminating any possible punishment from crimes committed during previous terms of office, is a source of deep discord among many Guatemalans. According to the major human rights organizations, the rule of law has yet to be established in Guatemala and the overall human rights situation, while improved, remains very bad, particularly for the indigenous populations.

Still, there have been noteworthy advances. There appears to be no state-sponsored violence; the kidnappings and killings are believed to be the work of individual members of the security forces, not responsive to civil authority as before. There is a freely elected Congress; the president has succeeded in dissolving the much-feared Technical Investigation Department (DIT), he has sponsored the important regional initiative of a Central American parliament and has pursued a policy toward Nicaragua known as "active neutrality." He has also apparently sought to keep U.S. assistance to the Guatemalan military at minimal levels.

Guatemala, as the traditionally most prominent nation of Central America, may well be able to play a key role in the regional quest for peace. We trust that our government will do all possible to encourage President Cerezo's independent role, including his active neutrality policy, and will make aid to the Guatemalan military contingent on genuine accountability and elimination of human rights abuses.

Honduras, the second poorest country in the hemisphere, has been triply burdened by the wars waged in the three countries on its borders. It has become the host of thousands of Salvadoran, Nicaraguan and Guatemalan refugees. It has become the staging area for the principal contra forces attacking Nicaragua. And it has become the site of very large and repeated U.S. military exercises. Although it acquired an elected civilian government earlier in this decade than its neighbors, Honduras has ironically undergone greater militarization in these years than during the time of military rule.

Honduran citizens, some say as many as 16,000, have been displaced from areas of contra activities. There have been numerous reports of Hondurans abused by contras and victimized by Nicaraguan cross-border attacks; the presence of large numbers of U.S. troops creates a particular set of problems. Whatever the truth of these reports, it seems abundantly clear that Honduras has become a pawn in conflicts not of its own making and deserves to be freed at least of the excessive attentions of our military. We do not see a justification for expending so much capital and effort in developing temporary military installations and conducting repeated and costly military exercises when the Honduran people so clearly need a different kind of assistance.

Costa Rica has been spared many of the social and political upheavals that plague the region, although its grave economic crises and the large influx of undocumented aliens from neighboring countries pose daunting challenges. Fortunately, Costa Rica has long maintained a democratic and socially responsive form of government and is justly famous for having abolished its armed forces in 1949. The growing militarization of the region that the Central American bishops so lament should in no way be allowed to erode Costa Rica's exemplary non-militaristic tradition.

The country's most recent source of pride, the awarding of the 1987 Nobel Peace Prize to President Oscar Arias Sanchez, both acknowledges this tradition of peacemaking and symbolizes the universal acclaim for the Arias-led Central America peace process. With the bishops of Central America we join in fervent gratitude for this magnificent initiative of President Arias and the other four presidents of Central America and pledge our prayers and fullest support for the success of the Esquipulas II accords.

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El Salvador: Human Rights
Special Project

Panama, often viewed as marginal to Central America, yet shares many of its problems. Recent internal conflicts there have highlighted the excessive military control and intervention in the civil area of government. We commend the recent and repeated calls of the Panamanian bishops for full and effective protection of civil rights and the democratic process, and for the socio-economic promotion of those large sectors of the poor who remain outside the nation's progress.

We urge that our government devise one consistent policy toward Panama, fully respectful of Panama's national sovereignty and the 1977 Torrijos-Carter treaties, while stressing respect for and promotion of human and social rights and the democratic process as essential for national and regional peace.

Summary Recommendations

We conclude by summarizing some of the concerns we have expressed over the years and again in this statement, which we commend to the community of the church and to all our fellow citizens. We pray that a renewed, more informed, public discussion may develop around these issues that so affect the future well-being of the hemisphere.

Central America in Context

1. Central America is but a part, a small but integral part, of Latin America. We urge our government to expand its policy vision beyond the immediate crises of Central America to the whole of the hemisphere. The problems and needs and dangers facing the rest of Latin America are far greater than those confronting the isthmus and, if left unattended, will overwhelm and cancel out any progress made in the Central American area.

Priority of Economic Justice

2. The most urgent policy issues facing Latin America today are economic. U.S. policy, both public and private, should give highest priority to addressing the problems of Latin America's staggering external debt, fragile economies and concentration of productive agricultural land. The return to democracy in the major countries of South America, as well as the advances of democratic rule in Central America, are put at greatest risk by the hemispheric crisis of growth and the external debt problem.

The Superpowers and the Region

3. The issues of geopolitics which have so dominated the U.S. public discourse on Central America in recent years should be taken up directly with the principal sources of U.S. concern, the Soviet Union and Cuba. While U.S.-Soviet competition is a concern to parties in the region, the task of preventing the introduction of Soviet bases or strategic weapons or combat forces into our border region should be dealt with as any other major issue threatening world peace, by direct negotiation between the United States and the Soviet Union. We should not use Central American lives as pawns in a superpower struggle.

"While U.S.-Soviet competition is a concern to parties in the region, the task of preventing the introduction of Soviet bases or strategic weapons or combat forces into our border region should be dealt with...by direct negotiation between the United States and the Soviet Union."

The Peace Process

4. Of the interlocking scourges of poverty, injustice and violence that beset Central America today, the violence of war may, ironically, be the easiest to contain. Its end is, in any case, a precondition for dealing with the others. We make our own the repeated urgings of the bishops of Central America that governments and insurgents alike pursue with vigor the dialogue and reconciliation process called for by the Central American peace accord.

Today the essential framework for negotiations is the Esquipulas II peace process initiated by President Arias. It is not a perfect instrument, it involves risk and it cannot satisfy every legitimate concern at once; but it is the most reasonable and hopeful plan yet devised and must be given every chance. We pray that the active participation of bishops in each of the national reconciliation commissions will help assure a reconciling peace based on truth.

The Necessary U.S. Support for the Peace Process

5. Our own government which has historically exercised exceptional influence in the region is in a particularly favored position today to further the incipient peace process. We urge U.S. policy to match in deed what has been repeatedly stated in principle, namely that the United States is truly committed to a peaceful resolution of the conflicts through the political processes of the dialogue and negotiations.

The Supportive Role of Other American States

6. The Central American bishops have often decried the unhelpful involvement of powers external to Latin America and have praised the peacemaking efforts of neighboring countries, essentially the four states that border Central America, the Contadora group of Mexico, Panama, Colombia and Venezuela, together with the "new democracies" of South America, Peru, Brazil, Argentina and Uruguay. The new Central America peace accord, itself "encouraged by the visionary and permanent will of the Contadora and Support group," also calls upon those Latin republics to assist in verifying compliance with the process.

These countries are as concerned as we are for the peaceful resolution of Central American conflicts and are well suited to assure its success. It is vital that our government maintain explicit support for and cooperate with the provisions of the Arias peace plan, and encourage the contributions of these other American states.

Refugees

7. The flight of so many hundreds of thousands of Central Americans from their homelands over this decade, including the desperate efforts of unprecedented numbers to seek refuge in this country, is the clearest sign of the human tragedy that besets the region. We have urged that their plight be given the high attention it deserves and that the needs of these persons be generously responded to by all the countries of the region and by our own.

Specifically, we urge our parishes, religious communities and social service agencies to increase their already commendable assistance to all refugees, asylum seekers and displaced persons in need. We are conscious in a special way at this time of those who may not fulfill the legal requirements of the present legislation on legalization. We urge our government to interpret the conditions for granting political asylum as broadly and generously as possible and we strongly urge that even those Central Americans who are not able to make a prima facie claim to refugee status under the law be allowed, on humanitarian grounds, to remain here temporarily under the conditions of what is known as extended voluntary departure status.

Our Need for Reconciliation

8. Finally, just as we recognize the need for internal reconciliation within the sharply divided societies of Central America, if peace and progress are to be achieved, so we must acknowledge that our own social fabric has been damaged in recent years precisely over the Central American issues. Our society, indeed our Catholic community, has been divided, we believe unnecessarily so, in these last years because of divergent views about Central America and we acknowledge

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Project (1993)

our need for reconciliation.

We urge the leaders of both our national parties to use the period leading up to the 1988 elections to construct a national consensus around the real challenges facing us in the hemisphere, not allowing deeper polarization to develop over issues of less central importance. We urge our fellow Catholics, whatever their political views, to consider how they might best bring moral perspectives to bear on the human anguish of today's Central America. We encourage their efforts to support the poor of Central America with humanitarian aid and development funds.

Conclusion

We offer these reflections as bishops, seeking to view these issues of public policy from the perspective of our faith and the social teachings of the church. We offer them as citizens, conscious of our responsibility to contribute according to our abilities to the formulation of ever more just and humane policies.

We renew our long-standing call for the pursuit of negotiation, peace and reconciliation at a time of great opportunity and danger for the region. There are signs of significant progress in the extraordinary efforts of the nations of Central America to fashion a regional peace accord and begin to carry it out. We especially applaud the efforts of Cardinal Obando y Bravo, Archbishop Rivera Damas and the other bishops of the region to mediate and advance the process of negotiations. But these efforts need to be actively supported, built upon and enlarged. They need the strong and persistent support of the United States. We ask our government to do everything possible to support regional efforts to turn from war to negotiations, from violations of human rights to respect for human freedom. Let us turn our energies and resources in the region from supplying weapons of war to building instruments of peace, from armed conflict to constructive negotiations on how peace might be established and freedom and democracy might be strengthened. Let us also together work to overcome the economic injustices which are still at the heart of so much conflict in this troubled region.

This year marks the 20th anniversary of the great development encyclical of Paul VI, *Populorum Progressio*. In commenting on that letter of his predecessor, Pope John Paul devoted this year's World Day of Peace message to the themes of development and solidarity, the keys for peace, and highlighted several of the same principles we have raised in our statement.

"The spirit of solidarity," John Paul insists, "is a spirit that is open to dialogue," one fruit of which can be regional agreements "to promote the common good and encourage bilateral negotiations." Nations must be free to grow and develop as equal partners. "Seeking economic, military or political superiority at the expense of the rights of other nations places in jeopardy any prospects for true development or true peace." Among the great problems facing us today, the pope mentions the developing world's external debt and the crucial problem of disarmament, noting the serious threats to world peace presented by "current East-West tensions and North-South inequalities." "All states have responsibility for world peace and this peace cannot be ensured until a security based on arms is gradually replaced with a security based on the solidarity of the human family."

We believe that peace is possible, that peace in Central America can and must be built up through dialogue and the processes of political rather than military activities, and that it must be sustained by the solidarity of the other nations, including the needed economic assistance that the wealthier countries can provide.

We ask God's blessings on the suffering people of Central America, especially those most affected by the years of crisis, the refugees, the wounded, the bereaved. In this year of Mary, we ask Our Lady of the Americas to watch over all who suffer for, and who work for, peace in Central America.

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EXCISE P B6

DEAR CONGRESSMAN LAGOMARSINO -

COULD I ASK YOU TO INTERCEDE ON BEHALF OF THE INDIVIDUALS LISTED ON THE FOLLOWING PAGE. A LETTER TO THE STATE DEPT OR CHILEAN AUTHORITIES WOULD BE MOST APPRECIATED. [redacted] RELIEVE ME AN INQUIRY FROM A MEMBER OF CONGRESS IS AN IMMENSE HELP.

SINCERELY

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PAGE 01 SANTIA 09395 01 OF 03 041944Z
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~~C O N F I D E N T I A L~~ SECTION 01 OF 03 SANTIAGO 09395

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Chile Project (#S199900030)
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EO 12356: DECL: OADR
TAGS: PREL, PGOV, CI
SUBJ: FOREIGN MINISTER GARCIA ON SAL AND HUMAN RIGHTS

REF: SANTIAGO 8722

1. - C - ENTIRE TEXT.

2. SUMMARY. RICARDO GARCIA, WORRIED ABOUT WHAT THE US MAY DO ON SAL III AND FRUSTRATED OVER WHAT HE CONSIDERS UNHELPFUL UN VOTES, MAKES ANOTHER PLEA DECEMBER 3 FOR SUPPORT FOR THOSE IN CHILE WHO ARE WORKING FOR CHANGE. END SUMMARY.

3. THE MOST INTENSE PART OF MY HOUR LONG CONVERSATION WITH FOREIGN MINISTER GARCIA DECEMBER 3 (HELD AT HIS REQUEST AT THE DIPLOMATIC ACADEMY AND NOT AT THE FOREIGN MINISTRY) WAS ON SAL III. GARCIA SAID HE WANTED TO KNOW WHAT WE WERE UP TO, SINCE HE HAD HEARD THAT WE WERE NOT CONCERNED ABOUT THE "TECHNICAL (ECONOMIC)" ASPECTS OF THE LOAN NOR EVEN THE HUMAN RIGHTS OR ADVANCE TOWARD DEMOCRACY ELEMENTS. RATHER, ACCORDING TO HIS INFORMATION, THE US WAS TAKING A PURELY "POLITICAL" APPROACH DESIGNED TO COMPLICATE THE INSTITUTIONAL TRANSITION IN CHILE. I TOLD HIM HE WAS

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PAGE 02 SANTIA 09395 01 OF 03 041944Z

CORRECT IN STATING WE HAD NO TECHNICAL PROBLEMS AND REMINDED HIM OF FINANCE MIN. BUCHI'S COMPLAINT THAT WE WERE EVEN TOO LOUD IN OUR PRAISES OF CHILEAN ECONOMIC ACCOMPLISHMENTS. HE WAS WRONG, HOWEVER, IN THINKING WE HAD NO CONCERNS ON HUMAN RIGHTS OR DEMOCRACY; AND OF COURSE, THERE WERE "POLITICAL" MATTERS. I THEN

REVIEWED FOR HIM OUR EXISTING LEGISLATION AND PARTICULARLY THE DISCONTENT IN THE CONGRESS LAST YEAR FOLLOWING OUR ABSTENTION ON SAL II AND OUR NEGATIVE VOTE IN THE UNGA ON THE CHILE HUMAN RIGHTS RESOLUTION. IN THAT SENSE, WE HAD A VERY "POLITICAL" CONTEXT IN WHICH TO MAKE OUR DECISIONS AND HAD TO WEIGH CAREFULLY WHAT WOULD HELP AND WHAT WOULD COMPLICATE OUR INTERESTS IN CHILE. TO THAT END, WE WERE ALSO CONSULTING WITH OTHER COUNTRIES REPRESENTED ON THE BOARD.

4. GARCIA RESPONDED THAT THERE WOULD BE A LOT OF DIFFERENCE BETWEEN WHETHER WE TOOK THE LEAD OR, AS HE CLAIMED WAS THE CASE LAST YEAR, "LET THE LOAN GO THROUGH." I COMMENTED THAT GIVEN THE CONGRESSIONAL SITUATION, OUR CHOICE WAS SUCH THAT WE COULD NOT VOTE IN FAVOR AND THAT THE OPINIONS OF OTHER COUNTRIES WOULD INFLUENCE US AS MUCH AS OURS WOULD THEIRS; BUT THAT IN ANY CASE WHAT I DID KNOW WAS THAT NO DECISION HAD YET BEEN MADE. GARCIA THEN USED THE EXAMPLE OF HELPING BY "NEGATIVE" AS COMPARED TO "POSITIVE" MEANS. THE SAL ASIDE, HE SAID WORKING AGAINST A CERTAIN ACTION COULD HAVE SOME RESULTS, AND EXPLANATIONS COULD BE MADE TO SOFTEN THE IMPACT OF THE NEGATIVE STEPS; SIMILARLY POSITIVE STEPS COULD BE TAKEN, WITH EXPLANATIONS AS TO THE RESERVATIONS ONE MIGHT HAVE. IN THE LATTER CASE, THAT SORT OF POSITIVE ACTION COULD ENCOURAGE OTHER POSITIVE STEPS WITHIN CHILE; THE "NEGATIVE"

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PAGE 03 SANTIA 09395 01 OF 03 041944Z

APPROACH WAS NOT LIKELY TO. I SAID THAT HE HAD TO FACTOR IN THE ESSENTIAL ELEMENT THAT WE WERE NOT WORKING IN A VACUUM AND THAT OUR ABILITY TO BE MORE "POSITIVE" REQUIRED SOME "POSITIVE" CHILEAN ACTIONS TO WHICH WE COULD RESPOND AND THOSE WERE OFTEN NOT FORTHCOMING. GARCIA SAID WE HAD TO REMEMBER THAT THE "POSITIVE" APPROACH WAS THE ONE THAT WOULD HELP THOSE WHO WERE WORKING FOR CHANGE, WHEREAS THE "NEGATIVE" ONE MADE THEIR LOT MORE DIFFICULT. AT THIS POINT GARCIA HAD TO LEAVE, BUT ASKED ME TO CALL HIM BEFORE HE GOES TO QUITO FOR THE SOUTH PACIFIC FOREIGN MINISTERS MEETING DECEMBER 8 IF THERE WAS ANYTHING I COULD TELL HIM ON THE SAL. HE SAID IN ANY CASE HE WOULD CALL ME SOON AFTER HE RETURNED ON THE 11TH SO WE COULD CONTINUE TALKING ABOUT MUTUALLY REINFORCING ACTIONS, A BENEFICIAL RATHER THAN A VICIOUS CIRCLE OF ACTIONS.

5. EARLIER HE HAD EXPRESSED HIS FRUSTRATIONS WITH THE

UNGA VOTE ON HUMAN RIGHTS IN CHILE BECAUSE THE MEXICAN RESOLUTION HAD ALMOST COMPLETELY IGNORED THE VOLIO REPORT. HE REGRETTED WE HAD NOT VOTED AGAINST THE RESOLUTION. I TOLD HIM WE WERE NOT HAPPY WITH MUCH OF IT, IN PART BECAUSE VOLIO'S RECOMMENDATIONS WERE NOT GIVEN SUFFICIENT WEIGHT, BUT ALSO THAT WE FELT THERE WERE STILL SERIOUS HUMAN RIGHTS PROBLEMS IN CHILE. HE ASKED ME AT THAT POINT ABOUT OUR OWN ANNUAL REPORT, WHICH HE CALLED MORE IMPORTANT IN TERMS OF ITS IMPACT THAN VOLIO'S. AFTER OUTLINING THE PROCESS FOR HIM, I SAID IN OUR JUDGMENT THERE HAD BEEN

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PAGE 01 SANTIA 09395 02 OF 03 041945Z
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~~C O N F I D E N T I A L~~ SECTION 02 OF 03 SANTIAGO 09395

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EO 12356: DECL: OADR
TAGS: PREL, PGOV, CI
SUBJ: FOREIGN MINISTER GARCIA ON SAL AND HUMAN RIGHTS

IMPROVEMENTS SINCE LAST YEAR, BUT THAT IN GOOD MEASURE THEY HAD BEEN COUNTERBALANCED BY NEGATIVE DEVELOPMENTS. I CITED THE NEW NEWSPAPERS OF THE OPPOSITION, THE REDUCTION IN LISTS OF EXILES AND THE ICRC AGREEMENTS AS POSITIVE STEPS, BUT PRESS RESTRICTIONS AND COURT CASES, CONTINUED REPORTS OF TORTURE AND INCREASED LEVELS OF DEATH THREATS AS NEGATIVE ONES. HE RETURNED TO THE THEME OF THE VOLIO REPORT SAYING HE AGREED WITH ME THAT VOLIO HAD MADE A USEFUL CONTRIBUTION, BUT THAT IT WAS HARD TO KEEP ARGUING FOR VOLIO VISITS WHEN THE MAJORITY OF UN MEMBERS SEEM TO PAY LITTLE ATTENTION TO WHAT HIS REPORTS SAY.

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6. ON THE SUBJECT OF THE INCREASE IN DEATH THREATS, LIKE THOSE DIRECTED AT GROUPS OF ACTORS, GARCIA SAID HE WONDERED WHETHER THE THREATS MIGHT NOT BE STAGED

BY THE FAR LEFT, BUT NOTED HE WAS VERY WORRIED LEST ANY INCIDENT SHOULD TAKE PLACE BECAUSE OF THE STORM IT WOULD CAUSE. WHEN I ASKED WHY THE GOVERNMENT COULDN'T MAKE A FORMAL STATEMENT CONDEMNING SUCH CONFIDENTIAL

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PAGE 02 SANTIA 09395 02 OF 03 041945Z

THREATS NO MATTER WHERE THEY CAME FROM,HE SAID HE HAD ALREADY MADE THE SUGGESTION; BECAUSE HE FELT A FOREIGN MINISTRY STATEMENT WASN'T ENOUGH, BUT HE DIDN'T KNOW IF HIS RECOMMENDATION WOULD BE ACCEPTED. HE ALSO SAID HE HAD BEEN THE ONE TO PERSUADE THE MILITARY PROSECUTOR TO ALLOW THE ICRC TO VISIT THE YOUNG WOMAN WHO HAS BEEN KEPT IN CONTINUOUS IN-COMMUNICADO STATUS FOR THE PAST MONTH BY MILITARY PROSECUTOR TORRES.

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7. REVERTING BACK TO HIS FRUSTRATION WITH THE UN AND THE DIFFERENCE BETWEEN WORDS AND DEEDS, GARCIA CITED THE CASE OF CHILEAN ARMY LIEUTENANT COLONEL CARRENO WHO HAD JUST BEEN RELEASED IN BRAZIL BY HIS RODRIGUEZ LIBERATION FRONT CAPTORS AS AN INSTANCE OF WORLDWIDE UNDER-ESTIMATION OF THE THREAT FROM TERRORISTS. THIS CASE, HE CLAIMED, SHOWED WHAT A FANTASTICALLY WELL DEVELOPED ORGANIZATION THE TERRORISTS HAD AND HOW MUCH MORE DANGEROUS IT IS THEREFORE. AT THAT POINT I GAVE HIM OUR LATEST NOTE ON THE LETELIER CASE, ASKING ONCE AGAIN FOR CHILEAN GOVERNMENT COOPERATION IN THIS TERRORIST MATTER, SPECIFICALLY BY DESIGNATING THE MILITARY PROSECUTOR GENERAL TO BECOME INVOLVED IN THE CASE. I TOLD GARCIA THAT HERE WAS A SITUATION WHERE THE CHILEAN GOVERNMENT COULD DO SOMETHING CONCRETE THAT WOULD BRING BENEFICIAL REINFORCEMENT OF MUTUAL IN-TERESTS. HE PROMISED TO STUDY THE IMPLICATIONS OF OUR NOTE CAREFULLY.

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8. EARLIER IN THE CONVERSATION HE MADE TWO NICARAGUAN RELATED ALLUSIONS:

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PAGE 03 SANTIA 09395 02 OF 03 041945Z

A. ORTEGA AT THE OAS REMINDED HIM OF THE STYLE OF ORATORY CHARACTERISTIC OF THE ALLENDE PERIOD IN CHILE, APPEARING TO BE WEAK AND DEFENSELESS AND BLAMING OUT-

SIDE EVIL FORCES;

B. HE COMPLAINED ABOUT THE AMENDMENT OFFERED BY SEN. HARKIN TO PROVIDE FUNDS FOR THE NATIONAL ENDOWMENT TO PROMOTE DEMOCRACY IN CHILE AS BEING THE EQUIVALENT OF THE U.S. SENDING ARMS TO THE CONTRAS IN NICARAGUA, AS IF WE HAD TO BALANCE OFF OUR POLICIES THERE BY TEACHING CHILEANS ABOUT DEMOCRACY. BEFORE HIS LAST TRIP TO THE U.S. FOR THE OAS, I HAD URGED HIM TO TALK TO MEMBERS OF CONGRESS(BUT HE SAID HIS SCHEDULE DID NOT ALLOW HIM TO DO THAT). HAD HE DONE SO HE MIGHT HAVE UNDERSTOOD BETTER SOME OF THE PREOCCUPATIONS ABOUT CHILE IN THE U.S.

9. COMMENT: FOR THE SECOND TIME IN SEVERAL MONTHS GARCIA HAS SOUGHT TO CONVEY A PLEA FOR SUPPORTING THE "GOOD GUYS" BY TAKING IT EASY ON SOME OF OUR "CONCERNS." WHAT HE HAS YET TO DO IS TALK ABOUT WHAT THE QUIDS AND QUOS WOULD BE, THOUGH THAT MAY BE WHAT HE HAS IN MIND FOR OUR NEXT MEETING. IT IS A VERSION OF DEL VALLE'S "HAVE FAITH" APPEAL, WITH THE EXCEPTION THAT GARCIA IS MORE CONVINCING. WITH REGARD TO THE CARRENO CASE, JUDGING FROM STATEMENTS ALSO MADE BY INTERIOR MINISTER FERNANDEZ, THE GOVERNMENT SEEMS TO HAVE DECIDED TO BLOW UP THE THREAT OF THE RODRIGUEZ FRONT (FPMR) STILL MORE, AFTER HAVING MAINTAINED FOR YEARS THAT PINOCHET'S

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PAGE 01 SANTIA 09395 03 OF 03 041945Z
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~~C O N F I D E N T I A L~~ SECTION 03 OF 03 SANTIAGO 09395

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EO 12356: DECL: OADR
TAGS: PREL, PGOV, CI
SUBJ: FOREIGN MINISTER GARCIA ON SAL AND HUMAN RIGHTS

VIGILANCE HAD REDUCED IT TO EASILY MANAGEABLE

PROPORTIONS.
BARNES

[redacted]

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KM290

ROBERT J. LAGOMARSINO
19TH DISTRICT, CALIFORNIA

2332 RAYBURN BUILDING
WASHINGTON, DC 20515
202-225-3601

CONFERENCE SECRETARY

CONGRESSIONAL OBSERVER
GENEVA ARMS CONTROL TALKS

CONGRESSIONAL TASK FORCE ON
AFGHANISTAN—CO-CHAIRMAN

POW/MIA TASK FORCE
CHAIRMAN

Congress of the United States
House of Representatives
Washington, DC 20515

COMMITTEE ON
FOREIGN AFFAIRS
SUBCOMMITTEES
WESTERN HEMISPHERE AFFAIRS
VICE CHAIRMAN
ASIAN AND PACIFIC AFFAIRS

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INTERIOR AND INSULAR
AFFAIRS
SUBCOMMITTEES
INSULAR AND INTERNATIONAL AFFAIRS
VICE CHAIRMAN

NATIONAL PARKS AND PUBLIC LANDS
VICE CHAIRMAN—PARKS

P B6

4 December 1987

47

ACTION
is assigned to
ARA

Mr. J. Edward Fox, Jr.
Assistant Secretary for Legislative Affairs
Department of State
Room 7261
2201 C Street, NW
Washington, D.C. 20520

EXCISE

Dear Mr. Fox:

Please find enclosed a letter and information I received from my constituent, [redacted], regarding various human rights cases in Chile. As you will note, [redacted] requested that I bring these cases to the Department of State's attention.

I would appreciate it if you would provide me with any information you may have regarding this matter so that I can satisfactorily respond to [redacted].

Thank you for your assistance with this issue.

Sincerely,

ROBERT J. LAGOMARSINO
Member of Congress

RJL:mr
Enclosure

Chile Project (#S199900030)
U.S. Department of State
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Andrew B Paquette

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AMEMBASSY SANTIAGO

Chile Project (#S199900030)
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~~S E C R E T~~ SECTION 01 OF 02 USUN NEW YORK 04224

E.O.12356: DECL: OADR
TAGS: UNGA, UNHRC, PHUM, PREL, CI, US
SUBJECT: 42ND UNGA: THIRD COMMITTEE: ADOPTION
-- OF RESOLUTION ON CHILE

1. (U) AS REPORTED SEPTELS, THE UNGA'S THIRD COMMITTEE (SOCIAL AND HUMANITARIAN AFFAIRS) ADOPTED ON NOVEMBER 27 A RESOLUTION ENTITLED "SITUATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN CHILE." THE RESOLUTION WAS PASSED BY A VOTE OF 81-5-47(U.S.). THE U.S. ABSTENTION WAS A MARKED DEPARTURE FROM OUR LONG-STANDING PRACTICE OF CASTING NEGATIVE VOTES ON THE GA RESOLUTION DEALING WITH THE SITUATION OF HUMAN RIGHTS IN CHILE. THE RESOLUTION WAS SPONSORED BY: ALGERIA, AUSTRALIA, AUSTRIA, CUBA, DENMARK, FRANCE, GREECE, ITALY, LUXUMBOURG, MEXICO, NETHERLANDS, NORWAY, PORTUGAL, SPAIN, SWEDEN, AND YUGOSLAVIA.

2. (U) THE VOTES WERE CAST AS FOLLOWS:
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PAGE 02 USUN N 04224 01 OF 02 040104Z

YES: AFGHANISTAN, ALBANIA, ALGERIA, ANGOLA, ARGENTINA, AUSTRALIA, AUSTRIA, BARBADOS, BELGIUM BENIN, BOLIVIA, BOTSWANA, BULGARIA, BURKINA FASO, BURUNDI, BYELORUSSIAN S.S.R., CANADA, CONGO, COSTA RICA, CUBA, CYPRUS, CZECHOSLOVAKIA, DEMOCRATIC YEMEN, DENMARK, ETHIOPIA, FINLAND, FRANCE, GDR,

FRG, GREECE, GUINEA, HUNGARY, ICELAND, INDIA, IRELAND, ITALY, JAMAICA, KENYA, KUWAIT, LAOS, LESOTHO, LIBYA, LUXEMBOURG, MADAGASCAR, MALI, MALTA, MAURITANIA, MEXICO, MONGOLIA, MOZAMBIQUE, NETHERLANDS, NEW ZEALAND, NICARAGUA, NORWAY, PERU, PHILIPPINES, POLAND, PORTUGAL, QATAR, RWANDA, SAUDI ARABIA, SENEGAL, SPAIN, SRI LANKA, SUDAN, SWAZILAND, SWEDEN, TOGO, TUNISIA, UGANDA, UKRANIAN SSR, UAE, UK, UNITED REPUBLIC OF TANZANIA, URUGUAY, VENEZUELA, VIETNAM, YUGOSLAVIA, ZAMBIA, ZIMBABWE.

NO: CHILE, INDONESIA, LEBANON, PARAGUAY, THAILAND

ABSTENTION: BAHAMAS, BAHRAIN, BANGLADESH, BHUTAN, BRAZIL, BRUNEI, BURMA, CAMEROON, CENTRAL AFRICAN REPUBLIC, CHAD, CHINA, COLOMBIA, COMOROS, COTE D'IVOIRE, DEMOCRATIC KAMPUCHEA, ECUADOR, EGYPT, FIJI, GHANA, GRENADA, HAITI, HONDURAS, IRAQ, ISRAEL, JAPAN, JORDAN, LIBERIA, MALAWI, MALAYSIA, MALDIVES, MOROCCO, NEPAL, NIGER, NIGERIA, OMAN, PAKISTAN, PANAMA, ST. VINCENT, SINGAPORE, SOLOMON ISLANDS, SOMALIA, SURINAME, TRINIDAD, TURKEY, USA, YEMEN, ZAIRE

ABSENT OR NOT PARTICIPATING: ANTIGUA, BELIZE,
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PAGE 03 USUN N 04224 01 OF 02 040104Z

CAPE VERDE, DJIBOUTI, DOMINICA, DOMINCAN REPUBLIC, EL SALVADOR, EQUATORIAL GUINEA, GABON, GAMBIA, GUATEMALA, GUINEA-BISSAU, GUYANA, IRAN, MAURITIUS, PAPUA NEW GUINEA, ROMANIA, ST. KITTS, ST. LUCIA, SAMOA, SAO TOME, SEYCHELLES, SIERRA LEONE, SYRIA, VANUATU /

4. (C) AS EXPECTED, OUR SWITCH TO ABSTENTION WAS BOTH HAILED AND CONDEMNED. THE WESTERN EUROPEANS WERE PARTICULARLY PLEASED WITH OUR CHANGED VOTE. WE MADE CLEAR, HOWEVER, THAT OUR ABSTENTION DID NOT MEAN A CHANGE IN OUR POLICY: WE HAD ALWAYS BEEN CONCERNED ABOUT THE SITUATION OF HUMAN RIGHTS IN CHILE BUT THE UNBALANCED NATURE OF THE GA TEXTS ON CHILE HAD PREVENTED US FROM EXPRESSING THAT CONCERN WITH OUR VOTES. THE EUROPEANS SEEMED INTERESTED IN WHETHER OUR ABSTENTION WAS A "FRUSTRATED YES" OR A "FRUSTRATED NO." WE EXPLAINED THAT IT WAS BOTH: THE TEXT WAS TOO UNBALANCED FOR A 'YES' BUT CONTAINED ENOUGH TRUTH

TO PREVENT A 'NO'.

5. (C) THE CHILEAN DELEGATION WASTED NO TIME IN LETTING US KNOW THAT THEY WERE EXTREMELY DISPLEASED WITH OUR VOTE CALLING IT A "GRAVE ERROR." THE CHILEAN COUNSELLOR TOLD US THAT ONCE AGAIN THE U.S. HAD FAILED TO DISTINGUISH ITS ENEMIES FROM ITS FRIENDS.

6. (C) THE MEXICAN DELEGATION, THE PRINCIPAL SPONSORS OF THE RESOLUTION ON CHILE, SEEMED MODERATELY PLEASED WITH OUR MOVE TO AN ABSTENTION. MEXICAN SRE IO DIRECTOR MONTANO TOLD US, HOWEVER, THAT GIVEN THE CONCESSIONS HE HAD

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PAGE 01 USUN N 04224 02 OF 02 040104Z
ACTION IO-19

INFO	LOG-00	COPY-01	ADS-00	INR-10	EUR-00	SS-00	OIC-02
	AF-00	CIAE-00	DODE-00	H-01	MSC-01	NEA-06	NSCE-00
	ARA-00	NSAE-00	HA-09	L-03	TRSE-00	PM-10	EAP-00
	PA-01	OMB-01	INRE-00	USIE-00	SP-02	SNP-01	C-01
	PRS-01	P-02	T-01	/072 W			

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R 040057Z DEC 87
FM USMISSION USUN NEW YORK
TO SECSTATE WASHDC 3459
INFO USMISSION GENEVA
AMEMBASSY MEXICO
AMEMBASSY SANTIAGO

~~C O N F I D E N T I A L~~ SECTION 02 OF 02 USUN NEW YORK 04224

E.O.12356: DECL: OADR
TAGS: UNGA, UNHRC, PHUM, PREL, CI, US
SUBJECT: 42ND UNGA: THIRD COMMITTEE: ADOPTION

MADE ON THE TEXT, HE HAD HOPED FOR A 'YES' VOTE FROM THE U.S. HE URGED THE U.S. TO CHANGE TO A 'YES' VOTE WHEN THE PLENARY TOOK ACTION ON THE RESOLUTION (PROBABLY THE WEEK OF DECEMBER 7). WE TOLD HIM THAT A 'YES' VOTE WOULD REQUIRE VERY EXTENSIVE REVISIONS OF THE TEXT.

7. (C) COMMENT: THIS YEARS' RESOLUTION ON CHILE WAS ALMOST OVERSHADOWED BY CHILE'S RETALIATORY

RESOLUTION ON HUMAN RIGHTS IN MEXICO. THE MEXICAN DELEGATION SPENT INORDINATE TIME AND EFFORT IN LOBBYING AGAINST A TEXT THAT THEY SHOULD HAVE IGNORED. THE MEXICAN PERMANENT REPRESENTATIVE ON NOVEMBER 24 GOT HIMSELF INTO A LENGTHY DEBATE ON HUMAN RIGHTS IN MEXICO WITH THE CHILEAN PERMANENT REPRESENTATIVE. THE MEXICAN ENDED UP A DISTANT
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PAGE 02 USUN N 04224 02 OF 02 040104Z

SECOND (TEXT OF THE CHILEAN STATEMENT POUCHED TO HA AND ARA)

8. C) WE WOULD APPRECIATE HEARING FROM SANTIAGO REACTIONS TO OUR ABSTENTION.OKUN

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EXCISE Case Number: S199900030

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PAGE 01 SANTIA 09452 01 OF 02 072142Z
ACTION ARA-00

INFO LOG-00 COPY-01 ADS-00 AID-00 INR-10 EUR-00 SS-00
CIAE-00 DODE-00 NSCE-00 NSAE-00 PM-10 EAP-00 INRE-00
SP-02 C-01 P-02 /026 W
----------075553 080111Z /66

R 072041Z DEC 87
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 4287
INFO AMEMBASSY BONN
AMEMBASSY CARACAS
AMEMBASSY MADRID
AMEMBASSY MANILA
AMEMBASSY OTTAWA

Chile Project (#S199900030)
U.S. Department of State
Release_____ Excise_X___ Deny_____
Declassify: In Part_X___ In Full_____
Exemption(s) B1

~~C O N F I D E N T I A L~~ SECTION 01 OF 02 SANTIAGO 09452

E.O. 12356: DECL:OADR
TAGS: PGOV, PREL, CI
SUBJ: NDI SEMINAR ON ELECTORAL PROCESSES; FUND-RAISING FOR FREE ELECTIONS CAMPAIGN

1. (U) ON DECEMBER 2 THE NATIONAL DEMOCRATIC INSTITUTE (NDI) CONCLUDED A FOUR-DAY SEMINAR ON ELECTORAL PROCESSES AND DEMOCRACY WHICH IT HAD CONDUCTED FOR THE FREE ELECTIONS MOVEMENT (FEM) IN SANTIAGO. THE SEMINAR CALLED "ACTION THROUGH THE VOTE", BROUGHT TOGETHER OVER 250 LOCAL ORGANIZERS AND CAMPAIGN DIRECTORS WITH 20 INTERNATIONAL EXPERTS IN CAMPAIGN ORGANIZATION, POLLING AND MEDIA FROM THE U.S., WEST GERMANY, CANADA, THE PHILIPPINES, SPAIN AND VENEZUELA. IT WAS CO-SPONSORED BY CHRISTIAN DEMOCRATIC ORIENTED "EDITORIAL ACONCAGUA" AND SOCIALIST THINK TANK "VECTOR". IN A PRESS CONFERENCE FOLLOWING THE SEMINAR, FEM COORDINATOR GENARO ARRIAGADA ANNOUNCED A

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PAGE 02 SANTIA 09452 01 OF 02 072142Z

CAMPAIGN TO RECRUIT 200,000 ACTIVISTS AROUND THE COUNTRY TO SERVE AS POLL-WORKERS, ELECTION OBSERVERS AND VOLUNTEERS TO MAINTAIN THE FEM'S INDEPENDENT CONTROL CENTERS FOR MONITORING THE ELECTION RESULTS.

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2. (C) IN A BREAKFAST MEETING WITH THE AMBASSADOR, DCM AND POLOFFS, NDI PARTICIPANTS SAID THEY THOUGHT THE CONFERENCE HAD ACHIEVED ITS OBJECTIVE OF FOSTERING A GREATER SENSE OF ELAN AND IMPARTING SPECIFIC TECHNICAL SKILLS TO LEADERS AND ACTIVISTS. THEY FELT THAT ARRIAGADA HAD EFFECTIVELY MOLDED TOGETHER THE THREE DIFFERENT CURRENTS OF THE FEM, SERGIO MOLINA'S GROUP OF NOTABLES, THE POLITICAL PARTIES GROUP (COPPEL) HEADED BY ANDRES ZALDIVAR, AND THE LEFTIST COMMITTEE (CIEL) LED BY RICARDO LAGOS. THEY WERE IMPRESSED BY THE MOTIVATION AND ENTHUSIASM SHOWN BY THE VOLUNTEERS, DESPITE THEIR LACK OF POLITICAL EXPERIENCE. AN APPEALING CAMPAIGN SONG HAS BEEN TAPED. THE CAMPAIGN HAS SHOWN A GREAT DEAL OR ORGANIZATIONAL CAPABILITY, AND ITS LEADERS KNOW HOW TO TAP THE NECESSARY EXPERTISE. THE PARTICIPANTS ALSO FELT THE SESSIONS WERE VERY USEFUL IN GIVING FEM WORKERS FROM ALL OVER CHILE A SENSE THAT THEY WERE NOT ISOLATED.

3. (C) THEY ARE DEEPLY WORRIED, HOWEVER, ABOUT THE LACK OF FINANCIAL RESOURCES. ARRIAGADA'S OPERATION HAS BEEN FUNCTIONING ON VERY LITTLE FUNDS, WITH ONLY ONE TELEPHONE AND WITH COMMITMENTS FOR SOME 600,000 DOLLARS FROM

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WESTERN EUROPEAN PARTIES WHICH HAVE NOT YET MATERIALIZED. IN A FEW WEEKS IT MAY RUN COMPLETELY DRY. "PEOPLE IN THE FIELD HAVE BEEN PUMPED UP BUT THEY ARE CRYING FOR MATERIALS, DIRECTION, AND LEADERS TO WORK WITH," SAID NDI STAFFER PAT KEEFER. THE DELAY IN AID FUNDING TO THE CIVITAS OPERATION HAS HURT THE CREDIBILITY OF PROJECT LEADER MONICA JIMENEZ AND INTENSIFIED CONCERN ABOUT PROSPECTS FOR THE VOTER REGISTRATION DRIVE. (NATIONAL ELECTORAL SERVICE DIRECTOR JUAN IGNACIO GARCIA TOLD NDI REPRESENTATIVES THAT HE NOTED THAT THE FEM HAD SCALED DOWN ITS GOALS SINCE LAST SEPTEMBER. HE ADDED THAT AT CURRENT RATES OF ENROLLMENT THE SERVICE WOULD BE LUCKY TO REGISTER FOUR MILLION VOTERS BY MARCH 1, 1988.) IF MAJOR FINANCIAL SUPPORT IS NOT FORTHCOMING SHORTLY, THE FREE ELECTIONS DRIVE MAY WELL LOSE MUCH OF ITS MOMENTUM AND FALL PREY TO FACTIONALISM.

4. (C) AFTER SEEKING ASSURANCE THAT THE CHARGES OF FOREIGN ASSISTANCE WOULD NOT SERIOUSLY DAMAGE THE CAMPAIGN, THE NDI LEADERS SAID THEY WERE WILLING TO TRY TO RAISE SEPARATE FUNDS FOR THE FEM, PERHAPS USING THE LUGAR-KENNEDY-CARTER-FORD FREE ELECTIONS COMMITTEE WHICH SHOULD.SOON BE ACTIVATED.

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PAGE 01 USUN N 04265 080047Z
ACTION IO-19

INFO LOG-00 COPY-01 ADS-00 INR-10 EUR-00 SS-00 OIC-02
CIAE-00 NEA-04 NSCE-00 ARA-00 NSAE-00 SSO-00 HA-09
PM-10 INRE-00 SP-02 C-01 P-02 /060 W
----------075157 080048Z /72

O 080043Z DEC 87
FM USMISSION USUN NEW YORK
TO SECSTATE WASHDC IMMEDIATE 3527
INFO AMEMBASSY BAGHDAD PRIORITY
USMISSION GENEVA PRIORITY
AMEMBASSY ISLAMABAD PRIORITY
AMEMBASSY KABUL PRIORITY
AMEMBASSY MOSCOW PRIORITY
AMEMBASSY SAN SALVADOR PRIORITY
AMEMBASSY SANTIAGO PRIORITY
AMEMBASSY BRUSSELS
AMEMBASSY BUENOS AIRES
AMEMBASSY COPENHAGEN
AMEMBASSY LIMA
AMEMBASSY LONDON
AMEMBASSY MEXICO

Chile Project (#S199900030)
U.S. Department of State
Release X Excise Deny
Declassify: In Part In Full
Exemption(s)

UNCLAS USUN NEW YORK 04265

E.O. 12356: N/A
TAGS: UNGA, UNHRC, PHUM
SUBJECT: 42ND GA ADOPTS RESOLUTIONS ON HUMAN RIGHTS IN AFGHANISTAN, IRAN, EL SALVADOR, AND CHILE

1. THE 42ND GENERAL ASSEMBLY ADOPTED ON DECEMBER 7 RESOLUTIONS DEALING WITH THE HUMAN RIGHTS SITUATIONS IN AFGHANISTAN, IRAN, EL SALVADOR, AND CHILE. VOTE ANALYSIS AND COMMENTARY TO FOLLOW SEPTELS.

2. AFGHANISTAN: THE PLENARY ADOPTED THE RESOLUTION, INTRODUCED BY THE UK AND SPONSORED BY THE EEC AND MOST
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PAGE 02 USUN N 04265 080047Z

OF THE WESTERN GROUP, ENTITLED "QUESTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN AFGHANISTAN" BY A VOTE OF 93(U.S.) - 23 - 31. FOLLOWING THE VOTE EGYPT INDICATED IT HAD VOTED 'NO' IN ERROR; EGYPT HAD INTENDED TO VOTE 'YES.' LAST YEAR'S GA VOTE WAS 89(U.S.) - 24 - 36.

3. IRAN: THE RESOLUTION ENTITLED "SITUATION OF HUMAN RIGHTS IN THE ISLAMIC REPUBLIC OF IRAN," INTRODUCED BY BELGIUM, WAS ADOPTED BY A VOTE OF 64(U.S.) - 22 - 45. LAST GA'S VOTE WAS 61(U.S.) - 32 - 42.

4. EL SALVADOR: THE RESOLUTION ENTITLED "SITUATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN EL SALVADOR," INTRODUCED BY PERU AND SPONSORED BY MOST OF THE LATIN GROUP, WAS ADOPTED WITHOUT A VOTE. THE U.S. MADE AN EXPLANATION OF POSITION FOLLOWING ADOPTION (SEPTEL). LAST YEAR, THE RESOLUTION ON EL SALVADOR WAS ADOPTED BY A VOTE OF 110(U.S.) - 0 - 40 WITH EL SALVADOR NOT PARTICIPATING.

5. CHILE: THE RESOLUTION ENTITLED "SITUATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN CHILE," INTRODUCED BY MEXICO AND SPONSORED BY DELEGATIONS FROM A NUMBER OF REGIONAL GROUPINGS, WAS ADOPTED BY A VOTE OF 93 - 5 - 53(U.S.). LAST YEAR'S GA ADOPTED THE RESOLUTION BY A VOTE OF 94 - 5(U.S.) - 52.

6. MINIMIZE CONSIDERED FOR MOSCOW, KABUL, AND BAGDAD. OKUN

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Chile Project (#S199900030)
U.S. Department of State
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Exemption(s)_____

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APPENDIX 7

" Guardaré silencio sobre todo aquello que en mi profesión o fuera de ella, oiga o vea en la vida de los hombres que no deba ser público. "

" Mantendré mi vida y mi arte alejados de la culpa."

(del Juramento Hipocrático.)

DRS.

JOSE MACAYA y RAMIRO OLIVARES

Agradecemos muy sinceramente vuestra solidaridad que nos ayuda y reconforta en nuestra lucha por los Derechos Humanos.

Santiago, Febrero 1987.
Cárcel Capuchinos.
CHILE.

This card was sent by the two doctors to an AI group.

TRANSLATION (taken from English version of the Hippocratic Oath)

"What I may see or hear in the course of the treatment in regard to the life of men, which on no account one must spread abroad, I will keep to myself..."

"In purity and holiness I will guard my life and my art."

Translation of personal message:

"We thank you sincerely for your solidarity which sustains and fortifies us in our campaign for human rights."

DONALD W. RIEGLE, JR.
MICHIGAN

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KM304

COMMITTEE:
BANKING, HOUSING, AND URBAN AFFAIRS
COMMERCE, SCIENCE, AND TRANSPORTATION
FINANCE
BUDGET

United States Senate

WASHINGTON, DC 20510

Chile Project (#S199900030)
U.S. Department of State
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Declassify: In Part____ In Full____
Exemption(s) B6

EXCISE

P B6

December 11, 1987

ACTION
is assigned to

Mr. J. Edward Fox
Assistant Secretary for Legislative Affairs
Department of State
Washington, D.C. 20520

Dear Secretary Fox,

Recently, I was contacted by [redacted] expressing concern over a human rights case in Chile. [redacted] is particularly concerned with the arrest of Dr. Ramiro Olivares. I am enclosing a copy of the constituent's correspondence for your information.

I find this matter disturbing and would appreciate it if you could investigate the concerns raised in the attached letter. Please direct any questions or correspondence to Denise Sullivan Pernick of my staff, at SD-105 Dirksen Senate Office Building, Washington, D.C. 20510.

Thank you for your attention to this matter.

Sincerely,

Donald W. Riegle, Jr.

DWR/dsp

ENCLOSURE

OUT
1987 DEC 15 PM 12:30

FAIM/IAP/WI
1987 DEC 15 PM 12:33

RECEIVED BY
DEPARTMENT OF STATE

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Chile Project (#S19990003) RM 306 CV
U.S. Department of State
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Exemption(s) ____

APPENDIX 1

Dr. Ramiro OLIVARES SANHUEZA

Dr. Olivares, 29 years' old, is a member of the medical team of the Vicaria de la Solidaridad. The following extracts are taken from statements by two of his colleagues.

1.

"Ramiro is a tall, thin man, ... with a thick black beard that cannot hide his youth nor his easy and contagious smile. Easy to get on with, he dedicates himself to his profession and patients with a genuine commitment, as a true professional.

In an atmosphere where the suffering caused by human rights abuse is a daily occurence, it is easy to feel dejected, depressed, exhausted, impotent - but with him it is difficult to see any of these signs. On the contrary, he carries out his work with great care and optimism, giving the best of himself.

Little has changed about him during this painful and unjust imprisonment for doing what had to be done, for adhering to the medical ethics of a well-trained doctor.

When we visit him in prison as when we have seen him at work, the idea that he should be being tried as a terrorist seems absurd ...

We want him to be freed"

Spanish text

Ramiro es un muchacho alto delgado, ... a quien una barba negra y espesa no le oculta su juventud, ni su sonrisa fácil y contagiosa. De trato fácil, confiado, y sin rebuscamiento se entrega a su profesión y a sus pacientes con un compromiso genuino, de auténtico profesional.

En un medio donde el dolor de la trasgresión a los derechos humanos del hombre es el pan cotidiano, no cuesta mucho sentirse abatido, deprimido, agobiado, impotente, pero en el cuesta ver alguna de estas manifestaciones; por el contrario asume su tarea con pausa, con optimismo ofreciendo lo mejor de si.

Poco en él ha cambiado en esta dolorosa experiencia de injusto encarcelamiento, por hacer lo que había que hacer, por ceñirse a la accion ética de un médico bien formado.

Cuando lo visitamos en la cárcel como cuando le hemos visto trabajar, resulta tan absurda la idea de que sea un procesado por terrorista...

... Le queremos libre"

2.

"I met Ramiro some years ago at a time of personal growth. Out of this grew the feelings of esteem, mutual respect, affection and friendship.

Later he joined the Medical Team of the Vicaria where he showed other facets of his personality: his great capacity for work and his social, human and professional commitment to those who had been badly affected by

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the [illegible].

loday, Ramiro is in prison for having attended a wounded person that is for honouring to the Hippocratic Oath, for abiding by the ethical code of every doctor ..."

Spanish text

"Conoci a Ramiro hace años en una instancia de crecimiento y desarrollo. De alli, fue naciendo la estima, el respeto mutuo, el afecto, la amistad.

Más tarde se integra al Equipo de Salud de la Vicaria y va mostrando otras facetas de su personalidad: su enorme espiritu de trabajo y su compromiso social, humano y profesional con los dañados por la represion de la dictadura.

Hoy Ramiro está encarcelado por atender a un herido, o sea por cumplir con el juramento Hipocrático, por cumplir con el código ético de todo médico..."

****

The case so far:-

- 6 May 1986 Dr. Olivares and Gustavo Villalobos went before the III military prosecutor (fiscal militar), Captain Luis Acevedo, who ordered their immediate arrest. They were imprisoned first in the Santiago Penitentiary (Penitenciaria) before being transferred to the Santiago Public Prison (Carcel Publica);

- 7 May, a special military prosecutor (fiscal militar ad-hoc), Fernando Torres, appointed to take over case from Luis Acevedo;

- defence lawyers from the Vicaria presented a recurso de amparo (similar to writ of habeas corpus) against the incommunicado detention order;

- both men charged by Fiscal Torres under Article 6 of the Arms Control Law, (Ley de Control de Armas) that applies to those who "organize, belong to, finance, assist, instruct, or incite or encourage the creation and functioning of, private militias, combat groups, or militarily organized parties ..."

- defence lawyers presented a recurso de queja (complaint) against the charges before the military appeals court (Corte Marcial), which was turned down. The military prosecutor in charge of the case, Fiscal Torres, was asked to modify the criteria as the charges covered by the Arms Control Law did not apply in this case. A complaint was presented before the military appeals court, which was unanimously turned down by the 5-member court, who sustained that the crime committed by Dr. Olivares and Gustavo Villalobos corresponded to Article 6 of the Arms Control Law. An appeal was lodged with the Supreme Court against this decision

- 7 August 1986, Ramiro Olivares and Gustavo Villalobos were released on bail following the Supreme Court's ruling. The same court, however, maintained the criteria that the deeds fell within the domain of art. 6 of the Arms Control Law;

- 11 December, charges modified by military prosecutor, Fiscal Torres -

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upgraded to charges covered by Anti-terrorist Law Ley Antiterrorista.

- 12 December, Ramiro Olivares arrested for the second time by members of Investigaciones (criminal investigations squad) and taken before Fiscal Torres. He was informed that the charges against him had been modified and that he now faced charges under the Anti-terrorist Law. Lawyers appealed against this decision which was, however, confirmed by the military appeals court (Corte Marcial). He was immediately transferred to the Penitenciaria and then to the Anexo Capuchinos.

- December 86 - March 87: legal representations against the new charges are rejected by the higher courts.

The trial is still in the sumario (investigation) stage and the defence lawyers have had no access to the trial documents.

****

The following are some of the main arguments advanced by the defence lawyers in his case:-

- Hugo Gómez arrived at the Vicaria where he was treated by Dr Olivares for his injuries - no attempt had been made to treat him in a clandestine way - a normal medical file had been opened for him. This, they suggested, confirms that their intention had been to provide professional services in accordance with ethical practice rather than any desire to knowingly aid the armed opposition.

- Gómez gave his name and was accompanied by his sister and wife - giving the impression that he was not attempting to hide anything;

- Dr. Olivares and Hugo Gomáz had never met before that day nor since until they were confronted in court;

- Dr. Olivares never met nor had any dealings with the other people on trial for taking part in the incident (at the bakery) that resulted in the death of the policeman.

- following the rearrest of Dr. Olivares on 12 December, lawyers from the Legal Department of the Vicaria held a press conference during which they stated that since the release on bail of the five men in the summer "absolutely nothing had happened" that could warrant the modification of the charges against Ramiro Olivares - ("Entre eso y ahora no he pasado nada; absolutamente nada"). They added that on several occasions the higher courts had upheld the military prosecutor's original decision to bring charges under article 8 of the Arms Control Law.

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MEETING WITH PRESIDENT CAPTAIN GENERAL AUGUSTO PINOCHET UGARTE OF CHILE

ST159

Santiago
December 11, 1987
9:37 a.m.

Chile Project (#S199900030)
U.S. Department of State
Release N Excise_____ Deny_____
Declassify: In Part_____ In Full X
Exemption(s)

Governor Charles Robb and I met privately with President Pinochet at the La Moneda, the presidential palace in Santiago. (We were escorted to La Moneda by U.S. Ambassador Harry Barnes and his political counsellor John Keane; neither, however, accompanied us in the meeting -- Barnes went on to the Embassy and Keane waited in the anteroom).

We were met at the door of the President's office by Pinochet and a bevy of print and television mini-cam photographers. Pinochet was dressed in a well-tailored grey suit, white shirt with red and blue geometrically patterned tie held down with an oversized pearl tie tack, light grey translucent socks and black loafers. He shook hands with both of us in turn, immediately making and holding eye contact, as if to get an initial read on our characters. He then escorted Governor Robb to one of two green textile upholstered seats to the right of his own; I occupied the other. A fourth chair, about fifteen feet removed from the President's, was immediately and silently occupied by another civilian-suited man who was not introduced but later was referred to as "the general". On the wall behind "the general" and President Pinochet was a magnificent tapestry emblazoned at the bottom with the ubiquitous Chilean motto: Por La Rason o La Fuerza. Immediately behind Pinochet's chair was a table, which was something of an impromptu altar holding a crucifix, a small triptich depicting the Virgin, and an open Bible posed on a stand. Above the stand were two large enframed medallions of Pope Paul. The coffee table in front of our chairs was occupied by an oversized book covered with a bronzed image of the Pope's profile. The President's chair was a less than modest wooden affair elevated above the chairs in which Robb and I sat. He occupied it comfortably, legs uncrossed, arms on the chair arms, unblinking eyes focussed on his American interlocutor. Martial music played in the background as the guard changed in the plaza outside the building.

Governor Robb leaned forward in his chair and spoke through the translator seated between him and Pinochet. "I want to thank you, Mr. President, for receiving me. I appear to have come down with a virus and apologize for being late for this meeting. This is my first visit to Chile, though my wife was here some twenty years ago. I am here to learn firsthand about your country. One reads many things about you and about Chile. I prefer to ascertain the facts firsthand. I should tell you, Mr. President, that like you I am a military man, though I cannot claim your depth of experience. I have served in the Marines and the Marine reserves for thirty-one years. And like you, I share a concern about the focus of communism ...

Pinochet cut in. Leaning forward, he began a lecture in a high, nasal voice. "Communism," he said, "is a driving force in the world. The objective of communism is to dominate the world. This has been true throughout history and is unrelenting. It goes back to Peter the Great (sic) and Trotsky and Lenin and Stalin. It has infected the world, even, if my guest will permit me, your own country, your own Senate. It is a problem in Mexico and in this hemisphere. We must fight against communism."

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Governor Robb said that the President is "acknowledged world-wide as a forceful leader." He wondered about the President's age and his continued stamina, and how the President could project into the future.

Pinochet replied: "I am not young but I have much energy. Not because I am personally strong or even because the Chilean public makes me strong." He pointed to the Bible and crucifix behind him. "I get my energy, my strength, from God. I get my energy from the Bible."

He went on to explain that Chile would use its strength to fight communism. Chileans are a "strong people. After all, the people of Chile fought off the Spanish for 200 years. With only 10 million people we held off the Argentines who had 20 million." Chile had had a brush with communism in modern history, internally. "Allende was a communist effort to undermine Chile. The Soviets have spent $200 million to undermine me. But they have failed. And they will fail."

Governor Robb said that "again, one gets information from the press and others which may not always be accurate. I share with you a concern for communism. And I share a concern for the future of democracy and freedom. Could you share with us your thoughts on achieving democracy?"

Pinochet explained that the Constitution (of 1980) laid out the process. "The Constitution was voted on and approved by a majority, by 66.4% of the electorate. We will stick with it. It is the law of the land."

Governor Robb asked if President Pinochet thought he would win the plebiscite. His reply was: "Speaking between military men, a general never enters into a battle he chooses to lose." He knocked on the wooden arm of his chair. "When I am President ..." er, "if I am President ..." The general seated with us interrupted and added gratuitously "no hay ni un duda general" (this went untranslated).

Governor Robb then asked: "if you were to lose the plebiscite, would you then run for the presidency as a civilian (in the ensuing election)?" Pinochet: "No, it is against the Constitution. It cannot be done. This is the law." He went on, "as to whether I am a civilian, I am a civilian. I have achieved the highest civilian position in the land. Eisenhower did the same thing. He was a general until he was elected president. Then he was a civilian. Do you know how many cabinet members I have?"

Robb: "No sir, I don't."

Pinochet: "Eighteen. Do you know how many are civilians?"

Robb: "No."

Pinochet: "Fourteen. Only four wear uniforms. This is a civilian government." Then, grinning and waving his hand as though to brush something aside: "I even have women in my government."

President Pinochet noted that "we cannot have a fake election. We must follow the law of the Constitution. To pull off a fake election would fail in Chile. Our elections are always honest." He noted that once, "after Allende, we found that some 50,000 voters had voted 3 or 4 times. We have now made this impossible through a reliable system of computers."

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Governor Robb noted in an attempt at humor that "even in the United States, in Mr. Fisher's state of Texas, there have been instances of vote manipulation." Pinochet did not smile. "That is because there are so many Mexicans there," he said.

Governor Robb then asked "about your position on human rights. What can you tell me, Mr. President, that would assure your critics that there are human rights in Chile? I understand that one or two cases have been prosecuted by the government. Are you confident that you are making progress here?"

Pinochet turned to the "the general." "There is one case? I am unaware of it." Then to Robb: "What are human rights? We have built 750,000 homes for Chileans. We have elevated the education, health, clothing, nutrition for our people. This is human rights." He went on. "You know, I am aware of outside criticisms. But we are indifferent to outside pressures. We had a study done by outside experts who told us that for $10 million we could improve our image abroad, stressing the positive things about our government. Ten million dollars! Do you realize how many houses can be built for $10 million? I would rather spend it here."

Robb asked if Pinochet would accept an international body to investigate the human rights situation. Pinochet: "they have been here. The most recent is the United Nations group that has been here for three years. Three years of investigation but there is nothing concrete. All they do is accent the bad; they never say anything about the good. Let me ask something. What about Mexico? Eh? The earthquake in Mexico unearthed graveyards of people who had been eliminated by their government. Yet the North Americans do nothing about it. You know even your ally during the second world war had a terrible record on human rights."

"And that is another thing. We have a free economy. We had a choice. We could have a government-dominated economy where every businessman, in effect, would be a soldier of the state." He held out an imaginary rifle. "Or we could have an unrestricted economy where people are subject to competition and free to choose. We have the second form. That is a human right. Stalin killed 10 million entrepreneurs."

Governor Robb shifted gears: "How would the President characterize Chile's relations with the United States?"

Pinochet shrugged and replied: "normal a baja (normal to low)." He went on "ever since the first day of independence, when your first envoy arrived, there have been problems..." He suggested that today there were communists in the U.S. government. Specifically, he singled out "Sol Linowitz, who talks like a democrat but thinks like a communist (he pointed to and tapped his head) and Mark Shneider (a Kennedy aide who was a State Department human rights specialist). And I cannot understand or get along with your Ambassador (Barnes)." He went on to say that he had learned about American Ambassadors when he read about Diem (in Vietnam), then muttered something (which I did not catch in Spanish nor in the English translation) about reading a book from page 63 onward.

Governor Robb said that he understood the problem of communism "but I want to make clear, Mr. President, that while maybe 3% of our population are communists, we would not characterize the people you referred to in that light."

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Pinochet backed off slightly. "You have 3%. In Chile, we have 33%. So my perspective is different. You know, there are even communists in my government — I am aware of it — though I haven't found them. But have you read Lenin's book on the U.S.? Have you read Gramschi (Italian Marxist author)? You should read them, especially Gramschi."

Governor Robb thanked the President for his time. He then asked me if I had any questions of Pinochet. I replied in the negative. Robb then repeated to President Pinochet his apologies for having a fever and expressed hope that he had not transmitted it to the President. We stood up. I pointed to the book on the coffee table and asked the President if this had been a gift from the Pope. The President guided me to his altar table. "Yes, and this too was a gift from the Holy Father." He pointed to the two large framed medallions and touched the Bible. I then asked "and Mr. President, did you discuss the theme of communism with the Holy Father?" "Yes," came the reply, then a pause and a smile, "I also discussed capitalism with him."

We walked to the door. Robb stopped and asked one last question: "Mr. President, who of the neighboring countries would you say is your closest ally?"

Pinochet stopped and thought. Then he said, "Peru is a disorganized mess. Brazil — disorganized. Uruguay has been infiltrated from below by the Tumpamaros. And Argentina..." He simply held out his arms and hands and crossed them back and forth without further comment.

Observations

Our visit to Chile was brief, only lasting one full day. Yet we covered a lot of ground. In addition to Pinochet we met separately with his Interior Minister (Sergio Fernandez, who designed the constitutional and plebiscite structure and is now preparing the plebiscite), Christian Democratic Party President Patricio Alwin and two lawyers from the Vicariate of Solidarity. We lunched collectively with Edgardo Boeninger (V.P. of the Christian Democrats), Heraldo Munoz (of the Socialist Party), Andres Allamand (V.P. of the rightist Renovacion Nacional), Efraiso Friedman (a politically liberal businessman formerly of the National Party) and Francisco Orrego (a thoughtful rightist who was formerly Ambassador to Britain and is now on the University of Chile Advisory Council). Separately Nancy and I had dinner with the Francisco Tomics (his father lost to Allende in the upset Presidential election of 1970), the Ignacio Walkers (he is a Princeton Ph.D. who is rapidly rising as an opposition political economist; she is Chile's counterpart to Joan Baez — the country's most prominent politically active folk singer and the producer of Chile's most popular children's television show) and Sebastian and _____ _____ (he is a markedly successful merchant banker who has also developed a popular t.v. show which discusses socio-political issues; she works as a family counsellor in the barrios of Santiago). Throughout the day, we were ably guided and tutored by U.S. Ambassador Barnes and his earnest and well informed political counsellor John Keane.

While our exposure was admittedly brief, it confirmed in my mind the validity of the analogy that posits that in the lead-up to the Chilean plebiscite, there are three elements: "solids," which are represented by the Pinochet government and the Communists and non-democratic Socialists; "liquids," personified by the Christian Democrats and the numerous center-right and center-left parties; and "gas," which is the entrepreneurial class.

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Despite his obsession with communism and his new-found religious fanaticism, Pinochet cannot be discussed as an opera buffo dictator. His Administration may, indeed, be an incarnation of the national personality suggested by the credo "Por La Rason o La Fuerza." His free market economic policies are entirely reasonable and, indeed, admirable. They work. Chile's entrepreneurial community is perhaps as efficient and productive as any in the Western World. Its economic infrastructure, from its subway system to its airlines to its shipping, mining, banking and manufacturing is certainly the most efficient in Latin America. Pinochet is correct in his assertion that Chile has not succumbed to the economic and social "disorganization" of Peru, Argentina, Uruguay, Mexico and Brazil.

A counterbalance to his use of reasonable economic measures is his employment of fuerza in the social sector. To be fair, one has to acknowledge that improvements in housing, declines in infant mortality and other social improvements, including the widely acknowledged clean up by Junta member Stange of the carabineros or uniformed police, represent significant accomplishments on the human rights front. And, indeed, one can argue intelligently that by contrast, the consequences of Brazil's economic decline represents a more pervasively devastating violation of human rights than Pinochet's repressive social policy. Nevertheless, there is no question that human rights as we value them are being systematically violated in Chile.

Interior Minister Fernandez told us point-blank that we were exaggerating the influence of television on the electoral process "the viewer ratings of news or political events is insignificantly low...television is for entertainment in Chile, shows like Dallas..." and, besides, "there is coverage of opposition news on the (non-state owned) channels (e.g. the Catholic University network)." Yet I interviewed the host of a Catholic station show who said he had to pre-submit tapes to government censors who repeatedly blacked out any hint of opposition discussion. And the creator of the widely popular Chilean equivalent of Sesame Street was suddenly removed from the air when she declined Mrs. Pinochet's invitation to appear with her at a September 11 celebration.

There is convincing evidence of repressive excess. Most glaring among them is the case of 19 year-old Rodrigo Rojas de Negri whom credible witnesses claim was doused with flammable liquid and set afire by an army patrol as he sought to attend an opposition rally in July of 1986. We heard a series of less dramatic but still frightful allegations from the Vicariate of Solidarity lawyers. While some appeared to be examples of individual rather than systematic excess, there is no question in my mind that Pinochet condones the use of force to guarantee "discipline" and "order". His justification for use of force is the threat of communism; he has a phobia of Marxist-Leninism. He sees it encroaching on Chile from abroad and from within. It is fair to say that as with all Chilean political forces, the domestic Communists and non-democratic Socialist forces are understandably threatening to Pinochet's vision of the future. The opposition does not appear to have succeeded in "domesticating" these forces; the Communists heartily embrace the slogan "destroy the dictatorship by any means necessary." They appear tempted to armed insurrection yet they prefer to gamble on the plebiscite as an action forcing event. Edgardo Boeninger and other opposition leaders posit that the Communists and extreme left Socialists are hopeful Pinochet prevails and may, indeed, be deliberately and clandestinely thwarting the opposition's efforts. We did not meet with any of the hard left but my impression is that like Pinochet, they too are "solids," unrelenting in their perspective and modus operandi.

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As to the "liquids," it is clear that the democratic opposition is sloshing about, seeking (at least to date) unsuccessfully to reach a stable state. The Christian Democrats want to personify the opposition with a specific candidate. Most frequently mentioned is Edwardo Frei, Jr. But the other opposition parties are resisting. They point out the obvious drawbacks. One is the tactical problem articulated vociferously by Heraldo Munoz of the Socialist Party: "the problem is that if you name someone specifically, it provides someone to attack...it is best to focus the energy on attacking Pinochet while keeping the opposition amorphous." Others are less theoretical; they point out that the problem is that there are just too many ambitious democrats and none wish to give another the advantage. And while Frei seems to be emerging as the leading choice if a choice can be made, Mrs. Walker, who claims to know him well, told me that "he does not have a burning desire to be president, and you have to want it badly to prevail."

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It is clear from our breakfast meeting with Patricio Alwin that the opposition is having financial problems with their campaign. He proudly points to the polls of urban areas which show Pinochet with only a 25-30% favorable rating. Yet he notes with dismay that 50% of the vote in Chile is rural and that Pinochet cleverly uses his appointive powers for alcaldes and other local office holders to buttress his campaign (and I learned from evangelist Congressman Daso Coimbra in Brazil, that Pinochet is directing "significant monies" into the Pentecostal churches in the barrios "which is greatly appreciated.") The opposition has been unable to raise significant monies internally to enable them to meet their goal of registering over 3.6 million presumably sympathetic voters.

It is here that the third element enters the analysis — the "gaseous" entrepreneurial class. The opposition desperately needs them, both symbolically as well as financially. But they seem to have disappeared into thin air. They have prospered under Pinochet. He leaves them alone and they have drawn on the Chilean work ethic to prosper beyond expectations in a free-enterprise environment. Pinochet reminds them all too often of the threat that had been imposed by Allende. And they are deeply concerned by the Christian Democrats' present economic platform. Small wonder that they have lost their enthusiasm for the democratic process.

One does not come away from Chile with a sense of optimism about the prospects for democracy. To be sure, it is not a closed case; there is much that can happen between now and next year, probably late summer, when the plebscite will be held. But my admittedly superficial impression is that there exists a very high probability Pinochet may well prevail at at least this step of the re-democratization process.

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FAIM (KNF365)

United States Department of State

Washington, D.C. 20520

P

B6

EXCISE

DECEMBER 11 1987

Dear Mr. Green:

This is in response to your inquiry concerning the arrest and imprisonment in Chile of Dr. Fanny Pollarolo, Dr. Alvaro Erazo and Dr. Eriberto Lira. Your inquiry was on behalf of your constituent [redacted].

These three doctors, who have all been released on bail, were charged with instigating support for the October 7th general strike in Chile. They were charged under a provision of the state security law that prohibits fomenting or inciting actions that may result in the impeding of free access to, or the destruction of, public property. Doctors Erazo and Lira were released within a few days of their arrest. Doctor Pollarolo was released on December 1st.

The United States Embassy in Santiago followed these cases and will monitor any future judicial actions related to them.

I hope this information is useful to you and your constituent. If we can be of further assistance, please do not hesitate to contact us.

With best wishes,

Sincerely,

Chile Project (#S199900030)
U.S. Department of State
Release_____ Excise X Deny_____
Declassify: In Part_____ In Full_____
Exemption(s) B6

J. Edward Fox
Assistant Secretary
Legislative Affairs

The Honorable
Bill Green,
House of Representatives.

FAIM/IAP/WI

DEC 15 PM 2:17

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FORWARDED BY
DEPARTMENT OF STATE

260

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Dr:EL:ARA/SC:WGr...
12/02/87 647-2296
SEARASC 879
ARA# 87-2755, FAIM# 1382081

Clearances:ARA/SC:RHopper
ARA/SC:PDeShazo
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EXCISE

KM304a

November 22, 1987

Chile Project (#S199900030)
U.S. Department of State
Release_____ Excise X Deny_____
Declassify: In Part_____ In Full_____
Exemption(s) B6

P B6

The Honorable Senator Riegle
SD 105
Washington, D.C. 20510

Dear Senator Riegle:

I am writing to express my concern about Dr. Ramiro Olivares, a 29-year old medical doctor working with the Vicaria de la Solidaridad, a human rights organization in Chile. He was arrested on December 12, 1986 as a result of professional services he gave in late April and early May, 1986, to an injured man. He is currently in prison in Chile.

I respectfully ask you to request the Ambassador of Chile, Hernan Errazuriz, to raise the case of Dr. Olivares with the Chilean authorities and request his immediate and unconditional release.

Thank you.

Sincerely:

[redacted]

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LAWTON CHILES
FLORIDA

COMMITTEES:
APPROPRIATIONS
BUDGET
GOVERNMENTAL AFFAIRS
SPECIAL COMMITTEE ON AGING
DEMOCRATIC STEERING COMMITTEE

Chile Project (#S19990003[illegible] United States Senate
U.S. Department of State
Release_____ Excise X Deny_____ December 11, 1987
Declassify: In Part_____ In Full_____
Exemption(s) b6

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b6

EXCISE

Mr. J. Edward Fox
Ass't. Sec., Leg.-Intergov. Affairs
Department of State
2201 C Street, NW
Washington, D.C. 20520

ACTION 09
is assigned to
ARA

Dear Mr. Fox:

I have recently received the enclosed correspondence regarding a matter involving your agency, and because of my desire to be responsive to all inquiries, I would appreciate having your comments and views.

Your early consideration of this matter will be appreciated. If convenient, I would like to have your reply in duplicate and to have the enclosure returned.

Please refer to Ramiro Olivares Sanhueza and Juan Macaya Martinez in your reply.

With kindest regards, I am

Most sincerely,

Lawton Chiles

LAWTON CHILES

LC/hg
Enclosure

RECEIVED BY DEPARTMENT OF STATE
1987 DEC 23 AM 11:42
FAIM/IAP/WI

Re: Complaints concerning the imprisonment of Juan Macaya Martinez and Ramiro Olivares Sanhueza in Chile

OUT

1987 DEC 23 AM 11:47

Fr: [redacted]

UNCLASSIFIED

REPLY TO: FEDERAL BUILDING, LAKELAND, FLORIDA 33801

262

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PAGE 01 USUN N 04366 01 OF 02 120132Z
ACTION IO-19

INFO	LOG-00	COPY-01	ADS-00	INR-10	EUR-00	SS-00	OIC-02
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	PM-10	EAP-00	PA-01	OMB-01	STR-17	SIL-01	INRE-00
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AMEMBASSY BUENOS AIRES
AMEMBASSY LIMA

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ✓
Exemption(s) ____

~~C O N F I D E N T I A L~~ SECTION 01 OF 02 USUN NEW YORK 04366

E.O. 12356: DECL: OADR
TAGS: UNGA, UNHRC, PHUM, CI, PREL, US
SUBJECT: 42ND UNGA: CHILEAN AMBASSADOR DISCUSSES
-- ADOPTION OF RESOLUTION ON CHILE

REF: A) USUN 4224, B) USUN 4203 (NOTAL)

1. C - ENTIRE TEXT.

2. SUMMARY: CHILEAN PERMREP DAZA MET MISSION LATIN AMERICAN AREA ADVISOR AMBASSADOR PIEDRA ON DECEMBER 2 DAZA EXPRESSED DISAPPOINTMENT WITH U.S. MOVE TO ABSTENTION ON THE RESOLUTION ON THE SITUATION OF HUMAN RIGHTS IN CHILE, POINTING OUT THAT CHILE HAS CONSISTENTLY BEEN THE STRONGEST SUPPORTER OF THE U.S. IN THE UN. DAZA SAID CHILE IS IN THE PROCESS OF HEADING FOR DEMOCRACY AND
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~~CONFIDENTIAL~~

PAGE 02 USUN N 04366 01 OF 02 120132Z

ESTABLISHING A MODERN ECONOMY. DAZA FEARED THAT THE U.S. WAS LOSING INFLUENCE IN LATIN AMERICA. END SUMMARY.

3. CHILEAN PERMANENT REPRESENTATIVE PEDRO DAZA MET U.S. MISSION LATIN AMERICAN AREA ADVISOR AMBASSADOR ALBERTO PIEDRA ON DECEMBER 2 FOR A LENGTHY DISCUSSION OF THE U.S.

ABSTENTION ON THE RESOLUTION ON HUMAN RIGHTS IN CHILE, CHILE'S INTERNAL POLITICAL AND ECONOMIC DEVELOPMENT, AND U.S - CHILE AND U.S. - LATIN AMERICA RELATIONS.

4. HUMAN RIGHTS AND THE CHILEAN POLITICAL PROCESS: DAZA EXPRESSED HIS DISAPPOINTMENT WITH THE U.S. MOVE FROM A NEGATIVE VOTE TO AN ABSTENTION ON MEXICO'S RESOLUTION ON THE SITUATION OF HUMAN RIGHTS IN CHILE (REF A). HE SAID HIS GOVERNMENT COULD NOT UNDERSTAND WHY THE U.S. HAD NOT VOTED AGAINST THE RESOLUTION AS IT HAD IN PREVIOUS YEARS. DAZA DISCOUNTED THE U.S. CLAIM THAT THE TEXT OF THE RESOLUTION THIS YEAR WAS SOMEWHAT BETTER THAN THAT PUT FORTH PREVIOUSLY. HE SAID THE RESOLUTION WAS WORSE; IT DID NOT ACKNOWLEDGE THE FULL COOPERATION THE GOC HAD EXTENDED SPECIAL RAPPOUTEUR VOLIO. DAZA SAID THE RESOLUTION DID NOT REFLECT VOLIO'S REPORT WHICH HAD MENTIONED CHILE'S PROGRESS IN THE FIELD OF HUMAN RIGHTS.

5. DAZA OPENLY ACKNOWLEDGED THAT CHILE HAD MADE MISTAKES IN THE FIELD OF HUMAN RIGHTS, BUT ASSERTED THAT THE GOVERNMENT WAS ATTEMPTING TO RECTIFY THOSE ERRORS EVEN THOUGH THE INTERNATIONAL COMMUNITY DID NOT SEEM WILLING TO LISTEN TO THE GOC'S PLEAS FOR PATIENCE AND UNDERSTANDING. HE SAID CHILE WAS DEFINETLY MOVING TOWARD DEMOCRACY AND WOULD HOLD FREE ELECTIONS -- THEY WOULD BE GENUINE ELECTIONS NOT MEXICAN - STYLE ELECTIONS. DAZA SAID IT WAS PARTICULARLY IRONIC THAT AMONG THE SPONSORS ~~CONFIDENTIAL~~

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PAGE 03 USUN N 04366 01 OF 02 120132Z

OF THE RESOLUTION ON CHILE WERE COUNTRIES WITH SEVERELY FLAWED HUMAN RIGHTS RECORDS. HE WONDERED HOW A COUNTRY SUCH AS CUBA THAT HAD A LONG RECORD OF SERIOUS HUMAN RIGHTS VIOLATIONS COULD CO-SPONSOR A RESOLUTION ON HUMAN RIGHTS IN CHILE.

6. CHILE'S ECONOMY: DAZA TOLD PIEDRA THAT THE GOC'S ECONOMIC POLICY HAS BEEN A SUCCESS AND THAT IT FOLLOWED PRINCIPLES SUPPORTED AND PROMOTED BY THE REAGAN ADMINISTRATION. CHILE HAD MADE TREMENDOUS PROGRESS IN THE ECONOMIC SPHERE THAT WERE HARDLY EVER ACKNOWLEDGED IN CERTAIN INTERNATIONAL FORUMS. THE STATISTICS, HE SAID, SHOWED THAT SOUND GOC ECONOMIC POLICIES HAD BENEFITED ALL SECTORS OF CHILEAN SOCIETY. CHILE'S INTERNATIONAL DEBT HAD DIMINSIHED SUBSTANTIALLY AND SAVINGS AND INVESTMENTS WERE GROWING.

7. HE CONTRASTED CHILE'S ECONOMIC PERFORMANCE WITH THAT OF MOST OF THE REST OF LATIN AMERICA. THE DEBT BURDEN OF

OTHER LATIN COUNTRIES WAS MOUNTING. LATIN DEMOCRACIES, DESPITE HAVING RECEIVED LARGE AMOUNTS OF AID, WERE HAVING TREMENDOUS ECONOMIC DIFFICULTIES, SUCH AS HIGH RATES OF INFLATION AND UNEMPLOYMENT, AND WERE MAKING VERY LITTLE PROGRESS IN THE SOCIAL SPHERE. DAZA SAID THAT THIS POOR SOCIO-ECONOMIC PERFORMANCE DID NOT BODE WELL FOR DEMOCRACY IN LATIN AMERICA.

8. U.S. - CHILE RELATIONS: DAZA SPOKE VERY HIGHLY OF THE UNITED STATES SAYING IT WAS A COUNTRY TO BE ADMIRED AND IMITATED. HE EXPRESSED CONCERN ABOUT A NEGATIVE REACTION FROM THE CHILEAN PEOPLE OVER THE APPARENT CHANGE IN U.S. POLICY TOWARDS CHILE. HE SAID THAT THE U.S. SHOULD NOT BE MISLED BY PRESS REPORTS CLAIMING THAT THE MAJORITY OF CHILEANS OPPOSED PINOCHET. THE CHILEAN PEOPLE RECOGNIZED WHAT THE PINOCHET GOVERNMENT HAD ACCOMPLISHED IN SOCIAL AND ECONOMIC AREAS. THE ARMED
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PAGE 04 USUN N 04366 01 OF 02 120132Z

FORCES, INITIALLY WELL DISPOSED TO THE U.S., HAS BECOME

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PAGE 01 USUN N 04366 02 OF 02 120132Z
ACTION IO-19

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INFO USMISSION GENEVA
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AMEMBASSY SAN JOSE
AMEMBASSY SANTIAGO
AMEMBASSY BUENOS AIRES
AMEMBASSY LIMA

CONFIDENTIAL SECTION 02 OF 02 USUN NEW YORK 04366

E.O. 12356: DECL: OADR
TAGS: UNGA, UNHRC, PHUM, CI, PREL, US
SUBJECT: 42ND UNGA: CHILEAN AMBASSADOR DISCUSSES

DISAPPOINTED WITH THE U.S. THE YOUNGER OFFICERS, WHO HAVE NOT HAD EXTENSIVE CONTACT WITH THE U.S., WERE BECOMING ANTI-AMERICAN, A PROCESS POSING DANGER TO THE FUTURE OF U.S. - CHILE RELATIONS.

9. U.S. - LATIN AMERICAN RELATIONS: DAZA STRESSED HIS OPINION THAT THE U.S. WAS LOSING INFLUENCE IN LATIN AMERICA. HE REMINDED PIEDRA THAT LATIN AMERICAN DEMOCRACIES OFTEN ADOPTED ATTITUDES UNFRIENDLY TO THE U.S.: "JUST LOOK AT THEIR VOTING RECORDS. HE SPECULATED THAT IF GABRIEL VALDES HELD POWER IN CHILE TODAY, THE GOC WOULD OPPOSE THE U.S. IN A NUMBER OF FORA. HE WOULD ALSO ~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 02 USUN N 04366 02 OF 02 120132Z

PROBABLY SUPPORT THE REINCORPORATION OF CUBA INTO THE OAS.

10. DAZA BROUGHT UP THE CASE OF HAITI AS A CLASSIC EXAMPLE OF HOW COUNTERPRODUCTIVE IT IS TO TRY TO FORCE DEMOCRACY ON A COUNTRY NOT PREPARED FOR IT. ACCORDING TO DAZA, YOU MUST CAREFULLY PREPARE THE GROUND FOR DEMOCRACY, OTHERWISE ONLY DISAPPOINTMENT AND FRUSTRATION WILL FOLLOW. WALTERS

~~CONFIDENTIAL~~

NNNN

~~SECRET~~

PAGE 01 SANTIA 09581 141756Z
ACTION L-03

INFO LOG-00 COPY-01 ADS-00 ARA-00 HA-09 /013 W
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FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 4357

~~S E C R E T~~ SANTIAGO 09581

FOR L AND ARA

E. O. 12356: DECL: OADR
TAGS: PTER, PHUM, CI
SUBJ: ESPOUSAL OF LETELIER FAMILY CLAIMS
- AGAINST GOC

REF: STATE 376901

1. SECRET - ENTIRE TEXT.
-
2. DCM MET WITH ETCHEBERRY 1730 DECEMBER 9. JUAN PABLO LETELIER OUT OF TOWN UNTIL DEC. 18 OR 20.
-
3. ETCHEBERRY SAID SEVERAL OF THE QUESTIONS POSED IN PARA 10 REFTEL REQUIRED FURTHER STUDY AND THOUGHT, AND HE WOULD SEND US A MEMORANDUM IN REPLY. HE GAVE US, HOWEVER, FOLLOWING PRELIMINARY REACTIONS (IN SAME ORDER AS THE FIVE QUESTIONS):
-
-- HE IS SURE THEY HAVE NOT, BECAUSE UNDER CHILEAN LAW, IN ORDER TO DO SO, SOMEONE MUST FIRST BE "ENCARGADO REO," AND THIS HAS NOT HAPPENED IN THE "PASSPORTS" CASE.
-
-- AS JUST EXPLAINED, THEY CANNOT, UNTIL THERE IS

~~SECRET~~
UNCLASSIFIED
~~SECRET~~

PAGE 02 SANTIA 09581 141756Z

AN INDICTMENT AGAINST SOMEONE, OR, IN THE CASE OF ADMINISTRATIVE REMEDIES, UNTIL THERE IS A VOLUNTARY DECISION BY THE EXECUTIVE TO GRANT SUCH REMEDY.
-
-- YES, PASSPORT CASE COULD BE USED, IF ANYONE IS

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part X In Full ____
Exemption(s) B1

EVER INDICTED IN IT.

-- THIS POINT - POSSIBILITY OF ENFORCING U.S. COURT JUDGMENT IN CHILE, IS THE ONE ETCHEBERRY WANTS TO THINK ABOUT FURTHER. HE IS CERTAIN THAT ANY EFFORT TO ENFORCE JUDGMENT AGAINST GOC WOULD BE REJECTED BY CHILEAN COURTS ON JURISDICTIONAL GROUNDS, BUT HE THINKS IT IS POSSIBLE THAT LETELIER FAMILY COULD BRING ACTION AGAINST CONTRERAS AND ESPINOZA AS INDIVIDUALS, INDIVIDUALS WHO HAVE BEEN INDICTED IN U.S. COURTS.

-- WE ASSUME THAT THE LAST QUESTION REFERS TO A POSSIBLE PURSUIT OF CIVIL REMEDIES IN THE CHILEAN COURTS BY THE LETELIER FAMILY, AND NOT TO THE USG'S DIPLOMATIC ESPOUSAL OF THE LETELIER CLAIM. ONE MIGHT ARGUE, IN THE SUPPOSITION THAT THINGS GOT AS FAR AS AN INDICTMENT, THAT GOC MIGHT PREFER CIVIL REMEDIES RATHER THAN PRISON TERMS FOR ITS EX-AGENTS. ON THE OTHER HAND, A FINANCIAL PAYMENT TO THE FAMILY WOULD BE SEEN AS AN ADMISSION OF THE GOC'S RESPONSIBILITY FOR THE ACTIONS OF CONTRERAS AND ESPINOZA, AND CURRENT GOC IS CLEARLY MOST UNWILLING TO MAKE ANY SUCH ADMISSION.

4. WITH REGARD TO JORGE BALMACEDA MORALES: ETCHEBERRY SAYS HE WAS ESPINOZA'S ATTORNEY DURING

SECRET
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SECRET

THE 1978 EXTRADITION PROCEEDINGS, AND LATER WAS BUESO ROSA'S ATTORNEY. HE HAS BEEN AN EMPLOYEE OF THE MINISTRY OF EDUCATION SINCE 1963 AND ITS CHIEF LEGAL ADVISOR SINCE 1977.

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EXCISE UNCLASSIFIED SECRET

Case Number: S1999000030

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P B1

PAGE 01 SANTIA 09581 141756Z
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TO SECSTATE WASHDC PRIORITY 4357

~~S E C R E T~~ SANTIAGO 09581

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part X In Full ____
Exemption(s) B1

FOR L AND ARA

E. O. 12356: DECL: OADR
TAGS: PTER, PHUM, CI
SUBJ: ESPOUSAL OF LETELIER FAMILY CLAIMS
- AGAINST GOC

REF: STATE 376901

1. ~~SECRET~~ - ENTIRE TEXT.
-
2. DCM MET WITH ETCHEBERRY 1730 DECEMBER 9. JUAN PABLO LETELIER OUT OF TOWN UNTIL DEC. 18 OR 20.
-
3. ETCHEBERRY SAID SEVERAL OF THE QUESTIONS POSED IN PARA 10 REFTEL REQUIRED FURTHER STUDY AND THOUGHT, AND HE WOULD SEND US A MEMORANDUM IN REPLY. HE GAVE US, HOWEVER, FOLLOWING PRELIMINARY REACTIONS (IN SAME ORDER AS THE FIVE QUESTIONS):
-
-- HE IS SURE THEY HAVE NOT, BECAUSE UNDER CHILEAN LAW, IN ORDER TO DO SO, SOMEONE MUST FIRST BE "ENCARGADO REO," AND THIS HAS NOT HAPPENED IN THE "PASSPORTS" CASE.
-
-- AS JUST EXPLAINED, THEY CANNOT, UNTIL THERE IS

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PAGE 02 SANTIA 09581 141756Z

AN INDICTMENT AGAINST SOMEONE, OR, IN THE CASE OF ADMINISTRATIVE REMEDIES, UNTIL THERE IS A VOLUNTARY DECISION BY THE EXECUTIVE TO GRANT SUCH REMEDY.
-
-- YES, PASSPORT CASE COULD BE USED, IF ANYONE IS

UNCLASSIFIED SECRET

EVER INDICTED IN IT.

-- THIS POINT - POSSIBILITY OF ENFORCING U.S. COURT JUDGMENT IN CHILE, IS THE ONE ETCHEBERRY WANTS TO THINK ABOUT FURTHER. HE IS CERTAIN THAT ANY EFFORT TO ENFORCE JUDGMENT AGAINST GOC WOULD BE REJECTED BY CHILEAN COURTS ON JURISDICTIONAL GROUNDS, BUT HE THINKS IT IS POSSIBLE THAT LETELIER FAMILY COULD BRING ACTION AGAINST CONTRERAS AND ESPINOZA AS INDIVIDUALS, INDIVIDUALS WHO HAVE BEEN INDICTED IN U.S. COURTS.

-- WE ASSUME THAT THE LAST QUESTION REFERS TO A POSSIBLE PURSUIT OF CIVIL REMEDIES IN THE CHILEAN COURTS BY THE LETELIER FAMILY, AND NOT TO THE USG'S DIPLOMATIC ESPOUSAL OF THE LETELIER CLAIM. ONE MIGHT ARGUE, IN THE SUPPOSITION THAT THINGS GOT AS FAR AS AN INDICTMENT, THAT GOC MIGHT PREFER CIVIL REMEDIES RATHER THAN PRISON TERMS FOR ITS EX-AGENTS. ON THE OTHER HAND, A FINANCIAL PAYMENT TO THE FAMILY WOULD BE SEEN AS AN ADMISSION OF THE GOC'S RESPONSIBILITY FOR THE ACTIONS OF CONTRERAS AND ESPINOZA, AND CURRENT GOC IS CLEARLY MOST UNWILLING TO MAKE ANY SUCH ADMISSION.

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THE 1978 EXTRADITION PROCEEDINGS, AND LATER WAS BUESO ROSA'S ATTORNEY. HE HAS BEEN AN EMPLOYEE OF THE MINISTRY OF EDUCATION SINCE 1963 AND ITS CHIEF LEGAL ADVISOR SINCE 1977. HE HAS LITTLE EXPERIENCE AS A TRIAL LAWYER, [redacted] B1

BARNES

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LB057 12-22-87

United States Department of State

Washington, D.C. 20520

(R)

December 22, 1987

TO: L: Mike Kozak

THROUGH: L/CID: Ron Bettauer RWB

FROM: L/CID: Sean Murphy SOM

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____

SUBJECT: The Effect on a Pre-existing U.S. Court Judgment When the United States Espouses a Claim for Injury to a U.S. National By A Foreign State

Issue Presented:

When an injury is caused by a foreign State to a U.S. national, the United States can choose to espouse the claim of the U.S. national as an injury to the United States. This Memorandum addresses the question of whether espousal affects a pre-existing, unsatisfied judgment by a U.S. court in favor of the U.S. national on the same issue as the espoused claim.

Conclusion:

Although there are no cases directly on point, it appears that, as a matter of U.S. and international law, espousal of a national's claim extinguishes a prior court judgment if the claim is settled. If the claim is not settled, a prior court judgment against a foreign State may be extinguished, but probably is not extinguisned if the U.S. Government expressly states that the espousal is not intended to have that effect.

Discussion:

When a U.S. national has been injured by a foreign State, he must exhaust remedies available in that State's municipal legal system. Once this is done, if the foreign State's actions constitute a violation of international law, the U.S. Government may present the claim internationally. A claim is "espoused" when the Executive Branch of the U.S. Government, usually through diplomatic channels, makes the private claim the subject of a formal claim for reparation to be paid to the United States by the Government of the State responsible for the injury. See Restatement (Second) of Foreign Relations Law § 211, Comment b (1965). The decision to espouse is wholly within the discretion of the Executive and is not subject to judicial review. See, e.g., United States ex rel. Keefe v. Dulles, 222 F.2d 390 (D.C. Cir. 1954).

When a claim is espoused by the Executive, the U.S. national's claim is considered, under both U.S. law and

international law, to become the U.S. Government's own claim. M. Whiteman, Digest of International Law 1217-1222 (1967). This explains the Executive's ability not only to settle the claim without the consent of the injured party, but to compromise or waive it altogether as well. Restatement (Second) of Foreign Relations Law §§ 205, 213 (1965). Further, once the claim is settled, the Executive can dispose of the proceeds at its own discretion. La Abra Silver Mining Co. v. United States, 175 U.S. 423 (1897) (regarding disposition of proceeds paid by Mexico to the United States pursuant to the Claims Convention of 1868). The only apparent limit on the Executive may be where a defendant foreign State acknowledges the validity of the U.S. national's claim and indicates an intention to pay it, but the Executive barters the claim away for some other public purpose. In that case, the claim against the foreign State is extinguished, but the U.S. national may have a cause of action against the U.S. Government. See Gray v. United States, 21 Ct. Cl. 340 (1866) (French Spoilation Case) (U.S. bartering away a claim acknowledged as valid is a fifth amendment taking of private property); see also Seery v. United States, 127 F. Supp. 601 (Ct. Cl. 1955); Turney v. United States, 115 F. Supp. 457 (Ct. Cl. 1953).

Once the espoused claim is settled, the U.S. national's private claim is extinguished. Henkin states that "Except as an agreement might provide otherwise, international claims settlements generally wipe out the underlying private debt, terminating any recourse under domestic law as well." L. Henkin, Foreign Affairs and the Constitution 262 (1979). Consequently settlement of an espoused claim should extinguish the ability to enforce any pre-existing court judgment or arbitral award against the foreign Government on that claim.

Prior to the time when the claim is actually settled, the private claim appears to be suspended. In Dames and Moore v. Regan, 453 U.S. 654 (1981), the Supreme Court found that the Executive had the power, in the resolution of a major foreign policy dispute, to suspend litigation in U.S. courts on claims which are subject to the jurisdiction of an international tribunal established pursuant to an executive agreement not disapproved by Congress. The Executive order which suspended these claims provided that the suspension of a claim terminates if the Claims Tribunal determines that it has no jurisdiction over the claim. This suspension resulted in the nullification of all judgments obtained by U.S. nationals against Iran and in the prohibition on any further litigation based on such claims.

In the Meade Case, 76 U.S. 691 (1869), U.S. national Meade was a creditor of Spain who submitted his claim to the U.S. Government for espousal. When Spain failed to ratify a treaty for settlement of outstanding claims against Spain by U.S. nationals, Meade pursued his claim before a special Spanish

Commission and obtained an award of $373,879.88. The Settlement Treaty, however, was then ratified and went into effect, whereby the United States renounced all claims of U.S. nationals against Spain in exchange for a lump-sum payment to the United States. Meade's claim fit within the Settlement Treaty but for technical reasons he was unable to file a claim with the U.S. Government under the procedures set up to disburse the lump sum. Consequently Meade tried to sue the United States for payment on the award he had received from the Spanish Commission. The Supreme Court found that (1) the United States had validly renounced Meade's claim when it had negotiated the Settlement Treaty; (2) Meade's request for diplomatic protection could not be revoked even during the time when the U.S.-Spain negotiations had stalled; and (3) the United States had assumed no liability for the subsequent Spanish award.

Where the espoused claim is never settled, the private claim arguably still has been "merged" into the public demand of the Government and thereby has been extinguished. Note, "The Nature and Extent of Executive Power to Espouse the International Claims of United States Nationals," 7 Vanderbilt J. Transnat'l L. 94 at 105, 124 (1973). This view comports with the extensive power of the Executive to control the claim once espoused. It does not preclude the Executive from asserting that the espousal is not intended to affect any prior court judgment unless a claims settlement agreement is actually reached. Indeed, the seemingly absolute control of the Executive over the conditions under which it espouses and settles the claim suggests that the Executive can condition the degree to which the national is deprived of the private cause of action against the foreign State. Both Professor Richard Lillich and Professor Stefan Reisenfeld stated in telephone conversations to me that, in their views, unless a settlement of the claim occurred, a prior court judgment would remain effective, especially if the formal espousal stated expressly that prejudice to the judgment was unintended from the mere act of espousal.

The status of a U.S. national's espoused claim could alternatively be viewed as akin to an assignment of the claim to the Government from the national for a period of time; in that case the claim could revert to the national in certain circumstances. The Harvard Draft Convention on the International Responsibility of States for Injuries to Aliens, 55 A.J.I.L. 548 (1961) states in Article 23(1) that "If a claim is presented both by a claimant and by the State of which he is a national, the right of the claimant to present or maintain his claim shall be suspended while redress is being sought by the State." In the explanatory note to Article 23(1) the Drafters state that the espoused claim is still fundamentally a claim of the national, though once espoused the national's control over his claim is greatly diminished. Espousal suspends the right of the national to maintain his claim, but if the State allows the

matter to lapse through inaction, then the right of the national to present his claim "revives." The Drafters concluded that:

> If a State desires to cut off the right of the individual to maintain the claim, it may do so through a waiver, compromise, or settlement ... or by express action by the State forbidding its national to press the claim further. To permit the individual's rights to be cut off by "espousal" of the claim followed by inaction by the State would be inconsistent with the salutary requirements of formality, publicity, and deliberation which flow from the requirement that an actual waiver of an individual's claim be effected only through the medium of an international agreement.

On this theory, it would also seem that where the Executive actively relinquishes the claim, the claim should revert back to the national. It should be noted that the Harvard Draft Convention is an unofficial document prepared under the auspices of the Harvard Law School and in some respects engages in progressive development rather than just codification of the rules of international law. Further, as described above in the Meade case, a period of inaction does not result in revival of the private claim if the Executive does eventually settle the claim.

cc. Ms. Verville, L
Ms. Reed, L/ARA
Ms. Darm, L/ARA

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12-22-87 JV0165

Case Number: S1999000030

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PAGE 01 SANTIA 09798 01 OF 03 222111Z
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TO SECSTATE WASHDC 4504

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DECAPTIONED

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ✓
Exemption(s) ____

E.O. 12356: DECL: OADR
TAGS: PREL, PGOV, CI, US
SUBJECT: VISIT OF FORMER GOVERNOR CHARLES ROBB, DECEMBER 10-11

REFS: (A) STATE 373059; (B) SANTIAGO 9652

1. ~~CONFIDENTIAL~~ - ENTIRE TEXT.

2. SUMMARY: CHARLES ROBB WAS ONE OF FEW AMERICAN DEMOCRATIC PARTY FIGURES TO BE RECEIVED BY PRESIDENT PINOCHET IN THE LAST FEW YEARS. PINOCHET WAS CORDIAL AND LOQUACIOUS, OFFERING ROBB HIS WELL-KNOWN VIEWS ON U.S. WEAKNESS IN THE FACE OF COMMUNISM. THE PRESIDENT DENIED THE EXISTENCE OF HUMAN RIGHTS VIOLATIONS IN CHILE AND CHARACTERIZED RELATIONS WITH THE U.S. AS DIFFICULT ALWAYS. PINOCHET AFFIRMED THAT HIS VITALITY AND ENERGY ARE THE WORK OF GOD, INFERRING THAT HE HAS A DIVINE MISSION. IT IS UNCONSTITUTIONAL FOR PINOCHET TO RUN IN A COMPETITIVE ELECTION IF THE JUNTA DOES NOT DESIGNATE HIM CANDIDATE FOR THE PLEBISCITE, HE NOTED. MINISTER OF INTERIOR SERGIO FERNANDEZ SAID FOREIGN OBSERVERS WOULD
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PAGE 02 SANTIA 09798 01 OF 03 222111Z

GET NO SPECIAL TREATMENT DURING THE PLEBISCITE AND HE DOWNPLAYED THE IMPORTANCE OF OPPOSITION ACCESS TO TELEVISION. IN A MEETING WITH REPRESENTATIVES OF THE CATHOLIC CHURCH'S HUMAN RIGHTS ORGANIZATION, THE VICARIATE OF SOLIDARITY, ROBB CONCENTRATED ON THE FAILURE OF THE JUDICIAL

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SYSTEM, DISAPPEARANCES AND HARASSMENT OF HUMAN RIGHTS LEADERS. A RANGE OF POLITICAL THINKERS OFFERED ROBB SHARPLY CONTRASTING VIEWS ON THE LIKELIHOOD OF A FAIR PLEBISCITE AND THE STRATEGY OF THE OPPOSITION. END SUMMARY.

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MEETING WITH PINOCHET

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3. GOVERNOR ROBB SHOWEDIMPRESSIVE GRIT IN FOLLOWING THROUGH ON AN INTENSE PROGRAM OF MEETINGS DESPITE ANILLNESS INVOLVING HIGH FEVER AND QUAKING CHILLS DURING HIS 36 HOUR VISIT. IN THE MEETING HE AND ASSISTANT RICHARD FISHER HAD WITH PINOCHET, ROBB CLEVERLY MENTIONED HIS LONG MILITARY BACKGROUND. THE PRESIDENT WAS APPARENTLY ALSO IMPRESSED BY ROBB'S OPEN-MINDED APPROACH, HIS STATEMENT THAT HE CAME TO CHILE TO LEARN, AND HIS MENTION OF THE CONCERN HE SHARES WITH PINOCHET ABOUT COMMUNISM AND TERRORISM. WARMING UP, PINOCHET LAUNCHED INTO A LONG FAMILIAR DISCOURSE ON THE SCOURGE OF COMMUNISM AND ITS THREAT TO ALLEGEDLY DEBILITATED WESTERN DEMOCRACIES. PINOCHET SAID HE IS PARTICULARLY CONCERNED BY COMMUNIST INFILTRATION OF THE U.S. BECAUSE OF AMERICAN RESPONSIBILITIES IN THE

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PAGE 03 SANTIA 09798 01 OF 03 222111Z

WORLD. HE CITED COMMUNIST INROADS IN THE U.S. SENATE (SIC), THE PRESS, AND AMONG VERY INFLUENTIAL AMERICANS. HE ACCUSED BY NAME ROBB'S FRIEND SOL LINOWITZ AND SENATOR KENNEDY'S STAFFER MARK SCHNEIDER OF BEING COMMUNISTS. BUT HE ALSO EMPHASIZED THAT THE COMMUNISTS ARE MORE OF A THREAT TO CHILE THAN TO THE U.S. BECAUSE ONE THIRD OF CHILEANS VOTE FOR COMMUNISTS (FYI: PINOCHET MAKES NO DISTINCTION BETWEEN SOCIALISTS AND COMMUNISTS. END FYI).

-

4. IN RESPONSE TO A QUESTION FROM ROBB, PINOCHET SAID THAT RELATIONS WITH THE U.S. HAVE BEEN DIFFICULT SINCE INDEPENDENCE AND ARE LIKELY TO REMAIN THAT WAY. HE SAID THEY ARE NOW "NORMAL TO POOR", AND CRITICIZED THE AMBASSADOR STRONGLY, A MAN WHOM PINOCHET SAID HE "COULD NOT UNDERSTAND OR DEAL WITH". HE BRUSHED OFF CRITICISM FROM ABROAD WITH THE

COMMENT THAT CHILE HAS BEEN FIGHTING FOREIGNERS FOR 400 YEARS SUCCESSFULLY AND WILL CONTINUE TO DO SO. "CHILE CAN STAND ALONE." AT VARIOUS MOMENTS THE GENERAL LAMBASTED MEXICO AND THE MEXICANS, A COUNTRY AND A PEOPLE FOR WHOM HE OBVIOUSLY HAS GREAT DISDAIN.

5. WHEN ROBB ASKED WHAT HE WAS GOING TO END HUMAN RIGHTS VIOLATIONS, PINOCHET DENIED THEIR EXISTENCE AND TRIED TO FOCUS THE CONVERSATION

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PAGE 01 SANTIA 09798 02 OF 03 222112Z
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~~C O N F I D E N T I A~~ L SECTION 02 OF 03 SANTIAGO 09798

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E.O. 12356: DECL: OADR
TAGS: PREL, PGOV, CI, US
SUBJECT: VISIT OF FORMER GOVERNOR CHARLES ROBB,

ON THE WORK HIS GOVERNMENT IS DOING TO IMPROVE THE STANDARDS OF LIVING OF THE POOR. AGAIN HE ATTACKED MEXICO, NOTING THAT THE EARTHQUAKE IN THAT COUNTRY REVEALED THAT THE MEXICAN AUTHORITIES HAD BEEN MURDERING PEOPLE IN PRISON. THE U.S.G. NEVER UTTERED A PEEP, WHICH IS A DOUBLE STANDARD THAT IRKS HIM. EVEN SO, HE NOTED THAT HE ALLOWS VOLIO AND OTHER HUMAN RIGHTS "INVESTIGATORS" TO PROWL AROUND CHILE, "BUT THEY CANNOT FIND ANY VIOLATIONS TO REPORT." WHEN ROBB COUNTERED THAT HE HAS HEARD THAT ONLY ONE OR TWO CASES OF HUMAN RIGHTS CRIMES BY SECURITY FORCE PERSONNEL HAD BEEN PROSECUTED, PINOCHET SHOT BACK. "WAS THERE ONE CASE?" HE SAID, IN AN ANGRY TONE, CLEARLY UPSET THAT THERE MIGHT HAVE BEEN A SINGLE PROSECUTION.

6. ROBB COMMENTED TO PINOCHET THAT HE APPEARED STRONG BUT AGING. PINOCHET REPLIED "I AM VERY STRONG. I HAVE MUCH VITALITY, ENERGY....AND
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PAGE 02 SANTIA 09798 02 OF 03 222112Z

IT COMES FROM GOD" AS HE POINTED TO A CRUCIFIX AND THE BIBLE WHICH WERE NEARBY. GOD, HE REITERATED, GIVES HIM ENERGY TO ACCOMPLISH WHAT HE MUST, INFERRING THAT HE HAS A DIVINE MISSION.

7. TURNING TO THE POLITICAL PROCESS, ROBB ASKED IF PINOCHET WOULD RUN AS A CIVILIAN IN A COMPETITIVE ELECTION IF HE WERE NOT SELECTED AS THE JUNTA CANDIDATE FOR THE PLEBISCITE. PINOCHET SAID FLATLY HE COULD NOT RUN UNDER THOSE CIRCUMSTNACES. IT WOULD BE UNCONSTITUTIONAL (FERNANDEZ ELABORATED ON THIS POINT LATER, DISCUSSED BELOW). THEN PINOCHET ENERGETICALLY INSISTED THAT HE IS CIVILIAN: "LIKE DWIGHT EISENHOWER, I AM HOLDING THE HIGHEST CIVILIAN OFFICE". ON THE CHANCES OF THE JUNTA'S CANDIDATE BOMBING IN THE PLEBISCITE, PINOCHET REPLIED THAT A "MILITARY OFFICER NEVER ENTERS A WAR HE THINKS HE COULD LOSE". FINALLY, PINOCHET SAID, REFERRING TO THE FUTURE: "WHEN I AM PRESIDENT"....(THEN CORRECTED HIMSELF "IF I AM PRESIDENT....(HE WAS AT THIS POINT INTERRUPTED BY A GENERAL SITTING WITH THE GROUP, PROBABLY THE MINISTER SECRETARY GENERAL OF THE PRESIDENCY GENERAL SERGIO VALENZUELA, WHO SAID "THERE IS NO DOUBT YOU WILL BE PRESIDENT, MI GENERAL"). PINOCHET CONTINUED: "I WILL BE A CIVILIAN PRESIDENT WITH A CIVILIAN CABINET." (NOTE: THE FOREGOING ACCOUNT OF THE MEETING WAS PROVIDED BY RICHARD FISHER. END NOTE).

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PAGE 03 SANTIA 09798 02 OF 03 222112Z

MEETING WITH MINISTER OF INTERIOR SERGIO FERNANDEZ

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8. FERNANDEZ REPEATED THE POINT WHICH PINOCHET HAD MENTIONED ABOUT THE PRESIDENT NOT BEING ABLE TO RUN AS A CANDIDATE IN AN OPEN ELECTION IN 1989 FOLLOWING A MAJORITY "NO" VOTE IN THE PLEBISCITE. THIS IS A REFERENCE TO ARTICLE 25 OF THE PERMANENT ARTICLES OF THE CONSTITUTION WHICH PROHIBIT THE "RE-ELECTION" OF THE PRESIDENT. APPARENTLY ARTICLE 27 OF THE TRANSITORY PROVISIONS (WHICH PERMITS PINOCHET TO RUN IN A PLEBISCITE) DOES NOT EXEMPT HIM FROM INELIGIBILITY TO RUN IN A COMPETITIVE ELECTION.

9. FERNANDEZ CLAIMED THAT ALL PRECAUTIONS WOULD BE TAKEN TO ENSURE A FRAUD-PROOF PLEBISCITE. HE RESPONDED TO ROBB'S QUESTIONS ABOUT OBSERVERS BY SAYING THAT ANYONE WHO WANTED COULD WATCH THE VOTE COUNTING (IN ADDITION TO THE POLITICAL PARTY REPRESENTATIVES), AND THAT WOULD INCLUDE FOREIGNERS. BUT THERE WOULD BE NO SPECIAL STATUS ACCORDED TO OBSERVERS FROM ABROAD. THE AMBASSADOR, WHO ATTENDED THE MEETING, TOOK THIS TO MEAN THAT FOREIGN DELEGATIONS WOULD GET NO SPECIAL TREATMENT OR FACILITIES AND WILL NOT HAVE UNIQUE PRIVILEGES TO APPROACH THE VOTING TABLES.

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PAGE 01 SANTIA 09798 03 OF 03 222112Z
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TO SECSTATE WASHDC 4506

~~C O N F I D E N T I A L~~ SECTION 03 OF 03 SANTIAGO 09798

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E.O. 12356: DECL: OADR
TAGS: PREL, PGOV, CI, US
SUBJECT: VISIT OF FORMER GOVERNOR CHARLES ROBB,

10. FERNANDEZ AND ROBB HAD A LONG EXCHANGE

REGARDING ACCESS TO TELEVISION FOR THE OPPOSITION. THE MINISTER ATTEMPTED TO MINIMIZE ITS IMPORTANCE COMPARED TO RADIO, THE DAILIES AND THE NEWS MAGAZINES. HE ALLOWED THAT THE LAW WOULD PROVIDE FOR FREE TV TIME FOR THE POLITICAL PARTIES, AS A TOTALITY PRESUMABLY, EQUAL TO THE TIME AVAILABLE TO THE GOVERNMENT. ROBB AND FISHER PUSHED FERNANDEZ ON OFFERING ACCESS EARLIER BUT FERNANDEZ WAS EVASIVE.

THE VICARIATE OF SOLIDARITY

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11. VICARIATE LAWYERS ALEJENDRO GONZALEZ AND GUSTAVO VILLALOBOS PROVIDED A BRIEF SYNOPSIS OF THE GRAVEST CATEGORIES OF STANDARD HUMAN RIGHTS VIOLATIONS, WITH THE FOCUS ON 1987. IN THE QUESTIONS AND ANSWERS THAT FOLLOWED, ROBB CONCENTRATED ON THE ISSUE OF JUDICIAL RESPONSIBILITY AND THE EXPANSION OF THE

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PAGE 02 SANTIA 09798 03 OF 03 222112Z

MILITARY TRIBUNALS' JURISDICTION. ALL OF WHAT WAS SAID HAS BEEN COVERED IN OTHER REPORTING.

POLITICAL THINKERS DISCUSS THE PLEBISCITE SCENARIO

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12. THE AMBASSADOR HOSTED A LUNCH FOR GOVERNOR ROBB AND FISHER WITH SIX INFLUENTIAL POLITICAL THINKERS WHO SPAN FROM THE NATIONAL RENEWAL PARTY TO THE NUNEZ SOCIALISTS. DEBATE FOCUSED ON WHAT WOULD CONSTITUTE AN UNFAIR POLITICAL PROCESS (HOW MUCH OPPOSITION TV ACCESS, RESORT TO RESTRICTIONS ON FREEDOM OF EXPRESSION, ASSEMBLY AND THE PRESS, DEGREE OF OPPOSITION PERMISSION TO MONITOR THE VOTING PROCESS, ETC.) THOSE OF SOCIALIST AND CHRISTIAN DEMOCRATC PERSUASION TENDED TO CONSIDER ILLEGITIMATE TO SOME DEGREE ANY SUBSTANTIAL RESORT BY THE GOC TO THE ADVANTAGE INHERENT IN HOLDING OFFICE WHERE THE STATE IS SO INFLUENTIAL. CONSERVATIVES TEND TO CONSIDER INVALID ONLY A PROCESS OF MASSIVE BALLOTING OR COUNTING FRAUD. THERE WAS ALSO CONSIDERABLE DISCUSSION ABOUT THE POSSIBILITIES AND ADVISABILITY OF THE OPPOSITION SEEKING A SINGLE CANDIDATE TO PERSONIFY THE "NO" VOTE.

BARNES

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12/21/01

United States Department of State

Washington, D. C. 20520

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

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BRIEFING MEMORANDUM
S/S

TO: C: Ambassador Kampelman

FROM: ARA: Elliott Abrams

SUBJECT: Your December 30 Meeting with Chilean Ambassador Hernan Felipe Errazuriz

BACKGROUND

Ambassador Errazuriz is calling on you to transmit concern about recent USG actions which his government considers hostile and/or interference in Chile's internal affairs. Ambassador Barnes was given a stern lecture along these lines by the Chilean Foreign Ministry on December 28 (see reporting cable at tab A) and Errazuriz probably intends to follow-up on that action. Informally Errazuriz has implied that relations are bound to deteriorate further and this could eventually have an impact on the level of diplomatic representation in Washington and Santiago.

The recent US actions which the GOC construes as being "anti-Chilean" are:

1. Our decision to abstain on a resolution on human rights in Chile presented at the last UNGA by Mexico. In previous years, the U.S. voted "no" on generally similar resolutions and the Chileans, therefore, privately have interpreted our vote as reflecting a hardened position against them. In public, however, Foreign Minister Garcia has tried to downplay the importance of our abstention.

2. On December 15, the U.S. abstained on a World Bank structural adjustment loan for Chile. Our strategy had been to have the loan postponed pending reforms by the Chilean Government to ensure a free and fairer electoral process in Chile. Given a lack of support from key European allies, our effort failed and we ended up abstaining, as we did in 1987. The Chileans knew that we were attempting to block the loan -- though they never fully understood our political strategy of conditioned-postponement -- and complained bitterly about it in both private and public.

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3. The Department released a high-level statement in support of democracy in Chile (see tab B) on December 17. This statement drew vocal criticism from pro-Pinochet forces and the conservative media which called it foreign interference in Chile's internal affairs. An earlier statement by the EC also angered the GOC but drew less fire.

4. On December 24, the President suspended Chile's GSP privileges after a two-year examination of official GOC practices in the area of worker rights (see tab C).

5. In its pre-Christmas Continuing Resolution, the Congress specifically earmarked one million dollars for use by the National Endowement for Democracy in support of the free elections campaign in Chile. The Government of Chile has interpreted this independent action of members of our legislature as if it were part of integrated USG plot against the Junta.

TALKING POINTS

o The four recent decisions by the Administration closely reflect our long-standing policy of encouraging a return to full democracy and respect for human and civil rights in Chile. Two of them, the World Bank loan vote and the GSP suspension, were mandated by legislation.

o These steps indicate our concern that the Government of Chile is not making sufficient progress in creating a climate of respect for civil and human rights in advance of the important presidential plebiscite likely later in 1988.

o Foreign Minister Garcia indicated to Secretary Shultz at their September 28 meeting in New York that the GOC would move quickly to guarantee such liberties but as yet we perceive few if any positive steps being taken.

o The following negative actions indicate that the GOC's sincerity in respecting individual rights must be seriously called into questions

> --The extension of the "state of emergency" on December 3, which grants the government widespread powers to curtail rights of assembly, association, and expression.

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--The Government has mounted a full-blown campaign on television in favor of a "yes" vote in the plebiscite, but it uses its influence to make sure that the opposition remains shut off from this crucial medium.

--Lack of progress on the Letelier-Moffitt case is but one example of the GOC's unwillingness to prosecute human rights abusers and reinstate a rule of law in the true sense of the word. Yet another note of ours was rejected on December 29.

o In expressing these concerns, the US is not discriminating against Chile. We judge Chile's actions in the light of its own professed commitment to the international and Western standards regularly proclaimed by the Junta, and against Chile's own traditions and possibilities.

o If anything, we gave Chile preferential treatment on GSP. For instance, while in 1986 Romania was removed from GSP and Paraguay suspended for worker rights violations, Chile, although also found to be in violation, was given another year in which to make improvements. The State Department took the lead in obtaining this extra time for Chile.

o Similarly, the US has tried to dissuade Members of Congress from punitive economic sanctions as we have decried unbalanced and discriminatory moves against Chile in international fora. Our lack of support for the Mexican resolution at the UNGA bears this out.

o We will continue to monitor developments in the area of human and civil rights in Chile with great interest. As our recent statement points out, we feel that for the electoral process to have credibility and the will of the Chilean people to be accurately expressed, a climate of freedom and fair competition must be established many months before a plebiscite.

o Regarding the Congressional grant of funds to the NED for use in Chile, we believe this independent action reflects well known views of the people of the United States. The NED's non-partisan programs in support of fair democratic processes world-wide are well known to the Government of Chile, and should not be a cause for concern in any way.

attachments: Tab A) Santiago 9893
Tab B) Statement in Support of Democracy
TAB C) Announcement of GSP Suspension

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drafted by ARA/SC -PDeShazo
SEARASC #992 - 12/28/87

Cleared by ARA/SC - RFHopper

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MEMORANDUM

DECONTROL

Letelier: The Civil Case and Chile's Demand to Submit to International Adjudication the Matter of U.S. Court Jurisdiction

The purpose of this memorandum is to review the civil case filed by the families of the victims against various individuals and the Republic of Chile and to recall the position taken by the Government of Chile seeking international adjudication of the matter of U.S. court jurisdiction over the Republic of Chile in the case. (Letelier, et. al. v. Central Nacional de Informaciones, et. al (Civil Action 78-1477) in the U.S. District Court for the District of Columbia).

In 1978 the families of the victims filed a civil suit in the U.S. District Court for the District of Columbia against various individuals and the Republic of Chile for wrongful death. By a diplomatic note dated November 17, 1978, the U.S. Embassy in Santiago forwarded to the Chilean Ministry of Foreign Relations a copy of the complaint and other relevant papers in service of process pursuant to the Foreign Sovereign Immunities Act (28 USC 1608 (a)(4)).

The Foreign Ministry returned the papers to the Embassy via its note of January 16, 1979 (attachment 1). In that note the Government of Chile objected to the service of process, stated that it did not recognize the authority of a U.S. court to assert jurisdiction over the Government of Chile, and in general terms outlined its views on sovereign immunity. The note indicated a hope that the matter would be resolved in a mutually satisfactory way, but if not the note stated:

> "....the Government of Chile would wish to consult with the Government of the United States of America for the purpose of finding a solution consistent with international law for the fundamental differences which would then exist between the two governments as to jurisdiction. Among the alternatives which might be considered in that event would be the possible submission of such a jurisdictional dispute to international adjudication."

The Department notified the clerk of the court of the Chilean response. The U.S.G. did not reply to the note. On May 2, 1979 Judge Pratt entered a default against the Republic of Chile. On August 14, 1979 the Embassy of Chile presented note no. 180 to the Department (attachment 2). It noted the time elapsed without a U.S. response;

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restated its objection to U.S. court jurisdiction; and, asked the Department to forward to the court an attached Memorandum of Law on the subject. The note stated:

> "In the Chilean note of January 15, 1979, the Chilean Ministry of Foreign Relations suggested the possibility of international adjudication, and the Chilean Embassy would welcome an indication from the Department of State as to whether the United States is prepared to submit to international adjudication any jurisdictional dispute which may arise as a result of a United States judicial decision in this matter."

There is no indication that the U.S.G. responded to this note. The Department did forward the Memorandum of Law to the court. The plantiffs moved to strike the memorandum because it was a pleading not signed by council. The court denied the motion ruling that the memorandum was not a "pleading" but a "suggestion", under Rule 12 (h)(3), that the Court lacks subject matter jurisdiction. In an opinion dated March 11, 1980, Judge Green (to whom the case was reassigned) ruled that subject matter jurisdiction did exist under section 1605 (a)(5) of the FSIA. (488 F. Supp. 665 (1980)) (attachment 3).

Thereafter, apparently, in its note no. 102 of June 11, 1980 Chile again demanded international adjudication of the immunity issue. (We have not found a copy of this note, yet.) Peter ?.

The civil case continued. On November 5, 1980 a judgment was entered by Judge Green holding that plaintiffs were entitled to damages for pain and suffering, and wrongful death, punitive damages, and attorney fees. (502 F. Supp. 259 (1980) (attachment 4).

On January 15, 1981 the Ministry presented to the U.S. Embassy a strongly worded protest, (attachment 5), stating: "the Ministry protests in the strongest terms for the continued attempted arrogation of jurisdiction and the intention of the District Court of imposing a sentence passed by an internal American Court on the Republic of Chile."

In early April 1981, Department records indicate that the Department gave the Chilean Embassy an aide Mémoire (attachment 6) in general response to the preceding Chilean notes. It

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said: "The United States view of the relevant principles of international law is reflected in the Foreign Sovereign Immunities Act of 1976. Under United States law and practice, the U.S. courts are responsible for deciding the factual and legal issues involved in this civil case."

Evidently, in May 1981, Chile responded, in note no. 13 and again proposed international adjudication. (The text of the note has not been found.) Peter

On July 28, 1983 Judge Lasker (USDC, S.D. New York) (567 F. Supp. 1490) held that under certain circumstances attachment of assets of the Chilean national airline would be appropriate to satisfy plaintiffs' default judgment. This opinion was overturned on appeal (748 Fed. 2d 790) when the court ruled that the FSIA did not allow execution against LAN's assets.

On August 27, 1987, in note no. 7731 (attachment 7) in response to the espousal by the United States of the civil claim, Chile recalled its earlier protests and offer and reminded the USG of its invitation to resolve the jurisdictional issue by international adjudication. In its notes no. 11364 of December 28, 1987 (attachment 8) and its note of May 24, 1988 (attachment 9) Chile renewed the offer.

Comment: To the best of our knowledge, the U.S. Government never once formally responded to the Chilean request for international adjudication, unless the aide-memoire of early April 1981 can be considered a response. Chile is likely to regard our unresponsiveness as a pending issue that must be dealt within the context of consideration of the 1914 Treaty. 7

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THE LETELIER DISPUTE: BACKGROUND AND FACTUAL SUMMARY

INTRODUCTION

On September 21, 1976, Orlando Letelier was assassinated on the streets of Washington, D.C. when a bomb exploded underneath his automobile. Killed along with Letelier, a former Chilean Ambassador to the United States and cabinet member, was Ronni Moffitt, an assistant to Letelier and a passenger in his car. Letelier's second passenger, Ronni's husband Michael Moffitt, was injured by the explosion. What follows is a brief account of the events leading up to and following the murder of Orlando Letelier; it reflects information that is available to the United States and which will be presented more fully at an appropriate time. The account should be viewed solely as an orienting summary and not as an exhaustive statement of all of the facts possessed by the United States Government. Nonetheless, the summary will show that senior officials of the Government of Chile planned and participated in the assassination of Orlando Letelier and obstructed, through acts of deception and evasion, all efforts to prosecute those individuals responsible for this brutal and illegal act of state-sponsored terrorism.

The evidence available to the United States is voluminous. It includes the confessions and statements of two DINA (the Chilean secret police) agents, both participants in the assassination of Orlando Letelier, as well as statements by the wife of one of these agents, herself a DINA agent. The evidence also includes statements by Ronni Moffitt, American investigators of the Letelier assassination, an explosives expert, the Director of the Paraguayan Intelligence Service in 1976, a LAN-Chile (the Chilean national airline) employee, several DINA employees who worked for one of the participant-confessors, an individual connecting a DINA participant to a CNM (Cuban, anti-Castro revolutionary group) participant in the assassination, two Venezuelan intelligence officers, several Chilean military/intelligence officers and two Cuban, anti-Castro revolutionaries.

In addition to the wide array of testimonial evidence possessed by the United States, an extensive collection of documentary evidence provides support for much of the testimony offered by those mentioned above and others. Documentary material corroborating the accounts of the participant-confessors and others include telephone records, flight manifests, bills, payment stubs, receipts, photographs, passports, identification cards and documents, simulation film, visa applications, immigration forms, diplomatic cables and various assorted documents. The combination of testimonial and documentary evidence provides compelling proof that the

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Government of Chile and certain of its officials and employees planned and participated in the assassination of Orlando Letelier and its subsequent cover-up.

HISTORICAL BACKGROUND

In September 1970, Salvador Allende was elected President of Chile, and Allende chose Orlando Letelier to serve as Ambassador to the United States. Letelier occupied this post in Washington, D.C. for almost three years, returning to Chile to assume the first of several cabinet positions in May 1973. Several months later, in September 1973, a military coup left Allende dead and Orlando Letelier under arrest. Letelier spent twelve months in confinement, often under brutal conditions, before he was released and expelled by the government of Augosto Pinochet.

In late 1974, Letelier returned to Washington, D.C. to accept a position at the Institute for Policy Studies (IPS). During his time at IPS, he developed friendships with two of his assistants, Ronni and Michael Moffitt, and became recognized as an articulate spokesman for the opposition to the regime of Pinochet. In response to Letelier's anti-Pinochet activism, Chile revoked Letelier's citizenship during the middle of 1976. Chile became increasingly concerned that Orlando Letelier would unify the various opposition factions and establish a Government in Exile.

THE ASSASSINATION: PREPARATIONS AND EXECUTION

In late June or early July 1976, Colonel Pedro Espinoza, Director of Operations for DINA, solicited Michael Vernon Townley, an expatriate American living in Chile, and Armando Fernandez, a lieutenant in the Chilean Army, to participate in a mission, the result of which would be the assassination of Orlando Letelier. Townley had been recruited to join DINA two years earlier and had performed several missions for DINA during that period, including collaborating with CNM members in the attempted assassinations of Chilean opposition leaders in Mexico City in 1975.

In performing the groundwork for the Letelier operation, at the orders of Espinoza and Juan Manuel Contreras, the Director of DINA, Townley and Fernandez were sent to Paraguay to obtain fake Paraguayan passports and visas for entry into the United States. After about a week in Paraguay, Townley and Fernandez received the fake documents; however, acting on a tip, the then-U.S. Ambassador to Paraguay, George Landau, photocopied

the visa applications and accompanying passports and revoked the visas. Landau also asked the head of the Paraguayan intelligence service, Colonel Guanes, to retrieve the false passports from DINA. DINA returned the passports unused, although the photographs were removed.

Despite the problems encountered in Paraguay, Contreras and Espinoza decided to proceed with the plan to assassinate Letelier. They ordered Fernandez to travel to the United States to surveil Letelier; Fernandez would be accompanied by a female DINA agent, "Liliana Walker." The DINA leaders also sent two other agents, Captains Riveros and Mosquiera, to the United States using false Chilean passports bearing the same names as the Paraguayan visa applicants; the intention of this scheme was to cover for the failed Paraguayan passport mission and confuse any American investigators who might discover that the Government of Chile was behind the assassination of Letelier. Riveros and Mosquiera entered the United States on August 22, 1976, staying for two weeks; meanwhile, Fernandez and Walker arrived on August 26, using false Chilean passports.

During August, Espinoza also met with Townley and conveyed orders that the mission was "still on" and that Townley should meet with leaders of the CNM and secure their assistance. Espinoza hoped that Townley could convince the Cubans to actually kill Letelier and that Letelier's murder could be made to look like a suicide or accident. Nonetheless, the bottom line was that Letelier had to be killed, and Townley was specifically authorized to use a bomb if necessary.

Townley, traveling with a false Chilean passport, arrived at New York's Kennedy Airport aboard a LAN-Chile plane on September 9. He carried with him tri-nitrate of lead and blasting caps to be used in the assassination of Orlando Letelier. Through the contact of a LAN-Chile official, Townley met with Fernandez at the airport as pre-arranged. Fernandez turned over to Townley a map containing Letelier's address, his surveillance notes and some cash.

Having rented a car and driven to New Jersey, Townley contacted an old associate, CNM member Virgilio Paz. Through Paz, Townley was able to set up a meeting the next day with Guillermo Novo and Dionisio Suarez, two leaders of the CNM. At this meeting, Townley asked the two Cubans to cooperate in the Letelier killing. After a few days, the Cubans agreed to participate.

On the night of September 15, 1976, Townley and Paz drove from New Jersey to Washington, D.C. They carried with them a modified Fanon-Courier remote electronic paging device, plastic explosives and TNT, all supplied by the CNM. For the next two days, Townley and Paz watched Letelier's daily movements. On

September 18, Suarez joined Paz and Townley in Washington, D.C., bringing with him the blasting cap used in the explosive device. In D.C., the conspirators purchased baking tins, tape and gloves at a Sears store and a battery pack with leads, slide switches and tools at a Radio Shack store to be utilized in the assassination of Letelier. That night, September 18, 1976, Townley, Paz and Suarez constructed the bomb, and Townley attached the device to the undercarriage of Orlando Letelier's automobile.

On September 19, Townley flew to Newark, New Jersey and was met by Alvin Ross Diaz, another CNM member. Before flying from Newark to Miami, Florida, Townley went to Kennedy Airport and submitted a false immigration form to indicate that the person whose identity he used on entering the United States had departed for Spain. In Miami, on September 20 and 21, Townley met, respectively, with CNM leader Felipe Rivero and Ignacio Novo, Guillermo's brother.. On September 21, Townley heard that a bomb had exploded in Washington, D.C. killing Orlando Letelier and Ronni Moffitt and injuring Michael Moffitt. Townley would later learn from Virgilio Paz that the bomb had malfunctioned on the scheduled September 20 and that Paz and Suarez had removed the bomb, corrected the malfunction and reinstalled the device prior to its September 21 detonation. Having "successfully" completed his mission, Townley left Miami on September 22 aboard LAN-Chile to return to Santiago, Chile.

THE U.S. INVESTIGATION AND THE CHILEAN COVER-UP

Immediately after the assassination, as the United States Government began investigating the events surrounding the murder of Letelier, senior officials of the Government of Chile began concealing the involvement in the death of Letelier of both themselves and other Chilean officials and employees. The first break in the American investigation was the discovery of the participation of Guillermo Novo, Virgilio Paz, Dionisio Suarez and Alvin Ross and that DINA was also involved.

During June and July 1977, investigators from the United States Department of Justice and the Federal Bureau of Investigation requested the assistance of the Chilean government in their investigations of links between the Cubans and Chilean government officials and employees. After a period of delay, the Government of Chile provided a written statement to the Americans which contained patently false information.

Discovering through sources that there was a connection between the Letelier killing and the trip to the United States by two persons using Chilean passports bearing the same names as those who had applied for visas in Paraguay in July 1976,

the United States sent formal Letters Rogatory to the Chilean Supreme Court on February 17, 1978. The Letters Rogatory requested the Chilean government to produce for questioning the individuals who had entered the United States using those names; the U.S. also attached the pictures that Ambassador Landau had photocopied in Paraguay -- pictures of Townley and Fernandez.

After the Chilean Supreme Court received the Letters Rogatory, Contreras ordered Townley and Fernandez to lie to the Court, suggesting cover-up stories for each of them. After the Chilean Supreme Court refused to recognize the appearance of Mosquiera and Riveros as compliance with the Letters Rogatory, the Chilean government finally produced Townley and Fernandez. In court on March 31, 1978, Fernandez lied repeatedly about his involvement in the Letelier assassination and Townley, as an American citizen, invoked the privilege against self-incrimination contained in the Fifth Amendment to the Constitution of the United States.

On April 7, 1978, Earl Silbert, the U.S. Attorney for the District of Columbia, reached an agreement with Enrique Montero, Chilean Undersecretary of the Interior, whereby Townley was expelled from Chile and returned to the United States. Back in the United States, Townley refused to talk until he met with Chilean General Hector Orozco, a special military prosecutor. After giving a truthful statement to Orozco, Townley confessed to assassinating Orlando Letelier and provided the American authorities with extensive details of the involvement of senior-level Chilean officials in the planning, execution and cover-up of the Letelier murder. Much of Townley's statement was later corroborated by a wide range of documentary and testimonial evidence.

Upon Townley's confession in the United States, the Chilean authorities intensified their efforts to cover-up their actions relating to the death of Letelier. Orozco returned to Chile and obtained accurate statements from Fernandez, Espinoza and Contreras. After hearing Contreras state that he had acted under the authority of "the Chief" -- the reference being to President Pinochet -- and realizing the magnitude of the conspiracy, Orozco decided that a coordinated plan had to be devised to further mask the roles of the Government of Chile and certain of its officials and employees in the assassination of Orlando Letelier.

THE EXTRADITION PROCEEDINGS

On August 1, 1978, a grand jury in Washington, D.C. indicted Contreras, Espinoza, Fernandez and five Cubans with

various crimes stemming from their participation in the murder of Letelier. Of the eight persons indicted, only Alvin Ross and Ignacio and Guillermo Novo were in custody; Paz and Suarez were still fugitives, and the three Chileans were in Chile.

The United States issued a formal extradition request for Contreras, Espinoza and Fernandez with the Government of Chile on September 21, 1978. During the next several weeks, Orozco told Fernandez and Espinoza to lie at the extradition proceedings, and the three destroyed the truthful statements given by Fernandez and Espinoza several months earlier. President Pinochet also met with Fernandez and told him, "Be a good soldier, tough it out and this problem will have a happy end." On October 17, 1978, Contreras, Espinoza and Fernandez lied under oath before the Chilean Supreme Court, providing fallacious cover stories for the trips to Paraguay and the United States. On May 13, 1979, Israel Borquez, President of the Chilean Supreme Court, refused to extradite any of the three Chileans to the United States. On October 1, 1979, the full Chilean Supreme Court also rejected the U.S. extradition request. The Chilean Supreme Court also ordered all Chilean investigations into these matters suspended.

Because many of the crucial conspirators in the plot to assassinate Orlando Letelier were not brought before a U.S. court, the United States was severely hampered in its efforts to prosecute those responsible for this act of international terrorism. Both the refusal of the Chilean Supreme Court to cooperate with American authorities and the Chilean government's failure to conduct a thorough and honest investigation into the assassination were pivotal in shielding the guilty parties from responsibility for their illegal and brutal actions.

THE CRIMINAL AND CIVIL CASES IN THE UNITED STATES

Following the indictments handed down in August 1978, the United States instituted criminal proceedings against the three Cubans in custody, Ignacio and Guillermo Novo and Alvin Ross. On February 14, 1979, after a six week trial, Ross and Guillermo Novo were convicted of murder and conspiracy, the Novo brothers were convicted of lying to a grand jury and Ignacio Novo was convicted of misprison of a felony. However, on September 15, 1980, a federal appellate court overturned the convictions of Ross and Guillermo Novo on evidentiary grounds and overturned the conviction of Ignacio Novo on the ground that he should have received a separate trial. On retrial, Guillermo Novo was found guilty of lying to a grand jury, and subsequently, Ignacio Novo pleaded guilty to lying to a grand jury.

Also following the criminal indictments, the families of Orlando Letelier and Ronni Moffitt filed a civil suit against the perpetrators of the Letelier assassination, including the Republic of Chile. When all defendants failed to answer, default judgments were entered. However, after Chile sent a diplomatic note protesting jurisdiction, the district court agreed to review the jurisdictional issue. On March 11, 1980, the court held that Chile was not immune from the jurisdiction of U.S. courts. The Government of Chile then failed to appeal the ruling or participate in the trial on the merits. Thus, the district court, on November 5, 1980, entered judgment in favor of the plaintiffs for approximately $5,000,000, holding the defendants jointly and severally liable. Neither Chile nor the individual defendants appealed.

The families of Letelier and Moffitt then brought suit against LAN-Chile, an airline wholly owned by the Government of Chile, to execute the judgment against the Republic of Chile. The district court ruled in favor of the families, appointing Michael Moffitt as receiver for LAN-Chile's assets. On appeal, however, the federal appellate court held that LAN-Chile's separate juridical existence had to be recognized despite the fact that it was wholly owned by the Government of Chile. The Court stated that the families would have to look directly to Chile to satisfy their judgment. The United States Supreme Court denied certiorari on the judgment-creditors' appeal. Thus, the families of Orlando Letelier and Ronni Moffitt exhausted their legal remedies in the United States in pursuit of obtaining compensation from the Republic of Chile for its egregious act of state-sponsored terrorism. The fact remains, however, that the families possess a legally-cognizable judgment against the Government of Chile which the Government refuses to acknowledge.

RECENT DEVELOPMENTS

In 1985, a Chilean military court granted Contreras' request to dismiss in its entirety the suspended investigation into the "Passport Cases" (Chile's euphemism for the Letelier assassination). The Letelier family, a civil party to the suit under Chilean law, appealed this decision. As the appeal was pending, a major break occurred in the Letelier case.

On February 4, 1987, following discussions with American authorities, Armando Fernandez voluntarily left Chile and entered the United States. Fernandez agreed to testify fully and truthfully and plead guilty to the charge of being an accessory after the fact to the murder of an internationally protected person. Fernandez' testimony corroborated almost

entirely Michael Townley's earlier statements, reconfirming and adding to the extensive body of evidence linking highly-placed Chilean officials, including Contreras, Espinoza, Orozco and even Pinochet to the Letelier assassination and/or cover-up.

Armed with this dramatic, new evidence, the United States again formally requested the expulsion from Chile of Contreras and Espinoza on May 11, 1987. On May 22, a Chilean military court of appeal reversed the decision of the lower court and ordered that the investigation of the "Passport Cases" be returned to the status of "suspended" rather than "closed", a small victory for the Letelier family. However, on June 17, the Government of Chile rejected the U.S. request for expulsion.

On July 17, 1987, the U.S. sent a diplomatic note to Chile asking the Chilean government to prosecute Contreras and Espinoza in Chile if they refused to expel them to the United States. On July 28, Assistant Secretary of State Elliot Abrams presented Chilean Ambassador Errazuriz with a diplomatic note requesting Chile to pay ex gratia compensation to the families of Letelier and Moffitt.

In August, the Letelier family petitioned the lower military court to reopen the "Passport Cases." Later that month, the Chilean government sent two notes to the United States, the first refusing to expel or prosecute Contreras and Espinoza and the second rejecting any form of compensation for the families of the victims. And on October 13, the Chilean military court refused to reopen the "Passport Cases." The Letelier family once again filed an appeal.

To add momentum to its investigation, the U.S. Government transmitted a Letter Rogatory requesting General Orozco to furnish information about his knowledge of many aspects of the Letelier assassination and cover-up. After stalling for several months, the Chilean Supreme Court, on April 14, 1988, required Orozco to answer only 12 of the approximately 250 questions put to him. When Orozco's answers were received, they proved to be either minimally informative or patent lies.

Due to the virtual exhaustion of domestic legal proceedings both in the United States and Chile and the Government of Chile's continued refusal to cooperate with diplomatic and legal requests for assistance, the United States, in mid-April, formally espoused the claims of its U.S. citizens arising out of the Letelier assassination. On May 24, in a tersely worded note, the Government of Chile rejected the U.S. demands and refused to consider any further U.S. demands relating to the assassination of Letelier until an international tribunal settled certain jurisdictional issues.

On May 4, the Chilean military appeals court upheld the

refusal of the lower court to reopen the "Passport Cases," and the Letelier family again appealed. This last hope of obtaining some cooperation from the Chilean government was extinguished in July 1988, when the Chilean Supreme Court denied the appeal, affirming the decision to keep the investigation in suspension. Despite the continued obstructive tactics of the Chilean government, the United States continues to demand that Chile cooperate in bringing this matter to a satisfactory resolution.

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WF 005

TO: ARA - Bernard Aronson

THROUGH: ARA - Michael M. Skol

FROM: ARA/SC - Richard B. Howard

SUBJECT: Talking Points on the Foreign Sovereign Immunities Act for Your Meeting with Rep. Howard Berman

BACKGROUND: Last year, Rep. Berman and Senator Kennedy introduced legislation in the House and Senate to amend the Foreign Sovereign Immunities Act (FSIA) in order to permit easier attachment of property in settlement of U.S. court decisions against foreign governments by victims of state-sponsored terrorism. The underlying purpose of these amendments was to allow the relatives of Orlando Letelier and Ronni Moffitt, who were killed in Washington, D.C. in 1976 by a bomb placed under their car by agents of the Chilean Government to collect on a five million dollar judgement against the GOC awarded them by a U.S. court. The families in question had attempted to attach GOC assets in the U.S. in payment of this settlement, but further court rulings found such assets not attachable. The legislation is designed to make attachment easier.

Berman's legislation passed the House in the last session but Kennedy, at our urging, did not push his bill in the Senate and it was not acted on. Kennedy had agreed to hold off on his bill while we went ahead with the invocation of a 1914 bilateral treaty in an attempt to settle the Letelier dispute. While the Chilean Government has not eschewed participation in the treaty process, it has tried to stall the implementation of the terms of the treaty and there has been little progress to date. Citing this lack of progress and a desire to obtain compensation for the families of the victims in the Letelier crime, Berman reintroduced his legislation and Kennedy may do so as well.

The Department's position is to oppose the retroactive aspect of the proposed amendments for both technical and political reasons. Both have been amply explained to Berman and Kennedy by Judge Sofaer, Ambassador Gillespie, and Mike Skol. It would be worthwhile if you would also weigh in on the political aspect, using the following talking points:

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TALKING POINTS

- I understand that you have introduced amendments to the Foreign Sovereign Immunities Act intended to make easier the attachment of Chilean property in the U.S. to compensate the families of the victims in the Letelier case.

- While I am as interested as you in obtaining justice in this case, I do not feel that attachment of property is the best means of doing so.

- Chile is on the verge of an election probably 1988 crucial to its transition to democracy. ~~Pinochet~~ is on the way out, with few political means left at his disposal.

- The confiscation of Chilean property in the U.S. or the imminent threat of attachment would give him the kind of cause he needs to try and revive his flagging hopes. Such a step would rekindle anti-U.S. nationalism in Chile.

- The Chilean opposition has told us that it does not want the Letelier case to be a campaign issue in the coming months. Nor would a newly-elected democratic regime want to begin its tenure in office by having Chilean property attached in the U.S.

- We believe that a democratic government will voluntarily cooperate in resolving the case and may well honor our diplomatic espousal claim for payment of damanges to the families. That would allow the case to be settled to the benefit of both countries, and further the cause of justice.

- We therefore ask that you reconsider the retroactive nature of your legislation so as not to jeopardize Chile's transition to democracy and the full settlement of the Letelier case.

drafter: ARA/SC - PDeShazo

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imprisonment at

Letelier returned to the United States in late 1974 to accept a position with the Institute of Policy Studies in Washington, D.C. There, he met Ronni Karpen and her future husband Michael Moffitt, both of whom became assistants to Letelier. During his time at the Institute, Letelier became increasingly involved in politics, eventually attaining the status of a recognized leader of the opposition to the Pinochet government in Chile -- an articulate spokesman who was perhaps the individual most capable of unifying the various opposition entities. On September 10, 1976, the day on which he was to address a crowd of 5,000 at New York's Madison Square Garden to mark the occasion of the third anniversary of the coup in Chile, Letelier learned that the Chilean government issued a decree revoking his Chilean citizenship, citing Letelier's anti-government activism. (The decree was actually dated June 7, but was published on September 9.).

As Letelier was gaining international prominence for his opposition to the repressive government of Pinochet, operatives in the Chilean secret police, the Department of National Intelligence (DINA), were laying the groundwork for his assassination. In mid-1974, Pedro Espinoza Bravo, then director of operations for DINA and a Lieutenant Colonel in the Chilean army, had recruited electronics expert Michael Vernon Townley, an expatriate American citizen living in Chile, to join DINA, eventually providing him with a house and car and several DINA staff assistants. Townley's first mission for DINA, in December, 1974, involved the purchase of sophisticated electronic equipment at Audio Intelligence Devices in Miami, Florida under the assumed name of Kenneth Enyart. After successfully completing that mission, Townley met with then-Colonel Juan Manuel Contreras Sepulveda, the director of DINA, who ordered Townley to travel to Mexico for the purpose of assassinating several Chilean opposition leaders who were scheduled to meet in Mexico City in early 1975.1/

Before traveling to Mexico, Townley contacted in the United States several members of the Cuban Nationalist Movement (CNM), a group of Cuban exiles dedicated to the overthrow of Fidel Castro's communist government in Cuba, in the hope of seeking their assistance in the Mexican mission. Townley met first with Felipe Rivero in Miami and then later with Guillermo Novo Sampol and Jose Dionisio Suarez Esquivel in New Jersey. As a result of these meetings, the leadership of CNM decided to assist DINA in the Mexico City mission, sending Virgilio Paz Romero with Townley to Mexico. The mission was a failure.2/

Townley and Paz* continued to work together after the Mexico City failure, spending the last part of 1975 conducting DINA intelligence missions in Europe. Early in 1976, Paz traveled with Townley to Chile to receive

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*Latinos are referenced by their patriarchal name.

intelligence training from DINA and to obtain medical care for his shoulder. While in Chile, Paz stayed with Townley and his wife, Mariana Ines Callejas de Townley (also a DINA agent) until the middle of June 1976.3/ The time spent together between Townley and Paz helped to strengthen the ties between DINA and CNM; it would be members of these two organizations working in tandem, under the direction of DINA orders, who would assassinate Letelier.

II. THE ASSASSINATION: PREPARATIONS AND EXECUTION

In late June or early July 1976, Colonel Espinoza solicited Townley and Chilean Army Lieutenant Armando Fernandez Larios to participate in the Letelier assassination mission. The three met on the outskirts of Santiago to discuss the mission. As Fernandez remained in an automobile, Espinoza told Townley the details of his mission -- that Townley was to enlist the aid of the CNM and that he was to make the death of Letelier appear to be an accident or suicide. Espinoza informed Townley that he and Fernandez would travel to Paraguay shortly to acquire fake Paraguayan passports and visas to enter the United States, documents which would be used in traveling to the United States to assassinate Orlando Letelier.4/

Espinoza told Fernandez that he would accompany Townley to Paraguay. After returning from Paraguay, Fernandez was to go to the United States to surveil Letelier -- to "see what he was up to." Fernandez, however, was not privy to the meeting between Espinoza and Townley; although he suspected that his mission would result in more than simple intelligence gathering because of the involvement of important DINA operatives like Townley and Espinoza, he did not suspect the true purpose of his involvement until he later heard about Letelier's assassination on the radio.5/

On July 17, 1976, Colonel Benito Guanes Serrano, head of the Paraguayan intelligence service, J-2, received a telegram from Contreras informing him that two DINA officers would soon arrive in Asuncion, Paraguay for the purpose of acquiring false Paraguayan passports. The telegram added that the passports were needed to conduct an intelligence mission in the United States. At the time, Paraguay and Chile were both members of Operation Condor, a consortium of South American intelligence agencies who cooperated in anti-communist and anti-terrorist activities, and thus, the request for false documentation did not strike Guanes as particularly unusual. Evidently, the Chileans had previously been unsuccessful in obtaining false passports through Argentina.6/

In late July 1976, Townley and Fernandez traveled to Paraguay using the names Juan Andres Wilson Silva and Alejandro Rivadeneira, respectively. They explained to Paraguayan officials that the false passports were needed to perform a

security check on the operations of the Chilean copper company CODELCO. (Fernandez would later tell a different cover story, that he and Townley had been sent to Paraguay to obtain passports to travel to the United States to meet with General Vernon Walters of the CIA, who would be able to provide them with a list of U.S. politicians sympathetic to the Chilean government.) Townley and Fernandez applied for, and received after about a week in Paraguay, Paraguayan passports under another set of assumed names, Townley as Juan Williams Rose and Fernandez as Alejandro Romeral Jara. The two also applied for visas for entry into the United States using the new Paraguayan passports. The visas were apparently issued routinely by the U.S. Consul on July 27, 1976. Before the two departed for the United States to complete their mission against Letelier, however, they were ordered to return to Santiago and to discontinue the operation. Fernandez and Townley believed that the mission had been wisely terminated, since they suspected that American authorities had been informed by Paraguayan officials that the visas were for Chileans.7/

On the same day that the U.S. Consul approved the visa applications in Paraguay, George Landau, the U.S. Ambassador to Paraguay at the time, became suspicious of the visa applications and had them and the accompanying Paraguayan passports photographed. After some investigation, he decided to revoke the visas. He contacted Guanes, who in turn requested that DINA return the passports unused. The passports were cancelled and given to Landau. When Landau received the passports, the photographs of the two Chilean agents had been removed.8/

In early August 1976, Espinoza contacted Fernandez and ordered him to go to the United States immediately to perform the previously discussed surveillance on Letelier. Fernandez would be accompanied by a female companion using the name Liliana Walker Martinez and was to use the cover story that the two were officials of the Chilean Department of Public Works traveling on government business. Both Fernandez and Walker were given false Chilean official passports; Fernandez traveled on this occasion as Armando Faundez Lyon. Fernandez and Walker entered the United States on August 26, 1976.9/

During the middle of August 1976, Espinoza also contacted Townley again, telling him that the mission to assassinate Letelier was "still on." Espinoza ordered Townley to contact the leadership of the CNM and secure their assistance in the Letelier murder. When Townley reached the United States, according to instructions, he was to meet Fernandez for a briefing on the intelligence gathered by Fernandez. Although Townley was to coordinate the assassination attempt, the plan called for the Cubans to actually murder Letelier after Townley was safely out of the United States. Espinoza again emphasized that Townley was to make the murder look like an accident or

suicide. However, Espinoza remarked that the "bottom line" was that Letelier should be killed and specifically approved the use of a bomb to kill Letelier if the favored means of operation proved too difficult.10/

Before either Townley or Fernandez departed for the United States, DINA officials began to concoct a cover story for the Paraguayan passport fiasco. Having removed the pictures from the Paraguayan passports, unaware that Ambassador Landau had previously photographed them, Espinoza ordered two DINA agents, Army Captains Rene Riveros Valderrama and Rolando Mosqueira Jarpa to visit the United States under false Chilean official passports: Riveros under the name Juan Williams Rose and Mosqueira under the name Alejandro Romeral Jara. The two traveled to Washington, D.C. on August 22, 1976 and returned to Chile in early September 1976. Their entry into the United States under the same name as the Paraguayan visa applicants (who were actually Townley and Fernandez) caused great confusion to investigators of the Letelier assassination for well over a year after the crime was committed.11/

Meanwhile, Fernandez had also traveled to the United States. After arriving, he called the Institute for Policy Studies in Washington, D.C. to obtain Letelier's home address, using the pretext of having to make a delivery. According to Fernandez, the Institute told him that Letelier would be out of town for the next three weeks. Fernandez then went to Letelier's home address in Bethesda, Maryland to confirm the address. He believed that the information he had received was accurate because he observed a car parked in front of the house with a Chilean insignia on the back. This, he assumed, was Letelier's automobile. After completing this task, Fernandez called Espinoza and told him that Letelier was out of town; Espinoza agreed with Fernandez that he could do nothing more in Washington and told him he should return to Chile after taking some vacation time in the U.S. Fernandez thereupon, on September 6, 1976, traveled with his sister to New York City, where he stayed several days. Upon learning that his father was critically ill in Chile, Fernandez called Espinoza and requested permission to return immediately. Espinoza informed Fernandez that Townley would be arriving in New York City very shortly, on September 9, 1976, and ordered Fernandez, before returning to Chile, to meet Townley upon his arrival at Kennedy International Airport to brief him on the information he had collected on Letelier.12/

Townley, traveling with a false Chilean official passport under the name Hans Petersen Silva, arrived at Kennedy Airport aboard a LAN-Chile plane (the Chilean national airline) on September 9, 1976. He carried with him several of the materials needed for constructing the bomb which would ultimately be used to assassinate Orlando Letelier. He met Fernandez at Kennedy Airport through the contact of a New

York-based LAN-Chile official, Fernando Cruchaga. As he had in other DINA operations, Townley was able to use LAN-Chile employees to assist in this mission because he had established close, personal relationships with the vast majority of LAN-Chile pilots, particularly the chief pilot, as well as a sizable number of other LAN-Chile personnel. In a meeting in the men's room, Fernandez supplied Townley with the information he had acquired regarding Letelier and some cash. After spending several hours in the LAN-Chile first-class lounge, Fernandez returned that evening to Chile with Liliana Walker. Upon arrival in Santiago, he briefed Espinoza at DINA headquarters. Back in the United States, Townley rented a car and headed for New Jersey.13/

In New Jersey that evening, Townley met with his old associate, CNM member Virgilio Paz, at the Bottom of the Barrel Restaurant in Union City, N.J., and Townley told Paz that he wished to speak with Guillermo Novo. The next day, Townley met with Novo and Dionisio Suarez at the Estrella Restaurant in Union City, and Townley formally asked Novo and Suarez for assistance in the Letelier murder. The two CNM leaders responded that they would have to take the request under consideration. A few days later, they contacted Townley to inform him that they were willing to participate in the assassination. Townley called a DINA official in Chile who used the identity Lucho Gutierrez to pass along the news of the successful recruitment of the Cubans and to receive confirmation of his orders.

Late in the evening of September 15, 1976, Townley and Paz drove to Washington, D.C., their automobile loaded with explosives. They arrived at around 4:00 A.M. the following morning. They then spent the next two days watching Letelier, his home and his daily movements in order to verify the information provided by Fernandez, some of which was determined to be erroneous. On September 17, they followed Letelier to work and watched the activity around his office from a restaurant across the street. That evening, Townley and Paz purchased some of the materials needed to construct the bomb at a Sears store near Letelier's home in Bethesda, Maryland. Suarez joined Paz and Townley in Washington, D.C. on September 18, bringing with him the blasting cap used in the explosive device. The three purchased additional materials needed for assembling the bomb at a Radio Shack store that evening.

Townley, Paz and Suarez then returned to Townley's motel room where they proceeded to construct the bomb using plastic explosives and TNT supplied by the CNM. However, the TNT had been previously sent to the CNM by Townley via LAN-Chile to replace explosives loaned to him by the CNM during the Mexico City operation. The bomb was to be detonated with a Fanon-Courier electronic pager, a device which had been modified in Chile several months earlier by Townley after the

CNM had sent, unrelated to the Letelier mission, several such pagers to him via LAN-Chile. On the night of September 18, 1976, Townley, Suarez, and Paz drove to Letelier's house to install the bomb, and Townley, agreeing to the demands of the CNM, himself affixed the bomb to a cross-member beneath Letelier's automobile. After returning to his motel room, Townley called his wife in Chile, informing her that a bomb had been placed under Letelier's car and asking her to relay that information to DINA headquarters.

Early the next morning, Townley flew to Newark under the identity of Kenneth Enyart. Alvin Ross Diaz met him at the airport and drove him to Guillermo Novo's apartment, where Townley recounted the events of the past few days in Washington. After visiting his sister in Westchester County, New York, Townley went to Kennedy Airport to submit a false United States Immigration and Naturalization Service Form I-94 showing that Hans Petersen Silva, the holder of the official Chilean passport, had flown to Madrid, Spain. He then flew from Newark to Miami, Florida, still using the Kenneth Enyart identity. Townley attempted to purchase a new return ticket to Santiago with the help of LAN Chile employees (as Townley was short of funds). On September 20, Townley met with Felipe Rivero; the two discussed the DINA/CNM relationship only in general terms, and Townley did not bring up the assassination of Letelier. Townley then spent the rest of the day shopping and spent the evening and night at his parents' home in Boca Raton, Florida.14/

On September 21, 1976, Townley called Virgilio Paz to determine why he had not heard or seen anything in the press about Letelier. Paz refused to discuss the subject and hung up on Townley. Townley then contacted Ignacio Novo to arrange a meeting. Novo suggested to Townley that he should listen to the news on his car radio, as something important had happened in Washington. That "something" was that the bomb planted below Letelier's car had been detonated, killing Letelier and his assistant, Ronni Moffitt. Michael Moffitt, Ronni's husband and another assistant to Letelier, was in the back of the car and was injured, although not critically. Townley would later learn from Virgilio Paz that the bomb had malfunctioned on the scheduled September 20 and that the CNM had been forced to remove the bomb, correct the malfunction and reinstall the device prior to its September 21 detonation.

Before meeting with Novo, Townley reached a LAN-Chile pilot, Ronald Berger, at the Dupont Plaza Hotel Annex who agreed to sign a voucher for a one-way ticket to Santiago in the name, Kenneth Enyart, with the charges being made against the pilot's internal account. Townley then met with Ignacio Novo and filled him in on the details of the assassination. Subsequent to meeting with a number of LAN-Chile employees at the Dupont Plaza, Townley returned to Chile on September 22,

traveling under the identity of Kenneth Enyart with a fraudulently obtained U.S. passport.15/

III. THE U.S. INVESTIGATION AND THE CHILEAN COVER UP

Upon his return to Chile, Townley supplied Espinoza with the details of the mission. Espinoza seemed satisfied with the results of Townley's efforts and destroyed the false Chilean passport in the name of Hans Petersen Silva which Townley had used to enter the United States. Soon thereafter, Espinoza called Fernandez into his office at DINA headquarters and told Fernandez not to worry, that the assassination had been carried out by the "opposition" to the Pinochet government to discredit the regime before the Chilean Foreign Minister was scheduled to speak at the U.N. that week. Espinoza told Fernandez, "That is what you will say." Although Espinoza never told Fernandez that he had participated on a mission to assassinate Letelier, the implications of Espinoza's comments made it clear to Fernandez that that was exactly what he had done.16/

Immediately after the September 21 assassination, the United States government began an investigation of the events surrounding the murder of Letelier under the direction of both the Federal Bureau of Investigation (FBI) and the Department of Justice. The investigation eventually uncovered the participation of the Cuban exiles; through informers, the investigators ascertained that Guillermo Novo, Virgilio Paz, Dionisio Suarez and Alvin Ross had all participated in the crime. Further informer contact with the Cubans revealed that DINA had also been involved.17/

On June 28, 1977, during a meeting with the Chilean Ambassador to the United States, Jorge Cauas, Assistant United States Attorney Eugene Propper, one of the lead investigators on the Letelier case, requested the assistance of the Chilean government in the investigation of the extent of contact between the Cubans and DINA or any other Chilean government organization. Propper was subsequently advised that the Chilean government was initiating an investigation to provide him with the answers he sought. Special Agent Robert Scherrer of the FBI repeated Propper's request for information at a meeting with General Ernesto Baeza Michaelsen, the director of Investigaciones de Chile, on July 15, 1977. Baeza told Scherrer that he would speak personally with President Pinochet to expedite the investigation. That same evening, Scherrer met Colonel Contreras, who denied having any information regarding the Cubans and their contact with his organization, DINA. Contreras denial of knowledge about the Cubans was almost certainly a blatant lie. After a period of delay, the Chilean government submitted a written answer to the requests to the Department of Justice which contained patently false information. The Chilean government added that additional requests for information by the United States would have to be

made through the proper judicial channels in accordance with international law.18/

The only significant lead that the American investigators obtained regarding the identity of the Chilean officials involved in the Letelier assassination was that two persons traveling under official Chilean passports had entered the United States using the same names as the Chileans who had applied for visas in Paraguay in July 1976. Realizing that the Chilean government was not cooperating in the investigation, on February 17, 1978, the investigators sent formal Letters Rogatory to the Chilean Supreme Court through the District Court for the District of Columbia. This was the appropriate step under the international legal procedures that the Chileans had demanded. The Letters Rogatory requested the Chilean government to produce for questioning "Juan Williams Rose" and "Alejandro Romeral Jara," the names of the Chileans who had entered the United States and applied for U.S. visas with Paraguayan passports; at this time, the investigators did not know that two different sets of people were involved to cover the tracks of Townley and Fernandez.19/

After the Chilean Supreme Court received the Letters Rogatory, Contreras summoned Townley to his office. Contreras was no longer the director of DINA, the name of which had been changed to the National Information Center (CNI) during the ensuing period, having been promoted to General and installed as the director of the Chilean Army Engineers. Contreras had been replaced at CNI by retired Chilean Army General Odlanier Mena. At first, Contreras suggested to Townley that he flee Chile to avoid questioning. When Townley refused, Contreras suggested the cover story that Townley had planned to travel to the United States only to obtain a list of U.S. politicians sympathetic to the Pinochet regime, but that the trip had never taken place.20/

Around the same time, Contreras also met with Fernandez and instructed him to deny ever having been to the United States. The new head of CNI, General Mena, refused to believe Fernandez' repeated denials of his trip to the United States and continued to press Fernandez. On several occasions, Fernandez sought counsel from Contreras, who finally advised Fernandez to admit that he had traveled to the United States on official business for CODELCO, the Chilean national copper company. Later, with the help of Espinoza, Contreras and Fernandez developed the CODELCO cover story more fully. Apparently, Fernandez and Contreras also met with Townley to coordinate stories. Fernandez would explain to investigators that he had gone to the United States to investigate manipulation of funds by CODELCO employees.21/

The investigation began to pick up momentum when pictures of Townley and Fernandez appeared in the international press in

March 1978, identifying the two as the Chilean agents who had entered Paraguay seeking a visa for entry into the United States under false Paraguayan passports. The American investigators had attached to the Letters Rogatory the photographs of Townley and Fernandez that Ambassador Landau had copied from the false Paraguayan passports in July 1976. The publication of the photographs swiftly led to the identification of Townley and Fernandez as the individuals that had visited both Paraguay and the United States, rather than Mosqueira and Riveros (the other "Williams" and "Romeral" who had entered the United States as part of the cover up and who were identified by the Chilean passport numbers given in the Letters Rogatory).22/

On March 22, 1978, the Chilean government produced Riveros and Mosqueira in a Chilean court in response to the Letters Rogatory. The United States protested that they were not the individuals whose photographs had been included with the Letters Rogatory. The Chilean court refused to recognize the appearance of Riveros and Mosqueira as compliance with the Letters Rogatory, and after continued pressure on the Chilean government, the American investigators were allowed to interview Fernandez on March 30, 1978 prior to his appearing before a Chilean magistrate pursuant to the Letters Rogatory.23/

In that interview, Fernandez provided the American investigators with "explanations" for the Paraguayan passport trip and his subsequent trip to the United States. According to Fernandez, the Paraguayan passports were needed for a mission to the United States to contact General Walters, an important man who could help the Chileans obtain a list of United Nations individuals sympathetic to the Pinochet regime in Chile; the trip to the United States, on the other hand, was merely to accompany a DINA agent as a reward for his arduous and valued service to DINA. He also stated that he had coincidentally bumped into Townley at Kennedy Airport and that they had only exchanged pleasantries as Fernandez was on his way back to Chile. All of these claims made by Fernandez during the interview would later prove to be blatant lies, a fact that Fernandez would subsequently admit to American investigators.

The next day, Fernandez and Townley both appeared in a Chilean court in response to the Letters Rogatory. Fernandez reiterated the false cover story. Townley refused to testify; as an American citizen, he was entitled to invoke the fifth amendment privilege against self-incrimination.24/

Shortly after his refusal to testify before the Chilean judge, the United States formally requested the expulsion of Townley from Chile. On April 7, 1978, Earl Silbert, the United States Attorney for the District of Columbia, and Enrique

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Montero, Chilean Undersecretary of the Interior, reached an agreement through which Townley would be returned to the United States and Chile would henceforth cooperate in the investigation of the Letelier assassination. The next day, the Chilean government complied with the agreement, and Townley was turned over to FBI agents in Chile and taken to the United States in custody. Back in the United States, Townley refused to make a statement until he could see General Hector Orozco Sepulveda, the special military prosecutor appointed to investigate the "Passport Cases" (the Chilean government's euphemism for the Letelier assassination). Upon Orozco's order to tell the truth, Townley first made a statement to Orozco and then gave a statement to the American investigators having reached a plea bargaining agreement. The expulsion of Townley and Orozco's order to testify would prove to be the only genuine acts of cooperation in the Letelier assassination investigation that the Government of Chile would undertake, despite the assurances given to Silbert by Montero.25/

Townley's statement confirmed the gravest suspicions of the American investigators: not only had the conspiracy to assassinate Letelier reached the highest level of the Chilean government -- at least to the head of DINA, Contreras, and perhaps even to the head of the government, President Augusto Pinochet, but after the assassination, the Chilean government had actively impeded the progress of the U.S. investigation. According to both Townley and his wife, Mariana Callejas, only Contreras or someone higher up in the government possessed the authority to order a mission such as the assassination of Letelier. Much of Townley's statement was later corroborated by a wide range of documentary evidence, from a vivid reconstruction of the explosion that killed Letelier to Townley's travel receipts. Statements by other individuals, such as Jack Holcomb, the owner of Audio Intelligence Devices, Fernando Cruchaga, a LAN-Chile employee in New York, and Mariana Callejas, further corroborated Townley's statement.26/

As Townley was finally testifying truthfully in the United States about the events leading up to and following the Letelier assassination, the efforts of the guilty parties in the Chilean government to escape justice continued. Orozco returned to Chile with Townley's statement and confronted Fernandez with an accurate account of the events in Paraguay and the United States between July and September of 1976. Fernandez then gave a true statement to Orozco, who proceeded to order Contreras (who had resigned from the Chilean military in March 1978) to make a statement. Contreras finally capitulated, having been confronted with the statements given by Fernandez, Espinoza and Townley. Contreras admitted to Orozco that he had ordered Espinoza to have Letelier assassinated. He claimed that he was acting under the authority of "the Chief," the reference being to President Pinochet. After hearing Contreras' statement and realizing the

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magnitude of the conspiracy, Orozco told Fernandez not to worry, that everything would be resolved and that he should return to work.27/

III. THE CRIMINAL TRIALS AND EXTRADITION PROCEEDINGS

On August 1, 1978, a grand jury in Washington, D.C. handed down indictments based on the results of the investigation by American law enforcement authorities. The indictment charged Contreras, Espinoza, Fernandez, Guillermo Novo, Alvin Ross, Virgilio Paz and Dionisio Suarez with murder and conspiracy to murder in violation of the United States Code and the District of Columbia Code. It also charged Guillermo and Ignacio Novo with making false statements to a grand jury about their involvement with DINA and Ignacio Novo with misprison of a felony. Only the Novo brothers and Alvin Ross were in custody in the United States; Paz and Suarez were still fugitives and Contreras, Espinoza and Fernandez apparently were in Chile. Evidence later indicated that Fernandez, Espinoza and Contreras were subsequently detained in a military hospital pursuant to a provisional arrest request from the United States.28/

The United States issued a formal extradition request for the three Chileans on September 21, 1978. The attorney for the United States in Chile, Alfredo Etcheberry, submitted an exhaustive petition in favor of extradition supported by extensive and elaborate documentation collected during the course of the assassination investigation. Etcheberry argued that the evidence presented was more than sufficient to satisfy the requirements of the 1902 Extradition Treaty between Chile and the United States, a treaty which requires only enough evidence to bring the accused to trial for the offense under the laws of the nation where the fugitive is found.29/

Before the proceedings on the extradition request were able to begin in the Chilean Supreme Court, Orozco summoned Espinoza and Fernandez from their detention. Orozco ordered them to lie in their declarations before the Supreme Court. Upon their protests that they had already provided him with truthful written declarations, Orozco returned the statements to Fernandez and Espinoza, who promptly destroyed them. Fernandez also met prior to the Supreme Court proceedings with President Pinochet, who told Fernandez, "Be a good soldier, tough it out and this problem will have a happy end."30/

On October 17, 1978, Contreras, Espinoza and Fernandez lied under oath to the Chilean Supreme Court during the extradition proceedings in compliance with the orders of General Orozco. Fernandez told the Court that he traveled to Paraguay with Townley to obtain false passports needed for a trip to the United States to meet with General Vernon Walters of the CIA to obtain a list of American politicians supportive of the Pinochet government. He then told the familiar cover story

about his trip to the United States with Liliana Walker, that they were checking on irregularities in the finances of CODELCO. Contreras and Espinoza also used these cover stories in their testimony to the Supreme Court.31/

Prior to the Chilean courts issuing a decision on the extradition request, the criminal proceedings against the defendants in custody in the United States began. On February 14, 1979, after a six week trial, a jury in the District Court for the District of Columbia found Guillermo Novo and Alvin Ross guilty on both the murder and conspiracy charges, both of the Novo brothers guilty of lying to a grand jury about their involvement with DINA and Ignacio Novo guilty of misprison of a felony. Ross and Guillermo Novo received two consecutive sentences of life in prison for their roles in the murder, while Ignacio Novo was sentenced to eight years in prison for his actions. Each of the defendants filed an appeal.32/

On May 13, 1979, Israel Borquez Montero, President of the Chilean Supreme Court, handed down his decision rejecting the extradition request by the United States. He stated that under Chilean law the prosecution needed to show a "well-founded presumption" of the guilt of the accused before going forward with a criminal indictment. Thus, according to Borquez, such a standard had to be applied in the extradition proceedings since the Extradition Treaty stated that the law of the nation in which the accused were located was to be determinative of the sufficiency of evidence for extradition. He held that Townley's plea bargained statement to the American investigators, which Chilean law views as a "compensated accusation" since the witness receives a reduced sentence in return for his testimony, could not be viewed as impartial evidence under Chilean law. As such, neither Townley's testimony nor the evidence garnered with the aid of information provided by Townley, particularly when viewed in light of prior inconsistent statements given by Townley, could be afforded the weight necessary to reach the "well-founded presumption" required to extradite Contreras, Espinoza and Fernandez to the United States.

After excluding all of this evidence, all that remained which supported the United States' request, Borquez stated, was certain "absurd or contradictory" testimony made by Fernandez, Espinoza and Contreras. Borquez ordered that these contradictions be "made a matter of record" and that his decision be forwarded to the ongoing Chilean military investigation for the purpose of examining what "responsibility may be charged to Fernandez, Espinoza and Contreras in the homicides of Letelier and Moffitt."33/

The United States appealed Borquez' decision to the full Chilean Supreme Court, which upheld Borquez' denial of the extradition request on October 1, 1979. The U.S. had argued

that Borquez had committed reversible error by failing to accord Townley's testimony the weight of a "well-founded presumption" against Fernandez, Espinoza and Contreras; the attorney for the United States argued that a number of Chilean statutes recognize the evidentiary value of plea-bargained testimony and thus Borquez' decision should be overturned. The Supreme Court ignored this contention, supporting not only the bases given in Borquez' decision, but also going beyond Borquez' ruling by invalidating all evidence gathered by American investigators in Chile under the reasoning that such American actions violated Chilean sovereignty and by refusing to consider Townley's statement given to Orozco on the ground that Orozco was not authorized to act outside of Chilean territory. The Court reversed Borquez' order that the military investigation pursue the contradictions in the testimony of Fernandez, Espinoza and Contreras, stating that criminal charges could not be based on "simply reflections, reasoning or mere suspicions" that these contradictions aroused. The Supreme Court ruled that not until the United States produced new evidence beyond that which it had produced for the extradition request could there be any further Chilean action with respect to resolving the Letelier assassination.34/

Almost a year later, on September 15, 1980, the Court of Appeals for the District of Columbia Circuit reversed the criminal convictions of the Novo brothers and Alvin Ross. The murder and conspiracy convictions of Guillermo Novo and Ross were held invalid because the court below admitted into evidence the testimony of two informants who had "deliberately elicited" admissions of guilt from the defendants while the informants were in prison with the defendants. The court based this ruling on a United States Supreme Court opinion handed down not only after the trial, but also after oral argument on the appeal. The court reversed Ignacio Novo's conviction for lying to the grand jury and misprison of a felony, holding that trying Ignacio Novo jointly with the murder defendants was likely to confuse the jurors and prejudice the defendant due to the complexity of the evidence and the disparity between the charges against him and the other defendants.35/

The United States retried Guillermo Novo and Alvin Ross in early 1981. On May 30, a jury acquitted both defendants of the murder charges while convicting Guillermo Novo of lying to a grand jury about his involvement with DINA. Ignacio Novo later pleaded guilty to the charge of lying to a grand jury. Without further access to the other indicted individuals, the criminal case could proceed no further in the United States. Official Chilean action on the case ended in the middle of 1982 when the Supreme Court issued an order staying the investigation of the "Passport Cases" pending discovery of new evidence.36/

Because many of the crucial conspirators in the plot to assassinate Letelier were not brought before a U.S. court, the

United States was severely handicapped in its attempts to bring the participants in this act of international terrorism to justice. Both the refusal of the Chilean Supreme Court to cooperate fully with American authorities, particularly with respect to the extradition request, and the Chilean government's failure to conduct an honest and thorough investigation into the assassination were pivotal in shielding the guilty parties from the consequences of their illegal and brutal actions.

IV. THE CIVIL CASE AGAINST CHILE

After the issuance of the criminal indictment in August 1978, the families of Orlando Letelier and Ronni Moffitt filed a civil suit in the District Court for the District of Columbia. The complaint alleged that Townley, Ross, Paz, Suarez and Ignacio and Guillermo Novo acted in concert with and at the direction of the Republic of Chile, its intelligence arm, DINA, and DINA operatives and officials, Espinoza, Fernandez and Contreras, to cause the death of Letelier and Moffitt. Such action, the plaintiffs asserted, violated Letelier's and Moffitt's rights under the United States Constitution, international law, the common law and U.S. statutory law.

The court entered a default judgment against all of the defendants when all failed to respond to service of process. Subsequently, the government of Chile sent a diplomatic note and an attached memorandum of law to the clerk of the court via the United States Department of State, protesting the American actions and arguing that it was protected from the jurisdiction of U.S. courts by the doctrine of sovereign immunity, specifically, the 1976 Foreign Sovereign Immunities Act (FSIA).

On March 11, 1980, several months prior to the overturning of the convictions of the Novo brothers and Alvin Ross, the court ruled against Chile, holding that the FSIA did not protect the government of Chile from the civil jurisdiction of United States courts. The court stated that Section 1605(a)(5) of the Act specifically confers jurisdiction over foreign states for official, non-commercial conduct which results in personal injury or death in the United States. Although Section 1605(a)(5) exempts "discretionary" acts from its sweep, the court held that governmental officials do not have the "discretion" to commit illegal acts. The court also held that the act of state doctrine does not excuse Chile from the court's jurisdiction since the result of Chile's alleged actions occurred in the United States and, thus, to hold otherwise would emasculate the FSIA.[37]

The government of Chile failed to appeal the ruling and elected not to participate in the trial on the merits. On

November 5, 1980, the District Court for the District of Columbia entered a judgment in favor of the families of Letelier and Moffitt finding that the plaintiffs had produced sufficient evidence, particularly Townley's prior sworn testimony, to entitle them to a default judgment. The court awarded compensatory and punitive damages of approximately $5,000,000 to the plaintiffs, holding the individual defendants and the Government of Chile jointly and severally liable. Neither Chile nor the individual defendants appealed.38/

The families of Letelier and Moffitt thus became judgment creditors of the government of Chile. They brought suit in the District Court for the Southern District of New York in an attempt to execute the judgment against LAN-Chile, an airline which was wholly owned by the Republic of Chile. The Government of Chile again did not participate in the proceedings; LAN-Chile, however, appeared to defend its assets against attachment.

Claiming that it was a "separate juridical entity" from the Government of Chile, LAN-Chile asserted that it could not be held liable for the government's debts. The airline further arguments included the contention that the FSIA protects a government's commercial assets from execution if those assets are unrelated to the commission of the tort. Meanwhile, the judgment creditors took the position that if the court would not allow them to levy on simply any assets of Chile in the United States that they were able to find, the court should nonetheless "pierce the corporate veil" of LAN-Chile because of LAN-Chile's participation and assistance in the assassination mission. They argued that the FSIA offered no protection to LAN-Chile because its assets were used in the commission of the tort.

The District Court agreed with the judgment creditors, holding that "internationally recognized equitable principles" permitted the court to disregard LAN-Chile's separate juridical existence. The court further held that the FSIA did not prevent execution against a foreign government's commercial assets if the assets were used in the "commercial activity upon which the claim is based." Even though this section of the FSIA applies to the execution of judgments based on commercial claims and not to personal injury or death caused by the actions of a foreign government official, the court ruled that execution was proper, because in the absence of clear congressional intent, Section 1605(a)(5) should not be interpreted to create "a right without a remedy."39/

The Court of Appeals for the Second Circuit disagreed with the District Court's analysis and reversed the judgment. The Second Circuit held that LAN-Chile's separate juridical existence had to be recognized even though it was a wholly owned entity of the Republic of Chile. According to the court,

joint participation in the commission of a tort is not the type of "abuse" of the corporate form meriting the "piercing of the corporate veil" as laid out by the Supreme Court in a prior case (Bancec). Further, the court ruled that LAN-Chile's participation, if any, was not "commercial activity" in the sense as that term is used in the FSIA. The court added that while this may leave the judgment creditors with a "right without a remedy" under American domestic law, they might still be able to obtain relief by pressing their claim in an international tribunal or if the government of Chile decides to honor the judgment as an act of goodwill. The Supreme Court denied certiorari on the judgment creditors' appeal.40/

Thus, the families of Orlando Letelier and Ronni Moffitt exhausted their legal remedies in the United States in pursuit of obtaining compensation from the government of Chile for its egregious act of state-sponsored terrorism. The fact remains, however, that the families had a legally cognizable claim to damages which the government of Chile refused, and continues to refuse, to acknowledge. Despite repeated stonewalling from both the courts and government in Chile, the families of Letelier and Moffitt have continued to press their claim, just as the United States continues to seek justice for both the victims and the perpetrators of the Letelier assassination.

V. RECENT DEVELOPMENTS

The Republic of Chile, consistent with past efforts, took further to steps in 1985 to assure that a full and fair accounting of the events leading up to and following the assassination of Letelier would never be undertaken in Chile, when a military court granted Contreras' request to dismiss in its entirety the suspended investigation into the "Passport Cases." This decision was based on the expiration of the statute of limitations for passport fraud, which is five years in Chile. Meanwhile, the statute of limitations for murder in Chile is fifteen years, thus indicating the extent to which the military court has continued to deny any role of the Chilean government or its officials in the Letelier assassination. The Letelier family, a civil party to the suit under Chilean law, appealed this ruling. As the appeal was pending in early 1987, a major break occurred in the Letelier case.41/

On February 4, 1987, Armando Fernandez Larios voluntarily entered the United States following discussions with several U.S. governmental officials in which he offered to testify fully and truthfully and plead guilty to the charge of being an accessory after the fact to the murder of an internationally protected person. Fernandez' statement to the United States government corroborated almost entirely Michael Townley's earlier statements, reconfirming and adding to the solid body of evidence linking highly placed Chilean officials, including Contreras, Espinoza, Orozco and Pinochet to the Letelier assassination and/or investigation cover up.42/

As the type of dramatic new evidence which the Chileans had been demanding for the continuance of their investigation, Fernandez' voluntary decision to come forward with the truth rekindled the efforts of the Letelier and Moffitt families, along with the United States government, to force the Chileans to bring the responsible parties in the Letelier assassination to justice. On May 11, 1987, the United States again formally requested by diplomatic note the expulsion from Chile of Contreras and Espinoza, the two former DINA leaders who had played a crucial role in the planning, execution and cover up of the Letelier assassination.43/

On May 22, a military court of appeal in Santiago reversed the decree of a lower court which had permanently closed the "Passport Cases." This appeal by the Letelier family had lain dormant for almost two years when the appeals court finally took this action. The result of the reversal, however, was hardly a major triumph for the Letelier family; the court dictated merely that the investigation be returned to "suspended" status, meaning that the investigation would not be reopened without further, new evidence.44/

On May 27, the Chilean Foreign Ministry publicly reported the U.S. request for the expulsion of Contreras and Espinoza and indicated to the Chilean press that it intended to reject the request. The Foreign Ministry took this action without responding in any formal manner to the United States. On June 17, more than a month after receiving the diplomatic note requesting expulsion, the government of Chile rejected the United States request in its own diplomatic note, again making known the note's content publicly. In response, Assistant Secretary of State Elliot Abrams called Chilean Ambassador to the United States Errazuriz into his office in Washington on June 24 to convey the deep dissatisfaction of the United States over the Chilean government's continued unwillingness to resolve this international dispute.45/

On July 17, the United States continued to apply diplomatic pressure on Chile to cooperate in the Letelier case by sending a diplomatic note demanding that the Chilean government prosecute Contreras and Espinoza in Chile if it refused to expel them to the United States. On July 28, Assistant Secretary Abrams presented Ambassador Errazuriz with another diplomatic note, this one requesting that the government of Chile pay ex gratia compensation to the families of the victims of the Letelier assassination. Under the terms of the note, ex gratia compensation would absolve Chile of its moral responsibility to the victim's families without admitting guilt in the assassination.46/

Taking advantage of the favorable May appeals court ruling, the Letelier family petitioned the lower military court to reopen the "Passport Cases" on August 20, 1987. The petition

argued that the new evidence presented by Fernandez' testimony was more than sufficient to require a new investigation. On August 21, the United States sent another diplomatic note to the Chilean government urging the government of Chile to grant the Letelier petition and finally cooperate in resolving the case, now over ten years old.47/

On August 28, 1987, the Chilean government responding by delivering two diplomatic notes to the United States Government. The first vigorously defended the Chilean government's decision not to expel or prosecute Contreras and Espinoza, implying that it considered the criminal proceedings in the Letelier case settled. The second note rejected the United States request for compensation to the victims' families, denying any responsibility for the assassination and questioning the exercise by the United States courts of jurisdiction in the civil suit against Chile. Far from indicating any willingness to cooperate in bringing the case to an end, the Chilean government offered only to submit the question of the jurisdiction of U.S. courts over Chile to an international tribunal.48/

On October 13, 1987, a Chilean military court refused to reopen the "Passport Cases," holding that the new evidence submitted, Fernandez' statement about his involvement in the Letelier assassination, lacked any "probative value." The United States issued a strongly worded statement decrying Chile's continued lack of cooperation and obstruction of justice on October 16. On October 20, the Foreign Ministry of Chile publicly responded to the United States' statement by disingenuously claiming that it had cooperated with the investigation all along. The same day, the Letelier family filed an appeal in a military appeals court of the October 13 refusal to reopen the "Passport Cases.49/

In an attempt to add momentum to the investigation, the United States served General Orozco, the military investigator in charge of the Letelier case in Chile at the time of Townley's expulsion, with a Letter Rogatory requesting information about his knowledge of many aspects of the Letelier assassination and subsequent cover up. The Chilean courts stalled for several months before finally requiring a response from Orozco. On April 14, 1988, the Chilean Supreme Court refused to require Orozco to answer all but twelve of the approximately 250 questions put to him by the United States. When Orozco's responses were received, they were either obviously false or generally evasive.50

On May 4, 1988, the Chilean military appeals court upheld the refusal of the lower court to reopen the "Passport Cases." The Letelier family appealed this decision to the Chilean Supreme Court. This last hope of extracting some form of cooperation from the Chilean government was extinguished on

July 14, 1988, when the Supreme Court affirmed the decision to keep the "Passport Cases" in suspension on the ground that Fernandez' confession added nothing new to the evidence already available.51/

Because of Chile's continued refusal to cooperate with diplomatic and legal requests for assistance by the United States and the exhaustion of domestic legal proceedings, both criminal and civil, in the United States and Chile by the United States Government and by the families of the victims of the Letelier and Moffitt murders, the United States decided to espouse the claims of the United States citizens involved in the case. The Department of State has formally requested through diplomatic channels that the Government of Chile pay the United States and the claimants it represents $12,000,000 to compensate for the personal and national injury incurred as a result of the Chilean government's participation and cover up of the Letelier assassination. The Republic of Chile has formally denied this request as well.

VI. THE CURRENT POSTURE OF THE DISPUTE

The United States continues to demand that Chile cooperate in seeing that the participants in this act of political terrorism, the murders of Orlando Letelier and Ronni Moffitt, are prosecuted and that the families of the victims are fairly compensated. The United States has vowed never to rest until a satisfactory resolution has been reached.52/

Having reached both diplomatic and judicial impasses in efforts to obtain the Chilean government's cooperation in fully investigating the facts surrounding the involvement of the Government of Chile and certain of its officials and employees in (i) the assassination of Orlando Letelier and the attendant murder and injury of Ronni Moffitt and Michael Moffitt, respectively, and (ii) the subsequent cover-up of the actions of the Chilean government and certain of its officials and employees in this heinous and illegal act of international terrorism, the United States has decided to convoke the International Commission of Investigation pursuant to the provisions of the Treaty for the Settlement of Disputes that may Occur Between the United States and Chile, which entered into force on January 19, 1916. Specifically, the United States requests the Commission to investigate and report upon the facts surrounding the deaths of Orlando Letelier and Ronni Moffitt in Washington, D.C. on September 21, 1976, including the involvement of the Government of Chile and certain of its officials and employees in those deaths, and to investigate and report upon the extent to which the Government of Chile and certain of its officials and employees obstructed subsequent investigations into these deaths.

ANNOTATION

This annotation refers the reader to the documentation for this account currently available in State Department files. Well known historical facts are not cited. Where additional documentary support may be needed to support assertions in the summary, or where any weakness exists in State Department files, it has been noted.

Much of the documentary-type evidence (as opposed to testimonial evidence) among the Extradition Request Documents are illegible. This is a result of the poor quality of the copies at the U.S. Attorney's office. The original photographs of these documents are in the files at the U.S. Attorney's Office; each document can be identified by its number on the document list which precedes the documents in their package. The appropriate file box numbers for the extradition materials can be identified by the Letelier Case File Manifest which also precedes the package.

1. Townley Statement, Extradition Request Document (hereinafter E.R.) #41, pp. 44-45; Callejas Grand Jury Testimony, E.R. #96, pp. 9-12; Cornick Affidavit (discussing Enyart's electronics purchases), Summary Documentary Supplement (hereinafter D.S.) #1. Additional information showing that Townley was a DINA agent are located in Etcheberry Submission, D.S. #6, pp. 35-38.

2. Townley Statement, E.R. #41, pp. 44-47; Callejas Grand Jury Testimony, E.R. #96, pp. 12-15.

3. Townley Statement, E.R. #41, p. 4; Callejas Grand Jury Testimony, E.R. #96, pp. 15-16; Jennifer Larsen Statement, E.R. 121; Photographs of Paz at Townley's Home, E.R. #122-26.

4. Townley Statement, E.R. #41, pp. 2-5.

5. Fernandez Proffer to District Court, D.S. #2, pp. 2-3, 7. There are some declarations in Townley's statement which contradict Fernandez' claims about how little he knew about the purpose of the mission. In this case, however, Townley's statement corroborates Fernandez' claim that Fernandez stayed in the car during Townley's initial meeting with Espinoza.

6. Guanes Statement, E.R. #114; Cable from DINA, E.R. #115; Scherrer Statement, E.R. #116; Etcheberry Submission, D.S. #6, p. 55.

7. Townley Statement, E.R. #41, pp. 4-13; Fernandez Proffer, D.S. #2, pp. 3-4; Photographs of Townley's and Fernandez' False Paraguayan Passports and U.S. Visa Applications, E.R. #49-52, 128-130.

8. Scherrer Statement, E.R. #51; Guanes Statement, E.R. #114. There is more information available regarding how Landau became suspicious of the visa applications. Since this information about the Paraguayan Passport incident is relevant to the ultimate solution of the case, it should be determined whether this information can be used in this unclassified document or whether it should be declassified.

9. Fernandez Statement, E.R. #127, p. 8; Fernandez Proffer, D.S. #2, pp. 4-5; "Faundez" and "Walker" Travel Documents; E.R. #131-34. The true identity of Liliana Walker remains unknown.

10. Townley Statement, E.R. #41, pp. 14-15.

11. Riveros and Mosqueira Statements and Travel Documents, E.R. #141-49. There appears to be some contradictions among the explanations given about the purpose of Riveros' and Mosqueira's trip to the U.S. They claimed they were making a delivery for Espinoza to a Chilean Army General Floody in the U.S. Floody asserts that they told him they were in the U.S. to make contact with CIA Deputy Director General Vernon Walters. See Floody's Statement, E.R. #150. General Walters, for his part, claims that he did not have any contact with DINA after his retirement in June 1976 and, therefore, Floody's version of events is absurd. See Walters' Statement, E.R. #151. In fact, Mosqueira later used the "General Walters" cover story in his testimony before the Chilean Supreme Court during the extradition proceedings. See Borquez Extradition Decision, D.S. #7. It is most likely that the "Walters" cover story was actually used by Riveros and Mosqueira since Fernandez later used the same story to explain his and Townley's mission to Paraguay before the Chilean Supreme Court during the extradition proceedings in 1978. The use of the same story to cover for the missions to Paraguay and the U.S. by the different "Williams'" and "Romerals" would have neatly completed the open circle created by the failed mission to Paraguay, that is if Landau had not copied the photographs of the false Paraguayan passports, thus exposing the Chilean cover up of the Paraguay mission.

12. Fernandez Proffer, D.S. #2, pp. 4-6; Etcheberry Submission, D.S. #6, p. 61. For documents confirming the dates of Fernandez' presence in the U.S. under the name of Faundez Lyon, see E.R. #133-38.

13. Townley Statement, E.R. #41, pp. 15-18; Fernandez Proffer, D.S. #2, p. 6; LAN-Chile Flight Manifest, E.R. #138; Cruchaga Statement, E.R. #106. It is here, in the explanation of what Fernandez told Townley, that the contradictions between the testimony of Townley and Fernandez are most acute. Townley indicates that Fernandez told him, in some detail, about Letelier's automobile, his place of work, and his "daily

movements." Fernandez, on the other hand, claims that gave Townley only a map with some surveillance notes. If Townley's version is true, it contradicts Fernandez' statement that Letelier was out of town at the time of his visit and that he only observed Letelier's house and car in Letelier's absence. Although it is not perfectly clear whether Letelier was actually in Washington while Fernandez was there, both the Schedule of Letelier's Activities, D.S. #32, and Etcheberry's Submission, D.S. #6, pp. 60-61, indicate that Letelier was present in Washington for at least two days while Fernandez was there.

14. Townley Statement, E.R. #41, pp. 19-39. This description of events is entirely Townley's, although some of it is corroborated by his wife, Mariana Callejas' Grand Jury Testimony, E.R. #96. Furthermore, there is a good deal of documentary evidence which supports Townley's story. See E.R. #55-73.

15. Townley Statement, E.R. #41, pp. 39-40; Townley's Passport and Passport Application under the name Kenneth Enyart, E.R. #42-43. The identity of the pilot as Berger comes from de Letelier v. Republic of Chile (see infra note 39).

16. Townley Statement, E.R. #41, pp. 39-40; Fernandez Proffer, D.S. #2, p. 7. Again, the extent of Fernandez' knowledge about the purpose of his mission to the U.S. may be greater than he admits.

17. Cornick and Scherrer Affidavit Summarizing Canete's Testimony, D.S. #3; Propper Statement, E.R. #155.

18. Propper Statement, E.R. #155; Chilean Response to Request for Information, E.R. #156; Townley Statement, E.R. #41, p. 42.

19. Propper Statement, E.R. #155; Letters Rogatory, E.R. #157.

20. Townley Statement, E.R. #41, pp. 41-42. Note that this is the same cover story used to explain the Paraguayan passport trip and the trip by Riveros and Mosqueira to the U.S.

21. Fernandez Proffer, D.S. #2, pp. 7-9; Townley Statement, E.R. #41, p. 42. Townley's statement mentions that Townley, Fernandez and Contreras met at this time to plan the cover up. Fernandez, meanwhile, does not mention any such meeting.

22. Townley Statement, E.R. #41, p. 41; Fernandez Proffer, D.S. #2, pp. 9-10; Letters Rogatory, E.R. #157. Fernandez' statement seems a bit confused about the sequence of events that led to his identification as "Romeral." This may be attributable to the fact that he made his statement nearly ten years after these events occurred. Townley's version seems

closer to the other historical accounts about the timing of these events. See also E.R. #139-41, documents identifying Townley and Fernandez as the DINA agents who were in Paraguay and later the United States.

23. Fernandez Proffer, D.S. #2, p. 10. Unclassified information is needed which documents the presentation of Riveros and Mosqueira in response to the Letters Rogatory. The Letters Rogatory, E.R. #157, may actually contain this information. Locating the official answers provided by Fernandez to the Letters Rogatory would also be helpful.

24. Etcheberry Submission, D.S. #6, p. 49; Fernandez Statement, E.R. #127, pp. 2,8.

25. Fernandez Proffer, D.S. #2, p. 11; Silbert/Montero Agreement, D.S. #4. It is unclear why the Chilean government decided to expel Townley. Possibly, Townley's expulsion was a result of intergovernmental rivalries, especially that between Contreras and Mena. The desire on Mena's part to discredit his rival and predecessor, Contreras, briefly dominated the Chilean response to the American investigation. However, when it was discovered that Contreras was willing to implicate even Pinochet in the assassination, the Chilean government again started stonewalling. See infra note 28. This rivalry between Mena and Contreras is detailed in historical accounts (specifically Labyrinth). Reliable unclassified or declassified information is needed to clarify this aspect of the account.

26. Townley Statement, E.R. #41; Documentary Evidence Concerning Fernandez and Townley's Trip to the U.S., E.R. #45-95, 128-131; Callejas Grand Jury Testimony, E.R. #96; Cruchagá Grand Jury Testimony, E.R. #106. See also Cornick Statement, D.S. #1.

27. Fernandez Proffer, D.S. #2, pp. 11-13.

28. Fernandez Proffer, D.S. #2, p. 13; Criminal Indictment, D.S. #5. The provisional arrest request is mentioned in the Supreme Court Decision on the Extradition Request, D.S. #9, p. 13.

29. Etcheberry Submission, D.S. #6; Extradition Request Documentation, E.R. #1-157.

30. Fernandez Proffer, D.S. #2, pp. 13-15.

31. Fernandez Proffer, D.S. #2, p. 15; see also Borquez Decision on Extradition Request, D.S. #7, pp. 6-9 (discussing contents of testimony by Fernandez, Espinoza and Contreras) and Etcheberry Submission, D.S. #6, p. 53 (regarding the use of the Walters cover story by Fernandez).

32. Results of the first criminal trial are Summarized in U.S. v. Sampol, 636 F.2d 621 (D.C. Cir. 1980), D.S. #8.

33. Borquez Decision on Extradition Request, D.S. #7, pp. 13-22, 29-33, 43-45.

34. Chilean Supreme Court Decision on Extradition Request, D.S. #9, pp. 2, 34-35, 71-72 (para. 102-03), 93-95; Etcheberry Analysis of Supreme Court Extradition Opinion, D.S. #10.

35. U.S. v. Sampol, 636 F.2d 621 (D.C. Cir. 1980), D.S. #8. The two Supreme Court cases which form the basis for the Sampol court's evidentiary ruling are Massiah v. U.S., 377 U.S. 201 (1964) and U.S. v. Henry, 447 U.S. 264 (1980).

36. Etcheberry Memo on Status of "Passport Cases," D.S. #11. Official confirmation of the ultimate outcome of the criminal case against Ross and the Novo brothers is needed; the U.S. Attorney's Office files apparently do not include the jury verdict or the sentence. The information contained in the account comes from the book, Labyrinth.

37. Letelier v. Republic of Chile, 488 F.Supp. 665 (1980), D.S. #12.

38. de Letelier v. Republic of Chile, 502 F.Supp. 259 (1980), D.S. #13. The citation of Ms. Letelier's name is varies in the reporters.

39. de Letelier v. Republic of Chile, 567 F.Supp. 1490 (1983), D.S. #14.

40. Letelier v. Republic of Chile, 748 F.2d 790 (2d Cir. 1984), cert. denied, 471 U.S. 1125 (1985), D.S. #15.

41. Etcheberry Memo of March 10, 1987, D.S. #16, p. 3.

42. Fernandez Proffer, D.S. #2; DiGenova Press Release of February 4, 1987, D.S. #17.

43. Chronology of Events in the Letelier Case, D.S. #18.

44. Cable Santiago 03732, May 26, 1987, D.S. #19 (unclassified sections).

45. Chronology of Events in the Letelier Case, D.S. #18; Cable Santiago 03887, May 29, 1987, D.S. #20 (unclassified sections); U.S. Response to Chilean Rejection of Expulsion Request, D.S. #21.

46. Cable State 221464, July 18, 1987, D.S. #22 (unclassified sections); Chronology of Events in the Letelier Case, D.S. #18.

47. Chronology of Events in the Letelier Case, D.S. #18; Cable Santiago 06318, August 25, 1987, D.S. #23.

48. Diplomatic Notes 07730 and 07731, dated August 27, 1987, D.S. #24 and #25.

49. Chronology of Events in the Letelier Case, D.S. #18; Cable Santiago 08272, October 22, 1987, D.S. #26 (unclassified sections); Statement by the U.S. Department of State, October 16, 1987, D.S. #27.

50. Letter Rogatory to Orozco, D.S. #28; Cable Santiago 02792, April 21, 1988, D.S. #29. Unclassified documentation of the falseness of Orozco's responses to the Letter Rogatory is needed.

51. Cable Santiago 03416, May 12, 1988, D.S. #30; Cable Santiago 05029, July 18, 1988, D.S. #31.

52. Unclassified documentation regarding espousal is needed.

1980

Chile Project (#S199900030)
U.S. Department of State
Release_____ Excise X Deny_____
Declassify: In Part X In Full_____
Exemptions B1, NR

United States Department of State RR042

Washington, D.C. 20520

EXCISE

B1,

SECRET UNCLASSIFIED

TO: Ambassador Barnes

FROM: Peter DeShazo

SUBJECT: Recent Developments in Chile and Washington

Welcome back! Several important developments have taken place since you left Santiago and I wanted to bring you up-to-date on what's happening. I won't go into detail on matters which are discussed in the enclosed reports or cables.

1. Capel-Civitas. [redacted]

NR

2. Cooperatives Grant from NED. [redacted]

[redacted]

SECRET UNCLASSIFIED

NR

5. 1987 Human Rights Report. Our HRR was approved by the NSC with no changes. Ambassador Schifter was not specifically asked about Chile at the press conference he held when the reports were made public but did make passing reference to the human rights situation there. La Moneda and the Chilean Embassy here have expressed their unhappiness with the report, considering it false and unfair. (See my memo on lunch with DCM Maturana). Hernan Felipe has requested an appointment with Elliott on Wednesday, 17 to discuss "human rights" and I assume he will register some sort of complaint at that time.

6. UNHRC. Attached is a copy of a joint HA/ARA/IO memo to the Secretary on the UNHRC Chile strategy. The Secretary approved it, as had Walters earlier. The Secretary's instructions to the delegation in Geneva are to seek a balanced resolution we can support and, to that end, to circulate "elements," inreality the same language of the draft resolution that ARA and HA had prepared for us to introduce as a U.S. resolution. The overwhelming concern of the delegation is Cuba and all else appears to be of vastly secondary importance. Still, Valladares has been outspoken in claiming that the U.S. will not introduce a resolution to have Chile removed from item 5 and will actively seek a balanced resolution on Chile. Our control over the process from here on is slight, since all of HA's nominees for the delegation were rejected by Valladares, who has crossed bureaucratic swords with Schifter. Those in our delegation assigned responsibility for Chile are Amb. Piedra and Lou Amselam. While this may not seem too promising, our original strategy of having a U.S. resolution introduced was guaranteed to fail, given Walters' and Jose Sorzano's firm opposition to it. More about this in the last COM letter.

NR

NR

B1

10. A draft copy of a letter from Reagan to Pinochet has been done and is enclosed. Let's discuss later.

11. Worldwide support for democracy in Chile. I have attached the many responses we have received from Posts concerning our demarche on support for democracy in Chile.

12. On Tuesday 9 I gave, at the request of Amembassy Madrid and with Bob G's blessing, an interview with El Pais, Radio Nacional Espanola, ABC, and EFE via telephone on U.S. policy toward Chile. Topics raised were the predictable ones and I stuck closely to policy line. Comment that in my opinion the GOC had not yet established the conditions for a free and fair election at this moment, noting limitations on human and civil rights, was reported on in Chilean press. From Maturana, I learned that La Moneda was displeased with my comments. Embassy Madrid claimed the interviewed helped clarify mistaken view in Spain of our policy.

SECRET UNCLASSIFIED

13. Enclosed is copy of Dick Howard's memo to Gelbard on revised strategy for Chile. Dick wishes to use this as basis for consultation with you Elliott, Bob, himself, Bob H. and me.

14. Letters Rogatory. The Chilean Supreme Court has halted the processing of the Letters Rogatory until the original of the "missing" page 24 is replaced. Robin Frank is obtaining a complete new set from Judge Parker and a new Spanish set to send down to Chile with a dip note asking the Foreign Ministry not to "lose" a page this time. Court will not take up matter until after February recess anyway. A newspaper contacted Orozco's home and got his housekeeper, who promised that he would "cooperate fully with justice as he has always done!"

15. Letelier Espousal. We are ready to move on espousal the minute we get a written commitment from Sam Buffone, the lawyer for the Leteliers, Karpens, and Moffitt. Mike Kozak working on it. We will review the entire matter in our meeting later in the week.

NR

17. Hearings on Chile. Mark Tavlarides has told us that he will postpone hearings on human rights in Chile until sometime in March. He will invite Schifter and Gelbard to testify for the State Department.

18. Reporting. Recent reports from Santiago indicate that all may not be well in Pinochet's campaign to convince the military of the viability of his candidacy. Further comments on polls and an interesting piece on the letters rogatory, indicating the problem they cause for the GOC. Also reporting on the common declaration of the 13 parties which banded together for the "no" vote. Generally, however, things have been slow, as they should be in the vacation month of February. Wish that were the case around here!

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United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 07/06/95
Case ID: 95122220

RELEASED IN PART
B6

Senator Ted Stevens
United States Senate
Washington DC 20510

1988 JAN -6 AM 9:02

Dear Senator Stevens,

On November 2, 1987 Edwin Paul Tillman the Director of the Centro Universitario Del Norte in Coban Guatemala was kidnapped by heavily armed men at 6 ave of zone 4 in Guatemala City. Edwin was in his vehicle with license plate number 33-30-74. Before Sr. Tillman's position with the Universitario he was an employee of the National Institute for Agrarian Transformation.

Edwin Tillman's family has gone to the National Police in Guatemala City to denounce his kidnapping. The police said they knew of the kidnapping and were investigating the case.

Would you please see that this matter is legitimately investigated? As you know, human rights advocates around the world are watching Guatemala to see if civil rule of law can be established and respect for human rights wrested by the elected government from the military and para military.

As you know, during the 1980's Guatemala has the worst record of human rights abuses in the hemisphere. I am strongly committed to the furtherance of justice and positive change there, particularly for the poor majority. While these changes may run counter to the present U.S. policy in Central America, they are definitely in our best long term interests. In my opinion our support for fast, effective, change allowing the poor majority to organize and obtain the resources necessary for their improvement will not only prove to be our best long term strategy, but will also allow us the satisfaction of supporting our highest held democratic values and respect for human life and dignity.

Would you please also report to me the present status of the Moakley-Deconcini bill S-332. I followed it's action through the House, but lost tract of its progress in the Senate. As you know, this bill would encourage the United States to be more responsible towards its commitment to the UN definition of political refugees of which we are a signatory.

In January, I intend to be traveling in Guatemala. I hope to meet with the [redacted] Office there under Bishop

Gerardi, as well as GAM, (The mother's of the disappeared). I am also hoping to speak with Ambassador Michel and to discuss the plight of the Guatemalan refugees in Chiapas Mexico with Bishop Samuel Ruiz in San Christobal. I am attempting to line up contacts with knowledgeable, concerned individuals who can provide me with factual up to date information regarding human rights and positive change for the poor majority in Guatemala. Is there anyone else you would recommend I see while there? Are there any messages or information you would like me to relate to any of the above persons from you? Would you like to receive any information from any of these contacts?

Please let me know if there is anything you are aware of that I can do to improve the present deplorable human rights abuses and rampant poverty known by the majority in Guatemala. Is the U.S. government or Ambassador Michel taking a position on the present government enforced labor camps known as developmental zones? Are we taking any position regarding the present very restricted lack of freedom of movement within Guatemala by Guatemalans? Would the U.S. feel compelled to make policy statements if these restrictions on freedom and liberty were taking place Nicaragua?

Please excuse the hodgepodge of issues arising in this letter. I had intended to write you about each of them as they arose, but now find myself addressing them all, here. I do want to add however my wish that you do whatever possible to assist in resolving the hunger problem reoccuring in Africa.

I would like to take this opportunity to wish you and your family a very happy holiday season.

I pray that knowledge, understanding, and brotherly concern will guide and give strength to our policies in the coming year.

Sincerely yours,

Donna Mack

Donna Mack

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[redacted]

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PAGE 01 SANTIA 00235 01 OF 02 131720Z
ACTION ARA-00

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~~C O N F I D E N T I A L~~ SECTION 01 OF 02 SANTIAGO 00235

TO ARA BOB GELBARD AND ARA/SC HOWARD

Chile Project (#S199900030)
U.S. Department of State
Release_____ Excise X Deny_____
Declassify: In Part X In Full_____
Exemption(s) B1

E.O. 12356: DECL: OADR
TAGS: AMGT, CI
SUBJECT: OFFICIAL-INFORMAL

REFS: 87 STATE 396160

1. UNCLASSIFIED CONFIDENTIAL ENTIRE TEXT.

2. NED PRESIDENT CARL GERSHMAN PREDICTABLY DREW INTENSE BUT LIMITED MEDIA COVERAGE; MOST BUT NOT ALL OF IT WAS INTENDED TO BE HARMFUL. HE WENT AWAY WITH A FAIRLY CLEAR IDEA OF HOW HE INTENDS TO ALLOCATE THE SPCIAL CONGRESSIONAL APPROPRIATION OF ONE MILLION DOLLARS.

3. THE PRO-GOVERNMENT AND CONSERVATIVE PRINT MEDIA ATTEMPTED TO CAPITALIZE ON GERSHMAN'S VISIT TO CONTINUE THE DRUM ROLL AGAINST ALLEGED UNSCRUPULOUS, EVEN TREASONOUS OPPOSITION PARTIES FOR THEIR FOREIGN PANHANDLING. THEIR JOB WAS MADE DIFFICULT BY HIS AVOIDANCE OF COMMENTS TO THE PRESS. THE MOST OBVIOUS IMMEDIATE IMPACT WAS THE RELUCTANCE OF A FEW ORGANIZATIONS TO SEEK NED FUNDING. OTHERS WOULD PREFER NOT TO

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PAGE 02 SANTIA 00235 01 OF 02 131720Z

RECEIVE FUNDS OUT OF THE MILLION DOLLAR POT ALTHOUGH THEY WOULD LIKE SUPPORT FROM NED'S DISCRETIONARY ACCOUNT OR ONE OF THE RELATED INSTITUTES (FTUI, CIPE, NRI, NDI). ON THE RIGHT, ANOTHER LIKELY IMPACT OF THE PUBLICITY IS A REDUCTION OF CONTRIBUTIONS BY LOCAL SUPPORTERS TO THE CONSERVATIVE THINK TANK CEP (CENTER FOR PUBLIC STUDIES). MUCH HARDER TO MEASURE OF COURSE IS WHETHER THE MEDIA BARRAGE HAS TURNED SIGNIFICANT NUMBERS OF PEOPLE AWAY FROM THE OPPOSITION THEREBY INDIRECTLY HELPING PINOCHET.

NONETHELESS, THERE WAS NO RELUCTANCE TO MEET WITH GERSHMAN AND A NUMBER OF GROUPS, INCLUDING CEP, DID HAVE ENOUGH COURAGE TO JUSTIFY PUBLICLY THEIR RELATIONS WITH NED.

4. AN EXCLUSIVE INTERVIEW OF CARL GERSHMAN BY LUCIA SANTA CRUZ WHICH APPEARED IN THE JANUARY 10 EDITION OF DAILY "EL MERCURIO" SET OUT THE FACTS REGARDING NED IN A BALANCED LIGHT AND INDICATIONS ARE THAT IT HAS FILED SOME OF THE ROUGH EDGES OFF THE OPPOSITION TO NED OF SOME DEMOCRATIC CONSERVATIVES. IT COULD ALSO EASE THE CRITICISM DIRECTED AT THOSE DEMOCRATIC OPPOSITION LEADERS WHO WORK WITH NED-FUNDED PROJECTS. ONLY TIME WILL TELL WHETHER THE WORK THAT WILL BE ACCOMPLISHED WITH THE "MILLION DOLLARS" SPECIAL APPROPRIATION WILL OUTWEIGH THE NEGATIVE IMPACT OF THE INTENSE PUBILICITY IT ATTRACTED TO NED ACTIVITIES HERE AND THE EFFECT OF THE LATTER ON RELATIVE SUPPORT

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FOR PINOCHET AND THE OPPOSITION AMONG THE POPULACE AT LARGE AT THE TIME OF THE PLEBISCITE.

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PAGE 01 SANTIA 00235 02 OF 02 131721Z

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~~C O N F I D E N T I A L~~ SECTION 02 OF 02 SANTIAGO 00235

TO ARA BOB GELBARD-AND ARA/SC HOWARD

E.O. 12356: DECL: OADR
TAGS: AMGT, CI
SUBJECT: ~~OFFICIAL-INFORMAL~~

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6. GERSHMAN EXPECTS TO RECEIVE APPROVAL FOR ALL OR NEARLY ALL THESE PROJECTS AT THE JANUARY 15 NED BOARD MEETING. THE REMAINDER OF THE FUNDS WILL BE HELD IN RESERVE FOR OTHER PROJECTS AND WILL MOST LIKELY BE ALLOCATED AT THE MARCH 11 NED BOARD MEETING.

B1

7. IN ADDITION, THERE MAY BE A PUBLIC POLICY FORUM PROJECT IN CONNECTION WITH THE TV STATION OF THE CATHOLIC UNIVERSITY OF VALPARAISO. THE IDEA BEHIND THIS PROJECT IS TO EXPOSE THE VIEWERS TO DISCUSSION OF SOME OF THE ISSUES THEY SHOULD BE CONSIDERING WHEN THEY VOTE.

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ARA PRESS GUIDANCE January 13, 1988

CHILE: JUDICIAL ASSISTANCE IN LETELIER CASE

Q. What is the role of the State Department in processing the request for judicial assistance in the Letelier case?

A. -- THE REQUEST BY U.S. FEDERAL JUDGE BARRINGTON PARKER IS PART OF THE U.S. GOVERNMENT'S ON-GOING INVESTIGATION INTO THE 1976 CAR-BOMB MURDER OF FORMER CHILEAN AMBASSADOR ORLANDO LETELIER AND HIS ASSISTANT RONNI MOFFIT.

-- CRIMINAL CHARGES ARE PENDING AGAINST former SENIOR OFFICIALS OF THE CHILEAN GOVERNMENT AND OTHERS FOR THEIR ROLE IN THIS CRIME.

-- THE DEPARTMENT OF JUSTICE HAS FORWARDED TO THE DEPARTMENT OF STATE A LETTERS ROGATORY REQUEST FOR ASSISTANCE BY THE FEDERAL COURT FOR THE DISTRICT OF COLUMBIA TO APPROPRIATE CHILEAN JUDICIAL AUTHORITIES TO REQUIRE GENERAL HECTOR OROZCO TO ANSWER QUESTIONS CONCERNING HIS ROLE IN THE CHILEAN INVESTIGATION OF THE MURDERS.

-- THE DEPARTMENT OF STATE IS PRESENTLY PREPARING TO FORWARD THIS REQUEST TO OUR EMBASSY IN SANTIAGO FOR PRESENTATION TO THE GOVERNMENT OF CHILE.

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ✓
Exemption(s) ____

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Q. Do we expect the Chilean Government and General Orozco to cooperate with the U.S. investigation?

A. -- WE CONSIDER THE LETELIER-MOFFIT MURDERS TO BE AN ACT OF INTERNATIONAL TERRORISM WHICH HAS NOT YET BEEN RESOLVED.

-- THE CHILEAN GOVERNMENT HAS REPEATEDLY ASSURED US OF ITS COOPERATION IN ARRIVING AT A JUST SOLUTION IN THIS MATTER.

-- THE LETTERS ROGATORY ARE FULLY CONSISTENT WITH INTERNATIONAL LAW AND PRACTICE.

-- WE THEREFORE EXPECT THAT THE CHILEAN GOVERNMENT WILL HONOR OUR REQUEST FOR ASSISTANCE.

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Draft:ARA/SC:PDeShazo

Clear:ARA/P:MEJacobs
L/LEI:RFrank
S/CT:GGhofin
CA/OCS:PAnderson
USAttorney:DGrenes
ARA:RGelbard

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Chile Project (#S199900030)
U.S. Department of State
Release X Excise _____ Deny _____
Declassify: In Part _____ In Full ✓
Exemption(s) _____

53 BRIGHTON 2 PATH
BROOKLYN, NY 11235
JANUARY 13, 1988

Sr. Sergio Fernandez Fernandez
Ministro del Interior
Ministerio del Interior
Palacio de la Moneda
Santiago, Chile

Your Excellency:

I am urging you to take measures to guarantee the physical safety of MIGUEL ANGEL ALFARO and GERMAN OSCHENSIOUS. I welcomethe court's decision to order a police investigation.

I request that the authorities ensure that such an investigation have the full cooperation of all the relevant branches of the security forces.

Very truly yours,

Goodwin W. Gilson

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Case Number: S199900030

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PAGE 01 STATE 006539
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Chile Project (#S199900030)
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Release X Excise ____ Deny ____
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Exemption(s) NR

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C O N F I D E N T I A L STATE 006539

FOLLOWING REPEAT SENT ACTION ALGIERS BAGHDAD BANJUL BEIJING
BELGRADE BOGOTA BRASILIA BRUSSELS BUENOS AIRES CARACAS
COLOMBO DAKAR DHAKA DUBLIN GABORONE ISLAMABAD KIGALI
LAGOS LIMA LISBON LOME LONDON MADRID MANILA MAPUTO MEXICO
MOGADISHU NEW DELHI NICOSIA OSLO PARIS ROME SAN JOSE
LIBREVILLE TOKYO INFO ADDIS ABABA ANKARA ATHENS CANBERRA
GENEVA HELSINKI LUXEMBOURG MANAGUA MOSCOW OSLO OTTAWA
REYKJAVIK SANTIAGO SOFIA STOCKHOLM THE HAGUE HAVANA
USUN NEW YORK USVIENNA JANUARY 11
QUOTE:

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C O N F I D E N T I A L STATE 006539

ROME FOR VATICAN

E.O. 12356: DECL/OADR
TAGS: UN, PHUM, UNHRC
SUBJECT: 44TH SESSION OF THE UN HUMAN RIGHTS
COMMISSION, GENEVA, FEBRUARY 1 - MARCH 11,
1988

REFS: A) STATE 392014; B) STATE 363133; C) STATE
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PAGE 02 STATE 006539

n/a
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367155; D) BUENOS AIRES 12589; E) USUN 4365; F) STATE 401622.

1. (C-ENTIRE TEXT).

2. THIS IS AN ACTION CABLE. SEE PARAS 8-14.

3. SUMMARY: THE DEPARTMENT REQUESTS EMBASSIES IN SELECTED MEMBER STATES OF THE UN HUMAN RIGHTS COMMISSION (UNHRC) TO PRESENT TO HOST GOVERNMENT HIGH LEVEL OFFICIALS U.S. VIEWS CONCERNING A NUMBER OF PRINCIPAL ISSUES TO BE CONSIDERED AT THE 44TH SESSION. THE U.S. WANTS TO GAIN THE SUPPORT OF HOST GOVERNMENTS, TO HEAR THEIR VIEWS ON ISSUES OF SPECIAL CONCERN TO THEM, AND TO ENCOURAGE INTERCHANGE AND COOPERATION AMONG DELEGATIONS DURING THE COMMISSION SESSION. THIS MESSAGE DESCRIBES THE U.S. GENERAL APPROACH TO THE WORK OF THE COMMISSION AS WELL AS OUR VIEWS ON A NUMBER OF SPECIFIC ISSUES WHICH WILL ARISE. RESULTS OF DISCUSSIONS SHOULD BE TRANSMITTED TO THE DEPARTMENT ASAP (INFO US MISSION GENEVA FOR USDEL AND USUN). REQUESTS FOR ADDITIONAL DEMARCHES ON THESE AND OTHER SUBJECTS ARE LIKELY BEFORE AND DURING THE SESSION. END SUMMARY.

4. THE UNHRC: THE COMMISSION IS THE PRINCIPAL ORGAN IN THE UNITED NATIONS FOR THE ACHIEVEMENT OF THE UN CHARTER PURPOSE OF PROMOTING AND ENCOURAGING RESPECT FOR HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS. IT IS COMPOSED OF 43 STATES MEMBERS OF THE UNITED NATIONS, ELECTED BY ECOSOC FOR THREE-YEAR TERMS. BOTSWANA, NIGERIA, SAO TOME & PRINCIPE, PORTUGAL AND SPAIN ARE NEW MEMBERS OF THE COMMISSION IN 1988. IT REPORTS

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THROUGH THE ECOSOC TO THE UN GENERAL ASSEMBLY'S THIRD COMMITTEE.

5. U.S. DELEGATION: THE UNITED STATES REPRESENTATIVE TO THE COMMISSION, APPOINTED BY PRESIDENT REAGAN ON DECEMBER 3, 1987, IS ARMANDO VALLADARES. (SEE REFTEL A FOR BIOGRAPHIC INFORMATION.) POSTS SHOULD BE ALERT TO

THE INTENSIVE DISINFORMATION CAMPAIGN LAUNCHED BY THE CUBAN GOVERNMENT AGAINST MR. VALLADARES TO DISTRACT ATTENTION FROM THE SUBSTANCE OF ALLEGATIONS CONCERNING HUMAN RIGHTS ABUSES IN CUBA AND MAY DRAW ON REFTEL B TO REFUTE ANTI-VALLADARES ALLEGATIONS. POSTS SHOULD EMPHASIZE THAT THE U.S. REPRESENTATIVE AND THE U.S. DELEGATION WILL BE LOOKING FORWARD TO REGULAR CONSULTATION BETWEEN DELEGATIONS IN THE INTEREST OF IDENTIFYING AREAS FOR COOPERATION. MR. VALLADARES PLANS TO BE IN GENEVA IN JANUARY TO BEGIN CONSULTATIONS WITH THE WESTERN EUROPEAN AND OTHER GROUP (WEOG) COUNTRIES ON THE FULL RANGE OF HUMAN RIGHTS ISSUES.

5. AGENDA: THE PROVISIONAL AGENDA INCLUDES MANY CARRY-OVER ITEMS FROM PREVIOUS SESSIONS WHICH PARALLEL HUMAN RIGHTS RESOLUTIONS PRESENTED IN THE UNGA. NUMBERING AMONG THESE ARE HUMAN RIGHTS IN THE ISRAELI-OCCUPIED TERRITORIES, CHILE, SOUTH AFRICA, IRAN, AFGHANISTAN, EL SALVADOR, GUATEMALA, AND A GENERAL ITEM RELATING TO THE REALIZATION OF ECONOMIC RIGHTS AND THE SO-CALLED RIGHT TO DEVELOPMENT. OTHER CONTINUING ITEMS CONCERN DRAFTING EXERCISES NOW UNDERWAY -- A DRAFT CONVENTION ON THE RIGHTS OF THE CHILD AND A DRAFT DECLARATION ON THE PROTECTION OF HUMAN RIGHTS DEFENDERS. HUMAN RIGHTS VIOLATIONS IN A NUMBER OF SPECIFIC COUNTRIES ARE ANNUALLY CONSIDERED UNDER AGENDA ITEM 12, ENTITLED "QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD..." ANOTHER SIGNIFICANT REPEAT

ITEM IS THE HUMAN RIGHT OF PEOPLES TO SELF-DETERMINATION. ISRAELI-OCCUPIED TERRITORIES, AFGHANISTAN, KAMPUCHEA AND THE WESTERN SAHARA ARE RAISED UNDER THIS ITEM.

7. U.S. APPROACH TO THE UNHRC: REFLECTING U.S. TRADITIONAL EMPHASIS ON HUMAN RIGHTS, WE INTEND TO PARTICIPATE FULLY IN COMMISSION DELIBERATIONS, WITH THE GOAL OF SHAPING AND ADVANCING THE INTERNATIONAL HUMAN RIGHTS AGENDA. UNFORTUNATELY, THE UNHRC DISPLAYS THE SAME DOUBLE STANDARD OF THE UNITED NATIONS SYSTEM

GENERALLY: THERE IS A TENDENCY TO CONCENTRATE ATTENTION ON ISRAEL, SOUTH AFRICA AND NON-COMMUNIST STATES IN LATIN AMERICA AND TO IGNORE OTHER AREAS OF THE WORLD. WE WILL ENCOURAGE THE COMMISSION TO ADOPT AN EVENHANDED APPROACH THAT ADVOCATES THE UNIVERSAL ENJOYMENT OF HUMAN RIGHTS AND GIVES EQUAL ATTENTION TO SERIOUS VIOLATIONS NO MATTER WHERE THEY OCCUR.

A MAJOR CONCERN IN PAST YEARS HAS BEEN NAME-CALLING, PARTICULARLY IN RESOLUTIONS UNDER ITEMS 4 AND 9 (VIOLATIONS OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES AND SELF-DETERMINATION). LAST YEAR WE THWARTED ALL BUT ONE NAME-CALLING REFERENCE TO THE USG, AND THE TREND IN THE UNGA INDICATES THAT WE HAVE MADE OUR POINT TO THE GREAT MAJORITY OF MEMBERS. NEVERTHELESS, WE CANNOT AFFORD TO RELAX.

8. ACTION REQUEST: ACTION ADDRESSEES ARE REQUESTED TO APPROACH HOST GOVERNMENTS AT A HIGH LEVEL, DRAWING ON TALKING POINTS BELOW, TO EXPLAIN U.S. VIEWS CONCERNING MAJOR ISSUES DURING THE UPCOMING UNHRC MEETING, TO REQUEST THEIR SUPPORT ON ISSUES OF IMPORTANCE TO US, CONFIDENTIAL

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PAGE 05 STATE 006539

AND TO SOLICIT THEIR VIEWS IN PREPARATION FOR COOPERATION AMONG DELEGATIONS DURING THE COMMISSION SESSION. TALKING POINTS ON THE GENERAL U.S. APPROACH TO THE UNHRC SHOULD BE COMBINED WITH TALKING POINTS ON SPECIFIC COUNTRY AND THEMATIC ISSUES (PARAS 9 AND 10). POSTS WILL RECEIVE ADDITIONAL CABLES AS NEEDED DISCUSSING OTHER ITEMS WHICH MAY CAUSE CONTROVERSY. ALL UNHRC MEMBER ADDRESSEES ARE REQUESTED TO PROVIDE, AS SOON AS POSSIBLE, THE NAMES OF THE HEADS OF DELEGATIONS. MISSIONS SHOULD INFO ALL REPLIES TO USUN AND U.S. MISSION GENEVA FOR U.S. DEL.

GENERAL TALKING POINTS:

-- THE UNITED STATES AND (COUNTRY) ARE MEMBERS OF THE UNITED NATIONS HUMAN RIGHTS COMMISSION, WHICH WILL HOLD ITS ANNUAL MEETING IN GENEVA FROM FEBRUARY 1 TO MARCH 11, 1988.

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-- THE UNITED STATES DELEGATION WILL, AS USUAL, PARTICIPATE ACTIVELY IN THE FULL RANGE OF COMMISSION DELIBERATIONS. AMONG THE ITEMS ON WHICH WE INTEND TO TAKE THE INITIATIVE WILL BE A RESOLUTION ON HUMAN RIGHTS ABUSES IN CUBA.

-- THE U.S. DELEGATION WILL BE HEADED BY ARMANDO VALLADARES, A MEMBER OF THE DELEGATION LAST YEAR AND PERSONALLY SELECTED BY PRESIDENT REAGAN TO LEAD OUR EFFORT THIS YEAR. MR. VALLADARES, A HUMAN RIGHTS ACTIVIST WITH WORLD STATURE, IS EXCEPTIONALLY WELL QUALIFIED TO SPEAK TO THE CUBA ISSUE AND ALSO WILL AUTHORITATIVELY REPRESENT U.S. POSITIONS ON THE FULL RANGE OF AGENDA ITEMS AND ISSUES.

-- IN THE INTEREST OF EFFECTIVE PROTECTION AND PROMOTION OF HUMAN RIGHTS AND HUMANITARIAN CONCERNS,

THE UNITED STATES LOOKS FORWARD TO EXTENSIVE CONSULTATION AND COOPERATION WITH (COUNTRY) BEFORE AND DURING THE COMMISSION SESSION.

9. COUNTRY ISSUES:

(A). CUBA: T

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Pages 6 & 7 have been eliminated because they are entirely irrelevant

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PAGE 09 STATE 006539

NR

(C). CHILE: THE USG ABSTAINED ON THE 1987 UNGA RESOLUTION SPONSORED BY MEXICO, CUBA AND OTHER COUNTRIES BECAUSE IT WAS UNBALANCED, THE PROSPECTS FOR DEVELOPING A MORE ACCEPTABLE VERSION IN THAT FORUM POOR, AND BECAUSE WE WISHED TO UNDERSCORE OUR COMMITMENT TO DEMOCRACY WHILE AVOIDING A NO VOTE WHICH COULD HAVE BEEN MISINTERPRETED IN SANTIAGO AS SUPPORT FOR THE PINOCHET GOVERNMENT. AT LAST YEAR'S UNHRC WE SUPPORTED A CONSENSUS RESOLUTION WHICH, ALTHOUGH FLAWED, REFLECTED OUR BASIC CONCERNS REGARDING THE HUMAN RIGHTS SITUATION IN CHILE. THIS YEAR WE FAVOR A RESOLUTION WHICH WOULD CLOSELY REFLECT THE CONCLUSIONS OF THE UN'S SPECIAL RAPPORTEUR, I.E. HIS CONCLUSIONS ON PROGRESS AS WELL AS PROBLEMS IN CHILE.

PROCEDURALLY, TO CORRECT A UN DOUBLE STANDARD, OUR PREFERENCE WOULD BE TO MOVE CHILE FROM ITEM 5, WHERE IT EXISTS ALONE AS AN OBJECT OF UNHRC SCRUTINY, TO ITEM 12 WHERE CHILE WOULD BE DISCUSSED IN CONJUNCTION WITH OTHER COUNTRY SPECIFIC HUMAN RIGHTS SITUATIONS. WE RECOGNIZE THIS MAY NOT BE POSSIBLE. IF SO, WE MAY AGREE THAT CHILE AT THIS SESSION CAN STAND AGAIN AS A

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PAGE 10 STATE 006539

SEPARATE ITEM, BUT IN RETURN WE WILL SEEK AGREEMENT THAT IT BE CONSIDERED SIMULTANEOUSLY WITH THE OTHER ITEM 12 COUNTRIES. IN APPROACHING HOST GOVERNMENTS YOU MAY DRAW UPON THE FOLLOWING POINTS:

TALKING POINTS:

-- 1988 WILL BE A WATERSHED YEAR FOR CHILE. ISSUES RELATED TO THE ANTICIPATED PRESIDENTIAL PLEBISCITE WILL DETERMINE WHETHER CHILE REESTABLISHES FULL AND EFFECTIVE DEMOCRACY OR HEADS TOWARDS POLARIZATION AND VIOLENCE.

-- A RETURN TO DEMOCRACY IS THE KEY TO FULLY RESPECTED HUMAN RIGHTS IN CHILE. TO THAT END THE U.S. DELEGATION WISHES TO SEE A BALANCED RESOLUTION ADOPTED IN GENEVA WHICH REFLECTS ALL OF THE CONCLUSIONS REACHED BY THE UN'S SPECIAL RAPPORTEUR.

-- SPECIAL RAPPORTEUR VOLIO HAS POINTED OUT THAT UNSOLVED MURDER, TORTURE, AND KIDNAPPING CASES CONTINUE TO OCCUR IN CHILE, AS WELL AS TERRORISM AND REPRESSION DIRECTED AT THE MEDIA BY THE GOVERNMENT. THE VIOLENCE IS NOT EXCLUSIVELY THE FAULT OF THE GOVERNMENT, BEING PARTIALLY SUPPORTED BY EXTERNAL TERRORIST GROUPS.

-- UNHRC ACTION ON CHILE WILL INFLUENCE DEVELOPMENTS IN THAT COUNTRY. WE WISH TO KEEP IN TOUCH IN GENEVA AND IN CAPITALS AS UNHRC CONSIDERATION OF CHILE EVOLVES.

(D). AFGHANISTAN:

NR

Pages 10, 11, & 12 have been eliminated because they are entirely irrelevant

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10. THEMATIC ISSUES:

(A). RELIGIOUS INTOLERANCE:

NR

NR

(B). MERCENARIES:

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PAGE 17 STATE 006539

NR

(C). TORTURE/SUMMARY OR ARBITRARY EXECUTIONS/INVOLUNTARY DISAPPEARANCES:

NR

Pages 16 & 17 have been eliminated because they are entirely irrelevant

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United States Department of State

The Legal Adviser

Washington, D.C. 20520

(R)

January 13, 1988

Edmundo Vargas Carreno
Executive Secretary
Inter-American Commission on Human Rights
1889 F Street, N.W.
Washington, D.C. 20006

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ✓
Exemption(s) ____

Dear Sr. Vargas:

I am writing to you in your capacity as Member of the International Commission established by the Treaty for the Settlement of Disputes that May Occur Between the United States and Chile, signed at Washington July 24, 1914.

On January 12, 1989, the United States, by diplomatic note to the Government of Chile, invoked the Treaty and informed the Government of Chile of its intention to submit to the Commission a dispute between the United States and Chile involving the assassination of Orlando Letelier and Ronni Moffit in Washington, D.C. in 1976.

The United States Government has credible evidence proving that Chilean Government officials were responsible for planning and directing this assassination and for obstructing subsequent investigations into the assassination. The United States Government has repeatedly sought the cooperation of the Government of Chile on numerous occasions in this regard -- in its request for extradition of the responsible Chilean officials, in its request that those officials be criminally prosecuted in Chile, in its request that those individuals be expelled to the United States, in its request that the Government of Chile appoint a special investigator to prosecute the criminal case in Chile, and, finally, in its request that the Government of Chile compensate the United States citizens and the United States Government for injuries suffered as a result of the assassinations. The Government of Chile has rejected each request.

You will recall that Article II of the Treaty provides for an International Commission of Investigation composed of five members. In 1965 the United States and Chile agreed that Madame Suzanne Bastid should serve as the President of the International Commission, and in 1972 the Government of Chile appointed as Commissioners you and Manfred Lachs of Poland.

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On January 12, 1989, the United States appointed as Commissioners Judge William Mulligan of the United States and Sir John Freeland of the United Kingdom.

Attached you will find a copy of the letter I have sent today to Madame Bastid convoking the Commission. Attached to it are copies of the U.S. diplomatic note to Chile; the 1914 treaty; a summary of diplomatic efforts to resolve the dispute; a summary of information about the dispute available to the United States; suggested rules of procedure; and a list of Commissioners with their addresses and phone numbers.

The United States looks forward to the Commission's investigation and report. The Government of Chile will be provided with a copy of this letter.

Sincerely,

Abraham D. Sofaer

Attachments
As Stated

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PAGE 01 SANTIA 00278 01 OF 02 142015Z
ACTION H-03

INFO LOG-00 COPY-01 ADS-00 SS-00 ARA-00 DS-01 DSE-00
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P 142009Z JAN 88
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 4776
INFO AMEMBASSY BRASILIA
AMEMBASSY BUENOS AIRES

Chile Project (#S199900030)
U.S. Department of State
Release X Excise Deny
Declassify: In Part In Full ✓
Exemption(s)

~~C O N F I D E N T I A L~~ SECTION 01 OF 02 SANTIAGO 00278

E.O. 12356: DECL: OADR
TAGS: OREP, CI
SUBJ: CODEL LA FALCE WRAP-UP REPORT

REF: SANTIAGO 0015

1. (C) SUMMARY: IN A BRIEF ONE-DAY VISIT CODEL LAFALCE MET WITH FINANCE MINISTER BUCHI, FOREIGN MINISTER GARCIA, AND WITH VARIOUS PRO-GOVERNMENT ANH OPPOSITION FIGURES AT SOCIAL EVENTS. WHILE THE DISCUSSIONS CENTERED PRIMARILY ON ECONOMIC ISSUES, THE MEETING WITH FOREIGN MINISTER GARCIA WAS NOTED FOR A SOMETIMES HEATED EXCHANGE ON CHILE'S PROGRESS IN RETURNING TO DEMOCRACY AND THE SERIOUS CONCERNS WITH THE COUNTRY'S HUMAN RIGHTS RECORD. END SUMMARY.

2. (C) IMMEDIATELY AFTER ARRIVAL, THE CODEL PROCEEDED TO THE MEETING WITH FINANCE MINISTER BUCHI. (THE AMBASSADOR GAVE AN OVERVIEW ECONOMIC AND POLITICAL BRIEFING EN-ROUTE ON THE BUS.) THE MEETING WITH FINANCE MINISTER BUCHI FOCUSED ON BOTH HISTORICAL AND CURRENT PROBLEMS, WITH BUCHI STRESSING THE DELIBERATE NATURE OF CHILEAN ECONOMIC DECISIONS TAKEN OVER THE LAST DECADE AS THE PREREQUISITE FOR CREATING A STABLE

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ECONOMIC ORDER. HE ANSWERED SPECIFIC QUESTIONS LIKE THOSE ON DEBT EQUITY SWAPS, BUT WAS RELUCTANT TO GET INTO MATTERS DEALING WITH LABOR RIGHTS (RELATED TO CHILE'S LOSS OF GSP) OTHER THAN TO SAY HE FELT THE U.S. DID NOT ADEQUATELY APPRECIATE THE FREEDOMS ENJOYED BY CHILEAN LABOR.

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3. (C) IMMEDIATELY AFTER, THE CODEL MET WITH FOREIGN MINISTER GARCIA. FOREIGN MINISTER GARCIA, FOR HIS PART, CONCENTRATED ON THE INSTITUTIONAL POLITICAL ASPECTS OF PRESENT DAY CHILE AND OUTLINED THE PATH THE GOVERNMENT HAD SET OUT FOR RETURN TO DEMOCRACY. DISPLAYING WHAT HE CALLED MORE "PASSION" THAN HE USUALLY USES, HE STRESSED THE INJUSTICE OF THE ACTION TAKEN BY THE U.S. IN WITHDRAWING GSP AND THE LACK OF APPRECIATION IN MANY COUNTRIES OF THE PROBLEMS CHILE HAS FACED IN THE PAST, THE THREATS IT STILL FACES, AND THE COMMITMENT OF THE GOVERNMENT TO CARRY THROUGH ON THE PROMISES EMBODIED IN THE 1980 CONSTITUTION. , SEVERAL MEMBERS, INCLUDING CONGRESSMEN LAFALCE, HERTEL AND VENTO STRESSED THE SERIOUSNESS OF CONCERNS IN THE U.S. OVER THE SLOW PACE OF THE RETURN TO DEMOCRACY AND THE EXTENT OF HUMAN RIGHTS ABUSES. CHAIRMAN LAFALCE SAID THERE WAS VERY STRONG SUPPORT (AT LEAST 90 PERCENT) IN THE CONGRESS FOR ADMINISTRATION POLICIES TOWARD CHILE AND HE TOLD GARCIA THE PLEBISCITE DIDN'T LOOK LIKE ANYTHING MORE THAN AN ELABORATE SHOW TO MAKE THE PROCEDURES LOOK DEMOCRATIC. CONGRESSMAN MFUME FOR HIS PART PUSHED GARCIA ON WHY CHILE WAS INCREASING ITS LINKS WITH SOUTH AFRICA AT A TIME WHEN MOST OF THE REST OF THE WORLD WAS CUTTING BACK. GARCIA IN A LENGTHY COMMENT ON EACH OF THE VARIOUS QUESTIONS POSED DISPLAYED BOTH THE "PASSION" AS WELL ~~CONFIDENTIAL~~

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PAGE 03 SANTIA 00278 01 OF 02 142015Z

AS THE SINCERITY WHICH USUALLY CHARACTERIZES HIM.

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4. (U) AT A CITIBANK HOSTED LUNCHEON, THE CODEL HAD THE OPPORTUNITY TO TALK ABOUT THE ECONOMY WITH PRO-GOVERNMENT ECONOMISTS AND BUSINESSMEN. BECAUSE OF THE TIRING SCHEDULE IN BRAZIL AND ARGENTINA, THE CODEL REQUESTED THAT OTHER AFTERNOON APPOINTMENTS BE

CANCELLED.

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5. (U) AT A RECEPTION HOSTED BY THE AMBASSADOR THAT EVENING, WE ARRANGED FOR MEMBERS OF THE CODEL TO MEET WITH OPPOSITION POLITICAL FIGURES, LABOR LEADERS, AND ECONOMISTS TO GIVE A MORE ROUNDED PICTURE OF THE CHILEAN SITUATION. SEVERAL MEMBERS ASKED FOR A IN-DEPTH BRIEFING ON COPPER ISSUES, AND WE ARRANGED FOR EXPERTS FROM CODELCO (THE STATE-OWNED COPPER CORPORATION) TO TALK WITH THE CONGRESSMEN AT THE RECEPTION. WE ALSO INCLUDED OTHER GOC OFFICIALS AND SUPPORTERS. THE CHILEAN BUSINESSMEN REPORTEDLY CRITICIZED US "INTERFERENCE", PARTICULARLY SINCE, IN THEIR VIEW, CHILE WAS THE ONLY COUNTRY PAYING ITS DEBTS.

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ADMINISTRATIVE SUPPORT

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6. (U) THE VISIT WAS MARKED BY PROBLEMS WITH HOTELS AND BUSES. THE SHERATON ORIGINALLY PLANNED TO HAVE THE ROOMS AVAILABLE EARLY, SINCE AN EARLINE CREW WAS DUE TO LEAVE AT 07:00. HOWEVER, THE FLIGHT WAS

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PAGE 01 SANTIA 00278 02 OF 02 142016Z

ACTION H-03

INFO LOG-00 COPY-01 ADS-00 SS-00 ARA-00 DS-01 DSE-00
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P 142009Z JAN 88
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 4777
INFO AMEMBASSY BRASILIA
AMEMBASSY BUENOS AIRES

~~C O N F I D E N T I A L~~ SECTION 02 OF 02 SANTIAGO 00278

E.O. 12356: DECL: OADR
TAGS: OREP, CI
SUBJ: CODEL LA FALCE WRAP-UP REPORT

CANCELLED AND THE ROOMS SOLD TO OTHERS WHO LEFT LATE. HENCE, MANY ROOMS WERE NOT READY UNTIL LATE AFTERNOON CAUSING FURTHER PROBLEMS WITH LUGGAGE AND KEYS. THE LARGE MERCEDES BUSES RENTED FOR THE CODEL HAD EUROPEAN AIR CONDITIONERS, UNSUITABLE FOR THE SANTIAGO SUMMER HEAT. CODEL LAFALCE WAS THE FIRST LARGE CODEL IN AT LEAST 4 YEARS AND PREVIOUS BUS AND HOTEL ARRANGEMENTS WERE ADEQUATE FOR SMALLER GROUPS. (CODEL EDWARDS THE FOLLOWING DAY ALSO EXPERIENCED HOTEL DIFFICULTIES.) WE HAVE ANALYZED THE VISIT AND ARE TAKING STEPS, SUCH AS CHANGING HOTELS, TO AVOID SIMILAR PROBLEMS WITH CODEL ROE. DEPARTMENT IS REQUESTED TO WARN ANY PROSPECTIVE VISITORS WHO INSISTS ON USING THE HOTEL SHERATON IN SANTIAGO THAT THEY CAN ANTICIPATE DELAYS IN GETTING INTO THEIR ROOMS. HOTEL MANAGEMENT ANSWERED THE EMBASSY'S PROTESTS BY SAYING THAT CHILEAN LAW FORBIDS THEM FROM EVICTING PEOPLE FROM THEIR ROOMS.

7. (C) COMMENT: DESPITE THE SHORT VISIT AND THE LIMITED EXPOSURE TO THE OPPOSITION, MANY MEMBERS OF

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PAGE 02 SANTIA 00278 02 OF 02 142016Z

THE CODEL CAME AWAY WITH AN APPRECIATION OF THE COMPLEXITY OF THE CHILEAN REALITY. THE MEETING WITH FOREIGN MINISTER GARCIA REVEALED THE INFLEXIBILITY

OF THE REGIME AND THUS EVOKED A STRONGER REACTION THAN THE MEMBERS ADMITTED THEY MIGHT OTHERWISE HAVE SAID. MEMBERS AFTERWARDS EXPRESSED ADMIRATION FOR BUCHI'S COGENT PRESENTATION AND APPRECIATION IF NOT ALWAYS AGREEMENT FOR THE SKILL WITH WHICH GARCIA MADE HIS CASE. NEVERTHELESS, THE FORTHRIGHT COMMENTS OF THE CHAIRMAN AND OTHER SPELLED OUT THE VERY SERIOUS CONCERNS ABOUT CHILE IN THE U.S. CONGRESS. SEVERAL MEMBERS (LAFALCE, MCMILLEN, AND DRIER) EXPRESSED INTEREST IN RETURNING TO CHILE TO FURTHER ACQUAINT THEMSELVES WITH THE COUNTRY. WE WOULD WELCOME AGAIN ANY OF THE VISITORS IN CODEL LAFALCE. BARNES

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ACTION H-01

INFO FILE-01 00-01 ARA-06 PPC-02 ECP-01 OAS-01 FPA-01 SSE-01
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INFO LOG-00 COPY-01 ADS-00 SS-00 H-03 ARA-00 DS-01
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R 141747Z JAN 88
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 6241
INFO AMEMBASSY TEGUCIGALPA
AMEMBASSY GUATEMALA
AMEMBASSY MANAGUA
AMEMBASSY SAN JOSE
USCINCSO QUARRY HTS PN

RELEASED
El Salvador: Human Rights
Special Project (1993)

[redacted] SAN SALVADOR 00571

E.O. 12356: DECL: OADR
TAGS: OREP, PGOV, PREL, ES, [redacted]
SUBJECT: CODEL SMITH MEETING WITH DUARTE: NICARAGUA NEVER INTENDED TO COMPLY WITH E-II

REF: SAN SALVADOR 00182

1. FOLLOWING IS A MORE DETAILED ACCOUNT OF CODEL SMITH'S JAN. 6 MEETING WITH PRESIDENT DUARTE. REFTEL COVERED DUARTE'S VIEWS ON COMPLIANCE WITH ESQUIPULAS II.

2. [redacted] - ENTIRE TEXT.

3. SUMMARY

IN HIS JANUARY 6 MEETING WITH REPS. SMITH, EARLY, MYERS, VOLKMER, ROGERS, AND CROCKETT, PRESIDENT DUARTE SAID THAT NICARAGUA NEVER INTENDED TO AND NEVER WILL COMPLY WITH THE ESQUIPULAS II (E II) PEACE ACCORDS. HE BELIEVES THE INTERNATIONAL FOLLOW-UP AND VERIFICATION COMMISSION (CIVS), AT THE INITIATIVE OF MEXICO AND PANAMA, WILL HELP THE SANDINISTAS BY CLAIMING IN ITS REPORT FOR THE CENTAM PRESIDENTS' JANUARY 15 SUMMIT IN COSTA RICA THAT NONE OF THE FIVE CENTRAL AMERICAN COUNTRIES HAVE FULFILLED THE PLAN'S PROVISIONS. DUARTE EMPHASIZED THAT EL SALVADOR HAS COMPLIED FULLY WITH E II BY GRANTING A GENERAL AMNESTY, CEASE-FIRE, ETC., ALL AT CONSIDERABLE POLITICAL AND ASSISTANCE COSTS TO HIS GOVERNMENT. DUARTE SAID HE PLANS TO STATE UNEQUIVOCALLY AT THE SAN JOSE SUMMIT THAT EL SALVADOR HAS FULLY COMPLIED WITH E II AND NICARAGUA HAS NOT. DUARTE ALSO TOLD THE CODEL THAT THE SANDINISTAS CONTINUE TO SUPPORT THE FMLN. END SUMMARY.

4. EL SALVADOR PAYING THE PRICE FOR E II COMPLIANCE

PRESIDENT DUARTE TOLD THE CODEL THAT EL SALVADOR FELT A DUTY TO COMPLY FULLY WITH THE PROVISIONS OF THE E II PEACE PLAN. IN THAT SPIRIT IT IMPLEMENTED A GENERAL AMNESTY FOR ALL PRISONERS ACCUSED OF COMMITTING POLITICAL CRIMES. "IF WE BELIEVE IN PARDON, THEN IT MUST BE A COMPLETE PARDON." AS A RESULT OF THE GENERAL AMNESTY, HOWEVER, EL SALVADOR IS PAYING A PRICE, BOTH DOMESTICALLY AND ABROAD. THE U.S.G. MAY REDUCE AID TO EL SALVADOR BY 45 PERCENT

(THE OBEY AMENDMENT); MANY IN EL SALVADOR ARE CRITICAL OF THE CHRISTIAN DEMOCRATS AND THEY MAY SUFFER AS A RESULT IN THE MARCH 1988 ELECTIONS.

5. "SANDINISTAS WILL NEVER COMPLY WITH E II"

DUARTE SAID THAT NICARAGUA NEVER INTENDED TO COMPLY WITH E II AND NEVER WILL BECAUSE THE SANDINISTAS DO NOT WANT TO LOSE CONTROL IN NICARAGUA. HE SAID THE SANDINISTAS ARE VERY CLEVER ABOUT MANAGING THEIR IMAGE INTERNATIONALLY. THE SANDINISTAS ADOPTED A STRATEGY OF MINIMAL COMPLIANCE, JUST ENOUGH TO SATISFY INTERNATIONAL OPINION BUT NOT ENOUGH TO THREATEN THEIR MONOPOLY ON POWER. THE NICARAGUANS FREED ONLY 1000 OF ITS 9600 POLITICAL PRISONERS. THEY REOPENED "LA PRENSA," BUT THEY STILL RESTRICT THE PAPER BY CONTROLLING ITS PAPER SUPPLY AND CERTAIN EXPENDITURES. IN ADDITION, DUARTE SAID, ALL NICARAGUAN RADIO STATIONS ARE CONTROLLED BY THE GOVERNMENT. THE CATHOLIC RADIO STATION WAS ALLOWED TO OPEN, BUT IS NOT PERMITTED TO CARRY NEWS PROGRAMS. DUARTE SAID THE SANDINISTAS WILL USE THESE MEASURES AS PROOF OF THEIR COMPLIANCE AND BLAME THE U.S. FOR THEIR INABILITY TO COMPLY FULLY. DUARTE SAID THAT ORTEGA LIED TO HIM WHEN HE SHOOK ORTEGA'S HAND THREE TIMES AND ORTEGA RESPONDED THREE TIMES THAT HE WOULD COMPLY WITH WHAT THEY HAD AGREED TO AT THE GUATEMALA MEETING. ORTEGA NEVER INTENDED TO COMPLY, DUARTE SAID, HE ADOPTED A DELIBERATE POLICY OF MINIMAL COMPLIANCE FOR PUBLIC RELATIONS REASONS. DUARTE REPEATED THAT ORTEGA WAS A LIAR AND HE INTENDED TO SAY SO BOTH PUBLICLY AND PRIVATELY AT THE SAN JOSE MEETING.

6. SANDINISTAS WAITING FOR U.S. ELECTIONS

DUARTE SAID THE SANDINISTAS ARE PARTIALLY COMPLYING TO GAIN TIME, HOPING TO PRECIPITATE AN END TO U.S. SUPPORT FOR THE CONTRAS. THE SANDINISTAS BELIEVE THAT POSSIBILITIES FOR CONTINUED CONTRA AID WILL DIMINISH AS THE U.S. PRESIDENTIAL ELECTIONS NEAR. HOWEVER, DUARTE NOTED, IF THE U.S. CUTS AID TO THE CONTRAS, THE NICARAGUANS WILL FIND ANOTHER EXCUSE NOT TO COMPLY WITH E II.

7. CIVS TO SUPPORT NICARAGUANS

DUARTE TOLD THE CODEL THAT THE CIVS, UNDER THE INITIATIVE OF MEXICO AND PANAMA, WILL TRY TO DEFLECT CRITICISM OF NICARAGUA BY CLAIMING IN ITS REPORT TO THE JANUARY 15 CENTRAL AMERICAN PRESIDENTS' SUMMIT IN SAN JOSE THAT NONE OF THE FIVE CENTRAL AMERICAN COUNTRIES HAS COMPLIED WITH THE E II ACCORDS. HE NOTED THAT THE CIVS AD HOC COMMISSION WILL BE IN EL SALVADOR ON JANUARY 9 AND HE PREDICTED IT WOULD ARGUE THAT EL SALVADOR HAS NOT COMPLIED WITH E II, EVEN THOUGH IN FACT IT HAS DONE EVERYTHING TO COMPLY.

8. DUARTE TO SET RECORD STRAIGHT IN SAN JOSE

DUARTE SAID THAT HE PLANS TO STATE CLEARLY AT THE SAN JOSE MEETING THAT NICARAGUA HAS NOT ABIDED BY THE

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United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: JOHNSTON, DONALD
Date: 05/27/94
Case ID: S940035D

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Department of State

PEACE PLAN'S PROVISIONS AND PREDICTED ANOTHER IDEOLOGICAL CONFRONTATION WITH ORTEGA. HE WARNED E II WILL FAIL IF THE FIVE COUNTRIES DECIDE TO EXTEND DEADLINES BECAUSE IT WOULD BECOME ANOTHER PROTRACTED, RESULTLESS CONTADORA PROCESS. DUARTE EMPHASIZED THAT THE FOUR DEMOCRATIC PRESIDENTS MUST MAKE UP THEIR MINDS WHETHER THEY WILL ACCEPT A MARXIST-LENINIST NEIGHBOR THAT BELIEVES IN EXPORTING REVOLUTION, OR CONTINUE INSISTING ON DEMOCRACY IN NICARAGUA.

9. E II HAS HAD SOME POSITIVE EFFECTS

DUARTE NOTED THAT E II HAS PRODUCED SOME POSITIVE RESULTS. FIRST, IT HAS BECOME A POINT OF REFERENCE TO MEASURE PROGRESS IN CENTRAL AMERICA. SECOND, IT HAS IMPROVED AT LEAST SOME CONDITIONS IN EVERY CENTRAL AMERICAN COUNTRY. HOWEVER, HE EMPHASIZED THAT THIS IS NOT ENOUGH, THE COUNTRIES MUST STRIVE FOR FULL COMPLIANCE.

10. SANDINISTA SUPPORT FOR FMLN

REP. SMITH ASKED DUARTE WHETHER THERE IS ANY VISIBLE EVIDENCE OF SANDINISTA SUPPORT FOR THE FMLN. DUARTE REPLIED THAT THE NICARAGUANS DO NOT WANT TO STOP AND WILL NOT STOP SUPPORTING THE FMLN. HE EXPLAINED THAT THE FMLN STILL HAS ITS COMMUNICATIONS AND LOGISTICS FACILITIES, AND HEADQUARTERS IN MANAGUA. IN ADDITION, HE SAID THE GOES IS EXPECTING AN ESCALATION IN THE WAR WITH THE FMLN GUERRILLAS. IN THEIR TALKS WITH THE GOES IMMEDIATELY AFTER E II, THE FMLN/FDR THREATENED TO ACQUIRE SURFACE-TO-AIR MISSILES. DUARTE SAID THAT SANDINISTA DEFECTOR MAJOR MIRANDA CONFIRMED THAT IS GUERRILLAS HAD ALREADY BEEN TRAINED TO USE THEM.

11. DUARTE TOLD THE CODEL THAT THE PEACE PLAN, WHICH WAS DESIGNED TO WEAKEN GUERRILLA MOVEMENTS, HAS FAILED IN EL SALVADOR BECAUSE THE FMLN, AS LONG AS IT COULD COUNT ON CONTINUED SUPPORT FROM CUBA AND NICARAGUA, REMAINED SUFFICIENTLY STRONG TO RESIST DEMANDS THAT IT ACCEPT AND ABIDE BY THE PEACE PLAN'S PROVISIONS.
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El Salvador: Human Rights
Special Project (1993)

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Human Rights Documentation Project (1995)
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ACTION M-01

INFO FILE-01 00-01 ARA-06 PPC-02 ECP-01 OAS-01 PPA-01 SSE-01
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EX-01 PMO-01 FM-01 ADM-01 LARA-01 /031 A3 RD

INFO LOG-00 COPY-01 ADS-00 SS-00 N-03 ARA-00 DS-01
BSE-00 /016 W

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R 141747Z JAN 88
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 6841
INFO AMEMBASSY TEGUCIGALPA
AMEMBASSY GUATEMALA
AMEMBASSY MANAGUA
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USCINCSO QUARRY HTS PN

[redacted] SAN SALVADOR 00571

E.O. 12356: DECL: OADR
TAGS: OREP, PGOV, PREL, ES, XA
SUBJECT: CODEL SMITH MEETING WITH DUARTE: NICARAGUA NEVER INTENDED TO COMPLY WITH E-II

REF: SAN SALVADOR 00162

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United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: JOHNSTON, DONALD
Date: 05/27/94
Case ID: S9400350

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Department of State
RELEASED
El Salvador: Human Rights
Special Project (1993)

PEACE PLAN'S PROVISIONS AND PREDICTED ANOTHER IDEOLOGICAL CONFRONTATION WITH ORTEGA. HE WARNED E II WILL FAIL IF THE FIVE COUNTRIES DECIDE TO EXTEND DEADLINES BECAUSE IT WOULD BECOME ANOTHER PROTRACTED, RESULTLESS CONTADORA PROCESS. DUARTE EMPHASIZED THAT THE FOUR DEMOCRATIC PRESIDENTS MUST MAKE UP THEIR MINDS WHETHER THEY WILL ACCEPT A MARXIST-LENINIST NEIGHBOR THAT BELIEVES IN EXPORTING REVOLUTION, OR CONTINUE INSISTING ON DEMOCRACY IN NICARAGUA.

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ACTION ARA-00

INFO	LOG-00	COPY-01	ADS-00	AID-00	INR-10	SS-00	CIAE-00
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UNCLAS SANTIAGO 00272

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E.O. 12356: N/A
TAGS: PREL, PHUM, ELAB, ETRD, CI
SUBJ: GOC REACTS TO GSP REMOVAL

1. FOREIGN MINISTER RICARDO GARCIA, IN A PRESS STATEMENT JANUARY 8, ENUMERATED THE MEASURES THE GOC IS TAKING TO COUNTER THE USG RESCINDING OF GSP FOR CHILEAN EXPORTS. THE ACTIONS REFERRED TO BY GARCIA INCLUDED HIS "INTERVIEW" WITH AMBASSADOR BARNES DECEMBER 28, AT WHICH HE EXPRESSED HIS GOVERNMENT'S "PROFOUND CONCERN AND DISPLEASURE."

2. THE FOREIGN MINISTER ALSO DETAILED THE PROTESTS THE GOC IS MAKING BEFORE VARIOUS INTERNATIONAL ORGANIZATIONS. REFERRING TO GATT, HE NOTED THAT PROCEEDINGS HAD ALREADY BEEN INITIATED THERE WHICH
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PAGE 02 SANTIA 00272 141936Z

"SEEK TO COMPLAIN ABOUT AND TO ABROGATE MEASURES OF THIS NATURE WHICH CONSTITUTE A VIOLATION OF THE ARRANGEMENTS AND AGREEMENTS OF THIS ORGANIZATION." AT THE OAS, THE CHILEAN COMPLAINT EMPHASIZES THE CHARTER'S "REJECTION OF COERSIVE MEASURES OF POLITICAL AND ECONOMIC CHARACTER TO COMPEL COMPLIANCE OF ANOTHER STATE."

3. SIMILARLY, GARCIA MENTIONED GOC PROTESTS BEFORE THE ECONOMIC SYSTEM FOR LATIN AMERICA (SELA) AND UNCTAD, CONDEMNING USG INTERFERENCE, WHICH "THREATENS CHILEAN SOVEREIGNTY AND ECONOMIC SECURITY." AT THE INTERNATIONAL LABOR ORGANIZATION, THE GOC HAS REQUESTED THAT THE "MEMBER COUNTRIES RESPECT CONCLUSIONS THAT THE ORGANIZATION ADOPTS, ABSTAINING FROM MAKING INDEPENDENT FINDINGS WHOSE GOAL IS NOT RELATED TO WORKERS RIGHTS."

4. ON JANUARY 11, THE EMBASSY RECEIVED A FIVE-PAGE SINGLE-SPACED NOTE FROM THE FOREIGN MINISTRY REPLYING TO OUR NOTE OF DECEMBER 28 INFORMING THEM OF CHILE'S SUSPENSION FROM GSP BENEFITS AND OPIC PROGRAMS. TEXT HAS BEEN POUCHED TO ARA/SC AND SUMMARY FOLLOWS SEPTEL. BARNES

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PAGE 01 MEXICO 01141 01 OF 12 152342Z
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UNCLAS SECTION 01 OF 12 MEXICO 01141

STATE FOR INM , ARA/MEX AND AID

E.O. 12356:N/A
TAGS: SNAR, MX
SUBJECT: REVISED INTERNATIONAL NARCOTICS CONTROL STRATEGY REPORT (INCSR), MEXICO 1988

REFS: A) STATE 2404 B) 87 MEXICO 25861

1. FOLLOWING IS THIS EMBASSY'S REVISED 1988 ANNUAL INCSR. EMBASSY WILL SEND THIS DOCUMENT TO DEPARTMENT (INM) ON A DISKETTE VIA EXPRESS MAIL.

A.1. STATUS OF ILLICIT NARCOTICS PRODUCTION AND TRAFFICKING:

- MEXICO IS A MAJOR PRODUCER OF MARIJUANA AND OPIUM POPPY AND A PRIMARY SOURCE OF THE HEROIN AND MARIJUANA AVAILABLE IN THE UNITED STATES. MEXICO HAS ALSO BECOME AN IMPORTANT TRANSIT COUNTRY FOR NARCOTICS, ESPECIALLY FOR SOUTH AMERICAN COCAINE. THE NATIONAL NARCOTICS INTELLIGENCE CONSUMERS COMMITTEE ESTIMATES THAT, IN

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PAGE 02 MEXICO 01141 01 OF 12 152342Z

1986, IMPORTS FROM MEXICO TOTALED 3,000 TO 4,000 METRI

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TONS OF MARIJUANA AND 2.8 METRIC TONS OF HEROIN.

- MEXICO HAS MAINTAINED A FIRM COMMITMENT TO ERADICATE ILLICIT DRUG CROPS IN 1987. MEXICO'S NARCOTICS CONTROL PROGRAM INCLUDES AERIAL AND MANUAL ERADICATION ACTIVITIES, INTERDICTION OF NARCOTICS SHIPMENTS, BILATERAL LAW ENFORCEMENT AND MUTUAL LEGAL ASSISTANCE DIRECTED AT UNDERMINING THE TRAFFICKERS, MILITARY INVOLVEMENT IN NARCOTICS ERADICATION, AND EFFORTS TO INCREASE PUBLIC AWARENESS OF THE SERIOUS THREAT POSED TO SOCIETY BY TRAFFICKERS AND DRUG ABUSE. GOM LAW ENFORCEMENT AGENCIES HAVE COOPERATED ON MANY OCCASIONS WITH DEA, US CUSTOMS AND OTHER USG AGENCIES IN 1987. THEY HAVE USED DEA-PROVIDED INFORMATION TO VERIFY THE LOCATIONS OF AND DESTROY LARGE MARIJUANA AND OPIUM PLANTATIONS IN VARIOUS MEXICAN STATES. FOR EXAMPLE, ON JUNE 2, THE PGR RAIDED AND DESTROYED AN 80 HECTARE MARIJUANA FARM, THE LARGEST ILLEGAL DRUG OPERATION EVER DISCOVERED IN THE STATE OF SONORA.

- THE GOM'S PERMANENT CAMPAIGN AGAINST NARCOTICS TRAFFICKING IS ADMINISTERED BY THE ATTORNEY GENERAL'S OFFICE (PROCURADURIA GENERAL DE LA REPUBLICA - PGR). THE AERIAL ERADICATION PROGRAM REPRESENTS THE SINGLE MOST EFFECTIVE MEANS OF LESSENING THE AVAILABILITY OF DRUGS IN THE UNITED STATES AND MEXICO. THE PGR HAS INCREASED THE SIZE OF ITS FLEET OF ERADICATION AIRCRAFT AND TAKEN IMPORTANT MEASURES TO IMPROVE THE EFFICIENCY OF ITS ANTI-NARCOTICS OPERATIONS IN 1987. DESPITE SEVERE DOMESTIC ECONOMIC PROBLEMS, THE GOM HAS DEDICATED AN INCREASINGLY LARGE PERCENTAGE OF ITS BUDGET TO COMBAT NARCOTICS TRAFFICKING. THE PGR BUDGET

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FOR DRUG ERADICATION PROGRAMS HAS JUMPED FROM USD 15.9 MILLION IN 1984 TO USD 18.1 MILLION IN 1987. THE PGR ERADICATED MORE HECTARES (2.47 ACRES PER HECTARE) OF OPIUM POPPY AND MARIJUANA IN 1986 AND 1987 THAN IT HAD IN 1985 OR 1984.

- THE MEXICAN MILITARY HAS BECOME INCREASINGLY INVOLVED IN NARCOTICS ERADICATION AND INTERDICTION. THE MEXICAN ARMY REPORTED IT HAD MANUALLY ERADICATED 6,028 HECTARES OF OPIUM POPPY AND 10,000 HECTARES OF

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MARIJUANA DURING THE FIRST TEN MONTHS OF 1987. THE US EMBASSY IN MEXICO IS UNABLE TO VERIFY THE MILITARY'S CLAIMS. MORE THAN 25,000 ARMY PERSONNEL (25 PERCENT OF TOTAL TROOPS) ARE ENGAGED FULL-TIME IN MANUAL ERADICATION OPERATIONS. THERE WERE PERIODS BOTH IN 1986 AND 1987 WHEN UP TO 50,000 TROOPS WERE EMPLOYED AT ONE TIME IN SPECIAL ANTI-NARCOTICS CAMPAIGNS. THE MEXICAN MILITARY PURCHASED 12 NEW HELICOPTERS IN 1987 TO TRANSPORT TROOPS ENGAGED IN ANTI-NARCOTICS EFFORTS. THE MEXICAN ARMY HAS MOUNTED SEVERAL JOINT OPERATIONS WITH THE PGR TO DESTROY DRUG FIELDS IN THE STATES OF MICHOACAN, GUERRERO AND OAXACA. SINCE OCTOBER OF 1986, THE MEXICAN NAVY HAS BEEN EXTREMELY COOPERATIVE IN WORKING WITH THE US COAST GUARD AND OTHER USG AGENCIES TO CARRY OUT ANTI-DRUG EFFORTS AS WELL AS IN LAUNCHING INTERDICTION OPERATIONS AGAINST SUSPECTED DRUG SMUGGLERS OPERATING IN MEXICAN TERRITORIAL WATERS. THE MEXICAN NAVY REPORTED IT DESTROYED 125 HECTARES OF MARIJUANA AND CONFISCATED 1,928 KILOS OF COCAINE FROM JANUARY-OCTOBER 1987.

- MEXICO WILL CONTINUE TO BE A MAJOR PRODUCER OF ILLICIT NARCOTICS FOR THE FORESEEABLE FUTURE. ITS 2,000 MILE BORDER WITH THE UNITED STATES MAKES IT A

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JNCLAS SECTION 02 OF 12 MEXICO 01141

STATE FOR INM , ARA/MEX AND AID

E.O. 12356:N/A
TAGS: SNAR, MX
SUBJECT: REVISED INTERNATIONAL NARCOTICS CONTROL

NATURAL POINT OF ORIGIN AND TRANSSHIPMENT FOR DRUGS
INTO THE US MARKET. DOMESTIC ECONOMIC PROBLEMS
INCLUDING WIDESPREAD RURAL POVERTY, HIGH RATES OF
UNEMPLOYMENT AND LACK OF JOB OPPORTUNITIES HAVE CREATED
CONDITIONS PERMITTING TRAFFICKERS TO CO-OPT FARMERS
INTO GROWING ILLEGAL NARCOTICS CROPS. FINANCIAL
REWARDS FROM A DRUG CROP FAR SURPASS THOSE TO BE
DERIVED FROM LEGITIMATE CROPS, PROVIDING POOR FARMERS A
BUFFER AGAINST ECONOMIC CRISIS. TRAFFICKERS ALSO
PROVIDE PEASANT GROWERS WITH CREDIT, AND PAY IN FULL
AFTER THE HARVEST. THESE ECONOMIC REALITIES MAKE IT
DIFFICULT TO CONVINCE FARMERS TO RESIST PRESSURES TO
GROW ILLICIT CROPS.

- SOME SENIOR MEXICAN OFFICIALS RECOGNIZE THAT THE
GROWING INFLUENCE OF NARCOTICS TRAFFICKING
ORGANIZATIONS POSES A THREAT TO GOVERNMENT AUTHORITY.
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IN NOVEMBER 1987, INSTITUTIONAL REVOLUTIONARY PARTY
(PRI) PRESIDENTIAL CANDIDATE CARLOS SALINAS DE GORTARI

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STATED THAT DEFEATING NARCOTICS TRAFFICKING IS A NATIONAL PRIORITY. THE DECISIVE SUPPRESSION OF DRUG TRAFFICKING, HE SAID, WAS NECESSARY NOT ONLY TO AVOID UNDESIREABLE DRUG CONSUMPTION IN OTHER NATIONS BUT TO AVOID THE TRANSFORMATION OF MEXICO FROM A TRANSIT AND PRODUCER COUNTRY TO ONE THAT CONSUMES DRUGS. IN DECEMBER, THE PRESIDENT OF THE MEXICAN SUPREME COURT DENOUNCED NARCOTICS TRAFFICKING AS A FACTOR IN SOCIAL AND POLITICAL INSTABILITY. THE MEXICAN LEADERS' REMARKS ARE SIGNS OF GREATER RECOGNITION BY THE GOM THAT FIGHTING NARCOTICS PROMOTES MEXICAN INTERESTS, AND NOT JUST THOSE OF THE UNITED STATES AND OTHER DEVELOPED COUNTRIES. HOWEVER, MANY MEXICAN OFFICIALS CONTINUE TO ARGUE THAT DRUG CONSUMPTION IN THE UNITED STATES AND OTHER DEVELOPED NATIONS FUELS DRUG PRODUCTION IN MEXICO. IT WILL ONLY DECREASE, THEY CLAIM, AFTER THE USG REDUCES DRUG ABUSE AMONG ITS OWN CITIZENS. NEITHER THE MEDIA NOR THE GENERAL PUBLIC SEEM YET TO BE FULLY AWARE OF THE MAGNITUDE OF THE THREAT TO MEXICO POSED BY

- NARCOTICS TRAFFICKING ORGANIZATIONS IN MEXICO HAVE TRADITIONALLY EXERTED STRONG, BUT DIRECTED RATHER THAN GENERALIZED, INFLUENCE IN REGIONS WHERE THEY OPERATE. THEY SEEM TO FOCUS MOST OF THEIR EFFORTS TOWARD LAW ENFORCEMENT OFFICIALS AND THEIR SUPERVISORS. IN OCTOBER, FOR EXAMPLE, THE CHIHUAHUA STATE ATTORNEY GENERAL ANNOUNCED THAT HIS OFFICE HAD BEGUN INVESTIGATIONS INTO THE ALLEGED INVOLVEMENT OF FIVE MUNICIPAL PRESIDENTS IN NARCOTICS ACTIVITIES. THE POLITICAL INFLUENCE OF THE DRUG TRAFFICKERS HAS CONSEQUENCES FAR BEYOND THE NARCOTICS INDUSTRY. IN VARIOUS STATES, DRUG MONEY BOLSTERS WEAK ECONOMIES BY

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PROVIDING INVESTMENT CAPITAL AND EMPLOYMENT, THEREBY DISCOURAGING SERIOUS GOVERNMENT CRACKDOWNS AGAINST TRAFFICKING.

- THE EMERGENCE OF NARCOTERRORISM IS POSSIBLE IN RURAL AREAS BECAUSE OF THE GENERAL UNPREPAREDNESS OF LOCAL POLICE AND THE ISOLATION OF MANY MARIJUANA AND POPPY FIELDS. NARCOTERRORISM DOES NOT EXIST IN THE TRADITIONAL SENSE OF ALLIANCE WITH LEFTIST GUERRILLAS. IT DOES EXIST, HOWEVER, IN THE FORM OF VIOLENCE AGAINST POLICE AND RIVAL TRAFFICKERS. SOME NARCOTICS

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TRAFFICKERS UNDOUBTEDLY EMPLOY RUTHLESS TACTICS TO DISCOURAGE THOSE WHO WOULD LIKE TO PUT THEM OUT OF BUSINESS. ON OCCASION, TRAFFICKERS HAVE MASSACRED MEXICAN POLICE WHO DISCOVERED IMPORTANT NARCOTICS OPERATIONS. DRUG-RELATED RURAL VIOLENCE ALSO ERUPTS SPORADICALLY WHEN PEASANT FARMERS QUARREL OVER CULTIVATION RIGHTS.

- CORRUPTION, OF COURSE, EXISTS IN THE MEXICAN GOVERNMENT BUREAUCRACY AND MANY CORRUPT OFFICIALS REMAIN FREE FROM PROSECUTION. CORRUPTION, HOWEVER, EXISTS WHEREVER DRUG TRAFFICKERS OPERATE, WHETHER IN MEXICO, BOLIVIA, PERU, OR THE UNITED STATES. THE SUCCESS OF THE TRAFFICKERS DEPENDS IN LARGE PART UPON THEIR ABILITY TO CORRUPT THE SYSTEM. OFFICIAL PROTECTION OF NARCOTICS INTERESTS BY SOME MEXICAN STATE GOVERNMENT AND LAW ENFORCEMENT OFFICIALS WOULD NOT EXIST WITHOUT SOME TOLERANCE FROM ABOVE. OFFICIAL PROTECTION OF NARCOTICS ACTIVITIES RANGES FROM SIMPLY LOOKING THE OTHER WAY TO FACILITATING SAFE PASSAGE OF DRUGS THROUGH CUSTOMS OR MILITARY/POLICE CHECKPOINTS. THE GOM HAS INTENSIFIED ITS EFFORTS TO COMBAT NARCOTICS

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UNCLAS SECTION 03 OF 12 MEXICO 01141

STATE FOR INM , ARA/MEX AND AID

E.O. 12356:N/A
TAGS: SNAR, MX
SUBJECT: REVISED INTERNATIONAL NARCOTICS CONTROL

CORRUPTION. IT IS UNREASONABLE TO EXPECT THE
GOVERNMENT BY ITSELF TO ELIMINATE IT UNLESS THERE IS A
CHANGE IN SOCIETAL ATTITUDES TOWARDS CORRUPT PRACTICES
- AN ADMITTEDLY LONG-TERM PROCESS.

- THE DE LA MADRID ADMINISTRATION HAS DEVELOPED
SOME INSTITUTIONAL MEASURES TO CURB CORRUPTION BY
GOVERNMENT OFFICIALS. IT CREATED A COMPTROLLER
GENERAL'S OFFICE TO OVERSEE THE CONDUCT OF GOVERNMENT
EMPLOYEES AND ESTABLISHED COMPTROLLER OFFICES IN
VARIOUS GOVERNMENT AGENCIES TO RECEIVE COMPLAINTS. A
NEW CODE OF PUBLIC ETHICS WAS PROMULGATED WHICH
REQUIRES GOVERNMENT OFFICIALS MAKING FOUR TIMES THE
MINIMUM WAGE TO FILE ANNUAL DECLARATIONS OF THEIR
ASSETS, AND PROHIBITS NEPOTISM, ABUSE OF PRIVILEDGED
INFORMATION, CONFLICTS OF INTEREST AND THE ACCEPTANCE
OF VALUABLE GIFTS. THESE MEASURES HAVE PROBABLY CURBED
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SOME ABUSES, ESPECIALLY COMPARED TO THE EXCESSES WHICH
WERE COMMONPLACE DURING THE PAST TWO ADMINISTRATIONS.

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THE ARREST AND CONVICTION OF FORMER PEMEX CHIEF AND SENATOR, JORGE DIAZ SERRANO, ON CHARGES OF EMBEZZLING MILLIONS OF DOLLARS OF GOVERNMENT FUNDS AND THE 1984 EXTRADICTION FROM THE U.S. OF FORMER MEXICO CITY POLICE CHIEF, ARTURO DURAZO MORENO, FOR EXTORTION AND ILLEGAL WEAPONS POSSESSION CONSTITUTE THE TWO MOST PROMINENT ACCOMPLISHMENTS OF DE LA MADRID'S ANTI-CORRUPTION CAMPAIGN. THESE TWO HIGHLY VISIBLE CASES CONSTITUTE A CERTAIN DETERRENT AGAINST BLATANT ACTS OF CORRUPTION.

- NO FIGURES ARE AVAILABLE ON THE EXTENT OF MONEY LAUNDERING IN MEXICO. MEXICAN BANKS, ALL BUT TWO OF WHICH ARE NATIONALIZED, DO NOT PROVIDE INFORMATION TO THE USG ON THEIR ACTIVITIES. BANKING IN MEXICO IS NOT VIEWED AS ATTRACTIVE FOR LARGE SCALE MONEY LAUNDERING DUE TO THE DIFFERENCE IN THE PESO AND THE DOLLAR AND EXTREME FLUCTUATIONS IN THE EXCHANGE RATE. HOWEVER, THERE IS REASON TO BELIEVE THE POTENTIAL EXISTS FOR EXTENSIVE MONEY LAUNDERING OF NARCOTICS PROFITS THROUGH INVESTMENT IN LEGITIMATE BUSINESSES AND BECAUSE OF EXTENSIVE TRADE AND FINANCIAL TIES BETWEEN THE U.S. AND MEXICO. SOUTH AMERICAN TRAFFICKERS ARE EXPECTED TO MAKE GREATER USE OF MEXICAN FINANCIAL INSTITUTIONS TO LAUNDER PROFITS FROM DRUG SHIPMENTS WHICH ENTER THE U.S. THROUGH MEXICO.

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- THE MEXICAN GOVERNMENT IS AWARE OF THE MONEY-LAUNDERING PROBLEM. MEXICAN LAW ENFORCEMENT OFFICIALS RECENTLY ARRESTED A NUMBER OF MEXICAN CUSTOMS OFFICIALS, BANKERS AND THE HEAD OF A MONEY LAUNDERING OPERATION IN CALEXICO, BAJA CALIFORNIA. HOWEVER, IN

GENERAL TERMS, MEXICO DOES NOT HAVE THE INVESTIGATIVE AND PROSECUTORIAL RESOURCES TO DEVELOP ITS OWN CASES AGAINST MONEY LAUNDERERS. A HIGH-LEVEL PGR OFFICIAL RECENTLY CALLED FOR STRICTER PENALTIES AGAINST LAUNDERERS OF DRUG MONEY BUT THERE WERE NO SIGNIFICANT CHANGES IN MEXICAN BANK SECRECY LAWS OR CRIMINAL CODES IN 1987 THAT MIGHT AFFECT MONEY LAUNDERING.

A.2. ACCOMPLISHMENTS IN 1987

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- MEXICAN AUTHORITIES ARRESTED 9,800 PERSONS FOR

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DRUG TRAFFICKING IN 1987. MEXICO NEEDS TO STRENGTHEN FURTHER ITS CRIMINAL JUSTICE SYSTEM, HOWEVER, IN ORDER TO CARRY CASES FROM ARREST THROUGH CONVICTION TO IMPRISONMENT. MEXICAN LAW ENFORCEMENT OFFICIALS LACK EXPERIENCE IN THE COLLECTION AND USE OF EVIDENCE. MEXICO HAS NO NATION-WIDE CRIMINAL IDENTIFICATION SYSTEM, ITS FORENSIC CAPABILITIES ARE THREE DECADES BEHIND CURRENT TECHNOLOGY, AND POLICE COMMUNICATIONS LINKS ARE RELATIVELY INEFFECTIVE. MEXICO WILL NEED TO CHANNEL CONSIDERABLE RESOURCES INTO ITS CRIMINAL JUSTICE SYSTEM IN ORDER TO CORRECT THESE DEFICIENCES.

- DESPITE THESE PROBLEMS, THE MEXICAN ATTORNEY GENERAL'S OFFICE HAS TAKEN IMPORTANT ENFORCEMENT ACTIONS AGAINST SEVERAL MAJOR DRUG TRAFFICKING ORGANIZATIONS WHICH HAD BEEN SUPPLYING CONSIDERABLE AMOUNTS OF NARCOTICS TO THE UNITED STATES. THE MOST SIGNIFICANT ARRESTS INCLUDE:

-- EDUARDO NEVAREZ LOPEZ, A CLASS I HEROIN TRAFFICKER ARRESTED IN JULY 1987;

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JNCLAS SECTION 04 OF 12 MEXICO 01141

STATE FOR INM , ARA/MEX AND AID

E.O. 12356:N/A
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-- JAIME HERRERA NEVAREZ, SR. AND JAIME HERRERA
NEVAREZ, JR., BOTH CLASS I HEROIN AND COCAINE
TRAFFICKERS, IN AUGUST 1987;

-- RAMIRO MIRELES FELIX, A CLASS I COCAINE AND
MARIJUANA TRAFFICKER, IN AUGUST 1987. HE IS REPORTEDLY
THE BOSS OF A LARGE ORGANIZATION WHICH CULTIVATES AND
TRAFFICS IN CONSIDERABLE QUANTITIES OF MARIJUANA;

-- MIGUEL ANGEL BATIS SALCIDO AND IGNACIO BOJORQUEZ
IZUNA, CLASS I COCAINE AND MARIJUANA TRAFFICKERS, IN
DECEMBER 1987;

-- FERNANDO MARTINEZ GARZA, A CLASS I MARIJUANA
TRAFFICKER, IN NOVEMBER 1987. HE IS REPORTED TO HAVE
SHIPPED AT LEAST 25 TONS OF MARIJUANA TO THE UNITED
STATES DURING THE PAST THREE YEARS;
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-- RAUL ARGUELLO ZARATE, A COCAINE TRAFFICKER AND

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WEAPONS DEALER, IN JULY 1987. ARGUELLO REPORTEDLY EARNED USD 200,000-400,000 PER WEEK FROM HIS DRUG ACTIVITIES;

-- NICOLAS NAVA DUQUE, CO-LEADER OF A LARGE MARIJUANA AND HEROIN TRAFFICKING RING, IN OCTOBER 1987. POLICE LOCATED OPIUM GUM LABS AND MARIJUANA FIELDS, AND CONFISCATED PROPERTY AND WEAPONS AS PART OF THIS INVESTIGATION.

IN ALL OF THESE CASES, THE ABOVE-LISTED ORGANIZATION HEADS WERE ARRESTED ALONG WITH OTHER RING-MEMBERS. THEY REMAIN IN POLICE CUSTODY AWAITING TRIAL. THE DISMANTLING OF THESE ORGANIZATIONS IS SIGNIFICANT. WHILE MANY DRUG RINGS CONTINUE TO OPERATE IN MEXICO, THE PGR HAS ACTED FORCEFULLY AGAINST TRAFFICKERS WHENEVER POSSIBLE.

- DRUG TRAFFICKERS RAFAEL CARO QUINTERO AND ERNESTO FONSECA CARRILLO, AMONG OTHER DEFENDENTS, REMAIN IN PRISON AND ARE UNDERGOING PROSECUTION FOR THEIR INVOLVEMENT IN THE MURDER OF DEA AGENT ENRIQUE CAMARENA. THE TRIAL PROCESS BEGAN UPON CARO QUINTERO'S EXPLUSION FROM COSTA RICA IN APRIL 1985, AND THE PROSECUTION HAS ALREADY PRESENTED ITS EVIDENCE IN THE TRIAL. UNDER THE MEXICAN JUDICIAL SYSTEM, WITH FEW EXCEPTIONS, THE TRIAL JUDGE, RATHER THAN A JURY, MAKES THE DETERMINATION OF GUILT AND SETS THE PUNISHMENT. THE JUDGE IN THIS CASE IS CURRENTLY REVIEWING THE EVIDENCE. SINCE THE MEXICAN JUDICIAL SYSTEM CALLS FOR THE PRESENTATION OF WRITTEN EVIDENCE (RATHER THAN ORAL
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TESTIMONY) AND SINCE MEXICAN LAW ALLOTS FIXED AMOUNTS OF TIME FOR DEFENSE ATTORNEYS TO REVIEW THE EVIDENCE, THE TRIAL IS PROCEEDING VERY SLOWLY. THIS DELAY IN THE VERDICT AND SENTENCING, HOWEVER, IS NOT UNUSUAL UNDER THE MEXICAN JUDICIAL SYSTEM, WHERE COMPLEX TRIALS SUCH AS THIS INVOLVE NUMEROUS CHARGES, DELAYING TACTICS BY DEFENSE ATTORNEYS, AND VOLUMINOUS EVIDENCE.

- RELATED TO THE CARO QUINTERO'S IMPRISONMENT, MEXICAN AUTHORITIES FOUND TWO TUNNELS IN OCTOBER 1987 WHICH RAN FROM HOMES NEAR THE FEDERAL PENITENTIARY TO

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WITHIN 30 METERS OF CARO QUINTERO'S CELL. MEXICAN OFFICIALS ARE INVESTIGATING THE APPARENT ESCAPE ATTEMPT. THE TUNNELS HAVE NOT YET BEEN SEALED BUT ARE UNDER 24-HOUR GUARD.

- THE COURT CASE RELATED TO THE DETENTION OF DEA SPECIAL AGENT VICTOR CORTEZ BY JALISCO STATE JUDICIAL POLICE IS ALSO UNDER JUDICIAL REVIEW. COPIES OF SWORN DEPOSITIONS MADE BY SPECIAL AGENT CORTEZ HAVE BEEN GIVEN TO MEXICAN JUDICIAL AUTHORITIES. IT IS NOT POSSIBLE TO PREDICT EITHER THE LENGTH OF THE PROCEEDINGS IN THIS CASE OR THE OUTCOME.

- THE PGR REPORTED THAT IT ERADICATED A TOTAL OF 2,520 HECTARES OF OPIUM POPPY AND 3,580 HECTARES OF MARIJUANA IN 1987 - SIX PERCENT MORE OPIUM POPPY AND 20 PERCENT MORE MARIJUANA DESTROYED THAN IN 1986. THE PGR DESTROYED MOST OF THESE CROPS BY AERIALLY-APPLIED HERBICIDES. THE PGR MANUALLY DESTROYED MARIJUANA AND OPIUM PLANTATIONS ON ITS OWN AND AS PART OF JOINT PGR-MEXICAN ARMY SWEEPS IN GUERRERO, MICHOACAN AND OAXACA. THE PGR ALSO INITIATED A SPECIAL PROJECT IN

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UNCLAS SECTION 05 OF 12 MEXICO 01141

STATE FOR INM , ARA/MEX AND AID

E.O. 12356:N/A
TAGS: SNAR, MX
SUBJECT: REVISED INTERNATIONAL NARCOTICS CONTROL

THE STATE OF MICHOACAN IN WHICH FEDERAL AND STATE GOVERNMENT AUTHORITIES COMBINED RESOURCES TO MANUALLY ERADICATE A PARTICULARLY LARGE MARIJUANA CROP THERE. THE USG DONATED AN IMPORTANT QUANTITY OF MATERIAL RESOURCES, INCLUDING BACKPACK SPRAYERS, TO HELP THIS SPECIAL CAMPAIGN SUCCEED.

- OPERATION VANGUARD HAS BEEN ABLE TO REPORT POSITIVE DESTRUCTION RATES OF FROM 95 TO 99 PERCENT. THIS ERADICATION VERIFICATION PROGRAM, BASED ON DIRECT OBSERVATION, TYPICALLY LOOKS AT 60 PERCENT OF THE FIELDS SPRAYED BY THE PGR ON A MONTHLY BASIS. NAVIGATORS ON VANGUARD VERIFICATION FLIGHTS RECEIVE THEIR FLIGHT COORDINATES FROM THE PGR'S OFFICE OF RECONNAISSANCE AND ERADICATION VERIFICATION. DEA HAD NO ROLE IN SELECTING WHICH FIELDS WOULD BE VERIFIED ALTHOUGH ON A NUMBER OF OCCASIONS, THIS PGR OFFICE HAS

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ORDERED RECONNAISSANCE MISSIONS TO VERIFY THE LOCATIONS OF POSSIBLE DRUG FIELDS BASED ON INFORMATION PROVIDED

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BY DEA.

- THE PGR'S ABILITY TO ERADICATE MORE DRUGS IN 1987 IS ATTRIBUTABLE IN LARGE PART TO ITS STRATEGIC PLAN FOR THE 1987 FALL CAMPAIGN. THE PLAN WAS BASED ON EXTENSIVE AERIAL RECONNAISSANCE WHICH INDICATED A WIDER DISTRIBUTION OF DRUG FIELDS THAN IN PAST YEARS. THE PGR DECIDED TO MOUNT ERADICATION OPERATIONS IN ALL AREAS WHERE DRUGS WERE DETECTED, NOT ONLY IN THE TRADITIONAL GROWING ZONES, EVEN THOUGH THE MORE DISPERSED OPERATIONS ADDED TO THE LOGISTICAL DEMAND ON PERSONNEL AND EQUIPMENT. ERADICATION COVERAGE WAS FIXED ON AREAS WHERE THE HIGHEST CONCENTRATIONS OF DRUG FIELDS WERE LOCATED. THIS APPROACH ENABLED THE PGR TO ERADICATE MORE DRUGS EVEN THOUGH PGR SPRAY PLANES FLEW 12 PERCENT FEWER HOURS THAN IN 1986.

- IN MID-1987, THE PGR ADDED 12 NEW BELL 206 HELICOPTERS TO EXPAND AND MODERNIZE ITS FLEET, SOME UNITS OF WHICH WERE PURCHASED A DECADE AGO. TWO ADDITIONAL BELL 206 HELICOPTERS WERE PURCHASED WITH INSURANCE MONIES DUE TO THE PGR FROM HELICOPTER CRASHES. AS THESE HELICOPTERS WERE INTEGRATED INTO THE FLEET, THE PGR USED THEM TO REPLACE HELICOPTERS WHICH REQUIRED ROUTINE OR EXTRAORDINARY MAINTENANCE. IN THIS WAY, THE PGR MAINTAINED TEN PAIRS OF SPRAY AND SUPPORT HELICOPTERS FLYING ERADICATION MISSIONS THROUGHOUT THE FALL CAMPAIGN. THIS ALSO CONTRIBUTED TO IMPROVED 1987 ERADICATION RESULTS.

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- MEXICAN LAW ENFORCEMENT AUTHORITIES AND THE

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MILITARY HAVE INCREASED THEIR EFFORTS TO SEIZE ILLICIT DRUGS PRODUCED IN OR TRANSITTING THROUGH MEXICO. 1987 SEIZURES OF MARIJUANA WERE CLOSE TO 400 METRIC TONS, DOUBLE THE AMOUNT CAPTURED IN 1986. SEIZURES OF OPIUM AND HEROIN REACHED 350 KILOS, WELL ABOVE THE AMOUNTS CAPTURED IN 1986 AND 1985. WITHOUT DOUBT, MEXICO CONTINUES TO BE A MAJOR TRANSIT COUNTRY FOR COCAINE ORIGINATING IN SOUTH AMERICA AND DESTINED FOR THE UNITED STATES. COCAINE SEIZURES IN 1987 HAVE INCREASED DRAMATICALLY TO OVER 9,800 KILOS, UP FROM 2,563 KILOS IN 1985 AND 5,323 KILOS IN 1986. DEA-MEXICO HAS

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PARTICIPATED IN POST-SEIZURE FOLLOW-ON INVESTIGATIONS IN THESE CASES. SOME OF THE MOST SIGNIFICANT COCAINE SEIZURES OCCURRED IN THE PAST 100 DAYS INCLUDING: 992 KILOS ON SEPTEMBER 21 IN SONORA; 2,268 KILOS SEIZED IN OCTOBER NEAR TIJUANA; 630 KILOS SEIZED IN DECEMBER IN BAJA CALIFORNIA; AND 416 KILOS SEIZED IN LATE DECEMBER IN HIDALGO IN A RAID ON A COCAINE LABORATORY.

- GOM AUTHORITIES DISMANTLED 13 ILLICIT DRUG LABORATORIES IN 1986 AND 1987. SEVERAL OF THESE LABS WERE DISCOVERED BASED ON INFORMATION PROVIDED BY DEA-MEXICO. WHILE THESE ARE NOT IMPRESSIVE NUMBERS, THE CHARACTERISTICS OF LABS FOUND IN MEXICO MAKE THEIR DISCOVERY EXTREMELY DIFFICULT. LABS ARE SMALL, PORTABLE AND USUALLY LOCATED IN REMOTE AREAS. GIVEN THE UNSOPHISTICATED EQUIPMENT USED, IT IS DIFFICULT TO DISTINGUISH SUCH LABS FROM TYPICAL RURAL KITCHENS. POLICE WILL NEED BETTER INTELLIGENCE AND LOGISTICAL CAPABILITIES IF THEY ARE TO SEIZE MORE HEROIN LABORATORIES. DEA DOES NOT BELIEVE THERE IS ANY SIGNIFICANT AMOUNT OF COCAINE REFINING IN MEXICO EITHER ALTHOUGH SEVERAL COCAINE LABS HAVE BEEN FOUND IN

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UNCLAS SECTION 06 OF 12 MEXICO 01141

STATE FOR INM , ARA/MEX AND AID

E.O. 12356:N/A
TAGS: SNAR, MX
SUBJECT: REVISED INTERNATIONAL NARCOTICS CONTROL

MEXICO, INCLUDING A LARGE LAB IN HIDALGO IN DECEMBER.
THIS LAB WAS SIGNIFICANT NOT ONLY FOR ITS SIZE BUT ALSO BECAUSE OF THE APPARENT INVOLVEMENT OF SOUTH AMERICAN DRUG TRAFFICKERS. IT IS TOO SOON TO KNOW WHETHER THE PRESENCE OF THIS SOUTH-AMERICAN OPERATED COCAINE CONVERSION LAB IN MEXICO IS AN ISOLATED OCCURRENCE OR EVIDENCE OF AN EMERGING TREND. OTHER REPORTED LAB SEIZURES INVOLVED SMALL-SCALE OPERATIONS AND IN SOME CASES THE LABS WERE ACTUALLY DRUG DISTRIBUTION CENTERS.

- SEVERAL INDEPENDENT EVALUATIONS OF THE PGR AERIAL ERADICATION PROGRAM WERE COMPLETED IN THE FIRST HALF OF 1987. THE STUDIES, INCLUDING A MAJOR REVIEW BY THE GENERAL ACCOUNTING OFFICE, HAVE BEEN USED TO IDENTIFY AREAS IN WHICH THE PROGRAM CAN BE IMPROVED. THESE INCLUDE AIRCRAFT MAINTENANCE, PROGRAM MANAGEMENT, AND

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AIRCRAFT UTILIZATION. ALL EVALUATIONS OF THE PGR PROGRAM POINT TO A NEED TO IMPROVE AIRCRAFT MAINTENANCE

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OPERATIONS. A MAJOR PROBLEM HAS BEEN DECLINE IN THE RATE OF AVAILABILITY OF AIRCRAFT FOR ERADICATION MISSIONS. THE RATE OF AVAILABILITY OF AIRCRAFT, DEFINED AS THE NUMBER OF AIRCRAFT OPERATIVE DIVIDED BY THE TOTAL NUMBER OF AIRCRAFT IN THE FLEET, HAS FALLEN FROM 77 PERCENT IN 1982 TO 65 PERCENT IN 1987. THE REASONS FOR THE DECLINE ARE MANY, INCLUDING A LARGER NUMBER OF AIRCRAFT TO MAINTAIN IN MORE LOCATIONS AND DIFFICULTIES RELATED TO RETAINING AN EXPERIENCED MAINTENANCE STAFF.

- THE EMBASSY AND PGR WORKED TOGETHER IN 1987 TO CORRECT MAINTENANCE AND ADMINISTRATIVE DEFICIENCIES WHICH HAVE LESSENED THE EFFICIENT USE OF EXISTING EQUIPMENT AND MANPOWER. THE USG-FUNDED AIRCRAFT MAINTENANCE CONTRACT IS BEING RECOMPETED IN 1988. THE PGR AND EMBASSY COOPERATED TO REVISE A REQUEST FOR PROPOSAL (RFP) TO IMPROVE THE TERMS OF THE NEW MAINTENANCE CONTRACT THAT WILL SUPPORT THE AERIAL ERADICATION FLEET, BEGINNING IN APRIL 1988. THE NEW CONTRACT ESTABLISHES CLEAR LINES OF AUTHORITY OVER MAINTENANCE RESPONSIBILITES, A PRINCIPAL DEFICIENCY OF EARLIER VERSIONS. TO ENSURE CONTINUED SUPPORT OF THE PGR AERIAL ERADICATION FLEET, UNTIL THE NEW CONTRACT IS NEGOTIATED, THE GOM HAS EXTENDED THE CURRENT AVIATION MAINTENANCE CONTRACT THROUGH MARCH 31, 1988. A DRAFT RFP FOR THE NEW MAINTENANCE CONTRACT WILL BE AVAILABLE TO PROSPECTIVE BIDDERS IN JANUARY 1988.

- THE EMBASSY HAS ALSO SUBMITTED TO THE GOM A LETTER OF AGREEMENT (LOA) TO DEFINE BOTH GOVERNMENTS'

OBLIGATIONS AND EXPECTATIONS WITH RESPECT TO SUPPORTING THE PGR'S AIRFLEET. THE LOA DETAILS A COOPERATIVE EFFORT TO IMPROVE THE PGR'S ABILITY TO AERIALLY ERADICATE ILLICIT NARCOTICS CROPS THROUGHOUT MEXICO. THE SUCCESS OF THIS EFFORT DEPENDS TO A GREAT EXTENT ON INCREASING THE AVAILABILITY OF PGR AIRCRAFT FOR ERADICATION AND SUPPORT MISSIONS.

- THE EMBASSY AND PGR ALSO WORKED TOGETHER TO REFURBISH AND UPGRADE THE PHYSICAL FACILITIES AND SUPPORT EQUIPMENT AT SELECTED PGR AIRBASES. THESE

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IMPROVEMENTS ARE EXPECTED TO INCREASE THE OVERALL EFFECTIVENESS OF ERADICATION OPERATIONS. NAU AND PGR TECHNICAL STAFF CONDUCTED A SERIES OF FIELD TESTS BOTH OF HERBICIDES AND SPRAY EQUIPMENT TO IMPROVE AERIAL FUMIGATION EFFICIENCY. THE EMBASSY PLANS TO INCREASE ITS FIELD PRESENCE AND ACCESS TO PROGRAM AREAS IN 1988 BY HIRING TWO MORE ADVISORS.

- THE EMBASSY HAS BEEN WORKING CLOSELY WITH THE PGR TO TRAIN NEW HELICOPTER PILOTS. THE PGR OPERATED WITH AN ONGOING PILOT SHORTAGE IN 1987. A SEVERE SHORTAGE DEVELOPED OVER THE PAST THREE YEARS BECAUSE OF JOB-RELATED DEATHS AND INJURIES, RESIGNATIONS AND DISMISSALS FOR DISCIPLINARY CAUSES. THE RANKS OF PGR PILOTS HAVE DIMINISHED FROM 159 IN 1985 TO JUST OVER 100 THIS YEAR. THE PGR NEEDS ABOUT 150 PILOTS TO ADEQUATELY CREW ITS FLEET. IN NOVEMBER, WITH USG FINANCIAL ASSISTANCE, THE PGR MOUNTED A THREE MONTH TRAINING PROGRAM TO QUALIFY 20 NEW BELL 206 PILOTS, 15 BELL 206 FUMIGATION PILOTS AND 5 BELL 212 FUMIGATION PILOTS. THE PGR HAS ALSO RAISED PILOTS' WAGES, PER DIEM RATES AND TAKEN FURTHER STEPS, SUCH AS THE

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UNCLAS SECTION 07 OF 12 MEXICO 01141

STATE FOR INM , ARA/MEX AND AID

E.O. 12356: N/A
TAGS: SNAR, MX
SUBJECT: REVISED INTERNATIONAL NARCOTICS CONTROL

IMPOSITION OF CONTRACTUAL AGREEMENTS/OBLIGATIONS, TO
RETAIN BOTH NEWLY TRAINED AND EXPERIENCED PILOTS.

A.3. PLANS, PROGRAMS, TIMETABLES (1988)

- INCREASED LIAISON AT ALL LEVELS OF LAW ENFORCEMENT IN MEXICO IS ANTICIPATED, WITH A VIEW TOWARD BETTER COOPERATION IN ALL AREAS OF MUTUAL CONCERN. DURING 1988, ALL FBI OFFICES IN THE U.S., ESPECIALLY THOSE ALONG THE U.S.- MEXICAN BORDER, WILL BE SPECIFICALLY TASKED TO DEBRIEF ALL SOURCES ON DRUG INTELLIGENCE ON MEXICO, INCLUDING SPECIFIC INFORMATION CONCERNING CULTIVATION AREAS. THIS INFORMATION WILL THEN BE PASSED ON TO THE THE FBI AND DEA. ADDITIONALLY, INFORMATION WILL BE SOUGHT ON THE IDENTITY OF ANY ASSETS HELD BY IDENTIFIED DRUG TRAFFICKERS IN THE UNITED STATES OR MEXICO, AS A

FOLLOW-ON TO THE RECENT SIGNING OF A MUTUAL LEGAL ASSISTANCE TREATY.

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- ATTEMPTS WILL BE MADE TO SATISFY ALL REQUESTS FOR ASSISTANCE FROM MEXICAN AUTHORITIES PERTAINING TO INVESTIGATIVE EFFORTS IN THE UNITED STATES. WHEN POSSIBLE, PROFESSIONAL TRAINING WILL BE OFFERED TO MEXICAN LAW ENFORCEMENT PERSONNEL.

- AS IN THE PAST, THE PGR INTENDS TO CONTRACT THE SERVICES OF A U.S. COMPANY TO ASSIST IN MAKING AIRCRAFT AVAILABLE FOR ERADICATION UNDER THE TERMS OF THE NEW MAINTENANCE CONTRACT. THE USG WILL PROVIDE PROCEDURAL GUIDANCE IN THE CONTRACTOR SELECTION PROCESS AND FUNDS TO FINANCE THE CONTRACT. THE CONTRACTOR WILL TRAIN PGR PERSONNEL, PROCURE AIRCRAFT PARTS AND OVERHAUL/REPAIR SERVICES, AND PROVIDE TECHNICAL CONSULTATION AND ADVICE WITHIN THE SCOPE OF THE CONTRACT.

- IN 1987, THE PGR ASSISTED DEA IN CONDUCTING GROUND TRUTH MISSIONS TO COLLECT MARIJUANA SAMPLES FROM ILLICT FIELDS AS PART OF OPERATION VANGUARD. IN 1988, DEA PLANS TO EXPAND THIS PROJECT TO INCLUDE OPIUM POPPY SAMPLING. THE PGR HAS PROMISED TO ASSIGN A REBUILT BELL 212 HELICOPTER TO SUPPORT THIS AND OTHER VANGUARD OPERATIONS.

- THE PGR AERIAL ERADICATION PROGRAM ALSO REQUIRES A SUBSTANTIAL AMOUNT OF FIELD SUPPORT IN ORDER TO FUNCTION PROPERLY. NAU HAS PROGRAMMED ITS FIELD SUPPORT ACTIVITIES IN 1988 TO ASSIST THE PGR. THIS PROJECT COMPLEMENTS NAU'S MAIN EFFORT OF IMPROVING AIRCRAFT AVAILABILITY RATES FOR AERIAL ERADICATION

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OPERATIONS AGAINST ILLICIT CROPS THROUGHOUT MEXICO. UNDER FIELD SUPPORT PROJECTS, THE PGR WILL RECEIVE AVIATION FUEL AND HERBICIDE AND NEEDED TOOLS AND EQUIPMENT. FUNDS WILL ALSO BE USED TO REFURBISH/UPGRADE PGR AIR BASES, MAINTAIN PGR VEHICLES ASSIGNED TO THE ERADICATION CAMPAIGN, TRAIN NEW HELICOPTER PILOTS, AND CONTRACT A US COMPANY TO FLY A SPRING AND FALL AERIAL SURVEY IN MEXICO.

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- NAU AND THE PGR ARE PLANNING AN AERIAL SURVEY OVER PART OF THE OPIUM GROWING REGION OF GUERRERO. THE

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SURVEY WILL COVER AREAS NOT PHOTOGRAPHED DURING A SIMILAR MISSION IN FEBRUARY 1986. AS 1987 ENDED, FINAL APPROVAL OF THE SURVEY PLAN RESTED WITH THE MINISTRY OF DEFENSE. FAVORABLE WEATHER CONDITIONS WILL LAST ONLY THROUGH FEBRUARY AFTER WHICH THE SPRING RAINS BEGIN. THE PGR IS SEEKING A QUICK AND FAVORABLE DECISION FROM THE MINISTRY OF DEFENSE.

- INM AND NAU ARE PREPARING A FIVE-YEAR AERIAL SURVEY PLAN. A TOTAL OF THREE PGR AIRCRAFT WOULD BE OUTFITTED BY USG UNDER THE PLAN FOR AERIAL SURVEY WORK, BY JUNE OF 1990. THE PLAN WILL ALSO PROVIDE INFORMATION ON THE ADDITIONAL PERSONNEL, TRAINING AND MATERIAL RESOURCES THAT AN ENLARGED PROGRAM WOULD REQUIRE.

- IN 1988, NAU WILL EVALUATE PGR REQUIREMENTS FOR NEW AIRCRAFT TO CARRY OUT AERIAL ERADICATION. EMPHASIS WILL BE PLACED ON ACHIEVING THE PROPER MIX OF BELL 206 AND BELL 212 HELICOPTERS FOR MAXIMUM ADVANTAGE IN ATTACKING BOTH OPIUM POPPY AND MARIJUANA CULTIVATIONS. TO AID IN EVALUATING PGR AIR FLEET PERFORMANCE AND

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UNCLAS SECTION 08 OF 12 MEXICO 01141

STATE FOR INM , ARA/[illegible] AND AID

E.O. 12356:N/A
TAGS: SNAR, MX
SUBJECT: REVISED INTERNATIONAL NARCOTICS CONTROL

EQUIPMENT NEEDS, NAU PLANS TO CONTRACT TWO ADDITIONAL
AVIATION ADVISORS IN EARLY 1988 TO EXPAND ITS PRESENCE
IN THE FIELD.

- THE MEXICAN INSTITUTE OF PSYCHIATRY AND THE MEXICAN SECRETARIAT OF HEALTH ARE PREPARING TO COMPLETE A NATIONAL DRUG USE SURVEY IN 1988. INM HAS COMMITTED USD 150,000 OF FY 1987 MONIES TO HELP FUND THIS SURVEY. THE GOAL IS TO ADDRESS THE IMMEDIATE MEXICAN ISSUE AND TO FORMULATE INTERVENTION PLANS THAT TAKE A BROADER, INTERNATIONAL POINT OF REFERENCE AND SIGNIFICANCE.

- IN AUGUST 1987, AID SIGNED A GRANT AGREEMENT FOR USD 400,000 WITH A MEXICAN SOCIAL AGENCY LOCATED IN CIUDAD JUAREZ. A PILOT PROGRAM WILL BE DEVELOPED, WHICH WILL BE REPLICATED IN SAN DIEGO, MAJOR PORT
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CITIES, AND MEXICO CITY. ACTIVITIES INCLUDE CONDUCTING A HOUSEHOLD SURVEY TO ASSESS THE COMMUNITY'S PERCEPTION

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OF THE DRUG PROBLEM, TO INVESTIGATE REASONS AND ATTITUDES THAT FOMENT IT, AND TO SOLICIT GRASS ROOTS IDEAS AND INITIATIVES FOR COMBATTING IT.

- THE EMBASSY HAS BEEN INVOLVED IN VARIOUS OTHER DRUG AWARENESS ACTIVITIES. USIS IS WORKING WITH SISTER CITIES INTERNATIONAL AND A MEXICAN AGENCY TO DISCUSS PLANNED PROJECTS ON DRUG AWARENESS BEING FUNDED BY USIA. ALSO, USIS IS THE LIAISON AGENCY FOR AN SAN DIEGO INSTITUTION THAT IS WORKING WITH MEXICAN GROUPS IN TIJUANA AND IN MEXICO CITY.

- EMBASSY BELIEVES THE FOREGOING NAU PROGRAMS AND PLANS CAN BE ACCOMPLISHED WITHIN FUNDING LEVELS CONTAINED IN THE FY 1988 CONGRESSIONAL BUDGET SUBMISSION REQUEST (USD 16.9 MILLION).

A.4. ADEQUACY OF LEGAL AND LAW ENFORCEMENT MEASURES

- THE MEXICAN CONSTITUTION (ARTICLE 27) PERMITS THE GOVERNMENT TO CONFISCATE AND REDISTRIBUTE ALL LAND NOT USED FOR SOCIALLY ACCEPTABLE PURPOSES, INCLUDING LANDS USED FOR DRUG CULTIVATION. THE GOM MAY CONFISCATE THE ENTIRE PROPERTY, EVEN IF ONLY A PORTION OF IT WAS DEDICATED TO GROWING DRUG CROPS. THE GOM HAS MADE PROGRESS IN CONFISCATING PROPERTY AND FINANCIAL ASSETS OF DRUG TRAFFICKERS. DURING THE DE LA MADRID ADMINISTRATION, THE GOM HAS MODIFIED RULES OF CRIMINAL PROCEDURE TO PERMIT THE PREEMPTORY SEIZURE OF DRUG TRAFFICKERS' PROPERTY AT THE BEGINNING OF THE LEGAL PROCESS RATHER THAN AT THE END. THESE CHANGES HAVE
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PAGE 03 MEXICO 01141 08 OF 12 152347Z

PERMITTED THE GOM TO CONFISCATE REAL ESTATE, PERSONAL PROPERTY AND FINANCIAL ASSETS ACQUIRED THROUGH NARCOTICS-RELATED ACTIVITES, EVEN IF SUCH PROPERTY IS TITLED UNDER THE NAMES OF RELATIVES OR ASSOCIATES. WHILE THESE PROVISIONS WERE APPLIED SELECTIVELY IN 1987, WE EXPECT THE GOM TO EMPLOY THEM WITH GREATER FACILITY IN THE FUTURE, SINCE THE GOVERNMENT BENEFITS FROM ASSETS SEIZURES, AND AS MORE MEXICAN PROSECUTORS FAMILIARIZE THEMSELVES WITH THESE PROCEDURES. IN JUNE 1987, A MEXICAN OFFICIAL REPORTED TO THE MEXICAN CONGRESS THAT THE GOM HAD CONFISCATED AND REDISTRIBUTED

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30,816 HECTARES OF LAND ON WHICH DRUGS HAD BEEN FOUND.

- THE USG AND THE GOM SIGNED A MUTUAL LEGAL ASSISTANCE TREATY (MLAT) ON DECEMBER 9, 1987. THE MEXICAN SENATE RATIFIED THE MLAT ON DECEMBER 29. AFTER RATIFICATION BY THE U.S. SENATE, ITS IMPLEMENTATION WILL PROMOTE CLOSER BILATERAL COOPERATION ON CRIMINAL MATTERS.

A.5. DOMESTIC DRUG ABUSE IN MEXICO

- THERE IS NO ACCURATE INFORMATION CURRENTLY AVAILABLE REGARDING THE EXTENT OF DRUG ABUSE IN MEXICO. PAST DRUG SURVEYS HAVE FOCUSED ON DRUG USE AMONG LIMITED POPULATION SETS, PARTICULARLY HIGH SCHOOL AND COLLEGE STUDENTS AND PATIENTS IN DRUG TREATMENT PROGRAMS. DRUG TREATMENT CENTERS IN MEXICO MENTION THAT MARIJUANA, WHICH IS CHEAP AND WIDELY AVAILABLE, IS THE MOST FREQUENTLY ABUSED DRUG, FOLLOWED BY THE ABUSE OF INHALANTS. THE PATTERNS OF DRUG ABUSE VARY BY REGION. NORTHERN MEXICO APPEARS TO BE MOST AFFECTED IN THE LARGE BORDER TOWNS, WITH LARGE CITIES SUCH AS

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UNCLAS SECTION 09 OF 12 MEXICO 01141

STATE FOR INM , ARA/MEX AND AID

E.O. 12356:N/A
TAGS: SNAR, MX
SUBJECT: REVISED INTERNATIONAL NARCOTICS CONTROL

MEXICO CITY AND GUADALAJARA AND RESORT REGIONS SUCH AS
MAZATLAN IN CENTRAL MEXICO REPORTING HIGH LEVELS OF ABUSE. WOMEN REPORTEDLY PREFER TO CONSUME PRESCRIPTION DRUGS WHILE MEN ARE MORE FREQUENT CONSUMERS OF ILLEGAL DRUGS AND INHALANTS. NOT UNEXPECTEDLY, YOUTHS BETWEEN THE AGES OF 18 AND 24 REPRESENT THE LARGEST GROUP OF CONSUMERS. THE ABUSE OF HEROIN AND COCAINE DOES NOT APPEAR TO HAVE EMERGED AS A PROBLEM IN MEXICO, AS THE COST OF THESE DRUGS IS BEYOND THE ECONOMIC REACH OF THE AVERAGE MEXICAN.

- IF DRUG AWARENESS IS MEASURED BY MEDIA COVERAGE, PUBLIC AWARENESS SHOULD HAVE INCREASED SIGNIFICANTLY DURING THE PAST YEAR. THE MEDIA HAVE REPORTED WITH INCREASING FREQUENCY, IN QUOTING SECRETARIAT OF EDUCATION OFFICIALS, THAT MARIJUANA CONSUMPTION IS ON THE RISE, PARTICULARLY IN SCHOOLS. REPORTING HAS

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CHANGED FROM A YEAR AGO WHEN THE MEDIA FAITHFULLY REFLECTED THE OFFICIAL GOM VIEW THAT CONSUMPTION WAS A

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PROBLEM IN THE UNITED STATES, NOT IN MEXICO.

- PRIVATE ORGANIZATIONS NOW PRIVATELY ADMIT TO THE EXISTENCE OF MUCH HIGHER LEVELS OF DRUG ABUSE THROUGHOUT THE COUNTRY THAN MANY OFFICIALS ACKNOWLEDGE. GIVEN THIS ATTITUDE, NOT ALL GOM OFFICIALS HAVE BEEN COMMITTED TO WAGING A TRULY CONCERTED ANTI-DRUG CAMPAIGN.

B.1. NATURE OF ILLICIT DRUG PRODUCTION

- SMALL SCALE FARMERS CONTINUE TO PRODUCE MOST OF THE ILLEGAL OPIUM POPPY AND MARIJUANA IN MEXICO. MUCH OF THE PROCESSING AND TRANSPORTATION HAS BEEN ORGANIZED BY A FEW LARGER ORGANIZATIONS WHICH HAVE CONTROLLED THE MEXICAN ILLEGAL NARCOTICS TRADE FOR YEARS. TRAFFICKERS HAVE TAUGHT FARMERS ADVANCED GROWING TECHNIQUES INVOLVING THE USE OF IRRIGATION, IMPROVED SEED, AND FERTILIZER TO INCREASE YIELDS, IMPROVE POTENCY AND TO EXTEND THE CROP GROWING SEASON. THEY HAVE TRIED TO MAKE AERIAL ERADICATION MORE DIFFICULT BY PLANTING SMALLER FIELDS IN MORE REMOTE AREAS, AT HIGH ALTITUDES AND IN MOUNTAINOUS TERRAIN. THIS EFFORT HAS REDUCED THE SPRAYING EFFECTIVENESS OF THE BELL 206 HELICOPTERS, THE PGR'S PRIMARY SPRAY AIRCRAFT. IN ADDITION, GROWERS HAVE RESPONDED TO THE AERIAL APPLICATION OF HERBICIDE BY IMMEDIATELY HARVESTING MATURE PLANTS AND EVEN BY WASHING THE PLANTS TO REMOVE THE HERBICIDE. WHEN YOUNG PLANTS ARE SPRAYED, GROWERS MOVE QUICKLY TO REPLANT THEIR FIELDS.

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- IN RECENT YEARS, TRAFFICKERS HAVE ENCOURAGED THE PRODUCTION OF ILLICIT CROPS IN NON-TRADITIONAL GROWING AREAS, SO THAT MARIJUANA IS NOW GROWN IN VIRTUALLY ALL PARTS OF MEXICO. OPIUM POPPY, WHICH WAS TRADITIONALLY GROWN PRIMARILY IN THE TRI-STATE AREA OF SINALOA, DURANGO AND CHIHUAHUA, IS ALSO BEING FOUND IN THE STATES OF GUERRERO, CHIAPAS AND OAXACA.

- DEA BELIEVES THAT PATTERNS OF HEROIN PRODUCTION AND TRAFFICKING HAVE BEEN CHANGING. FARMERS NOW PROCESS THEIR OWN OPIUM INTO A LESS REFINED BUT MORE

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POTENT "BLACK TAR" HEROIN. RISING IMPORTS OF MEXICAN BLACK TAR HEROIN REPRESENT A NEW AND SIGNIFICANT THREAT TO THE US DRUG CONSUMER. THIS PRODUCT HAS BECOME WIDELY AVAILABLE IN THE UNITED STATES AND IS POPULAR BECAUSE OF ITS HIGH PURITY AND LOW PRICE. THE SHARP INCREASE IN HEROIN-RELATED HOSPITAL EMERGENCIES HAS BEEN CONNECTED TO INCREASED USE OF BLACK TAR HEROIN.

- THERE IS NO EVIDENCE THAT MEXICAN FARMERS ARE CULTIVATING THE COCA PLANT.

B.2. FACTORS AFFECTING PRODUCTION

- THE MEXICAN ECONOMY CONTINUES TO DETERIORATE FROM GOM DEFICITS DUE TO HIGH INTEREST ON THE DOMESTIC DEBT, THE FALL OF THE MEXICAN STOCK MARKET AND A RESURGENCE OF CAPITAL FLIGHT IN RECENT MONTHS, SPIRALING INFLATION EXPECTED TO TOP 140 PERCENT FOR 1987, AND ONGOING PESO DEVALUATION. RESULTING UNEMPLOYMENT AND UNDEREMPLOYMENT PROVIDE FERTILE GROUND FOR A LARGE UNDERGROUND ECONOMY AND ASSOCIATED ILLEGAL ACTIVITIES, INCLUDING THE CULTIVATION OF ILLICIT CROPS AND

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PAGE 01 MEXICO 01141 10 OF 12 152348Z
ACTION INM-07

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UNCLAS SECTION 10 OF 12 MEXICO 01141

STATE FOR INM , ARA/MEX AND AID

E.O. 12356:N/A
TAGS: SNAR, MX
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NARCOTICS TRAFFICKING.

- MEXICO IS AN INDUSTRIALIZED COUNTRY THAT PRODUCES SOME CHEMICALS THAT ARE DIVERTED TO HEROIN PRODUCTION AND REFINING.

B. 3. MAXIMUM ACHIEVABLE REDUCTIONS

- THE GOM'S DECLARED OBJECTIVE CONTINUES TO BE TO ELIMINATE THE CULTIVATION OF OPIUM POPPY AND MARIJUANA THROUGHOUT THE NATION, A GOAL WHICH IS VIRTUALLY IMPOSSIBLE, GIVEN MEXICO'S SIZE AND GEOGRAPHY AS WELL AS THE LIMITS ON RESOURCES AVAILABLE FOR THE TASK.

- THE PGR ERADICATED 2,520 HECTARES OF OPIUM POPPY AND 3,580 HECTARES OF MARIJUANA IN 1987. THE CROPS DESTROYED COULD HAVE YIELDED 25 METRIC TONS OF OPIUM
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PAGE 02 MEXICO 01141 10 OF 12 152348Z

AND 4,050 METRIC TONS OF MARIJUANA, RESPECTIVELY. THE MAXIMUM REDUCTIONS IN ILLICIT DRUG PRODUCTION WHICH ARE

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ACHIEVABLE THROUGH ERADICATION IN 1988 ARE 3,025 HECTARES OF OPIUM POPPY AND 4,400 HECTARES OF MARIJUANA - A 20 PER CENT INCREASE OVER 1987 RESULTS. THIS RESULT WOULD REDUCE POTENTIAL MARKET SUPPLIES BY 30 METRIC TONS OF OPIUM AND 4,970 METRIC TONS OF MARIJUANA. REDUCTIONS ANTICIPATED FOR 1989 ARE 3,600 HECTARES, OR 36 METRIC TONS, OF OPIUM AND 4,840 HECTARES, OR 5,470 METRIC TONS, OF MARIJUANA.

- LAST YEAR, THE US EMBASSY IN MEXICO UNILATERALLY FIXED 1987 ERADICATION TARGETS AT 7,200 HECTARES OF MARIJUANA AND 4,160 HECTARES OF OPIUM POPPY. THE TARGETS WERE PREMISED ON A NUMBER OF ASSUMPTIONS, INCLUDING THE PGR'S ABILITY TO MAINTAIN AN AVERAGE RATE OF AIRCRAFT AVAILABILITY OF 80 PERCENT FOR ITS AIRFLEET AND THE PRESENCE IN MEXICO OF SIX TURBO THRUSH T-65 FIXED-WING SPRAY AIRPLANES.

- IN RETROSPECT, THE EMBASSY-SET TARGETS FOR 1987, WHICH WERE 75 PERCENT ABOVE 1986 RESULTS FOR OPIUM POPPY AND 142 PERCENT ABOVE 1986 RESULTS FOR MARIJUANA, WERE OVERLY OPTIMISTIC. THE EMBASSY'S BASIC ASSUMPTIONS WERE NOT MET WITH RESPECT TO AIRCRAFT AVAILABILITY RATES (ONLY 68 PERCENT) OR WITH RESPECT TO THE USE OF TURBO THRUSH PLANES. THE SHORTFALL IN ERADICATION RESULTS WAS ALSO DUE IN PART TO THE BURGEONING SHORTAGE OF HELICOPTER PILOTS.

- THERE ARE NO ESTIMATES AVAILABLE FOR THE AMOUNT OF DRUGS THE MEXICAN MILITARY MIGHT ERADICATE IN 1988.

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B.4. METHODOLOGY FOR ESTIMATES

- WE ANTICIPATE THE PGR WILL BE ABLE TO ERADICATE 20 PERCENT MORE HECTARES OF DRUG FIELDS IN 1988 THAN IT DID IN 1987. MEXICAN OFFICIALS IN CHARGE OF THE CIVILIAN ANTI-NARCOTICS EFFORT HAVE EXPRESSED THEIR INTENT TO IMPROVE FUTURE RESULTS OVER PAST PERFORMANCE BUT HAVE NOT SET NUMERICAL GOALS FOR THEIR ERADICATION PROGRAMS.

- IN ORDER TO PAVE THE WAY FOR A BETTER

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PERFORMANCE, THE PGR AND THE EMBASSY HAVE IDENTIFIED AND IMPLEMENTED SOLUTIONS TO A NUMBER OF PROBLEMS THAT AROSE IN 1987. STEPS HAVE BEEN TAKEN TO REBUILD THE PGR'S PILOT CORPS, TO IMPROVE THE PERFORMANCE OF THE PGR'S MAINTENANCE OPERATIONS, AND TO FORTIFY OPERATIONS SUPPORT SERVICES. CORRECTING THE PILOT SHORTAGE THROUGH AN INTENSIVE HELICOPTER PILOT TRAINING PROGRAM SHOULD ENABLE THE PGR TO FLY MORE HELICOPTERS, RAISING THE AVERAGE NUMBER OF SPRAY CRAFT OPERATING SIMULTANEOUSLY. WE EXPECT THE PGR TO INCREASE ITS OPERATIONAL CAPACITY BY MORE THAN 40 PERCENT.

-

- WEIGHT REDUCTIONS OF ILLICIT CROPS ARE BASED ON A YIELD OF ONE METRIC TON OF OPIUM FOR EACH 100 HECTARES OF OPIUM POPPY AND 1.13 METRIC TONS OF MARIJUANA FOR EACH HECTARE OF MARIJUANA CULTIVATION.

- AVAILABLE EVIDENCE DOES NOT JUSTIFY A HIGHER ESTIMATE FOR MARIJUANA OR OPIUM PRODUCTION IN 1988 THAN IN THE PAST FEW YEARS.

-C.1. STATISTICAL TABLES

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UNCLAS SECTION 11 OF 12 MEXICO 01141

STATE FOR INM , ARA/MEX AND AID

E.O. 12356:N/A
TAGS: SNAR, MX
SUBJECT: REVISED INTERNATIONAL NARCOTICS CONTROL

- *THERE IS STILL NO COMPLETE AND VERIFIABLE DATA* BASE FOR NARCOTICS PRODUCTION IN MEXICO. THESE STATISTICS ARE THE BEST ESTIMATES AVAILABLE. THE FIGURES DO NOT INCLUDE MANUAL ERADICATION BY THE MEXICAN MILITARY AND THUS ARE NOT WHOLLY CONSISTENT WITH OFFICIAL GOM STATISTICS THAT AGGREGATE THE RESULTS OF THE PGR'S AND THE MILITARY'S ANTI-NARCOTICS CAMPAIGNS.

A. SUMMARY TABLE

-	1987	1988
OPIUM POPPY		
HECTARES CULTIVATED	5,500	6,000
HECTARES ERADICATED	2,519	3,025

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HECTARES HARVESTED	2,981	2,975
OPIUM YIELD (METRIC TONS)	30	29

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HEROIN PRODUCED (MT)	3	2.9
HEROIN SEIZED IN COUNTRY (MT)	0.03	0.05
HEROIN EXPORTED TO U.S. (MT)	2.7	2.2
MARIJUANA		
HECTARES CULTIVATED	9,000	9,000
HECTARES ERADICATED	3,580	4,400
HECTARES HARVESTED	5,420	4,600
MARIJUANA YIELD (1.13)	6,125 MT	5,200 MT
LOSS FACTOR (10 PERCENT)	615 MT	520 MT
MARIJUANA SEIZED IN COUNTRY	400 MT	440 MT
MARIJUANA CONSUMED	100 MT	100 MT
MARIJUANA EXPORTED TO U.S.	5,010 MT	4,140 MT

B. DATA TABLES

GROSS CULTIVATION -(HECTARES)	1989	1988	1987	1986	1985
OPIUM	6,000	6,000	5,500	5,200	5,200
MARIJUANA	9,000	9,000	9,000	9,000	9,000
GROSS POTENTIAL PRODUCTION (MT)					
OPIUM	60	60	55	52	52
MARIJUANA	10,170	10,170	10,170	10,170	10,170
HECTARES ERADICATED					
OPIUM	3,600	3,025	2,519	2,380	2,300
MARIJUANA	4,840	4,475	3,580	2,970	2,060

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CROPS ERADICATED (NUMBER OF FIELDS)					
OPIUM	30,000	25,000	24,689	19,000	18,000
MARIJUANA	32,000	28,000	25,212	22,880	22,000
NET CULTIVATION (HECTARES)					
OPIUM	2,400	2,975	2,981	2,820	2,900
MARIJUANA	4,160	4,525	5,420	6,620	6,940

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NET PRODUCTION

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(MT)					
OPIUM	24	29	30	28	29
MARIJUANA	4,700	5,100	6,125	7,480	7,840
REFINING					
HEROIN BASE	NOT AVAILABLE				
SEIZURES (MT)					
OPIUM	-	-	-	-	-
HEROIN	.05	.05	.03	.01	-
OTHER OPIATE	-	-	-	-	-
COCAINE	-	-	9	5	2.3
MARIJUANA	500	440	400	100	147
OTHER DRUGS	-	-	-	-	-
-					
ARRESTS					
NATIONALS	10,000	10,000	9,800	8,340	4,886
FOREIGNERS	300	300	300	300	294
LABS DESTROYED					

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PAGE 01 MEXICO 01141 12 OF 12 152349Z
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UNCLAS SECTION 12 OF 12 MEXICO 01141

STATE FOR INM , ARA/MEX AND AID

E.O. 12356:N/A
TAGS: SNAR, MX
SUBJECT: REVISED INTERNATIONAL NARCOTICS CONTROL

HEROIN	-	-	*4*	*7*	*2*
COCAINE	-	-	3	5	1
AMPHETAMINE	-	-	1	1	0

DOMESTIC
CONSUMPTION (MT)

MARIJUANA	100	100	100	100	100

D.1. STATUS OF USG ASSISTANCE

USG ASSISTANCE TO THE GOM IS AS FOLLOWS IN MILLIONS OF DOLLARS:

ASSISTANCE	FY'88 (REQUESTED)	FY'87 (ACTUAL)	FY'86 (ACTUAL)
INM	16.9	15.5	10.1
IMET	.32	.3	.2

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FMS (DIRECT) NONE PROJECTED 15.1 3.0

D.2. IMPACT OF USG ASSISTANCE (WILL BE SENT SEPTEL)

E.1. RESOURCE ESTIMATES

- THE FOLLOWING TABLE REFLECTS ESTIMATED REDUCTION OF ILLICIT DRUG PRODUCTION WHICH CAN BE ACHIEVED OVER THE NEXT TWO YEARS WITHIN EXISTING KNOWN FUNDING LEVELS:

REDUCTION	1988	1989
OPIUM POPPY (HECTARES)	3,025	3,600
OPIUM (METRIC TONS)	30	36
MARIJUANA (HECTARES)	4,475	4,840
MARIJUANA (METRIC TONS)	5,060	5,470

-

- WHILE WE BELIEVE THE GOM CAN ACHIEVE THESE RESULTS WITHIN ITS CURRENT LEVEL OF RESOURCES, MEXICO IS EXPERIENCING SEVERE DOMESTIC ECONOMIC DIFFICULTIES, INCLUDING RAPIDLY RISING INFLATION AND A LARGE PUBLIC SECTOR BUDGET DEFICIT. THE PGR'S REQUESTS FOR ADDITIONAL ALLOCATIONS FROM THE CENTRAL GOVERNMENT BUDGET FOR NARCOTICS CONTROL PROGRAMS IN 1988 ARE LIKELY TO FACE INTENSE SCRUTINY. IT IS POSSIBLE TO FORESEE A NEGATIVE IMPACT WHICH COULD BE WROUGHT ON THE PROGRAM IF THE GOM HAS TO CUTBACK THE PGR BUDGET IN REAL TERMS. HOWEVER FROM THE EXPRESSED DEDICATION OF TOP GOM OFFICIALS WE DO NOT BELIEVE THIS LIKELY. THE IMPACT ON ERADICATION RESULTS WOULD BE PARTICULARLY SEVERE IF THE PGR IS UNABLE TO ADEQUATELY COMPENSATE ITS AVIATORS AND

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AVIATION SUPPORT STAFF.

- WE BELIEVE THAT THE USG CONTRIBUTION TO THE GOM ANTI-NARCOTICS PROGRAMS SHOULD NOT FALL BELOW CURRENT LEVELS. IT IS LIKELY WE WILL NEED TO REQUEST ADDITIONAL FUNDS AT SOME POINT IN THE NEAR FUTURE IN ORDER TO OFFSET THE RISING COST OF AIRCRAFT MAINTENANCE AND TO SUPPORT THE NEW AIRCRAFT THE GOM HAS ACQUIRED FOR ITS ERADICATION FLEET. THE EMBASSY PLANS TO CARRY OUT A STUDY IN 1988 TO DETERMINE THE ERADICATION CAPABILITY OF THE PRESENT AIR FLEET, BASED ON MAXIMALLY EFFICIENT

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RESOURCE UTILIZATION, ALONG WITH THE NUMBER AND TYPES OF ADDITIONAL AIRCRAFT NEEDED TO ENHANCE THE OVERALL CAPABILITIES OF THE ERADICATION PROGRAM.
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United States Department of State

Washington, D. C. 20520

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DEPARTMENT OF STATE — IM/SMD/RR — Date: 6/16/97

INFORMATION MEMORANDUM
S/S

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EO Citations

FOIA Exemptions ( ) CLASSIFY as ( ) S or ( ) C Sec.
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TS authority to

TO: The Secretary

FROM: ARA - Elliott Abrams

SUBJECT: Survey Trip for the U.S.-Mexico Presidents' Meeting February 13

A survey team headed by White House Director of Presidential Advance Jim Hooley and including DAS Paul Taylor visited Matzatlan January 14 and 15. The Deputy Chief of Mexican Protocol participated in the visit but stressed that he did not have decision-making authority, something which rested with the Presidential Chief of Staff.

The preliminary conclusions of the survey team, subject to full White House approval and concurrence by Mexican authorities, are:

-- Matzatlan is an acceptable city for the Presidents' meeting.

-- The need for the President to depart from Los Angeles and return to the ranch before dark on February 13 severely limits time on the ground. Four hours are available in Matzatlan but might be extended to four and a half.

-- U.S. participants may travel to Matzatlan in three planes: the President's from Los Angeles, your flight from Nassau and a third plane directly from Washington.

-- The Camino Real Hotel is suitable for the meetings and U.S. delegation facilities. It is a picturesque 170 room hotel located on a cliff above a Pacific cove which can be easily secured. The setting offers various scenes for bilateral meetings, lunch and informal moments such as a walk in the garden or on the beach.

-- A press briefing center and other facilities that cannot fit in the Camino Real Hotel can be located in the El Cid Hotel nearby.

-- President de la Madrid will probably be accommodated at an adjacent hotel, the Casa Pueblo Bonito.

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-- President Reagan and his immediate party can arrive near the meeting site by helicopter from the Matzatlan Airport.

-- Substantive meetings can include a one-on-one session of the Presidents with simultaneous bilaterals by ministers, a plenary session of the Presidents and their ministers and a working lunch.

-- In the interest of conserving the Presidents' time, their principal public statements could be limited to substantive toasts at lunch. Their comments can stress the culmination of the cooperative relationship between the U.S. and Mexico they have achieved during their administrations and which in the past three months has yielded a Framework Agreement on Trade and Investment, a Mutual Legal Assistance Treaty, a Textile Agreement, a major financial package, and possibly by February 13, a civil aviation agreement and three telecommunications agreements.

-- It might be difficult to get Mexican concurrence on a positive joint communique judging from the tortured and defensive statement the Mexicans issued when the MLAT was concluded. In lieu of a communique, you and Secretary Sepulveda might consider jointly briefing the U.S. and Mexican press immediately following the President's departure and before you leave for Nassau.

-- A pre-advance team is tentatively scheduled to return to Matzatlan January 27 to work with officials from the Mexican President's office who are currently in Stockholm with President de la Madrid for a meeting of the Group of Six.

ARA:PDTaylor:kb:1/16/88:75812

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January 20, 1988
18187 South Drive #124
Southfield, MI 48076
U.S.A.

Sr. Sergio Fernandez Fernandez
Ministro del Interio
Ministerio del Interior
Palacio de la Moneda
Santiago, Chile

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____

Your Excellency:

The recent death threats to Miguel Angel Alfaro and German Ossbahnius, members of the Comite de Defensa de los Derechos del Pueblo, is of great concern to me and my fellow citizens. No person should have to live with the fear that someone will murder his or her. Civilized governments guarantee citizens the right to live without fear.

I am aware that the Santiago Appeals Court has ordered investigations into these death threats and I welcome this action. I am also aware that many death threats, abductions, torture, and killings have been directed toward government critics in the last few years. The strong connection between human rights abuse and criticism of the government of Chile is more than coincidental. As a professor of strategic planning and management, I teach about the positive effect of change as a result of criticism. I would be happy to provide you with research results which demonstrate that positive change is often a result of critical evaluation of the existing situation.

Please take the appropriate actions to ensure the physical safety of Senors Miguel Angel Alfaro and German Ossbahnius. The recent court decision ordering a police investigation into the death threats is only a beginning. Please take action to ensure that this investigation has the full cooperation of all branches of the security forces in Chile.

I look forward to the day when Chile is again a safe place for all people. I thank you for your cooperation in addressing this matter.

Sincerely,

Jon Zahrly Ph.D.

cc: Sr. Osvaldo Faundez Vallejos
CODEPU
Ambassador Hernan Felipe Errazuriz
Congressman Sander Levin
Senator Carl Levin
Senator Don Riegle

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This letter is in response to my urgent request from Amnesty International. Please send your help.

E7

AN: D880057-0280

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PAGE 01 BOGOTA 00946 221612Z
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AMEMBASSY PANAMA
AMEMBASSY MEXICO

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E.O. 12356: N/A
TAGS: SNAR, CO
SUBJECT: CORRECTION: 1988 INCSR - COLOMBIA.

REF: BOGOTA 000776

1. PLEASE MAKE THE FOLLOWING STATISTICAL CORRECTIONS IN THE 1988 INCSR. PARA TWO "G" LINE TWO SHOULD READ:
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"SEIZED AND DESTROYED 9,547 KILOGRAMS" INSTEAD OF 5,942

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KILOGRAMS.

2. PARAGRAPH 10, REFINING, SEIZURES BASE/HCL SHOULD READ:

1989	1988	1987	1986	1985
10	10	9.5	4	9

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3A

THE SECRETARY OF STATE

WASHINGTON

Orig to WH.
List To:

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January 26, 1988

DEPARTMENT OF STATE IM/IPS/CR/IR Date: 6/15/97
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MEMORANDUM FOR THE PRESIDENT

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FROM: George P. Shultz GPS

SUBJECT: Thoughts on Your Visit to Mexico, February 13, 1988

This will be your sixth and probably last meeting with President de la Madrid. It may also be the most important, certainly not the casual drop-in affair it might appear.

In his final year in office, de la Madrid faces challenges as difficult as the debt crisis he confronted when he began his term in 1982. His certain successor, Carlos Salinas de Gortari, will inherit a Mexico undergoing wrenching economic and political change. Their handling of this transitional period will have enormous consequences for the United States. And our handling of this meeting could deeply affect what they do in the next few years.

The meeting should be both a summing up of the achievements in US/Mexico relations during your terms of office and a shaping of the future direction in which your successor and de la Madrid's will move our two countries. The record of achievement is impressive:

- Mexico has joined GATT; we have made impressive bilateral progress in trade talks, and signed a ground-breaking framework agreement on trade and investment;
- With our help, Mexico is managing its heavy foreign debt burden in a responsible manner;
- We have implemented a new immigration law without disrupting relations;
- Difficult environmental problems along our common border are being managed successfully;
- Energy relations, a source of friction under the Carter Administration, are excellent.

Perhaps most important of all, we have turned the relationship in a direction based more on cooperation than confrontation; more on dialogue than rhetoric. Strong personal relationships have been developed, and frequent meetings held, between Ed Meese, Jim Baker, Clayton Yeutter and other high USG officials and their Mexican counterparts. Under de la Madrid,

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Mexicans have begun to accept the idea that undertaking formal obligations with the United States across a broad range of issues need not compromise their deep sense of national sovereignty and dignity. This psychological change is fragile, but could be decisive to a constructive future for both nations.

We should give de la Madrid full credit for his politically courageous effort to lead Mexico through its economic crisis. At considerable cost to his own popularity, he has persisted in responsible, albeit painful and austere, policies aimed at modernizing the Mexican economy.

Difficult problems remain in our relationship, but most of these are being managed:

- Central Americans have taken charge of the regional peace process, leaving Mexico and the other Contadora countries ineffectually on the margin. Foreign Secretary Sepulveda's efforts to obstruct our objectives have failed; we can continue our strategy of keeping Mexico marginalized;

- At the UN and the OAS, the Mexicans have been less active in their opposition to us, and have lately avoided name-calling resolutions.

My greatest concern is in the area of anti-drug efforts. Some in the Administration and Congress will seek to deny Mexico certification as a "cooperating country" under recent narcotics legislation -- a step that would carry a heavy stigma and entail significant economic costs. Failure to renew Mexico's certification could seriously affect their cooperation with our anti-drug effort and damage the full range of our bilateral relationship. Another contentious political debate in the Congress over certification would also hurt. If we don't manage this properly, it will undercut all the progress we have achieved in other areas, and it could weaken de la Madrid's and Salinas' efforts to preserve Mexican stability.

Mexico has, in fact, made significant efforts in the fight against drugs. They understandably resent statements by US officials deprecating these efforts or alleging criminal complicity by high GOM officials. Nevertheless, there are areas in which Mexican cooperation could be substantially improved; we will want you to make some very specific requests of de la Madrid in this regard.

I suggest that you make drugs the focal point of your private discussion with de la Madrid (as opposed to the more open sessions, which should focus on accomplishments.) He must face the reality that the drug issue has explosive potential for us both. We will provide specific requests for you to convey to de la Madrid regarding actions he can and must take.

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EXCISE

Chile Project (es1998000030)
U.S. Department of State
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FOIA FEB -1 MI 10:20

Mobile County

January 26, 1988

Memo

To: Senator Heflin

From: Jeanne Jones

Re: [redacted]

[redacted] called to say he talked to a friend, [redacted] who just returned from a trip to Chile. He would like for you to ask the State Department about some rumors going around down there that the State Dept. is giving $1 million to the Communist Party in Chile. He says these funds are being sent to fund the party that sponsors the communist party there.

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PAGE 01 GENEVA 00771 01 OF 02 281753Z
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AMEMBASSY GUATEMALA
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C O N F I D E N T I A L SECTION 01 OF 02 GENEVA 00771

E.O. 12356: DECL: OADR
TAGS: PHUM, UNHRC-1, MX, CI, XK, CH
SUBJECT: 44TH SESSION OF UN HUMAN RIGHTS COMMISSION:
VALLADARES MEETING WITH MEXICAN DEPUTY PERMREP

1. CONFIDENTIAL - ENTIRE TEXT.

CONFIDENTIAL

PAGE 02 GENEVA 00771 01 OF 02 281753Z

MONTEMAYOR OPINED THAT MEXICO WOULD INTRODUCE A RESOLUTION ON CHILE AND THAT THE FLUID SITUATION IN CENTRAL AMERICA SEEMED TO PRECLUDE INITIATIVES THERE.
DEBATED.

5. REGARDING CHILE, THE U.S. DELEGATION WOULD NOT THIS

YEAR URGE THAT THE SEPARATE AGENDA ITEM BE SUPPRESSED, VALLADARES STATED. POLCOUNS ASKED WHETHER MEXICO WOULD INTRODUCE A RESOLUTION ON CHILE. NOTING HE WAS WITHOUT INSTRUCTIONS, MONTEMAYOR ANTICIPATED THE SAME SCENARIO AS IN PREVIOUS YEARS. THE SITUATION IN CHILE HAD NOT IMPROVED. THE REFERENDUM, FOR WHICH NO DATE HAD BEEN SET, WAS QUESTIONABLE.

NIL

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PAGE 01 GENEVA 00771 02 OF 02 281755Z

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AMEMBASSY BEIJING
AMEMBASSY GUATEMALA
USINT HAVANA

C O N F I D E N T I A L SECTION 02 OF 02 GENEVA 00771

E.O. 12356: DECL: OADR
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SUBJECT: 44TH SESSION OF UN HUMAN RIGHTS COMMISSION:

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UNCLAS SECTION 01 OF 02 MEXICO 02113

PASS TO DEPARTMENT OF ENERGY, IE
DEPARTMENT FOR EB/ERP/EPC

E.O. 12356: N/A
SUBJECT: ELECTRICITY SECTOR BUDGET AND GOALS FOR 1988

1. SUMMARY: THE MEXICAN GOVERNMENT CUT THE PROPOSED 1988 BUDGETS FOR THE ELECTRICITY UTILITIES BY 8 PERCENT AS PART OF THE PROGRAM TO REDUCE THE FEDERAL BUDGET DEFICIT. THE BUDGETS FOR THE TWO STATE OWNED UTILITIES NOW TOTAL ABOUT 3.5 BILLION DOLLARS. NONETHELESS, OFFICIALS EXPECT THE UTILITIES WILL BE ABLE TO SATISFY THE DEMAND FOR ELECTRICITY DURING 1988 WHICH IS PROJECTED TO GROW BY 5 PERCENT TO 83,022 GIGAWATT HOURS, INCLUDING 2,000 GWH OF EXPORTS. INSTALLED GENERATING CAPACITY IS PROGRAMMED TO INCREASE BY 1,558 MEGAWATTS DURING 1988 INCLUDING 675 MW AT THE LAGUNA VERDE NUCLEAR PLANT AND 700 MW AT THE MANZANILLO THERMOELECTRIC PLANT. TOTAL GENERATING CAPACITY SHOULD REACH 24,962 MW BY THE END OF THE YEAR. END SUMMARY.

2. THE GOVERNMENT-OWNED CORPORATION WHICH HAS SOLE RESPONSIBILITY FOR GENERATING ELECTRICITY IN MEXICO,
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PAGE 02 MEXICO 02113 01 OF 02 282315Z

COMISION FEDERAL DE ELECTRICIDAD (CFE), HAD ITS PROPOSED BUDGET FOR 1988 CUT BY 8 PERCENT TO 6.8 TRILLION PESOS, ABOUT 3.1 BILLION DOLLARS AT THE CURRENT EXCHANGE RATE OF

2,200 PESOS TO ONE DOLLAR. IN A SIMILAR FASHION, THE GOVERNMENT-OWNED COMPANY WHICH DISTRIBUTES ELECTRICITY IN THE CENTRAL PART OF MEXICO, COMPANIA DE LUZ Y FUERZA DEL CENTRO (CLFC), HAD ITS PROPOSED BUDGET CUT BY 8 PERCENT TO 846 BILLION PESOS, ABOUT 385 MILLION DOLLARS. THESE BUDGET CUTS WERE PROPOSED AT THE END OF DECEMBER BY THE SECRETARIAT OF PLANNING AND BUDGET AS PART OF THE EFFORT TO REDUCE GOVERNMENT EXPENDITURES AND THE BUDGET DEFICIT. THE CHANGES WERE APPROVED IMMEDIATELY BY THE CHAMBER OF DEPUTIES. MOST OF THE CUTS (94 PERCENT BY ONE ESTIMATE), WILL COME OUT OF THE INVESTMENT BUDGETS OF THESE TWO PARASTATAL FIRMS, WITH THE BALANCE BEING SQUEEZED OUT OF SALARIES. AS A RESULT SEVERAL CONSTRUCTION PROJECTS WILL BE SLOWED OR DEFERRED UNTIL NEXT YEAR.

3. DESPITE THE SMALLER THAN EXPECTED BUDGET, ELECTRIC COMPANY OFFICIALS BELIEVE THEY WILL BE ABLE TO SATISFY DOMESTIC DEMAND THIS YEAR EVEN AT THE RISK OF SACRIFICING MEDIUM AND LONG TERM GOALS. CFE OFFICIALS PLAN TO PUT 1,558 MEGAWATTS OF NEW GENERATING CAPACITY INTO COMMERCIAL OPERATION DURING 1988 INCLUDING 675 MW AT THE LAGUNA VERDE NUCLEAR PLANT AND 700 MW AT THE MANZANILLO THERMOELECTRIC PLANT. BY THE END OF THE YEAR, CFE EXPECTS TO HAVE 24,962 MW OF INSTALLED CAPACITY. CFE IS PLANNING TO GENERATE 99,250 GIGAWATT HOURS OF ELECTRICITY, 4.3 PERCENT MORE THAN IN 1987, OF WHICH ABOUT 64 PERCENT WILL COME FROM BURNING OIL AND GAS, 23 PERCENT FROM DAMS, 8 PERCENT FROM COAL, 5 PERCENT FROM GEOTHERMAL SOURCES, AND AN UNDETERMINED BUT SMALL AMOUNT
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PAGE 03 MEXICO 02113 01 OF 02 282315Z

FROM THE NUCLEAR PLANT. (TRANSMISSION LINES FROM THE LAGUNA VERDE NUCLEAR PLANT TO THE CITY OF PUEBLA HAVE BEEN STRUNG BUT THE FUEL RODS HAVE NOT BEEN LOADED INTO THE REACTOR YET. CFE EXPECTS TO GET A GREEN LIGHT IN EARLY FEBRUARY FROM THE MEXICAN NUCLEAR REGULATORY COMMISSION TO LOAD THE FUEL RODS.)

4. TOTAL ELECTRICITY SALES FOR 1988 ARE EXPECTED TO GROW 5 PERCENT TO 83,022 GIGAWATT HOURS. (THE DIFFERENCE BETWEEN THE AMOUNT GENERATED AND THE AMOUNT SOLD IS DUE TO LOSS IN TRANSMISSION, THEFT AND CONSUMPTION BY CFE ITSELF.) CFE PLANS TO SELL 62,527 GWH, INCLUDING 2,000 GWH OF EXPORTS TO THE UNITED STATES. (CFE HAS CONTRACTED

TO SELL 2,000 GWH OF ELECTRICITY PER YEAR FOR THE NEXT NINE YEARS FROM ITS CERRO PRIETO GEOTHERMAL PLANT, LOCATED NEAR MEXICALI, TO TWO CALIFORNIA UTILITIES.) CLFC, WHICH IS BEING ABSORBED BY CFE, PLANS TO SELL 20,495 GWH OF ELECTRICITY DURING 1988.

5. SINCE 1981 ELECTRICITY SALES HAVE GROWN BY AN AVERAGE OF 5.9 PERCENT YEAR, MOSTLY DUE TO AN INCREASE OF 600,000 NEW CUSTOMERS EACH YEAR. DURING THE SAME PERIOD PRODUCTION GREW BY ABOUT 5.4 PERCENT. NONETHELESS, CFE OFFICIALS CALCULATE THAT MEXICO STILL HAS ABOUT 11 PERCENT SPARE PRODUCTION CAPACITY. THEY PROJECT THAT CFE'S SPARE CAPACITY WILL SHRINK TO 4 PERCENT BY 1990 BECAUSE RELATIVELY SMALL AMOUNTS OF NEW GENERATING CAPACITY IS PROGRAMMED FOR INSTALLATION OVER THE NEXT TWO YEARS.

6. OTHER GOALS OF THE TWO MEXICAN ELECTRICITY COMPANIES FOR 1988 INCLUDE:

- INCREASING TRANSFORMER CAPACITY BY 4,026 MVA;

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PAGE 01 MEXICO 02113 02 OF 02 282315Z
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UNCLAS SECTION 02 OF 02 MEXICO 02113

PASS TO DEPARTMENT OF ENERGY, IE
DEPARTMENT FOR EB/ERP/EPC

E.O. 12356: N/A
SUBJECT: ELECTRICITY SECTOR BUDGET AND GOALS FOR 1988

- STRINGING 2,300 KILOMETERS OF TRANSMISSION LINES AND 900 KILOMETERS OF DISTRIBUTION LINES;

- COMPLETING THE SMALL GEOTHERMAL GENERATING PLANT AT LOS AZUFRES IN THE STATE OF MICHOACAN.

(DRAFTED BY:ECON:JMSHELTON)

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*** Current Classification *** UNCLASSIFIED

URGENT ACTION amnesty international URGENT ACTION

UA office • P.O. Box 1270 • Nederland, CO 80466-1270 • 303-440-0913 International Secretariat • 1 Easton Street • London WC1X 8DJ England

29 January 1988
Further Information on UA 307/87 (6 November, 1 December, 10 December, 26 January)
Chile: Monica Garcia, human rights lawyer

Amnesty International has received reports that Monica Garcia, the lawyer acting on behalf of actress Carla Cristi, has herself received a death threat. On 26 January she received a phone call at her home with the message that a bomb would be planted in her garden.

A recurso de protecction (petition to the courts requesting police protection) was presented to the Santiago Appeals Court (Corte de Apelaciones de Santiago) on 27 January.

Carla Cristi was granted police protection for 10 days on 27 January.

Further recommended action: telegrams/telexes/airmail letters:
Urging the courts to carry out a full investigation into the threats against Monica Garcia and Carla Cristi and asking that those responsible be brought to justice.

Appeals to:
As follow-up of 26 January, plus additional address for copies:
Sr Ministro
Mario Garrido Montt
Presidente de la Corte de Apelaciones
Plaza Montt Varas
Santiago, Chile (Court of Appeals)

Chile Project (#S199900030)
U.S. Department of State
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Amnesty International is an independent worldwide movement working for the international protection of human rights. It seeks the release of men and women detained anywhere because of their beliefs, color, sex, ethnic origin, language or religious creed, provided they have not used or advocated violence. These are termed prisoners of conscience. It works for fair and prompt trials for all political prisoners and works on behalf of such people detained without charge or trial. It opposes the death penalty and torture or other cruel, inhuman or degrading treatment or punishment of all prisoners without reservation.

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Embassy of the United States of America

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Santiago, Chile, Jan. 29, 1988

Chile Project (#S199900030)
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Official-Informal

Mr. Richard Howard
ARA/SC, Room 4908
Department of State
Washington, D. C. 20520

Dear Dick:

I thought that once the Ambassador was off and February a little closer that things would become quieter. As usual, such has not been the case.

CODEL Roe got off and the members seemed very happy with all that we did for them during their visit. They came, however, with the determination not to touch the political situation with the proverbial pole. [redacted]

B6

[redacted] The delegation did stimulate a lot of expectations about what the House Committee might do to increase scientific cooperation; I hope they follow through. The Ambassador and Perry will be following up with the Committee staff.

[redacted]

B-1

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Reactions to your January 14 Letter:

Polls - You will have received at least two cables from us, reporting on the Gallup and CERC nationwide polls, and perhaps by the time you read this a third summarizing the results of polls covering Santiago and selected other cities by Diagnos, CED-SUR-Ilet, and FLACSO. I think it is important to focus on:

A. The populace of Santiago (and to a lesser extent of Concepción, Valparaiso and other large towns) is not representative

of the country as a whole. The Santiago population, moreover, is not heavily registered to vote. There is much stronger support for Pinochet, and much less interest in the opposition -- partly out of opposition neglect -- in the hinterland. The opinions we have been hearing for years of very strong backing for the President in farming areas appear to be true. Farm-oriented folk are heavily registered. The fact that earlier polls relied almost exclusively on the views of Santiagobos misled many observers, including us.

B. Economic growth over the last few years has bolstered people's optimism, which helps Pinochet. Granted, workers' wages have not improved. But there are now hundreds of thousands of people with jobs who lacked them four years ago, and a family with only one wage earner before, or no wage earner at all, now with two or three bread winners has a significantly higher family income, which counts more than the earnings of the individual.

C. The government as such has much more support than does Pinochet personally. A major segment of the society (30-40 percent or more) is satisfied with the way things are going. Hence the GOC's clever media campaign which focuses on continuity of current policies and the framework. It soft-sells the theme of Pinochet himself, except to the extent that he is shown inaugurating the housing projects and so forth. The message is that the system needs to be preserved. And the companion message is that the alternative is a return to the UP. It should be no surprise that the government has much greater support among the rural poor, middle-aged, elderly and women, of whom the2nd and 3rd categories are much more heavily registered.

D. For a variety of reasons (GOC propaganda, bad memories, the opposition's own mistakes) the image of the opposition political parties is awful. An astonishing number of people, particularly in the provinces, think that "if the political parties return to power there will be chaos." Only 5 percent of the populace are in strong disagreement with this statement!! The "chaos" theme appears to have fertile ground in which to be nourished. As we have said before, the opposition has two formidable tasks: present a convincing image and get its supporters registered.

To sum up, yes, this is a real horse race and Pinochet could win a technically clean plebiscite. We cannot expect him to make many mistakes. It is really up to the opposition to successfully exploit its innate advantage, the fact that all polls show that a large majority of the people want a safe and orderly transition to stable and secure democratic rule under sound leadership.

Bear in mind also that only one trustworthy nationwide poll has been taken so far other than the dubious Gallup one, and that was

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Carlos Huneeus' survey. That gave Pinochet 31 percent. While this substantiates all the points we've just made in the analysis above, it is a long way from predicting a Pinochet victory. In fact, as you've seen from [redacted] reports, Pinochet's advisers accept that figure as an accurate gauge of his strength and are profoundly depressed by it - and so, reportedly, is the General himself. The advisers, at least, are talking once again about other names the junta could designate.

B1

Cousiño on the Implications of a Pinochet Victory - This, of course, will be the subject of a post reporting plan think piece that we are scheduled to transmit in a couple of months, but here is a sneak preview of John's ideas. The possible scenarios will depend in part on the margin of victory in a clean plebiscite. (A stolen election is a different story).

If he wins big, say 60 percent or more of the valid votes cast, the huge majority of the population will accept it and Chile will enter a period of relative tranquility, dominated politically by the Congressional elections. All the legal political parties will participate in the election, including the PDC and the PPD (which by that time will include most of the Almeydistas even though the most conspicuous PS/A rascals will not be able to run for office. From behind the scenes they will share PPD power with Lagos, Nuñez and others). The FPMR will continue to be an irritant but will not grow much. The biggest issue could be an economic recession, when the political protagonists will be the trade unions again, as they were in 1982-83. The opposition would try to exploit the issue, and this time they may be more successful because they will have more tools to work with and may be less foolish than they were in 1983. Solid gains for popular participation could come out of that struggle. Of course, Cousiño is right that the presence of a Congress (and a more independent judiciary) will result in gradual chipping away of "protected democracy." Indeed, Chile might resemble Mexico in terms of restraint on the powers of the President by the mid-1990's - in this particular, very unlikely, scenario.

If Pinochet wins by a small margin, more people will believe the opposition's inevitable charges of fraud. (Those charges will fly regardless of the margin; the issue is whether anyone believes fraud made a difference.) More people inside and outside Chile will believe that Chile is ripe for popular rebellion. That mistaken conviction alone will lead to a host of trouble, probably something like the protests of 1983, plus the growth of the FPMR

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to several thousand members. Taken together these situations could pose a problem, not for government stability, but for the maintenance of civil liberties and control of human rights violations. A clamp-down would be inevitable, although Congressional elections will be held anyway to boast "legitimacy." There would be a revival of the "dirty war" that you are so familiar with from Argentina, and Chile's status as international pariah would be reinforced rather than diminished. this situation would continue until the discredit of the regime, primarily from economic problems, leads the military to negotiate with the centrist opposition, which will not wither despite dire (and I think simplistic) predictions to the contrary. The communist party will continue to be a great pariah and the armed forces as institutions will retain their relatively high prestige among the populace. The communist party's own stupidity in pursuing a strategy of violence and popular rebellion, and the strong moderate tendencies of the Chilean people, amply apparent in all the polls, virtually guarantee that the PDC and other moderate parties will continue to be the alternative to military tutelage, perhaps despite themselves. Nevertheless, the PDC would probably move considerably to the left and ally itself with the Socialists, so Chile would become polarized between conservatives and an opposition that is dominated by the democratic left. From that we could expect a change eventually to a government that is no less difficult for us than that of,say, Alan Garcia. By the way, we do not know which 1978 speech of Pinochet Cousiño has in mind but we will ask him when he returns.

Impact of Publicity about NED Funding - We have already reported our views on the impact. In sum, the publicity given to NED and other outside funding has fueled the government's arsenals with ammunition for its campaign to discredit the opposition. The Government has been using the argument of foreign dependence for years against the opposition. The publicity gave the GOC's propaganda greater credibility. But the opposition desperately needs the money and covert funding would have been worse, since it never remains covert .

Sergio Molina's Sidestep - Bob Gelbard's assessment that the opposition continues to lack a common purpose is accurate. More than that, we would say it remains incapable of reconciling its conflicting priorities. But we do not think Sergio's decision is a reflection of that. In our view he has a clear-headed strategy of creating a NAMFREL-like organization that hopefully will have credibility outside and inside Chile when it issues judgments on the fairness and honesty of the

electoral process. Molina probably also had in the back of his mind the idea of preserving for himself the possibility of being a compromise choice for the Presidency if the "no" vote wins and the military are looking around for a moderate, prestigious opposition leader. Our guess is that the publicity surrounding Molina's foreign funding may have killed his chances, but memories are short and so many people have made comebacks in politics it is hard to be certain.

Gershman Visit - We too were pleased with Lucia Santa Cruz' interview of Carl and believe that it was very helpful in taking some of the heat out of the attack on the NED. At the same time it's clear that the government will continue to beat the nationalistic drums against foreign intervention, and to good effect. The question is will it affect the results of the plebiscite? The democratic opposition is very clear in its analysis. They're going to be accused of being tools of foreigners anyway so why not have the benefit of the money. And, more importantly, without the funding they can't win so there's nothing to be lost. That same analysis does not apply, however, to elements of the democratic right, such as the think-tanks, who have other sources of money that might be in jeopardy. As Carl found out from his visit, they still want the funds, but intend to proceed cautiously. Please keep us closely advised of progress on the AID grant to CAPEL.

[redacted]

KR

Letelier Case - I'm glad you called L to task for not giving us more early warning on the fact that the letters were going public. I was puzzled by your question as to the use we made of the Department's talking points - we never got any. I said very little to Bustos when I delivered the letters - just that we trusted they would get an expeditious transmittal to the Supreme Court and full cooperation in obtaining the answers. He was non-committal, holding them at arm's length. Please keep us posted on the espousal issue.

By the way, Harry asked Retamal when he saw him January 21 what is the ordinary course of events for an "exhorto." He said that

it goes from the Foreign Ministry to the Supreme Court, whose fiscal dispatches it to the appropriate lower court to carry out the requested action. Harry asked if there were to be a long delay in responding to the lower court's request to the person concerned, could the Supreme Court's fiscal follow up. The reply was that he could.

Sec. 557 - We particularly appreciated receiving the text of Sec. 557 of the Continuing Resolution, "United States Policy Toware Chile." USIS has distributed it in English and Spanish as part of its "Texto Oficial" series. I assume - without actually going back and comparing language - that this is essentially the Bereuter resolution, the hortatory version without sanctions. What have you heard about his intentions, or lack thereof, to push the sanctions version this year?

N/R

NR

More on the Polls - We read with interest State 26937 on Peter's conversations with Gallup. Rich Jarvis immediately called Ashton and requested an appointment. Ashton replied that he had written the Ambassador a letter that he would like us to read first, and asked Rich to call back next week. Ashton's statement to Webb that those who are undecided mostly belong in the "no" column and his attempt to shift all the blame for misrepresentation to the GOC contrast with what we are seeing here. As you will note from the enclosed press release by Gallup Chile, the presentation of the results regarding preferences for the plebiscite is grossly misleading (see paragraph in the box). You might want to share the release with Gallup New Jersey.

B1,6

report that indicates gross manipulation of the poll by the GOC.

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Sincerely,

George F. Jones
Chargé de Affaires

Enclosures:

1. Gallup Chile S.A., "Informe," Dec. 1987
2. Article from Analysis, Diplomaticos enjuician a su propio gobierno," 1-18-88

[redacted] NR

4. The Opposition Coalition's Program of Government, as published in La Epoca, January 28, 1988

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6. Chargé's Schedule, Jan. 30 - Feb. 14, 1988

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THE SECRETARY OF STATE

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January 30, 1988

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CONFIDENTIAL

MEMORANDUM FOR: The President

FROM: George P. Shultz

SUBJECT: Your meeting with Mexican President de la Madrid, February 13, 1988

I. WHERE DOES OUR RELATIONSHIP STAND?

- Significant advances on many issues since you last met in August 1986: Framework Agreement on Trade and Investment; Mutual Legal Assistance Treaty; Mexican GATT accession; progress on border, migration, and a number of trade matters. Nearing new accords on aviation, search and rescue, and telecommunications.

- De la Madrid has adopted economic reforms and followed responsible foreign debt policies, with US support. Accumulated foreign exchange reserves now $15 billion, part of which to be used to buy US zero-coupon bonds as collateral for Mexican bonds-for-debt swap proposal.

- Domestic costs for Mexico remain high: continued austerity, rampant inflation (nearly 160 percent) political unpopularity for de la Madrid and his party's presidential candidate, Carlos Salinas de Gortari. Although certain to win election, Salinas will face continued economic crisis and political problems.

- Economic cooperation has improved our political relationship, but problems remain, some serious:

  --Anger in law enforcement community and Congress at perceived foot-dragging, corruption, creating pressures to deny Mexico certification under recent narcotics legislation. Would severely damage relationship and narcotics effort itself. (Mexicans believe criticisms unjustified; cite Mexican casualties, resources allocated to drug war, US failure to attack demand.)

  --Differences continue over Central America.

  --Internal pressures to open Mexico's political system growing during election campaign. Next six-year term may be crucial in this regard. Some evolution underway. Salinas making encouraging statements.

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II. WHAT DO WE WANT?

- Recognition that cooperation, dialogue and accomplishments under your and de la Madrid's Administrations benefit both countries; must continue.
- Favorable tone and course for relationship under the next US and Mexican administrations.
- Impetus to discussions underway on trade et al.
- De la Madrid's commitment to specific, rapid, and visible actions on narcotics.
- Continuation of de la Madrid's politically courageous policies aimed at modernizing Mexico's economy.
- A more balanced Mexican approach on Central America.
- Continued refusal to allow expanded Soviet presence.

III. WHAT DOES DE LA MADRID WANT?

- Visible evidence that his policy of closer cooperation with the US pays off for Mexico, while preserving Mexican independence.
- Strong expression of US support for the difficult economic reforms he is imposing on Mexico.
- Improving access to US markets for Mexican exports.
- US recognition that Mexican anti-narcotics effort has in fact been substantial.
- Easing of US pressures and criticisms over Central America and UN/OAS voting.

IV. WHAT CAN BE ACHIEVED FROM THIS VISIT?

- Public recognition that you and de la Madrid have accomplished much and put US/Mexico relations on a new course that can be followed by your successors.
- Strengthening of Mexican commitment to domestic economic reform, responsible debt policies.
- Realization by de la Madrid that stronger action in specific anti-narcotics areas is essential.
- Perhaps some softening of Mexico's support for Sandinistas; continued resistance to expanded Soviet presence.

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WASHINGTON

January 30, 1988

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- Perhaps some softening of Mexico's support for Sandinistas; continued resistance to expanded Soviet presence.

1/30/88

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	MED-07	HA-09	AMAD-01	LAB-04	CTME-00	EAP-00	INSE-00
	AIT-02	OPIC-07	PA-02	PPT-01	PC-05	PCH-10	PER-03
	STPE-02	CCO-00	SIL-01	HHS-06	INRE-00	AGRE-00	CA-02
	FBOE-06	FSI-06	ACDA-12	AS-02	A-00	USIE-00	JUSE-00
	FBIE-00	OC-02	DOEE-00	M-01	WRDE-00	STPD-01	PRS-01
	DS-01	DSE-00	/142 R				

DRAFTED BY: CA/OCS/EMR:JERITCHIE
APPROVED BY: CA/OCS:TADTHARP
CA/OCS/EMR:MMMAHONEY CA/OCS/EMR:GAROGERS
ARA/SC:PDESHAZO CA/OCS/EMR:MLSARDINAS
CA:MMARINE S/S-O:CHUGGINS
DESIRED DISTRIBUTION
H:RSMITH; CA/PA:RVANHEUVAN; EB/OA/AVP; PA/PRESS:DHARTER;
HFAC FOR T. VERSTANDIG
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R 301048Z JAN 88 ZEX
FM SECSTATE WASHDC
TO ALL DIPLOMATIC AND CONSULAR POSTS
USOFFICE KOROR
USOFFICE KOLONIA
USOFFICE MAJURO
SLNO SAIPAN 1777
TREASURY WASHDC 3146
ALL USDOC DISTDIR
USA MATERIEL CMD ALEX VA//AMCMI-SS//
NAVOCEANSYSCEN SAN DIEGO CA/JAMES C SHIELDS
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HQ AFOSI BOLLING AFB DC//IVOA//
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BAGHDAD POUCH
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PAGE 02 STATE 029624

BEIRUT POUCH
KABUL POUCH
LENINGRAD POUCH
MOSCOW POUCH
TRAVEL ADVISORY TLX RECEIPIENTS

UNCLAS STATE 029624

INFORM CONSULS

E.O. 12356: N/A
TAGS: OTRA, CASC, ASEC
SUBJECT: TRAVEL ADVISORY - CHILE CAUTION

1. THE DEPARTMENT OF STATE ADVISES U.S. CITIZENS TRAVELING TO CHILE THAT TRAVEL IS ESSENTIALLY NORMAL FROM A SECURITY STANDPOINT; HOWEVER, A STATE OF EMERGENCY GRANTING BROAD POWERS TO THE CHILEAN POLICE AND MILITARY IS IN EFFECT THROUGHOUT THE COUNTRY. BUSINESS, INDUSTRY, TOURIST AND TRAVEL FACILITIES CONTINUE TO OPERATE NORMALLY, AND MOST VISITORS ENCOUNTER LITTLE DIFFICULTY. IF U.S. CITIZENS ARE ORDERED TO STOP BY CHILEAN AUTHORITIES, THEY SHOULD DO SO IMMEDIATELY AND IDENTIFY THEMSELVES WITH A PASSPORT OR TOURIST CARD. BOMBINGS AND OTHER TERRORIST ACTIVITIES, AS WELL AS ANTI-GOVERNMENT DEMONSTRATIONS OCCUR SPORADICALLY IN THE MAJOR CITIES. FOR LOCAL SECURITY REASONS, DO NOT TAKE PHOTOGRAPHS OF DEMONSTRATIONS OR OF MILITARY AND POLICE BUILDINGS OR INSTALLATIONS.

2. VISITORS ARE URGED TO REGISTER WITH THE U.S. EMBASSY UPON ARRIVAL IN SANTIAGO, ESPECIALLY IF THEY PLAN AN EXTENDED STAY IN THE CHILE. FOR FURTHER INFORMATION,
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PAGE 03 STATE 029624

CONTACT THE EMBASSY'S CONSULAR SECTION LOCATED AT MERCED 230, TEL: 710-133.

3. THIS ADVISORY CANCELS 87 STATE 027764 DATED JANUARY 31 1987

4. EXPIRATION DATE: JULY 29, 1988. SHULTZ

NOTE: POUCH ADDRESSEES PROTECTED BY OC/T

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CONFIDENTIAL
1/30/88

n/a
Case Number: S199900030

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify In Part ____ In Full X
Exemption(s) ____

UNCLASSIFIED
CONFIDENTIAL

PAGE 01 MONTEV 00584 011130Z
ACTION ARA-00

INFO LOG-00 COPY-01 ADS-00 AID-00 INR-10 SS-00 CIAE-00
DODE-00 H-01 MSC-01 NSCE-00 NSAE-00 HA-09 L-03
TRSE-00 PM-10 PA-01 OMB-01 INRE-00 USIE-00 SP-02
SNP-01 C-01 PRS-01 P-02 T-01 /045 W
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------------------200307 011324Z /41
P 001131Z JAN 88
FM AMEMBASSY MONTEVIDEO
TO SECSTATE WASHDC PRIORITY 4229
INFO AMEMBASSY SANTIAGO

UNCLASSIFIED
C O N F I D E N T I A L MONTEVIDEO 00584

E.O. 12356: DECL: OADR
TAGS: PREL, EFIN, PHUM, CI, UY
SUBJECT: COORDINATING SUPPORT FOR DEMOCRACY IN CHILE - MONTEVIDEO'S RESPONSE

REF: STATE 14880

-
1. C - ENTIRE TEXT.

2. IN SPITE OF CONSIDERABLE EFFORT, WE HAVE NOT YET BEEN ABLE TO MAKE CONTACT WITH ANY OF THE TWO OR THREE POLITICIANS WHO COULD SPEAK AUTHORITATIVELY ABOUT THEIR PARTIES' PLANS AND ATTITUDES TOWARDS CHILE. WE WILL CONTINUE TO TRY, BUT ARE UNCERTAIN WHEN ANY WILL RETURN FROM VACATIONS.
-

3. THE LOCAL POLITICAL PARTIES ARE NOT LIKELY TO PROVIDE FUNDING FOR CHILEAN GROUPS, BUT THEY DO MAINTAIN A LIVELY INTEREST IN CHILE, OFTEN ATTENDING SEMINARS THERE OR MEETING WITH CHILEAN POLITICIANS WHO PASS THROUGH MONTEVIDEO. THE URUGUAYANS WOULD PROBABLY BE
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PAGE 02 MONTEV 00584 011130Z

WILLING TO ISSUE OR JOIN IN STATEMENTS REGARDING THE SITUATION IN CHILE. WE SUSPECT THAT THEY WOULD SEE THEIR OWN ROLE AS INFLUENCING THE OPPOSITION RATHER THAN THE GOC.
WILKEY

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1/30/88 R

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

UNCLASSIFIED
SECRET

PAGE 01 TOKYO 01638 300343Z
ACTION EAP-00

INFO	LOG-00	COPY-01	ADS-00	INR-10	SS-00	CIAE-00	DODE-00
	H-01	MSC-01	NSCE-00	ARA-00	NSAE-00	HA-09	L-03
	TRSE-00	PM-10	PA-01	OMB-01	INRE-00	USIE-00	SP-02
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P 300342Z JAN 88
FM AMEMBASSY TOKYO
TO SECSTATE WASHDC PRIORITY 0853
INFO AMEMBASSY SANTIAGO
UNCLASSIFIED
SECRET TOKYO 01638

E.O.12356: DECL:OADR
TAGS: PREL, PHUM, CI, JA
SUBJECT: COORDINATING SUPPORT FOR DEMOCRACY IN CHILE

REF: STATE 014880, STATE 021720

1. SECRET - ENTIRE TEXT.

2. IN RECENT CONVERSATIONS WITH MOFA FIRST LATIN AMERICA AND CARIBBEAN DIVISION DEPUTY DIRECTOR SATOH WE HAVE EMPHASIZED, IN RESPONSE TO REFTEL INSTRUCTIONS, THE NEED FOR COORDINATION BETWEEN OUR GOVERNMENTS IN SUPPORTING DEMOCRACY IN CHILE. WE HAVE ALSO BRIEFED SATOH ON THE STEPS THE USG HAS TAKEN AND WILL TAKE TO PROMOTE CHILEAN DEMOCRACY, AND REQUESTED FROM HIM AN OVERVIEW OF JAPANESE GOVERNMENTAL AND PRIVATE SUPPORT, PARTICULARLY FINANCIAL, FOR CHILEAN DEMOCRACY.

3. SATOH RESPONDED THAT THE GOJ FULLY ENDORSED THE GOAL OF DEMOCRACY IN CHILE AND THROUGHOUT LATIN AMERICA, BUT HAD A DIFFERENT PERSPECTIVE THAN OURS ON THE BEST MEANS TO THIS END. THE GOJ'S EMPHASIS HAS

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SECRET

PAGE 02 TOKYO 01638 300343Z

BEEN AND WILL CONTINUE TO BE ON PROMOTING ECONOMIC DEVELOPMENT, SATOH SAID. WHILE DEVELOPMENT MAY NOT BE ABSOLUTELY NECESSARY FOR THE ESTABLISHMENT OF A MORE DEMOCRATIC POLITY, IT IS ESSENTIAL FOR SUCH A SYSTEM TO FLOURISH, AND IN THIS SENSE, SATOH REASONED, THE GOJ, BY PROMOTING DEVELOPMENT, IS SUPPORTING DEMOCRACY.

4. WE AGREED WITH SATOH'S LINKING OF DEMOCRACY AND DEVELOPMENT, BUT NOTED THAT FAILURE TO SUPPORT DEMOCRACY COULD UNDERMINE DEVELOPMENT JUST AS SURELY AS INATTENTION TO DEVELO11FNT COULD WEAKEN DEMOCRACY. IN THIS CONTEXT, WE ASKED IF THE GOJ OR ANY PRIVATE JAPANESE GROUPS WERE PROVIDING FUNDS TO DEMOCRATIC, NON-GOVERNMENTAL ELEMENTS IN CHILE. SATOH RESPONDED THAT THE GOJ WAS NOT PROVIDING SUCH FUNDS, NOR, TO THE BEST OF HIS KNOWLEDGE, WERE ANY JAPANESE POLITICAL PARTIES, FOUNDATIONS, OR OTHER ORGANIZATIONS.

ANDERSON

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1988 FEB -1 PM 4:05
Chile Project (#8809900030) KNT06034
U.S. Department of State
Release Y Excise ____ Deny ____
Declassify in Part ____ In Full K
Exemption(s) ____
LL - p.3

53 BRIGHTON 2 PATH
BROOKLYN, NY 11235
JANUARY 13, 1988

Senator Alphonse D'Amato
Senate Office Building
Washington, DC

Dear Senator:

Enclosed are copies of the URGENT ACTION AMNESTY release and the letter I wrote to the Minister of the Interior in Santiago, Chile.

Whatever you can do in this matter will be appreciated.

Sincerely yours,

Goodwin W. Gileon

enclosures

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Best Copy

KN000024

ALFONSE M. D'AMATO
NEW YORK

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P880015-0937 R

Chile Project (#S199900030)

United States Senate

WASHINGTON, DC 20510

U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ✓
Exemption(s) ____

February 2, 1988

TO: Congressional Liaison
Department of State
2201 C Street, N.W.
Washington, D.C. 20520

ACTION is assigned to ARA

FROM: Alfonse M. D'Amato
United States Senator

Because of the desire of this office to be responsive to all inquiries and communications, your consideration of the attached is requested.

PLEASE TRY TO RESPOND WITHIN 4 WEEKS OF YOUR RECEIPT OF THIS REQUEST. YOUR FINDINGS AND VIEWS, IN DUPLICATE, ALONG WITH THE RETURN OF THIS MEMO, WILL BE APPRECIATED.

SEND ALL CORRESPONDENCE ON THIS MATTER DIRECTLY TO MY NEW YORK CITY OFFICE, SEVEN PENN PLAZA, SEVENTH AVENUE, SUITE 600, NEW YORK, NEW YORK, 10001.

Thank you.

OUT 1988 FEB 10 AM 7:32

1988 FEB 10 AM 7:26 FAIM/IAP/WI

FORWARDED BY DEPARTMENT OF STATE

From: Goodwin W. Gibson

AD:ndf

Re: The Physical Safety of Miguel Angel Alfaro, Herman Ochenciones in Santiago, Chile.

UNCLASSIFIED (4)

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify In Part ____ In Full X
Exemption(s) ____

CONFIDENTIAL

PAGE 01 GENEVA 00947 01 OF 02 021616Z
ACTION IO-19

INFO	LOG-00	COPY-01	ADS-00	AID-00	INR-10	SS-00	OIC-02
	CIAE-00	EB-00	DODE-00	H-01	NEA-06	NSCE-00	ARA-00
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P 021614Z FEB 88
FM USMISSION GENEVA
TO SECSTATE WASHDC PRIORITY 7752
INFO USMISSION USUN NEW YORK PRIORITY
AMEMBASSY BUENOS AIRES PRIORITY
AMEMBASSY BOGOTA PRIORITY
AMEMBASSY SAN JOSE PRIORITY
AMEMBASSY MEXICO PRIORITY
AMEMBASSY SANTIAGO PRIORITY
AMEMBASSY ISLAMABAD PRIORITY

C O N F I D E N T I A L SECTION 01 OF 02 GENEVA 00947

E.O. 12356: DECL:OADR
TAGS: PHUM, UNHRC-1, CI
SUBJECT: 44TH SESSION OF UN HUMAN RIGHTS COMMISSION: VOLIO VIEWS CHILEAN SITUATION

REF: SANTIAGO 539 (NOTAL)

1. (CONFIDENTIAL - ENTIRE TEXT.)

2. THIS IS HRC 004.

3. SUMMARY: IN JANUARY 28 MEETING WITH MISSION POLITICAL COUNSELOR, UN SPECIAL RAPPORTEUR ON CHILE FERNANDO VOLIO (COSTA RICA) EXPRESSED GRATITUDE FOR USG SUPPORT AS EXPRESSED BY A/S SCHIFTER, STATED THAT MUCH PROGRESS HAD BEEN MADE IN CHILE, REGRETTED THAT

COMMISSION RESOLUTIONS ON SPECIFIC COUNTRIES RARELY REFLECTED THE RAPPORTEURS' SUBMISSIONS, AND SAID HE WOULD TRY TO HAVE COSTA RICA AND/OR COLOMBIA INTRODUCE IN THE COMMISSION A MOTION TO SUPPRESS ITEM 5, WHICH MENTIONS ONLY CHILE. NEITHER COUNTRY (NOR PAKISTAN) TOOK THIS STEP WHEN THE SESSION CONVENED ON FEBRUARY 1. END SUMMARY

4. VOLIO, IN TOWN TO PUT THE FINAL TOUCHES ON HIS REPORT, ASKED POLCOUNS TO SEE HIM AT THE PALAIS LATE JANUARY 28. VOLIO, JOINED BY HUMAN RIGHTS CENTER STAFFER CARLOS VILLAN DURAN (SPAIN), ASKED WHY AMBASSADOR HINTON HAD WISHED TO SEE HIM, AND WAS TOLD IT CONCERNED HIS (VOLIO'S) TRAVEL PLANS.

5. VOLIO THEN RECOUNTED THAT A/S SCHIFTER HAD WRITTEN HIM TO EXPRESS USG APPRECIATION FOR HIS DEDICATED WORK AS SPECIAL RAPPORTEUR, FOR WHICH VOLIO WAS VOLUBLY GRATEFUL. NONETHELESS, HE REGRETTED THAT COMMISSION MEMBERS DID NOT SUSTAIN RAPPORTEURS SUCH AS HIMSELF. THE MEMBERS PAID LITTLE ATTENTION TO THEIR REPORTS AND PRESENTED RESOLUTIONS TO ADVANCE POLITICAL OBJECTIVES. HE CITED MEXICO AS PARTICULARLY CULPABLE VIS-A-VIS CHILE.

6. VOLIO STATED FIRMLY THAT HE HAD BEEN WELL AND WIDELY RECEIVED DURING HIS LAST VISIT TO CHILE. VOLIO BELIEVED THAT THERE HAD BEEN MAJOR IMPROVEMENTS IN HUMAN RIGHTS OBSERVANCE AND SPOKE APPROVINGLY OF THE REFERENDUM. HE AVERRED THAT SPECIAL RAPPORTEURS' REPORTS SHOULD REFLECT SUCH IMPROVEMENTS, AND NOT MERELY POINT OUT GOVERNMENTS' LAPSES. SO SHOULD RESOLUTIONS.

7. VOLIO WAS DISTRESSED THAT THE US DELEGATION

APPARENTLY WOULD NOT MOVE TO SUPPRESS THE AGENDA ITEM ON CHILE. HE STATED THAT THE "DISCRIMINATION" IMPLIED WAS DEEPLY RESENTED IN CHILE. THE RETENTION OF ITEM 5 STRENGTHENED THE HAND OF THE "DUROS" (HARD-LINERS) IN CHILE WHO ARGUED AGAINST CONTINUED COOPERATION WITH THE UN AND ITS SPECIAL RAPPORTEUR. HE STATED THAT HE WOULD DISCUSS WITH COSTA RICAN PERMREP OBREGON AND COLOMBIAN

PERMREP CHARRY WHETHER THEIR DELEGATIONS MIGHT MOVE TO SUPPRESS ITEM 5.

8. POLCOUNS RESPONDED THAT US REPRESENTATIVE VALLADARES, IN HIS GENEVA MEETINGS, HAD STATED THAT THE US WOULD NOT THIS YEAR SEEK THE SUPPRESSION OF ITEM 5. WERE ANOTHER DELEGATION TO SO MOVE, THE US DELEGATION WOULD SUPPORT IT. THE US DELEGATION WOULD INSIST THAT ITEMS 5 AND 12 (VIOLATIONS IN ANY PART OF THE WORLD) BE DEBATED SIMULTANEOUSLY, AS LAST YEAR.

9. SEPARATELY, ON JANUARY 29, POLCOUNS CONTACTED COLOMBIAN MISSION FIRST SECRETARY LUIS LUNA, WHO HAD NOT HEARD THAT COLOMBIA WOULD SEEK SUPPRESSION OF ITEM 5. THE COSTA RICAN PERMREP DID NOT MENTION THAT POSSIBILITY TO VALLADARES IN THEIR JANUARY 22 MEETING (SEPTEL/NOTAL). HAVING HEARD FROM VILLAN AND OTHER SOURCES THAT PAKISTAN MIGHT DO SO, POLCOUNS SOUGHT AND RECEIVED ON JANUARY 29 A CATEGORICAL DENIAL FROM PAKISTAN MISSION CHARGE ASIF EZDI.

10. COMMISSION PLENARY APPROVED AGENDA BY CONSENSUS AT INAUGURAL MEETING ON FEBRUARY 1. COMMISSION BUREAU MET THAT AFTERNOON TO APPROVE PLAN FOR ORGANIZATION OF WORK SUBMITTED BY SECRETARIAT. THAT PLAN SHOWS DEBATE ON

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ACTION IO-19

INFO	LOG-00	COPY-01	ADS-00	AID-00	INR-10	SS-00	OIC-02
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	NSAE-00	HA-09	L-03	LAB-04	TRSE-00	PA-01	STR-17
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P 021614Z FEB 88
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TO SECSTATE WASHDC PRIORITY 7753
INFO USMISSION USUN NEW YORK PRIORITY
AMEMBASSY BUENOS AIRES PRIORITY
AMEMBASSY BOGOTA PRIORITY
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AMEMBASSY MEXICO PRIORITY
AMEMBASSY SANTIAGO PRIORITY
AMEMBASSY ISLAMABAD PRIORITY

C O N F I D E N T I A L SECTION 02 OF 02 GENEVA 00947

E.O. 12356: DECL:OADR
TAGS: PHUM, UNHRC-1, CI
SUBJECT: 44TH SESSION OF UN HUMAN RIGHTS COMMISSION:

ITEMS 5 AND 12 "CLUSTERED." USDEL HAS NO REASON TO BELIEVE "CLUSTERING" -- SIMULTANEOUS DEBATE -- WILL NOT BE APPROVED. PETRONE

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Chile Project (#S199900030)
U.S. Department of State
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Exemption(s) ____

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PAGE 01 GENEVA 00960 021656Z
ACTION HA-09

INFO LOG-00 COPY-01 ADS-00 AID-00 INR-10 SS-00 OIC-02
CIAE-00 EB-00 DODE-00 H-01 IO-19 NSCE-00 ARA-00
NSAE-00 L-03 LAB-04 TRSE-00 PA-01 STR-17 SIL-01
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AMEMBASSY SANTIAGO PRIORITY
AMEMBASSY MEXICO PRIORITY

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C O N F I D E N T I A L GENEVA 00960

E.O. 12356: DECL: OADR
TAGS: PHUM, UNHRC-1, CI
SUBJECT: 44TH SESSION OF UN HUMAN RIGHTS COMMISSION:
VALLADARES MEETING WITH CHILEAN SPECIAL AMBASSADOR

REF: STATE 29277 (NOTAL)

1. CONFIDENTIAL - ENTIRE TEXT.

2. THIS IS HRC-003.

3. AT THE REQUEST OF THE CHILEAN SPECIAL REPRESENTATIVE FOR HUMAN RIGHTS AFFAIRS, AMBASSADOR MARIO CALDERON, US REPRESENTATIVE TO THE COMMISSION ARMANDO VALLADARES MET WITH HIM FOR HALF AN HOUR ON FEBRUARY 1. MISSION POLITICAL COUNSELOR AND CHILEAN MISSION FIRST SECRETARY RICARDO SATELER SAT IN.

4. CALDERON PRESSED VALLADARES REGARDING US DECISION AGAINST SEEKING SUPPRESSION OF ITEM 5 (CHILE). CALDERON

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PAGE 02 GENEVA 00960 021656Z

ARGUED THAT RETENTION OF THIS "PROCEDURAL" POINT WAS RESENTED IN CHILE AS EVIDENCE OF "DISCRIMINATION" AGAINST COUNTRY. THREE YEARS AGO, WHEN CHILE HAD AGREED TO COOPERATE WITH SPECIAL RAPPORTEUR FERNANDO VOLIO (COSTA RICA), CHILE HAD SIMULTANEOUSLY SOUGHT THE SUPPRESSION OF ITEM 5. CALDERON EXPRESSED THE FEAR THAT ITS RETENTION WOULD STRENGTHEN THE HAND OF THOSE IN CHILE OPPOSED TO FURTHER COOPERATION WITH THE UN. HE NOTED THAT VOLIO WAS OPPOSED TO THE RETENTION OF THE SEPARATE ITEM.

5. VALLADARES REPLIED THAT THE U.S. DECISION NOT TO RAISE THIS QUESTION THIS YEAR DID NOT MEAN THAT HIS DELEGATION WOULD NOT SUPPORT AN INITIATIVE BY ANOTHER DELEGATION TO DO SO. CALDERON COMMENTED THAT THERE WERE SEVERAL DELEGATIONS WHICH WOULD SUPPORT A U.S. DELEGATION MOVE TO SUPPRESS ITEM 5, BUT, LIKE THE U.S., NONE WOULD TAKE THE INITIATIVE.

6. CALDERON STATED THAT THE TENDENCY OF SOME DELEGATIONS TO PRESENT RESOLUTIONS WITHOUT REFERENCE TO THE SPECIAL RAPPORTEUR'S REPORT -- INDEED, IN SOME CASES, BEFORE THE REPORT HAD BEEN PRESENTED -- DISCREDITED BOTH THE UN HUMAN RIGHTS MACHINERY AND THOSE OFFICIALS IN COUNTRIES LIKE CHILE WHO STILL TOOK A COOPERATIVE STANCE TOWARD THE UN. VALLADARES STATED THAT THE U.S. HAD GREAT RESPECT FOR VOLIO, EXPRESSED PARTICULARLY BY A/S SCHIFTER. THE U.S. HOPED THAT THE RESOLUTION ON CHILE WOULD REFLECT THE PRESENT SITUATION IN ALL ITS ASPECTS. CALDERON COMMENTED THAT VOLIO HAD CHARACTERIZED HIS DRAFT REPORT TO HIM AS "FAVORABLE" TO THE CHILEAN GOVERNMENT.

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PAGE 03 GENEVA 00960 021656Z

7. SEPARATELY, MEXICAN DELEGATION MEMBER VICENTE MONTEMAYOR CANTU ASKED WHETHER THE U.S. DELEGATION WOULD SUPPORT A POSSIBLE MEXICAN INITIATIVE TO ENSURE THAT ITEMS 5 AND 12 (VIOLATIONS IN ANY COUNTRY) BE DEBATED SIMULTANEOUSLY. MISSION POLCOUNS STATED THAT U.S. WAS FIRST COMMITTED TO SUPPORT ANY INITIATIVE TO SUPPRESS ITEM 5, AND ASKED WHETHER ANY COUNTRY WOULD SO MOVE.

MONTEMAYOR RESPONDED THAT NEITHER COSTA RICA NOR COLOMBIA, THE TWO MOST LIKELY CANDIDATES, HAD RAISED THAT POSSIBILITY IN THE GRULA MEETING EARLY FEBRUARY 1. NONETHELESS, HE CAUTIONED, THE COMMISSION WAS "UNPREDICTABLE." SUCH A MOVE WOULD TOUCH OFF A LENGTHY DEBATE WHICH WOULD STALL THE COMMISSION ON A PROCEDURAL ISSUE. IN THAT CASE, MEXICO WOULD CONSIDER MOVING TO ENSURE "CLUSTERING" DEBATE ON ITEMS 5 AND 12, AS HAPPENED LAST YEAR. POLCOUNS TOLD HIM THAT U.S. POSITION REGARDING SUCH AN APPARENTLY IMPROBABLE, EVEN HYPOTHETICAL, DEVELOPMENT WOULD BE DETERMINED ONLY WHEN IT TOOK PLACE.

8. SUBSEQUENT TO DRAFTING OF THIS CABLE, OPENING SESSION OF UNHRC APPROVED AGENDA AS INTRODUCED. NO ONE RAISED QUESTION OF ITEM 5. PETRONE

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RELEASED
El Salvador: Human Rights
Special Project (1993)

TEXT OF TELEGRAM 88PARIS 004306

ADP084 [redacted]

PAGE 01 PARIS 04306 01 OF 02 031809Z
ACTION EUR-00

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L-03 TRSE-00 PM-10 PA-01 OMB-01 INRE-00 ACDA-12
USIE-00 SP-02 SNP-01 C-01 PRS-01 P-02 T-01
/057 W

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P 031807Z FEB 88
FM AMEMBASSY PARIS
TO SECSTATE WASHDC PRIORITY 4972
INFO AMEMBASSY SAN SALVADOR
AMEMBASSY MANAGUA

[redacted] SECTION 01 OF 02 PARIS 04306

E.O. 12356: DECL: OADR
TAGS: PREL, PGOV, PINS, SI, ES, NU, FR
SUBJECT: EL SALVADOR: DEMARCHE ON FDR PARTICIPATION

REF: (A) 87 STATE 397129 (B) STATE 025363

1. [redacted] - ENTIRE TEXT.

2. SUMMARY: AS INSTRUCTED, POST MADE DEMARCHE ON ENCOURAGING THE EXTREME LEFT IN EL SALVADOR TO RENOUNCE VIOLENCE AND PARTICIPATE IN ELECTIONS. AN ADVISER TO THE FRENCH SOCIALIST PARTY (PS) INDICATED TO US THAT THE PS ALREADY HAS URGED THE DEMOCRATIC REVOLUTIONARY FRONT (FDR) TO ENGAGE IN THE POLITICAL PROCESS. HOWEVER, SHE ARGUED THAT THE SALVADORAN OPPOSITION SHOULD NOT BE REQUIRED TO LAY DOWN ARMS BEFORE PARTICIPATING IN POLITICS. AN MFA OFFICIAL AGREED WITH OUR PRESENTATION BUT - IN LINE WITH THE GOF'S NORMAL RELUCTANCE TO GET INVOLVED IN CENTRAL AMERICAN CONTROVERSIES - DID NOT/NOT OFFER TO TAKE ANY ACTION. END SUMMARY.
[redacted]

PAGE 02 PARIS 04306 01 OF 02 031809Z

3. DEMARCHE TO SOCIALIST PARTY
- ----------

ON JANUARY 29 EMBOFF MADE DEMARCHE REQUESTED IN REFTELS TO MARIE DUFLO, ADVISER ON CENTRAL AMERICAN AFFAIRS TO THE FRENCH SOCIALIST PARTY (PS), AND PRESENTED TALKING POINTS. PER INSTRUCTIONS, EMBOFF ASKED THAT THE PS, IN ITS CONTACTS WITH THE

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DECLASSIFIED

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: JOHNSTON, DONALD
Date: 05/27/94
Case ID: 9940035D

RELEASED 23
El Salvador: Human Rights
Special Project (1993)

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REVOLUTIONARY DEMOCRATIC FRONT (FDR) AND ITS COMPONENT GROUPS, URGE THEIR PARTICIPATION IN THE DEMOCRATIC PROCESS IN EL SALVADOR AS THE BEST WAY TO ACHIEVE THE "POLITICAL SOLUTION" THEY ARE CALLING FOR.

4. DUFLO REPLIED THAT THE PS HAS ALREADY ENCOURAGED THESE GROUPS TO ENGAGE IN DEMOCRATIC POLITICS. SHE INDICATED THAT "THIS WEEK" FDR LEADERS RUBEN ZAMORA AND HECTOR OQUELI WERE RETURNING TO EL SALVADOR FOR THE SECOND TIME SINCE LAST NOVEMBER. THIS TIME THEY WERE NOT/NOT ACCOMPANIED BY THE GROUP OF INTERNATIONALLY PROMINENT OBSERVERS THAT HAD BEEN PRESENT ON THE PREVIOUS OCCASION AND CONSEQUENTLY WOULD RUN A SIGNIFICANT RISK OF BEING TARGETED BY TERRORISTS. ASIDE FROM THIS PROBLEM, THE FDR LEADERS ARE UNDECIDED ABOUT RUNNING CANDIDATES IN THE LEGISLATIVE AND MUNICIPAL ELECTIONS IN MARCH BECAUSE THERE MAY BE INSUFFICIENT TIME TO ORGANIZE AN EFFECTIVE CAMPAIGN.

5. EMBOFF REMARKED THAT PRESIDENT DUARTE HAS SHOWN EXTRAORDINARY COURAGE IN INSTITUTING DEMOCRACY AGAINST VIOLENT OPPOSITION FROM THE RIGHT AND THE LEFT. DESPITE THE CONTINUED INTRANSIGENCE OF LEFTIST REBELS, [redacted]

PAGE 03 PARIS 04306 01 OF 02 031809Z

DUARTE HAS PERSEVERED IN BRINGING EL SALVADOR INTO COMPLIANCE WITH THE ESQUIPULAS II PEACE PLAN. LEFTIST POLITICIANS SHOULD JOIN THE FUNCTIONING DEMOCRATIC PROCESS THERE AND DISSOCIATE THEMSELVES FROM ARMED EFFORTS TO DISRUPT IT.

6. DISAGREEING, DUFLO COMMENTED THAT THE GOVERNMENT OF EL SALVADOR IS NOT/NOT DEMOCRATIC. PRESIDENT DUARTE IS AS BEHOLDEN TO THE MILITARY ESTABLISHMENT AS THE FDR IS LINKED TO THE FARABUNDO MARTI NATIONAL LIBERATION FRONT (FMLN). UNDER THESE CIRCUMSTANCES, NEGOTIATIONS BETWEEN THE GOVERNMENT AND THE REBELS SHOULD DEAL SIMULTANEOUSLY WITH A CEASE-FIRE AND POLITICAL CONDITIONS, JUST AS THE U.S.-BACKED INSURGENTS IN NICARAGUA HAVE DEMANDED. THE SALVADORAN OPPOSITION SHOULD NOT/NOT BE REQUIRED TO LAY DOWN ARMS AS A PREREQUISITE TO POLITICAL TALKS OR PARTICIPATION.

7. DEMARCHE TO FOREIGN MINISTRY

ON JANUARY 8 EMBOFF MADE SIMILAR DEMARCHE TO MFA SUB-DIRECTOR FOR MEXICO, CENTRAL AMERICA, AND THE CARIBBEAN ALAIN LE GOURRIEREC AND PRESENTED TALKING POINTS, PER INSTRUCTIONS IN REFTEL A. LE GOURRIEREC THANKED EMBOFF FOR INFORMATION AND SAID THAT THE MFA'S

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TEXT OF TELEGRAM 88PARIS 004306

ANALYSIS OF THE SITUATION IN EL SALVADOR GENERALLY . AGREES WITH THAT OF THE USG. HOWEVER, HE DID NOT/NOT OFFER TO TAKE ANY ACTIVE ROLE IN URGING FOR POLITICAL PARTICIPATION.

8. COMMENT

[redacted]

PAGE 04 PARIS 04306 01 OF 02 031809Z

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El Salvador: Human Rights
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Special Project (1993)

TEXT OF TELEGRAM 88PARIS 004306

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PAGE 01 PARIS 04306 02 OF 02 031809Z
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P 031807Z FEB 88
FM AMEMBASSY PARIS
TO SECSTATE WASHDC PRIORITY 4973
INFO AMEMBASSY SAN SALVADOR
AMEMBASSY MANAGUA

[redacted] SECTION 02 OF 02 PARIS 04306

E.O. 12356: DECL: OADR
TAGS: PREL, PGOV, PINS, SI, ES, NU, FR
SUBJECT: EL SALVADOR: DEMARCHE ON FDR PARTICIPATION

THE PS IS THE MOST IMPORTANT FRENCH POLITICAL GROUP THAT HAS CONTACT WITH THE FDR, BILATERALLY AND VIA THE SOCIALIST INTERNATIONAL (SI). HIGHER OFFICIALS IN THE PS (WITH LESS EXTREME VIEWS THAN DUFLO'S) PROBABLY HAVE ENCOURAGED THE FDR TO MOVE TOWARD POLITICAL PARTICIPATION, AS DUFLO INDICATED. THEY MAY ALSO HAVE URGED THE FDR TO DISTANCE ITSELF FROM THE FMLN, DESPITE HER RESERVATIONS ON THIS.

2. LE GOURRIEREC'S RESPONSE TO OUR DEMARCHE WAS PREDICTABLE, SINCE THE FRENCH GOVERNMENT RARELY CRITICIZES USG POLICIES ON CENTRAL AMERICA. HOWEVER, GIVEN THE GOF'S LOW INTEREST IN THE REGION AND PREFERENCE FOR NONINVOLVEMENT IN POLITICAL CONTROVERSIES THERE, NO OFFICIAL FRENCH ACTION CAN BE EXPECTED TO RESULT FROM THE DEMARCHE. RODGERS

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PAGE 02 PARIS 04306 02 OF 02 031809Z

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PAGE 01 SANTIA 00723 00 OF 02 060352Z 6600 ARA5306
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FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 5080

~~C O N F I D E N T I A L~~ SANTIAGO 00723

E.O. 12356: DECL:OADR
TAGS: PHUM, PGOV, CI
SUBJECT: THREE MORE BOMBING DEATHS INCREASE CONCERNS OVER EXTREMIST VIOLENCE

REF: (A) SANTIAGO 512

1. CONFIDENTIAL - ENTIRE TEXT.

2. A BOMB EXPLOSION LATE JANUARY 31 IN A PUBLIC HOUSING PROJECT APARTMENT IN ONE OF SANTIAGO'S POOR NEIGHBORHOODS CAUSED THREE DEATHS, PERHAPS ONE INJURY, AND CONSIDERABLE SPECULATION AS TO WHO OR WHAT CAUSED THE EXPLOSION. INITIAL PRESS REPORTS STATED THAT THREE YOUNG MEN WERE KILLED WHEN A BOMB THEY WERE PREPARING PREMATURELY EXPLODED, DESTROYING THE APARTMENT AND SERIOUSLY DAMAGING OTHER PARTS OF THE BUILDING. A FOURTH PERSON REPORTEDLY WAS INJURED, BASED ON BLOOD TRAILS, BUT MANAGED TO FLEE THE SCENE. ACCORDING TO THE PRESS, THE MEN WERE PART OF A MANUEL RODRIGUEZ PATRIOTIC FRONT (FPMR) CELL ASSIGNED TO SET OFF A SERIES OF BOMBS THAT EVENING IN AN OPERATION LABELED "OPERATION SHINING". THERE WERE ALSO REPORTS THAT WEAPONS AND FPMR AND M-R PROPAGANDA MATERIAL WERE FOUND IN THE BOMBED-OUT APARTMENT.

3. THE PRESS PUBLISHED THE NAMES OF THE THREE WHO WERE KILLED, LISTING THEM AS THE SON OF THE APARTMENT OWNER, A SANTIAGO UNIVERSITY STUDENT LEADER, AND A THIRD YOUTH. ON FEBRUARY 2, HOWEVER, THE INVESTIGATIONS POLICE ANNOUNCED THAT THE DEAD PERSONS HAD BEEN IDENTIFIED THROUGH FINGERPRINT ANALYSIS TO BE THREE OTHER YOUNG MEN. THE STUDENT LEADER AND THE APARTMENT OWNER'S SON WERE BEING SOUGHT BY THE POLICE AS THOSE WHO FLED THE APARTMENT COMPLEX AFTER THE EXPLOSION. ONE OF THE THREE DEAD YOUTHS WAS REPORTEDLY ACTIVE IN OPPOSITION EFFORTS BUT THE OTHER TWO, INCLUDING A UNIVERSITY OF CHILE STUDENT, HAD NO RECORD OF SUCH INVOLVEMENT.

4. OPPOSITION NEWSPAPERS REPORT THE FRENTE NACIONALISTA DE COMBATE (NATIONALIST COMBAT FRONT - FNC) CALLED RADIO SANTIAGO FEBRUARY 1 TO CLAIM CREDIT FOR THESE DEATHS. AN FNC SPOKESMAN REPORTEDLY SAID THE THREE WERE KILLED AS AN ACT OF VENGENCE FOR THE BOMBING DEATH ON JANUARY 26 OF A CARABINERO SPECIAL FORCES OFFICER (REFTEL). FURTHER, THE FNC CLAIMED THAT IT WILL KILL THREE EXTREMISTS FOR EVERY MILITARY PERSON MURDERED BY TERRORISTS. THE OTHER

SANTIA 00723 00 OF 02 060352Z 6600 ARA5306
NEWSPAPERS MADE NO MENTION OF THE FNC CLAIM.

5. GROUPS OF STUDENTS AT THE UNIVERSITY OF CHILE STAGED PROTESTS FEBRUARY 2 AFTER LEARNING OF THE DEATH OF THE 18 YEAR OLD ENGINEERING STUDENT. THEY CALLED ON THE GOC TO APPOINT A SPECIAL JUDGE TO INVESTIGATE THESE DEATHS.

6. COMMENT: THESE THREE DEATHS BRING THE POLITICALLY MOTIVATED DEATH TOTAL FOR JANUARY TO 5, A SHARP INCREASE OVER THE PREVIOUS JANUARY TOTAL. THESE DEATHS ALSO PROMPTED CONCERN OVER WHICH GROUPS MAY BE BEHIND THE SUDDEN INCREASE IN BOMBINGS AIMED AT CAUSING PERSONAL INJURIES. THE FNC, FIRST SURFACED IN EARLY 1987 WHEN IT WAS LINKED TO THE DECEMBER 31, 1986, RAID ON THE INTERGOVERNMENTAL COMMITTEE FOR MIGRATION (ICM) OFFICES. ALTHOUGH THE GOC CREDITED THIS RAID TO LEFT-WING TERRORISTS, THE FNC IS MORE LIKELY A RIGHT-WING GROUP. DURING 1987 IT WAS INVOLVED BY NAME IN A NUMBER OF THREATS AND INTIMIDATION ATTEMPTS AGAINST GROUPS OR INDIVIDUALS WHO OPPOSE THE CURRENT GOVERNMENT. THE REPORTS THAT IT NOW CLAIMS RESPONSIBILITY FOR THESE LATEST DEATHS MAY SIMPLY BE THE RESULT OF CRANK CALLS DESIGNED TO CONFUSE THE ISSUE, PARTICULARLY SINCE THIS GROUP HAS NOT BEEN LINKED IN THE PAST TO ACTS OF VIOLENCE. THE POSSIBILITY THAT THE THREE MAY HAVE BEEN KILLED AS AN ACT OF REVENGE TO THE DEATH OF THE CARABINERO MAJOR CANNOT BE DISMISSED, HOWEVER, SINCE RIGHT-WING EXTREMIST GROUPS HAVE PREVIOUSLY STATED THEIR WILLINGNESS TO EXTRACT IMMEDIATE JUSTICE FOR TERRORIST KILLINGS OF SECURITY FORCE MEMBERS. WHILE THE THREE MAY HAVE BEEN KILLED THROUGH CARELESSNESS IN HANDLING EXPLOSIVE MATERIALS, MEMBERS OF THE SECURITY FORCES WERE PUBLICLY IMPLICATED IN PAST BOMBING INCIDENTS, WHICH CAUSES A DEGREE OF PUBLIC SKEPTICISM TO ARISE AS TO WHO MIGHT BE RESPONSIBLE FOR THIS LATEST OCCURRENCE.

7. A NUMBER OF QUESTIONS REMAIN TO BE ANSWERED ABOUT THIS BOMBING, PARTICULARLY AS TO THE INITIAL CONFUSION OVER THE IDENTITY OF THE VICTIMS AND A REPORT THAT MEMBERS OF THE SECURITY FORCES MAY HAVE BEEN IN THE APARTMENT BEFORE THE EXPLOSION. THE DESIGNATION BY THE GOC OF A SPECIAL INVESTIGATION INTO THIS MATTER SHOULD QUIET SPECULATIONS ABOUT WHO MIGHT BE RESPONSIBLE, AND DAMPEN PUBLIC CONCERNS OVER THE APPARENT INCREASED USE BY EXTREMISTS OF BOMBS TO INTIMIDATE.

JONES

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PAGE 01 SANTIA 00721 032018Z
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FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 5078

UNCLAS SANTIAGO 00721

FOR L AND ARA

EO 12356: NA
TAGS: PHUM, CJAN, CI
SUBJ: FOREIGN MINISTRY CITES MISSING PAGE IN LETTERS ROGATORY

REF: JONES-FRANK TELCON 2-2

2. IN A FOLLOW-UP TO A TELEPHONE CALL TO THE CHARGE FEBRUARY 2, THE CHILEANS HAVE SENT A DIPLOMATIC NOTE ALLEGING THAT PAGE 24 IN THE CERTIFIED SPANISH TRANSLATION OF THE LETTERS ROGATORY IS MISSING. THE XEROX COPIES OF THE SAME, THEY SAY, WERE COMPLETE, BUT COURTS MAY INSIST THAT CERTIFIED ORIGINAL BE COMPLETE. THE NOTE ALSO MENTIONS THE CORRECTED TYPO WHICH APPEARS ON PAGE 15 OF THE ENGLISH TEXT AND WHICH IS NOT MENTIONED IN THE SPANISH VERSION, AND SUGGESTS THAT THIS BE ALLUDED TO IN THE RESUBMISSION.

3. TRANSLATED TEXT OF PERTINENT PARAGRAPHS AS FOLLOWS:
QUOTE:
WITH REGARD TO (THE EMBASSY'S NOTE), THE SECRETARY OF STATE INFORMS YOU THAT THE LETTERS ROGATORY WERE SENT TO THE HONORABLE SUPREME COURT ON THIS DATE (FEBRUARY 3). THE LETTERS ROGATORY WERE ACCOMPANIED
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PAGE 02 SANTIA 00721 032018Z

BY A CERTIFIED AND AUTHENTICATED TRANSLATION WHICH WAS MISSING PAGE NO. 24 AND BY A COPY OF THIS WHICH WAS COMPLETE.

-

AS WAS INDICATED TO COUNSELOR GEORGE JONES, IN A TELEPHONE CONVERSATION, THIS MINISTRY IS WAITING FOR A COMPLETE TRANSLATION, WITH THE CORRESPONDING AUTHENTICATIONS, AND A NOTATION OF THE MANUSCRIPT CORRECTION ON PAGE 15 OF THE ENGLISH VERSION.
END QUOTE.
JONES

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PAGE 01 SANTIA 00702 031344Z
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C O N F I D E N T I A L SANTIAGO 00702

E. O. 12356: DECL:OADR
TAGS: PREL, CI, JA
SUBJ: COORDINATING SUPPORT FOR DEMOCRACY IN CHILE

REF: (A) 87 TOKYO 21982, (B) TOKYO 1638

1. CONFIDENTIAL - ENTIRE TEXT.

2. CHARGE CALLED JANUARY 26 ON JAPANESE DCM TETSUO HANAW FOR ONE OF OUR PERIODIC BILATERAL REVIEWS OF CHILEAN POLITICAL SITUATION. ALTHOUGH NEITHER HAD ANY DETAILED READOUT ON USG-GOJ BILATERALS ON LATIN AMERICA IN HONOLULU, HANAWA SAID U.S. SIDE HAD EXPRESSED "DISQUIET" OVER PROSPECTS FOR INSTABILITY IN CHILE. ASKED WHETHER JAPAN SHARED THIS DISQUIET, HANAWA REPLIED, "IT IS DIFFICULT FOR US TO KNOW." HANAWA SAID, HOWEVER, THAT HE HAD CONCLUDED THAT THE MILITARY JUNTA, DESPITE ITS EARLIER HESITANCY, HAD NOW DECIDED IT HAD NO ALTERNATIVE BUT TO NAME PRESIDENT PINOCHET AS THE SOLE CANDIDATE IN THE FORTHCOMING PLEBISCITE, WHICH HANAWA SAID WAS, OF COURSE, FAR FROM A DEMOCRATIC PROCEDURE. HUMAN RIGHTS VIOLATIONS CONTINUED TO BE SERIOUS, AND IN GENERAL THE SITUATION WAS NOT ENCOURAGING. THE U.S. STATEMENTS URGING DEMOCRACY AND GREATER RESPECT FOR HUMAN RIGHTS

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PAGE 02 SANTIA 00702 031344Z

HAD NOT HAD THE DESIRED EFFECT. GIVEN ALL THIS, JAPAN'S POLICY WAS TO BE "VERY CAUTIONS."

3. COMMENT. HANAWA SHARES THE AMERICAN DISTASTE FOR AUTHORITARIAN GOVERNMENT, AND IN THAT RESPECT WOULD DISAGREE WITH NARITA (REF A). HE IS WELL AWARE, HOWEVER, THAT HIS GOVERNMENT'S POLICY IS NOT TO GET INVOLVED. AMBASSADOR NOMIYAMA, IN HIS INITIAL COURTESY CALL ON AMBASSADOR BARNES IN 1986, SAID FLATLY THAT JAPAN'S INTERESTS IN CHILE WERE EXCLUSIVELY ECONOMIC, AND THAT IT HAD NO POLITICAL INTEREST HERE WHATSOEVER.
JONES

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PAGE 01 BOGOTA 01608 031436Z
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C O N F I D E N T I A L BOGOTA 01608

E.O. 12356: DECL: OADR
TAGS: PHUM, UNHRC-1, CO
SUBJECT: 44TH SESSION OF UNHRC: COLOMBIAN VIEWS ON
- CHILE

REF: A) BOGOTA 1014 (NOTAL) B) GENEVA 0947

1. CONFIDENTIAL - ENTIRE TEXT.

2. PER REFTEL A, PARA 5, COLOMBIAN FOREIGN AFFAIRS MINISTRY OFFICIAL ASSURED POLCOUNS ON JANUARY 21 THAT COLOMBIA WOULD VOTE IN FAVOR OF MOVING CHILE FROM ITEM 5 TO ITEM 12 BUT WOULD NOT/NOT COSPONSOR SUCH A RESOLUTION. HE AGREED THAT CHILE SHOULD BE DISCUSSED IN CONJUNCTION WITH OTHER COUNTRIES' SPECIFIC HUMAN RIGHTS SITUATIONS AND NOT SEPARATELY AS AN OBJECT OF UNHRC CONFIDENTIAL

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PAGE 02 BOGOTA 01608 031436Z

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UNCLAS STATE 034573

FOLLOWING SAN SALVADOR 01295 29JAN88 ACTION SECSTATE INFO CONTADORA COLLECTIVE USCINCSO QUARRY HTS REPEATED FOR YOUR INFO, QUOTE

UNCLAS SAN SALVADOR 01295

CAOG INTEREST; DEPT PASS OECD CAPITALS

E.O.: N/A
TAGS: PGOV, PREL, PINS, ES, XX, NU
SUBJECT: SANDINISTA GOVERNMENT SUPPORT TO FMLN

1. FOLLOWING IS AN INFORMAL EMBASSY TRANSLATION OF A DOCUMENT SUBMITTED BY SALVADORAN FONMIN ACEVEDO TO THE INTERNATIONAL VERIFICATION AND FOLLOW-UP COMMISSION (CIVS) ON JANUARY 9 LISTING EXAMPLES OF NICARAGUAN SUPPORT FOR THE FMLN IN VIOLATION OF THE ESQUIPULAS II ACCORDS.

2. (BEGIN TRANSLATION)

TO THE SECRETARY GENERAL OF THE UNITED NATIONS:
I HAVE THE PLEASURE TO ADDRESS YOUR EXCELLENCY IN YOUR CAPACITY OF SECRETARY PRO-TEMPORE OF THE INTERNATIONAL VERIFICATION AND FOLLOW-UP COMMISSION, AND USE THE OCCASION TO REQUEST THAT THE AD-HOC GROUP DURING ITS VISIT TO NICARAGUA ON JANUARY 5 AND 6, CONDUCT AN INSPECTION OF THE FOLLOWING SUPPORT ACTIVITIES BY THE SANDINISTA GOVERNMENT TO THE FMLN (FARABUNDO MARTI NATIONAL LIBERATION FRONT) FROM AND WITHIN THE TERRITORY OF THAT COUNTRY:

I.- TRAINING CENTERS

- 1) THE TRAINING CENTER FOR FMLN COMMANDERS IS LOCATED IN THE HEADQUARTERS OF THE FSLN MERCENARIES BATTALION 30-11, WHOSE INSTRUCTORS ARE SOVIET CITIZENS.

- BESIDES, THE FMLN HAS A SURVIVAL SCHOOL CALLED "CARLOS ARGUERO" ON NICARAGUAN TERRITORY.

- 2) ALSO, FMLN MEMBERS RECEIVE MILITARY TRAINING IN THE HEADQUARTERS OF THE "SANDINISTA POPULAR MILITIA" (MPS).

II.- BASES (WAREHOUSES FOR ARMS, TRAINING, AMMUNITION, EQUIPMENT, AND OTHER SUPPLIES)

- 1) THE FMLN HAS A LOGISTIC BASE LOCATED IN EL REALEJO, PASO ESTERO CABALLO, COSIGUINA PENINSULA, NICARAGUA.

- 2) SINCE LAST JUNE, THE FMLN HAS HAD TWO AIRCRAFT STATIONED IN NICARAGUA THAT ARE USED IN THEIR OPERATIONS AND ARE ABLE TO REACT IMMEDIATELY TO FMLN HIGH COMMAND ORDERS TO PROVIDE AIR SUPPORT.

- 3) THE SANDINISTA REGIME RECEIVES FMLN MEMBERS AS COLLEAGUES, SERVING AS A LIAISON ENABLING THEM TO TRAVEL TO OTHER COUNTRIES.

- IN JUNE 1987, SIX FARN MEMBERS ENDED A POLITICAL-MILITARY TRAINING COURSE IN NICARAGUA AND HAVE REJOINED THE NATIONAL UNIVERSITY OF EL SALVADOR AS ACTIVISTS IN CHARGE OF RECRUITING, POLITICAL INDOCTRINATION AND MILITARY TRAINING ACTIVITIES ON THE UNIVERSITY CAMPUS.

III.- DOMICILE OF FMLN-FDR LEADERS

- 1) THE RESIDENCE OF JOSE TRINIDAD (PRTC) IS AROUND KM. 18-20, OLD HIGHWAY TO LEON, NICARAGUA.

- 2) THE F.P.L. (POPULAR LIBERATION FORCES) HEADQUARTERS ARE LOCATED IN COLONIA LA ESPERANZA, NICARAGUA.

- 3) THE P.R.T.C. (CENTRAL AMERICAN REVOLUTIONARY WORKERS' PARTY) HEADQUARTERS ARE LOCATED AT 300-400 METERS ON THE DIRT ROAD THAT RUNS INTO THE OLD HIGHWAY TO LEON, NICARAGUA.

- 4) THE BUILDING OF THE D.R.U. (UNIFIED REVOLUTIONARY DIRECTORATE) HEADQUARTERS IS LOCATED AT KM. TEN-AND-A-HALF OF THE SOUTH HIGHWAY, EXACTLY AT THE ENTRANCE OF A POLICE SCHOOL IN MANAGUA, NICARAGUA. A COMPLETE RADIO COMMUNICATIONS SYSTEM INSTALLED THERE OPERATES TWENTY-FOUR HOURS A DAY TRANSMITTING ORDERS TO THE DIFFERENT WAR FRONTS IN EL SALVADOR. IT IS OPERATED BY TEN MEMBERS OF THE F.M.L.N., TWO FROM EACH GUERRILLA ORGANIZATION.

- 5) AN F.P.L. SAFE-HOUSE IS LOCATED ON THE OLD HIGHWAY TO LEON, AT KM. FOURTEEN-AND-A-HALF. THE F.P.L. MAINTAINS A RADIO-COMMUNICATIONS SYSTEM THERE TO COORDINATE DAILY OPERATIONS AT THE VARIOUS WAR FRONTS IN EL SALVADOR.

- 6) THE SAFE-HOUSE OF FMLN LEADER SHAFICK J. HANDAL IS LOCATED AT KM. 13 ON THE ROAD TO MASAYA, NICARAGUA. THE PALACE-LIKE HOUSE, ON THE TOP OF A HILL, ALSO HAS A RADIO COMMUNICATIONS SYSTEM.

- 7) THE RESIDENCE OF P.R.T.C. LEADERS ROBERTO ROCA AND MARIO LOPEZ, IS LOCATED AT KM. 9, ON THE OLD HIGHWAY TO LEON, NICARAGUA, WHERE AN FMLN PRINT SHOP IS LOCATED.

- 8) THE RESIDENCE OF E.R.P. (PEOPLE'S REVOLUTIONARY ARMY) LEADER JOAQUIN VILLALOBOS, IS LOCATED AT KM. 16-AND-A-HALF, ON THE SOUTH HIGHWAY, BY THE DETOUR POINT, NEAR A FARM COMPOSED OF OTHER RESIDENCES IN WHICH THE INFORMATION COMMISSION (COMISION DE INFORMACION, COMIN) OPERATES AND WHERE E.R.P. LEADERS MEET. AT THIS LOCATION THERE ARE COMMUNICATIONS EQUIPMENT, PHOTOGRAPHIC AND RECORDING STUDIOS, AND ALSO ADDITIONAL CONFERENCE ROOMS.

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: JOHNSTON, DONALD
Date: 05/27/94
Case ID: 9940035D

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- 9) THE RESIDENCE OF R.N. (NATIONAL RESISTANCE) LEADER FERMAN CIENFUEGOS, HAS A RADIO COMMUNICATIONS SYSTEM AND ALSO CONFERENCE ROOM. IT IS LOCATED IN REPARTO LOS HEROES OR CEDROS, TEPELCOS, TWO BLOCKS FROM TELCOR LAKE.

- 10) THE PERSONS IN CHARGE OF F.P.L. INTERNATIONAL FOREIGN PROPAGANDA, WHO ARE FREQUENTLY CHANGED, LIVE IN THE F.P.L.'S PROPAGANDA HOUSE IN REPARTO SANTO DOMINGO, ONE-AND-A-HALF BLOCKS FROM THE RESIDENCE OF THE U.S. AMBASSADOR.

- 11) THE GENERAL OFFICES OF THE "SALVADORAN COMMUNIST PARTY" (PARTIDO COMUNISTA SALVADORENO, PCS/FAL) ARE LOCATED IN THE PLANETORIUM, FIVE KILOMETERS WEST OF MANAGUA, ON THE OLD HIGHWAY TO LEON. THE POLITICAL COMMISSION, THE GENERAL COMMAND, AND ITS HIGH COMMAND, WITH ABOUT TEN SECURITY MEN ARE STATIONED THERE. THIS AREA IS CONSIDERED MILITARIZED AND CONTAINS THE EMBASSIES OF VIETNAM, CUBA AND OTHER COUNTRIES.

- 12) THE OFFICES OF THE SOLIDARITY COMMITTEES ARE IN A HOUSE ONE HUNDRED METERS SOUTH OF THE SANDINISTA WORKERS HEADQUARTERS (CENTRAL SANDINISTA DE TRABAJADORES, CST) IN MANAGUA, NICARAGUA. THE PSEUDONYMS OF THE SECRETARIES ARE CELIA AND MERCEDES, THE LATTER IS THE SPOUSE OF COMMANDER RAMON SUAREZ.

- 13) THE P.R.T.C. COORDINATES ITS STRATEGIC PLANS FOR EL SALVADOR FROM ITS BASE LOCATED ON THE HIGHWAY TO LEON, 2 KMS. BEFORE THE XILUAX LAKE TOURIST CENTER.

- 14) A P.R.T.C. HOUSE IS IN CALCOM, LOCATED 3 KMS. FROM THE ENTRANCE TO LEON, NICARAGUA.

- 15) A HOUSE FOR P.R.T.C. MEMBERS IS LOCATED IN THE CENTER OF XILUAX LAKE TOURIST AREA.

- 16) A SAFE HOUSE AT JILOA LAKE, NICARAGUA, IS MANAGED BY LUISA AND JULIA (PSEUDONYMS).

- 17) AN FMLN HOSPITAL IS LOCATED IN REPARTO SANTO DOMINGO, MANAGUA, NICARAGUA.

- 18) BESIDES THE "SAFE-HOUSES" IN MANAGUA, AND THE FOUR HOUSES ON THE SOUTH HIGHWAY OCCUPIED BY FMLN MEMBERS DURING THE LAST 18 MONTHS, BETWEEN 8 AND 10 FMLN MEMBERS OCCUPY ANOTHER HOUSE IN BARRIO LOMA LINDA, MANAGUA. IT HAS AN ANTENNA WITH WHICH IT RECEIVES AND TRANSMITS SIGNALS TO AND FROM EL SALVADOR. PHYSICAL TRAINING IS CONDUCTED IN THIS HOUSE.

- THE FIVE SALVADORANS OF THE FMLN COMMAND AND CONTROL CENTER CONTINUE OPERATING IN NICARAGUA, AND AT LEAST TEN KEY PERSONS OF THE FMLN/FDR RESIDE IN MANAGUA. THAT IS WHY FMLN/FDR REPRESENTATIVES WHEN THEY MET WITH THE PRESIDENT OF COSTA RICA, DR. OSCAR ARIAS, ON LAST SEPTEMBER 7, PROVIDED TELEPHONE NUMBERS IN NICARAGUA WHERE THEY COULD BE CONTACTED IN THE FUTURE.

IV.- PROPAGANDA SUPPORT CENTERS (RADIO, WRITTEN
- MATERIAL AND TELEVISION)
- ---

- 1) THE FMLN USES CODE BOOKS WITH ONE TIME CODE PATTERNS PROVIDED BY THE SANDINISTA GOVERNMENT.

- 2) THE TRANSMISSION INSTALLATIONS OF RADIO VENCEREMOS ARE LOCATED IN CERRO COSIGUINA, NICARAGUA.

- 3) RADIO VENCEREMOS OFFICES ARE LOCATED IN A TWO STORY HOUSE IN COLONIA LAS PALMAS, MANAGUA, NICARAGUA.

- 4) NOTISAL AND SALPRESS, THE FMLN PRESS AGENCIES, ARE LOCATED IN MANAGUA.

- 5) FMLN WRITTEN PUBLICATIONS, THE MONTHLY MAGAZINE "EL SALVADOR" AND THE BI-WEEKLY NEWSPAPER "VENCEREMOS" ARE PRINTED IN MANAGUA, ALTHOUGH BOTH SHOW A MEXICAN POSTAL ADDRESS.

- 6) FMLN PROPAGANDA PRINTING FACILITIES FOR WHICH THE NICARAGUAN GOVERNMENT SUPPLIES ALL THE NECESSARY EQUIPMENT, EXCEPT THE PAPER AND INK, ARE LOCATED IN A BUILDING IN MANAGUA, 200 HUNDRED METERS FROM THE GOVERNMENT PALACE. THE BUILDING WAS DAMAGED BY THE EARTHQUAKE AND WAS APPARENTLY ABANDONED, BUT IT STILL HAS ELECTRIC AND TELEPHONE SERVICE.

V.- ROUTES FOR MOVING ARMS AND AMMUNITION
- ---

- 1) PRESIDENT DANIEL ORTEGA PUBLICLY ADMITTED FOR THE FIRST TIME, IN AN INTERVIEW PUBLISHED IN THE JUNE 24, 1987 EDITION OF THE MEXICAN NEWSPAPER EXCELSIOR," THAT THE SANDINISTAS HAVE GIVEN AID TO THE FMLN/FDR. THE ARTICLE CITES ORTEGA STATING THAT "IN SOME CASES MEMBERS OF THE NICARAGUAN ARMED FORCES DELIVERED ARMS TO THE SALVADORAN REVOLUTIONARIES."

- 2) IN EL SALVADOR THERE ARE TWO PRINCIPAL ROUTES USED IN THE NOTABLE INCREASE IN RESUPPLY ACTIVITIES FROM THE NICARAGUAN TERRITORY:
- A) AN ENTRY POINT AT THE MOUTH OF RIO LEMPA, MONTECRISTO ISLAND NORTHWARD, EL ESPINO BEACH, USULUTAN; AND EL CUCO BEACH, SAN MIGUEL.

- B) JUCUARAN COASTAL AREA, EXTENDING NORTHWARD TO THE WAR FRONTS, SOMETIMES PARALLELING THE ROUTES ORIGINATING FROM THE RIO LEMPA AREA.

- 3) SINCE SEPTEMBER, 1987 THERE HAVE BEEN SEVEN DELIVERIES OF MATERIAL TO THE GUERRILLAS BY SEA.

- 4) A BOAT CARRYING SMALL MACHINE-GUNS AND SUB MACHINE-GUNS SAILED FROM PUNTA MATA, NICARAGUA. ON OCTOBER 3, 1987 AND DOCKED IN LA CRIBA, LA UNION DEPARTMENT, EL SALVADOR.

- ON THE SAME DATE A THREE COLUMN LOGISTIC SUPPLY TEAM, COMPOSED OF 78 GUERRILLAS, WAS INTERCEPTED NEAR OJO DE AGUA ARRIBA, USULUTAN DEPARTMENT. EACH MEMBER WAS CARRYING HIS OWN WEAPON PLUS 4 OR 5 M-16 AND AR-15 RIFLES.

- 26 WEAPONS WERE CAPTURED, SEVEN OF THEM BRAND NEW, WITH THEIR OWN AMMUNITION. PRELIMINARY TRACING OF THE SERIAL NUMBERS INDICATED THAT SOME OF THE WEAPONS WERE CONSIGNED TO THE AMERICAN ARMY IN VIETNAM, AND ARE CONSIDERED TO BE A PART OF THE LOGISTICAL SUPPLY RECEIVED BY SEA BETWEEN SEPTEMBER 27 AND OCTOBER 4, 1987.

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VI.- FREQUENCY OF TRANSMISSIONS, MONITORS OF THEIR COMMUNICATIONS SYSTEM AND LOCATIONS.

- AMONG THE FREQUENCIES DETECTED ARE THE FOLLOWING:

FQCY. BETWEEN 6815 TO 6868 KHZ., ON 40 MTS. BAND.
FQCY. BETWEEN 3470 TO 3760 KHZ., ON 80 MTS. BAND.

106.5 MHZ. ON F.M. BAND.

VII. OTHER PERTINENT INFORMATION.

- 1) THE SANDINISTA GOVERNMENT ACKNOWLEDGES THE EXISTENCE OF MONSIGNOR OSCAR ARNULFO ROMERO REFUGE, LOCATED IN LEON, NICARAGUA.

- 2) SEMINARS ARE GIVEN AT THE CENTRAL AMERICAN UNIVERSITY OF NICARAGUA TO PROMOTE "THE UNION OF REFUGEES AND RESIDENTS."

- 3) THE SANDINISTA GOVERNMENT, THROUGH THE NICARAGUAN SOCIAL SECURITY AND WELFARE INSTITUTE, MANAGES THE FMLN REFUGE IN BARRIO BUENAVISTA LA LOMA, RIVAS DEPARTMENT, NICARAGUA. THE INSTITUTE HAS APPOINTED LIC. FLORENTIN MELENDEZ AS A "GENERAL COORDINATOR" OF REFUGEES IN NICARAGUA. IN THIS PLACE A "CHRISTIAN COMMUNITY" OPERATES.

- 4) IN THE TEXTIL-VESTUARIO COOPERATIVE, "EFRAIN HERNANDEZ," FOUNDED IN JANUARY, 1981 WITH THE SUPPORT OF THE UNITED NATIONS HIGH COMMISSION FOR REFUGEES (UNHCR), SALVADORAN FAMILIES ARE FORCED TO WORK, UNAWARE OF THE DESTINATION OF THE END PRODUCTS, UNDER THREATS OF WITHDRAWAL OF SHOES, FOOD, AND CLOTHES.

- I TAKE THIS OPPORTUNITY TO POINT OUT TO THE SECRETARY PRO-TEMPORE THAT, DURING THE ESQUIPULAS II MEETING, PRESIDENT ORTEGA ADMITTED THAT HIS GOVERNMENT PROVIDES SUPPORT TO THE FMLN. HE ALSO ADMITTED BEFORE THE PRESIDENT OF THE REPUBLIC, ENGINEER JOSE NAPOLEON DUARTE, THAT NICARAGUA HAD INCREASED THE MILITARY ASSISTANCE TO EL SALVADOR. AFTER THE SIGNATURE OF THE CENTRAL AMERICAN PEACE AGREEMENT, THE SANDINISTA GOVERNMENT TOLD THE FMLN/FDR LEADERS THAT THEY HAD TO REDUCE THEIR PRESENCE AND VISIBILITY IN NICARAGUA. THEY (THE FMLN/FDR LEADERS) PROCEEDED TO MOVE NON ESSENTIAL PERSONNEL TO MEXICO AND PANAMA.
- MY GOVERNMENT IS CONVINCED AND CONFIDENT THAT THE REQUESTED INSPECTION WILL CONTRIBUTE TO IMPROVE THE PERFORMANCE OF THE DUTIES OF THE INTERNATIONAL VERIFICATION AND FOLLOW-UP COMMISSION AND TO ACHIEVE THE NOBLE AIMS EXPRESSED IN THE CENTRAL AMERICAN PEACE AGREEMENT.

- I TAKE THIS OPPORTUNITY TO REITERATE TO YOUR EXCELLENCY THE ASSURANCES OF MY HIGHEST CONSIDERATION.

(END TRANSLATION)

CORR UNQUOTE SHULTZ

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E.O. 12356: N/A
TAGS: PREL PINR CI
SUBJECT: TEXT OF DECEMBER 17, 1987 U.S. STATEMENT IN SUPPORT OF DEMOCRACY IN CHILE
FOR R L EARLE USIS
REF: (A) 88 MADRID 00924

1. DEPARTMENT IS PROVIDING POST WITH THE TEXT OF AN OFFICIAL STATEMENT IN SUPPORT OF DEMOCRACY IN CHILE APPROVED BY PRESIDENT REAGAN AND RELEASED AT THE DEPARTMENT OF STATE ON DECEMBER 17, 1987. POST MAY USE THIS TEXT AS IT WISHES IN CONJUNCTION WITH FEBRUARY 9 TELEPRESS CONFERENCE WITH COUNTRY OFFICER FOR CHILE PETER DESHAZO.

2. BEGIN TEXT:

--CHILE'S LONG AND PROFOUND DEMOCRATIC TRADITION IS A RESOURCE ON WHICH THE CHILEAN PEOPLE WILL DRAW IN THEIR RETURN TO GOVERNMENT BY MAJORITY RULE. THE UNITED STATES
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PAGE 02 STATE 034456

BELIEVES THAT IF GIVEN THE CHANCE TO SELECT THEIR LEADERS UNDER CONDITIONS MARKED BY RESPECT FOR BASIC GUARANTEES AND FREEDOMS, THE PEOPLE OF CHILE WILL SOON ONCE AGAIN TAKE THEIR RIGHTFUL PLACE IN THE COMMUNITY OF DEMOCRATIC NATIONS.

--THE PEOPLE AND GOVERNMENT OF THE UNITED STATES SHARE THE ASPIRATION OF THE CHILEAN PEOPLE TO HAVE FULL DEMOCRACY RESTORED IN THEIR COUNTRY. TWO CENTURIES OF EXPERIENCE WITH REPRESENTATIVE GOVERNMENT HAVE CONVINCED US THAT THIS GOAL IS BEST ACCOMPLISHED WHEN THE WILL OF THE PEOPLE IS EXPRESSED FREELY AND OPENLY IN ELECTIONS. THE FULLER THE OBSERVANCE OF BASIC HUMAN AND CIVIL RIGHTS IN THE PERIOD LEADING UP TO AND DURING THE ELECTION, THE GREATER WILL BE THE LEGITIMACY OF ITS OUTCOME. THIS IS TOTALLY IN KEEPING WITH THE TRADITION OF CHILE ITSELF, A COUNTRY THAT WAS LONG AT THE FOREFRONT OF DEMOCRACY IN THIS HEMISPHERE.

--FOR THE IDEAL OF POPULAR SOVEREIGNTY TO BECOME REALITY IN CHILE, THE UNITED STATES BELIEVES THAT A CLIMATE OF FREEDOM AND FAIR COMPETITION MUST BE ESTABLISHED MANY MONTHS BEFORE THE ACTUAL BALLOTING TAKES PLACE. THIS ATMOSPHERE WOULD BE MARKED BY EASY AND EQUITABLE ACCESS TO THE MASS MEDIA, ESPECIALLY TELEVISION, BY UNRESTRICTED DISCUSSION OF POLITICAL ISSUES, BROAD FREEDOM OF ASSEMBLY, EARLY ANNOUNCEMENT OF THE RULES OF ANY ELECTORAL PROCEEDING, FACILITATION OF REGISTRATION BY PROSPECTIVE VOTERS, AND FREEDOM FOR CITIZENS AND POLITICAL GROUPS TO CAMPAIGN PEACEFULLY IN FAVOR OF THEIR IDEAS. STATES OF EXCEPTION WHICH LIMIT FREEDOM OF ASSEMBLY, ASSOCIATION, AND EXPRESSION ARE NOT COMPATIBLE WITH A LEGITIMATE ELECTORAL PROCEDURE. END TEXT.
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United States Department of State

Washington, D. C. 20520

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ACTION MEMORANDUM
~~SECRET~~

TO: The Secretary

FROM: ARA - Elliott Abrams
HA - Richard Schifter
IO - N. Shaw Smith, Acting

SUBJECT: 44th Session of the UN Commission on Human Rights: Handling the Issue of Chile.

ISSUE FOR DECISION

How can we best achieve a balanced resolution reflective of the Volio reports which we could support on the situation of human rights in Chile at the 44th session of the U.N. Commission on Human Rights, Geneva, February 1 - March 11.

ESSENTIAL FACTORS

Although all Bureaus are agreed on the approach described below, you will recall that last year this issue was submitted to the President for decision, because of conflicting views. We, therefore, think it useful to have your approval before proceeding.

The United Nations annually passes two resolutions on human rights in Chile: The General Assembly adopts one; the Commission on Human Rights another. Human rights in Chile will be on the agenda at the next session of the Commission.

The Mexican delegation traditionally has taken the lead in drafting and presenting texts on Chile in the General Assembly and the Commission. Since 1981, the United States, as a rule, has found these resolutions unbalanced and has not voted in favor of them --virtually the only democratic government not to do so. In our view, Mexico's texts reflect to a great extent the concepts of some of Pinochet's most extreme foreign and domestic opponents. At the 1986 session of the Commission, however, the United States presented its own text on Chile. After lengthy and very difficult negotiations, the Commission unanimously adopted a text drawn to a large degree from our draft. Our highest priority at the 1987 Commission was, as it will be at the 1988 Commission, to present a resolution on the situation of human rights in Cuba. We did not draft a resolution on Chile, but instead our delegation undertook long negotiations that modified Mexico's text sufficiently to allow for consensus support.

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DECL: OADR

Since 1978 the Commission has designated a Rapporteur, currently Costa Rica's former Foreign Minister Fernando Volio, to travel to Chile and submit a report to the Commission on human rights in that country. Volio, a staunch defender of democracy, has consistently provided balanced, quality reports on Chile and has personally intervened in some human rights cases.

While the situation of human rights in Chile remains unsatisfactory, Volio's actions-- combined with the anticipated 1988 plebicite--have helped stimulate the Chilean Government to better its record. In 1987, the number of political exiles has declined; some progress has been made in limiting abuses by security forces, and restrictions on the media have been somewhat eased. It is important, therefore, that the Commission's eventual resolution this year reflect as much as possible Volio's conclusions and recommendations. Mexico's texts have sought to ignore Volio's reports and to paint an exaggerated picture of human rights violations in Chile.

Passage of a balanced Chile resolution in large part based on the Volio reports at the 1988 UNHRC would have both multi-lateral and bilateral benefits. It would significantly enhance the credibility of the Administration's human rights position and encourage the restoration of democracy in Chile. By supporting such a resolution, we would undercut the efforts of the far left to take the initiative on Chile and isolate the U.S. from other democratic countries at this key moment in Chilean political history.

In 1988 as never before, the Chilean Government, military, and opposition are watching us closely for any shift that suggests we might be wavering in our conviction that the time to return to democracy is now or that we are less concerned about human rights in Chile than before. Our "yes" vote on a balanced resolution would be well-regarded by European and Latin American moderates, Chilean democrats, and by members of the U.S. Congress and would maintain the consistency of our policy to foster a climate of respect for human and civil rights prior to the presidential plebiscite.

Equally important, negotiating a favorable resolution on Chile that we can support could assist our effort to pass a resolution on Cuba, one of the most neglected yet abysmal human rights cases in the world. While we recognize the important differences between the case of Chile and that of Cuba, we need to remain uncompromising in our demand for respect for human rights and fundamental freedoms in both countries.

Ambassador Walters concurs in this approach.

RECOMMENDATION

That you instruct the Department to provide our delegation with the attached elements reflective of the Volio reports which would serve, subject to updating after the issuance of the 1988 Volio report, as the basis for a balanced resolution on Chile which the United States could support.

Approve GPS Disapprove _____

(Inform Gen. Powell's office) (Inform Gen. Powell's office)
GPS
2/8/88

Attachment: Elements on human rights in Chile

drafters: USUN: ANahas/HA: RSchifter/ARA/SC PDeShazo
2/1/88
clearance: ARA/SC RHoward
ARA RGelbard
IO WFalkner
HA NPazdral
HA PDobriansky
USUN VWalters
P:WWood

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Washington, D.C. 20520

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TO: The Secretary

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SUBJECT: Checklist for Your Meeting with US Ambassador to Mexico, Charles Pilliod on Monday, February 8 at 2:00 P.M.

PRESIDENTIAL SUMMIT MEETING

Attached are two memoranda which you sent to the White House setting out the basic objectives for the President's trip to Mazatlan, Mexico.

You may wish to raise the following points about the presidential summit with Ambassador Pilliod:

-- Do you agree with our approach to the meeting of placing bilateral relations in the best possible public light while hitting the GOM hard in the private meetings on areas of disagreement?

-- We will place great emphasis on increasing Mexican effectiveness in combatting narcotics trafficking. Do you believe that the GOM is capable of doing more?

-- President Reagan will discuss with President de la Madrid the narcotics certification issue. What is your assessment of the impact in Mexico if we fail to certify Mexico as fully cooperating with us on the narcotics issue?

-- Do you share our view that Mexico is unlikely to change its approach on Central America as long as Sepulveda is Foreign Secretary? How do you think we should treat this issue at the summit?

-- I understand that Foreign Secretary Sepulveda wishes to have a joint press conference after the summit. I do not wish to share a podium with Sepulveda. Do you have any ideas on how we can ensure that the US perspective is treated properly by the Mexican media?

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ASSESSMENT OF PRI-PRESIDENTIAL CANDIDATE SALINAS

Ambassador Pilliod recently met with Carlos Salinas de Gortari and has developed some impressions on the man and on what we can likely expect from his administration. You may wish to ask Ambassador Pilliod to discuss his views on Salinas, as well as, on how US actions in the coming months could influence the PRI candidate in his selection of a cabinet.

Attachments:

As stated

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Drafted:ARA/MEX:DMLinskey
2/8/88; ext. 79292

Cleared: ARA:PDTaylor
ARA/MEX:JJ St. John

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United States Department of State

Washington, D.C. 20520

February 9, 1988

MEMORANDUM FOR COLIN L. POWELL
THE WHITE HOUSE

SUBJECT: Aide Memoire on Narcotics Issues for the President's Trip to Mazatlan, Mexico

Attached is an Aide Memoire containing US recommendations for actions which the Mexican Government can take to strengthen its effort against narcotics production and trafficking.

As indicated in the suggested talking points for the President's private meeting with President de la Madrid, it is recommended that the President hand the Aide Memoire to the Mexican President at an appropriate point during their conversation.

Providing the proposed Aide Memoire to President de la Madrid is a vital element in our strategy of encouraging Mexico to take stronger action on this very important issue in our relations.

Melvyn Levitsky
Executive Secretary

Drafted:JLandberg
2/9/88 ext. 79894
SEARAMEX No. 8618

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DECL: OADR

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E.O.: 12356: DECL: OADR
TAGS: PREL, PGOV, GT, MX, XK
SUBJ: GOM DENIES GUATEMALAN ACCUSATIONS

REF: '87 MEXICO 22854

1. (U) THE MEXICAN SECRETARIAT OF FOREIGN RELATIONS (SRE) ISSUED A STATEMENT FEBRUARY 10 CATEGORICALLY DENYING GOG CHARGES THAT MEXICO HAD HELPED GUATEMALAN GUERRILLAS. AN EMBASSY TRANSLATION OF THE SRE STATEMENT, AS IT APPEARED IN THE PRESS, FOLLOWS:

BEGIN TRANSLATION OF SRE STATEMENT:

-- THE GOVERNMENT OF MEXICO HAS NOT SUPPLIED NOR IS IT SUPPLYING AID TO INSURRECTIONIST MOVEMENTS OR IRREGULAR FORCES IN ANY COUNTRY.

-- THE BEHAVIOR OF MEXICO IN THE SEARCH FOR A SOLUTION TO THE CENTRAL AMERICAN CONFLICT HAS DEVELOPED WITH STRICT ADHERENCE TO THE PRINCIPLE OF NONINTERVENTION, IN WHICH FRAMEWORK ITS RELATIONSHIP [redacted]

PAGE 02 MEXICO 03371 112353Z

WITH EACH OF ITS BROTHER COUNTRIES OF CENTRAL AMERICA OCCURS.

-- THE CENTRAL AMERICAN GOVERNMENTS HAVE RECOGNIZED THE CONSTRUCTIVE ROLE OF MEXICO IN THE CENTRAL AMERICAN NEGOTIATION PROCESS, PARTICULARLY THE CONSCIENTIOUSNESS WITH WHICH OUR GOVERNMENT HAS OBSERVED THE PRINCIPLES THAT GOVERN ITS FOREIGN POLICY.

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END OF TRANSLATION.

2. (U) THE FEBRUARY 11 "LA JORNADA" QUOTED AN UNIDENTIFIED DIPLOMAT AS SAYING THAT THE RELATIONSHIP BETWEEN MEXICO AND GUATEMALA IS PASSING THROUGH "A VERY DELICATE MOMENT." THE ARTICLE COMMENTED THAT, WHILE CRITICISM OF MEXICO BY EL SALVADOR AND HONDURAS IS NOT UNCOMMON, THE GUATEMALAN CRITICISM CAME AS A SURPRISE SINCE GUATEMALA HAD BEEN CONSIDERED AN ALLY OF MEXICO IN THE CENTRAL AMERICAN NEGOTIATIONS.

3. (C) COMMENT: THE SRE RESPONSE IS REMINISCENT OF ITS DENIAL OF SIMILAR CHARGES BY PRESIDENT DUARTE LAST NOVEMBER THAT MEXICO ASSISTED SALVADORAN GUERRILLAS (REFTEL). THE GUATEMALAN CRITICISM, ESPECIALLY ON TOP OF THE EXPULSION OF CONTADORA FROM VERIFICATION OF THE GUATEMALA ACCORDS, IS PARTICULARLY UNWELCOME FOR MEXICAN LEADERS. END COMMENT. [(DRAFTER:POL:JPMCANULTY)] PILLIOD

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FOLLOWING RECEIVED FROM AMBASSADOR CHARLES J PILLIOD MAZATLAN MEXICO DTD 12 FEB SENT ACTION SECSTATE WHITE HOUSE BEING REPEATED FOR UR INFO:

QUOTE: [redacted] EXDIS
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SUBJECT: AMBASSADOR'S VISIT WITH PRESIDENT DE LA MADRID, FEBRUARY
11, 1988: SUBJECT MEETING BETWEEN PRESIDENT DE LA MADRID
AND PRESIDENT REAGAN IN MAZATLAN, FEBRUARY 13.
A ONE-ON-ONE MEETING WAS HELD WITH PRESIDENT DE LA MADRID ON THURSDAY, FEBRUARY 11, AT LOS PINOS, THE MEXICAN WHITE HOUSE. THE
PURPOSE OF THE MEETING WAS TO BRIEF PRESIDENT DE LA MADRID ON THE AGENDA FOR THE SUMMIT AND PROVIDE HIM WITH SOME BACKGROUND ON THE U.S. POSITION, AS WELL AS TO OBTAIN HIS COMMENTS.
OVERALL EXPECTATIONS.
THE AMBASSADOR ADVISED PRESIDENT DE LA MADRID THAT THE U.S. DESIRED
THAT THIS SESSION END ON A POSITIVE NOTE, PARTICULARLY IN VIEW OF THE FACT THAT IT WOULD PROBABLY BE THE LAST BETWEEN THESE TWO PRESIDENTS. PRESIDENT DE LA MADRID CONFIRMED THAT THIS APPROACH COINCIDED WITH HIS ATTITUDE AND IT WAS HIS INTENTION TO WORK TOWARDS THIS OBJECTIVE.
THE GLOBAL RELATIONSHIP.
THE DISCUSSION COVERED THE ACCOMPLISHMENTS OF THE PAST FIVE YEARS WHICH PRESIDENT DE LA MADRID FELT HAD BEEN MARKED BY A CONSTRUCTIVE,
COOPERATIVE APPROACH ON THE PART OF BOTH COUNTRIES. HE EXPRESSED THE HOPE THAT THIS WOULD CONTINUE NOT ONLY FOR THE BALANCE OF HIS TERM, BUT ALSO FOR THE NEXT SIX-YEAR PERIOD OF HIS SUCCESSOR.
ECONOMIC RELATIONS.
PRESIDENT DE LA MADRID WAS MADE AWARE OF THE FACT THAT PRESIDENT REAGAN AS WELL AS VARIOUS SECRETARIES INVOLVED WOULD BE INTERESTED
IN HIS PERSONAL OPINIONS OF THE CURRENT ECONOMIC PROGRAM WITH

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PARTICULAR EMPHASIS ON HTE SOLIDARITY PACT, INFLATION, AND THE DEBT-
FOR-BONDS-SWAP ISSUE. ON HIS PART, DE LA MADRID POSED A NUMBER OF
QUESTIONS ON THE PROSPECTS FOR MAINTAINING FREE TRADE IN VEIW OF THE TRADE BILL DISCUSSION UNDERWAY IN THE U.S. CONGRESS. HE WAS ASSURED OF PRESIDENT REAGAN'S RESOLVE TO VETO ANY BILL WHICH MIGHT
COME OUT OF THE CONGRESS AND SENATE WHICH PRESIDENT REAGAN CONSIDERED PROTECTIONIST IN NATURE. WE CAN ANTICIPATE HOWEVER THAT
THIS WILL BE A SUBJECT WHICH PRESIDENT DE LA MADRID WILL PURSUE. AS TO THE OFTEN MENTIONED INCLUSION OF MEXICO IN A US/CANADA THREE
WAY TRADE AGREEMENT IT WAS FELT THAT WE SHOULD FIRST GET SOME EXPERIENCE WORKING TOGETHER UNDER THE RECENTLY SIGNED FRAMEWORK ACCORD. PERHAPS IN THE NEXT ADMINISTRATION A MORE FORMAL BILATERAL
AGREEMENT SHOULD BE NEGOCIATED WHICH COULD LEAD TO A THREE NATION ACCORD IN THE FUTURE.
NARCOTICS.
CONSIDERABLE ATTENTION WAS GIVEN TO THIS ITEM AS PRESIDENT DE LA MADRID FEELS VERY STRONGLY THAT DRUGS ARE ONE OF THE MOST SERIOUS PROBLEMS WHICH FACES THIS GENERATION. HE FEELS THAT IT IS A WORLD
PROBLEM, NO COUNTRY IS IMMUNE, AND, UNLESS WE ALL DO MORE TO GAIN CONTROL OVER THE GROWTH OF DRUGS, WE STAND IN DANGER OF LOSING A WHOLE GENERATION. PRESIDENT REAGAN, WILL HAVE NO DIFFICULTY IN OBTAINING PRESIDENT DE LA MADRID'S COOPERATION. HE HAS SPOKEN OUT
ON THE QUESTION OF DRUGS IN THE PAST AND WILL BE READY AND WILLING
TO DO SO AGAIN.
MY ONLY COMMENT REGARDING BRIEFINGS GIVEN PRESIDENT REAGAN IS THAT
COMMENTS BE COUCHED IN A COOPERATIVE FORM. RATHER THAN ASKING PRESIDENT DE LA MADRID TO MAKE A PRONOUNCEMENT, I WOULD SUGGEST PRESIDENT REAGAN REFER TO THE FACT THAT THEY SHOULD BOTH REINFORCE
THEIR PUBLIC STANDS ON THIS ISSUE. THIS APPROACH WILL ASSURE US OF
COMPLETE COOPERATION. MEXICO FEELS VERY STRONGLY THAT THE USG SHOULD REINFORCE LAWS AGAINST POSSESSIN AND USE. CERTAINLY THE TRACK RECORD SHOWS THAT SUCCESSFUL COUNTRIES HAVE ATTACKED DRUGS, USAGE IN THIS MANNER AND MEXICO'S ARGUMENT IS DIFFICULT TO DISPUTE.
AS A RESULT OF THE LAST ATTORNEY GENERAL MEETING THE FOLLOWING INITIATIVES ARE EITHER IN PROGRESS OR BEING SET UP.

A. REPRESENTATIVES OF U.S. CUSTOMS WILL MEET WITH GOVERNMENT
OF MEXICO REPRESENTIVES TO DISCUSS EXPANDED COOPERATION ON

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REPORTING AND TRACKING BORDER ALL TRAFFIC OF SUSPECTED SMUGGLERS.—THIS WILL INCLUDE EXCHANGE OF TAIL NUMBERS AND POSSIBLY AIR PATROL COVERAGE ON BOTH SIDES OS THE BORDER.

B. REPRESENTATIVES OF THE U.S. TREASURY DEPARTMENT AND THE MEXICAN AUTHORITIES TO DISCUSS WAYS AND MEANS TO CONTROL THE SMUGGLING OF ARMS INTO MEXICO WHICH HAS BECOME A MAJOR CONCERN.

IMMIGRATION.

THERE IS NO DIFFERENCE OF OPINION ON THIS SUBJECT.

THROUGH CLOSE COOPERATION WITH THE MEXICAN GOVERNMENT, WE CONTINUE

TO KEEP THEM INFORMED OF PROGRESS OF THE SIMPSON/RODINO IMMAGRATION

PROGRAM AND HAVE YET TO RECEIVE A FORMAL COMPLAINT. THEY ARE ALSO

WORKING CLOSELY WITH US ON LONG-RANGE STUDIES BASED ON THE DEMOGRAPHICS WHICH INDICATE MEXICO WILL HAVE A SURPLUS OF LABOR OVER THE NEXT TEN YEARS WHILE THE UNITED STATES WILL FACE A SHORTAGE.

WE AR IN THE PROCESS OF SETTING UP A MEETING BETWEEN THE TWO IMMIGRATION DEPARTMENTS FOR THE PURPOSE OF GETTING A BETTER HAND ON

THE ILLEGAL IMMIGRANTS COMING IN FROM COUNTRIES TO THE SOUTH OF MEXICO, AND HAVE BEEN ASSURED OF THE MEXICAN COVERNMENTS COOPERATION.

CENTRAL AMERICA.

THIS SUBJECT CENTERED AROUND A RE-HASH OF OUR OPINION OF THEIR FOREIGN POLICY. THE AMBASSADOR AGAIN EXPLAINED THAT WE ACCEPTED THE FACT THAT THEIR POLICY OF NON-INTERVENTION AND SELF-DETERMINATION WAS BASED ON THEIR HISTORICAL REALTIONSHIP WITH THE UNITED STATES AND WE HAD LEARNED TO LIVE WITH IT. HOWEVER WE ARE VERY MUCH CONCERNED WITH ITS APPLICATION. WITHIN THEIR INTERPRE-TATION OF INTERVENTIONISM WE ARE INTERVENTIONISTS AND WILL CONTINUE

TO BE SO LONG AS IT IS NECESSARY TO SUPPORT AND PROTECT DEMOCRACY ANYWHERE IN THE WORLD. WEARE AND WILL REMAIN IN CENTRAL AMERICAN AS LONG AS THE FRAGILE DEMOCRACIES INVOLVED NEED OUR ASSISTANCE. THE MAJORITY OF THAT ASSISTANCE, CONTRARY TO PUBLIC OPINION, IS ECONOMIC, NOT MILITARY. OUR BUDGET FOR THE FOUR CENTRAL AMERICAN DEMOCRACIES FOR THIS YEAR APPROACHES $1 BILLION IN ECONOMIC

ASSISTANCE, WITH AN ADDITIONAL OUTLAY OF $250 MILLION IN MILITARY AID. THE TWO ARE INTERLOCED AND ANY REDUCTION WOULD BE DISASTROUS

AT THIS TIME.

OUR CONCERN WITH THE MEXICAN POLICY IS THAT THEY HAVE CONTINUALLY SELECTED THE UNITED STATES AS THE INTERVENTIONIST IN THE TERRITORY,

WHILE LITTLE OR NO MENTION HAS BEEN OF THE ACTIVITIES OF THE SOVIETS, OR CUBANS, SANDINISTAS IN THEIR CONTINUED SUPPORT OF ARMS

TO THE INSURGENTS IN SALVADOR, HONDURAS OR GUATEMALA. THEY ARE PERCEIVED TO BE THE SPOKESMEN FOR THE SANDINISTAS AND IN THE INTER-
NATIONAL FORA MEXICO SEEMS TO COME DOWN ON THE SIDE OF THE SOCIALIST
COUNTRIES AS OPPOSED TO THE UNITED STATES.
PRESIDENT DE LA MADRID VIOLENTLY DENIED THAT THIS WAS THE CASE -- OR THE INTENT -- AND POINTED TO THE FACT THAT FROM TIME TO TIME HE HAS CRITICIZED CUBAN AND NICARAGUAN ACTIVITIES IN CENTRAL AMERICA ALONG WITH THE UNITED STATES. THEIR POLICY, HE STATED, IS
TO OPPOSE ALL INTERVENTION.
FRANKLY, NO NEW GROUND WAS COVERED, AS I HAVE DISCUSSED THIS WITH HIM A NUMBER OF TIMES. SECRETARY SEPULVEDA HAD MADE HIM AWARE OF OUR FEELINGS REGARDING THE RECENT PANAMA AND BUENOS AIRES INCIDENTS,
AND HE CONCURRED WITH SEPULVEDA'S STATEMENTS THAT THEY WERE UNTRUE
ASSUMPTIONS ON OUR PART. HE FURTHER STATED THAT THEY WERE FULLY AWARE OF THEIR COMMITMENT ON NAME-CALLING AND HAD EVERY INTENTION OF
COMPLYING.
THE END OF THE DISCUSSION WAS THAT WE BOTH AGREED LITTLE WOULD BE GAINED BY SPENDING A GREAT DEAL OF TIME ON THIS ISSUE IN THE PRESIDENTIAL MEETING. I GAINED THE IMPRESSION, HOWEVER, THAT HE WOULD LIKE TO SEE AN EASEMENT OF THEIR AGGRESSIVE APPROACH TOWARDS
THE UNITED STATES IN THIS SECTOR. I'LL FOLLOW UP.
WORLD PEACE AND DISARMAMENT.
PRESIDENT DE LA MADRID SAID HE WAS VERY INTERESTED IN DISCUSSING THIS WITH PRESIDENT REAGAN, PARTICULARLY IN VIEW OF HIS INVOLVEMENT
WITH THE GROUP OF SIX.
SOVIET PRESENCE IN MEXICO.
THE OFTEN MENTIONED POSSIBILITY OF APPROVAL FOR SOVIET CONSULATES IN
THE U.S. BORDER AREAS WAS DISCUSSED, AND AGAIN PRESIDENT DE LA MADRID
EMPHATICALLY DECLARED THAT UNDER NO CIRCUMSTANCES WOULD SUCH A REQUEST IF RECEIVED BE CONSIDERED.
CONCLUSION.
PRESIDENT DE LA MADRID WANTED ME TO CONVEY THE MESSAGE THAT HE WAS
LOOKING FORWARD TO MEETING WITH PRESIDENT REAGAN AND THAT HE AND MEMBERS OF HIS CABINET WOULD CONTINUE TO WORK IN COOPERATION WITH THE U.S. GOVERNMENT FOR FURTHER ADVANCEMENT IN ALL ARES OF MUTUAL INTEREST.
TAGS: OVIP,MX
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PLEASE PASS TO CHARLES REDMAN

E.O. 12356: N/A
TAGS: SOPN
SUBJECT: HIGHLIGHTS OF SATURDAY, FEBRUARY 13 EVENING TV NEWS

A. CBS EVENING NEWS

1. PRESIDENT IN MEXICO - CALL IT THE LAME DUCK SUMMIT. (FOOTAGE OF THE PRESIDENT: "TODAY, MEXICO AND THE U.S. STAND TOGETHER AS WE STRIVE TO MEET THE PERPLEXING CHALLENGES THAT FACE OUR NATIONS.") (FOOTAGE OF PRESIDENT DE LA MADRID: "ON THIS OCCASION, PERHAPS THE LAST TIME WE MEET AS PRESIDENTS, WE WILL STRENGTHEN THE BASES OF GOOD AND PRODUCTIVE RELATIONS.") BENEATH THE PUBLIC DISPLAY OF FRIENDSHIP LOOM LARGE PROBLEMS: A HUGE FOREIGN DEBT FOR MEXICO, DISAGREEMENTS OVER TRADE AND CENTRAL AMERICAN POLICY AND THE ESCALATING FLOW OF ILLEGAL DRUGS ACROSS THE BORDER. MEXICO IS THE SINGLE LARGEST SUPPLIER OF MARIJUANA AND HEROIN TO THE U.S. AND HAS RECENTLY BECOME AN IMPORTANT CONDUIT FOR COLOMBIAN COCAINE. AIDES SAY PRESIDENT REAGAN PRESSED DE LA MADRID ON THE DRUG ISSUE IN THEIR PRIVATE MEETING, BUT PUBLICLY THE U.S. HAS
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DOWNPLAYED CRITICISM OF MEXICAN ENFORCEMENT EFFORTS IN MONTHS. IN A FEW WEEKS CONGRESSIONAL CRITICS OF MEXICO'S ANTI-DRUG EFFORTS MOVE TO CUT AID IN HALF. THE GOOD FEELING CREATED TODAY MAY EVAPORATE EVEN BEFORE THE TWO

PRESIDENTS ARE OUT OF OFFICE. (TERENCE SMITH, MEXICO)

B. ABC WORLD NEWS TONIGHT

1. PRESIDENT IN MEXICO - THE SIXTH MEETING BETWEEN THE PRESIDENTS REAGAN AND DE LA MADRID WAS WARMER IN SPIRIT THAN EARLIER SESSIONS. RELATIONS GREW TENSE TWO YEARS AGO AFTER THE KILLING OF A U.S. DRUG AGENT AND THE KIDNAPPING OF ANOTHER. (FOOTAGE OF PRESIDENT REAGAN: "TODAY WE HELP PAVE THE WAY FOR A NEW GENERATION OF POLITICAL LEADERS IN BOTH OUR COUNTRIES WHO WILL SOON FOLLOW US AND BUILD ON THE FOUNDATION WE'VE LAID.") A REMAINING SORE POINT BETWEEN THE TWO COUNTRIES IS THE PRODUCTION AND TRANSPORTATION OF HUGE AMOUNTS OF HEROIN, COCAINE AND MARIJUANA FROM MEXICO INTO THE U.S. MANY IN THE U.S. BELIEVE MEXICO HAS BEEN INEFFECTIVE IN STOPPING PRODUCTION AND BRINGING THE DRUG TRAFFICKERS TO JUSTICE. WHEN THE TWO LEADERS MET ALONE MR. REAGAN WARNED THAT THIS IS THE YEAR WE HAVE TO SHOW RESULTS. ON NICARAGUA, DE LA MADRID STILL OPPOSES U.S. MILITARY SUPPORT OF THE CONTRAS. WHAT IS WORKING, THE TWO LEADERS AGREED, IS ECONOMIC GROWTH, TRADE AND JOBS. TODAY THEY CONGRATULATED THEMSELVES ON SOME PROGRESS THERE AND CALLED FOR MORE. (SHEILA KAST, MEXICO)

2. PERSIAN GULF ENCOUNTER - THERE WAS A DRAMATIC ENCOUNTER IN THE PERSIAN GULF OVERNIGHT. THE DESTROYER U.S.S. CHANDLER WAS FORCED TO FIRE WARNING FLARES AT A UNCLASSIFIED

RAPIDLY APPROACHING IRAQI WARPLANE. THE PLANE VEERED SHARPLY, THEN LAUNCHED TWO MISSILES THAT EXPLODED NEAR THE DESTROYER A MOMENT LATER. DEFENSE OFFICIALS SAY THE CHANDLER APPARENTLY WAS NOT THE TARGET OF THE ATTACK. (BARRY SERAFIN)

C. NBC NIGHTLY NEWS

1. PRESIDENT IN MEXICO - WITH LITTLE FANFARE TWO PRESIDENTS IN THEIR FINAL YEAR IN OFFICE MET SOUTH OF THE BORDER TODAY. (CONNIE CHUNG)

PRESIDENT REAGAN MET WITH PRESIDENT DE LA MADRID TODAY. CONSIDERABLE TENSION BETWEEN THE U.S. AND MEXICO OVER HOW TO CONTROL THE FLOW OF DRUGS ACROSS THE BORDER CONTINUES TO PLAGUE U.S.-MEXICAN RELATIONS. BUT IN HIS OPENING

REMARKS THE PRESIDENT TRIED TO AVOID CONFLICT AND SET A POSITIVE TONE FOR THE SUMMIT. (FOOTAGE OF PRESIDENT REAGAN: "TODAY MEXICO AND THE U.S. STAND TOGETHER AS WE STRIVE TO MEET THE PERPLEXING CHALLENGES THAT FACE OUR

NATION.") BUT THE DISPUTE OVER DRUG ENFORCEMENT AND WHO IS TO BLAME WAS EVIDENT EVEN TODAY. IN A TELEVISED INTERVIEW DE LA MADRID SAID MEXICO IS DOING ALL IT CAN TO STOP THE FLOW OF DRUGS AND THE U.S. SHOULD BE DOING MORE. DESPITE THE PRESIDENT'S CONCILIATORY TONE IN PUBLIC, AIDES SAY THE PRESIDENT PRIVATELY ALSO TOOK A TOUGH STANCE ON THIS ISSUE, CALLING ON DE LA MADRID TO STEP UP HIS DRUG ERADICATION EFFORTS AND SHOW RESULTS THIS YEAR. U.S. OFFICIALS ALSO WANT THE MEXICAN GOVERNMENT TO PUT A STOP TO INCREASING CORRUPTION AMONG ITS OWN OFFICIALS. IN ADDITION TO DRUGS, THE TWO PRESIDENTS DISCUSSED THEIR DIFFERENCES OVER ACHIEVING PEACE IN CENTRAL AMERICA. THE DRUG ISSUE WILL CONTINUE TO STRAIN U.S.-MEXICAN RELATIONS. U.S. OFFICIALS ARE CONSIDERING NOT GIVING MEXICO CERTIFICATION OF ITS DRUG ERADICATION EFFORTS UNCLASSIFIED

REQUIRED BY CONGRESS, A MOVE THAT COULD JEOPARDIZE FINANCIAL AID TO MEXICO AND CREATE MORE TENSION. (ROBIN LLOYD)

D. THERE WILL BE NO FOREIGN POLICY GUESTS ON THE SUNDAY INTERVIEW PROGRAMS. ARMACOST

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BRIEFING MEMORANDUM
S/S

[redacted]

TO: The Secretary

FROM: ARA - Elliott Abrams

SUBJECT: Briefing the President for his Visit to Mexico

I. SETTING

- o De la Madrid faces ongoing economic crisis. Inflation 160% and climbing, labor unhappy with declining real income, interest on domestic debt exacerbating public sector deficit - 18% of GNP.
- o De la Madrid has drastically cut government operating and investment budget, frozen government employment, despite election year pressures to expand economy.
- o December Economic Solidarity Pact buys time, but unless inflation declines significantly, labor/business pressures for wage/price increases, radical measures, will build just months before July Presidential election.
- o Popularity of de la Madrid's handpicked successor, Carlos Salinas de Gortari, suffering from his identification with GOM austerity policies. Campaign off to shaky start. Salinas certain to win, but perhaps with voter absenteeism, electoral fraud.
- o Despite pressures, de la Madrid remains committed to major structural economic reform, responsible foreign debt policy, export-led strategy; Needs our help.
- o Salinas campaigning on platform of continued economic modernization, more open political system. Says Mexico must deal with its narcotics trafficking problem. Has avoided foreign policy issues.

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II. Bilateral Relations

- Relations mix of close, productive dialogue, excellent economic, border cooperation, tense problems over drugs, Central America, other foreign policy issues, frequent misunderstandings, mutual suspicions.

- Cooperative tone the two Presidents set in previous meetings has resulted in Framework Understanding on Trade and Investment, MLAT, textile agreement, financial and debt cooperation, and substantial progress on CIVAIR and communications agreements, all in past six months.

- De la Madrid is concerned US will use economic, political leverage to pressure Mexico on foreign policy, drug issues. Worries US pressures and criticisms could become election campaign issues - wants positive, harmonious Summit meeting. So do we.

III. Critical Role of Narcotics Issue

- In past year, Mexico has increased anti-drug resources, improved its eradication results, signed with us a Mutual Legal Assistance Treaty, arrested major traffickers, and increased cooperation on interdicting drug shipments.

- Nevertheless, drug flows sharply increasing, and trafficking networks expanding. Some concern that Mexico could turn into another Colombia.

- Narcotics is ticking time bomb in relations. President must submit determination to Congress by March 1 on whether Mexico and others are "fully cooperating" with us on drugs.

- Despite Mexico's considerable effort, certification is in jeopardy because results are unsatisfactory. Apparent lack of political will, mismanagement, and corruption undermine efforts.

- Even if President certifies Mexico as fully cooperating country, some in Congress may seek to override, require us to invoke sanctions.

- The political stigma of denying certification would seriously damage bilateral relations, make US major issue in Mexican election, reverse positive momentum, reduce freedom of incoming Mexican Administration to cooperate with us.

- Persuading de la Madrid to take strong, visible and timely measures to strengthen anti-narcotics programs is most important objective of Presidential meeting.

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IV. OTHER MAJOR US OBJECTIVES

- Soften Mexican policies in Central America and on other foreign policy issues.

  --Little prospect of favorable changes in Mexican policy while Sepulveda is Foreign Secretary.

  --Mexico's influence in Central America waning. They have little to offer; we want to keep them on margin.

- Encourage de la Madrid to continue his courageous effort to modernize Mexican economy, overcome economic problems, maintain political stability.

  --US policies on debt, trade, investment, border matters are all favorable to bilateral cooperation, and support Mexican economic recovery and reforms. We want to keep momentum going at Summit, bolster Mexican confidence, encourage them to stay the course.

- Give impetus to early completion of negotiations in progress: CIVAIR, Search and Rescue, communications.

- Publicly, we intend to spotlight impressive list of recent bilateral accomplishments via President's public comments, your press conference, signing of textile, telecommunications agreements.

- Persuade de la Madrid to prevent expansion of Soviet presence and activities in Mexico directed at US.

  --Although Mexicans deny it, Soviets pressing to open consulate near US border.

V. US STYLE AT THE SUMMIT

- Given the tremendous progress in relations reflected in recent major agreements, Summit can be friendly, highly favorable image booster for both Presidents, demonstrating ability to discuss, cooperate, resolve mutual problems.

- Public statements and appearances will play the crucial role in this.

- Frank, open discussions in private meetings on tough subjects have become the custom for both governments. If done with mutual respect, effort to understand and accommodate other side's interests, further progress is realistic expectation for the meeting.

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Talking Points

SETTING

-- This is an important meeting. De la Madrid under great economic pressure, waging courageous effort to profoundly reform Mexico's economy, at considerable cost to his political popularity.

-- He deserves credit for bringing Mexico through 1982 debt crisis (which he inherited), the disastrous 1985 Mexico City earthquake, and 1986 oil price collapse, with remarkably little political and social disorder.

-- His certain successor, Carlos Salinas de Gortari's election campaign off to slow start. But he seems committed to continuing Mexico's economic/political modernization, says Mexico must deal with drug problem.

-- How we conduct meeting will affect political climate in Mexico and prospects for continued progress and close cooperation between your successor and incoming Mexican Salinas Administration.

o TREMENDOUS PROGRESS IN ECONOMIC RELATIONS

-- We can be proud of the tremendous progress in US-Mexican economic relations during your and de la Madrid's terms in office. Mexicans overcoming fears of formal agreements with US. Impressive list of agreements and accomplishments.

-- Mexican GATT Accession and Bilateral Framework Understanding on Trade and Investment provide vehicles for major expansion of bilateral trade and investment relations, consistent with your interest in stronger North America trade ties.

-- We can use this meeting to keep progress moving and to avoid a lame-duck attitude by officials of either side.

-- Mexicans are managing their external debt problem responsibly; will continue to need our support.

-- Your public statements should highlight positive accomplishments of past five years, urge continued progress, cooperation, in final year for both of you.

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PROBLEM AREAS

-- In past year, Mexico has increased anti-drug resources, improved its eradication results, signed with us a Mutual Legal Assistance Treaty, arrested major traffickers, and increased cooperation on interdicting drug shipments.

-- Nevertheless, despite considerable costs in resources, lives, Mexican anti-drug programs viewed by many as inadequate. Traffickers and drug producers gaining ground. Some fear Mexico could turn into another Colombia.

-- Program undermined by mismanagement, corruption, apparent lack of political will to take tough, dangerous measures needed to reduce trafficking and production.

-- By March 1 you must certify to Congress whether major drug producing countries, including Mexico, are fully cooperating with us. Some in Congress will seek to overturn a positive certification on Mexico.

-- Stigma of denying certification would create political furor in Mexico, set back narcotics cooperation, make US major issue in Mexican election campaign, and reduce freedom of incoming Salinas Administration to cooperate with us.

-- Need to persuade de la Madrid to take stronger, visible actions to demonstrate will and ability to win drug war. This will be a major focus of your private meeting with him.

-- You will have an aide-memoire to give him, outlining some specific actions to visibly strengthen Mexican program, ensure certification.

OTHER MAJOR ISSUES

-- Mexicans continue to disagree with our approach in Central America, and are not helpful. But their influence and Contadora's waning. Not much GOM can do for us and we want to keep them on the margin, work around their occasional unhelpful activities.

-- Therefore, suggest we minimize discussion of subject, not ask Mexicans for changes they won't make, help they won't give. But be alert to prospects for more favorable approach by incoming Mexican administration.

-- With regard to Congressional vote on aid to the Nicaraguan Resistance, you will want to stress to de la Madrid that you are determined to continue support for the Resistance and for the peace process.

-- Soviets are working to expand presence in Mexico, targeted against US. Need to strongly urge de la Madrid to continue resisting such pressures.

-- Immigration reform legislation has not created bilateral problem we and Mexicans feared. We are engaging in a two-part dialogue - Working Group on Border Matters, and Congressionally appointed "Commission for Study of International Migration and Development."

-- Population movements and employment will continue to be major mutual concerns, and we should encourage the dialogue on these subjects and seek ways to ameliorate and control illegal immigration. Mexicans seem prepared to cooperate if there is something in it for them.

STRUCTURE OF MEETING

-- While you meet privately with de la Madrid, remainder of US and Mexican delegations will meet to discuss agenda items.

-- Following your private meeting, you can meet with US delegation to compare notes, and then we will go to a working luncheon, to continue discussion of agenda items.

-- Because of the importance of the public aspect of the meeting, I plan to brief the press on the visit following your departure to assure that the tremendous progress and accomplishments of your and de la Madrid's administrations, reflected in the meeting, are highlighted.

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THE MEXICAN DEBT SWAP PROPOSAL

Summary: The debt swap proposal is a flexible and imaginative addition to the LDC debt menu and gives an unprecedented USG imprimatur to a scheme to repay debt below par. It is an interesting test of the viability of a market-based workout of debt relief between creditors and LDC debtors, done with a minimum of third-party involvement and guarantee. However, the program may stumble over the differing perceptions of Mexico and the banks of the discounts banks will offer. Two key variables are the discount at which the new bonds are expected to trade and the depth of banks' desire to exit from Mexican debt. Mexico is working hard to make the proposal succeed; a failure would renew domestic pressure to reduce debt service by other means.

Will the Proposal Work?

The proposal remains as announced December 29. Mexico would be relieved of the obligation to make interest and principal payments on a portion of its existing bank debt. In exchange, it will make interest payments on a new debt issue, the principal of which is in effect prepaid. The gain to Mexico depends primarily on the size of the discount banks offer, but it is also a function of future levels of LIBOR and assumptions concerning Mexico's ability to reschedule bank debts. If Mexico assumes that it will be able to reschedule principal payments on its commercial bank debt indefinitely, it will need to receive a sizable discount--on the order of 30 percent--just to break even. At lower exchange prices, however, the benefit to Mexico would rise substantially. An exchange at 55 cents on the dollar, for instance, would be worth the equivalent of a $2.5-$5.5 billion lump sum payment to Mexico.

Crucial to the plan's success are the depth of the banks' desire to exit from Mexican debt holdings and the discount at which the new Mexican bonds are expected to trade. Most US banks will not offer their debt at 50 or 60 cents on the dollar if the new bonds are expected to be subject to further heavy discounting in the Eurobond market. Success thus depends greatly on the market's estimation of the likelihood of Mexico making interest payments over the next 20 years on the new bonds.

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There is no consensus within the financial community on the price at which the new bonds will trade in the secondary market. Treasury and Morgan Guaranty, for example, maintain that the new bonds will trade at close to par. Others, such as Salomon Brothers, argue that investors will assign the same risk premium to the (uncollateralized) interest payments on the new bonds as they do to interest on existing Mexican Eurobonds, which yield 17-18 percent. As a result, Salomon expects the bonds to trade below 70.

Mexico's Stake in the Program

The GOM hopes to use the debt service savings to counter domestic critics of the economic adjustment program begun in December. Mexico has set a February 19 deadline for bids and the initial results will be known shortly thereafter. In early March the GOM plans to begin the transition from its stabilization program of voluntary wage and price restraints and budget cuts to a more long-term regime. In Mexico, the USG is perceived as playing a major role in the debt swap proposal, which is viewed as part of our cooperation in efforts to manage the debt problem. A successful program would lend a needed popular boost to the electoral campaign of PRI candidate Carlos Salinas, who is closely identified with the unpopular austerity policies of the de la Madrid administration, and would reap some goodwill for the United States. As long as the proposal is not an obvious flop, it is in the GOM's interest to declare it a success.

If the debt/bond program stumbles because banks make few bids at discounts acceptable to Mexico, there will be renewed domestic pressure on the GOM to reduce debt service by some other means. President de la Madrid wants the debt/bond swap to demonstrate the rewards of the GOM's debt policy and show that creditors are making sacrifices along with Mexico. If the economic adjustment program fails to shrink the current 160 percent inflation rate, the GOM already has shown it may try to shift the blame to debt service and the earlier debt/equity swaps. The most likely scapegoats would be those banks which do not participate or make only token offers. It may be that the USG would get some of the onus if the program fails, as well.

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MEXICO'S ECONOMY -- AT A GLANCE

- The Mexican economy grew about 1.5 percent in real terms in 1987 but was plagued by several persistent problems.

  -- In 1987 inflation reached 158.8 percent - it was nearly 15 percent in December alone.

  -- The government financial deficit rose from 16.3 percent in 1986 to an estimated 17 percent in 1987.

  -- The stock market collapsed in October/November.

  -- After considerable capital repatriation (an estimated $3-4 billion was repatriated from late 1986 through mid-1987), about $2 billion was expatriated in the last quarter of 1987. This lead to the floating of the "free" peso in November and the devaluation of the "controlled" peso in December. (Capital flight appeared to have disappeared in January 1988 as Mexico's domestic interest rates soared.) About 2,204 "controlled" pesos were needed to buy a US dollar at the end of 1987 versus about 921 at the end of 1986, an increase of nearly 140 percent.

  -- President de la Madrid was joined by representatives of labor and the private sector in mid-December in announcing an Economic Solidarity Pact to cope with Mexico's economic problems. Among other things the Pact increased the minimum wage by 38 percent but also increase the prices of a number of government goods and services (i.e. fuel, electricity, telephone service and transportation). Key to the success of the Pact is the ability of the Government to reduce its deficit.

  -- Mexico's foreign reserves reached record high levels in 1987 thanks in large part to the strength of Mexico's external trade surplus. Its strong reserve position permitted a plan aimed at reducing the amount of its external debt and debt service. The plan uses U.S. Treasury bonds as collateral for Mexican government bonds.

  -- Mexico continued moves to restructure its economy in 1987. The most remarkable changes were seen in the trade policy area: tariffs and import licenses were slashed while official reference prices were eliminated entirely. Mexico and the U.S. signed a Framework Understanding in November which enables each side to call for consultations on a broad range of trade and investment matters. In addition, the authorities continued to reduce the number of parastatal enterprises.

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ECONOMIC DATA TABLE -- MEXICO

Population (1987): 82.0 million
Rate of Population Growth: 1.9 percent
Life Expectancy (1985): 67 years
Literacy Rate (1983): 87.9%
Infant Mortality (1985): 50 per 1,000

1987 GDP (1): $US 128 billion
GDP per capita (1): $1561
Composition of GDP (1985): Services 62.2%, Manufacturing 24.6%, Agriculture 9.4%, Mining (includes oil) 3.8%

	1983	1984	1985	1986	1987 Proj.
1. ECONOMIC INDICATORS:					
1a. Real GDP (percent change)	-5.3	3.7	2.7	-3.8	1.5
1b. Real GDP Per Capita (percent change)	-7.2	1.6	1.3	-5.7	-1.1
1c. Consumer Price Index (Dec. - Dec.)	80.8	59.2	63.7	105.7	158.8
1d. Unemployment (% of workforce)	7.8	6.5	13.4	17.8	18.0
1e. Total Investment as percent of GDP	20.3	21.6	21.4	20.6	21.6
2. FISCAL INDICATORS:					
2a. Public Sector Expenditures as pct of GDP	43.9	41.6	42.4	46.8	49.1
2b. Government Financial Deficit (% of GDP)	9.8	8.6	9.9	16.3	17.0
3. BALANCE OF PAYMENTS:					
3a. Exports to US FOB ($ billion)	13.0	14.6	14.0	10.7	12.0
3b. Imports from US CIF ($ billion)	5.0	6.7	8.8	7.7	9.3
3c. Trade Balance with US ($ billion)	8.0	7.9	5.2	3.0	2.7
3d. Total Exports FOB ($ billion)	23.1	25.4	22.9	17.3	19.0
3e. Total Imports CIF ($ billion)	8.5	11.3	13.2	11.4	12.5
3f. Merchandise Trade Balance ($ billion)	14.6	14.1	9.7	5.9	6.5
3g. Current Account Balance ($ billion)	5.3	4.2	0.7	-1.3	3.1
4. EXTERNAL DEBT:					
4a. Gross External Debt ($ billion)	93.1	96.2	97.4	101.0	105.0
4b. Gross Debt as percent of GDP	65.2	55.0	60.5	79.5	82.0
4c. Debt Service Due as percent of exports	49.9	43.9	48.8	71.3	75.8
4d. Interest Due as percent of exports	25.4	25.2	24.2	26.4	21.6
4e. Interest Paid as percent of exports	25.4	25.2	24.2	26.0	21.1
4f. Exchange Rate (pesos/$, period average)	120.1	167.8	256.9	611.8	1,365
4g. Total Reserves minus gold ($ million)	3,913	7,272	4,906	5,670	13,500
5. Foreign Assistance, by Fiscal Year:					
5a. US Economic assistance ($ million) (2)	0	0	0	0	0
5b. US Military assistance ($ million)	0.1	0.2	0.2	0.2	0.2
5c. Total Foreign Assistance (net, $ million)	132	83	145	N/A	N/A

(1) Data are derived and as such are subject to exchange rate fluctuations.
(2) Includes ESF, DA and PL 480.

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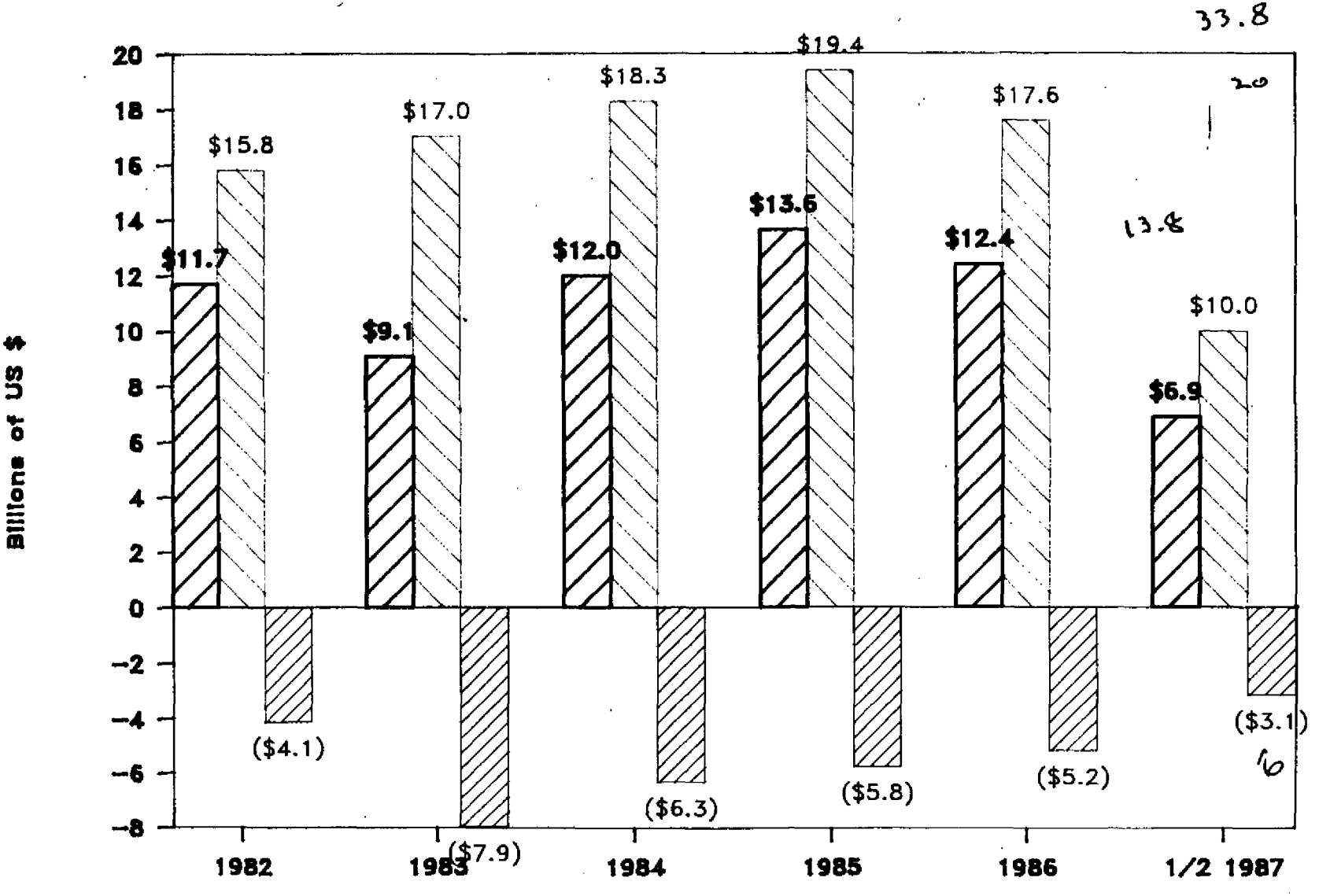
US Trade with Mexico



Source: USDOC Foreign Trade Statistics

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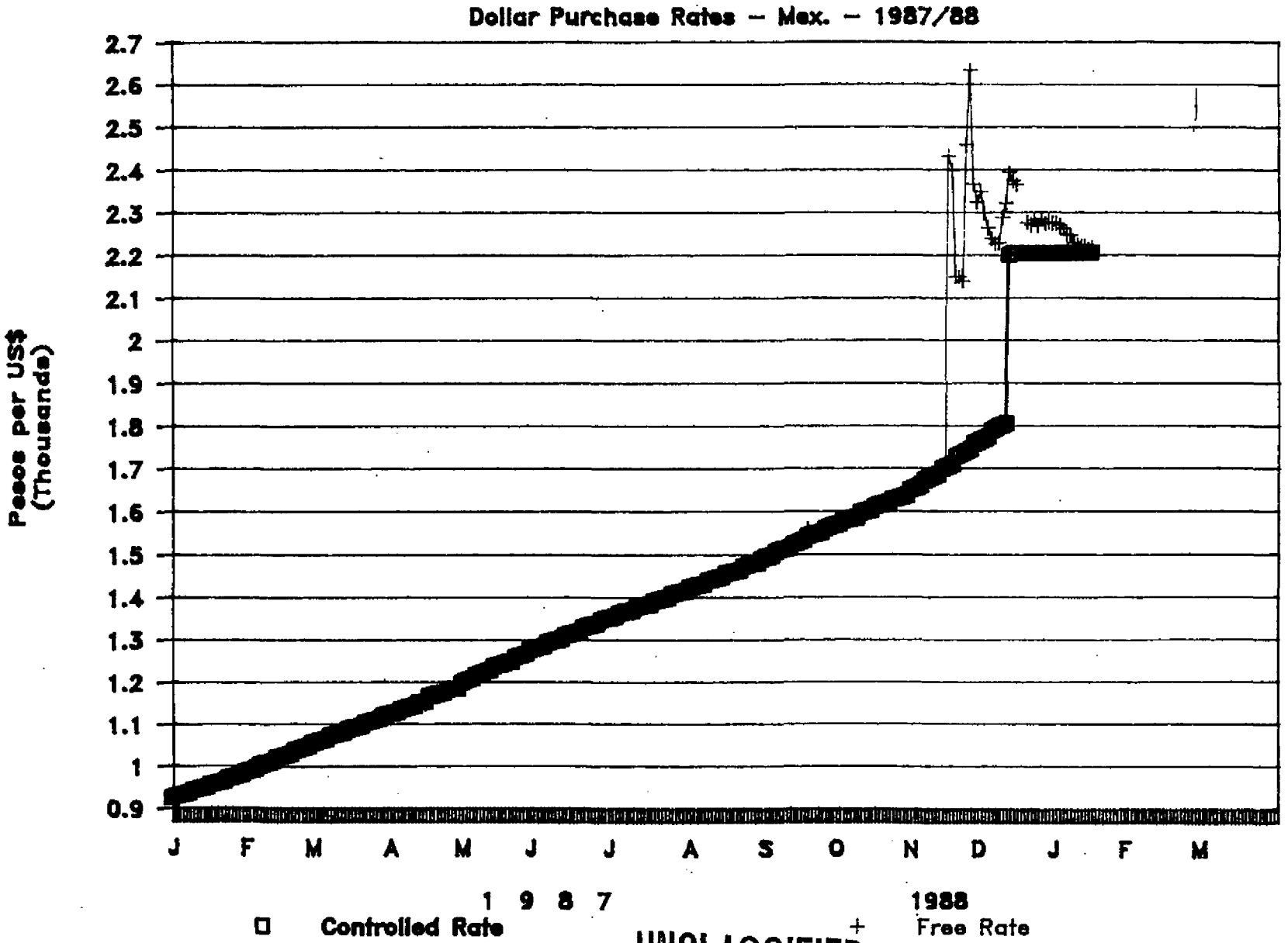
Controlled and Free Peso Exchange Rates



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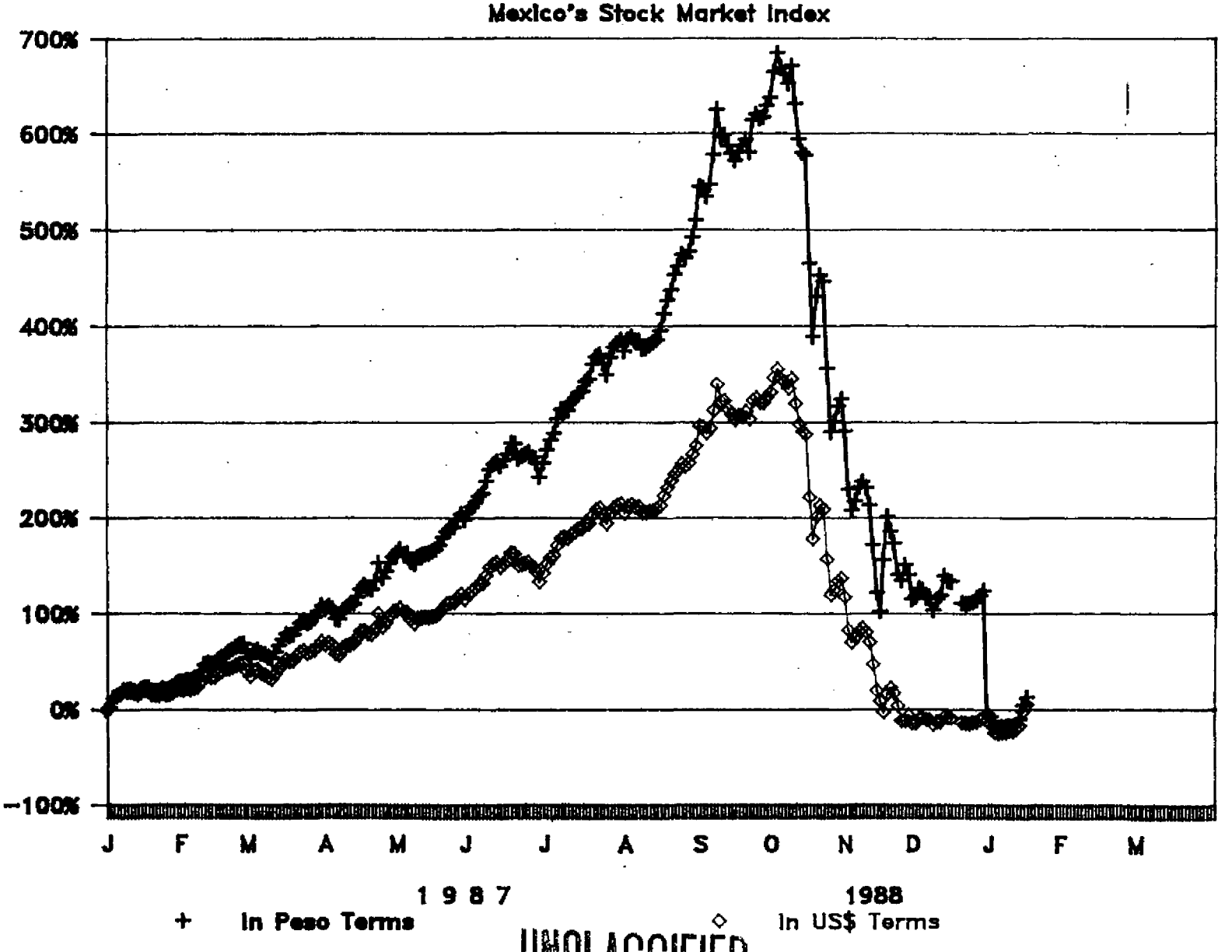
Cumulative Change Since Dec. 31, 1986



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MEMORANDUM OF CONVERSATION

SUBJECTS: Textile Agreement, Narcotics, Trade

TIME & PLACE: February 13, 1988, 12:35 - 1:40 p.m.
Hotel Camino Real, Mazatlan, Mexico

'88 FEB 25 A11:20

PARTICIPANTS:

U.S.

Secretary of State Shultz
Ambassador Charles Pilliod
Secretary of Treasury James Baker
Attorney General Edwin Meese
Chief of Staff to the President, Howard Baker
U.S. Trade Representative, Clayton Yeutter
Deputy Chief of Staff, Kenneth Duberstein
Asst. to the President for National Security Affairs,
LGEN. Colin Powell
Assistant Secretary of State, Elliott Abrams
Deputy Assistant Secretary of State (Notetaker), Paul D. Taylor
Deputy Executive Secretary, NSC, Marybel Batjer
Director, Office of Mexican Affairs, State, John J. St. John

MEXICO

Secretary of Foreign Affairs, Bernardo Sepulveda
Secretary of Finance and Public Credit, Gustavo Petricioli
Secretary of Commerce and Industrial Development,
Hector Hernandez C.
Attorney General, Sergio Garcia R.
Ambassador, Jorge Espinosa de los Reyes
Under Secretary SRE, Ambassador Rosensweig Diaz
President's Personal Secretary, Emilio Gamboa Patron
Director General of Communications, Manuel Alonso Munoz
Under Secretary for International Cooperation,
Ambassador Manuel Rodriguez Arriga
General Coordinator of Department Advisors,
Ambassador Miguel Angel Olea
Director General North American Affairs Walter Astie Burgos

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Introduction

Secretary Sepulveda opened the meeting by repeating the welcome to the U.S. party that President de la Madrid had made during the arrival ceremony. He suggested that the Textile Agreement signed in the plenary could not be done immediately because the press which would cover the signing was currently with the two Presidents as they initiated their meeting. He suggested, given the brevity of time available, that the plenary meeting turn immediately to issues on the agenda. Secretary Shultz agreed to that procedure.

Secretary Sepulveda noted that these meetings underscored the importance of the U.S.-Mexican relationship and had facilitated better cooperation between the two countries. The attorneys general, for example, had had several meetings during the current administrations. Also, attorneys general from the border states of Mexico and the United States had met and there had been interparliamentary meetings between the two countries. As a result of these efforts we had developed a capacity to prevent problems and to create greater understanding. The meetings of presidents had shown the way to commercial agreements which had been reached as a result of the instructions that they have issued. Further understandings on steel, textiles, beer, wine and spirits had been reached recently. Secretary Sepulveda added that we had increased our cooperation in the effort against narcotics with the recent agreement on juridical cooperation, the Mutual Legal Assistance Treaty (MLAT). Secretary Sepulveda continued that his government gave great importance to the U.S. ratification of the agreement on maritime boundaries and the MLAT, both of which had been ratified by the Mexican Congress. In finance and debt, he recalled that we had recently elaborated on our system of cooperation in an initiative which merited the support of the international financial community. He said that the issue of narcotics was of equal concern to both the United States and Mexico, and deserved special attention in this

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meeting, including the measures that both countries were taking in this area. Border cooperation, he said, was very broad but he must mention the commercial deficit along the border. This had been a fact since 1982 but lately it had become much worse. The flow of goods, persons, and traffic had recently been restricted by U.S. actions, and he mentioned vehicular restrictions in particular. The Simpson-Rodino legislation was an important matter for Mexico related to workers' rights. The U.S. had a demand for labor which caused much migration of workers to the United States from Mexico. Returning to narcotics, Secretary Sepulveda said that, from the political point of view, his government was concerned over the possibility that the handling of the question of certifying narcotics cooperation could become confrontational. He asserted that denial of certification ought not happen, no good would come of it.

Secretary Shultz expressed appreciation for the Mexican welcome. He said that he had been pleased to see Governor Labastida of Sinaloa whose work we admired. He agreed with Sepulveda's comment about the value of bilateral meetings which now numbered in the hundreds. The record of recent agreements was astonishing and we were having success in solving problems. He hoped that we could continue to work on problems in the time that the two current governments had left in office together and that we could leave a positive legacy for our successors. He did not wish to get into an argument on the matters that Secretary Sepulveda had raised but because he had commented substantively on many subjects, Secretary Shultz wanted to lay down a marker that he did not agree with many of the things that Secretary Sepulveda had said. He did agree with the implicit agenda that Sepulveda had suggested by the topics he had mentioned but thought that it would be best for the cabinet members present on both delegations to address topics in their principal areas of responsibility. He said when we got through the topics that Secretary Sepulveda had mentioned we could "stagger around in foreign policy" if there were time.

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Textile Agreement

At this point in the counterparts' meeting, the exchanges were suspended for a signing of the bilateral Textile Agreement by Ambassador Yeutter and Secretary Hernandez. Photographs were taken, but neither cabinet member made any remarks.

Secretary Sepulveda asked how the U.S. delegation would like to proceed. He said that either the Secretary of State could continue expressing his points of view or the meeting could turn to the narcotics topic on the agenda.

Secretary Shultz agreed that it would be good at this point to turn to narcotics. Secretary Sepulveda said he was struck by the note of disagreement in Secretary Shultz' last intervention, but he had only been listing agenda topics; with what on the list did the Secretary disagree? The Secretary responded, "You have a way of twisting things. You left the impression that we had a trade surplus with you. Would that it were so." Sepulveda explained that he was talking only about trade along the border to which Secretary Shultz asked "what sense does that make? We should both look at our overall trade flows." Secretary Sepulveda said the GOM balance of payments account has a line item for such transactions, but rather than get sidetracked on a minor matter, he suggested moving directly to narcotics. Secretary Shultz agreed.

Narcotics

Attorney General Garcia Ramirez noted that it was not a pleasure to start the substantive agenda with a controversial subject. He added that this was a serious problem for both the United States and Mexico; both were cooperating closely on narcotics and he and Attorney General Meese had met ten times. He would go again to Washington for another meeting "when the cherries are in blossom." Looking at the balance sheet on narcotics cooperation, he said that the air fleet used in Mexico's fight against narcotics had grown 25% at Mexican expense. Cocaine seizures had increased substantially from 2.5 tons in 1986 to more than 9 tons of cocaine in 1987, and already in 1988 a ton of cocaine had been seized. Opium and marijuana cultivation, however, had grown, but no country had eliminated production of those drugs after it had begun. Garcia said that if the MLAT were ratified by the U.S. Senate, the two countries' cooperation would be more effective not only against narcotics but in other legal matters as well. Sixty percent of the budget of the office of the Mexican Attorney General and thirty percent of its personnel were dedicated to the fight against narcotics as were 25,000 to 30,000 Mexican troops. President de la Madrid had called upon the states and all Mexicans to join in the campaign against narcotics. Twice the President had spoken of drug trafficking as "an affair of state." It was a danger for our society, a sickness for the young; it generated violence and corruption wherever it existed. The two countries were working more closely but needed to do even more. This was a matter he had discussed at length with Attorney General Meese but he was at the service of the U.S. Administration to discuss the subject further whenever we wished.

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Secretary Shultz welcomed the Attorney General's comments and underscored our agreement with President de la Madrid that narcotics constituted a problem of state. Attorney General Meese responded that he and his Mexican counterpart had been very pleased with the communication and cooperation that had been achieved between their two offices but both men felt frustration that more had not been done. He agreed with Garcia Ramirez that the increase in the amount of cocaine seized was a two-edged sword. It reflected better law enforcement but also more trafficking in the drug. Noting the requirement that the United States government must certify whether countries involved in narcotics production or transshipment were cooperating fully, he said it would be premature to discuss the subject because it was a matter under review within the U.S. administration. Nonetheless, the certification requirement itself, mandated by law, underscored the level of U.S. concern. He praised the Mexican government and the efforts of Ambassador Pilliod that resulted in the MLAT that had been concluded. He noted that, as regards exchange of information, a new level of cooperation had been reached. At the December meeting of Attorneys General of the border states of Mexico and the U.S., agreements had been reached on exchange of tail numbers of planes illegally transitting the border and tracking narco-traffickers from third countries. He agreed that the Mexican antinarcotics aircraft fleet had expanded, but noted that maintenance and aircraft availability could be improved He added that eradication had improved in marijuana but heroin eradication had reached a plateau and more needed to be done. We were looking for a Mexican point of contact to work on the south side of the international border to cooperate with Operation Alliance. There was a relationship between drug trafficking and the illegal movement of arms and criminals, and we needed to improve our cooperative effort on both sides. That was a matter of political will for both countries and 1988 was the time to move forward.

Attorney General Garcia said he shared the frustration of Attorney General Meese over the results of our efforts to date. We could not be satisfied until we had eradicated narcotics production and trafficking, and the corruption and violence that accompanied them. Unfortunately there was an upward trend throughout the world in the production and trafficking of illicit drugs. We had made progress in the United States and Mexico but not enough to be satisfied. He agreed with Attorney General Meese that the flow of narcotics across the border was linked to other undesirable flows. Mexican authorities had increased their seizures of illegal arms from the United States. They were

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working within limitations, but nearly a fourth of the prisoners currently incarcerated in Mexico had been found guilty of drug-related crimes. Seizures, arrests, and the numbers of people engaged in the war against narcotics and the number of people killed in that effort were all evidence of the Mexican commitment.

Trade

Secretary Sepulveda suggested that, in light of the little time available for the counterparts meeting before the Presidents adjourned their tete-a-tete, the meeting should move to trade.

Secretary Hernandez recalled that Ambassdor Yeutter and he had met many times and many places and the two countries had made remarkable achievements, as exemplified by the Textiles Agreement just signed. He said that Mexico must maintain a trade surplus in order to service its debt. He agreed with Secretary Shultz that cross border trade was only one part of the total bilateral trade, and that Mexico did indeed enjoy a surplus. He noted that there were no serious problems in the trade area between the two countries and that the delegations would meet later this month under the Framework Understanding. Already we had addressed issues of investment, patents and intellectual property, and he was hopeful that the two countries would soon extend the agreement on countervailing duties and subsidies. He said that Mexico would like U.S. views on Mexican adhesion to the GATT Subsidy Code. Mexico was not ready to negotiate a trade agreement along the lines of the recently negotiated U.S.-Canadian pact but the two countries could start discussing sectoral agreements. We had concluded important accords on steel, textiles, beer, and wine. Mexico was concerned about restrictive trade legislation now before the U.S. Congress and the GOM appreciated assurances from Ambassdor Yeutter that certain protectionist aspects of the proposed legislation were not acceptable to the U.S. administration. On graduation, he noted that the U.S. approach was that countries that had opened their markets would not have their benefits under GSP affected and therefore he expected the forthcoming GSP review to continue Mexico's GSP benefits. He appreciated very much the work that Ambassador Pilliod had done to facilitate trade cooperation.

Ambassador Yeutter said that he agreed with the remarks that Secretary Hernandez had made on bilateral trade issues and he particularly appreciated working with his Mexican counterpart. The Framework Agreement was off to a good start because it was doing what both sides had hoped it would. The two governments

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had cooperated on the Uruguay Round and Mexico had an ambassador in Geneva with whom we worked closely. He expressed condolences on the death Abel Garrido (the late Mexican trade negotiator). On cellular telephones, he expressed concern regarding Mexico's current work on standards; Japan and Sweden were working to promote their companies' products -- perhaps too vigorously in view of GATT commitments on the subject. He noted, too, that Proctor and Gamble was concerned about the pricing of its products under the current Mexican stabilization program which included price controls; a more timely price response to inflation was needed. Ambassador Yeutter opined that perhaps the most difficult problem in the trade area was on intellectual property; if the two countries could make some progress on that issue, the United States could try to do more for Mexico under the Generalized System of Preferences. With the graduation recently of four Asian newly industrialized countries, Mexico had become the largest beneficiary under the US GSP program. It could do even better should progress on intellectual property permit improved American treatment of imports from Mexico.

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SUBJECT: AMBASSADOR WALTERS'S LUNCH FOR
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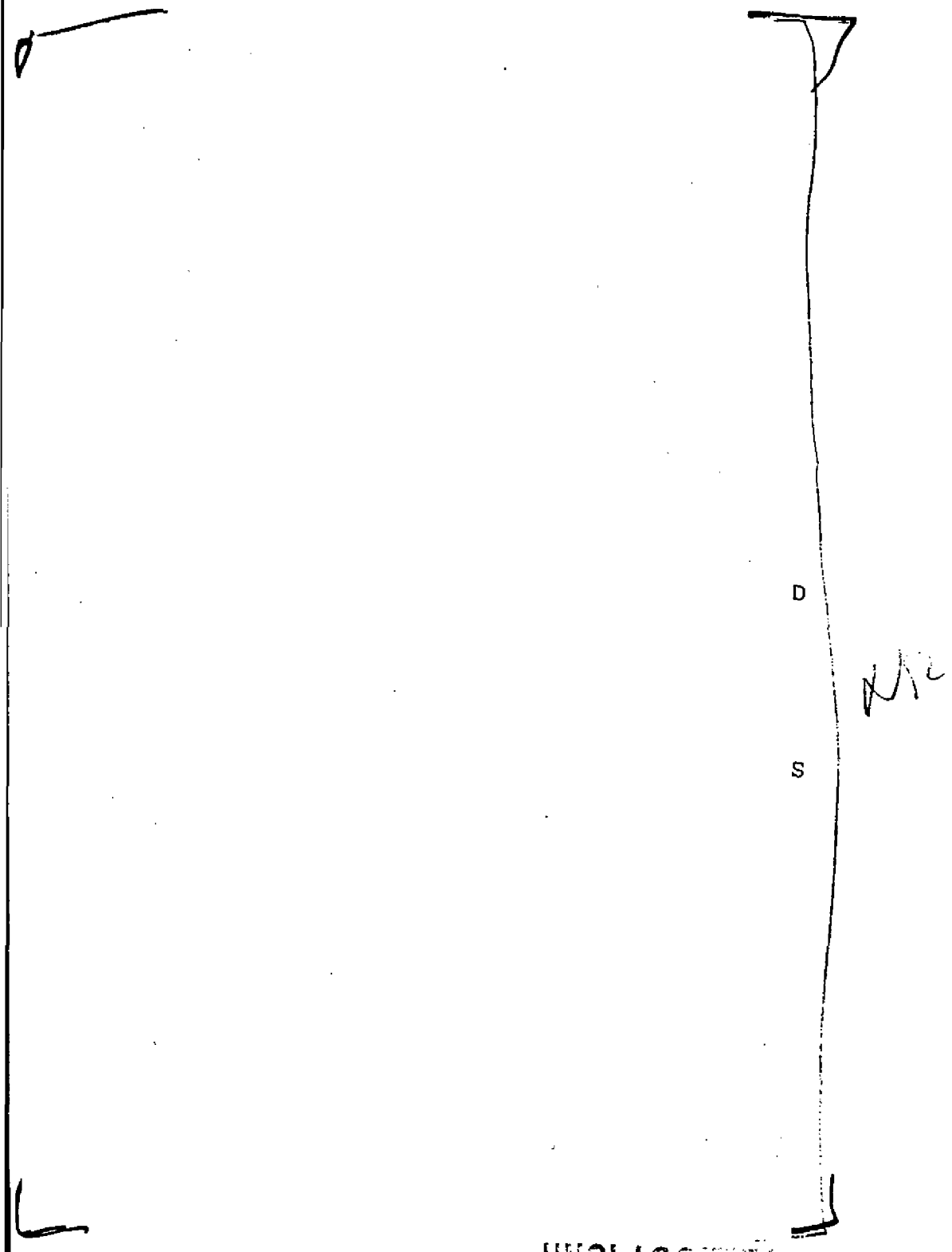
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C O N F I D E N T I A L SECTION 02 OF 03 USUN NEW YORK 00424

E.O. 12356: DECL: OADR
TAGS: UNHRC, PHUM, PREL, AR, BR, CS, MX, VE, XM
SUBJECT: AMBASSADOR WALTERS'S LUNCH FOR

5. MEXICAN AMBASSADOR MOYA THEN BROUGHT UP THE

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UNHRC RESOLUTION ON CHILE AND REMINDED AMBASSADOR WALTERS OF MEXICO'S STRONG REPUDIATION OF THE CHILEAN RESOLUTION ON THE HUMAN RIGHTS SITUATION IN MEXICO AT THE 42ND UNGA. MOYA CITED THE CHILEAN RESOLUTION AS AN EXAMPLE OF THE SPURIOUS POLITICIZATION OF HUMAN RIGHTS DISCUSSION AT THE UN. HE CITED THIS AS A REASON THE GOM WOULD MAINTAIN LAST YEAR'S STANCE ON THE CUBA RESOLUTION. HE THEN REQUESTED THE U.S. TO CONSIDER THE CHILE RESOLUTION "SERIOUSLY." AMBASSADOR WALTERS REPEATED THAT THE U.S. WOULD SUPPORT A FAIR, BALANCED AND HONEST RESOLUTION ON CHILE WHICH TOOK INTO ACCOUNT THE UN SPECIAL REPRESENTATIVE'S REPORT.

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C O N F I D E N T I A L SECTION 03 OF 03 USUN NEW YORK 00424

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E.O. 12356: N/A
TAGS: OVIP (REAGAN, RONALD)
SUBJECT: SITREP NUMBER 22 - FINAL WRAP-UP

REF: MEXICO 3075

1. THIS IS THE FINAL WRAP-UP CABLE IN OUR SERIES OF SIT-REPS CONCERNING THE FEBRUARY 13 MEETING IN MAZATLAN BETWEEN PRESIDENTS RONALD REAGAN AND MIGUEL DE LA MADRID.

2. SUMMARY: FROM THE PERSPECTIVE OF THE U.S. EMBASSY IN MEXICO, THE VISIT WAS SUCCESSFUL AND ACCOMPLISHED ITS MAJOR GOALS. WE HAVE EMERGED FROM THIS MEETING WITH RELATIONS BETWEEN THE TWO COUNTRIES AT THEIR HIGH POINT IN THE ADMINISTRATIONS OF PRESIDENTS REAGAN AND DE LA MADRID. MUCH INDEED HAS BEEN ACCOMPLISHED TO STRENGTHEN THE MEXICO-U.S. RELATIONSHIP OF WHICH BOTH PRESIDENTS AND BOTH COUNTRIES CAN BE JUSTIFIABLY PROUD. IN THE OPINION [redacted]

OF THIS EMBASSY, IF WE CAN MAINTAIN THESE POSITIVE FEELINGS AND THIS MUTUAL RESPECT AND AVOID ANY UNNECESSARY DE-STABILIZATION IN THE COMING MONTHS WE CAN VIRTUALLY ASSURE THAT THE NEXT PRESIDENT OF MEXICO WILL

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SELECT HIS CABINET MEMBERS FROM AMONG THOSE EXPERTS WHO WANT TO BUILD ON THE FOUNDATION WHICH THESE TWO LEADERS HAVE SET. END SUMMARY.

3. LOGISTICALLY ALL ARRANGEMENTS WERE SMOOTH. EMBASSY WOULD LIKE TO CONGRATULATE WHITE HOUSE LEAD ADVANCE STEVE TIEMANN WHO DID A MAGNIFICENT JOB, BOTH IN PLANNING ALL DETAILS OF THE VISIT, AND IN COORDINATING SMOOTHLY AND EFFECTIVELY WITH HIS MEXICAN COUNTERPARTS. THE COOPERATION WE RECEIVED FROM ALL LEVELS OF THE MEXICAN GOVERNMENT WAS OUTSTANDING. THEY OBVIOUSLY HAD TOP-DOWN INSTRUCTIONS TO BE FLEXIBLE AND FACILITATIVE. GOM PROTOCOL CHIEF AMBASSADOR PEDRO GONZALEZ RUBIO WAS PERSONALLY INVOLVED AND AVAILABLE TO MAKE DECISIONS OR TO GET FAST DECISIONS FROM MEXICO CITY AUTHORITIES WHEN NECESSARY.

4. SUBSTANTIVELY, ALTHOUGH THE COUNTERPART MEETING BEGAN ON A RATHER ACRIMONIOUS NOTE WITH SECRETARY SEPULVEDA DEPARTING FROM THE AGREED-UPON AGENDA TO EXPRESS HIS WISH TO DISCUSS THE TREATMENT OF MEXICANS IN THE U.S. AND BORDER LICENSING OF VEHICLES, SECRETARY SHULTZ RESTORED ORDER QUICKLY AND THE MEETING PROCEEDED AS PLANNED. PERHAPS FORTUITOUSLY, TIME WAS NOT SUFFICIENT TO DISCUSS ALL AGENDA ITEMS AND THE FOREIGN POLICY QUESTIONS WERE NOT DEALT WITH AT THE COUNTERPART LEVEL.

5. WHILE WE HAVE NOT HAD ACCESS TO THE DETAILED NOTES FROM THE TETE-A-TETE, AMBASSADOR PILLIOD, WHO ATTENDED [redacted]

THE DEBRIEFING WITH THE PRESIDENT, REPORTED THAT THE TWO PRESIDENTS DISCUSSED DRUGS, THE MEXICAN ECONOMIC SOLIDARITY PACT, THE ZERO COUPON BOND SWAP AND IMMIGRATION REFORM. PRESIDENT REAGAN MADE CLEAR TO PRESIDENT DE LA MADRID OUR DEDICATION TO PEACE IN CENTRAL AMERICA, OUR CONTINUING SUPPORT FOR THE DEMOCRATIC RESISTANCE IN NICARAGUA, AND OUR CONCERNS THAT MEXICAN POLICY IS TOO ONE-SIDEDLY PRO-SANDINISTA. THE PRESIDENT REPORTED THAT PRESIDENT DE LA MADRID DID NOT RESPOND TO THE CHARACTERIZATION OF MEXICAN POLICY. PRESIDENT REAGAN INDICATED THAT HE WAS SURPRISED BY PRESIDENT DE LA MADRID'S STRONG STATEMENT ON DRUG TRAFFICKING AND CONSUMPTION.

6. COVERAGE OF THE VISIT BY THE MEXICAN MEDIA WAS EXTENSIVE, PROMINENT AND POSITIVE. USIS HAS SENT DAILY

MEDIA REACTION CABLES INDICATING THE SCOPE AND DEPTH OF THE REACTION. SUFFICE IT TO MENTION HERE THREE COLUMNS FROM THREE LARGE CIRCULATION NEWSPAPERS ONE ON THE LEFT - UNO-MAS-UNO, ONE IN THE MIDDLE LEFT--EXCELSIOR, AND ONE IN THE MIDDLE RIGHT- EL SOL. LEFTIST NATIONALIST UNOMASUNO'S FEBRUARY 14 EDITORIAL SAID "IT SHOULD BE STRESSED THAT PROGRESS HAS BEEN ACHIEVED IN ECONOMIC AND FINANCIAL COOPERATION...ALL OF THIS IN THE CONTEXT OF THE REAGAN-DE LA MADRID RELATIONSHIP, MAINTAINED IN A CLIMATE OF CORDIALITY, DIGNITY AND MUTUAL RESPECT." EXCELSIOR'S COLUMNIST GARCIA SOLER NOTED "THE IMPORTANT THING IS THAT THE PRESIDENTS OF TWO NEIGHBORING AND SO DIFFERENT NATIONS CAN MEET, WITHOUT THINKING THAT THE WEAK ONE IS TOLD WHAT TO DO, OR THAT AUTONOMY CAN BE SUPPORTED ONLY BY OPEN AND NOISY CONFRONTATION." FINALLY EL SOL

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PAGE 01 MEXICO 03835 02 OF 02 182155Z
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USIA FOR AR

E.O. 12356: N/A
TAGS: OVIP (REAGAN, RONALD)
SUBJECT: SITREP NUMBER 22 - FINAL WRAP-UP

COLUMNIST JAVIER LOZADA SAID THAT THE MEETING "SET THE FOUNDATIONS FOR WHAT WILL BE MORE THAN A PEACEFUL COEXISTENCE DURING THE NEXT ADMINISTRATION IN BOTH COUNTRIES." POST BELIEVES THAT THIS EXCELLENT MEDIA TONE AND COVERAGE IS RESPONSIBLE IN PART TO THE CAREFUL AND THOROUGH SET OF PRESS INTERVIEWS AND BRIEFINGS AGREED TO BY ADMINISTRATION OFFICIALS.

PILLIOD

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PAGE 02 STATE 048951

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E.O. 12356: DECL: OADR
TAGS: UN, PHUM, UNHRC, CHILE
SUBJECT: 44TH SESSION OF THE UNHRC: POSITION PAPER ON CHILE

1. ~~CONFIDENTIAL~~ ENTIRE TEXT.

2. THE FOLLOWING POSITION PAPER, DRAWN FROM AN ACTION MEMORANDUM APPROVED BY THE SECRETARY IS FOR USDEL'S USE FOR AGENDA ITEM 5 AND 12 AT THE 44TH SESSION OF THE UNHRC. SELECTED INFO POSTS LATER MAY BE CALLED UPON TO PRESENT TO HOST GOVERNMENTS U.S. VIEWS CONCERNING CHILE, DRAWING UPON THE TALKING ELEMENTS BELOW.
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3. FOR INFO ADDRESSEES: SHOULD YOU RECEIVE QUERIES FROM HOST GOVERNMENTS ON THIS SUBJECT, YOU MAY DRAW ON TALKING POINTS IN PARA 9, BELOW, ENCOURAGE FRIENDLY DELEGATIONS TO WORK WITH OUR DELEGATION AT GENEVA, AND REPORT HOST GOVERNMENT VIEWS. IN THAT EVENT, HOWEVER, TEXT OF "SUGGESTED ELEMENTS FOR A CHILE HUMAN RIGHTS RESOLUTION," GIVEN BELOW IN PARA 10, SHOULD NOT RPT NOT BE DISSEMINATED IN CAPITALS AT THIS TIME, PENDING READOUT FROM GENEVA.

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4. PROBLEM:

HOW CAN THE U.S. BEST ACHIEVE A BALANCED RESOLUTION REFLECTIVE OF THE SPECIAL RAPPORTEUR'S REPORTS WHICH THE U.S. COULD SUPPORT ON THE SITUATION OF HUMAN RIGHTS IN CHILE

5. RELATIVE IMPORTANCE TO THE U.S.:

PASSING A BALANCED RESOLUTION ON THE HUMAN RIGHTS SITUATION IN CHILE IN LARGE PART BASED ON THE RAPPORTEUR'S REPORTS IS OF GREAT IMPORTANCE TO THE U.S.

6. U.S. POSITION:

PASSAGE OF A BALANCED RESOLUTION ON CHILE BASED ON THE REPORTS OF THE SPECIAL RAPPORTEUR WOULD ENHANCE THE CREDIBILITY OF THE U.S. HUMAN RIGHTS POSITION AND ENCOURAGE THE RESTORATION OF DEMOCRACY IN CHILE. BY SUPPORTING SUCH A RESOLUTION, THE U.S. WOULD UNDERCUT THE EFFORTS OF THE FAR LEFT TO TAKE THE INITIATIVE ON CHILE AND ISOLATE THE U.S. FROM OTHER DEMOCRATIC COUNTRIES AT THIS KEY MOMENT IN CHILEAN POLITICAL HISTORY.

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IN 1988 AS NEVER BEFORE, THE CHILEAN GOVERNMENT, MILITARY, AND OPPOSITION ARE WATCHING US CLOSELY FOR ANY SHIFT THAT SUGGESTS WE MIGHT BE WAVERING IN OUR CONVICTION THAT THE TIME TO RETURN TO DEMOCRACY IS NOW, OR THAT WE ARE LESS CONCERNED ABOUT HUMAN RIGHTS IN CHILE THAN BEFORE. OUR YES VOTE ON A BALANCED RESOLUTION WOULD BE WELL REGARDED BY EUROPE, LATIN AMERICAN MODERATES AND CHILEAN DEMOCRATS AND WOULD MAINTAIN THE CONSISTENCY OF THE U.S. POLICY ON HUMAN RIGHTS.

EQUALLY IMPORTANT, NEGOTIATING A FAVORABLE RESOLUTION ON CHILE THAT WE CAN SUPPORT COULD ASSIST OUR EFFORT TO PASS A RESOLUTION ON CUBA. WHILE THE U.S. RECOGNIZES THE IMPORTANT DIFFERENCES BETWEEN THE CASE OF CHILE AND THAT OF CUBA, THE U.S. NEEDS TO REMAIN UNCOMPROMISING

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THE DEMAND FOR RESPECT FOR HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN BOTH COUNTRIES.

7. INSTRUCTIONS:

USDEL UNHRC SHOULD RAISE THIS MATTER AT THE NEXT MEETING OF THE WESTERN GROUP AND OTHERS (WEOG).

USDEL SHOULD
STRONGLY URGE INTERESTED WEOGS TO WORK TO PRODUCE AN ACCEPTABLE, BALANCED TEXT AT THE EARLIST OPPORTUNITY, AND REPORT PROMPTLY BY CABLE AS TO DEVELOPMENTS ON THIS ISSUE.

USDEL MAY NOT, REPEAT NOT, INTRODUCE A RESOLUTION ON CHILE; IT SHOULD, HOWEVER, DRAW UPON THE FOLLOWING "SUGGESTED ELEMENTS FOR A CHILE HUMAN RIGHTS

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RESOLUTION" GIVEN IN PARAGRAPH 10 IN TALKING WITH OTHER DELEGATIONS TO ENCOURAGE ACHIEVEMENT OF A BALANCED RESOLUTION WHICH THE U.S. COULD SUPPORT.

8. BACKGROUND:

THE MEXICAN DELEGATION TRADITIONALLY HAS INTRODUCED RESOLUTIONS ON CHILE IN THE UNGA AND IN THE UNHRC. THE U.S., IN THE PAST, FOUND THESE RESOLUTIONS UNBALANCED AND VOTED AGAINST THEM. AT THE 1986 SESSION OF THE UNHRC, THE COMMISSION UNANIMOUSLY ADOPTED A TEXT DRAWN TO A LARGE DEGREE FROM THE U.S. DRAFT RESOLUTION ON CHILE. AT THE 1987 SESSION, THE U.S. DID NOT PRESENT A DRAFT RESOLUTION ON CHILE, BUT OUR DELEGATION UNDERTOOK LONG NEGOTATIONS THAT MODIFIED MEXICO'S TEXT SUFFICIENTLY TO ALLOW FOR CONSENSUS ADOPTION.

SINCE 1978, THE COMMISSION HAS DESIGNATED A SPECIAL RAPPORTEUR FOR CHILE AND THE CURRENT RAPPORTEUR, FERNANDO VOLIO OF COSTA RICA, A STAUNCH DEFENDER OF DEMOCRACY, HAS CONSISTANTLY PROVIDED BALANCED AND FACTUAL REPORTS ON THE HUMAN RIGHTS SITUATION IN CHILE AND HAS PERSONALLY INTERVENED IN SOME HUMAN RIGHTS CASES.

9. TALKING POINTS:

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WHILE THE SITUATION OF HUMAN RIGHTS IN CHILE REMAINS UNSATISFACTORY, THE U.S. IS ENCOURAGED BY THE REPORT OF THE SPECIAL RAPPORTEUR INDICATING THAT THE NUMBER OF POLITICAL EXILES HAS DECLINED, THAT SOME PROGRESS HAS BEEN MADE IN LIMITING ABUSES BY SECURITY FORCES, AND THAT RESTRICTIONS ON THE MEDIA HAVE BEEN SOMEWHAT EASED. IT IS IMPORTANT, THEREFORE, THAT THE COMMISSION'S EVENTUAL RESOLUTION THIS YEAR REFLECT AS MUCH AS POSSIBLE THE RAPPORTEUR'S CONCLUSIONS AND

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RECOMMENDATIONS.

A BALANCED RESOLUTION SHOULD EXPRESS CONCERN OVER HUMAN RIGHTS VIOLATIONS COMMITTED BY BOTH THE CHILEAN GOVERNMENT AND FAR LEFT AND FAR RIGHT TERRORIST GROUPS.

10. SUGGESTED ELEMENTS FOR A CHILE HUMAN RIGHTS RESOLUTION:

A). POINTS FOR PREAMBLE:

HUMAN RIGHTS COMMISSION'S RESPONSIBILITY TO PROMOTE AND ENCOURAGE RESPECT FOR HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS; ITS DETERMINATION TO REMAIN VIGILANT WITH REGARD TO VIOLATIONS OF HUMAN RIGHTS WHEREVER THEY OCCUR.

CHILEAN GOVERNMENT'S OBLIGATION TO RESPECT AND PROTECT HUMAN RIGHTS IN ACCORDANCE WITH THE INTERNATIONAL INSTRUMENTS TO WHICH CHILE IS A PARTY, AN OBLIGATION WHICH IS NOT DIFFERENT FROM THAT OF ANY OTHER GOVERNMENT WHICH IS A PARTY TO INTERNATIONAL HUMAN RIGHTS INSTRUMENTS.

SUCCESSIVE UNHRC RESOLUTIONS ON THE SITUATION OF HUMAN RIGHTS IN CHILE SHOULD BE CITED, AND IN PARTICULAR RESOLUTION 11 (XXXV) OF 6 MARCH 1979, BY WHICH THE COMMISSION APPOINTED A SPECIAL RAPPORTEUR; AND RESOLUTION 1987/60 (MARCH 12, 1987), IN WHICH THE COMMISSION AGREED MOST RECENTLY TO EXTEND THE MANDATE OF THE SPECIAL RAPPORTEUR FOR ONE MORE YEAR, AND TO GIVE HIGH PRIORITY TO THE STUDY OF THIS ISSUE.

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THE GENERAL ASSEMBLY ALSO EXPRESSED CONCERN ON THE SITUATION OF HUMAN RIGHTS IN CHILE, IN RESOLUTION A/RES/42/147 (DECEMBER 7, 1987), WHICH INVITED THE COMMISSION ON HUMAN RIGHTS TO TAKE THE MOST APPROPRIATE STEPS FOR THE EFFECTIVE RESTORATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN CHILE, INCLUDING THE MAINTENANCE OF THE SPECIAL RAPPORTEUR.

B). POINTS FOR OPERATIVE LANGUAGE:

COMMEND THE SPECIAL RAPPORTEUR FOR HIS REPORT ON THE SITUATION OF HUMAN RIGHTS IN CHILE.

THE GOVERNMENT OF CHILE HAS PERMITTED THE SPECIAL RAPPORTEUR TO ENTER THE COUNTRY AND PROVIDED THE COOPERATION AND FREEDOM OF ACCESS TO PERSONS OF ALL SOCIAL, POLITICAL AND ECONOMIC INTERESTS NECESSARY FOR HIS INVESTIGATIONS. THIS IS A POSITIVE ELEMENT.

THE CHILEAN GOVERNMENT HAS NOW SIGNED THE UNITED NATIONS AND ORGANIZATION OF AMERICAN STATES CONVENTIONS ON TORTURE. THIS TOO IS A POSITIVE STEP, BUT THE GOVERNMENT SHOULD ALSO BE URGED TO RATIFY THOSE CONVENTIONS AND PUBLISH ITS RATIFICATION IN THE DIARIO OFICIAL, AND THEN TO IMPLEMENT THEM FULLY.

SIGNIFICANT HUMAN RIGHTS VIOLATIONS IN CHILE NEVERTHELESS PERSIST, AS DESCRIBED IN THE REPORT OF THE SPECIAL RAPPORTEUR (REFERS TO AGGRAVATED HOMICIDES ALLEGEDLY COMMITTED BY PERSONS SUBJECT TO MILITARY JURISDICTION, TORTURE AND ABUSES BY SECURITY FORCES, ACTS OF OFFICIAL AND PRIVATE VIOLENCE, INCLUDING TERRORISM, THE PRECARIOUS SITUATION OF THE CHILEAN MEDIA, AND THE SUPPRESSION OF FUNDAMENTAL RIGHTS AND FREEDOMS THROUGH THE MAINTENANCE OF ARBITRARY EXECUTIVE POWERS DURING STATES OF EMERGENCY). THESE ARE ALL

CAUSE FOR CONTINUING CONCERN.

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ANOTHER SUBJECT OF CONCERN IS THE KIDNAPPINGS AND OTHER ACTS OF VIOLENCE WHICH HAVE OCCURRED IN THE ATMOSPHERE OF INSECURITY EXISTING IN CHILE; THESE ACTS OF VIOLENCE, COMING FROM WHATEVER POLITICAL EXTREME, FURTHER POLARIZE EXISTING DIVISIONS.

WE SHOULD ALSO CALL ATTENTION TO THE SUFFERING IMPOSED ON VICTIMS OF TERRORISM.

A LEGAL AND POLITICAL STRUCTURE, BASED ON THE CONSENT OF THE GOVERNED, EMERGING FROM A CIVILIZED AND CONSTRUCTIVE NATIONAL DIALOGUE, REPRESENTATIVE OF THE WILL OF THE PEOPLE AS EXPRESSED IN FREE ELECTIONS, AND RESPECTING THE FULL EXERCISE OF LEGAL RIGHTS IS ESSENTIAL TO THE FULL OBSERVANCE OF HUMAN RIGHTS IN CHILE, AS IN ANY OTHER NATION.

IT IS IMPORTANT TO ENCOURAGE THE CHILEAN GOVERNMENT SPECIFICALLY TO CONTINUE STEPS TO FACILITATE THE REGISTRATION OF THE LARGEST POSSIBLE NUMBER OF VOTERS AND TO EASE FURTHER LEGAL RESTRICTIONS ON THE FORMATION OF POLITICAL PARTIES AND THEIR PARTICIPATION IN THE ELECTORAL PROCESS.

SIMILARLY, THE CHILEAN GOVERNMENT SHOULD TAKE ALL POSSIBLE STEPS TO BROADEN AND GUARANTEE THE RIGHT OF POLITICAL PARTIES TO CAMPAIGN PEACEFULLY.

IT SHOULD ALSO TAKE STEPS WHICH WOULD LEAD TO THE RETURN TO FULL DEMOCRACY UNDER A CIVILIAN GOVERNMENT CHOSEN IN A FAIR, FREE AND OPEN ELECTION.

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WE SHOULD RECOGNIZE POSITIVE STEPS UNDERTAKEN BY THE GOVERNMENT, INCLUDING THE ACTIVITIES OF THE ADVISORY COMMISSION ON HUMAN RIGHTS WITHIN THE MINISTRY OF THE INTERIOR, AND THE PERMISSION GRANTED TO NUMEROUS INTERNATIONAL FIGURES AND GROUPS TO ENTER CHILE TO GATHER INFORMATION ON HUMAN RIGHTS CONDITIONS.

BUT WE SHOULD EXPRESS SPECIAL CONCERN OVER THE FAILURE OF THE AUTHORITATIVE INSTITUTIONS TO ENSURE THE

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THOROUGH INVESTIGATION AND PROSECUTION OF THE MANY UNSOLVED CASES OF MURDER, KIDNAPPING AND TORTURE AS WELL AS THE MANY CASES OF DISAPPEARANCES.

WE SHOULD URGE THE CHILEAN GOVERNMENT TO:

-- RESPECT HUMAN RIGHTS FULLY AND TO RE-ESTABLISH DEMOCRATIC INSTITUTIONS AND THE PRINCIPLE OF LEGALITY IN CONFORMITY WITH THE UNIVERSAL DECLARATION OF HUMAN RIGHTS, WHICH ARE ESSENTIAL TO THE EFFECTIVE ENJOYMENT AND EXERCISE OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS AND ARE IN THE BEST DEMOCRATIC TRADITION OF CHILE.

-- REVERSE THE TREND TOWARD GREATER JURISDICATION OF MILITARY COURTS IN CRIMINAL CASES AND RE-ESTABLISH TRADITIONAL CIVIL COURT JURISDICTION.

-- RETURN CHILE TO THE RULE OF LAW BY REVOKING ALL STATES OF EXCEPTION, BEGINNING WITH THE STATE OF EMERGENCY.

-- TAKE AT LEAST THE FOLLOWING STEPS, IN CONFORMITY WITH THE SPECIFICALLY LABELLED RECOMMENDATIONS OF THE SPECIAL RAPPORTEUR AND THOSE SET FORTH ELSEWHERE IN THAT DOCUMENT, AND ADOPT THE MEASURES NECESSARY AND CONDUCIVE THERETO:

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PROCEED VIGOROUSLY THROUGH JUDICIAL AND ADMINISTRATIVE ACTION TO INVESTIGATE ALL REPORTS OF

TORTURE, KILLINGS, KIDNAPPINGS OR OTHER HUMAN RIGHTS VIOLATIONS BY THE SECURITY FORCES AND TAKE APPROPRIATE ACTION AGAINST ALL PERSONS FOUND GUILTY OF SUCH VIOLATIONS.

UNDERTAKE COMPLETE AND EFFECTIVE INVESTIGATIONS OF HUMAN RIGHTS VIOLATIONS, ASSURING IN ALL SUCH INVESTIGATIONS THE INDEPENDENCE OF THE JUDICIARY AND THE MAXIMUM EFFECTIVENESS OF JUDICIAL REMEDIES, PARTICULARLY AMPARO AND HABEAS CORPUS.

PROCEED VIGOROUSLY TO END THE ACTIVITIES OF GROUPS

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AND BANDS, WHETHER PRIVATE OR CONNECTED WITH SECURITY FORCES, WHICH HAVE BEEN REPORTED TO BE RESPONSIBLE FOR KIDNAPPINGS, INTERROGATIONS, INTIMIDATION AND BEATINGS OF ORDINARY CITIZENS, AND PUNISH THOSE RESPONSIBLE, ESPECIALLY THE LEADERS OF THESE GROUPS.

PROVIDE FOR THE PROTECTION OF PUBLIC ORDER AGAINST ACTS OF VIOLENCE BY PUNISHING PERSONS FOUND TO HAVE BEEN GUILTY OF SUCH ACTS, THROUGH THE EXERCISE OF DUE PROCESS OF LAW AND RESPECT FOR THE RIGHTS OF THE ACCUSED, WITHOUT USING TERRORISM AS A JUSTIFICATION FOR ANY ABUSE OF AUTHORITY.

ALLOW THE RETURN OF ALL CHILEAN CITIZENS NOW LIVING ABROAD WHO WISH TO RETURN, AND RECOGNIZE THEIR CONTINUING RIGHT TO ENTER AND LEAVE FREELY,

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ACKNOWLEDGING THAT THE CHILEAN GOVERNMENT HAS MADE PROGRESS IN THIS REGARD DURING 1987.

PERMIT, AS PART OF AN EFFORT TO STRENGTHEN THE ALREADY EXISTING WIDE DIVERSITY OF POLITICAL OPINION EXPRESSED IN CHILEAN MEDIA, INCREASED ACCESS TO THE MEDIA, PARTICULARLY TELEVISION MEDIA, BY ALL POLITICAL GROUPS COMMITTED TO DEMOCRACY AND NON-VIOLENCE.

RESPECT ACTIVITIES RELATED TO THE DEFENSE AND PROMOTION OF HUMAN RIGHTS.

ENSURE THAT THE COOPERATION BETWEEN THE SECURITY FORCES AND THE INTERNATIONAL COMMITTEE OF THE RED CROSS, UNDER THE TERMS OF THE ACCORDS REACHED AMONG THEM, BE INCREASINGLY EXPANDED.

ADOPT AND IMPLEMENT THE CONSTITUTIONAL FUNDAMENTAL ACTS RELATING TO VOTING RIGHTS, PARTICULARLY THE FUNDAMENTAL ELECTORAL ACT.

THE COMMISSION SHOULD EXTEND THE MANDATE OF THE SPECIAL RAPPORTEUR FOR ONE YEAR AND REQUEST HIM TO REPORT ON THE SITUATION OF HUMAN RIGHTS IN CHILE TO THE GENERAL

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ASSEMBLY AT THE GENERAL ASSEMBLY'S FORTY-THIRD SESSION AND THE COMMISSION ON HUMAN RIGHTS AT ITS FORTY-FIFTH SESSION.

IT SHOULD ALSO RECOMMEND TO THE ECONOMIC AND SOCIAL COUNCIL THAT IT MAKE APPROPRIATE ARRANGEMENTS TO ENSURE THAT THE NECESSARY FINANCIAL RESOURCES AND SUFFICIENT STAFF ARE PROVIDED TO IMPLEMENT THE PRESENT RESOLUTION.

FINALLY, THE COMMISSION SHOULD DECIDE TO CONSIDER, UNDER THE AGENDA ITEM "QUESTION OF THE VIOLATION OF

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HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD," AT ITS FORTY-FIFTH SESSION, AS A MATTER OF HIGH PRIORITY, THE HUMAN RIGHTS SITUATION IN CHILE.
END ELEMENTS. SHULTZ

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DONALD W. RIEGLE, JR.
MICHIGAN

COMMITTEES:
BANKING, HOUSING, AND URBAN AFFAIRS
COMMERCE, SCIENCE, AND TRANSPORTATION
FINANCE
BUDGET

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United States Senate

WASHINGTON, DC 20510

Chile Project (#S19990030)
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February 18, 1988

Mr. J. Edward Fox
Assistant Secretary for Legislative Affairs
Department of State
Washington, D.C. 20520

Dear Secretary Fox,

Recently, I was contacted by Dr. Jan Zahrly expressing concern over a human rights case in Chile. Dr. Zahrly is particularly concerned with the recent death threats to Miguel Angel Alfaro and German Oschsenius. I am enclosing a copy of the constituent's correspondence for your information.

I find this matter disturbing and would appreciate it if you could investigate the concerns raised in the attached letter. Please direct any questions or correspondence to Denise Sullivan Pernick of my staff, at SD-105 Dirksen Senate Office Building, Washington, D.C. 20510.

Thank you for your attention to this matter.

Sincerely,

Donald W. Riegle, Jr.

DWR/dsp

ENCLOSURE

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United States Senate

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U.S. Department of State
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Exemption(s) [redacted]

Date: February 18, 1988

Respectfully referred to:

Office of Congressional Liaison
U.S. Dept. of State
Wash., DC 20520

Because of the desire of this office to be responsive to all inquiries and communications, your consideration of the attached is requested.

Please return your findings and views, in duplicate form, along with the enclosed correspondence to:

Senator William S. Cohen
Attn: Sally Lounsbury
SH-322
Washington, D.C. 20510

Thank you.

Sincerely,

William S. Cohen
United States Senator

WSCsal
Enclosure
Re: Marilyn Roper - Chile

FAIM/IAP/WI

RECEIVED BY DEPARTMENT OF STATE
88 FEB 26 AM 9:32

88 FEB 26 AM 9:33

Re: death threats against Miguel Angel Alfaro and German Oschsenius in Chile.

Fr: Marilyn Roper

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BOB GRAHAM
FLORIDA

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United States Senate

WASHINGTON, DC 20510

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EXCISE

February 18, 1988

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Chile Project (#S199900030)
U.S. Department of State
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Exemption(s) B-C

Honorable Harry G. Barnes
American Embassy
SanAiago Chili
APO Miami 34033

Dear Ambassador Barnes:

Enclosed is a letter I have received from [redacted] concerning the disappearance of Jose Julian Pena Maltes, age 37, Manuel Jesus Sepulveda Sanchez, age 28, Alejandro Alberto Pinochet Arenas, age 23, Gonzalo Ivan Fuenzalida Navarrete, age 26, and Julio Orlando Munoz Otarola, age 34, in Santiago in September 1987.

I would appreciate your reviewing this situation and providing me with any information you might have which would help me respond to my constituent's concern. Please send your reply to my South Florida office, at 44 West Flagler Street, Suite 650, Miami, Florida 33130.

Thank you for your cooperation and assistance. I will look forward to receiving your response soon.

With kind regards,

Sincerely,

Bob Graham

United States Senator

BG/mer

Enclosure

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 DEPARTMENT OF STATE

BRIEFING PAPER

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POINT PAPER: MEXICO -- NARCOTICS

OVERVIEW:--NARCOTICS IN MEXICO

-- Mexico is the largest single foreign supplier of marijuana and heroin to the United States; one third of the cocaine consumed in the United States transits Mexico.

-- Congress, unsatisfied with Mexico's efforts, threatens to impose sanctions provided in the Anti-Drug Abuse Act of 1986.

-- Intimidation and corruption by traffickers remain problems.

RECENT DEVELOPMENTS

-- Eradication results against marijuana and opium poppy in 1986 and 1987 improved but production is spreading and increasing.

  - o Efforts to remedy aviation asset mismanagement, and alleviate pilot shortage are slow.

-- Mexican drug arrests and cocaine seizures are up in 1987 but significant enforcement efforts usually occur because of DEA intelligence or presence.

  - o Trials in the Camarena and Cortez cases are perceived to be proceeding too slowly.

-- Mexican Senate has ratified the Mutual Legal Assistance Treaty (MLAT) that we signed in December.

  - o Mexico has turned over many non-Mexicans to U.S. enforcement authorities but has never used the U.S.-Mexico Extradition Treaty.

-- As an adjunct of the U.S. anti-drug border effort, Operation Alliance, Mexico has agreed to plan joint operations in which each country will operate on its respective side of the border but has refused a proposal for joint overflights for purposes of radar detection and interdiction of drug-smuggling planes.

WHAT NEEDS TO BE DONE

-- De la Madrid must be convinced that narcotics trafficking poses a significant threat to Mexican political stability.

-- Emphasis should be on building a mechanism to transmit high level political will effectively to the working level.

  - o The Mexican President should be urged to create a high-level autonomous oversight commission to monitor the effectiveness and integrity of drug programs and personnel.

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POINT PAPER: MEXICAN IMMIGRATION

OVERVIEW

Immigration, legal and illegal, has a major impact on U.S.-Mexican relations. The U.S. issues more immigrant visas to Mexican nationals than to citizens of any other country -- 55,000 in FY 87. Visitors visas totalled nearly a half a million in the same period.

To cope with the twin issues of illegal immigration and the need for Mexican agricultural laborers, the Congress passed the Immigration Reform and Control Act (IRCA) of 1986. Both the Executive Branch and a Congressional Commission headed by former Ambassador Diego Asencio have discussed implementation of the new law with senior Mexican officials. While Mexico welcomes the safety valve and dollar remittances of Mexican workers in the U.S., the GOM is chary of appearing to encourage immigration.

RECENT DEVELOPMENTS: THE IMMIGRATION REFORM AND CONTROL ACT (IRCA)

-- The Government of Mexico (GOM) is concerned about the impact of IRCA legislation on its economy. Of special interest to the GOM are:

-- The Special Agricultural Worker (SAW) and H-2A temporary agricultural worker programs. Both are designed to provide farm labor in the U.S. One program (SAWs) is designed to lead to permanent residence while the other does not. 146,000 Mexicans have applied for SAW status; only a few thousand for H-2A's. The GOM favors the H-2A program because they fear the SAW program will result in the permanent loss of skilled manpower in Mexico.

-- Legalization provisions under IRCA have benefited more than a half million illegal Mexicans. The effect of the new law has been to regularize their status.

WHAT NEEDS TO BE DONE

-- Fuller implementation of IRCA will be mutually beneficial to both Governments. We recommend you:

- o Indicate the USG is prepared to consult with the GOM on any immigration matter arising out of IRCA that could cause friction between our two countries.
- o Point out that the legislation has not resulted in massivedeportation of Mexicans but rather legal status for many.
- o Emphasize that the special agricultural programs in IRCA can provide significant foreign exchange for Mexico from remittances by Mexican nationals legally in the U.S.

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POINT PAPER: MUTUAL LEGAL ASSISTANCE TREATY

OVERVIEW: MUTUAL LEGAL ASSISTANCE TREATIES AND US AGENDA

-- Mutual legal assistance treaties ("MLATS") are an important law enforcement tool, developed over the past 10-20 years. They establish mechanisms by which the Justice Department of one country will help obtain within its territory evidence, records, witness testimony, etc. needed by the law enforcement authorities in the other country.

-- The MLAT with Mexico has been a USG priority since the late 1970's; it is particularly important because Mexico is a border state and, a major narcotics producing and transit state. It is the first Latin American country with which the US has negotiated an MLAT.

RECENT DEVELOPMENTS

-- The Mutual Legal Assistance Treaty was signed in Mexico City in December 1987 and ratified by the Mexican Congress on December 29.

-- You recently transmitted the MLAT to the US Senate for its consideration (at White House as of 1/28).

WHAT NEEDS TO BE DONE

-- The Administration has made obtaining Senate advice and consent to the MLAT a top priority, after consideration of the INF treaty.

-- Some Senators may balk at giving advice and consent to the MLAT because they perceive a lack of GOM cooperation in other areas of anti-narcotics trafficking cooperation, and do not believe Mexico will implement the MLAT in good faith. GOM cooperation in narcotics matters across the board in the coming months will assist the Administration in convincing the Senate that the MLAT should be approved because it will be an important tool in anti-trafficking cooperation.

o Of particular importance would be the extradition to the United States of major traffickers, such as Veronica Kiera-Wahl, and other criminals, including Puerto Rican terrorist William Guillermo Morales under the existing bilateral extradition treaty. Although Mexico has expelled numerous criminals to the US informally it has never extradited anyone to the United States under the 1979 Extradition Treaty. Senate critics point to this record as evidence that Mexico will not meet its obligations under the new MLAT.

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POINT PAPER: POPULATION

I. OVERVIEW

-- Mexico hosted the 1984 International Conference on Population, and President de la Madrid addressed it.

-- Mexico is the eleventh most populous country, with 81.9 million people. Population is expected to be about 104 million by 2000.

-- Urban population is a staggering 70 percent. Mexico City's estimated population of 18 million (23 percent of the total population) is increasing at 3.5 percent annually.

-- Official policy is to decrease population growth chiefly by modifying fertility through voluntary family planning.

-- Population policy is considered a fundamental instrument for development and a highly effective health measure.

II. RECENT DEVELOPMENTS

-- The GOM now spends $85-90 million annually on its population programs which serve as a model for many developing countries.

-- The population growth rate dropped from 3.7 percent in 1974 to about 2 percent in 1987. The GOM's goal is a further reduction to 1.9 percent in 1988 and to 1.0 percent by 2000.

-- The GOM credits its family planning programs for a 43 percent drop in the illegal abortion rate over the last 10 years.

-- In spite of successful programs, about one half of the population currently is under 15 years of age. Unemployment is high; almost a million persons enter the workforce annually and the current labor force of 28 million will double in 10-14 years.

III. WHAT NEEDS TO BE DONE

-- President de la Madrid is a strong supporter of family planning and is proud of his role in the success of Mexico's population programs.

o We should recognize his support and the programs' success.

-- In 1987 the United States contributed approximately $7 million to Mexico's family planning effort.

o The U.S. should continue its assistance to Mexico's family planning efforts.

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C O N F I D E N T I A L STATE 051968

E.O. 12356: DECL:OADR
TAGS: PHUM, UNHRC-1, CI
SUBJECT: CHILEAN AMBASSADOR CHARGES THAT OUR ANNUAL COUNTRY REPORT ON HUMAN RIGHTS FOR CHILE IS AN EFFORT TO DESTABILIZE THE GOVERNMENT

1. SUMMARY: GOC AMBASSADOR ERRAZURIZ, IN DISCUSSIONS WITH HA A/S SCHIFTER FEBRUARY 16, ASSERTED THAT THE 1987 COUNTRY REPORT ON CHILE IS FILLED WITH ERRORS, FAILS TO NOTE IMPROVEMENTS, AND IS AN EFFORT TO DESTABILIZE THE GOC. SCHIFTER REFUTED ERRAZURIZ'S ALLEGATIONS AND SAID HE WOULD STUDY ANY WRITTEN CRITIQUE WHICH THE GOC EMBASSY WILL PREPARE. ERRAZURIZ ALSO COMPLAINED ABOUT LACK OF U.S. SUPPORT FOR MOVING THE CONSIDERATION OF CHILE FROM AGENDA ITEM 5 TO 12 AT THE UNHRC. END SUMMARY

2. DURING A MEETING WITH A/S SCHIFTER ON FEBRUARY 16 IN THE HUMAN RIGHTS BUREAU, CHILEAN AMBASSADOR ERRAZURIZ SAID THAT THE 1987 COUNTRY REPORT ON HUMAN RIGHTS IS

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"NON-CONSTRUCTIVE," FILLED WITH ERRORS, AND FAILS TO REFLECT IMPROVEMENTS MADE DURING 1987. THE GOC, HE SAID, SEES THE REPORT AS AN EFFORT TO DESTABILIZE THE GOVERNMENT. THE NET EFFECT OF THIS "NEGATIVE" REPORT HAS FRUSTRATED THE VERY GOC OFFICIALS WHO WERE INSTRUMENTAL IN IMPROVING HUMAN RIGHTS. ERRAZURIZ ADDED THAT THE

COUNTRY REPORT IS IN SHARP CONTRAST TO UN RAPPORTEUR VOLIO'S REPORT WHICH PRESENTS A MORE POSITIVE PICTURE OF THE HUMAN RIGHTS SITUATION. ERRAZURIZ CITED THE REPORT'S OVERALL LENGTH AS AN EXAMPLE OF THE UNFAIR TREATMENT OF CHILE. (FYI: THE CHILE REPORT AT 18 PAGES IS THE MOST LENGTHY IN ARA. END FYI) SCHIFTER CONCEDED THE POINT ON LENGTH AND SAID THAT WE WILL ADDRESS THIS IMBALANCE IN NEXT YEAR'S COUNTRY REPORT.

3. SCHIFTER RESPONDED TO THE REST OF ERRAZURIZ'S ALLEGATIONS BY READING KEY PASSAGES FROM THE REPORT TO DEMONSTRATE THAT IT DOES, IN FACT, LIST IMPROVEMENTS AND URGED ERRAZURIZ TO EXAMINE THE REPORT CAREFULLY. ERRAZURIZ AGREED TO PREPARE A DETAILED CRITIQUE OF THE COUNTRY REPORT CITING POSSIBLE ERRORS AND OTHER COMPLAINTS. ERRAZURIZ SAID HIS FULL-TIME EMBASSY HUMAN RIGHTS OFFICER WOULD PREPARE AN UNOFFICIAL CRITIQUE FOR OUR COMMENTS. SCHIFTER TOLD ERRAZURIZ THAT IF HE WOULD RE-EXAMINE THE REPORT, HE WILL SEE THAT IT DOES LIST IMPROVEMENTS AND TAKES GREAT CARE TO LIST TERRORIST ACTIVITIES AS WELL. SCHIFTER ADDED THAT HE ALSO HIGHLIGHTS CHILE'S POSITIVE EFFORTS IN HUMAN RIGHTS IN HIS PUBLIC APPEARANCES AND IN CONVERSATIONS WITH FOREIGN GOVERNMENT OFFICIALS.

4. WITH CONSIDERABLE EMOTION, ERRAZURIZ SAID THAT HE

HAD NOW LOST HIS PERSONAL CREDIBILITY WITH HIS OWN GOVERNMENT BECAUSE OF THE "NEGATIVE" REPORT. HUMAN RIGHTS, HE ARGUED, IS THE CAUSE FOR THE DETERIORATION OF U.S.-CHILEAN RELATIONS AS EVIDENCED BY OUR ABSTENTION AT THE WORLD BANK, THE SUSPENSION OF GSP AND OPIC GUARANTEES, AND THE LACK OF SUPPORT FOR CONSIDERATION OF CHILE UNDER ITEM 5 AT THE UNHRC. IN ERRAZURIZ'S VIEW,

ALMOST ALL LEVERAGE THE USG ONCE HAD OVER CHILE IS NOW GONE. ERRAZURIZ SAID THAT HE BELIEVES SCHIFTER IS PERSONALLY COMMITTED TO HUMAN RIGHTS AND EXPRESSED APPRECIATION FOR HIS EFFORTS. THE CHILEAN PEOPLE ONLY SEE THE END RESULT OF THE PRESSURE WHICH IS THE DETERIORATION OF U.S.-CHILE RELATIONS.

5. SCHIFTER NOTED THAT SOME ADMINISTRATION MOVES HAVE TAKEN CONGRESSIONAL PRESSURE OFF CHILE. HE REMINDED ERRAZURIZ THAT THE GOC MUST TAKE RESPONSIBILITY FOR SOME OF ITS PROBLEMS WHICH INCLUDED VERY POOR PUBLIC RELATIONS, ESPECIALLY IN CONGRESSIONAL CIRCLES. ERRAZURIZ TOOK THE POINT.

6. ERRAZURIZ EXPRESSED CONSIDERABLE IRRITATION AT THE LACK OF SUPPORT BY THE USDEL AT THE UNHRC FOR MOVING THE

CONSIDERATION OF THE HUMAN RIGHTS IN CHILE FROM AGENDA ITEM FIVE TO ITEM 12. SCHIFTER REPLIED THAT THE U.S. POSITION WAS TO SUPPORT THE MOVE IF PROPOSED BY ANOTHER DELEGATION BUT NOT TO INITIATE THE CHANGE. ERRAZURIZ SAID THAT, IN HIS VIEW, THE USDEL UNDERCUT THE POSSIBILITY FOR A CHANGE BY MAKING IT KNOWN THAT THE U.S. WAS NOT IN FAVOR OF THE MOVE.

7. SUMMARY: IT APPEARS TO US THAT ERRAZURIZ HAD ONLY GLANCED AT THE COUNTRY REPORT AND WAS REFLECTING INJURED PRIDE RATHER THAN A STUDIED ASSESSMENT OF THE REPORT. WHEN PRESSED, HE COULD NOT PROVIDE SPECIFIC EXAMPLES TO

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BACK UP HIS ALLEGATIONS. WE WILL WORK AT MAINTAINING THE PRESENT CONSTRUCTIVE DIALOGUE WITH HIM ON HUMAN RIGHTS ISSUES. END SUMMARY WHITEHEAD

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BRIEFING PAPER

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POINT PAPER: FINANCIAL AND DEBT SITUATION

OVERVIEW: FOREIGN AND DOMESTIC DEBT SITUATION

-- Mexico, with its $106 billion in debt, is the LDC second only to Brazil in the size of its external debt. Interest payments alone ($8 billion) in 1987 equalled an estimated 36% of merchandise export earnings.

-- The Mexican government's domestic debt is of serious concern as well--debt service amounts to several times that of the foreign debt and is now the primary cause of increasing budget deficits and inflation. It is largely held by Mexicans and must be continuously rolled over on a term of less than one month at extremely high interest rates in order to attract investors trying to keep up with inflation and reduce capital flight.

RECENT DEVELOPMENTS

-- Mexico's current IMF program ends in March, 1988, as does availability of the new money provided by the commercial banks under the 1987 rescheduling agreement. On both fronts Mexico has done well and, in view of its level of reserves, is unlikely to need another IMF program or commercial rescheduling this year.

-- Mexico's recent foreign debt exchange offer is an innovative, market-based approach to alleviating voluntarily the problems between debtor countries and their private creditors. The principal of the Mexican bonds is to be collateralized by a special U.S. Treasury 20-year zero-coupon bond issue. Mexico would buy the Treasury bonds by using up to $1.8 billion of its reserves.

WHAT NEEDS TO BE DONE

-- Since private investment capital could provide Mexico with an alternative to debt for financing economic development, we believe that Mexico should actively solicit foreign direct investment.

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POINT PAPER

SCIENCE AND TECHNOLOGY (S&T) COOPERATION WITH MEXICO

OVERVIEW

- - Extensive S&T cooperative effort with Mexico is important focus of our bilateral relationship.

- - We are engaged in mutually beneficial cooperation across a broad range of scientific and technological areas, including energy, transportation, biomedical sciences, nuclear safety, and agriculture.

- - Cooperation has taken place primarily through technical agencies and has had positive impact on our bilateral political and economic relationships.

RECENT DEVELOPMENTS

- - We and the Mexicans have agreed to restructure the Mixed S&T Commission, which in the past has been less than fully effective due to excessively bureaucratic procedures, under the Department of State and the Mexican Foreign Ministry.

- - The Mixed Commission will focus on policy and general cooperation areas with specific project management activities delegated to technical agencies on both sides.

- - The reorganized Mixed Commission is scheduled to meet March 22-24 in Mexico City.

WHAT NEEDS TO BE DONE

- - Presidential Summit should give positive impetus to continued S&T cooperation with Mexico.

- - Point to upcoming session of the reconstituted S&T Mixed Commission in Mexico City next month as example of bilateral cooperation which has both technical and economic benefits for both sides.

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C O N F I D E N T I A L STATE 051707

E.O. 12356: DECL: OADR
TAGS: PHUM, UNHRC, NO
SUBJECT: 44TH UNHRC: MEETING WITH NORWEGIAN AMBASSADOR

REF: OSLO 648

1. CONFIDENTIAL - ENTIRE TEXT.

2. ASSISTANT SECRETARY RICHARD SCHIFTER (HUMAN RIGHTS AND HUMANITARIAN AFFAIRS) MET ON FEBRUARY 17 WITH NORWEGIAN AMBASSADOR KJELL ELIASSEN TO DISCUSS ISSUES RELATING TO THE CURRENT SESSION OF THE UN HUMAN RIGHTS COMMISSION. NOTING THAT NORWAY HAS ASSURED FULL SUPPORT FOR THE U.S. RESOLUTION ON HUMAN RIGHTS IN CUBA, SCHIFTER CONCENTRATED ON A FEW ISSUES WHERE U.S. AND NORWEGIAN VIEWS APPEAR TO DIVERGE (AS INDICATED IN REFTEL REPORT OF GON RESPONSE TO OUR GENERAL DEMARCHE).

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PAGE 02 STATE 051707

4. CHILE: SCHIFTER NOTED THAT THE U.S. SUPPORTS A RESOLUTION CRITICAL OF CHILE, AS LONG AS IT IS BALANCED WITH RECOGNITION OF THOSE IMPROVEMENTS WHICH HAVE TAKEN PLACE, AS REFLECTED IN THE REPORT OF SPECIAL RAPPORTEUR VOLIO. THE MEXICANS ALWAYS PREPARE AN EXTREME DRAFT REFLECTING THE VIEWS OF CHILEAN COMMUNIST EXILES AND OUR WEOG FRIENDS USUALLY DO NOT PROPOSE A TEXT TO COUNTER THE MEXICANS. THE U.S. WILL BE CIRCULATING TEXT ELEMENTS IN GENEVA FOR A RESOLUTION WHICH WOULD ENCOURAGE DEMOCRATIC ELEMENTS IN CHILE, AND WE HOPE NORWAY WILL SUPPORT THIS BALANCED POSITION.

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POINT PAPER: Energy Issues

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OVERVIEW

-- Since the mid-1970s when Mexico became a major oil exporter, oil has played an increasingly significant role in Mexico's economy.

-- Throughout most of the 1980s, oil has accounted for about half of Mexico's hard currency earnings and between 25 and 40 percent of the government's revenues.

-- Nearly half of all Mexico's crude exports go to the U.S., making them our fourth largest supplier in 1987 providing over 600,000 barrels a day.

RECENT DEVELOPMENTS

-- A new two year agreement was signed November 30, between the U.S. and Mexico for continued Strategic Petroleum Reserve (SPR) crude supply.

-- Agreement calls for 65,000 barrels per day (U.S. Congress subsequently approved funding for 50,000 barrels a day) with a 10 percent upward or downward adjustment margin.

-- The Strategic Petroleum Reserve, as of the end of 1987, contains over 540 million barrels in storage, of which 215 million barrels, or 40 percent, were purchased from Mexico.

WHAT NEEDS TO BE DONE

-- Current U.S.-Mexico energy trade relations are excellent.

-- To maintain this excellent relationship it is crucial that Administration continue to oppose an oil import fee or any form of energy protectionism.

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POINT PAPER: TRADE AND INVESTMENT

Overview: Trade and Investment Relations

-- Mexico is our third largest export market. Total U.S.-Mexico trade in 1987 near $35 billion. Mexico's manufactured exports grew at 35-40 percent in 1986-87.

-- Since 1983, Mexico has achieved substantial liberalization in the level of tariffs and in the use of import licensing. Official reference prices have been eliminated.

-- Mexico has complemented these measures by acceding to the GATT in 1986 and by signing the Framework Understanding.

-- Increased border trade and the rapid development of the Mexican in-bond (maquiladora) industry are important factors in overall trade growth.

-- More needs to be done before foreign investors feel welcome. Investment climate impaired by ownership restrictions, performance requirements, inadequate intellectual property protection, and unclear rules of the game.

-- Mexico needs the job creation, managerial training, modern technology, market access and financing investors offer.

Recent Developments

-- Framework Agreement on Trade and Investment signed on November 6, 1987; represents a new stage in our maturing relationship, reinforcing ties and establishing a mechanism to strengthen our special relationship.

-- Consultative mechanism will enable us to resolve issues quietly at the working level and avoid political posturing.

What Needs To Be Done

-- Presidents express their commitment to progressively reduce barriers to bilateral trade and investment, using the Framework Agreement and the GATT as mechanisms for achieving this.

-- Suggest reinstituting the debt/equity swap program and greater transparency in the approval process as positive signals to investors; urge conclusion of an OPIC agreement.

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TO: The Secretary

FROM: ARA - Elliott Abrams

SUBJECT: The President's Trip to Mexico: Talking Points for the Plenary and the Working Luncheon Between US and Mexican Delegations

SETTING

While President Reagan and President de la Madrid meet privately, the rest of the US and Mexican delegations, led by Secretary Sepulveda and you, will hold a plenary discussion. Sepulveda will lead off each agenda item. You may wish to give an initial response. Other delegation members can join in as appropriate.

During the first several minutes of the plenary, Ambassador Yeutter and Trade Secretary Hernandez will be in an adjoining room signing a textile agreement, and Ambassador Pilliod will sign a telecommunications agreement. We suggest you and Sepulveda agree to defer the trade and investment items on the agenda until they rejoin the group.

When the President's private meeting and the plenary conclude, there will be 15 minutes for the Presidents to meet with their respective delegations, prior to the working luncheon. You can use this period to compare notes and decide what points to stress during the luncheon.

At the luncheon, we expect further discussion of agenda items already covered in the President's one-on-one and in the Plenary, as well as of agenda items not already covered.

Near the end of the luncheon, the Presidents will exchange substantive toasts with the media present.

Attached are talking points in agenda order for your use during the plenary and during the working luncheon. The President's talking points for the luncheon also are in agenda order, and are similar to yours.

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The luncheon is the last bilateral event of the Summit. Your efforts in support of the President should be to steer discussion towards any priority objectives for this visit not yet achieved. Your two memoranda to the President laid out our objectives, and we have provided a checklist below.

CHECKLIST OF SUMMIT OBJECTIVES (in agenda order)

1. The Global Relationship

Objective. Highlight the tremendous accomplishments in relations during the past 5 years, demonstrating that a constructive, cooperative relationship -- including formal agreements -- is mutually beneficial.

The President's public statements should establish the right atmosphere, as will your press conference and the signing of two agreements during the meeting.

Objective. Arrive at an understanding, perhaps implicit, on follow-up action for the remaining months of the US and Mexican Administrations.

Neither side wants nor can afford a lame duck attitude.

Objective. Establish a basis for continuing the momentum of progress after new Presidents take office.

Salinas de Gortari's public statements reflect an intention to pursue the political and economic modernization of Mexico. He also seems well-disposed toward the United States. We want to convey US willingness to work with him for reciprocal advantage.

2. Economic Relations

Objective. Continued Mexican commitment to economic reforms, while preserving political/economic stability.

US support, particularly our cooperation in managing the debt problem, will bolster de la Madrid's confidence.

Objective. Commitment to vigorous use of the Framework Understanding and the GATT process to reduce barriers to trade and investment. An explicit joint commitment to this effect may be feasible.

If the President's vision of a North American free trade arrangement is mentioned, it would be well to put this clearly in context as a worthy goal for the future. Pushing too hard would strengthen those elements opposed to the closer relationship with the US toward which de la Madrid is leading Mexico.

Objective. Encourage the Mexicans to do more to improve the climate for private foreign and domestic investment.

Even though de la Madrid has said he will not change Mexico's investment law, much could be done to ease or remove performance requirements.

3. Narcotics

Objective. We want de la Madrid to understand the importance of this problem, and agree to give urgent consideration to the actions recommended in the aide-memoire the President will have given him. This is the most important objective of this Summit.

If we do not have a strong indication to this effect from de la Madrid by the time of the luncheon, the subject will require more discussion there.

4. Border and Immigration Affairs

Objective. Continuation of our excellent bilateral cooperation and dialogue on these subjects.

We want reaffirmation of the continued close cooperation and dialogue, but we don't want an overall "Border Commission", which might give the Mexican Foreign Relations Secretariat a greater, and probably unconstructive, role.

5. Central America

Objective. A more balanced Mexican approach on Central American issues.

We do not expect any breakthrough on this subject. However, in light of Sepulveda's contention that he didn't know about the name-calling content of the CIVS paper, he may be conciliatory on related subjects. If so, you might urge a concrete demonstration of willingness to be more balanced, such as in the UN Human Rights Commission. Contingency talking points on this are attached for a private aside with Sepulveda.

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6. World Peace and Disarmament

Background The Mexicans' insistence on this item reflects de la Madrid's involvement with five other heads of state on the disarmament issue through the Group of Six.

Objective Explain US policy and stress progress we have made with the Soviets.

Since President de la Madrid has considerable personal prestige invested in issue, he will want to be seen raising it with President Reagan. We suggest letting him make his points and then move on quickly to other issues.

7. Soviet Presence in Mexico

Background. This item is not on the agreed agenda, but we have recommended that the President raise it privately with de la Madrid.

Objective. Containment of Soviet efforts to expand their presence in Mexico, particularly for espionage.

This is not a subject to raise in the luncheon. We are planning to have Ambassador Pilliod follow up by discussing the matter with Secretary of Government Bartlett, who is responsible for domestic security and has a cooperative attitude, but who probably won't be at the summit meeting.

Conclusion.

The public face that is given to this visit could be as important as what is said in private. The President's substantive toast was drafted with this in mind, as well as to build a solid foundation for dealing with the future Salinas Administration.

Your press conference following the lunch will offer the final opportunity to set the public tone of the Summit and the overall state of US/Mexico relations. Moreover, it presents a chance to publicly lock in the Mexicans to any commitments they may have made during the course of the day. Positive GOM responses on narcotics for instance, if properly treated in the US and Mexican press, may stiffen GOM's resolve to fulfill them and quell some Congressional antipathy toward Mexico.

The press conference takes on even more importance when you recall that in 1983 Sepulveda sabotaged the highly successful La Paz Summit by putting a negative twist on his briefing of the Mexican press.

Attachment : Talking points

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DEPARTMENT OF STATE
BRIEFING PAPER

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POINT PAPER - US-MEXICAN RELATIONS

OVERVIEW: BROAD, COMPLEX, INCREASINGLY INTERDEPENDENT RELATIONS

--Mexico our fourth largest trading partner, largest secure foreign oil supplier, major LDC debtor. Economic, border, tourism and law enforcement relations are intensifying.

--Country in severe economic crisis, per capita income down 15% since 1982, widespread unemployment, inflation over 150%.

--Economic and border cooperation excellent, as Mexico opens economy. Political relations cordial by historical standards, but fragile, subject to mutual suspicions and misunderstandings.

RECENT DEVELOPMENTS: AGREEMENTS ON BROAD RANGE OF ISSUES/ FRICTIONS OVER DRUGS, FOREIGN POLICY

--Unprecedented range of agreements recently, including Mexican GATT accession; Trade and Investment Framework Understanding; Mutual Legal Assistance Treaty, agreements on textiles, steel, civil aviation, (pending) telecommunications, border environment. Dialogue has reduced friction over US immigration reform.

--At last UNGA, Mexicans backed off support for UN name-calling resolutions aimed at US, but otherwise remained uncooperative.

--Although fundamental differences over Central America remain, Mexican influence waning as Central Americans take charge of peace process. Mexicans continue diplomatic support for Sandinistas, but refrain from economic assistance.

--Drugs remain major source of friction. US law enforcement community deeply unhappy with Mexican anti-narcotics performance. Mexicans believe criticisms unfair, taking major casualties in drug war and expending considerable resources.

WHAT NEEDS TO BE DONE?

--Establish rapport with incoming (December) Mexican Administration under Carlos Salinas de Gortari. Respond favorably to Salinas' statements on economic/political modernization of Mexico.

--Strengthen Mexican will and action on drug problem, which are undermining bilateral relations and Mexican security. (Give de la Madrid list of proposed actions).

--Reduce effectiveness of Mexico's opposition to us on foreign policy issues. Seek better accommodation under Salinas Administration, including favorable personnel changes in Foreign Relations Secretariat.

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The governments of the United States and Mexico have more formal and informal bilateral agreements than probably any two countries in the world. This collaboration takes place on a range of issues such as "Africanized bees....

USG AGREEMENTS WITH GOM

AGRICULTURAL:

"U.S. Department of Agriculture and Secretariat of Agriculture and Water Resources of Mexico Cooperative Agreement for the Control of the Africanized Honey Bee". - Signed September 4, 1987.

"U.S. Department of Agriculture and Secretariat of Agriculture and Water Resources of Mexico Cooperative Agreement to Prevent Foot-and-Mouth and other Exotic Animal Diseases". - Signed January 20, 1988.

POLITICAL:

"Treaty on Cooperation between the United States of American and the United Mexican States for Mutual Legal Assistance". - Signed on December 9, 1987.

USIS

"Program of Cultural and Educational Cooperation until 1990 under the auspices of the bilateral cultural commission". Signed June 1987.

SCIENCE:

"Agreement of Cooperation Between the United States of America and the United Mexican States Regarding the Transboundary Shipments of Hazardous Wastes and Hazardous Substances; Annex III to the 1983 Agreement between the United States of America and the United Mexican States on Cooperation for the Protection and Improvement of the Environment in the Border Area". - Entered into force January 29, 1987.

"Agreement of Cooperation Between the United States of America and the United Mexican States Regarding Transboundary Air Pollution Caused by Copper Smelters along their Common Border; Annex IV to the 1983 Border Environment Agreement". Entered into Force January 29, 1987.

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"United States - Mexico Joint Contingency Plan for Accidental Releases of Hazardous Substances Along the Border. Concluded under Annex II to the 1983 Border Environment Agreement". Signed January 29, 1988.

"United States - Mexico Weather Station Agreement dated July 31, 1970 was extended for one year beginning on April 1, 1987 at the GOM's request. Mexico will again request an extension on April 1, 1988 and we will likely agree to the extension.

ADMINISTRATION:

"AUTOMOBILES: On October 30, 1987, a new regulation concerning the importation and registration of foreign manufactured vehicles by diplomatic, consular and admin/technical personnel and the acquisition of new, locally manufactured vehicles by these same personnel was published by the Government of Mexico. The principal feature of the new regulation is that no distinction is made between diplomatic, consular and admin/technical staff concerning the importation of foreign vehicles and the acquisition of locally manufactured vehicles. All personnel are now treated equally.

COMMERCIAL:

"Understanding Between the Government of the United Mexican States and the Government of the United States of America Concerning a Framework of Principles and Procedures for Consultations Regarding Trade and Investment Relations". - Entered into force November 6, 1987.

ECONOMIC:

"24 month oil supply contract for the Strategic Petroleum Reserve renewed by PEMEX and the Department of Energy on November 30, 1987. Amount contracted is 65,000 BPD of Isthmus crude oil at market prices, established by PEMEX pricing formula. Assuming average price of $17.00 per barrel, total value of sales to DOE will come to about $400 million".

"Interface of air traffic control systems agreement reached in late January 1988 (FAA and SENEAM)".

"On December 30 adjustments to the Bilateral Steel Understanding were agreed upon between the U.S. and Mexico in which Mexico reduced its steel tariffs and eliminated all official reference prices on steel and the U.S. will adjust the Mexican steel quota and add a new quota category".

NARCOTICS ASSISTANCE UNIT:

"USG Letters of Agreement (LOA) with GOM during 1987 are: Field Support in the amount of $500,000; Aviation Maintenance in the amount of $1,500,000 and $2,250,000; Field Support in the amount of $1,000,000; National Drug Survey in the amount of $150,000 and Contract Extension for Aviation Maintenance in the amount of $1,500,000".

LEGAL:

"USG Agreement with GOM Mutual Legal Assistance Treaty signed in 1987".

TREASURY DEPARTMENT:

"Two-year extension of the Exchange Stabilization Agreement (allows Mexico to draw up to $300 million to support the peso in case of balance of payments problems). Signed December 30, 1987.

"Agreement to sell Mexico up to USD two billion in zero coupon bonds to help restructure its public sector debt". Announced December 29, 1987.

AGENCY FOR INTERNATIONAL DEVELOPMENT:

"Socio-Economic and Demographic Studies of Sub-Systems of the Northern-Central Region". Signed 9/1/87 to 8/31/88. ($100,000.00)

"A Survey on Practice of Oral Rehydration Therapy in Mexico". Signed 8/15/87 to 4/15/88. ($80,000.00)

"Grant Agreement Between the GOM and The United States of America for National Immunization Support Program". Signed 8/30/87 to 8/29/88. ($60,000.00)

"Clinical Training in the Management of Oral Rehydration Therapy Project". Signed 7/3/87 to 8/4/87. ($45,000.00)

"Support for Launching of New Package of Oral Rehydration Salts". Signed 5/27/87 to 5/26/88. ($52,756.00)

"Cooperation Agreement Between PAHO, CEDAT and NIH for Strengthening Capability to Train Hospital Maintenance Personnel in Spanish-Speaking Countries". Signed 7/1/87 to 9/30/87. ($10,000.00)

"National Immunization Support Program". Signed 7/13/86 to 4/15/88. ($50,000.00)

"Section 416 Food Assistance Program". Signed 6/3/87 to 6/2/87. ($8,721,880.00)

NOTE: In addition, AID/M has channeled approximately 65.8 million dollars, obtained from a variety of sources, into such diverse activities as training, research, health, food aid, schools and hospitals, special projects and population.

UNITED STATES TRAVEL AND TOURISM AGENCY:

"Agreement between the U.S. and the United Mexican States on Development and Facilitation of Tourism". In April 1983, the U.S. and Mexico rewrote a 1978 Tourism Agreement. 26

AGREEMENTS PROPOSED:

"Five year agreement on cooperation in Earth Sciences proposed by U.S. Geological Survey to its Mexican counterpart agency, Consejo de Recursos Minerales. CRM is interested but unable to get approval from the GOM for lack of funds".

"Civair Bilateral Agreement - Basic points on amendment to existing civair agreement have been reached. It may be possible to sign Memorandum of Understanding to that effect if the final points can be worked out and if authorization can be obtained to sign without an agreement on aviation security. The GOM (SRE) steadfastly refuses to agree to U.S. terms on security issues".

"Private land mobile agreement to be signed in connection with Summit but not at Mazatlan. Will be done through exchange of diplomatic notes. U.S. note to be sent to SRE on 2/3/88".

"Low power UHF and VHF agreement is being concluded, however, due to amount of paperwork involved will not be ready for signature at Mazatlan".

"Multilateral Agreement under international Maritime Organization (IMO) to designate the Gulf of Mexico as a Special Area under Annex V of the MARPOL Convention (would restrict dumping of garbage by vessels in Gulf of Mexico)". - Expected to be finalized this fiscal year".

"Multilateral Agreement under IMO to establish uniform standards for removal of Abandoned Petroleum Platforms that present hazards to navigation". - Expected to be finalized this fiscal year.

NARCOTICS ASSISTANCE UNIT:

"Letters of Agreement for Field Support and Aviation Maintenance totaling more than USD 13,000,000, with signing projected for the third quarter of FY 1988".

ECONOMIC:

"Bilateral Textile Agreement - Memorandum of Understanding signed December 31 in Washington. U.S. proposed final text submitted to Mario Rodriguez in Washington on January 28 and to SECOFI in Mexico on February 1. There is a high level of interest within the GOM to expedite clearance of language but signing at Mazatlan depends on whether working level review by the GOM can be completed in time.

AGRICULTURE:

"U.S. Department of Agriculture and Secretariat of Agriculture and Water Resources of Mexico Cooperative Agreement Regarding Cotton Variety Research and Multiplication". - Expected to be signed in March, 1988.

SCIENCE:

Memorandum of Understanding between the Environmental Protection Agency and the Secretariat of Desarrollo Urbano y Ecologia (SEDUE) on Air Pollution Monitoring". - To be concluded this year.

"MEXUS Pacific Fisheries Agreement". To be concluded this year.

"Memorandum of Understanding between the Department of Housing and Urban Development and SEDUE on sister cities' working groups".- To be concluded this year.

ADMINISTRATION:

IVA: We are currently negotiating with GOM officials to arrange a more equitable IVA (tax) reimbursement system for our personnel assigned to Mexico. Although no significant progress has been made to date, we are hopeful, given our successful negotiations on the automobile issue, that we will be able to resolve this matter.

NOTE: Mexican official personnel in the U.S. are issued tax exemption cards. U.S. personnel in Mexico have to go through a lengthy and burdensome bureaucratic process in order to obtain tax reimbursement -- months after a purchase has been made.

AGREEMENTS TO BE SIGNED AT SUMMIT:

ECONOMIC:

Cellular radio agreement just about completed and may be ready for Summit.

DEFENSE:

"Maritime Search and Rescue Agreement between the Mexican Navy and the United States Coast Guard". - Expected to be signed immediately before or during the Presidential Summit at Mazatlan, Feb. 13, 1988.

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BRIEFING PAPER

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POINT PAPER: PUBLIC PERCEPTIONS AND MUTUAL UNDERSTANDING

OVERVIEW

-- This topic was added to the list of bilateral concerns at the January 1987 Binational Commission meeting.

-- Mexican and U.S. foundations and academic institutions explored ways of promoting mutual understanding through exchanges with broad public impact at a session co-sponsored by the Council of the Americas in May 1987.

-- USIA hosted the Bilateral Cultural Commission meeting which produced a list of programs to expand U.S.-Mexican cultural exchanges in June 1987.

  o USIS Mexico is already implementing these programs.

  o USIA's annual exchange budget for Mexico has been increased to over $1 million.

RECENT DEVELOPMENTS

-- The past year has seen a significant increase in Mexican willingness to address this topic as important to bilateral relations.

WHAT NEEDS TO BE DONE

-- We seek continued Mexican support for cultural cooperation as a unique way of strengthening bilateral relations and encouraging improved mutual understanding.

  o We support programs for Mexican Studies in the U.S. and U.S. Studies in Mexico, including exchanges of relevant texts, curriculum materials and specialists.

  o Improved perceptions depend greatly on better education of journalists on both sides of the border in the realities of the U.S.-Mexico relationship.

  o The challenges and opportunities of the common border need to be addressed in our exchange programs.

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Point Paper: Disarmament

Overview

-- While Mexico supports both INF and START, the Mexican Ambassador to The Conference on Disarmament (CD), Nobel Prize winner Alfonso Garcia-Robles, has been a frequent and harsh critic of many US positions, such as nuclear testing and outer space issues, including SDI.

Recent Developments

-- The Mexican sponsored resolution at the United Nations General Assembly called for immediate conversion of the Limited Test Ban Treaty (LTBT) into a Comprehensive Test Ban (CTB). The US and allies vigorously opposed this and voted no.

-- At the January 22nd Six Nation Initiative Press Conference held in Stockholm, President de la Madrid emphasized the need for conventional arms control both in the developing and industralized areas.

What Needs To Be Done

-- It would be important for US-Mexican arms control relations to emphasize that, while differences in policies will continue to exist, a moderate and constructive tone from Mexico at the CD and at the UN would greatly help to resolve differences and to produce better understanding from both perspectives.

-- Comprehensive Test Ban: Emphasize that for the US this is a long-term objective, to be viewed in the context of a time when we no longer need to depend on nuclear deterrence and only after the achievement of broad, deep and verifiable arms reductions.

-- Conventional Forces Arms Control: The US welcomes President de la Madrid's suggestion. Conventional weapons arms control is not merely an East-West problem. Of the over 130 conflicts since World War II, mostly in the developing world, involving over 20 million deaths, all have been fought with conventional weapons.

-- For its part, the US and its NATO allies are seeking ways to reduce the high concentration of conventional forces in Europe, and to redress the stark imbalances in that area in favor of the Soviets and their allies.

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SUBJ: MEXICAN PRESIDENT REITERATES FIRM POSITION ON DRUGS AT MAZATLAN SUMMIT

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- K. 87 MEXICO 23465, L. 87 MEXICO 25377,
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1: SUMMARY: MEXICAN PRESIDENT DE LA MADRID REITERATED HIS FIRM POSITION ON DRUGS AT HIS MEETING WITH PRESIDENT REAGAN ON FEBRUARY 13 IN MAZATLAN, SINALOA. IN HIS TOAST AT THE SUMMIT LUNCHEON, HE
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DEFENDED MEXICAN EFFORTS TO FIGHT DRUG ACTIVITIES AND CHALLENGED OTHER COUNTRIES TO MATCH THE AMOUNT OF RESOURCES AND PERSONNEL, ON A PERCENTAGE BASIS, THAT MEXICO EMPLOYS IN ITS ANTI-DRUG CAMPAIGN. HE

INSISTED THAT THE DRUG PROBLEM COULD NOT BE SOLVED UNTIL ALL ASPECTS, INCLUDING CONSUMPTION IN DEVELOPED COUNTRIES, WERE EFFECTIVELY ATTACKED. THESE REMARKS ECHO SIMILAR STATEMENTS HE AND OTHER MEXICAN LEADERS HAVE MADE FREQUENTLY IN THE PAST. END SUMMARY.

2. IN HIS FEBRUARY 13 MEETING WITH PRESIDENT REAGAN, DE LA MADRID TOOK A TOUGH LINE ON DRUGS, AS HE AND OTHER MEXICAN LEADERS HAVE DONE MANY TIMES IN THE PAST. IN HIS TOAST, DE LA MADRID DEPLORED THE DISINFORMATION AND LACK OF INFORMATION REGARDING MEXICO'S FIGHT AGAINST NARCOTICS. SOME U.S. SECTORS, HE SAID, APPARENTLY DO NOT RECOGNIZE THE TRUE DIMENSION OF MEXICO'S EFFORTS AND SUCCESSES IN ITS ANTI-DRUG CAMPAIGN. ANY OTHER COUNTRY WOULD FIND IT DIFFICULT TO DEDICATE AS MANY BUDGETARY RESOURCES AND AS MUCH MANPOWER, ON A PERCENTAGE BASIS, TO THIS EFFORT.

3. DEFEATING INTERNATIONAL NARCOTICS TRAFFICKING, CONTINUED DE LA MADRID, WILL NOT BE POSSIBLE AS LONG AS OTHER COUNTRIES DO NOT ATTACK DRUG PRODUCTION, DISTRIBUTION, AND CONSUMPTION WITH SIMILAR EFFICIENCY. HE ALSO INDICATED THAT CONSUMPTION WAS A KEY ELEMENT OF THE DRUG PROBLEM.

4. DE LA MADRID SAID THAT MEXICO REAFFIRMS ITS DETERMINATION TO FIGHT NARCOTICS TRAFFICKING, WHICH HE CALLED A "CANCER" FOR MODERN SOCIETY AND A RISK TO UNCLASSIFIED

NATIONAL SECURITY.

5. COMMENT: DE LA MADRID AND OTHER MEXICAN LEADERS HAVE SPOKEN OUT FREQUENTLY AGAINST DRUG TRAFFICKING AND IN SUPPORT OF THEIR ANTI-NARCOTICS EFFORTS (REFTELS). THEY HAVE OFTEN CITED THE TREMENDOUS RESOURCES (AS MUCH AS SIXTY PERCENT OF THE PGR BUDGET) AND MANPOWER (AS MUCH AS TWENTY-FIVE PERCENT OF THE ARMY) EMPLOYED IN THEIR ANTI-DRUG CAMPAIGN. ALTHOUGH THEY UNDOUBTEDLY INCLUDE IN THEIR STATISTICS ALL INDIRECT EXPENSES AND MANPOWER THAT SUPPORT THEIR DRUG INTERDICTION AND ERADICATION PROGRAMS, THE RESOURCES EMPLOYED IN THIS EFFORT ARE NONETHELESS IMPRESSIVE, ESPECIALLY GIVEN THE ECONOMIC TROUBLES THE COUNTRY FACES. END COMMENT.
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POINT PAPER: AVIATION AND TELECOMMUNICATIONS AGREEMENTS

OVERVIEW: U.S.-MEXICO AVIATION AND TELECOMMUNICATIONS RELATIONS

Aviation - Provisions of the 1960 Air Transport Agreement between our nations are outdated and do not cover adequately industry needs. We have held several rounds of negotiations since January 1987 aimed at revising and liberalizing the current agreement. We want expanded opportunities for carriers of both sides for scheduled service and provisions for all-cargo service.

Telecommunications - Our nearly 2,000-mile-long common border makes telecommunications cooperation between our nations essential. Indeed, cooperation in this area has been very good. Agreements concerning public radiotelephone service based on cellular technology, private radio service for mobile units, and low-power television broadcasts will soon be ready for signature.

RECENT DEVELOPMENTS

-- Aviation - A U.S. delegation was in Mexico January 26-29 to resume negotiations to revise and liberalize the existing agreement. Mexican tourism interests strongly support an updated agreement because of the boost it should provide to that sector.

-- Telecommunications - We have recently completed negotiations on public radiotelephone service. This agreement should be ready for signature by February 13th. We have also completed negotiations on private radio service for mobile units. This agreement will be concluded through an exchange of diplomatic notes prior to the summit. Negotiations on low-power television broadcasts are 90-percent complete, and both countries are pursuing them on a high-priority basis. However, legal and linguistic review will probably require another few months.

WHAT NEEDS TO BE DONE

-- Aviation - The two sides are close to agreement. If an agreement is reached, it may be ready for signature at the summit.

-- Telecommunications - If the aviation agreement is available for signature, it may be desirable to have the telecommunications service agreement signed at the same time.

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POINT PAPER: Downing of KAL Jet

OVERVIEW: Incontrovertible Facts Link North Korea to Disaster

-- The evidence is compelling that North Korea was behind the downing of Korean Airlines flight No. 858. We believe that this heinous deed of state-sponsored terrorism should not go unanswered.

-- We believe that South Korea has already been in touch with Mexico on this matter and has provided significant evidence of North Korean culpability. We have been working closely with South Korea to ensure that condemnation of North Korea takes place and that such further acts of terrorism are deterred.

WHAT NEEDS TO BE DONE

-- The KAL issue will most likely come up at the International Civil Aviation Organization Council meeting in March. Mexico is a member of the Council and will have an opportunity to register its displeasure with North Korean conduct.

-- Want to urge the Mexicans to support South Korea at the International Civil Aviation Organization meeting.

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POINT PAPER: MARITIME BOUNDARY TREATY UPDATE

OVERVIEW:

-- Treaty was signed in 1978 and ratified by Mexico in 1979.

-- Establishes 200 mile maritime boundary delimiting fisheries and continental shelf jurisdictions.

-- Treaty has not yet been approved by U.S. Senate.

-- Although Senate Foreign Relations Committee unanimously approved Treaty in 1980, before full Senate action, U.S. geologist charged Treaty was "give away" of hydrocarbon interests. Senator Boschwitz requested delay until charges could be studied.

-- 1981 U.S. Geological Survey report found:

   -- Oil and gas potential of Mexican area uncertain.

   -- Technology for deep water drilling in Gulf of Mexico not yet developed but might be by year 2000.

-- May 1982, Senate Foreign Relations Committee hearings postponed at State Department's request because Department was unable to obtain full Administration consensus to urge ratification.

-- In the meantime, the same boundaries have been enforced provisionally on the basis of a 1976 Executive Agreement.

RECENT DEVELOPMENTS:

-- The situation has not changed.

WHAT NEEDS TO BE DONE:

-- If pressed, reply to President de la Madrid that ratification remains under study, but would be difficult at this time.

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POINT PAPER: BORDER COOPERATION

OVERVIEW: RANGE OF EFFECTIVE COOPERATION

-- US and Mexico have effective arrangements on boundaries, water, environment, bridges and crossings, customs, natural disasters, housing and urban development, border health and other matters.

-- Mexico encouraging growth of in-bond industries (maquilas) which help economy and create jobs -- USG sees benefits but Congressional/labor interests concerned over US job loss.

-- More bridges, crossings and facilities built or expanded under current arrangements (since 1983) than in last 20 years.

RECENT DEVELOPMENTS

-- A contingency plan on inland spills of hazardous substances signed January 29 complements four action-oriented annexes dealing with specific air, water and land pollution problems under border environmental agreement you and de la Madrid signed in 1983.

-- US Commissioner of International Boundary and Water Commission (IBWC) has proposed a comprehensive solution to still-troubling Tijuana sanitation problem.

-- Conflicting US interests in stricter border inspection for drugs and illegal aliens and promotion of border commerce are evident in traffic backups and costly delays of border commerce.

-- US recently urged Japan to use discretion in its investments in maquilas to minimize an adverse political reaction in the US.

WHAT NEEDS TO BE DONE

-- You should strongly endorse continuation of border environmental cooperation under 1983 agreement.

-- If again raised by de la Madrid, you should oppose creation of a comprehensive "border commission" -- we have good mechanisms now -- this would create duplicative and needless bureaucracy.

-- Two governments should continue excellent cooperation on bridges and crossings through biannual consultations and periodic "Border Walk" inspection visits.

-- 100th anniversary of IBWC in 1989 will be occasion to pay tribute to US-Mexican cooperation, growth, and development, and to build upon this record of progress in next century.

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REF: SANTIAGO 318

1. CONFIDENTIAL - ENTIRE TEXT.

2. DUE TO CONTINUING INTEREST AMONG NEWS MEDIA AND GOVERNMENT OFFICIALS REGARDING THE U.S. DECISION TO SUSPEND GSP BENEFITS TO CHILE, POLCOUNSELOR TOOK THE OPPORTUNITY IN A FEBRUARY 5 MEETING WITH HEAD OF MFA AMERICAS DEPARTMENT TO REITERATE U.S. READINESS TO CONTINUE A DIALOGUE WITH THE GOC ON THIS ISSUE, AS WE HAD INDICATED IN OUR DIPLOMATIC NOTE OF LAST DECEMBER. THIS PROMPTED MFA HEAD OF BILATERAL AFFAIRS, JAIME LAGOS, TO INVITE POLCOUNSELOR IN ON FEBRUARY 18. POLCOUNSELOR, ACCOMPANIED BY LABATT, MET WITH LAGOS AND U.S. DESK OFFICER RENE ROJAS AND NEW DEPUTY DIRECTOR OF NORTH AMERICAN AFFAIRS ALVARO BAZAN.

3. LAGOS NOTED THE GOC PLEASURE WITH THE U.S. WILLINGNESS TO CONTINUE THIS DIALOGUE. STATING THAT HE WAS NOT PREPARED TO DISCUSS TECHNICAL MATTERS, LAGOS SAID THE MFA ONLY WANTED TO USE THE MEETING TO EXPLORE HOW SUCH DISCUSSIONS MIGHT GET UNDERWAY. HE HAS BEEN IN CONTACT WITH LABOR VICE MINISTER ARTHUR, WHO EXPRESSED HIS WILLINGNESS TO CONTINUE THESE TALKS. THE MFA WANTED, HOWEVER, TO RECEIVE A U.S. DIPLOMATIC NOTE RESPONDING TO THEIR JANUARY 6 NOTE (REFTEL), WHICH WOULD PERMIT THE MFA TO TURN THE TECHNICAL DISCUSSIONS OVER TO THE LABOR MINISTRY.

4. LAGOS STRESSED THAT GOC ACCEPTANCE OF THE U.S. OFFER TO CONTINUE TALKS WAS, AS NOTED IN THE JANUARY 6 NOTE, CONDITIONED ON THE U.S. HEARING POINTS OF VIEW ON CHILEAN LABOR LAWS AND CONDITIONS FROM NON-OPPOSITION LABOR LEADERS. HE SUGGESTED THE DISCUSSIONS MIGHT BEGIN IN EARLY MARCH WHEN ARTHUR RETURNS FROM AN ILO MEETING, AND AFTER THE MFA RECEIVES THE SUGGESTED NOTE.

5. POLCOUNSELOR REITERATED U.S. INTEREST IN KEEPING A DIALOGUE OPEN, NOTING THAT THE U.S. DECISION WAS TO SUSPEND GSP BENEFITS AND THE USG MIGHT RECONSIDER IF APPROPRIATE STEPS ARE TAKEN. HE ADDED THAT THE U.S. DOES NOT HAVE A FIXED SET OF MEASURES IN MIND THAT THE GOC MIGHT TAKE AND THAT WE WERE OPEN TO A WIDE RANGING DISCUSSION. NEVERTHELESS, HE ADDED, IT SEEMED

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THAT A LOGICAL POINT OF DEPARTURE WOULD BE THE LETTER FROM AMBASSADOR ERRAZURRIZ OF NOVEMBER 1986 IN WHICH THE GOC INDICATED IT WOULD BE TAKING CERTAIN MEASURES. LAGOS AGREED THAT THIS WOULD BE A GOOD STARTING POINT.

6. WITH RESPECT TO LAGOS' POINT ABOUT HEARING NON-OPPOSITION LABOR LEADERS, POLCOUNSELOR SAID EMBASSY OFFICIALS HAVE ALWAYS BEEN WILLING TO MEET WITH ALL CHILEAN LABOR LEADERS, AND WE WOULD BE QUITE INTERESTED IN HEARING THE VIEWS OF NON-OPPOSITION AS WELL AS OPPOSITION UNION OFFICIALS DURING THE COMING MONTHS.

7. DURING COURTESY CALL BY CHARGE ON THE NEW DIRECTOR GENERAL OF THE FOREIGN MINISTRY, AMBASSADOR OCTAVIO ERRAZURIZ, LATTER ALSO RAISED THE GSP ISSUE, AS AN EXAMPLE OF GOC DECISIONS THAT ARE BEING MADE FOR POLITICAL PURPOSES AND POLITICAL REASONS, CITING AFL-CIO PRESSURE. CHARGE RESPONDED THAT GOC WAS MISTAKEN IN VIEWING THIS AS A POLITICAL DECISION. IT WAS BASED SOLELY ON U.S. LAW AND A FACTUAL READING OF CHILEAN LABOR LAWS AND THE WAY THEY ARE INTERPRETED AND APPLIED. FAR FROM BEING PRESSURED BY PRIVATE SECTOR, US AGENCIES WERE WELL DISPOSED TOWARD CHILE. THE TURNING POINT WAS THE NOVEMBER 1986 LETTER FROM AMBASSADOR HERNAN FELIPE ERRAZURIZ. THE U.S. WAS DEEPLY DISILLUSIONED BY GOC'S FAILURE TO KEEP PROMISES MADE IN THAT LETTER. INTERESTINGLY, ERRAZURIZ DID NOT ARGUE THE POINT, BUT REITERATED LAGOS' REQUEST FOR A DIPLOMATIC NOTE REPLYING TO THE MINISTRY'S NOTE, SO THAT A DIALOGUE COULD BEGIN. HE DID NOT REPEAT LAGOS' ASSERTION THAT THE DIALOGUE OFFER HAD CONDITIONS ATTACHED.

8. EMBASSY WILL SEND A DIPLOMATIC NOTE RESPONDING TO THE MFA'S JANUARY 6 NOTE, NOTING OUR UNDERSTANDING OF THE GOC'S WILLINGNESS TO CONTINUE DISCUSSIONS ON THE GSP ISSUE AND EXPRESSING OUR TRADITIONAL POLICY OF OPENNESS TO TRADE UNION OFFICIALS OF ALL SECTORS ON THIS AND OTHER MATTERS.
JONES

SC - Howard / Abe Shapiro

Why are we ending up in the demandeur position? If they want GSP/OPIC again, they ought to come to us. Pls let the Embassy know this.

MG

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2/22/88

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Chile Project (#S199900030)
U.S. Department of State
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CONSULAR SECTION

2/22/88

John,

For what it's worth, here's something one of our FSN's told me this morning.

Her husband knows Federico Whilloughby (sp?), and when they heard that he'd had an accident over the weekend, they called him. He said that someone had deliberately run him off the road, that he knew who they were, and that he was prepared to fight to the last ditch. He couldn't (wouldn't?) give the names over the phone, as it's tapped.

Regards,
Larry

AMERICAN EMBASSY

SANTIAGO, CHILE

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2/22/88 (R)

Case Number: S199900030

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PAGE 01 SANTIA 01131 221959Z
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C O N F I D E N T I A L SANTIAGO 01131

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E.O. 12356: DECL: OADR
TAGS: PHUM, CI
SUBJECT: CARDINAL CONDEMNS DISAPPEARANCE IN CHILE

REFS: (A) 87 SANTIAGO 7857 (NOTAL); (B) SANTIAGO 723 (NOTAL)

1. (U) THE CONTINUED DISAPPEARANCE OF FIVE MEN (REF A), WHO WERE LAST SEEN IN MID-SEPTEMBER, PROMPTED CARDINAL FRESNO TO MAKE PUBLIC DECLARATION ON FEBRUARY 11 DENOUNCING THE LACK OF CLARIFICATION OF THESE CASES. THE CARDINAL NOTED THAT THE LIMITED INFORMATION AVAILABLE ON THESE DISAPPEARANCES INDICATES THE FIVE WERE VICTIMS OF ACTIONS BY UNKNOWN THIRD PARTIES, AND MUST BE CONSIDERED AS HAVING BEEN KIDNAPPED OR "INVOLUNTARILY DISAPPEARED." BECAUSE THE FIVE MEN WERE RELATED TO EXTREME LEFT POLITICAL PARTIES, AND THE MANNER IN WHICH THEY DISAPPEARED FOLLOWED PATTERNS SET FOR DISAPPEARED PEOPLE IN 1973-78, THE CARDINAL STATED, ONE MUST CONSIDER THESE CASES AS A RETURN TO A TYPE OF ABUSIVE REPRESSION WHICH HAD BEEN THOUGHT OVERCOME IN CHILE. THE CARDINAL NOTED HIS CONCERN ABOUT THE

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SILENCE SURROUNDING THE INVESTIGATION AND EXPRESSED HIS DISILLUSION WITH THE APPARENT LACK OF PROGRESS.

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2. (C) ENRIQUE PALET, EXECUTIVE DIRECTOR OF THE VICARIATE OF SOLIDARITY, TOLD EMBOFF FEBRUARY 12 THAT THE CARDINAL'S DECLARATION WAS PROMPTED BY GROWING CONCERN WITHIN THE CHURCH AND HUMAN RIGHTS ORGANIZATIONS THAT CHILE FACES A RETURN TO THE PRACTICE OF DISAPPEARANCES.

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3. (U) FOLLOWING THE CARDINAL'S DECLARATION, THE FAMILIES OF THE FIVE DISAPPEARED MET ON FEBRUARY 15 WITH THE PAPAL NUNCIO, WHO OFFERED HIS SUPPORT. A SPOKESMAN FOR THE INVESTIGATIONS POLICE ALSO RESPONDED TO THE CARDINAL BY ISSUING A STATEMENT FEBRUARY 12 INDICATING THAT THEIR INVESTIGATIONS INTO THESE DISAPPEARANCES HAD BEEN UNSUCCESSFUL BUT WILL CONTINUE

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4. (U) ON FEBRUARY 15 CARDINAL EMERITUS RAUL SILVA RECEIVED A LETTER REPORTEDLY FROM THE CHILEAN ANTI-COMMUNIST ACTION (ACHA). THE COMMUNIST-DOMINATED NATIONAL CONFEDERATION OF RESTAURANT WORKERS RECEIVED A SIMILAR LETTER. THE ACHA LETTERS CONSISTED OF PHOTOS OF THREE OF THE FIVE DISAPPEARED AND A NOTE WHICH STATED "ACHA NEVER PARDONS", "FOR A FREE CHILE," AND NOW THEY WON'T SEE THEM AS THEY SAW THEM."

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5. (C) COMMENT: IT IS UNUSUAL FOR THE CARDINAL TO SPEAK OUT PUBLICLY AND SO SHARPLY ON SPECIFIC HUMAN RIGHTS CASES. HIS HAVING DONE SO INDICATES THE LEVEL OF CONCERN BUILDING IN CHILE OVER A POSSIBLE RETURN TO THE PRACTICE OF DISAPPEARANCES. THE INVOLVEMENT OF ACHA IN THIS, PARTICULARLY FIVE

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PAGE 03 SANTIA 01131 221959Z

MONTHS AFTER THE FACT, COULD BE AN ATTEMPT TO CONFUSE THE ISSUE AND TAKE PRESSURE OFF THE SECURITY FORCES WHO ARE WIDELY BELIEVED TO BE BEHIND THE DISAPPEARANCES. ON THE OTHER HAND, MOST OBSERVERS BELIEVE ACHA IS MANNED BY SECURITY FORCE PERSONNEL AND ITS CREATION IS MERELY A RED HERRING. JONES

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C O N F I D E N T I A L STATE 053924

E.O. 12356: DECL:OADR
TAGS: PHUM, CI
SUBJECT: CASE OF DAGABERTO LOPEZ (ADMIRAL ZUMWALT INTEREST)

REF: A) BARMON/KNIGHT TELCON 2/8/88 B) 86 SANTIAGO 04197

1. ADMIRAL ZUMWALT, IN A LETTER TO HA A/S SCHIFTER, REQUESTED INFORMATION ON THE STATUS OF DAGABERTO LOPEZ. WE APPRECIATE INFORMATION PROVIDED IN REF A, BUT NEED ADDITIONAL INFORMATION TO PROVIDE A FULL REPORT TO ZUMWALT.

2. ACCORDING TO THE INFORMATION PROVIDED BY ZUMWALT, WHICH ORIGINATED FROM AMNESTY INTERNATIONAL, LOPEZ WAS ARRESTED ON NOVEMBER 9, 1984 AND CHARGED WITH TAKING PART IN AN ARMED ATTACK ON A POLICE STATION IN WHICH TWO POLICEMEN WERE KILLED. HE IS CURRENTLY DETAINED IN THE CENTRO DE DETENCION PREVENTINA SANTIAGO SUR, AND HIS CASE NUMBER IS 1766-84.

3. ACCORDING TO AMNESTY INTERNATIONAL, THE GOC'S CASE AGAINST LOPEZ IS "EXTREMELY WEAK". THE DEFENDANTS ASSERT
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PAGE 02 STATE 053924

THAT THEY WERE TORTURED TO EXTRACT FALSE CONFESSIONS, AND INDEPENDENT PHYSICIANS HAVE SWORN THAT THE DEFENDANTS

BORE MARKS OF TORTURE. ONE OF THE DEFENDANTS WAS RELEASED, DESPITE HIS PURPORTED CONFESSION, WHEN IT WAS LATER PROVEN HE HAD ALREADY BEEN IN JAIL ON THE DAY OF THE ATTACK ON THE POLICE. IN ADDITION, AMNESTY MAINTAINS THAT THE ONLY EVIDENCE LINKING LOPEZ TO THE CRIME IS THE TESTIMONY OF ONE POLICEMAN THAT HE SAW LOPEZ WALK PAST THE POLICE STATION IN A SUSPCIOUS MANNER A HALF HOUR BEFORE THE ATTACK. ELEVEN DEFENSE WITNESSES, HOWEVER, HAVE ALLEGEDLY SWORN THAT THEY WERE WITH LOPEZ IN A DISTANT PART OF SANTIAGO AT THE TIME OF THE ATTACK. AMNESTY ALSO CLAIMS THAT SEVERAL OF THE DEFENSE WITNESSES HAVE BEEN THREATENED IN AN EFFORT TO MAKE THEM RECANT THEIR TESTIMONY.

4. ACCORDING TO REF. A, VICARIATE LAWYERS ARE DEFENDING LOPEZ, WHICH, SHOWS THAT THE VICARIATE SUPPORTS HIS CLAIM OF INNOCENCE AND TORTURE. WE UNDERSTAND HIS CASE REMAINS UNDER INVESTIGATION.

5. ACTION REQUEST: WE WOULD LIKE TO GIVE ADMIRAL ZUMWALT A COMPLETE UPDATE OF THIS CASE BY COB FEBRUARY 29. WE PARTICULARLY WANT TO KNOW IF LOPEZ'S ATTORNEYS AGREE WITH AMNESTY'S ACCOUNT OF THE CASE. HOW FREQUENTLY DOES THE VICARIATE DEFEND ACCUSED TERRORISTS? DOES ITS WILLINGNESS TO DEFEND LOPEZ INDICATE THAT THE VICARIATE IS CONVINCED HE IS NOT GUILTY AND NOT A MEMBER OF A TERRORIST ORGANIZATION? IS IT NORMAL FOR THE CHILEAN AUTHORITIES TO HOLD A PRISONER FOR SUCH AN EXTENDED PERIOD IF THE GOC DOES NOT HAVE A GOOD CASE FOR THE PROSECUTION? DOES THE EMBASSY HAVE
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PAGE 03 STATE 053924

ANY INFORMATION LINKING LOPEZ WITH THE MANUEL RODRIGUEZ PATRIOTIC FRONT? WHO WERE THE INDEPENDENT PHYSICIANS WHO ALLEGEDLY EXAMINED LOPEZ? ARE THE REPORTS OF TORTURE CREDIBLE? PLEASE PROVIDE YOUR CURRENT ASSESSMENT OF THE LOPEZ CASE. WHITEHEAD

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E. O. 12356: N/A
TAGS: PREL, PHUM CI
SUBJ: EMBASSY PROTESTS ATTACK ON PRESIDENT REAGAN
- IN SUBWAY BULLETIN

1. CHARGE TOOK ADVANTAGE OF COURTESY CALL DECEMBER 19 ON NEW FOREIGN MINISTRY DIRECTOR GENERAL OCTAVIO ERRAZURIZ TO CALL HIS ATTENTION TO A PHOTOGRAPH IN THAT MORNING'S LA EPOCA OF A "NEWS" BULLETIN WHICH IS POSTED IN THE LOCKED GLASS DISPLAY CASES OF THE CITY'S METRO STATIONS. THE CASES CONTAIN A BULLETIN BOARD, CLEARLY MARKED "DIRECTORATE GENERAL OF THE METRO," WITH VARIOUS PUBLIC NOTICES, INCLUDING A SHEET CALLED "ENFOQUES DE 7 DIAS" (THE WEEK'S NEWS), OF WHICH WE HAD NOT PREVIOUSLY HEARD. ACCORDING TO LA EPOCA, IT APPEARS IN EVERY ONE OF THE CITY'S SUBWAY STATIONS.

2. THIS WEEK'S ISSUE APPEARS TO FOCUS PRINCIPALLY ON U.S. FINANCIAL AID TO VARIOUS OPPOSITION ORGANIZATIONS, CHARGING THAT THE "UNITED STATES HAD JOINED THE CAMPAIGN OF HAVANA AND MOSCOW, POLITICALLY AND ECONOMICALLY." THE SUBHEAD ON ONE SECTION IS

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PAGE 02 SANTIA 01115 221653Z

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"REAGAN IS A GREAT LIAR."

3. CHARGE NOTED THAT THE CONTENT OF THE BULLETIN WAS SIMILAR TO WHAT WE WERE ACCUSTOMED TO READING IN SOME SECTORS OF THE CHILEAN PRESS, BUT WE WERE TAKEN ABACK BY ITS APPEARANCE ON GOVERNMENT PROPERTY. AS THE POLITICAL CAMPAIGN IN CHILE HEATS UP, THE RHETORIC WILL UNDOUBTEDLY BECOME MORE STRIDENT, BUT WE HOPED THAT WE COULD EXPECT THAT A MINIMUM LEVEL OF CIVILITY WOULD BE MAINTAINED IN OFFICIAL GOVERNMENT PRONOUNCEMENTS. ERRAZURIZ DISCOUNTED THE IMPORTANCE OF THE BULLETIN, AND SAID THE METRO SYSTEM WAS IN ANY EVENT PRIVATE, OR AT LEAST, HE ADDED HASTILY, "IN THE PROCESS OF PRIVATIZATION."

4. ERRAZURIZ EXPRESSED THE GOC'S DEEP DISAPPOINTMENT WITH THE DEPARTMENT'S LATEST HUMAN RIGHTS REPORT ON CHILE, WHICH NOT ONLY CONTAINED INACCURACIES BUT SHOWED DELIBERATE BIAS. CHARGE TOLD HIM THAT PROCESS OF REACHING AGREEMENT BETWEEN THE EMBASSY AND ALL THE VARIOUS OFFICES OF THE DEPARTMENT ON THE WORDING OF THIS YEAR'S REPORT WAS EASIER THAN IN ANY OF THE PREVIO TWO YEARS HE HAD BEEN INVOLVED. THERE WAS NO DISPUTE ABOUT THE FACTS. HE CAUTIONED ERRAZURIZ THAT THE DEEP CONCERN IN THE U.S. ABOUT HUMAN RIGHTS WENT FAR BEYOND POLITICS, AND WOULD HAVE TO BE ADDRESSED EVENTUALLY, REGARDLESS OF THE OUTCOME OF THIS YEAR'S POLITICAL PROCESS IN BOTH COUNTRIES. REGRETABLY, FOR THE TIME BEING WE HAD CONCLUDED THAT THOSE IN THE GOC WHO WERE WILLING TO TALK TO US ABOUT HUMAN RIGHTS HAD NO CONTROL OVER THE VIOLATIONS THAT OCCURRED. ERRAZURIZ DID NOT COMMENT.

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PAGE 03 SANTIA 01115 221653Z

5. COMMENT: WE HAVE THE IMPRESSION THAT ERRAZURIZ AND HIS NEW EXECUTIVE ASSISTANT, ALFONSO SILVA, FRESH FROM THE EMBASSY IN WASHINGTON, WILL BE A TOUGHER TEAM TO DEAL WITH THAN THEIR PREDECESSORS. GASTON ILLANES WENT OUT OF HIS WAY TO ESTABLISH A PERSONAL RELATIONSHIP WITH EMBASSY OFFICERS AND TO IMPLY THAT PROFESSIONAL DIPLOMATS SHOULD GET ALONG REGARDLESS

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OF THEIR GOVERNMENTS' DIFFERENCES. CHARGE GOT A SIMILAR IMPRESSION FROM ERRAZURIZ WHEN HE MET HIM IN 1986 WHEN ERRAZURIZ WAS AMBASSADOR TO ECUADOR. THIS TIME, THE TEMPERATURE WAS DISTINCTLY CHILLER. JONES

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C O N F I D E N T I A L SANTIAGO 01135

E.O. 12356: DECL: OADR
TAGS: UN, PHUM, UNHRC, CI
SUBJECT: 44TH SESSION OF THE UNHRC: POSITION PAPER ON CHILE

REF: STATE 048951

1. CONFIDENTIAL - ENTIRE TEXT.

2. WE HAVE REVIEWED THE SUGGESTED ELEMENTS FOR A CHILE HUMAN RIGHTS RESOLUTION CONTAINED IN PARA 10 OF REFTEL, AND HAVE THE FOLLOWING COMMENTS ON A FEW OF THE SUB PARAGRAPHS:

A. THERE IS A WIDE DIVERSITY OF POLITICAL OPINION EXPRESSED IN CHILE BUT IT IS USUALLY MANIPULATED BY THE GOC, AND TELEVISION REMAINS LARGELY OFF LIMITS TO THE OPPOSITION. THIS SUB-PARAGRAPH MIGHT BE CHANGED TO READ AS FOLLOWS: "PERMIT, AS PART OF AN EFFORT TO EXPAND THE DIVERSITY OF POLITICAL OPINION EXPRESSED IN CHILEAN MEDIA, INCREASED ACCESS TO THE MEDIA, PARTICULARLY TELEVISION MEDIA, BY ALL

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PAGE 02 SANTIA 01135 231224Z

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POLITICAL GROUPS COMMITTED TO DEMOCRACY AND NON-VIOLENCE."

B. ACCESS BY THE INTERNATIONAL COMMITTEE OF THE RED CROSS TO PEOPLE DETAINED UNDER THE ANTI-TERRORIST LAW, AND THEREFORE BEING HELD FOR INVESTIGATIONS BY MILITARY TRIBUNALS, HAS BEEN RESTRICTED BY THESE TRIBUNALS. WE SUGGEST THE SUB-PARAGRAPH ON THIS ISSUE BE CHANGED TO READ AS FOLLOWS: "ENSURE THAT THE COOPERATION BETWEEN THE SECURITY FORCES AND THE INTERNATIONAL COMMITTEE OF THE RED CROSS BE INCREASING EXPANDED AND, IN PARTICULAR, TO FACILITATE READY ACCESS BY THE ICRC TO PEOPLE DETAINED UNDER THE ORDER OF MILITARY TRIBUNALS." (FYI: THE MILITARY PROSECUTOR OFTEN INVOKES THE ANTI-TERRORIST LAW TO JUSTIFY HOLDING PEOPLE IN AN INCOMMUNICADO STATUS FOR EXTENDED PERIODS OF TIME, AND WILL NOT PERMIT THE ICRC TO VISIT THESE PRISONERS WHILE THEY ARE IN THIS STATUS. THIS IS A LOOP-HOLE IN THE EXISTING AGREEMENT BETWEEN THE ICRC AND THE SECURITY FORCES, AND THE SOURCE OF MOST CHARGES OF TORTURE.)

C. IN THE OPERATIVE LANGUAGE, WE SUGGEST THE SUB-PARAGRAPH ON FACILITATING THE REGISTRATION OF VOTERS AND EASING LEGAL RESTRICTIONS ON THE FORMATION OF POLITICAL PARTIES BY DELETED. VOTER REGISTRATION IS CONTINUING AT AN ACCEPTABLE PACE AND IT NOW APPEARS THAT AN ESTIMATED DOZEN POLITICAL PARTIES WILL BECOME REGISTERED, INCLUDING SIX TO EIGHT FROM THE OPPOSITION

JONES

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E.O. 12356: DECL: OADR
TAGS: PREL, XX, ES, MX
SUBJECT: MORE ON SOURING MEXICAN/SALVADORAN RELATIONS

REFS: (A) SAN SALVADOR 2142; (B) MEXICO 4988
(C) SAN SALVADOR 2121

1. (C) SUMMARY

THE DIPLOMATIC SQUABBLE BETWEEN MEXICO AND EL SALVADOR CONTINUES FOLLOWING A SHARPLY WORDED FEB. 16 DIPLOMATIC NOTE FROM SALVADORAN FONMIN ACEVEDO TO FONMIN SEPULVEDA DEMANDING THE IMMEDIATE EXPULSION OF THE FMLN/FDR FROM MEXICAN TERRITORY. ACEVEDO'S DIPNOTE APPEARED IN SALVADORAN NEWSPAPERS ON FEB. 17. IN RETALIATION, THE MEXICAN EMBASSY HERE ARRANGED FOR THE PUBLICATION ON FEB. 18 OF THE CONTENT OF SEPULVEDA'S EVEN ANGRIER REPLY REFUTING GOES CHARGES THAT MEXICO IS HARBORING MEMBERS OF THE FMLN/FDR IN VIOLATION OF THE ESQUIPULAS II (E-II) ACCORDS. THE SEPULVEDA LETTER ENDS BY QUOTING AN OLD ACEVEDO DIPNOTE FROM OCTOBER 8, 1987 IN WHICH THE GOM IS THANKED PROFUSELY FOR ITS CONTRIBUTIONS TO EL SALVADOR'S COMPLIANCE WITH THE E-11. THE SOURING GOES/GOM RELATIONS COME AT A TIME WHEN MEXICO SEEMS INCREASINGLY AT ODDS WITH THE OTHER CENTRAL AMERICAN DEMOCRACIES AS WELL. THE DISPUTE WILL NOT HELP GOES EFFORTS AT THE ONGOING 44TH UNHRC IN GENEVA. END SUMMARY.

2. (U) GOES: KICK FMLN/FDR OUT OF MEXICO

LOCAL PAPERS ON FEB. 17 PUBLISHED THE TEXT OF A DIPLOMATIC NOTE DATED FEB. 16 FROM FONMIN ACEVEDO TO FONMIN SEPULVEDA DEMANDING THE IMMEDIATE EXPULSION FROM MEXICO OF MEMBERS OF THE FMLN/FDR IN ACCORDANCE WITH THE ESQUIPULAS II AGREEMENT. THE DIPNOTE STATED THAT THE GOES "CONSIDERS UNACCEPTABLE THE NEGATIVE AND UNPRECEDENTED ATTITUDE OF THE GOVERNMENT OF MEXICO WITH REGARD TO SUPPORT PROVIDED TO THE FMLN/FDR GROUPS, TO THE DETRIMENT OF THE FRIENDLY RELATIONS THAT SHOULD EXIST BETWEEN OUR TWO COUNTRIES. THIS SUPPORT IS MANIFESTED THROUGH THE ACT OF ALLOWING THE USE OF MEXICAN TERRITORY TO THE FMLN/FDR GROUPS TO DEVELOP ACTIVITIES THAT CAUSE AND SEEK DESTABILIZATION OF THE SALVADORAN GOVERNMENT AND THE DEMOCRATIC SYSTEM OF EL SALVADOR."

3. (U) THE NOTE EXPRESSED CONCERN THAT MEXICO, AS A MEMBER OF THE CONTADORA GROUP AND THE E-II INTERNATIONAL VERIFICATION AND FOLLOW-UP COMMISSION (CIVS), WOULD PERMIT THE PRESENCE AND ACTIVITIES OF THE FMLN/FDR ON ITS TERRITORY. THE NOTE CONCLUDES WITH A REQUEST THAT THE GOM "IMMEDIATELY EXPEL FMLN/FDR MEMBERS FROM ITS TERRITORY AND PERMANENTLY CLOSE THE OFFICES OF THESE GROUPS." THE DIPNOTE PROVIDED THE ADDRESS OF THE OFFICES OF THE "POLITICAL-DIPLOMATIC COMMISSION" OF THE FMLN/FDR IN MEXICO CITY (BENJAMIN FRANKLIN NUM. 231, DEP. P#30, COL. MIPODROMO CONDESA; TELEPHONE: 516-15#6.)

4. (U) GOM: REJECTS CHARGES, QUOTES OLD NOTE

THE FULL TEXT OF SEPULVEDA'S REPLY WAS CARRIED IN THE PRESS HERE ON FEB. 18. SEPULVEDA DENIED CATEGORICALLY THAT MEXICO IS PERMITTING THE USE OF ITS TERRITORY FOR DESTABILIZING ACTIVITIES BY THE FMLN/FDR. THE REPLY STATES THAT, "THE SIMPLE FACT THAT THE GOM HAS AND IS PERMITTING THE ENTRY INTO ITS TERRITORY OF PERSONS WHO IN THEIR COUNTRIES WOULD BE MEMBERS OF THE OPPOSITION IF THEY COULD LIVE AND BE POLITICALLY ACTIVE THERE, DOES NOT CONSTITUTE AID OR SUPPORT NOR CAN BE A REASON FOR COMPLAINT." THE LETTER THEN QUOTES FROM AN OCT. 8, 1987 DIPNOTE FROM ACEVEDO TO SEPULVEDA IN WHICH THE GOM IS THANKED PROFUSELY FOR HAVING HELPED MAKE POSSIBLE EL SALVADOR'S COMPLIANCE WITH THE E-II ACCORDS.

5. (C) COMMENT

SEPULVEDA IS ON VERY THIN ICE IN ARGUING THAT THE GOM IS ALLOWING THE FMLN/FDR SANCTUARY IN MEXICO MERELY BECAUSE THEY CANNOT FUNCTION AS A POLITICAL OPPOSITION IN EL SALVADOR. THE FACT IS THAT THE DUARTE GOVERNMENT HAS URGED REPEATEDLY THE RETURN AND INCORPORATION INTO THE DEMOCRACTIC SYSTEM OF THE FMLN/FDR, BUT NEITHER THE FMLN NOR THE FDR LEADERS HAVE CHOSEN TO TAKE UP THE INVITATION. INSTEAD, THE FMLN HAS VOWED TO SABOTAGE THROUGH VIOLENCE THE UPCOMING MARCH 20 ELECTIONS, AND THE FDR HAS DECLINED TO PARTICIPATE IN THE ELECTIONS CITING A VARIETY OF EXCUSES. TO THE GOES, SEPULVEDA'S REPLY WILL BE READ AS ANOTHER THINLY VEILED EXCUSE FOR CONTINUED MEXICAN SYMPATHY FOR THE FMLN/FDR.

6. (C) THE PUBLIC RELEASE OF ACEVEDO'S DIPNOTE WAS NOT AN UNINTENTIONAL DIPLOMATIC SNAFU, BUT RATHER IS SYMPTOMATIC OF THE GROWING GOES FRUSTRATION WITH WHAT IS SEEN AS MEXICAN HYPOCRICY ON HUMAN RIGHTS, ITS HEGEMONIAL ATTITUDE, AND ITS BLATANT SYMPATHY FOR THE SANDINISTAS IN THE PEACE PROCESS. THE DETERIORATING GOES/GOM RELATIONS COME AT A TIME WHEN MEXICAN RELATIONS WITH THE OTHER CENTAM DEMOCRACIES ARE ON A DOWNTURN AS WELL. THE MEXICAN AMBASSADOR TO HONDURAS HAS BEEN DECLARED PERSONA NON GRATA, COSTA RICA'S PRESIDENT ARIAS HAS PUBLICLY REJECTED THE MEXICAN POLITICAL SYSTEM AS A DEMOCRATIC MODEL, AND

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United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: JOHNSTON, DONALD
Date: 05/27/94
Case ID: 9940035D

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El Salvador: Human Rights
Special Project (1993)

Department of State

PAGE 02 OF 02 SAN SA 02437 08 OF 02 2408302Z 4122 ARA8884

GUATEMALA'S PRESIDENT CEREZO IS ACCUSING THE MEXICANS OF SUPPORTING THE GUATEMALAN GUERRILLA MOVEMENT. IRRITATION AMONG THE DEMOCRACIES WITH MEXICO IS LIKELY TO CONTINUE AND INCREASE FURTHER UNTIL THE GOM RECOGNIZES THE FAILURE OF ITS CENTRAL AMERICA POLICIES AND TAKES CORRECTIVE ACTION. IN THE MEANTIME, THE POISONED ATMOSPHERE BETWEEN THE GOES AND THE GOM WILL LIKELY SPILL OVER TO THE 44TH SESSION OF THE UNHRC IN GENEVA AND REDUCE CHANCES FOR A FAVORABLE OUTCOME ON THE SALVADORAN RESOLUTION.

COXR

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Case Number: S199900030

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
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CONFIDENTIAL

PAGE 01 SANTIA 01168 01 OF 02 232057Z
ACTION ARA-00

INFO LOG-00 COPY-01 ADS-00 AID-00 INR-10 SS-00 CIAE-00
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C O N F I D E N T I A L SECTION 01 OF 02 SANTIAGO 01168

UNCLASSIFIED

FOR ARA/SC, HA AND P (HELMAN)

E.O. 12356: DECL: OADR
TAGS: PGOV, PREL, PHUM, CI
SUBJECT: VISIT OF NDI REPRESENTATIVES

1. CONFIDENTIAL - ENTIRE TEXT.

2. SUMMARY: NDI REPS EXPRESSED SATISFACTION WITH THE PROGRESS AND PLANNING OF THE FREE ELECTIONS MOVEMENT (NOW CALLED THE "NO" CAMPAIGN BECAUSE THE ONLY HOPE FOR FREE ELECTIONS IS A TRIUMPH FOR THE."NO" IN THE PLEBISCITE.) THE CAMPAIGN WILL RECEIVE DIRECTLY A TOTAL OF 500 THOUSAND U.S. DOLLARS FROM THE SPECIAL APPROPRIATION TO NED KNOWN AS THE HARKIN AMENDMENT, IN ADDITION TO 200 THOUSAND DOLLARS FROM THE NDI BUDGET. A SPANISH FOUNDATION WITH A CHILEAN OFFICE WILL PROBABLY BE THE FORMAL GRANTEE. FINANCING FROM HOLLAND AND SPAIN HAS BEGUN TO FLOW IN MEANINGFUL QUANTITIES. THE NEXT NATIONWIDE POLL, TO BE CONDUCTED BY FLACSO, WILL OCCUR IN APRIL AND RESULTS WILL BE REVEALED IN MAY. IN AN UNRELATED DEVELOPMENT, THE

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PAGE 02 SANTIA 01168 01 OF 02 232057Z

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COMMUNISTS ARE COMPLICATING THE "NO" CAMPAIGN WITH A COUNTER EFFORT DESIGNED TO INVALIDATE THE PLEBISCITE A PRIORI, AND THEREBY EXACERBATE VOTER REGISTRATION RELUCTANCE. THE PC SLOGAN IS THE STANDARD ONE THAT UNITY AROUND "SOCIAL MOBILIZATION" (READ PROTEST MARCHES) CAN UPSET THE DICTATOR'S DESIGNS, AND THE PC IS TRYING TO ORGANIZE PEOPLES' ASSEMBLIES. THE OPPOSITION HOPES TO NEUTRALIZE THIS COMMUNIST EFFORT IN THE "POBLACIONES" WITH THE HELP OF AVEC'S ORGANIZATION AND CIVIC EDUCATION PROGRAMS. END SUMMARY.

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3. NDI REPS KEN WOLLACK AND PAT KEEFER VISITED SANTIAGO FEBRUARY 17-19 TO LOOK INTO THE ARRANGEMENTS FOR THE TWO GRANTS IT WILL BE ADMINISTERING FOR THE FREE ELECTIONS CAMPAIGN, (NOW KNOWN AS THE "NO" CAMPAIGN, EVEN THOUGH MUCH OF ITS FOCUS CONTINUES TO BE VOTER REGISTRATION). THE TWO GRANTS INCLUDE ONE OF ITS OWN(200 THOUSAND U.S. DOLLARS) AND ONE APPROVED BY THE NED (250 THOUSAND U.S. DOLLARS). UPON LEARNING FROM GENARO ARRIAGADA (MANAGER OF THE "NO" CAMPAIGN)AND OTHERS THAT THE CAMPAIGN HAS RECEIVED NEW SUPPORT FROM THE NETHERLANDS AND ITALY WHICH CAN BE USED WITH FLEXIBILITY, E.G., FOR PAYING RENT, SALARIES AND OTHER OVERHEAD, THE NDI REPS DECIDED THAT NED/NDI GRANT FUNDS WOULD BE ALLOCATED FOR ADVERTISING, POLLING, COMPUTERIZATION AND PRINTING OF CAMPAIGN LITERATURE. THEY HAVE REPORTEDLY RECEIVED A COMMITTMENT FROM CARL GERSHMAN TO PROVIDE AN ADDITIONAL 250 THOUSAND U.S. DOLLARS FROM THE REMAINING FUNDS OF THE HARKIN AMENDMENT'S ORIGINAL
CONFIDENTIAL

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PAGE 03 SANTIA 01168 01 OF 02 232057Z

ONE MILLION DOLLARS, WHICH WILL BE EMPLOYED IN THE SAME FOUR AREAS. (MORE DETAILED STATUS OF FOREIGN FUNDING BEING REPORTED BY SEPTEL).

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4. THE NDI WILL BE PROVIDING TECHNICAL ASSISTANCE, INCLUDING A VISIT BY FLACSO POLLSTER ANGEL FLISHFISH WITH U.S. POLLSTER PETER HART IN MARCH. COMPUTER

AND REGISTRATION EXPERT GLEN COWAN WILL VISIT SANTIAGO IN LATE MARCH AND PETER HART WILL COME IN APRIL. THE FLACSO POLL WILL BE CONDUCTED IN APRIL AND THE RESULTS WILL BE RELEASED IN.MAY.. THE APRIL POLL WILL BE A TRULY NATIONAL ONE. WE RAISED WITH THE NDI REPS OUR QUESTIONS ABOUT THE FLACSO SAMPLE AND THE RELIABILITY OF ITS RESULTS. NDI REPS WILL PASS THIS TO HART FOR THE MARCH DISCUSSIONS.

-

5. NDI REPS SEEMED PLEASED WITH THE LEVEL OF PLANNING WITHIN THE CAMPAIGN. A NUMBER OF DETAILS NEED TO BE WORKED OUT, SUCH AS HOW THE NAMFREL-LIKE EFFORT OF SERGIO MOLINA'S COMMITTEE OF NOTABLES WILL MESH WITH THE OTHERS. ANOTHER OUTSTANDING QUESTION IS WHAT ORGANIZATION WILL BE THE GRANTEE. IT NOW APPEARS THAT A SPANISH FOUNDATION CREATED BY PDC VICE PRESIDENT ANDRES ZALDIVAR MAY BE THE CHOICE. NO ONE ELSE WAS WILLING TO RECEIVE THE FUNDS.

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6. IN A DEVELOPMENT UNRELATED TO THE NDI VISIT, THE "NO" CAMPAIGN IS CONCERNED BY THE POTENTIAL NEGATIVE IMPACT OF A "CAMPAIGN AGAINST FRAUD" BEING LAUNCHED BY THE COMMUNIST PARTY (PC) WITH ITS ALLIES THE "HISTORICAL"

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Case Number: S199900030

ACTION ARA-00

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C O N F I D E N T I A L SECTION 02 OF 02 SANTIAGO 01168

FOR ARA/SC, HA AND P (HELMAN)

E.O. 12356: DECL: OADR
TAGS: PGOV, PREL, PHUM, CI
SUBJECT: VISIT OF NDI REPRESENTATIVES

6. IN A DEVELOPMENT UNRELATED TO THE NDI VISIT, THE "NO" CAMPAIGN IS CONCERNED BY THE POTENTIAL NEGATIVE IMPACT OF A "CAMPAIGN AGAINST FRAUD" BEING LAUNCHED BY THE COMMUNIST PARTY (PC) WITH ITS ALLIES THE "HISTORICAL" SOCIALISTS AND THE MIR. (NOTE: THE PC'S COLLEAGUES IN THE UNITED LEFT, THE ALMEYDA SOCIALISTS, CHRISTIAN LEFT, MAPU AND LUENGO RADICALS HAVE JOINED THE "NO" CAMPAIGN TO THE PC'S CHAGRIN. THUS THE "UNITED LEFT" IS UNDER STRAIN. THE PC HAS DEVISED THE "ANTI-FRAUD" CAMPAIGN TO REDUCE ITS ISOLATION AND DISCREDIT THE PLEBISCITE.)

7. THE THEME OF THE COMMUNISTS' "CAMPAIGN" IS THAT FRAUD IS ALREADY UNDERWAY AND "SOCIAL MOBILIZATION" IS THE ONLY MEANS TO COMBAT IT. THE "NO"CAMPAIGN LEADERS ARE CONCERNED THE PC INITIATIVE MAY REINFORCE VOTER APATHY.

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PAGE 02 SANTIA 01168 02 OF 02 232100Z

8. PARRYING THE PC THRUST, OPPOSITION SPOKESMEN SERGIO MOLINA, CHRISTIAN DEMOCRAT ADOLFO ZALDIVAR

(ANDRES' BROTHER) AND SOCIALIST EDGARDO CONDEZA HAVE REFUSED TO LABEL THE PROCESS A FRAUD. MOLINA COMMENTED PUBLICLY THAT THE DRAFT VOTING AND VOTE-COUNTING LAW AFFORDS GUARANTEES THAT IF FULFILLED ENSURE HONESTY. ZALDIVAR SAID THE OPPOSITION WILL BE PREPARED AND ABLE TO COMBAT FRAUD WITH ITS POLL WATCHERS. ALL THREE HAVE SAID THAT IF ADEQUATE SAFEGUARDS ARE HONORED THE RESULTS WILL BE RESPECTED.

9. THE COMMUNIST CAMPAIGN IS PARTICULARLY TROUBLESOME IN CERTAIN POOR NEIGHBORHOODS, ACCORDING TO ANDRES ZALDIVAR. IN "POBLACIONES" THE MESSAGE OF FRAUD IS MIXED WITH CALLS FOR UNREASONABLE SOCIAL SPENDING AND OTHER DEMANDS IF THE GOC IS DEFEATED IN THE PLEBISCITE. THE COMMUNISTS ARE ORGANIZING POPULAR "ASSEMBLIES" FOR SOCIAL JUSTICE AND AGAINST FRAUD, THE APPEAL OF WHICH IS HARD FOR THE DEMOCRATIC OPPOSITION TO COMBAT. ZALDIVAR IS RELYING ON THE CATHOLIC CHURCH-SPONSORED "POBLACION" ORGANIZATION AVEC (ALSO FUNDED BY NED) TO HELP NEUTRALIZE THE COMMUNIST CAMPAIGN WITH ITS OWN CIVIC EDUCATION EFFORT RELATED TO THE PLEBISCITE.

JONES

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2/23/88

Our 75th Year

ADL Anti-Defamation League of B'nai B'rith

1913 - 1988

Chile Project (#S199900030)
U.S. Department of State
Release X Excise _____ Deny _____ February 23, 1988
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Exemption(s) _____

SC - Haig

See me please

Ambassador Hernan Felipe Errazuriz
Embassy of Chile
1736 Mass. Avenue, NW
Washington, DC 20036

Dear Ambassador Errazuriz:

One year ago, we wrote asking for information about Professor Boris Weisferler who disappeared in Chile on January 3, 1985. We received no reply.

We are requesting, once again, information about the fate of Professor of Weisfeiler.

Sincerely yours,

Rabbi Morton M. Rosenthal
Director
Dept. of Latin American Affairs

MMR:ai

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WA0579 ~2/23/88

ADL
Anti-Defamation League of B'nai B'rith

Robert Gelbard

Please see page 2 of the Latin American Report

For Your Information

Chile Project (#S199900030)
U.S. Department of State
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Declassify: In Part ____ In Full ____
Exemption(s) ____

Rabbi Morton M. Rosenthal

823 United Nations Plaza,
New York, N.Y. 10017
212-490-2525

Bill -
Powell to Santiago -
ask for Their views + Input for cable to Rosen RL

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PETE WILSON
CALIFORNIA

COMMITTEES:
ARMED SERVICES
AGRICULTURE, NUTRITION, AND FORESTRY
COMMERCE, SCIENCE, AND TRANSPORTATION
SPECIAL COMMITTEE ON AGING
JOINT ECONOMIC COMMITTEE

United States Senate

WASHINGTON, DC 20510

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) [redacted] 09

February 24, 1988

RP/TAP/MR
2401 E Street, N.W.
Room 1228
Washington, D.C. 20520

Dear Sirs:

Mr. Sheldon D. Liber has requested my assistance with the status of several prisoners being held overseas. I have enclosed the information that I received.

I would greatly appreciate your review of this matter to determine the appropriate assistance for my constituent.

Please contact Matthew Park in my Los Angeles office, at the address listed below, if you have any questions or information.

Thank you for your consideration.

Sincerely,

Pete Wilson

PETE WILSON

Enclosure

11541 Santa Monica Boulevard
Suite 915
Los Angeles, California 90025

Re: Kang Jong-Kon imprisoned in Korea, Alejandro Rodriguez Urzua in Chile, Toko Chabi Yako in Benin, Carmen Cecilia Bueno Cifuentes and Jorge Herman Muller Silva in Chile and Ali Al-Khatib in Syria

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DONALD W. RIEGLE, JR.
MICHIGAN

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COMMERCE, SCIENCE, AND TRANSPORTATION
FINANCE
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United States Senate

WASHINGTON, DC 20510

Chile Project (#S19990036)
U.S. Department of State
Release X Excise ____ Deny ____
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Exemption(s) ____

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February 24, 1988

Mr. J. Edward Fox
Assistant Secretary for Legislative Affairs
Department of State
Washington, D.C. 20520

Dear Secretary Fox,

Recently, I was contacted by Mr. Mel Ravitz expressing concern over several human rights cases in Chile, Syria and Greece. Mr. Ravitz is particularly concerned with the case of Reinalda del Carmen Pereira Plaza in Chile, Fadil al-Fadil in Syria and David Matzinikolaou-Kastrisios in Greece. I am enclosing a copy of the constituent's correspondence for your information.

I find this matter disturbing and would appreciate it if you could investigate the concerns raised in the attached letter. Please direct any questions or correspondence to Denise Sullivan Pesnick of my staff, at 50-105 Dirksen Senate Office Building, Washington, D.C. 20510.

Thank you for your attention to this matter.

Sincerely,

Donald W. Riegle, Jr.

DWR/dsp
ENCLOSURE

Re: Disappearance of Reinalda del Carmen Pereira Plaza in Chile.

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2/24/88

Department of State

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APPROVED BY: ARA:E ABRAMS
ARA/SC:R B HOWARD, ARA:R S GELBARD, C:P ASHBY, HA:K BARMON
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Chile Project (#S199900030)
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~~C O N F I D E N T I A L~~ STATE 056956

E.O. 12356: DECL: OADR
TAGS: PREL, PHUM, PINR, CI
SUBJECT: CHILEAN AMBASSADOR COMPLAINS ABOUT 1987 HUMAN RIGHTS REPORT. COMMENTS ON U.S.-CHILEAN RELATIONS

1. ~~CONFIDENTIAL~~, ENTIRE TEXT.

2. SUMMARY. ON FEBRUARY 18, 1988, CHILEAN AMBASSADOR HERNAN FELIPE ERRAZURIZ CALLED ON ARA ASSISTANT SECRETARY ELLIOTT ABRAMS TO COMPLAIN ABOUT THE 1987 HUMAN RIGHTS REPORT AND LAMENT WHAT HE CONSIDERS THE POOR STATE OF CURRENT U.S.-CHILEAN RELATIONS. ERRAZURIZ CLAIMED THAT THE HUMAN RIGHTS REPORT CONTAINED FALSE INFORMATION AND PROVIDED AN UNDULY DARK VIEW OF WHAT IS HAPPENING IN CHILE. HE CRITICIZED THE REPORT FOR NOT FULLY MENTIONING POSITIVE STEPS THE GOC HAS TAKEN RECENTLY TO IMPROVE THE SITUATION OF HUMAN AND CIVIL RIGHTS AND IN FAMILIAR TERMS
~~CONFIDENTIAL~~
~~CONFIDENTIAL~~

PAGE 02 STATE 056956

DEFENDED THE PINOCHET REGIME AS MOVING THE COUNTRY TOWARDS

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~~CONFIDENTIAL~~
DEMOCRACY ACCORDING TO A CLEARLY ESTABLISHED TIMETABLE. THE U.S., HE BEMOANED, HAS SINGLED CHILE OUT FOR SPECIAL PUNISHMENT WITH THIS REPORT AND REFUSES TO OPEN ITS EYES TO THE POPULARITY OF THE REGIME. HE URGED THE U.S. TO SHOW SOME UNDERSTANDING OF THE POLITICAL PROCESS IN CHILE AND REFRAIN FROM INTERFERING IN IT. SHOULD THE TRANSITION TO DEMOCRACY ACCORDING TO THE GOC PLAN FAIL, HE PREDICTED DIRE CONSEQUENCES, INCLUDING "A RETURN TO 1973."

3. ABRAMS DEFENDED THE HUMAN RIGHTS REPORT AS A BALANCED AND FAIR ASSESSMENT OF THE SITUATION. HE CITED VERBATIM THE MANY POSITIVE REFERENCES TO GOC ACTION MADE IN THE REPORT AND DENIED THAT IT WAS PREPARED WITH ANYTHING BUT AN OPEN MIND. THE MAJOR QUESTION IN PRESENT AND FUTURE U.S.-CHILEAN RELATIONS, ABRAMS POINTED OUT, IS THE NATURE OF THE PLEBISCITE AND THE CAMPAIGN LEADING UP TO IT. IN ORDER FOR THE PLEBISCITE TO PRODUCE A LEGITIMATE RESULT, HE ARGUED, IT MUST BE HONEST AND BE VISIBLY SEEN TO BE HONEST BOTH ABROAD BUT, MORE IMPORTANTLY, IN CHILE. THE ABILITY OF CHILE'S FUTURE PRESIDENT TO EFFECTIVELY GOVERN THE COUNTRY WILL TO A LARGE DEGREE DEPEND ON THE PURITY OF THE PLEBISCITE. OUR RELATIONS, HE CLAIMED, THEREFORE WILL HINGE ON THE NATURE OF THE PLEBISCITE. ABRAMS URGED ERRAZURIZ TO POINT OUT TO U.S. OFFICIALS WHATEVER IMPROVEMENTS THE GOC FEELS IT IS MAKING IN THE AREA OF HUMAN AND CIVIL RIGHTS AND TO DEFEND ITS RECORD BY NOTING THESE ACCOMPLISHED DEEDS. END SUMMARY.

4. CHILEAN AMBASSADOR HERNAN FELIPE ERRAZURIZ, ACCOMPANIED BY DCM PATRICIO MATURANA CALLED ON ELLIOTT ABRAMS ON FEBURARY 17. PETER DESHAZO OF ARA/SC WAS ALSO PRESENT. AFTER BRIEFLY DISCUSSING THE ELECTION OF ENRIQUE
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PAGE 03 STATE 056956

IGLESIAS AS PRESIDENT OF THE IDB THAT AFTERNOON, ERRAZURIZ LAUNCHED INTO A ENERGETIC ATTACK ON THE U.S. HUMAN RIGHTS REPORT. THE PAST 60 DAYS HAVE BEEN "VERY DIFFICULT" IN MATTERS OF BILATERAL RELATIONS, HE SAID, NOTING THE DECEMBER 17 STATEMENT RELEASED BY THE DEPARTMENT, THE GSP CUTOFF, THE SAL VOTE AND THE HUMAN RIGHTS REPORT. HE FOUND THE REPORT TO BE "ABSOLUTELY WRONG" AND "WORSE THAN LAST YEAR'S." HE CLAIMED THAT THE U.S. MISCONSTRUED THE CURRENT SITUATION IN CHILE, DWELLING ON THE NEGATIVE WHILE GLOSSING OVER RECENT POSITIVE STEPS TAKEN BY THE GOC. THE

TONE OF THE REPORT WAS ESPECIALLY TROUBLESOME, HE CLAIMED, AND DOES NOT MESH WITH THE LAST VOLIO REPORT.

5. MUCH DISTRUST IS ARISING IN RELATIONS, ERRAZURIZ SAID, WHICH IS HARMFUL TO BOTH SIDES. THE NEXT FEW MONTHS WILL BE VITAL, NOT ONLY IN TERMS OF RELATIONS BUT ALSO IN THE POLITICAL DEVELOPMENTS WHICH WILL TAKE PLACE. HE SAID THAT A GREAT DISCUSSION IS OCCURRING IN CHILE OVER THE TIMING OF THE PLEBISCITE. POLLS NOW SHOW THAT PINOCHET'S POPULARITY IS ON THE RISE. THE CHILEAN ECONOMY IS LOOKING GOOD AND THE GOVERNMENT ENJOYS A LARGE WINDFALL FROM COPPER REVENUES. AS FOR POSITIVE STEPS, THE OPPOSITION IS NOW APPEARING ON TV. IN THIS AREA, THE GOVERNMENT, HE CLAIMS, CONTROLS ONLY ONE TV STATION, WHILE THE LARGEST IS RUN BY THE CATHOLIC CHURCH AND THE OTHER TWO BY THE CHURCH AND THE UNIVERSITY OF CHILE, ALL INDEPENDENT OF GOVERNMENT CONTROL. (COMMENT: BY THIS ERRAZURIZ INFERRED THAT THE GOC HAS NO CONTROL OVER THE MATTER OF TV AND THAT IF THE U OF CHILE AND CHURCH WILL IT, THE OPPOSITION WILL HAVE MAJOR ACCESS. END COMMENT). A NEGATIVE SIDE OF THE CURRENT SITUATION IS THAT THERE IS "A LOT OF TERRORISM" LATELY AIMED AGAINST THE MILITARY, NOTING PARTICULARLY THE BOMBING OF A HOSPITAL WAITING ROOM IN VALPARAISO. (COMMENT: HE CLEARLY INFERRED THAT THE LEFT WAS RESPONSIBLE FOR THIS BOMBING AGAINST A MILITARY-RELATED

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TARGET. END COMMENT).

6. IN CHILE, ERRAZURIZ CLAIMED, U.S.-CHILEAN RELATIONS ARE PERCEIVED AS BEING STRAINED AND THE FAR LEFT TAKES ADVANTAGE OF THIS FACT. HE THEN LAUNCHED INTO THE STANDARD DESCRIPTION OF THE UNIQUENESS OF CHILE'S SALVATION FROM MARXISM. THE GOC'S SURE MARCH TO DEMOCRACY COULD BE UPSET BY U.S. "PRESSURE," HE STATED, NOTING THAT HE PREFERRED NOT TO USE THE WORD "AGGRESSION." HE THEN ASKED FOR ABRAMS' OPINION OF RELATIONS.

7. REFERRING TO THE HUMAN RIGHTS REPORT, AS ABRAMS CLAIMED THAT IT IS "FILLED WITH COMPLIMENTS" FOR THE GOC, A STATEMENT ERRAZURIZ TOOK IMMEDIATE EXCEPTION TO, ARGUING THAT CHILE HAS BEEN UNFAIRLY PUNISHED. HE CLAIMED THAT HE COULD PROVIDE INFORMATION TO SHOW THE UNTRUTHFULNESS OF

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THE REPORT AND ABRAMS URGED HIM TO FURNISH IT.

8. MOVING AWAY FROM A DISCUSSION OF THE REPORT ITSELF, ABRAMS NOTED THAT THE PLEBISCITE PROCESS WILL BE THE KEY FACTOR IN THE FUTURE OF BILATERAL RELATIONS. GIVEN THAT THE PLEBISCITE WILL PROBABLY TAKE PLACE BEFORE ANY CHANGE IN U.S. ADMINISTRATION, THE CHILEANS WILL STILL HAVE TO DEAL WITH RELATIONS AS THEY ARE AND NOTED THAT THE U.S.

CLEAN AND FAIR PLEBISCITE. NOT ONLY IS IT IMPORTANT FOR THE PLEBISCITE PROCESS TO BE HONEST, ABRAMS CLAIMED, IT MUST BE SEEN AS BEING HONEST IN ORDER TO PRODUCE A LEGITIMATE GOVERNMENT. ACCESS TO TELEVISION AND THE FULL OBSERVANCE OF HUMAN AND CIVIL RIGHTS WILL BE KEY FACTORS IN THIS. ABRAMS URGED THE CHILEANS TO ALLOW AS MANY RELIABLE OPINION POLLS AS POSSIBLE TO BE CONDUCTED UP TO THE PLEBISCITE. IF THE POLLS ARE GOOD AND SHOW PINOCHET A

WINNER AND HE SUBSEQUENTLY WINS, THEN HIS VICTORY WILL BE BELIEVED. FAIR CAMPAIGN CONDITIONS AND THE PRESENCE OF IMPARTIAL OBSERVERS DURING THE VOTING WILL HAVE A BENEFICIAL RESULT IN GRANTING LEGITIMACY TO A CLEAN PLEBISCITE. IF, ON THE OTHER HAND, PINOCHET LOOKS LIKE A SURE LOSER AND SUDDENTLY WINS, PROTESTS WILL ARISE BOTH IN SANTIAGO AND WASHINGTON. THE RULES OF THE GAME AND HOW THEY ARE HONORED ARE CRUCIAL, ABRAMS SAID. THE FAIRER THE PLEBISCITE, THE BETTER WILL BE BILATERAL RELATIONS. OUR REACTION TO A POTENTIAL PINOCHET VICTORY WOULD DEPEND ENTIRELY ON THE FAIRNESS OF THE PLEBISCITE PROCESS.

9. ERRAZURIZ APPEARED MOST PLEASED BY THIS COMMENT, ASSURING ABRAMS THAT HE IS "ABSOLUTELY SURE" THAT THE PLEBISCITE WILL BE HONEST. THERE WILL, HOWEVER, BE VIOLENCE TO THREATEN THE TRANQUILITY OF THE PROCESS, ODDLY NOTING THAT "IN A SMALL VILLAGE 30 OR SO MEN COULD KILL ANY NUMBER OF PEOPLE." THE ARMY, HE STATED, CAN BE COUNTED ON TO MAINTAIN ORDER, HOWEVER. AS FOR THE PLEBISCITE AS A MECHANISM OF SELECTING A PRESIDENT, ERRAZURIZ STATED THAT IT HAS NOW BEEN RECOGNIZED BY THE OPPOSITION AS A LEGITIMATE MEANS. THE U.S., HOWEVER, ATTACKS THE CHILEAN CONSTITUTION IN THE HUMAN RIGHTS REPORT, A GRAVE ERROR. CRITICISM OF THE CONSTITUTION BY THE U.S. IS A VERY SERIOUS MATTER, HE STATED, FOR ONLY

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CHILEANS HAVE THE RIGHT TO COMMENT ON THEIR CONSTITUTION. THE SUCCESS OF TRANSITIONS IN BRAZIL AND SPAIN CAME ABOUT BECAUSE NOBODY CRITICIZED THE CONSTITUTION. IN BOTH CASES THE GOVERNMENT, NOT THE OPPOSITION, BROUGHT THE TRANSITION ABOUT AND IF IN EITHER CASE THE GOVERNMENT LOST CONTROL, CHAOS WOULD ERUPT. HE REPEATED THAT THE U.S. PLAYS A VERY LARGE ROLE IN ASSURING THE SUCCESS OR LACK OF SUCCESS OF THE PLEBISCITE IN CHILE.

10. ABRAMS REITERATED THE NEED FOR THE PLEBISCITE TO BE VISIBLY FAIR. CHILE IS NOT PARAGUAY, HE STATED, AND

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RELIABLE POLLS SHOULD GIVE OBSERVERS AN IDEA OF RELATIVE POLITICAL STRENGTH BEFORE THE VOTING TAKES PLACE. HOWEVER, IF THE GOC MAKES MISTAKES LIKE ARRESTING REPORTERS, IT WILL LOSE ITS CREDIBILITY AND WEAKEN ITS CLAIM TO CARRYING OUT A FAIR CAMPAIGN.

11. EXPRESSING GRATITUDE FOR THIS ADVICE, ERRAZURIZ CLAIMED THAT LEFTIST-INSTIGATED VIOLENCE WOULD BE A WILD CARD IN THE PROCEEDINGS. MONEY FROM ABROAD, EVEN A PITTANCE LIKE THE ONE MILLION FROM NED, ALSO RAISES THE HACKLES OF ALL CHILEANS, WHO REJECT OUTSIDE INTERFERENCE.

12. ERRAZURIZ ASKED ABRAMS WHAT THE U.S. WOULD DO IF PINOCHET WON THE PLEBISCITE. THE REPLY WAS THAT THE CREDIBILITY OF THE VICTORY WOULD BE THE MAJOR FACTOR. IF PINOCHET CANNOT WIN FAIRLY, ABRAMS STATED, HE CANNOT RULE SUCCESSFULLY OR FOR LONG. ONCE AGAIN, THE NATURE OF THE PROCESS IS KEY.

13. WHEN ERRAZURIZ PROMISED THAT FUTURE POSITIVE STEPS WOULD BE FORTHCOMING FROM THE GOC, ABRAMS URGED HIM TO BRING THESE TO THE ATTENTION OF AMBASSADOR KAMPLEMAN, NOTING HIS INTEREST IN CHILE, AND SUGGESTED THAT FOREIGN MINISTER GARCIA CONSIDER WRITING TO SECRETARY SHULTZ TO BRING HIM UP TO DATE ON STEPS TAKEN SINCE THEIR MEETING ON SEPTEMBER 28. ERRAZURIZ PROMISED TO TAKE THESE SUGGESTIONS INTO CONSIDERATION.

14. COMMENT. ERRAZURIZ ENTERED THE MEETING IN AN UNCHARACTERISTICALLY GOOD MOOD AND LEFT IN A BETTER ONE. HE APPEARED VERY PLEASED BY WHAT WAS DISCUSSED AND TOLD

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ABRAMS THAT HE FOUND THE CONVERSATION ENCOURAGING. HE SPOKE IN ENGLISH AND, PERHAPS AS A RESULT, SUBSTITUTED HIS
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USUAL SARCASM WITH OCCASIONAL LAPSES INTO BRIEF BUT CLEARLY STOCK LECTURES ON THE NATURE OF THE CHILEAN POLITICAL PROCESS. END COMMENT.
SHULTZ

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Chile Project (#S199900030)
U.S. Department of State
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Exemption(s) ____

PAGE 01 SANTIA 01261 261649Z
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TO USMISSION GENEVA
INFO SECSTATE WASHDC 5391

UNCLASSIFIED
C O N F I D E N T I A L SANTIAGO 01261

E.O. 12356: DECL:OADR
TAGS: PHUM, UNHRC-1, CI
SUBJ: 44TH SESSION OF UNHRC: CHILE HUMAN RIGHTS RESOLUTION

WE UNDERSTAND A MEXICAN DRAFT RESOLUTION ON CHILE IS CIRCULATING IN THE UNHRC MEETING, AND WOULD APPRECIATE RECEIVING THIS BY TELEVRAM, IF AVAILABLE. WE ARE ALSO INTERESTED IN KNOWING YOUR BEST ESTIMATE OF THE DATES FOR CONSIDERATION OF CHILE IN THE UNHRC.

BARNES

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Case Number: S199900030

Chile Project (#S199900030)
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PAGE 01 GENEVA 02121 01 OF 02 261932Z
ACTION IO-19

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C O N F I D E N T I A L SECTION 01 OF 02 GENEVA 02121

E.O. 12356: DECL:OADR
TAGS: PHUM, UNHRC-1
SUBJECT: 44TH SESSION OF UN HUMAN RIGHTS COMMISSION:
CHILE RESOLUTION

1. CONFIDENTIAL - ENTIRE TEXT.

2. THIS IS HRC - 207

3. ON FEBRUARY 25, JEAN PIERRE LE COURT OF THE FRENCH DELEGATION APPROACHED ALTERNATE REPRESENTATIVE AMBASSADOR ALBERTO PIEDRA TO INFORM HIM THAT THE FRENCH HEAD OF DELEGATION HAD EXPRESSED TO THE HEAD OF THE MEXICO DELEGATION HIS CONCERN FOR THE FACT THAT MEXICO HAD PREPARED THE RESOLUTION ON CHILEAN HUMAN RIGHTS VIOLATIONS BEFORE THE REPORT OF THE SPECIAL RAPPORTEUR ON CHILE HAD BEEN MADE PUBLIC. LE COURT STRESSED THAT SUCH AN ATTITUDE ON THE PART OF MEXICO WAS MOST UNFORTUNATE AND ESTABLISHED A DANGEROUS PRECEDENT. LE

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PAGE 02 GENEVA 02121 01 OF 02 261932Z

COURT TOLD AMB PIEDRA THAT FRANCE WOULD NOT MAKE A SEPARATE SPEECH ON CHILE THIS YEAR AND WOULD INCLUDE ITS COMMENTS ON CHILE IN A GENERAL REVIEW OF HUMAN RIGHTS VIOLATIONS.

4. THE CHILEAN AMBASSADOR MARIO CALDERON, ALSO APPROACHED AMB PIEDRA TO EXPRESS HIS CONCERN AND DISSAPOINTMENT AT CERTAIN OF THE ELEMENTS THAT WE PRESENTED TO HIM IN ACCORDANCE WITH INSTRUCTIONS.

5. SOME OF THE CONCERNS OF THE CHILEAN AMBASSADOR ARE EXPRESSED IN A MEMO DELIVERED TO AMB PIEDRA, THE CONTENTS OF WHICH ARE THE FOLLOWING:

1.- PARRAFO OPERATIVO 10 DE LOS ELEMENTOS SUGERIDOS PARA UNA RESOLUCION SOBRE DERECHOS HUMANOS EN CHILE, CONCRETAMENTE EL QUE COMIENZA "IT SHOULD ALSO TAKE STEPS...", SE CONSIDERA MUY NEGATIVO, PORQUE CONSTITUYE MANIFIESTO RETROCESO EN POSICION MANIFESTADA POR ESTADOS UNIDOS EN LO QUE SE REFIERE AL PLEBISCITO.

2.- DEMUESTRA ADEMAS UN ALTO GRADO DE DESCONOCIMIENTO DE LA REALIDAD POLITICA ACTUAL DE CHILE.

3.- EN EFECTO, EL 27 DE AGOSTO DEL ANO PASADO, EL SUBSECRETARIO ADJUNTO R. GELBAND, SENALO QUE SI EL PLEBISCITO ERA APOYADO POR AMPLIO SECTOR DE LA SOCIEDAD, BAJO CONDICIONES LIBRES Y JUSTAS, PODRIA SERVIR PROPOSITOS DEMOCRATAS".

4.- LA DECLARACION DEL PRESIDENTE REGAN DEL 17 DE DICIEMBRE DE 1987 NO DESCONOCE POSIBILIDAD DEL PLEBISCITO. SOLO INDIC GARANTIA QUE DEBE REVESTIR.
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PAGE 03 GENEVA 02121 01 OF 02 261932Z

5.- DECLARACIONES DEL ENCARGADO DE NEGOCIOS A.I. DE EE.UU. EN CHILE, GEORGE JONES, TODAS POSITIVAS EN RELACION A LA MISMA MATERIA.

6.- EL RELATOR ESPECIAL VOLIO EN SUS ULTIMOS DOS INFORMES, ACEPTA MECANISMO PLEBISCITO Y CONSIDERA QUE

ESTE SE PREPARA CON SERIEDAD Y RESPONSABILIDAD.

7.- LA MISMA OPOSICION DEMOCRATICA CHILEAN LO HA ACEPTADO Y SE PREPARA ACTIVAMENTE PARA PARTICIPAR EN EL. ELABORANDO MECANISMOS DE CONTROL DE SUS RESULTADOS, ENTRE LOS CUALES PUEDEN CITARSE LA INVITACION A 300 PARLAMENTARIOS DE OTROS PAISES.

8.- EN LA PRACTICA, HOY EN CHILE EL UNICO SECTOR QUE RECHAZA EL PLEBISCITO Y ABOGA POR LA VIA VIOLENTA, COMO EWL MISMO RELATOR VOLIO LO CONSIGNA EN SUS INFORMES, ES LA EXTREMA IZQUIERDA, LIDERADA POR EL PARTIDO COMUNISTA.

9.- EN CONSECUENCIA, PARRAFO OBJETADO, DE SER APROBADO SERVIRIA SUSTANCIALMENTE ESTRATEGIA COMUNISTA, LA QUE, SE RECALCA, NO SOLOI RECHAZA EL PLEBISCITO, SINO QUE PROPICIA LA VIA VIOLENTA, COMO FORMA DE TOMAR EL PODER.

10.-EN GENERAL, RESTO DE LOS "ELEMENTOS" SON POCO SATISFACTORIOS PARA CHILE.

6. LATER THAT AFTERNOON, THE HEAD OF THE MEXICAN DELEGATION CLAUDE HELLEN LET AMBASSADOR PIEDRA KNOW THAT HE HAD READ THE ELEMENTS GIVEN TO HIM THE DAY BEFORE AND THAT HE WAS CAREFULLY STUDYING THEM HELLEN SAID THAT HE

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PAGE 01 GENEVA 02121 02 OF 02 261932Z

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AMEMBASSY SANTIAGO

C O N F I D E N T I A L SECTION 02 OF 02 GENEVA 02121

E.O. 12356: DECL:OADR
TAGS: PHUM, UNHRC-1
SUBJECT: 44TH SESSION OF UN HUMAN RIGHTS COMMISSION:
WOULD DISCUSS THEM WITH THE OTHER CO-SPONSORS AT A
MEETING TO BE HELD LATE THIS EVENING AND WOULD GET BACK
TO PIEDRA NO LATER THAN MONDAY THE 29TH. PETRONE

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Chile Project (#S199900030)
U.S. Department of State
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Exemption(s) ____

2/26/88

App. this is list of hospitals, etc. called while looking for Horman & Terruggi. Since handwriting is identifiable may be legal evidence of search.

L D Huffstutter
Secretary

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UNITED STATES GOVERNMENT

memorandum

DATE: February 26, 1988

REPLY TO ATTN OF: POL - John F. Keane

SUBJECT: Summary of Conversation with Auxiliary Bishop Sergio Valech, Vicar of Vicariate of Solidarity

TO: The Files

DATE: February 24, 1988

PLACE: Valech's Office in the Archbishopric

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
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Exemption(s) NR

Valech offered comments on the following topics:

1. The military prosecutor's request for information from the Vicariate's files:

Valech said that the prosecutor already has the files of the Chiloe Clinic which reveal the names of all persons attended, the nature of the injury and if the bill was paid for by the Vicariate.[1] In requesting similar information from the Vicariate, the military prosecutor is continuing the campaign of public pressure and harassment of the Vicariate. He intends to provide information on bills that were paid and whether any of the individuals referred to the Chiloe Clinic had bullet wounds (information requested by prosecutor Torres), but he will not provide the names of those who had been referred on the grounds that this would be immoral and unethical.[2] Valech pointedly noted that information about the prosecutor's request to the Vicariate for this data was published in a newspaper practically at the same time that they received the letter. Subsequently he learned from two reporters that the newspapers had received phone calls from the prospectur's office advising them of the existence of the letter. His conclusion is that the harassment is likely to continue throughout this year.

Footnotes:

1. He confirmed that it is standard practice for the Vicariate to pay such bills.

2. Valech indicated that he thinks there were very few who had bullet wounds, and most of those were from Carabinero buckshot or rubber bullets received during demonstrations.

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OPTIONAL FORM NO. 10
(REV. 1-80)

2. Cardinal Silva and the ACHA:

Valech confided that Silva had never received a threat from ACHA. Rather Silva received a copy of a leaflet containing the pictures of five disappeared persons in which ACHA states that it always fulfills its promises. There was no threat directed at the Cardinal and the same leaflet was distributed in super markets and sent in the mail to many people, according to Valech. Silva did not interpret it as a threat and nor do others in the Church but some of Silva's family members have distorted the meaning to the press.

3. Recent attacks on the Archbishopric of Talca:

Valech is suspicious of the recent break in at Archbishop Carlos Gonzalez's residence at Talca. The intruders evidently stole CH $18,000, rifled through a drawer that contained inocuous literature and set fire to it but disturbed little else. Specially noted, is the fact that the Cardex that contains very sensitive files was completely untouched. Valech made a general statement that he wonders whether groups of the extreme left might not be trying to create an impression of CNI or government harassment of Church officials and perhaps opposition leaders in order to discredit the plebiscite. Valech noted in incidents where they suspected the CNI or the Far Right was responsible for break-ins, destruction was widespread and virtually no significant files were left untouched. He cited the example of the break-in at ICEM Headquarters of New Years' Eve of 1986.

4. I mentioned to Bishop Valech that I would be traveling to five cities in the south of Chile and would be requesting audiences with Bishops in those areas, just for his information. I noted, however, that I intended to call on specifically the Bishop of Osorno and visit the radio station that has suffered a number of attacks and threats in recent months, Radio de la Costa. Valech commented that this was useful but he also wanted me to be aware that the German priest in charge of the radio station is a particularly conflictive personality.

5. Olivares Case: Valech anticipates the courts will reactivate the case against Dr. Olivares in March. It may be turned over to another Chamber of the Supreme Court, perhaps one more malleable to GOC pressure. The Chamber which last ruled on the case voted 4-1 (or 5-1, I can't recall) in favor of releasing Olivares.

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6. Political Scenarios:

I asked Valech what he thought the government might do in the event that it appears it will lose in the plebiscite. He responded that he strongly doubted the government would cancel the plebiscite and would allow a free election but in his view if that were done and the second round were eliminated, Pinochet would have an excellent chance of winning against a divided opposition. Nevertheless, he feels that a plebiscite is still the most likely alternative and he is not confident that the "No" will win. Recently having traveled to the interior and talking to priests as well as common people he noted significant economic progress, an absence of unemployment and general contentment. Priests told him that people's wages have risen considerably and that prosperity has finally reached many formally depressed areas. While the numbers of people are relatively few compared to the masses of Santiago, he feels that these people in rural areas will almost uniformly vote for Pinochet.

Moreover, he feels the opposition will not create a viable alternative in time -- which appears to equate with picking a single leader -- and will therefore be rejected by voters. Women in particular will vote against uncertainty in the loneliness of the booth, regardless of what they tell their husbands, sons (and pollsters) due to family pressure, he predicted.

Copies to:

AMB, DCM, POL, FILES, USIS, DAO, ECON, ARA/SC, INR/DB, INR/IAA

Drafted:POL:JFKeane:ll:2/25/88

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February 26, 1988

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ACTION
is assigned to
AID

United States Senate

RE: [redacted]

Respectfully referred to:

James E. Fox
Asst Secretary for Legislative and Intergovernmental Affairs
U.S. Dept of State
2201 C Street, N.W.
Washington, D.C. 20520

Chile Project (#5199900030)
U.S. Department of State
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Exemption(s) B6

Because of the desire of this office to be responsive to all inquiries and communications, your consideration of the attached is requested. Your findings and views, in duplicate form, along with return of the enclosure, will be appreciated by

Howell Heflin

Howell Heflin
U.S.S.

BEST COPY AVAILABLE

HH/msr
Form #2

GPO 1981 O - 75-237

Re: Questions about if the US is giving $1 million to the Communist party in Chile.

1988 MAR -4 AM 11:50 OUT

FAIM/IAP/WI

1988 MAR -4 AM 11:49

FOR ASSESS BY
DEPARTMENT OF STATE

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Chile Project (#S199900030)
U.S. Department of State
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PAGE 01 SANTIA 01293 01 OF 02 291801Z
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TO SECSTATE WASHDC PRIORITY 5413

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C O N F I D E N T I A L SECTION 01 OF 02 SANTIAGO 01293

E.O. 12356: DECL: OADR
TAGS: PHUM, CI
SUBJECT: CASE OF DAGOBERTO ARTURO LOPEZ REBOLLEDO
(ADMIRAL ZUMWALT INTEREST)

REF: STATE 53924

1. CONFIDENTIAL - ENTIRE TEXT.

2. EMBOFF DISCUSSED SUBJECT CASE WITH VICARIATE OF SOLIDARITY LAWYER NELSON CAUCOTO ON FEBRUARY 25. HE PROVIDED A FULL BRIEFING ON HIS HANDLING OF THE DEFENSE OF DAGOBERTO ARTURO LOPEZ REBOLLEDO AS WELL AS WLADIMIR MANCILLA ADASME AND RUBEN RIQUELME RETAMAL, TWO OF THE OTHER FOUR MEN CHARGED IN THIS CASE. THE REMAINING TWO DEFENDANTS ARE BEING REPRESENTED BY ANOTHER VICARIATE LAWYER.

3. IT WAS OBVIOUS FROM CAUCOTO'S STATEMENT THAT THE INFORMATION WHICH AMNESTY INTERNATIONAL HAS ON THIS CASE STEMS FROM VICARIATE SOURCES. CAUCOTO INDICATED HE IS IN REGULAR CONTACT WITH AMNESTY ON THIS AND OTHER CASES. HE STRESSED, AS DO SENIOR OFFICIALS IN THE VICARIATE, THAT THE VIC DOES NOT DEFEND THOSE INVOLVED IN VIOLENT ACTS WHICH HAVE TAKEN OR THREATENED LIVES.
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IT DEFENDS PEOPLE ACCUSED OF BEING TERRORISTS, BUT ONLY AFTER THE VICARIATE HAS ASCERTAINED THAT THE DEFENDANTS WERE NOT INVOLVED IN ATTEMPTS AGAINST THE LIVES OF OTHERS.

-

4. CAUCOTO IS CONVINCED LOPEZ AND THE OTHER FOUR ARE INNOCENT OF THE CRIMES CHARGED AGAINST THEM. ALL FIVE OPPOSE THE GOVERNMENT BUT CAUCOTO BELIEVES THEY WERE NOT INVOLVED IN TERRORIST ORGANIZATIONS. EMBASSY FILES REVEAL NO INFORMATION ABOUT LOPEZ AND WE HAVE NO BASIS ON WHICH TO VALIDATE OR REFUTE CHARGES OF HIS INVOLVEMENT.

-

5. ASKED IF THE SLOWNESS IN THIS TRIAL INDICATED ANY WEAKNESS IN THE GOC CASE, CAUCOTO STATED THAT CASES HEARD BY MILITARY TRIBUNALS ARE ALL NOTORIOUSLY SLOW IN DEVELOPMENT AND RESOLUTION. LOPEZ WAS DETAINED IN NOVEMBER 1984, BUT DEFENDANTS IN OTHER CASES HAVE BEEN HELD FOR FIVE YEARS OR LONGER. THE STRENGTH OR WEAKNESS OF A CASE HAS NO APPARENT BEARING ON THE TIME INVOLVED IN GETTING IT THROUGH THE MILITARY COURT SYSTEM.

-

6. CAUCOTO ANTICIPATES THE MILITARY JUDGE WILL PRONOUNCE SENTENCE THIS YEAR. THE SUMMARY STAGE WAS COMPLETED IN EARLY 1987 THE MILITARY PROSECUTOR HAS ADKED FOR A 35-YEAR JAIL SENTENCE (20 YEARS UNDER THE ANTI-TERRORIST LAW FOR MURDER AND 15 YEARS FOR ILLEGAL ASSOCIATION WITH A TERRORIST CONFIDENTIAL -

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PAGE 03 SANTIA 01293 01 OF 02 291801Z

GROUP). IF THE JUDGE FINDS LOPEZ GUILTY, CAUCOTO WILL APPEAL TO THE 5-PERSON MILITARY COURT. HE SAID THERE ARE A NUMBER OF PROCEDURAL AND TECHNICAL ERRORS IN THE GOVERNMENT'S CASE WHICH CAN BE APPEALED. SHOULD THE MILITARY COURT CONFIRM THE DECISION OF THE COURT OF FIRST INSTANCE, HE WILL APPEAL TO THE SUPREME COURT.

ALL OF THIS IS TIME CONSUMING AND HE DOES NOT EXPECT A FINAL DECISION UNTIL EARLY 1989, IF NOT LATER. CAUCOTO IS CONFIDENT LOPEZ WILL BE FREED EVENTUALLY.

7. ON THE QUESTION OF TORTURE, CAUCOTO NOTED THAT LOPEZ WAS ARRESTED AND HELD 3 OR 4 DAYS INCOMMUNICADO IN A SECRET DETENTION CENTER BY THE FORMER DICOMCAR BRANCH OF THE CARABINEROS. CAUCOTO BELIEVES THAT LOPEZ AND THE OTHER FIVE DEFENDANTS (ONE WAS LATER RELEASED AFTER THE CARABINEROS DISCOVERED HE WAS IN JAIL ON THE NIGHT OF THE CRIME) WERE TORTURED TO OBTAIN CONFESSIONS. DOCTORS FROM THE LEGAL MEDICAL INSTITUTE, AN OFFICIAL ORGANIZATION ASSOCIATED WITH THE MINISTRY OF HEALTH, EXAMINED LOPEZ AFTER HE WAS RELEASED FROM SOLITARY CONFINEMENT, AND REPORTEDLY FOUND BRUISES AND OTHER MARKS USUALLY ASSOCIATED WITH VIOLENCE. WHILE THE DOCTORS DO NOT SAY THE MARKS WERE THE RESULT OF TORTURE, CAUCOTO SAID THIS ATTITUDE WAS A NORMAL CAUTION BY THE DOCTORS AND THAT THE MARKES WERE SIMILAR TO THOSE SEEN ON OTHER TORTURE VICTIMS. TORTURE GENERALLY TAKES PLACE DURING THE FIRST

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PAGE 01 SANTIA 01293 02 OF 02 291802Z

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C O N F I D E N T I A L SECTION 02 OF 02 SANTIAGO 01293

E.O. 12356: DECL: OADR
TAGS: PHUM, CI
SUBJECT: CASE OF DAGOBERTO ARTURO LOPEZ REBOLLEDO

FEW DAYS OF DETENTION, PARTICULARLY WHEN
PRISONERS ARE HELD INCOMMUNICADO, AND WE FIND
THAT VICARIATE REPORTS OF TORTURE ARE CREDIBLE.

8. COMMENT: GIVEN THE HIGH LEVEL OF INTEREST IN LOPEZ, EMBASSY HUMAN RIGHTS OFFICER WILL ATTEMPT TO VISIT HIM IN PRISON. OUR ACCESS TO PRISONERS HAS BEEN EXTREMELY LIMITED IN THE PAST 18 MONTHS, BUT WE CAN USE THIS CASE AS A MEANS OF TESTING THE GOC'S SINCERITY IN ALLOWING US TO VISIT DETAINEES. WE BELIEVE THAT THE SENIOR OFFICIALS OF THE VICARIATE ARE SINCERE WHEN THEY SAY THE VICARIATE WILL NOT DEFEND TERRORISTS AND THAT THEY ATTEMPT TO AVOID SUCH CASES. ON THE OTHER HAND, SOME VICTIMS OF HUMAN RIGHTS VIOLATIONS CHOOSE TO USE THE SERVICES OF OTHER HUMAN RIGHTS ORGANIZATIONS. THE FACT THAT THE VICARIATE IS NOT DEFENDING CERTAIN INDIVIDUALS DOES NOT NECESSARILY MEAN THAT THOSE DEFENDANTS ARE TERRORISTS EITHER.
9. WE NOTE THAT CAUCOTO INDICATED LOPEZ IS CHARGED WITH TWO VIOLATIONS OF THE
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PAGE 02 SANTIA 01293 02 OF 02 291802Z

ANTI-TERRORIST LAW, WHILE FASIC (THE SOCIAL AID FOUNDATION OF CHRISTIAN CHURCHES) RECORDS INDICATE HE WAS CHARGED UNDER BOTH THE

ANTI-TERRORIST AND THE ARMS CONTROL LAWS. THE CONFUSION MAY STEM FROM THE FACT THAT THE OTHER DEFENDANTS IN THIS CASE WERE CHARGED UNDER THE ARMS CONTROL LAW WHEN BULLETS AND GRENADES WERE ALLEGEDLY FOUND DURING SEARCHES OF THEIR HOMES. WE MENTION THIS ONLY TO CLARIFY THE RECORD.
BARNES

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March 1, 88

Chile Project (#S199900030)
U.S. Department of State
Release_____ Excise ✓ Deny_____
Declassify: In Part_____ In Full_____
Exemption(s) B 6

Diane Kinzer Brown
Congressman Berman's Office
11000 Wilshire Blvd. Suite 14223
Los Angeles. CA 90024.

2 POL: D Krieger
M Daly J+Z
Forbes
Signatures
cc: Ami

Dear Diane.

I'm enclosing the information from Amnesty International that you requested regarding the reports of death threats against Chilean theatre workers and against the lawyer who is acting on behalf of one of them.

Thanks so much for your interest.

Sincerely,

[ ]

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Embassy of the United States of America 3-1-88

March 1, 1988

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Chile Project (#S199900030)
U.S. Department of State
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Exemption(s) B-6

The Honorable Bob Graham
United States Senate
Washington, D.C. 20510

Dear Senator Graham:

I have received your letter of February 18 concerning the disappearances of five young men in Santiago in September 1987. These cases are well known to us since we have been following them since the stories first broke in the local press, and particularly since these are the first confirmed cases of disappearances to occur in Chile since 1978.

Unfortunately we have nothing new to add to what your constituent, [redacted] stated in his letter to your office. The five men remain missing, and there has been no news about them since they disappeared. The head of the Catholic Church in Chile, Cardinal Juan Francisco Fresno, issued a public statement February 11 denouncing the lack of clarification of these disappearances. He noted his concern, which reflects the fears of the entire human rights community in Chile, that these cases may represent a return to a type of abusive repression which had been thought overcome in Chile.

I share the Cardinal's fear on this matter, and have noted our concerns to officials of the Government of Chile. We also included mention of these cases in our annual report to Congress on the human rights situation in Chile. A regression to these types of terrorist activities will, in my opinion, only cause serious harm to efforts by Chile to return to a democratic form of government.

I regret we are unable to provide more information. We will continue to follow this case closely, with the hope that the five men will be allowed to return to their families.

Thank you for your letter.

Sincerely,

Harry G. Barnes, Jr.
Ambassador

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MEMORANDUM OF CONVERSATION

Subject:	Call on Federico Willoughby
Participants:	Federico Willoughby, Stan Shepard IO, USIS
Date:	March 1, 1988
Place:	Office of Federico Willoughby, Catedral 1006, office 906
Copies to:	AMB, DCM, POL, ECON, DAO, FILES, USIA/AR, STATE/ARA/SC, INR/DB

Chile Project (#S199900030)
U.S. Department of State
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Exemption(s) ____

Summary: In a lengthy conversation with the reporting officer March 1, Federico Willoughby --
-- Described the attack on him near Melipilla,
-- Discussed the apparent increase in the number of armed civilians in the country,
-- Offered suggestions for public affairs activities of the Ambassador,
-- Provided an "educated guess" about timetables for the plebiscite, --
-- Warned of the possibility that a state of siege might be imposed at some point, using incidents such as the La Serena airport bomb as justifications, and --
-- Discussed the role of television in the plebiscite.
End Summary.

Attack in Melipilla

Willoughby described in great detail how his car was run off the road on the road to Melipilla. He believes that the responsible individuals were "armed civilians," perhaps ex-CNI agents, of whom there are many and who are all but immune to prosecution. This immunity was demonstrated by the way the Carabineros handled his case. They identified the vehicle which had forced Willoughby off the road, but when he inquired later, he was told by local Carabinero officials that the affair had become "reservada."

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Box 618

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Armed Civilians

Extremist supporters of the regime, indeed all of those who have profited from it and who have much to lose if the vote goes against them in the plebiscite, may behave unwisely and dangerously. There are armed, loosely knit groups of these extremists throughout the country, and they enjoy a high degree of immunity through their ability to threaten and blackmail.

Public affairs suggestions for the Ambassador

It is important that the Ambassador save his shots for key events such as the calling of a new state of siege or major irregularities in the plebiscite. While maintaining a low "political" profile, the Ambassador could take advantage of public exposure in non-controversial areas, most notably scientific cooperation. (I replied that the Ambassador indeed was especially interested in scientific cooperation.)

Timetables for the plebiscite

The commanders of the armed forces may make their definitive study of the Chilean political situation in June, leading to an August call for the plebiscite, which would take place in September. Hernán Felipe Errázuriz suggested that the best time for the plebiscite would be close to the U.S. elections, taking advantage of our preoccupation with our own political process. Supporting the conventional wisdom, [Willoughby] said that Pinochet will run if he is certain that he will win, but if he is less than sure, he will put up a sacrifice candidate. He will retain control of the armed forces, which of course gives him more power than a future president.

State of Siege

If the government does not feel that it has sufficient control of the situation, it may resort to a state of siege, making use of threats such as the La Serena airport bomb.

The role of television in the plebiscite process

In Chile, radio remains an unusually important means of providing information. Willoughby worked in television news for many years but received far less audience feedback than he does from his radio program now. However, while the importance of television in Chile should not be exaggerated, it is important that candidates and spokesmen have access to the medium, and that they not remain faceless, as is now the case.

Drafted by:USIS:SShepard
Cleared by:PAO:MMcAfee

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AMNESTY INTERNATIONAL USA

3407 West Sixth Street, #704, Los Angeles, California 90020
(213) 388-1237
FAX # (213) 388-6649

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Exemption(s)_____

STATEMENT OF JOHN G. HEALEY
EXECUTIVE DIRECTOR, AMNESTY INTERNATIONAL USA

Reports of new death threats against Chilean theatre workers have reached Amnesty International. On the night of January 24, the phone rang again and again at the Santiago home of Chilean actress Carla Cristi. An anonymous caller told her she would be tortured and murdered the following day, presumably because she was appearing in a play about exile and torture. As the phone rang, stones were thrown at her house. Police were called in and stayed for about two hours. After their departure the threats began again.

The intimidation didn't stop that night. On January 26, Monica Garcia, Carla Cristi's lawyer, received a phone call at her home with the message that a bomb would be planted in her garden. The next day the courts granted Carla Cristi ten days of police protection; however at last word the promised protection had not been provided.

Thus came the latest in a series of death threats against some 80 Chilean actors, writers, directors and theatre workers which began on November 1, 1987. The first threats, sent by a group calling itself the "Comando 135 Cultural Section 'Trizano' Action for Peace Movement," carried a deadline: Get out of Chile by November 30 or be killed. None chose to leave. Instead, hundreds of people, including theatre and entertainment figures in 59 countries responded to urgent appeals from Amnesty International and other human rights organizations and performing arts associations with letters and telegrams urging the Chilean government to protect the safety of the threatened theatre workers. In an unusual, courageous action, Christopher Reeve and actors from Spain, Argentina and the Federal Republic of Germany attended a rally on November 30 in Santiago to carry a message of solidarity from colleagues and concerned people the world over.

Despite these steps, on December 1 a bloodstained message renewed the warning: "If you do not leave, you will be the next..."

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Amnesty International is an independent worldwide movement working impartially for the release of all prisoners of conscience, fair and prompt trials for political prisoners and an end to torture and executions. It is funded by donations from its members and supporters throughout the world.

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C O N F I D E N T I A L SAN JOSE 02746

E.O. 12356: DECL: OADR
TAGS: PHUM, CI, UNHRC - 1
SUBJECT: HUMAN RIGHTS IN CHILE - VOLIO WANTS GOC
- GIVEN CREDIT; NOTES IMPORTANCE OF NOT
- RESTRICTING HIS MANDATE
-
1. CONFIDENTIAL - ENTIRE TEXT.
-
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2. VOLIO WANTS SOME CREDIT GIVEN GOC

-
FERNANDO VOLIO, UN SPECIAL RAPPORTEUR ON HUMAN RIGHTS IN CHILE, ASKED POLOFF MARCH 1 TO PASS ON TO THE DEPARTMENT AND GENEVA HIS CONTINUING AND INTENSE INTEREST IN SEVERAL ASPECTS OF THE UNHRC'S CONSIDERATION OF CHILE. VOLIO FIRST EXPRESSED HIS HOPE THAT THE HUMAN RIGHTS COMMISSION WOULD BREAK NEW GROUND BY RECOGNIZING THE GAINS MADE IN CHILE SINCE 1985 (WHEN VOLIO BECAME RAPPORTEUR). HE ALSO

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MADE A STRONG PITCH FOR OUR DOING WHAT WE CAN TO HAVE HIS LABORS RECOGNIZED IN THE RESOLUTION, ARGUING THAT THE UNHRC DOES A DISSERVICE TO THE VERY CONCEPT OF HAVING SPECIAL RAPPORTEURS WHEN IT IGNORES THEIR REPORTS IN ITS RESOLUTIONS. POLOFF ASSURED VOLIO THAT THE USG HAS CONSISTENTLY EXPRESSED ITS SUPPORT FOR A BALANCED RESOLUTION BASED ON THE REPORT OF THE SPECIAL RAPPORTEUR.

-

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3. CONCERNED LEST HIS MANDATE BE NARROWED

-

VOLIO'S OTHER PRINCIPAL CONCERN WAS THAT THE CHILE RESOLUTION MIGHT SOMEHOW RESTRICT HIS MANDATE. HE COULD NOT ACCEPT, HE SAID, A RESOLUTION THAT IN ANY WAY WOULD SINGLE OUT FOR STUDY ANY PARTICULAR ISSUES (PRESUMABLY AT THE EXPENSE OF OTHERS). RATHER, HE FEELS STRONGLY THAT THE UNHRC, IF IT MAINTAINS CONFIDENCE IN HIM, MUST GIVE HIM FULL REIN TO INVESTIGATE THE CHILEAN SITUATION IN THE MANNER HE CONSIDERS BEST.

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4. CANCELLED TRIP TO GENEVA TO REST

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VOLIO TOLD POLOFF THAT HE HAD BEEN ORDERED BY HIS PHYSICIAN NOT TO TRAVEL, AS HE HAD PLANNED, TO GENEVA ON FEBRUARY 26. THE PRESS OF HIS DUTIES HERE HAD EXHAUSTED HIM, AND HE NEEDED A FEW DAYS OF REST. (NONETHELESS, VOLIO SEEMED

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ENERGETIC AND IN GOOD SPIRITS). FOR THAT REASON, VOLIO SENT HIS PREPARED REMARKS TO THE HUMAN RIGHTS CENTER. IN THIS COMMUNICATION, VOLIO STATED, HE EMPHASIZED THAT THE GOC NEEDED TO RECEIVE ACKNOWLEDGEMENT OF THE STEPS IT HAD TAKEN TO DATE TO AMELIORATE THE HUMAN RIGHTS SITUATION IN CHILE. VOLIO OPINED

THAT A LARGE SEGMENT OF CHILEAN PUBLIC OPINION SHARES THIS BELIEF.

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GSP

Embassy of the United States of America

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MEMORANDUM OF CONVERSATION

Subject: Conversation Regarding GSP and Workers Rights with Jaime Lagos, Director of Bilateral Political Affairs

Participants:

CHILE

Jaime Lagos, Director of Bilateral Political Affairs, Ministry of Foreign Relations

U.S.

John F. Keane, Political Counselor

Place: Jockey Club

Date: March 2, 1988

Copies to: AMB, DCM, POL, ECON, DAO, USIS, FILES, ARA/SC, INR/IAA, INR/DB

During a conversation on several topics, Lagos noted that the Chilean Under Secretary of Labor would be returning in 10 days. He would probably be prepared to open discussions with us regarding workers rights and GSP soon thereafter. Lagos asked about the status of his request for a Diplomatic Note regarding the dialogue on workers' rights.

I answered that we were awaiting a response from Washington but that I anticipated a positive reply. I added, however, that I thought he should be aware of U.S. thinking regarding the purpose of such a dialogue. The decision to remove Chile from GSP eligibility was based on an analysis of situation of worker rights in Chile in the period prior to the decision, and of the steps that Chile had taken in 1987. The review concluded that progress had been insufficient.

In order for the U.S. to consider GSP eligibility Chile would have to take steps that would satisfy the U.S. that significant progress was being made. It was not our intention to review the situation of 1987, notwithstanding the fact that, if we did not understand something, clarification would be useful.

Lagos responded that he now understood better and would pass on my comments. He thought that, while not technician himself, there were a number of points which the GOC would want to clarify.

Drafted:POL:JFKeane:ll:3/3/88

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U.S. Department of State
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AMEMBASSY MONTEVIDEO
AMEMBASSY OSLO
AMEMBASSY PARIS
AMEMBASSY ROME
AMEMBASSY STOCKHOLM

C O N F I D E N T I A L SANTIAGO 01370

E.O. 12356: DECL:OADR
TAGS: PREL, PGOV, CI
SUBJ: INTERNATIONAL OBSERVERS FOR PLEBISCITE

1. (U) IN A PRESS CONFERENCE ON FEBRUARY 23, THE INTERNATIONAL PARLIAMENTARY ASSEMBLY (IPA) ANNOUNCED THAT IT WAS INVITING SOME 300 ELECTED OFFICIALS FROM

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WESTERN EUROPE, LATIN AMERICA AND THE U.S. TO BE OBSERVERS FOR THE PLEBISCITE IN CHILE. (THE IPA, A BRAINCHILD OF MODERATE CHRISTIAN DEMOCRATS, WAS ESTABLISHED BY THE CHILEAN CIRCLE OF EX-PARLIAMENTARIANS AND HAS HOSTED TWO INTERNATIONAL GATHERINGS IN SANTIAGO SINCE 1986.) IPA EXECUTIVE SECRETARY CARLOS DUPRE NOTED THAT THE INVITATIONS WERE SENT TO PARLIAMENTARY AND CONGRESSIONAL LEADERS AND WOULD SHORTLY BE SENT TO THE MEMBERS OF LAWMAKING COMMITTEES RELATING TO CHILE.

-

2. (U) EVEN THOUGH THE PLEBISCITE DATE HAS NOT BEEN SET, DUPRE SAID THAT A LOT OF INTEREST HAS BEEN GENERATED AND THAT MANY PARLIAMENTARY COMMITTEES WERE READY ON QUICK NOTICE TO MOBILIZE. THE FIVE-DAY PROGRAM BEING PLANNED CONTEMPLATES TWO DAYS' ORIENTATION ON THE PLEBISCITE AND MONITORING PROCESS IN SANTIAGO, TWO DAYS IN THE PROVINCES TO INCLUDE ELECTION DAY, AND A FINAL DAY'S EVALUATION SESSION IN SANTIAGO. ASKED IF GOC AUTHORIZATION WOULD BE SOUGHT, DUPRE SAID IT WASN'T NECESSARY, BUT ADDED THAT FOREIGN MINISTER GARCIA HAD PUBLICLY STATED THAT THE GOVERNMENT WOULD FACILITATE THE PRESENCE OF FOREIGN OBSERVERS.

-

3. (U) IN A SEPARATE STATEMENT, "NO" CAMPAIGN SPOKESMAN GENARO ARRIAGADA INDICATED THAT TWO TYPES OF OBSERVERS WOULD BE INVITED TO CHILE: PARLIAMENTARIANS TO BE COORDINATED BY THE IPA, AND PERSONALITIES FROM THE INTELLECTUAL AND CULTURAL WORLD TO BE COORDINATED BY SERGIO MOLINA'S COMMITTEE OF NOTABLES. AT THE SAME TIME IT WAS ANNOUNCED THAT ACADEMICIANS FROM WEST

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PAGE 03 SANTIA 01370 021522Z

GERMANY, HOLLAND, FRANCE, ENGLAND AND THE U.S. WOULD PARTICIPATE AS OBSERVERS FOR THE UPCOMING PLEBISCITE.

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4. (C) THE OBSERVERS WILL BE AN IMPORTANT PART OF THE CAMPAIGN TO ASSURE A FAIR PLEBISCITE, SINCE THEIR PRESENCE ALONE MAY STAY THE HAND OF THOSE WHO WOULD BE TEMPTED TO COMMIT FRAUD.

A LARGE NUMBER WILL BE NEEDED TO FAN OUT TO THE THOUSANDS OF VOTING PLACES THAT ARE LIKELY TO BE SET UP. WE WOULD NOT BE SURPRISED IF THE CHILEAN LEFT INITIATES A DRIVE OF ITS OWN TO BRING OBSERVERS WHOSE VIEWS ARE LESS MODERATE THAN THOSE OF DUPRE AND MOLINA.
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PAGE 01 GENEVA 02402 01 OF 04 031353Z
ACTION IO-19

INFO LOG-00 COPY-01 ADS-00 AID-00 INR-10 SS-00 OIC-02
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Chile Project (#S199900030)
U.S. Department of State
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C O N F I D E N T I A L SECTION 01 OF 04 GENEVA 02402

E.O. 12356: DECL:OADR
TAGS: PHUM, UNHRC-1, CI
SUBJECT: 44TH SESSION OF UN HUMAN RIGHTS COMMISSION:
MEXICAN RESOLUTION ON CHILE: SUGGESTED CHANGES

REF: STATE 048951

1. ~~CONFIDENTIAL~~ ENTIRE TEXT. THIS IS HRC 274.

2. BELOW IS TEXT OF REVISED MEXICAN RESOLUTION ON CHILE WHICH SHOULD STAND AS THE OFFICIALLY TABLED TEXT WHEN DEADLINE FOR SUBMISSION OF TEXTS COMES AT 13:00 TODAY (3/3). THIS RESOLUTION IS CO-SPONSORED BY FRANCE, DENMARK, CUBA, ITALY, ALGERIA, NORWAY, PORTUGAL, SPAIN, AND YUGOSLAVIA. IF ANY LAST-MINUTE CHANGES ARE MADE IN DRAFT, WE WILL ADVISE.

3. BEGIN TEXT.

THE COMMISSION ON HUMAN RIGHTS

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PAGE 02 GENEVA 02402 01 OF 04 031353Z

AWARE OF ITS RESPONSIBLITY TO PROMOTE AND ENCOURAGE

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RESPECT FOR HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS AND RESOLVED TO REMAIN VIGILANT WITH REGARD TO VIOLATIONS OF HUMAN RIGHTS WHEREVER THEY OCCUR,

- NOTING THE DUTY OF THE GOVERNMENT OF CHILE TO RESPECT AND PROTECT HUMAN RIGHTS IN ACCORDANCE WITH THE INTERNATIONAL INSTRUMENTS TO WHICH CHILE IS A PARTY,

- RECALLING ITS PERTINENT RESOLUTIONS, IN PARTICULAR ITS RESOLUTIONS 11 (XXV) OF MARCH 6 1979 BY WHICH IT APPOINTED A SPECIAL RAPPORTEUR AND 1987/60 OF 122 MARCH 1987, WHEREBY IT DECIDED, AMONG OTHER THINGS, TO EXTEND THE MANDATE OF THE SPECIAL RAPPORTEUR FOR ONE MORE YEAR AND TO CONSIDER THIS QUESTION, AS A MATTER OF HIGH PRIORITY, IN VIEW OF THE CONTINUED SERIOUS VIOLATIONS OF HUMAN RIGHTS IN CHILE,

- BEARING IN MIND THAT THE CONCERN OF THE INTERNATIONAL COMMUNITY AT THE SITUATION OF HUMAN RIGHTS IN CHILE HAS BEEN EXPRESSED BY THE GENERAL ASSEMBLY IN NUMEROUS RESOLUTIONS, AND IN PARTICULAR RESOLUTION 42/147 OF 7 DECEMBER, 1987.

- DEEPLY CONCERNED THAT THE REPEATED APPEALS OF THE GENERAL ASSEMBLY, THE COMMISSION ON HUMAN RIGHTS AND OTHER INTERNATIONAL ORGANS FOR THE REESTABLISHMENT OF RESPECT FOR HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS HAVE NOT BEEN TAKEN INTO ACCOUNT BY THE CHILEAN GOVERNMENT.

- CONSIDERING ALSO CERTAIN REPORTS PREPARED BY VARIOUS NON-GOVERNMENT ORGANIZATIONS WHICH HAVE BROUGHT TO PUBLIC ATTENTION THE SERIOUS VIOLATIONS OF HUMAN RIGHTS

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IN CHILE,

- NOTING THAT, DURING 1987, LAWS HAVE BEEN PUT INTO EFFECT WHICH SERIOUSLY FLOUT FREEDOM OF THOUGHT AND EXPRESSION AND SIGNIFY THE PROSCRIPTION AND INTERDICTION OF PERSONS AS REGARDS THEIR CIVIL AND PROFESSIONAL RIGHTS AND ACTIVITIES, ON THE GROUNDS OF THEIR POLITICAL OPINIONS; THE PRACTICES OF MURDER IN ALLEGED CONFRONTATIONS, ABDUCTIONS, DISAPPEARANCES THAT ARE NOT CLARIFIED UP AND FORCED EXILE HAVE PERSISTED,

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- NOTING THAT, IN THE ABSENCE OF AN INSTITUTIONAL FRAMEWORK FOR HOLDING FREE ELECTIONS, THE APPROVAL OF LAWS ON POLITICAL PARTIES AND THE ESTABLISHMENT OF ELECTORAL REGISTERS DO NOT CONSTITUTE A MANIFESTATION OF THE PEOPLE'S SOVEREIGNTY AND DO NOT MEET THE BASIC REQUIREMENTS OF A DEMOCRATIC RULE OF LAW OR OF THE PRINCIPLE OF NON-DISCRIMINATION BASED ON OPINIONS OF A PLITICAL OR ANOTHER CHARACTER, AS RECOGNIZED IN THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS,

- NOTING THAT THE CHILEAN GOVERNMENT HAS RECENTLY ALLOWED A NUMBER OF POLITICAL EXILES TO RETURN,

- 1. TAKES NOTE WITH INTEREST OF THE REPORT OF THE SPECIAL RAPPORTEUR ON THE SITUATION OF HUMAN RIGHTS IN CHILE SUBMITTED IN ACCORDANCE WITH ITS RESOUTION 1987/60, AND EXPRESSES ITS APPRECIATION FOR HIS EFFORTS IN PREPARING THE REPORT.

- 2. WELCOMES THE FACT THAT THE GOVERNMENT OF CHILE HAS AUTHORIZED THE SPECIAL RAPPORTEUR TO VISIT THE

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PAGE 01 GENEVA 02402 02 OF 04 031354Z
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AMEMBASSY SANTIAGO IMMEDIATE
INFO USMISSION USUN NEW YORK

~~C O N F I D E N T I A L~~ SECTION 02 OF 04 GENEVA 02402

E.O. 12356: DECL:OADR
TAGS: PHUM, UNHRC-1, CI
SUBJECT: 44TH SESSION OF UN HUMAN RIGHTS COMMISSION:
MEXICAN RESOLUTION ON CHILE: SUGGESTED CHANGES
COUNTRY AND EXPRESSES ITS CONFIDENCE THAT THE GOVERNMENT
WILL CONTINUE TO EXTEND ITS COOPERATION IN THE
FULFILLMENT OF HIS MANDATE, WHILE REGRETTING THAT THE
SAID CO-OPERATION WITH THE EFFORTS OF THE UNITED
NATIONS HAS NOT LED TO A SUBSTANTIAL IMPROVEMENT IN THE
SITUATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS,

- 3. AGAIN EXPRESSES ITS CONVICTION THAT THE
REESTABLISHEMENT OF A LEGAL AND POLITICAL ORDER BASED ON
THE EXPRESSION OF THE PEOPLE'S WILL THROUGH AN ELECTORAL
PROCESS OPEN TO ALL CITIZENS ON AN EQUAL FOOTING AND ON
FREE ELECTIONS IS FUNDAMENTAL FOR FULL RESPECT FOR HUMAN
RIGHTS IN CHILE,

- 4 URGES THE CHILEAN GOVERNMENT TO HONOR THE REQUESTS
FROM ALL SOCIAL AND POLIICAL SECTORS FOR THE PEACEFUL
RESTORATION OF A REPRESENTATIVE AND PLURALISTIC
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PAGE 02 GENEVA 02402 02 OF 04 031354Z

DEMOCRACY, TO GUARANTEE THE CONDITIONS OF LEGITIMACY
THAT ARE INDISPENSABLE FOR THE ANNOUNCED PLEBISCITE,

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SUCH AS THE ABOLITION OF THE STATES OF EMERGENCY AND OTHER RESTRICTIONS ON THE FULL EXERCISE OF THE FREEDOMS OF ASSOCIATION AND OF ASSEMBLY, FREE ACCESS TO ALL MEANS OF COMMUNICATION AND CONTROL BY CITIZENS OVER THE ELECTORAL PROCESS,

- 5. EXPRESSES ITS DEEP CONCERN AT THE PERSISTENCE OF SERIOUS VIOLATIONS OF HUMAN RIGHTS IN CHILE, AS DESCRIBED IN THE REPORT OF THE SPECIAL RAPPORTEUR WHICH REFERS TO SUCH VIOLATIONS AS MURDERS, DEATHS IN ALLEGED CONFRONTATIONS, ABUDCTIONS, DISAPPEARANCES, TORTURE AND ILL-TREATMENT BY THE SECURITY FORCES, THE CLIMATE OF INSECURITY AND EXTREME VIOLENCE, THE MAINTENANCE OF EXILE AND THE DENIAL OF FUNDAMENTAL RIGHTS AND FREEDOMS DURING THE PROLONGED PERIODS IN WHICH STATES OF EMERGENCY HAVE BEEN IN FORCE,

- 6. ALSO EXPRESSES ITS DEEP CONCERN AT THE FAILURE OF THE COMPETENT JUDICIAL AUTHORITIES TO TAKE THE NECESSARY STEPS TO CONDUCT FULL INVESTIGATIONS AND PROSECUTE INDEPENDENTLY THOSE RESPONSIBLE FOR THE NUMEROUS UNRESOLVED CASES OF MURDER, ABDUCTION, DISAPPEARANCE AND TORTURE, AND FOR SERIOUS INJURIES THROUGH THE USE OF FURTHER REPRESSIVE METHODS OF INHUMAN CRUELTY.

- 7. EXPRESSES ITS CONCERN AT THE SYSTEMATIC AND CONTINUING RESTRICTIONS IMPOSED BY THE CHILEAN GOVERNMENT ON THE EXERCISE OF THE RIGHTS TO FREEDOM OF EXPRESSION, ASSEMBLY AND ASSOCIATION, THROUGH THE USE OF REPRESSIVE METHODS AND VIOLENT RESPONSES TO SOCIAL AND POLITICAL OPPOSITION DEMONSTRATIONS, IN PARTICULAR

MIMLITARY SEARCHES AND ACTS OF INTIMIDATION AGAINST RELIGIOUS AND LAY HUMAN RIGHTS BODIES,

- 8. EMPHAZISES THE NEED FOR THE GOVERNMENT OF CHILE TO RESTORE AND RESPECT HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN CONFORMITY WITH THE PRINCIPLES OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN COMPLIANCE WITHT THE OBLIGATIONS IT HAS ASSUMED UNDER VARIOUS INTERNATIONAL INSTRUMENTS AND, IN PARTICULAR:

- A. TO PUT AN IMMEDIATE END TO THE APPLICATION OF ALL

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LAWS CONTRARY TO THE FULL EXERCISE OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS,

- B. TO PUT AN IMMEDIATE END TO ALL FORMS OF TORTURE AND EFFECTIVELY TO RESPECT THE RIGHT TO LIFE AND TO PHYSICAL AND MORAL INTEGRITY, AND FURTHERMORE TO DESIST FROM INTIMIDATION AND PERSECUTION, ABDUCTIONS, ARBITRARY ARRESTS, AND ILL-TREATMENT OF POLITICAL PRISONERS, INCLUDING LONG PERIODS OF INCOMMUNICATION,

- C. TO PUT AN END TO AND PUNISH THE ACTIVIES OF GANGS AND GROUPS, WHETHER PRIVATE OR CONNECTED WITH THE SECURITY FORCES, WHICH ARE RESPONSIBLE FOR RAPES, ABDUCTIONS RESULTING IN DEATHS, SEARCHES, INTERROGATIONS, INTIMIDATION,

- D. TO ENSURE THE EFFECTIVENESS OF INVESTIGATIONS OF HUMAN RIGHTS VIOLATIONS AND THE EFFECTIVENESS OF JUDICIAL REMEDIES, PARTICULARLY AMPARO OR HABEAS CORPUS, TO PREVENT THE INTIMIDATION OF WITNESSES AND DEFENCE LAWYERS, AND TO RE-ESTABLISH THE JURISDICTION OF THE CIVILIAN COURTS IN MATTERS WITHIN THEIR COMPETENCE WHICH

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PAGE 01 GENEVA 02402 03 OF 04 031355Z
ACTION IO-19

INFO LOG-00 COPY-01 ADS-00 AID-00 INR-10 SS-00 OIC-02
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AMEMBASSY SANTIAGO IMMEDIATE
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~~C O N F I D E N T I A L~~ SECTION 03 OF 04 GENEVA 02402

E.O. 12356: DECL:OADR
TAGS: PHUM, UNHRC-1, CI
SUBJECT: 44TH SESSION OF UN HUMAN RIGHTS COMMISSION:
MEXICAN RESOLUTION ON CHILE: SUGGESTED CHANGES
HAVE OVER THE PAST YEARS BEEN DELEGATED TO THE MILITARY
COURTS,

- E. TO GUARANTEE THAT ANTI-TERRORIST LEGISLATION SHALL NOT BE USED AGAINST PERSONS WHO HAVE NOT COMMITTED TERRORIST ACTS, THAT PERSONS ACCUSED OF ACTS OF VIOLENCE OR TERRORISM SHALL BE ACCORDED DUE PROCESS OF LAW AND RESPECT FOR THEIR RIGHTS, AND THAT THE ACCUSATION OF TERRORISM SHALL NOT BE ADDUCED AS A JUSTIFICATION FOR ANY ABUSE OF AUTHORITY, TORTURE OR INHUMAN TREATMENT OR FOR THE THE CREATION OF SPECIAL COURTS, WHICH DO NOT PROVIDE OBJECTIVE GUARANTEES OF INDEPENDENT JUSTICE,

- F. TO RESPECT THE RIGHT OF CHILEANS TO LIVE IN AND FREELY ENTER AND LEAVE THEIR COUNTRY WITHOUT ARBITRARY RESTRICTIONS OR CONDITIONS AND TO PUT AN END TO THE PRACTICE OF FORCED EXILE,

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PAGE 02 GENEVA 02402 03 OF 04 031355Z

- G. TO RESTORE THE FULL ENJOYMENT AND EXERCISE OF

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LABOUR RIGHTS AND TO PUT AN END TO THE REPRESSION OF TRADE UNION ACTIVITIES,

- 9. TAKES NOTE OF THE COOPERATION OF THE GOVERNMENT OF CHILE WITH THE UNITED NATIONS, REQUESTS THAT IT CONTINUES AND INCREASES ITS COOPERATION WITH THE SPECIAL RAPPORTEUR AND THAT IT FULLY IMPLEMENTS THE RESOLUTIONS AND RECOMMENDATIONS OF THE INTERNATIONAL COMMUNITY AND OF THE SPECIAL RAPPORTEUR ON THIS MATTER,

- 10. DECIDES TO EXTEND THE MANDATE OF THE SPECIAL RAPPORTEUR FOR ONE YEAR AND TO REQUEST HIM TO REPORT ON THE SITUATION OF HUMAN RIGHTS IN CHILE TO THE GENERAL ASSEMBLY AT ITS FORTY-THIRD SESSION AND TO THE COMMISION ON HUMAN RIGHTS AT ITS FORTY-FIFTH SESSION,

- 11. RECOMMENDS TO THE ECONOMIC AND SOCIAL COUNCIL THAT IT MAKE APPROPRIATE ARRANGMENTS TO ENSURE THAT THE NECESSARY FINANCIAL RESOURCES AND SUFFICIENT STAFF ARE PROVIDED TO IMPLEMENT THE PRESENT RESOLUTION,

- 12. DECIDES TO CONSIDER AT ITS FORTY-FIFTH SESSION, AS A MATTER OF HIGH PRIORITY, THE HUMAN RIGHTS SITUATION IN CHILE. END TEXT.

4. MEXICAN DELEGATION CLAIMS THT NEARLY ALL OF THE ELEMENTS PRESENTED BY THE U.S. ON CHILE LISTED IN REFTEL HAVE BEEN INCORPORATED INTO THIS RESOLUTION, WHICH IS ONLY PARTIALLY THE CASE. THIS DRAFT REPRESENTS SOME BACKTRACKING FROM THE RESOLUTION APPROVED IN 1987 BUT ALSO CONTAINS SOME POSITIVE POINTS WITH RELATION TO
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PAGE 03 GENEVA 02402 03 OF 04 031355Z

1987. THE DELEGATION WILL SEEK TO HAVE THE FOLLOWING CHANGES MADE IN THE TEXT TO BRING IT MORE INTO LINE WITH VOLIO REPORT.

- LIMIT THE LANGUAGE IN PARAGRAPH 7 OF PREAMBLE TO CRITICISM OF TERMS OF ARTICLE 8 OF CONSTITUTION WITHOUT MENTIONING THE CONSTITUTION OR ARTICLE 8 BY NAME.

- (PARAGRAPH 8 PREAMBLE) ATTEMPT TO HAVE POLITICAL PARTIES LAW AND LAW GOVERNING ELECTORAL REGISTERS MENTIONED MORE POSITIVELY, CITING PERTINENT VOLIO REPORT

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LANGUAGE. CURRENT LANGUAGE DESCRIBES BOTH IN A MORE NEGATIVE FASHION THAN WAS THE CASE IN THE 1987 RESOLUTION.

- (PARAGRAPH 9 OF PREAMBLE) UNDERSCORE THE SIGNIFICANCE OF THE REDUCTION OF THE EXILE LIST WHILE CALLING FOR AN END TO EXILE.

- (POINTS 1 AND 2 OF OPERATIVE LANGUAGE) RESTATE. NOTE THAT OPEN AND FREE ELECTIONS SHOULD FORM THE CORNERSTONE OF ANY FULLY FUNCTIONING DEMOCRACY. URGE THE GOC TO TAKE VIGOROUS ACTION TO ENSURE THAT THE PLEBISCITE PROCESS IS CARRIED OUT IN AN ATMOSPHERE RESPECTFUL OF HUMAN AND CIVIL RIGHTS. DELEGATION FEELS THAT LANGUAGE IN THIS ITEM SHOULD NOT PREJUDGE THE LEGITIMACY OF THE PLEBISCITE OR THE LEGISLATIVE STEPS WHICH HAVE SET IT IN MOTION.

- (POINT 7-OPERATIVE) NOTE THAT SOME IMPROVEMENTS HAVE TAKEN PLACE IN MEDIA FREEDOM IN CHILE, AS NOTED BY VOLIO REPORT, WHILE ALSO STATING THAT MORE STEPS NEED TO BE TAKEN. MENTION THE IMPORTANCE OF MEANINGFUL ACCESS TO TV. MODIFY THE REFERENCE TO "VIOLENT RESPONSES TO SOCIAL AND POLITICAL OPPOSITION DEMONSTRATIONS" AS

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PAGE 01 GENEVA 02402 04 OF 04 031355Z
ACTION IO-19

INFO LOG-00 COPY-01 ADS-00 AID-00 INR-10 SS-00 DIC-02
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~~C O N F I D E N T I A L~~ SECTION 04 OF 04 GENEVA 02402

E.O. 12356: DECL:OADR
TAGS: PHUM, UNHRC-1, CI
SUBJECT: 44TH SESSION OF UN HUMAN RIGHTS COMMISSION:
MEXICAN RESOLUTION ON CHILE: SUGGESTED CHANGES
CONTRARY TO FACT AND THE VOLIO FINDINGS.

- (POINT 8, SUB-POINT C OF OPERATIVE) REWRITE TO INCLUDE A CONDEMNATION OF THE USE OF VIOLENCE AND TERRORISM BY ANY POLITICAL GROUP AS A HINDRANCE TO THE RESTORATION OF DEMOCRACY. IN THIS REGARD, WE WILL SEEK TO HAVE LANGUAGE IN POINT 8 OF 1987 RESOLUTION REINSERTED. CURRENT LANGUAGE APPEARS TO CONDEMN ONLY GOVERNMENT AND RIGHT-WING VIOLENCE, NOT TERRORISM FROM THE FAR LEFT.

5. UK DELEGATION HAS EXPRESSED A DESIRE TO WORK CLOSELY WITH US ON CHILE RESOLUTION WITH THE GOAL OF PRODUCING A BALANCED TEXT WHICH WE CAN BOTH SUPPORT. TO THIS END, THE BRITISH HAVE ALREADY APPROACHED THE MEXICANS AND OBTAINED SOME CHANGES FROM FIRST TO SECOND MEXICAN DRAFT.

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PAGE 02 GENEVA 02402 04 OF 04 031355Z

6. PETER DESHAZO SPOKE WITH CHILEAN REPRESENTATIVES SATELER AND DAMM ON 3/1 AND THEY REITERATED POINT THAT

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AMBASSADOR CALDERON MADE TO AMBASSADOR PIEDRA THAT KEY GOC GOAL IS TO AVOID ANY PREJUDGEMENT OF THE PLEBISCITE WHICH WOULD UNDERCUT ITS LEGITIMACY AND PROVOKE THE FAR RIGHT IN CHILE.

7. DELEGATION URGENTLY REQUESTS POST'S AND DEPARTMENT'S COMMENTS ON POSSIBLE CHANGES OUTLINED ABOVE AND ANY OTHER SUGGESTIONS. WE ARE PREPARED TO APPROACH THE MEXICANS WITH NEW LANGUAGE AND/OR SUGGESTIONS FOR CHANGES AND TO LOBBY OTHER DELEGATIONS IN FAVOR OF THESE CHANGES. DELEGATION FEELS THAT FURTHER PROGRESS CAN BE MADE BUT NEEDS TO MOVE QUICKLY. PETRONE

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Ambassador Harry G. Barnes, Jr.
U. S. Embassy
Santiago, Chile
APO Miami 34033

Chile Project (#S199900030)
U.S. Department of State
Release ✓ Excise ____ Deny ____
Declassify: In Part ____ In Full ✓
Exemption(s) ____

Congress of the United States

House of Representatives

Washington, D.C.

March 3, 19 88

XXXX Dear Mr. Ambassador:

The attached communication is sent for your consideration. Please investigate the statements contained therein and forward me the necessary information for reply, returning the enclosed correspondence with your answer.

Yours truly,

Anthony C. Beilenson

M. C.

Hon. A. C. Beilenson
Suite 14223
11000 Wilshire Boulevard
dkb Los Angeles, Calif. 90024

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3/3/11

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CASC Weisfeller

ROUTING AND TRANSMITTAL SLIP

Date: March 3, 1988

TO: (Name, office symbol, room number, building, Agency/Post)	Initials	Date
1. DCM-George Jones		
2.		
3.		
4.		
5.		

Action	File	Note and Return
Approval	For Clearance	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

REMARKS

The attached letter from Rosenthal at the Anti-Defamation League to Amb. Errazuriz was also sent to Bob Gelbard. Gelbard wants to respond to Rosenthal. Can the Embassy provide us with some ideas and draft language? If it made sense, you could make reference to ~~the re-~~ sections of the numerous Weisfeller cables you've sent that we could package in a response.

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

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Bill Grant ARA/SC	Phone No.

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PAGE 01 USUN N 00614 01 OF 03 040224Z
ACTION IO-19

INFO	LOG-00	COPY-01	ADS-00	INR-10	EUR-00	SS-00	OIC-02
	AF-00	CIAE-00	DODE-00	H-01	MSC-01	NEA-06	NSCE-00
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TO SECSTATE WASHDC PRIORITY 4765
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C O N F I D E N T I A L SECTION 01 OF 03 USUN NEW YORK 00614

E.O. 12356: DECL: OADR
TAGS: PREL, UN, CI, US, UNHRC
SUBJECT: UNHRC DRAFT RESOLUTION ON CHILE: AMBASSADOR
- WALTERS' MEETING WITH CHILEAN PERMREP

REF: A) STATE 56956, B) SAN JOSE 2746

1. CONFIDENTIAL - ENTIRE TEXT.

2. SUMMARY: AMBASSADOR WALTERS MET FEBRUARY 29 WITH CHILEAN PERMREP DAZA AT THE LATTER'S REQUEST TO DISCUSS UNHRC RESOLUTION ON CHILE. DAZA EXPRESSED GOC DISAPPOINTMENT WITH MEXICAN RESOLUTION AND SAID THE RESOLUTION CONTRADICTED SPECIAL RAPPORTEUR VOLIO'S REPORT. DAZA SAID SUGGESTED US MODIFICATIONS OF THE RESOLUTION IMPLIED CRITICISM OF CHILE. HE GAVE WALTERS A NON PAPER OUTLINING CHILEAN CONCERNS (INFORMAL TRANSLATION IS IN PARA 5, SPANISH TEXT IS IN PARA 6). WALTERS ASSURED DAZA THAT GOC CONCERNS WOULD BE REPORTED TO THE DEPARTMENT. END SUMMARY

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PAGE 02 USUN N 00614 01 OF 03 040224Z

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3. AMBASSADOR WALTERS MET BRIEFLY WITH CHILEAN PERMREP DAZA ON FEBRUARY 29 TO DISCUSS UNHRC DRAFT RESOLUTION ON CHILE. DAZA, WHO HAD RETURNED FROM SANTIAGO THAT MORNING, EXPRESSED GOC DISAPPOINTMENT WITH MEXICAN RESOLUTION AND SAID THE RESOLUTION CONTRADICTED SPECIAL RAPPORTEUR VOLIO'S REPORT. DAZA SAID SUGGESTED US MODIFICATIONS OF THE RESOLUTION IMPLIED CRITICISM OF CHILE. HE GAVE WALTERS A NON PAPER OUTLINING CHILEAN CONCERNS. AMBASSADOR WALTERS TOLD DAZA THE US FAVORS A BALANCED RESOLUTION ON CHILE WHICH ACCURATELY REFLECTS REPORT OF SPECIAL RAPPORTEUR VOLIO. THE US WILL ONLY JOIN CONSENSUS ON A RESOLUTION WHICH INCLUDES RECOGNITION OF THE PROGRESS MADE IN CHILE. HE ASSURED DAZA THAT HE WOULD REPORT GOC CONCERNS.

4. SUMMARY OF NON-PAPER: NON-PAPER ACCUSES THE US OF AN INCONSISTENT POLICY VIS-A-VIS CHILE. CITING PUBLIC STATEMENTS BY HIGH LEVEL USG OFFICIALS INDICATING SUPPORT FOR CHILE'S TRANSITION TO DEMOCRACY, THE NON PAPER CHARGES THE US WITH IGNORING THE REPORT OF SPECIAL RAPPORTEUR VOLIO AND AIDING RADICAL CHILEAN POLITICAL PARTIES WHO ARE OPPOSED TO THE PLEBISCITE. END SUMMARY

5. BEGIN INFORMAL TRANSLATION

A DRAFT RESOLUTION SPONSORED BY MEXICO IS CIRCULATING IN THE UNHRC SESSION IN GENEVA CONCERNING THE HUMAN RIGHTS SITUATION IN CHILE. CHILE HAS ALREADY DEMONSTRATED ITS CATEGORICAL REJECTION OF THIS DOCUMENT WHICH TRANSGRESSES BASIC PRINCIPALS OF THE PROCEDURE AND PRACTICES OF THE COMMISSION.
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PAGE 03 USUN N 00614 01 OF 03 040224Z

CIRCULATING THE RESOLUTION BEFORE THE SPECIAL RAPPORTEUR HAS PRESENTED HIS REPORT AND BEFORE RECEIVING THE CHILEAN RESPONSE, INDICATES COMPLETE DISREGARD FOR THE FUNCTION OF THE SPECIAL RAPPORTEUR. THIS IS FURTHER EVIDENCE OF THE RESOLUTION'S INTENTION TO INTERVENE.

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MORE SURPRISING TO CHILE IN RELATION TO THIS RESOLUTION IS THAT THE US HAS ECHOED THIS, SUGGESTING IN ADDITION TO PARTICIPATING UNDER THE GUISE OF COSMETIC MODIFICATIONS, AMENDMENTS WHICH ALLUDE DIRECTLY TO THE PROCESS OF INSTITUTIONAL TRANSITION IN A WAY THAT TRANSGRESSES THE VOLUNTARY EXPRESSIONS OF THE PEOPLE OF CHILE, RECOGNIZED BY THE US, WHICH ARE LAID OUT IN THE CONSTITUTION OF CHILE.

THESE SUGGESTIONS BY THE U.S. ARE IN DIRECT CONTRADICTION TO THE STATEMENTS REITERATED BY HIGH LEVEL AMERICAN OFFICIALS. IN THIS RESPECT IT IS NECESSARY TO RECALL FOR EXAMPLE THE FOLLOWING:

-- STATEMENT BY DAS FOR ARA R. GELBARD, AUGUST 20, 1987 IN WHICH (HE) INDICATED THAT THE PLEBISCITE, SUPPORTED BY A LARGE SECTION OF THE SOCIETY UNDER FREE AND JUST CONDITIONS COULD SERVE THE DEMOCRATIC PURPOSE AS SOME CHILEANS HAD SUGGESTED.

-- STATEMENT BY PRESIDENT REAGAN DECEMBER 17, 1987 IN WHICH HE INDICATED GUARANTEES THAT MUST BE PRESENT IN THE ELECTORAL PROCESS IN CHILE WITHOUT QUESTIONING THE PLEBISCITE.

-- STATEMENT BY THE CHARGE, GEORGE JONES, FEBRUARY 16, 1988 IN WHICH HE MENTIONED THE FOLLOWING INSTITUTIONAL PROGRESS: "THE ELECTORAL REGISTERS, THE INSCRIPTION

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PAGE 01 USUN N 00614 02 OF 03 040225Z
ACTION IO-19

INFO	LOG-00	COPY-01	ADS-00	INR-10	EUR-00	SS-00	OIC-02
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TO SECSTATE WASHDC PRIORITY 4766
INFO AMEMBASSY SANTIAGO PRIORITY
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C O N F I D E N T I A L SECTION 02 OF 03 USUN NEW YORK 00614

E.O. 12356: DECL: OADR
TAGS: PREL, UN, CI, US, UNHRC
SUBJECT: UNHRC DRAFT RESOLUTION ON CHILE: AMBASSADOR

OF VOTERS WHICH ARE INCREASING MONTH BY MONTH AND THE DECLARATIONS OF HIGH LEVEL OFFICIALS OF THE GOVERNMENT OF CHILE IS THAT WHICH IS ESSENTIAL SO THAT THE PROCESS OBTAINS A HIGH PERCENTAGE OF THE ADULT POPULATION IN ORDER TO HAVE A PLEBISCITE. THESE ARE NOT THE ONLY POSITIVE STEPS, SOMETHING VERY FUNDAMENTAL IS PARTICIPATION OF A LARGE NUMBER OF CITIZENS IN THE POLITICAL PROCESS OF THE COUNTRY. THIS IS SOMETHING THAT WE HAVE ALWAYS TRIED TO RECOGNIZE AND IT IS VERY IMPORTANT THAT WE DO SO."

ON THE OTHER HAND THE US IS APPARENTLY IGNORING THE REPORT OF THE SPECIAL RAPPORTEUR, PRAISED BY THE US, WHICH INDICATED THAT THE PLEBISCITE IS BEING PREPARED WITH SERIOUSNESS AND RESPONSIBILITY.

LIKEWISE ONE SHOULD RECALL THAT THE CHILEAN
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PAGE 02 USUN N 00614 02 OF 03 040225Z

OPPOSITION, WITH THE EXCEPTION OF THE MARXISTS AND THE EXTREME LEFT, ACCEPT THE MECHANISMS OF THE PLEBISCITE. THE COMMITTEE FOR FREE ELECTIONS HAS STATED ITS INTENTION TO REORGANIZE ITSELF AS AN ENTITY THAT WILL OBSERVE THE PLEBISICTE. THE U.S. IN CONSEQUENCE, CONSOLIDATES AND SUPPORTS THE MORE RADICAL SECTORS OF CHILEAN MARXISM WHO OPPOSE THE PLEBISCITE AS THE MOST APPROPRIATE PATH FOR A PEACEFUL TRANSITION TO A STABLE AND DURABLE DEMOCRACY.

FINALLY ONE CONCLUDES THAT THE AMERICAN POSITION WITH RESPECT TO THESE SUGGESTIONS HAS BEEN ADOPTED IN A FORM INCONSISTENT WITH ESTABLISHED POLICIES AND CONTRADICTS THE DEMONSTRATIONS IT HAS CONTINUOUSLY GIVEN IN THIS REGARD AND THAT EMPHASIZED THAT THE FORM IN WHICH THE CHILEAN TRANSITION TAKES PLACE SHOULD BE EXCLUSIVELY DETERMINED BY THE CHILEANS.

THE ADOPTION OF A RESOLUTION WHICH PERVERTS THE REPORT OF SPECIAL RAPPORTEUR VOLIO, WITHOUT CONSIDERING THE RESPONSE FROM THE INSTITUTIONS, THE CONSTITUTION AND THE FREE WILL OF THE CHILEAN PEOPLE, COULD INDUCE THE CHILEAN AUTHORITIES TO ANALYZE THEIR POSITION WITH RESPECT TO THE COMMISSION ON HUMAN RIGHTS AND THE SPECIAL RAPPORTEUR FOR CHILE.

6. BEGIN SPANISH TEXT:

CIRCULA EN LAS SESIONES DE LA COMISION DE DERECHOS HUMANOS DE NACIONES UNIDAS EN GIBERA UN PROYECTO DE RESOLUCION SOBRE LA SITUACION DE LOS DERECHOS HUMANOS EN CHILE PATROCINADO POR MEXICO. CHILE YA HA MANIFESTADO SU CATEGORICO RECHAZO A ESTE DOCUMENTO QUE
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PAGE 03 USUN N 00614 02 OF 03 040225Z

TRASGREDE LOS PRINCIPIOS BASICOS DE PROCEDIMIENTO Y PRACTICAS DE LA COMISION, REVELANDO UN EVIDENTE DESPRECIO POR LA FUNCION DEL RELATOR ESPECIAL AL CIRCULAR UN PROYECTO ANTES QUE ESTE PRESENTE SU INFORME Y SE CONOZCA LA RESPUESTA CHILENA. SE PONEN ASI, UNA VEZ MAS EN EVIDENCIA LOS PROPOSITOS DE INTERVENCION QUE SE PERSIGUEN.

SORPRENDE AUN MAS A CHILE, QUE EN RELACION CON ESTE PROYECTO, ESTADOS UNIDOS DE AMERICA SE HAYA HECHO ECO DEL MISMO, SUGIRIENDO, ADEMAS DE HACERSE PARTICIPE DE UNA ACCION IRREGULAR BAJO LA APARIENCIA DE MO DIFICACIONES COSMETICAS, ENMIENDAS QUE ALUDEN DIRECTAMENTE AL PROCESO DE TRANSICION INSTITUCIONAL EN CHILE EN UN SENTIDO QUE TRASGREDE LA VOLUNTAD EXPRESA DEL PUEBLO DE CHILE, RECONOCIDOS POR LOS ESTADOS UNIDOS, QUE PRESCRIBE LA CONSTITUCION POLITICA DEL

ESTADO DE CHILE.

PARACEN UN CONTRASENTIDO ESTAS SUGERENCIAS DE LOS ESTADOS UNIDOS, TODA VEZ QUE ELLAS ESTAN EN ABIERTA CONTRADICCION CON DECLARACIONES REITERADAS DE ALTOS PERSONEROS DE LA ADMINISTRACION ESTADOUNIDENSE. AL RESPECTO ES NECESARIO RECORDAR POR EJEMPLO LAS SIGUIENTES:

- DECLARACION DEL SECRETARIO DE ESTADO ADJUNTO PARA ASUNTOS INTERAMERICANOS, ROBERT GELBARD, DE 20 DE AGOSTO DE 1987 EN LA QUE SENALO QUE EL PLEBISCITO APOYADO POR UN AMPLIO SECTOR DE LA SOCIEDAD BAJO CONDICIONES LIBRES Y JUSTAS PODRIAN SERVIR AL PROPOSITO DEMOCRATICO TAL COMO ALGUNOS CHILENOS LO HAN SUGERIDO.

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PAGE 01 USUN N 00614 03 OF 03 040225Z
ACTION IO-19

INFO	LOG-00	COPY-01	ADS-00	INR-10	EUR-00	SS-00	OIC-02
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C O N F I D E N T I A L SECTION 03 OF 03 USUN NEW YORK 00614

E.O. 12356: DECL: OADR
TAGS: PREL, UN, CI, US, UNHRC
SUBJECT: UNHRC DRAFT RESOLUTION ON CHILE: AMBASSADOR

- DECLARACION DEL PRESIDENT REAGAN DE 17 DE DICIEMBRE DE 1987 EN LA QUE SE INDICA GARANTIAS QUE DEBEN RODEAR AL PROCESO ELECTORAL EN CHILE, SIN CUESTIONAR EL PLEBISCITO.

- DECLARACIONES DEL ENCARGADO DE NEGOCIOS A.I., GEORGE JONES DE 16 DE FEBRERO EN CURSO, EN LA QUE ENTRE PROGRESOS INSTITUCIONALES MENCIONO: "LOS REGISTROS ELECTORALES, LA INSCRIPCION DE VOTANTES QUE ESTA AUMENTANDO MES A MES Y LAS DECLARACIONES DE ALTAS FIGURAS DEL GOBIERNO DE CHILE DE QUE ES ESENCIAL QUE EL PROCESO LLEGUE A UN ALTO PROCENTAJE DE LA POBLACION ADULTA PARA PODER TENER PLEBISCITO, ESTOS NO SON EL UNICO PASO POSITIVO, ALGO MUY FUNDAMENTAL ES LA PARTICIPACION DE UN NUMERO MUY ALTO DE CIUDADANOS EN EL PROCESO POLITICO DEL PAIS. ESO ES ALGO QUE SIEMPRE HEMOS TRATADO DE RECONOCER Y ES MUY IMPORTANTE QUE LO
CONFIDENTIAL

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PAGE 02 USUN N 00614 03 OF 03 040225Z

HAGAMOS."

POR OTRA PARTE, ESTADOS UNIDOS PARECIERA DESCONOCER QUE EL PROPIO INFORME DEL RELATOR ESPECIAL QUE ESTADOS UNIDOS ALABA SENALA QUE EL PLEBISCITO SE PREPARA CON SERIEDAD Y RESPONSABILIDAD.

ASIMISMO, CABE HACER PRESENTE QUE LA OPOSICION CHILENA, SALVO LOS SECTORES MARXISTAS Y LA EXTREMA IZQUIERDA, ACEPTAN EL MECANISMO PLEBISCRITARIO. EL LLAMADO COMITE PARA LAS ELECCIONES LIBRES, HA DEJADO ESTE PROPOSITO PARA REORGANIZARSE COMO UNA ENTIDAD QUE SE OCUPARA DE OBSERVAR EL ACTO ELECTORAL DEL

PLEBISCITO. ESTADOS UNIDOS, EN CONSECUENCIA, SOLIDARIZA Y APOYA A LOS SECTORES MAS RADICALES DEL MARXISMO CHILENO, LOS QUE SE OPONEN AL PLEBISCITO POR SER ESTE EL CAMINO MAS APROPIADO PARA UNA TRANSICION PACIFICA HACIA UNA DEMOCRACIA ESTABLE Y DURADERA.

DE LO ANTERIOR SE CONCLUYE QUE LA POSICION ESTADOUNIDEN SE RESPECTO DE ESTAS SUGERENCIAS SE HA ADOPTADO EN FORMA INCONSISTENTE CON LA POLITICA ESTABLECIDA Y CONTRADICE LAS MANIFESTACIONES QUE REITERADAMENTE SE HAN DADO EN ESTE SENTIDO Y QUE DESTACA QUE LA FORMA IN QUE SE DETERMINE LA TRANSICION CHILENA COMPETE UNICA Y EXCLUSIVAMENTE SER DETERMINADA POR LOS CHILENOS.

LA ADOPCION DE UNA RESOLUCION QUE MANTENGA UN CARACTER DESNATURALIZADO DEL INFORME DEL RELATOR VOLIO, SIN CONSIDERAR EL RESPETO A LAS INSTITUCIONES, LA CONSTITUCION Y LA LIBRE DETERMINACION DEL PUEBLO DE CHILE, PODRIA LLEVAR A LAS AUTORIDADES CHILENAS A
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PAGE 03 USUN N 00614 03 OF 03 040225Z

ANALIZAR SU POSICION RESPECTO DE LA COMISION DE DERECHOS HUMANOS DE NACIONES UNIDAS Y DEL RELATOR ESPECIAL PARA CHILE.

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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

CONFIDENTIAL

PAGE 01 SANTIA 01427 01 OF 02 041306Z
ACTION ARA-00

INFO LOG-00 ADS-00 SSO-00 ONY-00 /000 W
----------050707 041321Z /38

P 041256Z MAR 88
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 5481

UNCLASSIFIED
C O N F I D E N T I A L SECTION 01 OF 02 SANTIAGO 01427

FOR ARA/SC
E.O. 12356: DECL:OADR
TAGS: PGOV, CI
SUBJECT: OFFICIAL-INFORMAL

1. CONFIDENTIAL - ENTIRE TEXT.

2. WHEN PETER AND I SAW GREG CRAIG AND NANCY SODERB THEY GAVE US THE TEXT OF THE LETTER THAT WAS BEING PREPARED FOR FORMER PRESIDENTS FORD AND CARTER TO SEND TO INDIVIDUALS WHO MIGHT JOIN THE COMMITTEE THEY WERE ESTABLISHING IN FAVOR OF FREE ELECTIONS IN CHILE. (THIS IS THE TEXT WHICH CAME WITH THE LAST COM LETTER, ALONG WITH A LIST OF PROSPECTIVE MEMBERS.) I PROMISED THAT I WOULD GET BACK TO THEM WITH COMMENTS ON THE LETTER AS WELL AS CATEGORIES OF PEOPLE WHO MIGHT BE APPROACHED.

3. ON THE FORMER WE THINK THE PRIMARY DEFECT IS THAT THE LETTER DOESN'T REFLECT CLEARLY ENOUGH THE REPLACEMENT OF MOLINA'S FREE ELECTIONS GROUP OF PERSONALITIES BY THE CAMPAIGN FOR THE "NO" VOTE, GRANTED THAT IN BOTH CASES THE AIM IS TO GET EVENTUALLY TO COMPETITIVE ELECTIONS. HENCE WE HAVE SUGGESTED SOME REWORDING OF THE MIDDLE PORTION OF THE LETTER IN THE TEXT WHICH IS GIVEN BELOW. THE OTHER CHANGES ARE MINOR.
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 SANTIA 01427 01 OF 02 041306Z

4. WITH RESPECT TO THE KINDS OF PEOPLE TO WHOM THE LETTER MIGHT BE ADDRESSED, WE HAVE THE FOLLOWING SUGGESTIONS: 1) UNIVERSITY PRESIDENTS SHO BE FROM MORE VARIED PARTS OF THE U.S.; 2) PROFESSION ASSOCIATIONS LIKE THE ABA OR AMA; 3) FIGURES IN THE ARTS AND CULTURE; 3) FARM GROUPS; 4) MEDIA ASSOCIATIONS LIKE THE SOCIETY OF NEWSPAPER EDITORS; 5) DEPENDING ON THE NUMBERS BEING SOUGHT MORE MEMBERS OF THE CONGRESS, PARTICULARLY ON THE CONSERVATIVE SIDE AND PERHAPS MORE MILITARY OFFICERS WHO ARE RETIRED BUT STILL WELL-KNOWN.

5. THERE FOLLOWS THE REVISED SUGGESTED TEXT:

DRAFT LETTER TO CHILE COMMITTEE INVITEES:

- WE ARE WRITING TO ENLIST YOUR SUPPORT IN OUR EFFORTS TO FORM A U.S. COMMITTEE TO SUPPORT FREE ELECTIONS IN CHILE. WE ARE CO-CHAIRING THE COMMITTE AND SENATORS RICHARD LUGAR AND EDWARD KENNEDY ARE COORDINATING THE EFFORT.

- OVER THE LAST MONTHS, INDIVIDUALS FROM VARIOUS SEGMENTS OF CHILEAN SOCIETY HAVE COME TOGETHER IN AN EFFORT TO SECURE FREE ELECTIONS IN CHILE. THE MOVEMENT COMPRISES A BROAD-BASED GROUP OF LEADING CHILEAN CITIZENS WHO ARE UNITED IN THEIR DESIRE FOR FREE ELECTIONS AND A RETURN TO DEMOCRACY IN CHILE. THE FOCUS OF THE MOVEMENT'S EFFORTS IN 1988 ARE TO ACHIEVE A HIGH LEVEL OF VOTER PARTICIPATION, SAFEGUARDS FOR A FAIR AND HONEST ELECTORAL PROCESS, AND DEFEAT OF THE MILITARY'S CONFIDENTIAL

CONFIDENTIAL

PAGE 03 SANTIA 01427 01 OF 02 041306Z

CANDIDATE IN A PLEBISCITE WHICH WILL PROBABLY TAKE PLACE SOME TIME DURING THE SEPTEMBER-DECEMBER 1988 TIMEFRAME. IF THE MILITARY'S CANDIDATE IS DEFEATED, CONCURRENT FREE, OPEN AND COMPETITIVE ELECTIONS FOR THE PRESIDENCY AND CONGRESS WOULD TAKE PLACE A YEAR LATER ACCORDING TO THE CONSTITUTION.

THE LEADERS OF THE FREE ELECTIONS DRIVE HAVE WELCOMED THE FORMATION OF A U.S. GROUP COMPOSED OF DISTINGUISHED AMERICANS WHO WOULD LEND THEIR PRESTIGE AND INFLUENCE TO THE CHILEANS' EFFORT TO RESTORE DEMOCRACY FOR THEIR COUNTRY. SIMILAR GROUPS ARE BEING FORMED IN WESTERN EUROPE.

- WE WOULD HOPE THAT DISTINGUISHED AMERICANS FRO ALL SECTORS OF OUR SOCIETY, INCLUDING FORMER CABINET MEMBERS, CHIEF EXECUTIVE OFFICERS OF MAJOR U.S. CORPORATIONS, LABOR AND FARM LEADERS, UNIVERSITY PRESIDENTS AND CULTURAL FIGURES AS WELL AS MEMBERS OF CONGRESS WILL BE WILLING TO PARTICIPATE.

- WE WOULD BE DEEPLY HONORED IF YOU WOULD AGREE TO SERVE ON THIS COMMITTEE AND ALLOW US TO USE YOUR NAME IN CONJUNCTION WITH THE COMMITTEE'S ACTIVITIES. WE HOPE TO ANNOUNCE THE FULL MEMBERSHIP OF THIS COMMITTEE SHORTLY OR BY ...

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PAGE 01 SANTIA 01427 02 OF 02 041306Z

ACTION ARA-00

INFO LOG-00 ADS-00 SSO-00 ONY-00 /000 W
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P 041256Z MAR 88
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 5482

UNCLASSIFIED
C O N F I D E N T I A L SECTION 02 OF 02 SANTIAGO 01427

FOR ARA/SC
E.O. 12356: DECL:OADR
TAGS: PGOV, CI

SUBJECT: OFFICIAL-INFORMAL

AND WOULD LIKE YOU TO BE A MEMBER. OVER THE NEXT YEAR, THE COMMITTEE WILL PROVIDE VISIBLE MORAL AND POLITICAL SUPPORT FOR THE MOVEMENT FOR FREE ELECTIONS IN CHILE.

- THE EVENTS OF THESE ENSUING MONTHS WILL DETERMINE THE FUTURE OF DEMOCRACY IN CHILE WELL INTO THE NEXT DECADE. WE HOPE YOU WILL JOIN US IN ENSURING THAT THE FULL ECONOMIC, POLITICAL, AND MORAL STRENGTH OF THE AMERICAN PEOPLE IS WITH THE PEOPLE OF CHILE IN ACHIEVING THEIR RETURN FOR DEMOCRACY.

SINCERELY,

GERALD FORD

JIMMY CARTER.

6. PLEASE PASS TEXT AND COMMENTS TO GREG AND NANCY.
BARNES
CONFIDENTIAL
UNCLASSIFIED
CONFIDENTIAL

PAGE 02 SANTIA 01427 02 OF 02 041306Z

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3/4/88

IZ00122

(R)

Case Number: S199900030

Chile Project (#S199900030):
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____

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PAGE 01 SANTIA 01429 01 OF 03 041332Z
ACTION DSE-00

INFO LOG-00 ADS-00 ARA-00 AMAD-01 DS-01 /002 W
----------132672 051816Z /38

R 041320Z MAR 88
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 5484
INFO AMEMBASSY MONTEVIDEO
AMEMBASSY LA PAZ
AMEMBASSY BUENOS AIRES
AMEMBASSY ASUNCION

UNCLAS SECTION 01 OF 03 SANTIAGO 01429

DEPT FOR DS/OP/ARA; DS/POL/TAD; MONTEVIDEO, LA PAZ, BUENOS AIRES, ASUNCION FOR RSO'S

E.O. 12356: N/A
TAGS: ASEC, CI
SUBJ: MONTHLY STATUS REPORT - FEBRUARY 1988 (FEBRUARY 1-FEBRUARY 29)

I. SUMMARY OF SIGNIFICANT ACTIVITIES:

A. OVERVIEW:

GAO TEAM VISITED POST FEBRUARY 15-20. TEAM MEMBERS REVIEWED DS INVESTIGATIVE RECORDS AND INTERVIEWED SECTION HEADS ABOUT FSN HIRING PROCEDURES AND HOW THESE PROCEDURES WERE INFLUENCED BY DS INVESTIGATIVE REQUIREMENTS. OTHER AREAS OF INTEREST FOCUSED ON THE FSN, CONTRACTOR, AND AMERICAN RECERTIFICATION PROGRAM.

ARSO DEBRIEFED 2 DEPARTING EMPLOYEES ON FEBRUARY 10 AND ONE ON FEBRUARY 11. ARSO BRIEFED 4 NEW ARRIVALS ON FEBRUARY 2; 2 NEW ARRIVALS ON FEBRUARY 3; AND 5 NEW ARRIVALS ON FEBRUARY 24.
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PAGE 02 SANTIA 01429 01 OF 03 041332Z

n/a
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ACCORDING TO UNOFFICIAL REPORTS, A SERIES OF TERRORIST ATTACKS PLANNED BY THE COMMUNISTS WILL BEGIN ON MARCH 4 IN MAJOR CHILEAN CITIES. THESE ACTS OF VIOLENCE ARE INTENDED TO CREATE CHAOS AND DISTORT THE CURRENT CHILEAN SITUATION ABROAD.

IT NOW APPEARS A COMMAND DETONATED BOMB WAS USED TO KILL CARABINERO MAJOR JULIO BENEMELIS REFER TO JANUARY MSR). SIX INTERCONNECTED BOMBS WERE PLACED IN THE CEILING OF THE HOUSE AND DETONATED WHEN THE POLICE ENTERED. A COMMAND DETONATED DEVICE IS UNUSUAL IN CHILE AND AS SUCH THIS TECHNIQUE MAY PROVIDE TERRORISTS IN CHILE WITH A NEW CAPABILITY.

TWO SENSATIONAL CRIMINAL/TERRORIST ACTIVITIES OCCURED IN LATE FEBRUARY - ON FEBRUARY 27, GOC AUTHORITIES DEFUSED 2 OF 6 EXPLOSIVE DEVICES DISCOVERED AT THE END OF THE RUNWAY, LA FLORIDA AIRPORT, LA SERENA. PRESIDENT PINOCHET'S VISIT, FEBRUARY 29, WAS CANCELLED PRIOR TO DISCOVERY OF EXPLOSIVES; ON FEBRUARY 29, A BRINK'S DELIVERY TRUCK WAS ROBBED OF CH$ 28,000,000; AN ASSAILANT AND A BRINK'S GUARD WERE KILLED. AVAILABLE INFORMATION INDICATES ASSAILANT WAS KILLED BY FELLOW GANG MEMBERS.

SOME OF THE DEMONSTRATIONS AND TERRORIST ACTIVITIES WHICH DISTURBED THE CITY OF SANTIAGO THIS MONTH WERE AS FOLLOWS:

FEBRUARY1: THREE YOUNG TERRORISTS KILLED WHEN A BOMB THEY WERE HANDLING EXPLODED.

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PAGE 03 SANTIA 01429 01 OF 03 041332Z

FEBRUARY3: TWO WELL-DRESSED FEMALES, 30 YEARS, UNSUCCESSFULLY ATTEMPTED TO STEAL ITEMS FROM A DEPENDENT'S PURSE, BY SLASHING IT OPEN, AS SHE WALKED NEAR THE EMBASSY.

FEBRUARY5: INVESTIGACIONES DE CHILE ARRESTED THREE MEMBERS OF THE FPMR ON CHARGES OF ATTACKING STORES AND

BURNING BUSES. DIFFERENT TYPES OF WEAPONS AS WELL AS DRAWINGS OF DIFFERENT SECTIONS OF SANTIAGO AND SUBVERSIVE PAMPHLETS WERE ALSO FOUND BY INVESTIGACIONES.

FEBRUARY15: UNKNOWN PERSONS CARRIED OUT A SERIES OF BOMB ATTACKS AGAINST POLICE, PUBLIC, AND BANK BUILDINGS IN CONCEPCION. MATERIAL DAMAGE, NO CASUALTIES.

FEBRUARY19: AMERICAN COUPLE HAD THEIR ROOM BROKEN INTO AT THE CROWNE PLAZA HOTEL; PASSPORTS AND OTHER IDENTIFICATION WERE STOLEN.
FEBRUARY26: ATTEMPTED PICK-POCKET OF U.S. EMBASSY EMPLOYEE NEAR AMERICAN EMBASSY. SAME EMPLOYEE WAS A VICTIM OF A PICK-POCKET SEVERAL MONTHS AGO IN A DIFFERENT SECTOR O SANTIAGO.

FEBRUARY26: BOMB EXPLODED IN A CHINESE ART SHOP LOCATED IN THE PROVIDENCIA AREA OF SANTIAGO. EXTENSIVE DAMAGE, NO INJURIES REPORTED.

TERRORISTATTACKS

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PAGE 01 SANTIA 01429 02 OF 03 041333Z

ACTION DSE-00

INFO LOG-00 COPY-01 ADS-00 ARA-00 AMAD-01 DS-01 /003 W
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R 041320Z MAR 88
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 5485
INFO AMEMBASSY MONTEVIDEO
AMEMBASSY LA PAZ
AMEMBASSY BUENOS AIRES
AMEMBASSY ASUNCION

UNCLAS SECTION 02 OF 03 SANTIAGO 01429

DEPT FOR DS/OP/ARA; DS/POL/TAD; MONTEVIDEO, LA PAZ, BUENOS AIRES, ASUNCION FOR RSO'S

E.O. 12356: N/A
TAGS: ASEC, CI
SUBJ: MONTHLY STATUS REPORT - FEBRUARY 1988 (FEBRUARY

	FEBRUARY	YEAR TO DATE
AMERICAN BANKS ATTACKED	0	0
AMERICAN COMPANIES ATTACKED	0	0
ARMY PERSONNEL INJURED	0	0
ARMY PERSONNEL KILLED	0	0
ARSENALS DISCOVERED	0	1
ATTACK TO PRESIDENT OF CHILE	0	0
ATTACKS TO METRO	0	1
ATTACKS TO PUBLIC OFFICES	7	9
ATTACKS TO RADIOS	0	0
ATTACKS TO TRAINS (GOVN. OWNED)	2	2
ATTACKS TO BNCS	0	0
BOMBS DEACTIVATED	9	16
BOMBS DETONATED	25	42

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PAGE 02 SANTIA 01429 02 OF 03 041333Z

BOMBS HIGH TENSION TOWERS	7	8
BUSES BURNED	4	20
CNI AGENTS INJURED	0	0

	FEBRUARY	YEAR TO DATE
CNI AGENTS KILLED	0	0
CNI STATIONS ATTACKED	0	0
CAR BOMBS DEACTIVATED	0	0
CAR BOMBS DETONATED	0	1
CARABINEROS INJURED	0	2
CARABINEROS KILLED	0	1
CIVILIANS INJURED	6	28
CIVILIANS KILLED	1	2
DELIVERY TRUCKS ATTACKED BY TERRORISTS	1	1
DIPLOMATIC VEHICLES ATTACKED	0	0
HOUSES AMERICAN OFFICERS ATTACKED	0	0
INVESTIGACIONES AGENTS INJURED	0	0
INVESTIGACIONES AGENTS KILLED	0	0
INVESTIGACIONES STATIONS ATTACKED	0	0
MORMON CHURCHES ATTACKED	0	0
PERSONS KIDNAPPED	0	0
POLICE STATIONS ATTACKED	0	0
PRIVATE BANKS ASSAULTED	0	0
PRIVATE BANKS ATTACKED	0	0
SUBVERSIVE PRINT SHOPS	0	0
SUPERMARKETS ATTACKED	0	0
SUPERMARKETS BURNED	0	0
TERRORISTS ARRESTED	12	13
TERRORISTS INJURED	0	0
TERRORISTS KILLED	1	4
TERRORISTS SECURITY HOUSES	0	3
TERRORISTS CLANDESTINE CLINIC	0	0

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PAGE 03 SANTIA 01429 02 OF 03 041333Z

B. COVERAGE OF CONSTITUENT POST:

RSO TRAVELED TO ASUNCION 4-10 FEBRUARY TO BRIEF NEWLY ASSIGNED RSO DARYL RASHKIN. WELCOME TO ARA DARYL.

C. MARINE GUARD ACTIVITIES:

DRILLS: NONE.

GUARD SCHOOL:

ARSO ATTENDED MSG GUARD SCHOOL ON 2/24/88. TOPICS INCLUDED DISCUSSION OF EMBASSY EMERGENCY REACT PLAN AND MEXICO CITY INCIDENT.

II. THREATS AND INCIDENTS:

A. SUBJECT AND CABLE NUMBER OF TELEGRAPHIC REPORTS:

SANTIAGO 00977: POSSIBLE SURVEILLANCE OF AMBASSADOR.
SANTIAGO 01163: POSSIBLE SURVEILLANCE OF DCM.

B. SUMMARY O INCIDENTS NOT PREVIOUSLY REPORTED:

N/A

III. PROJECT STATUS:

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PAGE 01 SANTIA 01429 03 OF 03 041333Z
ACTION DSE-00

INFO LOG-00 COPY-01 ADS-00 ARA-00 AMAD-01 DS-01 /003 W

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R 041320Z MAR 88
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 5486
INFO AMEMBASSY MONTEVIDEO
AMEMBASSY LA PAZ
AMEMBASSY BUENOS AIRES
AMEMBASSY ASUNCION

UNCLAS SECTION 03 OF 03 SANTIAGO 01429

DEPT FOR DS/OP/ARA; DS/POL/TAD; MONTEVIDEO, LA PAZ, BUENOS AIRES, ASUNCION FOR RSO'S

E.O. 12356: N/A
TAGS: ASEC, CI
SUBJ: MONTHLY STATUS REPORT - FEBRUARY 1988 (FEBRUARY

A. (3) NUMBER OF CONSTRUCTION PROJECTS:

PROJECT MANAGER FORWARDED REQUEST FOR EXTENSION OF PERIMETER PROJECT IN ACCORDANCE WITH CONTRACT MANAGER'S HANDBOOK ON OR ABOUT 23 FEBRUARY 1988. POST HAS RECEIVED ALL MISSING GFE EQUIPMENT AND P.A.V.B. PARTS. GENERATORS SCHEDULED TO ARRIVE FEBRUARY OR EARLY MARCH; PROJECT TO BE COMPLETED BY AUGUST (REFER TO SANTIAGO 1172).

B. CONSTITUENT POST. DS/PSD/RSG HAS ADVISED SANTIAGO THAT SHATTER RESISTANT FILM PROJECT HAS BEEN APPROVED. ARSO SANTIAGO WILL COORDINATE FINAL DETAILS WITH RSO RASHKIN (REFER TO STATE 05961).

C. (1) NUMBER OF ANTICIPATED OR PLANNED PROJECTS:
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PAGE 02 SANTIA 01429 03 OF 03 041333Z

ON SCHEDULE.

IV. INVESTIGATIONS/VIOLATIONS:

A. INVESTIGATIONS: AMEMBASSY SANTIAGO.

(17) FSN INVESTIGATIONS ON HAND
(32) FSN INVESTIGATIONS OPENED
(27) FSN INVESTIGATIONS CLOSED
(22) FSN INVESTIGATIONS PENDING
(0) CI INVESTIGATIONS ON HAND
(0) CI INVESTIGATIONS RECEIVED
(0) CI INVESTIGATIONS COMPLETED
(8) OTHER INVESTIGATIONS ON HAND
(5) OTHER INVESTIGATIONS OPENED
(9) OTHER INVESTIGATIONS CLOSED
(4) OTHER INVESTIGATIONS PENDING

B. VIOLATIONS:

(1) VALID SECURITY VIOLATIONS FROM AMEMBASSY SANTIAGO TO DS/PI/PRD.
V. HOURS (ACTIVITIES)

(0) PROTECTION
(52) INVESTIGATIONS
(8) SECURITY AWARENESS
(4) CONTINGENCY PLANNING
(18) PHYSICAL SECURITY
(65) RESIDENTIAL SECURITY AND LOCAL GUARDS
(2) TECHNICAL SECURITY
(7) MARINE GUARDS
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PAGE 03 SANTIA 01429 03 OF 03 041333Z

(60) OFFICE MANAGEMENT AND STAFFING
(7) ANTI-TERRORIST ACTIVITIES (ATA)
(0) EMERGENCY DRILLS
(44) CONSTITUENT POST SUPPORT
(7) PRIVATE SECTOR

VI. ACTION CABLES NOT ANSWERED BY DS DURING THE MONTH:

87 SANTIAGO 8817 ADDRESSED TO DS/I/PID (PARAGRAPH 4).

VII. PLANS FOR THE COMING MONTH(S):

ESO TEAM SCHEDULED TO VISIT POST 9-15 MARCH 1988.

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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

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PAGE 01 SANTIA 01441 01 OF 02 041656Z
ACTION IO-19

INFO LOG-00 COPY-01 ADS-00 AID-00 INR-10 SS-00 OIC-02
CIAE-00 EB-00 DODE-00 H-01 NSCE-00 ARA-00 NSAE-00
SSO-00 HA-09 L-03 LAB-04 TRSE-00 PA-01 STR-17
SIL-01 INRE-00 RP-10 USIE-00 SP-02 SR-06 PRS-01
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O 041647Z MAR 88
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 5491
INFO USMISSION GENEVA IMMEDIATE
USMISSION USUN NEW YORK IMMEDIATE
AMEMBASSY SAN JOSE PRIORITY

UNCLASSIFIED

C O N F I D E N T I A L SECTION 01 OF 02 SANTIAGO 01441

E.O. 12356: DECL: OADR
TAGS: PHUM, UNHRC-1, CI
SUBJECT: 44TH SESSION OF UN HUMAN RIGHTS COMMISSION: MEXICAN RESOLUTION ON CHILE: SUGGESTED CHANGES

REF: GENEVA 2402

1. CONFIDENTIAL - ENTIRE TEXT.

2. MISSION AGREES WITH COMMENTS AND RECOMMENDATIONS BY U.S. DELEGATION IN REFTEL. WE HAVE THE FOLLOWING ADDITIONAL COMMENTS. THE MEXICAN DRAFT DOES NOT ADEQUATELY RECOGNIZE THE WORK OF VOLIO OR TAKE SUFFICIENTLY INTO ACCOUNT HIS REPORT. TO REMEDY THIS WE WOULD SUGGEST SEVERAL REVISIONS (PARAS 3 AND 4 BELOW), WHICH ARE ALSO CONSISTENT WITH THE NEED TO MAKE THE REPORT MORE BALANCED AND, IN SOME CASES, TO CORRECT INACCURACIES.

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PAGE 02 SANTIA 01441 01 OF 02 041656Z

UNCLASSIFIED

3. OPERATIVE PARAGRAPH 1 WOULD BE BETTER IF IT READ: "COMMENDS THE EFFORTS OF SPECIAL RAPPORTEUR AND APPRECIATES HIS REPORT ON THE SITUATION ON HUMAN RIGHTS IN CHILE." (THIS LANGUAGE IS TAKEN VERBATIM FROM THE UNANIMOUSLY APPROVED 1986 UNHRC RESOLUTION.)

4. OPERATIVE PARAGRAPH 2 AS NOW WRITTEN IS A SLAP IN THE FACE AT VOLIO AND INACCURATE BECAUSE IT CHARGES HIS EFFORTS WERE FUTILE ("SAID COOPERATION...HAS NOT YET LED TO SUBSTANTIAL IMPROVEMENT.") SUGGESTED SUBSTITUTE LANGUAGE MIGHT READ: "WELCOMES THE FACT...COOPERATION IN THE FULFILLMENT OF HIS MANDATE, WHILE REGRETTING THAT THERE HAS NOT BEEN GREATER IMPROVEMENT IN HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS."

5. OPERATIVE PARAGRAPH 3 AND PREAMBULAR PARAGRAPH 8: WE AGREE WITH REFTEL'S POINT, CORROBORATED BY OTHER REPORTING FROM GENEVA AND USUN AS WELL AS GOC OFFICIALS HERE THAT THE PRIMARY CONCERN OF THE GOC IS THAT THE RESOLUTION NOT INVALIDATE THE PLEBISCITE PROCESS. THEY REALLY WOULD LIKE A PRIORI LEGITIMATIZATION OF THE PLEBISCITE. WE NEED TO AVOID DOING EITHER, AND FOR THAT THE FOCUS SHOULD BE ON THE FAIRNESS AND TRANSPARENCY OF THE PROCESS. IN PARTICULAR, PREAMBULAR PARAGRAPH 8 APPEARS TO GO PRETTY FAR TOWARDS INVALIDATING THE PLEBISCITE. PERHAPS LANGUAGE SUCH AS THE FOLLOWING MIGHT DEAL WITH THIS ISSUE AS WELL AS THE PROBLEM OF CASTING THE

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PAGE 03 SANTIA 01441 01 OF 02 041656Z

POLITICAL LAWS (REGISTRATION AND POLITICAL PARTIES) IN A POSITIVE RATHER THAN NEGATIVE LIGHT AS IS NOW THE CASE IN THE DRAFT:

"NOTING ITS CONVICTION THAT A LEGAL AND POLITICAL STRUCTURE BASED ON THE CONSENT OF THE GOVERNED IS ESSENTIAL TO THE FULL OBSERVANCE OF HUMAN

RIGHTS IN CHILE, AS IN ANY OTHER NATION (BORROWED VERBATIM FROM THE APPROVED 1986 RESOLUTION), AND CONSIDERING THAT PROGRESS HAS BEEN ACHIEVED IN ESTABLISHING ELECTORAL REGISTERS AND LEGALIZING POLITICAL PARTIES, NONETHELESS EMPHASIZES THAT INSUFFICIENT MEASURES HAVE BEEN TAKEN TO GUARANTEE RESPECT FOR BASIC CIVIL AND POLITICAL FREEDOMS AND EQUITABLE ACCESS TO THE MEDIA."

WITH THIS LANGUAGE IN THE PREAMBLE THERE WOULD PROBABLY BE NO NEED TO REVISE OPERATIVE PARAGRAPH 3 EXCEPT PERHAPS CHANGING A COUPLE OF WORDS TO AVOID REDUNDANCY OF LANGUAGE.

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6. OPERATIVE PARAGRAPH 6: SINCE ONE OF VOLIO'S MOST FUNDAMENTAL AND IMPORTANT CRITICISMS OF THE GOC HAS BEEN THE FAILURES OF ITS JUDICIAL SYSTEM IT WOULD BE APPROPRIATE TO CITE VOLIO AND QUOTE HIM IN THIS PARAGRAPH.

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7. OPERATIVE PRARGRAPHS 4 AND 5: NO PROBLEMS.

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8. OPERATIVE PARAGRAPH 7: AS GENEVA HAS INDICATED, IT IS UNTRUE OR AT LEAST GROSSLY

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Page: 3

ACTION IO-19

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AMEMBASSY SAN JOSE PRIORITY

C O N F I D E N T I A L SECTION 02 OF 02 SANTIAGO 01441

E.O. 12356: DECL: OADR
TAGS: PHUM, UNHRC-1, CI
SUBJECT: 44TH SESSION OF UN HUMAN RIGHTS COMMISSION:

INACCURATE TO SAY THAT THE GOC STILL USES REPRESSIVE AND VIOLENT METHODS TO PUT DOWN DEMONSTRATORS.

-

9. OPERATIVE PARAGRAPH 8(B): MENTION COULD USEFULLY BE MADE OF THE FACT THAT CHILE HAS SIGNED THE UN AND OAS CONVENTIONS ON TORTURE AND SHOULD BE URGED TO RATIFY AND IMPLEMENT THEM VIGOROUSLY.

-

10. OPERATIVE PARAGRAPH 8(C): ADD REFERENCE TO BOMBINGS AND KIDNAPPINGS, AMONG THE OTHER CRIMES MENTIONED. THIS WILL DEMONSTRATE THAT THE UN IS OPPOSED TO VIOLENCE FROM ANY QUARTER, SINCE THESE HAVE BEEN PERPETRATED BY BOTH THE RIGHT AND THE LEFT.

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PAGE 02 SANTIA 01441 02 OF 02 041656Z

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11. ADD AN ADDITIONAL ITEM UNDER OPERATIVE PARAGRAPH 8: "TO TAKE ALL POSSIBLE STEPS

TO BROADEN AND GUARANTEE THE RIGHT OF POLITICAL PARTIES TO CAMPAIGN PEACEFULLY." (FROM STATE 48951, POSITION PAPER.)

12. ADD AN ADDITIONAL ITEM UNDER OPERATIVE PARAGRAPH 8: " TO REVOKE ALL STATES OF EXCEPTION."

13. AT THE APPROPRIATE PLACE MENTION SHOULD BE MADE OF THE REDUCTION IN THE EXILE LIST AND OF SOME IMPROVEMENTS IN MEDIA FREEDOM AS GENEVA SUGGESTS, BUT A SPECIFIC REFERENCE TO GREATER TELEVISION ACCESS FOR THE OPPOSITION WOULD BE VERY IMPORTANT. BARNES

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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
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PAGE 01 STATE 069175
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C O N F I D E N T I A L STATE 069175
USUN PLEASE PASS TO GENERAL WALTERS

E.O. 12356: DECL: OADR
TAGS: PHUM CI
SUBJECT: 44TH SESSION OF UN HUMAN RIGHTS COMMISION: MEXICAN RESOLUTION ON CHILE: GUIDANCE RE DESIRED CHANGES
FOR P C DESHAZO ARA
FOR A NAHAS IO
REF: (A) 88 GENEVA 2402, (B) 88 SANTIAGO 1441, (C) US DEL UNHRC FOR PETER DE SHAZO

1. CONFIDENTIAL ENTIRE TEXT

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PAGE 02 STATE 069175

2. BELOW ARE PROPOSED CHANGES AND ADDITIONS TO TEXT OF MEXICAN RESOLUTION ON HUMAN RIGHTS IN CHILE SUBMITTED REFTEL. SOME OF THESE PROPOSED CHANGES AND ADDITIONS ARE MORE CRITICAL THAN OTHERS, AND WE HAVE INDICATED PRIORITIES TO ASSIST THE DELEGATION IN NEGOTIATING REVISIONS IN THE MEXICAN DRAFT. PLEASE REPORT BACK RESULTS ASAP SO THAT WE CAN EVALUATE REVISIONS WHICH HAVE BEEN ACCEPTED AND FORMULATE THE USG'S POSITION. THE DELEGATION'S RECOMMENDATIONS REGARDING OUR RESPONSE TO THE REVISED MEXICAN DRAFT SHOULD ACCOMPANY YOUR REPORT.

3. PREAMBULAR PARAGRAPH 5:
INSERT THE WORD "LARGELY" BEFORE "NOT BEEN TAKEN INTO ACCOUNT BY THE CHILEAN GOVERNMENT".
IMPORTANT.

4. ADD NEW PREAMBULAR PARAGRAPH 6 (A):
"BEARING IN MIND THE PRAISEWORTHY HUMANITARIAN WORK BEING CARRIED OUT IN CHILE BY THE INTERNATIONAL COMMITTEE OF THE RED CROSS".
USEFUL--CONSISTENT WITH PAST RESOLUTIONS

5. PREAMBULAR PARAGRAPH 7:
-DELETE "AND ACTIVITIES" AFTER "CIVIL AND PROFESSIONAL RIGHTS"
USEFUL.

-AFTER "THEIR POLITICAL OPINIONS" DELETE "THE PRACTICES OF MURDER IN ALLEGED CONFRONTATIONS, ABDUCTIONS, DISAPPEARANCES THAT ARE NOT CLARIFIED UP AND FORCED EXILE HAVE PERSISTED".
USEFUL.

CONFIDENTIAL
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PAGE 03 STATE 069175

6. PREAMBULAR PARAGRAPH 8:
REPLACE ENTIRE PARAGRAPH WITH THIS WORDING: "NOTING ITS CONVICTION THAT A LEGAL AND POLITICAL STRUCTURE BASED ON THE CONSENT OF THE GOVERNED IS ESSENTIAL TO THE FULL OBSERVANCE OF HUMAN RIGHTS IN CHILE, AS IN ANY OTHER NATION, AND CONSIDERING THAT PROGRESS HAS BEEN ACHIEVED IN ESTABLISHING ELECTORAL REGISTERS AND LEGALIZING POLITICAL

PARTIES, NONETHELESS EMPHASIZES THAT INSUFFICIENT MEASURES HAVE BEEN TAKEN TO GUARRANTEE RESPECT FOR CIVIL AND POLITICAL FREEDOMS AND EQUITABLE ACCESS TO THE MEDIA". ESSENTIAL--WITH ONLY MINOR MODIFICATIONS.

7. PREAMBULAR PARAGRAPH 9:
REPLACE "NOTING" WITH "WELCOMES THE FACT".
IMPORTANT.

8. OPERATIVE PARAGRAPH 1:
- REPLACE "TAKES NOTE WITH INTEREST OF" WITH "COMMENDS"
ESSENTIAL-NOT NEGOTIABLE

- INSERT "TIRELESS" BETWEEN "HIS" AND "EFFORTS".
USEFUL

9. OPERATIVE PARAGRAPH 2:
REPLACE "THE SAID COOPERATION WITH THE EFFORTS OF THE UNITED NATIONS HAS NOT LED TO A SUBSTANTIAL IMPROVEMENT IN THE SITUATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS" WITH THE FOLLOWING: "THERE HAS NOT BEEN GREATER IMPROVEMENT IN HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS".
ESSENTIAL.

10. OPERATIVE PARAGRAPH 4:
REPLACE "FREE" ACCESS WITH "FULL" ACCESS.
USEFUL.

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PAGE 04 STATE 069175

11. ADD NEW OPERATIVE PARAGRAPH 6(A):
EMPHASIZES THE IMPORTANCE OF THE RECOVERY OF INDEPENDENCE BY THE CHILEAN JUDICIARY, AS RECOMMENDED BY THE SPECIAL RAPPORTEUR IN HIS REPORT

12. OPERATIVE PARAGRAPH 7:
DELETE OR REVISE: "THROUGH THE USE OF REPRESSIVE METHODS AND VIOLENT RESPONSES TO SOCIAL AND POLITICAL OPPOSITION DEMONSTRATIONS".
ESSENTIAL.

13. OPERATIVE PARAGRAPH 8:
- CHANGE PARAGRAPH 8 (C) TO READ: "TO PUT AN END TO VIOLENT TERRORIST ACTIVITIES AND THE ACTIVITIES OF GANGS AND GROUPS, WHETHER PRIVATE OR CONNECTED WITH THE SECURITY FORCES, WHICH ARE RESPONSIBLE FOR RAPES, ABDUCTIONS RESULTING IN DEATHS, BOMBINGS, KIDNAPPINGS, SEARCHES, INTERROGATIONS, INTIMIDATION.
ESSENTIAL--MUST HAVE AN EXPLICIT REFERENCE TO TERRORISM

- ADD PARAGRAPH 8 (H): "TO TAKE ALL POSSIBLE STEPS TO BROADEN AND GUARANTEE THE RIGHT OF POLITICAL PARTIES TO CAMPAIGN PEACEFULLY".
IMPORTANT.

- ADD PARAGRAPH 8 (I): "TO RETURN CHILE TO THE RULE OF LAW BY REVOKING ALL STATES OF EXCEPTION".
IMPORTANT.

- ADD PARAGRAPH 8 (J): "TO ENSURE THAT THE COOPERATION BETWEEN THE SECURITY FORCES AND THE INTERNATIONAL COMMITTEE OF THE RED CROSS, UNDER THE TERMS OF THE ACCORDS REACHED BETWEEN THEM, BE INCREASINGLY EXPANDED".
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PAGE 05 STATE 069175

USEFUL.

14. OPERATIVE PARAGRAPH 9:
REPLACE "TAKES NOTE OF" WITH "WELCOMES".
ESSENTIAL--NOT NEGOTIABLE.

15. CHANGE THE NUMBERING OF THE EXISTING OPERATIVE PARAGRAPHS 10, 11 AND 12 TO OPERATIVE PARAGRAPHS 14, 15, AND 16 RESPECTIVELY.

16. ADD NEW OPERATIVE PARAGRAPH 10:
"COMMENDS THE GOVERNMENT OF CHILE FOR SIGNING THE UNITED NATIONS AND ORGANIZATION OF AMERICAN STATES CONVENTIONS ON TORTURE, AND URGES THE GOVERNMENT TO RATIFY THESE CONVENTIONS AND IMPLEMENT THEM FULLY".
IMPORTANT.

17. ADD NEW OPERATIVE PARAGRAPH 11:

"ACKNOWLEDGES THAT SUBSTANTIAL ELECTORAL REGISTRATION IS TAKING PLACE AND URGES THE GOVERNMENT OF CHILE TO FACILITATE AND ENCOURAGE SUCH REGISTRATION UNTIL THE LARGEST POSSIBLE NUMBER OF CHILEANS ARE INSCRIBED TO VOTE". IMPORTANT.

18. ADD NEW OPERATIVE PARAGRAPH 12:
"EXPRESSES DISMAY AT THE CONTINUED ACTS OF VIOLENCE CARRIED OUT BY THE POLITICAL EXTREMES IN CHILE WHICH HAVE EXACERBATED THE CLIMATE OF INSECURITY AND THREATEN A PEACEFUL RETURN TO DEMOCRACY".
ESSENTIAL CONCEPT--CAN MODIFY TEXT.

19. ADD NEW OPERATIVE PARAGRAPH 13:
"NOTES WITH SATISFACTION THE ACTIVITIES OF THE ADVISORY COMMISSION ON HUMAN RIGHTS WITHIN THE MINISTRY OF THE INTERIOR AND THE COOPERATION BY THE GOVERNMENT WITH INTERNATIONAL HUMAN RIGHTS GROUPS".
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PAGE 06 STATE 069175

USEFUL--HANG TOUGH.

20. WE APPRECIATE YOUR EFFORTS. PLEASE SHARE THIS WITH GENERAL WALTERS UPON HIS ARRIVAL.
ARMACOST

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Chile Project (#S199900030)
U.S. Department of State
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PAGE 01 SANTIA 01479 071857Z
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C O N F I D E N T I A L SANTIAGO 01479

GENEVA FOR PETER DE SHAZO

E. O. 12356: DECL:OADR
TAGS: PHUM, UNHRC-1, CI
SUBJ: 44TH SESSION OF UN HUMAN RIGHTS COMMISSION:
- MEXICAN RESOLUTION ON CHILE

REF: STATE 69175

1. CONFIDENTIAL - ENTIRE TEXT.
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2. EMBASSY HAS FOLLOWING ADDITIONAL COMMENTS ON THE RESOLUTION AND ON THE DEPARTMENT'S INSTRUCTION REGARDING CHANGES (REFTEL).
-
-- IN OPERATIVE PARA 5, LAST LINE, DELETE "EMERGENCY" AND SUBSTITUTE"EXCEPTION." THERE IS ONLY ONE STATE OF EMERGENCY, BUT THERE ARE SEVERAL STATES OF EXCEPTION.
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PAGE 02 SANTIA 01479 071857Z

-- IN DEPARTMENT'S PROPOSED NEW OPERATIVE PARA 13, W STRONGLY OPPOSE REFERRING TO THE (FEW AND FAR BETWEEN) ACTIVITIES OF THE GOC HUMAN RIGHTS COMMISSION WITH "SATISFACTION." WE SUGGEST, "NOTES THE WORK OF THE ADVISORY COMMISSION ON HUMAN RIGHTS WITHIN THE MINISTRY OF INTERIOR IN REVIEWING AND RECOMMENDING REDUCTIONS IN THE LIST OF EXILES, AND EXPRESSES ITS SATISFACTION WITH THE GOVERNMENT'S COOPERATION WITH INTERNATIONAL HUMAN RIGHTS GROUPS."

3. ASSUME THAT U.S. REPRESENTATIVE WILL, AS IN PAST YEARS, MAKE A STATEMENT AT THE TIME THE COMMISSION VOTES ON THE MEXICAN RESOLUTION. WE RECOMMEND THAT AMONG THE POINTS MADE SHOULD BE CRITICISM OF THE PRACTICE OF DRAFTING AND CIRCULATING RESOLUTIONS PRIOR TO RECEIPT OF THE SPECIAL RAPPORTEUR'S REPORT. THE U.S. SPOKESMAN MIGHT NOTE THAT THIS UNDERMINES THE VALUABLE INSTITUTION OF SPECIAL RAPPORTEURS, AND IS ESPECIALLY LAMENTABLE IN THE CASE OF FERNANDO VOLIO, GIVEN THE VERY THOROUGH NATURE OF HIS REPORTS AND HIS DEDICATED EFFORTS TO PRESERVE OBJECTIVITY IN A SITUATION IN WHICH FEELINGS RUN STRONG ON ALL SIDES. INCLUSION OF SUCH A POINT WILL PLEASE BOTH VOLIO AND THE GOC.
BARNES

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R (WA057C) 3/7/88

Embassy of Chile
Office of the Ambassador

CVP
Weisfeiler

March 7, 1988

Rabbi Morton M. Rosenthal
823 United Nations Plaza
New York, NY. 10017

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ____
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Dear Rabbi Rosenthal:

I am writing regarding your concern with the case of Professor Boris Weisfeiler, who disappeared in Chile in 1985. I received both your letter and the February, 1988, ADL "Latin American Report."

When you first requested information about this case, the Embassy provided copies of reports on the searches conducted both by the police and the Navy. The intensive investigation suggests that Professor Weisfeiler had probably fallen into a river. The search for the body was unsuccessful.

It is with great regret that we now witness the tragic case of Professor Weisfeiler being intentionally transformed into an issue with ethnical-political connotations as suggested in the February "Latin American Report." Allow me to be very clear on this matter: There is no responsibility on the part of Chilean authorities either for Professor Weisfeiler's presumed death or for the impossibility of recovering his body. Although anybody may be free to speculate in the case of a disappearance, there are some facts which need to be stressed.

In the first place, Professor Weisfeiler did not follow basic security procedures when he began a hiking adventure in a dangerous region unknown to him with neither guide nor assistance. There are a number of cases similar to his, experienced hikers who have disappeared in the Chilean Andes. This reckless attitude was not duly emphasized at the time, because the focus was on conducting the search and also because of respect for a person who had met a tragic fate. Painful as it may be, this is something which needs to be addressed, especially at a time when Professor Weisfeiler's disappearence has become the subject of political exploitation, as APSI has made it.

Following Professor Weisfeiler's disappearance, there was ample proof of the authorities' will to investigate thoroughly. Several search

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parties were sent to the zone. A special group of divers sent by the Navy conducted a search in the junction of the rivers Ñuble and Los Sauces. Unfortunately, they were unable to locate him.

There are no grounds for the allegations which attempt to link Professor Weisfeiler's disappearence with Colonia Dignidad.

Regarding Colonia Dignidad, the authorities have closely observed its activities. No credible evidence of illegal conduct within the premises has been produced in the Courts. Allegations of Colonia Dignidad being a Nazi center used by government interrogators to torture and detain Chilean citizens are absolutely unrealistic and untrue.

Chile rejects all types of racial discrimination. The ties of the Chilean government with the Jewish community are close, friendly and cooperative. As you may know, members of the Jewish community in Chile hold high positions in our government. Their integration into our society is an undeniable fact.

Chile, a country with an extended and influential Arab community, has a record of consistent admiration for the Jewish people and support for Israel in international organizations, considerably more than that of most countries in the world. Therefore, it is all the more disappointing to see a painful situation such as Professor Weisfeiler's given a political content and the ADL "Latin American Report" convey an erroneous and unwarranted impression to the American Jewish community.

I sincerely hope that in the future matters related to Chile will be treated with the necessary balance and that unsubstantiated allegations will not be reported in your organization's publications without previous presentation of evidence.

Finally, I want to thank you for your letter and the occasion it has afforded me to discuss matters of interest to your organization and to Chile. I hope to have the opportunity visiting with you on one of my trips to New York so that we can converse about matters of mutual interest.

Sincerely yours,

Hernán Felipe Errázuriz
Ambassador

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3/7/88

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Chile Project (#S199900030)
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CONFIDENTIAL

PAGE 01 GENEVA 02579 01 OF 03 072136Z
ACTION IO-19

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C O N F I D E N T I A L SECTION 01 OF 03 GENEVA 02579

E.O. 12356: DECL:OADR
TAGS: PHUM, UNHRC-1, CI
SUBJECT: 44TH SESSION OF UN HUMAN RIGHTS COMMISSION: PROPOSED REVISION TO DRAFT RESOLUTION ON HUMAN RIGHTS IN CHILE AT THE UNHRC

1. CONFIDENTIAL - ENTIRE TEXT.

2. THIS IS HRC 314.

3. LISTED BELOW ARE AMENDMENTS, CHANGES, AND DELETIONS IN TEXT OF MEXICAN DRAFT ON CHILE AGREED TO FIRST IN A MEETING WITH THE 10 CO-SPONSORS OF THE TEXT (ALGERIA, CUBA, DENMARK, FRANCE, ITALY, NORWAY, PORTUGAL, SPAIN, AND YUGOSLAVIA) IN WHICH THE U.S. DID NOT PARTICIPATE, AND LATER IN A PRIVATE SESSION BETWEEN USDEL REP, VICENTE MONTEMAYOR OF THE MEXICAN DELEGATION, AND JULIAN PALACIOS OF THE SPANISH DELEGATION AS INTERMEDIARY. SPAIN IS THE WEOG COORDINATOR ON CHILE.

4. USDEL HAD PRESENTED THE SUGGESTED LIST OF DESIRED

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CHANGES IN THE MEXICAN TEXT (AS OUTLINED IN STATE 069175) TO THE WEOGS EARLY THIS MORNING (MONDAY) AND SHORTLY THEREAFTER TO THE MEXICANS. IN THE MEANWHILE, USDEL LOBBIED HARD OTHER CO-SPONSORS OF THE RESOLUTION IN FAVOR OF CHANGES, RECEIVING RESPONSES WHICH INDICATED WILLINGNESS TO HELP BRING ABOUT CHANGES IN TEXT FROM THE DANES, ALGERIANS, SPANIARDS, FRENCH, AND, IN PRINCIPLE EARLIER, THE PORTUGUESE. AT THE WEOG MEETING, THE GERMANS URGED FELLOW CO-SPONSORS TO CONSIDER THE U.S. REQUEST AND AT THE SAME TIME ASKED THE U.S. TO "NOT INSIST ON GETTING EVERYTHING." THE DUTCH, ALTHOUGH NON UNHRC VOTERS, ALSO OFFERED TO HELP BROKER CHANGES AND OTHER NON CO-SPONORING VOTERS, SUCH AS THE UK, COSTA RICA, AND VENEZUELA, EXPRESSED SUPPORT FOR OUR IDEAS ON A MORE BALANCED RESOLUTION.

5. FOLLOWING ARE CHANGES, ETC., FOLLOWING ORDER GIVEN IN STATE 069175 AND USING SAME NUMBERING:

- 3. PP 5: INSERT "LARGELY" REJECTED.

- 4. ADD NEW PP 6 (A). ON ICRC. ACCEPTED IN ITS ENTIRETY.

- 5. CHANGES MADE IN PP7. NOW READS AS FOLLOWS: "NOTING THAT DURING 1987 LAWS HAVE BEEN PUT INTO EFFECT WHICH SERIOUSLY IMPAIR FREEDOM OF THOUGHT AND EXPRESSION AND SIGNIFY THE PROSCRIPTION AND INTERDICTION OF PERSONS AS REGARDS THE EXERCISE OF THEIR CIVIL AND PROFESSIONAL RIGHTS ON THE GROUND OF THEIR POLITICAL OPINIONS, THAT KILLINGS IN ALLEGED CONFRONTATIONS, ABDUCTION, UNCLARIFIED DISAPPEARANCES, AND NEW CASES OF INTERNAL EXILE HAVE OCURRED, THAT THE OVERALL STITUATION OF CONFIDENTIAL

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PAGE 03 GENEVA 02579 01 OF 03 072136Z

POLITICAL PRISONERS HAS NOT IMPROVED, AND THAT DEATH THREATS HAVE BEEN MADE TO REPRESENTATIVES OF THE ARTS AND CULTURAL LIFE." CO-SPONSORS OSTENSIBLY REJECT FURTHER CHANGE IN THIS PARAGRAPH.

- 6. PP8. CO-SPONSORS AGREED TO RETURN TO A MODIFIED VERSION OF 1987 CONSENSUS RESOLUTION WHICH FRAMES MATTER

MORE POSITIVELY. PARAGRAPH TO READ: "NOTING ALSO THAT THE ESTABLISHMENT OF ELECTORAL REGISTERS AND THE LEGALIZATION OF CERTAIN POLITICAL PARTIES REPRESENT INITIAL STEPS, BUT IN THE ABSENCE OF A FRAMEWORK FOR FREE ELECTIONS, DO NOT MEET THE BASIC REQUIREMENTS OF A DEMOCRATIC RULE OF LAW NOR OF THE PRINCIPLE OF NON-DISCRIMINATION BASED ON POLITICAL OPINIONS OR OF OTHER NATURE WHICH IS AN INTEGRAL PART OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS."

- 7. PP9. CHANGED TO READ: "NOTING THAT THE DECISION OF THE CHILEAN GOVERNMENT TO ALLOW A NUMBER OF POLITICAL EXILES TO RETURN IS A STEP IN THE RIGHT DIRECTION" (GIVEN WILLINGNESS TO GIVE IN HERE, WE FEEL THAT MEXICANS WILL AGREE TO SOMETHING BETTER STATED THAN THIS.

- 8. OPERATIVE PARAGRAPH 1. SPONSORS ABSOLUTELY FIRM ON NOT CHANGING "TAKES NOTE WITH INTEREST" WITH "COMMENDS." THEY CLAIM THAT SUCH LANGUAGE WOULD BE INCONSISTENT WITH COMMON USEAGE, ALTHOUGH THIS IS PROBABLY NOT THE CASE. THEY DO AGREE TO ADD THE ADJECTIVE "TIRELESS" TO DESCRIBE VOLIO'S EFFORTS.

- 9. OPERATIVE PARAGRAPH 2. CO-SPONSORS CLAIM

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PAGE 01 GENEVA 02579 02 OF 03 072136Z

ACTION IO-19

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USMISSION USUN NEW YORK IMMEDIATE

C O N F I D E N T I A L SECTION 02 OF 03 GENEVA 02579

E.O. 12356: DECL:OADR
TAGS: PHUM, UNHRC-1, CI
SUBJECT: 44TH SESSION OF UN HUMAN RIGHTS COMMISSION:
LANGUAGE EMPLOYED IS CONSISTENT WITH THAT OF 1987. THEY AGREE TO DROP "SAID" COOPERATION FOR "THIS COOPERATION" BUT WILL NOT AGREE TO FURTHER CHANGE. IN REALITY, THE DIFFERENCE BETWEEN WHAT WE ARE ASKING AND FINAL VERSION IS NOT GREAT.

- 10. CHANGE "FREE ACCESS" TO "FULL ACCESS" ACCEPTED.

- 11. ADD NEW OPERATIVE PARAGRAPH 4: ACCEPTED IN THIS FORM: "EMPHASIZES THE IMPORTANCE OF THE NEED TO REESTABLISH THE INDEPENDENCE OF THE CHILEAN JUDICIARY, AS RECOMMENDED BY THE SPECIAL RAPPORTEUR IN HIS REPORT."

- 12. OPERATIVE PARAGRAPH 7. AT FIRST THEY INSISTED ON NO CHANGES. FINALLY DID MAKE CONCESSION TO READ AS FOLLOWS: "EXPRESSES ITS CONCERN AT THE SYSTEMATIC AND CONTINUING RESTRICTIONS IMPOSED BY THE CHILEAN GOVERNMENT ON THE EXERCISE OF THE RIGHTS TO FREEDOM OF
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PAGE 02 GENEVA 02579 02 OF 03 072136Z

EXPRESSION, ASSEMBLY, AND ASSOCIATION THROUGH THE USE OF REPRESSIVE METHODS, IN PARTICULAR MILITARY SEARCHES AND ACTS OF INTIMIDATION AGAINST RELIGIOUS AND LAY HUMAN

RIGHTS BODIES, AND, AT TIMES, VIOLENT RESPONSES TO SOCIAL AND POLITICAL ATIVITIES OF THE OPPOSITION." *USDEL NOTED THROUGHOUT A RELUCTANCE BY CO-SPONSORS TO* ADMIT THAT MORE POSITIVE ATTITUDE BY CARABINEROS AS OUTLINED IN VOLIO REPORT IS TRANSLATED INTO BETTER TREATMENT OF DEMONSTRATORS.

- 13. OP PARAGRAPH 8 (C). CO-SPONSORS AGREED TO INTRODUCE A SEPARATE OP PARAGRAPH DEALING WITH POLITICAL VIOLENCE (SEE 18 BELOW) BUT REFUSED TO INCLUDE "VIOLENT TERRORIST ACTIVITIES" IN THIS SECTION. THEY DID, *HOWEVER, AGREE TO PUT "BOMBINGS" IN THE LIST.*

- OP. PARAGRAPH 8 (H) AGREE TO ADDITION AS *FOLLOWS:* "TAKE ALL NECESSARY STEPS TO BROADEN AND GUARANTEE THE RIGHTS OF ALL POLITICAL PARTIES TO CAMPAIGN PEACEFULLY."

- OP PARAGRAPH 8 (I). AGREED TO INCLUDE THIS TEXT, ADDING IT ON TO THE END OF 8 (A) SO THAT IT READS: "TO PUT AN IMMEDIATE END TO THE APPLICATION OF ALL LAWS CONTRARY TO THE FULL EXERCISE OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE REVOKING OF ALL STATES OF EXCEPTION."

- OP PARAGRAPH 8 (J) CO-SPONSORS AGREE TO FOLLOWING LANGUAGE: "TO EXTEND FULL COOPERATION TO THE INTERNATIONAL COMMITTEE OF THE RED CROSS."

- 14. OP PARAGRAPH 9: CO-SPONSORS REFUSE TO USE TERM "WELCOMES" BUT WILLING TO CHANGE TO READ AS FOLLOWS:
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"ACKNOWLEDGES THE COOPERATION OF THE GOVERNMENT OF CHILE WITH THE SPECIAL RAPPORTEUR, REWUESTS THAT IT CONTINUE AND INCREASE ITS CO-OPERATION WITH HIM, AND THAT IT FULLY IMPLEMENT THE RESOLUTIONS AND RECOMMENDATIONS OF THE INTERNATIONAL COMMUNITY AND OF THE SPECIAL RAPPORTEUR.

- 15. NUMBERING CHANGE ONLY.

- 16. ADD NEW OPERATIVE PARAGRAPH 10. REJECTED.

- 17. ADD NEW OPERATIVE PARA 11. TEXT CHANGED AND INCLUDED AS 8 (J), READING AS FOLLOWS: "TO FACILITATE AND ENCOURAGE VOTER REGISTRATION UNTIL THE LARGEST POSSIBLE NUMBER OF CHILEANS ARE INSCRIBED TO VOTE, AND CALLS UPON THE GOVERNMENT OF CHILE TO ASSURE THAT ANY VOTING THAT TAKES PLACE IS FREE AND FAIR."

- 18. NEW OPERATIVE PARAGRAPH 12. ACCEPTED WITH CHANGES TO REFLECT SAME LANGUAGE AS 1987 TEXT: "EXPRESSES DISMAY OVER THE CONTINUED ACTS OF EXTREME VIOLENCE FROM ALL SOURCES IN CHILE WHICH HAVE EXACERBATED THE CLIMATE OF INSECURITY WHICH IS ONE OF THE FACTORS THAT MAKE A PEACEFUL RETURN TO DEMOCRACY DIFFICULT."

- 19. NEW OPERATIVE PARAGRAPH 13. REJECTED.

- 20. COMMENT: THE MEXICANS HAVE REFUSED TO ACCEPT ALMOST ANY POSITIVE REFERENCE TO CHILE EXCEPT IN WATERED DOWN FORM. THEY WILL GO ALONG WITH THE 1987 TEXT ON VIOLENCE BUT REFUSE TO ACCEPT ANY REFERENCE TO TERRORISM OR EXTREMISM. THE TEXT IN OUR VIEW REMAINS UNBALANCED

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PAGE 01 GENEVA 02579 03 OF 03 072137Z
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INFO AMEMBASSY SANTIAGO NIACT IMMEDIATE
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C O N F I D E N T I A L SECTION 03 OF 03 GENEVA 02579

E.O. 12356: DECL:OADR
TAGS: PHUM, UNHRC-1, CI
SUBJECT: 44TH SESSION OF UN HUMAN RIGHTS COMMISSION:
AND EXCESSIVELY NEGATIVE TOWARD CHILE, BUT IT IS
PROBABLY NO WORSE THAN LAST YEAR'S. THIS NEEDS TO BE
JUDGED AGAINST A HUMAN RIGHTS SITUATION IN CHILE THAT IS
IMPROVED IN SOME AREAS, WORSE IN OTHERS.

- 21. USDEL RECOMMENDATION. WE BELIEVE FURTHER
IMPROVEMENT IS ADVISABLE AND POSSIBLE THROUGH
NEGOTIATION HERE. WE REQUEST BY OOB GENEVA TIME MARCH 8
DEPT. INSTRUCTIONS ON MINIMUM NECESSARY TO JOIN
CONSENSUS OR VOTE YES. END COMMENT. PETRONE ##

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AMERICAN JEWISH CONGRESS

New England Region
One Lincoln Plaza
Suite 310
Boston, MA 02111-2615
(617) 330-9630

Chile Project (#S199900030)
U.S. Department of State
Release X Excise_____ Deny_____
Declassify: In Part_____ In Full_____
Exemption(s)_____

SC - pls reply
EA
ADS - please reply
BTR

Mr. Elliott Abrams
Assistant Secretary of State for
Inter-American Affairs
Department of State
2201 C Street N.W.
Washington, D.C. 20520

Dear Mr. Abrams,

Recently the sister of Dr. Boris Weisfeiler came to the American Jewish Congress asking our help in locating her brother who has been missing since January 15, 1885. I hope that after reading the following information you will also look into this matter.

Dr. Weisfeiler emmigrated from the Soviet Union to Pennsylvania in 1975. He was a college math professor and became a citizen in 1981. In January 1985 he travelled to Chile to do some hiking, a hobby he had pursued for many years. He was last seen on the fifteenth of January in 1985 hiking alone near a river close to the Colonia Dignidad in Chile. (see enclosed article for further information about this colony) Another hikersaw him, and believing he was too close to the Colonia, reported him to the local police. The police found footprints near the river and two weeks later they found his backpack with money and credit cards in it. His passport and return plane ticket were missing from his belongings. The Chilean government concluded that Weisfeiler drowned. A U.S. government report in September 1988 states that the case remains open due to the "absence of a satisfactory explanation of what happened in this case where no remains have been found."

Boris' sister Olga Weisfeiler recently emmigrated to Boston with her son. She is eager to learn what really happened to her brother. While still in the Soviet Union she wrote to fiends in the U.S. asking their assistance. Thus, Thomas E. Petri, congressman from the sixth district of Wisconsin contacted the Department of State regarding this matter. A response has also been received from the American Embassy in Chile. There is still no conclusive evidence as to what really happened to Boris Weisfeiler.

On behalf of Olga Weisfeiler we would appreciate it if you would investigate this situation. The family will be greatful for any further news. For your information, I am enclosing the response from the Embassy in Chile as well as an article that appeared in Time magazine that addressed the issue.

Please contact me as soon as you have any news. If you require any additional information from the family you may reach me at (617) 330 9630. Thank you for your attention to this matter.

Sincerely,

Nancy Karp

Nancy Karp

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PAGE 01 GENEVA 02595 01 OF 08 080948Z
ACTION IO-19

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Chile Project (#S199900030)
U.S. Department of State
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PAGE 02 GENEVA 02595 01 OF 08 080948Z

AMEMBASSY SEOUL

~~UNCLAS~~ SECTION 01 OF 08 GENEVA 02595

E.O. 12356: N/A
TAGS: PHUM, UNHRC-1
SUBJECT: 44TH SESSION OF UN HUMAN RIGHTS COMMISSION:
- STATEMENT GIVEN BY AMBASSADOR VALLADARES ON
- ITEM 12: "HUMAN RIGHTS AROUND THE WORLD"

1. THIS IS HRC - 312.
2. FOLLOWING IS THE TEXT OF THE INTERVENTION MADE BY U.S. AMBASSADOR VALLADARES ON MARCH 7 UNDER AGENDA ITEM 12 OF THE COMMISSION ON HUMAN RIGHTS, "THE SITUATION OF HUMAN RIGHTS AROUND THE WORLD." ENGLISH TRANSLATION FOLLOWS SEPTEL.

3. SR. PRESIDENTE, UNA VEZ MAS ESTA COMISION HA LLEGADO AL PUNTO DONDE DISCUTE LA AMPLIA GAMA DE TEMAS SOBRE LOS DERECHOS HUMANOS QUE EL MUNDO ENFRENTA HOY. MIENTRAS REFLEXIONAMOS SOBRE LOS SUCESOS DEL ANO PASADO, TENEMOS EL PLACER DE NOTAR CON SATISFACCION QUE EN TODO EL MUNDO HOY ESTA AUMENTANDO LA ATENCION A ESE IMPORTANTE DOCUMENTO CUYO 40 ANIVERSARIO CELEBRAREMOS ESTE ANO: LA DECLARACION UNIVERSAL DE LOS DERECHOS HUMANOS.

MILLONES DE OPRIMIDOS Y VICTIMAS VIVEN SIN LIBERTAD Y SU ESPERANZA ESTA EN GRAN MEDIDA DEPOSITADA EN ESTA COMISION PORQUE, LAMENTABLEMENTE, LOS ARTICULOS DE LA DECLARACION UNIVERSAL NO SON RESPETADOS DE UNA MANERA CONSISTENTE. HAY QUE RECONOCER, SIN EMBARGO, QUE ALGUN PROGRESO SE HA HECHO. ES ALENTADOR VER QUE LAS

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VIOLACIONES DE LA DECLARACION SON VIGOROSAMENTE DENUNCIADAS NO SOLAMENTE POR AQUELLOS DIRECTAMENTE AFECTADOS, SINO TAMBIEN POR PERSONAS, ORGANIZACIONES Y ESTADOS QUE HACEN SUYA LA CAUSA DE LOS OPRIMIDOS. HA AUMENTADO ADEMAS EL RECONOCIMIENTO DE LOS DERECHOS HUMANOS, SON UN TEMA LEGITIMO DE DISCUSION EN LAS RELACIONES INTERNACIONALES Y, DADO LOS PRINCIPIOS

INCORPORADOS DENTRO DE LA CARTA DE LAS NACIONES UNIDAS, TAL DISCUSION NO PUEDE SER CONSIDERADA COMO INTERFERENCIA EN LOS ASUNTOS INTERNOS DE ESTADOS MIEMBROS.

EN ESTA INTERVENCION HABLAREMOS EN GENERAL DE TEMAS QUE NO HAN SIDO DISCUTIDOS ANTERIORMENTE POR ESTA SESION DE LA COMISION. EMPEZAREMOS CON COMENTARIOS SOBRE LA SITUACION EN VARIOS PAISES DONDE SE HAN DESARROLLADO IMPORTANTES HECHOS EN EL CAMPO DE LOS DERECHOS HUMANOS EN EL ULTIMO ANO.
PERO ANTES, SR. PRESIDENTE, UNA ACLARACION. NO HACEMOS ESTE EXAMEN CON ANIMOS DE ACTUAR COMO FISCAL, JUEZ, JURADO Y VERDUGO. NO LO HACEMOS PORQUE NOS CREAMOS SUPERIORES O PORQUE CREAMOS QUE NUESTRO SISTEMA ES PERFECTO O QUE TENGA SOLUCIONES PARA TODOS LOS PROBLEMAS DEL MUNDO. CONOCEMOS MUY BIEN NUESTROS FALLOS. NUNCA HEMOS INTENTADO OCULTAR ESOS FALLOS. EL QUE QUIERA PUEDE VENIR Y VER LO QUE HEMOS HECHO CON NUESTRO PAIS, LO BUENO Y LO MALO. HABLAMOS DE LA SITUACION EN OTROS PAISES NO SOLO PORQUE TENEMOS EL DERECHO DE HACERLO, COMO LO TIENEN TODOS LOS PAISES, SINO PORQUE CREEMOS QUE DEBIDO A NUESTRA PROPIA EXPERIENCIA COMO UNA DEMOCRACIA DE MAS DE 200 ANOS TENEMOS ALGO UTIL QUE APORTAR A UN DEBATE TAN IMPORTANTE COMO ES EL QUE MANTENEMOS AHORA.

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PAGE 02 GENEVA 02595 02 OF 08 080950Z

AMEMBASSY SEOUL

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E.O. 12356: N/A
TAGS: PHUM, UNHRC-1

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PAGE 01 GENEVA 02595 03 OF 08 080951Z
ACTION IO-19

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PAGE 02 GENEVA 02595 03 OF 08 080951Z

AMEMBASSY SEOUL

~~UNCLAS~~ SECTION 03 OF 08 GENEVA 02595

E.O. 12356: N/A
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PAGE 01 GENEVA 02595 04 OF 08 080952Z
ACTION IO-19

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PAGE 02 GENEVA 02595 04 OF 08 080952Z

AMEMBASSY SEOUL

~~UNCLAS~~ SECTION 04 OF 08 GENEVA 02595

E.O. 12356: N/A
TAGS: PHUM, UNHRC-1

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PAGE 01 GENEVA 02595 05 OF 08 080953Z
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PAGE 02 GENEVA 02595 05 OF 08 080953Z

AMEMBASSY SEOUL

~~UNCLAS~~ SECTION 05 OF 08 GENEVA 02595

E.O. 12356: N/A

LA DEMOCRACIA, SIENTO DECIRLO, NO HA VUELTO TODAVIA AL GRAN PAIS DE CHILE. AL PUEBLO DE CHILE LE SON NEGADOS LOS DERECHOS ESTABLECIDOS EN LA DECLARACION UNIVERSAL. EL RELATOR, EN OTRO DE SUS INFORMES EXCELENTES, HA APUNTADO NUEVOS INCIDENTES DE OPRESION. SIGUEN CASOS DE MALOS TRATOS A LOS DETENIDOS Y YIOLENCIA POR GRUPOS DE DESCONOCIDOS ALGUNOS CON POCA DUDA CON VINCULOS A LAS FUERZAS DEL ORDEN PUBLICO. ESTAS PRACTICAS TIENEN QUE CESAR IGUAL QUE TIENE QUE CESAR LA CRECIENTE VIOLENCIA DE ALGUNOS ELEMENTOS APOYADOS DESDE AFUERA POR PAISES QUE QUIEREN ATRASAR LA VUELTA DE CHILE A LA DEMOCRACIA. -- " -"

TAMBIEN HAY QUE NOTAR, SEGUN EL RELATOR, QUE EL

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PAGE 01 GENEVA 02595 06 OF 08 080953Z
ACTION IO-19

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UNCLAS SECTION 06 OF 08 GENEVA 02595

E.O. 12356: N/A
TAGS: PHUM, UNHRC-1
SUBJECT: 44TH SESSION OF UN HUMAN RIGHTS COMMISSION: GOBIERNO CHILENO HA TOMADO PASOS SIGNIFICANTES DURANTE EL PASADO ANO HACIA UNA SOCIEDAD MAS ABIERTA A LAS VOCES DE OPOSICION. PARTIDOS POLITICOS DE OPOSICION SE ESTAN ORGANIZANDO. PERIODICOS DE OPOSICION EXISTEN. LOS CHILENOS, AUN RECONOCIDOS OPONENTES AL REGIMEN, PUEDEN VIAJAR AL EXTERIOR, CRITICAR EL REGIMEN Y VOLVER A CASA. ES ESTA MISMA SALA TODOS HEMOS CONOCIDO OPOSITORES AL REGIMEN QUE

VAN Y VIENEN DE CHILE. ES VERDADERAMENTE IMPORTANTE QUE LA RESOLUCION ADOPTADA SOBRE CHILE SEA BALANCEADA Y QUE REFLEJE EL INFORME DEL RELATOR.

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PAGE 01 GENEVA 02595 07 OF 08 080954Z
ACTION IO-19

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PAGE 02 GENEVA 02595 07 OF 08 080954Z

AMEMBASSY SEOUL

~~UNCLAS~~ SECTION 07 OF 08 GENEVA 02595

E.O. 12356: N/A
TAGS: PHUM, UNHRC-1
SUBJECT: 44TH SESSION OF UN HUMAN RIGHTS COMMISSION:

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Case Number: 1:91-CV-00030

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PAGE 01 GENEVA 02595 08 OF 08 080957Z
ACTION IO-19

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PAGE 02 GENEVA 02595 08 OF 08 080957Z

AMEMBASSY SEOUL

~~UNCLAS~~ SECTION 08 OF 08 GENEVA 02595

E.O. 12356: N/A
TAGS: PHUM, UNHRC-1
SUBJECT: 44TH SESSION OF UN HUMAN RIGHTS COMMISSION:
GRACIAS, SR. PRESIDENTE. PETRONE

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PAGE 01 THE HA 01748 081154Z
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Chile Project (#S199900030)
U.S. Department of State
Release X Excise Deny
Declassify: In Part In Full X
Exemption(s)

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C O N F I D E N T I A L THE HAGUE 01748

E.O. 12356: DECL: OADR
TAGS: PREL, PGOV, NL, CI
SUBJECT: DUTCH REQUEST U.S. VIEWS ON SENDING OFFICIAL
- OBSERVERS TO CHILE

1. (C - ENTIRE TEXT.)

2. THIS IS AN ACTION REQUEST. SEE PARA. 4.

3. ON MARCH 7, THE HEAD OF THE DUTCH MFA'S SOUTHERN LATIN AMERICA BUREAU ASKED US WHAT THE USG VIEW IS ON SENDING OFFICIAL OBSERVERS TO THE CHILEAN REFERENDUM. HE MADE CLEAR THAT THE SOURCE OF HIS QUESTION WAS GON DISCOMFORT WITH SENDING ANY OBSERVER WITH OFFICIAL STATUS WITHOUT AN OFFICIAL INVITATION FROM THE PINOCHET REGIME.

4. ACTION REQUESTED: WE WOULD APPRECIATE DEPARTMENT'S VIEWS ON THIS QUESTION, AND ANY INFORMATION ON LIKELY U.S. OBSERVERS. OUR VIEWS ARE LIKELY TO CARRY CONSIDERABLE WEIGHT HERE.
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PAGE 02 THE HA 01748 081154Z

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Case Number: S199900030

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PAGE 01 GENEVA 02594 01 OF 07 080946Z
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PAGE 02 GENEVA 02594 01 OF 07 080946Z

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AMEMBASSY ISLAMABAD

~~UNCLAS~~ SECTION 01 OF 07 GENEVA 02594

E.O. 12356: N/A
TAGS: PHUM, UNHRC-1, US
SUBJECT: 44TH SESSION OF UN HUMAN RIGHTS COMMISSION: US ADDRESS ON HUMAN RIGHTS AROUND THE WORLD

1. THIS IS HRC 313.

2. FOLLOWING IS THE ENGLISH TEXT OF THE SPEECH MADE BY US AMBASSADOR VALLADARES ON MARCH 7 AT THE UN COMMISSION ON HUMAN RIGHTS. SPANISH TEXT SENT SEPTEL.

BEGIN TEXT:
MR. CHAIRMAN,

THIS COMMISSION HAS ONCE AGAIN REACHED THE POINT WHERE IT DISCUSSES THE BROAD RANGE OF HUMAN RIGHTS ISSUES CONFRONTING THE WORLD TODAY. AS WE REFLECT ON THE EVENTS OF THE PAST YEAR, WE NOTE WITH SATISFACTION THAT THE HUMAN RIGHTS MESSAGE IS GETTING THROUGH, THAT THROUGHOUT THE WORLD TODAY INCREASING ATTENTION IS PAID TO THAT IMPORTANT STANDARD-SETTING DOCUMENT WHOSE 40TH ANNIVERSARY WE WILL CELEBRATE LATER THIS YEAR: THE UNIVERSAL DECLARATION OF HUMAN RIGHTS.

MILLIONS OF OPPRESSED VICTIMS LIVE WITHOUT FREEDOM; THEIR HOPES TO A LARGE EXTENT REST WITH THIS COMMISSION. UNFORTUNATELY, THE PROVISIONS OF THE UNIVERSAL DECLARATION ARE NOT CONSISTENTLY ADHERED TO, BUT SOME PROGRESS HAS BEEN MADE. IT IS ENCOURAGING TO
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PAGE 03 GENEVA 02594 01 OF 07 080946Z

SEE THAT VIOLATIONS OF THE DECLARATION ARE VEHEMENTLY PROTESTED NOT ONLY BY THOSE DIRECTLY AFFECTED, BUT ALSO BY OTHERS -- ORGANIZATIONS AND STATES THAT MAKE THE CAUSE OF THE OPPRESSED THEIR OWN. MOREOVER, IT HAS INCREASINGLY BECOME RECOGNIZED THAT HUMAN RIGHTS ISSUES ARE A LEGITIMATE TOPIC OF DISCUSSION IN INTERNATIONAL RELATIONS AND THAT, GIVEN THE PRINCIPLES INCORPORATED

INTO THE CHARTER OF THE UNITED NATIONS, THEY CANNOT BE DEEMED INTERFERENCE IN THE INTERNAL AFFAIRS OF MEMBER STATES.

IN THIS INTERVENTION WE SHALL SPEAK, IN GENERAL, ABOUT THOSE ISSUES WHICH HAVE NOT BEEN THE SUBJECT OF DISCUSSION AT AN EARLIER STAGE IN THE PROCEEDINGS OF THIS COMMISSION. WE WILL BEGIN WITH A REVIEW OF THE STATE OF HUMAN RIGHTS IN SEVERAL COUNTRIES IN WHICH IMPORTANT DEVELOPMENTS AFFECTING HUMAN RIGHTS HAVE TAKEN PLACE OVER THE PAST YEAR.

BEFORE WE BEGIN, MR. CHAIRMAN, I WANT TO MAKE ONE POINT. WE DO NOT CONDUCT THIS SORT OF REVIEW BECAUSE WE WISH TO ACT AS PROSECUTOR, JUDGE, JURY, AND EXECUTIONER. WE DO NOT DO IT BECAUSE WE CONSIDER OURSELVES SUPERIOR OR BECAUSE WE THINK OUR SYSTEM IS PERFECT, OR THAT IT OFFERS SOLUTIONS FOR ALL OF THE WORLD'S PROBLEMS. WE KNOW VERY WELL OUR FAILURES. WE HAVE NEVER SOUGHT TO HIDE THOSE. WHOEVER WISHES MAY VISIT OUR COUNTRY AND SEE WHAT WE HAVE DONE, THE GOOD AND THE BAD. WE SPEAK ABOUT THE SITUATIONS IN OTHER COUNTRIES NOT ONLY BECAUSE WE HAVE THE SAME RIGHT TO DO SO AS DOES ANY OTHER COUNTRY, BUT BECAUSE WE THINK THAT OUR EXPERIENCE AS A DEMOCRACY FOR OVER 200 YEARS

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PAGE 01 GENEVA 02594 02 OF 07 080947Z

ACTION IO-19

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PAGE 02 GENEVA 02594 02 OF 07 080947Z

AMEMBASSY ISLAMABAD

~~UNCLAS~~ SECTION 02 OF 07 GENEVA 02594

E.O. 12356: N/A
TAGS: PHUM, UNHRC-1, US
SUBJECT: 44TH SESSION OF UN HUMAN RIGHTS COMMISSION: ENABLES US TO OFFER SOMETHING USEFUL TO THE IMPORTANT DEBATE NOW UNDERWAY.

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PAGE 01 GENEVA 02594 03 OF 07 080948Z
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PAGE 02 GENEVA 02594 03 OF 07 080948Z

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~~UNCLAS~~ SECTION 03 OF 07 GENEVA 02594

E.O. 12356: N/A
TAGS: PHUM, UNHRC-1, US

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PAGE 01 GENEVA 02594 04 OF 07 080949Z
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PAGE 02 GENEVA 02594 04 OF 07 080949Z

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E.O. 12356: N/A
TAGS: PHUM, UNHRC-1, US

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PAGE 02 GENEVA 02594 05 OF 07 080949Z

AMEMBASSY ISLAMABAD

~~UNCLAS~~ SECTION 05 OF 07 GENEVA 02594

E.O. 12356: N/A
~~TAGS~~: PHUM, UNHRC-1, US

DEMOCRACY, I REGRET TO SAY, HAS NOT AS YET RETURNED TO CHILE. THE PEOPLE OF CHILE ARE DEPRIVED OF THE RIGHTS SET FORTH IN THE UNIVERSAL DECLARATION. THE RAPPORTEUR, IN ANOTHER ONE OF HIS EXCELLENT REPORTS, NOTED NEW INCIDENTS OF OPPRESSION. THERE CONTINUE TO BE CASES OF ILL TREATMENT OF DETAINEES AND VIOLENCE BY

UNKNOWN GROUPS, SOME UNDOUBTEDLY LINKED TO THE SECURITY FORCES. THESE ACTS MUST CEASE JUST AS THE GROWING RESORT TO VIOLENCE BY SOME SMALL GROUPS SUPPORTED BY COUNTRIES THAT WISH TO IMPEDE THE RETURN TO DEMOCRACY IN CHILE MUST CEASE.
HOWEVER, AS ALSO NOTED BY THE RAPPORTEUR, THE CHILEAN GOVERNMENT HAS TAKEN SIGNIFICANT STEPS DURING THE LAST YEAR TOWARD OPENING SOCIETY TO OPPOSITION VOICES. OPPOSITION POLITICAL PARTIES ARE IN THE PROCESS OF ORGANIZING THEMSELVES. OPPOSITION NEWSPAPERS EXIST. CHILEANS, EVEN WELL KNOWN OPPONENTS OF THE REGIME, MAY TRAVEL ABROAD, CRITICIZE THE REGIME AND RETURN HOME. IN THIS ROOM WE HAVE ALL MET OPPONENTS OF THE REGIME IN CHILE THAT COME AND GO TO AND FROM CHILE. IT IS VERY

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PAGE 01 GENEVA 02594 06 OF 07 080951Z
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PAGE 02 GENEVA 02594 06 OF 07 080951Z

AMEMBASSY ISLAMABAD

~~UNCLA~~S SECTION 06 OF 07 GENEVA 02594

E.O. 12356: N/A
TAGS: PHUM, UNHRC-1, US
SUBJECT: 44TH SESSION OF UN HUMAN RIGHTS COMMISSION: IMPORTANT THAT WHATEVER RESOLUTION IS ADOPTED ON CHILE REFLECTS THE REPORT BEFORE THIS COMMISSION.

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PAGE 02 GENEVA 02594 07 OF 07 080952Z

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~~UNCLAS~~ SECTION 07 OF 07 GENEVA 02594

END TEXT. PETRONE

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Department of State 001
8806842

ACTION MEMORANDUM
Chile Project (#S19990050)
U.S. Department of State S/S 3/9
Release ✓ Excise ____ Deny ✓ March 8, 1988
~~CONFIDENTIAL~~ Declassify: In Part ____ In Full ✓
Exemption(s) ____

TO: The Secretary

FROM: ARA -- Elliott Abrams TD for
HA -- Richard Schifter TD for
IO -- N. Shaw Smith, Acting TD for

SUBJECT: U.N. Human Rights Commission Resolution on Chile

ISSUE FOR DECISION:

How to handle the Chile issue, as it has now developed at this year's UN Human Rights Commission (UNHRC) session, when it comes up for decision, probably tomorrow or Thursday.

ARA and HA favor attempting to obtain an acceptable text by proposing a series of amendments to Mexico, the author of the UNHRC resolution on Chile, making clear we will not support the present Mexican text and, if Mexico does not accept our amendments, offering them on the floor of the Commission. IO, supporting Ambassador Walters' strong view, opposes any attempt to get improvement in the Mexican text.

BACKGROUND:

The Chile issue, as expected, has been contentious. This year, you approved the use of U.S. draft "elements" in working with friendly governments to obtain an acceptable Chile resolution. This approach was worked out by HA, ARA and IO in concert, with Ambassador Walters' concurrence.

The Mexicans, as usual, submitted a draft which was largely unacceptable to us. (Ambassador Walters strongly opposed the HA-ARA proposal of a few weeks ago, that we beat the Mexicans to the punch with our own draft.) Working with members of the Western Group, we urged the Mexicans to make changes needed to give the resolution balance.

So far, we have not been able to get enough of our essential changes accepted to establish balance. While we should continue our negotiations with the Mexicans, we

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box 2 of 4

need to recognize that these negotiations may not succeed. We must, therefore, consider the other options available.

ANALYSIS OF OPTIONS:

Option 1: We could vote for the present Mexican text, though it is seriously flawed. That would have us join in what is essentially an intellectually dishonest enterprise, heaping criticism on one of the lesser human rights offenders and ignoring the steps forward which Chile has taken during the last year.

Option 2: We could vote against the Mexican text, or abstain, without attempting to obtain further changes. HA and ARA believe this would confuse and dishearten the democratic opposition in Chile, as it prepares for the all-important plebiscite, and would give support to backers of Pinochet. IO (and Ambassador Walters) believe a vote against would undercut the ability of Chilean nationalists and Pinochet supporters to capitalize on the vote. They oppose an abstention, even with a strong explanation of vote, believing this would tend to validate the Mexican text.

Option 3: We could take a principled position by agreeing on a set of amendments to the Mexican text and offering it to the Mexicans on a take-it-or-leave-it basis, with the understanding that if they accept the amendments, we would join consensus on the resolution. If the Mexicans reject our amendments, we would table them formally and ask for a vote on them. In our explanation of vote, we make it clear that if the amendments are adopted we would support the resolution, but if they are not it would be neither fair nor honest to do so.

BUREAU VIEWS:

IO shares Ambassador Walters' firm opposition to negotiating further any language in the Mexican draft resolution on Chile. Cuban and Mexican sponsorship alone should seriously call into question any U.S. support. The unbalanced, unfair text and its onesided attack on Chile, with no recognition of progress achieved, demonstrates that this is another case of unmitigated Chile-bashing, in Ambassador Walters' view. The potential for adverse reaction in Chile -- an aroused Chilean nationalism and strengthened support for General Pinochet -- are diametrically opposed to the direction in which we have been nudging the GOC. Therefore, IO and Ambassador Walters believe the U.S. should vote against the Mexican text. They do not favor an abstention, as this would tend to support Chilean nationalists and Pinochet backers, while not distancing ourselves from Cuba and Mexico sufficiently.

HA and ARA disagree with this view. They believe it is essential that we signal to all concerned, both within the Government of Chile, in the democratic opposition, human rights abuses in Chile, that our problem is with the seriously flawed wording of the Mexican text, not with the principle of criticizing human rights abuses in Chile. Our position can be demonstrated only by having us put forward a text that truly reflects our analysis of the situation and our point of view. Whether we win or lose, our stance will clearly be on record.

Specifically, HA and ARA seek to make the Mexican draft more balanced, encouraging a transition to democracy by condemning acts of terrorism. We praise the GOC's cooperation with the UNHRC Rapporteur, and commend his work. We note the GOC has permitted political exiles to return and cooperated with human rights groups and the ICRC, and the fact that substantial electoral registration has taken place. These amendments track carefully with the elements for a balanced resolution which you previously approved.

Contrary to IO's assertion that US support of a Chile resolution will help Pinochet, we believe, from our frequent contacts with the Chilean opposition, that U.S. support for an amended, balanced, resolution will actually strengthen the opposition's hand, not Pinochet. USG opposition to a resolution supported by most UNHRC members will be characterized by the GOC as a victory for Pinochet.

OBE
3/9/92

RECOMMENDATION:

HA and ARA recommend option 3: seek changes and, if accepted, vote for the resolution. If you agree, sign the cable attached at Tab A, instructing our delegation accordingly, and the cable at Tab B, instructing posts in selected capitals to make urgent, high-level supporting demarches.

Approve:_____ Disapprove:_____

IO recommends that we vote against the Mexican text, without seeking further changes. If you agree, sign the cable at Tab C, instructing our delegation accordingly.

Approve:_____ Disapprove:_____

Attachments:

1. HA/ARA cable to USMission Geneva with instructions. (Tab A)
2. HA/ARA cable to selected UNHRC member capitals. (Tab B)
3. IO cable to USMission Geneva with alternate instructions (Tab C).
4. Text of present Mexican draft Chile Resolution. (Tab D).

Drafted: HA/MLP:NLPazdral 03/08/88 ext. 73088 (Doc 150 NLP)

Clearances:
ARA/SC -- Mr. Howard
IO/HW -- Mr. Falkner
IO -- Mr. Turqman
HA - Ms. Dobriansky

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Case Number: S199900030

Chile Project (#S199900030)
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PAGE 01 SANTIA 01489 080446Z
ACTION IO-19

INFO LOG-00 COPY-01 ADS-00 AID-00 INR-10 SS-00 OIC-02
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TO USMISSION GENEVA NIACT IMMEDIATE
INFO SECSTATE WASHDC IMMEDIATE 5513
USMISSION USUN NEW YORK IMMEDIATE

C O N F I D E N T I A L SANTIAGO 01489

GENEVA FOR PETER DECHAZO

STATE DELIVER AT OOB TO ARA, HA, AND IO

E.O. 12356: DECL: OADR
TAGS: PHUM, UNHCR-1 CI
SUBJECT: 44TH SESSION OF UN HUMAN RIGHTS COMMISSION: COMMENTS
- ON REVISED DRAFT RESOLUTION ON HUMAN RIGHTS IN CHILE

REF: GENEVA 2579

1. WE HAVE REVIEWED THE CHANGES, AMENDMENTS, AND DELETIONS TO THE MEXICAN DRAFT TEXT CONTAINED IN REFTEL. AS SEEN FROM THIS PERSPECTIVE, IN OUR JUDGEMENT THE USDEL HAS OBTAINED A NUMBER OF CRITICAL IMPROVEMENTS TO THE RESOLUTION. IN LIGHT OF THE USDEL'S BELIEF THAT FURTHER IMPROVEMENTS MIGHT STILL BE SOUGHT IN THE DRAFT, WE HAVE THE FOLLOWING SUGGESTIONS FOR CHANGES.

2. PP7: COULD BE MORE ACCURATE IF THE LAST PHRASE WERE CHANGED TO READ "AND THAT DEATH THREATS AND OTHER ACTS OF INTIMIDATION
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PAGE 02 SANTIA 01489 080446Z

HAVE INCREASED AGAINST POLITIACL AND HUMAN RIGHTS ACTIVISTS, AND MEMBERS OF THE ARTS AND CULTURAL COMMUNITY."

3. PP8: THE PHRASE "BASED ON POLITICAL OPINIONS OR OF OTHER NATURE" SHOULD BE DELETED AS BEING VAGUE AND WITHOUT MEANING.

4. PP9: THE WORDING COULD BE IMPROVED BY CHANGING THE LAST PART OF THE SENTENCE TO READ "IS A STEP TOWARDS RESOLVING THIS PROBLEM," OR SIMPLY "IS A POSITIVE STEP." IN ADDITION, WORD "NUMBER" SHOULD BE MODIFIED BY "CONSIDERABLE" OR "SIGNIFICANT."

5. OP1: GIVEN THE IMPORTANCE OF SUPPORTING VOLIO AGAINST BOTH GOC AND RADICAL ATTACKS, WE URGE THAT ANOTHER ATTEMPT BE MADE AT USING THE WORD "COMMENDS." IF UNSUCCESSFUL, WE RECOMMEND "TAKES NOTE WITH APPRECIATION.

6. OP8(C): WHILE ANOTHER ATTEMPT WHOULD BE MADE AT INSERTING A REFERENCE TO TERRORISM IN THIS SUB-PARAGRAPH, WE WOULD BE WILLING TO ACCEPT THE LANGUAGE OF THE NEW OPERATIONAL PARAGRAPH 12 AS BEING CLEARLY UNDERSTOOD HERE IN CHILE.

7. OP9: SUGGEST THAT THE VAGUE PHRASE "INTERNATIONAL COMMUNITY" BE DROPPED AND REPLACED BY "UNHRC."

8. COMMENT: WHILE THE MEXICAN TEXT IS NOT AS BALANCED AS WE WOULD PREFER, WITH THE CHANGES SUGGESTED ABOVE IT WOULD DESCRIBE MORE ACCURATELY THE HUMAN RIGHTS SITUATION AS IT NOW EXISTS IN CHILE. GIVEN THE CRUCIAL POLITICAL SITUATION IN CHILE THIS YEAR, AND THE HIGH LEVEL OF INTEREST IN THE UNHCR PROCEEDINGS, WE WOULD URGE THAT THE US DELEGATION BE INSTRUCTED TO CONTINUE THEIR EFFORTS WITH THOSE CO-SPONSORS, AND OTHER SUPPORTING THE CONCEPT OF A MORE BALANCED RESOLUTION, TO OBTAIN AS MANY OF THESE CHANGES AS POSSIBLE SO AS TO ALLOW A CONSENSUS VOTE ON THIS RESOLUTION. AS
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PAGE 03 SANTIA 01489 080446Z

NOTED IN OUR 1987 HUMAN RIGHTSREPORT ON CHILE, THE HUMAN RIGHTS PICTURE HERE REMAINS MIXED, WITH SOME AREAS OF DEFINITE IMPROVEMENTS BUT WITH A NUMBER OF VERY SERIOUS PROBLEMS STILL REMAINING. IT IS OUR UNDERSTANDING THAT VOLIO'S LATEST REPORT MAKES ESSENTIALLY THE SAME BASIC POINT.
BARNES

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HA/MLP:NLPAZDRAL
03/08/88 EXT. 73088
THE SECRETARY

HA:PJDOBRIANSKY
ARA/SC:RHOWARD(INFO)
S/S:

HA:RSCHIFTER
S/S-O:

IMMEDIATE BOGOTA, BRASILIA IMMEDIATE, BRUSSELS IMMEDIATE, BUENOS AIRES IMMEDIATE, CARACAS IMMEDIATE, DUBLIN IMMEDIATE, + IMMEDIATE GENEVA, SANTIAGO IMMEDIATE, USUN NEW YORK, MEXICO

DECL: OADR

PHUM UNHRC-1 PREL US CI MX

44TH SESSION OF THE UN HUMAN RIGHTS COMMISSION: DEMARCHES ON CHILE RESOLUTION

GPS
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RS
RH
S/S-O
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1. ~~CONFIDENTIAL~~ -- ENTIRE TEXT.

2. THIS MESSAGE REQUESTS IMMEDIATE ACTION -- SEE PARAGRAPH 5.

3. AS THE 44TH SESSION OF THE UN HUMAN RIGHTS COMMISSION DRAWS TO A CLOSE, AMONG THE KEY ITEMS FOR U.S. POLICY OBJECTIVES IS A RESOLUTION ON HUMAN RIGHTS IN CHILE. THIS YEAR, THE U.S. WAS UNABLE TO SHORTSTOP A DRAFT SPONSORED BY MEXICO, AND CO-SPONSORED BY CUBA. THIS DRAFT IS HIGHLY CRITICAL OF CHILE, FAILS TO RECOGNIZE THE ADVANCES WHICH HAVE OCCURRED THERE, AND IGNORES THE LATEST FINDINGS OF THE UNHRC'S SPECIAL RAPPORTEUR. AS IT NOW STANDS, THE MEXICAN DRAFT IS NOT ACCEPTABLE.

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4. THE SECRETARY HAS APPROVED INSTRUCTIONS TO USDEL GENEVA TO WORK WITH FRIENDLY WEOG AND LATIN DELEGATIONS TO SEEK AMENDMENTS TO THE MEXICAN TEXT, AS OUTLINED REFTEL. SHOULD THESE AMENDMENTS BE ACCEPTED, THE U.S. COULD ACCEPT THE MEXICAN DRAFT; OTHERWISE, WE COULD NOT.

ACTION REQUESTED:

5. ACTION ADDRESSEES ARE REQUESTED TO MAKE URGENT DEMARCHES, AT HIGHEST LEVEL YOU DEEM APPROPRIATE, REQUESTING SUPPORT FOR USG AMENDMENTS, BEING TRANSMITTED SEPTEL. DEMARCHES ARE NEEDED IMMEDIATELY, SINCE RESOLUTION PROBABLY WILL COME TO A VOTE THURSDAY MORNING, MARCH 10, IN GENEVA.

6. TALKING POINTS:

-- THE CURRENT MEXICAN DRAFT IS GROSSLY UNBALANCED. IT FAILS TO RECOGNIZE PROGRESS WHICH HAS OCCURRED:

-- COOPERATION WITH THE UNHRC SPECIAL RAPPORTEUR;

-- COOPERATION WITH HUMAN RIGHTS GROUPS AND THE ICRC;

-- SIGNATURE OF THE UN AND OAS CONVENTIONS ON TORTURE;

-- THE BEGINNINGS OF VOTER REGISTRATION FOR THE PLEBISCITE LATER THIS YEAR.

-- THE PRESENT MEXICAN TEXT, IF PASSED, WOULD ENCOURAGE EXTREMISTS ON BOTH SIDES AND MAKE THE WORK OF ACHIEVING PROGRESS IN CHILE MORE DIFFICULT. IT COULD MEAN AN END TO THE CONTRIBUTIONS OF THE CURRENT UNHRC SPECIAL RAPPORTEUR FOR CHILE, THE RESPECTED DR. FERNANDO VOLIO OF COSTA RICA.

-- OUR AMENDMENTS SEEK TO ENCOURAGE A TRANSITION TO DEMOCRACY AND TO CONDEMN ACTS OF TERRORISM. OUR

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GOAL IS TO OBTAIN A BALANCED RESOLUTION WHICH ACCURATELY DEPICTS THE SITUATION IN CHILE, DRAWING UPON THE POINTS MADE BY THE SPECIAL RAPPORTEUR.

-- IT IS ESPECIALLY IMPORTANT THAT WE SEEK TO OBTAIN BALANCE IN THE MEXICAN TEXT, SINCE VOTING AGAINST THIS TEXT, OR EVEN ABSTAINING, WOULD LIKELY SEND THE WRONG SIGNAL TO BOTH OUR FRIENDS AND THEIR OPPONENTS IN CHILE.

-- THE U.S. CANNOT SUPPORT THE PRESENT TEXT, AND URGES YOUR GOVERNMENT TO COOPERATE WITH US IN AN URGENT EFFORT TO OBTAIN THE NECESSARY AMENDMENTS.YY

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44TH SESSION OF THE UN HUMAN RIGHTS COMMISSION: DEMARCHES ON CHILE RESOLUTION

ADDITIONAL ACTION ADDRESSEES

IMMEDIATE BONN
IMMEDIATE SAN JOSE
IMMEDIATE PARIS
IMMEDIATE ROME
IMMEDIATE TOKYO
IMMEDIATE OSLO
IMMEDIATE LIMA
IMMEDIATE LISBON
IMMEDIATE MADRID

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HA/MLP:NLPAZDRAL
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S:THE SECRETARY

HA:PJDOBRIANSKY
ARA/SC:RHOWARD

HA:RSCHIFTER

IMMEDIATE GENEVA, SANTIAGO IMMEDIATE

IMMEDIATE BOGOTA, BRASILIA IMMEDIATE, BRUSSELS IMMEDIATE, BUENOS AIRES IMMEDIATE, CARACAS IMMEDIATE, DUBLIN IMMEDIATE, +

DECL: OADR

PHUM UNHRC-1 PREL US CI MX

44TH SESSION OF THE UN HUMAN RIGHTS COMMISSION: CHILE RESOLUTION

NLP
RS
PD
RH

REF: (A) GENEVA 2402, (B) GENEVA 2579, (C) GENEVA 2603 (ALL NOTAL)

1. ~~CONFIDENTIAL~~ -- ENTIRE TEXT.

2. TEXT OF MEXICAN RESOLUTION ON CHILE, AS AMENDED SO FAR, REMAINS UNACCEPTABLE TO THE U.S. GIVEN BELOW ARE PROPOSED TEXTUAL AMENDMENTS WHICH ARE ESSENTIAL IF U.S. IS TO SUPPORT MEXICAN DRAFT. USDEL SHOULD SHARE THESE PROPOSED AMENDMENTS URGENTLY WITH WESTERN AND KEY LATIN DELEGATIONS, AND WITH MEXICANS, INDICATING:

A. IF THESE CONCEPTS ARE SUBSTANTIALLY ALL ACCEPTED, THE U.S. WILL JOIN CONSENSUS.

B. IF THEY ARE NOT/NOT ACCEPTED, THE U.S. WILL PROPOSE THEM AS AMENDMENTS FROM THE FLOOR AND, UNLESS ADOPTED, WILL NOT/NOT SUPPORT THE MEXICAN DRAFT.

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3. BY SEPTEL, EMBASSIES IN WEOG AND LATIN CAPITALS ARE BEING INSTRUCTED TO MAKE DEMARCHES IN SUPPORT OF THIS POSITION.

4. PROPOSED ESSENTIAL AMENDMENTS:

--PREAMBULAR PARAGRAPH ONE--NO CHANGE.

--PP TWO--ADD AFTER "TO WHICH CHILE IS A PARTY" THE FOLLOWING: AN OBLIGATION WHICH IS NOT DIFFERENT FROM THAT OF ANY OTHER GOVERNMENT WHICH IS A PARTY TO INTERNATIONAL HUMAN RIGHTS INSTRUMENTS."

--PP THREE--CHANGE REFERENCE TO "(XXV)" TO "(XXXV)"; DELETE "IN VIEW OF THE CONTINUED SERIOUS VIOLATIONS OF HUMAN RIGHTS IN CHILE."

--PPS FOUR AND FIVE--DELETE BOTH AND REPLACE WITH THE FOLLOWING: "BEARING IN MIND THAT THE GENERAL ASSEMBLY ALSO EXPRESSED CONCERN ON THE SITUATION OF HUMAN RIGHTS IN CHILE IN RESOLUTION A/RES/42/147 (DECEMBER 7, 1987), WHICH INVITED THE COMMISSION ON HUMAN RIGHTS TO TAKE THE MOST APPROPRIATE STEPS FOR THE EFFECTIVE RESTORATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN CHILE, INCLUDING THE MAINTENANCE OF THE SPECIAL RAPPORTEUR."

--PP SIX--DELETE LANGUAGE REFERRING TO "CERTAIN REPORTS PREPARED BY VARIOUS NON-GOVERNMENT ORGANIZATIONS" AND RETAIN THE FOLLOWING: "BEARING IN MIND THE PRAISEWORTHY HUMANITARIAN WORK BEING CARRIED OUT IN CHILE BY THE INTERNATIONAL COMMITTEE OF THE RED CROSS."

--PP SEVEN--DELETE.

--PP EIGHT--REVERT TO US PROPOSAL, WHICH READS "NOTING ITS CONVICTION THAT A LEGAL AND POLITICAL STRUCTURE BASED ON THE CONSENT OF THE GOVERNED IS ESSENTIAL TO THE FULL OBSERVANCE OF HUMAN RIGHTS IN CHILE, AS IN ANY OTHER NATION, AND CONSIDERING THAT PROGRESS HAS BEEN ACHIEVED IN ESTABLISHING ELECTORAL REGISTERS AND LEGALIZING POLITICAL PARTIES, NONETHELESS EMPHASIZES THAT INSUFFICENT MEASURES HAVE BEEN TAKEN TO GUARANTEE RESPECT FOR CIVIL AND POLITICAL FREEDOMS AND EQUITABLE ACCESS TO THE MEDIA."

--PP NINE--AMEND TO READ "WELCOMING THE FACT THAT THE CHILEAN GOVERNMENT HAS RECENTLY ALLOWED A NUMBER OF POLITICAL EXILES TO RETURN."

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--OPERATIVE PARAGRAPH ONE--REVERT TO US PROPOSAL, WHICH READS: "COMMENDS THE SPECIAL RAPPORTEUR FOR HIS REPORT ON THE SITUATION OF HUMAN RIGHTS IN CHILE, SUBMITTED IN ACCORDANCE WITH ITS RESOLUTION 1987/60, AND EXPRESSES ITS APPRECIATION FOR HIS TIRELESS EFFORTS IN PREPARING THE REPORT."

--OP TWO--AMEND WITH US LANGUAGE TO READ: "WELCOMES THE FACT THAT THE GOVERNMENT OF CHILE HAS AUTHORIZED THE SPECIAL RAPPORTEUR TO VISIT THE COUNTRY AND EXPRESSES ITS CONFIDENCE THAT THE GOVERNMENT WILL CONTINUE TO EXTEND ITS COOPERATION IN THE FULFILLMENT OF HIS MANDATE, WHILE REGRETTING THAT THERE HAS NOT BEEN GREATER IMPROVEMENT IN HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS."

--OP THREE--ACCEPTABLE.

--OP FOUR--RETAIN WITH SUBSTITUTION OF "FULL" FOR "FREE" IN REFERRING TO "ACCESS TO ALL MEANS OF COMMUNICATION," AS ACCEPTED BY MEXICANS.

--OP FIVE--AMEND TO READ: "EXPRESSES ITS DEEP CONCERN AT THE PERSISTENCE OF SERIOUS VIOLATIONS OF HUMAN RIGHTS IN CHILE, AS DESCRIBED IN THE REPORT OF THE SPECIAL RAPPORTEUR, WHICH REFERS TO SUCH VIOLATIONS AS MURDERS, SUFFERING BY VICTIMS OF TERRORISM, ABDUCTIONS, DISAPPEARANCES, TORTURE AND ILL-TREATMENT BY THE SECURITY FORCES, AND THE CLIMATE OF INSECURITY; IN ADDITION, EXPRESSES CONCERN ABOUT RECENT DEATH THREATS AGAINST REPRESENTATIVES OF THE ARTS AND CULTURAL LIFE."

--OP SIX--AMEND TO READ: "ALSO EXPRESSES ITS DEEP CONCERN AT THE FAILURE OF THE AUTHORITATIVE INSTITUTIONS TO TAKE THE NECESSARY STEPS TO CONDUCT FULL INVESTIGATIONS AND PROSECUTE THOSE RESPONSIBLE FOR THE UNRESOLVED CASES OF MURDER, ABDUCTION, DISAPPEARANCE AND TORTURE, AND EMPHASIZES THE IMPORTANCE OF THE RECOVERY OF INDEPENDENCE BY THE CHILEAN JUDICIARY, AS RECOMMENDED BY THE SPECIAL RAPPORTEUR IN HIS REPORT."

--OP SEVEN--DELETE THE PHRASE "THROUGH THE USE OF REPRESSIVE METHODS AND VIOLENT RESPONSES TO SOCIAL AND POLITICAL OPPOSITION DEMONSTRATIONS;" AND TURN DOWN MEXICAN ALTERNATIVE LANGUAGE MAKING SAME POINT.

--OP EIGHT--AMEND TO READ: "EMPHASIZES THE NEED FOR THE GOVERNMENT OF CHILE TO RESTORE AND RESPECT HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN CONFORMITY WITH THE

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RECOMMENDATIONS OF THE SPECIAL RAPPORTEUR AND WITH THE PRINCIPLES OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN COMPLIANCE WITH THE OBLIGATIONS IT HAS ASSUMED UNDER VARIOUS INTERNATIONAL INSTRUMENTS, IN THE BEST DEMOCRATIC TRADITION OF CHILE, IN PARTICULAR:"

--OP EIGHT A--ACCEPTABLE.

--OP EIGHT B--AMEND TO READ: "TO PUT AN IMMEDIATE END TO ALL FORMS OF TORTURE AND EFFECTIVELY TO RESPECT THE RIGHT TO LIFE AND TO PHYSICAL AND MORAL INTEGRITY, AND FURTHERMORE TO DESIST FROM INTIMIDATION AND PERSECUTION, ABDUCTIONS, ARBITRARY ARRESTS, AND ILL-TREATMENT OF PRISONERS, INCLUDING LONG PERIODS OF INCOMMUNICADO DETENTION."

--OP EIGHT C--REVERT TO US LANGUAGE, TO READ: "TO PUT AN END TO VIOLENT TERRORIST ACTIVITIES AND THE ACTIVITIES OF GANGS AND GROUPS, WHETHER PRIVATE OR CONNECTED WITH THE SECURITY FORCES, WHICH ARE RESPONSIBLE FOR RAPES, ABDUCTIONS RESULTING IN DEATHS, BOMBINGS, KIDNAPPINGS, SEARCHES, INTERROGATIONS, AND INTIMIDATION."

--OP EIGHT D--ACCEPTABLE.

--OP EIGHT E--REPLACE WITH US LANGUAGE AS FOLLOWS: "TO PROVIDE FOR THE PROTECTION OF PUBLIC ORDER AGAINST ACTS OF VIOLENCE BY PUNISHING PERSONS FOUND TO HAVE BEEN GUILTY OF SUCH ACTS, THROUGH THE EXERCISE OF DUE PROCESS OF LAW AND RESPECT FOR THE RIGHTS OF THE ACCUSED, WITHOUT USING TERRORISM AS A JUSTIFICATION FOR ANY ABUSE OF AUTHORITY."

--OP EIGHT F--REPLACE WITH US LANGUAGE AS FOLLOWS: "TO ALLOW THE RETURN OF ALL CHILEAN CITIZENS NOW LIVING ABROAD WHO WISH TO RETURN, AND RECOGNIZE THEIR CONTINUING RIGHT TO ENTER AND LEAVE FREELY, ACKNOWLEDGING THAT THE CHILEAN GOVERNMENT HAS MADE PROGRESS IN THIS REGARD DURING 1987."

--OP EIGHT G--ACCEPTABLE.

--OP EIGHT H--REVERT TO US LANGUAGE, TO READ: "TO TAKE ALL POSSIBLE STEPS TO BROADEN AND GUARANTEE THE RIGHT OF POLITICAL PARTIES TO CAMPAIGN PEACEFULLY."

--OP EIGHT I--RETAIN US LANGUAGE IN THIS SUBPARAGRAPH, TO READ: "TO RETURN CHILE TO THE RULE OF LAW BY REVOKING ALL STATES OF EXCEPTION."

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--OP EIGHT J--REVERT TO US LANGUAGE, TO READ: "TO ENSURE THAT THE COOPERATION BETWEEN THE SECURITY FORCES AND THE INTERNATIONAL COMMITTEE OF THE RED CROSS, UNDER THE TERMS OF THE ACCORDS REACHED BETWEEN THEM, BE INCREASINGLY EXPANDED."

--OP NINE--AMEND TO READ: "WELCOMES THE COOPERATION OF THE GOVERNMENT OF CHILE WITH THE UNITED NATIONS, REQUESTS THAT THE GOVERNMENT CONTINUE AND INCREASE ITS COOPERATION WITH THE SPECIAL RAPPORTEUR, AND THAT IT CONTINUE TO PROVIDE THE FREEDOM OF ACCESS TO PERSONS OF ALL SOCIAL, POLITICAL AND ECONOMIC INTERESTS NECESSARY FOR HIS INVESTIGATIONS."

--OP TEN--REVERT TO US PROPOSAL, AS AMENDED, TO READ: "COMMENDS THE GOVERNMENT OF CHILE FOR SIGNING THE UNITED NATIONS AND ORGANIZATION OF AMERICAN STATES CONVENTIONS ON TORTURE, AND URGES THE GOVERNMENT TO IMPLEMENT THEM FULLY."

--OP ELEVEN--RETAIN US LANGUAGE AND ADD MORE, TO READ: "ACKNOWLEDGES THAT SUBSTANTIAL ELECTORAL REGISTRATION IS TAKING PLACE AND URGES THE GOVERNMENT OF CHILE TO FACILITATE AND ENCOURAGE SUCH REGISTRATION UNTIL THE LARGEST POSSIBLE NUMBER OF CHILEANS ARE INSCRIBED TO VOTE, AND ACKNOWLEDGES FURTHER THAT THE PEOPLE OF CHILE ARE EXPECTED SOON TO HAVE AN OPPORTUNITY TO EXPRESS THEMSELVES ON THE NATURE OF THEIR GOVERNMENT, BUT CALLS UPON THE GOVERNMENT OF CHILE TO ASSURE THAT ANY VOTING THAT TAKES PLACE IS FAIR AND FREE."

--OP TWELVE--ACCEPT VERSION ACCEPTED BY MEXICANS, TO READ: "EXPRESSES DISMAY OVER THE CONTINUED ACTS OF EXTREME VIOLENCE FROM ALL SOURCES IN CHILE WHICH HAVE EXACERBATED THE CLIMATE OF INSECURITY WHICH IS ONE OF THE FACTORS THAT MAKE A PEACEFUL RETURN TO DEMOCRACY DIFFICULT."

OP THIRTEEN--AMEND TO READ: "NOTES WITH SATISFACTION THE COOPERATION BY THE GOVERNMENT WITH INTERNATIONAL HUMAN RIGHTS GROUPS."

OP FOURTEEN--ACCEPTABLE.

OP FIFTEEN--ACCEPTABLE.

OP SIXTEEN--ADD THE PHRASE 'UNDER THE AGENDA ITEM "QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND

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FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD,"' FOLLOWING "DECIDES TO CONSIDER AT ITS FORTY-FIFTH SESSION."YY

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RUFHGV / USMISSION GENEVA PRIORITY 2301
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C O N F I D E N T I A L SANTIAGO 01496

Chile Project (#S199900030)
U.S. Department of State
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Exemption(s) ____ APPRV: AMB:HGBARNES JR.
TD: AMB:HGBARNES JR.
CLEAR: NONE
AMB DCM POL CHRON

GENEVA FOR PETER DESHAZO

E.O. 12356: DECL:OADR
TAGS: PHUM, UNHRC, CI
SUBJECT: DEPUTY FOREIGN MINISTER VIDELA ON U.S.-CHILEAN RELATIONS

ACTION COPY

REF: USUN 0614

1. ~~CONFIDENTIAL~~ - ENTIRE TEXT.

2. SUMMARY. BETWEEN TV SERIES "MIAMI VICE" PORTRAYING CHILEANS AS DRUG SMUGGLERS AND THE MEXICANS "SUCCESSFULLY" PUSHING THEIR RESOLUTION AT THE UNHCR, DEPUTY FOREIGN MINISTER VIDELA FINDS LITTLE REASON FOR OPTIMISM IN THE OVERALL U.S.-CHILEAN RELATIONSHIP. HE TOOK SOME HEART AT HEARING OF U.S. EFFORTS TO PROMOTE A BALANCED OUTCOME AT GENEVA BY ADVOCATING A TEXT MORE CLOSELY REALATED TO SPECIAL RAPPORTEUR VOLIO'S CONCLUSIONS. MORE BROADLY HE MADE A PLE FOR THE U.S. TO RECOGNIZE THE PROGRESS THAT WAS BEING MADE IN THE CURRENT CHILEAN TRANSITION TO DEMOCRACY, DESPITE ALL THE INEVITABLE PROBLEMS. END SUMMARY.

3. THE AMBASSADOR, IN A MARCH 4 TALK WITH CHILE'S NEW DEPUTY FOREIGN MINISTER BRIGADIER GENERAL ERNESTO VIDELA, ASKED FOR VIDELA'S SENSE OF U.S.-CHILEAN RELATIONS NOW THAT HE HAD BEEN IN OFFICE FOR SOME TWO MONTHS. (VIDELA HAD PREVIOUSLY BEEN HEAD OF THE CHILEAN SECTION OF THE JOINT COMMISSION WITH ARGENTINA AND STILL EARLIER UNDERSECRETARY OF FOREIGN RELATIONS AND IS KNOWN AS ONE OF THE MOST ASTUTE AND BEST INFORMED OF CHILEAN GENERALS.)

4. VIDELA BEGAN BY EXPRESSING GREAT DESPAIR AT THE PROSPECTS FOR DOING ANYTHING REALLY POSITIVE IN THE RELATIONSHIP AND CITED AS A SYMBOLIC REASON THE DEPICTION IN A RECENT PROGRAM OF THE TV SERIES "MIAMI VICE" OF CHILEAN GENERALS AS DRUG SMUGGLERS. HE CONTENDED THAT IF IN THE U.S. MENTALITY CHILEANS WERE CHOSEN TO REPRESENT SUCH EVIL ELEMENTS THEN CHILE REALLY HAD A TERRIBLY SERIOUS PROBLEM OF IMAGE, WHICH COULDN'T BE CORRECTED BY A FEW PUBLIC RELATIONS GESTURES.

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5. HE THEN JUMPED TO THE CURRENT UNHRC MEETING IN GENEVA TO COMPLAIN ABOUT THE INJUSTICE OF THE MEXICAN RESOLUTION EVEN BEING INTRODUCED BEFORE THE COMMISSION'S OWN SPECIAL RAPPORTEUR'S REPORT HAD BEEN RELEASED AND ABOUT THE U.S. NOT PUBLICLY STOPPING THE RESOLUTION ON THOSE GROUNDS ALONE. HE SAW LIKELY MEXICAN SUCCESS AS AN INDICATION OF U.S. AND MORE BROADLY WESTERN DISINTEREST IN CHILE.

6. SPEAKING STILL MORE GENERALLY, HE FELT U.S. POLICY TOWARD CHILE WAS GUIDED BY AN "OBSESSION", JUST AS IT WAS TOWARD PANAMA AND COLOMBIA. IN CHILE'S CASE IT WAS PINOCHET AND WHENEVER THE U.S. GOT CAUGHT UP IN AN OBSESSIVE TYPE APPROACH IT MADE A MESS OF THINGS, AS WAS NOW HAPPENING IN PANAMA. (AT THIS POINT VIDELA RECALLED THE GREAT MISTAKE IT HAD BEEN FOR THE U.S. TO CUT OFF ITS LINKS WITH THE CHILEAN ARMED FORCES, THE ARMY IN PARTICULAR. THERE WAS A WHOLE GENERATION LOST AND THE DEGREE OF RESENTMENT WAS CORRESPONDINGLY GREATER AND NOW THE "OBSESSIVE" MEASURES BEING TAKEN WITH REGARD TO PANAMA WERE MAKING HIS MILITARY COLLEAGUES STILL MORE UPSET ABOUT THE WAY THE U.S. MIGHT REACT WITH REGARD TO CHILE AT SOME POINT.)

7. THE AMBASSADOR TOLD VIDELA HE WAS AT BEST EXAGGERATING ON ALL POINTS. GRANTED "MIAMI VICE" IN USING CHILEANS AND NOT SOME OTHER NATIONALITY PROBABLY DID REVEAL SOMETHING PSYCHOLOGICALLY INTERESTING, BUT THAT DIDN'T TURN THE WHOLE OF THE U.S. INTO HAVING THAT SAME MENTALITY (VIDELA AGREED HE WASN'T GOING THAT FAR). IN GENEVA, JUST THAT MORNING WE HAD BEEN TALKING TO ONE OF OUR PEOPLE ABOUT THE IMPORTANCE OF ACHIEVING A RESOL ION WHICH DREW MUCH MORE HEAVILY ON SPECIAL RAPPORTEUR VOLIO'S REPORT. VIDELA WAS EXAGGERATING TOO IF HE THOUGHT THAT THE U.S. COULD AUTOMATICALLY GET ITS WAY; THE DIFFICULTIES WE HAD HAD LAST YEAR OVER OUR CUBAN RESOLUTION SHOWED THAT. WE WERE NOW DOING OUR BEST TO HELP GET A BALANCED RESOLUTION

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DESPITE THE ADVANTAGES THE MEXICANS HAD BY HAVING INTRODUCED THEIR OWN.

8. WITH REGARD TO "OBSESSIONS", THE AMBASSADOR TOLD VIDELA IF THE U.S. WAS OBSESSED IT WAS NOT WITH PINOCHET, BUT WITH THE IMPORTANCE OF CHILE'S MAKING A SUCCESSFUL TRANSITION TO STABLE DEMOCRACY AND NOT TO WIDENING INTERNAL CONFRONTATIONS. IN THAT CONTEXT, IT WAS THE GOVERNMENT OF CHILE THAT COULD STILL DO A GREAT DEAL TO IMPROVE IT'S OWN IMAGE. HE REFERRED TO A CONVERSATION EARLIER IN THE WEEK WITH VIDELA AND THE FOREIGN MINISTER ABOUT CONFUSION ABROAD OVER WHY THERE WAS NO FIRM DATE FOR THE PLEBISCITE AND TOUCHED AS WELL ON THE QUESTION OF THE OPPOSITION HAVING PRACTICALLY NO ACCESS TO TV. SUCH ELEMENTS REINFORCED THE IMPRESSION THAT THE GOVERNMENT FOR ALL ITS TALK ABOUT COMMITMENT TO INSTITUTIONALIZING DEMOCRACY WAS NOT THAT INTERESTED. OBVIOUSLY IT WAS HIS GOVERNMENT'S OWN BUSINESS WHETHER THEY CARED OR NOT ABOUT THEIR IMAGE, BUT IF IT WOULD HELP ANY HE WOULD BE WILLING TO TAKE VIDELA UP ON HIS EARLIER CHALLENGE TO TALK OVER THAT INSTITUTIONAL PROCESS AND PROGRESS IN SPECIFIC TERMS BY GIVING HIM A SENSE OF HOW IT LOOKED FROM THE OUTSIDE.

9. VIDELA RECALLED AN EARLIER CONVERSATION WHERE HE HAD PREDICTED THAT TV WOULD GRADUALLY BE OPENED UP AND CITED THE PROSPECT OF POLITICAL TALK SHOWS STARTING AT THE END OF MARCH ON THE CATHOLIC UNIVERSITY NETWORK WHICH WOULD REACH ABOUT 90 PERCENT OF THE COUNTRY. HE SAID EVEN THE GOVERNMENT'S TV NETWORK WOULD START CARRYING SOME OPPOSITION NEWS IN THE FORESEEABLE FUTURE. BY WAY OF ANOTHER EXAMPLE OF IMAGE PROBLEMS, THE AMBASSADOR CITED THE RENEWAL FOR ANOTHER 90 DAYS OF THE STATE OF EMERGENCY AND THE JUSTIFICATION BY THE MINISTER OF THE INTERIOR THAT PUBLIC ORDER REQUIRED IT. THE AMBASSADOR QUESTIONED WHETHER PUBLIC ORDER REALLY REQUIRED THE RESTRICTIONS ON FREEDOM OF ASSEMBLY AND OPINION IN A PRE-ELECTORAL PERIOD AND VIDELA SAID HIS OWN ASSUMPTION WAS THAT AT SOME POINT BEFORE THE PLEBISCITE, BARRING MAJOR INTERNAL SECURITY PROBLEMS, THE STATE OF EMERGENCY WOULD BE LIFTED. VIDELA SAID HE WASN'T PRETENDING THERE WERE NO PROBLEMS AND AGREED IT WOULD BE USEFUL TO TALK OVER THE INSTITUTIONALIZATION PROCESS MORE SPECIFICALLY WITH THE AMBASSADOR.

10. HE ALSO PROPOSED THAT THEY GET TOGETHER SOON AFTER THE UNHRC HAD CONCLUDED ITS WORK ON THE CHILE RESOLUTION TO ANALYZE THAT EXPERIENCE, AS A STARTING POINT FOR TALKING FURTHER ABOUT THE U.S.-CHILEAN RELATIONSHIP. WHEN THE AMBASSADOR NOTED THAT OUR DEFINITION OF A "BALANCED" RESOLUTION WOULD NOT BE THE SAME AS THE CHILEAN ONE GIVEN THE FACT THAT VOLIO WAS CRITICAL OF MANY ASPECTS OF THE HUMAN RIGHTS SITUATION, VIDELA

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SAID HE RECOGNIZED THAT, BUT FELT WE OUGHT TO BE CAPABLE OF BOTH CRITICIZING THE MEXICAN APPROACH OF IGNORING VOLIO AND PROMOTING A FAIRER RESOLUTION

11. AS A FINAL POINT, HE ASKED THE AMBASSADOR TO FIND SOME OCCASIONS TO SPEAK OUT PUBLICLY ABOUT THE PROGRESS TOWARD DEMOCRACY. WHEN THE LATTER SAID HE HAD BEEN GOING ON THE ASSUMPTION THAT IT WAS BETTER NOT TO TALK THAT MUCH PUBLICLY, LEST HE BE ACCUSED OF "INTERFERENCE" IN CHILEAN INTERNAL AFFAIRS, VIDELA LAUGHED AND SAID THAT MIGHT BE A RISK, BUT IT SHOULD BE MANAGEABLE. AS IT WAS, THE EMBASSY WAS SEEN BY SOME PEOPLE AS BEING TOO CLOSE TO THE OPPOSITION AND THIS MIGHT MAKE FOR SOME BALANCE. HE RECALLED A COMMENT BY THE AMBASSADOR IN THEIR LAST CONVERSATION WHERE THE AMBASSADOR HAD SAID HE THOUGHT THERE WOUL BE SOME DIFFICULT MOMENTS IN THE RELATIONSHIP. WHILE HE APPRECIATED THE FRANKNESS, HE THOUGHT THE AMBASSADOR COULD HELP BOTH CHILE'S AND THE U.S.'S IMAGE BY INDICATING IN PUBLIC THAT ALL WAS N GLOOM. WHEN THE AMBASSADOR CITED HIS RECENT PUBLIC EFFORTS TO PROMOTE SCIENTIFIC COLLABORATION, VIDELA SAID THAT WAS ALL VERY WELL, BUT ONE NEEDED

TO GET BEYOND THE STARS AND THE SEA. FOR HIS PART, THE AMBASSADOR SAID THE CHILEAN GOVERNMENT COULD HELP BY NOT CREATING THE IMPRESSION THEMSELVES THAT THE U.S. WAS ONLY ON THE SIDE OF THE OPPOSITION AND IN AN EXAGGERATED FORM AT THAT. IN THIS CONTEXT, HE CITED THE PHRASE IN AMBASSADOR DAZA'S MEMORANDUM LEFT WITH AMBASSADOR WALTERS (REFTEL) THAT THE U.S. WAS "SUPPORTING AND AIDING THE MOST RADICAL SECTORS OF CHILEAN MARXISM". THAT SORT OF ATTACK IN NO WAY HELPED. VIDELA AGREED.

12. COMMENT. THE AMBASSADOR AND VIDELA HAD COME TO KNOW EACH OTHER QUITE WELL IN HIS PREVIOUS INCARNATION AND VIDELA THEREFORE SEEMS ABLE TO SPEAK WITH A FAIR AMOUNT OF FRANKNESS. AS THE SENIOR MILITARY FIGURE IN THE FOREIGN MINISTRY HE CAN BE HELPFUL IN CONVEYING A SENSE OF WHAT HIS ARMY COLLEAGUES MAY BE THINKING BOTH ABOUT THE U.S. AND ABOUT CHILE'S TRANSITION PROCESS AS WELL. BARNES
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3/9/88

Chile Project (#S199900030)
U.S. Department of State
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The IC (CO/c) need VP call

IO/HW:BZWEIBEN
3-8-88 EXT. 71534
THE SECRETARY

IO:NSSMITH, ACTING
S/S:

IO/HW:WRFALKNER
S/S-O:

IMMEDIATE GENEVA

PRIORITY USUN NEW YORK, SANTIAGO

DECL: OADR

UNHRC-1, PHUM, CI, CU

SUBJECT: 44TH UNHRC: CHILE

REF: GENEVA 2603

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1. ~~(CONFIDENTIAL~~ - ENTIRE TEXT.)

2. DEPT. CONCURS IN VIEWS EXPRESSED REFTEL. USDEL SHOULD NOT PURSUE NEGOTIATIONS ON MEXICAN, CUBAN DRAFT RESOLUTION ON CHILE.

3. ON THE ASSUMPTION THAT RESOLUTION SPONSORS WILL NOT OFFER ANY ADDITIONAL COMPROMISES ON DRAFT TEXT WHICH WOULD MAKE IT MORE BALANCED AND FAIR, USDEL AUTHORIZED TO CALL FOR A ROLL CALL VOTE AND VOTE NO.44

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DEPARTMENT FOR ARA

WHITE HOUSE FOR GENERAL POWELL FROM AMBASSADOR WALTERS

E.O. 12356: OADR
TAGS: PHUM, UNHRC, CI, CU
SUBJECT: 44TH SESSION OF THE UN HUMAN RIGHTS COMMISSION: CHILE RESOLUTION

1. CONFIDENTIAL - ENTIRE TEXT.

2. I AM DEEPLY CONCERNED BY THE DRAFT RESOLUTION ON CHILE BEING SPONSORED BY CUBA, MEXICO, ET AL.

3. IT IS A HIGHLY-BIASED, ONE-SIDED DOCUMENT THAT ACCENTUATES ALL THAT IS NEGATIVE IN CHILE AND SCARCELY MENTIONS THE POSITIVE FACTORS.

4. WE ARE PRESENTING TO THE UNHRC AN EXTREMELY MILD RESOLUTION ON CUBA THAT CALLS FOR THE UNHRC TO "EXAMINE" THE SITUATION IN CUBA.

5. THIS DRAFT ON CHILE IS WHAT ONE WOULD EXPECT FROM

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COUNTRIES LIKE CUBA AND MEXICO.

6. CUBA AND CHILE HAVE THE SAME POPULATION -- 12 MILLION. THERE ARE 1,500,000 REFUGEES FROM CUBA; LESS THAN 2,000 FROM CHILE. MOST CHILEAN EXILES HAVE RETURNED. THERE IS AN OPPOSITION PRESS AND RADIO IN CHILE; NONE IN CUBA. IN CUBA THERE IS A LAW AGAINST EMIGRATION. ANYONE WHO WANTS TO LEAVE CHILE CAN DO SO. IN CHILE THE GOVERNMENT HAS COOPERATED WITH THE UN SPECIAL RAPPORTEUR. THE INTERNATIONAL RED CROSS, AMNESTY INTERNATIONAL CAN OPERATE; IN CUBA THEY CANNOT. MILLIONS OF VOTERS ARE BEING REGISTERED IN CHILE FOR A PLEBISCITE THIS YEAR. THERE HAS NEVER BEEN ELECTION OF ANY SORT IN CASTRO'S CUBA.

7. THE PROPOSED RESOLUTION IS UNMITIGATED CHILE BASHING AND FAILS TO TAKE ANY REAL ACCOUNT OF PROGRESS THERE. IT WILL AROUSE CHILEAN NATIONALISM AND STRENGTHEN PINOCHET. I DO NOT BELIEVE THE U.S. SHOULD BE ASSOCIATED IN ANY WAY WITH THIS ONE-SIDED DOCUMENT SPONSORED BY COUNTRIES WHOSE OWN RECORD ON HUMAN RIGHTS IS OFTEN WORSE THAN CHILE'S. CHILE VOTES WITH US IN THE UN FAR MORE OFTEN THAN MOST LATIN AMERICAN COUNTRIES -- INFINITELY MORE SO THAN CUBA OR MEXICO. PETRONE

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PAGE 01 PANAMA 02753 01 OF 03 102353Z
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DEA FOR OC/OF/OI/AO/DO

E.O.12356: DECL: OADR
TAGS: PGOV, PREL, PINS, ASEC, PM
SUBJECT: PANAMA SITREP MARCH 10, 1988

REF: A) PANAMA 2511 B) PANAMA 2511

SUMMARY
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1. (U) PROMINENT PANAMANIAN DIPLOMATS DEFECT AS REGIME FAILS TO TURN OUT PEOPLE FOR PRO-GOVERNMENT ACTIVITIES. AFTER A WEEK OF SILENCE IN THE LEGISLATIVE ASSEMBLY, LEGISLATORS HAVE BEGUN TO RESUME THEIR ROLE IN GOVERNMENT. MINISTER IN [redacted]

[redacted]

PAGE 02 PANAMA 02753 01 OF 03 102353Z

CHARGE OF THE PRESIDENCY, SOLIS PALMA, PUBLICLY PONDERS BREAKING DIPLOMATIC RELATIONS WITH THE U.S. CLOSED INDEPENDENT RADIO STATION REOPENS AT SISTER STATION, PRESENTS OPPOSITION VIEWPOINTS. FORMER FOREIGN MINISTER LABELS THE REMOVAL OF DELVALLE AND ESQUIVEL UNCONSITITUTIONAL. END SUMMARY

PANAMANIAN DIPLOMATS DEFECT
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2. (U) PANAMA'S AMBASSADOR TO MEXICO, EMILIA AROSEMENA VALLARINO, ANNOUNCED HER RESIGNATION

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MARCH 9 STATING THAT SHE COULD NO LONGER SERVE THE GOVERNMENT AND DISAGREES WITH THE CURRENT POLITICAL EVENTS IN PANAMA. AROSEMENA, AMBASSADOR TO MEXICO FOR 18 YEARS AND A STRONG TORRIJOS/ PANAMA DEFENSE FORCES (FDP) SUPPORTER, PUBLICLY RELEASED HER LETTER OF RESIGNATION ADDRESSED TO FORMIN JORGE ABADIA.

3. (U) SANTIAGO TORRIJOS, NEPHEW OF OMAR TORRIJOS AND PANAMA'S CONSUL IN LOS ANGELES ALSO ANNOUNCED HIS BREAK WITH NORIEGA REGIME LATE YESTERDAY. TORRIJOS BLAMED THE MILITARY FOR NOT FULFILLING HIS UNCLE'S COMMITTMENT TO ESTABLISH A CONSITUTIONAL DEMOCRACY IN PANAMA. NEWS OF DIPLOMATIC DEFECTIONS APPEARED IN SEMI-INDEPENDENT PRESS BUT WAS IGNORED IN GOVERNMENT-CONTROLLED NEWSPAPERS MARCH 10.

4. (U) IN A RELATED EVENT, DEMOCRATIC REVOLUTIONARY PARTY'S (PRD) HONOR AND DISCIPLINE [redacted]

TRIBUNAL FINALLY EXPELLED FROM THE PARTY ANOTHER PROMINENT DIPLOMATIC DEFECTOR, FORMER NEW YORK CONSUL JOSE ISABEL BLANDON. PRD HAD PREVIOUSLY MOVED TO EXPEL BLANDON BUT HAD DROPPED ACTIVE PURSUIT OF THE OF HIS CASE UNTIL NOW.

POOR ATTENDANCE AT PRO-GOVERNMENT RALLIES

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5. (U) SINCE THE FEBRUARY 26 MILITARY-BACKED COUP, NOREIGA/SOLIS PALMA REGIME HAS BEEN UNABLE TO MUSTER A CONVINCING SHOW OF POPULAR SUPPORT. REGIME HAS FAILED IN ATTEMPTS TO TURN OUT LARGE NUMBERS OF PEOPLE AT PUBLIC EVENTS TO SUBSTANTIATE ITS CLAIMS OF BROAD POPULAR BACKING. PRO-GOVERNMENT RALLYS AND MARCHES IN RECENT DAYS HAVE BEEN SPARCELY ATTENDED OR CANCELLED. TURNOUT FOR TWO ORGANIZED LABOR PROTESTS THIS WEEK AT EMBASSY FELL FAR SHORT OF REGIME'S EXPECTATIONS (REFS A AND B). PLANNED DEMOCRATIC REVOLUTIONARY PARTY (PRD) WOMEN'S MARCH WAS CANCELLED. EVEN NORIEGA BARNSTORMING APPEARANCES IN WORKING CLASS NEIGHBORHOODS OF COLON AND SAN MIGUELITO LACKED PARTICIPATION OF BETTER DAYS.

LEGISLATIVE ASSEMBLY

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6. (C) FOLLOWING THE FEBRUARY 25 LEGISLATIVE ASSEMBLY IMPEACHMENT PROCEEDINGS AGAINST DELVALLE, THE LEGISLATURE HAD TROUBLE ACHIEVING A QUORUM TO

HOLD SESSIONS. HOWEVER, ACCORDING TO AN UNCLASSIFIED

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PAGE 01 PANAMA 02753 02 OF 03 102355Z
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[redacted] SECTION 02 OF 03 PANAMA 02753

DEA FOR OC/OF/OI/AO/DO

E.O.12356: DECL: OADR
TAGS: PGOV, PREL, PINS, ASEC, PM
SUBJECT: PANAMA SITREP MARCH 10, 1988

OPPOSITION LEGISLATOR, SINCE MARCH 7, LEGISLATORS HAVE RETURNED TO THE ASSEMBLY PALACE AND THE LEGISLATIVE ASSEMBLY HAS BEEN ABLE TO CONDUCT BUSINESS. DEBATE ON THE FLOOR REMAINS MAINLY CONTENTIOUS AND NO NEW LEGISLATION IS BEING DISCUSSED. ACCORDING TO THE LEGISLATOR, AT LEAST TWELVE REGIME-COALITION LEGISLATORS ARE WILLING TO SIDE WITH THE OPPOSITION IN CHALLENGING THE ASSEMBLY'S FEBRUARY 25 OUSTER OF PRESIDENT DELVALLE; THEY ARE DISCUSSING TIMING AND

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MODALITIES. OPPOSITIONISTS ARE EAGER TO FORCE DEBATE ON THE DEVALLE OUSTER, BUT WILL WAIT UNTIL THE GOVERNMENT RESUMES RADIO BROADCAST OF ASSEMBLY SESSIONS. (THE GOVERNMENT CLAIMS THAT ITS RADIO ANTENNA IS DOWN. THERE HAVE BEEN NO ASSEMBLY BROADCASTS SINCE THE MARCH 1 OPENING OF THE LEGISLATIVE SEASON.)

7. (C) THE LEGISLATOR ALSO SAID THAT ASSEMBLY USED PRO-REGIME LABOR PARTY (PALA) OMAIRA (MAYIN) CORREA'S LETTER REQUESTING PERMISSION TO BE EXCUSED FROM ATTENDING SESSIONS AS AN AUTHORIZATION TO ASSIGN ALTERNATE PAULINO ROMERO, JR. TO HER SEAT. HE LAMENTED CORREA'S SHORTSIGHTEDNESS IN OFFICIALLY INFORMING THE ASSEMBLY OF HER INABILITY TO ATTEND, BUT ACCEPTED HER DESTITUTION AS A "FAIT ACCOMPLI."

SOLIS PALMA ON RELATIONS WITH U.S.

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8. (U) MINISTER IN CHARGE OF PRESIDENCY SOLIS PALMA SAID PANAMA HAS MADE NO DECISION TO BREAK RELATIONS WITH THE U.S., BUT "THEY ARE SUSPENDED EVER SINCE THE GOVERNMENT OF WASHINGTON DID NOT RECOGNIZE THE NEW PANAMANIAN AMBASSADOR TO THE U.S." IN MARCH 9 INTERVIEW WITH A BOGOTA RADIO STATION, SOLIS PALMA SAID HIS COUNTRY FACES A DECLARATION OF ECONOMIC WAR BY THE U.S. AND TERMED THE LATEST U.S. ECOMOMIC MEASURES AS VERY VIOLENT.

9. (U) WHEN ASKED ABOUT THE POSSIBLITY OF U.S. MILITARY INVASION, THE MINISTER RESPONDED THAT

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ANYTHING CAN HAPPEN IN AN ALREADY EXTREME SITUATION. SOLIS PALMA DISMISSED THE POSSIBLITY OF EARLY ELECTIONS TO END THE CRISIS AND BELITTLED OPPOSITION. REITERATING HIS SUPPORT FOR NORIEGA, SOLIS PALMA PLEDGED THE FDP COMMANDER "WILL NOT BE SACRIFICED."

CLOSED INDEPENDENT RADIO STATION REAPPEARS; GOVERNMENT ACTIVATES BROADCAST NETWORK

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10. (LOU) OWNER OF CLOSED RADIO STATION EXITOSA, ARISTEDES DE ICAZA, ALTERED PROGRAMMING OF ANOTHER OF HIS STATIONS, RADIO ALEGRE, TO PRESENT INDEPENDENT NEWS, INCLUDING OPPOSITION

VIEWPOINTS. ANNOUNCERS AND REPORTERS FOR RADIO ALEGRE ARE FORMER RADIO EXITOSA PERSONNEL. GOP CLOSED EXITOSA FEBRUARY 8 FOR BROADCASTING INTERVIEWS WITH REGIME CRITICS.

9. (U) GOVERNMENT ANNOUNCED MARCH 10 ACTIVATION OF CADENA NATIONAL OBLIGING ALL COUNTRY'S RADIO STATIONS TO BROADCAST FDP-CONTROLLED OFFICIAL NEWS TWICE DAILY (SEPTEL).

UNIVERSITY SUSPENDS CLASSES FOR REMAINDER OF SEMESTER

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10. (U) UNIVERSITY OF PANAMA (UP) RECTOR ABDIEL ADAMES SUSPENDED CLASSES FOR THE REMAINDER OF THE SEMESTER AND ORDERED FACULTY TO ADMINISTER FINAL EXAMS BETWEEN MARCH 21-30. ADAMES CLAIMED THAT CLASSES WERE SUSPENDED IN ORDER TO PROTECT

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PAGE 01 PANAMA 02753 03 OF 03 102355Z
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[redacted] SECTION 03 OF 03 PANAMA 02753

DEA FOR OC/OF/OI/AO/DO

E.O.12356: DECL: OADR
TAGS: PGOV, PREL, PINS, ASEC, PM
SUBJECT: PANAMA SITREP MARCH 10, 1988

UNIVERSITY COMMUNITY AND FACILITIES. "THE UNIVERSITY WILL PLAY ITS APPROPRIATE ROLE, ONCE WE HAVE SOLVED THE POLITICAL CRISIS," SAID ADAMES. THE RECTOR PREDICTED THAT THE UP ACADEMIC COUNCIL WILL ISSUE A STATEMENT ON THE CURRENT SOCIAL AND POLITICAL CRISIS.

11. (LOU) MORE PROBLEMATICAL FOR THE UNIVERSITY IS THE DECISION ON WHETHER TO HOLD UNIVERSITY SUMMER SCHOOL CLASSES. AN ESTIMATED 90 PERCENT

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OF PANAMA'S SECONDARY SCHOOL STUDENTS WHO WANT TO ENTER UP FAIL THE INITIAL ENTRANCE EXAMS. THE STUDENTS RELY ON REMEDIAL SUMMER SCHOOL CLASSES TO QUALIFY FOR ENTRANCE DURING THE UPCOMING SEMESTER. WITH DELAY OR CANCELLATION OF SUMMER SCHOOL, UP'S SCHEDULE, AND PERHAPS MUCH OF ITS FRESHMAN CLASS, COULD BE GREATLY AFFECTED.

RESPECTED JURIST CALLS DELVALLE AND ESQUIVEL'S IMPEACHMENT ILLEGAL

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12. (U) PANAMA'S FORMER FOREIGN MINISTER, CARLOS ALFREDO LOPEZ GUEVARA, LABELLED AS UNCONSTITUTIONAL THE NATIONAL ASSEMBLY'S FEBRUARY 26 REMOVAL OF PRESIDENT DELVALLE AND VICE PRESIDENT ESQUIVEL. LOPEZ GUEVARA, A HARVARD-EDUCATED INTERNATIONAL LAWYER, CLAIMED THAT, AMONG OTHER CONSTITUTIONAL IRREGULARITIES, THE ASSEMBLY WAS NOT LEGALLY IN SESSION, THERE WERE INSUFFICIENT GROUNDS FOR IMPEACHMENT, AND DUE PROCESS WAS IGNORED WHEN LEGISLATORS VOTED DELVALLE AND ESQUIVEL OUT OF OFFICE. HIS OPINION IS AT ODDS WITH MARCH 2 AND 4 DECISIONS BY PANAMA'S SUPREME COURT UPHOLDING THE CONSITUTIONALITY OF THE ASSEMBLY'S ACTION.
(DRAFTED:POL:ODESOTO)
DAVIS

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*** Current Handling Restrictions *** n/a
*** Current Classification *** [redacted]

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Chile Project (#S199900030)
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C O N F I D E N T I A L STATE 074957

E.O. 12356: DECL: OADR
TAGS: PHUM, UNHRC-1, CI, CU
SUBJECT: 44TH UNHRC: ITEM 5: CHILE

REF: A) GENEVA 2603, B) FALKNER/DESHAZO TELCON 3/9/88, C) TURQMAN/DESHAZO TELCON 3/9/88

1. CONFIDENTIAL - ENTIRE TEXT

2. THIS MESSAGE CONFIRMS DEPARTMENT'S ORAL INSTRUCTION REF C. DELEGATION IS TO ABSTAIN ON THE MEXICAN DRAFT RESOLUTION ON CHILE. IN ADDITION, DELEGATION SHOULD MAKE AN EXPLANATION OF VOTE. TEXT PROVIDED DEPARTMENT BY DATAFAX IS APPROVED.
SHULTZ

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POL

NOTES FROM A VISIT TO PUNTA ARENAS MARCH 11, 1988

The notes that follow also follow the order in which I saw people the afternoon and evening of March 11, and the next morning.

1) UNIVERSITY OF MAGALLANES - Meeting with Rector Nestor Hernández (previously vice-rector for academic matters and Rector only as of a month or so ago; a chemist) and two vice-rectors, Secretary General and Patagonia Institute Director, Edmundo Pissano and ex-director Mateo Martinic. The Institute has been absorbed into the University as of 1983 because of financial problems and is in the process of being converted into a teaching (biology), as well as, a research institution. Chemical and petroleum engineering are major elements and horticulture adapted to the region is becoming more important. Only about 30% of the University's resources come from the central government, about the same from tuition fees and the rest from consultancies, including in the area of marine environmental problems associated with the petroleum industry. With the new rector having been chosen from a "trio" nominated by the governing council and with a Christian Democratic student union primarily interested in student issues, the scene is calm. There are several staff members pursuing PhDs in the U.S. and in chemistry one ongoing project under NSF sponsorship in the area of environmental monitoring.

2) COMMANDER OF THE THIRD NAVAL ZONE - Rear Admiral Fernando Lazcano Jiménez. He had served earlier in the area and was pleased to be back, has a good deal of respect for the independence and pride of people of the area, though they at times still suffer from a sense of isolation and a feeling of neglect (historically, he said, they had not been allowed to vote in presidential elections until not that many decades ago). During February he had served as acting Intendente, since both the Intendente and Army Commander were away at the same time. He had enjoyed the responsibility and learning the nature of the problems, which gave him a fuller sense of the region. He hoped, for example, that the law which provides certain incentives for the Navarino Island area could be extended to cover other parts of the region like Porvenir which could provide employment opportunities in greater measure. Although it is said that the unenployment rate is very low, that is primarily because the Argentine job market is attractive and young people tend to look there. He would hope to be able to offer more attractive possibilities nearer home. He raised the question of the U.S. abstention on the Chile human rights resolution in Geneva and I explained our continuing concerns about human rights violations, as well as our belief that the Mexican introduced resolution didn't give adequate weight to the report of Professor Volio. He said that what he had heard of the U.S statement, it sounded like a good one. We talked some, too, about exchanges between the U.S. and

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Chilean navies and I expressed my hopes that Admiral Merino would reconsider his rejection of our latest invitations. Admiral Lazcano said he very much favored exchanges but made no comment about the specific instance I raised.

3) INTENDENTE - Major General (R) Claudio López S. The Intendente was extremely affable, even addressing me at one point as "amigo mío". We talked for the better part of an hour, most of which he devoted to a review of the economic accomplishments of the region (set out in a Serplac booklet he gave me). He remains optimistic about the future, despite the hardships caused for the present by an unprecedent drought and consequent need to introduce water rationing (a situation he felt sure would improve with the rains that were bound to come in the next month or so; longer term projects are already underway which will provide back-up by next year). He highlights the development of the natural gas fields as represented by the Cape Horn Methanol Plant and the recently announced ammonium-urea plant to be built largely with European capital (though I heard later that the U.S. firm of Kellogg will do the initial engineering). He also sees great prospects for coal, given the open pit mines in the region. All this in addition to the more traditional fish and livestock resources, and practically no unemployment.

He noted that he is one of two retired officers currently serving as Intendente (the other in Valparaíso), and that he had turned down overseas appointments in order to be able to continue to serve the President in an area which had such a good future. He is pleased that the opposition parties have shown the realism to accept the plebiscite formula, though still worries about the influenc of the Marxist groups among them. I suggested that the government and its supporters ought to show some pleasure that there were some elements they considered responsible in the opposition instead of always attacking all of them. López' reply was essentially that there are too many who can't be trusted though he said personally he thought Christian Democratic President Patricio Aylwin was a reasonable person. As to the outcome of the plebiscite, at this stage he thought there was a good chance that the "si" would win. If, however, the "no" won, then the armed forces were bound to accept that verdict, though he worried a "no" would lead to a severe crisis of confidence in the country.

He spoke with some feeling about the "break" in his relations with the Bishop, citing one occasion when people inside the cathedral were throwing molotov coktails at the security forces, and how Bishop González told a foreign reporter that he condemned that sort of action and local reporters that he denied any such action. López spoke of the contrast with Archbishop Santos of Concepción whom he had known when posted to Valdivia where Santos was then Bishop and how well they got on despite their differences and how

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he still considers Santos a friend.

4) BISHOP GONZALEZ - We saw him somewhat accidentally, since we were just scheduled to visit the artisan work of the Social Action Department of the Bishopric; but before we got there were told the Bishop was free and would be glad to see us, so we went by a little later. He spoke mostly of the work that the church organizations--including church schools--will be doing to support the work of the Belen program of ILADES to promote civic education. He recalled that much of the inspiration had come from Archbishop (and then Episcopal Conference President) Piñeras' visit to the United States and his observations of work done by the U.S. Catholic Conference. (He said some funds for the Belen project are also coming from the U.S. Conference). The stress of the project, which he said is supported by most though not all the bishops in their respective diosceses, will be to explain to those in the various catholic groups what the meaning of citizenship is. At first he said they would also tell people why to vote "no", but then caught himself and spoke of helping people understand what the significance of either a "si" or a "no" vote would be. He finds that in Punta Arenas the young people are the most difficult to persuade to work on a civic education campaign, because they have a little belief it will make any difference. He is encouraged though by a meeting he held recently with a mixture of youth leaders from Christian Democratic to communists who were prepared to work on the "no" campaign as well. The presence of the communists represents, he feels, the signs of a split in the party which is encouraging in terms of weakening the appeal for violence. On theother hand, he agreed with the observation that women seem to be more inclined to support Pinochet, a phenomenon he attributed to the weight of CEMA activities in coercing women to stick to the official position.

Bishop González alluded to the present Intendente as someone with pretensions of being an educated person, but who is not despite all the books he has. He was upset because the Intendente has not repudiated his Jefe de Gabinete Alvarez for having threatened to use arms against the opposition (as in 1973). That same person was in charge in 1974 of the prison on Dawson Island where many political prisoners were being kept and was disposed to shoot a number of them. González, then a new bishop, kept working on and with the then Intendente (Benavides, subsequently a junta member in the 1980s) to avoid any executions and was successful. Alvarez both then and now was about as extreme as one could imagine. All in all Gonzalez thought that Lopez was a great gift from the government for the opposition because of his exaggerated actions and statements. The Bishop mentioned as an example the unhappiness of a leading Renovación Nacional supporter who had been told by the Intendente that complete and not independent support of the

government was what was needed.

5) LA PRENSA AUSTRAL - Owner Estanislao Karelovici Kirigin and Director Pablo Cruz Karelovici, who has a long and thorough sense of what it is like to be a Magellanite, spoke of the region's isolation but also its patriotism as reflected in the support given from the first parliamentary election on to regional candidates. As an example of the "differentness" of the area he cited an event known as the "Puntarenazo" of about 1984 when Pinochet came to Punta Arenas to preside at a ceremony in the Plaza de Armas and was greeted by a chorus of people within the cathedral shouting "assassin". Pinochet has not been back since, save for two very, very quick visits and in his opinion is not likely to take chances again to visit the Punta Arenas area. Aside from socialist and communist traditions of the past, the area is largely anti-regime, people are getting tired of Pinochet and the constant propaganda campaign in his favor. The opposition still is shaky to be sure, but they are helped by the outrageousness of the Intendente who insists on utter loyalty. Karelovici said he had heard that the Intendente thinks the Prensa Austral, while clearly not pro-government, is not that hostile. That, of course, according to Karelovici, is the paper's aim: "to be objective, pluralistic and pro-Magellan region". He has heard that he is on the Intendente's list of people who are "persuadable" by the government and expects some salemanship and pressure. (The Intendente had told me earlier that he thought the owner was inclined toward "si"). The director, Cruz, according to the Intendente is connected with the Christian Left. Cruz, that evening at dinner, was called to the phone and when he came back to the table said he had just received word from one of the paper's staff that his name was one of those being circulated by people allegedly connected with the Chilean Anti-Communist League (ACHA) as under a death sentence. Both saw the paper's major function as being one of trying to present both sides of the plebiscite struggle. Radio does some of this, but only the government TV chain reaches the area. The one radio program, which actually had been going for seven years and presenting diverse views (Radio Polar), is now off the air because the same Colonel Alvarez who had made his threatening remarks on one of their programs had since refused to continue with that talk show as had two other conservative figures.

6) VISIT TO CAPE HORN METHANOL PLANT - According to the resident manager, Paul Tate, the construcion is still about four and a half months ahead of schedule and should therefore be finished about the middle of August. Management is pressing to shorten that time if possible in order to take advantage of the favorable price situation (prices about double what they were in 1986).

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E.O. 12356: N/A
TAGS: ETRD, GATT
SUBJECT: WORKER RIGHTS - INFORMAL MEETINGS

1. SUMMARY. ON MARCH 7, THE GATT SECRETARIAT HOSTED AN INFORMAL MEETING ON THE U.S. PROPOSAL FOR A WORKING PARTY ON THE RELATIONSHIP OF INTERNATIONALLY-RECOGNIZED LABOR STANDARDS (IRLS) TO TRADE. DUE TO A PRIOR COMMITMENT, GATT COUNCIL CHAIRMAN JAMAL WAS UNAVAILABLE TO CHAIR THE MEETING SO STUART ROBINSON OF THE GATT SECRETARIAT FILLED IN. FOLLOWING UP ON POINTS RAISED AT THE LAST SUCH INFORMAL MEETING, ON JANUARY 28, THE U.S. PROVIDED ILLUSTRATIVE EXAMPLES OF HOW IRLS CAN AFFECT TRADE, DISCUSSED WHAT A WORKING PARTY MIGHT DO, AND COMMENTED ON THE HONG KONG PROPOSAL FOR A JOINT ILO/GATT GROUP OF EXPERTS STUDY GROUP. NICARAGUA, CHILE, BRAZIL, AND ROMANIA THANKED THE U.S. FOR ITS EXPLANATIONS, BUT VOICED STRONG OPPOSITION TO THE U.S. PROPOSAL, ARGUING PRIMARILY THAT THIS ISSUE IS SOLELY WITHIN THE COMPETENCE OF THE ILO. SWEDEN AND THE EUROPEAN COMMUNITY REPEATED PREVIOUS SUPPORT, AND JAPAN STATED THAT IT WAS NOT OPPOSED TO THE WORKING PARTY PROPOSAL. AT THE END OF THE MEETING, THE U.S. REP STATED THAT THE UNITED STATES WAS LIKELY TO PRESS FOR A DECISION ON ITS WORKER RIGHTS PROPOSAL AT THE MAY GATT COUNCIL MEETING. THE MEETING WAS LIGHTLY ATTENDED, AT LEAST IN PART BECAUSE OF CONFLICTING MEETINGS. AMONG THOSE ABSENT WERE MEXICO, THE PHILIPPINES, ISRAEL, HONG KONG, AUSTRALIA, AND CANADA. THE U.S. SIDE INCLUDED REPRESENTATIVES FROM USTR, LABOR, COMMERCE, STATE AND THE CUSTOMS SERVICE. END SUMMARY

2. THE U.S. REP (SHARK) LED OFF BY RESPONDING TO REQUESTS MADE AT THE LAST MEETING FOR EXAMPLES OF HOW WORKER RIGHTS AFFECT TRADE AND FOR A MORE FULL EXPLANATION OF WHAT A WORKING PARTY MIGHT DO. HE ALSO RESPONDED TO THE PROPOSAL WHICH HONG KONG MADE REGARDING AN EXPERT STUDY GROUP. THE U.S. STATEMENT, BASED ON MATERIALS PROVIDED BY THE INTERAGENCY GROUP ON WORKER RIGHTS, IS SUMMARIZED IN PARAS 3-5 BELOW.

3. WHAT A WORKING PARTY MIGHT DO - (A) LOOK AT WHETHER THERE ARE SOME IRLS THAT HAVE A BEARING ON TRADE; (B) ANALYZE HOW LACK OF RESPECT FOR WORKER RIGHTS COULD AFFECT TRADE FLOWS AND GATT OBJECTIVES; (C) LOOK AT CONCEPTUAL EXAMPLES (WITH HELP FROM THE ILO ON WHETHER THE EXAMPLES ARE REALISTIC), AND (D) DETERMINE IN A QUALITATIVE SENSE IF THERE IS A PROBLEM WHICH THE GATT SHOULD ADDRESS. SHARK REITERATED PREVIOUS STATEMENTS THAT THE U.S. HAS NO PREDISPOSITION AS TO WHAT WILL RESULT FROM THE WORKING PARTY'S STUDY OF IRLS.

4. ILLUSTRATIVE EXAMPLES - SHARK INTRODUCED THIS TOPIC BY NOTING THAT LACK OF RESPECT FOR IRLS CAN HAVE DIRECT EFFECTS ON TRADE THROUGH ARTIFICIALLY STIMULATING EXPORTS OR REPLACING IMPORTS BY DOMESTIC PRODUCTION, AS WELL AS INDIRECT EFFECTS SUCH AS PRESSURES TO RESTRICT TRADE IN IMPORTING COUNTRIES. HE BEGAN DISCUSSION OF SPECIFIC EXAMPLES BY NOTING THAT ARTICLE XXE (BRISK LEADER) SHOWS GATT RECOGNITION THAT LABOR STANDARDS CAN AFFECT TRADE. SHARK GAVE THREE ADDITIONAL EXAMPLES, ALL BASED ON THE CONCEPT OF DIFFERENT (LOWER) LABOR STANDARDS IN PRODUCTION FOR EXPORT COMPARED WITH GENERALLY PREVAILING STANDARDS: (I) COUNTRY-WIDE WORKPLACE STANDARDS FROM WHICH EXPORT INDUSTRIES ARE EXEMPTED, (II) A UNIFORM MINIMUM WAGE WHICH DOES NOT APPLY IN EXPORT PROCESSING ZONES, AND (III) LAWS THAT PERMIT UNIONS TO ORGANIZE FREE OF RESTRICTIONS, EXCEPT IN PRODUCTION FOR EXPORT OR EXPORT PROCESSING ZONES. SHARK SAID HE RECOGNIZED THAT THESE EXAMPLES RAISE ISSUES WHICH MAY BE SENSITIVE TO INDIVIDUAL COUNTRIES, WHICH IS WHY THE U.S. IS PROPOSING A WORKING PARTY TO CARRY OUT A LOW-KEY, DISPASSIONATE STUDY.

5. HONG KONG PROPOSAL - SHARK STATED THAT THE U.S. APPRECIATES THE CONSTRUCTIVE SPIRIT BEHIND HONG KONG'S PROPOSAL FOR A JOINT ILO/GATT GROUP OF EXPERTS TO STUDY WORKER RIGHTS. HOWEVER, THE U.S. WANTS THE STUDY OF WORKER RIGHTS TO TAKE PLACE UNDER GATT AUSPICES, BECAUSE WE ARE INTERESTED IN LOOKING AT HOW IRLS AFFECT TRADE, NOT AT LABOR STANDARDS PER SE.

6. THE U.S. INTERVENTION WAS FOLLOWED BY A FEW MOMENTS OF AWKWARD SILENCE. FINALLY, NICARAGUA (AMBASSADOR VARGAS) JUMPED IN BY STATING HIS GOVERNMENT WOULD OPPOSE WORKING PARTY ON THIS ISSUE IN THE GATT, SINCE THIS ISSUE IS MORE APPROPRIATE FOR THE ILO. HE ALSO SAID THE U.S. SHOULD ADOPT A FEW MORE ILO CONVENTIONS IF IT WAS SERIOUS ABOUT PURSUING THE WORKER RIGHTS ISSUE. (NOTE - THROUGHOUT THE U.S. PRESENTATION, AMBASSADOR VARGAS CHATTED LOUDLY AND BOISTEROUSLY WITH A COLLEAGUE, GIVING THE IMPRESSION THAT HE WAS HECKLING THE SPEAKER - AN UNUSUAL TACTIC FOR A GATT MEETING.)

7. CHILE'S REPRESENTATIVE (MORALES) SAID HIS GOVERNMENT WOULD AGREE TO EXAMINE WORKER RIGHTS IN THE

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ILO, BUT NOT IN THE GATT. HE SAID THAT WHEN U.S. FIRST RAISED THIS ISSUE HIS GOVERNMENT THOUGHT THE U.S. WAS CONCERNED WITH ALL ELEMENTS OF WORKER RIGHTS INCLUDING MOVEMENT OF FACTORS OF PRODUCTION -- SPECIFICALLY THE RIGHT OF LABOR IN THE THIRD WORLD TO EMIGRATE TO DEVELOPED COUNTRIES. HOWEVER, CHILE CAME TO THE CONCLUSION THAT THE U.S. SELECTIVE IN RAISING WORKER RIGHTS IS TO OPEN THE DOOR FOR TAKING AWAY TRADE CONCESSIONS GRANTED BY DEVELOPED TO DEVELOPING COUNTRIES, AS THE U.S. HAS RECENTLY DONE TO CHILE BY REMOVING IT FROM THE GSP. HE STATED THAT CHILE WAS CONCERNED THAT AGREEMENT TO A WORKING PARTY MIGHT BE USED BY THE UNITED STATES AS A PRETEXT TO VIOLATE ITS TARIFF BINDINGS VIS-A-VIS OTHER COUNTRIES. MORALES STATED GRATUITOUSLY THAT CHILE HAS RATIFIED MANY MORE ILO CONVENTIONS THAN THE U.S.

8. BRAZIL, WHICH PREVIOUSLY HAD TALKED OF A "NEED TO FIND A SOLUTION TO THE U.S. PROPOSAL," DECLARED AT THIS MEETING IT WOULD OPPOSE A GATT WORKING PARTY ON WORKER RIGHTS, SINCE THIS ISSUE IS MORE APPROPRIATE FOR ILO. IN SUPPORT OF THIS POSITION, HE STATED THAT IT APPEARED THAT THE U.S. WANTS TO STUDY IN THE GATT HOW LABOR STANDARDS ARE WRITTEN AND IMPLEMENTED.

9. THE ROMANIAN REP (PADU) JOINED IN THE CHORUS, STATING THAT ROMANIA OPPOSED THE U.S. PROPOSAL AND DECRYING UNILATERAL ACTIONS BY THE UNITED STATES.

10. THE HUNGARIAN REP (BALAS) EXPRESSED APPRECIATION TO THE UNITED STATES FOR ITS PRESENTATION OF ADDITIONAL INFORMATION AND STATED THAT THIS KIND OF DETAILED INFORMATION WOULD HELP IN STUDYING THE U.S. PROPOSAL.

11. RESPONDING TO POINTS RAISED BY OTHER DELS, SHARM NOTED THAT THE U.S. AGREES THAT THE GATT IS NOT THE PLACE TO EXAMINE THE DEGREE AND LEVEL OF ENFORCEMENT OF WORKER RIGHTS, THAT WE'RE NOT LOOKING TO SURVEY WORKER RIGHTS PRACTICES OF COUNTRIES, BUT RATHER,

WITH HELP FROM THE ILO, TO ANALYZE HOW LACK OF RESPECT FOR IRLS MIGHT AFFECT TRADE. IN THIS CONNECTION, HE NOTED THAT THE PROPER FORUM FOR THE DISCUSSION OF WHO HAD SIGNED WHAT ILO CONVENTIONS WAS THE ILO, NOT THE GATT. HOWEVER, HE NOTED, U.S. WORKER RIGHTS PRACTICES WOULD STAND UP TO SCRUTINY ANYWHERE. HE ALSO NOTED THAT THOSE OPPOSING THE U.S. PROPOSAL WERE IN EFFECT GIVING A CATCH-22 ARGUMENT: THEY WERE STATING THAT THE GATT COULD NOT LOOK AT THE TRADE RELATED ASPECTS OF IRLS BECAUSE THE GATT WAS NOT COMPETENT TO DEAL WITH LABOR ISSUES. AT THE SAME TIME, IT COULD EQUALLY WELL BE ARGUED THAT THE ILO COULD NOT ADDRESS THE ISSUE BECAUSE IT IS NOT COMPETENT TO DEAL WITH TRADE MATTERS. HE ALSO RESPONDED TO CHILE'S POINT ABOUT OPENING THE DOOR TO TAKING AWAY CONCESSIONS, BY STATING THAT THIS WAS NOT A REALISTIC FEAR GIVEN THE NATURE OF THE WORKING PARTY PROCESS. THE U.S. COULD JUST AS WELL ARGUE THAT BY ABDICATING ITS RESPONSIBILITY TO ADDRESS THE ISSUE OF WORKER RIGHTS AND TRADE, THE GATT IS INVITING COUNTRIES TO TAKE UNILATERAL ACTION.

12. THE U.S. CLOSED ITS COMMENTS BY SAYING THAT THESE INFORMAL TALKS HAVE BEEN USEFUL, BUT THEY MAY HAVE REACHED THEIR PRODUCTIVE LIMIT. ALTHOUGH WE ARE WILLING TO KEEP CONSULTING WITH ANY INTERESTED COUNTRIES, IT IS TIME, SHARM SAID, TO BRING THE ISSUE BACK TO THE GATT COUNCIL. THE U.S. MAY PRESS FOR A DECISION ON ITS PROPOSAL AT THE MAY COUNCIL SESSION.

13. THE GATT SECRETARIAT SUMMED UP THE MEETING AS FOLLOWS: (1) THERE HAS BEEN AN EXCHANGE OF VIEWS, (2) ONE DELEGATION GAVE FURTHER DETAILS AND EXPLANATIONS, AND (3) THE U.S. IS WILLING TO HOLD FURTHER CONSULTATIONS, BUT IT MAY SEEK DEFINITIVE ACTION AT THE MAY GATT COUNCIL MEETING.

14. ARGENTINA, KOREA, NEW ZEALAND, SOUTH AFRICA, THAILAND AND TURKEY WERE AT THE MEETING BUT SILENT. FOLLOWING THE MEETING, HOWEVER, THE KOREAN REP EAGERLY APPROACHED THE U.S. REP TO ASK IF THE U.S. EXAMPLES COULD BE TAKEN TO MEAN THAT THE UNITED STATES WAS ONLY INTERESTED IN LABOR RIGHTS PRACTICES THAT DIFFERENTIATE BETWEEN EXPORTS AND DOMESTIC PRODUCTION. THE U.S. REP RESPONDED THAT THE EXAMPLES HAD BEEN CHOSEN BECAUSE THEY WERE THE CLEAREST EXAMPLES OF THE LABOR/TRADE LINK AND WERE ILLUSTRATIVE ONLY. HE NOTED THAT THE UNITED STATES IS INTERESTED IN LOOKING AT THE OVERALL ISSUE OF HOW WORKER RIGHTS PRACTICES INFLUENCE TRADE RATHER THAN SOME NARROW SEGMENT OF THE ISSUE.
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PAGE 01 GENEVA 02968 00 OF 03 170620Z 4531 AR46109

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E.O. 12356: N/A
TAGS: ETRD, GATT
SUBJECT: ARTICLE XXII CONSULTATIONS WITH CHILE ON GSP/WORKER RIGHTS

1. SUMMARY - AT CHILE'S INITIATIVE ON MARCH 14, WE HELD THE SECOND MEET OF ARTICLE XXII CONSULTATIONS ON CHILE'S SUSPENSION FROM GSP ON THE BASIS OF ITS WORKER RIGHTS PRACTICES. CHILE ARGUED THAT THE U.S. MOVE VIOLATED THE GATT BECAUSE IT WAS DISCRIMINATORY. THEY PROVIDED MATERIALS COMPARING CHILE'S PRACTICES TO THOSE OF OTHER COUNTRIES AS "PROOF". WE, ONCE AGAIN, DISAGREED. THE CHILEANS GAVE NO INDICATION OF WHAT THEIR NEXT STEP WOULD BE. HOWEVER, THEY ARE CLEARLY UNCOMFORTABLE A TO THE FACT THAT IN ORDER TO MAKE THEIR CASE UNDER ARTICLE XXII, THEY MIGHT NEED TO CALL INTO QUESTION THE WORKER RIGHTS PRACTICES OF OTHER GPS. END SUMMARY.

2. THE CHILEAN SIDE (MORALES AND GUARDA) OPENED THE MEETING BY RECALLING ITS ASSERTION AT THE LAST CONSULTATION, AND IN THE GATT COUNCIL, THAT THE U.S. SUSPENSION OF CHILE FROM GSP WAS DISCRIMINATORY, AND STATED THAT IT HAD "PROOF". THIS PROOF TOOK THE FORM OF A CHART PREPARED BY THE CHILEAN GOVERNMENT DRAWING ON INFORMATION FROM THE MOST RECENT ILO ANNUAL REPORT OF THE COMMITTEE OF EXPERTS ON THE APPLICATION OF CONVENTIONS AND RECOMMENDATIONS. THE CHART INDICATED THAT A NUMBER OF CURRENT GSP BENEFICIARES HAD BEEN FOUND TO BE IN VIOLATION OF ILO CONVENTIONS IN AREAS RELATING TO THE PROVISIONS OF THE GSP STATUTE, WHILE CHILE HAD NOT BEEN FOUND IN VIOLATION OF ANY OF THEM. THE CHILEAN REP ASKED THAT WE KEEP THE CHART *STRICTLY CONFIDENTIAL GIVEN THE SENSITIVITY OF ONE* COUNTRY RAISING QUESTIONS ABOUT ANOTHER COUNTRY'S WORKER RIGHTS PRACTICES. THE COUNTRIES LISTED ON THE CHART ARE BANGLADESH, BURKINA FASO, THE DOMINICAN REPUBLIC, ECUADOR, GUATEMALA, LIBERIA, MAURITANIA, PAKISTAN, SIERRA LEONE, TANZANIA, AND ZAMBIA. MORALES SHOWED US, AND PROMISED TO PROVIDE A COPY OF, A DOCUMENT (IN SPANISH) EXPLAINING IN NARRATIVE FORM HOW THE U.S. ACTION IS DISCRIMINATORY.

3. THE U.S. SIDE (SHARK AND PARLIN) DISAGREED WITH THE CHILEAN CLAIM OF DISCRIMINATION. SHARK REVIEWED FOR THE CHILEAN SIDE *THE U.S. PROCESS USED IN EVALUATING WORKER* RIGHTS COMPLAINTS. HE STRESSED THAT UNDER OUR SYSTEM

PAGE 02 GENEVA 02968 00 OF 03 170620Z 4531 AR46109

A) REVIEWS ARE INITIATED IN (WHA) RIGHT DIRECTION ("TAKING STEPS") AND, WHERE APPROPRIATE, THE COUNTRY'S LEVEL OF DEVELOPMENT; B) FULL OPPORTUNITY FOR CONSULTATIONS IS PROVIDED TO THE COUNTRY IN QUESTION; AND C) THE SAME PROCESS AND CRITERIA ARE APPLIED TO ALL COUNTRIES WITHOUT DISCRIMINATION. SHARK POINTED OUT THAT THREE OTHER COUNTRIES HAD EITHER BEEN SUSPENDED OR REMOVED FROM GSP ON THE BASIS OF THE PROGRAM'S WORKER RIGHTS CRITERIA.

4. TURNING TO THE CHART PREPARED BY CHILE, SHARK REJECTED THE ASSERTION THAT THE CHART PROVED DISCRIMINATION. HE BEGAN BY EXPLAINING THAT WE DO NOT BELIEVE THAT CROSS COUNTRY COMPARISONS ARE USEFUL OR RELEVANT IN MAKING OR DISCUSSING GSP DETERMINATIONS. EACH COUNTRY'S CASE IS UNIQUE AND INVOLVES COUNTRY SPECIFIC FACTORS SUCH AS LEVEL OF DEVELOPMENT. UNDER OUR LAW, COUNTRIES ARE EACH REVIEWED WITH RESPECT TO THE STATUTORY CRITERIA, NOT EACH OTHER. HE REITERATED THAT A CHART BASED ON ILO CONVENTIONS AND FINDINGS WAS NOT RELEVANT BECAUSE THE TEST USED IN GSP *CASES IS THE CRITERIA OF THE U.S. STATUTE.* WHILE MAINTAINING THAT THE CHART IS IRRELEVANT, SHARK POINTED OUT THAT IT IS ALSO MISLEADING IN SEVERAL RESPECTS. FIRST, THE CHART SHOWS WHERE THE ILO HAS FOUND ONE OR MORE VIOLATIONS IN AN AREA FOR A COUNTRY BUT DOES NOT INDICATE - IN EFFECT, WHETHER THE VIOLATION IS A FELONY OR A MISDEMEANOR. SECOND, THE CHART GIVES NO IDEA OF WHETHER A COUNTRY IS MAKING PROGRESS. THESE FIRST TWO POINTS ARE IMPORTANT BECAUSE OUR EVALUATION IS QUALITATIVE MORE THAN QUANTITATIVE AND PROGRESS IS AN IMPORTANT FACTOR IN OUR REVIEWS.

THIRD, THE CHART SHOWS THAT THERE HAVE BEEN NO FINDINGS AGAINST CHILE WITH RESPECT TO THE CONVENTIONS ON FREEDOM OF ASSOCIATION AND THE RIGHT TO ORGANIZE AND BARGAIN COLLECTIVELY, WHILE THERE HAVE BEEN SEVERAL FINDINGS AGAINST OTHER COUNTRIES. HOWEVER, CHILE HAS NOT RATIFIED THE RELEVANT CONVENTIONS IN THESE TWO AREAS AND THEREFORE COULD NOT BE EXAMINED UNDER THEM. NEVERTHELESS, WHILE REITERATING THE IRRELEVANCE OF ILO PROCEEDINGS TO THE QUESTIONS AT HAND, SHARK NOTED THAT THE MOST RECENT TWO REPORTS OF THE ILO'S COMMITTEE ON FREEDOM OF ASSOCIATION EXPRESS SERIOUS CONCERN ABOUT THE WORKER RIGHTS SITUATION IN CHILE.

5. CHILEAN REP (GUARDA) STATED THAT THE U.S. PROCESS IS DISRIMINATORY BECAUSE THE U.S. ONLY REVIEWS A COUNTRY IF IT RECEIVES A PETITION. SHE ASSERTED THAT THIS DIFFERED FROM U.S. PRACTICE WITH RESPECT TO OTHER GSP ELIGIBILITY CRITERIA AND ASKED HOW THIS WAS JUSTIFIED.

6. SHARK RESPONDED BY NOTING THAT HER ASSERTION OF *DIFFERENTIAL HANDLING OF ELIGIBILITY CRITERIA IS* INCORRECT. HE NOTED THAT THE PROCESS IS THE SAME FOR OTHER ELIGIBILITY CRITERIA SUCH AS INTELLECTUAL PROPERTY, SERVICES AND MARKET ACCESS. HE EXPLAINED THAT THE USG DOES NOT HAVE THE RESOURCES TO DO AN INDEPTH REVIEW OF ALL GSP BENEFICIARIES WORKER RIGHTS SITUATION, NOR IS IT REQUIRED TO BY LAW. WE ARE ONLY REQUIRED TO EXAMINE A CASE WHERE WE HAVE PRIMA FACIE EVIDENCE THAT THERE MAY BE A PROBLEM. THE INFORMATION TO MAKE THIS ASSESSMENT IS PROVIDED BY PETITIONERS, ALTHOUGH THE USG COULD ACT IN THE EVENT THAT IT FOUND SUCH PRIMA FACIE EVIDENCE ON ITS OWN.

7. IN CLOSING, MORALES SHOWED US INFORMALLY A DRAFT STUDY PREPARED FOR THE GOVERNMENT OF CHILE BY

Department of State

MANCHESTER ASSOCIATES GIVING FURTHER EXAMPLES OF WORKER RIGHTS VIOLATIONS BY OTHER GSP BENEFICIARIES. HE ARGUED THAT THIS STUDY, TAKEN WITH THE CHART AND REPORT REFERRED TO EARLIER, PROVED DISCRIMINATION. RECOGNIZING THAT THERE ARE CERTAIN POLITICAL FACTORS INVOLVED, AND THAT IT WAS UNREALISTIC TO EXPECT IMMEDIATE REINSTATEMENT, HE SUGGESTED THAT PERHAPS THE UNITED STATES COULD WAIT A SHORT TIME AND REINSTATE CHILE'S GSP BENEFITS.

8. SHARK RESPONDED THAT ANY DECISION ON CHILE'S GSP STATUS WOULD BE TAKEN IN WASHINGTON AND WOULD BE BASED ON AN ASSESSMENT OF HOW CHILE COMPLIED WITH THE GSP PROGRAM'S WORKER RIGHTS CRITERIA. HE NOTED THAT WE HAVEN'T SEEN ANYTHING TO INDICATE THAT OUR ACTION ON CHILE VIOLATES THE GATT. SHARK ASKED THAT IF CHILE DECIDES TO PROVIDE US WITH THE MANCHESTER ASSOCIATES STUDY THAT THEY STATE CLEARLY WHETHER WE SHOULD TREAT IT AS A CONFIDENTIAL DOCUMENT WITHIN THE ARTICLE XXIII PROCESS OR A REQUEST TO EXAMINE THE WORKER RIGHTS SITUATION IN THESE OTHER COUNTRIES. VISIBLY UPSET, MORALES QUICKLY RESPONDED THAT THE FORMER WOULD BE THE CASE.

9. COMMENT AND ACTION REQUESTED- IT IS BECOMING APPARENT THAT THE CHILEANS SEE THEMSELVES IN A BIND AS THEY CONTEMPLATE FURTHER ACTIONS, SUCH AS TAKING US TO A FORMAL DISPUTE UNDER ARTICLE XXIII. THE KEY TO THEIR CASE IS TO SHOW THAT WE ARE GUILTY OF DISCRIMINATION. HOWEVER, TO USE THE SO CALLED "PROOF" THEY HAVE GATHERED WOULD REQUIRE THEM TO MORE OR LESS PUBLICLY DUMP MUD AT THE WORKER RIGHTS PRACTICES OF OTHER GPS, A PROSPECT THAT CLEARLY MAKES THEM VERY UNCOMFORTABLE. IT IS NOTABLE IN THIS RESPECT THAT THE AMBASSADOR OF ONE OF THE COUNTRIES ON THEIR CHART - TANZANIA - IS THE CURRENT CHAIRMAN OF THE GATT COUNCIL. AT THE SAME TIME, IT APPEARS THAT THE CHILEAN DEL WAS PROBING TO SEE IF THEY COULD MAKE A CASE THAT OUR PROCESS, AND THEREFORE OUR ACTION AGAINST CHILE, WAS DISCRIMINATORY ON ITS FACE BECAUSE THE SYSTEM IS COMPLAINT BASED. WE WOULD APPRECIATE ANY FURTHER GUIDANCE FROM WASHINGTON AGENCIES ON HOW TO RESPOND TO THIS POINT. END COMMENT AND ACTION REQUEST

10. POST SCRIPT - IMMEDIATELY FOLLOWING THE CONSULTATIONS, WE LEARNED FROM THE GATT SECRETARIAT THAT CHILE PLANS TO RAISE THEIR GSP SUSPENSION AT THE

MARCH 22 GATT COUNCIL MEETING UNDER OTHER BUSINESS.
MONTGOMERY

NOTE BY OC/T: (*) OMISSION PARA 3; CORRECTION TO FOLLOW.

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Special Project (1993)

ADP205
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PAGE 01 MEXICO 06438 01 OF 02 172239Z
ACTION SCT-02

INFO LOG-00 ADS-00 INR-10 CIAE-00 DODE-00 H-01 NEA-06
ARA-00 NSAE-00 L-03 PM-10 INRE-00 DS-01 DSE-00
/033 W
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P 172233Z MAR 88
FM AMEMBASSY MEXICO
TO SECSTATE WASHDC PRIORITY 6326
INFO AMEMBASSY GUATEMALA
AMEMBASSY SAN SALVADOR
AMEMBASSY TEL AVIV
USCINCSO QUARRY HEIGHTS
AMCONSUL CIUDAD JUAREZ
AMCONSUL GUADALAJARA
AMCONSUL HERMOSILLO
AMCONSUL MATAMOROS
AMCONSUL MAZATLAN
AMCONSUL MERIDA
AMCONSUL MONTERREY
AMCONSUL NUEVO LAREDO
AMCONSUL TIJUANA
[redacted] SECTION 01 OF 02 MEXICO 06438

S/CT FOR WHARTON

E.O.: 12356: DECL: OADR
TAGS: PTER, PREL, PGOV, ES, GT, IS, MX, ASEC
SUBJ: MEXICO: 1987 ANNUAL TERRORISM REPORT

REF: A. STATE 42378
- B. STATE 54781
- C. 87 MEXICO 22854 (NOTAL)
- D. MEXICO 3371 (NOTAL)

[redacted]

PAGE 02 MEXICO 06438 01 OF 02 172239Z

COUNTRY'S NAME:
---

1. (U) UNITED MEXICAN STATES
-
RELATIONSHIP WITH THE PLO:
---

2. (U) THE MEXICAN GOVERNMENT PERMITS THE PALESTINE

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El Salvador: Human Rights
Special Project (1993)

TEXT OF TELEGRAM 88MEXICO06438

LIBERATION ORGANIZATION (PLO) TO MAINTAIN AN OFFICE IN MEXICO CITY. ITS ADDRESS IS A. DUMAS NO. 347, COLONIA POLANCO, MEXICO, D.F. 11560. (TEL: 531-3821). THE OFFICE IS LISTED IN THE MEXICO CITY PHONE DIRECTORY.

RELATIONSHIP WITH THE FMLN AND FDR:

3. (U) THE MEXICAN GOVERNMENT PERMITS THE FARABUNDO MARTI NATIONAL LIBERATION FRONT (FMLN) AND REVOLUTIONARY DEMOCRATIC FRONT (FDR) TO MAINTAIN OFFICES IN MEXICO CITY. THE ADDRESS OF THE FDR OFFICE IS BENJAMIN FRANKLIN NO. 231, COLONIA HIPODROMO CONDESA, MEXICO, D.F. (TEL: 516-1558).

4. (U) THE CONTINUED EXISTENCE OF THE FMLN-FDR OFFICES IN MEXICO HAS GENERATED SOME FRICTIONS IN MEXICAN-SALVADORAN RELATIONS. IN NOVEMBER 1987, THE SALVADORAN GOVERNMENT CHARGED THAT THE MEXICAN GOVERNMENT PERMITTED THE FMLN AND FDR TO USE ITS TERRITORY FOR OPERATIONS AGAINST EL SALVADOR. FURTHER, THE DUARTE GOVERNMENT ARGUED THAT THE CONTINUED EXISTENCE OF THE FMLN-FDR OFFICES IN MEXICO [redacted]

PAGE 03 MEXICO 06438 01 OF 02 172239Z

VIOLATED THE GUATEMALA ACCORDS. THE MEXICAN GOVERNMENT RESPONDED THAT IT STRICTLY FOLLOWED ITS FOREIGN POLICY PRINCIPLE OF NONINTERVENTION AND THAT FMLN-FDR OFFICIALS REMAINED IN MEXICO AS POLITICAL ASYLEES. ADDITIONALLY, THE MEXICAN GOVERNMENT NOTED THAT THE SALVADORAN GOVERNMENT HAD EARLIER REQUESTED ITS ASSISTANCE IN FACILITATING MEETINGS WITH FMLN-FDR REPRESENTATIVES ON MEXICAN TERRITORY (REF C).

RELATIONSHIP WITH GUATEMALAN GUERRILLAS:

5. (U) SIMILARLY, THE GUATEMALAN GOVERNMENT EARLIER THIS YEAR CHARGED THAT MEXICO WAS ASSISTING GUATEMALAN GUERRILLAS. THE MEXICAN GOVERNMENT DENIED THIS ACCUSATION, INSISTING THAT IT HAS NEITHER SUPPLIED NOR IS SUPPLYING AID TO INSURRECTIONIST MOVEMENTS OR IRREGULAR FORCES IN ANY COUNTRY (REF D).

CLASSIFIED SECTION:

6. (C) THE FMLN-FDR FRONTS AND THE GUATEMALAN GUERILLAS MAINTAIN PRESS/INFORMATION OUTLETS IN MEXICO CITY. AMONG FMLN-FDR LEADERS WHO RESIDE IN MEXICO CITY OR VISIT FREQUENTLY ARE HECTOR OQUELI,

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TEXT OF TELEGRAM 88MEXICO006438

MIGUEL SAENZ, AND HUGO NAVARETTE. ADDITIONALLY, LEADERS OF THE MAJOR GUATEMALAN GUERRILLA GROUPS LIVE IN EXILE IN MEXICO CITY.

7. (C) THE MEXICAN GOVERNMENT APPARENTLY HAS AN INFORMAL UNDERSTANDING WITH CERTAIN TERRORIST GROUPS THAT THEY MAY OPERATE FREELY ON MEXICAN TERRITORY

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El Salvador: Human Rights
Special Project (1993)

ADP206 [redacted]

PAGE 01 MEXICO 06438 02 OF 02 172239Z
ACTION SCT-02

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P 172233Z MAR 88
FM AMEMBASSY MEXICO
TO SECSTATE WASHDC PRIORITY 6327
INFO AMEMBASSY GUATEMALA
AMEMBASSY SAN SALVADOR
AMEMBASSY TEL AVIV
USCINCSO QUARRY HEIGHTS
AMCONSUL CIUDAD JUAREZ
AMCONSUL GUADALAJARA
AMCONSUL HERMOSILLO
AMCONSUL MATAMOROS
AMCONSUL MAZATLAN
AMCONSUL MERIDA
AMCONSUL MONTERREY
AMCONSUL NUEVO LAREDO
AMCONSUL TIJUANA

[redacted] SECTION 02 OF 02 MEXICO 06438

S/CT FOR WHARTON

E.O.: 12356: DECL: OADR
TAGS: PTER, PREL, PGOV, ES, GT, IS, MX, ASEC
SUBJ: MEXICO: 1987 ANNUAL TERRORISM REPORT

PROVIDED THEY DO NOTHING TO DISTURB STABILITY IN MEXICO. MEXICAN PERMISSION FOR THE PLO AND THE FMLN-FDR TO MAINTAIN OFFICES IN MEXICO CITY PROVIDES THESE GROUPS MORAL SUPPORT. TO OUR KNOWLEDGE, THESE GROUPS HAVE NOT CAUSED TROUBLE HERE, AND MEXICO ENJOYS RELATIVE IMMUNITY FROM TERRORIST ACTIONS.

[redacted]

8. (C) REGARDING THE GUATEMALAN SITUATION, THE MEXICAN MILITARY HAS GENERALLY ADOPTED A PASSIVE APPROACH ALONG ITS SOUTHERN BORDER. WHILE GUATEMALAN GUERRILLAS CROSS THE BORDER, THEIR NUMBERS APPEAR TO BE SMALL AND CERTAINLY DO NOT INVOLVE LARGE SCALE MOVEMENTS. IN RECENT MONTHS, THE MEXICAN ARMY HAS BECOME MORE CONCERNED WITH THE SITUATION ALONG THE BORDER. WE HAVE HEARD RUMORS THAT THE ARMY MAY

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El Salvador: Human Rights
Special Project (1993)

TEXT OF TELEGRAM 88MEXICO006438

BOLSTER ITS PRESENCE IN THE REGION, PROVIDED THAT
CIVILIAN AUTHORITIES APPROVE.
(DRAFTER:POL:JPMCANULTY) PILLIOD

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PAGE 01 PANAMA 03008 170020Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-10	SS-00	OPR-00	CIAE-00
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	CA-02	FBOE-05	A-00	USSS-00	USIE-00	SP-02	OC-02
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FM AMEMBASSY PANAMA
TO SECSTATE WASHDC IMMEDIATE 5012
INFO USCINCSO QUARRY HTS PM IMMEDIATE
PANCANAL COMM IMMEDIATE
DIA WASHDC
A A//CRUDSARSO FT CLAYTON PM
470THMI FT CLAYTON PM
AFOSI HOWARD AFB PM//DOI
AFIN LIAISON OFFICE ALBROOK AFB PM
24COMPW HOWARD AFB PM//IN
AMEMBASSY CARACAS
AMEMBASSY MEXICO
AMEMBASSY BOGOTA
AMEMBASSY SAN JOSE

DEPARTMENT OF STATE IM/IPS/CR/IR Date: 4/16/98
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FOIA Exemptions ( ) CLASSIFY as ( ) S or ( ) C Sec.
PA Exemptions ( ) DOWNGRADE TS to ( ) S or ( ) C
TS authority to

[redacted] PANAMA 03008

E.O.12356: OADR
TAGS: ECON, EFIN, PGOV, CONGRINT, PM
SUBJECT: TFPM01: PANAMA'S ECONOMY COMES TO A HALT
- ON MARCH 16

REF: PANAMA 2949

1. CONFIDENTIAL - ENTIRE TEXT.

2. PANAMA'S ALREADY-STALLED ECONOMY CAME TO A DEAD HALT MARCH 16, IN THE WAKE OF THE FAILED [redacted]

PAGE 02 PANAMA 03008 170020Z

MILITARY ATTEMPT TO BRING DOWN GENERAL NORIEGA. BY MID-AFTERNOON ALL GOVERNMENT WORKERS HAD BEEN SENT HOME, VIRTUALLY ALL BUSINESSES WERE CLOSED AND NO BUSES OR TAXIS WERE RUNNING. SOME INDUSTRIES WERE FORCED TO CLOSE DOWN WHEN VIOLENCE ERUPTED IN THE MORNING AND ELECTRICITY SERVICE WAS CUT OFF MIDDAY. THE POWER BLACKOUT CLOSED THE CRUCIAL PETROTERMINAL DE PANAMA (PTP) TRANSISTHMIAN OIL PIPELINE.

3. MOST BUSINESSES IN PANAMA CITY OPENED NORMALLY WEDNESDAY MORNING AND EMPLOYEES ARRIVED AT WORK. IT WAS NOT UNTIL AFTER 8 A.M., WHEN WORD-OF-MOUTH

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NEWS OF THE COUP ATTEMPT BEGAN CIRCULATING IN PANAMA CITY, THAT MOST PUBLIC AND PRIVATE SECTOR EMPLOYEES WERE SENT HOME AND BUSINESSES BEGAN CLOSING THEIR DOORS.

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4. MANY BUSINESSMEN, FEARING THE TYPE OF LOOTING AND VIOLENCE WHICH OCCURRED TODAY IN THE DOWNTOWN AREA OF PANAMA CITY, BOARDED UP WINDOWS AND PADLOCKED DOORS. THOSE ESTABLISHMENTS NOT CLOSED BY MIDDAY BY FEAR OF VIOLENCE OR LOOTING WERE FORCED TO CLOSE BY THE BROAD CUTOFF OF ELECTRICITY, WATER AND TELEPHONE SERVICES.

5. BARRICADES, ROCK-THROWING CROWDS AND BURNING CARS AND DEBRIS IN THE STREETS (SEPTELS DETAIL) PRECLUDED BUSES AND PERSONAL AUTOMOBILE TRAFFIC FROM PASSING THROUGH MANY AREAS PANAMA CITY. NEARLY ALL BUSES STOPPED OPERATING BY NOON AND THOUSANDS OF WORKERS THROUGHOUT THE CITY WERE OBSERVED MAKING THEIR WAY HOME ON FOOT. DURING A [redacted]

[redacted]

1 P.M. ECON/DAO TOUR OF THE CITY, EMBOFFS OBSERVED ONLY TWO BUSES, OVERLOADED WITH PASSENGERS, UNSUCCESSFULLY ATTEMPTING TO NAVIGATE THE BARRICADED TRANSISTHMIAN AND "TUMBA MUERTO" HIGHWAYS. SOME STUDENTS IN AMERICAN SCHOOLS WERE STRANDED AS OF 5 P.M., DUE TO INABILITY OF BUSES TO RETURN THEM TO PANAMA CITY RESIDENCES.

6. PANAMA'S ECONOMY HAD ALREADY BEEN SEVERELY CRIPPLED IN THE FIRS' 'WO WEEKS OF MARCH. THE MONTH BEGAN WITH A SUCCESSFUL FOUR-DAY OPPOSITION-CALLED GENERAL STRIKE WHICH SHUT DOWN AN ESTIMATED 80 PERCENT OF THE ECONOMY. THE FAILURE OF PANAMA'S BANKS TO REOPEN, FOR ALMOST TWO WEEKS NOW, HAS FURTHER ERODED THE REGIME'S FINANCES AND THE ECONOMY BY SEVERELY LIMITING THE AMOUNT OF U.S. DOLLAR CURRENCY IN CIRCULATION. THE FAILURE OF THE PANAMANIAN GOVERNMENT TO MAKE ITS MID-MARCH PAYROLL THIS WEEK HAS COMPOUNDED THE REGIME'S FISCAL/FINANCIAL PROBLEMS, WHICH REMAIN CRITICAL (SEPTELS ON BANKING TOPICS.) THE FAILED COUP ATTEMPT PLACES PANAMA IN EVEN DEEPER POLITICAL, AND THEREFORE, ECONOMIC CRISIS.

(DRAFTED:ECON:SSAARNIO)
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PAGE 01 PANAMA 03035 01 OF 02 171943Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-10	SS-00	OPR-00	CIAE-00
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	PM-10	PA-01	CCO-00	INRE-00	OCS-06	CA-02	ANAE-00
	ACDA-12	A-00	USIE-00	SP-02	OC-02	M-01	SR-06
	C-01	PRS-01	DS-01	DSE-00	SCT-02	P-02	/072 W

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FM AMEMBASSY PANAMA
TO SECSTATE WASHDC NIACT IMMEDIATE 5028
INFO USCINCSO QUARRY HTS PM IMMEDIATE
PANCANAL COMM IMMEDIATE
AMEMBASSY BOGOTA IMMEDIATE
AMEMBASSY SAN JOSE IMMEDIATE
DIA WASHDC
SECDEF WASHDC
CDRUSARSO FT CLAYTON PM
470THMI FT CLAYTON PM
AFOSI HOWARD AFB PM//DOI
AFIN LIAISON OFFICE ALBROOK AFS PM
24COMPW HOWARD AFB PM//IN
DEA WASHDC
AMEMBASSY CARACAS
AMEMBASSY MEXICO
AMEMBASSY LIMA
FBIS WASHDC

DEPARTMENT OF STATE IM/IPS/CRVR Date: 4/16/
(X) RELEASE ( ) DECLASSIFY
( ) EXCISE ( ) DECLASSIFY IN PART
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FOIA Exemptions ( ) CLASSIFY as ( ) S or ( ) C Sec.
PA Exemptions ( ) DOWNGRADE TS to ( ) S or ( ) TS auth.

[redacted] SECTION 01 OF 02 PANAMA 03035

E.O.12356: DECL:OADR
TAGS: PGOV, PINS, ASEC, PM
SUBJECT: TFPM01: PANAMA SITREP: MARCH 17, 1200

1. (C) SUMMARY: STREETS OF PANAMA CITY AND COLON ARE EMPTY OF PROTESTS THAT HAVE DISRUPTED PUBLIC SERVICES AND COMMERCE FOR DAYS. MOST BUSINESSES [redacted]

[redacted]

PAGE 02 PANAMA 03035 01 OF 02 171943Z

HAVE CLOSED THEIR DOORS ON MORNING CHARACTERIZED BY A HEAVY FDP TROOP PRESENCE IN PANAMA CITY. DESPITE THE RESTORATION OF SOME SERVICES, MANY PUBLIC EMPLOYEES ALSO STAYED AWAY FROM WORK MARCH 17. REGIME ORDERED MARCH 16 THE NATIONAL COUNCIL OF SECURITY AND DEFENSE TO TAKE OVER ALL MAJOR PUBLIC SERVICES IN PANAMA. SHIPS ARE TRANSITING THE PANAMA CANAL ARE UNAFFECTED BY TWICE NORMAL ABSENTEE RATE AMONG PCC EMPLOYEES. END SUMMARY

2. (U) PANAMA DEFENSE FORCES (FDP) ARE MAINTAINING A LARGE, HEAVILY ARMED TROOP PRESENCE IN PANAMA CITY AND COLON. INFANTRY SOLDIERS ARMED

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WITH M-16 RIFLES AND TEAR GAS ARE STATIONED ALONG MAIN AVENUES IN PANAMA CITY'S COMMERCIAL-BANKING DISTRICTS. EMBASSY OBSERVERS AND ITALIAN AMBASSADOR REPORT LITTLE EVIDENCE OF NORMAL COMMERCIAL ACTIVITY FROM AVENIDA CENTRAL (DOWNTOWN) THROUGH VIA ESPANA-CALLE 50 (COMMERCIAL-BANKING CENTER.) ACTIVITY IN GOVERNMENT MINISTRIES APPEARS LIMITED ALSO. EMBASSY SURVEY OF VARIOUS GOVERNMENT OFFICES INDICATES FEW PUBLIC EMPLOYEES ARE WORKING.

3. (U) MINISTER IN CHARGE OF THE PRESIDENCY SOLIS PALMA THE AFTERNOON OF MARCH 16 PLACED CONTROL OF MOST OF PANAMA'S PUBLIC SERVICES IN THE HANDS OF THE NATIONAL COUNCIL OF SECURITY AND DEFENSE. THE SERVICES SPECIFICALLY CITED IN THE EXECUTIVE DECREE (NO. 23 OF 16 MARCH 88) WERE ELECTRICITY, WATER/SEWAGE, TELECOMMUNICATIONS, SEAPORTS AND RAILROADS, AIRPORTS, TAX COLLECTIONS IN MINISTRY OF TREASURY, HOSPITALS AND MEDICAL CLINICS, MAIL

[redacted]

[redacted]

AND TELEGRAPH OFFICES, PUBLIC REGISTRY OFFICES AND AGRICULTURAL MARKETING. THE DECREE ALSO AUTHORIZED THE PANAMA DEFENSE FORCES (FDP) TO ASSIST IN THE MAINTENANCE OF ORDER AT THE SERVICE FACILITIES.

4. (C) IN A RADIO COMMUNIQUE RELEASED EARLY MARCH 17, THE PANAMA DEFENSE FORCES (FDP) TOOK CREDIT FOR THE RESTORATION OF ELECTRICITY AND WATER SERVICES WHICH HAD BEEN DISRUPTED THE PREVIOUS DAY DUE TO ANTI-REGIME PROTESTS BY PUBLIC EMPLOYEES. ALTHOUGH ELECTRICITY AND WATER SERVICES BEGAN TO REAPPEAR IN SOME PANAMA CITY NEIGHBORHOODS, WE HAVE LEARNED THAT THE FDP HAS BEEN ABLE TO RESTART ONLY ONE THERMAL POWER GENERATING STATION IN PANAMA CITY. IRHE EMPLOYEES TOLD US THEY HAVE HIDDEN KEY COMPONENTS AT OTHER FACILITIES, MAKING THEM IMPOSSIBLE TO RESTART. CONTINUED LACK OF ELECTRIC SERVICE IN PROVINCES HAS PUT TRANSITHMIAN OIL PIPELINE OUT OF BUSINESS INDEFINITELY. TV AND RADIO COMMUNICATIONS APPEAR TO HAVE LARGELY RETURNED TO NORMAL.

5. (C) INITIAL EMBASSY CONTACTS WITH CRUSADE ACTIVISTS INDICATE SOME DISCOURAGEMENT AND DISORIENTATION IN OPPOSITION CIRCLES OVER THE EVENTS OF MARCH 16. ALTHOUGH ACKNOWLEDGING THAT THE ABORTED COUP MAY HAVE REVEALED SOME CRACKS IN THE FDP'S MONOLITHIC STRUCTURE, THESE OPPOSITIONISTS NOTE THAT NORIEGA HAS USED THE COUP TO PURGE HIS ORGANIZATION OF DISSENTERS AND HAS STRENGTHENED HIS POWER OVER PANAMANIAN SOCIETY IN THE NEAR AND MEDIUM TERM. CRUSADE LEADERS ARE

UNIFORMLY NERVOUS AND FEARFUL OF THEIR PERSONAL

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PAGE 01 PANAMA 03035 02 OF 02 171944Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-10	SS-00	OPR-00	CIAE-00
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INFO USCINCSO QUARRY HTS PM IMMEDIATE
PANCANAL COMM IMMEDIATE
AMEMBASSY BOGOTA IMMEDIATE
AMEMBASSY SAN JOSE IMMEDIATE
DIA WASHDC
SECDEF WASHDC
CDRUSARSO FT CLAYTON PM
470THMI FT CLAYTON PM
AFOSI HOWARD AFB PM//DOI
AFIN LIAISON OFFICE ALBROOK AFS PM
24COMPW HOWARD AFB PM//IN
DEA WASHDC
AMEMBASSY CARACAS
AMEMBASSY MEXICO
AMEMBASSY LIMA
FBIS WASHDC

[redacted] SECTION 02 OF 02 PANAMA 03035

E.O.12356: DECL:OADR
TAGS: PGOV, PINS, ASEC, PM
SUBJECT: TFPM01: PANAMA SITREP: MARCH 17, 1200

SAFETY. NO CRUSADE ACTIVITIES HAVE BEEN
SCHEDULED.

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6. (U) THE PANAMA CANAL COMMISSION (PCC) AND SOUTHCOM REPORT A COMPLETE ABSENCE OF ACTIVITY MARCH 17 IN THE PORTS OF BALBOA AND CRISTOBAL, WHICH FOR THE PAST THREE DAYS WERE THE SCENES OF MILITANT ANTI-REGIME PROTESTS. THE PORTS REMAIN CLOSED, HOWEVER. SOUTHCOM NOTES RECEPTIVITY ON THE PART OF FDP OFFICIALS TO ITS REQUESTS FOR ASSISTANCE IN OBTAINING RELEASE FROM STORAGE OF SOME 40 CONTAINERS DESIGNATED FOR U.S. FORCES CONTRACTORS AND RESUMPTION OF INTERRUPTED CUSTOMS SERVICES AT THE ATLANTIC-SIDE PORT OF LAS MINAS FOR THE PROCESSING OF U.S. FORCES-CONSIGNED SHIPMENTS.

7. (U) PCC REPORTS NORMAL CANAL TRANSIT SERVICES DESPITE THE PORT SHUTDOWNS AND ABSENTEEISM MARCH 17 THAT IS TWICE THE NORMAL RATE. THIRTY-FIVE SHIPS ARE DUE TO ARRIVE AT CANAL ENTRANCES TODAY; 39 ARE SCHEDULED FOR TRANSIT. SIMILAR NUMBERS ARE EXPECTED ON MARCH 18.

8. (U) ELECTRICAL POWER REMAINS OUT IN COLON. A 1800 TO 0600 CURFEW WAS IN EFFECT IN COLON LAST NIGHT. PCC AND DOD CIVILIANS WERE NOT AFFECTED BY THE CURFEW. EMBASSY HAS RECEIVED NO REPORTS OF LOOTING OF STORES AS HAS OCCURRED THE PREVIOUS TWO NIGHTS IN COLON. FDP HIGHWAY AND TRANSIT POLICE ARMED WITH M-16 RIFLES ARE PATROLLING THE STREETS THIS MORNING.

9. (C) SOUTHCOM REPORTS THAT AN OFFICIAL VEHICLE FROM USASALA (U.S. SECURITY ASSISTANCE FOR LATIN AMERICA, LOCATED AT FORT CLAYTON) WAS STOPPED AND [redacted]

[redacted]

SEARCHED BY FDP PERSONNEL AT THE SABANITAS CHECKPOINT NEAR COLON. U.S. FORCES PLAN TO FILE A PROTEST THROUGH THE COMBINED BOARD FOR THIS TREATY VIOLATION.

10. (C) PANAMA HUMAN RIGHTS GROUPS ARE FRUSTRATED BY INABILITY TO CONFIRM DATA REGARDING ARRESTS AND INJURIES DURING THE MARCH 16 EVENTS. OBSTACLES TO THEIR VERIFICATION EFFORTS INCLUDE LOSS OF ELECTICAL POWER AND TELEPHONES, AND REPORTED MILITARIZATION OF HOSPITALS. AS OF 0930, PANAMA'S COMMITTEE FOR HUMAN RIGHTS CAN CONFIRM ONLY ONE CIVILIAN ARREST AND REPORT NO KNOWN INJURIES. THEY HAVE COMPILED A LENGTHY LIST OF MILITARY OFFICERS WHOM THEY BELIEVE WERE ARRESTED IN THE FAILED COUP ATTEMPT. (DAO IS SENDING DETAILED

REPORT SEPTEL ON STATUS OF OFFICERS INVOLVED IN ABORTED COUP.)

11. (U) ANOTHER HUMAN RIGHTS OBSERVER BELIEVES THAT TWO PERSONS WERE ARRESTED AND UP TO TEN MAY HAVE BEEN INJURED DURING MARCH 16 DEMONSTRATIONS, BUT CAUTIONED THAT HER INFORMATION IS NOT FIRM. SHE SAID SHE HAD RECEIVED CALLS FROM FAMILIES OF SHOOTING VICTIMS WHO ARE RELUCTANT TO SEEK TREATMENT IN FDP-CONTROLLED CLINICS. SOLDIERS HAVE TURNED AWAY ANYONE NOT SEEKING MEDICAL CARE FROM HOSPITALS IN RECENT DAYS, THEREBY BLOCKING VERIFICATION EFFORTS OF HUMAN RIGHTS WORKERS.
DAVIS

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*** Current Handling Restrictions *** n/a
*** Current Classification *** [redacted]

3/21/88 KHill Cong. Ltrs.

Embassy of the United States of America

UNCLASSIFIED

March 21, 1988

Chile Project (#S199900030)
U.S. Department of State
Release____ Excise ✓ Deny____
Declassify: In Part____ In Full____
Exemption(s) (b) 6

The Honorable A. C. Beilenson
U.S. House of Representatives
Suite 14223
11000 Wilshire Boulevard
Los Angeles, CA 90024

Dear Mr. Beilenson:

I have received your note of March 3, 1988, along with the letter from your constituent [ ] concerning death threats against Chilean theater workers.

Since November 1987 there have been a series of anonymous threats against groups and individuals involved in Chilean art and cultural life. These threats have come from individuals who identify themselves as being associated with an extreme right-wing organization, the Chilean Anti-Communist Action (ACHA). While these threats have been reported to the proper authorities, and the courts have ordered police protection in some instances, there have been no arrests made as yet. I understand from the Director General of the Carabineros (the uniformed police) that he has ordered a full and extensive investigation into the activities of the ACHA group. In my discussions with him he had emphasized that these types of terrorist acts are not to be tolerated, either from the left or the right of the political spectrum.

We have also been in touch with some of those actors and actresses involved with these threats, and have made clear to both them and their organizations our deep concerns over these threats. Those threatened have expressed their appreciation for our interest, and have promised to stay in touch with us on this matter.

We have also made our concerns known to other officials in the Government of Chile. I have raised the matter with senior officials of the government, and have expressed our interest that those involved in issuing these threats be brought to justice.

I trust that this information will assist in your response to [ ]

Sincerely,

/s/

Harry G. Barnes, Jr.
Ambassador

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Box 2/3

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[redacted] UNCLASSIFIED E18

PAGE 01 STATE 087362
ORIGIN ARA-00

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PA Exemptions ( ) DOWNGRADE TS to ( ) S or ( ) C

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APPROVED BY: ARA: EABRAMS
ARA/PAN: RRWYROUGH
ARA/CEN: RMLIKINS
ARA/CEN: JPCALLAHAN
ARA/BR: DRBEALL
ARA/SC: JPCAULFIELD
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E.O. 12356: DECL: OADR
TAGS: PREL PM US
SUBJECT: GETTING A MESSAGE TO THE PDF
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PAGE 02 STATE 087362

1. (C) THE ADMINISTRATION STRONGLY SUPPORTS EFFORTS OF PRESIDENT DELVALLE AND PANAMANIANS TO RESTORE CIVILIAN, CONSTITUTIONAL GOVERNMENT TO PANAMA AS QUICKLY AS POSSIBLE. DESPITE THE ABORTIVE MARCH 16 COUP ATTEMPT AGAINST GENERAL NORIEGA, THE PANAMANIAN DEFENSE FORCES (PDF) REMAIN BOUND TO NORIEGA BY FEAR, LOYALTY OR CONCERN FOR THE INSTITUTION. WE NEED TO REINFORCE THE GROWING PRESSURES FOR NORIEGA'S DEPARTURE WITHIN THE MILITARY. WE PROPOSE TO DO THIS THROUGH A SERIES OF DIRECT AND OPEN APPROACHES TO PDF MEMBERS WITHIN AND OUTSIDE PANAMA. INSTRUCTIONS FOR ADDRESSEE POSTS FOLLOW IN PARA TWO BELOW. INSTRUCTIONS FOR EMBASSY PANAMA ARE GIVEN IN PARA

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THREE BELOW.

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2. (C) ADDRESSEE POSTS ARE INSTRUCTED TO PASS THE FOLLOWING MESSAGE TO PANAMANIAN MILITARY ATTACHES THROUGH THE CHANNEL POST DEEMS MOST APPROPRIATE AND EFFECTIVE:

-- US WANTS TO WORK WITH PDF BUT CANNOT DO SO WHILE NORIEGA REMAINS; WE NO LONGER BELIEVE THAT HE IS WORKING IN FAVOR OF THE PDF'S BEST INTERESTS;

-- NORIEGA'S PRESENCE WILL CONTINUE TO BRING HARDSHIP AND DISREPUTE TO PANAMA AND ITS CITIZENS AND JEOPARDIZES THE FUTURE OF THE PDF AS AN INSTITUTION;

-- WE SUPPORT THE IMPORTANT ROLE THE PDF AS AN INSTITUTION CAN AND MUST PLAY IN PANAMA, BUT THIS MUST BE AS A PROFESSIONAL MILITARY SUBORDINATE TO CIVILIAN AUTHORITY;

-- ONCE THE PDF PUTS ITS HOUSE IN ORDER, THE US LOOKS

[redacted]

FORWARD TO RESUMING CLOSE COOPERATION. OUR PAST RECORD OF WORKING WITH THE PDF SPEAKS FOR ITSELF.

3. WE INTEND TO WORK THROUGH CIVILIAN CRUSADE AND PANAMANIAN OPPOSITION PARTY LEADERS HERE TO ENGAGE PANAMANIAN BUSINESSMEN AND POLITICIANS IN PANAMA WITH LINKS TO PDF OFFICERS TO DELIVER THE SAME MESSAGE.
SHULTZ

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Department of State

3/22/88 WA054j

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PAGE 01 STATE 088252 7496 ARA9772
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DRAFTED BY: USTR: JHUENEMANN
APPROVED BY: USTR: DPHILLIPS

USTR	HLAWRENCE	EB/OT/ODC	TWHITE
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COMMERCE	JBRUCE (INFO)	LABOR	RDOBSON (INFO)

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GENEVA PASS TO USTR FOR SHARK/PARLIN

E.O. 12356: N/A
TAGS: ETRD
SUBJECT: ADDITIONAL GUIDANCE ON CHILE AND WORKER RIGHTS

REF: GENEVA 02968

1. IN RESPONSE TO REFTEL, WASHINGTON AGENCIES PROVIDE THE FOLLOWING GUIDANCE TO USTR/GENEVA. WITH RESPECT TO THE GOC ASSERTION THAT THE PETITION PROCESS IS DISCRIMINATORY, WASHINGTON BELIEVES A PROCEDURE (I.E., THE GSP ANNUAL REVIEW) WHICH ALLOWS PARTIES, INCLUDING BENEFICIARIES AS WELL AS THE FOREIGN AND DOMESTIC PRIVATE SECTOR, TO REQUEST MODIFICATIONS IN THE GSP PROGRAM BASED ON THE AUTHORIZING LEGISLATION IS BY DEFINITION EQUITABLE NOT DISCRIMINATORY.

2. IT IS IMPORTANT TO DIFFERENTIATE BETWEEN A PETITIONER'S REQUEST TO MODIFY THE GSP PROGRAM THROUGH THE GSP ANNUAL REVIEW, AND THE PRESIDENT'S EVENTUAL DECISION AT THE END OF THE REVIEW. IT IS THE RESPONSIBILITY OF THE USG TO CONSIDER ITS INTERNATIONAL OBLIGATIONS AS THEY RELATE TO THE "NON-DISCRIMINATORY" ADMINISTRATION OF ITS GSP PROGRAM. THE PRESIDENT ACTED IN ACCORDANCE WITH THE AUTHORIZING LEGISLATION FOR THIS AUTONOMOUS AND UNILATERALLY OFFERED GSP PROGRAM, WHICH INCLUDED TAKING INTO ACCOUNT OUR INTERNATIONAL OBLIGATIONS WITH RESPECT TO GSP PROGRAMS (SECTION 10(B) IN THE "STATEMENT OF PURPOSE" OF TITLE V REFERS TO THE ISSUE OF OUR INTERNATIONAL OBLIGATIONS UNDER THE GATT.).

3. THEREFORE, THE GOC PURSUIT OF THIS LINE OF ARGUMENT SHOULD NOT "BEAR FRUIT." THE DECISION TO SUSPEND CHILE WAS NOT A DECISION MADE BY THE PETITIONER, IT WAS A DECISION MADE BY THE PRESIDENT IN KEEPING WITH THE AUTHORIZING STATUTE. IF THE LOGIC OF THE GOC ARGUMENT WERE TO BE CARRIED TO FRUITION, VIRTUALLY ALL PETITIONS (BOTH PRODUCT/COUNTRY GRADUATION AND COUNTRY PRACTICE RELATED) ARE DISCRIMINATORY BECAUSE AN INDIVIDUAL PETITIONER HAS REQUESTED A MODIFICATION. THE PRESIDENT MAKES DECISIONS EVERY YEAR BASED ON THE REQUIREMENTS OF THE STATUTE AND IN RESPONSE TO PETITIONS REQUESTING THE REMOVAL OF PREFERENCES WITH RESPECT TO INDIVIDUAL PRODUCTS AND COUNTRIES. USING THE GOC LINE OF ARGUMENT, THIS IS DISCRIMINATORY AS WELL. IS THE GOC SUGGESTING THAT WE SHOULD NO LONGER AFFORD THE OPPORTUNITY TO REQUEST MODIFICATIONS IN OUR GSP PROGRAM THROUGH THE ANNUAL REVIEW BECAUSE IT IS DISCRIMINATORY? IN SHORT, THE GOC IS FRUSTRATED WITH THE FACT THAT GSP PROGRAMS ARE AUTONOMOUS AND UNILATERALLY OFFERED, AS ARE MANY LDCS ON OCCASION.

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4. WITH RESPECT TO THE SUBSTANCE OF THE PRESIDENT'S DECISION AND THE ISSUE OF DISCRIMINATION, U.S. DEL DID AN ADMIRABLE JOB OF POINTING OUT THE IRRELEVANCE OF GOC ATTEMPTS TO COMPARE THEIR PRACTICES IN THE AREA OF WORKER RIGHTS WITH OTHER BENEFICIARIES AND SHOULD CONTINUE, IF NECESSARY, TO MAKE THE SAME POINTS (I.E., THE SAME PROVISION APPLIES TO ALL BENEFICIARIES, THE LAW REQUIRES COUNTRIES TO BE "TAKING STEPS," THE "IRRELEVANCE" OF THE "CHART" COMPARING COUNTRIES AND CERTAIN ILO FINDINGS, ETC).

5. ANOTHER POINT TO REINFORCE IF APPROPRIATE WITH THE GOC: THE GATT REQUIRES PREFERENCE GRANTING COUNTRIES TO PROVIDE AN OPPORTUNITY FOR CONSULTATIONS WHEN REQUESTED CONCERNING MODIFICATIONS IN RESPECTIVE GSP PROGRAMS TO PREFERENCE RECEIVING COUNTRIES. IN THIS REGARD, THE REVIEW PROCESS WITH RESPECT TO THE GOC AND WORKER RIGHTS LASTED TWO AND ONE-HALF YEARS BEFORE THE PRESIDENT MADE HIS DECISION AND THE USG CONSULTED WITH THE GOC ON NUMEROUS OCCASIONS THROUGHOUT THIS PERIOD BEFORE MAKING A DECISION. THIS WAS FAR LONGER THAN IS THE CASE UNDER NORMAL GSP ANNUAL REVIEW PROCEDURES AND IS THE LONGEST REVIEW PERIOD THAT ANY ADMINISTRATION HAS EVER UNDERTAKEN WITH RESPECT TO A REQUESTED MODIFICATION OF THE GSP PROGRAM.

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Chile Project (#S199900030)
U.S. Department of State
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Exemption(s) ____

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DATE: APR 2002
BY: 0664393

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ACUERDO ENTRE EL GOBIERNO CONSTITUCIONAL DE NICARAGUA Y LA RESISTENCIA NICARAGUENSE

El Gobierno Constitucional de la Republica de Nicaragua y la Resistencia Nicaraguense, reunidos en Sapoa, Nicaragua los dias 21, 22 y 23 de marzo de 1988 con el fin de contribuir a la Reconciliacion Nacional y en el marco de los Acuerdos de Esquipulas II, y ante la presencia de los testigos, Su Eminencia el Cardenal Miguel Obando y Bravo, Presidente de la Conferencia Episcopal de Nicaragua y Su Excelencia Embajador Joao Clemente Baena Soares, Secretario General de la Organizacion de los Estados Americanos (OEA) han llegado al siguiente:

ACUERDO

1.- Cesar las operaciones militares ofensivas en todo el territorio nacional, por un periodo de 60 dias a partir del 1o. de abril del presente ano, durante el cual se llevara a cabo un proceso de negociacion integral para el Cese del Fuego definitivo, cuya ejecucion efectiva se dara conjuntamente con los demas compromisos contemplados en Esquipulas II para poner fin a la guerra.

Ambas partes convienen reunirse al mas alto nivel en Managua el proximo 6 de Abril para continuar las negociaciones sobre el Cese del Fuego definitivo.

2.- Durante los primeros quince dias, las fuerzas de la Resistencia se ubicaran en zonas, cuya localizacion, tamano y modus operandi seran acordados mutuamente a traves de Comisiones Especiales, en una reunion en Sapoa a iniciarse el Lunes 28 de marzo.

3.- El Gobierno de Nicaragua decretara una Amnistia General para los procesados y condenados por violacion a la Ley de Mantenimiento del Orden y la Seguridad Publica y para los miembros del Ejercito del regimen anterior por delitos cometidos antes del 19 de julio de 1979.

En el caso de los primeros, la Amnistia sera gradual y tomando en cuenta los sentimientos religiosos del pueblo nicaraguense, en ocasion de Semana Santa, el Domingo de Ramos, se comenzara con la puesta en libertad de los primeros cien prisioneros; posteriormente, al momento de ser verificado el ingreso de las fuerzas de la Resistencia Nicaraguense a las zonas mutuamente acordadas se liberara el 50% de los prisioneros. El 50% restante sera puesto en libertad en una fecha posterior a la firma del Cese del Fuego definitivo y que sera acordada en la reunion del 6 de Abril en Managua.

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En el caso de los prisioneros contemplados en la parte final del primer parrafo de este numeral, la puesta en libertad de los mismos comenzara a partir de la firma del cese del fuego definitivo previo dictamen de la Comision Interamericana de Derechos Humanos de la OEA.

El Secretario General de la Organizacion de los Estados Americanos (OEA) sera el garante y depositario del cumplimiento de esta Amnistia.

4.- Con el fin de garantizar los alimentos y suministros basicos para las fuerzas irregulares, se gestionara y aceptara exclusivamente ayuda humanitaria, de conformidad con el numeral 5 de los Acuerdos de Esquipulas II, la que sera canalizada a traves de organizaciones neutrales.

5.- El Gobierno de Nicaragua garantizara la libertad de expresion irrestricta tal como se contempla en el Acuerdo de Esquipulas II.

6. Una vez concentradas las fuerzas de la Resistencia Nicaraguense en las zonas mutuamente acordadas, enviaran al Dialogo Nacional tantos delegados como organizaciones politicas la integran, hasta un maximo de ocho. En el Dialogo Nacional se abordara entre otros temas, el relacionado con el Servicio Militar.

7.- Se garantiza que todas las personas que por motivos politicos o de cualquier otra indole hayan salido del pais, puedan regresar a Nicaragua e incorporarse a los procesos politico, economico y sociales, sin ningun tipo de condicionamientos mas que aquellos establecidos en las Leyes de la Republica. No seran juzgados, sancionados ni perseguidos por las actividades de caracter politico-militar, que hubieran desarrollado.

8.- El Gobierno de Nicaragua, ratifica que las personas que se hayan reintegrado a la vida pacifica podran participar con igualdad de condiciones y garantias en las elecciones del Parlamento Centroamericano, y las elecciones municipales, en las fechas que se establezcan para las mismas, asi como en las elecciones nacionales generales, en la fecha que la Constitucion Politica establece.

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- A efectos de verificar el cumplimiento de este Acuerdo, se integrara una Comision Verificadora constituida por el Presidente de la Conferencia Episcopal de Nicaragua Su Eminencia el Cardenal Miguel Obando y Bravo y el Secretario General de la OEA, Su Excelencia Embajador Joao Clemente Baena Soares.

  La asistencia tecnica y los servicios necesarios de esta Comision, que permitan y expediten el cumplimiento, seguimiento y verificacion de este Acuerdo, seran solicitados y confiados al Secretario General de la OEA.

ANSITORIO;

Ambas partes acuerdan prorrogar hasta el 1o. de abril del esente ano el cese de las operaciones militares ofensivas, ordado por ambos el 21 de marzo recien pasado.

n fe de lo cual los abajo firmantes suscribimos el presente uerdo en cuatro tantos del mismo tenor, en Sapoa, Rivas, caragua a los veinte y tres dias del mes de marzo de mil ovecientos ochenta y ocho.

OR EL GOBIERNO DE NICARAGUA

ENERAL DE EJERCITO
UMBERTO ORTEGA SAAVEDRA
INISTRO DE DEFENSA

ANS JUERGEN WISCHNEWSKI
ASESOR

PAUL REICHLER
ASESOR

POR LA RESISTENCIA NICARAGUENSE

DR. ADOLFO CALERO PORTOCARRERO
DIRECTOR

ING. ALFREDO CESAR AGUIRRE
DIRECTOR

DR ARISTIDES SANCHEZ HERDOCIA
DIRECTOR

MORI DocID: 756960

COMISION DE CESE AL FUEGO
DE LA RESISTENCIA NICARAGUENSE

JAIME MORALES CARAZO
JEFE NEGOCIADOR

ING. ROBERTO URROZ CASTILLO

FERNANDO AGUERO ROCHA

WALTHER CALDERA LOPEZ
(COMANDANTE TONO)

GENES HERNANDEZ MEMBRENO
(COMANDANTE FERNANDO)

ARTURO SALAZAR BARRERENA
(COMANDANTE OMAR)

OSORNO TOLLEMANN
(COMANDANTE BLAS)

ALMIRANTE RAMON EMILIO JIMENEZ
ASESOR

TESTIGOS

DENAL MIGUEL OBANDO Y BRAVO

EMBAJADOR JOAO CLEMENTE
BAENA SOARES

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United States Department of State
Washington, D.C. 20520

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DATE: APR 2002
BY: 0664393

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MEMORANDUM FOR ADMIRAL JOHN POINDEXTER
THE WHITE HOUSE

Subject: Request for Additional Authority and Assistance for the Nicaraguan Democratic Resistance

Attached are duplicate originals (one for the House and one for the Senate) of a request for additional assistance to the Nicaraguan democratic resistance and a covering Presidential message. These documents have been reviewed by CIA and DOD and incorporate comments and suggestions received from those agencies.

The Department of State recommends that the attached documents be presented to the President for his approval and transmittal to the Congress.

Nicholas Platt
Executive Secretary

Attachments:

Message and request for assistance (2)

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DECL:OADR

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Department of State

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E.O. 12356: N/A
TAGS: ETRD, GATT, USTR, EAGR
SUBJECT: FURTHER CONSULTATIONS WITH CHILE ON GSP/WORKER RIGHTS ?

1. FOLLOWING THE CONCLUSION OF OUR RECENT ARTICLE XXII CONSULTATIONS WITH CHILE ON ITS SUSPENSION FROM GSP, THE CHILEAN REP TOLD US THAT HE HAD HEARD THAT FURTHER CONSULTATIONS ON THIS ISSUE WERE GOING TO BE TAKING PLACE IN THE NEAR FUTURE IN EITHER WASHINGTON OR SANTIAGO. THESE CONSULTATIONS WOULD BE A CONTINUATION OF THE CONSULTATION PROCESS OF THE GSP REVIEW, AS OPPOSED TO THE ONGOING GATT ARTICLE XXII PROCESS.

2. ACTION REQUESTED - WE WERE NOT AWARE OF PLANS TO HOLD FURTHER GSP CONSULTATIONS AS DESCRIBED TO US BY THE CHILEANS. IN LIGHT OF THE ONGOING ARTICLE XXII PROCESS, IT IS IMPORTANT THAT WE BE KEPT UP TO DATE ON WHAT IS GOING ON WITH THE CHILEANS ON THIS ISSUE. WE WOULD APPRECIATE ANY INFORMATION YOU CAN PROVIDE TO US ON PLANS FOR FURTHER GSP CONSULTATIONS. SAMUELS

Chile Project (#S199900030)
U.S. Department of State
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ROME FOR EMBASSY VATICAN
E.O. 12356: N/A
TAGS: PREL, PINS, NU
SUBJECT: NICARAGUA CEASEFIRE - TEXT OF AGREEMENT
1. NICARAGUAN RESISTANCE AND NICARAGUAN GOVERNMENT NEGOTIATORS SIGNED A * MARCH 24 SHORTLY AFTER MIDNIGHT. FOLLOWING, IN INFORMAL TRANSLATION, IS THE TEXT OF THE AGREEMENT:
2. AGREEMENT BETWEEN THE NICARAGUAN GOVERNMENT AND THE NICARAGUAN RESISTANCE
THE CONSTITUTIONAL GOVERNMENT OF THE REPUBLIC OF NICARAGUA AND THE NICARAGUAN RESISTANCE, MEETING IN SAPOA MARCH 21 - 23, 1988, WITH THE AIM OF CONTRIBUTING TO RECONCILIATION WITHIN THE FRAMEWORK OF THE ESQUIPULAS II AGREEMENT AND IN THE PRESENCE OF WITNESSES, CARDINAL MIGUEL OBANDO Y BRAVO, PRESIDENT OF THE EPISCOPAL CONFERENCE OF NICARAGUA, AND AMBASSADOR JOAO BAENA SOARES, SECGEN OF THE OAS, HAVE ARRIVED AT THE FOLLOWING AGREEMENT:
1) _____ IN THE ENTIRE NATIONAL TERRITORY FOR A PERIOD OF

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BEGINNING APRIL 1 OF THIS YEAR, DURING WHICH THERE WILL OCCUR A ; FOR DEFINITIVE CEASEFIRE WHOSE EFFECTIVE IMPLEMENTATIO WILL OCCUR JOINTLY WITH THE OTHER COMMITMENTS CONTEMPLATED IN ESQUIPULAS II. BOTH PARTIES AGREE TO MEET AT THE HIGHEST LEVEL IN MANAGUA ON APRIL 6 TO CONTINUE THE NEGOTIATIONS ON A DEFINITIVE CEASE-FIRE.

2) DURING THE FIRST 15 DAYS, THE FORCES OF THE WILL S WHOSE LOCALITY, SIZE, AND MODUS OPERANDI WILL BE MUTUALLY AGREED TO BY A SPECIAL COMMISSION IN A MEETING IN SAPOA TO BEGIN MONDAY, MARCH 28.

3) THE GOVERNMENT OF NICARAGUA WILL DECREE A FOR THOSE TRIED AND SENTENCED FOR VIOLATION OF THE LAW OF MAINTENANCE OF ORDER AND PUBLIC SECURITY, AND FOR THE MEMBERS OF THE ARMY OF THE PREVIOUS REGIME FOR CRIMES COMMITTED BEFORE JULY 19, 1979. IN THE CASE OF THE FIRST GROUP, AMNESTY WILL BE GRADUAL, TAKING INTO ACCOUNT THE RELIGIOUS SENTIMENTS OF THE NICARAGUAN PEOPLE ON THE OCCASION OF HOLY WEEK, AND WILL BEGIN WITH THE LIBERATION OF THE FIRST 100 PRISONERS ON PALM SUNDAY. SUBSEQUENTLY, UPON VERIFICATION OF THE ENTRY OF THE NICARAGUAN RESISTANCE FORCES IN THE ZONES MUTUALLY AGREED UPON, THERE WILL BE FREED 50 PERCENT OF THE PRISONERS. THE REMAINING 50 PERCENT WILL BE FREED ON A DATE AFTER SIGNATURE OF THE CEASE-FIRE AND WILL BE AGREED UPON IN THE MEETING OF APRIL 6 IN MANAGUA.

IN THE CASE OF THE PRISONERS REFERRED TO IN THE SECOND CATEGORY OF THE FIRST PARAGRAPH UNDER THIS NUMBER, THEIR LIBERATION WILL BEGIN WITH THE SIGNATURE OF THE DEFINITIVE CEASE-FIRE UNDER GUIDELINES (PREVIO DICTAMEN) OF THE INTER-AMERICAN HUMAN RIGHTS COMMISSION OF THE OAS.

THE SECRETARY GENERAL OF THE OAS WILL BE THE GUARANTOR AND TRUSTEE (DEPOSITARIO) OF THE IMPLEMENTATION OF THE AMNESTY

— Esq II

5) THE GOVERNMENT OF NICARAGUA WILL GUARANTEE UNRESTRICTED FREEDOM OF EXPRESSION AS CONTEMPLATED IN THE ESQUIPULAS II AGREEMENT.

6) ONCE THE FORCES OF THE NICARAGUAN RESISTANCE ARE CONCENTRATED IN THE ZONES MUTUALLY AGREED TO, (THE RESISTANCE) CAN SEND TO THE NATIONAL DIALOGUE AS MANY DELEGATES AS THE POLITICAL ORGANIZATIONS

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THAT MAKE IT UP, UP TO A MAXIMUM OF EIGHT. IN THE NATIONAL DIALOGUE THERE WILL BE CONSIDERED, AMONG OTHER TOPICS, THAT OF MILITARY SERVICE.
7) THERE IS GUARANTEED TO ALL PERSONS WHO, FOR POLITICAL MOTIVES OR ANY OTHER REASON, HAVE LEFT THE COUNTRY, THE ABILITY TO RETURN TO NICARAGUA, BE INTEGRATED INTO THE POLITICAL, ECONOMIC, AND SOCIAL PROCESSES WITHOUT ANY TYPE
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ROME FOR EMBASSY VATICAN
E.O. 12356: N/A
TAGS: PREL, PINS, NU
SUBJECT: NICARAGUA CEASEFIRE - TEXT OF AGREEMENT
OF CONDITION OTHER THAN THOSE ESTABLISHED IN THE LAWS OF THE REPUBLIC. THEY WILL NOT BE JUDGED, PUNISHED, OR PERSECUTED, FOR ACTIVITIES OF A POLITICAL/MILITARY NATURE THAT THEY MAY HAVE UNDERTAKEN.
8) THE GOVERNMENT OF NICARAGUA CONFIRMS THAT THOSE PERSONS WHO HAVE BEEN REINTEGRATED INTO A PEACEFUL LIFE CAN PARTICIPATE WITH EQUAL CONDITIONS AND GUARANTEES IN THE ELECTIONS FOR THE CENTRAL AMERICAN PARLIAMENT, AND THE MUNICIPAL ELECTIONS ON THE DATES THAT ARE ESTABLISHED FOR THESE, AS WELL AS IN THE NATIONAL GENERAL ELECTIONS ON THE DATE ESTABLISHED BY THE CONSTITUTION.

9) ADDENDA:
BOTH SIDES AGREED TO EXTEND TO APRIL 1 OF THIS YEAR THE CESSATION OF OFFENSIVE MILITARY OPERATIONS PREVIOUSLY AGREED TO BY BOTH PARTIES ON MARCH 21, 1988.

(SIGNATURES, ETC.)

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END OF MESSAGE

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DRAFTED BY: EB/OT/ODC:TWHITE
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ARA/SC:MGRANT S/S-I:JHATTSON
USDOC:JEPUCE LABOR:RDOBSON
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TO AMEMBASSY SANTIAGO PRIORITY
INFO USMISSION GENEVA PRIORITY

C O N F [redacted] STATE 094360

GENEVA ALSO FOR USTR

E.O. 12356: DECL: OADR
TAGS: EFIN, ELAB, GATT, CI
SUBJECT: GSP - CHILEAN RIGHTS; DRAFT DIPLOMATIC NOTE

REF: [redacted] STATE 094360

1. [redacted] BE TEXT

2. FOLLOWING IS GUIDANCE FOR DEALING WITH THE CHILEAN GSP WORKER RIGHTS ISSUE.

3. [redacted] AGENCIES ARE CONCERNED BY APPARENT [redacted] AS TO EXACTLY WHAT TYPE OF DIALOGUE WE ARE PREPARED TO ENGAGE ON THIS SENSITIVE ISSUE. WE BELIEVE THAT IT WOULD BE COUNTERPRODUCTIVE TO GOC OR CHILEAN PRIVATE SECTOR INTERESTS TO CLARIFY THE BASIS FOR THE PRESIDENT'S DECEMBER 28 DECISION TO SUSPEND CHILE FROM THE GSP PROGRAM, BEYOND WHAT WE'VE PREVIOUSLY GUIDANCE ON THE PRESIDENT'S DECISION. WE HAVE BEEN FORTHCOMING IN A SIMILAR VEIN TO ALL THREE OF THE PRESIDENT'S PREVIOUS ACTIONS TO SUSPEND OR REMOVE A BENEFICIARY COUNTRY FROM THE GSP ON WORKER RIGHTS GROUNDS (IN PARAGUAY, ROMANIA AND NICARAGUA). WE HAVE ALSO BEEN RESPONSIVE TO THE GOC RECENTLY IN GENEVA WHERE WE HAVE MET BILATERALLY AT GOC REQUEST ON TWO OCCASIONS UNDER GATT ARTICLE XXIII PROCEDURES.

4. WE ARE CONCERNED, HOWEVER, THAT THE GOC NOT BE UNDER THE FALSE IMPRESSION THAT WASHINGTON IS CURRENTLY CONSIDERING RECOMMENDING THAT THE PRESIDENT RECONSIDER HIS DECISION TO SUSPEND CHILE'S GSP PRIVILEGES. NOR DO WE WANT THE GOC TO BELIEVE THAT WE ARE INTERESTED IN ENGAGING IN A REEXAMINATION OF THE DECEMBER 28 SUSPENSION DECISION. IN THIS REGARD, WE FIND PARTICULARLY DISTURBING THE REPORT IN [redacted] OF AN EARLY GOC EFFORT TO SPELL OUT ITS "CONDITIONS" FOR ENGAGING IN A CONSTRUCTIVE DIALOGUE.

5. WASHINGTON AGENCIES ARE INTERESTED IN CONTINUING TO MONITOR THE SITUATION, AND IN HEARING FROM THE GOC CONCERNING CHANGES IN WORKER RIGHTS POLICIES AND LAW WHEN THEY ARE BEING ENACTED OR SERIOUSLY CONTEMPLATED. THIS IS CONSISTENT WITH THE APPROACH USED IN PARAGUAY, FOR EXAMPLE, FOLLOWING THE PRESIDENT'S SUSPENSION OF THAT COUNTRY'S GSP ELIGIBILITY. WE ARE NOT, HOWEVER, PREPARED TO ENGAGE IN A NEGOTIATION WITH THE GOC ON THIS ISSUE, NOR DO WE BELIEVE THAT IT WOULD BE USEFUL TO CONDUCT A DIALOGUE IN THE ABSENCE OF SIGNIFICANT IMPROVEMENTS IN WORKER RIGHTS OR AT LEAST SERIOUS PROPOSALS TO BETTER THE SITUATION.

6. IT IS THE RIGHT AND RESPONSIBILITY OF THE GOC TO MAKE CHANGES IN WORKER RIGHTS PRACTICES WHICH IT DEEMS APPROPRIATE. WASHINGTON AGENCIES WILL CONSIDER SUCH CHANGES (OR PROPOSALS WHICH WOULD LEAD TO SUCH CHANGES) AS WE DO IN ALL GSP COUNTRY PRACTICE SITUATIONS, EVALUATING WHETHER CHANGES MEET THE REQUIREMENTS OF GSP STATUTES AND PROCEDURES.

7. DRAWING FROM THE GUIDANCE PROVIDED ABOVE, WE SUGGEST THAT THE EMBASSY RESPOND TO THE JANUARY 8 GOC DIPLOMATIC NOTE ALONG THE FOLLOWING LINES:

BEGIN TEXT:

THE EMBASSY...AND HAS THE HONOR TO ACKNOWLEDGE RECEIPT OF THE MINISTRY'S NOTE NUMBER 00459 OF JANUARY 8, 1988, CONCERNING SUSPENSION OF GENERALIZED SYSTEM OF PREFERENCES BENEFITS FOR CHILE.

THE UNITED STATES GOVERNMENT TAKES NOTE OF THE GOVERNMENT OF CHILE'S INTEREST IN ENGAGING BOTH [redacted] GOC GOVERNMENTS [redacted] OF CONCERNS OF EITHER TOWARDS PROGRESS [redacted] OF INTERNATIONALLY [redacted] AS THE U.S. RESPONSIBILITY OF THE GSP [redacted] TO AN OTHER FOREIGN POLICIES. THE UNITED STATES GOVERNMENT IS PREPARED TO DISCUSS WITH THE GOVERNMENT OF CHILE AT SUCH TIME AS THE GOVERNMENT OF CHILE TAKES OR PREPARES STEPS SUFFICIENT TO SUPPLANT THE BASIS OF CHILE'S ELIGIBILITY FOR THE PRIVILEGES PROVIDED UNDER THE UNITED STATES GENERALIZED SYSTEM OF PREFERENCES.

IT IS THE TRADITIONAL POLICY OF THE UNITED STATES GOVERNMENT TO CONSIDER THAT A FULL AND UNREPORTED PART OF ITS DECISIONS AFFECTING THE GENERALIZED SYSTEM OF PREFERENCES PROGRAM, [redacted] IN THE AREA OF WORKER RIGHTS PRACTICES, WE [redacted] ALL GSP BENEFICIARIES QUESTIONS, THE GOVERNMENT OF THE UNITED STATES IS PREPARED TO LISTEN TO ALL RELEVANT VIEWPOINTS.

(COMPLIMENTARY CLOSING).

END TEXT. SHULTZ

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

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ARA/CEN:GLAGANA

EMR/ARA:JBURT-LYNN

IMMEDIATE GUATEMALA

Info Mexico

CASC, GT (BLAKE, NICHOLAS AND DAVIS, GRIFFITH)

W/U: CASE OF NICK BLAKE AND GRIFFITH DAVIS

REF: GUATEMALA 3067

SAM BLAKE HAS INFORMED DEPT THAT HE HAS A MEETING WITH AN EGP REPRESENTATIVE IN MEXICO ON APRIL 12. THE MEETING HAS BEEN SET UP THROUGH THE OFFICE OF SENATOR KENNEDY, WHO HAS BEEN INTERESTED IN THE CASE FROM THE OUTSET. BLAKE HAS ASKED DEPT WHETHER SUCH A MEETING IS ADVISABLE IN LIGHT OF POST'S CURRENT EFFORTS WITH GUATEMALA AUTHORITIES TO SOLVE THE CASE. FYI. DEPT HAS INFORMED BLAKE THAT EMBASSY IS ACTIVELY PURSUING LEADS WHICH HAVE DEVELOPED SINCE LAST AUGUST, BUT HAS NOT GONE INTO PARTICULARS ABOUT EFFORTS. END FYI.

DOC.#1503A

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 07/06/95
Case ID: 95122220

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Department of State

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FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 5938
INFO USMISSION GENEVA

~~C O N F I D E N T I A L~~ SANTIAGO 02245

E.O. 12356: DECL: OADR
TAGS: ETRD, ELAB, GATT, CI
SUBJ: GSP WORKERS RIGHTS: DIPLOMATIC NOTE

REF: (A) STATE 94560, (B) SANTIAGO 1408

1. CONFIDENTIAL - ENTIRE TEXT.

2. IN REVIEWING THE DRAFT DIPLOMATIC NOTE CONTAINED IN REFTEL, WE ARE CONCERNED THAT IT MAY BE MISUNDERSTOOD BY THE GOC AND THEREBY CUT OFF ANY HOPE OF FURTHER CHANGES BEING LEGISLATED TO IMPROVE THE CHILEAN LABOR CODE. WE BELIEVE IT IS STILL POSSIBLE FOR SUCH CHANGES TO BE MADE, AND ARE CONCERNED THAT THE LANGUAGE IN THE NOTE MAY BE USED BY HARD-LINERS IN THE GOC AS JUSTIFICATION FOR NOT DOING ANYTHING POSITIVE ALONG THESE LINES. THERE HAVE BEEN QUIET PRESSURES ON THE GOC FROM SOME QUARTERS IN THE BUSINESS COMMUNITY TO MAKE FURTHER CHANGES THAT MIGHT ASSIST IN LIFTING THE U.S. SUSPENSION OF GSP BENEFITS. WE BELIEVE THESE PRESSURES SHOULD BE ENCOURAGED AND THAT OUR REPLY TO THE GOC NOTE NOT SHUT THE DOOR ON THIS POSSIBILITY.

3. WE BELIEVE THE MESSAGE CONTAINED IN THE DRAFT NOTE WILL BE CLEARER, AND THE POSSIBILITY FOR CHANGES ENHANCED, IF THE LAST SENTENCE IN THE SECOND PARAGRAPH WERE CHANGED TO READ AS FOLLOWS: "THE UNITED STATES GOVERNMENT IS PREPARED [redacted] TO DISCUSS WITH THE GOVERNMENT OF CHILE THE STEPS THAT IT IS TAKING OR WOULD BE PREPARED TO TAKE WHICH MIGHT WARRANT REVIEW OF CHILE'S ELIGIBILITY FOR THE PRIVILEGES EXTENDED UNDER THE UNITED STATES GENERALIZED SYSTEM OF PREFERENCES."

4. ABOVE IS CONSISTENT WITH THE USG'S ORIGINAL OFFER OF A DIALOGUE IN OUR NOTE OF DECEMBER 29, 1987 (REF B). PLEASE ADVISE IF THIS LANGUAGE CHANGE IS ACCEPTABLE.

BARNES

Chile Project (#S199900030)
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Release X Excise ____ Deny ____
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TO AMEMBASSY GUATEMALA PRIORITY
INFO AMEMBASSY MEXICO PRIORITY

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Feb/Mar-July 88

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E.O. 12356: N/A
TAGS: CASC, GT (BLAKE, NICHOLAS AND DAVIS, GRIFFITH)
SUBJECT: W/W: CASE OF NICK BLAKE AND GRIFFITH DAVIS

REF: GUATEMALA 3067

SAM BLAKE HAS INFORMED DEPT THAT HE HAS A MEETING WITH A REPRESENTATIVE OF GUATEMALA GUERRILLA ORGANIZATION (EGP) IN MEXICO ON APRIL 12. THE MEETING HAS BEEN SET UP THROUGH THE OFFICE OF SENATOR KENNEDY, WHO HAS BEEN INTERESTED IN THE CASE FROM THE OUTSET. BLAKE HAS ASKED DEPT WHETHER SUCH A MEETING IS ADVISABLE IN LIGHT OF POST'S CURRENT EFFORTS WITH GUATEMALA AUTHORITIES TO SOLVE THE CASE. FYI. DEPT HAS INFORMED BLAKE THAT EMBASSY GUATEMALA IS ACTIVELY PURSUING LEADS WHICH HAVE DEVELOPED SINCE LAST AUGUST, BUT HAS NOT GONE INTO PARTICULARS ABOUT THE MOST RECENT EFFORTS WHICH ARE OUTLINED IN REFTEL. END FYI. WHITEHEAD

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 07/06/95
Case ID: 95122220

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Ref. No.: NU/CS/024/88
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6 April 1988

Sir,

I have the honour to transmit to you herewith a copy of the note, dated 28 March 1988 from His Excellency Mr. Daniel Ortega Saavedra, President of the Republic of Nicaragua, to His Excellency Mr. José Azcona Hoyo, President of the Republic of Honduras.

I should be grateful if you would have this note and the annexes thereto circulated among the members of the Security Council.

Accept, Sir, the assurances of my highest consideration.

(Signed) Julio Icaza GALLARD
Ambassador
Chargé d'affaires a.i.

DEPARTMENT OF STATE
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His Excellency General Peter Dingi Zuze
President of the Security Council
United Nations, New York

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President of the Republic

Managua, 28 April 1988

Sir,

As you know, the Executive Committee of the Esquipulas II Agreements, which held its fifth meeting last week, in Guatemala, was unable to complete its work and the meeting had to be suspended. It was decided that the meeting should resume on 7 April.

However, recent developments - the sending of 3,200 United States soldiers to Honduras and the application by Nicaragua to the International Court of Justice for interim measures of protection - create their own momentum and timetable and compel us to take immediate decisions.

At the Guatemala meeting the Minister for Foreign Affairs, Mr. Carlos López Contreras, pledged, in the presence of the other Central American Foreign Ministers, that all 3,200 United States soldiers who had been sent to Honduras for the avowed purpose of "strengthening or protecting the Nicaraguan insurgents fighting the Sandinist régime" would be completely withdrawn from Honduran territory on 26 and 27 March.

The date today is 28 March and we have noted that the Foreign Minister's promise had not been fulfilled, although we know from public sources that a partial withdrawal of said troops is planned for today and tomorrow, 29 March. The remaining troops are to remain in Honduras indefinitely and some of them will engage in military manoeuvres whose purpose we may assume will be similar to that which motivated the sending of the troops.

Furthermore, the Agents of Nicaragua and Honduras have been summoned by the President of the International Court of Justice to a meeting that was originally scheduled for tomorrow, 29 March. At the request of Honduras, this meeting has been postponed to Thursday, 31 March.

However, on Thursday, 31 March, we must be in a position to state clearly to the President of the International Court of Justice what decision we have come to regarding how the judicial proceedings should be continued or even the conditions on which we might proceed to conclude the proceedings.

Accordingly, with the intention of continuing to do our utmost to consolidate peace by strengthening the process that started with the Esquipulas II Agreement, I venture to make the following proposal:

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FIRST Nicaragua is prepared to continue to be flexible and patient and, accordingly, to wait until midnight on Wednesday, 30 March, for the 3,200 United States soldiers who were sent to Honduras to pull out completely from Honduran territory.

If, by that time, the troops which Foreign Minister López Contreras promised would be out of Honduras by Sunday, 27 March, have indeed withdrawn completely, then at the meeting which the President of the International Court of Justice is to have with the Agents of Honduras and Nicaragua on Thursday, 31 March, Nicaragua will agree to withdraw the application it filed with the International Court of Justice for interim measures of protection. However, at the same time, it would press the Court to set a date as soon as possible for the oral hearing on jurisdiction in the complaint instituted by Nicaragua against Honduras.

SECOND Nicaragua would be prepared to adopt a more flexible position with regard to the date of the oral hearing on jurisdiction provided that, within 45 days at the most, a mechanism is established in situ for a minimum period of one year, by means of a bilateral agreement between the two States, to guarantee security on the border between Honduras and Nicaragua.

To that end, the Secretary-General of the United Nations, if possible with the co-operation of the Organization of American States, will be asked to organize permanent mobile units as suggested by the joint United Nations/Organization of American States technical mission which visited Central America in October 1987. These permanent mobile units would be set up on the borders between Honduras and Nicaragua and, in accordance with the letter of the Esquipulas II Agreements, their members would be chosen from countries both within and outside the region that have expressed a desire to assist in the peace efforts in Central America; they include Colombia, Mexico, Panama and Venezuela; Argentina, Brazil, Peru and Uruguay; Canada, Finland, Federal Republic of Germany, Italy, Norway, Spain and Sweden.

THIRD If such a mechanism to guarantee security on the borders between Honduras and Nicaragua is in place by 15 May, Nicaragua would be willing to agree that the Agents of both countries should appear before the International

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Court of Justice to express the wish that the date of the oral hearing on jurisdiction be postponed indefinitely.

FOURTH Once all this has been done, if Honduras were to press for withdrawal of the complaint, Nicaragua would also be prepared to be flexible, provided that Honduras agreed to sign a bilateral treaty on friendship and co-operation with Nicaragua whereby both States would undertake to apply to the International Court of Justice in the event of a dispute or situation that might endanger peace between the parties. This bilateral treaty should spell out in clear and unambiguous terms that Honduras and Nicaragua accept, unconditionally and without limit of time, the compulsory jurisdiction of the International Court of Justice, irrespective of any existing reservations to, or even termination or modification of, acceptance of the Court's compulsory jurisdiction in respect of third States that might be submitted following the signing of the treaty. Nicaragua would withdraw its complaint against Honduras as soon as the treaty on friendship and co-operation entered into force.

I am enclosing, for your information, the document entitled "The position taken by Honduras at the fifth meeting of the Executive Committee held in Guatemala on 23 and 24 March 1988, and the proposal put forward by Nicaragua for dealing with the situation", which the Foreign Ministry of Nicaragua has prepared for submission to each member of the Executive Committee.

Accept, Sir, the assurances of my highest consideration.

(Signed) Daniel Ortega Saavedra

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THE POSITION TAKEN BY HONDURAS AT THE FIFTH MEETING OF THE EXECUTIVE COMMITTEE, HELD IN GUATEMALA ON 23 AND 24 MARCH 1988, AND THE PROPOSAL PUT FORWARD BY NICARAGUA FOR DEALING WITH THE SITUATION

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Honduras came to the 5th meeting of the Executive Committee, held in Guatemala on 23 and 24 March 1988, declaring that it had decided to withdraw unless a paragraph was inserted into the final declaration drawn up at that meeting, in which Nicaragua agreed to the unconditional withdrawal of the application for interim measures of protection submitted to the International Court of Justice (ICJ). Honduras also called on Nicaragua to withdraw the application it had filed against Honduras on 28 July 1986, that is to say, more than a year before the signing of the Esquipulas II Agreements.

The Minister for Foreign Affairs of Honduras, Carlos López Contreras, attempted to justify his Government's official position by alleging that Nicaragua had not made use of the verification, control and follow-up machinery laid down in the Esquipulas II Agreements and that, at the time of the frontier incidents that had taken place in the Bocay region in the middle of March, Nicaragua had taken the matter to the International Court of Justice instead of allowing the Executive Committee to intervene.

When seen in the light of an objective examination of the facts, these statements are clearly untenable.

FIRST: The verification and follow-up machinery established by the Presidents under the Esquipulas II Agreements, namely, the International Verification and Follow-up Commission (IVFC), ceased to exist because a number of the countries that had signed the Agreement, including Honduras, regarded as prejudicial to them the objective revelations made in the report on the situation in each of the Central American countries, and insisted that changes should be made in the Committee. Nicaragua was the only country to accept the report in the form in which it had been drawn up by the Ministers for Foreign Affairs and experts of the countries members of the Contadora Group and the Support Group, as well as by the representatives of the Secretaries-General of the United Nations and the Organization of American States. Moreover, Nicaragua defended

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right until the end the fundamental principle that it is not possible simultaneously to be judge of and a party to a situation.

SECOND: In fact, prior to the preparation of the report, the IVFC had been weakened to a great extent by the refusal of Honduras to accept the essential on-site inspection. In that connection, it is worth quoting a number of specific points made in the report drawn up by the IVFC, which was the only form of machinery authorized by the Presidents to rule on the implementation or non-implementation of the Agreements. Chapter IV, paragraph 22, of the report, contained in the comments, observations and conclusions of the IVFC, states:

> "The IVFC must draw attention to the fact that use of the territory of States in the region for attacks on other States, either with or without the consent of the Government whose territory is involved, facilitates the action of such forces or movements and is an obstacle to the achievement of peace. The IVFC is not yet in a position to verify the above, since it has so far been unable to set up on-site inspection machinery."

Further on, in paragraph 30 of the same chapter, the IVFC states:

> "One of the first conclusions drawn by the IVFC was the need to establish practical modalities for the verification of the implementation of the agreements set forth in the Guatemala Procedure. For the purpose of verification of fulfilment of the commitments made in the area of security - namely, the cease-fire, non-use of territories with a view to carrying out attacks on other States and the cessation of aid to irregular forces and insurrectionist movements - on-site inspection is an absolute requirement, if such verification is to be objective, independent and effective. All the members of the IVFC accept this basic premise, and no one questions the need for such machinery to be duly established so that verification and follow-up may begin."

THIRD: At the summit meeting held at Alajuela, Costa Rica, the Presidents agreed to delegate primary responsibility for verification, control and follow-up to the Central American Ministers for Foreign Affairs. Such responsibility involves developing a system for the verification of the

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22 commitments and deciding which regional and extraregional Governments and international organizations should be invited to co-operate in the tasks in question.

FOURTH: It was the responsibility of the Government of El Salvador, in its capacity as the Secretary Pro Tempore of the Executive Committee, in the period following the Alajuela summit meeting, to convene a meeting of the Ministers for Foreign Affairs so that they might adopt appropriate decisions to fill the dangerous vaccuum resulting from the decision to change the verification and follow-up machinery. The vaccuum in question was a threat to the further validity of the Agreements, and it was essential to take immediate steps to establish new verification machinery.

FIFTH: El Salvador convened the Fourth Meeting of the Executive Committee on 17 February 1988, for the sole purpose of concluding minimum agreements for the Hamburg meeting, in disregard of the fact that the best way of enhancing the international solidarity that is so badly needed is to adopt decisions and measures that provide bona fide proof of our seriousness of purpose in implementing international agreements. Nicaragua brought three extensive proposals to the meeting at San Salvador, on ways of fulfilling the principal responsibility in the area of verification and follow-up.

SIXTH: Inexplicably, the duration of the San Salvador meeting was only one day. Obviously, there was not enough time to give in-depth consideration to how the Executive Committee should set up and begin operation of the new verification machinery. There was therefore not enough time to consider and express views on the proposals put forward by Nicaragua either. Consequently, it was agreed in the joint declaration drawn up at the meeting in question that the Nicaraguan proposals should be considered at the meeting to be held in Guatemala on 23 and 24 March, at which it would be necessary to reach agreement on the

> "identification of modalities, as well as of the countries and international organizations that would participate in the specific verification of the commitments concerning the cessation of aid to irregular groups or insurrectionist forces and the non-use of territories for carrying out attacks on other States".

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SEVENTH: It is important to stress once again that Honduras cannot evade sole responsibility for having prevented the verification machinery set up under the Esquipulas II Agreements from functioning properly. Honduras therefore has no justification for alleging that use was not made of machinery that was in fact either non-existent or inoperative owing to the consistent opposition of Honduras to the functioning of the machinery in question.

EIGHTH: On 15 March Charles Redman, spokesman for the State Department, made the first reference in the international media to the offensive launched by the Sandinist Army in order to dislodge the groups of mercenaries who were attempting to establish themselves on the Nicaraguan side of the River Coco, in the Bocay region. On the following day, 16 March, the same spokesman indicated that the Sandinist Army had made an incursion into Honduran territory with a view to destroying the arsenals of the "resistance" located in Honduras. Redman indicated that the arsenals represented a major proportion of the military matériel in the possession of the "resistance" and that its loss would be a severe blow to the members of the "resistance", who were in a desperate situation. He also issued a warning that that situation might prompt a response in the form of actions on the part of the United States, which would honour its commitment to the Government of Honduras to help Honduras defend its national sovereignty and territorial integrity. Naturally, Redman added that the United States had a long-standing commitment to the "Nicaraguan freedom fighters".

NINTH: Subsequently the dispatch of 3,200 soldiers of the 82nd airborne division was announced, for the chief purpose, according to Frank Carlucci and Michael O'Brian, United States Embassy Counsellor at Tegucigalpa, of strengthening or protecting the Nicaraguan insurgents fighting the Sandinist régime. It is therefore clear that it was not a question, at any time, of defending the sovereignty and territorial integrity of Honduras, which were never threatened. The sole purpose of sending United States troops to Honduras was to strengthen or protect the mercenary forces.

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TENTH: At a press conference called by the President of Nicaragua on 16 March following the threats from the United States Government delivered through its spokesman, Mr. Redman, and despite the fact that Honduras had not yet lodged any protest echoing the charges made by the spokesmen for the Reagan Administration, President Daniel Ortega stated:

"In view of the seriousness of the situation, I was already in contact with President Azcona yesterday, and today (10 March) we conferred twice. I have also contacted all the Central American Presidents. I informed President Azcona, in particular, of the situation, and proposed to him that we should meet immediately and that we could appoint a commission, by mutual agreement to come and verify these incidents and to offer recommendations on how to oust the counter-revolutionaries from this zone, which is vital to the mercenaries. Hence the United States interest in defending these positions. We are awaiting President Azcona's response to the three proposals: a meeting between President Azcona and me; a meeting between the Army Chiefs of both countries; and President Cerezo's proposal for an urgent meeting of Central American Foreign Ministers. We would be agreeable to any of these options, but we believe that, for purposes of verifying incidents and adopting appropriate decisions, the participation of the United Nations/Organization of American States technical Mission is of the greatest importance."

ELEVENTH: It is therefore clear that, in the serious mid-March border incident between Honduras and Nicaragua, the mechanisms provided for in the Guatemala Procedure did not work solely and exclusively because once again Honduras prevented them from working. President Cerezo, whose country acted as Secretariat Pro Tempore of the Executive Commission, instructed Foreign Minister Alfonso Cabrera, in a timely and responsible fashion, to convene a meeting of the Central American Foreign Ministers. The Ministers were to examine and analyse the facts and what caused them, in order to be able to adopt appropriate decisions. President Daniel Ortega personally agreed to

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President Cerezo's proposal and said that the doors of Nicaragua were open for conducting such a meeting and for the necessary on-site inspections. Honduras was the only country which refused to allow this mechanism to work in the framework of Esquipulas II. Similarly, Honduras refused to open its doors to the technical fact-finding mission sent by the Secretary-General of the United Nations, after it was set up following Security Council consultations. Because Honduras objected to it, this mission could carry out its work on Nicaraguan soil only.

Because of Honduras' determination to prevent the Esquipulas II mechanisms from functioning, Nicaragua was forced to seek interim measures of protection from the International Court of Justice as part of the judicial proceedings instituted against Honduras.

This chronological account of the facts reveals the utter lack of justification for the Honduran claim that the Esquipulas II mechanisms could not function because of Nicaragua. As we have demonstrated, Nicaragua was the first to resort to those mechanisms and it was Honduras which opposed putting them into operation, in keeping with its substantive rejection of the operation of the verification mechanisms established in Esquipulas II. This policy has been inflexible, despite the repeated promises and proposals to change it, which came to nothing.

However, more serious still and certainly the worst imaginable violation of the letter and spirit of the Esquipulas II Agreements is Honduras' request for, or at least its acceptance of, the dispatch of United States troops to its territory for the purpose of "strengthening or protecting" the mercenary forces which Honduras had pledged to refrain from assisting in any way. If anything, Honduras had given a solemn commitment to prevent those forces from using its territory.

Furthermore, apart from the fact that the conduct of Honduras is in open violation of the Esquipulas II Agreements, Nicaragua wishes to state for the record, clearly and forcefully, that such conduct by Honduras is also in complete violation of the most fundamental principles of international law, such as the principle of refraining from the use or threat of force, non-intervention and respect for the sovereignty and territorial integrity of States. At the same time, Nicaragua is stating for the record that, as specified in Article 103 of the

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Charter, no agreement - bilateral, regional or other - can undermine the rights and obligations of States established in the Charter of the United Nations. Consequently, the request for United States combat troops to be sent to Honduras in order to protect the mercenary forces is a violation not only of the Esquipulas Agreements, but also of international law.

Predictably, even if we weather these latest incidents, there may be similar ones, as has happened in the past, so long as the mercenary forces - which the Reagan Administration spokesmen admit are very well-equipped - continue to enjoy the support and protection of Honduras to use its territory for their armed attacks against Nicaragua.

Similarly, it is obvious that the signing of the Sapoá Agreements does not rule out the possibility that these incidents will recur, as it is widely known that the most recalcitrant Somoza ex-guardsmen heading the mercenary units are rejecting these agreements.

Therefore, the request for interim measures of protection is fully justified and necessary for the attainment of peace between the two brother countries. Even in the light of the Honduran demands, Nicaragua is prepared to be flexible and, in the spirit of its ongoing commitment to peace, submits the following proposal to the Government of Honduras.

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E.O. 12356: N/A
TAGS: PREL, PINS, MX, ES
SUBJECT: MEXICO CONTINUES AS DE FACTO FMLN SUPPORTER

REF: SAN SALVADOR 2437

1. MEXICAN OFFICIALS CONTINUE TO ASSERT PUBLICLY THAT THEIR GOVERNMENT IS NOT VIOLATING THE ESQUIPULAS-II AGREEMENT BY ALLOWING MEXICAN TERRITORY TO BE USED BY THE FMLN/FDR IN ITS EFFORTS TO VIOLENTLY OVERTHROW THE CONSTITUTIONAL GOVERNMENT OF EL SALVADOR. FOREIGN MINISTER BERNARDO SEPULVEDA REJECTED GOES CHARGES OF MEXICO AIDING THE FMLN/FDR IN A FEB. 18 DIPLOMATIC NOTE (REFTEL) AND RESTATED THAT MEXICO IS GRANTING ENTRY TO PERSONS WHO IN THEIR OWN COUNTRIES WOULD BE MEMBERS OF THE OPPOSITION IF THEY COULD LIVE AND BE POLITICALLY ACTIVE THERE. IN ACTUALITY, THE FMLN/FDR OPENLY MAINTAINS OFFICES IN MEXICO CITY, USES ITS MEXICAN BASE AS A PLATFORM TO ADVOCATE THE OVERTHROW OF THE GOES, AND ITS MEMBERS ARE SHELTERED BY THE GOM.

2. THE LATEST BULLETIN OF SALPRESS-NOTISAL, THE MEXICO CITY-BASED FMLN/FDR PRESS AGENCY, DEMONSTRATES THE WEAKNESS OF GOM'S ARGUMENT. SALPRESS-NOTISAL'S WEEKLY NEWS SUMMARY NO. 85, DATED FEB. 15-21, 1988, CARRIED COMMUNIQUE NO. 1 FROM THE FMLN GENERAL COMMAND TITLED, "THE ARMED FIGHT AND COMBAT ORGANIZATION IS THE ALTERNATIVE TO THE NEW ELECTORAL FARCE." THE PRESS BULLETIN ALSO CARRIED AN ANNOUNCEMENT OF THE FMLN'S PLANS TO INITIATE AN ELECTION WEEKEND TRANSPORTATION STOPPAGE CAMPAIGN.

NOTE: THE FMLN DID STAGE A TRANSPORTATION STOPPAGE ON ELECTION DAY, MARCH 20, IN AN EFFORT TO FRIGHTEN VOTERS TO STAY AWAY FROM THE BALLOT BOXES. HOWEVER, THE VAST MAJORITY OF REGISTERED VOTERS WENT TO THE POLLS IN A MASSIVE REJECTION OF THE FMLN CALL FOR AN ELECTION BOYCOTT. END NOTE.)

3. SALPRESS-NOTISAL ALSO CARRIED THE DECLARATIONS OF COMMANDANTE ROBERTO ROCA, A MEMBER OF THE FMLN GENERAL COMMAND. ROCA ASSERTED THAT "U.S. MILITARY ADVISORS IN EL SALVADOR ARE DIRECTING THE WAR AGAINST THE PEOPLE AND THEREFORE ARE MILITARY OBJECTIVES

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(I.E. TARGETS) FOR THE GUERRILLAS." THE QUESTION IS DOES THE MEXICAN FOREIGN MINISTRY BELIEVE THAT THE "NEWS" CONTAINED IN THE SALPRESS-NOTISAL RELEASES DO NOT ADVOCATE DESTABILIZATION OF THE GOES AND THAT COMMANDANTE ROCA WOULD BECOME A NON-VIOLENT OPPOSITION POLITICIAN IF ONLY HE COULD LIVE INSIDE EL SALVADOR WITHOUT FEAR FOR HIS LIFE? MEANWHILE, DEMOCRATIC REVOLUTIONARY FRONT (FDR) LEADER RUBEN ZAMORA WAS RETURNED TO EL SALVADOR ON AN INDEFINITE BASIS AND IS OPENLY ACTING AS AN OPPOSITION POLITICIAN ADVOCATING HIS VIEWS IN THE MEDIA AND ELSEWHERE AND PLANNING TO PARTICIPATE IN THE UPCOMING CENTRAL AMERICAN PARLIAMENT ELECTIONS.

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United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: JOHNSTON, DONALD
Date: 05/31/94
Case ID: 9940035D

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

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Department of State

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APPROVED BY: EB/OT/ODC: WWALLER
ARA/SC: WGRANT
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HA: WHEWITT
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LABOR: RDOBSON

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E.O. 12356: DECL: OADR
TAGS: ETRD, ELAB, GATT, GSP, CI
SUBJECT: GSP WORKER RIGHTS: DIPLOMATIC NOTE

REF: (A) SANTIAGO 2245, (B) STATE 94560

1. ENTIRE TEXT - CONFIDENTIAL

2. WASHINGTON AGENCIES APPRECIATE POINTS RAISED BY EMBASSY IN REFTEL A AND UNDERSTAND CONCERN THAT POTENTIAL GOC CONSIDERATION OF DESIRABLE IMPROVEMENTS IN WORKERS RIGHTS NOT BE CLOSED OFF. WE REMAIN CONCERNED, HOWEVER, THAT THE GOC NOT VIEW LANGUAGE IN THE DIPLOMATIC NOTE AS AN UNCONDITIONAL U.S. ACCEPTANCE OF GSP WORKER RIGHTS DISCUSSIONS.

3. THE BASIC U.S. POSITION ON FURTHER WORKER RIGHTS ACTION IS CONTAINED IN REFTEL B. NEVERTHELESS, WE WOULD NOT WANT THE U.S. POSITION MISCONSTRUED AS "SHUTTING THE DOOR" TO CONSIDERATION OF GOC IMPROVEMENTS IN WORKERS RIGHTS. TO THAT END, AND AFTER CAREFUL CONSIDERATION, WASHINGTON AGENCIES SUGGEST ALTERING THE LAST SENTENCE OF SECOND PARAGRAPH TO READ AS STATED BELOW. EMBASSY IS AUTHORIZED TO PRESENT NOTE WITH THIS ALTERATION TO THE

GOC.

BEGIN TEXT

THE UNITED STATES GOVERNMENT IS PREPARED TO CONSIDER THE VIEWS OF THE GOVERNMENT OF CHILE REGARDING STEPS THAT IT IS TAKING OR PREPARING TO TAKE WHICH MIGHT WARRANT REVIEW OF CHILE'S ELIGIBILITY FOR THE PRIVILEGES EXTENDED UNDER THE UNITED STATES GENERALIZED SYSTEM OF PREFERENCES.

END TEXT.

4. ACTION REQUESTED. PLEASE ADVISE WASHINGTON AGENCIES WHEN DIPLOMATIC NOTE HAS BEEN DELIVERED AND PROVIDE FINAL TEXT TELEGRAPHICALLY. WHITEHEAD

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RELEASE

FY 1989 Assistance Requests for Latin America and the Caribbean

by Elliott Abrams

Statement prepared for delivery before the Subcommittee on Foreign Operations of the House Appropriations Committee on April 22, 1988. Mr. Abrams is Assistant Secretary for Inter-American Affairs.[1]

I am pleased to have this opportunity to present the Administration's requests for bilateral assistance for Latin America and the Caribbean for FY 1989 and to answer your questions. A serious public assessment of the resources available to advance U.S. interests in this hemisphere is badly needed.

In keeping with the austere budget agreement for FY 1989, our assistance requests are 14% below last year's request for economic assistance and 27% below last year's request for military assistance.

The Administration is requesting $1,137 million in bilateral economic assistance. This included $547.5 million in economic support funds (ESF), $371.7 million in development assistance, and $218.2 million in PL 480 commodity assistance.

We also request $197.1 million in military assistance. This included $185.5 million for the military assistance program (MAP) and $11.6 million for international military education and training (IMET). To avoid adding to the already high debt burden, no foreign military sales (FMS) credits are requested, for the second year in a row.

These economic and military assistance accounts, about which I have been asked to testify today, make up 94% of the resources available bilaterally to advance U.S. interests in this hemisphere. The only other explicitly bilateral accounts are $32.2 million for Peace Corps programs and $56.2 million for antinarcotics assistance.

THE POLICY FRAMEWORK

A key element of the Administration's foreign policy is the recognition that this hemisphere—our immediate neighborhood—is of great strategic importance; in fact, critical to our national security. We cannot deal effectively with challenges to our interests in other parts of the world if we are unable to cope with problems closer to home. Historically, our ability to project power in the world, in part, has been based on the absence of threats closer to home.

Unfortunately, many of our allies in Latin America and the Caribbean do not have the resources to provide simultaneously for their own security and the basic economic needs of their people. Because we know they must do both if they are to survive and prosper, and if democracy is to be given a chance to flourish, we must help to make up the shortfall.

In the past, many Latin Americans seemed to view democracy as just another form of government to be tried and discarded if it resulted in no apparent immediate benefits. The current trend of democratization has been accompanied by some interesting and promising political developments that have helped the new democracies break out of the old patterns.

Many Latin Americans now believe that open societies are superior to closed ones and that democratic institutions are, therefore, worth building and strengthening. Accompanying this has been the formation of an informal but strong mutual support network among democratic leaders. When, for example, Peru's President Alan Garcia and Argentina's President Raul Alfonsin were undergoing periods of increased civil/military tension, there were strong public expressions and private efforts in support of them from other democratic leaders.

Respect for human rights has shown improvement in all the non-Marxist and nondictatorial states of Latin America. The marked reduction in the number of human rights abuses in recent years parallels the spread and consolidation of democracy: where democratic government has taken root, the human rights situation has changed dramatically for the better.

The security of the United States and the security of all free countries of this hemisphere benefit from the region-wide movement toward democracy. We have supported this trend not only because it is in accord with our deepest values but also because we believe it is in our interest. There has been not one coup against a democratically elected government during the more than 7 years of the Reagan Administration. And Latin America's

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Special Project (1993)

growing political maturity is a monstrous thing that we can enjoy the most constructive long-term relationships with countries where government is founded on the consent of the governed.

For these reasons, we emphasize democracy in our political relations with our neighbors. The modest assistance levels we have requested aim to provide the resources needed to support our quest for sustained democracy in this hemisphere. A reversal of the movement to democracy anywhere will be rejected by us as it will be by all the democracies in the region.

CHALLENGES TO U.S. INTERESTS

The road to democracy is not without obstacles; many challenges lie ahead. Our neighbors face tremendous political, economic, and social problems. Narcotraffickers are sometimes better armed and equipped than governments; debt repayments eat away funds that might otherwise be used for development; insurgencies threaten political stability; and social institutions are overburdened.

Narcotics

That drugs are a threat to the national security of the United States and our neighbors should be obvious. Drugs kill and corrupt. The power of the international drug mafia—particularly the so-called Medellin cartel—to corrupt, intimidate, and destabilize key U.S. allies in Latin America and the Caribbean is an immediate threat to U.S. national security. In Panama drug power reached into the very core of government.

The Medellin cartel—actually a collection of criminal "families"—is run by four men: Carlos Lehder Rivas (now on trial in south Florida on drug trafficking charges), Jorge Ochoa Vasquez, Pablo Escobar Gaviria, and Gonzalo Rodriguez Gacha. They are all billionaires, and both Escobar and Ochoa appear on the list of the world's wealthiest people, published by *Fortune* and *Forbes* magazines. The cartel families control some 80% of the estimated 165,000 pounds of cocaine consumed in the United States annually from South America. They earn approximately $8 billion each year from various drug operations.

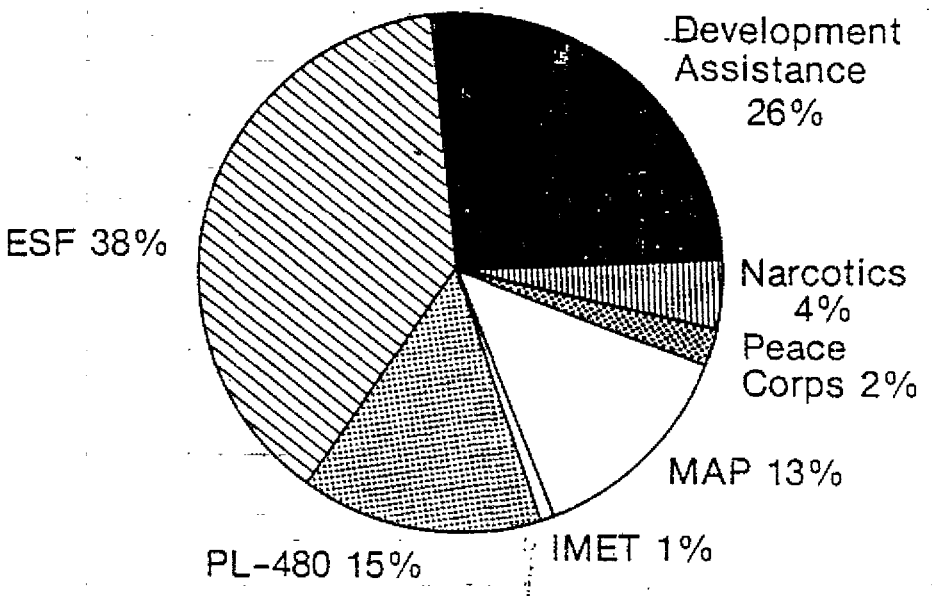
The corruption born of the drug trade jeopardizes our security by threatening the survival of democratic institutions. Corrupt politicians become servants of the drug lords rather than of the people they are supposed to represent. Corrupt military officers become loyal to the commander who pays them the most money, rather than to the constitution they have pledged to defend and protect. In addition, the drug lords, in some cases, have been able to capture the allegiance of the local poor by establishing private welfare systems more generous than anything the government can offer.

The destructive and pernicious influence of narcotics traffickers in the fledgling democracies was vividly demonstrated recently in Honduras. The demonstrations which climaxed in a violent attack on a part of our Embassy—an action highly uncharacteristic of Honduran behavior and views—were largely instigated and financed by the network of billionaire drug baron Juan Ramon Matta Ballesteros, who recently was returned to the United States to face criminal charges for his narcotics-smuggling activities. Matta's efforts in Honduras to buy loyalty from high officials in the government and the military threatened the future political and social stability of the nation. We are optimistic that a serious cancer has been removed from Honduras and that follow-on treatment of the cancer's ill-effects can now be successful.

The narcotraffickers undermine and destabilize democratic government even more directly by means of violence and intimidation. In Colombia this danger has reached an acute stage. On January 25, hit-men in the employ of cartel members abducted and killed Carlos Mauro Hoyos, Colombia's Attorney General. Hoyos was murdered for dismissing two judges and ordering an investigation of five government officials in connection with the release from a Bogota prison of cartel magnate Jorge Ochoa. Among other victims of traffickers' violence are a Minister of Justice, Supreme Court judges, prominent journalists, and scores of other judges and policemen. Hoyos was the 22d high ranking Colombian official assassinated by drug traffickers in the past 3 years.

The grim truth is that authorities in Colombia and in the other democratic countries of the region are outgunned by the drug syndicates. Most Colombian police carry World War II vintage weapons that are no match for the automatic rifles and other state-of-the-art weaponry available to the cocaine traffickers. The drug lords run what is, in effect, a parallel government with a paramilitary infrastructure, aircraft, troops, and enormous financial resources.

Proposed FY 1989 Assistance to Latin America and the Caribbean



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Special Project (1993)

In Mexico, too, there is compelling evidence of the connection between arms and drugs. In late January and early February of this year, huge weapons caches were discovered in Mexico by the federal police. In addition to seizing 11 tons of marijuana and 4,400 pounds of cocaine, Mexican authorities captured more than 360 Soviet-designed AK–47 assault rifles, more than 145,000 rounds of ammunition, 92 bayonets, 6 metal detectors, and 3 infrared rifle scopes, as well as 7 small airplanes and several vehicles. The Mexican authorities had interdicted the shipments in a classic drugs-for-arms trade. The drugs were destined for the United States.

There are some positive indications of changing attitudes and behavior in drug-producing and consuming countries. More Latin American governments are making efforts to combat drug trafficking. Ecuador has eradicated all coca plantings and is no longer on our list of major drug producers. Venezuela has attempted to stop traffickers from gaining a foothold by uniformly handing out very tough sentences; if convicted, traffickers can face a 15-year sentence with no chance for parole. Bolivia is encouraging peasant farmers to destroy their coca crops by providing a payment for each hectare in coca bushes removed from cultivation. Peru is continuing with its eradication effort in the Upper Huallaga Valley despite violent attacks by both traffickers and guerrillas. The Colombian Government has instituted a number of measures designed to facilitate the capture and punishment of those involved in acts of violence—whether terrorist or drug-related—against the government. In 1987 Mexico increased by 26% its eradication of marijuana, and seizures of all drugs also were up (cocaine by 75%, opium derivatives by 12%, and marijuana by 104%).

Still, as governments have begun to take measures against traffickers, narcotics-related violence has increased. Often the attacks have been directed against security forces operating against the traffickers. However, the traffickers also have been known to target the spouses and children of those involved in antinarcotics activities.

In addition to narcotics, there are many other challenges to our Latin and Caribbean neighbors and to U.S. interests in the region.

Violent Insurgencies

Several nations (Guatemala, El Salvador, Honduras, Colombia, Peru, Ecuador) now have active or incipient Marxist insurgencies. All are threats to democratic values. Most are supported to some extent by the Soviet bloc, Cuba, and Nicaragua. Insurgent groups in El Salvador, Guatemala, and Colombia have received particularly extensive support from Cuba and Nicaragua; there are disquieting signs of subversive activities in several other countries. In Chile, for example, the Manuel Rodríguez Patriotic Front—the terrorist arm of the Chilean Communist Party—is actively involved in bombings, shootings, kidnappings, and assassination attempts. Weapons caches linked to the group indicate external support for its activities.

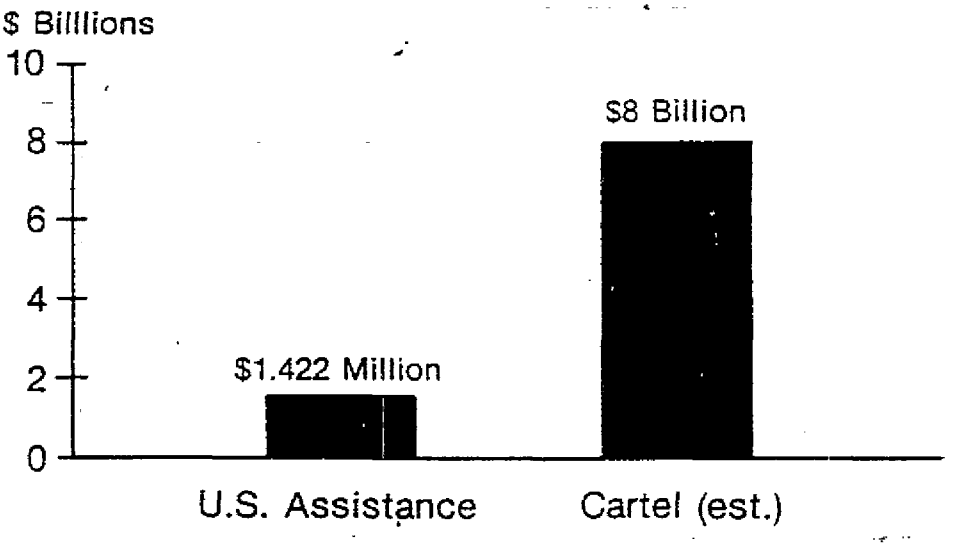
Government-Condoned Violence

Politically motivated violence other than that related to narcotics trafficking or insurgencies remains a problem in many countries. A wave of violence caused the cancellation of Haiti's November 1987 balloting (later rescheduled and held in January). In Nicaragua, Sandinista "divine mobs" ("*turbas divinas*") continue to harass demonstrators and peaceful opposition. Opposition groups are beaten and teargassed in Panama.

Economic Challenges

The most recent data indicate that real gross domestic product for the largest countries in Latin America and the Caribbean grew by 3.7% in 1986, 2.6% in 1987, and is only expected to grow by about 2% in 1988. Because the population continues to grow at around 2.3%, per capita income levels continue to decline. The decline primarily has been due to lower world prices for coffee, sugar, and other basic commodities that comprise the bulk of regional exports. The demand for some of these exports is reviving modestly. Even so, many countries are continuing to run large and growing trade deficits as the demand for imports exceeds their ability to export by significant margins. For example, in the first 6 months of 1987, exports declined by 5% and imports rose by 6% compared to the same period in 1986. Growing balance-of-payments deficits result in shortages of foreign exchange needed to pay foreign

FY 1989 Assistance* Request to Latin America and the Caribbean Vs. Annual Medellin Cartel Revenues



*Includes: Development assistance, ESF, PL-480, IMET, MAP, international narcotics, Peace Corps.

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Special Project (1993)

obligations and to buy those imports that are needed as inputs to products for export.

Another factor contributing to the slowdown in economic activity in 1987 was the inability of many Latin American and Caribbean countries to stabilize their economies largely because of political and social resistance to needed austerity. For example, inflation rates continue to be a serious problem in many countries. Also the sharp curtailment of domestic and foreign investment since the early 1980s due to uncertainty and lack of confidence has constrained growth. The huge amounts of capital flowing out of the region have not been counterbalanced by inflows from the commercial banks, international financial institutions, or bilateral assistance.

For most of the major debtor countries, high interest-rate burdens from prior year borrowing and little likelihood of improvement in current accounts balances will continue to limit growth prospects to the 2–3% range over the next few years. Although the region's current account deficit dropped from $17.5 billion in 1986 to $13 billion in 1987, this deficit is projected to grow to $13.8 billion this year, largely because of worsening of trade balances.

There is little prospect in 1988 of reversing net financial flows out of the region. The major debtors will need significant new lending from commercial creditors in order to service their debt and finance their current account deficits. The outlook for new lending, however, is bleak due to the natural unwillingness of foreign commercial banks to lend new money when current debts are not being repaid and when the banks perceive that a return to creditworthiness for the region in general is unlikely in the short to medium term. Mexico's plan to offer bonds backed by U.S. Treasury notes in exchange for a portion of its debt is indicative of the kind of innovative measures that are needed to overcome this significant obstacle to renewed growth.

Economic progress, peace, and security are at risk in the Caribbean Basin. Almost without exception, the countries of that area face daunting challenges. Their economies are for the most part small, fragile, and extremely vulnerable to disruption. Developments in the international economic system seriously exacerbate the effects of ingrained structural rigidity. The current slowdown in the world economy is a case in point. Prices for the primary commodities that are the principal exports of these countries—sugar, coffee, and bauxite—have fallen sharply over the past decade. In the same period, most of the region also has been struggling with the need to adjust to increases in the costs of essential imports, particularly petroleum. Tourism, although strong in 1987, cannot make up in the short run for declines in such traditional export earners as sugar. Certain economies of Central America—particularly El Salvador's—have been severely damaged by guerrilla-inflicted destruction as well as by a lack of investor confidence due to political and social instability and turmoil. The large exodus of capital, particularly during the early 1980s, has resulted in little new investment throughout this area, except in Costa Rica.

It is clear that our friends need help to overcome their economic difficulties, to defend themselves, and to keep alive their faith in freedom and democracy. With foreign assistance, they have a chance to manage their own affairs and find their own way out of their present troubles. We should have no higher priority. Neither the communists nor the drug dealers are interested in strengthening the security, political systems, or economies of these countries. It is to us that our neighbors look for cooperation and support. It is in our interest that we respond.

ASSISTANCE TO INDIVIDUAL COUNTRIES

Security assistance helps to strengthen the defenses of our friends in the interests of their own security and ours. In addition, U.S. assistance to Latin America and Caribbean countries produces direct domestic benefits here in the United States. These benefits take the form of employment, export sales, investment opportunities, and access to raw materials for American industry.

The ESF advances U.S. economic interests by offering grant or loan economic assistance. These funds are used primarily to provide quick-disbursing balance-of-payments support to allow time for local economic and financial adjustments to take effect.

The MAP provides grant funds for procurement of defense articles and services to help strengthen defense capabilities. Without grant aid, many countries in this hemisphere would have to divert scarce domestic resources from economic development efforts in order to purchase military training and equipment.

The IMET program is a grant-aid, low-cost instrument that gives us an extremely valuable channel of communication and influence with foreign military organizations. Education and training for the professionalization of military officers have long been considered to be the most cost-effective form of security assistance.

Development assistance is project support used for education and management training and some small business development. It also funds private sector and agricultural development and health and nutrition programs, primarily to increase the incomes of poor rural families to meet their basic needs.

Food for Peace, commonly called PL 480, provides food from U.S. Department of Agriculture stockpiles to those nations that are too poor to feed all of their people adequately. The food provided alleviates hunger and malnutrition and improves health. One of our most successful programs, it also generates local currency in some countries that is recycled to fund agricultural development, infrastructure improvements, rural education, and health programs.

During the past few years, and particularly in FY 1988, cuts in our budget requests and extensive earmarking have severely limited our support for countries outside of Central America.

In many cases, our military and economic support programs outside Central America had to be "zeroed out"—completely eliminated—in order to accommodate the reductions in the total foreign assistance levels which, along with the increased earmarking, left little discretionary ESF and MAP for the rest of this hemisphere.

Central America

Our assistance request for the countries of Central America reflects the high priority the Administration attaches to U.S. interests in that troubled subregion. The basic arguments and proposals for aiding Central America were developed in 1983–84 by the National Bipartisan Commission on Central America (the Kissinger commission). Its bipartisan focus on economic stabilization and political democratization has been the organizing principle of U.S. policy ever since.

Thanks in part to sustained U.S. aid levels to Central America, this half-

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Special Project (1993)

decade has seen first one country then another make a remarkable recovery from near disastrous circumstances. Now freely elected civilian governments are offering their people the chance for a better future in El Salvador, Honduras, and Guatemala. Costa Rica continues to enjoy freedom and the rule of law, as it has for many years. The communist Sandinistas are a blatant exception to the new democratic trend.

The return of democratic resistance leaders to Managua for negotiations is a sign that we are in a new, intensely political phase of the struggle there. To increase the prospect of a democratic outcome, it is essential that the door finally opened by the strength and perseverance of the resistance is not slammed shut. We intend to cooperate with the freedom fighters, the internal democratic opposition forces inside Nicaragua, and with the four democracies in order to further the prospects for both peace and freedom in Nicaragua.

Throughout Central America, it is in the U.S. interest to strengthen democratic institutions and the administration of justice and to support existing regional institutions to foster increased cooperation among the Central American democracies. As we support and encourage the development of the region, we should assist those existing regional institutions that contribute to improving the economic and social well-being of the citizens of these countries.

The regional program for Central America is designed to complement and to supplement U.S. bilateral assistance programs. It complements those programs by promoting on a regional basis what is also being done individually, with the objective of improving regional cooperation. It supplements the bilateral programs where it is more logical and cost-effective to implement projects on a regional basis, thus avoiding costly duplication. This regional program is managed partly from an office based in Guatemala City and partly by the U.S. Agency for International Development in Washington, D.C.

El Salvador is one of our closest allies in Central America. U.S. policy interests in El Salvador are to advance the cause of democracy; improve economic conditions; promote peaceful change; prevent hostile, antidemocratic forces from gaining a strategic foothold; and prevent the Soviet Union from increasing its influence through its support for the Salvadoran insurgents. The Government of El Salvador is critically dependent on U.S. support in its efforts to consolidate democratic government and rebuild its economy in the face of guerrilla sabotage and destruction.

U.S. policy promotes the consolidation of constitutional democracy in El Salvador by assisting the government to defend itself against a determined Marxist insurgency supported by Nicaragua, Cuba, and the Soviet bloc. It addresses the socioeconomic roots of the insurgency and its historic political bases by continuing support for democratic development, judicial reform, respect for human rights, and responsive public institutions. It also helps stabilize the war-torn national economy and stimulates revitalization and growth. FY 1989 requests are for $292.5 million of economic assistance and $96.5 million of military assistance.

Guatemala's size, proximity to the United States, large population, and regionally important economy make its stability and development important to the interests of the United States. Over the past 20 years, Guatemala has faced a lingering Cuban-supported insurgency that fed on the neglect and poverty of the nation's Indians, some 50% of the population. A succession of military governments attempted to put down the festering insurgency, but at great cost in human life and widespread human rights abuses. The violence led to a cutoff of U.S. military assistance in 1977.

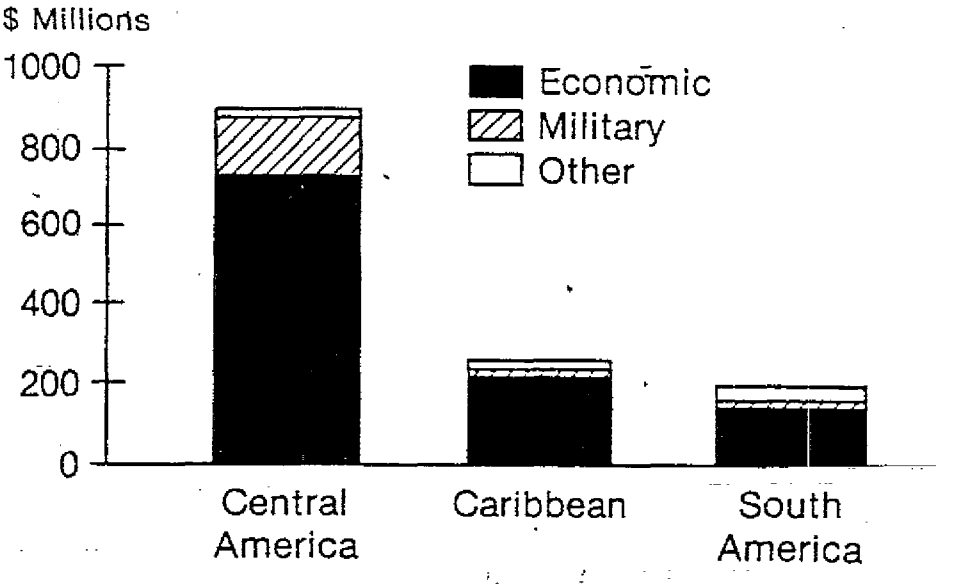
In late 1985, Guatemalans freely elected a new civilian government, ushering in an era of new expectations for growth and democracy. The new government, led by Christian Democrat Vinicio Cerezo, faces a continued but weakened Marxist insurgency, serious economic problems inherited from previous regimes, and an upsurge in common crime fed by unemployment. Undermanned and poorly trained police and criminal justice forces have had trouble controlling the increase in crime. The government, nevertheless, has made steady strides in ending human rights abuses, promoting economic growth, and in creating the conditions for greater citizen participation in government.

U.S. Government assistance provided in the past to the Guatemalan Armed Forces has demonstrated our support for an important institution in Guatemala's democratic society. The assistance has addressed only the most pressing material needs of the Guatemalan Armed Forces, while enhancing professional competence.

The primary U.S. objective in Guatemala is the promotion of a democratic government that is friendly to

remainder not relevant

FY 1989 Assistance Request



Other: Includes Peace Corps and international narcotics.

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PAGE 01 BEIJIN 11280 01 OF 21 300951Z
ACTION EAP-00

INFO	LOG-00	ADS-00	AID-00	INR-10	SS-00	CIAE-00	EB-00
	H-01	MSC-01	EXIM-06	NSAE-00	SSO-00	HA-09	L-03
	LAB-04	CTME-00	PM-10	ITC-01	OPIC-07	PA-01	OMB-01
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[redacted] SECTION 01 OF 21 BEIJING 11280

SECSTATE FOR SECRETARY SHULTZ

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PAGE 02 BEIJIN 11280 01 OF 21 300951Z

E.O. 12356: DECL: OADR
TAGS: OVIP, PREL, CH, US
SUBJECT: SCENESETTER: VICE PREMIER TIAN JIYUN'S
- VISIT TO THE U.S.

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1. [redacted] - ENTIRE TEXT).

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2. SUMMARY: VICE PREMIER TIAN JIYUN'S VISIT COMES AT A TIME OF SIGNIFICANT CHANGE IN CHINA, AND OF SOME IMPORTANT SHIFTS AND NEW EMPHASES IN OUR BILATERAL RELATIONS. IN THE PAST SIX MONTHS, CHINA'S REFORMIST ECONOMIC AGENDA HAS BEEN REAFFIRMED RESOLUTELY AT MAJOR NATIONAL PARTY AND GOVERNMENT CONGRESSES. TIAN JIYUN'S REELECTION TO A FIVE-YEAR TERM AS VICE PREMIER IS AN OUTGROWTH OF THE CONTINUING REFORM DRIVE. HE FORMS PART OF A YOUNGER, MODERNIZING LEADERSHIP DESTINED TO WIELD TOP PARTY AND STATE POWER AFTER DENG AND OTHER OLD-GUARD LEADERS PASS FROM THE SCENE. TIAN'S NEW RESPONSIBILITIES AS POINT MAN ON FOREIGN TRADE AND INVESTMENT WILL RAISE HIS PROFILE AND IMPORTANCE TO THE U.S. HEIGHTENED POLITICAL WILL IN THE WAKE OF THE CONGRESSES TO TACKLE KEY REFORMS IS EVIDENCED BY BROAD NEW INITIATIVES ENCOMPASSING GOVERNMENTAL ORGANIZATION, A NEW OPENNESS IN DEBATE AND CRITICISM OVER THE COUNTRY'S SHORTCOMINGS, AND A HOST OF SYSTEMIC REFORMS. THE LATTER INVOLVE KEY ISSUES SUCH AS FOREIGN TRADE, RAW MATERIALS AND CAPITAL GOODS MARKETS, LABOR AND WAGES, CONSTITUTIONAL SANCTION OF PRIVATE ENTERPRISE AND TRANSFER OF LAND RIGHTS, AND [redacted]

FURTHER CURTAILMENT OF THE DIRECT CONTROL BY CENTRAL PLANNERS AND OTHER AUTHORITIES OVER THE DAILY ECONOMIC LIFE OF CHINA.

3. THESE IMPORTANT BROAD REFORM IMPUL'ES AND INITIATIVES, HOWEVER, MUST BE PLAYED OUT ONLY GRADUALLY FOR THE IMMEDIATE PERIOD AHEAD. CONSTRAINING THIS PACE ARE CONTINUING ECONOMIC IMBALANCES, STRESSES AND DISLOCATIONS INHERENT TO THE TRANSITIONAL, HIGHLY DYNAMIC STATE OF CHINA'S ECONOMY, AND THE INSTITUTIONS WHICH REGULATE IT.

4. RECENT REDEDICATION TO REFORM, ALONG WITH ACCOMPANYING TRANSITIONAL STRESSES, ARE REFLECTED IN CHINA'S EXTERNAL ECONOMIC POLICIES. REPEATED CLARION CALLS IN RECENT MONTHS BY SENIOR LEADERS

TO OPEN FURTHER THE ECONOMIES OF THE COASTAL AREAS TO TRADE AND GLOBAL COMPETITION REEMPHASIZE THE IMPERATIVE OF FOREIGN INVESTMENT AND TECHNOLOGY TRANSFER FOR CHINA'S GOAL TO MODERNIZE RAPIDLY SO AS "TO TAKE CHINA'S RIGHTFUL PLACE IN THE WORLD." THE POLITBURO'S ELABORATION OF THIS POLICY, THAT CHINA WILL SEEK TO EMULATE IN ITS COASTAL AREAS THE EXPORT-LED GROWTH SUCCESSES OF MANY OF ITS ASIAN NEIGHBORS, POSES BOTH BENEFITS AND POTENTIAL CHALLENGES FOR U.S. INTERESTS.

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5. THE BOLD SHIFT IN DEVELOPMENT STRATEGY DEEMPHASIZES SOMEWHAT IMPORT-SUBSTITUTION AS A GUIDING TRADE POLICY. IT LENDS IMPETUS TO THE NEW FOREIGN-TRADE SYSTEM REFORMS WHICH ACCORD WITH U.S. OBJECTIVES TO EXPAND COMMERCIAL

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PAGE 01 BEIJIN 11280 02 OF 21 300951Z
ACTION EAP-00

INFO	LOG-00	ADS-00	AID-00	INR-10	SS-00	CIAE-00	EB-00
	H-01	MSC-01	EXIM-06	NSAE-00	SSO-00	HA-09	L-03
	LAB-04	CTME-00	PM-10	ITC-01	OPIC-07	PA-01	OMB-01
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[redacted] SECTION 02 OF 21 BEIJING 11280

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PAGE 02 BEIJIN 11280 02 OF 21 300951Z

E.O. 12356: DECL: OADR
TAGS: OVIP, PREL, CH, US
SUBJECT: SCENESETTER: VICE PREMIER TIAN JIYUN'S

OPPORTUNITIES BY PROGRESSIVELY DISMANTLING THE STATE TRADE MONOPOLY, AND THE FORMIDABLE STRUCTURE OF TRADE-DISTORTING ADMINISTRATIVE CONTROLS. THE STRATEGY AND ACCOMPANYING DECENTRALIZING FORCES MAY ALSO HELP MAINTAIN MOMENTUM FOR DOMESTIC SYSTEMIC REFORMS, INCLUDING IN THE PRICE SYSTEM.

6. ON THE OTHER HAND, IN ITS NASCENT STAGES, THESE POLICIES HOLD THE LATENT DANGERS OF COALESCING INTO A SIMPLE EXPORT DRIVE, WITHOUT SIGNIFICANT LOWERING OF IMPORT BARRIERS. SHOULD THAT WORST-CASE DEVELOP, THE U.S. WILL BE FACED WITH BILATERAL TRADE FRICTIONS. THESE WOULD BE EXACERBATED BECAUSE OF OUR NEED TO SHRINK OUR GLOBAL TRADE DEFICIT, AND NEW TRADE LEGISLATION WHICH PLACES GREATER STRESS THAN EVER BEFORE ON RECIPROCAL MARKET ACCESS.

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7. CHINA'S RAPIDLY GROWING ECONOMIC STRENGTH IS BEING MATCHED BY A NEW ASSERTIVENESS IN INTERNATIONAL AFFAIRS. THIS IS UNDERPINNED BY A WORLD VIEW WHICH SEES GROWING MULTIPOLAR INFLUENCES DILUTING DOMINANCE BY THE TWO SUPERPOWERS. THE MULTIPOLAR CONCEPT OF THE WORLD FITS NEATLY WITH CHINA'S "INDEPENDENT" FOREIGN POLICY LINE. HOWEVER, "INDEPENDENCE" DOES NOT MEAN "EQUIDISTANCE." CHINA TILTS TOWARDS THE WEST, ESPECIALLY THE U.S., EUROPE AND JAPAN, [redacted]

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WHICH PROVIDE THE CAPITAL, MARKETS AND ADVANCED TECHNOLOGY ESSENTIAL TO CHINA'S PRIORITIES.

8. CHINA'S DE FACTO TILT TOWARD THE U.S. ALSO STEMS FROM ITS CONTINUING PERCEPTION THAT WE DO NOT CONSTITUTE A STRATEGIC THREAT, AND CONVERSELY PROVIDE A SECURITY PRESENCE VITAL TO CHECKING SOVIET EXPANSIONISM. THE PASSIVE BENEFICIARY OF THIS U.S. SECURITY PRESENCE, CHINA IS FREE TO NORMALIZE GRADUALLY ITS RELATIONS WITH THE SOVIETS, IN THE INTERESTS OF CREATING A PEACEFUL ENVIRONMENT FOR ECONOMIC DEVELOPMENT TO PROCEED. RELATIONS WITH THE SOVIETS ARE IMPROVING MORE QUICKLY THAN THE CHINESE ADMIT, BUT LESS THAN THE SOVIETS WOULD LIKE--OR HAVE US BELIEVE. SIGNIFICANT PROGRESS HAS BEEN REGISTERED IN TRADE AND CULTURAL RELATIONS. TALKS TO RESOLVE BORDER DISPUTES HOLD SOME PROMISE. IT WOULD NOT BE SURPRISING IF THE CHINESE AND SOVIET FOREIGN MINISTERS MET. BUT DESPITE GORBACHEV'S BLANDISHMENTS, FULL POLITICAL NORMALIZATION MUST AWAIT REMOVAL OF THE "THREE OBSTACLES," ESPECIALLY THE SOVIETS' SUPPORT OF VIETNAM'S OCCUPATION OF CAMBODIA. HISTORICAL ENMITY AND SUSPICIONS, GEOGRAPHY, STRUCTURAL LIMITS TO ECONOMIC COOPERATION, AND THE CHINESE CONVICTION THAT CHINA'S FUNDAMENTAL LONG-TERM STRATEGIC THREAT IS SOVIET EXPANSIONISM, ALL MILITATE AGAINST A RETURN TO THE CLOSE, BROAD-BASED SINO-SOVIET RELATIONSHIP OF THE 1950'S. THUS THE GEOPOLITICAL DIMENSIONS OF OUR RELATIONS WITH BEIJING--THOUGH MORE MUTED AND NUANCED THAN IN THE 1970'S--REMAIN IMPORTANT.

UNCLASSIFIED

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PAGE 01 BEIJIN 11280 03 OF 21 300952Z
ACTION EAP-00

INFO	LOG-00	ADS-00	AID-00	INR-10	SS-00	CIAE-00	EB-00
	H-01	MSC-01	EXIM-06	NSAE-00	SSO-00	HA-09	L-03
	LAB-04	CTME-00	PM-10	ITC-01	OPIC-07	PA-01	OMB-01
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[redacted] SECTION 03 OF 21 BEIJING 11280

SECSTATE FOR SECRETARY SHULTZ

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FROM AMBASSADOR LORD

[redacted]

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PAGE 02 BEIJIN 11280 03 OF 21 300952Z

E.O. 12356: DECL: OADR
TAGS: OVIP, PREL, CH, US
SUBJECT: SCENESETTER: VICE PREMIER TIAN JIYUN'S

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9. GENERALLY, WE SHARE WITH CHINA COMMON OBJECTIVES REGARDING CAWBODIA, AFGHANISTAN, AND A COMMON WISH FOR PEACE ON THE KORE
AN PENINSULA.
ECONOMIC IMPERATIVES ARE INCREASING CHINA'S INTEREST IN DIRECT TRADE WITH SOUTH KOREA. THE CHINESE TACITLY CONDONE OUR PHILIPPINE BASES--AND OUR PACIFIC PRESENCE GENERALLY--AS A FORCE FOR REGIONAL SECURITY. HOWEVER, THE NEW THREAD OF ASSERTIVENESS IN CHINA'S FOREIGN POLICY HAS BEEN THE SOURCE OF SOME SERIOUS BILATERAL FRICTIONS, JUST AS PAST POLITICAL TENSIONS OVER TAIWAN HAVE RECEDED AS A RESULT OF GROWING EXCHANGES BETWEEN TAIWAN AND THE MAINLAND.
-
10. CHINA'S EMERGENCE AS A MAJOR POWER IS SEEN IN ITS ATTEMPTS TO BUILD INFLUENCE AND, NOT INCIDENTALLY, TO MAKE MONEY BY SELLING BILLIONS OF DOLLARS IN ARMS TO BOTH COMBATTANTS IN THE GULF. DIRECT FRICTIONS WITH US RESULTED FROM CHINA'S SALE OF ANTI-SHIP MISSILES TO IRAN WHICH THREATEN OUR SHIPS AND THOSE OF OUR FRIENDS. THAT LED LAST FALL TO POSTPONEMENT OF USG-SPONSORED LIBERALIZATION OF COCOM CONTROLS ON DUAL-USE TECHNOLOGY COVETED BY CHINA FOR ITS MODERNIZATION DRIVE. OUR DECISION COINCIDED WITH BILATERAL TENSIONS STEMMING FROM USG AND CONGRESSIONAL CONCERNS OVER HUMAN RIGHTS ABUSES IN TIBET, AND THE EXPULSION OF TWO PRC DIPLOMATS

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PAGE 03 BEIJIN 11280 03 OF 21 300952Z

FROM THE U.S. FOR ESPIONAGE ACTIVITIES. BILATERAL

MILITARY RELATIONS LOST MOMENTUM AS A DIRECT RESULT OF THESE FRICTIONS.

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11. WHILE THESE ISSUES BREWED, HOWEVER, THE RELATIONSHIP HAS EXHIBITED RESILIENCY. BOTH SIDES SHOWED THE NECESSARY WILL TO DEAL FORTHRIGHTLY WITH THE PROBLEMS, WHILE MAINTAINING NORMALCY AND EVEN FORWARD MOMENTUM IN CERTAIN CORE AREAS OF THE RELATIONSHIP. LAST YEAR ENDED WITH SUCCESSFUL CONCLUSION OF A TOUGH NEW BILATERAL TEXTILE TRADE AGREEMENT, SIGNED DURING USTR YEUTTER'S SUCCESSFUL VISIT IN FEBRUARY. THOUGH THE U.S. SUFFERED ITS LARGEST EVER BILATERAL TRADE DEFICIT WITH CHINA, YEAR-END TRENDS SHOWED A LARGE BOOST IN PURCHASES FROM THE U.S., INCLUDING GRAIN. BY THE TIME OF FOREIGN MINISTER WU XUEQIAN'S VISIT TO WASHINGTON LAST MARCH, CONGRESSIONAL ATTENTION TO THE TIBET ISSUE HAD RECEDED AT LEAST TEMPORARILY. FURTHERMORE, THE CHINESE HAD MADE SUFFICIENT EFFORTS TO ADDRESS OUR CONCERNS ON MISSILE SALES TO IRAN THAT THE WAY WAS OPEN TO ANNOUNCE RESUMPTION OF THE PROCESS OF TECHNOLOGY TRANSFER LIBERALIZATION FOR CHINA. WU'S AGREEMENT IN PRINCIPLE TO A PEACE CORPS CONTINGENT, THE FIRST EVER TO BE INVITED BY A COMMUNIST COUNTRY, ADDED A FRESH, POSITIVE ELEMENT TO THE RELATIONSHIP.

12. UNFORTUNATELY, CHINESE SALES OF BALLISTIC MISSILES TO SAUDI ARABIA HAS VERY RECENTLY INTRODUCED YET ANOTHER SERIOUS ISSUE INTO THE RELATIONSHIP. APART FROM CONCERNS OVER THE WEAPON'S DESTABILIZING EFFECTS IN THE GULF AND

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PAGE 01 BEIJIN 11280 04 OF 21 300953Z
ACTION EAP-00

UNCLASSIFIED

INFO	LOG-00	ADS-00	AID-00	INR-10	SS-00	CIAE-00	EB-00
	H-01	MSC-01	EXIM-06	NSAE-00	SSO-00	HA-09	L-03
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TO SECSTATE WASHDC IMMEDIATE 6401
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[redacted] SECTION 04 OF 21 BEIJING 11280

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DEPT OF TREASURY FOR SECRETARY BAKER

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FROM AMBASSADOR LORD

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PAGE 02 BEIJIN 11280 04 OF 21 300953Z

E.O. 12356: DECL: OADR
TAGS: OVIP, PREL, CH, US
SUBJECT: SCENESETTER: VICE PREMIER TIAN JIYUN'S

MIDDLE EAST, WE SEE AN EVEN MORE BASIC THREAT
TO GLOBAL PEACE AND SECURITY IN THE PROLIFERATION
OF NUCLEAR-CAPABLE, MEDIUM-RANGE BALLISTIC

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MISSILES. CHINA'S WILLINGNESS TO ACT RESPONSIBLY IN ITS ARMS SALES THEREFORE CONTINUES TO BE AN ISSUE WHICH AFFECTS U.S. POLITICAL SUPPORT FOR STRENGTHENING MILITARY RELATIONS OR FOR LIBERALIZING TECHNOLOGY TRANSFER POLICY.

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13. THIS IS TIAN'S FIRST VISIT TO THE U.S., AND HIS FIRST OVERSEAS TRIP AS A MEMBER OF THE NEW LEADERSHIP TEAM. IT IS IMPORTANT THEREFORE THAT WE IMPRESS HIM WITH THE STRENGTH AND VITALITY OF AMERICA, AND ITS IMPORTANCE TO CHINA'S ECONOMIC AND SECURITY OBJECTIVES. APPRECIATION OF THESE POINTS COULD MAKE HIM A BROADER-GAUGED DECISION MAKER WHEN CONFRONTED LATER WITH SPECIFIC ISSUES IN THE RELATIONSHIP. HE WILL REPORT BACK OUR VIEWS AND HIS IMPRESSIONS TO THE REST OF THE LEADERSHIP. HE WILL WANT TO FOCUS ON REASSURING U.S. LEADERS AND THE PUBLIC ABOUT THE PERMANENCE OF CHINA'S REFORMS, AND TO PROMOTE U.S. BUSINESS INTEREST IN INVESTING IN CHINA. HE WILL PROBABLY SEEK TO MINIMIZE DISCUSSION OF OUR GEOPOLITICAL DIFFERENCES, PARTLY BECAUSE HE IS LESS SCHOOLED IN THESE AREAS.

14. WE WILL WANT TO EXPRESS SUPPORT FOR CHINA'S REFORMS AND MODERNIZATION. BUT WE WILL ALSO NEED TO POINT OUT THAT GLOBAL ECONOMIC TRANSFORMATIONS

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AFFECTING THE U.S. AND CHINA PRESENT CHALLENGES, THAT IF NOT ADDRESSED CONSTRUCTIVELY, MAY INHIBIT PROGRESS ON COOPERATION IN TRADE AND INVESTMENT, AND COULD LEAD TO FRICTIONS. WE SHOULD ALSO SEEK TO CONTRIBUTE TO TIAN'S GROOMING AS A STATESMAN BY EXPOSING HIM TO FRANK, FULL DISCUSSIONS OF OUR POLITICAL AND SECURITY CONCERNS. THROUGH HIM WE CAN REACH THE HIGHEST-LEVEL CHINESE LEADERS WHO ARE CALLING THE SHOTS ON KEY ISSUES LIKE ARMS SALES. BY VIRTUE OF HIS POSITIONS ON THE STATE COUNCIL AND POLITBURO, AND HIS PERSONAL CLOSENESS TO GENERAL SECRETARY ZHAO, TIAN COULD CONTRIBUTE TO RESOLUTION OF KEY PROBLEMS, AND ADVANCE THE RELATIONSHIP. ONE OUTCOME OF TIAN'S VISIT COULD ALSO BE THE ANNOUNCEMENT OF U.S. LEADERSHIP VISITS TO CHINA THIS YEAR WHICH COULD CONTINUE OUR HIGH-LEVEL DIALOGUE.

15. AT THE END OF THIS SCENESETTER, WE HAVE

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SUGGESTED THE MOST IMPORTANT ISSUES WHICH MIGHT BE RAISED AND POINTS TO BE MADE WITH TIAN IN HIS SEPARATE MEETINGS WITH THE PRESIDENT, VICE PRESIDENT, SECRETARIES SHULTZ, CARLUCCI, BAKER, VERITY, AND USTR YEUTTER. END SUMMARY.

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BACKDROP: TIAN'S LEADERSHIP ROLE IN THE CONTEXT OF REFORMS

16. TIAN JIYUN'S REELECTION TO ANOTHER FIVE-YEAR TERM AS VICE PREMIER AT THE JUST-CONCLUDED SEVENTH NATIONAL PEOPLE'S CONGRESS (NPC) IS SYMBOLIC OF THE LEADERSHIP'S RESOLVE TO PUSH AHEAD WITH THE FAR-REACHING ECONOMIC AND POLITICAL

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PAGE 01 BEIJIN 11280 05 OF 21 300953Z
ACTION EAP-00

INFO	LOG-00	ADS-00	AID-00	INR-10	SS-00	CIAE-00	EB-00
	H-01	MSC-01	EXIM-06	NSAE-00	SSO-00	HA-09	L-03
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	STR-17	INRE-00	FRB-03	USIE-00	JUSE-00	SP-02	SNP-01
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PAGE 02 BEIJIN 11280 05 OF 21 300953Z

E.O. 12356: DECL: OADR
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REFORMS LAUNCHED BY THE 13TH PARTY CONGRESS LAST OCTOBER. AS A POLITBURO MEMBER AND A REFORMIST PROTEGE OF PARTY SECRETARY ZHAO ZIYANG, THE 59-YEAR OLD TIAN IS A MAJOR FIGURE IN THE NEW, YOUNGER GENERATION THAT THE PARTY CONGRESS AND THE NPC PUT IN PLACE AS MANY OF THE MORE CONSERVATIVE OLD GUARD FIGURES IN THE CENTRAL COMMITTEE AND THE STATE COUNCIL STEPPED DOWN.

17. TIAN WAS FOR A TIME A TOP CONTENDER FOR THE PREMIERSHIP AFTER ZHAO WAS ELEVATED TO PARTY SECRETARY LAST YEAR, BUT LOST OUT TO FELLOW VICE PREMIER LI PENG THROUGH AN APPARENT DENG-MANAGED COMPROMISE DESIGNED TO MOLLIFY CONSERVATIVES ON PERSONNEL CHOICES, IN RETURN FOR ENDORSEMENT OF THE BOLD REFORM PROGRAM. AS THE YOUNGEST OF THE THREE VICE PREMIERS ELECTED AT THE NPC TO WHAT WE REGARD AS A TRANSITIONAL LEADERSHIP TEAM (YAO YILIN IS 71, FORMER FOREIGN MINISTER WU XUEQIAN IS 67), TIAN REMAINS A STRONG CONTENDER IN THE FUTURE FOR PREMIER OR A TOP

UNCLASSIFIED

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UNCLASSIFIED

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PAGE 01 BEIJIN 11280 06 OF 21 300954Z
ACTION EAP-00

INFO	LOG-00	ADS-00	AID-00	INR-10	SS-00	CIAE-00	EB-00
	H-01	MSC-01	EXIM-06	NSAE-00	SSO-00	HA-09	L-03
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[redacted] SECTION 06 OF 21 BEIJING 11280

SECSTATE FOR SECRETARY SHULTZ

WHITEHOUSE FOR OVP - DONALD GREGG

SECDEF FOR SECRETARY CARLUCCI

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PARTY POSITION AS ZHAO ESTABLISHES HIS OWN CLAIMS TO ASSUME EVENTUALLY THE MANTLE NOW WORN BY DENG XIAOPING.

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18. AS A FINANCIAL EXPERT AND VICE PREMIER, TIAN HAS BEEN POINT MAN ON PROMOTING BOTH THE MOST IMPORTANT, AS WELL AS THE THORNIEST, SYSTEMIC REFORMS IN AGRICULTURE, FINANCE AND [redacted]

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TAXATION, AND PRICE REFORM. HIS NEW PORTFOLIO STILL INCLUDES AGRICULTURE, BUT ALSO COVERS FOREIGN TRADE AND INVESTMENT. IN EFFECT IT MAKES HIM THE KEY INTERPRETER AND IMPLEMENTER OF CHINA'S REFORMIST POLICY OF OPENING TO THE OUTSIDE. ALTHOUGH TIAN DOES NOT HAVE DIRECT RESPONSIBILITY FOR FOREIGN AFFAIRS, HE HAS MET FREQUENTLY WITH FOREIGN DELEGATIONS, AND OVER THE PAST FIVE YEARS HAS TRAVELED EXTENSIVELY IN EUROPE, AFRICA, THE MIDDLE EAST, AND EAST ASIA AS A LEADER OF GOVERNMENT OR PARTY DELEGATIONS, PRINCIPALLY DEALING WITH ECONOMIC RELATIONS. THIS IS HIS FIRST VISIT TO THE U.S. TIAN'S NEW RESPONSIBILITIES WILL RAISE HIS PROFILE AMONG FOREIGNERS AND HIS DIRECT IMPORTANCE TO THE U.S.

19. THOUGH TIAN IS RELATIVELY UNFAMILIAR WITH POLITICAL AND SECURITY ISSUE S, BOTH WE AND HIS SUPERIORS WILL WISH TO TAKE ADVANTAGE OF HIS VISIT TO TUTOR HIM IN THE GEOPOLITICAL REALITIES WHICH AFFECT OVERALL RELATIONS. TIAN WILL REPORT BACK OUR VIEWS AND HIS IMPRESSIONS TO CHINA'S TOP LEADERS IN THE OLD GUARD, AND TO HIS COLLEAGUES ON THE NEW TEAM OF GOVERNMENT AND PARTY LEADERS. IN THE WAKE OF THE RECENT CONGRESSES, THIS NEW LEADERSHIP WILL BE SURVEYING THE WORLD SCENE AND WILL PUT ITS STAMP ON FUTURE CHINESE FOREIGN POLICY.

REFORMS IN TRANSITION

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FROM AMBASSADOR LORD

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PAGE 02 BEIJIN 11280 06 OF 21 300954Z

E.O. 12356: DECL: OADR
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SUBJECT: SCENESETTER: VICE PREMIER TIAN JIYUN'S

20. CHINA STANDS AT A CRUCIAL STAGE OF REFORM. ALONG WITH THE UNEQUIVOCAL SUCCESSES OF REFORM OVER THE PAST DECADE HAVE COME WRENCHING UNFORESEEN DISLOCATIONS, GIVING RISE TO FORMATION OF NEW, VOCAL INTEREST GROUPS AND DISCONTENT AMONG BUREAUCRATS AND OFFICIALS WHOSE POWER HAS EBBED WITH THE DILUTION OF TOTALITARIANISM. LAST YEAR, CONSERVATIVE IDEOLOGUES, UNWITTINGLY ABETTED BY CYNICAL INTELLECTUALS IMPATIENT WITH THE PACE OF POLITICAL AND ECONOMIC REFORM, NEARLY BROUGHT REFORMS TO A STANDSTILL FOR A TIME. BY LAST FALL, INTENSE NATIONAL INTROSPECTION AND DEBATE HAD PRODUCED AN APPARENT CONSENSUS, EMBODIED IN THE REPORT OF THE LANDMARK 13TH PARTY CONGRESS, THAT REFORM WAS CHINA'S ONLY FEASIBLE PATH TO AVOIDING FALLING FURTHER BEHIND THE DEVELOPED WORLD, AND TO BUILDING NATIONAL POWER. THE REFORMISTS NO LONGER HAVE EFFECTIVE OPPOSITION. DEBATES ARE NOT NOW BETWEEN REFORMERS AND ORTHODOX CONSERVATIVES, BUT BETWEEN MODERATE REFORMERS AND THE MORE RADICAL STRIPE. MOVEMENT TOWARDS A MARKET ECONOMY IS NOW AN UNABASHED GOAL OF THE PARTY, WITH NO SIGNIFICANT KNOWN DISSENTERS. LI PENG, ONCE SUSPECTED OF BEING CONSERVATIVE, DECLARED IN HIS RECENT MAJOR ADDRESS TO THE NATIONAL PEOPLE'S CONGRESS THAT THE SOLUTIONS TO THE PROBLEMS OF REFORM LAY IN [redacted]

PAGE 03 BEIJIN 11280 06 OF 21 300954Z

MORE REFORM, NOT LESS.

21. HOWEVER, THE WEIGHT OF CONSENSUS IS NOW

TOWARD A MORE CAUTIOUS APPROACH TO REFORM, AND THE LEADERSHIP BALANCE REFLECTS IT. IF CHINA'S ENDURING, BOLD REFORM VISION IS TO HAVE A CHANCE IN THE LONG RUN, A NUMBER OF ACUTE ISSUES MUST BE CONFRONTED AND DEALT WITH QUICKLY. THESE INCLUDE THE EMERGENCE OF INCOME DISPARITIES AMONG INDIVIDUALS, AND REGIONS, AND INEQUALITY OF OPPORTUNITIES. THEY ALSO INCLUDE CENTRIFUGAL FORCES UNLEASHED BY A WELL-INTENTIONED, EVEN LIBERAL, PROCESS OF DECENTRALIZATION WHICH BEGAN BEFORE METHODS OF INDIRECT, MARKET-BASED MECHANISMS WERE IN PLACE TO ENSURE BASIC CONTROL OF THE NATIONAL ECONOMY AS THE PLANNING APPARATUS WITHERED. INFLATION, THE RESULT OF A MIX OF GOOD PRICE REFORM WITH BAD INDUSTRIAL PRODUCTIVITY AND EFFICIENCY, AND A STILL FAR-FROM-DEVELOPED MARKET, IS NOW RUNNING AT DOUBLE DIGITS, AND HAS THE ATTENTION OF EVERYONE IN CHINA. FOR THE NEXT TWO TO THREE YEARS AT LEAST, IT IS LIKELY TO SERVE AS A BRAKE ON THE PACE BY WHICH FURTHER PRICE REFORMS AND OTHER COMPREHENSIVE SYSTEMIC REFORMS CAN PROCEED BROADLY. THERE ARE STILL THE LONG-STANDING, UNRESOLVED PROBLEMS OF POPULAR IMPATIENCE WITH INADEQUATE HOUSING, AND OFFICIAL CORRUPTION AND CRONYISM. GRAIN PRODUCTION HAS STAGNATED. CHINA MAY BE MORE TOLERANT OF THE ALIEN IDEAS WHICH BLOW IN THROUGH ITS OPEN DOOR. BUT SOME ARE BEGINNING TO WORRY ABOUT THE GROWING VULNERABILITY OF

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INFO	LOG-00	ADS-00	AID-00	INR-10	SS-00	CIAE-00	EB-00
	H-01	MSC-01	EXIM-06	NSAE-00	SSO-00	HA-09	L-03
	LAB-04	CTME-00	PM-10	ITC-01	OPIC-07	PA-01	OMB-01
	STR-17	INRE-00	FRB-03	USIE-00	JUSE-00	SP-02	SNP-01
	C-01	PRS-01	E-01	P-02	T-01	/083 W	

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TO SECSTATE WASHDC IMMEDIATE 6404
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[redacted] SECTION 07 OF 21 BEIJING 11280

SECSTATE FOR SECRETARY SHULTZ

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DEPT OF TREASURY FOR SECRETARY BAKER

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PAGE 02 BEIJIN 11280 07 OF 21 300954Z

E.O. 12356: DECL: OADR
TAGS: OVIP, PREL, CH, US
SUBJECT: SCENESETTER: VICE PREMIER TIAN JIYUN'S

CHINA TO THE UP-AND-DOWN BUSINESS CYCLES WHICH AFFECT IT THROUGH GROWING INTEGRATION WITH THE GLOBAL ECONOMY.

22. WHILE FOCUSED ON THE SHORT-TERM IMPERATIVE

TO REIN IN INFLATION, THE LEADERSHIP APPEARS TO BE BACKING UP ITS RHETORIC ABOUT THE NEED FOR MORE REFORM AS THE SOLUTION TO THE WIDE ARRAY OF PROBLEMS IT FACES. NEW REFORMS ARE BEING LAUNCHED, AND OLD ONES CONTINUED AND EXPANDED. AS THE PRINCIPAL ARCHITECT OF CHINA'S TRADE AND INVESTMENT STRATEGIES, TIAN WILL PLAY A KEY ROLE IN TACKLING DIFFICULT, MAJOR TRADE REFORMS AND OTHER MARKET-OPENING MEASURES NOW UNDERWAY. STRUCTURAL REFORMS LAUNCHED THIS YEAR HOLD THE POTENTIAL OVER TIME TO PUT CHINA'S ENTERPRISES INTO DIRECT CONTACT WITH THE INTERNATIONAL MARKET, TO DECENTRALIZE TRADE DECISIONS, AND TO ENLIVEN THE TRADE SECTOR BY ALLOWING GREATER RETENTION OF FOREIGN EXCHANGE AT THE PRODUCER LEVEL. IF CHINA SUCCEEDS IN GRADUALLY DISMANTLING THE "AIRLOCK" WHICH HAS INSULATED ITS ECONOMY FROM INTERNATIONAL MARKET INFLUENCES, IT WILL PROMOTE FURTHER CHANGES IN CHINA'S FOREIGN TRADE STRUCTURE AND MOVE CHINA CLOSER TO GATT PRINCIPLES. OF EQUALLY POSITIVE POTENTIAL IMPACT ON BILATERAL TRADE AND INVESTMENT IS CHINA'S NEW OUTWARD-ORIENTED COASTAL DEVELOPMENT STRATEGY, EMPHASIZING

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DEVELOPMENT OF LABOR-INTENSIVE, EXPORT-PROCESSING INDUSTRIES. UNVEILED BY PARTY SECRETARY ZHAO IN JANUARY, THE PLAN REPRESENTS A NEW ECONOMIC GROWTH STRATEGY WHICH MOVES CHINA FURTHER AWAY FROM AN IMPORT-SUBSTITUTION GROWTH MODEL AND POSITS INSTEAD MORE DIRECT EXPOSURE OF THE COASTAL REGION TO THE DISCIPLINE OF INTERNATIONAL MARKET FORCES. WHILE THE STRATEGY CALLS INITIALLY FOR RELIANCE ON EXISTING ADVANTAGES OF CHEAP LABOR TO PUSH EXPORTS OF LABOR-INTENSIVE MANUFACTURES, NECESSARY INGREDIENTS FOR THIS DRIVE WILL BE INCREASED IMPORTS OF EQUIPMENT, TECHNOLOGY, KNOW-HOW AND RAW MATERIALS, AND GRAIN TO FEED THE CITIES ALONG THE COAST.

23. THE COASTAL STRATEGY, WITH ITS ATTENDANT HUNGER FOR CAPITAL AND MARKETS, SEEMS TO HAVE STRENGTHENED THE LEADERSHIP'S COMMITMENT TO IMPROVING CHINA'S FOREIGN INVESTMENT ENVIRONMENT. PREMIER LI PENG'S KEYNOTE ADDRESS TO THE NPC CALLED FOR IMPROVEMENTS IN CHINA'S INVESTMENT

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CLIMATE BY BUILDING INFRASTRUCTURE, INCREASING ADMINISTRATIVE EFFICIENCY, AND PROTECTING THE MANAGERIAL RIGHTS OF FOREIGN INVESTORS. EARLIER, PARTY GENERAL SECRETARY ZHAO CALLED ON ALL PROVINCES AND MUNICIPALITIES TO CLOSELY INVESTIGATE BUREAUCRATIC AND OTHER PROBLEMS ENCOUNTERED BY CHINA'S 4,000 OR SO REGISTERED FOREIGN INVESTMENTS. IN RECENT MONTHS, NEW ORGANIZATIONS TO ASSIST INVESTORS HAVE BEEN ESTABLISHED. ALSO, NEW MEASURES HAVE BEEN ADOPTED TO HELP RESOLVE THE CHRONIC FOREIGN EXCHANGE SHORTAGES FACED BY MOST FOREIGN-INVESTED ENTERPRISES, INCLUDING EXPANSION OF

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PAGE 01 BEIJIN 11280 08 OF 21 300955Z
ACTION EAP-00

INFO	LOG-00	ADS-00	AID-00	INR-10	SS-00	CIAE-00	EB-00
	H-01	MSC-01	EXIM-06	NSAE-00	SSO-00	HA-09	L-03
	LAB-04	CTME-00	PM-10	ITC-01	OPIC-07	PA-01	OMB-01
	STR-17	INRE-00	FRB-03	USIE-00	JUSE-00	SP-02	SNP-01
	C-01	PRS-01	E-01	P-02	T-01	/083 W	

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[redacted] SECTION 08 OF 21 BEIJING 11280

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PAGE 02 BEIJIN 11280 08 OF 21 300955Z

E.O. 12356: DECL: OADR
TAGS: OVIP, PREL, CH, US
SUBJECT: SCENESETTER: VICE PREMIER TIAN JIYUN'S

FOREIGN EXCHANGE SWAP MARKETS AND IMPORT SUBSTITUTION RULES PERMITTING SOME DOMESTIC SALES FOR FOREIGN EXCHANGE.

24. TIAN'S EXPERIENCE, R ESPONSIBILITY FOR REFORMS GENERALLY AND AGRICULTURE, CLOSENESS TO ZHAO, AND POSITION ON THE POLITBURO MEAN THAT HE WILL ALSO LIKELY PLAY A CONTINUING ROLE IN MAINTAINING THE MOMENTUM OF DENG XIAOPING'S DOMESTIC REFORM AGENDA. ALTHOUGH PRICE REFORM REMAINS A KEY OBJECTIVE, INFLATION HAS FORCED THE CHINESE TO SHIFT THEIR PRIMARY SHORT-TERM EMPHASIS TO ENHANCING THEIR INSTRUMENTS OF MACROECONOMIC CONTROL OVER FISCAL AND MONETARY POLICIES, CONSUMPTION AND INVESTMENT. MICROECONOMIC ENTERPRISE REFORM IS GIVING FACTORY MANAGERS GREATER FREEDOM FROM STATE AND PARTY INTERFERENCE WHILE THE CONTRACT RESPONSIBILITY SYSTEM ENCOURAGES THEM TO IMPROVE EFFICIENCY. INCREMENTAL PRICE REFORM WILL BE PUSHED IN THE NEWLY-OPENED COASTAL REGIONS WHERE INCOMES ARE GROWING RAPIDLY ENOUGH TO OFFSET THE INFLATIONARY

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IMPACT OF DECONTROLLED PRICES.

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25. THE LEADERSHIP CONTINUES TO MOVE AHEAD WITH NATIONAL MARKETS FOR CAPITAL GOODS, RAW MATERIALS, TECHNOLOGY, LABOR, CAPITAL AND HOUSING, AND WITH EXPANSION OF THE COLLECTIVE AND INDIVIDUAL ENTERPRISE SECTORS. TO REDUCE [redacted]

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PAGE 03 BEIJIN 11280 08 OF 21 300955Z

DIRECT GOVERNMENT INTERFERENCE IN ECONOMIC ACTIVITIES, THE NPC SLIMMED DOWN THE NUMBER AND STAFFING OF STATE AGENCIES, AND SHIFTED THEIR FUNCTIONS, MAKING THOUSANDS OF STATE CORPORATIONS AND ENTERPRISES RESPONSIBLE FOR THE FIRST TIME FOR THEIR OWN DECISIONS, PROFITS AND LOSSES. INDIRECT MACROECONOMIC CONTROLS THROUGH THE CENTRAL BANK ARE BEING GRADUALLY BEEFED UP TO REPLACE COMMAND PLANNING. FINANCING IS SHIFTING FROM STATE BUDGET ALLOCATION TO BANK LOANS AND SECURITIES ISSUANCE.

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26. AS TIAN AND THE OTHER LEADERS CONTINUE TO CREATE THE POLICY FRAMEWORK WHICH ALLOWS DECENTRALIZATION AND INDIVIDUAL EFFORTS TO BE REWARDED, REFORMS ARE ACQUIRING THEIR OWN SPONTANEOUS DYNAMIC. DESPITE THE BIRTH PANGS OF CHINA'S MASSIVE SOCIETAL TRANSFORMATION, WE BELIEVE THESE REFORMS WILL TEND TO PERPETUATE THE PROCESS OF DECREASING THE STATE'S ROLE IN THE DAILY LIFE OF THE COUNTRY, AND ACT TO RENDER HIGHLY UNLIKELY A REVERSE IN BASIC COURSE. THE PROSPECT OF RETURNING TO THE POVERTY AND DISMAL PROSPECTS OF THE OLD SYSTEM WOULD BE UNTHINKABLE TO MOST CHINESE. IT WOULD REQUIRE MASSIVE SOCIAL UPHEAVAL TO REVERSE THE FLOW OF TENS OF MILLIONS OF WORKERS OUT OF AGRICULTURE AND INTO RURAL INDUSTRIES, MARKET TOWNS, AND CITIES WHERE THEIR INCOMES HAVE GROWN SUBSTANTIALLY. MILLIONS MORE NOW RELY FOR THEIR LIVELIHOOD ON COLLECTIVE AND INDIVIDUAL VENTURES THAT DEPEND ON MARKET REFORMS FOR SURVIVAL. EVEN STATE-OWNED ENTERPRISES NOW LOOK TO THE MARKET TO SUPPORT HALF OF THEIR

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PAGE 01 BEIJIN 11280 09 OF 21 300956Z
ACTION EAP-00

INFO	LOG-00	ADS-00	AID-00	INR-10	SS-00	CIAE-00	EB-00
	H-01	MSC-01	EXIM-06	NSAE-00	SSO-00	HA-09	L-03
	LAB-04	CTME-00	PM-10	ITC-01	OPIC-07	PA-01	OMB-01
	STR-17	INRE-00	FRB-03	USIE-00	JUSE-00	SP-02	SNP-01
	C-01	PRS-01	E-01	P-02	T-01	/083 W	

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[redacted] SECTION 09 OF 21 BEIJING 11280

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E.O. 12356: DECL: OADR
TAGS: OVIP, PREL, CH, US
SUBJECT: SCENESETTER: VICE PREMIER TIAN JIYUN'S

PRODUCTION. REFORMS AND THE OPEN DOOR HAVE HELPED MANY OF THESE TO DIVERSIFY AND ACHIEVE QUALITY APPROACHING WORLD STANDARDS. IN CHINA'S BEST ENDOWED, MOST IMPORTANT ECONOMIC REGIONS, NATIVE ENTREPRENEURSHIP IS INCREASINGLY FILLING THE VACUUM LEFT BY RETREATING STATE PLANNERS, AND CONTRIBUTING TO GROWTH RATES SURPASSING THOSE EVEN OF CHINA'S CLOSE NEIGHBORS, THE NIC'S. THESE FACTORS REFLECT FUNDAMENTAL STRUCTURAL CHANGES THAT CANNOT EASILY BE REVERSED. THE LEADERSHIP HAS NO INTENTION OF DOING SO.

CHINA'S FOREIGN POLICY

27. CHINA'S GROWING ECONOMIC STRENGTH IS ACCOMPANIED BY A NEW ASSERTIVENESS IN INTERNATIONAL AFFAIRS. CHINA'S SELF-IMAGE AS AN EMERGING POWER IS MATCHED BY ITS VIEW THAT SUPERPOWER DOMINANCE IS DILUTED BY AN INCREASINGLY MULTIPOLAR WORLD. TIAN'S OWN PAST VISITS AROUND THE WORLD, AND HIS TRIPS TO MEXICO AND CANADA BEFORE AND AFTER HIS VISIT TO THE U.S., ARE PART OF CHINA'S DIPLOMATIC EFFORTS TO PROMOTE MULTIPOLARITY. CHINA'S EXPLICIT STRATEGIC TILT TOWARD THE U.S. WHICH PROMPTED NORMALIZATION WAS REPLACED IN THE EARLY 1980'S WITH A SHIFT TOWARD AN "INDEPENDENT" FOREIGN POLICY. THE CHINESE STRESS PRIVATELY, HOWEVER, THAT THIS DOES NOT

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IMPLY AN EQUIDISTANT POSTURE TOWARDS THE U.S. AND THE SOVIET UNION. INDEED, THEY SEE THE LONG-TERM STRATEGIC THREAT AS COMING FROM THE SOVIETS. THEY VIEW THE U.S. NOT ONLY AS NON-THREATENING, BUT AS POSITIVELY CONTRIBUTING TO

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THE GLOBAL AND REGIONAL BALANCE NECESSARY FOR THE SUCCESS OF CHINA'S NATIONAL REFORM AND MODERNIZATION DRIVE. WE SHARE OPPOSITION TO SOVIET AND VIETNAMESE EXPANSIONISM, AS WELL AS A COMMON WISH FOR STABILITY ON THE KOREAN PENINSULA. CHINA TACITLY CONDONES OUR PHILIPPINE BASES AS A NECESSARY CHECK TO SOVIET INROADS IN THE PACIFIC AND ASIAN REGION, AND AN OFFSET TO THE SOVIET BASES IN VIETNAM. CHINA'S GROWING STAKE IN GLOBAL TRADE UNDERLINES ITS EFFORTS TO IMPROVE TIES WITH ASEAN, WITH SOUTH KOREA, AND EVEN TAIWAN WHICH ACCORD WITH OUR INTERESTS.

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28. INCIPIENT DIVERGENCE WITHQUS ON SOME INTERNATIONAL ISSUES, HOWEVER, REFLECTS CHINA'S NEW GLOBAL ASSERTIVENESS. THIS TREND IS EVIDENT IN THE GULF AND MIDDLE EAST, WHERE CHINA'S ARMS SALES THREATEN U.S. INTERESTS. CHINA'S RECENT ACTION TO ASSERT ITS TERRITORIAL CLAIMS IN THE SOUTH CHINA SEA AUGUR A GROWING CAPABILITY AND WILL FOR POWER PROJECTION. THIS TENDENCY, COUPLED WITH CHINA'S HISTORICAL SUSPICIONS OF TOKYO, CARRY THE POTENTIAL FOR GROWING DISAGREEMENT WITH THE U.S. OVER JAPAN'S PROPER DEFENSE RESPONSIBILITIES IN THE PACIFIC. SOME OF OUR ASEAN FRIENDS REMAIN WARY OF CHINA'S LONG-TERM ROLE AS AN ECONOMIC COMPETITOR AND A REGIONAL POWER.

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PAGE 01 BEIJIN 11280 10 OF 21 300956Z
ACTION EAP-00

INFO LOG-00 ADS-00 AID-00 INR-10 SS-00 CIAE-00 EB-00

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H-01	MSC-01	EXIM-06	NSAE-00	SSO-00	HA-09	L-03
LAB-04	CTME-00	PM-10	ITC-01	OPIC-07	PA-01	OMB-01
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TO SECSTATE WASHDC IMMEDIATE 6407
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[redacted] SECTION 10 OF 21 BEIJING 11280

SECSTATE FOR SECRETARY SHULTZ

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DEPT OF TREASURY FOR SECRETARY BAKER

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[redacted]

PAGE 02 BEIJIN 11280 10 OF 21 300956Z

E.O. 12356: DECL: OADR
TAGS: OVIP, PREL, CH, US
SUBJECT: SCENESETTER: VICE PREMIER TIAN JIYUN'S

29. NONETHELESS, CHINA'S FOREIGN POLICY IS DRIVEN TO AN IMPORTANT EXTENT BY ITS ECONOMIC PRIORITIES. THIS REINFORCES A CONTINUING DE FACTO TILT TOWARD THE WEST, PARTICULARLY THE U.S., AND JAPAN WHICH CAN PROVIDE THE MARKETS, INVESTMENT CAPITAL AND ADVANCED TECHNOLOGY ESSENTIAL TO CHINA'S ECONOMIC DEVELOPMENT.

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CHINA'S RELATIONS WITH EUROPE, BOTH WEST AND EAST, WILL ALSO BENEFIT FROM THIS ECONOMIC FACTOR, WHICH ALSO REINFORCES CHINA'S PROMOTION OF GEOPOLITICAL MULTIPOLARITY.

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30. PASSIVELY ENJOYING AMERICA'S SECURITY PRESENCE IN ASIA, AND BUOYED BY THEIR OWN SUCCESSES AT REFORM, THE CHINESE HAVE CAUTIOUSLY SOUGHT TO REDUCE TENSIONS WITH THE SOVIET UNION. SINO-SOVIET RELATIONS ARE MOVING AHEAD FASTER THAN THE CHINESE WOULD HAVE US BELIEVE, AND MORE SLOWLY THAN THE SOVIETS WOULD LIKE--OR HAVE US BELIEVE. TRADE, ECONOMIC COOPERATION AND CULTURAL EXCHANGES BETWEEN THE TWO NEIGHBORS HAVE EXPANDED SIGNIFICANTLY IN THE PAST FEW YEARS. SOME PROGRESS HAS BEEN MADE IN RENEWED NEGOTIATIONS ON THE BILATERAL BORDER DISPUTE, ESPECIALLY IN THE NORTHEAST ALONG THE AMUR RIVER. CHINA'S BORDER PROVINCES, LEFT BEHIND BY THE NEW COASTAL DEVELOPMENT STRATEGY, HAVE REACTED WITH ENTHUSIASM TO THE SECOND-BEST OPPORTUNITY [redacted]

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PAGE 03 BEIJIN 11280 10 OF 21 300956Z

PRESENTED BY REVIVAL OF BORDER TRADE WITH THE SOVIETS.

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31. THERE ARE INHERENT LIMITS TO SINO-SOVIET RAPPROCHEMENT. LOCAL BORDER TRADE BOOMS, BUT IS STILL COUNTED IN TERMS OF ONLY TENS OF MILLIONS OF DOLLARS IN VALUE. WIDE TIES OF TRADE AND ECONOMIC COOPERATION ARE FETTERED BY THE AWKWARD PROCESS OF BARTER TRADE, AND BY THE PREFERENCE OF BOTH SIDES TO RESERVE THEIR BEST EXPORT PRODUCTS FOR WESTERN MARKETS WHERE FOREIGN EXCHANGE CAN BE EARNED. POLITICALLY, THE ATMOSPHERE IS AFFECTED BY CENTURIES OF ENMITY BETWEEN THE TWO NEIGHBORING, CONTENDING EMPIRES, TINGED WITH MUTUAL RACIAL BIAS AND OVERLAPPING ETHNIC POPULATION. THE CHINESE ARE EMPHATIC THAT RELATIONS WITH THE SOVIET UNION WILL NEVER AGAIN TAKE ON THE ALLIANCE CAST OF THE 1950'S. THE CHINESE HAVE REACTED CAUTIOUSLY TO GORBACHEV'S FOREIGN POLICY GESTURES AND CONTINUE TO INSIST ON REMO
VAL OF THE "THREE MAJOR OBSTACLES" AS THE

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CONDITION FOR FULL NORMALIZATION OF POLITICAL RELATIONS WITH THE SOVIETS. THEY PARTICULARLY INSIST ON MOSCOW'S ABANDONING SUPPORT OF VIETNAM'S OCCUPATION OF CAMBODIA. THEY THUS MAINTAIN PRESSURE ON BOTH MOSCOW AND HANOI WITH A LONG-TERM VIEW TO CURBING VIETNAMESE EXPANSION AND REMOVING SOVIET BASES FROM VIETNAM. NEVERTHELESS, WE CAN EXPECT A CONTINUED IMPROVEMENT IN SINO-SOVIET RELATIONS. A MEETING BETWEEN FOREIGN MINISTERS IS POSSIBLE IN THE COMING MONTHS. WE CAN VIEW THESE DEVELOPMENTS WITH EQUANIMITY GIVEN THE INHERENT

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PAGE 01 BEIJIN 11280 11 OF 21 300957Z
ACTION EAP-00

INFO	LOG-00	ADS-00	AID-00	INR-10	SS-00	CIAE-00	EB-00
	H-01	MSC-01	EXIM-06	NSAE-00	SSO-00	HA-09	L-03
	LAB-04	CTME-00	PM-10	ITC-01	OPIC-07	PA-01	OMB-01
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[redacted] SECTION 11 OF 21 BEIJING 11280

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PAGE 02 BEIJIN 11280 11 OF 21 300957Z

E.O. 12356: DECL: OADR
TAGS: OVIP, PREL, CH, US
SUBJECT: SCENESETTER: VICE PREMIER TIAN JIYUN'S

LIMITS TO SINO-SOVIET RAPPROCHEMENT NOTED ABOVE.

BILATERAL RELATIONS

32. IN THE PAST SIX MONTHS, WE HAVE SEEN BILATERAL POLITICQL RELATIONS SEVERELY BUFFETED BY A NUMBER OF UNFORESEEN STORMS: WRANGLING OVER TIBET AS CHINA STRUGGLED TO MAINTAIN ITS CONTROL AND LEGITIMATE CLAIMS TO SOVEREIGNTY THERE IN THE FACE OF SEPARATIST INSURRECTION, AND AS THE U.S. STOOD UP AGAINST ABUSES OF HUMAN RIGHTS; MASSIVE CHINESE ARMS SALES TO THE GULF, ESPECIALLY OF THE SILKWORM ANTI-SHIP MISSILES TO IRAN WHICH THREATENED LIVES AND PROPERTY OF THE U.S. AND THE PRINCIPLE OF FREE NAVIGATION; THE RESULTANT U.S. DECISION TO FREEZE FURTHER LIBERALIZATION OF COCOM TECHNOLOGY EXPORT CONTROLS FOR CHINA; U.S. EXPULSION OF TWO CHINESE DIPLOMATS FOR ESPIONAGE; AND VARIOUS CONGRESSIONAL RESOLUTIONS DEALING WITH CHINESE INTERNAL ISSUES. REFLECTING THE SOLID UNDERPINNINGS OF U.S.-CHINA RELATIONS, BOTH SIDES SHOWED THE NECESSARY WILL TO TAKE STEPS TO LIMIT DAMAGE TO CORE ELEMENTS OF THE

RELATIONSHIP STEMMING FROM THESE TENSIONS. BY THE TIME OF FOREIGN MINISTER WU XUEQIAN'S VISIT TO WASHINGTON IN MARCH, TIBET HAD RECEDED CONSIDERABLY AS AN ISSUE; OUR ACTIONS ON EXPORT CONTROLS HAD GOTTEN CHINESE ATTENTION

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PAGE 03 BEIJIN 11280 11 OF 21 300957Z

AND STEMMED THE FLOW OF SILKWORMS TO IRAN; AND THE CHINESE HAD DECIDED TO LET THE DIPLOMAT-EXPULSION INCIDENT PASS WITHOUT REPRISAL. SYMBOLIZING THE CONTINUING MOMENTUM OF THE RELATIONSHIP, FOREIGN MINISTER WU ANNOUNCED CHINA'S AGREEMENT IN PRINCIPLE TO ACCEPT A PEACE CORPS CONTINGENT, THE FIRST COMMUNIST COUNTRY EVER TO DO SO.

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33. THE NEW ELEMENT OF MATURITY AND NORMALCY IN BILATERAL RELATIONS PERMITTED US TO HANDLE FAIRLY SMOOTHLY SERIOUS POLITICAL ISSUES IN RECENT MONTHS WITHOUT MAJOR REPERCUSSIONS IN OTHER AREAS OF THE RELATIONSHIP. CULTURAL EXCHANGES PROCEEDED APACE WITH THE VISIT OF USIA DIRECTOR WICK, AND INTRODUCTION OF THE WORLDNET TO CHINA. BILATERAL ECONOMIC RELATIONS HAVE EXHIBITED A POSITIVE TREND. A NEW FOUR-YEAR BILATERAL TEXTILES AGREEMENT, SIGNED AT THE END OF USTR AMBASSADOR YEUTTER'S SUCCESSFUL FEBRUARY VISIT TO BEIJING, HAS SUBSTANTIALLY SLOWED THE GROWTH OF THESE POLITICALLY-SENSITIVE IMPORTS FROM CHINA. RESUMPTION OF USG DELIBERATIONS TO LIBERALIZE COCOM HIGH-TECHNOLOGY EXPORT CONTROLS ON CHINA HAS MUFFLED CHINESE COMPLAINTS ABOUT RESTRICTIONS ON TECHNOLOGY TRANSFER WHILE POTENTIALLY ENHANCING U.S. EXPORT COMPETITIVENESS IN THIS MULTI-BILLION DOLLAR MARKET. BILATERAL TRADE REACHED A RECORD USD 10.4 BILLION IN 1987. STRONG SALES OF U.S. GRAIN IN 1987 MAY CONTINUE. DESPITE A RECORD U.S. BILATERAL TRADE DEFICIT OF USD 3.4 BILLION LAST YEAR, A GRADUAL RELAXATION OF PRC IMPORT RESTRICTIONS IN

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UNCLASSIFIED

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PAGE 01 BEIJIN 11280 12 OF 21 300957Z
ACTION EAP-00

INFO	LOG-00	ADS-00	AID-00	INR-10	SS-00	CIAE-00	EB-00
	H-01	MSC-01	EXIM-06	NSAE-00	SSO-00	HA-09	L-03
	LAB-04	CTME-00	PM-10	ITC-01	OPIC-07	PA-01	OMB-01
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USDOC WASHDC IMMEDIATE
DEPT OF TREASURY WASHDC IMMEDIATE
INFO AMCONSUL SHANGHAI
AMCONSUL SHENYANG
AMCONSUL GUANGZHOU
AMCONSUL HONG KONG
AMCONSUL CHENGDU

[redacted] SECTION 12 OF 21 BEIJING 11280

SECSTATE FOR SECRETARY SHULTZ

WHITEHOUSE FOR OVP - DONALD GREGG

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USDOC FOR SECRETARY VERITY

DEPT OF TREASURY FOR SECRETARY BAKER

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E.O. 12356: DECL: OADR
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SUBJECT: SCENESETTER: VICE PREMIER TIAN JIYUN'S

RESPONSE TO SIGNIFICANT IMPROVEMENT IN CHINA'S CURRENT ACCOUNT BOOSTED U.S.-MANUFACTURED EXPORTS IN LATE 1987. THIS HOLDS THE PROMISE FOR BETTER U.S. EXPORT PERFORMANCE IN 1988. STRONG U.S. PRICE COMPETITIVENESS, DUE TO APPRECIATION OF THE YEN AND MAJOR EUROPEAN CURRENCIES AGAINST CHINA'S RMB (WHICH IS UNOFFICIALLY PEGGED TO THE DOLLAR), AND THE IMPORT DEMANDS CREATED BY CHINA'S COASTAL DEVELOPMENT STRATEGY, SHOULD ALSO STRENGTHEN U.S. EXPORTS. NEGOTIATIONS ON CHINA'S ACCESSION TO THE GATT WILL CONTINUE DURING 1988 IN AN ENVIRONMENT HOPEFULLY MADE MORE FELICITOUS AS CHINA PUSHES AHEAD WITH MAJOR TRADE SYSTEM REFORMS.

34. NONETHELESS, MAJOR BILATERAL ISSUES IN A NUMBER OF FIELDS REMAIN ON THE AGENDA AWAITING RESOLUTION OR CLARIFICATION. CHIEF AMONG THESE AT PRESENT IS CHINESE SALES OF MEDIUM-RANGE MISSILES TO SAUDI ARABIA. APART FROM OUR CONCERNS ABOUT INTRODUCTION OF A NEW CLASS OF WEAPONS WITH THE POTENTIAL TO FURTHER DESTABILIZE THE MIDDLE EAST AND GULF, THESE SALES RAISE EVEN MORE SERIOUS LONG-TERM CONCERNS ABOUT WIDER PROLIFERATION OF NUCLEAR-CAPABLE BALLISTIC MISSILE TECHNOLOGY. OUR RECENT ATTEMPTS TO ENGAGE CHINA IN A DIALOGUE CONCERNING THE NEED FOR STRICT FOREIGN-POLICY CONTROLS OVER THE

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SALE OF SUCH TECHNOLOGY SO FAR HAVE BEEN FIRMLY REBUFFED. MOVED PARTIALLY BY DESIRES TO EXPAND POLITICAL INFLUENCE, CHINA'S ARMS SALES ARE MORE MOTIVATED BY COMMERCIAL OBJECTIVES. BILLIONS OF DOLLARS OF ARMS EXPORTS ARE CRUCIAL TO PLA MODERNIZATION AND CHINA'S OVERALL TRADE BALANCE. THE CHINESE ALSO REJECT

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INFRINGEMENT ON CHINA'S SOVEREIGN RIGHT TO PARTICIPATE FREELY IN THE GLOBAL ARMS TRADE, JUST AS OTHER ARMS EXPORTERS DO. IN ADDITION, CHINA SEEKS TO EXPAND ITS INFLUENCE--GENERALLY AS A FACTOR IN THE MIDDLE EAST, SPECIFICALLY TO GAIN DIPLOMATIC RECOGNITION FROM SAUDI ARABIA AND GOODWILL FROM MODERATE ARABS WHO ARE CONCERNED ABOUT CHINA'S TIES WITH IRAN.

CHINESE OBJECTIVES

35. THE CHINESE WILL GRASP TIAN'S FIRST WASHINGTON VISIT AS AN IMPORTANT OPPORTUNITY TO SEASON A YOUNGER LEADER THROUGH EXPOSURE TO TOP ADMINISTRATION OFFICIALS AND A WIDE RANGE OF BILATERAL AND GLOBAL ISSUES, MAJOR PRIVATE SECTOR FIGURES, AND U.S. SOCIETY IN GENERAL. THE SECOND MAJOR CHINESE OBJECTIVE WILL BE TO REASSURE THE U.S. LEADERSHIP AND PUBLIC ABOUT THE PERMANENCE OF THE REFORM DRIVE, AND TO GENERATE PRIVATE SECTOR ENTHUSIASM FOR INVESTMENT IN CHINA. IN HIS MEETINGS WITH PRESIDENT REAGAN, VICE PRESIDENT BUSH, SECRETARY SHULTZ, SECRETARY CARLUCCI, SECRETARY BAKER, SECRETARY VERITY, AND USTR AMBASSADOR YEUTTER, TIAN WILL SEEK TO MAINTAIN THE GENERALLY POSITIVE MOMENTUM IN THE RELATIONSHIP TO FURTHER CHINA'S ECONOMIC AND

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PAGE 01 BEIJIN 11280 13 OF 21 300958Z
ACTION EAP-00

INFO	LOG-00	ADS-00	AID-00	INR-10	SS-00	CIAE-00	EB-00
	H-01	MSC-01	EXIM-06	NSAE-00	SSO-00	HA-09	L-03
	LAB-04	CTME-00	PM-10	ITC-01	OPIC-07	PA-01	OMB-01

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USDOC WASHDC IMMEDIATE
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AMCONSUL GUANGZHOU
AMCONSUL HONG KONG
AMCONSUL CHENGDU

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[redacted] SECTION 13 OF 21 BEIJING 11280

SECSTATE FOR SECRETARY SHULTZ

WHITEHOUSE FOR OVP - DONALD GREGG

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DEPT OF TREASURY FOR SECRETARY BAKER

STATE PASS USTR FOR AMBASSADOR YEUTTER

FROM AMBASSADOR LORD

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PAGE 02 BEIJIN 11280 13 OF 21 300958Z

E.O. 12356: DECL: OADR
TAGS: OVIP, PREL, CH, US
SUBJECT: SCENESETTER: VICE PREMIER TIAN JIYUN'S

STRATEGIC INTERESTS. HE WILL SEEK TO DOWNPLAY AS MUCH AS POSSIBLE ARMS SALES AND THE GULF ISSUES BECAUSE CHINA IS ON THE DEFENSIVE ON THESE ISSUES, AND BECAUSE HE MAY NOT FEEL EQUIPPE
D TO DEAL WITH THEM EXPERTLY. HE WIL
BE INTERESTED TO LEARN MORE ABOUT U.S. GEOSTRATEGIC PERSPECTIVES, WITH EMPHASIS ON PROSPECTS FOR THE UPCOMING U.S.-SOVIET SUMMIT,

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ARMS CONTROL, AFGHANISTAN, CAMBODIA, KOREA AND JAPAN. FOR THE RECORD, HE WILL ALSO RAISE IN RITUALISTIC TERMS CHINESE POLITICAL CONCERNS OVER TIBET AND TAIWAN.

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36. GIVEN HIS SPECIFIC RESPONSIBILITIES ON THE STATE COUNCIL, TIAN WILL FOCUS HIS EFFORTS THROUGHOUT HIS VISIT ON INCREASING CHINA'S GAINS FROM BILATERAL INVESTMENT AND TRADE RELATIONS. TIAN'S OBJECTIVES WILL LIKELY INCLUDE:

--LEARN WHAT CONCRETE MEASURES WE ARE ADOPTING, AND TIMING FOR THE RESUMPTION OF HIGH-TECHNOLOGY EXPORT CONTROL LIBERALIZATION IN COCOM, ANNOUNCED DURING FOREIGN MINISTER WU'S VISIT. TIAN MAY RAISE SPECIFIC TECHNOLOGY AND LICENSING CASES, INCLUDING TWO PENDING SUPERCOMPUTER APPLICATIONS. HE MIGHT ARGUE THAT RECENT U.S. APPROVAL OF A SUPERCOMPUTER FOR INDIA STRENGTHENS CHINA'S CASE.

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--ENCOURAGE U.S. SUPPORT FOR CHINA'S EARLY ENTRY INTO THE GATT, WITH A MINIMUM OF SAFEGUARDS OR OTHER CONDITIONS WHICH SINGLE OUT CHINA AS A NON-MARKET ECONOMY. THE SECOND GATT WORKING GROUP ON CHINA'S ACCESSION WILL HAVE MET IN GENEVA TWO WEEKS PRIOR TO TIAN'S VISIT TO THE U.S. TIAN MAY TAKE THE OPPORTUNITY TO REVIEW CHINA'S PLANS FOR AN EXTENSIVE TRADE REFORM PROGRAM TO DEMONSTRATE WHY SAFEGUARDS AND CONDITIONS IMPOSED ON THE ACCESSIONS OF OTHER SOCIALIST, PLANNED ECONOMIES ARE UNNECESSARY IN CHINA'S CASE.

--ARGUE FOR THE U.S. TO GRANT CHINA GSP BENEFITS AND UNCONDITIONAL MFN STATUS.

--LOBBY FOR EARLY CONCLUSION OF A BILATERAL INVESTMENT TREATY. CHINA AND THE U.S. REMAIN FAR APART ON CRITICAL RIGHTS AND PROTECTION FOR U.S. INVESTORS INVOLVING NATIONAL TREATMENT, THIRD-PARTY ARBITRATION, AND COMPENSATION FOR NATIONALIZATION.

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UNCLASSIFIED

--RENEW PAST REQUESTS FOR U.S. SOFT-LOAN FINANCING FOR DEVELOPMENT PROJECTS, SIMILAR TO THAT PROVIDED BY 18 OTHER DEVELOPED COUNTRIES.

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--COMPLAIN ABOUT REAL OR ALLEGED U.S. PROTECTIONISM, PARTICULARLY AS REFLECTED IN THE 15 ANTI-DUMPING CASES BROUGHT AGAINST CHINA IN THE PAST FIVE YEARS. THE CHINESE ESPECIALLY RANKLE AT THE NON-MARKET ECONOMY PROVISIONS OF THE ANTI-DUMPING LAW WHICH THEY CLAIM IS INAPPROPRIATE

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PAGE 01 BEIJIN 11280 14 OF 21 300958Z
ACTION EAP-00

INFO	LOG-00	ADS-00	AID-00	INR-10	SS-00	CIAE-00	EB-00
	H-01	MSC-01	EXIM-06	NSAE-00	SSO-00	HA-09	L-03
	LAB-04	CTME-00	PM-10	ITC-01	OPIC-07	PA-01	OMB-01
	STR-17	INRE-00	FRB-03	USIE-00	JUSE-00	SP-02	SNP-01
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TO SECSTATE WASHDC IMMEDIATE 6411
WHITEHOUSE WASHDC IMMEDIATE
SECDEF WASHDC IMMEDIATE
USDOC WASHDC IMMEDIATE
DEPT OF TREASURY WASHDC IMMEDIATE
INFO AMCONSUL SHANGHAI
AMCONSUL SHENYANG
AMCONSUL GUANGZHOU
AMCONSUL HONG KONG
AMCONSUL CHENGDU

[redacted] SECTION 14 OF 21 BEIJING 11280

UNCLASSIFIED

SECSTATE FOR SECRETARY SHULTZ

WHITEHOUSE FOR OVP - DONALD GREGG

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SECDEF FOR SECRETARY CARLUCCI

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[redacted]

PAGE 02 BEIJIN 11280 14 OF 21 300958Z

E.O. 12356: DECL: OADR
TAGS: OVIP, PREL, CH, US
SUBJECT: SCENESETTER: VICE PREMIER TIAN JIYUN'S

AND UNFAIR TO CHINA.

--RAISE A NUMBER OF UNRESOLVED CONSULAR ISSUES, INCLUDING DISAGREEMENTS OVER VISA POLICY WHICH AFFECT BUSINESS INTERESTS ON BOTH SIDES.

--RAISE CHINESE DESIRES FOR A MARITIME AGREEMENT, CITING STANDARD CHINESE COMPLAINTS THAT LACK OF AN AGREEMENT RESULTS IN U.S. APPLICATION OF TONNAGE DUTIES ON CHINESE CARGOES, AND RESTRICTS PORT ACCESS TO CHINESE VESSELS, WHICH THE CHINESE CLAIM TO BE DISCRIMINATORY AND UNJUSTIFIED.

U.S. OBJECTIVES

37. TIAN'S VISIT PRESENTS US WITH AN EXCELLENT OPPORTUNITY TO IMPRESS THIS KEY LEADER WITH AMERICA'S STRENGTH AND VITALITY, AND WITH A SENSE OF THE STAKE CHINA HAS IN BUILDING GOOD RELATIONS WITH US. THROUGH MEETINGS WITH SENIOR ADMINISTRATION OFFICIALS, WE SHOULD EXPAND HIS GEOPOLITICAL HORIZONS, AND INCREASE HIS UNDERSTANDING OF THE U.S. POLITICAL SYSTEM. WE SHOULD ALSO GIVE HIM A FEEL FOR THE VARYING ROLES CONGRESS AND THE ADMINISTRATION PLAY ON

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ISSUES OF PRIMARY CONCERN TO HIM (TRADE POLICY IN GENERAL, MARKET ACCESS, ANTI-DUMPING LEGISLATION, GATT POLICY, INTELLECTUAL PROPERTY

UNCLASSIFIED

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PAGE 03 BEIJIN 11280 14 OF 21 300958Z

PROTECTION) AS WELL AS BILATERAL POLITICAL FRICTIONS (TIBET, HUMAN RIGHTS). AT THE SAME TIME, WE SHOULD SEEK TO LEARN MORE ABOUT TIAN'S ROLE IN THE STATE COUNCIL AND GET A SENSE OF THE MAN, HIS STYLE AND PHILOSOPHY.

38. OUR MORE SPECIFIC OBJECTIVES WOULD INCLUDE:

A. INTERNATIONAL AND POLITICAL ISSUES

- --EXPLAIN THE REALITIES OF U.S. EXPORT CONTROL POLICY CONCERNING CHINA. WE MUST POINT OUT THE OBJECTIVE POLITICAL LINK BETWEEN THE PACE OF LIBERALIZATION AND CHINESE ARMS SALES THAT AFFECT IMPORTANT U.S. INTERESTS, WITHOUT APPEARING TO SUGGEST BLACKMAIL. REITERATE THAT WE WILL GO FORWARD WITH LIBERALIZATION AS PROMISED, BUT THAT FUTURE CHINESE MISSILE SALES, IF SEEN TO BE INDISCRIMINATE AND IRRESPONSIBLE AS TO CUSTOMERS AND OVERALL IMPACT ON U.S. SECURITY CONCERNS, WILL INEVITABLY AFFECT THE CLIMATE OF SUPPORT IN THE U.S. FOR THE LIBERALIZATION PROCESS.

- --TO MEET BEST OUR OBJECTIVES, TALKS WITH TIAN SHOULD BE CAST IN THE CONTEXT OF TWO MAJOR COUNTRIES DISCUSSING VITAL ISSUES OF MUTUAL CONCERN, RATHER THAN AS A SUPERPOWER CYNICALLY OR HYPOCRITICALLY SEEKING TO CONSTRAIN PRC ARMS SALES FOR ITS OWN ENDS. POINT OUT THAT WE ARE NOT SINGLING CHINA OUT, BUT ARE EXCHANGING VIEWS WITH A NUMBER OF OTHER INTERESTED COUNTRIES, MANY OF WHICH SHARE OUR CONCERNS. CHINA HAS THE CLEAR RIGHT TO SELL

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UNCLASSIFIED

UNCLASSIFIED

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PAGE 01 BEIJIN 11280 15 OF 21 300959Z
ACTION EAP-00

INFO	LOG-00	ADS-00	AID-00	INR-10	SS-00	CIAE-00	EB-00
	H-01	MSC-01	EXIM-06	NSAE-00	SSO-00	HA-09	L-03
	LAB-04	CTME-00	PM-10	ITC-01	OPIC-07	PA-01	OMB-01
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USDOC WASHDC IMMEDIATE
DEPT OF TREASURY WASHDC IMMEDIATE
INFO AMCONSUL SHANGHAI
AMCONSUL SHENYANG
AMCONSUL GUANGZHOU
AMCONSUL HONG KONG
AMCONSUL CHENGDU

[redacted] SECTION 15 OF 21 BEIJING 11280

SECSTATE FOR SECRETARY SHULTZ

WHITEHOUSE FOR OVP - DONALD GREGG

SECDEF FOR SECRETARY CARLUCCI

USDOC FOR SECRETARY VERITY

DEPT OF TREASURY FOR SECRETARY BAKER

STATE PASS USTR FOR AMBASSADOR YEUTTER

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PAGE 02 BEIJIN 11280 15 OF 21 300959Z

UNCLASSIFIED

E.O. 12356: DECL: OADR
TAGS: OVIP, PREL, CH, US
SUBJECT: SCENESETTER: VICE PREMIER TIAN JIYUN'S

WEAPONS LIKE ANY OTHER NATION, BUT WE BELIEVE THE RESPONSIBILITIES OF MAJOR POWER STATUS REQUIRE CARE IN DECIDING WHAT TYPES OF TECHNOLOGIES AND WEAPONS SHOULD BE SOLD TO CERTAIN COUNTRIES AND REGIONS. IN PARTICULAR, TIAN SHOULD BE EDUCATED THAT MISSILE TECHNOLOGY TRANSFER AND BALLISTIC MISSILE PROLIFERATION CONSTITUTE AN INCREASINGLY IMPORTANT ISSUE AND FACTOR IN REGIONAL AND GLOBAL STABILITY. SUCH PROLIFERATION COULD COME BACK TO HAUNT CHINA IN THE FUTURE IF IT SPREADS TO COUNTRIES CLOSE TO CHINA'S BORDERS. HE SHOULD BE PERSUADED OF THE BENEFITS OF COOPERATION THROUGH CONSTRUCTIVE DIALOGUE WITH THE U.S. AND OTHERS ON MANAGING BILATERAL AND REGIONAL PROBLEMS RESULTING FROM PARTICULAR SALES. FINALLY, TIAN SHOULD HEAR OUR FRANK ADVICE THAT THE CHINESE SHOULD TIGHTEN UP THEIR POROUS ARMS SALES SYSTEM, ESPECIALLY WITH REGARD TO BALLISTIC MISSILES AND NUCLEAR-EXPLOSIVE RELATED MATERIAL.

- --AS ONE WHO HAS LED CHINESE DELEGATIONS TO JAPAN SEVERAL TIMES, TIAN IS AN IDEAL INTERLOCUTOR ON CURRENT SINO-JAPANESE ISSUES AND THE FUTURE ROLE OF JAPAN GENERALLY.

- --WE SHOULD ALSO SEEK TO ASSURE THE CHINESE LEADERSHIP, THROUGH TIAN, ON OUR HARD-HEADEDNESS WITH RESPECT TO MOSCOW; OUR CONTINUING SUPPORT

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PAGE 03 BEIJIN 11280 15 OF 21 300959Z

FOR THE AFGHAN RESISTANCE IN THE WAKE OF SOVIET WITHDRAWALS; OUR STEADFASTNESS ON INDOCHINA POLICY; AND OUR GENUINE CONCERNS OVER THE SAFETY OF THE OLYMPICS AND STABILITY ON THE KOREAN PENINSULA.

B. BILATERAL ECONOMIC ISSUES

WE FACE A FULL PLATE OF ECONOMIC ISSUES. OUR

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APPROACH TO TIAN SHOULD BEGIN AT A LOFTY, CONCEPTUAL LEVEL, WITH RECOGNITION OF THE BROAD STRUCTURAL CHANGES AFOOT IN THE GLOBAL ECONOMY, AND THEIR IMPACT ON BOTH THE U.S. AND CHINA. WE SHOULD IMPRESS UPON TIAN THAT BILATERALLY, WE NEED TO WORK TOGETHER TO MAXIMIZE THE OPPORTUNITIES POSED BY GLOBAL ADJUSTMENTS, AND MINIMIZE THE INEVITABLE FRICTIONS WHICH WILL OCCASIONALLY DEVELOP AS OUR ECONOMIC LINKS BROADEN AND DEEPEN. TIAN SHOULD COME AWAY FROM HIS TOUR OF THE U.S. WITH AN UNDERSTANDING OF THE IMPORTANCE THAT OUR ECONOMIC VITALITY, TECHNOLOGICAL PROWESS, AND U.S. MARKETS PLAY IN HELPING CHINA REALIZE ITS GOALS FOR RAPID MODERNIZATION. THIS UNDERSTANDING WILL MAKE HIM A WISER DECISION-MAKER WHEN CONFRONTED WITH BILATERAL TRADE AND INVESTMENT ISSUES. HE MUST BE EDUCATED TO THE BASIC TRADE-OFF BETWEEN CONTINUED CHINESE ACCESS TO THE HUGE AMERICAN MARKET AND AMERICA'S NEED TO GAIN ACCESS TO IMPORTANT AREAS OF CHINA'S MARKET FOR GOODS AND SERVICES NOW RESTRICTED TO US. THIS TRADE-OFF IS CENTRAL TO THE SOLUTION OF MAJOR U.S. CONCERNS OVER BILATERAL ECONOMIC RELATIONS: TRADE FAIRNESS AND RECIPROCITY,

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PAGE 01 BEIJIN 11280 16 OF 21 301000Z
ACTION EAP-00

INFO	LOG-00	ADS-00	AID-00	INR-10	SS-00	CIAE-00	EB-00
	H-01	MSC-01	EXIM-06	NSAE-00	SSO-00	HA-09	L-03
	LAB-04	CTME-00	PM-10	ITC-01	OPIC-07	PA-01	OMB-01
	STR-17	INRE-00	FRB-03	USIE-00	JUSE-00	SP-02	SNP-01

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AMCONSUL SHENYANG
AMCONSUL GUANGZHOU
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AMCONSUL CHENGDU

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[redacted] SECTION 16 OF 21 BEIJING 11280

SECSTATE FOR SECRETARY SHULTZ

WHITEHOUSE FOR OVP - DONALD GREGG

SECDEF FOR SECRETARY CARLUCCI

USDOC FOR SECRETARY VERITY

DEPT OF TREASURY FOR SECRETARY BAKER

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PAGE 02 BEIJIN 11280 16 OF 21 301000Z

E.O. 12356: DECL: OADR
TAGS: OVIP, PREL, CH, US
SUBJECT: SCENESETTER: VICE PREMIER TIAN JIYUN'S

CHINA'S GATT ACCESSION, MARITIME AND CIVAIR ISSUES, TRADE IN SERVICES, AND THE INVESTMENT ENVIRONMENT AND OPPORTUNITIES IN CHINA. THIS TRADE-OFF WILL ALSO INEVITABLY COME TO DOMINATE INCREASINGLY OUR BILATERAL DIALOGUE, AS FORESHADOWED IN THE MUCH GREATER EMPHASIS ON RECIPROCITY IN THE NEW U.S. OMNIBUS TRADE BILL, AND THE GREATER PRESSURE THAT LEGISLATION PUTS ON THE EXECUTIVE BRANCH TO GET OUR TRADE PARTNERS TO TRADE FAIRLY. CHINA CAN EXPECT NO SPECIAL TREATMENT. THE KEY

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ECONOMIC OBJECTIVES FOR THE TIAN VISIT ARE:

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- --ASSURE TIAN OF U.S. SUPPORT FOR CHINA'S EFFORTS TO PARTICIPATE FULLY IN THE GATT. HOWEVER, IMPRESS UPON HIM THAT THOSE EFFORTS WILL BE SUCCESSFUL ONLY IF CHINA COMMITS ITSELF OVER TIME TO EXPAND INCIPIENT REFORMS TO ELIMINATE NON-TARIFF TRADE BARRIERS AND EXPORT SUBSIDIES. CHINA MUST COME TO RELY AS QUICKLY AS POSSIBLE ONLY ON RATIONALIZED TARIFFS TO REGULATE TRADE IN ACCORDANCE WITH DEVELOPMENT OBJECTIVES. CHINA MUST ADMIT THAT ITS SYSTEM IS NOW INCOMPATIBLE WITH GATT OBLIGATIONS AND BE PREPARED SOON TO MAKE CONCESSIONS TAKING INTO ACCOUNT THE NON-MARKET ASPECTS OF ITS TRADE.

- --ENCOURAGE TIAN TO TAKE FURTHER, MEANINGFUL STEPS TO IMPROVE THE ATTRACTIVENESS OF THE CHINA MARKET FOR U.S. BUSINESSMEN, INCLUDING

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PAGE 03 BEIJIN 11280 16 OF 21 301000Z

BETTER PROTECTION FOR INTELLECTUAL PROPERTY (ESPECIALLY FOR CHEMICAL PROCESSES AND SOFTWARE), GREATER ACCESS TO CHINA'S DOMESTIC MARKET FOR INVESTORS, LESS RELIANCE ON STRICT FOREIGN EXCHANGE BALANCING PROJECT-BY-PROJECT, REDUCTION OF BUREAUCRATIC OBSTACLES, FEWER RESTRICTIONS ON MANUFACTURED IMPORTS, AND FULFILLMENT OF CONTRACTS (E.G., SANDS LIVESTOCK CASE).

- --POINT OUT THAT THE BALL IS IN CHINA'S COURT ON THE BILATERAL INVESTMENT TREATY, AND THAT THE U.S. IS WILLING TO ENTER INTO A NEW ROUND OF TALKS PROVIDED CHINA CAN DEMONSTRATE NEW FLEXIBILITY ON ISSUES OF PRIMARY IMPORTANCE TO US.

- --ADVOCATE GREATER U.S. PARTICIPATION IN CHINA'S RAPIDLY DEVELOPING AIR-TRAFFIC CONTROL, ELECTRONICS, AUTOMOTIVE, TELECOMMUNICATIONS, ENERGY, CHEMICALS AND MACHINERY MARKETS, WHERE SUPERIOR U.S. PRICE AND QUALITY MUST COMPETE AGAINST LESS ATTRACTIVE SUPPLIERS BACKED BY LOW-INTEREST FINANCING.

- --EXPRESS U.S. INTEREST IN EXPANDING BILATERAL CIVIL AVIATION ROUTES AND CAPACITIES,

AND SUGGEST TALKS ON THOSE ISSUES LATER IN THE YEAR.

-

- --DISCUSS THE POSSIBILITIES FOR A NEW MARITIME AGREEMENT, IN THE CONTEXT OF THE IMPERATIVE FOR CHINA TO OPEN UP ITS SHIPPING MARKET, BY ALLOWING U.S. CARRIERS TO OPEN BRANCH OFFICES IN CHINA, JUST AS CHINESE

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PAGE 01 BEIJIN 11280 17 OF 21 301000Z
ACTION EAP-00

INFO	LOG-00	ADS-00	AID-00	INR-10	SS-00	CIAE-00	EB-00
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INFO AMCONSUL SHANGHAI
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SECSTATE FOR SECRETARY SHULTZ

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STATE PASS USTR FOR AMBASSADOR YEUTTER

FROM AMBASSADOR LORD

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PAGE 02 BEIJIN 11280 17 OF 21 301000Z

E.O. 12356: DECL: OADR
TAGS: OVIP, PREL, CH, US
SUBJECT: SCENESETTER: VICE PREMIER TIAN JIYUN'S

CARRIERS HAVE OFFICES IN ALL MAJOR U.S. PORTS. TELL TIAN THAT CHINA'S CONCERNS OVER PORT ACCESS AND TONNAGE DUTIES WILL BE ADDRESSED ONCE THERE IS PROGRESS ON RECIPROCAL MARKET ACCESS FOR U.S. CARRIERS.

- --EXPAND NOTION OF RECIPROCITY TO INCLUDE RIGHTS FOR U.S. SERVICE SECTOR (BANKS, INSURANCE COMPANIES, ACCOUNTANTS, LAWYERS, CONSULTANTS, ETC.) TO OPEN UP BRANCH OPERATIONS IN CHINA.

- --URGE CHINA TO SIGN THE VIENNA CONVENTION FOR THE PROTECTION OF THE OZONE LAYER AND THE MONTREAL PROTOCOL ON SUBSTANCES THAT DEPLETE THE OZONE LAYER.

-

C. CHINA'S REFORMS

- --LEARN MORE ABOUT THE NEW COASTAL DEVELOPMENT STRATEGY AND ITS IMPLICATIONS FOR THE U.S. RAISE OUR CONCERNS THAT A CHINESE EXPORT STRATEGY THAT DOES NOT INCLUDE THE EVENTUAL LOWERING OF IMPORT BARRIERS WOULD BE VIEWED AS HARMFUL TO U.S. INTERESTS AND TO THE WORLD TRADING SYSTEM. HAVE TIAN EXPLAIN THE ROLE HE SEES CHINA PLAYING IN THE REGIONAL AND WORLD ECONOMY TEN YEARS FROM NOW.

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PAGE 03 BEIJIN 11280 17 OF 21 301000Z

- --SOLICIT TIAN'S VIEWS ON CHINA'S PROSPECTS FOR HOLDING DOWN INFLATION WHILE MAINTAINING HIGH GROWTH. HOW WILL THE GOVERNMENT EFFECTIVELY PROMOTE GREATER PRODUCTIVITY WHILE TIGHTENING CONTROLS ON THE EXPANSION OF MONEY AND CREDIT?

- --GAUGE TIAN'S CONVICTIONS ON THE LONG-TERM GOALS OF REFORM, INCLUDING HIS VIEWS ON THE RELATIVE ROLES OF THE MARKET AND CENTRAL PLANNING. WHAT ARE HIS VIEWS ON THE IMPORTANCE OF PRICE REFORM, AND THE ULTIMATE SCOPE OF PRIVATE ENTERPRISE, STOCK OWNERSHIP, FINANCIAL MARKETS, AND SOLUTIONS TO STAGNATING AGRICULTURAL PRODUCTION IN THE FACE OF RISING POPULATION GROWTH?

- --TEST TIAN'S UNDERSTANDING OF THE BROAD SOCIAL AND POLITICAL FORCES LET LOOSE IN CHINA BY REFORMS, AND HIS VIEWS ON HOW POLITICAL AND ECONOMIC REFORM WILL MEET RISING POPULAR EXPECTATIONS FOR PROSPERITY AND A GREATER SAY OVER DECISIONS AFFECTING DAILY LIFE. ASK HIM ABOUT PLANS TO REDRESS THE GROWING DISPARITIES BETWEEN LEVELS OF PROSPERITY IN THE COASTAL AREAS AND THE INTERIOR.

BILATERAL MEETINGS WITH TIAN: WHAT TO RAISE

39. IN THE PRESIDENT'S, VICE PRESIDENT'S AND OTHER SENIOR U.S. OFFICIALS' MEETINGS WITH VICE PREMIER TIAN, A FRANK EXPOSITION OF U.S. VIEWS ON KEY ISSUES WOULD INTRODUCE TIAN TO THE WORLD OF HIGH-LEVEL STATESMANSHIP, TEST HIS KNOWLEDGE OF ISSUES AND ABILITY TO THINK

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PAGE 01 BEIJIN 11280 18 OF 21 301001Z
ACTION EAP-00

INFO	LOG-00	ADS-00	AID-00	INR-10	SS-00	CIAE-00	EB-00
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INFO AMCONSUL SHANGHAI
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SECSTATE FOR SECRETARY SHULTZ

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PAGE 02 BEIJIN 11280 18 OF 21 301001Z

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E.O. 12356: DECL: OADR
TAGS: OVIP, PREL, CH, US
SUBJECT: SCENESETTER: VICE PREMIER TIAN JIYUN'S

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ON HIS FEET, AND SERVE AS A CHANNEL TO CONVEY U.S. CONCERNS DIRECTLY BACK TO CHINA'S SENIOR GOVERNMENT AND PARTY LEADERS.

A. PRESIDENT REAGAN

- --STATE OUR FIRM POLICY TO COOPERATE IN CHINA'S MODERNIZATION, WHICH SERVES OUR OWN INTERESTS AND BILATERAL TIES, AND CONTRIBUTES TO REGIONAL AND GLOBAL STABILITY.

- --DISCUSS PROSPECTS FOR THE U.S.-SOVIET SUMMIT.

- --NOTE OUR CONCERNS OVER THE GULF AND CONTINUED HOPES FOR CHINA'S ACTIVE SUPPORT IN THE UN FOR A FOLLOW-UP TO RESOLQUTION 598.

- --STRESS OUR WORRIES OVER CHINESE MISSILE SALES TO THE GULF AND MIDEAST, AND THE WIDER BALLISTIC-MISSILE PROLIFERATION ISSUE.

- --REAFFIRM OUR ONE-CHINA POLICY AND OUR POSTURE ON FOSTERING AN ENVIRONMENT CONDUCIVE TO PEACEFUL RESOLUTION OF THE TAIWAN ISSUE.

B. VICE PRESIDENT BUSH

- --GENERAL DISCUSSION OF HOW FAR THE BILATERAL RELATIONSHIP HAS COME SINCE THE VICE PRESIDENT

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PAGE 03 BEIJIN 11280 18 OF 21 301001Z

HEADED THE USLO IN BEIJING.

- --NOTE PROGRESS BROUGHT TO CHINA BY REFORMS, AND ENCOURAGING SIGNS THAT REFORMS WILL CONTINUE.

- --NOTE THAT NPC REVEALED NEW DEMOCRATIC IMPULSES IN CHINESE POLITICS AND SOCIETY; USE AS LEAD-IN FOR DISCUSSION OF U.S. PRESIDENTIAL CAMPAIGN.

- --RAISE THE GULF SITU

ATION, AND OUR DESIRE
FOR CHINESE COOPERATION IN THE UN.

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- --DESCRIBE FRANKLY HOW CHINESE SALES OF CSS-2 IRBM'S TO SAUDI ARABIA, AND POSSIBLE INTRODUCTION OF NEW KINDS OF MISSILES TO SYRIA AND LIBYA GIVE US PROFOUND WORRIES. ARGUE FOR CLOSER CONSULTATION ON ARMS SALES WHICH EXACERBATE EXISTING REGIONAL TENSIONS OR CONFLICTS, OR WHICH THREATEN PROLIFERATION OF NUCLEAR-CAPABLE BALLISTIC MISSILE TECHNOLOGY.

- --EXPRESS GRATIFICATION OVER RECENT SUCCESSFUL BILATERAL COOPERATION ON THE NARCOTICS ISSUE, INCLUDING INTERDICTION OF A MAJOR SHIPMENT OF HEROIN TO THE U.S. ENCOURAGE FURTHER SUCH COLLABORATION TO DO BATTLE WITH INTERNATIONAL DRUG TRAFFICKING. POINT OUT THAT GIVEN THE DOMESTIC POLITICAL AND EMOTIONAL CONTENT OF THIS ISSUE, OUR COOPERATION WILL HAVE A MAJOR POSITIVE IMPACT ON U.S. PUBLIC AND OFFICIAL OPINION REGARDING CHINA.

C. SECRETARY SHULTZ

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PAGE 01 BEIJIN 11280 19 OF 21 301001Z
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	H-01	MSC-01	EXIM-06	NSAE-00	SSO-00	HA-09	L-03
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SECSTATE FOR SECRETARY SHULTZ

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PAGE 02 BEIJIN 11280 19 OF 21 301001Z

E.O. 12356: DECL: OADR
TAGS: OVIP, PREL, CH, US
SUBJECT: SCENESETTER: VICE PREMIER TIAN JIYUN'S

- --OVERVIEW OF KEY U.S. FOREIGN POLICYQ PRIORITIES, INCLUDING STRESS ON BIPARTISAN SUPPORT FOR CONTINUITY OF CHINA POLICY.

- --THE GULF AND CHINESE SUPPORT IN THE UN.

- --THE CSS-2 SALES TO SAUDI ARABIA, STRESSING OUR CONCERNS OVER THE BALLISTIC-MISSILE PROLIFERATION ISSUE, AND THE REALITY THAT A PERCEPTION OF CHINESE IRRESPONSIBILITY ON THE ISSUE REGRETTABLY COULD NOT BUT ERODE SUPPORT

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IN THE U.S. FOR IMPORTANT ASPECTS OF COOPERATION WITH CHINA, INCLUDING IN THE TECHNOLOGY TRANSFER AREA.

- --AT THE SAME TIME, INDICATE THAT THE COCOM LIBERALIZATION PACKAGE IS MOVING FORWARD, BUT WE HOPE IT WILL NOT BE DERAILED AGAIN BY SOME ILL-CONSIDERED CHINESE ACTION ON ARMS SALES.

- --SINO-SOVIET RELATIONS: EXPLORE TIAN'S VIEWS ON CHINA'S DEVELOPING RELATIONS WITH THE SOVIETS AND HIS OPINIONS ON PROSPECTS FOR GORBACHEV'S REFORMS; BRIEF TIAN ON UPCOMING U.S.-SOVIET SUMMIT, AND PROSPECTS FOR ARMS CONTROL AND OTHER TOPICS ON OUR AGENDA.

- --AFGHANISTAN: THE CHINESE HAVE WELCOMED

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PAGE 03 BEIJIN 11280 19 OF 21 301001Z

THE GENEVA ACCORDS, BUT CONTINUE TO TAKE A "WAIT-AND-SEE" ATTITUDE ON POST-WITHDRAWAL POLITICAL ARRANGEMENTS IN KABUL. THEY ARE LESS OPTIMISTIC THAN SOME U.S. ANALYSTS ABOUT THE PROSPECTS FOR AN EARLY COLLAPSE OF THE NAJIB REGIME. TIAN WILL BE INTERESTED IN U.S. VIEWS ON OUR SUPPORT FOR THE RESISTANCE DURING THIS TRANSITIONAL PERIOD.

- --CAMBODIA: THE CHINESE REMAIN FIRMLY COMMITTED TO KEEPING UP THE PRESSURE AGAINST HANOI AND MOSCOW. IT WILL BE TIMELY TO BRIEF TIAN ON OUR RECENT DISCUSSIONS WITH THE SOVIETS AND ALSO ON THE ADMINISTRATION'S RESPONSE TO CONGRESSIONAL PROPOSALS FOR EXCHANGE OF LIAISON OFFICES WITH HANOI. STRESS OUR OPPOSITION TO SUCH INITIATIVES AND OUR FIRM CONTINUITY ON INDOCHINA POLICY.

- --KOREA: THE CHINESE HAVE CONTINUED TO PURSUE UNOFFICIAL TRADE LINKS WITH SOUTH KOREA AND RECENTLY EASED VISA REQUIREMENTS FOR ROK BUSINESSMEN, POLICIES WE KNOW TIAN HAS ENDORSED. IN TALKS WITH TIAN, IT WOULD BE APPROPRIATE TO WELCOME THIS TREND, WHILE ALSO STRESSING OUR HOPE THAT CHINA WILL USE ITS INFLUENCE IN PYONGYANG TO DISCOURAGE ANY DISRUPTION OF THE SEOUL OLYMPIC GAMES. SUGGEST

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THAT THE NEW SOUTH KOREAN GOVERNMENT IS STABLE AND CONCILIATORY TOWARD THE NORTH, OFFERING PROSPECTS FOR NORTH-SOUTH DIALOGUE AFTER THE OLYMPICS.

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- --SINO-JAPANESE RELATIONS: AS PRIME MINISTER

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PAGE 01 BEIJIN 11280 20 OF 21 301002Z
ACTION EAP-00

INFO	LOG-00	ADS-00	AID-00	INR-10	SS-00	CIAE-00	EB-00
	H-01	MSC-01	EXIM-06	NSAE-00	SSO-00	HA-09	L-03
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PAGE 02 BEIJIN 11280 20 OF 21 301002Z

E.O. 12356: DECL: OADR
TAGS: OVIP, PREL, CH, US
SUBJECT: SCENESETTER: VICE PREMIER TIAN JIYUN'S

TAKESHITA'S AUGUST VISIT DRAWS NEAR, IT WOULD BE USEFUL TO HAVE TIAN CHARACTERIZE THE STATE OF CHINESE RELATIONS WITH JAPAN (HE HAS LED SEVERAL DELEGATIONS THERE).

- --BRIEFLY RAISE KEY ECONOMIC ISSUES AND REFER TO MEETINGS WITH OTHER CABINET OFFICIALS FOR MORE DETAILED DISCUSSIONS. KEY ISSUES TO HIGHLIGHT ARE ACCESS TO CHINA'S MARKET, INTELLECTUAL PROPERTY PROTECTION AND CHINESE INVESTMENT CLIMATE.
-
- --EMPHASIZE U.S. SATISFACTION OVER GROWING BILATERAL COOPERATION ON CONTROL OF NARCOTICS TRAFFICKING.

- --SUGGEST THAT COOPERATION ON CONTROL OF INTERNATIONAL TERRORISM WOULD ALSO GREATLY BENEFIT SINO-AMERICAN RELATIONS.

- --EXPRESS PLEASURE AT CHINA'S ACCEPTANCE IN PRINCIPLE OF THE PEACE CORPS, AND NOTE POTENTIAL CONTRIBUTION PEACE CORPS CAN MAKE TO CHINA'S DEVELOPMENT; POINT OUT NECESSITY TO ENSURE THAT PEACE CORPS IS GIVEN AN APPROPRIATE HOST ORGANIZATION (ORQORGANIZATIONS) WHICH WILL MAXIMIZE THE FIELDS OF DEVELOPMENT IN WHICH IT CAN OPERATE.

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- --SEEK AN UPDATE ON CHINA'S POLICY ON STUDENTS STUDYING ABROAD; WILL IT AFFECT THE U.S.? WILL THERE BE ANY CHANGE IN THE NUMBER PERMITTED TO STUDY IN THE U.S.?

- --IF TIME PERMITS, GET TIAN'S VIEWS ON CURRENT STATE OF ECONOMIC REFORMS, PROBLEMS OF INFLATION AND EFFECT ON PACE OF REFORM IMPLEMENTATION, COASTAL DEVELOPMENT STRATEGY, AND MEANING FOR BILATERAL TRADE AND INVESTMENT; POINT OUT THAT WE HOPE COASTAL STRATEGY DOES NOT BECOME A SIMPLE EXPORT DRIVE, WITHOUT OPENING CHINA'S MARKET TO THE BENEFITS OF INTERNATIONAL COMPETITION THROUGH IMPORT RELAXATION.

-

D. SECRETARY CARLUCCI

- --THE GULF AND THE ARMS SALES, BALLISTIC MISSILE ISSUES.

- --SINO-U.S. MILITARY COOPERATION; FRANK DISCUSSION OF REASONS FOR SLOWDOWN IN RECENT MONTHS.

- --POSSIBILITY OF THE QECRETARY'S VISITING CHINA LATER THIS YEAR.

- --ARMS CONTROL.

- --SECRETARY'S DISCUSSIONS WITH HIS SOVIET COUNTERPART.

- --VIEW OF SOVIET PACIFIC STRATEGY.

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PAGE 01 BEIJIN 11280 21 OF 21 301002Z
ACTION EAP-00

INFO	LOG-00	ADS-00	AID-00	INR-10	SS-00	CIAE-00	EB-00
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FM AMEMBASSY BEIJING
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SECSTATE FOR SECRETARY SHULTZ

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PAGE 02 BEIJIN 11280 21 OF 21 301002Z

E.O. 12356: DECL: OADR

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TAGS: OVIP, PREL, CH, US
SUBJECT: SCENESETTER: VICE PREMIER TIAN JIYUN'S

- --JAPANESE SELF-DEFENSE ROLE.

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- --PHILIPPINE BASE NEGOTIATIONS; IMPORTANCE TO REGIONAL SECURITY.

E. SECRETARY BAKER

- --PROVIDE TIAN A BRIEFING ON U.S. ECONOMY AND THE GLOBAL ECONOMIC ENVIRONMENT.

- --UPDATE TIAN ON PROSPECTS FOR PASSAGE OF OMNIBUS TRADE BILL, POTENTIAL IMPACT ON CHINA.

- --ELICIT TIAN'S VIEWS ON CHINA'S EVOLVING ROLE IN GLOBAL ECONOMY, MAIN ELEMENTS OF ITS TRADE STRATEGY, AND LINKS TO COASTAL, EXPORT-LED GROWTH PLANS.

- --DISCUSS IMPORTANCE OF WORLD BANK PROGRAMS IN CHINA, NOW THE BANK'S LARGEST BORROGER.

- --EXPLORE TIAN'S VIEWS ON OPENING CHINA'S MARKETS THROUGH LIBERALIZATION OF FOREIGN EXCHANGE MARKETS, ON PROSPECTIVE DEVALUATION OF THE RMB, AND ON ULTIMATE CONVERTIBILITY OF THE RMB.

F. SECRETARY VERITY

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PAGE 03 BEIJIN 11280 21 OF 21 301002Z

- --EMPHASIZE UNTAPPED POTENTIAL OF BILATERAL TRADE.

- --RAISE SPECIFIC TRADE AND INVESTMENT CONCERNS: MARKET OPENING, INVESTMENT CLIMATE, RECIPROCITY FOR U.S. SERVICE SECTOR TO OPEN BRANCHES IN CHINA, INTELLECTUAL PROPERTY PROTECTION.

- --EXPRESS CONCERN ABOUT THIRD-COUNTRY CONCESSIONARY FINANCING OF MAJOR PROJECTS AS

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IT AFFECTS CHINA'S ABILITY TO GET SUPERIOR U.S. GOODS AND SERVICES AT COMPETITIVE PRIQES.

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- --STRESS IMPORTANCE OF ITCA WORK PROGRAMS FOR EXPANDING TRADE.
-

G. USTR YEUTTER

- --REINFORCE U.S. CONCERNS ON MARKET ACCESS, INTELLECTUAL PROPERTY PROTECTION, INVESTMENT ENVIRONMENT.

- --REVIEW U.S. POSITION ON CHINA'S ACCESSION TO THE GATT.

- --DISCUSS PROSPECTS FOR A BILATERAL INVESTMENT TREATY. LORD

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PAGE 01 SANTIA 03147 01 OF 03 032133Z
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Chile Project (#S199900030)
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Exemption(s) ____

~~C O N F I D E N T I A L~~ SECTION 01 OF 03 SANTIAGO 03147

EO 12356: DECL: OADR
TAGS: EFIN, PGOV, PREL, CI
SUBJ: CONVERSATION WITH FINANCE MINISTER BUCHI

1. C - ENTIRE TEXT.
2. SUMMARY: IN MY FIRST CONVERSATION IN SOME TIME WITH FINANCE MINISTER BUCHI MAY 3, HE SUMMARIZED HIS IMPRESSIONS OF US ATTITUDES TOWARD CHILE BASED ON HIS APRIL TALK WITH SECRETARY BAKER AND SPOKE ABOUT THE PRESSURES TO WHICH HE IS SUBJECT (BUT SUCCESSFULLY RESISTING) TO PURSUE EXPANSIONARY POLICIES IN SUPPORT OF THE GOVERNMENT'S POLITICAL CAMPAIGN. END SUMMARY.
-
3. *WHEN BUCHI AND I LAST MET OVER ONE OF OUR PERIODIC* BREAKFASTS IN LATE 1987, HE WAS CONCERNED ABOUT US VOTING ON THE SAL III LOAN AND OUR THEN LIKELY DECISION TO DEPRIVE CHILE OF GSP TREATMENT. WHEN WE GOT TOGETHER MAY 3, HE FOCUSED ON THE MESSAGE HE HAD TRIED TO CONVEY TO TREASURY SECRETARY BAKER AND THE IMPRESSIONS HE GOT IN RETURN OF US GOVERNMENT ATTITUDES TOWARD CHILE. ON THE FORMER, HE SAID HE HAD SOUGHT TO EXPRESS A SENSE OF THE SUCCESSFUL EFFORTS CHILE HAS MADE TO PREPARE FOR A RETURN TO THE VOLUNTARY MARKET, DESPITE DIFFICULTIES IT HAD ENCOUNTERED ON THE PART OF THE CREDITOR BANKS,
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PAGE 02 SANTIA 03147 01 OF 03 032133Z

EVEN GIVEN CHILE'S SUBSTANTIAL ACCOMPLISHMENTS IN THE MANAGEMENT OF ITS ECONOMY. HE FOUND IT IRONIC THAT THE BANKS SHOULD BE SO TIMID TO RECOGNIZE ACCOMPLISHMENTS THAT THEY THEMSELVES WERE ADVOCATING. IN ANY CASE, NOW THAT CHILE HAD BROUGHT ITSELF TO A POSITION WHERE IT COULD BEGIN TO RE-ENTER THE VOLUNTARY MARKET, IT WAS IMPORTANT FOR HIM TO KNOW WHAT THE US ATTITUDE WOULD BE IF CHILE WERE TO EMBARK ON A MEXICO-LIKE PROGRAM OF ZERO COUPON BONDS OR WERE TO WANT TO PARTICIPATE IN SOME OF THE PROGRAMS THE WORLD BANK WAS CONSIDERING, SAY IN THE AREA OF CO-FINANCING. IN THE FORMER CASE, SUPPORT FROM THE US GOVERNMENT COMPARABLE TO THAT GIVEN MEXICO (THOUGH OBVIOUSLY DIFFERENT IN SCALE) WOULD BE HELPFUL AND IN THE LATTER A POSITIVE ATTITUDE WOULD ALSO BE IMPORTANT.

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4. THE MESSAGE HE GOT FROM SECRETARY BAKER AS HE READ IT WAS THAT AT LEAST UNTIL THE PLEBISCITE, CHILE COULD EXPECT NO CHANGE IN TERMS OF US ATTITUDES AND THEREFORE COULD COUNT ON NO SPECIAL HELP. HE UNDERSTOOD FURTHER THAT THE US WOULD WANT TO SEE HOW THE PLEBISCITE WAS CARRIED OUT IN THE NECESSARY CONDITIONS OF FAIRNESS AND OPENNESS. BUCHI SAID HE CONCLUDED FROM SECRETARY BAKER'S PRESENTATION THAT, EVEN THOUGH THE SECRETARY SAID THESE WERE MATTERS WHICH OUGHT TO BE DISCUSSED WITH THE STATE DEPARTMENT AS WELL (HE THOUGHT AMBASSADOR ERRAZURIZ WOULD BE FOLLOWING UP ON THAT ASPECT), THE US LINE WAS VERY CLEAR. IT WAS NOT JUST A MATTER OF CERTAIN CONDITIONS WHICH IF FULFILLED WOULD BRING CERTAIN RESULTS, BUT RATHER THAT THE US GOVERNMENT HAD RESERVATIONS AS SUCH ABOUT THE PRESENT GOVERNMENT OF CHILE WHICH WOULD REMAIN SO LONG AS THAT GOVERNMENT REMAINED IN POWER. CONFIDENTIAL

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PAGE 03 SANTIA 03147 01 OF 03 032133Z

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5. BUCHI WENT ON TO SAY THAT HE HAD ALWAYS PREVIOUSLY, AS MINISTER OF FINANCE, ATTEMPTED FAITHFULLY TO TRANSMIT TO PRESIDENT PINOCHET WHAT HE HAD UNDERSTOOD TO BE THE POLITICAL MESSAGE OF HIS VARIOUS AMERICAN INTERLOCUTORS, NAMELY THAT IF THE GOVERNMENT OF CHILE LIVED UP TO ITS PROMISES ON TAKING

A SERIES OF STEPS TO PREPARE THE WAY FOR DEMOCRACY THEN THE US GOVERNMENT WOULD TAKE A MORE FAVORABLE ATTITUDE TOWARD CHILEAN ASPIRATIONS OR SPECIFIC REQUESTS THOUGH THIS TIME AS IN THE PAST, SECRETARY BAKER TOO HAD SPOKEN FAVORABLY OF THE CHILEAN ECONOMY'S PERFORMANCE, WHAT WAS DIFFERENT WAS THAT THE GOAL THAT CHILE HAD TO MEET NOW SEEMED TO BE AN EVER RECEDING ONE. THIS IS WHAT HE HAD ALREADY REPORTED TO THE FOREIGN MINISTER AND WOULD HAVE TO REPORT TO PRESIDENT PINOCHET. IN SHORT, HE NO LONGER COULD SAY THAT IF CHILE DID THIS PARTICULAR THING, THEN SOMETHING GOOD WOULD PROBABLY FOLLOW.

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6. I TOLD BUCHI THAT, THOUGH I HAD NOT HEARD DIRECTLY ALL THE MESSAGES HE HAD BEEN GIVEN OVER THE LAST SEVERAL YEARS, THE BURDEN OF US CONCERNS HAD BEEN IN THE AREA OF ENSURING A PROMPT RETURN TO DEMOCRACY AND ALSO IMPROVED PERFORMANCE ON HUMAN RIGHTS. IN THE FORMER CASE, IT WAS NEVER SO FAR AS I KNEW A MATTER OF LINKING CERTAIN STEPS WITH CERTAIN CONCRETE PROMISED RESULTS ON THE US SIDE, BUT RATHER A CONVICTION THAT SUCH STEPS WERE A NECESSARY PART OF THE RETURN TO DEMOCRACY. HENCE, ESTABLISHING VOTER REGISTRATION PROCEDURES OR ALLOWING POLITICAL PARTIES TO FUNCTION LEGALLY WERE ALL "NECESSARY BUT NOT SUFFICIENT" STEPS IN THEMSELVES. WHETHER THEY WERE SUFFICIENT COULD ONLY

ACTION ARA-00

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FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 6441

~~C O N F I D E N T I A L~~ SECTION 02 OF 03 SANTIAGO 03147
EO 12356: DECL: OADR
TAGS: EFIN, PGOV, PREL, CI
SUBJ: CONVERSATION WITH FINANCE MINISTER BUCHI

BE SEN WHEN THE COUNTRY DID INDEED RETURN TO A DEMOCATIC SET-UP. BUCHI INTERJECTED THAT IT WAS ONY IN HIS MOST RECENT CONVERSATION WITH SECRETAR BAKER THAT HE HAD BEEN GIVEN THIS SAME IMPRESSON.

7. I IN TURN COMMENTED THAT IT WASA FACT THAT THE PRESENT GOVERNMENT DID HAVE NEGATIVE IMAGE IN VARIOUS PARTS PRESENT GOVERNENT DID HAVE A NEGATIVE IMAGE IN OF THE US POLTICAL SPECTRUM AND THAT IT WAS ALSO TRUE THAT W WOULD HAVE PREFERRED TO SEE COMPETITIVE ELECTIONS AS THE MECHANISM FOR RETURN TO DEMOCRACY. NONETHELESS, IT WAS CLEAR THAT THERE WOULD BE A PLEBISCITE AND THEREFORE AS THE STATEMENT AUTHORIZED BY OUR PRESIDENT LAST DECEMBER HAD INDICATED, WE WERE CONCENTRATING ON THE CONDITIONS WE THOUGHT WOULD MAKE THAT PLEBISCITE VALID TO THE EXTENT THAT THE CHILEAN GOVERNMENT CARED ABOUT OUTSIDE OPINION, OF COURSE. MY OWN FEELING WAS THAT IF THE PLEBISCITE WERE INDEED PERCEIVED AS HAVING BEEN FAIR AND CONDUCTED IN A FREE ATMOSPHERE, THAT EVEN IF PRESIDENT PINOCHET WON, THAT WAS LIKELY TO BE ACCEPTED AS A FACT, EVEN BY THOSE WHO
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PAGE 02 SANTIA 03147 02 OF 03 032139Z

DIDN'T LIKE HIS GOVERNMENT. AT THE SAME TIME, EVEN ALLOWING FOR SOME OF THE STEPS THAT HAD BEEN TAKEN, LIKE A BEGINNING OF ACCESS TO TV, THERE WERE STILL

OTHERS THAT COULD BE TAKEN SUCH AS DROPPING THE STATES OF EMERGENCY WHICH WOULD HELP THE PROCESS.

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8. I REMINDED BUCHI THAT OUR CONCERNS WERE TWOFOLD: DEMOCRACY AND HUMAN RIGHTS, AND IT WAS THE HUMAN RIGHTS ASPECT WHICH HAD LED TO OUR POLICY OF ABSTAINING ON MOST LOANS FOR CHILE IN THE INTERNATIONAL FINANCIAL INSTITUTIONS FOR SOME TIME NOW. WE CONTINUED TO FEEL, AS REFLECTED MOST RECENTLY IN THE OPINIONS OF EMINENT AMERICAN LWAYERS LIKE THOSE FROM THE ABA WHO HAD JUST VISITED CHILE, THAT THERE WAS MUCH THE CHILEAN GOVERNMENT COULD DO IN THAT AREA AS WELL. BUCHI ARGUED THAT WE NEEDED TO TAKE INTO ACCOUNT THE DEVELOPMENT OF THE TERRORIST MENACE OVER RECENT YEARS. I SAID WE DID AND RECOGNIZED THE SERIOUSNESS OF THE PROBLEM IN CHILE, BUT WE ALSO KNEW IT WAS A MENACE WHICH MANY OTHER GOVERNMENTS FACED AND WERE STILL ABLE TO MAINTAIN A DECENT RESPECT FOR HUMAN RIGHTS. HE COMPLAINED THAT ABUSES WERE WORSE IN MEXICO THAN IN CHILE. I SAID THAT I DID NOT KNOW THE MEXICAN SITUATION THAT WELL, BUT THAT WE DID HAVE HIGH AND REASONABLE EXPECTATIONS OF CHILE GIVEN ITS OWN LONG DEMOCRATIC PAST.

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9. REVERTING TO THE QUESTION OF CHILE'S EMBARKING ON NEW BORROWINGS, BUCHI SAID HE WOULD PROBABLY FAVOR LAUNCHING AN APPROACH LIKE ZERO COUPON BONDS, EVEN THOUGH THERE WERE NO INDICATIONS OF US GOVERNMENT SUPPORT. THE AMOUNTS INVOLVED WERE MODEST ENOUGH SO HE THOUGHT IT COULD BE MANAGED. SO FAR AS THE WORLD BANK WAS CONCERNED, HE WOULD HAVE TO WAIT AND SEE WHAT THE CONFIDENTIAL

BANK'S PROPOSALS TURNED OUT TO BE. IN THIS CASE AS WELL, HE SAID HE WOULD PROCEED ON THE ASSUMPTION THAT THE US COULD NOT BE COUNTED ON FOR HELP.

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10. WE THEN TURNED BRIEFLY TO THE CHILEAN ECONOMY IN THE PRE-PLEBISCITE PERIOD. BUCHI RECOUNTED THE VERY SUBSTANTIAL PRESSURES TO WHICH HE WAS SUBJECT TO PROVIDE GREATER SUPPORT FOR THE GOVERNMENT'S CAMPAIGN IN THE PLEBISCITE. HE SAID HE SUFFERED UNDER SEVERAL HANDICAPS: 1) THE OPPOSITION WAS ENGAGING IN DEMOCRACY BY ASSERTING

THAT IT WAS GOVERNMENT POLICIES THAT HAD LIMITED IMPROVEMENTS IN CITIZENS' WELL-BEING; 2) GOVERNMENT SUPPORTERS WERE CONVINCED THAT MORE CONSUMER-ORIENTED PROGRAMS WOULD HELP GUARANTEE A VICTORY AND SAID HE WOULD BE THE ONE WHO WOULD HAVE TO CARRY THE BLAME IF THE GOVERNMENT'S CANDIDATE LOST. FOR HIS PART, HE SAID HE HAD HELD OUT AND INSISTED ONLY ON SUCH MEASURES AS WOULD BE COMPATIBLE WITH MAINTAINING A STEADY RATE OF GROWTH. HE HAD REFUSED TO DIP INTO RESERVES THAT WERE BEING ACCUMULATED BECAUSE OF FAVORABLE COPPER PRICES IN ORDER TO PROVIDE FOR ADEQUATE STABILITY OVER THE NEXT YEAR OR SO. THE MEASURES JUST TAKEN TO INCREASE THE MINIMUM WAGE, FOR EXAMPLE, WERE NO MORE THAN WOULD BE JUSTIFIABLE IN KEEPING WITH INCREASES IN THE CONSUMER PRICE INDEX. ACTUALLY, ON BALANCE IT WOULD COME FAIRLY CLOSE TO THE LEVEL PROPOSED LATELY BY LEADING CHILEAN BUSINESSMEN. WHEN I ASKED WHETHER DESPITE HIS AVERSION TO TAKING STEPS WITH A SHORT-TERM POLITICAL IMPACT, HE THOUGHT THESE MEASURES WOULD HAVE A POSITIVE POLITICAL BENEFIT, HE SAID THAT AT LEAST THEY WOULD REDUCE THE PRESSURES ON HIM FOR THE SHORT TERM. WHEN I ASKED ABOUT INFLATION PROSPECTS, HE ESTIMATED THAT

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PAGE 01 SANTIA 03147 03 OF 03 032135Z
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FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 6442

~~C O N F I D E N T I A L~~ SECTION 03 OF 03 SANTIAGO 03147

EO 12356: DECL: OADR
TAGS: EFIN, PGOV, PREL, CI
SUBJ: CONVERSATION WITH FINANCE MINISTER BUCHI

THIS YEAR IT WOULD RUN BETWEEN 15 AND 20 PERCENT, SOMEWHAT LOWER THAN LAST YEAR. MORE GENERALLY, I ASKED BUCHI IF HE THOUGHT MAINTENANCE OF A GOOD ECONOMIC CLIMATE, WHICH HE HAD DESCRIBED AS HIS GOAL, WOULD PRODUCE POSITIVE RESULTS FOR THE GOVERNMENT IN THE PLEBISCITE. HE RESPONDED THAT IT WAS "A NECESSARY BUT NOT A SUFFICIENT CONDITION."
BARNES

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5/4/88

Case Number: S199900030

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P 041459Z MAY 88
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INFO AMEMBASSY SAN JOSE PRIORITY

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
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Exemption(s) ____

~~C O N F I D E N T I A L~~ SANTIAGO 03163

EO 12356: DECL: OADR
TAGS: PHUM, CI
SUBJ: CONTINUED GOC COOPERATION WITH VOLIO

REF: SANTIAGO 3070

AS FOLLOW-UP TO CONVERSATION BETWEEN DCM AND VICE FOREIGN MINISTER VIDELA REPORTED REFTEL, AMBASSADOR USED OCCASION OF MAY 3 MEETING WITH FOREIGN MINISTER GARCIA TO ASK AGAIN WHAT WAS THE STORY ON CONTINUED GOC COOPERATION WITH VOLIO. GARCIA SAID THE DECISION HAS BEEN MADE TO CONTINUE SUCH COOPERATION BUT NO ANNOUNCEMENT WILL BE MADE PRIOR TO A MEETING IN THE FAIRLY NEAR FUTURE BETWEEN GOC HUMAN RIGHTS AMBASSADOR MARIO CALDERON AND VOLIO IN COSTA RICA. GARCIA ASKED THAT WE TREAT THE MATTER THEREFORE AS CONFIDENTIAL UNTIL A PUBLIC STATEMENT WAS MADE.
BARNES

CONFIDENTIAL

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PAGE 01 MEXICO 11368 01 OF 02 112205Z
ACTION OES-09

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UNCLAS SECTION 01 OF 02 MEXICO 11368

FOR OES/ENR ED PARSONS

E.O. 12356: N/A
TAGS: KSCA, SENV, MX
SUBJECT: CARLOS SALINAS DE GORTARI ON ENVIRONMENT IN
- MEXICO CITY

1. SUMMARY. THE PRI PRESIDENTIAL CANDIDATE ADDRESSED PARTY INVITEES AT A SPECIAL MEETING ON THE ENVIRONMENT ON MAY 9, 1988. SALINAS SPOKE ABOUT THE SERIOUSNESS OF THE SITUATION AND SUGGESTED SOME POSSIBLE PLANS FOR ACTION, WHICH COULD INCLUDE IMPORTING UNLEADED GASOLINE, MORE RAPID INTRODUCTION OF CATALYTIC CONVERTERS AND INCREASED DECENTRALIZATION OF INDUSTRY. HE ALSO CALLED FOR A COMMITMENT BY THE PEOPLE AND THE PRI TO IMPROVE THE ENVIRONMENT OF THE CITY. END SUMMARY.

2. CARLOS SALINAS DE GORTARI, THE PRESIDENTIAL CANDIDATE OF THE INSTITUTIONAL REVOLUTIONARY PARTY (PRI), SPOKE ON THE ENVIRONMENT OF THE FEDERAL DISTRICT TO A SPECIAL ENVIRONMENTAL FORUM OF THE PARTY ON MONDAY, MAY 9, 1988 AT CHAPULTEPEC CASTLE. SCIENCE ATTACHE WAS FORTUNATE TO RECEIVE A SPECIAL INVITATION THROUGH CLOSE CONTACTS AT THE SECRETARIAT OF URBAN DEVELOPMENT AND ECOLOGY (SEDUE). THE MEETING WAS ORGANIZED BY THE CENTER FOR POLITICAL, ECONOMIC AND SOCIAL STUDIES (CEPES) OF THE PRI
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PAGE 02 MEXICO 11368 01 OF 02 112205Z

AND WAS LINKED BY TELEVISION SIMULCAST WITH FORUMS IN BOSQUES DE ARAGON AND AZCATPOTZALCO (NORTHEASTERN AND NORTHWESTERN SUBURBS).

3. AFTER LISTENING TO THE CRITICISMS AND SUGGESTIONS OF A NUMBER OF ENVIRONMENTAL EXPERTS, ECOLOGY GROUP REPRESENTATIVES AND INTERESTED CITIZENS, THE PRI CANDIDATE RESPONDED BY ADMITTING THE SERIOUSNESS OF THE SITUATION AND ASSURING THOSE PRESENT THAT HE WAS CONFIDENT THAT THE DAMAGE THAT HAS BEEN DONE TO THE ENVIRONMENT OF MEXICO CITY IS REVERSIBLE AND REPARABLE. SALINAS ANECDOTALLY ILLUSTRATED THE GRAVITY OF THE POLLUTION BY NOTING THAT MANY SCHOOLCHILDREN OF THE FEDERAL DISTRICT PAINT THE SKY GRAY IN THEIR ARTWORK. HE INSISTED THAT SOLUTIONS ARE OBTAINABLE BUT THAT THE PRI AND THE CITIZENRY IN GENERAL WOULD HAVE TO RE-DOUBLE THEIR EFFORTS.

4. SPECIFICALLY, SALINAS CALLED FOR AN ACCELERATION OF THE PLANS TO INSTALL CATALYTIC CONVERTERS ON ALL NEW CARS MANUFACTURED IN MEXICO (CURRENTLY SCHEDULED FOR 1991 MODELS) AND OF THE PRODUCTION OF A GUARANTEED SUPPLY OF UNLEADED GASOLINE. HE WENT SO FAR AS TO SUGGEST THAT IF THE MEXICAN PETROLEUM COMPANY (PEMEX) COULD NOT MEET THE DEMANDS IN TIME, MEXICO SHOULD USE ITS FOREIGN CURRENCY RESERVES TO IMPORT UNLEADED GASOLINE.

5. SALINAS REVEALED THAT HE HAD NO SPECIFIC PLAN FOR LATER START-UP TIMES FOR SCHOOLS DURING THE WINTER MONTHS, WHEN POLLUTION IS WORST, BUT WOULD LEAVE IT TO THE VOTERS TO DECIDE BY A REFERENDUM. HE SUGGESTED THAT REFORESTATION OF THE CITY COULD BE ACHIEVED BY ENCOURAGING SCHOOLCHILDREN TO PLANT A TREE, NAME IT AFTER THEMSELVES AND BE RESPONSIBLE FOR ITS CARE. HE NOTED

THAT HIS ADMINISTRATION WOULD CONTINUE TO EMPHASIZE THE IMPORTANCE OF DECENTRALIZATION OF INDUSTRY, PRESERVATION OF NATURE RESERVES, TREATMENT OF RESIDUAL WATERS AND PROTECTION OF WATER TABLES.

6. JOSE ARIAS CHAVEZ OF THE PACT OF ECOLOGICAL GROUPS APPEALED TO SALINAS DURING THE MEETING TO ANNOUNCE HIMSELF AND HIS PARTY AGAINST THE OPENING OF THE LAGUNA VERDE NUCLEAR PLANT. SALINAS RESPONDED BY STATING THAT HIS FIRST CONCERN IS FOR THE PROTECTION OF HUMAN LIFE AND HE FAVORS PUTTING IN PLACE PROGRAMS THAT WILL GUARANTEE SUCH PROTECTION. HE WOULD NOT, HOWEVER, SPECIFICALLY STATE THAT HE WAS AGAINST THE OPENING OF THE PLANT.

7. THE PRI CANDIDATE EMPHASIZED THE IMPORTANCE OF COMMUNICATION AND AS AN EXAMPLE POINTED OUT THAT TWO ITEMS OF MISINFORMATION HAD JUST BEEN PRESENTED IN THE SPEECHES PRECEDING HIS OWN, ONE BEING THAT FIXED SOURCES OF POLLUTION ARE THE MAIN PROBLEM OF CONTAMINATION IN THE CITY WHEN IN FACT APPROXIMATELY EIGHTY PERCENT OF THE PROBLEM IS FROM MOBILE SOURCES (CARS, BUSES AND TRUCKS) AND THE OTHER BEING THAT THE GOVERNMENT IS DOING AND HAS DONE NOTHING WHEN IN FACT THEY HAVE BEEN WORKING TIRELESSLY ON THIS OVERWHELMING PROBLEM.

8. SALINAS STRESSED AGAIN AND AGAIN DURING HIS 45 MINUTE TALK THE NEED FOR CITIZEN CO-RESPONSIBILITY AND IN CLOSING QUOTED THE POET JAIME SABINES, WHO HAD SPOKEN EARLIER, SAYING QUOTE YES, WE CAN SAY THAT WE HAVE FOUND A CONSCIOUSNESS ABOUT THE ENVIRONMENT THEREFORE WE HAVE FOUND HOPE FOR THE FUTURE, BUT BETWEEN CONSCIOUSNESS AND HOPE THERE MUST BE A COMMITMENT END QUOTE.

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PAGE 01 MEXICO 11368 02 OF 02 112205Z
ACTION OES-09

INFO LOG-00 ADS-00 EB-00 DINT-05 NSF-02 COME-00 PA-02
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FM AMEMBASSY MEXICO
TO SECSTATE WASHDC 8659

UNCLAS SECTION 02 OF 02 MEXICO 11368

FOR OES/ENR ED PARSONS

E.O. 12356: N/A
TAGS: KSCA, SENV, MX
SUBJECT: CARLOS SALINAS DE GORTARI ON ENVIRONMENT IN

(DRAFTED:SCI:ATIDBALL) THOMS

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*** Current Handling Restrictions *** n/a
*** Current Classification *** UNCLASSIFIED

For HA clearance.
S/S-S added HA to clearance late. Release
Thanks, Mark Rond
7-3681

El Salvador: Peace Negotiations

Question: What is the status of the U.N.-sponsored peace negotiations?

Answer

- Progress has been slow since April because the FMLN has been raising new issues rather than settling old ones.
  - -- In April a dramatic agreement was reached on constitutional amendments regarding human rights, judicial, electoral, and military reform.
  - -- The two sides agreed in April to proceed with a "concentrated agenda" limited to terms of a cease-fire and the remaining aspects of a military reform agreement.
  - -- At the Ibero-American Summit in Guadalajara in July, the group of Four Friends of the UNSYG (Mexico, Spain Colombia and Venezuela) called on the Salvadoran Government to ratify the agreed constitutional reforms and urged the FMLN to stop raising new issues at the negotiations and to move rapidly to a cease-fire and a political agreement.
  - -- The GOES has agreed to ratify all the amendments except the one on the military, which requires a cease-fire.
- The USG has been working behind the scenes with the governments of the group of Four Friends of the UNSYG, as well as with the Soviets and others to encourage flexibility on both sides and to assist the UN in moving the talks forward.

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El Salvador: Human Rights
Special Project (1993)

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El Salvador: Human Rights
Special Project (1993)

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El Salvador: Human Rights

Question: How do we justify giving military assistance to El Salvador given their human rights situation? L/DC

Answer

- o Our military and economic assistance help provide us with leverage to speed improvements while shoring up a democratic government that is under attack.

- o Political murder from whatever source has been steadily decreasing. In 1990, the number of non-combat deaths which may have been politically motivated averaged about five per month. This compares with a monthly average of 15 in 1989, 140 in 1983, and 750 in 1980.

- o The FMLN commits numerous human rights violations and its attacks on military targets often employ indiscriminate tactics and inaccurate weapons, often killing civilians. The FMLN continues to attack civilian targets and use civilians as shields during its attacks.

- o The human rights situation is expected to improve further now that the United Nations Observer Mission in El Salvador (ONUSAL) is setting up. ONUSAL will monitor the human rights situation and is expected to verify an eventual cease-fire.

- o The murder by soldiers of six Jesuit priests and two women in November 1989 is a watershed case.

  -- Eight members of the Salvadoran military, including a Colonel, are awaiting trial although the Armed Forces have not ~~always~~ cooperated fully with the investigation. Judicial procedure has moved slowly. ~~but~~ preliminary proceedings ended on August 23, and jury selection should begin in September or October.

  -- We continue to monitor progress in the case closely. Our military assistance is conditioned on a thorough investigation and prosecution of the murderers.

  -- We have provided the judge in the case with voluntary testimony from nine current or former U.S. Government employees who had been assigned to El Salvador and one private citizen.

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El Salvador: Human Rights
Special Project (1993)

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El Salvador: Human Rights
Special Project (1993)

Release

R/DC

El Salvador: Pickett/Dawson Murder Case

Question: What is the status of the case regarding the January 2, 1991 murder by FMLN guerrillas of US servicemen LTC Pickett and PFC Dawson?

Answer

- Pickett and Dawson survived the downing of their helicopter, but were subsequently murdered by their FMLN captors. Another American was killed in the crash.

- We insist that the FMLN turn the guerrillas responsible over to Salvadoran or US courts. The Justice Department has issued an indictment against one suspect for two counts of first degree murder and two counts of using a machine gun in a crime of violence.

- The FMLN says it will try two of its men for the murders, but we know of no evidence to support the FMLN's claim that the suspects have been detained.

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El Salvador: Human Rights
Special Project (1993)

Release

El Salvador: Military Assistance

Question: What are your plans for providing military assistance to El Salvador? R/DC

Answer

- In late June 1991 the Administration began apportioning 21 million dollars for non-lethal military aid to El Salvador from the 42.5 million still available for fiscal year 1991.

- Actual disbursement of these funds will be on a case-by-case basis for medical supplies, field rations, and spare parts as they are needed. The items are considered sustainment equipment.

- We have also set aside 5 million dollars of the remaining 21.5 million to support UN cease-fire and human rights verification and demobilization of combatants.

- Our preference would be to use our assistance to support a cease-fire. We will reevaluate the situation and review needs as soon as there is a cease-fire. We regret that the FMLN's introduction of sophisticated weapons, including surface-to-air missiles (SAMs), and their failure to agree to a cease-fire continue to make military assistance necessary.

  -- Since November 1990, the FMLN has shot down three Salvadoran military aircraft with SAMs.

  -- The Soviet Union has been helpful in tracing SAMs. This resulted in the arrest of four Nicaraguan Sandinista Army officers in January for "illegally" supplying 28 SAMs to the FMLN.

  -- On August 21 the Salvadoran Army discovered a large FMLN arms cache in San Salvador which included six SAMs, mortar shells, rocket propelled grenades, explosives, rifles and ammunition.

- In making decisions on military assistance we continue to be guided by the security situation, progress in negotiations, and progress in the Jesuit Case.

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El Salvador: Human Rights
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El Salvador: Human Rights
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PAGE 01 SAN SA 06757 01 OF 03 190023Z
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AMEMBASSY ROME
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[redacted] SECTION 01 OF 03 SAN SALVADOR 06757

ROME FOR VATICAN INFO

E.O. 12356: DECL:OADR
TAGS: PINS, PGOV, CU, MX, ES
SUBJECT: 29 WOUNDED GUERRILLAS EVACUATED; 60 TO GO

REF: (A) SS 6506, (B) SS 3025, (C) SS 923,
- (D) 87 SS 9021, (E) 87 SS 3384, (F) 87 SS 1322

1. [redacted] SUMMARY

TWENTY-NINE SERIOUSLY WOUNDED GUERRILLAS WERE EVACUATED FROM EL SALVADOR ON MAY 4. THEIR EXIT RAISED THE TOTAL NUMBER OF DEPARTED FMLN WAR-WOUNDED
[redacted]

PAGE 02 SAN SA 06757 01 OF 03 190023Z

TO 189 IN THE FOUR EVACUATIONS SINCE THE SO-CALLED PANAMA ACCORDS WERE CONCLUDED BETWEEN THE GOES AND THE FMLN/FDR IN JAN. 1987. ALTHOUGH THE FMLN/FDR AND THE GOES DIFFER ON WHAT WAS AGREED TO IN PANAMA, THE MECHANISM FOR EACH EVACUATION HAS BEEN THE SAME: THE CATHOLIC CHURCH HANDLES NEGOTIATIONS AND THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC) TAKES CARE OF LOGISTICS. IT TOOK THE ARCHBISHOP EIGHT MONTHS TO ARRANGE THIS LATEST EVACUATION BECAUSE OF

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: JOHNSTON, DONALD
Date: 05/31/94
Case ID: S9400350

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Special Project (1993)

THE DIALOGUE AND OTHER EVENTS. THE FMLN CLAIMS IT HAS 60 MORE WOUNDED FIGHTERS READY FOR MEDICAL EVACUATION. THE CHURCH PREDICTABLY NO LONGER ALLOWS FMLN WOUNDED TO STAY IN ITS CALLE REAL DISPLACED PERSONS CAMP PENDING EVACUATION. END SUMMARY.

2. (U) TWENTY-NINE WOUNDED GUERRILLAS

ON MAY 4, TWENTY-NINE SERIOUSLY WOUNDED COMBATANTS OF THE FARABUNDO MARTI NATIONAL LIBERATION FRONT (FMLN) LEFT EL SALVADOR FOR CANCUN, MEXICO. FROM CANCUN, THE INDIVIDUALS WERE SUPPOSED TO DIVIDE UP INTO GROUPS DESTINED FOR CUBA, SWEDEN AND FRANCE FOR TREATMENT OF THEIR WOUNDS. AMONG THE WOUNDED WERE THREE WOMEN, SEVERAL AMPUTEES AND A HOST OF OTHER GUERRILLAS SUFFERING FROM BULLET WOUNDS SUSTAINED IN COMBAT. THE WAR-WOUNDED HAD BEEN RECUPERATING INSIDE THE CATHOLIC CHURCH-RUN SAN JOSE CALLE REAL DISPLACED PERSONS CAMP LOCATED SEVEN KILOMETERS NORTH OF SAN SALVADOR. THEY WERE TRANSPORTED BY VEHICLE FROM CALLE REAL TO COMALAPA INTERNATIONAL AIRPORT UNDER THE PROTECTION OF THE INTERNATIONAL COMMITTEE OF THE [redacted]

RED CROSS ICRC).

3. (U) THE WOUNDED WAITED NEARLY FIVE HOURS AT COMALAPA BEFORE DEPARTING ABOARD AN ICRC-CHARTERED LACSA FLIGHT TO CANCUN. SEVERAL OF THEM WERE INTERVIEWED BY THE LOCAL PRESS. ONE FIGHTER VOLUNTEERED THAT HE PLANNED TO RETURN TO EL SALVADOR AND REJOIN THE FMLN AFTER HIS RECUPERATION. ANOTHER STATED, "TODAY MORE THAN EVER VICTORY IS NEAR AND THE DETERIORATION OF THE REGIME IS EVIDENT."

4. (U) ACCORDING TO A MAY 5 HAVANA TELE-REBELDE NETWORK BROADCAST, ALL 29 OF THE EVACUEES HAD LANDED IN HAVANA. THE SAME RADIO REPORT CLAIMED THAT THIS WAS THE FIFTH GROUP OF FMLN WAR-WOUNDED TO ARRIVE IN CUBA.

5. [redacted] FEWER FMLN WOUNDED IN CALLE REAL THAN EXPECTED

FRANCOIS MUSY, THE HEAD OF THE ICRC DELEGATION IN EL SALVADOR, CALLED THE EVACUATION "A SMOOTH OPERATION" IN A MAY 12 CONVERSATION WITH POLOFF. HE SAID THE ICRC DID NOT LEARN THAT THE GOVERNMENT HAD GRANTED A SAFE CONDUCT PASS UNTIL TUESDAY (MAY 3) AT 1600. MUSY SAID

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TEXT OF TELEGRAM 88SAN SA006757

THAT ICRC REPRESENTATIVES DID NOT LOCATE ALL OF THE WOUNDED TO BE EVACUATED WHEN THEY ARRIVED IN CALLE REAL. ONLY 26 OF THE 29 CAME FROM CALLE REAL, AND THE OTHER THREE CAME FROM UNSPECIFIED LOCATIONS IN SAN SALVADOR AND SAN MIGUEL.

6. [redacted] ACCORDING TO AN EARLIER HEADCOUNT BY THE

[redacted]

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TEXT OF TELEGRAM 88SAN SA006757

ADP524 [redacted]

PAGE 01 SAN SA 06757 02 OF 03 190024Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-10	EUR-00	SS-00	OIC-02
	CIAE-00	DODE-00	H-01	MSC-01	IO-19	NSCE-00	NSAE-00
	HA-09	L-03	TRSE-00	PM-10	PA-01	OMB-01	INRE-00
	USIE-00	SP-02	SNP-01	C-01	SSE-01	PRS-01	P-02
	T-01	/066 W					

126213 190052Z /60

R 190018Z MAY 88
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 0203
AMEMBASSY MEXICO
AMEMBASSY TEGUCIGALPA
AMEMBASSY GUATEMALA
AMEMBASSY SAN JOSE
AMEMBASSY MANAGUA
AMEMBASSY ROME
USINT HAVANA
USCINCSO QUARRY HTS PN

[redacted] SECTION 02 OF 03 SAN SALVADOR 06757

ROME FOR VATICAN INFO

E.O. 12356: DECL:OADR
TAGS: PINS, PGOV, CU, MX, ES
SUBJECT: 29 WOUNDED GUERRILLAS EVACUATED; GO TO GO

CHURCH, THERE WERE 33 SERIOUSLY WOUNDED GUERRILLAS RECUPERATING IN CALLE REAL IN EARLY 1988 (REF B). MUSY IMPLIED THAT THE OTHER SEVEN FMLN WOUNDED IN CALLE REAL HAD BECOME FRUSTRATED WITH THE PROLONGED NEGOTIATIONS AND EITHER FOUND THEIR OWN WAY OUT OF THE COUNTRY OR RETURNED TO THE GUERRILLAS. LESS THAN 20 OF THE EVACUEES WERE HOLDOVERS WHO HAD BEEN AT CALLE REAL SINCE LAST JUNE AND HAD MISSED THE OPPORTUNITY TO LEAVE IN THE JUNE 28, 1987 EVACUATION. OTHER WOUNDED [redacted]

PAGE 02 SAN SA 06757 02 OF 03 190024Z

GUERRILLAS HAD BEEN INDIVIDUALLY TRANSFERRED FROM THE FIELD TO CALLE REAL BY THE ICRC WITH THE ARCHBISHOP'S APPROVAL. (THE NAMES, AGES AND INJURIES OF THE 29 EVACUEES ARE CONTAINED IN REF A.)

7. [redacted] EVACUATION REQUIRED EIGHT MONTHS OF NEGOTIATIONS

THE EVACUATION MARKED THE END OF NEARLY EIGHT MONTHS OF

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TEXT OF TELEGRAM 88SAN SA006757

NEGOTIATIONS BY ARCHBISHOP OF SAN SALVADOR ARTURO RIVERA DAMAS WITH THE FMLN AND THE SALVADORAN GOVERNMENT. DURING THE FIRST HALF OF 1987, THE ARCHBISHOP HAD SUCCESSFULLY NEGOTIATED THREE EVACUATIONS OF WOUNDED GUERRILLAS: 42 IN JANUARY (REF D), 20 IN MARCH (REF E) AND 98 MORE IN JUNE (REF F). THE EVACUATION TOOK PLACE WITHIN THE FRAMEWORK AGREED TO ON JANUARY 25-26, 1987 IN PANAMA BETWEEN THE GOES AND THE FMLN/FDR. FORTY-TWO WOUNDED FMLN COMBATANTS WERE ALLOWED TO EXIT THE COUNTRY AT THAT TIME AS PART OF THE TERMS OF THE EXCHANGE FOR KIDNAPPED COL. OMAR AVALOS.

8. [redacted] AFTER THE ESQUIPULAS II AGREEMENT WAS CONCLUDED, RIVERA DAMAS BEGAN WORKING IN MID-SEPTEMBER TO ARRANGE ANOTHER GUERRILLA WOUNDED EVACUATION. THE FMLN PREPARED A LIST OF 50 GUERRILLA WOUNDED TO BE EVACUATED, AND SALVADOR SAMAYOA MET WITH THE ARCHBISHOP IN PANAMA ON SEPT. 29, 1987 TO DISCUSS THE PROPOSAL. AFTER THE FMLN/FDR BROKE OFF ITS DIALOGUE WITH THE GOES IN THE WAKE OF THE OCT. 26, 1987 KILLING OF THE NON-GOVERNMENTAL HUMAN RIGHTS COMMISSION PRESIDENT, NEGOTIATIONS ON EVACUATING THE WOUNDED GROUND TO A HALT.

[redacted]

PAGE 03 SAN SA 06757 02 OF 03 190024Z

9. [redacted] PANAMA ACCORDS SUBJECT TO INTERPRETATION

WHEN PROGRESS ON THE EVACUATION OF THE WOUNDED STALLED, THE FMLN LODGED COMPLAINTS WITH THE ARCHBISHOP THAT THE GOVERNMENT WAS NOT LIVING UP TO THE JANUARY 1987 PANAMA ACCORD. THE FMLN STATED THAT THE GOES HAD AGREED TO FACILITATE THE EVACUATION OF SERIOUSLY WOUNDED WITHIN THE TERMS OF THE AGREEMENT, THE GOVERNMENT ON THE OTHER HAND MAINTAINED THAT NO SUCH BROAD AGREEMENT EXISTED AND EACH EVACUATION WAS A SEPARATE ISSUE.

10. [redacted] RIVERA DAMAS, THE ONLY DISINTERESTED SOURCE WHO KNOWS THE DETAILS OF THE PANAMA ACCORD, HAS REMAINED MUM ON THE SUBJECT. HE TOLD THE AMBASSADOR ON APRIL 13 THAT THE DIFFERING INTERPRETATIONS OF THE PANAMA AGREEMENTS AROSE FROM THE FACT THAT ONE OF THE ACCORDS WAS WRITTEN (PRESUMABLY THE PRISONER EXCHANGE TERMS FOR AVALOS) AND THE OTHER (PRESUMABLY THE ONE ON THE PENDING AND FUTURE EVACUATIONS OF GUERRILLA WOUNDED) WAS UNWRITTEN. THE ARCHBISHOP VOLUNTEERED NO JUDGMENT ON WHO WAS RIGHT AND WRONG.

11. [redacted] THE ARCHBISHOP BEGAN A NEW INITIATIVE TO GET

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TEXT OF TELEGRAM 88SAN SA006757

THE GUERRILLA WOUNDED OUT OF CALLE REAL AFTER THE FIRST INFANTRY BRIGADE TRIED TO FORCIBLY REMOVE THEM ON JAN. 16 AND A SHOOTING INCIDENT ENSUED JAN. 17 IN WHICH ONE OF THE WOUNDED WAS SHOT (REF C). THE ARCHBISHOP TRAVELLED TO MEXICO THE FIRST WEEK IN MARCH TO MEET WITH THE FMLN AND TRY TO WORK OUT THE TERMS OF AN AGREEMENT, WHICH CULMINATED IN THE MAY 4

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TEXT OF TELEGRAM 88SAN SA006757

ADP525 [redacted]

PAGE 01 SAN SA 06757 03 OF 03 190024Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-10	EUR-00	SS-00	OIC-02
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	HA-09	L-03	TRSE-00	PM-10	PA-01	OMB-01	INRE-00
	USIE-00	SP-02	SNP-01	C-01	SSE-01	PRS-01	P-02
	T-01	/066 W					

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R 190018Z MAY 88
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 0204
AMEMBASSY MEXICO
AMEMBASSY TEGUCIGALPA
AMEMBASSY GUATEMALA
AMEMBASSY SAN JOSE
AMEMBASSY MANAGUA
AMEMBASSY ROME
USINT HAVANA
USCINCSO QUARRY HTS PN
[redacted] SECTION 03 OF 03 SAN SALVADOR 06757

ROME FOR VATICAN INFO

E.O. 12356: DECL:OADR
TAGS: PINS, PGOV, CU, MX, ES
SUBJECT: 29 WOUNDED GUERRILLAS EVACUATED; 60 TO GO

DEPARTURE OF THE WOUNDED.

2. [redacted] SIXTY-PLUS FMLN WOUNDED STILL TO GO

CRC REPRESENTATIVE MUSY SAID THAT THE FMLN CLAIMED THAT SOME 60-70 SERIOUSLY WOUNDED COMBATANTS NEEDING EVACUATION ARE STILL OUT IN THE FIELD. HE CLAIMED [redacted]

PAGE 02 SAN SA 06757 03 OF 03 190024Z

THAT THE WOUNDED ARE DISPERSED THROUGHOUT THE COUNTRY. MUSY WAS UNAWARE OF ANY ONGOING EFFORT TO HELP THEM SEEK MEDICAL TREATMENT OUTSIDE OF THE COUNTRY.

13. [redacted] CALLE REAL CLOSED TO FURTHER FMLN WOUNDED

ACCORDING TO MUSY, RIVERA DAMAS HAS CLOSED CALLE REAL

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Special Project (1993)

TEXT OF TELEGRAM 88SAN SA006757

TO WOUNDED GUERRILLAS AND WILL NOT ALLOW THE ICRC TO LEAVE THEM THERE TO RECUPERATE WHILE WAITING FOR THE NEXT EVACUATION. THIS CONFIRMS THE EMBASSY'S SUSPICION THAT CHURCH LEADERS PERCEIVE THEY ERRED IN ALLOWING THE WOUNDED COMBATANTS TO GATHER IN CALLE REAL IN THE FIRST PLACE.

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TELEGRAM

INDICATE
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FROM: AMEMBASSY SAN SALVADOR | CLASSIFICATION: [redacted]

12065
E.O. XXA52X
TAGS:
SUBJECT: GDS 5/24/88
PINS, PINT, CDES, ES
(C) Majano Documents, D'Aubuisson and The Murder of Romero

ACTION: SECSTATE WASHDC IMMEDIATE

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~~INFO: AMEMBASSY MEXICO IMMEDIATE~~

[redacted] SAN SALVADOR _____

AMB
DCM

~~EXDIS~~

REF: A) 80 SS 8084; B) SS 9718; C) Mexico 6698

1. S - Entire Text.

2. SUMMARY: Embassy has copies of documents taken from Major D'Aubuisson by Colonel Majano in ~~12~~ 1980. The documents are, for the most part, lists of names, addresses, telephone numbers and expenses plus an outline of the government which, presumably, was to replace the JRG. Among the more interesting--and mysterious--of the documents is a single page list of extreme rightists plus a list of equipment for "Operation Pina." Pina may have been the code word for the assassination of Archbishop Romero but nothing in the documentation states that. While we have the unconfirmed statements of what has been

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CLEARANCES:

DRAFTING DATE	TEL. EXT.	CONTENTS AND CLASSIFICATION APPROVED BY:
5-24-82	[redacted]	

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United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: LANDFAIR, WILLIAM E
Date: 05/27/94
Case ID: S940034B

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a neurosis-plagued but reliable source which do incriminate D'Aubuisson in the murder of the Archbishop (Refs A and B), we cannot find evidence to justify that conclusion in the "Majano papers." Columnist Buendia (Ref C) has the same documents which we have but far less regard for accuracy. END SUMMARY.

3. Embassy has in its possession copies of the papers taken from Major Roberto D'Aubuisson when he was arrested in May 1980. Personnel at Post do not recall exactly how those copies came to this Embassy. They may have been given to ~~former~~ Ambassador White by Col. Majano. It is our understanding that statements linking D'Aubuisson with the Archbishop Romero assassination made in the past by ~~both~~ Col. Majano and ~~Ambassador White~~ are based on this documentation. Mexican columnist Buendia has made the link explicit. He has also added additional twists to the already tangled web that is the murder of Romero and the allegations of responsibility for it. Following is our summary of the documents and an effort to disentangle what is known from what is conjecture.

4. DOCUMENTS: The set of documents is made up as follows:

-- copies of the pages of a desk calendar which

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OPTIONAL FORM 153A (Formerly FS-413A) January 1975 Dept. of State
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belonged to (or, more precisely, has on the cover the name of) one Alvaro Rafael Saravia, a rightist captain who was arrested along with D'Aubuisson;

-- copies of the pages of a second calendar which was used as a notebook (owner unidentified);

-- copies of notes written on both plain and hotel (e.g., Capitol Hyatt, Miami Inter-Continental) stationery;

-- two lists of armed forces contacts;

-- a list of all of those arrested on May 7, 1980 during the Santa Tecla raid on the coup plotters by Col. Majano (the list was presumably added by those who took the plotters in); and

-- a page which lists the extreme right's most notorious younger (generally under 40) civilian members and the equipment needed for "Operation Pina" (this page is a photocopy of what originally were two pages of apparent hotel stationery).

5. The Saravia calendar/notebook lists names, addresses, and telephone numbers of many well-known rightist extremists and also of many people unknown to this Embassy. It also was used as an accounting ledger by the owner to keep track of purchases of weapons, food, lodging, plane tickets, and other items and of payments to bodyguards and members of the security forces--

(e.g., "500 colones...advance to Lt. Leiva.") The second notebook contains a goals and objectives statement for a post-JRG government run by F.A.N., the defunct "Broad National Front" from which ARENA sprang. The notepad jottings cite contacts made (or to be made) in Washington DC and names of candidates for positions in a hoped for rightist government. The Operation Pina page has written on it under "equipment": "1 starlight, 1 257 Robert's, 4 automatics, grenades, 1 driver, 1 rifleman, 4 security." On what originally was a separate page are listed the names of ten tough and wealthy rightists plus an eleventh who is listed only as "Lumumba". We do not know Lumumba.

6. UNTANGLING EFFORT: We recall that Ambassador White said several weeks ago that the Department has in its possession documents which prove the involvement of Major D'Aubuisson in the murder of Archbishop Romero. At the time he reportedly also stated that those documents were turned over to the USG in 1980. Columnist Buendia has now surfaced the documents to which White referred and claims to have positively established the link between the Major and the murder. ~~[illegible]~~ (He adds that the documents show that D'Aubuisson "still heads" a criminal band of ominous proportions, a statement which we view as peculiar given that the documents

are two years old and unlikely to demonstrate that something "still" goes on.) The fact of the matter is that without an interpreter--i.e., one of the authors or someone linked very closely to them--those documents are nothing more than an informational goulash which does not explain the murder of Romero, nor that of Mario Zamora, nor any other specific act of rightist terrorism which has occurred in this or any other country. No such interpreter has come forward, Buendia's transparently mendacious claims of "expert analysis" notwithstanding. There is no denying the fact that the purchases, travels and expenses outlined in the papers represent the activities of nefarious sorts who in early 1980 were engaged in ruthless actions to destabilize the JRG. But to go beyond that and state specifically, for instance, that Operation Pina was the Romero assassination plan is speculation.

7. We have attempted to find an interpreter. PolOff's source who claims to know about the Archbishop's muder (Refs A and B) looked at them but fared poorly. Among the names and telephone numbers he did spot the first name and the pseudonym of the man who he claimed actually shot Romero, the now deceased Walter Antonio Alvarez or "Musa". He recognized the names of other friends. But, for the most part, the documents were

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hieroglyphics to him. He did not recognize Pina and denied that a small calibre bullet killed Romero; it was instead, he said, a 9 mm shot which killed him. (On the other hand, other sources, Vice President Alvergue among them, insist that it was a small calibre.) Thus, we still have no interpreter.

8. The Majano papers are--to quote Buendia--sinister; evil intent lurks throughout them. But they raise more questions than they answer. Who wrote them and what they mean is not clear to us but we will continue to try to find out. Buendia, if he were honest, would do the same.

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Classification

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OPTIONAL FORM 153A
(Formerly FS-413A)
January 1975
Dept. of State

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Special Project (1993)

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PAGE 01 SAN SA 07220 01 OF 06 281740Z
ACTION RP-10

INFO LOG-00 ADS-00 INR-10 CIAE-00 DODE-00 H-01 IO-13
ARA-00 NSAE-00 COME-00 HA-09 INSE-00 VOE-06 HHS-06
INRE-00 SR-06 /067 W
----------030712 281758Z /43
R 281727Z MAY 88
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 0416
INFO AMEMBASSY TEGUCIGALPA
AMEMBASSY GUATEMALA
AMEMBASSY MANAGUA
AMEMBASSY SAN JOSE
AMEMBASSY MEXICO
USMISSION GENEVA
USCINCSO QUARRY HTS, PN

UNCLAS SECTION 01 OF 06 SAN SALVADOR 07220

DEPT. FOR RP/PC; GUATEMALA FOR CLERICCI

E.O. 12356: N/A
TAGS: PREF, PGOV, PREL, PHUM, KPRP, HO, ES
SUBJECT: EL SALVADOR REFUGEE REPORT - 1988

REF: (A) STATE 94951, (B) 87 SAN SALVADOR 6668

1. SUMMARY

THE REFUGEE SITUATION IN EL SALVADOR HAS REMAINED STABLE OVER THE PAST YEAR WITH ONE IMPORTANT DEVELOPMENT: THE OCTOBER 1987 REPATRIATION OF 4300 SALVADORAN REFUGEES FROM THE MESA GRANDE CAMP IN HONDURAS. EL SALVADOR CONTINUES TO BE A REFUGEE-PRODUCING COUNTRY BECAUSE OF THE ONGOING, EIGHT-YEAR OLD WAR AND THE UNCERTAIN ECONOMIC
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PAGE 02 SAN SA 07220 01 OF 06 281740Z

OUTLOOK. MOST EMIGRATING SALVADORANS ARE NOT FLEEING

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POLITICAL PERSECUTION, BUT RATHER ARE LEAVING FOR ECONOMIC REASONS. EL SALVADOR IS ALSO A REFUGEE-RECEIVING NATION WITH A SMALL, BUT STABLE NICARAGUAN POPULATION. THE TINY SIZE OF THE NICARAGUAN REFUGEE COMMUNITY DOES NOT WARRANT ANY SPECIAL GOVERNMENT ASSISTANCE PROGRAMS. REPATRIATING SALVADORANS ARE ELIGIBLE FOR GOES FOOD, SHELTER AND TEMPORARY WORK PROGRAMS FOR THE DISPLACED POPULATION. TO THE BEST OF THE EMBASSY'S KNOWLEDGE, NO REPATRIATING SALVADORAN OR LEGITIMATE FOREIGN REFUGEE HAS BEEN REFUSED ENTRY BY THE GOES. THERE ARE NO KNOWN INSTANCES OF OFFICIAL PERSECUTION OF SALVADORAN REPATRIATES OR RESIDENT NICARAGUANS. END SUMMARY.

2. THE FOLLOWING PARAGRAPHS CONTAIN THE EMBASSY'S SUBMISSION FOR THE 1988 WORLD REFUGEE REPORT. THE TEXT IS KEYED TO THE SUBSECTIONS CONTAINED IN PARAGRAPH 3 OF REF A.

//
EL SALVADOR AS A REFUGEE-GENERATING COUNTRY
//

A. PRIMARY CAUSES OF REFUGEE OUTFLOWS:
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3. THE PRIMARY CAUSES OF REFUGEE OUTFLOWS CONTINUE TO BE THE ONGOING WAR, THE TROUBLED ECONOMY AND THE GROWING POPULATION. WHEN THE WAR BEGAN IN 1979, THE RANKS OF REFUGEES AND DISPLACED PERSONS SWELLED AS PEASANTS, CAUGHT BETWEEN THE ARMED FORCES AND THE GUERRILLAS, FLED CONFLICTIVE AREAS. IN LATE 1980,

POLITICAL KILLINGS OF CIVILIANS REACHED AN ALL-TIME HIGH OF 750 PER MONTH. AS MANY AS 500,000 PERSONS WERE DISPLACED INTERNALLY DURING THE FIRST FIVE YEARS OF THE WAR WHILE PERHAPS AS MANY AGAIN LEFT THE COUNTRY.

4. FLIGHT FROM POLITICAL VIOLENCE, HOWEVER, IS NO LONGER THE KEY FACTOR IN A SALVADORAN'S DECISION TO LEAVE HIS OR HER HOMELAND. SINCE 1984, THE PRIMARY MOTIVATION FOR MIGRATION FROM EL SALVADOR HAS BEEN TO

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SEARCH FOR ECONOMIC BETTERMENT RATHER THAN TO ESCAPE POLITICAL PERSECUTION. STRICTLY SPEAKING, THE VAST MAJORITY OF SALVADORANS EMIGRAIING TODAY DO NOT MEET THE CRITERIA TO BE INTERNATIONALLY RECOGNIZED AS REFUGEES.

5. THE LACK OF ECONOMIC OPPRTUNITY AND THE GENERAL ECONOMIC DOWNTURN ACCOMANYING THE WAR IN EL SALVADOR ARE FUELING THE DIVE TO EMIGRATE. THE EMBASSY BELIEVES THAT TE COUNTRY'S COMBINED UNEMPLOYMENT/UNDEREMPLYMENT FIGURE IS AROUND 30 PERCENT. POPULATIO PRESSURE ALSO CONTRIBUTES TO INTENSE COMPETITIN IN THE JOB MARKET. DESPITE RECENT DECLINESIN FERTILITY AND BIRTH RATES, EL SALVADOR IS TILL THE MOST DENSELY POPULATED COUNTRY ON THE MAINLAND OF THE WESTERN HEMISPHERE.

6. THE COSTS OF THE WAR ARE STAGGERING AND CONTINUE TO MOUNT. THE EMBASSY ESTIMATES DAMAGE TO THE SALVADORAN ECONOMY FROM 1979 TO 1986 CAUSED BY THE INTERNAL CONFLICT EXCEEDS USD 1.5 BILLION.

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Special Project (1993)

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PAGE 01 SAN SA 07220 02 OF 06 2817412
ACTION RP-10

INFO LOG-00 ADS-00 INR-10 CIAE-00 DODE-00 H-01 IO-19
ARA-00 NSAE-00 COME-00 HA-09 INSE-00 VOE-06 HHS-06
INRE-00 SR-06 /067 W
----------030726 2817582 /43
R 2817272 MAY 88
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 0417
INFO AMEMBASSY TEGUCIGALPA
AMEMBASSY GUATEMALA
AMEMBASSY MANAGUA
AMEMBASSY SAN JOSE
AMEMBASSY MEXICO
USMISSION GENEVA
USCINCSO QUARRY HTS PN

UNCLAS SECTION 02 OF 06 SAN SALVADOR 07220

DEPT. FOR RP/PCJ GUATEMALA FOR CLERICCI

E.O. 12356: N/A
TAGS: PREF, PGOV, PREL, PHUM, KPRP, HO, ES
SUBJECT: EL SALVADOR REFUGEE REPORT - 1988

EL SALVADOR'S 1987 GDP WAS 16 PERCENT LOWER IN REAL TERMS THAN IN 1978, THE YEAR PRIOR TO THE WAR. GIVEN RELATIVELY HIGH POPULATION GROWTH, REAL GDP PER CAPITA FELL BY 27 PERCENT OVER THE SAME PERIOD. DURING THE COURSE OF THE WAR, AGRICULTURAL PRODUCTION FOR EXPORT DROPPED ABOUT 22 PERCENT DUE TO WAR DAMAGE, FALLING WORLD MARKET PRICES, AGRARIAN REFORM, ETC. THE INDUSTRIAL SECTOR EXPERIENCED A 17 PERCENT DECLINE IN OUTPUT BETWEEN 1979 AND 1987.

B. REFUGEES' DESTINATION UPON LEAVING EL SALVADOR:

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PAGE 02 SAN SA 07220 02 OF 06 2817412

7. THE EMBASSY ESTIMATES THAT OVER ONE MILLION

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SALVADORANS HAVE DEPARTED THE COUNTRY SINCE THE BEGINNING OF THE WAR AND ARE LIVING ABROAD. OFFICIAL GOES FIGURES SHOW A NET MIGRATION OF 800,000 INDIVIDUALS FROM 1970 THROUGH 1986. ACCORDING TO GOVERNMENT RECORDS, NET EMIGRATION EXCEEDED 50,000 PER ANNUM FROM 1984 TO 1986. ALTHOUGH NO STATISTICAL BREAKDOWN EXISTS, ANNUAL ILLEGAL IMMIGRATION TO THE U.S. PROBABLY ACCOUNTS FOR ABOUT 80 PERCENT OF NET EMIGRATION (40,000 PER YEAR). THE EMBASSY EXPECTS SALVADORAN EMIGRATION TO INCREASE AS THE RESULT OF THE IMMIGRATION REFORM ACT AS FAMILY MEMBERS JOIN THEIR RELATIVES WHO WERE GRANTED AMNESTY.

8. THE FOLLOWING TABLE LISTS AN APPROXIMATION OF MAJOR SALVADORAN POPULATIONS OUTSIDE EL SALVADOR AND IS NOT LIMITED TO RECOGNIZED REFUGEES. THESE FIGURES WERE DEVELOPED LOCALLY AND OTHER POSTS MAY HAVE ACCESS TO MORE ACCURATE INFORMATION.

COUNTRY OF RESIDENCE	SALVADORAN POPULATION
UNITED STATES	600,000-800,000 (1)
MEXICO	120,000
CANADA	25,000
GUATEMALA	10,000
NICARAGUA	8,600
COSTA RICA	6,200
AUSTRALIA	5,000 (2)
BELIZE	3,000
SWEDEN	900 (2)

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PANAMA	900

(1) ALL BUT 80,000 OF THE SALVADORANS LIVING IN THE U.S. ARE ILLEGAL ALIENS.

(2) AUSTRALIA, CANADA AND SWEDEN ARE THE THREE PRINCIPAL RECIPIENTS OF SALVADORANS RELOCATED UNDER PROGRAMS OF THE INTERGOVERNMENTAL COMMITTEE ON MIGRATION (ICM). ICM HAS HELPED 8,426 SALVADORANS RELOCATE FROM 1983 TO PRESENT.

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C. STATUS OF REFUGEE-PRODUCING CONDITIONS:

9. THE NUMBER OF LEGITIMATE SALVADORAN POLITICAL REFUGEES FLEEING FROM PERSECUTION OR THREATS CONTINUED TO DROP. THE IMPROVING HUMAN RIGHTS SITUATION IS THE PRIMARY REASON. IN THE FIRST 11 MONTHS OF 1987, THE NUMBER OF POLITICAL KILLINGS PER MONTH DROPPED TO AN AVERAGE OF 19, THE FIRST TIME THE FIGURE HAS DIPPED BELOW 20 SINCE THE BEGINNING OF THE WAR.

10. ONE SIGN OF IMPROVED CONDITIONS IN EL SALVADOR IS THE SIGNIFICANT MOVEMENT OF INTERNALLY DISPLACED PERSONS BACK TO THEIR HOMES SINCE 1986. OVER 30,000 DISPLACED PERSONS HAVE PERMANENTLY RESETTLED IN THEIR HOMETOWNS OR NEW LOCATIONS OVER THE PAST TWO YEARS. THE RETURNEE MOVEMENT'S IMPETUS COMES FROM PERSONAL DECISIONS BY DISPLACED PERSONS THEMSELVES RATHER THAN BECAUSE OF ANY GOVERNMENTAL OR NON-GOVERNMENTAL

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El Salvador: Human Rights
Special Project (1993)

PAGE 01 SAN SA 07220 03 OF 06 281742Z
ACTION RP-10

INFO LOG-00 ADS-00 INR-10 CIAE-00 DODE-00 H-01 IO-19
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TO SECSTATE WASHDC 0418
INFO AMEMBASSY TEGUCIGALPA
AMEMBASSY GUATEMALA
AMEMBASSY MANAGUA
AMEMBASSY SAN JOSE
AMEMBASSY MEXICO
USMISSION GENEVA
USCINCSO QUARRY HTS PN

UNCLAS SECTION 03 OF 06 SAN SALVADOR 07220

DEPT. FOR RP/PCJ GUATEMALA FOR CLERICCI

E.O. 12356: N/A
TAGS: PREF, PGOV, PREL, PHUM, KPRP, HO, ES
SUBJECT: EL SALVADOR REFUGEE REPORT - 1988

INITIATIVES.

11. THE NOVEMBER 1987 RETURN OF DEMOCRATIC REVOLUTIONARY FRONT (FDR) LEADERS RUBEN ZAMORA AND GUILLERMO UNGO SERVES AS ANOTHER INDICATOR OF THE ABSENCE OF POLITICAL PERSECUTION HERE. (NOTE: THE FDR IS A TWO POLITICAL PARTY COALITION ALLIED WITH THE FARABUNDO MARTI NATIONAL LIBERATION FRONT (FMLN), THE UMBRELLA GROUP FOR THE FIVE GUERRILLA FACTIONS SEEKING TO OVERTHROW THE GOVERNMENT.) RUBEN ZAMORA AGAIN RETURNED TO SAN SALVADOR IN JAN. 1988 AND HAS BEEN OPERATING AS AN OPPOSITION POLITICIAN, GIVING PRESS
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PAGE 02 SAN SA 07220 03 OF 06 281742Z

INTERVIEWS AND TAKING OUT NEWSPAPER ADVERTISEMENTS. ZAMORA IS PRESENTLY WORKING TO GET HIS PARTY

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REGISTERED WITH THE CENTRAL ELECTIONS COMMISSION IN TIME FOR THE MARCH 1989 PRESIDENTIAL ELECTIONS. ACCORDING TO HIS DEPUTY UNGO PLANS TO RETURN TO EL SALVADOR "MORE OR LESS PERMANENTLY" IN LATE MAY 1988.

12. AT THE SAME TIME, THE NUMBER OF ECONOMICALLY-MOTIVATED EMIGRANTS FROM EL SALVADOR APPEARS TO HAVE REMAINED CONSTANT FOR ALL OF THE REASONS OUTLINED ABOVE. THE DIRTH OF ECONOMIC OPPORTUNITIES, COMBINED WITH A GENERAL IMPATIENCE WITH EIGHT YEARS OF WAR, IS LEADING INDIVIDUALS TO SEEK RESETTLMENT IN DIFFERENT COUNTRIES. THE SAN SALVADOR ICM OFFICE REPORTS THAT ITS NUMBER OF APPLICANTS SEEKING RELOCATION IS UP 115 PERCENT IN THE FIRST QUARTER OF 1988 OVER THE SAME PERIOD LAST YEAR.

D. REPATRIATION OF REFUGEES IN THE LAST YEAR:

13. THE NUMBER OF EXPATRIATE SALVADORANS RETURNING FROM ABROAD, EITHER SINGLY OR IN GROUPS, HAS INCREASED MARKEDLY DURING THE PAST YEAR. THE BIGGEST REPATRIATION STORY OF 1987 WAS THE RETURN OF 5,595 SALVADORAN REFUGEES FROM HONDURAN REFUGEE CAMPS. BY DECIDING TO RETURN HOME, THESE REFUGEES IMPLICITLY RECOGNIZED THAT THE INTENSITY OF THE CONFLICT HAD LESSENED AND THE CONDUCT OF THE ARMED FORCES TOWARD THE CIVILIAN POPULATION HAD IMPROVED.

14. PRESIDENT DUARTE HAS ALWAYS RECOGNIZED THE

CONSTITUTIONAL RIGHT OF SALVADORANS TO RETURN TO THEIR COUNTRY ON A VOLUNTARY, ORDERLY AND INDIVIDUAL BASIS, WHICH HE REAFFIRMED BY SIGNING THE ESQUIPULAS II PEACE ACCORD AUGUST 7, 1987 WITH THE OTHER FOUR CENTRAL AMERICAN PRESIDENTS. THE GOVERNMENT OVERCAME MISGIVINGS ABOUT BEING ABLE TO GUARANTEE SECURITY AND BASIC SERVICES IN ISOLATED, CONFLICTIVE RURAL AREAS AND ALLOWED RETURNEES FROM HONDURAS TO RESETTLE IN THEIR PLACES OF ORIGIN.

15. ON OCTOBER 10-11, 198", OVER 4300 REFUGEES

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Special Project (1993)

REPATRIATED EN MASSE TO EL SALVADOR FROM THE MESA GRANDE CAMP INSIDE HONDURAS. THIS REPATRIATION, THE LARGEST OF ITS KIND TO DATE IN CENTRAL AMERICA, WAS CARRIED OUT WITHOUT INCIDENT BY UNHCR IN AGREEMENT WITH THE GOVERNMENTS OF EL SALVADOR AND HONDURAS. THE REFUGEES WHO RETURNED IN OCTOBER 1987 CHOSE TO RETURN TO FIVE LOCATIONS SITUATED IN WHAT ARE STILL VERY CONFLICTIVE NORTHERN AREAS: LAS YUELTAS, CHALATENANGO DEPT.; GUARJILA, CHALATENANGO DEPT.; GUARJILITA, CHALATENANGO DEPT.; SANTA MARTA, CABANAS DEPT.; AND COPAPAYO: CUSCATLAN DEPT.

16. THE RETURNEES SETTLED IN WITH HELP (FOOD, MEDICAL SUPPLIES, HOUSING CONSTRUCTION MATERIALS, LATRINES, ETC.) FROM THE CATHOLIC ARCHDIOCESE OF SAN SALVADOR AND THE LUTHERAN CHURCH. BOTH CHURCHES HAVE CONFIRMED THAT ALL OF THEIR HUMANITARIAN AID SHIPMENTS TO THE REPATRIATE COMMUNITIES HAVE REACHED THEIR FINAL DESTINATIONS, DESPITE TEMPORARY DELAYS IN DELIVERIES BECAUSE OF ONGOING MILITARY OPERATIONS.

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El Salvador: Human Rights
Special Project (1993)

PAGE 01 SAN SA 07220 04 OF 06 281743Z
ACTION RP-10

INFO LOG-00 ADS-00 INR-10 CIAE-00 DODE-00 H-01 IO-19
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FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 0419
INFO AMEMBASSY TEGUCIGALPA
AMEMBASSY GUATEMALA
AMEMBASSY MANAGUA
AMEMBASSY SAN JOSE
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UNCLAS SECTION 04 OF 06 SAN SALVADOR 07220

DEPT. FOR RP/PCI GUATEMALA FOR CLERICCI

E.O. 12356: N/A
TAGS: PREF, PGOV, PREL, PHUM, KPRP, HO, ES
SUBJECT: EL SALVADOR REFUGEE REPORT - 1988

17. THE REPATRIATES QUALIFY FOR THE FULL RANGE OF GOES PROGRAMS AVAILABLE TO INTERNALLY DISPLACED PERSONS, BUT COMMUNITY LEADERS HAVE REFUSED ALL FORMS OF GOVERNMENT ASSISTANCE TO DATE. IN SOME COMMUNITIES, GOES DOCTORS AND TEACHERS HAVE BEEN TURNED AWAY. COMMUNITY LEADERS IN SANTA MARTA AND COPAPAYO HAVE CHOSEN NOT TO PARTICIPATE IN GOVERNMENT-FUNDED TEMPORARY WORK PROGRAMS TO REPAIR ACCESS ROADS TO THE TWO VILLAGES.

18. DOCUMENTATION REMAINS ONE OF THE MAJOR PROBLEMS
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PAGE 02 SAN SA 07220 04 OF 06 281743Z

LEFT FOR THE RETURNEES. MINISTRY OF INTERIOR TEAMS HAVE BEEN WORKING WITH MUNICIPAL OFFICIALS FOR SEVERAL

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Special Project (1993)

MONTHS TO DOCUMENT THEM, BUT THE PROCESS HAS BEEN SLOW. TO DATE, ABOUT THIRTY PERCENT OF THE REPATRIATES HAVE RECEIVED PERMANENT IDENTITY CARDS. MOST ADULT REFUGEES RETURNING FROM MESA GRANDE POSSESSED NO IDENTITY DOCUMENTS. CHILDREN, WHO COMPRISED THE LARGEST SEGMENT OF THE RETURNEE GROUP, EITHER HAD NEVER BEEN DOCUMENTED BEFORE LEAVING EL SALVADOR OR WERE BORN UNDOCUMENTED INSIDE MESA GRANDE. THE PROBLEM IS COMPOUNDED BY THE GUERRILLAS' DESTRUCTION OF MUNICIPAL RECORDS IN TWO TOWNS AND FEAR BY SEVERAL MAYORS IN EXILE TO RETURN AND WORK IN THEIR COMMUNITIES.

19. DURING THEIR SEVEN MONTHS LIVING INSIDE EL SALVADOR, THE MESA GRANDE RETURNEES HAVE EXPERIENCED A LOW INCIDENCE OF POLITICAL AND SECURITY PROBLEMS. THERE HAVE BEEN TWO WAR-RELATED DEATHS SINCE THEIR RETURN: THE JAN. 11 ASSASSINATION OF A SANTA MARTA RESIDENT BY THE FMLN AND THE APR. 29 DEATH OF A CHILD WHO WAS PLAYING WITH A GRENADE WHICH EXPLODED IN GUARJILA.

20. RUMORS OF ANOTHER MASSIVE REPATRIATION FROM MESA GRANDE HAVE SURFACED SINCE OCT. 1987, BUT REFUGEE ORGANIZERS HAVE NOT YET PUT FORTH ANY CONCRETE PLANS. UNHCR, GOES AND GOH REPRESENTATIVES HAVE MET TWICE IN THE LAST SEVEN MONTHS UNDER THE AUSPICES OF THE TRIPARTITE COMMISSION, BUT HAVE NOT YET FIRMED UP A SYSTEMATIC PLAN TO MANAGE FUTURE MASS REPATRIATIONS.

-

21. DURING 1987, INDIVIDUAL REPATRIATIONS FROM THE HONDURAN CAMPS EXCEEDED 1,000. INDIVIDUAL RETURNEES RELIED ON UNHCR AND, IN SOME CASES, THE GOVERNMENT'S NATIONAL COMMISSION FOR THE DISPLACED OF EL SALVADOR (CONADES), FOR ASSISTANCE. UPON RETURN, INDIVIDUAL REPATRIATES RECEIVE SAFE CONDUCT PASSES FROM THE GOVERNMENT PENDING RECEIPT OF PERMANENT IDENTITY DOCUMENTATION. THE VAST MAJORITY OF THE INDIVIDUAL RETURNEES CAME FROM MESA GRANDE, ALTHOUGH A FEW TRICKLED IN FROM COLOMONCAGUA AND THE OTHER CAMPS IN THE EAST.

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Special Project (1993)

22. SALVADORANS ALSO CONTINUED TO RETURN FROM THE UNITED STATES AND OTHER CENTRAL AMERICAN COUNTRIES, BUT NOT IN GREAT NUMBERS. THERE ARE NO KNOWN STATISTICS TRACKING SALVADORANS WHO RETURN VOLUNTARILY FROM THE U.S. OR OTHER COUNTRIES WITHOUT ASSISTANCE. FROM 1984-1986, A YEARLY AVERAGE OF 6,900 SALVADORANS WHO ILLEGALLY ENTERED THE U.S. WERE APPREHENDED BY THE AUTHORITIES AND FORCED TO LEAVE THE U.S. NO CURRENT FIGURES ARE AVAILABLE, BUT INS REPORTS BORDER APPREHENSIONS OF ILLEGAL SALVADORAN IMMIGRANTS HAVE DOUBLED IN THE FIRST QUARTER OF CY-1988, AS COMPARED TO THE SAME PERIOD LAST YEAR.

23. THE STATISTICS FOR UNHCR-ASSISTED REPATRIATIONS DURING THE FIRST QUARTER OF 1988 FOLLOW. THE MOST NOTABLE TRENDS ARE THE RISE IN RETURNEES FROM NICARAGUA AND FROM THE COLOMONCAGUA REFUGEE CAMP IN HONDURAS. THE 1988 FIRST QUARTER NUMBER OF REPATRIATES FROM COLOMONCAGUA (40) EXCEEDS THE TOTAL FOR ALL OF 1987 (27).

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El Salvador: Human Rights
Special Project (1993)

INFO LOG-00 ADS-00 INR-10 CIAE-00 DODE-00 H-01 IO-13
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INFO AMEMBASSY TEGUCIGALPA
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AMEMBASSY MANAGUA
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UNCLAS SECTION 05 OF 06 SAN SALVADOR 07220

DEPT. FOR RP/PCI GUATEMALA FOR CLERICCI

E.O. 12356: N/A
TAGS: PREF, PGOV, PREL, PHUM, KPRP, HO, ES
SUBJECT: EL SALVADOR REFUGEE REPORT - 1988

	COUNTRY OF REFUGE		1ST QTR. REPATRIATES
-	NICARAGUA		302
-	HONDURAS		243
-	MESA GRANDE	- 145	
-	COLOMONCAGUA	- 40	
-	SAN ANTONIO	- 43	
-	BUENOS AIRES	- 15	
-	COSTA RICA		5
-	MEXICO		3

-	BELIZE	3

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Special Project (1993)

24. THE OVERALL INCIDENCE OF POLITICAL PERSECUTION OF SALVADORAN REPATRIATES APPEARS TO BE VERY SMALL. THE ONLY RELIABLE STATISTICAL DATA AVAILABLE ON PERSONAL SECURITY PROBLEMS ENCOUNTERED BY RETURNEES IS FROM AN ICM SURVEY OF SALVADORANS REQUIRED TO LEAVE THE U.S. BY THE IMMIGRATION AND NATURALIZATION SERVICE. ICM REPRESENTATIVES MET AND MAINTAINED CONTACT WITH SOME 9,530 RETURNEES BETWEEN DECEMBER 1984 AND DECEMBER 1986. LESS THAN 70 RETURNING INDIVIDUALS (UNDER ONE PERCENT OF THE SAMPLE) REPORTED PERSONAL SECURITY PROBLEMS SINCE THEIR ARRIVAL.

//
EL SALVADOR AS A REFUGEE-RECEIVING COUNTRY
//

A. STATUS OF THE REFUGEE PRESENCE:
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25. REFUGEES ENTERING EL SALVADOR ARE ALMOST EXCLUSIVELY NICARAGUANS. ALTHOUGH THE UNHCR RECOGNIZES APPROXIMATELY 400 NICARAGUAN REFUGEES LIVING IN EL SALVADOR, THE EMBASSY ESTIMATES THAT THE TOTAL NICARAGUAN REFUGEE POPULATION EXCEEDS 1,500. NO NATIONWIDE REFUGEE CENSUS EXISTS, AND REGISTRATION OF INCOMING NICARAGUANS BY SALVADORAN AUTHORITIES IS SPORADIC. THE NUMBER OF NICARAGUANS ENTERING THIS COUNTRY APPEARS TO HAVE LEVELED OFF AFTER A NOTABLE SURGE IN 1986. THE BULK OF THE NICARAGUANS ARE LIVING IN SOUTHEASTERN LA UNION DEPT., SOUTHERN/CENTRAL SAN

MIGUEL DEPT., AND OFF THE COAST ON THE CONTESTED ISLAND OF MEANGUERA.

B. DEVELOPMENTS IN GRANTING REFUGEE/ASYLUM STATUS:
---

26. THE GOES AND THE UNHCR HAVE BEEN NEGOTIATING A REFUGEE CONVENTION WHICH WOULD GIVE LEGAL STATUS TO REFUGEES FOR THE PAST THREE YEARS. IN PRACTICE, BOTH SIDES FEEL AN AGREEMENT IS NEEDED BUT THE EXECUTIVE BRANCH OF THE GOVERNMENT HAS NOT YET APPROVED A TEXT FOR SUBMISSION TO THE NATIONAL ASSEMBLY. THE LEADING

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Special Project (1993)

OPPOSITION PARTY'S RECENT VICTORY IN NATIONAL LEGISLATIVE ELECTIONS MAKES PROGRESS ON THE CONVENTION UNLIKELY IN THE NEAR FUTURE.

C. POLITICAL AND ECONOMIC IMPACT OF REFUGEES:

27. THE TINY RESIDENT REFUGEE POPULATION HAS A NEGLIGIBLE POLITICAL AND ECONOMIC IMPACT ON THE COUNTRY.

D. AGENCIES WITH REFUGEE ASSISTANCE PROGRAMS:

28. THE UNHCR IS THE ONLY AGENCY ASSISTING FOREIGN REFUGEES IN EL SALVADOR. UNHCR HELPS INCOMING NICARAGUANS WITH DOCUMENTATION AND LOCAL INTEGRATION. THE UNHCR'S SOLE MATERIAL ASSISTANCE PROGRAM IS A MODEST ONE WHICH DISTRIBUTES AGRICULTURAL AND FISHING

RELEASED
El Salvador: Human Rights
Special Project (1993)

PAGE 01 SAN SA 07220 06 OF 06 281744Z
ACTION RP-10

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UNCLAS SECTION 06 OF 06 SAN SALVADOR 07220

DEPT. FOR RP/PCJ GUATEMALA FOR CLERICCI

E.O. 12356: N/A
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IMPLEMENTS TO NICARAGUANS. ONE IRANIAN REFUGEE IS STUDYING IN A LOCAL UNIVERSITY UNDER A UNHCR-PROVIDED SCHOLARSHIP. (NOTE: THE NINE IRANIAN REFUGEES IN COUNTRY ARE ALL MEMBERS OF THE BAHA'I FAITH. EL SALVADOR HAS A RELATIVELY LARGE BAHA'I COMMUNITY.) THE UNHCR'S PROGRAM BUDGET FOR EL SALVADOR APPROACHES USD 500,000 ANNUALLY.

E. GOES POLICIES AND PRACTICES ON RESETTLEMENT:
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29. EL SALVADOR ACCEPTS NICARAGUANS FLEEING POLITICAL
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PAGE 02 SAN SA 07220 06 OF 06 281744Z

PERSECUTION OR THE WAR IN THEIR COUNTRY WITHOUT EXCEPTION. THERE ARE NO KNOWN CASES OF LEGITIMATE

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Special Project (1993)

NICARAGUAN REFUGEES BEING TURNED AWAY OR FORCIBLY REPATRIATED. THE GOES HAS NOT ARTICULATED A POLICY ON PERMANENT RESETTLEMENT, BUT HAS ALLOWED NICARAGUANS TO STAY AND WORK, DESPITE THE ABSENCE OF FORMAL LEGISLATION. NICARAGUAN REFUGEES ARE DOCUMENTED BY THE GOVERNMENT AFTER BEING SCREENED BY THE UNHCR. REFUGEES CURRENTLY RECEIVE A SPECIAL IDENTIFICATION CARD FROM THE GOVERNMENT VALID FOR ONE YEAR.

30. THE GOES DOES NOT PROVIDE ANY SPECIAL ASSISTANCE PROGRAMS SPECIFICALLY TARGETED FOR REFUGEES AND THE SMALL NUMBER OF REFUGEES HAS NOT WARRANTED ONE TO DATE. INCOMING NICARAGUANS HAVE MOSTLY RECEIVED HELP FROM LOCAL SALVADORAN FAMILIES IN RETURN FOR EMPLOYMENT AND INTEGRATED THEMSELVES INTO THE LOCAL ECONOMY.

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UNCLAS SANTIAGO 04796

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ASEC 1

E.O. 12356: N/A
TAGS: ASEC
SUBJ: MONTHLY STATUS REPORT - JUNE 1988 (JUNE 1 - JUNE 30)

I. SUMMARY OF SIGNIFICANT ACTIVITIES:

A. OVERVIEW:

CRISIS MANAGEMENT EXERCISE CONDUCTED FROM JUNE 6-10. JUDGING EXERCISE FEEDBACK, THE PROGRAM HAS A VALUABLE TRAINING EXPERIENCE AND WAS OF EQUAL UTILITY IN IDENTIFYING BOTH STRONG AND WEAK AREAS OF OUR EMERGENCY ACTION PLAN AND THE PERFORMANCE OF THE EMERGENCY ACTION COMMITTEE (SANTIAGO 4397).

THE NEW GUARD CONTRACT "HANDOFF" SCHEDULED FOR JUNE HAS BEEN RE-SCHEDULED FOR JULY.

RICHARD BUECHER, DS/PSD PROJECT OFFICER VISITED POST JUNE 11-17. A CERTIFICATE OF SUBSTANTIAL COMPLETION HAS BEEN ISSUED; REMAINING ITEMS ARE SCHEDULED FOR COMPLETION BY JULY 31 (SANTIAGO 4400).

RSO MET WITH DEA INSPECTORS FELIX JIMENEZ, JEROME SNYDER, AND ROBERT PINUS ON JUNE 3.
VISITORS: MR. P. MANLY, AEF CORPORATION, JUNE 3; SEMPT TEAM, JUNE 14-25; MR. KONO, FIRST SECRETARY, JAPANESE EMBASSY, JUNE 21.

NEW ARRIVALS BRIEFING: JUNE 1, 24 AND 28, 1988.

DEPARTURE DEBRIEFING: JUNE 10, 16 AND 30, 1988.

SOME OF THE DEMONSTRATIONS AND TERRORIST ACTIVITIES IN THE CITY OF SANTIAGO THIS MONTH WERE AS FOLLOWS:

JUNE 1: BOMB DETONATED IN FRONT OF CITIBANK, IN DOWNTOWN SANTIAGO, CAUSING EXTENSIVE DAMAGE AND INJURING A PEDESTRIAN.

JUNE 1: A BOMB THROWN FROM A PASSING VEHICLE EXPLODED AGAINST THE WALL OF THE VINA DEL MAR CITY HALL. THE EXPLOSION CAUSED MINIMAL PROPERTY DAMAGE.

JUNE 7: RETIRED ARMY OFFICER SHOT TO DEATH.

JUNE 15: AN ARMED GROUP FROM THE MAPU (UNIDAD POPULAR ACTION MOVEMENT), HAS CLAIMED RESPONSIBILITY FOR THE MURDER OF A CARABINERO ON APRIL 12.

JUNE 16: VIOLENT DEMONSTRATIONS CONDUCTED NEAR THE METROPOLITAN UNIVERSITY.

JUNE 17: EIGHT BOMBS EXPLODED IN THE CONCEPCION PROVINCE. DAMAGE REPORTED TO BE EXTENSIVE.

JUNE 21: AN EXPLOSION CAUSED CONSIDERABLE DAMAGE TO A BANK IN THE PROVIDENCIA AREA OF SANTIAGO.

JUNE 22: A BOMB WAS THROWN FROM A PASSING VEHICLE AT THE LA SERENA UNIVERSITY RECTOR'S HOME.

JUNE 23: DOORKEEPER AT THE METROPOLITAN UNIVERSITY ATTACKED BY UNKNOWN PERSONS.

JUNE 27: THE MANUEL RODRIGUEZ PATRIOTIC FRONT CLAIMED RESPONSIBILITY FOR THE MURDER OF RETIRED ARMY OFFICER ON JUNE 7.

- - - TERRORIST ATTACKS

	JUNE	YEAR TO DATE
AMERICAN BANKS ATTACKED	1	2
AMERICAN COMPANIES ATTACKED	0	0
ARMY PERSONNEL INJURED	0	2
ARMY PERSONNEL KILLED	1	1
ARSENALS DISCOVERED	0	3
ATTACK TO PRESIDENT OF CHILE	0	0
ATTACKS TO METRO	0	1
ATTACKS TO PUBLIC OFFICES	8	58
ATTACKS TO RADIOS	0	0
ATTACKS TO TRAINS (GOVN. OWNED)	1	16
ATTACKS TO BNCS	0	0
BOMBS DEACTIVATED	1	48
BOMBS DETONATED	34	224
BOMBS HIGH TENSION TOWERS	1	9
BUSES BURNED	9	61
CNI AGENTS INJURED	0	0
CNI AGENTS KILLED	0	1
CNI STATIONS ATTACKED	0	0
CAR BOMBS DEACTIVATED	0	0
CAR BOMBS DETONATED	0	1
CARABINEROS INJURED	1	10
CARABINEROS KILLED	0	6
CIVILIANS INJURED	2	45
CIVILIANS KILLED	2	4
DELIVERY TRUCKS ATTACKED BY TERRORISTS	0	1
DIPLOMATIC VEHICLES ATTACKED	0	0
HOUSES AMERICAN OFFICERS ATTACKED	0	1
INVESTIGACIONES AGENTS INJURED	0	0
INVESTIGACIONES AGENTS KILLED	0	0
INVESTIGACIONES STATIONS ATTACKED	1	1
MORMON CHURCHES ATTACKED	0	0
PERSONS KIDNAPPED	1	1
POLICE STATIONS ATTACKED	0	6
PRIVATE BANKS ASSAULTED	1	2
PRIVATE BANKS ATTACKED	7	7
SUBVERSIVE PRINT SHOPS	0	0
SUPERMARKETS ATTACKED	0	0
SUPERMARKETS BURNED	0	0
TERRORISTS ARRESTED	26	105
TERRORISTS INJURED	0	1
TERRORISTS KILLED	0	4
TERRORISTS SECURITY HOUSES	5	17
TERRORISTS CLANDESTINE CLINIC	0	0

B. COVERAGE OF CONSTITUENT POST: N/A

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C. MARINE GUARD ACTIVITIES:

DRILLS: NONE.

GUARD SCHOOL: JUNE 1, 8, 16, 22 AND 29, 1988.

BRIEFINGS: N/A

ARRIVALS: N/A

DEPARTURES: N/A

II. THREATS AND INCIDENTS:

A. SUBJECT AND CABLE NUMBER OF TELEGRAPHIC REPORTS:

SANTIAGO 4681: DEMONSTRATION.

B. SUMMARY O INCIDENTS NOT PREVIOUSLY REPORTED:

AN OFFICIAL VISITOR'S GOLD NECKLACE WAS GRABBED FROM HER NECK WHILE SHE WAS WALKING IN A COMMERCIAL AREA OF SANTIAGO.

III. PROJECT STATUS:

A. (3) NUMBER OF CONSTRUCTION PROJECTS: PERIMETER PROJECTS CONTINUE TO MEET WITH DELAYS. COMPLETION DAT NOW SCHEDULED FOR DECEMBER 1988.
B. CONSTITUENT POST: MYLAR PROJECT COMPLETED IN ASUNCION.

C. (1) NUMBER OF ANTICIPATED OR PLANNED PROJECTS: N CHANGE. SEE MAY REPORT.

IV. INVESTIGATIONS/VIOLATIONS:

A. INVESTIGATIONS:

(9) FSN INVESTIGATIONS ON HAND
(37) FSN INVESTIGATIONS OPENED
35) FSN INVESTIGATIONS CLOSED
(11) FSN INVESTIGATIONS PENDING
(0) CI INVESTIGATIONS ON HAND
(0) CI INVESTIGATIONS RECEIVED
(0) CI INVESTIGATIONS COMPLETED
(11) OTHER INVESTIGATIONS ON HAND
7) OTHER INVESTIGATIONS OPENED
(4) OTHER INVESTIGATIONS CLOSED
(14) OTHER INVESTIGATIONS PENDING

B. VIOLATIONS:

(4) VALID SECURITY VIOLATIONS FROM AMEMBASSY SANTIAGO TO DS/PI/PRD.

V. HOURS (ACTIVITIES)

(0) PROTECTION
(20) INVESTIGATIONS
(7) SECURITY AWARENESS
(75) CONTINGENCY PLANNING
(20) PHYSICAL SECURITY
(25) RESIDENTIAL SECURITY AND LOCAL GUARDS
(0) TECHNICAL SECURITY
(2) MARINE GUARDS
(20) OFFICE MANAGEMENT AND STAFFING
(0) ANTI-TERRORIST ACTIVITIES (ATA)
(0) EMERGENCY DRILLS

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(0) CONSTITUENT POST SUPPORT
(0) PRIVATE SECTOR

VI. ACTION CABLES NOT ANSWERED BY DS DURING THE MONTH

87 SANTIAGO 6617: DS/I/PID (PARAGRAPH 4) - WHEN MAY POST EXPECT REPLY?

SANTIAGO 1991: DS/PI/FRD.

VII. PLANS FOR THE COMING MONTH(S): CONTINUE RESIDENTIAL SECURITY UPGRADES; CONTINUE TO LOOK FOR WAYS TO PROVIDE APPROPRIATE GUARD SERVICE AND AT THE SAME TIME REDUCE COST. BARNES

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Department of State PINS 9 INCOMING TELEGRAM

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PAGE 01 MEXICO 14098 091810Z 0119 ARA2917
ACTION H-03

INFO	FILE-01	ARA-06	PPC-02	ECP-01	OAS-01	PPA-01	SSE-01	MX-03
	DCEN-01	REG-01	ES-01	DNCO-01	LARA-01	/021	A2	TE

INFO	LOG-00	ADS-00	INR-10	SS-00	CIAE-00	DODE-00	MSC-01
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R 091744Z JUN 88
FM AMEMBASSY MEXICO
TO SECSTATE WASHDC 9836
INFO AMEMBASSY SAN SALVADOR

[redacted] MEXICO 14098

RELEASED
El Salvador: Human Rights Special Project (1993)

FOR H

E.O. 12356: N/A
TAGS: PREL, MX, ES, US
SUBJECT: REPORTED MEETING OF CONGRESS DEMOS WITH SALVADORAN REBELS IN MEXICO

1. (U) LOCAL DAILY "LA JORNADA" STORY DATELINED WASHINGTON, JUNE 7, AND ATTRIBUTED TO SOURCES IN THE U.S. CONGRESS, REPORTS THAT CONGRESSIONAL DEMOCRATIC LEADERS PLAN DIRECT TALKS WITH FMLN-FDR REPRESENTATIVES IN MEXICO CITY IN RESPONSE TO AN FLMN-FDR COMMUNIQUE PUBLISHED MAY 18. ACCORDING TO THE "LA JORNADA" STORY, ED KING, DESCRIBED AS AN ADVISOR ON CENTRAL AMERICAN AFFAIRS TO SEN. ROBERT BYRD, WILL LEAD A CONGRESSIONAL DELEGATION IN MEETINGS WITH FMLN-FDR LEADERS JUNE 18. ANA GUADALUPE MARTINEZ AND MARIO LOPEZ OF THE FMLN, AND GUILLERMO UNGO AND RUBEN ZAMORA OF THE FDR, WILL REPORTEDLY REPRESENT THE SALVADORAN REBELS. "LA JORNADA" WAS THE ONLY LOCAL PAPER TO REPORT SUCH A MEETING.

2. [redacted] SALVADORAN CHARGE IN MEXICO CITY HAD NO INFORMATION REGARDING THE REPORTED MEETING.

3. [redacted] ACTION REQUESTED: EMBASSY WOULD APPRECIATE DEPARTMENT'S ASSESSMENT OF THIS REPORT SO WE CAN FOLLOW EVENTS HERE AS WARRANTED. (DRAFTED BY: POL: DAGRAY)
PILLIOD

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: JOHNSTON, DONALD
Date: 05/31/94
Case ID: S940035D

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Department of State

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PAGE 01 MEXICO 14098 091810Z 0119 APA2917
ACTION H-03

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DCEN-01 REG-01 ES-01 DNCO-01 LARA-01 /021 A2 TE

INFO LOG-00 ADS-00 INR-10 SS-00 CIAE-00 DODE-00 MSC-01
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R 091744Z JUN 88
FM AMEMBASSY MEXICO
TO SECSTATE WASHDC 9836
INFO AMEMBASSY SAN SALVADOR

[redacted] MEXICO 14098

FOR H

E.O. 12356: N/A
TAGS: PREL, MX, ES, US
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RELEASED
El Salvador: Human Rights
Special Project (1994)

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United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: JOHNSTON, DONALD
Date: 05/31/94
Case ID: S940035D

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Department of State

OUTGOING TELEGRAM

PAGE 01 OF 03 STATE 171703 5876 ARA3598
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APPROVED BY: ARA/SC: PDESHAZO
HA: GLISTER

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INFO AMEMBASSY MEXICO
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AMEMBASSY SAN SALVADOR
AMEMBASSY GUATEMALA
AMEMBASSY PANAMA
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AMEMBASSY LIMA
AMEMBASSY BRASILIA
AMEMBASSY MONTEVIDEO
AMEMBASSY ASUNCION
USINT HAVANA
AMEMBASSY TOKYO
AMEMBASSY CANBERRA
AMEMBASSY WELLINGTON
AMEMBASSY PRETORIA
AMEMBASSY BEIJING
AMEMBASSY BRUSSELS

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

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FOLLOWING STATE 171703 DTD 27 MAY SENT ACTION BONN BUENOS AIRES COPENHAGEN DUBLIN HELSINKI LISBON LONDON MADRID OSLO PARIS ROME SANTIAGO STOCKHOLM THE HAGUE BEING REPEATED FOR UR INFO:

QUOTE: UNCLAS STATE 171703

E.O. 12356: N/A
TAGS: PHUM CI
SUBJECT: TEXT OF TESTIMONY BY RICHARD SCHIFTER
FOLLOWING IS THE TEXT OF TESTIMONY BY RICHARD SCHIFTER, ASSISTANT SECRETARY OF STATE FOR HUMAN RIGHTS AND HUMANITARIAN AFFAIRS BEFORE THE U.S. HOUSE OF *REPRESENTATIVES, SUBCOMMITTEE ON HUMAN RIGHTS AND* INTERNATIONAL ORGANIZATIONS AND THE SUBCOMMITTEE ON WESTERN HEMISPHERE AFFAIRS, MAY 17, 1988
BEGIN TEXT:

1. CHILE IS FAST APPROACHING A POLITICAL WATERSHED. SOME TIME WITHIN THE NEXT NINE MONTHS, THE PRECISE DAY TO BE FIXED BY THE HEADS OF THE ARMED FORCES, A PLEBISCITE IS TO BE HELD IN WHICH THE CHILEAN PEOPLE WILL BE CALLED UPON TO MAKE A VERY BASIC AND IMPORTANT DECISION AS TO THE FUTURE OF THEIR GOVERNMENT. THEY WILL HAVE THE OPPORTUNITY TO RATIFY OR REJECT A CANDIDATE NAMED BY THE INCUMBENT GOVERNMENT FOR AN EIGHT-YEAR TERM AS PRESIDENT. THIS WILL BE THE FIRST TIME IN EIGHTEEN YEARS IN WHICH THE PEOPLE OF *CHILE WILL BE ABLE TO GO TO THE POLLS TO DECIDE ON THEIR* FUTURE NATIONAL LEADERSHIP.

2. IT IS NOT ONLY THE PLEBISCITE ITSELF BUT THE NATURE OF THE PROCESS WHICH SURROUNDS IT THAT WILL DETERMINE CHILE'S FUTURE AND WITH IT THE COURSE OF U.S.-CHILEAN RELATIONS IN THE YEARS AHEAD. SUPPORT FOR THE RESTORATION OF FULL AND EFFECTIVE DEMOCRACY AT THE EARLIEST POSSIBLE MOMENT CONTINUES TO BE THE CORNERSTONE OF UNITED STATES POLICY *TOWARDS CHILE. PROGRESS TOWARD DEMOCRACY MUST, OF COURSE,* BE INTERTWINED WITH FULL RESPECT FOR ALL OTHER HUMAN RIGHTS.

3. SUPPORTERS OF CHILEAN DEMOCRACY HAVE MADE THE POINT THAT FOR THE RESULT OF THE PLEBISCITE TO BE RECOGNIZED AS A VALID EXPRESSION OF THE WILL OF THE CHILEAN PEOPLE, THE VOTING MUST TAKE PLACE AGAINST A BACKGROUND WHICH ASSURES A FREE AND FAIR VOTE. FOR THE VOTE TO BE SEEN AS FREE AND FAIR, A NUMBER OF TESTS WOULD HAVE TO BE MET, AMONG WHICH THE FOLLOWING FOUR STAND OUT. FIRST, A MAJOR PROPORTION OF THE ELIGIBLE VOTERS WILL HAVE TO BE REGISTERED. THIS HAS GENERALLY BEEN ASSUMED TO BE AT LEAST SIX MILLION, OR 75 PERCENT OF THE ELIGIBLE POPULATION. SECOND, THE *CIRCUMSTANCES SURROUNDING THE RUN-UP TO THE PLEBISCITE* HAVE TO BE SUCH AS TO GIVE DIFFERING OPINIONS A FULL AND FAIR OPPORTUNITY TO BE HEARD AND TO REACH THE VOTERS. THIRD, THE VOTE MUST TAKE PLACE IN AN ATMOSPHERE FREE OF FEAR AND INTIMIDATION. FOURTH, THE VOTE COUNT MUST BE ACCURATE AND FREE OF FRAUD.

4. IT APPEARS THAT GOOD PROGRESS IS BEING MADE IN MEETING THE FIRST OF THESE TESTS. THE PEOPLE OF CHILE CAN LOOK WITH PRIDE AT THE FACT THAT AFTER ALL THESE YEARS IN WHICH DEMOCRACY HAS BEEN ABSENT FROM THEIR COUNTRY, MORE THAN 75 PERCENT OF THE ELIGIBLE POPULATION IS LIKELY TO REGISTER. THE CHALLENGE NOW IS WHETHER OTHER CONDITIONS NECESSARY TO ASSURE A FREE AND FAIR EXPRESSION OF THE POPULAR WILL ARE TO BE MET AS WELL. IT IS OUR SINCERE HOPE THAT THEY WILL BE.

5. THE HURDLES THAT CHILE WILL HAVE TO OVERCOME IN ITS EFFORT TO RETURN TO DEMOCRACY SHOULD NOT BE UNDERESTIMATED. THOUGH THE GREAT MAJORITY OF THE CHILEAN *PEOPLE HAS TRADITIONALLY BEEN COMMITTED TO PRINCIPLES OF* DEMOCRACY AND HUMAN RIGHTS, ANTI-DEMOCRATIC FORCES HAVE BEEN AT WORK AT BOTH EXTREMES OF THE POLITICAL SPECTRUM. THESE ANTI-DEMOCRATIC FORCES HAVE FOR YEARS BEEN FEEDING ON EACH OTHER. THEY CAN BE EXPECTED TO CONTINUE THIS PRACTICE IN AN EFFORT TO PREVENT CHILE'S RETURN TO DEMOCRACY.

6. SPECIFICALLY, THE CHILEAN COMMUNIST PARTY'S ARMED WING, CALLED THE MANUEL RODRIGUEZ PATRIOTIC FRONT, HAS STEPPED UP ITS CAMPAIGN OF BOMBINGS AND OTHER FORMS OF TERRORIST VIOLENCE IN THE NAME OF NATIONAL LIBERATION. ON THE OTHER EXTREME, RIGHTIST GROUPS SUCH AS THE "ACHA" BOMB, KIDNAP, AND MAKE DEATH THREATS. AS I HAVE NOTED, *THESE TERRORISTS SHARE THE COMMON GOAL OF DERAILING THE* RESTORATION OF DEMOCRACY IN CHILE AND ARE VICTIMIZING THE VAST MAJORITY OF CHILEANS WHO DO NOT SYMPATHIZE WITH THEIR VIEWS.

7. OUR 1987 HUMAN RIGHTS REPORT ON CHILE AND EVENTS SINCE THE RELEASE OF THAT REPORT REVEAL A MIXED SITUATION IN THE CRUCIAL AREA OF HUMAN RIGHTS. SEVERAL NOTABLE GAINS HAVE BEEN REGISTERED IN PROVIDING GREATER RESPECT FOR BASIC FREEDOMS. AT THE SAME TIME, ABUSES PERSIST AND, IN SOME CASES, HAVE WORSENED. LET ME OUTLINE BRIEFLY OUR ASSESSMENT OF RECENT DEVELOPMENTS.

8. DURING 1987, THE CHILEAN GOVERNMENT MOVED TO REDUCE *SUBSTANTIALLY THE NUMBER OF ITS CITIZENS BANISHED FROM THE*

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COUNTRY, A VERY POSITIVE STEP, ALTHOUGH IT STILL LEFT SEVERAL HUNDRED PEOPLE IN EXILE STATUS. LEGISLATION GOVERNING VOTER REGISTRATION AND ELECTORAL PROCEDURES WAS PROMULGATED. THE LEGALIZATION OF POLITICAL PARTIES ENCOURAGED SOMEWHAT GREATER FREEDOM OF ASSOCIATION. AT PRESENT, ALMOST SIX MILLION CHILEANS OF SOME EIGHT MILLION ELIGIBLE HAVE REGISTERED TO VOTE. A NUMBER OF POLITICAL PARTIES HAVE ALREADY ACHIEVED LEGAL STATUS, WITH OTHERS ON THE VERGE OF DOING SO. OPPOSITION PERIODICALS, INCLUDING TWO DAILY NEWSPAPERS FOUNDED IN 1987, CIRCULATE WITH RELATIVELY LITTLE INTERFERENCE. IN RECENT MONTHS, OPPOSITION FIGURES HAVE APPEARED ON TELEVISION FOR THE FIRST TIME SINCE 1973. WHILE ACCESS OF THE OPPOSITION TO TELEVISION STILL REMAINS VERY LIMITED, IF THESE STEPS SHOULD BECOME A MORE GENERALIZED TREND IN THE COMING MONTHS, THE CAUSE OF FREEDOM OF EXPRESSION WOULD CLEARLY BE STRENGTHENED. PROGRESS HAS ALSO BEEN MADE IN PROVIDING GREATER RESPECT FOR CITIZENS PARTICIPATING IN PUBLIC DEMONSTRATIONS AND BETTER TREATMENT FOR THOSE ARRESTED IN SUCH DEMONSTRATIONS. CHILE'S NATIONAL POLICE, THE CARABINEROS DE CHILE, ARE CREDITED FOR THIS POSITIVE DEVELOPMENT. ANOTHER FAVORABLE TREND HAS BEEN THE REPLACEMENT OF MILITARY UNIVERSITY RECTORS BY CIVILIANS, MOST OF THEM ACADEMICS.

9. THESE LAUDABLE POSITIVE TRENDS ARE, HOWEVER, LAMENTABLY COUNTERBALANCED BY CONTINUING GRAVE VIOLATIONS OF OTHER RIGHTS. ARBITRARY ARRESTS FOR BRIEF PERIODS STILL OCCUR AND THE ENCROACHMENT BY MILITARY TRIBUNALS ON WHAT WAS FORMERLY THE EXCLUSIVE JURISDICTION OF CIVILIAN COURTS HAS LED TO FURTHER ABUSES OF HUMAN RIGHTS. RELIABLE AND DOCUMENTED REPORTS OF TORTURE OF PERSONS SUSPECTED OF SECURITY OFFENSES PERSIST.

10. THE GOVERNMENT OF CHILE RETAINS THE POWER TO LIMIT FREEDOM OF ASSEMBLY, ASSOCIATION, UNIONIZATION, AND EXPRESSION UNDER THE TERMS OF THE SO-CALLED "STATES OF EXCEPTION." THE RECENT EXTENSION BY THE CHILEAN GOVERNMENT OF THE "STATE OF EMERGENCY" FOR ANOTHER THREE MONTHS AND THE "STATE OF DANGER OF PERTURBATION OF INTERNAL PEACE" FOR SIX IS, IN OUR OPINION, TOTALLY INCONSISTENT WITH THE STATEMENTS BY HIGH CHILEAN OFFICIALS THAT THEY INTEND TO CREATE AN ENVIRONMENT CONDUCIVE TO A FREE AND FAIR ELECTORAL PROCEDURE. JOURNALISTS HAVE SUFFERED INTIMIDATION AND REPRESENTATIVES OF HUMAN RIGHTS ORGANIZATIONS AND CULTURAL FIGURES HAVE RECEIVED DEATH THREATS FROM UNKNOWN SOURCES. RESTRICTIONS ON FREEDOM OF THE PRESS HAVE BEEN MAINTAINED. DISAPPEARANCES, KIDNAPPINGS, AND UNAUTHORIZED SEARCHES INCREASED IN 1987, ALTHOUGH THEY DECLINE AGAIN IN 1988.

11. HOW HAVE WE ACTED IN LIGHT OF THE RECENT TREND IN HUMAN-RIGHTS DEVELOPMENTS IN CHILE? WHAT WE HAVE WANTED TO DO, AS I INDICATED, IS ENCOURAGE THE RESTORATION OF DEMOCRACY. TO UNDERLINE OUR CONCERNS OVER THE SERIOUS SHORTFALLS IN THAT REGARD IN CHILE WE HAVE ABSTAINED FROM VOTING ON STRUCTURAL ADJUSTMENT LOANS TO CHILE AT THE WORLD BANK IN THE PAST TWO YEARS AND HAVE ALSO ABSTAINED ON NON-BASIC HUMAN NEEDS LOANS AT THE INTER-AMERICAN DEVELOPMENT BANK. IN DECEMBER OF LAST YEAR, THE PRESIDENT SUSPENDED CHILE'S PRIVILEGES UNDER THE GENERALIZED SYSTEM OF PREFERENCES BECAUSE THE CHILEAN GOVERNMENT HAD NOT TAKEN ADEQUATE STEPS TO GUARANTEE BASIC WORKERS' RIGHTS. THIS DECISION IN TURN TRIGGERED AN END TO OPIC LOAN GUARANTEES FOR CHILE. AT THE GENERAL ASSEMBLY OF THE UNITED NATIONS AND AT THE UNITED NATIONS HUMAN RIGHTS COMMISSION, WE HAVE SPOKEN OUT IN SUPPORT OF CHILEAN DEMOCRACY EVEN THOUGH WE COULD NOT SEE OUR WAY CLEAR TO VOTING FOR THE UNBALANCED TEXTS PUT FORWARD RECENTLY IN THESE BODIES AS RESOLUTIONS ON HUMAN RIGHTS IN CHILE.

12. OUR SUPPORT FOR CHILEAN DEMOCRACY HAS BEEN EXPRESSED IN OTHER WAYS AS WELL. THE ADMINISTRATION ENTHUSIASTICALLY BACKED A CONGRESSIONAL EARMARK OF ONE MILLION DOLLARS TO THE NATIONAL ENDOWMENT FOR DEMOCRACY FOR PROJECTS RELATING TO DEMOCRACY-BUILDING IN CHILE. WE HAVE ALSO SUPPORTED NON-PARTISAN EFFORTS WITHIN CHILE TO STIMULATE VOTER REGISTRATION, CIVIC EDUCATION, AND THE ADMINISTRATION OF JUSTICE. OUR EMBASSY IN SANTIAGO HAS HELD A SERIES OF HIGH-VISIBILITY SEMINARS ON TOPICS DIRECTLY RELATED TO DEMOCRACY, INCLUDING FREEDOM OF THE MEDIA, ELECTORAL PROCEDURES, AND THE U.S. CONSTITUTION. AMBASSADOR BARNES HAS BEEN AN ELOQUENT AND EFFECTIVE ADVOCATE OF HUMAN RIGHTS SINCE HIS ARRIVAL IN CHILE.

13. IN PRIVATE, THE ADMINISTRATION HAS USED ITS CONTACTS AT THE HIGHEST LEVELS TO EXPRESS TO THE CHILEAN GOVERNMENT THE U.S. GOVERNMENT'S CONCERN FOR THE FUTURE OF DEMOCRACY. FOR EXAMPLE, ON SEPTEMBER 28 OF LAST YEAR AT THE UNITED NATIONS, SECRETARY SHULTZ DEDICATED MUCH OF HIS MEETING WITH CHILEAN FOREIGN MINISTER GARCIA TO HUMAN RIGHTS. HE URGED RAPID PROGRESS IN BOTH AREAS WELL IN ADVANCE OF A PLEBISCITE. AND THERE HAVE BEEN OTHER EXCHANGES SINCE THAT TIME IN WHICH THE SECRETARY'S MESSAGE HAS BEEN REITERATED.

14. OUR DEEP COMMITMENT TO THE CAUSE OF DEMOCRACY IN CHILE WAS ALSO UNDERLINED IN A STATEMENT APPROVED BY THE PRESIDENT ON DECEMBER 17 OF LAST YEAR. THAT STATEMENT OUTLINED SEVERAL AREAS OF CONCERN. IT STATED: "FOR THE IDEAL OF POPULAR SOVEREIGNTY TO BECOME REALITY, THE U.S. BELIEVES THAT A CLIMATE OF FREEDOM AND FAIR COMPETITION MUST BE ESTABLISHED MANY MONTHS BEFORE THE ACTUAL BALLOTING TAKES PLACE. THIS ATMOSPHERE WOULD BE MARKED BY EASY AND EQUITABLE ACCESS TO THE MASS MEDIA, ESPECIALLY TELEVISION, BY UNRESTRICTED DISCUSSION OF POLITICAL ISSUES, BROAD FREEDOM OF ASSEMBLY, EARLY ANNOUNCEMENT OF THE RULES OF ANY ELECTORAL PROCEEDING, FACILITATION OF REGISTRATION BY PROSPECTIVE VOTERS, AND FREEDOM FOR CITIZENS AND POLITICAL GROUPS TO CAMPAIGN PEACEFULLY IN FAVOR OF THEIR IDEAS."

15. IN SUPPORTING THE CAUSE OF DEMOCRACY IN CHILE WE HAVE ALSO BEEN GREATLY IMPRESSED BY THE ROLE PLAYED BY THE CATHOLIC CHURCH IN THAT COUNTRY. THE CHURCH HAS STRONGLY ADVOCATED THE CAUSE OF HUMAN RIGHTS AND HAS EXTENDED ITS PROTECTING HAND OVER THOSE WHO WERE UNJUSTLY PERSECUTED. AN IMPORTANT ARM OF THE CHURCH IN THAT REGARD HAS BEEN THE VICARIATE OF SOLIDARITY, AN ORGANIZATION WHOSE SPECIFIC PURPOSE IT HAS BEEN TO MONITOR HUMAN RIGHTS VIOLATIONS AND BY CALLING ATTENTION TO THEM HELP BRING THEM TO AN END.

16. THERE IS ONE OTHER IMPORTANT MATTER WHICH REMAINS AS A SOURCE OF PERMANENT TENSION IN OUR BILATERAL RELATIONS. IN SEPTEMBER OF 1976, A FORMER CHILEAN FOREIGN MINISTER AND HIS AMERICAN SECRETARY, ORLANDO LETELIER AND RONNI MOFFITT, RESPECTIVELY, WERE BRUTALLY MURDERED BY A CAR BOMB IN THE HEART OF WASHINGTON, D.C.'S EMBASSY ROW. AFTER A LENGTHY INVESTIGATION, A FEDERAL COURT HANDED DOWN INDICTMENTS NAMING THREE HIGH-RANKING CHILEAN MILITARY OFFICERS, THEN IN THE SERVICE OF THE CHILEAN SECRET POLICE, AS THE AUTHORS OF THIS CRIME. ONE OF THE THREE LATER GAVE HIMSELF UP TO U.S. AUTHORITIES AND PROVIDED FURTHER TESTIMONY AGAINST THE OTHER TWO. WE HAVE REPEATEDLY REQUESTED THAT THE CHILEAN GOVERNMENT COOPERATE WITH US IN BRINGING THESE TWO MEN TO JUSTICE, BUT RECEIVED NO COOPERATION IN RETURN. A CLEAR-CUT ACT OF INTERNATIONAL TERRORISM COMMITTED IN OUR NATION'S CAPITAL THEREFORE GOES UNPUNISHED. RELATIONS BETWEEN CHILE AND THE U.S. WILL REMAIN ADVERSELY AFFECTED UNTIL THIS CASE

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IS PROPERLY RESOLVED.

17. ALL OF WHAT I HAVE MENTIONED INDICATES THAT CHILE IS ARRIVING AT A CROSSROADS. A RETURN TO FULL DEMOCRACY WILL NOT COME EASILY. THIS TRANSITION WILL HAVE TO OVERCOME A SERIES OF IMPOSING ROADBLOCKS. NONETHELESS, THE CHILEANS HAVE A WEALTH OF DEMOCRATIC EXPERIENCE AND HUMAN CAPITAL ON WHICH TO DRAW IN RESTORING GOVERNMENT BY AND FOR THE PEOPLE. IN THE END, THIS IS THE PERMANENT WEIGHT THAT WILL TIP THE SCALES IN FAVOR OF DEMOCRACY IN CHILE.

18. TO CONCLUDE, I NEED TO EMPHASIZE THAT WE DO NOT VIEW IT TO BE OUR ROLE TO TELL THE PEOPLE OF CHILE HOW AND BY WHOM THEIR COUNTRY SHOULD BE GOVERNED. CHILEANS, NOT AMERICANS, MUST DECIDE THEIR OWN POLITICAL FATE. ALL THAT WE SUGGEST IS THAT THEY BE GIVEN THE OPPORTUNITY TO DO SO. WE BELIEVE THAT THE CONDITIONS OUTLINED ABOVE ARE THE KEY TO A FAIR AND LEGITIMATE PLEBISCITE. WE WILL CONTINUE TO URGE THE CHILEAN GOVERNMENT TO TAKE THE STEPS NECESSARY TO GUARANTEE THAT THE WILL OF THE PEOPLE IS FREELY, FULLY, AND ACCURATELY EXPRESSED. HIGH CHILEAN GOVERNMENT OFFICIALS HAVE ASSURED US THAT THIS WILL BE DONE. OUR FUTURE RELATIONS WITH CHILE HINGE ON WHETHER THESE ASSURANCES ARE FOLLOWED IN PRACTICE.
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June 10, 1988

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part 25 In Full ____
Exemption(s) ____

THE HONOURABLE Alfonse D'Amato
U.S. SENATE
WASHINGTON, D.C.

Dear Senator D'Amato

Enclosed with this letter is information detailing the desperate situation of two of my personal friends, Jaime and Rodolfo CARO, who are Chilean citizens and who are currently languishing in jail in Santiago, Chile.

I came to know Jaime Caro when I lived in the United Kingdom. He is a loving husband and father and certainly is no terrorist.

I implore you to use your influence and reputation as a staunch defender of human rights by contacting Chilean Ambassador to the U.S. Mr. Hernan ERRAZURIZ at the Chilean Embassy, 1732 MASSACHUSETTS AVE., N.W. Washington, D.C. 20036 to ask for assurances as to the well-being of Jaime and Rodolfo CARO and for details of the charges against them.

Please take time out of your busy schedule and many important committments to make these contacts. Two innocent lives may be at stake.

Thank you for your continued support of human rights and freedom from political repression.

Very truly yours,

James McGovern
Foreign Student Adviser

jmc6:mm

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El Salvador: Human Rights
Special Project (1993)

TEXT OF TELEGRAM 88MEXICO015115

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PAGE 01 MEXICO 15115 180329Z
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R 180206Z JUN 88
FM AMEMBASSY MEXICO
TO SECSTATE WASHDC 0262
INFO AMEMBASSY SAN SALVADOR

UNCLAS MEXICO 15115

E.O. 12356: N/A
TAGS: PGOV, PINS, ES, MX
SUBJECT: FMLN-FDR REP: ELECTION PARTICIPATION POSSIBLE

1. LOCAL DAILY "EXCELSIOR" PUBLISHED JUNE 17 AN EXCLUSIVE INTERVIEW WITH SALVADOR SAMAYOA, HEAD OF THE FMLN-FDR POLITICAL-DIPLOMATIC COMMISSION. SAMAYOA STATED THAT THE POPULAR SOCIAL DEMOCRATIC MOVEMENT, THE NATIONAL REVOLUTIONARY MOVEMENT AND THE SOCIAL DEMOCRATIC PARTY MIGHT PARTICIPATE IN SALVADORAN ELECTIONS "IF THERE WERE CONDITIONS SO THAT THEIR PLATFORMS COULD BE BROADCAST AND THEIR POLITICAL ACTIVITY RESPECTED."

2. THE BALANCE OF THE "EXCELSIOR" INTERVIEW WAS A DIATRIBE AGAINST THE SALVADORAN GOVERNMENT AND U.S. POLICY IN EL SALVADOR. ACCORDING TO SAMAYOA, U.S. POLICY HAD FAILED, PRESIDENT DUARTE'S CHRISTIAN DEMOCRATS HAD "STOPPED BEING USEFUL" AND ARENA WAS NOT AN ACCEPTABLE SUBSTITUTE, AND EL SALVADOR WAS ON THE BRINK OF "CHAOS AND ANARCHY," GOING THROUGH "THE DEEPEST ECONOMIC, POLITICAL, AND SOCIAL CRISIS OF ITS
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PAGE 02 MEXICO 15115 180329Z

HISTORY." (DRAFTED BY:POL:DAGRAY)
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El Salvador: Human Rights
Special Project (1993)

TEXT OF TELEGRAM 88SAN SA008730

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PAGE 01 SAN SA 08730 01 OF 03 292006Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-10	SS-00	CIAE-00	EB-00
	DODE-00	H-01	MSC-01	NSCE-00	NSAE-00	COME-00	HA-09
	L-03	AMAD-01	LAB-04	TRSE-00	PM-10	PA-02	OMB-01
	STR-17	SIL-01	INRE-00	OPM-01	SP-02	SNP-01	C-01
	SSE-01	PRS-01	P-02	T-01	/070 W		

143270 3000592 /70 38

P 291958Z JUN 88
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC PRIORITY 1224
INFO AMEMBASSY VIENNA
AMEMBASSY COPENHAGEN
AMEMBASSY OSLO
AMEMBASSY HELSINKI
AMEMBASSY STOCKHOLM
AMEMBASSY GUATEMALA
AMEMBASSY MANAGUA
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HTS PN
USIA WASHDC 2290

UNCLAS SECTION 01 OF 03 SAN SALVADOR 08730

E.O. 12356: N/A
TAGS: PREL, PINS, AU, ES
SUBJECT: FMLN LABOR FRONT UNTS TO RECEIVE "PRIZE" FROM BRUNO KREISKY STIFTUNG

REF: SAN SALVADOR 02031 (NOTAL)

1. SUMMARY:

ON JUNE 9, THE FMLN LABOR FRONT NATIONAL UNITY OF
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PAGE 02 SAN SA 08730 01 OF 03 292006Z

SALVADORAN WORKERS (UNTS) GLEEFULLY ANNOUNCED THAT IT WILL RECEIVE A "WORLD PRIZE" FROM THE BRUNO KREISKY STIFTUNG JULY 8 AT THE AUSTRIA CENTER IN VIENNA. ACCORDING TO UNTS, THE KREISKY STIFTUNG IS BESTOWING THIS HONOR IN RECOGNITION OF UNTS' "PERMANENT DEFENSE OF HUMAN AND WORKERS' RIGHTS." THIS DEVELOPMENT IS THE LATEST DEMONSTRATION OF THE EFFECTIVENESS AND FAR-REACHING SWAY OF THE FMLN'S INTERNATIONAL NETWORK. SUCH A PROPAGANDA COUP AIDS AND ABETS THE

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Review Authority: JOHNSTON, DONALD
Date: 05/31/94
Case ID: 9540065

122
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TEXT OF TELEGRAM 88SAN SA008730

FMLN'S ATTEMPT TO IMPOSE A MARXIST-LENINIST DICTATORSHIP IN EL SALVADOR BY FORCE OF ARMS. FOR NEARLY THREE YEARS, UNTS HAS PLAYED A LEADING ROLE IN STRENGTHENING THE GUERRILLA'S URBAN INFRASTRUCTURE TO PREPARE CONDITIONS FOR A "POPULAR INSURRECTION" IN 1988-89. RECENTLY, HOWEVER, THE FMLN DECIDED TO REPLACE UNTS WITH A NEW FRONT GROUP KNOWN AS THE "MOVEMENT FOR BREAD LAND, WORK AND LIBERTY" (MPTTL). CONSEQUENTLY, IT APPEARS THE KREISKY STIFTUNG WILL LIKELY SUFFER THE EMBARASSMENT OF HAVING HONORED A VIOLENT, UNDEMOCRATIC AND NON-LABOR ORGANIZATION, WHOSE "PERMANENT COMMITMENT" HAS BEEN OVERTAKEN BY THE EXIGENCIES OF THE FMLN'S CAUSE. END SUMMARY.

2. FMLN'S INTERNATIONAL NETWORK SCORES AGAIN

THE EFFECTIVENESS OF THE FMLN'S INTERNATIONAL SUPPORT NETWORK HAS BEEN DEMONSTRATED YET AGAIN WITH THE ANNOUNCEMENT THAT THE NATIONAL UNITY OF SALVADORAN WORKERS (UNTS), THE FMLN'S SALVADORAN LABOR FRONT, WILL BE AWARDED A "WORLD PRIZE" BY THE BRUNO KREISKY STIFTUNG JULY 8 AT THE AUSTRIAN CENTER IN VIENNA. THE PRIZE INCLUDES A CASH AWARD OF APPROXIMATELY USD 12,500 (100,000 AUSTRIAN SCHILLINGS). WORD OF
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PAGE 03 SAN SA 08730 01 OF 03 292006Z

THE FMLN'S LATEST PROPAGANDA COUP WAS CARRIED IN FULL-PAGE ADS IN SAN SALVADOR NEWSPAPERS JUNE 9. THE ADS CROWED THAT THIS HONOR IS BEING BESTOWED UPON UNTS FOR "(YOUR) PERMANENT DEFENSE OF HUMAN AND WORKERS' RIGHTS."

3. THANKS TO THE AUSTRIAN CONFEDERATION OF WORKERS

THE AD EXPRESSES GRATITUDE TO THE AUSTRIAN CONFEDERATION OF WORKERS FOR HAVING PETITIONED THE KREISKY STIFTUNG FOR THE AWARD ON BEHALF OF UNTS. NEVER AT A LOSS TO TOOT ITS OWN HORN, UNTS' ANNOUNCEMENT ALSO CARRIED THE FOLLOWING OBSCENELY SELF-CONGRATULATORY MESSAGE:

- (QUOTE) WE ARE PLEASED TO ACCEPT THIS AWARD IN
- RECOGNITION OF OUR INDEFATIGABLE WORK IN DEFENSE
- OF THE UNIVERSAL LIBERTIES OF MAN, TO STIMULATE
- URBAN AND RURAL ORGANIZATIONS TO DEFEND OUR
- RIGHT TO LIBERTY, JUSTICE AND TO INCREASE THE
- LEVELS OF ORGANIZATION AND UNITY TO CONFRONT A
- SYSTEM WHICH HAS INSTITUTIONALIZED VIOLENCE AND
- THE VIOLATION OF HUMAN RIGHTS IN EL SALVADOR.
- (UNQUOTE)

4. CONGRATULATIONS FROM THE STIFTUNG AND AMBASSADOR

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TEXT OF TELEGRAM 88SAN SA008730

ALSO CONTAINED WITHIN THE TEXT OF THE AD IS A CONGRATULATORY TELEGRAM FROM THE KREISKY STIFTUNG INVITING UNTS TO SEND A REPRESENTATIVE TO VIENNA TO RECEIVE THE PRIZE. THE TELEGRAM BEARS THE SIGNATURES OF ANTON BENYA, CHAIRMAN, BOARD OF TRUSTEES, AND ALFRED STROER, BUSINESS AFFAIRS DIRECTOR. A

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TEXT OF TELEGRAM 88SAN SA008730

ADP196
UNCLASSIFIED

PAGE 01 SAN SA 08730 02 OF 03 292006Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-10	SS-00	CIAE-00	EB-00
	DODE-00	H-01	MSC-01	NSCE-00	NSAE-00	COME-00	HA-09
	L-03	AMAD-01	LAB-04	TRSE-00	PM-10	PA-02	OMB-01
	STR-17	SIL-01	INRE-00	OPM-01	SP-02	SNP-01	C-01
	SSE-01	PRS-01	P-02	T-01	/070 W		

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P 291958Z JUN 88
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC PRIORITY 1225
INFO AMEMBASSY VIENNA
AMEMBASSY COPENHAGEN
AMEMBASSY OSLO
AMEMBASSY HELSINKI
AMEMBASSY STOCKHOLM
AMEMBASSY GUATEMALA
AMEMBASSY MANAGUA
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HTS PN
USIA WASHDC 2291

UNCLAS SECTION 02 OF 03 SAN SALVADOR 08730

E.O. 12356: N/A
TAGS: PREL, PINS, AU, ES
SUBJECT: FMLN LABOR FRONT UNTS TO RECEIVE "PRIZE"

COMPANION TELEGRAM FROM AUSTRIAN AMBASSADOR TO EL SALVADOR (RESIDENT IN MEXICO) DR. KLAUS DAUBLESKY IS EFFUSIVE IN ITS PRAISE OF UNTS AS WELL. IT IS A CERTAINTY THAT UNTS WILL SEND ONE OF ITS LEADERS TO VIENNA TO ACCEPT THE PRIZE AND ALSO TO REGURGITATE THE FMLN'S PROPAGANDA LINE ON THE ALLEGED ABSENCE OF
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PAGE 02 SAN SA 08730 02 OF 03 292006Z

DEMOCRACY, LIBERTY AND HUMAN RIGHTS IN EL SALVADOR.

5. COMMENT: AN INCREDIBLE IRONY

SUCH AN AWARD FOR UNTS IS AN INCREDIBLE IRONY, MORE SO THAN WAS THE CASE WHEN THE "SOLIDARITY FOUNDATION OF DANISH WORKERS MOVEMENT" BESTOWED ITS "PEACE PRIZE" ON SALVADORAN NATIONAL REVOLUTIONARY MOVEMENT

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El Salvador: Human Rights
Special Project (1993)22

TEXT OF TELEGRAM 88SAN SA008730

(MNR) SECGEN GUILLERMO MANUEL UNGO APRIL 9 IN COPENHAGEN (REFTEL). AT LEAST UNGO, AND HIS COLLEAGUE IN THE DEMOCRATIC REVOLUTIONARY FRONT (FDR), POPULAR SOCIAL CHRISTIAN MOVEMENT (MPSC) SECGEN RUBEN ZAMORA, HAVE LATELY TAKEN STEPS TO REINTEGRATE THEMSELVES INTO EL SALVADOR'S DEMOCRATIC PROCESS. (THEY STILL NEED TO BREAK WITH THE FMLN, HOWEVER.) ON THE OTHER HAND, UNTS PROFESSES TO BE "DEMOCRATIC" AND THE CHAMPION OF WORKERS' AND HUMAN RIGHTS, BUT ITS ACTIVITIES ON BEHALF OF THE FMLN ARE, IN FACT, A MOCKERY OF THESE IDEALS.

6. UNTS IS A VIOLENT, OFTEN BRUTAL, FMLN FRONT GROUP WHICH HAS PLAYED A LEAD ROLE IN PREPARING CONDITIONS CONSISTENT WITH THE FMLN'S STRATEGY TO MOUNT A "POPULAR INSURRECTION" IN 1988-89. UNTS' KEY LEADERS HAVE BEEN RESPONSIBLE FOR THE PLANNING AND COORDINATION OF VIOLENT STREET DEMONSTRATIONS IN SAN SALVADOR WHICH HAVE VICTIMIZED INNOCENT CITIZENS. DURING FMLN TRANSPORATION STOPPAGES, WHICH ARE AIMED AT BRINGING ECONOMIC ACTIVITY TO A STANDSTILL AND THE EVENTUAL COLLAPSE OF THE COUNTRY'S ECONOMY, HUNDREDS OF UNTS MEMBERS HAVE GONE ON RAMPAGES, TORCHING SCORES OF PUBLIC AND PRIVATELY-OWNED VEHICLES AND
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PAGE 03 SAN SA 08730 02 OF 03 292006Z

THEN ATTACKING PANIC-STRICKEN OCCUPANTS. TELEPHONE EXCHANGE BOXES AND GASOLINE STATIONS HAVE ALSO BEEN FIRE-BOMBED TO DISRUPT COMMUNICATIONS AND HALT VEHICULAR TRAFFIC.

7. ON OTHER OCCASIONS, STORES AND BUSINESS ESTABLISHMENTS HAVE BEEN INVADED AND RANSACKED, THE WORKERS THREATENED AND IN SEVERAL CASES BEATEN. VIOLENCE HAS ALSO BEEN USED TO ENFORCE BOYCOTTS AGAINST BUSINESSES WHICH REFUSED TO BE PLACED UNDER THE "PROTECTION" OF UNTS UNIONS. MOREOVER, UNTS HAS LED FACTORY TAKEOVERS IN DEFIANCE OF THE WILL OF THE VAST MAJORITY OF AFFECTED WORKERS, AND HAS INITIATED STRIKES AT OTHERS WITHOUT THE BENEFIT OF STRIKE VOTES. THE MAJORITY OF UNTS' LEADERS ARE KNOWN TO BE MEMBERS OF THE FMLN, AND MOST HAVE LONG AGO DISPELLED ANY LINGERING DOUBTS ABOUT THEIR POLITICAL INCLINATIONS WITH STATEMENTS LIKE: "ELECTIONS MAY NOT BE SUITABLE FOR A 'SALVADORAN' FORM OF DEMOCRACY."

8. UNTS LEADERS LED THE CHEERLEADING FOR THE FMLN DELEGATION TO THE OCTOBER 4-5, 1987 DIALOGUE IN SAN SALVADOR. CAPTURED FMLN DOCUMENTS MAKE IT CLEAR THAT THEY GIVE ORDERS TO UNTS. EVEN MNR AND MPSC LEADERS ACKNOWLEDGE THAT THEY CANNOT WORK WITH UNTS' LEADERSHIP BECAUSE IT IS TOO CLEARLY CONTROLLED BY

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El Salvador: Human Rights
Special Project (1993)
122

TEXT OF TELEGRAM 88SAN SA008730

THE FMLN. UNTS INDEED HEWS CLOSELY TO THE FMLN'S MARXIST-LENINIST LINE, WHICH IS NOT SURPRISING GIVEN THE FACT THAT UNTS' LARGEST AND MOST MILITANT AFFILIATES BELONG TO THE COMMUNIST WORLD FEDERATION OF TRADE UNIONS (WFTU).

9. WE CAN ONLY GUESS AT THE MOTIVES OF THE AUSTRIAN CONFEDERATION OF WORKERS AND THE BRUNO KREISKY STIFTUNG IN HONORING A GROUP THAT HAS PROVEN ITSELF TO BE BOTH UNDEMOCRATIC AND ANTI-WORKER. IT STRIKES
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PAGE 04 SAN SA 08730 02 OF 03 292006Z

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El Salvador: Human Rights
Special Project (1993)
122

TEXT OF TELEGRAM 88SAN SA008730

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PAGE 01 SAN SA 08730 03 OF 03 292006Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-10	SS-00	CIAE-00	EB-00
	DODE-00	H-01	MSC-01	NSCE-00	NSAE-00	COME-00	HA-09
	L-03	AMAD-01	LAB-04	TRSE-00	PM-10	PA-02	OMB-01
	STR-17	SIL-01	INRE-00	OPM-01	SP-02	SNP-01	C-01
	SSE-01	PRS-01	P-02	T-01	/070 W		

143307 300101Z /70 38

P 291958Z JUN 88
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC PRIORITY 1226
INFO AMEMBASSY VIENNA
AMEMBASSY COPENHAGEN
AMEMBASSY OSLO
AMEMBASSY HELSINKI
AMEMBASSY STOCKHOLM
AMEMBASSY GUATEMALA
AMEMBASSY MANAGUA
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HTS PN
USIA WASHDC 2292

UNCLAS SECTION 03 OF 03 SAN SALVADOR 08730

E.O. 12356: N/A
TAGS: PREL, PINS, AU, ES
SUBJECT: FMLN LABOR FRONT UNTS TO RECEIVE "PRIZE"

US THAT THOSE BEHIND THIS EGREGIOUS MISTAKE ARE EITHER WOEFULLY IGNORANT OF THE SITUATION IN EL SALVADOR, OR ARE DELIBERATELY AIDING THE THE FMLN'S CAUSE.

10. THERE IS A DISTINCT POSSIBILITY THAT THE KREISKY

STIFTUNG WILL BE GREATLY EMBARASSED BY THIS PROPAGANDA PLOY. AS PART OF ITS GENERAL RESTRUCTURING OF FRONT ORGANIZATIONS, THE FMLN HAS RECENTLY CREATED A NEW FRONT CALLED THE "MOVEMENT FOR BREAD, LAND, WORK AND LIBERTY" (MPTTL). ACCORDING TO CAPTURED DOCUMENTS, THIS NEW FRONT IS INTENDED TO REPLACE UNTS AS THE CHIEF AGITATOR AND MOBILIZER FOR THE CONSTITUENT ELEMENTS. UNTS WILL BE GRADUALLY MARGINALIZED FROM THESE ACTIVITIES TO BE REPLACED BY

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122
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Special Project (1993)

TEXT OF TELEGRAM 88SAN SA008730

MPTTL. ALREADY UNTS LEADERS HAVE ADOPTED A LOWER POLITICAL PROFILE AND THE FMLN HAS SHIFTED TO LESS VISIBLE POSITIONS SOME FRONT LEADERS WHO WERE TOO OBVIOUSLY ASSOCIATED WITH THE FMLN. WHAT THE KREISKY STIFTUNG IS HONORING, THEN, IS NOT JUST A VIOLENT, ANTI-DEMOCRATIC, NON-LABOR ORGANIZATION, BUT A PASSING FANCY OF THE FMLN.

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PAGE 01 LA PAZ 08243 01 OF 04 051723Z
ACTION INM-07

INFO LOG-00 ADS-00 AID-00 INR-10 EUR-00 OIC-02 IO-19
NSCE-00 ARA-00 NSAE-00 L-03 TRSE-00 OMB-01 INRE-00
USIE-00 JUSE-00 SP-02 /044 W
----------112373 051928Z /45
P 051811Z JUL 88
FM AMEMBASSY LA PAZ
TO SECSTATE WASHDC PRIORITY 8114
INFO AMEMBASSY ASUNCION
AMEMBASSY BOGOTA
AMEMBASSY BRASILIA
AMEMBASSY CARACAS
AMEMBASSY LIMA
AMEMBASSY QUITO
USMISSION USVIENNA
USCINCSO QUARRY HEIGHTS PN//SCJ2/SCJ5/SCDC/SCFA/SOCSOUTH//
CDRUSASAALA FT CLAYTON PN//SOSA-PT//
CIA WASHDC
COGARD INTELCOORDCEN WASHDC
HQS/CUSTOMS WASHDC
DEAHQS WASHDC
DIA WASHDC

UNCLAS SECTION 01 OF 04 LA PAZ 08243

CIA FOR DDI/OGI/IND
CUSTOMS FOR LA OPS, INTELLIGENCE ONLY
DEA FOR OC, OF, OI
DIA FOR DB-3C4, DAH-5, DB-5SA
USVIENNA FOR UNVIE MISSION

E.O. 12356: N/A
TAGS: SNAR, BL, EAID
SUBJECT: 1988 INCSR MID-YEAR UPDATE

1. NARCOTICS OVERVIEW
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PAGE 02 LA PAZ 08243 01 OF 04 051723Z

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DEPARTMENT OF STATE 9204243 IS/FPC/CDR Date: 11-27-96
(X) RELEASE ( ) DECLASSIFY
( ) EXCISE ( ) DECLASSIFY
( ) DENY IN PART
( ) DELETE Non-Responsive Info
FOIA Exemptions
PA Exemptions
MR Cases Only:
EO Citations
TS authority to,
( ) CLASSIFY as ( ) S or
( ) DOWNGRADE TS to ( ) S or

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BOLIVIA, THE WORLD'S SECOND LARGEST CULTIVATOR OF COCA AFTER PERU, IS A SIGNIFICANT PLAYER IN NARCOTICS PRODUCTION AND INTERNATIONAL TRAFFICKING. MOST ILLICIT CULTIVATION OCCURS IN THE RELATIVELY SMALL AREA OF THE CHAPARE REGION, WHERE DRIED LEAVES ARE PROCESSED IN MACERATION PITS OR CRUDE PASTE LABS BY WHOLESALE LEAF BUYERS OR INCREASINGLY BY CULTIVATORS THEMSELVES. COCAINE BASE AND HCL PROCESSING, HOWEVER, TAKE PLACE ACROSS A MUCH BROADER AREA OF THE BENI AND SANTA CRUZ DEPARTMENTS.

2. CROP CULTIVATION AND PRODUCTION

WE ESTIMATE ON THE BASIS OF AN UPDATED 1987 AERIAL SURVEY THAT BOLIVIA IS CULTIVATING 40,300 HECTARES OF COCA. WE BELIEVE THE ANNUAL BOLIVIAN YIELD TO BE SOME 56,420 METRIC TONS (MT) OF DRY LEAF, CAPABLE OF PRODUCING 83 MT OF COCAINE HCL (ALLOWING FOR LOCAL LEAF CONSUMPTION AND SPOILAGE). DEPRESSED PRICES FOR COCA LEAF IN 1988 (DOWN 52 PERCENT ON AVERAGE FROM 1987 PRICES) MAY HAVE LIMITED NEW CULTIVATION. COUPLED WITH THE SUCCESS OF THE VOLUNTARY ERADICATION PROGRAM, AN OVERALL DECREASE IN COCA HECTARAGE IS POSSIBLE.

3. NEW INITIATIVES/PERSONNEL/PROGRAMS

--THE BOLIVIAN GOVERNMENT, WITH THE ACTIVE ENCOURAGEMENT OF THE U.S. EMBASSY, HAS ANNOUNCED ITS

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INTENT TO CREATE A NEW MINISTRY TO CONSOLIDATE INTERDICTION, INVESTIGATIVE, COCA-REDUCTION AND DRUG-AWARENESS ACTIVITIES. THE MISSION WILL PROVIDE OPERATIONAL, PLANNING, AND LOGISTICAL SUPPORT.

--AS PART OF ONGOING EFFORTS TO REDUCE CORRUPTION IN UMOPAR, THE MISSION REACHED AGREEMENT WITH THE BOLIVIAN NARCOTICS-TASK-FORCE COMMANDER ON THE SIZE OF UMOPAR (588 TROOPS WITH 52 OFFICERS), EQUIPMENT ISSUE AND CONTROL, A TWO-YEAR DUTY COMMITMENT, AND COMPLETION OF A RIGOROUS

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TRAINING PROGRAM FOR OFFICERS.

. --TWO GROUPS OF U.S. MILITARY TRAINERS ARE PROVIDING SMALL-UNIT, TACTICAL TRAINING TO UMOPAR. THE BASIC COURSE, FROM WHICH 340 TROOPERS--INCLUDING SEVEN WOMEN--HAVE GRADUATED IN 1988, IS CONDUCTED AT THE CHIMORE BASE CAMP IN THE CHAPARE; AN ADVANCED-TACTICS COURSE (200 GRADUATES IN 1988) IS HELD AT THE TRINIDAD UMOPAR CAMP IN THE BENI.

. --IN AN ATTEMPT TO CURTAIL UMOPAR CORRUPTION (RAMPANT AMONG OFFICERS) A NEW COURSE, REQUIRED FOR ALL NATIONAL POLICE OFFICERS SERVING IN UMOPAR, WILL BEGIN IN JULY. IF AN OFFICER FAILS THE COURSE OR IS WEEDED OUT BY U.S. TRAINERS, HE WILL NOT BE ASSIGNED TO AN UMOPAR UNIT. TO FOSTER A SPIRIT OF COOPERATION AND UNITY, THE COURSE WILL ALSO INCLUDE PARTICIPANTS FROM NEIGHBORING COUNTRIES AS WELL AS BOLIVIAN MILITARY UNITS SUPPORTING AIR-MOBILE AND RIVERINE-INTERDICTION ACTIVITIES.

4. STATUS OF ERADICATION EFFORTS

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ACTION INM-07

INFO LOG-00 ADS-00 AID-00 INR-10 EUR-00 OIC-02 IO-19
NSCE-00 ARA-00 NSAE-00 L-03 TRSE-00 OMB-01 INRE-00
USIE-00 JUSE-00 SP-02 /044 W
----------112376 051928Z /45
P 051811Z JUL 88
FM AMEMBASSY LA PAZ
TO SECSTATE WASHDC PRIORITY 8115
INFO AMEMBASSY ASUNCION
AMEMBASSY BOGOTA
AMEMBASSY BRASILIA
AMEMBASSY CARACAS
AMEMBASSY LIMA
AMEMBASSY QUITO
USMISSION USVIENNA
USCINCSO QUARRY HEIGHTS PN//SCJ2/SCJ5/SCDC/SCFA/SOCSOUTH//
CDRUSASAALA FT CLAYTON PN//SOSA-PT//
CIA WASHDC
COGARD INTELCOORDCEN WASHDC
HQS/CUSTOMS WASHDC
DEAHQS WASHDC
DIA WASHDC

UNCLAS SECTION 02 OF 04 LA PAZ 08243

CIA FOR DDI/OGI/IND
CUSTOMS FOR LA OPS, INTELLIGENCE ONLY
DEA FOR OC, OF, OI
DIA FOR DB-3C4, DAH-5, DB-5SA
USVIENNA FOR UNVIE MISSION

E.O. 12356: N/A
TAGS: SNAR, BL, EAID
SUBJECT: 1988 INCSR MID-YEAR UPDATE

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BOLIVIA'S COCA-REDUCTION AGENCY (DIRECO) REPORTED THAT AS

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OF JUNE 15 A TOTAL OF 1,821.60 HECTARES OF COCA HAD BEEN REDUCED VOLUNTARILY SINCE THE CURRENT CAMPAIGN BEGAN IN SEPTEMBER 1987. BOLIVIA THUS MET--TWO MONTHS EARLY--THE REQUIREMENT CONTAINED IN THE 1987 BILATERAL AGREEMENT TO REDUCE 1,800 HECTARES OF COCA BY AUGUST 13, 1988. THROUGH THE END OF JUNE, BOLIVIA HAD REDUCED VOLUNTARILY A TOTAL OF 1,994.68 HECTARES OF COCA (952.31 OF WHICH WERE REDUCED IN CY88). WE ESTIMATE THE ANNUAL PRODUCTIVE CAPACITY OF ONE HECTARE TO BE TWO KILOS OF COCAINE HCL.

5. MID-YEAR ERADICATION STATISTICS

NOTE: CUMULATIVE TOTALS ARE BASED ON THE 9/1/87 START DATE OF THE CURRENT REDUCTION CAMPAIGN.

MONTH	HECTARES REDUCED	CUMULATIVE REDUCTION
SEPTEMBER	128.94	128.94
OCTOBER	421.54	550.48
NOVEMBER	285.67	836.15
DECEMBER	206.23	1,042.38
JANUARY	52.03	1,094.41
FEBRUARY	120.45	1,214.86
MARCH	18.46	1,233.32
APRIL	32.06	1,265.38
MAY	314.05	1,579.42
JUNE	415.26	1,994.68

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6. STATUS OF INTERDICTION EFFORTS

U.S. BORDER PATROL AGENTS, U.S. MILITARY TRAINERS AND DEA PERSONNEL IN THE CHAPARE AND BENI REGIONS PROVIDE CONSTANT SUPERVISION OVER BOLIVIAN INTERDICTION OPERATIONS. SOME OVERT CORRUPTION HAS BEEN REDUCED, AND GREATER BOLIVIAN EFFECTIVENESS IN OPERATIONS--ESPECIALLY IN THE PRIME COCA ZONE OF THE CHAPARE--HAS RESULTED IN IMPROVED SEIZURES THROUGH THE FIRST HALF OF CY 1988.

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7. CUMULATIVE SEIZURE STATISTICS AS REPORTED BY DEA

NARCOTICS	1987	1988-TO-DATE (JUNE 30)
COCAINE HCL (KG)	148	62
COCAINE BASE (KG)	1,999	39
COCAINE PASTE (KG)	4,277	6,476
MARIJUANA (KG)	6	2,008
LABORATORIES		
HCL:	8	7
BASE:	18	5
PASTE/PIT:	1,112	1,335
ARRESTS	904	326
EQUIPMENT		

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INFO LOG-00 ADS-00 AID-00 INR-10 EUR-00 OIC-02 IO-19
NSCE-00 ARA-00 NSAE-00 L-03 TRSE-00 OMB-01 INRE-00
USIE-00 JUSE-00 SP-02 /044 W
----------112377 0519282 /45
P 051811Z JUL 88
FM AMEMBASSY LA PAZ
TO SECSTATE WASHDC PRIORITY 8116
INFO AMEMBASSY ASUNCION
AMEMBASSY BOGOTA
AMEMBASSY BRASILIA
AMEMBASSY CARACAS
AMEMBASSY LIMA
AMEMBASSY QUITO
USMISSION USVIENNA
USCINCSO QUARRY HEIGHTS PN//SCJ2/SCJ5/SCDC/SCFA/SOCSOUTH//
CDRUSASAALA FT CLAYTON PN//SOSA-PT//
CIA WASHDC
COGARD INTELCOORDCEN WASHDC
HQS/CUSTOMS WASHDC
DEAHQS WASHDC
DIA WASHDC

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CUSTOMS FOR LA OPS, INTELLIGENCE ONLY
DEA FOR OC, OF, OI
DIA FOR DB-3C4, DAH-5, DB-5SA
USVIENNA FOR UNVIE MISSION

E.O. 12356: N/A
TAGS: SNAR, BL, EAID
SUBJECT: 1988 INCSR MID-YEAR UPDATE

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AIRCRAFT	4	3
TRUCKS	11	9

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JEEPS/CARS	12	12
GENERATORS	17	4

CHEMICALS: NOTE ONE 55-GALLON BARREL EQUALS 208.2 L

ETHER (L)	54,223	16,122
ACETONE (L)	2,465	3,418
SULFURIC ACID (L)	11,198	20,242
BICARBONATE (KG)	4,216	11,122

8. STATUS OF OTHER ENFORCEMENT EFFORTS/LEGAL INITIATIVES

THE BOLIVIAN LEGISLATURE HAS OPENED DISCUSSION OF THE U.S.-SUPPORTED DRAFT NARCOTICS LAW THAT WOULD, AMONG OTHER THINGS, DEFINE LEGAL AND ILLEGAL AREAS OF COCA CULTIVATION AND LEAVE OPEN THE QUESTION OF HERBICIDAL ERADICATION. DEBATE IS PROTRACTED AND CONTENTIOUS, WITH FAR-LEFT LEGISLATORS AND REPRESENTATIVES FROM COCA-GROWING AREAS PROVIDING STIFF OPPOSITION.

9. STATUS OF DRUG-PREVENTION EFFORTS

THE MISSION SUPPORTS A DRUG-AWARENESS PROGRAM UNDER THE AUSPICES OF THE CAMPANA EDUCATIVA SOBRE ESTUPEFACIENTES (CESE). THE PROGRAM IS OFF TO AN EXCELLENT START:

. --CESE HAS CARRIED OUT HUMAN-RESOURCES TRAINING

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PROJECTS WITH BOLIVIAN COUNTERPARTS FROM BOTH LOCAL AND NATIONAL ORGANIZATIONS. IN AN INDICATION OF ITS GROWING ACCEPTANCE AND CREDIBILITY, CESE HAS ALSO PARTICIPATED IN SEMINARS HOSTED BY BOLIVIAN ORGANIZATIONS.

. --THE BOLIVIAN MINISTERIAL GROUP CHARGED WITH DRUG-ABUSE PREVENTION HAS COMMITTED TO CESE FOUR FULL-TIME STAFF MEMBERS TO BE TRAINED IN THE USE OF CESE'S FIRST PREVENTION MANUAL AND ALSO TO COLLABORATE ON THE DEVELOPMENT OF A SECOND MANUAL.

. --THE FIRST RUN OF 1,000 COPIES OF CESE'S DRUG-

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ABUSE PREVENTION MANUAL HAS BEEN EXHAUSTED. COPIES WERE REQUESTED BY AND SENT TO PREVENTION GROUPS IN MEXICO, COSTA RICA, ARGENTINA, AND URUGUAY.

. --COORDINATION WITH REGIONAL GROUPS HAS BEEN CARRIED OUT TO STANDARDIZE DATA-BANK COMPUTER PROGRAMS AND INFORMATION AND DATA LINKS HAVE BEEN SET UP.

. --SELF-HELP GROUPS PATTERNED ON ALCOHOLICS ANONYMOUS AND DRUG ADDICTS ANONYMOUS HAVE BEGUN TO MEET WEEKLY IN CESE OFFICES. POSTERS HAVE BEEN PRINTED WITH INFORMATION ON THE HOT LINE AND RELATED SERVICES.

10. MID-YEAR DRUG ABUSE STATISTICS: NONE ARE AVAILABLE.

11. SUMMARY OUTLOOK

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ACTION INM-07

INFO LOG-00 ADS-00 AID-00 INR-10 EUR-00 OIC-02 IO-19
NSCE-00 ARA-00 NSAE-00 L-03 TRSE-00 OMB-01 INRE-00
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P 051811Z JUL 88
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INFO AMEMBASSY ASUNCION
AMEMBASSY BOGOTA
AMEMBASSY BRASILIA
AMEMBASSY CARACAS
AMEMBASSY LIMA
AMEMBASSY QUITO
USMISSION USVIENNA
USCINCSO QUARRY HEIGHTS PN//SCJ2/SCJ5/SCDC/SCFA/SOCSOUTH//
CDRUSASAALA FT CLAYTON PN//SOSA-PT//
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USVIENNA FOR UNVIE MISSION

E.O. 12356: N/A
TAGS: SNAR, BL, EAID
SUBJECT: 1988 INCSR MID-YEAR UPDATE

PASSAGE OF THE NEW NARCOTICS LAW AND SELECTION OF THE
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RIGHT PEOPLE FOR THE NEW NARCOTICS MINISTRY WILL HAVE A
MAJOR IMPACT ON THE OVERALL PROGRAM. WE EXPECT TO BE

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FACED WITH INCREASED ANTI-ERADICATION PRESSURE FROM NARCOTRAFFICKERS AND CAMPESINOS, AS WELL AS POSSIBLE POLITICAL DISINCLINATION TO TACKLE CONTROVERSEY IN THE COMING PRESIDENTIAL-ELECTION SEASON. RESISTANCE TO THE NEW NARCOTICS LAW, COUPLED WITH INDICATIONS OF INCREASED TRAFFICKER-INSPIRED, CAMPESINO-EXECUTED VIOLENCE, MAY DAMPEN GOB ENTHUSIASM FOR PRESSING FOR SIGNIFICANT REDUCTION RESULTS. (DRAFTED:NAU:PLSMITH,

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TEXT OF TELEGRAM 88STATE 216665

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ORIGIN IO-19

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PAGE 02 STATE 216665

AMEMBASSY NAIROBI
AMEMBASSY LAGOS
AMEMBASSY ISLAMABAD
AMEMBASSY PANAMA
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TEXT OF TELEGRAM 88STATE 216665

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AMEMBASSY BERN
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AMEMBASSY CARACAS
AMEMBASSY MEXICO

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MONTREAL FOR USREP TO ICAO

E.O. 12356:N/A
TAGS:AORC, EAIR, ICAO, IR
SUBJECT: ICAO CONSIDERATION OF IRAN AIR INCIDENT

REF: MONTREAL 2398 (NOTAL)

1. THE U.S. REPRESENTATIVE TO ICAO IS AUTHORIZED TO TELL THE PRESIDENT OF THE COUNCIL OF THE INTERNATIONAL CIVIL AVIATION ORGANIZATION (ICAO) THAT THE USG SUPPORTS THE CONVENING OF AN EXTRAORDINARY SESSION OF THE COUNCIL TO CONSIDER THE INCIDENT INVOLVING IRAN AIR FLIGHT 655, THAT
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PAGE 03 STATE 216665

THE USG WILL ATTEND ON JULY 13, AND THAT THE USG WILL COOPERATE WITH ICAO IN ALL APPROPRIATE RESPECTS .

2. INSTRUCTIONS CONCERNING U.S. PARTICIPATION IN AN ICAO INVESTIGATION WILL BE SENT SEPARATELY.

3. FOR INFO ADDRESSEES: THE FOLLOWING DOCUMENTS PROVIDE BACKGROUND DATA ON THE CONVENING OF THE SPECIAL SESSION OF THE ICAO COUNCIL, WHICH DEPARTMENT UNDERSTANDS IS NOW SET FOR 2:30 P.M. ON WEDNESDAY, JULY 13, AT ICAO HEADQUARTERS IN MONTREAL:

A. JULY 4 MESSAGE FROM THE ICAO COUNCIL PRESIDENT, ASSAD

KOTAITE, TO THE 33 MEMBERS OF THE COUNCIL (INCLUDING THE USG):

I HAVE RECEIVED TELEX MESSAGES FROM THE AUTHORITIES OF THE ISLAMIC REPUBLIC OF IRAN CONCERNING THE DESTRUCTION, ON 3 JULY 1988, OF AN IRAN AIR AIRBUS A300 FLIGHT NO. IR655 FROM BANDAR-ABBAS TO DUBAI WHICH RESULTED IN THE LOSS OF 290 PERSONS. THE TELEX MESSAGES ARE ATTACHED HERETO AS ATTACHMENTS 1, 2 AND 3. IN ATTACHMENT 4 IS THE TEXT OF MY TELEX DATED 4 JULY 1988 ADDRESSED TO THE AUTHORITIES OF THE ISLAMIC REPUBLIC OF IRAN.

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IT WILL BE NOTED THAT IN THE TELEX OF 4 JULY 1988 THE AUTHORITIES OF THE ISLAMIC REPUBLIC OF IRAN "URGENTLY REQUEST THAT THIS GRAVE MATTER BE TABLED IN THE COUNCIL AS A MATTER OF URGENCY." IN THAT CONTEXT, I WILL APPROACH EACH REPRESENTATIVE ON THE COUNCIL SHORTLY AFTER THE DISTRIBUTION OF THIS MEMORANDUM WITH A VIEW OF CONSULTING THE REPRESENTATIVES ON THE COUNCIL, UNDER RULE 20 OF THE RULES OF PROCEDURE FOR THE COUNCIL, ON THE CONVENING OF AN EXTRAORDINARY SESSION OF THE COUNCIL.

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PAGE 04 STATE 216665

I WILL KEEP YOU INFORMED OF ANY FURTHER DEVELOPMENT.

B. JULY 3 TELEX TO PRESIDENT OF THE ICAO COUNCIL FROM M.J. RANAEIFAR, VICE MINISTER OF ROADS AND TRANSPORTATION AND ADMINISTRATOR OF CIVIL AVIATION ORGANIZATION, TEHRAN

THIS IS TO INFORM YOU AND THE MEMBERS OF THE COUNCIL OF THE LATEST AGGRESSIVE AND CRIMINAL ATTACK BY HOSTILE FORCES OF U.S.A IN PERSIAN GULF TOWARDS CIVIL AVIATION STP

ON 3RD JULY 1988, AN IRANAIR A300 FLT NO IR655 ENROUTE BANDAR ABBAS-DUBAI DEP FROM BANDAR ABBAS AT 0645 UTC ESTIMATED TIME OF POINT DARAX 0658 UTC, WAS ATTACKED AND SHOT DOWN BY MISSILE INTO THE WATERS OF THE PERSIAN GULF. FROM TOTAL NUMBER OF 290 PAX AND CREW REGRETFULLY SO FAR NO SURVIVOR IS REPORTED. I SHALL KEEP YOU INFORMED OF ANY FURTHER INFORMATION. IN THE INTEREST OF SAFETY AND SECURITY OF CIVIL AVIATION IN THE REGION AND FOR THE BENEFIT OF HUMANITY AS A WHOLE I KINDLY REQUEST YOU TO TAKE EFFECTIVE MEASURES IN CONDEMNING SAID HOSTILE AND CRIMINAL ACTS.

C. JULY 3 TELEX TO ICAO COUNCIL PRESIDENT FROM M.J. RANAEIFAR

FOLLOWING MY TLX 1004-508-21 DATED 03RD JULY 1988 FOR THIS GRAVE DISASTROUS INCIDENT, I STRONGLY URGE YOU AND MEMBERS

OF THE COUNCIL TO GIVE THIS MATTER YOUR PERSONAL ATTENTION AND INVITE YOU AND YOUR EXPERTS TO HAVE A VISIT AND STUDY OF THIS INHUMAN ACT OF U.S.A. IN PERSIAN GULF PROMPTLY.

D. JULY 4 TELEX TO ICAO COUNCIL PRESIDENT FROM M.J.
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PAGE 05 STATE 216665

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SUBSEQUENT TO MY PREVIOUS TELEXES OF JULY 3 REGARDING THE ATROCIOUS SHOOTING DOWN BY U.S. FORCES OF AN IRANAIR AIRBUS OVER THE PERSIAN GULF, I URGENTLY REQUEST THAT THIS GRAVE MATTER BE TABLED IN THE ICAO COUNCIL AS A MATTER OF URGENCY WITH THE VIEW THAT AN EXTRAORDINARY SESSION OF ICAO ASSEMBLY BE URGENTLY CONVENED TO CONDUCT A THOROUGH INVESTIGATION OF ALL ASPECTS OF THE CATASTROPHE. WE FIRMLY BELIEVE PROMPT AND EFFECTIVE ATTN. OF ICAO IS NECESSARY IF SAFE CONDUCT OF CIVIL AIR TRANSPORTATION IS TO BE FOSTERED BY ICAO. PLEASE ADVISE THE ACTIONS TAKEN SO THAT A DELEGATION OF I.R. OF IRAN CAN PARTICIPATE AT THE REQUESTED COUNCIL MEETING.

E. JULY 4 TELEX FROM THE PRESIDENT OF THE ICAO COUNCIL TO M.J. RANAEIFAR

I WAS SHOCKED AND DISTRESSED BY THE NEWS OF THE DESTRUCTION OF IRAN AIR A300 FLIGHT NO. IR 655 EN ROUTE FROM BANDAR-ABBAS TO DUBAI WITH THE LOSS OF 290 LIVES. I WISH TO EXPRESS MY CONDOLENCES TO YOUR GOVERNMENT AS WELL AS TO THE BEREAVED FAMILIES OF THE VICTIMS. THE POLICY OF ICAO IS AIMED AT THE SAFEGUARDING OF SAFETY AND REGULARITY OF CIVIL FLIGHTS ALONG THE APPROVED ATS ROUTES AND IS STRONGLY OPPOSED TO THE USE OF WEAPONS AGAINST CIVIL AIRCRAFT.

I ACKNOWLEDGE RECEIPT OF YOUR TWO TELEXES REFERENCE 1004-508-21 OF 3 JULY 1988 AND OF YOUR FURTHER TELEX OF TODAY'S DATE. IN CONFORMITY WITH RULE 20 OF THE RULES OF PROCEDURE FOR THE COUNCIL (DOC 7559/5), I WILL BE CONSULTING THE MEMBERS OF THE COUNCIL CONCERNING THE CONVENING OF AN EXTRAORDINARY SESSION OF THE COUNCIL. I WILL KEEP YOU INFORMED OF THE DEVELOPMENTS. WHITEHEAD

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TEXT OF TELEGRAM 88STATE 216176

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PASS CHARLES REDMAN

E.O. 12356: N/A
TAGS: SOPN
SUBJECT: HIGHLIGHTS OF MORNING V NEWSCASTS, WEDNESDAY, 7/6
A. ABC WORLD NEWS TONIGHT

1. PERSIAN GULF - THE WHITE HOUSE HAS DISCLOSED THAT PRESIDENT REAGAN SENT A NOTE OF REGRET TO IRAN SUNDAY AFTER A U.S. WARSHIP SHOT DOWN AN IRANIAN AIRBUS KILLING 290 PEOPLE. YESTERDAY'S SPOKESMAN SAID THE MESSAGE SOUGHT TO ASSURE TEHERAN THE ATTACK WAS AN ACCIDENT. MR. REAGAN SAID HE CONSIDERED THE NOTE AN APOLOGY AND THAT REPARATION FOR THE FAMILIES OF VICTIMS IS BEING DISCUSSED.

IN TEHERAN, THE HEAD OF IRAN'S MILITARY HAS SOUNDED A NOTE OF CAUTION. SPEAKING IN THE IRANIAN PARLIAMENT YESTERDAY, RAFSANJANI SUGGESTED IRAN SHOULD NOT RETALIATE IMMEDIATELY BECAUSE IT WOULD TAKE INTERNATIONAL PRESSURE OFF THE U.S. RANSANJANI SAID HIS COUNTRY WOULD SEEK REVENGE AT A TIME OF ITS CHOOSING.

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PAGE 02 STATE 216176 TOSEC 140054

DESPITE THE LONG CHILL IN U.S. RELATIONS WITH IRAN, THERE IS WORD THAT TEHERAN HAD MADE OVERTURES TO WASHINGTON BEFORE AN IRAN AIR JET WAS SHOT DOWN ON SUNDAY. THE NEW

YORK TIMES SAYS SECRETARY OF STATE SHULTZ HAS REVEALED THAT IRAN APPROACHED THE U.S. TWO MONTHS AGO ABOUT OPENING UP A DIALOGUE. SHULTZ SAID THE U.S. HAD RESPONDED IN A POSITIVE WAY. **(HILARY BOWKER)

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2. MEXICAN ELECTIONS - VOTERS WILL BE CASTING BALLOTS TODAY IN PRESIDENTIAL AND LEGISLATIVE ELECTIONS IN MEXICO. THE RULING PARTY CANDIDATE CARLOS SALINES IS EXPECTED TO WIN BUT HE FACES UNUSUALLY STIFF CHALLENGES FROM BOTH THE LEFT AND THE RIGHT. (HILARY BOWKER)

B. NBC TODAY SHOW

1. PERSIAN GULF - THERE ARE NEW REPORTS THIS MORNING THAT MILITARY OFFICIALS HAVE TOLD LAWMAKERS ON CAPITOL HILL THAT THE IRANIAN AIRLINER MAY HAVE BEEN INSIDE THE CIVILIAN AIR CORRIDOR, NOT OUTSIDE AS ORIGINALLY RECORDED, AND THAT THERE MAY HAVE BEEN AN IRANIAN MILITARY PLANE SOMEWHERE IN THE AREA AT THE TIME THE CIVILIAN PLANE WAS SHOT DOWN. BUT FOR NOW THE PENTAGON IS STICKING TO ITS PUBLIC REPORTS INCLUDING ONE THAT THE CIVILIAN AIRLINER WAS TRANSMITTING TWO I.D. SIGNALS, ONE OF THEM MILITARY. THE PENTAGON SAY THE IRANIAN PLANE WAS TRANSMITTING A MODE THREE CODE USED BY BOTH MILITARY AND CIVILIAN AIRCRAFT. BUT OFFICIALS SAY THE PLANE ALSO TRANSMITTED A MODE TWO CODE RESERVED FOR MILITARY AIRCRAFT ONLY. THAT CODE IS NORMALLY SECRET. PENTAGON SOURCES SAY THE NAVY HAD INTERCEPTED THE SAME CODE FROM AN IRANIAN F-L4 AT AN EARLIER DATE, LEAVING THE COMMANDER
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PAGE 03 STATE 216176 TOSEC 140054

ABOARD THE USS VINCENNES TO BELIEVE THE CIVILIAN PLANE WAS AN F-14 JET FIGHTER.

THE PENTAGON SAYS, WITH NO OTHER POSITIVE IDENTIFICATION AND LITTLE TIME TO REACT, THE CAPTAIN OF THE VINCENNES WAS FORCED TO SHOOT DOWN THE PLANE. STILL, OTHER QUESTIONS REMAIN ABOUT THE SHIP'S INABILITY TO IDENTIFY THE PLANE AND CONFLICTING REPORTS AS TO ITS ALTITUDE AND COURSE AT THE TIME IT WAS SHOT DOWN. (JIM MIKLASZEWSKI, PENTAGON)

2. INTERVIEW WITH BRIG. GEN. ROLAND LA JOIE, ON-SITE INSPECTION AGENCY: SAID HIS FIRST TRIP TO THE SOVIET UNION WENT VERY WELL. THE SOVIETS WERE UNCOMMONLY FLEXIBLE, AND THEY COULD NOT HAVE DONE MORE TO MAKE THIS INSPECTION WORK. OUR TEAMS WILL MAKE 133 INSPECTIONS IN 60 DAYS AND THEY WILL AVERAGE TWO PER DAY. THEY WILL BE INSPECTING SOVIET MISSILE OPERATION BASES, THEIR STORAGE FACILITIES, REPAIR FACILITIES INCLUDING A SINGLE

PRODUCTION FACILITY AS WELL.THE NEXT PHASE WILL TAKE LONGER. THE SOVIETS HAVE ALMOST 6,000 ITEMS WHICH THEY WILL HAVE TO DESTROY. THEY WILL START ON OR ABOUT THE FIRST OF AUGUST AND CONTINUE IN AN UNINTERRUPTED FASHION FOR THE NEXT THREE YEARS TO DESTROY VIRTUALLY AROUND-THE-CLOCK ALL OF THESE ITEMS.

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C. CBS THIS MORNING

1. DOWNING OF IRANIAN AIR BUS - U.S. NAVY EXPERTS BELIEVE THAT WHEN THE AMERICAN WARSHIP VINCENNES MISTOOK AN IRANIAN JETLINER FOR AN F-14 FIGHTER, IT MAY HAVE BEEN PICKING UP A DISTANT MILITARY IDENTIFICATION SIGNAL FROM ANOTHER PLANE. ACCORDING TO THE NEW YORK TIMES, NAVY BRIEFERS TOLD CONGRESSIONAL LEADERS THAT THE SHIP'S CREW OR EQUIPMENT MAY HAVE WRONGLY CONCLUDED THAT THE MILITARY

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SIGNAL WAS COMING FROM THE PASSENGER JET. (FAITH DANIELS)

THE PENTAGON SAYS THAT WHEN THE VINCENNES PICKED UP THE IRAN AIRPLANE ON ITS RADAR, THE AIRCRAFT WAS SENDING OUT TWO DIFFERENT SETS OF ELECTRONIC SIGNALS TO IDENTIFY ITSELF, ONE USED BY BOTH COMMERCIAL AND MILITARY AIRCRAFT, THE SECOND USED ONLY BY MILITARY AIRCRAFT. WHY A COMMERCIAL AIRLINER WOULD IDENTIFY ITSELF AS A MILITARY PLANE IS NOT KNOWN, BUT THE PENTAGON SAYS IT COULD NOT HAVE BEEN BY MISTAKE. "IT IS A SPECIAL PIECE OF EQUIPMENT WHICH HAS TO BE PUT ON THE AIRCRAFT AND IT CAN ONLY BE SET ON THE GROUND," SAID PENTAGON SPOKESMAN DAN HOWARD.

HOWEVER, ANOTHER U.S. NAVY SHIP IN THE AREA DID NOT PICK UP THAT SIGNAL. THE RADAR SHOWED THE IRANIAN AIRCRAFT TO BE AT AN ALTITUDE OF 12,600 FEET, HIGHER, AND THEREFORE LESS THREATENING, THAN THE 7,800 ALTITUDE SHOWN BY THE RADAR ON THE VINCENNES. FOR THE MOMENT, AT LEAST, THE PENTAGON IS UNABLE TO EXPLAIN THE DISCREPANCY. "I'M SAYING THAT WE HAVE SOME INEXPLICABLE EVIDENCE AT THIS POINT," SAID HOWARD.

THE VINCENNES CARRIES THE MOST SOPHISTICATED EQUIPMENT. IF ITS DATA IS ACCURATE, THE PLANE WAS OUTSIDE THE NORMAL AIR CORRIDOR AND HEADED STRAIGHT FOR THE SHIP, TRAVELING AT 450 KNOTS, LOSING ALTITUDE, AND NOT RESPONDING TO REPEATED WARNINGS.

SOME OF THE CONFLICTING DATA COULD BE EXPLAINED BY THE WEATHER, WHICH IN THE PERSIAN GULF IS NOTORIOUS FOR PLAYING TRICKS ON ELECTRONICS. (DAVID MARTIN)

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2. IRAN PROPOSAL - SECRETARY OF SHULTZ SAYS THAT TWO MONTHS AGO, IRANIAN OFFICIALS PASSED WORD TO A THIRD

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PARTY THAT THEY WANTED TO OPEN A DIRECT DIALOGUE WITH THE UNITED STATES. THE UNITED STATES RESPONDED POSITIVELY, BUT HAS HEARD NOTHING FURTHER ABOUT THE PROPOSAL, AND SHULTZ SAYS HE DOESN'T WANT TO SPECULATE ON WHAT THE SHOOTING DOWN OF THE IRANIAN JET MIGHT DO TO THE IRANIAN OVERTURE. (FAITH DANIELS)

3. TERRORIST TRIAL IN PAKISTAN - A PAKISTANI JUDGE HAS SENTENCED FIVE PALESTINIANS TO DEATH FOR HIJACKING A U.S. PLANE IN 1986. THE ARABS TOOK OVER THE PAN AM JUMBO-JET WITH 390 PEOPLE ABOARD DURING A STOPOVER IN PAKISTAN. THERE WAS A 16 HOUR STANDOFF ON THE GROUND AT KARACHI AIRPORT. PAKISTANI COMMANDOS THEN STORMED THE PLANE. 21 PEOPLE DIED IN THE RAID. (FAITH DANIELS)

4. INTERVIEW WITH HOUSE MAJORITY LEADER THOMAS FOLEY BY KATHLEEN SULLIVAN ON DOWNING OF AIRPLANE - FOLEY SAID THAT AT A BRIEFING YESTERDAY, CONGRESSIONAL LEADERS WERE INFORMED THERE WERE TWO DIFFERENT RADAR MODES RESPONDING ON THE AIRCRAFT. HE SAID THAT IT IS TECHNICALLY POSSIBLE THAT THERE COULD HAVE BEEN CONFUSION WITH ANOTHER MILITARY AIRPLANE IN THE VICINITY, BUT HE DOES NOT THINK THE PENTAGON SEES THIS AS A HIGH DEGREE OF PROBABILITY. HE SAID THAT HE THINKS THE CAPTAIN WAS UNDER EXTRAORDINARY PRESSURE, AND HE HAS NO CRITICISM OF WHAT HE DID. HE SAID THAT COMPENSATION OF VICTIMS' FAMILIES IS BEING DISCUSSED, HOW WE WOULD DO THAT, AND HOW WE WOULD INSURE THAT THE FAMILIES RECEIVED THE COMPENSATION, AND SAID THAT HE IS SURE THAT WHATEVER DECISION IS MADE BY THE PRESIDENT AND BY THE UNITED STATES WOULD HAVE TO BE NEGOTIATED WITH IRAN, AND, OF COURSE, THERE ARE STILL VERY GREAT OUTSTANDING PROBLEMS IN OUR RELATIONS, INCLUDING THE INFLUENCE IRAN HAS HELD OVER THOSE WHO ARE HOLDING THE HOSTAGES. HE SAID HE HAS HAD CRITICISMS OF
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U.S. POLICY IN THE MIDDLE EAST AS NOT BEING FOCUSED, BUT HE THINKS IT WOULD BE A GREAT MISTAKE AT THIS TIME, HOWEVER, BECAUSE OF THIS INCIDENT TO WITHDRAW U.S. PRESENCE FROM THE GULF. WE SHOULD DO THAT WHEN OUR OBJECTIVES HAVE BEEN ACHIEVED OR WHEN WE BELIEVE THAT THOSE OBJECTIVES SHOULD BE MODIFIED AND POLICY SHOULD BE CHANGED INDEPENDENTLY.

5. ABC FILES PROTEST - ABC NEWS HAS FILED A PROTEST WITH THE ISRAELI GOVERNMENT. THE NETWORK SAYS ISRAELI SECURITY AGENTS POSED AS AN ABC NEWS CREW AS A WAY TO GET

TO, AND ARREST, A PALESTINIAN PROTESTER IN THE OCCUPIED TERRITORIES. ISRAELI MILITARY SOURCES SAY THEY KNOW NOTHING ABOUT THE INCIDENT. (FAITH DANIELS)

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6. PROTEST IN ARMENIA - THE SOVIET GOVERNMENT SAYS 36 PEOPLE HAVE BEEN INJURED IN VIOLENT PROTEST IN ARMENIA. AN UNOFFICIAL REPORT SAYS ONE PERSON WAS KILLED WHEN SOLDIERS OPENED FIRE AT THE AIRPORT IN THE ARMENIAN CAPITAL. THE AIRPORT HAD BEEN TAKEN OVER AND SHUT DOWN BY STRIKERS. THEY ARE DEMANDING THAT ARMENIA BE GIVEN CONTROL OF A NEIGHBORING REGION POPULATED MOSTLY BY ARMENIANS. WHITEHEAD

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Case Number: S199900030

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AMEMBASSY BUENOS AIRES
AMEMBASSY CARACAS
AMEMBASSY COPENHAGEN
AMEMBASSY LISBON
AMEMBASSY LONDON
AMEMBASSY MADRID
AMEMBASSY MONTEVIDEO
AMEMBASSY OSLO
AMEMBASSY PARIS
AMEMBASSY ROME
AMEMBASSY STOCKHOLM
AMEMBASSY THE HAGUE
AMCONSUL TORONTO

C O N F I D E N T I A L SECTION 01 OF 02 SANTIAGO 04791

BRUSSELS FOR USEC

E.O. 12356: DECL: OADR
TAGS: PREL, PGOV, IO, CI
SUBJECT: GOC REACTS SHARPLY TO EC STATEMENT ON CHILE; MERINO THREATENS TO BAR OBSERVERS

REF: SANTIAGO 4207

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PAGE 02 SANTIA 04791 01 OF 02 072140Z

1. (U) SANTIAGO PRESS JULY 6 REPORTED THE EUROPEAN PARLIAMENT'S DECISION TO SEND AN "EXTRAORDINARY" MISSION TO CHILE TO OBSERVE THE PLEBISCITE. A RESOLUTION PASSED BY THE PARLIAMENT, AMONG OTHER THINGS, CALLED ON THE GOC TO REMAIN IMPARTIAL DURING THE PLEBISCITE, TO INSURE THE PROCESS IS DEMOCRATIC BY NOT ALLOWING MILITARY INVOLVEMENT EXCEPT TO GUARANTEE ITS FAIRNESS, AND TO REMOVE ANY LIMITATIONS ON THE ACTIVITIES OF POLITICAL PARTIES AND THEIR LEADERS. THE STATEMENT ALSO CALLED ON THE U.S. TO INTERVENE "IN AN UNEQUIVOCAL MANNER" WITH THE MEMBER OF THE MILITARY JUNTA TO SUPPORT THE TRANSITION TO DEMOCRACY IN CHILE. WHAT PRECISELY THE U.S. SHOULD DO WAS NOT CLEAR FROM PRESS ACCOUNTS.

2. (U) THE CHILEAN FOREIGN MINISTRY ISSUED A FORMAL STATEMENT NOTING THAT THE EP'S RESOLUTION WAS ONE OF MANY ISSUED AT EVERY SESSION COMMENTING ON THE INTERNAL SITUATION OF VARIOUS COUNTRIES. IN THIS CASE, HOWEVER, THE EP HAD ACTED WITH AN "INEXPLICABLE LACK OF SERIOUSNESS" BASED ON "IGNORANCE AND DISTORTED UNDERSTANDING OF THE CHILEAN INSTITUTIONAL PROCESS AND REALITY...IT IS GROTESQUE THAT AN ORGANIZATION THAT IS SUPPOSEDLY COMPOSED OF HIGH-LEVEL PERSONS SHOULD EXPRESS JUDGEMENTS THAT NEITHER IN THEIR FORM NOR IN THEIR CONTENT CORRESPOND TO THE MOST ELEMENTAL STANDARDS OF INTERNATIONAL CONDUCT."

3. (U) IN ADDITION, JUNTA MEMBER AND NAVY CINC ADMIRAL MERINO REACTED DURING HIS TRADITIONAL PRESS REMARKS FOLLOWING THE WEEKLY JUNTA MEETING. MERINO, WHO OFTEN USES THESE CONFERENCES TO LASH OUT ON CO[redacted]TIAL

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PAGE 03 SANTIA 04791 01 OF 02 072140Z

VARIOUS ISSUES, STATED THAT ANYONE COMING TO CHILE TO ACT IN ANY MANNER AS INSPECTORS OR COMMISSARS WOULD NOT BE ALLOWED TO ENTER THE COUNTRY. ASKED IF THE GOVERNMENT WOULD ADOPT MEANS OF KEEPING SUCH PEOPLE OUT, MERINO NOTED THAT IN CASE THERE WERE AGREEMENT THAT THESE PEOPLE SHOULD NOT ENTER, THE EXECUTIVE BRANCH HAS THE ABILITY TO KEEP THEM OUT. WHEN

PURSUED ON THIS LINE, MERINO REFUSED TO SAY THAT SUCH ACTIONS WOULD BE TAKEN, BUT MADE IT CLEAR HE DID NOT FAVOR FOREIGNERS COMING TO CHILE TO INSPECT HIS OR THE JUNTA'S WORK.

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4. (C) IN ANOTHER DEVELOPMENT, AS NOTED IN REFTEL, EMBASSY SENT A DIPLOMATIC NOTE REQUESTING MFA CLARIFICATION ON ACCESS TO POLLING PLACES AND VOTE COUNTING CENTERS FOR FOREIGN VISITORS DURING THE UP-COMING PLEBISCITE, IN THE LIGHT OF STATEMENTS BY PINOCHET AND THE MINISTRY'S OWN SPOKESMAN WHICH APPEARED TO CAST DOUBT ON THE DEGREE OF ACCESS. ON JUNE 24 WE RECEIVED THE MFA RESPONSE, REAFFIRMING THEIR ORIGINAL NOTE. ALTHOUGH THEY MAKE NO MENTION OF PINOCHET, IN THE CONTEXT THE NOTE CAN ONLY BE INTERPRETED AS SAYING "PAY ATTENTION TO WHAT WE TELL YOU, NOT TO WHAT THE PRESIDENT SAYS ON THE CAMPAIGN TRAIL."

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5. (U) FOLLOWING IS THE CONTENTS OF THE MFA NOTE: (COMPLIMENTARY HEADING) "HAS THE HONOR TO REITERATE WHAT WAS EXPRESSED IN THIS SECRETARIAT'S NOTE NUMBER 185 OF MAY 27, AND ITS ANNEX. CONSEQUENTLY, FOREIGN CITIZENS WHO WILL NOT BE RECOGNIZED AS 'EXAMINING

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PAGE 01 SANTIA 04791 02 OF 02 072140Z

ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-10	EUR-00	SS-00	CIAE-00
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	TRSE-00	PM-10	PA-01	OMB-01	INRE-00	USIE-00	SP-02
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FM AMEMBASSY SANTIAGO
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INFO AMEMBASSY BRASILIA
AMEMBASSY BRUSSELS
AMEMBASSY BUENOS AIRES
AMEMBASSY CARACAS
AMEMBASSY COPENHAGEN
AMEMBASSY LISBON
AMEMBASSY LONDON
AMEMBASSY MADRID
AMEMBASSY MONTEVIDEO
AMEMBASSY OSLO
AMEMBASSY PARIS
AMEMBASSY ROME
AMEMBASSY STOCKHOLM
AMEMBASSY THE HAGUE
AMCONSUL TORONTO

C O N F I D [redacted] T I A L SECTION 02 OF 02 SANTIAGO 04791

BRUSSELS FOR USEC

E.O. 12356: DECL: OADR
TAGS: PREL, PGOV, IO, CI
SUBJECT: GOC REACTS SHARPLY TO EC STATEMENT ON

OBSERVERS,' 'INSPECTORS,' OR 'COMPTROLLERS,' MAY, ACCORDING TO THE REGULATIONS CONTAINED IN THE LAW, FOLLOW THE COURSE OF THE VOTING AND VOTE COUNTING, CO[redacted]TIAL

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PAGE 02 SANTIA 04791 02 OF 02 072140Z

AND ALSO BE INFORMED OF THE RESULTS." (COMPLIMENTARY ENDING).
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6. (C) DURING A CALL JULY 6 ON THE FOREIGN MINISTRY'S SENIOR CAREER OFFICIAL, DIRECTOR GENERAL OCTAVIO ERRAZURIZ, BY VISITING CHILE DESK OFFICER PETER DE SHAZO AND DCM, DCM EXPRESSED APPRECIATION FOR THE FOREIGN MINISTRY'S CLARIFICATION THAT FOREIGNERS WISHING TO VISIT CHILE FOR THE PURPOSE OF WATCHING THE PLEBISCITE COULD DO SO. AFTER REITERATING THAT NO ONE WHO CALLED HIMSELF A JUDGE OR INSPECTOR WOULD BE ADMITTED, AND THAT NO CREDENTIALS OR BADGES OR STATUS OF ANY KIND WOULD BE EXTENDED TO VISITORS, ERRAZURIZ CONFIRMED ONCE AGAIN THAT FOREIGN VISITORS WOULD BE ABLE TO VIEW THE VOTING AND VOTE COUNTING ON THE SAME BASIS, AND TO THE SAME DEGREE, AS CHILEAN CITIZENS -- NO LESS AND NO MORE. HE ALSO EXPRESSED OUTRAGE AT THE EP RESOLUTION, BUT MADE NO MENTION OF MERINO'S REMARKS AND GAVE NO INDICATION THAT GOC WAS HAVING ANY SECOND THOUGHTS. DCM NOTED THAT IT WAS IN GOC'S OWN INTEREST TO HAVE FOREIGN OBSERVERS PRESENT TO ATTEST TO WHAT IT HAS SAID REPEATEDLY WILL BE AN ABSOLUTELY FRAUD-FREE VOTE. ERRAZURIZ REPLIED THAT CHILEANS COULD MANAGE THEIR OWN AFFAIRS, THANK YOU, AND NEEDED NO OUTSIDE ASSISTANCE, BUT WOULD NOT PREVENT ANYONE WHO WISHED FROM COMING.

7. (C) COMMENT: CLEARLY MERINO, LIKE PINOCHET, WOULD PREFER TO SLAM THE DOOR AGAINST ANY OBSERVER WHO IS NOT PRO-GOC.
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PAGE 03 SANTIA 04791 02 OF 02 072140Z

BUT AT LEAST SO FAR THE FOREIGN MINISTRY HAS PREVAILED.

8. (U) WOULD APPRECIATE RECEIVING FULL TEXT OF EP RESOLUTION.

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PAGE 01 STATE 218022
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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part X In Full ____
Exemption(s) NR

S E C R E T STATE 218022

E.O. 12356: DECL: OADR
TAGS: OPDC CI
SUBJECT: OFFICIAL/INFORMAL FOR DCM FROM RICHARD HOWARD
REF: (A) 88 SANTIAGO 4723, (B) HOWARD/BARNES LETTER OF 6/29/88,
(C) GRANT/ADES 7/5/88 TELCON

1. (C) IN RESPONSE TO YOUR REQUESTS, I AM PROVIDING HERE THE TEXT OF OUR ASDAR ITEM ON MY MEETING WITH DEAN BROWNE OF THE CANADIAN EXTERNAL AFFAIRS DEPARTMENT AS WELL AS THE TEXT OF THE LETTER AND ATTACHMENT FROM MINISTER BUCHI TO TREASURY SECRETARY BAKER YOU WANTED BEFORE HARRY'S MEETING WITH BUCHI. SORRY WE DIDN'T GET THESE TO YOU EARLIER AS ENCLOSURES TO ONE OF OUR LETTERS TO THE EMBASSY. I AM ALSO PROVIDING THE TEXT OF A LETTER FROM AMBASSADOR ERRAZURIZ TO CLAYTON YEUTTER THAT ERRAZURIZ GAVE TO JON ROSENBAUM AT A JULY 5 MEETING HERNAN FELIPE REQUESTED. THE LETTER SEEMS TO PARALLEL ONE ON THE SAME SUBJECT GIVEN TO DICK ADES AT THE MFA LAST FRIDAY.

ASDAR ITEM ON CANADIAN CONCERNS

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PAGE 02 STATE 218022

2. (C) BEGIN TEXT. CHILE--CANADIAN PLEBISCITE

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PERSPECTIVE: DEANE BROWNE, CANADIAN DG FOR SOUTH AMERICA, BELIEVES THAT THE CHILEAN PLEBISCITE IS STILL TOO CLOSE TO CALL, BUT THE MINISTRY OF EXTERNAL AFFAIRS IN OTTAWA, CANADIAN PARLIAMENTARIANS AND EVEN ANTI-PINOCHET CHILEAN EXILES AND HUMAN RIGHTS GROUPS ARE BECOMING CONCERNED THAT PINOCHET MAY WIN A FRAUD-FREE PLEBICITE. EXTAFF HAS RELUCTANTLY WON PARLIAMENTARY SUPPORT TO SEND THEIR CHIEF ELECTORAL OFFICER TO CONSULT IN SANTIAGO WITH THE CHILEAN ELECTORAL COMMISSION AND OPPOSITION GROUPS. THE EXPERT WILL BOTH OFFER TECHNICAL ELECTORAL ASSISTANCE AND GET AN OBJECTIVE EVALUATION OF THE PLEBISCITE ARRANGEMENTS AND SAFEGUARDS AGAINST FRAUD. THIS EVALUATION WILL BE ESPECIALLY IMPORTANT IF PINOCHET WINS AND THE OPPOSITION CRIES FRAUD TO CHILEAN EXILE AND HR GROUPS. BROWNE PROMISED TO INFORM US REGARDING THE CONCLUSIONS AND RESULTS OF THE ELECTORAL EXPERT'S VISIT.

BROWNE SAID THAT CANADA'S AMBASSADOR HAD SEPARATELY CALLED ON EACH JUNTA MEMBER TO DISCUSS CONCERNS ABOUT ELECTORAL CONDITIONS AND BEEN TOLD THAT STEPS WILL BE TAKEN TO LIFT THE STATE OF EMERGENCY, INCREASE ACCESS TO TV, ETC. INDEED, THE AMB HAS REPORTED ALREADY THAT IMPROVEMENTS IN TV ACCESS ARE NOTABLE. CONTRARY TO EMBASSY SANTIAGO REPORTS, BROWNE REPORTED THAT SERGIO MOLINA (DURING A RECENT VISIT TO CANADA) INDICATED THAT THE OPPOSITION DIDN'T NEED MORE FINANCIAL ASSISTANCE OR HELP VIA PVOS. MOLINA STILL FEARS THAT PINOCHET COULD SHIFT GEARS AND CALL FOR OPEN ELECTIONS IF HE BECOMES CONCERNED ABOUT CHANCES FOR A PLEBISCITE VICTORY. BROWNE SAID THAT A SMALL CANADIAN ALL PARTY PARLIAMENTARIAN DELEGATION WILL TRAVEL TO CHILE AT OPPOSITION INVITATION TO VIEW THE
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PLEBICITE. IRONICALLY, THERE IS GROWING CONCERN IN LEFT-OF-CENTER CIRCLES THAT SUCH A DELEGATION MIGHT HELP LEGITIMIZE A FRAUD-FREE PINOCHET VICTORY. WE AGREED TO STAY IN CLOSE TOUCH. END TEXT.

BUCHI - BAKER LETTER

4.(U) BEGIN TEXT.
HONORABLE

JAMES A. BAKER III
SECRETARY OF THE TREASURY
WASHINGTON, D. C.

DEAR MR. SECRETARY:

THIS LETTER IS IN RESPONSE TO THE INTEREST YOU EXPRESSED IN CHILE'S ECONOMIC AND POLITICAL SITUATION DURING MY LAST VISIT TO WASHINGTON.

I WANT TO THANK YOU FOR THAT MEETING AND ALSO FOR THIS OPPORTUNITY TO SEND YOU MY ANALYSIS OF THE CHILEAN REALITY. I AM ALSO ENCLOSING A 10-MINUTE VIDEO ABOUT THE RECENT POLITICAL DEVELOPMENT IN CHILE AND A SITUATION REPORT FOR MORE DETAILS.

CHILE IS A LAND OF GREAT IRONIES AND THIS IS ONE OF THEM: OUR WIDELY RECOGNIZED ECONOMIC PROGRESS TENDS TO OVERSHADOW OUR RELATIVELY LITTLE PUBLICIZED POLITICAL PROGRESS TOWARD DEMOCRACY.

IT IS NOT SURPRISING THAT THIS IS A SUBJECT OF SOME DEBATE WITHIN THE U.S. GOVERNMENT AND MEDIA SINCE CHILE IS IN THE MIDST OF A CAREFULLY CRAFTED CONSTITUTIONAL TRANSITION TO A FULLY DEMOCRATIC GOVERNMENT AND SOME
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OBSERVERS ARE SKEPTICAL ABOUT OUR GOVERNMENT'S COMMITMENT TO DEMOCRACY AND THE PROSPECTS FOR SUCCESS. THE UNDENIABLE PROGRESS WE HAVE MADE TO DATE INDICATES, HOWEVER, THAT SUCH SKEPTICISM IS UNWARRANTED AND THAT DEMOCRACY IS BEING GRADUALLY RESTORED IN CHILE WITHIN A FRAMEWORK THAT WILL ASSURE ITS SURVIVAL FOR FUTURE GENERATIONS.

WHEN OUR MILITARY LEADERS TOOK CONTROL OF THE GOVERNMENT, MARXISTS HAD REDUCED CHILE TO POLITICAL ANARCHY AND ECONOMIC CHAOS. THE SITUATION WAS EXTREME AND EXTREME MEASURES WERE NECESSARY TO RESTORE THE CONDITIONS FOR FREE-MARKET ECONOMIC GROWTH AND DEMOCRATIC POLITICAL DEVELOPMENT. WE KNOW THAT ECONOMIC AND POLITICAL FREEDOM ARE CLOSELY INTERRELATED AND MUTUALLY REINFORCING.

CHILE HAS DEVELOPED THE MOST SUCCESSFUL AND OPEN ECONOMY

IN LATIN AMERICA BY ADHERING TO CONSERVATIVE FREE-MARKET PRINCIPLES. WE ARE NOW IN THE FIFTH CONSECUTIVE YEAR OF ECONOMIC EXPANSION UNEMPLOYMENT IS AT AN HISTORIC LOW AND REAL WAGES ARE GROWING AGAIN. THE GOVERNMENT'S FINANCE ARE ON A STRONG FOOTING WITH A DECLINING DEFICIT AND PRIVATIZATION OF STATE ENTERPRISES IS PROCEEDING. CHILE HAS BECOME A MODEL FOR OTHER DEBTOR COUNTRIES IN WORKING OUT MULTI-YEAR DEBT RESCHEDULINGS AND DEBT-EQUITY SWAPS. WE ARE ATTRACTING CONSIDERABLE NEW FOREIGN INVESTMENT.

WE ARE ALSO MOVING AHEAD WITH OUR PLANS TO RESUME DEMOCRATIC GOVERNMENT IN CHILE, THIS TIME WITH A SOLID ECONOMIC AND SOCIAL FOUNDATION TO SUSTAIN IT. IT IS MOST UNFORTUNATE THAT THE U.S. GOVERNMENT HAS ADOPTED A POSTURE OF CRITICISM AND
ECONOMIC PRESSURE TO EMPHASIZE UNFOUNDED CONCERNS ABOUT CHILE'S

PROGRAM FOR PROGRESSIVE DEMOCRATIZATION. THAT MAY BE DUE TO THE FACT THAT, ALTHOUGH OUR ECONOMIC SUCCESS IS READILY RECOGNIZED BY ALMOST EVERYONE, CHILE'S POLITICAL PROGRESS GOES LARGELY UNNOTICED OR IS DECIDEDLY MISREPRESENTED. WE DESERVE AMERICA'S ENCOURAGEMENT AS WE MOVE INTO UNCHARTED POLITICAL WATERS. WHAT WE HAVE GOTTEN INSTEAD IS A RUNNING PUBLIC CRITIQUE, SECOND-GUESSING AT EACH STAGE AND UNWARRANTED ECONOMIC PRESSURE TACTICS.

WE WILL PERSEVERE IN RETURNING CHILE TO DEMOCRATIC GOVERNMENT ON OUR OWN TERMS AS A SOVEREIGN COUNTRY. CHILE SHARES, AND TO A LARGE EXTENT HAS ALREADY ACHIEVED, THE GOALS SET FORTH IN THE FOLLOWING POLICY STATEMENT AUTHORIZED BY PRESIDENT REAGAN ON DECEMBER 13, 1987.

FOR THE IDEAL OF POPULAR SOVEREIGNITY TO BECOME REALITY IN CHILE, THE UNITED STATES BELIEVES THAT A CLIMATE OF FREE AND FAIR COMPETITION MUST BE ESTABLISHED MANY MONTHS BEFORE THE ACTUAL BALLOTING TAKES PLACE. THIS ATMOSPHERE WOULD BE MARKED BY EASY AND EQUITABLE ACCESS TO THE MASS MEDIA, SPECIALLY TELEVISION, BY UNRESTRICTED DISCUSSION OF POLITICAL ISSUES, BROAD FREEDOM OF ASSEMBLY, AND ANNOUNCEMENT OF THE RULES OF ANY ELECTORAL PROCEEDING, FACILITATION OF REGISTRATION BY PROSPECTIVE VOTERS, AND FREEDOM FOR CITIZENS AND POLITICAL GROUPS TO CAMPAIGN PEACEFULLY IN FAVOR OF THEIR IDEAS. STATES OF EXCEPTION

WHICH LIMIT FREEDOM OF ASSOCIATION AND EXPRESSION ARE NOT COMPATIBLE WITH A LEGITIMATE ELECTORAL PROCEDURE.

MR. SECRETARY, I HAVE TRIED TO SHOW YOU A SIDE OF THE SITUATION IN CHILE SELDOM REVEALED BY THE AMERICAN NEWS MEDIA. WE HAVE BEEN THE SUBJECT OF UNFAIR CRITICISM FROM CERTAIN QUARTERS OF THE CONGRESS, BUT WE WILL PRESS ON WITH THE SERIOUS BUSINESS OF PROVIDING EVEN MORE BENEFITS TO OUR PEOPLE FROM OUR FREE MARKET ECONOMY IN A DEMOCRATIC ENVIRONMENT.

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THE GOVERNMENT OF PRESIDENT PINOCHET HAS EMBARKED ON A MOST DEFINITE PROCESS OF RETURNING POWER TO THE PEOPLE BY MEANS OF REDUCING STATE INTERVENTION IN ALL AREAS, INCREASING PERSONAL FREEDOMS, AND GIVING THE POPULATION WIDER OPTIONS IN EVERY ASPECT OF THEIR LIVES.

THE STATE-INDIVIDUAL RELATIONSHIP HAS TILTED IN FAVOR OF THE INDIVIDUAL, AS IS ESSENTIAL TO THE PROPER FUNCTIONING OF A TRUE DEMOCRACY, AND THE CITIZENS NOW HAVE NEW AND MORE POWERFUL TOOLS TO PROTECT THEMSELVES FROM ANY ATTEMPT BY THE STATE TO ENCROACH ON PERSONAL LIBERTIES.

THAT IS THE TRUE MEANING OF THE 1980 CONSTITUTION AND THAT IS THE BASIC ISSUE THE PEOPLE HAVE BEEN CALLED TO VOTE UPON IN THE NEXT PLEBISCITE.

THANK YOU FOR THE OPPORTUNITY TO PRESENT THE REALITIES OF CHILE'S PROGRESS. I AM AT YOUR DISPOSAL IF YOU HAVE ANY QUESTIONS OR WOULD LIKE TO DISCUSS THESE MATTERS FURTHER.

SINCERELY,

HERNAN BUCHI BUC
MINISTER OF FINANCE
REPUBLIC OF CHILE(ATTACHMENT
TO LETTER)

POLITICAL - ECONOMIC SITUATION

CHILE IS A COUNTRY FREELY ADVANCING TOWARD DEMOCRACY WITHIN A FRAMEWORK OF SOCIAL JUSTICE FORTIFIED BY ECONOMIC PROGRESS. ALL THREE ASPECTS OF OUR DEVELOPMENT --POLITICAL, SOCIAL AND

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ECONOMIC-- ARE INTERRELATED AND MUST BE CONSIDERED WHEN

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ANALYZING THE PROGRESS CHILE HAS MADE TO DATE AND THE PROSPECTS FOR THE FORESEEABLE FUTURE.

POLITICAL DEVELOPMENT

IN THE POLITICAL REALM, THE SEMINAL EVENT WAS APPROVAL IN 1980 BY TWO-THIRDS OF THE VOTERS OF A NEW CONSTITUTION WHICH ESTABLISHES AN INSTITUTIONAL BLUEPRINT FOR PROGRESSIVE TRANSITION TO FULL DEMOCRATIC GOVERNMENT BY 1990. NO LATER THAN FEBRUARY 1989 THERE IS TO BE A PLEBISCITE ON A PRESIDENTIAL CANDIDATE SELECTED BY THE FOUR COMMANDERS-IN-CHIEF OF THE ARMED SERVICES, OR, IF THEY CANNOT REACH UNANIMOUS AGREEMENT, BY THE NATIONAL COUNCIL COMPOSED OF THE MILITARY COMMANDERS AND CERTAIN CIVILIAN LEADERS. IF THEIR CANDIDATE IS APPROVED BY MORE THAN 50 PERCENT OF THE ELECTORATE, HE WILL SERVE AN EIGHT-YEAR TERM; IF HE IS REJECTED, OPEN, COMPETITIVE ELECTIONS ARE TO BE HELD WITHIN ONE YEAR.

REGARDLESS OF THE OUTCOME OF THE PRESIDENTIAL PLEBISCITE, A BICAMERAL CONGRESS WILL BE ELECTED IN JANUARY 1990 AND WILL SIT ON MARCH 11, 1990 AND, THEREAFTER, BOTH PRESIDENTIAL AND CONGRESSIONAL ELECTIONS WILL BE HELD AT REGULAR INTERVAL.

SEVERAL COMPREHENSIVE LAWS HAVE BEEN ENACTED TO ESTABLISH AND REGULATE THE POLITICAL TRANSITION PERIOD PROVIDED FOR IN THE CONSTITUTION. THESE INCLUDE THE CONSTITUTIONAL COURT LAW (1981), THE ELECTION QUALIFYING COURT LAW (1986), THE ELECTION REGISTRATION LAW (1986), THE POLITICAL PARTIES LAW (1987) AND THE ELECTIONS AND PLEBISCITE LAW (1988). OTHER IMPORTANT POLITICAL DEVELOPMENTS INCLUDE:

PARTIES OF THE CENTER-LEFT HAVE JOINED TOGETHER IN THE "CAMPAIGN FOR FREE ELECTIONS" UNDER THE LEADERSHIP OF THE CHRISTIAN DEMOCRATS AND SOCIALISTS. WITH THE EXCEPTION OF THE COMMUNISTS, REGISTRATION AND QUALIFICATION OF POLITICAL PARTIES IS PROCEEDING WITHOUT ANY DIFFICULT WHATSOEVER AND

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ORGANIZATIONAL EFFORTS ARE GOING FORWARD THROUGHOUT THE

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COUNTRY. WITH THE GOVERNMENT'S ENCOURAGEMENT, VOTER REGISTRATION HAD RISEN BY THE END OF APRIL TO MORE THAN 5.5. MILLION, OUT OF A POTENTIAL EIGHT MILLION ELIGIBLE VOTERS, WITH A MONTHLY AVERAGE OF MORE THAN 400,000 NEW REGISTRANTS. THAT DEMONSTRATES BOTH THE GOVERNMENT'S COMMITMENT TO DEMOCRATIZING THE COUNTRY AND THE ENTHUSIASTIC PARTICIPATION OF THE POLITICAL PARTIES. AT A NOMINAL COST, ALL POLITICAL PARTIES HAVE ACCESS TO THE NAMES OF ALL CITIZENS WHO HAVE REGISTERED TO VOTE. ADDED TO THE FAST PROCESS OF REGISTRATION OF POLITICAL PARTIES, ALL THIS HAS BELIED THE APPREHENSIONS OF THOSE WHO FEARED THAT THE GOVERNMENT REGISTERED ELECTORATE, AND BEFORE OPPOSITION PARTIES COULD BE ABLE TO ACTIVELY PARTICIPATE AND MONITOR THE ELECTORAL PROCESS.

AS ANYONE WHO VISITS CHILE CAN SEE, THE OPPOSITION IS FREELY AND ACTIVELY EXPRESSING ITS POINTS OF VIEW. OPPOSITION PARTIES PUBLISH NATIONALLY CIRCULATED NEWSPAPERS AND MAGAZINES AND BROADCAST ANTI-GOVERNMENT MESSAGES FREELY OVER SEVERAL IMPORTANT RADIO NETWORKS. THE OPPOSITION ALSO HAS ACCESS TO GOVERNMENT-RUN AND OTHER TELEVISION CHANNELS AND HAS BEEN PARTICIPATING ACTIVELY IN TELEVISED POLITICAL DEBATES.

VARIOUS OPPOSITION LEADERS, INCLUDING EDUARDO ARRIAGADA, HEAD OF THE OPPOSITION'S TECHNICAL GROUP WHICH STUDIED THE ELECTORAL LAW, HAVE DECLARED THAT IT GUARANTEES THAT THE WILL OF THE VOTERS WILL BE RESPECTED AND THAT THE POSSIBILITY OF FRAUD IS NON-EXISTENT. REPRESENTATIVES OF THE POLITICAL PARTIES WILL PARTICIPATE IN THE BALLOTING AND COUNTING PROCESS. ALL BALLOT BOXES WILL BE OPENED, AND VOTE-COUNTING CONDUCTED, IN PUBLIC.

THE CHILEAN COMMUNIST PARTY (PCCH) --THE LARGEST IN THE HEMISPHERE OUTSIDE OF CUBA AND THE MOST FAITHFUL FOLLOWER OF MOSCOW AS SHOWN, FOR EXAMPLE, IN ITS EXPLICIT APPROVAL OF THE SOVIET INVASION OF CZECHOSLOVAKIA IN 1968 AND OF AFGHANISTAN IN 1979-- POSES A MAJOR CHALLENGE TO THE DEMOCRATIC PROCESS IN CHILE. IN AN UNCOMPROMISING DECLARATION IN FEBRUARY, THE PCCH DENOUNCED ANY PARTICIPATION IN THE PLEBISCITE AND CALLED INSTEAD FOR A "STATE OF MOBILIZATION, SOCIAL UNREST AND REBELLION AND A DEMOCRATIC (SIC) UPRISING." MOREOVER, CUBAN

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VICE PRESIDENT CARLOS RAFAEL RODRIGUEZ RECENTLY SAID IN AN INTERVIEW WITH THE BRAZILIAN MAGAZINE "VEJA" THAT CUBA CONTINUES TO SUPPORT CHILEAN TERRORISTS.

THE THREAT FROM THE EXTREME LEFT FORCED THE GOVERNMENT TEMPORARILY TO EXTEND THE STATE OF EMERGENCY AND THE STATE OF DANGER OF DISTURBANCE OF INTERNAL PEACE IN EARLY MARCH OF THIS YEAR. THAT GIVES THE GOVERNMENT SPECIAL POWERS WHICH, WHILE USED VERY INFREQUENTLY AND SELECTIVELY, DO GIVE THE OPPOSITION A PROPAGANDA TOOL AND HAVE RAISED CONCERN THAT THEY WILL BE USED ARBITRARILY TO ENSURE THE TRIUMPH OF THE OFFICIAL CANDIDATE IN THE UPCOMING PLEBISCITE. GIVEN THE PROGRESS MADE IN EVERY AREA OF POLITICAL DEVELOPMENT AND PRESIDENT PINOCHET'S DEMONSTRATED COMMITMENT TO DEMOCRATIC ROLE, SUCH CONCERNS, HOWEVER WELL-INTENTIONED, ARE CERTAINLY GROUNDLESS.

HUMAN RIGHTS AND SOCIAL DEVELOPMENT

CONTRARY TO SOME AMERICAN PERCEPTIONS, CHILE HAS MADE IMPORTANT STRIDES IN THE HUMAN RIGHTS AND SOCIAL JUSTICE AREAS. ONE OF THE PRICES THE GOVERNMENT KNEW IT WOULD HAVE TO PAY FOR ENCOURAGING FREE POLITICAL EXPRESSION IN ACCORDANCE WITH THE SCHEDULE FOR RETURNING TO DEMOCRACY IS A CONTINUING DRUMBEAT OF FALSE CHARGES AND INNUENDO DESIGNED TO DISCREDIT ITS PERFORMANCE. THE VERY FACT THAT OPPOSITION SPOKESMEN FEEL FREE TO CONTINUE IN THIS VEIN, AND THE FACT THAT THEIR

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STATEMENTS ARE AMPLIFIED BY THE MEDIA, ARE AMPLE TESTIMONY AS TO HOW FAR CHILE HAS ADVANCED TOWARD BASIC CIVIL AND POLITICAL RIGHTS. THERE ARE STILL SOME HUMAN RIGHTS PROBLEMS IN CHILE BUT THIS IS TRUE OF ALMOST EVERY COUNTRY, INCLUDING THE U.S.

THE IMPROVED SITUATION OF HUMAN RIGHTS IN CHILE HAS BEEN AMPLY DOCUMENTED BY THE U.N. SPECIAL RAPPORTEUR FOR HUMAN RIGHTS IN CHILE, FORMER COSTA RICAN FOREIGN MINISTER FERNANDO VOLIO, IN REPORTS ISSUED AFTER SUCCESSIVE VISITS TO CHILE. VOLIO HAS PRAISED THE COOPERATION GIVEN HIM BY THE CHILEAN GOVERNMENT, WHICH HE HAS TERMED "EXEMPLARY" AND HAS SAID THAT IF EVERY GOVERNMENT WERE TO COOPERATE IN THE SAME MANNER WITH THE U.N. HUMAN RIGHTS MECHANISM, THE WORLDWIDE SITUATION OF HUMAN RIGHTS WOULD IMPROVE NOTABLY.

THAT PROGRESS, HOWEVER, HAS NOT BEEN RECOGNIZED BY THE

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POLITICIZED MAJORITY ON THE U.N. HUMAN RIGHTS COMMISSION, WHICH CONTINUES TO BE DOMINATED BY SUCH HAVENS OF HUMAN RIGHTS IN CUBA, MEXICO AND ALGERIA. THE UNITED STATES HAS, UNFORTUNATELY, JOINED THOSE COUNTRIES AND OTHERS WHICH ARE EITHER IGNORANT OR MISINFORMED, IN CRITICIZING ALLEGED HUMAN RIGHTS VIOLATION IN CHILE.

THE PINOCHET GOVERNMENT'S ENLIGHTENED SOCIAL WELFARE PROGRAM IS ANOTHER SECRET WELL-KEPT BY THE U.S. NEWS MEDIA. SOME 65 PERCENT OF THE GOVERNMENT'S OUTLAYS ARE DEVOTED TO BREAKING THE CYCLE OF POVERTY AND PROVIDING EQUALITY SYSTEMS ARE AMONG THE MOST ADVANCED IN LATIN AMERICAN AND HAVE BEEN HIGHLY PRAISED BY U.N. AGENCIES AND THE WORLD BANK, AMONG OTHERS. THEY HAVE GREATLY IMPROVED THE QUALITY OF LIFE OF THE COUNTRY'S POPULATION, AND SPECIALLY THAT OF THE POOREST PEOPLE, AND THUS PROVIDE A STRONG FOUNDATION FOR FUTURE DEMOCRATIC GOVERNMENT.

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ECONOMIC DEVELOPMENT

ECONOMIC DEVELOPMENT IS FORTIFYING THE TRANSITION TO PARTICIPATORY DEMOCRACY WITHIN AN ESTABLISHED FRAMEWORK OF SOCIAL JUSTICE.

INCLUDING 1988, CHILE'S ECONOMY WILL HAVE GROWN BY AN AVERAGE OF ABOUT 5 PERCENT ANNUALLY IN REAL TERMS OVER THE PAST FIVE YEARS (5.7 PERCENT IN BOTH 1986 AND 1987). THE ECONOMY IS NOW IN ITS FIFTH YEAR OF EXPANSION AND, BARRING UNFORESEEABLE CIRCUMSTANCES, SHOULD CONTINUE ON THE CURRENT GROWTH PATH THROUGHOUT 1988 AND BEYOND. THE TRENDS FOR EMPLOYMENT AND WAGES ARE FAVORABLE. AT THE END OF 1987 THE UNEMPLOYMENT RATE REACHED 7.9 PERCENT, THE LOWEST DEGREE SINCE 1972. (IN THE FIRST QUARTER THE UNEMPLOYMENT RATE REACHED 8.4 PERCENT).

REAL WAGES ROSE 4.4 PERCENT FROM MARCH 1987 THROUGH MARCH 1988, BUT INFLATIONARY PRESSURES STILL KEEP WAGES BELOW THE LEVELS ACHIEVED AT THE HEIGHT OF THE 1981 BOOM.

THE GOVERNMENT'S FINANCES ARE ON A VERY STRONG FOOTING. DUE TO CONTINUED BUDGET AUSTERITY, CHILE HAS GRADUALLY REDUCED THE PUBLIC SECTOR DEFICIT FROM AN ALREADY LOW 2.6

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PERCENT OF GDP IN 1985 TO 0.8 PERCENT TODAY. REVENUES IN 1987 INCREASED SIGNIFICANTLY DUE TO HIGHER THAN EXPECTED RECEIPTS FROM COPPER EXPORTS, HIGHER VALUE ADDED TAX COLLECTIONS DUE TO IMPROVED ECONOMIC GROWTH, AND FROM AN INCREASE IN TARIFFS COLLECTION RESULTING FROM A 30 PERCENT INCREASE IN IMPORTS.

PRIVATIZATION OF STATE ENTERPRISES IS CONTINUING, WITH SALES TO INDIVIDUAL AND INSTITUTIONAL INVESTORS, BOTH DOMESTIC AND FOREIGN. PARTICULARLY IMPORTANT IS THE FACT THAT THE SALE OF SHARES HAS HELPED MAKING EQUITY OWNERSHIP

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MORE WIDESPREAD IN CHILE. IN 1987 ALONE, 24,061 WORKERS BECAME SHARE OWNERS IN THE COMPANIES IN WHICH THEY WERE EMPLOYED. WORKERS HAVE ALSO PURCHASED SHARES IN AFFILIATES OF THE STATE DEVELOPMENT CORPORATION (CORFO) INDIRECTLY THROUGH VARIOUS PENSION FUNDS. THESE SALES HAVE REDUCED THE SIZE OF GOVERNMENT, INCREASED PUBLIC REVENUES ON A ONE-TIME BASIS, AND PROVIDED PRIVATE SECTOR INITIATIONS TO STATE FIRMS.

CHILE HAS AN ATTRACTIVE FOREIGN INVESTMENT LAW WITH VERY LIBERAL CAPITAL TRANSFER RULES AND PROVIDES INCENTIVES FOR CONVERTING ITS EXTERNAL DEBT TO EQUITY. ALMOST 500 MILLION IN FRESH FOREIGN INVESTMENTS WERE MADE LAST YEAR, WITH HALF BROUGHT ABOUT THROUGH DEBT CONVERSIONS. SOME 1.5 BILLIONS WORTH OF OVERSEAS INVESTMENT WERE AUTHORIZED DURING THE FIRST QUARTER OF 1988, INCLUDING THE SIGNING OF A CONTRACT FOR THE LARGEST FOREIGN INVESTMENT PROJECT IN CHILE, THE LA ESCONDIDA COPPER DEPOSIT.

CHILE HAS PIONEERED WORKING OUT MULTI-YEAR DEBT RESCHEDULINGS WITH PRIVATE CREDITORS IN CONJUNCTION WITH IMF AND WORLD BANK PROGRAMS. NEVERTHELESS, CHILE REMAINS UNDER A HEAVY EXTERNAL DEBT BURDEN AND CONTINUES TO HAVE LIMITED ACCESS TO THE VOLUNTARY INTERNATIONAL CAPITAL MARKET.

CHILE IS THE MOST OPEN MARKET IN LATIN AMERICA FOR U.S. EXPORTS AND INVESTMENT. THE U.S. IS CHILE'S PRINCIPAL TRADING PARTNER, ACCOUNTING FOR ABOUT 20 PERCENT OF CHILE'S TOTAL IMPORTS (796 MILLION IN 1987). HOWEVER, THE U.S. SUSPENSION N OF CHILE FROM ELIGIBILITY FOR DUTY-FREE ENTRY UNDER THE GENERALIZED SYSTEM OF PREFERENCES WILL TEND TO DEPRESS THIS

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TRADE, AND THE SUSPENSION FROM OPIC WILL HARM POTENTIAL AMERICAN INVESTMENTS AND RELATED U.S. SALES.
END TEXT.

ERRAZURIZ-YEUTTER LETTER

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United States Department of State

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Chile Project (#S199905030)
U.S. Department of State
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Declassify in Full ____
Exemption(s) ____

Dear Senator Bradley:

This is in response to your letter concerning death threats and other forms of harassment directed against students, actors, union leaders, and other groups in Chile. Your inquiry was on behalf of your constituents Ms. Deborah J. Burger and Sister Terri MacKenzie.

Unfortunately, there have been numerous incidents over the last several months of persons in Chile receiving death threats. Generally, the Chilean government does investigate these threats and provides police protection for those who request it. The United States Government takes these matters seriously and has been following them closely. Our Ambassador to Chile made a statement deploring intimidation tactics and expressing concern for the continuing campaign of threats. In addition, officials at the American Embassy in Santiago and at the Department of State have been in contact with various sectors of the Chilean society who have been harassed. You can be assured that we will continue to carefully monitor any such threats.

United States policy toward Chile is to encourage increased respect for human rights and a peaceful transition to democracy. As part of this policy, we have made clear to the Chilean government our concern that all persons be fairly and justly treated. We have been clear and unequivocal in pursuit of this policy.

If we can be of further assistance to you, please do not hesitate to contact us.

Sincerely,

J. Edward Fox
Assistant Secretary
Legislative Affairs

Enclosures:
Correspondence returned.

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The Honorable
Bill Bradley,
United States Senate.

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NEW YORK

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United States Senate

WASHINGTON, DC 20510

July 7, 1988

ACTION
is assigned to
H&A

TO: Congressional Liaison
Department of State
2201 C Street, N.W.
Washington, D.C. 20520

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ✓
Exemption(s) ____

FROM: Alfonso M. D'Amato
United States Senator

Because of the desire of this office to be responsive to all inquiries and communications, your consideration of the attached is requested.

PLEASE TRY TO RESPOND WITHIN 4 WEEKS OF YOUR RECEIPT OF THIS REQUEST. YOUR FINDINGS AND VIEWS, IN DUPLICATE, ALONG WITH THE RETURN OF THIS MEMO, WILL BE APPRECIATED.

SEND ALL CORRESPONDENCE ON THIS MATTER DIRECTLY TO MY NEW YORK CITY OFFICE, SEVEN PENN PLAZA, SEVENTH AVENUE, SUITE 600, NEW YORK, NEW YORK, 10001.

Thank you.

AD:ndf

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States of Jaime Rodolfo Cace imprisoned in Chile

from James McGovern

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APPROVED BY: IO:RSWILLIAMSON
S/S:MKLOSSON S/S-O:WMENOLD
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~~C O N F I D E N T I A L~~ STATE 219953 TOSEC 140194

E.O. 12356: ~~DECL: OADR~~
TAGS: OVIP (SHULTZ, GEORGE P.)
SUBJECT: INFORMATION MEMO: LEVITSKY-POWELL:
(IRAN AIR INCIDENT - U.S. STRATEGY FOR ICAO)
(S/S 8821032)

THE FOLLOWING LEVITSKY-POWELL HAS BEEN SENT TO THE WHITE HOUSE.

- MEMORANDUM FOR COLIN L. POWELL
- THE WHITE HOUSE

SUBJECT: IRAN AIR INCIDENT -- U.S. STRATEGY FOR ICAO

AT IRAN'S REQUEST, THE ICAO COUNCIL WILL MEET IN EXTRAORDINARY SESSION ON WEDNESDAY, JULY 13, TO DISCUSS "THE DESTRUCTION OF IRAN AIR FLIGHT 655." THIS PAPER DISCUSSES U.S. OBJECTIVES AT THIS SESSION AND RECOMMENDED TACTICS AND STRATEGY.

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PAGE 02 STATE 219953 TOSEC 140194

U.S. OBJECTIVES

-- TO EXPRESS PROFOUND REGRET OVER THE INCIDENT;

-- TO STATE OUR LEGITIMATE REASONS FOR BEING IN THE GULF AND DESCRIBE THE CIRCUMSTANCES UNDER WHICH THE INCIDENT OCCURRED;

-- TO REAFFIRM OUR COMMITMENT TO THE SAFETY OF

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INTERNATIONAL CIVIL AVIATION AND TO PROMOTE ANY FURTHER IMPROVEMENTS THAT MAY BE NEEDED TOWARD THIS END IN RELEVANT PROVISIONS OF THE CHICAGO CONVENTION ANNEXES AND OTHER DOCUMENTS AND IN INTERNATIONAL OPERATING PRACTICES, CONSISTENT WITH OUR NATIONAL SECURITY REQUIREMENTS;

-- TO CONFIRM OUR INTENTION TO PROVIDE EX GRATIA PAYENTS TO THE FAMILIES OF THE VICTIMS AND COOPERATE IN ALL APPROPRIATE RESPECTS WITH AN ICAO INVESTIGATION;

-- TO DEFLECT ANY EFFORTS BY IRAN TO "CONDEMN" US OR OUR POLICIES AND TO ENSURE THAT ANY RESOLUTION OR INVESTIGATION INCLUDES IRAN'S ROLE IN THIS INCIDENT; AND

-- TO DEFLECT EXCESSIVELY INTRUSIVE INQUIRIES INTO MILITARY PROCEDURES AND POLICIES.

U.S. TACTICS AND STRATEGY

MOST OF THE COUNCIL'S 33 MEMBERS (TAB 1) HAVE EXPRESSED THEIR INTENTION TO ATTEND THE EXTRAORDINARY COUNCIL MEETING ON JULY 13. THE MEETING WILL PROBABLY LAST TWO DAYS AND RESULT IN AN ICAO INVESTIGATION.

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WE SHOULD SEEK TO ASSURE THAT ANY ICAO INVESTIGATION IS SEEN AS A FACT-FINDING EXERCISE WITH THE GOAL OF IMPROVING THE SAFETY OF INTERNATIONAL CIVIL AVIATION. WE SHOULD PLAY A LEADING ROLE IN ANY RESULTING TECHNICAL REVIEWS AND CONSIDERATION OF IMPOVEMENTS AS NOTED IN THE OBJECTIVES.

WE WILL HAVE TO BE PREPARED TO PROVIDE THE FACTS AS EXTENSIVELY AS POSSBLE. ANY INVESTIGATION MUST BE STRUCTURED SO THAT ICAO WILL BE ABLE TO CARRY OUT ITS MANDATE IN A MANNER THAT SAFEGUARDS OUR OWN NATIONAL SECURITY REQUIREMENTS. ASSAD KOTAITE OF LEBANON, THE COUNCIL PRESIDENT, WOULD PREFER TO LAUNCH THE INVESTIGATION THROUGH HIS OWN CONSENSUS STATEMENT RATHER THAN THROUGH A RESOLUTION WHICH COULD HAVE THE RISK OF INCLUDING ANTI-U.S. LANGUAGE. WE SHOULD CONTINUE TO EXPLORE AND ENCOURAGE THIS APPROACH WHILE HOLDING IN RESERVE A U.S. DRAFT RESOLUTION (TAB 2).

SINCE THE UNITED NATIONS SECURITY COUNCIL WILL BE ADDRESSING THE POLITICAL ASPECTS OF THE INCIDENT, WE SHOULD ATTEMPT TO KEEP THE COUNCIL FOCUSSED ON THE TECHNICAL ASPECTS. NEVERTHELESS, IRAN CAN BE EXPECTED TO PRESS FOR CONDEMNATION OF THE UNITED STATES. WE BELIEVE THE TENOR AND OUTCOME OF THE MEETING WILL DEPEND, IN LARGE MEASURE, UPON OUR ABILITY TO DEMONSTRATE OUR

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SERIOUS INTENTION TO COOPERATE WITH ICAO IN ITS INVESTIGATION, TO ACTIVELY PARTICIPATE IN ANY TECHNICAL REVIEWS AND TO PROVIDE COMPENSATION TO THE VICTIMS' FAMILIES.

IN ADVANCE OF THE MEETING WE SHOULD:

-- CONSULT WITH PRESIDENT KOTAITE AND COUNCIL MEMBERS TO DETERMINE, INTER ALIA, WHETHER THE INVESTIGATION CAN BE INITIATED BY PRESIDENTIAL STATEMENT;

-- IF NECESSARY, CIRCULATE TO SELECTED MEMBERS THE RESOLUTION AT TAB 2 FOR U.S. OR OTHER APPROPRIATE SPONSORSHIP;

-- INSTRUCT EMBASSIES IN CAPITALS OF COUNCIL MEMBER COUNRIES TO EXPLAIN OUR POSITION AND, AS APPROPRIATE, SEEK SUPPORT.

AT THE MEETING OF THE COUNCIL, WE SHOULD:

-- MAKE A STRONG STATEMENT REFLECTING U.S. OBJECTIVES NOTED ABOVE;

-- SUPPORT A CALL FROM PRESIDENT KOTAITE FOR AN INVESTIGATION;

-- TABLE OR SUPPORT A RESOLUTION ALONG THE LINES OF TAB 2, IF NEEDED;

-- DEMONSTRATE OUR SUPPORT FOR ICAO BY ANNOUNCING OUR INTENTION TO SUBMIT TO THE SENATE FOR ADVICE AND CONSENT TO RATIFICATION OF ARTICLE 3 BIS OF THE CHICAGO CONVENTION, WHICH WE HELPED NEGOTIATE AFTER THE 1983 KAL INCIDENT AND SIGNED AT THAT TIME. THIS PROVISION CODIFIES CUSTOMARY INTERNATIONAL LAW THAT "EVERY STATE MUST REFRAIN FROM RESORTING TO THE USE OF WEAPONS AGAINST CIVIL ACRAFT IN FLIGHT," WHILE SPECIFICALLY PRESERVING THE RIGHTS OF STATE (I.E., SELF-DEFENSE) UNDER THE U.N. CHARTER.

LEVEL OF REPRESENTATION TO THE EXTRAORDINARY SESSION

THE UNITED STATES IS REPRESENTED ON THE ICAO COUNCIL BY A PERMANENT REPRESENTATIVE, EDMUND STOHR. DURING THE

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EXTRAORDINARY COUNCIL SESSION IMMEDIATELY FOLLOWING THE KAL SHOOTDOWN, THE U.S. WAS REPRESENTED BY THE ADMINISTRATOR OF THE FEDERAL AVIATION ADMINITRATION. WE EXPECT THAT OTHER MEMBER STATES WILL BE REPESENTED BY THEIR PERMANENT REPRESENTATIVES BUT, FOR THE PRESENT, THE UNITED STATES SHOULD KEEP THE LEVEL OF REPESENTATION OPEN.

MELVYN LEVITSKY
EXECUTIVE SECRETARY

ATTACHMENTS:

TAB 1. MEMBERS OF ICAO COUNCIL
TAB 2. DRAFT RESOLUTION

DRAFTED:L:EVERVILLE; L/EBC:SWITTEN
7/7/88 647-7942 647-7772

CLEARANCES:
P:MAARMACOST
L:ADSOFAER
IO:RWILLIAMSON/SVOGELGESANG
EB:JSHANE
NEA:LPOPE
DOT:DHORN
DOT/FAA:IHOWIE

TAB 1

- INTERNATIONAL CIVIL AVIATION ORGANIZATION (ICAO)
- 1000 SHERBROOK STREET WEST
- MONTREAL, QUEBEC, CANADA
- H3A 2R2

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EXECUTIVE HEAD. ASSAD KOTAITE (LEBANESE), PRESIDENT OF THE COUNCIL,TERM EXPIRES OCTOBER 1989.

ORIGIN AND DEVELOPMENT. THE INTERNATIONAL CIVIL AVIATION ORGANIZATION (ICAO) WAS ESTABLISHED UNDER THE CONVENTION ON INTERNATIONAL CIVIL AVIATION, WHICH WAS CONCLUDED AT CHICAGO, ILLINOIS, ON DECEMBER 7, 1944.

THE INTERNATIONAL CIVIL AVIATION ORGANIZATION IS A SPECIALIZED AGENCY OF THE UNITED NATIONS IN ACCORDANCE WITH AN AGREEMENT BETWEEN THE TWO ORGANIZATIONS. THIS AGREEMENT ENTERED INTO FORCE ON MAY 13, 1947.

PURPOSE. THE AIMS AND OBJECTIVES OF THE ORGANIZATION AS SET FORTH IN ARTICLE 44 OF THE CONVENTION ON

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INTERNATIONAL CIVIL AVIATION ARE "TO DEVELOP THE PRINCIPLES AND TECHNIQUES OF INTERNATIONAL AIR NAVIGATION AND TO FOSTER THE PLANNING AND DEVELOPMENT OF INTERNATIONAL TRANSPORT SO AS TO INSURE THE SAFE AND ORDERLY GROWTH OF INTERNATIONAL CIVIL AVIATION THROUGHOUT THE WORLD; ENCOURAGE THE ARTS OF AIRCRAFT DESIGN AND OPERATION FOR PEACEFUL PURPOSES; ENCOURAGE THE DEVELOPMENT OF AIRWAYS, AIRPORTS, AND AIR NAVIGATION FACILITIES FOR INTERNATIONAL CIVIL AVIATION; MEET THE NEEDS OF THE PEOPLES OF THE WORLD FOR SAFE, REGULAR, EFFICIENT, AND ECONOMICAL AIR TRANSPORT; PREVENT ECONOMIC WASTE CAUSED BY UNREASONABLE COMPETITION; INSURE THAT THE RIGHTS OF CONTRACTING STATES ARE FULLY RESPECTED AND THAT EVERY CONTRACTING STATE HAS A FAIR OPPORTUNITY TO OPERATE INTERNATIONAL AIRLINES; AVOID DISCRIMINATION BETWEEN CONTRACTING STATES; PROMOTE SAFETY OF FLIGHT IN INTERNATIONAL AIR NAVIGATION; AND PROMOTE GENERALLY THE

DEVELOPMENT OF ALL ASPECTS OF INTERNATIONAL CIVIL AERONAUTICS."

STRUCTURE. THE ICAO ASSEMBLY, WHICH CONSISTS OF ALL MEMBER STATES, MEETS AT LEAST ONCE EVERY THREE YEARS. THE 25TH SESSION OF THE ASSEMBLY, HELD IN SEPTEMBER-OCTOBER 1986, ELECTED THE FOLLOWING 33 STATES AS MEMBERS OF THE COUNCIL FOR A 3-YEAR PERIOD:

ARGENTINA
AUSTRALIA
BRAZIL
CANADA
CHINA, PEOPLE'S REP. OF
CUBA
CZECHOSLOVAKIA
EGYPT
FRANCE
GERMANY, FED. REP. OF
GHANA
INDIA
INDONESIA
IRAQ
ITALY
JAPAN
KENYA
MEXICO
NIGERIA
PAKISTAN
PANAMA
PERU
SAUDI ARABIA
SENEGAL

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SPAIN
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SWITZERLAND
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PAGE 08 STATE 219953 TOSEC 140194

TANZANIA
TUNISIA
U.S.S.R.
UNITED KINGDOM
UNITED STATES
VENEZUELA

THE COUNCIL AND ITS AIR TRANSPORT, JOINT SUPPORT, FINANCE, AND UNLAWFUL INTERFERENCE COMMITTEES, THE LEGAL COMMITTEE, AND THE AIR NAVIGATION COMMISSION (COMPOSED OF 15 PERSONS QUALIFIED IN THE SCIENCE OF AERONAUTICS) PROVIDE THE CONTINUING DIRECTION OF THE WORK OF ICAO. WORLDWIDE AND REGIONAL MEETINGS OF ICAO MEMBER STATES MAKE RECOMMENDATIONS TO THE COUNCIL AND ITS SUBORDINATE BODIES CONCERNING THE MANY DIFFERENT PROBLEMS ARISING IN INTERNATIONAL CIVIL AVIATION. FROM TIME TO TIME PANELS OF EXPERTS ARE CONVENED TO MAKE RECOMMENDATIONS ON HIGHLY SPECIALIZED SUBJECTS.

INITIAL DATE OF U.S. PARTICIPATION. 1945, PROVISIONAL INTERNATIONAL CIVIL AVIATION ORGANIZATION; AND 1947, INTERNATIONAL CIVIL AVIATION ORGANIZATION.

CURRENT AUTHORITY FOR U.S. PARTICIPATION. CONVENTION ON INTERNATIONAL CIVIL AVIATION. DECEMBER 7, 1944, 61 STAT. 1180, TIAS 1591.

TAB 2

- DRAFT RESOLUTION

THE COUNCIL

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PAGE 09 STATE 219953 TOSEC 140194

NOTING WITH GREAT REGRET THE TRAGIC LOSS OF LIFE RESULTING FROM THE ACCIDENTAL DESTRUCTION OF AN IRAN AIR LINES CIVIL AIRCAFT IN THE PERSIAN GULF ON JULY 3, 1988,

CONVEYING ITS DEEPEST SYMPATHY TO THE FAMILIES OF THE PERSONS WHO WERE KILLED IN THIS TRAGIC INCIDENT,

RECALLING THAT A FUNDAMENTAL OBJECTIVE OF THE INTERNATIONAL CIVIL AVIATION ORGANIZATION (ICAO) IS TO

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PROMOTE SAFETY OF FLIGHT IN INTERNATIONAL AIR NAVIGATION AND TO ENSURE THE SAFE AND ORDERLY GROWTH OF INTERNATIONAL CIVIL AVIATION THROUGHOUT THE WORLD,

REAFFIRMING THE PARAMOUNT IMPRTANCE OF THE SAFETY OF INTERNATIONAL CIVIL AVIATION AND RECOGNIZING THAT THE CONVENTION ON INTERNATIONAL CIVIL AVIATION (THE CHICAGO CONVENTION) OBLIGATES STATES PARTIES, WHEN ISSUING REGULATIONS FOR THEIR STATE AIRCRAFT, TO HAVE DUE REGARD FOR THE SAFETY OF NAVIGATION OF CIVIL AIRCRAFT,

NOTING THAT ICAO HAS ADDRESSED THE SUBJECT OF AIRCAFT ACCIDENT INVESTIGATION IN AN ANNEX TO THE CHICAGO CONVENTION,

AFFIRMING THE FUNDAMENTAL PRINCIPLE THAT STATES MUST REFRAIN FROM RESORTING TO THE USE OF WEAPONS AGAINST CIVIL AIRCAFT IN FLIGHT,

ACKNOWLEDGING THAT THE UNITED STATES HAS EXPRESSED ITS DEEP REGRET FOR THIS INCIDENT (AND EXPRESSED ITS INTENTION TO COMPENSATE THE FAMILIES OF THE VICTIMS),

DETERMINED TO PREVENT A RECURRENCE OF THIS TYPE OF INCIDENT,

(1) DORECTS THE SECETARY-GENERAL TO INSTITUTE AN

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IMMEDIATE INVESTIGATION TO DETERMINE THE FACTS AND TECHNICAL ASPECTS OF THIS INCIDENT AND TO PROVIDE AN INTERIM REPORT TO THE COUNCIL WITHIN (30) DAYS OF THE ADOPTION OF THIS RESOLUTION AND A COMPLETE REPORT AS SOON AS POSSIBLE THEREAFTER,

(2) URGES ALL PARTIES TO COOPERATE FULLY WITH THE INVESTIGATION,

(3) DIRECTS THE AIR NAVIGATION COMMISSION,

(A) TO REVIEW THE PROVISIONS OF THE CONVENTION, ITS ANNEXES AND OTHER RELATED DOCUMENTS TO CONSIDER WHETHER AMENDMENTS ARE NEEDED TO PREVENT A RECURRENCE OF THIS TYPE OF TRAGIC INCIDENT, WITH EMPHASIS ON SUCH AREAS AS

(I) PROCEDURES FOR IDENTIFICATION OF AREAS OF MILITARY CONFLICT WHICH MIGHT AFFECT CIVIL AVIATION;

(II) PROCEDURES TO BE FOLLOWED TO ENSURE THE SAFE OPERATION OF CIVIL AIRCRAFT IN THOSE AREAS;

(III) PROCEDURES FOR TRANSMISSION OF INFORMATION

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REGARDING OPERATIONS OF CIVIL AIRCRAFT, INCLUDING CIVIL FLIGHT PLANS AND AIR TRAFFIC CONTROL INFORMATION;

(B) TO SUBMIT TO THE COUNCIL AT THE EARLIEST POSSIBLE DATE A STUDY CONCERNING APPROPIATE STEPS TO IMPROVE COMMUNICATION BETWEEN CIVIL AIRCRAFT AND MILITARY AIROAFT AND VESSELS. WHITEHEAD

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Case Number: S199900030

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Chile Project (#S199900030)
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E.O. 12356: DECL
TAGS: CJAN, PREL, PTER, CI
SUBJECT: LETELIER CASE: USG CRIMINAL PROSECUTIONS

REF: SANTIAGO 4707

1. [redacted]ET -- PARAS 2 AND 3.

2. (S) DISTRICT OF COLOMBIA UNITED STATES ATTORNEY'S OFFICE HAS INFORMED DEPARTMENT THAT FEDERAL BUREAU OF INVESTIGATIONS WAS/WAS CLOSE TO CAPTURING THE CUBANS SOUGHT IN THE LETELIER CASE RECENTLY, HAVING OBTAINED INFORMATION FROM MORE THAN ONE SOURCE THAT THE FUGITIVES WERE GOING TO BE IN NEW YORK.

3. (S) THERE IS REAL POSSIBILITY THAT FBI WILL AGAIN
[redacted]ET

[redacted]ET

PAGE 02 STATE 220334

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BE ABLE TO OBTAIN RELIABLE INFORMATION REGARDING THE WHEREABOUTS OF THESE FUGITIVES. INFORMATION THUS INVOLVES AN ONGOING LAW ENFORCEMENT MATTER OF UTMOST SENSTIVITY. SHOULD THERE BE A LEAK ABOUT THE SOURCES, IT MAY BECOME IMPOSSIBLE TO GET FURTHER INFORMATION ABOUT THE CUBANS' WHEREABOUTS. ACCORDINGLY, EMBASSY IS ASKED TO DISCUSS MATTER WITH THE FAMILY ONLY ALONG THE LINES SUGGESTED IN PARAGRAPH 4.

T. (U). AS REQUESTED REFTEL, WHAT FOLLOWS IS INFORMATION TO ANSWER LIKELY QUERIES FROM LETELIER FAMILY. WHETHER OR NOT SPECIFIC ACTIONS HAVE BEEN TAKEN IN THE USG CRIMINAL INVESTIGATION OF THE LETELIER CASE IS AN ONGOING LAW ENFORCEMENT MATTER HANDLED BY US LAW ENFORCEMENT AGENCIES. THE EMBASSY CANNOT COMMENT ON WHETHER OR NOT SPECIFIC ACTIONS HAVE BEEN TAKEN. NONETHELESS, WE CAN ASSURE YOU THAT THE UNITED STATES REMAINS COMMITTED TO FOLLOWING ALL INVESTIGATIVE LEADS IN THE U.S. CRIMINAL PROSECUTION OF THE PERPETRATORS OF THE LETELIER - MOFFITT MURDERS. WE ARE CERTAIN THAT SHOULD THERE BE ANY INFORMATION THAT ANY OF THE FUGITIVES IN QUESTION ARE IN THE UNITED STATES, THE U.S. LAW ENFORCEMENT AGENCIES WILL DO ALL THAT IS POSSIBLE TO APPREHEND THEM. WHITEHEAD

[redacted]

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Embassy of the United States of America

UNCLASSIFIED **EXCISE**

July 11, 1988

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U.S. Department of State
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eclassify: In Part____ In Full____
Exemption(s) B-6

P B6

Congressman Mel Levine
5250 West Century Boulevard
Suite 447
Los Angeles, CA 90045

Dear Congressman Levine,

I wish to acknowledge receipt of your letter of June 2, 1988, concerning your constituent [redacted] who had requested information on three Chilean citizens.

The three Chileans, Alejandro Rodriguez Urzua, Cecilia Bueno Cifuentes, and Jorge Hernan Muller Silver, are among the 663 Chileans who disappeared between September 11, 1973 and March of 1978. The Catholic Church's human rights organizations in Chile, the Vicariate of Solidarity, lists these three as still missing.

Attempts to ascertain the welfare and whereabouts of all of these persons have failed to produce any solid information. In 1986 a judge who was investigating the cases of 10 of these persons, attempted to indict a number of military and government officials for involvement in these disappearances. He was overruled by the Supreme Court which instructed him to apply the provisions of the 1987 Amnesty law, a decision which he refused to accept. This judge was then reprimanded with a two month suspension and was relieved of this case.

The decision to apply the Amnesty law has been controversial in Chile, with a number of legal experts arguing that the provisions of amnesty cannot be applied until the fate of the victims has been clarified, and the participation of others in the disappearances has been established. Regardless of these arguments, there are no current judicial investigations underway into any of the disappearances.

I regret that I am not able to provide you, and your constituent, any positive information on the fate of the three Chilean citizens. I have made clear to the Government of Chile the concerns of the United States Government over these cases, as well as our continuing concerns over human rights in general in Chile. I will continue to keep these issues before the Chilean Government.

Sincerely,

Harry G. Barnes, Jr.
Ambassador

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7/11/23

Case Number: S199900030

Date Project (#S199900030)
U.S. Department of State
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PAGE 01 BRUSSE 09524 01 OF 02 111819Z
ACTION EUR-00

INFO	LOG-00	ADS-00	AID-00	INR-10	SS-00	CIAE-00	DODE-00
	H-01	MSC-01	NSCE-00	ARA-00	NSAE-00	HA-09	L-03
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AMEMBASSY SANTIAGO

LIMITED OFFICIAL USE SECTION 01 OF 02 BRUSSELS 09524

FROM USEC

E.O. 12356: N/A
TAGS: EEC, CI, PREL, EAID
SUBJECT: EUROPEAN PARLIAMENT REPORT ON CHILE

REF: (A) BRUSSELS 8692 (B) BRUSSELS 8550

1. SUMMARY/INTRODUCTION: AS EXPECTED, THE EUROPEAN PARLIAMENT (EP) VOTED OVERWHELMINGLY JULY 5 IN FAVOR OF THE REPORT/RESOLUTION ON CHILE WHICH WAS DEBATED DURING THE JUNE PLENARY SESSION (REF B). THE RESOLUTION PUTS THE EP ON RECORD CALLING FOR THE LIFTING OF THE STATE OF EMERGENCY IN CHILE, FOR FREEDOM TO HOLD MEETINGS, AND FOR THE OPPOSITION TO HAVE FREE ACCESS TO THE MEDIA. IT ALSO CALLS FOR THE EP TO SEND AN OBSERVER DELEGATION TO THE PLEBESCITE (WHICH ONE SPANISH SOCIALIST MEP SAYS HE HAS HEARD WILL BE SOMETIME BETWEEN SEPTEMBER 11 AND OCTOBER 11.) A FEW MEMBERS FROM THE CENTER-RIGHT EXPRESSED UNHAPPINESS WITH SOME OF THE LANGUAGE IN THE RESOLUTION BY FRENCH SOCIALIST MEP HENRI SABY, BUT VOTED
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PAGE 02 BRUSSE 09524 01 OF 02 111819Z

IN FAVOR IN ORDER TO "SEND A STRONG SIGNAL" TO CHILE. THE RESOLUTION REFERS TO THE UNITED STATES IN SEVERAL OF ITS RECOMMENDATIONS. (SEE PARA 3 BELOW.) END SUMMARY.

2. THE RESOLUTION DOES NOT GO INTO HOW THE COMMISSION SHOULD SPEND THE 3 MILLION ECU (1 ECU IS NOW WORTH ABOUT $1.13) IN THE 1988 EC BUDGET FOR NGO PROJECTS IN CHILE. THIS WAS, HOWEVER, DISCUSSED ON THE MARGINS OF THE JULY PLENARY BY THE EP'S INFORMAL WORKING GROUP ON CHILE, IN THE PRESENCE OF CHILEAN CHAIRMAN OF THE CAMPAIGN FOR A NO VOTE, GENARO ARRIAGADA, AND PARTI HUMANISTA LEADERS TOMAS SAENZ AND TOMAS HIRSCH. THE MEPS WHO HAD MET WITH COMMISSION OFFICIALS INDICATED THAT THEIR TALKS ABOUT SPENDING THE 3 MILLION ECU HAD BEEN IN A "POSITIVE SPIRIT", BUT THAT THERE WERE STILL A COUPLE OF "PROBLEMS" WHICH WOULD BE DISCUSSED INFORMALLY AGAIN WITH COMMISSION OFFICIALS THE WEEK OF JULY 11-15. AN EP STAFFER TOLD US PRIVATELY THAT THE "PROBLEMS" ARE RELATED TO THE EC COMMISSION'S CONCERN ABOUT FUNDING PROJECTS WHICH COULD BE CONSTRUED AS POLITICAL IN NATURE. (SEE REF A FOR BACKGROUND ON THE COMMISSION'S THINKING.) BELOW ARE (A) BRIEF HIGHLIGHTS FROM THE EP RESOLUTION--FULL TEXT BEING DATAFAXED TO EUR/RPE, AND (B) DETAILS OF PLANS FOR THE EP'S OBSERVER DELEGATION.

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HIGHLIGHTS OF THE CHILE RESOLUTION
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3. BEGIN SELECTED HIGHLIGHTS THE THE RESOLUTION, WHICH PASSED ON A VOTE OF 279 TO 13, WITH 8 ABSTENTIONS:

-- WHEREAS UNTIL THE BEGINNING OF THE 1970'S CHILE HAD LIMITED OFFICIAL USE

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PAGE 03 BRUSSE 09524 01 OF 02 111819Z

THE LONGEST DEMOCRATIC TRADITION ON THE LATIN AMERICAN CONTINENT AS WELL AS A PROSPEROUS ECONOMY.

-- WHEREAS THE PERPETRATION OF ACTS OF TERRORISM BY MINORITY SECTORS HAS BEEN USED BY THE GOVERNMENT AS A MEANS OF LEGITIMIZING ITS REPRESSIVE ACTIVITIES AND JUSTIFYING ITS CONTINUING OCCUPATION OF POWER.

-- WHEREAS NEITHER EUROPE NOR THE DEMOCRATIC NATIONS WITH INFLUENCE IN THE REGION, PARTICULARLY THE UNITED STATES, CAN DISREGARD THE SITUATION.

-- IN THE HOPE THAT, UNDER THE CONSTITUTION CURRENTLY IN FORCE IN CHILE, AN INITIAL STEP TOWARDS DEMOCRACY COULD BE MADE AT THE ELECTIONS SCHEDULED FOR 1988.

-- CONSIDERS THAT THE MINIMUM GUARANTEES FOR A CORRECT ELECTORAL PROCESS INCLUDE THE LIFTING OF THE STATE OF EMERGENCY AND OF ALL OTHER EXCEPTIONAL MEASURES, THE FULL RECOGNITION OF FREEDOM TO HOLD MEETINGS, ALLOWING THE OPPOSITION EQUAL ACCESS TO ALL MEANS OF COMMUNICATION, INCLUDING TELEVISION, AND THE RETURN OF ALL POLITICAL EXILES.

-- WELCOMES AND SUPPORTS THE NEW AGREEMENT BETWEEN THE 13 POLITICAL PARTIES OF 2 FEBRUARY 1988, ON 'COMBINING TO SAY NO.'

-- WELCOMES THE ADOPTION, ON 10 MAY 1988, OF THE ECONOMIC AND SOCIAL PROGRAM OF THE PARTIES OF THE DEMOCRATIC OPPOSITION UNITED IN THEIR 'VOTE NO' CAMPAIGN AND CONSIDERS THAT THIS AGREEMENT MARKS AN ESSENTIAL STEP IN THE TRANSITION TO DEMOCRACY.

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PAGE 01 BRUSSE 09524 02 OF 02 111820Z

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FROM USEC

E.O. 12356: N/A
TAGS: EEC, CI, PREL, EAID
SUBJECT: EUROPEAN PARLIAMENT REPORT ON CHILE

-- WELCOMES THE SOLEMN DECLARATION ADOPTED BY THE FOREIGN MINISTERS OF THE COMMUNITY MEETING IN EUROPEAN POLITICAL COOPERATION ON 9 OCTOBER 1987, STATING THAT THE CHILEAN PEOPLE MUST ENJOY COMPLETE FREEDOM OF INFORMATION AND OPINION AND BE ABLE TO ELECT ITS PRESIDENT AND THE MEMBERS OF ITS PARLIAMENT IN AN ELECTION GUARANTEEING THE FREE EXPRESSION OF ITS WILL, AND ASKS THEM TO MAINTAIN THEIR PRESSURE IN THIS FIELD BY TAKING PRACTICAL MEASURES.

-- CALLS ON THE CHILEAN ARMED FORCES TO RETURN TO THEIR HISTORICAL TRADITION OF GUARANTEEING A DEMOCRATICALLY ESTABLISHED CONSTITUTION, UPHELD BY FREE ELECTIONS, AND, WHATEVER THE OUTCOME OF THIS PLEBISCITE, NOT TO INTERFERE IN THE PROCESS OF DEMOCRATIZATION BUT ON THE

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PAGE 02 BRUSSE 09524 02 OF 02 111820Z

CONTRARY TO UPHOLD IT.

-- CALLS ON THE GOVERNMENTS OF THE MEMBER STATES OF THE

COMMUNITY AND THE UNITED STATES GOVERNMENT TO MAKE CLEAR REPRESENTATIONS TO THIS EFFECT TO THE MILITARY JUNTA, AND GENERAL PINOCHET IN PARTICULAR.

-- DECIDES TO FORM A SPECIAL EUROPEAN PARLIAMENT TEAM FOR MONITORING THE SITUATION UNTIL THE PLEBISCITE AND TO PREPARE FOR THE MEMBERS OF THIS TEAM TO VISIT CHILE AS FOREIGN OBSERVERS WHILE THE PLEBISCITE IS BEING HELD.

-- STRONGLY URGES THE GOVERNMENTS OF THE MEMBER STATES TO ENSURE THAT AN EFFECTIVE STOP IS PUT TO DELIVERIES AND TRANSIT OF ARMS AND EQUIPMENT INTENDED FOR THE CHILEAN ARMED FORCES, POLICE OR SECURITY SERVICES AND TO THE SALE TO CHILE OF PATENTS AND LICENCES ENABLING SUCH PRODUCTS TO BE MANUFACTURED IN CHILE; ALSO CALLS FOR A HALT TO IMPORTS INTO THE COMMUNITY OF ARMAMENTS FROM CHILE AND FOR A REFUSAL TO ALLOW CHILEAN INVOLVEMENT IN THE MANUFACTURE OR MARKETING OF ARMAMENTS ON OR FROM THE COMMUNITY'S TERRITORY.

-- CALLS ON THE EUROPEAN COMMUNITY AND ITS MEMBER STATES, THE GOVERNMENT OF THE UNITED STATES AND THE INTERNATIONAL COMMUNITY TO TAKE ALL NECESSARY ECONOMIC AID MEASURES AS SOON AS THE PROCESS OF DEMOCRATIZATION HAS BEEN EMBARKED UPON IN CHILE. END SELECTED HIGHLIGHTS.

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EP OBSERVER DELEGATION
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PAGE 03 BRUSSE 09524 02 OF 02 111820Z

4. THE EUROPEAN PARLIAMENT WILL SEND AN OFFICIAL OBSERVER DELEGATION OF ELEVEN MEMBERS TO THE CHILEAN PLEBESCITE. IT IS LIKELY TO BE HEADED BY SPANISH SOCIALIST MEP MANUEL MEDINA ORTEGA, WHO CHAIRS THE EP'S FORMAL "DELEGATION FOR RELATIONS WITH THE COUNTRIES IN SOUTH AMERICA". THERE WILL BE FOUR SOCIALIST GROUP MEMBERS, THREE FROM THE EUROPEAN PEOPLES PARTY (CHRISTIAN DEMOCRATS) AND ONE EACH FROM THE OTHER POLITICAL GROUPS. IN ADDITION, SOME OF THE POLITICAL

GROUPS WILL ALSO FUND OBSERVERS; THE CHRISTIAN DEMOCRATS PLAN TO SEND FIVE. THE TOTAL DELEGATION OF MEPS THUS COULD NUMBER ABOUT TWENTY. THE MEMBERS WOULD PLAN TO SPLIT UP INTO SMALL GROUPS SO AS TO OBSERVE THE ELECTIONS IN BOTH SANTIAGO AND THE COUNTRYSIDE. DUTCH CHRISTIAN DEMOCRAT JOANNA MAIJ-WEGGEN, WHO CHAIRS THE EP'S INFORMAL CHILE WORKING GROUP, IS PLANNING TO BRING A DUTCH TELEVISION CREW. FOLLOWING ARE SOME OF THE MEPS WHO ARE EXPECTED TO PARTICIPATE IN THE OBSERVER DELEGATION: THE SOCIALISTS: MANUEL MEDINA (SP), DAVID MARTIN (UK) JOSE MEDEIROS (PORT); AND FROM THE CHRISTIAN DEMOCRATS: JOANNA MAIJ-WEGGEN (NETH), MARLENE LENZ (FRG), HORST LANGES (FRG), NICOLE FONTAINE (F), POL MARCK (BELGIUM) PANAYOTIS LAMBRIAS (GR), GIOSUE LIGIOS (IT), MARIETTA GIANNAKOU-KOUTSIKOU (GR).
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PAGE 01 SANTIA 04870 01 OF 03 112318Z
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INFO AMEMBASSY BOGOTA

C O N [redacted] I A L SECTION 01 OF 03 SANTIAGO 04870

E.O. 12356: DECL:OADR
TAGS: PGOV, CI
SUBJ: UNDER SECRETARY OF INTERIOR RENEWS PLEDGE
- TO PERMIT OBSERVERS, SAYS OPPOSITION
- WILL HAVE 15 MINUTES OF TV PER DAY

1. [redacted]IAL - ENTIRE TEXT
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2. SUMMARY: PRESIDENT PINOCHET HAS SENT TO THE LEGISLATIVE JUNTA A BILL REGULATING POLITICAL PROPAGANDA DURING THE FORMAL PLEBISCITE CAMPAIGN. ALTHOUGH THE TEXT HAS NOT BEEN PUBLISHED, ACCORDING TO UNDER SECRETARY OF INTERIOR CARDEMIL, THE LAW WILL REQUIRE ALL FOUR TV CHANNELS TO GIVE 30 MINUTES A DAY OF FREE TIME TO POLITICAL MESSAGES DURING THE LAST MONTH OF THE CAMPAIGN, TO BE DIVIDED EQUALLY BETWEEN THE "YES" AND THE "NO." THERE WILL BE NO FREE SPACE IN NEWSPAPERS OR RADIO. CARDEMIL REITERATED THE GOVERNMENT'S DECISION TO ADMIT FOREIGN OBSERVERS FOR THE PLEBISCITE, BUT NOT TO GIVE THEM SPECIAL PRIVILEGES OR STATUS. HE ADMITTED THAT MANY CHILEANS DOUBT THAT PINOCHET CAN "GO TO SLEEP AN AUTOCRAT AND WAKE UP A DEMOCRAT," BUT
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PAGE 02 SANTIA 04870 01 OF 03 112318Z

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SAID THAT THAT IS JUST WHAT WILL HAPPEN WHEN THE "YES" WINS. HE DECLINED TO SPECULATE WHEN THE STATES OF EXCEPTION WILL BE TERMINATED. END SUMMARY.

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3. DCM AND VISITING CHILE DESK OFFICER DESHAZO LUNCHED JULY 7 WITH UNDER SECRETARY OF INTERIOR ALBERTO CARDEMIL. CARDEMIL IS NOT ONE OF THE TOP STRATEFISTS OF THE PINOCHET ELECTION CAMPAIGN, BUT HE IS CERTAINLY ONE OF THE KEY IMPLEMENTERS OF THE STRATEGIES SET BY PINOCHET AND INTERIOR MINISTER FERNANDEZ. HE ACCOMPANIED PINOCHET ON A CAMPAIGN TRIP TO CONCEPCION JULY 8-9.

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4. CARDEMIL SAID THERE ARE FOUR MAIN "POLITICAL" LAWS STILL ON THE GOVERNMENT'S AGENDA: THE LAW TO FIX CONGRESSIONAL ELECTION DISTRICTS, THE LAW REGULATING INTERNAL OPERATING PROCEDURES OF THE NEW CONGRESS, A NEW BASIC LAW GOVERNING RADIO AND TELEVISION, AND A LAW TO CARRY OUT A DECISION HANDED DOWN BY THE CONSTITUTIONAL TRIBUNAL WITH RESPECT TO (A) INDEPENDENT GROUPS WISHING TO PARTICIPATE IN THE PLEBISCITE, AND (B) POLITICAL PROPAGANDA IN THE MEDIA DURING THE FORMAL PLEBISCITE CAMPAIGN. THE LATTER, HE SAID, WAS ABOUT TO BE SENT TO THE LEGISLATIVE JUNTA FOR ITS CONSIDERATION AND APPROVAL. HE SAID NOTHING ABOUT THE TIMING OF THE REMAINING THREE LAWS.

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5. AFTER THE U.S. OFFICIALS HAD INDICATED THE STRONG INTEREST IN WASHINGTON IN THE RULES GOVERNING ACCESS TO TELEVISION, IN PARTICULAR,
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PAGE 03 SANTIA 04870 01 OF 03 112318Z

CARDEMIL PROMISED TO SEND THE EMBASSY MORE DETAILS. THE FOLLOWING DAY HE SENT THE EMBASSY A MEMO SUMMARIZING SOME (BUT NOT ALL) PROVISIONS OF THE BILL; SIMULTANEOUSLY THE GOC ANNOUNCED THAT PINOCHET HAD TRANSMITTED THE BILL TO THE JUNTA. ACCORDING TO CARDEMIL'S MEMO, "POLITICAL PROPAGANDA CAN BE PUBLISHED OR BROADCAST ONLY FROM THE 30TH

UNTIL THE 3RD DAY PRIOR TO THE PLEBISCITE."
(IF, FOR EXAMPLE, THE PLEBISCITE IS HELD OCTOBER
5, PROPAGANDA WOULD BE PERMITTED FROM SEPTEMBER
5 TO OCTOBER 2, INCLUSIVE.) RADIO STATIONS AND
THE WRITTEN PRESS CAN CARRY AS MANY POLITICAL
ADS AND SPEECHES AS THEY WISH, BUT WILL NOT
BE REQUIRED TO CARRY ANY, AND MAY NOT DISCRIMINATE
IN THE RATES CHARGED.

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6. COMMENT: THE MEMO CONTAINS NO DEFINITION
OF "PROPAGANDA," AND IT IS CURRENTLY BEING
INTERPRETED DIFFERENTLY BETWEEN RADIO, PRESS
AND TV. IN THE PRESS AND RADIO, POLITICAL
ADS ARE BEING PERMITTED WHICH SEEM INDISTINGUISHABLE
FROM WHAT WOULD BE PERMITTED DURING THE FORMAL
CAMPAIGN. BUT PRO-GOVERNMENT PAPERS ARE REJECTING
SOME PAID ADS, AND THERE ARE RUMORS THAT RATE
DISCRIMINATION IN FAVOR OF THE GOVERNMENT DOES
OCCUR. ON TV, ON THE OTHER HAND, NO OPPOSITION
ADS ARE PERMITTED, AND ONLY THE SMALLEST
CHANNEL IS RUNNING EVEN INNOCUOUS "REGISTER TO
VOTE" PUBLIC SERVICE ADS. END COMMENT.

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7. CARDEMIL'S MEMO SAYS THAT ALL FOUR TELEVISION
CHANNELS - OWNED BY THE GOC, THE UNIVERSITY OF

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PAGE 01 SANTIA 04870 02 OF 03 112316Z

ACTION ARA-00

INFO	LOG-00	ADS-00	INR-10	SS-00	CIAE-00	DODE-00	H-01
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INFO AMEMBASSY BOGOTA

C O [redacted] I A L SECTION 02 OF 03 SANTIAGO 04870

E.O. 12356: DECL:OADR
TAGS: PGOV, CI
SUBJ: UNDER SECRETARY OF INTERIOR RENEWS PLEDGE

CHILE, AND THE CATHOLIC UNIVERSITIES OF SANTIAGO AND VALPARAISO - WILL BE REQUIRED TO PROVIDE 30 MINUTES OF FREE TIME DAILY DURING THE 27-DAY PERIOD SPECIFIED. THE TIME IS TO BE DIVIDED EQUALLY BETWEEN THE CANDIDATE NOMINATED BY THE COMMANDERS-IN-CHIEF AND THOSE PARTIES AND INDEPENDENT GROUPS THAT OPPOSE HIM. (IF FULLY UTILIZED, THAT WOULD GIVE THE SOMEWHAT INCREDIBLE FIGURE OF 27 HOURS OF FREE TV TIME TO THE OPPOSITION, AND ANOTHER 27 HOURS, DIVIDED AMONG THE FOUR CHANNELS, TO THE GOVERNMENT.) THE MEMO SAYS THAT THE "DISTRIBUTION AND ASSIGNMENT OF TIME WILL BE MADE BY THE NATIONAL RADIO AND TELEVISION COUNCIL." IT GIVES NO INDICATION OF HOW THE COUNCIL WILL DECIDE WHAT HOUR OR HOURS OF THE DAY WILL BE ASSIGNED, NOR HOW TIME WILL BE ALLOCATED AMONG THE MANY OPPOSITION PARTIES AND GROUPS. IT MAKES CLEAR, HOWEVER, THAT THE 15 MINUTES DAILY OF PRO-PINOCHET TIME WILL BE CONTROLLED BY THE CANDIDATE, AND

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PAGE 02 SANTIA 04870 02 OF 03 112316Z

YIELDED BY HIM TO PARTIES AND GROUPS SUPPORTING HIS CANDIDACY ONLY IF HE WISHES.
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8. ANOTHER IMPORTANT ASPECT OF THE BILL IS NOT COVERED AT ALL BY CARDEMIL'S MEMO - NAMELY, THE PROVISIONS GOVERNING PARTICIPATION IN THE PLEBISCITE BY INDEPENDENTS. HE TOLD US OVER LUNCH, HOWEVER, THAT THE BILL PROPOSED TO GRANT TO COMMITTEES OF INDEPENDENTS THE SAME RIGHTS AS POLITICAL PARTIES - THAT IS, ANY COMMITTEE THAT GATHERED THE REQUIRED NUMBER OF SIGNATURES IN A GIVEN REGION WOULD BE GIVEN LEGAL RECOGNITION IN THAT REGION, INCLUDING THE RIGHT TO HAVE POLLWATCHERS AT VOTING PLACES IN THAT REGION. THIS PROVISION IS EXPECTED TO BENEFIT PRIMARILY UDI, THE PRO-PINOCHET GROUP THAT SPLIT OFF FROM RENOVACION NACIONAL.

9. ASKED ABOUT FOREIGN OBSERVERS, CARDEMIL REPEATED THE GOC POSITION ANNOUNCED BY THE FOREIGN MINISTRY: VISAS WILL BE ISSUED TO EVERYONE, ANYONE WHO WISHES WILL BE ALLOWED TO WATCH THE VOTING AND VOTE COUNTING PROCESS, BUT NO ONE WILL BE GIVEN ANY OFFICIAL RECOGNITION, STATUS, OR IDENTIFYING CREDENTIALS.

10. ASKED ABOUT THE STATES OF EXCEPTION AND WHEN THEY WILL BE LIFTED, CARDEMIL SAID, "THE SOONER THE BETTER, BUT THE DECISION ISN'T MINE." HE SAID THE ONLY PURPOSE THEY SERVE IS TO (A) LIMIT - "THEORETICALLY," HE SAID - FREEDOM OF THE PRESS, AND (B) REQUIRE ORGANIZERS OF PUBLIC MEETINGS TO OBTAIN PERMITS. NEITHER

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PAGE 03 SANTIA 04870 02 OF 03 112316Z

IS OF ANY IMPORTANCE - IN FACT, THE STATES OF EXCEPTION HAVE BECOME "MORE IMPORTANT TO YOU THAN TO US." BUT HE DECLINED TO BE PINNED DOWN AS TO WHEN THEY MIGHT BE LIFTED.

11. REMINDED THAT HE HAD TOLD CODEL LAGOMARSINO A YEAR AGO THAT THE PLEBISCITE WOULD BE HELD IN SEPTEMBER, CARDEMIL LAUGHED AND SAID "I WASN'T FAR OFF." BUT HE THEN INSISTED HE DIDN'T KNOW THE DATE, AND SAID BOTH OCTOBER

AND DECEMBER HAD BEEN TALKED ABOUT. (IN A SPEECH THE FOLLOWING DAY IN CONCEPCION, PINOCHET SAID THE PLEBISCITE WAS LESS THAN 90 DAYS OFF. IF HE WAS BEING PRECISE, IT WOULD HAVE TO BE HELD NO LATER THAN OCTOBER 5.)

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12. CARDEMIL EXPRESSED CONFIDENCE THAT THE "YES" WILL WIN. THE LARGE NUMBER OF UNDECIDED SHOWN IN EVERY POLL IS DUE SIMPLY TO THE FACT THAT THERE HAVE BEEN SO MANY POLLS PEOPLE ARE TIRED OF BEING ASKED. THE UNDECIDED REALLY MASK A LARGE "YES" VOTE. (THIS IS THE MIRROR IMAGE OF THE ARGUMENT CURRENT AMONG SOME IN THE OPPOSITION WHO INSIST THAT THE UNDECIDED ARE REALLY CONVINCED "NO" VOTES WHO ARE UNWILLING TO SAY SO.) IF SOMEHOW THE "NO" DOES WIN, THE SUBSEQUENT COMPETITIVE ELECTION WILL BE WON BY A COALITION OF THE CHRISTIAN DEMOCRAT AND RADICAL PARTIES, AND FOREIGN INVESTMENT WILL PULL OUT IN DROVES. DCM SAID HE FOUND IT INCONCEIVABLE THAT UTAH MINING, FOR EXAMPLE, WOULD POUR A BILLION DOLLARS INTO ESCONDIDA

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PAGE 01 SANTIA 04870 03 OF 03 112316Z
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C O [redacted] N T I A L SECTION 03 OF 03 SANTIAGO 04870

E.O. 12356: DECL:OADR
TAGS: PGOV, CI
SUBJ: UNDER SECRETARY OF INTERIOR RENEWS PLEDGE

ON THE CHANCE THAT PINOCHET WILL BE RE-ELECTED. THEY HAD TO BE CONFIDENT THAT THE INVESTMENT WAS WORTHWHILE REGARDLESS OF THE PLEBISCITE OUTCOME. CARDEMIL DID NOT ARGUE THE POINT.

13. THE MESSAGE THE UNDER SECRETARY SEEMED MOST CONCERNED TO CONVEY TO HIS LISTENERS WAS THAT THE USG OUGHT TO ENDORSE THE 1980 CONSTITUTION. WHEN REMINDED THAT WE HAD NEVER OPPOSED IT, HE ASSERTED THAT WE HAD BACKED THE NATIONAL ACCORD (HE CAME CLOSE TO SAYING WE HAD ORIGINATED AND SPONSORED IT) BECAUSE IT CALLED FOR CHANGING THE CONSTITUTION. BUT THE NATIONAL ACCORD FAILED, AND THE GOC HAS SUCCEEDED IN CARRYING OUT EVERY PROVISION OF THE CONSTITUTION, AND WILL CONTINUE TO DO SO. IF THE "NO" WINS, THE ARMED FORCES WILL SEE TO IT THAT THE PROVISIONS APPLICABLE TO THAT SITUATION ARE CARRIED OUT, NOTHING MORE, NOTHING LESS. IT WAS IMPORTANT WE REALIZE THAT, AND THAT U.S. POLICY ADAPT ITSELF

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PAGE 02 SANTIA 04870 03 OF 03 112316Z

TO THAT REALITY. CARDEMIL SAID EVEN FRIENDS OF HIS FIND IT HARD TO BELIEVE THAT PINOCHET CAN "GO TO SLEEP AN AUTOCRAT AND WAKE UP THE NEXT MORNING A DEMOCRAT" - IN OTHER WORDS, THAT THE DICTATOR OF 15 YEARS CAN BECOME A DEMOCRATIC PRESIDENT THE MORNING AFTER WINNING THE PLEBISCITE.

BUT HE INSISTED THAT THE INSTITUTIONAL FRAMEWORK THAT WILL COME INTO BEING IN 1989-90, SUCH AS A (PARTIALLY) ELECTED CONGRESS, WILL REQUIRE MUCH DIFFERENT BEHAVIOR ON THE PART OF THE NEWLY ELECTED PRESIDENT.

14. IN ANSWER TO A COMMENT ABOUT THE EXTREME AND DIVISIVE LANGUAGE THAT HAS CHARACTERIZED MOST OF PINOCHET'S CAMPAIGN SPEECHES, CARDEMIL ASSERTED THAT A DECISION HAD BEEN MADE TO MODERATE THE TONE. THE WORD "CHAOS" TO DESCRIBE THE CONSEQUENCES OF A "NO" VOTE WAS NO LONGER BEING USED, BUT THE GOC WOULD CONTINUE TO ARGUE THAT AN OPPOSITION VICTORY WOULD MEAN A RETURN TO THE INSTABILITY OF THE ALLENDE ERA, BECAUSE IT WAS CONVINCED THAT WAS TRUE. (COMMENT: PINOCHET'S SPEECH IN CONCEPCION THE NEXT DAY COULD BEST BE DESCRIBED AS MIXED - CONTAINING BOTH EXTREME AND MORE MODERATE LANGUAGE. IT WOULD APPEAR THAT PINOCHET'S ADVISERS DO IN FACT BELIEVE THAT HIS VIOLENT ATTACKS ON THE OPPOSITION ARE POLITICALLY COUNTERPRODUCTIVE, BUT ARE NOT ABLE TO CONTROL HIM ON THE STUMP.) BARNES

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PAGE 01 SANTIA 04868 112259Z
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ROME FOR EMBASSY VATICAN

E.O. 12356: N/A
TAGS: PGOV, CI
SUBJ: CHURCH OFFICIAL PRAISES PLEBISCITE PREPARATIONS BUT STRESSES UNADDRESSED CONDITIONS

1. AFTER A JULY 1 MEETING WITH JUAN IGNACIO GARCIA, THE DIRECTOR OF THE NATIONAL ELECTORAL SERVICE (SEN), PRESIDENT OF THE EPISCOPAL CONFERENCE (CE) BISHOP CARLOS GONZALES DECLARED THAT A "FRAUD IN THE PLEBISCITE SEEMS THEORETICALLY, AT LEAST, PRACTICALLY IMPOSSIBLE." SPECIFICALLY, THE BISHOP PRAISED THE WORK OF GARCIA, THE HIGH LEVEL OF VOTER REGISTRATION, AND THE PROCEDURES AND MATERIALS BEING PRODUCED WHICH PROTECT THE SECRECY OF THE BALLOT.

2. BISHOP GONZALES ACKNOWLEDGED THAT THE DESIRE EXISTS TO ARRIVE AT A CLEAR AND CLEAN PLEBISCITE. HOWEVER, HE CALLED ATTENTION TO THE LACK OF ADEQUATE
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PAGE 02 SANTIA 04868 112259Z

ACCESS TO THE MEDIA, THE NEED TO END THE STATES OF EXCEPTION, THE NEED TO OVERCOME THE FEAR INHIBITING CHILEANS FROM VOTING THEIR CONSCIENCE, AND DIFFICULTIES WITH THE POLITICAL PARTICIPATION OF THE ARMED FORCES, WHICH HE REITERATED CANNOT BOTH BE "JUDGES AND PLAYERS."

3. THE BISHOP'S REMARKS ON THE IMPOSSIBILITY OF FRAUD WAS GIVEN A GREAT DEAL OF MEDIA ATTENTION, WHILE HIS COMMENTS ON THE PROBLEMS WITH THE PRE-ELECTORAL ATMOSPHERE WERE BURIED IN THE BODY OF THE ARTICLES IN THE CONSERVATIVE PRESS.

4. LINARES BISHOP CARLOS CAMUS LARENAS CLARIFIED GONZALES'S REMARKS BY SAYING WHILE FRAUD IS PRACTICALLY IMPOSSILE ON VOTING DAY, THE ELECTION PROCESS MUST BE FAIR BOTH IN THE PRE-PLEBISCITE PERIOD AND IN THE VOTE COUNT AFTERWARD. CHRISTIAN DEMOCRATIC PRESIDENT PATRICIO AYLWIN POINTED OUT THAT IT WAS A GROSS DISTORTION OF THE CE PRESIDENT'S REMARKS TO IMPLY THAT ALL THE CONDITIONS FOR A FAIR ELECTION WERE IN PLACE. AS ONE OF THE OBSTACLES FOR A FAIR ELECTION, MR. AYLWIN MENTIONED DECREE (BANDO) 2, A RESTRICTION FOR THE 10TH REGION OF VALDIVIA AND OSORNO WHICH REQUIRES THE INTENDENTE'S AUTHORIZATION TO ORGANIZE PUBLIC MEETINGS AND PROHIBITS POLITICAL PARTIES FROM RECRUITING MEMBERS ON THE STREET. THE ISSUANCE OF THIS DECREE AT THIS TIME HAS BEEN ATTACKED AS AN UNNECESSARY REMINDER TO THE OPPOSITION, AND TO SUCH GROUPS AS CIVITAS, THAT THEY ARE DEPENDENT ON THE "GOODWILL" OF THE MILITARY INTENDENTS TO CARRY OUT MANY POLITICAL ACTIVITIES DURING THE PRE-PLEBISCITE PERIOD.
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Letelier Matter

Former Chilean Ambassador Letelier and Ms. Ronnie Moffit, an American citizen, were killed by a car bomb in Washington, D.C. in September 1976.

In 1976, Congressional concern over the Letelier matter led to approval of the Kennedy Amendment to the Foreign Assistance Act which prohibited security assistance to Chile.

In 1978, a Grand Jury investigating the deaths indicted three Chilean military officers working for DINA (the Chilean intelligence service), alleged to have directed the bombing, a number of Cuban exiles located in the US alleged to have carried out the bombing, and an American citizen, Michael Townley, alleged to have assisted in the assassination.

The USG issued a strong statement condemning the assassination, and the complicity of Chilean officials in that assassination.

The USG arrested several of the Cuban exiles and sought the return of Townley and the extradition of the three Chilean military officers from Chile.

Townley was returned to the US but, based upon a 1978 decision of the Chilean Supreme Court, the Chilean Government refused to extradite the three Chileans.

The USG strongly criticized the Chilean Government for, in effect, aiding and abetting terrorism by failing to cooperate in the prosecution of the three Chileans implicated in the assassination. While the Carter Administration rhetoric went further than the present Administration in criticizing Chile, neither Administration has gone so far as to expressly accuse the Government of Chile explicitly of state sponsored terrorism.

In 1979, in response to Chile's refusal to extradite the three Chileans, the Carter Administration took the following actions:

- invoked the Chafee Amendment under EXIM Bank legislation;
- suspended delivery of equipment in the Military FMS pipeline already paid for and approved;
- eliminated our military assistance group mission;
- ended OPIC investment guarantees; and
- cancelled Chilean participation in the annual UNITAS hemispheric naval exercises.

Chile Project (#S192900030)
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In 1981, in an effort to revive strained relations with Chile conducive to movement on the Letelier matter and other pressing bilateral issues, the present Adminstration took the following steps:

- reversed restrictions on Chilean participation under EXIM Bank legislation;

- reinstated Chilean participation in annual UNITAS exercises; and

- resumed Chilean participation in OPIC.

Also in 1981, the 1976 Kennedy Amendment was revised to permit authorization of security assistance if the President certifies that Chile is meeting three criteria, including that Chile is using all legal means in the US and Chile to bring the individuals responsible for the assassination to justice. The Administration has not made such a certification.

Bottom Line - The Letelier/Moffit matter remains a principal concern for the USG. We continue to raise the matter with Chilean officials and emphasize the impediment that it poses for US/Chilean relations.

Drafted by:L/SFP:BCRashkow Doc. 0432S
Cleared by:ARA:JSwigert
L/ARA:POlson

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CHILE: STATUS OF LETELIER/MOFFITT CASE

Q. Has there been any cooperation in the Letelier/Moffitt case? Has the Chilean Government agreed to extradite those requested by our government in order to stand trial for this crime? What are the implications of the second military court's November 13 decision to issue a definitive stay of proceedings in the court case pending against General Contreras?

A. -- The Chilean Government returned to U.S. custody American citizen Michael Townley and absolved Townley of his oath of secrecy, thereby permitting him to turn state's evidence and cooperate with the federal investigation of this crime.

-- On October 1, 1978, the Chilean Supreme Court rejected the U.S. request for the extradition of Manuel Contreras, Pedro Espinoza and Armando Fernandez, who were indicted by a U.S. grand jury for the Letelier/Moffitt assassinations. In doing so, the Court ruled that most of the U.S. presented evidence was inadmissable on various grounds, including state's evidence (from Townley) that was not admissable under the Chilean system of jurisprudence. The Court stated that only new evidence can be used in prosecuting the three officers in the military court in Santiago.

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-- On September 17, 1981, a review panel made up of two civilian and two military judges ruled 3-1 to uphold an earlier decision by the military court (where the case had been referred by the Supreme Court) that there were not adequate grounds to try the accused officers in Chile and to close the investigation. The Government, however, did not accept the panel's recommendation to close the case and, instead, left it pending submission of new evidence.

-- On November 13, 1985, the second military court in Santiago issued a definitive stay of proceedings in favor of General Contreras, concerning his involvement in the forgery of passports for those involved in the death of former Foreign Minister Letelier. The court held that a temporary stay of proceedings dating back several years could be made permanent because no new evidence had been presented.

-- The Letelier family has appealed the second military court's decision to issue the definitive stay. The military court of appeals must now make a ruling. In the event that this court should uphold the decision of the second military court, the decision of the appeals court can be appealed to the civilian appeals court.

12/5/85 - for Abrams testimony

<NEWS TICKER>

Analyst: Date: 07/12/88 Time: 20:07:17

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u i AM-Mexico-Election 1stLd-Writethru 07

^AM-Mexico-Election, 1st Ld-Writethru,0787<
^Opposition Presidential Candidate, Supporters Scuffle with Guards<
^Eds: New grafs 1-12 UPDATE with Clouthier and loyalists demonstrating, other. Picks up 6th graf pvs, Those results ... with minor editing.<
^By CHRIS ANGELO=
^Associated Press Writer=

MEXICO CITY (AP) Opposition presidential candidate Manuel J. Clouthier and about 150 supporters scuffled with presidential guards on Tuesday in the heart of Mexico City, then staged a sit-in to protest alleged electoral fraud.

As President Miguel de la Madrid arrived at the Fine Arts Palace for a speech to about 2,500 lawyers, Clouthier stood up, carrying a sign that read, ''Mr. President, keep your word.'' The sit-in went on while de la Madrid spoke inside.

Results from last Wednesday's elections released by the governing Institutional Revolutionary Party showed its lowest proportion of the vote since its founding 59 years ago. The party, known by its Spanish initials PRI, generally wins the presidency with at least 70 percent of the vote.

The figures indicated, however, that this time the PRI will take the presidency by only slightly more than 50 percent of the vote and will pay little heed to opposition protests of election fraud.

The white-bearded, heavy-set Clouthier, a businessman and rancher, is the candidate of the conservative National Action Party. He was running third in unofficial, partial returns from last Wednesday's elections.

Clouthier and the other top opposition candidate, Cuauhtemoc Cardenas of the leftist National Democratic Front, claim the government is rigging the vote count in favor of the PRI's Carlos Salinas de Gortari.

De la Madrid had pledged clean elections. Government and party officials are calling the vote the cleanest ever in Mexico.

Clouthier vowed to lead sit-ins at every event where de la Madrid or Salinas is scheduled to appear, as part of a national civil disobedience campaign to protest the alleged fraud. He said earlier he would file criminal charges against the head of the National Electoral Registry.

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Carrying signs reading ''Punishment for electoral criminals'' and ''Total repudiation of the electoral fraud,'' the group pushed past a line of about 50 plainclothes presidential guards who tried to stop them.

After a scuffle, the group sat down at the entrance to the ornate, landmark building in downtown Mexico City.

The Federal Election Commission, the only source of official results, adjourned early Tuesday and said it would not meet again until Wednesday night. Seven days after the elections, it was releasing official results only on balloting for the Chamber of Deputies, the lower house of Congress.

With the vote count lagging, the PRI again released data it said came from the federal commission.

Those results showed Salinas de Gortari had 53.59 percent of the votes counted. Cardenas was second with 26.08 percent and Clouthier had 16.04 percent.

Two candidates for small parties and null ballots accounted for the remainder.

Those results showed a turnout of 51.7 percent in the 235 of the 300 districts tallied, the government newspaper El Nacional said. But original reports claimed an exceptionally high turnout. Earlier, the government and the governing party had blamed the high turnout for the slowness of the vote count.

Turnout was officially placed at 75 percent in the last presidential rce in 1982. But strong candidates and active campaigns on the left and right spurred voter interest in the July 6 race.

Cardenas charged on Monday that the election officials were not counting many of the votes that had been cast for opposition candidates. Cardenas claims he won, based on figures he says came from unidentified PRI officials.

Cardenas, a former PRI senator and Michoacan state governor, led a dissident movement within the governing party before breaking away last year to accept the candidacy of other parties.

Ballots are counted at polling places immediately after the election, but according to law those for the Chamber of Deputies and for the Senate must be processed before those for president in an official count.

The only returns released officially by the commission so far gave 241 of the 500 seats in the chamber to the PRI, 32 to the National Action Party and 10 to parties that support Cardenas. The results were from 283 of the 300 electoral districts.

Victories by parties supporting Cardenas were in the state of Mexico, which surrounds Mexico City, and Michoacan. Victories for

the National Action Party were in the western state of Jalisco, the Federal District, which is the core of the Mexico City metropolitan area, and the northern border state of Chihuahua.

The governing party has not lost a presidential, senate or gubernatorial race since it was founded in 1929.

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FGOV/ELECTIONS

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ASUBJ: ELECTION '88: PRELIMINARY RESULTS AS OF JULY 12
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SRI. "EXCELSIOR" AND OTHER PAPERS REPORTED THAT THE
BSFEDERAL ELECTION COMMISSION HAS PROVIDED THE
EIFOLLOWING PARTIAL RESULTS:
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 2 (WITH 236 OUT OF 300 ELECTORAL DISTRICTS REPORTING)
 /
  SALINAS (PRI)     9,120,220    53.6 PERCENT
  CARDENAS (FDN)    3,950,577    29.1 PERCENT
  CLOUTHIER (PAN)   2,430,946    16.8 PERCENT
  MAGANA (PDM)        139,851      .9 PERCENT
  IBARRA (PRT)         55,248      .4 PERCENT
  -

    CHAMBER OF DEPUTIES:
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    (WITH 283 ELECTORAL DISTRICTS REPORTING)

    PRI  241
    PAN   32
    FDN   10

    SENATE
    ------

    THE PRI HAS BEEN DECLARED WINNER IN THE FOLLOWING
    STATES: BAJA CALIFORNIA SUR, CAMPECHE, COLIMA,
    CHIAPAS, HIDALGO, NUEVO LEON, QUERETARO, SONORA,
    TLAXCALA, YUCATAN.

    ABSTENTION:
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    THE FEC IS PROJECTING A TOTAL VOTE OF APPROXIMATELY
    19 MILLION, RESULTING IN A 50 PERCENT ABSTENTION RATE
    IN THE JULY 6TH ELECTIONS.

    2. ACCORDING TO NEWS REPORTS, THE FEC IS NOT
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WHITE HOUSE FOR VICE PRESIDENT'S OFFICE

E.O. 12356: N/A
TAGS: PGOV, MX
SUBJECT: ELECTION '88: COMPLETE RESULTS

1. THE FEDERAL ELECTION COMMISSION (CFE) ANNOUNCED THE FOLLOWING FINAL RESULTS OF THE JULY 6TH ELECTIONS.

PRESIDENT

CARLOS SALINAS DE GORTARI (PRI)	9,641,329	50.36
CUAUHTEMOC CARDENAS (FDN)	5,556,988	31.12
- (PPS	2,016,160	10.53)
- (PST/PFCRN	2,011,541	10.51)
- (PARM	1,199,544	6.27)
- (PMS	683,808	3.57)
MANUEL CLOUTHIER (PAN)	3,257,159	17.07
GUMERSINDO MAGANA (PDM)	199,484	1.04
ROSARIO IBARRA (PRT)	80,052	0.42
NON-REGISTERED CANDIDATES	45,155	

THE PDM AND PRT WILL LOSE THEIR OFFICIAL REGISTRATION FOR HAVING OBTAINED LESS THAN THE REQUIRED 1.5 PERCENT OF THE NATIONAL VOTE.

CHAMBER OF DEPUTIES

A. SINGLE MEMBER DISTRICT SEATS

PRI	249
PAN	31
FDN	20

B. THE FEC ANNOUNCED THAT THE 200 PROPORTIONAL REPRESENTATION SEATS WILL BE ALLOCATED AS FOLLOWS:

PRI	11
OPPOSITION PARTIES	189

C. TOTAL

PRI	260
OPPOSITION	240

(SPECIFIC ALLOCATION AMONG THE PARTIES NOT YET ANNOUNCED)

SENATE

PRI	60
FDN	2 (FEDERAL DISTRICT)
PMS/FDN	2 (MICHOACAN)

FEDERAL DISTRICT REPRESENTATIVE ASSEMBLY

PRI	24
PAN	13
FDN	3

(PROPORTIONAL REPRESENTATION SEATS TO BE ANNOUNCED LATER)

ABSTENTION

OFFICIAL REGISTRATION	38,074,926
TOTAL VOTE	19,085,157
ABSTENTION	18,974,769 OR 48.42 PERCENT

2. ALL ABOVE FIGURES ARE SUBJECT TO CHANGE BEFORE BEING CERTIFIED BY THE CHAMBER OF DEPUTIES AND SENATE ELECTORAL COLLEGES. (DRAFTED BY:POL:RIMARCUS)
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portions withheld: classified (✓); deliberative ( );
law enforcement ( ); privacy (✓), statutory ( );
not relevant to El Salvador ( ).
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DEPT FOR CA AND RP
USINS FOR CO/RA
MEXICO FOR INS

FOR CA ASSISTANT SECRETARY CLARK AND RP DIRECTOR AMBASSADOR MOORE FROM AMBASSADOR CORR

E.O. 12356: DECL: OADR
TAGS: CVIS, PREF, PHUM, PINS, ES
SUBJECT: REFUGEE CASE

RELEASED
El Salvador: Human Rights
Special Project (1993)

REF: MEXICO 017177 (NOTAL)

1. [redacted] ENTIRE TEXT

2. I AM WRITING TO YOU ON BEHALF OF [redacted] TO OBTAIN FOR HIM THE MOST EXPEDITIOUS TREATMENT POSSIBLE. I AM PERSONALLY VERY CONCERNED ABOUT THIS YOUNG MAN'S CASE.

3. ON JULY 11, I SENT THE CONSUL GENERAL AND ANOTHER CONSULAR OFFICER TO INTERVIEW MR. [redacted] WHAT THEY LEARNED FROM HIM AND OTHER SOURCES HAS LEFT ME NO DOUBT THAT MR. [redacted] IS IN REAL AND IMMINENT DANGER OF HIS LIFE FROM MEMBERS OF THE GUERRILLA FACTION KNOWN AS THE PEOPLE'S REVOLUTIONARY ARMY (ERP).

4. THE COURSE OF EVENTS THAT LEAD ME TO THIS CONCLUSION IS AS FOLLOWS: ON JUNE 30, AT 3:00 PM MR. [redacted] WAS ATTENDING HIS REGULAR ENGLISH CLASS WITH ELEVEN OTHER STUDENTS AT THE SCHOOL OF LANGUAGES AT THE UNIVERSITY OF EL SALVADOR. WHILE THE CLASS WAS IN PROGRESS NINE HOODED INDIVIDUALS ENTERED THE CLASSROOM BRANDISHING METAL RODS. THIS MOB IMMEDIATELY BEGAN TO STRIKE ALL THE STUDENTS WITH THE RODS BUT QUICKLY SINGLED OUT MR. [redacted] AND CONCENTRATED ON BEATING HIM. HIS ATTACKERS THEN LEFT WITHOUT MAKING ANY STATEMENTS, LEAVING MR. [redacted] SEVERELY INJURED.

5. ACCORDING TO MR. [redacted] HE WAS INITIALLY TREATED AT THE UNIVERSITY CLINIC AND SUBSEQUENTLY MOVED TO THE SOCIAL SECURITY HOSPITAL IN SAN SALVADOR. HE ALLOWED THE CONSUL GENERAL AND OTHER CONSULAR OFFICER TO EXAMINE HIM. MULTIPLE BRUISES WERE STILL VERY

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EVIDENT ON HIS ARMS AND CHEST. HIS INJURIES, HOWEVER, DID NOT STOP THERE. BOTH LEGS WERE FRACTURED, REQUIRING CASTS TO HIS HIPS. AT PRESENT, MR. IS CONFINED TO BED, UNABLE TO USE CRUTCHES FOR THREE WEEKS.

5. WHEN ASKED WHY HE WAS SINGLED OUT FOR AN ESPECIALLY VICIOUS BEATING, MR. REPLIED THAT HE STUDIES AND SPEAKS ENGLISH AND ATTENDS AN ENGLISH SPEAKING CHURCH. ALSO, HE REFUSED TO JOIN ANY OF THE RADICAL STUDENT GROUPS ON THE UNIVERSITY CAMPUS INCLUDING AGEUS. HE SAID THAT HE WAS PROBABLY TARGETED AS A SUSPECT INDIVIDUAL BY THOSE RADICAL GROUPS.

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El Salvador: Human Rights Special Project (1993)

7. MR. PAIN AND SUFFERING ARE NOT LIMITED TO HIS PHYSICAL INJURIES. ONE OF HIS BEST FRIENDS, JOSE ABRAHAM RIVERA MENDOZA, WAS A RECENT GRADUATE FROM THE SCHOOL OF LANGUAGES WITH A DEGREE IN ENGLISH. THIS INDIVIDUAL WAS KIDNAPPED AND ASSASSINATED ON MAY 26TH OF THIS YEAR. MR. FEARS THAT THE SAME GROUP THAT ATTACKED HIM MAY HAVE BEEN RESPONSIBLE FOR HIS FRIEND'S MURDER.

CC

9. WHAT IS NOW NEEDED IN THIS CASE IS AN EXPEDITED DETERMINATION OF MR. REFUGEE STATUS FROM THE IMMIGRATION AND NATURALIZATION SERVICE. HUMANITARIAN PAROLE WOULD NOT SUFFICE. THE FAMILY WOULD REQUIRE THE ASSISTANCE AFFORDED BY THE SUPPORT PROGRAMS THAT ACCOMPANY REFUGEE STATUS. WE HAVE ALWAYS HAD THE WHOLEHEARTED SUPPORT OF INS MEXICO IN

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MATTERS SUCH AS THIS. A RECENT CASE CONCERNING THE FAMILY OF A JUDGE ASSASINATED BECAUSE OF HIS EXPRESSED OPPOSITION TO TERRORISM AND KIDNAPPING WAS QUICKLY CONCLUDED DUE TO SWIFT INS ACTION. I UNDERSTAND THAT THE RESOURCES OF INS MEXICO ARE NOW STRECHED TO THE LIMIT. WE IN THE EMBASSY, HOWEVER, ARE CONCERNED THAT UNLESS MR. [redacted] IS MOVED AND MOVED QUICKLY, THAT YET ANOTHER ASSASSINATION MAY OCCUR -- ONE THAT MAY HAVE BEEN AVOIDABLE.

10. I REQUEST THAT YOU CONSIDER THIS MATTER AND RENDER WHATEVER ASSISTANCE IS NECESSARY TO RESOLVE MR. [redacted] CASE AS EXPEDITIOUSLY AS POSSIBLE. I BELIEVE THIS TO BE IN THE INTEREST OF OUR POLICY. A COMPASSIONATE AND HUMANE RESPONSE IS CLEARLY THE BEST POSSIBLE. SPECIFICALLY, IF INS IS UNABLE TO SEND AN OFFICER TO INTERVIEW MR. [redacted] CAN AUTHORITY BE DELEGATED TO OUR CONSULAR OFFICER? IN TRULY EXCEPTIONAL CASES SUCH AS THIS, THE REFUGEE PROGRAM IS THE ONLY APPROPRIATE APPROACH BECAUSE OF THE PERSONAL SITUATIONS OF THE APPLICANTS INVOLVED.

BEST REGARDS

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MDU - Elections (X6)

EMBASSY OF MEXICO

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17/88 (1) July 14, 1988

RESULTS OF THE MEXICAN FEDERAL ELECTIONS, 1988

On Wednesday July 13th, Mexico's Federal Electoral Commission, whose sessions were public and open to the press, released the official results of the elections held on July 6th, 1988. These elections were for President of the Republic, Senators and Deputies. Such results are still subject of qualification by the Electoral College, which is integrated by all 500 congressmen that received a majority certificate after these elections. The Electoral College will also declare Mexico's President-elect for a single six-year term to start on December 1st, 1988, until November 30th, 1994.

In regard to the election for President of the Republic, the results provided by the Federal Electoral Commission were as follows:

PARTY[1]	CANDIDATE	NUMBER OF VOTES	%
PRI	Mr. Carlos Salinas de Gortari	9 641 329	50.36
PFCRN & Coalition	Mr. Cuauhtémoc Cárdenas	5 956 988	31.12
PAN	Mr. Manuel J. Clouthier	3 267 159	17.07
PDM	Mr. Gumersindo Magaña	199 484	1.04
PRT	Ms. Rosario Ibarra	80 052	0.42
TOTAL		19 145 012	100.00

[1] PRI. Partido Revolucionario Institucional. (Institutional Revolutionary Party)
PFCRN. Partido del Frente Cardenista de Reconstrucción Nacional y coaliciones (Party of the Cardenista Front for National Reconstruction and coalitions).
PAN. Partido Acción Nacional. (National Action Party).
PDM. Partido Demócrata Mexicano. (Mexican Democratic Party.)
PRT. Partido Revolucionario de los Trabajadores. (Workers' Revolutionary Party).

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In regard to the elections for Senators and Deputies (300 elected through relative majority) the Federal Electoral Commission released the following results:

PARTY	NUMBER OF SENATORS	NUMBER OF DEPUTIES
PRI	60	249
PFCRN & Coalition	4	20
PAN	0	31
PDM	0	0
PRT	0	0
TOTAL	64	300

The official results for the remaining 200 deputy seats, distributed in accordance to the principle of proportional representation will be released as of July 18th. However, preliminary results indicate that the Chamber of Deputies will house in total, around 260 PRI deputies and 240 from the opposition parties combined.

The National Action Party (PAN) received its highest percentages of votes in Mexico City, Guadalajara, Ciudad Juárez and León. Likewise, the best showing of the coalition of parties supporting the candidacy of Mr. Cárdenas took place in Mexico City and the states of México, Michoacán and Morelos.

ELECTORAL GUARANTIES

What follows is a description of some of Mexico's electoral laws, as stated in the Federal Electoral Code, which are aimed to insure the process's transparency and rightfulness, as well as the voters' and parties' participation upon basis of equality:

1. In order to prevent a single party to manipulate in any fashion the electoral results, representatives of all parties, opposition and official alike, are requested to be present at each and everyone of the polling stations. Before the election takes place, party representatives to the District Committees can sign in the back of the ballots if they choose to do so. The different parties and candidates' representatives at the polling stations can also do so before handling the ballots to the voters. At the end of the day, they open up the boxes and cancel whatever ballot that does not bear their signatures. (Art. 246 of the Federal Electoral Code and FEC's agreement of June 30th, 1988).

2. All of the voters must carry their personal identifications with a picture, as well as their elector's I.D, which are punched in the proper space --in this case where its said "1988"-- and, upon casting their ballots, their right thumb is painted with indelible ink, so as to prevent anybody from voting twice or more times. Their names are checked in the electoral rolls as they show up, so as to make sure they are voting in the appropiate booth and district. (Articles 247 and 261 of the Federal Electoral Code) If they do not have the elector's I.D. card, but are in the list, they can vote as long as they prove they are the person enlisted in the roll to the satisfaction of all the parties' representatives and electoral officials. If they have the I.D. card but are not in the roll, they can vote as long as no more than 10% of a booth's voters are in the same situation as he or she.

3. To avoid the possibility of ballot stuffing, before the elections, all party representatives must make sure the ballot boxes are empty and so state it in that booth's records. Those empty boxes are also shown to the voters that are already present at the balloting station before the election starts. (Article 252 of the Federal Electoral Code).

4. Refering to the allegation that some people could not vote because the corresponding booth did not open in time or was closed too early, its should be noticed that no polling station can be closed before 6:00 P.M. and they must remain open as late as needed, until the last person in line has cast his or her ballots. (Art. 266 of the Federal Electoral Code).

5. At the end of the electoral day, the boxes are opened up before the eyes of all of the party representatives and they start counting one vote at a time, making sure all of them get the very same results. The booth's president shows each ballot to all of the representatives, for them to know the voter's choice of party and candidate and count them. After the counting, the ballots are returned to the boxes, which are sealed and signed by all of the party representatives and electoral authorities in that booth. (Art. 275 of the Federal Electoral Code). The number of votes cast must match to the actual number of persons voting in each balloting booth.

6. All representatives of all parties and candidates receive a copy, bearing the signatures of all, of the documents that give account of the booth's activities, such as vote-counting, complaints, opening and closing times, number of ballots cast and so on. All representatives keep those copies for their parties' records and as a way to check figures and results against those released by the electoral authorities. Ever since all of the parties as well as the electoral authorities have the very same information in their hands, all of their conclusions must match at the district and

national level. In case any dispute may arise on such figures, all they need to do is showing the documentation of the booth or district where the controversy is at stake. (Art. 183, 265, 267, 270, 273, 274, and 276 of the Federal Electoral Code).

7. The sealed and signed ballot boxes are taken to the District Committee by the electoral authorities and by any party or candidate representative that so desires, where they are received by the district's officials, other party and candidates representatives and electoral authorities. (Art. 277)

8. To avoid that the exactly number of votes a party received may be altered, at the end of the scrutiny the polling station's records must have written down the order in which each candidate finished; on top the one that won the most votes, at the bottom the one than garnered the least ammount. It must also show the total number of unused and annulled ballots.

9. At the end of the scrutiny, a poster in which the electoral results are shown is displayed outside the booths for everyone to see the outcome. It also bears the signatures of all of the representatives and officials that took care of that particular balloting station. (Art. 292) The same procedure is done at the District Committee's office, once the additions of the results are duly made.

10. In regard to complaints about changing the location of polling stations, such adress can be changed by the electoral officials, in order to insure the voters' right to secrecy and to provide the best possible facilities. Nevertheless, if such a change of address is to take place, the authorities and party and candidates' representatives must display a notice in the door of the previously announced location, giving directions on where the new booth is to be found. (Art. 255)

11. Elections can be annulled in a particular district when irregularities are substantiated in 20 per cent of the balloting booths that comprise such a district. (Art 337).

12. In order to prevent that inexistent or dead people may be registered as a voter in the Electoral Roll, all of the parties receive a copy of such Roll several months before the elections to enable them to correct and up-date it. Every party and all political organizations are co-responsible and obliged to help in this task. Likewise, offices in charge of foreigners who have naturalized as Mexicans and of receiving notice of people older than 18

years of age who have died, must inform to the National Electoral Roll offices, to up-date its lists. (Art. 132 to 157).

Additionally, any complaint that is duly substantiated with evidence by the various parties can be presented before the Federal Electoral Tribunal --integrated by 9 persons proposed and approved by all parties, who have never been candidates to electoral posts from any party and who are nationaly known for their honesty and deep knowledge of Mexico's laws.

Representatives of all of the contending parties were present in 98% of the 54 461 balloting booths throughout the country in the election day. In each of those balloting stations there was a president, a secretary, two vote- counters, plus party and candidate representatives as poll-watchers taking care of the legality of the whole process. Overall, including the people involved in the District Committees and Federal Electoral Commission, roughly two million people participated in the surveillance and rightfulness of the elections.

Even though it is understandable that in such hotly contested elections people would like to know the results as quickly as possible, the Federal Electoral Commission may take up to one week to render its conclussions and results. In compliance with this provision, the FEC released partial results the days following the elections and the final ones as of Wednesday July 13th, that is to say, exactly one week after the ballots were cast. (Art. 295, 303 and 305).

NOTE: If, upon reading this press release, you need additional information or have further questions about Mexico's political elections, write to the Embassy of Mexico's Press and Public Affairs Office in Washington, D.C.

<NEWS TICKER>

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^OPPOSITION PLANS STREET PROTEST AGAINST ELECTION RESULTS<
@ ^BY DAVID KIRBY=

MEXICO CITY (UPI) _ LEADERS OF MEXICO'S POLITICAL OPPOSITION, WHICH MADE IMPRESSIVE GAINS IN THE NATIONAL ELECTIONS, EXPRESSED OUTRAGE THURSDAY AFTER THE RULING PARTY PRESIDENTIAL CANDIDATE WAS OFFICIALLY PROCLAIMED THE WINNER.

OPPOSITION LEADERS TO THE LEFT AND RIGHT OF THE RULING INSTITUTIONAL REVOLUTIONARY PARTY, OR PRI, CHARGED THAT THE PARTY'S CANDIDATE, CARLOS SALINAS DE GORTARI, WON THE JULY 6 ELECTION ONLY THROUGH WIDESPREAD FRAUD.

SALINAS WAS OFFICIALLY PROCLAIMED THE WINNER WEDNESDAY IN A LATE-NIGHT MEETING OF THE PRI-DOMINATED FEDERAL ELECTORAL COMMISSION. THE COMMISSION DELAYED RELEASING FINAL RETURNS, CITING COMMUNICATION AND COMPUTER PROBLEMS.

BUT THE OPPOSITION CHARGES THAT ELECTION OFFICIALS CREATED THE DELAY IN ORDER TO MANUFACTURE A FRAUDULENT PRI VICTORY.

THE PRI, WHICH HAS RULED WITHOUT INTERRUPTION SINCE 1929, DENIES ANY WRONGDOING BY PARTY OR GOVERNMENT WORKERS, EITHER ON ELECTION DAY OR DURING THE FOLLOWING WEEK.

WITH 100 PERCENT OF OF THE VOTE COUNTED, SALINAS WON WITH 50.36 PERCENT, A MARGIN THAT MANY HOPE WILL USHER IN A TRUE MULTI-PARTY SYSTEM.

HE WAS FOLLOWED BY LEFT-CENTER COALITION CANDIDATE CUAUHTEMOC CARDENAS, WITH 31.1 PERCENT, AND CONSERVATIVE NATIONAL ACTION PARTY, OR PAN CANDIDATE MANUEL CLOUTHIER, WITH 17.07 PERCENT.

IN WASHINGTON, STATE DEPARTMENT SPOKESWOMAN PHYLLIS OAKLEY SAID, @@WE HAVE NOTED THE RESULTS HAVE BEEN ANNOUNCED. PRESIDENT REAGAN WILL BE SENDING A MESSAGE OF CONGRATULATIONS TO MR. SALINAS. WE LOOK FORWARD TO WORKING WITH HIS GOVERNMENT.''

CARDENAS IS THE SON OF A BELOVED FORMER PRESIDENT, LAZARO CARDENAS. HE LED A A RENEGADE FACTION THAT BROKE AWAY FROM THE PRI LAST YEAR, SCORING IMPRESSIVE GAINS FOR MEXICO'S HISTORICALLY FRACTURED LEFT, HAVING SURPASSED THE PAN IN LAST WEEK'S VOTING AS THE SECOND FORCE IN MEXICAN POLITICS.

CARDENAS, INSISTING HE WON THE RACE, WAS NOT SATISFIED WITH THE OFFICIAL TABULATION OF VOTES.

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@@I AM THE PRESIDENT-ELECT OF MEXICO,'' HE TOLD UNITED PRESS INTERNATIONAL IN A TELEPHONE INTERVIEW.

THE CANDIDATE AND HIS SUPPORTERS ARE NOW CALLING FOR A @@NATIONAL MOBILIZATION'' OF LEFTIST MILITANTS TO DEMAND RECOGNITION OF CARDENAS' CLAIM TO VICTORY.

@@IN ALL MEXICO WE ARE ON OUR FEET, FIGHTING. THIS COULD LAST DAYS, WEEKS, OR MONTHS, BUT THE PEOPLE WILL NOT ALLOW ELECTORAL FRAUD TO IMPOSE A GOVERNMENT THAT USURPED POWER,'' HE SAID.

SOME 100,000 PEOPLE ARE EXPECTED TO MARCH THROUGH DOWNTOWN MEXICO CITY ON SATURDAY, DEMANDING THAT THE OFFICIAL RESULTS BE ANNULLED AND CARDENAS DECLARED THE NEXT PRESIDENT OF MEXICO.

ANGRY WORDS ALSO CAME FROM THE RIGHT OF THE PRI. PAN CANDIDATE MANUEL CLOUTHIER, WHILE NOT CLAIMING VICTORY FOR HIMSELF, SAID EXTENSIVE FRAUD RENDERED THE ELECTION MEANINGLESS, AND NEITHER CARDENAS NOR SALINAS CAN RIGHTLY CLAIM VICTORY.

@@THE RETURNS ARE A PRI FAIRLY TALE. EVEN THE PRI PEOPLE DON'T BELIEVE THEM,'' SAID PAN SPOKESMAN ALBERTO LOYOLA. @@THESE FIGURES ARE AN OUTRAGEOUS LIE. THIS WAS THE MOST FRAUDULENT ELECTION IN MEXICAN HISTORY.''

CLOUTHIER THIS WEEK FILED CRIMINAL CHARGES AGAINST NATIONAL VOTER REGISTRATION DIRECTOR JOSE NEWMAN VALENZUELA, AND HAS CALLED FOR A NATIONAL REFERENDUM JULY 31 @@TO SEE IF THE PEOPLE ACCEPT THESE RESULTS OR NOT.''

BUT DESPITE CRIES OF FRAUD AND CALLS FOR ANNULMENT, SALINAS IS THE OFFICIAL WINNER AND WILL BE INNAUGURATED TO A SINGLE SIX-YEAR TERM ON DEC. 1.

THE PRI CANDIDATE, WHO HAS SO FAR REMAINED ALOOF FROM THE POLITICAL FALLOUT, IS EXPECTED TO CARRY OUT THE ECONOMIC LIBERALIZATION POLICIES OF HIS PREDECESSOR, PRESIDENT MIGUEL DE LA MADRID.

A HARVARD-EDUCATED ECONOMIST AND FORMER BUDGET AND PLANNING SECRETARY, SALINAS REPRESENTS THE NEW, YOUNGER CADRE OF PRI LEADERS WHOSE REFORMIST POLICIES AND TECHNOCRATIC APPROACH TO GOVERNMENT HAS AT TIMES CLASHED WITH THE PARTY'S @@OLD GAURD.''

AS PRESIDENT, SALINAS WILL HAVE TO DEAL WITH A HOST OF PROBLEMS.

ON THE POLITICAL FRONT, HE WILL SPEND MUCH OF HIS FIRST YEAR DEALING WITH CONTINUED RECRIMINATIONS FROM LAST WEEK'S ELECTIONS. THE OPPOSITION, ESPECIALLY THE NEWLY EMBOLDENED LEFT, WILL SURELY TRY TO PRESSURE THE PRI ON ISSUES SUCH AS HOUSING, WAGES AND MEXICO'S $103 BILLION DEBT.

THAT DEBT HIGHLIGHTS MEXICO'S GRAVE ECONOMIC WOES AND HEADS A LONG LIST OF ECONOMIC HEADACHES FOR THE NEW PRESIDENT.

MEXICO HAS MADE STRIDES IN BRINGING INFLATION UNDER CONTROL AND

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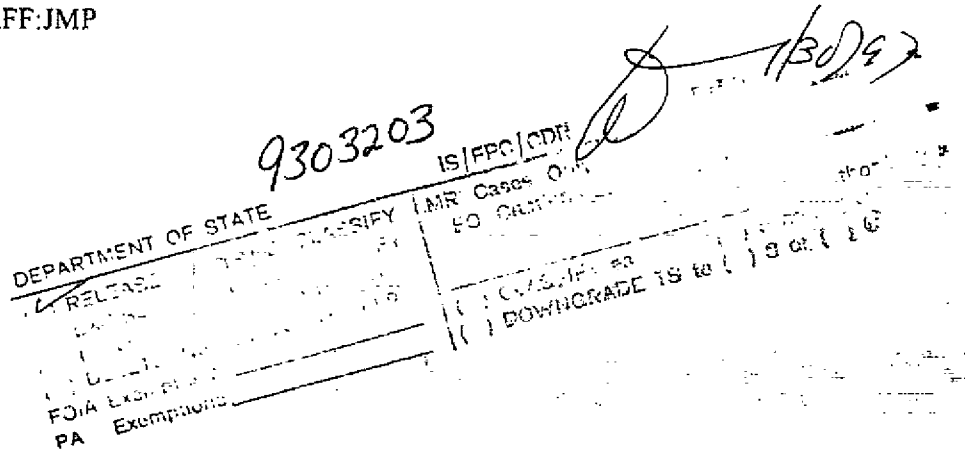

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PAGE 01 STATE 229503
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PAGE 02 STATE 229503

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INDEX
-- 1. SHULTZ ASIA TRIP/CHINA/CAMBODIA
-- 2. CAMBODIA/INDONESIA/ASEAN/VIETNAM
-- 3. VIETNAM/REFUGEES
-- 4. CHINA
-- 5. KOREA
-- 6. BURMA
-- 7. MALAYSIA
-- 8. AUSTRALIA
-- 9. NEW CALEDONIA
-- 10. FIJI
-- 11. JAPAN

COMMENT AND ANALYSES

-- 12. KOREA
UNCLASSIFIED

1. SHULTZ ASIA TRIP/CHINA/CAMBODIA/KOREA

-- NEWSDAY, USA TODAY, PHILADELPHIA INQUIRER, WALL STREET JOURNAL AND BALTIMORE SUN REPORT SECRETARY SHULTZ MET WITH CHINESE LEADERS IN BEIJING.

THE SUN AND NEWSDAY SAY, "IN A SIGNIFICANT SHIFT IN US POLICY TOWARD CHINA," SHULTZ TOLD CHINESE OFFICIALS THURSDAY THAT THE US IS IMPROVING ITS RELATIONS WITH THE USSR AND SUGGESTED STRONGLY THAT CHINA ALSO DO SO. CITING A BANQUET TOAST ON THE OPENING DAY OF TALKS WITH THE CHINESE OFFICIALS, THEY REPORT, THE SECRETARY FOCUSED

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ON "THE PARALLEL EFFORTS OF OUR 2 COUNTRIES TO REDUCE TENSIONS WITH THE SOVIET UNION" AND STATED THAT IF THE PRC AND USSR NORMALIZE THEIR RELATIONS IT WOULD BE "A PROSPECT THAT CAN BE WELCOMED." ACCORDING TO THE SUN AND NEWSDAY, THIS MARKED A "DRAMATIC TURNABOUT" FROM THE LATE 1970'S AND EARLY 1980, WHEN US AND CHINESE OFFICIALS WOULD JOIN TOGETHER IN DENOUNCING THE SOVIET UNION AND STRESS THE IMPORTANCE OF "STRATEGIC COOPERATION" AGAINST SOVIET "HEGEMONY."

THE JOURNAL SAYS CHINESE LEADERS TOLD SHULTZ THEY WOULD CONSIDER A US PROPOSAL TO HOLD TALKS ON LIMITING THE SPREAD OF BALLISTIC MISSILES.

USA TODAY REPORTS FOREIGN MINISTER QIAN QICHEN TOLD SHULTZ THAT SENIOR KHMER ROUGE LEADERS MAY RETIRE, ACCORDING TO A US OFFICIAL.

-- THE CHRISTIAN SCIENCE MONITOR'S TYSON (BEIJING) SAYS THAT INTERNATIONAL EFFORTS TO BRING PEACE TO CAMBODIA WAS THE FOCAL POINT OF SHULTZ'S TALKS WTIH CHINESE LEADERS IN BEIJING. HE NOTES THE SECRETARY WAS EXPECTED TO QUESTION CHINESE LEADERS ON THEIR RECENT PROPOSAL FOR FREEZING ALL UNCLASSIFIED

MILITARY FORCES IN CAMBODIA AS VIETNAMESE TROOPS WITHDRAW AND A NEW COALITION GOVERNMENT IS FORMED. THE PLAN, HE REPORTS, WAS PUT FORWARD BY THE CHINESE FOREIGN MINISTRY. HE NOTES THAT THE SECRETARY IS ALSO EXPECTED TO RAISE MIDDLE EAST ARMS SALES.

-- REUTER'S GIACOMO (BEIJING) SAYS THAT DENG XIAOPING SAID ON FRIDAY THAT CHINESE-AMERICAN RELATIONS HAD IMPROVED STEADILY DURING THE TENURE OF PRESIDENT REAGAN AND SECRETARY SHULTZ. AT THE BEGINNING OF HIS MEETING WITH SHULTZ, DENG NOTED THAT PROBLEMS STILL EXIST AND SAID BOTH SIDES MUST CONTINUE TO WORK AT BUILDING THE TIES, SHE REPORTS.

GIACOMO QUOTES DENG AS STATING: "I AGREE WITH WHAT YOU SAID. THAT IS, DURING THE TERM OF OFFICE OF PRESIDENT REAGAN AND DURING YOUR TENURE AS SECRETARY OF STATE, SINO-US RELATIONS HAVE DEVELOPED QUITE STEADILY... THERE IS A NEED FOR THE (CONTINUED) DEVELOPMENT OF SINO-US RELATIONS... I THINK THAT WE SHOULD BOTH PLACE THESE DEVELOPMENTS ON A HIGHER PLANE."

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GIACOMO ALSO NOTES THAT, IN A LETTER SENT ON THURSDAY, 111 CONGRESSMAN TOLD SHULTZ TO WARN CHINA THAT "INDISCRIMINATE" ARMS SALES IN THE MIDDLE EAST WOULD JEOPARDIZE US COOPERATION IN TECHNOLOGICAL AND MILITARY MATTERS. SHE ADDS THAT A SENIOR US OFFICIAL SAID THE CHINESE HAD TOLD SHULTZ ON THURSDAY THEY WOULD CONSIDER AN AMERICAN PROPOSAL TO HOLD TALKS ON CURBING THE SPREAD OF BALLISTIC MISSILES.

-- NY TIMES' SCIOLINO (BEIJING) REPORTS CHINA'S FOREIGN MINISTER, QIAN QICHEN, TOLD SHULTZ THURSDAY THAT SOME UNCLASSIFIED

SENIOR MEMBERS OF THE KHMER ROUGE HAD INDICATED THAT THEY WOULD "RETIRE," A SENIOR DOS OFFICIAL SAID. SHE SAYS THE REMARKS WERE THE CLEAREST INDICATION TO DATE THAT CHINA IS GRADUALLY SHIFTING ITS POSITION IN A WAY THAT ENHANCES PROSPECTS FOR AN EVENTUAL SETTLEMENT OF THE WAR IN CAMBODIA.

SCIOLINO ADDS THAT, IN A 3-HOUR MEETING, QIAN DID NOT SPECIFY WHETHER POL POT WAS AMONG THOSE CONSIDERING RETIREMENT. BUT, SHE SAYS, "THAT WAS THE IMPLICATION," ACCORDING TO THE OFFICIAL, WHO ADDED THAT QIAN DID NOT INDICATE WHEN THEY WOULD LEAVE OR WHERE THEY WOULD GO. SHE NOTES THE OFFICIAL SAID QIAN ALSO PROPOSED THAT ONE WAY TO ENSURE THAT OBJECTIONABLE KR MEMBERS DO NOT SHARE POWER IS TO REQUIRE THAT ONLY PEOPLE ACCEPTABLE TO THE 3 CAMBODIAN OPPOSITION GROUPS AND THE PHNOM PENH REGIME BE ALLOWED TO TAKE PART; QIAN SAID SUCH A MECHANISM "WAS ONE WAY OF GETTING RID OF PARTICULARLY UNDESIRABLE MEMBERS OF THE KHMER ROUGE," ACCORDING TO THE OFFICIAL.

SCIOLINO COMMENTS THAT QIAN'S REMARKS AMPLIFY A CRUCIAL 4-POINT POLICY STATEMENT ISSUED FROM BEIJING 7/1 ON CAMBODIA. SHE NOTES THAT THE SENIOR AMERICAN OFFICIAL SAID QIAN TOLD THE SECRETARY ON THURSDAY THAT "THIS MIGHT BE A GOOD TIME FOR A SETTLEMENT OF THE CAMBODIAN ISSUE," IN PART BECAUSE OF MOSCOW'S APPARENT DESIRE TO FIND A WAY OUT OF CONTINUING TO FINANCE THE VIETNAMESE OCCUPATION. SHE SAYS THE US IS PARTICULARLY INTERESTED IN FINDING A WAY TO GET CHINA INVOLVED IN THE CAMBODIA ISSUE, AND IN

ABSENCE OF ANY CHINESE STATEMENT ON THURSDAY'S MEETING, IT WAS UNCLEAR WHETHER ADMINISTRATION OFFICIALS HAVE PORTRAYED CHINA'S POSITION IN TOO POSITIVE A LIGHT, SHE OBSERVES. WHAT IS CLEAR, SHE STATES, IS THAT BOTH THE US

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AND CHINA WANT TO PREVENT THE KHMER ROUGE FROM USING ITS SUPERIOR MILITARY FORCE TO FILL THE VACUUM THAT WILL BE
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PAGE 06 STATE 229503

LEFT BY VIETNAM AFTER ITS TROOPS WITHDRAW FROM CAMBODIA.

ON ANOTHER MATTER, SCIOLINO REPORTS, SHULTZ EXPRESSED GENERAL AMERICAN CONCERN OVER THE PROLIFERATION OF BALLISTIC MISSILES IN THE MIDDLE EAST, THE SENIOR OFFICIAL SAID. SHE SAYS SHULTZ PROPOSED THAT AN INTERNATIONAL GROUP THAT WOULD INCLUDE CHINA BE FORMED TO DISCUSS THE SPREAD OF MISSILE TECHNOLOGY BUT APPARENTLY RECEIVED NO COMMITMENT FROM THE CHINESE FOREIGN MINISTER.

-- WASHINGTON POST'S OBERDORFER (BEIJING) REPORTS THAT SECRETARY SHULTZ ASKED CHINA THURSDAY TO BEGIN FULL-SCALE CONSULTATIONS TO HEAD OFF THE DANGEROUS SPREAD OF BALLISTIC MISSILES. THE REQUEST, HE SAYS, WHICH CAME IN A MEETING WITH FOREIGN MINISTER QIAN, WAS A HIGHLIGHT OF AN UNUSUALLY LONG AND FRANK DISCUSSION OF SINO-AMERICAN RELATIONS AND WORLD TROUBLE SPOTS. A SENIOR AIDE TO SHULTZ SAID QIAN AGREED TO STUDY THE REQUEST FOR IN-DEPTH DISCUSSIONS OF PROLIFERATION, HE REPORTS.

IN A PUBLIC STATEMENT AT A BANQUET THURSDAY IN HONOR OF SHULTZ, THE SECRETARY WAS POLITE BUT POINTED IN HIS REFERENCE TO THE MISSILE PROLIFERATION ISSUE, SAYS OBERDORFER. HE ADDS THE SECRETARY NOTED THAT "HIGHLY DESTRUCTIVE ARMAMENTS" ARE BECOMING AVAILABLE TO PERSIAN GULF COUNTRIES AND OTHERS WHO ARE "FIGHTING AGE-OLD BATTLES ON RELIGIOUS, ETHNIC OR POLITICAL GROUNDS" AND ADDED THAT IT IS "IRONIC THAT JUST AS THE MAJOR POWERS ARE MAKING PROGRESS IN GETTING THEIR ARMS COMPETITION UNDER SOME CONTROL, THE DEVELOPING WORLD IS INCREASINGLY BURDENED BY THIS FLOW OF ADVANCED WEAPONRY. THE INTERNATIONAL COMMUNITY AS A WHOLE MUST FIND WAYS TO STANCH THIS ARMS TRAFFIC."
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PAGE 07 STATE 229503

OBERDORFER REPORTS THAT IN EARLIER, PRIVATE TALKS LASTING MORE THAN 3 HOURS, QIAN TOLD THE SECRETARY THAT CHINA MADE ONLY 1 MEDIUM-RANGE BALLISTIC MISSILE SALE -- TO

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SAUDI ARABIA. HOWEVER, HE ADDS, THERE WAS NO REPORT THAT CHINA MADE ANY COMMITMENT TO THE US ABOUT FUTURE SALES. BOTH IN PUBLIC STATEMENTS AND IN THEIR DIPLOMATIC DIALOGUE, SHULTZ AND QIAN EMPHASIZED THE GAINS IN THE SINO-US RELATIONSHIP AND HELD OUT THE PROMISE OF EVEN CLOSER RELATIONS TO COME, HE SAYS. HE QUOTES SHULTZ AS

SAYING IN HIS TOAST THAT THE US AND CHINA HAVE BUILT "A TRULY NORMAL AND PRODUCTION RELATIONSHIP" THAT IS A LEGACY TO THE NEXT GENERATION OF LEADERS. HE ADDS XINHUA REPORTED THAT IN THE PRIVATE SHULTZ-QIAN MEETING, THE SECRETARY SAID US POLICY TOWARD CHINA HAS STRONG BIPARTISAN SUPPORT AND THEREFORE SHOULD NOT BE AFFECTED BY THE UPCOMING US ELECTION. SHULTZ, HE NOTES, ALSO TALKED OF THE PARALLEL EFFORTS OF THE "TWO COUNTRIES TO REDUCE TENSIONS WITH THE USSR" AND SAID NORMALIZATION OF RELATIONS BETWEEN MOSCOW AND BEIJING WOULD BE "A PROSPECT THAT CAN BE WELCOMED."

OBERDORFER SAYS THAT QIAN, DURING A DISCUSSION OF THE EMERGING POSSIBILITY OF A NEGOTIATED SETTLEMENT OF THE CAMBODIA CONFLICT, GAVE NEW HINTS THAT CHINESE-BACKED KR GUERRILLAS WILL BE NEUTRALIZED AS A MAJOR PROBLEM. HE REPORTS QIAN EMPHASIZED STRONGLY TO SHULTZ THAT CHINA DOES NOT SUPPORT THE RETURN OF THE KR AS A DOMINANT POWER IN A FUTURE CAMBODIA. ACCORDING TO AUS ACCOUNT. HE ADDS AN INFORMED SOURCE SAID QIAN WENT TO SAY THERE HAD BEEN SOME INDICATIONS SOME SENIOR KR LEADERS PLAN TO "RETIRE," THOUGH NO TIMETABLE OR NAMES WERE GIVEN. HE ALSO REPORTS THAT QIAN WAS QUOTED AS TELLING SHULTZ CHINA IS WILLING TO CONTEMPLATE A POSSIBLE FUTURE ROLE IN AN INTERNATIONAL PROGRAM OF SUPERVISING A PEACE ARRANGEMENT BUT THAT IT IS UNCLASSIFIED

TOO EARLY TO SAY WHAT FORM THIS MIGHT TAKE.

OBERDORFER REPORTS SHULTZ ALSO EXPRESSED CONCERN ABOUTA RECENT INCREASE IN SOPHISTICATED WEAPONRY SUPPLIED TO NORTH KOREA BY THE USSR, INCLUDING SA-5 ANTI-AIRCRAFT MISSILES AND MIG-29 FIGHTERS.

-- REUTER'S KAZER (BEIJING) REPORTS CHINA HAS ASSURED THE US THAT IT HAS NOT SOLD BALLISTIC MISSILES EXCEPT TO SAUDI ARABIA, SHULTZ SAID ON FRIDAY. HE NOTES THE SECRETARY TOLD REPORTERS THAT NO AGREEMENT HAD BEEN REACHED, BUT THE ISSUE OF MISSILE SALES WAS RAISED IN HIS TALKS WITH DENG, LI PENG AND ZHAO ZIYANG. KAZER QUOTES

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THE SECRETARY AS SAYING: "THE CHINESE TOLD ME THEY HAVE NOT MADE ANY SALES OF BALLISTIC MISSILES TO A COUNTRY OTHER THAN SAUDI ARABIA." HE NOTES THE LA TIMES, QUOTING WESTERN EXPERTS FAMILIAR WITH CHINA'S MISSILE PROGRAM, REPORTED FROM HONG KONG THAT A SYRIAN MISSILE SALE HAS BEEN COMPLETED (SEE THE JULY 14 EAP PRESS SUMMARY)..

KAZER QUOTES THE SECRETARY AS SAYING: "I FEEL MYSELF THAT IT IS VERY UNDESIRABLE TO HAVE BALLISTIC MISSILE TECHNOLOGY OR BALLISTIC MISSILES THEMSELVES SPREADING AROUND. THIS IS A SUBJECT I BROUGHT FORWARD TO THE

CHINESE, AND WE DISCUSSED IT AT SOME LENGTH." ALTHOUGH THE SECRETARY DIDN'T COMMENT ON CHINESE ASSURANCES, HE NOTES SHULTZ DID ADD: "THIS IS A SUBJECT THAT WILL CONTINUE TO BE ON OUR AGENDA." KAZER POINTS OUT THAT THE SECRETARY ALSO DISCUSSED SECURITY ON THE KOREAN PENINSULA. HE SAID THE SECRETARY COMMENTED THAT DID NOT BRING UP HUMAN RIGHTS IN TIBET.

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-- AP'S GRAY (BEIJING) SAYS A US OFFICIAL NOTED THAT QIAN TOLD THE SECRETARY THAT SENIOR KHMER ROUGE LEADERS MAY RETIRE. HE NOTES QIAN URGED THE INTERNATIONAL COMMUNITY TO KEEP UP PRESSURE ON VIETNAM TO WITHDRAW ITS FORCES FROM CAMBODIA AND SAID THAT BEIJING RECOGNIZED AS A "GENERAL PRINCIPLE" THE POTENTIAL ROLE OF AN INTERNATIONAL PEACEKEEPING FORCE THERE. HE NOTES SHULTZ RAISED US CONCERNS OVER CHINA'S MIDDLE EAST MISSILE SALES.

SHULTZ REPEATED HIS CRITICISM OF CHINA'S WEAPONS SALES AT THE THURSDAY BANQUET FOLLOWING HIS TALKS QIAN, GRAY NOTES. HE ADDS THAT A US OFFICIAL SAID SHULTZ TOLD QIAN THE US WAS CONCERNED ABOUT THE APPEARANCE OF TECHNOLOGICALLY ADVANCED WEAPONRY IN NK AND WAS DISAPPOINTED THAT THE NORTH SEEMS TO HAVE "BRUSHED OFF" RECENT SOUTH KOREAN OVERTURES AT RECONCILIATION. "NOW IS AN APPROPRIATE TIME TO MOVE TO CREATE A BETTER ATMOSPHERE AS WE MOVE TOWARD THE OLYMPICS WE HOPE THAT THE RECENT COURAGEOUS AND FAR-SIGHTED PROPOSALS THAT HAVE BEEN MADE FOR CREATING A NEW CLIMATE ON THE KOREAN PENINSULA AND FOR EXPANDING NORTH-SOUTH CONTACTS WILL LEAD TO POSITIVE STEPS TOWARD NATIONAL RECONCILIATION." HE QUOTES SHULTZ AS SAYING IN HIS BANQUET TOAST.

-- LA TIMES' MANN (BEIJING -- ALSO IN THE BOSTON GLOBE)

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SAYS THAT IN A SIGNIFICANT SHIFT IN US POLICY TOWARD CHINA, SHULTZ TOLD CHINESE OFFICIALS ON THURSDAY THAT THE US IS IMPROVING ITS RELATIONS WITH MOSCOW AND SUGGESTED STRONGLY THAT CHINA SHOULD DO SO TOO. THE SECRETARY'S SPEECH, HE SUGGESTS, POINTED TO A CHANGE IN THE 3-WAY RELATIONSHIP. HE SAYS SHULTZ APPEARED TO HOLD OUT FOR CHINA AN IMPORTANT ROLE IN WORKING TOGETHER WITH THE US AND THE USSR TO HELP KEEP PEACE IN ASIA AND TO HELP SOLVE REGIONAL PROBLEMS SUCH AS THE FUTURE OF CAMBODIA. SHULTZ AND QIAN, ACCORDING TO MANN, ALSO TALKED ABOUT CHINA'S MISSILE SALES TO THE MIDDLE EAST. BUT, HE STATES, AN UNCLASSIFIED

AMERICAN OFFICIAL WHO ATTENDED THE SESSION SAID THE SECRETARY DIDN'T MAKE ANY DIRECT PROTEST TO QIAN ABOUT THE SAUDI MISSILE SALE OR ITS REPORTED DEAL TO SELL NEW SHORT-RANGE MISSILES TO SYRIA.

ACCORDING TO MANN, IN ENCOURAGING CHINA TO IMPROVE ITS TIES WITH MOSCOW, THE REAGAN ADMINISTRATION WAS INDICATING ITS ACCEPTANCE OF A PROCESS THAT IS ALREADY UNDER WAY. HE ADDS THAT A SENIOR US OFFICIAL SAID SHULTZ AND QIAN DISCUSSED SINO-SOVIET RELATIONS DURING THEIR 3-HOUR MEETING THURSDAY, ALTHOUGH THE OFFICIAL WOULD NOT GIVE ANY DETAILS OF WHAT WAS SAID. HE NOTES AN AMERICAN PARTICIPANT IN THE TALKS SAID, REGARDING CAMBODIA, THAT CHINA VOICED SUPPORT FOR THE US POSITION THAT THE KHMER ROUGE LEADERSHIP OF CAMBODIA FROM 1975-78 SHOULD NOT BECOME THE "DOMINANT POWER" IN CAMBODIA AFTER THE VIETNAMESE LEAVE.

-- WASHINGTON TIMES' NEILAN (BEIJING) SAYS THAT CHINESE LEADERS TOLD THE SECRETARY THURSDAY THEY WOULD CONSIDER A US PROPOSAL TO HOLD TALKS ON CURBING THE SPREAD OF BALLISTIC MISSILES. A SENIOR US OFFICIAL SAID THE CHINESE ASSURED SHULTZ "THEY HAVE SOLD MISSILES ONLY TO SAUDI ARABIA AND THAT THEY WOULD THINK ABOUT OUR PROPOSAL TO GO INTO THIS IN GREATER DEPTH." HE SAYS.

NEILAN POINTS OUT THAT, PUBLICLY, SHULTZ BEGAN HIS VISIT WITH A CALL FOR HELP IN MAKING SURE THE SUMMER OLYMPICS IN SEOUL ARE A QUIET SUCCESS. HE SAYS QIAN, REPLYING OBLIQUELY THURSDAY TO THE SECRETARY ON US KOREA CONCERNS, SAID CHINA WOULD DISPATCH CHINESE PRESIDENT YANG SHANGKUN AT THE HEAD OF A LARGE DELEGATION ON A STATE VISIT TO PYONGYANG THE DAY THE OLYMPICS BEGIN.

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DURING THE THURSDAY MEETINGS, NEILAN STATES, QIAN AND SHULTZ TALKED ABOUT US CONCERNS OVER CHINESE SALES TO THE MIDDLE EAST. HE NOTES THAT THE MIDDLE EAST IS RIFE WITH UNCONFIRMED REPORTS THAT BEIJING IS MARKETING SHORTER-RANGE BALLISTIC MISSILES THAT COULD HIT ALL CAPITALS IN THE REGION AS WELL AS SOME EUROPEAN CITIES.

ACCORDING TO NEILAN, IN A LETTER TO THE SECRETARY, 111 MEMBERS OF CONGRESS CITED SUCH REPORTS AND SAID THEY "BELIEVE IT IS NECESSARY TO INFORM CHINA THAT FUTURE US COOPERATION IN TECHNOLOGICAL AND MILITARY MATTERS WILL BE JEOPARDIZED UNLESS THE INDISCRIMINATE ARMS SALES POLICY COMES TO A HALT."

NEILAN SAYS: "THE CHINESE HAVE ALWAYS LIKED DEALING WITH SHULTZ, WHO TALKS STRAIGHT AND TOUGH ON SENSITIIVE ISSUES AND THEN BELTS BACK A MODEST MAO TAI LIQUOR SHOT AND TOASTS FRIENDSHIP."

2. CAMBODIA/INDONESIA/ASEAN/VIETNAM

-- UPI (JAKARTA 7/14) REPORTS INDONESIAN FOREIGN MINISTER ALI ALATAS SAID THURSDAY THAT THE SURPRISE RESIGNATION OF PRINCE SIHANOUK AS HEAD OF THE CAMBODIAN RESISTANCE COALITION WOULD NOT SABOTAGE UPCOMING INFORMAL PEACE TALKS IN INDONESIA. MEANWHILE, IT ADDS, A THAI FOREIGN MINISTRY SOURCE SAID THE PRINCE'S RESIGNATION POSSIBLY WAS CAUSED BY THE REFUSAL BY ASEAN TO INCREASE ARMS SUPPLIES TO HIS GUERRILLAS.

UPI REPORTS ALATAS TOLD NEWSMEN THAT SIHANOUK IS "STILL THE KEY TO MANY ASPECTS OF A POSSIBLE SETTLEMENT IN CAMBODIA," DESPITE HIS DECISION TO STEP DOWN AS LEADER OF THE UN-RECOGNIZED COALITION. THOUGH THE PRINCE'S MOVE WOULD NOT STOP INFORMAL PEACE TALKS TO BEGIN JULY 25 AT

BOGOR, A MOUNTAIN RESORT EAST OF JAKARTA. "ALL OF THOSE INVITED HAVE ACCEPTED, AND AS FAR AS WE ARE CONCERNED, THE MEETING WILL GO ON," IT QUOTES ALATAS AS SAYING. IT REPORTS HE ALSO SUGGESTED THAT SIHANOUK MIGHT YET APPEAR

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FOR THE TALKS.

UPI ALSO NOTES THAT, IN BANGKOK, A THAI FOREIGN MINISTRY SOURCE SAID SIHANOUK "TOLD ASEAN HIS TROOPS ARE GETTING STRONGER AND SHOULD HAVE MORE WEAPONS SUPPORT. THE PRINCE WANTED FRIENDLY COUNTRIES TO HELP BUILD HIS TROOP STRENGTH UP TO 50,000 MEN. BUT ASEAN TURNED DOWN THE REQUEST AND PROPOSED AN INTERNATIONAL PEACEKEEPING FORCE INSTEAD," IT QUOTES THE SOURCE AS SAYING. IT REPORTS HE ADDED THAT SIHANOUK "ESPECIALLY STRESSED" THAT MANY CAMBODIAN TROOPS HAVE RECENTLY DEFECTED TO HIS FORCES.

UPI ADDS THAT A SPOKESMAN FOR THE PRINCE IN BANGKOK DECLINED TO COMMENT ON ASEAN'S ALLEGED REFUSAL TO INCREASE ARMS SUPPLIES. IT SAYS THAT WHEN HE RESIGNED HE FIRST BLAMED A BANGKOK NEWSPAPER ACCOUNT OF A 1967 PEASANT UPRISING AGAINST HIS GOVERNMENT, WHILE ON HIS ARRIVAL IN PARIS HE LASHED OUT AT THE KHMER ROUGE FOR ATTACKING HIS FORCES IN CAMBODIA.

-- REUTER (BANGKOK) REPORTS VIETNAM FRIDAY CONFIRMED IT WILL TAKE PART IN THE CAMBODIA PEACE TALKS IN INDONESIA ON JULY 25. EARLIER, IT NOTES, HANOI THREATENED NOT TO TAKE PART UNLESS IT RECEIVED ASSURANCES THAT AN ORIGINAL FORMAT FOR THE TALKS AGREED WITH ASEAN STATES LAST YEAR WOULD BE FOLLOWED.

REUTER SAYS RADIO HANOI REPORTED THAT INDONESIAN FOREIGN MINISTER ALI ALATAS GAVE THIS ASSURANCE TO THE VIETNAMESE
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AMBASSADOR IN JAKARTA ON TUESDAY. IT NOTES THE BROADCAST

SAID VIETNAM WOULD BE REPRESENTED BY FOREIGN MINISTER THACH, WHO WOULD TAKE PART IN THE 2ND PHASE OF THE TALKS, ALONG WITH THE 4 CAMBODIAN FACTIONS, LAOS, AND MEMBERS OF ASEAN.

3. VIETNAM/REFUGEES

-- REUTER (MANILA 7/14) NOTES 3 US NAVY CREW AND THEIR PLANE WERE REPORTED MISSING OVER THE SOUTH CHINA SEA FOR MORE THAN 2 DAYS, AND US MILITARY AIRCRAFT WERE STILL SEARCHING FOR THEM, A NAVY SPOKESMAN SAID THURSDAY. IT QUOTES LT CMDR JAMES VAN SICKLE AS SAYING THE 2 MEN AND ONE WOMAN ON BOARD TOLD A RADIO CONTACT AT 1 PM TUESDAY THAT THEIR CT-39E LIGHT TRANSPORT AIRCRAFT WAS LOW ON

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FUEL, THAT NAVIGATIONAL AIDS HAD FAILED, AND THAT THEY WERE DITCHING IT AT SEA. IT SAYS THE PLANE, ON A FLIGHT FROM SINGAPORE TO A US NAVAL AIR STATION IN THE PHILIPPINES, FAILED TO MAKE A SCHEDULED REFUELING STOP IN KOTA KINABALU, MALAYSIA.

-- UPI AND REUTER (BOTH MANILA) REPORT A NAVY SPOKESMAN INDICATED FRIDAY THAT THE 3 CREWMEN HAD BEEN RESCUED BY A VIETNAMESE NAVAL VESSEL. UPI QUOTES VAN SICKLE AS SAYING WORD OF THE RESCUE CAME FROM THE STATE DEPARTMENT IN WASHINGTON AND THAT ONLY SKETCHY INFORMATION WAS AVAILABLE; HE DID NOT KNOW THE CONDITION OF THE FLIERS OR WHAT WOULD HAPPEN WHEN THEY REACHED THE VIETNAMESE MAINLAND, IT ADDS. IT QUOTES A US GOVERNMENT SPOKESMAN IN MANILA AS SAYING: "OUR PRESUMPTION IS THAT THEY WILL BE RETURNED.

UPI REPORTS THE NAVY SAID AN INTENSIVE SEARCH FOR THE 3 CREWMEN WERE CONCENTRATED IN THE SOUTHERN PART OF THE SOUTH CHINA SEA NEAR THE DISPUTED SPRATLY ISLANDS. IT UNCLASSIFIED

NOTES THE NAVY SAID THE FLIERS WERE PICKED UP BY THE VIETNAMESE VESSEL SHORTLY AFTER THEY WENT INTO THE SEA. IT SAYS THE THREE WERE IDENTIFIED AS PILOT LT RICHARD MAURER OF PENNSYLVANIA, CO-PILOT LT JG ELIZABETH STEINMECKER OF TEXAS, AND CAPT AD1 MICHAEL NEEL OF NEW MEXICO. IT REPORTS ALL 3 ARE ASSIGNED TO FLEET LOGISTICS SUPPORT SQUADRON 50 AT CUBI POINT, THE NAVAL AIR STATION ADJOINING THE SUBIC BAY NAVAL BASE IN THE PHILIPPINES.

-- REUTER ADDS THAT US MILITARY PLANES HAD BEEN SCOURING THE AREA FOR 3 DAYS WHEN WASHINGTON RECEIVED WORD THAT THE 3 HAD BEEN RESCUED IT QUOTES VAN SICKLE AS SAYING HANOI TOLD THE STATE DEPARTMENT THE CREW MEMBERS WERE BEING TAKEN TO VIETNAM.

-- THE CHRISTIAN SCIENCE MONITOR (BANGKOK) AND THE LA TIMES REPORT VIETNAM HAS INDICATED IT IS WILLING TO CONSIDER TAKING BACK BOAT PEOPLE TURNED DOWN BY RESETTLEMENT COUNTRIES ACCORDING TO THE LA TIMES, A WESTERN REFUGEE OFFICIAL SAID VIETNAMESE FOREIGN MINISTER THACH REVEALED HANOI'S NEW POSITION TO THAI FOREIGN MINISTER SIDDHI DURING TALKS IN BANGKOK ON JUNE 20. PREVIOUSLY, IT SAYS, VIETNAM HAD SAID IT WOULD CONSIDER TAKING BACK REFUGEES ON A "CASE-BY-CASE" BASIS, WHICH THE OFFICIAL SAID WAS HANOI'S "WAY OF SAYING NO. (BUT) NOW

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THEY ARE SAYING THEY ARE WILLING TO CONTEMPLATE SIGNIFICANT NUMBERS OF PEOPLE RETURNING.:

-- UPI (BANGKOK 7/14) QUOTES A US EMBASSY BANGKOK OFFICIAL AS SAYING THAT SENIOR US AND VIETNAMESE OFFICIALS THURSDAY SOUGHT AGREEMENT ON THE RESETTLEMENT OF THOUSANDS OF PEOPLE WHO HAD BEEN IMPRISONED IN "RE-EDUCATION CAMPS" FOR THEIR TIES TO THE US DURING THE UNCLASSIFIED

VIETNAM WAR. IT SAYS A US DELEGATION LED BY RP SENIOR DAS ROBERT FUNSETH WAS IN HANOI FOR TALKS MEANT TO WORK OUT AN AGREEMENT FOR THE RESETTLEMENT IN THE US OF CURRENT OR FORMER "RE-EDUCATION CAMP" INMATES AND THEIR RELATIVES. EMBASSY OFFICIAL WILLIAM SCHAUER SAID. "THE GREAT MAJORITY OF THESE WERE INCARCERATED BECAUSE OF THEIR CLOSE ASSOCIATION WITH THE US AND ITS ALLIES DURING THE WAR," IT REPORTS SCHAUER SAID.

UPI REPORTS REFUGEE OFFICIALS IN VIETNAM SAID THE AGREEMENT BEING SOUGHT BY THE US IS EXPECTED TO COVER 40,000-50,000 FORMER INMATES AND THEIR RELATIVES BUT THAT NO SURVEY HAS BEEN MADE.

UPI QUOTES SCHAUER AS SAYING THE FUNSETH DELEGATION INCLUDES EAP/VLC ACTING DIRECTOR MILLINGTON; BRUCE BEARDSLEY, DIRECTOR OF THE ORDERLY DEPARTURE PROGRAM AND THE REFUGEE SECTION AT THE US EMBASSY IN BANGKOK; AND OTHER OFFICIALS. IT SAYS THE DELEGATION ARRIVED IN HANOI WEDNESDAY AND IS EXPECTED TO LEAVE NEXT WEEK. IT NOTES THE MEETING WAS ARRANGED DURING TALKS LAST MONTH IN NEW YORK BETWEEN VIETNAMESE FOREIGN MINISTER THACH AND PRESIDENTIAL ENVOY GEN (RET) JOHN VESSEY.

-- AFP (HANOI) REPORTS RP DAS FUNSETH SAID FRIDAY THAT VIETNAM AND THE US HAVE REACHED AN AGREEMENT IN PRINCIPLE FOR FORMER POLITICAL PRISONERS TO EMIGRATE TO THE US. THE VOLUNTARY EMIGRATION PROGRAM WOULD BEGIN "WITHIN THE NEXT FEW MONTHS," ALTHOUGH "ADDITIONAL EXCHANGES OF VIEW WILL BE REQUIRED," IT QUOTES FUNSETH AS SAYING. IT ADDS FUNSETH SAID VIETNAMESE AUTHORITIES PROPOSED A LIST OF

11,000 PEOPLE WHO WORKED WITH THE FORMER SOUTH VIETNAMESE GOVERNMENT PLUS 40,000 FAMILY MEMBERS WHO WISHED TO EMIGRATE TO THE US.

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4. CHINA

-- AP (BEIJING) REPORTS CHINA HAS SENT A 10-MEMBER DELEGATION TO THE US TO MONITOR THE AMERICAN PRESIDENTIAL ELECTION AND STUDY DEMOCRACY IN ACTION, THE OFFICIAL "LEGAL DAILY" PAPER SAID FRIDAY. THE GROUP, AP NOTES, WAS INVITED TO THE US BY THE WASHINGTON-BASED "CENTER FOR DEMOCRACY."

5. KOREA

-- REUTER (SEOUL) REPORTS THE ROK'S OPPOSITION SAID ON FRIDAY IT WOULD TRY TO GET PRESIDENT ROH'S CABINET DISMISSED AND ORGANIZE A NATIONAL PROTEST OVER ROH'S VETO OF OPPOSITION BILLS AIMED AT INVESTIGATING CHUN DOO HWAN. IT SAYS THE PPD, IN A STATEMENT, CALLED THE VETO "OUTRAGEOUS VIOLENCE BY THE RULING POWER..." REUTER ALSO REPORTS KIM DAE JUNG SAID HE WOULD WORK WITH THE PPD TO GET OTHER OPPOSITION PARTIES TO PRESS ROH TO REVOKE HIS VETO OF THE BILLS.

-- REUTER (SEOUL) NOTES THAT THE ROK FRIDAY PROPOSED HIGH-LEVEL TALKS WITH NORTH KOREA TO ARRANGE TOURS BY STUDENTS AND ATHLETES ON EACH SIDE. EDUCATION MINISTER KIM YOUNG SHIK SAID IN A TELEVISED STATEMENT, IT ADDS, THAT HE HOPED THE TALKS AT THE VICE-MINISTER LEVEL WOULD BE HELD AT PANMUNJOM BEFORE JULY 30. REUTER SAYS THAT THE PROPOSALS, CALLING FOR 1,000 STUDENTS FROM EACH SIDE TO VISIT THE OTHER COUNTRY AND SIMILAR EXCHANGES OF 200 YOUNG ATHLETES FROM EACH SIDE, WERE CONTAINED IN A LETTER KIM SENT TO HIS NORTHERN COUNTERPART, PARK YONG RIP, ON FRIDAY.

-- REUTER (SEOUL) SAYS THAT A NEW SEOUL-BASED PEACE MOVEMENT CALLED ON FRIDAY FOR A MORATORIUM ON WAR AND TERRORISM DURING THE SUMMER OLYMPICS. THE "SEOUL ASSEMBLY OF OLYMPEACE," IT NOTES, WAS FORMED THIS WEEK BY PRIESTS, BUSINESSMEN, ACADEMICS AND RED CROSS OFFICIALS. THE GROUP IS SENDING A PETITION URGING THE WORLD TO "DECLARE A MORATORIUM ON ALL FORMS OF STRIFE, VIOLENCE

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AND TERROR, CASTING ASIDE WEAPONS OF CONFLICT AND HATRED," TO HEADS OF STATE, NOBEL PEACE PRIZE WINNERS AND PROMINENT PEOPLE IN HUMAN RIGHTS, IT SAYS.

6. BURMA

-- THE WASHINGTON TIMES (RANGOON) SAYS ONE PERSON HAS BEEN KILLED AND 9 WOUNDED, INCLUDING A SENIOR POLICE OFFICIAL, IN FRESH RIOTING IN BURMA, ACCORDING TO STATE-RUN RADIO. IT REPORTS 17 PEOPLE WERE ARRESTED IN DISTRUBANCES MONDAY AND TUESDAY IN TAUNGGYI, THE SHAN STATE CAPITAL

-- ACCORDING TO USA TODAY, NEWS REPORTS SAID AT LEAST 3 PEOPLE WERE KILLED AND 30 WOUNDED IN CLASHES IN TAUNGGYI SPARKED WHEN A BAKERY WORKER FLICKED A RUBBER BAND AT A BUDDHIST BEGGING ALMS.

-- REUTER (BANGKOK) REPORTS TAUNGGYI WAS HIT BY A 3RD DAY OF RIOTING, WITH 2 PEOPLE KILLED AND SHOPS AND A SCHOOL DAMAGED, ACCORDING TO RADIO RANGOON THURSDAY. IT SAYS THE DISTURBANCE BROKE OUT WEDNESDAY, A WEEK BEFORE AN EXTRAORDINARY CONGRESS OF THE RULING PARTY TO DISCUSS ECONOMIC AND OTHER REFORMS AFTER VIOLENCE IN SEVERAL CITIES IN THE PAST 5 MONTHS IN WHICH MORE THAN 200 PEOPLE HAVE BEEN KILLED.

REUTER REPORTS BURMA'S OFFICIAL RADIO SAID FIGHTING BETWEEN POLICE AND GROUPS OF UP TO 200 RIOTERS THAT BEGAN
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MONDAY CONTINUED INTO WEDNESDAY DESPITE AN OVERNIGHT CURFEW IMPOSED TUESDAY. ON WEDNESDAY, IT NOTES THE BROADCAST SAID, 2 MEN WERE STABBED TO DEATH AND 11 OTHERS INJURED IN CLASHES AFTER A CROWD GATHERED OUTSIDE A POLICE STATION DEMANDING THE RELEASE OF THOSE DETAINED ON PREVIOUS DAYS. IT QUOTES THE REPORT AS SAYING THEY RAMPAGED THROUGH THE STREETS, DESTROYING AN ORPHANAGE SCHOOL AND 5 RELATED BUILDINGS AS WELL AS DAMAGING RICE SHOPS, TEA SHOPS, AND BICYCLE REPAIR SHOPS.

REUTER SAYS TRAVELLERS RECENTLY BACK FROM BURMA "SAID THERE WAS AN OUTWARD APPEARANCE OF CALM IN THE CITIES, BUT THERE WAS TENSION BREWING BENEATH THE SURFACE."

LAST SATURDAY, REUTER ALSO REPORTS, THE GOVERNMENT LIFTED OVERNIGHT CURFEWS IN RANGOON, PEGU, PROME, AND MOULMEIN

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IMPOSED JUNE 21 AFTER RIOTING IN WHICH DIPLOMATS SAID MORE THAN 100 PEOPLE WERE KILLED.

7. MALAYSIA

-- THE JOURNAL OF COMMERCE (KUALA LUMPUR 7/14) REPORTS THAT A LABOR ORGANIZATION REPRESENTING 800,000 PUBLIC AND CIVIL SERVICE EMPLOYEES WEDNESDAY ASKED THE US NOT TO ABOLISH PREFERENTIAL TRADE TREATMENT FOR MALAYSIAN

GOODS. IT NOTES OFFICIALS OF THE "CONGRESS OF UNIONS OF EMPLOYEES IN THE PUBLIC AND CIVIL SERVICE" SAID THEY DELIVERED A STATEMENT TO CHARGE D'AFFAIRES THOMAS HUBBARD SAYING THAT THE WITHDRAWAL OF GSP BENEFITS WOULD HURT MALAYSIAN WORKERS.

LAST MONTH, THE JOURNAL NOTES, THE AFL-CIO URGED THE USG UNCLASSIFIED

TO END GSP PRIVILEGES FOR MALAYSIA BECAUSE OF ALLEGED VIOLATIONS OF INTERNATIONAL LABOR RIGHTS, INCLUDING THE ARRESTS OF UNION LEADERS.

8. AUSTRALIA

-- THE JOURNAL OF COMMERCE (SYDNEY) REPORTS THE GOA HAS LAUNCHED A CAMPAIGN TO ATTRACT US INVESTMENTS IN AUSTRALIA'S MANUFACTURING AND SERVICES SECTOR. IT SAYS THE ALP GOVERNMENT IS LOOKING FOR US CAPITAL AND TECHNOLOGY TO EXPAND THE INDUSTRIAL AND COMMERCIAL BASE TO MAKE AUSTRALIAN PRODUCTS MORE COMPETITIVE IN WORLD MARKETS. "NATIONAL RELIANCE ON BASIC AGRICULTURAL AND MINING COMMODITIES IS NO LONGER REALISTIC." IT QUOTES A GOA SPOKESMAN AS SAYING. IT NOTES THE SPOKESMAN ADDED THAT AUSTRALIA URGENTLY NEEDS TO DEVELOP "HIGH QUALITY" MANUFACTURING AND SERVICE INDUSTRIES

ACCORDING TO THE JOURNAL, THE CAMPAIGN STRESSES DIRECT AND INDIRECT INVESTMENT AND ESTABLISHING SUBSIDIARIES OR JOINT VENTURES WITH AUSTRALIAN COMPANIES.

9. NEW CALEDONIA

-- THE WASHINGTON TIMES (PARIS) REPORTS A REFERENDUM ON A 10-YEAR PLAN TO SETTLE THE FUTURE OF NEW CALEDONIA MAY BE HELD IN SEPTEMBER, FRENCH PRESIDENT MITTERRAND SAID FRIDAY. IT SAYS MITTERRAND INDICATED IN A TV INTERVIEW

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THAT THE REFERENDUM WOULD PROBABLY BE HELD ON THE SAME DAY AS THE FIRST ROUND OF FRENCH LOCAL ELECTIONS, WHICH TAKE PLACE SEPTEMBER 25.

10. FIJI

-- REUTER (SUVA 7/13) REPORTS FIJI'S ARMY SAID WEDNESDAY THAT A LARGE QUANTITY OF SOVIET-MADE WEAPONS HAD BEEN UNCLASSIFIED

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PAGE 20 STATE 229503

SURRENDERED UNDER A MONTH-LONG AMNESTY DECLARED AFTER DISCOVERY OF AN ILLEGAL ARMS SHIPMENT. IT NOTES A MILITARY SPOKESMAN DID NOT SAY WHO SURRENDERED THE WEAPONS OR THE NUMBER OF ARMS, BUT STATE-OWNED RADIO FIJI REPORTED THAT THEY INCLUDED 19 AK-47 RIFLES.

REUTER SAYS THIS WAS THE FIRST PUBLIC RESPONSE TO THE AMNESTY ANNOUNCED JUNE 24 BY ARMY COMMANDER SITIVENI RABUKA. UNDER THE TERMS OF THE AMNESTY, IT REPORTS, PEOPLE MAY SURRENDER WEAPONS WITHOUT FEAR OF PROSECUTION, AND THEIR NAMES WILL BE KEPT SECRET.

11. JAPAN

-- REUTER'S MAEKAWA (TOKYO) REPORTS JAPAN ANNOUNCED ITS BIGGEST INCREASE IN GOVERNMENT SPENDING IN 6 YEARS ON FRIDAY TO MEET INTERNATIONAL DEMANDS THAT IT GIVE MORE TO POORER NATIONS AND TO STRENGTHEN ITS ARMED FORCES. BUDGET GUIDELINES ANNOUNCED FRIDAY BY FINANCE MINISTER MIYAZAWA AND APPROVED AT A CABINET MEETING SHOWED THERE WOULD BE A 9.4 PERCENT INCREASE IN OVERSEAS DEVELOPMENT ASSISTANCE STARTING NEXT APRIL, HE SAYS.

MAEKAWA NOTES THAT POLITICAL ANALYSTS HAVE LINKED JAPAN'S NEW CONFIDENCE IN ITS ABILITY TO SET INTERNATIONAL POLICY TO ITS REALIZATION THAT IT CANNOT SHELTER FOREVER UNDER THE WING OF THE US ARMED FORCES. HE REPORTS FINANCE MINISTER MIYAZAWA ANNOUNCED DEFENSE SPENDING WOULD GROW UP TO 6.1 PERCENT, AS JAPAN CONTINUES EFFORTS TO INCREASE ITS DEFENSE CAPABILITY.

MAEKAWA SAYS THAT AID AND DEFENSE ARE AMONG ONLY 6 SPECIAL CATEGORIES TO ESCAPE RULES UNDER WHICH UNCLASSIFIED

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DEPARTMENTS MUST CUT SPENDING BY AT LEAST 10 PERCENT FROM THE PREVIOUS YEAR.

COMMENT AND ANALYSES

12. KOREA

-- CHRISTIAN SCIENCE MONITOR'S HUGHES (SEOUL) SAYS THAT AFTER ONLY A FEW MONTHS IN OFFICE, PRESIDENT ROH IS PROVING ONE OF THE MOST INTRIGUING LEADERS IN ASIA. AS A MAN BRED IN THE CONSERVATIVE POLITICAL TRADITION, HE COMMENTS, ROH IS PRESIDING OVER REMARKABLY SPEEDY CHANGES THAT HAVE PROPELLED THE ROK FAR DOWN THE ROAD TO DEMOCRATIC REFORM AND LIBERALIZATION.

HUGHES COMMENTS THAT WITH NORTH-SOUTH RELATIONS SO POOR AT PRESENT, ROH HAS RECOMMENDED A NEW APPROACH TO PYONGYANG THAT MAY ALSO BE GOOD POLITICS AT HOME. WASHINGTON'S OPINION, HE SAYS, IS THAT IT IS BETTER FOR 2 HOSTILE COUNTRIES TO BE TALKING RATHER THAN SIMPLY CONFRONTING EACH OTHER WITH FORCE. HUGHES POINTS OUT THAT WHATEVER THE ROK CAN DO TO LESSEN CHINA AND THE

USSR'S TIES WITH THE NORTH AND TO INCREASE CONTACTS WITH THE SOUTH IS CLEARLY IN ITS FAVOR. WHETHER OR NOT THE NORTH GRASPS THE HAND BEING EXTENDED TO IT, HUGHES CONCLUDES, ROH IS NOTCHING UP A RECORD AS A LEADER WILLING TO EXPERIMENT AND INNOVATE. WHITEHEAD

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PAGE 01 MEXICO 17775 01 OF 04 182325Z
ACTION ARA-00

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E.O. 12356: N/A
TAGS: KSCA, TRGY, IAEA, MX
SUBJECT: IS THERE A GENIE AT LAGUNA VERDE?

REF: A) MEXICO 16370 B) MEXICO 11369 C) MEXICO 3340

1. SUMMARY. AS ELECTION DAY DREW NEAR (JULY 6) OPPOSITION TO THE LAGUNA VERDE NUCLEAR PLANT REACHED A CRESCENDO AND IN THE AFTERMATH OF THE ELECTIONS SEEMS TO HAVE SUFFERED A DRAMATIC DECLINE. PRIOR TO THE ELECTION, THOUSANDS OF DEMONSTRATORS REPRESENTING LOCAL INHABITANTS AS WELL AS ECOLOGY AND ANTI-NUCLEAR GROUPS BLOCKED HIGHWAYS IN THE STATE OF VERACRUZ FOR FOUR DAYS LAST MONTH. THIS CONFRONTATION RECEIVED DAILY, FULL PRESS COVERAGE. ECOLOGY GROUPS ANNOUNCED PLANS TO BE OUT IN FORCE AT POLLING PLACES ON JULY 6 TO DISCOURAGE VOTING FOR THE LEADING INSTITUTIONAL REVOLUTIONARY PARTY (PRI). PRESS COVERAGE OF THE ELECTIONS DID NOT MENTION DISCERNIBLE ANTI-NUCLEAR PRESENCE NOR DID EMBASSY OFFICERS OBSERVING THE VOTING NOTE THEIR PRESENCE. IT IS STILL A VERY CLOSE CALL, BUT, ON BALANCE, WE BELIEVE THAT THE ANTI-NUCLEAR MOVEMENT HAS PEAKED AND, IN THE ABSENCE OF SOME UNTOWARD NUCLEAR EVENT, THE DE LA MADRID ADMINISTRATION WILL LOAD THE FUEL AND START UP THE PLANT
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PAGE 02 MEXICO 17775 01 OF 04 182325Z

DURING THE JULY-DECEMBER INTERIM BETWEEN THE ELECTIONS AND THE INAUGURATION. END SUMMARY.

THE DEMONSTRATIONS

2. ON JUNE 19 SOME 500 DEMONSTRATORS BEGAN BLOCKING THREE HIGHWAYS IN THE STATE OF VERACRUZ. MOST CONCENTRATED AT PALMA SOLA ON THE "GULF HIGHWAY" WHICH CONNECTS THE PORTS OF VERACRUZ AND TAMPICO. PARTICIPANTS WERE LOCAL CATTLE RANCHERS, HOUSEWIVES, UNIVERSITY STUDENTS AND REPRESENTATIVES OF ANTI-NUCLEAR GROUPS. ESTIMATES VARY FROM 15,000 REPORTED BY ONE NEWSPAPER, TO 5,000 REPORTED BY THE MEXICAN ECOLOGY MOVEMENT, TO 200 REPORTED BY THE FEDERAL COMMISSION OF ELECTRICITY (CFE) --THE CFE LATER ADMITTED TO SCIOFF ASSISTANT THAT 500 WAS A GOOD COMPROMISE NUMBER. THE RESULTING STOPPAGE OF TRAFFIC ON THE BLOCKED HIGHWAYS LED TO CONSIDERABLE INCONVENIENCE AND HUGE LOSSES OF REVENUE (ESTIMATED BY ONE NEWSPAPER AT 250 MILLION DOLLARS) FOR TRUCKERS, BUS DRIVERS, AND BUSINESSMEN INVOLVED IN THE TRANSIT OF SUPPLIES AND GOODS. THE DEMONSTRATION CONTINUED UNTIL THE MORNING OF JUNE 23, WHEN MEXICAN MARINES ARRIVED REPORTEDLY TO REMOVE THE DEMONSTRATORS. AT ABOUT 5:30 AM ON THE 23RD, THE PARTICIPANTS DECIDED TO CEASE THE BLOCKADE RATHER THAN FACE POSSIBLE PHYSICAL EXPULSION.

3. THE DEMONSTRATORS DID NOT LEAVE EMPTY-HANDED. THEY HAD MANAGED TO GET AN AUDIENCE ON JUNE 22 FOR FIVE OF THEIR MEMBERS WITH THE GOVERNOR OF THE STATE OF VERACRUZ, FERNANDO GUTIERREZ BARRIOS, AT WHICH TIME THEY DEMANDED AN INTERVIEW WITH PRESIDENT MIGUEL DE LA MADRID.
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PAGE 03 MEXICO 17775 01 OF 04 182325Z

GOVERNOR GUTIERREZ ASKED THE GROUP TO LIFT THE BLOCKADE AND PROMISED TO RESPOND TO THEIR DEMANDS IN THE NEAR FUTURE. ALTHOUGH THE GROUP HAD VOTED NOT TO LEAVE THE HIGHWAY UNTIL THEY GOT MORE CONCRETE RESULTS, THE ARRIVAL OF THE MARINES INSPIRED THEM TO RECONSIDER THEIR EARLIER DECISION AND THEY MOVED OFF THE HIGHWAY.

THE STATUS OF THE PLANT

4. RUMORS ABOUT THE IMMINENT START-UP OF THE LAGUNA VERDE NUCLEAR PLANT HAVE ABOUNDED FOR SEVERAL YEARS. OUR

CURRENT BEST GUESS IS THAT THE PLANT WILL BE LOADED BEFORE THE NEW PRESIDENT TAKES POWER (I.E., BEFORE DECEMBER 1). GOVERNMENT EXPERTS SAY THAT TECHNICALLY ALL IS READY AND THEY ARE AWAITING THE POLITICAL DECISION AS TO WHEN TO START OPERATIONS. RECENT NRC AND IAEA VISITORS HAVE EXPRESSED CONFIDENCE IN THE PLANT AND ITS STATE OF PREPARATION FOR START-UP. DR. MARCOS ROSENBAUM, DIRECTOR OF THE NATIONAL INSTITUTE OF NUCLEAR RESEARCH AT THE NATIONAL AUTONOMOUS UNIVERSITY (UNAM), OPINED THAT NOT STARTING THE PLANT WOULD BE ABSOLUTELY FOOLISH. (HE ALSO AVOIDED GOING OUT ON A LIMB BY SAYING THAT IN HIS OPINION THE REACTOR DESIGN CHOSEN--A GE MARK II BOILING WATER REACTOR--WAS PROBABLY NOT THE BEST THEY COULD HAVE BOUGHT.)

5. THE HISTORY OF THE LAGUNA VERDE NUCLEAR REACTOR IS LONG AND HAS BEEN FRAUGHT WITH FINANCIAL AND TECHNICAL PROBLEMS. THE DECISION TO BUILD THE REACTOR WAS TAKEN 20

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PAGE 01 MEXICO 17775 02 OF 04 182326Z
ACTION ARA-00

INFO	LOG-00	ADS-00	INR-10	SS-00	OIC-02	CIAE-00	EB-00
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FM AMEMBASSY MEXICO

TO SECSTATE WASHDC 1466

UNCLAS SECTION 02 OF 04 MEXICO 17775

E.O. 12356: N/A
TAGS: KSCA, TRGY, IAEA, MX
SUBJECT: IS THERE A GENIE AT LAGUNA VERDE?

YEARS AGO (IN 1968), TECHNICAL STUDIES WERE CONDUCTED FROM 1970-76, THE LOCATION WAS DECIDED AND CONSTRUCTION STARTED IN 1976, AND CONSTRUCTION WAS ESSENTIALLY COMPLETED IN AUGUST 1987. CRITICS WHO STATE THAT THE TECHNOLOGY OF THE PLANT IS NEARLY 20 YEARS OLD BASE THEIR ARGUMENT ON THE FACT THAT THE DECISION THAT MEXICO SHOULD EMPLOY NUCLEAR POWER WAS TAKEN IN 1968, BUT FAIL TO NOTE THAT THE REACTOR DESIGN WAS NOT ACTUALLY SELECTED UNTIL 1976. THE CFE STATES THAT THE ORIGINAL REACTOR DESIGN WAS A GE BWR-3, BUT THAT THEY HAVE ADAPTED IT TO THE MOST MODERN TECHNOLOGY AND IT NOW CORRESPONDS TO THE BWR-5 MODEL. REPORTED INVESTMENT TO DATE IS 2,127,660,000 DOLLARS. AUTHORITIES ESTIMATE THAT THE CFE IS LOSING APPROXIMATELY 650,000 DOLLARS PER DAY BECAUSE THE PLANT IS NOT OPERATIONAL (I.E., ALTERNATE ENERGY BEING GENERATED, MAINTENANCE AND SALARIES, ETC.).

THE PUBLIC REACTION - A BRIEF LOOK AT THE ECOLOGY MOVEMENT

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PAGE 02 MEXICO 17775 02 OF 04 182326Z

6. THE "PACT OF ECOLOGY GROUPS" IS AN UMBRELLA ORGANIZATION, AS THE NAME WOULD IMPLY, FOR SEVERAL ECOLOGY GROUPS. COMMENT: SEE MEXICO 3340 FOR A IN-DEPTH LOOK AT THE MEXICAN ECOLOGY MOVEMENT. END COMMENT. THE COORDINATOR FOR THE ENERGY COMMITTEE IS ENGINEER JOSE ARIAS CHAVEZ, WHO ALSO HEADS THE ASSOCIATION FOR APPROPRIATE TECHNOLOGY. ARIAS HAS BEEN WORKING IN THE VERACRUZ AREA WITH 74 DIFFERENT, HOMEGROWN ANTI-NUCLEAR GROUPS. THE ONE-EYED ARIAS, NICKNAMED "THE NUCLEAR PIRATE", HAS PUBLISHED CONSIDERABLE INFORMATION ABOUT THE PURPORTED TECHNICAL PROBLEMS OF LAGUNA VERDE AND RECEIVED MUCH PRESS ATTENTION.

7. THE PACT PUBLISHED A BULLETIN ENTITLED "QUESTIONS AND

ANSWERS ABOUT THE LAGUNA VERDE NUCLEAR PLANT" IN AUGUST 1986, IN WHICH THEY EXPLAINED THE DANGERS OF RADIATION. THEY HAVE ALSO BEEN ACTIVE IN SPREADING INFORMATION ABOUT NUCLEAR POWER PLANT ACCIDENTS, AND HAVE ASKED PEOPLE TO COMMUNICATE THEIR OPPOSITION TO LAGUNA VERDE BY WRITING "NO TO LAGUNA VERDE" ON THEIR ELECTRIC BILLS.

8. THE "GROUP OF ONE HUNDRED" IS COMPRISED OF FAMOUS MEXICAN ARTISTS AND INTELLECTUALS AND IS HEADED BY THE NOTED MEXICAN AUTHOR AND FORMER GOM AMBASSADOR TO THE NETHERLANDS HOMER ARIDJIS. THE GROUP SENT A LETTER TO PRESIDENT MIGUEL DE LA MADRID IN 1986 ASKING HIM TO STOP THE LAGUNA VERDE PROJECT. THEY HAVE ORGANIZED DEMONSTRATIONS AGAINST THE PLANT AND HAVE INVITED THE PARTICIPATION OF THE PUBLIC AT LARGE BY ASKING THEM TO TURN OFF THEIR LIGHTS FOR THIRTY MINUTES TO PROTEST THE STARTING OF THE REACTOR. ON THE SECOND ANNIVERSARY OF THE CHERNOBYL ACCIDENT THEY SENT A STRONGER PLEA TO THE UNCLASSIFIED

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PAGE 03 MEXICO 17775 02 OF 04 182326Z

MEXICAN GOVERNMENT TO RECONSIDER THE IMPRUDENCE OF STARTING UP THE NUCLEAR POWER PLANT AT LAGUNA VERDE.

9. AS A VOICE FOR MODERATION, THE GROUP CLAIMS TO HAVE BEEN INSTRUMENTAL IN DEFUSING THE SITUATION IN VERACRUZ DURING THE MOST RECENT HIGHWAY BLOCKADES. ACCORDING TO REPORTS, PAINTER FELICIANO BEJAR INTERVENED BY SPEAKING WITH THE SECRETARY OF THE INTERIOR MANUEL BARTLETT, WHO IN TURN SPOKE TO THE GOVERNOR OF VERACRUZ. THE GOVERNOR LATER AGREED TO RECEIVE A DELEGATION OF FIVE MEMBERS REPRESENTING THE DEMONSTRATORS.

10. THE MEXICAN ECOLOGY MOVEMENT (MEM) IS THE BIGGEST OF THE MEXICAN ECOLOGY GROUPS. THEY SENT A PETITION WITH ONE MILLION SIGNATURES TO PRESIDENT MIGUEL DE LA MADRID DEMANDING THAT THE NUCLEAR PLANT BE CLOSED. ON APRIL 21, 1988, THE PRESIDENT OF MEM, ALFONSO CIPRES VILLAREAL, ANNOUNCED A SERIES OF PROTEST DEMONSTRATIONS AND A MARCH ON JUNE 19 TO CLOSE ALL ACCESS TO LAGUNA VERDE--THIS WAS THE BEGINNING OF THE RECENT ROAD BLOCKS (REFTEL A). THE DEMONSTRATORS WERE ALLOWED TO APPROACH THE PLANT AND POST A NUMBER OF SI
GNS IN SYMBOLIC CLOSING OF THE REACTOR.
COMMENT: CIPRES VILLAREAL TOLD US THAT THE PLANT WILL START UP BEFORE SEPTEMBER SO THAT PRESIDENT DE LA MADRID

CAN PRESENT IT AS A MAJOR ACCOMPLISHMENT OF HIS ADMINISTRATION IN HIS FINAL STATE OF THE UNION ADDRESS (INFORME) ON SEPTEMBER 1. END COMMENT.

11. LOCALLY BASED ANTI-NUCLEAR GROUPS: SEVERAL ANTI-NUCLEAR GROUPS FROM VERACRUZ AND FROM NEARBY STATES (PUEBLA, TLAXCALA, ESTADO DE MEXICO) HAVE ORGANIZED TO

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PAGE 01 MEXICO 17775 03 OF 04 182327Z
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R 182320Z JUL 88
FM AMEMBASSY MEXICO
TO SECSTATE WASHDC 1467

UNCLAS SECTION 03 OF 04 MEXICO 17775

E.O. 12356: N/A
TAGS: KSCA, TRGY, IAEA, MX
SUBJECT: IS THERE A GENIE AT LAGUNA VERDE?

PROTEST THE FUNCTIONING OF THE REACTOR. THE PRESIDENT OF THE ASSOCIATION OF CATTLEMEN OF CENTRAL VERACRUZ STATE STATED THAT THE CATTLEMEN WOULD AGREE TO PAY THE

APPROXIMATELY 500 MILLION DOLLARS NEEDED TO CONVERT LAGUNA VERDE TO A GAS-ELECTRIC PLANT. OTHER CATTLEMEN HAVE DECLARED THAT THEY WOULD PREFER TO DIE IN FRONT OF LAGUNA VERDE PROTECTING THEIR RIGHTS AND THEIR FAMILIES RATHER THAN DIE FROM EXPOSURE TO RADIOACTIVITY.

RESPONSE OF THE GOVERNMENT

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12. CHAMBER OF DEPUTIES: THE CHAMBER OF DEPUTIES HAS HAD TO DEAL WITH THE QUESTIONS ABOUT LAGUNA VERDE PRESENTED BY THE OPPOSITION PARTIES, ANTI-NUCLEAR GROUPS AND OTHER INTERESTED ORGANIZATIONS. THE COMMISSION ON ENERGY, SCIENCE, TECHNOLOGY AND ECOLOGY OF THE CONGRESS HAS BEEN CHARGED WITH THE RESPONSIBILITY OF RESPONDING TO QUERIES ABOUT LAGUNA VERDE. THE COMMISSION ORGANIZED
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THREE HEARINGS, INCLUDING A PRESENTATION BY THE EX-DIRECTOR OF THE CFE AND CURRENT MINISTER OF ENERGY, ENGINEER FERNANDO HIRIART BALDERRAMA. THE ENERGY COMMISSION REFUSED TO APPOINT AN INVESTIGATIVE COMMITTEE ON LAGUNA VERDE. THEY BELIEVE THAT THIS WOULD IMPLY THAT THEY HAVE DOUBTS ABOUT THE TECHNICAL RELIABILITY OF THE PROJECT.

13. THE FEDERAL ELECTRIC COMMISSION (CFE): THE CFE HAS ANNOUNCED ITSELF TO BE OUTSIDE THE POLITICAL ASPECTS OF THIS CONFRONTATION AND INSISTS THAT ITS SOLE OBJECTIVE IS TO PRODUCE ELECTRICAL ENERGY. DEPUTY DIRECTOR JUAN EIBENSCHUTZ, ASSOCIATED WITH LAGUNA VERDE SINCE THE BEGINNING TWENTY YEARS AGO, OPENLY SUPPORTS MEXICO'S NUCLEAR PROJECT. HE INSISTS THAT THE ECOLOGISTS' ACTIONS ARE IRRATIONAL AND THAT THE GOVERNMENT SHOULD NOT PAY ANY ATTENTION TO THEM. THE COMMISSION READILY ADMITS, HOWEVER, THAT IT IS THE ENVIRONMENTALISTS' OPPOSITION TO THE PLANT THAT HAS DELAYED ITS OPENING. THE CFE AIRED AN INTENSIVE PROPAGANDA CAMPAIGN CALLED "THE IDEA IS TO MAKE LIGHT IN LAGUNA VERDE" IN AUGUST AND SEPTEMBER 1987. THE CAMPAIGN FOCUSED ON THE APPLICATIONS OF NUCLEAR ENERGY AND THE CAPABILITY OF MEXICANS TO OPERATE A NUCLEAR PLANT. THEY HAVE NO FURTHER PLANS FOR PUBLICITY CAMPAIGNS OR PUBLIC EDUCATION, BUT HAVE INDICATED THAT THE SECRETARIAT OF PUBLIC EDUCATION (SEP) IN CONJUNCTION

WITH THE UNIVERSITY OF THE STATE OF VERACRUZ WILL BE IN CHARGE OF DESIGNING AND IMPLEMENTING A PUBLIC EDUCATION PROGRAM ONCE THE PLANT BEGINS OPERATIONS.

IS ANYONE ELSE IN FAVOR OF LAGUNA VERDE?

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PAGE 03 MEXICO 17775 03 OF 04 182327Z

14. GENERALLY SPEAKING THE SCIENTIFIC COMMUNITY AND ENERGY-RELATED OFFICIALS OF THE GOM ARE IN FAVOR OF LAGUNA VERDE, BUT THE POPULACE IS AT BEST UNDECIDED. THOSE WHO FAVOR NUCLEAR POWER ARE NOT ORGANIZED INTO ANY GROUPS AND DO NOT SEEK PUBLICITY. THE FLAMES OF POST-CHERNOBYL FIRES HAVE BEEN FANNED CONSISTENTLY BY VARIOUS PROFESSIONAL ANTI-NUCLEAR GROUPS. THE NEWS OF REACTOR CLOSINGS IN THE UNITED STATES AND OTHER COUNTRIES HAS ADDED FUEL TO THE FIRE. SOME MEXICANS ARE ASKING WHY THEY SHOULD OPEN THEIR FIRST NUCLEAR PLANT WHEN THE REST OF THE WORLD SEEMS TO BE REALIZING THAT NUCLEAR MAY NOT HAVE BEEN THE WAY TO GO.

COMMENT

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15. THE ABOVE DESCRIBES A COMPLEX POLICY DEBATE IN NEED OF A COMMAND DECISION. THOSE WHO BELIEVE THAT THE ENVIRONMENTALISTS' INFLUENCE PEAKED AT THE VERACRUZ BLOCKADES POINT OUT THE LACK OF ANY PUBLIC OUTCRY AT THE PUBLIC POLLING BOOTHS. THEY ALSO CITE EXPERT OPINION THAT THE PLANT IS TECHNICALLY SOUND AND READY TO START. WE BELIEVE THIS ABRUPT REVERSAL IN THE ANTI-NUCLEAR CAMPAIGN WILL PROVIDE THE CLIMATE FOR A DECISION TO START UP LAGUNA VERDE IN THE NEXT FOUR MONTHS, BEFORE THE NEW ADMINISTRATION TAKES OVER. SHOULD THE DE LA MADRID ADMINISTRATION LEAVE THE DECISION FOR THE NEXT ADMINISTRATION, IT WOULD BE A STRONG VOTE OF NO CONFIDENCE IN THE LAGUNA VERDE PROJECT. WHILE WE (AND

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PAGE 01 MEXICO 17775 04 OF 04 182326Z
ACTION ARA-00

INFO	LOG-00	ADS-00	INR-10	SS-00	OIC-02	CIAE-00	EB-00
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R 182320Z JUL 88
FM AMEMBASSY MEXICO
TO SECSTATE WASHDC 1468

UNCLAS SECTION 04 OF 04 MEXICO 17775

E.O. 12356: N/A
TAGS: KSCA, TRGY, IAEA, MX
SUBJECT: IS THERE A GENIE AT LAGUNA VERDE?

MANY OF OUR INTERLOCUTORS, BOTH PRO- AND ANTI-NUCLEAR) EXPECT A SUMMER/FALL START UP, WE DO NOT BY ANY MEANS RULE OUT A POLITICAL DECISION TO LEAVE IT TO THE NEXT ADMINISTRATION. END COMMENT.
(DRAFTED:SCI:ATIDBALL/EAVILES/RSIMPKINS) PILLIOD

DATELINE: Mexico

PGOV/ELECTION XR

ATTN: EDITOR
PRESS RELEASE

FOR INFORMATION:
MARK MORAN
(202) 775-0743

PRESS OFFICE OF THE PRESIDENT OF MEXICO

FINAL RESULTS OF THE MEXICAN ELECTIONS

MEXICO CITY, July 18, 1988--Following completion of the most complex and contested elections in the past 40 years, the government of Mexico has released final results of the vote count, which show a decisive, if close, victory by the Institutional Revolutionary Party, the political force which has governed Mexico peacefully for almost six decades. The PRI candidate for President of the Republic, Carlos Salinas de Gortari, won the Presidency with 50.4 percent of the total popular vote of approximately nineteen million, followed by Cuauhtemoc Cardenas of the National Democratic Front with 31.2 percent, and Manuel Clouthier of the National Action Party with 17.1 percent.

In elections for the Senate, the PAN and the National Front won four of 64 seats, with the PRI capturing the remainder. It was the first time in the history of Mexico that the PRI had lost any Senate seats to the opposition. In the Chamber of Deputies, final results revealed that the opposition on both the left and the right had won a total of 51 of the 300 seats chosen by direct election. When added to the 150 proportional representation seats reserved in the Chamber for minority parties, opposition victories lifted them to the highest total in the Chamber since the Mexican revolution. A presidential spokesman called this a "watershed" in the political modernization of Mexico, noting that it was bound to make debate in the Chamber "more lively."

In 1986 and 1987, President Miguel de la Madrid promoted constitutional reforms intended to renovate and modernize Mexico's political system, which alone among the nations of Latin America had produced sixty years of political stability and peaceful change. The result of this reform effort was the 1987 Federal Electoral Code, based upon the principle of joint responsibility among citizens, political parties, and the government in the organization, conduct, and review of elections.

The spokesman indicated that the results of the current election vindicated President de la Madrid's strategy of gradual but steady political modernization. Calling opposition charges of irregularities "grossly exaggerated" and basically a "political tactic rather than a claim with true substance," the official cited the very closeness of the electoral results as evidence that the government had kept its promise to deliver free, clean, and fair elections. According to the spokesman, the initial delays experienced in tallying and reporting the votes did not represent an effort by the government to "engineer" the results of the election, but were rather the direct consequence of the fact that votes in Mexico must be counted by hand, as well as of the electoral reforms enacted under de la Madrid which significantly enhanced the rights of minority parties and their poll watchers to review and challenge electoral results at each stage of the process -- from the polling stations themselves to the state and national electoral commissions, on which sit representatives of all the political parties.

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"What would the press be saying now about the fairness of the elections if we had short-circuited these protections in an effort to report the results early on," he asked. Answering his own question, he replied that "You know they'd be charging us with ignoring the rights of the opposition to raise their challenges." "Sometimes you just can't win with the press regardless of how fair you try to be," he added.

In support of the government's position that the elections were the fairest in modern Mexico's history, the spokesman cited the following factors:

* Statistics indicated that one or more opposition poll watchers were present at more than 99 percent of the 54,500 polling stations throughout the country. Those poll watchers participated in the vote count itself and were asked to sign the report of the polling station before results were transmitted to the district electoral commissions.

* For the first time in Mexican history, the results of the vote at each polling station were required to be publicly displayed at that polling station, thereby greatly complicating the efforts of those who might attempt to alter the actual vote count.

* The ballot boxes themselves were transluscent, as requested in the past by members of the opposition. In addition, the ballot boxes were actually assembled at the polling station by representatives of all of the parties, making ballot box stuffing virtually impossible to hide.

* Opposition parties were represented not only at the polling stations, but at all levels of the electoral process where vote counting and authentication took place. Under the political reforms of President de la Madrid, the opposition participants could challenge vote counts at each of those levels.

* Deliberations of the electoral commissions at the district and federal level were open to the press and the public. Despite opposition claims of irregularities, the challenges to the electoral process registered with these bodies have not been substantiated. These challenges are now being aired before the commissions in full view of the press, not decided in smoke-filled back rooms. While some challenges may be sustained, there is no evidence to indicate either that the majority of these challenges are correct or that they would in any way have altered the outcome of the elections as reported.

* Again for the first time in Mexican history, every opposition party was given the same amount of free television and radio time on every public and private station in Mexico, without regard to the relevant party's size or past electoral success. Thus, even the smallest party received more than 51 hours of free air time over the past five months.

In concluding, the government spokesman noted that "Democracy is seldom perfect, but anyone that tries to be objective and is willing to look at the facts rather than the rhetoric has to admit that this election in Mexico has moved political modernization in this country along substantially. Much of the credit for that reform effort has to go to President de la Madrid and his administration."

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United States Senate

COMMITTEE ON THE BUDGET
WASHINGTON, DC 20510-6100

July 19, 1988

The Honorable J. Edward Fox
Assistant Secretary for Legislative
and Intergovernmental Affairs
Suite 7261
Department of State
Washington, DC 20520

ACTION
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Chile Project (#S199900030)
U.S. Department of State
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Declassify: In Part ____ In Full ✓ 93
Exemption(s) ____

Dear Secretary Fox:

I am writing to you on behalf of one of my constituents regarding allegations that the U.S. government is providing financial assistance to Chilean leader Augusto Pinochet. According to these reports, this aid is being provided to assist Pinochet in the elections in Chile scheduled for September 11. I have enclosed a copy of the correspondence for your reference.

I would be grateful for any information your office could provide regarding this matter. Your assistance is greatly appreciated.

Sincerely,

Wyche Fowler, Jr.

WYCHE FOWLER, JR.
United States Senator

Enclosure

No correspondence attached

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PAGE 01 MEXICO 18186 01 OF 02 212311Z
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UNCLAS SECTION 01 OF 02 MEXICO 18186

FOR OES/SCT, J. WAGNER

E.O. 12356: N/A
TAGS: KSCA, TPHY, MX
SUBJECT: SUBMISSION ON SCIENCE, TECHNOLOGY AND AMERICAN DIPLOMACY (TITLE V)

REF: A. STATE 184524 B. SIMPKINS/WAGNER TELCON 6-30

1. SUMMARY: MEXICO IS AMONG THE LEADERS OF LATIN AMERICAN COUNTRIES IN ADVANCED S AND T PROGRAMS AND CAPABILITIES AND THE USG HAS PLAYED A MAJOR PART IN THIS DEVELOPMENT. MEXICO AND THE U.S. HAVE NINETEEN INTERAGENCY S AND T AGREEMENTS IN FORCE, INCLUDING AN INTERGOVERNMENTAL COOPERATION AGREEMENT COVERING A WIDE RANGE OF SCIENTIFIC AND TECHNICAL QUESTIONS. THESE INCLUDE NUCLEAR SAFETY, ENVIRONMENT, MARINE RESEARCH AND FISHERIES, BIOMEDICAL RESEARCH, BASIC SCIENCES, REGULATORY QUESTIONS, AND JOINT RESEARCH IN THE PRESERVATION OF ENDANGERED SPECIES AND ECOSYSTEMS. MEXICO'S GEOGRAPHIC PROXIMITY AND OUR MUTUAL 2,000 MILE BORDER DICTATE A STRONG INTEREST IN RESEARCH ON SUBJECTS
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PAGE 02 MEXICO 18186 01 OF 02 212311Z

OF MUTUAL BENEFIT TO BOTH COUNTRIES. END SUMMARY.

2. ON JUNE 6-7, 1988, THE SIXTH MEETING OF THE MIXED

COMMISSION ON SCIENTIFIC COOPERATION BETWEEN THE UNITED STATES AND MEXICO TOOK PLACE. AT THE FIRST MEETING OF THE COMMISSION SINCE 1983, THE U.S. AND MEXICAN DELEGATIONS WORKED IN AN ATMOSPHERE OF CORDIALITY AND COOPERATION TO GIVE NEW VIGOR TO THE AGREEMENT ON COOPERATION IN SCIENCE AND TECHNOLOGY. THE MIXED COMMISSION FORMALIZED THE DECISION OF THE OCTOBER PREPCON TO MAKE THE DEPARTMENT OF STATE (OES) AND THE SECRETARIAT OF FOREIGN RELATIONS (SRE) THE EXECUTIVE AGENCIES OF THE COOPERATIVE PROGRAM. THE U.S. STRESSED THE CROSS-CUTTING ISSUES OF PROTECTION OF INTELLECTUAL PROPERTY RIGHTS, SCIENTIFIC ACCESS, FINANCING OF TRAVEL AND SCIENTIFIC COMMUNICATION. THE SIX SECTORAL GROUPS (AGRICULTURE, ENERGY AND MINING, URBAN DEVELOPMENT AND ECOLOGY, HEALTH, MARINE FISHERIES RESEARCH AND ATMOSPHERIC SCIENCES, AND BASIC SCIENCES) DISCUSSED ONGOING PROJECTS AND, WITH A KEEN AWARENESS OF BUDGETARY RESTRICTIONS, NEW AREAS FOR COOPERATION. WE AGREED TO SEARCH OUT INNOVATIVE SOURCES AND METHODS OF PRIVATE FUNDING. BOTH SIDES CAME AWAY FROM THE MEETING WITH RENEWED ENTHUSIASM AND COMMITMENT FOR THIS EXTREMELY IMPORTANT PROGRAM.

3. ON JUNE 14-17, 1988, IN SAN DIEGO, CALIFORNIA, U.S. AND MEXICAN GOVERNMENT REPRESENTATIVES HELD THE FOURTH MEETING OF THE NATIONAL COORDINATORS TO PURSUE IMPLEMENTATION OF THE 1983 BORDER ENVIRONMENT AGREEMENT. THE FOUR ANNEXES TO THE AGREEMENT ARE ALL FUNCTIONING VERY WELL. DURING THE MEETING, THE U.S. SIDE TABLED DRAFT ANNEX V ON URBAN AIR POLLUTION IN BORDER CITIES. THE WORKING GROUPS ON AIR POLLUTION, WATER POLLUTION,
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HAZARDOUS WASTES, AND JOINT RESPONSE PLANNING EACH MET AND REVIEWED THE PROGRESS SINCE THE MAY 1987 MEETING. BOTH NATIONAL COORDINATORS EXPRESSED THEIR PLEASURE WITH THE PROGRESS MADE DURING THE PAST YEAR.

4. THROUGHOUT THE YEAR, WE HAVE CONTINUED TO WORK WITH THE IBWC ON THE SOLUTION TO BORDER POLLUTION PROBLEMS AT LAREDO, NOGALES, NEW RIVER AND OTHER LOCATIONS. WE ARE PURSUING A LONG-TERM, BINATIONAL SOLUTION TO THE SAN DIEGO-TIJUANA SANITATION PROBLEM WITH THE GOM, CITY AND COUNTY OF SAN DIEGO AND THE STATE OF CALIFORNIA.

5. THE U.S. FISH AND WILDLIFE SERVICE HAS SEVEN

COOPERATIVE PROJECTS IN MEXICO INCLUDING ASSISTING IN PRESERVING MIGRATORY BIRD HABITATS AND SITES FOR ENDANGERED MARINE TURTLES. THE MEXICAN GOVERNMENT ANNOUNCED THE FORMATION OF SEVERAL TURTLE EGG LAYING PRESERVES. MEXICO IS IN THE PROCESS OF JOINING THE INTERNATIONAL CONVENTION FOR ENDANGERED SPECIES (CITES) IN ORDER TO STEM THE FLOW OF ILLEGAL TRADE IN ENDANGERED SPECIES. THE USG IS TRYING IN A LOW-KEY FASHION TO PERSUADE MEXICO TO SPEED THE PROCESS. A NORTH AMERICAN WATERFOWL MANAGEMENT PLAN MEMORANDUM OF UNDERSTANDING WAS SIGNED BY MEXICO COMMEMORATING A TRI-PARTY AGREEMENT BETWEEN CANADA, THE U.S. AND MEXICO TO JOINTLY MANAGE NORTH AMERICAN WATERFOWL.

6. COOPERATIVE AGREEMENTS AND DISCUSSIONS BETWEEN GOM AND USG OFFICIALS TO PROMOTE FISHERIES RESEARCH AND TRADE HAVE RESULTED IN SEVERAL MORE US/MEX JOINT VENTURE START-UPS. ON JUNE 24, 1988, A NEW INFORMATION EXCHANGE AGREEMENT WAS SIGNED BY MEXICAN AND U.S. OFFICIALS, IN ADDITION TO THE OTHER TWO MARINE RESEARCH AGREEMENTS CURRENTLY UNDER OPERATION (MEX-US GULF AND MEX-US PACIFIC). TECHNICAL ASSISTANCE AND COOPERATION PROJECTS

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PAGE 01 MEXICO 18186 02 OF 02 212311Z
ACTION OES-09

INFO	LOG-00	ADS-00	AID-00	INR-10	SS-00	CIAE-00	EB-00
	DINT-05	DODE-00	H-01	EXIM-06	NSCE-00	NSF-02	ARA-00
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TO SECSTATE WASHDC PRIORITY 1633

UNCLAS SECTION 02 OF 02 MEXICO 18186

FOR OES/SCT, J. WAGNER

E.O. 12356: N/A
TAGS: KSCA, TPHY, MX

SUBJECT: SUBMISSION ON SCIENCE, TECHNOLOGY AND AMERICAN

WITH THE PRIVATE SECTOR HAVE BEEN DEVELOPED THROUGH THE REGIONAL OFFICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT (AID). SPECIFIC PROJECTS RELATE TO SARDINE STOCK ASSESSMENT IN THE PACIFIC COAST AND BLUE CRAB INDUSTRY AND AQUACULTURE DEVELOPMENT IN THE GULF OF MEXICO. PROMOTION OF U.S. SEAFOOD EXPORTS AND US-MEX FISHERIES JOINT VENTURES HAVE ALSO BEEN ENCOURAGED.

7. THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA) COOPERATES BY DONATING OBSERVATION EQUIPMENT (ATMOSPHERIC AND OCEANIC), PROVIDING EXPERTISE IN MODERNIZATION AND GOVERNMENT WEATHER SERVICES, AND PROCESSING OF SATELLITE DATA FROM MEXICAN WEATHER STATIONS. NOAA ALSO CONDUCTS HURRICANE OBSERVATION FLIGHTS IN MEXICAN AIR SPACE. PARTICIPATING IN THESE FLIGHTS ARE MEXICAN METEOROLOGISTS AND TECHNICIANS WHO UNCLASSIFIED

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PAGE 02 MEXICO 18186 02 OF 02 212311Z

RECEIVE TRAINING IN THIS HIGHLY SPECIALIZED FIELD.

8. THE LAGUNA VERDE NUCLEAR POWER PLANT IS TECHNICALLY COMPLETE AND AWAITING A POLITICAL DECISION FOR FUEL LOADING AND STARTUP. THIS IS MEXICO'S FIRST NUCLEAR POWER PLANT AND WAS BUILT WITH GENERAL ELECTRIC BWR TECHNOLOGY. REACTOR NO. 2, ALSO BUILT BY GE, IS APPROXIMATELY 50 PER CENT COMPLETE.

9. NOTEWORTHY AGREEMENTS REACHED IN 1988 INCLUDE THE FOLLOWING:

- JOINT PLAN FOR ACCIDENTAL RELEASES OF HAZARDOUS SUBSTANCES ALONG THE BORDER (EPA/SEDUE), JANUARY 1988;

- MOU BETWEEN GOM MINISTRY OF HEALTH AND U.S. FDA REGARDING COOPERATION IN THE SCIENTIFIC AND REGULATORY FIELDS OF HEALTH (FDA/MOH), FEBRUARY 1988;

- AGREEMENT ON THE ESTABLISHMENT OF JOINT BORDER SISTER-CITY COMMITTEES OF URBAN DEVELOPMENT (HUD/SEDUE), MARCH 1988; AND

- AGREEMENT BETWEEN THE USG AND GOM ON COOPERATION IN CASE OF OF NATURAL DISASTERS (FEMA/GOBERNACION), MARCH 1988.

10. COMMENT: SCIENCE AND TECHNOLOGY IS AN IMPORTANT AGREEMENT IN THE U.S./MEXICAN RELATIONSHIP. A GREAT MAJORITY OF VALUABLE S AND T ACTIVITY TAKES PLACE BETWEEN MEXICO AND THE UNITED STATES THROUGH THE PRIVATE SECTOR AND NOT UNDER THE FORMAL UMBRELLA OF AGENCY-TO-AGENCY AGREEMENTS. THERE ARE NUMEROUS CONTACTS BETWEEN UNIVERSITY RESEARCHERS AND THE SCIENTIFIC ACADEMIES LEADING TO STRONG LINKS BETWEEN THE TWO SCIENTIFIC
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PAGE 03 MEXICO 18186 02 OF 02 212311Z

COMMUNITIES AND RESULTING IN SIGNIFICANT SCIENTIFIC AND ECONOMIC BENEFITS TO BOTH COUNTRIES.
(DRAFTED:SCI:RSIMPKINS) PILLIOD

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PAGE 01 MEXICO 19564 01 OF 02 051608Z
ACTION OES-09

INFO	LOG-00	ADS-00	INR-10	SS-00	OIC-02	CIAE-00	EB-00
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[redacted] SECTION 01 OF 02 MEXICO 19564

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4-1-98

E.O. 12356: DECL:OADR
TAGS: KSCA, TRGY, IAEA, MX
SUBJECT: LAGUNA VERDE - REVISION 1

REF: MEXICO 17775

1. [redacted] SUMMARY. THE GOVERNMENT ANNOUNCED ON JULY 26 ITS INTENTION TO POSTPONE, FOR THE MOMENT, THE START-UP OF THE LAGUNA VERDE NUCLEAR PLANT UNTIL THE SAFETY OF THE PEOPLE OF THE STATE OF VERACRUZ CAN BE ASSURED. ECOLOGISTS WERE EXUBERANT WHILE OFFICIALS OF AGENCIES DIRECTLY RELATED TO THE OPERATION OF THE REACTOR FUMED AT THE IMPLICATION THAT THE PLANT WAS NOT ALREADY COMPLETELY SAFE. UNDERLYING REASON FOR THE POSTPONEMENT IS PURPORTED TO BE THE UPCOMING LOCAL ELECTIONS IN THE STATE OF VERACRUZ. END SUMMARY.

2. (U) ECOLOGISTS WERE EXULTANT ON JULY 26 WHEN THEN SECRETARY OF ECOLOGY AND URBAN DEVELOPMENT (SEDUE) MANUEL CAMACHO SOLIS ANNOUNCED THAT THE GOVERNMENT HAD INDEFINITELY POSTPONED THE START-UP OF THE LAGUNA

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PAGE 02 MEXICO 19564 01 OF 02 051608Z

VERDE NUCLEAR PLANT. THE MESSAGE FROM PRESIDENT DE LA MADRID STATED THAT THE FUEL WOULD NOT BE LOADED IN THE REACTOR FOR THE MOMENT, IN ORDER TO BE ABLE TO

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GUARANTEE THE MAXIMUM SECURITY FOR THE PEOPLE OF THE STATE OF VERACRUZ. ECOLOGISTS INSISTED THAT THEY WANTED THE CANCELLATION OF THE PROJECT RATHER THAN ITS POSTPONEMENT, BUT WERE JUBILANT NONETHELESS AT THE ANNOUNCEMENT. ALFONSO CIPRES VILLAREAL, PRESIDENT OF THE MEXICAN ECOLOGICAL MOVEMENT (MEM), NOTED THAT THE MESSAGE FROM THE PRESIDENT WAS THE FIRST FORMAL RESPONSE THE ADMINISTRATION HAS GIVEN TO THE ECOLOGICAL AND ANTINUCLEAR MOVEMENT IN SIX YEARS OF OPPOSITION TO THE LAGUNA VERDE NUCLEAR PLANT. LEFTIST NEWSPAPER LA JORNADA WAXED ELOQUENT IN AN EDITORIAL ON JULY 27 PRAISING THE OPEN ATTITUDE AND RECEPTIVENESS OF THE GOVERNMENT IN RESPONDING TO THE PREOCCUPATION OF THE COMMUNITY AT LARGE.

3. (U) ONE OF THE LEADERS OF THE PACT OF ECOLOGY GROUPS, JOSE ARIAS CHAVES, NOTED THAT IN HIS OPINION THE ANNOUNCED POSTPONEMENT IS DIRECTLY RELATED TO THE UPCOMING LOCAL ELECTIONS IN THE STATE OF VERACRUZ. COMMENT: MAYORAL RACES ARE SCHEDULED IN VERACRUZ FOR THE FIRST SUNDAY OF OCTOBER. THE STATE IS TRADITIONALLY A PRI-BASTION, THOUGH NATIONAL DEMOCRATIC FRONT STANDARD-BEARER CUAUHTEMOC CARDENAS, WHO HAS COME OUT AGAINST LAGUNA VERDE, DID VERY WELL THERE. THE FEAR MIGHT BE ONE OF GIVING A MAJOR ISSUE TO THE FDN. END COMMENT. CHAVEZ ARIAS ALSO STATED -
THAT HE BELIEVES THE LOADING OF THE FUEL WILL NOT TAKE PLACE DURING THE CURRENT ADMINISTRATION. HE BELIEVES THAT THIS WILL WORK TO THE ADVANTAGE OF THE [redacted]

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PAGE 03 MEXICO 19564 01 OF 02 051608Z

ANTINUCLEAR GROUPS, BECAUSE HE CLAIMS THAT WITH EACH PASSING DAY THE OPPOSITION TO LAGUNA VERDE BECOMES STRONGER, AND HE INDICATED THAT OPPOSITION GROUPS WILL NOT DIMINISH THEIR EFFORTS TO MOBILIZE THE COMMUNITY AGAINST THE NUCLEAR REACTOR.

4. (U) FERNANDO CESARMAN, VICE PRESIDENT OF THE GROUP OF ONE HUNDRED, BELIEVES THAT THE DECISION AS TO WHEN TO START-UP THE REACTOR WILL BE MADE IN THE NEXT TWO OR THREE MONTHS. FROM A POLITICAL POINT OF VIEW, HE ACKNOWLEDGES THAT IT WOULD PROBABLY BE TO THE GOVERNMENT'S ADVANTAGE TO SHOULDER RESPONSIBILITY FOR THE START-UP NOW AND NOT LET IT FALL ON THE

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SHOULDERS OF THE NEXT ADMINISTRATION.

5. (C) SCIENCE OFFICE SENIOR LEVEL CONTACT AT SEDUE AGREES THAT POSTPONING THE START-UP UNTIL THE NEXT ADMINISTRATION WOULD MAKE A VERY DIFFICULT BEGINNING FOR THE NEW PRESIDENT. WHEN ASKED WHY CAMACHO SOLIS WAS SELECTED TO SPEAK TO THE ECOLOGY GROUPS, HE RESPONDED THAT UNTIL ONE YEAR AGO, WHEN THE SECRETARIAT OF ENERGY, MINES AND PARASTATAL INDUSTRY (SEMIP), TOOK OVER ACTION ON THESE ISSUES, SEDUE HAD BEEN THE SECRETARIAT PRIMARILY RESPONSIBLE FOR DEALING WITH THE OPPOSITION TO LAGUNA VERDE. HE BELIEVES THAT IS WHY CAMACHO WAS CHOSEN AS THE PRESIDENT'S SPOKESPERSON.

6. (C) EMBASSY SOURCE AT SEMIP INDICATED THAT AN AGREEMENT HAD BEEN REACHED AMONG ALL INTERESTED GOVERNMENT AGENCIES FOR THE ANNOUNCEMENT TO SAY THAT THE START-UP OF LAGUNA VERDE HAD BEEN POSTPONED FOR THE MOMENT, AND THAT CAMACHO SOLIS HAD SPONTANEOUSLY EXCEEDED HIS BRIEF WHEN HE ADDED THE REMARK ABOUT THE

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PAGE 01 MEXICO 19564 02 OF 02 051607Z
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[redacted] SECTION 02 OF 02 MEXICO 19564

E.O. 12356: DECL:OADR
TAGS: KSCA, TRGY, IAEA, MX
SUBJECT: LAGUNA VERDE - REVISION 1

SAFETY OF THE PEOPLE OF VERACRUZ. HE ALSO CONFIRMED THE SUSPICION THAT THE UNDERLYING REASON FOR THE SUSPENSION IS THE UPCOMING ELECTIONS IN VERACRUZ. THE PLANT IS TECHNICALLY COMPLETED AND READY FOR START-UP, AND SEMIP SOURCE WAS VISIBLY DISTURBED ABOUT THE IMPLICATION THAT THERE IS A SAFETY PROBLEM AT THE PLANT.

7. (U) EMBASSY SOURCE AT THE NATIONAL COMMISSION OF NUCLEAR SECURITY AND SAFETY (CNSNS) STATED THAT WORK AT THE REACTOR IS CONTINUING, AND THAT SAFETY TESTS ARE BEING CONDUCTED. HE SAID HE HAD NOT TALKED TO CAMACHO SOLIS AND REITERATED THAT THE CNSNS CONCERNS ITSELF WITH TECHNICAL ISSUES OF THE SAFETY OF THE REACTOR AND DOES NOT GET INVOLVED IN POLITICS.

8. (C) COMMENT. THE LEFTIST/NATIONALISTIC NEWSPAPER EXCELSIOR HAS RECENTLY PUBLISHED SEVERAL ARTICLES MORE SYMPATHETIC TO THE NUCLEAR INDUSTRY - PERHAPS [redacted]

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PAGE 02 MEXICO 19564 02 OF 02 051607Z

INDICATING THAT THE GOVERNMENT IS NOW READY TO BEGIN TO BATTLE FOR FAVORABLE PUBLIC OPINION IN THE AFTERMATH OF THE ELECTIONS. ONE LENGTHY ARTICLE PUBLISHED ON JULY 31 IS FROM AN INTERVIEW WITH A HIGH, BUT UNNAMED, OFFICIAL (PROBABLY JUAN EIBENSCHUTZ, CFE NO. 2) OF THE FEDERAL ELECTRICITY COMMISSION (CFE). THE ARTICLE GOES INTO GREAT DETAIL EXPLAINING THE TECHNOLOGY OF THE REACTOR, THE HISTORY OF NUCLEAR ENERGY IN MEXICO AND THE WORLD, AND A CLARIFICATION OF NUCLEAR SECURITY SYSTEMS AND HOW THEY WORK. THE FINAL PARAGRAPH STATES THAT "THE MOMENT THE NUCLEAR POWER PLANT AT LAGUNA VERDE ENTERS INTO OPERATION...SEEMS NEARER THAN ITS CONTINUED POSTPONEMENT OR CANCELLATION." WE CONTINUE TO AGREE WITH THIS ANALYSIS OF THE SITUATION. END COMMENT.

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(DRAFTED:SCI:ATIDBALL) GAMBLE

[redacted]

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*** Current Handling Restrictions *** n/a
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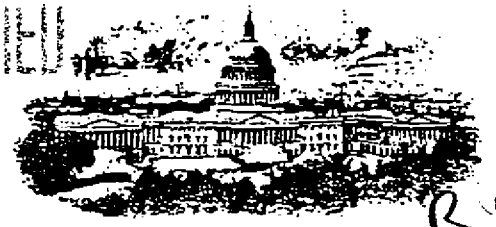

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Congress of the United States
House of Representatives
Washington, D.C. 20515

9 de Agosto de 1988

Chile Project (#S199900030)
U.S. Department of State
Release ✓ Excise ____ Deny ____
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Sr.
Rolando Cartagena Cordova
Cárcel Pública
1341 General MacKenna
Santiago, Chile

Estimado Sr. Cartagena:

Me llamo Annette Lantos y soy la esposa del diputado Tom Lantos. Hacen tres años viajé a Chile con me esposo y un grupo de diputados hispánicos del Congreso de los E.E.U.U. Durante ese viaje notamos los muchos casos de opresión, persecución e injusticia que ocurren en Chile.

Los diputados Bill Richardson de New Mexico, Esteban Torres de California, Robert Garcia de Nueva York, y mi esposo, que es el co-dirigente de la Junta de Derechos Humanos del Congreso de los E.E.U.U., tuvieron un encuentro con el Presidente Pinochet para pedir amnestía para prisioneros políticos y también la restauración de la democracia en Chile.

La Doctora Michelle Ritterman llamó mi atencion a su caso por la manera en que su coraje y su abilidad de perdonar a los que lo hacen sufrir tanto la inspiro a ella. Yo quede muy impresionada al reconocer la inteligencia que Ud. despliega en sus relatos acerca de los eventos en Chile, tal como su sacrificio personal a bien de la libertad y la democracia. Tambien lei su carta al Ministro de Relaciones Exteriores de la República Federal Alemana, el Sr. Hans Dietrich Genscher, pidiendo asilo politico para aquellos 14 prisioneros que están enfrentando la pena de muerte por sus convicciones políticas.

Hacen algunos años, cuando la persecución de disidentes soviéticos ocurría sin tregua, un grupo de esposas de diputados norteamericanos formaron un comité para adoptar a 21 disidentes conocidos a traves del mundo entero. Lo llamamos el "Comité de 21." Hoy en día los 21 estan disfrutando de libertad, y algunas de nosotras tuvimos el sumo placer de poder dar la bienvenida personalmente a unos cuantos.

Yo decidí adoptarlo a Ud. como nuestro protegido especial, y no descansaré hasta que su cruel e injusto castigo haya terminado. Le escribiré regularmente y mandaré copias de mis cartas al

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Sr. Cartagena Cordova
9 de Agosto de 1988

Presidente Pinochet y al Departamento de Estado aquí en los E.E.U.U.

Tambien llevaré su caso a la atención de la Junta de Derechos Humanos. Justamente hoy mi esposo y yo tuvimos la oportunidad de discutir su caso con el Embajador de Chile en los Estados Unidos, el Sr. Hernan Errazuriz. Le pedimos que apresure su salida de la cárcel y que apoye su derecho a viajar a alguno de los varios paises que le ofrecen asilo.

Ambos mis esposo y yo somos sobrevivientes del holocausto de la segunda guerra mundial, y nos empecinamos por luchar a defender los derechos humanos de cada ser. Mi lema ha sido y será: "Perdonar - pero no olvidar." Su vida y sus palabras, Sr. Cartagena, expresan la misma idea.

Ruego a Dios que la espera no sea demasiada larga hasta poder estrechar su mano a bienvenirlo a la libertad que tanto se merece.

Afectuosamente,

Annette Lantos

Annette Lantos
Fundadora y Co-Dirigente
Comite de 21

cc: Sebastian Hamel Rivas
Bandera 465, 2º Piso
Santiago, Chile

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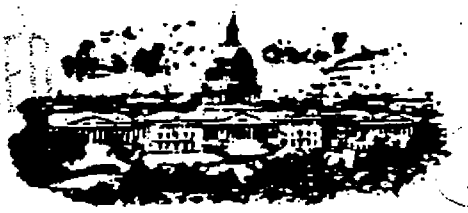

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9 de Agosto de 1988

Presidente Pinochet y al Departamento de Estado aquí en los E.E.U.U.

Tambien llevaré su caso a la atención de la Junta de Derechos Humanos. Justamente hoy mi esposo y yo tuvimos la oportunidad de discutir su caso con el Embajador de Chile en los Estados Unidos, el Sr. Hernan Errazuriz. Le pedimos que apresure su salida de la cárcel y que apoye su derecho a viajar a alguno de los varios paises que le ofrecen asilo.

Ambos mis esposo y yo somos sobrevivientes del holocausto de la segunda guerra mundial, y nos empecinamos por luchar a defender los derechos humanos de cada ser. Mi lema ha sido y será: "Perdonar - pero no olvidar." Su vida y sus palabras, Sr. Cartagena, expresan la misma idea.

Ruego a Dios que la espera no sea demasiada larga hasta poder estrechar su mano a bienvenirlo a la libertad que tanto se merece.

Afectuosamente,

Annette Lantos
Fundadora y Co-Dirigente
Comite de 21

cc: Sebastian Hamel Rivas
Bandera 465, 2º Piso
Santiago, Chile

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SUBJECT: HUMBERTO ORTEGA HISTORIAN

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1. [redacted] ENTIRE TEXT.)

2. SUMMARY: EPS COMMANDER ORTEGA, WHO HAS LATELY BEEN TALKING IN PUBLIC ABOUT THE NEED FOR THE FSLN TO LEAVE BEHIND ITS OLD WAYS, GAVE ME A LENGTHY LECTURE ON THE HISTORY OF THE MOVEMENT AND ON HIS OWN EVOLUTION FROM DOGMATIC REVOLUTIONARY TO PURPORTED PRAGMATIC MODERATE. LITTLE IN THIS ACCOUNT WAS NEW. AMONG THE MORE INTERESTING STATEMENTS HE MADE WERE THE FOLLOWING:

-- A VISIT TO CHILE JUST BEFORE ALLENDE'S FALL EXPOSED ORTEGA FOR THE FIRST TIME TO MORE SOPHISTICATED REVOLUTIONARY THEORY AND BEGAN HIS EVOLUTION TOWARD TERCERISMO.

-- THE EUPHORIA OCCASIONED BY FINDING THEMSELVES SUDDENLY IN TOTAL CONTROL OF THE COUNTRY SWEPT THE FSLN INTO ADOPTING A MORE RADICAL PROGRAM THAN HAD ORIGINALLY BEEN ENVISAGED.

-- THE SANDINISTA NATIONAL DIRECTORATE DECIDED TO MOVE UP THE ELECTIONS AND TAKE AN ACTIVE ROLE IN THE PEACE PROCESS AFTER CALCULATING THAT THERE WAS BOUND TO BE A CHANGE IN U.S. CENTRAL AMERICAN POLICY UNDER PRESIDENT BUSH.

-- PERMITTING THE FMLN TO SEND THE TWO PLANELOADS OF ARMS TO EL SALVADOR IN NOVEMBER OF 1989 WAS AN INDIRECT MESSAGE TO THE USG IN RESPONSE TO THE HEAVY REINFILTRATION OF THE FMLN.

I EVADED ORTEGA'S ONLY EFFORT TO ENTER INTO A SUBSTANTIVE DISCUSSION WHEN HE RAISED THE ICJ CASE. END SUMMARY.

3. THE DATT AND I SPENT A LITTLE OVER AN HOUR WITH HUMBERTO ORTEGA AUGUST 15 AT THE DATT'S HOME. THE GET-TOGETHER WAS THE GENERAL'S IDEA. VIRTUALLY ALL OF THE SESSION WAS TAKEN UP BY ORTEGA'S LENGTHY DISSERTATION ON THE HISTORY OF THE FSLN AND HIS ROLE IN IT. EVIDENTALY THE PURPOSE WAS TO SUPPORT HIS CLAIM TO MODERATE CREDENTIALS AND AN OPEN ATTITUDE TOWARD FUTURE RELATIONS WITH THE U.S. EXCEPT FOR THE ICJ CASE, WHICH HE RAISED, THERE WAS NO DISCUSSION OF CURRENT ISSUES. ORTEGA ASKED NOTHING OF ME AND I ASKED NOTHING OF HIM.

4. MUCH OF THE HISTORICAL MATERIAL WAS FAMILIAR. HE

DWELT PARTICULARLY ON HOW THE SANDINO HERITAGE, THE CUBAN MODEL, THE SOMOZA DICTATORSHIP, AND THE GENERAL ATMOSPHERE OF THE 60'S SHAPED THE INTENSE ANTI-YANKEE AND MARXIST-LENINIST POSITIONS OF THE YOUNG REVOLUTIONARIES WHO MADE UP THE FSLN. PURPORTEDLY, THE EVOLUTION AWAY FROM STRICT CASTROISM BEGAN WHEN HE, HUMBERTO, WENT TO CHILE IN 1973 AND HAD THE OPPORTUNITY TO READ AND DISCUSS BROADER REVOLUTIONARY THEORY THAN THE NARROW, ORTHODOX SOVIET CONCEPTS HE HAD ENCOUNTERED IN CUBA. ORTEGA SAID HE LEFT CHILE TWO WEEKS BEFORE ALLENDE'S DEMISE. FROM THAT EXPERIENCE EMERGED TERCERISMO, THE "REACHING OUT" TO MANY SECTORS OF SOCIETY, ALONG WITH AN EMPHASIS ON MAO'S DOCTRINE OF BRINGING THE WAR FROM THE COUNTRY TO THE CITY.

5. THE GENERAL ACCOMPANIED THIS ACCOUNT WITH A NUMBER OF REFERENCES TO DIFFERENCES IN THE FSLN DIRECTORATE, WHICH HE NOTED AS AN ASIDE STILL EXIST, TO THE BANKRUPTCY OF CHE GUEVARA'S NOTION OF THE REVOLUTION WITHIN THE REVOLUTION AND TO UNNAMED "RADICALS" WHO CONTINUE TO REJECT THE BROADER VISION. AS AN EXAMPLE HE CITED DISPARAGINGLY THE VIEW THAT "IMPERIALISM NEVER CHANGES"; THAT THE U.S. IS "ALWAYS BAD NO MATTER WHO IS THE PRESIDENT" -- (AN OBVIOUS DIG AT BORGE). HE SAID HE WAS PREACHING TO HIS FRIENDS THE NEED TO TURN AWAY FROM THE PAST DOGMA AND LOOK TO THE FUTURE IN A WORLD THAT HAS CHANGED.

6. ACCORDING TO THE GENERAL, IT WAS NEVER THE INTENTION TO ESTABLISH THE CUBAN MODEL HERE. BUT IN THE EUPHORIA OF VICTORY THE RADICALS CAME TO THE FORE. THE SANDINISTA LEADERS WERE YOUNG, INEXPERIENCED AND SIMPLY CARRIED AWAY BY FINDING THEMSELVES WITH TOTAL POWER. RADICAL MEASURES CAME NATURALLY. ORTEGA CONCEDED THAT HE HIMSELF FELL UNDER THIS SPELL. BUT THE IDEA OF CREATING A FREER, MORE OPEN SYSTEM PERSISTED AS EVIDENCED BY THE ELECTIONS OF 1984. THESE LACKED THE PARTICIPATION OF "THE PRINCIPAL OPPOSITION" BUT WERE RECOGNIZED AS AN ADVANCE BY THE EUROPEANS AND "EVERYONE EXCEPT THE UNITED STATES". THAT THE SANDINISTAS PUT INTO PLACE A CONSTITUTION FURTHER TESTIFIES TO THEIR BETTER INTENTIONS, ACCORDING TO ORTEGA.

7. IN JANUARY OF 1989 THE DIRECTORATE REACHED THE CONCLUSION THAT THERE WAS BOUND TO BE A CHANGE IN U.S. CENTRAL AMERICAN POLICY UNDER PRESIDENT BUSH. TO BETTER POSITION THEMSELVES FOR THAT CHANGE ORTEGA AND COMPANY DECIDED TO ADVANCE THE DATE OF THE ELECTIONS AND REVIVE WHAT HE DESCRIBED AS A MORIBUND ESQUIPULAS PROCESS. WITH THE MILITARY DRAFT IN EFFECT AND A STRICT STABILIZATION PROGRAM IN FORCE THE SANDINISTAS WERE AWARE OF THE RISKS THEY WOULD RUN IN GOING TO ELECTIONS. OSCAR ARIAS TOLD THEM THEY WOULD LOSE. BUT THERE HAD TO BE AN END TO THE WAR, ORTEGA SAID. AS PART OF THE NEW TACK, HE WENT ON, THE DIRECTORATE ALSO "FROZE" FMLN OPERATIONS IN NICARAGUA IN EARLY 1989. BUT THEN IN SEPTEMBER "TWO THOUSAND CONTRAS" CAME ACROSS THE BORDERS. THE LEADERSHIP FEARED THAT IN FACT NO CHANGE HAD TAKEN PLACE AND THAT "BUSH DID NOT INTEND TO DEMOBILIZE THE CONTRAS."

8. THAT, ACCORDING TO THE GENERAL, WAS WHAT LED THE FSLN TO END THE CEASEFIRE AND ALLOW TWO PLANES TO CARRY ARMS AND MUNITIONS, INCLUDING A "REDEYE WE CAPTURED" TO EL SALVADOR. THIS, HE SAID, WAS AN INDIRECT MESSAGE, A KIND OF "NON-PAPER" OR "AIDE-MEMOIR" TO THE U.S. ORTEGA INSISTED THAT WAS THE ONLY ARMS SHIPMENT REMITTED. I BROKE INTO THIS MONOLOGUE TO REMARK THAT THE RESISTANCE MADE ITS OWN DECISIONS. I REMIDED ORTEGA THAT EVEN HIS BROTHER HAD ACKNOWLEDGED THAT IT WAS A GENUINE MOVEMENT WITH REAL ROOTS IN THE SOCIETY. THE RN WAS DETERMINED TO RETURN TO NICARAGUA WHERE IN FACT DEMOBILIZATION TOOK PLACE. I ALSO MADE THE POINT THAT FROM THE VERY BEGINNING THE

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CONNECTION WITH THE FMLN HAS BEEN AT THE CENTER OF THE SANDINISTAS' PROBLEM WITH US. ORTEGA DID NOT DISPUTE EITHER STATEMENT.

9. A CONSISTENT THEME IN THIS VERBAL ESSAY WAS THE BACKWARDNESS OF NICARAGUA, THE NEED TO MODERNIZE AND ESTABLISH SOCIAL JUSTICE. AS ORTEGA WOULD HAVE IT, THE COUNTRY'S PRE-REVOLUTIONARY PRODUCTIVE SYSTEM WITH ITS LARGE, INEFFICIENT CATTLE SPREADS AND BIG LAND HOLDINGS GENERALLY WAS RETROGRESSIVE. ONE HAD NOTHING TO SAY ABOUT THE DISASTEROUS SYSTEM THE SANDINISTAS PUT IN ITS PLACE.) THOSE AT THE TOP OF THIS SYSTEM WERE TOTALLY "UNCULTURED", INTERESTED ONLY IN MONEY AND THEIR PLEASURES. THIS CAME HOME TO HIM WHEN SHORTLY AFTER THE SANDINISTA TRIUMPH HE WENT LOOKING FOR A PRIVATE CLINIC IN MANAGUA WHERE HIS WIFE COULD GIVE BIRTH TO THEIR FOURTH CHILD IN THE BEST POSSIBLE CONDITIONS. THE CLINIC HE WAS DIRECTED TO, PURPORTEDLY USED BY THE CITY'S BEST FAMILIES, WAS A CONVERTED HOUSE, DIRTY, UNEQUIPPED AND "FULL OF COCKROACHES" -- A TELLING EXAMPLE HE THOUGHT OF HOW BACKWARD THOSE PEOPLE WERE.

10. BECAUSE OF A PREVIOUS ENGAGEMENT I COULD NOT WAIT FOR ORTEGA TO-FINISH HIS LECTURE. BEFORE I COULD LEAVE, HOWEVER, HE SUDDENLY SWITCHED FROM HISTORY AND SOCIOLOGY TO THE ICJ CASE. HE SAID WE SHOULD FIND A SOLUTION THAT TAKES INTO ACCOUNT THE STRONG FEELINGS ON BOTH SIDES. SOMETHING ALONG THE LINES OF A LONG-TERM AGREEMENT WHICH WOULD PROVIDE PREFERENTIAL ACCESS TO THE U.S. MARKET FOR NICARAGUAN PRODUCTS MIGHT BE AN ANSWER IN HIS VIEW. I SIMPLY SAID THAT THE U.S. HAD NEVER ACCEPTED THE JURISDICTION OF THE COURT AND TOOK MYSELF OFF.

11. COMMENT: THE ICJ CASE NOW UNFORTUNATELY OVERSHADOWS ALL ELSE IN THE BILATERAL RELATIONSHIP AND THE LAST THING WE WANT TO DO IS TO GET OURSELVES INVOLVED WITH HUMBERTO ORTEGA IN DEALING WITH IT. IT IS APPARENT, HOWEVER, THAT HE HAS TALKED TO LACAYO ABOUT THE MATTER. PRESUMABLY THE LATTER HOPES TO USE HUMBERTO TO STRIKE AN EVENTUAL DEAL WITH THE SANDINISTAS ON DROPPING THE CASE.

12. WHAT IMPRESSED ME MOST ABOUT THIS ENCOUNTER WAS HOW LOQUACIOUS ORTEGA WAS. HE WENT ON AND ON LEAVING ME WITH VIRTUALLY NO CHANCE TO GET A WORD IN EDGEWISE. OVERALL HIS PRESENTATION, ALTHOUGH TENDENTIOUS AT TIMES, PARTICULARLY WITH RESPECT TO THE RELATIONSHIP WITH THE FMLN, WAS CLEVERLY DONE. HE AVOIDED GOING TOO FAR IN PAINTING HIMSELF AS A PRAGMATIC MODERATE OR REFORMED REVOLUTIONARY. AND THERE WAS ENOUGH CREDIBLE DETAIL IN HIS HISTORY LESSON TO LEND CREDENCE TO THE ARGUMENT THAT HIS THINKING HAS EVOLVED IN A POSITIVE DIRECTION. BUT, AS CENTRAL BANK PRESIDENT MAYORGA SAYS, "THE TERM MODERATE SANDINISTA IS AN OXYMORON".

13. ON A PERSONAL LEVEL HUMBERTO STRUCK ME AS LIVELIER, MORE INTELLIGENT AND MORE INTERESTING THAN HIS DULL, DOGGED BROTHER. BUT HE DOES TALK A LOT, OF LATE QUITE FREQUENTLY IN PUBLIC WHERE UNHAPPILY HE TENDS TO STEAL THE LIMELIGHT FROM THE ESSENTIALLY INARTICULATE CHAMORRO ADMINISTRATION. END COMMENT. SHLAUDEMAN

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WORLDWIDE ELECTION SCHEDULE THROUGH JANUARY 1989

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Chile. A single-candidate presidential plebiscite will probably be held in October, with Pinochet seeking to prolong his fifteen-year reign for another eight years. The opposition currently holds a narrow edge but cannot afford complacency, given the government's resource advantage. If Pinochet loses, the military-sponsored constitution grants him one more year in office during which competitive elections would be organized. The opposition might seek an acceleration of this timetable, with unpredictable consequences. A Pinochet victory would leave open the question of a democratic transition.

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MEXICAN DRAFT RESOLUTION ON CHILE

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THE COMMISSION ON HUMAN RIGHTS

Preambular paragraphs

1) Aware of its responsibility to promote and encourage respect for human rights and fundamental freedoms and resolved to remain vigilant with regard to violations of human rights wherever they occur,

2) Noting the duty of the government of Chile to respect and protect human rights in accordance with the international instruments to which Chile is a party,

3) Recalling its pertinent resolutions, in particular its resolutions 11 (XXV) of March 6, 1979 by which it appointed a Special Rapporteur and 1987/60 of 122 March 1987, whereby it decided, among other things, to extend the mandate of the Special Rapporteur for one more year and to consider this question, as a matter of high priority, in view of the continued serious violations of human rights in Chile,

4) Bearing in mind that the concern of the international community at the situation of human rights in Chile has been expressed by the General Assembly in numerous resolutions, and in particular resolution 42/147 of 7 December, 1987.

5) Deeply concerned that the repeated appeals of the General Assembly, the Commission on Human Rights and other international organs for the reestablishment of respect for human rights and fundamental freedoms have not been taken into account by the Chilean government.

6) Considering also certain reports prepared by various non-government organizations which have brought to public attention the serious violations of human rights in Chile,

7) Noting that, during 1987, laws have been put into effect which seriously flout freedom of thought and expression and signify the proscription and interdiction of persons as regards their civil and professional rights and activities, on the grounds of their political opinions; the practices of murder in alleged confrontations, abductions, disappearances that are not clarified up and forced exile have persisted,

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murders, deaths in alleged confrontations, abductions, disappearances, torture and ill-treatment by the security forces, the climate of insecurity and extreme violence, the maintenance of exile and the denial of fundamental rights and freedoms during the prolonged periods in which states of emergency have been in force,

6) Also expresses its deep concern at the failure of the competent judicial authorities to take the necessary steps to conduct full investigations and prosecute independently those responsible for the numerous unresolved cases of murder, abduction, disappearance and torture, and for serious injuries through the use of further repressive methods of inhuman cruelty,

7) Expresses its concern at the systematic and continuing restrictions imposed by the Chilean government on the exercise of the rights to freedom of expression, assembly and association, through the use of repressive methods and violent responses to social and political opposition demonstrations, in particular, military searches and acts of intimidation against religious and lay human rights bodies,

8) Emphasizes the need for the government of Chile to restore and respect human rights and fundamental freedoms in conformity with the principles of the Universal Declaration of Human Rights and in compliance within the obligations it has assumed under various international instruments and, in particular:

a. To put an immediate end to the application of all laws contrary to the full exercise of human rights and fundamental freedoms,

b. To put an immediate end to all forms of torture and effectively to respect the right to life and to physical and moral integrity, and furthermore to desist from intimidation and persecution, abductions, arbitrary arrests, and ill-treatment of political prisoners, including long periods of incommunications,

c. To put an end to and punish the activities of gangs and groups, whether private or connected with the security forces, which are responsible for rapes, abductions resulting in deaths, searches, interrogations, and intimidation,

d. To ensure the effectiveness of investigations of human rights violations and the effectiveness of judicial remedies, particularly amparo or habeas corpus, to prevent the

intimidation of witnesses and defense lawyers, and to re-establish the jurisdiction of the civilian courts in matters within their competence which have over the past years been delegated to the military courts,

e. to guarantee that anti-terrorist legislation shall not be used against persons who have not committed terrorist acts, that persons accused of acts of violence or terrorism shall be accorded due process of law and respect for their rights, and that the accusation of terrorism shall not be adduced as a justification for any abuse of authority, torture or inhuman treatment or for the creation of special courts, which do not provide objective guarantees of independent justice,

f. To respect the right of Chileans to live in and freely enter and leave their country without arbitrary restrictions or conditions and to put an end to the practice of forced exile,

g. To restore the full enjoyment and exercise of labour rights and to put an end to the repression of trade union activities,

9) Takes note of the cooperation of the government of Chile with the United Nations, requests that it continue and increase its cooperation with the Special Rapporteur and that it fully implement the resolutions and recommendations of the international community and of the Special Rapporteur on this matter,

10) Decides to extend the mandate of the Special Rapporteur for one year and to request him to report on the situation of human rights in Chile to the General Assembly at its forty-third session and to the Commission on Human Rights at its forty-fifth session,

11) Recommends to the Economic and Social Council that it make appropriate arrangements to ensure that the necessary financial resources and sufficient staff are provided to implement the present resolution,

12) Decides to consider at its forty-fifth session, as a matter of high priority, the human rights situation in Chile.

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The October 5 presidential plebiscite was a key event in Chile's recent history and an important step in putting Chile on the road to democracy. In that plebiscite, Chileans were asked to vote on whether President Augusto Pinochet, the candidate selected by the ruling military junta, should continue to rule until 1997. With 92 percent of the adult population registered and voting, Pinochet's continuation as President was rejected by a margin of 55 to 43 percent (the remainder of votes were blank or nullified). Under the terms of the 1980 Constitution, this result means that President Pinochet will remain in office until March 1990, at which time he will be replaced by a successor chosen in direct presidential elections to take place on December 14, 1989. Those elections will also select the first Congress to be permitted since the 1973 coup which brought Pinochet to power. Both the new Congress and the President will assume office on March 11, 1990.

There was vigorous political debate during the campaign leading up to the plebiscite, although the political opposition was denied balanced media coverage and had only limited funding. The vote itself was an impressive affirmation of the Chilean people's desire to return to democracy. The large number of international observers who witnessed the voting reported that it was conducted in a peaceful, orderly, and free manner. However, there were various forms of intimidation and pressure applied to government employees.

The current Government includes both military and civilian officials and operates under the 1980 Constitution, which was adopted by plebiscite. The military Junta exercises the legislative function, and there is a separate judicial branch, but primary authority resides with the Commanding General of the Army and President Augusto Pinochet.

The uniformed national police, the 28,000-man Carabineros, is Chile's largest police force and is under the control of the Minister of Defense. The Carabineros have primary responsibility for public security and safety, crime control, and border security. The 5,000-man Investigations Police, also under the jurisdiction of the Minister of Defense, are responsible for controlling and investigating serious crime. The National Information Center (CNI), responsible for lnternal and external intelligence-gathering, is part of the Ministry of Interior, but the presidency exercises significant de facto control. The majority of this 2,500-man force is composed of military personnel. The 85,000-man armed forces is the ultimate guarantor of constitutional order. During the October plebiscite, the armed forces were responsible for the security of the voting places.

Chile's export-oriented economy is largely based on free market principles. After a major recession in 1982-83, during which real incomes and employment dropped sharply, the economy has grown steadily and rapidly. The year 1988 marked the fifth consecutive year of positive real growth and the third consecutive year of annual growth in excess of 5 percent. As a result, real wages have increased and unemployment, on the whole, has decreased. However, unemployment remains high in urban areas and, while per capita income has risen, income distribution problems remain. Chile has made substantial progress in overcoming its debt problem.

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CHILE

Many fundamental human rights remain restricted in Chile. Freedom from arbitrary arrest is undermined by extensive use of vaguely defined and far-reaching state security laws. In 1988, as in the past, there were reliable and in some cases documented reports of torture and mistreatment of persons detained by security forces or by unidentified groups that appeared to be linked to security forces. In addition, there were also cases of kidnapings, beating, torture and, in a few cases, murders in which no suspects have been identified or apprehended. Although the number of such incidents decreased compared to 1987, the absence of any resolution to longstanding cases of serious human rights abuses continues to concern both Chilean and international organizations.

Freedom of the press is also curbed, and the media continue to be subjected to informal government pressures and self-censorship, although access to the media by democratic parties improved significantly during 1988. However, new judicial measures were taken against journalists for publishing news and opinion which military courts found objectionable, and a number of cases initiated in 1987 and earlier remain pending. (At year's end, the Government took action which may result in charges being dropped against 6 of these journalists). The growing number of other cases handled by the military courts, including the unresolved 1976 murder in Washington of Orlando Letelier and Ronni Moffitt, is one of the most serious human rights issues.

However, there were some steps taken during 1988 which represent significant progress in the human rights situation. On August 24 the last states of exception in effect, the State of Emergency and the State of Danger to the Internal Peace, were lifted. (The Government still maintains significant discretionary authority to limit freedoms by use of one or more of the five states of exception provided for in the Constitution or its Transitory Articles.) On September 1, orders for administrative exile were lifted, and several hundred political exiles were permitted to return to Chile.

The Government continued to cooperate with the Special Rapporteur of the United Nations Human Rights Commission (UNHRC). Delegations from other human rights organizations, such as Amnesty International (AI), Americas Watch, and the International Human Rights Law Group, visited Chile during the year and in some instances were given permission to visit prisons and individual prisoners. The 1987-88 Annual Report of the Organization Of American States (OAS) Inter-American Commission on Human Rights noted continued shortcomings in Chile on torture and ill-treatment, personal liberty, judicial procedures, and freedom of expression.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Deaths and injuries resulting from political violence continued during 1988. According to the Vicariate of Solidarity, the human rights organization of the Catholic Church, 27 persons had died in acts of political violence as of October 31. The independent Chilean Human Rights Commission (CHRC) indicates that 25 deaths had occurred due to political violence during the same period. (For a discussion

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of the bases of the statistics provided by these two groups, see Section 4.) The deaths resulted from both deliberate or random actions by persons still unidentified. Of the 27 deaths listed by the Vicariate as politically motivated, 9 of the victims were members of the military and security forces. An ad hoc Carabinero prosecutor was appointed in May to investigate the cases of five police officials who were assassinated by unknown persons. One police officer was killed by what appeared to be a command-detonated bomb while responding to a bomb-threat call; another was killed while attempting to arrest a suspected member of the Manuel Rodriguez Patriotic Front (FPMR), a leftist group that advocates violence.

Of the civilian deaths, three persons died when a bomb in their possession exploded, and one woman died in an explosion at a medical clinic. Others listed as victims of politically motivated violence by the Vicariate included three persons killed during an attack on an armored car, a young man shot by a retired Carabinero official during a political demonstration, and a young man struck by police and left unattended during a demonstration. During the night of August 30, following President Pinochet's nomination as the Government's candidate for the plebiscite, three persons in poor neighborhoods were shot by unidentified assailants; two of the victims were in their early teens. Several people were also killed during demonstrations before and after the plebiscite. On October 21, a Carabinero official was killed in an attack on a small rural police station. A self-described spokesman for the FPMR, in a call to a newspaper, termed that attack and another on a similar police post as the start of a campaign to destablize the Government in the postplebiscite period.

According to government reports, terrorist groups in 1988 caused 16 deaths and 97 personal injuries in attacks which included 368 bombings. Rightwing terrorist groups such as the Chilean Anti-Communist Association (ACHA), the September 11 Command, and the National Combat Front (FNC) continued to operate, but there were no deaths attributed to them in 1988.

In January a Carabinero official was found guilty of killing a student in April 1985 and was given a 3-year suspended sentence. Despite the leniency of the sentence, the Vicariate noted this was the first instance in 15 years in which a security official was convicted for a human rights violation. In December an army officer was found guilty by a military prosecutor of manslaughter in the 1986 death by burning of Rodrigo Rojas, a young Chilean who had lived in the United States. A sentence of 541 days in jail was recommended. The verdict and sentence must be confirmed by the military court, which had not acted by year's end.

b. Disappearance

Human rights organizations report that politically motivated kidnapings and threats by private or paramilitary groups continued in 1988. Some reports assert that the method of operation, type of equipment used, and intelligence apparently available to the groups strongly suggest some had government support. Kidnapings continue--CHRC data show 49 kidnapings as of October 31, while Vicariate figures show 11 kidnapings in Santiago as of August 31. As in past years, there were no known arrests or prosecutions in any of these kidnaping cases. Rightwing terrorist groups may have been involved in kidnapings as well as in numerous threats against persons

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associated with political opposition organizations, including actors, student leaders, and human rights activists. Charges continued to surface that members of the security and military forces were involved in some of these terrorist organizations. An AI report issued in May claims that Chilean courts still refuse to process investigations of hundreds of disappearances dating to the mid-1970's. During 1988 there were no reports of persons disappearing following detention by security forces or by persons suspected of being official security agents. Investigations into the last reported case of disappearance, of five men in September 1987, are inactive and appear to have been suspended.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture remains one of the most serious, persistent human rights problems in Chile. The Vicariate reported 51 cases through October 31; the CHRC reported 98 as of October 31. Many undocumented cases periodically surface in the international media. Agreements concluded in 1987 by the Investigations Police, the CNI, and the Carabineros with the International Committee of the Red Cross (ICRC), however, appear to have reduced the incidence of torture and lesser forms of police brutality. The agreements, which have generally been honored, allow the ICRC to visit anyone detained by those three organizations for violations of state security laws. They stipulate that the ICRC be provided a daily list of detainees, and be allowed to visit the detainees after the first 5 days of detention and before the detainees are released or brought before the courts. However, the ICRC and the Interior Ministry's Advisory Commission on Human Rights are not allowed to visit detainees if the prosecutor in the case orders them held for 10-day periods of isolation under the antiterrorist law. The CNI continued to abide by the provision in the 1987 agreement with the ICRC to turn over persons it arrested to the Carabineros or the Investigations Police. The U.N. and the O.A.S. Conventions on Torture, signed by Chile in 1987, were ratified in September and entered into force in November. However, the Government attached reservations which have the effect of denying any international involvement in ensuring compliance.

Government officials deny that torture is used or authorized, and assert that members of the security forces are always investigated in cases of alleged mistreatment. In April two Investigations Police members were found guilty of "illegal and arbitrary detention" of two persons in 1980 and given a sentence of 541 days in jail, which was suspended; the two were also ordered to pay compensation of approximately $3,570. The judge found the two not guilty of the more serious charge of torture. In October a judge in Santiago charged six members of the Investigations Police with torturing a person arrested in 1986 for involvement in the attempted assassination of President Pinochet. The charges were overruled by the Santiago Court of Appeals, leaving the policemen free. An appeal is pending with the Supreme Court.

Judicial investigations of torture are seldom concluded, due in large part to the refusal of some state security organizations to comply with court orders to make security agents available to the courts for questioning. Moreover, in one case, three Investigations Police detectives found guilty in 1986 of the torture death of a young man and sentenced to serve 5 years in prison and pay a fine have never done so,

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despite a Supreme Court order confirming the sentence. Last year's Country Reports on Human Rights Practices noted that a judge publicly denounced the repeated failure of CNI officials to cooperate with his investigations into 35 separate torture incidents and that the jurisdiction of some of these investigations had been transferred to military prosecutors. In February a military judge demanded that the civilian judge in the case declare himself incompetent to investigate some 20 cases of alleged torture by the CNI. In responding to the request, the civilian judge opined, as he had in the past, that torture cases investigated by military judges implied impunity for those charged. In May the Supreme Court "admonished" the judge for using inappropriate language in his reply. Moreover, in October the Supreme Court suspended the judge for 15 days with half pay for violating the principle "that judges should abstain from expressing or even privately indicating their opinion regarding cases they are called upon to judge."

In October the Catholic bishop of Copiapo denounced the use of electric shocks by Investigations Police in the days following the plebiscite. On October 17 an appeals court in Copiapo dismissed charges against nine persons accused of violating the antiterrorist law, on the grounds that there was clear evidence that their confessions had been obtained by torture.

Human rights leaders agree that Carabinero efforts to conduct themselves professionally and to avoid the use of unnecessary force continued in 1988. Opposition political figures generally agree that Carabinero conduct during legally held political demonstrations of both electoral camps was generally evenhanded; detentions during rallies were relatively low, given the number of participants, and most of those held were released within 24 hours. The Carabineros were praised by both Chilean and foreign observers of the October 5 plebiscite. Activities of some persons in the police force, however, detracted from the improving record of the Carabineros. During celebratory demonstrations held by opposition forces after the plebiscite, excessive force was used in some areas. Two officers have been charged with attempted murder for beating a youth in demonstrations in Santiago. A Carabinero special force unit attacked and beat about 20 Chilean and foreign journalists filming political demonstrations on October 6 and 7. An internal investigation was under way at year's end.

d. Arbitrary Arrest, Detention, or Exile

Under Transitory Article 24 of the Constitution, the Government may order detention for 5 days without affording a detainee the right to a judicial hearing, or for as many as 20 days in cases where terrorist acts are alleged to be involved. In some cases involving the special military prosecutor, the detainees have had their access to lawyers limited even after the prosecutor formally charged them. The ad hoc military prosecutor continued to order arrests of persons suspected of being linked to the four cases under his purview: the discovery of an arms cache in 1986, the attempted assassination of President Pinochet in 1986, the kidnaping of an army colonel in 1987, and the 1986 assault on a bakery in which a Carabinero official was killed. None of those arrested in these cases have been brought to trial. On December 27, the military prosecutor was promoted to the top position in the military justice system. On December 28, the Supreme Court overturned a decision by the military court that the special prosecutor

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had exceeded his authority in seeking data from the Vicariate of Solidarity.

The Vicariate of Solidarity reported 752 individual arrests and 2,883 group arrests in demonstrations through October 31. The Vicariate reported 669 individual and 2,596 collective arrests in all of 1987, and 637 individual and 3,969 collective arrests in all of 1986. The CHRC reported 636 individual arrests and 3,713 collective arrests as of October 31. Only a small number of those arrested were arraigned before the courts; the vast majority of those detained were released without charges, or charged with minor violations.

Many of those detained under Transitory Article 24 are never charged and are released after several days. The state security laws often appear to be used to harass opponents of the Government. Persons are detained for prolonged periods of time while their cases are investigated or released on bail without any formal charge against which they can defend themselves. Four persons associated with the Vicariate are in this position. Moreover, charges are often levied well after the event, heightening the impression of arbitrariness and harassment. For example, labor leader Manuel Bustos was taken from his home at 6 a.m. on January 29 to answer questions regarding an alleged attempt to encourage disorder in the Armed Forces because of a statement of his which had been published in the magazine Analisis the year before. Father Jose Aldunate of the Sebastian Acevedo Movement Against Torture was similarly detained on October 17 to give a statement regarding offenses against the Armed Forces stemming from comments in a bulletin published by his organization in June 1987.

Once formally charged with or convicted of violations of state security laws, the accused are generally imprisoned separately from common criminals and have rights of visitation and communication with their families, friends, legal counsel, and representatives of the ICRC. The ICRC has access to most of those detained under the state security laws after a 5-day period of incommunicado detention.

On September 1, the Government terminated administrative exile orders, paving the way for about 300 people, primarily political figures and their families, to return to Chile. Some who accepted a term of exile as an alternative to a prison sentence handed down by a court are eligible to return, but if the term of the original sentence has not expired they could be subject to imprisonment. Several prominent political figures who had been exiled for 15 years returned to Chile. Among them were the widow and daughter of former President Allende, several of his cabinet officials, and leaders of the banned Communist Party. Clodomiro Almeyda, the Foreign Minister in the Allende Government who was sentenced to 541 days in prison for violations of the antiterrorist law and for illegally entering the country from exile, was released on October 18. The Supreme Court, acting on a petition from his lawyers, reduced the sentence to the time he had already served in jail.

On August 17, the Supreme Court sentenced president Manuel Bustos and vice president Arturo Martinez of the Unified Workers' Central (CUT) to 541 days' internal exile. The action stemmed from a petition by the Ministry of Interior to overturn an appeals court verdict exonerating the two from

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charges relating to the deaths of persons in the wake of a general strike.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The right to a fair trial remains limited by Transitory Article 24. First instance jurisdiction for the prosecution of proscribed political activities remains with the regular civilian courts, but broad interpretation of state security laws has greatly expanded military court jurisdiction. As in most civil law systems, trial is not by jury, reliance is on the written record rather than oral testimony, and the judge renders his verdict after directing the investigation. The investigation phase is considered secret, with limited access to evidence or testimony which has been developed by the judge. Secrecy makes it extremely difficult to ascertain if justice is being done. There is a well-developed, multistage appeal process leading ultimately to the Supreme Court. Weapons violations (often the basis of charges against suspected terrorists) and charges of "offenses against the Armed Forces," including slandering the Commander-in-Chief of the Army (President Pinochet), are tried before a military court. Appeals may be made to a military court consisting of two civilian judges and three military judges and, in the last resort, to the Supreme Court.

Investigation by the courts of present and past human rights violations made little progress during 1988. Human rights organizations continued to report that judges failed to investigate vigorously charges of government abuses of human rights. In May the Supreme Court charged a military prosecutor with serious and grave delays in the four cases of illegal arrest and brutality under his direction and ordered the military courts of the Army, Air Force, and Carabineros to adopt appropriate means to oversee timely processing of cases by military prosecutors. There has been no progress in the investigation by a military tribunal into the deaths of 12 members of the FPMR in June 1987.

The investigation by a military judge into the July 1986 burning of Rodrigo Rojas (who died) and Carmen Gloria Quintana (who was severely injured) during an antigovernment protest was concluded on December 25, with the judge recommending a commuted sentence of 541 days in jail for the commander of the military patrol involved. The sentence must be confirmed by the military court, and both sides may appeal the judgment.

The Social Aid Foundation of the Christian Churches (FASIC) reported that, as of September 30, there were 433 persons in prison and 597 persons facing judicial proceedings related to state security laws. Forty-five of these people have been in prison since before 1983, but the majority (197) were detained in 1986 and 1987. Ninety-five were detained in the first 9 months of 1988. Of the 597 judicial proceedings, 477 are before military courts. Another 108 persons were released on bail during 1988, and 6 were released after completing their prison terms. Of a total prison population of 433 involved in violations of state security laws, 71 have been convicted and are serving their sentences, while 362 remain in detention with their cases still under investigation. In at least one case, the investigation phase has lasted 7 years.

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CHILE

International attention continued to focus during 1988 on nine prisoners who face possible death sentences because of charges of involvement in assassinations of senior military officers, bank robberies, and killings of Carabineros. Defense lawyers charged that all were tortured, and their confessions obtained under physical and psychological duress. Human rights organizations have assisted 12 prisoners, including the 9 facing a possible death sentence, to obtain visas to other countries. This was done in the belief that possession of such visas might either allow these prisoners to seek remission of their prison terms for exile or protect them from the death sentence. While the Government permitted many Chileans serving prison sentences related to politically motivated acts to seek exile in the mid-1970's, this practice has been severely restricted in recent years. One reason given has been that some of those who sought exile later returned to Chile illegally and became involved in terrorist activities. In August a petition by the military prosecutor for the death penalty for three persons found guilty of killing an army general in 1983 was denied. The penalty can only be imposed by unanimous decision of a military court and one judge voted against the death penalty. The military prosecutor appealed the decision to the Supreme Court in September on the grounds that the dissenting judge applied personal, not judicial, criteria to the case.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Searches of the home and interception of private communications are permitted by the Constitution, provided search warrants are issued by either a civilian or military court for specific locations. The 1984 antiterrorist law provides for surveillance of those promoting political views contrary to the Constitution or those suspected of terrorist crimes, and for intercepting, opening, or recording private communications and documents in these cases. The requirement to obtain proper court documents for searches and surveillance, however, was not always complied with during the year. A significant number of searches were carried out by security forces or by armed groups who failed or refused to show identification, or without the necessary court orders. Many searches were conducted in the early hours of the morning, often with force and violence. However, the Vicariate of Solidarity noted that during 1988 there were no reported instances of security forces closing off an entire neighborhood in order to conduct searches as had been done in the past.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution recognizes freedom of speech and press, but these freedoms are severely restricted. Article 8 provides for sanctions against "persons or groups propagating doctrines undermining the family, espousing violence or a concept of the society, the state, or legal order of a totalitarian character or contrary to the institutional order of the country...." Violations of this Article may include media coverage, commentary, or publicity about such groups or doctrines. The military code provides for sanctions against persons charged with "offenses against the Armed Forces." Critical editorials, satirical reports, and articles on issues deemed sensitive by the Armed Forces have been cited under this

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provision. Laws also exist specifically dealing with security violations and terrorism. On December 30, the Government dropped charges against the six journalists named in the two media cased before civil courts. Earlier in the year, several civil and military court cases were dismissed or terminated. However, at year's end military court cases on charges for "offenses against the armed forces" continued against approximatey 26 Chilean citizens, including 18 journalists, involved in publishing, or writing for publication, news stories or commentaries. In 1988 new charges were brought in military courts against 17 persons, 6 of whom faced earlier charges. All of those with charges remaining were connected with five publications: the opposition weekly magazines Analisis, Apsi, and Cauce, the daily newspaper Fortin Diario, and the Jesuit monthly Mensaje. Analisis magazine editor Juan Pablo Cardenas served 541 days of nightly imprisonment for "offenses against the President of the Republic" in editorials published in 1986. Cardenas also is cited in four additional cases, two of them filed in 1988, before the military courts. Apsi editor Marcelo Contreras is named in two cases before a military court. Cauce editor Francisco Javier Herreros also is named in five cases, all before military courts. Fortin Diario editor Alberto Gamboa faces two charges, one for publishing a book on his experiences in a concentration camp following the 1973 coup. Cases are also pending against personnel of the weekly magazine Hoy, the daily newspaper La Epoca, and other publications. One civil court case, against the daily newspaper La Prensa Austral of Punta Arenas for publishing a story about exiles, was dismissed.

The media continue to be the target of political violence and threats, including extralegal pressure from extremist groups. Radio stations in the smaller towns have been subject to harassment, through means ranging from strict and selective application of technical regulations to anonymous threats against advertisers. One station, in the northern town of Iquique, was forced off the air for 7 months for alleged technical violations. After receiving permission to resume broadcasting, the station's transmission tower fell over, reportedly because the mounting bolts had been removed. Advertisers on a station in the south received threatening letters, and the business premises of one advertiser were bombed. In February police deactivated a bomb found in the offices of the conservative newspaper El Mercurio of Valparaiso, but in March a bomb exploded in the newspaper's offices. In May a firebomb was thrown into El Mercurio offices in the town of La Calera. In April a photographer of the opposition daily Fortin Mapocho was beaten, and in August the offices of the publication were stoned. In September leftwing extremists assaulted a radio station in order to broadcast propaganda. On the nights of October 6 and 7, groups of journalists, most of them foreign, were attacked by a Carabinero special forces unit in downtown Santiago following the breakup of victory celebrations by opponents of the Government. The journalists charged that some 20 to 25 of them were deliberately pursued and clubbed by the police.

With the lifting of the states of exception on August 24, it is no longer necessary to obtain government permission to begin publishing a newspaper or magazine. The Government continues to exercise control over the media through legal actions, economic pressures (several major media enterprises are seriously in debt to government financial institutions), and pressure on personnel and editorial decisions. However,

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the level of censorship decreased in the period leading up to the October plebiscite, and this improvement continued through the last months of 1988.

The Government itself directly operates the country's largest television network. The other television stations are monitored, and program planning remains strongly influenced by self-censorship. In 1988, however, there was a gradual change in the practice of giving coverage only to the government viewpoint, which had been the case for many years. By the end of the year, all channels were giving substantial coverage to a wide range of political viewpoints. In January Channel 11, operated by the University of Chile, became the first to offer a regularly scheduled public affairs discussion program which included political leaders critical of the Government. In March Catholic University Television began a series of weekly panel shows which included personalities from a wide range of the political spectrum. As the plebiscite approached, the news coverage given to opposition leaders by the nongovernment channels increased, although the overall time given to government views remained vastly greater. From September 5 to October 1, all television stations carried, by law, a 30-minute block of free political advertising each day, divided equally between supporters of the Government and the opposition. This block immediately received high viewer ratings, and many Chilean commentators believe this television access by the opposition was a significant factor in its plebiscite victory on October 5. Although political advertising ended on October 1, coverage of opposition political leaders by the nongovernment media in the postplebiscite period remained relatively frequent; during the last months of 1988, government-owned national television and radio systems began to give substantial news coverage to a variety of political events and views.

The Government announced that a new radio and television law designed, among other things, to "privatize" television, is being prepared for submission to the military junta, but its provisions remain unknown.

b. Freedom of Peaceful Assembly and Association

Restrictions on peaceful demonstrations and association, already reduced in 1987 with the legalization of political parties, were further relaxed in August with the lifting of the states of exception. Although official permission to hold rallies was no longer technically required, authorities had to be notified in writing of planned public events; on several occasions, police authorities cited public safety concerns as justification for changing the venue of opposition rallies to more distant locales. There were credible reports that Carabinero forces were quicker to employ tear gas and water cannon to disperse rowdy elements of opposition rallies than of progovernment rallies. Those who held demonstrations or protests without notifying officials in writing and in advance were subject to arrest and prosecution.

On August 29, a group of protesters, most of them women, conducted a peaceful march while holding cutouts of human figures painted with the names of victims of human rights abuse and the question, "Have you forgotten me?" The group was dispersed with water cannon and tear gas. On September 22, a progovernment demonstration held without prior notice at the presidential palace was also dispersed with tear gas. Similar excessive force was employed on September 15 against those,

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many of them foreign members of the International Confederation of Free Trade Unions, accompanying labor leaders Manuel Bustos and Arturo Martinez when they surrendered to the court to begin their internal exile.

On October 23 the United Left (a nonregistered party made up primarily of Socialists and Communists) held a rally; Clodomiro Almeyda, head of one of the Socialist Party factions who had been released from jail a few days before, was one of the principal speakers, despite a court order denying him the right to speak in public. Organizers of the rally subsequently claimed that police injured two demonstrators. Subsequent public meetings by the United Left were held without reports of incidents.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The Constitution provides for freedom of religion. Although Chile is predominantly Roman Catholic, there are no restrictions on religious practices and no official discrimination against any religious group. A number of Protestant denominations and other groups are active and report full freedom and tolerance, as does the local Jewish community. Religious belief and adherence appear to have no effect on acceptability for government positions. The Mormon Church continued to be a target of leftwing terrorist groups.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Chileans are promised full constitutional freedom to move within and to enter and leave their country. However, as noted, two Chilean labor leaders were sentenced to internal exile in August. About 350 Chileans were denied the right to return to Chile until September 1, when orders for their exile were lifted by President Pinochet. International organizations dealing with political refugees believe that the number who returned to Chile in 1988 was approximately 650, a number far exceeded by those who left for political reasons. Many exiles presumably choose to remain in their adopted countries for economic and family reasons. Some human rights groups assert that former exiles associated with the political left face excessive scrutiny of any degrees or licenses they may have earned abroad.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

In keeping with the terms of the 1980 Constitution, on August 30, the Commanders-in-Chief of the Armed Forces and national police selected a single candidate for a plebiscite which was held October 5. That candidate, President Pinochet, was defeated; he will continue as President until March 11, 1990. Before that date, competitive elections for a president and the Congress must be held; they have been scheduled for December 1989.

Foreign and Chilean observers of the plebiscite unanimously agreed that it was conducted in a free and fair way, and praised the election procedures for safeguarding privacy and accountability. The Chilean Armed Forces and Carabineros were also praised for their exemplary conduct on election day.

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CHILE

Women are active in Chilean political life and have served in such important government positions as mayors, agency heads, and ministers, although none is currently in the cabinet.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

During 1988 the Government continued to cooperate with the UNHRC Special Rapporteur and provided another detailed reply to the Special Rapporteur's report on the human rights situation in Chile. The Special Rapporteur visited Chile in October, during the plebiscite.

The Government also continued its cooperation with the ICRC, which provided confidential reports to key government ministries on the results of its visits to prisons, as provided for in the agreements signed late in 1986 and early in 1987 with the CNI, the Investigations Police, and the Carabineros.

The Government permits visits and investigations by private international human rights groups, but a number of visitors as well as diplomatic personnel assigned to Chile were denied permission to visit specific prisoners even after seeking permission in writing. In past years such permission had been given more readily. The Government made no effort to impede the many international observers of the plebiscite and vote-counting on October 5.

The Catholic Church continues to take the lead in defending human rights. It supplies legal counsel to those accused of politically related crimes and to victims of human rights abuses. Its Vicariate of Solidarity monitors the human rights situation throughout Chile, issues factual monthly reports, and protects and defends significant numbers of people. The statistics provided by the Vicariate generally cover cases actually handled by it. The Chilean Commission for Human Rights (CHRC), a private organization directed by opposition political figures, also continued to publicize abuses. Statistics provided by the CHRC cover violations brought to their attention throughout the country. Since some persons involved in human rights violations may not go to the Vicariate for assistance, the CHRC statistics provide a wider but less first-hand picture of human rights violations.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Minority groups do not suffer from any specific legal discrimination. The only significant racial minority, the Mapuche Indians in southern Chile, remains separated from the rest of society because of historical, cultural, educational, and geographical factors rather than official policy. Some Mapuche leaders charge that government policies throughout the years have failed to take into account the different cultural values of the Mapuche, particularly in the areas of land ownership and education. They have continued in some instances to refuse to participate in government attempts to assign land to individual families, preferring to retain the land as tribal property.

Legal distinctions between the sexes still exist. The legal retirement age for women is 5 years lower than that for men. Married women may not conduct major commercial transactions

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unless a separation of goods contract is established at the time of marriage, or through a subsequent special one-time authorization. Inheritance laws provide strong protection for wives and favor female over male heirs. Proposed legislation to modify portions of the laws relating to women is under consideration but no action was taken by year's end. The changes would affect such matters as allowing women to take children out of the country without the father's permission and relaxing restrictions on women engaging in business transactions.

Average salaries paid to women for similar work are lower than those paid to men. In 1983 females made up 48.8 percent of the primary school enrollment, 50.5 percent of secondary school pupils, and 40 percent of university students. Women enjoy good access to low-level and midlevel professional jobs but do not hold a proportional number of high-level positions.

Section 6 Worker Rights

a. The Right of Association

Most aspects of labor rights are codified in 12 laws passed in 1987. The law regarding political parties discriminates against trade union (and professional association) leaders, prohibiting them from being officers of political parties. Legal challenges to this provision were rejected in 1987. Officials of those union organizations which lack legal standing continue to be active in political parties.

Legally recognized unions do not need permission to hold union meetings or conferences. Under the law, unions cannot elect as an officer a person who is under indictment. The labor code also prohibits the development of national union confederations. Labor unions can and do maintain relations with international labor bodies in their fields. The Government selects Chilean worker delegates participating in the conference of the International Labor Organization (ILO), and in 1988, as in the past, the Government sought to avoid challenges to the credentials of these delegates by consulting with representative trade unions in Chile. However, in selecting delegates to represent the Chilean workers in the ILO, the Government ignores the major de facto umbrella labor organizations, such as the National Workers' Command (CNT), which the Government does not recognize. The Government's refusal to select delegates for the ILO from these de facto umbrella organizations has been the major issue in the challenges to credentials in the ILO. These challenges have not had sufficient support in the ILO to be successful.

Under the labor code there are severe restrictions on the right to strike. Strikes are prohibited in designated strategic enterprises, primarily public utilities, the largest government copper mine, and the petroleum industry. In 1988 the Government confirmed the 1987 designation of 25 enterprises as strategic. There is no indication that blacklisting of trade union leaders and members who participated in illegal strike actions in past years has ended; however, there was no instance of massive dismissal of workers for striking in 1988.

Harassment of trade union leaders continued. On January 26, leaders of the National Workers' Command, which was subsequently subsumed into the Unified Workers' Central (CUT), were sentenced to 541 days' imprisonment for calling a general

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strike on October 7, 1987, in the aftermath of which several people died. In handing down the sentence, the judge recalled previous arrests of the union leaders, Manuel Bustos and Arturo Martinez, for activities "characterized by their violence, sowing of hatred, stench of resentment, series of vulgarities and dangerous demonstrations." An appeals court overturned the conviction. Subsequently, the Minister of Interior appealed to the Supreme Court to restore the original sentence; on August 17 the high court imposed a sentence of 541 days of internal exile, a sentence rarely handed down by Chilean courts. Bustos and Martinez are currently the only persons subject to this type of punishment. They are confined to small towns in the interior of Chile.

Organized labor continued to press for a full investigation of the 1982 murder of labor leader Tucapel Jimenez. Efforts to have the Government appoint another judge to investigate this murder were not successful, and the case remains officially closed. While the Government dropped indictments against a political leader and a trade union officer for having slandered the Government in this case, interest remains high within Chilean and international trade union circles that this case be reopened.

For a number of years, complaints have been filed in the ILO against the Government, alleging repressive measures against demonstrations; arrest and ill-treatment of union leaders; violent suppression of May Day demonstrations; and dismissal of strike leaders. In 1988 additional allegations were filed, to which the Government provided an extensive response. On December 24, 1987, after failing to make promised changes in its labor code to enhance workers' rights, Chile was formally suspended from the list of countries eligible to participate in the U.S. Generalized System of Preferences (GSP) program, and it remained off the list in 1988.

b. The Right to Organize and Bargain Collectively

Workers in Chile have the right to form and join unions. While the rules governing union organizing in firms employing between 25 and 50 workers were eased in 1988, there are generally severe restrictions on collective bargaining. Collective bargaining is strictly regulated, and the entire collective bargaining procedure can be nullified if one legally constituted deadline is missed by either the union or management. Further, any decision by a union to delay the bargaining process in anticipation of a more propitious future bargaining atmosphere automatically extends the current contract for a minimum 2-year period.

There are no export processing zones or other special districts where different laws apply.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is implicitly prohibited in Chile's Constitution and labor code, and there have been no complaints on this issue since the mid-1970's.

d. Minimum Age for Employment of Children

Child labor is regulated by law. Young people between the ages of 14 and 15 may be employed only with the permission of their parents or guardians and if they have completed their schooling, and then only in restricted types of labor. Those

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between the ages of 15 and 18 can be employed in a larger variety of labor and at expanded hours, but only with their parents' or guardians' permission. Economic factors have forced many children to seek part-time and full-time employment in areas of the economy which are generally difficult to regulate.

e. Acceptable Conditions of Work

Minimum wages, hours of work, and occupational safety and health standards are regulated by law. The law permits the hiring of apprentices, but pay may not be less than the minimum wage. Laws covering wages and hours of work are difficult to enforce, and there are complaints that occupational health and safety laws are not adequately enforced. Workers have the right to denounce employees who pay less than the minimum wage, and employers can be forced to pay back wages, but an employee who brings such a complaint risks losing his job for having done so.

The normal workweek is 48 hours long. The minimum wage is approximately $50 per month. It is not considered sufficient for a decent standard of living, but many households have two full-time income earners.

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PAGE 01 MEXICO 21970 01 OF 02 270041Z
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DEPT PLS PASS TO NRC FOR H. DENTON; VIENNA FOR IAEA

E.O. 12356: DECL: OADR
TAGS: KSCA, MX, ENRG, IAEA
SUBJ: LAGUNA VERDE - REVISION 2

REF: A. MEXICO 17775 B. MEXICO 19564 C. MEXICO 17302

1. [redacted] - ENTIRE TEXT.

2. SUMMARY: THE LAGUNA VERDE NUCLEAR ENERGY PROJECT IS SUFFERING THE VAGARIES OF A REAL ON-AGAIN/OFF-AGAIN ROMANCE. IN ALMOST SOAP OPERA FASHION, HER PARTNER, THE MEXICAN GOVERNMENT, IS AT ONE MOMENT SWAYED BY ENVIRONMENTAL FORCES WHO REJECT THE PROJECT ENTIRELY AS A DANGER AND A MENACE AND AT THE NEXT MOMENT BY THE ENERGY TECHNOCRATS WHO CITE ENERGY NEEDS, FINANCIAL INVESTMENT MADE, AND TECHNOLOGICAL ADVANCES TO CONVINCE THE NATION TO EMBRACE HER WHOLEHEARTEDLY. RECENT NEWSPAPER ARTICLES HAVE CONTINUALLY CONTRADICTED EACH OTHER IN THEIR PROGNOSES FOR THE OUTCOME OF THIS AFFAIR. WE HAVE SURVEYED OUR CONTACTS ON BOTH SIDES OF THE ISSUE AND IN-[redacted]AL

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PAGE 02 - MEXICO 21970 01 OF 02 270041Z

CLUDE THESE THOUGHTS IN OUR UPDATE. END SUMMARY.

3. ON AUGUST 19 THE BUSINESS-ORIENTED EL FINANCIERO

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STATED CATEGORICALLY THAT LAGUNA VERDE WOULD NOT ENTER INTO OPERATION UNTIL 1989. THEY CLAIMED THAT JUAN CARRION HERNANDEZ, THE DIRECTOR OF THE FEDERAL ELECTRIC COMMISSION, HAD ANNOUNCED THE DECISION TO POSTPONE THE DECISION FOR START-UP IN HIS 87-88 WORK REPORT. CFE NUMBER 2 JUAN EIBENSCHUTZ ABSOLUTELY DENIED THE VERACITY OF THE REPORT TO SCIATT AND STATED "NEWSPAPERS ARE NOT A RELIABLE SOURCE OF INFORMATION ABOUT THE ELECTRICAL SECTOR." HE WENT ON TO RECONFIRM THAT TECHNICALLY THE REACTOR IS READY AND THEY ARE AWAITING THE POLITICAL DECISION ON WHEN TO LOAD THE FUEL.

4. ON AUGUST 20 THE LEFTIST NEWSPAPER JORNADA AND THE OFFICIAL NEWSPAPER EL NACIONAL BOTH PRINTED ARTICLES SAYING THAT JOSE LUIS ALCUDIA, THE UNDERSECRETARY OF ENERGY FOR THE SECRETARIAT OF ENERGY, MINES AND PARASTATAL INDUSTRIES (SEMIP) HAD STATED IN AN INTERVIEW THAT THE PLANT COULD NOT BEGIN OPERATION UNTIL IT IS "INSPECTED" AGAIN BY THE INTERNATIONAL ATOMIC ENERGY AGENCY (IAEA). COMMENT: EMBASSY BELIEVES ALCUDIA WAS REFERRING TO ANOTHER POSSIBLE REVIEW BY THE IAEA OPERATIONAL AND SAFETY REVIEW TEAM (OSART) ALTHOUGH WE HAVE NOT HEARD THAT SUCH A REVIEW IS PLANNED. END COMMENT. ACCORDING TO BOTH ARTICLES ALCUDIA EXPLAINED THAT THE MOST RECENT VISIT BY THE IAEA, IN JANUARY 1987, TOOK PLACE BEFORE THE PLANT WAS ACTUALLY FINISHED AND NOW THAT IT IS COMPLETED THE PLANT PRESENTS A DIFFERENT APPEARANCE. FOR THIS REASON, HE REPORTEDLY SAID, THE PLANT MUST BE "INSPECTED" AGAIN. SOURCES AT BOTH SEMIP AND CFE DENIED THESE REPORTS AND SEMIP SOURCE DEFENDED THE UNDERSECRETARY SAYING THAT THE [redacted]AL

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PAGE 03 MEXICO 21970 01 OF 02 270041Z

JOURNALISTS MUST HAVE MISINTERPRETED HIS REMARKS. ANOTHER CFE SOURCE SAID, IN REFERENCE TO ALCUDIA'S ALLEGED REMARKS, "HE'S CRAZY".

5. THE MEXICO CITY NEWS, THE ENGLISH LANGUAGE DAILY, HAD A FRONT PAGE HEADLINE ON AUGUST 22 DECLARING THAT THE "CFE SAYS LAGUNA VERDE SET POWER UP IN OCTOBER". THE STORY REPEATED CLAIMS THAT THE POSTPONEMENT WAS DUE TO ELECTIONS AS REPORTED REFTEL B AND QUOTED AN UNNAMED CFE OFFICIAL (PROBABLY EIBENSCHUTZ) AS SAYING THAT "EVERYTHING IS SET AND WE ARE READY TO LOAD THE URANIUM IN OUR FIRST REACTOR". THE NEWSPAPER QUOTED THE OFFICIAL AS SAYING "THE GOVERNMENT IS FIRM ON OPENING THE LAGUNA VERDE (NUCLEAR POWER

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PLANT). I AM SURE THE FIRST REACTOR WILL GO INTO OPERATION BY THE END OF OCTOBER."

6. EL FINANCIERO REPORTED ON AUGUST 23 THAT ECOLOGISTS AGAINST LAGUNA VERDE FEAR THAT IT MIGHT BE LOADED VERY SOON. ON THE SAME DAY THE JORNADA PUBLISHED A CONVINCING PROPOSAL WRITTEN BY JAVIER GONZALEZ RUBIO IRIBARREN SUGGESTING THAT LAGUNA VERDE SHOULD BE GIVEN A CHANCE.

7. THE AUGUST 24 EDITION OF THE LEFTIST-NATIONALISTIC NEWSPAPER EXCELSIOR CARRIED A REPORT FROM THE CITY OF SAN LUIS POTOSI COVERING THE VISIT OF THE SECRETARY OF ECOLOGY AND URGAN DEVELOPMENT (SEDUE) GABINO FRAGA MOURET (REF C) TO OBSERVE THE CONSERVATION EFFORTS ON THE SANTIAGO RIVER IN THE STATE OF SAN LUIS POTOSI. ACCORDING TO PRESS ACCOUNTS, FRAGA TOOK ADVANTAGE OF THIS OPPORTUNITY TO STATE UNEQUIVOCALLY THAT LAGUNA VERDE WILL BE PUT INTO OPERATION. IT WAS FRAGA'S PREDECESSOR AS SECRETARY OF SEDUE, MANUEL CAMACHO SOLIS, WHO REPORTED THAT LAGUNA VERDE WOULD BE INDEFINITELY POSTPONED. SOURCES AT BOTH

[redacted]

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PAGE 01 MEXICO 21970 02 OF 02 270041Z
ACTION OES-09

INFO	LOG-00	ADS-00	INR-10	SS-00	OIC-02	CIAE-00	EB-00
	DODE-00	H-01	IO-19	NSCE-00	ARA-00	NSAE-00	L-03
	AMAD-01	PM-10	EPA-01	INRE-00	ACDA-12	SP-02	NRC-02
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DEPT PLS PASS TO NRC FOR H. DENTON; VIENNA FOR IAEA

E.O. 12356: DECL: OADR
TAGS: KSCA, MX, ENRG, IAEA
SUBJ: LAGUNA VERDE - REVISION 2

SEMIP AND CFE SUGGESTED THAT FRAGA WAS RIGHT ON THE MARK. HOWEVER, FELICIANO BEJAR, A FAMOUS MEXICAN POET AND ANTI-NUCLEAR ACTIVIST IN THE GROUP OF ONE HUNDRED ECOLOGY GROUP, WAS ALMOST IMMEDIATELY ON THE TELEPHONE TO CAMACHO SOLIS DEMANDING AN EXPLANATION FOR FRAGA'S STATEMENT. BEJAR CLAIMS THAT CAMACHO CALLED SEDUE AND THEN CALLED HIM BACK TO SAY THAT FRAGA'S REMARKS WERE MISCONSTRUED. FRAGA LATER STATED TO THE PRESS THAT HE HAD NEVER SAID WHAT HE REPORTEDLY SAID.

8. MEANWHILE, ECOLOGY GROUPS IN VERACRUZ SOUNDED THE ALARM TO PUT THE PRESSURE ON AGAIN. THEY HAVE ANNOUNCED PLANS FOR DEMONSTRATIONS IN THE STATE OF VERZCRUZ ON SATURDAY, AUGUST 27. BEJAR TOLD SCIENCE ASSISTANT THAT THEY WILL BLOCK EVERY HIGHWAY IN THE STATE OF VERACRUZ IF THEY HAVE TO.

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PAGE 02 MEXICO 21970 02 OF 02 270041Z

9. ON AUGUST 25 EXCELSIOR PRINTED AN ARTICLE BY NATIONAL UNIVERSITY SOLID STATE PHYSICS PROFESSOR MARCO ANTONIO MARTINEZ ALLEGING THAT CHERNOBYL AND LAGUNA VERDE ARE MORE SIMILAR THAN EVER. HIS PIECE WENT INTO A LONG EXPLANATION OF NUCLEAR ENERGY AND THEN WENT ON TO DISCUSS HIS VERSION OF THE LA SALLE ACCIDENT OF MARCH 9, 1988. HE EXPLAINED THAT THE LOSS OF COOLING AT LA SALLE HAD RESULTED IN THE AUTOMATIC EMERGENCY INSERTION OF THE CONTROL RODS TO SHUT DOWN THE REACTOR AND THAT LAGUNA VERDE WOULD BE AT THE MERCY OF THE SAME AUTOMATIC EMERGENCY MEASURES IN A CASE OF LOSS OF COOLING. HIS ARTICLE IMPLIED THAT MEXICO COULD NOT PROVIDE THE PERFECTION IN TECHNOLOGY NEEDED TO ENTER THE NUCLEAR AGE.

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10. A MEXICO CITY NEWS ARTICLE ON AUGUST 26, 1988, REPORTED THAT ANTI-NUCLEAR GROUPS HAVE FILED FOR A COURT RESTRAINING ORDER TO STOP FEDERAL AUTHORITIES FROM STARTING UP LAGUNA VERDE.

11. COMMENT: THE LAGUNA VERDE PUBLIC POLICY DEBATE IS ON THE FRONT PAGES AGAIN. THE POLICY QUESTION IS THE SAME AS FORMULATED IN OUR EARLIER CABLES AND WE CONTINUE TO BELIEVE THAT THE GOM WILL ORDER THE START-UP OF THE REACTOR IN OCTOBER. (DRAFTED:SCI:AJTIDBALL) PILLIOD

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*** Current Handling Restrictions *** n/a
*** Current Classification *** [redacted]

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In Full X

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PAGE 01 SANTIA 06226 012228Z
ACTION ARA-00

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	TRSE-00	PM-10	PA-01	OMB-01	SVC-00	INRE-00	RP-10
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INFO AMEMBASSY BUENOS AIRES
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USV MEXICO 0972
AMEMBASSY MOSCOW

C O N F I D E N T I A L SANTIAGO 06226

E.O. 12356: DECL:OADR
TAGS: PHUM, PGOV, CI
SUBJ: PINOCHET ENDS EXILE IN CLEAR BID TO
- MODERATE HIS IMAGE

REF: SANTIAGO 6001
-
1. (U) ON SEPTEMBER 1, PRESIDENT PINOCHET TERMINATED ADMINISTRATIVE EXILE, PAVIGYO THEIR FAMILIES, PRIMARILY POLITICAL LEADERS, TO RETURN TO CHILE WITHOUT FEAR OF PROSECUTION. ALTHOUGH THE LIFTING OF THE STATES OF EXCEPTION ON AUGUST 24 GAVE EXILES THE RIGHT TO PETITION ON AN INDIVIDUAL BASIS FOR RETURN AND REQUIRED THE GOVERNMENT TO STATE THE GROUNDS IF IT WERE DENIED, THE ORDER MEANS EXILES CAN RETURN WITHOUT (##) REMAINING EXILES ARE RESIDENT IN MEXICO CITY (MRS. HORTENSIA ALLENDE), HAVANA (MIR LEADER PASCAL ALLENDE), AND MOSCOW
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PAGE 02 SANTIA 06226 012228Z

(VOLODIA TEITLEBOIM).

2. (U) THE ORDER, WHICH IS EFFECTIVE IMMEDIATELY, DOES NOT COVER 177 INDIVIDUALS SENTENCED TO EXILE BY THE COURTS, PRIMARILY MILITARY OFFICERS COURT MARTIALLED FOR NOT PARTICIPATING IN THE MIR (MOVEMENT OF THE REVOLUTIONARY LEFT); THESE INDIVIDUALS HAD ACCEPTED EXILE IN LIEU OF PRISON TERMS ORIGINALLY HANDED DOWN. HOWEVER, ACCORDING TO A SPOKESMAN FOR THE MINISTRY OF INTERIOR, THEY MAY PETITION THE COURT FOR PERMISSION TO RETURN, AND GIVEN THE NEW CLIMATE, MANY OF THE PETITIONS WOULD PROBABLY BE GRANTED. (##) OF THE ENDING OF EXILE WAS MADE BY MINISTER OF INTERIOR FERNANDEZ, PINOCHET HIMSELF FIRST BROKE THE NEWS TO JOURNALISTS, NOTING THAT CHILE HAD ENTERED A NEW STAGE.

4. (C) COMMENT: THE ORDER TO END EXILE IS CLEARLY DESIGNED TO SOFTEN THE IMAGE OF PINOCHET AS THE FORMAL CAMPAIGN PERIOD STARTS FOR THE OCTOBER 5 PLEBISCITE. SLPL10 CAMPAIGN, HOWEVER, PUT A DIFFERENT CAST ON IT. IN SPEAKING OF THE NOW POSSIBLE RETURN OF COMMUNIST LEADER LUIS CORVALAN, HE COMPARED THE GOC ACTION TO THE GERMANS SENDING LENIN BACK TO RUSSIA. END COMMENT.

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5. FOR PRESS GUIDANCE, EMBASSY RECOMMENDS THAT DEPARTMENT (##) BY THE GOC MAKES IT POSSIBLE FOR CO[redacted]IAL

[redacted]

PAGE 03 SANTIA 06226 012228Z

MANY POLITICAL EXILES TO RETURN TO THEIR OWN COUNTRY. WE WELCOME SUCH STEPS WHICH CONTRIBUTE TO RESTORING A CLIMATE OF POLITICAL FREEDOM AND FAIR COMPETITION IN CHILE.

BARNES

Case Number: S199900030

NOTE: (##) OMISSION PARA 1, 2, AND 5, CORRECTION TO FOLLOW.

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Chile Project (#S199900030)
U.S. Department of State
Release ✓ Excise ____ Deny ✓
Declassify: In Part ____ In Full ____
Exemption(s) ____

RESPONSES OF AMBASSADOR CHARLES A. GILLESPIE, JR.,
TO ADDITIONAL QUESTIONS OF SENATOR JESSE HELMS

1. Q: How many political parties have formed under the new political parties law?

A: Five political parties are recognized as legally constituted at the national level and seven other parties are legally constituted only in certain Regions of Chile. Therefore, a total of twelve parties are legally established either regionally or nationally.

Q: How many of those are consider opposition parties?

A: Three-national and three regional parties are considered to be in opposition to the Chilean Government. One regional party, the Partido Nacional, has two factions, one of which is pro-Government, the other oppositionist.

Q: Are there any parties boycotting the plebiscite?

A: One party, the small Partido Socialista Chileno, has announced that it will boycott the plebiscite.

2. Q: What efforts were made to register eligible voters?

A: Many different groups called for and promoted the registration of voters. The Chilean Government allocated funds to promoting voter registration and conducted a publicity campaign to urge citizens to register. As a public service, the Catholic University of Chile TV station (channel 13) presented a series of civic education programs entitled "Remember This" ("Tengase Presente") which urged citizens to vote, while University of Chile TV (Channel 11) and Catholic University of Valparaiso TV (Channel 4) did the same. Government-owned National TV (Channel 7) did not run such programs. Another stimulus to voter education came from the non-partisan "Cruzada Civica," which carried out a large-scale, national campaign to register voters. The political parties of the opposition also made vigorous efforts to register voters.

3. Q: Is it true that both the opposition and the government are given a half hour equally divided free television time every day?

A: For the period September 5 to October 2, the opposition and the government have each been allocated 15 minutes of free television time daily.

Q: What time of day do they go on the air?

A: These broadcasts take place weekdays from 10:45 p.m. to 11:15 p.m. and on Saturdays and Sundays during the 11:00 a.m. to 12:00 noon hour.

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Q: What is the normal dinner time in Chile?

A: The dinner time varies according to region and economic activity. People in provincial cities and rural areas tend to eat earlier, at about 7:30 p.m. The dinner hour in larger cities is later, often between 8:00 and 9:00 p.m.

Q: Then 10:45 p.m. would be considered prime television time, would it not?

A: Apparently not. I understand Chilean television charges prime time rates for the period between 8:30 and 10:30 p.m.

Q: Do both opposition and government get coverage on the evening news?

A: Between September 11, 1973 and late 1987, no opposition political figures appeared on Chilean television. Since late 1987, some coverage has been given the opposition in news programs, but the government has received a preponderance of coverage. For example, Channel 13 of the Catholic University of Chile, the station with highest coverage of the opposition in its news programs, gave the government four times more coverage than the opposition during broadcasts in August 1988.

Q: Is it not true that the opposition is able to express their views over radio?

A: It is true that opposition access to the radio is good and opposition views have been expressed frequently in that medium.

4. (Staff confirmed on September 20, 1988 that there is no question 4.)

5. Q: Are the opposition parties allowed to hold street rallies?

A: Rallies or public acts in the streets may be held with the permission of the Governor (Intendente) of each Region, solicited 48 hours in advance of any rally or act. In the case of Santiago, the Intendente has recently ruled that the opposition may not hold rallies near the center of town, but he has approved them for outlying areas.

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Q: When the police have used tear gas, is it not a fact that they have done so after the rallies were finished, and the crowds began to riot?

A: Chilean police have reacted in various ways to demonstrations, protest marches, and public gatherings. Peaceful rallies have been held without incident of any kind, but on other occasions the police and demonstrators have clashed after rallies concluded. On occasion police have moved to break up peaceful demonstrations without provocation. A recent case was the use of force by Chilean police in Santiago on September 15 to break up a peaceful march of trade unionists which included a number of prominent labor leaders from abroad, among them the Executive Director of the AFL-CIO's American Institute for Free Labor Development and the President of the U.S. Bricklayers Union.

Q: Would it not be beneficial for the United States to provide training to the Chilean police in crowd control tactics?

A: The Chilean National Police (Carabineros de Chile) is a highly trained, disciplined institution. As a rule, I understand it deals with crowd control on the basis of conscious decisions, not ad-hoc reactions. Training in crowd control tactics is currently barred by United States law. It is not clear that such training, if permitted, would be beneficial to either country at this time.

6. Q: Is there a state of siege or "exception" in Chile.

A: No. The Government terminated all "states of exception," which limited basic human and civil rights in Chile, on August 24, 1988. Chile had been under "state of siege" from September 11, 1973 to March 11, 1978 and then for a brief period in 1984-85. The "state of emergency," which also had far-reaching implications for basic liberties, was in effect continuously from September 11, 1973 to August 24, 1988 except for a brief lapse in 1983. The third "state of exception," termed the "state of danger to internal peace," had been in effect from March 11, 1981 to August 24, 1988.

7. Q: Since the beginning of the campaign, have any journalists been arbitrarily arrested and detained?

A: Since the "official" start of the plebiscite campaign on September 5, 1988 two journalists have been arrested on charges stemming from articles written before that date. In the same period, one other journalist formerly jailed has been released.

8. Q: Is it not true that on the day of the election, a member of EACH registered party will be permitted to stand at each polling place and observe the voting process?

A: A member of each party legally registered in a Region may be present at each polling place to observe the voting process.

Q: Is it not also true that a member of each party will participate in the counting of the ballots, and will certify that the vote count is accurate?

A: Each party legally constituted in a given Region has the right to have its representative participate in the counting of ballots and to certify to the accuracy of the vote count at that polling place.

Q: That means, doesn't it, that at each ballot-box, all seven of the opposition parties have to attest that the count is correct?

A: Not precisely. First, opposition parties are not obliged to place a representative at every polling place. Also, a party may have a representative ("apoderado") present at the polling place only if that party is legally constituted in a given Region. There are Regions in Chile where not all parties of the opposition are legally established and therefore the potential number of "apoderados" could be less than seven.

9. Q: Is it not true that all exiles have been permitted to return to Chile to participate in the electoral process?

A: On August 31 the Chilean Government announced that all exiles would be allowed to return to Chile.

10. Q: Is it not true that any foreigner will be permitted to observe the voting process in accordance with Chilean law?

A: The Chilean Foreign Ministry has announced that foreigners may freely visit the country during the plebiscite and may observe the polling places from the legally established distance of a 20 meter radius. The Chilean Government will not grant official status to visitors from abroad who wish to be present for the plebiscite and will not allow them any special access to voting places or to the vote count.

Q: I would like to ask you for the record if the United States has assisted anyone, any party, or any organization, either directly or indirectly, for the purpose of influencing the Chilean plebiscite?

A: To my knowledge, the United States has not assisted any group either directly or indirectly for the purpose of influencing the result of the Chilean plebiscite. Congress has authorized funds for the National Endowment for Democracy to assist groups engaged in the registration of voters and civic education campaigns, as well as efforts to aid in the free and equitable flow of information within Chile.

Q: Will you assure this Committee that you will inform us immediately if you determine that any thing like this took place?

A: The activities of the National Endowment for Democracy in Chile are well-known to Congress, which appropriated funding for its projects and oversees them. It is United States policy to support a free and fair plebiscite while refusing to take sides and, as I note below, not to interfere in the internal affairs of Chile. I assure the Committee that I support that policy and will take all appropriate measures to make sure it is followed.

Q: If confirmed, will you as U.S. Ambassador be committed to a policy of non-interference in the internal affairs of Chile?

A: It is the policy of the United States not to interfere in the internal affairs of Chile. I support and am committed to that policy and, as Ambassador, I would seek to advance and protect United States interests in conformity with it.

11. Q: Where does Chile rank with other countries in Latin America in voting with the United States at the United Nations? Where does Chile rank on this issue among all South American countries?

A: The best figures available to me show that the hemispheric average (including Canada) of votes in the United Nations which correspond to the United States position is 18.1 per cent. In 1987, Chile voted with the United States 23.8 per cent of the time. As for rank in Latin America, Chile is third in supporting the United States, behind Belize and Honduras. Since Belize and Honduras are not in South America, I interpret the figures to show that Chile ranks first among all South American countries in voting with the United States.

Additional Questions
Received at 3:00 p.m., September 20, 1988

1. Q: Is it true that Chile enjoys the best economic situation and development possibilities in Latin America and is the only country from the region that is paying on time its international financial obligations and is even reducing its foreign debt?

A: Looking at the mix of economic policies, strong entrepreneurial base, recent economic growth rates, inflation rate, and relationship with the international financial community, Chile indeed currently enjoys one of the most favorable economic situations in Latin America. Looking at other indicators such as size and diversity of economy (relative lack of dependence on one or a small number of vulnerable commodity exports), other countries in the region such as Brazil and Mexico obviously are blessed with greater development potential. Political stability needed to attract long-term investments is a vital factor which cannot be overlooked in evaluating whether a country's economic development is sustainable.

Chile has led the region in development of an active and carefully drawn debt/equity swap program, which has resulted since mid-1985 in a reduction of Chile's total debt by almost $4 billion, or roughly 25% of its medium and long-term debt. Chile's record on overall debt management, including timely repayment or rescheduling, is likewise excellent. I would add that Colombia, the country I have just left, has also maintained an excellent record on repayment of external obligations.

2. Q: Is it true that a recent World Bank report stated that Chile has the best social policies toward poverty in Latin America?

A: I understand that a recent World Bank report on poverty issues did explore the effects of different policy combinations on the poor, particularly when adjustment programs include reductions in budget deficits. With respect to Chile, the report specificially noted that "improved targeting of social expenditures contributed to a continued decline in infant and child mortality rates during a period of recession and adjustment despite a 5 percent fall in government expenditures." The same report noted that the IBRD "supports continued Chilean government efforts at reform in the allocations of social expenditures."

3. Q. In December 1987, the U.S. government announced that it had terminated Chile's eligibility for OPIC insurance, based on alleged violations by Chile of internationally recognized workers' rights. Should Chile now be eligible for OPIC insurance? If not, why?

A. In December 1987, the President announced the suspension of Chile's benefits under the Generalized System of Preferences (GSP) because, after two and a half years of review and dialogue with the Government of Chile, it was determined that Chile had not taken steps to afford its workers certain internationally recognized human rights. OPIC has a statutory requirement, based in its 1985 authorization bill (Section 231A) to "not give support to countries not showing demonstrated progress toward internationally recognized human rights." To fulfill this requirement for countries which are eligible for both OPIC and GSP benefits, OPIC made a commmitment to Congress it would follow the actions taken with regards to GSP for that country. Thus, the December 1987 suspension of GSP benefits for Chile triggered suspension of OPIC benefits as well. Eligibility for resumption of OPIC benefits for Chile, then, depends on resumption of GSP benefits, which is covered in Question 6, below.

4. Q. Countries that are eligible for OPIC insurance include: Benin, Burundi, Cameroon, Central African Republic, Communist China, Djibouti, Egypt, Equatorial Guinea, Jordan, Malawi, Mauritius, Mozambique, Nepal, Niger, Somalia, Tanzania, Yemen Arab Republic, Zaire.

Do you believe that these countries do not violate internationally recognized workers rights?

Do you believe that these countries have a better record than Chile.?

A. I am not in any position to comment on the countries named. Given Chile's level of development and its traditions, the United States expects a better record on protection of workers rights than has been evidenced. Most important, however, in November 1986 the Government of Chile formally committed itself to take three specific steps in response to workers rights concerns. By December 1987 it had not taken these steps, and so the President acted.

5. Q. Are you familiar with the following assessment, and I quote:

"Legally recognized unions do not need permission to hold union meetings or conferences and collective bargaining, strikes, and internal union elections are carried out freely and openly...labor unions maintain relations with international labor bodies in their field."

This quote is from the State Department's own 1986 Human Rights Report on Chile. The same report contains information on the countries which I mentioned earlier and the information indicates that Chile has a superior record in terms of labor relations and workers rights.

How do you justify the U.S. Government denying Chile access to OPIC insurance programs?

A. The suspension of GSP benefits for Chile, which triggered suspension of OPIC programs, occurred because the President determined that Chile had not met the requirements of United States law requiring beneficiary developing countries to "have taken or be taking steps" to afford internationally recognized rights to their workers. I understand that this was not an action taken hastily or without careful study. Rather, the dialogue with the Chileans on GSP matters lasted two and a half years, during which they committed to take three steps which they then did not take. When it was clear, more than a year after the Chileans made their commitment, that they were not prepared to follow through, the President acted.

6. Q. Should Chile now be eligible for GSP--General System of Preferences--benefits? If not, why not?

A. Since the President's announcement in December, the United States has made clear to the Government of Chile that it is willing to engage in a dialogue on GSP matters when the Chileans have specific, concrete information to present about actions they have taken or will take related to workers rights practices and their express commitment in that regard. So far, Chile has not come forward with such concrete proposals.

7. Q: Does Chile have a problem with narcotics? What has been Chile's record on anti-drug enforcement?

A: Coming from Colombia, it is clear that by comparison with many other countries, Chile does not now appear to have a major narcotics problem. Given the nature of this terrible trade, however, that situation could change. I understand that the Drug Enforcement Administration is represented in the Embassy in Santiago and is in close touch with Chilean authorities regarding narcotics interdiction. I have heard that there is close cooperation between the DEA and the Chilean National Police (Carabineros). You can count on me to support ongoing efforts in this area to the best of my ability.

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The International Drug Problem and U.S. Foreign Policy

September 1988

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The International Drug Problem and U.S. Foreign Policy

Scope of the Problem

The production, trafficking, and consumption of illicit narcotics increasingly threaten American society as well as this nation's relations with other countries. Crime, corruption, and violence have become the tools of the international narcotics trade, a multibillion-dollar business that touches every part of the United States and many foreign countries. Domestically, the use of marijuana, heroin, cocaine, the cocaine derivative "crack," and other harmful drugs has reached unprecedented and unacceptable levels.

With the White House, Congress, and other executive branch agencies, the Department of State has developed a foreign policy strategy to reduce the production and trafficking of illicit drugs in order to destroy the international drug cartels whose profits come at society's expense. This pamphlet explains the State Department's efforts to confront the global dimensions of the drug problem.

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A Worldwide Menace

Narcotics trafficking and abuse affect developing and industrialized nations alike. Just as drug addiction wears down an individual's resources and health, on a larger, national scale it erodes the fragile economies and democratic institutions of the drug-producing countries. The profits made from the drug trade are consolidated in the hands of powerful drug lords who operate apart from the local economy. Drug profits deprive developing nations of real economic growth while drug producers and traffickers grow rich on the work of their impoverished fellow citizens.

Implementing drug control and eradication programs is difficult for many producing countries. The pressures exerted by drug producers and traffickers upon local governments can be potentially destabilizing. Furthermore, in some areas guerrilla groups have joined with drug producers in a "narco-guerrilla" alliance. The terrorists provide armed protection for the producers who pay them with drug profits. The money made by the guerrillas then is used to buy weapons and finance political insurgencies and destabilization campaigns against the democratic government. Notably, Colombia has withstood the killing of ministers, judges, police officers, journalists, and its Attorney General. The political and financial links between guerrillas and traffickers, long evident in Colombia, are now becoming clear in Peru as well.

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The widescale corruption, violence, and human destruction associated with th drug problem suggest how deeply it affec all nations. Families are weakened, lives are threatened, and precious resources ar wasted on illicit narcotics. In parts of Latin America and the Middle East, hashish and cocaine abuse is becoming increasingly alarming. In Mexico, the single largest exporter of marijuana to the United States, marijuana use is growing, especially among young people. Heroin abuse is a problem in many parts of Asia, including Burma, Hong Kong, Thailand, and Pakistan.

In the United States and other industrialized nations, the drug problem is equally devastating. Americans have the sad distinction of being the major consumers of illegal drugs. Billions of dollars are spent on illicit narcotics in this country, making it necessary for the government t divert resources from other programs to combat the drug problem and the crimina

Ultimately, self-government in th political sense depends on self-government in the personal and moral sense. There can be no com promises here. A person must say "no" to drug abuse or eventually he will say "no" to life. A nation must say "no" to narcotics or eventually it will say "no" to democracy.

Secretary Shultz, August 8, 1
La Paz, Bo

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activity it spawns. In the long run, the United States is affected domestically by the lowered industrial output caused by drug use in the workplace.

The demand for illicit narcotics in the United States and the production and trafficking of drugs are two sides of the same coin. Current policies aim to reduce the demand for and supply of drugs. In addition, the United States accepts responsibility for its part of this international problem by pursuing policies which also focus on the treatment and prevention of drug abuse.

Drug Production, Trafficking, and Consumption Abroad

Virtually all of the cocaine, most of the marijuana, and nearly one-third of the heroin consumed in the United States are produced in the Western Hemisphere. Peru and Bolivia are the primary cultivators of coca, the plant from which cocaine and its deadly derivative "crack" are made. Colombia is the major producer of refined cocaine. The raw coca is smuggled across the Andes from Peru and Bolivia into Colombia where it is processed in clandestine laboratories, often hidden deep in the jungle. Once refined and prepared for shipment, the cocaine is sent to the United States through Mexico, Panama, Jamaica, and The Bahamas, as well as other Central American and Caribbean countries.

Opium, from which heroin is made, is grown mainly in Laos, Burma, Thailand, Pakistan, Iran, and Afghanistan as well as Mexico. Diplomatic efforts to reduce these countries' production of opium have led to a reduction in total output. Most notably,

A farmer harvests illicit opium poppies that drug lords will refine into opium, morphine, and heroin.

the Burmese Government's ambitious aerial spraying campaign and Pakistan's cutback in cultivation combined to reduce total Asian opium production in 1988. Malaysia, although not a drug-producing country, considers drug trafficking its major national security concern and works closely with U.S. agencies and multilateral organizations in its efforts to end opium trafficking.

Marijuana is produced in Mexico, Jamaica, Colombia, Belize, and the United States. Colombia has undertaken an extremely successful marijuana eradication program in traditional growing areas, although cultivation in new areas has continued to increase total production. Jamaica reduced its net marijuana produc

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tion to 455 metric tons in 1987, down from an estimated 1,755 metric tons in 1986. Belize expanded its eradication strategy to counter new growing patterns, resulting in the destruction of an estimated 80% of the marijuana crop.

Hashish, derived from the cannabis plant, is produced mainly in Lebanon, Pakistan, Afghanistan, and Morocco. Less bulky than marijuana, hashish and hashish oil are more easily transported and, therefore, easier for traffickers to conceal in illegal shipments to the United States and Europe. With UN assistance, Morocco began a limited crop eradication and substitution program in 1987. Although a positive step, the program initially is not expected to cause a major decrease in production figures.

In the past, many countries with large illicit drug exports were thought to be relatively free of drug abuse. However, many of these producer countries have become user nations themselves. In Bolivia, where many of the workers in the cocaine trade are paid in coca paste rather than in cash, coca addiction is growing rapidly. Colombia and Peru estimate that they have nearly 600,000 and 138,000 users of cocaine, respectively. Dozens of other producing nations report an increase in drug abuse. The growth of addiction further burdens developing countries struggling to improve their economies.

Role of the State Department

With other federal agencies, the Department of State confronts the illicit drug trade. Through multilateral and country-to-country negotiations, the State Department coordinates efforts to combat drug production and trafficking. Strict enforcement of customs laws and international trade restrictions has led to the apprehension and conviction of hundreds of known drug traffickers. Additionally, through a process called "certification," the United States is able to offer an economic incentive to drug-trafficking nations that receive U.S. assistance. Such countries can be denied up to half of their annual assistance if they do not take action against drug production and trafficking. Additionally, since 1981, the United States has tripled its drug enforcement budget, and a 13% increase has been requested for fiscal year 1989 for a total of $3.8 billion.

As part of the narcotics control program of the Government of Belize, young people learn about peer pressure and how to "say no" to drugs.

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The United States has four major goals in its campaign against international narcotics:

- Stop the flow of illegal narcotics into this country;
- Decrease tolerance of drug use at home and stimulate support for effective narcotics control abroad;
- Eliminate major trafficking networks; and
- Secure increased international cooperation.

The Department of State's Bureau of International Narcotics Matters works with U.S. law enforcement agencies as well as with foreign countries to tackle the drug problem. Its main antidrug activities are in the form of:

- Support for crop eradication of opium, coca, and marijuana;
- Helping other nations strengthen their law enforcement and judicial systems;
- Working with foreign governments to develop alternative sources of income for farmers who abandon narcotics cultivation in countries where narcotics cultivation is traditional; and
- Providing information and assistance for help in drug abuse prevention and treatment.

The United States works directly with the governments of drug-producing and -trafficking countries as well as through international organizations, such as the United Nations and the Organization of

The Certification Process

The Anti-Drug Abuse Act of 1988 established the "certification" process that applies to drug-producing or -transit countries that receive U.S. foreign assistance. Under this law, the President must certify to Congress that countries involved in the drug trade have cooperated fully with U.S. efforts or have taken adequate steps on their own to combat illicit narcotics production, drug trafficking, and money laundering. Certain kinds of U.S. foreign assistance are withheld at the beginning of each fiscal year until the President submits his certification report on March 1 of the following calendar year. At the same time, the United States opposes any loans to decertified countries by multilateral banks or development organizations. The statute requires positive performance on drug control issues in order to receive foreign aid. If granted certification, the countries then are able to receive aid and loans.

In 1988, President Reagan certified that 17 countries were cooperating fully with U.S. efforts and would be able to receive foreign assistance funds and that 3 countries should be certified for U.S. national security interests. Four countries—Afghanistan, Iran, Panama, and Syria—were not certified.

To evaluate efforts to combat the drug problem, the Department of State considers the following:

- Capability to carry out eradication programs;
- Different political and legal systems and efforts to strengthen trial and prosecution procedures; and
- Cultural, social, geographic, and resource situations.

Some nations have fought against the spreading cultivation of narcotics despite overwhelming disadvantages; others still have much to do. Virtually every country can do more to eliminate illicit drug trafficking. Cooperation with the United States in extradition and local conviction are measures of determination to combat the drug problem.

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American States. At the June 1987 UN International Conference on Drug Abuse and Illicit Trafficking, world leaders pledged immediate action to deal with the problem. The multimillion-dollar UN Fund for Drug Abuse Control supports and assists drug control and demand reduction programs in Latin America, Asia, and Africa.

With other nations, the United States promotes the eradication and interdiction of illegal drugs in other ways. Twenty-three countries have joined the United States in carrying out drug eradication programs. Fifteen of them have American narcotic assistance units where narcotic coordinators at U.S. embassies work with local authorities to reduce illicit drug supply and alert local citizens to the dangers of drug abuse. Mutual legal assistance treaties between the United States and other countries help apprehend and convict traffickers and money launderers. The United States and Latin American governments are working together to identify a safe and effective herbicide to help cut coca production in South America. Additionally, in June 1988, the leaders of the seven major Western industrialized countries at the Toronto economic summit approved U.S. proposals for "increased international cooperation" to fight the drug problem and jointly to support an international convention against illicit trafficking.

Other efforts include interdiction aimed at stopping the flow of drugs into the United States, such as cargo inspections, border searches, and seizures on the high seas. Customs officials and Coast Guard officers work closely with the State Department and the Drug Enforcement Administration to coordinate such activities.

U.S. Army pilots and Drug Enforcement Administration agents confer with Bolivian police during a raid on illicit drug laboratories in Bolivia. ("Soldiers" Magazine/Dave Schad)

The Task Ahead

Federal, state, and local health and education officials are making Americans aware of the adverse effects of drugs on our lives and on our society. At the international level, the Department of State is helping drug-producing countries eliminate the cultivation, processing, and trafficking of illegal narcotics. American relations with foreign countries are based on a delicate balance of political, economic, and social factors. The illicit narcotics trade, with its accompanying black market economies and official corruption, hampers the development of healthy and constructive relationships based on mutual interests.

To be totally effective, the eradication of drug crops must be accompanied by a decrease in demand for illicit narcotics. At

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tempts to bring the domestic demand under control have been increasingly effective in the United States and, combined with interdiction and eradication programs, present the only possibility for elimination of the drug menace.

Solving the drug problem presents enormous difficulties. No modern society ever has witnessed a more debilitating force of such human and moral dimensions as drug abuse. It is the ultimate "equalizer," paying no heed to social strata or race. It destroys the user and ultimately the producer, but only after it has destroyed many in between.

Still progress has been made: domestic antidrug campaigns and programs are beginning to discourage consumption, reduce demand, and punish users and suppliers; friends and allies are working to eliminate illicit crops; laboratories, aircraft, and landing fields are being destroyed; traffickers are being arrested, tried, and convicted and their assets seized. As free countries consult together and struggle against powerful enemies to assert the supremacy of law and education, the world may be seeing a turning point in the war against narcotics. But much remains to be done. Governments increasingly are cooperating to reduce and eliminate production and trafficking, but all citizens share in the responsibility. ■

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PAGE 02 STATE 289056

PERU:

Q. CAN YOU CONFIRM THAT TWO AMERICANS WERE KILLED IN A SMALL PLANE CRASH IN THE VICINITY OF NAZCA, PERU?

A. YES, ON AUGUST 29, TWO AMERICAN CITIZENS, VICKY MILLER AND JAYNE CHAMBERLIN, WERE KILLED IN A SMALL AIRCRAFT THAT WENT DOWN NEAR NAZCA LINES, PERU.

-- WE UNDERSTAND THAT THE REMAINS OF THE TWO WOMEN WERE MOVED TO LIMA AND WILL BE RETURNED TO THE U.S. SHORTLY.

-- THE CAUSE OF THE CRASH IS UNKNOWN AND IS BEING INVESTIGATED BY PERUVIAN AIRLINE AUTHORITIES.

Q. TODAY'S CHRISTIAN SCIENCE MONITOR INDICATES THAT THE GOVERNMENT OF PERU HAS DELAYED A DECISION TO USE THE HERBICIDE, SPIKE, TO DESTROY THEIR COCA CROP. CAN YOU UPDATE US ON THE SITUATION?

A. AS RECENTLY AS LAST MONTH, THE GOVERNMENT OF PERU REAFFIRMED ITS COMMITMENT TO CARRY OUT THE AERIAL PHASE OF ITS COCA ERADICATION TESTS. SPIKE IS ONE OF THE CHEMICALS THAT WILL BE APPLIED FROM THE AIR AS PART OF THESE TESTS. THERE CONTINUES TO BE MISUNDERSTANDING ABOUT THE SCOPE OF THE ERADICATION PROGRAM; DURING THE PAST YEAR, THE PERUVIAN GOVERNMENT HAS WORKED WITH THE U.S. ON TESTS, ONLY. THESE TESTS INCLUDED EVALUATION AND ENVIRONMENTAL ASSESSMENTS TO DETERMINE THE EFFECTS OF THE HERBICIDE; THESE SAME ASSESSMENTS WILL BE MADE FOLLOWING THE AERIAL TESTS.

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PAGE 03 STATE 289056

-- THE GOVERNMENT OF PERU WILL BE SELECTING A HERBICIDE FOR USE IN THEIR COCA ERADICATION CAMPAIGN; THEY INTEND TO DO SO ONLY AFTER ALL THE TESTS ARE COMPLETED.

Q. HAS THERE BEEN ANY CHANGE IN THE SITUATION WITH ELI LILLY?

A. THERE HAS BEEN NO CHANGE.

BRAZIL:

Q. DO YOU HAVE ANY INFORMATION ON THE ARREST OF U.S. ANTHROPOLOGIST DARRELL POSEY IN BRAZIL?

A. WE ARE CAREFULLY MONITORING THE CASE OF DARRELL POSEY, AN AMERICAN ANTHROPOLOGIST RESIDING IN BRAZIL, TO ENSURE HE IS ACCORDED ALL RIGHTS DUE TO HIM UNDER BRAZILIAN LAW.

-- UNDER BRAZILIAN LAW, MR. POSEY WAS ARRESTED ON JULY 12 AND CHARGED WITH BECOMING INVOLVED IN INTERNAL BRAZILIAN POLITICS. CONVICTION UNDER THIS LAW CARRIES A POSSIBLE PRISON SENTENCE OF UP TO 3 YEARS AND/OR EXPULSION FROM THE COUNTRY.

-- MR. POSEY WAS ARRAIGNED ON AUGUST 26 AND HAS BEEN GIVEN 15 DAYS TO PREPARE HIS DEFENSE.

CHILE:

Q. DO YOU HAVE ANY REACTION TO THE GOVERNMENT OF CHILE'S ACTION LIFTING OF THE BAN ON EXILES?

A. WHILE WE WISH THAT THIS AND OTHER ACTION BEEN TAKEN MUCH SOONER, THEY ARE POSITIVE STEPS. EARLIER STEPS HAVE INCLUDED THE ENDING OF THE STATES OF EMERGENCY AND THE PARTIAL EASING OF RESTRICTIONS ON TELEVISION ACCESS.
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PAGE 04 STATE 289056

-- AS WE SAID WEDNESDAY, IT IS CRUCIAL, AS THE DATE OF THE PLEBISCITE APPROACHES, THAT THE GOVERNMENT OF CHILE: (1) IMPROVEMENT IN THE BALANCE OF INFORMATION AVAILABLE TO ITS CITIZENS, (2) AN ATMOSPHERE FREE OF INTIMIDATION IN WHICH CITIZENS CAN EXERCISE THEIR FREEDOM OF CHOICE; AND (3) THAT THE PLEBISCITE PROCESS BE FREE, FAIR AND PEACEFUL.

Q. WHY DID PINOCHET TAKE THIS ACTION AT THIS TIME?

A. I CAN'T SPECULATE ON HIS MOTIVES IN DOING IT NOW; WE

REGRET IT WASN'T DONE SOONER.

Q. DOES THIS ORDER COVER ALL POLITICAL EXILES?

A. OUR INFORMATION IS THAT THE ORDER ENDS "ADMINISTRATIVE EXILE." IT DOES NOT COVER SOME 115-120 INDIVIDUALS SENTENCED TO EXILE UNDER COURT ORDER, BUT WE UNDERSTAND THAT THESE PERSONS MIGHT BE ABLE TO PETITION THE COURT FOR PERMISSION TO RETURN.

-- I WOULD REFER YOU THE GOVERNMENT OF CHILE FOR FURTHER CLARIFICATION.

GUATEMALA:

Q. CAN YOU CONFIRM AND ELABORATE ON REPORTS THAT PRESIDENT REAGAN HAS INCREASED MILITARY AID TO GUATEMALA BY 2 MILLION DOLLARS?

A. PRESIDENT REAGAN, AFTER CONSULTATION WITH CONGRESS, HAS INCREASED OUR FISCAL YEAR 1988 MILITARY GRANT AND TRAINING AID TO GUATEMALA FROM OVER 7 MILLION DOLLARS TO
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PAGE 05 STATE 289056

OVER 9 MILLION DOLLARS. THIS BRINGS OUR TOTAL ECONOMIC AND SECURITY ASSISTANCE IN THIS PERIOD FOR THE CIVILIAN DEMOCRATIC GOVERNMENT OF PRESIDENT VINICIO CEREZO TO OVER 140 MILLION DOLLARS.

Q. WHAT IS THE REASON FOR THIS INCREASE IN MILITARY AID?

A. IN JUNE, PRESIDENT CEREZO OF GUATEMALA WROTE TO PRESIDENT REAGAN REQUESTING ADDITIONAL MILITARY AID FOR THE GUATEMALAN ARMED FORCES, EMPHASIZING THEIR IMPORTANT ROLE IN CONSOLIDATING DEMOCRACY IN GUATEMALA.

Q. IS OUR AID INCREASE IN RESPONSE TO THE ABORTIVE COUP ATTEMPT IN MAY AND CONTINUING RUMORS OF COUPS IN GUATEMALA? ARE WE ATTEMPTING TO APPEASE THE GUATEMALAN MILITARY?

A. IN THIS LETTER, PRESIDENT REAGAN SAID THAT WE WANT TO

WORK WITH PRESIDENT CEREZO TO STRENGTHEN ALL SECTORS OF GUATEMALA'S SOCIETY THAT ARE WILLING TO WORK FOR DEMOCRACY. THIS INCLUDES THE GUATEMALAN ARMED FORCES, WHO INITIATED THE TRANSITION TO DEMOCRACY IN 1985, PUT DOWN THE COUP ATTEMPT IN MAY, AND WHO ARE SUCCESSFULLY COMBATTING A DECADES-OLD MARXIST INSURGENCY.

MEXICO:

Q. CAN YOU CONFIRM WHETHER ANY AMERICANS WERE KILLED IN THE AUGUST 31 SMALL PLANE CRASH IN MEXICO?

A. WE HAVE NO INFORMATION WHICH INDICATES THERE WERE ANY AMERICANS ABOARD THE SMALL AIRCRAFT WHICH CRASHED IN THE MEXICAN STATE OF MICHOACAN.

-- WE ARE CHECKING WITH OUR CONSULATE IN GUADALAJARA TO CONFIRM NO AMERICANS WERE INVOLVED.
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PAGE 06 STATE 289056

WHITEHEAD

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Chile Project (#S199900030)
U.S. Department of State
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MISION PERMANENTE DE CHILE
ANTE LAS NACIONES UNIDAS

Nº 168/88

New York, Sept.1,1988

Excelentísimo Señor,

I have continuously kept Your Excellency aware of the decisions adopted by my Government towards the democratic institutionalization in Chile, in accordance with the provisions of the 1980 Constitution.

On this occasion I wish to inform Your Excellency that a recent announcement was made by the appropriate Chilean authorities, setting the 5th. of October as the formal date for the Plebiscite foreseen in the process to elect President of the Republic.

Furthermore, in addition to the measures already announced to guarantee the transparency of this process, two other decisions of special importance have been adopted.

H.E.Mr.Vernon A. Walters
Ambassador, Permanent
Representative of
the United States of America
to the United Nations
New York

Action Taken
None
Initials CB
Date 9/9
REFERENCE COPY

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MISION PERMANENTE DE CHILE
ANTE LAS NACIONES UNIDAS

Firstly, on August 27, all restrictive measures of an exceptional character were derogated. Secondly, today an announcement was made indicating that all persons (about 300) whose return to the country had been prohibited by virtue of a Ministerial decree, will be allowed to enter national territory at their convenience. This means that the problem of exile has been definitely solved.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

PEDRO DAZA
Ambassador

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Deny
In Full X

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PAGE 01 SANTIA 06207 011712Z
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EO 12356: DECL: OADR
TAGS: PHUM, UNHRC-1, CS, CI
SUBJ: VOLIO VISIT TO CHILE

REF: SAN JOSE 11414

THANKS FOR YOUR THOUGHTS IN REFTEL. WE WILL CONTINUE TO TAKE ADVANTAGE OF COSTA RICAN HOSPITALITY. ON THE POINTS YOU RAISE IN PARA TWO, LET ME REASSURE YOU, HOWEVER, THAT I DO NOT RAISE VOLIO'S PERIODIC VISITS IN SUCH A WAY AS TO DISPLAY UNDUE INTEREST, SINCE I AM WELL AWARE OF HIS SENSITIVITIES. ON THE OTHER HAND, MY EXPRESSING INTEREST IN HUMAN RIGHTS IN CHILE AND, HENCHFORTH, NEVER MENTIONING VOLIO WOULD BE AT BEST STRANGE, AND WOULD ATTRACT EVEN MORE ATTENTION; SINCE I HAVE TALKED ABOUT HIS VISITS AND HIS REPORTS, AS DO MANY OF MY COLLEAGUES, LO THESE YEARS.
BARNES

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Chile Project (#S199900030)
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FOR EXECUTIVE ASSISTANT WOLF ONLY FROM P STAFF

E.O. 12356: DECL:OADR
TAGS: OVIP (ARMACOST, MICHAEL H.)
SUBJECT: P STAFF REPORT NO. 2 TOPOL04014

1. S - ENTIRE TEXT.

ACTION ITEM

2. UNGA: S/S PROVIDED AN UPDATED LIST OF BUREAU SUGGESTED BILATERALS FOR MHA WITH FOREIGN MINISTERS. THEY ARE AS FOLLOWS:

AF: BURUNDI, BOTSWANA, ZIMBABWE, CONGO, SAO TOME AND PRINCIPE

ARA: ECUADOR

EUR: FINLAND

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NEA: QATAR, SOUTH YEMEN - IF THEY REQUEST. (MEETING WITH HUMAYUN KHAN ALREADY MENTIONED TO MARKER; IF MENON COMES TO NEW YORK, A MEETING WITH HIM MIGHT ALSO PROVE USEFUL.)

EAP HAS NO SUGGESTED BILATERALS.

FYI: JCW'S SUGGESTED BILATERALS ARE AS FOLLOWS: AF (CHAD); NEA (OMAN, YEMEN); EAP (MONGOLIA); EUR (POLAND, CZECHOSLOVAKIA, HUNGARY, GDR, ROMANIA, AUSTRIA, BELGIUM). ARA HAS NOTHING FOR JCW.

IRAN-IRAQ

NR

PAKISTAN

NR

NR

. AFGHANISTAN:

NR

AP ISSUES

RA
--
. CUBA:

NR

8. PANAMA.

NR

9. CHILE: JCW APPROVED A JOINT ARA/L MEMO TO FURTHER INVESTIGATION OF THE LETELIER ASSASSINATION BY INVOKING PROVISIONS OF A 1914 TREATY WHICH SUBMITS THE ISSUE TO AN INTERNATIONAL COMMISSION. THE BODY WOULD CONSIST OF COMMISSIONERS NAMED BY THE U.S. AND CHILE, AS WELL AS AN INDEPENDENT PRESIDENT. INTERNAL USG PRELIMINARIES WILL TAKE AT LEAST A MONTH, SO IT IS UNCLEAR WHETHER WE WILL BE READY TO INFORM THE CHILEANS OF THIS STEP BEFORE THE OCTOBER 5 PLEBISCITE.

STAFF ITEM

NR

WHITEHEAD.

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SG145
Department of State
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PAGE 01 SANTIA 06221 01 OF 02 012138Z
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~~C O N F I D E N T I A~~ L SECTION 01 OF 02 SANTIAGO 06221

FOR ARA - MIKE SKOL AND DICK HOWARD

E.O. 12356: DECL:OADR
TAGS: PGOV, SCUL, CI
SUBJECT: OFFICIAL-INFORMAL: A FAIR PLEBISCITE
- AND ACCESS TO TV

REF: SANTIAGO 6097

1. (C) THE DEPARTMENT ISSUED A GOOD STATEMENT AUGUST 31 ON THE BEGINNING OF THE FORMAL CAMPAIGN. CERTAINLY, IT WAS MUCH IMPROVED BY YOUR SHORTENING OF IT. I DO REGRET, HOWEVER, THE DELETION OF ONE SENTENCE WE HAD PARTICULARLY WANTED IN - THE ONE URGING ACCESS TO TELEVISION "AT REASONABLE HOURS AND ON AN EQUITABLE BASIS." I GATHER THAT ONE REASON FOR DROPPING IT IS OUR OWN FAILURE TO MAKE CLEAR THE DEGREE TO WHICH THE GOC HAS DOMINATED TELEVISION AND WILL CONTINUE TO DO SO.

2. (U) PAID POLITICAL ADVERTISING ON TELEVISION IS ILLEGAL IN CHILE - HAS BEEN, IS NOW, AND WILL REMAIN SO THROUGHOUT THE PLEBISCITE. IT'S OKAY ON RADIO AND IN THE PRESS, AND BOTH SIDES HAVE USED THOSE MEDIA MORE OR LESS SINCE THE BEGINNING OF THE POLITICAL APERTURA LAST YEAR. MOST OF THE TIME THE PRO-GOC PRESS AND RADIO REFUSE TO ACCEPT

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 02 SANTIA 06221 01 OF 02 012138Z

OPPOSITION ADS, BUT LET'S LEAVE THAT ASIDE FOR THE . MOMENT. SINCE ABOUT THE BEGINNING OF THE YEAR, ALL FIVE TV CHANNELS HAVE RUN WHAT ARE PURPORTEDLY INSTITUTIONAL OR PUBLIC SERVICE ADS, TOUTING THE GOOD WORKS OF THE GOVERNMENT, DESCRIBING THE SPLENDID FEATURES OF THE CONSTITUTION, ETC. ONE AD THAT RAN FOR A WHILE HAD A FLEETING PHOTO OF PINOCHET, BUT NONE EVER MENTION HIS NAME OR (UNTIL JUST RECENTLY) THE PLEBISCITE.

-

3. (U) HAS THE OPPOSITION TRIED GETTING PUBLIC SERVICE ADS ON THE AIR? YES. THE CIVIC CRUSADE SUBMITTED ABSOLUTELY NON-PARTISAN, REGISTER TO VOTE ADS. THE TWO CATHOLIC UNIVERSITY STATIONS, 5 AND 13, ACCEPTED THEM; THE GOC CHANNEL, 7, TURNED THEM DOWN. CHANNEL 13 CENSURED ONE ASPECT OF THE ADS BUT DID RUN THEM THROUGH APRIL, THEN REFUSED TO TAKE ANY MORE. AFTER PROTESTS THAT THEY WERE BEING DISCRIMINATORY, 13 ON JUNE 6 DROPPED ALL THE GOC ADS AS WELL. ON AUGUST 22 IT SUDDENLY STARTED RUNNING THEM AGAIN. THE CRUSADE IS STUDYING WHETHER TO HAVE ANOTHER TRY AT GETTING NON-PARTISAN "BE SURE AND VOTE" TYPE ADS ON THE AIR.

-

4. (U) IN THE MEANTIME, THE GOC ADS HAVE BEEN GETTING WORSE. LAST WEEKEND, CHANNEL 7 STARTED A NEW SERIES THAT INCLUDES THE WORD "PLEBISCITE" FOR THE FIRST TIME: "IN THE PLEBISCITE, YOU ARE GOING TO CHOOSE WHETHER YOU PREFER TO GO BACK TO (ANY OF SEVERAL AWFUL CONDITIONS) OR TO LIVE IN THIS NEW COUNTRY. YES, YOU DECIDE -- WE GO FORWARD OR WE RETURN TO (ALLENDE'S) UP."

-

[redacted]

[redacted]

PAGE 03 SANTIA 06221 01 OF 02 012138Z

5. (U) THE DEPARTMENT'S STATEMENT CORRECTLY PRAISED THE GOC FOR A NEW LAW AUTHORIZING 30 MINUTES A DAY OF FREE TV TIME, HALF FOR PINOCHET AND HALF FOR THE OPPOSITION, STARTING SEPTEMBER 5. BUT THIS IS ALL IN ONE BLOCK -- 10:45 TO 11:15 -- SIMULTANEOUSLY ON ALL CHANNELS. NO POLITICAL ADS CAN BE PURCHASED BY EITHER SIDE AT ANY TIME. BUT, THE GOVERNMENT

TV COUNCIL HAS TOLD US, ADS PROMOTING AN INSTITUTION CAN BE PURCHASED, PROVIDED THEY DON'T TELL YOU HOW TO VOTE. APPARENTLY THE "SI, UD. DECIDE" ADS DESCRIBED ABOVE ARE INSTITUTIONAL.

-

6. (C) USIS IS CURRENTLY ENGAGED INCOUNTING THE NUMBER OF GOC ADS PER EVENING THIS WEEK, AND ON TUESDAY WE'LL SEND YOU AN EXACT COUNT. I EXPECT THIS TO CONTINUE THROUGHOUT THE CAMPAIGN: THE OPPOSITION LIMITED TO ONE 15-MINUTE BLOCK OF TIME, THE GOC SPREADING ITS ADS THROUGHOUT THE DAY IN 30-SECOND BURSTS. THE GOC WILL ALSO, OF COURSE, CONTINUE TO DOMINATE THE NEWSCASTS OVERWHELMINGLY. CHANNEL 7 ALMOST NEVER SHOWS AN OPPOSITION FIGURE; 13 IS SLIGHTLY BETTER. AND, AS PETER HART TOLD THE COMANDO DEL NO, TELEVISION IS ABSOLUTELY CRUCIAL IN PERSUADING THE UNDECIDED. BUYING RADIO TIME ON OPPOSITION RADIO STATIONS, HE SAID, IS PREACHING TO THE CHOIR.

-

7. (C) HOPE IT'S CLEARER NOW WHY WE FEEL SO STRONGLY THAT WE MUST KEEP HITTING THE GOC AT EVERY

[redacted]

JNNN

[redacted]

PAGE 01 SANTIA 06221 02 OF 02 012137Z

ACTION ARA-00

INFO LOG-00 ADS-00 SSO-00 AMAD-01 ONY-00 /001 W
----------012771 012144Z /38
P 012134Z SEP 88
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 8030

C O N F [redacted] I A L SECTION 02 OF 02 SANTIAGO 06221

FOR ARA - MIKE SKOL AND DICK HOWARD

E.O. 12356: DECL:OADR
TAGS: PGOV, SCUL, CI
SUBJECT: OFFICIAL-INFORMAL: A FAIR PLEBISCITE

OPPORTUNITY ON ACCESS TO TV. BARNES

[redacted]

NNNN

UNCLASSIFIED

United States Department of State

Washington, D.C. 20520

~~CONFIDENTIAL~~

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

TO: ARA Paul Taylor

FROM: ARA/SC Richard Howard

SUBJECT: Status of Death Sentence Cases in Chile

There are currently four people sentenced to death in Chile, all apparently members of the Cuban-oriented Marxist-Leninist terrorist organization "MIR" (Movimiento de Izquierda Revolucionaria-Revolutionary Left Movement). The four were convicted by a military court of murdering Army General Carol Urzua, then Governor of Santiago, in 1983. In addition, 11 other people, all but one members of the MIR, the other a member of the Communist terrorist group called the "Manuel Rodriguez Patriotic Front" (FPMR), have been convicted of violent acts involving murder and are eligible to be sentenced to death.

According to Chilean law, convictions involving death sentences can be appealed to a military appeals court martial, which is made up of 3 military and 2 civilian judges. A unanimous decision of these judges to ratify the death sentence is necessary for sentence to be carried out. If one contends that the crime does not merit death, the sentence is commuted to time in prison. Should the military appeals court ratify the death sentence decision of the lower court, the defendants may appeal to the Supreme Court of Chile, which must also hand down a unanimous decision for execution. The last execution which took place in Chile involved two former policemen who were shot in February, 1985 for a series of murders having no relation to politics.

According to our Embassy, it is likely that torture was applied by the Chilean military in questioning many of the 15 people referred to above. Some have admitted to carrying out the acts for which they were charged, claiming to be "freedom fighters."

Our position on this matter has been to avoid public comment. The people charged are indeed members of far-left terrorist organizations and are probably guilty. On the other hand, they were most likely tortured and received secret, military trials. With many innocent Chileans falsely charged with subversion by the GOC, we do not wish to confuse cases like these with genuine human rights abuses except to deplore the use of torture and call for fair trials Furthermore, we have repeatedly condemned the use of violence for political ends in Chile regardless of who employs it.

According to our Embassy, all 15 of the people above have received visas from different European countries, pending any move by the Chilean Government to send them into exile. This is, however, unlikely.

draft: ARA/SC PDeShazo

UNCLASSIFIED

access. #59-96-0081

DECLASSIFIED R (WA067) 9/1/88

Embassy of the United States of America

Chile Project (#S199900030)
U.S. Department of State
Release X Excise_____ Deny_____
Declassify: In Part_____ In Full_____
Exemption(s)_____

1 September 1988

TO: The Ambassador

FROM: Bill Barkell WHB

SUBJECT: Status of Weisfeiler Case

Boris Weisfeiler disappeared while hiking in the Nuble Valley and reportedly was last seen on 4 January 1985 near the confluence of the Nuble and Los Sauces Rivers. His remains have never been recovered, and the only evidence ever recovered was his backpack ten days later. There have been several investigations conducted by Chilean authorities, but none has been able to explain conclusively what happened to Mr. Weisfeiler. The official court inquest concluded "Probable death by drowning." This is a distinct possibility, as the country in which Mr. Weisfeiler was hiking is pretty wild and the rivers are reportedly treacherous.

Nevertheless, The Embassy still considers the case open because of the absence of a satisfactory explanation of what happened in this case where no remains have been recovered. Embassy consular officers have visited the area to investigate and conduct enquiries on several occasions. Numerous people who were in the area of his disappearance have been queried. We have followed up on official and unofficial leads that might have some bearing on the case, all to no avail. We remain alert, however, to anything that might lead us to conclude with a reasonable degree of certainty what happened in the disappearance of Mr. Weisfeiler.

DECLASSIFIED

~~CONFIDENTIAL~~ (WA066) 9/1/88

Department of State

INCOMING TELEGRAM

PAGE 01 0116582 7554 ARA434

ACTION ARA-02

ACTION OFFICE ARA-06
INFO FILE-01 DCT-01 DODE-00 CI-01 ASC-01 OPR-01 /010 A1 PB

INFO LOG-00 ADS-00 SSO-00 NMAD-01 ONY-00 /001 W

P 0116582 SEP 88
FM AMERICAN EMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY

~~CONFIDENTIAL~~

~~LIMITED OFFICIAL USE~~ EMBASSY SANTIAGO 06774

FOR ARA/AS BERNIE ARONSON

E.O. 12356: N/A
TAGS: AMGT, CI
SUBJ: OFFICIAL-INFORMAL

1. I UNDERSTAND YOU ARE TO MEET WITH TED KENNEDY SOON. HERE ARE SOME POINTS YOU MIGHT WANT TO MAKE ON CHILE'S POLITICAL PROGRESS GENERALLY, LETELIER-MOFFIT SPECIFICALLY.

2. THE POLITICAL SCENE:

-A- ALL SIGNIFICANT POLITICAL GROUPS, INCLUDING THE MILITARY, APPEAR FULLY COMMITTED TO FREE AND OPEN ELECTIONS OF A PRESIDENT AND CONGRESS ON DECEMBER 14, 1989. INAUGURATION OF A NEW CIVILIAN PRESIDENT WILL TAKE PLACE ON MARCH 11, 1990.

-B- POLLS SHOW COALITION FOR DEMOCRACY (CONCERTACION POR LA DEMOCRACIA) CANDIDATE PATRICIO AYLWIN, A CHRISTIAN DEMOCRAT, WELL OUT IN FRONT OF BOTH HIS TWO INCORPIEED OPPONENTS. HE'S CONDUCTING AN OLD-FASHIONED (CHILEAN), WELL-ORGANIZED CAMPAIGN.

-C- IT IS NOT/NOT CERTAIN THAT CENTER-RIGHT CANDIDATE, FORMER FINANCE MINISTER HERNAN BUCHI (RUNNING AS AN INDEPENDENT) HAS PINOCHET'S SUPPORT. BUCHI CANNOT DIVORCE HIMSELF FROM THE CURRENT REGIME (AFTER 16 YEARS AS A BUREAUCRAT IN IT), BUT IS TRYING TO SHOW REAL INDEPENDENCE. IN ANY CASE, BUCHI'S CAMPAIGN IS NOT OFF THE GROUND.

-D- THIRD CANDIDATE, BUSINESSMAN FRANCISCO JAVIER ERRAZURIZ, IS CONDUCTING A POPULIST, REASONABLY ORGANIZED CAMPAIGN BUT IS GIVEN ALMOST NO CHANCE OF WINNING.

-E- RACES FOR THE SENATE AND HOUSE REFLECT STRONG, MULTI-PARTY COMPETITION. DISTRICTING AND CANDIDATE SELECTION ARE EXPECTED TO LEAD TO RELATIVE BALANCE IN THE CONGRESS, WITH THE LEFT/CENTER-LEFT CONCERTACION GAINING AT LEAST A SLIGHT EDGE.

-F- USG IS MAINTAINING STRICT NEUTRALITY IN THE ELECTORAL CAMPAIGN.

-G- WE ARE ENCOURAGING MAINTENANCE OF AN OPEN, MARKET-ORIENTED ECONOMY NO MATTER WHICH SIDE PREVAILS. MOST EXPECT WHOEVER WINS TO PURSUE THAT COURSE.

3. LETELIER-MOFFIT CASE:

-A- WE EXPECT NO REAL PROGRESS WHILE PINOCHET

0116582 7554 ARA434

REMAINS AS PRESIDENT.

-B- OUR AMBASSADOR HAS DISCUSSED CASE (JUDGEMENT IN FAVOR OF SURVIVORS AND SEEKING JUSTICE SOON) WITH BOTH AYLWIN AND BUCHI AND THEIR ADVISORS.

-C- BOTH CANDIDATES SAY THEY WANT TO RESOLVE MATTER.

-D- AYLWIN'S ADVISORS (AND MOST CHILEAN LEGAL COUNSEL) BELIEVE THAT INDEMNITY MATTER CAN BE HANDLED REASONABLY QUICKLY IF THEIR SIDE WINS. WOULD LIKE TO AVOID ADVANCE PUBLICITY.

-E- RESOLUTION OF THE CONTRERAS/ESPINOSA INDICTMENTS WILL BE MORE COMPLICATED. IT IS UNLIKELY THAT THEY CAN BE EXTRADITED TO US.

-F- AYLWIN'S PEOPLE BELIEVE THAT PROSECUTION IN CHILE MAY BE AN OPTION, BUT WOULD LIKE TO SEE MATTER HANDLED INITIALLY THROUGH DIPLOMATIC CHANNELS AND LOW-KEY.

-G- THE DIPLOMATIC TRACK ON WHICH WE EMBARKED IN JANUARY 1988 BRYAN-SUAREZ TREATY AND INTERNATIONAL COMMISSION REMAINS OPEN. WE NEED TO PRESERVE IT FOR USE WITH NEXT GOVERNMENT.

4. BOTH PRESIDENT-AL CANDIDATES ARE TALKING OF WASHINGTON VISITS BEFORE THE ELECTION. QUIET TALKS WITH KENNEDY BY BOTH WOULD BE IN ORDER. MOREOVER, I EXPECT TO BE IN WASHINGTON (IF YOU'LL LET ME BACK IN) AT LEAST BY OCTOBER. WILL BE PREPARED TO BRIEF KENNEDY, BERMAN, ET AL, ON LATEST DEVELOPMENTS.
REGARDS.
GILLESPIE

EOT

Chile Project (#S199900030)
U.S. Department of State
Release ✓ Excise_____ Deny_____
Declassify: In Part_____ In Full ✓
Exemption(s)_____

~~CONFIDENTIAL~~

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____
Exemption(s) ____

(R) LIB0637 7/6/00 Haughn

THE LETELIER CASE: BACKGROUND AND FACTUAL SUMMARY

On September 21, 1976 at approximately 9:30 A.M., a bomb exploded underneath Orlando Letelier's automobile as he was driving to work in Washington, D.C. Letelier and his assistant, Ronni Moffitt, were killed by the force of the explosion. Letelier was a former Chilean Ambassador to the United States for the government of Salvador Allende. He had returned to the United States after a year of imprisonment at the hands of the Pinochet junta which had come to power after ousting Allende in a military coup in 1973. Since that time, Letelier had become a respected spokesman for the opposition to the Pinochet government which had been ruthlessly silenced inside Chile, but which was becoming increasingly active on the international scene.

The assassination created an international uproar and triggered an exhaustive investigation by law enforcement authorities in the United States. The investigation revealed the participation of high level Chilean government officials in the planning and execution of the Letelier assassination, and their hindrance of the investigation by acts of evasion and even deception. The following is an account of what the investigation uncovered and the legal and political activity that has taken place since the assassination. It shows that the United States has vigorously attempted to bring those who participated in this act of political terrorism to justice, but has been thwarted by a lack of cooperation by the Chilean government.

I. HISTORICAL BACKGROUND

Orlando Letelier first came to Washington, D.C. in 1970, having been appointed Chilean Ambassador to the United States by Salvador Allende, the newly elected President of Chile. He served as Ambassador until May 1973. He returned to Santiago at that time to assume a cabinet position in the Allende government in the face of destabilizing threats by the Chilean military. On September 11, 1973, Allende was killed during a military coup, and Letelier was arrested without charge. He spent a year in solitary confinement before he was released and expelled by the new Pinochet government.

Letelier returned to the United States late in 1974 to take a position with the Institute of Policy Studies in Washington. There, he met Ronni Karpen and her future husband Michael Moffitt, who became Letelier's assistants. Letelier became increasingly involved in politics during his time at the Institute and was recognized as a leader of the opposition to the Pinochet government in Chile. One day before he was to deliver an address to a crowd of 5,000 at Madison Square Garden

in New York on the third anniversary of the coup in Chile (September 1976), the Chilean government issued a decree revoking Letelier's Chilean citizenship for his antigovernment activism.

As Letelier was gaining international prominence, operatives in the Chilean secret police, the Department of National Intelligence (DINA), were laying the groundwork for his assassination. In mid-1974, Pedro Espinoza Bravo, then director of operations for DINA and a Lieutenant Colonel in the Chilean army, recruited electronics expert Michael Vernon Townley, an expatriate American citizen living in Chile, to join DINA. Townley's first mission for DINA was the purchase of some electronic equipment at Audio Intelligence Devices in Miami, Florida under the assumed name of Kenneth Enyart in December 1974. After successfully completing that mission, Townley met with then-Colonel Juan Manuel Contreras Sepulveda, the director of DINA, who ordered Townley to travel to Mexico in order to assassinate some Chilean opposition leaders who were scheduled to meet in Mexico City in early 1975.1/

In the United States before travelling to Mexico, Townley contacted members of the Cuban Nationalist Movement (CNM), a group of Cuban exiles dedicated to the overthrow of Fidel Castro's communist government in Cuba, in order to seek their assistance in the Mexican mission. Townley first met with Felipe Rivero in Miami, and then later with Guillermo Novo Sampol and Jose Dionisio Suarez Esquivel in New Jersey. As a result of these meetings, the leadership of CNM decided to assist DINA in the Mexico City mission, sending Virgilio Paz Romero with Townley to Mexico. The mission was a failure.2/

Townley and Paz continued to work together after the Mexico City failure. They spent the last part of 1975 conducting DINA intelligence missions in Europe. Early in 1976, Paz travelled to Chile with Townley to get intelligence training from DINA and to have some medical work done on his shoulder. While in Chile, Paz stayed with Townley and his wife, Mariana Callejas (also a DINA agent) until the middle of June 1976.3/ It was this time spent together which cemented the ties between DINA and CNM; it was these two organizations working in tandem, under the direction of DINA orders, who would assassinate Letelier.

II. THE ASSASSINATION: PREPARATIONS AND EXECUTION

In late June or early July 1976, Colonel Espinoza solicited Townley and Chilean Army Lieutenant Armando Fernandez Larios for the Letelier assassination mission. The three met outside of Santiago to discuss the mission. As Fernandez remained in an automobile, Espinoza told Townley the purpose of his

mission, that he was to enlist the aid of the CNM, and that he was to make the death of Letelier appear to be an accident or suicide. Espinoza also informed Townley that he and Fernandez would soon travel to Paraguay to acquire Paraguayan passports, under false names, with visas to enter the United States in order to execute the assassination.4/

Espinoza told Fernandez that he was to accompany Townley to Paraguay. His mission was go to the United States to surveil Letelier, to "see what he was up to." Fernandez was not privy to the meeting between Espinoza and Townley; although he suspected that his mission would result in more than simple intelligence gathering because of the involvement of important DINA operatives like Townley and Espinoza, he did not find out the true purpose of the mission until he later heard about Letelier's assassination on the radio.5/

On July 17, 1976, Colonel Benito Guanes Serrano, head of the Paraguayan intelligence service, J-2, received a telegram from Contreras informing him that two DINA officers would be arriving in Asuncion, Paraguay soon in the hopes of acquiring Paraguayan passports in order to conduct an intelligence mission in the United States. At the time, Paraguay and Chile were both members of Operation Condor, a consortium of South American intelligence agencies who cooperated in anticommunist and antiterrorist activities, so the request for false documentation did not strike Guanes as strange.6/

In late July 1976, Townley and Fernandez travelled to Paraguay under the false names Juan Andres Wilson Silva and Alejandro Rivadeneira respectively. They explained to Paraguayan officials that they needed the false passports to perform a security check on the operations of the Chilean copper company CODELCO. (Fernandez would later tell a different cover story, that he and Townley had been sent to Paraguay to obtain passports to travel to the United States to meet with General Vernon Walters of the CIA in order to acquire a list of U.S. politicians sympathetic to the Chilean government.) Townley and Fernandez applied for, and received after about a week in Paraguay, Paraguayan passports under another set of assumed names, Townley as Juan Williams Rose and Fernandez as Alejandro Romeral Jara. They also applied for visas for entry to the United States with the new Paraguayan passports. The visas were issued routinely by the U.S. Consul on July 27, 1976. Before the two departed for the United States to complete their mission against Letelier, however, they were ordered to return to Santiago and to discontinue the operation. Fernandez and Townley believed that the mission had been wisely terminated, since they suspected that American authorities had been informed that the visas were for Chileans rather than for Paraguayans.7/

On the same day that the U.S. Consul approved the visa applications in Paraguay, George Landau, the U.S. Ambassador to Paraguay at the time, became suspicious of the visa applications and had them and the accompanying Paraguayan passports fully photographed. [NOTE TO KOZAK: CAN WE EXPLAIN THE REASON FOR LANDAU'S SUSPICION MORE FULLY IN THIS UNCLASSIFIED DOCUMENT?] After some investigation, he decided to revoke the visas. He contacted Guanes, who in turn requested that DINA return the passports unused. The passports were cancelled and given to Landau. When Landau received the passports, the photographs of the two Chilean agents had been removed.8/

How did Landau know to contact Guanes?

In early August 1976, Espinoza again contacted Fernandez and ordered him to go to the United States right away to perform surveillance on Letelier. He was to travel with a female companion, known as Liliana Walker Martinez, under the cover story that they were from the Chilean Department of Public Works on official business. Both Fernandez and Walker were given false Chilean official passports; Fernandez travelled as Armando Faundez Lyon. They entered the United States on August 26, 1976.9/

During the middle of August 1976, Espinoza also contacted Townley, telling him the mission to assassinate Letelier was "still on." Espinoza ordered Townley to contact the leadership of the CNM and secure their assistance. Townley was to meet Fernandez for a briefing on the intelligence gathered by Fernandez. He was to coordinate the assassination attempt, but to make sure the Cubans actually did the killing after he was safely out of the United States. Espinoza again emphasized to Townley that he was to make the murder look like accidental death or suicide. However, Espinoza remarked that the "bottom line" was that Letelier should be killed, and specifically approved the use of a bomb to kill Letelier if it became impossible to make the death appear accidental.10/

Before the commencement of the mission to assassinate Letelier, DINA officials began to concoct a proper cover story for the Paraguayan passport incident. Having removed the pictures from the Paraguayan passports, and unaware that Ambassador Landau had previously photographed them, Espinoza ordered two DINA agents, Army Captains Rene Riveros Valderrama and Rolando Mosqueira Jarpa to go to the United States under false official Chilean passports, Riveros under the name Juan Williams Rose, and Mosqueira under the name Alejandro Romeral Jara. They travelled to Washington, D.C. on August 22, 1976. They returned to Chile in early September 1976, but their entry into the United States under the same name as the Paraguayan visa applicants (who were actually Townley and Fernandez)

caused great confusion to investigators of the Letelier assassination for well over a year after the crime was committed.11/

Meanwhile, Fernandez was also in the United States. He called the Institute for Policy Studies in Washington, D.C. to get Letelier's home address under the pretext of having to make a delivery to him. He was told at that time that Letelier would be out of town for the next three weeks. Fernandez then went to Letelier's home address in Bethesda, Maryland and ascertained the location, confirming his information by observing a car parked in front with a Chilean insignia on the back. This, he assumed, was Letelier's automobile. After completing this task, Fernandez called Espinoza and told him that Letelier was out of town; Espinoza agreed with Fernandez that he could do nothing more in Washington, and told him he could return to Chile after taking some vacation in the U.S. Fernandez thereupon travelled to New York City with his sister on September 6, 1976, where he stayed a few days. Upon learning that his father was critically ill in Chile, Fernandez called Espinoza and requested permission to return immediately. Espinoza agreed, but informed Fernandez that Townley would be arriving in New York City that day, September 9, 1976. Espinoza ordered Fernandez to meet Townley at Kennedy International Airport that day to brief him on the information Fernandez had collected about Letelier.12/

Townley, travelling with a false Chilean official passport under the name Hans Petersen Silva, arrived at Kennedy Airport as scheduled on September 9, 1976. He carried with him some of the materials for constructing the bomb which would ultimately be used for assassinating Letelier. He met Fernandez at Kennedy Airport, and Fernandez supplied Townley with the information he had acquired regarding Letelier. Fernandez flew back to Chile with Liliana Walker that evening, and briefed Espinoza at DINA headquarters upon his arrival in Santiago. Back in the United States, Townley rented a car and headed for New Jersey.13/

In New Jersey that evening, Townley met with his old CNM associate Virgilio Paz at the Bottom of the Barrel Restaurant in Union City, N.J. He told Paz that he wished to speak with Guillermo Novo. The next day, Townley met with Novo and Suarez in the Estrella Restaurant in Union City, where Townley formally asked Novo and Suarez for assistance in the Letelier murder. The two CNM leaders responded that they would have to take the request under consideration. A few days later, they agreed to participate in the assassination. Townley called a DINA official in Chile to pass along the news of the successful recruitment of the Cubans, and to receive confirmation of his orders.

Late in the evening of September 15, 1976, Townley and Paz drove to Washington, D.C., their automobile loaded with explosives. They arrived at about 4:00 A.M. on the following day. They spent that day and the next watching Letelier, his home, and his daily movements. On September 17, they followed Letelier to work and watched the activity around his office from a restaurant across the street. That evening, Townley and Paz purchased some of the materials needed to construct the bomb at a Sears store near Letelier's home in Bethesda, Maryland. Suarez joined Paz and Townley in Washington, D.C. on September 18. The three of them purchased more materials necessary for the bomb at a Radio Shack store that evening.

They then returned to Townley's motel room where they proceeded to construct the bomb out of plastic explosives and TNT. On the night of September 18, 1976, Townley, Suarez, and Paz drove to Letelier's house to install the bomb beneath Letelier's automobile. Townley himself affixed the bomb, which was to be detonated by a remote control device, an electronic paging device which Townley had modified earlier. After returning to his motel room, Townley called his wife in Chile, informing her that the bomb had been placed, and asking her to relay that information to DINA headquarters.

Early the next morning, Townley flew to Newark using the identity Kenneth Enyart. Alvin Ross Diaz met him at the airport, then drove him to Guillermo Novo's apartment, where he recounted the events of the past few days in Washington. After visiting his sister in Westchester County, Townley went to Kennedy Airport to submit a false United States Immigration and Naturalization Service Form I-94 to show that Hans Petersen Silva, the holder of the official Chilean passport, had flown to Madrid, Spain. He then flew from Newark to Miami, Florida, still using the Kenneth Enyart identity. Townley purchased a new return ticket to Santiago with some help by LAN Chile (Chilean national airline) employees since he was short of funds. On September 20, Townley met with Felipe Rivero; the two discussed the DINA/CNM relationship generally, but not the assassination of Letelier specifically. Townley then spent the rest of the day shopping and spent the evening and night at his parents' home in Boca Raton, Florida.[14]/

On September 21, 1976, Townley called Ignacio Novo to arrange a meeting. Novo suggested to Townley that he should listen to the news on his car radio, as something important had happened in Washington. That "something" was that the bomb planted below Letelier's car had been detonated, killing Letelier and his assistant, Ronni Moffitt. Michael Moffitt, husband to Ronni Moffitt and also an assistant to Letelier, was in the back of the car and escaped with only minor injuries. Townley met with Ignacio Novo that day and explained to him the

details of the assassination. Townley then returned to Chile on September 22, travelling under the identity of Kenneth Enyart with a fraudulently obtained U.S. passport.15/

III. THE U.S. INVESTIGATION AND THE CHILEAN COVER-UP

Upon his return to Chile, Townley informed Espinoza of the details of the mission. Espinoza seemed satisfied with the results of Townley's efforts. He destroyed the false Chilean official passport in the name of Hans Petersen Silva which Townley had used to enter the United States. Soon thereafter, Espinoza called Fernandez into his office at DINA headquarters and told Fernandez not to worry, that the assassination had been carried out by the "opposition" to the Pinochet government to discredit the regime before the Chilean Foreign Minister was scheduled to speak at the U.N. that week. Espinoza told Fernandez, "That is what you will say." Although Espinoza never told Fernandez that he had participated on a mission to assassinate Letelier, the implications of Espinoza's comments made it clear to Fernandez that that was exactly what he had done.16/

The United States government initiated its investigation under the auspices of the Federal Bureau of Investigation (FBI) and the Department of Justice immediately after the explosion in Washington on September 21, 1976. The investigation first led to the Cuban exiles. Through informers, the investigators ascertained that Guillermo Novo, Virgilio Paz, Dionisio Suarez and Alvin Ross had all participated in the crime. Further informer contact with the Cubans revealed that DINA had also been involved.17/

On June 28, 1977, Assistant United States Attorney Eugene Propper, one of the lead investigators on the Letelier case, requested the assistance of the Chilean government in the investigation of the extent of DINA contact with the Cubans during a meeting with the Chilean Ambassador to the United States, Jorge Cauas. Propper was subsequently advised that the Chilean government was initiating an investigation to provide him with the answers he sought. Special Agent Robert Scherrer of the FBI repeated Propper's request for information at a meeting with General Ernesto Baeza Michaelsen, the director of Investigaciones de Chile on July 15, 1977. Baeza told Scherrer that he would speak personally with President Pinochet to expedite the investigation. That same evening, Scherrer met Colonel Contreras, who denied having any information regarding the Cubans and their contact with his organization, DINA. After a period of delay, the Chilean government submitted a written answer to these requests to the Department of Justice which contained much obviously false information. The Chilean government's response stated that any further requests for

information by the United States would have to go through the proper judicial channels in accordance with international law.18/

The only leads which the American investigators had regarding the identity of the Chilean officials involved in the Letelier assassination was that two persons travelling under official Chilean passports had entered the United States using the same names as the Chileans who had applied for visas in Paraguay in July 1976. Realizing that the Chilean government was not cooperating in the investigation, the investigators sent formal Letters Rogatory to the Chilean Supreme Court through the District Court for the District of Columbia on February 17, 1978. This was the appropriate step under international legal procedures as the Chileans had demanded. The Letters Rogatory requested that the Chilean government produce for questioning "Juan Williams Rose" and "Alejandro Romeral Jara," the names of the Chileans who had entered the United States and had applied for U.S. visas with Paraguayan passports; the investigators did not know that they were two different sets of people.19/

After the Chilean Supreme Court received the Letters Rogatory, Contreras summoned Townley to his office. Contreras was no longer the director of DINA, the name of which had by now been changed to the National Information Center (CNI). He had been promoted to General and installed as the director of the Chilean Army Engineers. He had been replaced at CNI by retired Chilean Army General Odlanier Mena. At first, Contreras suggested to Townley that he flee Chile to avoid questioning. When Townley refused, Contreras suggested a cover story that Townley had planned to travel to the United States only to obtain a list of U.S. politicians favorable to the Pinochet regime in Chile, but that the trip had never taken place.20/

Around the same time, Contreras also met with Fernandez and instructed him to deny ever having been to the United States. The new head of CNI, General Mena, refused to believe Fernandez repeated denials of his trip to the United States, and continued to press Fernandez. Fernandez returned to Contreras, who finally advised Fernandez to admit that he had travelled to the United States on official business for CODELCO, the Chilean national copper company. Later, with the help of Espinoza, Contreras and Fernandez developed the CODELCO cover story more fully: Fernandez was to explain to curious investigators that he had gone to the United States to investigate manipulation of funds by CODELCO employees.21/

The investigation began to pick up momentum when pictures of Townley and Fernandez appeared in the international press in

March, 1978, identifying them as the Chilean agents who had entered Paraguay seeking a visa for entry into the United States under false Paraguayan passports. The American investigators had attached to the Letters Rogatory the photographs of Townley and Fernandez that Ambassador Landau had copied from the false Paraguayan passports in July, 1976. The publication of the photographs swiftly led to the identification of Townley and Fernandez as the individuals that had visited both Paraguay and the United States, rather than Mosqueira and Riveros (the other "Williams" and "Romeral" who had entered the United States as part of the cover up, and who were identified by the Chilean passport numbers given in the Letters Rogatory).22/

On March 22, 1978, the Chilean government produced Riveros and Mosqueira in a Chilean court in response to the Letters Rogatory. The United States protested, in that they were not the individuals whose photographs had been included with the Letters Rogatory. The Chilean court refused to recognize the appearance of Riveros and Mosqueira as compliance with the Letters Rogatory. After continued pressure on the Chilean government, the American investigators interviewed Fernandez on March 30, 1978 before he appeared before a Chilean magistrate pursuant to the Letters Rogatory.23/

In that interview, Fernandez told the American investigators the cover story that had been arrived at with Espinoza and Contreras regarding his trip to the United States in 1976, that he and Liliana Walker had travelled to the United States to investigate irregularities at CODELCO. He also stated that he had coincidentally bumped into Townley at Kennedy Airport, and that they exchanged pleasantries before Fernandez returned to Chile. The next day, Fernandez and Townley both appeared in Chilean court in response to the Letters Rogatory. Fernandez reiterated the false cover story. Townley refused to testify; as an American citizen, he was entitled to invoke the fifth amendment privilege against self-incrimination.24/

Shortly after his refusal to testify before the Chilean judge, the United States formally requested the expulsion of Townley from Chile. On April 7, 1978, Earl Silbert, the United States Attorney for the District of Columbia, and Enrique Montero, Chilean Undersecretary of the Interior, reached an agreement whereby Townley would be returned to the United States and Chile would henceforth cooperate in the investigation of the Letelier assassination. The next day, the Chilean government complied with the agreement and Townley was turned over to FBI agents in Chile who took him back to the United States in custody. Townley refused to make a statement until he could see General Hector Orozco Sepulveda, the special

military prosecutor appointed to investigate the Letelier assassination. Upon Orozco's order to Townley to tell the truth, Townley first made a statement to Orozco, and then a statement to the American investigators after reaching a plea bargaining agreement with them.[25]

Townley's statement confirmed the gravest suspicions of the American investigators. The conspiracy to assassinate Letelier reached to the highest level of the Chilean government. After the assassination, the Chilean government had actively attempted to deflect the progress of the investigation. Much of Townley's statement was later corroborated by documentary evidence, from a vivid reconstruction of the explosion that killed Letelier to Townley's travel receipts. Statements by other individuals, such as Jack Holcomb, the owner of Audio Intelligence Devices, Fernando Cruchaga, a LAN-Chile employee in New York, and Townley's wife, Mariana Callejas, also corroborated Townley's statement.[26]

As Townley was finally truthfully testifying on the Letelier assassination in the United States, the attempt by the guilty parties in the Chilean government to avoid justice continued. Orozco returned to Chile with Townley's statement, and confronted Fernandez with the true account of the events in the United States in August and September of 1976. Fernandez then gave a true statement to Orozco, who in response ordered Contreras, who had resigned from the Chilean military in March 1978, to make a statement. Contreras did, after being confronted with true statements by Fernandez, Espinoza and Townley. He admitted to Orozco that he had ordered Espinoza to have Letelier assassinated. He claimed that he was acting under the authority of "the Chief," President Pinochet. After hearing Contreras' statement, Orozco told Fernandez not to worry, that everything would be taken care of.[27]

III. THE CRIMINAL TRIALS AND EXTRADITION PROCEEDINGS

On August 1, 1978, a grand jury in Washington, D.C. handed down indictments based on the results of the investigation by American law enforcement authorities. The indictment charged Contreras, Espinoza, Fernandez, Guillermo Novo, Alvin Ross, Virgilio Paz, and Dionisio Suarez with murder and conspiracy to murder in violation of the United States Code and the District of Columbia Code. It also charged Guillermo and Ignacio Novo with making false statements to a grand jury about their involvement with DINA. Only the Novo brothers and Alvin Ross were in custody in the United States; Paz and Suarez were still fugitives. Around the same time in Chile, Fernandez, Espinoza and Contreras were detained in a military hospital pursuant to a provisional arrest request from the United States.[28]

The United States made that formal extradition request for the three Chileans on September 21, 1978. The attorney for the United States in Chile, Alfredo Etcheberry, submitted an exhaustive argument in favor of the extradition, supported by elaborate documentation collected during the course of the investigation of the assassination. Etcheberry argued that the evidence presented was more than sufficient to meet the standards of the 1902 Extradition Treaty between Chile and the United States, which requires only enough evidence to bring the accused to trial for the offense under the laws of the nation where the fugitive is found.29/

Before the proceedings in the Chilean Supreme Court began on the extradition request, Orozco summoned Espinoza and Fernandez from their detention. Orozco then ordered them to lie in their declarations before the Supreme Court. Upon their protests that they had already provided him with truthful written declarations, Orozco returned the declarations to Fernandez and Espinoza, who promptly tore them up. Fernandez also met before the Supreme Court proceedings with President Pinochet, who told Fernandez, "Be a good soldier, tough it out and this problem will have a happy end."30/

On October 17, 1978, Contreras, Espinoza, and Fernandez lied under orders from Orozco to the Chilean Supreme Court during the extradition proceedings. Fernandez first told the court that his trip to Paraguay with Townley to obtain false passports was intended to result in a trip to the United States to meet with General Vernon Walters of the CIA to obtain a list of American politicians favorable to Chile. He then told the familiar cover story about his trip to the United States with Liliana Walker, that they were checking on irregularities in the finances of CODELCO. Contreras and Espinoza also used these cover stories in their testimony to the Supreme Court.31/

Before the Chilean courts issued a decision on the extradition request, the criminal proceedings against the defendants in custody in the United States began. On February 14, 1979, after a six week trial, a jury in the District Court for the District of Columbia found Guillermo Novo and Alvin Ross guilty on the murder and conspiracy charges, while both of the Novo brothers were convicted of lying to a grand jury about their involvement with DINA. Ross and Guillermo Novo received two consecutive sentences of life in prison for their roles in the murder, while Ignacio Novo was sentenced to eight years in prison for lying to the grand jury. Each of the defendants filed an appeal.32/

On May 13, 1979, Israel Borquez Montero, President of the Chilean Supreme Court, handed down his decision rejecting the

extradition request by the United States. He stated that, under Chilean law, the prosecution needed to show a "well-founded presumption" of the guilt of the accused before going forward with a criminal indictment. Thus, according to Borquez, the same standard was to be applied in the extradition proceedings, since the Extradition Treaty stated that the law of the nation in which the accused were located was to be determinative of the sufficiency of evidence for extradition. He held that Townley's plea bargained statement to the American investigators, which Chilean law views as a "compensated accusation" since the witness receives a reduced sentence in return for his testimony, could not be viewed as impartial under Chilean law. As such, neither Townley's testimony, nor the evidence compiled with the aid of information provided by Townley, could be afforded the weight necessary to reach the "well-founded presumption" needed to extradite Contreras, Espinoza and Fernandez.

The only evidence which remained in favor of the United States' request, Borquez stated, was certain "absurd or contradictory" testimony made by Fernandez, Espinoza and Contreras. Borquez ordered that these contradictions be made part of the record of the ongoing Chilean military investigation, and that they be considered in the possibility of initiating criminal action.[33/]

The United States appealed Borquez' decision to the full Chilean Supreme Court, which upheld Borquez' denial of the extradition request on October 1, 1979. The U.S. had argued that Borquez' decision had erred by not granting Townley's testimony the weight of a "well-founded presumption" against Fernandez, Espinoza and Contreras because a number of Chilean statutes recognized the evidentiary value of plea bargained testimony. The Supreme Court ignored this contention, and went beyond Borquez' decision to invalidate evidence gathered by American investigators in Chile, because such action violated Chilean sovereignty. The Court reversed Borquez' call that the military investigation pursue the contradictions in the testimony of Fernandez, Espinoza and Contreras because criminal charges could not be based on the "suspicions" these contradictions produced. Until the United States produced new evidence beyond that which it produced for the extradition request, the Supreme Court ruled that there could be no further Chilean action on the Letelier assassination.[34/]

Almost a year later, on September 15, 1980, the Court of Appeals for the District of Columbia Circuit reversed the criminal convictions of the Novo brothers and Alvin Ross. The murder and conspiracy convictions of Guillermo Novo and Ross were held invalid because of the admission into evidence of testimony of two informants based on unsolicited admissions of

guilt made by the defendants to the informants while they were in prison with the defendants. The court based this ruling on a United States Supreme Court case decided well after the trial, and even after oral argument on the appeal was completed. The court also reversed Ignacio Novo's conviction for lying to the grand jury; the court ruled that jointly trying Ignacio Novo with the murder defendants was likely to confuse the jurors because of the complexity of the evidence and the disparity between the charges against him and the murder defendants.35/

The United States retried Guillermo Novo and Alvin Ross in early 1981. On May 30, a jury acquitted both defendants of the murder charges, and convicted Guillermo Novo of lying to a grand jury about his involvement with DINA. Ignacio Novo later pleaded guilty to the charges of lying to a grand jury. Without further access to the other indicted individuals, the criminal case could go no further in the United States. Official Chilean action on the case ended in the middle of 1982, when the Supreme Court issued an order staying the investigation in the "Passport Cases" (the Chilean government's euphemism for the Letelier assassination) pending the discovery of new evidence.36/

Because many of the crucial participants in the plot to assassinate Letelier were not before the court, the United States was hampered in its attempts to bring the conspirators in an act of international terrorism to justice. The intransigence of the Chilean Supreme Court on the extradition request and the Chilean government's refusal to conduct a full investigation into the assassination were thus instrumental in shielding the guilty parties from the consequences of their brutal actions.

IV. THE CIVIL CASE AGAINST CHILE

After the issuance of the criminal indictment in August, 1978, the families of Orlando Letelier and Ronni Moffitt filed a civil suit in District Court for the District of Columbia. The complaint alleged that Townley, Ross, Paz, Suarez, and Ignacio and Guillermo Novo acted in concert with DINA, a governmental organ of the Republic of Chile, and its operatives Espinoza, Fernandez, and Contreras, to bring about the death of Letelier and Moffitt. This, the plaintiffs asserted, violated Letelier's and Moffitt's rights under the first amendment of the U.S. Constitution, international law, the common law, and U.S. statutory law.

The court entered a default judgment against the individual plaintiffs when they failed to respond to service of process. The government of Chile did not respond to service of process

through normal channels either. Instead, Chile protested through a diplomatic note and an attached memorandum of law that it was protected from the jurisdiction of United States courts by the doctrine of sovereign immunity, more specifically, the Foreign Sovereign Immunities Act (FSIA).

On March 11, 1980, after the first criminal conviction of the Novo brothers and Alvin Ross, the court ruled against Chile, holding that the FSIA did not protect the government of Chile from the civil jurisdiction of United States courts. The court stated that Section 1605(a)(5) of the FSIA specifically confers jurisdiction over foreign states for official non-commercial conduct which results in personal injury or death in the United States. That section exempts "discretionary" acts from its sweep, but the court held that no governmental official had "discretion" to commit political assassination. The court also held that Chile could not use the act of state doctrine as a defense in that the act in question, the assassination (rather than the planning of the assassination) took place in the United States, thus outside the jurisdiction of Chile.37/

The government of Chile did not appeal that ruling and did not participate in a trial on the merits. On November 5, 1980, the District Court for the District of Columbia entered a judgment in favor of the families of Letelier and Moffitt. The court awarded compensatory and punitive damages of approximately $5 million to the plaintiffs, making the individual defendants and the Government of Chile jointly and severally liable. Neither Chile nor the individual defendants appealed.38/

The families of Letelier and Moffitt thus became judgment creditors of the government of Chile. They sued in the District Court for the Southern District of New York in an attempt to execute the judgment against LAN-Chile, the wholly governmentally owned Chilean national airline. The government of Chile again did not participate in the proceedings; LAN-Chile, however, did appear to defend its assets against attachment.

LAN-Chile claimed that it was a "separate juridical entity" from the government of Chile and therefore not liable for the government's debts. The airline also argued that the FSIA protected a government's commercial assets from execution if those assets were unrelated to the commission of the tort. For their part, the judgment creditors asserted that the court should "pierce the corporate veil" of LAN-Chile because of LAN-Chile's participation and assistance of the assassination plot. They argued that the FSIA offered no protection to LAN-Chile because its assets were used in the commission of the

tort.

The District Court agreed with the judgment creditors. It held that "internationally recognized equitable principles" required that LAN-Chile's separate juridical existence not be recognized. The court further held that the FSIA did not prevent execution against a foreign government's commercial assets if the assets were used in the "commercial activity upon which the claim is based." Even though this section of the FSIA related to the execution of judgments based on commercial claims and not to personal injury or death caused by the actions of a foreign government official, the court held that execution was proper, because Congress would not have created "a right without a remedy" in Section 1605(a)(5) of the FSIA.39/

The Court of Appeals for the Second Circuit disagreed with the District Court's analysis and reversed its judgment. It held that LAN-Chile's separate juridical existence had to be recognized even though it was a wholly owned entity of the Republic of Chile. According to the court, the limited participation of the LAN-Chile employees in the assassination was not an "abuse" of the corporate form meriting the "piercing of the corporate veil." The court also stated that while this may leave the judgment creditors with a "right without a remedy" under American domestic law, they may be able to obtain relief by pressing their claim in an international tribunal, or if the government of Chile decided to honor the judgment as an act of goodwill. The Supreme Court denied certiorari on the judgment creditors' appeal.40/

Thus, the families of Orlando Letelier and Ronni Moffitt exhausted their domestic legal remedies in trying to obtain compensation from the government of Chile for its egregious act of state sponsored terrorism against their loved ones. The fact remains, however, that the families had a legally cognizable claim to damages which the government of Chile refused, and continues to refuse, to acknowledge. Despite this refusal, the families of Letelier and Moffitt have continued to pursue their claim, just as the United States continues to seek justice for both the victims and the perpetrators of the Letelier assassination.

V. RECENT DEVELOPMENTS

The government of Chile continued its efforts to avoid conducting a full and fair investigation when, in 1985, a military court granted Contreras' request to dismiss entirely the suspended investigation into the "Passport Cases." This decision was based on the Chilean statute of limitations for passport fraud, which is five years. The statute of

limitations for murder in Chile is fifteen years, indicating the extent to which the military court continued to deny the Chilean government's role in the Letelier assassination. The Letelier family, a civil party to the suit under Chilean law, appealed the ruling. The appeal was still pending in early 1987, when a major break occurred in the Letelier case.41/

On February 4, 1987, Armando Fernandez Larios voluntarily entered the United States following discussions with several U.S. governmental officials, in which he offered to testify truthfully after pleading guilty to the charge of being an accessory after the fact to the murder of an internationally protected person. Fernandez' statement to the United States government corroborated almost entirely Michael Townley's earlier statements, reconfirming and adding to the solid body of evidence linking highly placed Chilean officials to the Letelier assassination.42/

As dramatic new evidence which the Chileans had been demanding to continue their investigation, Fernandez' voluntary decision to come forward with the truth rekindled the efforts of the Letelier and Moffitt families, in tandem with the United States government, to force the Chileans to bring the responsible parties in the Letelier assassination to justice. On May 11, 1987, the United States again formally requested by diplomatic note the expulsion from Chile of Contreras and Espinoza, the two former DINA leaders who had played a crucial role in the planning, execution and cover up of the Letelier assassination.43/

On May 22, a military court of appeal in Santiago suddenly reversed the decree of a lower court which had permanently closed the "Passport Cases." This appeal by the Letelier family had lain dormant for almost two years when the appeals court finally acted on it. The result of the reversal, however, was hardly a triumph for the Letelier family; all the court dictated was that the investigation be returned to "suspended" status, which meant that the investigation would not be reopened without new evidence.44/

On May 27, the Chilean Foreign Ministry divulged publicly the U.S. request for the expulsion of Contreras and Espinoza, and indicated to the Chilean press that it would reject the request. The Foreign Ministry took this action without responding in any formal manner to the United States. On June 17, more than a month after receipt of the diplomatic note requesting expulsion, the government of Chile rejected the United States request by its own diplomatic note, again making the content of the note public. In response, Assistant Secretary of State Elliot Abrams called Chilean Ambassador to the United States Errazuriz into his office in Washington on

June 24 to convey the deep dissatisfaction of the United States over the Chilean government's intransigence.45/

On July 17, the United States continued its diplomatic pressure on Chile to cooperate in the Letelier case by issuing a diplomatic note demanding that the Chilean government prosecute Contreras and Espinoza domestically if it would not expel them to the United States. On July 28, Assistant Secretary Abrams presented Ambassador Errazuriz with another diplomatic note, this one requesting that the government of Chile pay ex gratia compensation to the families of the victims of the Letelier assassination. According to the note, ex gratia compensation would absolve Chile of its moral responsibility to the victim's families without admitting guilt in the assassination.46/

Taking advantage of the favorable appeals court ruling in May, the Letelier family petitioned the lower military court to reopen the "Passport Cases" on August 20, 1987. The petition argued that the new evidence presented by Fernandez' testimony was more than sufficient to require a new investigation. On August 21, the United States sent another diplomatic note to the Chilean government, urging that the government of Chile grant the Letelier petition and finally cooperate in resolving the case, now over ten years old.47/

On August 28, 1987, the Chilean government delivered two diplomatic notes to the United States government. The first vigorously defended the Chilean government's decision not to expel or prosecute Contreras and Espinoza, implying that it basically considered the criminal proceedings in the Letelier case settled. The second note refused the United States request for compensation to the victim's families, denying any responsibility for the assassination and questioning the exercise by the United States courts of jurisdiction in the civil suit against Chile. Far from indicating any willingness to cooperate in bringing the case to an end, the Chilean government offered only to take the question of the jurisdiction of American courts to an international tribunal.48/

On October 13, 1987, a Chilean military court refused to reopen the "Passport Cases," ruling that the new evidence submitted, Fernandez' statement about his involvement in the Letelier assassination, lacked any "probative value." The United States issued a strongly worded statement decrying Chile's continued lack of cooperation, and even obstruction of justice, on October 16. On October 20, the Foreign Ministry of Chile publicly responded to the United States' statement by disingenuously claiming that it had cooperated with the investigation all along. The same day, the Letelier family

filed an appeal of the October 13 refusal to reopen the "Passport Cases" in a military appeals court.[49]

In an attempt to push the investigation further, the United States served General Orozco, the investigator assigned to the Letelier case at the time of Townley's expulsion, with a Letter Rogatory, requesting information about his knowledge of many aspects of the affair. The Chilean courts stalled for several months before finally requiring a response from Orozco. On April 14, 1988, the Chilean Supreme Court refused to require Orozco to answer all but twelve of the some 250 questions put to him by the United States. When Orozco's responses were received, they were in general evasive or obviously false.[50]

On May 4, 1988, the Chilean military appeals court upheld the refusal of the lower court to reopen the "Passport Cases." The Letelier family appealed this decision to the Chilean Supreme Court. This last hope of forcing some form of cooperation from the Chilean government was extinguished on July 14, 1988, when the Supreme Court affirmed the decision to keep the "Passport Cases" in suspension on the grounds that Fernandez' confession added nothing new to the evidence already available.[51]

VI. THE CURRENT POSTURE OF THE CASE

Because of the refusal of diplomatic and legal requests for assistance by the United States, and the exhaustion of domestic legal proceedings, both criminal and civil in the United States and Chile by the United States government and the families of the victims of the Letelier and Moffitt murders, the United States has chosen to espouse the claims of the United States citizens involved in the case. The Department of State has formally requested through diplomatic channels that the government of Chile pay the United States and the claimants it represents $12 million in compensation for the personal and national injury the Chilean government's participation and cover up of the Letelier assassination has caused. The government of Chile has formally denied this request as well. The United States demands that Chile cooperate in seeing justice done for both the families of the victims and the participants in this act of political terrorism, the murders of Orlando Letelier and Ronni Moffitt. It will not rest until a satisfactory resolution has been reached.[52]

ANNOTATION

This annotation refers the reader to the documentation for this account currently available in State Department files. Well known historical facts are not cited here. Where additional documentary support may be needed to support assertions in the summary, or where any weakness exists in State Department files, it has been noted here.

Much of the documentary-type evidence (as opposed to testimony-type evidence) in the Extradition Request Documents package are illegible. This is a result of the poor quality if the copies at the U.S. Attorney's office. The original photographs of these documents are in the files at the U.S. Attorney's Office; each document can be identified by its number on the list of documents which precedes the package. The appropriate file box numbers for the extradition materials can be identified by the Letelier Case File Manifest which also precedes the package.

1. Townley Statement, Extradition Request Document (hereinafter E.R.) #41, pp. 44-45; Callejas Grand Jury Testimony, E.R. #96, pp. 9-12; Cornick Affidavit (discussing Enyart's electronics purchases), Summary Documentary Supplement (hereinafter D.S.) #1.

2. Townley Statement, E.R. #41, pp. 44-47; Callejas Grand Jury Testimony, E.R. #96, pp. 12-15.

3. Townley Statement, E.R. #41, p. 4; Callejas Grand Jury Testimony, E.R. #96, pp. 15-16; Jennifer Larsen Statement, E.R. 121; Photographs of Paz at Townley's Home, E.R. #122-26.

4. Townley Statement, E.R. #41, pp. 2-5.

5. Fernandez Proffer to District Court, D.S. #2, pp. 2-3, 7. There are some points in Townley's statement which contradict Fernandez' claims about how little he knew about the purpose of the mission. In this case, however, Townley's statement corroborates that Fernandez stayed in the car during Townley's initial meeting with Espinoza.

6. Guanes Statement, E.R. #114; Cable from DINA, E.R. #115; Scherrer Statement, E.R. #116.

7. Townley Statement, E.R. #41, pp. 4-13; Fernandez Proffer, D.S. #2, pp. 3-4; Photographs of Townley's and Fernandez' False Paraguayan Passports and U.S. Visa Applications, E.R. #49-52 and 128-130.

8. Scherrer Statement, E.R. #51; Guanes Statement, E.R. #114.

As indicated in the text, there is more information available regarding how Landau became suspicious. Since this information about the Paraguayan Passport incident is important to the ultimate solution of the case, we should determine whether this information can be used in this unclassified document, or whether it should be declassified.

9. Fernandez Proffer, D.S. #2, pp. 4-5; "Faundez" and "Walker" Travel Documents; E.R. #131-34. The true identity of Liliana Walker remains unknown.

10. Townley Statement, E.R. #41, pp. 14-15.

11. Riveros and Mosqueira Statements and Travel Documents, E.R. #141-49. There appears to be some contradiction in the explanations of the purpose of Riveros' and Mosqueira's trip to the U.S. They claimed they were making a delivery to a Chilean Army General Floody in the U.S, for Espinoza. Floody asserts that they told him they were in the U.S. to make contact with CIA operative General Vernon Walters. See Floody's Statement, E.R. #150. General Walters, for his part, claims he had no contact with DINA after his retirement in June 1976, and that therefore Floody's version of events is absurd. See Walter's Statement, E.R. #151. In fact, Mosqueira used the "General Walters" cover story later in his testimony before the Chilean Supreme Court in the extradition proceedings. See Borquez Extradition Decision, D.S. #7. It is most likely that the "Walters" cover story was actually used by Riveros and Mosqueira, since Fernandez later used the same story to explain his and Townley's mission to Paraguay before the Chilean Supreme Court during the extradition proceedings in 1978. The use of the same story to cover for the missions to Paraguay and the U.S. by the different "Williams'" and "Romerals" would have neatly completed the open circle created by the failed mission to Paraguay, that is if Landau hadn't copied the photographs on the false Paraguayan passports, thereby exposing the Chilean cover up of the Paraguay mission.

12. Fernandez Proffer, D.S. #2, pp. 4-6; Etcheberry Submission for Extradition Request, D.S. #6, p. 61. For documents confirming the dates of Fernandez' presence in the U.S. under the name of Faundez Lyon, see E.R. #133-38.

13. Townley Statement, E.R. #41, pp. 15-16; Fernandez Proffer, D.S. #2, p. 6. It is here, in the explanation of what Fernandez told Townley, that the contradictions between the testimony of Townley and Fernandez are most acute. Townley indicates that Fernandez told him, in some detail, about Letelier's automobile, his place of work, and his "daily movements." [TRANSLATION OF SPANISH VERSION OF TOWNLEY STATEMENT CORRESPONDING TO MISSING PAGES 17-18 OF THE ENGLISH

VERSION IS NEEDED AS THE PAGES ARE MISSING FROM U.S. ATTORNEY'S OFFICE.] If this is true, it contradicts Fernandez statement that Letelier was out of town at the time of his visit, and that he only observed Letelier's house and car in Letelier's absence. It is unclear whether Letelier was in Washington while Fernandez was there, which could be a crucial fact in verifying Fernandez' testimony. Both the Schedule of Letelier's Activities, D.S. #32, and Etcheberry's Submission for the Extradition Request, D.S. #6, pp. 60-61, indicate that Letelier was present in Washington for 3-4 days while Fernandez was there.

14. Townley Statement, E.R. #41, pp. 19-39. This description of events is entirely Townley's, although some of it is corroborated by his wife, Mariana Callejas' Grand Jury Testimony, E.R. #96. Furthermore, there is a good deal of documentary evidence which supports Townley's story. See E.R. #55-73.

15. Townley Statement, E.R. #41, p. 39; Townley's Passport and Passport Application under the name Kenneth Enyart, E.R. #42-43.

16. Townley Statement, E.R. #41, pp. 39-40; Fernandez Proffer, D.S. #2, p. 7. Again, the extent of Fernandez' knowledge about the purpose of his mission to the U.S. may be greater than he admits.

17. Cornick and Scherrer Affidavit Summarizing Canete's Testimony, D.S. #3; Propper Statement, E.R. #155.

18. Propper Statement, E.R. #155; Chilean Response to Request for Information, E.R. #156. Contreras' denial of knowledge about the Cubans was almost certainly a lie. See Propper Statement, E.R. #155 and Townley Statement, E.R. #41, p. 42.

19. Propper Statement, E.R. #155; Letters Rogatory, E.R. #157.

20. Townley Statement, E.R. #41, pp. 41-42. Note that this is the same cover story used to explain the Paraguayan passport trip and the trip by Riveros and Mosqueira to the U.S.

21. Fernandez Proffer, D.S. #2, pp. 7-9. Townley's statement mentions that that Townley, Fernandez and Contreras met at this time to plan the cover up. Fernandez does not mention any such meeting, so my text does not include it.

22. Townley Statement, E.R. #41, p. 41; Fernandez Proffer, D.S. #2, pp. 9-10; Letters Rogatory, E.R. #157. Fernandez statement sems a bit confused about the sequence of events that led to his identification as "Romeral." This may be attributable to the fact that he made his statement nearly ten

years after these occurrences. Townley's version seems closer to the other historical accounts I have read about the timing of these events. See also E.R. #139-41, documents identifying Townley and Fernandez as the DINA agents who were in Paraguay and later the United States.

23. Fernandez Proffer, D.S. #2, p. 10. We need unclassified information which documents the presentation of Riveros and Mosqueira in response to the Letters Rogatory. The Letters Rogatory, E.R. #157, may provide this information if some of the material after the actual questions are translated into English (this may be useful anyway). We also may benefit if we can locate the official answers provided by Fernandez to the Letters Rogatory.

24. Etcheberry Submission for Extradition Request, D.S. #6, p. 49. Again, Fernandez' official answer to the Letters Rogatory, or some other unclassified information regarding his testimony would be useful here.

25. Fernandez Proffer, D.S. #2, p. 11; Silbert/Montero Agreement, D.S. #4. It is unclear why the Chilean government decided to expel Townley. Possibly, Townley's expulsion was a result of intergovernmental rivalries, especially that between Contreras and Mena. The desire on Mena's part to discredit his rival and predecessor, Contreras, briefly dominated the Chilean response to the American investigation. However, when it was discovered that Contreras was willing to implicate even Pinochet in the assasination, the Chilean government again started stonewalling. See infra note 28. This rivalry between Mena and Contreras is detailed in historical accounts (specifically Labyrinth). It should probably be discussed in the text here or at an earlier point (text accompanying notes 21 or 22) if reliable unclassified or declassified information can be found.

26. Townley Statement, E.R. #41; Documentary Evidence Concerning Fernandez and Townley's Trip to the U.S., E.R. #45-95, 128-131; Callejas Grand Jury Testimony, E.R. #96; Cruchaga Grand Jury Testimony, E.R. #106. See also Cornick Statement, D.S. #1.

27. Fernandez Proffer, D.S. #2, pp. 11-13.

28. Fernandez Proffer, D.S. #2, p. 13; Criminal Indictment, D.S. #5. The provisional arrest request is mentioned in the Supreme Court Decision on the Extradition Request, D.S. #9, p. 13.

29. Etcheberry Submission For Extradition Request, D.S. #6; Extradition Request Documentation, E.R. #1-157.

30. Fernandez Proffer, D.S. #2, pp. 13-15.

31. Fernandez Proffer, D.S. #2, p. 15; see also Borquez Decision on Extradition Request, D.S. #7, pp. 6-9 (discussing contents of testimony by Fernandez, Espinoza and Contreras) and Etcheberry Submission for Extradition Request, D.S. #6, p. 53 (regarding the use of the Walters cover story by Fernandez).

32. Results of First Criminal Trial, Summarized in U.S. v. Sampol, 636 F.2d 621 (D.C. Cir. 1980), D.S. #8.

33. Borquez Decision on Extradition Request, D.S. #7, pp. 13-22, 29-33, 43-45.

34. Chilean Supreme Court Decision on Extradition Request, D.S. #9, pp. 2, 34-35, 71-72 (para. 102-03), 93-95; Etcheberry Analysis of Supreme Court Extradition Opinion, D.S. #10.

35. U.S. v. Sampol, 636 F.2d 621 (D.C. Cir. 1980), D.S. #8. The two Supreme Court cases which form the basis for the Sampol court's evidentiary ruling are Massiah v. U.S., 377 U.S. 201 (1964) and U.S. v. Henry, 447 U.S. 264 (1980).

36. Etcheberry Memo on Status of "Passport Cases," D.S. #11. We need some official confirmation of the ultimate outcome of the criminal case against Ross and the Novo brothers; the U.S. Attorney's Office files did not include the jury's verdict or the sentence. My information comes from the book, Labyrinth.

37. Letelier v. Republic of Chile, 488 F.Supp. 665 (1980), D.S. #12.

38. de Letelier v. Republic of Chile, 502 F.Supp. 259 (1980), D.S. #13. The citation of Ms. Letelier's name is different in the reporters, so I have cited the name of the cases as they appear there.

39. de Letelier v. Republic of Chile, 567 F.Supp. 1490 (1983), D.S. #14.

40. Letelier v. Republic of Chile, 748 F.2d 790 (2d Cir. 1984), cert. denied, 471 U.S. 1125 (1985), D.S. #15.

41. Etcheberry Memo of March 10, 1987, D.S. #16, p. 3.

42. Fernandez Proffer, D.S. #2; DiGenova Press Release of February 4, 1987, D.S. #17.

43. Chronology of Events in the Letelier Case, D.S. #18.

44. Cable Santiago 03732, May 26, 1987, D.S. #19 (unclassified sections).

45. Chronology of Events in the Letelier Case, D.S. #18; Cable Santiago 03887, May 29, 1987, D.S. #20 (unclassified sections); U.S. Response to Chilean Rejection of Expulsion Request, D.S. #21.

46. Cable State 221464, July 18, 1987, D.S. #22 (unclassified sections); Chronology of Events in the Letelier Case, D.S. #18.

47. Chronology of Events in the Letelier Case, D.S. #18; Cable Santiago 06318, August 25, 1987, D.S. #23.

48. Diplomatic Notes 07730 and 07731, dated August 27, 1987, D.S. #24 and #25.

49. Chronology of Events in the Letelier Case, D.S. #18; Cable Santiago 08272, October 22, 1987, D.S. #26 (unclassified sections); Statement by the U.S. Department of State, October 16, 1987, D.S. #27.

50. Letter Rogatory to Orozco, D.S. #28; Cable Santiago 02792, April 21, 1988, D.S. #29. We need some unclassified documentation of the falseness of Orozco's responses to the Letter Rogatory.

51. Cable Santiago 03416, May 12, 1988, D.S. #30; Cable Santiago 05029, July 18, 1988, D.S. #31.

52. We need unclassified documentation regarding espousal.

9/2/88

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EMBASSY OF THE
UNITED STATES OF AMERICA
SANTIAGO, CH

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THE AMBASSADOR

Chile Project (#S199900030)
U.S. Department of State
Release ✓ Excise ____ Deny ____
Declassify: In Part ____ In Full ✓
Exemption(s) ____

Ms. Annette Lantos
Executive Assistant
Office of Congressman Tom Lantos
1707 Longworth HOB
Washington, DC 20515

Dear Ms. Lantos:

Thank you for sending copies of your recent correspondence in regard to Dr. Ritterman's assistance on behalf of Mr. Cartagena, which I have shared with my Embassy colleagues. I appreciate being made aware of your involvement in this case.

I met with Michele regarding this case when she was in Santiago and have been back in touch with her recently by letter. The Embassy has been doing everything it can to be of assistance.

We appreciate your interest and support very much.

Sincerely,

Harry G. Barnes, Jr.

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7/21/88

PRESIDENTIAL EVENING READING

R 6KK035

Chile Junta Picks Pinochet: The Chilean junta's naming of President Pinochet as the candidate for the yes-or-no presidential plebiscite October 5th surprised no one. Police used tear gas and water cannon to break up confrontations between demonstrators the day of the announcement; three persons were killed, 10 wounded and 800 detained in incidents around the country. The plebiscite outcome remains too close to call -- at least 20 per cent of those polled still say they are "undecided." Yesterday, Pinochet lifted long-standing forced exile orders, permitting the return of some 300 people, including Allende's family and former political associates. The move is purportedly designed to soften Pinochet's image, but he may also be counting on the presence of former exiles, many of them Communists, scaring the electorate into believing their choice in the plebiscite is Pinochet or chaos.

Chile Project (#S199900030)
U.S. Department of State
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Drafted: ~~ARA/SC:WGrant~~ 9/2/88
SEARASC 2678
Cleared: ~~ARA:MKozak~~
ARA:MSkol
ARA/SC:RHoward

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TO SECSTATE WASHDC PRIORITY 3761
AMEMBASSY SANTIAGO PRIORITY

UNCLAS MEXICO 23094

E.O.12356: N/A
TAGS: PGOV, CI, MX
SUBJECT: HORTENSIA DE ALLENDE AND VOLODI TEITELBOIN TALK TO THE PRESS ABOUT RETURNING TO CHILE AND THE PLEBISCITE

1. MEXICO'S ENGLISH-LANGUAGE PAPER "THE NEWS" SEPT. 7 REPORTED A SEPT. 5 INTERVIEW IN MEXICO WITH HORTENSIA BUSSI DE ALLENDE. DURING THE INTERVIEW MRS. ALLENDE CONFIRMED HER PLANS TO RETURN TO CHILE AFTER SEPT. 11 BUT BEFORE THE OCT. 5 PLEBISCITE. MRS. ALLENDE ALSO SAID THAT SHE WAS PLANNING TO CAMPAIGN ACTIVELY FOR THE OPPOSITON AND WAS CONFIDENT THAT THE "NO" VOTE WOULD WIN. SHE ADDED THAT THE "NO" VOTE MEANT DEFEAT FOR PINOCHET, AN END TO HIS REGIME, TO POVERTY, ASSASSINATIONS, AND REPRESSION, AND A RETURN TO DEMOCRACY, PEACE, AND JUSTICE. SHE CALLED PINOCHET'S CAMPAIGN DEMAGOGIC AND SAID HE WOULD ONLY WIN IF HE COMMITTED FRAUD.

2. SPEAKING ABOUT CHILE'S POLITICAL SITUATION, MRS. ALLENDE SAID THAT BEFORE CHILE COULD TURN TOWARD SOCIALISM IT MUST FIRST RETURN TO LEGALITY AND A
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PAGE 02 MEXICO 23094 082336Z

.CRATIC REGIME WITHOUT POLITICAL PERSECUTION AND THREATS. MRS. ALLENDE DEFENDED SALVADOR ALLENDE'S GOVERNMENT AND ACCUSED PRESIDENT NIXON AND SECRETARY OF STATE KISSINGER OF FOLLOWING POLICIES WHICH LEAD TO THE DESTABILIZATION OF HIS NATIONAL UNITY GOVERNMENT.

3. DURING A PRESS CONFERENCE BEFORE THE FEDERATION OF LATIN AMERICAN REPORTERS SEPT. 6, VOLODIA TEITELBOIN SAID THAT THE ENTIRE CENTRAL COMMITTEE OF THE CHILEAN COMMUNIST PARTY WOULD RETURN TO CHILE BEFORE THE PLEBISCITE EVEN THOUGH THE MEMBERS RISKED THEIR LIVES BY RETURNING. HE EXPRESSED SUPPORT FOR AN IMMEDIATE AGREEMENT AMONG ALL DEMOCRATIC FORCES TO DEFEAT PINOCHET AND TO FORM A PROVISIONAL GOVERNMENT. TEITELBOIN ACCUSED PINOCHET OF USING SPECTACULAR EVENTS TO CHANGE HIS IMAGE AND OF TRYING TO CONVINCE THE "UNDECIDED" THAT HE IS A MILITARY PATRIARCH WHO WILL MAKE SURE CHILE DOES NOT FALL INTO CHAOS.

4. TEITELBOIN CHARGED THAT THE PLEBISCITE WAS ONLY A COSMETIC OPERATION TO GIVE CHILEAN FACISM A HUMAN FACE. HOWEVER, HE SAID THAT OCT. 5 COULD MARK THE "BEGINNING OF THE END OF THE TYRANT." HE WARNED THAT FRAUD DURING THE PLEBISCITE WOULD LEAD TO "VIOLENCE AND DEATH." TEITELBOIN CLAIMED THAT THE PARTIES OF THE IZQUIERDA UNIDA (UNITED LEFT) ALREADY HAD PROGRAMS AND PLANS FOR GOVERNING CHILE WHICH COULD BE IMPLEMENTED UPON THE FALL OF THE DICTATORSHIP.
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TO SECSTATE WASHDC PRIORITY 3761
AMEMBASSY SANTIAGO PRIORITY

UNCLAS MEXICO 23094

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EMBASSY OF MEXICO

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2829 - 16th Street, N.W.
Washington, D.C. 20009
Tel. (202) 234-6000

29/88 (I) September 12, 1988

CARLOS SALINAS DE GORTARI WAS DECLARED PRESIDENT-ELECT BY MEXICO'S CONGRESS

Carlos Salinas de Gortari, candidate of the Institutional Revolutionary Party (PRI) was declared President-Elect for the term 1988-1994 by Mexico's House of Representatives, functioning as Electoral College, in a session that finished on Saturday, September 10, 1988.

The formal declaration was issued by the House of Representatives' President, once the majority of its members approved the assesment submitted by the Commission on Government and Constitutional Affairs. Such assesment was endorsed by 263 votes for and 85 against. In the debate, that lasted for more than 20 hours, a total of 68 congressmen representing all political parties, were registered as speakers.

The total of votes cast in favor of the now President-Elect, was of 9 million 687 thousand 926, which gave him 50.74 percent of all the votes cast.

Cuauhtémoc Cárdenas-Solórzano, candidate of a coalition of parties called National Democratic Front (FDN), received 5 million 929 thousand 585 votes, or 31.06 percent.

Manuel J. Clouthier, candidate of the National Action Party (PAN), got 3 million 208 thousand 584 sufrages, with a percentaje of 16.81.

Gumersindo Magaña-Negrete, standard-beerer of the Mexican Democratic Party (PDM) drew 190 thousand 891 votes, equivalent to 1 percent.

The candidate of the Workers' Revolutionary Party, . Rosario Ibarra de Piedra, received 74 thousand 857 votes, which gave her 0.39 percent of the votes.

The small differences between these totals and those preliminarily released by the Federal Electoral Commission on July 13, stem from those votes that were contested and submitted to the Federal Electoral Tribunal.

Mexico's President-Elect, Carlos Salinas de Gortari, will be sworn in on December 1st, 1988, to serve a single six-year term.

DEPARTMENT OF STATE IM/IPS/CR/IR Date: 7/16/97
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United States Department of State

Washington, D. C. 20520

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CONFIDENTIAL

BRIEFING MEMORANDUM
S/S

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

TO: The Secretary

FROM: ARA - Michael G. Kozak, Acting

SUBJECT: Your Meeting with Chilean Foreign Minister Ricardo Garcia in New York on September 27, 1988, 4:00-4:30 p.m.

You last met with Garcia in Quito at the Borja inauguration on August 10, 1988. This meeting comes eight days before the Chilean plebiscite of October 5. It will almost certainly be our final opportunity to convey our concerns about the plebiscite to the Chileans at a very high level. Garcia will seek to assure you that all is going well and that the "yes" will win.

I. THE CHILEAN PLEBISCITE

- Recent Steps by the GOC

  --Since your last meeting, the Chilean Government lifted the two "states of exception" which limited civil rights, terminated forced exile, and passed legislation allowing the opposition 15 minutes of free television time nightly on all TV networks.

  --These steps, however belated, have had a positive effect on the plebiscite environment.

- Still a Close Call

  --Polls show a close plebiscite vote, with many still undecided.

  --Reports of pressure from local authorities on voters persist and the GOC still does not ensure fair and equitable access to television.

  --Most analysts predict that the GOC will not use fraud, although the possibility cannot be ruled out.

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o International Observers

--Many international observers, including groups from the U.S., will visit Chile for the plebiscite.

--The GOC is not granting official status or special privileges to any of these visitors, but has done nothing to hinder them.

o Prospects for Violence

--The far left will probably ease off on violence until October 5, but has threatened to unleash a wave of terrorist acts afterward.

II. FUTURE OF BILATERAL RELATIONS

o Plebiscite Process is Key

--We have repeatedly told the GOC that our future bilateral relations will have much to do with whether the plebiscite produces a result that is widely perceived as a free and fair expression of the will of the Chilean people.

--The excessive force used recently against U.S. labor leaders, including AIFLD director Bill Doherty, by Chilean police in Santiago indicates that civil rights violations remain a problem in Chile.

--The GOC is hoping that the U.S. will recognize a victory by the "yes" faction as legitimate and look more favorably on a new regime headed by Pinochet.

o Letelier Case Remains an Issue

--We will move ahead after the plebiscite with further steps to resolve the Letelier-Moffitt terrorist case.

Attachments:

Tab 1 - Biographic Information
Tab 2 - Economic Data Chart and Chile at a Glance
Tab 3 - Political and Economic Analysis

Drafted: ARA/SC:PDeShazo
09/13/88
SEARASC 2754

Cleared: ARA/SC:RHoward
ARA:MSkol
P:STomchik
IO:SSmith
HA: LWeintraub

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

9-13-88
9 PINS
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TO : Mr. William H. Lamb,RSO

DATE: 09/13/88.

FROM : Daniel Ortega, SY

SUBJECT: Información diversas

Chile Project (#S199900030)
U.S. Department of State
Release ✓ Excise ____ Deny ____
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Exemption(s) ____

FECHA	INFORMACION
	El Movimiento de Izquierda Revolucionario (MIR) protestó por la violencia ejercida en contra de los manifestantes de la Comuna de Cerro Navia el domingo durante una visita del General Pinochet. En una declaración pública entregada por el voce ro Jecar Neghme, el MIR señala que la mayoria del país "está por la democracia y r pudia al Si a Pinochet y su Constitución y que la prescencia del Jefe del Estado en Pudahuel " fue una provocación".
ARICA	Cerca de 500 mujeres vestidas de negro permanecieron duramte una hora en silencio absoluto en el frontis de la Catedral de Arica y frente a la Gobernación provincial enarbolando un lienzo que rezaba "Las mujeres de luto decimos NO." El grupo realiza cada 11 de Septiembre en recuerdo de las victimas del Golpe de Estado. No se registraron incidentes.
SANTIAGO	Un llamado a "sumarse a la lucha por el triunfo del Si en el, proximo plebiscito y un saludo a las Fuerzas Armadas al cumplirse 15 años del golpe militar, hizo efectivo la dirección general de la Fuerza NAcionalista de Combate, FNC. En un comunicado público señalaron que el 11 de Septiembre significa libertad. POr eso y por todo lo que significa hoy estamos luchando." Agregan¡no importa que corra sangre camaradas¡ nuestra sangre no serán en vano,

porque, como señalaron los jóvenes nacionalistas que lucharon contra una dictadura sionista un 5 de Septiembre ¡ más vale luchar por nobles ideales que morir en una cama¡

450 médicos del Hospital J.J.Aguirre irán mañana a un paro de advertencia de 24 horas y en apoyo a la huelga indefinida del personal no académicos de ese hospital. Los médicos adoptaron dicha resolución pués estiman legitimos las demandas de dichos funcionarios.

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Chile Project (#S199900030)
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Exemption(s) ~~International Observers~~
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--The GOC is not granting official status or special privileges to any of these visitors, but has done nothing to hinder them. ✓

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Drafted: ARA/SC:PDeShazo
09/13/88
SEARASC 2754

Cleared: ARA/SC:RHoward
ARA:MSkol
P:STomchin
IO:SSmith
HA: LWeintraub

Access. # 59-96-0723

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o THE CHILEAN PLEBISCITE

-- We welcome the recent steps by your government to lift the "states of exception," end exile, and allow the opposition limited access to TV.

-- We ~~expect~~ hope that these moves indicate an irreversible trend towards greater respect for human and civil rights after the plebiscite.

-- However, reports of pressure from local authorities on voters persist, and the Government side still enjoys a large advantage in access to television. ✓

-- Regardless of the outcome, it is crucial that the Chilean people judge the plebiscite to have been clean, fair, and free of coercion.

-- The presence of "international visitors" to witness the plebiscite can serve a very useful purpose.

-- We hope that the GOC will facilitate the work and security of these "international visitors," many of whom will come from the U.S.

-- What are your views for the post-plebiscite period should either side win? Do you expect violence?

o THE FUTURE OF BILATERAL RELATIONS

-- There are issues of continuing concern to the USG whatever the result of the plebiscite.

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-- We will continue to advocate observance of international standards of human and civil rights. We and hope that recent improvements are not transitory, and that assistance programs will follow.

-- In this regard, the recent use of excessive force by Chilean police to break up a demonstration of labor leaders, which included prominent figures from the U.S., was unfavorable to the image of Chile. (unacceptable. It was certainly

-- Likewise, the USG will continue to pursue the Letelier-Moffitt case until those guilty of this terrorist act are brought to justice.

-- Whoever wins our election, the USG will continue to support a return to full democracy and sound economic policies in Chile.

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Chile Project (#S199900030)
U.S. Department of State
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Exemption(s) ____

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o THE FUTURE OF BILATERAL RELATIONS

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Case Number: S199900030
Chile Project (#S199900030)
U.S. Department of State
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AMEMBASSY MONTEVIDEO
AMEMBASSY SANTIAGO
USCINCLANT NORFOLK VA
USAFSO HOWARD AFB PN//DOI/LAI//
USCINCSO QUARRY HEIGHTS PN

C O N F I D E N T I A L SECTION 01 OF 02 BUENOS AIRES 09908

CINSCO AND CINCLANT ALSO FOR INTAFF

E.O. 12356: DECL: OADR
TAGS: PGOV, PREL, CI, AR
SUBJECT: GOA VIEWS ON CHILE SITUATION

REFS: (A) BUENOS AIRES 8009; (B) BUENOS AIRES 9515 (NOTAL)
(C) BUENOS AIRES 9303 (NOTAL)

1. (CONFIDENTIAL -- ENTIRE TEXT)

2. DURING SEPTEMBER 12 VISIT TO BUENOS AIRES, AMBASSADOR BARNES MET FOR LUNCH WITH [redacted]. AMBASSADOR GILDRED AND ADCM ALSO PARTICIPATED. IN COURSE OF CONVERSATION, [redacted] MADE A NUMBER OF POINTS OF INTEREST CONCERNING SITUATION IN CHILE AND ARGENTINE-CHILE RELATIONS. THESE WERE:

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PAGE 02 BUENOS 09908 01 OF 02 131908Z

-- GOA CONSIDERS PLEBISCITE RESULT FAR FROM CERTAIN. IT BELIEVES BOTH "YES" AND "NO" HAVE FLOORS OF 40 PERCENT. OUTCOME IS LIKELY TO BE CLOSE EITHER WAY. THE PINOCHET REGIME UNDOUBTEDLY HAS ADDITIONAL MOVES UP ITS COLLECTIVE SLEEVE, ALTHOUGH LIKELIHOOD OF OUTRIGHT FRAUD IS LIMITED DUE TO OPPOSITION ACCESS TO POLLING PLACES AND VOTE COUNT. KEY PROBLEM FOR OPPOSITION WILL BE TO OVERCOME FEAR, INTRODUCED IN ALMOST SUBLIMINAL FASHION BY REGIME, THAT BALLOT MAY NOT REALLY BE SECRET.

-- ARGENTINA CONSIDERS IT EXTREMELY IMPORTANT THE "NO'S" PREVAIL. GOA WORKED EARLIER ON TO PERSUADE CHILEANS TO POSTPONE PLEBISCITE TO LATE IN 1988 TO PERMIT GREATER VOTER REGISTRATION, WHICH FAVORS "NO'S." IT HAS ALSO COACHED DEMOCRATIC OPPOSITION ABOUT POTENTIAL ELECTORAL DANGER OF POPULAR PERCEPTION THAT BALLOT MIGHT NOT BE SECRET. EVEN WITH A "NO" VICTORY, [redacted] STATED, CHILE WILL GO THROUGH AN EXTRAORDINARILY COMPLEX AND DIFFICULT TRANSITIONAL PERIOD. THE PROBLEMS, THOUGH, WOULD PROBABLY BE SURMOUNTABLE. SHOULD THE "YES'" PREVAIL, THE COUNTRY WILL BE IN SERIOUS DIFFICULTY. [redacted] ANTICIPATED NEGATIVE REACTIONS FROM BOTH WESTERN EUROPE AND THE UNITED STATES. INTERNALLY, NOTION OF PINOCHET IN POWER UNTIL NEAR END OF CENTURY WOULD ESSENTIALLY BE UNACCEPTABLE TO MANY IN DEMOCRATIC OPPOSITION WHO WOULD BE UNABLE TO HOLD THEIR PARTIES TOGETHER. THERE MIGHT BE A BRIEF PERIOD OF RELATIVE TRANQUILITY, BUT IT WILL NOT LAST. [redacted] MENTIONED IRAN (UNDER SHAH) AND NICARAGUA (UNDER SOMOZA) AS SOMEWHAT ANALOGOUS EXAMPLES OF REGIMES WHICH DELIVERED A MEASURE OF

CONFIDENTIAL

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PAGE 03 BUENOS 09908 01 OF 02 131908Z

ECONOMIC GROWTH, BUT CUT OFF POLITICAL EXPRESSION AND ESSENTIALLY PROVOKED REVOLUTIONARY OUTCOMES. [redacted] ADMITTED PINOCHET HAD A HIGHLY ASTUTE AND ABLE TEAM, WHICH MADE CHILE DIFFERENT FROM THESE OTHER COUNTRIES, BUT HE EXPRESSED VIEW THAT IT WAS UNPRECEDENTED IN A WORLD FOR AN AUTHORITARIAN RULER TO TAKE INITIATIVE IN LIBERALIZING FUNDAMENTAL ASPECTS

)F HIS REGIME. RESULT OF A "YES" VOTE WILL ALMOST :NEVITABLY BE SHARP POLARIZATION LEADING TO A HIGHLY :XPLOSIVE SITUATION. ARGENTINA IS SERIOUSLY CONCERNED \BOUT THIS POSSIBILITY, PARTICULARLY GIVEN 5306 :ILOMETER BORDER THE TWO COUNTRIES SHARE.

-- PRESIDENT ALFONSIN RAISED GOA CONCERNS ABOUT :UBAN-SUPPORTED VIOLENCE IN CHILE WITH CUBAN 'RIME MINISTER CASTRO BOTH IN HAVANA LAST YEAR AND)URING BILATERAL MEETING IN QUITO LAST MONTH. :ASTRO'S RESPONSE WAS THAT A) CUBA RECOGNIZED THE :HILEAN PEOPLE HAD COME TO REGARD THE PLEBISCITE AS A .EGITIMATE POLITICAL MECHANISM TO DETERMINE FUTURE)IRECTION OF COUNTRY; B) ARGENTINA HAD A LEGITIMATE :IGHT TO BE CONCERNED ABOUT IMPLICATIONS FOR ITS)WN SECURITY; BUT C) FAR LEFT IN CHILE WAS HIGHLY .UTONOMOUS AND NOT SUBJECT TO RATIONAL CONTROL. HE, :ASTRO, DID NOT KNOW IF CUBA COULD RESTRAIN THEM. (SEE :EFS B AND C).

-- CONCERNING CHILEANS ARRESTED IN BUENOS AIRES IN JULY .ND SUBJECT TO POSSIBLE EXTRADITION (REF A), GOA VIEW S THAT THESE INDIVIDUALS WILL SERVE AT BEST FOUR YEARS N PRISON HERE BEFORE QUESTION OF EXTRADITION ARISES.

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C O N F I D E N T I A L SECTION 02 OF 02 BUENOS AIRES 09908

CINSCO AND CINCLANT ALSO FOR INTAFF

E.O. 12356: DECL: OADR
TAGS: PGOV, PREL, CI, AR
SUBJECT: GOA VIEWS ON CHILE SITUATION

THESE INDIVIDUALS, [redacted] SAID, ARE GUILTY OF ILLEGAL POSSESSION OF ARMS, CONSPIRACY AND OTHER CRIMES STIPULATED IN ARGENTINE PENAL CODE. THESE CRIMES DO NOT PERMIT BAIL. THEY WILL, THUS, REMAIN INCARCERATED UNTIL VERDICTS ON THEIR CASES (CERTAIN TO BE GUILTY) ARE RETURNED. [redacted] INDICATED THAT IT HAS BEEN ESTABLISHED THAT THESE INDIVIDUALS WERE ENGAGED IN PREPARING TO STAGE MILITARY" OPERATIONS AGAINST CHILEAN GOVERNMENT FROM ARGENTINE TERRITORY.

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-- REGARDLESS OF OUTCOME OCTOBER 5, GOA HAS A MAJOR NATIONAL INTEREST IN STABILITY IN CHILE. IT WILL BE WILLING TO EXPEND POLITICAL CAPITAL IN DEFENSE OF
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PAGE 02 BUENOS 09908 02 OF 02 131908Z

THAT INTEREST. WHAT PRECISELY CAN BE DONE IF "YES'S" PREVAIL IS NOT YET CLEAR, BUT GOA WILL WANT TO BE IN CLOSE TOUCH WITH US ON A FREQUENT BASIS AS SITUATION

PLAYS OUT. THE U.S. AND ARGENTINA, HE STATED, MIGHT BE IN A POSITION TO INFLUENCE DEVELOPMENTS IN CHILE AND HAVE LARGELY SIMILAR VIEWS REGARDING SITUATION THERE.

3. COMMENT. [redacted] DID NOT SHED MAJOR NEW LIGHT ON ARGENTINE PERCEPTION OF SITUATION IN CHILE OR ARGENTINE-CHILE RELATIONS. HE DID, HOWEVER, CONFIRM GOA'S SERIOUS CONCERN ABOUT A POSSIBLE "YES" VOTE IN PLEBISCITE. WE PLAN TO TAKE HIM UP ON HIS OFFER TO EXCHANGE VIEWS FREQUENTLY ON CHILE AS SITUATION EVOLVES IN AFTERMATH OF PLEBISCITE.

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Case Number: S199900030

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PAGE 01 SANTIA 06481 01 OF 08 131446Z
ACTION ARA-00

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AMEMBASSY BRASILIA
AMEMBASSY BUENOS AIRES

Chile Project (#S199900030)
U.S. Department of State
Release_____ Excise X Deny_____
Declassify: In Part X In Full_____
Exemption(s) B1

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S E C R E T SECTION 01 OF 08 SANTIAGO 06481
SECRET/NOFORN

DECAPTIONED

E.O. 12356: DECL:OADR
TAGS: PGOV, PREL, ELAB, PINS, CI
SUBJ: THE CHILEAN PLEBISCITE: SITREP SIX
(SEPTEMBER 4 - SEPTEMBER 10)

1. (U) THIS IS THE SIXTH IN A SERIES OF WEEKLY SITREPS REPORTING DEVELOPMENTS RELEVANT TO THE UPCOMING CHILEAN PLEBISCITE WHICH WILL APPROVE OR DISAPPROVE AN EIGHT YEAR TERM FOR CURRENT PRESIDENT AUGUSTO PINOCHET. THE PLEBISCITE WILL BE HELD ON OCTOBER 5.

2. (C) SUMMARY AND CONCLUSIONS: THE PLEBISCITE'S WAR OF TELEVISION BEGAN IN EARNEST THIS WEEK WITH THE INITIATION OF THE 30 MINUTES OF FREE AIR TIME FOR THE "SI" AND "NO" CAMPAIGNS. COMPARING THE MERITS OF THE TWO SIDES' SPOTS HAS TAKEN ON THE AIR OF A SPORTS COMPETITION WITH AVID VIEWERS HOTLY DEBATING WHO CAME OUT ON TOP EACH NIGHT. THE CLEAR CONSENSUS IS THAT THE

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"NO" CAMPAIGN IS PUTTING OUT BETTER TELEVISION. BOTH CAMPS ARE USING MODERN ADVERTISING TECHNIQUES AND PROJECTING "FEEL GOOD" IMAGES WHICH PROMPTED ONE U.S. REPORTER TO SAY, "I HAVE SEEN THE FUTURE OF CHILE, AND IT IS A MCDONALD'S AD." PINOCHET ADHERENTS ARE REPORTEDLY TRYING TO IMPROVE THEIR SPOTS WHICH ARE COMING ACROSS AS LESS COHERENT AND TOO HEAVY-HANDED. ASSOCIATING POLITICAL VIOLENCE WITH THE NO CAMPAIGN HAS EMERGED AS A CENTRAL THEME OF GOVERNMENT PROPAGANDA,
ALTHOUGH THERE HAS BEEN LITTLE GRIST FOR THAT MILL. A "UNITED LEFT" RALLY SEPTEMBER 10, WITH PROMINENT COMMUNIST PARTICIPATION, WAS ENTIRELY PEACEFUL. THE HIGHER PROFILE OF COMMUNISTS AND SOCIALISTS, HOWEVER, FOLLOWING THE RETURN OF MANY OF THEIR LEADERS FROM EXILE, HAS GIVEN THE "SI" CAMPAIGN AN OPENING TO LINK THE OPPOSITION TO THE BAD OLD DAYS OF ALLENDE.

3. (C) MEANWHILE, EFFORTS TO BOOST THE NEW, MODERATE, DEMOCRATIC PINOCHET INCLUDED MORE ANNOUNCEMENTS OF GOVERNMENT LARGESSE FOR WOMEN AND LOWER-INCOME FAMILIES. HOWEVER, THE CANDIDATE WILL REPORTEDLY AVOID CALLING MASS DEMONSTRATIONS GIVEN THE "SI" CAMPAIGN'S INABILITY TO TURN OUT CROWDS COMPARABLE TO THOSE PRODUCED BY THE "NO." FOLLOWING THEIR MASSIVE SHOWING AT THE RALLY IN SANTIAGO LAST WEEK, THE NO CAMPAIGN CONTINUES ON A ROLL WITH GOOD CROWDS IN THE PROVINCES. ONE MEMBER OF THE NO COALITION, THE CONTROVERSIAL HUMANIST PARTY, IS IN TROUBLE WITH THE NATIONAL ELECTORAL SERVICE

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WHICH QUESTIONS THE PARTY'S LEGALITY AFTER IT ABRUPTLY REPLACED ITS PRESIDENT AND SECRETARY GENERAL LAST WEEK IN PROCEEDINGS WHICH DID NOT MEET THE REQUIREMENTS OF THE ELECTORAL LAW.

4. (C) ALTHOUGH ALL GOVERNMENT POLITICAL ADS WERE NOT REMOVED FROM TELEVISION AS PROMISED,

THERE HAS BEEN A DRAMATIC DROP IN THEIR NUMBER, AND OPPOSITION LEADERS ARE GETTING MORE COVERAGE ON NEWS PROGRAMS. LESS ENCOURAGING ARE REPORTS OF CONTINUED GOVERNMENT PRESSURE ON RURAL RESIDENTS TO SUPPORT THE PINOCHET CANDIDACY. NOTABLY, THE BISHOP OF CONCEPCION DENOUNCED LOCAL OFFICIALS' INTIMIDATION OF VOTERS. THE CHURCH IS EXPECTED TO CLOSELY MONITOR THE PROGRESS OF VOTING ON PLEBISCITE DAY. INTERNATIONAL HUMAN RIGHTS GROUPS WILL BE DOING THE SAME, AND DELEGATIONS FROM SEVERAL WERE IN CHILE THIS WEEK TO UPDATE THEIR INFORMATION IN ANTICIPATION OF THAT EFFORT. END SUMMARY AND CONCLUSIONS.

RULES OF THE GAME

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3. (U) THIS WEEK DEPARTMENT OF INTERIOR UNDERSECRETARY, ALBERTO CARDEMIL RELEASED THE GOVERNMENT'S REGULATIONS FOR THE ACTIVITIES OF THE MILITARY AND CARABINEROS ON THE DAY OF THE PLEBISCITE AND THE TWO-DAY PERIOD IMMEDIATELY PRECEDING THE EVENT. THESE ORDERS INCLUDE THE SUSPENSION OF ALL

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ACTION ARA-00

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UNCLASSIFIED
SECRET SECTION 02 OF 08 SANTIAGO 06481
UNCLASSIFIED
SECRET/NOFORN

E.O. 12356: DECL:OADR
TAGS: PGOV, PREL, ELAB, PINS, CI
SUBJ: THE CHILEAN PLEBISCITE: SITREP SIX

FIREARM PERMITS WITHIN 48 HOURS OF THE PLEBISCITE AND A PROHIBITION AGAINST ANYONE ESCORTING A VOTER INSIDE A 20-METER RADIUS OF THE POLLING PLACE ON ELECTION DAY. POLLING OFFICIALS WILL BE GIVEN THE AUTHORITY TO COMMAND WHATEVER FORCES NECESSARY, INCLUDING THE ARMED FORCES, TO INSURE FREE ACCESS TO POLLING LOCATIONS. FURTHERMORE, ANY VOTER MAY ASK THE PRESIDENT OF THE VOTING TABLE TO CLEAR THE POLLING AREA IF THAT INDIVIDUAL FEELS HIS RIGHT OF FREE VOTING ACCESS IS BEING COMPROMISED.

. (C) COMMENT: THE PRESENCE OF MILITARY PERSONNEL AT POLLING PLACES IS A SENSITIVE ISSUE. IN THE NO CAMPAIGN TV BROADCAST ON SEPTEMBER 8, MODERATOR PATRICIO BANADOS

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REMINDED NEW VOTERS THEY WOULD SEE MILITARY PATROLS NEAR THE POLLS BUT SHOULD NOT BE DISARMED, SINCE THE CARABINEROS AND ARMED FORCES

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HAVE ALWAYS BEEN RESPONSIBLE FOR GUARANTEEING PUBLIC ORDER IN CHILEAN ELECTIONS. WE NOTE WITH INTEREST THAT THE LATEST REGULATIONS OMIT ANY MENTION OF THE TRADITIONAL PROHIBITION ON ARMED FORCES' PRESENCE WITHIN 20 METERS OF THE POLLS, WHICH IS REITERATED IN ARTICLE 114 OF THE RECENTLY PASSED VOTING LAW. END COMMENT.

7. (U) THE REGULATIONS ALSO INCLUDE SPECIFIC INSTRUCTIONS FOR THE TREATMENT OF FOREIGN VISITORS OBSERVING THE POLLING PROCESS. FOREIGN VISITORS WILL BE EXTENDED THE SAME RIGHTS OF VIEWING THE POLLING PROCESS AS RESIDENT JOURNALISTS OR CITIZENS, PROVIDED THEIR PRESENCE DOES NOT OBSTRUCT THE VOTING PROCESS. (AN INSTRUCTION THAT FOREIGN VISITORS MUST REFRAIN FROM INTERFERING IN THE POLITICAL PROCESS WAS REITERATED IN A RECENT DIPLOMATIC NOTE RECEIVED BY FOREIGN EMBASSIES IN CHILE.) THE CONCERN REMAINS THAT THOSE VOTING TABLE PRESIDENTS WHO ARE PRO-GOVERNMENT, OR SIMPLY ANTI-FOREIGN, COULD AT ANY TIME ASK THE MILITARY TO CLEAR THE AREA OF ALL BYSTANDERS AND OBSERVERS. WHETHER THIS WILL IN FACT HAPPEN WE WILL SEE ON OCTOBER 5.

THE SI CAMPAIGN

. (U) AS EXPECTED, PINOCHET IS MAKING FULL USE OF OVERNMENT POWERS AND PREROGATIVES TO BOOST HIS

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ANDIDACY. BEFORE AN ENTHUSIASTIC THRONG OF HOUSANDS OF WOMEN IN VALPARAISO, PRESIDENT PINOCHET NNOUNCED ON SEPTEMBER 8 THAT HE WAS SPONSORING EGISLATION TO IMPROVE THE LEGAL STATUS OF MARRIED OMEN. THE PROPOSED BILL, WHICH HAS BEEN UNDER STUDY E PAST YEAR BY THE EXECUTIVE BRANCH, WOULD GIVE OMEN EQUAL RIGHTS IN CHILD-REARING DECISIONS AND THE OMINISTRATION OF FAMILY FINANCES. AT THE SAME TIME, E LEGISLATIVE JUNTA PASSED A LAW GIVING UNICIPALITIES A TOTAL OF 70,000 NEW HOUSING

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NOFORN
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SUBSIDIES FOR LOW-INCOME FAMILIES. PRESIDENT PINOCHET ALSO PERSONALLY ANNOUNCED THIS WEEK THAT THE GOC WAS FORGIVING 90 PERCENT OF POST-DUE DEBTS OF OVER 200,000 WATER SERVICE CUSTOMERS. THIS MEASURE WILL PRIMARILY FAVOR THOSE IN THE LOWEST FOURTH OF THE INCOME STRATA. THE COST TO THE GOVERNMENT WILL BE ABOUT 500 MILLION PESOS (2 MILLION DOLLARS).

9. (U) PINOCHET HAS CONTINUED POLISHING HIS MODERATE, POPULIST IMAGE. SPEAKING TO A GROUP OF SUPPORTERS IN LAS CONDES, HE SAID THAT HIS POLITICAL ADVERSARIES WILL HAVE A PLACE IN THE "NEW DEMOCRACY" HE PLANS TO INAUGURATE. REFERRING TO THE "RENOVATED SOCIALISTS," HE CONCEDED THAT IT WOULD INDEED BE HEALTHY FOR CHILE IF THE SOCIALISTS WERE TO TURN, AS MANY HAVE SUGGESTED, INTO "CHAMPIONS OF PRIVATE PROPERTY."

10. (U) ON SEPTEMBER 7, RN PRESIDENT SERGIO HARPA AND OTHER PARTY MEMBERS WERE ATTACKED AND KICKED WHILE LEAVING A

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S E C R E T SECTION 03 OF 08 SANTIAGO 06481

SECRET/NOFORN

E.O. 12356: DECL:OADR
TAGS: PGOV, PREL, ELAB, PINS, CI
SUBJ: THE CHILEAN PLEBISCITE: SITREP SIX

MEDICAL CLINIC IN TEMUCO. THE CROWD OF SOME
300 PEOPLE REPORTEDLY INCLUDED MEMBERS OF THE
MIR. SPEAKING IN OSORNO, JARPA ACCUSED THE NO
CAMPAIGN OF PERPETRATING "FRAUD" IN ITS PROPAGANDA
BY IMPLYING THAT HAPPINESS, PEACE AND SOCIAL
ACCORD WILL RESULT FROM AN OPPOSITION VICTORY.
"THE TRUE FACE OF THE NO IS AGGRESSION AND
INJURY," HE CHARGED. HE LATER ADMITTED,
HOWEVER, THAT THE ONLY THING THAT HAD
HAPPENED WAS THAT HIS HAT HAD BEEN KNOCKED
OFF, AND ONE OF THE CROWD HAD PICKED IT UP AND
RETURNED IT TO HIM.

1. (U) THE SI CAMPAIGN WAS GIVEN MORE AMMUNITION
FOR ITS CAMPAIGN TO PORTRAY THE OPPOSITION AS THE
FORCES OF CHAOS AND VIOLENCE WHEN FINANCE MINISTER

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PAGE 02 SANTIA 06481 03 OF 08 131448Z

HERNAN BUCHI WAS ATTACKED BY STUDENTS AT THE
UNIVERSITY OF CONCEPCION ON SEPTEMBER 9. WHILE AT
THE UNIVERSITY TO GIVE A SPEECH, BUCHI WAS CONFRONTED
BY A ROWDY GROUP OF ABOUT 100 STUDENTS. HE WAS CUT
IN THE NECK BY A ROCK, AND NARROWLY ESCAPED FURTHER
INJURY AS A HAIL OF ROCKS BROKE THE REAR WINDOW OF

THE CAR IN WHICH HE FLED THE SCENE. HOWEVER, SI CAMPAIGN PARTISANS WERE NOT THE ONLY VICTIMS OF PERSONAL VIOLENCE THIS WEEK. CHRISTIAN DEMOCRATIC PARTY VICE PRESIDENT ANDRES ZALDIVAR WAS SUCCESSFUL IN GETTING COURT ORDERED POLICE PROTECTION FOR HIS HOME AFTER ARSONISTS ATTACKED IT AND BURNED A VEHICLE. THERE HAD BEEN A SERIES OF ATTACKS ON ZALDIVAR'S HOUSE.

12. (S) FURTHER ON POLITICAL VIOLENCE, THAT PCCH LEADERS HAVE EXPRESSED EXTREME SATISFACTION WITH THE HIGH LEVEL OF ACTIVE POPULAR SUPPORT FOR SCHEDULED AND SPONTANEOUS DEMONSTRATIONS WHICH HAVE OCCURRED SINCE PINOCHET WAS NAMED THE CANDIDATE. FOR THE FUTURE, THE FPMR WITH ASSISTANCE FROM THE PCCH IS CREATING NEW OPERATIVE GROUPS AND FORMULATING PLANS FOR VIOLENCE TO BE PUT INTO EFFECT BEGINNING PLEBISCITE DAY. THIS CONFIRMS OTHER INDICATIONS WE HAVE RECEIVED THAT THE COMMUNISTS ARE PLANNING TO AVOID VIOLENCE DURING THE CAMPAIGN PERIOD. [redacted] B1

13. (C) SOURCES IN THE SI CAMPAIGN INFORM US THAT PINOCHET DOES NOT WISH TO ORGANIZE ANY MORE "MASSIVE" DEMONSTRATIONS BETWEEN NOW AND OCTOBER 2, WHEN POLITICAL HEADQUARTERS

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PAGE 03 SANTIA 06481 03 OF 08 131448Z

AND ELECTORAL ACTIVITIES SHUT DOWN. THE PRIMARY REASONS ARE TO AVOID NEGATIVE COMPARISONS WITH THE NO CAMPAIGN, WHICH HAS ALREADY SHOWN IT CAN MOBILIZE PEOPLE IN FAR SUPERIOR NUMBERS. PINOCHET STRATEGISTS ALSO WANT TO AVOID ADVERSE PUBLICITY GIVEN THE PRESENCE OF NO CAMPAIGN CAMERA CREWS EAGER TO FILM INCIDENTS SHOWING MAYORS AND INDENDENTS TRUCKING PEOPLE TO "OBLIGATORY" RALLIES.

THE NO CAMPAIGN
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14. (U) NO CAMPAIGN ACTIVITIES HAVE QUICKENED THEIR PACE, FUELED BY HOPES AND NEW EXPECTATIONS OVER THE LIFTING OF MANY RESTRICTIONS ON POLITICAL MEETINGS AND THE POWERFUL BOOST GIVEN BY THE FREE TV ADVERTISING. WHEREVER THEY APPEAR, SI CAMPAIGNERS ARE BEING CHALLENGED BY YOUTHS FROM THE NO CAMP WHO APPEAR WITH BALLOONS AND THE FESTIVE CAMPAIGN SONG. OVER 100 STUDENTS WERE DETAINED IN COUNTERDEMONSTRATIONS WHEN THE PRESIDENT MADE A BRIEF APPEARANCE THIS WEEK IN VALPARAISO. ON SEPTEMBER 9, A GATHERING ORGANIZED TO PROTEST THE GOVERNMENT'S ADMINISTRATION OF LAND IN EASTER ISLAND WAS TURNED INTO A NO CAMPAIGN DEMONSTRATION, A FIRST FOR THE REMOTE ISLAND RESIDENTS. A TOTAL OF 1,113 VOTERS ARE REGISTERED ON THE ENTIRE ISLAND.

15. (C) PDC LEADER RICARDO HORMAZABAL TOLD POLOFF THAT EVEN BEFORE THE TV SPACE WAS

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AGE 01 SANTIA 06481 04 OF 08 131449Z
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AMEMBASSY BUENOS AIRES

S E C R E T SECTION 04 OF 08 SANTIAGO 06481
SECRET/NOFORN

E.O. 12356: DECL:OADR
TAGS: PGOV, PREL, ELAB, PINS, CI
SUBJ: THE CHILEAN PLEBISCITE: SITREP SIX

OPENED, THEY NOTED AN "EXPLOSION OF PARTICIPATION" IN THE PROVINCES. THE CONSERVATIVE SOUTHERN CITY OF OSORNO HAS HAD THREE GATHERINGS ATTRACTING TWO TO THREE THOUSAND PEOPLE IN THE PAST 20 DAYS. IN 1980, HORMAZABAL HAD TO HOLD CLANDESTINE POLITICAL MEETINGS TO GET THE OPPOSITION'S MESSAGE ACROSS IN AGRICULTURAL TOWNS SUCH AS SAN VINCENTE, A CITY WHICH HAS 17,000 PEOPLE NEAR RANCAGUA. LAST WEEK HE OPENED PDC HEADQUARTERS THERE AND 2000 CAMPESINOS TURNED OUT.

16. (C) ONE KEY TO THE STRONG GRASSROOTS RESPONSE IS THAT THE CAMPAIGN HAS BEEN LEGITIMIZED AND BROADENED ITS BASE. HORMAZABAL SAID THAT THE SEPTEMBER 4 ACUSO RALLY DREW

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PAGE 02 SANTIA 06481 04 OF 08 131449Z

PEOPLE FROM POOR TO WELL-TO-DO, AND ITS APPEAL HAS STRENGTHENED SINCE IT CAME FROM UNION AND PROFESSIONAL ORGANIZATIONS, NOT THE POLITICIANS. THE LARGEST GROUP THAT TURNS OUT AT PROVINCIAL MEETINGS ARE THOSE WHO LACK PARTY AFFILIATION. THEY FEEL PROTECTED, HE SAID, BECAUSE THE MEETINGS ARE NOW OFFICIALLY AUTHORIZED. TO REINFORCE THIS OPENING, NO PARTY LEADERS ARE NOW TRAVELING NON-STOP TO SMALL CITIES (15,000 TO 50,000)

AND PLAN TO CONCENTRATE ON SMALL TOWNS (15,000 AND UNDER) ON SEPTEMBER 21-26. SINCE THE CAMPAIGN BEGAN, FINDING AN OPPOSITION LEADER WHO IS NOT ON A WHISTLESTOP TOUR HAS BEEN EXTREMELY CHANCEY.

17. (U) THE RETURN OF FAMOUS LEFTIST EXILES WILL BE FRONT-PAGE NEWS THROUGHOUT THE REST OF THE CAMPAIGN, HELPING PINOCHET TO IDENTIFY THE POPULAR UNITY (UP) GOVERNMENT WITH THE NO CAMPAIGN. PCCH GENERAL SECRETARY LUIS CORVALAN IS EXPECTED TO GET A MASSIVE WELCOME WHEN HE RETURNS. SO IS ALLENDE'S WIDOW HORTENSIA BUSSI, WHO WILL ARRIVE FROM MEXICO ON SEPTEMBER 16. UP MINISTERS JAIME SUAREZ (SOCIALIST) AND JOSE CADEMARTORI (COMMUNIST) HAVE COME BACK TO MUCH FANFARE. VOLODIO TEITELBOIM'S STATEMENT FROM MOSCOW THAT HE WOULD RETURN TO WORK FOR THE NO CAMPAIGN GOT A FRONT-PAGE HEADLINE IN EL MERCURIO. SO DID EX-ECONOMY MINISTER JOSE CADEMARTORI'S STATEMENT THAT MANY PEOPLE HAVE "GOOD MEMORIES" OF THE UP. ONE PLEASANT SURPRISE CAME FROM FORMER MIR SPOKESMAN JUAN PARRA, WHO ON RETURNING TO CHILE CRITICIZED THE ATTACKS SPONSORED BY THE MIR AS HUMAN RIGHTS VIOLATIONS.

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PAGE 03 SANTIA 06481 04 OF 08 131449Z

18. (C) A DISCORDANT NOTE WAS STRUCK IN THE NO CAMPAIGN BY THE HUMANIST PARTY. AFTER PRESSING FOR THEIR RIGHTS TO HAVE SEPARATE TV SPOTS WITHIN THE 15 MINUTES ALLOCATED TO THE NO, PH PRESIDENT JOSE TOMAS SAENZ AND GENERAL SECRETARY FRANSCISCO GRANELLA SUDDENLY ANNOUNCED THEIR RESIGNATION ON SEPTEMBER 2 TO MAKE WAY FOR YOUNGER LEADERSHIP. SOON STORIES HIT THE PRESS THAT ARGENTINE HUMANIST LEADER MARIO RODRIGUEZ COBO ("SILO"), WHO HAD FOUNDED THE MOVEMENT IN CHILE, INSISTED ON THE TOP LEADERS' REMOVAL FOR OPPOSING HIS INSTRUCTIONS. ON SEPTEMBER 6 SAENZ AND GRANELLA CONFIDED TO US THAT THEY HAD COME UNDER INTENSE PRESSURE FROM SILO AND THE PARTY'S GROWING LEFT WING TO

TAKE A MORE RADICAL POSITION ON THE PLEBISCITE, REFUSING TO RECOGNIZE THE LEGITIMACY OF A SI VICTORY, AND TO USE THE FREE TIME TO PROMOTE THE PARTY'S IDEAS.

19. (U) ON SEPTEMBER 9, THE NATIONAL ELECTORAL SERVICE DECLARED THE PH ILLEGAL, DUE TO THEIR HAVING FAILED TO HAVE A NOTARY PRESENT AT THE ELECTION OF NEW PARTY LEADERS AS REQUIRED BY THE POLITICAL PARTIES LAW. THE PH HAS LEGAL APPEALS TO PURSUE BEFORE THIS RULING BECOMES FINAL, BUT THE PARTY FACES THE REAL POSSIBILITY OF LOSING ITS LEGAL STATUS.

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PAGE 01 SANTIA 06481 05 OF 08 131450Z
ACTION ARA-00

INFO LOG-00 ADS-00 AID-00 INR-10 SS-00 CIAE-00 DODE-00
H-01 NSCE-00 NSAE-00 SSO-00 HA-09 L-03 PM-10
INRE-00 ACDA-12 SP-02 C-01 SSE-01 P-02 /051 W
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131342Z SEP 88
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SECSTATE WASHDC IMMEDIATE 8169

INFO AMEMBASSY BOGOTA IMMEDIATE
AMEMBASSY BRASILIA
AMEMBASSY BUENOS AIRES

S E C R E T SECTION 05 OF 08 SANTIAGO 06481

SECRET/NOFORN

E.O. 12356: DECL:OADR
TAGS: PGOV, PREL, ELAB, PINS, CI
SUBJ: THE CHILEAN PLEBISCITE: SITREP SIX

20. (C) THE HUMANISTS' DISSOLUTION MAY HURT THE NO CAMPAIGN EFFORT TO HAVE PARTY REPRESENTATIVES (APODERADOS) IN EVERY POLLING PLACE. GENARO ARRIAGADA ACKNOWLEDGED THAT THE CAMPAIGN HAS NOT REACHED ITS TARGET OF 66,000 APODERADOS, ASSURING COVERAGE FOR ALL OF THE 22,000 VOTING TABLES THROUGHOUT CHILE. THE PDC HAS TRAINED 15,000 AND WILL RECRUIT ANOTHER 4,000 WITH MINIMAL PREPARATION. THE PPD HAS ANOTHER 14,000. THE HUMANISTS HAD 5,000 APODERADOS, BUT ARE NOT PROHIBITED FROM HAVING OTHER PARTIES USE THEIR POLLING REPRESENTATIVES. PPD LEADERS HAVE TOLD US THAT THE ALMEYDISTA SOCIALISTS WILL FILL OUT THEIR APODERADO SLOTS, AND IN SOME AREAS HAVE PLACED THEIR LEADERS AT THE DISPOSAL OF THE NO

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CAMPAIGN. THE AREAS OF LEAST COVERAGE REMAIN THE POOR SETTLEMENTS AROUND SANTIAGO. PSD PRESIDENT EUGENIO VELASCO TOLD DCM SEPT. 12 THAT HE WAS CONFIDENT THAT THE APPEALS PROCESS WOULD NOT BE COMPLETED UNTIL AFTER THE PLEBISCITE, AND THEREFORE THE HUMANIST APODERADOS WOULD STILL BE ABLE TO FUNCTION ON OCTOBER 5.

INDEPENDENTS
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21. (U) BISHOPS BERNARDINO PINERA AND FRANCISCO COX OF LA SERENA AND THE SOCIAL COMMITTEE OF THE SANTIAGO ARCHDIOCESE HAVE SENT OUT PASTORAL INSTRUCTIONS COUNSELING CATHOLICS TO VOTE THEIR CONSCIENCE, FREE FROM ANY OUTSIDE PRESSURE IN THE PLEBISCITE. THEY URGE PARISHIONERS TO STUDY THE ISSUES AND NOT BE SWAYED BY EMOTIONAL ISSUES, AND TO KEEP IN MIND ABOVE ALL THAT THEIR VOTE IS SECRET.

22. (U) IN A PRESS CONFERENCE ON SEPTEMBER 8, BISHOP GOIC OF CONCEPCION SAID THAT ALTHOUGH SOME OF THE CONDITIONS FOR A LEGITIMATE PLEBISCITE WERE BEING MET, POORER CITIZENS WERE BEING FACED WITH GROWING ARRAY OF PRESSURES WHICH VIOLATED THEIR DIGNITY AND THEIR RIGHT TO DECIDE THEIR CHOICE IN PRIVATE. HE DENOUNCED THAT THE PEOPLE WERE BEING FORCED TO PARTICIPATE IN PUBLIC MEETINGS OR SIGN DECLARATIONS OF SUPPORT FOR THE GOC CANDIDATE UNDER THE THREAT OF BEING FIRED OR FAVORS BEING WITHHELD. EXAMPLES OF GOC INTIMIDATION TACTICS BY MSR. GOIC ARE DETAILED IN

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PAGE 03 SANTIA 06481 05 OF 08 131450Z

SANTIAGO 6310.

3. (C) JAVIER LUIS EGANA, DIRECTOR OF PROJECT BELEN, INFORMED POLOFF THAT THREE OF THE MEMBERS OF THE BISHOPS' PERMANENT COMMITTEE WILL BE IN SANTIAGO DURING THE PLEBISCITE -- EPISCOPAL CONFERENCE PRESIDENT CARLOS GONZALES OF TALCA, SECRETARY SERGIO CONTRERAS OF TEMUCO, AND CARDINAL JUAN FRANCISCO FRESNO. THEY WILL EVALUATE POLLING RESULTS FROM THE NO CAMPAIGN, THE MINISTRY OF INTERIOR, AND THE COMMITTEE IN FREE ELECTIONS, AS WELL AS REPORTS OF VOTING CONDITIONS AND ANY IRREGULARITIES TO BE PHONED OR TELEXED IN FROM MONITORING TEAMS THROUGHOUT THE COUNTRY. THE TEAMS, WHICH HAVE BEEN SET UP THROUGH THE BELEN PROJECT IN NEARLY EVERY DIOCESE, ARE WORKING DIRECTLY WITH EACH DIOCESE. THEY ARE BEING ADVISED NOT TO MAKE SEPARATE STATEMENTS OR TO BRIEF OUTSIDE

OBSERVERS, SINCE ANY PUBLICITY WOULD PROVE TO BE COUNTERPRODUCTIVE.

THE PRIVATE SECTOR

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24. (C) THE HEAD OF A LARGE ORGANIZATION REPRESENTING RETAIL SALES FIRMS EXPLAINED TO EMBASSY OFFICIALS THIS WEEK THAT SUCH SMALL FRIMS ARE NOT UNIFORMLY BEHIND THE "SI" DESPITE THE CURRENT GOVERNMENT'S FREE MARKET POLICIES. THE REASONS FOR THE LACK OF SUPPORT ARE VARIED,

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AGE 01 SANTIA 06481 06 OF 08 131451Z
CTION ARA-00

FO	LOG-00	ADS-00	AID-00	INR-10	SS-00	CIAE-00	DODE-00
	H-01	NSCE-00	NSAE-00	SSO-00	HA-09	L-03	PM-10
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EMBASSY BRASILIA
EMBASSY BUENOS AIRES

S E C R E T SECTION 06 OF 08 SANTIAGO 06481
SECRET/NOFORN

E.O. 12356: DECL:OADR
TAGS: PGOV, PREL, ELAB, PINS, CI
SUBJ: THE CHILEAN PLEBISCITE: SITREP SIX

BUT CHIEF AMONG THEM ARE THAT SMALL FIRMS HAVE BEEN TAKEN FOR GRANTED BOTH BY THE GOVERNMENT AND BY LARGER BUSINESS ORGANIZATIONS. SMALL RETAILERS ARE STILL STRUGGLING WITH DEBT INCURRED IN THE 1978-1982 PERIOD AND HAVE NOT BENEFITED AS FULLY FROM THE SUBSEQUENT RECOVERY AS OTHER SECTORS OF THE ECONOMY. ALSO, MANY SMALL RETAILERS HAVE BEEN TOUCHED IN ONE WAY OR ANOTHER BY THE GOVERNMENT'S REPRESSION. WE WERE TOLD THAT WHILE SUCH FIRMS WOULD BENEFIT FROM AN ADJUSTMENT OF THE UNIDAD DE FOMENTO (UF) (THE UNIT OF ACCOUNT FOR DEBT INSTRUMENTS), OTHER SECTORS OF THE BUSINESS COMMUNITY WOULD BE HURT. SMALL RETAILERS ARE NOT COUNTING ON A CHANGE. EMBOFFS WERE TOLD THAT THE GOVERNMENT IS COUNTING ON MOST OF THE 300,000 - 1,000,000 MILLION VOTES
SECRET

SECRET

PAGE 02 SANTIA 06481 06 OF 08 131451Z

IN THE RETAIL SALES SECTOR (OWNERS AND EMPLOYEES), BUT THAT, IN FACT, A SIGNIFICANT SHARE OF THIS VOTE WILL GO TO THE "NO" CAMPAIGN.

THE SECURITY FORCES

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5. (U) IN HIS INTERVIEW FOR EL MERCURIO MAGAGINE THIS WEEK, A SMILING, RELAXED PINOCHET DECLINED TO SAY WHEN HE WOULD STEP DOWN AS ARMY COMMANDER IN CHIEF. INDICATING THAT HE TOOK EACH DECISION WHEN THE RIGHT MOMENT CAME, HE COQUETTISHLY MENTIONED THAT SOONER RATHER THAN LATER HE WOULD HAVE TO NAME A NEW ARMY COMMANDER. HE SAID UNEQUIVOCALLY HE WOULD

RESPECT THE RESULTS IF THE NO WON THE PLEBISCITE, BUT DOUBTED THE OPPOSITION WOULD RETURN THE FAVOR. ASKED HOW HE WOULD GET ALONG WITH A CONGRESS AND REDUCED POWERS, HE RESPONDED EMOTIONALLY THAT HE KNEW AND HAD WORKED UNDER A DEMOCRATIC SYSTEM, AND LIVED TO SEE THE DESTRUCTION OF THAT DEMOCRACY. "I AM A DEMOCRAT AND WILL FIGHT FOR DEMOCRACY," HE ADDED.

26. (S) PINOCHET'S RELAXED MANNER IS PARTIALLY BASED ON CONFIDENCE THAT HE HAS THE ARMED FORCES UNITED BEHIND HIM. A CHILEAN GENERAL OFFICER COMMENTED THAT THE PLEBISCITE CANDIDATE NOMINATING MEETING ON 30 AUGUST WAS NEITHER ACRIMONIOUS NOR DIVISIVE IN SPITE OF HESITATION ON THE PART OF CARABINERO DIRECTOR GENERAL STANGE TO NOMINATE PINOCHET AND CONDITIONS LEVIED ON PINOCHET PRIOR TO THE MEETING BY THE OTHER JUNTA MEMBERS IN EXCHANGE FOR THEIR SUPPORT

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PAGE 03 SANTIA 06481 06 OF 08 131451Z

OF HIS NOMINATION. HOWEVER, ELEMENTS OF THE MILITARY MAY ENTERTAIN DOUBTS ABOUT HIS EFFECTIVENESS AS A CAMPAIGNER. CHILEAN ARMY OFFICERS AND CIVILIAN POLITICAL ANALYSTS FOUND PINOCHET'S SPEECHES ON 30 AUGUST TO BE OVERLY BLAND AND LACKING IN ANY SORT OF PRE-CAMPAIGN STIMULATION.

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27. (S) SEVERAL FIELD GRADE ARMY OFFICERS BELIEVE THE LOW LEVEL OF CIVIL DISTURBANCES AFTER THE NOMINATION ON 30 AUGUST IS AN INDICATION THAT THE GOVERNMENT HAS MORE POPULAR SUPPORT THAN IT DID IN 1983. ANOTHER ARMY OFFICER COMMENTED THAT THE VIOLENT ACTIVITIES OF THE NIGHT WERE CARRIED OUT BY EXTREMISTS IN THE FPMR, MIR AND LAURTARO FACTION OF MAPU. SINCE THESE GROUPS ARE BEING SUBMERGED IN GENERAL CIVIL DISTURBANCES AND PRODUCING NO DRAMATIC NEW TERRORISM MATERIAL, THE GOVERNMENT HAS RESORTED TO RETROSPECTIVES TO RECALL SPECTACULAR TERRORIST INCIDENTS OF THE PAST TO FUEL ITS CAMPAIGN ON

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POLITICAL VIOLENCE. THE ANNIVERSARY OF THE ASSASSINATION ATTEMPT AGAINST PRESIDENT PINOCHET IN 1986 WAS GIVEN WIDE PUBLICITY WITH THE PRESIDENT PRAYING WITH THE FAMILY OF A GUARD KILLED IN THAT INCIDENT. SIMILARLY, THE 1987 KIDNAPPING BY THE FPMR OF LT. COLONEL CARLOS CARRENO WAS REENACTED FOR THE TELEVISION CAMERAS WITH THE COLONEL PLAYING HIMSELF.

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AGE 01 SANTIA 06481 07 OF 08 131451Z
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EMBASSY BRASILIA
EMBASSY BUENOS AIRES

E C R E T SECTION 07 OF 08 SANTIAGO 06481

SECRET/NOFORN

E.O. 12356: DECL:OADR
TAGS: PGOV, PREL, ELAB, PINS, CI
SUBJ: THE CHILEAN PLEBISCITE: SITREP SIX

THE MEDIA

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28. (U) THE BIGGEST CAMPAIGN STORY THIS WEEK IS TELEVISION. THE 15 MINUTES FOR BOTH THE "NO" AND THE "SI" APPARENTLY HAVE A MUCH LARGER AUDIENCE THAN HAD BEEN PREDICTED. CHANNEL 13 SAYS THAT DURING THE HALF HOUR PROGRAM, ITS RATINGS FELL ONLY FIVE PERCENT. ALL OF CHILE IS TALKING ABOUT THE QUALITY OF THE ADS, AND EXCEPT FOR SOME FERVENT PINOCHET SUPPORTERS, THE CONSENSUS IS CLEARLY THAT THE "NO" ADS ARE SUPERIOR, MORE INTERESTING, AND "BETTER TELEVISION." PINOCHET HAS BEEN ADVISED BY SOFOFA REPRESENTATIVES, AMONG OTHERS, THAT THE "SI" ADS ARE COMING OFF SECOND BEST, AND REPORTEDLY HAS ANGRILY ORDERED DINACOS, THE

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PAGE 02 SANTIA 06481 07 OF 08 131451Z

GOVERNMENT PRESS ASSOCIATION, WHO PRODUCES THE ADS, BACK TO THE DRAWING BOARDS.

29. (U) BESIDES THE NOVELTY OF SEEING THE "NO" ADVERTISED ON GOVERNMENT CHANNEL 7, OTHER NEW AND POWERFUL IMAGES HAVE BEEN THE APPEARANCE OF BAR ASSOCIATION PRESIDENT ALEJANDRO HALES ON TELEVISION FOR THE FIRST TIME IN 15 YEARS, NOT-SO-GENTLE CHIDING OF PINOCHET AND MEMBERS OF THE JUNTA FOR NOT RELINQUISHING POWER, AS THEY HAVE EACH SAID IN THE PAST THEY WOULD AND A MINI-DOCUMENTARY ABOUT THE 7-YEAR OLD SON OF AN EXILED FAMILY RETURNING TO CHILE FROM SWEDEN. STILL TO COME IS AN INTERVIEW WITH CARMEN GLORIA QUINTANA, THE BURNING VICTIM. THE OPPOSITION THEME SONG AND IMAGES ARE LIVELIER, LIGHTER, AND MORE MEMORABLE. THE "SI" FEATURES ESTABLISHMENT SINGERS IN A FORMAL SETTING SINGING TO EACH OTHER IN OPERA STYLE.

30. (C) NATIONAL ELECTORAL SERVICE DIRECTOR JUAN IGNACIO GARCIA TOLD POLOFF THAT THE SI PUBLICITY IS "VERY BAD" AND POORLY FOCUSED. "WHILE THE OPPOSITION IS TALKING ABOUT A NEW LIGHT-HEARTED CHILE, THE "SI" IS LOOKING AT THE PAST AND USING HEAVY-HANDED HORROR FOOTAGE." (HE WAS REFERRING TO THE MUCH-CRITICIZED SHOTS OF TERRORISTS ATTACKING A WOMAN AND CHILD IN A CAR OUTSIDE LA MONEDA (SEE SITREP ONE). UDI FOR THE SI JAIME GUZMAN TOLD BRAZILIAN DIPLOMATS THAT ON A SCALE OF 7 TO 1, THE NO ADS GET A 7 AND THE SI A 4. WHILE THE RN AND UDI SEGMENTS FOR THE SI CAMPAIGN ARE FAIRLY UPBEAT, THEY ARE STILL

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STULTIFIED IN COMPARISON WITH THE EASY, NATURAL FLOW OF THE NO ADVERTISING. THE PRESENTATIONS BY ARTURO VENEGAS (DISSIDENT SOCIAL DEMOCRATIC), SERGIO MIRANDA AND BY TWO SEPTOGENARIANS FROM RADICAL DEMOCRACY WERE, AS EXPECTED, A LIABILITY.

31. (U) ALTHOUGH ALL GOVERNMENT POLITICAL ADS WERE NOT REMOVED FROM TELEVISION ON SEPTEMBER 5, AS PROMISED BY THE DIRECTOR OF THE TELEVISION AND RADIO COUNCIL, THERE HAS BEEN A DRAMATIC DROP IN THE NUMBER OF ADS. ALL ADS ASKING VOTERS DIRECTLY TO VOTE "SI" HAVE BEEN TAKEN OFF THE AIR, AND SOME, SUCH AS THE DO YOU WANT TO RETURN TO THE UP? YOU DECIDE. SI." CHANNEL 7 SUFFERED A BRIEF LAPSE ON TUESDAY, SEPTEMBER 6, WHEN IT RAN FOUR "SOMOS MILLIONES, SI" ADS BUT SINCE THEN THERE HAVE BEEN NO ADS CONTAINING THE WORD "SI" OR DIRECTLY ADVISING PEOPLE HOW TO VOTE. CHANNEL 11 HAS DROPPED ALL POLITICAL ADVERTISING, INCLUDING THE SOFT SELL PRO-GOVERNMENT ADS "LA LIBRE EMPRESA CREA" PRODUCED BY SOFOFA. CHANNEL 13 HAS AIRED "SOMOS MILLIONES" WITHOUT THE ":," AND THE SOFOFA ADS MUCH LESS FREQUENTLY THAN BEFORE.

32. (U) THE COURT HAS GIVEN THE TELEVISION CHANNELS FIVE DAYS TO PRESENT EVIDENCE FOR CONSIDERATION IN THE NO CAMPAIGN'S SUIT FOR EQUAL TIME TO REPLY TO PINOCHET'S FIRESIDE CHAT OF AUGUST 31. "SI" ADVOCATES MAY HAVE SIDESTEPPED THE LAW OF EQUAL TIME ON SEPTEMBER 4 WHEN PINOCHET HAD A 25-MINUTE INTERVIEW ON CHANNEL 7. PRESENTED AS A PRESS ITEM,

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PAGE 01 SANTIA 06481 08 OF 08 131452Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-10	SS-00	CIAE-00	DODE-00
	H-01	NSCE-00	NSAE-00	SSO-00	HA-09	L-03	PM-10
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131342Z SEP 88
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 8172
INFO AMEMBASSY BOGOTA IMMEDIATE
AMEMBASSY BRASILIA
AMEMBASSY BUENOS AIRES

S E C R E T SECTION 08 OF 08 SANTIAGO 06481

SECRET/NOFORN

E.O. 12356: DECL:OADR

TAGS: PGOV, PREL, ELAB, PINS, CI
SUBJ: THE CHILEAN PLEBISCITE: SITREP SIX

THE INTERVIEW WAS CONDUCTED BY NOELIA MIRANDA, PRESS ATTACHE, CHILEAN MISSION TO THE UNITED NATIONS. OPENINGS FOR THE OPPOSITION ON THE NEWS HAVE IMPROVED LATELY, BOTH IN QUALITY AND QUANTITY. RICARDO LAGOS THIS WEEK ON CHANNEL 13 CRITICIZED THE GOVERNMENT FOR "ACTS AGAINST THE DEMONSTRATORS OF THE 'NO'" DURING THE RALLY ON SUNDAY.

OPINION POLLS

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33. (U) THE ONLY NEW OPINION POLL PUBLISHED THIS WEEK CAME FROM LEFTIST THINK-TANK CIS. CONDUCTED IN GREATER SANTIAGO, IT CONFIRMED THAT THE METROPOLITAN REGION IS FIRMLY IN THE "NO" CAMP, SHOWING A SI/NO

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SPLIT OF 20/43. IN A SEPARATE QUESTION, 67 PERCENT AGREED THAT "THERE MUST BE A CHANGE OF PRESIDENT" WHILE ONLY 21 PERCENT FELT THAT "PINOCHET SHOULD CONTINUE." AS REPORTED PREVIOUSLY BY OTHER POLLSTERS, SANTIAGUINOS INCREASINGLY RECOGNIZE THE ECONOMIC PROGRESS BEING EXPERIENCED BY THE COUNTRY. CIS NOTED THAT 53 PERCENT SAID THERE HAD BEEN ECONOMIC IMPROVEMENT UNDER THE CURRENT GOVERNMENT (34 PERCENT DISAGREED), UP FROM 48 PERCENT IN MAY. COMMENT: THE OBVIOUS CONCLUSION IS THAT A CONTINUATION OF PINOCHET'S PRESIDENCY IS NOT SEEN BY MOST VOTERS AS NECESSARY FOR CONTINUED ECONOMIC PROGRESS. EFFORTS BY THE SI CAMPAIGN TO LINK A SI VOTE TO THE ECONOMY, RATHER THAN TO THE CANDIDATE HIMSELF, COMPRISE A TACIT ADMISSION THAT PINOCHET'S IMAGE IS A NEGATIVE FACTOR IN THE CAMPAIGN, AND ONE TO BE DOWNPLAYED OR AVOIDED. END COMMENT.

34. (U) IN AN MFA BRIEFING FOR AMBASSADORS, SKOPUS, GOVERNMENT SPONSORED POLLING FIRM, RELEASED A REPORT OF ITS LATEST NATIONAL POLL (PREVIOUSLY

REPORTED) GIVING THE SI A 39/33 EDGE, AND PREDICTING A 59/41 VICTORY FOR THE SI. THE REPORT IS THE FIRST TO BE RELEASED PUBLICLY BY SKOPUS, REVEALS VIRTUALLY NO DATA EXCEPT THE SI/NO RATIO, AND DESIGNED PRIMARILY TO DEFLECT CRITICISM OF OPERATING IN SECRECY AND NOT DIVULGING ITS METHODOLOGY.

35. (U) CARLOS HUNEEUS INFORMED US THAT CERC'S POST-NOMINATION POLL (NATIONWIDE) IS NOW IN THE FIELD AND SHOULD BE AVAILABLE TO US BY SEPTEMBER 23.

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PAGE 03 SANTIA 06481 08 OF 08 131452Z

INTERNATIONAL COMMUNITY

36. (U) THERE WERE THREE GROUPS IN TOWN THIS WEEK FROM HUMAN RIGHTS ORGANIZATIONS UPDATING THEIR INFORMATION ON CHILE BEFORE THE PLEBISCITE. WOLA REPRESENTATIVE VIRGINIA BOUVIER ACCOMPANIED BRITISH M.P. GEORGE FOULKES AND OTHERS FROM THE CATHOLIC INSTITUTE OF INTERNATIONAL RELATIONS. AMERICAS WATCH'S CYNTHIA BROWN IS HERE AND WILL REMAIN THROUGH THE PLEBISCITE. AN INTERNATIONAL HUMAN RIGHTS LAW GROUP DELEGATION, INCLUDING THE AMERICAN ENTERPRISE INSTITUTE'S MARK FALCOFF, ALSO ARRIVED. FALCOFF TOLD US HE WILL RETURN IN THE NATIONAL DEMOCRATIC INSTITUTE'S OBSERVER DELEGATION FOR THE PLEBISCITE. ALL THREE GROUPS CALLED ON THE AMBASSADOR. JONES

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UNCLASSIFIED
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EXCISE

PAGE 01 SANTIA 06481 01 OF 08 131446Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-10	SS-00	CIAE-00	DODE-00
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Chile Project (#S199900030)
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SECTION 01 OF 08 SANTIAGO 06481
SECRET/NOFORN

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E.O. 12356: DECL:OADR
TAGS: PGOV, PREL, ELAB, PINS, CI
SUBJ: THE CHILEAN PLEBISCITE: SITREP SIX
(SEPTEMBER 4 - SEPTEMBER 10)

1. (U) THIS IS THE SIXTH IN A SERIES OF WEEKLY SITREPS REPORTING DEVELOPMENTS RELEVANT TO THE UPCOMING CHILEAN PLEBISCITE WHICH WILL APPROVE OR DISAPPROVE AN EIGHT YEAR TERM FOR CURRENT PRESIDENT AUGUSTO PINOCHET. THE PLEBISCITE WILL BE HELD ON OCTOBER 5.

2. (C) SUMMARY AND CONCLUSIONS: THE PLEBISCITE'S WAR OF TELEVISION BEGAN IN EARNEST THIS WEEK WITH THE INITIATION OF THE 30 MINUTES OF FREE AIR TIME FOR THE "SI" AND "NO" CAMPAIGNS. COMPARING THE MERITS OF THE TWO SIDES' SPOTS HAS TAKEN ON THE AIR OF A SPORTS COMPETITION WITH AVID VIEWERS HOTLY DEBATING WHO CAME OUT ON TOP EACH NIGHT. THE CLEAR CONSENSUS IS THAT THE

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"NO" CAMPAIGN IS PUTTING OUT BETTER TELEVISION. BOTH CAMPS ARE USING MODERN ADVERTISING TECHNIQUES AND PROJECTING "FEEL GOOD" IMAGES WHICH PROMPTED ONE U.S. REPORTER TO SAY, "I HAVE SEEN THE FUTURE OF CHILE, AND IT IS A MCDONALD'S AD." PINOCHET ADHERENTS ARE REPORTEDLY TRYING TO IMPROVE THEIR SPOTS WHICH ARE COMING ACROSS AS LESS COHERENT AND TOO HEAVY-HANDED. ASSOCIATING POLITICAL VIOLENCE WITH THE NO CAMPAIGN HAS EMERGED AS A CENTRAL THEME OF GOVERNMENT PROPAGANDA,
ALTHOUGH THERE HAS BEEN LITTLE GRIST FOR THAT MILL. A "UNITED LEFT" RALLY SEPTEMBER 10, WITH PROMINENT COMMUNIST PARTICIPATION, WAS ENTIRELY PEACEFUL. THE HIGHER PROFILE OF COMMUNISTS AND SOCIALISTS, HOWEVER, FOLLOWING THE RETURN OF MANY OF THEIR LEADERS FROM EXILE, HAS GIVEN THE "SI" CAMPAIGN AN OPENING TO LINK THE OPPOSITION TO THE BAD OLD DAYS OF ALLENDE.

3. (C) MEANWHILE, EFFORTS TO BOOST THE NEW, MODERATE, DEMOCRATIC PINOCHET INCLUDED MORE ANNOUNCEMENTS OF GOVERNMENT LARGESSE FOR WOMEN AND LOWER-INCOME FAMILIES. HOWEVER, THE CANDIDATE WILL REPORTEDLY AVOID CALLING MASS DEMONSTRATIONS GIVEN THE "SI" CAMPAIGN'S INABILITY TO TURN OUT CROWDS COMPARABLE TO THOSE PRODUCED BY THE "NO." FOLLOWING THEIR MASSIVE SHOWING AT THE RALLY IN SANTIAGO LAST WEEK, THE NO CAMPAIGN CONTINUES ON A ROLL WITH GOOD CROWDS IN THE PROVINCES. ONE MEMBER OF THE NO COALITION, THE CONTROVERSIAL HUMANIST PARTY, IS IN TROUBLE WITH THE NATIONAL ELECTORAL SERVICE

UNCLASSIFIED
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WHICH QUESTIONS THE PARTY'S LEGALITY AFTER IT ABRUPTLY REPLACED ITS PRESIDENT AND SECRETARY GENERAL LAST WEEK IN PROCEEDINGS WHICH DID NOT MEET THE REQUIREMENTS OF THE ELECTORAL LAW.

4. (C) ALTHOUGH ALL GOVERNMENT POLITICAL ADS WERE NOT REMOVED FROM TELEVISION AS PROMISED,

THERE HAS BEEN A DRAMATIC DROP IN THEIR NUMBER, AND OPPOSITION LEADERS ARE GETTING MORE COVERAGE ON NEWS PROGRAMS. LESS ENCOURAGING ARE REPORTS OF CONTINUED GOVERNMENT PRESSURE ON RURAL RESIDENTS TO SUPPORT THE PINOCHET CANDIDACY. NOTABLY, THE BISHOP OF CONCEPCION DENOUNCED LOCAL OFFICIALS' INTIMIDATION OF VOTERS. THE CHURCH IS EXPECTED TO CLOSELY MONITOR THE PROGRESS OF VOTING ON PLEBISCITE DAY. INTERNATIONAL HUMAN RIGHTS GROUPS WILL BE DOING THE SAME, AND DELEGATIONS FROM SEVERAL WERE IN CHILE THIS WEEK TO UPDATE THEIR INFORMATION IN ANTICIPATION OF THAT EFFORT. END SUMMARY AND CONCLUSIONS.

RULES OF THE GAME

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5. (U) THIS WEEK DEPARTMENT OF INTERIOR UNDERSECRETARY, ALBERTO CARDEMIL RELEASED THE GOVERNMENT'S REGULATIONS FOR THE ACTIVITIES OF THE MILITARY AND CARABINEROS ON THE DAY OF THE PLEBISCITE AND THE TWO-DAY PERIOD IMMEDIATELY PRECEDING THE EVENT. THESE ORDERS INCLUDE THE SUSPENSION OF ALL

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INFO	LOG-00	ADS-00	AID-00	INR-10	SS-00	CIAE-00	DODE-00
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AMEMBASSY BUENOS AIRES

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SECTION 02 OF 08 SANTIAGO 06481
SECRET/NOFORN

E.O. 12356: DECL:OADR
TAGS: PGOV, PREL, ELAB, PINS, CI
SUBJ: THE CHILEAN PLEBISCITE: SITREP SIX

FIREARM PERMITS WITHIN 48 HOURS OF THE PLEBISCITE AND A PROHIBITION AGAINST ANYONE ESCORTING A VOTER INSIDE A 20-METER RADIUS OF THE POLLING PLACE ON ELECTION DAY. POLLING OFFICIALS WILL BE GIVEN THE AUTHORITY TO COMMAND WHATEVER FORCES NECESSARY, INCLUDING THE ARMED FORCES, TO INSURE FREE ACCESS TO POLLING LOCATIONS. FURTHERMORE, ANY VOTER MAY ASK THE PRESIDENT OF THE VOTING TABLE TO CLEAR THE POLLING AREA IF THAT INDIVIDUAL FEELS HIS RIGHT OF FREE VOTING ACCESS IS BEING COMPROMISED.

. (C) COMMENT: THE PRESENCE OF MILITARY PERSONNEL AT POLLING PLACES IS A SENSITIVE ISSUE. IN THE NO CAMPAIGN TV BROADCAST ON SEPTEMBER 8, MODERATOR PATRICIO BANADOS

UNCLASSIFIED
SECRET

PAGE 02 SANTIA 06481 02 OF 08 131447Z

REMINDED NEW VOTERS THEY WOULD SEE MILITARY PATROLS NEAR THE POLLS BUT SHOULD NOT BE DISARMED, SINCE THE CARABINEROS AND ARMED FORCES

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NOFORN
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HAVE ALWAYS BEEN RESPONSIBLE FOR GUARANTEEING PUBLIC ORDER IN CHILEAN ELECTIONS. WE NOTE WITH INTEREST THAT THE LATEST REGULATIONS OMIT ANY MENTION OF THE TRADITIONAL PROHIBITION ON ARMED FORCES' PRESENCE WITHIN 20 METERS OF THE POLLS, WHICH IS REITERATED IN ARTICLE 114 OF THE RECENTLY PASSED VOTING LAW. END COMMENT.

7. (U) THE REGULATIONS ALSO INCLUDE SPECIFIC INSTRUCTIONS FOR THE TREATMENT OF FOREIGN VISITORS OBSERVING THE POLLING PROCESS. FOREIGN VISITORS WILL BE EXTENDED THE SAME RIGHTS OF VIEWING THE POLLING PROCESS AS RESIDENT JOURNALISTS OR CITIZENS, PROVIDED THEIR PRESENCE DOES NOT OBSTRUCT THE VOTING PROCESS. (AN INSTRUCTION THAT FOREIGN VISITORS MUST REFRAIN FROM INTERFERING IN THE POLITICAL PROCESS WAS REITERATED IN A RECENT DIPLOMATIC NOTE RECEIVED BY FOREIGN EMBASSIES IN CHILE.) THE CONCERN REMAINS THAT THOSE VOTING TABLE PRESIDENTS WHO ARE PRO-GOVERNMENT, OR SIMPLY ANTI-FOREIGN, COULD AT ANY TIME ASK THE MILITARY TO CLEAR THE AREA OF ALL BYSTANDERS AND OBSERVERS. WHETHER THIS WILL IN FACT HAPPEN WE WILL SEE ON OCTOBER 5.

THE SI CAMPAIGN

. (U) AS EXPECTED, PINOCHET IS MAKING FULL USE OF GOVERNMENT POWERS AND PREROGATIVES TO BOOST HIS

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SECRET

CANDIDACY. BEFORE AN ENTHUSIASTIC THRONG OF THOUSANDS OF WOMEN IN VALPARAISO, PRESIDENT PINOCHET ANNOUNCED ON SEPTEMBER 8 THAT HE WAS SPONSORING LEGISLATION TO IMPROVE THE LEGAL STATUS OF MARRIED WOMEN. THE PROPOSED BILL, WHICH HAS BEEN UNDER STUDY THE PAST YEAR BY THE EXECUTIVE BRANCH, WOULD GIVE WOMEN EQUAL RIGHTS IN CHILD-REARING DECISIONS AND THE ADMINISTRATION OF FAMILY FINANCES. AT THE SAME TIME, THE LEGISLATIVE JUNTA PASSED A LAW GIVING MUNICIPALITIES A TOTAL OF 70,000 NEW HOUSING

SUBSIDIES FOR LOW-INCOME FAMILIES. PRESIDENT PINOCHET ALSO PERSONALLY ANNOUNCED THIS WEEK THAT THE GOC WAS FORGIVING 90 PERCENT OF POST-DUE DEBTS OF OVER 200,000 WATER SERVICE CUSTOMERS. THIS MEASURE WILL PRIMARILY FAVOR THOSE IN THE LOWEST FOURTH OF THE INCOME STRATA. THE COST TO THE GOVERNMENT WILL BE ABOUT 500 MILLION PESOS (2 MILLION DOLLARS).

9. (U) PINOCHET HAS CONTINUED POLISHING HIS MODERATE, POPULIST IMAGE. SPEAKING TO A GROUP OF SUPPORTERS IN LAS CONDES, HE SAID THAT HIS POLITICAL ADVERSARIES WILL HAVE A PLACE IN THE "NEW DEMOCRACY" HE PLANS TO INAUGURATE. REFERRING TO THE "RENOVATED SOCIALISTS," HE CONCEDED THAT IT WOULD INDEED BE HEALTHY FOR CHILE IF THE SOCIALISTS WERE TO TURN, AS MANY HAVE SUGGESTED, INTO "CHAMPIONS OF PRIVATE PROPERTY."

10. (U) ON SEPTEMBER 7, RN PRESIDENT SERGIO ARPA AND OTHER PARTY MEMBERS WERE ATTACKED AND KICKED WHILE LEAVING A

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AMEMBASSY BRASILIA
AMEMBASSY BUENOS AIRES

S E C R E T SECTION 03 OF 08 SANTIAGO 06481
SECRET/NOFORN

E.O. 12356: DECL:OADR
TAGS: PGOV, PREL, ELAB, PINS, CI
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MEDICAL CLINIC IN TEMUCO. THE CROWD OF SOME
100 PEOPLE REPORTEDLY INCLUDED MEMBERS OF THE
MIR. SPEAKING IN OSORNO, JARPA ACCUSED THE NO
CAMPAIGN OF PERPETRATING "FRAUD" IN ITS PROPAGANDA
BY IMPLYING THAT HAPPINESS, PEACE AND SOCIAL
ACCORD WILL RESULT FROM AN OPPOSITION VICTORY.
"THE TRUE FACE OF THE NO IS AGGRESSION AND
INJURY," HE CHARGED. HE LATER ADMITTED,
HOWEVER, THAT THE ONLY THING THAT HAD
HAPPENED WAS THAT HIS HAT HAD BEEN KNOCKED
OFF, AND ONE OF THE CROWD HAD PICKED IT UP AND
RETURNED IT TO HIM.

1. (U) THE SI CAMPAIGN WAS GIVEN MORE AMMUNITION
FOR ITS CAMPAIGN TO PORTRAY THE OPPOSITION AS THE
FORCES OF CHAOS AND VIOLENCE WHEN FINANCE MINISTER
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PAGE 02 SANTIA 06481 03 OF 08 131448Z

HERNAN BUCHI WAS ATTACKED BY STUDENTS AT THE
UNIVERSITY OF CONCEPCION ON SEPTEMBER 9. WHILE AT
THE UNIVERSITY TO GIVE A SPEECH, BUCHI WAS CONFRONTED
BY A ROWDY GROUP OF ABOUT 100 STUDENTS. HE WAS CUT
ON THE NECK BY A ROCK, AND NARROWLY ESCAPED FURTHER
INJURY AS A HAIL OF ROCKS BROKE THE REAR WINDOW OF

THE CAR IN WHICH HE FLED THE SCENE. HOWEVER, SI CAMPAIGN PARTISANS WERE NOT THE ONLY VICTIMS OF PERSONAL VIOLENCE THIS WEEK. CHRISTIAN DEMOCRATIC PARTY VICE PRESIDENT ANDRES ZALDIVAR WAS SUCCESSFUL IN GETTING COURT ORDERED POLICE PROTECTION FOR HIS HOME AFTER ARSONISTS ATTACKED IT AND BURNED A VEHICLE. THERE HAD BEEN A SERIES OF ATTACKS ON ZALDIVAR'S HOUSE.

12. (S) FURTHER ON POLITICAL VIOLENCE, THAT PCCH LEADERS HAVE EXPRESSED EXTREME SATISFACTION WITH THE HIGH LEVEL OF ACTIVE POPULAR SUPPORT FOR SCHEDULED AND SPONTANEOUS DEMONSTRATIONS WHICH HAVE OCCURRED SINCE PINOCHET WAS NAMED THE CANDIDATE. FOR THE FUTURE, THE FPMR WITH ASSISTANCE FROM THE PCCH IS CREATING NEW OPERATIVE GROUPS AND FORMULATING PLANS FOR VIOLENCE TO BE PUT INTO EFFECT BEGINNING PLEBISCITE DAY. THIS CONFIRMS OTHER INDICATIONS WE HAVE RECEIVED THAT THE COMMUNISTS ARE PLANNING TO AVOID VIOLENCE DURING THE CAMPAIGN PERIOD. [redacted] B1 B1

13. (C) SOURCES IN THE SI CAMPAIGN INFORM US THAT PINOCHET DOES NOT WISH TO ORGANIZE ANY MORE "MASSIVE" DEMONSTRATIONS BETWEEN NOW AND OCTOBER 2, WHEN POLITICAL HEADQUARTERS

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AND ELECTORAL ACTIVITIES SHUT DOWN. THE PRIMARY REASONS ARE TO AVOID NEGATIVE COMPARISONS WITH THE NO CAMPAIGN, WHICH HAS ALREADY SHOWN IT CAN MOBILIZE PEOPLE IN FAR SUPERIOR NUMBERS. PINOCHET STRATEGISTS ALSO WANT TO AVOID ADVERSE PUBLICITY GIVEN THE PRESENCE OF NO CAMPAIGN CAMERA CREWS EAGER TO FILM INCIDENTS SHOWING MAYORS AND INDENDENTS TRUCKING PEOPLE TO "OBLIGATORY" RALLIES.

THE NO CAMPAIGN

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14. (U) NO CAMPAIGN ACTIVITIES HAVE QUICKENED THEIR PACE, FUELED BY HOPES AND NEW EXPECTATIONS OVER THE LIFTING OF MANY RESTRICTIONS ON POLITICAL MEETINGS AND THE POWERFUL BOOST GIVEN BY THE FREE TV ADVERTISING. WHEREVER THEY APPEAR, SI CAMPAIGNERS ARE BEING CHALLENGED BY YOUTHS FROM THE NO CAMP WHO APPEAR WITH BALLOONS AND THE FESTIVE CAMPAIGN SONG. OVER 100 STUDENTS WERE DETAINED IN COUNTERDEMONSTRATIONS WHEN THE PRESIDENT MADE A BRIEF APPEARANCE THIS WEEK IN VALPARAISO. ON SEPTEMBER 9, A GATHERING ORGANIZED TO PROTEST THE GOVERNMENT'S ADMINISTRATION OF LAND IN EASTER ISLAND WAS TURNED INTO A NO CAMPAIGN DEMONSTRATION, A FIRST FOR THE REMOTE ISLAND RESIDENTS. A TOTAL OF 1,113 VOTERS ARE REGISTERED ON THE ENTIRE ISLAND.

15. (C) PDC LEADER RICARDO HORMAZABAL TOLD POLOFF THAT EVEN BEFORE THE TV SPACE WAS

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AGE 01 SANTIA 06481 04 OF 08 131449Z
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AMEMBASSY BRASILIA
AMEMBASSY BUENOS AIRES

S E C R E T SECTION 04 OF 08 SANTIAGO 06481
SECRET/NOFORN

E.O. 12356: DECL:OADR
TAGS: PGOV, PREL, ELAB, PINS, CI
SUBJ: THE CHILEAN PLEBISCITE: SITREP SIX

OPENED, THEY NOTED AN "EXPLOSION OF PARTICIPATION" IN THE PROVINCES. THE CONSERVATIVE SOUTHERN CITY OF OSORNO HAS HAD THREE GATHERINGS ATTRACTING TWO TO THREE THOUSAND PEOPLE IN THE PAST 20 DAYS. IN 1980, HORMAZABAL HAD TO HOLD CLANDESTINE POLITICAL MEETINGS TO GET THE OPPOSITION'S MESSAGE ACROSS IN AGRICULTURAL TOWNS SUCH AS SAN VINCENTE, A CITY WHICH HAS 17,000 PEOPLE NEAR RANCAGUA. LAST WEEK HE OPENED PDC HEADQUARTERS THERE AND 2000 CAMPESINOS TURNED OUT.

16. (C) ONE KEY TO THE STRONG GRASSROOTS RESPONSE IS THAT THE CAMPAIGN HAS BEEN LEGITIMIZED AND BROADENED ITS BASE. HORMAZABAL SAID THAT THE SEPTEMBER 4 ACUSO RALLY DREW

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AGE 02 SANTIA 06481 04 OF 08 131449Z

PEOPLE FROM POOR TO WELL-TO-DO, AND ITS APPEAL HAS STRENGTHENED SINCE IT CAME FROM UNION AND PROFESSIONAL ORGANIZATIONS, NOT THE POLITICIANS. THE LARGEST GROUP THAT TURNS OUT AT PROVINCIAL MEETINGS ARE THOSE WHO LACK PARTY AFFILIATION. THEY FEEL PROTECTED, HE SAID, BECAUSE THE MEETINGS ARE NOW OFFICIALLY AUTHORIZED. TO REINFORCE THIS OPENING, NO PARTY LEADERS ARE NOW TRAVELING NON-STOP TO SMALL CITIES (15,000 TO 50,000)

AND PLAN TO CONCENTRATE ON SMALL TOWNS (15,000 AND UNDER) ON SEPTEMBER 21-26. SINCE THE CAMPAIGN BEGAN, FINDING AN OPPOSITION LEADER WHO IS NOT ON A WHISTLESTOP TOUR HAS BEEN EXTREMELY CHANCEY.

17. (U) THE RETURN OF FAMOUS LEFTIST EXILES WILL BE FRONT-PAGE NEWS THROUGHOUT THE REST OF THE CAMPAIGN, HELPING PINOCHET TO IDENTIFY THE POPULAR UNITY (UP) GOVERNMENT WITH THE NO CAMPAIGN. PCCH GENERAL SECRETARY LUIS CORVALAN IS EXPECTED TO GET A MASSIVE WELCOME WHEN HE RETURNS. SO IS ALLENDE'S WIDOW HORTENSIA BUSSI, WHO WILL ARRIVE FROM MEXICO ON SEPTEMBER 16. UP MINISTERS JAIME SUAREZ (SOCIALIST) AND JOSE CADEMARTORI (COMMUNIST) HAVE COME BACK TO MUCH FANFARE. VOLODIO TEITELBOIM'S STATEMENT FROM MOSCOW THAT HE WOULD RETURN TO WORK FOR THE NO CAMPAIGN GOT A FRONT-PAGE HEADLINE IN EL MERCURIO. SO DID EX-ECONOMY MINISTER JOSE CADEMARTORI'S STATEMENT THAT MANY PEOPLE HAVE "GOOD MEMORIES" OF THE UP. ONE PLEASANT SURPRISE CAME FROM FORMER MIR SPOKESMAN JUAN PARRA, WHO ON RETURNING TO CHILE CRITICIZED THE ATTACKS SPONSORED BY THE MIR AS HUMAN RIGHTS VIOLATIONS.

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18. (C) A DISCORDANT NOTE WAS STRUCK IN THE NO CAMPAIGN BY THE HUMANIST PARTY. AFTER PRESSING FOR THEIR RIGHTS TO HAVE SEPARATE TV SPOTS WITHIN THE 15 MINUTES ALLOCATED TO THE NO, PH PRESIDENT JOSE TOMAS SAENZ AND GENERAL SECRETARY FRANSCISCO GRANELLA SUDDENLY ANNOUNCED THEIR RESIGNATION ON SEPTEMBER 2 TO MAKE WAY FOR YOUNGER LEADERSHIP. SOON STORIES HIT THE PRESS THAT ARGENTINE HUMANIST LEADER MARIO RODRIGUEZ COBO ("SILO"), WHO HAD FOUNDED THE MOVEMENT IN CHILE, INSISTED ON THE TOP LEADERS' REMOVAL FOR OPPOSING HIS INSTRUCTIONS. ON SEPTEMBER 6 SAENZ AND GRANELLA CONFIDED TO US THAT THEY HAD COME UNDER INTENSE PRESSURE FROM SILO AND THE PARTY'S GROWING LEFT WING TO

TAKE A MORE RADICAL POSITION ON THE PLEBISCITE, REFUSING TO RECOGNIZE THE LEGITIMACY OF A SI VICTORY, AND TO USE THE FREE TIME TO PROMOTE THE PARTY'S IDEAS.

19. (U) ON SEPTEMBER 9, THE NATIONAL ELECTORAL SERVICE DECLARED THE PH ILLEGAL, DUE TO THEIR HAVING FAILED TO HAVE A NOTARY PRESENT AT THE ELECTION OF NEW PARTY LEADERS AS REQUIRED BY THE POLITICAL PARTIES LAW. THE PH HAS LEGAL APPEALS TO PURSUE BEFORE THIS RULING BECOMES FINAL, BUT THE PARTY FACES THE REAL POSSIBILITY OF LOSING ITS LEGAL STATUS.

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AMEMBASSY BUENOS AIRES

S E C R E T SECTION 05 OF 08 SANTIAGO 06481

SECRET/NOFORN

E.O. 12356: DECL:OADR
TAGS: PGOV, PREL, ELAB, PINS, CI
SUBJ: THE CHILEAN PLEBISCITE: SITREP SIX

20. (C) THE HUMANISTS' DISSOLUTION MAY HURT THE NO CAMPAIGN EFFORT TO HAVE PARTY REPRESENTATIVES (APODERADOS) IN EVERY POLLING PLACE. GENARO ARRIAGADA ACKNOWLEDGED THAT THE CAMPAIGN HAS NOT REACHED ITS TARGET OF 66,000 APODERADOS, ASSURING COVERAGE FOR ALL OF THE 22,000 VOTING TABLES THROUGHOUT CHILE. THE PDC HAS TRAINED 15,000 AND WILL RECRUIT ANOTHER 4,000 WITH MINIMAL PREPARATION. THE PPD HAS ANOTHER 14,000. THE HUMANISTS HAD 5,000 APODERADOS, BUT ARE NOT PROHIBITED FROM HAVING OTHER PARTIES USE THEIR POLLING REPRESENTATIVES. PPD LEADERS HAVE TOLD US THAT THE ALMEYDISTA SOCIALISTS WILL FILL OUT THEIR APODERADO SLOTS, AND IN SOME AREAS HAVE PLACED THEIR LEADERS AT THE DISPOSAL OF THE NO

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PAGE 02 SANTIA 06481 05 OF 08 131450Z

CAMPAIGN. THE AREAS OF LEAST COVERAGE REMAIN THE POOR SETTLEMENTS AROUND SANTIAGO. PSD PRESIDENT EUGENIO VELASCO TOLD DCM SEPT. 12 THAT HE WAS CONFIDENT THAT THE APPEALS PROCESS WOULD NOT BE COMPLETED UNTIL AFTER THE PLEBISCITE, AND THEREFORE THE HUMANIST APODERADOS WOULD STILL BE ABLE TO FUNCTION ON OCTOBER 5.

INDEPENDENTS

21. (U) BISHOPS BERNARDINO PINERA AND FRANCISCO COX OF LA SERENA AND THE SOCIAL COMMITTEE OF THE SANTIAGO ARCHDIOCESE HAVE SENT OUT PASTORAL INSTRUCTIONS COUNSELING CATHOLICS TO VOTE THEIR CONSCIENCE, FREE FROM ANY OUTSIDE PRESSURE IN THE PLEBISCITE. THEY URGE PARISHIONERS TO STUDY THE ISSUES AND NOT BE SWAYED BY EMOTIONAL ISSUES, AND TO KEEP IN MIND ABOVE ALL THAT THEIR VOTE IS SECRET.

22. (U) IN A PRESS CONFERENCE ON SEPTEMBER 8, BISHOP GOIC OF CONCEPCION SAID THAT ALTHOUGH SOME OF THE CONDITIONS FOR A LEGITIMATE PLEBISCITE WERE BEING MET, POORER CITIZENS WERE BEING FACED WITH GROWING ARRAY OF PRESSURES WHICH VIOLATED THEIR DIGNITY AND THEIR RIGHT TO DECIDE THEIR CHOICE IN PRIVATE. HE DENOUNCED THAT THE PEOPLE WERE BEING FORCED TO PARTICIPATE IN PUBLIC MEETINGS OR SIGN DECLARATIONS OF SUPPORT FOR THE GOC CANDIDATE UNDER THE THREAT OF BEING FIRED OR FAVORS BEING WITHHELD. EXAMPLES OF GOC INTIMIDATION TACTICS BY MSR. GOIC ARE DETAILED IN

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PAGE 03 SANTIA 06481 05 OF 08 131450Z

SANTIAGO 6310.

13. (C) JAVIER LUIS EGANA, DIRECTOR OF PROJECT BELEN, INFORMED POLOFF THAT THREE OF THE MEMBERS OF THE BISHOPS' PERMANENT COMMITTEE WILL BE IN SANTIAGO DURING THE PLEBISCITE -- EPISCOPAL CONFERENCE PRESIDENT CARLOS GONZALES OF TALCA, SECRETARY SERGIO CONTRERAS OF TEMUCO, AND CARDINAL JUAN FRANCISCO FRESNO. THEY WILL EVALUATE POLLING RESULTS FROM THE NO CAMPAIGN, THE MINISTRY OF INTERIOR, AND THE COMMITTEE IN FREE ELECTIONS, AS WELL AS REPORTS OF VOTING CONDITIONS AND ANY IRREGULARITIES TO BE PHONED OR TELEXED IN FROM MONITORING TEAMS THROUGHOUT THE COUNTRY. THE TEAMS, WHICH HAVE BEEN SET UP THROUGH THE BELEN PROJECT IN NEARLY EVERY DIOCESE, ARE WORKING DIRECTLY WITH EACH DIOCESE. THEY ARE BEING ADVISED NOT TO MAKE SEPARATE STATEMENTS OR TO BRIEF OUTSIDE

OBSERVERS, SINCE ANY PUBLICITY WOULD PROVE TO BE COUNTERPRODUCTIVE.

THE PRIVATE SECTOR

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24. (C) THE HEAD OF A LARGE ORGANIZATION REPRESENTING RETAIL SALES FIRMS EXPLAINED TO EMBASSY OFFICIALS THIS WEEK THAT SUCH SMALL FIRMS ARE NOT UNIFORMLY BEHIND THE "SI" DESPITE THE CURRENT GOVERNMENT'S FREE MARKET POLICIES. THE REASONS FOR THE LACK OF SUPPORT ARE VARIED,

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AGE 01 SANTIA 06481 06 OF 08 131451Z
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EMBASSY BUENOS AIRES

S E C R E T SECTION 06 OF 08 SANTIAGO 06481
SECRET/NOFORN

E.O. 12356: DECL:OADR
TAGS: PGOV, PREL, ELAB, PINS, CI
SUBJ: THE CHILEAN PLEBISCITE: SITREP SIX

BUT CHIEF AMONG THEM ARE THAT SMALL FIRMS HAVE BEEN TAKEN FOR GRANTED BOTH BY THE GOVERNMENT AND BY LARGER BUSINESS ORGANIZATIONS. SMALL RETAILERS ARE STILL STRUGGLING WITH DEBT INCURRED IN THE 1978-1982 PERIOD AND HAVE NOT BENEFITED AS FULLY FROM THE SUBSEQUENT RECOVERY AS OTHER SECTORS OF THE ECONOMY. ALSO, MANY SMALL RETAILERS HAVE BEEN TOUCHED IN ONE WAY OR ANOTHER BY THE GOVERNMENT'S REPRESSION. WE WERE TOLD THAT WHILE SUCH FIRMS WOULD BENEFIT FROM AN ADJUSTMENT OF THE UNIDAD DE FOMENTO (UF) (THE UNIT OF ACCOUNT FOR DEBT INSTRUMENTS), OTHER SECTORS OF THE BUSINESS COMMUNITY WOULD BE HURT. SMALL RETAILERS ARE NOT COUNTING ON A CHANGE. EMBOFFS WERE TOLD THAT THE GOVERNMENT IS COUNTING ON MOST OF THE 300,000 - 1,000,000 MILLION VOTES
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SECRET

PAGE 02 SANTIA 06481 06 OF 08 131451Z

IN THE RETAIL SALES SECTOR (OWNERS AND EMPLOYEES), BUT THAT, IN FACT, A SIGNIFICANT SHARE OF THIS VOTE WILL GO TO THE "NO" CAMPAIGN.

HE SECURITY FORCES

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5. (U) IN HIS INTERVIEW FOR EL MERCURIO MAGAGINE THIS WEEK, A SMILING, RELAXED PINOCHET DECLINED TO SAY WHEN HE WOULD STEP DOWN AS ARMY COMMANDER IN CHIEF. INDICATING THAT HE TOOK EACH DECISION WHEN THE RIGHT MOMENT CAME, HE COQUETTISHLY MENTIONED THAT SOONER RATHER THAN LATER HE WOULD HAVE TO NAME A NEW ARMY COMMANDER. HE SAID UNEQUIVOCALLY HE WOULD

RESPECT THE RESULTS IF THE NO WON THE PLEBISCITE, BUT DOUBTED THE OPPOSITION WOULD RETURN THE FAVOR. ASKED HOW HE WOULD GET ALONG WITH A CONGRESS AND REDUCED POWERS, HE RESPONDED EMOTIONALLY THAT HE KNEW AND HAD WORKED UNDER A DEMOCRATIC SYSTEM, AND LIVED TO SEE THE DESTRUCTION OF THAT DEMOCRACY. "I AM A DEMOCRAT AND WILL FIGHT FOR DEMOCRACY," HE ADDED.

26. (S) PINOCHET'S RELAXED MANNER IS PARTIALLY BASED ON CONFIDENCE THAT HE HAS THE ARMED FORCES UNITED BEHIND HIM. A CHILEAN GENERAL OFFICER COMMENTED THAT THE PLEBISCITE CANDIDATE NOMINATING MEETING ON 30 AUGUST WAS NEITHER ACRIMONIOUS NOR DIVISIVE IN SPITE OF HESITATION ON THE PART OF CARABINERO DIRECTOR GENERAL STANGE TO NOMINATE PINOCHET AND CONDITIONS LEVIED ON PINOCHET PRIOR TO THE MEETING BY THE OTHER JUNTA MEMBERS IN EXCHANGE FOR THEIR SUPPORT

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PAGE 03 SANTIA 06481 06 OF 08 131451Z

IF HIS NOMINATION. HOWEVER, ELEMENTS OF THE MILITARY MAY ENTERTAIN DOUBTS ABOUT HIS EFFECTIVENESS AS A CAMPAIGNER. CHILEAN ARMY OFFICERS AND CIVILIAN POLITICAL ANALYSTS FOUND PINOCHET'S SPEECHES ON 30 AUGUST TO BE OVERLY BLAND AND LACKING IN ANY SORT OF PRE-CAMPAIGN STIMULATION.

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27. (S) SEVERAL FIELD GRADE ARMY OFFICERS BELIEVE THE LOW LEVEL OF CIVIL DISTURBANCES AFTER THE NOMINATION ON 30 AUGUST IS AN INDICATION THAT THE GOVERNMENT HAS MORE POPULAR SUPPORT THAN IT DID IN 1983. ANOTHER ARMY OFFICER COMMENTED THAT THE VIOLENT ACTIVITIES OF THE NIGHT WERE CARRIED OUT BY EXTREMISTS IN THE FPMR, MIR AND LAURTARO FACTION OF MAPU. SINCE THESE GROUPS ARE BEING SUBMERGED IN GENERAL CIVIL DISTURBANCES AND PRODUCING NO DRAMATIC NEW TERRORISM MATERIAL, THE GOVERNMENT HAS RESORTED TO RETROSPECTIVES TO RECALL SPECTACULAR TERRORIST INCIDENTS OF THE PAST TO FUEL ITS CAMPAIGN ON

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POLITICAL VIOLENCE. THE ANNIVERSARY OF THE ASSASSINATION ATTEMPT AGAINST PRESIDENT PINOCHET IN 1986 WAS GIVEN WIDE PUBLICITY WITH THE PRESIDENT PRAYING WITH THE FAMILY OF A GUARD KILLED IN THAT INCIDENT. SIMILARLY, THE 1987 KIDNAPPING BY THE FPMR OF LT. COLONEL CARLOS CARRENO WAS REENACTED FOR THE TELEVISION CAMERAS WITH THE COLONEL PLAYING HIMSELF.

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AGE 01 SANTIA 06481 07 OF 08 131451Z
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E C R E T SECTION 07 OF 08 SANTIAGO 06481

SECRET/NOFORN

E.O. 12356: DECL:OADR
TAGS: PGOV, PREL, ELAB, PINS, CI
SUBJ: THE CHILEAN PLEBISCITE: SITREP SIX

THE MEDIA

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28. (U) THE BIGGEST CAMPAIGN STORY THIS WEEK IS TELEVISION. THE 15 MINUTES FOR BOTH THE "NO" AND THE "SI" APPARENTLY HAVE A MUCH LARGER AUDIENCE THAN HAD BEEN PREDICTED. CHANNEL 13 SAYS THAT DURING THE HALF HOUR PROGRAM, ITS RATINGS FELL ONLY FIVE PERCENT. ALL OF CHILE IS TALKING ABOUT THE QUALITY OF THE ADS, AND EXCEPT FOR SOME FERVENT PINOCHET SUPPORTERS, THE CONSENSUS IS CLEARLY THAT THE "NO" ADS ARE SUPERIOR, MORE INTERESTING, AND "BETTER TELEVISION." PINOCHET HAS BEEN ADVISED BY SOFOFA REPRESENTATIVES, AMONG OTHERS, THAT THE "SI" ADS ARE COMING OFF SECOND BEST, AND REPORTEDLY HAS ANGRILY ORDERED DINACOS, THE

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PAGE 02 SANTIA 06481 07 OF 08 131451Z

GOVERNMENT PRESS ASSOCIATION, WHO PRODUCES THE ADS, BACK TO THE DRAWING BOARDS.

29. (U) BESIDES THE NOVELTY OF SEEING THE "NO" ADVERTISED ON GOVERNMENT CHANNEL 7, OTHER NEW AND POWERFUL IMAGES HAVE BEEN THE APPEARANCE OF BAR ASSOCIATION PRESIDENT ALEJANDRO HALES ON TELEVISION FOR THE FIRST TIME IN 15 YEARS, NOT-SO-GENTLE CHIDING OF PINOCHET AND MEMBERS OF THE JUNTA FOR NOT RELINQUISHING POWER, AS THEY HAVE EACH SAID IN THE PAST THEY WOULD AND A MINI-DOCUMENTARY ABOUT THE 7-YEAR OLD SON OF AN EXILED FAMILY RETURNING TO CHILE FROM SWEDEN. STILL TO COME IS AN INTERVIEW WITH CARMEN GLORIA QUINTANA, THE BURNING VICTIM. THE OPPOSITION THEME SONG AND IMAGES ARE LIVELIER, LIGHTER, AND MORE MEMORABLE. THE "SI" FEATURES ESTABLISHMENT SINGERS IN A FORMAL SETTING SINGING TO EACH OTHER IN OPERA STYLE.

30. (C) NATIONAL ELECTORAL SERVICE DIRECTOR JUAN IGNACIO GARCIA TOLD POLOFF THAT THE SI PUBLICITY IS "VERY BAD" AND POORLY FOCUSED. "WHILE THE OPPOSITION IS TALKING ABOUT A NEW LIGHT-HEARTED CHILE, THE "SI" IS LOOKING AT THE PAST AND USING HEAVY-HANDED HORROR FOOTAGE." (HE WAS REFERRING TO THE MUCH-CRITICIZED SHOTS OF TERRORISTS ATTACKING A WOMAN AND CHILD IN A CAR OUTSIDE LA MONEDA (SEE SITREP ONE). UDI FOR THE SI JAIME GUZMAN TOLD BRAZILIAN DIPLOMATS THAT ON A SCALE OF 7 TO 1, THE NO ADS GET A 7 AND THE SI A 4. WHILE THE RN AND UDI SEGMENTS FOR THE SI CAMPAIGN ARE FAIRLY UPBEAT, THEY ARE STILL

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STULTIFIED IN COMPARISON WITH THE EASY, NATURAL FLOW OF THE NO ADVERTISING. THE PRESENTATIONS BY ARTURO VENEGAS (DISSIDENT SOCIAL DEMOCRATIC), SERGIO MIRANDA AND BY TWO SEPTOGENARIANS FROM RADICAL DEMOCRACY WERE, AS EXPECTED, A LIABILITY.

1. (U) ALTHOUGH ALL GOVERNMENT POLITICAL ADS WERE NOT REMOVED FROM TELEVISION ON SEPTEMBER 5, AS PROMISED BY THE DIRECTOR OF THE TELEVISION AND RADIO COUNCIL, THERE HAS BEEN A DRAMATIC DROP IN THE NUMBER OF ADS. ALL ADS ASKING VOTERS DIRECTLY TO VOTE "SI" HAVE BEEN TAKEN OFF THE AIR, AND SOME, SUCH AS THE DO YOU WANT TO RETURN TO THE UP? YOU DECIDE. SI." CHANNEL 7 SUFFERED A BRIEF LAPSE ON TUESDAY, SEPTEMBER 6, WHEN IT RAN FOUR "SOMOS MILLIONES, SI" ADS BUT SINCE THEN THERE HAVE BEEN NO ADS CONTAINING THE WORD "SI" OR DIRECTLY ADVISING PEOPLE HOW TO VOTE. CHANNEL 11 HAS DROPPED ALL POLITICAL ADVERTISING, INCLUDING THE SOFT SELL PRO-GOVERNMENT ADS "LA LIBRE EMPRESA CREA" PRODUCED BY SOFOFA. CHANNEL 13 HAS AIRED "SOMOS MILLIONES" WITHOUT THE ", " AND THE SOFOFA ADS MUCH LESS FREQUENTLY THAN BEFORE.

32. (U) THE COURT HAS GIVEN THE TELEVISION CHANNELS FIVE DAYS TO PRESENT EVIDENCE FOR CONSIDERATION IN THE NO CAMPAIGN'S SUIT FOR EQUAL TIME TO REPLY TO PINOCHET'S FIRESIDE CHAT OF AUGUST 31. "SI" ADVOCATES MAY HAVE SIDESTEPPED THE LAW OF EQUAL TIME ON SEPTEMBER 4 WHEN PINOCHET HAD A 25-MINUTE INTERVIEW ON CHANNEL 7. PRESENTED AS A PRESS ITEM,

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PAGE 01 SANTIA 06481 08 OF 08 131452Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-10	SS-00	CIAE-00	DODE-00
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	INRE-00	ACDA-12	SP-02	C-01	SSE-01	P-02	/051 W

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131342Z SEP 88
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 8172
INFO AMEMBASSY BOGOTA IMMEDIATE
AMEMBASSY BRASILIA
AMEMBASSY BUENOS AIRES

S E C R E T SECTION 08 OF 08 SANTIAGO 06481

SECRET/NOFORN

E.O. 12356: DECL:OADR

TAGS: PGOV, PREL, ELAB, PINS, CI
SUBJ: THE CHILEAN PLEBISCITE: SITREP SIX

THE INTERVIEW WAS CONDUCTED BY NOELIA MIRANDA, PRESS ATTACHE, CHILEAN MISSION TO THE UNITED NATIONS. OPENINGS FOR THE OPPOSITION ON THE NEWS HAVE IMPROVED LATELY, BOTH IN QUALITY AND QUANTITY. RICARDO LAGOS THIS WEEK ON CHANNEL 13 CRITICIZED THE GOVERNMENT FOR "ACTS AGAINST THE DEMONSTRATORS OF THE 'NO'" DURING THE RALLY ON SUNDAY.

OPINION POLLS

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33. (U) THE ONLY NEW OPINION POLL PUBLISHED THIS WEEK CAME FROM LEFTIST THINK-TANK CIS. CONDUCTED IN GREATER SANTIAGO, IT CONFIRMED THAT THE METROPOLITAN REGION IS FIRMLY IN THE "NO" CAMP, SHOWING A SI/NO

SPLIT OF 20/43. IN A SEPARATE QUESTION, 67 PERCENT AGREED THAT "THERE MUST BE A CHANGE OF PRESIDENT" WHILE ONLY 21 PERCENT FELT THAT "PINOCHET SHOULD CONTINUE." AS REPORTED PREVIOUSLY BY OTHER POLLSTERS, SANTIAGUINOS INCREASINGLY RECOGNIZE THE ECONOMIC PROGRESS BEING EXPERIENCED BY THE COUNTRY. CIS NOTED THAT 53 PERCENT SAID THERE HAD BEEN ECONOMIC IMPROVEMENT UNDER THE CURRENT GOVERNMENT (34 PERCENT DISAGREED), UP FROM 48 PERCENT IN MAY. COMMENT: THE OBVIOUS CONCLUSION IS THAT A CONTINUATION OF PINOCHET'S PRESIDENCY IS NOT SEEN BY MOST VOTERS AS NECESSARY FOR CONTINUED ECONOMIC PROGRESS. EFFORTS BY THE SI CAMPAIGN TO LINK A SI VOTE TO THE ECONOMY, RATHER THAN TO THE CANDIDATE HIMSELF, COMPRISE A TACIT ADMISSION THAT PINOCHET'S IMAGE IS A NEGATIVE FACTOR IN THE CAMPAIGN, AND ONE TO BE DOWNPLAYED OR AVOIDED. END COMMENT.

4. (U) IN AN MFA BRIEFING FOR AMBASSADORS, SKOPUS, GOVERNMENT SPONSORED POLLING FIRM, RELEASED A REPORT OF ITS LATEST NATIONAL POLL (PREVIOUSLY

REPORTED) GIVING THE SI A 39/33 EDGE, AND PREDICTING A 59/41 VICTORY FOR THE SI. THE REPORT IS THE FIRST TO BE RELEASED PUBLICLY BY SKOPUS, REVEALS VIRTUALLY NO DATA EXCEPT THE SI/NO RATIO, AND DESIGNED PRIMARILY TO DEFLECT CRITICISM OF OPERATING IN SECRECY AND NOT DIVULGING ITS METHODOLOGY.

35. (U) CARLOS HUNEEUS INFORMED US THAT CERC'S POST-NOMINATION POLL (NATIONWIDE) IS NOW IN THE FIELD AND SHOULD BE AVAILABLE TO US BY SEPTEMBER 23.

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PAGE 03 SANTIA 06481 08 OF 08 131452Z

INTERNATIONAL COMMUNITY

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36. (U) THERE WERE THREE GROUPS IN TOWN THIS WEEK FROM HUMAN RIGHTS ORGANIZATIONS UPDATING THEIR INFORMATION ON CHILE BEFORE THE PLEBISCITE. WOLA REPRESENTATIVE VIRGINIA BOUVIER ACCOMPANIED BRITISH M.P. GEORGE FOULKES AND OTHERS FROM THE CATHOLIC INSTITUTE OF INTERNATIONAL RELATIONS. AMERICAS WATCH'S CYNTHIA BROWN IS HERE AND WILL REMAIN THROUGH THE PLEBISCITE. AN INTERNATIONAL HUMAN RIGHTS LAW GROUP DELEGATION, INCLUDING THE AMERICAN ENTERPRISE INSTITUTE'S MARK FALCOFF, ALSO ARRIVED. FALCOFF TOLD US HE WILL RETURN IN THE NATIONAL DEMOCRATIC INSTITUTE'S OBSERVER DELEGATION FOR THE PLEBISCITE. ALL THREE GROUPS CALLED ON THE AMBASSADOR. JONES

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Chile Project (#S199900030)
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September 14, 1988

Senator John Danforth
United States Senate
Washington, D.C. 20510

Dear Senator Danforth:

I am writing about a matter that I feel should be brought to your attention. I have received news that a St. Louis woman, Lind McCluskey, who is a Maryknoll Lay Missioner working in Chile, was recently beaten by members of the police in that country. She and her companion, a priest, were outside their houses in their own neighborhood and were doing nothing to provoke police attention, let alone a brutal attack. The priest was so severely beaten that he required medical attention. The date of these attacks was August 30, the day that Augusto Pinochet announced his candidacy for the Chilean plebiscite.

As you know, this kind of repression and brutality is common in Chile under Pinochet. While it is no less intolerable when it occurs to Chileans, the fact that the police feel able to attack North American religious workers indicates that there is little being done to control the activities and violence of the police in Chile. Clearly, the United States government must seek such control if the Chilean government will not.

In the United States we proclaim that human rights abuses will not be tolerated in the countries we support. I urge you to investigate this incident and consider opening up the issue of continued support for this repressive and violent regime.

Sincerely,

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Department of State
Excise
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PAGE 01 SANTIA 06534 01 OF 02 141846Z
ACTION SS-00

INFO LOG-00 ADS-00 /000 W
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FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 8192
INFO AMEMBASSY ROME

C O N [redacted] A L SECTION 01 OF 02 SANTIAGO 06534

EXDIS

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ROME FOR EMBASSY VATICAN

E.O. 12356: DECL:OADR
TAGS: PGOV, CI
SUBJ: CONVERSATION WITH PRESIDENT OF THE CONFERENCE
- OF BISHOPS

1. CONFIDENTIAL - ENTIRE TEXT.

2. AMBASSADOR AND DCM MET SEPTEMBER 13 WITH MSGR. CARLOS GONZALES, BISHOP OF TALCA AND PRESIDENT OF THE CHILEAN EPISCOPAL CONFERENCE, FOR THE FIRST TIME SINCE THE BISHOPS HAD ISSUED THEIR STATEMENT CALLING FOR A CONSENSUS CANDIDATE AND THE SUBSEQUENT NOMINATION BY THE MILITARY COMMANDERS OF PINOCHET.

3. GONZALES MADE IT CLEAR THAT HE WAS SATISFIED AND PROUD OF THE BISHOPS' STATEMENT, EVEN THOUGH, HE SAID SMILINGLY, IT HAD BEEN CALLED NAIVE WHEN IT WAS ISSUED AND EVEN THOUGH IT FAILED TO BLOCK PINOCHET'S

NOMINATION. HE ALSO MADE CLEAR THAT THE BISHOPS HAD NOT REGARDED IT AS NIAVE AT THE TIME; UP UNTIL AUGUST 25, WHEN HE LEFT SANTIAGO FOR TALCA, THE IDEA OF A [redacted]AL

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CONSENSUS CANDIDATE WAS PROSPERING. HE WAS TAKEN ABACK BY THE EASE WITH WHICH PINOCHET WAS NOMINATED ON AUGUST 30. ACCORDING TO ONE REPORT HE HAD HEARD, PINOCHET WALKED INTO THE MEETING WITH THE OTHER THREE . COMMANDERS-IN-CHIEF AND SAID, "I AM THE CANDIDATE" -- DEFYING ANY OF THEM TO DISAGREE (AND TRASHING THE ELABORATE PROCEDURES THAT HAD BEEN AGREED TO AND PUBLISHED). HE ASKED IF WE HAD ANY INFORMATION ON WHAT HAD HAPPENED. THE AMBASSADOR TOLD HIM OF HIS CONVERSATION WITH GEN. STANGE ON AUGUST , IN WHICH STANGE HAD SAID THE ISSUE WAS NOT SETTLED, AND HIS CONVERSATION WITH MATTHEI SIX DAYS LATER
IN WHICH MATTHEI SAID THE DIE WAS CAST AND PINOCHET WAS THE NOMINEE. ONE COULD ONLY CONJECTURE THAT SOMETHING HAD HAPPENED IN THE INTERIM.

4. GONZALES SAID "A COUP TOOK PLACE ON AUGUST 30" -- THAT IS, PINOCHET IN EFFECT SEIZED TOTAL CONTROL. AND HE WON'T GIVE IT UP -- NO DICTATOR IN HISTORY EVER HAS, VOLUNTARILY. THAT'S WHY HE, GONZALES, IS WORRIED ABOUT THE PERIOD JUST BEFORE AND AFTER THE PLEBISCITE. HE DOESN'T KNOW WHAT PINOCHET WILL DO TO NULLIFY WHAT GONZALES SAID UNHESITATINGLY WILL BE THE VICTORY OF THE "NO" AT THE POLLS, BUT PINOCHET WILL DO SOMETHING. AMBASSADOR ASKED WHAT THE CHURCH COULD DO. GONZALES SAID THE BISHOPS WOULD ISSUE A STATEMENT AFTER THE RESULTS ARE ANNOUNCED, A STATEMENT THAT WILL OBVIOUSLY BE VERY IMPORTANT IN INFLUENCING PUBLIC REACTIONS. HE SAID HE WOULD WELCOME ANY SUGGESTIONS THE AMBASSADOR MIGHT HAVE AND ASKED THAT WE STAY IN TOUCH.
MEANWHILE, GONZALES SAID HE WAS DISTURBED BY THE GOVERNMENT'S CENSURE OF THE OPPOSITION'S TV SLOTS AND BY REPORTS OF VOTERS IN POOR AREAS BEING DEPRIVED
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PAGE 03 SANTIA 06534 01 OF 02 141846Z

OF THEIR ID CARDS WHICH THEY NEED TO VOTE.

5. GONZALES SAID THAT IF THE "NO" IS PERMITTED TO WIN, THEN IN HIS VIEW THE OPPOSITION WILL INITIATE NEGOTIATIONS ON THE TRANSITION WITH THE JUNTA. HE BELIEVES THE OPPOSITION PARTIES CAN AGREE ON A SINGLE OR PRINCIPAL NEGOTIATOR, AND THEN OBSERVED THAT OF COURS

IF THAT PERSON IS SUCCESSFUL, HE WOULD INEVITABLY BECOME A CANDIDATE IN THE DECEMBER 1989 PRESIDENTIAL ELECTIONS WHICH ARE SUPPOSED TO FOLLOW A "NO" VICTORY.

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6. GONZALES MENTIONED IN PASSING THAT HE AND THE CONFERENCE HAD ISSUED NO STATEMENT, AS THE U.S. HAD, WELCOMING PINOCHET'S DECISION TO PERMIT THE RETURN OF ALL EXILES. THE REASON WAS THAT IT WAS SO CLEARLY MOTIVATED NOT BY HUMANITARIANISM, BUT BY A DESIRE TO COMPLICATE MATTERS FOR THE OPPOSITION. WE, HE SAID, WERE MORE GENEROUS. WE ASKED WHETHER HE REALLY MEANT TO CALL US NAIVE.

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7. COMMENT: THE BISHOPS, AS PREVIOUSLY REPORTED, HAD RECEIVED MESSAGES FROM AT LEAST STANGE AND PERHAPS ALSO MATTHEI, LEADING THEM TO BELIEVE THAT THE CONSENSUS CANDIDATE HAD A CHANCE AND THAT A STATEMENT BY THE BISHOPS CALLING FOR ONE WOULD HELP. GONZALES WAS DEEPLY DISAPPOINTED BY THE COMMANDERS' FAILURE TO DELIVER AFTER THE BISHOPS GAVE THEM WHAT THEY ASKED -- ALTHOUGH HE BELIEVES (CORRECTLY, IN OUR VIEW) THAT THE

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ACTION SS-00

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INFO AMEMBASSY ROME

C O [redacted] A L SECTION 02 OF 02 SANTIAGO 06534

EXDIS

ROME FOR EMBASSY VATICAN

E.O. 12356: DECL:OADR
TAGS: PGOV, CI
SUBJ: CONVERSATION WITH PRESIDENT OF THE CONFERENCE

STATEMENT WAS WORTHWHILE IN ANY EVENT. IT WAS NOT CLEAR FROM THE CONVERSATION WHETHER STANGE HAD GIVEN GONZALES ANY EXPLANATIONS, AND IF SO, WHETHER HE WAS THE SOURCE OF THE "I AM THE CANDIDATE" STORY. BARNES

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Chile Project (#S199900030)
U.S. Department of State
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MISION PERMANENTE DE CHILE
ANTE LAS NACIONES UNIDAS

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New York, September 14,1988

Excellency,

On 1 September 1988 I informed Your Excellency regarding the plebiscite to be held in Chile on 5 October 1988, and about the measures adopted by the Government in compliance with the schedule set in the Political Constitution of my country, for the purpose of fully reestablishing democratic institutionality.

To supplement the above, I believe it may prove useful to Your Excellency to have additional information confirming that the plebiscite will be free, clear and informative, representing a genuine expression of the will of the Chilean people.

The total number of citizens enrolled in the Electoral Register who will have the right to vote, now approximates 7.348.437 out of a potential total 8.073.158 voters, or about 91 per cent of the Chilean voting public, a new record in the country's political history.

H.E.Mr.Vernon A. Walters
Ambassador, Permanent
Representative of
the United States of America
to the United Nations
New York

ACTION OFFICE
BURTON

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MISION PERMANENTE DE CHILE
ANTE LAS NACIONES UNIDAS

In addition to the ample and total freedom of the press that permits the different political parties and trends to daily express their opinions, there is the legal provision granting the candidate to the Presidency of the Republic and the opposition equal daily time periods, free of charge, on Chilean television, so they can explain their ideas and carry on political propaganda.

In accordance with the Constitutional Organic Law on popular vote and scrutiny thereof, I believe it is also necessary to emphasize the public character which the electoral act will have and the broad control measures granted to all the legally constituted political parties to name representatives at each of the voting booths, in the Electoral Offices, in the precincts, in the Electoral Boards, and in the Electoral Colleges.

Likewise, I wish to call attention to the fact that there are no restrictions of any kind on travel to Chile during the plebiscite, with foreign visitors merely complying with the normal provisions for such trips. The visits of numerous personalities and journalists from all parts of the world have already been announced.

The Chilean Government, reaffirming its cooperation with the United Nations system, has again given its consent to having Mr. Fernando Volio Jimenez, Special Rapporteur of that Organization, visit the country during the plebiscite, with the complete freedom of action which he has always been granted.

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MISION PERMANENTE DE CHILE
ANTE LAS NACIONES UNIDAS

With regard to the coming visit of the Special Rapporteur Mr. Volio, it is interesting to stress that in recent statements to the press in Costa Rica, he said that the Chilean termination of the exile provision "is a sign of the opening and transition towards representative democracy". He also added that with the recent measures adopted by the Chilean Government, "the basic and fundamental guarantees for holding the plebiscite have been given".

I avail myself of this opportunity to reiterate to Your Excellency the assurances of my highest consideration.

PEDRO DAZA
Ambassador
Permanent Representative

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Department of State
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PAGE 01 SANTIA 06521 01 OF 02 141212Z
ACTION ARA-00

INFO LOG-00 ADS-00 AID-00 INR-10 SCL-01 CIAE-00 NSAE-00
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TO SECSTATE WASHDC 8186
INFO USIA WASHDC 8662

UNCLAS SECTION 01 OF 02 SANTIAGO 06521

SECSTATE FOR ARA/SC (DESHAZO), INR/IAA
USIA FOR AR (COLE)

E.O. 12356: N/A
TAGS: KPRP, SCUL, CI
SUBJ: CHILEAN UNIVERSITIES BEFORE THE PLEBISCITE

1. SUMMARY: THE ATTENTION OF ALL SEGMENTS OF CHILE'S ACADEMIC COMMUNITY IS FIXED ON THE PLEBISCITE. STUDENTS, PROFESSORS, DEANS, ADMINISTRATORS AND STAFF HAVE TEMPORARILY PUT ASIDE OTHER ISSUES TO FOCUS ON THE PLEBISCITE AND CAMPAIGNING. ALL SIDES SEEM INTERESTED IN KEEPING CAMPUSES CALM BETWEEN NOW AND THE PLEBISCITE. STUDENT FEDERATION LEADERS, ALL IDENTIFIED WITH THE OPPOSITION, ARE CALLING FOR NON-VIOLENCE IN PRE-PLEBISCITE ACTIVITIES. IN AUGUST GOVERNMENT-APPOINTED UNIVERSITY ADMINISTRATORS WON STUDENT TRANQUILITY BY ACCEDING TO DEMANDS FOR LIBERALIZED POLICIES ON FINANCIAL AID AND ARE CURRENTLY KEEPING A LOW PROFILE BY NOT PUSHING ANY NEW UNIVERSITY REFORM MEASURES. HOWEVER, TENSION ON CAMPUSES OVER THE PLEBISCITE IS PALPABLE AND GROWING AND A NUMBER OF UNRESOLVED ISSUES ARE SURE TO RESURFACE AFTER OCTOBER 5. CREDIBLE RUMORS ARE UNCLASSIFIED

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PAGE 02 SANTIA 06521 01 OF 02 141212Z

CIRCULATING THAT UNIVERSITIES WILL REMAIN CLOSED THROUGH OCTOBER 5 AFTER THE SEPTEMBER 17-19 NATIONAL HOLIDAYS. EXPECTATIONS ARE THAT CONFLICT OVER UNIVERSITY ISSUES NOW ON HOLD WILL RETURN TO THE CAMPUSES AFTER OCT. 5. A "SI" WIN, ESPECIALLY A NARROW ONE, WILL SEND STUDENTS TO THE STREETS ALONG WITH OTHER GROUPS TO DEFEND THE "NO." END SUMMARY.

2. ALL SIDES SEEM GENUINELY INTERESTED IN KEEPING UNIVERSITIES CALM IN THE LAST WEEKS BEFORE THE PLEBISCITE. THE ADMINISTRATION OF THE UNIVERSITY OF CHILE (UCH) DEMONSTRATED THIS MOST CLEARLY WHEN THEY GAVE IN TO STUDENT DEMANDS THAT POLICIES ON FINANCIAL AID TO STUDENTS BE RELAXED. AFTER A 17 DAY STRIKE BY STUDENTS AT UCH IN LATE JULY AND EARLY AUGUST, DURING WHICH STUDENT S OCCUPIED 9 OF THE UNIVERSITY'S 13 FACULTIES, UCH ADMINISTRATORS AGREED TO ACCEPT ALL OF THE STUDENT'S DEMANDS. THESE INCLUDE: 1) THE SUSPENSION OF FINES FOR LATE PAYMENT OF TUITION; 2) AN INCREASE IN THE AMOUNT OF FINANCIAL AID AVAILABLE ROUGHLY EQUIVALENT TO THIS YEAR'S INCREASE IN TUITION COSTS; 3) THE EXTENSION OF THE REPAYMENT PERIOD FOR STUDENT LOANS; 4) THE REOPENING OF THE APPLICATION PERIOD FOR NEW STUDENT LOANS AND THE RESCHEDULING OF OLD LOANS. THESE MEASURES, PROPOSED BY THE RECTOR (AND AN EXACT REFLECTION OF THE STUDENTS' MAIN DEMANDS) ARE NOW IN EFFECT, BUT PERMANENT ADOPTION OF THE MEASURES DEPENDS ON THE APPROVAL OF A COMMITTEE APPOINTED BY THE RECTOR. ESSENTIALLY, THE ADMINISTRATION GAVE THE STUDENTS WHAT THEY WANTED BUT RETAINS THE POWER TO CHANGE OR NEGATE THE REFORMS IF THE COMMITTEE DOES NOT FIND THEM SUITABLE. THE COMMITTEE IS NOT EXPECTED TO REPORT BEFORE OCT. 5.
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PAGE 03 SANTIA 06521 01 OF 02 141212Z

SOME STUDENT LEADERS BELIEVE THAT THE COMMITTEE'S REPORT MAY BE INFLUENCED BY THE OUTCOME OF THE PLEBISCITE.

3. MOST STUDENTS ARE NOW CONCENTRATING ON MAKING THE MAXIMUM USE OF CLASSTIME REMAINING BEFORE CHILE'S TRADITIONAL NATIONAL HOLIDAYS ON SEPT. 17-19.

ALTHOUGH SCHEDULED TO REOPEN AFTER THE HOLIDAYS, MANY BELIEVE THAT THE UNIVERSITIES WILL REMAIN CLOSED UNTIL AFTER OCT. 5. STUDENT LEADERS SAY THAT THE REAL REASON FOR THIS IS THE GOVERNMENT'S FEAR THAT THE CAMPUSES COULD "BOIL OVER" IN THE TENSE LAST FEW DAYS BEFORE THE PLEBISICITE. UNIVERSITY ADMINISTRATORS ADMIT THAT THE UNIVERSITIES MAY CLOSE FOR TWO WEEKS, BUT MAINTAIN THAT IT WOULD BE TO FACILITATE THE VOTING PROCESS FOR STUDENTS WHO LIVE AND ARE REGISTERED TO VOTE IN TOWNS FAR FROM THEIR UNIVERSITIES.

4. THE LEADERS OF CHILEAN UNIVERSITIES' STUDENT FEDERATIONS ARE ALL MEMBERS OF OPPOSITION PARTIES AND ARE USING THEIR POSITION TO ORGANIZE AND DIRECT "NO" CAMPAIGNING ON CAMPUS. MOST POPULAR ARE "NO CARNIVALS," EITHER ON CAMPUSES OR IN PUBLIC AREAS NEAR CAMPUSES. THESE DECIDEDLY FESTIVE EVENTS FEATURE MUSIC, BALLOON RELEASES, COSTUMES AND TEND TO AVOID PONDEROUS POLITICAL SPEECHES. STUDENTS HAVE, ON THE WHOLE, ADOPTED THE NATIONAL "NO" CAMPAIGN'S AIR OF POSITIVE FESTIVITY AND THE MOST FREQUENTLY HEARD CHANT IS "CHILE, HAPPINESS IS ON THE WAY," THE

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PAGE 01 SANTIA 06521 02 OF 02 141213Z

ACTION ARA-00

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INFO USIA WASHDC 8663

UNCLAS SECTION 02 OF 02 SANTIAGO 06521

SECSTATE FOR ARA/SC (DESHAZO), INR/IAA
USIA FOR AR (COLE)

E.O. 12356: N/A
TAGS: KPRP, SCUL, CI
SUBJ: CHILEAN UNIVERSITIES BEFORE THE PLEBISCITE

THEME SONG OF THE "NO" CAMPAIGN. THE GENERAL TENOR OF THESE EVENTS IS MORE LIKE A PEP RALLY THAN A POLITICAL RALLY. SOME VANDALISM, MOSTLY SPRAY PAINTING OF "NO" SLOGANS, IS ASSOCIATED WITH THESE EVENTS BUT VIOLENCE HAS BEEN MINOR AND LIMITED TO CLASHES BETWEEN "SI" ADHERENTS AND "NO" SUPPORTERS. STUDENT FEDERATION LEADERS ARE, LIKE UNIVERSITY ADMINISTRATORS, MAINTAINING RELATIVELY LOW PROFILES, AND TAKING PAINS TO MAKE IT CLEAR THAT THEY ADVOCATE NON-VIOLENT POLITICAL ACTIVITY. UNIVERSITY STUDENTS AT THE "NO" COMMAND, HOWEVER, MAKE IT CLEAR THAT THE POST-PLEBISCITE DAYS COULD BE DISTINCTLY DIFFERENT. THEY ARE PLANNING SOCIAL MOBILIZATION EFFORTS TOGETHER WITH OTHER GROUPS ("ACUSO" - THE SOCIAL ACCORD FOR THE "NO," AND "CUT" - THE CENTRAL WORKERS' UNION) TO DEFEND THE "NO" VOTE OR TO CELEBRATE ITS TRIUMPH.

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PAGE 02 SANTIA 06521 02 OF 02 141213Z

5. THE NORMAL DEMAND AND COUNTERDEMAND ATMOSPHERE BETWEEN UNIVERSITY STUDENTS AND ADMINSTRATORS, HAS BEEN PLACED TEMPORARILY ON HOLD. A NUMBER OF OLD

ISSUES ARE CERTAIN TO REAPPEAR AFTER THE PLEBISCITE. THE ISSUE OF FINANCIAL AID TO STUDENTS AT THE UNIVERSITY OF CHILE WILL NOT BE FULLY RESOLVED UNTIL THE REPORT IS IN ON THE MEASURES ADOPTED IN AUGUST. THE UNIVERSITY OF CONCEPCION FACES SERIOUS CHALLENGES IN NEGOTIATIONS BETWEEN THE ADMINISTRATION AND STAFF OVER SUBSTANTIAL CHANGES IN ORGANIZATION AND ADMINISTRATION.

CATHOLIC UNIVERSITY OF VALPARAISO WILL HAVE TO PICK UP AGAIN ON THE DEBATE OVER THE UNIVERSITY'S AND RECTOR'S DEGREE OF AUTONOMY, AS WELL AS THE ISSUE OF FINANCIAL AID FOR STUDENTS. ABOVE ALL, THE GENERAL ISSUE OF OF UNIVERSITY REFORM, AT THE ROOT OF EACH OF THE FOREGOING PROBLEMS, IS SURE TO RETURN AFTER THE PLEBISCITE, AND IN DIFFERENT DIMENSIONS DEPENDING ON A "SI" OR "NO" WIN.

6. HOW THESE PROBLEMS ARE ADDRESSED WILL IN LARGE MEASURE BE DETERMINED BY THE OUTCOME OF THE OCT. 5 VOTE. IN THE EVENT OF A "NO" VICTORY STUDENTS ARE SURE TO BE AMONG THE MOST VOCAL IN DEMANDING AN ACCELERATED TIMETABLE FOR CONSTITUTIONAL REFORM AND A ROLL-BACK OF WHAT THEY PERCEIVE AS ANTI-UNIVERSITY GOVERNMENT POLICIES. IN THE EVENT OF A "SI" VICTORY MANY STUDENTS WILL JOIN THE "FRAUD CHORUS" AND MODERATE STUDENT LEADERS MAY HAVE DIFFICULTY IN KEEPING THEIR FOLLOWERS AWAY FROM THE MORE RADICAL AND VIOLENT FACTIONS ON CAMPUSES. THE CURRENT STATE OF SUSPENDED ANIMATION ON CAMPUSES WILL PROBABLY LAST
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PAGE 03 SANTIA 06521 02 OF 02 141213Z

THROUGH OCT. 5, BUT THE NORMAL STATE OF CONFLICT WILL RETURN IMMEDIATELY AFTER THE PLEBISCITE, AND MAY RETURN WITH A VENGEANCE. POST WILL REPORT ON UNIVERSITY DEVELOPMENTS AS NEEDED. (USIS PREPARED.)
BARNES

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Released (S199900030)
Department of State
X Release ____ Deny
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PAGE 01 GUADAL 04283 151853Z
ACTION ARA-00

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R 151834Z SEP 88
FM AMCONSUL GUADALAJARA
TO SECSTATE WASHDC 4805
INFO AMEMBASSY MEXICO
AMEMBASSY SANTIAGO

UNCLAS GUADALAJARA 04283

E.O. 12356: N/A
TAGS: MX, CH, PGOV
SUBJECT: INTERNATIONAL CONFERENCE FOR THE RESTITUTION OF CIVIL AND POLITICAL RIGHTS FOR THE PEOPLE OF RHILE

1. SUMMARY: THE CASA DE CHILE AT THE UNIVERSITY OF GUADALAJARA SPONSORED AN "INTERNATIONAL CONFERENCE FOR THE RESTITUTION OF CIVIL AND POLITICAL RIGHTS FOR THE PEOPLE OF CHILE" ON SEPTEMBER 8TH AND 9TH. HORTENSIA BUSSI DE ALLENDE, THE WIDOW OF FORMER CHILEAN PRESIDENT, SALVADOR ALLENDE, WAS THE FEATURE SPEAKER. ALSO ON THE AGENDA WERE MEXICAN GOVERNMENT AND UNIVERSITY OFFICIALS, A NUMBER OF CHILEAN EXILES, AND REPRESENTATIVES -- MOSTLY LEFTISTS OR COMMUNISTS -- FROM A NUMBER OF LATIN AMERICAN COUNTRIES AS WELL AS FROM THE USSR, VIET NAM, EAST GERMANY, YUGOSLAVIA, POLAND, GREECE AND SPAIN. WHILE THE GOVERNOR OF JALISCO, ENRIQUE ALVAREZ DEL CASTILLO, WAS SCHEDULED TO OPEN AND CLOSE THE CONFERENCE, HE WAS, IN FACT, REPRESENTED BY THE STATE'S SECRETARY OF GOVERNMENT, HECTOR CASTANEDA JIMENEZ. APART FROM THE OPENING SESSION, AT WHICH MRS. ALLENDE SPOKE, PRESS COVERAGE OF THE EVENT WAS MINIMAL. END SUMMARY.
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PAGE 02 GUADAL 04283 151853Z

2. WHILE, IN DEFERENCE TO ITS STRONG POLITICAL BASE AT THE UNIVERSITY OF GUADALAJARA, THE MEXICAN GOVERNMENT WAS SCHEDULED TO PLAY A PROMINENT ROLE AT THE CONFERENCE (INCLUDING THE ATTENDANCE OF GOVERNOR ALVAREZ DEL CASTILLO AND THE SUBSECRETARY OF FOREIGN RELATIONS, VICTOR FLORES OLEA), THE HIGHEST RANKING OFFICIALS WHO WERE VERIFIABLY PRESENT WERE JALISCO'S SECRETARY OF GOVERNMENT, HECTOR CASTANEDA JIMENEZ, AND GUADALAJARA'S MAYOR EUGENIO RUIZ OROZCO. THE LATTER COMMENTED TO THE CONSUL GENERAL THAT HE FOUND THE PROCEEDINGS "INCREDIBLE" AND THAT HE DEPARTED MIDWAY THROUGH AN HOUR-AND-A-HALF LONG SPEECH.

3. THE OPENING ADDRESS WAS GIVEN BY THE RECTOR OF THE UNIVERSITY OF GUADALAJARA, ENRIQUE JAVIER ALFARO ANGUIANO. LICENCIADO ALFARO STATED RATHER DISINGENUOUSLY THAT, WHILE THE "ESTRADA DOCTRINE" MAINTAINS THAT THE GOVERNMENT OF MEXICO, IN ORDER TO AVOID ANY HINT OF INTERVENTIONISM, SHOULD REFRAIN FROM JUDGING THE LEGITIMACY OF ANY OTHER GOVERNMENT, IT DOES NOT MEAN THAT THE GOVERNMENT SHOULD REFRAIN FROM ACTING WHEN THE VIOLATION OF HUMAN RIGHTS, INCLUDING THE POLITICAL RIGHTS OF THE PEOPLE, ARE INVOLVED. HE WENT ON TO SAY THAT THE MODIFICATION OF THE CURRENT CHILEAN REGIME IS STRICTLY A MATTER FOR THE CHILEA PEOPLE TO DETERMINE AND THAT OUTSIDE INTERVENTION BY ANY FOREIGN GOVERNMENT SHOULD BE REPUDIATED WITH ALL POSSIBLE VIGOR. THE RECTOR THEN STATED THAT THE UNIVERSITY OF GUADALAJARA COMMUNITY IS PLEDGED TO DO EVERYTHING IN ITS POWER TO OFFER UNDERSTANDING, SOLIDARITY AND SUPPORT TO THOSE IN EXILE WHO ARE FIGHTING FOR THE RETURN OF DEMOCRACY AND LIBERTY FOR THEIR COUNTRY. COMMENT: THE RECTOR OBVIOUSLY SEES NO INCONSISTENCY BETWEEN DENOUNCING OUTSIDE INTERVENTION WHILE SIMULTANEOUSLY SPONSORING A
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PAGE 03 GUADAL 04283 151853Z

BLATANTLY ANTI-PINOCHET CONFERENCE WITH MEXICAN GOVERNMENT PARTICIPATION.

4. FOLLOWING LIC. ALFARO'S SPEECH, HORTENSIA BUSSI DE ALLENDE GAVE A SHORT ADDRESS, IN WHICH SHE URGED THE CHILEAN PEOPLE TO "UNITE AND CHOOSE DEMOCRACY" AND DEFEAT GENERAL PINOCHET'S BID FOR ANOTHER EIGHT YEARS IN OFFICE.

SHE STATED, "WITH THE OPPOSITION UNIFIED, THE ARMY WILL REALIZE THAT THE MAJORITY OF THE POPULATION DOES NOT WANT A DICTATORSHIP."

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R 151834Z SEP 88
FM AMCONSUL GUADALAJARA
TO SECSTATE WASHDC 4805
INFO AMEMBASSY MEXICO
AMEMBASSY SANTIAGO

UNCLAS GUADALAJARA 04283

E.O. 12356: N/A
TAGS: MX, CH, PGOV
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PAGE 03 GUADAL 04283 151853Z

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INRE-00 CA-02 USSS-00 USIE-00 JUSE-00 FBIE-00 OC-02
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C O N F I D E N T I A L SANTIAGO 06554
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E.O. 12356: DECL: OADR

<TAGS>
TAGS: ASEC, PTER, PINS, CI

<SUBJ>
SUBJECT: VIOLENT INCIDENTS MAR ANNIVERSARY OF 1973 COUP; QUESTIONABLE BOMBING ATTEMPT

PTER

<TEXT> 1. (U) AT 10:35 AM ON SEPTEMBER 11 CHILEAN POLICE DEACTIVATED A 60-KILO BOMB IN A STOLEN CAR PARKED IN FRONT OF THE DIEGO PORTALES BUILDING WHERE PRESIDENT PINOCHET WAS SCHEDULED TO DELIVER A SPEECH. ACCORDING TO POLICE SOURCES QUOTED IN THE MEDIA, A MAN CLAIMING TO BE A SPOKESMAN FOR THE FPMR CALLED A RADIO STATION AT 10:10 AM TO STATE THAT THE INCIDENT WAS DESIGNED TO DEMONSTRATE THE VULNERABILITY OF OFFICIAL SECURITY MEASURES. THE QUOTED POLICE SOURCES SAID THE CALLER ACCURATELY DESCRIBED THE BOMB WHICH WAS SET TO GO OFF AT 11:09, AS EASILY DISMANTLED.

2. (U) OFFICIAL SOURCES DISMISSED SUGGESTIONS FROM A JOURNALIST THAT THE INCIDENT DID, INDEED, REFLECT LAX
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PAGE 02 SANTIA 06554 151945Z
SECURITY PROCEDURES BY NOTING THAT THE CAR WAS PARKED BY A CARABINERO BUS BY TWO MEN, ONE OF THEM IN CARABINERO UNIFORM, WHO DID NOT ACT IN ANY WAY TO ATTRACT ATTENTION.

3. (C) COMMENT: WE ARE RESERVING JUDGEMENT ON WHETHER OR NOT THIS WAS A SERIOUS ATTEMPT TO EMBARRASS SECURITY FORCES OR AN ATTEMPT BY PRO-PINOCHET FORCES TO INCREASE FEARS OF VIOLENT LEFTISTS. AMONG THE POINTS GIVING US PAUSE:

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C O N F I D E N T I A L SANTIAGO 06554
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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

Accession 59-96-0081
Box 5 of 8

60 KILOS OF EXPLOSIVES IS A HEAVY PRICE FOR THE FPMR TO PAY FOR A PUBLICITY STUNT AND THE RELATIVELY RELAXED ATTITUDE OF THE POLICE IN REPORTING THE EVENT. END COMMENT.

4. (U) ON SUNDAY, SEPTEMBER 11 AT 1055 HOURS, A CROWD OF APPROXIMATELY 300 PERSONS BELONGING TO THE PRO-GOVERNMENT "SI" FACTION, SPRAY PAINTED SLOGANS ON THE EXTERIOR WALL OF THE CONSULATE WHILE ON ENROUTE TO A RALLY. THEY ALSO THREW AN ASSORTMENT OF "SI" PAMPHLETS INTO THE CONSULATE COMPOUND. WE CONSIDER THIS AN ACT OF OPPORTUNITY NOT PERCOLATING ANTI-AMERICAN SENTIMENT.

5. (U) REAL VIOLENCE OCCURRED IN SEVERAL POOR NEIGHBORHOODS OF SANTIAGO FOLLOWING A VISIT BY PRESIDENT PINOCHET TO CERRO NAVIA TO GIVE AN ADDRESS TO SI SUPPORTERS. HIS MOTORCADE WAS STONED, ALTHOUGH HIS CAR WAS NOT TOUCHED. POLICE USED TEARGAS AND WATER CANNON TO BREAK UP THE PROTEST. IN OTHER SECTIONS OF THE NEIGHBORHOODS, ANTI-PINOCHET PROTESTORS SET TIRES ON FIRE AND PUT UP BARRICADES. ACCORDING TO OFFICIAL SOURCES, SIX PERSONS WERE SHOT

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AND SEVERAL OTHERS WERE WOUNDED (MEDIA REPORTS SAY 12 WERE WOUNDED BY GUNSHOT). ABOUT 200 PERSONS WERE DETAINED, BUT LATER RELEASED. POLICE BLAMED THE CASUALTIES ON AGITATORS FROM THE NO COMMAND. A SPOKESMAN FOR THE MIR BLAMED THE POLICE AND THE PROVOCATION OF PINOCHET'S PRESENCE IN THE AREA.
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PAGE 01 SANTIA 06628 01 OF 08 162040Z
ACTION ARA-00

INFO	LOG-00	ADS-00	INR-10	SS-00	CIAE-00	EB-00	DODE-00
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INFO AMEMBASSY BOGOTA
AMEMBASSY BRASILIA
AMEMBASSY BUENOS AIRES

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S E C R E T SECTION 01 OF 08 SANTIAGO 06628

SECRET/NOFORN

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E.O. 12356: DECL: OADR
TAGS: PGOV, PREL, ELAB, PINS, CI
SUBJECT: THE CHILEAN PLEBISCITE: SITREP SEVEN
(SEPTEMBER 11 - SEPTEMBER 16)

1. (U) THIS IS THE SEVENTH IN A SERIES OF WEEKLY SITREPS REPORTING DEVELOPMENTS RELEVANT TO THE UPCOMING CHILEAN PLEBISCITE WHICH WILL APPROVE OR DISAPPROVE AN EIGHT YEAR TERM FOR CURRENT PRESIDENT AUGUSTO PINOCHET. THE PLEBISCITE WILL BE HELD ON OCTOBER 5.

SUMMARY AND CONCLUSIONS

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2. (C) IT WAS NOT A GOOD WEEK FOR THE "SI" CAMPAIGN. PRESIDENT PINOCHET'S SOPORIFIC SPEECH ON THE ANNIVERSARY OF THE MILITARY

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COUP WAS A NET LOSS, AND IT WAS A MAJOR BLUNDER FOR THE T.V. COUNCIL TO FORCE THE "NO" CAMPAIGN TO CANCEL ITS SEPTEMBER 12 TELEVISION SPOT ON TORTURE. THE GOVERNMENT'S HEAVY-HANDEDNESS HAS GIVEN THE ISSUE OF TORTURE MORE PUBLICITY THAN THE "NO" CAMPAIGN COULD EVER HAVE DREAMED. THE OPPOSITION'S POINT WAS MADE EVEN MORE POIGNANT BY THE SUPREME IRONY OF PINOCHET'S PRONOUNCING THAT SAME DAY THAT FREEDOM OF THE PRESS WAS THE CORNERSTONE OF ALL OTHER FREEDOMS. THE PRESIDENT'S ATTEMPTS TO MAKE AMENDS IN THE NAME OF FAIR PLAY BY ORDERING THAT THE "SI" CAMPAIGN'S 15 MINUTES NOT BE SHOWN THE FOLLOWING NIGHT AND LATER THIS WEEK SIGNING THE RATIFICATION OF TWO INTERNATIONAL TORTURE CONVENTIONS WON HIM FEW POINTS. THESE SETBACKS APPEAR TO HAVE PUT PINOCHET ON EDGE, AS HE LASHED OUT WITH BITTER PERSONAL ATTACKS AGAINST FORMER MEMBERS OF HIS GOVERNMENT WHO HAVE JOINED THE "NO" FORCES. THE GOVERNMENT WAS PUT FURTHER IN A BAD LIGHT BY THE CARABINERO'S USE OF EXCESSIVE FORCE TO BREAK UP A GROUP OF INTERNATIONAL VISITORS FROM THE ICFTU WHO WERE ACCOMPANYING LABOR LEADER MANUEL BUSTOS WHEN HE REPORTED TO THE SUPREME COURT TO BEGIN SERVING HIS SENTENCE OF INTERNAL EXILE.

3. (C) THE "NO" CAMPAIGN IS PROVING MORE THAN CAPABLE OF EXPLOITING THESE OPENINGS AND IS SKILLFULLY USING THE MEDIA TO GET MAXIMUM MILEAGE FROM THEM. CROWDS FOR THE "NO" CAMPAIGN RALLIES IN THE PROVINCES CONTINUE TO BE GOOD AND APPEAR TO BE GETTING BETTER AS

THE FREE TELEVISION SPOTS ARE HAVING THEIR EFFECT. ALTHOUGH REGIONAL MILITARY OFFICIALS CONTINUE TO PROJECT SUPREME CONFIDENCE, WE ARE PICKING UP INDICATIONS THAT THERE ARE SOME DOUBTS IN MILITARY RANKS THAT PINOCHET CAN IN.

4. (C) THERE ARE ALWAYS TURNING POINTS IN ANY ELECTORAL CAMPAIGN WHICH ONE CAN LOOK BACK TO AS DECIDING THE OUTCOME. THIS WEEK COULD BE ONE OF THOSE. CERTAINLY, IT WAS A LOW POINT FOR THE "SI" CAMPAIGN AND CLEARLY PRESIDENT PINOCHET IS GOING TO HAVE TO COME OUT WITH SOME NEW INITIATIVES TO REVERSE THE TREND. HE IS NOT SELLING AS A REBORN DEMOCRAT, AND IT WOULD BE AMAZING IF PEOPLE IN HIS OWN CAMP, INCLUDING THE ARMED FORCES, WERE NOT SERIOUSLY WORRIED AT THIS POINT THAT HE IS LEADING THEM DOWN THE PATH OF DEFEAT. EMBASSY IS FAR FROM PREPARED TO COUNT PINOCHET OUT, HE UNDOUBTEDLY HAS DRAMATIC GESTURES UP HIS SLEEVE THAT COULD MAKE A DIFFERENCE, BUT CONCESSIONS ON HUMAN RIGHTS, E.G. DROPPING CHARGES AGAINST JOURNALISTS AND PARDONING BUSTOS AND COMPANY, WILL NOT DO THE TRICK. THESE WILL BE INTERPRETED AS MORE CYNICAL MANUEVERING. NOR CAN WE DISCOUNT SELF-INFLICTED WOUNDS BY THE FRAGILE OPPOSITION COALITION, ESPECIALLY NOW THAT THE SMELL OF VICTORY IS BECOMING HEADY. HOWEVER, IF THE "NO" COALITION DOES MAINTAIN UNITY AND A MODERATE IMAGE AND PINOCHET CONTINUES AS HE DID THIS WEEK, IT IS DIFFICULT TO SEE HOW THE

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INFO AMEMBASSY BOGOTA
AMEMBASSY BRASILIA
AMEMBASSY BUENOS AIRES

S E C R E T SECTION 02 OF 08 SANTIAGO 06628
SECRET/NOFORN

E.O. 12356: DECL: OADR
TAGS: PGOV, PREL, ELAB, PINS, CI
SUBJECT: THE CHILEAN PLEBISCITE: SITREP SEVEN

GOVERNMENT CAN WIN IN A FAIR ELECTION.
AND SUMMARY AND CONCLUSIONS.

RULES OF THE GAME

. (U) FOR THE FIRST TIME IN 15 YEARS, REPRESENTATIVES OF THE CHRISTIAN DEMOCRATIC PARTY WENT TO LA MONEDA ON SEPTEMBER 12. THE OCCASION WAS A MEETING BETWEEN PDC GENERAL SECRETARY GUTEMBERG MARTINEZ, PDC ELECTORAL DEPARTMENT HEAD ERIC CAMPANA AND INTERIOR SUBSECRETARY ALBERT CARDEMIL TO FIND OUT HOW THE GOVERNMENT WOULD TABULATE AND RELEASE ITS INFORMAL VOTE COUNT ON THE EVENING OF OCTOBER 5. IN

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PAGE 02 SANTIA 06628 02 OF 08 162041Z

THE MEETING, CARDEMIL PROMISED THAT THERE WOULD NOT BE A COMPULSORY NATIONAL NETWORK FOR RADIO AND TV, UNLESS SERIOUS DISTURBANCES FORCED THE GOC TO TAKE

CONTROL OF THE SITUATION. HE ALSO ASSURED THE PDC REPRESENTATIVES THAT NO RESULTS WOULD BE ANNOUNCED UNTIL AFTER 6 PM. PARTIAL RESULTS WOULD BE ANNOUNCED IN HOURLY BULLETINS FROM THAT TIME ON.

6. (C) ON LEAVING THE MEETING, MARTINEZ EXPLAINED THAT THE SESSION DEALT WITH PURELY TECHNICAL, NOT POLITICAL MATTERS. IT HAD BEEN REQUESTED BY THE PDC SOME MONTHS BACK AND HAD NOTHING TO DO WITH THE PRESIDENT'S SEPTEMBER 11 APPEAL FOR COOPERATION FROM OPPOSITION PARTIES. ERIC CAMPANA LATER TOLD EMBOFFS THAT THE GOC AGREED TO CONSIDER THE "NO" REQUEST FOR STANDARDIZATION OF ELECTION RESULTS BY REPORTING THE BASIS OF THEIR INFORMATION (I.E. MESAS, DISTRICTS, PROVINCES, OR NATIONAL). CARDEMIL TOLD HIM THE GOC WILL ADVANCE THE SWITCH TO DAYLIGHT SAVINGS TIME BY ONE WEEK, TO OCTOBER 1, TO ALLOW MORE DAYLIGHT FOR VOTING. THE "NO" CAN SEND REPRESENTATIVES TO THE GOC COMPUTER CENTER, BUT THEY WILL BE RESTRICTED FROM ENTERING THE ROOM WHERE THE COMPUTERS ARE LOCATED. THE "NO" WILL TREAT THIS REQUEST WITH KID GLOVES, BECAUSE THEY DO NOT WANT THEIR PRESENCE TO LEND SUPPORT TO THE GOVERNMENT IN THE CASE OF CONTESTED RESULTS.)

. U) MEANWHILE CARDEMIL SENT LETTERS TO ALL THE POLITICAL PARTIES INVITING THEM TO DESIGNATE OFFICIAL

PAGE 03 SANTIA 06628 02 OF 08 162041Z

REPRESENTATIVES FOR THE GOC COMPUTER CENTER IN DIEGO PORTALES ON ELECTION DAY. THE PPD RESPONDED THAT IT COULD NOT MEET WITH CARDEMIL, SINCE HE IS UNDER THE DIRECT ORDERS OF THE INTERIOR MINISTER, WHO IS, BY HIS OWN ADMISSION, THE MOST ARDENT SUPPORTER OF THE SI." NOR WOULD IT CONSIDER THE INTERIOR MINISTRY'S RESULTS AS OFFICIAL, SINCE THE ONLY OFFICIAL RESULTS ARE THOSE MADE BY THE SCRUTINIZING BOARDS WHICH ARE RELEASED BY THE NATIONAL ELECTORAL SERVICE (SEN).

8. (C) COMMENT: THE PPD IS TECHNCIALLY RIGHT, SINCE THE ONLY LEGAL RESULTS ARE THE RESULT OF A TIME-CONSUMING PROCESS BEGINNING WITH THE REGIONAL SCRUTINIZING BOARDS, WHO MEET SIX DAYS AFTER THE ELECTION TO CHECK THE VOTE TALLIES TABLE BY TABLE, AND SEND THE RESULTS OF THEIR DETERMINATION TO THE SEN. HOWEVER, THE QUICK, INFORMAL VOTE TALLY IS TRADITIONALLY DONE BY THE INTERIOR MINISTRY.

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THE SI CAMPAIGN

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9. (U) THE PRESIDENT WAS CLEARLY SHOWING HIS AGE IN THE COUP ANNIVERSARY SPEECH OF SEPTEMBER 11, WHICH TURNED OUT TO BE A LONG, BORING LITANY OF GOC ACCOMPLISHMENTS. HOWEVER PINOCHET SHOWED HIS TEETH A FEW DAYS LATER. IN AN EXTEMPORANEOUS TALK BEFORE FORMER ARMY OFFICERS IN SANTIAGO, HE DISSECTED THE PERSONAL LIVES OF SEVERAL "TRAITORS" WHO HAD SERVED IN HIS ADMINISTRATION. FIRST, HE REFERRED TO MARITAL PROBLEMS SUFFERED BY EX-TOURISM DIRECTOR LILIANA

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AGE 01 SANTIA 06628 03 OF 08 162042Z
CTION ARA-00

NFO LOG-00 ADS-00 INR-10 SS-00 CIAE-00 EB-00 DODE-00

IO-19	NSCE-00	NSAE-00	SSO-00	HA-09	L-03	PM-10
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O 162021Z SEP 88
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 8244
INFO AMEMBASSY BOGOTA
AMEMBASSY BRASILIA
AMEMBASSY BUENOS AIRES

S E C R E T SECTION 03 OF 08 SANTIAGO 06628

SECRET/NOFORN

E.O. 12356: DECL: OADR
TAGS: PGOV, PREL, ELAB, PINS, CI
SUBJECT: THE CHILEAN PLEBISCITE: SITREP SEVEN

HAHN, WHO APPEARED ON TV THE PREVIOUS WEEK SUPPORTING
THE NO. APPARENTLY REFERRING TO ORLANDO SAENZ,
PRESIDENT OF INDEPENDENTS FOR THE NO, HE CLAIMED HE
HAD INTERVENED TWICE TO KEEP THE FORMER SOFOFA
PRESIDENT FROM BEING JAILED, AND THREATENED "LET'S
SEE IF THEY JAIL HIM NOW." AS FOR FEDERICO
WILLOUGHBY, WHOM HE IDENTIFIED AS A "GOOD FOR
NOTHING", THE PRESIDENT BITTERLY SAID THIS IS HIS
THANKS FOR SAVING HIM FROM DYING FROM AN ILLNESS, "A
STAB IN THE BACK... I WISH HE HAD DIED."

10. (C) THIS AMAZING SPEECH SHOWS A CERTAIN
RECKLESSNESS ON THE PRESIDENT'S PART, AND
THE MALIGNANT TONE OF THE ATTACKS ON HIS
FORMER COLLABORATORS BRINGS INTO QUESTION WHETHER
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PAGE 02 SANTIA 06628 03 OF 08 162042Z

PINOCHET CAN COEXIST WITH A DEMOCRATIC SYSTEM.
AT ANY RATE, THE PERSONAL ATTACKS ARE NOT APT
TO WIN SUPPORT AMONG STILL UNDECIDED VOTERS.
THERE MAY BE A METHOD TO HIS MADNESS, THAT
BEING TO CONVINCE OTHER GOC DEFECTORS THAT IF
THEY GO SO FAR AS TO APPEAR IN THE NO CAMPAIGN

TV SPOTS, AS DID SAENZ AND MAHN, THEY WILL BE PUBLICLY DRAGGED THROUGH THE GUTTER. THE NO PUBLICITY TEAM IS REPORTEDLY SCHEDULING AN APPEARANCE BY PINOCHET'S NIECE, FORMER JUSTICE MINISTER MONICA MADARIAGA, SOMETIME THIS MONTH. SHE WAS ALSO ATTACKED IN PINOCHET'S SPEECH.

11. (U) THE PRESIDENT WAS IN A SOMEWHAT BETTER FORM THE NEXT DAY AT A ROTARY CLUB TRIBUTE TO THE ARMED FORCES. IN THAT SPEECH, HE DENIED HIS REGIME WAS A DICTATORSHIP, AND HONED IN ON THE CONTINUED THREAT OF TERRORISM.

12. (C) RECENT VISITS BY EMBOFF'S TO VALPARAISO AND VALDIVIA REVEAL THAT EVEN MANY LOCAL SI CAMPAIGN LEADERS BELIEVE THE GOVERNMENT WILL LOSE MOST MAJOR CITIES IN THE PLEBISCITE. THE OBVIOUS SUPERIORITY OF THE NO TV SPOTS OVER THE SI SPOTS HAS HAD A DAMPENING EFFECT ON SI SUPPORTERS, AND LEADERS OF NATIONAL RENOVATION HAVE PUBLICLY CRITICIZED THE GOC FOR ITS COUNTERPRODUCTIVE" ACTION IN CENSURING THE NO PUBLICITY DEALING WITH TORTURE IN CHILE (SANTIAGO 6512).

13. (U) INDEPENDENTS FOR THE SI ACCUSED THE NO

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SECRET

PAGE 03 SANTIA 06628 03 OF 08 162042Z

CAMPAIGN OF BEING TAKEN OVER BY MARXIST ELEMENTS WHO WERE PROPOGATING A CLIMATE OF VIOLENCE AND AGGRESSION. ADDING FUEL TO THE CHARGE, SANTIAGO MAYOR GUSTAVO ALESSANDRI'S CAR WAS STONED BY A SMALL, ANGRY MOB. ON SEPTEMBER 11, THE PRESIDENT'S MOTORCADE WAS STONED BY SLUM DWELLERS WHILE TOURING THE TOWNSHIP OF CERRO NAVIA, ON THE OUTSKIRTS OF SANTIAGO. POLICE DISPERSED THE PROTESTORS WITH TEAR GAS, AROUND 12 PEOPLE WERE WOUNDED, AND PINOCHET HAD TO CANCEL THE CEREMONY. ON THE FOLLOWING DAY 50 RESIDENTS OF THE AREA BROUGHT CHARGES AGAINST THE CARABINEROS, SAYING THAT DRUNKEN POLICEMEN, APPARENTLY IN RETALIATION FOR THE MOTORCADE STONING,

HAD BEATEN YOUTHS AND BROKEN THE WINDOWS OF SCORES OF HOUSES.

THE NO CAMPAIGN

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14. (U) ON SEPTEMBER 11 THE NO COMMAND STAGED A MOCK ELECTION IN SANTIAGO IN ORDER TO TEACH PEOPLE HOW TO CAST BALLOTS AND DEMONSTRATE THAT THEIR VOTE WOULD BE SECRET. NEARLY 100,000 PARTICIPATED IN THE 681 VOTING TABLES WHICH WERE SET UP THROUGHOUT THE CITY, WHILE ARTISTS AND MUSICIANS PUT ON SHOWS NEARBY.

15. (U) THE CAMPAIGN HAS CONTINUED TO PROVE ITS DRAWING POWER IN THE PROVINCES, WHERE CROWDS OF SEVERAL THOUSAND REGULARLY TURN OUT TO HEAR OPPOSITION PARTY LEADERS SPEAK IN SMALL CITIES AND TOWNS. IN CONCEPCION LAST WEEKEND, AN OPPOSITION

SECRET

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SECRET

PAGE 01 SANTIA 06628 04 OF 08 162043Z
ACTION ARA-00

INFO	LOG-00	ADS-00	INR-10	SS-00	CIAE-00	EB-00	DODE-00
	IO-19	NSCE-00	NSAE-00	SSO-00	HA-09	L-03	PM-10
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O 162021Z SEP 88
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 8245
INFO AMEMBASSY BOGOTA
AMEMBASSY BRASILIA
AMEMBASSY BUENOS AIRES

S E C R E T SECTION 04 OF 08 SANTIAGO 06628

SECRET/NOFORN

E.O. 12356: DECL: OADR
TAGS: PGOV, PREL, ELAB, PINS, CI
SUBJECT: THE CHILEAN PLEBISCITE: SITREP SEVEN

RALLY REPORTEDLY DREW NEARLY 50,000 PEOPLE IN WHAT EVEN THE INTENDENT ACKNOWLEDGED WAS THE BIGGEST DEMONSTRATION YET HELD IN THE SOUTHERN CITY.

16. (S/NF) HOWEVER EX-COMMUNIST DEPUTY LUIS GUASTAVINO CAUSED CONSTERNATION WHEN HE MADE A SURPRISE APPEARANCE AT THE RALLY, DEMANDING TO BE SEATED AMONG THE OTHER PARTY LUMINARIES WHO WERE WAITING TO ADDRESS THE CROWD. AFTER A QUICK POWWOW, ALL THE SPEAKERS DESCENDED FROM THE PLATFORM, LEAVING ONLY PATRICIO AYLWIN TO ADDRESS THE THRONG. PR GENERAL SECRETARY RICARDO NAVARRETE TOLD POLOFF THAT THE MINI-CRISIS WAS A GOOD TEST OF THE NO COMMAND'S DETERMINATION TO REJECT PC PARTICIPATION.

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SECRET

PAGE 02 SANTIA 06628 04 OF 08 162043Z

THERE ARE REPORTS OF ONGOING NEGOTIATIONS BETWEEN THE "NO COMMAND" AND THE CHILEAN COMMUNIST PARTY. THE PARTY HAS AGREED TO REFRAIN FROM SPONSORING PRE-PLEBISCITE VIOLENCE; THE "NO COMMAND" HAS NOT AGREED TO THE COMMUNIST'S RECIPROCAL DEMANDS.

7. (U) NONETHELESS, RETURNED EXILE LEADERS SUCH AS GUASTAVINO HAVE MADE MORE AND MORE INFLAMMATORY

SPEECHES IN THE PROVINCES, PARTICULARLY IN VALPARAISO (SEPTEL). THE NUNEZ SOCIALISTS ISSUED A HARSH CRITICISM OF GUASTAVINO FOR BEING IRRESPONSIBLE IN HIS POSITION ON THE PLEBISCITE, SAYING THAT THE PC HAS FAILED TO DEVELOP A COHERENT STRATEGY AND WAS A JOHNNIE-COME-LATELY TO THE ELECTION CAMPAIGN.

18. (C) THE ITALIAN CHARGE TOLD AMBASSADOR THAT THE LEADERSHIP OF THE PDC AND THE PR ARE CONCERNED ABOUT THE GROWING INFLUENCE OF THE ALMEYDA SOCIALISTS AND OTHER FAR LEFT PARTIES IN THE NO COMMAND. ACCORDING TO PR LEADER NAVARETTE, THE CENTRIST PARTIES FEEL THAT DEMONSTRATIONS SHOULD BE MINIMIZED DUE TO THE POTENTIAL FOR VIOLENCE AND THE NEGATIVE FALLOUT FOR UNDECIDED VOTERS. ON MORE THAN ONE OCCASION, FRICTION BETWEEN THE "MODERATES" AND THE "LEFTISTS" IN THE TV PUBLICITY COMMITTEE HAS COME TO A HEAD, REQUIRING MEDIATION BY EDGARDO BOENINGER, ANDRES ZALDIVAR AND THE CAMPAIGN'S PR CHIEF.

19. (U) ON SEPTEMBER 14 THE NO CAMPAIGN CALLED ON SI LEADERS AND THE GOVERNMENT TO MEET TOGETHER AND DRAW

SECRET

SECRET

PAGE 03 SANTIA 06628 04 OF 08 162043Z

UP A PACT AGAINST POLITICAL VIOLENCE. ITS STATEMENT SAID THAT DESPITE THE WIDESPREAD REPUDIATION OF VIOLENCE BY MANY SECTORS, THE LEVELS OF CONFRONTATION AND POLARIZATION WERE INCREASING TO DANGEROUS LEVELS. IT CITED THE CALL RECENTLY MADE BY NATIONAL RENOVATION AND THE NON-VIOLENCE PACT PROMOTED BY BISHOP MEDINA OF RANCAGUA AS POSITIVE EFFORTS TO RESPOND TO THIS THREAT.

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20. (S/ SEVERAL LEFTIST PARTIES IN THE "NO COMMAND" ARE WILLING TO SUPPORT A PDC-CHOSEN PRESIDENTIAL CANDIDATE FOR DIRECT ELECTIONS BUT ONLY IF THE CANDIDATE IS ANNOUNCED PRIOR TO THE PLEBISCITE. HOWEVER, THE SOURCE SEES THAT THERE IS LITTLE LIKELIHOOD OF AGREEMENT IN THE PDC REGARDING WHICH PDC

LEADER WOULD BE MOST SUITABLE.

21. (C) ALONG THOSE LINES, THE LATEST RUMOR CIRCULATING IN POLITICAL AND BUSINESS CIRCLES IS THAT RICARDO LAGOS AND PATRICIO AYLWIN HAVE AGREED ON A CENTER-RIGHT CANDIDATE, EITHER HERNAN CUBILLOS OR JOSE MIGUEL BARROS, AND THAT THEY WILL RELEASE THE NAME A FEW DAYS BEFORE THE PLEBISCITE. (ONE VERSION OF THE STORY, PROVIDED BY PPD MEMBER SEBASTIAN PINERA, ACKNOWLEDGES THAT ANDRES ZALDIVAR AND GABRIEL VALDES ARE RESISTING THE MOVE.) BANKERS HAVE TOLD EMBOFFS THAT THE BUSINESS COMMUNITY IS "REALLY SCARED" ABOUT THE POSSIBILITY, WHICH IN THEIR VIEW WOULD GUARANTEE A NO VICTORY OF MASSIVE PROPORTIONS. MEANWHILE, FORMER RADICAL PARTY LEADER ANSELMO

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AGE 01 SANTIA 06628 05 OF 08 162044Z
CTION ARA-00

NFO	LOG-00	ADS-00	INR-10	SS-00	CIAE-00	EB-00	DODE-00
	IO-19	NSCE-00	NSAE-00	SSO-00	HA-09	L-03	PM-10
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162021Z SEP 88
FM AMEMBASSY SANTIAGO

TO SECSTATE WASHDC IMMEDIATE 8246
INFO AMEMBASSY BOGOTA
AMEMBASSY BRASILIA
AMEMBASSY BUENOS AIRES

S E C R E T SECTION 05 OF 08 SANTIAGO 06628

SECRET/NOFORN

E.O. 12356: DECL: OADR
TAGS: PGOV, PREL, ELAB, PINS, CI
SUBJECT: THE CHILEAN PLEBISCITE: SITREP SEVEN

SULE ANNOUNCED FROM MEXICO CITY THAT HE WOULD TRAVEL TO CHILE SHORTLY TO ANNOUNCE HIS CANDIDACY FOR THE PRESIDENCY|

12. (C) ON SEPTEMBER 15 THE PDC NATIONAL COUNCIL RESOLVED TO FORMALIZE ITS COMMITMENT TO THE PROGRAM OF GOVERNMENT WHICH WAS SIGNED LAST JANUARY BY CENTRIST PARTIES. PDC CHAIRMAN PATRICIO AYLWIN SAID THAT THE PARTIES WHICH SIGNED THE PACT -- THE DC, THE PR, THE SOCIAL DEMOCRATS, PADENA, USOPO AND THE LIBERALS -- OFFERED AN ALTERNATIVE GOVERNING COALITION WHICH WAS OPEN TO THE DEMOCRATIC RIGHT (I.E. THE NATIONALS) AND THE DEMOCRATIC SOCIALISTS. THE HUMANIST PARTY, WHICH HAD SIGNED THE JANUARY
SECRET

SECRET

PAGE 02 SANTIA 06628 05 OF 08 162044Z

STATEMENT OF PRINCIPLES, IS HOLDING BACK ON DECISION TO TAKE PART. THE DECISION TO FORMALIZE THE PACT WAS CRITIZED BY RICARDO LAGOS WHO SAID WHAT CHILE NEEDED INSTEAD WAS CONSENSUS CANDIDATE WHO COULD EMERGE AFTER NO VICTORY. COMMENT: AFTER LABORING FOR OVER YEAR TO PRODUCE A GOVERNING COALITION, THE DC HAS PRODUCED A MOUSE. THE PROBLEM IN EXPANDING THE COALITION CAME WHEN THE NATIONAL PARTY BEGAN TO SPLINTER AND NUNEZ SOCIALISTS BALKED. AYLWIN UNDOUBTEDLY FELT PRESSURED TO DEMONSTRATE THAT A MODERATE POLITICAL GROUPING

WOULD LEAD THE OPPOSITION AFTER THE PLEBISCITE, BUT, IT IS DOUBTFUL THAT A PAPER ALLIANCE WILL MAKE THAT POINT.

INDEPENDENTS

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23. (U) IN REPONSE TO A REQUEST FROM THE LAWYER'S ASSOCIATION, RANCAGUA BISHOP JORGE MEDINA INVITED ALL POLITICAL ORGANIZATIONS IN THE SIXTH REGION TO SIGN A NON-AGGRESSION AGREEMENT TO LOWER THE LEVEL OF CONFRONTATION IN THE ELECTORAL CAMPAIGN. THE "PACT OF HONOR" COMMITS THOSE INVOLVED TO CREATE A CLIMATE OF MUTUAL RESPECT, DIGNITY AND TRANQUILITY BOTH BEFORE AND AFTER THE PLEBISCITE SO THAT VOTERS' RIGHT TO CHOOSE IS PROTECTED. IT WAS SIGNED BY 13 REGIONAL REPRESENTATIVES OF PARTIES AND INDEPENDENT COMMITTEES WHICH RUN THE GAMUT FROM NATIONAL RENOVATION AND WOMEN OF CHILE TO NUNEZ SOCIALISTS AND MAPU. MSR. MEDINA, A CONSERVATIVE BISHOP WHO HAS OPPOSED CHURCH

SECRET

PAGE 03 SANTIA 06628 05 OF 08 162044Z

INVOLVEMENT IN POLITICS, IS CONSIDERED TO HAVE CLOSE TIES WITH THE GOC.

24. (U) IN A NATIONAL CONGRESS ON SEPTEMBER 10 THE NATIONAL PARTY FACTION LED BY PATRICIO PHILLIPS VOTED TO SUPPORT A SI VOTE IN THE PLEBISCITE. THE VOTE WAS 25 FOR THE SI, 25 FOR THE NO, AND ONE (SYLVIA LESSANDRI'S) FOR NO POSITION. PN LEADER ADOLFO ALLAS, WHO HAD ATTENDED BOTH THE RIESCO AND PHILLIPS ONGRESSES, WAS BOOED WHEN HE MADE AN APPEAL FOR NITY OF THE TWO FACTIONS. PHILLIPS FOLLOWED UP BY EETING WITH PRESIDENT PINOCHET, THEN WITH SERGIO ERNANDEZ. HE NOTED THAT HE WOULD PARTICIPATE IN THE V SPOTS FOR THE SI, AND URGED THE FORMATION OF A OINT COMMAND FOR ALL THE PRO-SI PARTIES TO OORDINATE PUBLICITY AND PROVINCIAL TOURS.

25. (C) COMMENT: IT WAS EXPECTED THAT PHILLIPS WOULD LEAD HIS SECTOR OF THE PARTY

INTO SUPPORT FOR THE SI, WHICH HAS BEEN HIS ACKNOWLEDGED PREFERENCE FOR SOME TIME. THE PN-PHILLIPS CONVENTION DREW FEWER NATIONAL COUNSELORS THAN THE RIESCO CONGRESS (151 AS OPPOSED TO 161), THOUGH IT HAS MORE CHANCE OF MAINTAINING LEGAL RECOGNITION. ONLY THE PLEBISCITE RESULTS WILL DETERMINE WHO WILL FINALLY EMERGE FROM THE SPLINTERING OF THE NATIONALS AS THE "REAL" NATIONAL PARTY. PHILLIPS TOLD EMBOFFS SEPTEMBER 12 THAT HIS FACTION WOULD HAVE A MODERATING INFLUENCE ON PINOCHET, PARTICULARLY WITH REGARD TO HUMAN RIGHTS. WE DOUBT THAT EVEN PHILLIPS BELIEVES THAT.

SECRET

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SECRET

PAGE 01 SANTIA 06628 06 OF 08 162045Z
ACTION ARA-00

NFO	LOG-00	ADS-00	INR-10	SS-00	CIAE-00	EB-00	DODE-00
	IO-19	NSCE-00	NSAE-00	SSO-00	HA-09	L-03	PM-10
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162021Z SEP 88
M AMEMBASSY SANTIAGO
O SECSTATE WASHDC IMMEDIATE 8247
NFO AMEMBASSY BOGOTA
MEMBASSY BRASILIA

AMEMBASSY BUENOS AIRES

S E C R E T SECTION 06 OF 08 SANTIAGO 06628
SECRET/NOFORN

E.O. 12356: DECL: OADR
TAGS: PGOV, PREL, ELAB, PINS, CI
SUBJECT: THE CHILEAN PLEBISCITE: SITREP SEVEN

RIVATE SECTOR
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6. (U) AS REPORTED IN SEPTEL, PINOCHET USED HIS TATE OF THE NATION ADDRESS TO ANNOUNCE A CHILEAN SIX HOUSAND PESO BONUS FOR ALL PUBLIC SECTOR WORKERS AND ETIREES. THE BONUS WAS DETERMINED EARLIER IN THE EAR WHEN INFLATION WAS EXPECTED TO BE AROUND 20 ERCENT. THE OBJECT WAS TO MAINTAIN THE REAL VALUE F LAST YEAR'S CHILEAN FIVE THOUSAND PESO BONUS. HERE ARE TWO ELEMENTS WHICH GIVE THE ANNOUNCEMENT ROADER SIGNIFICANCE: (1) MANIPULATION OF THE XCHANGE RATE TO AFFECT PRICES IS CONTINUING TO HAVE
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SECRET

AGE 02 SANTIA 06628 06 OF 08 162045Z

I IMPACT ON REAL INCOMES -- IN EFFECT, LOWER THAN XPECTED INFLATION MEANS PUBLIC SECTOR BONUSES, WHILE)T LARGE, ARE MORE GENEROUS THAN ORIGINALLY NTENDED; AND (2) PINOCHET URGED BUSINESSMEN TO BE NEROUS IN THEIR NATIONAL DAY BONUSES TO PASS ON THE UITS OF CHILE'S ECONOMIC PROGRESS. BUSINESSES DINARILY TAKE THEIR CUE ON BONUSES FROM THE VERNMENT. PUBLIC SECTOR WORKERS INCLUDE ALL ACHERS IN THE NATION'S PUBLIC SCHOOLS AND PLOYEES IN ALL PUBLIC HOSPITALS.

. (C) ALTHOUGH THERE HAS BEEN DAY-TO-DAY RIATIONS, THERE HAS BEEN NO SIGNIFICANT VEMENT IN THE STOCK EXCHANGE OR IN THE RALLEL DOLLAR. ECONOMISTS FROM THE

UNIVERSIDAD CATOLICA TOLD ECONCOUN THAT THE FAILURE OF A TREND TO MATERIALIZE IS INEXPLICABLE. ALL BUT ONE OF THE TEN ECONOMISTS PRESENT WAS FOR THE "SI" AND CONFIDENT THAT THE "SI" WILL WIN ON OCTOBER 5. WHEN ASKED TO COMMENT ON THE IMPACT ON THE ECONOMY OF A "NO" WIN, SEVERAL OF THE "SI" SUPPORTERS OF THIS GROUP COMMENTED THAT THE PARALLEL DOLLAR RATE WOULD INCREASE SHARPLY (I.E., THE PESO WOULD DEPRECIATE) AND THAT, MORE IMPORTANTLY, INVESTMENT WOULD DROP OFF AT LEAST IN THE NEAR TERM. MOST OF OUR CONTACTS IN THE FINANCIAL SECTOR BELIEVE THE CENTRAL BANK IS INTERVENING TO KEEP THE PARALLEL MARKET DOWN, ALTHOUGH THEY HAVE NO CONCRETE EVIDENCE.

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SECRET

PAGE 03 SANTIA 06628 06 OF 08 162045Z

THE SECURITY FORCES

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8. (S) IN PRE-PLEBISCITE VISITS TO MEET WITH REGIONAL MILITARY ADMINISTRATORS (INTENDENTS) AND OTHER SECURITY OFFICIALS, MAO OFFICERS REPORT THAT THE METROPOLITAN SANTIAGO AND VIII REGION (VALPARAISO) INTENDENTS BOASTED OF THE ADMINISTRATION'S ACCOMPLISHMENTS AND THEIR IN-DEPTH KNOWLEDGE OF THEIR RESPECTIVE REGIONS, AND DEMONSTRATED STRONG OPTIMISM THAT THE SI CAMPAIGN WOULD WIN IN THEIR JURISDICTIONS. SUCH BLIND FAITH IN A PINOCHET TRIUMPH MAKES IT VERY DIFFICULT TO JUDGE THE MILITARY REACTION SHOULD THE NO WIN. (SANTIAGO 06499 AND 06500). MEANWHILE, [redacted] HEARING THAT THERE IS A DEGREE OF DOUBT BY SOME MEMBERS OF PRO-GOVERNMENT POLITICAL PARTIES AND AMONG CERTAIN ARMY GENERALS THAT THE GOVERNMENT WILL BE ABLE TO WIN THE PLEBISCITE. [redacted]

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REPORT THAT 50 PERCENT OF THOSE SURVEYED VOICED SUPPORT FOR THE NO.

29. (C) IN WHAT APPEARS TO BE AN EFFORT TO SOW ALARM ABOUT THE INTENTIONS OF THE RADICAL LEFT, CNI OFFICIALS DETONATED A BOMB SIMILAR TO THE ONE "FOUND" NEAR THE DIEGO PORTALES BUILDING ON SEPTEMBER 11 (SANTIAGO 6554). A DRAMATIC PICTURE ON THE FRONT PAGE OF EL MERCURIO ON SEPTEMBER 15, SHOWING A HUGE FIREBALL AND SHATTERED DUMMIES, DOCUMENTED THE

SECRET

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PAGE 01 SANTIA 06628 07 OF 08 162046Z
ACTION ARA-00

INFO	LOG-00	ADS-00	INR-10	SS-00	CIAE-00	EB-00	DODE-00
	IO-19	NSCE-00	NSAE-00	SSO-00	HA-09	L-03	PM-10
	PA-01	SIL-01	INRE-00	SP-02	C-01	PRS-01	DS-01
	SCT-02	E-01	P-02	T-01	/064 W		

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162021Z SEP 88
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 8248
INFO AMEMBASSY BOGOTA
AMEMBASSY BRASILIA
AMEMBASSY BUENOS AIRES

S E C R E T SECTION 07 OF 08 SANTIAGO 06628

SECRET/NOFORN

E.O. 12356: DECL: OADR
TAGS: PGOV, PREL, ELAB, PINS, CI
SUBJECT: THE CHILEAN PLEBISCITE: SITREP SEVEN

EVENT. STARTING SEPTEMBER 15 THE SI CAMPAIGN'S TELEVISION SPOTS SHOWED IMAGES OF HAPPY YOUTHS AND RAINBOWS FROM THE NO ADS, WHICH THEY JUXTAPOSED WITH GLOOM AND DOOM SCENES SHOWING THE STREETS OF SANTIAGO GOING UP IN FLAMES.

THE MEDIA

30. (U) IN A MAJOR POLITICAL BLUNDER, THE GOVERNMENT CONTROLLED TELEVISION COUNCIL THIS WEEK CENSORED A TELEVISION CAMPAIGN ADVERTISEMENT OF THE "NO." STRONG PROTESTS FROM THE PUBLIC AND FROM BOTH OPPOSITION AND PRO-GOVERNMENT PRESS CAUSED PINOCHET TO DECREE THAT SINCE THE "NO" ADVERTISEMENT WAS NOT

AIRED (IT WAS PULLED RATHER THAN SUBMITTED TO CENSORSHIP), HE WOULD, THE FOLLOWING EVENING, FOREGO USE OF THE "SI" SPACE. HOWEVER, THE DAMAGE TO THE "SI" WAS DONE, AND THE RESULTING PUBLICITY GAVE THE CONTESTED SEGMENT OF THE ADVERTISEMENT, WHICH HAD ADDRESSED TORTURE BY THE CNI, WIDER DISTRIBUTION THAN HAD IT BEEN USED AS PART OF THE SPOT. THE OPPOSITION WAS QUICK TO POINT OUT THE IRONY OF THE FACT THAT AT THE SAME TIME THE ADVERTISEMENT WAS BEING CENSORED IN SANTIAGO, PINOCHET WAS IN VALPARAISO FOR THE ANNIVERSARY OF "EL MERCURIO," ASSERTING THAT "FREEDOM OF THE PRESS IS THE FOUNDATION OF ALL OTHER FREEDOMS."

OPINION POLLS

31. (C) THE UNIVERSITY OF CHILE'S ECONOMIC FACULTY RELEASED THE RESULTS OF A NATIONAL POLL SHOWING THE "SI" AHEAD BY 48 PERCENT TO 41 PERCENT FOR THE "NO", WITH 11 PERCENT UNDECIDED. SERVING AS A GOOD INDICATION OF THE BIAS OF THIS POLL, THE OFFICE OF INVESTIGACIONES ALSO ANNOUNCED VERY SIMILAR RESULTS OF THEIR RECENT POLL CONDUCTED TEN DAYS AFTER ANNOUNCEMENT OF PINOCHET'S NOMINATION. IT FOUND THAT 47 PERCENT OF THEIR RESPONDANTS SUPPORT THE "SI" AND 40 PERCENT THE "NO", 13 PERCENT UNDECIDED. MORE SERIOUS POLLING DATA IS EXPECTED LATER THIS MONTH WHEN CERC AND CEP ANNOUNCE THE RESULTS OF THEIR NATIONAL POLLS.

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SECRET

PAGE 03 SANTIA 06628 07 OF 08 162046Z

INTERNATIONAL COMMUNITY

---

2. (U) THE 15TH ANNUAL ICFTU-ORIT COMMITTEE FOR THE DEFENSE OF HUMAN AND WORKER RIGHTS IN LATIN AMERICA MET IN SANTIAGO SEPTEMBER 12-16 AND DEVOTED THE ENTIRE SESSION ON SEPTEMBER 14 TO CHILE. THE COMMITTEE RESOLVED, INTER ALIA, TO SEND A SPECIAL COMMITTEE OF TRADE UNIONISTS TO CHILE TO OBSERVE THE PLEBISCITE. AIFLD EXECUTIVE DIRECTOR BILL DOHERTY TOLD LABATT THAT 40-60 U.S. UNION LEADERS PLAN TO COME TO CHILE FOR THE EVENT.

3. (U) THE ICFTU-ORIT COMMITTEE, WHICH NORMALLY MEETS IN EUROPE, CHOSE SANTIAGO THIS YEAR SPECIFICALLY TO LEND SUPPORT TO CHILEAN TRADE UNIONISTS WORKING FOR A NO VOTE, ACCORDING TO DOHERTY. HE, ALL OTHER MEMBERS OF THE U.S. DELEGATION AND 60 UNIONISTS FROM OTHER COUNTRIES WERE DOUSED BY WATER CANNONS WHEN THEY ACCOMPANIED CUT PRESIDENT MANUEL BUSTOS AS HE SURRENDERED HIMSELF AT THE SUPREME COURT TO BEGIN A 541-DAY SENTENCE OF INTERNAL EXILE (SEPTEL). BEFORE HE ENTERED THE

BUILDING, HE WAS TAPED FOR A FUTURE SPOT ON THE NO COMMAND'S POLITICAL ADVERTISEMENTS.

34. (U) THE CHILEAN HUMAN RIGHTS COMMISSION HELD OPENING CEREMONIES THIS WEEK FOR A HUMAN RIGNTS MONITORING OFFICE FOR THE PLEBISCITE PERIOD. THE OFFICE IS DESIGNED TO PROVIDE CURRENT INFORMATION TO VISITING OBSERVERS AND THE FOREIGN PRESS.

SECRET

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SECRET

PAGE 01 SANTIA 06628 08 OF 08 162046Z
ACTION ARA-00

INFO	LOG-00	ADS-00	INR-10	SS-00	CIAE-00	EB-00	DODE-00
	IO-19	NSCE-00	NSAE-00	SSO-00	HA-09	L-03	PM-10
	PA-01	SIL-01	INRE-00	SP-02	C-01	PRS-01	DS-01
	SCT-02	E-01	P-02	T-01	/064 W		

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O 162021Z SEP 88
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 8249
INFO AMEMBASSY BOGOTA
AMEMBASSY BRASILIA
AMEMBASSY BUENOS AIRES

S E C R E T SECTION 08 OF 08 SANTIAGO 06628

SECRET/NOFORN

E.O. 12356: DECL: OADR
TAGS: PGOV, PREL, ELAB, PINS, CI
SUBJECT: THE CHILEAN PLEBISCITE: SITREP SEVEN

35. (C) AT THE MONTHLY LUNCHEON OF THE COUNSELORS OF THE OECD MISSIONS IN SANTIAGO, A STRAW POLL WAS TAKEN TO DETERMINE THEIR PERSONAL VIEW OF HOW THE PLEBISCITE WILL TURN OUT. SEVENTEEN EMBASSIES WERE REPRESENTED, INCLUDING THE US, UK, FRG, AND JAPANESE DCMS. ELEVEN THOUGHT THE "NO" WOULD WIN BY A NARROW MARGIN, ONE THOUGHT THE "NO" WOULD WIN BY A MEAVY MARGIN, AND FIVE THOUGHT THE "YES" WOULD WIN BY A NARROW MARGIN.

J.S. FUNDED GROUPS

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36. (U) AS OF WEDNESDAY, CIVITAS ADS EXPLAINING THE

VOTING PROCESS BEGAN APPEARING ON CHANNEL 13 AGAIN, BUT WITHOUT THE CIVITAS LOGO. THE ADS ARE BEING CARRIED AT A 30 PERCENT DISCOUNT. ON THURSDAY, THE ADS APPEARED ON CHANNEL 11 WITH LOGO, AND THEY CONTINUE ON CHANNEL 4 OF VALPARAISO WITH LOGO. CHANNEL 4 HAS ALSO GIVEN CIVITAS A DISCOUNT. BARNES

SECRET

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Case Number: S199900030
U.S. Department of State
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In Full

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PAGE 01 SANTIA 06587 161327Z
ACTION ARA-00

INFO LOG-00 ADS-00 H-01 /001 W
----------130027 161416Z /44

P 161326Z SEP 88
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 8218

UNCLAS SANTIAGO 06587

E.O. 12356: NA
TAGS: PREL, PGOV, CI
SUBJ: AMBASSADORIAL LETTER TO HOUSE CHILE DELEGATION

1. WOULD APPRECIATE ARA/SC ARRANGING TO DELIVER TO CONGRESSMEN BRUCE MORRISON AND ALSO TED WEISS THE FOLLOWING LETTER FROM ME WITH REGARD TO THEIR FORTHCOMING TRIP TO CHILE AS PART OF A CODEL TO OBSERVE THE SITUATION IN CHILE PRIOR TO THE OCTOBER 5 PLEBISCITE.

DEAR CONGRESSMAN (FILL IN NAME AS APPROPRIATE):

WHEN I WAS IN WASHINGTON IN LATE JULY, YOU MAY RECALL I HAD THE CHANCE TO MEET WITH A GROUP OF MEMBERS AND STAFF OF SEVERAL SUBCOMMITTEES OF THE FOREIGN AFFAIRS COMMITTEE OF THE HOUSE. THE MAIN SUBJECT OF OUR DISCUSSION AT THAT TIME WAS THE FORTHCOMING PLEBISCITE IN CHILE AND THE IMPORTANCE OF A SUCCESSFUL TRANSITION TO DEMOCRACY IN THIS COUNTRY IN TERMS OF OUR OWN INTERESTS IN THE HEMISPHERE. IN THAT CONTEXT, I TOLD THE GROUP THAT I THOUGHT IT WOULD BE EXTREMELY VALUABLE IF SOME MEMBERS COULD COME TO CHILE EITHER FOR THE PLEBISCITE OR IN THE WEEKS PECEDING IT.

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PAGE 02 SANTIA 06587 161327Z

3. AT THE TIME, THE ACTUAL DATE HAD NOT BEEN ANNOUNCED BUT WAS RUMORED TO BE EARLY OCTOBER. IT WAS CLEAR FROM THE COMMENTS OF THE MEMBERS PRESENT THAT THAT WOULD BE VERY DIFFICULT PERIOD TO BE AWAY GIVEN BOTH OUR OWN ELECTIONS FOR THE CONGRESS AND THE LAST WEEK PROBABLY OF THE CURRENT SESSION. WHAT I SAID AT THE TIME WAS THAT EVEN GETTING TO CHILE FOR A FEW DAYS WOULD BE VERY, VERY HELPFUL.

4. SINCE THEN, THE PLEBISCITE HAS INDEED BEEN SCHEDULED FOR OCTOBER 5, AS YOU KNOW, AND CAN WELL UNDERSTAND THAT THE NEED FOR A MEMBER TO REMAIN IN THE US AT THIS STAGE IS VERY GREAT WHAT I WANT TO POINT OUT, HOWEVER, IS THE SPECIAL VALUE OF A FEW MEMBERS COMING TO CHILE FOR JUST A SHORT TIME. SIMPLY PUT, WE AS A COUNTRY WILL HAVE A MUCH SAFER AND MUCH MORE PROSPEROUS HEMISPHERE TO THE EXTENT DEMOCRATIC VALUES PREVAIL. THERE HAS BEEN OVER THE LAST DECADE AN ENCOURAGING TREND TOWARD DEMOCRATIC SOCIETIES IN SOUTH AMERICA, BUT CHILE IS ONE OF THE FEW EXCEPTIONS. THIS IS IRONIC AT BEST BECAUSE OF CHILE'S EARLIER STRONG DEMOCRATIC TRADITIONS. EVEN THOUGH THE FORTHCOMING PLEBISCITE LACKS THE COMPETITIVENESS OF A CONTESTED ELECTION, THE DEMOCRATIC POLITICAL PARTIES HERE HAVE CONCLUDED THAT IT REPRESENTS THEIR BEST CHANCE TO ACHIEVE A RETURN TO DEMOCRACY. I THINK WE IN THE UNITED STATES HAVE HAD SOME EFFECT IN HELPING CREATE A CLIMATE IN CHILE THAT WORKS TOWARD A DEMOCRATIC SOLUTION AND A KEY INGREDIENT IN OUR WORK HAS BEEN THE STRONG SUPPORT THAT SO MANY OF YOU IN CONGRESS HAVE GIVEN TO THE TWIN ARMS OF PROMOTING DEMOCRACY AND RESPECT FOR HUMAN RIGHTS.
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PAGE 03 SANTIA 06587 161327Z

5. CONSEQUENTLY, FOR SOME OF YOU FROM THE CONGRESS TO COME TO CHILE TO TALK TO PEOPLE IN THE VARIOUS SECTORS OF POLITICAL LIFE, TO SEE FOR YOURSELVES HOW THE ATMOSPHERE IS JUST BEFORE THE PLEBISCITE AND TO REPORT BACK TO YOUR COLLEAGUES IN THE CONGRESS AND TO OTHER AMERICANS WILL, I AM CONVINCED, BE OF REAL HELP

TO ALL THOSE IN CHILE WHO ARE WORKING FOR A PROMPT ACHIEVEMENT OF A STABLE DEMOCRACY.

-

6. I, THEREFORE, HOPE VERY MUCH THAT YOU CAN DECIDE TO COME HERE YOURSELF TO MAKE THAT CONTRIBUTION IN PERSON TO PROMOTING THE CAUSE OF DEMOCRACY IN CHILE AND IN THE HEMISPHERE. I DO NOT THINK IT IS AN EXAGGERATION TO SAY THAT A TRIUMPH FOR DEMOCRACY IN CHILE WILL HAVE VERY POSITIVE RESULTS THROUGHOUT THE HEMISPHERE IN STRENGTHENING AND CONFIRMING THE DEMOCRATIC TREND.

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SIGNED HARRY G. BARNES, JR.

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END TEXT.
BARNES

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Released (S199900030)
U.S. Department of State
Excise
Deny in Part
Deny In Full

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PAGE 01 SANTIA 06587 161327Z
ACTION ARA-00

INFO LOG-00 ADS-00 H-01 /001 W
----------130027 161416Z /44

P 161326Z SEP 88
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 8218

UNCLAS SANTIAGO 06587

E.O. 12356: NA
TAGS: PREL, PGOV, CI
SUBJ: AMBASSADORIAL LETTER TO HOUSE CHILE DELEGATION

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PAGE 02 SANTIA 06587 161327Z

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4. SINCE THEN, THE PLEBISCITE HAS INDEED BEEN SCHEDULED FOR OCTOBER 5, AS YOU KNOW, AND CAN WELL UNDERSTAND THAT THE NEED FOR A MEMBER TO REMAIN IN THE US AT THIS STAGE IS VERY GREAT WHAT I WANT TO POINT OUT, HOWEVER, IS THE SPECIAL VALUE OF A FEW MEMBERS COMING TO CHILE FOR JUST A SHORT TIME. SIMPLY PUT, WE AS A COUNTRY WILL HAVE A MUCH SAFER AND MUCH MORE PROSPEROUS HEMISPHERE TO THE EXTENT DEMOCRATIC VALUES PREVAIL. THERE HAS BEEN OVER THE LAST DECADE AN ENCOURAGING TREND TOWARD DEMOCRATIC SOCIETIES IN SOUTH AMERICA, BUT CHILE IS ONE OF THE FEW EXCEPTIONS. THIS IS IRONIC AT BEST BECAUSE OF CHILE'S EARLIER STRONG DEMOCRATIC TRADITIONS. EVEN THOUGH THE FORTHCOMING PLEBISCITE LACKS THE COMPETITIVENESS OF A CONTESTED ELECTION, THE DEMOCRATIC POLITICAL PARTIES HERE HAVE CONCLUDED THAT IT REPRESENTS THEIR BEST CHANCE TO ACHIEVE A RETURN TO DEMOCRACY. I THINK WE IN THE UNITED STATES HAVE HAD SOME EFFECT IN HELPING CREATE A CLIMATE IN CHILE THAT WORKS TOWARD A DEMOCRATIC SOLUTION AND A KEY INGREDIENT IN OUR WORK HAS BEEN THE STRONG SUPPORT THAT SO MANY OF YOU IN CONGRESS HAVE GIVEN TO THE TWIN ARMS OF PROMOTING DEMOCRACY AND RESPECT FOR HUMAN RIGHTS.
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PAGE 03 SANTIA 06587 161327Z

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SIGNED HARRY G. BARNES, JR.

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END TEXT.
BARNES

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EXCISE

ACTION ARA-00

INFO	LOG-00	ADS-00	INR-10	SS-00	CIAE-00	EB-00	DODE-00
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	PA-01	SIL-01	INRE-00	SP-02	C-01	PRS-01	DS-01
	SCT-02	E-01	P-02	T-01	/064 W		

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O 162021Z SEP 88
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 8242
INFO AMEMBASSY BOGOTA
AMEMBASSY BRASILIA
AMEMBASSY BUENOS AIRES

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S E C R E T SECTION 01 OF 08 SANTIAGO 06628

SECRET/NOFORN

DECAPTIONED

E.O. 12356: DECL: OADR
TAGS: PGOV, PREL, ELAB, PINS, CI
SUBJECT: THE CHILEAN PLEBISCITE: SITREP SEVEN
(SEPTEMBER 11 - SEPTEMBER 16)

1. (U) THIS IS THE SEVENTH IN A SERIES OF WEEKLY SITREPS REPORTING DEVELOPMENTS RELEVANT TO THE UPCOMING CHILEAN PLEBISCITE WHICH WILL APPROVE OR DISAPPROVE AN EIGHT YEAR TERM FOR CURRENT PRESIDENT AUGUSTO PINOCHET. THE PLEBISCITE WILL BE HELD ON OCTOBER 5.

SUMMARY AND CONCLUSIONS

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2. (C) IT WAS NOT A GOOD WEEK FOR THE "SI" CAMPAIGN. PRESIDENT PINOCHET'S SOPORIFIC SPEECH ON THE ANNIVERSARY OF THE MILITARY

COUP WAS A NET LOSS, AND IT WAS A MAJOR BLUNDER FOR THE T.V. COUNCIL TO FORCE THE "NO" CAMPAIGN TO CANCEL ITS SEPTEMBER 12 TELEVISION SPOT ON TORTURE. THE GOVERNMENT'S HEAVY-HANDEDNESS HAS GIVEN THE ISSUE OF TORTURE MORE PUBLICITY THAN THE "NO" CAMPAIGN COULD EVER HAVE DREAMED. THE OPPOSITION'S POINT WAS MADE EVEN MORE POIGNANT BY THE SUPREME IRONY OF PINOCHET'S PRONOUNCING THAT SAME DAY THAT FREEDOM OF THE PRESS WAS THE CORNERSTONE OF ALL OTHER FREEDOMS. THE PRESIDENT'S ATTEMPTS TO MAKE AMENDS IN THE NAME OF FAIR PLAY BY ORDERING THAT THE "SI" CAMPAIGN'S 15 MINUTES NOT BE SHOWN THE FOLLOWING NIGHT AND LATER THIS WEEK SIGNING THE RATIFICATION OF TWO INTERNATIONAL TORTURE CONVENTIONS WON HIM FEW POINTS. THESE SETBACKS APPEAR TO HAVE PUT PINOCHET ON EDGE, AS HE LASHED OUT WITH BITTER PERSONAL ATTACKS AGAINST FORMER MEMBERS OF HIS GOVERNMENT WHO HAVE JOINED THE "NO" FORCES. THE GOVERNMENT WAS PUT FURTHER IN A BAD LIGHT BY THE CARABINERO'S USE OF EXCESSIVE FORCE TO BREAK UP A GROUP OF INTERNATIONAL VISITORS FROM THE ICFTU WHO WERE ACCOMPANYING LABOR LEADER MANUEL BUSTOS WHEN HE REPORTED TO THE SUPREME COURT TO BEGIN SERVING HIS SENTENCE OF INTERNAL EXILE.

3. (C) THE "NO" CAMPAIGN IS PROVING MORE THAN CAPABLE OF EXPLOITING THESE OPENINGS AND IS SKILLFULLY USING THE MEDIA TO GET MAXIMUM MILEAGE FROM THEM. CROWDS FOR THE "NO" CAMPAIGN RALLIES IN THE PROVINCES CONTINUE TO BE GOOD AND APPEAR TO BE GETTING BETTER AS

THE FREE TELEVISION SPOTS ARE HAVING THEIR EFFECT. ALTHOUGH REGIONAL MILITARY OFFICIALS CONTINUE TO PROJECT SUPREME CONFIDENCE, WE ARE PICKING UP INDICATIONS THAT THERE ARE SOME DOUBTS IN MILITARY RANKS THAT PINOCHET CAN IN.

4. (C) THERE ARE ALWAYS TURNING POINTS IN ANY ELECTORAL CAMPAIGN WHICH ONE CAN LOOK BACK TO AS DECIDING THE OUTCOME. THIS WEEK COULD BE ONE OF THOSE. CERTAINLY, IT WAS A LOW POINT FOR THE "SI" CAMPAIGN AND CLEARLY PRESIDENT PINOCHET IS GOING TO HAVE TO COME OUT WITH SOME NEW INITIATIVES TO REVERSE THE TREND. HE IS NOT SELLING AS A REBORN DEMOCRAT, AND IT WOULD BE AMAZING IF PEOPLE IN HIS OWN CAMP, INCLUDING THE ARMED FORCES, WERE NOT SERIOUSLY WORRIED AT THIS POINT THAT HE IS LEADING THEM DOWN THE PATH OF DEFEAT. EMBASSY IS FAR FROM PREPARED TO COUNT PINOCHET OUT, HE UNDOUBTEDLY HAS DRAMATIC GESTURES UP HIS SLEEVE THAT COULD MAKE A DIFFERENCE, BUT CONCESSIONS ON HUMAN RIGHTS, E.G. DROPPING CHARGES AGAINST JOURNALISTS AND PARDONING BUSTOS AND COMPANY, WILL NOT DO THE TRICK. THESE WILL BE INTERPRETED AS MORE CYNICAL MANUEVERING. NOR CAN WE DISCOUNT SELF-INFLICTED WOUNDS BY THE FRAGILE OPPOSITION COALITION, ESPECIALLY NOW THAT THE SMELL OF VICTORY IS BECOMING HEADY. HOWEVER, IF THE "NO" COALITION DOES MAINTAIN UNITY AND A MODERATE IMAGE AND PINOCHET CONTINUES AS HE DID THIS WEEK, IT IS DIFFICULT TO SEE HOW THE

ACTION ARA-00

INFO	LOG-00	ADS-00	INR-10	SS-00	CIAE-00	EB-00	DODE-00
	IO-19	NSCE-00	NSAE-00	SSO-00	HA-09	L-03	PM-10
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O 162021Z SEP 88
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 8243
INFO AMEMBASSY BOGOTA
AMEMBASSY BRASILIA
AMEMBASSY BUENOS AIRES

S E C R E T SECTION 02 OF 08 SANTIAGO 06628
SECRET/NOFORN

E.O. 12356: DECL: OADR
TAGS: PGOV, PREL, ELAB, PINS, CI
SUBJECT: THE CHILEAN PLEBISCITE: SITREP SEVEN

GOVERNMENT CAN WIN IN A FAIR ELECTION.
ND SUMMARY AND CONCLUSIONS.

ULES OF THE GAME

. (U) FOR THE FIRST TIME IN 15 YEARS,
EPRESENTATIVES OF THE CHRISTIAN DEMOCRATIC PARTY
ENT TO LA MONEDA ON SEPTEMBER 12. THE OCCASION WAS
MEETING BETWEEN PDC GENERAL SECRETARY GUTEMBERG
ARTINEZ, PDC ELECTORAL DEPARTMENT HEAD ERIC CAMPANA
ND INTERIOR SUBSECRETARY ALBERT CARDEMIL TO FIND OUT
OW THE GOVERNMENT WOULD TABULATE AND RELEASE ITS
NFORMAL VOTE COUNT ON THE EVENING OF OCTOBER 5. IN
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GE 02 SANTIA 06628 02 OF 08 162041Z

E MEETING, CARDEMIL PROMISED THAT THERE WOULD NOT
A COMPULSORY NATIONAL NETWORK FOR RADIO AND TV,
LESS SERIOUS DISTURBANCES FORCED THE GOC TO TAKE

CONTROL OF THE SITUATION. HE ALSO ASSURED THE PDC REPRESENTATIVES THAT NO RESULTS WOULD BE ANNOUNCED UNTIL AFTER 6 PM. PARTIAL RESULTS WOULD BE ANNOUNCED IN HOURLY BULLETINS FROM THAT TIME ON.

6. (C) ON LEAVING THE MEETING, MARTINEZ EXPLAINED THAT THE SESSION DEALT WITH PURELY TECHNICAL, NOT POLITICAL MATTERS. IT HAD BEEN REQUESTED BY THE PDC SOME MONTHS BACK AND HAD NOTHING TO DO WITH THE PRESIDENT'S SEPTEMBER 11 APPEAL FOR COOPERATION FROM OPPOSITION PARTIES. ERIC CAMPANA LATER TOLD EMBOFFS THAT THE GOC AGREED TO CONSIDER THE "NO" REQUEST FOR STANDARDIZATION OF ELECTION RESULTS BY REPORTING THE BASIS OF THEIR INFORMATION (I.E. MESAS, DISTRICTS, PROVINCES, OR NATIONAL). CARDEMIL TOLD HIM THE GOC WILL ADVANCE THE SWITCH TO DAYLIGHT SAVINGS TIME BY ONE WEEK, TO OCTOBER 1, TO ALLOW MORE DAYLIGHT FOR VOTING. THE "NO" CAN SEND REPRESENTATIVES TO THE GOC COMPUTER CENTER, BUT THEY WILL BE RESTRICTED FROM ENTERING THE ROOM WHERE THE COMPUTERS ARE LOCATED. THE "NO" WILL TREAT THIS REQUEST WITH KID GLOVES, BECAUSE THEY DO NOT WANT THEIR PRESENCE TO LEND SUPPORT TO THE GOVERNMENT IN THE CASE OF CONTESTED RESULTS.)

. U) MEANWHILE CARDEMIL SENT LETTERS TO ALL THE OLITICAL PARTIES INVITING THEM TO DESIGNATE OFFICIAL

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AGE 03 SANTIA 06628 02 OF 08 162041Z

EPRESENTATIVES FOR THE GOC COMPUTER CENTER IN DIEGO ORTALES ON ELECTION DAY. THE PPD RESPONDED THAT IT OULD NOT MEET WITH CARDEMIL, SINCE HE IS UNDER THE IRECT ORDERS OF THE INTERIOR MINISTER, WHO IS, BY IS OWN ADMISSION, THE MOST ARDENT SUPPORTER OF THE SI." NOR WOULD IT CONSIDER THE INTERIOR MINISTRY'S ESULTS AS OFFICIAL, SINCE THE ONLY OFFICIAL RESULTS RE THOSE MADE BY THE SCRUTINIZING BOARDS WHICH ARE ELEASED BY THE NATIONAL ELECTORAL SERVICE (SEN).

8. (C) COMMENT: THE PPD IS TECHNCIALLY RIGHT, SINCE THE ONLY LEGAL RESULTS ARE THE RESULT OF A TIME-CONSUMING PROCESS BEGINNING WITH THE REGIONAL SCRUTINIZING BOARDS, WHO MEET SIX DAYS AFTER THE ELECTION TO CHECK THE VOTE TALLIES TABLE BY TABLE, AND SEND THE RESULTS OF THEIR DETERMINATION TO THE SEN. HOWEVER, THE QUICK, INFORMAL VOTE TALLY IS TRADITIONALLY DONE BY THE INTERIOR MINISTRY.

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THE SI CAMPAIGN

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9. (U) THE PRESIDENT WAS CLEARLY SHOWING HIS AGE IN THE COUP ANNIVERSARY SPEECH OF SEPTEMBER 11, WHICH TURNED OUT TO BE A LONG, BORING LITANY OF GOC ACCOMPLISHMENTS. HOWEVER PINOCHET SHOWED HIS TEETH A FEW DAYS LATER. IN AN EXTEMPORANEOUS TALK BEFORE FORMER ARMY OFFICERS IN SANTIAGO, HE DISSECTED THE PERSONAL LIVES OF SEVERAL "TRAITORS" WHO HAD SERVED IN HIS ADMINISTRATION. FIRST, HE REFERRED TO MARITAL PROBLEMS SUFFERED BY EX-TOURISM DIRECTOR LILIANA

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AGE 01 SANTIA 06628 03 OF 08 162042Z
CTION ARA-00

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SCT-02	E-01	P-02	T-01	/064 W		

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O 162021Z SEP 88
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 8244
INFO AMEMBASSY BOGOTA
AMEMBASSY BRASILIA
AMEMBASSY BUENOS AIRES

S E C R E T SECTION 03 OF 08 SANTIAGO 06628

SECRET/NOFORN

E.O. 12356: DECL: OADR
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SUBJECT: THE CHILEAN PLEBISCITE: SITREP SEVEN

HAHN, WHO APPEARED ON TV THE PREVIOUS WEEK SUPPORTING
THE NO. APPARENTLY REFERRING TO ORLANDO SAENZ,
PRESIDENT OF INDEPENDENTS FOR THE NO, HE CLAIMED HE
HAD INTERVENED TWICE TO KEEP THE FORMER SOFOFA
PRESIDENT FROM BEING JAILED, AND THREATENED "LET'S
SEE IF THEY JAIL HIM NOW." AS FOR FEDERICO
WILLOUGHBY, WHOM HE IDENTIFIED AS A "GOOD FOR
NOTHING", THE PRESIDENT BITTERLY SAID THIS IS HIS
THANKS FOR SAVING HIM FROM DYING FROM AN ILLNESS, "A
TAB IN THE BACK... I WISH HE HAD DIED."

10. (C) THIS AMAZING SPEECH SHOWS A CERTAIN
RECKLESSNESS ON THE PRESIDENT'S PART, AND
THE MALIGNANT TONE OF THE ATTACKS ON HIS
FORMER COLLABORATORS BRINGS INTO QUESTION WHETHER
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PAGE 02 SANTIA 06628 03 OF 08 162042Z

PINOCHET CAN COEXIST WITH A DEMOCRATIC SYSTEM.
AT ANY RATE, THE PERSONAL ATTACKS ARE NOT APT
TO WIN SUPPORT AMONG STILL UNDECIDED VOTERS.
THERE MAY BE A METHOD TO HIS MADNESS, THAT
BEING TO CONVINCE OTHER GOC DEFECTORS THAT IF
THEY GO SO FAR AS TO APPEAR IN THE NO CAMPAIGN

TV SPOTS, AS DID SAENZ AND MAHN, THEY WILL BE PUBLICLY DRAGGED THROUGH THE GUTTER. THE NO PUBLICITY TEAM IS REPORTEDLY SCHEDULING AN APPEARANCE BY PINOCHET'S NIECE, FORMER JUSTICE MINISTER MONICA MADARIAGA, SOMETIME THIS MONTH. SHE WAS ALSO ATTACKED IN PINOCHET'S SPEECH.

11. (U) THE PRESIDENT WAS IN A SOMEWHAT BETTER FORM THE NEXT DAY AT A ROTARY CLUB TRIBUTE TO THE ARMED FORCES. IN THAT SPEECH, HE DENIED HIS REGIME WAS A DICTATORSHIP, AND HONED IN ON THE CONTINUED THREAT OF TERRORISM.

12. (C) RECENT VISITS BY EMBOFF'S TO VALPARAISO AND VALDIVIA REVEAL THAT EVEN MANY LOCAL SI CAMPAIGN LEADERS BELIEVE THE GOVERNMENT WILL LOSE MOST MAJOR CITIES IN THE PLEBISCITE. THE OBVIOUS SUPERIORITY OF THE NO TV SPOTS OVER THE SI SPOTS HAS HAD A DAMPENING EFFECT ON SI SUPPORTERS, AND LEADERS OF NATIONAL RENOVATION HAVE PUBLICLY CRITICIZED THE GOC FOR ITS COUNTERPRODUCTIVE" ACTION IN CENSURING THE NO PUBLICITY DEALING WITH TORTURE IN CHILE SANTIAGO 6512).

13. (U) INDEPENDENTS FOR THE SI ACCUSED THE NO

CAMPAIGN OF BEING TAKEN OVER BY MARXIST ELEMENTS WHO WERE PROPOGATING A CLIMATE OF VIOLENCE AND AGGRESSION. ADDING FUEL TO THE CHARGE, SANTIAGO MAYOR GUSTAVO ALESSANDRI'S CAR WAS STONED BY A SMALL, ANGRY MOB. ON SEPTEMBER 11, THE PRESIDENT'S MOTORCADE WAS STONED BY SLUM DWELLERS WHILE TOURING THE TOWNSHIP OF CERRO NAVIA, ON THE OUTSKIRTS OF SANTIAGO. POLICE DISPERSED THE PROTESTORS WITH TEAR GAS, AROUND 12 PEOPLE WERE WOUNDED, AND PINOCHET HAD TO CANCEL THE CEREMONY. ON THE FOLLOWING DAY 50 RESIDENTS OF THE AREA BROUGHT CHARGES AGAINST THE CARABINEROS, SAYING THAT DRUNKEN POLICEMEN, APPARENTLY IN RETALIATION FOR THE MOTORCADE STONING,

HAD BEATEN YOUTHS AND BROKEN THE WINDOWS OF SCORES OF HOUSES.

THE NO CAMPAIGN

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14. (U) ON SEPTEMBER 11 THE NO COMMAND STAGED A MOCK ELECTION IN SANTIAGO IN ORDER TO TEACH PEOPLE HOW TO CAST BALLOTS AND DEMONSTRATE THAT THEIR VOTE WOULD BE SECRET. NEARLY 100,000 PARTICIPATED IN THE 681 VOTING TABLES WHICH WERE SET UP THROUGHOUT THE CITY, WHILE ARTISTS AND MUSICIANS PUT ON SHOWS NEARBY.

15. (U) THE CAMPAIGN HAS CONTINUED TO PROVE ITS DRAWING POWER IN THE PROVINCES, WHERE CROWDS OF SEVERAL THOUSAND REGULARLY TURN OUT TO HEAR OPPOSITION PARTY LEADERS SPEAK IN SMALL CITIES AND TOWNS. IN CONCEPCION LAST WEEKEND, AN OPPOSITION

SECRET

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PAGE 01 SANTIA 06628 04 OF 08 162043Z
ACTION ARA-00

NFO	LOG-00	ADS-00	INR-10	SS-00	CIAE-00	EB-00	DODE-00
	IO-19	NSCE-00	NSAE-00	SSO-00	HA-09	L-03	PM-10
	PA-01	SIL-01	INRE-00	SP-02	C-01	PRS-01	DS-01
	SCT-02	E-01	P-02	T-01	/064 W		

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O 162021Z SEP 88
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 8245
INFO AMEMBASSY BOGOTA
AMEMBASSY BRASILIA
AMEMBASSY BUENOS AIRES

S E C R E T SECTION 04 OF 08 SANTIAGO 06628

SECRET/NOFORN

E.O. 12356: DECL: OADR
TAGS: PGOV, PREL, ELAB, PINS, CI
SUBJECT: THE CHILEAN PLEBISCITE: SITREP SEVEN

RALLY REPORTEDLY DREW NEARLY 50,000 PEOPLE IN WHAT EVEN THE INTENDENT ACKNOWLEDGED WAS THE BIGGEST DEMONSTRATION YET HELD IN THE SOUTHERN CITY.

16. (S/NF) HOWEVER EX-COMMUNIST DEPUTY LUIS GUASTAVINO CAUSED CONSTERNATION WHEN HE MADE A SURPRISE APPEARANCE AT THE RALLY, DEMANDING TO BE SEATED AMONG THE OTHER PARTY LUMINARIES WHO WERE WAITING TO ADDRESS THE CROWD. AFTER A QUICK POWWOW, ALL THE SPEAKERS DESCENDED FROM THE PLATFORM, LEAVING ONLY PATRICIO AYLWIN TO ADDRESS THE THRONG. PR GENERAL SECRETARY RICARDO NAVARRETE TOLD POLOFF THAT THE MINI-CRISIS WAS A GOOD TEST OF THE NO COMMAND'S DETERMINATION TO REJECT PC PARTICIPATION.

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PAGE 02 SANTIA 06628 04 OF 08 162043Z

THERE ARE REPORTS OF ONGOING NEGOTIATIONS BETWEEN THE "NO COMMAND" AND THE CHILEAN COMMUNIST PARTY. THE PARTY HAS AGREED TO REFRAIN FROM SPONSORING PRE-PLEBISCITE VIOLENCE; THE "NO COMMAND" HAS NOT AGREED TO THE COMMUNIST'S RECIPROCAL DEMANDS.

17. (U) NONETHELESS, RETURNED EXILE LEADERS SUCH AS GUASTAVINO HAVE MADE MORE AND MORE INFLAMMATORY

SPEECHES IN THE PROVINCES, PARTICULARLY IN VALPARAISO (SEPTEL). THE NUNEZ SOCIALISTS ISSUED A HARSH CRITICISM OF GUASTAVINO FOR BEING IRRESPONSIBLE IN HIS POSITION ON THE PLEBISCITE, SAYING THAT THE PC HAS FAILED TO DEVELOP A COHERENT STRATEGY AND WAS A JOHNNIE-COME-LATELY TO THE ELECTION CAMPAIGN.

18. (C) THE ITALIAN CHARGE TOLD AMBASSADOR THAT THE LEADERSHIP OF THE PDC AND THE PR ARE CONCERNED ABOUT THE GROWING INFLUENCE OF THE ALMEYDA SOCIALISTS AND OTHER FAR LEFT PARTIES IN THE NO COMMAND. ACCORDING TO PR LEADER NAVARETTE, THE CENTRIST PARTIES FEEL THAT DEMONSTRATIONS SHOULD BE MINIMIZED DUE TO THE POTENTIAL FOR VIOLENCE AND THE NEGATIVE FALLOUT FOR UNDECIDED VOTERS. ON MORE THAN ONE OCCASION, FRICTION BETWEEN THE "MODERATES" AND THE "LEFTISTS" IN THE TV PUBLICITY COMMITTEE HAS COME TO A HEAD, REQUIRING MEDIATION BY EDGARDO BOENINGER, ANDRES ZALDIVAR AND THE CAMPAIGN'S PR CHIEF.

19. (U) ON SEPTEMBER 14 THE NO CAMPAIGN CALLED ON SI LEADERS AND THE GOVERNMENT TO MEET TOGETHER AND DRAW

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SECRET

PAGE 03 SANTIA 06628 04 OF 08 162043Z

UP A PACT AGAINST POLITICAL VIOLENCE. ITS STATEMENT SAID THAT DESPITE THE WIDESPREAD REPUDIATION OF VIOLENCE BY MANY SECTORS, THE LEVELS OF CONFRONTATION AND POLARIZATION WERE INCREASING TO DANGEROUS LEVELS. IT CITED THE CALL RECENTLY MADE BY NATIONAL RENOVATION AND THE NON-VIOLENCE PACT PROMOTED BY BISHOP MEDINA OF RANCAGUA AS POSITIVE EFFORTS TO RESPOND TO THIS THREAT.

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20. (S, [redacted] SEVERAL LEFTIST PARTIES IN THE "NO COMMAND" ARE WILLING TO SUPPORT A PDC-CHOSEN PRESIDENTIAL CANDIDATE FOR DIRECT ELECTIONS BUT ONLY IF THE CANDIDATE IS ANNOUNCED PRIOR TO THE PLEBISCITE. HOWEVER, THE SOURCE SEES THAT THERE IS LITTLE LIKELIHOOD OF AGREEMENT IN THE PDC REGARDING WHICH PDC

LEADER WOULD BE MOST SUITABLE.

21. (C) ALONG THOSE LINES, THE LATEST RUMOR CIRCULATING IN POLITICAL AND BUSINESS CIRCLES IS THAT RICARDO LAGOS AND PATRICIO AYLWIN HAVE AGREED ON A CENTER-RIGHT CANDIDATE, EITHER HERNAN CUBILLOS OR JOSE MIGUEL BARROS, AND THAT THEY WILL RELEASE THE NAME A FEW DAYS BEFORE THE PLEBISCITE. (ONE VERSION OF THE STORY, PROVIDED BY PPD MEMBER SEBASTIAN PINERA, ACKNOWLEDGES THAT ANDRES ZALDIVAR AND GABRIEL VALDES ARE RESISTING THE MOVE.) BANKERS HAVE TOLD EMBOFFS THAT THE BUSINESS COMMUNITY IS "REALLY SCARED" ABOUT THE POSSIBILITY, WHICH IN THEIR VIEW WOULD GUARANTEE A NO VICTORY OF MASSIVE PROPORTIONS. MEANWHILE, FORMER RADICAL PARTY LEADER ANSELMO

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AGE 01 SANTIA 06628 05 OF 08 162044Z
CTION ARA-00

NFO	LOG-00	ADS-00	INR-10	SS-00	CIAE-00	EB-00	DODE-00
	IO-19	NSCE-00	NSAE-00	SSO-00	HA-09	L-03	PM-10
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152433 162235Z /61

162021Z SEP 88
FM AMEMBASSY SANTIAGO

TO SECSTATE WASHDC IMMEDIATE 8246
INFO AMEMBASSY BOGOTA
AMEMBASSY BRASILIA
AMEMBASSY BUENOS AIRES

S E C R E T SECTION 05 OF 08 SANTIAGO 06628

SECRET/NOFORN

E.O. 12356: DECL: OADR
TAGS: PGOV, PREL, ELAB, PINS, CI
SUBJECT: THE CHILEAN PLEBISCITE: SITREP SEVEN

SULE ANNOUNCED FROM MEXICO CITY THAT HE WOULD
TRAVEL TO CHILE SHORTLY TO ANNOUNCE HIS CANDIDACY
FOR THE PRESIDENCY.

12. (C) ON SEPTEMBER 15 THE PDC NATIONAL
COUNCIL RESOLVED TO FORMALIZE ITS COMMITMENT
TO THE PROGRAM OF GOVERNMENT WHICH WAS SIGNED
LAST JANUARY BY CENTRIST PARTIES. PDC CHAIRMAN
PATRICIO AYLWIN SAID THAT THE PARTIES WHICH
SIGNED THE PACT -- THE DC, THE PR, THE SOCIAL
DEMOCRATS, PADENA, USOPO AND THE LIBERALS --
OFFERED AN ALTERNATIVE GOVERNING COALITION
WHICH WAS OPEN TO THE DEMOCRATIC RIGHT (I.E.
THE NATIONALS) AND THE DEMOCRATIC SOCIALISTS. THE
HUMANIST PARTY, WHICH HAD SIGNED THE JANUARY
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STATEMENT OF PRINCIPLES, IS HOLDING BACK ON
DECISION TO TAKE PART. THE DECISION TO
FORMALIZE THE PACT WAS CRITIZED BY RICARDO
LAGOS WHO SAID WHAT CHILE NEEDED INSTEAD WAS
CONSENSUS CANDIDATE WHO COULD EMERGE AFTER
NO VICTORY. COMMENT: AFTER LABORING FOR OVER
YEAR TO PRODUCE A GOVERNING COALITION, THE
DC HAS PRODUCED A MOUSE. THE PROBLEM IN
EXPANDING THE COALITION CAME WHEN THE NATIONAL
PARTY BEGAN TO SPLINTER AND NUNEZ SOCIALISTS
WALKED. AYLWIN UNDOUBTEDLY FELT PRESSURED TO
DEMONSTRATE THAT A MODERATE POLITICAL GROUPING

WOULD LEAD THE OPPOSITION AFTER THE PLEBISCITE, BUT, IT IS DOUBTFUL THAT A PAPER ALLIANCE WILL MAKE THAT POINT.

INDEPENDENTS

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23. (U) IN REPONSE TO A REQUEST FROM THE LAWYER'S ASSOCIATION, RANCAGUA BISHOP JORGE MEDINA INVITED ALL POLITICAL ORGANIZATIONS IN THE SIXTH REGION TO SIGN A NON-AGGRESSION AGREEMENT TO LOWER THE LEVEL OF CONFRONTATION IN THE ELECTORAL CAMPAIGN. THE "PACT OF HONOR" COMMITS THOSE INVOLVED TO CREATE A CLIMATE OF MUTUAL RESPECT, DIGNITY AND TRANQUILITY BOTH BEFORE AND AFTER THE PLEBISCITE SO THAT VOTERS' RIGHT TO CHOOSE IS PROTECTED. IT WAS SIGNED BY 13 REGIONAL REPRESENTATIVES OF PARTIES AND INDEPENDENT COMMITTEES WHICH RUN THE GAMUT FROM NATIONAL RENOVATION AND WOMEN OF CHILE TO NUNEZ SOCIALISTS AND MAPU. MSR. MEDINA, A CONSERVATIVE BISHOP WHO HAS OPPOSED CHURCH

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SECRET

PAGE 03 SANTIA 06628 05 OF 08 162044Z

INVOLVEMENT IN POLITICS, IS CONSIDERED TO HAVE CLOSE TIES WITH THE GOC.

24. (U) IN A NATIONAL CONGRESS ON SEPTEMBER 10 THE RATIONAL PARTY FACTION LED BY PATRICIO PHILLIPS VOTED TO SUPPORT A SI VOTE IN THE PLEBISCITE. THE VOTE WAS 25 FOR THE SI, 25 FOR THE NO, AND ONE (SYLVIA LESSANDRI'S) FOR NO POSITION. PN LEADER ADOLFO ALLAS, WHO HAD ATTENDED BOTH THE RIESCO AND PHILLIPS ONGRESSES, WAS BOOED WHEN HE MADE AN APPEAL FOR NITY OF THE TWO FACTIONS. PHILLIPS FOLLOWED UP BY EETING WITH PRESIDENT PINOCHET, THEN WITH SERGIO ERNANDEZ. HE NOTED THAT HE WOULD PARTICIPATE IN THE V SPOTS FOR THE SI, AND URGED THE FORMATION OF A OINT COMMAND FOR ALL THE PRO-SI PARTIES TO OORDINATE PUBLICITY AND PROVINCIAL TOURS.

25. (C) COMMENT: IT WAS EXPECTED THAT PHILLIPS WOULD LEAD HIS SECTOR OF THE PARTY

INTO SUPPORT FOR THE SI, WHICH HAS BEEN HIS ACKNOWLEDGED PREFERENCE FOR SOME TIME. THE PN-PHILLIPS CONVENTION DREW FEWER NATIONAL COUNSELORS THAN THE RIESCO CONGRESS (151 AS OPPOSED TO 161), THOUGH IT HAS MORE CHANCE OF MAINTAINING LEGAL RECOGNITION. ONLY THE PLEBISCITE RESULTS WILL DETERMINE WHO WILL FINALLY EMERGE FROM THE SPLINTERING OF THE NATIONALS AS THE "REAL" NATIONAL PARTY. PHILLIPS TOLD EMBOFFS SEPTEMBER 12 THAT HIS FACTION WOULD HAVE A MODERATING INFLUENCE ON PINOCHET, PARTICULARLY WITH REGARD TO HUMAN RIGHTS. WE DOUBT THAT EVEN PHILLIPS BELIEVES THAT.

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PAGE 01 SANTIA 06628 06 OF 08 162045Z
ACTION ARA-00

NFO	LOG-00	ADS-00	INR-10	SS-00	CIAE-00	EB-00	DODE-00
	IO-19	NSCE-00	NSAE-00	SSO-00	HA-09	L-03	PM-10
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	SCT-02	E-01	P-02	T-01	/064 W		

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162021Z SEP 88
M AMEMBASSY SANTIAGO
O SECSTATE WASHDC IMMEDIATE 8247
NFO AMEMBASSY BOGOTA
MEMBASSY BRASILIA

AMEMBASSY BUENOS AIRES

S E C R E T SECTION 06 OF 08 SANTIAGO 06628

SECRET/NOFORN

E.O. 12356: DECL: OADR
TAGS: PGOV, PREL, ELAB, PINS, CI
SUBJECT: THE CHILEAN PLEBISCITE: SITREP SEVEN

PRIVATE SECTOR

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6. (U) AS REPORTED IN SEPTEL, PINOCHET USED HIS TATE OF THE NATION ADDRESS TO ANNOUNCE A CHILEAN SIX HOUSAND PESO BONUS FOR ALL PUBLIC SECTOR WORKERS AND ETIREES. THE BONUS WAS DETERMINED EARLIER IN THE EAR WHEN INFLATION WAS EXPECTED TO BE AROUND 20 ERCENT. THE OBJECT WAS TO MAINTAIN THE REAL VALUE F LAST YEAR'S CHILEAN FIVE THOUSAND PESO BONUS. HERE ARE TWO ELEMENTS WHICH GIVE THE ANNOUNCEMENT ROADER SIGNIFICANCE: (1) MANIPULATION OF THE XCHANGE RATE TO AFFECT PRICES IS CONTINUING TO HAVE

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AGE 02 SANTIA 06628 06 OF 08 162045Z

I IMPACT ON REAL INCOMES -- IN EFFECT, LOWER THAN XPECTED INFLATION MEANS PUBLIC SECTOR BONUSES, WHILE OT LARGE, ARE MORE GENEROUS THAN ORIGINALLY TENDED; AND (2) PINOCHET URGED BUSINESSMEN TO BE NEROUS IN THEIR NATIONAL DAY BONUSES TO PASS ON THE UITS OF CHILE'S ECONOMIC PROGRESS. BUSINESSES DINARILY TAKE THEIR CUE ON BONUSES FROM THE VERNMENT. PUBLIC SECTOR WORKERS INCLUDE ALL ACHERS IN THE NATION'S PUBLIC SCHOOLS AND PLOYEES IN ALL PUBLIC HOSPITALS.

. (C) ALTHOUGH THERE HAS BEEN DAY-TO-DAY RIATIONS, THERE HAS BEEN NO SIGNIFICANT VEMENT IN THE STOCK EXCHANGE OR IN THE RALLEL DOLLAR. ECONOMISTS FROM THE

UNIVERSIDAD CATOLICA TOLD ECONCOUN THAT THE FAILURE OF A TREND TO MATERIALIZE IS INEXPLICABLE. ALL BUT ONE OF THE TEN ECONOMISTS PRESENT WAS FOR THE "SI" AND CONFIDENT THAT THE "SI" WILL WIN ON OCTOBER 5. WHEN ASKED TO COMMENT ON THE IMPACT ON THE ECONOMY OF A "NO" WIN, SEVERAL OF THE "SI" SUPPORTERS OF THIS GROUP COMMENTED THAT THE PARALLEL DOLLAR RATE WOULD INCREASE SHARPLY (I.E., THE PESO WOULD DEPRECIATE) AND THAT, MORE IMPORTANTLY, INVESTMENT WOULD DROP OFF AT LEAST IN THE NEAR TERM. MOST OF OUR CONTACTS IN THE FINANCIAL SECTOR BELIEVE THE CENTRAL BANK IS INTERVENING TO KEEP THE PARALLEL MARKET DOWN, ALTHOUGH THEY HAVE NO CONCRETE EVIDENCE.

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PAGE 03 SANTIA 06628 06 OF 08 162045Z

THE SECURITY FORCES

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8. (S) IN PRE-PLEBISCITE VISITS TO MEET WITH REGIONAL MILITARY ADMINISTRATORS (INTENDENTS) AND OTHER SECURITY OFFICIALS, MAO OFFICERS REPORT THAT THE METROPOLITAN SANTIAGO AND VIII REGION (VALPARAISO) INTENDENTS BOASTED OF THE ADMINISTRATION'S ACCOMPLISHMENTS AND THEIR IN-DEPTH KNOWLEDGE OF THEIR RESPECTIVE REGIONS, AND DEMONSTRATED STRONG OPTIMISM THAT THE SI CAMPAIGN WOULD WIN IN THEIR JURISDICTIONS. SUCH BLIND FAITH IN A PINOCHET TRIUMPH MAKES IT VERY DIFFICULT TO JUDGE THE MILITARY REACTION SHOULD THE NO WIN. (SANTIAGO 06499 AND 06500). MEANWHILE, [redacted] HEARING THAT THERE IS A DEGREE OF DOUBT BY SOME MEMBERS OF PRO-GOVERNMENT POLITICAL PARTIES AND AMONG CERTAIN ARMY GENERALS THAT THE GOVERNMENT WILL BE ABLE TO WIN THE PLEBISCITE. [redacted]

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REPORT THAT 50 PERCENT OF THOSE SURVEYED VOICED SUPPORT FOR THE NO.

29. (C) IN WHAT APPEARS TO BE AN EFFORT TO SOW ALARM ABOUT THE INTENTIONS OF THE RADICAL LEFT, CNI OFFICIALS DETONATED A BOMB SIMILAR TO THE ONE "FOUND" NEAR THE DIEGO PORTALES BUILDING ON SEPTEMBER 11 (SANTIAGO 6554). A DRAMATIC PICTURE ON THE FRONT PAGE OF EL MERCURIO ON SEPTEMBER 15, SHOWING A HUGE FIREBALL AND SHATTERED DUMMIES, DOCUMENTED THE

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PAGE 01 SANTIA 06628 07 OF 08 162046Z
ACTION ARA-00

INFO	LOG-00	ADS-00	INR-10	SS-00	CIAE-00	EB-00	DODE-00
	IO-19	NSCE-00	NSAE-00	SSO-00	HA-09	L-03	PM-10
	PA-01	SIL-01	INRE-00	SP-02	C-01	PRS-01	DS-01
	SCT-02	E-01	P-02	T-01	/064 W		

152526 162236Z /61

162021Z SEP 88
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 8248
INFO AMEMBASSY BOGOTA
AMEMBASSY BRASILIA
AMEMBASSY BUENOS AIRES

S E C R E T SECTION 07 OF 08 SANTIAGO 06628

SECRET/NOFORN

E.O. 12356: DECL: OADR
TAGS: PGOV, PREL, ELAB, PINS, CI
SUBJECT: THE CHILEAN PLEBISCITE: SITREP SEVEN

EVENT. STARTING SEPTEMBER 15 THE SI CAMPAIGN'S TELEVISION SPOTS SHOWED IMAGES OF HAPPY YOUTHS AND RAINBOWS FROM THE NO ADS, WHICH THEY JUXTAPOSED WITH GLOOM AND DOOM SCENES SHOWING THE STREETS OF SANTIAGO GOING UP IN FLAMES.

THE MEDIA

30. (U) IN A MAJOR POLITICAL BLUNDER, THE GOVERNMENT CONTROLLED TELEVISION COUNCIL THIS WEEK CENSORED A TELEVISION CAMPAIGN ADVERTISEMENT OF THE "NO." STRONG PROTESTS FROM THE PUBLIC AND FROM BOTH OPPOSITION AND PRO-GOVERNMENT PRESS CAUSED PINOCHET TO DECREE THAT SINCE THE "NO" ADVERTISEMENT WAS NOT

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PAGE 02 SANTIA 06628 07 OF 08 162046Z

AIRED (IT WAS PULLED RATHER THAN SUBMITTED TO CENSORSHIP), HE WOULD, THE FOLLOWING EVENING, FOREGO USE OF THE "SI" SPACE. HOWEVER, THE DAMAGE TO THE "SI" WAS DONE, AND THE RESULTING PUBLICITY GAVE THE CONTESTED SEGMENT OF THE ADVERTISEMENT, WHICH HAD ADDRESSED TORTURE BY THE CNI, WIDER DISTRIBUTION THAN HAD IT BEEN USED AS PART OF THE SPOT. THE OPPOSITION WAS QUICK TO POINT OUT THE IRONY OF THE FACT THAT AT THE SAME TIME THE ADVERTISEMENT WAS BEING CENSORED IN SANTIAGO, PINOCHET WAS IN VALPARAISO FOR THE ANNIVERSARY OF "EL MERCURIO," ASSERTING THAT "FREEDOM OF THE PRESS IS THE FOUNDATION OF ALL OTHER FREEDOMS."

OPINION POLLS

31. (C) THE UNIVERSITY OF CHILE'S ECONOMIC FACULTY RELEASED THE RESULTS OF A NATIONAL POLL SHOWING THE "SI" AHEAD BY 48 PERCENT TO 41 PERCENT FOR THE "NO", WITH 11 PERCENT UNDECIDED. SERVING AS A GOOD INDICATION OF THE BIAS OF THIS POLL, THE OFFICE OF INVESTIGACIONES ALSO ANNOUNCED VERY SIMILAR RESULTS OF THEIR RECENT POLL CONDUCTED TEN DAYS AFTER ANNOUNCEMENT OF PINOCHET'S NOMINATION. IT FOUND THAT 47 PERCENT OF THEIR RESPONDANTS SUPPORT THE "SI" AND 40 PERCENT THE "NO", 13 PERCENT UNDECIDED. MORE SERIOUS POLLING DATA IS EXPECTED LATER THIS MONTH WHEN CERC AND CEP ANNOUNCE THE RESULTS OF THEIR NATIONAL POLLS.

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PAGE 03 SANTIA 06628 07 OF 08 162046Z

INTERNATIONAL COMMUNITY

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2. (U) THE 15TH ANNUAL ICFTU-ORIT COMMITTEE FOR THE DEFENSE OF HUMAN AND WORKER RIGHTS IN LATIN AMERICA MET IN SANTIAGO SEPTEMBER 12-16 AND DEVOTED THE ENTIRE SESSION ON SEPTEMBER 14 TO CHILE. THE COMMITTEE RESOLVED, INTER ALIA, TO SEND A SPECIAL COMMITTEE OF TRADE UNIONISTS TO CHILE TO OBSERVE THE PLEBISCITE. AIFLD EXECUTIVE DIRECTOR BILL DOHERTY TOLD LABATT THAT 40-60 U.S. UNION LEADERS PLAN TO COME TO CHILE FOR THE EVENT.

3. (U) THE ICFTU-ORIT COMMITTEE, WHICH NORMALLY MEETS IN EUROPE, CHOSE SANTIAGO THIS YEAR SPECIFICALLY TO LEND SUPPORT TO CHILEAN TRADE UNIONISTS WORKING FOR A NO VOTE, ACCORDING TO DOHERTY. HE, ALL OTHER MEMBERS OF THE U.S. DELEGATION AND 60 UNIONISTS FROM OTHER COUNTRIES WERE DOUSED BY WATER CANNONS WHEN THEY ACCOMPANIED CUT RESIDENT MANUEL BUSTOS AS HE SURRENDERED HIMSELF AT HE SUPREME COURT TO BEGIN A 541-DAY SENTENCE OF NTERNAL EXILE (SEPTEL). BEFORE HE ENTERED THE

BUILDING, HE WAS TAPED FOR A FUTURE SPOT ON THE NO COMMAND'S POLITICAL ADVERTISEMENTS.

34. (U) THE CHILEAN HUMAN RIGHTS COMMISSION HELD OPENING CEREMONIES THIS WEEK FOR A HUMAN RIGNTS MONITORING OFFICE FOR THE PLEBISCITE PERIOD. THE OFFICE IS DESIGNED TO PROVIDE CURRENT INFORMATION TO VISITING OBSERVERS AND THE FOREIGN PRESS.

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PAGE 01 SANTIA 06628 08 OF 08 162046Z
ACTION ARA-00

INFO	LOG-00	ADS-00	INR-10	SS-00	CIAE-00	EB-00	DODE-00
	IO-19	NSCE-00	NSAE-00	SSO-00	HA-09	L-03	PM-10
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	SCT-02	E-01	P-02	T-01	/064 W		

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O 162021Z SEP 88
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 8249
INFO AMEMBASSY BOGOTA
AMEMBASSY BRASILIA
AMEMBASSY BUENOS AIRES

S E C R E T SECTION 08 OF 08 SANTIAGO 06628

SECRET/NOFORN

E.O. 12356: DECL: OADR
TAGS: PGOV, PREL, ELAB, PINS, CI
SUBJECT: THE CHILEAN PLEBISCITE: SITREP SEVEN

35. (C) AT THE MONTHLY LUNCHEON OF THE COUNSELORS OF THE OECD MISSIONS IN SANTIAGO, A STRAW POLL WAS TAKEN TO DETERMINE THEIR PERSONAL VIEW OF HOW THE PLEBISCITE WILL TURN OUT. SEVENTEEN EMBASSIES WERE REPRESENTED, INCLUDING THE US, UK, FRG, AND JAPANESE DCMS. ELEVEN THOUGHT THE "NO" WOULD WIN BY A NARROW MARGIN, ONE THOUGHT THE "NO" WOULD WIN BY A MEAVY MARGIN, AND FIVE THOUGHT THE "YES" WOULD WIN BY A NARROW MARGIN.

J.S. FUNDED GROUPS

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36. (U) AS OF WEDNESDAY, CIVITAS ADS EXPLAINING THE

VOTING PROCESS BEGAN APPEARING ON CHANNEL 13 AGAIN, BUT WITHOUT THE CIVITAS LOGO. THE ADS ARE BEING CARRIED AT A 30 PERCENT DISCOUNT. ON THURSDAY, THE ADS APPEARED ON CHANNEL 11 WITH LOGO, AND THEY CONTINUE ON CHANNEL 4 OF VALPARAISO WITH LOGO. CHANNEL 4 HAS ALSO GIVEN CIVITAS A DISCOUNT. BARNES

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UNCLASSIFIED

E-51

*** Current Classification *** C[redacted]
*** Current Handling Restrictions *** n/a

<<<**** SAS DOCUMENT HEADER ***>>>

DOC_NBR= 88MEXICO24601

FILM= n/a

DATE= 23 SEP 88

TYPE= TE

FROM= MEXICO

DRAFTER= n/a

OFFICE= ACTION OES

TO= SECSTATE WASHDC

CHANNEL= n/a

ORIGHAND= n/a

ORIGPHAND= n/a

ORIGCLASS= C[redacted]

ORIGPCLASS= n/a

EO= (OADR)

SUBJECT= S AND T IN THE SALINAS ADMINISTRATION

REFERENCE= 88 MEXICO 21970

CONTROL_NBR= n/a

ENCLOSURE= n/a

DEPARTMENT OF STATE IM/IPS/CR/PR Date: 4-1-98
( ) RELEASE (X) DECLASSIFY
( ) EXCISE ( ) DECLASSIFY IN PART
( ) DENY
EO Citations 9504332
FOIA Exemptions
PA Exemptions
T3 authority to
( ) CLASSIFY as ( ) S or ( ) C Sec.
( ) DOWNGRADE TS to ( ) S or ( ) C

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LOCATOR= TEXT ON-LINE

ERRORS= N/A

CONCEPTS= n/a

TAGS= KSCA, TRGY, MX

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PAGE 01 MEXICO 24601 01 OF 02 232355Z
ACTION OES-09

INFO LOG-00 ADS-00 AID-00 INR-10 SS-00 CIAE-00 EB-00
DINT-05 NSCE-00 NSF-01 ARA-00 NSAE-00 COME-00 L-03
AMAD-01 EPA-01 NAS-01 INRE-00 CEQ-01 /032 W
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R 232355Z SEP 88
FM AMEMBASSY MEXICO
TO SECSTATE WASHDC 4510

[redacted]CTION 01 OF 02 MEXICO 24601

DEPT PLS PASS TO NSF, NAS, AND AAAS

E.O. 12356: DECL:OADR
TAGS: KSCA, MX, TRGY
SUBJ: S AND T IN THE SALINAS ADMINISTRATION

REF: MEXICO 21970

1. [redacted]ENTIRE TEXT.

2. SUMMARY: SENIOR POLICY ADVISOR ON S AND T FOR THE SALINAS ADMINISTRATION DISCUSSED THE ORGANIZATION AND GOALS OF HIS COMMISSION, AND TOUCHED ON THE ANTICIPATED OPENING OF LAGUNA VERDE. END SUMMARY.

3. GUILLERMO FERNANDEZ DE LA GARZA, THE SENIOR S AND T

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POLICY ADVISOR TO THE SALINAS ADMINISTRATION, MET WITH SCIENCE OFFICERS ON SEPTEMBER 22 TO DISCUSS THE S AND T AGENDA FOR THE NEXT ADMINISTRATION. FERNANDEZ DE LA GARZA IS WELL KNOWN TO THE SCIENCE OFFICE THROUGH HIS POSITION AS EXECUTIVE DIRECTOR OF THE INSTITUTE OF ELECTRICAL RESEARCH (IIE) IN CUERNAVACA. HIS SELECTION AS POLICY ADVISOR TO SALINAS IS A STRONG INDICATION THAT HE MAY BE APPOINTED THE NEXT DIRECTOR GENERAL OF THE NATIONAL COUNCIL ON SCIENCE AND TECHNOLOGY (CONACYT).
[redacted]

[redacted]

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4. THE S AND T COMMISSION, HEADED BY FERNANDEZ DE LA GARZA AND ASSISTED BY FRANKLIN RENDON (DEPUTY DIRECTOR OF TECHNICAL DEVELOPMENT AT CONACYT), IS DIVIDED INTO FOUR WORK GROUPS: SCIENTIFIC DEVELOPMENT AS A NATIONAL PRIORITY; S AND T IN ECONOMIC DEVELOPMENT; S AND T AND THE BASIC NEEDS OF THE SOCIETY; AND THE NATIONAL S AND T SYSTEM--STRENGTHENING AND MODERNIZING IT. EACH WORKING GROUP IS DIVIDED INTO SUB-COMMITTEES, WHICH TOTAL 50. THE WORKING GROUPS ARE CHARGED WITH ANALYZING NATIONAL R AND D NEEDS AND ESTABLISHING THE ROLE OF THE SCIENTIFIC COMMUNITY IN DEFINING THE ACTIONS AND POLICIES WHICH MUST BE IMPLEMENTED TO STRENGTHEN THE ACTIVITIES OF NATIONAL RESEARCH CENTERS AND INSTITUTES.

5. RECENTLY, THE S AND T COMMISSION ANNOUNCED THAT THE POLICY FOR THE SALINAS ADMINISTRATION WILL BE TO: ACCELERATE AND STRENGTHEN RESEARCH; GIVE PRIORITY TO PROJECTS THAT LINK RESEARCH AND INDUSTRIAL DEVELOPMENT; COORDINATE THE ACTIVITIES OF GOVERNMENT, THE SCIENTIFIC COMMUNITY, RESEARCH CENTERS, AND THE PRIVATE SECTOR; AND TO DETERMINE THE MOST IMPORTANT DIRECTIONS FOR NATIONAL SCIENCE AND TECHNOLOGY.

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6. CONVERSATION INCLUDED REFERENCE TO THE 1989 BUDGET WHICH FERNANDEZ DE LA GARZA SAID WOULD INCREASE BY 20

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PERCENT IN REAL TERMS (THE MAXIMUM INCREASE ESTABLISHED BY THE ADMINISTRATION). HE WAS OPTIMISTIC THAT S AND T (I.E., CONACYT) MIGHT GET THE ENTIRE 20 PERCENT. HE SAID THAT THE SIGNALS HE WAS RECEIVING FROM THE ADMINISTRATION INDICATED THAT THEY WOULD GIVE FULL SUPPORT TO S AND T. THUS FAR, THE VARIOUS COMMISSIONS (34 IN TOTAL) APPOINTED TO DEVELOP THE SALINAS POLICY PLANS ARE WORKING TOGETHER [redacted]

[redacted]

TO COORDINATE THEIR S AND T NEEDS.

7. IN REFERENCE TO THE LAGUNA VERDE NUCLEAR PLANT, FERNANDEZ DE LA GARZA (WHOSE BROTHER, RAFAEL FERNANDEZ DE LA GARZA, IS DIRECTOR OF THE PLANT) SAID THAT THERE WAS NO DOUBT THAT THE REACTOR WOULD BE LOADED. IIE HAS BUILT THE SIMULATOR FOR LAGUNA VERDE AND FERNANDEZ DE LA GARZA SAID IT WOULD BE SHIPPED TO THE PLANT WITHIN TWO WEEKS. HE SAID THAT THE MARGIN OF NATIONAL ELECTRICAL SUPPLY WAS DWINDLING AS THE GROWTH OF LOADING (4 TO 6 PERCENT PER YEAR FOR THE LAST TWO YEARS) HAS QUICKLY OVERTAKEN THE GROWTH IN SUPPLY. HE SAID THERE WAS A NEED AT IIE TO LEARN MORE ABOUT NON-DESTRUCTIVE TESTING AND BWR WATER CHEMISTRY AND EXPRESSED A DESIRE FOR EXPANDED U.S. COOPERATION.

8. HE MADE REFERENCE TO THE VISIT OF MEMBERS OF THE U.S. NATIONAL ACADEMY OF SCIENCE IN JUNE OF THIS YEAR AND SAID THAT HE HAD FOUND THE ONE DAY CONFERENCE AT COCOYOC EXTREMELY USEFUL IN HELPING DETERMINE HOW MEXICAN SCIENTISTS COULD ORGANIZE TO INFLUENCE GOVERNMENT FOR A MORE EFFECTIVE S AND T PROGRAM. SCICOUNS OFFERED TO SEND HIM A COPY OF THE TRIVELPIECE EDITORIAL ON SCIENTISTS BRINGING S AND T ISSUES TO THE FORE IN THE ELECTION PROCESS. FERNANDEZ DE LA GARZA STATED THAT NEEDS IN OTHER AREAS INCLUDE TRAINING OF MEXICAN SCIENTISTS BY U.S. EXPERTS IN LEADERSHIP AND R AND D MANAGEMENT, AS WELL AS ENERGY AND TECHNOLOGY MANAGEMENT FOR SENIOR LEVEL INDUSTRIAL MANAGERS.

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9. CONCERNING HIS PERSONAL ROLE IN THE SALINAS PROGRAM, HE SAID THAT THERE HAD BEEN NEGATIVE REACTIONS FROM ECOLOGISTS UPON LEARNING OF HIS APPOINTMENT AS THE S AND T ADVISOR TO THE NEXT ADMINISTRATION. THE ECOLOGISTS OBJECT-

NOTE BY OC/T: NOT/NOT PASSED TO AAAS.

[redacted]

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PAGE 01 MEXICO 24601 02 OF 02 232356Z
ACTION OES-09

INFO LOG-00 ADS-00 AID-00 INR-10 SS-00 CIAE-00 EB-00
DINT-05 NSCE-00 NSF-01 ARA-00 NSAE-00 COME-00 L-03
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TAGS: KSCA, MX, TRGY

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SUBJ: S AND T IN THE SALINAS ADMINISTRATION

ED TO THE NAMING OF AN OBVIOUSLY PRO-NUCLEAR TECHNICIAN TO THIS INFLUENTIAL POST. OTHER SCIENTISTS HAVE OPINED THAT THE NEXT DIRECTOR OF CONACYT SHOULD BE DEDICATED TO SCIENTIFIC RESEARCH RATHER THAN BEING HEAVILY TECHNICALLY OR POLITICALLY ORIENTED.

10. GUILLERMO FERNANDEZ DE LA GARZA WAS BORN MARCH 13, 1942, IN JALAPA, VERACRUZ. HE TOOK A DEGREE IN PHYSICS FROM THE NATIONAL AUTONOMOUS UNIVERSITY (UNAM) IN 1962 AND A DEGREE IN ELECTRICAL MECHANICAL ENGINEERING FROM THE SAME INSTITUTION IN 1963. HE EARNED HIS MASTER'S DEGREE IN ECONOMIC SYSTEMS ENGINEERING FROM STANFORD UNIVERSITY IN 1968. HE IS A MEMBER OF THE RULING REVOLUTIONARY INSTITUTIONAL PARTY (PRI) AND HAS PARTICIPATED IN THE S AND T PREPARATORY COMMITTEES OF THE INSTITUTE OF ECONOMIC, POLITICAL AND SOCIAL STUDIES (IEPES) DURING THE LAST THREE ELECTIONS (1976, 1982, 1988). HE HAS BEEN AT THE FEDERAL ELECTRICAL COMMISSION (CFE) SINCE 1969 AND HAS HELD HIS POSITION AS EXECUTIVE DIRECTOR OF THE IIE SINCE 1976.

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(DRAFTED:SCI:ATIDBALL) PILLIOD

NOTE BY OC/T: NOT/NOT PASSED TO AAAS.

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THE LETELIER DISPUTE: BACKGROUND AND FACTUAL SUMMARY

INTRODUCTION

On September 21, 1976, Orlando Letelier was assassinated on the streets of Washington, D.C. when a bomb exploded underneath his automobile. Killed along with Letelier, a former Chilean Ambassador to the United States and cabinet member, was Ronni Moffitt, an assistant to Letelier and a passenger in his car. Letelier's second passenger, Ronni's husband Michael Moffitt, was injured by the explosion. What follows is a brief account of the events leading up to and following the murder of Orlando Letelier; it reflects information that is available to the United States and which will be presented more fully at an appropriate time. The account should be viewed solely as an orienting summary and not as an exhaustive statement of all of the facts possessed by the United States Government. Nonetheless, the summary will show that senior officials of the Government of Chile planned and participated in the assassination of Orlando Letelier and obstructed, through acts of deception and evasion, all efforts to prosecute those individuals responsible for this brutal and illegal act of state-sponsored terrorism.

The evidence available to the United States is voluminous. It includes the confessions and statements of two DINA (the Chilean secret police) agents, both participants in the assassination of Orlando Letelier, as well as statements by the wife of one of these agents, herself a DINA agent. The evidence also includes statements by Ronni Moffitt, American investigators of the Letelier assassination, an explosives expert, the Director of the Paraguayan Intelligence Service in 1976, a LAN-Chile (the Chilean national airline) employee, several DINA employees who worked for one of the participant-confessors, an individual connecting a DINA participant to a CNM (Cuban, anti-Castro revolutionary group) participant in the assassination, two Venezuelan intelligence officers, several Chilean military/intelligence officers and two Cuban, anti-Castro revolutionaries.

In addition to the wide array of testimonial evidence possessed by the United States, an extensive collection of documentary evidence provides support for much of the testimony offered by those mentioned above and others. Documentary material corroborating the accounts of the participant-confessors and others include telephone records, flight manifests, bills, payment stubs, receipts, photographs, passports, identification cards and documents, simulation film, visa applications, immigration forms, diplomatic cables and various assorted documents. The combination of testimonial and documentary evidence provides compelling proof that the

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...In Part ____ In Full ____
...Exemption(s) ____

Government of Chile and certain of its officials and employees planned and participated in the assassination of Orlando Letelier and its subsequent cover-up.

HISTORICAL BACKGROUND

In September 1970, Salvador Allende was elected President of Chile, and Allende chose Orlando Letelier to serve as Ambassador to the United States. Letelier occupied this post in Washington, D.C. for almost three years, returning to Chile to assume the first of several cabinet positions in May 1973. Several months later, in September 1973, a military coup left Allende dead and Orlando Letelier under arrest. Letelier spent twelve months in confinement, often under brutal conditions, before he was released and expelled by the government of Augosto Pinochet.

In late 1974, Letelier returned to Washington, D.C. to accept a position at the Institute for Policy Studies (IPS). During his time at IPS, he developed friendships with two of his assistants, Ronni and Michael Moffitt, and became recognized as an articulate spokesman for the opposition to the regime of Pinochet. In response to Letelier's anti-Pinochet activism, Chile revoked Letelier's citizenship during the middle of 1976. Chile became increasingly concerned that Orlando Letelier would unify the various opposition factions and establish a Government in Exile.

THE ASSASSINATION: PREPARATIONS AND EXECUTION

In late June or early July 1976, Colonel Pedro Espinoza, Director of Operations for DINA, solicited Michael Vernon Townley, an expatriate American living in Chile, and Armando Fernandez, a lieutenant in the Chilean Army, to participate in a mission, the result of which would be the assassination of Orlando Letelier. Townley had been recruited to join DINA two years earlier and had performed several missions for DINA during that period, including collaborating with CNM members in the attempted assassinations of Chilean opposition leaders in Mexico City in 1975.

In performing the groundwork for the Letelier operation, at the orders of Espinoza and Juan Manuel Contreras, the Director of DINA, Townley and Fernandez were sent to Paraguay to obtain fake Paraguayan passports and visas for entry into the United States. After about a week in Paraguay, Townley and Fernandez received the fake documents; however, acting on a tip, the then-U.S. Ambassador to Paraguay, George Landau, photocopied

the visa applications and accompanying passports and revoked the visas. Landau also asked the head of the Paraguayan intelligence service, Colonel Guanes, to retrieve the false passports from DINA. DINA returned the passports unused, although the photographs were removed.

Despite the problems encountered in Paraguay, Contreras and Espinoza decided to proceed with the plan to assassinate Letelier. They ordered Fernandez to travel to the United States to surveil Letelier; Fernandez would be accompanied by a female DINA agent, "Liliana Walker." The DINA leaders also sent two other agents, Captains Riveros and Mosquiera, to the United States using false Chilean passports bearing the same names as the Paraguayan visa applicants; the intention of this scheme was to cover for the failed Paraguayan passport mission and confuse any American investigators who might discover that the Government of Chile was behind the assassination of Letelier. Riveros and Mosquiera entered the United States on August 22, 1976, staying for two weeks; meanwhile, Fernandez and Walker arrived on August 26, using false Chilean passports.

During August, Espinoza also met with Townley and conveyed orders that the mission was "still on" and that Townley should meet with leaders of the CNM and secure their assistance. Espinoza hoped that Townley could convince the Cubans to actually kill Letelier and that Letelier's murder could be made to look like a suicide or accident. Nonetheless, the bottom line was that Letelier had to be killed, and Townley was specifically authorized to use a bomb if necessary.

Townley, traveling with a false Chilean passport, arrived at New York's Kennedy Airport aboard a LAN-Chile plane on September 9. He carried with him tri-nitrate of lead and blasting caps to be used in the assassination of Orlando Letelier. Through the contact of a LAN-Chile official, Townley met with Fernandez at the airport as pre-arranged. Fernandez turned over to Townley a map containing Letelier's address, his surveillance notes and some cash.

Having rented a car and driven to New Jersey, Townley contacted an old associate, CNM member Virgilio Paz. Through Paz, Townley was able to set up a meeting the next day with Guillermo Novo and Dionisio Suarez, two leaders of the CNM. At this meeting, Townley asked the two Cubans to cooperate in the Letelier killing. After a few days, the Cubans agreed to participate.

On the night of September 15, 1976, Townley and Paz drove from New Jersey to Washington, D.C. They carried with them a modified Fanon-Courier remote electronic paging device, plastic explosives and TNT, all supplied by the CNM. For the next two days, Townley and Paz watched Letelier's daily movements. On

September 18, Suarez joined Paz and Townley in Washington, D.C., bringing with him the blasting cap used in the explosive device. In D.C., the conspirators purchased baking tins, tape and gloves at a Sears store and a battery pack with leads, slide switches and tools at a Radio Shack store to be utilized in the assassination of Letelier. That night, September 18, 1976, Townley, Paz and Suarez constructed the bomb, and Townley attached the device to the undercarriage of Orlando Letelier's automobile.

On September 19, Townley flew to Newark, New Jersey and was met by Alvin Ross Diaz, another CNM member. Before flying from Newark to Miami, Florida, Townley went to Kennedy Airport and submitted a false immigration form to indicate that the person whose identity he used on entering the United States had departed for Spain. In Miami, on September 20 and 21, Townley met, respectively, with CNM leader Felipe Rivero and Ignacio Novo, Guillermo's brother.. On September 21, Townley heard that a bomb had exploded in Washington, D.C. killing Orlando Letelier and Ronni Moffitt and injuring Michael Moffitt. Townley would later learn from Virgilio Paz that the bomb had malfunctioned on the scheduled September 20 and that Paz and Suarez had removed the bomb, corrected the malfunction and reinstalled the device prior to its September 21 detonation. Having "successfully" completed his mission, Townley left Miami on September 22 aboard LAN-Chile to return to Santiago, Chile.

THE U.S. INVESTIGATION AND THE CHILEAN COVER-UP

Immediately after the assassination, as the United States Government began investigating the events surrounding the murder of Letelier, senior officials of the Government of Chile began concealing the involvement in the death of Letelier of both themselves and other Chilean officials and employees. The first break in the American investigation was the discovery of the participation of Guillermo Novo, Virgilio Paz, Dionisio Suarez and Alvin Ross and that DINA was also involved.

During June and July 1977, investigators from the United States Department of Justice and the Federal Bureau of Investigation requested the assistance of the Chilean government in their investigations of links between the Cubans and Chilean government officials and employees. After a period of delay, the Government of Chile provided a written statement to the Americans which contained patently false information.

Discovering through sources that there was a connection between the Letelier killing and the trip to the United States by two persons using Chilean passports bearing the same names as those who had applied for visas in Paraguay in July 1976,

the United States sent formal Letters Rogatory to the Chilean Supreme Court on February 17, 1978. The Letters Rogatory requested the Chilean government to produce for questioning the individuals who had entered the United States using those names; the U.S. also attached the pictures that Ambassador Landau had photocopied in Paraguay -- pictures of Townley and Fernandez.

After the Chilean Supreme Court received the Letters Rogatory, Contreras ordered Townley and Fernandez to lie to the Court, suggesting cover-up stories for each of them. After the Chilean Supreme Court refused to recognize the appearance of Mosquiera and Riveros as compliance with the Letters Rogatory, the Chilean government finally produced Townley and Fernandez. In court on March 31, 1978, Fernandez lied repeatedly about his involvement in the Letelier assassination and Townley, as an American citizen, invoked the privilege against self-incrimination contained in the Fifth Amendment to the Constitution of the United States.

On April 7, 1978, Earl Silbert, the U.S. Attorney for the District of Columbia, reached an agreement with Enrique Montero, Chilean Undersecretary of the Interior, whereby Townley was expelled from Chile and returned to the United States. Back in the United States, Townley refused to talk until he met with Chilean General Hector Orozco, a special military prosecutor. After giving a truthful statement to Orozco, Townley confessed to assassinating Orlando Letelier and provided the American authorities with extensive details of the involvement of senior-level Chilean officials in the planning, execution and cover-up of the Letelier murder. Much of Townley's statement was later corroborated by a wide range of documentary and testimonial evidence.

Upon Townley's confession in the United States, the Chilean authorities intensified their efforts to cover-up their actions relating to the death of Letelier. Orozco returned to Chile and obtained accurate statements from Fernandez, Espinoza and Contreras. After hearing Contreras state that he had acted under the authority of "the Chief" -- the reference being to President Pinochet -- and realizing the magnitude of the conspiracy, Orozco decided that a coordinated plan had to be devised to further mask the roles of the Government of Chile and certain ~~of~~ its officials and employees in the assassination of Orlando Letelier.

THE EXTRADITION PROCEEDINGS

On August 1, 1978, a grand jury in Washington, D.C. indicted Contreras, Espinoza, Fernandez and five Cubans with

various crimes stemming from their participation in the murder of Letelier. Of the eight persons indicted, only Alvin Ross and Ignacio and Guillermo Novo were in custody; Paz and Suarez were still fugitives, and the three Chileans were in Chile.

The United States issued a formal extradition request for Contreras, Espinoza and Fernandez with the Government of Chile on September 21, 1978. During the next several weeks, Orozco told Fernandez and Espinoza to lie at the extradition proceedings, and the three destroyed the truthful statements given by Fernandez and Espinoza several months earlier. President Pinochet also met with Fernandez and told him, "Be a good soldier, tough it out and this problem will have a happy end." On October 17, 1978, Contreras, Espinoza and Fernandez lied under oath before the Chilean Supreme Court, providing fallacious cover stories for the trips to Paraguay and the United States. On May 13, 1979, Israel Borquez, President of the Chilean Supreme Court, refused to extradite any of the three Chileans to the United States. On October 1, 1979, the full Chilean Supreme Court also rejected the U.S. extradition request. The Chilean Supreme Court also ordered all Chilean investigations into these matters suspended.

Because many of the crucial conspirators in the plot to assassinate Orlando Letelier were not brought before a U.S. court, the United States was severely hampered in its efforts to prosecute those responsible for this act of international terrorism. Both the refusal of the Chilean Supreme Court to cooperate with American authorities and the Chilean government's failure to conduct a thorough and honest investigation into the assassination were pivotal in shielding the guilty parties from responsibility for their illegal and brutal actions.

THE CRIMINAL AND CIVIL CASES IN THE UNITED STATES

Following the indictments handed down in August 1978, the United States instituted criminal proceedings against the three Cubans in custody, Ignacio and Guillermo Novo and Alvin Ross. On February 14, 1979, after a six week trial, Ross and Guillermo Novo were convicted of murder and conspiracy, the Novo brothers were convicted of lying to a grand jury and Ignacio Novo was convicted of misprison of a felony. However, on September 15, 1980, a federal appellate court overturned the convictions of Ross and Guillermo Novo on evidentiary grounds and overturned the conviction of Ignacio Novo on the ground that he should have received a separate trial. On retrial, Guillermo Novo was found guilty of lying to a grand jury, and subsequently, Ignacio Novo pleaded guilty to lying to a grand jury.

Also following the criminal indictments, the families of Orlando Letelier and Ronni Moffitt filed a civil suit against the perpetrators of the Letelier assassination, including the Republic of Chile. When all defendants failed to answer, default judgments were entered. However, after Chile sent a diplomatic note protesting jurisdiction, the district court agreed to review the jurisdictional issue. On March 11, 1980, the court held that Chile was not immune from the jurisdiction of U.S. courts. The Government of Chile then failed to appeal the ruling or participate in the trial on the merits. Thus, the district court, on November 5, 1980, entered judgment in favor of the plaintiffs for approximately $5,000,000, holding the defendants jointly and severally liable. Neither Chile nor the individual defendants appealed.

The families of Letelier and Moffitt then brought suit against LAN-Chile, an airline wholly owned by the Government of Chile, to execute the judgment against the Republic of Chile. The district court ruled in favor of the families, appointing Michael Moffitt as receiver for LAN-Chile's assets. On appeal, however, the federal appellate court held that LAN-Chile's separate juridical existence had to be recognized despite the fact that it was wholly owned by the Government of Chile. The Court stated that the families would have to look directly to Chile to satisfy their judgment. The United States Supreme Court denied certiorari on the judgment-creditors' appeal. Thus, the families of Orlando Letelier and Ronni Moffitt exhausted their legal remedies in the United States in pursuit of obtaining compensation from the Republic of Chile for its egregious act of state-sponsored terrorism. The fact remains, however, that the families possess a legally-cognizable judgment against the Government of Chile which the Government refuses to acknowledge.

RECENT DEVELOPMENTS

In 1985, a Chilean military court granted Contreras' request to dismiss in its entirety the suspended investigation into the "Passport Cases" (Chile's euphemism for the Letelier assassination). The Letelier family, a civil party to the suit under Chilean law, appealed this decision. As the appeal was pending, a major break occurred in the Letelier case.

On February 4, 1987, following discussions with American authorities, Armando Fernandez voluntarily left Chile and entered the United States. Fernandez agreed to testify fully and truthfully and plead guilty to the charge of being an accessory after the fact to the murder of an internationally protected person. Fernandez' testimony corroborated almost

entirely Michael Townley's earlier statements, reconfirming and adding to the extensive body of evidence linking highly-placed Chilean officials, including Contreras, Espinoza, Orozco and even Pinochet to the Letelier assassination and/or cover-up.

Armed with this dramatic, new evidence, the United States again formally requested the expulsion from Chile of Contreras and Espinoza on May 11, 1987. On May 22, a Chilean military court of appeal reversed the decision of the lower court and ordered that the investigation of the "Passport Cases" be returned to the status of "suspended" rather than "closed", a small victory for the Letelier family. However, on June 17, the Government of Chile rejected the U.S. request for expulsion.

On July 17, 1987, the U.S. sent a diplomatic note to Chile asking the Chilean government to prosecute Contreras and Espinoza in Chile if they refused to expel them to the United States. On July 28, Assistant Secretary of State Elliot Abrams presented Chilean Ambassador Errazuriz with a diplomatic note requesting Chile to pay ex gratia compensation to the families of Letelier and Moffitt.

In August, the Letelier family petitioned the lower military court to reopen the "Passport Cases." Later that month, the Chilean government sent two notes to the United States, the first refusing to expel or prosecute Contreras and Espinoza and the second rejecting any form of compensation for the families of the victims. And on October 13, the Chilean military court refused to reopen the "Passport Cases." The Letelier family once again filed an appeal.

To add momentum to its investigation, the U.S. Government transmitted a Letter Rogatory requesting General Orozco to furnish information about his knowledge of many aspects of the Letelier assassination and cover-up. After stalling for several months, the Chilean Supreme Court, on April 14, 1988, required Orozco to answer only 12 of the approximately 250 questions put to him. When Orozco's answers were received, they proved to be either minimally informative or patent lies.

Due to the virtual exhaustion of domestic legal proceedings both in the United States and Chile and the Government of Chile's continued refusal to cooperate with diplomatic and legal requests for assistance, the United States, in mid-April, formally espoused the claims of its U.S. citizens arising out of the Letelier assassination. On May 24, in a tersely worded note, the Government of Chile rejected the U.S. demands and refused to consider any further U.S. demands relating to the assassination of Letelier until an international tribunal settled certain jurisdictional issues.

On May 4, the Chilean military appeals court upheld the

refusal of the lower court to reopen the "Passport Cases," and the Letelier family again appealed. This last hope of obtaining some cooperation from the Chilean government was extinguished in July 1988, when the Chilean Supreme Court denied the appeal, affirming the decision to keep the investigation in suspension. Despite the continued obstructive tactics of the Chilean government, the United States continues to demand that Chile cooperate in bringing this matter to a satisfactory resolution.

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PAGE 01 LA PAZ 12551 01 OF 02 292021Z
ACTION INM-07

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Dept. of State, RPS/IPS, Margaret P. Grafeld, Dir.
X Release ( ) Excise ( ) Deny ( ) Declassify
Date 2/27/02 Exemption _____

UNCLAS SECTION 01 OF 02 LA PAZ 12551

USIA FOR AR; P/G
ALSO FOR INR/B
DIA FOR IR BRANCH; USCINCSO ALSO FOR POLAD

E.O. 12356: DECL:OADR
TAGS: BL, US, KAMR, PINR, SNAR
SUBJECT: SON OF ROBERTO SUAREZ ACCUSES CIA, DEA OF DRUG TRAFFICKING TO RAISE FUNDS FOR CONTRAS

SUMMARY
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1. BOLIVIAN DRUG TRAFFICKER ROBERTO ((SUAREZ)) LEVY, SON OF IMPRISONED COCAINE "KING" ROBERTO ((SUAREZ)) UNCLASSIFIED

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PAGE 02 LA PAZ 12551 01 OF 02 292021Z

GOMEZ, HAS ACCUSED PUBLICLY THE CIA AND DEA OF DRUG TRAFFICKING TO RAISE FUNDS FOR THE CONTRAS AND COMPLICITY IN THE DEATH OF A BOLIVIAN SCIENTIST IN THE HUANCHACA INCIDENT IN 1986. LA PAZ LEFTIST DAILY "HOY" GAVE THE STORY BANNER HEADLINES SEPTEMBER 29, WHILE OTHER LA PAZ AND INTERIOR PAPERS PLAYED THE STORY ON INNER PAGES. THE BOLIVIAN GOVERNMENT HAS ALREADY SENT SUBSECRETARY FOR SOCIAL DEFENSE JORGE ALDERETE AND SELECTED BOLIVIAN JOURNALISTS TO HUANCHACA TO TRY TO PUT THIS RIDICULOUS STORY TO REST. END SUMMARY

A SWORN STATEMENT

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2. ROBERTO ((SUAREZ)) LEVY, SON OF IMPRISONED BOLIVIAN COCAINE TRAFFICKER ROBERTO ((SUAREZ)) GOMEZ, HELD A PRESS CONFERENCE SEPTEMBER 28, 1988 IN SANTA CRUZ TO PUBLICIZE HIS SWORN STATEMENT ACCUSING THE U.S. CENTRAL INTELLIGENCE AND THE DRUG ENFORCEMENT AGENCIES OF COMPLICITY IN DRUG TRAFFICKING. SUAREZ LEVY WAS ACCOMPANIED BY JAIME ((PAREDES)) SEMPERTEGUI, A RETIRED BOLIVIAN NAVAL CAPTAIN WHO WAS FORCED TO LEAVE THE SERVICE IN LATE 1986 AFTER ACCUSING HIS SUPERIORS OF CORRUPTION AND DRUG TRAFFICKING. AN INFORMAL TRANSLATION OF THE TEXT OF THE STATEMENT, AS PUBLISHED IN LA PAZ DAILY "HOY" (LEFTIST) ON SEPTEMBER 29, FOLLOWS:

BEGIN TEXT:

"THIS SWORN DECLARATION, DATED TUESDAY THE 27TH OF THE PRESENT MONTH (SEPTEMBER) IS DIRECTED TO THE UNCLASSIFIED

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PAGE 03 LA PAZ 12551 01 OF 02 292021Z

AUTHORITIES AND TRIBUNALS OF THE REPUBLIC OF BOLIVIA.

"MR. PUBLIC NOTARY, DR. JORGE ((URENDA)) PEINADO, AS A BOLIVIAN CITIZEN I COME BEFORE YOU, REQUIRING YOUR PRESENCE AS PUBLIC NOTARY IN SWEARING THE FOLLOWING STATEMENT:

"THE MOTIVE FOR MY SWORN DECLARATION IS TO USE ALL MY KNOWLEDGE TO CLARIFY THE COMPLEX RELATIONSHIP OF NORTH AMERICAN ORGANIZATIONS TO HUANCHACA. (NOTE: IN 1986 LARGE AMOUNTS OF PRECURSOR CHEMICALS WERE FOUND IN A WAREHOUSE IN THE HUANCHACA REGION; A FAMOUS BOLIVIAN SCIENTIST, HIS GUIDE AND PILOT WERE MURDERED WHEN THEY INADVERTENTLY CAME ACROSS THE SITE.)

"SO THAT THE PUBLIC KNOWS, AFTER THE DEATH OF SCIENTIST NOEL ((KEMPFF)) MERCADO, I RECEIVED INSISTENT CALLS FROM LA PAZ FROM MR. ENRIQUE CRESPO, THE CURRENT BOLIVIAN CONSUL IN NATIONALIST CHINA AND EX-MINISTER OF THE GARCIA MEZA REGIME, ASKING TO MEET IN THAT CITY. THESE MEETINGS TOOK PLACE VARIOUS TIMES BEGINNING IN FEBRUARY 1987 IN SANTA CRUZ, ALONG WITH MR. LUIS FERNANDO ((PEROU)), BOTH OF WHOM BELONG TO THE CIA IN BOLIVIA.

"THE CONCRETE PROPOSAL THAT THEY MADE TO ME IN THE NAME OF THE CIA WAS TO VISIT MY FATHER TO NEGOTIATE WITH HIM BECAUSE OF THEIR HIGH REGARD FOR HIS INTEGRITY AND ABILITY TO HELP THEM SOLVE THEIR PROBLEM WHICH AROSE BECAUSE OF THE HUANCHACA "ACCIDENT."

"THE PROBLEM WAS THE LACK OF A DRUG FLOW DUE TO

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PAGE 01 LA PAZ 12551 02 OF 02 292022Z
ACTION INM-07

INFO	LOG-00	ADS-00	AID-00	INR-10	OIC-02	CIAE-00	H-01
	IO-19	NSCE-00	ARA-00	NSAE-00	SSO-00	L-03	AMAD-01
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INFO USIA WASHDC 7128
AMEMBASSY PANAMA
AMEMBASSY ASUNCION
AMEMBASSY BUENOS AIRES
AMEMBASSY LIMA
AMEMBASSY SANTIAGO
DIA WASHDC
USAFSO HOWARD AFB PN//LAI//
USCINCSO QUARRY HEIGHTS PN//J2/INTAFF/SCJ2-PLOPS//
24COMPW HOWARD AFB PN//DOI//

UNCLAS SECTION 02 OF 02 LA PAZ 12551

USIA FOR AR; P/G
ALSO FOR INR/B
DIA FOR IR BRANCH; USCINCSO ALSO FOR POLAD

E.O. 12356: DECL:OADR
TAGS: BL, US, KAMR, PINR, SNAR
SUBJECT: SON OF ROBERTO SUAREZ ACCUSES CIA, DEA OF

THE DISCOVERY AND DISMANTLING OF ONE OF THEIR
DEA-PROTECTED FACTORIES. IN THE MEETING AT OUR
"QUEMALIA" FARM, THEY PROPOSED TO MY FATHER, IN THE
NAME OF COL. MURRAY--A HIGH LEVEL MEMBER OF THE
CIA--THAT WE CONTACT AN AMERICAN MAFIA FAMILY TO
OFFER THEM PROTECTION IN RECEIVING AND DISTRIBUTING
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DRUGS IN THE UNITED STATES.

"MY FATHER'S RESPONSE WAS THAT IT WOULD INTEREST US GREATLY TO REFORMULATE THE TREATMENT OF SUCH A DELICATE AFFAIR, IN ORDER TO UNDERSTAND THE POSITION OF THE CIA AND TO SUBSTANTIATE THE LEVEL OF CORRUPTION IN THE REAGAN ADMINISTRATION.

"MISTERS CRESPO AND PEROU REPORTED PERIODICALLY FROM LA PAZ REGARDING THE TOUR WHICH THE LEADERS OF THE NICARAGUAN CONTRAS, CALERO AND CHAMORRO, WERE MAKING IN VARIOUS SOUTH AMERICAN COUNTRIES, INCLUDING OURS. THE ACTION TO BE DEVELOPED IN OUR COUNTRY WAS TO COORDINATE WITH THE HIGH MILITARY COMMAND PERMISSION FOR THE PURCHASE OF YUGOSLAVIAN ARMS TO BE BOUGHT WITH FUNDS OBTAINED WITH THE AID OF THE CIA, IN ORDER TO BEGIN DRUG-TRAFFICKING AGAIN.

"WHEN MR. CRESPO TRAVELLED TO WITHDRAW THE FIRST TEN MILLION DOLLARS FROM CHASE MANHATTAN BANK OF PANAMA, THE MEETING AND TRANSACTION DID NOT OCCUR. FOR THIS TRANSACTION, HE HAD TO SPEAK WITH GENERAL MANUEL ANTONIO ((NORIEGA)) WHO HAD DECIDED TWO WEEKS BEFORE--THOUGH NOT PUBLICLY--TO OVERTHROW PRESIDENT DELVALLE AND SEND THE CIA HOME. IN RESPONSE, GENERAL NORIEGA EXPELLED ENRIQUE CRESPO AND DISMISSED FROM OFFICE THE AMBASSADOR IN LA PAZ NOMINATED BY PRESIDENT DELVALLE.

"NOW, MR. CRESPO IS CONSUL IN THE REPUBLIC OF CHINA.

"I CHALLENGE MR. MARCELO SOMERSTEIN, OWNER OF THE UNCLASSIFIED

"MOIRA" SAWMILL NEAR HUANCHACA I (ROMAN NUMERAL ONE) TO REFORMULATE HIS TESTIMONY ON THE TRUE EVENTS OF HUANCHACA."

SIGNED R. SUAREZ LEY, C.I. NO. 776843 CBBA (CARNET NUMBER 776843 ISSUED IN COCHABAMBA, BOLIVIA), EQUIPETROL 9 OESTE NO. 6 PILOTO CIVIL.

END TEXT.

COMMENT
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3. SUAREZ LEVY, PAREDES AND PEROU ARE ALL CONSIDERED UNRELIABLE AND UNSTABLE. NEVERTHELESS, THEIR FANTASTIC TALE HAS BEEN WIDELY PLAYED (AND PROBABLY

BELIEVED BY MANY BOLIVIANS). THE BOLIVIAN GOVERNMENT IS OBVIOUSLY CONCERNED THAT THESE FALSE REPORTS WILL TARNISH ITS IMAGE UNLESS SQUELCHED PROMPTLY, PARTICULARLY KEMPFF'S SON'S CLAIM OF SEVERAL WEEKS AGO THAT LABORATORIES CONTINUE TO FUNCTION IN THE HUANCHACA REGION. THEREFORE, THE BOLIVIAN GOVERNMENT ALREADY HAS SENT SUBSECRETARY FOR SOCIAL DEFENSE JORGE ((ALDERETE)) TO HUANCHACA WITH A GROUP OF JOURNALISTS--SOMETHING THE EMBASSY HAD BEEN PREPARING TO DO. (DRAFTED: POL/SSMITH) GREENLEE

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*** Current Handling Restrictions *** n/a
*** Current Classification *** UNCLASSIFIED

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Chile Project (#S199900030)
U.S. Department of State
Release_____ Excise_X___ Deny_____
Declassify: In Part_____ In Full_____
Exemption(s) B6

October 2, 1988

SENATOR ALAN J. DIXON
88 OCT 18 AM 9:37
RECEIVED
88 OCT 20 AM 10:40

Senator Alan Dixon
Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Dixon:

I received a very distressing letter this week from a colleague in Santiago, Chile. My friend, Lind McCloskey (of St. Louis, MO) is, like me, an associate lay missioner with Maryknoll (the Catholic Foreign Mission Society of America). On the night of August 30, 1988 the pobladores of the poblacion La Sandera had gathered in the streets to protest the naming of Augusto Pinochet as the candidate for the upcoming plebesite. What began as a peaceful demonstration ultimately erupted into a violent clash between the police and the pobladores. Two people were killed, a fourteen year old and a thirty-one year old man. Fearful for their lives, the remaining protestors returned to their homes.

Later that night, between 9:30 and 10:00, Lind and Maryknoll priest John Remmele were walking in the vicinity of their homes in the poblacion. As they approached their houses, a police bus came toward them at full speed firing shots. They attempted, unsuccessfully, to run for cover. Without asking for identification and without provocation on the part of either of them, the police began to beat both of them with nightsticks. While Lind's wounds were physically minor, John's required hospitalization.

A formal complaint was filed through the Vicaria of Solidaridad of the Catholic Church with the Fiscalia Militar of the Chilean government. To date there has been no response or follow up. Declarations of protest have been made by the people of the poblacion, the pastoral team of the parish (Jesus Senor de la Vida), and the vicar of the zone.

Lind's words speak eloquently of the horror of that night. "...in the emergency room I just started to cry and cry and cry. Mostly I have felt numb emotionally. I think a lot of it was that it all took place where I should have been safe...right outside my house...maybe too it is the fact that I never imagined that this would happen. People get detained, but they have to deal with you and identification and passports. These people never said a word, never asked for anything...they just hit. I think too that I have always thought out decisions to get involved in whatever I do and

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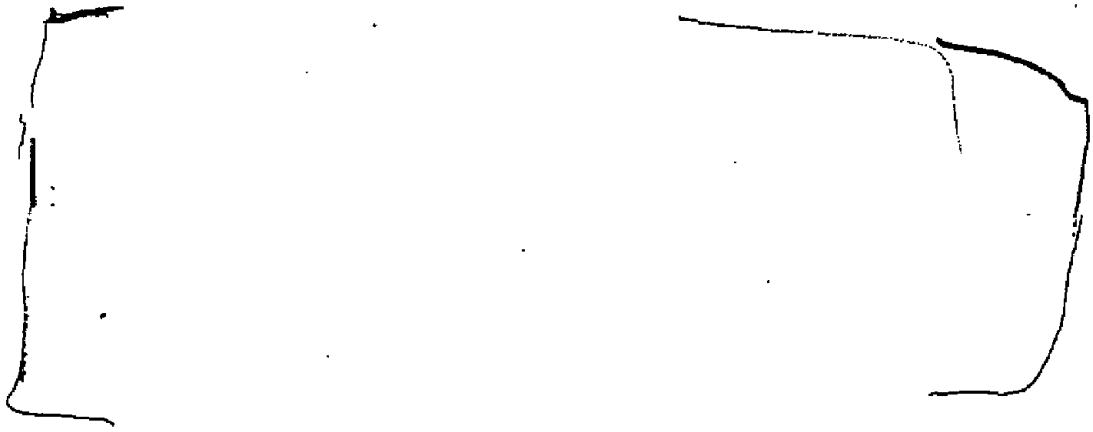
I didn't have the chance to choose this...or to even choose the circumstances that lead to confronting the police. The fact is that the Chilean people have lived with this for fifteen years. ...There was no curfew, there was no state of emergency and we were in front of our houses and in full rights to be where we were and doing what we were doing... pastoral work...talking with neighbors. They (the police) treat you poorly and tell you directly that it is your own fault for living with poor people."

I want to know, Senator, what our government is doing about such on-going human rights violations in Chile. If American citizenship and missionary status provide no immunity from persecution at the hands of a repressive government, what must be the on-going plight of the common men and women of Chile, particularly those rendered voiceless by poverty. I urge you to use your voice and your influence in Congress to decry the continuing repression and injustice of the Pinochet regime. We cannot morally remain silent in the face of such outrage.

Sincerely,



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PAGE 01 MEXICO 25467 01 OF 03 032325Z
ACTION OES-09

INFO	LOG-00	ADS-00	AID-00	INR-10	EUR-00	CIAE-00	EB-00
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FM AMEMBASSY MEXICO
TO SECSTATE WASHDC 4869

DEPARTMENT OF STATE
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UNCLAS SECTION 01 OF 03 MEXICO 25467

DEPT PLS PASS STRIDE COLLECTIVE

E.O. 12356:N/A
TAGS:TRGY,TPHY,KSCA,SENV,ENRG,SOCI,MX
SUBJECT: SCIENCE NOTES FOR MEXICO, SEPTEMBER 1988

1. SUMMARY: THE FOLLOWING IS A SYNOPSIS OF THE MAJOR S AND T DEVELOPMENTS IN MEXICO FOR THE MONTH OF SEPTEMBER 1988. THE MOST IMPORTANT EVENTS AND ITEMS OF THE PAST MONTH ARE SUMMARIZED IN THE AREAS OF SCIENCE AND TECHNOLOGY, BILATERAL COOPERATIVE PROGRAMS, POLLUTION AND THE ENVIRONMENT, FISHERIES AND WILDLIFE, ENERGY, AND PUBLIC HEALTH. END SUMMARY

SCIENCE AND TECHNOLOGY

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2. S AND T IN PRESIDENT DE LA MADRID'S FINAL STATE OF THE UNION ADDRESS: IN HIS LAST STATE OF THE UNION ADDRESS, PRESIDENT DE LA MADRID SPOKE ABOUT THE ADVANCES THAT HAD BEEN MADE IN S AND T IN MEXICO DURING HIS ADMINISTRATION. HE POINTED OUT THAT SUCH DIVERSE AREAS AS BIOTECHNOLOGY, COMPUTER SCIENCE AND DATA MANAGEMENT,
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PAGE 02 MEXICO 25467 01 OF 03 032325Z

AND MATERIAL SCIENCE CHANGED CONSIDERABLY. DE LA MADRID HIGHLIGHTED THE CHANGES MADE IN INSTITUTIONS OF HIGHER LEARNING, WHERE THE CREATION OF SCHOLARSHIP PROGRAMS HAS

STRENGTHENED NATIONAL ACADEMIC STANDARDS AND HAS LESSENED THE NEED FOR STUDENTS TO GO ABROAD FOR GRADUATE WORK. DE LA MADRID ALSO PRAISED THE NATIONAL SYSTEM OF RESEARCHERS, WHICH NOW HAS 3,987 MEMBERS, AND IS SUPPORTING 1,341 PROJECTS THIS YEAR. THE PRESIDENT CLOSED BY POINTING OUT THE IMPORTANCE THAT SELECTING APPROPRIATE TECHNOLOGIES HAS IN CREATING A BALANCED ECONOMY. HE ALSO STRESSED THAT SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENT IS THE CATALYST FOR THE CONTINUED RESTRUCTURING OF THE MEXICAN ECONOMY.
3. DISASTER PREVENTION: PRESIDENT DE LA MADRID RECENTLY SIGNED A DECREE CREATING THE NATIONAL DISASTER PREVENTION CENTER. THE CENTER WILL BE LOCATED AT THE NATIONAL AUTONOMOUS UNIVERSITY (UNAM) AND WILL WORK IN COORDINATION WITH THE SECRETARIAT OF THE INTERIOR. IT IS CHARGED WITH DEVELOPING TECHNOLOGIES THAT WILL SUPPORT AND ADVANCE EXISTING CIVIL PROTECTION SYSTEMS. UNAM HAS ALREADY ESTABLISHED AN EARTHQUAKE INFORMATION SERVICE, WHICH USES DATA FROM 16 TELEMETRIC STATIONS SPREAD THROUGHOUT THE COUNTRY. IN ADDITION, A SEISMOLOGICAL STATION WAS SET UP TO REGISTER SEISMIC ACTIVITY AROUND THE COLIMA VOLCANO, THE MOST ACTIVE SEISMIC AREA IN THE COUNTRY.

4. MORELOS SATELLITE I: THE SECRETARIAT OF COMMUNICATIONS AND TRANSPORTATION (SCT) ANNOUNCED THAT THE MORELOS SATELLITE WILL BE FUNCTIONING AT FULL CAPACITY IN APPROXIMATELY TWO MONTHS. AT PRESENT, USE OF THE SATELLITE BENEFITS 80 MILLION PEOPLE, WHO USE ITS TELECOMMUNICATIONS FACILITIES IN AREAS AS DIVERSE AS:
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PAGE 03 MEXICO 25467 01 OF 03 032325Z

EDUCATION, HEALTH, BANKING, ENERGY, AND INDUSTRY.

5. PEMEX RESEARCH INTO SUPERCONDUCTORS: PEMEX, THE MEXICAN PETROLEUM PARASTATAL, WILL FINANCE THE MATERIALS RESEARCH OF THE INSTITUTE FOR MATERIALS RESEARCH OF UNAM. PEMEX WILL SUPPLY EQUIPMENT AND FINANCE ACADEMIC ACTIVITIES AND STUDIES OF SPECIALISTS IN THIS AREA.

6. EFFORTS TO PROMOTE R AND D: THE UNIVERSITY OF MONTERREY RECENTLY HELD AN S AND T CONFERENCE DEDICATED TO PROMOTING INTERNATIONAL COOPERATION IN R AND D. SCIENTISTS FROM DEVELOPED AND DEVELOPING COUNTRIES CAME TO RELATE THEIR EXPERIENCES IN COORDINATING THE

ACTIVITIES AMONG BUSINESSES, GOVERNMENT AND UNIVERSITIES AND TO DISCUSS THE IMPLEMENTATION OF R AND D POLICY.

BILATERAL COOPERATIVE PROGRAMS

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7. MEXICO-CENTRAL AMERICA: THE SECRETARIAT OF FOREIGN RELATIONS (SRE) RECENTLY ANNOUNCED THE CREATION OF 140 SCHOLARSHIPS FOR GRADUATE STUDY BY CENTRAL AMERICANS THAT WILL BE FINANCED THROUGH MEXICAN DONATIONS TO THE FUND FOR ECONOMIC AND SOCIAL DEVELOPMENT FOR CENTRAL AMERICA. THIS PROGRAM IS SCHEDULED TO BEGIN IN
8. MEXICO-JAPAN: OKITA SABURO, THE EX-FOREIGN MINISTER OF JAPAN, IS HEADING A COOPERATIVE VENTURE WITH THE MEXICAN MINISTRY OF HEALTH AND THE MEXICAN SOCIAL SECURITY INSTITUTE (IMSS) THAT WILL TRAIN EPIDEMIOLOGISTS, TECHNICIANS AND SPECIALISTS WORKING ON AIDS. THE GOM HAS ALSO EXPRESSED INTEREST IN APPLYING JAPANESE MINING TECHNOLOGY IN EXTRACTING SULFITES FROM VOLCANIC ROCK (THE STATE OF OAXACA IS DEVELOPING A PILOT PROJECT USING THIS EQUIPMENT). MEXICO CITY WILL HOST A HI-TECH TRADE FAIR FEATURING THESE AND OTHER JAPANESE TECHNOLOGIES IN OCTOBER.

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PAGE 04 MEXICO 25467 01 OF 03 032325Z

NOTE BY OC/T: NOT PASSED STRIDE COLLECTIVE.

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PAGE 01 MEXICO 25467 02 OF 03 032326Z
ACTION OES-09

INFO	LOG-00	ADS-00	AID-00	INR-10	EUR-00	CIAE-00	EB-00
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	COME-00	NASA-02	PM-10	EAP-00	CIP-08	ITC-01	AIT-02
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FM AMEMBASSY MEXICO
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UNCLAS SECTION 02 OF 03 MEXICO 25467

DEPT PLS PASS STRIDE COLLECTIVE

E.O. 12356:N/A
TAGS:TRGY,TPHY,KSCA,SENV,ENRG,SOCI,MX

SUBJECT: SCIENCE NOTES FOR MEXICO, SEPTEMBER 1988

9. MEXICO-EEC: THE SECRETARIAT OF FOREIGN RELATIONS RECENTLY HOSTED THE FIRST MIXED COMMISSION ON S AND T COOPERATION BETWEEN MEXICO AND THE EEC. THE MEETING IS SEEN AS A WATERSHED IN MEXICAN-EUROPEAN RELATIONS BECAUSE OF THE AMBITIOUS PROGRAM PLAN THAT WAS DEVELOPED. IN ADDITION TO ESTABLISHING AN S AND T COMMITTEE OFFICE IN MEXICO, THE MEETING DRAFTED PROPOSALS FOR 12 PROJECTS FOR 1988-1989 IN AREAS SUCH AS TECHNOLOGICAL INNOVATION, BIOTECHNOLOGY, AGRICULTURE AND LIVESTOCK, HEALTH AND NUTRITION, ECOLOGY AND URBAN DEVELOPMENT AND HOUSING. TWELVE SCHOLARSHIPS AT ENGLISH UNIVERSITIES WERE ALSO ESTABLISHED (10 FOR POST DOCTORAL WORK AND 2 FOR DOCTORAL STUDIES). A JOINT BIOTECHNOLOGY WORKSHOP IN MEXICO IS BEING PLANNED FOR JANUARY.

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10. MEXICO-USSR: THE MEXICAN STEEL PARASTATAL, SIDERMEX, AND THE SOVIET PARASTATAL TIAZHPROMEXPORT EXTENDED THEIR COOPERATIVE AGREEMENT UNTIL 1993. A GROUP OF MEXICAN TECHNICIANS RECENTLY VISITED THE NOVO-LIPESTK COMPLEX WHERE THEY WERE SHOWN SEVERAL NEW STEEL PROCESSING METHODS. THE SOVIET PARASTATAL AGREED TO CONTINUE TRAINING MEXICAN TECHNICIANS IN HIGH TEMPERATURE STEEL MAKING, WHILE SIDERMEX AGREED TO INSTRUCT SOVIET TECHNICIANS ON METHODS OF RECONSTRUCTING AND MODERNIZING EXISTING PLANTS.

POLLUTION AND THE ENVIRONMENT

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11. AIR POLLUTION: SEDUE AND UNEP HOSTED THE SECOND INTERNATIONAL AIR QUALITY CONFERENCE IN TLAXCALA. 60 SPECIALISTS FROM THE USA, BRAZIL, VENEZUELA, MEXICO, JAPAN, THE FRG, FRANCE, SWEDEN AND GREECE PARTICIPATED IN THE CONFERENCE. PARTICIPANTS ASSESSED THE ACTIONS TAKEN BY THE GOM TO SOLVE THE AIR POLLUTION PROBLEMS IN THE VALEY OF MEXICO (35,000 FIXED SOURCES AND 2.5 MILLION VEHICLES EMIT 5 MILLION TONS OF POLLUTANTS INTO THE ATMOSPHERE, MAKING THIS THE REGION'S MOST IMMEDIATE ENVIRONMENTAL PROBLEM). AMONG THE CONCLUSIONS WERE PROPOSALS TO: EXTEND THE EXISTING MONITORING NETWORK AND TRAIN MORE TECHNICIANS; MONITOR POLLUTERS MORE CLOSELY;

DECREASE HYDROCARBON PRODUCTION AND USAGE CONTRIBUTING TO OZONE CREATION; AND PUSH THE AUTOMOTIVE INDUSTRY AND FACTORIES INSTALLED IN THE VALLEY OF MEXICO TO DEVELOP AND APPLY POLLUTION CONTROL TECHNOLOGIES.

12. AIR POLLUTION EFFECTS: EXPERTS RECENTLY COMMENTED ON THE EFFECTS OF POLLUTION AT THE MEXICAN MEDICAL ASSOCIATION FOR RESPIRATORY ILLNESSES'S SYMPOSIUM. THEY UNCLASSIFIED

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PAGE 03 MEXICO 25467 02 OF 03 032326Z

POINTED OUT THAT CHILDREN ARE THE MOST AFFECTED BY POLLUTION. IN GENERAL, THE PARTICIPANTS AGREED THAT CONTINUED EXPOSURE TO POLLUTION WEAKENS RESPIRATORY FUNCTION AND DIRECTLY AFFECTS THE THE CARDIOVASCULAR AND CENTRAL NERVOUS SYSTEMS. THE EXPERTS ADDED THAT THE GOM SHOULD TAKE ACTIONS DESIGNED TO DECREASE OZONE LEVELS AND IMPROVE EXISTING METHODS FOR CONTROLLING AIR POLLUTION.

13. AIR POLLUTION IN THE VALLEY OF MEXICO: THE OZONE LEVEL SURPASSED THE LEGAL LIMIT OF 200 ON THE IMECA SCALE (MEXICAN AIR QUALITY INDEX - 200 EQUALS .11 PPM) ON FIVE DAYS THIS MONTH. ON SEP. 11, OZONE REACHED 297 ON THE IMECA SCALE (.37 PPM), THE HIGHEST LEVEL RECORDED IN 1988.

14. CARIBBEAN ACTION PLAN (CAP): UNEP AND SEDUE HOSTED TWO MEETINGS AS PART OF THE CARI
BBEAN ACTION PLAN AT THE
SECRETARIAT OF FOREIGN AFFAIRS. AN EXPERTS' MEETING WAS HELD FIRST, WHERE PARTICIPANTS EXAMINED STRATEGIES FOR REGIONAL ECOLOGICAL COOPERATION. THIS GROUP THEN MADE RECOMMENDATIONS THAT WERE REVIEWED BY THE MONITORING COMMITTEE OF THE CAP THE FOLLOWING WEEK. EXPERTS FROM 33 COUNTRIES AND FROM THE EUROPEAN ECONOMIC COMMUNITY, THE LATIN AMERICAN ECONOMIC COMMISSION, THE PANAMERICAN HEALTH ORGANIZATION, THE CARIBBEAN COMMON MARKET AND SEVERAL ENVIRONMENTAL GROUPS ATTENDED. AMONG THE CONCLUSIONS OF THE MEETINGS WERE: A COMMITMENT TO CONSIDER SOCIAL AND ECONOMIC PRIORITIES IN DESIGNING REGIONAL PROJECTS; THE CREATION OF A PROJECT TO DESIGN PROGRAMS TO SAFELY HANDLE, STORE AND DISPOSE OF CHEMICAL, RADIOACTIVE AND TOXIC WASTES; AND, A PLEDGE TO PROTECT AND RATIONALLY EXPLOIT MARINE RESOURCES.
15. NORWAY'S PRIME MINISTER VISITS MEXICO: GRO HALEM

BRUNDTLAND, PRESIDENT OF THE WORLD COMMISSION ON

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PAGE 04 MEXICO 25467 02 OF 03 032326Z

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PAGE 01 MEXICO 25467 03 OF 03 032327Z
ACTION OES-09

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UNCLAS SECTION 03 OF 03 MEXICO 25467

DEPT PLS PASS STRIDE COLLECTIVE

E.O. 12356:N/A
TAGS:TRGY,TPHY,KSCA,SENV,ENRG,SOCI,MX
SUBJECT: SCIENCE NOTES FOR MEXICO, SEPTEMBER 1988

ENVIRONMENT AND DEVELOPMENT, PRESIDED OVER A CONFERENCE WHERE SHE PRESENTED HER COMMISSION'S REPORT DIAGNOSING THE ECOLOGICAL STATUS OF THE WORLD. IN ADDITION, REPRESENTATIVES FROM THE GOM DISCUSSED LATIN AMERICA'S ENVIRONMENTAL PROBLEMS. MRS. BRUNDTLAND ANNOUNCED A 150,000 US DLS. DONATION FROM NORWAY TO MEXICO FOR THE PURCHASE OF POLLUTION MONITORING EQUIPMENT.

FISHERIES AND WILDLIFE

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16. JAMES BRENNAN, NOAA ADMINISTRATOR FOR FISHERIES, RECENTLY MET WITH PEDRO OJEDA PAULLADA, SECRETARY OF FISHERIES, AND OTHER OFFICIALS FROM THE FISHERIES SECRETARIAT (SEPESCA) TO DISCUSS THE BILATERAL RELATIONSHIP BETWEEN MEXICO AND THE UNITED STATES. THE CORDIAL ATMOSPHERE REFLECTED THE CLOSE COOPERATIVE
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PAGE 02 MEXICO 25467 03 OF 03 032327Z

RELATIONSHIP BOTH NATIONS SHARE. BOTH MEN ALSO DISCUSSED THE SUCCESSES OF THE OUTGOING ADMINISTRATIONS AND THE POTENTIAL FOR COOPERATION UNDER THE INCOMING ADMINISTRATIONS.

17. HURRICANE GILBERT: MEXICO'S FISHING FLEET WAS GREATLY DAMAGED BY HURRICANE GILBERT. FLEETS IN THE STATES OF QUINTANA ROO, CAMPECHE, YUCATAN, AND TAMAULIPAS WERE SEVERELY DAMAGED. THE DESTRUCTION OF A SIZABLE PART OF THE FISHING FLEET IS EXPECTED TO GREATLY LOWER FISHERIES PRODUCTION FOR 1988.

18. USFWS/SEDUE ACCORD: THE U.S. FISH AND WILDLIFE SERVICE RECENTLY COMPLETED AN AGREEMENT WITH THE SECRETARIAT OF URBAN DEVELOPMENT AND ECOLOGY (SEDUE) REGARDING SCIENTIFIC RESEARCH AND COLLECTION OF FLORA AND FAUNA. UNDER THE AGREEMENT, BOTH AGENCIES WILL STANDARDIZE THEIR PROCEDURES REGARDING RESEARCH AND COLLECTION AND WILL AGREE TO SHARE ALL INFORMATION REGARDING SCIENTIFIC RESEARCH AND COLLECTION IN THEIR RESPECTIVE COUNTRIES.

ENERGY

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19. POSSIBLE NEW DATES FOR THE OPENING OF LAGUNA VERDE: HORACIO LOMBARDO, AN ADVISOR TO THE PRESIDENT COMMENTED IN THE PRESS THAT THE NUCLEAR PLANT MAY COME ON LINE THIS NOVEMBER. BEFORE THIS CAN HAPPEN, HOWEVER, THE GOM NEEDS TO HAMMER OUT AN AGREEMENT BETWEEN THE FEDERAL AND STATE GOVERNMENTS AND THE PARTIES OPPOSING THE PLANT PLEDGING SUPPORT FOR THE REACTOR. RAFAEL FERNANDEZ DE LA GARZA, DIRECTOR GENERAL OF THE PLANT, PUBLICLY DECLARED THAT THERE ARE 90 TONS OF URANIUM ON-SITE THAT UNCLASSIFIED

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PAGE 03 MEXICO 25467 03 OF 03 032327Z

CAN BE USED TO LOAD THE PLANT ONCE THE ORDER IS GIVEN. THE IAEA HAS ALREADY CERTIFIED THE PLANT, AND ALL THAT IS NEEDED TO COMMENCE LOADING IS THE CERTIFICATION FROM THE MEXICAN NUCLEAR SAFEGUARDS COMMISSION (CNSNS).

PUBLIC HEALTH

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20. AIDS: MEXICO WILL HOST THE FIRST INTERNATIONAL CONFERENCE ON AIDS EDUCATION IN IXTAPA ON OCTOBER 12-14. THE CONFERENCE IS AIMED AT PROFESSIONALS WORKING IN PUBLIC EDUCATION CAMPAIGNS. ACCORDING TO THE HEAD OF CONASIDA (NATIONAL COUNCIL FOR THE PREVENTION OF AIDS), DR. JAIME SEPULVEDA AMOR, MEXICO'S GREATEST STRENGTH LIES IN ITS AIDS EDUCATION CAMPAIGN, AND HE FEELS THAT PEOPLE FROM AROUND THE WORLD CAN LEARN A GREAT DEAL FROM THE MEXICAN MODEL. IN ADDITION, CONASIDA REPORTED THAT THERE ARE 1628 CASES OF AIDS IN MEXICO AS OF 9/1/88. CONASIDA AND SECRETARIAT OF HEALTH OFFICIALS CALCULATE THAT THE NUMBER OF CASES IS INCREASING 10 PERCENT A MONTH.

(DRAFTED:SCI:EAVILES/FJFERNANDEZ)

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PAGE 01 GUATEM 13059 01 OF 11 042124Z
ACTION HA-09

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[redacted] SECTION 01 OF 11 GUATEMALA 13059

DEPT OF LABOR PASS ILAB/OFR - T. LINSENMAYER

E.O. 12356: N/A
TAGS: PHUM, GT
SUBJECT: 1988 REPORT ON HUMAN RIGHTS PRACTICES FOR GUATEMALA

1. NOFORN

2.

GUATEMALA

THE ROAD TOWARD DEMOCRACY IS A ROCKY ONE. IN GUATEMALA IT IS MADE EVEN MORE DIFFICULT BY CENTURIES OF UNDERDEVELOPMENT, DEEP SOCIAL DIVISIONS, AND A HISTORY OF VIOLENT RESOLUTION OF DISPUTES. HOWEVER, THE COMPLEX PROCESS OF A GENUINE TRANSITION IS WELL UNDER WAY AND THE SITUATION TODAY, ECONOMICALLY AND POLITICALLY, IS MUCH BETTER THAN WHEN THE ELECTED CIVILIAN GOVERNMENT TOOK OFFICE IN JANUARY 1986. INDIVIDUAL RIGHTS ARE RESPECTED FAR MORE SYSTEMATICALLY, AND THE ENVIRONMENT OF LIBERTY HAS ENCOURAGED THE BROADER EXERCISE OF

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RIGHTS. MOST GUATEMALANS, INCLUDING THE LEADERSHIP OF THE ARMED FORCES, REJECTED AN ATTEMPT BY DISSIDENT OFFICERS TO OVERTHROW THE GOVERNMENT IN MAY 1988. FEW BELIEVE THAT THE GOVERNMENT PURSUES A POLICY OF

EXTRA-LEGAL REPRESSION, OR EVEN CONDONES IT. WHILE THE TOTAL NUMBER OF REPORTED VIOLENT CRIMES IS UP OVER LAST YEAR, THERE IS NO INDICATION OF OFFICIAL INVOLVEMENT. THE REPORTING ABILITIES OF THE MEDIA AND THE WILLINGNESS OF THE PUBLIC TO REPORT CRIMES TO THE AUTHORITIES MAY HAVE IMPROVED.

THE GUATEMALAN CONSTITUTION WHICH TOOK EFFECT IN JANUARY 1986 PROVIDES FOR A DEMOCRATICALLY ELECTED PRESIDENT, A 100 MEMBER UNICAMERAL LEGISLATURE, AND AN INDEPENDENT JUDICIARY. FREE AND FAIR MUNICIPAL ELECTIONS IN APRIL 1988 STRENGTHENED THE DEMOCRATIC PROCESS. ELEMENTS FROM ACROSS THE POLITICAL SPECTRUM ARE REPRESENTED IN GUATEMALAN POLITICS, ALTHOUGH THE SPLINTERING OF THE OPPOSITION INTO MANY SMALL AND FRAGMENTED PARTIES FACILITATES EFFECTIVE CONTROL OVER BASIC POLICIES BY THE RULING CHRISTIAN DEMOCRATIC PARTY. THE GOVERNMENT AND ITS POLICIES ARE FREELY CRITICIZED IN GUATEMALA.

ONGOING CHANGES AND IMPROVEMENTS IN THE JUSTICE SECTOR, INCLUDING THE POLICE AND THE JUDICIARY, AS WELL AS INCREASED PROFESSIONALISM IN THE BEHAVIOR OF THE MILITARY, ARE HAVING A POSITIVE IMPACT ON RESPECT FOR HUMAN RIGHTS. THE PROSECUTION OF MEMBERS OF THE NATIONAL POLICE AND EX-MEMBERS OF CIVIL DEFENSE PATROLS FOR ABUSES OF HUMAN RIGHTS SHOW THE GOVERNMENT'S COMMITMENT TO IMPROVING THE HUMAN RIGHTS SITUATION.

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VIOLENT CRIME REMAINS WIDESPREAD IN 1988. DIFFERENTIATING CASES OF COMMON CRIME FROM THOSE THAT ARE POLITICALLY MOTIVATED IS DIFFICULT. A PROMINENT EXAMPLE OF THIS IS THE SEPTEMBER 11 CONFRONTATION OF LAND REFORM ADVOCATE FATHER ANDRE GIRON AND THREE OTHERS WITH 30 TO 35 HEAVILY ARMED MEN ON AN ISOLATED ROAD. GIRON'S BODYGUARD WAS SHOT AND KILLED BUT GIRON WAS UNHARMED AND ALLOWED TO CONTINUE ON HIS WAY. EXACTLY WHO WAS RESPONSIBLE FOR THE ATTACK, OR WHAT ITS PURPOSE WAS, HAS NOT BEEN ESTABLISHED.

ADDITIONAL EVIDENCE OF THE GOG'S POLITICAL WILL WAS DEMONSTRATED BY THE PROSECUTION OF BOTH CIVILIAN AND MILITARY PARTICIPANTS OF THE MAY 11 ATTEMPTED COUP D'ETAT. ALTHOUGH ALL PARTICIPANTS FELL UNDER AN AMNESTY

SUBSEQUENTLY ENACTED BY THE GUATEMALAN CONGRESS, PROSECUTION HAD BEEN UNDERTAKEN IN BOTH CIVILIAN AND MILITARY COURTS. THE MAJORITY OF THE MILITARY PARTICIPANTS WERE RELEASED FROM ACTIVE DUTY FOR THEIR PART IN THE ABORTED COUP, WHILE OTHERS, ACCUSED OF MORE TACIT PARTICIPATION IN THE ATTEMPT, WERE REASSIGNED TO POSITIONS OF LITTLE IMPORTANCE.

THE RETURN TO GUATEMALA OF A GROWING NUMBER OF SELF-EXILES DURING 1988 DEMONSTRATES HOW IMPROVED THE HUMAN RIGHTS SITUATION IS OVER THAT OF THE EARLY 1980'S. A VISIT TO GUATEMALA BY TWO LEADERS OF THE UNITED REPRESENTATION OF THE GUATEMALAN OPPOSITION (RUOG), RIGOBERTA MENCHU AND ROLANDO CASTILLO, AS WELL AS THE RETURN OF DR. BERNARDO VILLELA XOY AFTER EIGHT YEARS, ATTEST TO THE GOVERNMENT OF GUATEMALA'S DETERMINATION TO ABIDE BY THE RULE OF LAW AND TO

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PAGE 01 GUATEM 13059 02 OF 11 042126Z
ACTION HA-09

INFO LOG-00 ADS-00 AID-00 INR-10 SS-00 OIC-02 CIAE-00
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[redacted]SECTION 02 OF 11 GUATEMALA 13059

DEPT OF LABOR PASS ILAB/OFR - T. LINSENMAYER

E.O. 12356: N/A
TAGS: PHUM, GT
SUBJECT: 1988 REPORT ON HUMAN RIGHTS PRACTICES FOR GUATEMALA

GUARANTEE RESPECT FOR HUMAN RIGHTS.

THE CONTINUING ACTIVITIES OF THE CONSTITUTIONALLY MANDATED HUMAN RIGHTS OMBUDSMAN, NAMED IN AUGUST 1987, ARE PART OF A WIDER EFFORT TO ENSURE RESPECT FOR HUMAN RIGHTS. THE OMBUDSMAN OPENED OFFICES IN FIVE OF GUATEMALA'S 22 DEPARTMENTS, AND PROCESSED NEARLY 700 OF THE 850 CASES PUT BEFORE HIM THROUGH AUGUST 1988.

THE RECOVERY OF GUATEMALA'S ECONOMY, BEGUN IN 1987, TRANSLATED INTO SLIGHTLY HIGHER PER CAPITA INCOMES FOR GUATEMALANS IN 1988, AS MODERATE GROWTH CONTINUED. GROWTH WAS LED BY INCREASED PRIVATE SECTOR INVESTMENT, EXPORTS OF NON-TRADITIONAL PRODUCTS, TOURISM, AND CONSTRUCTION. ROUGH ESTIMATES INDICATE UNEMPLOYMENT HAS [redacted]

FALLEN STEADILY SINCE 1986. DESPITE HIGHER GOVERNMENT OUTLAYS, THE FISCAL DEFICIT IS MODEST AND THE GOVERNMENT OF GUATEMALA HAS PURSUED FUNDAMENTALLY SOUND MACROECONOMIC POLICIES WHICH HAVE RESULTED IN CONTROLLING INFLATION AND STABILIZING THE QUETZAL'S VALUE VERSUS THE DOLLAR. OTHER POSITIVE INDICATORS FOR THE LONG TO MEDIUM TERM ARE GUATEMALA'S RELATIVELY LOW EXERNAL DEBT, LITTLE GOVERNMENT INVOLVEMENT IN THE ECONOMY, AND GROWING INVESTOR AND CONSUMER CONFIDENCE AS DEMOCRACY TAKES ROOT. HOWEVER, A HISTORY OF A BADLY SKEWED ECONOMY AND OF INADEQUATE PAST ATTENTION TO NEEDED SOCIAL SERVICES INHIBITS THE BENEFITS OF THE ECONOMIC RECOVERY BEING SHARED FULLY AMONG ALL SECTORS.

THE UNITED NATIONS EXPERT FOR ADVISORY SERVICES, HECTOR GROSS ESPIEL, VISITED GUATEMALA IN AUGUST AND FOUND PROGRESS AND THE ABSENCE OF A POLICY OF HUMAN RIGHTS VIOLATIONS.

RESPECT FOR HUMAN RIGHTS

SECTION 1 RESPECT FOR THE INTEGRITY OF THE PERSON,

INCLUDING FREEDOM FROM:

A. POLITICAL KILLING

THE NUMBER OF KNOWN KILLINGS IN WHICH A POLITICAL MOTIVE COULD NOT BE RULED OUT REMAINED STEADY IN 1988, REACHING 44 FOR THE MONTHS JANUARY THROUGH JUNE. THOUGH THESE FIGURES INDICATE AN AVERAGE OF SEVEN POSSIBLY POLITICALLY MOTIVATED KILLINGS EACH MONTH, THE SAME AS IN 1987, THEY CONTINUE TO MARK A DRAMATIC DECLINE FROM THE HIGH LEVELS OF POLITICAL KILLING IN THE EARLY

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1980'S. THESE FIGURES ARE BASED ON AVAILABLE STATISTICS; IT IS NOT KNOWN HOW MANY OF THESE DEATHS WERE, IN FACT, ACTUALLY POLITICALLY MOTIVATED OR, IF SO, WHICH GROUP OR FACTION WAS RESPONSIBLE.

HOMICIDES ATTRIBUTED TO COMMON CRIME CONTINUED AT A HIGH RATE IN 1988, INCLUDING CASES OF SUSPECTED VIGILANTE JUSTICE BY PRIVATE CITIZENS. ACCORDING TO NATIONAL POLICE STATISTICS, THERE WAS AN AVERAGE OF 188 KILLINGS EACH MONTH, UP FROM THE 1987 AVERAGE OF 148 PER MONTH. REPORTED CASES OF ASSAULT WITH INTENT TO KILL FELL FROM 600 PER MONTH IN 1987 TO AN AVERAGE OF 512 PER MONTH IN 1988, BASED ON AVAILABLE POLICE STATISTICS. THE CONTINUING VIOLENCE AND THE HIGH CRIME RATE HAVE BEEN ATTRIBUTED TO DRUG-TRAFFICKING, COMMON CRIME, POVERTY AND EVEN THE RETURN OF DEMOCRACY. SOME OBSERVERS CITE THE HIGH CRIME RATE IN GUATEMALA AS A BASIS FOR CHARGES THAT POLITICAL KILLINGS CONTINUE. OTHERS HAVE OBSERVED THAT HIGHER STATISTICAL TOTALS MAY RESULT IN PART FROM BETTER RECORDKEEPING, A LESS INHIBITED PRESS AND A GREATER PUBLIC WILLINGNESS TO REPORT CRIMES TO THE AUTHORITIES.

THE GOVERNMENT OF GUATEMALA CONTINUED ITS EFFORTS TO ELIMINATE ANY OFFICIAL INVOLVEMENT IN POLITICAL KILLINGS THROUGH REORGANIZATION AND IMPROVED TRAINING, AND ALSO BY PROSECUTING MILITARY AND POLICE OFFICERS ON CRIMINAL CHARGES. NEITHER THE PRESENT DEMOCRATICALLY ELECTED CIVILIAN GOVERNMENT NOR THE MILITARY HIGH COMMAND IS RESPONSIBLE FOR DIRECTING OR CARRYING OUT HUMAN RIGHTS ABUSES. THOSE INCIDENTS WHICH STILL OCCUR SEEM TO RESULT FROM INDIVIDUALS ACTING BEYOND THEIR AUTHORITY, OR ARE THE RESULT OF CRIMINAL ACTIVITIES NOT RELATED TO THE CIVILIAN OR MILITARY AUTHORITIES. WHILE

RESORT TO VIOLENCE IS STILL ALL TOO COMMON, THE PRESENT GOVERNMENT, RATHER THAN CONTRIBUTING TO THE VIOLENCE, IS

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SEEKING TO END IT.

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PAGE 01 GUATEM 13059 03 OF 11 042127Z
ACTION HA-09

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[redacted]SECTION 03 OF 11 GUATEMALA 13059

DEPT OF LABOR PASS ILAB/OFR - T. LINSENMAYER

E.O. 12356: N/A
TAGS: PHUM, GT
SUBJECT: 1988 REPORT ON HUMAN RIGHTS PRACTICES FOR GUATEMALA

AN IMPORTANT DEMONSTRATION OF THE GOVERNMENT'S WILL TO PUNISH THOSE RESPONSIBLE FOR VIOLATING HUMAN RIGHTS IS THE PROSECUTION OF POLICE AGENTS AND EX-CIVIL DEFENSE PATROL MEMBERS FOR CURRENT AND PAST ABUSES. THE FORMER CHIEF OF POLICE OF QUETZALTENANGO, CATALINO VALIENTE ALONSO, AND SEVEN FORMER POLICE OFFICERS WERE FOUND GUILTY AND SENTENCED TO THIRTY YEARS IN PRISON FOR THE OCTOBER 1987 KIDNAPPING AND MURDER OF UNIVERSITY STUDENT LEADERS DANILO SERGIO ALVARADO MEJIA AND RENE HAROLDO LEIVA CAYAX. THIS PROSECUTION SETS AN IMPORTANT PRECEDENT IN GUATEMALA AND REINFORCES THE RESPECT FOR HUMAN RIGHTS THAT IS BEING INSTILLED THROUGH THE TRAINING AND REORGANIZATION UNDERTAKEN TO IMPROVE BOTH POLICE AND MILITARY BEHAVIOR. IT IS AN IMPORTANT STEP FOR GUATEMALA TO BEGIN ADDRESSING HUMAN RIGHTS ABUSES

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PAGE 02 GUATEM 13059 03 OF 11 042127Z

THROUGH DUE PROCESS OF LAW.

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ANOTHER IMPORTANT PRECEDENT WAS SET BY THE PROSECUTION OF TWO FORMER COMMANDERS OF THE CIVIL DEFENSE PATROL OF CHITINIMIT IN CHICHICASTENANGO, EL QUICHE. MIGUEL BATZ AND MANUEL GUARCAJ WERE CHARGED WITH THE 1983 MURDERS OF 23 PERSONS DESCRIBED AS FORMER GUERRILLAS WHO HAD OBTAINED AMNESTY. A MASS GRAVE WAS UNCOVERED IN FEBRUARY BY THE OFFICE OF THE HUMAN RIGHTS OMBUDSMAN WHO INVESTIGATED THE MASSACRE BASED ON A FORMAL COMPLAINT SUBMITTED TO HIS OFFICE BY A MEMBER OF THE MUTUAL SUPPORT GROUP. (DISPOSITION OF THIS CASE WILL BE FORWARDED TO DEPARTMENT WHEN AVAILABLE TO EMBASSY.)

A THIRD SIGNIFICANT PRECEDENT INVOLVED THE CASE OF ANTONIO MELENDEZ BOUSCAYROL, WHO WAS DETAINED BY POLICE ON MAY 23 FOR ALLEGEDLY SHOOTING A POLICE OFFICER IN GUATEMALA CITY. AFTER HIS DETENTION IN THE NATIONAL POLICE'S SEVENTH PRECINCT MELENDEZ DIED IN THE SOCIAL SECURITY HOSPITAL FROM CRANIAL ENCEPHALIC TRAUMA OF THE FOURTH DEGREE. THE SEVENTH PRECINCT ATTEMPTED TO COVER UP THE CRIME BY STATING THAT MELENDEZ HAD BEEN FOUND DEAD BY POLICE AGENTS. SUBSEQUENT INVESTIGATION BY THE NATIONAL POLICE DETERMINED THAT MELENDEZ DIED AS A RESULT OF VIOLENCE, AND SIX POLICE AGENTS AND THE SUBCHIEF OF THE SEVENTH PRECINCT WERE ARRESTED. (DISPOSITION OF THIS CASE WILL BE FORWARDED TO DEPARTMENT WHEN AVAILABLE TO EMBASSY.)

THE ABDUCTION AND MURDER OF ANA ELIZABETH PANIAGUA MORALES IN GUATEMALA CITY ON FEBRUARY 9 APPEARS TO HAVE BEEN POLITICALLY MOTIVATED. MS. PANIAGUA WAS ABDUCTED I[redacted]

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BY THREE MEN IN JOGGING OUTFITS WHO FORCED HER INTO A WHITE VAN. HER BODY WAS FOUND WITH KNIFE WOUNDS TWO DAYS LATER. THE NATIONAL POLICE ANNOUNCED THAT MS. PANIAGUA HAD A PRISON RECORD FOR CRIMES SUCH AS ASSAULT, ROBBERY AND MURDER. THEY ALSO NOTED THAT HER FAMILY WAS NOT COOPERATING WITH THE POLICE INVESTIGATION.

UNIVERSITY OF SAN CARLOS AGRONOMY STUDENT JOSE ALBINO GRIJALVA ESTEVEZ WAS KIDNAPPED AT A BUS STOP IN GUATEMALA CITY ON FEBRUARY 16 AND TAKEN AWAY, ALSO IN A WHITE VAN. HIS BODY WAS FOUND WITH KNIFE AND GUNSHOT WOUNDS THE NEXT DAY IN BARBERENA, SANTA ROSA. THE MUTUAL SUPPORT GROUP (GAM) DENOUNCED BOTH MURDERS AND

SEIZED ON THE CASES AS EXAMPLES OF OFFICIALLY SPONSORED VIOLENCE. IN JUNE 1988 THE NATIONAL POLICE PRESENTED DOCUMENTATION TO THE COURTS WHICH ALLEGES THAT TREASURY POLICE AGENTS ARE RESPONSIBLE FOR THESE ABDUCTIONS AND MURDERS, AMONG OTHERS. HOWEVER, THE ACCUSED WERE SUBSEQUENTLY RELEASED FOR LACK OF EVIDENCE.

EUSEBIO AJCALON PIOF AND DOMINGO AJCALON MATZUL WERE REPORTEDLY ABDUCTED BY TWO MEN IN OLIVE GREEN UNIFORMS WHO CARRIED WEAPONS ON THE EVENING OF MAY 29. BOTH MEN HAD ATTENDED A CONSTITUTION DAY CELEBRATION THAT DAY WITH ABOUT 8000 OTHER PEOPLE FROM THE MUNICIPALITIES IN CHIMALTENANGO DEPARTMENT. ACCORDING TO DOMINGO AJCALON'S FATHER, THE TWO MEN LEFT DOMINGO'S HOME AT ABOUT 6:30 P.M. THAT EVENING AND SHOTS WERE HEARD ABOUT 15 MINUTES LATER. WHEN FAMILY MEMBERS WENT TO INVESTIGATE, THEY FOUND NOTHING. EARLY ON MAY 30, THE BODIES OF THE TWO MEN WERE FOUND ON THE LAND OF JOSE YOT IN THE SMALL VILLAGE OF MOCOLIXOT, PATZUN. EUSEBIO AJCALON HAD BEEN A MEMBER OF THE LOCAL DEVELOPMENT COUNCIL IN MOCOLIXOT BAJO AND MAY HAVE BEEN ACTIVE POLITICALLY IN HIS COMMUNITY. THE MURDERS REMAIN UNSOLVED.

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PAGE 01 GUATEM 13059 04 OF 11 042128Z
ACTION HA-09

INFO LOG-00 ADS-00 AID-00 INR-10 SS-00 OIC-02 CIAE-00
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FM AMEMBASSY GUATEMALA
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[redacted] SECTION 04 OF 11 GUATEMALA 13059

DEPT OF LABOR PASS ILAB/OFR - T. LINSENMAYER

E.O. 12356: N/A
TAGS: PHUM, GT
SUBJECT: 1988 REPORT ON HUMAN RIGHTS PRACTICES FOR GUATEMALA

ALLEGATIONS OF DEATH-SQUAD TYPE ACTIVITIES

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CONTINUED IN 1988, WITH PRESS REPORTS INDICATING THAT THE ACTIVITY OF ULTRA-RIGHT TERRORIST GROUPS HAS BEEN INCREASING. THE NUMBER OF REPORTED KIDNAPPINGS AND MURDERS IN WHICH THERE ARE SIMILARITIES TO DEATH-SQUAD TRAITS OF PREVIOUS YEARS HAS BEEN RISING. REPRESENTATIVES OF THE GOVERNMENT DENY ANY MILITARY OR POLICE INVOLVEMENT IN DEATH-SQUAD LIKE KILLINGS, AND THESE DENIALS ARE GENERALLY ACCEPTED.

B. DISAPPEARANCE

DISAPPEARANCES TOOK PLACE IN GUATEMALA IN 1988 AT A RATE GREATLY REDUCED FROM THAT OF THE EARLY 1980'S. THE NATIONAL POLICE REPORTED AN AVERAGE OF 27

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KIDNAPPINGS PER MONTH IN 1988, SOME OF WHICH ARE PRESUMED TO HAVE BEEN POLITICALLY MOTIVATED. THIS IS NEARLY THREE TIMES THE RATE AT WHICH KIDNAPPINGS WERE REPORTED DURING THE PREVIOUS TWO YEARS. NEARLY 50 PERCENT INVOLVE PERSONS UNDER THE AGE OF SIXTEEN, A PHENOMENON THAT HAS SWELLED THE NUMBER OF DISAPPEARED SINCE THE LAST TRIMESTER OF 1987. THIS APPEARS TO REFLECT MORE AN INCREASE IN KIDNAPPING FOR PROFIT THAN FOR POLITICAL MOTIVATION.

AMONG THE MOST PUBLICIZED CASES WAS THE "DISAPPEARANCE" OF MARIA ELENA GASPAR XUNCAX, A KANJOBAL INDIAN WHO IS A LEGAL PERMANENT RESIDENT IN THE UNITED STATES. ON JULY 1, DURING HER FIRST VISIT BACK TO GUATEMALA IN SEVEN YEARS, SHE WAS DETAINED BY UNIFORMED POLICE OFFICERS AFTER SHE HAD BEEN DENOUNCED AS AN ACTIVE GUERRILLA BY A VILLAGER IN BARRILLAS, HUEHUETENANGO. ACCORDING TO HER OWN ACCOUNT OF THE INCIDENT, SHE WAS THEN TAKEN BY PLAINCLOTHES MEN TO THE NEARBY MILITARY CAMP AND QUESTIONED REPEATEDLY. MS. GASPAR WAS FREED ON JULY 6, AND THE MILITARY TRANSPORTED HER BACK TO SAN MIGUEL, WHERE SHE HAD BEEN STAYING WITH RELATIVES. HER FAMILY IN BARILLAS HAD ASSUMED THAT SHE HAD DISAPPEARED SINCE THEY RECEIVED NO CONFIRMATION OF HER WHEREABOUTS AFTER THE FIRST OF JULY. ACCORDING TO GOVERNMENT SOURCES, THE ARMY FORMALLY APOLOGIZED TO MS. GASPAR AND THE CASE WAS ONE OF MISTAKEN IDENTITY. MS. GASPAR HAD NO FURTHER PROBLEMS DURING THE REMAINDER OF HER VISIT TO GUATEMALA.

A PARTICULARLY TROUBLING ABDUCTION INVOLVED THE

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JUDGE PRESIDING OVER THE CASE DESCRIBED IN THE PRECEDING SECTION IN WHICH TREASURY POLICE AGENTS WERE ACCUSED BY [redacted]

THE NATIONAL POLICE OF ALLEGED KILLINGS, ABDUCTIONS AND ROBBERIES. JUDGE ANIBAL TREJO DUQUE AND CARLOS MORAN ARRIAGA WERE ABDUCTED ON JULY 20. THE DISCOVERY OF TREJO'S ABANDONED VEHICLE LED TO AN INVESTIGATION OF THEIR APPARENT KIDNAPPING. TREJO WAS FREED ON THE EVENING OF JULY 22, AND STATED THAT HIS CAPTORS DID NOT ASK HIM ANY QUESTIONS ABOUT THE CASE HE WAS PROSECUTING, THOUGH SOME OBSERVERS BELIEVE THAT THE ABDUCTION WAS RELATED TO THE CASE. TREJO REPORTED THAT HE WAS TREATED WELL AND TOLD THAT HIS ABDUCTION WAS A MISTAKE. TREJO ALSO INSISTS THAT MORAN WAS NOT WITH HIM WHEN HE WAS ABDUCTED. MORAN WAS FOUND DEAD ON THE MORNING OF JULY 22. SHORTLY THEREAFTER JUDGE TREJO RELEASED ALL THE ACCUSED TREASURY AGENTS FROM PRE-TRIAL CUSTODY. A SIGNIFICANT ASPECT OF THIS ABDUCTION IS THE LACK OF INFORMATION CONCERNING ANY POLICE INVESTIGATION INTO THE CASE.

OTHER NOTABLE DISAPPEARANCES INCLUDE THOSE OF THE GOMEZ QUISQUINA GROUP. ACCORDING TO REPORTS, REMIGIO GOMEZ QUISQUINA WENT TO LOOK FOR FIREWOOD LATE ON THE EVENING OF FEBRUARY 15 IN SAN LUCAS TOLIMAN AND NEVER RETURNED HOME. GOMEZ QUISQUINA SUFFERED FROM SEIZURES. WHEN HE DID NOT RETURN HIS FOUR BROTHERS, HIS FATHER, A COUSIN AND A FRIEND WENT LOOKING FOR HIM, THINKING THAT HE HAD SUFFERED A SEIZURE. THEY NEVER RETURNED. AT FIRST THE FAMILY BELIEVED THAT THEY HAD BEEN ABDUCTED BY THE MILITARY BUT THEY LATER THOUGHT THAT THE GUERRILLAS, WHO WERE KNOWN TO BE LOOKING FOR RECRUITS IN THAT AREA, MAY HAVE WAYLAID THE MEN. THE DISAPPEARANCES REMAINED UNSOLVED.

SALVADORAN CITIZEN RAFAEL VEGA CASTILLO DISAPPEARED IN JANUARY AFTER DRIVING INTO GUATEMALA IN A 1987 TOYOTA AND CARRING A LARGE AMOUNT OF CURRENCY WITH WHICH TO PURCHASE COMPUTER EQUIPMENT. POLICE AGENTS PAID BY THE VEGA FAMILY TO CHECK ON THE WHEREABOUTS OF [redacted]

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PAGE 01 GUATEM 13059 05 OF 11 042132Z
ACTION HA-09

UNCLASSIFIED

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INFO LOG-00 ADS-00 AID-00 INR-10 SS-00 OIC-02 CIAE-00
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E.O. 12356: N/A
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SUBJECT: 1988 REPORT ON HUMAN RIGHTS PRACTICES FOR GUATEMALA

RAFAEL VEGA REPORTED THAT VEGA WAS SEEN IN A MILITARY POLICE PRISON, WHERE HE WAS HELD UNDER ANOTHER NAME. MILITARY AUTHORITIES DENY THAT HE WAS EVER HELD BY THEM. THE NATIONAL POLICE REPORT THAT THE BODY OF VEGA AND THAT OF ANOTHER MAN WERE FOUND ON FEBRUARY 18 IN ESQUINTLA. VEGA DIED FROM A HEAD FRACTURE, INTERNAL BLEEDING IN THE HEAD CAUSED BY A GUNSHOT, AND A NONCONTAGIOUS ILLNESS (PRESUMABLY THE EPILEPSY FROM WHICH HE SUFFERED). VEGA WAS POSITIVELY IDENTIFED ON MARCH 17 BY HIS UNCLE, WITH WHOM HE HAD LIVED IN EL SALVADOR.

EFFORTS TO LOCATE OR ACCOUNT FOR MISSING PERSONS FROM PREVIOUS YEARS CONTINUED IN 1988. THE MOST VOCAL GUATEMALAN GROUP TO DEMAND INVESTIGATION INTO THESE [redacted]

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DISAPPEARANCES IS THE MUTUAL SUPPORT GROUP (GAM), THE PRINCIPAL DOMESTIC CIVILIAN ORGANIZATION DEVOTED TO PROTECTION OF HUMAN RIGHTS. THE OFFICE OF THE HUMAN RIGHTS OMBUDSMAN, IN OPERATION SINCE AUGUST 1987, CONTINUED TO INVESTIGATE ALLEGED HUMAN RIGHTS ABUSES, INCLUDING DISAPPEARANCES.

C. TORTURE AND OTHER CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT

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DURING 1988 REPORTS OF TORTURE ATTRIBUTABLE TO THE MILITARY OR POLICE FORCES WERE INFREQUENT. THE NATIONAL POLICE, UNDER THE COORDINATION OF THE INTERIOR MINISTRY, ARE ATTEMPTING TO END ALL SUCH ABUSES. THROUGH TRAINING AND FOREIGN ASSISTANCE PROGRAMS FROM SEVERAL COUNTRIES, INCLUDING THE UNITED STATES, SPAIN, VENEZUELA AND THE FEDERAL REPUBLIC OF GERMANY, THE NATIONAL POLICE HAVE BEGUN TO REORGANIZE AND TO IMPROVE INVESTIGATIVE AND FORENSIC LABORATORY TECHNIQUES AND THUS PROFESSIONALIZE THE SECURITY FORCES. ISOLATED CASES OF PRISONERS BEING MURDERED WHILE THEY ARE IN PRISON DO OCCUR, BUT THE BLAME HAS NOT BEEN LAID ON GOVERNMENT AUTHORITIES.

D. ARBITRARY ARREST, DETENTION, EXILE, OR FORCED LABOR

ALLEGATIONS OF ARBITRARY ARREST ARE INFREQUENT IN GUATEMALA. UNDER THE CONSTITUTION, A PERSON CANNOT BE HELD FOR MORE THAN SIX HOURS WITHOUT BEING BROUGHT BEFORE A JUDGE AND FORMALLY CHARGED WITH A CRIME. CONSEQUENTLY, AT TIMES CASES ARE BROUGHT BEFORE A JUDGE WITH INSUFFICIENT EVIDENCE. CONTINUED UNCERTAINTY ABOUT THE APPLICATION OF THIS REQUIREMENT IN THE CONSTITUTION, [redacted]

DESIGNED TO PREVENT ARBITRARY ARREST AND DETENTION, HAS FREQUENTLY RESULTED IN ALLOWING ACCUSED CRIMINALS TO GO FREE.

OTHER PROCEDURAL SAFEGUARDS INCLUDE THE NEED FOR AN ARREST WARRANT FROM THE CRIMINAL COURT WHERE THE ACCUSATION IS PRESENTED WHEN THE ACCUSED IS NOT APPREHENDED "EN FLAGRANTE." GUATEMALAN LAW ALSO STIPULATES THAT THE TIME LIMIT FOR BEING CHARGED OR RELEASED IS 20 DAYS IN THE INSTITUTIONAL OR INVESTIGATIVE PHASE. ADDITIONALLY, THE LAW INCORPORATES THE CONSTITUTIONAL RIGHT AGAINST ILLEGAL DETENTION AND REQUIRES THE PERSONAL APPEARANCE OF ANY PERSON WHO IS ILLEGALLY DETAINED OR WHOSE FREEDOM IS THREATENED IN ANY WAY.

INVOLUNTARY EXILE IS NOT USED AS A PUNISHMENT BY THE GOVERNMENT, AND THERE HAVE BEEN NO KNOWN INSTANCES IN WHICH GOVERNMENT CRITICS WERE ARRESTED FOR POLITICAL REASONS. THE PRACTICE OF COMPULSORY LABOR IS PROHIBITED BY LAW. FOR A DISCUSSION OF FORCED OR COMPULSORY LABOR, SEE SECTION 6C.

CHARGES CONTINUE TO SURFACE THAT MEMBERS OF VOLUNTEER CIVIL DEFENSE PATROLS ARE FORCED TO DO UNRELATED TASKS WITHOUT COMPENSATION. DOCUMENTATION OF SUCH CASES IS SCARCE. THE QUESTION STILL ARISES REGARDING THE VOLUNTARY NATURE OF THE CIVIL DEFENSE PATROLS. WHILE THE GOVERNMENT INSISTS THAT THEY ARE WHOLLY VOLUNTARY, COMPLAINTS ARE FREQUENTLY MADE THAT INDIVIDUALS ARE FORCED TO PARTICIPATE IN THE CIVIL DEFENSE PATROLS UNDER THREATS AND INTIMIDATION AT THE LOCAL LEVEL. THE GOVERNMENT HAS PRESENTED THE HUMAN RIGHTS OMBUDSMAN WITH A FORMAL WRITTEN DECLARATION THAT SERVICE IS STRICTLY VOLUNTARY, AND THE OMBUDSMAN HAS DISSEMINATED COPIES OF THE DECLARATION TO ALL CIVIL

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DEFENSE PATROLS.

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PAGE 01 GUATEM 13059 06 OF 11 042133Z
ACTION HA-09

INFO LOG-00 ADS-00 AID-00 INR-10 SS-00 OIC-02 CIAE-00
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P 042121Z OCT 88
FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC PRIORITY 6285
DEPTLABOR WASHDC PRIORITY

[redacted] SECTION 06 OF 11 GUATEMALA 13059

DEPT OF LABOR PASS ILAB/OFR - T. LINSENMAYER

E.O. 12356: N/A
TAGS: PHUM, GT
SUBJECT: 1988 REPORT ON HUMAN RIGHTS PRACTICES FOR GUATEMALA

E. DENIAL OF FAIR PUBLIC TRIAL

THE GUATEMALAN CONSTITUTION PROVIDES FOR AN INDEPENDENT JUDICIARY, OPERATING UNDER THE CIVIL LAW TRADITION, AND ENSURES THE JUDICIARY'S INDEPENDENCE BY ALLOTTING IT A SET PERCENTAGE OF THE NATIONAL BUDGET. UNDER THE CONSTITUTION, THERE IS A SUPREME COURT, A COURT OF APPEALS AND SEVERAL COURTS OF PARTICULAR JURISDICTION. THERE IS ONLY ONE FORMAL JUDICIAL SYSTEM FOR ALL CIVILIANS, AND THE MILITARY HAS ITS OWN SPECIAL

COURTS WHICH HAVE JURISDICTION ONLY OVER MILITARY PERSONNEL.

MINIMUM DUE PROCESS IS PROVIDED FOR BY THE GUATEMALAN JUDICIARY SYSTEM. ALL ACCUSED ARE ALLOWED A [redacted]

PUBLIC TRIAL, ONCE THE INVESTIGATIVE PHASE IS COMPLETE. THE RIGHT TO LEGAL COUNSEL IS PROVIDED FOR BY LAW AND MADE AVAILABLE BY THE STATE TO INDIGENTS. STATE FUNDED LEGAL SERVICES ARE USUALLY PROVIDED BY LAW STUDENTS. SINCE THE MAJORITY OF THE NATION'S LAWYERS LIVE IN OR NEAR GUATEMALA CITY, IT IS SOMETIMES DIFFICULT TO OBTAIN LEGAL COUNSEL IN THE COUNTRYSIDE. DEFENDANTS MAY BE RELEASED AT THE DISCRETION OF THE MAGISTRATE AFTER POSTING BAIL. CUMBERSOME JUDICIAL MACHINERY RESULTS IN MANY DEFENDANTS SPENDING SEVERAL MONTHS IN PRISON BEFORE THEIR CASES ARE BROUGHT TO TRIAL. ALL CASES ARE GRANTED AN AUTOMATIC APPEAL UPON CONVICTION AND REVISION IN THE COURT OF APPEALS.

THE GUATEMALAN JUDICIARY IS WORKING CLOSELY WITH THE UNITED NATIONS INSTITUTE FOR THE PREVENTION OF CRIME AND TREATMENT OF CRIMINALS (ILANUD) AND OTHER DONORS IN ORDER TO IMPROVE THE EFFECTIVENESS OF THE LEGAL SYSTEM AND TO ACQUIRE NEEDED TRAINING AND EQUIPMENT. LEGISLATION TO IMPROVE THE SELECTION AND MANAGEMENT OF JUDICIAL PERSONNEL IS BEFORE THE CONGRESS. JUDICIAL REFORMS AND TRAINING SHOULD RESULT IN IMPROVED JUDICIAL SUPERVISION OF POLICE INVESTIGATIONS AND GREATER EFFICIENCY AND PROFESSIONALISM.

THERE ARE NO KNOWN CASES OF PERSONS BEING IMPRISONED FOR POLITICAL REASONS OR FOR NONVIOLENT EXERCISE OF BASIC HUMAN RIGHTS.

F. ARBITRARY INTERFERENCE WITH PRIVACY, FAMILY, HOME OR CORRESPONDENCE

THE CONSTITUTION PROVIDES FOR THE INVIOLABILITY OF [redacted]

THE HOME, PERSONAL CORRESPONDENCE, AND PRIVATE PAPERS.

INSTANCES OF AUTHORITIES VIOLATING THE PRIVACY OF THE HOME AND ENGAGING IN CRIMINAL ACTS AGAINST INDIVIDUALS AND PROPERTY ARE ISOLATED.

SECTION 2 RESPECT FOR CIVIL LIBERTIES, INCLUDING:

A. FREEDOM OF SPEECH AND PRESS

THE GUATEMALAN CONSTITUTION GUARANTEES FREEDOM OF SPEECH AND EXPRESSION. THE BOUNDARIES OF FREE EXPRESSION HAVE EXPANDED SIGNIFICANTLY IN THE FIRST THREE YEARS OE DEMOCRATIC RULE. THE GOVERNMENT AND ITS LEADING CIVILIAN OFFICIALS RECEIVE A STEADY STREAM OF CRITICISM FROM GUATEMALA'S PRINT AND BROADCAST MEDIA. NEWSPAPERS CARRY PAID ADVERTISEMENTS PLACED BY THE COMMUNIST PARTY AND THE UMBRELLA GUERRILLA GROUP THAT IS WAGING WAR AGAINST THE GOVERNMENT. UNPAID GUERRILLA PRESS RELEASES PROVIDE THE INSURGENT VERSION OF CLASHES WITH THE MILITARY. IN-DEPTH INTERVIEWS WITH GUERRILLA LEADERS HAVE RECENTLY APPEARED IN THE NATION'S LEADING PRINT MEDIA.

DESPITE THE MORE OPEN ATMOSPHERE, JOURNALISTS CONTINUE TO EXERCISE A DEGREE OF SELF-CENSORSHIP IN REPORTING ON MILITARY MATTERS AND PERSONALITIES. MEDIA ORGANS THAT HAVE GIVEN INTERVIEW SPACE TO GUERRILLA LEADERS HAVE BEEN CAREFUL TO GIVE EQUAL TIME TO ARMY SPOKESMEN. JOURNALISTS REMAIN WARY OF INVESTIGATING CHARGES OF MALFEASANCE OR CORRUPTION IN THE MILITARY.

THE LAST YEAR HAS SEEN INCREASED TENSIONS BETWEEN THE GOVERNMENT AND MUCH OF THE NATION'S NEWS MEDIA. EXTREMELY JEALOUS OF THEIR PREROGATIVES, THE MEDIA ARE QUICK TO REACT TO ANYTHING THEY INTERPRET AS "PRESSURE"

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FROM THE CENTRAL GOVERNMENT.

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PAGE 01 GUATEM 13059 07 OF 11 042134Z
ACTION HA-09

INFO LOG-00 ADS-00 AID-00 INR-10 SS-00 OIC-02 CIAE-00
EB-00 DODE-00 H-01 IO-19 NSCE-00 ARA-00 NSAE-00
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P 042121Z OCT 88
FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC PRIORITY 6286
DEPTLABOR WASHDC PRIORITY

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[redacted] SECTION 07 OF 11 GUATEMALA 13059

DEPT OF LABOR PASS ILAB/OFR - T. LINSENMAYER

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SUBJECT: 1988 REPORT ON HUMAN RIGHTS PRACTICES FOR GUATEMALA

IN ADDITION, IN THE WAKE OF THE FAILED MAY 11 COUP ATTEMPT, A NUMBER OF INCIDENTS OCCURRED THAT RAN COUNTER TO THE GENERAL TENDENCY TOWARDS GREATER FREEDOM OF EXPRESSION. THESE EVENTS RAISED QUESTIONS ABOUT THE GOVERNMENT'S ABILITY TO MAINTAIN AND GUARANTEE THE PROGRESS MADE TOWARDS GREATER OPENNESS.

IN LATE MAY, THE GOG CLOSED ONE OF THE NATION'S FOUR COMMERCIAL TELEVISION CHANNELS. THE CHANNEL HAD LEASED SPACE TO A STRIDENTLY ANTI-GOVERNMENT NEWS PROGRAM RUN BY AN UNSUCCESSFUL 1985 PRESIDENTIAL CANDIDATE. THE COURTS ORDERED THE GOVERNMENT TO ALLOW THE STATION BACK ON THE AIR AFTER A 12-DAY PERIOD. THE GOVERNMENT COMPLIED AND THE NEWS PROGRAM BROADCAST FOR A FEW DAYS UNTIL ITS CONTRACT WITH THE CHANNEL RAN OUT IN [redacted]

PAGE 02 GUATEM 13059 07 OF 11 042134Z

EARLY JUNE. THE NEWS PROGRAM'S MANAGEMENT CHARGES THAT ITS CONTRACT WAS NOT RENEWED DUE TO GOG "PRESSURES" ON THE CHANNEL'S MANAGEMENT. BOTH THE CHANNEL AND THE GOVERNMENT DENY THIS CHARGE.

ON MAY 19 THE RESIDENCE/OFFICE OF THE SOVIET NEWS AGENCY TASS REPRESENTATIVE WAS THE VICTIM OF A TERRORIST BOMB ATTACK. NO ONE WAS INJURED BUT MATERIAL DAMAGE WAS EXTENSIVE. THE TASS REPRESENTATIVE LEFT GUATEMALA SHORTLY AFTER THIS ATTACK. THE CUBAN NEWS AGENCY "PRENSA LATINA" REPRESENTATIVE CLOSED HIS OFFICE AROUND THE SAME TIME, REPORTEDLY AFTER RECEIVING DEATH THREATS. WHILE TASS AND "PRENSA LATINA" REPRESENTATIVES HAVE TRAVELED TO GUATEMALA ON TRIPS SUBSEQUENTLY, NEITHER ORGANIZATION HAS REOPENED ITS OFFICES HERE.

ON JUNE 10 A LEFT-LEANING WEEKLY NEWSPAPER CALLED "LA EPOCA" WAS THE OBJECT OF A PRE-DAWN TERRORIST BOMB ATTACK. THE ATTACK, CONDUCTED AGAINST THE NEWSPAPER'S

EDITORIAL AND ADMINISTRATIVE OFFICES, WAS ALSO AIMED AT THE ACEN-SIAG NEWS AGENCY, AN ORGANIZATION OWNED AND OPERATED BY THE SAME PERSONS WHO PUBLISHED "LA EPOCA." A WITNESS TO THE ATTACK WAS KIDNAPPED, HELD AND INTERROGATED BY THE TERRORISTS FOR THIRTY HOURS. ALTHOUGH MATERIAL DAMAGE WAS EXTENSIVE, NO ONE WAS SERIOUSLY INJURED. THE GOG CONDEMNED THE ATTACK AND THE DIRECTOR OF THE GOG'S DAILY NEWSPAPER PUBLICLY OFFERED THE TEMPORARY USE OF GOG FACILITIES TO INSURE NO BREAK IN PUBLICATION.

"LA EPOCA'S" PUBLISHER, AFTER VOWING TO REOPEN IMMEDIATELY, CHANGED HIS MIND AND LEFT THE COUNTRY. HE ATTRIBUTED HIS CHANGE OF HEART TO DEATH THREATS DIRECTED [redacted]

AT HIM AND THE MEMBERS OF HIS STAFF. THE PUBLISHER PUBLICLY CHARGED "ELEMENTS OF THE STATE SECURITY APPARATUS" FOR THE ATTACK. ALTHOUGH NO EVIDENCE WAS PRODUCED TO PROVE THIS ACCUSATION, IT IS WIDELY BELIEVED BY LOCAL OBSERVERS. THE PUBLISHER RETURNED TO GUATEMALA IN SEPTEMBER.

FOREIGN FILMS, BOOKS, MAGAZINES, AND NEWSPAPERS CIRCULATE FREELY IN GUATEMALA. THE GOVERNMENT DOES NOT JAM FOREIGN RADIO OR TELEVISION BROADCASTS. FOREIGN CORRESPONDENTS WORK WITHOUT GOVERNMENT INTERFERENCE.

B. FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION

THE RIGHTS OF PEACEFUL ASSEMBLY AND POLITICAL ASSOCIATION ARE PROVIDED FOR IN THE CONSTITUTION, AND THE GOVERNMENT TAKES STEPS TO ASSURE THAT THESE RIGHTS CAN BE EXERCISED FREELY. THE GOVERNMENT MUST GRANT A PERMIT (PERSONERIA JURIDICA) SO THAT ORGANIZATIONS CAN ACQUIRE LEGAL STATUS AS IS COMMON IN LATIN AMERICA, BUT THE LACK OF SUCH STATUS HAS NOT BEEN AN IMPEDEMENT TO PEACEFUL ASSOCIATION. THE GOVERNMENT MEETS WITH ORGANIZATIONS WITHOUT LEGAL STATUS WHICH FUNCTION FREELY, SUCH AS THE UNIDAD DE ACCION SINDICAL Y POPULAR (UASP) AND THE ALIANZA CIVICA NACIONAL.

LEFTIST LEADERS WHO MAINTAIN TIES WITH GUERRILLA SUPPORT GROUPS OUTSIDE THE COUNTRY RETURNED TO GUATEMALA IN APRIL, AND THEY WERE ALLOWED TO ADDRESS PUBLIC RALLIES AND MARCH IN THE MAY DAY PARADE. PROVOCATIONS DURING THE PARADE INCLUDED THE BURNING OF AN AMERICAN

FLAG. THE POLICE ACTED WITH RESTRAINT AND, AS IN OTHER PUBLIC DEMONSTRATIONS DURING THE PAST THREE YEARS, THE PARADE ENDED PEACEFULLY.

ON SEPTEMBER 2 A BOMB EXPLODED ON THE CAMPUS OF [redacted]

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GUATEMALA'S CATHOLIC UNIVERSITY. A PREVIOUSLY UNKNOWN

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PAGE 01 GUATEM 13059 08 OF 11 042135Z
ACTION HA-09

INFO LOG-00 ADS-00 AID-00 INR-10 SS-00 OIC-02 CIAE-00
EB-00 DODE-00 H-01 IO-19 NSCE-00 ARA-00 NSAE-00
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P 042121Z OCT 88
FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC PRIORITY 6287
DEPTLABOR WASHDC PRIORITY

[redacted]SECTION 08 OF 11 GUATEMALA 13059

DEPT OF LABOR PASS ILAB/OFR - T. LINSENMAYER

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TAGS: PHUM, GT
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TERRORIST GROUP ASSUMED RESPONSIBILITY FOR THE BLAST, WHICH WAS TERMED A RIGHT-WING RESPONSE TO AN ANNOUNCED SEMINAR ON LIBERATION THEOLOGY. THE GOVERNMENT CONDEMNED THE ATTACK.

INTERNATIONAL GROUPS WHO HAVE INVESTIGATED HUMAN RIGHTS PRACTICES IN GUATEMALA HAVE ALLEGED THAT LEADERS OF GROUPS OPPOSED TO THE GOVERNMENT HAVE BEEN SUBJECT TO HARRASSMENT AND/OR VIOLENCE. WHILE THIS WAS ADMITTEDLY A PROBLEM IN THE LATE 1970'S AND EARLY 1980'S, THERE HAVE BEEN MAJOR IMPROVEMENTS IN THIS AREA SINCE GUATEMALA ESTABLISHED A DEMOCRATIC GOVERNMENT. UNSITRAGUA, A LABOR CONFEDERATION WHICH IS THE HEIR TO A MOVEMENT WHICH SENT RECRUITS TO THE GUERRILLAS IN THE 1970'S, EMERGED WITH A CLANDESTINE LEADERSHIP IN THE

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MID-1980'S. IN 1988, ITS LEADERS HELD PUBLIC, ON CAMERA PRESS CONFERENCES
TO MAKE INFLAMATORY ACCUSATION AGAINST THE GOVERNMENT FOR ITS ECONOMIC PRACTICES. WHILE THERE WERE REPORTS OF ANONYMOUS THREATS IN SOME CASES (THESE TRADITIONS HAVE NOT BEEN ELIMINATED), THE LEADERS THEMSELVES ACKNOWLEDGE THAT THE GOVERNMENT PROTECTED THEIR RIGHT TO DISSENT.

C. FREEDOM OF RELIGION

GUATEMALA HAS NO STATE RELIGION. MORE THAN 70 PERCENT OF THE POPULATION IS ROMAN CATHOLIC, BUT ALL RELIGIOUS DENOMINATIONS HAVE THE RIGHT TO PRACTICE FREELY IN GUATEMALA. MANY INDIAN GROUPS, WHICH COMPRISE ROUGHLY 50 PERCENT OF THE NATION'S TOTAL POPULATION, MIX NATIVE BELIEFS WITH CATHOLIC PRACTICES. OVER 25 PERCENT OF GUATEMALANS NOW ADHERE TO PROTESTANT DENOMINATIONS, MOST OF WHICH ARE EVANGELICAL IN NATURE. THERE ARE ALSO SMALL COMMUNITIES OF JEWS, MORMONS, BAHA'I, AND BUDDHISTS. TENSIONS BETWEEN THE NATION'S CATHOLIC HIERARCHY AND THE GROWING EVANGELICAL MOVEMENT CONTINUES, BUT FEW INSTANCES OF VIOLENT CLASHES WERE REPORTED IN 1988.

D. FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FOREIGN TRAVEL, EMIGRATION, AND REPATRIATION

THERE ARE NO LEGAL RESTRICTIONS ON FREEDOM OF MOVEMENT WITHIN THE COUNTRY AND WITH REGARD TO TRAVEL ABROAD. A NUMBER OF PROMINENT LEFTISTS WHO FLED GUATEMALA IN THE EARLY 1980'S HAVE RETURNED, SOME TO VISIT AND OTHERS TO LIVE PERMANENTLY. GUERRILLA LEADERS WITH THE URNG ANNOUNCED TO THE NATIONAL RECONCILIATION [redacted]

COMMISSION THAT THEY WISHED TO RETURN TO GUATEMALA TO PARTICIPATE IN THE NATIONAL DIALOGUE. THE GOVERNMENT SAID THEY COULD RETURN TO GUATEMALA ONLY IF THEY LAY DOWN THEIR ARMS AND ACCEPTED THE AMNESTY.

GUERRILLAS WHO HAVE ACCEPTED THE AMNESTY ARE DOCUMENTED BY THE GOVERNMENT AND ALLOWED TO LIVE WHERE THEY CHOOSE. THE MODEL VILLAGE PROGRAM OF THE FORMER MILITARY GOVERNMENT WAS TRANFERRED FROM THE MINISTRY OF DEFENSE TO THE MINISTRY OF DEVELOPMENT AFTER CIVILIAN

RULE WAS REESTABLISHED IN 1986. SINCE THEN, IT HAS BEEN GOVERNMENT POLICY NOT TO DEVELOP ADDITIONAL VILLAGES.

GUATEMALA GENERATED THOUSANDS OF REFUGEES IN THE EARLY 1980'S AND EVEN MORE DISPLACED PERSONS. REFUGEES ARE NOW REPATRIATING AS SECURITY AND LIVING CONDITIONS IMPROVE IN CONFLICTIVE AREAS. THE NUMBER OF RETURNEES HAS INCREASED EACH YEAR SINCE THE INAUGURATION OF THE CIVILIAN GOVERNMENT, REACHING ABOUT 2,000 IN 1988 (TWICE THE NUMBER THAT RETURNED IN 1987). NEARLY 4500 DISPLACED PERSONS RETURNED TO AREAS UNDER GOVERNMENT CONTROL IN 1988. ALTHOUGH THOSE WHO RETURN FROM REFUGE IN OR OUTSIDE THE COUNTRY OR FROM SERVICE WITH THE GUERRILLAS MAY FIND THAT THEIR LAND IS NOW BEING FARMED BY OTHERS, THE GOVERNMENT GUARANTEED THAT RETURNING REFUGEES WILL RECEIVE EITHER THEIR OWN LAND OR LAND IN NEWLY SETTLED AREAS. THIS HAS NOT ALWAYS PROVEN TO BE POSSIBLE IN PRACTICE, AND A FEW REPARTIATED REFUGEES HAVE SOUGHT TO RETURN TO THEIR COUNTRY OF ASYLUM (USUALLY MEXICO).

GUATEMALA CONTINUES TO RECEIVE REFUGEES FROM NICARAGUA AND EL SALVADOR. ESTIMATES OF THE NUMBER OF NICARAGUANS LIVING IN GUATEMALA VARY BETWEEN 7,000 AND 20,000, AND MOST OF THEM ARE IN THE COUNTRY ILLEGALLY. THERE ARE THOUSANDS OF SALVADORANS WHO COME TO [redacted]

GUATEMALA, SOME AS TEMPORARY LABORERS AND OTHERS TO

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PAGE 01 GUATEM 13059 09 OF 11 042136Z
ACTION HA-09

INFO LOG-00 ADS-00 AID-00 INR-10 SS-00 OIC-02 CIAE-00
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P 042121Z OCT 88
FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC PRIORITY 6288
DEPTLABOR WASHDC PRIORITY

[redacted] SECTION 09 OF 11 GUATEMALA 13059

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TAGS: PHUM, GT
SUBJECT: 1988 REPORT ON HUMAN RIGHTS PRACTICES FOR

UNCLASSIFIED

ESCAPE THE GUERRILLA WARFARE. THE GOVERNMENT DOES NOT DEPORT THESE PERSONS, AND MANY OF THEM OBTAIN ASSISTANCE FROM VARIOUS CHURCH GROUPS AND OTHER CHARITIES.

SECTION 3 RESPECT FOR POLITICAL RIGHTS: THE RIGHT OF CITIZENS TO CHANGE THEIR GOVERNMENT

PRESIDENT VINICIO CEREZO TOOK OFFICE IN JANUARY 1986 AFTER FREE AND FAIR DEMOCRATIC ELECTIONS IN 1985 FOLLOWING 20 YEARS OF MILITARY RULE. THE PRESIDENT AND A NEAR MAJORITY OF CONGRESSIONAL DEPUTIES ARE MEMBERS OF THE CHRISTIAN DEMOCRATIC PARTY. IN THE 100-MEMBER UNICAMERAL CONGRESS THERE ARE ELEVEN POLITICAL PARTIES WHICH RANGE ACROSS THE POLITICAL SPECTRUM FROM RIGHT TO [redacted]

LEFT. THE PRESIDENT AND CONGRESSIONAL DEPUTIES WERE ELECTED TO FIVE YEAR TERMS IN 1985 AND NEW NATIONAL ELECTIONS ARE SCHEDULED FOR 1990. MUNICIPAL ELECTIONS WERE HELD IN APRIL 1988 AND BY ALL ACCOUNTS THEY WERE FREE AND FAIR. LOWER THAN EXPECTED VOTER TURNOUT WAS ATTRIBUTED TO THE ELIMINATION, PURSUANT TO THE NEW CONSTITUTION, OF THE PREVIOUS LONG-STANDING LAW WHICH HAD IMPOSED A FINE ON CITIZENS WHO DID NOT VOTE.

SECTION 4 GOVERNMENTAL ATTITUDE REGARDING INTERNATIONAL AND NONGOVERNMENTAL INVESTIGATON OF ALLEGED VIOLATIONS OF HUMAN RIGHTS

THE GOVERNMENT OF GUATEMALA HAS WELCOMED INTERNATIONAL HUMAN RIGHTS DELEGATIONS. THOUGH NOT MANY INTERNATIONAL GROUPS HAVE PERMANENT OFFICES IN GUATEMALA, MANY HAVE REPRESENTATIVES IN THE COUNTRY OR VISIT FAIRLY FREQUENTLY. AMNESTY INTERNATIONAL AND AMERICAS WATCH CONTINUED TO ISSUE REPORTS IN 1988 THAT ARE CRITICAL OF THE HUMAN RIGHTS SITUATION IN GUATEMALA, ALTHOUGH THEY DO NOTE IMPROVEMENTS. REPRESENTATIVES OF BOTH GROUPS HAVE VISITED GUATEMALA SINCE THE DEMOCRATICALLY ELECTED GOVERNMENT CAME TO POWER IN JANUARY 1986.

HECTOR GROSS ESPIEL, THE UNITED NATIONS HUMAN RIGHTS EXPERT FOR GUATEMALA, VISITED IN AUGUST AND

CONSULTED WITH THE GOVERNMENT ON HUMAN RIGHTS ISSUES. GROSS ESPIEL SAID THAT THE HUMAN RIGHTS SITUATION IN GUATEMALA HAS IMPROVED, AND THAT GREAT PROGRESS HAD BEEN MADE AS THERE IS NO LONGER A POLICY OF HUMAN RIGHTS VIOLATIONS CARRIED OUT BY GOVERNMENT OFFICIALS.

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A LOCALLY MANAGED RED CROSS HAS OPERATED FREELY IN GUATEMALA FOR MANY YEARS WITH NO CONNECTION TO THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC). IN JANUARY 1988 AN ICRC OFFICE OPENED IN GUATEMALA.

THE MUTUAL SUPPORT GROUP, OR GAM, APPEARS TO HAVE BEEN LOSING SUPPORT AT HOME IN 1988, AND ITS DEMONSTRATIONS HAVE BEEN LESS WELL ATTENDED THAN IN PREVIOUS YEARS. THE GROUP IS MOST ACTIVE IN THE RURAL AREAS OF GUATEMALA. GAM CONTINUES TO RECEIVE INTERNATIONAL SUPPORT, AND IN 1988 IT RECEIVED AN AWARD FROM THE PROTESTANT CHURCH OF THE FEDERAL REPUBLIC OF GERMANY.

SECTION 5 DISCRIMINATION BASED ON RACE, SEX, RELIGION, LANGUAGE OR SOCIAL STATUS

STARK CULTURAL DIFFERENCES BETWEEN THE LADINO MIDDLE AND UPPER CLASSES AND THE LARGE NUMBER OF INDIGENOUS MAYAN GROUPS, WHO NUMBER APPROXIMATELY 50 PERCENT OF GUATEMALA'S POPULATION, HAVE HISTORICALLY CREATED AN ENVIRONMENT OF MISUNDERSTANDING AND SEPARATION BETWEEN THE TWO GROUPS. IN AN ATTEMPT TO BRING THE INDIGENOUS PEOPLE INTO NATIONAL LIFE, THE GOVERNMENT IS PROVIDING MEDICAL ATTENTION AS WELL AS BILINGUAL EDUCATION IN SPANISH AND THEIR NATIVE LANGUAGE TO THOSE WHO LIVE IN THE MOST DISTANT RURAL AREAS. INDIANS LIVING NEAR TOWNS HAVE HAD THESE BENEFITS. CITIZENS OF INDIAN DESCENT HAVE THE SAME LEGAL RIGHTS AS OTHER GUATEMALANS, AND SEVERAL HAVE BEEN ELECTED AS MEMBERS OF THE NATIONAL CONGRESS AND AS MAYORS.

A NUMBER OF WOMEN ARE MAKING SIGNIFICANT CONTRIBUTIONS IN THE GOVERNMENT AND IN THE PRIVATE

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SECTOR. TWO MEMBERS OF THE CABINET, SEVEN MEMBERS OF THE NATIONAL CONGRESS AND SIX OF GUATEMALA'S AMBASSADORS POSTED ABROAD ARE WOMEN, AS IS THE PERSON APPOINTED TO THE "NOTABLE" PERSON POSITION ON THE NATIONAL

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PAGE 01 GUATEM 13059 10 OF 11 042137Z
ACTION HA-09

INFO LOG-00 ADS-00 AID-00 INR-10 SS-00 OIC-02 CIAE-00
EB-00 DODE-00 H-01 IO-19 NSCE-00 ARA-00 NSAE-00
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P 042121Z OCT 88
FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC PRIORITY 6289
DEPTLABOR WASHDC PRIORITY

[redacted] SECTION 10 OF 11 GUATEMALA 13059

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RECONCILIATION COMMISSION, FORMED PURSUANT TO THE ESQUIPULAS II AGREEMENT. DESPITE THIS PROGRESS, CENTURIES-OLD STEREOTYPES STILL EXIST. TO ADDRESS THE NEEDS OF WOMEN IN THE WORKFORCE, THE GOVERNMENT HAS ESTABLISHED A NATIONAL OFFICE OF WOMEN (ONAM). STAFF AND RESOURCE LIMITATIONS RESTICT ITS ABILITY TO COORDINATE ACTIVITIES WITH 56 GUATEMALAN WOMEN'S ORGANIZATIONS. AMONG THE ISSUES ONAM IS ATTEMPTING TO ADDRESS ARE EMPLOYER DISCRIMINATION AGAINST MARRIED AND PREGNANT WOMEN, THE INABILITY OF PROFESSIONAL WOMEN TO FIND EMPLOYMENT, AND THE LACK OF DAYCARE CENTERS FOR THE CHILDREN OF WORKING WOMEN.

SECTION 6 WORKER RIGHTS

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PAGE 02 GUATEM 13059 10 OF 11 042137Z

A. RIGHT OF ASSOCIATION

WORKERS HAVE A RIGHT UNDER THE CONSTITUTION TO ORGANIZE UNIONS, AND THERE HAS BEEN A GREAT DEAL OF RECENT ORGANIZING, PARTICULARLY IN THE PUBLIC SECTOR. TO HAVE LEGAL STATUS, UNIONS LIKE OTHER ORGANIZATIONS

MUST OBTAIN RECOGNITION FROM THE STATE. PRIOR TO 1984, THIS REQUIREMENT WAS USED TO FRUSTRATE ORGANIZATIONAL ACTIVITY, AND ONLY ABOUT TWO PERCENT OF THE LABOR FORCE WAS UNIONIZED. THE NEW CONSTITUTION EXTENDS THE RIGHT TO STRIKE EVEN TO PUBLIC SECTOR UNIONS, AND THE NUMBER OF ORGANIZED WORKERS HAS GROWN RAPIDLY. THEY NOW CONSTITUTE ABOUT EIGHT PERCENT OF THE LABOR FORCE.

MORE UNIONS HAVE ACQUIRED LEGAL STATUS IN THE PAST TWO YEARS THAN AT ANY TIME IN THE PREVIOUS THIRTY YEARS. YET THERE ARE ALSO SCORES OF UNIONS AWAITING LEGAL RECOGNITION. OBTAINING RECOGNITION CAN STILL BE TIME CONSUMING, AND SOME HAVE ALLEGED THAT POLITICAL INFLUENCE PLAYS A ROLE IN THE PROCESS. NEVERTHELESS, ALL OF THE UNIONS RECEIVE MORE FAVORABLE TREATMENT THAN THEY DID IN THE PAST. A NUMBER OF UNIONS ARE OPERATING WITHOUT LEGAL RECOGNITION. THIS DENIES THEM SOME PROTECTIONS UNDER THE LABOR CODE, BUT COLLECTIVE BARGAINING PACTS WHICH HAVE THE SAME LEGAL FORCE AS CONTRACTS WITH RECOGNIZED UNIONS ARE STILL NEGOTIATED.

B. RIGHT TO ORGANIZE AND BARGAIN COLLECTIVELY

THE LABOR CODE ESTABLISHES LABOR COURTS THAT FORM THE CORE OF A COMPLEX SYSTEM DESIGNED TO SETTLE LABOR DISPUTES. THE MINISTRY OF LABOR HAS THE AUTHORITY TO [redacted]

ARBITRATE STRIKES. MOST PARTIES PREFER TO NEGOTIATE RATHER THAN GO TO THE BACKLOGGED LABOR COURTS.

ALTHOUGH STRIKES ARE TECHNICALLY ILLEGAL UNLESS ALL THE STEPS IN THE LABOR CODE ARE FOLLOWED, EMPLOYERS, INCLUDING STATE AGENCIES, HAVE MADE CONCESSIONS TO UNIONS TO SETTLE STRIKES THAT WERE TECHNICALLY ILLEGAL.

WORKERS HAVE LEGAL PROTECTION AGAINST ANTI-UNION DISCRIMINATION. WHEN A WORKER IS A UNION OFFICIAL, THE LAW PROVIDES THAT HE CANNOT BE FIRED, AND THIS PROTECTION EXTENDS FOR TWO YEARS AFTER HE LEAVES OFFICE. WHILE UNION OFFICIALS COMPLAIN THAT THE LAW IS NOT IMPLEMENTED EFFECTIVELY, THE MAJOR IMPEDIMENT TO ORGANIZING IS EMPLOYER RESISTANCE, NOT THE LAW.

THERE ARE NO ZONES IN GUATEMALA WHERE LEGAL PROTECTION FOR WORKERS DOES NOT APPLY. LABOR ORGANIZING IS LEGAL BUT STILL DIFFICULT IN AREAS WHERE THERE WAS

REVOLUTIONARY VIOLENCE IN THE LATE 1970'S, PARTICULARLY IN THE INDIAN HIGHLANDS.

C. PROHIBITION OF FORCED OR COMPULSORY LABOR

THE CONSTITUTION PROVIDES THE RIGHT OF WORKERS TO FREELY CHOOSE THEIR WORK AND GUARANTEES DIGNIFIED CONDITIONS OF EMPLOYMENT. GUATEMALA HAD A TRADITION OF FORCED LABOR BY INDIGENEOUS WORKERS, THE "ENCOMIENDA" SYSTEM, WHICH WAS OUTLAWED IN THE 1930'S. VAGRANCY LAWS WERE IN EFFECT UNTIL THE 1950'S THAT ALLOWED FOR THE IMPRISONMENT OF WORKERS WHO DID NOT HAVE EMPLOYMENT. THIS HISTORY STILL INFLUENCES ATTITUDES IN SOME RURAL AREAS. HOWEVER, THE GOVERNMENT IS TAKING STEPS TO CONTROL ABUSES.

D. MINIMUM AGE FOR EMPLOYMENT OF CHILDREN

[redacted]

THE CONSTITUTION PROHIBITS THE EMPLOYMENT OF

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[redacted]

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[redacted]

PAGE 01 GUATEM 13059 11 OF 11 042138Z
ACTION HA-09

INFO LOG-00 ADS-00 AID-00 INR-10 SS-00 OIC-02 CIAE-00
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[redacted] SECTION 11 OF 11 GUATEMALA 13059

DEPT OF LABOR PASS ILAB/OFR - T. LINSENMAYER

E.O. 12356: N/A
TAGS: PHUM, GT
SUBJECT: 1988 REPORT ON HUMAN RIGHTS PRACTICES FOR GUATEMALA

CHILDREN UNDER THE AGE OF FOURTEEN, AND THIS LIMITATION IS GENERALLY OBSERVED IN THE FORMAL ECONOMY. THE MINISTRY OF LABOR HAS A SYSTEM OF LABOR INSPECTORS AND LABOR COURTS TO ENFORCE THE LAW. ALTHOUGH THE SYSTEM IS NOT ALWAYS EFFECTIVE IN THE INFORMAL ECONOMY, CHILD LABOR IS GENERALLY NOT ABUSED. IN THE INFORMAL ECONOMY, PARTICULARLY IN RURAL AREAS, WHOLE FAMILIES WORK, THE

UNCLASSIFIED

CHILDREN ASSISTING THEIR PARENTS, AS IS TYPICAL IN DEVELOPING COUNTRIES.

E. ACCEPTABLE CONDITIONS OF WORK

THERE IS A MINIMUM WAGE. IT IS $1.20 PER DAY IN RURAL AREAS AND $1.50 IN URBAN AREAS.

[redacted]

THERE ARE MAXIMUM HOURS OF WORK. THE CONSTITUTION PROVIDES FOR A FOURTY-FOUR HOUR WORK WEEK. THERE ARE OCCUPATIONAL SAFETY AND HEALTH REGULATIONS, BUT THEY ARE NOT ALWAYS EFFECTIVELY ENFORCED.
MICHEL

[redacted]

Date Printed: 01/26/1998 DOC_NUMBER: 88MEXICO25876 CHANNEL: n/a 64

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PAGE 01 MEXICO 25876 062350Z

ACTION OES-09

INFO	LOG-00	ADS-00	INR-10	CIAE-00	EB-00	DINT-05	NSCE-00
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DEPARTMENT OF STATE
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Date 4-1-98

UNCLAS MEXICO 25876

E.O. 12356: N/A
TAGS: KSCA, TRGY, MX
SUBJECT: LAGUNA VERDE - REVISION 3

REF: A) MEXICO 17775, B) MEXICO 19564, C) MEXICO 17302, D) MEXICO 21970, E) MEXICO 24601

1. RUMORS ARE RAMPANT THAT THE LAGUNA VERDE NUCLEAR PLANT WILL START UP AT THE END OF NEXT WEEK. THE LEFTIST NEWSPAPER LA JORNADA PUBLISHED AN ARTICLE CLAIMING THAT THE NATIONAL COMMISSION OF NUCLEAR SECURITY AND SAFETY (CNSNS) HAD ANNOUNCED YESTERDAY (OCTOBER 5) THAT THE PERMISSION TO LOAD URANIUM 235 AND 238 WAS READY AND THAT THE GOVERNMENT HOPES TO BEGIN THE LOADING PROCESS BY THE END OF NEXT WEEK. THE LEFTIST-NATIONALISTIC NEWSPAPER EXCELSIOR REPORTED THE SAME STORY AS A RUMOR AND ADMITTED THAT SOURCES AT THE FEDERAL ELECTRICITY COMMISSION (CFE) WOULD NOT CONFIRM IT. THEY REPORTED THAT THE CNSNS HAD MET YESTERDAY AT CFE TO REVIEW THE TEXT OF THE PERMISSION IN ORDER TO ESTABLISH THAT ALL RESPONSIBILITIES FOR THE RUNNING AND SAFETY OF THE PLANT ARE ABSOLUTELY CLEAR.

2. EMBASSY SOURCE AT CFE STATED THAT HE WISHED IT WERE TRUE THAT THE PERMISSION HAD BEEN OFFICIALLY GRANTED AND THAT HE HAD NO COMMENT AS TO WHEN THE PLANT MIGHT START
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PAGE 02 MEXICO 25876 062350Z

UP. HE DID SAY THAT HE KNOWS THAT IT IS THE INTENTION OF PRESIDENT DE LA MADRID TO HAVE THE FUEL LOADED BEFORE HE LEAVES OFFICE (NOVEMBER 30). HE INSISTED THAT THE

PERMISSION CANNOT BE OFFICIAL UNTIL THE PRESIDENT ANNOUNCES IT. HE CLAIMED THAT RECENT RUMORS ABOUT THE IMMINENT START-UP OF THE PLANT ARE DUE TO PRESS ARTICLES LAST WEEK WHICH REPORTED THE SUPPORT OF THE COLLEGE OF CIVIL ENGINEERS FOR THE NUCLEAR POWER PROJECT AND THE RESULTANT BARRAGE OF ARTICLES INSPIRED BY ECOLOGICAL GROUPS OPPOSED TO THE PROJECT.

3. MEANWHILE, LAST WEEK THE CHAMBER OF DEPUTIES ANNOUNCED THAT THEY WOULD REQUEST A CONSENSUS OF OPINION BEFORE THE PLANT IS ALLOWED TO START UP. BOTH THE COMMITTEES OF ECOLOGY AND ENERGETICS OF THE CHAMBER OF DEPUTIES DECLARED THAT THEY WOULD BEGIN HEARINGS THIS WEEK ON LAGUNA VERDE. IT IS DOUBTFUL THAT THE CHAMBER OF DEPUTIES COULD STOP THE PROJECT EVEN IF THEY WANTED TO, SINCE THE DECISION LIES WITH THE PRESIDENT.

4. THE OCTOBER 3 EDITION OF THE LEFTIST-POLITICAL-INFLUENTIAL MAGAZINE PROCESO HAD A PROMINENTLY DISPLAYED POLITICAL CARTOON THAT PICTURES PRESIDENT DE LA MADRID STANDING IN THE DOORWAY, SUITCASES AT HIS FEET WHILE HIS WIFE CALLS FROM BEYOND THE DOOR "LET'S GO, OLD MAN". DE LA MADRID IS WAVING GOODBYE AS HE SAYS "O.K., YOU CAN START UP LAGUNA VERDE NOW".
(DRAFTED:SCI:ATIDBALL) GAMBLE

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*** Current Classification *** UNCLASSIFIED

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Date Printed: 14-Apr-2000 DOC_NBR: 1988STATE332947 CHANNEL: n/a HANDLING: n/a

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PAGE 01 STATE 332947
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ARA/SC: RBHOWARD
EUR/NE: HPERLOW(INFO)
HA: PDOBRIANSKY(INFO)
IO: PEASTMAN(INFO)
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ARA, ARA/SC, ARA/MEX, IO, IO/UNP, IO/HW, HA, EUR/NE

Chile Project (#S199900030)
U.S. Department of State
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AMEMBASSY MEXICO PRIORITY
AMEMBASSY MOSCOW PRIORITY

C O N F I D E N T I A L STATE 332947

E.O. 12356: DECL: OADR
TAGS: PREL PGOV UK CI
SUBJECT: US/UK DISCUSSIONS OF CHILE: POST PLEBISCITE OPTIONS DOMESTICALLY AND AT UNGA

1. CONFIDENTIAL ENTIRE TEXT

2. SUMMARY: CHILE'S POLITICAL TRANSITION WILL BE COMPLEX AND WILL RESEMBLE A "NO MAN'S LAND" ACCORDING TO ARA CONFIDENTIAL

PAGE 02 STATE 332947

ASSISTANT SECRETARY ABRAMS AND HIS FCO COUNTERPART DAVID GILLMORE. AT THEIR MEETING ON OCTOBER 7 THEY AGREED IT WOULD BE IMPORTANT TO ENHANCE COMMUNICATION WITH THE CHILEAN ARMY AND TO USE FRIENDLY EUROPEANS TO TRY TO HELP KEEP THE DEMOCRATIC OPPOSITION TOGETHER AND THE LEFT (CUBANS) IN LINE. THEY ALSO DISCUSSED THE NEED FOR A NEW STRATEGY FOR THE ANNUAL UNGA CHILE RESOLUTION. THE GOAL SHOULD BE TO PERSUADE SOME KEY LATINS AND EUROPEANS TO WORK WITH SYG DE CUELLAR IN FAVOR OF A SIMPLER, FORWARD LOOKING RESOLUTION. END SUMMARY

3. AS ELLIOTT ABRAMS MET WITH FCO DEPUTY UNDER SECRETARY

DAVID GILLMORE IN WASHINGTON ON OCTOBER 7, 1988. GILLMORE WAS ACCOMPANIED BY UK EMBASSY POLITICAL OFFICERS ROGER BONE AND PETER RICKETTS. ALSO PRESENT FOR THE US SIDE WERE ARA/DAS-DESIGNATE MICHAEL SKOL, ARA/SC RICHARD HOWARD, ARA/SC ROBERT HOPPER AND EUR/NE HOWARD PERLOW. IN ADDITION TO THE DISCUSSION OF CHILE (BELOW) THEY COVERED ARGENTINE ISSUES (SEPTEL) AND PROSPECTS FOR IMPROVED US/LATIN DIALOGUE (SEPTEL).

CHILE NEXT STEPS
CONFIDENTIAL

PAGE 03 STATE 332947

ABRAMS SAID THE KEY WOULD BE CONSTANT RAW-BONING BY ALL OF THOSE WHOM THE OPPOSITION VIEW WITH SOME REGARD. ABRAMS SUGGESTED THAT ANOTHER IMPORTANT QUESTION WILL BE WHETHER THE PLEBISCITE DEFEAT WILL REDUCE PINOCHET'S LONG-STANDING ABILITY TO DOMINATE HIS COLLEAGUES ON THE JUNTA.

ABRAMS SAID THAT OUR MILITARY HAS SOME LIMITED PROFESSIONAL CONTACTS WITH THE ARMY WHILE AMBASSADOR BARNES IS ABLE TO DISCUSS ISSUES WITH GENERAL GORDON ON OCCASION.

. ABRAMS DESCRIBED STATUS OF AMBASSADOR DESIGNATE GILLESPIE'S CONSIDERATION BY THE SENATE NOTING THAT HE WAS APPROVED IN COMMITTEE AND COULD BE CONFIRMED BY THE SENATE AS A *WHOLE BEFORE IT RECESSES. THEREFORE, GILLESPIE* SHOULD BE AVAILABLE TO ARRIVE IN SANTIAGO SEVERAL WEEKS AFTER AMBASSADOR BARNES DEPARTURE IN LATE NOVEMBER. GILLMORE SAID THAT SEEMED LIKE A SENSIBLE TIME FOR A CHANGE. AND IN THAT CONTEXT HE RETURNED TO THE THEME OF HOW IMPORTANT IT WOULD BE TO BE ABLE TO SEND MESSAGES TO THE ARMY

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GOC UPSET WITH USG

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8. ABRAMS DESCRIBED A PRIVATE MEETING HE HAD HELD THE NIGHT BEFORE WITH CHILEAN AMBASSADOR HERNAN FELIPE ERRAZURIZ WHO COULD BE THE NEXT CHILEAN FOREIGN MINISTER. ERRAZURIZ CONFIDED THAT THE GOC HAD REALIZED TWO WEEKS AGO THAT PINOCHET WOULD LOSE. PARTLY FOR THAT REASON THE GOC HAD REACTED WITH INTENSE ANGER TO EFFORTS BY USG, AND IN PARTICULAR BY AMBASSADOR BARNES, TO WARN "INSULTINGLY" OF AUTO-COUP PROSPECTS. ERRAZURIZ COMPLAINED THAT OFFICIAL US/CHILEAN BILATERAL RELATIONS HAD NEVER BEEN WORSE.

9. ON THE OTHER HAND, ERRAZURIZ HAD TOLD ABRAMS THAT NEW BILATERAL OPTIONS NOW WERE OPEN. ABRAMS RESPONDED THAT USG NOW IS GREATLY CONCERNED THAT IMPORTANT ELEMENTS OF CHILEAN LEFT WILL CAUSE PROBLEMS BECAUSE THEY HAVE NO INTEREST IN A PEACEFUL TRANSITION. REGARDING THE CONSERVATIVES IN CHILE, ABRAMS NOTED THAT THEY WOULD HAVE A GOOD CHANCE OF WINNING A CONTESTED PRESIDENTIAL ELECTION IF THEY PLAY THEIR CARDS RIGHT.

C

WHITHER THE CHILEAN LEFT

CONFIDENTIAL

11. C

SKOL SUGGESTED THAT A KEY WOULD BE HOW THE LEFT JUDGED PROSPECTS FOR "QUICK" NEGOTIATIONS BETWEEN ARMY AND OPPOSITION POLITICIANS. ABRAMS SAID ANOTHER COMPLICATION ON THE LEFT COULD INVOLVE POSSIBLE SPLIT BETWEEN SOVIETS AND CUBANS.

12.

ABRAMS SAID HE WOULD PRESS SOVIETS TO EXERCISE SOME INFLUENCE BY NOTING THAT WITHOUT HELP FROM MOSCOW THE CUBANS WOULD NOT BE ABLE TO PROVIDE ARMS AND FUNDS TO GROUPS IN CHILE AND ELSEWHERE WHICH SUPPORT VIOLENCE. IT ALSO COULD HELP, ABRAMS ADDED, TO TRY TO GET THE SPANIARDS AND KEY LATIN DEMOCRATS SUCH AS ALFONSIN AND CARLOS ANDREZ

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PEREZ TO BEGIN TO PRESS CASTRO PUBLICLY. C

WHAT ABOUT THE ANNUAL UN CHILE RESOLUTION?

CONFIDENTIAL

PAGE 06 STATE 332947

14. ABRAMS SUGGESTED THAT THE CHANGED POST-PLEBISCITE SITUATION SHOULD AFFECT THE CONSIDERATION IN NEW YORK OF THE ANNUAL UNGA RESOLUTION. HE ASKED IF THE BRITISH THOUGHT IT COULD BE POSSIBLE TO SEEK A NEW TYPE OF RESOLUTION THIS YEAR AS OPPOSED TO THE TYPICAL MEXICAN-STYLE ONE. TO PURSUE SUCH AN OPTION, ABRAMS PROPOSED THAT SOMEONE OTHER THAN THE USG COULD ENCOURAGE UNSYG PEREZ DE CUELLAR TO WORK TOWARDS A SIMPLE, NON-CONTROVERSIAL RESOLUTION. GILLMORE SAID THIS WAS AN EXCELLENT IDEA C

ABRAMS AND GILLMORE AGREED THAT THE UN SHOULD BE RECEPTIVE THIS YEAR TO A MILDER, CONSENSUS CHILE RESOLUTION TO MATCH THE MOOD WHICH HAS DEVELOPED RECENTLY AT THE UN AND MADE POSSIBLE CONSENSUS SUPPORT FOR RESOLUTIONS ON PERENNIALLY DIFFICULT ISSUES SUCH AS AFGHANISTAN.

15. C

IN SUM, IT IS HARD TO CALCULATE WHETHER THE MEXICANS WOULD BE WILLING TO COOPERATE WITH AN EFFORT TO BUILD A SHORTER, BALANCED CONSENSUS RESOLUTION.

16. FYI: SUBSEQUENTLY A UN SOURCE CLOSE TO PEREZ DE CONFIDENTIAL

PAGE 07 STATE 332947

CUELLAR PREDICTED TO ARA/SC OFFICER THAT THE MEXICANS

WOULD ALMOST INEVITABLY SEEK TO INTRODUCE SOME VERSION OF THEIR NORMAL RESOLUTION. ON THE OTHER HAND, OUR SOURCE SAID SUPPORT FOR SUCH A RESOLUTION WOULD PROBABLY EVAPORATE QUICKLY IF WELL REGARDED NATION(S) INTRODUCED AN ALTERNATE TEXT. HE SUGGESTED THAT BOTH ARGENTINA AND SPAIN WOULD BE IDEAL CANDIDATES TO LEAD SUCH AN EFFORT -- ESPECIALLY SINCE ARGENTINA'S VIEWS WILL BE RESPECTED AS A DEMOCRATIC NEIGHBOR AND BECAUSE OF CAPUTO'S CURRENT ROLE AS UNGA PRESIDENT.

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CONFIDENTIAL

<< END OF DOCUMENT >>

LB148

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

L PRESS GUIDANCE October 13, 1988

A

Q: What is the status of the Letelier's relatives claim? Has the United States Government taken it over? Why?

A: By means of a diplomatic note dated April 18, 1988, the United States Government espoused the claims of Mr. Michael Moffitt, Mr. and Mrs. Murray Karpen and Mr. Juan Pablo Letelier. Their claims against the Government of Chile for the deaths of Orlando Letelier and Ronnie Moffitt in 1976 are now, as a matter of both U.S. and international law, considered the U.S. Government's own claims. This means the U.S. Government is now pursuing the claims on behalf of these U.S. citizens as claims of the USG. Doing this is a serious step because it reflects a decision by the United States Government that the claims are meritorious and that the failure to make compensation constitutes an injury to the United States.

Drafted:L/CID:SMurphy
10/13/88 632-7416

Wang: 6482L

Cleared: L:EGVerville
L/ARA:RHarris
ARA/SC:PShazo

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

LB147

L PRESS GUIDANCE

October 13, 1988

Q: How is the money to be split under this arrangement? How much for the relatives and how much for the USG? What is the rationale for the split?

A: Under international and U.S. law, settlement payments for claims espoused by the United States are paid to the United States Government. In instances in which the USG makes a claim based on injury both to itself and to its nationals, the United States, in its discretion, can determine how much of that claim will be received by the U.S. national. Obviously, payments and allocations would depend on a number of factors, including the injury suffered and the size of the settlement. As there has been no settlement reached to date in the Lettelier claim, it would be both impossible and inappropriate to speculate about how any such settlement would be paid.

Drafted:L/ARA:RHarris
10/13/88 647-5154

Wang: 6482L

Cleared: L:EGVerville
L/CID:SMurphy
ARA/SC:PShazo
by RH

(LB#77)

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ✓
Exemption(s) ____

SM

R

EV:

Re: Guidance requested for noon press briefing 10/13

Cite: New York Times, p. 2

1. What is the status of the Letelier relatives' claim?

2. Have we (USG) taken it over? Why?

3. How is the money to be split under this arrangement?

4. How much for the relatives; how much for the USG?

5. What is the rationale for the split?

6. What is the status of the congressional action on the compensation claim?

7. What is our position on the bill?

[Redman would like to refer people to the transcript of your testimony and would like to have at least relevant portions.]

Due 10:45 a.m.

Joanne
8:50 10/13

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10/13/88

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Date Printed: 13-Apr-2000 DOC_NBR: 1988STATE334607 CHANNEL: n/a HANDLING: n/a

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PAGE 01 STATE 334607
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Chile Project (#S199900030)
U.S. Department of State
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O. 12356: N/A
GS: OPRC
BJECT: ARA GUIDANCES, OCTOBER 13, 1988

PREPARED PRESS GUIDANCES:

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READOUT ON ABRAMS/PAVLOV TALKS

Q: DO YOU HAVE A READOUT ON THE REGIONAL EXPERTS MEETING ON CENTRAL AMERICA AND THE CARIBBEAN THAT TOOK PLACE IN LONDON?

A: AMONG THE TOPICS DISCUSSED WAS OUR CONCERN ABOUT THE CONTINUED HIGH LEVELS OF SOVIET MILITARY ASSISTANCE TO THE SANDINISTAS.

NICARAGUA: SANDINISTA ATTACK COMING?

Q. DOES THE USG HAVE ANY INFORMATION INDICATING THE SANDINISTAS ARE PLANNING AN ATTACK ON THE NICARAGUAN RESISTANCE?

A. OUR CONCERN IS THAT THE SANDINISTAS MAY MISINTERPRET CONGRESS' ADJOURNMENT AS A PROPITIOUS TIME TO TRY TO ELIMINATE THE NICARAGUAN RESISTANCE.

SANDINISTA PROHIBITIONS AGAINST RECEIVING CERTAIN FORMS OF
UNCLASSIFIED

CONGRESSIONALLY-APPROVED HUMANITARIAN ASSISTANCE, ATTACKS ON CARDINAL OBANDO Y BRAVO AND INDEPENDENT MEDIA AND POLITICAL LEADERS, AND THE PASSAGE OF EMERGENCY POWERS FOR DANIEL ORTEGA SUGGEST STRONGLY THAT THE REGIME IS ATTEMPTING TO INTIMIDATE AND ISOLATE THE UNARMED POLITICAL OPPOSITION.

AT THE SAME TIME, THE SANDINISTAS ARE CONTINUING THEIR "SILENT OFFENSIVE" IN NORTHERN NICARAGUA (WITHIN MILITARY REGIONS I AND VI), WHERE FOR SOME TIME INTERIOR MINISTRY AND ARMY TROOPS HAVE BEEN CONDUCTING SWEEP OPERATIONS AGAINST RESISTANCE UNITS COUPLED WITH ARRESTS OF CAMPESINOS SUSPECTED OF SUPPORTING THE RESISTANCE.

PANAMA: U.S. EMBASSY STAFF REDUCTIONS

Q: HAVE THERE BEEN ANY DECISIONS YET ON EMBASSY STAFF REDUCTIONS IN PANAMA?

A: NO. THE INTER-AGENCY DISCUSSION PHASE IS STILL CONTINUING.

?. L PREPARED PRESS GUIDANCE:

): WHAT IS THE STATUS OF THE LETELIER'S RELATIVES CLAIM? [AS THE U.S. GOVERNMENT TAKEN IT OVER? WHY?

.: BY MEANS OF DIPLOMATIC NOTE DATED APRIL 18, 1988, HE .S. GOVERNMENT ESPOUSED THE CLAIMS OF MR. MICHAEL OFFITT, MR. AND MRS. MURRAY KARPEN AND MR. JUAN PABLO ETELIER. THEIR CLAIMS AGAINST THE GOVERNMENT OF CHILE OR THE DEATHS OF ORLANDO LETELIER AND RONNIE MOFFITT IN 976 ARE NOW, AS A MATTER OF BOTH U.S. AND INTERNATIONAL AW, CONSIDERED THE U.S. GOVERNMENT'S OWN CLAIMS. THIS [ANS THE U.S. GOVERNMENT IS NOW PURSUING THE CLAIMS ON

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BEHALF OF THESE U.S. CITIZENS AS CLAIMS OF THE USG. DOING
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THIS IS A SERIOUS STEP BECAUSE IT REFLECTS A DECISION BY THE U.S. GOVERNMENT THAT THE CLAIMS ARE MERITORIOUS AND THAT THE FAILURE TO MAKE COMPENSATION CONSTITUTES AN INJURY TO THE U.S.

Q: HOW IS THE MONEY TO BE SPLIT UNDER THIS ARRANGEMENT? HOW MUCH FOR THE RELATIVES AND HOW MUCH FOR THE USG? WHAT IS THE RATIONALE FOR THE SPLIT?

A: UNDER INTERNATIONAL AND U.S. LAW, SETTLEMENT PAYMENTS FOR CLAIMS ESPOUSED BY THE U.S. ARE PAID TO THE UNITED STATES GOVERNMENT. IN INSTANCES IN WHICH THE USG MAKES A CLAIM BASED ON INJURY BOTH TO ITSELF AND TO ITS NATIONALS, THE U.S., IN ITS DISCRETION, CAN DETERMINE HOW MUCH OF THAT CLAIM WILL BE RECEIVED BY THE U.S. NATIONAL. OBVIOUSLY, PAYMENTS AND ALLOCATIONS WOULD DEPEND ON A NUMBER OF FACTORS, INCLUDING THE INJURY SUFFERED AND THE SIZE OF THE SETTLEMENT. AS THERE HAS BEEN NO SETTLEMENT REACHED TO DATE IN THE LETELIER CLAIM, IT WOULD BE BOTH IMPOSSIBLE AND INAPPROPRIATE TO SPECULATE ABOUT HOW ANY SUCH SETTLEMENT WOULD BE PAID.

Q: WHAT IS THE STATUS OF THE CONGRESSIONAL ACTION ON THE COMPENSATION CLAIM?

A: THERE IS NO PENDING LEGISLATION THAT RELATES TO THE U.S. COMPENSATION CLAIM AGAINST CHILE ITSELF. H.R. 3763 WOULD REVISE THE FOREIGN SOVEREIGN IMMUNITIES ACT TO EXPAND THE KINDS OF FOREIGN GOVERNMENT PROPERTY THAT PLAINTIFFS CAN SEIZE TO ENFORCE COURT JUDGEMENTS AGAINST A FOREIGN STATE. THE BILL'S SPONSOR IN THE HOUSE, CONGRESSMAN BERMAN, HAS INDICATED THAT THE BILL IS INTENDED TO PERMIT THE LETELIER AND MOFFITT FAMILIES TO
UNCLASSIFIED

ENFORCE THEIR COURT JUDGMENT AGAINST CHILE.

Q: WHAT IS THE DEPARTMENT OF STATE'S POSITION ON THE BILL?

A: THE DEPARTMENT TESTIFIED IN OPPOSITION TO CERTAIN PROVISIONS OF H.R. 3763. I REFER YOU TO THE TESTIMONY OF DEPUTY LEGAL ADVISER ELIZABETH VERVILLE.

. INM TAKEN QUESTIONS AT MIDDAY BRIEFING 10/11/88:

: HOW MANY AIRCRAFT HAS THE U.S. PROVIDED TO OTHER OUNTRIES TO FIGHT THE DRUG WAR?

: OVER THE PAST TEN YEARS, THE U.S. GOVERNMENT HAS ROVIDED ONE HUNDRED FORTY TWO AIRCRAFT TO GOVERNMENTS ROUND THE WORLD FOR ERADICATION AND INTERDICTION OF RUGS. MORE THAN HALF OF THIS AIRCRAFT WERE DEEDED TO THE OVERNMENT OF MEXICO. SINCE 1986, WHEN CONGRESS MANDATED

THAT DRUG CONTROL AIRCRAFT OWNERSHIP REMAIN WITH THE U.S. GOVERNMENT, TWENTY NINE AIRCRAFT, INCLUDING HELICOPTERS AND FIXED WING AIRCRAFT, HAVE BEEN TITLED TO THE INM BUREAU.

Q: DOES THE U.S. HAVE PLANS TO LAUNCH A PARAMILITARY OPERATION, BECOMING MORE AGGRESSIVE AGAINST THE LATIN AMERICAN COCAINE TRADE?

A: FACING GROWING VIOLENCE FROM COCAINE TRAFFICKERS IN THEIR OWN COUNTRIES, THE GOVERNMENTS OF LATIN AMERICA ARE FIGHTING BACK, BUILDING RURAL MOBILE POLICE UNITS TO PROTECT THE COUNTRY AGAINST CRIMINAL TRAFFICKERS ELEMENTS. THEY ARE ALSO ERADICATING COCA PLANTATIONS AND RESEARCHING NEW CROPS THAT WILL PROVIDE A LIVELIHOOD TO PEASANT GROWERS. THE U.S. GOVERNMENT IS WORKING WITH A NUMBER OF LATIN AMERICAN GOVERNMENTS TO BUILD UP THEIR OWN CAPABILITIES FOR ERADICATION AND INTERDICTION. WE ARE UNCLASSIFIED

COMMITTED TO HELPING THESE GOVERNMENTS AND WILL CONTINUE TO PROVIDE TRAINING AND EQUIPMENT.

Q: ARE THE U.S. TITLED AIRCRAFT IN BOLIVIA ARMED?

A: THE DEPARTMENT OF DEFENSE PROVIDED SIX HUEY HELICOPTERS TO THE DEPARTMENT OF STATE FOR DELIVERY TO BOLIVIA TO FULFILL A BOLIVIAN REQUEST FOR AIRLIFT TO SUPPORT DRUG CONTROL OPERATIONS. BOLIVIAN PILOTS FLY THESE HELICOPTERS. THE BOLIVIAN GOVERNMENT, USING MILITARY ASSISTANCE FUNDING ADMINISTERED BY THE DEPARTMENT OF DEFENSE, ARMED THE HELICOPTERS WITH M-60 DOOR GUNS, TO DEFEND THE CRAFT AGAINST GROUND FIRE. THE STATE DEPARTMENT HAS NOT ARMED ANY U.S. TITLED AIRCRAFT.

4. SUMMARY OF DEPT. DAILY PRESS BRIEFING, OCTOBER 13, 1988:

THE BRIEFER WAS CHARLES REDMAN.

CHILE

SPOKESMAN USED FIRST AND SECOND ANWSERS OF L PREPARED GUIDANCE ON LETELIER'S RELATIVES CLAIM.
SHULTZ

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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full October 13, 1988
Exemption(s) ____

LB146

L PRESS GUIDANCE

Q: What is the status of the Congressional action on the compensation claim?

A: There is no pending legislation that relates to the U.S. compensation claim against Chile itself. H.R. 3763 would revise the Foreign Sovereign Immunities Act to expand the kinds of foreign government property that plaintiffs can seize to enforce court judgments against a foreign state. The bill's sponsor in the House, Congressman Berman, has indicated that the bill is intended to permit the Letelier and Moffitt families to enforce their court judgment against Chile.

Drafted:L/M/DL:JDonoghue
10/13/88 647-1074

Wang: 6482L

Cleared: L:EGVerville
L/ARA:RHarris
ARA/SC:PShazo

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n/a

Case Number: S199900030

J099

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
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Exemption(s) ____

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PAGE 01 SAN JO 13409 142158Z
ACTION HA-09

INFO	LOG-00	ADS-00	AID-00	INR-10	SS-00	OIC-02	CIAE-00
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R 142201Z OCT 88
FM AMEMBASSY SAN JOSE
TO SECSTATE WASHDC 5987
INFO AMEMBASSY SANTIAGO
USMISSION USUN NEW YORK
USMISSION GENEVA

UNCLAS SAN JOSE 13409

E.O. 12356: N/A
TAGS: PHUM, UNHRC-1, CI, CS
SUBJECT: VOLIO GIVES CHILEAN PLEBISCITE HIGH MARKS

1. FERNANDO VOLIO, UN SPECIAL RAPPORTEUR FOR HUMAN RIGHTS IN CHILE, TOLD REPORTERS AFTER RETURNING FROM CHILE THAT HE WAS "VERY SATISFIED BY THE MANNER IN WHICH THE PLEBISCITE CALLED BY THE GOVERNMENT OF CHILE WAS CARRIED OUT," ACCORDING TO PRESS REPORTS OF OCTOBER 14. VOLIO ALSO SPOKE APPROVINGLY OF THE LIFTING OF THE STATE OF EMERGENCY AND OTHER MOVES TAKEN BY THE CHILEAN GOVERNMENT TO REDUCE TENSIONS.

2. VOLIO AGAIN EMPHASIZED THAT HE HAD VISITED CHILE IN HIS CAPACITY AS SPECIAL RAPPORTEUR. "I WANTED TO BE PRESENT BEFORE, DURING AND AFTER THE PLEBISCITE IN ORDER TO HAVE A BROADER, GLOBAL, PERSPECTIVE ON THE MANNER IN WHICH THIS ELECTORAL ACT TOOK PLACE, AND TO BE A DIRECT WITNESS TO THE MANNER IN WHICH HUMAN RIGHTS WERE RESPECTED OR NOT."

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PAGE 01 MEXICO 26441 142127Z
ACTION OES-09

INFO LOG-00 ADS-00 INR-10 CIAE-00 EB-00 DINT-05 NSCE-00
NSF-01 ARA-00 NSAE-00 COME-00 SSO-00 L-03 AMAD-01
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O 142127Z OCT 88
FM AMEMBASSY MEXICO
TO SECSTATE WASHDC IMMEDIATE 5272
USMISSION USVIENNA
USDOE GERMANTOWN MD

DEPARTMENT OF STATE PA/PS/DOE Date: 4/98
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PA Exemptions ( ) DOWNGRADE TS to ( ) S or ( ) C

[redacted] MEXICO 26441

DEPT PLS PASS TO NRC FOR H. DENTON
USVIENNA FOR UNVIE (IAEA)

E.O. 12356: DECL: OADR
TAGS: KSCA, TRGY, IAEA, MX
SUBJ: LAGUNA VERDE--REVISION 4

REF: A. MEXICO 17775 B. MEXICO 19564 C. MEXICO 21790
D. MEXICO 25876

1. [redacted]--ENTIRE TEXT.

2. EMBASSY SOURCE AT THE MEXICAN FEDERAL ELECTRICITY COMMISSION (CFE) INFORMED SCIATT ON OCTOBER 13 THAT THERE IS A HIGH PROBABILITY THAT PRESIDENT DE LA MADRID WILL ANNOUNCE HIS APPROVAL FOR THE START-UP OF LAGUNA VERDE ON FRIDAY AFTERNOON, OCTOBER 14.

3. EMBASSY COMMENT: WE ARE CONTINUING TO PUT OUR MONEY ON AN OCTOBER START-UP OF LAGUNA VERDE. IT IS EXTREMELY UNLIKELY THAT OUR CONTACT WOULD CALL US AND GO OUT ON THIS LIMB UNLESS HE WAS, AT LEAST IN HIS OWN MIND, CERTAIN

[redacted]

PAGE 02 MEXICO 26441 142127Z

THAT PRESIDENT DE LA MADRID HAD GIVEN HIS OK. WE AWAIT THE IMMINENT RESPONSE FROM THE ANTI-NUCLEAR GROUPS AND OPPOSITION POLITICIANS. (DRAFTED:SCI:ATIDBALL) PILLIOD

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PAGE 01 SANTIA 07496 01 OF 02 141124Z
ACTION ARA-00

INFO	LOG-00	ADS-00	INR-10	EUR-00	SS-00	OIC-02	CIAE-00
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P 141109Z OCT 88
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 8615
INFO USMISSION USUN NEW YORK
AMEMBASSY MADRID
AMEMBASSY SAN JOSE
USMISSION GENEVA

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

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C O N F I D E N T I A L SECTION 01 OF 02 SANTIAGO 07496
E.O. 12356: DECL: OADR
TAGS: PHUM, CI
SUBJECT: U.S. RAPPORTEUR VOLIO'S VISIT TO CHILE

REFS: (A) SANTIAGO 4500; (B) SANTIAGO 7418
(C) SANTIAGO 7377

1. (C) SUMMARY: UN SPECIAL RAPPORTEUR FERNANDO VOLIO'S FOURTH VISIT WAS DELIBERATELY TIMED TO COINCIDE WITH THE OCTOBER 5 PLEBISCITE TO GIVE HIM A FIRST-HAND LOOK AT CHILE'S DEMOCRATIC PROGRESS (REFTEL A). LIKE MOST FOREIGN OBSERVERS, HE LAUDED THE DEMOCRATIC FERVOR OF CHILEANS WHO 1URNED OUT IN RECORD NUMBERS TO VOTE, AND PRAISED THE PINOCHET GOVERNMENT FOR ACCEPTING ITS ELECTORAL DEFEAT. HIS EARLY COMMENDATION FOR THE EXEMPLARY DEPORTMENT OF THE CARABINEROS DURING THE PLEBISCITE WAS RETRACTED SOMEWHAT AS HE SOUGHT AN EXPLANATION FROM CARABINERO CHIEF STANGE, DURING A SECOND VISIT, FOR THE UNPROVOKED

ATTACK ON JOURNALISTS ON OCTOBER 6 AND 7. WHILE NOTING THE HUMAN RIGHTS SITUATION HAD IMPROVED MARKEDLY SINCE HE ACCEPTED THE RAPPORTEUR ASSIGNMENT, HE SAID THERE WAS STILL CONSIDERABLE ROOM FOR IMPROVEMENT. AMONG AREAS OF CONTINUING CONCERN FOR HIM, HE SAID, WERE THE "PRECARIOUS" SITUATION OF THE MEDIA AND THE MILITARY'S ROLE IN JUSTICE. SPOKESMAN FOR THE "NO" COMMAND PATRICIO AYLWIN TERMED VOLIO'S STATEMENTS "NAIVE." END SUMMARY.

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2. (U) IN A PRESS CONFERENCE ON OCTOBER 10, VOLIO HAD HIGH PRAISE FOR CHILEANS WHO TURNED OUT IN RECORD NUMBERS TO VOTE IN THE OCTOBER 5 PLEBISCITE AND FOR THE GOVERNMENT IN ACCEPTING ITS DEFEAT. HE TERMED THE EVENT A "POINT OF DEPARTURE, A NEW SPIRIT OF THE CHILEAN PEOPLE AND THEIR AUTHORITIES, TO FACE UP TO AND RESOLVE THEIR IMPORTANT AND SERIOUS HUMAN RIGHTS PROBLEMS..." VOLIO NOTED THAT HE HAD OBSERVED AN IMPROVEMENT IN HUMAN RIGHTS AFFAIRS SINCE HE ACCEPTED HIS RAPPORTEUR ASSIGNMENT, AND THAT HE WAS CONFIDENT THE PROCESS TOWARD DEMOCRACY, OF WHICH THE PLEBISCITE WAS AN IMPORTANT PART, WOULD INCLUDE AN END TO HUMAN RIGHTS VIOLATIONS. HE ADDED, HOWEVER, THAT THERE WAS CONTINUING ABUSES AND SAID HIS NEXT REPORT WOULD ADDRESS CONTINUING SERIOUS PROBLEMS, AMONG THEM THE "PRECARIOUS" SITUATION OF THE MEDIA AND THE QUESTIONABLE ROLE OF THE MILITARY IN THE JUDICICAL PROCESS. HE ALSO NOTED THAT HE WOULD CONTINUE TO MONITOR THE PROGRESS OF INVESTIGATIONS INTO PARTICULARLY EGREGIOUS CASES OF HUMAN RIGHTS VIOLATIONS, AMONG THEM THE CASES OF THE "BURNED ONES", DISAPPEARANCES, AND THE MURDER OF THE

JOURNALIST CARRASCO AND THREE OTHERS. "THEY ARE CASES WHICH HAVE TO BE RESOLVED BECAUSE THE GUILTY CANNOT HAVE IMPUNITY."

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3. (U) DURING HIS VISIT, WHICH ENDED OCTOBER 10, VOLIO MET WITH PRESIDENT OF THE SUPREME COURT LUIS MALDONADO, JUDGE RENE GARCIA, WHO WAS INVESTIGATING

CHARGES OF TORTURE, AND MILITARY JUDGE EDWIN BLANCO, CURRENTLY IN CHARGE OF THE INVESTIGATION OF THE "BURNED ONES" CASES. VOLIO MET TWICE WITH CARABINERO CHIEF RODOLFO STANGE. VOLIO TOLD REPORTERS ON OCTOBER 6 THAT HE MET THAT DAY WITH STANGE TO CONGRATULATE HIM AND HIS FORCES FOR THE EXEMPLARY DEPARTMENT DURING THE PLEBISCITE, WHICH HE TERMED A DECISIVE FACTOR IN ITS SUCCESSFUL COMPLETION. ALTHOUGH HE REFERRED TO DISCUSSION OF ALLEGED CARABINERO HUMAN RIGHTS ABUSES, HE PRAISED THE CARABINEROS FOR SAFEGUARDING CHILEAN CITIZENS. PRIOR TO HIS DEPARTURE ON OCTOBER 10, HOWEVER, VOLIO MET AGAIN WITH STANGE TO DISCUSS THE UNPROVOKED ATTACKS ON JOURNALISTS ON OCTOBER 6 AND 7. NOTING THE ATTACKS BOTHERED HIM A GREAT DEAL, HE TOLD REPORTERS THAT HE WANTED AN EXPLANATION DIRECT FROM STANGE.

4. (C) PATRICIO AYLWIN, SPOKESMAN FOR THE "NO" COMMAND TOLD THE AMBASSADOR AND OTHER EMBOFFS THAT HE FOUND VOLIO'S COMMENTS "NAIVE." EMBOFFS REPLIED THAT THEY HAD NEVER FOUND HIM NAIVE EITHER WITH REGARD TO HIS MISSION IN CHILE OR ON CENTRAL AMERICAN MATTERS. HE HAS MADE NO SECRET, HOWEVER, OF FACT THAT HE SEES HIS MOST IMPORTANT ROLE IN CONTRIBUTING TO THE RETURN OF DEMOCRACY TO CHILE, FROM WHICH A GREATLY IMPROVED

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PAGE 01 SANTIA 07496 02 OF 02 141124Z

ACTION ARA-00

INFO	LOG-00	ADS-00	INR-10	EUR-00	SS-00	OIC-02	CIAE-00
	DODE-00	H-01	IO-19	NSCE-00	NSAE-00	HA-09	L-03
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P 141109Z OCT 88
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 8616
INFO USMISSION USUN NEW YORK
AMEMBASSY MADRID
AMEMBASSY SAN JOSE
USMISSION GENEVA

C O N F I D E N T I A L SECTION 02 OF 02 SANTIAGO 07496

E.O. 12356: DECL: OADR
TAGS: PHUM, CI
SUBJECT: U.S. RAPPORTEUR VOLIO'S VISIT TO CHILE

6. (C) VOLIO SAID HIS REPORT WAS NEARLY DONE AND PROMISED TO SHARE A COPY WITH THE AMBASSADOR, WHO URGED HIM TO ADD SOME COMMENTS ON THE PLEBISCITE PROCESS AS WELL, WHICH VOLIO SAID HE WOULD DO AFTER HIS RETURN TO COSTA RICA A FEW DAYS HENCE. HE EXPRESSED HIMSELF AS BEING VERY IMPRESSED WITH THE CHILEAN PEOPLE'S PARTICIPATION IN THE PLEBISCITE AND WITH THE GOVERNMENT'S CARRYING OUT ITS PROMISES. IN FACT, HE WAS MORE TOLERANT THAN ONE MIGHT HAVE EXPECTED OF THE ATTACKS THE NIGHT BEFORE BY POLICEMEN AGAINST NEWS CORRESPONDENTS, CHILEAN AND FOREIGN (THE AMBASSADOR GAVE HIM A COPY OF THE EMBASSY'S REPORT ON THE INCIDENT). VOLIO EXPLAINED THAT HE FELT THAT UNDER GENERAL STANGE GREAT STRIDES HAD BEEN MADE IN IMPROVING THE CONDUCT OF THE CARABINEROS AND ONE

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PAGE 02 SANTIA 07496 02 OF 02 141124Z

COULD UNDERSTAND THAT THEY OCCASIONALLY MIGHT LOSE THEIR TEMPERS GIVEN THE OFTEN DISTORTED REPORTING OF CHILEAN EVENTS IN THE FOREIGN MEDIA.

IN THE CONTEXT OF HIS OWN REPORT, VOLIO URGED BOTH THE SPANISH AMBASSADOR AND THE TWO AMERICANS TO DO ALL THEY COULD DO TO SEE THAT AT THIS YEAR'S UNGA THE CHILEAN RESOLUTION REFLECT THE SUBSTANCE OF HIS REPORT WHICH WOULD BE A VERY BALANCED ONE, PARTICULARLY IN THE LIGHT OF THE PLEBISCITE. HE QUOTED FOREIGN MINISTER GARCIA AS HAVING TOLD HIM THAT IF THE SAME OLD MEXICAN RESOLUTION WAS SERVED UP AGAIN, GARCIA COULD NOT GUARANTEE THAT CHILE WOULD GO ON COOPERATING WITH THE UNHRC. THE AMBASSADOR URGED THE SPANISH AMBASSADOR TO TRY TO INTEREST THE EUROPEAN COMMUNITY IN TAKING THE INITIATIVE THIS YEAR AWAY FROM THE MEXICANS AND DOING THEIR OWN MORE BALANCED RESOLUTION TO REFLECT VOLIO'S CONCLUSIONS. VOLIO THOUGHT THAT WOULD BE VERY HELPFUL AND THE TWO AMBASSADORS AGREED TO DISCUSS THE IDEA FURTHER.

7. (C) COMMENT: VOLIO'S DECISION TO REQUEST A SECOND MEETING WITH STANGE ON OCTOBER 10, AND RAISE THE BEATINGS OF JOURNALISTS, MAY HAVE BEEN DUE IN PART TO THE CONCERN EXPRESSED BY THE TWO AMBASSADORS. BARNES

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PAGE 01 MEXICO 26608 172327Z
ACTION OES-09

INFO LOG-00 ADS-00 INR-10 CIAE-00 EB-00 DINT-05 NSF-01
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O 172329Z OCT 88
FM AMEMBASSY MEXICO
TO SECSTATE WASHDC IMMEDIATE 5361
USMISSION USVIENNA
USDOE GERMANTOWN MD

DEPARTMENT OF STATE IM/IPS/CR/TR Date: 4-1-98
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PA Exemptions ( ) DOWNGRADE TS to ( ) S or ( ) C

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DEPT PLS PASS TO NRC FOR H.DENTON
USVIENNA FOR UNVIE (IAEA)

E.O. 12356: DECL: OADR
TAGS: KSCA, TRGY, IAEA, MX
SUBJ: LAGUNA VERDE - REVISION 5

REF: A. MEXICO 17775, B. MEXICO 19564, C. MEXICO 21790
D. MEXICO 25876, E. MEXICO 26441

1. [redacted] ENTIRE TEXT.

2. ING. RAFAEL FERNANDEZ DE LA GARZA, DIRECTOR OF THE LAGUNA VERDE NUCLEAR POWER PLANT, CONFIRMED TO SCIATT TODAY (OCTOBER 17) THAT THE FUEL LOADING "PROCESS" HAD BEGUN. HE CLARIFIED THAT THE PROCESS INVOLVES TESTING AND CHECKING OF ALL SYSTEMS AND DENIED REPORTS THAT THE FUEL WOULD BE LOADED TODAY. HE WOULD NOT PROVIDE A SPECIFIC DATE FOR THE INSERTION OF THE FUEL ASSEMBLIES, BUT STATED THAT HE HOPED IT WOULD OCCUR THIS WEEK.

3. FERNANDEZ DE LA GARZA'S VOICE REGISTERED NOTICEABLE RELIEF AND PLEASURE WHEN HE SAID, "THE POLITICAL PROBLEM

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PAGE 02 MEXICO 26608 172327Z

IS OVER FOR US," REFERRING TO THE FACT THAT THE GOVERNMENT HAS GIVEN THE GO-AHEAD FOR THE START-UP. GOM APPROVAL WAS OFFICIALLY PROVIDED IN A JOINT COMMUNIQUE ISSUED BY

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THE SECRETARIAT OF ENERGY, MINES AND PARASTATAL INDUSTRY (SEMIP) AND THE SECRETARIAT OF ECOLOGY AND URBAN DEVELOPMENT (SEDUE) ON FRIDAY AFTERNOON, OCTOBER 14.

4. IN RESPONSE TO QUERIES ABOUT THE REPORTED PROTESTS IN THE TOWN OF PALMA SOLA, VERACRUZ THIS PAST WEEKEND FERNANDEZ DE LA GARZA SAID THAT THERE WERE MORE NEWSPAPER REPORTERS THAN ANTI-NUCLEAR ACTIVISTS PRESENT. HE SAID THERE WERE ABOUT 200 PEOPLE GATHERED IN PALMA SOLA OVER THE WEEKEND, INCLUDING OPPOSITION POLITICIAN CUAUHTEMOC CARDENAS, BUT THAT NOTHING OF SIGNIFICANCE HAPPENED.

4. EMBASSY COMMENT: SEVERAL RECENT EVENTS THAT MIGHT HAVE RESULTED IN MAJOR ANTI-NUCLEAR PROTESTS FAILED TO DO SO. THE GENERAL ELECTIONS IN JULY, THE VERACRUZ ELECTIONS IN OCTOBER AND THE APPROVAL PROCESS FOR THE START-UP OF THE REACTOR WERE ALL IDEAL TIMES FOR THE ANTI-NUCLEAR GROUPS TO SHOW THEIR FORCE. THE FACT THAT THEY DID NOT LEADS US TO BELIEVE THAT THE ANTI-NUCLEAR MOVEMENT IN MEXICO DOES NOT HAVE THE STRONG POPULAR SUPPORT THAT PRESS COVERAGE WOULD LEAD ONE TO BELIEVE IT HAS. SCIENCE OFFICE WILL CONTINUE TO FOLLOW PROGRESS AT THE PLANT AND TO ANALYZE ANTI-NUCLEAR SENTIMENT IN MEXICO. END COMMENT.
(DRAFTED:SCI:ATIDBALL) PILLIOD

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*** Current Handling Restrictions *** n/a
*** Current Classification *** [redacted]

(ROGER)

United States Department of State

Washington, D.C. 20520

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____
OCT 21 1988

CONFIDENTIAL

TO: ARA - Elliott Abrams

THRU: ARA - Michael M. Skol

FROM: ARA/SC - Richard B. Howard

SUBJECT: Resolution on Chile at the UNGA

The UNGA will soon take up the matter of human rights in Chile. Our goal should be the adoption of a balanced, fair resolution on Chile which we can support and which furthers our general policy goals. To achieve that goal, ARA/SC and Dick Schifter and his people have designed the following plan for your approval.

The plan's main point is to prompt the EC countries to draft and submit a short resolution which realistically points out the gains made during 1988, defines the areas where abuses continue and backs the efforts of Special Rapporteur Volio. We would provide the Europeans with informal draft language and would encourage EC-wide support for the text.

We believe that such a resolution would garner support from the Latin democracies and probably preempt or brush aside the unablanced version we must expect from Mexico/Cuba. With consensus developing behind what he hope will be a moderate and accurate resolution, we could sign on as co-sponsors or at least vote in favor of it. A balanced resolution introduced neither by the U.S. nor Mexico should gain USUN's acquiesence.

The plan, should you approve it, would proceed more or less as follows:

--HA and ARA/SC begin drafting language that we would like to see in a future resolution.

--you raise the strategy of an EC resolution informally with Rich Williamson and then brief the Secretary on our plan.

--if Williamson goes along, ARA/HA/and IO would meet to agree on final drafting language. (If IO balks, we should consider an action memo to the Secretary.)

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--Next, we we send out a cable to the EC posts and to our Embassy in Santiago providing the draft language and talking points for demarches to prompt action and support. (Best bets for early sponsors/drafters might be the Dutch, Belgians, Brits, and Germans, but perhaps the Greeks, French, or Spaniards may also be interested.)

--Assuming European interest, we demarche the Latins.

Time is short. If you approve of this plan, we should begin implementing it right away.

Approve_____ Disapprove_____

drafter: ARA/SC PDeShazo

HA DTeleen

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Date Printed: 01/26/1998 DOC_NUMBER: 88MEXICO27124 CHANNEL: n/a 68

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PAGE 01 MEXICO 27124 212330Z
ACTION OES-09

INFO LOG-00 ADS-00 ARA-00 SSO-00 AMAD-01 NRC-02 /012 W
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O 212327Z OCT 88
FM AMEMBASSY MEXICO
TO SECSTATE WASHDC IMMEDIATE 5564
USMISSION USVIENNA
USDOE GERMANTOWN MD

DEPARTMENT OF STATE FM/IFS/CR/IRC Date: 4-1-98
(X) RELEASE ( ) DECLASSIFY
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( ) DENY
EO Citations 95044332
TS authority to
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PA Exemptions ( ) DOWNGRADE TS to ( ) S or ( ) C

UNCLAS MEXICO 27124

DEPT PLS PASS TO NRC FOR H. DENTON
USVIENNA FOR UNVIE (IAEA)

E.O. 12356: N/A
TAGS: KSCA, TRGY, IAEA, MX
SUBJECT: LAGUNA VERDE - REVISION 6

REF: MEXICO 26608

1. EMBASSY CONTACT AT THE FEDERAL ELECTRICITY COMMISSION (CFE) CONFIRMED THAT THE FIRST FUEL ASSEMBLY WAS LOADED AT THE LAGUNA VERDE NUCLEAR POWER PLANT ON WEDNESDAY, OCTOBER 19. THEY HOPE TO FINISH THE LOADING PROCESS IN ABOUT TEN DAYS AND EXPECT TO BE UP TO FULL POWER IN SIX TO EIGHT MONTHS. (DRAFTED:SCI:ATIDBALL) PILLIOD

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United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 100th CONGRESS, SECOND SESSION

Vol. 134 WASHINGTON, FRIDAY, OCTOBER 21, 1988 No. 151

Chile Project (#S199900030)
U.S. Department of State
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THE PLEBISCITE AND HUMAN RIGHTS—CHILE'S UNCERTAIN PATH BACK TO DEMOCRACY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. LANTOS. Mr. Speaker, this is an important time in Chilean history, a time when Chile is beginning its long journey to restore its 150-year tradition of democracy. In the october 5 plebiscite on whether Gen. Augusto Pinochet's Presidential term should be extended to 1997 the courageous people of Chile sent a clear message—they want democracy to begin now. Of the total 7.2 million votes cast, 54.7 percent voted no.

In a nation where registering to vote is voluntary, not obligatory, it is a tribute to the Chilean people that over 90 percent of them registered to vote, and 97 percent of those who registered voted. The Government of Chile also should be commended for compliance with the provisions of the voting laws and its acceptance of the opposition victory.

Mr. Speaker, I welcome the results of the plebicite in Chile. We in the Congress continue to have a strong interest in the restoration of democracy. It is important that the military leaders know that our interest in Chile continues.

The plebiscite is not an end but a beginning. We appeal to the Chilean Government to facilitate a smooth transition to democracy. It is crucial that the outrageous human rights violations which have occurred in the past 15 years now cease, and that normal democratic freedoms be allowed without interference. For example, greater freedom of speech and of the press will be essential for fair and free Presidential elections, which are now scheduled for December 1989. We are encouraged by the news that former Foreign Minister Clodomiro Almeyda now has been freed after 16 months of political imprisonment for exercising the right of free speech. Free exercise of this fundamental right must continue.

We also hope that the almost 500 political prisoners still languishing in Chilean prisons will now be released. At the end of August the government announced a relaxation in permitting exiles to return to Chile. In keeping with that spirit of liberalization, in September I urged President Pinochet to consider lifting the sentences of administrative exile that were imposed against seven Chilean exiles who still remain in Chilean jails for illegal entry: Victor Maturana Brugos, Sergio Godoy Frifis, Juan Bustos Saavedra, Jorge Martinez Munoz, Arinda Ojeda Aravena, Juan Sandoval Torres, and Rigoberto Villagra Arenas. I again urge President Pinochet to release these men.

Our greatest concern remains for those political prisoners who are currently facing death sentences. We have received reports that many of these prisoners were forced by security personnel to sign confessions under torture while being held incommunicado. Furthermore, their cases are not being heard by civilian courts but by military courts which have consistently shown a lack of independence from the military government.

The longest-held political prisoner in Chile threatened with the death penalty is Rolando Cartegena Cordova, who has been imprisoned for 7 years without a proper trial. He has been tortured and deprived of his human rights. Amnesty International and the U.S. International Human Rights Law Group have opposed the death penalty, particularly for cases such as that of Cartagena's where there have not been full guarantees of a fair trial before an impartial tribunal. Cartagena, like most of the other political prisoners facing possible death sentences, has been offered asylum by a large number of countries, including Spain, Italy, Norway, Finland, and Austria.

Mr. Speaker, it is our hope that the Government of Chile will respond to the appeals in behalf of Cartagena and all other political prisoners still suffering in Chilean prisons. As Chile moves toward democracy, it must not forget these prisoners. The United States and the rest of the world have not and will not forget them.

UNCLASSIFIED

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PAGE 01 MEXICO 27313 01 OF 04 250045Z
ACTION ARA-00

INFO	LOG-00	ADS-00	INR-10	SS-00	CIAE-00	EB-00	DODE-00
	H-01	NSCE-00	NSAE-00	SSO-00	HA-09	L-03	TRSE-00
	PM-10	EPA-01	PA-01	OMB-01	INM-07	INRE-00	FRB-03
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FM AMEMBASSY MEXICO
TO SECSTATE WASHDC IMMEDIATE 5639
INFO AMCONSUL GUADALAJARA
AMCONSUL MONTERREY
AMCONSUL CIUDAD JUAREZ POUCH
AMCONSUL HERMOSILLO POUCH
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E.O. 12356: DECL:OADR
TAGS: PGOV, PREL, EFIN, MX, US
SUBJECT: MEXICO'S CHANGING POLITICAL AGENDA

1. (C) - ENTIRE TEXT.

2. BEGIN SUMMARY: WITH THE RETURN OF A SEMBLANCE OF NORMALITY TO THE DOMESTIC POLITICAL SCENE, THE FOCUS OF MEXICO'S POLITICAL AGENDA IS BEGINNING TO SHIFT AWAY FROM CARDENAS AND HIS NATIONAL DEMOCRATIC FRONT (FDN) TO OTHER ISSUES. THE ELEVENTH-HOUR DECISION OF THE DE LA MADRID ADMINISTRATION TO BEGIN THE START UP OF THE LAGUNA VERDE NUCLEAR POWER PLANT RAISED A NEW POLITICAL ISSUE WHICH RESULTED IN A FIRESTORM OF

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PAGE 02 MEXICO 27313 01 OF 04 250045Z

OPPOSITION PROTEST. THE UNWANTED BIRTH OF THE NEW "CRITICAL CURRENT" WITHIN THE RANKS OF THE PRI ANGERED AND DISTRACTED SOME PARTY MEMBERS WHO WERE ALREADY

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TRYING TO GRASP THE NETTLE OF MODERNIZATION. THE USG DECISION TO OFFER A BRIDGE LOAN OF 3.5 BILLION DOLLARS IN SUPPORT OF GOM ECONOMIC POLICIES ALSO PROVIDED A CONVENIENT TARGET FOR PARTISAN ATTACKS FROM LEFT AND RIGHT. CUAUHTEMOC CARDENAS MAY HAVE FADED BUT HE IS NOT YET DEAD AS HE CONTINUES TO PRESS FORWARD WITH THE FORMATION OF THE PARTY "BORN ON JULY 6." MEANWHILE, PAN EX-PRESIDENTIAL CANDIDATE MANUEL J. CLOUTHIER HAS FOR ALL INTENTS AND PURPOSES DISAPPEARED FROM THE POLITICAL SCENE. BASED ON SOUNDINGS WITH A WIDE RANGE OF POLITICAL CONTACTS, THE EMBASSY STILL ANTICIPATES A PEACEFUL TRANSITION TO THE SALINAS ADMINISTRATION ON DECEMBER 1. END SUMMARY.

3. NUCLEAR POWER A HIGHLY CHARGED EMOTIONAL ISSUE

PRESIDENT DE LA MADRID'S LONG AWAITED -- SOME WOULD SAY FEARED -- DECISION TO BEGIN LOADING LAGUNA VERDE'S REACTOR PRODUCED A COMBUSTIBLE MIXTURE OF PROPONENTS AND OPPONENTS TRADING INSULTS AND BLOWS OUTSIDE THE CHAMBER OF DEPUTIES AS THE GOVERNMENT'S DECISION WAS DEBATED LAST WEEK. THE LAGUNA VERDE ISSUE QUICKLY POLARIZED AND INTENSIFIED THE DEBATE ON THE WISDOM OF MEXICO ENTERING THE NUCLEAR AGE. THE ARGUMENTS PRO AND CON ARE NOT LIKELY TO FADE AWAY SOON, BUT THOSE INDIVIDUALS ACTIVELY OPPOSED TO THE PLANT APPEAR TO BE RELATIVELY FEW IN NUMBER. THE U.S. CONSULAR AGENT IN VERACRUZ BELIEVES THAT IF A REFERENDUM WERE HELD IN THE STATE, A MAJORITY OF CITIZENS LIVING THERE WOULD OPPOSE OPENING THE PLANT. HOWEVER, MOST RESISTANCE IS

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PAGE 03 MEXICO 27313 01 OF 04 250045Z

PASSIVE AND ONLY RELATIVELY FEW PEOPLE HAVE UNTIL RECENTLY ACTIVELY PARTICIPATED IN DEMONSTRATIONS AGAINST THE PLANT. LAST WEEK, HOWEVER, CARDENAS SUPPORTERS MOBILIZED SOME 5,000 PEOPLE WHO BLOCKED HIGHWAYS IN THE STATE TO SHOW THEIR DISPLEASURE NOT ONLY WITH LAGUNA VERDE BUT ALSO WITH ALLEGED FRAUD IN THE OCTOBER 2 STATE ELECTIONS.

4. NEVERTHELESS, OUR JUDGEMENT IS THAT THE GOM WILL NOT BE DISSUADED FROM ITS DECISION. IT WAS HARDLY AN EASY ONE TO MAKE IN VIEW OF THE CHERNOBYL DISASTER AND THE GROWING PROBLEMS ASSOCIATED WITH NUCLEAR POWER. ONCE MADE, HOWEVER, THE GOM CAN ILL AFFORD A POLITICAL

RETREAT WHICH WOULD CONTRIBUTE TO AN IMAGE OF WEAKNESS. VERACRUZ GOVERNOR GUTIERREZ BARRIOS, ONE OF MEXICO'S SHREWDEST POLITICIANS, HAS CLEVERLY AVOIDED TAKING A CLEAR POSITION ON THE WISDOM OF OPENING LAGUNA VERDE, ALTHOUGH HE HAS ACTED AS AN HONEST BROKER IN FACILITATING MEETINGS BETWEEN OPPOSITION GROUPS, SUCH AS THE "VERACRUZ MOTHERS," WITH SENIOR GOM OFFICIALS. (COMMENT: OUR CONSULAR AGENT CLAIMS HE KNOWS ALL SIX (|) OF THE MOTHERS.) GUTIERREZ BARRIOS VISITED THE PLANT OCTOBER 21 AND IN RESPONSE TO REPORTERS' QUESTIONS AFTERWARDS ASSURED THEM THAT THE PLANT WAS SAFE AND THAT SAFETY CONCERNS WOULD BE OF PARAMOUNT INTEREST. AS PLANT START UP PROCEEDS, THE FEARS AND HOPES OF MANY MEXICANS ARE LIKELY TO REMAIN INTENTLY RIVETED ON LAGUNA VERDE. THE DIRE WARNINGS AND OCCASIONAL PROTESTS OF PROFESSIONAL ENVIRONMENTALISTS ARE ALSO LIKELY TO CONTINUE, BUT WITH LIMITED CHANCES FOR SUCCESS.

5. A SLIGHT WHIFF OF POLITICAL OPPORTUNISM PERVADED CARDENAS'S DECISION TO PHYSICALLY JOIN FORCES WITH

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PAGE 01 MEXICO 27313 02 OF 04 250046Z
ACTION ARA-00

INFO	LOG-00	ADS-00	INR-10	SS-00	CIAE-00	EB-00	DODE-00
	H-01	NSCE-00	NSAE-00	SSO-00	HA-09	L-03	TRSE-00
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FM AMEMBASSY MEXICO
TO SECSTATE WASHDC IMMEDIATE 5640
INFO AMCONSUL GUADALAJARA
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AMCONSUL CIUDAD JUAREZ POUCH
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[redacted] SECTION 02 OF 04 MEXICO 27313

E.O. 12356: DECL:OADR
TAGS: PGOV, PREL, EFIN, MX, US
SUBJECT: MEXICO'S CHANGING POLITICAL AGENDA

ANTI-LAGUNA VERDE PROTESTERS OUTSIDE THE CHAMBER OF DEPUTIES OCTOBER 18. CARDENAS MIGHT HAVE FELT COMPELLED TO ATTEND GIVEN THE ASSOCIATION OF THE MINUSCULE "GREEN PARTY" WITH HIS MOVEMENT. THE LAGUNA VERDE ISSUE WAS NOT A PROMINENT PART OF HIS PRESIDENTIAL CAMPAIGN, ALTHOUGH IT WAS FEATURED DURING HIS SWINGS THROUGH VERACRUZ. HOWEVER, THE SCHEDULED CHAMBER OF DEPUTIES DEBATE PROVIDED CARDENAS WITH ANOTHER OPPORTUNITY TO HEIGHTEN HIS ANTI-PRI/GOM PROFILE AND HE WAS QUICK TO EXPLOIT IT. CARDENAS'S

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PAGE 02 MEXICO 27313 02 OF 04 250046Z

OPPOSITION TO LAGUNA VERDE IS AT LEAST CONSISTENT WITH HIS OTHER POSITIONS, A BRAND OF ECONOMIC NATIONALISM WHICH TENDS TO LOOK BACKWARD RATHER THAN FORWARD.

6. POLITICS OF THE U.S. BRIDGE LOAN OFFER

AS MIGHT BE EXPECTED, THE DECISION BY THE U.S. TREASURY AND FEDERAL RESERVE TO OFFER A 3.5 BILLION DOLLAR BRIDGE LOAN DREW FIRE FROM THE RIGHT AND LEFT OPPOSITION, PROVIDING A VEHICLE TO ATTACK THE GOVERNMENT FOR ACQUIRING MORE DEBT AND FOR ITS DEPENDENCE ON THE U.S. FDN SENATORS IFIGENIA MARTINEZ AND PORFIRIO MUNOZ LEDO ARGUED ON THE FLOOR OF THE SENATE THAT THIS WAS NOT THE RIGHT APPROACH TO RESOLVE MEXICO'S EXTERNAL DEBT PROBLEM. HOWEVER, THEIR CALL

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FOR SENATE REVIEW OF THE DECISION WAS EASILY DEFEATED IN THE OVERWHELMINGLY PRI SENATE. PAN LEADERS WERE UPSET BY REPORTS THAT THE USG OFFERED THE LOAN AS A GESTURE OF SUPPORT FOR THE INCOMING SALINAS DE GORTARI ADMINISTRATION, WHOSE LEGITIMACY THE OPPOSITION HAS STEADFASTLY REFUSED TO RECOGNIZE. MEANWHILE, THE GOVERNMENT, FEARFUL THAT ITS IMAGE OF INDEPENDENCE FROM WASHINGTON HAS BEEN COMPROMISED ONCE AGAIN, IS KEEPING A VERY LOW PROFILE, EVEN TO THE EXTEND OF DENYING THAT NEGOTIATIONS ARE CURRENTLY UNDERWAY WITH THE IMF FOR A STANDBY LOAN OR THAT IT HAS AGREED TO ANY CONDITIONS IMPOSED BY THE USG. WHILE SALINAS CAN NOT ADMIT IT PUBLICLY, THE U.S. LOAN OFFER DOES IN FACT BOLSTER THE CHANCES FOR A SUCCESSFUL LAUNCHING OF HIS ADMINISTRATION.

7. NEW STRIFE WITHIN THE PRI

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PAGE 03 MEXICO 27313 02 OF 04 250046Z

AS IF THE DEMOCRATIC CURRENT (CD) WEREN'T ENOUGH, FORMER PRI SECRETARY GENERAL AND CD FOUNDING MEMBER RUDOLFO GONZALEZ GUEVARA ANNOUNCED PUBLICLY OCTOBER 17 THE EXISTENCE OF A SO-CALLED "CRITICAL CURRENT" WITHIN THE RULING PARTY. IN PUBLISHED INTERVIEWS, GONZALEZ'S MAJOR PURPOSE APPEARS TO BE TO PICK UP WHERE CD MEMBERS LEFT OFF IN REFORMING THE PRI, ALBEIT THIS TIME BY REMAINING WITHIN THE PARTY UNLESS FORCED OUT. ESSENTIALLY, GONZALEZ HAS ISSUED A NEW PUBLIC CALL TO PARTY MEMBERS TO DEMOCRATIZE AND TO MAKE THE PARTY INDEPENDENT OF THE GOVERNMENT IN ORDER TO AVOID AN OVERWHELMING DEFEAT IN THE 1991 CONGRESSIONAL ELECTIONS.

8. THESE LATEST PROVOCATIVE STATEMENTS FROM A SENIOR, RESPECTED PRIISTA TEND TO COMPOUND THE DIFFICULT SITUATION IN THE CHAMBER OF DEPUTIES WHERE THE PRI MUST DEAL WITH A MORE NUMEROUS AND VOCAL OPPOSITION. A CLOSE ADVISER TO VERACRUZ GOVERNOR GUTIERREZ BARRIOS INDICATED LAST WEEK THAT THE GONZALEZ INITIATIVE HAD RESULTED IN MUCH BITTER STRIFE AND HITTING BELOW THE BELT WITHIN PARTY RANKS. IT SEEMS CERTAIN THAT THE "CRITICAL CURRENT" WILL CONTINUE IN THE MONTHS AHEAD TO SPUR RELUCTANT PARTY MEMBERS TOWARD MODERNIZATION BUT AT THE COST OF CONSIDERABLE DISCOMFORT IF NOT

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DISUNITY AMONG PRIISTAS WHO ALREADY FIND THEMSELVES DIVIDED AND LABELLED AS "TEC
HNOCRATS," "DINOSAURS," OR "RENOVATORS."

9. CARDENAS STILL STRUGGLING

CARDENAS'S POLITICAL VISIBILITY HAS LESSENED IN RECENT WEEKS, ALTHOUGH HIS OCTOBER 21 PRESS CONFERENCE CONVOKING FORMATION OF A NEW PARTY WAS A MAJOR EVENT. IN FACT, FOR THE FIRST TIME, TELEVISA'S EVENING NEWS

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PAGE 01 MEXICO 27313 03 OF 04 250046Z
ACTION ARA-00

INFO	LOG-00	ADS-00	INR-10	SS-00	CIAE-00	EB-00	DODE-00
	H-01	NSCE-00	NSAE-00	SSO-00	HA-09	L-03	TRSE-00
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INFO AMCONSUL GUADALAJARA
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[redacted] L SECTION 03 OF 04 MEXICO 27313

E.O. 12356: DECL:OADR
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SUBJECT: MEXICO'S CHANGING POLITICAL AGENDA

SHOW "MUCHAS NOTICIAS" EVEN HAD THE TEMERITY (IF NOT AUTHORIZATION) TO PERMIT CARDENAS'S VOICE TO BE HEARD, A SIGNIFICANT LIBERALIZATION COMPARED TO THE TOTAL EXCLUSION OF HIS AND CLOUTHIER'S VOICES DURING THE PRESIDENTIAL ELECTION CAMPAIGN. NEVERTHELESS, HE STILL CONFRONTS A MONUMENTAL TASK IN ACTUALLY FORMING THE PARTY. THE CONVOCATION ITSELF REPRESENTS ONLY THE FIRST STEP IN A LONG PROCESS. BASED UPON EMBASSY OFFICER CONVERSATIONS WITH FDN LEADERS REPRESENTING SEVERAL PARTIES, IT REMAINS CLEAR THAT MELDING

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PAGE 02 MEXICO 27313 03 OF 04 250046Z

TOGETHER THIS IDEOLOGICALLY DISPARATE GROUP OF TRUE AND OPPORTUNISTIC CARDENAS SUPPORTERS STILL REPRESENTS A FORMIDABLE CHALLENGE AND SUCCESS IS BY NO MEANS ASSURED.

10. CARDENAS MAY EMBARK UPON A NATIONWIDE TOUR TO TRY TO DEVELOP GRASSROOTS SUPPORT FOR THE NEW ORGANIZATION, ONE OF WHOSE SUGGESTED NAMES IS THE "DEMOCRATIC REVOLUTION PARTY (PRD)." SOME FDN COALITION PARTNERS -- SUCH AS THE POPULAR SOCIALIST PARTY (PPS) AND THE AUTHENTIC PARTY OF THE MEXICAN REVOLUTION (PARM) -- ARE RELUCTANT TO LOSE THEIR POLITICAL IDENTITY NOW. HOWEVER, THEY MAY WELL DECIDE IN TIME THAT UNITY UNDER THE CARDENAS BANNER IS THE ONLY WAY TO DISLODGE THE PRI FROM CONTROL OF THE GOVERNMENT. WITH A NATIONAL CONVENTION AS THE NEXT TARGET, CARDENAS APPEARS DETERMINED TO DEVOTE HIS ENERGIES TO PARTY FORMATION RATHER THAN FUTILELY ATTEMPTING TO PREVENT SALINAS'S ACCESSION TO THE PRESIDENCY.

11. WHERE IS CLOUTHIER?

PAN EX-PRESIDENTIAL CANDIDATE CLOUTHIER HAS PRACTICALLY VANISHED FROM MEXICO'S POLITICAL RADARSCOPE. THE CONTRAST BETWEEN HIS FEISTY

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PRESIDENTIAL CAMPAIGN TACTICS AND HIS ALMOST TOTAL POLITICAL ECLIPSE COULD NOT BE MORE STARK. LACK OF A SEAT IN THE CHAMBER OF DEPUTIES HAS ABETTED HIS SLIDE AS THE PRESS CONCENTRATES ITS ATTENTIONS ON PANISTA CONGRESSIONAL REPRESENTATIVES. THIS IS NOT TO SAY THAT CLOUTHIER'S VOICE IS NOT HEARD WITHIN PARTY COUNCILS WHERE HE WIELDS SIGNIFICANT INFLUENCE.
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RATHER, HIS PUBLIC PERSONA HAS SHRUNK, CREATING THE IMPRESSION OF A PAN DEVOID OF THE STRONG LEADERSHIP EVIDENT DURING THE CAMPAIGN. A PARTY SPOKESPERSON INDICATED CLOUTHIER NEEDED A REST AND HAD ALSO UNDERGONE AN OPERATION. ACCORDINGLY, CLOUTHIER'S REAPPEARANCE ON THE NATIONAL STAGE COULD BE ONLY A MATTER OF TIME.

12. PEACEFUL TRANSITION OF POWER EXPECTED

THE EMBASSY STILL ANTICIPATES THAT SALINAS'S DECEMBER 1 INAUGURATION WILL BE PEACEFUL. POLITICAL LEADERS OF ALL STRIPES, IN CONVERSATIONS WITH EMBASSY OFFICERS AND IN PUBLIC PRONOUNCEMENTS, AGREE ON THIS POINT. THE EXPENSIVE, FULL-PAGE ADVERTISEMENTS PLACED IN LEADING AMERICAN NEWSPAPERS BY THE SO-CALLED "COMMITTEE FOR THE IMPROVEMENT OF U.S.-MEXICAN RELATIONS" IN WHICH THE UNKNOWN AUTHORS PROCLAIM THE THREAT OF AN INCIPIENT INSURRECTION ON OUR BORDER WERE CAREFULLY READ NOT ONLY BY MEXICAN EDITORIALISTS BUT ALSO BY THE MEXICAN LEFT. THE RESPONSE WAS PUBLIC DISAVOWAL BY FDN LEADERS OF ANY INTENTION ON THEIR PART TO BLOCK SALINAS'S INAUGURATION THROUGH VIOLENCE. THEY DENIED THAT ARMED GUERRILLA GROUPS HAVE SPRUNG UP FOR THIS PURPOSE (THE EMBASSY HAS NO INFORMATION ON ANY SUCH INSURGENT GROUPS). THESE RECENT PUBLIC DECLARATIONS COMPLEMENT EARLIER ASSURANCES FROM SENIOR FDN OFFICIALS WHO FORESWORE ANY ATTEMPT AT VIOLENCE.

13. WHILE WE RECOGNIZE IT IS PRUDENT TO SEE WHAT THE LEFT DOES RATHER THAN WHAT IT SAYS IT WILL DO, WE NEVERTHELESS ARE HARD PRESSED TO FIND ANY EVIDENCE THAT THE INAUGURATION WILL BE ANYTHING BUT PEACEFUL.

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PAGE 01 MEXICO 27313 04 OF 04 250046Z
ACTION ARA-00

INFO	LOG-00	ADS-00	INR-10	SS-00	CIAE-00	EB-00	DODE-00
	H-01	NSCE-00	NSAE-00	SSO-00	HA-09	L-03	TRSE-00
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[redacted] SECTION 04 OF 04 MEXICO 27313

E.O. 12356: DECL:OADR
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SUBJECT: MEXICO'S CHANGING POLITICAL AGENDA

LEFTIST LEADERS RECOGNIZE THAT IF VIOLENCE WERE TO BREAK OUT REQUIRING THE USE OF FORCE TO REPRESS IT, THERE IS NO TELLING WHERE THE GOVERNMENT WOULD STOP. THE LEFT'S ELECTORAL GAINS COULD BE JEOPARDIZED, AND ITS RHETORIC ABOUT THE NEED FOR DEMOCRACY WOULD BE

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SHOWN TO BE HOLLOW.

14. WHILE ALL INDICATORS ARE FAVORABLE FOR A NONVIOLENT TRANSFER OF POWER, THE GOVERNMENT RECOGNIZES THAT ISOLATED INCIDENTS COULD OCCUR AND IS CONFIDENTIAL

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PAGE 02 MEXICO 27313 04 OF 04 250046Z

PREPARING ITS PLANS CAREFULLY. PERHAPS THE KEY DECISION WILL BE WHERE TO HOLD THE INAUGURATION. HAUNTED BY MUNOZ LEDO'S INTERRUPTIONS OF DE LA MADRID'S SEPTEMBER 1 ADDRESS IN THE LEGISLATIVE PALACE, PARTY OFFICIALS ARE DEVOTING CONSIDERABLE THOUGHT AS TO THE BEST SITE FOR PRECLUDING OR CONTAINING POSSIBLE OPPOSITION DISTURBANCES. MEXICAN OFFICIALS HAVE MENTIONED BOTH THE NATIONAL AUDITORIUM AND THE PALACE OF FINE ARTS AS ALTERNATIVES TO THE LEGISLATIVE PALACE. WHATEVER THE FINAL DECISION, IT WILL BE TAKEN WITH A VIEW TO THE GOVERNMENT'S PERCEIVED SECURITY AS WELL AS PUBLIC RELATIONS REQUIREMENTS. PILLIOD

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REPUBLICA DE CHILE
MINISTERIO DE RELACIONES EXTERIORES
MISION PERMANENTE ANTE LAS NACIONES UNIDAS
800 UNITED NATIONS PLAZA-4TH FLOOR
NEW YORK, N. Y. 10017

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ✓
Exemption(s) ____

Nº 195/88

New York, November 1st, 1988

Mr. Ambassador:

The Special Rapporteur appointed to study the human rights situation in Chile, Mr. Fernando Volio Jimenez, made statements to the Chilean press during his latest visit to my country, with direct reference to the carrying out of the mission assigned him by the Organization.

I believe it will be of interest to you to have copies of the press articles, with the texts of Mr. Volio's statements, enclosed herewith, together with the corresponding non-official translations.

I avail myself of the opportunity to renew to Your Excellency the assurances of my highest consideration.

PEDRO DAZA
Ambassador

BEST COPY AVAILABLE

Action Taken
DATA PASSED TO CHILE
(STATE) 11/8/88
Initials CRB
Date 11/8/88
REFERENCE

H.E.Mr.Vernon A. Walters
Ambassador, Permanent
Representative of
the United States of America
to the United Nations
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FOREIGN AFFAIRS COMMITTEE
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SUBCOMMITTEE ON EUROPE AND THE MIDDLE EAST
SUBCOMMITTEE ON HUMAN RIGHTS AND INTERNATIONAL ORGANIZATIONS

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CHAIRMAN, PERMANENT UNITED STATES CONGRESSIONAL DELEGATION TO THE EUROPEAN PARLIAMENT
CO-CHAIRMAN, CONGRESSIONAL HUMAN RIGHTS CAUCUS

Congress of the United States
House of Representatives
Washington, D.C. 20515

November 1, 1988

Chile Project (#S199900030)
U.S. Department of State
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Exemption(s) ____

The Honorable Harry Barnes, Jr.
Ambassador Extraordinary and
Plenipotentiary of the United States
Embassy of the United States
Santiago, Chile
APO Miami, Florida 34033

Dear Mr. Ambassador:

Thank you for taking time to meet with a member of my staff, Dr. Kay King, who was in Chile in September with a W.O.L.A/ C.I.I.R. delegation to study conditions for the plebicite. I am told that you and your staff were most helpful.

I also want to thank you for the help you have given to Dr. Michele Ritterman, one of my supporters who is involved in many worthwhile community activities in my Congressional district. As you may recall, she is working on the case of Rolando Cartagena Cordova, a political prisoner in Santiago. She is planning to come to Chile again in a few weeks and hopes to see Mr. Cartagena. I would be most appreciative if you could once more do all within your power to facilitate her visit with Mr. Cartagena and provide for her protection while she is there.

Since Ambassador Charles Guillespie may arrive in Chile before Dr. Ritterman returns to the United States, I would appreciate your conveying this request on her behalf to him.

As you near the completion of your term in Chile I want to add my voice to the many others who have praised you for your outstanding service. As you may know, a number of my colleagues recently held a special order in your honor. Unfortunately, my office was misinformed as to the nature of that special order so my praises are belated. However, I do want you to know of my great respect and admiration for your many accomplishments.

My wife, Annette, and I would like to invite you to lunch when you return to Washington. We are very anxious to have the opportunity to visit with you. As you can see from the enclosed statement, our interest in human rights in Chile continues, and we would welcome a first-hand report of your experiences there.

Cordially,

Tom Lantos

Tom Lantos
Member of Congress

TL/kak

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PAGE 01 SAN JO 14212 01 OF 03 012334Z
ACTION ARA-00

INFO	LOG-00	ADS-00	INR-10	SS-00	OIC-02	CIAE-00	DODE-00
	H-01	IO-19	NSCE-00	NSAE-00	HA-09	L-03	TRSE-00
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R 012334Z NOV 88
FM AMEMBASSY SAN JOSE
TO SECSTATE WASHDC 6403
INFO AMEMBASSY SANTIAGO
USMISSION USUN NEW YORK
USMISSION GENEVA

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

UNCLASSIFIED
C O N F I D E N T I A L SECTION 01 OF 03 SAN JOSE 14212

E.O. 12356: DECL:OADR
TAGS: PHUM, PREL, PGOV, UNGA, UNHRC-1, CI, CS
SUBJECT: VOLIO COMMENDS PROGRESS IN CHILE, CALLS UPON UN MODERATES TO WORK FOR POSITIVE UNGA RESOLUTION

REF: (A) SANTIAGO 7496
(B) STATE 350427
(C) STATE 280152

1. (C) ENTIRE TEXT

2. THIS CABLE CONTAINS A REQUEST FOR HA A/S SCHIFTER IN PARAGRAPH 9.

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3. SUMMARY

FERNANDO VOLIO, UN SPECIAL RAPPORTEUR ON HUMAN RIGHTS IN CHILE, WAS MUCH IMPRESSED BY THE PLEBISCITE IN

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PAGE 02 SAN JO 14212 01 OF 03 012334Z

CHILE AND CONCOMMITANT GOC MOVES TO END THE STATES OF SIEGE AND EXCEPTION, TO END MOST EXTERNAL AND INTERNAL EXILES, TO LEGALIZE PARTIES AND POLITICAL ACTIVITIES, ETC. VOLIO FEARS, HOWEVER, THAT CHILE'S TRADITIONAL FOES AT THE UNGA WILL WORK TO PASS A HARD-LINE RESOLUTION WHICH IGNORES THIS PROGRESS. FOR THAT REASON, VOLIO ARGUES, IT IS INCUMBENT UPON MODERATE UNGA MEMBERS TO WORK FOR THE PASSAGE OF A RESOLUTION RECOGNIZING CHILE'S PROGRESS. IF THIS DOES NOT OCCUR AND A HARD-LINE RESOLUTION EMERGES FROM THE UNGA, VOLIO FEARS THAT THE GOC WILL TERMINATE ITS COOPERATION WITH THE UN. IN THAT EVENT, VOLIO SAYS THAT HE WOULD STEP DOWN AS RAPPORTEUR FOLLOWING THE UNHRC MEETING IN FEBRUARY. HOWEVER, VOLIO HAS SAID ALL THIS BEFORE, AND WE DON'T EXPECT HIM TO GIVE UP HIS CHILE ASSIGNMENT LIGHTLY. END SUMMARY.

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4. VOLIO CITES PROGRESS

FERNANDO VOLIO, UN SPECIAL RAPPORTEUR ON HUMAN RIGHTS IN CHILE, TOLD POLOFF OCTOBER 28 THAT THERE HAS BEEN GREAT PROGRESS IN IMPROVING RESPECT FOR HUMAN RIGHTS IN CHILE SINCE HIS REPORT TO THE UNHRC IN FEBRUARY OF THIS YEAR. VOLIO STATED THAT THE PLEBISCITE IS THE MOST OBVIOUS EXAMPLE OF THIS PROGRESS. THE PLEBISCITE, HE ASSERTED, WAS CHARACTERIZED BY OPENNESS AND EFFICIENCY. THE ARMED FORCES, HE SAID, DID AN EXCELLENT JOB IN SAFEGUARDING THE PROCESS, YET DID NOT INTERFERE WITH IT. VOLIO BASED HIS VIEWS ON HIS FIRST-HAND OBSERVATIONS DURING THE PLEBISCITE

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PERIOD, HIS FOURTH VISIT TO CHILE.

VOLIO SAID THAT DURING HIS VISIT TO GENEVA EARLIER THIS YEAR FOR THE UNHRC MEETING, OPPONENTS OF THE GOC --BOTH DEMOCRATS AND MARXISTS-- HAD ENUMERATED FOR HIM THE CHIEF SHORTCOMINGS OF THE PINOCHET REGIME. THERE HAS BEEN SIGNIFICANT PROGRESS, VOLIO

EMPHASIZED, IN ALL THE AREAS CITED:

--FOREIGN EXILE: THE FACT THAT 4348 PERSONS WERE IN EXILE BY ORDER OF THE GOC WAS THE PROBLEM CONSIDERED MOST SERIOUS BY VOLIO'S INTERLOCUTORS EARLIER THIS YEAR. NOW, NO CHILEANS ARE IN EXILE BY EXECUTIVE ORDER, AND ONLY SEVEN ARE IN EXILE AS THE RESULT OF JUDICIAL ORDERS;

--INTERNAL EXILE: ALL EXECUTIVE ORDERS FOR INTERNAL EXILE HAVE BEEN CANCELED, AND ONLY TWO PERSONS REMAIN UNDER COURT-ORDERED INTERNAL EXILE;

--STATE OF SIEGE: THE STATE OF SIEGE HAS BEEN LIFTED;

--TWO STATES OF EXCEPTION: BOTH HAVE BEEN LIFTED;

--MILITARY CONTROL OF THE UNIVERSITIES: ALL MILITARY RECTORS HAVE BEEN REPLACED BY CIVILIANS;

--PROSCRIPTION OF POLITICAL PARTIES AND POLITICAL ACTIVITIES: ALL SUCH RESTRICTIONS HAVE BEEN LIFTED;

--ABUSE AND TORTURE OF PRISONERS: IN THE PERIOD SINCE THE UNHRC MEETING, THE ICRC HAS SIGNED AGREEMENTS PROHIBITING TORTURE WITH THE CARABINEROS,

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ACTION ARA-00

INFO	LOG-00	ADS-00	INR-10	SS-00	OIC-02	CIAE-00	DODE-00
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TO SECSTATE WASHDC 6404
INFO AMEMBASSY SANTIAGO
USMISSION USUN NEW YORK
USMISSION GENEVA

C O N F I D E N T I A L SECTION 02 OF 03 SAN JOSE 14212

E.O. 12356: DECL:OADR
TAGS: PHUM, PREL, PGOV, UNGA, UNHRC-1, CI, CS
SUBJECT: VOLIO COMMENDS PROGRESS IN CHILE, CALLS

THE INTELLIGENCE SERVICE, THE INVESTIGATIVE POLICE AND THE ADVISORY COMMISSION ON HUMAN RIGHTS OF THE MINISTRY OF INTERIOR. VOLIO ASSERTED THAT WHEREAS TORTURE WAS A COMMON PRACTICE IN THE PAST, IT NOW APPEARS TO OCCUR ONLY IN ISOLATED INSTANCES;

--LAWS ORGANIZING DEMOCRATIC PROCESS: AT THE TIME OF THE UNHRC MEETING NO SUCH LAWS HAD BEEN PROMULGATED. NOW, HOWEVER, ONLY THE LAW GOVERNING THE ELECTION OF THE CONGRESS REMAINS OUTSTANDING;

--THE COURTS: VOLIO COMMENDED THE PAST COURAGE OF INDIVIDUAL JUDGES IN THE CIVIL COURTS, AND OPINED THAT NOW THE FULL SYSTEM IS ABLE TO OPERATE FREELY. THE MILITARY COURTS, HOWEVER, REMAIN IN POOR SHAPE, ACCORDING TO VOLIO. EVEN HERE, HOWEVER, HE WAS OPTIMISTIC, BECAUSE THE MILITARY JUSTICE SITUATION IS CONFIDENTIAL

BEING STUDIED BY A SPECIAL ADVISOR TO THE PRESIDENT WHO WILL LIKELY RECOMMEND THAT A NUMBER OF IMPROVEMENTS BE MADE. (CITING THE SENSITIVITY OF

THIS ACTIVITY AND THE NEED TO PROTECT HIS SOURCE, VOLIO DECLINED TO NAME THE ADVISOR.)

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5. CALLS FOR POSITIVE UNGA RESOLUTION

AFTER SETTING FORTH THE AREAS IN WHICH THE GOC HAS PROGRESSED IN HUMAN RIGHTS, VOLIO ARGUED SPIRITEDLY FOR SIMILAR PROGRESS IN UNGA CONSIDERATION OF THE ANNUAL CHILE RESOLUTION. VOLIO STATED THAT MEXICO AND THE TRADITIONAL SPONSORS OF HARD-LINE RESOLUTIONS ON CHILE HAVE ALREADY BEGUN THEIR EFFORT TO PASS YET ANOTHER RESOLUTION WHICH IGNORES THE PROGRESS MADE IN CHILE AND THE REPORTS OF THE SPECIAL RAPPORTEUR.

VOLIO, CITING HIS DINNER MEETING IN SANTIAGO WITH THE COSTA RICAN, SPANISH AND U.S. AMBASSADORS (REF A), ARGUED THAT MODERATE UNGA MEMBERS NEED TO TAKE THE INITIATIVE AT THIS TIME TO RECOGNIZE THE PROGRESS MADE IN THE PROTECTION OF HUMAN RIGHTS IN CHILE. IN PARTICULAR, VOLIO ARGUED THAT MODERATE UN MEMBERS SHOULD SUPPORT CHILE'S MOVEMENT TOWARD REPRESENTATIVE DEMOCRACY. REITERATING HIS BELIEF THAT HUMAN RIGHTS ARE BEST PROTECTED BY PROGRESS TOWARD DEMOCRACY, VOLIO STRESSED THAT SUPPORTERS OF HUMAN RIGHTS IN CHILE SHOULD BE BACKING THE CURRENT PROCESS LEADING TO GENERAL ELECTIONS BY MARCH, 1990.

VOLIO INQUIRED AS TO THE USG POSITION ON A CHILE

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PAGE 03 SAN JO 14212 02 OF 03 012336Z

RESOLUTION. POLOFF RESPONDED THAT WHILE THE USG POSITION ON THE UNGA RESOLUTION PER SE HAD NOT YET BEEN COMMUNICATED TO US, THE GENERAL USG PERSPECTIVE ON RECENT EVENTS IN CHILE WAS SET FORTH IN PRESS GUIDANCE (REF B -- COPY GIVEN TO VOLIO) EXPLAINING OUR RECENT VOTE IN FAVOR OF A LOAN TO CHILE AT THE INTER-AMERICAN DEVELOPMENT BANK. POLOFF NOTED THAT OUR VOTE ON THAT LOAN REFLECTED RECOGNITION OF THE IMPROVEMENTS IN BASIC HUMAN AND CIVIL RIGHTS WHICH HAVE RECENTLY TAKEN PLACE IN CHILE.

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6. NEGATIVE RESOLUTION COULD END GOC COOPERATION

VOLIO FEARS THAT A NEGATIVE UNGA RESOLUTION ON CHILE MIGHT WELL SPARK THE GOC TO TERMINATE ITS COOPERATION WITH THE UN. THIS ALMOST OCCURRED EARLIER THIS YEAR FOLLOWING THE UNHRC MEETING, VOLIO OBSERVED. GOC ROVING AMBASSADOR CALDERON REPORTEDLY INFORMED VOLIO DURING A MAY VISIT TO SAN JOSE THAT THE GOC DECIDED TO CONTINUE ITS COOPERATION ONLY AFTER VERY SERIOUS CONSIDERATION OF ENDING IT (VOLIO ADDED THAT CALDERON LAID THE GOC DECISION TO CONTINUE ITS COOPERATION IN LARGE PART TO THE FACT THAT VOLIO IS THE SPECIAL RAPPORTEUR). IF THE UNGA WERE TO IGNORE ALL THE PROGRESS MADE IN CHILE SINCE THE UNHRC MEETING, VOLIO SAID, HE DOESN'T SEE HOW HARD-LINERS IN THE GOC COULD BE RESTRAINED FROM BRINGING GOC COOPERATION WITH THE UN TO AN END.

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7. IF GOC ENDS COOPERATION WITH UN, SO WILL VOLIO

A.HARD-LINE UNGA RESOLUTION IGNORING PROGRESS IN
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PAGE 04 SAN JO 14212 02 OF 03 012336Z

CHILE WOULD PERFORCE IGNORE VOLIO'S REPORTS TO THAT

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PAGE 01 SAN JO 14212 03 OF 03 012337Z
ACTION ARA-00

INFO	LOG-00	ADS-00	INR-10	SS-00	OIC-02	CIAE-00	DODE-00
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FM AMEMBASSY SAN JOSE
TO SECSTATE WASHDC 6405

INFO AMEMBASSY SANTIAGO
USMISSION USUN NEW YORK
USMISSION GENEVA

C O N F I D E N T I A L SECTION 03 OF 03 SAN JOSE 14212

E.O. 12356: DECL:OADR
TAGS: PHUM, PREL, PGOV, UNGA, UNHRC-1, CI, CS
SUBJECT: VOLIO COMMENDS PROGRESS IN CHILE, CALLS

EFFECT. VOLIO SAID THAT BEING IGNORED BY THE GROUP TO WHICH HE REPORTS --WHICH HAS OCCURRED REPEATEDLY-- CAN ONLY GO ON FOR SO LONG. THUS IF A HARD-LINE RESOLUTION EMERGES FROM THE UNGA AND SPARKS THE GOC TO TERMINATE ITS COOPERATION WITH THE UN, VOLIO TOO WOULD FEEL CALLED UPON TO END HIS LABORS AS SPECIAL RAPPORTEUR. VOLIO SAID THAT IF IT BECAME NECESSARY TO STEP DOWN, HE WOULD DO SO AFTER THE UNHRC MEETING IN FEBRUARY.

---

8. VOLIO'S REPORT TO UNGA

VOLIO STATED THAT HIS COMING REPORT TO THE UNGA (HIS SEVENTH REPORT ON CHILE) WOULD FOR THE MOST PART FOLLOW THE MODEL OF HIS PREVIOUS ONES. THIS REPORT,

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WHICH WAS SUBMITTED TO THE UN PRIOR TO HIS TRIP TO CHILE DURING THE PLEBISCITE PERIOD, WILL THEREFORE NOT/NOT DISCUSS THE PLEBISCITE IN DETAIL. THAT SUBJECT, SAID VOLIO, WILL BE THE PRINCIPAL TOPIC OF HIS FEBRUARY REPORT TO THE UNHRC. THE UNGA REPORT'S COVERAGE OF THE PLEBISCITE WILL BE LIMITED TO A BRIEF BUT VERY POSITIVE ACCOUNT IN APPENDIX II.

VOLIO SAID THAT A NEW ELEMENT IN HIS UNGA REPORT WILL BE ITS SECTION III. THIS SECTION, ON "NEW DENUNCIATIONS" OF HUMAN RIGHTS ABUSES, WILL LIST THE CHARGES AGAINST THE GOC THAT HAVE RECENTLY COME TO VOLIO'S ATTENTION. THE INTRODUCTION TO THIS SECTION

WILL INCLUDE A DISCLAIMER STATING THAT THE SPECIAL RAPPORTEUR HAS NOT YET HAD THE OPPORTUNITY TO INVESTIGATE THE CHARGES. FOR THAT REASON, THE CHARGES HAVEN'T INFLUENCED HIS VIEWS SET FORTH IN THE BODY OF THE REPORT. VOLIO'S CONCLUSIONS REGARDING THE VALIDITY OF THE CHARGES WILL BE INCLUDED IN HIS REPORT TO THE UNHRC FOLLOWING HIS DETAILED STUDY OF THEM.

APPENDIX I OF THE REPORT IS ALSO NEW. THE GOC RESPONSE TO THE CHARGES LISTED IN SECTION III WILL BE SET FORTH HERE. THIS APPENDIX, LIKE SECTION III, WILL INCLUDE THE DISCLAIMER THAT THE SPECIAL RAPPORTEUR HAS NOT YET HAD THE OPPORTUNITY TO STUDY EITHER THE CHARGES OR THE RESPONSES THERETO. AGAIN, VOLIO WILL NOTE THAT HIS CONCLUSIONS ON THESE CHARGES WILL BE SET FORTH IN HIS REPORT TO THE UNHRC.

VOLIO STATED THAT HIS FINAL CHANGES TO HIS REPORT SHOULD BY NOW BE INCORPORATED INTO IT BY THE UN

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PUBLICATIONS OFFICE IN NEW YORK. CLAIMING THAT HIS CHANGES WERE TAKEN DIRECTLY TO NEW YORK FROM CHILE BY A UN FUNCTIONARY, VOLIO DEFLECTED POLOFF'S REQUEST FOR A COPY OF THE REPORT BY SUGGESTING THAT USUN IS WELL SITUATED TO OBTAIN A COPY THE MOMENT IT COMES OFF THE PRESSES.

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9. WANTS TO MEET A/S SCHIFTER AT UNGA NOVEMBER 20-23

POLOFF TOOK THE OCCASION TO INFORM VOLIO PER REF C THAT A/S SCHIFTER WOULD BE AVAILABLE TO MEET WITH HIM DURING MOST OF NOVEMBER. VOLIO WAS VERY PLEASED TO HEAR THAT. HE REQUESTED THAT SCHIFTER MEET HIM IN NEW YORK WHEN HE ARRIVES THERE FOR UNGA CONSIDERATION OF THE CHILE RESOLUTION NOVEMBER 21-23. VOLIO WILL ARRIVE IN NEW YORK THE AFTERNOON OF NOVEMBER 20. EMILIA BARRISH, THE DCM OF THE COSTA RICAN UN MISSION, CAN ARRANGE THE MEETING, VOLIO STATED.

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10. COMMENT

VOLIO WAS MOST IMPRESSED WITH PROGRESS IN CHILE AND PRIMED FOR A GOOD FIGHT AT THE UNGA. GIVEN THE OBVIOUS SATISFACTION HE TAKES IN HIS CHILE EFFORTS --AND THE FACT THAT HE HAS CRIED WOLF BEFORE-- WE DOUBT THAT HE WOULD LEAVE THE FIELD TO THE MEXICANS AND THEIR FRIENDS EVEN IF THE UNGA RESOLUTION ON CHILE TURNS OUT TO BE LESS THAN SATISFACTORY IN HIS EYES.

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PAGE 01 SANTIA 08303 01 OF 03 071747Z
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INFO	LOG-00	ADS-00	AID-00	INR-10	SS-00	OIC-02	CIAE-00
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TO SECSTATE WASHDC PRIORITY 8949
INFO AMEMBASSY BUENOS AIRES
AMEMBASSY CARACAS
AMEMBASSY LA PAZ
AMEMBASSY LIMA
AMEMBASSY SAN SALVADOR
USMISSION USUN NEW YORK
USCINCSO QUARRY HEIGHTS

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part X In Full ____
Exemption(s) NR

~~C O N F I D E N T I A L~~ SECTION 01 OF 03 SANTIAGO 08303

E.O. 12356: DECL:OADR
TAGS: PREL, PGOV, PHUM, OAS, CI
SUBJ: KEY ISSUES AT OASGA: CHILEAN VIEWS

REF: STATE 353300

1. ~~CONFIDENTIAL~~ - ENTIRE TEXT.

2. SUMMARY: POLITICAL COUNSELOR AND POLOFF MET WITH MFA OFFICIALS NOVEMBER 3 TO DISCUSS THE KEY ISSUES BEFORE THE OAS GENERAL ASSEMBLY. THE CHILEANS EXPRESSED SUPPORT FOR MANY U.S. POSITIONS WHILE EMPHASIZING THEIR OWN PREOCCUPATIONS OVER FURTHER SEVERE CRITICISM OF THEIR HUMAN RIGHTS RECORD.

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PAGE 02 SANTIA 08303 01 OF 03 071747Z

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THEY ALSO SAID THEY HOPE NOT TO BE CONGRATULATED FOR THEIR RECENT PLEBISCITE, IMPLYING THAT THEY WOULD CONSIDER SUCH A STATEMENT AS INTERFERENCE IN CHILE'S INTERNAL AFFAIRS. END SUMMARY.

[redacted]

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8. HUMAN RIGHTS: THE SUBJECT OF HUMAN RIGHTS, ALWAYS KEY TO THE CHILEANS, BROUGHT STRONG EXPRESSIONS OF DISSATISFACTION FROM FIGUEROA. HE COMPLAINED THAT IN THE RECENT INTER-AMERICAN

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PAGE 01 SANTIA 08303 02 OF 03 071748Z

ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-10	SS-00	OIC-02	CIAE-00
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AMEMBASSY LIMA
AMEMBASSY SAN SALVADOR
USMISSION USUN NEW YORK
USCINCSO QUARRY HEIGHTS

~~C O N F I D E N T I A L~~ SECTION 02 OF 03 SANTIAGO 08303

E.O. 12356: DECL:OADR
TAGS: PREL, PGOV, PHUM, OAS, CI
SUBJ: KEY ISSUES AT OASGA: CHILEAN VIEWS

COMMISSION ON HUMAN RIGHTS REPORT, THE CHAPTER ON CHILE WAS STILL FAR TOO NEGATIVE AND GAVE MINIMAL CREDIT FOR THE OBVIOUS IMPROVEMENTS EXPERIENCED IN THE LAST YEAR, WHILE THE NICARAGUA CHAPTER "WELCOMED" EVERY PERCEIVED IMPROVEMENT WITH EFFUSIVE PRAISE. HE FURTHER BERATED THE VENEZUELAN PRESIDENT OF THE COMMISSION FOR HIS HARSH CRITICISM OF CHILE IN CARACAS WHERE HE ALSO SERVES AS DEPUTY IN THE VENEZUELAN CONGRESS. HE EXPRESSED HIS HOPE THAT THE OAS RESOLUTION ON HUMAN RIGHTS WOULD NOT NAME INDIVIDUAL TRANSGRESSORS AND FELT THAT
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PAGE 02 SANTIA 08303 02 OF 03 071748Z

CHILE COULD JOIN A CONSENSUS ON A RESOLUTION THAT DID NOT NAME SPECIFIC COUNTRIES.

Pages 5 and 6 have been eliminated because they are entirely irrelevant.

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USMISSION USUN NEW YORK
USCINCSO QUARRY HEIGHTS

~~C O N F I D E N T I A L~~ SECTION 03 OF 03 SANTIAGO 08303

E.O. 12356: DECL:OADR
TAGS: PREL, PGOV, PHUM, OAS, CI
SUBJ: KEY ISSUES AT OASGA: CHILEAN VIEWS

[redacted] NR

13. CHILEAN PLEBISCITE: FIGUEROA ALSO BROUGHT UP THE POSSIBILITY OF AN OAS RESOLUTION ON "CHILE'S INTERNAL POLITICS", SPECIFICALLY ONE WHICH MIGHT CONGRATULATE CHILE ON ITS PLEBISCITE AND IMPENDING RETURN TO THE DEMOCRATIC FOLD. "IF THERE IS A RESOLUTION CONGRATULATING CHILE ON ITS ELECTION," HE NOTED, "THERE SHOULD BE ONE FOR EVERYBODY, INCLUDING MEXICO."
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PAGE 02 SANTIA 08303 03 OF 03 071748Z

HE ACKNOWLEDGED THAT HE WAS UNAWARE OF ANY PLANS FOR SUCH AN ACTION BUT MADE IT CLEAR THAT HIS GOVERNMENT WOULD LOOK UNFAVORABLY UPON IT SHOULD ANY SUCH INITIATIVE BE UNDERTAKEN.

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TEXT OF TELEGRAM 88STATE 373564

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DEPARTMENT OF STATE 920393 IS/FPC/CDR PBS Date. 9/18/
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INFO AMEMBASSY NAIROBI
AMEMBASSY PARIS
AMEMBASSY ROME

~~C O N F I D E N T I A L~~ STATE 373564

FOLLOWING REPEAT SENT ACTION SECSTATE INFO FAA WASHDC
SECDEF WASHDC JCS WASHDC USCINCCENT MACDILL AFB FL
FA BRUSSELS CJTFME IO MISSIONS COLLECTIVE BUENOS AIRES
CANBERRA BRASILIA OTTAWA BEIJING PRAGUE HAVANA CAIRO
TOKYO BONN ACCRA NEW DELHI JAKARTA BAGHDAD MEXICO
LAGOS ISLAMABAD PANAMA LIMA RIYADH DAKAR MADRID BERN
STOCKHOLM TUNIS MOSCOW LONDON DAR ES SALAAM CARACAS
NOVEMBER 10
QUOTE
~~C O N F I D E N T I A L~~ MONTREAL 04089

FROM USMISSION ICAO

STATE FOR IO AND EB/TRA/AVP

FAA FOR API-1, AIA-100 AND AGC-7

DEPARTMENT PLEASE PASS TO GULF WAR COLLECTIVE

E.O. 12356: DECL: OADR
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CONFIDENTIAL

PAGE 02 STATE 373564

TAGS: EAIR, ICAO, IR
SUBJECT: ICAO INVESTIGATION REPORT OF IR 655 INCIDENT

1. CONFIDENTIAL - ENTIRE TEXT.

2. THE REPORT OF THE INTERNATIONAL CIVIL AVIATION ORGANIZATION (ICAO) INVESTIGATION INTO THE ACCIDENTAL SHOOT-DOWN OF IRAN AIR 655 (C-WP/8708) WAS MADE AVAILABLE TO THE U.S. MISSION ON NOVEMBER 10. WE HAVE SENT COPIES

NARA, Date 7-31-91

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OF THE MAIN BODY OF THE REPORT TO THE DEPARTMENT (IO), JCS AND FAA BY FAX. THREE COPIES OF THE FULL REPORT, INCLUDING APPENDICES, WILL BE SENT BY OVERNIGHT SERVICE TO THE SAME ADDRESSEES.

3. ON FIRST EXAMINATION THE REPORT APPEARS TO AVOID CONTROVERSIAL POLITICAL QUESTIONS; IT CONCLUDES THAT THE AIRCRAFT WAS DESTROYED BY TWO SURFACE-TO-AIR MISSILES BECAUSE IT "WAS PERCEIVED AS A MILITARY AIRCRAFT WITH HOSTILE INTENTIONS" (PARA 3.2.1). THE REPORT CONTAINS EIGHT SPECIFIC RECOMMENDATIONS (PARA 4) TO IMPROVE CIVIL/ MILITARY COORDINATION "IN AREAS WHERE MILITARY ACTIVITIES POTENTIALLY HAZARDOUS TO CIVIL FLIGHT OPERATIONS TAKE PLACE."

4. WE EXPECT THE COUNCIL TO DISCUSS C-WP/8708 ON NOVEMBER 28 OR 30. A NUMBER OF COUNCIL MEMBERS MAY MAKE GENERAL COMMENTS ON THE REPORT AT THAT TIME, BUT WE EXPECT THAT THE RESULT OF THE DISCUSSION WILL BE TO REFER THE REPORT TO THE AIR NAVIGATION COMMISSION (ANC), FOR TECHNICAL COMMENT. THE COUNCIL CAN BE EXPECTED TO TAKE FINAL ACTION ONLY AFTER THE ANC REVIEW IS COMPLETE, PROBABLY EARLY IN 1989.

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5. THE DEPARTMENT MAY WISH TO INSTRUCT EMBASSIES IN COUNCIL MEMBER COUNTRIES, I.E. ARGENTINA, AUSTRALIA, BRAZIL, CANADA, CHINA, CUBA, CZECHOSLOVAKIA, EGYPT, FRANCE, FRG, GHANA, INDIA, INDONESIA, IRAQ, ITALY, JAPAN, KENYA, MEXICO, NIGERIA, PAKISTAN, PANAMA, PERU, SAUDI ARABIA, SENEGAL, SPAIN, SWEDEN, SWITZERLAND, TUNISIA, USSR, UNITED KINGDOM, TANZANIA AND VENEZUELA, TO MAKE REPRESENTATIONS IN CAPITALS DRAWING ON THE FOLLOWING POINTS:

-- WE UNDERSTAND THAT THE INTERNATIONAL CIVIL AVIATION ORGANIZATION HAS NOW COMPLETED ITS INVESTIGATION INTO THE ACCIDENTAL SHOOT-DOWN OF IRAN AIR 655 ON JULY 3, 1988 AND MADE THE REPORT AVAILABLE TO MEMBERS OF THE ICAO COUNCIL.

-- THE REPORT IS QUITE DETAILED. THE MAIN BODY CONSISTS OF 26 PAGES; THERE ARE MORE THAN 150 PAGES IN ATTACHMENTS. IT CONTAINS A NUMBER OF SPECIFIC RECOMMENDATIONS TO IMPROVE CIVIL/MILITARY COORDINATION.

-- WE BELIEVE THAT THE REPORT REQUIRES DETAILED CONSIDERATION BY THE ICAO'S AIR NAVIGATION COMMISSION WHICH IS WELL QUALIFIED TO ADVISE THE COUNCIL ON THIS HIGHLY TECHNICAL QUESTION.

-- WE ANTICIPATE THAT INITIAL DISCUSSION OF THE REPORT

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WILL TAKE PLACE IN COUNCIL NEAR THE END OF NOVEMBER.

-- THE USG HOPES THAT (NAME OF COUNTRY)'S REPRESENTATIVES ON THE ICAO COUNCIL WILL BE INSTRUCTED TO SUPPORT REFERRA OF THE REPORT TO THE AIR NAVIGATION COMMISSION FOR DETAILED EXAMINATION. FINAL ACTION BY THE COUNCIL WOULD TAKE PLACE AFTER IT RECEIVES THE REPORT OF THE AIR NAVIGATION COMMISSION. STOHR
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UNCLAS SANTIAGO 08317

E.O. 12356: N/A
TAGS: PHUM, ELAB, CI
SUBJ: OSCAR GUILLERMO GARRETON RELEASED ON BAIL

REF: (A) SANTIAGO 8086, (B) SANIIAGO 7733

1. OSCAR GUILLERMO GARRETON, FORMER UNDER SECRETARY IN THE MINISTRY OF ECONOMY AND FORMER SECRETARY GENERAL OF MAPU, WAS RELEASED FROM JAIL UNDER A 100,000 PESO (APPROXIMATELY DOLS335 U.S. DOLLARS) BOND ON NOVEMBER 3. WITH THE RELEASE OF SOCIALIST LEADER CLODOMIRO ALMEYDA ON OCTOBER 18, GARRE1ON HAD ASSUMED THE POSITION OF MOST CELEBRATED POLITICAL PRISONER IN CHILE. HE WAS ARRESTED IN MAY 1988 AFTER SURRENDERING HIMSELF TO MILITARY AUTHORITIES TO ANSWER CHARGES THAT HE HAD ATTEMPTED TO INCITE NAVAL OFFICERS TO REBELLION IN 1973. GARRETON HAD RE-ENTERED CHILE FROM EXILE WITH PERMISSION TO VISIT HIS AILING PARENTS.
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PAGE 02 SANTIA 08317 072041Z

2. ALTHOUGH THE INVESTIGATION OF GARRETON WILL CONTINUE, HIS RELEASE IS A POSITIVE DEVELOPMENT. AMONG THE MORE PROMINENT REMAINING SYMBOLS OF POLITICAL INJUSTICE IN CHILE ARE MANUEL BUSTOS AND ARTURO MARTINEZ, PRESIDENT AND VICE PRESIDENT, RESPECTIVELY, OF THE UNIFIED WORKERS' CENTRAL CUT), WHO WERE SENTENCED IN AUGUST TO 541 DAYS INTERNAL EXILE. A DEMAND FOR AMNESTY OR PARDON FOR THESE TWO LABOR LEADERS WAS A CENTRAL PCINT OF A PEACEFUL CUT RALLY ON NOVEMBER 6 WHICH ATTRACTED 10-12,000 DEMONSTRATORS. BARNES

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PAGE 01 MEXICO 28700 01 OF 02 090027Z

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UNCLAS SECTION 01 OF 02 MEXICO 28700

DEPT PLS PASS STRIDE COLLECTIVE

E.O. 12356:N/A
TAGS: TRGY, TPHY, KSCA, SENV, ENRG, SOCI, MX
SUBJECT: SCIENCE NOTES FOR MEXICO, OCTOBER 1988

1. SUMMARY: THE FOLLOWING IS A SYNOPSIS OF THE MAJOR S AND T DEVELOPMENTS IN MEXICO FOR THE MONTH OF OCTOBER 1988. THE MOST IMPORTANT EVENTS AND ITEMS OF THE PAST MONTH ARE SUMMARIZED IN THE AREAS OF SCIENCE AND TECHNOLOGY, POLLUTION AND THE ENVIRONMENT, FISHERIES AND WILDLIFE, ENERGY, AND PUBLIC HEALTH. END SUMMARY

SCIENCE AND TECHNOLOGY

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2. LEADING S AND T FIGURES SPEAK OUT ON THE FUTURE: EXCELSIOR, MEXICO'S LEADING DAILY, FEATURED A SERIES OF ARTICLES ON THE FUTURE OF S AND T IN MEXICO. FIVE OF MEXICO'S TOP S AND T POLICY MAKERS CONTRIBUTED THEIR THOUGHTS ON THE NEED FOR A STRONGER S AND T BASE, THE NEED FOR LINKS BETWEEN THE UNIVERSITY SECTOR AND PRIVATE INDUSTRY, AND THE ROLE OF GOVERNMENT IN DEVELOPING S AND T. ALL AGREED THAT IT IS NECESSARY FOR THE GOM TO TAKE UNCLASSIFIED

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PAGE 02 MEXICO 28700 01 OF 02 090027Z

A MORE ACTIVE ROLE IN DEVELOPING THE NATION'S SCIENTIFIC BASE, BUT ADVANCEMENT COULD ACCELERATE WITH PRIVATE SECTOR INVOLVEMENT. THE BUDGETARY CONSTRAINTS OF GOM

MAKE IT IMPERATIVE THAT THE PRIVATE SECTOR BECOME A REAL PLAYER IN THE PROCESS. IN ADDITION, PUBLIC/PRIVATE SECTOR COOPERATION WOULD LEAD TO THE CREATION OF TECHNOLOGIES APPROPRIATE TO MEXICO'S NEEDS.

3. JOINT RESEARCH INITIATIVES BETWEEN UNAM AND PRIVATE INDUSTRY: JOSE CARPIZO, THE RECTOR OF THE NATIONAL AUTONOMOUS UNIVERSITY (UNAM), RECENTLY ANNOUNCED THAT HE HAD SIGNED SIX PACTS WITH COMPANIES IN ORDER TO INCREASE THE UNIVERSITY'S PRESENCE IN THE INDUSTRIAL SECTOR. IN ADDITION TO THESE PACTS, PLANS ARE MOVING FORWARD ON THE DEVELOPMENT OF THE UNAM SPONSORED INDUSTRIAL PARK IN THE STATE OF MORELOS. AMONG THE AGREEMENTS SIGNED WERE THOSE WITH THE CONFEDERATION OF INDUSTRIAL CHAMBERS (CONCAMIN) AND THE NATIONAL MANUFACTURING INDUSTRIAL CHAMBER (CANACINTRA). UNAM'S LEADERSHIP HOPES THAT SIGNING PACTS WITH NATIONAL CHAMBERS WILL INCREASE THE UNIVERSITY'S INVOLVEMENT WITH THE PRIVATE SECTOR.

4. MORELOS SATELLITE I: THE SECRETARIAT OF COMMUNICATIONS AND TRANSPORTATION (SCT) ANNOUNCED THAT THE MORELOS II SATELLITE, NOW IN ORBIT BUT UNUSED, IS EXPECTED TO ENTER INTO OPERATION IN APRIL 1989. IN ADDITION, THE SCT STATED THAT THE DEVELOPMENT OF A NEW SATELLITE TO REPLACE THE MORELOS I IS NOW UNDERWAY. MORELOS I IS EXPECTED TO CEASE FUNCTIONING IN 1994.

POLLUTION AND THE ENVIRONMENT

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5. AIR POLLUTION IN THE VALLEY OF MEXICO: THE DEPARTMENT
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PAGE 03 MEXICO 28700 01 OF 02 090027Z

OF THE FEDERAL DISTRICT (DDF) AND THE JAPANESE AGENCY FOR INTERNATIONAL COOPERATION (JICA) HELD A JOINT CONFERENCE WHERE THEY ANNOUNCED THEIR TWO YEAR STUDY ON AIR POLLUTION IN THE VALLEY OF MEXICO. THE STUDY IS TO BE CONDUCTED IN TWO PARTS. THE FIRST PART (JUST COMPLETED), WAS A LONG RANGE TECHNICAL STUDY OF THE SITUATION IN THE VALLEY OF MEXICO. THIS STUDY FOCUSED ON SOURCES OF POLLUTION, METEOROLOGICAL CONDITIONS AND THEIR EFFECTS ON POLLUTION, AND THE EFFECTIVENESS OF EXISTING MEASURES IN DEALING WITH POLLUTION PROBLEMS. PHASE II OF THE STUDY, WHICH WILL FOCUS ON POSSIBLE SOLUTIONS TO THE PROBLEM, IS SCHEDULED TO BEGIN IN JANUARY 1989.

6. WINTER MALAISE: THE SECRETARIAT OF URBAN DEVELOPMENT AND ECOLOGY ANNOUNCED THAT THEY EXPECT POLLUTION LEVELS THIS WINTER TO BE THE WORST EVER. THEY BASED THIS CONCLUSION ON THE FACT THAT THERMAL INVERSIONS AND HIGH POLLUTION LEVELS HAVE BEEN OCCURRING THROUGHOUT THE RAINY SEASON, WHICH IS USUALLY THE TIME CONDITIONS ARE AT THEIR BEST. AS A RESULT OF THIS FORECAST, THE POSSIBILITY OF MIDMORNING SCHOOL OPENINGS IS ONCE AGAIN BEING PROPOSED.

FISHERIES AND WILDLIFE

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7. MEXICO ANNOUNCES PLAN TO RESTRUCTURE FISHING FLEET: IN THE WAKE OF THE EXTENSIVE DAMAGE CAUSED TO THE MEXICAN FISHING FLEET BY HURRICANE GILBERT, THE GOM ANNOUNCED PLANS TO PURCHASE NEW VESSELS AND MAKE CREDITS AVAILABLE TO THOSE FISHERMEN WHO LOST THEIR BOATS. IN ADDITION, PLANS WERE ANNOUNCED TO SELL OIL TO URUGUAY IN EXCHANGE FOR CREDITS TO PURCHASE FISHING VESSELS. THE DAMAGE TO THE FLEET WAS EXTENSIVE, AND THE FLEET IS NOT

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PAGE 04 MEXICO 28700 01 OF 02 090027Z

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PAGE 01 MEXICO 28700 02 OF 02 090027Z
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E.O. 12356:N/A
TAGS: TRGY, TPHY, KSCA, SENV, ENRG, SOCI, MX
SUBJECT: SCIENCE NOTES FOR MEXICO, OCTOBER 1988

EXPECTED TO REACH FULLY OPERATIONAL LEVELS UNTIL 1990.

ENERGY

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8. LOADING OF LAGUNA VERDE: AFTER MUCH TREPIDATION AND POLITICAL HAND-WRINGING, THE LAGUNA VERDE NUCLEAR REACTOR WAS FINALLY LOADED. THE POLITICAL DECISION TO LOAD THE REACTOR WAS MADE IN MID-OCTOBER, AND THE LOADING PROCESS BEGAN IN THE LATTER PART OF THE MONTH. THE OPPOSITION TO THE PLANT REMAINS VOCAL, BUT THE PLANT IS EXPECTED TO COME ON LINE IN MARCH OR APRIL OF 1989.

PUBLIC HEALTH

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9. AIDS: MEXICO HOSTED THE FIRST INTERNATIONAL CONFERENCE ON AIDS EDUCATION IN IXTAPA ON OCTOBER 12-14. THE CONFERENCE WAS CONSIDERED A GREAT SUCCESS,
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PAGE 02 MEXICO 28700 02 OF 02 090027Z

AND WAS ATTENDED BY PUBLIC HEALTH OFFICIALS FROM AROUND THE GLOBE. DR. JAIME SEPULVEDA AMOR, THE HEAD OF CONASIDA (NATIONAL COUNCIL FOR THE PREVENTION OF AIDS), AND OTHER SPEAKERS STRESSED THE IMPORTANCE OF PUBLIC EDUCATION CAMPAIGNS IN COMBATING AIDS. THE CONFEREES WERE UNANIMOUS IN THEIR CALL FOR GREATER PUBLIC SECTOR INVOLVEMENT IN THE AIDS EDUCATION PROCESS, AND IN THEIR DESIRE FOR STRONGER BUDGETARY BACKING OF AIDS INFORMATION PROGRAMS. CONASIDA ALSO REPORTED THE NUMBER OF REGISTERED AIDS CASES CONTINUES TO INCREASE BY 10 PERCENT EACH MONTH.

10. POPULATION GROWTH SLOWS IN MEXICO: THE SECRETARIAT OF HEALTH RECENTLY ANNOUNCED THAT THE POPULATION GROWTH RATE OF MEXICO HAS DROPPED TO 2 PERCENT A YEAR. THE POPULATION GROWTH RATE HAS BEEN STEADILY DECLINING THROUGHOUT THE DE LA MADRID ADMINISTRATION.
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MEMORANDUM OF CONVERSATION WITH JOAQUIN VILLALOBOS (ERP) AND LEONEL GONZALES (FPL), on the evening of Friday, November 11, 1988 in a room at the Camino Real Hotel in Mexico City

[Villalobos has a boyish face that smiles often, though unnaturally. He wears a blue sports coat and red tie that look they had been purchased at a thrift shop. At first, his arms are crossed across his chest and his answers are tentative. Gradually, his words flow more smoothly and his hands begin to talk. Yet he never becomes impassioned; it is hard to imagine him as a guerrilla commander or Leninist ideologue.]

SOLARZ: I appreciate your willingness to meet me. I have been to El Salvador several times. I've met some of your colleagues: Hafkal, Guadaloupe, Zamora, Ungo. What message have you been conveying to Latin American leaders? What is the possibility of a negotiated settlement in El Salvador?

VILLALOBOS: I've talked to some of the people you mentioned. The interchanges have been positive. We have a better opportunity [to convey our message??]. We have been exchanging opinons concerning assessments of the situation in El Salvador and about what course to follow. I don't mean simply what we will do but also how the situation develops because of various factors after eight years of war. Under the current conditions, there isn't the possibility of coming up with a concrete formula for an immediate dialogue. We are hopeful that better conditions will develop in the future. Rather than have a public, confrontational dialogue under these conditions, it is better to have a private dialogue which is less confrontational and may open the door to real negotiations.

This approach is based on the situation in El Salvador, which is leading to an explosion. After eight years of war, a military settlement is not appropriate. The social and economic situation is grave, moreso than when the war started. The structural causes of the war--tenancy, for example--have not been resolved. Besides the war, there are natural factors like earthquakes, drought, and flood which create a situation of social tension. This is happening in many Latin American centers. In the case of El Salvador, there is a war with thousands of soldiers and a situation of dual power. This situation of social violence is the result of an economic crisis.

SOLARZ: I agree that a military solution is not appropriate and that the solution needs to be solved through dialogue. I assume that you believe that dialogue cannot take place until after the March 1989. Or do you want to begin the dialogue before the elections?

GONZALEZ: There are no conditions for dialogue now. The Christian Democratic Party (PCD) is divided; there is no-one there to talk with. The army does not want to talk. Within the Reagan Administration, there is no force promoting dialogue. The

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commandantes decision was to begin an exploratory phase with the Latin American governments to present views on both dialogue and real negotiations. We want to create the conditions which would allow negotiations to take place.

SOLARZ: After the elections, if Christiani or Chavez Mena offered a dialogue, would you agree?

GONZALEZ: We want to create a real negotiating framework. That doesn't mean just Chavez Mena. It includes the armed forces and the American Administration. We had dialogues with the PCD. But when we were developing a process, the army got involved and there was also no political will in the Reagan Administration to support dialogue.

SOLARZ: Let us assume that the atmosphere for a dialogue can be created. Past dialogues have failed because the FMLN has demanded an interim government in which it participates, as a prelude to new elections. The government position has been that it will not share power with the FMLN. It says that the FMLN should lay down its arms and enter into the political process. Ungo and Zamora have returned and are participating. If there is a new dialogue with the support of the armed forces and the United States, would the FMLN still insist on its past demand?

VILLALOBOS: We are trying to establish a negotiating framework in which you can have a strong debate about the real correlation of forces, but in which a war would continue. We are proposing private negotiations with one person or with how ever many they want. We think that the actual correlation of forces is changing. The political model which the Reagan Administration promoted is failing. The PCD, which the Reagan Administration supported, is splitting. The Reagan Administration has been obligated to split the PCD in order to save the political model. The army's fighting method will not end the war.

In this situation, entering into a dialogue and negotiations in which our position would include a denial of the force which we have accumulated isn't possible. But as things move toward social explosions, we seek a movement to dialogue and negotiations without conditions. We can discuss all possibilities.

GONZALEZ: We have elements of a solution. We have to recognize that there are two powers, each representing segments of the people. Negotiations would be designed to find a formula to merge the two forces.

SOLARZ: Do you have any ideas?

GONZALEZ: There are different dimensions. First concerns what relations will be established between North America and Salvadorans. We don't think there needs to be a radical revolution. A new process is under way [in the US??] which would find many friends in LAtin America. Second, there needs to be a way to have an economy in El Salvador so that people can survive. Land would be very important in

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El Salvador: Human Rights
Special Project (1993)

this economic system, but that conflicts with the interests of a small element of the population. Third we need to look at the political reality in El Salvador. There is no necessity for a single party. There are many forces searching for change, a new pluralism. We don't have a pre-cooked formula. We are proposing three elements.

SOLARZ: What are your views on the return of Ungo and Zamora?

VILLALOBOS: We participated in the discussions preceding it. It is important that the FDR parties increase, grow, and make contacts with other political forces.

SOLARZ: So you supported their decision?

VILLALOBOS: We supported it totally.

SOLARZ: How do you characterize yourselves ideologically?

VILLALOBOS: As revolutionaries and Salvadorans. This is a complicated theme to handle, especially given the Reagan Administration and certain US political forces. The Reagan Administration is very ideological, and seems not to want to understand the reality of Central America and how the social situation in Central America has created forces which lead to a different way of thinking. This [misunderstanding] moves North American society into a prejudgment that we are Marxist-Leninists. This is a theme of great importance. We understand Marxist-Leninist theories as a study discipline, and not as a model to copy. We believe that many world politicians, including those who defend capitalism, use this study discipline. The Reagan Administration has raised the danger of radical revolution in El Salvador and drawn analogies to Pol Pot in Cambodia. This is totally wrong.

It is not solely a question of propaganda when we talk about pluralism. It is an aspect of political reality. Today the world is much more multipolar than before and there can be many changes. Throughout this military conflict, we have maintained ties with the Socialist International, Social Democrats, Social Christians, and political forces in the United States and the US Congress. In the Latin American and European context, we cannot reduce the conflict to just East-West proportions. Political change will not necessarily come through military victory or concessions. We cannot close out the possibility of radical change in El Salvador when there is a more open situation worldwide.

SOLARZ: You say that El Salvador is not ripe for revolution. You say that you favor political pluralism. Obviously you would like changes in the economic and social system. Why then are you not willing to lay down your arms and work within the confines of the political system as have Ungo and Zamora?

GONZALEZ: We hold to the thesis that the presence of a revolutionary situation does not pose a threat to the US because the changes which we seek are internal--having to do with social

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Special Project (1993)

conditions, land, tenancy, respect for human rights, and so on. The government has not responded to the demands of the major portion of the population which has been marginalized through electoral fraud. To lay down are arms [and participate in elections] would in fact undermine the movement towards a negotiating process. The dinosaurs of the oligarchy would only take full control, adding political and military power to their economic power. Because our goal is to avoid a state of total war, we are willing to hold discussions.

SOLARZ: There have been dialogues before, and the failure should be laid at various doors. If there is a new dialogue, is there any possibility of any change in the FMLN position?

VILLALOBOS: There has been a fundamental change. We are willing to get into a private dialogue. The public dialogues led to political confrontations. We are looking at another way to solve the problems of El Salvador.

SOLARZ: If ARENA wins, is there any possibility of a dialogue?

VILLALOBOS: We consider that the principal obstacle to a natural understanding has been the American Administration.

SOLARZ: In what way?

VILLALOBOS: The Reagan Administration has provided economic and military aid to the armed forces so they can continue the war. The PCD has been the political instrument for maintaining this support and sustaining repression without bringing international isolation. An ARENA victory would create complications for the Bush Administrataion. We think that a new level of realism might be reached. ARENA wants to wage war and impose repression, but it does not have the political conditions to do so in either international or domestic terms. We think they will continue to keep their contacts.

SOLARZ: I don't know who will win the election. My guess is that ARENA will. If they win, I don't know what they will do. Perhaps they will launch a Matanza. They may reject a dialogue. But if ARENA, for reasons of its own or because of US pressure, were willing to have a private dialogue with you, would you do it?

BOTH: Yes, ARENA has more power.

GONZALEZ: The election will not solve the problem of power in El Salvador. Dialogue is not determined by the interlocutors themselves. The arrival of ARENA would permit other forces, including the the PCD to go into opposition against the war. The people are not alone. There is still the FMLN, and we see the way out. Negotiations are a new approach for the FMLN. We don't have a formula but we are assessing the political will for a political solution.

SOLARZ: Concerning your ideological definition: if I defined a Marxist-Leninist as one who believed in the dictatorship of the

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El Salvador: Human Rights
Special Project (1993)

proletariat, dominated by a vanguard party run by democratic centralism, would that agree with your political views?

VILLALOBOS: Radical revolution is not necessary. The current world conditions do not created the need for revolution in El Salvador. Everything which has been understood about the Marxist-Leninist current up until this point--particularly in the interior of the United States--has defects. We take the Bolshevik and Cuban revolutions as a point of departure. But there are others which flowed out of different conditions. Those are different. We cannot talk of a dictatorship of the proletariat for El Salvador, nor a single party.

SOLARZ: So you believe in a pluralist system in which parties can compete for power?

VILLALOBOS: Yes.

SOLARZ: And a mixed economy?

VILLALOBOS: Yes.

SOLARZ: Do you envisage a system in El Salvador that is closer to Costa Rica or to Nicaragua?

GONZALEZ: In the El Salvador phenomenon, the forces driving the change are not only peasants and workers but also the Christian forces, intellectuals, and the petty bourgeoisie. We cannot speak of a single-party system, but have to talk about a Salvadoran model. Perhaps Costa Rica is not an appropriate model because it does not have a reactionary oligarchy. Nor is it necessary to talk about Nicaragua because in Central American they can enter into different domestic situations and international relations.

VILLALOBOS: El Salvador has economic development. . . .

SOLARZ: Let me speak frankly. In trying to convince Americans concerning democracy and capitalism, Fidel Castro in the Sierra Maestra promised pluralism and a mixed economy. In power, there were no opposition parties and the government took over the economy. Before they took power in 1979, the Sandinistas promised genuine political pluralism, a free press, and respect for bourgeois liberties. Then they took power and in effect cracked down on the other parties, censored La Prensa, and violated human rights. Since your chief supporters are Fidel Castro and Daniel Ortega, the American people see you making the same kind of promises that they made when they were in the position you are in now. They did not keep their promises. Why should Americans believe that you will keep yours?

GONZALEZ: The change has to do with new ideas. Latin Americans ought to learn to live in a democracy in order to construct one. Democracy is not just counting votes but building social forces. We are creating various elements of a model. If we create one with a

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minority element--the oligarchy, for example--and if it tries to defeat the people, that is a problem to be resolved.

VILLALOBOS: This is the fundamental political question and we want to speak frankly. This is not a question of truth or lies but of concrete reality. Different revolutions spring from different circumstances. The Bolshevik Revolution had to move into war communism. It was Nazi Fascism which stimulated Stalinism. It would be madness to think of perestroika with a Nazi neighbor. But now the world has changed. We know the circumstances of the consolidation of Cuban revolution. The United States was in a trauma and perhaps could neither control the situation nor understand it as a process of change. That caused a deepening and isolation of the Cuban revolution.

We are not offering new lies but offering an analysis of a changed world situation and a change in the United States. There are possibilities of contacts with parts of North American society, with Latin America, and with Europe, and not with just one pole. Our contacts help define our identity. Contrary to isolating our resolution by making a counter-revolution, this is an affair with revolutionary ideas which needs to be examined. If change were produced, the Salvadoran Revolution dares to say that if there were no contras, this model would probably be functioning in Nicaragua.

SOLARZ: If you came to power in El Salvador, what assurance is there that you would not support revolutionary movements in Honduras and Costa Rica?

VILLALOBOS: This is a frank and realistic answer. Looking at Latin America as a whole, social conditions are the main factor creating revolutionary situations. Most serious is dependence on the United States. We consider that there are some countries in Latin America and Central America which have a higher level of stability and riches, with larger capitalist sectors which have produced changes in their societies. On the other hand, there are critical points where revolution is inevitable--not necessarily radical revolution, but where change is necessary. El Salvador has five million people--six million if all come back. If the land is not redistributed and profound social changes do not occur, irrespective of our will, war will continue. This type of situation doesn't exist in Costa Rica. In El Salvador there is only one mode of production, social contradictions are deeper, and the oligarchy is not responsive to change.

SOLARZ: So what about the export of revolution?

VILLALOBOS: The exporting of revolution is not possible. We have our own problems. We are not looking for new conflicts. If a revolution existed outside of El Salvador, you would say that were were giving arms even if we weren't. The United States needs to understand the need for change and the need to live in peace. That will lead to the stabilization of markets. Changes in the Salvadoran tenure system will have good effect on the capitalism in Guatemala.

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El Salvador: Human Rights
Special Project (1993)

SOLARZ: The Salvadoran government has done some agrarian reform. What else would you like done?

VILLALOBOS: To be completely clear, even though we have our own ideas, we think that without Phase II there has been no real land reform. The oligarchy continues to have economic power.

GONZALEZ: Without changes to Phase I, such as providing credit to the beneficiaries, land reform hasn't really taken place. Recently the National Assembly approved a law returning land to the original owner.

SOLARZ: Every country is unique. What works in one doesn't work in another. Yet we make judgments about other countries based on our own values. I was critical of Pol Pot's Cambodia and Marcos's Philippines. I have a high opinion of Costa Rica, Norway, and Sweden. What is your opinion of the political systems in Cuba and Costa Rica, and in the United States and the Soviet Union?

VILLALOBOS: We can speak better of own reality. Without a doubt, socialism has achieved great social progress, brought benefits to large majorities, and solved major problems. The social conditions in which they developed their power, state, and democracy relates to particular internal and international situations. With regard to the Salvadoran situation and international context, we are advocating great changes in peaceful and democratic ways.

SOLARZ: What do you think of Cuban and Soviet democracy?

VILLALOBOS: One cannot limit the concept of democracy to the idea of representation--although that is an element of democracy. We would also urge economic democracy and democracy of participation. We are looking for ways to build our model.

GONZALEZ: Our message to the Third World is that we don't split the world into two blocs. We look for good in all.

SOLARZ: What is your view on Afghanistan?

VILLALOBOS: Perhaps it would have been better had there been no intervention.

SOLARZ: Concerning Poland, are your sympathies with Solidarity or the Polish government?

VILLALOBOS: We need to say something all encompassing. We are critics of errors in policies. We are not closed to criticism and errors on the part of forces which are close to us ideologically. Concerning Poland, we don't side with either side, but know that popular demands were not satisfied and errors were committed.

SOLARZ: You say you are willing to have a multiparty system in El Salvador. Is that appropriate for Cuba?

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El Salvador: Human Rights
Special Project (1993)

VILLALOBOS: You should ask the Cubans.

GONZALEZ: We are in the transition to the new Administration. We want to continue this exhange to open the way to a solution, rather than complicating the international situation. Changes in US military support will complicate and prolong the conflict. You cannot bet on our military defeat because of our ties to the people. But we remain open to this process.

SOLARZ: If there is to be a solution, there must be mutual compromise. Based on my talks in El Salvador, I see no chance that the government will agree to any power-sharing arrangments in which the FMLN people get positions before elections. I hope a formula can be found to continue the struggle for change by peaceful means.

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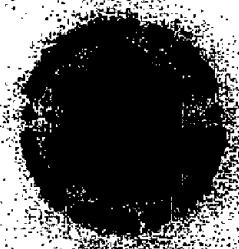

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PAGE 02 STATE 371022

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E.O. 12356: DECL: DADR
TAGS: PREL, PHUM, PINR, CI
SUBJECT: OBTAINING A FAIR AND BALANCED RESOLUTION ON CHILE AT THE 1988 UNGA

1. ~~CONFIDENTIAL~~, ENTIRE TEXT.

SUMMARY
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2. IN THE OCTOBER 5, 1988 PLEBISCITE, THE CHILEAN PEOPLE VOTED TO HOLD OPEN PRESIDENTIAL AND CONGRESSIONAL ELECTIONS IN 1989 RATHER THAN RATIFY PINOCHET AS PRESIDENT FOR ANOTHER EIGHT YEARS. THIS IMPORTANT EVENT WAS CARRIED OUT IN AN ATMOSPHERE OF IMPROVED HUMAN AND CIVIL RIGHTS DUE TO STEPS TAKEN BY THE GOC. WHILE THE CONSTITUTION ALLOWS PINOCHET TO REMAIN IN POWER UNTIL MARCH 11, 1990 WITH HIS REGIME INTACT UNTIL THEN, THE PERIOD BETWEEN NOW AND THAT DATE HOLDS THE POTENTIAL FOR FURTHER IMPROVEMENTS IN HUMAN AND CIVIL RIGHTS.

3. WE UNDERSTAND THAT IMPORTANT MEMBERS OF THE EC ARE INTERESTED IN A SHORTER AND MORE BALANCED UNGA RESOLUTION ON CHILE WHICH WOULD RECOGNIZE THE PROGRESS REPRESENTED BY THE PLEBISCITE AND CERTAIN HUMAN RIGHTS IMPROVEMENTS AND ENCOURAGE PROSPECTS FOR FUTURE HUMAN RIGHTS ADVANCES AS CHILE MOVES BACK TOWARD DEMOCRACY. THE U.S. DOES NOT ITSELF WNAT TO INTRODUCE A RESOLUTION ON CHILE. IT WOULD,
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PAGE 03 STATE 371022

HOWEVER, IN ORDER TO STIMULATE MOVEMENT IN THIS AREA, BE PREPARED TO EXPLORE AND WHERE POSSIBLE ENCOURAGE THE E.C. TO INTRODUCE SUCH A RESOLUTION ON HUMAN RIGHTS IN CHILE AT THE 1988 UNGA. SUCH A RESOLUTION SHOULD RECOGNIZE THE IMPORTANT POSITIVE STEPS WHICH HAVE BEEN TAKEN BY THE GOC AS WELL AS INDICATE AREAS WHERE RIGHTS IMPROVEMENT IS STILL NEEDED. WE FEEL THAT THE BEST MEANS OF ACHIEVING THIS GOAL IS TO CONSULT WITH THE EC AND ENCOURAGE THOSE COUNTRIES WHO HAVE SHOWN AN INTEREST TO TAKE THE LEAD IN DRAFTING AND PRESENTING A RESOLUTION EITHER AS AN

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ALTERNATIVE TO OR IN LIEU OF THE UNBALANCED RESOLUTIONS SUBMITTED IN THE PAST BY MEXICO (WITH CUBAN SUPPORT).

4. THIS CABLE REQUESTS THE HELP OF ACTION POSTS IN CONSULTING WITH HOST GOVERNMENTS REGARDING THE SITUATION IN CHILE CREATED BY THE GOC'S RECENTLY-HELD PLEBISCITE AND RELATED HUMAN RIGHTS IMPROVEMENTS AND TO DISCUSS THEIR INTEREST IN AN EC RESOLUTION ON CHILE. IT REQUESTS THAT USUN ASSIST IN OPENING THE WAY FOR A MORE MODERATE AND BALANCED OUTCOME THAT WOULD RECOGNIZE THE PROGRESS ACHIEVED AND ENCOURAGE FURTHER IMPROVEMENT. INFO POSTS MAY LATER BE ASKED TO SEEK SUPPORT FOR SUCH A RESOLUTION SHOULD ONE EMERGE, AND MAY USE THE BACKGROUND MATERIAL PROVIDED IN THIS CABLE TO RESPOND TO QUESTIONS CONCERNING CHILEAN DEVELOPMENTS, ESPECIALLY AS THEY RELATE TO THE UNGA. END SUMMARY.

POST-PLEBISCITE CHILE AND THE TRANSITION:

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5. CHILE REMAINS CALM AFTER THE OCTOBER 5 PLEBISCITE ALTHOUGH THERE IS MUCH POLITICAL ACTIVITY TAKING PLACE. PINOCHET'S CANDIDACY FOR PRESIDENT IN THE OPEN ELECTIONS REMOTE POSSIBILITY, JUDGING BY COMMENTS BY MANY OF HIS FORMER CIVILIAN AND MILITARY SUPPORTERS THAT THE
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CONSTITUTION PREVENTS HIM FROM RUNNING AND THAT FEW WOULD BACK HIS CANDIDACY ANYWAY. THE 16 PARTIES WHICH FORMED THE "NO COMMAND" AGAINST PINOCHET IN THE PLEBISCITE REMAIN UNITED AND ARE DEBATING THE NOMINATION OF A SINGLE CANDIDATE FOR PRESIDENT IN THE 1989 ELECTION. AT THE SAME TIME, THE OPPOSITION HAS CALLED ON THE GOC TO NEGOTIATE POSSIBLE CHANGES IN THE CONSTITUTION AND MOVING FORWARD THE ELECTION DATE. WHILE SOME CONTACTS MAY HAVE TAKEN PLACE WITH NON-ARMY MEMBERS OF THE JUNTA NO MOVEMENT IN THE DIRECTION CALLED FOR BY THE OPPOSITION IS APPARENT.

6. CIVILIAN SUPPORTERS OF A "YES" VOTE IN THE PLEBISCITE ARE ALSO CAREFULLY WEIGHING THEIR OPTIONS FOR THE FUTURE. ON THE FAR LEFT, THE COMMUNIST PARTY REMAINS DIVIDED BETWEEN THOSE WHO FAVOR THE CONTINUED USE OF VIOLENCE AGAINST THE REGIME AND THOSE WHO SEEK ACCOMMODATION WITH

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THE DEMOCRATIC PARTIES FOR JOINT POLITICAL ACTION.

7. THE COMING WEEKS SHOULD BE MARKED BY INTENSE POLITICKING WITHIN AND AMONG THE DIFFERENT POLITICAL GROUPS. POLITICAL ACTIVITY SHOULD SLOW DOWN BY MID-DECEMBER AND MAY NOT FULLY RESUME UNTIL THE SOUTHERN HEMISPHERE SUMMER VACATIONS END IN MARCH. REGARDLESS OF THE PACE OF ACTIVITY, HOWEVER, IMPORTANT POLITICAL DECISIONS WILL BE TAKEN BY BOTH THE OPPOSITION AND FORMER SUPPORTERS OF THE "YES" CAMPAIGN, WITH THE MILITARY EVALUATING DEVELOPMENTS IN ORDER TO DETERMINE ITS OWN POSITION. THE OUTLOOK AND BEHAVIOR OF THE ARMED FORCES IS, OF COURSE, A CRUCIAL INGREDIENT IN CHILE'S TRANSITION TO DEMOCRACY.

THE U.S. POSITION: CONTINUED SUPPORT FOR FULL DEMOCRACY

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8. THE U.S. AND THE EUROPEAN DEMOCRACIES MADE A POSITIVE CONTRIBUTION IN SUPPORT OF A FREE AND FAIR PLEBISCITE PROCESS. WE WILL CONTINUE TO BACK A TRANSITION TO FULL DEMOCRACY IN CHILE WHICH IS ULTIMATELY THE BEST GUARANTEE OF CONTINUED HUMAN RIGHTS PROGRESS IN CHILE. AN IMPORTANT PART OF THIS EFFORT WILL BE TO ENCOURAGE THE GOC TO MAKE FURTHER PROGRESS IN THE AREA OF HUMAN AND CIVIL RIGHTS IN ORDER THAT THE POLITICAL ENVIRONMENT IN CHILE BE AS CONDUCIVE AS POSSIBLE TO DEMOCRATIC DECISION-MAKING. AT THE SAME TIME WE FEEL THAT CONTINUED IMPROVEMENTS IN HUMAN RIGHTS WILL STRENGTHEN THE GOC'S COMMITMENT TO A RESTORATION OF DEMOCRACY, FACILITATE DIALOGUE AND DEBATE ON ISSUES CRUCIAL TO THE FUTURE OF THE COUNTRY, ENCOURAGE MODERATION WITHIN THE OPPOSITION, AND DENY THE FAR LEFT AN ISSUE.

9. IN THIS LIGHT, WE FEEL THAT EC INTEREST IN THE ADOPTION OF A BALANCED, FAIR RESOLUTION ON CHILE AT THE UNGA COULD PLAY A ROLE IN STIMULATING MORE PROGRESS IN HUMAN AND CIVIL RIGHTS AS THE COUNTRY BEGINS PREPARATIONS FOR GENERAL ELECTIONS. DECISION-MAKING WITHIN THE GOC IN THE MONTHS AHEAD MAY BE INCREASINGLY DISTRIBUTED AMONG SEVERAL PLAYERS RATHER THAN CONCENTRATED ALMOST TOTALLY IN

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THE HANDS OF PINOCHET. A MORE MODERATE AND BALANCED RESOLUTION ON CHILE AT THE UN COULD STRENGTHEN MODERATION AND ENHANCE THE POSITION OF THOSE WHO FAVOR DIALOGUE BETWEEN POLITICAL FORCES AND FULLER RESPECT FOR HUMAN AND CIVIL RIGHTS. THIS IN TURN SHOULD LEAD TO AN INCREASED PUBLIC PERCEPTION THAT THE TRANSITION TO DEMOCRACY IS ON TRACK.

AN EC RESOLUTION AT THE UNGA:

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10. IN RECENT WEEKS WE HAVE RECEIVED A NUMBER OF INFORMAL INDICATIONS THAT RESPONSIBLE MEMBERS OF THE EC SUCH AS THE UK MIGHT BE INTERESTED IN THE WAKE OF THE PLEBISCITE IN A SHORTER AND MORE BALANCED UNGA RESOLUTION WHICH WOULD RECOGNIZE AND STIMULATE FURTHER PROGRESS ON THE PATH TO DEMOCRACY AND HUMAN RIGHTS IMPROVEMENT. THE DEPARTMENT WOULD LIKE TO CONSULT WITH EC NATIONS WHICH APPEAR FAVORABLY INCLINED TO SUCH AN OUTCOME AND EXCHANGE VIEWS AS TO HOW ONE MIGHT DEVELOP CONSENSUS AROUND A BALANCED RESOLUTION THAT WOULD REFLECT SUCH A MODERATE AND CONSTRUCTIVE APPROACH. SUCH A RESOLUTION, IF IT COULD BE DEVELOPED ON A TIMELY BASIS, MIGHT EVEN DISSUADE THE MEXICANS FROM PRESENTING A VERSION OF THEIR OWN, WHICH WE UNDERSTAND THEY ARE DRAFTING.

11. WE HAVE CONSULTED WIDELY WITH THE EC COUNTRIES ON CHILE IN THE PAST YEAR AND NOW MORE THAN EVER FEEL THAT OUR VIEWS ON THE NEED FOR A PEACEFUL, MODERATE TRANSITION TO DEMOCRACY ARE WIDELY RESPECTED, UNDERSTOOD AND SHARED. BY STATEMENTS AND ACTIONS, NEARLY ALL OF THE EC COUNTRIES HAVE EXPRESSED THEIR SATISFACTION WITH THE PLEBISCITE RESULT AND HAVE ACKNOWLEDGED THAT IMPROVEMENTS HAVE BEEN MADE IN RESPECT FOR BASIC RIGHTS IN CHILE. THIS LAYS THE FOUNDATION FOR A FAIR RESOLUTION CREATED AND SPONSORED BY THE EC THAT WE COULD SUPPORT AND WHICH WOULD BE MOST LIKELY TO ENCOURAGE THE GOVERNMENT OF CHILE TO CONTINUE ON THE DIFFICULT PATH TO DEMOCRACY AND THEREBY PERMANENT HUMAN RIGHTS IMPROVEMENT.

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ACTION REQUESTED.
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12. FOLLOWING UP ON INTEREST EXPRESSED, ACTION EMBASSIES (PLUS THE US MISSION TO THE EC AND EMBASSY VATICAN) ARE REQUESTED TO CONSULT WITH THEIR HOST GOVERNMENTS AND ORGANIZATIONS TO DISCUSS WITH THEM IN MORE DETAIL THEIR THOUGHTS ON THE PROSPECTS FOR A SHORTER AND MORE BALANCED EC RESOLUTION OF THE KIND DESCRIBED. WHERE INTEREST IS INDICATED, THEY SHOULD FURTHER ENCOURAGE THE EC NATIONS BY SUGGESTING THAT THEY DRAFT AND SUBMIT A RESOLUTION ON CHILE TO THE UNGA. IN PARTICULAR, IT MIGHT MAKE TACTICAL SENSE FOR A SMALL SUB-GROUP OF EC NATIONS TO TAKE THE LEAD IN NEW YORK AND ELSEWHERE IN EXPLORING THE POSSIBILITIES FOR SUCH AN OUTCOME. WE HAVE DISCUSSED THIS PROSPECT INFORMALLY WITH SOME OF THEM ALREADY AND FIND AN INTEREST IN PURSUING SUCH A COURSE. PARAGRAPH 16 CONTAINS SOME IDEAS FOR A SHORT, POSITIVE RESOLUTION WHICH CAN BE LEFT WITH YOUR INTERLOCUTORS. THE EC COUNTRIES SHOULD REALIZE THAT WE WHILE WE WOULD CONSIDER A TIMELY EXPRESSION OF SUPPORT FOR POSITIVE MOVEMENT TOWARDS A BALANCED RESOLUTION, WE WOULD LIKEWISE MOVE TO DISTANCE OURSELVES QUICKLY FROM A RESOLUTION IF NEGOTIATIONS ON A TEXT WERE TO EVOLVE IN AN UNACCEPTABLE WAY. THEY, OF COURSE, SHOULD UNDERSTAND THAT OUR VOTE ULTIMATELY WILL BE DETERMINED BY THE FINAL TEXT OF THE RESOLUTION. PLEASE REPORT RESPONSES TO DEPARTMENT, EC COLLECTIVE, SANTIAGO, SAN JOSE AND USUN.

13. FOR USUN: PLEASE CONSULT WITH KEY PERMREPS AND UN OFFICIALS TO ENCOURAGE SUPPORT FOR SUCH AN APPROACH AND PROVIDE US WITH YOUR THOUGHTS ON HOW WE SHOULD PROCEED TACTICALLY.

14. SANTIAGO: PLEASE KEEP IN TOUCH WITH KEY EC EMBASSIES TO MAKE SURE THEY CONTINUE TO SUPPORT SUCH AN APPROACH. IN ADDITION YOU SHOULD ENCOURAGE KEY CHILEAN ACTORS TO BE SUPPORTIVE OF THIS EFFORT.

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15. SAN JOSE: PLEASE ADVISE WHEN REPORT OF SPECIAL RAPPORTEUR VOLIO WILL BE MADE AVAILABLE.

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16. ELEMENTS OF POSSIBLE UNGA RESOLUTION ON CHILE

A. PREAMBULAR

--MAKE STANDARD REFERENCE TO UNGA'S HR RESPONSIBILITIES

--REFER TO OBLIGATION OF ALL COUNTRIES TO ABIDE BY HR INSTRUMENTS

--CITE PAST UNGA CONCERN ABOUT HR IN CHILE VIA SELECTED RESOLUTIONS, INCLUDING REFERENCE TO THE SPECIAL RAPPORTEUR

--CITE PERTINENT HRC RESOLUTIONS ON HR IN CHILE, INCLUDING REFERENCE TO THE MANDATE OF THE SPECIAL RAPPORTEUR

--GIVE A BOW TO NGO REPORTS ON CHILEAN HR.

--ACKNOWLEDGE THE OCTOBER 5 PLEBISCITE AS A POSITIVE EVENT IN PUTTING CHILE ON ROAD TO DEMOCRACY.

B. OPERATIVE

--ENDORSE THE REPORT OF SPECIAL RAPPORTEUR VOLIO

--ACKNOWLEDGE POSITIVE DEVELOPMENTS IN CHILE DURING THE PAST YEAR: E.G. ALLOWING RETURN OF ALL EXILES, LIFTING
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ALL STATES OF EXCEPTION WHICH LIMITED BASIC FREEDOMS, HOLDING A PLEBISCITE WHOSE VOTE WAS JUDGED FREE AND FAIR BY INTERNATIONAL OBSERVERS AND THE CHILEAN PEOPLE, ALLOWING POLITICAL PARTIES TO FUNCTION IN AN IMPROVED ATMOSPHERE FOR FREEDOMS OF ASSEMBLY, EXPRESSION, AND ASSOCIATION

--IDENTIFY HR PROBLEMS WHICH PERSIST, SUCH AS HARASSMENT

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OF PRINT JOURNALISTS, CONTINUED USE OF INTERNAL EXILE, LIMITATIONS ON LABOR RIGHTS, AND CONTINUED INCURSION OF MILITARY COURTS ON CIVILIAN JURISDICTION

--CONDEMN TERRORIST VIOLENCE FROM WHATEVER SOURCE AS CONTRARY TO THE DEMOCRATIC ASPIRATIONS OF THE GREAT MAJORITY OF CHILEANS AND NOT IN KEEPING WITH CHILE'S PROUD DEMOCRATIC HISTORY

--CALL ON THE GOC AND ALL CHILEANS TO MAINTAIN STEADY PROGRESS TOWARD INCREASED PRACTICE OF DEMOCRACY AND RESPECT FOR HR.

--CALL ON UN MEMBERS TO CONTINUE TO BE SUPPORTIVE OF EFFORTS THAT WILL REINFORCE THE CHILEAN RETURN TO DEMOCRACY AND THE FREE EXPRESSION OF CIVIC DEBATE ON HOW BEST TO IMPLEMENT SUCH A MOVEMENT.
WHITEHEAD

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ACTION MEMORANDUM ~~CONFIDENTIAL~~ S/S 11/18/88
(~~SECRET~~ Attachment)

TO: The Secretary

THRU: D - Mr. Whitehead

FROM: ARA - Elliott Abrams
L - Abraham D. Sofaer

PD

SUBJECT: Letelier Case: Next Steps

ISSUE FOR DECISION

Whether to execute a series of steps designed to continue our pursuit of justice in this case of international terrorism in a manner consistent with our support for a transition to democracy in Chile.

ESSENTIAL FACTORS

On August 30, 1988, Acting Secretary Whitehead approved a plan (Action Memo at Tab A) to invoke a 1914 bilateral treaty with Chile to bring about an international investigation into responsibility for the 1976 Letelier/Moffitt killings. At the time we initially recommended that decision, we planned to invoke the treaty before the nomination of Pinochet as a candidate in the October 5 plebiscite. As events developed, we were unable to act sufficiently in advance of the plebiscite to avoid the appearance that our purpose was to interfere in the vote. Hence, we decided to postpone implementing that decision until the plebiscite had been completed.

In the interim, a new problem has arisen. Legislation is now pending in the Congress that would authorize the families of the victims to attach Chilean property in the U.S. to satisfy an outstanding $10 million judgment. We persuaded Senator Kennedy to keep this legislation on hold pending our next steps.

We understand that you have requested that we submit for your approval the steps we would now take in implementing the Acting Secretary's decision. If approved, the following series of steps could be taken during the next two weeks. ARA would manage the process with a view towards avoiding or minimizing any adverse effect on our broad effort to support a transition to democracy in Chile. L would carry out the legal process in full coordination with ARA.

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STEP ONE: Notify Commission President

Of the five commissioners called for under the terms of the 1914 treaty, two are appointed by each party (one national and one non-national) and a fifth member agreed to by both parties serves as President. In 1965, the United States and Chile agreed that Suzanne Bastid of France should serve as President. Madame Bastid is a respected international lawyer, but she is now 82 years old and resportedly in frail health. L would contact Madame Bastid to determine if she remains willing and able to serve. If not, we would have to propose to Chile simultaneously with invocation of the Treaty a new candidate for President. In the absence of agreement, the Swiss President may appoint the President of the Commission.

STEP TWO: Identify and Appoint Commissioners

The Legal Adviser will identify potential national and non-national U.S. Commissioners and contact these people concerning their availability to serve. Once he has made a selection, you will send them formal appointment letters in due course.

STEP THREE: Inform the Congress and the Families

Simultaneously with step four, we will wish to brief the Hill and the families of the victims. It should be noted that during steps one and two, our intentions will have to be discussed with persons outside the government and thus we run the risk of our plan being prematurely leaked to Chile.

STEP FOUR: Invoke the Treaty

We will deliver to the GOC in Washington a diplomatic note invoking the Treaty and convoking the Commission. We will inform the GOC of the names of the U.S. appointed commissioners, a U.S. proposal for a new President if we have previously determined that Madame Bastid is unable to serve, a proposed set of procedures to be followed, and a precise definition of the matter we wish the Commission to investigate. At the same time, we will inform the President of the Commission and the other Commissioners of our action and request the Commission to meet as soon as possible to organize itself and its work.

We believe we should invoke the treaty before our new Ambassador to Chile arrives in mid-December. This time period offers several advantages. Selection of candidates or campaigning for the 1989 Chilean general elections have not yet begun, and we can therefore invoke the treaty without credibly being accused of attempting to influence Chile's internal

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political process. At the same time, the Commission's report will not be due until one year after invocation of the Treaty. Hence, it will come only after the Chilean election and cannot credibly be seen as an effort to affect the current government.

STEP FIVE: Explain Our Action to the Chileans

Immediately upon presenting our diplomatic note invoking the Treaty, we will call on Junta members, other key GOC officials, and high-ranking military officers to explain our reasons for proceeding with this step. Our arguments will center on the fact that lack of progress by the GOC in bringing to justice those guilty of the Letelier/Moffitt murders and in responding to the U.S. claim against Chile arising out of this matter constitutes a major obstacle to the reestablishment of normal relations between the U.S. and Chile. By law, we may not sell arms or provide military training to Chile until the GOC takes action on the case. Regardless of other steps the GOC may take, the Letelier matter must be eventually dealt with in order for fully normal relations to come about.

We will underscore our belief that the 1914 treaty offers a way for making progress on the case and, subsequently, improving relations with Chile. Should the Chilean Government pledge to cooperate in the work of the investigative commission envisioned by the treaty, this could provide grounds for us to request from Congress greater flexibility in dealing with the Chilean military even as the investigation proceeds. The rewards for cooperation might be greater professional contact with the U.S. armed forces. This is a potentially strong argument because some elements in the Chilean military have long considered Letelier, and Pinochet's heavy-handed cover up, as an embarrassment to the institution. Apart from possibly Pinochet himself, no active duty Chilean military officer appears to be even potentially implicated in the assassination plot. Pinochet might further weaken his already-damaged legitimacy and possibly undercut his military support if he refuses to allow the investigation and thereby closes the door to better military relations with the U.S.

We will also stress the potential for improved relations if Chile were to satisfy the 12 million dollar U.S. claim which we have espoused on behalf of the families of the victims and to cover USG damages resulting from the assassination. Chile can satisfy this claim without admitting fault. We will stress that lack of cooperation or obstruction could increase bilateral tensions and cause Congress to become wary of any USG efforts to ease legislative or political restrictions impeding the establishment of more normal relations. Particularly, lack of cooperation by the GOC on the claim appears likely to result in congressional action to change the Foreign Sovereign Immunities Act by broadening attachment provisions, which would

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be economically and politically harmful to Chilean interests by exposing Chilean assets in the United States to attachment, thereby straining U.S.-Chilean relations rather than leading towards normalization.

Our arguments in favor of cooperation should carry much weight. We have consistently treated the Letelier case as a legal and moral rather than a political matter, and our intentions have for the most part been correctly perceived in Chile. We are confident that public opinion in Chile would continue to view our actions in invoking the treaty and pressing the claim as responsible steps aimed at obtaining justice in the case, steps which the GOC could not exploit to its political advantage. It has tried to fend off other U.S. initiatives on Letelier by claiming that the matter should be submitted to international arbitration. The treaty we are now proposing to invoke provides for arbitration if the parties are unable to reach a settlement on the basis of the findings of the investigative commission. Invocation should therefore be seen by Chileans as a proper and legal step in keeping with the accepted norms of international behavior, not as an attempt to interfere in Chilean political life. The morality of our position is a strong argument to be used now in discussing the Letelier matter with the highly nationalistic Chilean military.

STEP SIX: Consult With Congress

Convincing domestic reasons for prompt invocation of the treaty also exist. The House has passed legislation to amend the Foreign Sovereign Immunities Act (FSIA) to allow inter alia for attachment of Chilean property in the U.S. as a means of obtaining compensation for the families of the victims in the Letelier-Moffitt case. Senate action was only narrowly avoided this session and, based on our consultations on the Hill, we have good reason to believe that the legislation applicable to Chile will be reintroduced and passed by the Congress unless we can convince them that we are taking effective action on our own to further pursue the case and secure compensation for the victims' families.

Should the Congress act to change the FSIA with retroactive effect as now planned, important Chilean assets, such as a LAN Chile airplane, could be attached to satisfy the $10 million outstanding judgment. Such a step would establish a very harmful precedent of economic sanctions against Chile and hand Pinochet and others a useful means of fomenting a nationalistic reaction against the U.S. While differences exist within the Department concerning the merits of supporting or opposing such legislation as a general matter, ARA feels strongly that we should in any event attempt to keep Letelier out of the scope of any future legislation. The best way of

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doing so is by taking prompt action on the Treaty and by pressing our claim strongly on the diplomatic front. This may help buy time, but it does not assure that Congress will not act next year to change the FSIA with a retroactive impact on Chile.

Should the Commission find that officials of the Chilean Government were responsible for the crime, it would strengthen our claim that Chile should pay damages. However, the Commission itself is not constituted to assess damages. Our goal will therefore be to try to convince Congress that invocation of the 1914 Treaty holds the potential for progress not only in determining criminal responsibility in the case but that perhaps through the Commission process we also may obtain just compensation for the victims' families. We will point out to key members that amendments to the FSIA could be counter-productive to democracy in Chile by producing a nationalistic backlash in favor of Pinochet. We will make a large effort to get these key points across.

FUTURE STEPS:

If Chile cooperates with the Commission, we can expect that the Commission's Report will not come out until after the December, 1989 elections. Chilean cooperation will open up opportunitiesto renew cooperation with Chile on other fronts. But unless the claim is satisfied, it will always be a major irritant in U.S.- Chilean relations. And if Congress were to pass legislation making possible attachment of Chilean assets, our whole relationship is likely to be affected. Thus, our important message to Chile will be to cooperate with us on all fronts to put the Letelier case behind us.

RECOMMENDATION

That you approve the above steps in order that invocation of the 1914 Treaty proceed.

NOV 28 1988 Approve ✓ Disapprove _____

Attachment: (Tab A Action Memo)

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drafters: ARA/SC PDeShazo
L/ARA DColson
ARA MKozak

x2575 11/16/88 SEARASC 3187

clearances: ARA/SC RHoward
ARA MSkol
ARA MKozak
P STomchik

L MMochary

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Chile Project (#S199900030)
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Exemption(s) ____

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PAGE 01 USUN N 03899 162348Z
ACTION IO-19

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P 162345Z NOV 88
FM USMISSION USUN NEW YORK
TO SECSTATE WASHDC PRIORITY 9269
INFO AMEMBASSY LIMA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY SANTIAGO

C O N F I D E N T I A L USUN NEW YORK 03899

DEPARTMENT PASS EC COLLECTIVE

E.O. 12356: DECL: OADR
TAGS: PREL, PHUM, PINR, CI
SUBJECT: OBTAINING A FAIR AND BALANCED RESOLUTION ON CHILE AT THE L988 UNGA

REFERENCE: STATE 371022

1. (CONFIDENTIAL - ENTIRE TEXT)

2. SUMMARY: WHILE CHILE WOULD PREFER NO HUMAN RIGHTS RESOLUTION AT ALL, CHILEAN PERMREP HAS DISCUSSED UN RESOLUTION WITH EUROPEANS AND SOUTH AMERICANS. ALL WANT A BALANCED PRODUCT. PERU IS WORKING ON MEXICO. THERE IS NEITHER A MEXICAN DRAFT YET NOR HAS REFTEL IDEA SURFACED OF A EUROPEAN DRAFT. END SUMMARY.

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PAGE 02 USUN N 03899 162348Z

3. WITHOUT ALLUDING TO ONGOING DISCUSSIONS AIMED AT AN ALTERNATIVE HUMAN RIGHTS DRAFT, ARA AREA ADVISER RONDON AND MISOFF NAHAS CALLED ON CHILEAN PERMREP DAZA ON NOV. 15. MISOFFS ASKED DAZA FOR STATUS REPORT ON EXPECTED CHILEAN HUMAN RIGHTS RESOLUTION.

4. DAZA SAID CHILE WOULD LIKE TO BE TREATED LIKE OTHER COUNTRIES AND HAVE NO HUMAN RIGHTS RESOLUTION AT ALL. HE STATED THAT IT IS HYPOCRISY FOR COUNTRIES LIKE ALGERIA (WHERE 200 DIED OCT. 5 CHILEAN PLEBISCITE DAY) OR YUGOSLAVIA (WHERE DEATHS ALSO OCCURRED SAME DAY) TO COSPONSOR HUMAN RIGHTS RESOLUTIONS WITH MEXICO (THAT JUST CELEBRATED FLAWED ELECTION). IN ANY CASE, DAZA STATED HE IS RESIGNED TO SOME KIND OF RESOLUTION, ALTHOUGH NONE HAS CIRCULATED TO DATE.

5. HE REPORTED THAT PERUVIAN PERMREP ALZAMORA HAS PROMISED TO TALK TO MEXICO TO SEEK A MODERATE RESOLUTION. DAZA SAID THIS IS ALSO DESIRE OF PERMREPS OF ARGENTINA, URUGUAY, FRG, AND UK. HE FELT GREEK AND SPANISH PERMREPS WERE SYMPATHETIC, ALTHOUGH ATTITUDES OF THEIR GOVERNMENTS ARE UNCLEAR.

6. MISOFFS STATED THAT USUN IS BEGINNING CONSULTATIONS AND, WHILE IT IS UNREALISTIC TO THINK OF NO RESOLUTION, UNITED STATES WANTS A BALANCED, HONEST RESULT THAT HELPS DEMOCRACY.

7. DAZA FEARED THAT AN UNBALANCED RESOLUTION COULD ONLY FAVOR EXTREMIST FORCES IN CHILE, WHEN MOOD OF COUNTRY IS VERY MUCH IN FAVOR OF CENTRIST SOLUTIONS.
WALTERS

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PAGE 03 USUN N 03899 162348Z

NOTE BY OCT: NOT PASSED EC COLLECTIVE.

Chile Project (#S199900030)
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DRAFT DIP. NOTE

The Department of State presents its compliments to the Embassy of Chile and refers to the Treaty for the Settlement of Disputes that may Occur Between the United States and Chile, which entered into force on January 19, 1916.

The United States recalls that in 1972 the Government of Chile appointed Edmundo Vargas Carreno and Manfred Lachs as Commissioners to the International Commission of Investigation appointed by Chile under Article II of the Treaty, and that in 1965 the parties jointly appointed Suzanne Bastid to serve as President of the Commission. The United States has the honor to inform the Government of Chile that in accordance with Article II it has appointed on this date _____ of the United States and _____ of _____ as Commissioners appointed by the United States. A curriculum vitae of each person is attached. The United States has today informed the previously appointed Commissioners of this development.

The Department notes that Article I of the Treaty states that the Parties "agree that all disputes that may arise in the future between them, shall, when diplomatic methods of adjustment have failed, be submitted for investigation and report" to the Commission which is now constituted. The United States has attempted to resolve, through diplomatic methods,

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the dispute between the United States and Chile concerning the involvement of officials of the Government of Chile in the deaths of Orlando Letelier and Ronni Moffitt in Washington, D.C. on September 21, 1976 and the continued failure of the Government of Chile to cooperate fully in the investigation of those murders. Accordingly, the United States today is submitting to the International Commission for its investigation and report this matter and hereby, pursuant to Article III of the Treaty, convokes the Commission. The United States has so informed the Commissioners.

Specifically, the United States requests the Commission to investigate and report upon the facts surrounding the deaths of Orlando Letelier and Ronni Moffitt in Washington, D.C. on September 21, 1976, including the involvement of Chilean Government officials in those deaths, and to investigate and report upon the extent to which officials of the Government of Chile obstructed subsequent investigations into the deaths.

L/ARA:DAColson
Tempest DD51 11/17/88 ext. 7-5154

Cleared: L:RDalton
L:MVMochary
L/CID:RBettauer
ARA:MGKozak
ARA:MSkol
ARA/SC:RHoward

UNCLASSIFIED 11/1/04 NNDO0144

ALAN J. DIXON
ILLINOIS

P880138-1203

United States Senate

WASHINGTON, DC 20510-1301

COMMITTEE ON ARMED SERVICES
BANKING, HOUSING, AND URBAN AFFAIRS
SMALL BUSINESS

Chile Project (#S199900030)
U.S. Department of State
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Declassify: In Part____ In Full____
Exemption(s) B6

EXCISE P B6

November 17, 1988

TO: U.S. Department of State
Congressional Relations
H7256
2201 C Street, N.W.
Washington, D.C. 20520

ACTION is assigned to FRA 47

FROM: Alan J. Dixon
United States Senator

I am enclosing a copy of an inquiry that I received from [redacted].

Because of this office's desire to be responsive to all communications, your consideration of the attached is requested.

Your findings and views, in duplicate form along with the return of this correspondence, will be appreciated.

Please Respond To:

Andrew J. Prazuch
Staff Assistant to
Alan J. Dixon, U.S.S.
230 South Dearborn Street
Chicago, IL 60604

(3)

Re: Questions about what our government is doing about Human Rights violations in Chile.

RECEIVED BY DEPARTMENT OF STATE
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FAIM/IAP/WI

OUT 1988 NOV 30 PM 2:15

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202-224-2854
301 HART BUILDING
WASHINGTON, DC
20510-1301

CHICAGO OFFICE
312-353-5420
230 SOUTH DEARBORN
CHICAGO, IL
60604

EAST ST. LOUIS OFFICE:
618-398-7920
8787 STATE STREET
EAST ST. LOUIS, IL
62203

MOUNT VERNON OFFICE:
618-244-8703
105 SOUTH 5TH STREET
MOUNT VERNON, IL
62864

SPRINGFIELD OFFICE:
217-492-4126
6TH AND MONROE
SPRINGFIELD, IL
62701

Chile Project (#S199900030)
U.S. Department of State
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Exemption(s) ____

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United States Department of State

Washington, D.C. 20520

7/7/21

(R)

~~DRAFT~~ MEMORANDUM FOR COLIN L. POWELL
THE WHITE HOUSE

Subject: Invocation of a 1914 treaty with Chile to convoke an international commission to investigate the 1976 assassinations of Orlando Letelier and Ronni Moffitt in Washington, D.C.

The Secretary has approved the invocation by the United States of a 1914 treaty with Chile which provides for the submission of disputes between the two countries to a five person international commission. We will ask the commission to investigate and report upon the facts surrounding the September 1976 deaths in Washington, D.C. of Orlando Letelier and Ronni Moffitt, including the involvement of Chilean Government officials, and the extent to which officials of the Government of Chile obstructed subsequent investigations into the deaths.

The State Department has decided to take this action in the hope of finally bringing this matter to a fair and just resolution. For twelve years, the Government of Chile has thwarted the various legal steps taken by both the Department and the victims' families to prosecute the individuals who planned and carried out the assassination, to compensate the victims' families, and to redress this insult to the United States and this violation of our sovereignty. Whether invocation of the 1914 treaty will prove fully successful is uncertain; at a minimum, though, it should underscore our resolve to continue to seek justice in this matter.

The Department of Justice has concurred in this decision. We hope to initiate this action prior to the date on which our new Ambassador to Chile assumes his post in mid-December.

Melvyn Levitsky
Executive Secretary

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[redacted]

Drafted:L/ARA:DFries
Tempest ddl 11/17/88 ext. 7-5154

Cleared:L/ARA:MAdler

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SECRET

L/ARA: DACOLSON
11/17/88 X76328 DOC. DD2
L:DACOLSON

L/ARA:RDALTON
EUR/WE:ECASEY
ARA:MKOZAK

ARA/SC:RHOWARD
ARA:MSKOL

IMMEDIATE PARIS

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

DECL:OADR

FR

REQUEST FOR INFORMATION ON SCHEDULING AN APPOINTMENT WITH PROFESSOR SUZANNE BASTID

1. SECRET - ENTIRE TEXT. THIS IS AN ACTION MESSAGE.

2. DEPARTMENT REQUESTS THAT EMBASSY DETERMINE WHEREABOUTS OF PROFESSOR AND INTERNATIONAL LEGAL SCHOLAR SUZANNE BASTID AND IF SHE IS IN FRANCE CONTACT HER. THE MOST RECENT ADDRESSES AVAILABLE TO DEPARTMENT ARE 88 RUE DE GRENELLE, 75007, PARIS AND 71550 ANOST FRANCE (HOME). SHE IS A PROFESSOR EMERITUS AT THE FACULTY OF LAW, ECONOMICS AND SOCIAL SCIENCES OF THE UNIVERSITY OF PARIS, A PAST PRESIDENT OF THE FRENCH SOCIETY OF INTERNATIONAL LAW, AND A MEMBER OF INSTITUTE OF FRANCE. MME BASTID IS 82, BUT HAS BEEN PROFESSIONALLY ACTIVE AS RECENTLY AS 1985 WHEN SHE SAT AS AN AD HOC JUDGE AT THE INTERNATIONAL COURT OF JUSTICE. EMBASSY IS REQUESTED TO ASCERTAIN THE STATE OF HER HEALTH AND LEVEL OF CONTINUING PROFESSIONAL ACTIVITY. SPECIFICALLY EMBASSY IS REQUESTED TO ASK HER SCHEDULE OVER THE NEXT TWO MONTHS AND ASK WHETHER SHE WOULD BE AVAILABLE WITHIN THE NEXT TWO-THREE

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WEEKS TO MEET AT HER CONVENIENCE FOR AN HOUR OR SO WITH USG OFFICIALS TO DISCUSS HER POSSIBLE INVOLVEMENT IN AN INTERNATIONAL DISPUTE SETTLEMENT MATTER OF CONCERN TO THE UNITED STATES. YOU MAY INFORM HER THAT THE MATTER RELATES TO HER FUNCTIONS AS PRESIDENT OF THE COMMISSION ESTABLISHED IN THE 1914 TREATY BETWEEN CHILE AND THE UNITED STATES. YOU SHOULD REQUEST THAT SHE KEEP THAT INFORMATION STRICTLY CONFIDENTIAL AS NO FINAL DECISIONS HAVE BEEN MADE TO INVOKE THE TREATY AND WE WISHED TO DISCUSS THIS WITH HER BEFORE TAKING ANY STEPS UNDER THE TREATY. ANY ADDITIONAL INFORMATION REGARDING MME BASTID'S RECENT ACTIVITIES, JUDGMENT, POLITICAL LEANINGS, HEALTH ETC. THAT EMBASSY CAN DISCRETELY OBTAIN WOULD ALSO BE APPRECIATED.

3. STRICTLY FYI. DEPARTMENT PLANS TO CONVOKE THE INTERNATIONAL COMMISSION OF INVESTIGATION, AS PROVIDED IN A 1914 TREATY WITH CHILE, TO INVESTIGATE THE ASSASSINATION OF ORLANDO LETELIER IN WASHINGTON IN 1976. UNDER THE TREATY, EACH COUNTRY SELECTS TWO COMMISSIONERS, AND TOGETHER THEY SELECT A FIFTH COMMISSIONER WHO SERVES AS PRESIDENT. IN 1965 CHILE PROPOSED MME BASTID AS PRESIDENT, THE U.S. ACCEPTED THE PROPOSAL AND MME BASTID ACCEPTED THE POSITION, AND TO DEPARTMENT'S KNOWLEDGE SHE HAS NEVER RESIGNED IT. EITHER PARTY MAY WITHDRAW ITS APPROVAL OF THE PRESIDENT AT ANYTIME BEFORE INVESTIGATION BEGINS.

4. THIS TREATY HAS NEVER BEEN INVOKED, AND MME BASTID MAY HAVE LONG SINCE FORGOTTEN HER COMMISSION AS PRESIDENT. HER NEUTRAL PARTICIPATION AND LEADERSHIP OF THE COMMISSION, HOWEVER, IS IMPORTANT TO A SUCCESSFUL INVESTIGATION. HER STATUS WITHIN THE INTERNATIONAL COMMUNITY DESERVES RESPECT AND WE ARE SOMEWHAT CONCERNED ABOUT PLACING HER INTO THIS POSITION WITHOUT NOTICE. USG PLANS TO INVOKE THE TREATY UNILATERALLY AND FOR THE TIME BEING ALL PLANS ARE CONFIDENTIAL. WE BELIEVE, HOWEVER, THAT WE SHOULD GIVE HER A HEADS UP AND NOT SURPRISE HER, EVEN AT RISK SHE MAY LEAK U.S. THINKING TO CHILE. EMBASSY SHOULD NOT DISCLOSE TO HER THE SUBJECT OF A POTENTIAL INVESTIGATION. THE PURPOSE OF THE MEETING REFERRED TO IN PARA 2 WOULD BE TO INFORM HER MORE SPECIFICALLY OF U.S. INTENTIONS. END FYI.

5. AS THE PLAN IS TO MOVE ON THIS BY THE END OF NOVEMBER, DEPARTMENT WOULD APPRECIATE RESPONSE SOONEST.

Chile Project (#S199900030)
U.S. Department of State
Release X Excise Deny
Declassify: In Part In Full X
Exemption(s)

DRAFT LETTER TO PRESIDENT

Dear Madame Bastid:

I am writing to you in your capacity as President of the International Commission established by the Treaty for the Settlement of Disputes that May Occur Between the United States and Chile, signed at Washington July 24, 1914. (Copy attached at Tab A.) The United States wishes to submit to the Commission a dispute between the United States and Chile involving the assassination of Orlando Letelier and Ronni Moffit in Washington, D.C. in 1976.

The United States Government has credible evidence proving that Chilean Government officials were responsible for planning and directing this assassination and for obstructing subsequent investigations into the assassination. (A summary of the United States understanding of the facts underlying the dispute is attached at Tab B.) The United States Government has repeatedly sought the cooperation of the Government of Chile on repeated occasions in this regard -- in its request for extradition of the responsible Chilean officials, in its request that those officials be criminally prosecuted in Chile, in its request that those individuals be expelled to the United States, in its request that the Government of Chile appoint a special investigator to prosecute the criminal case in Chile, and, finally, in its request that the Government of Chile compensate the United States citizens and the United States Government for injuries suffered as a result of the assassinations. The Government of Chile has rejected each request. (A chronicle of diplomatic efforts to resolve this dispute is attached at Tab C.)

This dispute is admissible before the International Commission established under the terms of the 1914 treaty between the United States and Chile. Article I of that treaty provides that "all disputes" between the United States and Chile "shall, when diplomatic methods of adjustment have failed, be submitted for investigation and report" to the International Commission. The responsibility of the Government of Chile for an assassination committed in the United States and injuring United States citizens is a matter of dispute between the United States and Chile, which the United States Government has unsuccessfully attempted to resolve through diplomatic means.

Article II of the Treaty provides for an International Commission of Investigation composed of five members. In accordance with that Article, in 1965 the United States and Chile agreed that you should serve as the President of the International Commission, and in 1972 the Government of Chile

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appointed as its Commissioners Edmundo Vargas Carreno of Chile and Manfred Lachs of Poland. The United States has today appointed as its Commissioners _____ of the United States and _____ of _____.

Pursuant to Article III of the Treaty, the United States hereby submits this dispute to the Commission. The United States requests that the Commission investigate and report upon the facts surrounding the deaths of Orlando Letelier and Ronni Moffit in Washington, D.C. on September 21, 1976, including the involvement of Chilean Government officials in those deaths, and to investigate and report upon the extent to which officials of the Government of Chile obstructed subsequent investigations into the deaths.

An International Commission of Investigation has never been convoked under the 1914 Treaty, and the United States Government recognizes that the Commission will be faced with novel questions, including what procedures it should adopt in conducting its investigation. The United States respectfully suggests that the rules for international commissions of inquiry contained in Part III of the Hague Convention for the Pacific Settlement of International Disputes of October 18, 1907 provide a useful guide. (A copy of these rules is attached at Tab D.)

Attached at Tab E is a list of the other Commission members with their phone numbers and addresses. The United States stands ready to assist you in any way possible as you organize the Commission. The co-agents for the United States in this matter are Mr. David A. Colson, Assistant Legal Adviser for Inter-American Affairs of the Department of State, and Mr. Robert E. Dalton, the Department's Counselor on International Law. Their respective telephone numbers are (202) 647-6328 and (202) 647-7990.

You may also call upon the U.S. Embassy in Paris in relation to administrative issues associated with this matter. Your contact at the Embassy is _____. I am sending a copy of this letter to each of the other Commissioners. The Government of Chile is also being informed today of the action taken by the United States to convoke the Commission.

Sincerely,

Abraham D. Sofaer
Legal Advisor

Attachments
As Stated

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Drafted:L/ARA:DDarm
Tempest DD38 11/17/88 ext. 7-5154

Cleared: L:RDalton
L:MVMochary
L/CID:RBettauer
ARA:MGKozak
ARA:MSkol
ARA/SC:RHoward

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PAGE 01 USUN N 03918 01 OF 04 172334Z
ACTION IO-19

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Chile Project (#S199900030)
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MONTREAL FOR USREP ICAO
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PARIS FOR UNESCO OBSERVER

HAMBURG PLEASE PASS TO AMBASSADOR OKUN

E.O. 12356: DECL:OADR
TAGS: UNGA, PREL
SUBJECT: 43RD UNGA DAILY CLASSIFIED SUMMARY -
- NOVEMBER 16, 1988

1. (LOU) TABLE OF CONTENTS:

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3RD COMM: BALANCED RES ON CHILEAN HUMAN RIGHTS (USUN 3899

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Page 3 has been eliminated because it is entirely irrelevant.

ACTION IO-19

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AMEMBASSY NAIROBI

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MONTREAL FOR USREP ICAO
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E.O. 12356: DECL:OADR
TAGS: UNGA, PREL
SUBJECT: 43RD UNGA DAILY CLASSIFIED SUMMARY -

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Pages 5 and 6 have been eliminated because they are entirely irrelevant.

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MONTREAL FOR USREP ICAO
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TAGS: UNGA, PREL
SUBJECT: 43RD UNGA DAILY CLASSIFIED SUMMARY -

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NR

[redacted]

3RD COMM: BALANCED RES ON CHILEAN HUMAN RIGHTS (USUN 3899)

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14. (C) WHILE CHILE WOULD PREFER NO HUMAN RIGHTS RESOLUTION AT ALL, CHILEAN PERMREP HAS DISCUSSED UN RESOLUTION WITH EUROPEANS AND SOUTH AMERICANS. ALL WANT A BALANCED PRODUCT. PERU IS WORKING ON MEXICO. THERE IS

NEITHER A MEXICAN DRAFT YET NOR HAS IDEA OF A EUROPEAN DRAFT SURFACED.

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PAGE 01 USUN N 03918 04 OF 04 172336Z
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MONTREAL FOR USREP ICAO
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SUBJECT: 43RD UNGA DAILY CLASSIFIED SUMMARY -

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NSAE-00 AMAD-01 PM-10 INRE-00 SP-02 C-01 P-02
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DRAFTED BY ARA/SC:P C DESHAZO:PCD
11/18/88 X72407
APPROVED S:GPSHULTZ
ADDITIONAL CLEARANCES: ARA/SC:RDHOWARD; ARA/FO:MSKOL, ARA:EABRAMS
S/S:RMMUELLER, S/S-ODTROTTER S:LCJOHNSON
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P 192126Z NOV 88
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TO AMEMBASSY SANTIAGO PRIORITY

~~C O N F I D E N T I A L~~ STATE 377706

E.O. 12356: DECL: OADR
TAGS: PREL, PHUM, CI
SUBJECT: SECRETARY'S MEETING WITH CHILEAN FOREIGN
MINISTER HERNAN FELIPE ERRAZURIZ, NOVEMBER 18, 1988

1. ~~CONFIDENTIAL~~, ENTIRE TEXT.

2. SUMMARY. THE SECRETARY MET WITH CHILEAN FOREIGN MINISTER HERNAN FELIPE ERRAZURIZ AT THE DEPARTMENT ON NOVEMBER 18, 1988. ERRAZURIZ DESCRIBED TO THE SECRETAR THE OBJECTIVES OF THE GOC DURING THE TRANSITIONAL PERIOD DURING THE NEXT 15 MONTHS. THE KEY ELEMENT WITHIN THE GOC IN SHAPING POLICY, HE CLAIMED, IS A TEAM OF FOUR ECONOMISTS (HIMSELF INCLUDED) NOW IN CHARGE OF THE MINISTRIES OF FOREIGN AFFAIRS, THE INTERIOR, FINANCE, AND MINING. KEY ISSUES TO BE DEALT WITH ARE FURTHER PRIVATIZATION OF THE ECONOMY, INCLUDING THE CENTRAL BANK, EXAMINING ANY POSSIBLE AMENDMENTS TO THE CONSTITUTION, AND DEALING WITH THE CHURCH. WHILE GUARDEDLY OPTIMISTIC THAT
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NOTED THAT THE "OLD GUARD" OF THE CHILEAN COMMUNIST PARTY (PCCH) IS STILL IN CHARGE AND THAT THE PARTY HAS NOT RENOUNCED TERRORISM. THE KEY QUESTION, HE SAID, IS NOT WHETHER CHILE WILL BE DEMOCRATIC OR NOT BUT WHETHER IT WILL HAVE A FREE SOCIETY AND ECONOMY OR A SOCIALIST ONE. CONSERVATIVES, CENTRISTS, AND EVEN SOME SOCIALISTS CAN PLAY A POSITIVE ROLE IN THIS, HE SAID, BUT PRESSURE ON THE GOC TO CHANGE ECONOMIC POLICIES FROM BOTH WITHIN AND OUTSIDE THE GOVERNMENT ARE GROWING STRONGER. HE DEMOANED SIGNS OF ALLEGED COOPERATION BETWEEN DEMOCRATS IN THE OPPOSITION AND THE PCCH AND NOTED THAT RICARDO LAGOS IS CERTAIN TO BE THE KEY OPPOSITION LEADER OF THE FUTURE. HE CALLED ON THE SECRETARY FOR U.S. UNDERSTANDING OF THE GOC'S POSITION AND TO SUPPORT THE TRANSITION TO DEMOCRACY AGAINST WHAT HE CONSIDERED AN ANTI-GOC ATTITUDE IN EUROPE AND LATIN AMERICA. HE LAMENTED THE GSP/OPIC CUTOFF DECISION OF LAST YEAR AND LACK OF MILITARY RELATIONS WI'H THE U.S.

3. THE SECRETARY NOTED THAT THE USG ADMIRES THE ECONOMIC POLICIES OF CHILE AND WISHES TO SEE A TRANSITION TO FULL DEMOCRACY TAKE PLACE IN THE CONTEXT OF ECONOMIC LIBERTIES. CHILE, HE CLAIMED HAS THE BEST ECONOMY IN LATIN AMERICA AND THE USG HOPES THAT THE POLICIES WHICH HAVE GUIDED IT TO SUCH SUCCESS WILL SURVIVE THE TRANSITION TO DEMOCRACY. THE U.S., HE STATED, WISHES TO IMPROVE ITS RELATIONSHIP WITH THE GOC AND NOTED THAT THE LETELIER CASE CONTINUES TO BE AN IRRITANT IN BILATERAL RELATIONS. HE REPEATEDLY URGED THE GOC TO TAKE ACTION ON THIS CASE. THE PLEBISCITE, HE STATED, WAS A WATERSHED EVENT WHICH CAN HELP IMPROVE RELATIONS. HE NOTED, HOWEVER, THAT MILITARY RELATIONS CANNOT RETURN TO NORMAL AT THIS TIME, BUT
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PERHAPS IN THE FUTURE IF THE TWO COUNTRIES WORK TOGETHER ON BILATERAL MATTERS. THE BUSH ADMINISTRATION, HE SAID, WILL PROBABLY MAINTAIN CURRENT POLICY ON CHILE. THE SECRETARY CONGRATULATED ERRAZURIZ ON HIS NEW POSITION AND ON THE JOB HE DID IN WASHINGTON AS AMBASSADOR TO THE U.S.
END SUMMARY

4. THE SECRETARY MET FOMIN ERRAZURIZ IN THE DEPARTMENT ON NOVEMBER 18. CHILEAN CHARGE PATRICIO MATURANA AND

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ACCOMPANIED THE FONNIN TO THE MEETING. ELLIOTT ABRAMS OF ARA AND PETER DESNAZO OF ARA/OC (NOTETAKER) WERE ALSO PRESENT. ERRAZURIZ OPENED THE MEETING WITH A LONG DISCUSSION OF HOW GOC POLICY WILL BE GUIDED DURING THE NEXT 15 MONTHS BEFORE POWER IS TURNED OVER TO A NEW REGIME AND WHAT GOC POLICY IS LIKELY TO BE. HE BEGAN BY CLAIMING THAT HALF OF HIS TIME WILL BE SPENT ON INTERNAL POLITICAL MATTERS. WHEN THE SECRETARY INQUIRED AS TO WHY THIS WOULD BE SO, ERRAZURIZ STATED THAT THE "OLD ECONOMIC TEAM" WHICH GUIDED ECONOMIC POLICY YEARS AGO HAS BEEN RECONSTITUTED TO RUN POLITICAL POLICY MAKING NOW. THIS GROUP IS COMPRISED OF FOUR CURRENT MINISTERS, HE SAID, AND MEETS AT THE START OF EACH DAY TO COORDINATE ACTIVITES BEFORE EACH MEMBER RETURNS TO HIS MINISTRY. THE FOUR ARE ERRAZURIZ, MINISTER OF THE INTERIOR CARLOS CACERES, FINANCE MINISTER HERNAN BUCHI, AND MINING MINISTER PABLO BARAONA. THE GROUP, HE CLAIMED, HAS WIDE "EXECUTIVE" POWER.

5. AMONG THE FIRST TASKS OF THIS GROUP, ERRAZURIZ SAID, WILL BE TO FURTHER PRIVATIZE THE ECONOMY, INCLUDING THE CENTRAL BANK, TO DEAL WITH THE ISSUE OF WHETHER THE CONSTITUTION SHOULD BE AMENDED, AND TO DEAL WITH THE CHURCH. ON THIS LAST MATTER, HE SAID, THE CHURCH IS GOING BACK TO "NORMALCY" LIKE SO MANY OTHER INSTITUTIONS IN CHILE. HE CLAIMED THAT THE COUNCIL OF BISHOPS RECENTLY STATED THAT THE CHURCH WILL RETURN TO DEALING WITH ETHICAL

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AND MORAL ISSUES AND DROP THE POLITICAL ROLE IT ASSUMED DURING THE PLEBISCITE. OTHER FAVORABLE SIGNS FROM THE CHURCH, HE SAID, ARE THAT CARDINAL FRESNO HAS STATED THAT THERE WILL BE NO FURTHER CONTACT BETWEEN THE CHURCH AND TERRORISTS. THAT CONTACT, HE CLAIMED, HAD BEEN "VERY CLOSE" AT ONE TIME, FOMENTED BY LEFTISTS WITHIN THE CHURCH. STUDENTS, HE SAID, ARE ALSO GOING BACK TO THEIR BOOKS AND ARE TIRED OF POLITICS.

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6. THESE POSITIVE SIGNS NOTWITHSTANDING, ERRAZURIZ CLAIMED THAT TERRORISM IS ON THE RISE, LED BY THE PCCH. WHEN THE SECRETARY NOTED THAT THE BIG LOSER IN THE PLEBSICTE WAS THE PCCH, ERRAZURIZ AGREED BUT THEN WENT INTO A LONG DISCUSSION OF HOW THE "OLD GUARD" OF THE PARTY, LED BY CORVALAN IN MOSCOW, CONTINUES TO RULE, DESPITE HIS OWN WISH AND THAT OF MANY OTHERS THAT HE

~~CONFIDENTIAL~~

BLOOD WOULD TAKE OVER THE PARTY. THE PCCH, HE SAID, IS STILL RUN BY MOSCOW, MAKING THE SALVADOREAN AND CHILEAN PARTIES UNIQUE IN ALL LATIN AMERICA IN THIS RESPECT, HE

CLAIMED. THE PARTY REFUSES TO GIVE UP TERRORISM AS A WEAPON, AS SHOWN BY THE ATTENDENCE OF HIGH-LEVEL PARTY MEMBERS AT THE RECENT FUNERAL OF FPMR LEADER PELLEGRINI AFTER THE LOS QUENES ATTACK. WHEN THE SECRETARY NOTED THAT THE DEMOCRATIC OPPOSITION HAD REJECTED BOTH THE PCCH AND VIOLENCE DURING THE PLEBISCITE CAMPAIGN, ERRAZURIZ AGREED, BUT AMENDED THE SECRETARY'S OBSERVATION BY NOTING THAT THE PCCH AND DEMOCRATIC OPPOSITION WORK CLOSELY TOGETHER IN LABOR UNIONS AND STUDENT ORGANIZATIONS. IN THE FUTURE, HE SAID, THE GOC WILL REPRESS THE FPMR WITH GREAT VIGOR BUT WILL BE CAREFUL NOT TO MOVE AGAINST THE POLITICAL WING OF THE PCCH BECAUSE THAT IS COUNTER-PRODUCTIVE AND PRODUCES A MARTYR IMAGE FOR THE PARTY.

~~CONFIDENTIAL~~

7. CHILE'S MAIN PROBLEM, ERRAZURIZ STATED, IS NOT THE ISSUE OF DEMOCRACY VERSUS DICTATORSHIP, BUT WHETHER THE COUNTRY WILL HAVE A FREE ECONOMY AND SOCIETY OR A SOCIALIST SYSTEM. TO GUARANTEE THE FORMER, "CONSERVATIVES, CENTRISTS, AND SOME SOCIALISTS MUST PLAY AN IMPORTANT ROLE," HE STATED. THE GOC'S FREE MARKET ECONOMIC POLICIES ARE COMING UNDER FIRE FROM THE OPPOSITION AND "SOME SECTORS" BOTH FROM WITHIN THE GOC AND WITHOUT WANT TO BACK OFF FROM THE FREE MARKET MODEL. IN THIS REAGARD, ERRAZURIZ SAID, IT WOULD BE IMPORTANT FOR THE USG TO HAVE A MORE "BUSINESSLIKE" RELATIONSHIP WITH CHILE.

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8. THE SECRETARY RESPONDED BY STATING THAT THE USG ADMIRES CHILEAN ECONOMIC POLICY AND CONSIDERS CHILE TO HAVE THE BEST FUNCTIONING ECONOMY IN LATIN AMERICA. WE WANT THE TRANSITION TO DEMOCRACY TO BE SUCCESSFUL, HE SAID, AND HOPE THAT THE ECONOMIC MODEL DOES NOT BECOME A VICTIM OF THE PROCESS. THE USG WILL CONDUCT ITSELF IN A WAY WHICH WILL AID THE TRANSITION PROCESS AND SEEK TO BROADEN ITS DIALOGUE WITH THE GOC WITH THE AIM OF IMPROVING RELATIONS. TO THIS END, WE ARE SENDING A "SOLID" CAREER AMBASSADOR, TONY GILLESPIE, TO CHILE. THIS

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AMBASSADOR BARNES AND EXPRESS HOPE IN THE FUTURE.

9. THE SECRETARY RAISED THE MATTER OF THE LETELIER/MOFFIT CASE, ASKING ERRAZURIZ IF SOMETHING COULDN'T BE DONE BY THE GOC TO RID US OF THIS "IRRITANT" IN BILATERAL RELATIONS. ERRAZURIZ RESPONDED BY STATING THAT OF THE FIVE PEOPLE SENTENCED IN THE 1976 KILLINGS, THREE WERE LATER AQUITTED. THE U.S. LEGAL SYSTEM, HE CLAIMED, IS EXCELLENT. THEREFORE, IF IT AQUITTED THREE DEFENDENTS, THE EVIDENCE AGAINST THEM WAS POOR AND, HENCE, SO IS THE U.S. CASE AGAINST CHILE. BESIDES, THE GOC HAS PAID A
~~CONFIDENTIAL~~
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"TREMENDOUS PRICE" ALREADY FOR LETELIER IN TERMS OF DAMAGE TO RELATIONS. THE SECRETARY URGED ERRAZURIZ TO LOOK FOR A WAY TO ADVANCE THE CASE.

10. GOING DEEPER INTO PROBLEMS IN BILATERAL RELATIONS, ERRAZURIZ MENTIONED GSP/OPIC AND LACK OF FULL MILITARY RELATIONS AS MAJOR DIFFICULTIES. THE LATTER HAS PLACED CHILE IN A TOUGH MILITARY SITUATION, WITH THE PERUVIANS HEAVILY ARMED BY THE SOVIETS AND THE ARGENTINES DEVELOPING MISSILES AND REARMING, HE SAID. ARGENTINA IS UNSTABLE AND, AS THE MALVINAS AND BEAGLE CHANNEL EPISODES DEMONSTRATED, UNAFRAID OF CONFLICT, ERRAZURIZ NOTED. THE USSR HAS STATIONED A LARGE FISHING FLEET JUST OUTSIDE THE 200 MILE LIMIT OF CHILE, HE ADDED AS A FOOTNOTE. THE GOC NEEDS SUPPORT FROM THE "OUTSIDE," ERRAZURIZ SAID, NOT IN TERMS OF MONEY BUT IN UNDERSTANDING. COMPETITION WITH COMMUNISM AND RICARDO LAGOS IS GOING TO GET TOUGHER AND CHILE CAN EXPECT NO HELP FROM EUROPE OR LATIN AMERICA. ONLY THE U.S. CAN BE EXPECTED TO TAKE A MORE FAVORABLE STANCE.

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11. THE SECRETARY NOTED THAT THE CHILEAN PLEBISCITE WAS A "WATERSHED EVENT" WHICH WILL PUT US IN A BETTER POSITION TO IMPROVE RELATIONS WITH CHILE PROVIDED THERE ARE NO "SETBACKS" IN THE FUTURE. HE THEN RAISED THE LETELIE CASE AGAIN, URGING THE GOC TO "LANCE THE LETELIER BOIL" BY TAKING ACTION ON THE CASE. THE U.S. CANNOT REESTABLISH MILITARY RELATIONS UNDER PRESENT CONDITIONS, THE SECRETARY SAID, BUT HE EXPRESSED HOPE THAT IN THE FUTURE WE CAN WORK TOGETHER TO MAKE PROGRESS AND BUILD A BETTER AND

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SUSTAINABLE RELATIONSHIP. HE ADVISED ERRAZURIZ THAT THE REW ADMINISTRATION AND AMBASSADOR WILL MAINTAIN CURRENT

POLICIES REGARDING CHILE.

12. THE SECRETARY ENDED THE INTERVIEW BY CONGRATULATING ERRAZURIZ ON HIS APPOINTMENT AS FOREIGN MINISTER AND HIS WORK AS AMBASSADOR TO THE U.S. HE ASKED ERRAZURIZ TO PAY HIS RESPECTS TO SERGIO DE CASTRO, A FRIEND OF THE SECRETARY.
SHULTZ

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(E050) CASE Letter

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PRESIDENTIAL EVENING READING

CHILE: Foreign Minister Discusses Bilateral Relations. I met today with Chile's new Foreign Minister, Hernan Felipe Errazuriz, who was Ambassador to the U.S. from 1984 until a few weeks ago. Errazuriz called on us to support his government during the 15 month transitional period before an elected administration takes over in March, 1990. He expressed fear that Chile's free market-model economy would come under heavy political fire from domestic opponents. I told him that, while we felt that the honest plebiscite which the Chilean Government conducted on October 5 made better bilateral relations possible, Chile must make progress in the Letelier/Moffitt murder case before we could return to normal military relations. In that regard, I will inform you when steps have been taken to invoke a bilateral treaty with Chile as a means of making progress on the Letelier matter.

drafter: ARA/SC PDeShazo
11/18/88

clearances: ARA/SC RHoward
ARA - MSkol
ARA - EAbrams

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ✓
Exemption(s) ____

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n/a
Case Number: S199900030

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
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Exemption(s) ____

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PAGE 01 SANTIA 08798 181627Z
ACTION HA-09

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LIMITED OFFICIAL USE SANTIAGO 08798

E.O. 12356: DECL:OADR
TAGS: PHUM, CI
SUBJ: HUMAN RIGHTS DAY 1988 NOMINEES --
CHILE

1. EMBASSY SANTIAGO NOMINATES REPRESENTATIVES FROM TWO OF CHILE'S MOST RESPECTED HUMAN RIGHTS ORGANIZATIONS, THE VICARIA DE SOLIDARIDAD AND THE CHILEAN HUMAN RIGHTS COMMISSION:

A. ALEJANDRO GONZALEZ OR ROBERTO GARRETON, LAWYERS IN THE VICARIA

B. MAXIMO PACHECO, VICE PRESIDENT OF THE CHILEAN HUMAN RIGHTS COMMISSION.

2. THE VICARIA IS ONE OF THE MOST RESPECTED HUMAN RIGHTS ORGANIZATIONS IN THE WORLD, AND HAS RECEIVED NUMEROUS PEACE PRIZES FOR ITS ACTIVITIES. IT IS A CAREFUL

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CHRONICLER AND DOCUMENTOR OF HUMAN RIGHTS ABUSES AS WELL AS AN ADVOCATE IN JUDICIAL PROCEEDINGS REGARDING HUMAN RIGHTS ABUSES. IT IS CAREFUL IN DISTINGUISHING BETWEEN THOSE WHO SUFFER FOR PURELY POLITICAL BELIEFS AND ACTIVITIES AND THOSE WHO ARE CHARGED WITH VIOLENT ACTS. EITHER GONZALEZ OR GARRETON PLAN TO BE IN THE UNITED STATES ON DECEMBER 8 WHILE ENROUTE TO COSTA RICA TO REPRESENT THE VICARIA AT A HUMAN RIGHTS SEMINAR. THE VICARIA IS NOW IN THE PROCESS OF DETERMINING THE REPRESENTATIVE AND HIS ITINERARY.

3. MAXIMO PACHECO IS WELL KNOWN TO HUMAN RIGHTS ACTORS IN WASHINGTON. HE HAS MEETINGS SCHEDULED WITH VARIOUS HUMAN RIGHTS ORGANIZATIONS FROM DECEMBER 5 TO DECEMBER 13, AND IT APPEARS HIS SCHEDULE WOULD PERMIT HIS BEING IN WASHINGTON ON THE 8TH.

4. EMBASSY FEELS STRONGLY THAT CHILE SHOULD BE REPRESENTED AT THE DEPARTMENT'S HUMAN RIGHTS DAY ACTIVITIES. MANY CHILEAN ACTIVISTS HAVE EXPRESSED CONCERN THAT THE POLITICAL ADVANCES IN CHILE, MOST NOTABLY THE SUCCESSFUL PLEBISCITE, WILL RESULT IN DECREASED INTEREST IN THE U.S. IN THE HUMAN RIGHTS SITUATION IN CHILE; AN INVITATION TO THE DECEMBER 8 CEREMONIES WILL REASSURE THEM THAT IT IS OF CONTINUING CONCERN TO USG OFFICIALS.

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PAGE 03 SANTIA 08798 181627Z

5. BECAUSE THE OFFICIALS OF THE VICARIA NAMED ABOVE DO NOT TRAVEL OFTEN TO THE U.S., WE WOULD GIVE FIRST PRIORITY TO THEM FOR AN INVITATION IF ONLY ONE WERE FORTHCOMING FOR CHILE. HOWEVER, THERE IS MORE CERTAINTY THAT MAXIMO PACHECO COULD ATTEND AND THEREFORE STRONGLY SUGGEST THAT INVITATIONS

TO REPRESENTATIVES OF BOTH ORGANIZATIONS
BE EXTENDED. BARNES

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E-55

PAGE 01 MEXICO 29721 212152Z
ACTION OES-09

INFO LOG-00 ADS-00 NSF-02 ARA-00 SSO-00 L-03 AMAD-01
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FM AMEMBASSY MEXICO
TO SECSTATE WASHDC IMMEDIATE 6712

DEPARTMENT OF STATE
(X) RELEASE ( ) DISCLASSIFY
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9504332 TS authority
FOIA Exemptions ( ) CLASSIFY as ( ) S or ( ) C Sec.
PA Exemptions ( ) DOWNGRADE TS to ( ) S or ( ) C

UNCLAS MEXICO 29721

FOR OES/NTS WILKINSON; ARA/MEX LINSKY; DEPT PLS PASS
NRC BILL UPSHAW

E.O. 12356:N/A
TAGS: TRGY, KSCA, MX
SUBJECT: ALL CALM AT LAGUNA VERDE

1. ON SUNDAY NOVEMBER 20, WE RECEIVED SEVERAL INQUIRIES CONCERNING REPORTED EXPLOSIONS AT THE LAGUNA VERDE NUCLEAR POWER PLANT. SCIATT CONTACTED CFE AND OFFICIALS AT THE PLANT AND DETERMINED THAT THERE HAD BEEN NO EXPLOSIONS AT LAGUNA VERDE. WE WERE INFORMED THAT AN EMERGENCY EXERCISE HAD BEEN CONDUCTED AT THE PLANT AND THAT THIS HAD BEEN MISTAKENLY INTERPRETED BY LOCAL RESIDENTS AS THE REAL THING.

2. ON NOVEMBER 21, SCICOUNS CONTACTED HEAD OF CNSNS TO CONFIRM THE ABOVE. WE WERE INFORMED THAT THE ARMY, NAVY AND CFE HAD CONDUCTED A PRACTICE EXERCISE ON FRIDAY, NOVEMBER 18 IN PREPARATION FOR THE FULL EXERCISE SCHEDULED FOR THURSDAY, NOVEMBER 24. US MEDIA INTEREST CAME AFTER A MEXICO CITY DAILY, UNO MAS UNO, ERRONEOUSLY REPORTED THE EXERCISE AS AN EXPLOSION AT THE NUCLEAR POWER PLANT SITE.

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PAGE 02 - MEXICO 29721 212152Z

PILLIOD

NI075

DATE: November 21, 1988

TO: George Jones, DCM
THROUGH: Stan Shepard, APAO

FROM: Sonja Sweek, AIO

SUBJECT: German journalist's investigation of Colonia Dignidad

REF DOS

Gero Gemballa, a German journalist with German Television Channel One is back in Santiago. A year ago, in August, he interviewed Bill Barkell on camera regarding Colonia Dignidad and the Weisfeiler case. That interview was incorporated in a documentary which aired in Germany in December of 1987 (we received a copy of the script - in German). He also had an article in "Stern" magazine in October 1987, and has written a book, published in February 1988, "Colonia Dignidad: A German Camp in Chile."

Gemballa has continued his investigation, and has come back to the Embassy with a request for an background briefing on the case. He says that in this past year of investigation, which has included conversations with Maximo Pacheco and a Hans Coomb, he has discovered the following:

1) That there is a Dignidad-Contreras connection, and therefore, a connection with the Letelier case;

2) That there is a Michael Townley connection;

3) That a Gerhard Mertins, who has an arms supply business in Washington, D.C. called MIREX, is connected with Colonia Dignidad and possibly with the Letelier case. Mertins has arms supply businesses in Germany and in Switzerland, as well. He had a business in Mexico but was kicked out by the Mexican authorities because he was involved in the death of a journalist there;

4) Finally, that Boris Weisfeiler was more than just a bumbling professor out for a Sunday stroll in a countryside he did not know.

Gemalla's request is for an off-the-record background briefing on what the U.S. position might be a year after the Barkell on-camera interview. He will be here for a few more days, and is staying in the Hotel Tupahue, room 716. I have attached a photocopy of his business cards. Please advise how or if we should proceed with this.

cc: PAO
William Barkell
Ron Godard
Dick Kinsman

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____

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Ni075

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William Barkell
Ron Godard
Dick Kinsman

Chile Project (#S19990030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____

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11-21-88 P 133 NA

(J080)

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Case Number: S199900030

Chile Project (#S199900030)
U.S. Department of State
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Exemption(s) B3 (NA)

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SECRET

EXCISE

PAGE 01 SANTIA 08821 211316Z
ACTION ARA-00

INFO LOG-00 ADS-00 L-03 AMAD-01 INSE-00 VO-06 OCS-06
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R 211250Z NOV 88
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 9136

~~S E C R E T~~ SANTIAGO 08821

FOR ARA - KOZAK; L - DONNA DARM; CA/VO - ALMA ENGEL

E.O. 12356: DECL:OADR
TAGS: CJAN, CI
SUBJ: LETELIER STATUS REPORT NO. 9

REF: SANTIAGO 8063

1. SECRET - ENTIRE TEXT

2. TREATY INVOCATION. UNDERSTAND ARA/SC IS DRAFTING DECISION MEMO TO THE SECRETARY. PLEASE KEEP US ADVISED OF ITS PROGRESS.

3. LILIANA WALKER. PLEASE ADVISE WHETHER FERNANDEZ LARIOS CAN PROVIDE A DESCRIPTION. OUR SOURCE HAS NOT YET RETURNED WITH PROMISED PHOTOGRAPHS.

4. LETTERS ROGATORY. LAST WORD WE HAD WAS THAT LETTERS WERE BEING RETYPED. HAVE THEY BEEN RETURNED TO DOJ? HAS JUSTICE SUBMITTED THEM TO JUDGE PARKER?

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SECRET

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n/a

[redacted]

6. PASSPORTS CASE. LETELIER FAMILY KEEPS TELLING US THEY ARE CLOSE TO FILING THEIR NEW PETITION TO THE CHILEAN MILITARY COURT ASKING IT TO REOPEN THE INVESTIGATION. TO DATE, HOWEVER, THEY HAVE NOT DONE SO. BARNES

[redacted]
SECRET

NNNN

[redacted] Department of State EXCISE INCOMING TELEGRAM

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PAGE 01 SANTIA 08824 08 OF 02 2115042
ACTION ARA-06

SANTIA 08824 08 OF 02 2115042 3539

INFO LOG-00 ADS-00 INR-07 EUR-00 SS-00 DIC-02 CIAE-00
DODE-00 H-01 IO-13 NSCE-00 NSAE-00 SSO-00 HA-09
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O 211424Z NOV 88
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 9138
INFO USMISSION USUN NEW YORK IMMEDIATE
AMEMBASSY ATHENS IMMEDIATE
AMEMBASSY BOGOTA IMMEDIATE
AMEMBASSY BONN IMMEDIATE
AMEMBASSY BRASILIA IMMEDIATE
AMEMBASSY BRUSSELS IMMEDIATE
AMEMBASSY BUENOS AIRES IMMEDIATE
AMEMBASSY CARACAS IMMEDIATE
AMEMBASSY COPENHAGEN IMMEDIATE
AMEMBASSY DUBLIN IMMEDIATE
AMEMBASSY HELSINKI IMMEDIATE
AMEMBASSY LIMA IMMEDIATE
AMEMBASSY LISBON IMMEDIATE
AMEMBASSY LONDON IMMEDIATE
AMEMBASSY MADRID IMMEDIATE
AMEMBASSY MEXICO IMMEDIATE
AMEMBASSY MONTEVIDEO IMMEDIATE
AMEMBASSY OSLO IMMEDIATE
AMEMBASSY PARIS IMMEDIATE
AMEMBASSY ROME IMMEDIATE
AMEMBASSY SAN JOSE IMMEDIATE
AMEMBASSY STOCKHOLM IMMEDIATE
AMEMBASSY THE HAGUE

[redacted] SANTIAGO 08824

E.O. 12356: DECL: OADR
TAGS: PHUM, PREL, UNGA, CI
SUBJ: A FAIR AND BALANCED RESOLUTION ON CHILE AT THE 1988 UNGA

REF: STATE 371022

1. (C) SUMMARY: CHILEAN HUMAN RIGHTS COMMISSION SHARES U.S. VIEW THAT UN RESOLUTION ON CHILE SHOULD BE BALANCED. IT HAD SERIOUS PROBLEMS WITH MEXICAN FIRST DRAFT, SAME WITH SECOND DRAFT. IT WILL INFORM U.S. HUMAN RIGHTS GROUPS, WHO ARE IN TOUCH WITH MEXICAN DELEGATION AT U.N., THAT COMMISSION SUPPORTS MANY OF THE FORMER U.S. CONCERNS. ESSENTIAL PARA 16 REFTEL FOR A BALANCED RESOLUTION. [redacted] B1

END SUMMARY.

2. (C) [redacted] B1

[redacted] HE HAD RECEIVED A FIRST DRAFT FROM THE MEXICANS ABOUT TWO WEEKS AGO. HE FOUND THE DRAFT TOTALLY UNACCEPTABLE, AND TOLD THE MEXICANS SO, BECAUSE IT WAS ALMOST A VERBATIM REPEAT OF LAST YEAR'S RESOLUTION. THE DRAFT CONTAINED ALMOST NO REFERENCE TO THE PLEBISCITE, THE LIFTING OF THE STATES OF EXCEPTION, OR THE END TO EXILE. [redacted] HE HAD RECEIVED A SECOND DRAFT, WHICH AT FIRST BLUSH HE B1 [redacted] MORE ACCEPTABLE ALTHOUGH HE STILL HAD PROBLEMS. HE SHOWED IT TO EMBOFF BUT WOULD NOT ALLOW A COPY TO BE MADE. THE SECOND DRAFT STRUCK EMBOFF, AFTER A QUICK READ, AS TOUCHING MOST OF THE POINTS CONTAINED IN PARAGRAPH 16 OF REFTEL, BUT UNEVENLY. REFERENCE TO POSITIVE DEVELOPMENTS WERE MORE CURSORY THAN WERE REFERENCES TO MORE NEGATIVE ASPECTS. IF THERE WAS ANY REFERENCE TO TERRORIST VIOLENCE IN THE MEXICAN DRAFT, IT FAILED TO REGISTER. MEXICAN DRAFT DID CONTAIN CRITICISM OF SOCIAL AND ECONOMIC FAILURES OF PINOCHET GOVERNMENT. [redacted] B1

[redacted] THE MEXICANS CLAIMED THAT THIS DRAFT HAS WIDESPREAD SUPPORT IN THE EUROPEAN COMMUNITY.

3. (C) [redacted] THE CHRC HAD TWO SINE QUA NONS FOR AN ACCEPTABLE DRAFT: THAT IT GIVE FULL WEIGHT TO SPECIAL RAPPORTEUR VOLIO'S REPORT AND THAT IT NOTE THAT THE LEGAL REGIME WHICH PERMITTED EXILING, AN IMPOSITION OF STATES OF EXCEPTION, REFERRALS TO MILITARY RATHER THAN CIVILIAN COURTS, ETC. REMAINED INTACT, EVEN THOUGH THE GOVERNMENT CHOSE NOW NOT TO EXPLOIT ALL OF THESE POWERS. B1

4. (C) [redacted] IT WAS OUR UNDERSTANDING THAT MANY IN THE EUROPEAN COMMUNITY SHARED THE U.S. VIEW THAT A BALANCED AND SHORT RESOLUTION WAS NECESSARY AT THIS TIME. [redacted] THE OBSERVATION THAT FAILING TO GIVE CREDIT WHERE CREDIT WAS DUE WOULD UNDERMINE THE MODERATES IN THE GOC WHO WERE WORKING FOR POSITIVE CHANGE IN THE HUMAN RIGHTS SITUATION. HE READ THE NON-PAPER DRAWN FROM PARAGRAPH 16 OF REFTEL AND SAID IT APPEARED THAT HE AND THE GOC WERE IN COMPLETE AGREEMENT. B1

5. (C) THE FOLLOWING MORNING, [redacted] THE COMMISSION AS A WHOLE AGREED U.S. APPROACH TO THE RESOLUTION WAS MORE APPROPRIATE THAN THAT OF THE MEXICANS. HE SAID THEY WOULD PROPOSE THE U.S. LIST OF ESSENTIAL ELEMENTS FOR INCLUSION IN THE RESOLUTION AND STATE THE COMMISSION'S CONCEPT OF ESSENTIAL ELEMENTS WAS IDENTICAL. B1

[redacted] HIS TELEX WOULD BE SENT TO NEW YORK OFFICE OF THE AMERICAS WATCH HUMAN RIGHTS GROUP, WITH THE REQUEST THAT IT BE PASSED TO CHILEAN EXILE JAIME BARROS, WHO WORKS WITH AMERICAS WATCH. BARROS IS APPARENTLY THE CHRC'S CONTACT WITH THE MEXICAN U.N. DELEGATION.

6. (C) RESULTS OF CONVERSATION WITH EMBASSY OFFICIALS OF EC COUNTRIES REPORTED SEPTEL. BARNES

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PAGE 01 OSLO 08337 211510Z 9644

ACTION ARA-00

INFO LOG-00 ADS-00 INR-07 EUP-00 SS-00 CIAE-00 DODE-00
H-01 IO-10 NSCE-00 NSAE-00 HA-09 L-03 IRSE-00
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TO SECSTATE WASHDC PRIORITY 2331
INFO AMEMBASSY ATHENS
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AMEMBASSY STOCKHOLM
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BRUSSELS ALSO FOR USEC

E.O. 12356:DECL:OADR
TAGS: PREL, PHUM, PINR, CI, NO
SUBJECT: NORWAY AND THE POSSIBILITY OF A BALANCED UNGA RESOLUTION ON CHILE

REF: A) OSLO 8267; B) STATE 371927 (NOTAL)

1. [redacted]

2. MFA INTERNATIONAL ORGANIZATIONS OFFICE DIRECTOR KNUT VOLLEBAEK CALLED EMBASSY BACK LATE NOVEMBER 18 TO INFORM US THAT NORWAY COULD NOT SUPPORT AN ALTERNATE CHILE RESOLUTION ALONG THE LINES CONVEYED IN REFTEL A. GENERALLY. HE TERMED THE CHILE ISSUE "DIFFICULT" FOR THE NORWEGIAN MFA, DUE TO A "STRONG CHILE LOBBY" IN NORWAY. WHILE IMPLYING THAT SOME IN THE MFA MIGHT FEEL OTHERWISE, HE SAID THE LANGUAGE THE U.S. PROPOSED WAS JUST TOO POSITIVE FOR THE NORWEGIAN GOVERNMENT.

3. NORWAY WOULD HAVE PARTICULAR PROBLEMS, HE SAID, WITH THE PASSAGE WHICH CONDEMNS "VIOLENCE FROM WHATEVER SOURCE" AND THE LACK OF ANY REFERENCE TO THE CONTINUED USE OF TORTURE IN CHILE. VOLLEBAEK CONCLUDED BY SAYING THAT THE MFA WOULD INSTRUCT THE NORWEGIAN UN MISSION TO USE ELEMENTS OF THE U.S. LANGUAGE IN AN EFFORT TO INTRODUCE GREATER BALANCE INTO THE EXPECTED MEXICAN DRAFT.

4. COMMENT. IN THE WAY FOREIGN GOVERNMENTS ARE PERCEIVED BY NORWEGIAN PUBLIC OPINION, CHILE IS "PUBLIC ENEMY NUMBER TWO - RIGHT BEHIND SOUTH AFRICA. THERE IS INDEED A "CHILE LOBBY" IN NORWAY IN THAT PUBLIC OPINION AND PROMINENT LABOR PARTY POLITICIANS (INCLUDING LABOR MP REIDUN STEEN, WHOSE WIFE IS CHILEAN-BORN) STRONGLY LIMIT THE GOVERNMENT'S ABILITY (ASSUMING IT WOULD BE SO INCLINED) TO TREAT CHILE IN A MORE BALANCED ... ALL THIS IS NOT TO SAY THAT THE GOVERNMENT OF NORWAY [redacted]

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WOULD NOT JOIN A EUROPEAN BANDWAGON FOR A MORE BALANCED RESOLUTION ON CHILE. IT IS CLEAR, HOWEVER, THAT IF WILL ESCHEW THE ROLE OF BANDLEADER. CARLSON

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GERO ARTHUR GEMBALLA
DEUTSCHES FERNSEHEN
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PAGE 01 SANTIA 08827 01 OF 02 211502Z
ACTION ARA-00

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C O N F I D E N T I A L SECTION 01 OF 02 SANTIAGO 08827

E.O. 12356: DECL:OADR
TAGS: PHUM, CI
SUBJ: THE MILITARY AND HUMAN RIGHTS

1. (C) SUMMARY: AN ANNOUNCEMENT BY THE GOVERNMENT THAT SOME MEMBERS OF THE OPPOSITION PLANNED TO REVIVE CHARGES AGAINST THE ARMED FORCES FOR HUMAN RIGHTS VIOLATIONS MAY PROVE TO BE THE OPENING ROUND IN DISCUSSIONS ON HOW TO CONFRONT THE HUMAN RIGHTS ISSUE DURING THE NEXT ADMINISTRATION. HERETOFORE, THE ISSUE HAS NOT BEEN WIDELY DEBATED, AND PINOCHET AND HIS HARDLINE FOLLOWERS MAY HAVE SOUGHT TO FLUSH OUT THE OPPOSITION'S POSITION. REACTIONS BY HUMAN RIGHTS ORGANIZATIONS AND POLITICAL LEADERS WERE MUTED, INDICATING AN APPRECIATION FOR THE DELICACY OF THE PROBLEM. END SUMMARY.

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PAGE 02 SANTIA 08827 01 OF 02 211502Z

2. (U) ON NOVEMBER 9, SECRETARY GENERAL OF THE GOVERNMENT MIGUEL ANGEL PODUJE ISSUED A STATEMENT DENOUNCING AN OPPOSITION PLAN TO UNDERMINE THE PRESTIGE OF THE ARMED FORCES AND TO UNDERMINE A PEACEFUL TRANSITION TO DEMOCRACY BY REVIVING CHARGES OF HUMAN RIGHTS ABUSES ON A MASSIVE SCALE. THE STATEMENT NOTED THAT THE PLAN WAS PART OF AN ATTEMPT TO ISOLATE THE GOVERNMENT AND THAT IT WOULD CAUSE DIFFICULTIES "IN THE CORE OF THE ARMED AND SECURITY FORCES."

3. (U) ASKED BY A REPORTER ABOUT THE STATEMENT, PODUJE SAID THE GOVERNMENT HAD RELIABLE SOURCES FOR THE INFORMATION AND THAT IT WAS CLEARLY PART OF A STRATEGY TO CREATE A CLIMATE OF INSTABILITY IN THE COUNTRY. WHEN PINOCHET WAS ASKED ABOUT THE STATEMENT, HE REPLIED THAT THE GOVERNMENT WAS OBLIGED TO INFORM THE PEOPLE ABOUT THE OPPOSITION'S POLITICAL MANEUVER SO THAT THEY WOULD UNDERSTAND THE POLITICAL ORIGINS OF SUCH A HUMAN RIGHTS CAMPAIGN. PINOCHET ADDED, IN RESPONSE TO A QUESTION, THAT THE STATEMENT WAS NOT MEANT TO BE A WARNING FROM THE ARMED FORCES (PRESUMABLY TO LEAVE THE HUMAN RIGHTS ISSUE ALONE). PINOCHET SAID, "(THE ARMED FORCES) DON'T WARN. WE DON'T GIVE WARNINGS BEFORE WE STRIKE."

4. (U) THE GOVERNMENT'S STATEMENT, AS FAR AS WE CAN DETERMINE, WAS NOT PROMPTED BY ANY ACTION ON THE PART OF HUMAN RIGHTS GROUPS TO FILE MASSIVE CHARGES AGAINST THE ARMED FORCES. THE TWO MOST RESPECTED HUMAN RIGHTS ORGANIZATIONS IN CHILE

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THE VICARIA DE SOLIDARIDAD AND THE CHILEAN HUMAN RIGHTS COMMISSION QUICKLY DENIED THE ALLEGATIONS OF A PLAN TO ATTACK THE UNIFORMED SERVICES ON THE HUMAN RIGHTS FRONT. THE VICARIA NOTED THAT CHILEAN LAW CONCEDES TO EVERY INDIVIDUAL THE RIGHT TO SEEK JUSTICE IN THE COURTS. THE VICARIA ADDED WRYLY THAT IT HAD SOUGHT JUSTICE

AND WOULD CONTINUE TO SEEK JUSTICE IN THE COURTS, "WHATEVER THE PRACTICAL VALUE" BECAUSE THAT IS THE WAY ONE OPERATES UNDER A RULE OF LAW. SPEAKING FOR THE CHILEAN HUMAN RIGHTS COMMISSION, ANDRES DOMINQUEZ SAID THE UNIFORMED SERVICES HAD NOTHING TO FEAR FROM THE HUMAN RIGHTS ORGANIZATIONS. INSTEAD OF THREATENING HUMAN RIGHTS ORGANIZATIONS, HE SAID, THE GOVERNMENT SHOULD STOP VIOLATING HUMAN RIGHTS. HE NOTED THAT "THE ARMED FORCES ARE NOT RESPONSIBLE FOR POLITICAL DECISIONS WHICH RESULTED IN HUMAN RIGHTS VIOLATIONS AND EVEN LESS SO FOR THE EXECUTION OF THESE DECISIONS."

5. (C) WEIGHING IN FROM THE POLITICAL SIDE, CHRISTIAN DEMOCRATIC PARTY PRE-CANDIDATE EDUARDO FREI SAID THOSE WHO VIOLATED HUMAN RIGHTS SHOULD BE TRIED AND SENTENCED, BUT BY CIVILIAN COURTS. PDC PRESIDENT PATRICIO AYLWIN, COINCIDENTLY WITH THE RELEASE OF THE STATEMENT AND DURING A PUBLIC DEBATE WITH AN OFFICIAL OF RENOVACION NATIONAL, SAID "A NUREMBERG TRIAL IS ABSOLUTELY CONTRARY TO WHAT WE NEED. IT COULD LEAD TO A BREAKDOWN OF THE TRANSITION TO DEMOCRACY." DOMINQUEZ' STATEMENT, CAREFULLY TELLING THE ARMED FORCES THAT AS AN INSTITUTION THEY

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C O N F I D E N T I A L SECTION 02 OF 02 SANTIAGO 08827

E.O. 12356: DECL:OADR
TAGS: PHUM, CI
SUBJ: THE MILITARY AND HUMAN RIGHTS

HAVE NOTHING TO FEAR, REFLECTS THE VIEW OF THE COMMISSION'S VICE PRESIDENT MAXIMO PACHECO THAT THE STATEMENT WAS DIRECTED MORE TO THE ARMED FORCES THAN AS A WARNING TO THE OPPOSITION TO TREAD CAREFULLY ON THE HUMAN RIGHTS ISSUE. HE TOLD EMBOFF THAT HE BELIEVES PINOCHET IS ATTEMPTING TO PERSAUDE THE ARMED FORCES THAT THEIR FATE IS COMPLETELY LINKED TO HIS, AND THAT CHARGES AGAINST HIM FOR ABUSE OF POWER OR FOR BEING THE ONLY OBSTACLE TO A PEACEFUL TRANSITION APPLY TO THEM AS WELL.

6. (C) COMMENT: WE FIND THE TIMING AND
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PAGE 02 SANTIA 08827 02 OF 02 211502Z

CONTENT OF THE GOVERNMENT'S STATEMENT VERY CURIOUS. RESOLUTION OF THE HUMAN RIGHTS PROBLEM UNDER A NEW GOVERNMENT IS NOT HIGH

ON THE OPPOSITION'S PUBLIC AGENDA, OWING IN PART TO THE MORE IMMEDIATE PROBLEMS OF AGREEING ON A CONSENSUS CANDIDATE AND INITIATING DISCUSSIONS WITH THE GOVERNMENT TO ALTER THE CONSTITUTION. MOREOVER, THE ISSUE OF HOW TO BRING INDIVIDUAL MEMBERS OF THE ARMED AND SECURITY FORCES TO JUSTICE FOR VIOLATING HUMAN RIGHTS WITHOUT THREATENING THE ARMED FORCES AS A WHOLE IS RECOGNIZED AS A DELICATE PROBLEM. WE UNDERSTAND, FOR EXAMPLE, THAT THE SUBJECT IS BEING DISCUSSED WITHIN THE VICARIA, WHICH HAS NOT YET AGREED ON A POLICY. AS A VICARIA OFFICIAL NOTED TO EMBOFF, THERE WERE PLENTY OF BAD EXAMPLES ON HOW TO TREAT HUMAN RIGHTS ABUSES BY THE MILITARY AFTER A CHANGE IN GOVERNMENT, BUT FEW GOOD ONES. HE PREFERRED "JUSTICE TEMPERED WITH MERCY, TRUTH TEMPERED WITH FORGIVENESS" TO AVOID PROVOKING THE MILITARY INTO HALTING THE PROGRESS TOWARD DEMOCRACY; OTHERS, HOWEVER, WERE NOT SO INCLINED TOWARD MERCY AND FORGIVENESS.

-

7. (C) PACHECO'S INTERPRETATION OF THE STATEMENT, THAT IT WAS DESIGNED TO MOVE THE ARMED FORCES TOWARD RALLYING AROUND PINOCHET, HAS MERIT. BUT WE WOULD NOT RULE OUT THE POSSIBILITY THAT SOME MEMBERS OF THE ARMED FORCES WHO ARE CLOSE TO PINOCHET AND WERE CONVINCED HE WOULD WIN THE PLEBISCITE

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PAGE 03 SANTIA 08827 02 OF 02 211502Z

ARE NOW BEGINNING TO WORRY ABOUT FACING THE MUSIC ON HUMAN RIGHTS ABUSES. AT THE VERY LEAST, THEY ARE INTERESTED IN FLUSHING OUT THE OPPOSITION'S POSITION ON THE ISSUE.

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8. (C) WE WOULD ALSO NOT RULE OUT THE POSSIBILITY THAT PINOCHET, RECOGNIZING THAT SOLUTION TO THE HUMAN RIGHTS PROBLEM WILL BE A DIVISIVE ISSUE FOR THE OPPOSITION, IS ATTEMPTING TO SOW DISCORD AMONG ITS

RANKS. THE CAREFUL AND MUTED RESPONSE FROM THE HUMAN RIGHTS ORGANIZATIONS AND THE MODERATE RESPONSE FROM POLITICAL LEADERS MAY INDICATE THAT THEY, TOO, RECOGNIZE HOW DELICATE THE ISSUE IS AND ARE POSTPONING A DEBATE OVER IT.

9. (C) THE ISSUE HAS DISAPPEARED FROM THE MEDIA FOR THE TIME BEING, BUT EVENTUALLY THE PROBLEM OF BALANCING THE REQUIREMENTS OF THOSE WHO WANT THE MILITARY PUNISHED FOR THEIR ABUSES WITH THE REQUIREMENT OF KEEPING THE MILITARY ON THE ROAD TO DEMOCRACY WILL HAVE TO BE FACED. BARNES

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Lake Weinfeld 11/21/88

MEMORANDUM 11/21/88

TO DCM

FROM IO

You may recall Gero Gemballa, the German TV journalist who did an on-camera interview - brief and pro-forma - with Bill Barkell a year ago.

I am not comfortable with Gemballa, who last year told a journalist friend of mine that he thought we were hiding something. However, I do not see that we could very well tell Gemballa that we cannot meet him, since we did once before and came away unscathed.

I therefore recommend that you or Bill meet him, but absolutely off the record unless there is a special message we would want to impart, in which case we could use the "foreign diplomats" background formula.

We refused the interview.

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PAGE 01 SANTIA 08824 01 OF 02 211429Z
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~~C O N F I D E N T I A L~~ SECTION 01 OF 02 SANTIAGO 08824

E.O. 12356: DECL:OADR
TAGS: PHUM, PREL, UNGA, CI
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PAGE 02 SANTIA 08824 01 OF 02 211429Z

SUBJ: A FAIR AND BALANCED RESOLUTION
- ON CHILE AT THE 1988 UNGA

REF: STATE 371022
-
1. (C) SUMMARY: CHILEAN HUMAN RIGHTS COMMISSION SHARES U.S. VIEW THAT UN RESOLUTION ON CHILE SHOULD BE BALANCED. IT WILL INFORM U.S. HUMAN RIGHTS GROUPS, WHO ARE IN TOUCH WITH MEXICAN DELEGATION AT U.N., THAT COMMISSION SUPPORTS MANY OF THE POINTS U.S. CONSIDERS ESSENTIAL (PARA 16 REFTEL) FOR A BALANCED RESOLUTION. COMMISSION VIEWS SHOULD NOT, HOWEVER, BE DISCUSSED WITH ANYONE OUTSIDE USG. END SUMMARY.
-
2. (C) EMBOFF MET WITH VICE PRESIDENT OF THE CHILEAN HUMAN RIGHTS COMMISSION MAXIMO PACHECO ON NOVEMBER 17 TO DISCUSS THE UN RESOLUTION ON CHILE.

3. (C) PACHECO TOLD EMBOFF THAT THE CHRC HAD TWO SINE QUA NONS FOR AN ACCEPTABLE DRAFT: THAT IT GIVE FULL WEIGHT TO SPECIAL RAPPORTEUR VOLIO'S REPORT AND THAT IT NOTE THAT THE LEGAL REGIME WHICH PERMITTED EXILING, AN IMPOSITION OF STATES OF EXCEPTION, REFERRALS TO MILITARY RATHER THAN CIVILIAN COURTS, ETC. REMAINED INTACT, EVEN THOUGH THE GOVERNMENT CHOSE NOW NOT TO EXPLOIT ALL OF THESE POWERS.

4. (C) EMBOFF TOLD PACHECO THAT IT WAS OUR UNDERSTANDING THAT MANY IN THE EUROPEAN COMMUNITY SHARED THE U.S. VIEW THAT A BALANCED AND SHORT RESOLUTION WAS NECESSARY

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E.O. 12356: DECL:OADR
TAGS: PHUM, PREL, UNGA, CI
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PAGE 02 SANTIA 08824 02 OF 02 211431Z

SUBJ: A FAIR AND BALANCED RESOLUTION

AT THIS TIME. PACHECO AGREED WITH THE

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OBSERVATION THAT FAILING TO GIVE CREDIT WHERE CREDIT WAS DUE WOULD UNDERMINE THE MODERATES IN THE GOC WHO WERE WORKING FOR POSITIVE CHANGE IN THE HUMAN RIGHTS SITUATION. HE READ THE NON-PAPER DRAWN FROM PARAGRAPH 16 OF REFTEL AND SAID IT APPEARED THAT HE AND THE USG WERE IN COMPLETE AGREEMENT.

5. (C) THE FOLLOWING MORNING, PACHECO INFORMED EMBOFF THAT THE COMMISSION AS A WHOLE AGREED U.S. APPROACH TO THE RESOLUTION WAS MORE APPROPRIATE [illegible] HE SAID THEY WOULD PROPOSE THE U.S. LIST OF ESSENTIAL ELEMENTS FOR INCLUSION IN THE RESOLUTION AND STATE THE COMMISSION'S CONCEPT OF ESSENTIAL ELEMENTS WAS IDENTICAL.

[illegible]

6. (C) RESULTS OF CONVERSATION WITH EMBASSY OFFICIALS OF EC COUNTRIES REPORTED SEPTEL.
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PAGE 03 SANTIA 08824 02 OF 02 211431Z

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PAGE 01 SANTIA 08862 221520Z 1754 ARA7417
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~~C O N F I D E N T I A~~ L SANTIAGO 08862

FOR ARA ANNETTE PERRIN

E.O. 12356: DECL: OADR
TAGS: PGOV, CI
SUBJ: OFFICIAL - INFORMAL

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IN ORDER TO DISSUADE SENATOR KENNEDY FROM PUSHING THE SOVEREIGN IMMUNITIES LEGISLATION THROUGH THE SENATE JUST BEFORE ADJOURNMENT, HARRY BARNES HAD PROMISED TO DO HIS BEST TO SEE THAT THE TREATY PROPOSAL WAS PRESENTED BEFORE HE LEFT CHILE AT THE END OF NOVEMBER. HE ALSO VOLUNTEERED TO TALK TO THE SENATOR AFTER CONGRESS RECONVENES IN JANUARY TO DISCUSS THE CHILEAN RESPONSE TO OUR INITIATIVE IN THE LIGHT OF WHICH THE SENATOR WOULD DETERMINE HIS OWN NEXT STEPS ON THE LEGISLATION. ASIDE FROM THIS, HIS OWN COMMITTMENT, HARRY DOES NOT SEE ANY PROBLEMS WITH PROCEEDING AS SOON AS POSSIBLE IN TERMS OF CHILEAN GOVERNMENT REACTIONS, BEYOND THE USUAL LACK OF COOPERATION ON THIS CASE. IF HE HAD BEEN CONSULTED, HE WOULD THEREFORE HAVE ADVISED PROCEEDING NOW RATHER THAN WAITING UNTIL JANUARY.
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box 1 of 4

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11/22/88 KNO0002 KNO20

DAN QUAYLE
INDIANA

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(202) 224-6823

INDIANAPOLIS OFFICE:
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INDIANAPOLIS, IN 46204
(317) 269-5555

United States Senate

WASHINGTON, DC 20510

COMMITTEE ON ARMED SERVICES
BUDGET
LABOR AND HUMAN RESOURCES

EXCISE

P
B6

November 22, 1988

ACTION is assigned to ARA

Chile Project (#S199900030)
U.S. Department of State
Release_____ Excise_X___ Deny_____
Declassify: In Part_____ In Full_____
Exemption(s) B6

93

J. Edward Fox
Department of State
Assistant Secretary for
Legislative Affairs
Washington, D.C. 20520

Dear Sir:

Enclosed you will find a copy of a letter I received from [redacted]. I have indicated to my constituent that I have brought this matter to your attention and would appreciate your thoughts and comments.

Please direct your response to my Washington office marked to the attention of Greg Wilken.

Thank you for your assistance and consideration in this matter.

Sincerely,

Dan Quayle
United States Senator

-2-

DQ/gws
Enclosure

FAIR/IAP/MI
FEB DEC 21 PM 12:02

Re: Close watch on the events in Chile.

OUT

1988 DEC 21 PM 2:16

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5530 SOHL AVENUE, #103
HAMMOND, IN 46320
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1201 EAST 10TH STREET
ROOM 103, BUILDING 56
JEFFERSONVILLE, IN 47132
(812) 283-3377

11-22-88

P61

JC87

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EXDIS
Case Number: S199900030

EXCISE

PAGE 01 SANTIA 08868 221632Z
ACTION SS-00

INFO LOG-00 ADS-00 /000 W
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FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 9182

~~C O N F I D E N T I A L~~ SANTIAGO 08868

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Chile Project (#S199900030)
U.S. Department of State
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Declassify: In Part X In Full_____
Exemption(s) B1

E.O. 12356: DECL:OADR
TAGS: PREL, PGOV, CI
SUBJ: FAREWELL TALK WITH GENERAL STANGE

1. CONFIDENTIAL - ENTIRE TEXT.

2. FOLLOWING THE CEREMONY NOVEMBER 21 IN WHICH I PRESENTED SOME ANTI-NARCOTICS EQUIPMENT UNDER OUR INM PROGRAM TO CARABINEROS CHIEF RODOLFO STANGE, HE AND I TALKED FOR SOME MINUTES PRIVATELY AS A SORT OF FAREWELL CALL ON HIM IN HIS CAPACITY AS A JUNTA MEMBER AS WELL.

3. STANGE INDICATED THAT THE CHANGE OF ARMY MEMBERS ON THE JUNTA MIGHT WELL SLOW WORK DOWN AS GENERAL SINCLAIR LEARNED THE NECESSARY BACKGROUND. IN ADDITION, HE SUPPOSED SINCLAIR WOULD HAVE LITTLE LEEWAY WHEREAS GORDON HAD ESTABLISHED VERY GOOD RELATIONS WITH HIS THREE COLLEAGUES. ON SPECIFIC MATTERS STANGE SAW THE NEW LAW ON CONGRESSIONAL ELECTIONS AS PARTICULARLY COMPLICATED, BUT SAID OPPORTUNITIES WOULD BE PROVIDED FOR

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PAGE 02 SANTIA 08868 221632Z

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THE POLITICAL PARTIES TO COMMENT BEFORE ANY MEASURE WAS ENACTED. HE THOUGHT THAT THERE WOULD BE LITTLE CHANCE THAT THE LAW COULD BE ADOPTED AS SOME SUGGESTED BEFORE THE CHRISTMAS HOLIDAYS. MORE GENERALLY HE FELT THERE WAS STILL NEED FOR THE RESULTS OF THE PLEBISCITE TO SINK IN AND HE SAW THE CONTRADICTIONS BETWEEN PINOCHET'S REFUSAL TO CONSIDER CONSTITUTIONAL AMENDMENTS AND INTERIOR MINISTER CACERES' URGING OF DIALOGUE AS A SYMPTOM OF THAT NEED. HE HAS A VERY POSITIVE IMPRESSION OF CACERES.

4. I ASKED STANGE ABOUT THE SIGNIFICANCE OF THE ATTACK SEVERAL WEEKS AGO BY TERRORISTS ON A CARABINEROS' OUTPOST AT LOS QUENES. HE DESCRIBED IT AS A PROBE TO TEST CARABINEROS' READINESS AND SAID THE FPMR ORGANIZERS WERE SURPRISED AT THE SPEED OF CARABINEROS REACTION. HE RECOGNIZED THAT ISOLATED INSTALLATIONS LIKE THIS ONE WERE VULNERABLE, BUT THOUGHT THE SWIFTNESS OF THE RESPONSE WOULD BE A GOOD DETERRENT. A DETERRENT AS WELL WAS THE CAPTURE OF SEVERAL OF THE ATTACKERS, INCLUDING THE ONE WHO KILLED THE CARABINERO THERE AS WELL AS ONE WHO WARNED TWO OF THE LEADERS WHO SUBSEQUENTLY DROWNED WHILE TRYING TO ESCAPE AGAINST CROSSING THE NEARBY RIVER.

5. STANGE IN RESPONSE TO A QUESTION SAID HE HAD NOT HEARD THE RUMOR I HAD ABOUT A CONFIDENTIAL

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PAGE 03 SANTIA 08868 221632Z

POSSIBLE SERIES OF CHANGES AFFECTING THE CNI, INCLUDING EVEN ITS DISSOLUTION. HE SAID HE WOULDN'T "CRY" OVER IT, HOWEVER,

6. COMMENT: I CONTINUE TO BE IMPRESSED WITH STANGE'S REALISM AND PROFESSIONALISM AS WELL AS HIS APPRECIATION FOR THE SUPPORT WE THROUGH VARIOUS PROGRAMS HAVE BEEN OFFERING THE CARABINEROS. AS THE ONE COMMANDER IN CHIEF MOST LIKELY TO STAY ON AFTER A NEW DEMOCRATIC GOVERNMENT COMES TO POWER IN 1990, HE WILL BRING THOSE SAME QUALITIES TO BEAR IN A VERY USEFUL WAY FOR THAT NEW GOVERNMENT, I WOULD THINK. BARNES

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Chile Project (#S199900030)
U.S. Department of State
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Exemption(s) ____

PAGE 01 SANTIA 08861 221620Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	SS-00	CIAE-00	DODE-00
	H-01	NSCE-00	NSAE-00	HA-09	L-03	TRSE-00	PM-10
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FM AMEMBASSY SANTIAGO
TO AMEMBASSY CARACAS
INFO SECSTATE WASHDC 9177

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E.O. 12356: DECL: N/A
TAGS: PGOV, VE, CI
SUBJECT: RETURNED CHILEAN EXILE LEADER

REF: CARACAS 11275

1. SINCE RETURNING TO CHILE IN EARLY 1988, ANICETO RODRIGUEZ HAS BEEN ACTIVE IN FOSTERING UNITY AMONG THE VARIOUS SOCIALIST FACTIONS, AND IN SUPPORTING THE OPPOSITION ELECTORAL CAMPAIGN. HE SERVES ON THE POLITICAL COMMISSION OF THE PARTY FOR DEMOCRACY (PPD), THE "INSTRUMENTAL" CENTER-LEFT PARTY HEADED BY RICARDO LAGOS WHICH INCLUDES MANY MODERATE SOCIALISTS AND ORIGINALLY FORMED TO DEFEAT PINOCHET IN THE PLEBISCITE AND TO BRING ABOUT A RETURN TO DEMOCRACY. HE ALSO HEADS A GROUP CALLED THE MOVEMENT FOR SOCIALIST INTEGRATION (MIS). AT LUNCH WITH DCM AND POLOFF NOVEMBER 17, RODRIGUEZ SAID MIS HOPES TO SPONSOR A CONGRESS FOR SOCIALIST UNITY IN MID-APRIL TO WHICH THE MAJOR SOCIALIST GROUPS

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WOULD BE INVITED TO SEND REPRESENTATIVES. BECAUSE OF STUBBORN IDEOLOGICAL AND TACTICAL DIFFERENCES, PARTICULARLY OVER THE SOCIALISTS' RELATION TO THE COMMUNISTS, FEW EXPECT THE CONGRESS TO PRODUCE THE DESIRED REUNIFICATION.

2. THE MOST IMPORTANT DIVISION AMONG CHILEAN SOCIALISTS IS BETWEEN THE SOCIALIST PARTY/NUNEZ, AND THE SOCIALIST PARTY/ALMEYDA, WHICH COOPERATES IN POLITICAL ALLIANCES WITH THE COMMUNIST PARTY. THE NUNEZ PARTY HAS BEEN OUTSPOKEN IN CRITICIZING THE PCCH FOR ITS STRATEGY OF SPONSORING VIOLENT METHODS OF POLITICAL CHANGE. THE NUNEZ SOCIALISTS STILL RELUCTANTLY ADMIT TO BEING MARXISTS, BUT IN THE LAST 15 YEARS HAVE MOVED SIGNIFICANTLY CLOSER TO THE POLITICAL CENTER AND NOW HOLD VIEWS VIRTUALLY INDISTINGUISHABLE FROM THE CHRISTIAN DEMOCRATS. RODRIGUEZ HAS MADE IT CLEAR HE ALSO FEELS CLOSEST TO THE NUNEZ GROUP, BUT HAS NOT JOINED IT BECAUSE HE STILL HOPES TO PRESIDE OVER A UNIFICATION OF ALL THE SOCIALISTS. THERE ARE ALSO A NUMBER OF SMALLER SPLINTER GROUPS, SUCH AS THE SOCIALIST PARTY/ MANDUJANO, THE HISTORIC SOCIALIST PARTY, AND THE CHILEAN SOCIALIST PARTY, WHICH OCCASIONALLY GET PUBLICITY IN THE PRO-GOVERNMENT PRESS WHICH PROMOTES THE IMAGE OF DISARRAY IN SOCIALIST RANKS BUT HAVE PRACTICALLY NO MEMBERS.

3. THE MISSION HAS BEEN IN FREQUENT CONTACT WITH RODRIGUEZ SINCE HIS RETURN AND EXPECTS TO REMAIN SO. HE HAS CONSIDERABLE STATURE AMONG CHILEAN SOCIALISTS AND WAS THE FIRST PERSON TO

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PAGE 03 SANTIA 08861 221620Z

APPEAR ON CHILEAN TELEVISION THE NIGHT OF THE PLEBISCITE ANNOUNCING THAT THE "NO" WAS WINNING THE ELECTION. BARNES

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PAGE 01 SANTIA 08918 01 OF 02 232047Z
ACTION ARA-00

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TO SECSTATE WASHDC PRIORITY 9199
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Chile Project (#S199900030)
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C O N F I D E N T I A L SECTION 01 OF 02 SANTIAGO 08918

E.O. 12356: DECL: OADR
TAGS: PGOV, CI
SUBJECT: MIXED SIGNALS FROM GOC ON CONSTITUTIONAL REFORM

REF: SANTIAGO 9098

1. (C) SUMMARY: IN A SERIES OF HARD-LINE, OFTEN MENACING SPEECHES OVER THE WEEKEND, PRESIDENT PINOCHET STATED THAT HE IS NOT ABOUT TO ACCEPT CHANGES IN THE CONSTITUTION WITHOUT A FIGHT. HE SPECIFICALLY REJECTED EACH OF THE REFORM PROPOSALS THAT HAVE BEEN ADVANCED, CHARACTERIZED THE ATTEMPTS TO CHANGE THE CONSTITUTION AS "RUPTURIST," CONTRARY TO THE LEGAL SYSTEM, AND CONTRARY TO THE BEST INTERESTS OF CHILE; AND WARNED OF UNSPECIFIED "CONSEQUENCES" IF THE OPPOSITION DOES NOT ACCEPT THE INSTITUTIONAL ORDER. BACK IN SANTIAGO, INTERIOR MINISTER CACERES MAINTAINED THE MODERATE LINE OF HIS NOVEMBER 11 SPEECH, STATING IN AN INTERVIEW THAT THE GOC IS STILL OPEN TO DIALOGUE
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WITH THE POLITICAL PARTIES. ALTHOUGH CACERES ALSO MENTIONED THE NEED FOR ALL CONCERNED TO RESPECT THE INSTITUTIONALITY OF THE POLITICAL PROCESS, HIS TONE AND HIS STATEMENTS AS TO THE DESIRABILITY AND POSSIBILITY OF CONSTITUTIONAL REFORM WERE CONSIDERABLY MORE MODERATE THAN THE PRESIDENT'S. IT REMAINS TO BE SEEN WHETHER PINOCHET'S HARDLINE RHETORIC WAS SIMPLY FOR THE CONSUMPTION OF THE DIEHARD SUPPORTERS HE ADDRESSED OR IS THE REAL GOC BOTTOM-LINE. END SUMMARY.

2. (U) IN A SPEECH IN PUNTA ARENAS ON THURSDAY, NOVEMBER 17, PINOCHET DISCUSSED AND REJECTED EACH OF THE FOUR PRINCIPAL REFORMS THAT HAVE BEEN PROPOSED BY BOTH OPPOSITION AND CONSERVATIVE POLITICAL SECTORS: CHANGES IN ARTICLE 8, CHANGES IN THE MAKE-UP OF THE CONGRESS, A WEAKENING OF THE POWERS OF THE SECURITY COUNCIL, AND AN EASING OF THE CONSTITUTIONAL AMENDMENT PROCESS.

3. (U) THE PRESIDENT REAFFIRMED HIS GOVERNMENT'S INFLEXIBILITY" ON THE PROHIBITION AGAINST TOTALITARIAN GROUPS, WARNING THAT TO REMOVE OR WEAKEN ARTICLE 8 OF THE CONSTITUTION WOULD GIVE COMMUNISM THE OPPORTUNITY TO "USE DEMOCRACY TO DESTROY DEMOCRACY." HE REITERATED HIS ARGUMENT IN FAVOR OF APPOINTING ONE-THIRD OF THE CONGRESS, SAYING THAT CHILE'S EXPERIENCE HAD SHOWED THAT LAW SHOULD NOT BE A PRODUCT OF MERE POLITICAL BARGAINING, BUT SHOULD BE INFLUENCED BY WISER, MORE EXPERIENCED PEOPLE, I.E., THOSE WHO WOULD BE APPOINTED FROM THE SUPREME COURT, THE GOVERNMENT, AND THE ARMED FORCES.

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PAGE 03 SANTIA 08918 01 OF 02 232047Z

4. (U) THE PRESIDENT THEN REJECTED THE CALL FOR CHANGES IN THE ROLE OF THE NATIONAL SECURITY COUNCIL, STATING THAT THE COUNCIL'S GOAL WAS TO PREVENT THE ISOLATION OF THE ARMED FORCES AND KEEP THEM FROM BEING SUBJECTED TO THE WHIMS OF POLITICAL INTERESTS. FINALLY, PINOCHET DENOUNCED THE IDEA OF MAKING CONSTITUTIONAL AMENDMENTS EASIER, SAYING HE WOULD NOT

ACCEPT A CONSTITUTION "EXPOSED TO TRANSIENT POLITICAL MAJORITIES."

5. (U) ON NOVEMBER 18, IN A SPEECH IN COIHAIQUE, PINOCHET BECAME MORE STRIDENT. CHALLENGING THE OPPOSITION TO "DEFINE ITSELF," HE DEMANDED THAT THE OPPOSITION DECLARE WHETHER IT WOULD MAINTAIN ITS "RUPTURIST" POSITIONS, OR RESPECT THE "INSTITUTIONALITY IN FORCE." HE WARNED OPPOSITION LEADERS TO "BEWARE THE CONSEQUENCES" IF THEY REFUSED TO ACKNOWLEDGE THE VALIDITY OF THE CONSTITUTION. THE PRESIDENT TOPPED OFF HIS TRIP BY BREAKFASTING ON NOVEMBER 19 WITH A GROUP OF WOMEN SUPPORTERS IN COIHAIQUE, WHERE HE REPEATED HIS "LET THEM BEWARE OF THE CONSEQUENCES" STATEMENT, AND THEN WARNED THAT THE OPPOSITION, BY REJECTING THE CONSTITUTION, WOULD BE REJECTING THE RESULTS AND THE VALIDITY OF THE PLEBISCITE.

6. (U) PINOCHET'S ATTITUDE DIFFERED SHARPLY FROM THAT OF HIS INTERIOR MINISTER, CARLOS CACERES, WHO IN A LENGTHY INTERVIEW PUBLISHED IN LEADING DAILY "EL MERCURIO" ON NOVEMBER 20, REITERATED THE WILLINGNESS OF THE GOVERNMENT TO CONVERSE WITH LEADERS OF ALL PARTIES ABOUT THE POLITICAL FUTURE. HE REFUSED TO SPECIFY ANY CONDITIONS FOR SUCH DISCUSSIONS, STATING

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Page: 3

ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	SS-00	CIAE-00	DODE-00
	H-01	NSCE-00	NSAE-00	HA-09	L-03	TRSE-00	PM-10
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FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 9200
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C O N F I D E N T I A L SECTION 02 OF 02 SANTIAGO 08918

E.O. 12356: DECL: OADR
TAGS: PGOV, CI
SUBJECT: MIXED SIGNALS FROM GOC ON CONSTITUTIONAL

ONLY THAT THE OPPOSITION NEEDS TO "RECOGNIZE THAT THE CONSTITUTION IS NOT NEUTRAL," THAT IT IS "FOUNDED ON THE RESPECT FOR CHILE'S OWN VALUES." ASKED TO CLARIFY WHAT EXACTLY THAT MEANT, THE MINISTER RESPONDED THAT THE OPPOSITION SHOULD ACT "ACCORDING TO THE IDEA OF RESPECT FOR THE EXISTING LEGAL STRUCTURE (LEGALIDAD VIGENTE)."

7. (U) CACERES DID NOT SPECIFICALLY RULE OUT ANY OF THE CONSTITUTIONAL REFORM PROPOSALS CURRENTLY CIRCULATING, SAYING INSTEAD THAT HE HOPED FOR A CIVILIZED DISCUSSION THAT WOULD GO BEYOND PARTISAN POLITICS AND COVER OTHER AREAS BESIDES THE CONSTITUTION. HE DID MENTION, HOWEVER, THAT ARTICLE 8 WAS FUNDAMENTALLY ROOTED IN THE MORAL VALUES OF THE CONSTITUTION, AND IMPLIED THAT WHILE THE GOVERNMENT MIGHT BE PREPARED TO ACCEPT CHANGES IN THE LAWS WHICH

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PAGE 02 SANTIA 08918 02 OF 02 232048Z

ENFORCE IT, THE ARTICLE ITSELF WOULD NOT BE UP FOR DISCUSSION. HE REPEATED HIS EARLIER STATEMENTS THAT THE CONSTITUTION IS "PERFECTIBLE," BUT AVOIDED

SPECIFICS ON THE QUESTION OF HOW.

8. (U) ALTHOUGH NO MENTION WAS MADE IN THE INTERVIEW OF PINOCHET'S REMARKS IN THE SOUTH, CACERES POINTED OUT THAT HIS OPENING TO THE POLITICAL PARTIES IS SUPPORTED BY THE ENTIRE GOVERNMENT. REMINDED OF WHAT HAD HAPPENED TO FORMER INTERIOR MINISTER JARPA IN 1983 WHEN JARPA BEGAN CONVERSATIONS WITH THE OPPOSITION ONLY TO HAVE PINOCHET PULL THE RUG OUT FROM UNDER HIM), CACERES STATED EMPHATICALLY THAT HE HAS THE SUPPORT OF THE PRESIDENT.

9. (U) ON OTHER MATTERS, CACERES REAFFIRMED THAT PINOCHET WILL NOT BE A CANDIDATE IN THE PRESIDENTIAL ELECTIONS, CALLING THAT IDEA A "CLOSED CHAPTER." HE DENIED, TOO, THAT THE GOVERNMENT HAD ANY PARTICULAR CANDIDATE IN MIND TO REPRESENT THE FORCES OF THE "SI," SAYING ONLY THAT HE WAS CONFIDENT THAT PARTISANS OF "A FREE SOCIETY" WOULD DO WELL IN THE ELECTION.

10. (U) SOUNDING A NOTE SIMILAR TO CACERES, ADMLRAL MERINO TOOK PAINS TO DISTANCE HIMSELF SLIGHTLY FROM PINOCHET'S REMARKS. ASKED ON NOVEMBER 22 WHAT HE THOUGHT OF THE PRESIDENT'S STATEMENTS ON THE VALIDITY OF THE PLEBISCITE, MERINO ANSWERED THAT "THAT IS HIS OPINION, NOT MINE," AND EMPHATICALLY DENIED THAT THE VALIDITY OF THE PLEBISCITE COULD BE CALLED INTO QUESTION.

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PAGE 03 SANTIA 08918 02 OF 02 232048Z

11. (C) COMMENT: THE WEEKEND'S EVENTS ARE THE CULMINATION OF A SCHIZOPHRENIC TEN DAYS WITHIN THE GOC. FIRST, CACERES OPENED UP THE POSSIBILITY OF DIALOGUE WITH THE OPPOSITION IN HIS NOVEMBER 11 SPEECH (REFTEL). SECRETARY GENERAL PODUJE SECONDED THE INTERIOR MINISTER ON NOVEMBER 13, STATING THAT THE GOVERNMENT WAS WILLING TO DISCUSS POLITICAL MATTERS WITH ALL THOSE WHO WORK WITHIN THE LEGAL SYSTEM. THEN ON NOVEMBER 15, ADMIRAL MERINO SPOKE OUT, REJECTING

ANY REFORMS IN THE AMENDMENT PROCESS, THE SECURITY COUNCIL AND ARTICLE 8. THE CONTRASTING STATEMENTS OF PINOCHET AND CACERES FURTHER CONFUSED MATTERS. PINOCHET'S AGGRESSIVENESS IS A SIGN THAT HE IS REBOUNDING FROM THE PLEBISCITE DEFEAT AND HIS REMARKS TO THE WOMEN'S BREAKFAST CAN BE ATTRIBUTED AT LEAST PARTIALLY TO HIS NATURAL TENDENCY TO POSTURE IN FRONT OF AVID SUPPORTERS. ONE COULD ALSO ARGUE THAT PINOCHET'S WARNINGS ABOUT THE DANGERS OF TOYING WITH THE CONSTITUTION ARE AIMED PRIMARILY AT THOSE CONSERVATIVE SECTORS (ESPECIALLY IN NATIONAL RENEWAL WHICH IS CONSIDERING CONSTITUTIONAL REFORMS NOT UNLIKE THOSE PROPOSED BY OPPOSITION PARTIES) WHO ARE "BETRAYING"HIM BY SUPPORTING CONSITUTIONAL REFORM. HOWEVER ONE LOOKS AT IT, IT IS CLEAR THAT THE GOC COMES ACROSS AS OF TWO MINDS ON THE SUBJECT, AND ITS SINCERITY ABOUT DIALOGUE WITH THE POLITICAL PARTIES HAS COME UNDER SOME SERIOUS QUESTION. AS A RESULT, ONE ALREADY HEARS SPECULATION ABOUT HOW LONG THE PRINCIPAL SPOKESMAN FOR THE NEW MODERATE LINE, MINISTER OF INTERIOR CACERES, WILL LAST. BARNES

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Chile Project (#S199900030)
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Exemption(s) ____

PAGE 01 USUN N 04008 230048Z
ACTION IO-19

INFO	LOG-00	ADS-00	INR-07	EUR-00	SS-00	OIC-02	AF-00
	CIAE-00	DODE-00	H-01	NEA-06	NSCE-00	ARA-00	NSAE-00
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TO SECSTATE WASHDC IMMEDIATE 9503
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C O N F I D E N T I A L USUN NEW YORK 04008

DEPARTMENT PASS EC COLLECTIVE

E.O. L2356: DECL: OADR
TAGS: PREL, PHUM, PINR, CI, MX
SUBJECT: CHILE HUMAN RIGHTS RESOLUTION: COLOMBIA PULLS RUG OUT FROM UNDER MEXICAN RESOLUTION

REFERENCE: USUN 03940 (NOTAL)

UNCLASSIFIED
1. (CONFIDENTIAL - ENTIRE TEXT)

2. SUMMARY. IN SURPRISE MOVE, COLOMBIA HAS INTRODUCED SHORT, BALANCED RESOLUTION ON CHILEAN HUMAN RIGHTS.
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PAGE 02 USUN N 04008 230048Z

COLOMBIAN INTENTION IS TO WREST LEADERSHIP FROM MEXICO ON THIS ISSUE. VENEZUELA, ARGENTINA, ECUADOR, AND BRAZIL COSPONSORING COLOMBIAN PROPOSAL. END SUMMARY.

3. ON NOVEMBER 22, COLOMBIAN PERMREP PENALOSA GAVE ARA AREA ADVISER RONDON CHILEAN HUMAN RIGHTS RESOLUTION WHICH COLOMBIA HAD JUST PRESENTED TO THIRD COMMITTEE. PENALOSA STATED THAT COLOMBIA IS FED UP WITH MEXICO'S EFFORTS TO RUN THE GROUP OF EIGHT AND FELT OBLIGED TO INTRODUCE A RESOLUTION TEMPERING WHAT EVERYONE KNEW WOULD BE AN UNACCEPTABLE MEXICAN DRAFT ON CHILE. PENALOSA REPORTED THAT COLOMBIA ALREADY HAS COSPONSORSHIP OF ARGENTINA, BRAZIL, ECUADOR, AND VENEZUELA. ADDED SUPPORT IS EXPECTED FROM COSTA RICA, DOMINICAN REPUBLIC, AND URUGUAY. FURTHERMORE, A VERY PLEASED PENALOSA CONTINUED, CHILEAN RAPPORTEUR VOLIO IS IN ON THE COLOMBIAN ACT.

4. COLOMBIAN RESOLUTION IS ONLY A PAGE AND A HALF, COMPARED TO MEXICO'S DRAFT, WHICH IS OVER TWICE AS LONG. IN ITS FOUR OPERATIVE PARAGRAPHS, COLOMBIAN RESOLUTION MAKES FOLLOWING POINTS:

-- FREE ELECTIONS ARE FUNDAMENTAL FOR THE OBSERVANCE OF HUMAN RIGHTS IN ANY COUNTRY;

-- CALLS UPON CHILE TO ESTABLISH CONDITIONS FOR FULL DEMOCRACY;

-- CALLS UPON CHILE TO RESPECT HUMAN RIGHTS;

-- CALLS UPON THE HUMAN RIGHTS COMMISSION TO EXAMINE THE REPORT OF THE RAPPORTEUR SO THAT APPROPRIATE

MEASURES MAY BE TAKEN TO REESTABLISH HUMAN RIGHTS AND FUNDAMENTAL LIBERTIES IN CHILE.

5. PREAMBLE WELCOMES VISIT OF RAPPORTEUR TO CHILE, AS WELL AS HIS PRAISE FOR PLEBISCITE AND CONSEQUENT IMPROVEMENT IN HUMAN RIGHTS SITUATION. IT NOTES THAT MAINTENANCE OF STATE OF EXCEPTION IS SOURCE OF

VIOLATIONS OF HUMAN RIGHTS. RESTRICTIONS ON PRESS FREEDOM ALSO MENTIONED.

6. PENALOSA FELT THAT COLOMBIAN RESOLUTION MIGHT BE TOO EASY ON CHILE BUT THAT ONLY WAY TO DEAL WITH MEXICO WAS TO INTRODUCE A COMPETING RESOLUTION THAT CONTRASTED DRAMATICALLY WITH MEXICO'S.

7. ASKED ABOUT PERU'S ATTITUDE, MINISTER GRILLO OF THE COLOMBIAN MISSION COMMENTED THAT THE PERUVIANS WORK HAND IN HAND WITH THE MEXICANS AND WERE, THEREFORE, NOT PART OF THE COLOMBIAN EFFORT.

8. FYI. TEXT HAS BEEN PROVIDED TO IO/HW.

WALTERS

NOTE BY OC/T: NOT PASSED TO EC COLLECTIVE.

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EXCISE

Chile Project (#S199900030)
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Declassify: In Part_____ In Full_____
Exemption(s) B6

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B6

20510

The Honorable Dan Quayle
U.S. Senate
Washington, D.C. 20510

Re: Chile

Dear Senator Dan Quayle:

Events in Chile merit very close attention from our citizens and public officials. Please do everything possible to ensure a speedy and legitimate return to representative government.

Sincerely,

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*** Current Classification *** [redacted]
*** Current Handling Restrictions *** n/a

<<<**** OASYS DOCUMENT HEADER ***>>>

DOC_NBR= 88BUENOS12712

FILM= D881043-0619

DATE= 28 NOV 88

TYPE= TE

FROM= BUENOS AIRES

DRAFTER= n/a

OFFICE= ACTION ARA

TO= STATE
BOGOTA

CHANNEL= n/a

ORIGHAND= n/a

ORIGPHAND= n/a

ORIGCLASS= [redacted]

ORIGPCLASS= n/a

EO= OA

DEPARTMENT OF STATE — IS/FPC/CDR — Date 2/12/97

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FOIA Exemptions	( ) CLASSIFY as ( ) S or
PA Exemptions	( ) DOWNGRADE TS to ( ) S or

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SUBJECT= ARGENTINE REACTION TO PLO'S UNILATERAL - DECLARATION OF STATEHOO

REFERENCE= 88 STATE 380788, 88 STATE 383655

CONTROL_NBR= n/a

ENCLOSURE= n/a

LOCATOR= TEXT ON-LINE, ON MICROFILM

ERRORS= N/A

CONCEPTS= PALESTINIANS, GOVERNMENT REACTION, RECOGNITION, INFLUENCE, POLI

TAGS= KPAL, PREL, AR, PLO

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UNCLASSIFIED

[redacted]

PAGE 01 BUENOS 12712 01 OF 02 281921Z
ACTION ARA-00

INFO LOG-00 ADS-00 INR-07 SS-00 CIAE-00 DODE-00 H-01
IO-19 NEA-06 NSCE-00 NSAE-00 HA-09 L-03 TRSE-00
PM-10 PA-01 OMB-01 INRE-00 ACDA-12 USIE-00 SP-02
SNP-01 C-01 PRS-01 P-02 T-01 /077 W
----------122527 281924Z /44

P 281914Z NOV 88
FM AMEMBASSY BUENOS AIRES
TO SECSTATE WASHDC PRIORITY 9881
INFO AMEMBASSY BOGOTA
AMEMBASSY BRASILIA
AMEMBASSY CARACAS
AMEMBASSY LIMA
AMEMBASSY MEXICO
AMEMBASSY MONTEVIDEO
AMEMBASSY TEL AVIV
USMISSION USUN NEW YORK

[redacted] SECTION 01 OF 02 BUENOS AIRES 12712

E.O. 12356 DECL: OADR
TAGS: PREL, KPAL, PLO, PNC, AR
SUBJ: ARGENTINE REACTION TO PLO'S UNILATERAL
- DECLARATION OF STATEHOOD

REF: (A) STATE 380788 (B) STATE 383655

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PAGE 02 BUENOS 12712 01 OF 02 281921Z

PLANS BY PRESIDENT ALFONSIN TO VISIT ISRAEL EARLY IN 1989 MAKE IT UNLIKELY GOA WILL SUPPORT MAJOR SHIFT IN ITS BASIC POSITION OF NON-RECOGNITION TO PLO AND PALESTINIAN NATION. WILLINGNESS TO COORDINATE WITH G-8 IS POTENTIALLY HARMFUL, HOWEVER, GIVEN PRESENCE IN GROUP OF GOVERNMENTS WITH MORE RADICAL POSITIONS

ON MIDDLE EAST QUESTION. END SUMMARY

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PAGE 01 BUENOS 12712 02 OF 02 281921Z
ACTION ARA-00

INFO LOG-00 ADS-00 INR-07 SS-00 CIAE-00 DODE-00 H-01
IO-19 NEA-06 NSCE-00 NSAE-00 HA-09 L-03 TRSE-00
PM-10 PA-01 OMB-01 INRE-00 ACDA-12 USIE-00 SP-02
SNP-01 C-01 PRS-01 P-02 T-01 /077 W
----------122521 281924Z /44
P 281914Z NOV 88
FM AMEMBASSY BUENOS AIRES
TO SECSTATE WASHDC PRIORITY 9882
INFO AMEMBASSY BOGOTA
AMEMBASSY BRASILIA
AMEMBASSY CARACAS
AMEMBASSY LIMA
AMEMBASSY MEXICO
AMEMBASSY MONTEVIDEO
AMEMBASSY TEL AVIV
USMISSION USUN NEW YORK

[redacted] SECTION 02 OF 02 BUENOS AIRES 12712

E.O. 12356 DECL: OADR
TAGS: PREL, KPAL, PLO, PNC, AR
SUBJ: ARGENTINE REACTION TO PLO'S UNILATERAL

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*** Current Handling Restrictions *** n/a
*** Current Classification *** [redacted]

UNCLASSIFIED

E237

*** Current Classification *[redacted]
*** Current Handling Restrictions *** n/a

<<<**** OASYS DOCUMENT HEADER ***>>>

DOC_NBR= 88STATE384295

FILM= D881043-0817

DATE= 28 NOV 88

TYPE= TE

FROM= STATE

DRAFTER= EAP/PIA:SRIFSHIN (0412P))

OFFICE= ORIGIN EAP

TO= PORT MORESBY

CHANNEL= n/a

ORIGHAND= n/a

ORIGPHAND= n/a

ORIGCLASS=[redacted]

ORIGPCLASS= n/a

EO= N/A

SUBJECT= US POSITION ON PNC DECLARATION PORT MORESBY 02540

REFERENCE= n/a

CONTROL_NBR= n/a

ENCLOSURE= n/a

LOCATOR= TEXT ON-LINE, ON MICROFILM

ERRORS= N/A

CONCEPTS= PRESS RELEASE, POLICY, PALESTINIANS, RECOGNITION

TAGS= KPAL, PREL, PP, US, IS, PLO

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[redacted]

DEPARTMENT OF STATE — /S/ FPC/CDR — Date 2/12/9

(X) RELEASE ( ) DECLASSIFY
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FOIA Exemptions
PA Exemptions

INR Cases Only:
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( ) DOWNGRADE TS to ( ) S or

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PAGE 01 STATE 384295
ORIGIN EAP-00

INFO LOG-00 ADS-00 INR-07 SS-00 CIAE-00 DODE-00 NEA-06
NSCE-00 NSAE-00 L-03 PM-10 PA-01 INRE-00 USIE-00
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APPROVED BY: EAP/EMCKUNE
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FM SECSTATE WASHDC
TO AMEMBASSY PORT MORESBY IMMEDIATE

[redacted] STATE 384295

E.O. 12356: N/A
TAGS: PREL, PP, US, IS
SUBJECT: US POSITION ON PNC DECLARATION

PORT MORESBY 02540

1. ON NOVEMBER 16, THE DEPARTMENT SPOKESPERSON MADE THE FOLLOWING STATEMENT WITH REGARD TO THE OUTCOME OF THE PALESTINIAN NATIONAL COUNCIL:

QUOTE: AFTER REVIEWING THE OUTCOME OF THE PALESTINE NATIONAL COUNCIL, THERE ARE SIGNS THAT THERE ARE PALESTINIANS WHO ARE TRYING TO MOVE THE PLO IN A CONSTRUCTIVE WAY. THAT'S ENCOURAGING AND SHOULD CONTINUE. BUT MEASURED AGAINST THE REQUIREMENTS OF THE NEGOTIATING PROCESS, MORE MOVEMENT ON KEY ISSUES WILL BE REQUIRED. AND MEASURED AGAINST THE POSITIONS THE PLO MUST ADOPT IN ORDER FOR THE U.S. TO ENGAGE IN DIALOGUE WITH IT, THE RESULTS OF THE PNC SESSION FALL SHORT OF MEETING THOSE REQUIREMENTS. END QUOTE.

[redacted]

[redacted]

PAGE 02 STATE 384295

2. IN RESPONSE TO FOLLOW-UP QUESTIONS, THE SPOKESPERSON MADE THE FOLLOWING ADDITIONAL REMARKS:

--THE REFERENCE TO RESOLUTIONS 242 AND 338 IS AN ADVANCE OVER PREVIOUS EFFORTS BY THE PNC; NEVERTHELESS IT IS AMBIGUOUS, BOTH IN ITS PLACEMENT IN THE TEXT AND ITS

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MEANING.

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--POSSIBLY IMPLIED OR INDIRECT REFERENCE TO ISRAEL'S RIGHT TO EXIST IS NOT SUFFICIENT; RECOGNITION MUST BE CLEAR AND UNAMBIGUOUS.

--THE STATEMENT ON TERRORISM IS A RESTATEMENT OF PREVIOUS POSITIONS. IT IS STILL PERFORMANCE THAT COUNTS.

3. AS WE RECEIVE MORE UNCLASSIFIED INFORMATION ON THIS, WE WILL PASS IT TO YOU. SHULTZ

[redacted]

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*** Current Handling Restrictions *** n/a
*** Current Classification *** [redacted]

UNCLASSIFIED

UNCLASSIFIED
CONFIDENTIAL

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

PAGE 01 SAN JO 15305 282337Z
ACTION ARA-00

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	SR-06	PRS-01	/068 W				

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FM AMEMBASSY SAN JOSE
TO SECSTATE WASHDC IMMEDIATE 6944
INFO USMISSION USUN NEW YORK IMMEDIATE
AMEMBASSY SANTIAGO
USMISSION GENEVA

UNCLASSIFIED

C O N F I D E N T I A L SAN JOSE 15305

E.O. 12356: DECL:OADR
TAGS: PHUM, UNGA, UNHRC-1, CI, CS
SUBJECT: HUMAN RIGHTS IN CHILE - VOLIO DEMANDS REVISION OF MEXICAN RESOLUTION

1. CONFIDENTIAL -- ENTIRE TEXT

2. FERNANDO VOLIO, UN SPECIAL RAPPORTEUR ON HUMAN RIGHTS IN CHILE, CALLED POLOFF THE AFTERNOON OF NOVEMBER 28 TO COMPLAIN ABOUT THE MEXICAN RESOLUTION ON CHILE AND REQUEST USG ASSISTANCE. VOLIO SAID HE CANNOT TOLERATE THE MEXICAN RESOLUTION'S PARAGRAPH 10, WHICH HE SAYS WOULD HAVE THE UNHCR RECEIVE INFORMATION ON CHILE FROM THE SPECIAL RAPPORTEUR AND OTHER SOURCES. VOLIO INTERPRETS THE PROVISION AS A METHOD OF GIVING "RADICAL" NGOS ACCESS TO THE UNHCR WITH THE GOAL OF REDUCING THE INFLUENCE OF HIS REPORT. IF THIS LANGUAGE IS ADOPTED, VOLIO SAID, HE WILL RESIGN IMMEDIATELY. VOLIO HAS ALREADY INFORMED THE UNHRC AND THE CHILEAN GOVERNMENT OF HIS POSITION. HE STATES THAT THE GOC POSITION --JUST

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UNCLASSIFIED
CONFIDENTIAL

PAGE 02 SAN JO 15305 282337Z

REITERATED TO HIM-- IS TO CEASE COOPERATION WITH THE UN SHOULD VOLIO STEP DOWN.

3. VOLIO ASKED THAT USUN WORK WITH COSTA RICAN DEPUTY PERMREP EMILIA BARRISH AGAINST THE MEXICAN RESOLUTION. WHEN PERMREP GUTIERREZ LEFT NEW YORK SEVERAL DAYS AGO FOR SAN JOSE, BARRISH'S INSTRUCTIONS WERE TO ABSTAIN ON THE CHILE RESOLUTION, VOLIO SAID. NOW, HOWEVER, HE FEARS THAT THE GOCR MAY VOTE IN FAVOR. HE BASES THIS FEAR ON INFORMATION HE HAS PICKED UP LOCALLY PLUS THE FACT THAT MEXICO REPORTEDLY HAS ADOPTED LANGUAGE MODERATING ITS TEXT IN SEVERAL PLACES --ALTHOUGH NOT IN PARAGRAPH 10.

4. COMMENT: VOLIO IS A PROUD MAN, AND REGARDS THE LANGUAGE OF PARAGRAPH 10 AS A PERSONAL AFFRONT. THUS, WE TAKE MORE SERIOUSLY THAN USUAL VOLIO'S LATEST THREAT TO RESIGN.

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CONFIDENTIAL

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UNCLASSIFIED

E-233

*** Current Classification *** [redacted]
*** Current Handling Restrictions *** n/a

<<<**** OASYS DOCUMENT HEADER ***>>>

DOC_NBR= 88BUENOS12712

FILM= D881043-0619

DATE= 28 NOV 88

TYPE= TE

FROM= BUENOS AIRES

DRAFTER= n/a

OFFICE= ACTION ARA

TO= STATE
BOGOTA

CHANNEL= n/a

DEPARTMENT OF STATE — IS/FPC/CDR — Date: 2/12/97

(X) RELEASE (X) DECLASSIFY
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( ) DENY IN PART
( ) DELETE Non-Responsive Info
FOIA Exemptions _____
PA Exemptions _____

MR Cases Only:
EO Citations _____
_____ TS authority to
( ) CLASSIFY as ( ) S or
( ) DOWNGRADE TS to ( ) S or

ORIGHAND= n/a

ORIGPHAND= n/a

ORIGCLASS= [redacted]

ORIGPCLASS= n/a

EO= OA

SUBJECT= ARGENTINE REACTION TO PLO'S UNILATERAL - DECLARATION OF STATEHOOD

REFERENCE= 88 STATE 380788, 88 STATE 383655

CONTROL_NBR= n/a

ENCLOSURE= n/a

LOCATOR= TEXT ON-LINE, ON MICROFILM

ERRORS= N/A

CONCEPTS= PALESTINIANS, GOVERNMENT REACTION, RECOGNITION, INFLUENCE, POLIC

TAGS= KPAL, PREL, AR, PLO

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UNCLASSIFIED

[redacted]

PAGE 01 BUENOS 12712 01 OF 02 281921Z
ACTION ARA-00

INFO LOG-00 ADS-00 INR-07 SS-00 CIAE-00 DODE-00 H-01
IO-19 NEA-06 NSCE-00 NSAE-00 HA-09 L-03 TRSE-00
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SNP-01 C-01 PRS-01 P-02 T-01 /077 W
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FM AMEMBASSY BUENOS AIRES
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INFO AMEMBASSY BOGOTA
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[redacted] SECTION 01 OF 02 BUENOS AIRES 12712

E.O. 12356 DECL: OADR
TAGS: PREL, KPAL, PLO, PNC, AR
SUBJ: ARGENTINE REACTION TO PLO'S UNILATERAL
- DECLARATION OF STATEHOOD

REF: (A) STATE 380788 (B) STATE 383655

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PAGE 02 BUENOS 12712 01 OF 02 281921Z

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PAGE 03 BUENOS 12712 01 OF 02 281921Z

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INFO LOG-00 ADS-00 INR-07 SS-00 CIAE-00 DODE-00 H-01
IO-19 NEA-06 NSCE-00 NSAE-00 HA-09 L-03 TRSE-00
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SNP-01 C-01 PRS-01 P-02 T-01 /077 W
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FM AMEMBASSY BUENOS AIRES
TO SECSTATE WASHDC PRIORITY 9882
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AMEMBASSY BRASILIA
AMEMBASSY CARACAS
AMEMBASSY LIMA
AMEMBASSY MEXICO
AMEMBASSY MONTEVIDEO
AMEMBASSY TEL AVIV
USMISSION USUN NEW YORK

[redacted] SECTION 02 OF 02 BUENOS AIRES 12712

E.O. 12356 DECL: OADR
TAGS: PREL, KPAL, PLO, PNC, AR
SUBJ: ARGENTINE REACTION TO PLO'S UNILATERAL

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[redacted]

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*** Current Handling Restrictions *** n/a
*** Current Classification *** [redacted]

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*** Current Classification ** [redacted]
*** Current Handling Restrictions *** n/a

<<<**** OASYS DOCUMENT HEADER ***>>>

DOC_NBR= 88JERUSA03889

FILM= D881042-0827

DATE= 28 NOV 88

TYPE= TE

FROM= JERUSALEM

DRAFTER= n/a

OFFICE= ACTION DS

TO= STATE
TEL AVIV

CHANNEL= n/a

DEPARTMENT OF STATE — IS, FPC/CDR — Date. 2/12/97

(X) RELEASE ( ) DECLASSIFY
( ) EXCISE ( ) DECLASSIFY IN PART
( ) DENY
( ) DELETE Non-Responsive Info
FOIA Exemptions
PA Exemptions

MR Cases Only:
EO Citations
TS authority for
( ) CLASSIFY as ( ) S or-
( ) DOWNGRADE TS to ( ) S or

ORIGHAND= n/a

ORIGPHAND= n/a

ORIGCLASS= [redacted]

ORIGPCLASS= n/a

EO= N/A

SUBJECT= VEHICLE STONING NEAR NABLUS

REFERENCE= n/a

CONTROL_NBR= n/a

ENCLOSURE= n/a

LOCATOR= TEXT ON-LINE, ON MICROFILM

ERRORS= N/A

CONCEPTS= n/a

TAGS= ASEC

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UNCLASSIFIED

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PAGE 01 JERUSA 03889 281311Z
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M-01 SCT-02 /013 W
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R 281310Z NOV 88
FM AMCONSUL JERUSALEM
TO SECSTATE WASHDC 4124
INFO AMEMBASSY TEL AVIV

[redacted] JERUSALEM 03889

FOR DS/OP/NEA, DS/TAD

E.O. 12356: N/A
TAGS: ASEC
SUBJECT: VEHICLE STONING NEAR NABLUS

1. OCCASIONALLY, CONGEN VEHICLES CARRYING U.S. OR FSN PERSONNEL ARE STRUCK BY STONES IN INCIDENTS RELATED TO THE INTIFADA IN THE WEST BANK AND EAST JERUSALEM. CONGEN VEHICLES ALSO ENCOUNTER OCCASIONAL ROADBLOCKS, BOTH BY PALESTINIANS AND IDF FORCES. THESE ARE HAZARDS INHERENT IN THE CONDUCT OF CONGEN'S WORK IN COVERING EVENTS AND PROVIDING CONSULAR SERVICES.

2. RSO AND CONSULATE MEMBERS ARE AWARE OF THE POSSIBILITY OF STONING INCIDENTS AND TRAVEL IS CLOSELY MONITORED. CONSULATE MEMBERS ARE REQUIRED TO REPORT PROJECTED TRAVEL TO RSO AND SUPPLY CONTACT NAMES AND PHONE NUMBERS IN AREA TRAVELLED, ALL BEFORE PERMISSION TO TRAVEL IS GRANTED, AND USE ARMORED VEHICLES WITH RADIOS. THE FOLLOWING ILLUSTRATES THE KIND OF INCIDENTS THAT OCCASIONALLY OCCUR. (OUR STANDARD SECURITY

[redacted]

PAGE 02 JERUSA 03889 281311Z

OPERATING PROCEDURE WAS FOLLOWED ON THIS OCCASION.) ALL CONGEN PERSONNEL OBSERVE CAREFULLY THESE SECURITY PRECAUTIONS TO MINIMIZE RISK FROM SUCH INCIDENTS, AND PROCEDURES ARE REVIEWED REGULARLY BY THE CONSUL GENERAL AND THE RSO.

3. ON SATURDAY, NOVEMBER 19, THE CONGEN POLITICAL SECTION CHIEF, ACCOMPANIED BY TWO PALESTINIANS AND TWO ISRAELIS, WAS ON CONSULATE BUSINESS IN THE ARAB TOWN OF BEITA (NEAR NABLUS).

4. THE POLITICAL OFFICER AND GROUP OBSERVED THE ISRAELI DEFENSE FORCE TROOPS ENTER THE VILLAGE, BREAK WINDOWS AND FORCE PEOPLE TO REMOVE PALESTINIAN FLAGS AND GRAFFITI. TWO SHOTS WERE HEARD BUT THEIR ORIGIN OR DIRECTION WAS UNKNOWN.

5. THE GROUP REMAINED IN A VILLAGE HOME FOR OVER TWO HOURS UNTIL IT WAS APPARENT THAT THE TROOPS WERE NOT LEAVING. ON DEPARTURE THEY PASSED TWO ISRAELI CHECKPOINTS AND WERE STOPPED AND QUESTIONED. EACH TIME THE SOLDIER WANTED THE GROUP TO REMAIN UNTIL AN OFFICER ARRIVED AND EACH TIME THE GROUP TALKED THEIR WAY THROUGH THE CHECKPOINT. (SUCH ALTERCATIONS AT IDF CHECKPOINTS OCCUR REGULARLY.)

6. THE GROUP THEN HAD TO PASS THROUGH TWO PALESTINIAN ROADBLOCKS OF BURNING TIRES AND TWO OF STONES. DESPITE THEIR SHOUTS THAT THEY WERE GUESTS OF THE VILLAGE, THE VEHICLE WAS STONED

[redacted]

[redacted]

WHEN THE STONES WERE REMOVED TO ALLOW PASSAGE.

7. AS THEY APPROACHED JERUSALEM AND PASSED THROUGH THE AREA OF WADI JOZ, A STONE ROADBLOCK FORCED THE DRIVER TO SLOW AT WHICH TIME PEOPLE HIDDEN BY THE ROADSIDE THREW STONES, TWO OF WHICH STRUCK THE VEHICLE. THERE WERE NO INJURIES AND THE ARMORED CONSULATE VEHICLE SUSTAINED VERY MINOR DAMAGE.
WILCOX

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

CONFIDENTIAL

PAGE 01 SANTIA 08993 291850Z
ACTION IO-19

INFO	LOG-00	ADS-00	INR-07	SS-00	OIC-02	CIAE-00	DODE-00
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TO SECSTATE WASHDC IMMEDIATE 9234
INFO USMISSION USUN NEW YORK IMMEDIATE
AMEMBASSY MEXICO
AMEMBASSY BOGOTA
AMEMBASSY SAN JOSE

C O N F I D E N T I A L SANTIAGO 08993

E.O. 12356: DECL:OADR
TAGS: PHUM, UNGA, CI
SUBJ: CHILE HUMAN RIGHTS RESOLUTION

REF: USUN 4092

1. CONFIDENTIAL - ENTIRE TEXT.

2. WE UNDERSTAND MEXICO'S RESOLUTION ON HUMAN RIGHTS SITUATION IN CHILE MAY BE VOTED ON IN THIRD COMMITTEE TUESDAY AFTERNOON. AS WE HAVE NOT YET SEEN THE FIFTH DRAFT OF THE RESOLUTION MENTIONED REFTEL, WE CANNOT IN GOOD CONSCIENCE MAKE A RECOMMENDATION AS TO HOW THE UNITED STATES SHOULD VOTE. WE LIMIT OURSELVES TO A COUPLE OF OBVIOUS POINTS:

-

- -- THE VOTE, AND WHAT IS SAID ABOUT IT, WILL RECEIVE MUCH GREATER ATTENTION IN SANTIAGO THAN IN NEW YORK OR MEXICO CITY. AN EXPLANATION OF VOTE THAT CLEARLY EXPLAINS OUR DECISION AND RESTATES

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PAGE 02 SANTIA 08993 291850Z

OUR UNVARYING POSITION ON RESPECT FOR HUMAN RIGHTS IS VERY IMPORTANT; EVERY WORD WILL BE CAREFULLY WEIGHED HERE.

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- -- THE COMPANY WE KEEP IN OUR VOTE WILL ALSO BE CAREFULLY NOTED. IF, AS REPORTED REFTEL, EC COUNTRIES, ARGENTINA, AND URUGUAY ALL VOTE FOR THE RESOLUTION, AND COLOMBIA, BRAZIL, AND POSSIBLY VENEZUELA ABSTAIN, THEN WE WILL BE IN GOOD DEMOCRATIC COMPANY WITH EITHER A FAVORABLE VOTE OR AN ABSTENTION.

-

3. SPECIAL U.S. APPRECIATION SHOULD BE EXPRESSED TO COLOMBIA FOR HAVING BEEN THE ONLY ONE OF OUR MANY ALLIES WITH THE GUTS TO TAKE ON MEXICO.

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4. WE WILL NEED FULL TEXT OF FINAL RESOLUTION AND OF U.S. STATEMENT AS SOON AS THEY ARE AVAILABLE.
JONES

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E238

*** Current Classification *** [redacted]
*** Current Handling Restrictions *** n/a

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DOC_NBR= 88COTONO03448

FILM= D881047-0052

DATE= 29 NOV 88

TYPE= TE

FROM= COTONOU

DRAFTER= n/a

OFFICE= ACTION NEA

TO= STATE
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CHANNEL= n/a

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DEPARTMENT OF STATE — IS/FPC/CDR — Date: 2/12/97

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SUBJECT= PLO DECLARATION OF STATEHOOD: -- BENINESE REACTION

REFERENCE= 88 STATE 380788, 88 STATE 383930

CONTROL_NBR= n/a

ENCLOSURE= n/a

LOCATOR= TEXT ON-LINE, ON MICROFILM

ERRORS= N/A

CONCEPTS= SOVEREIGNTY, GOVERNMENT REACTION, ENDORSEMENT, VISA, FOREIGN RELATIONS

TAGS= PREL, BN, PLO, (ARAFAT, YASSAR)

UNCLASSIFIED

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PAGE 01 COTONO 03448 291628Z
ACTION NEA-11

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CIAE-00 DODE-00 IO-19 NSAE-00 SSO-00 PA-01 INRE-00
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INFO AMEMBASSY ABIDJAN
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AMEMBASSY NIAMEY
AMEMBASSY OUAGADOUGOU
AMEMBASSY PARIS

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PARIS FOR FENDRICK

E.O. 12356: DECL: OADR
TAGS: PLO, PREL, BN
SUBJECT: PLO DECLARATION OF STATEHOOD:
-- BENINESE REACTION

REF: A) STATE 380788, B) STATE 383930,
-- C) USINFO WASHDC 281743Z NOV88

1. [redacted]

2. SUMMARY: ALTHOUGH GPRB HAS NOT YET MADE AN OFFICIAL DECISION REGARDING RECOGNITION OF A NEW PALESTINIAN STATE, WE BELIEVE THAT SUCH RECOGNITION IS LIKELY. GPRB WAS ALSO CRITICAL OF USG DECISION TO REFUSE ARAFAT VISA. (END SUMMARY)
3. ECONOFF MET WITH MFA DIRECTOR FOR AFRICAN AND ARAB AFFAIRS JOEL ADECHI ON NOVEMBER 28 TO DISCUSS TALKING
[redacted]
[redacted]

PAGE 02 COTONO 03448 291628Z

POINTS PROVIDED REF A ON PALESTINIAN NATIONAL COUNCIL'S UNILATERAL DECLARATION OF INDEPENDENCE. STRESSING OUR OPPOSITION TO EFFORTS BY EITHER ISRAEL OR THE ARAB STATES TO RESOLVE UNILATERALLY THE FINAL STATUS OF THE WEST BANK AND GAZA AND TO ANY UNILATERAL DECLARATION OF

STATEHOOD, ECONOFF STRESSED USG DESIRE TO ENSURE PEACE IN THE REGION THROUGH A NEGOTIATED SETTLEMENT. ADECHI RESPONDED THOUGHTFULLY, SAYING THAT THE GPRB SUPPORTS BOTH THE RIGHT OF THE PALESTINIAN PEOPLE TO SELF-DETERMINATION AND THE RIGHT OF THE STATE OF ISRAEL TO EXIST.

4. ALTHOUGH THERE HAD NOT YET BEEN AN OFFICIAL GPRB DECISION REGARDING RECOGNITION OF THE NEW PALESTINIAN STATE DECLARED BY THE PALESTINE NATIONAL COUNCIL (PNC), HE CONTINUED, SUCH A DECISION IS VERY LIKELY. ECONOFF ASKED WHAT TYPE OF ASSISTANCE THE PLO PROVIDED BENIN, IF ANY. ADECHI REPLIED THAT TWO MEDICAL DOCTORS HAD BEEN SENT BY ARAFAT TO BENIN AS PART OF A TECHNICAL ASSISTANCE PACKAGE SHORTLY AFTER ARAFAT'S MAY 1986 VISIT TO COTONOU BUT THAT BOTH PHYSICIANS HAD SINCE DEPARTED AND NOT BEEN REPLACED. THE PLO AMBASSADOR TO LAGOS HAD RECEIVED ACCREDITATION TO BENIN IN 1986, ADECHI ADDED, AND HAD ACCOMPANIED ARAFAT'S SPECIAL ENVOY, AMIR ABU HASSIRA, ON HIS NOVEMBER 24 CALL ON PRESIDENT KEREKOU. HASSIRA DELIVERED BACKGROUND DOCUMENTS ON THE PNC DECISION, ADECHI SAID. (ACCORDING TO LOCAL PRESS REPORTS, HASSIRA ALSO TRANSMITTED A MESSAGE OF THANKS FROM YASSER ARAFAT TO PRESIDENT KEREKOU FOR THE SUPPORT WHICH BENIN HAS GIVEN THE PALESTINIAN PEOPLE "IN THEIR RIGHTFUL STRUGGLE FOR NATIONAL LIBERATION.")

5. ADECHI THEN CRITICIZED THE USG DECISION TO DENY ARAFAT A VISA TO ATTEND THE UNGA AS AN INVITEE. USING

[redacted]

INFORMATION PROVIDED REF B, ECONOFF OUTLINED THE U.N. HEADQUARTERS AGREEMENT AND THE RIGHT OF THE USG TO BAR THE ENTRY OF THOSE PERSONS WHO REPRESENT A THREAT TO U.S. SECURITY, PARTICULARLY THOSE INDIVIDUALS CONDONING OR LENDING SUPPORT TO TERRORISM AGAINST U.S. CITIZENS. ADECHI COMMENTED THAT, ALTHOUGH HE AGREED THAT THE PLO OBSERVER MISSION AT THE U.N. HAD EVERY OPPORTUNITY TO SPEAK FOR THE PLO, HE AND THE REST OF THE GPRB COULD NOT HELP BUT WONDER WHY THE USG HAD CHOSEN THIS MOMENT TO DENY ARAFAT ENTRY, SINCE "ARAFAT HAS SHOWN THAT HE REPRESENTS THE MORE REASONABLE FACTION OF THE PLO." ADECHI SAID THAT HE AND OTHER GPRB OFFICIALS HAD CONCLUDED THAT THE VISA REFUSAL WAS "A PARTING SHOT FROM PRESIDENT REAGAN" AND THAT THEY HOPED PRESIDENT-ELECT BUSH WOULD PROVE "MORE FLEXIBLE."

6. COMMENT: WE EXPECT THE GPRB TO JOIN NEIGHBORING BURKINA FASO, NIGER, AND NIGERIA IN RECOGNIZING A NEW

INDEPENDENT PALESTINIAN STATE. ADECHI ACCEPTED AN INFORMAL EMBASSY TRANSLATION OF THE TALKING POINTS PROVIDED REF A AND PROMISED TO SHARE THESE VIEWS WITH OTHERS IN THE FOREIGN MINISTRY, BUT IT WAS CLEAR THAT HE DID NOT FIND OUR ARGUMENTS CONVINCING. FOR THE RECORD, WE FOLLOWED UP ON THIS ISSUE BY PROVIDING ADECHI A COPY OF THE USIA-PROVIDED FRENCH TEXT OF THE SECRETARY'S DECISION ON ARAFAT'S VISA (REF C) ON NOVEMBER 29. END COMMENT. STADTLER

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*** Current Handling Restrictions *** n/a
*** Current Classification *** [redacted]

Chile Project (#S199900030)
U.S. Department of State
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PAGE 01 USUN N 04103 291923Z
ACTION IO-19

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AMEMBASSY MEXICO IMMEDIATE
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C O N F I D E N T I A L USUN NEW YORK 04103

E.O 12356: DECL:OADRO
TAGS: PHUM, UNGA, UNHRC, ECOSOC, CI, CS
SUBJECT: 43RD UNGA, THIRD COMMITTEE:MEXICAN RESOLUTION
UN HUMAN RIGHTS IN CHILE

REF A) SAN JOSE 15305, B) CHILE RESOLUTION AND
OBJECTIONS DATAFAX (NOTAL)

1. ENTIRE TEXT CONFIDENTIAL. ACTION REQUEST PARA 4.

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2. USUN STRONGLY RECOMMENDS ABSTENTION ON THIRD COMMITTEE RESOLUTION L. 81, "SITUATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN CHILE." CHILE WILL BE CALLING FOR A VOTE ON THE RESOLUTION BASED ON ITS OBJECTIONS (REF B). THERE IS MUCH MERIT TO THE CHILEAN CLAIM THAT THE RESOLUTION ASKS CHILE TO UNDERTAKE ACTION THAT IT IS ALREADY IMPLEMENTING IN THE FIELD OF HUMAN RIGHTS. THE RESOLUTION ALSO DOES NOT TAKE ACCOUNT OF ONGOING ACTS OF

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PAGE 02 USUN N 04103 291923Z

LEFTIST TERRORISM IN CHILE.

3. THE RESOLUTIOF AS IT NOW STANDS DOES NOT ADHERE AS CLOSELY TO THE VOLIO REPORT AS WE WOULD LIKE. REF A IS AN INDICATOR OF SERIOUS CUNTROVERSY SURROUNDING THE RESOLUTION. ALTHOUGH THEIR MOTIVES ARE DIFFERENT, YUGOSLAVIA, ALGERIA AND SWEDEN HAVE WITHDRAWN THEIR CO-SPONSORSHIP OF THE RESOLUTION. COLOMBIA AND OTHER ARA STATES PLAN TO ABSTAIN ON THE RESOLUTION, WHICH THEY CLAIM DOES NOT REFLECT REALITY.
4. COMMENT. WHILE WE AGREE THAT THE CURRENT LANGUAGE OF THE RESOLUTION DOES NOT FULLY REFLECT REALITY, WE ALSO BELIEVE THAT A "NO" VOTE WILL GIVE THE WRONG MESSAGE. THE RESOLUTION IS AN IMPROVEMENT OVER LAST YEAR'S, AND THE UNITED STATES SHOULD GET THE IDEA ACROSS THAT IT SERIOUSLY WANTS A MOVE TOWARD FULL DEMOCRACY AND COMPLETE RESPECT FOR HUMAN RIGHTS. AN ABSTENTION WITH AN EXPLANATION OF POSITION (EOP) WILL FULFILL THESE REQUIREMENTS. UNLESS INSTRUCTED OTHERWISE BEFORE THE VOTE (NOVEMBER 29 AFTERNOON OR NOVEMBER 30), U.S. WILL ABSTAIN ON THIS RESOLUTION. FYI. IF CHILE AGREES TO A CONSENSUS TEXT WITH MEXICO, U.S. SHOULD ALSO JOIN CONSENSUS. END FYI. DEPARTMENT MAY WISH TO SEND ELEMENTS FOR AN APPROPRIATE EOP ASAP.
WALTERS

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Chile Project (#S199900030)
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CONFIDENTIAL

PAGE 01 STATE 385962
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APPROVED BY: IO:CPONTICELLI
IO/HW:WCMITHOEFER
ARA/SC:WGRANT
ARA/CEN:BDIXON
HA/MLP:DTELLEEN

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USMISSION GENEVA IMMEDIATE

C O N F I D E N T I A L STATE 385962

E.O. 12356: DECL: OADR
TAGS: UNGA/C-3, PHUM, PREL, UNHRC-1, CI, CS
SUBJECT: 43RD UNGA: ITEM 12: HUMAN RIGHTS IN CHILE:

RESPONSE TO SPECIAL RAPPORTEUR VOLIO

REF: SAN JOSE 15305

1. CONFIDENTIAL - ENTIRE TEXT.

2. *DEPARTMENT READ WITH INTEREST REPORT (PARA 2 REFTEL)* THAT SPECIAL RAPPORTEUR FERNANDO VOLIO WILL RESIGN IF MEXICAN DRAFT RESOLUTION ON CHILE IS PASSED WITH LANGUAGE ENCOURAGING THE RECEIPT OF INFORMATION ON THE HUMAN RIGHTS SITUATION IN CHILE FROM SOURCES OTHER THAN HIS

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PAGE 02 STATE 385962

REPORT. AT THIS TIME, IT APPEARS LIKELY THAT THE RESOLUTION WILL BE PASSED BY THE 43RD UNGA WITH THE LANGUAGE IN QUESTION INTACT. (FYI: THE US AND SEVERAL OTHER DELEGATIONS WILL ABSTAIN ON THE RESOLUTION.) ALTHOUGH THIS IS NOT THE FIRST TIME THAT VOLIO HAS THREATENED TO RESIGN, DEPARTMENT AGREES WITH POST'S ASSESSMENT THAT THE THREAT SHOULD BE TAKEN SERIOUSLY. POST IS REQUESTED TO APPROACH VOLIO TO CONVINCE HIM TO STAY ON THE JOB, AT LEAST UNTIL AFTER THE TRANSITION PERIOD TO ELECTIONS IN CHILE HAS BEEN COMPLETED. AS POST IS AWARE, VOLIO'S SENSITIVITES ON THE ISSUE REQUIRE A DELICATE TOUCH. POST SHOULD DRAW UPON LANGUAGE IN TALKING POINTS BELOW AS APPROPRIATE.

3. TALKING POINTS:

-- THE US NOTES WITH GREAT APPRECIATION THE EXCELLENT WORK THAT UN SPECIAL RAPPORTEUR FERNANDO VOLIO HAS DONE IN CHILE OVER THE YEARS.

-- THE LACK OF PROPER RECOGNITION OF VOLIO'S PERFORMANCE IS ONE OF THE CAUSES OF THE US ABSTAINING ON THE CHILE RESOLUTION AT THE 43RD UNGA. OTHER COUNTRIES ARE ABSTAINING ON THE RESOLUTION FOR THE SAME REASON.

-- THE DEGREE OF COOPERATION THAT VOLIO HAS SECURED FROM THE CHILEAN GOVERNMENT IN RECENT YEARS AND THE PROGRESS THAT CHILE HAS MADE TOWARD RETURNING TO DEMOCRACY IS TESTIMONY TO VOLIO'S SUCCESS AS A UN SPECIAL RAPPORTEUR.

-- IT IS OF PARAMOUNT IMPORTANCE THAT VOLIO NOT RESIGN FROM HIS POSITION AS SPECIAL RAPPORTEUR AT SUCH A SENSITIVE PERIOD IN CHILE'S TRANSITION TO DEMOCRACY.

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PAGE 03 STATE 385962

VOLIO'S EXCELLENT WORKING RELATIONS WITH VARIOUS ELEMENTS OF THE CHILEAN GOVERNMENT MAKE HIM UNIQUELY PLACED TO EXERT A POSITIVE INFLUENCE DURING THIS CRUCIAL PERIOD.

-- WE HOPE THAT VOLIO WILL RETAIN HIS POSITION AS SPECIAL RAPPORTEUR FOR CHILE AT LEAST UNTIL AFTER THE ELECTIONS IN CHILE IN 1989. SHULTZ

Chile Project (#S199900030)
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PAGE 01 USUN N 04092 01 OF 02 290227Z
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INFO AMEMBASSY BOGOTA
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AMEMBASSY LIMA
AMEMBASSY MEXICO
AMEMBASSY MONTEVIDEO
AMEMBASSY QUITO
AMEMBASSY SAN JOSE
AMEMBASSY SANTIAGO
AMEMBASSY SANTO DOMINGO

C O N F I D E N T I A L SECTION 01 OF 02 USUN NEW YORK 04092

DEPARTMENT PASS EC COLLECTIVE

E.O. 12356: DECL: OADR
TAGS: PREL, PHUM, PINR, CI, MX
SUBJECT: CHILE HUMAN RIGHTS RESOLUTION: COLOMBIA DEFERS TO MEXICO

REFERENCE: USUN 4008

1. (CONFIDENTIAL - ENTIRE TEXT)

2. SUMMARY. IN THE NAME OF GROUP OF EIGHT UNITY AND AS

A RESULT OF NEW, SOFTER MEXICAN DRAFT, COLOMBIA HAS WITHDRAWN ITS HUMAN RIGHTS RESOLUTION ON CHILE. STATUS REPORT FOLLOWS. END SUMMARY.

3. TABLING OF COLOMBIAN HUMAN RIGHTS RESOLUTION ON CHILE (REFTEL) CREATED SERIOUS STRAIN WITHIN GROUP OF EIGHT. MEXICO WAS REPORTEDLY INDIGNANT OVER COLOMBIA'S EFFORTS. COLOMBIAN THIRD COMMITTEE REPRESENTATIVE TOLD MISOFF THAT, AFTER FOUR DIFFICULT GROUP OF EIGHT MEETINGS WEEKEND NOVEMBER 25-26, COLOMBIA WITHDREW ITS RESOLUTION. COLOMBIAN SAID "GROUP OF EIGHT WAS READY TO EXPLODE."

4. A NEW, SOFTER MEXICAN VERSION (THEIR FIFTH DRAFT) BEGAN TO CIRCULATE IN THIRD COMMITTEE NOVEMBER 28 (FAXED TO ZWEIBEN OF IO). SPONSORS ARE AUSTRALIA, AUSTRIA, CUBA, DENMARK, FRANCE, GREECE, ITALY, LUXEMBOURG, MEXICO, NETHERLANDS, NORWAY, PORTUGAL, AND SPAIN.

5. NORWEGIAN DELEGATE TOLD MISOFF THAT SWEDEN WITHDREW ITS COSPONSORSHIP OF MEXICAN RESOLUTION WHICH, IN THEIR VIEW, IS NOW TOO SOFT. ALGERIA AND YUGOSLAVIA ALSO DROPPED AS COSPONSORS, APPARENTLY FEARFUL THAT CHILE COULD CHALLENGE THEIR HUMAN RIGHTS BONA FIDES. (COMMENT: THERE WERE RIOTS IN ALGIERS ON DAY OF CHILEAN PLEBISCITE AND DEATHS APPARENTLY OCCURRED ALSO IN YUGOSLAVIA).

6. CHILEANS ARE BEGINNING TO LOBBY AGAINST HR RESOLUTION, THOUGH A CHILEAN MISOFF ACKNOWLEDGED THAT NEW MEXICAN DRAFT IS CERTAINLY MILDER THAN HAS BEEN THE CASE TO DATE. CHILEANS OBJECT STRONGLY TO QUESTIONING IN PARA 9 OF PREAMBLE OF COUNTRY'S JURIDICAL FRAMEWORK. CHILEAN MISOFF TOLD USUN THAT IT IS THAT JURIDICAL

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FRAMEWORK, I.E., THE CONSTITUTION, THAT IS RESPONSIBLE FOR DEMOCRATIC PROGRESS TO DATE. HE FELT STRONGLY THAT CHILE'S LAWS SHOULD NOT BE UNDERMINED.

7. COLOMBIA REPORTS THAT BRAZIL WILL JOIN IT IN ABSTAINING. COLOMBIAN MISOFF GRILLO HOPES VENEZUELA WILL ABSTAIN TOO.

8. URUGUAYAN PERMREP PAOLILLO TOLD MISOFF THAT NEW MEXICAN DRAFT IS MOST BALANCED PRODUCT ACHIEVABLE. GROUP OF EIGHT WOULD HAVE LIKED A CONSENSUS RESOLUTION, PAOLILLO NOTES, BUT CHILE WOULD THEN HAVE INSISTED ON TERMINATION OF RAPPORTEUR'S MANDATE. PAOLILLO EXPECTS URUGUAY AND ARGENTINA TO VOTE FOR RESOLUTION.

9. BRITISH MISOFF HELKE BELIEVES EC L2 WILL ALL SUPPORT RESOLUTION. SHE REGRETTED LACK OF REFERENCES TO TORTURE AND TERRORISM.

10. MEXICO SUB-SECRETARY HELLER COMMENTED TO MISOFF THAT NEW MEXICAN DRAFT INCORPORATES U.S. POINTS OF VIEW. HE REGRETTED THAT THERE COULD BE NO MENTION OF TERRORISM BUT CLAIMED EUROPEANS OBJECT. HE CALLED FOR A FAVORABLE U.S. VOTE ON WHAT HE CALLED EQUITABLE RESOLUTION. ASKED ABOUT CHILEAN OBJECTIONS TO MENTION OF JURIDICAL FRAMEWORK (PARA 9 PREAMBLE), HELLER SAID THIS REFERS TO ARTICLES 8 AND 9 OF CHILEAN CONSTITUTION THAT PERMIT PROSECUTION FOR POLITICAL DIFFERENCES. URUGUAY'S PAOLILLO FELT THAT LANGUAGE ON JURIDICAL FRAMEWORK COULD BE REWORKED SLIGHTLY.

11. URUGUAY AND UK MISOFFS REPORT RAPPORTEUR VOLIO OF COSTA RICA IS OFFENDED BY REFERENCE (PARA L0 OPERATIVE) TO "THE REPORT OF THE SPECIAL RAPPORTEUR AND OTHER PERTINENT INFORMATION." VOLIO SEEMS TO WANT TO BE EXCLUSIVE SOURCE FOR UN. COSTA RICA WILL REPORTEDLY

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NOTE BY OC/T: NOT PASSED TO EC COLLECTIVE.

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PAGE 01 USUN N 04092 02 OF 02 290228Z
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C O N F I D E N T I A L SECTION 02 OF 02 USUN NEW YORK 04092
UNCLASSIFIED
DEPARTMENT PASS EC COLLECTIVE

E.O. 12356: DECL: OADR
TAGS: PREL, PHUM, PINR, CI, MX
SUBJECT: CHILE HUMAN RIGHTS RESOLUTION: COLOMBIA

SEEK TO AMEND PARA L0.

WALTERS

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PAGE 02 USUN N 04092 02 OF 02 290228Z

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Chile Project (#S199900030)
U.S. Department of State
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PAGE 01 STATE 385019
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INFO	LOG-00	ADS-00	INR-07	SS-00	CIAE-00	EB-00	DODE-00
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DRAFTED BY: ARA/SC:P C DESHAZO:PCD
APPROVED BY: ARA:E ABRAMS
ARA/SC:R B HOWARD, ARA/FO:M M SKOL
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TO AMEMBASSY SANTIAGO

UNCLASSIFIED
C O N F I D E N T I A L STATE 385019

E.O. 12356: DECL: OADR
TAGS: PREL, PINR, PHUM, CI
SUBJECT: MEETING OF CHILEAN FOREIGN MINISTER HERNAN FELIPE ERRAZURIZ WITH ELLIOTT ABRAMS, NOVEMBER 18, 1988.

1. CONFIDENTIAL, ENTIRE TEXT.

2. SUMMARY. CHILEAN FOREIGN MINISTER HERNAN FELIPE ERRAZURIZ MET WITH ASSISTANT SECRETARY ELLIOTT ABRAMS AT THE DEPARTMENT ON NOVEMBER 18, 1988. ABRAMS REQUESTED THAT THE GOC REVIEW THE CASES OF INTERNALLY EXILED LABOR

LEADERS MANUEL BUSTOS AND ARTURO MARTINEZ AND THOSE OF THE MANY JOURNALISTS CURRENTLY PENDING IN MILITARY AND CIVIL COURTS. ALTHOUGH HE CLAIMED SUCH MATTERS WERE SMALL COMPARED WITH THE GREATER ISSUES FACING THE GOC, ERRAZURIZ PROMISED THAT HE WOULD LOOK INTO THEM ON HIS RETURN TO SANTIAGO. ASKED BY ABRAMS IF HE WOULD MEET WITH WILLIAM DOHERTY OF AIFLD TO DISCUSS THE BUSTOS/MARTINEZ MATTER, ERRAZURIZ STATED HALFHEARTEDLY THAT HE MIGHT BE ABLE TO FIT HIM INTO HIS SCHEDULE IN WASHINGTON. ABRAMS TOLD

ERRAZURIZ THAT IT IS UNLIKELY THAT U.S. POLICY TOWARD CHILE WOULD CHANGE VERY MUCH UNDER A BUSH ADMINISTRATION BUT THAT, WITH AN EXCHANGE OF NEW AMBASSADORS PENDING AND AS A RESULT OF THE PLEBISCITE, IT IS TIME TO CREATE A MORE POSITIVE ATMOSPHERE FOR BILATERAL RELATIONS. ERRAZURIZ AGREED, NOTING THAT CHILEAN RELATIONS WITH EUROPE HAVE IMPROVED RECENTLY, CITING ITALY AND BELGIUM AS SPECIFIC CASES. THE GOC, ERRAZURIZ SAID, WOULD PAY SPECIAL ATTENTION TO DEALING WITH THE COMMUNISTS AND THE CHURCH IN THE COMING YEAR, NOTING THAT A POSSIBLE OPENING TO EASTERN EUROPE IS ALSO IN THE WIND. ON THE TOPIC OF A RESOLUTION ON CHILE AT THE UNGA, ERRAZURIZ WARNED THAT THIS YEAR'S EXERCISE WOULD PRODUCE AN UNBALANCED MEXICAN RESOLUTION SUPPORTED BY EUROPE AND THE SOCIALIST BLOC AS IN THE PAST AND THAT THE U.S. SHOULD NOT EXPECT MUCH COOPERATION IN OBTAINING SOMETHING MORE BALANCED. ABRAMS TOLD ERRAZURIZ THAT, DUE TO LEGAL PROBLEMS, THE SIGNING OF THE BILATERAL CIVIL AIR AGREEMENT SCHEDULED FOR LATER IN THE MONTH IN SANTIAGO WOULD HAVE TO BE POS'PONED. END SUMMARY.

3. ACCOMPANIED BY DIRECTOR OF FOREIGN AFFAIRS OCTAVIO ERRAZURIZ AND CHARGE PATRICIO MATURANA, FOREIGN MINISTER HERNAN FELIPE ERRAZURIZ CALLED ON ELLIOTT ABRAMS AT THE DEPARTMENT ON NOVEMBER 18. DAS MICHAEL SKOL AND RICHARD HOWARD AND PETER DESHAZO (NOTETAKER) OF ARA/SC ALSO ATTENDED THE MEETING. THE VISIT FOLLOWED AN EARLIER MEETING THAT DAY BETWEEN ERRAZURIZ AND THE SECRETARY, WHICH WAS REPORTED IN SEPTEL.

4. AS ABRAMS OPENED THE DISCUSSION BY ASKING ERRAZURIZ WHAT COULD BE DONE TO REEVALUATE THE INTERNAL EXILE OF LABOR LEADERS MANUEL BUSTOS AND ARTURO MARTINEZ AND TO REEXAMINE THE MANY CASES PENDING AGAINST JOURNALISTS IN

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CHILEAN COURTS. ERRAZURIZ RESPONDED THAT THE GOC'S MAJOR PRIORITY IS TO ADDRESS BIG GROUPS ON BIG ISSUES AND NOT TO "USE UP ENERGY" ON MATTERS SUCH AS THOSE RAISED BY ABRAMS. IF BUSTOS IS NOT PUNISHED, THERE WOULD BE NO

INCENTIVE FOR OTHERS TO DESIST FROM CALLING ILLEGAL STRIKES, ERRAZURIZ SAID, AND THE SAME HOLDS TRUE FOR THE

JOURNALISTS. THE GOC MUST NOW DEAL WITH A COMMUNIST TERRORIST THREAT AND WILL BE PREOCCUPIED WITH THIS KEY ISSUE, SAID ERRAZURIZ, INFERRING THAT IT HAD LITTLE TIME TO WASTE ON OTHER MATTERS. NONETHELESS, HE SAID, THE GOC COULD REONSIDER THESE ISSUES AND MIGHT TAKE ACTION BUT ONLY IF SUCH ACTION IS JUDGED TO FAVOR GOC INTERESTS, NOT BECAUSE OF OUTSIDE PRESSURE.

5. ABRAMS STATED THAT IT WOULD BE A MISTAKE TO THINK THAT THE BUSH ADMINISTRATION WILL CHANGE POLICY TOWARD CHILE IN ANY SIGNIFICANT WAY, BUT PREDICTED THAT IT WOULD WORK AT IMPROVING THE "ATMOSPHERE" FOR CONDUCTING BILATERAL RELATIONS. THE EXCHANGE OF NEW AMBASSADORS, THE HOLDING OF THE PLEBISCITE, AND THE INAUGURATION OF A NEW ADMINISTRATION IN WASHINGTON ALL HOLD OUT THE PROSPECT FOR CREATING A NEW AND MORE POSITIVE OUTLOOK FOR RELATIONS, HE SAID. ERRAZURIZ NODDED HIS APPROVAL.

6. ASKED BY ABRAMS TO CLARIFY HIS STATEMENT MADE EARLIER TO THE SECRETARY THAT THE CHURCH WILL PLAY A CENTRAL ROLE IN CHILE'S POLITICAL FUTURE, ERRAZURIZ RESPONDED THAT THE CHURCH HAD BEEN AN ACTIVE FORCE AGAINST THE GOC IN THE PLEBISCITE BUT THAT THE CHURCH HIERARCHY IS NOW CHANGING TO A MORE MODERATE POSITION. IN THE PAST, HE CONTENDED, "EXTREMIST PRIESTS" MAINTAINED RELATIONS WITH LEFTISTS, INCLUDING COMMUNISTS AND TERRORISTS, ABOVE ALL THROUGH THE VICARIATE OF SOLIDARITY. THIS IS NOW CHANGING, AT THE INSISTENCE OF THE COUNCIL OF BISHOPS AND CARDINAL FRESNO. ACCORDING TO ERRAZURIZ, THE COUNCIL OF BISHOPS HAD TOLD

THE MINISTRY OF THE INTERIOR RECENTLY THAT THE CHURCH WILL NO LONGER ALLOW MASSES TO BE SAID FOR EXTREMISTS, WILL OPENLY ESCHEW ANY RELATIONS WITH TERRORISTS, AND WILL RETURN TO NORMAL, NON-POLITICAL RELIGIOUS ACTIVITY. "THE CHURCH IS PROBABLY THE MOST IMPORTANT ACTOR IN CHILE," ERRAZURIZ CLAIMED.

7. WHEN QUESTIONED ABOUT RELATIONS WITH EUROPE, ERRAZURIZ RESPONDED THAT ITALY HAS MADE A NOTICEABLE CHANGE IN ITS POSITION ON CHILE AND THAT THE BELGIANS, PENDING THE RESOLUTION OF A PROBLEM WITH THE SOCIALIST PARTY OF

BELGIUM, IS ALSO READY TO ADJUST ITS STANCE ON CHILE. EVEN IN EASTERN EUROPE, ERRAZURIZ CLAIMED, THERE IS NEW INTEREST IN BETTERING RELATIONS WITH CHILE. THIS INCLUDES OFFICIAL ENTITIES OF THE USSR, HE SAID, WHICH ARE INTERESTED IN "OPENING OFFICES" IN SANTIAGO. (HE DID NOT SAY WHICH).

8. ABRAMS ASKED ERRAZURIZ TO CONSIDER MEETING WITH AIFLD DIRECTOR WILLIAM DOHERTY ON THE BUSTOS/MARTINEZ MATTER WHILE IN WASHINGTON. ERRAZURIZ CLAIMED THAT PERHAPS DURING THE LAST DAY OF HIS STAY IN WASHINGTON HE MIGHT FIND TIME. (COMMENT: CHARGE MATURANA TOLD HOWARD AND DESHAZO AFTER THE MEETING THAT IT WAS TOTALLY INAPPROPRIATE FOR A FOREIGN MINISTER TO MEET WITH DOHERTY BUT THAT HE, MATURANA WOULD BE WILLING TO DO SO ONCE ERRAZURIZ HAD RETURNED TO CHILE. END COMMENT).

9. ASKED TO COMMENT ON THE RECENT TELEVISED SPEECH BY INTERIOR MINISTER CACERES, ERRAZURIZ CLAIMED LACONICALLY THAT CACERES IS AN IMPORTANT PLAYER WHO IS SPEAKING FRANKLY AND OUTLINING HIS THOUGHTS ABOUT KEY POLITICAL ISSUES. HE IMPLIED THAT CACERES MEANS WHAT HE SAYS ABOUT

CONFIDENTIAL
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PAGE 05 STATE 385019

DIALOGUE AND OTHER IMPORTANT MATTERS.

10. THE ISSUE OF THE CHILEAN RESOLUTION AT THE UNGA WAS RAISED. ERRAZURIZ STATED THAT SPAIN IS THE USG'S WORST ENEMY AT THE UNGA, CITING SPAIN'S POSITION ON AFGHANISTAN AS PROOF, AND WARNED ABRAMS NOT TO EXPECT ANYTHING FROM A GOVERNMENT WHICH IS FINANCING BOTH PATRICIO AYLWIN AND RICARDO LAGOS IN THEIR BIDS FOR POWER. FRANCE IS ALSO ANTI-CHILEAN BUT "SPAIN IS THE STRONGEST ENEMY OF THE US," HE REITERATED. THE UK, HE SAID, WOULD FAVOR A FAIR RESOLUTION. ACCORDING TO ERRAZURIZ, THE SUCCESSFUL HOLDING OF THE PLEBISCITE SHOULD ABROGATE THE NEED FOR ANY RESOLUTION ON CHILE AT ALL. ABRAMS RESPONDED THAT PERHAPS THE MATTER OF THE CHILE RESOLUTION COULD BE RAISED AT AN APPROPRIATE LEVEL DURING THE UPCOMING MEETING BETWEEN PRESIDENTS-ELECT BUSH AND SALINAS.

11. DURING THEIR MEETING, ABRAMS MENTIONED TO ERRAZURIZ

THAT WE WOULD NOT BE ABLE TO SIGN THE NEW CIVIL AIR AGREEMENT WITH CHILE LATER IN THE MONTH AS TENTATIVELY PLANNED BECAUSE OF SEVERAL LEGAL PROBLEMS STILL PENDING. ERRAZURIZ REPLIED THAT THE POSTPONEMENT OF THE SIGNING POSED NO PROBLEM.
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PAGE 01 SAN JO 15415 010028Z
ACTION IO-19

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C O N F I D E N T I A L SAN JOSE 15415

E.O. 12356: DECL:OADR
TAGS: PHUM, PREL, UNGA, UNHCR-1, CI, CS
SUBJECT: HUMAN RIGHTS IN CHILE - VOLIO INSISTS HE WILL RESIGN IF MEXICAN RESOLUTION PASSES UNCHANGED

REFS: (A) STATE 385962
(B) USUN NEW YORK 4092
(C) SAN JOSE 15305

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1. CONFIDENTIAL ENTIRE TEXT

2. PER INSTRUCTIONS REF A, POLOFF MET NOVEMBER 30 WITH FERNANDO VOLIO, THE UN SPECIAL RAPPORTEUR ON HUMAN RIGHTS IN CHILE, AND ATTEMPTED TO PERSUADE HIM TO CONTINUE IN HIS POST EVEN IF THE MEXICAN RESOLUTION ON CHILE PASSES WITH PARAGRAPH 10 UNCHANGED (REF B). VOLIO WAS GRATIFIED BY OUR SUPPORT FOR HIS WORK, AND PLEASED BY OUR DECISION TO ABSTAIN WHEN THE RESOLUTION COMES UP FOR A VOTE. COSTA RICAN FOREIGN MINISTER MADRIGAL, VOLIO TOLD US, HAS DIRECTED THE COSTA RICAN MISSION TO ABSTAIN AS

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PAGE 02 SAN JO 15415 010028Z

WELL.

3. NONETHELESS, VOLIO WAS UPSET BY THE LIKLIHOOD THAT THE MEXICAN DRAFT WILL PASS, AND WOULD NOT BE SWAYED BY OUR ARGUMENTS THAT HE STAY IF IT DOES. POLOFF POINTED OUT THAT PARAGRAPH 10'S LANGUAGE CALLING ON THE UNHRC TO RECEIVE INFORMATION FROM ALL SOURCES WOULD NOT CONSTITUTE MUCH OF A REAL CHANGE, GIVEN THE UNHRC'S PRACTICE OF HEARING TESTIMONY FROM ALL COMERS AT ITS FEBRUARY MEETING. VOLIO SHARPLY DISAGREED, STATING THAT IT IS ONE THING FOR THE UNHRC TO RECEIVE PUBLIC AND UNOFFICIAL TESTIMONY AT ITS ANNUAL MEETING, BUT QUITE ANOTHER TO CHANGE THE SPECIAL RAPPORTEUR'S MANDATE. PARAGRAPH 10 DOES THIS BY STATING THAT THE UNHRC WILL OFFICIALLY RECEIVE INFORMATION FROM OTHER SOURCES. WHY, HE ASKED RHETORICALLY, SHOULD THE UNHRC GO TO THE TROUBLE AND EXPENSE OF HAVING A SPECIAL RAPPORTEUR IF HIS REPORT IS WORTH NOTHING MORE THAN THE RAVINGS OF "RADICAL" NGOS? VOLIO WAS SIMILARLY UNMOVED BY OUR ARGUMENTS ON THE IMPORTANCE OF HIS CONTINUING THROUGH THE 1989 ELECTIONS IN CHILE, THE INADVISABILITY OF SIMPLY LEAVING THE FIELD TO THE MEXICANS AND CUBANS, OR OF THE IMPORTANCE FOR THE UN AS AN INSTITUTION OF RETAINING MODERATES WITHIN IT.

4. POLOFF ALSO ARGUED THAT VOLIO SHOULD NOT VIEW HIMSELF NARROWLY AS A FUNCTIONARY OF THE UN. INSTEAD, HE SHOULD FOCUS ON THE GOAL OF IMPROVING THE HUMAN RIGHTS SITUATION IN CHILE THROUGH THE DEVELOPMENT OF DEMOCRACY. NO, SAID VOLIO, THERE COMES A TIME WHEN THE INTERNATIONAL COMMUNITY MUST REACT TO THE UN DOUBLE STANDARD. WHEN POLOFF POINTED

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OUT THAT SUCH A REACTION WILL BE A LONG TIME COMING, VOLIO RESPONDED THAT AT LEAST HE WON'T BE A PART OF THE CONTINUING CHARADE.

5. IF THE MEXICAN DRAFT PASSES WITH PARAGRAPH 10 UNCHANGED, VOLIO CONCLUDED, HE WILL RESIGN AT THE FEBRUARY UNHRC MEETING AFTER SUBMITTING HIS REPORT ON

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THE PLEBISCITE PERIOD IN CHILE. VOLIO SAID THAT THE CHILEAN GOVERNMENT HAD CONFIRMED TO HIM NOVEMBER 29 THAT IT TOO OPPOSES THE MEXICAN RESOLUTION. THE GOC POSITION, SAID VOLIO, CONTINUES TO BE THAT IF VOLIO STEPS DOWN, CHILE WILL TERMINATE ITS COOPERATION WITH THE UNHRC (REF C).

6. VOLIO TOLD US THAT THE COSTA RICAN UN MISSION WILL OFFER AN AMENDMENT TO THE LANGUAGE OF PARAGRAPH 10 DURING CONSIDERATION OF THE CHILE RESOLUTION THE EVENING OF NOVEMBER 30. THE AMENDMENT WOULD DELETE THE LANGUAGE WHICH WOULD HAVE THE UNHRC RECEIVE INFORMATION FROM SOURCES IN ADDITION TO THE SPECIAL RAPPORTEUR. THE AMENDMENT WOULD BE BASED ON THE FACT THAT NONE OF THE OTHER SPECIAL RAPPORTEURS HAVE BEEN PUT IN THIS POSITION. VOLIO STATED THAT THE SPECIAL RAPPORTEURS FOR AFGHANISTAN AND IRAN AGREE WITH HIS VIEW THAT THE LANGUAGE IS AN ATTACK ON THE SYSTEM OF SPECIAL RAPPORTEURS IN GENERAL. IF THE COSTA RICAN AMENDMENT IS ADOPTED, VOLIO WILL STAY ON. IF NOT, HE SAID, HE WILL HAVE RECEIVED A VERY CLEAR VOTE OF NO CONFIDENCE, LEAVING HIM NO OPTION BUT TO STEP DOWN.

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PAGE 01 SAN JO 15415 010028Z
ACTION IO-10

INFO LOG-00 ADS-00 INR-07 SS-00 OIC-02 CIAE-00 NEA-06
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E.O. 12356: DECL:OADR
TAGS: PHUM, PREL, UNGA, UNHCR-1, CI, CS
SUBJECT: HUMAN RIGHTS IN CHILE - VOLIO INSISTS HE WILL RESIGN IF MEXICAN RESOLUTION PASSES UNCHANGED

REFS: (A) STATE 385962
(B) USUN NEW YORK 4092
(C) SAN JOSE 15305

1. [redacted]

2. PER INSTRUCTIONS REF A, POLOFF MET NOVEMBER 30 WITH FERNANDO VOLIO, THE UN SPECIAL RAPPORTEUR ON HUMAN RIGHTS IN CHILE, AND ATTEMPTED TO PERSUADE HIM TO CONTINUE IN HIS POST EVEN IF THE MEXICAN RESOLUTION ON CHILE PASSES WITH PARAGRAPH 10 UNCHANGED (REF B). VOLIO WAS GRATIFIED BY OUR SUPPORT FOR HIS WORK, AND PLEASED BY OUR DECISION TO ABSTAIN WHEN THE RESOLUTION COMES UP FOR A VOTE. COSTA RICAN FOREIGN MINISTER MADRIGAL, VOLIO TOLD US, HAS DIRECTED THE COSTA RICAN MISSION TO ABSTAIN AS WELL.

3. NONETHELESS, VOLIO WAS UPSET BY THE LIKLIHOOD THAT THE MEXICAN DRAFT WILL PASS, AND WOULD NOT BE SWAYED BY OUR ARGUMENTS THAT HE STAY IF IT DOES. POLOFF POINTED OUT THAT PARAGRAPH 10'S LANGUAGE CALLING ON THE UNHRC TO RECEIVE INFORMATION FROM ALL SOURCES WOULD NOT CONSTITUTE MUCH OF A REAL CHANGE, GIVEN THE UNHRC'S PRACTICE OF HEARING TESTIMONY FROM ALL COMERS AT ITS FEBRUARY MEETING. VOLIO SHARPLY DISAGREED, STATING THAT IT IS ONE THING FOR THE UNHRC TO RECEIVE PUBLIC AND UNOFFICIAL TESTIMONY AT ITS ANNUAL MEETING, BUT QUITE ANOTHER TO CHANGE THE SPECIAL RAPPORTEUR'S MANDATE. PARAGRAPH 10 DOES THIS BY STATING THAT THE UNHRC WILL OFFICIALLY RECEIVE INFORMATION FROM OTHER SOURCES. WHY, HE ASKED RHETORICALLY, SHOULD THE UNHRC GO TO THE TROUBLE AND EXPENSE OF HAVING A SPECIAL RAPPORTEUR IF HIS REPORT IS WORTH NOTHING MORE THAN THE RAVINGS OF "RADICAL" NGOS? VOLIO WAS SIMILARLY UNMOVED BY OUR ARGUMENTS ON THE IMPORTANCE OF HIS CONTINUING THROUGH THE 1989 ELECTIONS IN CHILE, THE INADVISABILITY OF SIMPLY LEAVING THE FIELD TO THE MEXICANS AND CUBANS, OR OF THE IMPORTANCE FOR THE UN AS AN INSTITUTION OF RETAINING MODERATES WITHIN IT.

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OUT THAT SUCH A REACTION WILL BE A LONG TIME COMING, VOLIO RESPONDED THAT AT LEAST HE WON'T BE A PART OF THE CONTINUING CHARADE.

5. IF THE MEXICAN DRAFT PASSES WITH PARAGRAPH 10 UNCHANGED, VOLIO CONCLUDED, HE WILL RESIGN AT THE FEBRUARY UNHRC MEETING AFTER SUBMITTING HIS REPORT ON THE PLEBISCITE PERIOD IN CHILE. VOLIO SAID THAT THE CHILEAN GOVERNMENT HAD CONFIRMED TO HIM NOVEMBER 29 THAT IT TOO OPPOSES THE MEXICAN RESOLUTION. THE GOC POSITION, SAID VOLIO, CONTINUES TO BE THAT IF VOLIO STEPS DOWN, CHILE WILL TERMINATE ITS COOPERATION WITH THE UNHRC (REF C).

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PAGE 01 USUN N 04123 01 OF 02 302202Z
ACTION IO-19

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~~C O N F I D E N T I A L~~ SECTION 01 OF 02 USUN NEW YORK 04123

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Chile Project (#S199900030)
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E.O. 12356: DECL:OADR
TAGS: UNGA, PREL
SUBJECT: 43RD UNGA DAILY CLASSIFIED SUMMARY -
- NOVEMBER 29, 1988

1. (LOU) TABLE OF CONTENTS

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PAGE 02 USUN N 04123 01 OF 02 302202Z

3RD COMM: MEXICAN CHILE HUMAN RIGHTS RES (USUN 4103)

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Page 3 has been eliminated because it is entirely irrelevant.

ACTION IO-19

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~~C O N F I D E N T I A L~~ SECTION 02 OF 02 USUN NEW YORK 04123

UNSUM

MONTREAL FOR USREP ICAO
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USVIENNA FOR UNVIE
NAIROBI FOR UNEP
PARIS FOR UNESCO OBSERVER

E.O. 12356: DECL:OADR
TAGS: UNGA, PREL
SUBJECT: 43RD UNGA DAILY CLASSIFIED SUMMARY -

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PAGE 03 USUN N 04123 02 OF 02 302203Z

9. (C) CHILE WILL BE CALLING FOR A VOTE ON THE RESOLUTION "SITUATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN CHILE" BASED ON ITS OBJECTIONS. THERE IS MUCH MERIT TO THE CHILEAN CLAIM THAT THE RESOLUTION ASKS CHILE TO UNDERTAKE ACTION THAT IT IS ALREADY IMPLEMENTING IN THE FIELD OF HUMAN RIGHTS. THE RESOLUTION ALSO DOES NOT TAKE ACCOUNT OF ONGOING ACTS OF LEFTIST TERRORISM IN CHILE. WHILE WE AGREE THAT THE CURRENT LANGUAGE OF THE RESOLUTION DOES NOT FULLY REFLECT REALITY, WE ALSO BELIEVE THAT A "NO" VOTE WILL GIVE THE WRONG MESSAGE.

THE RESOLUTION IS AN IMPROVEMENT OVER LAST YEAR'S, AND THE U.S. SHOULD GET THE IDEA ACROSS THAT IT SERIOUSLY WANTS A MOVE TOWARD FULL DEMOCRACY AND COMPLETE RESPECT FOR HUMAN RIGHTS. AN ABSTENTION WITH AN EOP WILL FULFILL THESE REQUIREMENTS.

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Date Printed: 13-Apr-2000 DOC_NBR: 1988USUNN04130 CHANNEL: n/a HANDLING: n/a

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PAGE 01 USUN N 04130 01 OF 03 010054Z
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Chile Project (#S199900030)
U.S. Department of State
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Declassify: In Part ____ In Full ✓
Exemption(s) ____

UNCLAS SECTION 01 OF 03 USUN NEW YORK 04130

E.O. 12356: N/A
TAGS: PHUM, CI
SUBJECT: THIRD COMMITTEE ADOPTS RESOLUTION ON HUMAN RIGHTS IN CHILE

1. ON NOVEMBER 30, UNGA THIRD COMMITTEE ADOPTED DRAFT RESOLUTION ON HUMAN RIGHTS IN CHILE. VOTE TOTAL: 82 TO 1 (CHILE), WITH 51 ABSTENTIONS (US). TEXT APPEARS IN PARA 3 BELOW; US EXPLANATION IN PARA 2.

2. US EXPLANATION OF VOTE WAS GIVEN BY AMBASSADOR BYRNE. BEGIN TEXT:

THE UNITED STATES CONSIDERS THIS DRAFT RESOLUTION ON THE SITUATION OF HUMAN RIGHTS IN CHILE TO BE SUBSTANTIALLY MORE BALANCED AND MORE IN HARMONY WITH THE FINDINGS OF THE SPECIAL RAPPORTEUR THAN ANY RESOLUTION PREVIOUSLY ADOPTED BY THE GENERAL ASSEMBLY. THE DRAFT RECOGNIZES MANY OF THE IMPORTANT GAINS WHICH CHILE HAS MADE DURING THE PAST MONTHS; IT
UNCLASSIFIED

PAGE 02 USUN N 04130 01 OF 03 010054Z

ACKNOWLEDGES THAT THE HOLDING OF THE OCTOBER 5 PLEBISCITE HAS STIMULATED INCREASED POLITICAL PARTICIPATION; AND IT CORRECTLY POINTS OUT THAT SERIOUS VIOLATIONS OF HUMAN RIGHTS PERSIST AND THAT THEY NEED TO BE CORRECTED.

WE ARE HOPEFUL THAT THE GENERAL ASSEMBLY WILL CONTINUE THIS MORE BALANCED AND REALISTIC APPROACH TO THE PROBLEM OF HUMAN AND CIVIL RIGHTS IN CHILE. WE URGE THE GOVERNMENT OF CHILE TO TAKE NECESSARY STEPS TO ENSURE THE FULLEST POSSIBLE OBSERVANCE OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, AND TO CONTINUE MOVEMENT

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TOWARD THE REESTABLISHMENT OF FULL DEMOCRACY IN CHILE -- WHICH IS THE ULTIMATE GUARANTEE THAT SUCH RIGHTS WILL BE RESPECTED.

NEVERTHELESS, DESPITE THESE IMPROVEMENTS, WE REGRET THAT THIS DRAFT RESOLUTION STILL CONTAINS NO MENTION OF TERRORISM FROM THE POLITICAL EXTREMES AS A SIGNIFICANT CAUSE OF SOME OF THE GRAVEST VIOLATIONS OF HUMAN RIGHTS IN CHILE. IN ADDITION, THE DRAFT RESOLUTION GIVES INSUFFICIENT RECOGNITION TO THE DEGREE TO WHICH THE OCTOBER 5 PLEBISCITE MARKED A MAJOR STEP TOWARD THE RESTORATION OF DEMOCRATIC PROCEDURES IN CHILE. RESPECTED OBSERVERS FROM SCORES OF COUNTRIES WITNESSED THE CAMPAIGN, THE BALLOTING AND THE TALLY; THEY AGREED THAT THE PLEBISCITE WAS ESSENTIALLY FREE AND FAIR. WE ALSO BELIEVE THAT THE GOOD WORK OF THE SPECIAL RAPPORTEUR DESERVES COMMENDATION, RATHER THAN MERELY BEING NOTED.

FOR THESE REASONS, THE UNITED STATES WILL ABSTAIN.

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END TEXT.

3. DRAFT RESOLUTION ON "SITUATION ON HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN CHILE." COSPONSORED BY AUSTRALIA, AUSTRIA, CUBA, FRANCE, GREECE, ITALY, LUXEMBOURG, MEXICO, NETHERLANDS, PORTUGAL, AND SPAIN." BEGIN TEXT:

THE GENERAL ASSEMBLY,

GUIDED BY THE PURPOSES AND PRINCIPLES OF THE CHARTER OF THE UNITED NATIONS AND BEARING IN MIND THE UNIVERSAL DECLARATION OF HUMAN RIGHTS, 1/ THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS, 2/

1/ RESOLUTION 217 A (III).

2/ RESOLUTION 2200 A, ANNEX.

AWARE OF ITS RESPONSIBILITY TO PROMOTE AND ENCOURAGE RESPECT FOR HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS AND DETERMINED TO REMAIN VIGILANT WITH REGARD TO VIOLATIONS OF HUMAN RIGHTS WHEREVER THEY OCCUR,

NOTING THE OBLIGATION OF THE GOVERNMENT OF CHILE TO RESPECT AND PROTECT HUMAN RIGHTS IN ACCORDANCE WITH THE INTERNATIONAL INSTRUMENTS TO WHICH CHILE IS A PARTY,

BEARING IN MIND THAT THE CONCERN OF THE INTERNATIONAL COMMUNITY AT THE SITUATION OF HUMAN RIGHTS IN CHILE HAS BEEN EXPRESSED BY THE GENERAL ASSEMBLY IN A NUMBER OF RESOLUTIONS, PARTICULARLY RESOLUTION 33/173, OF 20 DECEMBER 1978, ON DISAPPEARED PERSONS AND RESOLUTION 42/147, OF 7 DECEMBER 1987, IN WHICH THE ASSEMBLY

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UNCLAS SECTION 02 OF 03 USUN NEW YORK 04130

E.O. 12356: N/A
TAGS: PHUM, CI
SUBJECT: THIRD COMMITTEE ADOPTS RESOLUTION ON HUMAN

INVITED THE COMMISSION ON HUMAN RIGHTS TO TAKE THE MOST APPROPRIATE STEPS FOR THE EFFECTIVE RESTORATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN THAT COUNTRY, INCLUDING THE EXTENSION OF THE MANDATE OF THE SPECIAL RAPPORTEUR,

RECALLING THE PERTINENT RESOLUTIONS OF THE COMMISSION ON HUMAN RIGHTS, PARTICULARLY RESOLUTION 1988/78 OF 10 MARCH 1988, 3/ IN WHICH THE COMMISSION DECIDED, INTER ALIA, TO EXTEND THE MANDATE OF THE SPECIAL RAPPORTEUR FOR ONE YEAR AND TO CONSIDER THAT SUBJECT AS A MATTER OF HIGH PRIORITY, IN VIEW OF THE PERSISTENCE OF SERIOUS VIOLATIONS OF HUMAN RIGHTS IN CHILE,

CONSIDERING THE REFERENDUM HELD ON 5 OCTOBER 1988 TO BE AN IMPORTANT STEP TOWARDS THE RESTORATION OF

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DEMOCRACY IN CHILE,

NOTING ALSO THE FORMAL ACCEPTANCE OF THE RESULTS OF THE REFERENDUM AND THE INCREASE IN POLITICAL ACTIVITY IN CHILE,

NOTING FURTHER WITH SATISFACTION THE TERMINATION OF THE TWO STATES OF EMERGENCY AND OF THE PROHIBITION OF FREE MOVEMENT INTO AND OUT OF THE COUNTRY,

3. SEE OFFICIAL RECORDS OF THE ECONOMIC AND SOCIAL

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COUNCIL, 1988, SUPPLEMENT NO. 2 (E/1988/12), CHAP. II, SECT. A.

DEPLORING THE FACT THAT, NOTWITHSTANDING THE REPEATED VISITS OF THE SPECIAL RAPPORTEUR TO CHILE AND THE ADOPTION OF POSITIVE MEASURES BY THE GOVERNMENT, THE INSTITUTIONAL AND LEGAL FRAMEWORK WHICH MAKES VIOLATIONS OF HUMAN RIGHTS POSSIBLE HAS REMAINED UNCHANGED,

NOTING THAT, ALTHOUGH OPPOSITION PUBLICATIONS HAVE IN SOME CASES BEEN AUTHORIZED, THEY ARE FREQUENTLY SUBJECT TO ARBITRARY RESTRICTIONS AND LIMITATIONS,

1. TAKES NOTE WITH INTEREST OF THE PRELIMINARY REPORT OF THE SPECIAL RAPPORTEUR, 4/ SUBMITTED IN ACCORDANCE WITH COMMISSION ON HUMAN RIGHTS RESOLUTION 1988/78 OF 10 MARCH 1988;

2. WELCOMES THE POSITIVE FACT THAT THE GOVERNMENT OF CHILE HAS DECIDED TO CONTINUE TO CO-OPERATE WITH THE SPECIAL RAPPORTEUR AND AGAIN PERMITTED HIM TO VISIT

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THE COUNTRY IN OCTOBER 1988, PROVIDING HIM WITH FREE ACCESS TO THE FACILITIES FOR COMPILING HIS REPORT AND EXPRESSES ITS CONFIDENCE THAT A FURTHER VISIT WILL BE AUTHORIZED ON THE SAME CONDITIONS IN THE IMMEDIATE FUTURE;

3. WELCOMES THE DECISION OF THE GOVERNMENT OF CHILE TO RESPECT THE RESULT OF THE REFERENDUM OF 5 OCTOBER L988 AS AN EXPRESSION OF THE WILL OF THE PEOPLE AND AN IMPORTANT STEP TOWARDS THE RAPID RESTORATION OF DEMOCRACY IN CHILE;

4. URGES, THEREFORE, THE GOVERNMENT OF CHILE TO INITIATE A DIALOGUE WITH THE OPPOSITION IN ORDER TO FACILITATE THE FULL RE-ESTABLISHMENT OF A DEMOCRATIC, PLURALIST AND REPRESENTATIVE SYSTEM BASED ON THE PRINCIPLE OF POPULAR SOVEREIGNTY;

5. NOTES WITH SATISFACTION THE DECISION OF THE GOVERNMENT OF CHILE TO LIFT THE TWO STATES OF EMERGENCY IMPOSED L5 YEARS AGO, AND TO PERMIT GREATER POLITICAL ACTIVITY IN THE COUNTRY;

4/ A/43/624, ANNEX.

6. EXPECTS THAT THE MEASURES ALREADY ADOPTED BY THE GOVERNMENT OF CHILE IN FAVOUR OF A TRANSITION TO DEMOCRACY WILL LEAD TO A GENUINE IMPROVEMENT IN THE SITUATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS OF THE CHILEAN PEOPLE;

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INFO USMISSION GENEVA

UNCLAS SECTION 03 OF 03 USUN NEW YORK 04130

E.O. 12356: N/A
TAGS: PHUM, CI
SUBJECT: THIRD COMMITTEE ADOPTS RESOLUTION ON HUMAN

7. EXPRESSES ONCE AGAIN ITS CONCERN AT THE PERSISTENCE OF SERIOUS VIOLATIONS OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN CHILE, AS STATED IN THE PRELIMINARY RFPORT OF THE SPECIAL RAPPORTEUR;

8. AGAIN URGES THE GOVERNMENT OF CHILE TO PUT AN END TO THESE SITUATIONS AND TO THE LEGISLATION THAT MAKES THEM POSSIBLE; TO CONTINUE ADOPTING MEASURES TO PERMIT THE RESTORATION OF THE RULE OF LAW IN CHILE; TO ENSURE THE INDEPENDENCE OF THE JUDICIARY AND THE EFFECTIVENESS OF LEGAL REMEDIES; TO RESPECT HUMAN RIGHTS IN ACCORDANCE WITH THE PRINCIPLES OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND TO COMPLY WITH ITS OBLIGATIONS UNDER VARIOUS INTERNATIONAL INSTRUMENTS IN ORDER TO ENSURE THE ENJOYMENT AND EFFECTIVE EXERCISE OF HUMAN RIGHTS AND FUNDAMENTAL
UNCLASSIFIED

PAGE 02 USUN N 04130 03 OF 03 010055Z

FREEDOMS;

9. URGES THE GOVERNMENT OF CHILE TO AUTHORIZE, IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE SPECIAL RAPPORTEUR AND IN CONFORMITY WITH EXISTING LAWS, THE OFFICIAL PUBLICATION, 5/ THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS AND THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS;

10. INVITES THE COMMISSION ON HUMAN RIGHTS TO CONSIDER AT ITS FORTY-FIFTH SESSION, AS A MATTER OF HIGH PRIORITY, THE SITUATION OF HUMAN RIGHTS IN CHILE, BEARING IN MIND THE REPORT OF THE SPECIAL RAPPORTEUR AND THE PERTINENT AVAILABLE INFORMATION, AND TO CONSIDER THE MEASURES NECESSARY FOR THE RESTORATION OF HUMAN RIGHTS IN CHILE, INCLUDING THE MANDATE OF THE SPECIAL RAPPORTEUR, AND TO REPORT TO THE GENERAL ASSEMBLY AT ITS FORTY-FOURTH SESSION.

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5/ RESOLUTION 39/46, ANNEX.

END TEXT.
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Case Number: S199900030

Chile Project (#S199900030)
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C O N F I D E N T I A L SANTIAGO 09115

E.O. 12356: DECL: OADR
TAGS: PHUM, PREL, CI
SUBJECT: REACTION TO UN RESOLUTION ON CHILEAN HUMAN RIGHTS SITUATION

1. (U) SUMMARY: THE VOTE ON THE RESOLUTION ON CHILEAN HUMAN RIGHTS SITUATION AT THE UN RECEIVED ONLY MODERATE COVERAGE IN THE MEDIA. THE U.S. VOTE WAS MENTIONED, BUT HAS NOT DRAWN ANY PARTICULAR COMMENT. A BLAST FROM SPECIAL RAPPORTEUR FERNANDO VOLIO, AIMED DIRECTLY AT MEXICO, SHOULD ENLIVEN THE DEBATE OVER WHAT ONE RADIO COMMENTATOR TERMED "THE ANNUAL RITUAL" OF THE WORLD'S CONDEMNING CHILE FOR HUMAN RIGHTS ABUSES AND CHILE'S RESPONDING WITH CRIES OF "INTERVENTION" AND "MARXIST CONSPIRACY." END SUMMARY.

2. (U) REPORTING ON THE UN RESOLUTION HAS BEEN RELATIVELY STRAIGHTFORWARD, WITH LITTLE EDITORIAL COMMENT. PRO-GOVERNMENT "EL MERCURIO" CARRIED THE TEXT OF THE RESOLUTION AND PORTIONS OF THE CHILEAN

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GOVERNMENT'S CRITICISM OF IT. ALTHOUGH THE U.S.' EXPLANATION OF VOTE WAS MADE AVAILABLE TO THE MEDIA, IT HAS NOT BEEN PUBLISHED IN ITS ENTIRETY. THE MEDIA HAVE NOTED ONLY THAT THE U.S. VIEWED THE LACK OF A REFERENCE TO TERRORISM AS A SERIOUS FLAW IN THE RESOLUTION. OPPOSITION "LA EPOCA" CARRIED A SHORT PIECE NOTING "PREDICTABLY," CHILE REJECTED THE RESOLUTION AS DISCRIMINATING.

3. (U) THE ONLY EDITORIAL COMMENT OF WHICH EMBASSY IS AWARE WAS CARRIED ON ANTI-GOVERNMENT "RADIO COOPERATIVA." THE COMMENTATOR REFERRED TO THE VOTE AS "AN ANNUAL RITUAL SINCE 1974," DURING WHICH MUCH OF THE WORLD CONDEMNS CHILE FOR ITS HUMAN RIGHTS ABUSES AND THE CHILEAN GOVERNMENT DENOUNCES THE RESOLUTION AS "INTERVENING IN CHILEAN DOMESTIC AFFAIRS" AND AS PART OF A "MARXIST CONSPIRACY."

4. (U) ON DECEMBER 2, HOWEVER, "EL MERCURIO" CARRIED PORTIONS OF AN INTERVIEW WITH FERNANDO VOLIO, IN WHICH HE STOPPED SHORT OF THREATENING TO RESIGN (REFTEL) BUT DID NOT HIDE HIS ANGER AT THE RESOLUTION. VOLIO IS QUOTED AS SAYING THAT A LARGE NUMBER OF COUNTRIES ABSTAINED BECAUSE THEY RECOGNIZED THAT THE RESOLUTION "PERSISTS IN IGNORING THE VOCATION OF CHILEANS TO ACHIEVE DEMOCRACY."

5. (U) VOLIO BLASTED MEXICO FOR "INSISTING ON USING HARD LANGUAGE THAT IS INCONSISTENT WITH WHAT IS HAPPENING IN CHILE. MEXICO HAS A DESIRE TO APPEAR AS THE CHAMPION OF HUMAN RIGHTS, BUT ONLY OUTSIDE ITS OWN HOUSE." HE NOTED THAT THE "MEXICANS APPOINT THEMSELVES DRAFTERS OF THE RESOLUTIONS AGAINST CHILE,

DEMONSTRATE THEIR BIAS, AND FORGET THAT WHAT THEY ARE SUPPOSED TO DO IS AID AND HELP ALL CHILEAN SECTORS TO CONTINUE WORKING AS THEY HAVE UNTIL NOW TO IMPROVE THE PROBLEMS."

6. (C) MAXIMO PACHECO, VICE PRESIDENT OF THE CHILEAN HUMAN RIGHTS COMMISSION, TOLD EMBOFF

THAT HE THOUGHT VOLIO WAS "UNFAIR" IN HIS CRITICISMS. HE TERMED HIMSELF A GOOD PERSONAL FRIEND OF VOLIO'S, BUT SAID HE WAS NOT BLIND TO VOLIO'S WEAKNESSES OF TEMPERMENT AND PRIDE. HE OPINED THAT VOLIO'S PIQUE WILL BLOW OVER; VOLIO'S THREATS TO RESIGN HAVE BEEN RENDERED MEANINGLESS BY REPETITION. PACHECO ADDED THAT HE HAD BEEN INTERVIEWED BY "EL MERCURIO" ABOUT VOLIO'S COMMENTS, BUT HIS REMARKS WILL BE CARRIED ON DECEMBER 3. PACHECO SAID HE HAD CAREFULLY AVOIDED TELLING THE "EL MERCURIO" JOURNALIST THAT HE WAS SORRY THE U.S. HAD NOT VOTED IN FAVOR OF THE RESOLUTION, WHICH HE TERMED VERY BALANCED, LEST "EL MERCURIO" HEADLINE HIS COMMENTS WITH "CHILEAN HUMAN RIGHTS COMMISSION BLASTS THE U.S."

7. (C) COMMENT: JUDGING FROM THE MUTED MEDIA COVERAGE AND THE ABSENCE OF ANY STATEMENT FROM MAJOR POLITICAL FIGURES, POST-PLEBISCITE ATTENTION APPEARS TO BE FOCUSED MORE ON POLITICAL MANEUVERING THAN IT IS ON THE UN HUMAN RIGHTS VOTES.

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E.O. 12356: DECL: OADR
TAGS: PHUM, PREL, CI
SUBJECT: REACTION TO UN RESOLUTION ON CHILEAN HUMAN RIGHTS SITUATION

1. (U) SUMMARY: THE VOTE ON THE RESOLUTION ON CHILEAN HUMAN RIGHTS SITUATION AT THE UN RECEIVED ONLY MODERATE COVERAGE IN THE MEDIA. THE U.S. VOTE WAS MENTIONED, BUT HAS NOT DRAWN ANY PARTICULAR COMMENT. A BLAST FROM SPECIAL RAPPORTEUR FERNANDO VOLIO, AIMED DIRECTLY AT MEXICO, SHOULD ENLIVEN THE DEBATE OVER WHAT ONE RADIO COMMENTATOR TERMED "THE ANNUAL RITUAL" OF THE WORLD'S CONDEMNING CHILE FOR HUMAN RIGHTS ABUSES AND CHILE'S RESPONDING WITH CRIES OF "INTERVENTION" AND "MARXIST CONSPIRACY." END SUMMARY.

2. (U) REPORTING ON THE UN RESOLUTION HAS BEEN RELATIVELY STRAIGHTFORWARD, WITH LITTLE EDITORIAL COMMENT. PRO-GOVERNMENT "EL MERCURIO" CARRIED THE TEXT OF THE RESOLUTION AND PORTIONS OF THE CHILEAN GOVERNMENT'S CRITICISM OF IT. ALTHOUGH THE U.S.' EXPLANATION OF VOTE WAS MADE AVAILABLE TO THE MEDIA, IT HAS NOT BEEN PUBLISHED IN ITS ENTIRETY. THE MEDIA HAVE NOTED ONLY THAT THE U.S. VIEWED THE LACK OF A REFERENCE TO TERRORISM AS A SERIOUS FLAW IN THE RESOLUTION. OPPOSITION "LA EPOCA" CARRIED A SHORT PIECE NOTING "PREDICTABLY," CHILE REJECTED THE RESOLUTION AS DISCRIMINATING.

3. (U) THE ONLY EDITORIAL COMMENT OF WHICH EMBASSY IS AWARE WAS CARRIED ON ANTI-GOVERNMENT "RADIO COOPERATIVA." THE COMMENTATOR REFERRED TO THE VOTE AS "AN ANNUAL RITUAL SINCE 1974," DURING WHICH MUCH OF THE WORLD CONDEMNS CHILE FOR ITS HUMAN RIGHTS ABUSES AND THE CHILEAN GOVERNMENT DENOUNCES THE RESOLUTION AS "INTERVENING IN CHILEAN DOMESTIC AFFAIRS" AND AS PART OF A "MARXIST CONSPIRACY."

4. (U) ON DECEMBER 2, HOWEVER, "EL MERCURIO" CARRIED PORTIONS OF AN INTERVIEW WITH FERNANDO VOLIO, IN WHICH HE STOPPED SHORT OF THREATENING TO RESIGN (REFTEL) BUT DID NOT HIDE HIS ANGER AT THE RESOLUTION. VOLIO IS QUOTED AS SAYING THAT A LARGE NUMBER OF COUNTRIES ABSTAINED BECAUSE THEY RECOGNIZED THAT THE RESOLUTION "PERSISTS IN IGNORING THE VOCATION OF CHILEANS TO ACHIEVE DEMOCRACY."

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DEMONSTRATE THEIR BIAS, AND FORGET THAT WHAT THEY ARE SUPPOSED TO DO IS AID AND HELP ALL CHILEAN SECTORS TO CONTINUE WORKING AS THEY HAVE UNTIL NOW TO IMPROVE THE PROBLEMS."

6. (C) MAXIMO PACHECO, VICE PRESIDENT OF THE CHILEAN HUMAN RIGHTS COMMISSION, TOLD EMBOFF THAT HE THOUGHT VOLIO WAS "UNFAIR" IN HIS CRITICISMS. HE TERMED HIMSELF A GOOD PERSONAL FRIEND OF VOLIO'S, BUT SAID HE WAS NOT BLIND TO VOLIO'S WEAKNESSES OF TEMPERMENT AND PRIDE. HE OPINED THAT VOLIO'S PIQUE WILL BLOW OVER; VOLIO'S THREATS TO RESIGN HAVE BEEN RENDERED MEANINGLESS BY REPETITION. PACHECO ADDED THAT HE HAD BEEN INTERVIEWED BY "EL MERCURIO" ABOUT VOLIO'S COMMENTS, BUT HIS REMARKS WILL BE CARRIED ON DECEMBER 3. PACHECO SAID HE HAD CAREFULLY AVOIDED TELLING THE "EL MERCURIO" JOURNALIST THAT HE WAS SORRY THE U.S. HAD NOT VOTED IN FAVOR OF THE RESOLUTION, WHICH HE TERMED VERY BALANCED, LEST "EL MERCURIO" HEADLINE HIS COMMENTS WITH "CHILEAN HUMAN RIGHTS COMMISSION BLASTS THE U.S."

7. (C) COMMENT: JUDGING FROM THE MUTED MEDIA COVERAGE AND THE ABSENCE OF ANY STATEMENT FROM MAJOR POLITICAL FIGURES, POST-PLEBISCITE ATTENTION APPEARS TO BE FOCUSED MORE ON POLITICAL MANEUVERING THAN IT IS ON THE UN HUMAN RIGHTS VOTES.

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DEPARTMENT OF STATE IM/IPS/CR/IR Date: 10/23/97
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Chile Project (#S199900030)
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E.O. 12356: DECL:OADR
TAGS: PHUM, PREL, UNGA, UNHRC-1, CI, CS
SUBJECT: HUMAN RIGHTS IN CHILE - VOLIO PLEASED BY AMENDMENT TO CHILE RESOLUTION; WILL STAY ON

POLOFF SPOKE WITH UN SPECIAL RAPPORTEUR ON HUMAN RIGHTS IN CHILE FERNANDO VOLIO DECEMBER 1 FOLLOWING THE VOTE ON THE CHILE RESOLUTION IN THE UNGA'S THIRD COMMITTEE. VOLIO STATED THAT COSTA RICAN DEPUTY PERMREP EMILIA BARRISH HAD PERSUADED MEXICO TO AMEND ITS DRAFT TO ELIMINATE THE LANGUAGE WHICH WOULD CALL UPON THE UNHRC TO RECEIVE INFORMATION FROM SOURCES IN ADDITION TO THE SPECIAL RAPPORTEUR. WITH THE OFFENSIVE LANGUAGE REMOVED, VOLIO STATED HE NO LONGER PLANS TO STEP DOWN.

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Chile Project (#8199900030)
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E.O. 12356: DECL: OADR
TAGS: OJAN, PREL, CI, AR
SUBJECT: ATTORNEY GENERAL CONFIRMS GOA INTEREST IN PRATTS MURDER INVESTIGATION

REF: SANTIAGO 9014

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1. CONFIDENTIAL - ENTIRE TEXT.

2. SUMMARY. ARGENTINE ATTORNEY GENERAL WAS UNAWARE OF APPROACH TO USG THROUGH CHILEAN HUMAN RIGHTS LEADER PACHECO FOR EVIDENCE ON PRATTS MURDER CASE, BUT CONFIRMED GOA INTEREST IN MOVING FORWARD ON INVESTIGATION. HE SUGGESTED, AND EMBASSY AGREES, THAT WASHINGTON DETERMINE WHETHER THERE IS POTENTIALLY USEFUL INFORMATION IN U.S. LETELIER MURDER FILES. IF SO, THEN GOA WILL FORMALLY REQUEST IT. END SUMMARY.

3. IN COURSE OF MEETING WITH ATTORNEY GENERAL D'ALESSIO DECEMBER 2, WE INQUIRED ABOUT REFTEL REPORT ON GOA INTEREST IN U.S. EVIDENCE RELATED TO GEN. PRATTS MURDER INVESTIGATION. AS ATTORNEY GENERAL, D'ALESSIO SUPERVISES ALL ARGENTINE FEDERAL FISCALS (PROSECUTORS). D'ALESSIO WAS UNAWARE THAT SIMONETTI HAD APPROACHED CHILEAN HUMAN RIGHTS LEADER PACHECO FOR INFORMATION ON THE PRATTS CASE. AMALLO IS THE FISCAL WITH DIRECT SUPERVISORY CONTROL OVER THE PRATTS INVESTIGATION. D'ALESSIO DESCRIBED HIM AS COMPETENT, SERIOUS, AND PROFESSIONAL. SIMONETTI IS A CLERK, A LAW STUDENT, AND DEFINITELY NOT A DECISION-MAKER IN THE PRATTS CASE.

4. THAT SAID, D'ALESSIO NOTED THAT GOA IS STILL DEFINITELY INTERESTED IN PURSUING THE PRATTS INVESTIGATION. RECENT GOA ARRESTS OF PRESUMED FPMR CHILEAN GUERRILLAS HAVE INCREASED POLITICAL PRESSURE FOR PROGRESS ON THE 1974 ASSASSINATION CASE. GOA IS INTERESTED IN ANY INFORMATION THAT MIGHT MOVE THE PRATTS INVESTIGATION FORWARD. D'ALESSIO UNDERSTOOD THAT MICHAEL TOWNLEY HAD IMMUNITY FROM POSSIBLE PROSECUTION IN THE PRATTS CASE. NEVERTHELESS, HE HOPED THE JUSTICE DEPARTMENT MIGHT REVIEW ITS LETELIER FILES, PARTICULARLY THE TOWNLEY TESTIMONY. IF THERE WERE ANYTHING RELATED TO THE PRATTS CASE, GOA WOULD FORMALLY ASK FOR IT IN ANY WAY THE USG MIGHT REQUIRE.

5. D'ALESSIO CLOSED BY EXPRESSING PERPLEXITY AS TO WHY SIMONETTI APPROACHED PACHECO ON THIS MATTER. GOA WAS COMFORTABLE DEALING DIRECTLY WITH THE USG ON LEGAL/JUDICIAL MATTERS. HE SPECULATED THAT SIMONETTI OVERSTATED HIS OWN BRIEF AND PACHECO OVER-REACTED TO WHAT HE HEARD. HE SUGGESTED THAT ANY FURTHER COMMUNICATION ON THIS QUESTION BE HANDLED THROUGH THE CHIEF FEDERAL PROSECUTOR FOR BUENOS AIRES, LUIS MORENO OCAMPO.

6. COMMENT. SIMONETTI MAY HAVE JUMPED THE GUN IN HIS CONVERSATION WITH PACHECO, BUT D'ALESSIO CONFIRMED GOA INTEREST IN POSSIBLE U.S. EVIDENCE IN THE PRATTS CASE. WE RECOMMEND THAT THE DEPARTMENT TREAT THIS AS A SERIOUS REQUEST FROM THE GOA IF THERE IS EVIDENCE IN THE LETELIER TRIAL COULD ASSIST IN THE PRATTS INVESTIGATION.

- Person -
If Argentina makes a case on Townley; Townley is extradited - particularly if
Townley can be extradited -
conduct use his own testimony & send him to Argentina -
Bardella, Propper, etc could testify to make case - to petition for -82- demanded -

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PAGE 01 STATE 395853
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DRAFTED BY: IO/HW:JPOMPER
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ARA/AND:PFRENCH

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C O N F I D E N T I A L STATE 395853

E.O. 12356: DECL: OADR
TAGS: UNGA/C-3, PHUM, PREL, CI, CO
SUBJECT: 43RD UNGA: ITEM 12: HUMAN RIGHTS SITUATION

IN CHILE: APPRECIATION OF COLOMBIAN EFFORTS

REF: SANTIAGO 8993

UNCLASSIFIED
1. CONFIDENTIAL ENTIRE TEXT.

2. THE RESOLUTION ON THE HUMAN RIGHTS SITUATION IN CHILE THAT WAS PUT FORWARD BY THE COLOMBIAN DELEGATION TO THE 43RD UNGA WAS AN IMPORTANT FACTOR IN INFLUENCING THE CONFIDENTIAL

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MEXICAN DELEGATION TO TABLE A REVISED AND RELATIVELY BALANCED TEXT IN RESPONSE. POST IS REQUESTED TO APPROACH MFA AT HIGHEST APPROPRIATE LEVEL AND INDICATE US APPRECIATION FOR COLOMBIAN EFFORTS. POST SHOULD DRAW UPON TALKING POINTS BELOW AS APPROPRIATE.

3. TALKING POINTS:

-- THE DRAFT RESOLUTION ON THE HUMAN RIGHTS SITUATION IN CHILE PUT FORWARD BY THE COLOMBIAN DELEGATION WAS AN

IMPORTANT FACTOR IN THE MEXICAN DELEGATION'S DECISION TO MODERATE THE TEXT OF THEIR RESOLUTION ON THE SAME SUBJECT.

-- THE US APPRECIATES THE EFFORTS BY COLOMBIA TO EXERT ITS INFLUENCE IN ENSURING THAT THE RESOLUTION ON CHILE BETTER REFLECTS BOTH THE PROGRESS IN THE PROTECTION OF HUMAN RIGHTS AND THE AREAS IN WHICH IMPROVEMENT IS NECESSARY.

-- COLOMBIA'S EFFORT DEMONSTRATES THE POTENTIAL INFLUENCE OF THE LATIN GROUP IN PERSUADING THE UN TO EXAMINE THE HUMAN RIGHTS SITUATION IN LATIN AMERICA IN AN EVENHANDED AND OBJECTIVE MANNER. WHITEHEAD

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TEXT OF TELEGRAM 88MONTRE004387

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PAGE 01 MONTRE 04387 01 OF 02 082128Z
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PAGE 02 MONTRE 04387 01 OF 02 082128Z

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TEXT OF TELEGRAM 88MONTRE004387

~~C O N F I D E N T I A L~~ SECTION 01 OF 02 MONTREAL 04387

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FROM USMISSION ICAO

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STATE FOR IO, L AND EB/TRA/AVP

FAA FOR API-1, AIA-100 AND AGC-7

E.O. 12356: DECL: OADR
TAGS: AORC, EAIR, ICAO, IR
SUBJECT: ICAO CONSIDERATION OF IR 655 SHOOTDOWN PROMISES TO BECOME MORE TROUBLESOME

REF: (A) MONTREAL 4375; (B) MONTREAL 4386

1. ~~CONFIDENTIAL~~ - ENTIRE TEXT.

2. REFTELS REPORT THE DETAILS OF ICAO'S PRELIMINARY CONSIDERATION OF THE ICAO INVESTIGATION TEAM'S REPORT ON THE SHOOTDOWN OF IRAN AIR 655. THE U.S. AVOIDED BEING CONDEMNED BY THIS WORLD BODY, DESPITE DETERMINED EFFORTS BY IRAN AND THE SOVIET UNION. IN LARGE MEASURE, THIS WAS DUE TO LOBBYING IN CAPITALS AND THE ICAO COUNCIL

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PRESIDENT'S ADEPT HANDLING OF THE MEETING. AT THIS SESSION, THE ICAO COUNCIL MERELY REAFFIRMED THE FUNDAMENTAL PRINCIPLE THAT STATES MUST REFRAIN FROM RESORTING TO THE USE OF WEAPONS AGAINST CIVIL AIRCRAFT, AND REFERRED THE REPORT TO THE AIR NAVIGATION COMMISSION (ANC) FOR REVIEW OF THE REPORT'S TECHNICAL RECOMMENDATIONS. COUNCIL SHOULD RECEIVE THE ANC REPORT AND RESUME DISCUSSION OF THE ENTIRE ITEM AT ITS NEXT SESSION (FEBRUARY/MARCH).

3. THE USG MAY BE LESS SUCCESSFUL AT FUTURE ICAO SESSIONS. SUPPORT FROM OUR TRADITIONAL ALLIES WAS TEPID (AT BEST), AND SEVERAL COUNCIL MEMBERS CONCURRED IN THE USG POSITION ONLY UPON INSTRUCTIONS FROM THEIR CAPITALS. THE IRAN REPRESENTATIVES STAYED AWAY FROM POLEMICS, FOCUSSING INSTEAD ON SPECIFIC TECHNICAL ASPECTS OF THE REPORT AND ARGUING THAT THE REPORT REVEALED SIGNIFICANT SHORTCOMINGS IN THE NAVY'S CONDUCT. (FOR EXAMPLE, IRAN FOCUSSED ON THE QUALITY OF THE VINCENNES' RADIO WARNINGS; ON THE NOTAM WHICH THE ICAO INVESTIGATION TEAM HAS ALREADY LABELLED (NOT IN CONFORMITY" WITH ICAO RULES; AND ON THE LOCATION OF THE VINCENNES AND IRAN AIR 655 IN RELATION TO IRANIAN TERRITORIAL WATERS AND TO IRANIAN AIRSPACE RESPECTIVELY AT THE TIME OF THE SHOOTDOWN.) OTHER COUNCIL MEMBERS (INCLUDING TO SOME EXTENT OUR ALLIES) HAVE UNDOUBTEDLY PICKED UP ON THESE AND OTHER POINTS AND CAN BE EXPECTED TO PURSUE THEM AT LATER ICAO CONSIDERATION OF THE SHOOTDOWN. THE SOVIETS AGGRESSIVELY SUPPORTED THE IRANIAN POSITION AND EMPHASIZED THE NEED

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FOR ICAO TO HANDLE THIS MATTER IN THE SAME WAY IT HANDLED THE KAL 007 SHOOTDOWN. THE SOVIETS PRESSED FOR CONDEMNATION OF THE SHOOTDOWN, AND WITHDRAWAL OF THE US NOTAM. THEY THREATENED TO RAISE THE ISSUE OF AN EXTRAORDINARY ICAO ASSEMBLY TO CONSIDER THE SHOOTDOWN AND

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PAGE 01 MONTRE 04387 02 OF 02 082131Z
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PAGE 02 MONTRE 04387 02 OF 02 082131Z

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FROM USMISSION ICAO

STATE FOR IO, L AND EB/TRA/AVP

FAA FOR API-1, AIA-100 AND AGC-7

E.O. 12356: DECL: OADR
TAGS: AORC, EAIR, ICAO, IR
SUBJECT: ICAO CONSIDERATION OF IR 655 SHOOTDOWN PROMISES

MAKE SOVIET VIEWS KNOWN TO THE PRESS.

4. MISSION WILL CONTINUE TO REPORT ON SIGNIFICANT DEVELOPMENTS AS THEY OCCUR. WE WILL NEED CONSIDERABLE POLITICAL SUPPORT FROM WASHINGTON AND FROM POSTS WHEN CONSIDERATION OF THESE ISSUES RESUMES AFTER NEW YEAR. MISSION WILL PREPARE TALKING POINTS IN JANUARY FOR USE IN DEMARCHES IN CAPITALS. STOHR

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PAGE 01 MONTRE 04386 01 OF 07 100551Z
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PAGE 02 MONTRE 04386 01 OF 07 100551Z

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TEXT OF TELEGRAM 88MONTRE004386

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(C O R R E C T E D C O P Y -- REARRANGING TEXT, SECTIONS 5-7)

FROM USMISSION ICAO

STATE FOR IO, L AND EB/TRA/AVP

FAA FOR API-1, AIA-100 AND AGC-7

E.O. 12356: N/A
TAGS: AORC, EAIR, ICAO, IR
SUBJECT: ICAO DISCUSSION OF IR 655 INVESTIGATION REPORT: DAY TWO AND CONCLUSION

REF: MONTREAL 4375

1. SUMMARY AND COMMENT: ICAO COUNCIL DECIDED ON DECEMBER 7 TO ASK THE AIR NAVIGATION COMMISSION (ANC) TO STUDY THE SAFETY RECOMMENDATIONS CONTAINED IN THE IR 655 INVESTIGATION REPORT AND REPORT TO THE COUNCIL IN FEBRUARY/MARCH 1989 ON ANY MEASURES NECESSARY TO PREVENT
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PAGE 03 MONTRE 04386 01 OF 07 100551Z

SUCH OCCURRENCES IN FUTURE. DECISION FOLLOWED LENGTHY DISCUSSION AND LAST MINUTE PROPOSAL BY SOVIETS, BACKED BY CZECHOSLOVAKIA AND CUBA, TO AMEND THE DECISION TO INCLUDE A SPECIFIC REFERENCE TO US WARSHIPS, A CONDEMNATION OF THE ACT AND CALL FOR THE US TO WITHDRAW ITS NOTAM. SOVIETS AGREED, HOWEVER, TO HAVE THEIR PROPOSALS CONSIDERED IN MARCH. MISSION BELIEVES REPRESENTATIONS MADE BY EMBASSIES WERE CRITICAL TO ACHIEVING THIS SUCCESSFUL OUTCOME. THE MARCH SESSION WILL BE MORE DIFFICULT. ADDITIONAL REPRESENTATIONS WILL BE NECESSARY BEFORE THAT TIME. END SUMMARY AND COMMENT.

2. THE SECOND DAY OF ICAO COUNCIL DISCUSSION OF THE IR 655 INVESTIGATION REPORT OPENED WITH COUNCIL PRESIDENT KOTAITE EMPHASIZING THE NEED FOR ANY DECISION TO BE BASED ON CONSENSUS. HE SAID THAT THE COMMON ELEMENTS IN ALL STATEMENTS MADE AT THE OPENING SESSION INCLUDED EMPHASIS ON THE FUNDAMENTAL OBLIGATION TO REFRAIN FROM THE USE OF ARMED FORCE AGAINST CIVIL AVIATION, THE NEED FOR ALL STATES WHICH HAVE NOT DONE SO TO RATIFY ARTICLE 3 BIS TO THE CHICAGO CONVENTION, AND THE NEED FOR IMPROVED MILI-TARY/CIVILIAN COORDINATION TO IMPROVE FLIGHT SAFETY. HE SAID ALL HAD AGREED TO REFER THE REPORT TO THE ANC FOR TECHNICAL REVIEW, ALTHOUGH SOME SPEAKERS HAD ALSO CALLED FOR ESTABLISHMENT OF A DRAFTING GROUP TO PREPARE A DECISION TO BE ADOPTED AT THE PRESENT COUNCIL SESSION. HE THEN OPENED THE FLOOR FOR FURTHER COMMENT. SEVENTEEN COUNCIL MEMBERS (INCLUDING THE US) SPOKE, AS DID IRAN.

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3. THE DISCUSSION WENT AS FOLLOWS:

-- SPAIN: REPORT GOOD BUT MAY NOT BE PERFECT; ANC EXAMINATION NEEDED BEFORE COUNCIL CAN ACT.

-- US: SUPPORT REFERRAL TO ANC FOR TECHNICAL REVIEW AND RECOMMENDATIONS ON PREVENTIVE STEPS; COUNCIL MUST KEEP IN LIMITED OFFICIAL USE

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PAGE 01 MONTRE 04386 02 OF 07 100552Z
ACTION IO-19

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PAGE 02 MONTRE 04386 02 OF 07 100552Z

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STATE FOR IO, L AND EB/TRA/AVP

FAA FOR API-1, AIA-100 AND AGC-7

E.O. 12356: N/A
TAGS: AORC, EAIR, ICAO, IR
SUBJECT: ICAO DISCUSSION OF IR 655 INVESTIGATION REPORT:

MIND THE CONTEXT IN WHICH ACCIDENT OCCURRED; IR 655 WAS DISPATCHED INTO AN ACTIVE COMBAT ZONE; US HAS OFFERED EX GRATIA PAYMENT; NOTAM WAS ISSUED BECAUSE OF US DESIRE TO INFORM INTERESTED PARTIES OF HAZARD IN THE AREA; US COOPERATION WITH INVESTIGATION WAS UNPRECEDENTED; WILL WELCOME DETAILED DISCUSSION IN ANC LOOKING TO THE FUTURE.

-- BRAZIL: OPPOSE USE OF WEAPONS AGAINST CIVIL AIRCRAFT;
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PAGE 03 MONTRE 04386 02 OF 07 100552Z

MUST PREVENT RECURRENCE; NEED EXPERT REVIEW BEFORE THE COUNCIL ACTS.

-- PANAMA: REJECT AND CONDEMN USE OF VIOLENCE; REPORT HAS SUFFICIENT DETAIL TO ARRIVE AT CONCLUSION; ANC SHOULD STRESS PREVENTION AND MILITARY/CIVIL COORDINATION.

-- SENEGAL: DEPLORES ALL CIRCUMSTANCES WHICH LED TO IR 655 SHOOTDOWN; REPORT CONTAINS ENOUGH INFO TO ARRIVE AT BASIC CONCLUSIONS ON THE PRINCIPLES INVOLVED; ANC SHOULD FOCUS ON PREVENTIVE STEPS FOR FUTURE; CAN SUPPORT ANY COUNCIL ACTION SO LONG AS IT IS SERIOUS AND IMPARTIAL.

-- SWITZERLAND: ANC SHOULD STUDY STEPS TO PREVENT RECURRENCES; MOVE QUICKLY; REITERATE JULY 14 STATEMENT ON NEED TO REFRAIN FROM THE USE OF ARMED FORCE; IMPROVE COORDINATION; KOTAITE SHOULD PREPARE A DECISION.

-- ARGENTINA: COULD DEBATE FOREVER DETAILS OF THE REPORT BUT ESSENTIAL POINT IS WHAT SHOULD/COULD HAVE BEEN DONE THAT WASN'T AND WHAT CAN/MUST BE DONE TO PREVENT FUTURE INCIDENTS; ANC CAN HELP; KOTAITE SHOULD PREPARE A DECISION.

-- SAUDI ARABIA: SOME QUESTIONS ABOUT THE REPORT BUT BASIC FACTS ARE CLEAR; NEED TO MAINTAIN CIVIL AVIATION SAFETY AND SECURITY; WHOLE REPORT TO ANC; COUNCIL DECISION LATER.

-- TANZANIA: REPORT GIVES FULL BACKGROUND; STATES INVOLVED

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COOPERATED; NOTAM STILL IN FORCE; COUNCIL SHOULD CALL FOR NOTAM WITHDRAWAL TO IMPROVE SAFETY OF CIVIL AVIATION; ANC SHOULD LOOK AT TECHNICAL ISSUES; CAN SUPPORT DRAFTING GROUP AND/OR A COUNCIL DECISION.

-- UK: SOME QUESTIONS WILL ALWAYS REMAIN, BUT REPORT IS SUFFICIENT BASIS FOR ASSESSING STEPS TO PREVENT A RECURRENCE; ANC SHOULD HAVE PRECISE MANDATE; ICAO IS A

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PAGE 02 MONTRE 04386 03 OF 07 100552Z

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STATE FOR IO, L AND EB/TRA/AVP

FAA FOR API-1, AIA-100 AND AGC-7

E.O. 12356: N/A
TAGS: AORC, EAIR, ICAO, IR
SUBJECT: ICAO DISCUSSION OF IR 655 INVESTIGATION REPORT:

TECHNICAL BODY WITH NO ROLE IN POLITICAL QUESTIONS, COMPENSATION ISSUES, APPORTIONMENT OF GUILT OR FREEDOM OF NAVIGATION. NO DRAFTING GROUP; KOTAITE SHOULD PREPARE A DECISION.

-- INDIA: GOI DEPLORED SHOOTDOWN; THIS ACT UNJUSTIFIED; ANC SHOULD LOOK AT TECHNICAL ASPECTS; CAN SUPPORT ANY POSITIVE STEPS.
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PAGE 03 MONTRE 04386 03 OF 07 100552Z

-- IRAN: HISTORY OF US UNLAWFUL ACTS; US WARSHIPS IN IRAN TERRITORIAL SEA; EX GRATIA PAYMENT MEANS US NOT ACCEPTING LEGAL RESPONSIBILITY; NOTAMS ILLEGAL AND ENDANGERED CIVIL FLIGHTS; FAILURE OF CIVIL/MILITARY COORDINATION ENTIRELY ON US SIDE.

-- GHANA: IMPROVED SITUATION IN GULF IS WELCOME; LIVES NOT LOST IN VAIN; REPORT FULFILLED MANDATE; CAN SUPPORT ANY BROADLY ACCEPTABLE RESOLUTION BUT SHOULD PROBABLY COME AFTER ANC STUDY.

-- AUSTRALIA: GOOD REPORT; SHOULD PURSUE RECOMMENDATIONS; ANC SHOULD FOCUS ON FUTURE PREVENTIVE STEPS; STATES SHOULD RATIFY 3 BIS.

-- MEXICO: ILLEGAL NOTAM; LACK OF CIVILIAN/MILITARY COORDINATION; ACTION CONTRARY TO 3 BIS; IS THIS THE NET RESULT OF ALL OUR WORK FOR AVIATION SAFETY; VERY DEPRESSING; MUST BE MORE EFFECTIVE.

-- TUNISIA: CAN SUPPORT REFERRAL TO ANC FOR REPORT BACK ASAP; FOCUS ON STEPS TO PREVENT RECURRENCE; SUPPORT ANY ACTION WHICH IS BROADLY ACCEPTABLE AND WILL CONTRIBUTE TO SAFETY OF CIVIL AVIATION.

-- USSR: COUNCIL SHOULD CONDEMN USE OF FORCE NOW; THREAT OF RECURRENCE REMAINS AS LONG AS ARMED FORCES REMAIN IN

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THE GULF; REGIONAL STATES CONDEMNED THE ILLEGAL NOTAM; IN 1983 (KAL 007) COUNCIL TOOK DECISIONS AND CONVENED EXTRAORDINARY ASSEMBLY; IF ICAO FAILS TO MEET ITS RESPONSIBILITY USSR WILL RAISE QUESTION OF AN EXTRAORDINARY ASSEMBLY AND MAKE ITS VIEWS KNOWN IN THE PRESS; ANC SHOULD LOOK AT TECHNICAL ASPECTS.

-- CZECHOSLOVAKIA: NEED POLICY DECISION NOW; IR 655 WAS IN

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PAGE 01 MONTRE 04386 04 OF 07 100553Z
ACTION IO-19

INFO	LOG-00	ADS-00	INR-07	EUR-00	SS-00	OIC-02	AF-00
	CIAE-00	EB-00	NEA-06	ARA-00	NSAE-00	COME-00	L-03
	AMAD-01	EAP-00	DOTE-00	STR-17	INRE-00	JUSE-00	FAIM-01
	E-01	P-02	/059 W				

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P 081941Z DEC 88
FM AMCONSUL MONTREAL
TO SECSTATE WASHDC PRIORITY 2208
INFO FAA WASHDC PRIORITY
SECDEF WASHDC PRIORITY
JCS WASHDC
USCINCCENT MACDILL AFB FL
FAA BRUSSELS
CJTFME
AMEMBASSY BUENOS AIRES
AMEMBASSY CANBERRA
AMEMBASSY BRASILIA
AMEMBASSY OTTAWA
AMEMBASSY BEIJING
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PAGE 02 MONTRE 04386 04 OF 07 100553Z

AMEMBASSY MADRID
AMEMBASSY BERN
AMEMBASSY STOCKHOLM
AMEMBASSY TUNIS
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AMEMBASSY DAR ES SALAAM
AMEMBASSY CARACAS
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TEXT OF TELEGRAM 88MONTRE004386

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(C O R R E C T E D C O P Y -- REARRANGING TEXT, SECTIONS 5-7)

FROM USMISSION ICAO
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STATE FOR IO, L AND EB/TRA/AVP

FAA FOR API-1, AIA-100 AND AGC-7

E.O. 12356: N/A
TAGS: AORC, EAIR, ICAO, IR
SUBJECT: ICAO DISCUSSION OF IR 655 INVESTIGATION REPORT:

PROPER FLIGHT PATTERN AND STILL IN IRANIAN AIRSPACE; GROSSLY ILLEGAL ACT; MUST BE CONSISTENT (WITH TREATMENT OF KAL 007 IN 1983).

-- IRAN: CONDEMN THE ACT; WHAT IS ANC MANDATE; LEGAL ASPECTS SHOULD ALSO BE ADDRESSED; ARTICLE 54(J) OF THE CHICAGO CONVENTION REQUIRES COUNCIL TO INFORM STATES OF VIOLATIONS OF THE CONVENTION OR NON-COMPLIANCE WITH
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PAGE 03 MONTRE 04386 04 OF 07 100553Z

COUNCIL DECISIONS; LEGAL BUREAU SHOULD EXAMINE THE REPORT AND INFORM STATES OF US VIOLATIONS.

4. IN SUMMING UP, KOTAITE AGAIN EMPHASIZED THE NEED FOR CONSENSUS AND OUTLINED A DECISION THAT HE THOUGHT WOULD BE ACCEPTABLE (FULL TEXT AT PARA 5). HE ALSO SAID THAT THE DIRECTOR OF THE LEGAL BUREAU WOULD BE AVAILABLE TO THE ANC TO ANSWER ANY QUESTIONS IT MAY HAVE, INCLUDING QUESTIONS ON THE STATUS OF THE WATERS IN WHICH THE VINCENNES WAS LOCATED. AS REGARDS ARTICLE 54(J) THE SECRETARY GENERAL WOULD TRANSMIT TO ALL MEMBER STATES THE FULL TEXT OF THE REPORT AND ANY RESOLUTION EVENTUALLY ADOPTED BY COUNCIL. THE COUNCIL WOULD ALSO REPORT TO THE ASSEMBLY, AS REQUIRED BY ARTICLE 54(K). NIGERIA, EGYPT, SAUDI ARABIA, INDONESIA, AND THE FRG SUPPORTED THE CHAIR'S SUMMARY. CZECHOSLOVAKIA, THE USSR AND CUBA REITERATED THEIR VIEW THAT THE COUNCIL SHOULD ACT ON THE FACTS KNOWN TO IT AND CONDEMN THE SHOOTDOWN, BUT AGREED (AND, INDEED, SOUGHT CONFIRMATION) THAT THIS COULD ALSO BE DONE AT A LATER STAGE (I.E. IN MARCH).

5. AFTER A SHORT BREAK, THE COUNCIL RECONVENED TO CONSIDER THE FOLLOWING TEXT:

- - DRAFT RESOLUTION
-
(PREPARED BY THE PRESIDENT OF THE COUNCIL ON THE BASIS OF
- HIS SUMMARY ON 7 DECEMBER 1988)

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THE COUNCIL OF THE INTERNATIONAL CIVIL AVIATION ORGANIZATION

RECALLING ITS DECISION OF 14 JULY 1988 ADOPTED AT ITS EXTRAORDINARY SESSION CONCERNING THE SHOOTING DOWN, ON 3 JULY 1988, OF IRAN AIR AIRBUS A300 ON FLIGHT IR655;

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PAGE 01 MONTRE 04386 05 OF 07 100623Z
ACTION IO-19

INFO	LOG-00	ADS-00	INR-07	EUR-00	SS-00	OIC-02	AF-00
	CIAE-00	EB-00	NEA-06	ARA-00	NSAE-00	COME-00	L-03
	AMAD-01	EAP-00	DOTE-00	STR-17	INRE-00	JUSE-00	FAIM-01
	E-01	P-02	/059 W				

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P 081941Z DEC 88
FM AMCONSUL MONTREAL
TO SECSTATE WASHDC PRIORITY 2209
INFO FAA WASHDC PRIORITY
SECDEF WASHDC PRIORITY
JCS WASHDC
USCINCCENT MACDILL AFB FL
FAA BRUSSELS
CJTFME
AMEMBASSY BUENOS AIRES
AMEMBASSY CANBERRA
AMEMBASSY BRASILIA
AMEMBASSY OTTAWA
AMEMBASSY BEIJING
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PAGE 02 MONTRE 04386 05 OF 07 100623Z

AMEMBASSY MADRID
AMEMBASSY BERN
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IO MISSIONS COLLECTIVE

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TEXT OF TELEGRAM 88MONTRE004386

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FROM USMISSION ICAO

STATE FOR IO, L AND EB/TRA/AVP

FAA FOR API-1, AIA-100 AND AGC-7

E.O. 12356: N/A
TAGS: AORC, EAIR, ICAO, IR
SUBJECT: ICAO DISCUSSION OF IR 655 INVESTIGATION REPORT:

HAVING RECEIVED THE REPORT OF THE FACT-FINDING INVESTIGATION INSTITUTED BY THE SECRETARY GENERAL PURSUANT TO THAT DECISION OF THE ICAO COUNCIL;

RECOGNIZING WITH APPRECIATION THAT ALL PARTIES CONCERNED COOPERATED FULLY IN THIS INVESTIGATION;

EXPRESSING AGAIN ITS PROFOUND REGRET OVER THE LOSS OF 290

LIVES AND ITS DEEP SYMPATHY AND CONDOLENCES TO THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF IRAN AND TO THE BEREAVED FAMILIES OF THE VICTIMS OF THIS TRAGIC EVENT

1.) URGES ALL STATES TO TAKE ALL NECESSARY ACTION FOR THE SAFETY OF NAVIGATION OF CIVIL AIRCRAFT, PARTICULARLY BY ASSURING EFFECTIVE CO-ORDINATION OF CIVIL AND MILITARY ACTIVITIES;

2. REAFFIRMS AGAIN THE FUNDAMENTAL PRINCIPLE OF GENERAL INTERNATIONAL LAW THAT STATES MUST REFRAIN FROM RESORTING TO THE USE OF WEAPONS AGAINST CIVIL AIRCRAFT;

3.) APPEALS URGENTLY TO ALL STATES WHICH HAVE NOT YET DONE SO TO RATIFY, AS SOON AS POSSIBLE, THE PROTOCOL INTRODUCING ARTICLE 3 BIS INTO THE CONVENTION ON INTERNATIONAL CIVIL AVIATION;

4.) INSTRUCTS THE AIR NAVIGATION COMMISSION TO STUDY THE SAFETY RECOMMENDATIONS CONTAINED IN THE REPDORT OF THE FACT-FINDING INVESTIGATION AND TO REPORT TO THE 126TH SESSION OF THE COUNCIL ON ANY MEASURES IT CONSIDERS NECESSARY SO AS TO PREVENT THE RECURRENCE OF A SIMILAR TRAGIC EVENT;

5.) DIRECTS THE AIR NAVIGATION COMMISSION TO EXAMINE, UPON THEIR COMPLETION, THE RESULTS OF THE STUDIES UNDERTAKEN UNDER PARAGRAPH 9(C) OF THE COUNCIL DECISION OF 14 JULY 1988;

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PAGE 01 MONTRE 04386 06 OF 07 100624Z
ACTION IO-19

INFO	LOG-00	ADS-00	INR-07	EUR-00	SS-00	OIC-02	AF-00
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	AMAD-01	EAP-00	DOTE-00	STR-17	INRE-00	JUSE-00	FAIM-01
	E-01	P-02	/059 W				

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P 081941Z DEC 88
FM AMCONSUL MONTREAL
TO SECSTATE WASHDC PRIORITY 2210
INFO FAA WASHDC PRIORITY
SECDEF WASHDC PRIORITY
JCS WASHDC
USCINCCENT MACDILL AFB FL
FAA BRUSSELS
CJTFME
AMEMBASSY BUENOS AIRES
AMEMBASSY CANBERRA
AMEMBASSY BRASILIA
AMEMBASSY OTTAWA
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PAGE 02 MONTRE 04386 06 OF 07 100624Z

AMEMBASSY MADRID
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FROM USMISSION ICAO

STATE FOR IO, L AND EB/TRA/AVP

FAA FOR API-1, AIA-100 AND AGC-7

E.O. 12356: N/A
TAGS: AORC, EAIR, ICAO, IR
SUBJECT: ICAO DISCUSSION OF IR 655 INVESTIGATION REPORT:

6.) DECIDES THAT C-WP/8718 NO LONGER HAS A RESTRICTED CHARACTER; AND

7.) DECIDES TO INCLUDE THE REPORT OF INVESTIGATION AS REQUIRED IN THE COUNCIL DECISION OF 14 JULY 1988 IN THE WORK PROGRAMME OF THE 126TH SESSION OF THE COUNCIL.

END TEXT.
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PAGE 03 MONTRE 04386 06 OF 07 100624Z

6. IN THE MINUTES BEFORE THE COUNCIL RECONVENED WORD SPREAD THAT THE SOVIETS HAD INSTRUCTIONS NOT TO ACCEPT THE TEXT. FRG REP, WHO MAY HAVE BEEN SPEAKING FOR THE OTHER WESTERN EUROPEANS AS WELL, TOLD USDEL THAT ONLY BASIS FOR AGREEMENT WAS US ACCEPTANCE OF LANGUAGE CONDEMNING THE ACT. IF WE COULD ACCEPT THAT,D WE COULD DISPOSE OF THE ISSUE ONCE AND FOR ALL. THIS WOULD AVOID THE DANGER OF A MORE UNFAVORABLE OUTCOME IN THE FUTURE,D INCLUDING THE POSSIBILITY OF AN EXTRAORDINARY ASSEMBLY. USDEL SAID COUNCIL HAD ALREADY AGREED TO KOTAITE'S SUMMARY AND THAT IN OUR VIEW THE ONLY PURPOSE OF THIS FINAL MEETING WAS TO ADOPT LANGUAGE REFLECTING THE DECISION ALREADY TAKEN. IF THE SOVIETS WANTED TO RECORD THEIR MINORITY VIEW, THEY HAD THAT RIGHT. USDEL ALSO SAID CONDEMNATION WAS NOT APPROPRIATE IN ANY EVENT. WE DID NOT BELIEVE THERE WAS A LARGE RISK OF AN EXTRAORDINARY ASSEMBLY, BUT WE WOULD DEAL WITH THAT WHEN AND IF IT MATERIALIZED.

7. ONCE THE SESSION RECONVENED THE SOVIETS PROPOSED THREE CHANGES TO THE TEXT CONTAINED IN PARA 5:

-- ADDITION OF THE PHRASE "BY A U.S. WARSHIP" AT THE END OF THE FIRST PREAMBULAR PARAGRAPH;

-- INSERTION OF A NEW OPERATIVE PARAGRAPH CONDEMNING THE USE OF ARMED FORCE WHICH LED TO THE DESTRUCTION OF IR 655 AND THE LOSS OF 290 LIVES; AND

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TEXT OF TELEGRAM 88MONTRE004386

-- A NEW OPERATIVE PARAGRAPH TO THE EFFECT THAT THE NOTAM CONTRADICTS ESTABLISHED STANDARDS AND RCOMMENDED PRACTICES AND SHOULD BE WITHDRAWN.

A LONG PROCEDURAL HAGGLE FOLLOWED. KOTAITE TRIED TO ARGUE THAT AMENDMENTS WERE NOT IN ORDER SINCE HIS PAPER WAS NOT A FORMAL PROPOSAL BUT ONLY A SUMMARY OF PREVIOUS

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TEXT OF TELEGRAM 88MONTRE004386

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PAGE 01 MONTRE 04386 07 OF 07 100625Z
ACTION IO-19

INFO	LOG-00	ADS-00	INR-07	EUR-00	SS-00	OIC-02	AF-00
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	AMAD-01	EAP-00	DOTE-00	STR-17	INRE-00	JUSE-00	FAIM-01
	E-01	P-02	/059 W				

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P 081941Z DEC 88
FM AMCONSUL MONTREAL
TO SECSTATE WASHDC PRIORITY 2211
INFO FAA WASHDC PRIORITY
SECDEF WASHDC PRIORITY
JCS WASHDC
USCINCCENT MACDILL AFB FL
FAA BRUSSELS
CJTFME
AMEMBASSY BUENOS AIRES
AMEMBASSY CANBERRA
AMEMBASSY BRASILIA
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PAGE 02 MONTRE 04386 07 OF 07 100625Z

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FROM USMISSION ICAO

STATE FOR IO, L AND EB/TRA/AVP

FAA FOR API-1, AIA-100 AND AGC-7

E.O. 12356: N/A
TAGS: AORC, EAIR, ICAO, IR
SUBJECT: ICAO DISCUSSION OF IR 655 INVESTIGATION REPORT:

DISCUSSION. THE SOVIETS FORMALLY ACCEPTED THE SUMMARY AS A DRAFT RESOLUTION WHICH THEY PUT FORWARD AS THEIR OWN WITH THE AMENDMENTS. FRANCE, KENYA AND OTHERS CALLED FOR A DELAY TO ALLOW CONSULTATION WITH CAPITALS. USDEL REQUESTED A TEN MINUTE RECESS. DURING THE HALF HOUR INTERVAL THAT FOLLOWED THE UK REP AND THE SWISS ALTERNATE (FROM NETHERLANDS) SEPARATELY ADVISED USDEL OF NEED FOR
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US TO ACCEPT A COMPROMISE IN ORDER TO AVOID A TOTALLY UNACCEPTABLE OUTCOME. UKREP AND CANADA REP SAID IN SEPARATE CONVERSATIONS THAT WE COULD COUNT ON THEIR VOTE IF IT CAME TO THAT. IT DIDN'T. THE SOVIETS AGREED THEIR PROPOSALS COULD BE CONSIDERED IN MARCH AND THAT KOTAITE'S SUMMARY COULD BE ADOPTED IF IT WAS CHANGED FROM A RESOLUTION TO A COUNCIL DECISION. IT WAS AGREED TO DO SO AND THE TEXT CONTAINED IN PARA 5 WAS APPROVED ON THE UNDERSTANDING THAT KOTAITE WOULD MAKE THE NECESSARY EDITORIAL CHANGES.

8. THE SESSION CLOSED WITH ALARGE NUMBER OF MEMBERS CALLING FOR RATIFICATION OF ARTICLE 3 BIS BY ALL STATES WHICH HAVE NOT ALREADY DONE SO, AND A SPECIAL REPORT TO THE COUNCIL ON THE STATUS OF 3 BIS TO BE CONSIDERED AT THE MARCH SESSION. STORH

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ROUTINE MADRID, ROME, PARIS, BONN, LONDON, USUN NEW YORK, BOGOTA, MEXICO, CARACAS, QUITO
ROUTINE SAN SALVADOR

E.O. 12356: N/A

TAGS: PHUM, ES

PR
FMR

SUBJECT: INFORMATION ON AYUTUXTEPEQUE MASSACRE IN EL SALVADOR

1. THIS MESSAGE CONTAINS A SYNOPSIS PREPARED BY EMBASSY SAN SALVADOR OF DEVELOPMENTS TO DATE IN THE LEGAL CASE ON THE AYUTUXTEPEQUE MASSACRE (ALSO KNOWN AS THE EL ZAPOTE MASSACRE) IN EL SALVADOR. THE SALVADORAN FMLN GUERRILLA FRONT HAS ACCUSED GOVERNMENT TROOPS OF COMMITTING THE ATROCITY AND THE CATHOLIC ARCHBISHOPRIC'S LEGAL ASSISTANCE OFFICE HAS SAID THAT EVIDENCE POINTS TO GOVERNMENT TROOPS, BUT THE EVIDENCE AVAILABLE TO US INDICATES THAT THE MURDERS ARE MORE LIKELY TO HAVE RESULTED FROM A FAMILY FEUD. ACTION ADRESSEE POSTS ARE ENCOURAGED TO SHARE THIS

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INFORMATION AT THEIR DISCRETION WITH HOST COUNTRY INTERLOCUTORS WHO ARE INTERESTED IN CENTRAL AMERICAN AFFAIRS OR HUMAN RIGHTS OR WHO MAY REPEAT FMLN PROPAGANDA IF NOT BETTER INFORMED. POSTS MAY, AT THEIR DISCRETION, USE THE BODY OF THIS MESSAGE AS A NON-PAPER THAT MAY BE LEFT.

2. BEGIN TEXT:

SUBJECT: AYUTUXTEPEQUE MASSACRE

SUMMARY:

ON FEBRUARY 25, TWO EX-SOLDIERS IMPLICATED IN THE JANUARY 21 MURDER OF 15 MEMBERS OF THE ARAGON FAMILY IN AYUTUXTEPEQUE, EL SALVADOR CONFESSED TO THE JUDGE AND JOURNALISTS THAT THEY HAD COMMITTED THE MASSACRE BECAUSE TWO SISTERS FROM THE RIVAL VASQUEZ FAMILY HAD PROMISED THEM MONEY AND THREATENED THEM WITH DEATH. THE JUDGE AND PROSECUTORS ANNOUNCED THAT THE CASE WAS NOW CLARIFIED BUT THE INVESTIGATION CONTINUES. APPARENTLY CONTRADICTING A PREVIOUS WRITTEN STATEMENT ISSUED TO THE PRESS UNDER HER NAME, THE 88-YEAR OLD SURVIVOR OF THE MASSACRE NOW DENIES THAT THE JUDGE PRESSURED HER TO CHANGE HER TESTIMONY. END SUMMARY.

SUSPECTS CONFESS TO MASSACRE:

ON FEBRUARY 25, TWO EX-SOLDIERS IMPLICATED IN THE JANUARY 21 MURDER OF 15 PEOPLE IN AYUTUXTEPEQUE CONFESSED TO THE JUDGE AND JOURNALISTS THAT THEY HAD COMMITTED THE MASSACRE. ON FEBRUARY 25, THE CASE WAS TRANSFERRED TO THE CRIMINAL COURT IN MEXICANOS, SAN SALVADOR DEPARTMENT, DR. JORGE ERNESTO CRUZ CIENFUEGOS PRESIDING. JESUS VANEGAS ALVARENGA AND ARMANDO DE PAZ ASSERTED THAT THE VASQUEZ SISTERS PROMISED THEM MONEY TO KILL THE ARAGON FAMILY AND THREATENED THEM WITH DEATH IF THEY DID NOT COLLABORATE IN THE CRIME. JUDGE CRUZ DECLARED THAT THESE CONFESSIONS ESTABLISHED THE MOTIVE FOR THE MASSACRE AS DISAGREEMENTS BETWEEN THE ARAGON AND VASQUEZ FAMILIES.

ACCORDING TO STATEMENTS JESUS AND ARMANDO MADE TO THE PRESS, THE SIX DEFENDANTS (JESUS, ARMANDO, RAFAEL ANTONIO DE PAZ VANEGAS, OSCAR ORTIZ HERNANDEZ, NATIVIDAD VASQUEZ

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AND MARIA CRISTINIA VASQUEZ) GATHERED AT ARMANDO'S HOUSE ON THE NIGHT OF JANUARY 21. FROM THERE, THEY PROCEEDED TO THE HOUSES OF THE ARAGON FAMILY, KNOCKING ON THE DOOR OF EACH HOUSE AND IDENTIFYING THEMSELVES AS SOLDIERS. ONCE HAVING GAINED ENTRY, THEY KILLED EVERYONE IN SIGHT.

JESUS VANEGAS ALVARENGA APPARENTLY KILLED 7 MEMBERS OF THE ARAGON FAMILY, ARMANDO DE PAZ VANEGAS 3, THE VAZQUEZ SISTERS AT LEAST ONE, WHILE OSCAR ORTIZ HERNANDEZ AND RAFAEL ANTONIO DE PAZ KILLED THE REMAINING 4 PERSONS. ELEUTERIA ORTIZ VDA. DE ARAGON AND THE CHILDREN WERE SPARED, ACCORDING TO JESUS AND ARMANDO, BECAUSE THEY "FELT SORRY FOR THEM."

AT THE CONCLUSION OF THE PRESS CONFERENCE, JUDGE CRUZ AND THE PROSECUTORS ANNOUNCED THAT THE CASE WAS NOW CLARIFIED BUT THAT THE INVESTIGATION WOULD CONTINUE. OSCAR ORTIZ HERNANDEZ REMAINS A FUGITIVE. UNDER SALVADORAN LAW, ALL SIX DEFENDANTS FACE A MAXIMUM SENTENCE OF 30 YEARS.

ADDITIONAL CHARGES:

ON FEBRUARY 21, SPECIAL INVESTIGATIVE UNIT (SIU) DETECTIVES REPORTEDLY CORNERED THREE SUSPECTS IN THE MASSACRE (ALL NOW UNDER ARREST) IN SAN SALVADOR'S DOWNTOWN CENTRAL MARKET. ONE OF THE THREE THREW A GRENADE AT PURSUING SIU DETECTIVES, KILLING AN SIU DETECTIVE AND A BYSTANDER, AS WELL AS WOUNDING 2 OTHER DETECTIVES AND 7 BYSTANDERS. ON FEBRUARY 22, DR. AMILCAR PALACIOS, THE JUDGE OF FIFTH CRIMINAL COURT, TOOK RAFAEL'S STATEMENT REGARDING THIS INCIDENT AND CHARGED HIM WITH THE CRIME. RAFAEL PLEADED INNOCENT.

ON FEBRUARY 28, JUDGE PALACIOS ACCEPTED A COMPLAINT AGAINST RAFAEL ANTONIO DE PAZ, OSCAR ARMANDO DE PAZ, AND JESUS VANEGAS ALVARENGA IMPLICATING THEM IN THE JANUARY 17 MURDER OF FELIPE GUARDADO ALVARENGA VALENZUELA IN LA LIBERTAD DEPARTMENT.

SURVIVOR DENIES JUDGE COERCED HER TO CHANGE STORY:

ON FEBRUARY 3, MRS. ARAGON, THE 88-YEAR OLD WOMAN WHO LOST 15 FAMILY MEMBERS IN THE MASSACRE, APPEARED IN A LOCAL PRESS CONFERENCE HOSTED BY THE ARCHBISHOPRIC'S OFFICE OF

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LEGAL AID (TUTELA LEGAL) TO SAY THAT THE JUSTICE OF THE PEACE OF AYUTUXTEPEQUE HAD FORCED HER TO CHANGE HER TESTIMONY. MRS. ARAGON'S WRITTEN STATEMENT, MARIA JULIA HERNANDEZ (TUTELA LEGAL'S DIRECTOR), AND MSGR. GREGORIO ROSA CHAVEZ, THE AUXILIARY BISHOP OF SAN SALVADOR, ASSERTED THAT MRS. ARAGON HAD INITIALLY TRIED TO TELL THE JUDGE THAT SHE BELIEVED THAT THE KILLERS WERE SOLDIERS, BUT THE JUDGE DISSUADED HER FROM MAKING THAT FACT PART OF HER OFFICIAL TESTIMONY. HOWEVER, ON FEBRUARY 23, SHE DENIED TO THE PRESS THAT THE JUSTICE OF THE PEACE HAD PRESSURED HER TO CHANGE HER TESTIMONY. SHE REPORTEDLY SAID, "NO, I NEVER MENTIONED THAT. I DIDN'T SAY THAT. I TOLD HIM WHAT I SAW."

END TEXT

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93099 #7

LC 033

THE LETELIER CASE: BACKGROUND AND FACTUAL SUMMARY

On September 21, 1976 at approximately 9:30 A.M., a bomb exploded underneath Orlando Letelier's automobile as he was driving to work in Washington, D.C. Letelier and his assistant, Ronni Moffitt, were killed by the force of the explosion. Letelier was a former Chilean Ambassador to the United States for the government of Salvador Allende. He had returned to the United States after a year of imprisonment at the hands of the Pinochet junta which had come to power after ousting Allende in a military coup in 1973. Since that time, Letelier had become a respected spokesman for the opposition to the Pinochet government which had been ruthlessly silenced inside Chile, but which was becoming increasingly active on the international scene.

The assassination created an international uproar and triggered an exhaustive investigation by law enforcement authorities in the United States. The investigation revealed the participation of high level Chilean government officials in the planning and execution of the Letelier assassination, and their hindrance of the investigation by acts of evasion and even deception. The following is an account of what the investigation uncovered and the legal and political activity that has taken place since the assassination. It shows that the United States has vigorously attempted to bring those who participated in this act of political terrorism to justice, but has been thwarted by a lack of cooperation by the Chilean government.

I. HISTORICAL BACKGROUND

Orlando Letelier first came to Washington, D.C. in 1970, having been appointed Chilean Ambassador to the United States by Salvador Allende, the newly elected President of Chile. He served as Ambassador until May 1973. He returned to Santiago at that time to assume a cabinet position in the Allende government in the face of destabilizing threats by the Chilean military. On September 11, 1973, Allende was killed during a military coup, and Letelier was arrested without charge. He spent a year in solitary confinement before he was released and expelled by the new Pinochet government.

Letelier returned to the United States late in 1974 to take a position with the Institute of Policy Studies in Washington. There, he met Ronni Karpen and her future husband Michael Moffitt, who became Letelier's assistants. Letelier became increasingly involved in politics during his time at the Institute and was recognized as a leader of the opposition to the Pinochet government in Chile. One day before he was to deliver an address to a crowd of 5,000 at Madison Square Garden

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in New York on the third anniversary of the coup in Chile (September 1976), the Chilean government issued a decree revoking Letelier's Chilean citizenship for his antigovernment activism.

As Letelier was gaining international prominence, operatives in the Chilean secret police, the Department of National Intelligence (DINA), were laying the groundwork for his assassination. In mid-1974, Pedro Espinoza Bravo, then director of operations for DINA and a Lieutenant Colonel in the Chilean army, recruited electronics expert Michael Vernon Townley, an expatriate American citizen living in Chile, to join DINA. Townley's first mission for DINA was the purchase of some electronic equipment at Audio Intelligence Devices in Miami, Florida under the assumed name of Kenneth Enyart in December 1974. After successfully completing that mission, Townley met with then-Colonel Juan Manuel Contreras Sepulveda, the director of DINA, who ordered Townley to travel to Mexico in order to assassinate some Chilean opposition leaders who were scheduled to meet in Mexico City in early 1975.[1/]

In the United States before travelling to Mexico, Townley contacted members of the Cuban Nationalist Movement (CNM), a group of Cuban exiles dedicated to the overthrow of Fidel Castro's communist government in Cuba, in order to seek their assistance in the Mexican mission. Townley first met with Felipe Rivero in Miami, and then later with Guillermo Novo Sampol and Jose Dionisio Suarez Esquivel in New Jersey. As a result of these meetings, the leadership of CNM decided to assist DINA in the Mexico City mission, sending Virgilio Paz Romero with Townley to Mexico. The mission was a failure.[2/]

Townley and Paz continued to work together after the Mexico City failure. They spent the last part of 1975 conducting DINA intelligence missions in Europe. Early in 1976, Paz travelled to Chile with Townley to get intelligence training from DINA and to have some medical work done on his shoulder. While in Chile, Paz stayed with Townley and his wife, Mariana Callejas (also a DINA agent) until the middle of June 1976.[3/] It was this time spent together which cemented the ties between DINA and CNM; it was these two organizations working in tandem, under the direction of DINA orders, who would assassinate Letelier.

II. THE ASSASSINATION: PREPARATIONS AND EXECUTION

In late June or early July 1976, Colonel Espinoza solicited Townley and Chilean Army Lieutenant Armando Fernandez Larios for the Letelier assassination mission. The three met outside of Santiago to discuss the mission. As Fernandez remained in an automobile, Espinoza told Townley the purpose of his

mission, that he was to enlist the aid of the CNM, and that he was to make the death of Letelier appear to be an accident or suicide. Espinoza also informed Townley that he and Fernandez would soon travel to Paraguay to acquire Paraguayan passports, under false names, with visas to enter the United States in order to execute the assassination. 4/

Espinoza told Fernandez that he was to accompany Townley to Paraguay. His mission was go to the United States to surveil Letelier, to "see what he was up to." Fernandez was not privy to the meeting between Espinoza and Townley; although he suspected that his mission would result in more than simple intelligence gathering because of the involvement of important DINA operatives like Townley and Espinoza, he did not find out the true purpose of the mission until he later heard about Letelier's assassination on the radio. 5/

On July 17, 1976, Colonel Benito Guanes Serrano, head of the Paraguayan intelligence service, J-2, received a telegram from Contreras informing him that two DINA officers would be arriving in Asuncion, Paraguay soon in the hopes of acquiring Paraguayan passports in order to conduct an intelligence mission in the United States. At the time, Paraguay and Chile were both members of Operation Condor, a consortium of South American intelligence agencies who cooperated in anticommunist and antiterrorist activities, so the request for false documentation did not strike Guanes as strange. 6/

In late July 1976, Townley and Fernandez travelled to Paraguay under the false names Juan Andres Wilson Silva and Alejandro Rivadeneira respectively. They explained to Paraguayan officials that they needed the false passports to perform a security check on the operations of the Chilean copper company CODELCO. (Fernandez would later tell a different cover story, that he and Townley had been sent to Paraguay to obtain passports to travel to the United States to meet with General Vernon Walters of the CIA in order to acquire a list of U.S. politicians sympathetic to the Chilean government.) Townley and Fernandez applied for, and received after about a week in Paraguay, Paraguayan passports under another set of assumed names, Townley as Juan Williams Rose and Fernandez as Alejandro Romeral Jara. They also applied for visas for entry to the United States with the new Paraguayan passports. The visas were issued routinely by the U.S. Consul on July 27, 1976. Before the two departed for the United States to complete their mission against Letelier, however, they were ordered to return to Santiago and to discontinue the operation. Fernandez and Townley believed that the mission had been wisely terminated, since they suspected that American authorities had been informed that the visas were for Chileans rather than for Paraguayans. 7/

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On the same day that the U.S. Consul approved the visa applications in Paraguay, George Landau, the U.S. Ambassador to Paraguay at the time, became suspicious of the visa applications and had them and the accompanying Paraguayan passports fully photographed. [NOTE TO KOZAK: CAN WE EXPLAIN THE REASON FOR LANDAU'S SUSPICION MORE FULLY IN THIS UNCLASSIFIED DOCUMENT?] After some investigation, he decided to revoke the visas. He contacted Guanes, who in turn requested that DINA return the passports unused. The passports were cancelled and given to Landau. When Landau received the passports, the photographs of the two Chilean agents had been removed.8/

how did Landau now to contact Guanes?

In early August 1976, Espinoza again contacted Fernandez and ordered him to go to the United States right away to perform surveillance on Letelier. He was to travel with a female companion, known as Liliana Walker Martinez, under the cover story that they were from the Chilean Department of Public Works on official business. Both Fernandez and Walker were given false Chilean official passports; Fernandez travelled as Armando Faundez Lyon. They entered the United States on August 26, 1976.9/

During the middle of August 1976, Espinoza also contacted Townley, telling him the mission to assassinate Letelier was "still on." Espinoza ordered Townley to contact the leadership of the CNM and secure their assistance. Townley was to meet Fernandez for a briefing on the intelligence gathered by Fernandez. He was to coordinate the assassination attempt, but to make sure the Cubans actually did the killing after he was safely out of the United States. Espinoza again emphasized to Townley that he was to make the murder look like accidental death or suicide. However, Espinoza remarked that the "bottom line" was that Letelier should be killed, and specifically approved the use of a bomb to kill Letelier if it became impossible to make the death appear accidental.10/

Before the commencement of the mission to assassinate Letelier, DINA officials began to concoct a proper cover story for the Paraguayan passport incident. Having removed the pictures from the Paraguayan passports, and unaware that Ambassador Landau had previously photographed them, Espinoza ordered two DINA agents, Army Captains Rene Riveros Valderrama and Rolando Mosqueira Jarpa to go to the United States under false official Chilean passports, Riveros under the name Juan Williams Rose, and Mosqueira under the name Alejandro Romeral Jara. They travelled to Washington, D.C. on August 22, 1976. They returned to Chile in early September 1976, but their entry into the United States under the same name as the Paraguayan visa applicants (who were actually Townley and Fernandez)

caused great confusion to investigators of the Letelier assassination for well over a year after the crime was committed.11/

Meanwhile, Fernandez was also in the United States. He called the Institute for Policy Studies in Washington, D.C. to get Letelier's home address under the pretext of having to make a delivery to him. He was told at that time that Letelier would be out of town for the next three weeks. Fernandez then went to Letelier's home address in Bethesda, Maryland and ascertained the location, confirming his information by observing a car parked in front with a Chilean insignia on the back. This, he assumed, was Letelier's automobile. After completing this task, Fernandez called Espinoza and told him that Letelier was out of town; Espinoza agreed with Fernandez that he could do nothing more in Washington, and told him he could return to Chile after taking some vacation in the U.S. Fernandez thereupon travelled to New York City with his sister on September 6, 1976, where he stayed a few days. Upon learning that his father was critically ill in Chile, Fernandez called Espinoza and requested permission to return immediately. Espinoza agreed, but informed Fernandez that Townley would be arriving in New York City that day, September 9, 1976. Espinoza ordered Fernandez to meet Townley at Kennedy International Airport that day to brief him on the information Fernandez had collected about Letelier.12/

Townley, travelling with a false Chilean official passport under the name Hans Petersen Silva, arrived at Kennedy Airport as scheduled on September 9, 1976. He carried with him some of the materials for constructing the bomb which would ultimately be used for assassinating Letelier. He met Fernandez at Kennedy Airport, and Fernandez supplied Townley with the information he had acquired regarding Letelier. Fernandez flew back to Chile with Liliana Walker that evening, and briefed Espinoza at DINA headquarters upon his arrival in Santiago. Back in the United States, Townley rented a car and headed for New Jersey.13/

In New Jersey that evening, Townley met with his old CNM associate Virgilio Paz at the Bottom of the Barrel Restaurant in Union City, N.J. He told Paz that he wished to speak with Guillermo Novo. The next day, Townley met with Novo and Suarez in the Estrella Restaurant in Union City, where Townley formally asked Novo and Suarez for assistance in the Letelier murder. The two CNM leaders responded that they would have to take the request under consideration. A few days later, they agreed to participate in the assassination. Townley called a DINA official in Chile to pass along the news of the successful recruitment of the Cubans, and to receive confirmation of his orders.

Late in the evening of September 15, 1976, Townley and Paz drove to Washington, D.C., their automobile loaded with explosives. They arrived at about 4:00 A.M. on the following day. They spent that day and the next watching Letelier, his home, and his daily movements. On September 17, they followed Letelier to work and watched the activity around his office from a restaurant across the street. That evening, Townley and Paz purchased some of the materials needed to construct the bomb at a Sears store near Letelier's home in Bethesda, Maryland. Suarez joined Paz and Townley in Washington, D.C. on September 18. The three of them purchased more materials necessary for the bomb at a Radio Shack store that evening.

They then returned to Townley's motel room where they proceeded to construct the bomb out of plastic explosives and TNT. On the night of September 18, 1976, Townley, Suarez, and Paz drove to Letelier's house to install the bomb beneath Letelier's automobile. Townley himself affixed the bomb, which was to be detonated by a remote control device, an electronic paging device which Townley had modified earlier. After returning to his motel room, Townley called his wife in Chile, informing her that the bomb had been placed, and asking her to relay that information to DINA headquarters.

Early the next morning, Townley flew to Newark using the identity Kenneth Enyart. Alvin Ross Diaz met him at the airport, then drove him to Guillermo Novo's apartment, where he recounted the events of the past few days in Washington. After visiting his sister in Westchester County, Townley went to Kennedy Airport to submit a false United States Immigration and Naturalization Service Form I-94 to show that Hans Petersen Silva, the holder of the official Chilean passport, had flown to Madrid, Spain. He then flew from Newark to Miami, Florida, still using the Kenneth Enyart identity. Townley purchased a new return ticket to Santiago with some help by LAN Chile (Chilean national airline) employees since he was short of funds. On September 20, Townley met with Felipe Rivero; the two discussed the DINA/CNM relationship generally, but not the assassination of Letelier specifically. Townley then spent the rest of the day shopping and spent the evening and night at his parents' home in Boca Raton, Florida.14/

On September 21, 1976, Townley called Ignacio Novo to arrange a meeting. Novo suggested to Townley that he should listen to the news on his car radio, as something important had happened in Washington. That "something" was that the bomb planted below Letelier's car had been detonated, killing Letelier and his assistant, Ronni Moffitt. Michael Moffitt, husband to Ronni Moffitt and also an assistant to Letelier, was in the back of the car and escaped with only minor injuries. Townley met with Ignacio Novo that day and explained to him the

details of the assassination. Townley then returned to Chile on September 22, travelling under the identity of Kenneth Enyart with a fraudulently obtained U.S. passport.15/

III. THE U.S. INVESTIGATION AND THE CHILEAN COVER-UP

Upon his return to Chile, Townley informed Espinoza of the details of the mission. Espinoza seemed satisfied with the results of Townley's efforts. He destroyed the false Chilean official passport in the name of Hans Petersen Silva which Townley had used to enter the United States. Soon thereafter, Espinoza called Fernandez into his office at DINA headquarters and told Fernandez not to worry, that the assassination had been carried out by the "opposition" to the Pinochet government to discredit the regime before the Chilean Foreign Minister was scheduled to speak at the U.N. that week. Espinoza told Fernandez, "That is what you will say." Although Espinoza never told Fernandez that he had participated on a mission to assassinate Letelier, the implications of Espinoza's comments made it clear to Fernandez that that was exactly what he had done.16/

The United States government initiated its investigation under the auspices of the Federal Bureau of Investigation (FBI) and the Department of Justice immediately after the explosion in Washington on September 21, 1976. The investigation first led to the Cuban exiles. Through informers, the investigators ascertained that Guillermo Novo, Virgilio Paz, Dionisio Suarez and Alvin Ross had all participated in the crime. Further informer contact with the Cubans revealed that DINA had also been involved.17/

On June 28, 1977, Assistant United States Attorney Eugene Propper, one of the lead investigators on the Letelier case, requested the assistance of the Chilean government in the investigation of the extent of DINA contact with the Cubans during a meeting with the Chilean Ambassador to the United States, Jorge Cauas. Propper was subsequently advised that the Chilean government was initiating an investigation to provide him with the answers he sought. Special Agent Robert Scherrer of the FBI repeated Propper's request for information at a meeting with General Ernesto Baeza Michaelsen, the director of Investigaciones de Chile on July 15, 1977. Baeza told Scherrer that he would speak personally with President Pinochet to expedite the investigation. That same evening, Scherrer met Colonel Contreras, who denied having any information regarding the Cubans and their contact with his organization, DINA. After a period of delay, the Chilean government submitted a written answer to these requests to the Department of Justice which contained much obviously false information. The Chilean government's response stated that any further requests for

information by the United States would have to go through the proper judicial channels in accordance with international law.18/

The only leads which the American investigators had regarding the identity of the Chilean officials involved in the Letelier assassination was that two persons travelling under official Chilean passports had entered the United States using the same names as the Chileans who had applied for visas in Paraguay in July 1976. Realizing that the Chilean government was not cooperating in the investigation, the investigators sent formal Letters Rogatory to the Chilean Supreme Court through the District Court for the District of Columbia on February 17, 1978. This was the appropriate step under international legal procedures as the Chileans had demanded. The Letters Rogatory requested that the Chilean government produce for questioning "Juan Williams Rose" and "Alejandro Romeral Jara," the names of the Chileans who had entered the United States and had applied for U.S. visas with Paraguayan passports; the investigators did not know that they were two different sets of people.19/

After the Chilean Supreme Court received the Letters Rogatory, Contreras summoned Townley to his office. Contreras was no longer the director of DINA, the name of which had by now been changed to the National Information Center (CNI). He had been promoted to General and installed as the director of the Chilean Army Engineers. He had been replaced at CNI by retired Chilean Army General Odlanier Mena. At first, Contreras suggested to Townley that he flee Chile to avoid questioning. When Townley refused, Contreras suggested a cover story that Townley had planned to travel to the United States only to obtain a list of U.S. politicians favorable to the Pinochet regime in Chile, but that the trip had never taken place.20/

Around the same time, Contreras also met with Fernandez and instructed him to deny ever having been to the United States. The new head of CNI, General Mena, refused to believe Fernandez repeated denials of his trip to the United States, and continued to press Fernandez. Fernandez returned to Contreras, who finally advised Fernandez to admit that he had travelled to the United States on official business for CODELCO, the Chilean national copper company. Later, with the help of Espinoza, Contreras and Fernandez developed the CODELCO cover story more fully: Fernandez was to explain to curious investigators that he had gone to the United States to investigate manipulation of funds by CODELCO employees.21/

The investigation began to pick up momentum when pictures of Townley and Fernandez appeared in the international press in

March, 1978, identifying them as the Chilean agents who had entered Paraguay seeking a visa for entry into the United States under false Paraguayan passports. The American investigators had attached to the Letters Rogatory the photographs of Townley and Fernandez that Ambassador Landau had copied from the false Paraguayan passports in July, 1976. The publication of the photographs swiftly led to the identification of Townley and Fernandez as the individuals that had visited both Paraguay and the United States, rather than Mosqueira and Riveros (the other "Williams" and "Romeral" who had entered the United States as part of the cover up, and who were identified by the Chilean passport numbers given in the Letters Rogatory).22/

On March 22, 1978, the Chilean government produced Riveros and Mosqueira in a Chilean court in response to the Letters Rogatory. The United States protested, in that they were not the individuals whose photographs had been included with the Letters Rogatory. The Chilean court refused to recognize the appearance of Riveros and Mosqueira as compliance with the Letters Rogatory. After continued pressure on the Chilean government, the American investigators interviewed Fernandez on March 30, 1978 before he appeared before a Chilean magistrate pursuant to the Letters Rogatory.23/

In that interview, Fernandez told the American investigators the cover story that had been arrived at with Espinoza and Contreras regarding his trip to the United States in 1976, that he and Liliana Walker had travelled to the United States to investigate irregularities at CODELCO. He also stated that he had coincidentally bumped into Townley at Kennedy Airport, and that they exchanged pleasantries before Fernandez returned to Chile. The next day, Fernandez and Townley both appeared in Chilean court in response to the Letters Rogatory. Fernandez reiterated the false cover story. Townley refused to testify; as an American citizen, he was entitled to invoke the fifth amendment privilege against self-incrimination.24/

Shortly after his refusal to testify before the Chilean judge, the United States formally requested the expulsion of Townley from Chile. On April 7, 1978, Earl Silbert, the United States Attorney for the District of Columbia, and Enrique Montero, Chilean Undersecretary of the Interior, reached an agreement whereby Townley would be returned to the United States and Chile would henceforth cooperate in the investigation of the Letelier assassination. The next day, the Chilean government complied with the agreement and Townley was turned over to FBI agents in Chile who took him back to the United States in custody. Townley refused to make a statement until he could see General Hector Orozco Sepulveda, the special

military prosecutor appointed to investigate the Letelier assassination. Upon Orozco's order to Townley to tell the truth, Townley first made a statement to Orozco, and then a statement to the American investigators after reaching a plea bargaining agreement with them.25/

Townley's statement confirmed the gravest suspicions of the American investigators. The conspiracy to assassinate Letelier reached to the highest level of the Chilean government. After the assassination, the Chilean government had actively attempted to deflect the progress of the investigation. Much of Townley's statement was later corroborated by documentary evidence, from a vivid reconstruction of the explosion that killed Letelier to Townley's travel receipts. Statements by other individuals, such as Jack Holcomb, the owner of Audio Intelligence Devices, Fernando Cruchaga, a LAN-Chile employee in New York, and Townley's wife, Mariana Callejas, also corroborated Townley's statement.26/

As Townley was finally truthfully testifying on the Letelier assassination in the United States, the attempt by the guilty parties in the Chilean government to avoid justice continued. Orozco returned to Chile with Townley's statement, and confronted Fernandez with the true account of the events in the United States in August and September of 1976. Fernandez then gave a true statement to Orozco, who in response ordered Contreras, who had resigned from the Chilean military in March 1978, to make a statement. Contreras did, after being confronted with true statements by Fernandez, Espinoza and Townley. He admitted to Orozco that he had ordered Espinoza to have Letelier assassinated. He claimed that he was acting under the authority of "the Chief," President Pinochet. After hearing Contreras' statement, Orozco told Fernandez not to worry, that everything would be taken care of.27/

III. THE CRIMINAL TRIALS AND EXTRADITION PROCEEDINGS

On August 1, 1978, a grand jury in Washington, D.C. handed down indictments based on the results of the investigation by American law enforcement authorities. The indictment charged Contreras, Espinoza, Fernandez, Guillermo Novo, Alvin Ross, Virgilio Paz, and Dionisio Suarez with murder and conspiracy to murder in violation of the United States Code and the District of Columbia Code. It also charged Guillermo and Ignacio Novo with making false statements to a grand jury about their involvement with DINA. Only the Novo brothers and Alvin Ross were in custody in the United States; Paz and Suarez were still fugitives. Around the same time in Chile, Fernandez, Espinoza and Contreras were detained in a military hospital pursuant to a provisional arrest request from the United States.28/

The United States made that formal extradition request for the three Chileans on September 21, 1978. The attorney for the United States in Chile, Alfredo Etcheberry, submitted an exhaustive argument in favor of the extradition, supported by elaborate documentation collected during the course of the investigation of the assassination. Etcheberry argued that the evidence presented was more than sufficient to meet the standards of the 1902 Extradition Treaty between Chile and the United States, which requires only enough evidence to bring the accused to trial for the offense under the laws of the nation where the fugitive is found.29/

Before the proceedings in the Chilean Supreme Court began on the extradition request, Orozco summoned Espinoza and Fernandez from their detention. Orozco then ordered them to lie in their declarations before the Supreme Court. Upon their protests that they had already provided him with truthful written declarations, Orozco returned the declarations to Fernandez and Espinoza, who promptly tore them up. Fernandez also met before the Supreme Court proceedings with President Pinochet, who told Fernandez, "Be a good soldier, tough it out and this problem will have a happy end."30/

On October 17, 1978, Contreras, Espinoza, and Fernandez lied under orders from Orozco to the Chilean Supreme Court during the extradition proceedings. Fernandez first told the court that his trip to Paraguay with Townley to obtain false passports was intended to result in a trip to the United States to meet with General Vernon Walters of the CIA to obtain a list of American politicians favorable to Chile. He then told the familiar cover story about his trip to the United States with Liliana Walker, that they were checking on irregularities in the finances of CODELCO. Contreras and Espinoza also used these cover stories in their testimony to the Supreme Court.31/

Before the Chilean courts issued a decision on the extradition request, the criminal proceedings against the defendants in custody in the United States began. On February 14, 1979, after a six week trial, a jury in the District Court for the District of Columbia found Guillermo Novo and Alvin Ross guilty on the murder and conspiracy charges, while both of the Novo brothers were convicted of lying to a grand jury about their involvement with DINA. Ross and Guillermo Novo received two consecutive sentences of life in prison for their roles in the murder, while Ignacio Novo was sentenced to eight years in prison for lying to the grand jury. Each of the defendants filed an appeal.32/

On May 13, 1979, Israel Borquez Montero, President of the Chilean Supreme Court, handed down his decision rejecting the

extradition request by the United States. He stated that, under Chilean law, the prosecution needed to show a "well-founded presumption" of the guilt of the accused before going forward with a criminal indictment. Thus, according to Borquez, the same standard was to be applied in the extradition proceedings, since the Extradition Treaty stated that the law of the nation in which the accused were located was to be determinative of the sufficiency of evidence for extradition. He held that Townley's plea bargained statement to the American investigators, which Chilean law views as a "compensated accusation" since the witness receives a reduced sentence in return for his testimony, could not be viewed as impartial under Chilean law. As such, neither Townley's testimony, nor the evidence compiled with the aid of information provided by Townley, could be afforded the weight necessary to reach the "well-founded presumption" needed to extradite Contreras, Espinoza and Fernandez.

The only evidence which remained in favor of the United States' request, Borquez stated, was certain "absurd or contradictory" testimony made by Fernandez, Espinoza and Contreras. Borquez ordered that these contradictions be made part of the record of the ongoing Chilean military investigation, and that they be considered in the possibility of initiating criminal action.33/

The United States appealed Borquez' decision to the full Chilean Supreme Court, which upheld Borquez' denial of the extradition request on October 1, 1979. The U.S. had argued that Borquez' decision had erred by not granting Townley's testimony the weight of a "well-founded presumption" against Fernandez, Espinoza and Contreras because a number of Chilean statutes recognized the evidentiary value of plea bargained testimony. The Supreme Court ignored this contention, and went beyond Borquez' decision to invalidate evidence gathered by American investigators in Chile, because such action violated Chilean sovereignty. The Court reversed Borquez' call that the military investigation pursue the contradictions in the testimony of Fernandez, Espinoza and Contreras because criminal charges could not be based on the "suspicions" these contradictions produced. Until the United States produced new evidence beyond that which it produced for the extradition request, the Supreme Court ruled that there could be no further Chilean action on the Letelier assassination.34/

Almost a year later, on September 15, 1980, the Court of Appeals for the District of Columbia Circuit reversed the criminal convictions of the Novo brothers and Alvin Ross. The murder and conspiracy convictions of Guillermo Novo and Ross were held invalid because of the admission into evidence of testimony of two informants based on unsolicited admissions of

guilt made by the defendants to the informants while they were in prison with the defendants. The court based this ruling on a United States Supreme Court case decided well after the trial, and even after oral argument on the appeal was completed. The court also reversed Ignacio Novo's conviction for lying to the grand jury; the court ruled that jointly trying Ignacio Novo with the murder defendants was likely to confuse the jurors because of the complexity of the evidence and the disparity between the charges against him and the murder defendants.35/

The United States retried Guillermo Novo and Alvin Ross in early 1981. On May 30, a jury acquitted both defendants of the murder charges, and convicted Guillermo Novo of lying to a grand jury about his involvement with DINA. Ignacio Novo later pleaded guilty to the charges of lying to a grand jury. Without further access to the other indicted individuals, the criminal case could go no further in the United States. Official Chilean action on the case ended in the middle of 1982, when the Supreme Court issued an order staying the investigation in the "Passport Cases" (the Chilean government's euphemism for the Letelier assassination) pending the discovery of new evidence.36/

Because many of the crucial participants in the plot to assassinate Letelier were not before the court, the United States was hampered in its attempts to bring the conspirators in an act of international terrorism to justice. The intransigence of the Chilean Supreme Court on the extradition request and the Chilean government's refusal to conduct a full investigation into the assassination were thus instrumental in shielding the guilty parties from the consequences of their brutal actions.

IV. THE CIVIL CASE AGAINST CHILE

After the issuance of the criminal indictment in August, 1978, the families of Orlando Letelier and Ronni Moffitt filed a civil suit in District Court for the District of Columbia. The complaint alleged that Townley, Ross, Paz, Suárez, and Ignacio and Guillermo Novo acted in concert with DINA, a governmental organ of the Republic of Chile, and its operatives Espinoza, Fernandez, and Contreras, to bring about the death of Letelier and Moffitt. This, the plaintiffs asserted, violated Letelier's and Moffitt's rights under the first amendment of the U.S. Constitution, international law, the common law, and U.S. statutory law.

The court entered a default judgment against the individual plaintiffs when they failed to respond to service of process. The government of Chile did not respond to service of process

through normal channels either. Instead, Chile protested through a diplomatic note and an attached memorandum of law that it was protected from the jurisdiction of United States courts by the doctrine of sovereign immunity, more specifically, the Foreign Sovereign Immunities Act (FSIA).

On March 11, 1980, after the first criminal conviction of the Novo brothers and Alvin Ross, the court ruled against Chile, holding that the FSIA did not protect the government of Chile from the civil jurisdiction of United States courts. The court stated that Section 1605(a)(5) of the FSIA specifically confers jurisdiction over foreign states for official non-commercial conduct which results in personal injury or death in the United States. That section exempts "discretionary" acts from its sweep, but the court held that no governmental official had "discretion" to commit political assassination. The court also held that Chile could not use the act of state doctrine as a defense in that the act in question, the assassination (rather than the planning of the assassination) took place in the United States, thus outside the jurisdiction of Chile.37/

The government of Chile did not appeal that ruling and did not participate in a trial on the merits. On November 5, 1980, the District Court for the District of Columbia entered a judgment in favor of the families of Letelier and Moffitt. The court awarded compensatory and punitive damages of approximately $5 million to the plaintiffs, making the individual defendants and the Government of Chile jointly and severally liable. Neither Chile nor the individual defendants appealed.38/

The families of Letelier and Moffitt thus became judgment creditors of the government of Chile. They sued in the District Court for the Southern District of New York in an attempt to execute the judgment against LAN-Chile, the wholly governmentally owned Chilean national airline. The government of Chile again did not participate in the proceedings; LAN-Chile, however, did appear to defend its assets against attachment.

LAN-Chile claimed that it was a "separate juridical entity" from the government of Chile and therefore not liable for the government's debts. The airline also argued that the FSIA protected a government's commercial assets from execution if those assets were unrelated to the commission of the tort. For their part, the judgment creditors asserted that the court should "pierce the corporate veil" of LAN-Chile because of LAN-Chile's participation and assistance of the assassination plot. They argued that the FSIA offered no protection to LAN-Chile because its assets were used in the commission of the

tort.

The District Court agreed with the judgment creditors. It held that "internationally recognized equitable principles" required that LAN-Chile's separate juridical existence not be recognized. The court further held that the FSIA did not prevent execution against a foreign government's commercial assets if the assets were used in the "commercial activity upon which the claim is based." Even though this section of the FSIA related to the execution of judgments based on commercial claims and not to personal injury or death caused by the actions of a foreign government official, the court held that execution was proper, because Congress would not have created "a right without a remedy" in Section 1605(a)(5) of the FSIA.39/

The Court of Appeals for the Second Circuit disagreed with the District Court's analysis and reversed its judgment. It held that LAN-Chile's separate juridical existence had to be recognized even though it was a wholly owned entity of the Republic of Chile. According to the court, the limited participation of the LAN-Chile employees in the assassination was not an "abuse" of the corporate form meriting the "piercing of the corporate veil." The court also stated that while this may leave the judgment creditors with a "right without a remedy" under American domestic law, they may be able to obtain relief by pressing their claim in an international tribunal, or if the government of Chile decided to honor the judgment as an act of goodwill. The Supreme Court denied certiorari on the judgment creditors' appeal.40/

Thus, the families of Orlando Letelier and Ronni Moffitt exhausted their domestic legal remedies in trying to obtain compensation from the government of Chile for its egregious act of state sponsored terrorism against their loved ones. The fact remains, however, that the families had a legally cognizable claim to damages which the government of Chile refused, and continues to refuse, to acknowledge. Despite this refusal, the families of Letelier and Moffitt have continued to pursue their claim, just as the United States continues to seek justice for both the victims and the perpetrators of the Letelier assassination.

V. RECENT DEVELOPMENTS

The government of Chile continued its efforts to avoid conducting a full and fair investigation when, in 1985, a military court granted Contreras' request to dismiss entirely the suspended investigation into the "Passport Cases." This decision was based on the Chilean statute of limitations for passport fraud, which is five years. The statute of

limitations for murder in Chile is fifteen years, indicating the extent to which the military court continued to deny the Chilean government's role in the Letelier assassination. The Letelier family, a civil party to the suit under Chilean law, appealed the ruling. The appeal was still pending in early 1987, when a major break occurred in the Letelier case.41/

On February 4, 1987, Armando Fernandez Larios voluntarily entered the United States following discussions with several U.S. governmental officials, in which he offered to testify truthfully after pleading guilty to the charge of being an accessory after the fact to the murder of an internationally protected person. Fernandez' statement to the United States government corroborated almost entirely Michael Townley's earlier statements, reconfirming and adding to the solid body of evidence linking highly placed Chilean officials to the Letelier assassination.42/

As dramatic new evidence which the Chileans had been demanding to continue their investigation, Fernandez' voluntary decision to come forward with the truth rekindled the efforts of the Letelier and Moffitt families, in tandem with the United States government, to force the Chileans to bring the responsible parties in the Letelier assassination to justice. On May 11, 1987, the United States again formally requested by diplomatic note the expulsion from Chile of Contreras and Espinoza, the two former DINA leaders who had played a crucial role in the planning, execution and cover up of the Letelier assassination.43/

On May 22, a military court of appeal in Santiago suddenly reversed the decree of a lower court which had permanently closed the "Passport Cases." This appeal by the Letelier family had lain dormant for almost two years when the appeals court finally acted on it. The result of the reversal, however, was hardly a triumph for the Letelier family; all the court dictated was that the investigation be returned to "suspended" status, which meant that the investigation would not be reopened without new evidence.44/

On May 27, the Chilean Foreign Ministry divulged publicly the U.S. request for the expulsion of Contreras and Espinoza, and indicated to the Chilean press that it would reject the request. The Foreign Ministry took this action without responding in any formal manner to the United States. On June 17, more than a month after receipt of the diplomatic note requesting expulsion, the government of Chile rejected the United States request by its own diplomatic note, again making the content of the note public. In response, Assistant Secretary of State Elliot Abrams called Chilean Ambassador to the United States Errazuriz into his office in Washington on

June 24 to convey the deep dissatisfaction of the United States over the Chilean government's intransigence.45/

On July 17, the United States continued its diplomatic pressure on Chile to cooperate in the Letelier case by issuing a diplomatic note demanding that the Chilean government prosecute Contreras and Espinoza domestically if it would not expel them to the United States. On July 28, Assistant Secretary Abrams presented Ambassador Errazuriz with another diplomatic note, this one requesting that the government of Chile pay ex gratia compensation to the families of the victims of the Letelier assassination. According to the note, ex gratia compensation would absolve Chile of its moral responsibility to the victim's families without admitting guilt in the assassination.46/

Taking advantage of the favorable appeals court ruling in May, the Letelier family petitioned the lower military court to reopen the "Passport Cases" on August 20, 1987. The petition argued that the new evidence presented by Fernandez' testimony was more than sufficient to require a new investigation. On August 21, the United States sent another diplomatic note to the Chilean government, urging that the government of Chile grant the Letelier petition and finally cooperate in resolving the case, now over ten years old.47/

On August 28, 1987, the Chilean government delivered two diplomatic notes to the United States government. The first vigorously defended the Chilean government's decision not to expel or prosecute Contreras and Espinoza, implying that it basically considered the criminal proceedings in the Letelier case settled. The second note refused the United States request for compensation to the victim's families, denying any responsibility for the assassination and questioning the exercise by the United States courts of jurisdiction in the civil suit against Chile. Far from indicating any willingness to cooperate in bringing the case to an end, the Chilean government offered only to take the question of the jurisdiction of American courts to an international tribunal.48/

On October 13, 1987, a Chilean military court refused to reopen the "Passport Cases," ruling that the new evidence submitted, Fernandez' statement about his involvement in the Letelier assassination, lacked any "probative value." The United States issued a strongly worded statement decrying Chile's continued lack of cooperation, and even obstruction of justice, on October 16. On October 20, the Foreign Ministry of Chile publicly responded to the United States' statement by disingenuously claiming that it had cooperated with the investigation all along. The same day, the Letelier family

filed an appeal of the October 13 refusal to reopen the "Passport Cases" in a military appeals court.[49]

In an attempt to push the investigation further, the United States served General Orozco, the investigator assigned to the Letelier case at the time of Townley's expulsion, with a Letter Rogatory, requesting information about his knowledge of many aspects of the affair. The Chilean courts stalled for several months before finally requiring a response from Orozco. On April 14, 1988, the Chilean Supreme Court refused to require Orozco to answer all but twelve of the some 250 questions put to him by the United States. When Orozco's responses were received, they were in general evasive or obviously false.[50]

On May 4, 1988, the Chilean military appeals court upheld the refusal of the lower court to reopen the "Passport Cases." The Letelier family appealed this decision to the Chilean Supreme Court. This last hope of forcing some form of cooperation from the Chilean government was extinguished on July 14, 1988, when the Supreme Court affirmed the decision to keep the "Passport Cases" in suspension on the grounds that Fernandez' confession added nothing new to the evidence already available.[51]

VI. THE CURRENT POSTURE OF THE CASE

Because of the refusal of diplomatic and legal requests for assistance by the United States, and the exhaustion of domestic legal proceedings, both criminal and civil in the United States and Chile by the United States government and the families of the victims of the Letelier and Moffitt murders, the United States has chosen to espouse the claims of the United States citizens involved in the case. The Department of State has formally requested through diplomatic channels that the government of Chile pay the United States and the claimants it represents $12 million in compensation for the personal and national injury the Chilean government's participation and cover up of the Letelier assassination has caused. The government of Chile has formally denied this request as well. The United States demands that Chile cooperate in seeing justice done for both the families of the victims and the participants in this act of political terrorism, the murders of Orlando Letelier and Ronni Moffitt. It will not rest until a satisfactory resolution has been reached.[52]

ANNOTATION

This annotation refers the reader to the documentation for this account currently available in State Department files. Well known historical facts are not cited here. Where additional documentary support may be needed to support assertions in the summary, or where any weakness exists in State Department files, it has been noted here.

Much of the documentary-type evidence (as opposed to testimony-type evidence) in the Extradition Request Documents package are illegible. This is a result of the poor quality if the copies at the U.S. Attorney's office. The original photographs of these documents are in the files at the U.S. Attorney's Office; each document can be identified by its number on the list of documents which precedes the package. The appropriate file box numbers for the extradition materials can be identified by the Letelier Case File Manifest which also precedes the package.

1. Townley Statement, Extradition Request Document (hereinafter E.R.) #41, pp. 44-45; Callejas Grand Jury Testimony, E.R. #96, pp. 9-12; Cornick Affidavit (discussing Enyart's electronics purchases), Summary Documentary Supplement (hereinafter D.S.) #1.

2. Townley Statement, E.R. #41, pp. 44-47; Callejas Grand Jury Testimony, E.R. #96, pp. 12-15.

3. Townley Statement, E.R. #41, p. 4; Callejas Grand Jury Testimony, E.R. #96, pp. 15-16; Jennifer Larsen Statement, E.R. 121; Photographs of Paz at Townley's Home, E.R. #122-26.

4. Townley Statement, E.R. #41, pp. 2-5.

5. Fernandez Proffer to District Court, D.S. #2, pp. 2-3, 7. There are some points in Townley's statement which contradict Fernandez' claims about how little he knew about the purpose of the mission. In this case, however, Townley's statement corroborates that Fernandez stayed in the car during Townley's initial meeting with Espinoza.

6. Guanes Statement, E.R. #114; Cable from DINA, E.R. #115; Scherrer Statement, E.R. #116.

7. Townley Statement, E.R. #41, pp. 4-13; Fernandez Proffer, D.S. #2, pp. 3-4; Photographs of Townley's and Fernandez' False Paraguayan Passports and U.S. Visa Applications, E.R. #49-52 and 128-130.

8. Scherrer Statement, E.R. #51; Guanes Statement, E.R. #114.

As indicated in the text, there is more information available regarding how Landau became suspicious. Since this information about the Paraguayan Passport incident is important to the ultimate solution of the case, we should determine whether this information can be used in this unclassified document, or whether it should be declassified.

9. Fernandez Proffer, D.S. #2, pp. 4-5; "Faundez" and "Walker" Travel Documents; E.R. #131-34. The true identity of Liliana Walker remains unknown.

10. Townley Statement, E.R. #41, pp. 14-15.

11. Riveros and Mosqueira Statements and Travel Documents, E.R. #141-49. There appears to be some contradiction in the explanations of the purpose of Riveros' and Mosqueira's trip to the U.S. They claimed they were making a delivery to a Chilean Army General Floody in the U.S, for Espinoza. Floody asserts that they told him they were in the U.S. to make contact with CIA operative General Vernon Walters. See Floody's Statement, E.R. #150. General Walters, for his part, claims he had no contact with DINA after his retirement in June 1976, and that therefore Floody's version of events is absurd. See Walter's Statement, E.R. #151. In fact, Mosqueira used the "General Walters" cover story later in his testimony before the Chilean Supreme Court in the extradition proceedings. See Borquez Extradition Decision, D.S. #7. It is most likely that the "Walters" cover story was actually used by Riveros and Mosqueira, since Fernandez later used the same story to explain his and Townley's mission to Paraguay before the Chilean Supreme Court during the extradition proceedings in 1978. The use of the same story to cover for the missions to Paraguay and the U.S. by the different "Williams'" and "Romerals" would have neatly completed the open circle created by the failed mission to Paraguay, that is if Landau hadn't copied the photographs on the false Paraguayan passports, thereby exposing the Chilean cover up of the Paraguay mission.

12. Fernandez Proffer, D.S. #2, pp. 4-6; Etcheberry Submission for Extradition Request, D.S. #6, p. 61. For documents confirming the dates of Fernandez' presence in the U.S. under the name of Faundez Lyon, see E.R. #133-38.

13. Townley Statement, E.R. #41, pp. 15-16; Fernandez Proffer, D.S. #2, p. 6. It is here, in the explanation of what Fernandez told Townley, that the contradictions between the testimony of Townley and Fernandez are most acute. Townley indicates that Fernandez told him, in some detail, about Letelier's automobile, his place of work, and his "daily movements." [TRANSLATION OF SPANISH VERSION OF TOWNLEY STATEMENT CORRESPONDING TO MISSING PAGES 17-18 OF THE ENGLISH

VERSION IS NEEDED AS THE PAGES ARE MISSING FROM U.S. ATTORNEY'S OFFICE.] If this is true, it contradicts Fernandez statement that Letelier was out of town at the time of his visit, and that he only observed Letelier's house and car in Letelier's absence. It is unclear whether Letelier was in Washington while Fernandez was there, which could be a crucial fact in verifying Fernandez' testimony. Both the Schedule of Letelier's Activities, D.S. #32, and Etcheberry's Submission for the Extradition Request, D.S. #6, pp. 60-61, indicate that Letelier was present in Washington for 3-4 days while Fernandez was there.

14. Townley Statement, E.R. #41, pp. 19-39. This description of events is entirely Townley's, although some of it is corroborated by his wife, Mariana Callejas' Grand Jury Testimony, E.R. #96. Furthermore, there is a good deal of documentary evidence which supports Townley's story. See E.R. #55-73.

15. Townley Statement, E.R. #41, p. 39; Townley's Passport and Passport Application under the name Kenneth Enyart, E.R. #42-43.

16. Townley Statement, E.R. #41, pp. 39-40; Fernandez Proffer, D.S. #2, p. 7. Again, the extent of Fernandez' knowledge about the purpose of his mission to the U.S. may be greater than he admits.

17. Cornick and Scherrer Affidavit Summarizing Canete's Testimony, D.S. #3; Propper Statement, E.R. #155.

18. Propper Statement, E.R. #155; Chilean Response to Request for Information, E.R. #156. Contreras' denial of knowledge about the Cubans was almost certainly a lie. See Propper Statement, E.R. #155 and Townley Statement, E.R. #41, p. 42.

19. Propper Statement, E.R. #155; Letters Rogatory, E.R. #157.

20. Townley Statement, E.R. #41, pp. 41-42. Note that this is the same cover story used to explain the Paraguayan passport trip and the trip by Riveros and Mosqueira to the U.S.

21. Fernandez Proffer, D.S. #2, pp. 7-9. Townley's statement mentions that that Townley, Fernandez and Contreras met at this time to plan the cover up. Fernandez does not mention any such meeting, so my text does not include it.

22. Townley Statement, E.R. #41, p. 41; Fernandez Proffer, D.S. #2, pp. 9-10; Letters Rogatory, E.R. #157. Fernandez statement sems a bit confused about the sequence of events that led to his identification as "Romeral." This may be attributable to the fact that he made his statement nearly ten

years after these occurrences. Townley's version seems closer to the other historical accounts I have read about the timing of these events. See also E.R. #139-41, documents identifying Townley and Fernandez as the DINA agents who were in Paraguay and later the United States.

23. Fernandez Proffer, D.S. #2, p. 10. We need unclassified information which documents the presentation of Riveros and Mosqueira in response to the Letters Rogatory. The Letters Rogatory, E.R. #157, may provide this information if some of the material after the actual questions are translated into English (this may be useful anyway). We also may benefit if we can locate the official answers provided by Fernandez to the Letters Rogatory.

24. Etcheberry Submission for Extradition Request, D.S. #6, p. 49. Again, Fernandez' official answer to the Letters Rogatory, or some other unclassified information regarding his testimony would be useful here.

25. Fernandez Proffer, D.S. #2, p. 11; Silbert/Montero Agreement, D.S. #4. It is unclear why the Chilean government decided to expel Townley. Possibly, Townley's expulsion was a result of intergovernmental rivalries, especially that between Contreras and Mena. The desire on Mena's part to discredit his rival and predecessor, Contreras, briefly dominated the Chilean response to the American investigation. However, when it was discovered that Contreras was willing to implicate even Pinochet in the assasination, the Chilean government again started stonewalling. See infra note 28. This rivalry between Mena and Contreras is detailed in historical accounts (specifically Labyrinth). It should probably be discussed in the text here or at an earlier point (text accompanying notes 21 or 22) if reliable unclassified or declassified information can be found.

26. Townley Statement, E.R. #41; Documentary Evidence Concerning Fernandez and Townley's Trip to the U.S., E.R. #45-95, 128-131; Callejas Grand Jury Testimony, E.R. #96; Cruchaga Grand Jury Testimony, E.R. #106. See also Cornick Statement, D.S. #1.

27. Fernandez Proffer, D.S. #2, pp. 11-13.

28. Fernandez Proffer, D.S. #2, p. 13; Criminal Indictment, D.S. #5. The provisional arrest request is mentioned in the Supreme Court Decision on the Extradition Request, D.S. #9, p. 13.

29. Etcheberry Submission For Extradition Request, D.S. #6; Extradition Request Documentation, E.R. #1-157.

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30. Fernandez Proffer, D.S. #2, pp. 13-15.

31. Fernandez Proffer, D.S. #2, p. 15; see also Borquez Decision on Extradition Request, D.S. #7, pp. 6-9 (discussing contents of testimony by Fernandez, Espinoza and Contreras) and Etcheberry Submission for Extradition Request, D.S. #6, p. 53 (regarding the use of the Walters cover story by Fernandez).

32. Results of First Criminal Trial, Summarized in U.S. v. Sampol, 636 F.2d 621 (D.C. Cir. 1980), D.S. #8.

33. Borquez Decision on Extradition Request, D.S. #7, pp. 13-22, 29-33, 43-45.

34. Chilean Supreme Court Decision on Extradition Request, D.S. #9, pp. 2, 34-35, 71-72 (para. 102-03), 93-95; Etcheberry Analysis of Supreme Court Extradition Opinion, D.S. #10.

35. U.S. v. Sampol, 636 F.2d 621 (D.C. Cir. 1980), D.S. #8. The two Supreme Court cases which form the basis for the Sampol court's evidentiary ruling are Massiah v. U.S., 377 U.S. 201 (1964) and U.S. v. Henry, 447 U.S. 264 (1980).

36. Etcheberry Memo on Status of "Passport Cases," D.S. #11. We need some official confirmation of the ultimate outcome of the criminal case against Ross and the Novo brothers; the U.S. Attorney's Office files did not include the jury's verdict or the sentence. My information comes from the book, Labyrinth.

37. Letelier v. Republic of Chile, 488 F.Supp. 665 (1980), D.S. #12.

38. de Letelier v. Republic of Chile, 502 F.Supp. 259 (1980), D.S. #13. The citation of Ms. Letelier's name is different in the reporters, so I have cited the name of the cases as they appear there.

39. de Letelier v. Republic of Chile, 567 F.Supp. 1490 (1983), D.S. #14.

40. Letelier v. Republic of Chile, 748 F.2d 790 (2d Cir. 1984), cert. denied, 471 U.S. 1125 (1985), D.S. #15.

41. Etcheberry Memo of March 10, 1987, D.S. #16, p. 3.

42. Fernandez Proffer, D.S. #2; DiGenova Press Release of February 4, 1987, D.S. #17.

43. Chronology of Events in the Letelier Case, D.S. #18.

44. Cable Santiago 03732, May 26, 1987, D.S. #19 (unclassified sections).

45. Chronology of Events in the Letelier Case, D.S. #18; Cable Santiago 03887, May 29, 1987, D.S. #20 (unclassified sections); U.S. Response to Chilean Rejection of Expulsion Request, D.S. #21.

46. Cable State 221464, July 18, 1987, D.S. #22 (unclassified sections); Chronology of Events in the Letelier Case, D.S. #18.

47. Chronology of Events in the Letelier Case, D.S. #18; Cable Santiago 06318, August 25, 1987, D.S. #23.

48. Diplomatic Notes 07730 and 07731, dated August 27, 1987, D.S. #24 and #25.

49. Chronology of Events in the Letelier Case, D.S. #18; Cable Santiago 08272, October 22, 1987, D.S. #26 (unclassified sections); Statement by the U.S. Department of State, October 16, 1987, D.S. #27.

50. Letter Rogatory to Orozco, D.S. #28; Cable Santiago 02792, April 21, 1988, D.S. #29. We need some unclassified documentation of the falseness of Orozco's responses to the Letter Rogatory.

51. Cable Santiago 03416, May 12, 1988, D.S. #30; Cable Santiago 05029, July 18, 1988, D.S. #31.

52. We need unclassified documentation regarding espousal.

Conf Attachment n.d.

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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
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LC 036

ADS,

Attached are 3 Letelier papers for your review + comment.

① A new set of talking points for your consideration.

② A counter-proposal to Chile's chronology. Our additions are in CAPS and deletions are in brackets.

③ A counter draft of a statement of facts.

It would be nice to work #2-3 [redacted] out with Chile next week, or at least pass them the documents early in the week so that the ball is in their court before the meeting.

Dave Colson

cc. Bob Clarke

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h.d.

LC 011

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Concept Paper

1. The Government of Chile would make an ex gratia payment of an acceptable amount to the Letelier/Moffitt families, victims of the assassination which occurred in Washington, D.C., in 1976. In response:

a. the families of the victims would seek an order vacating the judgment they obtained against the Republic of Chile;

b. the U.S. Government would drop its espousal of the claims of the families of the victims;

c. the U.S. Government would drop its claim against the Government of Chile;

d. the Department of State would inform interested members of Congress, expressing the view that further efforts to legislate a remedy to provide fair compensation to the families of the victims was no longer necessary.

2. The Government of Chile would inform the United States of efforts it is making, and that it intends to make, to bring to justice the persons responsible for the Letelier assassination. These would include: seeking an amendment of Chilean law to provide for prosecution in civil courts of military personnel accused of criminal conduct; reopening the "passports case;" and, appointing a special prosecutor.

3. The United States would make the findings required by Sec. 726 of the International Security and Development Cooperation Act of 1981 (the Kennedy-Harkin Amendment) and by 545(c)(2) of the FY 1990 Foreign Operations, Export Financing, and Related Programs Act (P.L. 101-167).

4. The Governments of Chile and the United States of America would make the appointments necessary to fill the vacancies on the 1914 Treaty Commission and agree that either government could constitute the Commission if it was considered necessary to pursue justice and to resolve the Letelier case.

5. These steps could be taken simultaneously or in the sequential order listed. They could be recorded in a memorandum of understanding between the governments or they could be taken based on an informal understanding between governments.

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BRIEFING PAPER

CHILE

01/89

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Resolutions on Chile at U.N. Human Rights Commission

As a result of the many gross violations of human rights following the 1973 coup, the Human Rights Commission of the United Nations (UNHRC) in 1979 appointed a Special Rapporteur to examine the state of human rights in Chile. Unlike most other countries with human rights problems, which are considered under agenda item 12 by the UNHRC at its annual meeting in Geneva, Chile was singled out for special attention by being placed under a separate item (5). The mandate of the Special Rapporteur is still in effect and resolutions on human rights in Chile are annually voted on and approved at both the UN General Assembly in New York in November and the February meeting of the UNHRC in Geneva.

In past years, Mexico has taken the lead in drafting and circulating resolutions on human rights in Chile, both in New York and in Geneva. These resolutions have usually been excessively negative and unbalanced, due in part to pressure from the large Chilean exile community in Mexico and the Mexican Government's own foreign policy agenda. They have received overwhelming support, however, even from the democracies of Latin America and Western Europe.

Our position at Geneva and at the UNGA in New York has been to seek the passage of balanced, fair resolutions on Chile which accurately reflect the human rights situation. We feel that for the UNHRC to have a positive effect in improving the climate for basic liberties in Chile, these resolutions should both point out improvements made by the Chilean Government and identify areas where further gains are needed. In 1986, we introduced our own resolution at the UNHRC, which was approved, and in the following year we negotiated sufficient changes in the Mexican resolution to be able to vote in favor of it. In 1988, we abstained on a Mexican text which we found overly negative.

The current session of the UNHRC is now in progress. Our delegation will again seek a balanced, fair resolution which reflects the many improvements made by the GOC in 1988 in human rights. Last November, the UN General Assembly approved a resolution which went a long way toward achieving such balance (we abstained, but noted this improvement) and, if another such resolution is presented in Geneva, we could probably support it with minor changes. Our delegation will, without taking the lead on a Chile resolution, seek to moderate any text the Mexican may introduce and will at the same time suggest that Chile in the future be considered under item 12 rather than item 5 by the UNHRC.

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DECL: OADR

Access # 99-96-0192
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Chile Project (#S199900030)
U.S. Department of State
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ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	EUR-00	SS-00	CIAE-00
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AMEMBASSY MONTEVIDEO
AMEMBASSY PARIS
AMEMBASSY MOSCOW
USCINCSO QUARRY HEIGHTS

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C O N F I D E N T I A L SECTION 01 OF 02 SANTIAGO 00328

E.O. 12356: DECL:OADR
TAGS: PGOV, PREL, CI
SUBJ: PINOCHET INTERVIEW IN "LE MONDE"

1. (U) SUMMARY: IN A YEAR-END INTERVIEW WITH THE FRENCH DAILY "LE MONDE", PRESIDENT PINOCHET COMMENTED ON HIS PLEBISCITE DEFEAT (ADMITTING THAT FOR THE MOMENT, IT WAS BETTER THAT HE LOST), THE PRESENT AND NEAR-TERM POLITICAL SITUATION AND HIS PLACE IN HISTORY. CONCERNING HUMAN RIGHTS ABUSES, HE ADMITTED THERE HAD BEEN EXCESSES BUT NOTED THAT THE GOVERNMENT WAS "ACCELERATING" THE JUDICIAL PROCESSING OF SUCH CASES. HE ALSO ACKNOWLEDGED TENTATIVE, INITIAL CONTACTS WITH THE SOVIET UNION BUT, NEVERTHELESS, EMPHASIZED THAT THE GREATEST THREAT FACING CHILE CONTINUES TO BE INTERNATIONAL COMMUNISM. END SUMMARY.

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2. (U) REPORTED IN THE DECEMBER 31 EDITION OF "LE MONDE" AND REPUBLISHED IN "EL MERCURIO", PINOCHET'S FIRST POST-PLEBISCITE INTERVIEW FOCUSED ON HIS PERCEPTIONS OF HIS PLEBISCITE DEFEAT AND THE RESULTANT POLITICAL ACTIVITY LEADING TO OPEN

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ELECTIONS NEXT DECEMBER. BENEFITING FROM AN EXTENDED REST, HE SAID HE FELT "LIKE NEW" AND AS STRONG AS HE HAS BEEN FOR THE LAST FIFTEEN YEARS. NEVERTHELESS, HE MAINTAINED HE WAS GOING TO KEEP HIS DISTANCE FROM THE UPCOMING POLITICAL ACTIVITIES, AND "LET OTHERS WORK OR UNLEASH DISORDER". HE IS SIMPLY "GOING TO OBSERVE-NOTHING MORE".

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3. (U) ASKED ABOUT HIS PLEBISCITE DEFEAT, HE SAID "WE LOST ON POINTS, BUT NOT BY A KNOCKOUT". HE THEN OPINED THAT IT WAS PROBABLY BETTER THAT HE LOST BECAUSE IF HE HAD WON, IT WOULD HAVE BEEN CALLED FRAUDULENT, AND IN ANY CASE, "NOW THERE ARE GOING TO BE ELECTIONS". HE WENT ON TO BLAME HIS DEFEAT ON CHILEANS' "PROVERBIAL BAD MEMORY" AND ON THE INTERVENTION OF THE CHURCH, THE NORTH AMERICANS (AND SPECIALLY AMBASSADOR BARNES), THE RUSSIANS AND THE EUROPEANS. CONCERNING THE SOLIDARITY OF THE ARMED FORCES, PINOCHET COMPARED HIMSELF TO NAPOLEAN, NOTING THAT HE HAD SEEN CARABINEROS CRYING AT HIS DEFEAT ON OCTOBER 5 AND THAT HE IS APPLAUDED WHENEVER HE VISITS THE REGIMENTS. HE ALSO COMPARED HIMSELF TO A ROMAN EMPEROR -- CINCINATUS -- WHO, ACCORDING TO PINOCHET, LEFT HIS PLOW AT THE REQUEST OF HIS COMPATRIOTS TO LIFT THE SEIGE OF ROME. AFTER

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PAGE 03 SANTIA 00328 01 OF 02 102058Z

DOING SO AND RECEIVING THE HONORS AND ACCLAMATION DUE HIM, HE RETURNED TO HIS PLOW.

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4. (U) CONCERNING THE RETURN TO DEMOCRACY, PINOCHET REITERATED HIS PERENNIAL CAUTION THAT "DEMOCRACY HAS AN AQUILLES HEEL. IT PERMITS THOSE WHO WANT TO DESTROY IT, TO INFILTRATE AND DESTROY IT FROM WITHIN." THE APPROACHING POLITICAL SCENE IS VIEWED AS "VERY CONFUSING". A CONSENSUS "OPPOSITION" CANDIDATE WOULD "BE OBLIGATED TO ACCEDE TO PRESSURES FROM THE MOST RADICALIZED SECTORS". A VICTORY BY THE OPPOSITION "WOULD CONSTITUTE A GRAVE THREAT TO THE PROGRESS ACHIEVED THESE LAST YEARS". WHEN ASKED ABOUT A POSSIBLE CONFLICT OVER HUMAN RIGHTS ABUSES BETWEEN A FUTURE DEMOCRATIC GOVERNMENT AND THE ARMED FORCES, HE REJECTED THE LIKELIHOOD BECAUSE "THE COMMANDERS IN CHIEF MUST REMAIN AT THEIR POSTS ANOTHER EIGHT YEARS, AS STATED IN THE CONSTITUTION". HE THEN

ADMITTED THAT THEIR HAD BEEN "EXCESS IN THE FIGHT AGAINST TERRORISM", BUT THAT THE GOVERNMENT "HAD DECIDED TO ACCELERATE THE JUDICIAL PROCESS" IN SUCH CASES. AS AN EXAMPLE, HE REFERRED TO THE RECENTLY ANNOUNCED JAIL SENTENCE (541 DAYS) FOR THE SOLDIER CONVICTED OF THE BURNING DEATH OF A YOUNG PROTESTER. "AN OFFICER HAS BEEN CONDEMNED, AND OTHER SUCH MATTERS ARE EQUALLY IN THE PROCESS OF BEING JUDGED."

5. (U) QUESTIONED ABOUT REESTABLISHING CONTACT WITH THE SOVIET UNION, THE PRESIDENT DENIED THERE HAD BEEN ANY, THEN ADMITTED THERE HAD BEEN "DISCREET CONVERSATIONS IN SWITZERLAND" AND THAT

CONFIDENTIAL

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PAGE 01 SANTIA 00328 02 OF 02 102058Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	EUR-00	SS-00	CIAE-00
	DODE-00	H-01	NSCE-00	NSAE-00	HA-09	L-03	TRSE-00
	PM-10	PA-01	OMB-01	INRE-00	USIE-00	SP-02	SNP-01
	C-01	PRS-01	P-02	T-01	/040 W		

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P 102049Z JAN 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 9689
INFO AMEMBASSY ASUNCION
AMEMBASSY BRASILIA
AMEMBASSY BUENOS AIRES
AMEMBASSY MONTEVIDEO
AMEMBASSY PARIS
AMEMBASSY MOSCOW
USCINCSO QUARRY HEIGHTS

C O N F I D E N T I A L SECTION 02 OF 02 SANTIAGO 00328

E.O. 12356: DECL:OADR
TAGS: PGOV, PREL, CI
SUBJ: PINOCHET INTERVIEW IN "LE MONDE"

CHILE IS BEGINNING TO HAVE "COMMERCIAL RELATIONS" WITH THE SOVIETS "INDIRECTLY THROUGH MEXICO". NEVERTHELESS, HE REAFFIRMED THAT HE DOES NOT BELIEVE IN "PERESTROIKA" OR THAT IT WILL MODIFY THE COMMUNIST THREAT. "IF THERE ARE TRUE CHANGES, THEN YES. I AM LIKE SAINT THOMAS; I BELIEVE WHAT

I SEE."

6. (C) COMMENT: PINOCHET'S VIEW OF HIMSELF AS A BATTLE-WEARY GENERAL, BEATEN BUT NOT DEFEATED IN THE VALIANT DEFENSE OF HIS COUNTRY, IS ONE WHICH WILL PROBABLY MOTIVATE HIS FUTURE ACTIONS TO SOME EXTENT. ANOTHER FACTOR,

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PAGE 02 SANTIA 00328 02 OF 02 102058Z

POSSIBLY OF EQUAL IMPORTANCE, WOULD BE HIS FEAR OF REPRISAL BY AN "OPPOSITION" GOVERNMENT FOR HIS REGIME'S MANY HUMAN RIGHTS ABUSES; THUS HIS SUDDEN DECLARED INTEREST IN BRINGING THOSE "EXCESSES" TO JUSTICE. WITH THESE TWO THEMES DRIVING HIM, IT IS UNLIKELY HE WILL BE CONTENT TO REMAIN "JUST AN OBSERVER" OF THE POLITICAL SCENE FOR VERY LONG. END COMMENT. GILLESPIE

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Case Number: S1999000030

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

CONFIDENTIAL

PAGE 01 SANTIA 00708 01 OF 02 202144Z
ACTION IO-19

INFO LOG-00 ADS-00 OIC-02 ARA-00 SSO-00 HA-09 L-03
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O 202115Z JAN 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 9841
INFO AMEMBASSY BOGOTA
AMEMBASSY BRASILIA
AMEMBASSY BUENOS AIRES
AMEMBASSY CARACAS
AMEMBASSY LIMA
AMEMBASSY MEXICO
USMISSION USUN NEW YORK
USMISSION GENEVA
AMEMBASSY SAN JOSE

C O N F I D E N T I A L SECTION 01 OF 02 SANTIAGO 00708

FOR ARA, IO, HA

E.O. 12356:DECL:OADR
TAGS: PHUM, UNHRC, CI
SUBJ: *USG POSITION ON ITEM 5 OF UN HUMAN RIGHTS* - COMMISSION

REF: (A) USIA 1941, (B) STATE 17753

1. CONFIDENTIAL - ENTIRE TEXT.

2. (C) SUMMARY: ON JANUARY 18, ACTING CHILEAN FOREIGN MINISTER GAVE AMBASSADOR A MEMORANDUM ASKING THE US TO JOIN WITH OTHER (UNSPECIFIED) *COUNTRIES IN SEEKING AT THE BEGINNING OF THE 45TH* SESSION OF THE UNHRC TO DELETE AGENDA ITEM 5 AND CONSIDER CHILEAN HUMAN RIGHTS SITUATION UNDER CONFIDENTIAL

CONFIDENTIAL

PAGE 02 SANTIA 00708 01 OF 02 202144Z

ARTICLE 12. IRONICALLY, EARLIER THAT DAY MEMBERS OF THE CHILEAN HUMAN RIGHTS COMMISSION HAD MET WITH THE AMBASSADOR AND URGED THAT THE USG ACTIVELY SUPPORT RETENTION OF ITEM 5 TO UNDERSCORE THE CONTINUING HUMAN RIGHTS ABUSES IN CHILE. EMBASSY BELIEVES THAT THE USG SHOULD ACTIVELY AND FORCE-

FULLY SEEK DELETION OF ITEM 5, IN ORDER TO ENCOURAGE THOSE IN THE CHILEAN GOVERNMENT WHO ARE COMMITTED TO EFFECTING A TRANSITION TO DEMOCRACY. IN ADDITION, MOVEMENT OF CHILE TO ITEM 12 SHOULD STRENGTHEN OUR ARGUMENT FOR MOVING CUBA TO ITEM 12 AS WELL. DEPARTMENT SHOULD THEREFORE REVISE AND STRENGTHEN THE LANGUAGE ON CHILE IN PARA 9(C) OF REF B. AMBASSADOR WILL RAISE THIS ISSUE WITH HA AND IO DURING HIS WASHINGTON CONSULTATIONS BEGINNING JANUARY 26. END SUMMARY.

3. (C) ON JANUARY 18, ACTING FOREIGN MINISTER COLONEL RAMON VALDES REQUESTED A MEETING WITH AMBASSADOR ON SHORT NOTICE, TO PRESENT A MEMORANDUM REQUESTING THAT THE "USG... JOINTLY PRESENT WITH OTHER COUNTRIES IN THE REGION A PROCEDURAL MOTION, AT THE OPENING OF THE SESSION OF THE (UNHRC), TO DEFINITIVELY END THE INDIVIDUAL MENTION OF CHILE IN THE AGENDA OF THE UNHRC. SPECIFICALLY, THE REQUEST JZNQJM KC) VALDES DID NOT INDICATE WHICH WERE THE "OTHER COUNTRIES IN THE REGION" REFERRED TO IN THE MEMORANDUM.

5. (C) COINCIDENTALLY, JUST BEFORE MEETING WITH VALDES, THE AMBASSADOR PAID COURTESY CALL ON MEMBERS OF THE CHILEAN HUMAN RIGHTS COMMISSION, WHO MADE A STRONG PLEA THAT THE USG NOT ATTEMPT TO DELETE

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PAGE 03 SANTIA 00708 01 OF 02 202144Z

ITEM 5 IN FAVOR OF TREATING THE CHILEAN SITUATION IN ITEM 12. COMMISSION ARGUED THAT IT WAS IMPORTANT TO HIGHLIGHT THE FACT THAT, THE OCTOBER 5 PLEBISCITE NOTWITHSTANDING, THE GOVERNMENT OF CHILE CONTINUES TO VIOLATE HUMAN RIGHTS AND RETAINS THE LEGAL AND GOVERNMENTAL FRAMEWORK TO REIMPOSE SUCH RESTRICTIONS AS EXILE, PRESS CENSORSHIP AND FREEDOM OF ASSEMBLY.

6. (C) COMMENT: CHILEAN HUMAN RIGHTS GROUPS HAVE EXPRESSED CONCERN ON NUMEROUS OCCASIONS THAT THE POLITICAL OPENING IN CHILE, CHARACTERIZED BY THE FREE AND FAIR PLEBISCITE, HAS OBSCURED THE FACT THAT HUMAN RIGHTS ABUSES CONTINUE AND THAT THE GOVERNMENT OF CHILE RETAINS CONSIDERABLE AUTHORITY TO REIMPOSE RESTRICTIVE MEASURES. THEY ARE OF COURSE CORRECT. THE PLACE TO RECOGNIZE CONTINUING HUMAN RIGHTS PROBLEMS, HOWEVER, IS IN THE TEXT OF THE UNHRC RESOLUTION ON CHILE, NOT BY SINGLING OUT CHILE IN A SPECIAL AGENDA ITEM. WE HAVE MADE THIS

CLEAR TO CHILE'S HUMAN RIGHTS ORGANIZATIONS FOR THE LAST THREE YEARS, AND ALTHOUGH THEY DO NOT WELCOME OUR POSITION, IT COMES AS NO SURPRISE TO THEM.

7. (C) EMBASSY BELIEVES IT IS IN THE USG'S INTEREST TO MOVE FORCEDULLY AND EARLY TO DELETE ITEM 5 AT

CONFIDENTIAL

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PAGE 01 SANTIA 00708 02 OF 02 202125Z
ACTION IO-19

INFO LOG-00 ADS-00 OIC-02 ARA-00 SSO-00 HA-09 L-03
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O 202115Z JAN 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 9842
INFO AMEMBASSY BOGOTA
AMEMBASSY BRASILIA
AMEMBASSY BUENOS AIRES
AMEMBASSY CARACAS
AMEMBASSY LIMA
AMEMBASSY MEXICO
USMISSION USUN NEW YORK
USMISSION GENEVA
AMEMBASSY SAN JOSE

C O N F I D E N T I A L SECTION 02 OF 02 SANTIAGO 00708

FOR ARA, IO, HA

E.O. 12356:DECL:OADR
TAGS: PHUM, UNHRC, CI
SUBJ: USG POSITION ON ITEM 5 OF UN HUMAN RIGHTS

THIS YEAR'S UNHRC MEETING. A TENTATIVE REAFFIRMATION OF OUR POSITION THAT ITEM 5 OF THE AGENDA UNFAIRLY SINGLES OUT CHILE, COUPLED WITH THE STATEMENT THAT WE ARE NEVERTHELESS PREPARED TO ACCEPT SIMULTANEIOUS CONSIDERATION OF ITEMS 5 AND 12, AS SUGGESTED BY REF B, IS A GUARANTEE OF FAILURE IN GENEVA. PARA 9(C) OF REF B NEEDS TO BE STRENGTHENED, PARTICULARLY IN DISCUSSIONS WITH THE OTHER AMERICAN REPUBLICS, TO REFLECT AN INTENTION TO TAKE ITEM 5 HEAD-ON THIS YEAR.

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PAGE 02 SANTIA 00708 02 OF 02 202125Z

8. (C) AMBASSADOR WISHES TO RAISE THIS ISSUE WITH IO AND HA DURING HIS WASHINGTON CONSULTATIONS BEGINNING JANUARY 26.

9. (U) INFORMAL TRANSLATION OF CHILEAN MEMORANDUM:

- (U) "DURING THE COMING MONTHS OF FEBRUARY AND MARCH, THE 45TH SESSION OF THE HUMAN RIGHTS COMMISSION OF THE UNITED NATIONS WILL BE HELD IN THE CITY OF GENEVA, SWITZERLAND. AS IN PREVIOUS YEARS, THE AGENDA FOR THIS COMMISSION WILL CONTAIN ITEM 5, ENTITLED "THE QUESTION OF HUMAN RIGHTS IN CHILE."

-(U) "THE GOVERNMENT OF CHILE CONSIDERS THAT THE MAINTENANCE OF THIS AFFAIR AS A SPECIAL THEME OF THE AGENDA OF THE HUMAN RIGHTS COMMISSION CONSTITUTES A DISCRIMINATORY TREATMENT, IN SINGLING OUT ONLY CHILE BY ASSIGNING IT A SEPARATE AGENDA ITEM. IN CONTRAST, SITUATIONS WHICH AFFECT OR COULD AFFECT OTHER COUNTRIES ARE CONSIDERED IN A GENERAL FRAMEWORK, ARTICLE 12 OF THE AGENDA, ENTITLED "QUESTION OF VIOLATIONS OF HUMAN RIGHTS AND FUNDAMENTAL LIBERTIES IN WHATEVER PART OF THE WORLD..."

-(U) "BECAUSE OF THIS, THE GOVERNMENT OF CHILE ASKS YOUR EXCELLENCY'S GOVERNMENT, A MEMBER OF THE COMMISSION, TO PRESENT IN CONJUNCTION WITH OTHER COUNTRIES OF THE REGION A PROCEDURAL MOTION AT THE OPENING OF THE SESSION OF THE CITED ORGANIZATION, TO EFFECT THE DEFINITIVE END OF THE INDIVIDUAL MENTION OF CHILE IN THE AGENDA OF THE HUMAN RIGHTS COMMISSION. SPECIFICALLY, THAT ITEM 5 BE ELIMINATED

CONFIDENTIAL
UNCLASSIFIED
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PAGE 03 SANTIA 00708 02 OF 02 202125Z

FROM THE AGENDA SO THAT THE CHILEAN SITUATION BE CONSIDERED UNDER ITEM 12, TOGETHER WITH THE PROBLEMS THAT AFFECT OTHER COUNTRIES."

-(U) "BESIDES BEING DISCRIMINATORY, THE MAINTENANCE OF ITEM 5 TO SINGLE OUT THE CHILEAN SITUATION, THE EVOLUTION OF ITS POLITICAL, ECONOMIC AND SOCIAL PROCESS, RECOGNIZED BY ITS OWN SPECIAL RAPPORTEUR, MR. FERNANDO VOLIO JIMENEZ, AS WELL AS IN THE TEXT

OF THE RESOLUTION APPROVED BY THE LAST GENERAL ASSEMBLY OF THE UNITED NATIONS ORGANIZATION LAST DECEMBER, DEMONSTRATES THE POLITICAL NATURE OF ITEM 5 WHICH EXCEEDS THE OBJECTIVE OF THE COMMISSION. BECAUSE OF THIS, THE GOVERNMENT OF CHILE IS CONFIDENT THAT YOUR EXCELLENCY'S GOVERNMENT CAN COLLABORATE WITH OTHER COUNTRIES IN THE UPCOMING SESSION OF THE HUMAN RIGHTS COMMISSION, TO END THIS EXAMPLE OF DISCRIMINATION AGAINST A MEMBER STATE OF THE UNITED NATIONS." GILLESPIE

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Declassify: In Part_____ In Full_____
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INCOMING TELEGRAM

ACTION H-03

INFO FILE-01 00-01 ARA-06 PPC-01 ECP-01 OAS-01 PPA-01 OSC-01
DOSC-01 CI-01 UYPA-01 RSC-01 EX-01 PMO-01 FM-01 ADM-01
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INFO LOG-00 ADS-00 SS-00 CIAE-00 NSCE-00 ARA-00 DS-00
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R 202122Z JAN 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 9343
INFO AMEMBASSY ASUNCION
AMEMBASSY BUENOS AIRES
AMEMBASSY BRASILIA

~~CONFIDENTIAL~~ SANTIAGO 00710

E.O. 12356: DECL:OADR
TAGS: OREP, PREL, ECON, CI
SUBJECT: CODEL WIRTH VISIT TO SANTIAGO JANUARY 11-12

1. (C) BEGIN SUMMARY: CODEL WIRTH, DURING THEIR TWO-DAY STAY IN SANTIAGO, MET WITH A CROSS-SECTION OF CHILEANS INTERESTED IN DEBT AND ENVIRONMENTAL ISSUES. DURING REPRESENTATIONAL EVENTS, THE CODEL ALSO HAD A CHANCE TO MEET WITH MOST OF THE TOP POLITICAL LEADERS. FOR ITS PART, THE GOC GAVE A CORDIAL WELCOME TO THE CODEL. CONGRESSMEN BRYANT AND SIKORSKI RAISED WITH THE FOREIGN AND INTERIOR MINISTERS THE CONTINUING U.S. INTEREST IN RESOLVING THE LETELIER CASE AND ENDING THE INTERNAL EXILE OF TWO CHILEAN LABOR LEADERS. END SUMMARY.

2. (C) AT A RECEPTION AND A LUNCH AT THE AMBASSADOR'S RESIDENCE, SENATORS WIRTH AND SHELBY AND CONGRESSMEN BRYANT AND SIKORSKI MET WITH A BROAD SPECTRUM OF CHILEAN POLITICAL, BUSINESS, ENVIRONMENTAL AND MEDIA LEADERS. THE CODEL MEMBERS TALKED AT LENGTH WITH POLITICAL LEADERS (BOTH SUPPORTERS OF THE "SI" AND "NO" OPTIONS) ABOUT THE REASONS FOR THE VICTORY OF THE OPPOSITION IN THE PLEBISCITE AND POLITICAL PLANS FOR THE DECEMBER ELECTIONS. RENOVACION NACIONAL LEADER MIGUEL OTERO ATTRIBUTED THE LOSS TO PINOCHET'S BEING IN OFFICE FOR SO LONG AND THE IMAGE OF THE REGIME. CONGRESSMAN SIKORSKI TALKED AT LENGTH WITH ACTING PRESIDENT OF THE UNIFIED WORKER'S CENTRAL (CUT) DIEGO OLIVARES ABOUT THE INTERNAL EXILE OF CUT PRESIDENT MANUEL BUSTOS AND VICE PRESIDENT ARTURO MARTINEZ. HE ALSO DISCUSSED THE HUMAN RIGHTS SITUATION IN CHILE WITH PRESIDENT OF THE CHILEAN HUMAN RIGHTS COMMISSION JAIME CASTILLO. SERGIO DIEZ, AN ANNOUNCED CANDIDATE FOR PRESIDENT OF CHILE IN THE DECEMBER 1989 ELECTIONS, LISTENED INTENTLY TO PRACTICAL ADVICE ON CAMPAIGNING AND THE USE OF TELEVISION GIVEN HIM BY HIS LUNCHEON PARTNER, MRS. SHELBY.

3. (LOU) SENATORS SHELBY AND WIRTH ALSO REVIEWED THE CHILEAN DEBT SWAP PROVISIONS WITH CHILEAN AND AMERICAN BUSINESSMEN INVOLVED WITH THE PROGRAM. SENATOR SHELBY AND CONGRESSMAN BRYANT HAD EXTENSIVE DISCUSSIONS WITH FORMER GOC DEBT NEGOTIATOR HERNAN SOMERVILLE. (SOMERVILLE WILL BE IN WASHINGTON THE WEEK OF JANUARY 23 AND SENATOR SHELBY EXPRESSED AN INTEREST IN GETTING TOGETHER WITH HIM. DETAILS WILL FOLLOW SEPTEL.)

4. (LOU) AT A WORKING BREAKFAST, THREE RESIDENT CORRESPONDENTS FOR U.S. MEDIA IN CHILE (KEVIN

NOBLETTE OF AP, TOM HARVEY OF UPI, AND MALCOLM COAD OF THE WASHINGTON POST) REVIEWED THE POLITICAL SITUATION HERE. WHILE THEY NOTED GREATER FREEDOM OF THE PRESS OVER THE PAST SIX MONTHS, THEY ALSO POINTED OUT THE SUBTLE CONTROL MECHANISMS BOTH OVER THE PRESS AND POLITICAL DISSIDENTS IN GENERAL. DESPITE AN OVERALL ATMOSPHERE OF OPTIMISM ABOUT CHILE'S DEMOCRATIC TRANSITION PERVASIVE SINCE THE OCTOBER 5TH PLEBISCITE, THEY ALSO SAID THAT THEY THOUGHT THAT SYSTEMATIC HUMAN RIGHTS ABUSES BY SECURITY FORCES CONTINUE TO OCCUR. THEY CHARACTERIZED THE OPPOSITION POLITICAL GROUPS AS PRAGMATIC AND THOUGHT IN TODAY'S TERMS, THAT A UNIFIED OPPOSITION CANDIDATE, MOST LIKELY A CHRISTIAN DEMOCRAT, WOULD WIN THE DECEMBER PRESIDENTIAL ELECTIONS.

5. (U) THE CODEL MET WITH A NUMBER OF EXPERTS ACTIVE IN ENVIRONMENTAL ISSUES IN CHILE. GUILLERMO GEISSE OF CIPMA, AN ENVIRONMENTAL THINK TANK, REVIEWED THE NGO OVERVIEW OF ENVIRONMENTAL PROBLEMS IN CHILE. GEISSE STRESSED THAT CIPMA WAS THE OFFICIAL ORGANIZER OF THE "CHILEAN ENVIRONMENTAL CONFERENCE" AND THAT THE THIRD ANNUAL MEETING WILL BE HELD IN CONCEPCION, WITH WWF/AID FUNDING SUPPORT. ARTURO RIED, OF THE FISHERIES DEVELOPMENT INSTITUTE (IFOP), GAVE THE GOC PERSPECTIVE ABOUT MARINE POLLUTION. RIED REPORTED THAT IFOP DID A COMPLETE SURVEY ABOUT MARINE POLLUTION SOURCES ABOUT THREE YEARS AGO. THAT RESEARCH HAD ALSO THE SUPPORT OF THE COMISION PERMANENTE DEL PACIFICO SUR (CPPS), WHICH INCLUDES COLOMBIA, ECUADOR, PERU AND CHILE.

JAIME UNDURRAGA, HAVING TWO HATS -- EXXON MINING AND AMCHAM --, PRESENTED PRIVATE ENTERPRISE VIEWS ON ENVIRONMENTAL MATTERS. UNDURRAGA HIGHLIGHTED THE GOOD RELATIONSHIPS CURRENTLY EXISTING BETWEEN NGOS, UNIVERSITIES AND THE PRIVATE SECTOR. AUGUSTA GRANO OF PARTNERS OF THE AMERICAS, REFERRED TO THE EXISTING UNOFFICIAL NETWORK OF INTERNATIONAL VOLUNTARY AGENCIES, NGOS IN CHILE AND ABROAD, AND ENVIRONMENTALISTS WITHIN THE GOC AND OTHER OFFICIAL INSTITUTIONS. FINALLY, GUILLERMO MANN, IN HIS CAPACITY AS V.P. FOR CONSERVATION INTERNATIONAL AND A CHILEAN CITIZEN, PRESENTED THE INTERNATIONAL VIEW OF THE ENVIRONMENT IN LATIN AMERICA. MANN'S PRESENTATION WAS FOCUSED ON THE DIFFICULTY OF OBTAINING SUSTAINED DEVELOPMENT WITHOUT RISKING THE ENVIRONMENT. THE FACT THAT LATIN AMERICAN COUNTRIES HAVE A LARGE FOREIGN DEBT HAS CREATED AN INCENTIVE TO INCREASE PRODUCTION AND EXPORTS DESPITE ENVIRONMENTAL DEGRADATION.

6. (U) JUAN ANDRES FONTAINE, RESEARCH DIRECTOR AND FRANCISCO GARCES, INTERNATIONAL DIRECTOR OF THE CENTRAL BANK OF CHILE, BRIEFED THE CODEL ON THE PROGRESS THE CHILEAN ECONOMY HAS MADE SINCE THE 1982 CRASH HIT LATIN AMERICA. CHILE HAS ESSENTIALLY CARRIED ITS STRUCTURAL ADJUSTMENT TOWARDS INCREASING SAVINGS AND EXPORTS, AND DECREASING THE BURDEN OF ITS EXTERNAL DEBT. FONTAINE EXPLAINED THAT IN 1988, CHILE'S PER CAPITA GDP SURPASSED BY 2.0 PERCENT THE LEVEL IN 1980. CHILE HAS ALSO MANAGED TO GROW BY 5.4 PERCENT ON AVERAGE SINCE 1985. UNEMPLOYMENT HAS DECLINED TO 7.1 PERCENT OF THE LABOR FORCE AND INFLATION IS LARGELY UNDER CONTROL IN THE 12-PERCENT RANGE. OVER THE MEDIUM-TERM,

Access. # 59-96-0723
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Department of State

INCOMING
TELEGRAM

THE CHILEAN ECONOMY CAN CONTINUE GROWING AT A 5.8 PERCENT ANNUAL RATE AND MUST ALSO INCREASE ITS INVESTMENT LEVELS TO ROUGHLY 23 PERCENT OF GDP.

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7. (LOU) REGARDING THE BALANCE OF PAYMENTS, FONTAINE SAID THAT NO BOP FINANCING IS NEEDED IN 1989-1990. IN 1991, CHILE IS SCHEDULED TO BEGIN FULL AMORTIZATION OF ITS EXTERNAL DEBT AND THAT WILL HAVE TO BE ACHIEVED WITH SUPPORT FROM THE INTERNATIONAL CAPITAL MARKETS. FONTAINE FELT THAT THE EXTERNAL DEBT WILL MOST LIKELY BE RESCHEDULED IN 1991.

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8. (LOU) GARCES SPOKE ON CHILE'S DEBT REDUCING MECHANISMS WHICH HAVE CUT OVER U.S. DOLS 6 BILLION FROM CHILE'S EXTERNAL DEBT. DEBT SWAPS HAVE ALSO INCREASED THE FLOW OF NEW INVESTMENT TO CHILE. QUESTIONED BY SENATOR SHELBY AS TO WHAT CHILE WOULD LIKE TO SEE IN THE FORM OF A DEBT PLAN, GARCES OUTLINED A "CHILEAN PLAN":

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-- A DEBT SCHEME SHOULD REWARD COUNTRIES WHICH HAVE RESTRUCTURED AND SERVICED THEIR EXTERNAL DEBT.

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-- INTERNATIONAL TRADE AND DEBT GO TOGETHER, AND MARKETS MUST REMAIN OPEN.

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-- INTERNATIONAL FINANCIAL INSTITUTIONS MUST BE CAPITALIZED SO THAT THEY CAN CONTINUE PLAYING A ROLE IN THE RESTRUCTURING OF LDC ECONOMIES.

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-- VOLUNTARY MARKETS MUST REWARD COUNTRIES WHICH HAVE MADE MACRO ADJUSTMENTS.

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-- COOPERATION AMONG INDUSTRIAL COUNTRIES ON THE DEBT PROBLEM, NOT JUST ON ECONOMIC POLICY.

9. (C) FOREIGN MINISTER HERNAN FELIPE ERRAZURIZ GAVE THE CODEL A VERY CORDIAL WELCOME. IN RESPONSE TO A QUESTION BY SENATOR SHELBY, MINISTER ERRAZURIZ EXPLAINED HOW THE JAPANESE WERE INCREASING THEIR MARKETS IN CHILE THROUGH AID PROGRAMS THAT ACTUALLY AIMED AT EXPANDING JAPANESE TRADE TO CHILE. THE ONE CHILEAN EXPORT SUCCESS TO JAPAN OUTSIDE OF COPPER HAS BEEN GRAPES. BY FOCUSING ON ONE ISSUE AND HAVING YEARS OF PATIENCE, THE CHILEANS SUCCEEDED IN OPENING THE MARKET. ERRAZURIZ ALSO REVIEWED THE INCREASE IN AUSTRALIAN AND NEW ZEALAND INVESTMENT IN CHILE.

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10. (C) CONGRESSMAN SIKORSKI RAISED THE INTERNAL EXILE OF BUSTOS AND MARTINEZ. ALMOST APOLOGETICALLY, ERRAZURIZ SAID HE TOOK NOTE OF THEIR CONCERNS AND PROMISED TO RELAY THE MESSAGE TO THE APPROPRIATE AUTHORITIES. CONGRESSMAN SIKORSKI NOTED CHILE'S SUCCESSFUL PLEBISCITE AND HOPED THAT ISSUES LIKE THE RELEGATION COULD BE RESOLVED TO IMPROVE RELATIONS. SIMILARLY CONGRESSMAN BRYANT RAISED U.S. INTERESTS IN THE LETELIER CASE. ERRAZURIZ NOTED GOC "COOPERATION" IN THE CASE, INCLUDING THE ACCEPTANCE OF THE SECOND SET OF LETTERS ROGATORY. HE NEVERTHELESS HOPED THAT THE ISSUE COULD BE RESOLVED TO IMPROVE BILATERAL RELATIONS.

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11. (C) INTERIOR MINISTER CACERES BEGAN BY NOTING THAT THE PINOCHET GOVERNMENT HAD COMPLIED WITH THE ITINERARY LAID OUT IN THE CONSTITUTION. OVER THE NEXT YEAR THE JUNTA HAD TO APPROVE LAWS ON THE CENTRAL BANK, ECONOMIC ACTIVITIES OF THE STATE,

AND THE PROCEDURES FOR THE DECEMBER 14 PARLIAMENTARY ELECTIONS. HE INDICATED THAT THE GOVERNMENT THIS YEAR WAS GOING TO GIVE ADDITIONAL FOCUS TO HEALTH AND EDUCATION. IN ADDITION, OVER THE NEXT YEAR, THE GOC WOULD INCREASE CIVILIAN PARTICIPATION TO PHASE THE MILITARY OUT OF GOVERNMENT.

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12. (C) CONGRESSMAN BRYANT RAISED THE LETELIER CASE, AND CACERES TOOK NOTE OF HIS COMMENT. CONGRESSMAN SIKORSKI ALSO RAISED THE RELEGATION OF THE LABOR LEADERS. CACERES ANSWERED THAT THE ISSUE WAS INVOLVED IN A JUDICIAL PROCESS AND THAT THE JUDICIARY WAS INDEPENDENT. SIKORSKI RESPONDED THAT A PARDON COULD COME FROM THE EXECUTIVE. CACERES DID NOT RESPOND TO THE COMMENT BUT ADDED THAT "I AM PERSONALLY INTERESTED IN THE ISSUE," BUT EMPHASIZED THAT THESE MATTERS TAKE TIME TO RESOLVE.

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13. (C) CACERES ALSO REVIEWED THE ECONOMIC SITUATION, ESPECIALLY HOW CHILE EVOLVED ITS DEBT STRATEGY WHEN HE WAS FINANCE MINISTER IN 1982-83. CHILE MADE SIGNIFICANT STRUCTURAL REFORMS (WHICH CACERES LISTED AS THE MOST IMPORTANT FIRST STEP) AND THEN WORKED OUT ARRANGEMENTS WITH CREDITORS. IT THEN BROUGHT IN THE IMF AND WORLD BANK FOR CREDIT WHEN THE BANKS BOWED OUT. HE FELT THAT CHILE SHOULD BE CONSIDERED AGAIN FOR VOLUNTARY LENDING BY THE BANKS.

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14. (C) COMMENT:
WHEN THE SENSITIVE CASES OF LETELIER AND BUSTOS AND MARTINEZ WERE RAISED, ERRAZURIZ AND CACERES REPEATED ONLY HALF-HEARTEDLY THE USUAL GOC EXCUSES. CACERES' COMMENTS ON THE LABOR LEADERS' CASES TENDED TO CONFIRM THE REPORTS THAT PINOCHET HIMSELF APPEARS TO BE THE STUMBLING BLOCK FOR A RESOLUTION.

THE GOC HAS IN THE PAST GIVEN PREFERENTIAL TREATMENT TO REPUBLICAN MEMBERS OF CONGRESS. FOLLOWING THE GOVERNMENT'S DEFEAT IN THE OCTOBER 1988 PLEBISCITE, HOWEVER, AND THE APPOINTMENT OF ERRAZURIZ AND CACERES AS FOREIGN AND INTERIOR MINISTERS, A NEW POLICY SEEMS TO BE DEVELOPING. FOR EXAMPLE, CACERES MET WITH THE CODEL; HIS PREDECESSOR NEVER DID. THE VIP LOUNGE AT THE AIRPORT WAS MADE AVAILABLE, AND FOR THE FIRST TIME IN MEMORY OF THE POST, A MOTORCYCLE ESCORT WAS PROVIDED THROUGHOUT THE VISIT.

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15. (C) THERE WAS CONSIDERABLE INTEREST IN THE CODEL VISIT, AND THE TURNOUT AT THE REPRESENTATIONAL FUNCTIONS WAS HIGH. GIVEN THE TIME IN COUNTRY, THE CODEL GOT A GOOD SLICE OF THE COMPLEXITY OF THE POLITICAL ISSUES HERE, PLUS A CONTRAST ON THE ECONOMIC SIDE WITH OTHER SOUTH AMERICAN COUNTRIES. END COMMENT.
GILLESPIE

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Dept of State, RPS/IPS, Margaret P. Grafeld, Dir.
(V) Release ( ) Excise ( ) Deny ( ) Declassify
Date 2/27/02 Exemption

O 202228Z JAN 89
FM AMEMBASSY TEGUCIGALPA
TO SECSTATE WASHDC IMMEDIATE 8327
[redacted] TEGUCIGALPA 01137 S
PASS TFHA/W - DIRECTOR TED MORSE
E.O. 12356: DECL: OADR
TAGS: EAID, NU, HO
SUBJECT: CHILDREN'S SURVIVAL ASSISTANCE PROGRAM (CSAP
REF: STATE 15246
1. [redacted]- ENTIRE TEXT.
2.TFHA/H AND SLO HAVE NO REASON TO BELIEVE PROJECT HOPE WILL ENCOUNTER PROBLEMS WITH GOH OR HONDURAN CIVILIANS IN IMPLEMENTING A CSAP PROJECT. TO 'THE CONTRARY, HOPE HAS ONGOING PROJECTS IN HONDURAS WHICH ARE PERFORMING WELL, AND HOPE APPEARS TO HAVE EXCELLENT RELATIONS WITH GOH INSTITUTIONS. TFHA/H CONSULTED APPROPRIATE USAID/H REPRESENTATIVES WHO REPORT THEY KNOW OF NO ADVERSE PUBLICITY OR POOR PERCEPTIONS ABOUT HOPE. FURTHER, THERE IS NO EVIDENCE THAT, HONDURANS, AS PHRASED IN REFTEL, QUOTE PERCEIVE HOPE AS BEING CONNECTED TO PREVIOUS U.S. SUPPORT FOR THE RESISTANCE UNQUOTE.
3. TFHA/H BELIEVES THE HOPE REVISED CSAP PROPOSAL, AS. WE UNDERSTAND IT FROM JOHNNY LONG AND RICARDO CALDERON, COULD BE VIEWED QUITE POSITIVELY BY HONDURANS. THE PROPOSAL WILL INCLUDE INFRASTRUCTURE IMPROVEMENTS TO THE DANLI HOSPITAL AND ARENALES CLINIC AND OTHER ASSISTANCE TO ADDITIONAL MINISTRY OF HEALTH FACILITIES. BECAUSE

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THESE FACILITIES ARE RUN BY THE MOH, THERE IS NO LIKELIHOOD THAT THEIR SERVICES WILL BENEFIT NICARAGUAN PATIENTS OVER HONDURAN. HOPE ALSO PROPOSES TO ESTABLISH AND RUN A CLINIC IN CAPIRE; ONCE THE ERN CLINIC MOVES FROM THERE, THE HOPE CLINIC WILL SERVE PREDOMINANTLY HONDURAN CLIENTELE.

4. TFHA/H NOTES REFTEL PARA. THREE LANGUAGE ABOUT QUOTE A CSAP ACTIVITY FOCUSED ON NICARAGUANS UNQUOTE. OUR ORIENTATION IS THAT CSAP ACTIVITIES FOCUS ON CHILDREN, THE MAJORITY OF WHOM IN MOST, BUT NOT ALL, LOCATIONS ARE NICARAGUAN.

5. IN SUMMARY, WE SEE NO REASON NOT TO PROCEED EXPEDITIOUSLY WITH REVIEW OF HOPE PROPOSAL.

BRIGGS

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Department of State

OUTGOING TELEGRAM

LC106

PAGE 01 STATE 018870 4920

ORIGIN L-03

INFO LOG-00 AOS-00 INR-07 CIAE-00 ARA-00 NSAE-00 INRE-00
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APPROVED BY: L:MMOCHARY
ARA/SC:PDESHAZO L:ROALTON
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R 282133Z JAN 89
FM SECSTATE WASHDC
TO AMEMBASSY SANTIAGO

UNCLASSIFIED

S E C R E T STATE 018870

E.O. 12356: DECL:OADR
TAGS: PREL, CI, OJAN
SUBJECT: LETELIER

1. SUMMARY. DEPARTMENT OFFICERS MET ON JANUARY 17 WITH EDMUNDO VARGAS CARREÑO, EXECUTIVE SECRETARY OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS, TO DELIVER THE LETTER NOTIFYING VARGAS THAT THE USG HAS INVOKED THE 1914 TREATY AND CONVOKED THE COMMISSION OF WHICH VARGAS IS A MEMBER. VARGAS STATED HIS WILLINGNESS TO SERVE, EXPRESSED DOUBTS AS TO WHETHER CHILE WOULD RETAIN HIM ON THE COMMISSION, AND PROVIDED BACKGROUND INFORMATION. END SUMMARY.

2. DEPARTMENT OFFICERS FROM L AND USOAS MET WITH VARGAS AT HIS OAS OFFICE ON TUESDAY, JANUARY 17. VARGAS HAD BEEN GIVEN A COPY OF THE LETTER LAST FRIDAY, JANUARY 13, IN VENEZUELA BY EMBASSY CARACAS. THE WASHINGTON MEETING WAS HELD AS A FOLLOW-UP TO DELIVER THE MATERIALS REFERENCED IN THE LETTER. AS HE DID LAST FRIDAY, VARGAS EXPRESSED GREAT INTEREST IN SERVING ON THE COMMISSION, WHILE OPINING THAT CHILE IS CERTAIN TO REPLACE HIM, SINCE HE WAS APPOINTED UNDER THE ALLENDE ADMINISTRATION. IN AN IRONIC BIT OF HISTORY, VARGAS SAID THAT IT WAS LETELIER HIMSELF WHO REDISCOVERED THE TREATY IN THE EARLY 1970S, AS A POSSIBLE MEANS OF SETTLING THE COPPER DISPUTES. VARGAS' APPOINTMENT RESULTED FROM THE RENEWED FOCUS ON THE TREATY SPARKED BY LETELIER. VARGAS ADDED THAT NOTHING FURTHER DEVELOPED ON THE TREATY PRIOR TO THE COUP, AND THAT WAS THE LAST HE HAD HEARD OF THE TREATY OR THE COMMISSION.

3. VARGAS ASKED WHAT WE THOUGHT CHILE'S REACTION WOULD BE. DEPARTMENT REPLIED THAT WE HOPED FOR COOPERATION, AND THAT CHILE'S REACTION TO DATE HAD BEEN RESTRAINED. WE ADDED THAT SHOULD MADAME BASTID RESIGN, THAT WILL PROVIDE AN EARLY OPPORTUNITY TO GAUGE THE EXTENT OF CHILEAN COOPERATION.

4. VARGAS ASKED ABOUT THE SECRECY OF THE PROCESS. WE REPLIED THAT WE HAD TOLD THE OAS THAT WE INTENDED TO KEEP THIS CONFIDENTIAL, THAT NO ANNOUNCEMENT WAS MADE IN WASHINGTON, AND THAT WE HOPED VARGAS WOULD TREAT THE MATTER IN THE SAME FASHION.

5. VARGAS STATED THAT HE EXPECTS TO BE REPLACED. DEPT. REPLIED THAT THIS WAS A MATTER FOR THE OAS, BUT THAT UNTIL SUCH TIME AS HE IS OR MAY BE REPLACED, THE USG REGARDS HIM AS A MEMBER, AND IT IS IN THAT CAPACITY THAT WE WERE MEETING WITH HIM.

6. VARGAS CLOSED THE MEETING BY GIVING DEPT. AN UPDATED RESUME AND COMPLIMENTING THE USG ON INVOKING THE TREATY. HE SAID THAT IT PLACES CHILE IN A DIFFICULT POSITION; IF THE OAS REPLACES HIM, IT WILL BE ACKNOWLEDGING THAT THE TREATY REMAINS IN EFFECT AND IS AN APPROPRIATE MECHANISM FOR DEALING WITH THE LETELIER DISPUTE. ARMACOST

Chile Project (#S199900030)
U.S. Department of State
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Publication Project (#S19990030)
U.S. Department of State
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Exemption(s) B1

re Pinochet after the Plebiscite

1. "Paranoical personality (pp) can function in world, but deep problems. Typical pp if can't win, takes low profile. But when has power, tends to annihilate opponents. Another feature is that he tends to enclose himself in his little group. For Pinochet this is his family. The issue of loyalty becomes an obsession.

2. Only such a person would have backbone to take total power in a system used to checks and balances, and to maintain that "not one leaf moves without my knowing about it." This personality type also has little tolerance for frustration. First wave of protests in March of 1983 - near national strike; Pinochet flew over Santiago in helicopter, saw bonfires, had depressive crisis. Lithium treatment. Second major depression came after Oct. 5, 1988. (Turned down Sinclain's offer to use army for anything he wanted. Monday after election defeat, told ministers it was better No won, to avert civil war.) Since that time, those who have met Pinochet in diplomatic community say he is ~~xx xxxxxxxxxx~~ not all there. Within family, he has swings of hyperactivity and passivity, absent, inexpressive~~xx~~ (ex. - sang on N.Yrs' eve). These bipolar swings are also typical of para. personalities.

3. Big danger is they can get involved in disastrous adventures. Luckily night of plebiscite, Air Force and responsible right moved assertively, producing potential split within govt., a new balance.

The good side is that pp's are very sensitive. Almost Leninist in their calculations of the "correlation of forces." While they are in down side, they are more permissive. Pinochet is still in depressive cycle. Must accept frustrations. For 4-5 weeks after plebiscite spent all his time with army, analyzing situation. ~~xx~~ He realized that if he didn't accept defeat as irreversible fact, he might lose control.

4. To know what next must look at Pin.'s environment. Average member of/military establishment is undergoing "crisis of puberty". Feeling new independence, mourning loss of all-powerful father figure, making new contacts, desire. New promotions are merit-based. Many from class he was in in military academy. Right now there's a draw within army - 50 percent are with Pinochet (although some of them are up for grabs), and 50 percent are more loyal to institution (the corporatists).

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5. On his part, Pinochet is concerned about negotiating two things, maybe three:

-- when he retires (and substitute Commander in Chief)
-- ~~xxxxxxxx~~ protection from human rights trials (Galtieri's fate) avoiding
-- how many paratroopers will guard him in retirement

No one is pushing his Presidential campaign except the ultras. Consensus even within army is that he had his chance, failed in trying to mimic civilian political elader.

He's surrounded by two "burning walls" of defense:
-- Constitution stays as it is, especially parts involving power of military. At very least HE will be only one to negotiate anything.
-- the army

He might like to name Sinclair as CC when he leaves. But most unlikely. Sinclair seen as a politician, therefore weak, within army structure. Pino ∴ can't depend on him to defend family interests. along with his violent mood-swings

6. What else he's thinking/is revealed in part by series of speeches -- Barrabas speech; references to boxer having been knocked out; saying if opposition won't accept Constittuion as is, he won't accept plebiscite results; Le Monde interview (tame) where he reiterated point it's good No won, mentioned contacts with USSR in Switz. Reads prepared speeches by Poduje, but digresses. Policy seems to be to keep journalists away;

7. Family security is a bixg issue. Even his grandchildren have bodyguards. Maintaining tight protection in the future will be major concern.

8. Is Pinochet corrupt? In sense of stealing money, no. In sense of setting up unprecedented standard of living for President of Chile, somewhat.
-- Most Presidents before lived in La Moneda (very uncomfortable) or in own houses, also using Lo Castillo in Vina. Pinochet built at least 12 houses for himself with public funds (Bucalemu, Locurro, Carrera Austral, several in Lakes region and 1-2 in North, Melocoto, etc.
-- Family took advantage of office to build fortunes (his future income). Ex. Marco Antonio, partner of Mao Rojas (husband of Pamela Sue Martin), rents planes to Lan Chile, set up intermed. corp. to receive copper exports. Ponce Le Rouse - 100 million.
-- Now budget of Presidency as big as any important ministry - 200,000,000/yr. - same as Min. Public works, which includes CNI. (Now trying to "privatize" CNI by transferring Defense, to protect files. New head of CNI one of Chile's silliest generals
-- Stories about family scandals involving Marco Antonio, permissive daughters have been kept under wraps. As they start to come out, will affect army in deciding to adapt itself or not. Meanwhile army is taking steps to cleanse itself first. [ ] Getting rid of generals who are "tainted" by politics.

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Case Number: S1999000030 Chile Project (#S199900030)
U.S. Department of State
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Declassify: In Part ____ In Full X
Exemption(s) ____

PAGE 01 SANTIA 00966 262025Z
ACTION ARA-00

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R 262023Z JAN 89
FM AMEMBASSY SANTIAGO
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AMEMBASSY BUENOS AIRES
AMEMBASSY BRASILIA
AMEMBASSY LIMA

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C O N F I D E N T I A L SANTIAGO 00966

E.O. 12356: DECL:OADR
TAGS: PHUM, UNHRC, CI
SUBJ: CHILE RESOLUTION AT THE 45TH SESSION
OF THE HUMAN RIGHTS COMMISSION

REF: (A) 17753, (B) SANTIAGO 798

1. CONFIDENTIAL - ENTIRE TEXT.

2. ADCM AND POLOFF MET ON JANUARY 25 WITH ULDARICIO FIGUEROA, DIRECTOR OF MULTILATERAL AFFAIRS OF THE MINISTRY OF FOREIGN RELATIONS, TO REVIEW ISSUES BEFORE THE UPCOMING SESSION OF THE UNHRC (REF A). EMBOFFS NOTED THAT AS IN THE PAST USG SUPPORTS PROCEDURAL MOTION TO DELETE ITEM 5 IN FAVOR OF TREATING THE HUMAN RIGHTS SITUATION IN CHILE UNDER AGENDA ITEM 12 AND WAS AWAITING WASHINGTON'S RESPONSE TO THE MINISTRIES REQUEST THAT THE USG TAKE
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PAGE 02 SANTIA 00966 262025Z

THE INITIATIVE IN PUSHING THIS MOTION (REF B).

3. WHEN ASKED WHAT OTHER COUNTRIES IN THE REGION HAD BEEN APPROACHED, FIGUEROA SAID DISCUSSIONS HAD BEEN INITIATED IN GENEVA WITH REPRESENTATIVES OF COLOMBIA, ARGENTINA, BRAZIL, AND PERU. CHILE HAD

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DECIDED IT WAS NOT WORTHWHILE RAISING THE ISSUE WITH VENEZUELA, OR MEXICO, AND EVEN LESS SO CUBA OR NICARAGUA. HE SAID THE COLOMBIAN AND PERUVIAN REPRESENTATIVES HAD EXPRESSED A WILLINGNESS TO CONSIDER A PROCEDURAL MOTION REQUESTING THE DELETION OF ITEM 5.

4. FIGUEROA SAID THAT, SURPRISINGLY, THE MEXICAN REPRESENTATIVE TO THE COMMISSION SAID IN PRIVATE, THAT THE NEW MEXICAN GOVERNMENT MIGHT AGREE TO THE CHANGE IN THE AGENDA, BUT INSTRUCTIONS WOULD HAVE TO COME FROM MEXICO CITY AND SUGGESTED A DEMARCHE IN THE CAPITAL -- AN IMPOSSIBILITY OWING TO THE LACK OF DIPLOMATIC RELATIONS BETWEEN CHILE AND MEXICO.

-

5. IN REVIEWING THE LIST OF CURRENT COMMISSION MEMBERS, THE MINISTRY OF FOREIGN RELATIONS ESTIMATES THAT THERE ARE SUFFICIENT VOTES TO HAVE ITEM 5 DELETED, IF A MOVE IS MADE EARLY AND FORCEFULLY.

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6. FIGUEROA REITERATED THE IMPORTANCE OF USG TAKING AN ACTIVE ROLE IN PROMOTING THE AGENDA CHANGE.
JONES

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DEPARTMENT OF STATE n.d.
WASHINGTON LC054

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
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Exemption(s) ____

The Department of State refers to Note No. 180 of the Embassy of Chile, dated August 14, 1979 concerning the case of Letelier, et al. v. Central Nacional de Informaciones, et al. in the United States District Court for the District of Columbia; to Note No. 11 of the Chilean Foreign Ministry to the Embassy of the United States in Santiago dated August 24, 1979, concerning a request by the United States District Court for judicial assistance in that case; and to Note No. 1 of the Chilean Foreign Ministry to the Embassy of the United States in Santiago dated January 16, 1979.

The Department of State is pleased to inform the Embassy that in accordance with the Embassy's request, Note No. 180 with its annexed Memorandum of Law was transmitted to the United States District Court on September 5, 1979. An informal translation of Note No. 11 of the Foreign Ministry was transmitted on the same date. Note No. 1 of the Foreign Ministry had previously been transmitted to the Court on February 9, 1979. The Court has not yet made any rulings bearing on the jurisdictional issues raised by Note No. 180 and Note No. 1.

Department of State

Washington,

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ARCHDIOCESE OF CHICAGO
POST OFFICE BOX 1979
CHICAGO, ILLINOIS 60690

Office for the Ministry of Peace and Justice
Campaign for Human Development
Catholic Relief Services
(312) 751-7999 ext. 539

SENATOR ALAN J DIXON
1989 JAN 30 AM 10 35
RECEIVED CHICAGO, IL.

Chile Project (#S199900030)
U.S. Department of State
Release ✓ Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____

January 27, 1989

Dear Senator Dixon:

I am writing to bring to your attention a threat by the Chilean Government to seize the files of the Vicaria de Solidaridad. The Vicaria is the human rights organization of the Roman Catholic Archdiocese of Santiago. The military prosecutor intends to seize the medical and financial records by February 6. Enclosed is some background information.

We view this as a direct violation of the Church's right to protect the confidentiality of the people it serves. Archbishop May, president, of the U.S. Bishops' Conference as well as Cardinal Bernardin have already expressed their concern and solidarity to the Chilean Bishops. The Chilean Bishops are supporting the Vicaria in their appeal to protect the files and the people who have placed their trust in the Church.

I ask you to do what you can to intervene in what appears to be an increasingly tense situation.

Sincerely,

Ms. Mary Yu
Director

Senator Alan Dixon
230 S. Dearborn, Room 3996
Chicago, IL 60604

MY/mc

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PAGE 01 STATE 028611
ORIGIN ARA-00

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APPROVED BY: ARA/P: MEJACOBS
PA: CREDMAN (SUBS)
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TO ALL AMERICAN REPUBLIC DIPLOMATIC POSTS IMMEDIATE
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AMCONSUL RIO DE JANEIRO IMMEDIATE
AMEMBASSY STOCKHOLM IMMEDIATE
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INFO AMCONSUL MARTINIQUE IMMEDIATE
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Dept. of State, RPS/IPS, Margaret P. Grafeld, Dir.
☒ Release ( ) Excise ( ) Deny ( ) Declassify
Date 1/27/02 Exemption _____

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PAGE 02 STATE 028611

XMT AMEMBASSY NASSAU
AMEMBASSY PORT OF SPAIN

UNCLAS STATE 028611

ALL POSTS PLEASE PASS PAO

E.O. 12356: N/A
TAGS: OPRC
SUBJECT: ARA GUIDANCES, JANUARY 30, 1989

1. PREPARED PRESS GUIDANCES:

EL SALVADOR: STATE DEPARTMENT REPORT

Q: WHAT CAN YOU TELL US ABOUT THIS NEW STATE DEPARTMENT REPORT ON EL SALVADOR. WHY WAS IT WRITTEN? WHAT ARE ITS CONCLUSIONS?

A: THE REPORT WAS RELEASED LAST NOVEMBER BY THE BUREAU OF PUBLIC AFFAIRS AS PART OF ITS PUBLIC INFORMATION SERIES. IT IS A RETROSPECTIVE ANALYSIS THAT ADDRESSES THE MISTAKEN NOTIONS THAT THE POLITICAL CENTER IN EL SALVADOR IS COLLAPSING, THAT THE OVERALL SALVADORAN SITUATION HAS DETERIORATED GRAVELY, AND THAT OUR POLICY OF SUPPORT FOR ITS CONTINUED DEMOCRATIC EVOLUTION NEEDS TO BE MODIFIED.

THE REPORT'S MAIN POINTS ARE:

THAT EL SALVADOR'S DYNAMIC DEMOCRATIC PROCESS ENJOYS THE SUPPORT OF ITS PEOPLE AND HAS WROUGHT FUNDAMENTAL CHANGE ACROSS THE RANGE OF POLITICAL, ECONOMIC AND SOCIAL ISSUES, INCLUDING HUMAN RIGHTS;
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THAT THE MINORITY OF EXTREMISTS OF LEFT AND RIGHT ARE RELEVANT TO THE PROCESS ONLY BECAUSE THEY USE VIOLENCE TO OPPOSE IT;

THAT THE COMPLETION OF THE SALVADORAN EFFORT TO INSTITUTIONALIZE DEMOCRACY REQUIRES CONTINUED U.S. SUPPORT.

THAT THE U.S. REMAINS VERY ENGAGED IN EFFORTS TO IMPROVE HUMAN RIGHTS.

I HAVE COPIES OF THE REPORT AVAILABLE HERE, AND I SUGGEST THAT ANYBODY WHO IS INTERESTED READ IT FOR HIMSELF.

NICARAGUA: CIA AUDIT OF CONTRAS

Q. DOES THE DEPARTMENT HAVE ANY COMMENT ON REPORTS THAT CIA IS CONDUCTING AN AUDIT OF THE SECRET POLITICAL FUND OF THE NICARAGUAN RESISTANCE?

A. NO, I DON'T HAVE ANY COMMENT TO OFFER ON THOSE REPORTS.

2. IO PREPARED PRESS GUIDANCE OF JANUARY 30, 1989:

UNHRC - CUBA HUMAN RIGHTS

Q: NOW THAT THE U.N. HUMAN RIGHTS COMMISSION HAS BEGUN ITS MEETING IN GENEVA, WILL THE U.S. CONTINUE TO PUSH FOR MONITORING OF HUMAN RIGHTS IN CUBA?

A: THE EFFICACY OF THE UNITED NATIONS IN BRING ABOUT IMPROVEMENTS BY GOVERNMENTS IN THEIR HUMAN RIGHTS RECORD

CLEARLY LIES IN CONTINUING TO SHINE THE GLARE OF UNWANTED PUBLICITY UPON THEM. A CRUCIAL TEST FOR THE UNHRC, THEREFORE, WILL LIE IN WHETHER IT WILL CONTINUE ITS UNCLASSIFIED

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PAGE 04 STATE 028611

SCRUTINY OF CUBA.

THE U.S. WILL CONTINUE TO URGE THAT CUBA BE HELD TO THE STANDARDS OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS -- THE STANDARDS BY WHICH OTHER COUNTRIES ARE JUDGED.

Q: WHAT'S THE STATUS OF THE UNHRC REPORT ON HUMAN RIGHTS IN CUBA?

A: WE EXPECT THAT THE REPORT OF THE UNHRC'S CUBA WORKING GROUP WILL BE AVAILABLE FOR REVIEW DURING THIS SESSION (JANUARY 30 THRU MARCH 10).

3. CA PREPARED PRESS GUIDANCE OF JANUARY 30, 1989:

COLOMBIA: KIDNAPPED AMERICAN

Q: WHAT DO YOU HAVE ON AN AMERICAN NAMED MICHAEL YALE REIF WHO HAS BEEN KIDNAPPED IN MEDELLIN, COLOMBIA?

A: WE CAN CONFIRM THAT AN AMERICAN CITIZEN WAS KIDNAPPED ON SATURDAY, JANUARY 28, IN MEDELLIN, COLOMBIA. AT THE TIME OF THE KIDNAPPING, THE AMERICAN WAS RIDING IN A CAR WITH A PROMINENT COLOMBIAN BUSINESSMAN. THE CAR WAS BLOCKED AT AN INTERSECTION, AND SEVEN MEN OVERWHELMED AND CAPTURED THE COLOMBIAN BUSINESSMAN AND THE AMERICAN CITIZEN.

COLOMBIAN AUTHORITIES DO NOT YET KNOW THE IDENTITY OF THE KIDNAPPERS OR THEIR MOTIVES. THE KIDNAPPERS HAVE NOT MADE ANY DEMANDS.

WE ARE IN TOUCH WITH THE AMERICAN'S FAMILY AND OUR EMBASSY UNCLASSIFIED

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PAGE 05 STATE 028611

IN BOGOTA IS WORKING WITH THE COLOMBIANS IN DEVELOPING INFORMATION ON THIS CASE.

4. VERBATIM EXCERPTS FROM DEPT. DAILY PRESS BRIEFING, FRIDAY, JANUARY 27, 1989:

EL SALVADOR

Q: IS THERE A SPLIT WITH PRESIDENT DUARTE ON THE GUERRILLA PROPOSAL?

A: ABSOLUTELY NOT. ONE HAS TO SMILE SOMETIMES AT THE HEADLINES THAT APPEAR IN PARTS OF THE MEDIA, BUT, NO, THERE'S ABSOLUTELY NO SPLIT. AS I SAID YESTERDAY, WE BELIEVED THAT THESE PROPOSALS ARE GETTING SERIOUS AND SUBSTANTIAL CONSIDERATION. PRESIDENT DUARTE HAS SENT THEM AROUND TO VARIOUS OTHER SALVADORAN LEADERS.

THERE HAVE BEEN A NUMBER OF PROBLEMS NOTED, AS I SAID YESTERDAY, CONCERNING CONSTITUTIONAL AND LEGAL ISSUES. THERE HAVE BEEN SOME POSITIVE POINTS NOTED. SO I THINK BASED ON OUR SOUNDINGS WITH PRESIDENT DUARTE AND OTHER LEADERS, THAT'S THE STATE OF PLAY AS WE UNDERSTAND IT.

Q: WAS PRESIDENT DUARTE MISQUOTED WHEN HE SAID SOMETHING TO THE EFFECT THAT THIS WAS NOT A PEACE PROPOSAL BUT A WAR PROPOSAL?

A: I THINK WHAT YOU NEED TO DO IS LOOK AT EVERYTHING HE SAID, AND THAT'S ALWAYS THE CASE. PEOPLE LIKE TO CHOOSE THIS STATEMENT OR THAT STATEMENT AND SAY THAT'S THE SUM TOTAL OF IT, AND IT CERTAINLY ISN'T IN THE CASE OF THOSE PARTICULAR STATEMENTS. AND I HAVE QUOTED MYSELF MANY OTHER THINGS THAT HE'S SAID.

Q: BUT YOU'RE NOT DISPUTING THAT ONE STATEMENT.
UNCLASSIFIED

A: THE STATEMENT IS THERE. YOU CAN ALL READ THAT.

MEXICO

Q: MEXICAN CONGRESSMEN YESTERDAY, THEY CRITICIZED THE AMERICAN PROPOSAL TO BUILD THIS CANAL IN CALIFORNIA. WOULDN'T THAT BE CONSIDERED AN INTRUSION AND MEDDLING IN OUR INTERNAL AFFAIRS?

A: LET ME JUST GIVE YOU WHAT I KNOW ABOUT THIS PARTICULAR BARRIER DITCH, AS IT'S CALLED I THINK. THE INS HAS COORDINATED THE PLANS FOR THIS WITH THE STATE DEPARTMENT, FOR EXAMPLE. THESE PLANS ARE CURRENTLY UNDERGOING ENVIRONMENTAL IMPACT ASSESSMENT. THE PLANS ARE TO CONSTRUCT A DUAL-PURPOSE BORDER SECURITY ENHANCEMENT PROJECT AND DRAINAGE DITCH.

ABOUT FOUR MILES IN LENGTH. IT WOULD EXTEND ABOUT ONE MILE EAST AND THREE MILES WEST OF THE OTAY MESA PORT OF ENTRY IN CALIFORNIA.

ONE PURPOSE OF THE PROJECT IS TO PREVENT UNAUTHORIZED ENTRY OF VEHICLES. THE BORDER PATROL HAS OBSERVED AS MANY AS 369 SUCH ENTRIES A MONTH ACROSS THE LEVEL PLAIN NEAR OTAY MESA. THESE HAVE RESULTED IN HOT PURSUITS, ACCIDENTS, ONE ACCIDENTAL DEATH, AND SERIOUS INJURIES TO UNDOCUMENTED ALIENS.

THE DITCH WOULD ALSO RESOLVE A PROBLEM THAT THE MEXICAN GOVERNMENT HAS ASKED US TO FIX CAUSED BY DRAINAGE FROM NEW DEVELOPMENTS ON THE U.S. SIDE. HENCE, DUAL PURPOSE.

UNCLASSIFIED

UNCLASSIFIED

PAGE 07 STATE 028611

WE HAVE KEPT THE MEXICAN GOVERNMENT INFORMED OF INS' CURRENT PLANS THROUGH THE INTERNATIONAL BOUNDARY AND WATER COMMISSION.

5. SUMMARY OF DEPT. DAILY PRESS BRIEFING, MONDAY, JANUARY 30, 1989:

NICARAGUA

SPOKESMAN USED PREPARED GUIDANCE ON CIA AUDIT OF CONTRAS.

BAKER

UNCLASSIFIED

United States Department of State

Washington, D.C. 20520

Chile Project (#S199900030)
U.S. Department of State
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Declassify: In Part ____ In Full X
Exemption(s) ____

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CONFIDENTIAL

TO: ARA - Michael M. Skol

ARA - Michael G. Kozak

FROM: ARA/SC - Richard B. Howard

SUBJECT: Talking Points for Congressional Briefings: 1914 Treaty

General

- Tomorrow (today), we will present the Government of Chile with a diplomatic note invoking a bilateral treaty for the settlement of disputes signed by the two nations in 1914.

- This treaty establishes an international commission of five persons to investigate disputes arising between Chile and the United States which could not be resolved by diplomatic methods.

Why are We Doing This?

- We are invoking the treaty to request that the commission investigate and report on the facts surrounding the Letelier/Moffitt murders which took place in Washington, D.C. in 1976 and to investigate and report on the subsequent investigation by the Chilean government into the matter.

- We are taking this step because we have exhausted other diplomatic means in obtaining the cooperation of the GOC in resolving the case.

- As you know, two former high officials of the Chilean secret police have since 1978 been under indictment by a U.S. district court for their role in the murders.

- We first sought their extradition and then their expulsion to the U.S. The GOC refused to cooperate with these and all other U.S. requests, including the naming of a special military prosecutor to move the case forward in Chile and the payment by the GOC of compensation to the victims' families and to the U.S. for damages.

- At present, a letters rogatory request has been served on 7 former Chilean government officials involved in the GOC's investigation of the case.

DECLASSIFIED

- We are confident that this treaty will be a useful means of eventually obtaining justice in the case. In our view, it should clearly underscore the GOC's responsibility for the murders and facilitate further action to resolve a matter which has been a major point of discord in our bilateral relations.

How Does the Treaty Work?

- The treaty establishes an international commission composed of five persons, one U.S. citizen and one non-citizen appointed by the U.S., one Chilean citizen and one non-citizen appointed by Chile, and a fifth member chosen by agreement between the two governments to serve as president, to investigate the issue in dispute.

- Within 12 months after the Commission's investigation has officially commenced, the commission must prepare a written report of the findings of its investigation.

- On the basis of this report, the two governments have up to six months for renewed negotiations on a settlement of the dispute. If no settlement results during that time period, the dispute may be submitted to the Permanent Court of Arbitration at The Hague.

- While the findings of the Commission cannot automatically trigger a binding solution to the Letelier case, we are confident that a verdict on the Chilean government's responsibility in the matter returned by a respected group of international jurists has the potential for bringing justice to the case.

- It is most unlikely that the final report of the Commission and the period for conciliation between the two governments provided for in the treaty would be completed before the change in government in Chile scheduled for March, 1990.

- That means that the government which would be responding to the Commission's findings would be an elected one which should be more cooperative.

Why Should the GOC Cooperate Now?

- The Letelier case has been a cause of significant discord in our bilateral relations for many years.

- In part because of non-progress on the case, we are prohibted by law from selling arms or providing training to Chile's armed forces.

- If the Chilean Government agrees to cooperate in resolving the case, this could contribute to the eventual removal of military restrictions and to the normalization of bilateral relations.

- For this reason, the 1914 Treaty provides the GOC with an excellent means of bettering relations with the U.S. We feel that it clearly behooves the Chilean Government to cooperate with the work of the Commission and we will urge that it do so. Indeed, it has a contractual obligation under the terms of the treaty to do so.

- The GOC has consistently stated that it was not responsible for the Letelier/Moffitt murders. This provides the GOC with a chance to present its case and, potentially, to clear its name.

Why Does the U.S. Not Take Stronger Action? (if-asked basis)

- We have always considered the Letelier/Moffitt case as a legal and moral matter, not a political one. We therefore wish to resolve the case by legal/juridical means, such as by invoking this treaty.

- Consistent with our policy, we do not favor the use of political or action action with regard to the Letelier case. Economic sanctions against Chile, especially at this key political moment when open elections are less than a year away and Chile's economy is doing well, would undermine Chile's new democratic regime before it even takes office.

- We therefore feel that actions such as the seizure of Chilean assets to pay indemnization to the victims' families would be unhelpful. Such steps would be seen in Chile as economic aggression against Chile as a whole and provide Pinochet with nationalistic ammunition against us. Nor would the seizure of property make any progress in bringing to justice those indicted for the crime.

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Exemption(s) ____

January 31, 1989

The Honorable Joseph R. Biden, Jr.
United States Senate
Washington, DC 20510

Dear Senator Biden:

Yesterday I sent a telegram to the Chilean Minister of the Interior, The Honorable Carlos Caceres. That telegram reads:

> "I feel compelled to protest the order of seizure for medical records from the Solidarity Vicariate of the Archdiocese of Santiago. This order violates long-standing and very necessary ethical norms and is a patently unwarranted attack on such an internationally respected human rights organization."

I am given to understand that the Chilean government intends to effect the seizure order on February 6. It appears to me necessary to request that you bring to bear the power of your office as well as that of our Department of State on the Chilean government in order to make it known that such behavior cannot be tolerated in a government which uses the word democratic to describe itself and which has otherwise shown promise recently of treating its citizens in a fitting manner.

It is my fervant hope that you will work diligently with your colleagues on the Foreign Relations Committee to devise a course of action which will enable our Nation to support all that is good and helpful to the return of democracy in Chile.

Respectfully yours,

Douglas Smith, c.s.c.

(Rev.) Douglas Smith, C.S.C.

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98th Congress
1st Session } JOINT COMMITTEE PRINT { S. PRT.
98-1

COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1988

REPORT

SUBMITTED TO THE

COMMITTEE ON FOREIGN RELATIONS
U.S. SENATE

AND

COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES

BY THE

DEPARTMENT OF STATE

IN ACCORDANCE WITH SECTIONS 116(d) AND 502B(b) OF THE FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED

FEBRUARY 1989

Printed for the use of the Committees on Foreign Relations and Foreign Affairs of the Senate and the House of Representatives respectively

Feb 1989

EL SALVADOR

El Salvador has a freely elected democratic government, with an executive branch headed by a president, a unicameral legislative assembly, and an independent, but politically appointed, judiciary. A new Constitution was adopted in 1983, and the first free presidential elections in Salvadoran history were held in 1984. Legislative and municipal elections followed in 1985 and 1988. Numerous international observers agreed these elections were free and fair. Jose Napoleon Duarte, Christian Democrat, has been President since 1984.

The bitterly contested elections in March 1988 resulted in the transfer of majority control at the municipal and legislative levels from the governing Christian Democratic Party (PDC) to the opposition Nationalist Republican Alliance party (ARENA). The leaders of two political parties allied with the antigovernment insurgents, who had returned to El Salvador in 1987, announced in 1988 their intention to contest the March 1989 presidential elections. In October the general secretary of the legal political front of the outlawed Communist Party of El Salvador (PCES) returned to participate openly in the political system.

El Salvador's efforts to institute democracy, enforce respect for human rights, and redress social injustice are complicated and severely tested by the existence of a Marxist-Leninist guerrilla insurgency supported by Nicaragua, Cuba, and the Soviet Union. The five organizations, including the armed wing of the PCES, that form the Farabundo Marti Front for National Liberation (FMLN) have been engaged in armed conflict against the Government since 1980 and are dedicated to the violent overthrow of the democratic process. In recent years the FMLN, with an estimated 6,000 to 8,000 full-time guerrillas backed by a network of front groups consisting of part-time militia, clandestine cells, and paramilitary civilian supporters, has stepped up its program of urban bombings and assassinations of unprotected government officials. The FMLN has embarked on a campaign of threatening and assassinating mayors. Since March 1988, 8 mayors and 1 former mayor were killed by the FMLN and over 70 were threatened with death. The FMLN also increasingly relied on children for combat and support tasks in 1988. Finally, the insurgents continued to seek to destroy the economy by attacking infrastructure and production facilities.

The armed forces total 56,000, including some 11,500 members of the three police forces, which are under the control of the Defense Ministry. As the insurgency gathered strength in the early 1980's, members of the security forces committed numerous human rights violations, including killings, disappearances, and torture. Up to 1983 members of the security forces acquiesced in the operations of several formal paramilitary groups operating as rightwing death squads. Some of the paramilitary groups are believed to have had members belonging at the same time to the police or military. Although statistics are unreliable, there are credible estimates that these groups summarily executed thousands of persons during the 1980-1983 period.

While the formal paramilitary death squads ceased to exist after 1983, rightwing vigilantism has continued, albeit at a declining level. Reports in 1988 of efforts to resuscitate these formal paramilitary groups have not been substantiated. The paramilitary groups themselves have not acknowledged any killings since 1984. Commencing in mid-1987, there was an

increase of killings (press reports show of 11 per month in mid-1987 to an averag the first 10 months of 1988) in which a possible, though unproven. Some of these been carried out by rightwing vigilantes, or the FMLN; others may have been committ criminals.

El Salvador has a mixed economy, and priv generally respected. The economy has exp modest growth, despite losses of over $1, the insurgency. The FMLN follows a strat disrupt the operations of the economy; i which disrupt normal commercial activity; taxes" to raise income; and it has increa sabotage of economic targets. The group' worsen economic conditions in order to tu the democratic system. Droughts, floods, earthquake also damaged the economy in rec

Although flawed, the security forces' huma improved substantially since the early 198 members of the security forces appear to h executed at least 14 individuals from Janu 1988. In September the Army reported that detainees and two guerrillas were killed a in an FMLN ambush in San Vicente departmen contradicted the military's version of eve executions appear to have been committed d in 1987. Some human rights monitoring gro are markedly higher but are nevertheless c significant downward trend since the early

The judicial process continues to be hinde procedures, inadequate infrastructure, int and rightist extremists, and corruption. T progress in several noteworthy human rights There were credible allegations that the mi uncooperative in, and in some cases hindere of reported military abuses of human rights

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Freedom from:

a. Political Killing

Statistics on political killings are necess can only be interpreted as indicative of tr over time in comparison with past reports u methodology. Common criminal deaths, for e disguised as political killings by perpetra confound investigators; by the same token, in other murders may go undetected, causing classified as common crimes.

The number of deaths reported in the Salvado appeared to be politically motivated average through October; this compares with a monthl 1987, 22 in 1986, 28 in 1985, 64 in 1984, 1 1982, 444 in 1981, and 750 in 1980. Given t any rural areas, it is likely that the press total number of civilian deaths.

These statistics on apparently politically motivated deaths were compiled by the U.S. Embassy principally from reports in the local press, but also from guerrilla media and other publicly available sources. Of the 185 killings of noncombatants during the first 10 months of 1988, 54 appeared clearly to have been perpetrated by, and another 40 possibly committed by, the FMLN. In 10 cases there was insufficient evidence to designate the likely assailants. Fourteen killings were attributed to military personnel. Finally, 34 civilians reportedly killed in combat action between the two sides are included among the 185 victims. Another 42 died as a result of guerrilla mines; one death is attributed to an army mine. The Catholic Archbishoprics' human rights and legal aid office Tutela Legal, which has acknowledged that in many cases the motivations for and perpetrators of killings cannot easily be determined, attributes 89 killings from January to November of 1988 to the security forces, 40 to the FMLN, and 51 to "death squads" (not further defined as a category).

Reports continue of noncombat killings attributed to the military and police. The mutilated bodies of two men and a boy were discovered on February 1 at Puerta del Diablo, a place that had once been a dumping ground for assassination victims. The killings were traced to soldiers of the army's First Brigade; the investigation has been stalled due to a lack of cooperation by the military. On May 24 the bodies of two men, who family members said had been detained by elements of the Army's Arce Battalion on February 25, were disinterred in El Tablon, Morazan department. The bodies showed signs that the men had been tortured before they were murdered. A third man taken at the same time remains missing. The army reported that the unit involved claimed the victims were killed in combat. On the basis of this report, the military halted further investigation, thus hindering the civilian investigation.

On September 21, an army unit reported that a soldier was wounded and eight civilian detainees were killed in an FMLN ambush near La Cebadilla Creek in San Sebastian, San Vicente department. The unit also reported two guerrillas killed. Local residents, however, contradicted the military's version of the events and claimed the 10 persons were killed by soldiers. Initial evidence from a court investigation and an exhumation casts doubt on the military's version. The Government's investigation continues, but by year's end no results had been announced.

In 1988 some foreign journalists and Amnesty International reported that the formal paramilitary death squads were rebuilding their infrastructures. In the early 1980's, the death squads often acknowledged their killings; there have been no such claims by a formal paramilitary group since 1984. While some human rights groups continue to use the phrase "death squads" to describe certain political killings outside of combat, many of these recent deaths are likely the result of less organized rightwing vigilantism rather than the formal pre-1983 paramilitary death squads.

A PDC official in the San Salvador suburb of Soyapango was killed in a December 12 altercation with municipal police. Some witnesses asserted that the incident was politically motivated, but details remained sketchy at year's end.

A U.S. Embassy study of unexplained murders in which a political [illegible]ve, though not apparent, co[illegible]not be excluded, showed tha[illegible]ese deaths increased from a[illegible]erage of 11 per

month during the first half of 1987 to a month during the second half. The stati months of 1988 did not show as regular a deaths in the low month, March, and 48 i April. The monthly average for January-(Although it is not certain that the incr 1987 was politically motivated, the natu killings--signs of torture and execution corpses--suggests the likelihood that th politically motivated. It is unclear, ho deaths were carried out by rightwing vigi the FMLN, or the security forces; some al work of common criminals.

The May 11 murder by unknown assailants o civilian judge known for his high standar bench of the First Military Court, dealt judicial system. Judge Serrano was heari cases: the trial of four active and form and two civilians for kidnaping prominent ransom (the six accused were also alleged squads); and the trial of three FMLN memb 1985 massacre of four U.S. Marines, two o and seven other persons in San Salvador's Serrano's assassination is generally thou of these cases; he had just announced to not going to grant amnesty to the four kic defendants.

Of the killings attributed to the FMLN, ma residents who refused to collaborate with were suspected of being government informe individuals claiming to be soldiers from t summarily executed four men. Tutela Legal investigation reported that the murders we guerrillas who apparently believed that th government informants. Labor groups, chur political figures have condemned the FMLN assassination of Ismael Diaz, an official peasant association. Other victims of gue passengers of vehicles machine-gunned duri "traffic bans" declared by the FMLN in 198 credible reports of civilians being taken by guerrillas and of persons who were kidn and have never reappeared. FMLN or pro-FMI been killed by the FMLN. In January 1988, of an FMLN paramilitary group Jorge Miranda taken part in the October 1987 killing of H himself a leader of a pro-FMLN human rights Miranda later retracted his confession, the that the retraction was prompted by FMLN th Miranda's family.

The FMLN has embarked on an assassination c eliminating democratically elected mayors. one former mayor have been assassinated by March, including three in 1 week in Novembe other mayors have been threatened with deat the FMLN for cooperating with the Governmen

Despite FMLN claims to respect the physical integrity of its captives, they [illegible]ertheless them. The guerrillas reportedl[illegible]kform k other kidnap v[illegible]

which, according to guerrilla radio broadcasts, are intended to kill government officials, military officers, businessmen, and foreign diplomats, particularly members of the American Embassy.

The guerrillas' use of unmarked, indiscriminately placed landmines and booby traps is a major cause of death and maiming. Planted along farm roads other economic and infrastructure targets these mines killed 36 civilians in 1987, and 42 in the first 10 months of 1988. From January through September, over 160 civilians--many of them children--were wounded by guerrilla mines. The Armed Forces of El Salvador (ESAF) uses mines on the perimeters of its installations. One man was killed in July by what was probably an army mine while working near a military training area.

b. Disappearance

Law and government policy forbid unacknowledged detention by security or armed services. However, there have been credible reports of persons who disappeared after having been taken away by men in uniform or plain clothes thought to be members of the army or security forces. Eliseo Cordova Aguilar, an executive of a pro-FMLN labor union, was standing outside his house on July 12 with a prosecutor from the Attorney General's office and another person when all three were abducted by three hooded men. The attorney and the other person were released 3 hours later, but Cordova remains missing. The labor union and several other organizations blame elements of the Treasury Police for the disappearance, and other credible sources concur in this assessment.

According to press reports, 46 civilians disappeared between January and August, including nonpolitical disappearances such as lost or runaway children aged 10 or over. Persons who desert their families, emigrate, or join guerrilla ranks may also account for some of the disappearances. Persons reported missing by family members often were found later to have been legally arrested and properly reported to human rights organizations. During the same period, the press reported 161 persons abducted by the guerrillas and 12 abducted by unknown assailants. During 1988 the guerrillas captured and exchanged or released several government officials and members of the armed forces.

In 1988 the FMLN increasingly relied on the use of children under the age of 15 in battle. Documents captured in 1988 revealed that both the People's Liberation Forces (FPL) and the People's Revolutionary Army (ERP) factions of the FMLN have organized children from the ages of 9 to 15 into so-called pioneer squads. Credible reports were received of children kidnaped by the FMLN for recruitment as "pioneers" and of their use as couriers and spotters. During a press conference in March, FMLN leader Francisco Mena Sandoval said that children are permitted to use weapons because they are the future of the revolutionary process. In the same press conference, FMLN leader Joaquin Villalobos declared the FMLN uses children "only for defensive purposes." According to reliable statistics from captured FMLN combatants and defectors, the average age of the FMLN fighter continued to decline in 1988 as the guerrilla forces increasingly relied on kidnaping of children to fill its dwindling ranks. Children under 15 were used by the guerrillas on September 22 to penetrate a marked minefield surrounding a military post at Cerro Aguacate. One 9-year-old child lost both hands. The

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bodies of what appeared to be six 14- to 16-year-old boys were left behind by FMLN forces that attacked an ESAF position in San Miguel department on February 17. The Salvadoran military has also been criticized for forced recruitment of minors. It is government policy to dismiss underaged recruits.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Reports of abuse by arresting forces continue, with most involving abuses that leave no marks and thus are extremely difficult to prove or disprove. Such abuses include deprivation of food and sleep, threats against the detainee or his family, prolonged interrogation while blindfolded, being forced to stand for long periods of time, forced exercise, and blows to the ears. Some prisoners claim to have been forced to sign confessions without being permitted to read them. Some instances of severe beatings, rape, choking, injection with unidentified drugs, and electric shock were reported. Jose Angel Alas Gomez, 27, arrested for complicity in an extortion scheme, died on January 12 while in Treasury Police custody. The police blamed the death on a heart attack brought on by a fall while trying to escape, but marks on the body cast doubt on this story. When a complaint of mistreatment appears credible, the Government's Human Rights Commission (CDH) reports the incident to the commander of the unit responsible and to the Ministry of Defense. Not all commanders who have been presented with such charges have taken action against the offenders.

The Government continued to use disciplinary action to reduce the incidence of crimes committed by the ESAF. During 1987 143 military and police were turned over to the courts for trial on charges of murder, rape, assault, robbery, and other serious crimes. The figure for the first 7 months of 1988 was 94, all of whom were enlisted personnel. Most disciplinary actions taken in 1988 were related to common crime.

In recent years, there have been few allegations of mistreatment of prisoners in El Salvador's prisons, administered and guarded by justice ministry personnel. No verifiable instances of torture occurred in the penitentiaries in 1988. The 44 prisoners in pretrial confinement for insurgency related offenses as of November 1988 were distributed througout the prison system and treated as common criminals. In late 1987, the Government released over 480 political prisoners, the first Esquipulas II signator to achieve full compliance with the amnesty provisions of that agreement.

Human rights instruction is now a part of police recruit training and officers' classes. The CDH, the International Committee of the Red Cross (ICRC), and Catholic clergy offer courses on human rights for police, military, and civil defense personnel.

The Salvadoran security and armed forces are required to register detainees and have them examined by a doctor or nurse upon their entry into police facilities. In insurgency-related arrests, they are also required to notify promptly the family of the detainee, Tutela Legal, the CDH, and the ICRC. The registration, notification, and arraignment procedures, together with the official prohibition on mistreatment of prisoners, continued to be enforced in an effort to eliminate mistreatment by government authorities.

d. Arbitrary Arrest, Detention, or Exile

The criminal code contains articles prohibiting terrorism, insurgency, and other actions against the stability of the State, and persons arrested under them have the same legal protection as common criminals. Salvadoran law permits judges and nonjudicial authorities, most often security force officers, to issue arrest warrants, which must be in writing. The Constitution requires that all persons arrested by the police be freed or turned over to the courts within 72 hours, and this right has been applicable since the state of emergency was abrogated in 1987. Arrests without apparent sufficient cause do occur; but incommunicado detention beyond 3 days is no longer common. When it has occurred, it usually has been the result of a detention in the field by an operating military unit.

The courts have held that membership in a front organization controlled by the insurgents is not in itself sufficient reason for holding an arrestee, although membership in one of the guerrilla groups or advocating violence is. For example, Mario Aguinada, secretary general of the Nationalist Democratic Union (UDN), the political arm of the PCES, returned to El Salvador in October after a self-imposed, 8-year exile. The UDN and Aguinada hold that insurgency is a legitimate means of addressing El Salvador's problems, and the PCES has a military arm in the field. Despite this background, Aguinada participates freely in politics.

From January to September 1988, the security forces detained 2,861 persons, including 130 foreigners, on suspicion of insurgency-related offenses. Of that number, 2,410 were subsequently released, 397 were consigned to the courts, and 54 were hospitalized, deported, or sent to the juvenile facility.

During the arraignment proceedings, the judge may order the accused detained further for up to 72 hours to determine if the evidence warrants holding the accused for trial. This time limit is normally adhered to in practice. The judge then is constrained legally to a time limit of 120 days for investigating serious crimes, and 45 days for lesser offenses, before bringing the accused to trial or dismissing the case. In practice, however, these limitations are not followed. The backlog of cases is one major reason for delay. All persons held in the prison system are under judicial order. Anyone can request that an appeals court or the Supreme Court review the legal merit of a detention, from the time it appears a court will issue an arrest warrant until the trial is completed and a sentence is carried out. Such an appeal freezes action on the case until the higher court renders its decision.

The Government does not recognize the FMLN as a belligerent power and thus does not accord prisoner of war status to captured guerrillas. The armed forces are required to turn captured guerrillas over to the civilian court system for criminal prosecution.

The state of exception, which suspended some constitutional protections for certain accused criminals and instituted a parallel military judicial structure for prosecuting such individuals, was terminated in January 1987. The law detailing procedures for judicial processing of suspects in

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El Salvador: Human Rights Special Project (1993)

in December 1987 to permit continuation of the two such trials remaining in the military court system following the Esquipulas II amnesty: the Zona Rosa massacre and kidnaping for ransom of prominent businessmen. The kidnaping case was subsequently moved to a common criminal court. No new arrests can be made under Decree 618 unless the state of emergency is renewed.

There are no provisions for exile in the law. Naturalized citizenship can be revoked for extended residence outside the country or, in some cases, criminal convictions. Some leaders of the FMLN and the political group with which it is formally allied, the Revolutionary Democratic Front (FDR) claim to be in exile, but it is self-imposed. However, some could be subject to arrest in El Salvador for membership in guerrilla combatant organizations should they return. Nevertheless, FDR political leaders Guillermo Ungo and Reuben Zamora returned to El Salvador to participate in the democratic system without being arrested, as did Aguinada and several other political leaders of the UDN.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The Constitution provides that the judiciary, the Attorney General's office, and the Solicitor General's office (public defenders) are independent of the Government and each other. The Legislative Assembly chooses the Supreme Court justices for 5-year terms, and the Attorney General and Solicitor General for 3-year terms. The Constitution establishes the regular court system and provides for a special system should the Legislative Assembly enact a state of exception.

The Constitution provides that a person accused of a crime may have a lawyer present upon being arraigned, but the right is seldom used, probably because few arrestees can afford to hire a private attorney. At present, court-appointed attorneys are not available to a defendant until the investigative phase is over, and the judge determines there is sufficient evidence to enter the final, or plenary, stage of the trial. The defendant has a right to be present in court and to confront the witnesses against him. All court records of trials of adults are open to the public unless the judge rules the case is to be kept confidential. An appeal process exists and is used regularly.

Most major crimes in El Salvador are tried publicly before a 5-person jury. Jury trials resulted in a 41 percent conviction rate in the first 7 months of 1988, a significant increase over the 22 percent rate recorded in 1987. Absences of attorneys, the destruction of many court buildings in the October 1986 earthquake, and a practically nonfunctional jury identification and notification system hinder the judicial system from expeditiously processing cases. Corruption and intimidation by leftwing and rightwing extremists are also factors. As a result, only 15 percent of the 4,390 prison inmates in September were serving sentences; the rest were awaiting adjudication of their cases. Bail is available for some minor offenses but is seldom used. Prisoners are usually incarcerated for 6 to 18 months from the time they are charged until they are brought to trial, and even longer waits are common.

Historically, civilian judicial and military

police officers have been discharged and turned over to the civilian courts for trial of criminal offenses, the officers of the armed and security forces are treated differently from other citizens before the law. Judges are frequently reluctant to bring charges against them, and colleagues often fail to cooperate in the prosecution of crimes imputed to a fellow officer.

No military officer has been convicted of human rights violations or any other crime in recent years. The attempt to reopen the trial against one of the former military officers who ordered the January 1981 murders of a Salvadoran and two American land reform experts failed on March 9 when the Supreme Court rejected an appeal by the prosecution to overturn a December 10, 1987 lower court ruling that the Government's amnesty applied to the case. (The amnesty was decreed in accordance with the Government's international obligations under the October 1987 Esquipulas agreement.) The Supreme Court on July 21 also upheld a controversial lower court decision to grant amnesty to the defendants, including several active duty officers, in the notorious Las Hojas massacre case.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government generally does not interfere arbitrarily in the personal lives of citizens, although it reserves the right to intervene when it believes national security is threatened. Both the Government and the guerrillas use networks of informants. According to the Constitution, before entering a private dwelling, the security forces must have the inhabitant's consent, a judicial warrant, or reasonable belief that a crime is being or will be committed. In practice, the security forces often use forced entry to carry out arrests and investigations. Government forces often intercept mail deliveries in zones of conflict. Wiretapping of telephone communications by the Government, the FMLN, private individuals, and political parties reportedly is widespread.

The guerrillas arbitrarily interfere widely in the lives of the inhabitants of the conflictive zones. They extract "war taxes" (consumables such as food, clothing, and medical supplies), intercept mail, and engage regularly in wiretapping. The guerrillas often force villagers to attend political meetings, and they engage in forced recruitment of combatants, laborers, and porters. FMLN committees control the villages set up by refugees who returned from camps in Honduras, just as they controlled the camps. The people usually comply with the FMLN demands, because the guerrillas regularly back up their threats by assassinating those who fail to cooperate.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

There are no governmental restrictions on freedom of speech and the press. San Salvador, a city of 1 million, has five daily papers, five television stations, and numerous radio stations. All of the press and most of the broadcasting media are in private hands. Television and print journalism in El Salvador is flourishing; interviews feature a full range of political figures from all political viewpoints, including labor leaders, human rights activists, private sector representatives, government officials, and guerrilla commanders.

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El Salvador: Human Rights
Special Project (1993)

Of the leading daily newspapers, three are editorially conservative and the other two are more moderate. One of the more moderate newspapers presents a range of views from conservative to far left; it has published unedited articles from the FMLN/FDR press agencies Salpress and Notisal (which recently established a joint office in San Salvador), press releases from both liberal and pro-FMLN organizations, and a weekly supplement from the Jesuit-run University of Central America. The views of the left are also available in a variety of journals, newsletters, periodicals, bulletins, and paid advertisements in the daily press. While an 8-year-old decree forbidding publication of anonymous paid advertisements or communiques remains in effect, recent examples of such propaganda show this law to be essentially unenforced.

Television stations sell broadcast time to political and labor organizations. These paid spots are uncensored and usually broadcast live. Commercial radio stations broadcast news and propaganda reports recorded from the clandestine guerrilla radio stations or supplied by the guerrillas on cassette.

Academic freedom is protected by the Constitution and respected by the Government.

b. Freedom of Peaceful Assembly and Association

Any association not formed for criminal purposes is legal and permitted in El Salvador. Political, professional, religious, labor, and social organizations operate remarkably openly and freely, given the fact that the country is fighting a communist insurgency. Various groups from both the left and the right criticize the Government, and hold marches and demonstrations without official interference.

The FMLN seeks to manipulate labor organizations and use labor organizations as paramilitary shock troops. Marches by labor, displaced persons, and human rights organizations known to be fronts of the FMLN are frequent. Violence erupted during one such march on July 21, prompting the security forces to have large numbers of riot control police accompany subsequent demonstrations. The police did not interfere with the demonstrators, and the marches remained peaceful.

On September 13, FMLN-controlled organizations conducted marches in San Salvador and Santa Ana in coordination with a guerrilla military offensive. Government forces broke up both marches after demonstrators opened fire on the riot control troops. Demonstrators killed one policeman and wounded four in the San Salvador incident. Following the shootings, government forces detained over 200 demonstrators, collecting firearms, molotov cocktails, hand grenades, and homemade bombs from them. All but 14 of the detainees were released by the police within 72 hours; the remaining 14 were released by court order within another 72 hours.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Freedom of religion is provided for by the Constitution and is respected in practice. Although the country is predominantly Roman Catholic, an estimated 20 percent of the population subscribe to other faiths. Foreign and Salvadoran missionaries

generally operate freely and without harassment. Arrests of church members and employees, both Catholic and Protestant, are unrelated to religious beliefs. Several times during the year the military interfered with church-related assistance to the needy in zones of conflict, claiming it was intended for the guerrillas.

The Catholic Church continues to be one of the most influential institutions in the country. The Archbishop's Sunday homily is broadcast live from the Metropolitan Cathedral on one of the government's television stations and radio. The Archbishop on September 3 and 4 sought to sponsor a national debate on the political causes and solutions to the conflict. Many invitees declined to participate, but the session was attended by representatives of 57 organizations, most of which were critical of the Government or allied with the FMLN. Catholic Church publications disseminate the Church's position on human rights and the war. Church statements have become increasingly critical of the leftist insurgency, but the Church does not hesitate to criticize the Government.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution establishes the right of free movement. Nevertheless, local military commanders often restrict entry to areas where military operations are under way and require that foreigners receive permission before entering combat zones. On occasion the Government has ordered foreigners out of the country when it considered they involved themselves in internal political affairs.

An estimated 155,000 persons are still displaced within El Salvador by the conflict, down from a peak of about 525,000 in 1985. Approximately 130,000 of them still receive government assistance, and another 25,000 who are not registered with the Government receive assistance from private relief organizations such as World Relief and the International Rescue Committee. Another 168,100 Salvadorans are refugees in other Central American countries and in Mexico, and more than 500,000 are estimated to be illegal immigrants in the United States.

As the level of violence falls, an increasing number of refugees are returning from abroad. More than 6,800 refugees returned from other Central American countries between 1984 and August 1986, according to the U.N. High Commissioner for Refugees (UNHCR). Since then, another 2,100 chose to leave the Mesa Grande refugee camp in Honduras, where some had been living since the beginning of the war, to return to their homes in El Salvador.

There is no evidence of a Government policy of harassment of individuals returning to El Salvador from abroad. The Intergovernmental Committee for Migration interviewed some 12,028 returnees from the United States between December 1984 and December 1987 and found no evidence of a policy of harassment. There have been no reports of comparable studies regarding returnees coming from other areas. The Government imposes no control on emigration and cooperates with international organizations that arrange Salvadorans' emigration to other countries.

The Government, with assistance from the UNHCR and the ICRC, has registered some 400 Nicaraguan refugees, although officials estimate as many as 1,500 are residing in the far southeastern part of the country. Those refugees who are registered are free to travel within El Salvador.

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El Salvador: Human Rights Special Project (1993)

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

El Salvador's 1983 Constitution provides for rights and procedures by which citizens can change their government. There have been three national-level elections since 1983. On March 20, 1988, nine political parties participated in municipal and Legislative Assembly elections throughout the country. In these elections, the governing PDC lost its assembly majority to ARENA, marking the first peaceful transition of power in the Assembly from the ruling to an opposition party. The Supreme Court resolved a dispute over the allocation of one deputy's seat. ARENA won 32-seats in the 60-seat Assembly, the PDC received 22 seats, and the National Conciliation Party (PCN) won 6. None of the smaller parties that participated won enough votes to be eligible for a seat.

The FMLN refuses to participate in the electoral process, and through armed actions and threats consistently works to hinder and disrupt electoral activity. The FMLN instead calls for powersharing, whereby as an institution it would assume an unspecified degree of governmental authority and power without ever having had to participate in the electoral process.

Voting is by secret ballot. In preparation for the March 1988 elections, the Central Elections Council (CCE) distributed 1,650,000 computerized voter identification cards as a safeguard against fraud. Following the elections, the CCE resumed the registration process for those who will turn 18 years of age before the March 1989 presidential elections and for those of voting age not yet registered.

The Constitution allows all political parties that do not advocate armed opposition to the democratic system to participate in the electoral process. It establishes the right of a citizen to join any legally recognized party. In practice, even parties still linked to the FMLN have been permitted to reenter the political arena. In late 1987, leaders of the FDR (claiming that the party was not a member of the FMLN but only an ally) returned to El Salvador and formed a political coalition, the Democratic Convergence (CD), with the Social Democratic Party (PSD). The CD chose not to participate in the 1988 legislative elections, but it did announce its intention to run in the March 1989 presidential elections. In addition, self-exiled members of the UDN--the political front for the outlawed PCES--returned and successfully petitioned to reactivate its status as a legal political party. The PCES remains a member of the FMLN through its armed wing, the Armed Forces of Liberation.

Although women represent only a small minority of the upper ranks of the Government, they do fill several key elected and appointed positions: 7 of the 60 Legislative Assembly deputies are women; 2 of them are on the Assembly Board of Directors. Three vice-ministers in the Duarte administration are women. Five of the governors of El Salvador's 14 departments are women. The highest office held by a woman in recent years was president of the Legislative Assembly (Maria Julia Castillo - 1983 to 1984).

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government continues to be receptive to visiting groups interested in human rights. High-ranking government officials and military officers regularly meet with U.S. Congressmen, human rights organizations, church and labor groups, and others. Americas Watch and the Lawyers Committee for Human Rights maintain an office in San Salvador. The ICRC has an agreement with the Government that permits it to work in the areas of conflict to assist noncombatants, to visit prisoners and detainees accused of guerrilla activity, and to make confidential reports to the Government on human rights issues. Tutela Legal and the CDH also hav access to the prisons. The U.N. Special Rapporteur on Human Rights in El Salvador made his eighth annual visit to the country in October 1988.

Domestic human rights organizations active in El Salvador include the Government's CDH, an agency which investigates complaints of human rights abuses by all parties, and Tutela Legal of the Catholic Archdiocese of San Salvador. The CDH receives testimony about human rights violations, conducts investigations, visits arrested persons, and reports to the local commanding officer and the Ministry of Defense when it discovers a case of abuse. Its doctors examine detainees to determine the validity of complaints of torture. The CDH keeps a register of persons injured by landmine explosions and is working in conjunction with aid organizations on a project to register civilian amputees and provide them with prosthetic devices.

Tutela Legal's staff visits persons detained by the security forces, carries out some on-site investigations, and receives testimony about human rights violations. Seldom using its findings to assist government authorities in prosecuting human rights offenders, Tutela Legal often declares that government-connected death squads committed a murder when the only evidence available is the body of the victim. Disputing government claims that the FMLN had murdered the FMLN human rights organization (CDHES) chief Herbert Anaya Sanabria in October 1987, for example, it claimed it had evidence that death squads were responsible but never made public its proof.

Guerrilla defectors and captured documents have demonstrated that the FMLN controls several groups that ostensibly are independent human rights organizations. These include the nongovernmental Human Rights Commission of El Salvador (CDHES), the Federation of Committees of Mothers and Families (FECMAFAM), the Committee of Mothers of Political Prisoners, Disappeared and Assassinated of El Salvador (Co-Madres), and the Christian Committee for the Displaced (CRIPDES). These groups report only on perceived abuses by government forces and refuse to investigate, acknowledge, or even record human rights abuses committed by the FMLN. Many of their reports about alleged government abuses, moreover, are highly distorted versions of the facts or, on occasion, are fabrications. They continue to operate freely. Although some individual members were arrested during 1988 and charged with guerrilla membership or activities, all were subsequently released by the security services or the courts.

RELEASED
El Salvador: Human Rights
Special Project (1993)

The Salvadoran Association for Human Rights (ASPRODERH), founded by a group of FMLN defectors who had worked in the CDHES and Co-Madres on behalf of the FMLN, was formed in 1987. It has not been particularly active in 1988. The Lutheran Church, the National Association of Indigenous Persons (ANIS), the National Union of Workers and Peasants (UNOC), and other nongovernmental organizations also have human rights and legal assistance offices.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

El Salvador is ethnically homogeneous, though a small segment of the population claims to have descended solely from the region's indigenous Indians. There is no official discrimination against these Indians, but there have been disputes over Indian land ownership.

Under the Constitution, women enjoy the same legal rights as men. Women are represented in limited numbers in all three branches of government, in business, and in the professions. In the Armed Forces, women serve as nurses and in administration and intelligence; the security services have a limited number of policewomen. A high proportion of women in the lower economic strata are heads of single parent households, often providing for large families. In general, women tend to occupy jobs at the lower end of the economic scale, and, outside the Government, women's wages tend to be lower than those of men for equivalent work.

Section 6 Worker Rights

a. The Right of Association

Article 47 of the Constitution prohibits the Government from using nationality, sex, race, creed, or political philosophy to prevent workers or employers from organizing themselves into unions or associations. This Constitutional provision was intended to provide the legal framework for secondary legislation, including a revised labor code. Legislative action has been stymied, however, because of a lack of consensus between government, the private sector, and labor. Five separate proposals for revising the code have been drafted since 1985, and none of these have been formally submitted to the Legislative Assembly. Thus, there remains in place a confusing and sometimes conflicting set of laws governing labor relations. Despite the inconsistencies in law, existing statutes do provide protections which are enforceable under the Constitution.

Legally, only private sector workers have the right to form unions and to strike. Employees of the nine autonomous government entities may form unions but are barred from striking. Finally, the labor code bars agricultural workers and employees of government ministries and departments from forming unions or striking. These employees are instead represented by associations whose function is similar to that of unions.

There are approximately 150 trade unions, employees associations, and peasant organizations currently active, with a combined membership of just over 400,000--roughly 20 percent of the work force. As noted by the International Labor Organizations's (ILO) Committee on Freedom of Association during its Direct Contacts Mission to El Salvador in January

1986, these organizations span the political spectrum and play an active role in El Salvador. The Ministry of Labor counts 100 actual trade unions, representing approximately 100,000 workers; the balance of the organized work force belongs to farmworker or government employee associations. These organizations freely elect their officers in accordance with their individual constitutions and bylaws. Leaders of worker organizations appear regularly on television, publicize their views in the country's major newspapers, and conduct seminars on various issues without government interference.

Since 1980, there has been only one instance where recognition of a union or association was withdrawn "for cause." This was in the case of the Union of Workers for the Rio Lempa Hydroelectric Project (STECEL) which, acting in concert with the FMLN, cut off electricity to most parts of El Salvador, causing several deaths and significant economic damage.

Twice since 1986 the Salvadoran Supreme Court has reaffirmed constitutional safeguards protecting trade unions, worker associations, peasant organizations and their leaders from arbitrary and capricious behavior by management and/or the Government. In March 1986, the court ruled unconstitutional a July 1985 decision by the Labor Ministry which had stripped 11 leaders of the Sewer and Waterworks Union (SETA) of their positions because they disobeyed a labor judge's order to end a strike. The Court held that union leaders cannot be deprived of their leadership status because such status derives from union elections. In August 1987, the Supreme Court similarly overturned an order of the Ministry of Interior which had divested leaders of the ANIS, a peasant association, of their positions. The Court voided the Ministry's order, reinstated the leaders, and ruled that the Minister of Interior was liable for civil damages for having exceeded his authority.

The right to strike for the private sector is provided for by law and is freely exercised in practice. There were 33 private sector strikes during the period June 1, 1987 to May 31, 1988, affecting 4,000 workers. The Ministry of Labor intervened, as set forth in legislation, and the strikes were resolved. The absence of specific laws granting workers in autonomous government institutions as well as public employees the right to strike has not deterred strike activity. For example, more than 8,000 public employees affiliated with the Salvadoran Worker's Central (CTS) walked off their jobs at the Ministries of Public Works and Agriculture in May 1988, demanding a pay increase and other benefits. The CTS members remained off their jobs until the Government agreed to reopen negotiations on their demands.

The ILO's Committee of Freedom of Association has reviewed allegations of the murder, detention, and intimidation of some trade unionists and other antiunion actions over the past few years. The ILO regards the climate of violence and insecurity engendered by the existence of a guerrilla insurgency as an obstacle to the exercise of trade union rights. In 1988 the committee reached interim conclusions regarding some of these cases, and asked the Government to take appropriate steps.

FMLN-linked labor organizations seek to use ostensibly peaceful dissent to provoke government actions, then level charges of workers' rights violations when the Government maintains order. The FMLN seeks to disrupt and subvert democratic labor groups that refuse to collaborate, and it uses occasional traffic stoppages to shut down the economy and force

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El Salvador: Human Rights
Special Project (1993)

workers to stay away from their places of employment. These actions constitute a perversion of legitimate trade union activity which harms both organized and unorganized labor.

Labor unions are not restricted from affiliations with international labor organizations, and Salvadoran unions freely affiliate with such groups. The Secretary General of the General Confederation of Workers (CGT), the major affiliate of the democratic labor umbrella organization UNOC, represented Salvadoran democratic Labor at the ILO's 1987 and 1988 conferences.

b. The Right to Organize and Bargain Collectively

The right of collective bargaining is granted in Article 39 of the Constitution and Article 269 of the labor code. Under the labor code, only private sector workers can exercise this right, but the Constitution is interpreted broadly to provide all workers the right to bargain collectively.

Private sector unions use the mechanism of collective bargaining extensively. Approximately 53 collective-bargaining agreements covering private sector employees were certified by the Ministry of Labor between June 1, 1987, and May 31, 1988. According to ministry statistics, these 53 contracts covered approximately 44,250 workers. Nearly 60 percent of the collective bargaining agreements certified since June 1984 were contracts for unions affiliated to antigovernment labor organizations. A similar collective bargaining practice is also followed, albeit in a more informal manner, between public employees and the Government.

The Director-General's office (DGT) of the Ministry of Labor is responsible for overseeing the implementation of collective bargaining agreements and acting as conciliator in labor-related disputes in the private sector and in autonomous government institutions. According to the Ministry's latest report, covering the period from June 1, 1987, to May 31, 1988, the DGT participated directly in 403 labor-management conflicts, including 33 strikes. Approximately 250 were resolved through direct conciliation.

Article 47 of the Constitution states that union officials at the time of their election, throughout their term, and for one year following their term shall not be fired, suspended for disciplinary reasons, removed, or debased in their work conditions except for legal cause. This provision is generally observed in practice.

The relationship between the business community and the labor movement has gradually improved over the last few years, but a large reservoir of mistrust remains. Businessmen frequently take measures to prevent unions from being formed. The DGT took steps against such offenders in 1988, and 7 new unions as well as 22 union locals were given legal recognition, some of them in enterprises where management had fought to keep them out.

El Salvador has one export processing zone. There are no differences in labor regulations in this area and those which prevail in general. However, there are no labor unions represented at present in any of the firms in this zone, and the firms discourage labor organizing.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor except in cases of public calamity and other instances specifically determined by law.

The ILO's Committee of Experts on the Application of Conventions has for a number of years reviewing the provisions in the penal code that allow the imposition of sentences involving compulsory labor. In 1988 it provided the Government with suggestions on how to improve existing legislation and practice. The FMLN continues to force civilians, including minors, to serve as porters, spotters, and couriers for the guerrilla army.

d. Minimum Age for Employment of Children

The Constitution prohibits the employment of children under the age of 14. The labor code states that exceptions can be made only in cases where it can be demonstrated that such employment is absolutely indispensable to the sustenance of the minor and his family. This is most often the case with children of peasant families who traditionally work with their families during planting and harvesting seasons.

The Constitution also prohibits the employment of persons under 18 and all women in occupations considered dangerous.

e. Acceptable Conditions of Work

The Government's National Minimum Wage Council recommended an average 25 percent wage increase for commercial, industrial, service, and agroindustrial employees in May 1988. On May 21, 1988, President Duarte signed a decree raising the minimum wage. Commercial as well as industrial and service workers in San Salvador were paid $3.60 daily, while their counterparts in other areas of the country received $3.40. Agroindustrial workers employed in the cotton and sugar industries received $2.20, while those employed in the coffee industry earned $3.40. The increase in the daily minimum wage was intended to offset higher food prices, which rose sharply due to supply shortages stemming from prolonged drought. Wage rates for most categories of workers are higher than the legal minimums, especially in the private sector. For the most part, minimum wages are inadequate to meet the Ministry of Economy's standard of basic necessity, in which a family unit of five persons requires a monthly income of $282.

The law limits hours of work for minors between 14 and 18 years of age to a maximum of 6 per day, while for adults it is 8. Premium pay is mandated for longer hours.

The Constitution and the labor code spell out the rights of workers to a healthy and safe working environment. These statutes require employers, including the Government, to take steps to ensure that employees are not placed at risk in their workplaces. Despite limited budgetary resources, the Ministry of Labor attempted to enforce the applicable regulations. According to ministry figures, the inspector general's office conducted approximately 29,000 inspections and reinspections between June 1, 1987, and May 31, 1988. Roughly 27,000 of these occurred in commercial, industrial, and service establishments. The total number of employees covered by these inspections and reinspections was nearly 550,000. The

inspector-general's corps cited employers for almost 8,000 infractions and assessed fines totaling $45,000. Employers were also ordered to pay approximately $195,000 to employees as compensation for injuries sustained on their jobs.

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El Salvador: Human Rights
Special Project (1993)

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Annex 2

JOINT STATEMENT

I. WRONGFUL DEATH CLAIMS

Recovery for wrongful death under international law is well established. Numerous mixed claims commissions adjudicated claims between states, including wrongful death claims, from the middle of the nineteenth century to the Second World War. There is also considerable precedent for direct diplomatic settlements of wrongful death claims between states. Recently, the United States reached a settlement of death, injury and property claims with the Government of Israel arising out of an unprovoked air and sea attack on the vessel USS Liberty in 1967, and a settlement has been reached between the United States and the Government of Iraq concerning the death claims arising out of the attack on the USS Stark on May 17, 1987.

It is widely recognized that the purpose of reparation for an international wrong is to make the aggrieved party whole. This principle was announced by the Permanent Court of International Justice in the Chorzow Factory Case in a statement that has since been often quoted. The Court stated that reparation under international law "must, as far as possible, wipe out all the consequences of the illegal act and reestablish the situation which would, in all probability have existed if that act had not been committed." Reparation, said the Court, includes restitution in kind or the monetary equivalent as well as damages for losses not covered by restitution or its monetary equivalent. Chorzow Factory Case (Germany v. Poland), 1928 P.C.I.J., ser. A, No. 17, at 29 (Judgment of Sept. 13, 1928). See e.g., 5 G. Hackworth, Digest of International Law 718-20 (1943); Mann, The Consequences of an International Wrong in International and National Law, 1976-77 Brit. Y.B. Int'l L. 1, 2; Eagleton, Measure of Damages in International Law, 29 Yale L.J. 52, 52-4 (1929).

Elements of Compensation

The decision of the U.S.-German Mixed Claims Commission in the Lusitania case has served generally to fix three basic elements of damage as the accepted international standard of compensation in wrongful death cases. In announcing the

standards by which it would decide all wrongful death claims brought before it by U.S. claimants against Germany, the Commission stated that the elements of compensation were:

> the amounts (a) which the decedent, had he not been killed, would probably have contributed to the claimant, . . . (b) the pecuniary value to such claimant of the deceased's personal services in claimant's care, education, or supervision, and . . . (c) reasonable compensation for such mental suffering or shock, if any, caused by the violent severing of family ties, as claimant may actually have sustained by reason of such death.

The Commission stated that the sum of these estimates, reduced to its present cash value, will generally represent the loss sustained by claimant. Lusitania Cases (U.S. v. Germany), Mixed Claims Commission, Administrative Decisions and Opinions of a General Nature, at 19-20. The Lusitania decision provides the most detailed and reasoned discussion by an international body on the elements of damage recoverable in wrongful death cases. Other international claims commissions rarely stated the precise basis for their damage awards, and it is difficult to discover unifying principles in their awards. See generally A. Feller, The Mexican Claims Commissions: 1923-1934 295-300 (1935); 2 F. Garcia-Amador, The Changing Law of International Claims 564-65 (1984); 5 G. Hackworth, Digest of International Law 747-55; R. Lillich & G. Christenson, International Claims: Their Preparation and Presentation 72-74 (1962); 1 M. Whiteman, Damages in International Law 660 (1937); Eagleton, Measure of Damages in International Law, 39 Yale L.R. 52, 60; cf. 1 M. Whiteman, Damages in International Law at 704-16 (in very old cases, indemnity sometimes calculated based on the worth of the life lost rather than the loss to claimants).

Many of the diplomatic settlements of wrongful death claims between states have been made in such a way that very little can be discerned about the basis for the amounts involved. This is understandable since the settlements, which usually are concluded by means of ex gratia payments, often seek to avoid assigning wrongdoing imputable to the state and purport to be humanitarian gestures rather than full compensation. See 8 M.

Whiteman, Digest of International Law 888-91, 1265-66; 5 G. Hackworth, Digest of International Law 747-48; 1 M. Whiteman, Damages in International Law 700-704, 736-77; cf. Lillich, The Current Status of the Law of State Responsibility, in International Law of State Responsibility for Injuries to Aliens 7-14 (R. Lillich, ed. 1983) (discussing various reasons post-World War II practice has been to settle virtually all international claims by diplomatic settlement).

There are also various other cases, including claims commission decisions and diplomatic settlements, where the basis for the compensation sought and received is not explained in detail, and there is no express reference to compensation for mental shock or loss of personal services. The fact that damages in some of these cases were awarded to claimants who were probably not financially dependent on the deceased, however, indicates that some element other than direct pecuniary loss was included. See 5 G. Hackworth, Digest of International Law 747-55; 1 M. Whiteman, Damages in International Law 660-700, Yates, State Responsibility for Nonwealth Injuries to Aliens in the Postwar Era, in International Law of State Responsibility for Injuries to Aliens 216-31 (R. Lillich, ed. 1983); see also e.g., Fisher Case (U.S. v. Mexico), Special Mexican Claims Commission, Decision No. 522, in Report to the Secretary of State 421 (1940); Cooper Case (U.S. v. Mexico), Special Mexican Claims Commission, Decision No. 538, in Report to the Secretary of State 429 (1940). Cases where the basis for damages is expressly stated to include only lost financial contributions are nearly all prior to the Lusitania decision. See 1 M. Whiteman, Damages in International Law 660-62, 667-77.

In one case, the Corfu Channel Case, brought by the United Kingdom against Albania in the International Court of Justice, involving deaths, injuries and material damage to two British warships struck by mines off the coast of Albania, the British expressly claimed only for pensions, grants and other amounts paid out by the British Government to families and dependents of the deceased crewmembers and to the injured, and for the costs of medical treatment and administration. Corfu Channel Case (U.K. v. Albania), 1949 I.C.J. 9-10 (Judgment of Dec. 15, 1949 Assessing the Amount of Compensation); Memorial of the United Kingdom (U.K. v. Alb.) 1949 I.C.J. Pleadings (1 Corfu Channel)

92-100 (Memorial dated Sept. 30, 1947); Observations of the United Kingdom (U.K. v. Alb.) 1950 I.C.J. Pleadings (2 Corfu Channel) 391-97 (Observations dated Aug. 1, 1949). The United Kingdom stated in its pleading on the amount of damages, however, that it was not claiming the entire amount of compensation for which it was entitled under international law. See id. at 392. Although the International Court of Justice awarded the full amount claimed by the United Kingdom for wrongful death, Albania did not participate in the damage phase of the case, and has not paid the award.

Recent U.S. practice in international law has expressly followed the Lusitania standard. In requesting compensation from the Government of Israel for wrongful death resulting from the attack on USS Liberty in 1967, the U.S. Government claimed the same three basic elements of damage. The United States stated in diplomatic notes presenting the individual claims that:

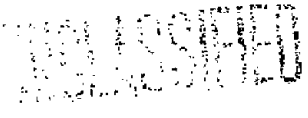
> [t]he amount of the claim for the surviving wife and children is based upon the loss of special services the decedent would have performed, shock and mental anguish suffered as a result of the death and the loss of financial contributions the decedent would have made towards their support . . . . The amount of the claim for the surviving parents includes a specific allowance for shock and emotional anguish suffered by the parents as a result of the violent severing of family ties. It also includes an allowance for future support, services and the benefits which the decedent could reasonably be expected to have provided to his parents.

The United States rejected Israeli counterproposals (which were probably influenced by the restrictive British claim in the Corfu Channel Case) to pay compensation to the U.S. Government only in the amount of statutory death benefits and pensions paid by the U.S. Government to survivors of the deceased crewmen. Although Israel paid the full amount of U.S. claims for wrongful death, it made the payments on an ex gratia basis. See 1980 M. Nash, Digest of U.S. Practice in International Law 747.

The three elements of compensation fixed in the Lusitania decision were also the basis of compensation requested of the Government of Iraq in 1960 for the wrongful deaths of three Americans killed by a mob in 1958 while in the custody of Iraq authorities in Baghdad. 8 M. Whiteman, Digest of Internationa Law 901.

Although there is some post-World War II U.S. precedent that does not expressly follow the Lusitania standard, it may in fact contemplate the same general elements of compensation. In a diplomatic claim against Bulgaria that was later filed in the International Court of Justice, the U.S. Government requested compensation for "pecuniary loss" on behalf of famil members of American citizens who were killed when the El Al airliner on which they were travelling was shot down over Bulgarian airspace in 1955. "Pecuniary loss" was not explaine in any more detail, but the term is often used in U.S. domesti law to mean losses that are objectively quantifiable in pecuniary terms such as financial support and personal services. While the term as used in domestic law does not ordinarily include mental shock, see id. at n. 17, the fact that none of the deceased in the El Al tragedy were the male heads of households indicates that damages for mental shock ar anguish were probably included. For example, a claim of $20,000 was made for two sisters of one of the deceased. See Application of the United States (U.S. v. Bulgaria), I.C.J. Pleadings (Aerial Incident of 27 July 1955) 28-30 (Applicatio dated Dec. 2, 1958). A Department of State memorandum from 1959 refers only to those damages for wrongful death that equa the "amount the decedent would have contributed to his dependents had he lived." There is no reference to damages for mental shock and lost special services. See 8 M. Whiteman, Digest of International Law 900-01. Written suggestions of the Department of State on the preparation of claims, dated July 1 155, do not specify the types of damages available for wrongf death. These suggestions are reprinted in R. Lillich & G. Christenson, International Claims: Their Preparation and Presentation 131-33.

Governments demanding compensation from the Soviet Union for the deaths of their citizens resulting from the 1983 shooting down of Korean Airlines flight 007 by a Soviet fight-



plane include the United States, Australia, Canada, Japan, the Philippines, South Korea, and the United Kingdom. Specific amounts have so far been claimed only by Canada and the United Kingdom. Details of their legal basis, however, have not been made public. The Soviet Union has never acknowledged responsibility for the tragedy.

There is precedent for demanding punitive damages in international law, but such damages have usually been demanded in diplomatic settlements by the state for injury to itself, not for injuries to its citizens. See 1 M. Whiteman, Damages in International Law 716-33. Most claims commissions were not given jurisdiction to award punitive damages.

Calculation of Damages

The published decisions of the various mixed claims commissions do not offer much guidance as to the method used in calculating awards or what evidence was relied on in individual cases. Nor do the exhaustive catalogue of claims settlements and tables of awards set out in Whiteman's first volume of Damages in International Law (1937) demonstrate enough consistency that a common methodology for arriving at an amount can be accurately deduced from them. See 1 M. Whiteman, Damages in International Law 637-826; A. Feller, The Mexican Claims Commissions 1923-1934 295-300. Although the various awards made by the U.S.-German Mixed Claims Commission usually do not provide details of the evidence relied upon by the Commission to calculate damages, the Lusitania decision does contain a useful list of various considerations and factors the Commission stated would guide it in calculating awards. Lusitania Cases (U.S. v. Germany), Mixed Claims Commission, Administrative Decisions and Opinions of a General Nature, at 20-21. At least as to damages for lost financial contributions, this list is the most exhaustive and well-reasoned statement by an international body of the factors to consider in calculating wrongful death damages under international law. The United States followed many of the same factors in calculating damages for the claims against Israel

arising out of the attack on USS Liberty. The principal considerations and factors can be summarized as follows:

> the age of the decedent, his present and future earning capacity, his probable life expectancy, the amount of his present and estimated future contributions to his dependents, and the estimated amount of his present and future personal consumption.

These factors have been cited with approval as the basis for calculating the lost financial support element of wrongful death claims. See G. Hackworth, Digest of International Law 750-53 (1943); R. Lillich & G. Christenson, International Claims: Their Preparation and Presentation 73 n.270; 8 Whiteman, Digest of International Law 900-901.

The Lusitania decision does not provide detailed guidance on how to calculate damages for lost personal services and mental shock and anguish. It does state, however, that compensation for mental shock and suffering of the dependents of the deceased "must be adequate and balance as near as may be the injury suffered. . . Mental suffering is a fact just as real as physical suffering, and susceptible of measurement by the same standards. . . Mental suffering to form a basis of recovery must be real and actual rather than purely sentimental and vague." Lusitania Decision, supra, at 21-22.

II. PERSONAL INJURY CLAIMS

Recovery under international law for personal injury is well established. Generally, damages are determined by the actual monetary loss shown to have been sustained. In ascertaining that loss, the nature and seriousness of the injury, the extent of impairment to health and earning capacity and the claimant's station in life are considered rather than the nature and seriousness of the wrong of the respondent state. 1 M. Whiteman, Damages in International Law 627 (1937). Other factors, including the permanency of the injury, disfigurement and mental suffering are also taken into account. Id.

Although there is limited discussion of personal injury claims under international law, one international claims commission stated precisely the basis for damage awards in personal injury cases. The Special Mexican Claims Commission examined claims of U.S. nationals against Mexico for personal or property damages suffered during the Mexican Revolution. The Commission articulated in Decision 1 the general principles it would apply in reviewing a personal injury claim, stating that due weight would be given to the following factors:

> The nature and seriousness of the injury; the extent of the impairment of the claimant's health and earning capacity; the proved expenses and loss of time incident to the injury; and any aggravation of the injury by unusual cruelty.

Report to the Secretary of State (Special Mexican Claims Commission) (Department of State, Arbitration Ser. 7, 1940) 15, 21.

Most diplomatic settlements of personal injury claims do not indicate the basis for the amount involved. However, in determining the amount of compensation sought from the Government of Israel for the personal injury claims arising out the attack on the USS Liberty, the State Department took into account, as customarily done in international practice, the nature and extent of the bodily injuries, pain and physical suffering associated with those injuries, and loss of earning capacity, if any.

Most nations recognize that compensable damages for personal injury claims include both pecuniary and non-pecuniary losses. Pecuniary losses include loss of earning capacity and the expenses occasioned by the injury. Such losses are more capable of monetary calculation. Non-pecuniary losses include physical pain, mental suffering, distress for disfigurement and the like associated with the injury. These elements, while more difficult to measure, are also considered compensable. Therefore, in accordance with international law and practice, compensation would be awarded for physical injuries taking into account: 1) the nature and severity of the injuries; 2) the pain and suffering associated with those injuries; 3) any special expenses incurred as a result of the injuries; 4) any resulting lost earnings or lost earnings capacity.

n.d.
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From: Andre:

As you may know, we have invoked an international commission, pursuant to a 1914 Treaty with Chile, to look into the Letelier/Moffitt murders and their aftermath. The Commission calls for a national and non-national to be appointed by each party, and a president to be appointed by mutual agreement.

Chile recently revoked its approval of the sitting president, and we are now engaged in discussions about a replacement. I prepared a list of potential candidates from third countries for the front office based on my work this summer finding two replacement arbitrators for the Iran-US Claims Tribunal, but Mary Mochary said that she would prefer people with a law enforcement background. (My list was comprised primarily of international commercial arbitration types).

Which leads to my request: are you aware of prominent, well-qualified lawyers from third countries who have a law enforcement/criminal law background, and an internationalist bent? In addition, are there professional associations of these types that I could tap into?

Thanks.

Matt Adler
L/ARA x7-5154

TO: L/ARA - Matt

Sorry, I'm not sure to mind. Will keep

Thinking about it.

Andre

Chile Project (#S199900030)
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PAGE 01 SAN SA 01597 01 OF 17 072128Z 2586 SSO1222
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C O R R E C T E D C O P Y (UPGRADED TO EXDIS)
NOTE BY OC/T:UPGRADED PER STATE 038835

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QUOTE

DEPT FOR ARA - DAS ARCOS

E.O. 12356: DECL: OADR
TAGS: OVIP (DUARTE, JOHN), ES
SUBJECT: THE VICE PRESIDENT'S MEETINGS IN SAN SALVADOR - MEMORANDA OF CONVERSATIONS

1. [redacted] ENTIRE TEXT.

2. FOLLOWING ARE THE MEMORANDA OF CONVERSATIONS OF THE VICE PRESIDENT'S MEETINGS IN SAN SALVADOR FEBRUARY 3 FOR YOUR REVIEW, EDITING AND DISTRIBUTION.

3. MEETING WITH ARCHBISHOP RIVERA DAMAS

IN HIS FIRST MEETING UPON ARRIVAL IN EL SALVADOR, THE VP OPENED THE CONVERSATION WITH ARCHBISHOP OF SAN SALVADOR ARTUPO RIVERA DAMAS EMPHASIZING THE BUSH ADMINISTRATION'S DEEP COMMITMENT TO DEMOCRACY, HUMAN RIGHTS AND SOCIAL JUSTICE. THE VP REFERRED TO HIS JUST CONCLUDED REPRESENTATION OF THE UNITED STATES AT THE INAUGURATION OF CARLOS ANDRES PEREZ AS AN EXAMPLE OF THE PEACEFUL TRANSITION OF POWER THAT HE HOPED EL SALVADOR WOULD SOON ENJOY.

RIVERA DAMAS CHARACTERIZED HIMSELF AS A PASTOR AND VIEWED EVENTS IN EL SALVADOR FROM THIS OPTIC. POLITICAL SPACE HAS OPENED IN EL SALVADOR, BUT HAS BEEN USED IN TWO WAYS, ONE POSITIVE, THE OTHER NEGATIVE. SOME POLITICAL ELEMENTS HAVE SOUGHT TO USE THE GROWTH OF THE POLITICAL SPECTRUM IN EL SALVADOR TO CREATE POLITICAL PROBLEMS FOR THE SYSTEM THAT HAS GIVEN THEM THE POLITICAL SPACE. IN A CIRCULAR PROCESS, THEIR ABUSE OF THE SYSTEM THEN ENGENDERS HUMAN RIGHTS ABUSES.

THE CATHOLIC CHURCH IN EL SALVADOR HAS WORKED OVER THE PAST YEARS OF THE CONFLICT TO ALLEVIATE ITS SYMPTOMS AND TO HUMANIZE ITS CONDUCT. SOCIAL WORK HAS EMPHASIZED WORK WITH ORPHANS AND DISPLACED PERSONS AND EVACUATION OF WOUNDED FMLN COMBATANTS. POLICY WORK HAS FOCUSSED ON EFFORTS TO LOWER THE INTENSITY OF FIGHTING BY PERSUADING THE GOVERNMENT TO DESIST FROM AERIAL BOMBARDMENT AND THE FMLN TO DESIST FROM INDISCRIMINATE USE OF CONTACT LAND MINES. OVERALL THE CHURCH HAS SOUGHT TO CREATE AN AUSPICIOUS CLIMATE FOR DIALOGUE. IT WAS IN THIS LATTER CONTEXT

PAGE 01 SAN SA 01597 01 OF 17 072128Z 2586
THAT HE BROUGHT THE LATEST FMLN PROPOSAL FROM MEXICO.

WITH REGARD TO THE PROPOSAL, THE ARCHBISHOP NOTED THAT THE POLITICAL PARTIES AND THE GOVERNMENT FIRST APPEARED TO REJECT IT. HE NOTED NOW A SECOND LOOK BY THEM, REFLECTING A MORE FLEXIBLE APPROACH AND AN EFFORT TO FORMULATE A COUNTERPROPOSAL. RIVERA DAMAS EMPHASIZED THAT SINCE HIS DELIVERY OF THE DOCUMENT HE HAS CHARACTERIZED IT AS A POLITICAL PROPOSAL FROM POLITICIANS, DIRECTED TO POLITICIANS AND FOR POLITICIANS. HE HAS ASKED THAT IT BE STUDIED AND NOT REJECTED OFF THE CUFF. THE PROPOSAL IS ONLY IN THE REALM OF IDEAS, BUT IT APPEALS TO THOSE IN EL SALVADOR WHO DESIRE PEACE. HE UNDERSTANDS THAT THE PROPOSAL PRESENTS THE MOST POLITICAL DIFFICULTIES TO THE ARENA AND CHRISTIAN DEMOCRAT (PDC) PARTIES.

THE CHURCH UNDERSTANDS THE NEED TO BALANCE RESPECT FOR THE CONSTITUTION WITH THE DESIRE FOR PEACE. IT IS A DIFFICULT EQUATION AND THE CHURCH IS AWAITING THE DECISIONS OF THE POLITICAL PARTIES.

THE VICE PRESIDENT UNDERSCORED THE BUSH ADMINISTRATION'S VIEW THAT DEMOCRACY AND PEACE ARE THE BEST ROUTES TO CREATING JOBS AND ALLEVIATING POVERTY. THE ADMINISTRATION ADAMANTLY CONDEMNS VIOLENCE FROM BOTH THE LEFT AND RIGHT. VIOLENCE LEADS TO VIOLENCE. WE WANT PEACE. IN 1983 THEN VICE PRESIDENT BUSH MADE A STRONG STATEMENT ON HUMAN RIGHTS. THE VICE PRESIDENT SAID HIS VISIT TODAY IS TO EMPHASIZE THAT DEMOCRACY AND HUMAN RIGHTS GO TOGETHER.

THE VICE PRESIDENT NOTED THAT THE FMLN PROPOSAL HAS NOT BEEN REJECTED BY THE UNITED STATES. IT IS NOW UP TO THE FMLN TO RESPOND SERIOUSLY BY IMPLEMENTING AN IMMEDIATE CEASE-FIRE. UNITED STATES' DESIRES IN EL SALVADOR SHOULD BE CLEAR. WE SEE THE CONSTITUTION AS A SACRED DOCUMENT, ONE THAT REFLECTS THE LINKAGE BETWEEN DEMOCRACY AND HUMAN RIGHTS. WE BELIEVE PRESIDENT DUARTE HAS DONE A SUPERB JOB OF CONSOLIDATING DEMOCRACY IN EL SALVADOR. WE

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C O R R E C T E D C O P Y (UPGRADED TO EXDIS)
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DEPT FOR ARA - DAS ARCOS

E.O. 12356: DECL: OADR
TAGS: OVIP (DUARTE, JAMES), PGOV, ES
SUBJECT: THE VICE PRESIDENT'S MEETINGS IN SAN

CONGRATULATE HIM FOR THIS ACCOMPLISHMENT. EL SALVADOR TODAY IS DIFFERENT FROM THE EL SALVADOR VICE PRESIDENT BUSH SAW IN 1983.

RIVERA DAMAS SAID HE FOUND THE VICE PRESIDENT'S VIEWS CONSOLING AND COMFORTING FOR THE PEOPLE OF EL SALVADOR. YOUR VISION IS REALISTIC. IT IS IMPORTANT TODAY FOR YOU TO TALK DIRECTLY TO PEOPLE WHO HAVE AN IMPORTANT ROLE TO PLAY IN ENDING THE VIOLENCE. HE SHARED FULLY THE VICE PRESIDENT'S ASSESSMENT OF PRESIDENT DUARTE'S GREAT ACCOMPLISHMENT OF CONSOLIDATING DEMOCRACY IN EL SALVADOR.

THE VICE PRESIDENT CLOSED BY ASKING THAT THE ARCHBISHOP STAY IN CONTACT WITH THE AMBASSADOR.

4. MEETING WITH PDC PRESIDENTIAL CANDIDATE FIDEL CHAVEZ MENA

PDC PRESIDENTIAL CANDIDATE MET WITH THE VICE PRESIDENT ACCOMPANIED BY HIS VICE PRESIDENTIAL CANDIDATE FRANCISCO (CHICO) BARRIENTOS, PDC MAURICIO ALVERGUE (FORMER SALVADORAN AMBASSADOR TO THE UNITED STATES AND NOW MEMBER OF THE PDC POLITICAL COMMITTEE) AND ATILIO VIEYTEZ (ALSO MEMBER OF THE POLITICAL COMMITTEE).

CHAVEZ MENA RECIPROCATED THE VICE PRESIDENT'S GREETINGS BY WISHING HIM WELL AND ASKING THAT HIS PERSONAL CONGRATULATIONS BE PASSED TO THE PRESIDENT. HE NOTED HIS PERSONAL ACQUAINTANCE WITH THE PRESIDENT AND RECALLED SEVERAL PREVIOUS CONVERSATIONS WITH HIM. HE ASKED THAT THE PRESIDENT BE THANKED FOR THE SUPPORT THE PEOPLE AND GOVERNMENT OF THE UNITED STATES HAVE GIVEN TO EL SALVADOR. HE NOTED THAT THE REPUBLICAN ADMINISTRATION HAS CONSISTENTLY SUPPORTED ECONOMIC AND MILITARY AID AND PROVIDED POLITICAL BACKING TO EL SALVADOR. WE WOULD NEVER HAVE GOTTEN THIS FAR WITHOUT YOU. SALVADORAN DEMOCRACY, THOUGH, IS STILL IN ITS INFANCY. IT IS A FRAGILE ACCOMPLISHMENT.

CHAVEZ MENA SAID HE HAS BEEN A PRINCIPAL WITNESS TO THIS PROGRESS, AS A MEMBER OF THE PDC WHEN THEY MADE A PACT WITH THE MILITARY, AS FOREIGN MINISTER AND THEN AS MINISTER OF PLANNING WHERE FOR FOUR YEARS HE

PAGE 01 SAN SA 01597 02 OF 17 072117Z 2575 SSO1228
MANAGED THE UNITED STATES' ASSISTANCE PROGRAM. IN THESE ROLES HE HAS SOUGHT TO HARMONIZE AND COORDINATE UNITED STATES AND SALVADORAN NATIONAL INTERESTS AS A GREAT FRIEND OF THE UNITED STATES.

PROGRESS HAS BEEN ACHIEVED DESPITE RECOGNIZED ERRORS AND GREAT DIFFICULTIES. HOWEVER, DESPITE EVERYTHING THAT HAS OCCURRED, BECAUSE OF HELP FROM THE UNITED STATES, THE ECONOMY NEVER COLLAPSED AND THE FMLN IS LOSING GROUND EVERY DAY. THE FMLN, AS A CONSEQUENCE, IS LOSING ITS GLOBAL VISION OF A REVOLUTIONARY TRIUMPH.

CHAVEZ MENA SAID HE HOPED TO SEE THE VICE PRESIDENT AGAIN, BUT NEXT TIME AS PRESIDENT OF EL SALVADOR. HE HAS A MORAL OBLIGATION TO WIN THE PRESIDENCY BECAUSE THE VERY DEMOCRATIC SYSTEM, NOT JUST A POLITICAL CANDIDACY, IS AT STAKE. CHAVEZ MENA NOTED THAT THE VICE PRESIDENT HAD JUST COME FROM VENEZUELA WHERE HE HAD WITNESSED A PEACEFUL TRANSITION OF POWER IN WHICH THE PDC THERE LOST POWER. VENEZUELA, COMPARED TO EL SALVADOR, IS A CONSOLIDATED DEMOCRACY. EL SALVADOR IS NOT. FOR THIS REASON, CHAVEZ MENA REPEATED HE HAD A MORAL OBLIGATION TO WIN THE PRESIDENCY. FOR ALL ITS PROBLEMS, THE PDC IS THE ONLY DEMOCRATIC ALTERNATIVE IN THIS ELECTION.

AN ARENA PRESIDENTIAL VICTORY WOULD POLARIZE THE NATION. THE FMLN WOULD BE DELIGHTED BY AN ARENA VICTORY. THERE WOULD BE A SHIFT TO THE LEFT BY TRADE UNIONS, PEASANT ORGANIZATIONS AND THE MIDDLE CLASS. THE WORST CASE SCENARIO FOR EL SALVADOR WOULD BE A DIMINSHED PDC, A STRENGTHEND LEFT AND ARENA IN POWER.

ARENA AS A PARTY WAS BORN IN ORDER TO BLOCK DEMOCRACY IN EL SALVADOR. THE ISSUE IN THIS ELECTION IS NOT

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PAGE 01 SAN SA 01597 03 OF 17 072124Z 2627 SSO1226
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EXDIS
DEPT FOR ARA - DAS ARCOS

E.O. 12356: DECL: OADR
TAGS: OVIP (QUAYLE, DAN), ES
SUBJECT: THE VICE PRESIDENT'S MEETINGS IN SAN

ONE OF PERSONALITIES. THE VICE PRESIDENT, HE NOTED, WOULD SEE FREDY CRISTIANI, A NICE INDIVIDUAL AND GOOD MAN. THIS IS NOT THE ISSUE. THE ISSUE IS WHICH PARTY WILL STRENGTHEN THE DEMOCRATIC SYSTEM. THERE IS ONLY ONE ANSWER. THE PDC.

CHAVEZ MENA THEN OUTLINED FIVE ARGUMENTS TO UNDERSCORE THIS ASSERTION.

(A) CONSOLIDATION OF DEMOCRACY: THE PDC IS COMMITTED TO HUMAN RIGHTS, TO IMPROVE THE ADMINISTRATION OF JUSTICE, AND TO STRENGTHEN POLITICAL FREEDOMS. THE PARTY HAS A VISION OF DEMOCRACY.

(B) END THE WAR. THE PRESIDENTIAL CAMPAIGN CARRIES WITH IT GLOBAL POLITICAL REPERCUSSIONS. CHAVEZ MENA STATED THAT HE HAD JUST ANNOUNCED THIS MORNING THAT THE PDC, WITH THE CONSENSUS OF THE OTHER POLITICAL PARTIES, WOULD SUPPORT CHANGING THE DATE OF THE PRESIDENTIAL ELECTION. IF THE FMLN DOES NOT AGREE WITH THE CONSENSUS DATE AND DOES NOT PARTICIPATE, AFTER HE IS ELECTED PRESIDENT AND TAKES OFFICE JUNE 1, HE WILL CALL IMMEDIATELY FOR A DIALOGUE WITH THE FMLN LEADING TO A NATIONAL PLEBISCITE ON SEPTEMBER 15 TO GIVE THE FMLN THE CHANCE AT THE BALLOT BOX THAT IT SAYS IT NOW ACCEPTS. IF ARENA IS IN POWER THIS WOULD BE MORE DIFFICULT.

(C) IMPROVE THE ECONOMY: IT IS DIFFIULT TO IMPROVE THE ECONOMY IN THE MIDDLE OF A WAR. HOWEVER, YOUR OWN ADVISORS WILL APPRECIATE THE ECONOMIC PLATFORM OF THE CHAVEZ MENA GOVERNMENT. IMPROVING THE ECONOMY DEPENDS ON FINDING THE RIGHT PEOPLE TO RUN AN EFFICIENT ADMINISTRATION. THE PARTY HAS AUTHORIZED HIM TO REACH OUT TO INDEPENDENT SECTORS, BEGINNING WITH HIS VICE PRESIDENTIAL CANDIDATE. THE CHAVEZ MENA ADMINISTRATION WILL BE CHARACTERIZED FOR ITS BROAD BASE AND AMPLE PARTICIPATION FROM EVERY SECTOR, INCLUDING THE BUSINESS SECTOR.

ABOVE ALL, HIS WILL BE AN HONEST ADMINISTRATION. THE CORRUPTION ISSUE LEVELED AGAINST THE DUARTE GOVERNMENT WAS PART REAL AND PART FICTITIOUS. THE PERCEPTION, HOWEVER, HURT THE PARTY SERIOUSLY AND HE IS LABORING UNDER THIS PROBLEM. HIS COMMITMENT, THOUGH, IS TO HONEST GOVERNMENT, EFFICIENT

PAGE 01 SAN SA 01597 03 OF 17 072124Z 2627 SSO1226
GOVERNMENT, AND PARTICIPATION FROM INDEPENDENT EXPERTS CAPABLE OF HELPING TO END THE WAR, CONSOLIDATE DEMOCRACY AND BRING ECONOMIC GROWTH.

(D) INTERNATIONAL SUPPORT: CHAVEZ MENA SAID HE WANTED TO SPEAK FRANKLY TO THE VICE PRESIDENT. ONLY THE PDC HAS THE INTERNATIONAL REPUTATION AND CONNECTIONS NEEDED TO CONSOLIDATE DEMOCRACY. ARENA WOULD BE ISOLATED INTERNATIONALLY. CHAVEZ MENA SAID HE IS KNOWN BY ALL KEY WORLD LEADERS, INCLUDING THE POPE, PRIME MINISTER FELIPE GONZALEZ, AND WESTERN GERMAN CHANCELLOR KOHL. KOHL HAS MADE NO SECRET OF HIS SUPPORT. IN MEETINGS WITH CHAVEZ MENA HE PROMISED TO CONVEY HIS SUPPORT FOR HIM TO THE BUSH ADMINISTRATION. MOST EUROPEAN FOREIGN MINISTERS ARE PERSONAL FRIENDS.

UNITED STATES NEUTRALITY IN THE SALVADORAN PRESIDENTIAL ELECTION CANNOT APPLY TO NEUTRALITY ABOUT THE DEMOCRATIC SYSTEM ITSELF, AND IN THIS REGARD, THE PDC IS THE ONLY ALTERNATIVE. THE UNITED STATES CANNOT IGNORE THIS FACT. CHAVEZ MENA SAID THIS WAS NOT A CAMPAIGN SPEECH; THIS IS A FACT OF THE SITUATION THAT THE UNITED STATES CONFRONTS IN THIS ELECTION. NEUTRALITY AS AN ABSTRACT POSITION WAS UNDERSTANDABLE, BUT THE UNITED STATES MUST UNDERSTAND THAT NEUTRALITY IN EL SALVADOR MEANS A TILT TO THE RIGHT. THE SIGNAL THAT WE SEND BY OUR STATEMENTS OF NEUTRALITY IS THAT WE ARE OPENING THE DOOR TO A NON-DEMOCRATIC PARTY BY ACCEPTING IT AS AN EQUAL TO THE DEMOCRATIC PDC. THE EUROPEANS ARE NOT NEUTRAL ON THIS ISSUE.

THE VICE PRESIDENT THANKED CHAVEZ MENA FOR HIS DIRECT REMARKS. HE NOTED THAT WE SHARE A MORAL COMMITMENT TO DEMOCRACY AND HUMAN RIGHTS. THE UNITED STATES IS COMMITTED TO SEEING DEMOCRACY STABILIZED IN EL

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E.O. 12356: DECL: OADR
TAGS: OVIP (DUARTE, DANI), ES
SUBJECT: THE VICE PRESIDENT'S MEETINGS IN SAN

SALVADOR; IN THIS CONTEXT WE ARE NEUTRAL IN THE ELECTION. THE VICE PRESIDENT SAID THAT HE UNDERSTOOD WHAT CHAVEZ MENA WAS IMPLYING WITH REGARD TO ARENA WERE IT TO WIN THE ELECTION AND DEMOCRACY AND HUMAN RIGHTS TAKE A TURN FOR THE WORSE. IF THIS HAPPENS, THIS WOULD NOT BE DEMOCRACY BECAUSE STATE SPONSORED VIOLENCE IS INCOMPATIBLE WITH THE DEMOCRATIC PROCESS. SECURITY FOR THE STATE IS ONE CONCEPT. STATE SPONSORED VIOLENCE AGAINST CITIZENS IS SOMETHING ELSE. THE UNITED STATES UNDERSTANDS THE DIFFERENCE AND WOULD NOT ACCEPT SUCH BEHAVIOR.

THE VICE PRESIDENT ASKED WHETHER THE PRESIDENTIAL ELECTION SHOULD BE POSTPONED. NOTING THAT PRESIDENT DUARTE IS COMMITTED TO LEAVING OFFICE ON SCHEDULE JUNE 1, WHAT DID CHAVEZ MENA HAVE IN MIND WITH REGARD TO A POSTPONEMENT.

CHAVEZ MENA SAID THAT DUARTE WILL LEAVE OFFICE JUNE 1 AND HE WILL TAKE OFFICE THE SAME DAY. THIS DATE CANNOT BE POSTPONED. HOWEVER, THERE IS A NEED TO DEMONSTRATE FLEXIBILITY ON THE FMLN PROPOSAL. SINCE 1982 THE GOVERNMENT'S POSITION HAS BEEN THAT THE FMLN SHOULD INCORPORATE ITSELF INTO THE PROCESS AND PURSUE ITS OBJECTIVES AT THE BALLOT BOX. IF THE FMLN IS NOW SAYING THAT IT WILL DO THAT, THERE IS A NEED TO RESPOND CAREFULLY AND TO FIND A DATE WITHIN THE CONSTITUTIONAL FRAMEWORK SO THAT THE FMLN CAN PARTICIPATE.. IF A DATE CANNOT BE FOUND NOW, CHAVEZ MENA SAID HE HAS PROPOSED THAT AFTER TAKING OFFICE, THE GOVERNMENT ENTER INTO A DIALOGUE LEADING TO A NATIONAL PLEBISCITE ON THE SEPTEMBER 15 DATE CHOSEN BY THE FMLN FOR AN ELECTION. THE DIALOGUE AND THE PLEBISCITE WILL END THE WAR.

REFERRING AGAIN TO HIS FIVE POINTS, CHAVEZ MENA UNDERSCORED THE NEED FOR POLITICAL, AS WELL AS MILITARY, CONDUCT OF THE WAR. FOR A POLITICIAN, PEACE AND ELECTIONS CAUSE EMOTIONAL REACTIONS. THE FMLN HAS BEEN ASTUTE IN CAUSING PROBLEMS FOR THE SYSTEM, BUT IN AN ELECTORAL CONTEXT. EVERYONE IS NOW MAKING AN OFFER, EVEN ROBERTO D'AUBUISSON. PARENTHETICALLY, CHAVEZ MENA SAID D'AUBUISSON SHOULD BE BEHIND BARS TOGETHER WITH HIS DEATH SQUADS AS THE FIRST BY-PRODUCTS OF AN EFFICIENT ADMINISTRATION OF JUSTICE. D'AUBUISSON'S LEGISLATIVE ASSEMBLY PROPOSAL FOR A 72-HOUR AMNESTY FOR THE FIVE FMLN LEADERS IS A

PAGE 01 SAN SA 01597 04 OF 17 072126Z 2641 SSO1228

POLITICAL AND LEGAL TRAVESTY. HE SAID HE COULD NOT PARTIALLY PARDON SOMEONE WHO HAS COMMITTED A CRIME. THE ISSUE NEEDS TO BE TAKEN SERIOUSLY AND ONE SHOULD LEND ONESELF TO PLAYING THE FMLN'S GAME.

THE FMLN CAN PARTICIPATE NOW IN THE SYSTEM BECAUSE THEY ARE SUPPORTING POLITICALLY THE CONVERGENCIA DEMOCRATICA WHICH IS ALREADY PARTICIPATING. POSTPONING THE JUNE 1 DATE FOR TAKING OFFICE BY THE NEW PRESIDENT IS NOT POSSIBLE BECAUSE IT WOULD CAUSE CONSTITUTIONAL CHAOS. THE CHOICE IS BETWEEN CONSTITUTIONAL ORDER AND ANARCHY. THE PROCESS IS TOO DEAR AND HAS BEEN GAINED AT TOO HIGH A PRICE TO PLAY GAMES WITH IT. THE MILITARY IS ALSO A FACTOR; IT IS COMMITTED, FINALLY, TO RESPECT THE CONSTITUTION. THE PDC IS, THUS, THE ONLY ALTERNATIVE TO ACHIEVE PEACE THROUGH THE CONSTITUTIONAL FRAMEWORK. WE ARE THE ONLY ALTERNATIVE; EVERYTHING ELSE FLOWS FROM THIS FACT.

THE VICE PRESIDENT REITERATED OUR COMMITMENT TO DEMOCRACY THROUGH THE BALLOT BOX AS THE FUNDAMENTAL ELEMENT OF OUR COMMITMENT TO THE DEMOCRATIC SYSTEM IN EL SALVADOR.

CHAVEZ MENA COMMENTED THAT THE UNITED STATES SYSTEM HAS BEEN CONSOLIDATED OVER 200 YEARS. ELECTIONS DO NOT PUT THE SYSTEM IN JEOPARDY. THAT IS NOT THE CASE YET IN EL SALVADOR. ONLY THE PDC CAN ASSURE THE UNINTERRUPTED CONTINUATION OF THE PROCESS. THIS ELECTION IS ABOUT THE SYSTEM; IT IS NOT ABOUT THE CANDIDATES. THERE IS TOO MUCH AT RISK. PEOPLE SAY WE ARE CRAZY TO TRY TO START A DEMOCRACY IN THE MIDDLE OF A WAR. ABRUPT CHANGE AT THIS POINT THROUGH AN ARENA VICTORY WOULD DISRUPT THIS PROCESS. A SHIFT TO THE EXTREME RIGHT WOULD CAUSE TERRIBLE POLITICAL TURBULENCE THAT WOULD JEOPARDIZE THE SYSTEM. IN

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PAGE 01 SAN SA 01597 05 OF 17 0721272 2650 SS01231
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C O R R E C T E D C O P Y (UPGRADED TO EXDIS
NOTE BY OC/T:UPGRADED PER STATE 036835

EXDIS
DEPT FOR ARA - DAS ARCOS

E.O. 12356: DECL: OADR
TAGS: OVIP (QUAYLE, DAN), ES
SUBJECT: THE VICE PRESIDENT'S MEETINGS IN SAN

ADDITION, NO PARTY SHOULD HAVE A MONOPOLY ON POWER SUCH AS ARENA WOULD HAVE THROUGH CONTROL OF THE PRESIDENCY, LEGISLATIVE ASSEMBLY, SUPREME COURT, GENERAL ACCOUNTING OFFICE, INDEPENDENT AGENCIES AND THE MILITARY. THE PEOPLE OF THE UNITED STATES BELIEVE IN CHECKS AND BALANCES; IN THEIR WISDOM THEY GAVE THE CONGRESS TO THE DEMOCRATIC PARTY AND THE PRESIDENCY TO THE REPUBLICAN PARTY. SUCH BALANCE WOULD NOT EXIST IF ARENA WINS THE PRESIDENCY.

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CHAVEZ MENA SAID HE HAS CLEANED UP HIS PARTY. THE PROCESS IS NOT COMPLETE, BUT HE IS COMMITTED TO A FULL HOUSECLEANING OF UNSAVORY ELEMENTS. WHY HAS CRISTIANI NOT DONE THE SAME WITH HIS PARTY? WHY HAS CRISTIANI NOT DONE LIKE CHAVEZ MENA AND GOTTEN THE UNSAVORY ELEMENTS OUT OF HIS PARTY? I WANT CRISTIANI TO CLEAN OUT THE DEATH SQUADS FROM HIS PARTY; WHY WON'T HE DO IT, CHAVEZ MENA ASKED. THE UNITED STATES KNOWS EXACTLY WHAT HE IS TALKING ABOUT SINCE WE KNOW EXACTLY WHAT D'AUBUISSON'S ROLE WAS WITH THE DEATH SQUADS. CHAVEZ MENA EXCUSED HIS FRANKNESS, BUT SAID THERE IS SIMPLY TOO MUCH AT STAKE NOT TO SPEAK DIRECTLY ON THIS ISSUE. THE SYSTEM, THE DEMOCRATIC PROCESS ARE AT STAKE. THIS IS THE KEY POINT CHAVEZ MENA SAID HE WANTED TO MAKE.

ARENA WITH TOTAL POWER WILL RADICALIZE EL SALVADOR TO THE POINT THE SYSTEM WILL BE JEOPARDIZED. DEMOCRACY IS A NEWBORN CHILD HERE; IT NEEDS HELP TO WALK. THE PROBLEM IN THIS ELECTION IS NOT PERSONALITIES; THIS IS NOT THE ISSUE. THE ISSUE IS THE SYSTEM AND WHO CAN BEST ASSURE THE PEOPLE OF EL SALVADOR AND THE UNITED STATES GOVERNMENT WHICH HAS BACKED THIS PROCESS, THAT THE SYSTEM WILL ADVANCE AND CONSOLIDATE. CHAVEZ MENA NOTED THAT HE HAS BEEN IN PUBLIC LIFE FOR 28 YEARS. THIS ELECTION IS ABOUT THE PROCESS AND HE SAID HE IS THE ONLY ONE IN THIS ELECTION THAT CAN ASSURE IT WILL GO FORWARD.

CHICO BARRIENTOS EXPLAINED THAT HE WAS NOT A MEMBER OF THE PDC, BUT REPRESENTED THE INDEPENDENT SECTORS WHO WANT TO HELP THE DEMOCRATIC PROCESS AND WHO UNDERSTAND THAT ARENA IS NOT A DEMOCRATIC ALTERNATIVE. HE RECALLED THAT D'AUBUISSON WAS A HIGH SCHOOL CLASSMATE, HE KNEW HIM WELL AND HIS STATEMENT IS BASED ON PERSONAL KNOWLEDGE. BARRIENTOS SAID HIS INDEPENDENT MOVEMENT REPRESENTED THE BROAD MIDDLE

PAGE 01 SAN SA 01597 05 OF 17 0721272 2650 SS01231
GLASS DEMOCRATIC CENTER THAT WANTS TO PRESERVE DEMOCRACY. IN ALLYING ITSELF WITH THE PDC, THE IDEA IS TO DRAW INTO GOVERNMENT NEW PEOPLE AND TO RID THE GOVERNMENT OF CORRUPTION. THE GOVERNMENT THAT FOLLOWS WILL BE NOT ONLY OF THE PDC, BUT OF THE MOST EFFICIENT TECHNICIANS AND EXPERTS THAT THE COUNTRY HAS AVAILABLE.

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THE VICE PRESIDENT CONCLUDED THE MEETING EXPRESSING APPRECIATION FOR CHAVEZ MENA'S CLEAR PRESENTATION. HE UNDERSCORED THE IMPORTANCE OF THE PROMISE TO RUN A CLEAN GOVERNMENT AND NOTED THAT ONLY AN HONEST GOVERNMENT WOULD HAVE CREDIBILITY. ON THE ISSUE OF THE PROCESS AND THE DEMOCRATIC SYSTEM, THE UNITED STATES IS FULLY COMMITTED; THE BOND BETWEEN US IS DEMOCRACY, HUMAN RIGHTS AND SOCIAL JUSTICE. WE WILL NOT CHOOSE SIDES, BUT WILL LET THE PEOPLE DECIDE. WE WOULD, THOUGH, NOT LOOK FAVORABLY ON ANY ACTION THAT WOULD DISRUPT THE SYSTEM OR HARM DEMOCRACY AND HUMAN RIGHTS IN EL SALVADOR.

5. MEETING WITH ARENA PRESIDENTIAL CANDIDATE FREDY CRISTIANI

ARENA PRESIDENTIAL CANDIDATE FREDY CRISTIANI WAS ACCOMPANIED TO HIS MEETING WITH THE VICE PRESIDENT BY VICE PRESIDENTIAL CANDIDATE CHICO MERINO, PRESIDENT OF THE LEGISLATIVE ASSEMBLY RICARDO ALVARENGA VALDIVIESO AND BY ACTING SAN SALVADOR MAYOR JUAN JOSE DOMENECH. THE VICE PRESIDENT CONVEYED TO THE CANDIDATE AND THE PARTY THE GREETINGS OF PRESIDENT BUSH, NOTING THE PRESIDENT'S PERSONAL INTEREST IN DEMOCRACY AND HUMAN RIGHTS IN EL SALVADOR. A LOT HAS CHANGED SINCE THE VICE PRESIDENT'S 1983 VISIT TO EL SALVADOR. THE VICE PRESIDENT ASKED THAT HIS VISITORS SPEAK FRANKLY TO HIM ABOUT HOW THEY SEE THE SITUATION.

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PAGE 01 SAN SA 01597 06 OF 17 0721382 2655 SS01235
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SUBJECT: THE VICE PRESIDENT'S MEETINGS IN SAN

CRISTIANI, SPEAKING IN ENGLISH, THANKED THE VICE PRESIDENT FOR COMING TO LISTEN TO THEM AND NOTED HE FELT IT A GREAT HONOR TO SHARE WITH HIM ARENA'S VIEWS.

WITH REGARD TO THE PRESIDENTIAL CAMPAIGN, THE FMLN PROPOSAL HAS INTRODUCED CERTAIN OBSTACLES TO THE PROCESS SUCH AS THE ATTACKS ON THE ELECTED MAYORS. NEVERTHELESS, HE FELT OPTIMISTIC BASED ON THE RESULTS OF POLLING DATA WHICH APPEARED TO FAVOR ARENA. A DELAY OF THE ELECTION WOULD BE A PROBLEM, HE SAID.

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THE FMLN PROPOSAL CONTAINS UNCONSTITUTIONAL ELEMENTS. HOWEVER, IT SHOULD BE RECOGNIZED THAT THE FMLN SAYS IT IS ACCEPTING THE ELECTORAL PROCESS FOR THE FIRST TIME. THE STRATEGY OF ANY RESPONSE SHOULD BE TO HOLD THEM TO THIS COMMITMENT AND TRY TO PULL THEM IN, NOT SHUT THE DOOR. THE ARENA OFFICIAL POSITION WAS PUT FORWARD IN THE LEGISLATIVE ASSEMBLY LAST WEEK A CALL WAS MADE FOR A NATIONAL PEACE PROPOSAL TO BE CONSIDERED ALONGSIDE THE FMLN PROPOSAL. ARENA USED THE LEGISLATIVE ASSEMBLY AS A FORUM TO BRING THE PARTIES TOGETHER. THE PDC DID NOT ATTEND THE SESSION, UNFORTUNATELY, WHICH WAS AIMED AT ANALYZING WHAT POSITIVE ELEMENTS EXIST IN THE THE FMLN PROPOSAL THAT DO NOT VIOLATE THE CONSTITUTION. AT THE SAME TIME, THE EXECUTIVE BRANCH HAS CALLED FOR DISCUSSIONS ON THE FMLN PROPOSAL TO WHICH ARENA WAS NOT INVITED. TO GET OVER THIS IMPASSE, ARENA HAS PROPOSED A THIRD VENUE AT A LOCAL HOTEL TO BRING ALL SIDES TOGETHER TO CONSIDER A SINGLE RESPONSE.

ARENA HAS PROPOSED IN THE LEGISLATIVE ASSEMBLY A 72-HOUR AMNESTY TO PERMIT THE FMLN COMMANDANTES TO PRESENT THEIR PROPOSAL DIRECTLY TO THE LEGISLATIVE ASSEMBLY. CRISTIANI NOTED THAT SEVERAL OBJECTIONS HAD BEEN RAISED TO THIS PROPOSAL BY OTHER POLITICAL PARTIES SAYING SUCH AN AMNESTY WAS ILLEGAL. ON MONDAY, FEBRUARY 6, THE MEETING OF ALL THE POLITICAL PARTIES WOULD, HOPEFULLY, BE HELD TO ADDRESS ALL THESE ISSUES. ARENA WOULD ADOPT THE POSITION THAT, AS A POLITICAL PARTY, IT COULD NOT EXCEED THE STRICTURES OF THE CONSTITUTION. THERE MAY BE SOME FLEXIBILITY IN THE SYSTEM, HOWEVER, AND ARENA IS LOOKING FOR IDEAS. CONSTITUTIONAL LAWYERS MEETING, BY COINCIDENCE, IN SAN SALVADOR THIS WEEK LOOKED AT THE ISSUES AND ALL AGREED THAT POSTPONING THE

PAGE 01 SAN SA 01597 06 OF 17 0721382 2655 SS01235

ELECTION BEYOND THE LEGALLY MANDATED PERIOD AND ORGANIZATION OF A PROVISIONAL GOVERNMENT WAS NOT POSSIBLE. ARENA HAS NOT ACCEDED TO THE FMLN'S PROPOSAL FOR A FIVE DAY TRUCE, BUT INSTEAD, BELIEVES ANY PLAN SHOULD INCLUDE A CEASE-FIRE. HE NOTED THAT THE COMMUNIST PARTY OF EL SALVADOR IN THE PERSON OF MARIO AGUINADA CARRANZA WAS ALREADY BACK WORKING IN THE SYSTEM, THOUGH NOT PARTICIPATING IN THE PRESIDENTIAL ELECTION.

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IN RESPONSE TO THE VICE PRESIDENT'S QUESTION, CRISTIANI SAID HE DID NOT THINK THAT THE FMLN'S PROPOSAL WAS A SERIOUS ONE. HE AGREED IT WAS ONLY POLITICAL, DESCRIBING FOR LACK OF A BETTER TERM AS PART OF THE FMLN'S DIPLOMATIC OFFENSIVE STRATEGY TO MAKE PEOPLE SEE THE FMLN AS FLEXIBLE AND ON THE MORAL HIGH GROUND. THE FMLN, THOUGH, HAS ENJOYED SUCCESS WITH ITS EFFORTS. EVERYONE IS NOW TALKING ABOUT THEIR PROPOSAL. CRISTIANI NOTED THE NEED FOR TIME TO PUT SOMETHING TOGETHER TO THROW BACK AT THEM SO THAT THEY CANNOT ESCAPE FROM A PEACEFUL SETTLEMENT. JUAN JOSE DOMENECH AND CRISTIANI REFERRED TO A PHONE CALL FROM SAN SALVADOR MAYOR ARMANDO CALDERON SOL IN WASHINGTON TO ATTEND THE PRAYER BREAKFAST SAYING THAT SOME MEMBERS OF CONGRESS HAVE INTRODUCED LEGISLATION SUPPORTING THE PROPOSAL. THE VICE PRESIDENT ASKED WHETHER THIS WAS SENSE OF CONGRESS RESOLUTION AND WHAT HOUSE IT WAS IN. CRISTIANI WAS NOT SURE.

THE VICE PRESIDENT ASKED CRISTIANI TO DESCRIBE HIS PLATFORM AND WHAT THE PARTY REPRESENTED. CRISTIANI SAID THAT MUCH EMPHASIS APPEARED TO BE FOCUSSED ON THE ISSUE OF VIOLENCE AND THE WAR. IN THE RURAL AREAS IN PARTICULAR, THOUGH, UNEMPLOYMENT AND THE HIGH COST OF LIVING ARE ISSUES THAT ARE PARAMOUNT. THE ECONOMIC PROGRAM OF ARENA IS ONE AREA THAT CLEARLY DISTINGUISHES IT FROM THE PDC, THOUGH HE

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PAGE 01 SAN SA 01597 07 OF 17 072131Z 2656 SS01236
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NOTED THAT THE PDC APPEARS TO BE MOVING CLOSER TO ARENA'S ECONOMIC POSITION.

THE VICE PRESIDENT SAID HE WANTED TO MAKE A FEW POINTS WITH REGARD TO UNITED STATES' POLICY. WE ARE NEUTRAL IN THIS ELECTION. WE WANT TO SEE A FREE AND FAIR CONTEST, WITH THE WINNER REAPING THE BENEFITS. AS IN OUR SYSTEM, WE WOULD HOPE THAT THE WINNER WOULD REACH OUT TO THE LOSER AND BUILD A STRONG CONSENSUS AFTER THE ELECTION. DEMOCRACY FUNCTIONS ON THE BASIS OF A STABLE MAJORITY. WHOEVER WINS NEEDS TO REACH OUT.

SECOND, THE VICE PRESIDENT STATED THAT MANY IN CONGRESS HAVE DEEP SUSPICIONS ABOUT ARENA'S COMMITMENT TO DEMOCRACY, HUMAN RIGHTS AND FAIR PROCESS. HE NOTED THAT, IF SUCCESSFUL, ARENA WOULD BE CONSIDERED, IN OUR LEGAL TERMINOLOGY, TO BE IN THE SUSPECT CATEGORY. HE IS NOT STATING THAT ARENA IS A SUSPECT, BUT TALKING PARTICULARLY ABOUT PERCEPTION, ESPECIALLY AMONG AN ELEMENT OF CONGRESS WHICH WILL WATCH ARENA CLOSELY. SPECIAL EMPHASIS WILL BE PLACED ON ARENA'S NOMINATIONS TO THE SUPREME COURT AND WHAT IT DOES WITH THE MILITARY. IT IS A FACT THAT DEMOCRACY MEANS JUSTICE AND JUSTICE MEANS HUMAN RIGHTS. HE NOTED HIS INTENT IN A LATER MEETING TO STRESS HUMAN RIGHTS TO THE MILITARY. THE UNITED STATES HAS A STRONG PASSION FOR JUSTICE AND ELIMINATION OF VIOLENCE ON BOTH LEFT AND RIGHT. WHILE PERCEPTION MAY NOT BE REALITY, THIS IS A FACT OF POLITICAL LIFE, AS THE VICE PRESIDENT HIMSELF SAID HE LEARNED IN THE CAMPAIGN.

THE VICE PRESIDENT NOTED THAT ARENA WAS AWARE OF THE PRESIDENT'S VIEWS. IT WOULD BE COUNTERPRODUCTIVE TO SEE VIOLENCE INCREASE OR HUMAN RIGHTS DENIED. THERE WOULD BE PROBLEMS IN CONGRESS, WHICH HAS A LOT TO SAY ABOUT FOREIGN POLICY. THROUGH THEIR CONTROL OF THE BUDGETARY PROCESS THEY CAN DENY FUNDS. IF DEMOCRACY AND HUMAN RIGHTS ARE NOT BEING RESPECTED, CONGRESS COULD DECIDE TO RESTRICT AID. AS A FRIEND, THE VICE PRESIDENT SAID HE WANTED CRISTIANI TO APPRECIATE OUR DEEP COMMITMENT TO HUMAN RIGHTS AND DEMOCRACY.

CRISTIANI EXPRESSED APPRECIATION FOR THE VICE PRESIDENT'S FRANK ASSESSMENT. HE SAID HE RECOGNIZED THE PERCEPTION PROBLEM. OUR MESSAGE ON DEMOCRACY AND

PAGE 01 SAN SA 01597 07 OF 17 072131Z 2656 SS01236
HUMAN RIGHTS IS SIMPLY THAT YOU GIVE US A CHANCE TO PROVE OURSELVES IN THE CONTEXT OF THE CONSTITUTIONAL SYSTEM THAT WE SUPPORT. WE HAVE BEEN SUCCESSFUL AS AN INSTITUTION IN MAKING ARENA THE STRONGEST POLITICAL PARTY IN EL SALVADOR. ALL WE WANT FROM YOU IS A FAIR CHANCE TO PROVE THAT WE CAN PERFORM TO YOUR EXPECTATIONS. ARENA CAN DEAL BETTER WITH THE MILITARY AND IT CAN DEAL BETTER WITH THE FMLN. ARENA AGREES WITH THE PRINCIPLES ENUNCIATED BY THE VICE PRESIDENT. ALL IT ASKS IS THAT ARENA NOT BE PRE-JUDGED. GIVE US A CHANCE, HE REPEATED, AND UNDER THESE TERMS THERE WILL BE NO PROBLEMS BETWEEN US.

THE VICE PRESIDENT STATED THAT NEITHER HE NOR THE PRESIDENT WOULD PRE-JUDGE ARENA. THERE ARE SPECIFIC AREAS, THOUGH, THAT NEED SOME CLARIFICATION AND THAT WILL SERVE AS INDICATORS OF ARENA'S INTENTIONS. ONE OF THOSE IS NOMINATIONS FOR THE NEW SUPREME COURT TO TAKE OFFICE JUNE 1.

CRISTIANI REPLIED THAT IMPROVEMENTS IN THE ADMINISTRATION OF JUSTICE ARE A KEY ELEMENT OF THE ARENA PLATFORM. NAMING OF THE SUPREME COURT JUSTICES SHOULD BE DONE BASED ON MERIT, NOT PARTY AFFILIATION. ARENA BELIEVES THAT THE COUNTRY NEEDS A PERMANENT JUDICIAL CAREER AND THAT THE SYSTEM OF FIVE YEAR TERMS FOR JUSTICES SHOULD BE CONSTITUTIONALLY MODIFIED. THE VICE PRESIDENT ASKED HOW NOMINEES WOULD BE SELECTED. CRISTIANI SAID THAT THE KEY WAS TO DEPOLITICIZE THE PROCESS. ARENA HAD ALREADY RECEIVED SUGGESTED NAMES FROM A LAWYERS GROUP. THE VICE PRESIDENT ASKED IF A GROUP WOULD BE SET UP TO PREPARE A LIST OF NAMES BASED ON MERIT. CRISTIANI REPLIED IT WOULD NOT BE NECESSARY TO REPLACE ALL 14 JUDGES ON THE COURT, SOME CONTINUITY IS NEEDED. ARENA'S PLATFORM MENTIONS THE NEED FOR A CAREER JUDICIARY AND A MERIT SYSTEM. HOWEVER, ARENA WOULD

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PAGE 01 SAN SA 01597 01 OF 17 021133Z 2665 SS01238
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NOT WANT TO SEE THE ENTIRE SUPREME COURT REPLACED BECAUSE THIS WOULD DISRUPT THE ENTIRE JUDICIAL SYSTEM SINCE THE SUPREME COURT, IN TURN, APPOINTS ALL OTHER JUDGES. THE VICE PRESIDENT NOTED ARENA'S INTENTION TO RETAIN CERTAIN JUSTICES ON THE COURT AND TO APPOINT OTHERS STATING THAT WE WILL WATCH ARENA'S ACTION CLOSELY IN THIS AREA SINCE IT IS NOT DIRECTLY RELATED TO THE ELECTION OF THE PRESIDENT. HE REMINDED CRISTIANI THAT ARENA WILL SEND A STRONG MESSAGE WITH THEIR NOMINATIONS.

THE VICE PRESIDENT TOLD CRISTIANI THAT HE UNDERSTOOD THE IMPORTANCE OF FIGHTING MARXIST-LENINISTS, BUT MILITARY ABUSES HAVE TO STOP AND THE PERPETRATORS BROUGHT TO JUSTICE. ONE IS NOT ASKING FOR SCAPEGOATS IN THE SYSTEM, BUT FOR FACTS TO BE ACTED ON. AN IMPORTANT FIRST STEP FOR THE NEXT ADMINISTRATION WILL BE TO SHOW A COMMITMENT TO JUSTICE. HE RESTATED THAT ARENA WILL BE IN A SUSPECT CATEGORY IF IT TAKES OFFICE AND ARENA WILL HAVE TO DEAL EFFECTIVELY WITH THAT FACT. IT WILL BE IMPORTANT TO CORRECT THIS MISPERCEPTION, BECAUSE IF THE PERCEPTION PROVES CORRECT, IT WILL BE A DISASTER FOR EL SALVADOR. THE UNITED STATES IS DEEPLY COMMITTED TO EL SALVADOR. THE VICE PRESIDENT SAID HE WANTED CRISTIANI TO UNDERSTAND UP FRONT WHERE WE ARE COMING FROM ON THE BASIC ISSUES OF DEMOCRACY AND HUMAN RIGHTS AND ON OUR NEUTRALITY IN THE ELECTION.

CRISTIANI SAID THAT A STRAW POLL OF 500 RESPONDENTS IN SAN SALVADOR EVIDENCED AN 80 PERCENT PREFERENCE NOT TO PUT OFF THE ELECTIONS AS REQUESTED BY THE FMLN. THE LATEST THE ELECTION COULD BE HELD WOULD BE MARCH 31. CRISTIANI EXPLAINED THAT THE CCE HAD TO MAKE THE ELECTION CALL; THE CCE IS COMPOSED OF THE THREE MAJOR PARTIES WHO WOULD HAVE TO AGREE UNANIMOUSLY ON A NEW DATE.

THE VICE PRESIDENT WISHED CRISTIANI WELL IN THE ELECTION AND EMPHASIZED THAT WE WOULD BE WATCHING CLOSELY AND WITH ANTICIPATION ON THE POINTS HE HAD RAISED IN THEIR DISCUSSION.

6. LUNCHEON AT PRESIDENT DUARTE'S RESIDENCE

ON ARRIVAL AT THE PRESIDENT'S OFFICIAL RESIDENCE FOR A FORMAL LUNCH, PRESIDENT DUARTE AND VICE PRESIDENT QUAYLE WENT INTO A FIFTEEN MINUTE TETE-A-TETE WITH NO ONE ELSE PRESENT. (FYI. CONTENTS TO BE SUPPLIED BY THE VICE PRESIDENT) IN OTHER DISCUSSIONS AT THE LUNCHEON:

- AT FRANCISCO "CHACHI" GUERRERO, PRESIDENT OF THE SUPREME COURT: AT THE INVITATION OF THE VICE PESIDENT, CHACHI GUERRERO WAS ESCORTED INTO THE PRESIDENT'S PRIVATE STUDY BY THE AMBASSADOR. DUARTE REMAINED AT THE VICE PRESIDENT'S SIDE THROUGHOUT THE TALK WITH GUERRERO. THE VICE'PRESIDENT BEGAN BY NOTING THERE WAS NOT ENOUGH TIME FOR THE SOCIAL AMENITIES, BUT THERE WAS A NEED FOR DIRECT, CANDID DISCUSSION. HE SAID THAT HIS MESSAGE TO ALL SALVADORAN AUDIENCES WAS A SIMPLE BUT IMPORTANT ONE: HUMAN RIGHTS, DEMOCRACY AND THE ADMINISTRATION OF JUSTICE. THEY ALL GO TOGETHER, THEY ARE TOTALLY ENTWINED. THE VICE PRESIDENT NOTED HEIGHTENED PERSONAL CONCERN WITH A LACK OF PROGRESS IN THREE IMPORTANT CASES, SAN SEBASTIAN, THE SARAVIA EXTRADITION, AND THE SHERATON MURDERS, IN WHICH "THINGS SHOULD HAVE COME OUT BETTER", WOULD HAVE COME OUT BETTER BUT FOR ACTIONS OR LACK OF ACTION BY THE SUPREME COURT. HE REPEATED HIS AND PRESIDENT BUSH'S DEEP COMMITMENT TO THE CAUSE OF HUMAN RIGHTS AND SERIOUS CONCERN THAT THESE CASES WERE STALLED WITHIN THE COURT SYSTEM OVER WHICH GUERRERO PRESIDED.

THE SUPREME COURT PRESIDENT AGREED THAT CANDID LANGUAGE WAS ESSENTIAL. HE PROCEEDED TO DESCRIBE THE SALVADORAN LEGAL SYSTEM, THE VARIOUS LEVELS OF COURTS, ETC., TURNING TO THE THREE CASES CHACHI SAID HE HAD JUST APPOINTED A NEW JUDGE IN THE SAN SEBASTIAN INVESTIGATION, A "FIRM, TOUGH, IMPERVIOUS TO PRESSURE" APPOINTEE TO REPLACE A WEAK FIRST CHOICE. HE EXPLAINED THAT SINCE THE CASE INVOLVED

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PAGE 01 SAN SA 01597 09 OF 17 0721352 2668 SS01239
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DANGER, IT HAD BEEN DIFFICULT TO FIND A JUDGE WILLING TO TAKE IT ON. CHACHI SAID HE WAS DEMANDING WEEKLY REPORTS FROM THE NEW JUDGE. ON THE SHERATON CASE CHACHI HID BEHIND THE CONSTITUTION. HIS JUSTIFICATION FOR THE COURT'S POSITION ON THE SARAVIA EXTRADITION AFFAIR WAS EQUALLY LEGALISTIC.

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THE VICE PRESIDENT CUT CHACHI OFF, SAYING THERE WASN'T TIME TO GO INTO THE DETAILS. HE CONCLUDED BY TELLING GUERRERO THAT THE AMBASSADOR WOULD EXPECT A REPORT ON EACH OF THE STAGNANT CASES, WITHIN THE NEXT WEEK, AND THE AMBASSADOR, AWARE OF THE VICE PRESIDENT'S PERSONAL INTEREST, WOULD REPORT THE RESULTS DIRECTLY TO THE VICE PRESIDENT'S OFFICE. CHACHI GUERRERO SAID THAT WAS JUST WHAT HE HAD IN MIND, AND WOULD PREPARE A REPORT ON EACH IMMEDIATELY.

- B. THE LUNCHEON DISCUSSION AMONG THE GUESTS AT THE HEAD TABLE WAS ESSENTIALLY SOCIAL, WITH THE EXCEPTION OF THE TOASTS OFFERED BY PRESIDENT DUARTE AND THE VICE PRESIDENT (WHICH CONSUMED TWENTY MINUTES OF THE FORTY FIVE).

7. MEETING ONE ON ONE WITH MINISTER OF DEFENSE VIDES CASANOVA

THE VICE PRESIDENT, ACCOMPANIED BY THE AMBASSADOR AND USCINCSO GENERAL FRED WOERNER MET PRIVATELY WITH MINISTER OF DEFENSE VIDES CASANOVA. GENERAL VIDES CASANOVA OPENED WITH A CORDIAL WELCOME TO THE ESTADO MAYOR. HE SAID THAT, ON LISTENING TO THE VICE PRESIDENT'S LUNCHEON TOAST HE HAD BEEN IMPRESSED BY THE STRENGTH OF THE WORDS, AND THE FACT THAT "WE'RE ALL ON THE SAME WAVELENGTH, FIGHTING FOR DEMOCRACY AND HUMAN RIGHTS". "THAT'S WHY I'VE STAYED ON SO LONG", VIDES STATED, "TO HAVE LEFT EARLIER WOULD HAVE BEEN TO DO SO WITH TOO LITTLE SUCCESS". THE MINISTER ASKED THE VICE PRESIDENT TO BE AS FRANK AND CANDID AS HE COULD BE IN HIS TALKS TO THE MILITARY HIGH COMMAND, AND LATER WITH THE COMMANDERS. VIDES CLAIMED THE TOUGHER THE MESSAGE THE VICE PRESIDENT DELIVERED THE BETTER IT WOULD HELP HIM IN HIS DEALINGS WITH THE OTHER OFFICERS ON BOTH THEMES, DEMOCRACY AND HUMAN RIGHTS. HE ADDED THAT HE PROJECTED THE SAME MESSAGE CONSTANTLY, BUT THAT THESE WERE WORDS THAT HAD TO BE REPEATED OVER AND OVER.

PAGE 01 SAN SA 01597 09 OF 17 0721352 2668 SS01239

"THEY NEED TO HEAR IT FROM YOU". THE MINISTER PROMISED TO REAFFIRM THE ARMED FORCES COMMITMENT ON BOTH SUBJECTS; "WE WILL SUCCEED, DESPITE THE DIFFICULTY OF THE JOB, WITH THE COOPERATION OF THE EMBASSY, THE SOUTHERN COMMAND, AND WITH ALL SPEAKING WITH TOTAL FRANKNESS".

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THE VICE PRESIDENT THANKED THE MINISTER FOR HIS ADVICE. HE SAID HE DIDN'T WANT TO APPEAR RUDE OR PREACHY, BUT AS A FRIEND FELT HE MUST BE FRANK. "WE'RE ALLIES, AND THE ISSUE OF HUMAN RIGHTS IS CRITICAL TO THE PROCESS OF DEMOCRACY. I APOLOGIZE IF I APPEAR HARSH, BUT BOTH PRESIDENT BUSH AND I ARE COMMITTED TO THE DEMOCRATIC PROCESS, AND ITS HUMAN RIGHTS COMPONENT. THEY'RE INSEPARABLE. ANY BACKSLIDING WOULD BE BAD FOR BOTH OF US." THE MINISTER SAID HE UNDERSTOOD, AND FULLY AGREED.

8. MEETING WITH THE MOD AND THE JOINT GENERAL STAFF

FOLLOWING A PRIVATE MEETING IN THE OFFICE OF THE MINISTER OF DEFENCE, THE VICE PRESIDENT AND MINISTER OF DEFENSE MET WITH THE JOINT GENERAL STAFF: COL. RENE EMILIO PONCE, CHIEF OF THE JOINT GENERAL STAFF, GENERAL RAFAEL LARIOS, VICE MINISTER OF DEFENSE, CO. HUMBERTO VILLALTA, NAVY CHIEF OF STAFF AND GENERAL JUAN RAFAEL BUSTILLO, AIR FORCE CHIEF.

MOD VIDES CASANOVA OPENED REFERRING TO THE VICE PRESIDENT'S REMARKS AT THE OFFICIAL LUNCHEON HOSTED BY THE PRESIDENT. HE NOTED THE VICE PRESIDENT'S YOUTH AND DYNAMISM AND CLEAR ARTICULATION OF THE BASIS OF U.S. POLICY. THE MINISTER SAID ONE THING THE VICE PRESIDENT HAD DONE AT LUNCH HAD CAUGHT HIS ATTENTION AND COMMUNICATED VISUALLY TO HIM THE KIND OF MAN THEY ARE DEALING WITH, AND THAT WAS THE PERSONAL ATTENTION THE VICE PRESIDENT HAD PAID TO THE

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[redacted]ECTION 10 OF 17 SAN SALVADOR 01597
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C O R R E C T E D C O P Y (UPGRADED TO EXDIS)
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EXDIS
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E.O. 12356: DECL: OADR
TAGS: OVIP (QUAYLE, DAN), ES
SUBJECT: THE VICE PRESIDENT'S MEETINGS IN SAN

STAFF AT THE PRESIDENT'S RESIDENCE AND THE VERY HUMAN AND DIRECT SENSE OF APPRECIATION HE HAD CONVEYED TO THEM. THIS SMALL GESTURE MEANT A LOT AND SAID A LOT ABOUT THE VICE PRESIDENT; HE IS VERY KIND IN HIS DEALINGS AND VERY DIRECT IN HIS WORDS. YOU HAVE A SENSE FOR PEOPLE, HE SAID. YOUR GESTURES IMPART YOUR PERSONALITY. SO, THE MINISTER STATED, HE WANTED TO TELL THE VICE PRESIDENT TO SPEAK PLAINLY TO THEM, EVEN IF THE MESSAGE MIGHT BE SOMETHING THEY MIGHT NOT WANT TO HEAR. WE ARE INTERESTED IN YOUR VISION OF HOW WE ARE DOING AND HOW WE ARE SEEN FROM THE OUTSIDE.

AFTER HEARING YOUR LUNCHEON TOAST, VIDES SAID HE COULD ASSURE THE VICE PRESIDENT THAT THE ARMED FORCES ARE FULLY COMMITTED TO THE VICE PRESIDENT'S TWO CENTRAL POINTS: DEMOCRACY AND HUMAN RIGHTS. THERE REMAINS A LOT TO DO TO STRENGTHEN THE DEMOCRATIC PROCESS. TO DO THIS, WE NEED TO HELP YOU STRENGTHEN THE BIPARTISAN CONSENSUS IN CONGRESS ON AID TO EL SALVADOR. ONLY WITH UNITED STATES AID WILL EL SALVADOR BE ABLE TO FURTHER REDUCE THE MARXIST-LENINIST INSURGENCY. YOU ARE AT HOME HERE, AMONG FRIENDS, MR. VICE PRESIDENT, VIDES SAID. PLEASE TELL US WHAT YOU WOULD LIKE TO SAY.

THE VICE PRESIDENT NOTED THIS WAS HIS FIRST VISIT TO EL SALVADOR. PRESIDENT BUSH HAS SHOWN A STRONG INTEREST IN THE PEOPLE AND GOVERNMENT OF EL SALVADOR. THE VICE PRESIDENT UNDERSCORED HIS DESIRE NOT TO COME ACROSS AS A LECTURING NORTH AMERICAN TELLING SALVADORANS HOW TO RUN THEIR COUNTRY. THE PURPOSE IS TO DISCUSS SOME IMPORTANT ISSUES IN A VERY SHORT SPACE OF TIME.

THE VICE PRESIDENT DESCRIBED FOR THE GENERAL STAFF HIS OWN PERSONAL BACKGROUND IN CONGRESS, HIS POLITICAL VIEWS, AND HIS COMMITMENT TO A STRONG NATIONAL DEFENSE AND EXPERTISE IN THE AREA OF NATIONAL SECURITY. HE NOTED HIS VIEWS THAT MARXISM-LENINISM IS A POLITICAL SCOURGE THAT, FORTUNATELY, APPEARS ON THE WANE. WE RECOGNIZE THE INTERNATIONAL CONNECTIONS OF COMMUNISM. IN THIS HEMISPHERE WE ARE COMMITTED TO STOPPING COMMUNISM AND ENCOURAGING DEMOCRACIES TO WORK TOGETHER TO DO SO.

REFERRING TO HIS LUNCHEON TOAST, THE VICE PRESIDENT SAID THE BONDS BETWEEN THE UNITED STATES AND EL

PAGE 01 SAN SA 01597 10 OF 17 072137Z 2693 SS01248

SALVADOR ARE BASED ON DEMOCRACY AND HUMAN RIGHTS. IN THIS REGARD, OUR RELATIONSHIP HAS NEVER BEEN STRONGER.

WE ARE COMMITTED TO THE ADVANCEMENT AND PRESERVATION OF HUMAN RIGHTS. WHEN ATROCITIES ARE COMMITTED, THEY MUST BE PROSECUTED AND THE ACCUSED BROUGHT TO JUSTICE. THE COMPASSION AND COMMITMENT TO HUMAN RIGHTS AND SOCIAL JUSTICE IS SHARED EQUALLY BY CONSERVATIVE REPUBLICANS AND LIBERAL DEMOCRATS WHO MIGHT HAVE COME TO LECTURE THE MILITARY FROM TIME TO TIME. THERE IS A SHARED DEEP COMMITMENT DEMOCRATIC TO PRINCIPLES.

AS THE DEMOCRATIC PROCESS MOVES FORWARD, THE WORLD, INCLUDING THE UNITED STATES, IN PARTICULAR, WILL BE WATCHING THE MATURING OF THE DEMOCRATIC PROCESS. A MATURING DEMOCRACY MUST PLACE UP FRONT CONCERN FOR HUMAN RIGHTS AND CONCERN WHEN THE LIVES OF INNOCENT PERSONS ARE PUT IN JEOPARDY. THERE IS NO DIFFERENCE BETWEEN LIBERAL DEMOCRATS AND CONSERVATIVE REPUBLICANS ON THIS POINT. THE DIFFERENCE COMES WHEN THE LIBERAL DEMOCRATS DO NOT APPLY THE SAME STANDARDS TO THE POLITICAL LEFT AS THEY DO THE RIGHT. LIBERAL DEMOCRATS SOME TIMES SEEM TO TAKE THE POSITION THAT THEY KNOW NO ENEMIES ON THE LEFT AND THE ONLY PROBLEM EXISTS ON THE RIGHT.

WE ARE FRIENDS AND ALLIES, THE VICE PRESIDENT STATED, AND WANT TO MOVE FORWARD WITH YOU ON THIS BASIS. AS THE MILITARY COMMANDERS YOU ARE IN POSITIONS OF AUTHORITY TO MAKE THE SYSTEM WORK AND ENSURE THAT HUMAN RIGHTS ARE RESPECTED. OR, IF YOU DO NOT TAKE HUMAN RIGHTS SERIOUSLY, YOU CAN TURN THE CLOCK BACK.

TO SUPPORT YOU, WE NEED A BIPARTISAN CONSENSUS ON EL SALVADOR. SUCH A CONSENSUS EXISTS NOW BETWEEN THE PRESIDENT AND CONGRESS. BUT, IF HUMAN RIGHTS ISSUES

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PAGE 01 SAN SA 01557 11 OF 17 072139Z 2687 SSO1246
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TAGS: OVIP (QUAYLE, DAN), ES
SUBJECT: THE VICE PRESIDENT'S MEETINGS IN SAN

ARE NEGLECTED OR PERCEPTIONS EMERGE THAT IT ONLY APPLIES TO THE LEFT, NOT TO THOSE IN AUTHORITY, WE WILL TAKE A STEP BACKWARDS. HE UNDERSCORED THIS AS A STATEMENT OF FACT, NOT A THREAT. WE ARE AT A CRITICAL JUNCTURE. PRESIDENT BUSH AND I, THE VICE PRESIDENT STATED, LOVE THIS COUNTRY AND WANT TO HELP YOU NOT ONLY WITH NATIONAL SECURITY, BUT WITH HUMAN RIGHTS AND SOCIAL JUSTICE AS WELL.

TO BE OF HELP IN SUPPORTING THE GOALS OF DEMOCRACY AND GOOD BILATERAL RELATIONS, THE VICE PRESIDENT SAID THERE WAS ONE ITEM THAT NEEDS TO BE SPECIFICALLY ADDRESSED: THE INCIDENT AT SAN SEBASTIAN. THE VICE PRESIDENT SAID HE DID NOT KNOW WHO WAS GUILTY, BUT THAT A TRAGEDY OCCURRED THAT NEEDS TO BE THOROUGHLY INVESTIGATED AND BROUGHT TO JUSTICE. THIS CASE IS VIEWED AS A CRITICAL TEST OF THE ADVANCEMENT OF HUMAN RIGHTS IN EL SALVADOR. HE NOTED THAT THE AMBASSADOR WOULD LEAVE WITH THE MINISTER OF DEFENSE AND ENVELOPE WITH SPECIFICS ON THIS CASE THAT NEED TO BE ADDRESSED.

THIS CASE IS A SIGN OF THE SERIOUSNESS WITH WHICH THE MILITARY TAKE HUMAN RIGHTS. WE ARE NOT SAYING WHERE BLAME MUST BE DIRECTED. WE ARE SAYING WHOEVER IS CULPABLE MUST BE PUNISHED. THE VICE PRESIDENT UNDERSCORED THAT HE WAS TALKING VERY SERIOUSLY ABOUT A VERY SERIOUS PROBLEM. HE REITERATED THAT THESE ARE THE WORDS OF A FRIEND COMMITTED TO DEMOCRACY IN EL SALVADOR.

GENERAL BUSTILLO POSED A QUESTION AT THE CONCLUSION OF THE VICE PRESIDENT'S REMARKS WITH REGARD TO FMLN VIOLENCE AGAINST THE POPULATION AT LARGE, EXPRESSING CONCERN THAT DIMENSIONS OF SUCH HUMAN RIGHTS ABUSES FROM THE FMLN ARE NOT WIDELY REPORTED AND UNDERSTOOD OUTSIDE EL SALVADOR. EL SALVADOR DOES NOT HAVE THE FINANCIAL CAPACITY TO COMMUNICATE EFFECTIVELY THAT THE COUNTRY IS UNDER SIEGE FROM A VIOLENT MINORITY THAT IS DAILY COMMITTING ABUSES AGAINST THE PEACEFUL MAJORITY.

THE VICE PRESIDENT EXPRESSED HIS AGREEMENT WITH GENERAL BUSTILLO'S GENERAL CHARACTERIZATION OF THE FMLN. TO BE ABLE TO DEFEAT THE FMLN, HE SAID THAT THE UNITED STATES NEEDS THE HELP OF THE MILITARY TO SHOW THAT PEOPLE IN POSITIONS OF AUTHORITY TAKE HUMAN RIGHTS SERIOUSLY.

PAGE 01 SAN SA 01557 11 OF 17 072139Z 2687 SSO1246

VIDES CASANOVA SAID THAT THE VIOLENCE REFERRED TO BY BUSTILLO HAD BEEN GREATER IN RECENT MONTHS AND THAT THIS INCREASE WAS NOT WIDELY REPORTED OUTSIDE EL SALVADOR. HUMAN RIGHTS ABUSES FROM THE FMLN HAVE INCREASED SIGNIFICANTLY, BUT ONLY THE MILITARY IS BEING PRESSURED FOR ISOLATED CASES. THE POINT, THOUGH, VIDES CASANOVA SAID, IS THAT THE MILITARY CANNOT RESPOND TO TERRORISM WITH TERRORISM. STATE TERRORISM IS AS EQUALLY REPUGNANT AS VIOLENT TERRORISM FROM THE FMLN. OFFICERS MUST SHOW PATIENCE AS A PROFESSIONAL ARMED FORCE FACING BANDS OF MURDERERS. EVERY DAY BRINGS MORE PROFESSIONALISM TO THE ARMED FORCES, DEVELOPING AS A FORCE UNDER THE RULE OF LAW.

VIDES CASANOVA, ADDRESSING THE VICE PRESIDENT, SAID THAT HE COULD HELP CONVEY THE HUMAN RIGHTS SITUATION AND RECENT INCREASE IN VIOLENCE FROM THE FMLN. HE COULD ALSO CONVEY THAT THE MILITARY, LIKE THE UNITED STATES, HAS MADE COMMITMENTS, AND THAT BOTH SIDES HAVE LIVED UP TO THESE COMMITMENTS.

THE MILITARY HAVE DONE EVERYTHING POSSIBLE CONCERNING THE SAN SEBASTIAN (LA CEBADILLA) INCIDENT. BUT THEY WILL TRY TO DO MORE. THEY URGED THAT THE CASE BE TURNED OVER FOR INVESTIGATION TO THE SPECIAL INVESTIGATIVE UNIT, UNDER THE CONTROL OF THE PRESIDENT. VIDES CASANOVA SAID HE HAD PRESSED THE PRESIDENT OF THE SUPREME COURT FOR A MONTH TO NAME A JUDGE IN THE CASE TO REPLACE THE JUDGE WHO RESIGNED. AT THE PRESIDENT'S LUNCHEON TODAY VIDES CASANOVA SAID HE TOLD THE PRESIDENT OF THE SUPREME COURT THAT HE IS READY TO WORK WITH THE NEW JUDGE WHO WAS JUST APPOINTED YESTERDAY.

THERE HAVE BEEN ONLY TWO HUMAN RIGHTS CASES IN THE

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EXDIS

C O R R E C T E D C O P Y (UPGRADED TO EXDIS)

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TAGS: OVIP (QUAYLE, DAN), ES
SUBJECT: THE VICE PRESIDENT'S MEETINGS IN SAN

PAST YEAR, ACCORDING TO VIDES CASANOVA, NOTWITHSTANDING THAT THIS HAS BEEN A VIOLENT PERIOD BECAUSE OF THE INCREASE IN ATTACKS FROM THE FMLN. IT DID NOT MATTER, HOWEVER, SINCE NO BRIDE WOULD GO TO HER WEDDING WITH A STAIN ON THE DRESS. THE MILITARY WILL MAKE MISTAKES, HE SAID, WE NEED TO CORRECT THEM AND REMOVE THE STAIN. HE SAID THAT HE UNDERSTOOD THE VICE PRESIDENT'S MESSAGE. ONE INCIDENT LIKE SAN SEBASTIAN COULD TURN INTO ANOTHER HARKIN SHERATON CASE AMENDMENT THAT WILL COST THE MILITARY ANOTHER $5-10-15 MILLION IN ASSISTANCE.

THE VICE PRESIDENT EXPRESSED HIS APPRECIATION TO ALL AROUND THE TABLE FOR LISTENING TO HIM AND SATISFACTION THAT AFTER A MONTH OF EFFORT BY THE MINISTER OF DEFENSE, A JUDGE HAS FINALLY BEEN REAPPOINTED TO THE CASE. MY STATEMENTS, THE VICE PRESIDENT SAID, COME FROM MY DEEP COMMITMENT TO DEMOCRACY AND HUMAN RIGHTS, NOT BECAUSE I ENJOY SPEAKING THIS WAY TO FRIENDS, BUT BETWEEN FRIENDS WE HAVE TO UNDERSTAND EACH OTHER IN ORDER FOR DEMOCRACY TO SURVIVE AND OUR CLOSE RELATIONSHIP TO CONTINUE. PRESIDENT BUSH WANTS THAT RELATIONSHIP TO CONTINUE, AND SO DO I, THE VICE PRESIDENT CONCLUDED.

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9. TEXT OF VICE PRESIDENT'S ADDRESS TO THE ASSEMBLED JOINT GENERAL STAFF, BRIGADE AND DETACHMENT COMMANDERS

FOLLOWING A PHOTO OPPORTUNITY AND A WARM WELCOME BY COL RENE (PONCE), THE CHIEF OF THE JOINT GENERAL STAFF, VP QUAYLE ADDRESSED APPROXIMATELY 45 SENIOR OFFICERS INCLUDING THE HIGH COMMAND, SERVICE CHIEFS, BRIGADE, DETACHMENT AND IMMEDIATE REACTION BATTALION COMMANDERS, AND THE DIRECTORS OF THE PUBLIC SECURITY SERVICES AND MILITARY TRAINING CENTERS. PARAGRAPH TWO CONTAINS THE VP'S REMARKS.

REMARKS:

- ON THIS, THE FIRST PRESIDENTIAL ENVOY OF THE BUSH ADMINISTRATION, I WAS PARTICULARLY PLEASED TO TRAVEL TO VENEZUELA TO CELEBRATE THE DEMOCRATIC CHANGE OF PRESIDENTS AND TO BE IN EL SALVADOR NOW, A COUNTRY WITH WHICH WE HAVE SUCH CLOSE LINKS AND WHICH IS A CLOSE FRIEND OF THE U.S.

- SO THAT YOU KNOW ME BETTER, I WOULD LIKE TO TELL YOU SOME OF MY BACKGROUND. I SPENT 4 YEARS IN CONGRESS AND 8 YEARS IN THE SENATE REPRESENTING INDIANA, THE STATE IN WHICH THE UNIVERSITY OF NOTRE DAME IS LOCATED--THE ALMA MATER OF YOUR ILLUSTRIOUS PRESIDENT, DUARTE. WHILE IN THE SENATE I WAS ON THE SENATE ARMED SERVICES COMMITTEE AND AM NOT ONLY FAMILIAR WITH BUT A FIRM BELIEVER THAT A SOUND INVESTMENT IN NATIONAL SECURITY MEANS PEACE AND FREEDOM.

I PERSONALLY APPRECIATE OUR U.S.I MILITARY SERVICEMEN AND THE SACRIFICES THAT THEY AND THEIR FAMILIES MAKE. I ALSO APPRECIATE YOUR SERVICES AND THE GOALS YOU ARE SEEKING TO ACHIEVE. I REITERATE MY BELIEF IN THE IMPORTANCE OF STRONG NATIONAL SECURITY, WHICH IS ESSENTIAL FOR THE PRESERVATION OF PEACE.

I JUST HELD A FRANK DISCUSSION WITH THE HIGH COMMAND AND NOW WANT TO SHARE WITH YOU MY IDEAS, NOT AS A FIRST TIME LECTURER, RATHER AS A FRIEND WHO UNDERSTANDS THAT STRONG NATIONAL SECURITY IS NEEDED TO PROTECT DEMOCRACY IN EL SALVADOR. AND WHEN I SPEAK OF DEMOCRACY I MEAN RESPECT FOR HUMAN RIGHTS AND SOCIAL JUSTICE.

-

- I AM VERY AWARE THAT THE FMLN IS A MARXIST LENINIST GROUP, DEDICATED TO TERRORISM AND FINANCED FROM THE OUTSIDE. I KNOW IT ENGAGES IN KILLING INNOCENT PEOPLE AND MAYORS, AS WELL AS COMMITTING VIOLENCE AGAINST TOWNS AND THE NATION'S INFRASTRUCTURE. NOT ONLY I, BUT PRESIDENT BUSH AND OTHERS IN COUNTRY UNDERSTAND THE GOALS OF THE MARXIST LENINISTS.

- WHEN IN CONGRESS, I WAS A STRONG PROPONENT FOR AID TO THE CONTRAS TO PRESSURE THE MARXIST ORTEGA GOVERNMENT. I AND OTHERS WERE SUCCESSFUL IN OBTAINING AID UNTIL JANUARY 1988. I AM CONSIDERED A CONSERVATIVE REPUBLICAN AND A HARD-LINER ON COMMUNISM, AND AM PROUD

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PAGE 01 SAN SA 01597 13 OF 17 0721532 2899 SS01284
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EXDIS
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E.O. 12356: DECL: OADR
TAGS: OVIP (QUAYLE, DAN), ES
SUBJECT: THE VICE PRESIDENT'S MEETINGS IN SAN

OF MY STAND. EVEN THOUGH I AM A HARD-LINER ON COMMUNISM, I AM ALSO A HARD-LINER IN SUPPORTING DEMOCRACIES AND ADHERENCE TO RESPECT FOR HUMAN RIGHTS. DEMOCRACY DOES NOT EXIST WITHOUT RESPECT AND UNDERSTANDING OF HUMAN RIGHTS. THEY GO HAND-IN-HAND.

- WE ARE NOW AT A CRITICAL TIME FOR DEMOCRACY IN EL SALVADOR. I HOPE TO SEE A PEACEFUL TRANSFER OF ADMINISTRATIONS HERE OCCURRING WITHIN A CONSTITUTIONAL FRAMEWORK.

- VIOLENCE MUST BE CONDEMNED WHETHER IT COMES FROM THE LEFT OR RIGHT. BUSH AND I ARE HARD-LINERS ON VIOLENCE AGAINST INNOCENT PEOPLE. SOME PEOPLE IN OUR COUNTRY BELIEVE THAT EL SALVADOR WILL NOT MAKE IT AS A DEMOCRACY. THESE SAME INDIVIDUALS ARE SAYING THE CLOCK WILL BE TURNED BACK AND ARE PREDICTING MORE VIOLENCE AND ABUSES. BUSH AND I WANT TO PROVE THEM WRONG -- THAT DEMOCRACY CAN SURVIVE, THAT HUMAN RIGHTS ARE SACRED HERE. BY PROVING THEM WRONG, WE CAN HELP BOTH THE USG AND GOES BECAUSE WE WILL BE LINKED TOGETHER IN THE DEMOCRATIC PRINCIPLES OF HUMAN RIGHTS AND SOCIAL JUSTICE.

- I AM HERE TODAY TO SAY THAT WE CAN IN FACT MAKE IT. WE CAN SEE DEMOCRACY ADVANCED, BUT WE (THE USG) NEED HELP AND UNDERSTANDING.

- THE EYES OF THE WORLD ARE ON EL SALVADOR TO SEE WHERE THE COUNTRY IS GOING ON HUMAN RIGHTS ISSUES. WHEN VIOLATIONS OCCUR AND INNOCENT PEOPLE ARE KILLED, SUCH AS OCCURRED IN SAN SEBASTIAN, THERE MUST BE AN INVESTIGATION AND THE GUILTY MUST BE PUNISHED REGARDLESS OF THE CONSEQUENCES. WE CANNOT TURN OUR HEADS WHEN INNOCENT LIVES ARE TAKEN. ALL EYES IN OUR COUNTRY ARE FOCUSED ON THIS CASE.

- IN A DEMOCRACY, FREE PEOPLE ARE STRONG. THIS INVESTMENT IN FREEDOM MEANS FREEDOM FOR THE INNOCENT AGAINST ABUSES FROM THE LEFT OR RIGHT. THOSE WHO ARE GUILTY OF ABUSES MUST PAY THE PRICE.

- IN CONCLUSION, I AM HERE AS A FRIEND AND SUPPORTER. WE WANT TO WORK WITH YOU. WE WILL STAND TALL WITH YOU. REGARDING TERRORISM PERPETRATED BY THE FMLN, WE ARE WITH YOU. BE WITH US AS WELL IN OUR ATTEMPT TO SUPPORT YOU. YOU MUST BE WITH US AS WE NOURISH THIS DEMOCRACY. INVESTIGATE HUMAN RIGHTS INCIDENTS. GET

PAGE 01 SAN SA 01597 13 OF 17 0721532 2899 SS01284

THE FACTS ON THE TABLE IN A COMPLETE, OBJECTIVE MANNER. TOGETHER, WE CAN GET AHEAD. IF WE DO NOT STRENGTHEN DEMOCRACY, PEACE WILL SUFFER.

- I THANK YOU FOR YOUR ATTENTION. I SALUTE YOUR COURAGE AND SERVICE TO YOUR COUNTRY. UNDERSTAND OUR COMMITMENT TO HUMAN RIGHTS AND THE DEPTH OF OUR COMMITMENT. WE ARE IN THIS TOGETHER AGAINST TOTALITARIANISM.

-

FOLLOWING THE VICE PRESIDENT'S STATEMENT HE TOOK QUESTIONS FROM THE FLOOR.

IN RESPONSE TO A QUESTION WITH REGARD TO WHETHER THE UNITED STATES WOULD RENEW MILITARY SUPPORT TO THE CONTRAS, THE VICE PRESIDENT STATED THAT THE NEW ADMINISTRATION WAS GOING TO PAUSE TO SEE IF DANIEL ORTEGA WOULD CARRY OUT ANY OF HIS COMMITMENTS TO DO ANYTHING, INCLUDING WHETHER HE WOULD STOP EXPORTING REVOLUTION FROM NICARAGUA. UNFORTUNATELY, HE SAID, THE CONGRESS CUT OFF MILITARY ASSISTANCE TO THE DEMOCRATIC RESISTANCE LAST YEAR. WE ARE PROVIDING HUMANITARIAN AID NOW. WHETHER WE WILL RENEW MILITARY AID WILL DEPEND ON THE ACTIONS OF ORTEGA AND THE SANDINISTAS.

FIRST BRIGADE COMMANDER ORLANDO ZEPEDA ASKED THE VICE PRESIDENT WHAT COULD BE DONE TO CURTAIL SUPPORT TO THE FMLN FROM SOLIDARITY GROUPS IN THE UNITED STATES. THE VICE PRESIDENT SAID THAT THE POSITION OF THE UNITED STATES GOVERNMENT IS CLEAR. WE CONSIDER THE FMLN AS A TERRORIST ORGANIZATION. UNDER THE UNITED STATES ARMS EXPORT CONTROL ACT THERE ARE LIMITS ON WHAT TYPES OF ASSISTANCE CAN BE PROVIDED UNDER THE LAW. THAT LAW WILL BE ENFORCED. UNITED STATES CONSTITUTIONAL GUARANTEES ON FREEDOM OF

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PAGE 01 SAN SA 01597 14 OF 17 0721562 2981 SS01286
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EXDIS

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TAGS: OVIP (QUAYLE, DAN), ES
SUBJECT: THE VICE PRESIDENT'S MEETINGS IN SAN

ASSOCIATION AND FREEDOM OF SPEECH GIVE GROUPS WIDE LATITUDE FOR ACTION, BUT THEY CANNOT VIOLATE THE LAW, INCLUDING THE ARMS EXPORT CONTROL ACT. IN GENERAL, TERMS, HOWEVER, PRESIDENT AND THE VICE PRESIDENT DO NOT LOOK FAVORABLY ON PEOPLE GIVING ANY SUPPORT, INCLUDING MORAL SUPPORT, TO THE FMLN. WITHIN OUR CONSTITUTIONAL PROCESS, HOWEVER, THE ONLY ALTERNATIVE IS TO ARGUE AGAINST THEM AND DEMONSTRATE PROGRESS IN DEMOCRACY AND HUMAN RIGHTS.

THE MEETING CONCLUDED WITH A BRIEF PRESENTATION CEREMONY OF A PLAQUE MADE BY SALVADORAN TROOPS HANDICAPPED IN ACTION AGAINST THE FMLN.

1B. MEETING WITH REPRESENTATIVES OF DEMOCRATIC LABOR ORGANIZATIONS

AMANDA VILLATORO, COORDINATOR AND SPOKESPERSON FOR THE UNION OF WORKERS AND CAMPESINOS (UNOC) LED A FOUR PERSON DELEGATION COMPOSED OF SAMUEL MALDONADO (PRESIDENT OF THE SALVADORAN CAMPESINO UNION), SALVADOR CARAZO AND FRANCISCO COLOCHO. SPEAKING FOR THE GROUP, VILLATORO SAID SHE WANTED TO BRIEF THE VICE PRESIDENT ON WHY UNOC HAS OPTED TO SUPPORT THE CHRISTIAN DEMOCRAT PARTY CANDIDATE, FIDEL CHAVEZ MENA, FOR PRESIDENT. UNOC IS CONCERNED ABOUT A POSSIBLE RETURN TO REPRESSION. THE ORGANIZATION INTERVIEWED SEVERAL CANDIDATES TO ANALYZE WHAT THEY HAD TO OFFER LABOR. ON THIS BASIS THEY CONCLUDED THAT, TO CONSOLIDATE DEMOCRACY, THERE HAD TO BE ANOTHER TERM OF OFFICE FOR THE PDC.

VILLATORO SAID SHE ACCEPTED THAT CRISTIANI IS A DECENT INDIVIDUAL. HE, HOWEVER, DOES NOT HAVE ABSOLUTE POWER IN ARENA. ROBERTO D'AUBUISSON AND COL. (R) SIGIFREDO OCHOA (ARENA ASSEMBLY VICE PRESIDENT) ARE THE POWERS IN THE PARTY. UNOC VIEWS THIS AS A DANGEROUS SITUATION. IF ARENA WINS AND THE RESULT IS GREATER REPRESSION, THE ULTIMATE WINNER WILL BE THE FMLN WHICH WILL GAIN GREATER ACCEPTANCE THAN IT NOW ENJOYS. THE PDC IS, THUS, THE ONLY ALTERNATIVE TO CONSOLIDATE THE DEMOCRATIC PROCESS.

THE NEW FMLN PROPOSAL, ACCORDING TO VILLATORO, IS DIFFERENT AND HAS CHANGED THE SITUATION. UNOC BELIEVES THE PROPOSAL SHOULD BE ANALYZED AND A

PAGE 01 SAN SA 01597 14 OF 17 0721562 2981 SS01286

COUNTERPROPOSAL AGREED UPON THAT CAN BE NEGOTIATED. SUCH NEGOTIATIONS WOULD OFFER SOME HOPE OF PEACE. FOR THE FIRST TIME THE FMLN HAS RECOGNIZED ELECTIONS AS A MEANS OF RESOLVING THE PROBLEM. SHE BELIEVES ONE HAS TO TAKE THE FMLN AT ITS WORD AND FORCE THEM TO COMMIT TO ELECTIONS. THEY SAID THEY WOULD DO IT. ONE SHOULD MAKE THEM DO IT.

VILLATORO NOTED ARENA'S INITIAL NEGATIVE RESPONSE WHICH CONTRAST TO THE LEFT INITIAL UNILATERAL ACCEPTANCE OF WHATEVER THE FMLN PROPOSAL SAID. THE SITUATION IN EL SALVADOR IS TOO POLARIZED, SHE SAID. WHAT IS NEEDED IS A NATIONAL COUNTERPROPOSAL TO THE TWO EXTREMES THAT WILL GIVE SOME HOPE THAT, IN THE SHORT TERM OR NEAR FUTURE, FOR A RESOLUTION OF THE CONFLICT.

THE POLITICAL PARTIES HAVE THE GREATEST RESPONSIBILITY. THEY WILL DECIDE WHETHER ELECTIONS WILL BE HELD MARCH 19. UNOC HAS DISCUSSED THE CONCEPT OF HOLDING A PLEBISCITE ON SEPTEMBER 15 AS AN ALTERNATIVE TO POSTPONING THE ELECTION PAST THE CONSTITUTIONAL DEADLINE. UNOC WOULD LIKE AN PROPOSAL THAT DOES NOT VIOLATE THE CONSTITUTION, BUT THAT ALSO DOES NOT HIDE BEHIND THE CONSTITUTION AS THE FMLN IS SAYING IS BEING DONE. A REFERENDUM, OR SOME VARIANT IS NEEDED TO TAKE ADVANTAGE OF THE SITUATION CREATED BY THE FMLN.

WITH REGARD TO HUMAN RIGHTS, VILLATORO SAID THE SITUATION HAS IMPROVED SINCE THE EARLY 1980'S AND STEPS HAVE BEEN TAKEN TO CONSOLIDATE THE PROCESS. IT IS IMPORTANT TO END THE CONFLICT SINCE THE CONFLICT IS ITSELF A HUMAN RIGHTS VIOLATION. SHE NOTED THAT IT IS NOT ONLY THE SALVADORAN ARMED FORCES (ESAF) WHICH IS COMMITING ABUSES, BUT THE FMLN AS WELL. VILLATORO EXPRESSED STRONG OPPOSITION TO AMERICA'S

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PAGE 01 SAN SA 01597 15 OF 17 072158Z 2988 SS01285
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INFO SS-01 APS-01 /002 A4 MDR

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INFO LOG-00 ADS-00 SSO-00 FAIM-01 /001 W
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FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 6785

[redacted] SECTION 15 OF 17 SAN SALVADOR 01597

EXDIS

C O R R E C T E D C O P Y (UPGRADED TO EXDIS)
NOTE BY OC/T: UPGRADED TO EXDIS PER STATE 038835
DEPT FOR ARA - DAS ARCOS

E.O. 12356: DECL: OADR
TAGS: OVIP (QUAYLE, DAN), ES
SUBJECT: THE VICE PRESIDENT'S MEETINGS IN SAN

WATCH'S EFFORTS TO DENY GSP PRIVILEGES TO EL SALVADOR BY INVOKING UNITED STATES LEGISLATION CONCERNING RESPECT FOR WORKERS RIGHTS. AMERICA'S WATCH ONLY PRESSES FROM ONE SIDE, SHE SAID. THERE ARE TWO SIDES. NOT ONLY DOES ONE HAVE THE SAN SEBASTIAN CASE, THERE IS ALSO THE TRES CEIBAS CASE OF CAMPESINOS KILLED BY THE FMLN. AMERICA'S WATCH FOCUSSES ON SAN SEBASTIAN, BUT NOT TRES CEIBAS. IN A WAR, SHE SAID, THERE WILL BE VIOLATIONS. THIS IS WHY THE WAR MUST END.

VILLATORO SUMMARIZED THAT HER REMARKS REFLECTED UNDC'S THINKING ON HUMAN RIGHTS, DEMOCRACY AND VIOLENCE. SHE CONCLUDED THAT SINCE ARENA WON AN ASSEMBLY MAJORITY IN MARCH 1988, VIOLENCE HAS INCREASED. THE FMLN GETS OXYGEN FROM THOSE VIOLATIONS OF HUMAN RIGHTS. ON THE OTHER HAND, THEIR REASON FOR FIGHTING DISAPPEARS WHEN HUMAN RIGHTS ARE RESPECTED.

CAPAZO SAID THAT EL SALVADOR HAD SUFFERED THE SEVEN PLAGUES OF EGYPT. PERHAPS IT IS TIME TO REAP THE BENEFITS OF THAT SUFFERING. WORKERS HOPE THAT THE DEMOCRATIC PROCESS IS THE BEGINNING OF THAT BLESSING. IT IS IMPORTANT TO REMEMBER THAT WORKERS HAVE DIED BECAUSE OF THE ACTIONS OF THE FMLN. THIS IS A WAR BETWEEN TWO CAMPESINO ARMIES. IT IS THE SONS OF PEASANTS AND WORKERS FIGHTING EACH OTHER. THE UNITED STATES MUST CONTINUE TO HELP CREATE JOBS AND GENERATE EMPLOYMENT IN THIS COUNTRY. ONLY WITH WORK WILL THE WAR END. THE DEMOCRATIC PROCESS IS NOT CONSOLIDATED.

UDC HEAD SAMUEL MALDONADO NOTED THAT THE AMERICA'S WATCH APPROACH IS OF GREAT CONCERN SINCE IT IS INTENDED TO LEAD TO A CUT OFF OF MILITARY AND ECONOMIC ASSISTANCE. THIS WILL LEAD TO ANOTHER NICARAGUA. UNITED STATES' ASSISTANCE SHOULD CONTINUE, WITH THE PROPER HUMAN RIGHTS CONDITIONS AND WITH CONTINUED SUPPORT FOR THE STRUCTURAL REFORMS (LABOR REFORM, NATIONALIZATION OF THE BANKING SYSTEM AND COFFEE MARKETING AND EXPORT). THIS IS THE BASIS FOR DEFEATING THE FMLN.

MALDONADO NOTED THAT UNDC HAS CREATED ITS OWN HUMAN RIGHTS ORGANIZATION AS A RESULT OF THE POLARIZED SITUATION CREATED BY THE EXISTENCE OF A GOVERNMENTAL HUMAN RIGHTS COMMISSION AND A NON-GOVERNMENTAL HUMAN RIGHTS COMMISSION. MALDONADO LAMENTED THAT THE GOVERNMENTAL COMMISSION ONLY REPORTED ON FMLN ABUSES AND THE NON-GOVERNMENTAL ONLY ON GOVERNMENT ABUSES. INVITED BY THE VICE PRESIDENT TO EXPAND ON HIS DESCRIPTON OF UNDC HUMAN RIGHTS ACTIVITIES, MALDONADO NOTED THAT UNDC HAD ALREADY INVESTIGATED THE SAN SEBASTIAN AND TRES CEIBAS CASES. HE NOTED THAT ON JANAURY 1 A UDC LABOR ORGANIZER HAD BEEN KILLED IN SAN VINCENTE DEPARTMENT BY THE FMLN. OTHER MURDERS IN METAPAN AND SAN ANTONIO HAD ALSO BEEN INVESTIGATED BY UNDC. HE CONCLUDED THAT A HUMAN RIGHTS COMMISSION THAT WAS NOT IMPARTIAL HAD NO RIGHT TO CALL ITSELF SUCH.

COLOCHO SAID THAT HE REPRESENTED THE URBAN SECTOR. HE NOTED THAT IN THE LAST FEW YEARS THEY HAD SEEN CONSIDERABLE PROGRESS FOR THEIR PEOPLE UNDER PRESIDENT DUARTE. ON THIS BASIS THE UNION IS GOING TO SUPPORT FIDEL CHAVEZ MENA.

THE VICE PRESIDENT REGRETTED THERE WAS NOT MORE TIME TO EXPLORE THE POINTS RAISED BY THE LABOR REPRESENTATIVES. HE SUMMARIZED THE MEETINGS HE HAD ALREADY HAD IN THE COURSE OF THE DAY AND NOTED THAT IN EACH HE HAD UNDERSCORED OUR CONCERN FOR DEMOCRACY AND HUMAN RIGHTS AND OUR CONDEMNATION OF VIOLENCE FROM THE RIGHT AND FROM THE LEFT. WITH REGARD TO THE FMLN PROPOSAL, WE SUPPORT PRESIDENT DUARTE'S EFFORT TO FIND A SOLUTION WITHIN THE FRAMEWORK OF THE CONSTITUTION. WE DO NOT WANT THOSE CRITICS WHO FORESEE MORE VIOLENCE IN EL SALVADOR BE PROVEN RIGHT, THE VICE PRESIDENT SAID. WE ARE COMMITTED TO HUMAN RIGHTS. WE HAVE CONVEYED THIS MESSAGE TO ALL, INCLUDING ARENA, WHO WAS TOLD THEY WOULD BE WATCHED CLOSELY IF THEY WIN. THE UNITED STATES IS NEUTRAL IN THE ELCTION, BUT COMMITTED TO HUMAN RIGHTS AND

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PAGE 01 SAN SA 01597 16 OF 17 072208Z 2985 SS01287
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FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 6786

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EXDIS

C O R R E C T E D C O P Y UPGRADED TO EXDIS
NOTE BY OC/T:UPGRADED TO EXDIS PER STATE 038835
DEPT FOR ARA - DAS ARCOS

E.O. 12356: DECL: OADR
TAGS: OVIP (QUAYLE, DAN), ES
SUBJECT: THE VICE PRESIDENT'S MEETINGS IN SAN

DEMOCRACY, THE VICE PRESIDENT CONCLUDED.

11 MEETING WITH REPRESENTATIVES OF THE AMERICAN CHAMBER OF COMMERCE OF EL SALVADOR

VICE PRESIDENT GREETED THE AMCHAM DELEGATION COMPOSED OF HECTOR FIGUEROA, PHIL WAND, EDUARDO RUBIO, RAMSEY MOORE AND STEVE GILBERTSON OFFERING THEM A SUMMARY OF THE MEETINGS HE HAD AND THE MESSAGES HE HAD CONVEYED TO THE VARIOUS GROUPS CONCERNING DEMOCRACY AND HUMAN RIGHTS. HE NOTED THAT SOME CRITICS IN THE UNITED STATES THINK DEMOCRACY IS NOT GOING TO MAKE IT IN EL SALVADOR. THIS WAS HIS FIRST TRIP AS A PRESIDENTIAL ENVOY FOR THE ADMINISTRATION AND HIS FIRST TRIP TO EL SALVADOR. THE PURPOSE OF THE VISIT IS TO SHOW OUR INTEREST IN THE REGION AND TO UNDERSCORE THE PROGRESS MADE UNDER PRESIDENT DUARTE. HE ASKED THE GROUP TO GIVE HIM INFORMATION THAT CAN HELP PROVE THE CRITICS WRONG.

FIGUEROA SAID THAT THE SALVADORAN CHAPTER OF THE AMERICAN CHAMBER OF COMMERCE IS ONE OF 19 IN LATIN AMERICA ORGANIZED UNDER THE UMBRELLA OF THE ASSOCIATION OF AMERICAN CHAMBERS OF COMMERCE IN LATIN AMERICA. FIGUEROA SUMMARIZED THE CHAMBERS BASIC POSITION AS BEING ONE SUPPORTIVE OF CONTINUED UNITED STATES ASSISTANCE TO EL SALVADOR. HE NOTED THAT EL SALVADOR WAS PASSING THROUGH MULTIPLE CRISES AT PRESENT, INCLUDING AN ECONOMIC CRISIS BROUGHT ON BY A 45 REDUCTION COFFEE PRODUCTION AS A RESULT OF HIGH WINDS AND DROUGHT. THE FALL IN PRODUCTION WOULD PRODUCE A FOREIGN EXCHANGE CRISIS TO ADD TO THE FISCAL AND TRADE DEFICITS THAT ALREADY EXIST. FIGUEROA EXPRESSED DOUBTS THAT THE SITUATION COULD WAIT SIX MONTHS TO BE ADDRESSED UNTIL A NEW ADMINISTRATION TAKES OFFICE.

WITH REGARD TO THE FMLN PROPOSAL, FIGUEROA NOTED THAT THE FMLN ITSELF CALLED THIS A POLITICAL PROPOSAL, NOT A PEACE PROPOSAL. IN THE INTERIM, THE FMLN HAS INCREASED VIOLENCE AGAINST THE CIVILIAN GOVERNMENT INFRASTRUCTURE, KILLING ONE GOVERNOR, EIGHT MAYORS AND CAUSING 72 MAYORS AND CITY COUNCILS TO RESIGN. THE FMLN PROPOSAL DOES NOT ADDRESS THE ISSUES OF VIOLENCE AND THE CONFLICT, NOR DOES IT TALK ABOUT LAYING DOWN ARMS, NOR RESPECT FOR THE CONSTITUTION.

PAGE 01 SAN SA 01597 16 OF 17 072208Z 2985 SS01287

WITH REGARD TO HUMAN RIGHTS AND THE MILITARY, THE CHAMBER SPOKE ON JANUARY 31 TO COL. PONCE, HEAD OF THE JOINT CHIEFS. THE CHAMBER URGED PONCE TO CLEAR UP HUMAN RIGHTS CASES AND TO BRING TO JUSTICE THOSE ACCUSED IN SUCH CASES, BOTH BECAUSE THEY NEED TO THAT AND BECAUSE IT IS THE ONLY WAY TO PROTECT POLITICAL SUPPORT FOR THE ESAF. FIGUEROA RESPONDED TO A QUERY FROM THE VICE PRESIDENT THAT THEIR APPROACH TO PONCE INCLUDED REFERENCE TO THE SAN SEBASTIAN CASE. THEY BROUGHT TO PONCE'S ATTENTION RECENT WASHINGTON POST AND NEW YORK TIMES COVERAGE OF EL SALVADOR AS EXAMPLES OF WHAT IS AT RISK.

THE VICE PRESIDENT STATED THAT THE ADMINISTRATION DOES NOT NEED A BIG FIGHT IN CONGRESS OVER AID TO EL SALVADOR. THERE ARE SOME IN CONGRESS WHO NOW WANT TO SHIFT THE DEBATE FROM NICARAGUA TO EL SALVADOR. OTHERS ARE SIMPLY CONCERNED ABOUT THE BUDGET. HE NOTED THE CYNICISM EXPRESSED BY SOME DEMOCRATS IN THE PRESIDENTIAL CAMPAIGN WHO CALLED FOR A CENTRAL AMERICA PLAN -- AIMED AT NEBRASKA AND INDIANA. DEMOGOGUERY ON THIS ISSUE IS STILL POSSIBLE AFTER THE ELECTION, HE NOTED.

FIGUEROA PRESENTED THE VICE PRESIDENT WITH A POSITION PAPER AND INFORMED HIM THAT THE GROUP WOULD BE IN WASHINGTON FOR THE ANNUAL MEETING OF THE AMERICAN CHAMBERS THE FIRST WEEK IN MAY. THE VICE PRESIDENT INVITED THE GROUP TO STOP BY OR CALL HIM OR A MEMBER OF THE STAFF IF HE IS NOT AVAILABLE.

PHIL WAND SAID THAT HE DID NOT WANT TO END THE MEETING WITH THE VICE PRESIDENT ON A PESSIMISTIC NOTE BECAUSE THERE ARE MANY SUCCESS STORIES IN EL SALVADOR DESPITE THE PROBLEMS. IT IS THESE SUCCESS STORIES THAT ARE GOING TO MAKE EL SALVADOR SURVIVE. A KEY

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TO SECSTATE WASHDC IMMEDIATE 6787

S E C R E T SECTION 17 OF 17 SAN SALVADOR 01597

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C O R R E C T E D C O P Y (UPGRADED TO EXDIS)
NOTE BY OC/T: UPGRADED PER STATE 038035
DEPT FOR ARA - DAS ARCOS

E.O. 12356: DECL: OADR
TAGS: OVIP (QUAYLE, DAN), ES
SUBJECT: THE VICE PRESIDENT'S MEETINGS IN SAN

AREA IS AGRO-INDUSTRY. THE CHAMBER IS PARTICULARLY INTERESTED IN EXTENSION OF THE CARIBBEAN BASIN INITIATIVE LEGISLATION WHICH GIVES EL SALVADOR A SLIGHT ADVANTAGE OVER MEXICO IN EXPORTS OF MELONS, FROZEN FOODS AND OTHER AGRICULTURAL PRODUCTS TO THE UNITED STATES.

THE CHAMBER DELEGATION PRESENTED THE VICE PRESIDENT WITH A MEMENTO OF HIS VISIT AND WISHED HIM HAPPY BIRTHDAY.

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Chile Project (#S199900030)
U.S. Department of State
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Declassify: In Part ____ In Full X
Exemption(s) ____

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LC 077

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MEMORANDUM: The 1914 Treaty During the Allende Years

The purpose of this memorandum is to chronicle the events in 1971-3 that led to the 1914 Treaty becoming an issue in U.S.-Chile relations at the time. The legal significance of these events is discussed in the accompanying memorandum on the arguments Chile might raise objecting to the scope and applicability of the 1914 Treaty to the Letelier case.

Salvador Allende was elected President of Chile in 1970 and by mid-1971 his government had expropriated substantial U.S. owned property, including U.S. owned copper mines. U.S.-Chilean relations were on a down-hill slide.

In November 1971, Embassy Santiago requested information from the Department on the 1914 Treaty. What prompted the Embassy's request is not reported. In the early part of 1972 a number of memos were written in L concerning the 1914 Treaty and other dispute settlement mechanisms as they might apply in U.S.-Chilean relations.

On March 24, 1972 Chile appointed Manfred Lachs of Poland and Edmundo Vargas of Chile as members of the Commission established under the 1914 Treaty.

A year later, in December 1972, senior level talks began in Washington on U.S.-Chilean differences. These talks focussed on financing/expropriation/compensation issues. Chile informally suggested use of the 1914 Treaty at the meeting.

Shortly after the December 1972 meeting, Chilean newspapers began to print stories about possible use of the 1914 Treaty. Chilean Ambassador to the U.S., Orlando Letelier, is referred to as one of the group that "dusted off" the old Treaty.

On February 10, 1973 the Washington Post printed an interview with Allende where he referred to the 1914 Treaty (attached).

On March 2, 1973 Allende held a press conference again referring to the 1914 Treaty. Allende alludes to possible unilateral invocation of the Treaty.

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On March 6, 1973, Acting Assistant Secretary Crimmins testified before the House Foreign Affairs Subcommittee on Inter-American Affairs and was asked about these press reports. He said:

> "Well, as a matter of firm principle we strongly believe in the use of international arbitration for cases of this kind. The 1914 Treaty has indeed been referred to by President Allende, it came up in an indirect way during our discussion in December without any firm address to the question. The 1914 Treaty is a treaty of conciliation, not arbitration; it provides for an examination by an internationally established group of experts to look into the questions in issue and to render a report which is not binding on either party. We would expect to be addressing this kind of question as we move along with the Chileans to an examination of the fundamental issues."

On March 22-23, 1973 a second round of bilateral talks was held. Chile formally proposed application of the 1914 Treaty, not only to the copper dispute but to Chilean allegations of a U.S.-inspired economic and financial embargo of Chile in international financial institutions.

Following these talks, there was substantial discussion in the Department concerning use of dispute settlement as a means of resolving issues with Chile. The U.S.G. did not question whether the Treaty was in force, or the scope or applicability of the 1914 Treaty to the dispute. The U.S.G opposed the 1914 Treaty on the grounds that it did not provide a clear means to reach a binding dispute settlement. There was continued discussion in the Chilean press, including interviews with Chilean officials, concerning possible use of the 1914 Treaty. After Letelier became Foreign Minister he continued to advocate use of the Treaty in his conversations with U.S. officials.

On August 16-17, 1973 the two sides met again and Chile restated its request to use the 1914 Treaty. The U.S. side maintained its opposition. Following the meeting the Department began to consider ways of marrying the 1914 Treaty to other mechanisms to achieve a more binding result.

No other meeting was held. Allende was overthrown on September 11, 1973.

DAC47

ALAN J. DIXON
ILLINOIS

Chile Project (#S199900030)
U.S. Department of State
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Declassify: In Part ____ In Full ____
Exemption(s) ____

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United States Senate

WASHINGTON, DC 20510-1301

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ARMED SERVICES
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89CONGTO01203 February 10, 1989

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TO: U.S. Department of State
Congressional Relations
H7256
2201 C Street, N.W.
Washington, D.C. 20520

Mail 3/24/89 R

FROM: Alan J. Dixon
United States Senator

I am enclosing a copy of an inquiry that I received from Ms. Mary Yu.

Because of this office's desire to be responsive to all communications, your consideration of the attached is requested.

Your findings and views, in duplicate form along with the return of this correspondence, will be appreciated.

Please Respond To:

Dean F. Yianas
Staff Assistant to
Alan J. Dixon, U.S.S.
230 South Dearborn Street
Chicago. IL 60604

1989 MAR 22 PM 8:22 FAIM/IAP/WI

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-3-

FR: Mary Yu

Re: Concern that the Chilean Govt. has threatened to seize the files of the Vicaria de Solidaridad human rights Organization.

WASHINGTON, DC OFFICE: 202-224-2854 331 HART BUILDING WASHINGTON, DC 20510-1301
CHICAGO OFFICE: 312-353-5420 230 SOUTH DEARBORN CHICAGO, IL 60604
EAST ST. LOUIS OFFICE: 618-398-7920 [illegible] EAST ST. LOUIS, IL 62203
MOUNT VERNON OFFICE: 618-244-8703 105 SOUTH 6TH STREET MOUNT VERNON, IL 62864
SPRINGFIELD OFFICE: 217-492-4126 6TH AND MONROE SPRINGFIELD, IL 62701

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PAGE 01 MEXICO 03349 121934Z
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FM AMEMBASSY MEXICO
TO SECSTATE WASHDC 3942

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FOR OES/NEC

E.O. 12356: N/A
TAGS: KSCA, TRGY, KNNP, PARM, MX
SUBJECT: U.S.-MEXICO PHYSICAL PROTECTION BILATERAL CONSULTATIONS

REF: STATE 30602

1. SCIATT MET WITH MIGUEL MEDINA, DIRECTOR GENERAL OF THE MEXICAN NATIONAL COMMISSION OF NUCLEAR SECURITY AND SAFEGUARDS (CNSNS) TO DISCUSS US.-MEXICAN PHYSICAL PROTECTION BILATERAL CONSULTATIONS AS OUTLINED IN REFTEL. MEDINA WAS VERY RECEPTIVE TO THE IDEA OF PHYSICAL PROTECTION CONSULTATIONS AND SAID THAT SOMETIME IN APRILQOR MAY 1990 IS FEASIBLE. HE WILL BE BACK IN TOUCH TO GIVE SCIATT COMMENTS ON PROPOSED TOPICS AND SUGGEST A DATE.

2. ON LEGUNA VERDE, MEDINA STATED THAT PROGRESS AT LAGUNA VERDE IS MOVING ALONG SLOWLY BUT SURELY. HE EXPECTS THE PLANT TO BE UP TO FULL POWER BY APRIL OR MAY 1990. HE EXPLAINED THAT BECAUSE MUCH OF THE EQUIPMENT FOR THE PLANT HAD BEEN SITTING AROUND FOR SEVERAL YEARS THEY HAD MANY SMALL PROBLEMS TO BEGIN WITH. HOWEVER, THE UNCLASSIFIED

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PAGE 02 MEXICO 03349 121934Z

LAST TWO MONTHS HAVE GONE VERY WELL AND THEY ARE NOW IN THE FINAL STAGES OF TESTING.

3. MEDINA WAS VERY OPEN AND FRIENDLY IN THE MEETING AND STATED THAT HE IS LOOKING FORWARD TO THE PHYSICAL PROTECTION BILATERALS. (DRAFTED/SCI/ATIDBALL) NEGROPONTE

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*** Current Classification *** UNCLASSIFIED

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TO ALL AMERICAN REPUBLIC DIPLOMATIC POSTS IMMEDIATE
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AMEMBASSY MANAGUA PRIORITY
USSOUTHCOM QUARRY HTS PN PRIORITY
USCINCLANT NORFOLK VA PRIORITY

[redacted] STATE 045538

E.O. 12356: DECL: OADR
TAGS: PINR PINS PTER PROP PREL XM CU
SUBJECT: CUBAN SUPPORT FOR SUBVERSION IN LATIN AMERICA

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PAGE 02 STATE 045538

1. [redacted] - ENTIRE TEXT.

United States Department of State
Office of FOI, Privacy, & Classification Re
Review Authority: JOHNSTON, DONALD
Date: 06/01/94
Case ID: S940035F

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2. SUMMARY/INTRODUCTION

DEPARTMENT REQUESTS POSTS' INPUT ON THE FOLLOWING DRAFT REPORT ON CUBA'S CONTINUED EFFORTS TO SUBVERT DEMOCRACY IN LATIN AMERICA. THE FINAL REPORT WILL BE USED TO BRIEF THE INCOMING ASSISTANT SECRETARY AND DISTRIBUTED TO POST TO BRIEF SELECT HOST COUNTRY OFFICIALS. WE MAY ALSO CONSIDER A SANITIZED VERSION FOR PUBLICATION.

3. CUBA IS PURSUING A TWO-TRACK STRATEGY IN LATIN AMERICA OF IMPROVING ITS BILATERAL GOVERMENT-TO-GOVERNMENT RELATIONS; WHILE CONTINUING TO BACK CERTAIN ANTI-GOVERNMENT RADICAL ELEMENTS THROUGHOUT THE HEMISPHERE. MANY LATIN AMERICAN LEADERS HAVE BEEN RECEPTIVE TO CASTRO'S POLITICAL OVERTURES AND CHOSEN TO DOWNPLAY CUBAN INTERFERENCE IN THE INTERNAL AFFAIRS OF LATIN COUNTRIES. ACCORDINGLY, ONE USE OF THE FINAL REPORT MIGHT BE TO REMIND HOST COUNTRY GOVERNMENTS THAT FIDEL CASTRO'S RECENT ATTEMPTS TO REJOIN THE MAINSTREAM OF THE LATIN AMERICAN COMMUNITY SHOULD BE VIEWED WITH SKEPTICISM. CUBA IS CONTINUING THE SAME COURSE OF ACTION (SUPPORT FOR RADICAL ELEMENTS AND GUERRILLA MOVEMENTS) WHICH CAUSED ITS LATIN NEIGHBORS TO SEVER RELATIONS AND EJECT CUBA FROM THE OAS IN THE FIRST PLACE.

4. THE FOLLOWING TEXT WILL, WHEN FINISHED, PROVIDE A HEMISPHERIC OVERVIEW AND SPECIFIC EXAMPLES OF CUBAN SUBVERSIVE ACTIVITIES IN SELECT LATIN COUNTRIES FOR POSTS TO DRAW UPON. "SUBVERSIVE ACTIVITIES" REFERS TO CUBAN

COVERT OR EXTRA-LEGAL SUPPORT FOR RADICAL GROUPS WHICH POSE A THREAT TO THE EXISTING ORDER IN THE AFFECTED COUNTRIES. THE REPORT DOES NOT ADDRESS THE FULL RANGE OF CUBAN ACTIVITIES IN LATIN AMERICA, BUT EMPHASIZES CUBA'S COVERT ACTIVITIES. CUBA IS PURSUING A SUCCESSFUL DIPLOMATIC OFFENSIVE IN LATIN AMERICA AND THE POINTS LISTED BELOW MUST BE VIEWED WITHIN THAT CONTEXT. THIS DISCUSSION DOES NOT INCLUDE CUBAN OVERT OR COVERT SUPPORT FOR GOVERNMENTS, MAINSTREAM OPPOSITION PARTIES, OR LEGAL PRIVATE ORGANIZATIONS. IT DOES NOT COVER THE RANGE OF "LEGITIMATE" CHANNELS THROUGH WHICH THE GOC HAS SOUGHT TO

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IMPROVE ITS INTERNATIONAL STANDING, NAMELY SPORTS AND CULTURAL EXCHANGES, HOSTING INTERNATIONAL CONFERENCES, SCHOLARSHIPS, MEDICAL AND TECHNICAL ASSISTANCE, AND TRADE AND AIR TRAVEL AGREEMENTS. HOWEVER, IF POSTS HAVE ANYTHING USEFUL TO ADD ON THE OVERT SIDE THAT WOULD CONTRIBUTE TO THIS REPORT AND ITS CREDIBILITY, WE WOULD WELCOME IT. WHERE OUR ANALYSIS IS OFF BASE, PLEASE SAY SO.

5. THE INDIVIDUAL EXAMPLES OF CUBAN ACTIVITIES CONTAINED IN THE DRAFT TEXT [redacted] A5 WE RECOGNIZE THAT THE EXAMPLES INCLUDED THUS FAR ARE INCOMPLETE AND LOOK TO POSTS TO STRENGTHEN THEM AND ADD NEW EXAMPLES. IF POST CHOOSES TO SUBMIT ADDITIONAL [redacted] A5 KEEPING IN MIND THE POSSIBILITY OF A LATER UNCLASSIFIED VERSION, NOTORIOUS PUBLIC EXAMPLES WOULD OF COURSE ALSO BE WELCOME. THE DEADLINE FOR RESPONSES IS FEBRUARY 28. THE DEPARTMENT'S FINAL REPORT WILL BE CLEARED WITH APPROPRIATE WASHINGTON AGENCIES. END SUMMARY/INTRODUCTION.

6. OVERVIEW

[redacted]

THE BOTTOM LINE IS THAT CUBAN SUPPORT FOR RADICAL MOVEMENTS AND ARMED INSURGENTS IN THE WESTERN HEMISPHERE MILITARIZES AND INTERNATIONALIZES WHAT WOULD OTHERWISE BE LOCAL CONFLICTS AND PROBLEMS. IN A REGION WHOSE PRIMARY NEEDS ARE FOR ECONOMIC DEVELOPMENT, SOCIAL EQUITY AND GREATER DEMOCRACY, CUBA IS COMPOUNDING EXISTING PROBLEMS BY ENCOURAGING DESTABILIZATION AND ARMED INSURRECTION.

7. IN MOST CASES, CUBA SEEMS TO BE HEDGING ITS BETS WITH A TWO-PRONGED OFFENSIVE CONSISTING OF NORMALIZATION PLUS TARGETTED DESTABILIZATION. IT HAS STEPPED UP ITS POLITICAL AND ECONOMIC EFFORTS TO WOO LEGITIMATE LATIN GOVERNMENTS AND POLITICIANS, BUT STILL MAKES MEDIUM TO LONG-TERM INVESTMENTS IN RADICAL GROUPS WHICH (WITH THE NOTABLE EXCEPTIONS OF POLITICAL EXTREMISTS IN CHILE, COLOMBIA, AND EL SALVADOR) MAY NOT BE IN A POSITION TO

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CAUSE SHORT-TERM THREATS TO THEIR COUNTRIES' STABILITY, BUT COULD POSE SIGNIFICANT THREATS IN THE FUTURE.

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8. OVER THE YEARS, CUBA HAS:

-- TRAINED VIOLENT LEFTIST CADRES IN URBAN AND GUERRILLA WARFARE, INTELLIGENCE TRADECRAFT, PROPAGANDA AND IDEOLOGY;

-- SUPPLIED OR TRANSFERRED WEAPONS, FUNDS, AND OTHER MATERIAL SUPPORT TO RADICAL GROUPS WHICH SEEK TO ASSUME POWER BY FORCE;

-- PROVIDED GUIDANCE, ORGANIZATIONAL ASSISTANCE, PLANNING AND, IN SOME CASES, ADVISORS TO GUERRILLA ORGANIZATIONS AND RADICAL GOVERNMENTS TO FOMENT REVOLUTIONS;

-- ENCOURAGED TERRORISM TO WEAKEN GOVERNMENTS' LEGITIMACY; AND

-- WORKED TO UNITE TRADITIONALLY SPLINTERED RADICAL GROUPS BEHIND A COMMITMENT TO TAKE POWER.

9. CUBA'S DRIVE TO DESTABILIZE OTHER LATIN GOVERNMENTS DOES NOT NECESSARILY DISCRIMINATE BETWEEN DEMOCRACIES AND DICTATORSHIPS AND PERSISTS IN SOME CASES DESPITE IMPROVED BILATERAL DIPLOMATIC RELATIONS.

10. THE MAJORITY OF CUBAN COVERT OPERATIONS AIMED AT SUBVERSION IN THE WESTERN HEMISPHERE ARE PLANNED AND COORDINATED BY THE AMERICA DEPARTMENT OF THE CUBAN COMMUNIST PARTY (PCC/AD). PCC/AD BRINGS TOGETHER THE EXPERTISE OF THE CUBAN MILITARY AND THE GENERAL DIRECTORATE OF INTELLIGENCE (DGI) INTO A LARGE-SCALE OPERATIONS NETWORK THAT INCLUDES TRAINING CAMPS INSIDE CUBA, ARRANGMENTS FOR COVERT MOVEMENT OF PERSONNEL TO AND FROM CUBA, AND OPERATIVES IN PLACE ABROAD. PCC/AD PERSONNEL ARE PRESENT IN EVERY CUBAN DIPLOMATIC MISSION IN LATIN AMERICA.

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11. THE CARIBBEAN

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CUBAN SUPPORT FOR RADICAL FORCES IN THE CARIBBEAN ARE PRIMARILY AIMED AT THE DOMINICAN REPUBLIC AND HAITI. APART FROM THOSE TWO COUNTRIES, THE LEVEL OF SUBVERSION IN THE REST OF THE CARIBBEAN APPEARS RELATIVELY LOW. ALTHOUGH THE GOC PROVIDES LIMITED AMOUNTS OF FUNDS AND TRAINING TO LEFTISTS IN THE REGION, IT SEEMS TO BE CONCENTRATING ON IMPROVING CUBA'S DIPLOMATIC AND TRADE RELATIONS WITH ITS ISLAND NEIGHBORS. CASTRO HAS MAINTAINED HIS MANY CONTACTS AMONG THE AREA'S LEFT-LEANING

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POLITICIANS AND ENCOURAGED THEM AND THEIR LABOR ALLIES TO COOPERATE IN UNITED FRONTS AND TO PARTICIPATE IN THEIR NATION'S POLITICAL PROCESSES.

12. DOMINICAN REPUBLIC

-- THE PRO-CUBAN DOMINICAN LIBERATION PARTY (PLD), THE DOMINICAN COMMUNIST PARTY (PCD) AND THE SOCIALIST BLOCK (BS) HAVE SENT MEMBERS TO CUBA FOR TRAINING.

-- CUBA, IN SOME CASES, ACTS AS AN INTERMEDIARY FOR DOMINICAN RADICALS TRAVELLING TO VIETNAM FOR PARAMILITARY TRAINING.

-- IN 1988, MEMBERS OF THE PCD CENTRAL COMMITTEE TRAVELLED TO CUBA VIA PANAMA FOR SEVERAL MONTHS OF TRAINING IN COUNTERINTELLIGENCE AND/OR FALSE DOCUMENT PREPARATION.

-- THE DOMINICAN "FRIENDS OF CUBA" ORGANIZATION ENGAGES IN COUNTERINTELLIGENCE OPERATIONS ON BEHALF OF THE CUBAN GOVERNMENT.

-- CUBA USES THE PCD AS A CONDUIT FOR FUNDS AND OTHER SUPPORT FOR THE UNIFIED PARTY OF HAITIAN COMMUNISTS (PUCH).

-- THE CUBAN COMMUNIST PARTY'S AMERICA DEPARTMENT (PCC/AD) PROVIDED FUNDS TO THE PCD IN 1988 FOR TRANSFER TO THE UNIFIED PARTY OF HAITIAN COMMUNISTS (PUCH) IN PORT AU PRINCE. THE MONEY WAS TO BE USED TO SEND PUCH MEMBERS TO CUBA FOR PARAMILITARY TRAINING.

13. HAITI

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-- CUBA HAS PROVIDED LIMITED FINANCIAL AID AND PARAMILITARY TRAINING TO THE PUCH.

-- IN 1987, APPROXIMATELY 50 PUCH OPERATIVES ARRIVED IN HAITI TO ENGAGE IN LONG-TERM DESTABLIZING OPERATIONS. AN UNKNOWN NUMBER OF THE FIFTY WERE TRAINED IN CUBA.

14. BAHAMAS

-- CUBA HAS BEEN PUSHING TO UPGRADE RELATIONS WITH THE BAHAMAS. EARLIER THIS YEAR, THE CUBANS MADE OVERTURES TO USE THE BAHAMAS AS A SOURCE AND TRANSIT POINT FOR EMBARGOED U.S. GOODS IN A PROBABLE ATTEMPT TO REPLACE PANAMA IN THIS ROLE.

15. JAMAICA

-- THERE ARE REPORTS OF CUBAN CONTRIBUTIONS TO RADICAL PEOPLE'S NATIONAL PARTY (PNP) POLITICIANS.

-- JAMAICAN AUTHORITIES SUSPECT THE MANAGER OF CUBANA AIRLINES' KINGSTON OFFICE TO BE INVOLVED IN INTELLIGENCE ACTIVITIES.

16. SURINAME

-- CUBA HAS MADE INFORMAL MOVES TO REESTABLISH DIPLOMATIC RELATIONS WITH SURINAME. VICE PRESIDENT ARRON IS SAID TO SUPPORT RELATIONS, PARTLY AS A SOP TO POWERFUL MILITARY LEADER BOUTERSE.

17. BARBADOS

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-- CUBA'S INTEREST IN ESTABLISHING AN EMBASSY IN BRIDGETOWN IS LONGSTANDING. BARBADOS FOREIGN MINISTER TUDOR IN JANUARY 1989 TOLD LOCAL PRESS THAT THE REQUEST WAS UNDER REVIEW, BUT STRESSED THE NEED TO ENSURE THAT BARBADIAN SECURITY WAS NOT COMPROMISED.

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18. TRINIDAD AND TOBAGO

-- IN 1987 ABOUT 75 PEOPLE, MAINLY FROM LABOR UNIONS, TRAVELED TO CUBA TO ATTEND BRIEF TRAINING/LABOR SEMINARS.

19. MEXICO AND CENTRAL AMERICA

CUBA'S PRINCIPAL TARGETS FOR SUBVERSION IN CENTRAL AMERICA ARE EL SALVADOR AND GUATEMALA. THE GOC RECOGNIZES THAT THE CONDITIONS IN HONDURAS ARE NOT YET READY FOR A FULL-SCALE INSURGENCY. CUBA HAS CLOSE RELATIONS WITH AND PROVIDES EXTENSIVE MILITARY AND ECONOMIC ASSISTANCE TO NICARAGUA AND, TO A LESSER EXTENT, PANAMA AND CONTINUES TO USE BOTH NATIONS AS BASES FROM WHICH TO BACK SUBVERSION AGAINST NEIGHBORING COUNTRIES.

20. COSTA RICA

-- CUBAN OFFICIALS REPORTEDLY DECLARED THE TIME WAS RIPE FOR DESTABILIZATION IN COSTA RICA AT A SUMMER 1988 MEETING

IN HAVANA.

-- MEMBERS OF THE COSTA RICAN MORA CANAS BRIGADE REPORTEDLY TRAINED 8-12 MONTHS IN CUBA UNTIL MID-1985.

-- A CUBAN IS THE GENERAL COORDINATOR OF THE PATRIOTIC SANTAMARIA ORGANIZATION (OPS), A LIBYAN-SUPPORTED TERRORIST GROUP. CUBA PERIODICALLY SENDS INSTRUCTIONS TO OPS VIA NICARAGUA'S EMBASSY IN SAN JOSE.

-- IN 1987, THE COMMUNIST COSTA RICAN PEOPLE'S PARTY

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CLAIMED THAT THE CUBAN GOVERNMENT HAD PROVIDED WIRETAPPING EQUIPMENT AND ONE OF THE TARGETS OF THE TAPS WAS A HIGH-LEVEL COSTA RICAN OFFICIAL.

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21. EL SALVADOR

-- THE GOC CONTINUES TO ACTIVELY SUPPORT THE FARABUNDO MARTI NATIONAL LIBERATION FRONT (FMLN) THROUGH MILITARY TRAINING AND, TO A LESSER EXTENT, PLANNING AND FINANCIAL SUPPORT.

-- ONE CENTER FOR TRAINING FMLN GUERRILLAS IS LOCATED IN THE CANDELARIA AREA OF WESTERN CUBA.

-- TO TRAIN FMLN GUERRILLAS FOR THE HIGHLY SUCCESSFUL 1981 ATTACK ON ILOPANGO AIR BASE, THE CUBANS BUILT A FACSIMILE OF ILOPANGO AIRFIELD IN CUBA.

-- CUBA HAS ASSISTED IN THE PLANNING PHASE OF SEVERAL LARGE SCALE GUERRILLA ATTACKS, NOTABLY THE MARCH 1987 ATTACK ON THE FOURTH BRIGADE.

-- IN 1988, TEN ARMED FORCES OF NATIONAL RESISTANCE (FARN) MEMBERS RETURNED TO EL SALVADOR VIA MEXICO AFTER FIVE

[redacted]

YEARS OF TRAINING IN CUBA AND NICARAGUA.

-- A PEOPLE'S REVOLUTIONARY ARMY (ERP) DESERTER DESCRIBED IN LATE 1986 HOW MONEY FLOWS FROM CUBA AND THE USSR TO ERP UNITS IN THE FIELD. THE FUNDS ARRIVE IN MEXICO OR NICARAGUA WHERE THEY ARE CARRIED OVER LAND INTO EL SALVADOR. IF THE NICARAGUAN ROUTE IS USED, THE MONEY IS CHANNELLED TO THE ERP THROUGH HONDURAS.

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22. GUATEMALA

-- THE GOC HAS SUPPORTED GUATEMALA'S GUERRILLAS SINCE THE

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EARLY 1980'S WITH MILITARY TRAINING AND FINANCIAL SUPPORT.

-- IN 1985 AND 1986, THE GUATEMALAN COMMUNIST PARTY/ORTHODOX FACTION (PGT/O) WAS RECEIVING OVER 100,000 DOLLARS ANNUALLY FROM THE USSR CHANNELLED THROUGH CUBA.

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23. HONDURAS

-- A CAPTURED MEMBER OF THE HONDURAN PEOPLE'S REVOLUTIONARY UNION/POPULAR LIBERATION MOVEMENT (CHINCHONEROS) REVEALED THAT HONDURAN GUERRILLAS WERE TRAINED IN CUBA IN THE EARLY 1980'S.

-- CUBAN (AND NICARAGUAN) STRATEGY IN HONDURAS IS TO UNIFY ALL THE MAIN LEFTIST GROUPS.

[redacted]

-- IN 1987, A MEETING OF OFFICIALS OF MAJOR HONDURAN LEFTIST GROUPS WAS CONVENED IN HAVANA AND, WITH CUBAN (AND NICARAGUAN) HELP, AN AGREEMENT WAS REACHED TO PROMOTE COOPERATION AMONG THE VARIOUS GROUPS AND TO INCREASE LEFTIST ACTIVITY INSIDE HONDURAS.

-- THE CUBANS HAVE PUSHED HONDURAN LEFTISTS TO REORGANIZE THEIR ARMED ELEMENTS AND TO INFILTRATE/ORGANIZE MASS MOVEMENTS.
-- TO ENCOURAGE COOPERATION, THE CUBANS REPORTEDLY HAVE OFFERED FINANCIAL SUPPORT FOR THE COMMUNIST MARXIST-LENINST PARTY OF HONDURAS (PCMLN) AND FUNDING FOR A NEWSPAPER TO BE PUBLISHED BY THE HONDURAN PATRIOTIC FRONT WITH INPUT FROM OTHER LEFTIST GROUPS.

24. MEXICO

-- THERE IS LITTLE EVIDENCE OF CUBAN SUBVERSION DIRECTED AT MEXICO.

-- CUBA USES MEXICO AS A MAJOR TRANSIT POINT, TRANSFER LOCATION FOR FUNDS, AND MEETING PLACE FOR LEFTISTS THROUGHOUT THE HEMISPHERE.

25. NICARAGUA

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-- AFTER RECEIVING MILITARY TRAINING IN CUBA, MEMBERS OF THE COSTA RICAN MORA CANAS BRIGADE TRAVELLED TO APANAS, NICARAGUA FOR ADDITIONAL TRAINING AND TO ACQUIRE COMBAT EXPERIENCE IN MID-1985. THE INSTRUCTORS AT APANAS WERE ALL CUBANS.

-- CUBAN AND SOVIET-SUPPLIED FUNDS TO THE SALVADORAN ERP [redacted]

ARE TRANSFERRED TO FMLN ORGANIZATIONS IN NICARAGUA WHICH FUNNEL THE MONIES THROUGH HONDURAS TO THE INSURGENTS IN NORTHEASTERN EL SALVADOR.

26. PANAMA

-- PANAMA IS A MAJOR CROSSROADS FOR CUBAN-SUPPORTED CLANDESTINE TRAVEL AND AN IMPORTANT LIAISON CENTER FOR CUBAN OFFICIALS AND LATIN REVOLUTIONARIES.NOT ONLY IS THE EMBASSY IN PANAMA CITY ONE OF CUBA'S LARGEST, BUT THE CUBANS PROBABLY HAVE MORE "FRONTS" IN PANAMA THAN ANYWHERE ELSE. ONE OF THESE IS THE INTERAMERICAN COOPERATIVE INSTITUTE IN PANAMA CITY, WHICH NOT ONLY ASSISTS INSURGENT GROUPS IN TRAVEL TO AND FROM PANAMA BUT SERVES AS A SCHOOL TO EDUCATE LEFTIST CADRES TO OPERATE THROUGHOUT THE HEMISPHERE.

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27. SOUTH AMERICA

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CUBA IS MOST HEAVILY INVOLVED IN HELPING RADICAL GROUPS IN CHILE AND COLOMBIA. AT THE SAME TIME, SOUTH AMERICA HAS BEEN THE FOCUS OF CUBA'S CAMPAIGN TO BETTER ITS DIPLOMATIC RELATIONS IN LATIN AMERICA. THE GOC HAS MADE SPECIAL EFFORTS TO COURT THE GOVERNMENTS OF VENEZUELA, ECUADOR AND BRAZIL. THE CUBANS ARE HEDGING THEIR BETS BY FORGING LINKS WITH MAINSTREAM SOUTH AMERICAN POLITICAL PARTIES CAPABLE OF WINNING POWER THROUGH ELECTIONS.

28. ARGENTINA

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-- THE CUBAN EMBASSY IN BUENOS AIRES SERVES AS A COORDINATOR FOR SUBVERSIVE ACTIVITY IN CHILE AND ARGENTINA. CUBA FUNNELS FUNDS AND POSSIBLY ARMS THROUGH ARGENTINA TO CHILEAN LEFTISTS.

-- IN 1988, THE ARGENTINE ARMY CAPTURED A GROUP OF MANUEL RODRIGUEZ PATRIOTIC FRONT (FPMR) MEMBERS CROSSING THE BORDER FROM ARGENTINA INTO CHILE. THE GROUP INCLUDED CUBAN NATIONALS AND OTHERS WITH CUBAN AND NICARAGUAN PASSPORTS WHO HAD BEEN TRAINED IN CUBA.

-- THROUGH ITS EMBASSY, CUBA PROVIDES A LIMITED AMOUNT OF FUNDING, TRAINING AND COUNSEL TO THE MONTENEROS AND THE PEOPLE'S REVOLUTIONARY ARMY AND HAS LINKS WITH THE ARGENTINE ALL FOR THE FATHERLAND MOVEMENT (MTPP). IN JANUARY, 50 TO 70 HEAVILY ARMED ULTRA-LEFTISTS CONNECTED TO THE MTPP ATTACKED THE TABLADA ARMY BASE IN BUENOS AIRES, DISPLAYING IMPRESSIVE MILITARY DISCIPLINE AS THEY HELD OUT AGAINST GOVERNMENT TROOPS FOR OVER 24 HOURS.

[redacted] THE CUBANS ARE TRYING TO UNIFY ARGENTINE LEFTIST GROUPS UNDER THE FRAL LEFTIST POLITICAL COALITION. THE GOC HAS LINKED FINANCIAL HELP TO THE ARGENTINE COMMUNIST PARTY TO ITS PARTICIPATION IN THE FRAL.

29. BOLIVIA

-- THE CUBANS WERE INSTRUMENTAL IN UNIFYING SEVERAL SMALL RADICAL BOLIVIAN FACTIONS UNDER THE NATIONAL CONVERGENCY AXIS-PATRIOTICA (EJE-P). CUBA APPEARS TO BE EJE-P'S CHIEF FOREIGN SOURCE OF FUNDS.

-- IN 1988, MEMBERS OF EJE-P WERE IN CUBA RECEIVING MILITARY AND POLITICAL TRAINING.

[redacted]

[redacted] DURING A 1988 TRIP TO HAVANA, BOLIVIAN COMMUNIST PARTY

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[redacted] (PCB) OFFICIALS WERE URGED TO FORM A UNITED LEFTIST FRONT FOR BOLIVIAN ELECTIONS.

-- IN MID-1987, THE CUBAN EMBASSY REPORTEDLY WAS ENCOURAGING SUPPORT FOR ARMED STRUGGLE AMONG THE PCB'S YOUTH WING; A STRATEGY NOT ENDORSED BY THE PCB LEADERSHIP. MORE RECENTLY, THERE HAVE BEEN INCREASED CONTACTS BETWEEN THE CUBANS AND MORE RADICAL ELEMENTS OF THE PCB WHO ARE UNHAPPY WITH THE PARTY'S LEADERSHIP.

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30. BRAZIL

-- THERE IS LITTLE EVIDENCE OF CUBAN-DIRECTED SUBVERSION AGAINST THE STATE, APART FROM LOW-LEVEL INFLUENCE PEDDLING AND ORGANIZING WORKERS. THE GOC HAS TRIED NOT TO ALIENATE THE BRAZILIAN GOVERNMENT IN ORDER TO OBTAIN ADDITIONAL TRADE CREDITS.

31. CHILE

-- SINCE ALLENDE'S 1973 OVERTHROW, CASTRO HAS MADE NO SECRET OF HIS DESIRE TO REVESE SOCIALISM'S DEFEAT. CUBAN [redacted] OFFICIALS ADVOCATE POLITICAL AND MILITARY MEASURES TO DEPOSE PINOCHET.

-- CUBA PROVIDES GUIDANCE, FUNDING, MILITARY AND IDEOLOGICAL TRAINING AND WEAPONS TO THE CHILEAN FAR LEFT (THE CHILEAN COMMUNIST PARTY, THE MANUEL RODRIGUEZ PATRIOTIC FRONT -- FPMR, AND THE MOVEMENT OF THE [redacted]

REVOLUTIONARY LEFT -- MIR). THE CUBANS DEAL WITH CHILEAN RADICALS DIRECTLY FROM HAVANA AND OUT OF THEIR EMBASSY IN BUENOS AIRES.

-- IN 1985, THE CUBANS REPORTEDLY AGREED TO SUPPLY ENOUGH WEAPONS TO ARM THE CHILEAN COMMUNIST PARTY (PCCH). THE FIRST OF THESE EXPANDED DELIVERIES OCCURRED IN APRIL 1985 AND CONSISTED OF 150 AK-47 RIFLES AND 20 RPG-7 GRENADE LAUNCHERS.

-- IN 1986, OVER 70 TONS OF WEAPONS PROVIDED BY CUBA TO A

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[redacted] COMMUNIST PARTY-AFFILIATED TERRORIST GROUP WERE DISCOVERED BY CHILEAN AUTHORITIES.

-- AN UNKNOWN NUMBER OF FPMR AND MIR CADRES HAVE BEEN TRAINED IN CUBA. COURSES REPORTEDLY INCLUDED POLITICAL INDOCTRINATION, LEADERSHIP TRAINING, GUERRILLA WARFARE AND SMALL-UNIT TACTICS, DOCUMENT FABRICATION, EXPLOSIVES USE, SECURITY AND COMMUNICATIONS.

-- CUBAN OFFICIALS HAVE URGED FPMR AND MIR LEADERS TO PUT ASIDE THEIR DIFFERENCES AND FORM A UNIFIED LEADERSHIP.

-- IN 1988, CUBA REPORTEDLY AGREED TO PROVIDE FINANCIAL AND OTHER SUPPORT TO FACILITATE THE ORGANIZATION OF A NEW TERRORIST GROUP, THE ARMED FORCES OF LIBERATION.

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32. COLOMBIA

-- CASTRO CONTINUES TO SUPPORT COLOMBIAN INSURGENTS IN SPITE OF HIS SUPPOSED ENDORSEMENT OF A 1984 TRUCE BETWEEN THE BENTANCUR GOVERNMENT AND THE ARMED LEFT.

-- CUBA HAS CLOSE TIES TO THE 19TH OF APRIL MOVEMENT (M-19), THE REVOLUTIONARY ARMED FORCES OF COLOMBIA (FARC), [redacted]

THE PEOPLE'S LIBERATION ARMY (EPL), AND THE NATIONAL LIBERATION ARMY (ELN). CASTRO HAS INTERVENED WITH M-19 LEADERS AS RECENTLY AS JULY 1988 AFTER THE GROUP KIDNAPPED A PROMINENT OPPOSITION POLITICIAN IN BOGOTA.

-- CUBAN GUIDANCE CEMENTED THE SIMON BOLIVAR COORDINATOR, THE UMBRELLA COALITION OF ALL COLOMBIAN REBEL GROUPS FORMED IN OCTOBER 1987. THE CUBANS HELPED FORM A SMALLER ALLIANCE, THE NATIONAL GUERRILLA COORDINATOR (CNG), IN 1985 AND HOSTED A GUERRILLA SUMMIT IN HAVANA IN LATER 1986/EARLY 1987 TO HELP SMOOTH OVER FACTIONAL DIFFERENCES.

-- CUBAN WEAPONS HAVE HELPED THE M-19, THE COLOMBIAN GROUP CLOSEST TO THE CUBANS, TO CONFRONT THE COLOMBIAN GOVERNMENT ON SEVERAL OCCASIONS. SOME OF THE MILITARY ASSAULT RIFLES USED BY THE M-19 IN ITS TAKEOVER OF THE BOGOTA PALACE OF JUSTICE IN LATE 1985 WERE TRACED TO CUBA;

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AN M-19 LEADER SAID ARMS HAD BEEN SHIPPED BY AIR VIA PANAMA.

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-- IN 1985, COLOMBIAN SECURITY FORCES RECOVERED TWO CONSIGNMENTS OF NEW WEST GERMAN MP-5 SUBMACHINEGUNS; IDENTICAL WEAPONS SEIZED BY COSTA RICAN AUTHORITIES HAD BEEN ACQUIRED BY A CUBAN FRONT FIRM IN PANAMA, PROBABLY FOR THE M-19.

-- IN MID-1987, THE M-19 RECEIVED ANOTHER CUBAN WEAPONS SHIPMENT OF SMALL ARMS, INCLUDING ANTI-TANK WEAPONS.

-- THE ELN HAS SENT MEMBERS TO CUBA FOR TRAINING COURSES FOR THE PAST THREE YEARS, USUALLY VIA PANAMA. AS MANY AS 80-120 ELN GUERRILLAS MAY HAVE BEEN TRAINED BY THE CUBANS IN BASIC MILITARY TECHNIQUES AND SQUAD LEADERSHIP.

[redacted]

-- THE CUBANS CONTINUE TO TAKE AN ACTIVE ROLE IN PROVIDING GUIDANCE TO COLOMBIAN REBELS. WHILE ATTENDING PRESIDENT BORJA'S INAUGURATION IN ECUADOR IN AUGUST 1988, FIDEL CASTRO MET WITH M-19 MEMBERS, APPARENTLY TO URGE GREATER COOPERATION AMONG COLOMBIAN LEFTISTS. MEMBERS OF THE FARC'S POLITICAL FRONT, WHICH COORDINATES MANY POLITICAL ACTIONS BY THE MAJOR REBEL FACTIONS, SUBSEQUENTLY TRAVELLED TO HAVANA FOR CONSULTATIONS.

33. ECUADOR

-- CUBAN OFFICIALS ENCOURAGED THE FORMATION OF AN ECUADORIAN COMBAT YOUTH BRIGADE DRAWN FROM ECUADORIAN COMMUNIST YOUTH AND SEVERAL OTHER LEFTIST ORGANIZATIONS IN 1988. THE CUBANS OFFERED MILITARY TRAINING FOR 20 MEMBERS OF THE NEW BRIGADE.

34. PARAGUAY

-- ORGANIZING REVOLUTIONARY ACTIVITY IN PARAGUAY IS NOT A HIGH PRIORITY FOR THE CUBANS, ALTHOUGH THEY MAINTAIN CONTACTS WITH THE PARAGUAYAN POPULAR COLORADO MOVEMENT.

35. PERU

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-- THE GOC HAS PROVIDED TRAINING, SOME FUNDING, AND A SMALL SUPPLY OF ARMS TO THE TUPAC AMARU REVOLUTIONARY MOVEMENT (MRTA) IN THE PAST.

-- IN 1987, PERUVIAN OFFICIALS IMPLICITLY ACKNOWLEDGED THE CUBA-MRTA CONNECTION BY ASKING THE CUBAN EMBASSY TO HELP CURB MRTA VIOLENCE.

[redacted]

-- THE GOC HAS WORKED TO FOSTER LEFTIST POLITICAL UNIFICATION IN PERU.

-- IN THE PAST YEAR, THE GOC HAS SEEMINGLY DEEMPHASIZED INSURGENT ACTIVITY TO BACK THE LEGAL MARXIST UNITED LEFT (UL) COALITION.

36. URUGUAY

-- CUBA MAINTAINS LONGSTANDING TIES WITH THE TUPAMARO GUERRILLA ORGANIZATION. ALTHOUGH CUBA MAY BE PROVIDING SOME TRAINING AND FUNDING TO THE TUPAMAROS, ITS SUBVERSIVE EFFORTS ARE AT A LOW EBB, PROBABLY TO AVOID JEOPARDIZING DIPLOMATIC RELATIONS WITH THE GOU.

37. VENEZUELA

-- ALTHOUGH CUBA WAS BEHIND SERIOUS, BUT UNSUCCESSFUL, ATTEMPTS TO TOPPLE THE VENEZUELAN GOVERNMENT IN THE 1960'S, THERE ARE NO KNOWN CUBAN OPERATIONS TO UNDERMINE THE PRESENT GOVERNMENT IN VENEZUELA.

-- IN 1988, THE CUBANS SENT RIFLES AND EXPLOSIVES TO THE ELN IN COLOMBIA VIA THE SERRANIA DE MOTILONES MOUNTAIN RANGE ALONG THE COLOMBIAN BORDER. THE SAME ROUTE WAS USED BY ELN MEMBERS RETURNING FROM POLITICAL-MILITARY TRAINING IN CUBA.

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EDWARD M. KENNEDY
MASSACHUSETTS

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United States Senate

WASHINGTON, DC 20510

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February 15, 1989

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Chile Project (#S199900030)
Department of State
James A. Baker, III
Secretary of State
Department of State
Washington, D.C.

Release ✓ Excise ____ Deny ____
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ACTION
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09

Dear Mr. Secretary:

Mark 2/24/89 R

I am writing to express my grave concern over recent events involving the Vicariate of the Catholic Church in Santiago, Chile. As you are aware, the Vicariate has been a stalwart defender of human rights in Chile during the past fifteen years. It has provided legal and medical assistance and counseling to the victims of human rights abuse and to their families.

Recently, the military prosecutor of the Chilean government has undertaken a broad investigation of the Vicaria, with the apparent intent of confiscating this human rights organization's medical, legal, and financial records. The military prosecutor has been seeking complete access to the Vicaria's medical and legal records of human rights victims as well as to personnel and financial records as early as 1983. The most recent investigation relates to a 1986 incident in which a Vicaria doctor provided treatment to an individual wounded in a demonstration. The government claims the individual is part of a terrorist group, although informed followers of the case do not believe such is the case.

The case is particularly disturbing as it indicates a possible effort to harass the Vicaria as well as the Catholic Church. The broad scope of the investigation threatens thousands of individuals who have sought protection and help from the Vicaria whenever their human rights were in jeopardy. It is also a clear violation of the confidential relationship between doctors and lawyers and their clients.

In Chile, a host of civic, political, and private business leaders and associations, both liberal and conservative, have come to the support of the Vicaria. The Chilean Conference of Bishops also has spoken out publicly in defense of the Vicaria. Diplomatic representatives, including a high official of the British government, have visited the Vicari to express their support.

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I would greatly appreciate your attention to this important matter and urge you to communicate to the government of Chile the strong support of the United States government for the Vicaria and the work of the Catholic Church in defense of human rights.

Sincerely,

Edward M. Kennedy

2/17/89
Case Number: S199900030
Chile Project (#S199900030)
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C O N F I D E N T I A L STATE 051476

E.O. 12356: DECL: OADR
TAGS: PHUM, CI
SUBJECT: 45TH SESSION OF UN HUMAN RIGHTS COMMISSION:
ITEM 5: DEALING WITH ISSUE OF HUMAN RIGHTS IN CHILE

1. CONFIDENTIAL, ENTIRE TEXT.

2. BELOW ARE INSTRUCTIONS FOR USDEL TO UNHRC REGARDING OUR POSITION ON CHILE AND REQUESTS TO EMBASSY BOGOTA AND EMBASSY MEXICO FOR DEMARCHES TO COLOMBIAN AND MEXICAN FOREIGN MINISTRIES REGARDING UNHRC POSITION ON CHILE.

3. FOR USDEL GENEVA: AS USDEL IS AWARE, DEPARTMENT'S GOAL IN GENEVA IS THE PASSAGE OF A FAIR, BALANCED RESOLUTION ON HUMAN RIGHTS IN CHILE WHICH CAN RECEIVE OUR SUPPORT. THIS RESOLUTION SHOULD ACCURATELY REFLECT THE CURRENT STATE OF HUMAN RIGHTS IN CHILE, TAKING INTO FULL ACCOUNT THE PROGRESS THAT CHILE HAS MADE AND IS MAKING IN RETURNING TO DEMOCRATIC RULE. RESOLUTION SHOULD IDEALLY

PAGE 02 STATE 051476

CONDEMN POLITICAL VIOLENCE/TERRORISM FROM ANY SIDE AS A THREAT TO DEMOCRACY AND HUMAN RIGHTS AND ALSO REFLECT AND ACKNOWLEDGE THE FINDINGS OF THE LATEST REPORT BY SPECIAL RAPPORTEUR FERNANDO VOLIO.

4. DEPARTMENT PREVIOUSLY DETERMINED THAT USDEL WOULD NOT

INTRODUCE OR SPONSOR A RESOLUTION ON CHILE BUT SHOULD INSTEAD MAKE A SERIOUS EFFORT TO OBTAIN THE SUBMISSION OF THE KIND OF RESOLUTION DESCRIBED ABOVE. THE RESOLUTION ON CHILE (43/158) ADOPTED BY THE UNGA THIRD COMMITTEE ON NOVEMBER 30, 1988 COULD BE A GOOD STARTING POINT FOR THE DEVELOPMENT OF A STILL BETTER RESOLUTION IN GENEVA. OUR VOTE ON AN EVENTUAL RESOLUTION WILL BE DETERMINED BY HOW WE JUDGE THE FINAL TEXT FROM THE VANTAGE POINT OF OUR OVERALL CHILE POLICY. USDEL SHOULD MAKE OUR POSITION KNOWN TO OTHER DELEGATIONS AS APPROPRIATE AND ENCOURAGE POTENTIAL DRAFTERS TO DEAL FAIRLY AND REALISTICALLY WITH THE ISSUE. YOU SHOULD POINT OUT OUR VIEW THAT BY RECOGNIZING THE IMPORTANT ADVANCES MADE BY THE GOC IN THE PAST YEAR, WE WILL ENCOURAGE FURTHER PROGRESS IN HUMAN AND CIVIL RIGHTS.

5. ON THE ITEM FIVE MATTER, USDEL SHOULD, AS APPROPRIATE, MAKE KNOWN OUR VIEW THAT CHILE SHOULD NOT BE SINGLED OUT FOR SPECIAL TREATMENT UNDER ITEM 5 BUT CONSIDERED UNDER ITEM 12. UNLESS IT HAD SUBSTANTIAL SUPPORT FROM OTHER WESTERN DEMOCRACIES, HOWEVER, WE WOULD PREFER NOT TO EXPEND SCARCE CAPITAL IN SUPPORTING AN EFFORT TO MOVE CHILE FROM ITEM 5 AND IN ANY CASE SHOULD NOT TAKE THE LEAD IN ATTEMPTING TO BRING ABOUT SUCH AN INITIATIVE.

6. FOR EMBASSY BOGOTA: THE GOVERNMENT OF COLOMBIA PLAYED A KEY ROLE IN MODERATING THE TONE OF THE RESOLUTION ON
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 STATE 051476

CHILE APPROVED AT THE UNGA LAST NOVEMBER. DEPARTMENT REQUESTS THAT YOU QUERY APPROPRIATE FOREIGN MINISTRY OFFICIALS ON WHAT COLOMBIA'S POSITION ON CHILE WILL BE AT THE UNHRC, EXPLAINING OUR BELIEF THAT A FAIR AND BALANCED RESOLUTION CAN HELP FURTHER THE CAUSE OF DEMOCRACY AND HUMAN RIGHTS IN CHILE BY ENCOURAGING MORE PROGRESS BY THE CHILEAN GOVERNMENT. YOU SHOULD ENCOURAGE THE COLOMBIAN GOVERNMENT TO PLAY THE SAME ACTIVE, POSITIVE, ROLE IN

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ARMACOST

CONFIDENTIAL

UNCLASSIFIED 2/17/89
Case Number: S199900030
Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____
DECONTROL

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PAGE 01 GENEVA 01471 171830Z
ACTION IO-19

INFO LOG-00 ADS-00 EUR-00 OIC-02 AF-00 NEA-06 ARA-00
HA-09 L-03 EAP-00 /039 W
----------201350 172122Z /66

P 171801Z FEB 89
FM USMISSION GENEVA
TO SECSTATE WASHDC PRIORITY 4171
INFO AMEMBASSY SANTIAGO PRIORITY
AMEMBASSY MEXICO
AMEMBASSY MADRID
AMEMBASSY STOCKHOLM
AMEMBASSY LIMA

UNCLASSIFIED
LIMITED OFFICIAL USE GENEVA 01471

E.O. 12356: NA
TAGS: PREL, PHUM, CI
SUBJECT: CHILE HUMAN RIGHTS RESOLUTION

1. THIS IS HRC-069.

2. MEXICAN DELEGATION (WITH SOME HELP FROM SPANISH, PERUVIAN AND SWEDISH DELEGATIONS) IS REPORTEDLY WORKING ON A RESOLUTION WHICH WOULD MOVE CHILE FROM ITEM 5 TO ITEM 12 IN RETURN FOR LANGUAGE CONSIDERABLY TOUGHER THAN THAT USED IN THE RESOLUTION ADOPTED IN THE U.N. THIRD COMMITTEE IN NOVEMBER.

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PAGE 02 GENEVA 01471 171830Z

TOUGHER LANGUAGE IN A RESOLUTION. FIRST, CHILE COULD BE DROPPED ENTIRELY NEXT YEAR FROM THE UNHRC'S AGENDA FOLLOWING ITS ELECTIONS. SECONDLY, SOME OF THE LATIN COUNTRIES MAY HAVE ULTERIOR MOTIVES IN MANIPULATING THE UNHRC AGENDA TO INFLUENCE THE CUBA ISSUE.

4. FOR SANTIAGO: TWO DELEGATIONS HAVE MENTIONED TO US

n/a
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AN ONGOING DISPUTE BETWEEN CHILEAN GOVERNMENT AND THE VICARATE. PLEASE CONTINUE TO INFO US ON THIS TOPIC.
PETRONE

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Case Number: S199900030 Chile Project (#S199900030)
U.S. Department of State
Release X Excise Deny
Declassify: In Part In Full X
Exemption(s)

CONFIDENTIAL

PAGE 01 STATE 051476
ORIGIN ARA-00

INFO LOG-00 ADS-00 OIC-02 IO-19 HA-09 L-03 /033 R

DRAFTED BY: ARA/SC:P C DESHAZO:PCD
APPROVED BY: IO:P EASTMAN
ARA:R B HOWARD, ARA:M M SKOL, HA:D TELEEN, HA:R SCHIFTER,
IO/HW:W MITHOEFER, ARA/AND:P C FRENCH, ARA/MEX:J J ST. JOHN
----------127107 170326Z /64

O R 170313Z FEB 89
FM SECSTATE WASHDC
TO USMISSION GENEVA IMMEDIATE
AMEMBASSY BOGOTA IMMEDIATE
AMEMBASSY MEXICO IMMEDIATE
INFO AMEMBASSY SANTIAGO

C O N F I D E N T I A L STATE 051476

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PAGE 02 STATE 051476

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PAGE 03 STATE 051476

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ARMACOST

CONFIDENTIAL

UNCLASSIFIED 2/17/89

Case Number: S199900030
Chile Project (#S199900030)
U.S. Department of State
Release X Excise Deny
Declassify: In Part In Full
Exemption(s)

DECONTROL

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PAGE 01 GENEVA 01471 171830Z
ACTION IO-19

INFO LOG-00 ADS-00 EUR-00 OIC-02 AF-00 NEA-06 ARA-00
HA-09 L-03 EAP-00 /039 W
----------201350 172122Z /66

P 171801Z FEB 89
FM USMISSION GENEVA
TO SECSTATE WASHDC PRIORITY 4171
INFO AMEMBASSY SANTIAGO PRIORITY
AMEMBASSY MEXICO
AMEMBASSY MADRID
AMEMBASSY STOCKHOLM
AMEMBASSY LIMA

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E.O. 12356: NA
TAGS: PREL, PHUM, CI
SUBJECT: CHILE HUMAN RIGHTS RESOLUTION

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PAGE 02 GENEVA 01471 171830Z

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AN ONGOING DISPUTE BETWEEN CHILEAN GOVERNMENT AND THE VICARATE. PLEASE CONTINUE TO INFO US ON THIS TOPIC.
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Special Project (1993)

TEXT OF TELEGRAM 89SAN SA002260

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ADP158

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PAGE 01 SAN SA 02260 181642Z
ACTION ARA-00

INFO	LOG-00	ADS-00	INR-07	SS-00	CIAE-00	DODE-00	H-01
	NSCE-00	NSAE-00	SSO-00	HA-09	L-03	TRSE-00	PM-10
	PA-01	OMB-01	INRE-00	SP-02	SNP-01	C-01	SSE-01
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O 181637Z FEB 89
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 7146
INFO AMEMBASSY MEXICO IMMEDIATE
AMEMBASSY CARACAS
AMEMBASSY MANAGUA
AMEMBASSY TEGUCIGALPA
AMEMBASSY SAN JOSE
AMEMBASSY GUATEMALA
USCINCSO QUARRY HTS PM
USIA WASHDC 3089

[redacted] SAN SALVADOR 02260

USCINCSO ALSO FOR POLAD YOULE

E.O 12356: N/A
TAGS: PGOV, ES
SUBJECT: POLITICAL PARTY LEADERS AND FMLN TO MEET
- FEBRUARY 20-21 IN MEXICO

1. (U) A DELEGATION OF SALVADORAN POLITICAL PARTIES WILL MEET WITH REPRESENTATIVES OF THE FMLN IN MEXICO CITY ON FEBRUARY 20-21 TO DISCUSS THE FMLN ELECTION PROPOSAL. REPORTEDLY REPRESENTING THE FMLN WILL BE COMANDANTES SHAFIK HANDAL (PCES) AND ROBERTO ROCA (PRTC), PLUS TWO MEMBERS OF THE FMLN DIPLOMATIC COMMISSION, SALVADOR SAMAYOA (FPL) AND ANA GUADALUPE MARTINEZ (ERP). THE FOLLOWING POLITICAL PARTY OFFICIALS ARE EXPECTED TO ATTEND:

[redacted]

PAGE 02 SAN SA 02260 181642Z

ARENA: PRESIDENTIAL CANDIDATE ALFREDO CRISTIANI, RUNNING MATE FRANCISCO MERINO, JOSE
- FRANCISCO GUERRERO;
CD: PRESIDENTIAL CANDIDATE GUILLERMO UNGO, COORDINATOR RUBEN ZAMORA;
MAC: PRESIDENTIAL CANDIDATE ADOLFO "FITO" REY PRENDES, RUNNING MATE ALEX "FONCHO"
- SALAVERRIA

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PAR; UNKNOWN.
PDC: UNKNOWN; PROBABLY PARTY LEADER PABLO MAURICIO ALVERGUE
PCN: SECGEN HUGO CARRILLO, ARTURO MENDEZ
- AZAHAR (EX-CCE REP FOR PCN),EUSEBIO PLEITEZ, ;
UDN: SECGEN MARIO AGUINADA, ARONETTE DIAZ;
UP: PRESIDENTIAL CANDIDATE HUGO BARRERA, RUNNING MATE MARIA JULIA CASTILLO, SERGIO MENA MENDEZ, ;

2. (C) COMMENT: WITH THE EXCEPTION OF THE PDC, A VERY HIGH RANKING GROUP FROM TH POLITICAL PARTIES.

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PAGE 01 MEXICO 04619 212327Z
ACTION ARA-00

INFO	LOG-00	ADS-00	INR-07	SS-00	CIAE-00	DODE-00	H-01
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	PA-01	OMB-01	INM-07	INRE-00	ACDA-12	USIE-00	SP-02
	SNP-01	C-01	SSE-01	PRS-01	P-02	T-01	/060 W

353714 212328Z /64

O 212323Z FEB 89 ZFF4
FM AMEMBASSY MEXICO
TO SECSTATE WASHDC NIACT IMMEDIATE 0270
AMEMBASSY SAN SALVADOR
INFO AMEMBASSY TEGUCIGALPA PRIORITY
AMEMBASSY SAN JOSE
AMEMBASSY MANAGUA
AMEMBASSY GUATEMALA
AMEMBASSY CARACAS
USCINCSO QUARRY HEIGHTS PN

[redacted] MEXICO 04619

E.O. 12356: DECL: OADR
TAGS: PGOV, PREL, ES
SUBJECT: FMLN - POLITICAL PARTY MEETING IN MEXICO

REF: MEXICO 4472

1. [redacted] ENTIRE TEXT.

2. ALTHOUGH THERE IS NO DETAILED READOUT ON THE FEBRUARY 20-21 TALKS BETWEEN THE FMLN AND THE SALVADORAN POLITICAL PARTY LEADERS, IT IS CLEAR THE FEBRUARY 20 FMLN STATEMENT (REFTEL) DOMINATED THE DISCUSSION. AT A FEBRUARY 20 PRESS CONFERENCE, FMLN COMANDANTE SHAFIK HANDAL INSISTED ON POSTPONEMENT OF THE ELECTIONS (BUT WITHOUT SPECIFYING THE DATE). UP PRESIDENTIAL CANDIDATE HUGA BARRERA TOLD PRESS THE CONSTITUTION WOULD PERMIT SOME FLEXIBILITY ON THE ELECTION DATE.

[redacted]

PAGE 02 MEXICO 04619 212327Z

3. CONVERGENCIA DEMOCRATICA (CD) OFFICIAL HECTOR SILVA TOLD US THAT THE CHRISTIAN DEMOCRAT (PDC) REPRESENTATIVES (ALVERGUE AND COLINDRES) WERE TAKEN OFF-GUARD; ALVERGUE SAID HE HAD NO MANDATE TO NEGOTIATE. SILVA SAID ARENA (REPRESENTED BY MERINO AND CALDERON SOL) WAS A LITTLE MORE RECEPTIVE. FITO REY PRENDES (MAC) SUGGESTED THAT THE FMLN AND THE PARTIES AGREE TO CALL UPON THE GOES AND ESAF TO RESPOND TO THE FMLN. THERE

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TEXT OF TELEGRAM 89MEXICO004619

ARE ALSO REPORTS THAT ON FEBRUARY 21 THE PARTICIPANTS WILL FORM THREE COMMISSIONS TO STUDY MECHANISMS OF A CEASE-FIRE, JUDICIAL AND LEGAL IMPLICATIONS OF THE PROPOSALS, AND VERIFICATION.

4. COMMENT: IT APPEARS THE BALL WILL BE BACK IN THE GOES' COURT TOMORROW. WE GATHER FROM SILVA THAT THE FMLN IS ANXIOUSLY AWAITING REACTION IN THE UNITED STATES AND IN THE ESAF. \(DRAFTED:POL:SGMCFARLAND)\ GAMBLE

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PAGE 01 MEXICO 04639 220449Z
ACTION ARA-00

INFO LOG-00 ADS-00 INR-07 SS-00 OIC-02 CIAE-00 DODE-00
H-01 NSCE-00 NSAE-00 SSO-00 PM-10 PA-01 INRE-00
SP-02 C-01 PRS-01 P-02 /027 W
----------365446 220502Z /22

O 220445Z FEB 89 ZFF4
FM AMEMBASSY MEXICO
TO SECSTATE WASHDC NIACT IMMEDIATE 0279
AMEMBASSY SAN SALVADOR IMMEDIATE
INFO AMEMBASSY TEGUCIGALPA PRIORITY
AMEMBASSY SAN JOSE
AMEMBASSY MANAGUA
AMEMBASSY GUATEMALA
AMEMBASSY CARACAS
USCINCSO QUARRY HEIGHTS PN

[redacted] MEXICO 04639

OPCENTER ALERT ARA/CEN JOE SULLIVAN OR PETE ROMERO AT
00B FEBRUARY 22

E.O. 12356: DECL: OADR
TAGS: PGOV, PREL, ES
SUBJECT: FMLN-POLITICAL PARTIES MEETING: DAY TWO

1. [redacted] ENTIRE TEXT.

2. RUBEN ZAMORA PROVIDED THE FOLLOWING READ-OUT BY TELEPHONE ON THE PROCEEDINGS DURING DAY TWO (FEBRUARY 21) OF THE FMLN-POLITICAL PARTIES MEETING IN MEXICO:

-- MEETINGS WERE BILATERAL, WITH A GENERAL MEETING TO BE HELD NIGHT OF FEBRUARY 21;

-- ARENA WAS MORE RECEPTIVE TO DIALOGUE AND THE FMLN PROPOSAL THAN HAD BEEN EXPECTED BY THE FMLN AND CD;

[redacted]

PAGE 02 MEXICO 04639 220449Z

-- THE PDC FLOATED A FIVE-WEEK POSTPONEMENT OF THE MARCH 19 ELECTIONS. THE OTHER PARTIES REPORTEDLY REACTED NEGATIVELY, PERCEIVING THE OFFER AS AN EFFORT BY THE PDC TO BOOST ITS PRESIDENTIAL CAMPAIGN;

-- THE FMLN PRESENTED ANOTHER DOCUMENT FLESHING OUT ITS PROPOSALS. WE DO NOT YET HAVE THE TEXT, BUT UNDERSTAND IT CALLS FOR THE PARTIES TO ESTABLISH THREE COMMISSIONS

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TO WORK OUT DETAILS OF A CEASE-FIRE, LEGALITIES OF ELECTION POSTPONEMENT, AND VERIFICATION. THE COMMISSIONS ARE TO FINISH WORK BEFORE MARCH 19, FOLLOWED BY A CEASE-FIRE. THE ELECTIONS WOULD TAKE PLACE FIVE MONTHS AFTER THE CEASE-FIRE GOES INTO EFFECT. (ZAMORA SAID THE FMLN PROBABLY WOULD ACCEPT FOUR MONTHS. HE DISMISSED THE POSSIBILITY THAT THE FMLN WOULD ACCEPT A SIX-WEEK POSTPONEMENT OF ELECTIONS.);

-- THE PARTICIPANTS PROBABLY WILL AGREE TO CALL UPON THE GOES AND ESAF TO CONSIDER THE FMLN PROPOSALS;

-- THE MEETINGS MAY CONTINUE ONE EXTRA DAY (SALVADORAN AMBASSADOR MUNES TOLD US THE PDC REPRESENTATIVES WOULD NOT AGREE TO THIS AND PLAN TO RETURN TO SAN SALVADOR ON FEBRUARY 22).

3. COMMENT: ZAMORA'S STATEMENT THAT THE FMLN WOULD NOT ACCEPT A SIX-WEEK POSTPONEMENT OF THE ELECTION CONTRADICTS SEVERAL RECENT HINTS BY HIS SUBORDINATE, HECTOR SILVA, THAT THE FMLN WOULD SHOW FLEXIBILITY. IT IS QUITE POSSIBLE THAT THE FMLN IS SAVING THIS CONCESSION FOR LATER.

[redacted]

PAGE 03 MEXICO 04639 220449Z

4. THE REPORTED PDC OFFER TO POSTPONE THE ELECTIONS FIVE (OR SIX) WEEKS IS HE PET IDEA OF PABLO MAURICIO ALVERGUE AND DUARTE CONFIDANT ABRAHAM RODRIGUEZ. IT IS UNCLEAR WHETHER PDC PRESIDENTIAL CANDIDAES CHAVEZ MENA SUPPORTS IT. (DRAFTED:POL:SGMCFARLAND). GAMBLE

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RELEASE

TEXT OF TELEGRAM 89SAN SA002392

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PAGE 01 SAN SA 02392 230002Z
ACTION ARA-00

INFO	LOG-00	ADS-00	INR-07	SS-00	OIC-02	CIAE-00	DODE-00
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	TRSE-00	PM-10	PA-02	OMB-01	INRE-00	ACDA-12	USIE-00
	SP-02	SNP-01	C-01	SSE-01	PRS-01	P-02	T-01
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O 222347Z FEB 89
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 7226
INFO AMEMBASSY MEXICO IMMEDIATE
AMEMBASSY GUATEMALA
AMEMBASSY TEGUCIGALPA
AMEMBASSY MANAGUA
AMEMBASSY SAN JOSE
AMEMBASSY CARACAS
USMISSION GENEVA
USCINCSO QUARRY HTS PM

UNCLAS SAN SALVADOR 02392

USCINCSO ALSO FOR POLAD YOULE

E.O. 12356: DECL:OADR
TAGS: PGOV, ES
SUBJECT: POLITICAL PARTIES TO ARRANGE GOES-FMLN
- MEETING

1. ON FEBRUARY 22 "DIARIO DE HOY," A LOCAL NEWSPAPER, REPORTED THAT THE FMLN AND THE POLITICAL PARTIES HAD CONCLUDED THEIR MEETINGS AT 10 PM THE NIGHT BEFORE IN MEXICO CITY. THE POLITICAL PARTIES REPORTEDLY CALLED THEIR TALKS WITH THE FMLN "VERY POSITIVE."

2. IN A COMMUNIQUE RELEASED AFTER THE MEETINGS, THE POLITICAL PARTIES PROMISE TO CONSIDER THE FMLN
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PAGE 02 SAN SA 02392 230002Z

PROPOSAL "AS A WHOLE" AND, IF NECESSARY, OFFER THEIR "CONTRIBUTION" TO A PEACE AGREEMENT, BUT ONLY WITH THE APPROVAL OF THE SALVADORAN GOVERNMENT EXECUTIVE AND LEGISLATIVE BRANCHES. THEY ALSO STATED THAT THEY WOULD TRY TO ARRANGE, "WITH THE URGENCY THAT IT MERITS," A GOES-FMLN MEETING IN WHICH THEY WOULD PARTICIPATE.

DLOUHY

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TEXT OF TELEGRAM 89SAN SA002391

ADP158
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PAGE 01 SAN SA 02391 230029Z
ACTION ARA-00

INFO LOG-00 ADS-00 INR-07 SS-00 CIAE-00 EB-00 DODE-00
NSCE-00 NSAE-00 HA-09 PM-10 PA-02 INRE-00 USIE-00
DOEE-00 SSE-01 PRS-01 SCT-02 /032 W
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P 222345Z FEB 89
FM AMEMBASSY SAN SALVADOR .
TO SECSTATE WASHDC PRIORITY 7225
INFO AMEMBASSY GUATEMALA
AMEMBASSY MANAGUA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HTS PM

UNCLAS SAN SALVADOR 02391

E.O. 12356: N/A
TAGS: PTER, ENRG, ES
SUBJECT: WHILE THE FMLN TALKS, POWER POLES FALL

1. WHILE THE FMLN MAY BE MEETING IN MEXICO WITH REPRESENTATIVES OF EL SALVADOR'S POLITICAL PARTIES TO DISCUSS THEIR PEACE PROPOSAL, FMLN UNITS HERE ARE STRIKING HARD AT THE COUNTRY'S ELECTRICAL POWER SYSTEM. DURING THE NIGHT OF FEBRUARY 21-22, GUERRILLAS BOMBED TOWERS ON SIX MAJOR TRANSMISSION LINES, ALMOST ISOLATING THE CITY OF SAN SALVADOR FROM THE ELECTRICAL GRID. AS OF THE MORNING OF FEBRUARY 22, THE CITY'S ONLY SOURCES OF POWER WERE THE SOYAPANGO GAS TURBINE PLANT AND ONE SECONDARY LINE FROM THE 15TH OF SEPTEMBER DAM, WHICH TOGETHER CAN PROVIDE ENERGY FOR ONLY 40 PCT. OF THE METROPOLITAN AREA'S PEAK DEMAND. THIS IS THE MOST DAMAGE DONE TO THE SYSTEM SINCE THE EVENING PRIOR TO THE MARCH 1988 ELECTION.
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PAGE 02 SAN SA 02391 230029Z

2. ACCORDING TO CEL (THE STATE POWER UTILITY), THE FOLLOWING LINES WERE CUT BY THE FMLN:

- 5 DE NOV. - SAN RAFAEL CEDROS
- OPICO - NEJAPA
- CERRON GRANDE - SAN MARTIN
- SONSONATE - NUEVO CUSCATLAN
- 15 DE SEPT. - SAN RAFAEL CEDROS

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TEXT OF TELEGRAM 89SAN SA002391

RELEASED
El Salvador: Human Rights
Special Project (1993)

- 15 DE SEPT. - SAN MIGUEL

A SEVENTH LINE, NEJAPA - CERRON GRANDE, HAS BEEN INOPERATIVE SINCE APRIL 21, 1988, AS THE POOR SECURITY SITUATION IN THE AREA HAS MADE REPAIRS IMPOSSIBLE.

3. CEL IS HOPEFUL THAT THREE OF THE DOWNED LINES CAN BE REPAIRED DURING FEBRUARY 22. PAST EXPERIENCE SUGGESTS, HOWEVER, THAT IT MAY TAKE AT LEAST 48 HOURS BEFORE FULL POWER CAN BE RESTORED TO THE CITY. WE WOULD ALSO NOTE THAT AN ELECTRICAL CUT OF THIS MAGNITUDE ALSO SERIOUSLY AFFECTS SAN SALVADOR'S WATER SUPPLY, AS THE WATER UTILITY'S PUMPING STATIONS ARE UNABLE TO FUNCTION NORMALLY. DLOUHY

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El Salvador: Human Rights
Special Project (1993)

201

TEXT OF TELEGRAM 89SAN SA002389

ADP76 [redacted]

PAGE 01 SAN SA 02389 01 OF 02 222354Z
ACTION SS-00

INFO LOG-00 ADS-00 SSO-00 /000 W
----------040776 222356Z /38

O 222337Z FEB 89
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 7222

[redacted] SECTION 01 OF 02 SAN SALVADOR 02389

EXDIS

E.O. 12356: DECL:OADR
TAGS: PGOV, PREL, ES
SUBJECT: ESAF REACTION TO MEXICO MEETINGS OF
- FMLN AND POLITICAL PARTIES

REF: SAN SALVADOR 2316

1. S - ENTIRE TEXT.

2. SUMMARY. A LEADERSHIP VACUUM AT THE TOP IS BEING FILLED BY FIRST VICE PRESIDENT DESIGNATE ABRAHAM RODRIGUEZ AND MOD VIDES CASANOVA WHO ARE TAKING THE LEAD IN FASHIONING A RESPONSE TO THE FMLN'S POLITICAL WARFARE INITIATIVE. IN A 2/22 MEETING BOTH EXPRESSED FRUSTRATION THAT THE POLITICAL PARTIES HAVE NOW TURNED THE PROBLEM BACK TO THE GOES, HAVING BEEN UNABLE THEMSELVES TO COME UP WITH A COHERENT UNIFIED POSITION IN TALKS WITH THE FMLN. RODRIGUEZ AND THE ESAF ARE LOOKING FOR, BUT HAVE NOT COME UP WITH, AN AUDACIOUS NATIONAL POLITICAL STRATEGY TO REGAIN THE POLITICAL INITIATIVE. THE ESAF IS VERY CONCERNED ABOUT FMLN INROADS WITH THE CONGRESS AIMED AT CURTAILLING ASSISTANCE. END SUMMARY.

3. FIRST VICE PRESIDENT DESIGNATE ABRAHAM RODRIGUEZ [redacted]

PAGE 02 SAN SA 02389 01 OF 02 222354Z

MET 2/22 WITH MOD VIDES CASANOVA, CHIEF OF THE JOINT GENERAL STAFF COL. PONCE, AND VICE MOD FOR PUBLIC SECURITY GENERAL HERNANDEZ TO DISCUSS THE OUTCOME OF THE MEXICO TALKS BETWEEN THE FMLN AND THE POLITICAL PARTIES. CHARGE SAT IN AT THE REQUEST OF RODRIGUEZ.

4. RODRIGUEZ EXPLAINED THAT PRESIDENT DUARTE HAS TAKEN A TURN FOR THE WORSE AND IS IN NO CONDITION AT THIS POINT TO INVOLVE HIMSELF DEEPLY IN THE PROBLEM

[redacted]

PAGE NO. 1

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El Salvador: Human Rights
Special Project (1993)

TEXT OF TELEGRAM 89SAN SA002389

OF HOW TO CONFRONT THE FMLN'S POLITICAL INITIATIVE. MOD VIDES SAID THAT THE GOES MUST COME UP WITH A COHERENT POSITION THAT HE CAN TAKE TO THE TROOPS, WHATEVER IT IS. IF THE PARTIES WANT TO HAVE ELECTIONS MARCH 19 VIDES SAID HE WOULD TELL THE TROOPS THEIR JOB IS TO PROVIDE SECURITY SO THAT THE ELECTIONS CAN BE HELD. IF THE PRESIDENT IS TOO ILL TO DEAL WITH THE ISSUE HIMSELF, VIDES SAID THE MILITARY WILL WORK WITH RODRIGUEZ AS THE PRESIDENT'S REPRESENTATIVE. WHATEVER THE CASE, VIDES SAID THAT THE JUNIOR RANKS IN PARTICULAR ARE RESTIVE, WANT CLEAR INSTRUCTIONS AND CANNOT BE LEFT TO DRIFT.

5. AFTER READING PRESS ACCOUNTS OF THE JOINT STATEMENT OF THE POLITICAL PARTIES AT THE CONCLUSION OF THE MEXICO MEETING, BOTH VIDES AND RODRIGUEZ EXPRESSED ANNOYANCE AND IRRITATION THAT THE POLITICAL PARTIES WERE NOW TURNING THE ISSUE BACK TO THE GOVERNMENT AFTER BEING UNABLE TO COME UP WITH A UNIFIED POSITION. RODRIGUEZ SAID THAT BY CALLING IN THE GOVERNMENT, THE PARTIES HAD HANDED THE FMLN A VICTORY. THE FMLN HAS SOUGHT TO DILUTE THE AUTHORITY OF THE GOES AND TO REDUCE IT TO JUST ANOTHER SECTORAL INTEREST GROUP BY ENLARGING THE FORMAL DIALOGUE FROM [redacted]

PAGE 03 SAN SA 02389 01 OF 02 222354Z

THE FMLN-GOES TO FMLN-GOES, ESAF, UNIONS, BUSINESS ASSOCIATIONS AND POLITICAL PARTIES. VIDES NOTED THAT THE FMLN IS SEEKING TO CHANGE THE PREVIOUS DIALOGUES (NOT NEGOTIATIONS) ON HOW TO INCORPORATE THE FMLN INTO THE SYSTEM INTO NEGOTIATIONS (NOT DIALOGUE) ON HOW TO CHANGE THE SYSTEM. UNABLE TO DEAL WITH THEIR MUTUAL JEALOUSIES, THE PARTIES WERE SET UP BY THE FMLN.

6. VIDES FOUND NO MERIT IN THE FMLN'S PROPOSALS AND DISCOUNTED AS RHETORIC FMLN OFFERS TO CEASE HOSTILITIES AND INCORPORATE ITSELF INTO THE SYSTEM. NOTING THE CALL FOR AN INDEPENDENT PROVISIONAL PRESIDENT, VIDES SAID THE ENTIRE FMLN APPROACH IS AIMED AT DESTROYING THE LEGITIMACY OF THE CONSTITUTIONAL ORDER AND THE INSTITUTIONALIZATION OF THE POLITICAL PROCESS. FROM AN ELECTORAL PROPOSAL THE FMLN IS SEEKING TO ENTRAP THE GOVERNMENT IN A NEGOTIATION ON THE VALIDITY OF THE CONSTITUTIONAL PROCESS. VIDES SAID THE PROBLEM NOW IS HOW TO MANAGE A NEGOTIATION IN WHICH THE GOVERNMENT WILL BE PAINTED AS INFLEXIBLE AND ANTI-PEACE BECAUSE IT ADHERES TO THE CONSTITUTION.

7. COL. PONCE SUGGESTED THAT THE ESAF, UNDER RODRIGUEZ' GUIDANCE, TRY TO COME UP WITH WITH WHAT HE

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Special Project (1993)

TEXT OF TELEGRAM 89SAN SA002389

CALLED "AN AUDACIOUS NATIONAL POLITICAL STRATEGY" TO TAKE THE POLITICAL INITIATIVE AWAY FROM THE FMLN. RODRIGUEZ FOCUSSED ON HIS BELIEF THAT IT WOULD BE

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Special Project (1993)

TEXT OF TELEGRAM 89SAN SA0C2389

ADP808
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PAGE 01 SAN SA 02389 02 OF 02 [illegible]
ACTION SS-00

INFO LOG-00 ADS-00 SSO-00 /000 R

O 2223372 FEB 89
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 7233

[redacted] SECTION 02 OF 02 SAN SALVADOR 02389

EXDIS

E.O. 12356: DECL:OADR
TAGS: PGOV, PREL, ES
SUBJECT: ESAF REACTION TO MEXICO MEETINGS [illegible]

CONSTITUTIONAL TO POSTPONE THE ELECTION DATE, APRIL 30. VIDES NOTED THAT ARENA IS OPPOSED AND THAT [illegible] LAWYERS HE HAD CONSULTED DID NOT BELIEVE A POSTPONEMENT PAST MARCH 31 WAS CONSTITUTIONAL. IT WAS NOT CLEAR ANYWAY WHETHER THE FMLN WOULD BE INTERESTED IN A SIX WEEK POSTPONEMENT VICE ITS PROPOSAL FOR A FIVE MONTH POSTPONEMENT. IN THE MEANTIME, HE NOTED, THE POLITICAL PARTIES WERE NOW FIGHTING AMONG THEMSELVES OVER A POSTPONEMENT SO THE OFFER WAS MOOT. THE GOES NEEDS ANOTHER APPROACH. AFTER CONSIDERABLE DISCUSSION NO ONE CAME UP WITH ANY "AUDACIOUS" IDEAS BUT ALL SEEMED TO RECOGNIZE THAT THE FMLN HAS SUCCEEDED IN FORCING THE GOES INTO TALKS.

3. COMMENT: AT THIS POINT, THE MARCH 89 ELECTION CONTINUES TO MOVE FORWARD OF ITS OWN MOMENTUM. RODRIGUEZ AND VIDES AGREED TO MEET 2/24 WITH SUPREME COURT PRESIDENT QUERRERO TO REVIEW THE CONSTITUTIONALITY OF POSTPONING THE ELECTION [illegible] 30. WHETHER THIS IS OF INTEREST TO THE FMLN [illegible]
[redacted]

PAGE 02 SAN SA 02389 02 OF [illegible]

UNKNOWN. SHORT OF THIS CONCESSION, HOWEVER, NEITHER VIDES NOR RODRIGUEZ DISCUSSED AT ALL THE MERITS OF ANY OTHER ASPECT OF THE FMLN PROPOSAL. PRESIDENT DUARTE SPENT MOST OF THE AFTERNOON AND EVENING OF 2/21 ASLEEP. THE POLITICAL PARTIES WILL PROBABLY ENJOY OVER THE NEXT FEW DAYS. IT MAY BE EARLY NEXT WEEK BEFORE THERE IS ANY SHAPE TO THE INTERNAL [illegible] PROCESS.

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PAGE NO. 4

EXDIS REVIEW

Cat. A - Caption removed; transferred to O/LAOPC
Cat. B - Transferred to [illegible] with additional portions controlled by S/S
Cat. C - Caption and custody retained by S/S

Reviewed by: Elijah Kelly

Date: [illegible]

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El Salvador: Human Rights
Special Project (1993)

TEXT OF TELEGRAM 89SAN SA002389

10. IN ANTICIPATION OF AN FMLN MILITARY RESPONSE TO THE AMBIGUITY IN THE CURRENT SITUATION, POST EAC MET 2/22 TO REVIEW PROCEDURES AND ISSUE PRECAUTIONARY GUIDELINES FOR THE COMING WEEK. END COMMENT. DLOUHY

[redacted]

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El Salvador Human Rights
Project (HRP)

TEXT OF TELEGRAM 89SAN SA002376

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PAGE 01 [redacted] SA 02376 222302Z
ACTION ARA-00

INFO LOG-00 ADS-00 SS-00 SSO-00 SSE-01 P-02 /003 W
----------037411 222307Z /61

O 222247Z FEB 89
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 7219

[redacted] SAN SALVADOR 02376

ARA/CEN FOR AMBASSADOR WALKER

E.O. 12356: DECL:OADR
TAGS: PGOV, PREL, ES
SUBJECT: U.S.G. POSITION ON CURRENT STATE OF PLAY
- OF FMLN - GOES/POLITICAL PARTIES TALKS

REF: MEXICO 004619

1. [redacted] ENTIRE TEXT.

2. REFTEL NOTES THAT FMLN IS ANXIOUSLY AWAITING REACTION IN THE UNITED STATES AND IN THE ESAF TO ITS LATEST PROPOSALS. BOTH GOES AND ESAF ARE CONCERNED WITH POSSIBLE POSITIVE INROADS FMLN MAY BE MAKING WITH ITS APPEARANCE OF FLEXIBILITY AND WILLINGNESS TO INCORPORATE ITSELF INTO THE DEMOCRATIC PROCESS. THE ESAF, IN PARTICULAR, IS CONCERNED THAT CONGRESS WILL BUY OFF UNCONDITIONALLY ON THE FMLN'S PROPOSALS WITHOUT SEEING IT AS A POLITICAL CANARD TO DISMANTLE THE CONSTITUTIONAL PROCESS.

3. IN THE WAKE OF THE MEXICO MEETINGS OF THE FMLN AND POLITICAL PARTIES, A CAREFULLY CRAFTED STATEMENT AT THE NOON PRESS BRIEFING MIGHT HELP TO REASSURE OUR SALVADORAN ALLIES AND ENCOURAGE THE PROCESS OF ENGAGING THE FMLN IN MEANINGFUL TALKS/CONCESSIONS.

[redacted]

PAGE 02 SAN SA 02376 222302Z

4. WE SUGGEST SOMETHING ALONG THE FOLLOWING LINES:

Q. WHAT IS THE DEPARTMENT'S REACTION TO THE MEETING OF THE POLITICAL PARTIES WITH THE FMLN IN MEXICO IN WHICH THE PARTIES HAVE NOW CALLED FOR DIRECT TALKS BETWEEN THE FMLN AND THE GOVERNMENT WITH THE POLITICAL PARTIES?

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PAGE NO. 1

Department of State IS/FPO/CDS El Salvador SP Date 11/
Declassified under EO 12356 (✓) in full; ( ) in part;
portions withheld: classified ( ); deliberative ( );
law enforcement ( ); privacy ( ), statutory ( );
not relevant to El Salvador ( ).

TEXT OF TELEGRAM 89SAN SA002394

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El Salvador: Human Rights
Special Project (1993)

ADP329 [redacted]

PAGE 01 SAN SA 02394 01 OF 02 232224Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	SS-00	CIAE-00	EB-00
	DODE-00	H-01	NSCE-00	NSAE-00	COME-00	SSO-00	HA-09
	L-03	AMAD-01	LAB-04	TRSE-00	PM-10	PA-01	OMB-01
	STR-17	SIL-01	INRE-00	OPM-01	SP-02	SNP-01	FAIM-01
	C-01	SSE-01	PRS-01	P-02	T-01	/066 W	

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O 230053Z FEB 89
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 7228
INFO AMEMBASSY GUATEMALA PRIORITY
AMEMBASSY MANAGUA PRIORITY
AMEMBASSY SAN JOSE PRIORITY
AMEMBASSY TEGUCIGALPA PRIORITY
AMEMBASSY MEXICO IMMEDIATE
USIA WASHDC 3098
USCINCSO QUARRY HTS PM

[redacted] SECTION 01 OF 02 SAN SALVADOR 02394

C O R R E C T E D C O P Y (TEXT)

DEPT FOR S/IL:AFREEMAN AND ARA/PPC:WMEAGHER

E.O. 12356: DECL: OADR
TAGS: ELAB, PGOV, PINS, ES
SUBJECT: FMLN SYMPHATHIZERS PRESSURING DEMOCRATIC
- LABOR LEADERS TO ATTEND MEXICO TALKS

REF: SAN SALVADOR 02314

1. CONFIDENTIAL - ENTIRE TEXT

-
2. SUMMARY:

[redacted]

Department of State IS/FPC/CDR El Salvador SP Date 7/23/93
Declassified under EO 12356 (X) in full; ( ) in part;
portions withheld: classified ( ); deliberative ( );
law enforcement ( ); privacy ( ); statutory ( );
not relevant to El Salvador ( ).

PAGE 02 SAN SA 02394 01 OF 02 232224Z

PRESSURE IS MOUNTING ON SALVADORAN DEMOCRATIC LABOR LEADERS TO RECONSIDER THEIR DECISIONS TO STAY AWAY FROM THE FMLN'S PROPOSED MEETING TO DISCUSS THE GUERRILLA'S PEACE OFFER. THE SESSION BETWEEN THE FMLN AND SALVADORAN LABOR WAS TO HAVE TAKEN PLACE FEBRUARY 22 BUT WAS RESCHEDULED TO FEBRUARY 23 AFTER DEMOCRATIC LABOR LEADERS BALKED AT ATTENDING. UNOC REMAINS ADAMANT THAT IT WILL NOT GO BUT CTS SECGEN

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El Salvador Human Rights
Special Project (1993)

TEXT OF TELEGRAM 89SAN SA002394

FELIX BLANCO HAS BEGUN TO WAVER. LIKE HIS COUNTERPARTS IN AGEPYM, HE HAS BEEN REMINDED OF THE DANGERS OF PARTICIPATING IN FMLN PROPAGANDA EXERCISES. END SUMMARY.

3 PRESSURE TACTICS EMPLOYED TO CHANGE MINDS

LABOR ACTIVISTS SYMPATHETIC TO THE FMLN ARE USING A VARIETY OF PRESSURE TACTICS TO FORCE SOME DEMOCRATIC LABOR LEADERS TO ACCEPT THE INVITATION TO TRAVEL TO MEXICO TO DISCUSS THE INSURGENT'S PEACE PROPOSAL. THE FMLN HAD ORIGINALLY INTENDED TO HOLD THE MEETING ON FEBRUARY 22 WITH WHAT IT HOPED WOULD BE A CROSS-SECTION OF SALVADORAN LABOR (REFTEL). THIS SCHEDULED SESSION WAS PUT UNTIL ON HOLD UNTIL FEBRUARY 23 BECAUSE THE 270,000-MEMBER NATIONAL UNION OF WORKERS AND PEASANTS (UNOC) AND THE 15,000-MEMBER SALVADORAN WORKERS CENTRAL (CTS) SENT WORD ON FEBRUARY 21 THAT NEITHER WOULD ATTEND. BOTH UNOC AND CTS ASSUMED THAT THEIR PRESENCE WOULD BE USED TO SIGNAL SUPPORT FOR THE FMLN'S PEACE OFFER AND TO EXERT PRESSURE ON THE GOES TO ACCEPT THE PROPOSAL. ANOTHER INVITEE, THE 30,000-MEMBER GENERAL
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PAGE 03 SAN SA 02394 01 OF 02 232224Z

ASSOCIATION OF PUBLIC AND MUNICIPAL EMPLOYEES (AGEPYM), WAS LEANING TOWARD ACCEPTING THE INVITATION BUT HAD NOT MADE A FORMAL DECISION.

4 ASKED TO RECONSIDER BUT UNOC FIRM ON NOT ATTENDING

MEMBERS OF THE FMLN LABOR FRONT NATIONAL UNITY OF SALVADORAN WORKERS (UNTS) HAVE TRIED SEVERAL TIMES THROUGH PHONE CALLS TO CONVINCE UNOC TO RECONSIDER AND ATTEND. ACCORDING TO UNOC COORDINATOR AND SPOKESPERSON AMANDA VILLATORO, THE CALLERS HAVE ALTERNATELY APPEALED TO UNOC'S "PATRIOTISM" AND HAVE INFERRED THAT UNOC WOULD "SHARE THE BLAME" FOR A RESULTING "NATIONAL CRISIS" IF EFFORTS TO REACTIVATE PEACE TALKS FAIL. NEVERTHELESS, UNOC IS STICKING BY ITS DECISION TO FOREGO THE TALKS IN MEXICO WITH THE FMLN.

5 CTS SECGEN FELIX BLANCO UNDER INTENSE PRESSURE

CTS SECGEN FELIX BLANCO HAS PROBABLY BEEN SUBJECTED TO THE MOST PRESSURE. SHORTLY AFTER CTS' EXECUTIVE COMMITTEE VOTED TO TURN DOWN THE INVITATION, THREE

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TEXT OF TELEGRAM 89SAN SA002394

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Special Project (1993)

PRO-FMLN CTS MEMBERS HELD A PRESS CONFERENCE AND ACCUSED HIM OF "ACTING AGAINST THE WILL" OF THE MEMBERSHIP. THEY CLAIMED THAT BLANCO WAS "UNILATERALLY" RESCINDING A DECISION BY THE CTS NATIONAL CONGRESS TO SUPPORT THE FMLN "PEACE OFFER." THEY ALSO CHARGED THAT BLANCO HAD BECOME A "CAPTIVE" OF THE "GOES, THE ARMY, AND 'THE U.S. EMBASSY'." (COMMENT: THOSE INVOLVED, RAUL CHAVEZ, VICENTE HERNANDEZ, AND WILMA VASQUEZ, FORM THE CORE OF A GROUP WHICH TRIED UNSUCCESSFULLY TO UNSEAT BLANCO
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PAGE 04 SAN SA 02394 01 OF 02 232224Z

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El Salvador: Human Rights
Special Project (1993)

TEXT OF TELEGRAM 89SAN SA002394

UNCLASSIFIED
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PAGE 01 SAN SA 02394 02 OF 02 230112Z
ACTION ARA-00

INFO LOG-00 ADS-00 AID-00 INR-07 SS-00 CIAE-00 EB-00
DODE-00 H-01 NSCE-00 NSAE-00 COME-00 SSO-00 HA-09
L-03 AMAD-01 LAB-04 TRSE-00 PM-10 PA-01 DMB-01
STR-17 SIL-01 INRE-00 OPM-01 SP-02 SNP-01 C-01
SSE-01 PRS-01 P-02 T-01 /065 W
------------044207 230122Z /61 38

O 230053Z FEB 89
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 7229
INFO AMEMBASSY GUATEMALA PRIORITY
AMEMBASSY MANAGUA PRIORITY
AMEMBASSY SAN JOSE PRIORITY
AMEMBASSY TEGUCIGALPA PRIORITY
AMEMBASSY MEXICO IMMEDIATE
USIA WASHDC 3099
USCINCSO QUARRY HTS PM

[redacted] SECTION 02 OF 02 SAN SALVADOR 02394

DEPT FOR S/IL:AFREEMAN AND ARA/PPC:WMEAGHER

E.O. 12356: DECL: OADR
TAGS: ELAB, PGOV, PINS, ES
SUBJECT: FMLN SYMPHATHIZERS PRESSURING DEMOCRATIC

DURING CTS' NATIONAL CONGRESS FEBRUARY 16-17. END COMMENT.) BLANCO DENIED THE ALLEGATIONS, NOTING THAT CHAVEZ, HERNANDEZ AND VASQUEZ HAD WALKED OUT OF THE NATIONAL CONGRESS AFTER HIS SLATE WON A LEADERSHIP VOTE 53-TO-26. HE EXPLAINED THAT THE CTS CONGRESS DID ADOPT A RESOLUTION SUPPORTING A "NEGOTIATED SETTLEMENT" BASED ON "NATIONAL CONSENSUS," BUT THIS IN NO WAY IMPLIED BACKING OF THE FMLN PLAN.

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[redacted]

PAGE 02 SAN SA 02394 02 OF 02 230112Z

6 BLANCO AND THE "PRISONER'S DILEMMA GAME"

BLANCO HAS ALSO EHROON SEVERAL OCASSIONS SINCE THE EVENING OF FEBRUARY 21 THAT BOTH UNOC AND AGEPYM HAD HAD A CHANGE OF HEART AND WOULD BE PARTICIPATING IN THE MEXICO MEETING. BLANCO WAS BEING MADE TO FEEL AS THOUGH HE WAS THE SOLE OBSTACLE TO A CONSENSUS BETWEEN UNOC, AGEPYM, UNTS, AND CTS ON ATTENDING THE

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El Salvador: Human Rights
Special Project (1993)

TEXT OF TELEGRAM 89SAN SA002394

MEXICO MEETING. THOSE INVOLVED IN THIS BIT OF FICTION EVEN TRIED TO PREVENT BLANCO FROM CHECKING, OFFERING TO BUY HIS TICKET, HELP HIM PACK (IMMEDIATELY) AND TRANSPORT HIM TO THE AIRPORT FOR AN EARLY FLIGHT TO MEXICO CITY. FORTUNATELY, BLANCO DID CHECK.

7 BLANCO'S ADVERSARIES ADD ANOTHER TWIST

THESE TACTICS ARE BEGINNING TO SHOW SIGNS OF SUCCESS, HOWEVER. BLANCO CALLED CTS' EXECUTIVE COMMITTEE INTO SESSION FEBRUARY 22 AFTER HE LEARNED THAT THE CHAVEZ/HERNANDEZ/VASQUEZ CLIQUE WAS PLANNING TO REPRESENT CTS IN MEXICO. THE MEETING RESULTED IN A TENTATIVE DECISION TO SEND ONE "OFFICIAL" CTS DELEGATE BUT THIS WILL DEPEND ON THE APPROVAL OF CTS' REGIONAL PARENT ORGANIZATION, THE LATIN AMERICAN CONFEDERATION OF WORKERS (CLAT). BLANCO CALLED CLAT OFFICIALS IN CARACAS, HOPING THAT THEY WOULD DENY PERMISSION FOR THE TRIP.

8 AGEPYM "50-50" ON ATTENDING

[redacted]

PAGE 03 SAN SA 02394 02 OF 02 230112Z

THE LATEST WORD FROM AGEPYM IS THAT CHANCES ARE "50-50" THAT A DELEGATION WILL BE SENT. AGEPYM'S LEADERSHIP MAY DECIDE AGAINST SUCH A MOVE IF THEY DETERMINE THAT THEY WILL BE ENJOYING ONLY THE COMPANY OF THE FMLN AND UNTS.

9. COMMENT:

UNDC IS ADAMANT THAT IT WILL NOT ATTEND THE FMLN'S MEETING IN MEXICO. ALTHOUGH CTS IS WAVERING AND AGEPYM IS LEANING TOWARD ATTENDING, NEITHER HAS YET TO ACCEPT OFFERS OF FINANCIAL ASSISTANCE TO DEFRAY TRAVEL COSTS. THUS, IT SEEMS UNLIKELY THAT THE RESCHEDULED SESSION WILL INDEED TAKE PLACE FEBRUARY 23. THERE HAVE BEEN GENTLE REMINDERS TO ALL CONCERNED OF THE DANGERS OF PARTICIPATING IN FMLN PROPAGANDA EXERCISES.

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El Salvador: Human Rights
Special Project (1993)

TEXT OF TELEGRAM 89SAN SA002402

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ADP01 [redacted]

PAGE 01 SAN SA 02402 231652Z
ACTION ARA-00

INFO	LOG-00	ADS-00	INR-07	SS-00	CIAE-00	DODE-00	H-01
	NSCE-00	NSAE-00	SSO-00	HA-09	L-03	TRSE-00	PM-10
	PA-01	OMB-01	INRE-00	USIE-00	SP-02	SNP-01	C-01
	PRS-01	DS-01	SCT-02	P-02	T-01	/043 W	

111301 231653Z /45

O 231640Z FEB 89
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 7236
INFO USCINCSO QUARRY HTS PM IMMEDIATE

[redacted] SAN SALVADOR 02402

USCINCSO FOR POLAD YOULE

E.O. 12356: DECL:OADR
TAGS: PINS, PTER, ES
SUBJECT: POSSIBLE FMLN MILITARY ACTION

1. [redacted] - ENTIRE TEXT.

2. FIRST VICE PRESIDENT DESIGNATE ABRAHAM RODRIGUEZ WAS TOLD 2/21 BY RECTOR OF CENTRAL AMERICA UNIVERSITY REV. IGNACIO ELLACURIA THAT THE FMLN MAY BE PLANNING A MAJOR ATTACK THROUGHOUT CHALATENANGO DEPARTMENT, INCLUDING AN ATTACK ON THE FOURTH BRIGADE HEADQUARTERS AT EL PARAISO.

3. THE PURPOSE OF THE ATTACK WOULD BE TO INCREASE PRESSURE ON THE GOVERNMENT, MILITARY AND PARTIES TO NEGOTIATE THE FMLN'S ELECTION PROPOSALS.

4. POLITICAL PARTIES RETURNING FROM MEXICO 2/22 REPORT THAT FMLN INFORMED THEM THAT THEY WOULD NOW HAVE TO UNDERTAKE MORE WAR TO PROMOTE PEACE.

[redacted]

PAGE 02 SAN SA 02402 231652Z

5. APPROPRIATE MISSION ELEMENTS HAVE BEEN INFORMED OF THIS INFORMATION. DLOUHY

Department of State IS/FPC/CRE, El Salvador EP Date 9/23/93
Declassified under EO 12356 (✓) in full; ( ) in part;
portions withheld: classified ( ); deliberative ( );
law enforcement ( ); privacy ( ), statutory ( );
not relevant to El Salvador ( ).

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TEXT OF TELEGRAM 89SAN SA002446

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El Salvador: Human Rights
Special Project (1993)
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ADP235 [redacted]

PAGE 01 SAN SA 02446 232200Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	SS-00	OIC-02	CIAE-00
	DODE-00	H-01	IO-19	NSCE-00	NSAE-00	SSO-00	HA-09
	L-03	TRSE-00	PM-10	PA-01	OMB-01	INRE-00	USIE-00
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O 232148Z FEB 89
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 7258
INFO AMEMBASSY MEXICO
AMEMBASSY GUATEMALA
AMEMBASSY TEGUCIGALPA
AMEMBASSY MANAGUA
AMEMBASSY SAN JOSE
AMEMBASSY CARACAS
USMISSION GENEVA
USCINCSO QUARRY HTS PM

[redacted] SAN SALVADOR 02446

USCINCSO ALSO FOR POLAD YOULE

E.O. 12356: DECL:OADR
TAGS: PGOV, MX, ES
SUBJECT: POLITICAL PARTIES' COMMUNIQUE ON MEETINGS
- WITH FMLN

REF: (A) SAN SALVADOR 2315, (B) SAN SALVADOR 2317,
- (C) SAN SALVADOR 2392

1. (U) FOLLOWING IS INFORMAL EMBASSY TRANSLATION OF THE COMMUNIQUE SIGNED BY THE REPRESENTATIVES OF THE EIGHT POLITICAL PARTIES AT THE END OF THE MEXICO MEETING WITH THE FMLN. THE COMMUNIQUE WAS RELEASED ON FEBRUARY 22.

[redacted]

PAGE 02 SAN SA 02446 232200Z

BEGIN INFORMAL TRANSLATION.

- MEXICO, D.F., FEBRUARY 21, 1989

- THE POLITICAL PARTIES, FAITHFUL TO THE DEMOCRATIC PROCESS, IN THE KNOWLEDGE THAT WE ARE THE INSTRUMENTS REPRESENTING THE PEOPLE, AND EXPRESSING THE TRUE DESIRE FOR PEACE FELT BY THE SALVADORAN PEOPLE,

Department of State IR/FTC/GDB El Salvador SP Date 9/23/93
Declassified under NO 12356 (✓) in full; ( ) in part;
portions withheld: classified ( ); deliberative ( );
law enforcement ( ); privacy ( ), statutory ( );
not relevant to El Salvador ( ).

UNCLASSIFIED

UNCLASSIFIED

RELEASED
El Salvador: Human Rights
Special Project (1993)

COMMIT OURSELVES TO CONSIDER AS A WHOLE THE FMLN PROPOSAL SO LONG AS THE GOVERNMENT OF THE REPUBLIC OF EL SALVADOR ACCEPTS THE POSSIBILITY OF ACHIEVING THE CONTENTS OF THAT PROPOSAL.

-

- AS SUCH:

- WE AGREE TO IMMEDIATELY SEEK TO ARRANGE A MEETING BETWEEN THE GOVERNMENT OF EL SALVADOR AND THE FMLN IN THE PRESENCE OF THE POLITICAL PARTIES.

- THIS CONSTITUTES ONE MORE EXAMPLE, LIKE OUR PRESENCE IN MEXICO, OF OUR GENUINE DESIRE TO CONTRIBUTE TO THE OBJECTIVE OF ACHIEVING PEACE.

END INFORMAL TRANSLATION.

2. [redacted] COMMENT: ACCORDING TO THE REPORTED DRAFTERS OF THE COMMUNIQUE (ARENA AND MAC), THIS STATEMENT WAS DESIGNED TO KEEP THE DISCUSSIONS ALIVE. THEY CLAIM THAT THE PARTIES REALIZE THAT THEY LACK THE AUTHORITY TO ADDRESS THE NON-ELECTORAL POINTS INCLUDED IN THE LAST FMLN PROPOSAL (REF A & B). THEY THUS SOUGHT TO MOVE THE ACTION BACK TO THE DUARTE GOVERNMENT AND TO [redacted]

THE NATIONAL ASSEMBLY.

DLOUHY

UNCLASSIFIED

UNCLASSIFIED
n/a
Case Number: 1S199900003
Chile Project (#S199900030)
U.S. Department of State
Release X Excise Deny
Declassify: In Part In Full X
Exemption(s)

CONFIDENTIAL

PAGE 01 STATE 059459
ORIGIN ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	EUR-00	SS-00	OIC-02
	CIAE-00	EB-00	DODE-00	H-01	IO-19	NSCE-00	NSAE-00
	HA-09	L-03	LAB-04	TRSE-00	PA-01	STR-17	SIL-01
	INRE-00	RP-10	USIE-00	SP-02	SR-06	PRS-01	/083 R

0728
DRAFTED BY: ARA/SC: PCDESHAZO
APPROVED BY: EUR/WE: EACASEY
ARA/SC: RBHOWARD
IO/HW: WMITHOEFER
IO: PEASTMAN
HA: DTELEEN
EUR/WE: JHMADDEN
ARA: MMSKOL

----------220411 242241Z /72

O P 242230Z FEB 89
FM SECSTATE WASHDC
TO AMEMBASSY MADRID IMMEDIATE
AMEMBASSY ROME IMMEDIATE
INFO USMISSION GENEVA PRIORITY
AMEMBASSY SANTIAGO PRIORITY
AMEMBASSY BOGOTA
AMEMBASSY MEXICO

C O N F I D E N T I A L STATE 059459

E.O. 12356: DECL: OADR
TAGS: PHUM CI
SUBJECT: 45TH SESSION OF UN HUMAN RIGHTS COMMISSION: ITEM 5: DEALING WITH ISSUE OF HUMAN RIGHTS IN CHILE
REF: (A) 89 GENEVA 38, (B) 89 STATE 051476

1. CONFIDENTIAL, ENTIRE TEXT.

2. DEPARTMENT'S POSITION ON CHILE AT THE 45TH SESSION OF

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 059459

THE UNHRC IS THE PASSAGE OF A FAIR, BALANCED RESOLUTION ON HUMAN RIGHTS IN CHILE WHICH CAN RECEIVE OUR SUPPORT. THIS RESOLUTION SHOULD ACURATELY REFLECT THE CURRENT STATE OF HUMAN RIGHTS, TAKING INTO FULL ACCOUNT THE PROGRESS THAT CHILE HAS MADE AND IS MAKING IN RETURNING TO DEMOCRATIC RULE. RESOLUTION SHOULD IDEALLY CONDEMN POLITICAL

n/a

VIOLENCE/TERRORISM FROM ANY SIDE AS A THREAT TO DEMOCRACY AND HUMAN RIGHTS. IT SHOULD ALSO REFLECT AND ACKNOWLEDGE THE FINDINGS OF THE LATEST REPORT BY SPECIAL RAPPORTEUR FERNANDO VOLIO.

3. DEPARTMENT PREVIOUSLY DETERMINED THAT USDEL IN GENEVA WOULD NOT INTRODUCE OR SPONSOR A RESOLUTION ON CHILE BUT WOULD INSTEAD MAKE A SERIOUS EFFORT TO OBTAIN THE SUBMISSION OF THE KIND OF RESOLUTION DESCRIBED ABOVE. OUR VOTE ON AN EVENTUAL RESOLUTION WILL BE DETERMINED BY HOW WE JUDGE THE FINAL TEXT FROM THE VANTAGE POINT OF OUR OVERALL CHILE POLICY. USDEL WILL ALSO MAKE KNOWN OUR VIEW THAT CHILE SHOULD NOT BE SINGLED OUT FOR SPECIAL TREATMENT UNDER ITEM 5 BUT CONSIDERED UNDER ITEM 12, BUT WILL NOT EXPEND SCARCE CAPITAL IN SUPPORTING AN EFFORT TO MOVE CHILE FROM ITEM 5 AND IN ANY CASE SHOULD NOT TAKE THE LEAD IN ATTEMPTING TO BRING ABOUT SUCH AN INITIATIVE.

4. AS NOTED IN REFTEL A, DELEGATIONS FROM MEXICO, SWEDEN, ITALY, SPAIN, AND COLOMBIA ARE CURRENTLY DRAFTING A RESOLUTION ON CHILE. DEPARTMENT HAS ALREADY REQUESTED THAT EMBASSIES MEXICO AND BOGOTA APPROACH GOM AND GOC TO MAKE KNOWN OUR VIEWPOINTS ON THE NEED FOR A BALANCED RESOLUTION ON CHILE. IT NOW REQUESTS THAT EMBASSY MADRID AND EMBASSY ROME MAKE SIMILAR DEMARCHES, USING THE FOLLOWING TALKING POINTS:

CONFIDENTIAL
CONFIDENTIAL

PAGE 03 STATE 059459

--THE U.S. SEEKS THE PASSAGE OF A FAIR AND BALANCED RESOLUTION ON CHILE AT THE UNHRC.

--SUCH A RESOLUTION SHOULD ACCURATELY REFLECT THE CURRENT STATE OF HUMAN RIGHTS IN CHILE, TAKING INTO FULL ACCOUNT THE PROGRESS WHICH TOOK PLACE IN 1988, ESPECIALLY REGARDING THE PLEBISCITE.

--BECAUSE POLITICAL VIOLENCE FROM BOTH THE FAR LEFT AND EXTREME RIGHT IS A CONTINUING THREAT TO HUMAN RIGHTS AND DEMOCRACY IN CHILE, WE FEEL THAT THE UNHRC RESOLUTION SHOULD CONDEMN SUCH ACTS.

--RESOLUTION SHOULD ALSO REFLECT AND ACKNOWLEDGE THE FINDINGS OF THE LATEST REPORT OF THE SPECIAL RAPPORTEUR, FERNANDO VOLIO.

--WE FEEL THAT THE RESOLUTION ON CHILE (43/158) ADOPTED BY THE UNGA THIRD COMMITTEE ON NOVEMBER 30,

1988 WAS A GREAT IMPROVEMENT OVER PAST TEXTS AND COULD BE A GOOD STARTING POINT FOR THE DEVELOPMENT OF A STILL BETTER RESOLUTION IN GENEVA.

--THE ADOPTION OF A FAIR, BALANCED RESOLUTION IN GENEVA WHICH NOTES THE ACCOMPLISHMENTS OF THE GOC AS WELL AS PERSISTING PROBLEMS WOULD ENCOURAGE FURTHER PROGRESS BY THE CHILEAN GOVERNMENT IN THE AREA OF HUMAN RIGHTS IN THIS IMPORTANT ELECTION YEAR.

--WE THEREFORE ENCOURAGE THE DELEGATIONS OF SPAIN/ITALY TO TAKE THESE FACTORS INTO ACCOUNT AS THEY DRAFT THEIR RESOLUTION TEXT IN GENEVA.

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CONFIDENTIAL

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2-24-89

MI

JOSEPH I. LIEBERMAN
CONNECTICUT

UNCLASSIFIED

Chile Pr[illegible] 1230

United States Senate

WASHINGTON, DC 20510

Department of State
Release X Excise Deny
Declassify: In Part In Full
Exemption(s)

89CONGTO 01807

February 24, 1989

ACTION
EAP

Mr. Richard Schifter,
Assistant Secretary for Human Rights
and Humanitarian Affairs
Department of State
2201 C Street, NW
Washington, DC 20520

Dear Mr. Schifter:

I am writing on behalf of Manuel Bustos, a Chilean labor leader in internal exile in southern Chile.

Mr. Bustos is presently being detained in Parral, a prison camp for political dissidents of the Chilean government. He was was sentenced for the political crime of calling a general strike. Freedom of expression is a basic right guaranteed in the Universal Declaration of Human Rights. It is my understanding that Chile is a party to this important document and they should adhere to the letter and intent of this agreement.

I would appreciate if you could look into this matter and determine what he is being held for and also if he is receiving the rights afforded to him by the Geneva Accords and the Universal Declaration of Human Rights.

Thank you very much for your attention to this important matter and I appreciate your concern on behalf of Mr. Bustos. Please keep me informed about his status as information becomes available.

Sincerely,

JOSEPH I. LIEBERMAN
United States Senator

JIL/kwc

OUT

1989 MAR -9 AM 11: 04

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DEPARTMENT OF STATE

1989 MAR -9 AM 11: 04

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n/a

Case Number: S1999000030

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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify In Part ____ In Full ____
Exemption(s) ____

PAGE 01 GENEVA 01638 241806Z
ACTION IO-19

INFO	LOG-00	ADS-00	AID-00	INR-07	EUR-00	SS-00	OIC-02
	AF-00	CIAE-00	EB-00	DODE-00	H-01	NEA-06	NSCE-00
	ARA-00	NSAE-00	SSO-00	HA-09	L-03	LAB-04	TRSE-00
	EAP-00	PA-01	STR-17	SIL-01	INRE-00	RP-10	USIE-00
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O 241841Z FEB 89
FM USMISSION GENEVA
TO SECSTATE WASHDC IMMEDIATE 4369
INFO AMEMBASSY SANTIAGO
AMEMBASSY GUATEMALA
AMEMBASSY SAN SALVADOR
AMEMBASSY MADRID PRIORITY
AMEMBASSY ROME PRIORITY
AMEMBASSY BOGOTA
AMEMBASSY MEXICO

UNCLASSIFIED
LIMITED OFFICIAL USE GENEVA 01638
UNCLASSIFIED

E.O. 12356: NA
TAGS: SHUM, PREL, CI
SUBJECT: CHILE HUMAN RIGHTS RESOLUTION

REF: STATE 51476 (NOTAL)

1. THIS IS HRC - 95.

2. USDEL RECOMMENDS DEPARTMENT CONSIDER UNDERTAKING THE DEMARCHE (REFTEL ON CHILE HUMAN RIGHTS RESOLUTION IN MADRID AND ROME. SPANISH AND ITALIANS ARE ACTIVELY INVOLVED IN DRAFTING OF CHILE RESOLUTION; NEITHER IS SUPPORTIVE OF MOVING CHILE FROM ITEM 5 TO ITEM 12 NOR LIKELY TO COME UP WITH A RESOLUTION WE CAN SUPPORT. COLOMBIANS BELIEVE THEY ARE ISOLATD IN THE DRAFTING

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PAGE 02 GENEVA 01638 241806Z

GROUP, BOTH IN SEEKING WHAT THEY CONSIDER A BALANCED RESOLUTION AND IN MOVING OF CHILE FROM ITEM 5 TO ITEM 12.

3. THE EVENTUAL CHILE RESOLUTION IS MORE LIKELY TO CONDEMN VIOLENCE FROM WHATEVER SOURCE THAN EXPLICITLY RECOGNIZE THAT THE GOVERNMENT IS NOT THE SOLE SOURCE OR

SOLE PERPETRATOR OF VIOLENCE. THERE MAY NOT BE ADEQUATE RECOGNITION OF THE IMPORTANCE OF THE PLEBISCITE HELD IN OCTOBER 1988. ITALIAN DELEGATION SAID THEY WOULD SEEK A RESOLUTION WHICH COULD GAIN "BROAD SUPPORT" EVEN IF THE U.S. COULD NOT SUPPORT IT.

4. REPORT OF SPECIAL RAPPORTEUR FERNANDO VOLIO IS AVAILABLE. (ONLY SPANISH VERSION IS AVAILABLE, AND IT HAS BEEN FAXED TO IO/HW.) THE REPORT PRAISES THE PLEBISCITE AND THE COOPERATION OF THE GOVERNMENT IN HIS INVESTIGATION BUT DESCRIBES A NUMBER OF VIOLATIONS OR GOVERNMENT FAILURES TO ADEQUATELY INVESTIGATE PREVIOUS ONES. THIS REPORT SEEMS TO HAVE HARDENED THE SPANISH DELEGATE'S POSITION ON THE CHILE RESOLUTION.

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TEXT OF TELEGRAM 89STATE 059633

DECLASSIFIED

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DEPARTMENT OF STATE 920393 IS/FPC/CDR 1768 Date. 9/18/96
(X) RELEASE (X) DECLASSIFY
( ) EXCISE ( ) DECLASSIFY IN PART
( ) DENY
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FOIA Exemptions
PA Exemptions
MR Cases Only:
EO Citations
TS authority to.
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PAGE 01 STATE 059633
ORIGIN IO-19

INFO	LOG-00	ADS-00	INR-07	EUR-00	SS-00	OIC-02	AF-00
	CIAE-00	EB-00	NEA-06	ARA-00	NSAE-00	COME-00	L-03
	EAP-00	STR-17	INRE-00	JUSE-00	SCT-02	E-01	/057 R

DRAFTED BY: IO/T/HTP:JAALLITTO
APPROVED BY: IO:SLVOGELGESANG
AF/RA:JGARDNER
EAP/RA:BMALKIN
EB/TRA/AVP:GGGRIFFITHS
IO/T:JABUCHE
NEA/NGA:RCLARKE
ARA/PPC:VBROD NEA/RA:MSCHELAND
EUR/RPE:GTDELAWIE
IO/T/HTP:NABOYER
L/EBC:SWITTEN

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O R 242352Z FEB 89 ZEX
FM SECSTATE WASHDC
TO AMEMBASSY BUENOS AIRES IMMEDIATE
AMEMBASSY CANBERRA IMMEDIATE
AMEMBASSY BRASILIA IMMEDIATE
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AMEMBASSY BEIJING IMMEDIATE
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AMEMBASSY NEW DELHI IMMEDIATE
AMEMBASSY JAKARTA IMMEDIATE
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AMEMBASSY ROME IMMEDIATE
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AMEMBASSY MEXICO IMMEDIATE
AMEMBASSY LAGOS IMMEDIATE
AMEMBASSY ISLAMABAD IMMEDIATE
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AMEMBASSY RIYADH IMMEDIATE
AMEMBASSY DAKAR IMMEDIATE
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PAGE 02 STATE 059633

AMEMBASSY MADRID IMMEDIATE
AMEMBASSY BERN IMMEDIATE
AMEMBASSY STOCKHOLM IMMEDIATE
AMEMBASSY TUNIS IMMEDIATE
AMEMBASSY LONDON IMMEDIATE
AMEMBASSY DAR ES SALAAM IMMEDIATE
AMEMBASSY CARACAS IMMEDIATE
AMCONSUL KARACHI IMMEDIATE
AMCONSUL JEDDAH IMMEDIATE

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TEXT OF TELEGRAM 89STATE 059633

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INFO JCS WASHDC 0000
SECDEF WASHDC 0000
IO COLLECTIVE
AMCONSUL MONTREAL
AMEMBASSY PANAMA
AMEMBASSY PRAGUE
USINT HAVANA
AMEMBASSY MOSCOW
FAA WASHDC
DEPT OF TRANSPORTATION

~~C O N F I D E N T I A L~~ STATE 059633

FOR USREP ICAO, FODAG, UNEP, UNVIE, UNESCO OBSERVER

E.O. 12356: DECL OADR
TAGS: AORC, EAIR, PREL, ICAO, XX
SUBJECT: REQUEST FOR DEMARCHES ON IRAN AIR 655

REF: MONTREAL 0355

1.(C) THE DEPARTMENT AGREES WITH THE U.S. MISSION TO ICAO THAT DEMARCHES ON THE ISSUE OF IRAN AIR FLIGHT 655 ARE NECESSARY (SEE REFTEL).

2.(C) THEREFORE, ACTION ADDRESSEES ARE REQUESTED TO MAKE A DEMARCHE, USING THE TALKING POINTS BELOW, TO AN APPROPRIATE LEVEL OF THE HOST GOVERNMENT BEFORE MARCH 8. THE PURPOSE OF THIS DEMARCHE IS TO EXPLAIN THE WITHDRAWAL OF THE U.S. NOTICE TO AIRMEN (NOTAM) IN THE PERSIAN GULF AND TO SEEK SUPPORT FOR THE U.S. DURING THE ICAO COUNCIL DISCUSSION OF IRAN AIR 655, WHICH WILL BEGIN MARCH 13 IN MONTREAL.

3.(U) TALKING POINTS

- ON MARCH 13 THE INTERNATIONAL CIVIL AVIATION ORGANIZATION (ICAO) COUNCIL IS EXPECTED TO RESUME CONSIDERATION OF THE ACCIDENTAL SHOOTDOWN OF IRAN AIR

FLIGHT 655 ON JULY 3, 1988.

-- IT WOULD BE PREMATURE TO JUDGE THE TECHNICAL RECOMMENDATIONS WHICH WILL EMERGE FROM THE ICAO AIR NAVIGATION COMMISSION (ANC), BUT THE UNITED STATES GOVERNMENT IS FULLY SUPPORTIVE OF EFFORTS TO IMPROVE PROCEDURES TO PREVENT SUCH ACCIDENTS IN THE FUTURE.

-- FOR EXAMPLE, THE U.S. WILL WITHDRAW ITS NOTICE TO AIRMEN (NOTAM) FOR THE GULF AREA ON MARCH FIRST SINCE

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HOWEVER, DANGER STILL EXISTS IN THE AREA, THE U.S. HAS REQUESTED ALL STATES THAT CONTROL FLIGHT INFORMATION REGIONS IN THE GULF AREA TO PROMULGATE NOTAMS WITH CERTAIN INFORMATION RELEVANT TO THE SAFETY OF INTERNATIONAL CIVIL AVIATION. IT IS OUR HOPE AND EXPECTATION THAT THOSE STATES WILL COMPLY WITH THEIR OBLIGATIONS UNDER ANNEXES 11 AND 15 OF THE CONVENTION ON INTERNATIONAL CIVIL AVIATION AND WILL PROMULGATE THAT INFORMATION ON OR BEFORE MARCH 1.

- THE INVESTIGATIONS INTO THE INCIDENT CLEARLY

DEMONSTRATE THAT IRAN AIR FLIGHT 655 WAS SHOT DOWN AS A RESULT OF MISTAKEN IDENTIFICATION AS IT APPROACHED AN . ACTIVE COMBAT ZONE.

-- THE UNITED STATES DEEPLY REGRETS THIS TRAGIC ERROR AND HAS OFFERED TO PROVIDE COMPENSATION, ON AN EX GRATIA BASIS, TO THE FAMILIES OF THE VICTIMS.

- THE UNITED STATES IMMEDIATELY LAUNCHED ITS OWN INVESTIGATION OF THE INCIDENT, AND ALSO COOPERATED FULLY WITH ICAO IN ITS INVESTIGATION. THE U.S. INVESTIGATION REPORT WAS MADE PUBLIC AND IS AVAILABLE AS AN APPENDIX TO THE ICAO REPORT.

-- THE U.S. OBJECTIVE IN COUNCIL DISCUSSIONS IN MARCH WILL BE TO AVOID POLEMICS AND NOT TO APPORTION BLAME FOR THE INCIDENT, BUT RATHER TO FOCUS ON WHAT STEPS CAN BE TAKEN TO AVOID SUCH TRAGIC ACCIDENTS IN THE FUTURE.

-- WE HOPE FOR THE SUPPORT AND UNDERSTANDING OF YOUR REPRESENTATIVE DURING COUNCIL DISCUSSION OF THE INCIDENT.

4. (~~C~~) PLEASE REPORT REACTIONS TO THE DEPARTMENT (SLUGGED FOR IO/T AND EB/TRA/AVP) AND MONTREAL (SLUGGED FOR THE U.S. MISSION TO ICAO).

5. (~~C~~) FYI, THE DEPARTMENT IS DRAFTING INSTRUCTIONS FOR THE U.S. DELEGATION TO THE MARCH 13 COUNCIL MEETING.

THERE WILL BE A SECOND DEMARCHE REQUEST MADE TO ACTION ADDRESSEES WITHIN THE NEXT TEN DAYS PROVIDING MORE SPECIFIC INFORMATION ON THE POSITION WHICH THE U.S. WILL TAKE AT THE MEETING AND THE SUPPORT WE SEEK FROM OTHER

COUNCIL MEMBERS. ARMACOST

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UNCLASSIFIED

JOSEPH I. LIEBERMAN
CONNECTICUT

Chile Pr[illegible] 0270230
Department of State
Release X Excise Deny
Declassify: In Part In Full
Exemption(s)

United States Senate

WASHINGTON, DC 20510

89CONG TO 01807 February 24, 1989

ACTION

Mr. Richard Schifter,
Assistant Secretary for Human Rights
and Humanitarian Affairs
Department of State
2201 C Street, NW
Washington, DC 20520

Dear Mr. Schifter:

I am writing on behalf of Manuel Bustos, a Chilean labor leader in internal exile in southern Chile.

Mr. Bustos is presently being detained in Parral, a prison camp for political dissidents of the Chilean government. He was was sentenced for the political crime of calling a general strike. Freedom of expression is a basic right guaranteed in the Universal Declaration of Human Rights. It is my understanding that Chile is a party to this important document and they should adhere to the letter and intent of this agreement.

I would appreciate if you could look into this matter and determine what he is being held for and also if he is receiving the rights afforded to him by the Geneva Accords and the Universal Declaration of Human Rights.

Thank you very much for your attention to this important matter and I appreciate your concern on behalf of Mr. Bustos. Please keep me informed about his status as information becomes available.

Sincerely,

JOSEPH I. LIEBERMAN
United States Senator

JIL/kwc

OUT

1989 MAR -9 AM 11:04

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RECEIVED BY
DEPARTMENT OF STATE

1989 MAR -9 AM 11:04

UNCLASSIFIED

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UNCLASSIFIED
Case Number: IS199900030
Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

CONFIDENTIAL

PAGE 01 STATE 059459
ORIGIN ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	EUR-00	SS-00	OIC-02
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	INRE-00	RP-10	USIE-00	SP-02	SR-06	PRS-01	/083 R

0728
DRAFTED BY: ARA/SC: PCDESHAZO
APPROVED BY: EUR/WE: EACASEY
ARA/SC: RBHOWARD
IO/HW: WMITHOEFER
IO: PEASTMAN
HA: DTELEEN
EUR/WE: JHMADDEN
ARA: MMSKOL

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O P 242230Z FEB 89
FM SECSTATE WASHDC
TO AMEMBASSY MADRID IMMEDIATE
AMEMBASSY ROME IMMEDIATE
INFO USMISSION GENEVA PRIORITY
AMEMBASSY SANTIAGO PRIORITY
AMEMBASSY BOGOTA
AMEMBASSY MEXICO

C O N F I D E N T I A L STATE 059459

E.O. 12356: DECL: OADR
TAGS: PHUM CI
SUBJECT: 45TH SESSION OF UN HUMAN RIGHTS COMMISSION: ITEM 5: DEALING WITH ISSUE OF HUMAN RIGHTS IN CHILE
REF: (A) 89 GENEVA 38, (B) 89 STATE 051476

1. CONFIDENTIAL. ENTIRE TEXT.

2. DEPARTMENT'S POSITION ON CHILE AT THE 45TH SESSION OF

CONFIDENTIAL

PAGE 02 STATE 059459

THE UNHRC IS THE PASSAGE OF A FAIR, BALANCED RESOLUTION ON HUMAN RIGHTS IN CHILE WHICH CAN RECEIVE OUR SUPPORT. THIS RESOLUTION SHOULD ACURATELY REFLECT THE CURRENT STATE OF HUMAN RIGHTS, TAKING INTO FULL ACCOUNT THE PROGRESS THAT CHILE HAS MADE AND IS MAKING IN RETURNING TO DEMOCRATIC RULE. RESOLUTION SHOULD IDEALLY CONDEMN POLITICAL

VIOLENCE/TERRORISM FROM ANY SIDE AS A THREAT TO DEMOCRACY AND HUMAN RIGHTS. IT SHOULD ALSO REFLECT AND ACKNOWLEDGE THE FINDINGS OF THE LATEST REPORT BY SPECIAL RAPPORTEUR FERNANDO VOLIO.

3. DEPARTMENT PREVIOUSLY DETERMINED THAT USDEL IN GENEVA WOULD NOT INTRODUCE OR SPONSOR A RESOLUTION ON CHILE BUT WOULD INSTEAD MAKE A SERIOUS EFFORT TO OBTAIN THE SUBMISSION OF THE KIND OF RESOLUTION DESCRIBED ABOVE. OUR VOTE ON AN EVENTUAL RESOLUTION WILL BE DETERMINED BY HOW WE JUDGE THE FINAL TEXT FROM THE VANTAGE POINT OF OUR OVERALL CHILE POLICY. USDEL WILL ALSO MAKE KNOWN OUR VIEW THAT CHILE SHOULD NOT BE SINGLED OUT FOR SPECIAL TREATMENT UNDER ITEM 5 BUT CONSIDERED UNDER ITEM 12, BUT WILL NOT EXPEND SCARCE CAPITAL IN SUPPORTING AN EFFORT TO MOVE CHILE FROM ITEM 5 AND IN ANY CASE SHOULD NOT TAKE THE LEAD IN ATTEMPTING TO BRING ABOUT SUCH AN INITIATIVE.

4. AS NOTED IN REFTEL A, DELEGATIONS FROM MEXICO, SWEDEN, ITALY, SPAIN, AND COLOMBIA ARE CURRENTLY DRAFTING A RESOLUTION ON CHILE. DEPARTMENT HAS ALREADY REQUESTED THAT EMBASSIES MEXICO AND BOGOTA APPROACH GOM AND GOC TO MAKE KNOWN OUR VIEWPOINTS ON THE NEED FOR A BALANCED RESOLUTION ON CHILE. IT NOW REQUESTS THAT EMBASSY MADRID AND EMBASSY ROME MAKE SIMILAR DEMARCHES, USING THE FOLLOWING TALKING POINTS:

CONFIDENTIAL
CONFIDENTIAL

PAGE 03 STATE 059459

--THE U.S. SEEKS THE PASSAGE OF A FAIR AND BALANCED RESOLUTION ON CHILE AT THE UNHRC.

--SUCH A RESOLUTION SHOULD ACCURATELY REFLECT THE CURRENT STATE OF HUMAN RIGHTS IN CHILE, TAKING INTO FULL ACCOUNT THE PROGRESS WHICH TOOK PLACE IN 1988, ESPECIALLY REGARDING THE PLEBISCITE.

--BECAUSE POLITICAL VIOLENCE FROM BOTH THE FAR LEFT AND EXTREME RIGHT IS A CONTINUING THREAT TO HUMAN RIGHTS AND DEMOCRACY IN CHILE, WE FEEL THAT THE UNHRC RESOLUTION SHOULD CONDEMN SUCH ACTS.

--RESOLUTION SHOULD ALSO REFLECT AND ACKNOWLEDGE THE FINDINGS OF THE LATEST REPORT OF THE SPECIAL RAPPORTEUR, FERNANDO VOLIO.

--WE FEEL THAT THE RESOLUTION ON CHILE (43/158) ADOPTED BY THE UNGA THIRD COMMITTEE ON NOVEMBER 30,

1988 WAS A GREAT IMPROVEMENT OVER PAST TEXTS AND COULD BE A GOOD STARTING POINT FOR THE DEVELOPMENT OF A STILL BETTER RESOLUTION IN GENEVA.

--THE ADOPTION OF A FAIR, BALANCED RESOLUTION IN GENEVA WHICH NOTES THE ACCOMPLISHMENTS OF THE GOC AS WELL AS PERSISTING PROBLEMS WOULD ENCOURAGE FURTHER PROGRESS BY THE CHILEAN GOVERNMENT IN THE AREA OF HUMAN RIGHTS IN THIS IMPORTANT ELECTION YEAR.

--WE THEREFORE ENCOURAGE THE DELEGATIONS OF SPAIN/ITALY TO TAKE THESE FACTORS INTO ACCOUNT AS THEY DRAFT THEIR RESOLUTION TEXT IN GENEVA.

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Case Number: S1999000030

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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify In Part ____ In Full ____
Exemption(s) ____

PAGE 01 GENEVA 01638 241806Z
ACTION IO-19

INFO	LOG-00	ADS-00	AID-00	INR-07	EUR-00	SS-00	OIC-02
	AF-00	CIAE-00	EB-00	DODE-00	H-01	NEA-06	NSCE-00
	ARA-00	NSAE-00	SSO-00	HA-09	L-03	LAB-04	TRSE-00
	EAP-00	PA-01	STR-17	SIL-01	INRE-00	RP-10	USIE-00
	SP-02	SR-06	SSE-01	PRS-01	/090 W		

205503 241819Z /40

O 241841Z FEB 89
FM USMISSION GENEVA
TO SECSTATE WASHDC IMMEDIATE 4369
INFO AMEMBASSY SANTIAGO
AMEMBASSY GUATEMALA
AMEMBASSY SAN SALVADOR
AMEMBASSY MADRID PRIORITY
AMEMBASSY ROME PRIORITY
AMEMBASSY BOGOTA
AMEMBASSY MEXICO

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E.O. 12356: NA
TAGS: SHUM, PREL, CI
SUBJECT: CHILE HUMAN RIGHTS RESOLUTION

REF: STATE 51476 (NOTAL)

1. THIS IS HRC - 95.

2. USDEL RECOMMENDS DEPARTMENT CONSIDER UNDERTAKING THE DEMARCHE (REFTEL ON CHILE HUMAN RIGHTS RESOLUTION IN MADRID AND ROME. SPANISH AND ITALIANS ARE ACTIVELY INVOLVED IN DRAFTING OF CHILE RESOLUTION; NEITHER IS SUPPORTIVE OF MOVING CHILE FROM ITEM 5 TO ITEM 12 NOR LIKELY TO COME UP WITH A RESOLUTION WE CAN SUPPORT. COLOMBIANS BELIEVE THEY ARE ISOLATD IN THE DRAFTING

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PAGE 02 GENEVA 01638 241806Z

GROUP, BOTH IN SEEKING WHAT THEY CONSIDER A BALANCED RESOLUTION AND IN MOVING OF CHILE FROM ITEM 5 TO ITEM 12.

3. THE EVENTUAL CHILE RESOLUTION IS MORE LIKELY TO CONDEMN VIOLENCE FROM WHATEVER SOURCE THAN EXPLICITLY RECOGNIZE THAT THE GOVERNMENT IS NOT THE SOLE SOURCE OR

SOLE PERPETRATOR OF VIOLENCE. THERE MAY NOT BE ADEQUATE RECOGNITION OF THE IMPORTANCE OF THE PLEBISCITE HELD IN OCTOBER 1988. ITALIAN DELEGATION SAID THEY WOULD SEEK A RESOLUTION WHICH COULD GAIN "BROAD SUPPORT" EVEN IF THE U.S. COULD NOT SUPPORT IT.

4. REPORT OF SPECIAL RAPPORTEUR FERNANDO VOLIO IS AVAILABLE. (ONLY SPANISH VERSION IS AVAILABLE, AND IT HAS BEEN FAXED TO IO/HW.) THE REPORT PRAISES THE PLEBISCITE AND THE COOPERATION OF THE GOVERNMENT IN HIS INVESTIGATION BUT DESCRIBES A NUMBER OF VIOLATIONS OR GOVERNMENT FAILURES TO ADEQUATELY INVESTIGATE PREVIOUS ONES. THIS REPORT SEEMS TO HAVE HARDENED THE SPANISH DELEGATE'S POSITION ON THE CHILE RESOLUTION.

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TEXT OF TELEGRAM 89SAN SA002558

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ADP040

PAGE 01 SAN SA 02558 01 OF 03 270744Z
ACTION ARA-00

INFO LOG-00 ADS-00 INR-07 SS-00 CIAE-00 DODE-00 H-01
NSCE-00 NSAE-00 SSO-00 L-03 PM-10 PA-01 INRE-00
ACDA-12 USIE-00 SP-02 C-01 SSE-01 PRS-01 P-02
/041 W

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O 270718Z FEB 89 ZFF4
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC NIACT IMMEDIATE 7323
INFO AMEMBASSY GUATEMALA IMMEDIATE
AMEMBASSY MANAGUA IMMEDIATE
AMEMBASSY SAN JOSE IMMEDIATE
AMEMBASSY TEGUCIGALPA IMMEDIATE
USCINCSO QUARRY HTS PM IMMEDIATE
AMEMBASSY MEXICO IMMEDIATE
AMEMBASSY CARACAS IMMEDIATE

[redacted] SECTION 01 OF 03 SAN SALVADOR 02558

USCINCSO FOR POLAD YOULE

E.O. 12356: DECL:OADR
TAGS: PGOV, ES
SUBJECT: DUARTE FEBRUARY 26 RESPONSE TO FMLN

1. [redacted] SUMMARY: RESPONDING TO THE FEBRUARY 22 CALL BY THE POLITICAL PARTIES THAT HE MEET WITH THE FMLN AND CONSIDER ITS RECENT POLITICAL PROPOSALS, DUARTE WENT ON TELEVISION NIGHT OF FEBRUARY 26 TO MAKE A SIX-POINT PROPOSAL: (1) THAT THE GOES AND FMLN UNILATERALLY DECLARE A CEASE OF HOSTILITIES FROM FEBRUARY 28 TO JUNE 1; (2) THE GOES AND FMLN MEET BEGINNING FEBRUARY 28 IN GUATEMALA, WITH THE POLITICAL PARTIES AS OBSERVERS; (3) THAT THE ASSEMBLY CHOOSE THREE OF THE GOES' SIX PARTICIPANTS IN THAT MEETING; (4) THAT THE ASSEMBLY MAKE A DECLARATION [redacted]

PAGE 02 SAN SA 02558 01 OF 03 270744Z

THAT WOULD PAVE THE WAY FOR POSTPONING THE ELECTIONS TO APRIL 30; (5) THAT THE CENTRAL AMERICAN PRESIDENTS TAKE NECESSARY STEPS TO SEE THAT THIS PLAN IS CARRIED OUT AND THAT THE RESPECTIVE VERIFICATION COMMISSIONS ARE OPERATING, PER E-II, ALAJUELA, AND THE SAN SALVADOR SUMMIT; (6) THAT THE INTERNATIONAL COMMUNITY INCREASE ECONOMIC ASSISTANCE TO BUILD PEACE. DUARTE THEN POINTED OUT TWO OTHER OPTIONS: A PLEBISCITE TO GRANT THE GOES AUTHORITY TO TAKE DECISIONS ON THE

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Department of State 19/FPR/GOR El Salvador SP Date 7/27/93
Declassified under EO 12356 (✓) in full; ( ) in part;
portions withheld: classified ( ); deliberative ( );
law enforcement ( ); privacy ( ), statutory ( );
not relevant to El Salvador ( ).

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Special Project (1993)

TEXT OF TELEGRAM 89SAN SA002558

FMLN PROPOSALS THAT WOULD IMPLY CONSTITUTIONAL MODIFICATIONS (DUARTE THEN CALLED FOR A PLEBISCITE, BUT DID NOT SPECIFY A DATE), OR A JOINT EXECUTIVE-ASSEMBLY-SUPREME COURT AGREEMENT ON HOW TO PROCEED. DUARTE'S PROPOSAL IS AIMED AT ARENA AS WELL AS THE FMLN. WE UNDERSTAND ARENA IS SUSPICIOUS BUT WILLING INITIALLY TO WITHHOLD COMMENT IN ORDER TO PUT PRESSURE ON THE FMLN. END SUMMARY.

2. (U) THE INITIAL PART OF THE SPEECH DWELT ON DUARTE'S PERSONAL COMMITMENT TO PEACE AND THE CONSTITUTION, AND THE REGIONAL AGREEMENTS THAT CALL ON GUERRILLA GROUPS TO PARTICIPATE IN FREE ELECTIONS WITHIN EACH COUNTRY'S CONSTITUTION.

3. (U) INFORMAL TRANSLATION ON OPERATIVE PARTS OF PROPOSAL "TO THE SALVADORAN PEOPLE, THE LEGISLATIVE ASSEMBLY, THE POLITICAL PARTIES, AND TO THE FMLN:"

FIRST: THAT THE GOVERNMENT AND THE FMLN UNILATERALLY DECREE A CEASE OF HOSTILITIES (NOTE: UNDERSTOOD HERE AS CEASEFIRE, BUT ALSO TO INCLUDE VIOLENT STREET DEMONSTRATIONS, ETC.) BEGINNING FEBRUARY 28, 1989, TILL JUNE 1, 1989.

[redacted]

PAGE 03 SAN SA 02558 01 OF 03 270744Z

SECOND: ONCE THE FOREGOING HAS BEEN CARRIED OUT, I CONVOKE THE FMLN TO INITIATE PEACE CONVERSATIONS WITH US IN GUATEMALA STARTING FEBRUARY 28, IN ORDER TO ACHIEVE:

A) A FINAL END TO THE ARMED STRUGGLE;
B) THE FMLN'S FORMAL INCORPORATION INTO THE POLITICAL AND CIVIL LIFE OF THE COUNTRY;
C) THAT THE ARMED FORCES BE RECOGNIZED AS THE ONLY ARMED FORCE IN THE COUNTRY.

THIRD: I INVITE THE LEGISLATIVE ASSEMBLY TO CHOOSE THREE DEPUTIES TO JOIN THE EXECUTIVE BRANCH'S THREE MEMBERS IN THE GOVERNMENT'S COMMISSION THAT WILL CARRY OUT THE PEACE CONVERSATIONS WITH THE FMLN. I LIKEWISE INVITE THE POLITICAL PARTIES TO EACH SELECT AN OBSERVER FOR THE CONVERSATIONS.

FOURTH: THE TERMS OFFERED IN THE FMLN'S PROPOSAL TRANSCEND THE REACH OF MY PRESIDENTIAL ABILITIES AND RAISE CONSTITUTIONAL DIFFICULTIES THAT MUST BE RESOLVED AT THE EARLIEST POSSIBLE MOMENT. NONETHELESS I HAVE TRIED TO FIND WAYS THAT MAKE POSSIBLE A PEACEFUL SOLUTION AND ARE COMPATIBLE WITH OUR JURIDICAL AND CONSTITUTIONAL STRUCTURE AND THE

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Special Project (1993)

SPIRIT OF OUR MAGNA CARTA.

WITHOUT DOUBT, THE CONVERSATIONS WITH THE FMLN, THE IMPLEMENTATION OF MECHANISMS FOR THE CEASE OF HOSTILITIES, AND THE VIGILANCE AND CONTROL THEREOF, ARE WITHIN MY POWERS, BUT THEY REQUIRE A PERIOD OF TIME THAT THE MARCH 19 ELECTIONS MAKES VERY

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Special Project (1993)

TEXT OF TELEGRAM 89SAN SA002558

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PAGE 01 SAN SA 02558 02 OF 03 270744Z
ACTION ARA-00

INFO LOG-00 ADS-00 INR-07 SS-00 CIAE-00 DODE-00 H-01
NSCE-00 NSAE-00 SSO-00 L-03 PM-10 PA-01 INRE-00
ACDA-12 USIE-00 SP-02 C-01 SSE-01 PRS-01 P-02
/041 W
----------315203 270749Z /24

O 270718Z FEB 89 ZFF4
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC NIACT IMMEDIATE 7324
INFO QAMEMBASSY GUATEMALA IMMEDIATE 4377
AMEMBASSY MANAGUA IMMEDIATE
AMEMBASSY SAN JOSE IMMEDIATE
AMEMBASSY TEGUCIGALPA IMMEDIATE
USCINCSO QUARRY HTS PM IMMEDIATE
AMEMBASSY MEXICO IMMEDIATE
AMEMBASSY CARACAS IMMEDIATE

[redacted] SECTION 02 OF 03 SAN SALVADOR 02558

USCINCSO FOR POLAD YOULE

E.O. 12356: DECL:OADR
TAGS: PGOV, ES
SUBJECT: DUARTE FEBRUARY 26 RESPONSE TO FMLN

RESTRICTIVE.

IN ORDER TO INCREASE THIS TIME PERIOD AND CONSIDERING THAT THE ACHIEVEMENT OF PEACE IS A NATIONAL OBJECTIVE OF PRIMORDIAL IMPORTANCE AND THUS AN EXCEPTIONAL CAUSE OF FORCE MAJEURE, I CALL UPON THE ASSEMBLY TO MAKE A DECLARATION IN THIS CONTEXT, AND UPON THE POLITICAL PARTIES TO ACT IN ACCORDANCE WITH THE AGREEMENT THEY REACHED IN THE DECLARATION IN OAXTEPEC, MEXICO (NOTE: FEBRUARY 22) WHERE THEY SAY " AND OFFER OUR CONTRIBUTION AS IT MAY BE REQUIRED FOR
[redacted]

PAGE 02 SAN SA 02558 02 OF 03 270744Z

THE EFFORT TOWARDS PEACE, AS LONG AS THE GOVERNMENT, IN ITS EXECUTIVE AND LEGISLATIVE BRANCHES, AGREES TO MAKE POSSIBLE THE REALIZATION OF THE CONTENT OF THE PROPOSAL."

IN THIS MANNER THE DATE OF THE ELECTIONS COULD BE CHANGED, IN WHICH CASE I PROPOSE APRIL 30.

FIFTH: "I CALL UPON THE PRESIDENTS OF THE CENTRAL

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El Salvador: Human Rights
Special Project (1993)

TEXT OF TELEGRAM 89SAN SA002558

AMERICAN REPUBLICS TO MAKE THE NECESSARY EFFORTS SO THAT THIS PEACE PLAN IS ACHIEVED, AND THAT THE RESPECTIVE COMMISSIONS FOR THE VERIFICATION OF THE AGREEMENTS BEGIN AS SOON AS POSSIBLE, WITHIN THE CONTEXT OF THE AGREEMENTS OF ESQUIPULAS II, ALAJUELA, AND THE RECENT MEETING IN SAN SALVADOR ON FEBRUARY 14.

SIXTH: THE ACHIEVEMENT OF PEACE IMPLIES THE MORAL AND MATERIAL RECONSTRUCTION OF OUR COUNTRY, AND I APPEAL TO INTERNATIONAL SOLIDARITY TO GIVE US THE NECESSARY HELP.

I APPRECIATE THE COOPERATION OF OUR FRIENDS FROM ALL OVER THE WORLD TOWARDS MY GOVERNMENT. NOW MORE THAN EVER, THE COUNTRY WILL NEED GENEROSITY NOT ONLY TO REACH AN END TO VIOLENCE, BUT BETTER WELFARE FOR ALL SALVADORANS.

4. (U) (ADDITIONAL POINTS; NO BREAK IN TEXT): IN KEEPING WITH THE IDEA THAT THE ACHIEVEMENT OF PEACE REQUIRES THE EFFORT AND COOPERATION OF THE SUPREME ORGANS OF STATE, THE POLITICAL PARTIES, THE BASIC INSTITUTIONS, AND THE SALVADORAN PEOPLE, I BELIEVE IT IS MY DUTY AS A CITIZEN TO POINT OUT OTHER OPTIONS [redacted]

PAGE 03 SAN SA 02558 02 OF 03 270744Z

THAT WOULD ALLOW US TO OVERCOME THE CONSTITUTIONAL OBSTACLES:

THE FIRST IS TO CONVOKE A PLEBISCITE SO THAT THROUGH CONSULTATION OF THE PEOPLE WE OBTAIN THE NECESSARY AUTHORITY TO TAKE DECISIONS THAT IMPLY THE MODIFICATION OF TIME LIMITS AND CONDITIONS ESTABLISHED IN THE CONSTITUTION.

THE SECOND, FOR WHICH THERE IS A GLORIOUS HISTORICAL PRECEDENT, WOULD BE FOR THE SUPREME ORGANS OF STATE TO ASSUME JOINTLY THE TASK OF FINDING INSTITUTIONAL JUSTIFICATIONS FOR THE AGREEMENTS THAT COME FORWARD FROM ANY PEACE SETTLEMENTS.

TO EITHER OF THESE OPTIONS I AM WILLING TO LEND MY EFFORTS.

WHILE THE OTHER BRANCHES OF GOVERNMENT EMIT THEIR OPINION ON THE POSSIBILITY OF HAVING A JOINT DECREE OR GOING FOR A PLEBISCITE, AS METHODS THAT FACILITATE THE SEARCH FOR PEACE, AND IN CASE THE PEACE PROPOSAL I HAVE FORMULATED DOES NOT RECEIVE THE NECESSARY POLITICAL SUPPORT, I PROPOSE THAT WE CARRY OUT THE PLEBISCITE SO THAT THE PEOPLE, THE ONLY SOVEREIGN, DECIDE THEIR OWN DESTINY.

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Special Project (1993)

TEXT OF TELEGRAM 895AN SA002558

5. [redacted] COMMENT: WE UNDERSTOOD DUARTE WISHED TO MAKE A GRAND GESTURE THAT WOULD RESPOND TO AND PUT PRESSURE ON THE FMLN, AND WOULD SIMILARLY PUT PRESSURE ON ARENA (WHICH HAS REJECTED THE PDC'S RECENT OFFER TO POSTPONE ELECTIONS TO APRIL 30). AT THE SAME TIME, DUARTE HELD BACK FROM A FIRM CALL FOR ELECTIONS APRIL 30 (PROBABLY AT THE BEHEST OF DEFENSE

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PAGE 01 SAN SA 02558 03 OF 03 270744Z
ACTION ARA-00

INFO	LOG-00	ADS-00	INR-07	SS-00	CIAE-00	DODE-00	H-01
	NSCE-00	NSAE-00	SSO-00	L-03	PM-10	PA-01	INRE-00
	ACDA-12	USIE-00	SP-02	C-01	SSE-01	PRS-01	P-02
	/041 W						

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O 270718Z FEB 89 ZFF4
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC NIACT IMMEDIATE 7325
INFO AMEMBASSY GUATEMALA IMMEDIATE
AMEMBASSY MANAGUA IMMEDIATE
AMEMBASSY SAN JOSE IMMEDIATE
AMEMBASSY TEGUCIGALPA IMMEDIATE
USCINCSO QUARRY HTS PM IMMEDIATE
AMEMBASSY MEXICO IMMEDIATE
AMEMBASSY CARACAS IMMEDIATE

[redacted] SECTION 03 OF 03 SAN SALVADOR 02558

USCINCSO FOR POLAD YOULE

E.O. 12356: DECL:OADR
TAGS: PGOV, ES
SUBJECT: DUARTE FEBRUARY 26 RESPONSE TO FMLN

MINISTER VIDES, WHO SEES IT AS TOO PARTISAN). CHAVEZ MENA IS KEENLY INTERESTED IN USING DUARTE'S RESPONSE TO ADVANTAGE IN THE MARCH 19 ELECTIONS. WE UNDERSTAND THAT WHILE ARENA KNOWS ALL THIS AND IS SUSPICIOUS OF THE GOES' GOALS, CRISTIANI IS TRYING TO WITHHOLD COMMENT INITIALLY IN THE EXPECTATION THE FMLN WILL CRITICIZE THE DUARTE PROPOSAL.

6. (C) THE FMLN'S LIKELY RESPONSES PROBABLY WILL BE: CRITICISM OF THE LACK OF ANYTHING FIRM ON-ELECTION POSTPONEMENT, WITH TIME GETTING SHORT; [redacted]

PAGE 02 SAN SA 02558 03 OF 03 270744Z

ATTACHING CONDITIONS TO A CEASEFIRE; AND PROPOSING AGAIN THE ESTABLISHMENT OF JOINT FMLN-GOES COMMISSIONS. THE FMLN MAY ALSO OBJECT TO GUATEMALA ON SECURITY GROUNDS AS THE SITE FOR CONVERSATIONS.

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Special Project (1993)

TEXT OF TELEGRAM 89STATE 061104

ADP260 [redacted]

PAGE 01 STATE 061104 TOSEC 040128
ORIGIN SS-00

INFO LOG-00 ADS-00 SSO-00 CCO-00 /000 R

66011
DRAFTED BY: SSO: BASH
APPROVED BY: SSO: JPFELT
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O 270845Z FEB 89 ZFF5
FM SECSTATE WASHDC
INFO USDEL SECRETARY AIRCRAFT IMMEDIATE

[redacted]TATE 061104 TOSEC 040128

WHCA PLEASE PASS TO AIR FORCE ONE FOR SECRETARY BAKER

FOLLOWING SAN SALVADOR MRN 02558 DTG 27 FEB 89 SENT ACTION SECSTATE INFO GUATEMALA MANAGUA SAN JOSE TEGUCIGALPA USCINCSO QUARRY HTS MEXICO CARACAS BEING REPEATED FOR UR INFO:

QUOTE: [redacted] SAN SALVADOR 02558

USCINCSO FOR POLAD YOULE

E.O. 12356: DECL:OADR
TAGS: PGOV, ES
SUBJECT: DUARTE FEBRUARY 26 RESPONSE TO FMLN

1. [redacted] SUMMARY: RESPONDING TO THE FEBRUARY 22 CALL BY THE POLITICAL PARTIES THAT HE MEET WITH THE FMLN AND CONSIDER ITS RECENT POLITICAL PROPOSALS, DUARTE WENT ON TELEVISION NIGHT OF FEBRUARY 26 TO MAKE A SIX-POINT PROPOSAL: (1) THAT THE GOES AND FMLN UNILATERALLY DECLARE A CEASE OF HOSTILITIES FROM FEBRUARY 28 TO JUNE 1; (2) THE GOES AND FMLN MEET BEGINNING FEBRUARY 28 IN GUATEMALA, WITH THE [redacted]

PAGE 02 STATE 061104 TOSEC 040128

POLITICAL PARTIES AS OBSERVERS; (3) THAT THE ASSEMBLY CHOOSE THREE OF THE GOES' SIX PARTICIPANTS IN THAT MEETING; (4) THAT THE ASSEMBLY MAKE A DECLARATION THAT WOULD PAVE THE WAY FOR POSTPONING THE ELECTIONS TO APRIL 30; (5) THAT THE CENTRAL AMERICAN PRESIDENTS TAKE NECESSARY STEPS TO SEE THAT THIS PLAN IS CARRIED OUT AND THAT THE RESPECTIVE VERIFICATION COMMISSIONS ARE OPERATING, PER E-II, ALAJUELA, AND THE SAN SALVADOR SUMMIT; (6) THAT THE INTERNATIONAL COMMUNITY

Department of State IG/FPO/CDF El Salvador SP Date 9/23/93
Declassified under EO 12356 ( ) in full; ( ) in part;
portions withheld: classified ( ); deliberative ( );
law enforcement ( ); privacy ( ), statutory ( );
not relevant to El Salvador ( ).

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Special Project (1993)

INCREASE ECONOMIC ASSISTANCE TO BUILD PEACE. DUARTE THEN POINTED OUT TWO OTHER OPTIONS: A PLEBISCITE TO GRANT THE GOES AUTHORITY TO TAKE DECISIONS ON THE FMLN PROPOSALS THAT WOULD IMPLY CONSTITUTIONAL MODIFICATIONS (DUARTE THEN CALLED FOR A PLEBISCITE, BUT DID NOT SPECIFY A DATE), OR A JOINT EXECUTIVE-ASSEMBLY-SUPREME COURT AGREEMENT ON HOW TO PROCEED. DUARTE'S PROPOSAL IS AIMED AT ARENA AS WELL AS THE FMLN. WE UNDERSTAND ARENA IS SUSPICIOUS BUT WILLING INITIALLY TO WITHHOLD COMMENT IN ORDER TO PUT PRESSURE ON THE FMLN. END SUMMARY.

2. (U) THE INITIAL PART OF THE SPEECH DWELT ON DUARTE'S PERSONAL COMMITMENT TO PEACE AND THE CONSTITUTION, AND THE REGIONAL AGREEMENTS THAT CALL ON GUERRILLA GROUPS TO PARTICIPATE IN FREE ELECTIONS WITHIN EACH COUNTRY'S CONSTITUTION.

3. (U) INFORMAL TRANSLATION ON OPERATIVE PARTS OF PROPOSAL "TO THE SALVADORAN PEOPLE, THE LEGISLATIVE ASSEMBLY, THE POLITICAL PARTIES, AND TO THE FMLN:"

FIRST: THAT THE GOVERNMENT AND THE FMLN UNILATERALLY DECREE A CEASE OF HOSTILITIES (NOTE: UNDERSTOOD HERE [redacted]

PAGE 03 STATE 061104 TOSEC 040128

AS CEASEFIRE, BUT ALSO TO INCLUDE VIOLENT STREET DEMONSTRATIONS, ETC.) BEGINNING FEBRUARY 28, 1989, TILL JUNE 1, 1989.

SECOND: ONCE THE FOREGOING HAS BEEN CARRIED OUT, I CONVOKE THE FMLN TO INITIATE PEACE CONVERSATIONS WITH US IN GUATEMALA STARTING FEBRUARY 28, IN ORDER TO ACHIEVE:

A) A FINAL END TO THE ARMED STRUGGLE;
B) THE FMLN'S FORMAL INCORPORATION INTO THE POLITICAL AND CIVIL LIFE OF THE COUNTRY;
C) THAT THE ARMED FORCES BE RECOGNIZED AS THE ONLY ARMED FORCE IN THE COUNTRY.

THIRD: I INVITE THE LEGISLATIVE ASSEMBLY TO CHOOSE THREE DEPUTIES TO JOIN THE EXECUTIVE BRANCH'S THREE MEMBERS IN THE GOVERNMENT'S COMMISSION THAT WILL CARRY OUT THE PEACE CONVERSATIONS WITH THE FMLN. I LIKEWISE INVITE THE POLITICAL PARTIES TO EACH SELECT AN OBSERVER FOR THE CONVERSATIONS.

FOURTH: THE TERMS OFFERED IN THE FMLN'S PROPOSAL TRANSCEND THE REACH OF MY PRESIDENTIAL ABILITIES AND RAISE CONSTITUTIONAL DIFFICULTIES THAT MUST BE RESOLVED AT THE EARLIEST POSSIBLE MOMENT.

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Special Project (1993)

NONETHELESS I HAVE TRIED TO FIND WAYS THAT MAKE POSSIBLE A PEACEFUL SOLUTION AND ARE COMPATIBLE WITH OUR JURIDICAL AND CONSTITUTIONAL STRUCTURE AND THE SPIRIT OF OUR MAGNA CARTA.

WITHOUT DOUBT, THE CONVERSATIONS WITH THE FMLN, THE IMPLEMENTATION OF MECHANISMS FOR THE CEASE OF HOSTILITIES, AND THE VIGILANCE AND CONTROL THEREOF, ARE WITHIN MY POWERS, BUT THEY REQUIRE A PERIOD OF TIME THAT THE MARCH 19 ELECTIONS MAKES VERY

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PAGE 04 STATE 061104 TOSEC 040128

RESTRICTIVE.

IN ORDER TO INCREASE THIS TIME PERIOD AND CONSIDERING THAT THE ACHIEVEMENT OF PEACE IS A NATIONAL OBJECTIVE OF PRIMORDIAL IMPORTANCE AND THUS AN EXCEPTIONAL CAUSE OF FORCE MAJEURE, I CALL UPON THE ASSEMBLY TO MAKE A DECLARATION IN THIS CONTEXT, AND UPON THE POLITICAL PARTIES TO ACT IN ACCORDANCE WITH THE AGREEMENT THEY REACHED IN THE DECLARATION IN OAXTEPEC, MEXICO (NOTE: FEBRUARY 22) WHERE THEY SAY " AND OFFER OUR CONTRIBUTION AS IT MAY BE REQUIRED FOR THE EFFORT TOWARDS PEACE, AS LONG AS THE GOVERNMENT, IN ITS EXECUTIVE AND LEGISLATIVE BRANCHES, AGREES TO MAKE POSSIBLE THE REALIZATION OF THE CONTENT OF THE PROPOSAL."

IN THIS MANNER THE DATE OF THE ELECTIONS COULD BE CHANGED, IN WHICH CASE I PROPOSE APRIL 30.

FIFTH: I CALL UPON THE PRESIDENTS OF THE CENTRAL AMERICAN REPUBLICS TO MAKE THE NECESSARY EFFORTS SO THAT THIS PEACE PLAN IS ACHIEVED, AND THAT THE RESPECTIVE COMMISSIONS FOR THE VERIFICATION OF THE AGREEMENTS BEGIN AS SOON AS POSSIBLE, WITHIN THE CONTEXT OF THE AGREEMENTS OF ESQUIPULAS II, ALAJUELA, AND THE RECENT MEETING IN SAN SALVADOR ON FEBRUARY 14.

SIXTH: THE ACHIEVEMENT OF PEACE IMPLIES THE MORAL AND MATERIAL RECONSTRUCTION OF OUR COUNTRY, AND I APPEAL TO INTERNATIONAL SOLIDARITY TO GIVE US THE NECESSARY HELP.

I APPRECIATE THE COOPERATION OF OUR FRIENDS FROM ALL

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PAGE 05 STATE 061104 TOSEC 040128

OVER THE WORLD TOWARDS MY GOVERNMENT. NOW MORE THAN EVER, THE COUNTRY WILL NEED GENEROSITY NOT ONLY TO

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TEXT OF TELEGRAM 89STATE 061104

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El Salvador: Human Rights
Special Project (1993)

REACH AN END TO VIOLENCE, BUT BETTER WELFARE FOR ALL SALVADORANS.

4. (U) (ADDITIONAL POINTS; NO BREAK IN TEXT): IN KEEPING WITH THE IDEA THAT THE ACHIEVEMENT OF PEACE REQUIRES THE EFFORT AND COOPERATION OF THE SUPREME ORGANS OF STATE, THE POLITICAL PARTIES, THE BASIC INSTITUTIONS, AND THE SALVADORAN PEOPLE, I BELIEVE IT IS MY DUTY AS A CITIZEN TO POINT OUT OTHER OPTIONS THAT WOULD ALLOW US TO OVERCOME THE CONSTITUTIONAL OBSTACLES:

THE FIRST IS TO CONVOKE A PLEBISCITE SO THAT THROUGH CONSULTATION OF THE PEOPLE WE OBTAIN THE NECESSARY AUTHORITY TO TAKE DECISIONS THAT IMPLY THE MODIFICATION OF TIME LIMITS AND CONDITIONS ESTABLISHED IN THE CONSTITUTION.

THE SECOND, FOR WHICH THERE IS A GLORIOUS HISTORICAL PRECEDENT, WOULD BE FOR THE SUPREME ORGANS OF STATE TO ASSUME JOINTLY THE TASK OF FINDING INSTITUTIONAL JUSTIFICATIONS FOR THE AGREEMENTS THAT COME FORWARD FROM ANY PEACE SETTLEMENTS.

TO EITHER OF THESE OPTIONS I AM WILLING TO LEND MY EFFORTS.

WHILE THE OTHER BRANCHES OF GOVERNMENT EMIT THEIR OPINION ON THE POSSIBILITY OF HAVING A JOINT DECREE OR GOING FOR A PLEBISCITE, AS METHODS THAT FACILITATE THE SEARCH FOR PEACE, AND IN CASE THE PEACE PROPOSAL I HAVE FORMULATED DOES NOT RECEIVE THE NECESSARY POLITICAL SUPPORT, I PROPOSE THAT WE CARRY OUT THE PLEBISCITE SO THAT THE PEOPLE, THE ONLY SOVEREIGN, [redacted]

PAGE 06 STATE 061104 TOSEC 040128

DECIDE THEIR OWN DESTINY.

5. [redacted] COMMENT: WE UNDERSTOOD DUARTE WISHED TO MAKE A GRAND GESTURE THAT WOULD RESPOND TO AND PUT PRESSURE ON THE FMLN, AND WOULD SIMILARLY PUT PRESSURE ON ARENA (WHICH HAS REJECTED THE PDC'S RECENT OFFER TO POSTPONE ELECTIONS TO APRIL 30). AT THE SAME TIME, DUARTE HELD BACK FROM A FIRM CALL FOR ELECTIONS APRIL 30 (PROBABLY AT THE BEHEST OF DEFENSE MINISTER VIDES, WHO SEES IT AS TOO PARTISAN). CHAVEZ MENA IS KEENLY INTERESTED IN USING DUARTE'S RESPONSE TO ADVANTAGE IN THE MARCH 19 ELECTIONS. WE UNDERSTAND THAT WHILE ARENA KNOWS ALL THIS AND IS SUSPICIOUS OF THE GOES' GOALS, CRISTIANI IS TRYING TO WITHHOLD COMMENT INITIALLY IN THE EXPECTATION THE FMLN WILL CRITICIZE THE DUARTE PROPOSAL.

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Special Project (1993)

TEXT OF TELEGRAM 89STATE 061104

6. (C) THE FMLN'S LIKELY RESPONSES PROBABLY WILL BE: CRITICISM OF THE LACK OF ANYTHING FIRM ON ELECTION POSTPONEMENT, WITH TIME GETTING SHORT; ATTACHING CONDITIONS TO A CEASEFIRE; AND PROPOSING AGAIN THE ESTABLISHMENT OF JOINT FMLN-GOES COMMISSIONS. THE FMLN MAY ALSO OBJECT TO GUATEMALA ON SECURITY GROUNDS AS THE SITE FOR CONVERSATIONS.

DLOUHY UNQUOTE ARMACOST

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Case Number: S199900030

Chile Project (#S199900030)
U.S. Department of State
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Exemption(s) ____

CONFIDENTIAL

PAGE 01 STATE 063357
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DRAFTED BY: ARA/SC: PCDESHAZO
APPROVED BY: IO/HW: WMITTHOEFER
ARA/SC: RFHOPPER
ARA: MMSKOL
HA/MAHRP: DTELEEN
UN/P: CKRAMER

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FM SECSTATE WASHDC
TO USMISSION GENEVA IMMEDIATE
INFO AMEMBASSY SANTIAGO IMMEDIATE

CONFIDENTIAL C O N F I D E N T I A L STATE 063357

E.O. 12356: DECL: OADR
TAGS: PHUM CI
SUBJECT: 45TH SESSION OF UN HUMAN RIGHTS COMMISSION: ITEM 5: DEALING WITH ISSUE OF HUMAN RIGHTS IN CHILE
REF: (A) 89 STATE 051476, (B) DESHAZO/PATTERSON TELCONS 2/28/89

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PAGE 02 STATE 063357

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n/a

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--PREAMBULAR PARAGRAPH 7, BEGINNING WITH "DEPLORING THAT": WE DISAGREE WITH THE TONE AND CONTENT OF THE PART OF THE PARAGRAPH BEGINNING WITH "AND MOST OF THE REPEATED CALLS." THIS REFERENCE BELITTLES WHATEVER PROGRESS HAS BEEN MADE BY THE GOC IN THE HUMAN RIGHTS AREA AND CONTRADICTS THE "ADOPTION OF POSITIVE STEPS" MENTIONED IN SAME PARA ABOVE. THIS PORTION OF PARA SHOULD BE ELMINATED.

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PAGE 04 STATE 063357

THESE CORRECTIONS MAY BE BEST OBTAINED THROUGH THE EFFORTS OF THIRD PARTIES, ESPECIALLY THOSE LATINS (COLOMBIA, VENEZUELA) AND WEOGS (UK, FRG) WHO ARE LIKELY TO BE MORE EVEN-HANDED.

5. DELEGATION MAY CONTINUE TO UNDERSCORE OUR INTEREST IN SUPPORTING A BALANCED RESOLUTION BUT THAT OUR ACTUAL VOTE WILL BE DIRECTLY DETERMINED BY THE CONTENT OF THE FINAL RESOLUTION AND ITS POTENTIAL CONTRIBUTION TO THE PROMOTION OF DEMOCRACY AND RESPECT FOR HUMAN RIGHTS IN CHILE.
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TEXT OF TELEGRAM 89SAN SA002688

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El Salvador: Human Rights
Special Project (1993)

ADP988

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PAGE 01 SAN SA 02688 01 OF 02 010037Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	SS-00	CIAE-00	DODE-00
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	TRSE-00	PM-10	PA-01	OMB-01	INRE-00	ACDA-12	USIE-00
	SP-02	SNP-01	C-01	SSE-01	PRS-01	DS-01	SCT-02
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FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC NIACT IMMEDIATE 7392
AMEMBASSY GUATEMALA IMMEDIATE
AMEMBASSY TEGUCIGALPA
AMEMBASSY SAN JOSE
AMEMBASSY MANAGUA
AMEMBASSY CARACAS
AMEMBASSY MEXICO
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[redacted]SECTION 01 OF 02 SAN SALVADOR 02688

E.O. 12356: DECL:OADR
TAGS: PGOV, ES
SUBJECT: FMLN RESPONSE TO DUARTE PROPOSAL

1. CONFIDENTIAL - ENTIRE TEXT.

2. THE FMLN ISSUED A RESPONSE TO DUARTE'S PEACE PLAN ON FEBRUARY 28. THE RAMBLING DOCUMENT IN EFFECT REJECTS DUARTE'S PROPOSAL FOR IMPLEMENTATION OF AN UNCONDITIONAL CESSATION OF HOSTILITIES BY BOTH SIDES TO ACHIEVE PEACE, AND REITERATES THE FMLN'S PREVIOUS INSISTENCE ON NEGOTIATING A CEASE-FIRE ON FMLN TERMS, INCLUDING UNILATERAL REDUCTION OF THE NATION'S ARMED FORCES FROM 56,000 TO 12,000, DISSOLUTION OF THE PUBLIC SECURITY FORCES (POLICE) AND FORMATION OF A NEW CIVILIAN PUBLIC SECURITY FORCE, AND MECHANISMS TO

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PAGE 02 SAN SA 02688 01 OF 02 010037Z

IMPLEMENT SENTENCES FOR CRIMES COMMITTED BY MEMBERS OF THE ARMED FORCES.

3. THESE CONDITIONS ARE PRESENTED AS A PRIOR CONDITION TO CESSATION OF HOSTILITIES. IN EFFECT, THE FMLN REFUSES TO DEFINITIVELY CEASE HOSTILITIES NOW, OFFERS A SHORT CEASE-FIRE FOR PURPOSES OF THE MEETING IT SEEKS IN SAN SALVADOR AND DEFERS A PERMANENT END TO THE VIOLENCE TO A NEGOTIATED

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Department of State IS/FPC/CDS El Salvador 88 Date 9/23/93
Declassified under EO 12356 ( ) in full; ( ) in part;
portions withheld: classified ( ); deliberative ( );
law enforcement ( ); privacy ( ), statutory ( );
not relevant to El Salvador ( ).

TEXT OF TELEGRAM 89SAN SA002688

CEASE-FIRE, WHICH IT HAS ALREADY CONDITIONED.

4. THE FMLN DESCRIBES DUARTE'S PROPOSAL FOR A MEETING BETWEEN THE GOES AND THE FMLN IN GUATEMALA AS POSITIVE, BUT (NO DOUBT INTENTIONALLY) MISREPRESENTS IT AS A MEETING BETWEEN THE GOES, THE POLITICAL PARTIES AND THE FMLN RATHER THAN A MEETING WITH REPRESENTATIVES OF THE EXECUTIVE AND LEGISLATIVE BRANCHES, WITH THE PARTIES AS OBSERVERS. THE FMLN ALSO CALLS FOR RELOCATION OF THE MEETING IN SAN SALVADOR (WITH INTENTION NO DOUBT OF MOUNTING STREET DEMONSTRATIONS TO SUPPORT ITS OWN CAUSE). FINALLY, THE FMLN APPEARS TO OFFER A UNILATERAL CEASE-FIRE ON BOTH SIDES ONLY FOR THE DURATION OF THE MEETING.

5. THE FMLN CALLS ON THE GOES TO TURN SUCH A MEETING INTO A FORUM FOR NEGOTIATING DEFINITIVE AGREEMENTS, AND INSISTS THAT THE GOES EXPLICITLY STATE WHETHER IT IS WILLING TO DISCUSS POSTPONEMENT OF THE ELECTIONS TO SEPTEMBER 15 WITH THE ARMED FORCES CONFINED TO BARRACKS, CESSATION OF REPRESSION, A CONSENSUS ELECTORAL CODE, RESTRUCTURING THE CENTRAL ELECTIONS COUNCIL, AND VOTING FOR SALVADORAN CITIZENS OVERSEAS. (THIS IGNORES BOTH DUARTE'S CALL FOR A

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PAGE 03 SAN SA 02688 01 OF 02 010037Z

CESSATION OF HOSTILITIES FIRST, AS WELL AS HIS ASSURANCE THAT THE AGENDA FOR TALKS WAS OPEN.) THE MEETING SHOULD BE HELD UNDER THE AUSPICES OF THE PAPEL NUNCIO OR ARCHBISHOP OF SAN SALVADOR.

6. OTHER POINTS INCLUDE:

--THE FMLN APPROVES OF DUARTE'S IDEA OF A PLEBISCITE, BUT THE QUESTION TO BE VOTED ON SHOULD BE AGREED UPON BY ALL PARTIES;

--THE FMLN CALLS UPON ALL POLITICAL PARTIES TO WITHDRAW THEIR CANDIDACIES IN ORDER TO MAKE POSSIBLE AN ELECTION POSTPONEMENT, WITH THE PDC TO TAKE THE LEAD;

--THE FMLN REJECTS DUARTE'S CALL FOR POSTPONING ELECTIONS TO APRIL 30, SAYING THAT ALL PARTIES BUT THE PDC HAD OPPOSED THIS, AND THAT THIS WAS CLEAR PROOF DUARTE SOUGHT TO TURN THE ISSUE TO THE PDC'S ELECTORAL ADVANTAGE;

--THE PROPOSAL FOR A FOUR MONTH UNILATERAL CEASE-FIRE DEMONSTRATES A "LACK OF SERIOUSNESS";

--THE DUARTE PROPOSAL SHOWED THE PRESIDENT SOUGHT TO

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Special Project (1993)

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El Salvador: Human Rights
Special Project (1993)

OBTAIN THE FMLN'S SURRENDER, WHICH IS "UNREALISTIC, ILLOGICAL, AND IMPOSSIBLE."

7. COMMENT: THE FMLN HAS REJECTED PRESIDENT DUARTE'S PEACE PROPOSAL, WHOSE MAIN ELEMENTS WERE A THREE MONTH JOINT UNILATERAL CEASE-FIRE WITHOUT PRECONDITIONS, ACCOMPANIED BY OPEN-ENDED DISCUSSIONS IN GUATEMALA. THE FMLN'S RESPONSE REITERATES ITS

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TEXT OF TELEGRAM 89SAN SA002688

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El Salvador: Human Rights
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PAGE 01 SAN SA 02688 02 OF 02 010037Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	SS-00	CIAE-00	DODE-00
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	P-02	T-01	/075 W				

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[redacted] SECTION 02 OF 02 SAN SALVADOR 02688

E.O. 12356: DECL:OADR
TAGS: PGOV, ES
SUBJECT: FMLN RESPONSE TO DUARTE PROPOSAL

TERMS FOR NEGOTIATIONS AND EVADES TALKING ABOUT PEACE VERSUS NON-VIOLENCE, INSTEAD FOCUSSING ON ELECTION DATES. THE FMLN ALSO SEEKS TO OPEN A CREVASSE BETWEEN THE MILITARY AND THE POLITICAL PARTIES, THUS PROVOKING A HOSTILE REACTION WHICH THE FMLN COULD USE FOR PROPAGANDA PURPOSES.

8. WE NOTE THE FMLN DOES NOT BREAK ANY NEW GROUND. INDEED, ITS INSISTENCE ON CONSIDERATION OF SEPTEMBER 15 AS AN ELECTION DATE IS A STEP BACK FROM ITS MEXICO CITY PROPOSAL, WHICH WOULD HAVE SCHEDULED ELECTIONS IN AUGUST OR PERHAPS JULY.

[redacted]

PAGE 02 SAN SA 02688 02 OF 02 010037Z

9. THE FMLN RESPONSE SUGGESTS THAT THE FMLN PROPOSALS ARE ONLY PART OF A MULTI-TRACK STRATEGY TO ACHIEVE ITS STATED OBJECTIVES. THE PROPOSALS ARE INTENDED TO INVIGORATE THE POLITICAL/DIPLOMATIC WARFARE TRACK TO COMPLEMENT ITS MILITARY ACTIVITIES. THE FMLN PROPOSAL IS PART OF ITS OVERALL WARFARE STRATEGY AND DOES NOT APPEAR TO BE PART OF A SINCERE PEACE PROCESS. THE FMLN HAS RECOGNIZED THAT MILITARY

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El Salvador: Human Rights
Special Project (1993)

OFFENSIVES ALONE WILL NOT GAIN POWER. BY LINKING ITS MILITARY STRENGTH TO A POLITICAL/DIPLOMATIC INITIATIVE, THE FMLN HOPES TO BE ABLE TO TRANSLATE MILITARY ACTIONS INTO LEVERAGE AT THE NEGOTIATING TABLE.

10. IT DOES NOT APPEAR THERE IS MUCH PLAY LEFT IN THE BACK-AND-FORTH OF GOES AND FMLN DIALOGUE PROPOSALS, WITH THE ELECTIONS ONLY TWO AND A HALF WEEKS AWAY. AT THIS POINT THE QUESTION IS HOW THE GOES SHOULD RESPOND.

11. THE GOES PROPOSAL, FLAWED THOUGH IT IS BY CONFUSING THE PEACE AND ELECTIONS ISSUES, HAS GIVEN THE GOES A BASE FROM WHICH TO DEFEND ITSELF FROM FMLN EFFORTS TO ISOLATE IT POLITICALLY INTERNATIONALLY. THE FMLN RESPONSE IS NOTEWORTHY FOR ITS CONFUSION AND LACK OF IMAGINATION. THE GOES HAS LEVELLED THE PLAYING FIELD WITH ITS PROPOSAL, AND WITH ASTUTE MANAGEMENT, HAS THE POTENTIAL TO SCORE POLITICALLY IF IT CAN KEEP THE FOCUS ON THE ISSUE OF VIOLENCE VERSUS NON-VIOLENCE AND PEACE VERSUS WAR.

12. OUR VIEW IS THAT THE GOES SHOULD REITERATE ITS [redacted]

WILLINGNESS TO MEET WITH THE FMLN (THE PLACE IS NOT SO IMPORTANT) AS LONG AS THE FMLN FIRST IMPLEMENTS A LONG-TERM UNILATERAL CEASE-FIRE. THE ONUS FOR CONTINUED VIOLENCE SHOULD STICK TO THE FMLN, NOT THE GOES.

13. THE FMLN IS LIKELY TO STEP UP VIOLENCE TO DISRUPT THE ELECTIONS. THE MILITARY IS FAIRLY WELL PREPARED, HOWEVER, AND THE PROPOSALS AND COUNTERPROPOSALS HAVE ALREADY BOUGHT THE GOES SOME VALUABLE TIME.

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Chile Project (#S199900030)
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PAGE 01 STATE 063357
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INFO AMEMBASSY SANTIAGO IMMEDIATE

C O N F I D E N T I A L STATE 063357

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PAGE 04 STATE 063357

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Case Number: S199900030
Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

PAGE 01 SANTIA 02020 011628Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	EUR-00	SS-00	OIC-02
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TO SECSTATE WASHDC IMMEDIATE 0299
INFO AMEMBASSY BOGOTA IMMEDIATE
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AMEMBASSY MADRID IMMEDIATE
AMEMBASSY MEXICO IMMEDIATE
AMEMBASSY ROME IMMEDIATE
USMISSION GENEVA IMMEDIATE

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C O N F I D E N T I A L SANTIAGO 02020
GENEVA FOR ANNE PATTERSON

E.O. 12356: DECL:OADR
TAGS: PHUM, CI
SUBJ: 45TH SESSION OF UN HUMAN RIGHTS COMMISSION:
ITEM 5: DEALING WITH ISSUE OF HUMAN RIGHTS IN CHILE

REF: STATE 63357

UNCLASSIFIED
1. CONFIDENTIAL ENTIRE TEXT.

2. EMBASSY AGREES WHOLEHEARTEDLY WITH OBJECTIONS RAISED BY THE DEPARTMENT TO THE SPANISH/MEXICAN RESOLUTION ON HUMAN RIGHTS IN CHILE. WE WOULD LIKE TO ADD THE FOLLOWING SUGGESTIONS:
-- OPERATIVE PARA 3. IN KEEPING WITH DEPARTMENT'S SUGGESTION THAT LESS BEGRUDGING PHRASING IS REQUIRED,
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PAGE 02 SANTIA 02020 011628Z

IT SHOULD INCLUDE A POSITIVE REFERENCE TO THE EXEMPLARY MANNER IN WHICH THE PLEBISCITE VOTE WAS CONDUCTED, NOT JUST TO THE FACT THAT THE DECISION WAS RESPECTED.
-- OPERATIVE PARA 6. DEPARTMENT NOTES THAT JUXTA-POSITION OF THIS PARA WITH PARA 7 IS UNFAIR. EVEN

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IF MOVED, HOWEVER, WE THINK IT SHOULD READ: "EXPRESSED ITS CONCERN ABOUT THE CONTINUED INCIDENTS OF EXTREME VIOLENCE, FROM WHATEVER SOURCE, OCCURRING IN CHILE, WHICH CONTRIBUTE TO A CLIMATE OF IN-SECURITY IN CHILE, ETC." WE DO NOT SEE A "CLIMATE OF INSECURITY" CURRENTLY EXISTING IN CHILE TO "AGGRAVATE."

-- PARA 7. DEPARTMENT'S OBSERVATIONS ON THE REFERENCES TO THE CHILEAN CONSTITUTION; BILATERAL AFFAIRS; AMNESTY LAW; AND ECONOMIC, SOCIAL AND CULTURAL RIGHTS ARE WELL TAKEN, ALTHOUGH WE WOULD LIKE TO SEE A REFERENCE TO RESTRICTED WORKER'S RIGHTS. IN ADDITION, WE RECOMMEND REMOVAL OF THE IMPLICATION IN SUB PARA D OF PARA 7 THAT DEFENDANTS BEFORE MILITARY COURTS DO NOT HAVE THE RIGHT TO A DEFENSE. CHILEAN MILITARY JUSTICE LEAVES MUCH TO BE DESIRED AND THE LONG PERIODS OF INCOMMUNICATION IS ONE OF THE MORE WORRISOME ASPECTS. HOWEVER, DEFENDANTS DO HAVE THE RIGHT TO DEFENSE ATTORNEYS AND CONSIDERABLE RIGHTS OF APPEAL. THIS PARA IGNORES THE ACTIVITIES OF HUMAN RIGHTS ORGANIZATIONS, SUCH AS THE VICARIATE OF SOLIDARITY AND THE CHILEAN HUMAN RIGHTS COMMISSION, WHICH HAVE DEFENDED THOSE TRIED BY THE MILITARY COURTS.

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3. IN ADDITION TO SUPPORTING A FAIR AND BALANCED

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RESOLUTION, OUR OBJECTIVE SHOULD ALSO BE TO ALIGN OURSELVES WITH THE BROADEST POSSIBLE SPECTRUM OF LATIN AMERICANS, PARTICULARLY MODERATE DEMOCRACIES SUCH AS COLOMBIA AND VENEZUELA. IF USDEL SUCCEEDS IN REMOVING THE OBJECTIONABLE ASPECTS OF PARA 7 AND IMPROVING THE TONE OF PARA 3, WE BELIEVE U.S. SHOULD JOIN IN A CONSENSUS IN FAVOR OF THE RESOLUTION. INCLUSION OF REFERENCE TO VIOLENCE FROM WHATEVER SOURCE IS A PARTICULARLY NOTEWORTHY ADVANCE. GILLESPIE

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Case Number: S1999000030
Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

CONFIDENTIAL

PAGE 01 STATE 065182
ORIGIN ARA-00

INFO LOG-00 ADS-00 EUR-00 OIC-02 IO-19 HA-09 /030 R

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DRAFTED BY: ARA/SC: PCDESHAZO
APPROVED BY: EUR/CE: PSHOSTAL
HA: DTELEEN
IO/HW: WMITHOEFER
ARA: MMSKOL
EUR/CE: TATULENKO
ARA/SC: RFHOPPER
EUR/NE: EHEAPHY

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O 012359Z MAR 89
FM SECSTATE WASHDC
TO AMEMBASSY BONN IMMEDIATE
AMEMBASSY LONDON IMMEDIATE
INFO USMISSION GENEVA IMMEDIATE
AMEMBASSY MADRID IMMEDIATE
AMEMBASSY MEXICO IMMEDIATE
AMEMBASSY SANTIAGO IMMEDIATE

C O N F I D E N T I A L STATE 065182

E.O. 12356: DECL: OADR
TAGS: PHUM CI UK GE
SUBJECT: 45TH SESSION OF UN HUMAN RIGHTS COMMISSION: ITEM 5: *DEALING WITH HUMAN RIGHTS IN CHILE*
REF: (A) 89 STATE 051476

1. CONFIDENTIAL, ENTIRE TEXT.

2. DEPARTMENT'S POSITION ON CHILE AT THE 45TH SESSION OF THE UNHRC IS THE PASSAGE OF A FAIR, BALANCED RESOLUTION ON

HUMAN RIGHTS IN CHILE WHICH CAN RECEIVE OUR SUPPORT.
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PAGE 02 STATE 065182

USDEL IN GENEVA WILL NOT INTRODUCE OR SPONSOR A RESOLUTION ON CHILE BUT WILL INSTEAD MAKE A SERIOUS EFFORT TO IMPROVE DRAFTS PREPARED BY OTHER DELEGATIONS.

3. SPAIN AND MEXICO HAVE DRAFTED AND CIRCULATED A RESOLUTION ON CHILE WHICH WE FEEL IS OVERLY CRITICAL AND

WHICH RAISES ISSUES WHICH WE JUDGE INAPPROPRIATE. US DELEGATION IN GENEVA IS CURRENTLY URGING DRAFTERS TO MAKE CHANGES IN THIS TEXT. (SUGGESTED CHANGES/IMPROVEMENTS ARE CONTAINED IN REFTEL WHICH IS BEING REPEATED TO LONDON AND BONN).

4. BECAUSE THE UK AND THE FRG HAVE AN ACTIVE INTEREST IN CHILE AND ARE INFLUENTIAL AMONG THE WEOGS, WE REQUEST THAT EMBASSIES LONDON AND BONN APPROACH HMG AND THE FRG TO ASK FOR THEIR HELP IN BRINGING THE MEXICAN/SPANISH TEXT INTO BALANCE, USING THE FOLLOWING TALKING POINTS: (AS WELL AS THOSE CONTAINED IN REFTEL).

--THE U.S. SEEKS THE PASSAGE OF A FAIR AND BALANCED RESOLUTION ON CHILE AT THE UNHRC WHICH WE CAN SUPPORT.

--SUCH A RESOLUTION SHOULD ACCURATELY REFLECT THE CURRENT STATE OF HUMAN RIGHTS IN CHILE, TAKING INTO FULL ACCOUNT THE PROGRESS WHICH TOOK PLACE IN 1988, ESPECIALLY REGARDING THE PLEBISCITE.

--BECAUSE POLITICAL VIOLENCE FROM BOTH THE FAR LEFT AND EXTREME RIGHT IS A CONTINUING THREAT TO HUMAN RIGHTS AND DEMOCRACY IN CHILE, WE FEEL THAT THE UNHRC RESOLUTION SHOULD CONDEMN SUCH ACTS.

--THE RESOLUTION SHOULD ALSO REFLECT AND ACKNOWLEDGE THE FINDINGS OF THE LATEST REPORT OF THE SPECIAL RAPPORTEUR, FERNANDO VOLIO.

--WE FEEL THAT THE RESOLUTION ON CHILE (43/158) ADOPTED BY THE UNGA THIRD COMMITTEE ON NOVEMBER 30, 1988 COULD BE A GOOD STARTING POINT FOR BALANCED RESOLUTION IN GENEVA.

--THE DRAFT RESOLUTION CIRCULATED ON FEBRUARY 27 BY THE SPANISH AND MEXICAN DELEGATIONS IS, IN OUR VIEW, UNBALANCED AND CONTAINS LANGUAGE AND CONCEPTS WHICH WE FIND UNHELPFUL.

--ONLY THE PASSAGE OF A FAIR, BALANCED, RESOLUTION IN GENEVA WHICH NOTES THE ACCOMPLISHMENTS OF THE GOC AS WELL AS PERSISTING PROBLEMS WILL ENCOURAGE FURTHER PROGRESS BY THE CHILEAN GOVERNMENT IN THE AREA OF HUMAN RIGHTS IN THIS IMPORTANT ELECTION YEAR.

--WE THEREFORE REQUEST THE ASSISTANCE OF YOUR GOVERNMENT IN THIS EFFORT.

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El Salvador: Human Rights
Special Project (1993)

TEXT OF TELEGRAM 89SAN SA002756

ADP080 [redacted]

PAGE 01 SAN SA 02756 01 OF 02 012326Z
ACTION ARA-00

INFO	LOG-00	ADS-00	INR-07	SS-00	CIAE-00	DODE-00	H-01
	NSCE-00	NSAE-00	SSO-00	HA-09	L-03	TRSE-00	PM-10
	PA-01	OMB-01	INRE-00	ACDA-12	USIE-00	SP-02	SNP-01
	C-01	SSE-01	PRS-01	P-02	T-01	/053 W	

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O 012321Z MAR 89
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 7430
AMEMBASSY GUATEMALA IMMEDIATE
AMEMBASSY TEGUCIGALPA
AMEMBASSY SAN JOSE
AMEMBASSY MANAGUA
AMEMBASSY CARACAS
AMEMBASSY MEXICO
USCINCSO QUARRY HTS PM

[redacted] SECTION 01 OF 02 SAN SALVADOR 02756

E.O. 1356: DECL:OADR
TAGS: PGOV, ES
SUBJECT: RUBEN ZAMORA ON PEACE PROPOSALS: IS THERE LIFE AFTER MARCH 19?

1. ENTIRE TEXT CONFIDENTIAL.

2. SUMMARY: CONVERGENCIA DEMOCRATICA (CD) LEADER RUBEN ZAMORA REVIEWED PEACE AND ELECTORAL PROPOSAL DEVELOPMENTS WITH POLCOUNS FEBRUARY 28. HE FOUND A FEW FLAWS IN THE 2/28 FMLN RESPONSE TO DUARTE, BUT CRITICIZED DUARTE'S 2/26 OFFER AS UNREALISTIC. HE IS CONVINCED THE ELECTIONS WILL OCCUR MARCH 19. THE CD WILL NOT WITHDRAW. FMLN ELECTORAL VIOLENCE WILL HURT THE CD, AND ZAMORA APPARENTLY WANTS TO GET THE FMLN TO HOLD OFF, ARGUING THE ELECTIONS CAN STILL BE USED TO BOOST FMLN AND CD PROPOSALS. POSSIBILITIES [redacted]

PAGE 02 SAN SA 02756 01 OF 02 012326Z

INCLUDE ELECTIONS AS A REFERENDUM ON ARENA AND PEACE/WAR, AND SUPPORTING THE PDC IN THE SECOND ROUND IN RETURN FOR A NEGOTIATIONS PLAN. THE LATTER WOULD RAISE VERY STRONG CONCERNS IN THE ESAF--EXACTLY THE TENSIONS THE FMLN WOULD LIKE. LOOKING AHEAD, ZAMORA SEES MORE POLARIZATION AND LEFTWARD DRIFT IN 1990 WHOEVER WINS. END SUMMARY.
3. DUARTE PEACE PROPOSAL

Department of State IB/FPC/OIP: El Salvador SP Date 7/13
Declassified under EO 12356 (✓) in full; ( ) in part; 1/3
portions withheld: classified ( ); deliberative ( );
law enforcement ( ); privacy ( ), statutory ( );
not relevant to El Salvador ( ).

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225
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El Salvador: Human Rights
Special Project (1993)

TEXT OF TELEGRAM 89SAN SA002756

ZAMORA REVIEWED THE FMLN RESPONSE TO DUARTE'S FEBRUARY 26 PROPOSAL. HE WAS NOT VERY IMPRESSED BY THE FMLN DOCUMENT, AND SHARED OUR SURPRISE THAT THE FMLN APPEARED TO TAKE A STEP BACKWARDS BY RETURNING TO THE SEPTEMBER 15 ELECTION POSTPONEMENT. THE REMAINDER OF THE DOCUMENT WAS NOT SURPRISING, HE SAID. IT WAS IMPRACTICAL FOR THE GOES TO TALK OF A LONG-TERM UNILATERAL, UNNEGOTIATED CEASEFIRE--YOU NEED MECHANISMS TO VERIFY, TO RESOLVE DISPUTES, ETC. NOR WAS IT PRACTICAL TO THINK THAT THE FMLN WOULD GIVE UP SOMETHING FOR NOTHING. CLEARLY DUARTE'S PROPOSAL HAD BEEN COORDINATED WITH THE ESAF AND THE USG (HE REFERRED TO THE DEPARTMENT SPOKEMAN'S STATEMENT). POLCONS SAID IT WAS A SHAME THE FMLN DID NOT GO FURTHER AND ACCEPT A CEASE-FIRE AND TALKS. ZAMORA SHRUGGED.

4. ELECTIONS MARCH 19:

ZAMORA SAID THE ELECTIONS PROBABLY WOULD TAKE PLACE ON MARCH 19. ARENA'S OPPOSITION WAS SUFFICIENT TO MAKE THAT DATE STICK. THE CD WILL NOT WITHDRAW. THE FMLN IS LIKELY TO INCREASE VIOLENCE DURING THIS PERIOD. RUBEN ACKNOWLEDGED THAT ANTI-ELECTION [redacted]

PAGE 03 SAN SA 02756 01 OF 02 012326Z

VIOLENCE WOULD HURT THE CD AS WELL AS THE OTHER PARTIES, AND THUS IT WAS CONTRADICTORY FOR THE FMLN TO DO IT. ON THE OTHER HAND, THE FMLN BELIEVED IT HAD GONE THE EXTRA MILE ONLY TO BE SPURNED, AND WISHED TO RETALIATE. ZAMORA ACKNOWLEDGED THAT ONE UNFORTUNATE RESULT OF THE FMLN PROPOSALS WAS TO TIE THE CD MORE CLOSELY TO THE FMLN IN THE MINDS OF THE SALVADORAN ELECTORATE; THIS WAS THE COST THE CD HAD TO PAY. (COMMENT: HARDLY A TRIBUTE TO THE POPULARITY OF THE FMLN.

5. NEW FMLN ELECTIONS GAMBIT?

THE ELECTIONS COULD BE USEFUL, ZAMORA MUSED, AS A REFERENDUM ON PEACE AND AS AN ANTI-ARENA TACTIC. ALL PARTIES EXCEPT ARENA WERE WILLING TO POSTPONE THE ELECTIONS. (ASKED IF ONE COULD NOT SAY THAT ALL EXCEPT THE FMLN WERE WILLING TO PARTICIPATE IN THE MARCH 19 ELECTIONS, ZAMORA ALLOWED AS HOW IT COULD ALSO BE SEEN THAT WAY.) ZAMORA HOPED TO SELL THE FMLN ON THIS PROPOSAL (WHICH WOULD REQUIRE THE FMLN NOT TO OPPOSE THE ELECTIONS).

6. THE OTHER POSSIBILITY WAS TO USE THE SECOND ROUND TO PUSH THE FMLN PROPOSAL, EITHER THROUGH PROPOSING A POSTPONEMENT OF THE SECOND ROUND, OR OFFERING CD

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Special Project (1993)

SUPPORT FOR THE PDC IN RETURN FOR PDC SUPPORT FOR A DETAILED PROPOSAL FOR A NEGOTIATED SETTLEMENT TO THE CONFLICT. HOW WOULD THE MILITARY, OR THE U.S. SEE A PDC-CD-MAC COALITION WITH THE SMALLER PARTIES? POLCOUNS ANSWERED THAT THE U.S. WAS INTERESTED MORE IN THE PROCESS THAN IN THE INDIVIDUAL WINNERS OR LOSERS. THE MILITARY OBVIOUSLY WAS SUSPICIOUS OF THE

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TEXT OF TELEGRAM 89SAN SA002756

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El Salvador: Human Rights
Special Project (1993)
225

ADP083 [redacted]

PAGE 01 SAN SA 02756 02 OF 02 012327Z
ACTION ARA-00

INFO LOG-00 ADS-00 INR-07 SS-00 CIAE-00 DODE-00 H-01
NSCE-00 NSAE-00 SSO-00 HA-09 L-03 TRSE-00 PM-10
PA-01 OMB-01 INRE-00 ACDA-12 USIE-00 SP-02 SNP-01
C-01 SSE-01 PRS-01 P-02 T-01 /053 W
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O 012321Z MAR 89
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 7431
AMEMBASSY GUATEMALA IMMEDIATE
AMEMBASSY TEGUCIGALPA
AMEMBASSY SAN JOSE
AMEMBASSY MANAGUA
AMEMBASSY CARACAS
AMEMBASSY MEXICO
USCINCSO QUARRY HTS PM

[redacted]SECTION 02 OF 02 SAN SALVADOR 02756

E.O. 1356: DECL:OADR
TAGS: PGOV, ES
SUBJECT: RUBEN ZAMORA ON PEACE PROPOSALS: IS THERE

CD.

7. CONSEQUENCES OF PDC WIN:

WOULD A PDC GOVERNMENT BE MORE LIKELY TO REACH A SOLUTION TO THE WAR? ZAMORA REFLECTED AND CONCLUDED IT WOULD BE DIFFICULT FOR CHAVEZ MENA TO NEGOTIATE. IF HE WON HE WOULD FACE AN ARENA-DOMINATED ASSEMBLY AND SUPREME COURT THAT WOULD TIE THE EXECUTIVE BRANCH IN KNOTS. FURTHERMORE, THE ARENA MODERATES WOULD BE DISCREDITED BY CRISTIANI'S LOSS, AND THE PARTY WOULD SEEK REVENGE. FOR TWO YEARS FIDEL WOULD HAVE ALMOST NO POLITICAL ROOM FOR MANEUVER.

[redacted]

PAGE 02 SAN SA 02756 02 OF 02 012327Z

8. . . . ARENA WIN:

THE PROSPECTS UNDER AN ARENA VICTORY WERE NOT SANGUINE EITHER. ZAMORA BELIEVED THE ECONOMY WOULD BECOME A CRISIS FOR THE NEXT GOES BY EARLY 1990. AN ARENA GOES' TIES WITH THE U.S. WOULD BE UNDER STRESS DUE TO HUMAN RIGHTS CONCERNS. THERE WOULD BE GREATER POLARIZATION, WITH PRO-PDC LABOR (UNOC) MORE LIKELY

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El Salvador: Human Rights
Special Project (1993)

TO SIDE WITH THE CD, AND WITH THE PDC PUSHED BY ARENA TO THE LEFT. ZAMORA ALSO PREDICTED TENSION WITHIN ARENA MIGHT WELL PRODUCE A SPLIT WITHIN A YEAR.

9. MILITARY SUCCESSION:
ZAMORA PLACED MUCH IMPORTANCE ON INTERNAL MILITARY DYNAMICS. AT ONE POINT HE STATED THE MILITARY OBVIOUSLY FULLY SUPPORTED DUARTE'S PROPOSAL (COMMENT: NOT QUITE). VIDES' REPLACEMENT WAS A KEY ISSUE. THERE WAS NO ONE WHO HAD THE POLITICAL VISION TO REPLACE HIM: BUSTILLO WAS TOO CONSERVATIVE, AND PONCE HAD THE SUPPORT OF THE TANDONA BUT NOT OTHER TANDAS.

10. COMMENT: AS USUAL, ZAMORA WAS THINKING SEVERAL MOVES AHEAD. HE IS CONCERNED THAT THE FMLN WILL GO TOO FAR IN ITS ANTI-ELECTION CAMPAIGN AND END UP HURTING THE CD. HE IS THUS TRYING TO COME UP WITH WAYS TO JUSTIFY THE FMLN'S HOLDING OFF, SUCH AS PLOTTING A SECOND ROUND ELECTORAL STRATEGY THAT WOULD JOINTLY BENEFIT THE FMLN AND CD. A PDC-CD ALLIANCE WOULD PROVOKE EXTREME CONCERN IN THE ESAF, PRODUCING EXACTLY THE KIND OF DISPUTES WITHIN DEMOCRATIC SOCIETY THAT THE FMLN WANTS TO SEE.

[redacted]

11. LOOKING BEYOND THE ELECTIONS, ZAMORA SEES TROUBLE. HE DID NOT SAY SO, BUT THAT MEANS OPPORTUNITIES FOR THE FMLN AND THE CD. IN GENERAL, HE BELIEVES THERE WILL BE MORE POLARIZATION AND GREATER TENDENCY BY CENTRIST FORCES TO MOVE LEFTWARDS, A SITUATION THE LEFT CAN EXPLOIT.

DLOUHY

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Nancy Mason

NJ014

RT-FYI

DATE: MARCH 1, 1989

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s)

TO: DCM
THROUGH: PAO
FROM: AIO Sonja Inwood

SUBJECT: Request from Oscar Reyes ~~for Assistance in~~ Video Production: Number Two

Oscar Reyes came to see me yesterday, and I again passed him the message that the Embassy could not and would not involve itself in his project. I made both points as outlined in your memo.

Reyes then "clarified" his request, and again has asked to wait for a response from the Embassy:

1) He is not interested in talking on camera with anyone from the Embassy, the State Department or the Department of Justice. ~~He only wants assistance in reaching the people he DOES want to film.~~

2) The video will be made, with or without our assistance.

3) He will travel to the U.S. in mid-March in order to make the contacts necessary for the filming. Ricardo Acuña, formerly with Channel 7 (until he became involved in the "No" television campaign), will direct the hour-long production.

4) The production will be a drama-documentary, and a reenactment of the Letelier assassination, filmed on location, will be featured. Patricio Bañados will provide the narrative.

5) Reyes has already made arrangements to meet with Eugene Propper, and will try to see Judge Parker. He would like to meet with Michael Townley, but is not sure he can arrange that. His main goal is to meet with Fernandez Larios, which he will try to arrange through FL's sister, who lives in NYC.

6) Reyes would like the same assistance which he says Ambassador Barnes gave Mónica González when she last visited the U.S. Reyes claims the Ambassador put Mónica on the phone with Fernandez Larios, but that FL refused to talk to her, given her political orientation.

7) And finally, Reyes claims this will be a serious documentary, balanced and truthful. He says that he is doing it as a journalist, and not as a member of the PDC or COPODE. (The video would sell for $5000 pesos).

cc: Ron Godard
Nancy Mason
Pete Peterson

Lot 96F002 Box 1
~~5446 0049~~

TEXT OF TELEGRAM 89SAN SA002754

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223

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El Salvador: Human Rights
Special Project (1993)

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PAGE 01 SAN SA 02754 01 OF 02 012322Z
ACTION ARA-00

INFO	LOG-00	ADS-00	INR-07	EUR-00	SS-00	CIAE-00	DODE-00
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	PM-10	PA-01	OMB-01	INRE-00	USIE-00	SP-02	SNP-01
	C-01	SSE-01	PRS-01	P-02	T-01	/041 W	

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O 012317Z MAR 89
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 7427
AMEMBASSY GUATEMALA
AMEMBASSY TEGUCIGALPA
AMEMBASSY SAN JOSE
AMEMBASSY MANAGUA
AMEMBASSY CARACAS
AMEMBASSY MEXICO
AMEMBASSY MOSCOW
USCINCSO QUARRY HTS PM

[redacted] SECTION 01 OF 02 SAN SALVADOR 02754

E.O. 1356: DECL:OADR
TAGS: PGOV, ES
SUBJECT: UDN SECGEN ON DUARTE PROPOSAL, MEXICO MEETING

1. CONFIDENTIAL-ENTIRE TEXT.

2. SUMMARY: MARIO AGUINADA, SECRETARY GENERAL OF THE NATIONALIST DEMOCRATIC UNION (UDN), THE LEGAL POLITICAL PARTY REPRESENTING THE SALVADORAN COMMUNIST PARTY (PCES), MET WITH POLCOUNS FEBRUARY 27. HE SEES DUARTE'S 2/26 PROPOSAL AS CALCULATED TO GET FMLN AND ARENA REJECTION. THE FMLN SAW THE MEXICO MEETINGS AS POSITIVE, GIVING LEGITIMACY TO ITS PROPOSAL, INITIATING CONTACT WITH SOME PARTIES, AND GIVING FMLN LEADERS A BETTER LOOK AT THEIR ADVERSARIES. THE FMLN [redacted]

PAGE 02 SAN SA 02754 01 OF 02 012322Z

PROPOSAL IS THE PRODUCT OF EIGHT YEARS OF LEARNING. AGUINADA STRESSED THAT THE FMLN NOW TAKES INTO ACCOUNT U.S.-USSR IMPROVEMENT OF RELATIONS, U.S. GEOPOLITICAL DOMINANCE, AND SANDINISTA MISTAKES. END SUMMARY.

3. THE DUARTE RESPONSE TO THE FMLN:

AGUINADA SAID THE DUARTE 2/26 OFFER WAS NOT SERIOUS.

PAGE NO.

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Department of State IS/FPO/CDK El Salvador SP Date 9/2/93
Declassified under EO 12356 ( ) in full; ( ) in parts;
portions withheld: classified ( ); deliberative ( );
law enforcement ( ); privacy ( ), statutory ( );
not relevant to El Salvador ( ).

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Special Project (1993)

DUARTE'S PURPOSE WAS FOR THE FMLN TO REJECT THE PROPOSAL, AND FOR ARENA TO GET INEXTRICABLY MIXED UP IN IT AS WELL. DUARTE ALSO DESIGNED THE PROPOSAL TO HELP THE AILING PDC CAMPAIGN. DUARTE HAD IGNORED WHAT THE FMLN HAD PROPOSED, EVEN AS A TOPIC OF DISCUSSION. AS HE HAD DONE IN OCTOBER 1984 (LA PALMA DIALOGUE), DUARTE EXPECTED THE OTHER SIDE TO ACT QUICKLY, WITH NO CONCERN FOR LOGISTICS. A CASE IN POINT WAS THE CEASEFIRE. A JOINT UNILATERAL CEASEFIRE COULD WORK FOR A FEW DAYS, BUT A LONGER CEASEFIRE REQUIRED MUTUALLY AGREED UPON RULES, AND PROCEDURES TO BE FOLLOWED-IF ONE SIDE THOUGHT THE OTHER HAD VIOLATED THEM. THE CHOICE OF GUATEMALA (WHICH THE FMLN FEARS FOR SECURITY REASONS) WAS FURTHER EVIDENCE OF DUARTE'S BAD FAITH. AGUINADA, WHO HAD WORKED CLOSELY WITH DUARTE IN THE UNO COALITION IN THE 1972 ELECTIONS, SIGHED AND SAID ONLY DUARTE WOULD HAVE THE GALL TO DO THINGS THIS WAY.

3. THE FMLN-POLITICAL PARTIES MEETING IN MEXICO:

THE FMLN HAD NO ILLUSIONS ABOUT THE MEETING, BUT IT STILL PROVED USEFUL. THE PARTIES' PRESENCE LENT ADDITIONAL CREDIBILITY TO THE FMLN PROPOSAL. IT WAS [redacted]

ALSO THE BEGINNING OF FMLN CONTACT WITH SOME OF THE PARTIES. FINALLY, AGUINADA SAID IT WAS HEALTHY FOR SOME OF THE COMANDANTES TO SEE THE OPPOSITION IN THE FLESH. (THE IMPLICATION WAS THAT FMLN COMMANDERS WERE OUT OF TOUCH.)

4. THE FMLN PROPOSAL:

ASKED HOW LONG THE PROPOSAL HAD BEEN DEBATED INSIDE THE FMLN, AGUINADA SIDESTEPPED AND SAID IT HAD BEEN EIGHT YEARS IN THE MAKING. THE REVOLUTION HAD GONE THROUGH A CONSTANT PROCESS OF LEARNING AND REEVALUATION. THE FMLN NOW SAW THAT THE GEOPOLITICAL SITUATION WAS DIFFERENT. IT HAD TO TAKE NOTE THAT THE U.S. AND USSR WERE RESOLVING THEIR REGIONAL DIFFERENCES. IT HAD TO ACCEPT THAT THE U.S. WAS THE DOMINANT POWER IN THE REGION, AND THAT THE PRIVATE SECTOR HAD A ROLE IN SALVADORAN SOCIETY. TOLD THIS SOUNDED LIKE WHAT THE SANDINISTAS HAD SAID 10 YEARS AGO, AGUINADA SAID THE FSLN HAD ERRED IN NOT SETTING THE RULES OF THE GAME AND STICKING TO THEM. THE FMLN COULD NOT MAKE THE MISTAKES NICARAGUA HAD MADE. IT WAS A SHAME THE U.S. DID NOT SEE THE OPPORTUNITIES IN THE FMLN PROPOSAL AND ACT UPON THEM. (AGUINADA MADE NO INQUIRIES ABOUT OUR POSITION.)

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El Salvador: Human Rights
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TEXT OF TELEGRAM 89SAN SA002754

5. THE MILITARY:

AGUINADA TOUCHED ON THE MILITARY. POLCOUNS OBSERVED THAT LATIN MARXISTS APPEARED TO ERR FREQUENTLY WHEN FITTING THE MILITARY INTO THEIR CLASS THEORIES. AGUINADA ACKNOWLEDGED THAT IN THE PAST THERE HAD BEEN AN EXCESSIVE TENDENCY TO SEE THE MILITARY AS THE

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Special Project (1993)

TEXT OF TELEGRAM 89SAN SA002754

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PAGE 01 SAN SA 02754 02 OF 02 012322Z
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INFO	LOG-00	ADS-00	INR-07	EUR-00	SS-00	CIAE-00	DODE-00
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O 012317Z MAR 89
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 7428
AMEMBASSY GUATEMALA
AMEMBASSY TEGUCIGALPA
AMEMBASSY SAN JOSE
AMEMBASSY MANAGUA
AMEMBASSY CARACAS
AMEMBASSY MEXICO
AMEMBASSY MOSCOW
USCINCSO QUARRY HTS PM

[redacted] SECTION 02 OF 02 SAN SALVADOR 02754

E.O. 1356: DECL:OADR
TAGS: PGOV, ES
SUBJECT: UDN SECGEN ON DUARTE PROPOSAL, MEXICO

PUPPET OF THE OLIGARCHY; NOW IT WAS DOMINATED BY THE U.S. THIS WAS NOT TO SAY THE MILITARY DID NOT HAVE ITS OWN INTERESTS. THEY WERE NOT THE SAME CLASS INTERESTS AS ARENA'S, HOWEVER; ARENA WANTED TO REDUCE MILITARY INFLUENCE IN SOCIETY.

6. COMMENT:

IT WAS CLEAR FROM AGUINADA'S COMMENTS THAT THE FMLN WAS UNHAPPY WITH DUARTE'S PROPOSAL, BUT UNWILLING TO ASSUME THE PRICE FOR REJECTING IT OUTRIGHT. HIS COMMENTS ON THE MEXICO MEETING SUGGEST THAT ONE OF
[redacted]

PAGE 02 SAN SA 02754 02 OF 02 012322Z

THE FMLN'S PROBLEMS IS THAT ITS CHIEFS LACK THE DAILY CONTACT WITH CURRENT POLITICAL LEADERS, AND CONSEQUENTLY ARE OUT OF TOUCH. HIS REFERENCE TO THE FMLN PROPOSAL'S BEING YEARS IN THE MAKING IS CORRECT IN THE SENSE THAT SINCE 1983 THERE HAS BEEN STEADILY INCREASING ATTENTION BY THE FMLN TO THE NEED FOR POLITICAL AS WELL AS MILITARY STRUGGLE, WITHIN AND WITHOUT EL SALVADOR. OF POSSIBLE INTEREST, IN VIEW OF HIS TIES TO THE PRO-MOSCOW PCES, IS THAT AGUINADA

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El Salvador: Human Rights
Special Project (1993)

TEXT OF TELEGRAM 89SAN SA002754

HAS INCREASED HIS EFFORTS TO CONTACT US SINCE OUR INITIAL CONTACT IN OCTOBER 1988.

DLOUHY

[redacted]

NNNN.

United States Department of State LC 138

Washington, D.C. 20520

March 1, 1989

UNCLASSIFIED
SECRET
MEMORANDUM

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

~~TO~~ For: : L - Mary V. Mochary

~~FROM~~ To: : L/ARA - David Colson

SUBJECT: Letelier

ARA believes we should take some initiative to spur the Chileans along in their thinking. You will recall that on Feb. 9 our Embassy proposed that Chile provide us with four names for the neutral fifth member of the Commission. If we were unable to accept any of the names, we would give the Chileans a list of four within a week.

Chile has delayed responding for various reasons. ARA and the Embassy believe we should take action by providing the Chileans with our list of four names and asking for a response within one week. ARA would propose to do this on March 8 when Ambassador Gillespie is back in Santiago.

We are in a continuing process of seeking out and evaluating "names." If you agree with the game plan outlined above, we'll have a list for you to look at on March 6.

I first asked Matt Waller to get a list of names & game plan for ARA but was told they wanted us to submit our names first. As I agree

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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

CONFIDENTIAL

PAGE 01 STATE 065182
ORIGIN ARA-00

INFO LOG-00 ADS-00 EUR-00 OIC-02 IO-19 HA-09 /030 R

0798
DRAFTED BY: ARA/SC: PCDESHAZO
APPROVED BY: EUR/CE: PSHOSTAL
HA: DTELEEN
IO/HW: WMITHOEFER
ARA: MMSKOL
EUR/CE: TATULENKO
ARA/SC: RFHOPPER
EUR/NE: EHEAPHY

----------151010 020037Z /72

O 012359Z MAR 89
FM SECSTATE WASHDC
TO AMEMBASSY BONN IMMEDIATE
AMEMBASSY LONDON IMMEDIATE
INFO USMISSION GENEVA IMMEDIATE
AMEMBASSY MADRID IMMEDIATE
AMEMBASSY MEXICO IMMEDIATE
AMEMBASSY SANTIAGO IMMEDIATE

C O N F I D E N T I A L STATE 065182

E.O. 12356: DECL: OADR
TAGS: PHUM CI UK GE
SUBJECT: 45TH SESSION OF UN HUMAN RIGHTS COMMISSION: ITEM 5: DEALING WITH HUMAN RIGHTS IN CHILE
REF: (A) 89 STATE 051476

1. CONFIDENTIAL, ENTIRE TEXT.

2. DEPARTMENT'S POSITION ON CHILE AT THE 45TH SESSION OF THE UNHRC IS THE PASSAGE OF A FAIR, BALANCED RESOLUTION ON

HUMAN RIGHTS IN CHILE WHICH CAN RECEIVE OUR SUPPORT.

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 065182

USDEL IN GENEVA WILL NOT INTRODUCE OR SPONSOR A RESOLUTION ON CHILE BUT WILL INSTEAD MAKE A SERIOUS EFFORT TO IMPROVE DRAFTS PREPARED BY OTHER DELEGATIONS.

3. SPAIN AND MEXICO HAVE DRAFTED AND CIRCULATED A RESOLUTION ON CHILE WHICH WE FEEL IS OVERLY CRITICAL AND

WHICH RAISES ISSUES WHICH WE JUDGE INAPPROPRIATE. US DELEGATION IN GENEVA IS CURRENTLY URGING DRAFTERS TO MAKE CHANGES IN THIS TEXT. (SUGGESTED CHANGES/IMPROVEMENTS ARE CONTAINED IN REFTEL WHICH IS BEING REPEATED TO LONDON AND BONN).

4. BECAUSE THE UK AND THE FRG HAVE AN ACTIVE INTEREST IN CHILE AND ARE INFLUENTIAL AMONG THE WEOGS, WE REQUEST THAT EMBASSIES LONDON AND BONN APPROACH HMG AND THE FRG TO ASK FOR THEIR HELP IN BRINGING THE MEXICAN/SPANISH TEXT INTO BALANCE, USING THE FOLLOWING TALKING POINTS: (AS WELL AS THOSE CONTAINED IN REFTEL).

--THE U.S. SEEKS THE PASSAGE OF A FAIR AND BALANCED RESOLUTION ON CHILE AT THE UNHRC WHICH WE CAN SUPPORT.

--SUCH A RESOLUTION SHOULD ACCURATELY REFLECT THE CURRENT STATE OF HUMAN RIGHTS IN CHILE, TAKING INTO FULL ACCOUNT THE PROGRESS WHICH TOOK PLACE IN 1988, ESPECIALLY REGARDING THE PLEBISCITE.

--BECAUSE POLITICAL VIOLENCE FROM BOTH THE FAR LEFT AND EXTREME RIGHT IS A CONTINUING THREAT TO HUMAN RIGHTS AND DEMOCRACY IN CHILE, WE FEEL THAT THE UNHRC RESOLUTION SHOULD CONDEMN SUCH ACTS.

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CONFIDENTIAL

PAGE 03 STATE 065182

--THE RESOLUTION SHOULD ALSO REFLECT AND ACKNOWLEDGE THE FINDINGS OF THE LATEST REPORT OF THE SPECIAL RAPPORTEUR, FERNANDO VOLIO.

--WE FEEL THAT THE RESOLUTION ON CHILE (43/158) ADOPTED BY THE UNGA THIRD COMMITTEE ON NOVEMBER 30, 1988 COULD BE A GOOD STARTING POINT FOR BALANCED RESOLUTION IN GENEVA.

--THE DRAFT RESOLUTION CIRCULATED ON FEBRUARY 27 BY THE SPANISH AND MEXICAN DELEGATIONS IS, IN OUR VIEW, UNBALANCED AND CONTAINS LANGUAGE AND CONCEPTS WHICH WE FIND UNHELPFUL.

--ONLY THE PASSAGE OF A FAIR, BALANCED, RESOLUTION IN GENEVA WHICH NOTES THE ACCOMPLISHMENTS OF THE GOC AS WELL AS PERSISTING PROBLEMS WILL ENCOURAGE FURTHER PROGRESS BY THE CHILEAN GOVERNMENT IN THE AREA OF HUMAN RIGHTS IN THIS IMPORTANT ELECTION YEAR.

n/a
CONFIDENTIAL

--WE THEREFORE REQUEST THE ASSISTANCE OF YOUR GOVERNMENT IN THIS EFFORT.

BAKER

CONFIDENTIAL

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UNCLASSIFIED
UNCLASSIFIED
CONFIDENTIAL
Case Number: S199900030
Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

PAGE 01 SANTIA 02020 011628Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	EUR-00	SS-00	OIC-02
	CIAE-00	EB-00	DODE-00	H-01	IO-19	NSCE-00	NSAE-00
	SSO-00	HA-09	L-03	LAB-04	TRSE-00	PA-01	STR-17
	SIL-01	INRE-00	RP-10	USIE-00	SP-02	SR-06	PRS-01
	/083 W						

----------126017 011631Z /44

O 011616Z MAR 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 0299
INFO AMEMBASSY BOGOTA IMMEDIATE
AMEMBASSY CARACAS IMMEDIATE
AMEMBASSY MADRID IMMEDIATE
AMEMBASSY MEXICO IMMEDIATE
AMEMBASSY ROME IMMEDIATE
USMISSION GENEVA IMMEDIATE

UNCLASSIFIED
C O N F I D E N T I A L SANTIAGO 02020
GENEVA FOR ANNE PATTERSON

E.O. 12356: DECL:OADR
TAGS: PHUM, CI
SUBJ: 45TH SESSION OF UN HUMAN RIGHTS COMMISSION:
ITEM 5: DEALING WITH ISSUE OF HUMAN RIGHTS IN CHILE

REF: STATE 63357

UNCLASSIFIED
1. CONFIDENTIAL ENTIRE TEXT.

2. EMBASSY AGREES WHOLEHEARTEDLY WITH OBJECTIONS RAISED BY THE DEPARTMENT TO THE SPANISH/MEXICAN RESOLUTION ON HUMAN RIGHTS IN CHILE. WE WOULD LIKE TO ADD THE FOLLOWING SUGGESTIONS:
-- OPERATIVE PARA 3. IN KEEPING WITH DEPARTMENT'S SUGGESTION THAT LESS BEGRUDGING PHRASING IS REQUIRED,
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CONFIDENTIAL

PAGE 02 SANTIA 02020 011628Z

IT SHOULD INCLUDE A POSITIVE REFERENCE TO THE EXEMPLARY MANNER IN WHICH THE PLEBISCITE VOTE WAS CONDUCTED, NOT JUST TO THE FACT THAT THE DECISION WAS RESPECTED.
-- OPERATIVE PARA 6. DEPARTMENT NOTES THAT JUXTA-POSITION OF THIS PARA WITH PARA 7 IS UNFAIR. EVEN

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IF MOVED, HOWEVER, WE THINK IT SHOULD READ:
"EXPRESSED ITS CONCERN ABOUT THE CONTINUED INCIDENTS OF EXTREME VIOLENCE, FROM WHATEVER SOURCE, OCCURRING IN CHILE, WHICH CONTRIBUTE TO A CLIMATE OF IN-SECURITY IN CHILE, ETC." WE DO NOT SEE A "CLIMATE OF INSECURITY" CURRENTLY EXISTING IN CHILE TO "AGGRAVATE."
-- PARA 7. DEPARTMENT'S OBSERVATIONS ON THE REFERENCES TO THE CHILEAN CONSTITUTION; BILATERAL AFFAIRS; AMNESTY LAW; AND ECONOMIC, SOCIAL AND CULTURAL RIGHTS ARE WELL TAKEN, ALTHOUGH WE WOULD LIKE TO SEE A REFERENCE TO RESTRICTED WORKER'S RIGHTS. IN ADDITION, WE RECOMMEND REMOVAL OF THE IMPLICATION IN SUB PARA D OF PARA 7 THAT DEFENDANTS BEFORE MILITARY COURTS DO NOT HAVE THE RIGHT TO A DEFENSE. CHILEAN MILITARY JUSTICE LEAVES MUCH TO BE DESIRED AND THE LONG PERIODS OF INCOMMUNICATION IS ONE OF THE MORE WORRISOME ASPECTS. HOWEVER, DEFENDANTS DO HAVE THE RIGHT TO DEFENSE ATTORNEYS AND CONSIDERABLE RIGHTS OF APPEAL. THIS PARA IGNORES THE ACTIVITIES OF HUMAN RIGHTS ORGANIZATIONS, SUCH AS THE VICARIATE OF SOLIDARITY AND THE CHILEAN HUMAN RIGHTS COMMISSION, WHICH HAVE DEFENDED THOSE TRIED BY THE MILITARY COURTS.

3. IN ADDITION TO SUPPORTING A FAIR AND BALANCED

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PAGE 03 SANTIA 02020 011628Z

RESOLUTION, OUR OBJECTIVE SHOULD ALSO BE TO ALIGN OURSELVES WITH THE BROADEST POSSIBLE SPECTRUM OF LATIN AMERICANS, PARTICULARLY MODERATE DEMOCRACIES SUCH AS COLOMBIA AND VENEZUELA. IF USDEL SUCCEEDS IN REMOVING THE OBJECTIONABLE ASPECTS OF PARA 7 AND IMPROVING THE TONE OF PARA 3, WE BELIEVE U.S. SHOULD JOIN IN A CONSENSUS IN FAVOR OF THE RESOLUTION. INCLUSION OF REFERENCE TO VIOLENCE FROM WHATEVER SOURCE IS A PARTICULARLY NOTEWORTHY ADVANCE. GILLESPIE

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TEXT OF TELEGRAM 89SAN SA002755

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El Salvador: Human Rights
Special Project (1993)

ADP084

[redacted]

PAGE 01 SAN SA 02755 012323Z
ACTION HA-09

INFO	LOG-00	ADS-00	AID-00	INR-07	SS-00	DIC-02	CIAE-00
	EB-00	DODE-00	H-01	IO-19	NSCE-00	ARA-00	NSAE-00
	SSO-00	L-03	AMAD-01	LAB-04	TRSE-00	PA-01	STR-17
	SIL-01	INRE-00	RP-10	USIE-00	SP-02	SR-06	SSE-01
	PRS-01	/085 W					

147452 012336Z /60 38

O 012320Z MAR 89
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 7429
INFO AMEMBASSY MANAGUA
AMEMBASSY GUATEMALA
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HTS PM

[redacted] SAN SALVADOR 02755

DEPT FOR ARA/CEN
USCINCSO ALSO FOR POLAD YOULE

E.O. 12356: DECL:OADR
TAGS: PHUM, PGOV, ES
SUBJECT: SIGNIFICANT HUMAN RIGHTS ALLEGATION: ARMY ATTACK ON FMLN CLINIC AT LOS ENCUENTROS

1. (U) ON FEBRUARY 24, THE CATHOLIC ARCHBISHOPRIC'S HUMAN RIGHTS AND LEGAL AID OFFICE TUTELA LEGAL REPORTED THAT THE EXHUMATION OF THE BODIES OF TWO WOMAN IN CASERIO EL CHUPADERO, CANTON LOS ENCUENTROS, DULCE NOMBRE DE MARIA MUNICIPALITY, NORTHERN CHALATENANGO DEPARTMENT, CONFIRMED AN FMLN CLAIM THAT THE ARMY'S ATLACATL BATTALION HAD RAPED FMLN MEDICAL PERSONNEL AND MURDERED THEM AND THEIR PATIENTS ON FEBRUARY 13. GOVERNMENTAL HUMAN RIGHTS COMMISSION (CDH) DELEGATES WENT TO THE AREA ON FEBRUARY 27 TO [redacted]

Department of State E0/FPO/CDR El Salvador SP Date 7/23/93
Declassified under EO 12356 ( ) in full; ( ) in part;
portions withheld: classified ( ); deliberative ( );
law enforcement ( ); privacy ( ), secretary ( );
not relevant to El Salvador ( ).

PAGE 02 SAN SA 02755 012323Z

CHECK TUTELA LEGAL'S FINDINGS.

2. (U) THE FMLN CLAIM WAS INITIALLY BROADCAST ON FEBRUARY 14 BY THE FMLN'S CLANDESTINE RADIO VENCEREMOS. ACCORDING TO VENCEREMOS, THE ATLACATL BATTALION ATTACKED A "WAR HOSPITAL" AT ABOUT 1:00 PM FEBRUARY 13 AND MURDERED THREE WOUNDED, UNARMED PATIENTS. THE BATTALION THEN ALLEGEDLY RAPED MEXICAN-NATIONAL DOCTOR ALEJANDRA BRAVO BETANCOURT MANACERA

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El Salvador: Human Rights
Special Project (1993)

TEXT OF TELEGRAM 89SAN SA002755

(35), NURSE ROSABEL DUBON (14), AND NURSE MIRNA CARRILLO RAMIREZ (21).

3. (U) ACCORDING TO TUTELA LEGAL, THE BODIES OF BETANCOURT AND DUBON WERE EXHUMED AND WERE FOUND TO HAVE INDICATIONS OF MOLESTATION, INCLUDING BRUISES ON THE BREASTS AND THIGHS. THE DOCTOR WAS REPORTEDLY SHOT TEN TIMES, SEVERAL OF THEM IN THE FACE, AND THE NURSE ELEVEN TIMES, ALSO WITH SEVERAL WOUNDS IN THE FACE. THE GRAVES OF EIGHT OTHER PERSONS WERE LOCATED, BUT THEIR BODIES WERE NOT EXHUMED.

4. [redacted] THE CDH SENT DELEGATES TO THE AREA EARLY ON FEBRUARY 27 TO DETERMINE WHAT LEGAL AUTHORITY HAD ORDERED OR WITNESSED THE EXHUMATION. THIS INDEPENDENT CORROBORATION IS NECESSARY BECAUSE TUTELA LEGAL HAS A HISTORY OF INCORRECT REPORTING ON ALLEGED ARMY KILLINGS. (IN MAY 1987, TUTELA LEGAL REPORTED THAT THE ARMY HAD TORTURED AND DECAPITATED ANTA MEMBER ANTONIO DE JESUS HERNANDEZ MARTINEZ. THE SPECIAL INVESTIGATIVE UNIT EXHUMED THE REMAINS IN THE PRESENCE OF AN EMBOFF AND FOUND THERE WERE NO SIGNS OF DECAPITATION OR TORTURE.) THE FINDINGS OF THE CDH DELEGATES AND THE RESULTS OF POLOFF'S FEBRUARY 27 [redacted]

PAGE 03 SAN SA 02755 012323Z

MEETING WITH TUTELA LEGAL WILL BE REPORTED SEPTEL.

5. [redacted] THE ESAF'S VERSION OF THE INCIDENT IS THAT THE DEATHS OCCURRED DURING CONTACT BETWEEN ESAF AND FMLN COMBATANTS. THE ESAF HAS NOT ORDERED ANY FURTHER INVESTIGATION.

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[illegible]

March 2, 1989

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EXCISE

Chile Project (ARA/PD/DRL)
U.S. Department of State
Release_____ Excise X Deny_____
Declassify in Part_____ in Full_____
Exemption(s) B6

The Honorable Dan Coats
U.S. Senator
United States Senate
Washington, D.C. 20510

Dear Senator Coats:

Thank you very much for your recent letter following up on correspondence which I had initiated with then Senator Quayle. I very much appreciate both of your efforts in securing information concerning the human rights situation in Chile.

I would like to take this opportunity to encourage you to continue to monitor developments in Chile. It is my understanding that the vicariate for solidarity of the Catholic Archdiocese of Santiago is still being pursued by government forces to turn over confidential records. While being ready to admit the possibility that this is in and of itself a relatively minor matter, I truly hope our government will take this opportunity to once again make a point in favor of human rights.

With every best wish, I remain

Sincerely yours,

[redacted]

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El Salvador: Human Rights
Special Project (1993)

TEXT OF TELEGRAM 89SAN SA002771

ADP305

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PAGE 01 SAN SA 02771 01 OF 02 020048Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	SS-00	CIAE-00	DODE-00
	H-01	IO-19	NSCE-00	NSAE-00	SSO-00	HA-09	L-03
	TRSE-00	PM-10	PA-01	OMB-01	INRE-00	ACDA-12	USIE-00
	SP-02	SNP-01	C-01	SSE-01	PRS-01	DS-01	SCT-02
	P-02	T-01	/076 W				

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O 020045Z MAR 89
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 7449
INFO AMEMBASSY GUATEMALA
AMEMBASSY TEGUCIGALPA
AMEMBASSY MANAGUA
AMEMBASSY SAN JOSE
AMEMBASSY CARACAS
AMEMBASSY MEXICO
USMISSION GENEVA
USCINCSO QUARRY HTS PM

[redacted] SECTION 01 OF 02 SAN SALVADOR 02771

USCINSCO ALSO FOR POLAD YOULE

E.O. 12356: DECL:OADR
TAGS: PGOV, ES
SUBJECT: GOES DECLARES UNILATERAL CEASE-FIRE;
- FMLN SPURNS IT

REF: (A) SAN SALVADOR 2558 (B) SAN SALVADOR 2688

1. (U) SUMMARY: LATE ON FEBRUARY 28 THE ESAF ANNOUNCED A THREE-MONTH, UNILATERAL CEASE-FIRE BEGINNING MARCH 1 IN SUPPORT OF PRESIDENT DUARTE'S 2/26 PEACE PROPOSAL. THE NEXT DAY THE FMLN RELEASED ITS REPLY, CRITICIZING THE ESAF'S CEASE-FIRE AS INCOMPLETE AND A PUBLICITY STUNT--IN EFFECT A

[redacted]

PAGE 02 SAN SA 02771 01 OF 02 020048Z

REJECTION. IN ITS COMMUNIQUE THE FMLN CALLS ON THE GOES TO RESPOND TO ITS PROPOSAL FOR A CEASE-FIRE LIMITED TO A SAN SALVADOR MEETING ON MARCH 3-4, AND REITERATES ITS READINESS TO DISCUSS WITH THE ESAF A NEGOTIATED CEASE-FIRE. THE FMLN'S TONE WAS PETULANT, AND ITS TERMS FOR CEASE-FIRE SHOWED A MARKEDLY HARDER LINE. FOR NOW THE THE GOES HAS THE UPPER HAND; WE ARE WAITING FOR THE FMLN'S NEXT MOVE. END SUMMARY.

Department of State IB/FPC/CDR El Salvador SP Date 9/23/93
Declassified under EO 12356 ( ) in full, ( ) in part;
portions withheld: classified ( ); deliberative ( );
law enforcement ( ); privacy ( ), statutory ( );
not relevant to El Salvador ( );

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TEXT OF TELEGRAM 89SAN SA002771

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El Salvador: Human Rights
Special Project (1993)

2. (U) ON FEBRUARY 28 A.M. THE GOES DECLARED A THREE-MONTH, UNILATERAL CEASE-FIRE IN SUPPORT OF PRESIDENT DUARTE'S 2/26 PEACE PLAN (REF A). THE CEASE-FIRE BEGAN AT 0001 HOURS MARCH 1, AND ENDS JUNE 1. A COMMUNIQUE FROM THE PRESIDENT'S OFFICE SAID "THIS IS THE MOMENT TO SHOW POLITICAL WILL...TO INITIATE SERIOUS CONVERSATIONS TOWARD PEACE." A SEPARATE ESAF COMMUNIQUE CALLED UPON THE FMLN TO "DESIST FROM ASSASSINATING, KIDNAPPING, OR CAUSING INJURIES AMONG THE CIVILIAN POPULATION." THE ESAF ALSO ANNOUNCED THE END OF ITS NATIONWIDE "ATLACATL CAMPAIGN," WHICH HAD REPORTEDLY CAUSED OVER 400 FMLN CASUALTIES (241 KIA, 190 WIA).

3. (U) LOCAL RADIO REPORTED THE FMLN'S RESPONSE MARCH 1 TO THE ESAF CEASE-FIRE. IN ITS COMMUNIQUE THE FMLN:

-- CALLS ON THE GOES TO RESPOND "SERIOUSLY" TO ITS PROPOSAL FOR A MARCH 4-5 MEETING IN SAN SALVADOR;

-- CRITICIZES THE ESAF'S UNILATERAL CEASE-FIRE FOR NOT "HALTING REPRESSION IN THE CITIES NOR WITHDRAWING TROOPS FROM OPERATIONS IN THE COUNTRYSIDE";

[redacted]

PAGE 03 SAN SA 02771 01 OF 02 020048Z

-- CALLS THE CEASE-FIRE A "PUBLICITY MANEUVER TO DEMONSTRATE FLEXIBILITY AND GIVE ELECTORAL SUPPORT" TO THE PDC; AND

-- DEMANDS THE ESAF CEASE ITS "INFLEXIBLE AND INTRANSIGENT ATTITUDE" AND NEGOTIATE A BILATERAL CEASE-FIRE, WITH "FORMAL AND SERIOUS AGREEMENTS TO THE PEOPLE AND THE INTERNATIONAL COMMUNITY." THE FMLN REITERATED THE ESAF'S "TRADITION OF DIRTY WAR," AND THE NEED TO PUNISH HUMAN RIGHTS VIOLATORS IN ORDER TO HAVE THE FMLN RECOGNIZE A SINGLE ARMY, AND TO REACH A DEFINITIVE CEASE-FIRE.

4. (U) THE FMLN COMMUNIQUE CONCLUDES THAT:

-- ONCE BOTH SIDES AGREE ON DATES FOR A SAN SALVADOR MEETING, THE FMLN WILL DECREE A CEASE-FIRE OF OFFENSIVE OPERATIONS WHERE THE ESAF HAS WITHDRAWN ITS FORCES AND HALTED OPERATIONS. THE FMLN ALSO PROMISES TO SUSPEND SABOTAGE AND URBAN OPERATIONS DURING THE MEETINGS; AND

-- THE FMLN IS READY TO NEGOTIATE AND AGREE ON A CEASE-FIRE WITH THE ESAF THAT ESTABLISHES "CLEAR AND SERIOUS AGREEMENTS" FOR BOTH SIDES.

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El Salvador: Human Rights
Special Project (1993)

TEXT OF TELEGRAM 89SAN SA002771

5. (C) COMMENT: THE FMLN STOPPED SHORT OF EXPLICITLY REJECTING THE GOES' CEASE-FIRE, BUT MADE CLEAR IT HAS NO PLANS TO RESPOND IN KIND. THE TONE OF THE FMLN COMMUNIQUE WAS MARKEDLY PETULANT, IN CONTRAST TO THE MORE OPENMINDED LANGUAGE OF PREVIOUS FMLN DOCUMENTS, SUGGESTING THE GOES CEASE-FIRE ACHIEVED ITS OBJECTIVE OF PLACING THE FMLN IN AN

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El Salvador: Human Rights
Special Project (1993)

TEXT OF TELEGRAM 89SAN SA002771

ADDR [redacted] UNCLASSIFIED

PAGE 01 SAN SA 02771 02 OF 02 020049Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	SS-00	CIAE-00	DODE-00
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	TRSE-00	PM-10	PA-01	ONB-01	INRE-00	ACDA-12	USIE-00
	SP-02	SNP-01	C-01	SSE-01	PRS-01	DS-01	SCT-02
	P-02	T-01	/075 W				

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O 020045Z MAR 89
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 7450
INFO AMEMBASSY GUATEMALA
AMEMBASSY TEGUCIGALPA
AMEMBASSY MANAGUA
AMEMBASSY SAN JOSE
AMEMBASSY CARACAS
AMEMBASSY MEXICO
USMISSION GENEVA
USCINCSO QUARRY HTS PM

[redacted] SECTION 02 OF 02 SAN SALVADOR 02771

USCINSCO ALSO FOR POLAD YOULE

E.O. 12356: DECL:OADR
TAGS: PGOV, ES
SUBJECT: GOES DECLARES UNILATERAL CEASE-FIRE;

AWKWARD POSITION ON AN END TO VIOLENCE. IN ADDITION, THE FMLN'S CLARIFICATION OF WHAT IT REQUIRES FOR A CEASE-FIRE, NAMELY THAT THE ESAF WITHDRAW FROM CONFLICTIVE AREAS AND THE FMLN PRESUMIBLY REMAIN IN PLACE, IS WHOLLY UNREALISTIC. IT IS DEMANDING NOT A CEASE-FIRE IN SITU, BUT A ONE-SIDED CEDING OF TERRITORY BY THE GOES, I.E. TERRITORIAL DEMARCATION AND ZONES OF CONTROL.

[redacted]

PAGE 02 SAN SA 02771 02 OF 02 020049Z

6. (C) WE BELIEVE THE GOES HAS MADE THE FMLN SQUIRM, AND FOR NOW HAS OUTSCORED THE FMLN ON THE PEACE AND ELECTORAL PROPOSALS. THE QUESTION NOW IS WHAT THE FMLN WILL DO TO TRY TO PUT THE BALL BACK IN THE GOES' COURT.

DLOUHY [redacted] UNCLASSIFIED

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PINS-5 [redacted] L C Chron

United States Department of State

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Washington, D.C. 20520

E2969

UNCLASSIFIED RELEASED

[redacted]

MEMORANDUM

March 3, 1989

TO: ARA/CEN

FROM: ARA/PPC

SUBJECT: Contact with FDR Washington Office

I'd like to schedule an early meeting with you, Pete Romero and Vittorio to work out a policy and perhaps some procedures regarding our contacts with Altschul, Gonzalez and others from the FDR group working out of Washington. The channel has been heating up with events in El Salvador:

-- We met in my office January 23 to receive a copy of the FMLN peace proposal;

-- You subsequently received Rene Roldan with Altschul and Gonzalez in your office February 7;

-- Since then, we found ourselves being telephoned by Gonzalez from the Oaxtepec meeting, whence we were also faxed up FMLN documents by Altschul et al; last Friday, 2/24, Altschul was trying to phone Vittorio from San Salvador; on Monday, 2/27, Gonzales called to arrange the meeting for Ungo held here 3/1.

The argument against continuing these contacts is obvious: they may be abused by the FDR/FMLN for their own purposes (or misinterpreted by third parties) to create the appearance that key issues are actually decided here in a superdialogue at the expense of Salvadoran sovereignty. The Baltimore Sun has already reported that our meeting with them here January 23 to receive a courtesy copy of the FMLN peace proposal was in fact a negotiating session about the content of the proposal. (The attached Memo for the Record clarifies the nature of the meeting.)

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El Salvador: Human Rights
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[redacted]

DECL:OADR

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United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: JOHNSTON, DONALD
Date: 08/01/94
Case ID: S940035F

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Vittorio told Gonzales subsequently that misrepresentation of the nature of our contacts would bring them to an end. She took pains to deny that she and her colleagues had ever mentioned the contacts to the press and stated they would absolutely not abuse the relationship. However, the AP ticker item also attached shows how the Ungo meeting was also described as a secret negotiating session with the FMLN in a report in El Pais (Madrid).

Gonzales called Vittorio March 3 to express dismay about the NYT report that day drawing on the Madrid story. She again underscored that her office was not the source of these stories and had elicited confirmation from their Mexico office that they too had made no comment. Gonzales also said that her office had called the Baltimore Sun to ask where the first story had come from and that they had been told the source was a senior official at the U.S. Embassy in San Salvador. Vittorio took the opportunity to lecture her again about the effect of the reports, pointing out that we were reviewing whether our contacts could continue in light of efforts to suggest the GOES is a spectator to U.S. - FMLN negotiations.

Gonzales said she understood completely and asked for another meeting on an urgent basis to convey matters that have come to their attention and that we should know about as well. He told her we would consider whether a meeting would be useful.

Clearly, the FMLN has thus far gotten more out of our meetings with the local office, or even with Ungo, than we have. The question is whether they should be continued, terminated or put on hold. In principle, I'm inclined to have PPC and/or CEN continue to take their calls and to agree to occasional meetings, for two reasons:

-- apart from timely information, these contacts can provide insight into FDR/FMLN thinking and foreshadow issues they consider important and may try to spotlight publicly. The grist available from these contacts feeds into the policy planning mill that is PPC's basic responsibility;

-- it is useful to be able to point out that we (the Department) are open to all points of view and unafraid of dialogue with even our most severe critics.

However, it could be that the costs are higher than the return. In any case, a review of the bidding would be timely for development of an agreed approach to inform to Aronson.

[redacted]

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El Salvador: Human Rights
Special Project (1993)

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MEMORANDUM FOR THE RECORD

On January 23, ARA/PPC Director, Luigi Einaudi was called on by a delegation of the FDR led by Francisco Altschul, Guadalupe Gonzalez, and Victor Valle in accordance with an appointment request received January 21. Also present were ARA/CEN Deputy Director Peter Romero and ARA/PPC Deputy Director Vittorio Brod.

The FDR delegation characterized their visit as a courtesy call to provide the State Department the text of a peace proposal by the FMLN which was being released the same day in Mexico and San Salvador. The document they delivered proved in fact to be identical to that published the same day by the FMLN and given the day before to Cardinal Rivera y Damas.

Substantive points made by the FDR group included: that the text had been worked as well by the FDR in consultation with the FMLN; that it reflected FMLN unanimity; that the FDR had elected not to sign it, after discussion with the FMLN commandantes, because to do so would be impolitic in view of Ungo's presidential campaign in El Salvador; and that the document represented a point of departure for negotiations with the GOES and Salvadoran political parties.

After the ARA participants read the document, we asked questions to clarify some of its provisions (references to relations between mayors and the army, to the FMLN role in getting out a pro-CD vote, to FMLN "acceptance" of electoral results, to absence of any reference to conditions for laying down arms, etc.) while pointing out that only the Government of El Salvador could react to or negotiate on the document. The FDR group recognized that the meeting was limited to delivery of a copy of a text, and noted that their doing so reflected their recognition that the USG was a key actor and should be fully informed of events.

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El Salvador: Human Rights
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United States Department of State
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Case ID: S940035F

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RELEASED
El Salvador: Human Rights
Special Project (1993)
233

TEXT OF TELEGRAM 89STATE 069775

ADP094 [redacted]

PAGE 01 STATE 069775 TOSEC 050009
ORIGIN SS-00

INFO LOG-00 ADS-00 SSO-00 CCO-00 /000 R

66011
DRAFTED BY:S/S-O:SGWALTNEY
APPROVED BY:S/S-O:SMANN
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O 050402Z MAR 89
FM SECSTATE WASHDC
INFO USDEL SECRETARY IMMEDIATE

[redacted] STATE 069775 TOSEC 050009

THE FOLLOWING REPEAT SENT ACTION SECSTATE WASHDC
INFO MANAGUA SAN JOSE GUATEMALA TEGUCIGALPA MOSCOW
MEXICO CARACAS USCINCSO QUARRY HTS PM DTD MAR 4
QUOTE
[redacted] SAN SALVADOR 02932

USCINCSO ALSO FOR POLAD YOULE

E.O. 12356: DECL:OADR
TAGS: PINT, PGOV, ES, NU
SUBJECT: FMLN GENERAL COMMAND IN MANAGUA -
VIOLATION OF ESQUIPULAS AND TESORO BEACH
COMMITMENTS BY SANDINISTAS

REF: SAN SALVADOR 2915

1. [redacted] ENTIRE TEXT.

2. AS THE SECRETARY MEETS TUESDAY, MARCH 7 IN VIENNA TO DISCUSS, INTER ALIA, CENTRAL AMERICA, THE FMLN GENERAL COMMAND WILL MEET MONDAY AND TUESDAY, MARCH 6-7 IN MANAGUA WITH ITS POLITICAL ALLIES IN THE DEMOCRATIC REVOLUTIONARY FRONT/DEMOCRATIC CONVERGENCE.
[redacted]

PAGE 02 STATE 069775 TOSEC 050009

3. THE FMLN LEADERS WILL APPARENTLY ARRIVE IN MANAGUA, AS THEY APPARENTLY USUALLY DO, VIA HELICOPTER, EITHER THEIR OWN OR THE SANDINISTAS, WHICH WILL ENTER EL SALVADOR AND OVERFLY HONDURAS, IF NOT ACTUALLY PICK UP THE COMMANDERS IN HONDURAN TERRITORY, FROM THEIR VARIOUS MOUNTAIN REDOUBTS ON THE [redacted] SALVADOR-HONDURAS BORDER. THERE IS NO RADAR COVERAGE IN EL SALVADOR.

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Document of State 89/STATE/069775 El Salvador SP Date 7/23/93.
Declassified under EO 12356 ( ) in full; ( ) in part;
portions withheld: classified ( ); deliberative ( );
law enforcement ( ); privacy ( ); confidentiality ( );
not relevant to El Salvador ( ).

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Special Project (1993)

TEXT OF TELEGRAM 89STATE 069775

4. GOES MILITARY OFFICERS REPORT THAT AROUND FEBRUARY 20 THE FMLN RECEIVED A LARGE SHIPMENT (UPWARDS OF 500) OF NEW SOVIET-MADE AK-47S. IT IS BELIEVED THIS SHIPMENT IS PART OF PLANS FOR A NEW MILITARY OFFENSIVE.

5. SINCE THE SIGNING OF THE ESQUIPULAS AGREEMENT OCTOBER 1987, ARMS AND MUNITIONS DELIVERIES TO THE FMLN FROM NICARAGUA HAVE CONTINUED AND APPARENTLY SLIGHTLY INCREASED.

6. THE SANDINISTAS HAVE VIOLATED BLATANTLY EVERY COMMITMENT THEY HAVE UNDERTAKEN TO STOP SUPPORTING THE SALVADORAN INSURGENCY. THEIR PROMISES AT TESORO BEACH ARE NO DIFFERENT, AS THE FMLN MEETING ABOUT TO TAKE PLACE IN MANAGUA CLEARLY DEMONSTRATES.

7. THE GOES HAS DOCUMENTED EXTENSIVELY CONTINUING SANDINISTA SUPPORT TO THE FMLN. INTERNATIONAL OPINION ON THIS ISSUE HAS BECOME SO CYNICAL THAT REPORTERS NOW FILE MANAGUA DATELINES FOR THEIR LOCAL INTERVIEWS WITH THE FMLN COMMANDERS. THE SANDINISTAS FEEL NO PRESSURE TO STOP OR TO LIVE UP TO THEIR [redacted]

PAGE 03 STATE 069775 TOSEC 050009

COMMITMENTS. THE MONDAY-TUESDAY MEETING IS THE MOST HIGH PROFILE VIOLATION SINCE THE TESORO BEACH MEETING. UNLESS THEY ARE CALLED ON THIS ONE THEY WILL FEEL NO NEED TO ABIDE BY THEIR AGREEMENTS ON THIS, AND BY EXTENSION, ANY OTHER COMMITMENT THEY HAVE MADE. DLOUHY
UNQUOTE KIMMETT

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Case Number: S1999000030

Chile Project (#S1999000030)
U.S. Department of State
Release ____ Excise X Deny ____
Declassify: In Part X In Full ____
Exemption(s) B1

CONFIDENTIAL

EXCISE

PAGE 01 STATE 070902
ORIGIN ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	SS-00	OIC-02	CIAE-00
	EB-00	DODE-00	H-01	IO-19	NSCE-00	NSAE-00	SSO-00
	HA-09	L-03	LAB-04	TRSE-00	PA-01	STR-17	SIL-01
	INRE-00	RP-10	USIE-00	SP-02	SR-06	C-01	PRS-01
	P-02	/086 R					

DRAFTED BY: ARA/SC:P C DESHAZO:PCD
APPROVED BY: IO:PEASTMAN
HA/MAHRP:D TELEEN, HA:R SCHIFTER, ARA/SC:R F HOPPER, ARA:M M SKOL,
IO/HW:U MITHOEFER, P:SJTOMCHIK, S/S:MLEVITSKY, S/S-O:WMENOLD
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O 070403Z MAR 89
FM SECSTATE WASHDC
TO USMISSION GENEVA IMMEDIATE
INFO AMEMBASSY SANTIAGO IMMEDIATE

~~C O N F I D E N T I A L~~ STATE 070902

E.O. 12356: DECL: OADR
TAGS: PHUM, CI
SUBJECT: 45TH SESSION OF UNHRC: ITEM 5. HUMAN RIGHTS IN CHILE.

REF: (A) 89 GENEVA 01864, (B) 89 STATE 051476

1. ~~CONFIDENTIAL~~, ENTIRE TEXT.

2. PROVIDED BELOW ARE INSTRUCTIONS FOR USDEL TO UNHRC REGARDING OUR POSITION ON CHILE. WE CONTINUE TO SEEK A BALANCED RESOLUTION. DELEGATION, IN SEEKING CHANGES DESCRIBED BELOW, SHOULD CONVEY THAT WE SEEK TO JOIN A CONSENSUS OF DEMOCRATIC LATINS AND WEOG, IF AT ALL POSSIBLE. DELEGATION SHOULD ALSO BEAR IN MIND THAT EFFORTS TO OBTAIN A BALANCED RESOLUTION ON CHILE WHICH WE CAN SUPPORT SHOULD, IF POSSIBLE, BE USED TO PROMOTE BUT ~~CONFIDENTIAL~~

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PAGE 02 STATE 070902

SHOULD NOT IMPAIR EFFORTS TO OBTAIN A FAVORABLE RESOLUTION ON HUMAN RIGHTS IN CUBA.

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PROPOSED CHANGES:
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3. AS PER REFTELS, USDEL SHOULD SEEK THE FOLLOWING CHANGES IN THE MARCH 2 SPANISH/MEXICAN TEXT:

A. PREAMBULAR PARA 4: WE AGREE WITH [ ] PROPOSED CHANGE TO DELETE SPECIFIC REFERENCE TO RESOLUTION 1988/16, SEPTEMBER 1, 1988. DELEGATION SHOULD REQUEST DELETION.

B. PREAMBULAR PARA 7: CHANGE "DEPLORING THAT" TO "CONSIDERING THAT" AS SUGGESTED IN REFTEL AND, TO ADD BALANCE, REPHRASE AS FOLLOWS: "CONSIDERING THAT, WHILE THE SPECIAL RAPPORTEUR HAS MADE REPEATED VISITS TO CHILE AND THE GOVERNMENT HAS TAKEN IMPORTANT POSITIVE STEPS, THE JUDICIAL FRAMEWORK THAT ALLOUS VIOLATIONS OF HUMAN RIGHTS NONETHELESS HAS NOT BEEN CHANGED AND SEVERAL OF THE REPEATED.....ETC."

C. OPERATIVE PARA 3: WE AGREE WITH CHANGE PROPOSED IN REFTEL A TO REPLACE "NOTES WITH SATISFACTION" FOR "TAKES NOTE OF THE DECISION."

D. OPERATIVE PARA 3: WE AGREE WITH CHANGE PROPOSED IN REFTEL A TO INSERT "CARRIED OUT IN AN ATMOSPHERE OF FREEDOM." THIS PARAGRAPH WOULD THEN READ: "NOTES WITH SATISFACTION THE DECISION OF THE GOVERNMENT OF CHILE TO RESPECT THE RESULT OF THE PLEBISCITE OF OCTOBER 5, 1988, ~~CONFIDENTIAL~~

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PAGE 03 STATE 070902

WHICH WAS CARRIED OUT IN AN ATMOSPHERE OF FREEDOM, AS AN EXPRESSION OF POPULAR WILL AND AS AN IMPORTANT STEP TOUARD THE ACHIEVEMENT OF THE RAPID RETURN TO DEMOCRACY IN THIS COUNTRY."

E. OPERATIVE PARA 4: AGREE WITH SUGGESTION [ ] IN REFTEL A TO PHRASE THIS PARAGRAPH

POSITIVELY: WE SUGGEST FOLLOWING LANGUAGE: "WELCOMES THE RESPONSE OF THE GOVERNMENT OF CHILE TO THE DEMANDS OF VARIOUS POLITICAL AND SOCIAL ELEMENTS IN THE COUNTRY AND CALLS ON THE CHILEAN GOVERNMENT AND PEOPLE TO WORK FOR THE RE-ESTABLISHMENT OF A PLURALISTIC AND REPRESENTATIVE DEMOCRACY, BASED ON THE EXPRESSION OF POPULAR SOVEREIGNTY THROUGH FREE ELECTIONS WITHIN AN ELECTORAL PROCESS OPEN TO ALL CITIZENS; IN CONDITIONS OF EQUALITY AND OF RESPECT FOR THE PRINCIPLE OF NON-DISCRIMINATION BECAUSE OF POLITICAL VIEWS, AND WHICH IS BUILT ON THE UNRESTRICTED APPLICATION OF HUMAN RIGHTS AND BASIC LIBERTIES FOR ALL."

F. OPERATIVE PARA 6: WHILE WE SEE LITTLE DIFFERENCE IN THE CHANGE PROPOSED [ ] IN REFTEL A, WE HAVE NO DIFFICULTY SUPPORTING IT. PARA WOULD THEN READ: "EXPRESSES ONCE MORE ITS CONTINUED CONCERN ABOUT THE SERIOUS VIOLATIONS OF HUMAN RIGHTS AND BASIC LIBERTIES WHICH HAVE OCURRED IN CHILE ..." WHILE LITANY OF ABUSES LISTED IN TEXT HAS A STRONG BASIS IN FACT, RESOLUTION COULD BE IMPROVED BY ENDING THIS PARA AT "TO WHICH THE REPORT OF THE SPECIAL RAPPORTEUR REFERS." WHILE THIS POINT WOULD CERTAINLY IMPROVE TONE OF RESOLUTION, IT IS NOT ESSENTIAL THAT IT BE OBTAINED.

G. OPERATIVE PARA 7: SUBPARA B: POINT MADE IN REFTEL A THAT AMNESTY LAW IS MENTIONED IN THE SPECIAL RAPPORTEUR'S REPORT IS WELL-TAKEN. HOWEVER, VOLIO WAS REFERRING IN PARA 67 OF HIS REPORT ONLY TO THE CASE OF THE 10
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~~CONFIDENTIAL~~

PAGE 04 STATE 070902

DISAPPEARED PERSONS UNDER INVESTIGATION BY JUDGE CERDA. WE WOULD PREFER NO MENTION OF AMNESTY LAW AT ALL. IF THIS NOT POSSIBLE, IN ORDER NOT TO CLASH HEAD-ON WITH THE THORNY AMNESTY LAW PROBLEM, YET STILL REFLECT VOLIO'S FINDINGS, WE SUGGEST FALLBACK REPHRASAL AS FOLLOWS: "PERMIT JUDICIAL (CUT "ADMINISTRATIVE") INVESTIGATION OF ALL COMPLAINTS OF HUMAN RIGHTS VIOLATIONS, INCLUDING CASES OF THOSE WHO DISAPPEARED OR WERE BURNED, AND OTHER SERIOUS OCCURRENCES, SO THAT JUSTICE CAN BE OBTAINED, AND THAT THE AMNESTY LAW DOES NOT CONSTITUTE AN OBSTACLE TO SEARCHING OUT THE TRUTH OF WHAT HAPPENED."

I. OPERATIVE PARA 7: SUBPARA C: SUPPORT USDEL'S SUGGESTED THAT "IN ALL CASES" BE ADDED TO "RIGHT TO A DEFENSE, ESPECIALLY BEFORE MILITARY JUSTICE."

J. OPERATIVE PARA 7: SUBPARA E: IF EUROPEANS FEEL THAT LANGUAGE ABOUT "ECONOMIC, SOCIAL, AND CULTURAL RIGHTS" IS MEANINGLESS," THEN IT SHOULD NOT BE IN THE RESOLUTION. USDEL SHOULD SEEK TO HAVE IT REMOVED. WE DO, HOWEVER, FEEL STRONGLY THAT A CALL FOR FULL LABOR RIGHTS SHOULD BE

OUR FINAL POSITION:

K. USDEL IS AUTHORIZED TO INFORM THE SPONSORS OF THE RESOLUTION AND OTHERS AS APPROPRIATE THAT IF RESOLUTION IS REVISED TO INCORPORATE CHANGES MENTIONED ABOVE, THE U.S. WILL JOIN CONSENSUS IN FAVOR OF IT. IF NOT, ALL OF THE

CHANGES ARE ACCEPTED BUT YOU ARE ABLE TO NEGOTIATE CHANGES WHICH OTHERWISE ACCOMPLISH OUR ENDS OF BALANCE AND FAIRNESS, REPORT ALTERNATIVE LANGUAGE TO DEPARTMENT AND WE ~~CONFIDENTIAL~~

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PAGE 05 STATE 070902

WILL INSTRUCT FURTHER.
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El Salvador: Human Rights Special Project (1993)
237

TEXT OF TELEGRAM 89SAN SA003032

ADP558
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PAGE 01 SAN SA 03032 01 OF 02 230603Z
ACTION ARA-00

INFO LOG-00 ADS-00 INR-07 SS-00 CIAE-00 DODE-00 H-01
NSCE-00 NSAE-00 SSO-00 HA-09 L-03 AMAD-01 TRSE-00
PM-10 PA-01 OMB-01 INRE-00 ACDA-12 SP-02 SNP-01
FAIM-01 C-01 SSE-01 PRS-01 P-02 T-01 /055 W
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O 072317Z MAR 89
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 7597
INFO AMEMBASSY GUATEMALA
AMEMBASSY MANAGUA
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
AMEMBASSY CARACAS
AMEMBASSY MEXICO
USIA WASHDC 3132
USCINCSO QUARRY HTS PM

[redacted] SECTION 01 OF 02 SAN SALVADOR 03032

C O R R E C T E D C O P Y (REFERENCE LINE DELETED)

DEPT FOR ARA AND ARA/CEN/ES:PROMERO

E.O. 12356: N/A
TAGS: PGOV, PINS, PROP, ES
SUBJECT: FMLN CALLS FOR BOYCOTT IF MARCH 19 ELECTIONS
- ARE HELD BUT STILL WILLING TO TALK

1. [redacted] SUMMARY:

IN TWO RELATED COMMUNIQUES ISSUED MARCH 4, THE FMLN PROPOSED MARCH 7-8 AS THE DATE FOR A MEETING IN SAN SALVADOR TO DISCUSS A "DEFINITIVE CEASE-FIRE." THE COMMUNIQUES ACCUSED THE USG OF PARTICIPATING IN THE [redacted]

PAGE 02 SAN SA 03032 01 OF 02 230603Z

DRAFTING OF THE DUARTE PROPOSAL WHICH, IT CHARGED, WAS MEANT TO ISOLATE ARENA; LABELLED THE ESAF'S UNILATERAL CEASE-FIRE A SHAM; AND CALLED FOR THE PUNISHMENT OF MILITARY HUMAN RIGHTS VIOLATORS. IT ALSO WARNED THAT THE TIME FOR NEGOTIATIONS IS NEARING AN END, AND CALLED FOR A BOYCOTT OF THE MARCH 19 ELECTIONS IF THEY ARE HELD AS SCHEDULED. THE APPEAL FOR A BOYCOTT IS SIMILAR TO THE ONE MADE BEFORE THE 1988 ELECTIONS. GI[redacted] THE LACK OF MOVEMENT ON [redacted] ESTABLISHING THE

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By [illegible] NARA Date 7/21/97

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El Salvador: Human Rights
Special Project (1993)

EXECUTIVE-ASSEMBLY COMMISSION THAT IS SUPPOSED TO MEET WITH THE FMLN, IT IS UNLIKELY THAT DISCUSSIONS THIS WEEK WILL TAKE PLACE. END SUMMARY.

2. (U) ELECTIONS NOW ARE NOT THE SOLUTION

THE INITIAL COMMUNIQUE, RELEASED ON MARCH 4TH, REPEATED CHARGES THAT "NATIONAL MAJORITY GROUPS, THE OLIGARCHY, THE ESAF, AND THE PDC" HAVE AFFECTED ATTITUDES SHIFTING FROM "INTRANSIGENCE TO INFLEXIBILITY" AND HAVE USED THE GUERRILLA PEACE PROPOSAL FOR "ELECTION PURPOSES." THE STATEMENT ASSERTED THAT TO HOLD THE ELECTIONS AS PLANNED, IN DEFIANCE OF THE "WIDE POPULAR CONSENSUS TO FIND A POLITICAL SOLUTION" TO THE CONFLICT, DOES NOT REPRESENT A "TRUE ALTERNATIVE TO SOLVE THE GRAVE CRISIS" IN EL SALVADOR. THE FMLN CLAIMS THAT THE PURPORTED POPULAR CONCENSUS RESULTS FROM ITS PROPOSAL TO TURN THE ELECTIONS INTO "AN INSTRUMENT TO BUILD PEACE" IF VOTING IS POSTPONED UNTIL SEPTEMBER 15.

3. (U) FMLN STILL WILLING TO MEET

[redacted]

NEVERTHELESS, THE SECOND FMLN COMMUNIQUE REAFFIRMED THE FMLN'S WILLINGNESS TO MEET WITH REPRESENTATIVES OF THE GOES AND THE POLITICAL PARTIES DESPITE THE LACK OF A POSITIVE RESPONSE TO A SUGGESTION FOR DISCUSSIONS MARCH 4-5 IN GUATEMALA. THE LATEST STATEMENT PROPOSES THAT TALKS BE HELD MARCH 7-8 IN SAN SALVADOR BUT WARNS OBLIQUELY THAT THE TIME FOR NEGOTIATIONS IS "NEARING AN END."

4. (U) USG: FROM RESPECT TO INTERVENTION ON PROPOSAL

THE COMMUNIQUE ACCUSES THE USG OF INTERVENING IN THE SALVADORAN DECISION-MAKING AND ALLEGED THAT THE EMBASSY ACTIVELY PARTICIPATED IN DRAFTING THE DUARTE PROPOSAL. THE STATEMENT ASSERTED THAT THE INTENDED PURPOSE WAS TO "ISOLATE ARENA" POLITICALLY BY CASTING ARENA IN THE ROLE OF SPOILER ON THE QUESTION OF FURTHER TALKS. IT DESCRIBES THE EMBASSY'S ALLEGED ROLE AS "UNFORTUNATE," GIVEN THE FACT THAT THE INITIAL REACTION OF THE USG WAS TO CALL FOR "SERIOUS CONSIDERATION" OF THE FMLN'S PEACE PROPOSAL. THIS, THE STATEMENT CONTINUED, DEMONSTRATED RESPECT FOR "OUR SELF-DETERMINATION."

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Special Project (1993)

TEXT OF TELEGRAM 89SAN SA003032

5. (U) ESAF CEASE-FIRE A SHAM

THE COMMUNIQUE DISMISSED THE ESAF'S DECLARATION OF A UNILATERAL CEASE-FIRE AS AMOUNTING TO A SHAM BECAUSE THE SALVADORAN MILITARY HAS NOT HALTED ITS PATROLLING AND OPERATIONS WITHIN WHAT THE FMLN CLAIMS IS ITS

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TEXT OF TELEGRAM 89SAN SA003032

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El Salvador: Human Rights
Special Project (1993)

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PAGE 01 SAN SA 03032 02 OF 02 072326Z
ACTION ARA-00

INFO LOG-00 ADS-00 INR-07 SS-00 CIAE-00 DODE-00 H-01
NSCE-00 NSAE-00 SSO-00 HA-09 L-03 AMAD-01 TRSE-00
PM-10 PA-01 OMB-01 INRE-00 ACDA-12 SP-02 SNP-01
C-01 SSE-01 PRS-01 P-02 T-01 /054 W
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O 072317Z MAR 89
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 7598
INFO AMEMBASSY GUATEMALA
AMEMBASSY MANAGUA
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
AMEMBASSY CARACAS
AMEMBASSY MEXICO
USIA WASHDC 3133
USCINCSO QUARRY HTS PM

[redacted]SECTION 02 OF 02 SAN SALVADOR 03032

DEPT FOR ARA AND ARA/CEN/ES:PROMERO

E.O. 12356: N/A
TAGS: PGOV, PINS, PROP, ES
SUBJECT: FMLN CALLS FOR BOYCOTT IF MARCH 19 ELECTIONS

TERRITORY. THE FMLN REITERATES ITS OWN REQUIREMENTS FOR ESTABLISHING A "REAL CEASEFIRE" WHICH MUST INCLUDE TERRITORIAL DEMARCATIONS ALONG "MORE THAN 30 FRONTS WHERE FMLN TROOPS ARE PERMANENTLY STATIONED;" GARRISONING OF ESAF UNITS; AN END TO "SEARCHES AND SEIZURES" IN SALVADORAN CITIES; AND THE SETTING UP OF AN "IMPARTIAL" VERIFICATION MECHANISM TO ENSURE COMPLIANCE ON ALL UNDERTAKINGS. THE FMLN ALSO REPEATED ITS DEMAND THAT ALLEGED MILITARY VIOLATORS OF HUMAN RIGHTS BE PUNISHED BUT DENIED ANY GUERRILLA

[redacted]

PAGE 02 SAN SA 03032 02 OF 02 072326Z

CULPABILITY IN ABUSES AGAINST THE CIVILIAN POPULATION.

6. (C) COMMENT:

WHILE THE FMLN MAY BE PREPARED FOR MEETINGS MARCH 7-8 IN SAN SALVADOR, IT IS UNLIKELY THAT THESE WILL TAKE PLACE NOW OR ANY TIME THIS WEEK. IN THE FIRST PLACE NEITHER DUARTE NOR THE ASSEMBLY WANT TO MEET IN SAN

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El Salvador: Human Rights
Special Project (1993)

TEXT OF TELEGRAM 89SAN SA003032

SALVADOR. SECONDLY, THE LEGISLATIVE MEMBERS OF THE JOINT EXECUTIVE-ASSEMBLY COMMISSION HAVE NOT BEEN NAMED YET, AND ACCORDING TO ASSEMBLY PRESIDENT RICARDO ALVARENGA THIS WILL NOT BE DONE BEFORE MARCH 8. ALVARENGA SAID THAT THE ASSEMBLY HAD TO DECIDE ON THE NUMBER AND COMPOSITION OF ITS DELEGATIION TO THE COMMISSION AND THAT IT COULD NOT ACT UNTIL IT MET ON THE 8TH.

7. [redacted] THE FMLN'S CALL FOR A BOYCOTT OF THE MARCH 19 PRESIDENTIAL ELECTIONS ARE HELD AS SCHEDULED IS REMINISCENT OF THEIR STAND ON THE MARCH 1988 ELECTIONS. SO FAR IT HAS NOT THREATENED TO DISRUPT THE ELECTIONS WITH VIOLENCE, BUT MANY OBSERVERS BELIEVE THAT IS THE NEXT STEP.

WALKER

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n/a

Case Number: S1999000030

Chile Project (#S1999000030)
U.S. Department of State
Release ____ Excise X ____ Deny ____
Declassify in Part ____ X ____ In Full ____
Exemption(s) ____ B1 ____

~~CONFIDENTIAL~~

EXCISE

PAGE 01 STATE 070902
ORIGIN ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	SS-00	OIC-02	CIAE-00
	EB-00	DODE-00	H-01	IO-19	NSCE-00	NSAE-00	SSO-00
	HA-09	L-03	LAB-04	TRSE-00	PA-01	STR-17	SIL-01
	INRE-00	RP-10	USIE-00	SP-02	SR-06	C-01	PRS-01
	P-02	/086 R					

DRAFTED BY: ARA/SC:P C DESHAZO:PCD
APPROVED BY: IO:PEASTMAN
HA/MAHRP:D TELEEN, HA:R SCHIFTER, ARA/SC:R F HOPPER, ARA:M M SKOL,
IO/HW:U MITHOEFER, P:SJTOMCHIK, S/S:MLEVITSKY, S/S-O:WMENOLD
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O 070403Z MAR 89
FM SECSTATE WASHDC
TO USMISSION GENEVA IMMEDIATE
INFO AMEMBASSY SANTIAGO IMMEDIATE

~~C O N F I D E N T I A L~~ STATE 070902

E.O. 12356: DECL: OADR
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REF: (A) 89 GENEVA 01864, (B) 89 STATE 051476

1. ~~CONFIDENTIAL~~, ENTIRE TEXT.

2. PROVIDED BELOW ARE INSTRUCTIONS FOR USDEL TO UNHRC REGARDING OUR POSITION ON CHILE. WE CONTINUE TO SEEK A BALANCED RESOLUTION. DELEGATION, IN SEEKING CHANGES DESCRIBED BELOW, SHOULD CONVEY THAT WE SEEK TO JOIN A CONSENSUS OF DEMOCRATIC LATINS AND WEOG, IF AT ALL POSSIBLE. DELEGATION SHOULD ALSO BEAR IN MIND THAT EFFORTS TO OBTAIN A BALANCED RESOLUTION ON CHILE WHICH WE CAN SUPPORT SHOULD, IF POSSIBLE, BE USED TO PROMOTE BUT ~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 02 STATE 070902

SHOULD NOT IMPAIR EFFORTS TO OBTAIN A FAVORABLE RESOLUTION ON HUMAN RIGHTS IN CUBA.

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PROPOSED CHANGES:
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CONFIDENTIAL

3. AS PER REFTELS, USDEL SHOULD SEEK THE FOLLOWING CHANGES IN THE MARCH 2 SPANISH/MEXICAN TEXT:

A. PREAMBULAR PARA 4: WE AGREE WITH [redacted] PROPOSED CHANGE TO DELETE SPECIFIC REFERENCE TO RESOLUTION 1988/16, SEPTEMBER 1, 1988. DELEGATION SHOULD REQUEST DELETION.

B. PREAMBULAR PARA 7: CHANGE "DEPLORING THAT" TO "CONSIDERING THAT" AS SUGGESTED IN REFTEL AND, TO ADD BALANCE, REPHRASE AS FOLLOWS: "CONSIDERING THAT, WHILE THE SPECIAL RAPPORTEUR HAS MADE REPEATED VISITS TO CHILE AND THE GOVERNMENT HAS TAKEN IMPORTANT POSITIVE STEPS, THE JUDICIAL FRAMEWORK THAT ALLOUS VIOLATIONS OF HUMAN RIGHTS NONETHELESS HAS NOT BEEN CHANGED AND SEVERAL OF THE REPEATED.....ETC."

C. OPERATIVE PARA 3: WE AGREE WITH CHANGE PROPOSED IN REFTEL A TO REPLACE "NOTES WITH SATISFACTION" FOR "TAKES NOTE OF THE DECISION."

D. OPERATIVE PARA 3: WE AGREE WITH CHANGE PROPOSED IN REFTEL A TO INSERT "CARRIED OUT IN AN ATMOSPHERE OF FREEDOM." THIS PARAGRAPH WOULD THEN READ: "NOTES WITH SATISFACTION THE DECISION OF THE GOVERNMENT OF CHILE TO RESPECT THE RESULT OF THE PLEBISCITE OF OCTOBER 5, 1988, ~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 03 STATE 070902

WHICH WAS CARRIED OUT IN AN ATMOSPHERE OF FREEDOM, AS AN EXPRESSION OF POPULAR WILL AND AS AN IMPORTANT STEP TOUARD THE ACHIEVEMENT OF THE RAPID RETURN TO DEMOCRACY IN THIS COUNTRY."

E. OPERATIVE PARA 4: AGREE WITH SUGGESTION [redacted] IN REFTEL A TO PHRASE THIS PARAGRAPH

POSITIVELY: WE SUGGEST FOLLOWING LANGUAGE: "WELCOMES THE RESPONSE OF THE GOVERNMENT OF CHILE TO THE DEMANDS OF VARIOUS POLITICAL AND SOCIAL ELEMENTS IN THE COUNTRY AND CALLS ON THE CHILEAN GOVERNMENT AND PEOPLE TO WORK FOR THE RE-ESTABLISHMENT OF A PLURALISTIC AND REPRESENTATIVE DEMOCRACY, BASED ON THE EXPRESSION OF POPULAR SOVEREIGNTY THROUGH FREE ELECTIONS WITHIN AN ELECTORAL PROCESS OPEN TO ALL CITIZENS; IN CONDITIONS OF EQUALITY AND OF RESPECT FOR THE PRINCIPLE OF NON-DISCRIMINATION BECAUSE OF POLITICAL VIEWS, AND WHICH IS BUILT ON THE UNRESTRICTED APPLICATION OF HUMAN RIGHTS AND BASIC LIBERTIES FOR ALL."

F. OPERATIVE PARA 6: WHILE WE SEE LITTLE DIFFERENCE IN THE CHANGE PROPOSED [ ] IN REFTEL A, WE HAVE NO DIFFICULTY SUPPORTING IT. PARA WOULD THEN READ: "EXPRESSES ONCE MORE ITS CONTINUED CONCERN ABOUT THE SERIOUS VIOLATIONS OF HUMAN RIGHTS AND BASIC LIBERTIES WHICH HAVE OCURRED IN CHILE ..." WHILE LITANY OF ABUSES LISTED IN TEXT HAS A STRONG BASIS IN FACT, RESOLUTION COULD BE IMPROVED BY ENDING THIS PARA AT "TO WHICH THE REPORT OF THE SPECIAL RAPPORTEUR REFERS." WHILE THIS POINT WOULD CERTAINLY IMPROVE TONE OF RESOLUTION, IT IS NOT ESSENTIAL THAT IT BE OBTAINED.

G. OPERATIVE PARA 7: SUBPARA B: POINT MADE IN REFTEL A THAT AMNESTY LAW IS MENTIONED IN THE SPECIAL RAPPORTEUR'S REPORT IS WELL-TAKEN. HOWEVER, VOLIO WAS REFERRING IN PARA 67 OF HIS REPORT ONLY TO THE CASE OF THE 10
~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 04 STATE 070902

DISAPPEARED PERSONS UNDER INVESTIGATION BY JUDGE CERDA. WE WOULD PREFER NO MENTION OF AMNESTY LAW AT ALL. IF THIS NOT POSSIBLE, IN ORDER NOT TO CLASH HEAD-ON WITH THE THORNY AMNESTY LAW PROBLEM, YET STILL REFLECT VOLIO'S FINDINGS, WE SUGGEST FALLBACK REPHRASAL AS FOLLOWS: "PERMIT JUDICIAL (CUT "ADMINISTRATIVE") INVESTIGATION OF ALL COMPLAINTS OF HUMAN RIGHTS VIOLATIONS, INCLUDING CASES OF THOSE WHO DISAPPEARED OR WERE BURNED, AND OTHER SERIOUS OCCURRENCES, SO THAT JUSTICE CAN BE OBTAINED, AND THAT THE AMNESTY LAW DOES NOT CONSTITUTE AN OBSTACLE TO SEARCHING OUT THE TRUTH OF WHAT HAPPENED."

H. OPERATIVE PARA 7: SUBPARA C: SUPPORT USDEL'S SUGGESTED THAT "IN ALL CASES" BE ADDED TO "RIGHT TO A DEFENSE, ESPECIALLY BEFORE MILITARY JUSTICE."

I. OPERATIVE PARA 7: SUBPARA E: IF EUROPEANS FEEL THAT LANGUAGE ABOUT "ECONOMIC, SOCIAL, AND CULTURAL RIGHTS" IS MEANINGLESS," THEN IT SHOULD NOT BE IN THE RESOLUTION. USDEL SHOULD SEEK TO HAVE IT REMOVED. WE DO, HOWEVER, FEEL STRONGLY THAT A CALL FOR FULL LABOR RIGHTS SHOULD BE

OUR FINAL POSITION:

J. USDEL IS AUTHORIZED TO INFORM THE SPONSORS OF THE RESOLUTION AND OTHERS AS APPROPRIATE THAT IF RESOLUTION IS REVISED TO INCORPORATE CHANGES MENTIONED ABOVE, THE U.S. WILL JOIN CONSENSUS IN FAVOR OF IT. IF NOT, ALL OF THE

CHANGES ARE ACCEPTED BUT YOU ARE ABLE TO NEGOTIATE CHANGES WHICH OTHERWISE ACCOMPLISH OUR ENDS OF BALANCE AND FAIRNESS, REPORT ALTERNATIVE LANGUAGE TO DEPARTMENT AND WE ~~CONFIDENTIAL~~

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PAGE 05 STATE 070902

WILL INSTRUCT FURTHER.
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EXCISE

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PAGE 01 SAN JO 02797 01 OF 06 072044Z
ACTION OCS-06

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INFO	LOG-00	ADS-00	AID-00	INR-07	CIAE-00	DODE-00	H-01
	NSCE-00	ARA-00	NSAE-00	SSO-00	L-03	AMAD-01	PM-10
	PA-01	PPT-01	INRE-00	CA-02	JUSE-00	DEAE-00	SSE-01
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O 072038Z MAR 89
FM AMEMBASSY SAN JOSE
TO SECSTATE WASHDC IMMEDIATE 9057
INFO AMEMBASSY MANAGUA
AMEMBASSY SAN SALVADOR
AMEMBASSY GUATEMALA
USIA WASHDC 1673
USCINCSO QUARRY HTS PN

Dept. of State, RPS/IPS, Margaret P. Grafeld, Dir.
( ) Release (X) Excise ( ) Deny ( ) Declassify
Date 2/27/02 Exemption 1.5 a

CONFIDENTIAL SECTION 01 OF 06 SAN JOSE 02797

Dept of State, RPS/IPS, Margaret P. Grafeld, Dir.
( ) Classify as (X) Extend as ( ) Downgrade to Conf
Date 2/27/02 Declassify on 3/7/14 Reason ____
X6

FOR DEPT ARA/CEN AND CA/OCS

E.O. 12356: DECL: OADR
TAGS: CASC, PINS, PREL, SNAR, CS (HULL, JOHN FLOYD)
SUBJECT: UPDATE ON ARREST CASE OF JOHN HULL

REF: SAN JOSE 2690 AND PREVIOUS

1. (C) POST HAS OBTAINED A COPY OF THE MARCH 1 RULING BY THE JUDGE OF INSTRUCTION OF SAN CARLOS, MAXIMO ESQUIVEL CARRANZA, WHICH MOVES TOWARD TRIAL THE CASE AGAINST JOHN HULL FOR HOSTILE ACTS AND DRUG TRAFFICKING (SEE SAN JOSE 02690). AN INFORMAL EMBASSY TRANSLATION OF THIS DOCUMENT ISSUED BY THE COURT OF SAN CARLOS FOLLOWS IN PARA 4. A SUMMARY APPEARED IN THE SAN JOSE PRESS MARCH 7.

PAGE 02 SAN JO 02797 01 OF 06 072044Z

2. (U) POST UNDERSTANDS THAT THE JUDGE OF INSTRUCTION NOW HAS TWO ADDITIONAL MONTHS (WHICH CAN BE EXTENDED TO SIX) TO CONSIDER THE CASE. AT THE END OF THAT PERIOD, THE CASE IS RETURNED TO THE PROSECUTION (THE MINISTERIO PUBLICO). THE PROSECUTOR CAN THEN BEGIN HIS PREPARATIONS FOR TRIAL OR DISMISS THE CASE FOR LACK OF SUFFICIENT EVIDENCE TO GO TO TRIAL.

UNCLASSIFIED

BEGIN TEXT:

PENAL NUMBER: 55-J-89 "ACTO DE PROCESAMIENTO"

COURT OF SAN CARLOS - CIUDAD QUESADA, 7:00 A.M., MARCH 1, 1989

CASE BEING CARRIED OUT BY WAY OF AN INVESTIGATIVE REPORT TO INVESTIGATE WHETHER: JOHN HULL CLARKE, OF ~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 03 SAN JO 02797 01 OF 06 072044Z

AGE, MARRIED, RANCHER, RESIDENT OF MUELLE DE SAN CARLOS, ALAJUELA, I.D. NUMBER 8-061-489; AND GERARDO ALBERTO DURAN AYANELLI (SIC -- HIS MATRONYMIC IS ACTUALLY "AYANEGUI"), OF AGE, DIVORCED, TOPOGRAPHER, RESIDENT OF SAN JOSE, I.D. NUMBER 2-242-0567; HAVE COMMITTED THE CRIMES OF HOSTILE ACTS AND VIOLATION OF THE NARCOTICS LAW, IN DETRIMENT OF NATIONAL SECURITY AND PUBLIC HEALTH. ASIDE FROM THE ACCUSED, THE FOLLOWING INDIVIDUALS HAVE INTERVENED IN THIS MATTER: ELDA ZUNIGA VALENCIANO AND RITA MARIA HERRERA DURAN, OF AGE, MARRIED, ATTORNEYS, RESIDENTS OF SAN JOSE AND CIUDAD QUESADA RESPECTIVELY, AS DEFENSE ATTORNEYS TRUSTED BY THE ACCUSED HULL CLARKE, AS WELL AS PRIMORAMON CHACON BARQUERO, OF AGE, MARRIED, ATTORNEY AND RESIDENT OF THIS CITY, IN THE CAPACITY OF PUBLIC DEFENDER FOR THE ACCUSED DURAN AYANELLI, AND THE (SENORITA) PROSECUTOR REPRESENTING THE PEOPLE (MINISTERIO PUBLICO).

IN CONSIDERATION OF

I.) THE FACTS PRESENTED FOR CONVICTION, IT IS CONCLUDED THAT:

1. THE ACCUSED JOHN HULL CLARKE, OWNS SEVERAL PROPERTIES IN NORTHERN COSTA RICA, ALONG THE BORDER WITH NICARAGUA, AT POCOSOL AND MUELLE DE SAN CARLOS, AS WELL AS AT MONICO DE UPALA AND THAT THESE LAST TWO HAVE LANDING STRIPS AND ACCORDING TO INVESTIGATIONS CARRIED OUT BY MEMBERS OF THE O.I.J. IT HAS BEEN ESTABLISHED THAT, WITHOUT BEING ABLE TO PINPOINT AN

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PAGE 01 SAN JO 02797 02 OF 06 072047Z
ACTION OCS-06

INFO	LOG-00	ADS-00	AID-00	INR-07	CIAE-00	DODE-00	H-01
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	PA-01	PPT-01	INRE-00	CA-02	JUSE-00	DEAE-00	SSE-01
	DS-01	/034 W					

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O 072038Z MAR 89
FM AMEMBASSY SAN JOSE
TO SECSTATE WASHDC IMMEDIATE 9058
INFO AMEMBASSY MANAGUA
AMEMBASSY SAN SALVADOR
AMEMBASSY GUATEMALA
USIA WASHDC 1674
USCINCSO QUARRY HTS PN

CONFIDENTIAL SECTION 02 OF 06 SAN JOSE 02797

FOR DEPT ARA/CEN AND CA/OCS

E.O. 12356: DECL: OADR
TAGS: CASC, PINS, PREL, SNAR, CS (HULL, JOHN FLOYD)
SUBJECT: UPDATE ON ARREST CASE OF JOHN HULL

EXACT DATE, BUT IN EARLY 1982, THAT AT THE MONICO RANCH AND WITH THE AUTHORIZATION OF THE ACCUSED HULL CLARKE, THE LANDING FACILITY WAS USED FOR LOADING AND UNLOADING MILITARY EQUIPMENT TO RE-SUPPLY THE REVOLUTIONARY GROUP KNOWN IN THE POPULAR ARGOT AS "CONTRA" AND WHICH IS ENGAGED IN FIGHTING AGAINST THE SANDINISTA REGIME ESTABLISHED IN THE NEIGHBORING NATION OF NICARAGUA, AN ACTIVITY THAT WAS OBSERVED FOR A LONG TIME BY WITNESS EDWIN GONZALEZ MURILLO; SINCE THESE ACTIVITIES CONTINUED TO BE REPEATED AFTER 1982, AS WAS PREVIOUSLY MENTIONED, UNTIL 1983 AND 1984 INCLUSIVE, IN THE SAME MANNER IT WAS POSSIBLE TO ESTABLISH THAT DURING THE PERIOD BETWEEN APRIL 1982

CONFIDENTIAL

AND MAY 1983, THE LOGISTICS SECTION OF ARDE, DEMOCRATIC REVOLUTIONARY ASSOCIATION, OPERATED AT THE ACCUSED HULL CLARKE'S RANCH AT MUELLE DE SAN CARLOS. THE LOGISTICS SECTION WAS COMMANDED BY LUIS RIVAS AND IAN KINLOCK; THE LATTER ACCUSED IN HIS EFFORTS TO COLLABORATE WITH THE GROUP KNOWN AS NICARAGUAN "CONTRA" CONTACTED PILOT MARCO ANTONIO AGUADO TOWARD THE END OF 1983, A PERSON WHO IS ALSO CONNECTED WITH THE NICARAGUAN COUNTERREVOLUTION, WHO ALSO EXPRESSED IN TESTIMONY GIVEN THAT THE ACCUSED HULL CLARKE SUPPLIED FUEL FOR COUNTERREVOLUTIONARY AIRCRAFT, FUEL THAT WAS PURCHASED WITHIN COSTA RICAN TERRITORY AND WAS STORED AT HULL CLARKE'S RANCH AT MUELLE DE SAN CARLOS. FURTHERMORE, THE ACCUSED PROVIDED FOOD AND LODGING ON HIS PROPERTY TO NICARAGUAN COUNTER-REVOLUTIONARY MILITARY PERSONNEL, AND ALSO, THE ACCUSED ALLOWED CONTRA AIRCRAFT TO LAND AT HIS LANDING FACILITY AT THE MUELLE DE SAN CARLOS RANCH WHERE SOME OF THE AIRCRAFT WERE EVEN REPAIRED. A STUDY WAS CARRIED OUT BY THE JUDICIAL POLICE, WITH REGARD TO THE AIRPLANE FUEL PURCHASED BY THE ACCUSED HULL CLARKE DURING THE PERIOD BETWEEN 1983 AND 1986; IT WAS DETERMINED THAT THE AIRPLANE FUEL PURCHASED WAS MUCH GREATER THAN THE CAPACITY OF THE AIRCRAFT OWNED BY THE ACCUSED, REGISTRY TI AHR AND WHICH USES 14 GALLONS OF FUEL PER HOUR OF FLIGHT TIME, TAKING INTO ACCOUNT THAT FLIGHTS MADE DURING THOSE YEARS DID NOT AMOUNT TO MORE THAN THIRTY MINUTES, SINCE TWO FLIGHTS WERE LOGGED IN 1984, TWO FLIGHTS IN 1985, SAN CARLOS, PAVAS AND LIBERIA, AND TWO FLIGHTS IN 1986, SAN CARLOS - PAVAS - LIBERIA. NONETHELESS, IT WAS DETERMINED THAT MR. JOAQUIN MORA MADRIGAL TRANSPORTED APPROXIMATELY ONE THOUSAND FIVE

HUNDRED GALLONS OF GASOLINE TO HULL CLARKE'S RANCH AT MUELLE DE SAN CARLOS, WITH THE PURPOSE OF SUPPLYING THE CONTRA AIRCRAFT THAT LANDED THERE TO THAT EFFECT. IT WAS ALSO DETERMINED THAT ON JUNE 20, 1983, THE ACCUSED HULL, WITH CONTRA RE-SUPPLY PILOT MARCO ANTONIO AGUADO DEPARTED FROM OUR NATION IN TWO AIRCRAFT, REGISTRATION NUMBERS N666 AND PF 91 CF, ALSO ACCOMPANIED BY THE OTHER DEFENDANT, GERARDO DURAN AYANELLI, EGIDIO PRADO AND ROBERTO ESPINOZA; THE REPORTED FLIGHT PLAN FILED STATED THE DESTINATION AS MIAMI AND VICE VERSA. NONETHELESS, THE FLIGHT PLAN WAS CHANGED AND BOTH THE ACCUSED AND THEIR COMPANIONS TRAVELLED TO SAN ANDRES, COLOMBIA INDICATING THAT THEIR NEXT DESTINATION WAS COZUMEL, MEXICO, AND THE FACT IS THAT WHEN SAID ACCUSED RETURNED THEY DROPPED THE CARGO OF MILITARY EQUIPMENT THEY WERE TRANSPORTING

AT LA PENCA, NICARAGUA, TO NICARAGUAN COUNTER-REVOLUTIONARY MILITARY PERSONNEL WHO WERE CAMPED THERE AND IMMEDIATELY AFTERWARD THEY PROCEEDED TO THE PAVAS AIRPORT IN SAN JOSE. IN THIS SAME MANNER IT WAS POSSIBLE TO ESTABLISH THROUGH THE INVESTIGATION THAT WAS CARRIED OUT THAT THE ACCUSED HULL CLARKE, ON A DATE THAT WAS NOT PINPOINTED EXACTLY, BUT SOMETIME IN 1984, CONTRACTED THE SERVICES OF FELIX GUSTAVO GUILLEN TO EXTRICATE A HELICOPTER OWNED BY ARDE WHICH WAS BEING KEPT AT THIS COUNTER-REVOLUTIONARY ORGANIZATION'S CAMPS, AND TAKE IT TO HONDURAS, TO BE UTILIZED BY THE "CONTRA" BEING THAT THE PILOT, GUILLEN WENT BY THE ACCUSED HULL'S RANCH FIRST AT MUELLE AND LATER TO ANOTHER CAMP IN GUANACASTE BEFORE GOING ON TO HONDURAS. AS A SEPARATE EVENT, IT WAS POSSIBLE TO ESTABLISH THAT IN SEPTEMBER 1984, MR. JACK TERRAL WAS CALLED BY MARIO CALERO REGARDING JOINING THE NICARAGUAN DEMOCRATIC FRONT (FDN). JACK TERRAL ALSO MET WITH THE ACCUSED HULL CLARKE ON A DATE NOT EXACTLY SPECIFIED AT THE SHAROCK HILTON HOTEL IN HOUSTON, [redacted]

[redacted]

TEXAS, U.S.A., THEY WERE ALSO JOINED BY U.S. CITIZEN

[redacted]

[redacted]

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PAGE 01 SAN JO 02797 03 OF 06 072048Z
ACTION OCS-06

INFO	LOG-00	ADS-00	AID-00	INR-07	CIAE-00	DODE-00	H-01
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	PA-01	PPT-01	INRE-00	CA-02	JUSE-00	DEAE-00	SSE-01
	DS-01	/034 W					

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O 072038Z MAR 89
FM AMEMBASSY SAN JOSE
TO SECSTATE WASHDC IMMEDIATE 9059
INFO AMEMBASSY MANAGUA
AMEMBASSY SAN SALVADOR
AMEMBASSY GUATEMALA
USIA WASHDC 1675
USCINCSO QUARRY HTS PN

[redacted] SECTION 03 OF 06 SAN JOSE 02797

FOR DEPT ARA/CEN AND CA/OCS

E.O. 12356: DECL: OADR
TAGS: CASC, PINS, PREL, SNAR, CS (HULL, JOHN FLOYD)
SUBJECT: UPDATE ON ARREST CASE OF JOHN HULL

ROBERT OWEN. THESE INDIVIDUALS PLANNED TO BRING IN AMERICAN INSTRUCTORS TO THE ANTI-SANDINISTA GUERRILLAS, THIS WOULD BE DONE AT HULL'S RANCH AT MUELLE DE SAN CARLOS AND WOULD BE FINANCED BY THE UNITED STATES NATIONAL SECURITY COUNCIL; THIS IS HOW ACTUALLY ON APRIL 23, 1985, A RURAL GUARD CONTINGENT FROM SAN CARLOS, UNDER THE COMMAND OF RIGOBERTO BADILLA MONGE, PROCEEDED TO DETAIN IN A CLEARING ON A PROPERTY OWNED BY THE ACCUSED JOHN HULL CLARKE, AT POCOSOL DE SAN CARLOS, A GROUP OF INSTRUCTORS WHO WERE CARRYING HEAVY CALIBER ARMS, INCLUDING AK-15, AK-47, FAL RIFLES, ROCKET LAUNCHERS, GRENADES, M-67 AND M-61; THESE INDIVIDUALS WERE TRIED FOR THE CRIME OF [redacted]

[redacted]

[redacted]

HOSTILE ACTS, AT THE SUPERIOR COURT OF ALAJUELA AND SEVERAL OF THEM WERE CONVICTED OF THAT CRIME; IT WAS DETERMINED THAT SAID ACCUSED HULL CLARKE, PROVIDED THIS GROUP WITH FOOD AND AFTER THIS GROUP OF COUNTER-REVOLUTIONARY INSTRUCTORS WERE ARRESTED, ONE OF THEM, SANTOS JULIO CENTENO CENTENO, COMMUNICATED BY TELEPHONE WITH THE ACCUSED JOHN HULL AND HE PROCEEDED TO REQUEST THAT THE AUTHORITIES RELEASE THOSE WHO HAD BEEN ARRESTED; ALSO, IT HAS BEEN ESTABLISHED IN THIS DOCUMENT THAT THE ACCUSED HEREIN HULL CLARKE, IN CONJUNCTION WITH OTHER NICARAGUAN CONTRA MILITANTS PLANNED A STRATEGY TO ASSASSINATE EDEN PASTORA - LEADER OF ANOTHER NICARAGUAN COUNTER-REVOLUTIONARY GROUP; AN INDIVIDUAL NAMED AMAO GALIL ALSO PARTICIPATED IN THE PLOT. THE PLAN CONSISTED OF SUMMONING PASTORA GOMEZ TO A CAMP AT LOS CHILES WHERE A GROUP OF ABOUT THIRTY NICARAGUAN COUNTER-REVOLUTIONARIES AND FIVE INSTRUCTORS WHO WOULD BE AT HULL CLARKE'S RANCH, WOULD KIDNAP HIM AND THEN TRANSPORT HIM TO CASTILLO IN NICARAGUA WHERE THEY WOULD PUBLICLY HANG HIM, THEREBY MAKING PEOPLE BELIEVE THAT THIS DEED HAD BEEN CARRIED OUT BY MEMBERS OF THE SANDINISTA ARMY. LIKEWISE IT HAS BEEN ESTABLISHED THAT AUGUST 9, 1984, AN AIRCRAFT UNDER REGISTRATION 612 SM, TWIN ENGINE CESNA 310, LANDED AT A FIELD LOCATED ON A RANCH OWNED BY THE ACCUSED JOHN HULL CLARKE, AT MUELLE DE SAN CARLOS, THE AFOREMENTIONED AIRCRAFT WAS TRANSPORTING MILITARY EQUIPMENT AND MEDICATION FOR THE NICARAGUAN COUNTER-REVOLUTION. WHEN THE PLANE ATTEMPTED TO TAKE OFF, IT CRASHED INTO A FENCE WHICH MADE IT IMPOSSIBLE FOR IT TO CONTINUE ITS JOURNEY, A CIRCUMSTANCE THAT WAS KNOWN TO AND AUTHORIZED BY MR. HULL CLARKE. THE

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AIRCRAFT WAS LATER CLAIMED BY THE ACCUSED GERARDO DURAN AYANELLI. LIKEWISE, ACCORDING TO WHAT HAS BEEN INVESTIGATED, IT HAS BEEN DETERMINED THAT FEBRUARY 3, 1985 AN AIRCRAFT REGISTERED AS 666 PF - WHICH WAS ALSO SERVING THE NICARAGUAN COUNTER-REVOLUTION - UNDER THE COMMAND OF THE ACCUSED DURAN AYANELLI, HAD AN ACCIDENT AFTER LEAVING TOBIAS BOLANOS AIRPORT EN ROUTE TO ILOPANGO AIRPORT IN SAN SALVADOR. THE AIRCRAFT SUNK IN THE OCEAN IN FRONT OF PANAMA BEACH IN GUANACASTE, THE PILOT WAS ABLE TO ESCAPE UNHARMED. THIS FLIGHT, AS HAS BEEN SAID, SERVED THE NICARAGUAN COUNTER-REVOLUTION AND WAS CARRYING MILITARY SUPPLIES. ON JULY 20, 1988, A VISUAL INSPECTION OF THE ACCIDENT SITE WAS PERFORMED BY O.I.J. INVESTIGATORS AND THE ILL-FATED AIRCRAFT WAS LOCATED AT A DEPTH OF 28 FEET. IN ADDITION, IT WAS ALSO ESTABLISHED THROUGH THE INVESTIGATION CARRIED OUT BY MEMBERS OF THE O.I.J. WITHIN THE INTERNATIONAL

NETWORK, CLEARLY DEDICATED TO THE TRANSPORTATION OF MILITARY EQUIPMENT AND DRUGS THAT OPERATED FROM PROPERTIES OWNED BY THE ACCUSED JOHN HULL AT MUELLE DE SAN CARLOS AND MONICO DE UPALA, THE OTHER INDIVIDUAL ACCUSED HEREIN, OCTAVIANO CESAR AVILES, CONTACTED A MR. GEORGE MORALES, A WELL KNOWN INTERNATIONAL NARCOTRAFFICKER, BEING THAT THE LATTER TOOK CHARGE OF FINDING HIM PILOTS WHO WERE FAMILIAR WITH CENTRAL AMERICAN LANDING STRIPS AND WHO WOULD NOT BE RECOGNIZED IN THE DRUG WORLD; IN THIS MANNER HE MADE CONTACT WITH THE ACCUSED GERARDO DURAN AYANALLI AND WITH MARCOS AGUADO, WHO WERE DULY TRAINED AT AIRPORTS IN OPALOKA AND THE BAHAMAS. THE PRECISE DATES THAT THE AFORESAID TOOK PLACE ARE NOT AVAILABLE, BUT IT WAS IN 1983. THIS WAS HOW IT CAME TO PASS, STARTING IN 1983, THAT THE ACCUSED DURAN AYANELLI PILOTED TWO AIRCRAFT, REGISTRATION NUMBERS 612 SM AND 666 PF, BY HIMSELF OR WITH MARCOS AGUADO. FLIGHTS WERE LOGGED ON [redacted]

[redacted]

THE FOLLOWING DATES: MAY 19, MAY 21, JUNE 19, AND

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CONFIDENTIAL

PAGE 01 SAN JO 02797 04 OF 06 072050Z
ACTION OCS-06

INFO	LOG-00	ADS-00	AID-00	INR-07	CIAE-00	DODE-00	H-01
	NSCE-00	ARA-00	NSAE-00	SSO-00	L-03	AMAD-01	PM-10
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	DS-01	/034 W					

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O 072038Z MAR 89
FM AMEMBASSY SAN JOSE
TO SECSTATE WASHDC IMMEDIATE 9060
INFO AMEMBASSY MANAGUA
AMEMBASSY SAN SALVADOR
AMEMBASSY GUATEMALA
USIA WASHDC 1676
USCINCSO QUARRY HTS PN

C O N F I D E N T I A L SECTION 04 OF 06 SAN JOSE 02797

FOR DEPT ARA/CEN AND CA/OCS

E.O. 12356: DECL: OADR
TAGS: CASC, PINS, PREL, SNAR, CS (HULL, JOHN FLOYD)
SUBJECT: UPDATE ON ARREST CASE OF JOHN HULL

JUNE 22, 1984, AS WELL AS 16 OTHER TRIPS WITH THE DESTINATION ON THE MAJORITY OF THESE OCCASIONS BEING EL SALVADOR. IN THE SAME MANNER, IT WAS DETERMINED THAT ON A DATE THAT IS NOT EXACTLY PINPOINTED, BUT BETWEEN 1983 AND 1984, THE ACCUSED DURAN AYANELLI AND THE CO-DEFENDANT JOHN HULL CLARKE, TRAVELLED TO MIAMI AND VISITED THE OFFICE OF CONVICTED NARCOTRAFFICKER GEORGE MORALES, TAKING THE OPPORTUNITY TO DISCUSS THE SALE OF DRUGS AND WEAPONS; LATER ON, IN OCTOBER OF 1984, ONE DAY FOLLOWING A TRIP TAKEN BY GEORGE MORALES AND THE ACCUSED OCTAVIANO CESAR AVILES TO THE BAHAMAS, THE ACCUSED CESAR AVILES FILLED OUT A DECLARATION IN MIAMI FOR SEVERAL MILLION DOLLARS;

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PAGE 02 SAN JO 02797 04 OF 06 072050Z

FOLLOWING THAT, GEORGE MORALES AND THE ACCUSED DURAN

AYANELLI AND MARCOS AGUADO TRAVELLED TO HAITI WITH THE PURPOSE OF PICKING UP A PLANE THERE THAT HAD BEEN DONATED TO HELP SUPPORT THE NICARAGUAN COUNTER-REVOLUTION AND THEN THEY WENT ON TO CENTRAL AMERICA. BASED ON THE INVESTIGATIONS THAT HAVE BEEN CARRIED OUT, IT WAS DETERMINED THAT WITHOUT PINPOINTING EXACT DATES, BUT BETWEEN 1983 AND 1985, AIRCRAFT DEDICATED TO SUPPORTING THE NICARAGUAN COUNTER-REVOLUTION, PILOTED BY MARCOS AGUADO AND GERARDO DURAN AYANELLI, LANDED AT THE AIRPORTS OWNED BY THE ACCUSED HULL CLARKE, ESPECIALLY THE ONE LOCATED AT MUELLE DE SAN CARLOS, CARRYING MILITARY SUPPLIES WHICH THEY UNLOADED AND AFTER REFUELING THE AIRCRAFT THE PLANES LEFT LOADED WITH DRUGS. THIS SITUATION OCCURRED DURING THE DAY AND WAS KNOWN BY THE ACCUSED HULL CLARKE, BEING THAT ON ONE OPPORTUNITY FOUR HUNDRED KILOS OF COCAINE WERE TRANSPORTED TO MIAMI AND THAT GEORGE MORALES WAS PAID THREE HUNDRED THOUSAND DOLLARS FOR THESE TRIPS. ALSO, WITHOUT STATING THE EXACT DATE, BUT WITHIN THE PREVIOUSLY STATED TIME FRAME, BETWEEN 1983 AND 1985, THE PILOT GEORGE, ACCORDING TO GARY BETZNER, WHO ALSO WORKED FOR GEORGE MORALES, TRANSPORTED A SHIPMENT OF WEAPONS TO JOHN HULL'S RANCH AT SAN CARLOS AND LEFT FROM THERE TO FLORIDA, U.S.A., WITH ONE THOUSAND KILOS OF COCAINE WHICH WAS AT THE LANDING FACILITY AS WAS THE FUEL SUPPLY, A SITUATION WHICH WAS KNOWN TO THE ACCUSED HULL CLARKE.- (O.I.J. REPORT PAGES 2 TO 40, DOCUMENT PAGES 41 TO 62, TESTIMONIES ON PAGES 63, 64, 65, 66, 67, 68, 69, PHOTOGRAPHIC SEQUENCE ON PAGES 71 TO 74, TESTIMONY ON PAGES 75, 76, 77, 78, 79, 80 AND 81, DOCUMENT PAGES 82 TO 97, TESTIMONY ON PAGES 98, 99,

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100, 101, 102, 117, 118, 119, 120, 121, 122, REPORT PAGES 125 TO 130; CERTIFICATION OF PAGES 131 TO 148 AND FROM 149 TO 154, TESTIMONY ON PAGES 157, 160, 161, 162, 168, 189, 190, CERTIFICATION OF CASE ON PAGES 211 TO 604 AND 605 TO 695, CERTIFICATION OF PAGES 744, 754, CERTIFICATION OF PAGES 756 TO 792).

II.) ACCORDING TO WHAT HAS BEEN STATED, THERE ARE SUFFICIENT ELEMENTS OF CONVICTION TO ACCEPT AS PROBABLY WELL FOUNDED THE EXISTENCE OF THE DEEDS THAT ARE ATTRIBUTED TO THE ACCUSED JOHN HULL CLARKE AND GERARDO ALBERTO DURAN AYANELLI, WHICH CONSTITUTE THE CRIMES OF HOSTILE ACTS AND INTERNATIONAL DRUG TRAFFICKING; RECOGNIZED AND PUNISHABLE BY ARTICLES 280 OF THE PENAL CODE, BY A JAIL SENTENCE OF ONE TO SIX YEARS FOR HOSTILE ACTS, AND 372 OF THE GENERAL HEALTH LAW, WITH A JAIL SENTENCE OF SIX TO 12 YEARS FOR INTERNATIONAL DRUG TRAFFICKING; IT MUST BE CLARIFIED THAT IN THIS DOCUMENT, BECAUSE OF CONSTITUTIONAL RULE AND AS STATED IN ARTICLES 11 AND 12 OF THE CODE OF PENAL PROCEDURES, THE LAW CANNOT BE APPLIED

RETROACTIVELY, ESPECIALLY IF THAT LEGISLATION IS MORE DAMAGING TO THE ACCUSED. CONSEQUENTLY, IN MATTERS RELATED TO INTERNATIONAL DRUG TRAFFICKING WHICH BOTH DEFENDANTS ARE ACCUSED OF, GIVEN THE FACT THAT SUCH DEEDS WERE COMMITTED BEFORE THE PRO
MULGATION OF THE
CURRENT DANGEROUS SUBSTANCES LAW, THE CORRECT THING TO DO IS TO APPLY THE LAW THAT WAS IN EFFECT WHEN SUCH ILLICIT ACTIVITIES TOOK PLACE, IN THIS CASE, ARTICLE 372 OF THE GENERAL HEALTH LAW. GETTING INTO THE SUBSTANCE AND ANALYZING THE FACTS THAT HAVE BEEN DENOUNCED, AND THE PROOF THAT HAS BEEN PRESENTED IT IS CONCLUDED THAT IT HAS BEEN EFFECTIVELY DETERMINED HEREIN THAT THE DEFENDANTS HULL CLARKE AND DURAN AYANELLI, HAVE COMMITTED THE ILLICIT ACTIONS ATTRIBUTED TO THEM, SINCE WITH RESPECT TO THE CRIME OF

COMMITTING HOSTILE ACTS, ABUNDANT PROOF HAS BEEN

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PAGE 01 SAN JO 02797 05 OF 06 072055Z
ACTION OCS-06

INFO	LOG-00	ADS-00	AID-00	INR-07	CIAE-00	DODE-00	H-01
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	PA-01	PPT-01	INRE-00	CA-02	JUSE-00	DEAE-00	SSE-01
	DS-01	/034 W					

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O 072038Z MAR 89
FM AMEMBASSY SAN JOSE
TO SECSTATE WASHDC IMMEDIATE 9061
INFO AMEMBASSY MANAGUA
AMEMBASSY SAN SALVADOR
AMEMBASSY GUATEMALA
USIA WASHDC 1677
USCINCSO QUARRY HTS PN

[redacted] SECTION 05 OF 06 SAN JOSE 02797

FOR DEPT ARA/CEN AND CA/OCS

E.O. 12356: DECL: OADR
TAGS: CASC, PINS, PREL, SNAR, CS (HULL, JOHN FLOYD)
SUBJECT: UPDATE ON ARREST CASE OF JOHN HULL

OFFERED IN THE SENSE THAT BOTH OF THEM ARE SYMPATHIZERS OF THE NICARAGUAN COUNTER-REVOLUTIONARY GROUP, KNOWN AS "CONTRAS" AND THAT BETWEEN 1982 AND 1986 INCLUSIVE, THEY HAVE CARRIED OUT "CONCRETE HOSTILE ACTS." IN OTHER WORDS, THEIR OCCURRENCE IS PALPABLE, ACTS OPENLY DIRECTED TOWARD HELPING THE NICARAGUAN COUNTER-REVOLUTIONARIES. ACTS, OF COURSE, NOT APPROVED OF BY THE COSTA RICAN GOVERNMENT, SINCE OUR GOVERNMENT DURING THE LAST FEW YEARS DURING WHICH NICARAGUA HAS HAD A SANDINISTA GOVERNMENT, HAS MAINTAINED A POLICY OF COMPLETE NEUTRALITY AND NON-INTERVENTION IN THE AFFAIRS OF THAT NATION. NONETHELESS, BOTH DEFENDANTS HAVE OPENLY COOPERATED IN

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PAGE 02 SAN JO 02797 05 OF 06 072055Z

THE SUPPLY OF WEAPONS, AMMUNITION, EQUIPMENT, CLOTHING, AND MEDICATION TO THE CONTAS, FOR WHICH THEY HAVE LENT THEIR RANCHES AND LANDING FACILITIES AS IN

[redacted]

THE CASE OF HULL CLARKE; FUEL HAS BEEN MADE AVAILABLE FOR THEIR AIRCRAFT, THEY HAVE PILOTED PLANES IN THE SERVICE OF THE NICARAGUAN CONTRAS AND EVEN THROUGH THE USE OF THOSE PLANES, HAVE DROPPED IN NICARAGUAN TERRITORY (LA PENCA) MILITARY EQUIPMENT AND SUPPLIES TO BE USED BY THE AFOREMENTIONED CONTRAS. THEY EVEN SIGNED A PACT WITH A WELL KNOWN NARCOTRAFFICKER THROUGH WHICH THEY WOULD SUPPLY WEAPONS TO THE CONTRAS AND SAID NARCOTRAFFICKER WOULD TRANSPORT HIS DRUGS TO THE UNITED STATES, WHICH MAKES THEIR ACTIVITIES EVEN WORSE; ALL OF THESE ACTIVITIES, OBVIOUSLY, WITH THE PASSING OF THE YEARS, HAVE PUT THE PEACE OF THE NATION IN DANGER, AND THE GOOD RELATIONS BETWEEN THE GOVERNMENTS OF COSTA RICA AND NICARAGUA, SINCE THE SANDINISTA GOVERNMENT HAS BEEN PROTESTING REPEATEDLY TO THE GOVERNMENT OF COSTA RICA ABOUT THESE CONTRA GROUPS THAT HAVE BEEN ASSISTED BY BOTH DEFENDANTS WITHIN COSTA RICAN TERRITORY AND THE INCURSIONS THAT THEY MAKE INTO NICARAGUA, INCLUDING ONE OCCASION WHICH WE CAN RECALL IN A CONFRONTATION THAT TOOK PLACE AT LAS CRUCITAS WHERE TWO OF OUR CIVIL GUARDS WERE KILLED; BECAUSE OF ALL THIS, THE UNDERSIGNED CONSIDERS THAT THE ACTIVITIES ENGAGED IN BY HULL CLARKE AND DURAN AYANELLI DESCRIBED HEREIN CONSTITUTE THE CRIME OF HOSTILE ACTS OF WHICH THEY ARE ACCUSED. WITH REGARD TO THE OTHER ILLEGAL ACTIVITY, INTERNATIONAL DRUG TRAFFICKING, ALSO ACCORDING TO THE PROOF THAT HAS BEEN PRESENTED, IT HAS BEEN DETERMINED THAT BOTH DEFENDANTS PARTICIPATED IN A VERY DIRECT WAY IN A NEGOTIATION OR AGREEMENT ENTERED INTO BY LEADERS OF

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THE NICARAGUAN CONTRA WITH THE NARCOTRAFFICKER, GEORGE MORALES, BY WHICH HE WOULD FACILITATE THE SUPPLY OF WEAPONS TO THE CONTRA IN EXCHANGE FOR THEIR TRANSPORTING DRUGS TO THE UNITED STATES; TO THIS EFFECT BOTH DEFENDANTS TRAVELLED TO THE UNITED STATES AND MET WITH GEORGE MORALES, AGREEING THAT HULL CLARKE WOULD MAKE AVAILABLE THE LANDING FACILITIES ON HIS RANCHES IN THE NORTH OF THE COUNTRY AND FOR HIS PART, DURAN AYANELLI WAS DULY TRAINED AS A PILOT TO TRANSPORT THE ARMS AS WELL AS THE DRUGS. AMONG THE SHIPMENTS OF DRUGS TAKEN TO THE UNITED STATES OF AMERICA THERE WAS ONE OF FOUR HUNDRED KILOS AND ONE OF ONE THOUSAND. THESE ACTS ARE EVIDENTLY CONFIGURATIVE WITH THE CRIME PREVIOUSLY REFERRED TO IN THIS DOCUMENT AS INTERNATIONAL DRUG TRAFFICKING OF WHICH BOTH DEFENDANTS ARE ACCUSED; THIS BEING THE WAY THINGS ARE AND IN ACCORDANCE WITH THE DISPOSITIONS IN ARTICLES 286, 287, 288 AND 291, AND THOSE FOLLOWING IN THE PENAL PROCEDURES CODE, PROSECUTION IS ORDERED FOR BOTH DEFENDANTS AS PRESUMED PERPETRATORS OF THOSE CRIMES, AS WELL AS PREVENTIVE IMPRISONMENT.

THEREFORE

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PROSECUTION AND PREVENTIVE IMPRISONMENT IS ORDERED FOR THE ACCUSED JOHN HULL CLARKE AND GERARDO ALBERTO DURAN AYANELLI; AS PRESUMED PERPETRATORS OF THE CRIMES OF HOSTILE ACTS AND INTERNATIONAL DRUG TRAFFICKING IN DETRIMENT TO NATIONAL SECURITY AND PUBLIC HEALTH. BE NOTIFIED.

MAXIMO ESQUIVEL CARRANZA
JUDGE OF THE COURT OF SAN CARLOS

OLMAN ABARCA ROJAS
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PAGE 01 SAN JO 02797 06 OF 06 072055Z
ACTION OCS-06

INFO	LOG-00	ADS-00	AID-00	INR-07	CIAE-00	DODE-00	H-01
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	PA-01	PPT-01	INRE-00	CA-02	JUSE-00	DEAE-00	SSE-01
	DS-01	/034 W					

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O 072038Z MAR 89
FM AMEMBASSY SAN JOSE
TO SECSTATE WASHDC IMMEDIATE 9062
INFO AMEMBASSY MANAGUA
AMEMBASSY SAN SALVADOR
AMEMBASSY GUATEMALA
USIA WASHDC 1678
USCINCSO QUARRY HTS PN

~~C O N F I D E N T I A L~~ SECTION 06 OF 06 SAN JOSE 02797

FOR DEPT ARA/CEN AND CA/OCS

E.O. 12356: DECL: OADR
TAGS: CASC, PINS, PREL, SNAR, CS (HULL, JOHN FLOYD)
SUBJECT: UPDATE ON ARREST CASE OF JOHN HULL

END TEXT.

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PAGE 01 LAGOS 03808 01 OF 02 091539Z
ACTION AF-00

INFO	LOG-00	ADS-00	INR-07	SS-00	CIAE-00	EB-00	DODE-00
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	TRSE-00	PM-10	PA-02	OMB-01	STR-17	INRE-00	AGRE-00
	USIE-00	SP-02	SNP-01	C-01	PRS-01	P-02	T-01
	/065 W						

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P 091534Z MAR 89
FM AMEMBASSY LAGOS
TO SECSTATE WASHDC PRIORITY 9159
INFO AMCONSUL KADUNA
AMEMBASSY COTONOU
AMEMBASSY NIAMEY
AMEMBASSY YAOUNDE
AMEMBASSY LOME
AMEMBASSY ACCRA
AMEMBASSY MONROVIA
AMEMBASSY NDJAMENA
AMEMBASSY ABIDJAN
USDOC WASHDC

UNCLAS SECTION 01 OF 02 LAGOS 03808

DEPT PASS EX-IM

E.O. 12356: N/A
TAGS: PREL, EINV, ETRD, EXIM, NI, US
SUBJECT: NIGERIA GOES ALL OUT FOR JEB BUSH VISIT

REF: LAGOS 3709

1. SUMMARY. NIGERIA PULLED OUT ALL THE STOPS TO GREET MR. AND MRS. JOHN ("JEB") BUSH ON THEIR FIVE DAY VISIT TO NIGERIA IN CONNECTION WITH THE DEDICATION OF THE M&W PUMP PLANT IN MAIDUGURI. THE BUSHES LED A DELEGATION OF TWENTY-ONE PERSONS THROUGH FIVE DAYS AND FIVE CITIES OF
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PAGE 02 LAGOS 03808 01 OF 02 091539Z

CEREMONIES, DEDICATION, RECEPTIONS, DINNERS, A DURBAR, MEETING WITH THE PRESIDENT, AND A RECEPTION IN LAGOS ATTENDED BY NUMEROUS HIGH LEVEL OFFICIALS AND DIGNITARIES. CROWDS APPLAUDED ALL THE WAY, WITH AT LEAST 100,000 PEOPLE AT ONE STOP LINING THE STREETS CHEERING. THE FMG PROVIDED EXCELLENT SECURITY, GRACED THE DEDICATION OF THE PLANT WITH THE PRESENCE OF TWO MINISTERS AND FIVE STATE GOVERNORS AS WELL AS A HIGH RANKING GENERAL AS REPRESENTATIVE OF THE PRESIDENT, SHOWERED THE DELEGATION WITH ATTENTION AT EACH STOP, AND

DEPARTMENT OF STATE IM/IPS/CR/IR/ WE Date: 2/18/98
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PA Exemptions ( ) DOWNGRADE TS to ( ) S or ( ) C

PUBLICIZED THE EVENTS EACH NIGHT ON NATIONAL TV. JEB BUSH ELOQUENTLY PRESENTED THE INTEREST OF THE US AND THE AMERICAN PEOPLE IN CLOSER US-NIGERIA RELATIONS, THE POSITIVE CONTRIBUTIONS OF THE PRIVATE SECTOR, AND THE VALUES OF A PARTNERSHIP IN DEVELOPING BOTH TRADE AND DEVELOPMENT TIES. PRESIDENT BABANGIDA WARMLY WELCOMED BUSH AND SENIOR MEMBERS OF M&W PUMP IN LAGOS. MINISTER OF EXTERNAL AFFAIRS FOLLOWED WITH HIS OWN MEETING. THE VISIT WAS THE GRANDEST CELEBRATION OF US-NIGERIA FRIENDSHIP WE HAVE SEEN IN RECENT MEMORY, AND PROMOTED GREATLY THE POTENTIALS IN CLOSER TRADE AND INVESTMENT TIES BETWEEN OUR TWO COUNTRIES. END SUMMARY.

3. JEB BUSH, SON OF PRESIDENT GEORGE BUSH, AND HIS WIFE COLUMBA ARRIVED MARCH 3 TO DEDICATE THE M&W PUMP PLANT IN MAIDUGURI, A CITY IN NORTHWEST NIGERIA ONLY AN HOUR FROM THE CAMEROUN AND CHAD BORDERS. M&W'S PLANT WAS ASSISTED WITH A USD 52 MILLION EXPORT-IMPORT BANK GUARANTEE AND REPRESENTS THE HIGH POINT OF 17 YEARS OF INVOLVEMENT BY M&W IN NIGERIA. THE PLANT WILL MANUFACTURE IRRIGATION PIPES AND LATER ASSEMBLE PUMPS, OF WHICH M&W HAS ALREADY OVER 1,000 OPERATING IN NIGERIA. M&W PRESIDENT DAVID ELLER AND OTHER M&W PUMP
UNCLASSIFIED

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PAGE 03 LAGOS 03808 01 OF 02 091539Z

OFFICIALS FROM FLORIDA, MEXICO AND TRINIDAD AND TOBAGO ACCOMPANIED THE BUSHES. AMBASSADOR AND MRS. LYMAN, ALONG WITH COMMERCIAL COUNSELOR AND CONGEN KADUNA AND WIVES ACCOMPANIED PARTY THROUGHOUT. ALHAJI MOHAMMED INDIMI, CHAIRMAN OF M&W PUMP, NIGERIA (LTD.), WAS THE OFFICIAL HOST AND MADE EXTRAORDINARY ARRANGEMENTS FOR THE VISIT.

4. THE VISIT BEGAN WITH TWO DAYS IN MAIDUGURI WHERE IN ADDITION TO THE DEDICATION OF THE PLANT, THERE WERE CALLS UPON THE GOVERNOR OF BORNO STATE AND THE SHEHU OF BORNO (SECOND HIGHEST RANKING MUSLIM LEADER IN NIGERIA), VISIT TO THE CHAD BASIN DEVELOPMENT AUTHORITY TO SEE PUMPS IN OPERATION AND AGRICULTURE FLOURISHING THEREWITH, HORSE RACING (MAJOR SPORT IN MAIDUGURI), AND SEVERAL RECEPTIONS AND DINNERS. THE GOVERNOR OF BORNO HOSTED A DINNER AND A LUNCH FOR ABOUT SEVENTY PERSONS EACH, PLUS A LARGE COCKTAIL PARTY. GOVERNORS OF GONGOLA, NIGER, PLATEAU, AND BAUCHI WERE ALSO IN ATTENDANCE. PRESIDENT BABANGIDA WAS REPRESENTED BY MAJOR GENERAL GARBA DUBA, GOC OF THE THIRD ARMORED DIVISION AND A MEMBER OF THE ARMED FORCES RULING COUNCIL. MINISTERS OF EDUCATION AND AVIATION ALSO ATTENDED WITH THE FORMER MAKING AN ELOQUENT TOAST TO US-NIGERIA TIES.

5. NEXT STOP WAS BAUCHI FOR A CALL ON THE GOVERNOR AND

A VISIT TO GOMBE, SITE OF M&W ACTIVITY IN SUPPORT OF AGRICULTURE. THE EMIR OF GOMBE PRESIDED OVER A DURBAR, A TRADITIONAL NORTHERN NIGERIA CELEBRATION WHICH EXCEEDED ANY WE HAVE SEEN. SOME 1300 HORSEMEN, WITH ELABORATE FINERY AND TRADITIONAL COSTUME, THE HIGHEST RANKING MEMBERS OF THE EMIRATE AND NUMEROUS CIVIC GROUPS PARTICIPATED. THE CLIMAX WAS THE EMIR HIMSELF LEADING A

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PAGE 01 LAGOS 03808 02 OF 02 091540Z
ACTION AF-00

INFO	LOG-00	ADS-00	INR-07	SS-00	CIAE-00	EB-00	DODE-00
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	TRSE-00	PM-10	PA-02	OMB-01	STR-17	INRE-00	AGRE-00
	USIE-00	SP-02	SNP-01	C-01	PRS-01	P-02	T-01
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P 091534Z MAR 89
FM AMEMBASSY LAGOS
TO SECSTATE WASHDC PRIORITY 9160
INFO AMCONSUL KADUNA
AMEMBASSY COTONOU
AMEMBASSY NIAMEY
AMEMBASSY YAOUNDE
AMEMBASSY LOME
AMEMBASSY ACCRA
AMEMBASSY MONROVIA
AMEMBASSY NDJAMENA
AMEMBASSY ABIDJAN
USDOC WASHDC

UNCLAS SECTION 02 OF 02 LAGOS 03808

DEPT PASS EX-IM

E.O. 12356: N/A
TAGS: PREL, EINV, ETRD, EXIM, NI, US
SUBJECT: NIGERIA GOES ALL OUT FOR JEB BUSH VISIT

CHARGE OF SALUTE TO THE BUSHES. SOME 100,000 PEOPLE CROWDED INTO GOMBE FOR THE EVENT, LINING THE STREETS (WHICH WERE DECORATED WITH AMERICAN AND NIGERIAN FLAGS) AND CHEERING THE ENTOURAGE AS IT PASSED. TO THE SURPRISE EVEN OF THE EMIR, THE BAUCHI STATE GOVERNOR DROVE TWO HOURS TO GOMBE TO ATTEND THE EVENT AND ARRANGED TO SEE THE BUSHES SOME FIVE TIMES DURING THE UNCLASSIFIED

UNCLASSIFIED

PAGE 02 LAGOS 03808 02 OF 02 091540Z

ONE DAY IN HIS STATE.

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6. THEN TO KANO, NIGERIA'S THIRD LARGEST CITY, STARTING WITH A DINNER THAT INCLUDED THE CREAM OF KANO SOCIETY, A CALL THE NEXT DAY ON THE GOVERNOR AND ON THE EMIR OF KANO (THIRD RANKING MUSLIM LEADER OF NIGERIA). THE PARTY THEN FLEW TO LAGOS.

7. PRESIDENT BABANGIDA RECEIVED THE SENIOR MEMBERS OF THE DELEGATION IN HIS OFFICE (MEETING COVERED SEPTEL, NOTAL). BABANGIDA RECALLED WITH PLEASURE HIS MEETING WITH PRESIDENT BUSH IN TOKYO AND WELCOMED JEB BUSH, WHOSE TRAVEL THE PRESIDENT HAD FOLLOWED CLOSELY. MINISTER OF EXTERNAL AFFAIRS NWACHUKWU RECEIVED THE DELEGATION AND SPOKE OF HIS APPRECIATION OF GOOD TIES BETWEEN OUR TWO COUNTRIES AND HIS STRONG INTEREST IN PROMOTION OF AMERICAN PRIVATE INVESTMENT. BOTH THE PRESIDENT AND MINISTER PRESENTED THE BUSHES WITH GIFTS AND BUSH PRESENTED THE PRESIDENT WITH A SPECIAL SOUVENIR OF THE INAUGURATION.

8. LUNCHEON WAS THEN HOSTED BY INTERNATIONAL MERCHANT BANK ATTENDED BY BOTH MINISTER OF PETROLEUM (AND PRESIDENT OF OPEC) AND MINISTER OF FINANCE PLUS NIGERIAN AND AMERICAN BUSINESSMEN.

9. ON FINAL EVENING, AMBASSADOR HOSTED A RECEPTION FOR SOME 300 PEOPLE INCLUDING THE MINISTER OF JUSTICE, A JUSTICE OF THE SUPREME COURT, CHAIRMAN OF THE NATIONAL POPULATION COUNCIL, PRESIDENT OF THE BAR ASSOCIATION, SEVERAL MEMBERS OF THE CONSTITUENT ASSEMBLY AND AMERICAN AND NIGERIAN BUSINESS REPRESENTATIVES.

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PAGE 03 LAGOS 03808 02 OF 02 091540Z

10. COMMENT. THE FMG SAW THIS VISIT AS A SPECIAL SIGN OF FRIENDSHIP BETWEEN THE TWO COUNTRIES AS WELL AS AN OPPORTUNITY TO ADVERTISE NIGERIA'S RECEPTIVITY TO PRIVATE INVESTMENT. IT WENT ALL OUT, AT ALL LEVELS. IT

WAS CLEAR THAT DECISION HAD BEEN MADE TO PROVIDE VIP TREATMENT AND THE WARMEST POSSIBLE WELCOME TO OUR VISITORS. FMG PROVIDED EXTENSIVE SECURITY ALL ALONG THE WAY, WITH EXCEPTIONAL COOPERATION AMONG SECURITY, POLICE AND MILITARY SERVICES, AND CLOSE COORDINATION WITH EMBASSY RSO. THE BUSHES WERE MAGNIFICENT: WARM, INDEFATIGABLE, AND INTERESTED IN EVERY ASPECT OF NIGERIAN SOCIETY. JEB BUSH ARTICULATED ALL ALONG THE WAY THE INTEREST OF THE UNITED STATES IN FRIENDSHIP, ECONOMIC COOPERATION AND STRENGTHENING OF TIES. THE ENTIRE M&W PUMP GROUP WAS IMPRESSIVE. IT WAS A GREAT ADVERTISEMENT FOR THE VALUES TO NIGERIA OF AMERICAN PRIVATE INVESTMENT, ESPECIALLY IN THIS CASE IN PROMOTING SELF-RELIANCE IN AGRICULTURE AND AGRO-INDUSTRY. END COMMENT. LYMAN

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*** Current Handling Restrictions *** n/a
*** Current Classification *** UNCLASSIFIED

TEXT OF TELEGRAM 89SAO PA000655

RELEASED
El Salvador: Human Rights
Special Project (1993)

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PAGE 01 SAO PA 00655 091942Z
ACTION ARA-00

INFO LOG-00 ADS-00 INR-07 SS-00 CIAE-00 DODE-00 H-01
NSCE-00 NSAE-00 L-03 PM-10 PA-01 INRE-00 USIE-00
SP-02 C-01 PRS-01 P-02 /028 W
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R 091938Z MAR 89
FM AMCONSUL SAO PAULO
TO SECSTATE WASHDC 9968
INFO AMEMBASSY BRASILIA
AMCONSUL RIO DE JANEIRO
AMEMBASSY SAN SALVADOR

[redacted] SAO PAULO 00655

E.O. 12356: N/A
TAGS: PREL, ES, BR
SUBJECT: FMLN REPRESENTATIVE TELLS SAO PAULO PRESS THAT ARENA VICTORY WOULD RADICALIZE SALVADORAN POLITICAL SITUATION

1. IN AN INTERVIEW PUBLISHED BY THE FOLHA DE SAO PAULO ON MARCH 9, VISITING FMLN REPRESENTATIVE MERCEDES DEL CARMEN LETONA (IDENTIFIED AS A "COMANDANTE") PREDICTED THAT THE SALVADORAN POLITICAL SITUATION WOULD BECOME RADICALIZED SHOULD ARENA WIN THE UPCOMING PRESIDENTIAL ELECTIONS. WITH AN ARENA VICTORY, "SOME SECTORS" OF THE CHRISTIAN DEMOCRATIC PARTY WOULD JOIN THE FMLN, EXACERBATING THE CONFLICT BETWEEN THE MILITARY, REPRESENTED BY ARENA, AND THE FMLN, ACCORDING TO LETONA. ASKED WHY THE DEMOCRATIC CONVERGENCE WAS NOT JOINING THE FMLN IN ITS BOYCOTT OF THE ELECTIONS, LETONA SAID "WE ARE ALLIES BUT WE HAVE DIFFERENT VIEWS OF THE SITUATION." LETONA DENIED THE EXISTENCE OF DIVISIONS BETWEEN "HARD LINE" AND "MODERATE" FACTIONS IN THE FMLN. FINALLY, SHE DEFENDED THE COINCIDENCE OF A FMLN

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PAGE 02 SAO PA 00655 091942Z

MILITARY OFFENSIVE IN THE COUNTRY EVEN WHILE CONDUCTING TALKS IN MEXICO WITH SALVADORAN POLITICAL PARTIES. "A CEASE FIRE COULD BE DECLARED IF THE TALKS WERE HELD IN EL SALVADOR," SHE CONCLUDED.

2. LETONA HAS COME TO BRAZIL TO SEEK POLITICAL SUPPORT FOR THE FMLN. ACCORDING TO A SOURCE AT FOLHA, SHE VISITED RIO MARCH 7, AND IS IN BRASILIA TODAY (MARCH 9) FOR "DIPLOMATIC CONTACTS." IN SAO PAULO, SHE VISITED

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Special Project (1993)

UNNAMED POLITICAL CONTACTS, AND REQUESTED THE INTERVIEW WITH FOLHA. FRECHETTE

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RELEASED
El Salvador: Human Rights
Special Project (1993)

TEXT OF TELEGRAM 89SAN SA003238

ADP485 [redacted]

PAGE 01 SAN SA 03238 102349Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	SS-00	CIAE-00	DODE-00
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	PM-10	PA-01	OMB-01	SIL-01	INRE-00	ACDA-12	USIE-00
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O 102344Z MAR 89
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 7687
INFO AMEMBASSY MANAGUA
AMEMBASSY GUATEMALA
AMEMBASSY TEGUCIGALPA
AMEMBASSY SAN JOSE
AMEMBASSY CARACAS
AMEMBASSY MEXICO
USCINCSO QUARRY HTS PM

[redacted] SAN SALVADOR 03238

USCINSCO ALSO FOR POLAD YOULE

E.O. 12356: DECL:OADR
TAGS: PGOV, PINS, ES
SUBJECT: FMLN TAKES A HARDER LINE ON ELECTIONS, ANNOUNCES ELECTION-DAY TRANSPORT STOPPAGE

REF: SAN SALVADOR 3167

1. (U) ON MARCH 9 THE FMLN ISSUED ANOTHER COMMUNIQUE (REFTEL REPORTS THE FIRST) ON ITS PEACE PROPOSAL AND THE MARCH 19 ELECTIONS. IN SUMMARY, IT STATES THAT:

-- THE FMLN PEACE PROPOSAL GENERATED AN "INTENSE POLITICAL DEBATE" THAT HAS *IMPROVED POSSIBILITIES FOR* PEACE, WEAKENED "PRO-WAR POSITIONS," AND DEMONSTRATED [redacted]

PAGE 02 SAN SA 03238 102349Z

THE NECESSITY FOR A POLITICAL/NEGOTIATED SOLUTION TO THE WAR THAT GUARANTEES "PEACE WITH JUSTICE AND DIGNITY."

-- THE GOES, ESAF, AND ARENA ARE "STUBBORN" IN THEIR COMMITMENT TO HAVE ELECTIONS ON MARCH 19 IN ORDER TO REDUCE PROSPECTS FOR PEACE. THE POC, ARENA, AND THE ELECTORAL PROCESS ITSELF ARE NOW "EXHAUSTED AND [redacted]ENED," WHILE THE ARMY IS SURE TO MANIPULATE *THE*

Declassified at State IO/EPO/CDR El Salvador SP Date 7/27/93
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Persons withheld: classified ( ); deliberative ( );
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not relevant to El Salvador ( ).

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ELECTIONS TO SUPPORT ITS COUNTERINSURGENCY PLAN. THE ABOVE NECESSITATES THAT THE SALVADORAN PEOPLE REJECT THESE ELECTIONS SO A NEGOTIATED, PEACEFUL SOLUTION TO THE WAR CAN BE ACHIEVED.

-- AS THE SALVADORAN PEOPLE REPUDIATE THE MARCH 19 ELECTIONS, THE FMLN IS OBLIGATED TO SUPPORT THEM IN THE FOLLOWING MANNER: CALL ON SALVADORANS TO ABSTAIN OR INVALIDATE THEIR VOTE; AND DECREE A NATIONWIDE TRANSPORTATION STOPPAGE ("PARO") BEGINNING MARCH 15, AT 0001 HOURS. THE FMLN CALLS ON ALL PUBLIC TRANSPORTATION TO STRICTLY COMPLY WITH THE PARO OR ELSE THEIR VEHICLES WILL BE TARGETED.

2. [redacted] COMMENT: THE TONE OF THE FMLN COMMUNIQUE IS HARSHER AND MORE INFLEXIBLE THAN THAT OF ITS MARCH 8 COMMUNIQUE (REFTEL). THIS TIME THE FMLN SAYS NOTHING TO IMPLY ACCEPTANCE OF THE CD'S ELECTORAL CAMPAIGN. INSTEAD, IT CALLS FOR A TRANSPORTATION STOPPAGE (AS IT HAS IN PREVIOUS ELECTIONS) IN ADDITION TO CALLING UPON VOTERS TO ABSTAIN OR INVALIDATE THEIR BALLOTS. THE TRANSPORT STOPPAGE WILL TEND TO REDUCE VOTER TURNOUT AND WILL HURT THE CD'S SHOWING. THE SHIFT IN THESE COMMUNIQUES PROBABLY INDICATES THAT THERE IS [redacted]

DIVISION WITHIN THE FMLN OVER HOW TO DEAL WITH THE ELECTIONS AND THE CD'S PARTICIPATION.

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Case Number: F1999000030

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

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PAGE 01 SANTIA 02400 110036Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	SS-00	CIAE-00	DODE-00
	H-01	NSCE-00	NSAE-00	HA-09	L-03	TRSE-00	PM-10
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FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 0415
INFO AMEMBASSY MEXICO

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C O N F I D E N T I A L SANTIAGO 02400

MEXICO CITY FOR ARNOLD CHACON

E.O. 12356: DECL:OADR
TAGS: PGOV
SUBJ: PINOCHET BUILDS UP SUSPENSE FOR MARCH 11 ANNOUNCEMENTS

REF: SANTIAGO 2078

1. (U) ON MARCH 7, PINOCHET HELD A FOUR-HOUR MEETING WITH THE MILITARY JUNTA. ALTHOUGH GOC SPOKESMEN CLAIMED THAT THE COMMANDER-IN-CHIEF HAD NOT FOCUSSED ON ANY POLITICAL ISSUES, OTHER SOURCES CLOSE TO THE GOVERNMENT SAID THEY HAD DISCUSSED CONSTITUTIONAL REFORM AND THE CONTROVERSIAL DISTRICTING LAW. PINOCHET ALSO HELD SEPARATE MEETINGS WITH THE JUSTICE AND INTERIOR MINISTERS AND THE JUNTA'S ECONOMIC ADVISORS. HE HELD A FULL CABINET MEETING ON MARCH 9, MET WITH THE NATIONAL SECURITY COUNCIL, AND ADDRESSED ARMY OFFICERS AT SANTIAGO'S MILITARY ACADEMY ON THE SAME DAY.

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PAGE 02 SANTIA 02400 110036Z

2. (U) AT THE END OF A VISIT TO PUERTO MONTT ON MARCH 4, PRESIDENT PINOCHET ACKNOWLEDGED THAT MANY ARE HOPING TO SEE HIM BECOME A CANDIDATE, BUT SAID IT WAS TOO EARLY TO CONSIDER SUCH A POSSIBILITY. ASKED ABOUT THE CHANCES OF REFORMING THE CONSTITUTION, HE SAID SIMPLY THAT "NOTHING IS

IMPOSSIBLE." THIS IS IN MARKED CONTRAST TO HIS PREVIOUS, VERY NEGATIVE COMMENTS ON THE POSSIBILITY OF REFORM. A WEEK EARLIER, INTERIOR MINISTER CARLOS CACERES HAD SAID HE THOUGHT CONSTITUTION REFORM COULD TAKE PLACE BEFORE THE 1989 ELECTIONS, SPECIFICALLY THROUGH A PLEBISCITE WITHIN THE NEXT FEW MONTHS (REFTEL).

3. (U) THE HIGH LEVEL MEETINGS IN LA MONEDA AND DIEGO PORTALES ARE LAYING THE GROUNDWORK FOR PINOCHET'S ADDRESS ON MARCH 11, THE ANNIVERSARY OF THE 1980 CONSTITUTION AND THE START OF THE NEW LEGISLATIVE YEAR. INTERIOR MINISTER CACERES IS EXPECTED TO BE REPLACED IN A MAJOR CABINET SHUFFLE WHICH MAY COINCIDE WITH, OR COME SHORTLY AFTER, THE EVENT. MEDIA IS AIRING REPORTS THAT THE ENTIRE CABINET HAS RESIGNED SPARKING SPECULATIONS ABOUT MORE SWEEPING CHANGES IN THE CABINET THAN HAD UP TO NOW BEEN ANTICIPATED. AT THE SAME TIME, THE EXECUTIVE BRANCH HAS PREPARED A NEW DRAFT ELECTION DISTRICTING LAW WHICH REPORTEDLY REDUCES THE NUMBER OF SENATORS AND DEPUTIES FOR SANTIAGO AND CONCEPCION IN ORDER TO GIVE RURAL REGIONS GREATER REPRESENTATION IN THE 1990 PARLIAMENT.

4. (C) THE INTENSE BUILD-UP FOR MARCH 11 IS GIVING RISE TO WIDESPREAD SPECULATION AND RUMORS THAT

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PAGE 03 SANTIA 02400 110036Z

PINOCHET INTENDS TO PROPOSE A CONSTITUTIONAL AMENDMENT THAT WOULD ALLOW HIM TO RUN FOR PRESIDENT. SOME FEEL HE WILL "SWEETEN THE PACKAGE" BY CONCEDING TO OTHER CONSTITUTIONAL REFORMS WHICH HAVE WON BROAD POPULAR SUPPORT, SUCH AS A FOUR-YEAR PRESIDENTIAL TERM, CHANGING ARTICLE 8, ENDING THE PROHIBITION AGAINST MINISTERS AND UNION LEADERS RUNNING FOR OFFICE. (NOTE: EVEN THE ULTRA-CONSERVATIVE NATIONAL ADVANCE AND UDI PARTIES NOW SPEAK FAVOURABLY ABOUT A FOUR-YEAR TERM.) OPPOSITION LEADERS RELISH THE PROSPECT OF ANOTHER CHANCE TO LICK PINOCHET IN THE ELECTORAL ARENA. ACCORDING TO PDC NATIONAL COUNSELOR ADOLFO ZALDIVAR, IT WOULD BE THE BEST WAY TO EASE PINOCHET OUT OF THE MILITARY, SINCE HE WOULD HAVE TO RESIGN FROM THE ARMY TO BECOME A CIVILIAN CANDIDATE. ONLY ONE THING IS SURE: WHATEVER PLAN THE PRESIDENT UNVEILS ON MARCH 11 WILL HAVE ITS QUOTIENT OF SURPRISE.
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El Salvador: Human Rights
Special Project (1993)

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PAGE 01 SAN SA 03234 102312Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	SS-00	CIAE-00	DODE-00
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[redacted] SAN SALVADOR 03234

USCINSCO ALSO FOR POLAD YOULE

E.O. 12356: DECL:OADR
TAGS: PGOV, ES
SUBJECT: JOINT LEGISLATIVE-EXECUTIVE COMMISSION MEETS

REF: (A) SAN SALVADOR 3150, (B) SAN SALVADOR 3167

1. (U) PRESIDENT DUARTE, LEGISLATIVE ASSEMBLY PRESIDENT RICARDO ALVARENGA VALDIVIESO, AND THE JOINT LEGISLATIVE-EXECUTIVE COMMISSION FOR TALKS WITH THE FMLN (REF A) MET FOR THE FIRST TIME ON MARCH 9. AFTERWARDS, THE COMMISSION RELEASED A COMMUNIQUE CALLING ON THE FMLN TO IMMEDIATELY CEASE ITS "HOSTILE ACTIONS." IT ALSO INVITED THE FMLN TO BEGIN DISCUSSIONS ON HOW TO ACHIEVE A PERMANENT CEASE-FIRE, FORMAL INCORPORATION OF THE FMLN INTO EL SALVADOR'S [redacted]

PAGE 02 SAN SA 03234 102312Z

POLITICAL AND CIVIL LIFE, AND THE FMLN'S RECOGNITION OF THE ESAF AS THE SOLE ARMED BRANCH OF THE COUNTRY.

2. (U) THE COMMUNIQUE ALSO INSISTS THAT DIALOGUE TAKE PLACE IN EITHER GUATEMALA OR COSTA RICA. PRESIDENTIAL SECRETARY EDUARDO COLINDRES, WHO READ THE COMMUNIQUE TO THE PRESS, WAS NAMED AS THE COMMISSION'S OFFICIAL SPOKESMAN.

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Special Project (1993)

3. (C) COMMENT: THE COMMISSION'S COMMUNIQUE RESTATES DUARTE'S FEBRUARY 26 PROPOSAL, WITH THE VARIATION THAT SAN JOSE IS ADDED AS A POSSIBLE VENUE FOR TALKS. THE FMLN HAD ALREADY STATED IT WOULD NOT CONSIDER DIALOGUE UNTIL AFTER THE ELECTIONS, SO THE COMMISSION'S STATEMENT SERVES MOSTLY TO MAKE THE FMLN APPEAR UNRECEPTIVE TO DIALOGUE. WITH EL SALVADOR CLEARLY HEADED TOWARD ELECTIONS ON MARCH 19, THE FMLN-GOES TALKS ARE NOW ON HOLD.

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Case Number: S1999000030
Chile Project (#S199900030)
U.S. Department of State
Release X Excise Deny
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Exemption(s)

UNCLASSIFIED
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PAGE 01 SANTIA 02405 01 OF 04 131730Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	SS-00	CIAE-00	EB-00
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AMEMBASSY MEXICO

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C O N F I D E N T I A L SECTION 01 OF 04 SANTIAGO 02405

MEXICO CITY FOR ARNOLD CHACON

E.O. 12356: DECL:OADR
TAGS: PGOV, PREL, ELAB, CI
SUBJ: PINOCHET LAYS GROUNDWORK FOR COMING ELECTION

REF: SANTIAGO 02400

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1. (C) SUMMARY: PRESIDENT PINOCHET REVERSED FIELD IN HIS MARCH 11 SPEECH AND MOVED TO DEPRIVE THE OPPOSITION OF CONSTITUTIONAL REFORM AS A CAMPAIGN ISSUE IN THE DECEMBER ELECTIONS. THE PRESIDENT ALSO ANNOUNCED SOME IMPORTANT SOCIAL INITIATIVES WHICH COULD CREATE A MORE HOSPITABLE RECEPTION FOR A PRO-GOVERNMENT PRESIDENTIAL CANDIDATE. PINOCHET HIMSELF SEEMED TO STEP BACK FROM THE POSSIBILITY OF BECOMING A CANDIDATE. THIS FOCUSES ATTENTION ON WHETHER OR NOT HE WILL STAY ON AS ARMY

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PAGE 02 SANTIA 02405 01 OF 04 131730Z

COMMANDER-IN-CHIEF. END SUMMARY.

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2. (U) PRESIDENT AUGUSTO PINOCHET DID NOT DISAPPOINT THOSE WHO EXPECTED SOME SURPRISES OUT OF HIS MARCH 11 SPEECH ON THE ANNIVERSARY OF THE 1980 CONSTITUTION AND THE BEGINNING

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OF HIS FINAL YEAR IN OFFICE. ALTHOUGH THE MINISTER OF INTERIOR HAD DONE THE HONORS IN THE PAST, THIS YEAR PINOCHET HIMSELF ANNOUNCED HE WOULD DELIVER THE ADDRESS. THE PRESIDENT REPORTEDLY WROTE THE SPEECH HIMESELF AND CAREFULLY KEPT HIS OWN COUNSEL ON ITS CONTENTS. THE SETTING WAS THE MASSIVE DIEGO PORTALES GOVERNMENT BUILDING WHERE THE LEGISLATIVE JUNTA MAINTAINS ITS OFFICES. SOME THREE THOUSAND WERE ASSEMBLED IN THE BUILDING'S CEREMONIAL HALL, MOSTLY GOVERNMENT OFFICIALS, BUT BREAKING WITH PAST PRACTICE, THERE WAS GOOD REPRESENTATION FROM THE POLITICAL PARTIES OF THE RIGHT -- NO ONE FROM THE OPPOSITION. THE DIPLOMATIC CORPS WAS REPRESENTED BY THE DEAN, PAPAL NUNCIO GUILIO EINAUDI. (THE USUAL FORMULA FOR AVOIDING DIPLOMATIC SLIGHTS.) THE FOUR-MAN MILITARY JUNTA AND MEMBERS OF THE SURPEME COURT SHARED THE STAGE WITH PINOCHET. OUTSIDE THE BUILDING A RATHER PALTRY CROWD OF SEVERAL THOUSAND PLACARD-WAVING PINOCHET ENTHUSIASTS WAS ASSEMBLED. AIRCRAFT HAD FLOWN OVER THE CITY THAT MORNING THROWING OUT LEAFLETS SUMMONING THE FAITHFUL TO GREET THE PRESIDENT FOR THE EVENT.

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3. (U) CONSTITUTIONAL REFORM: THE BIGGEST SURPRISE OF THE SPEECH WAS PINOCHET'S COMPLETE REVERSE FIELD ON THE ISSUE OF CONSTITUTIONAL

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PAGE 03 SANTIA 02405 01 OF 04 131730Z

REFORM. FOR MONTHS, THE PRESIDENT HAD BEEN DECIDEDLY NEGATIVE ON ACCEPTING ANY CHANGES IN THE CONSTITUTION WHICH HE PERSONALLY CRAFTED TO GUARANTEE THE CONTINUANCE OF HIS REGIME'S "PROTECTED DEMOCRACY." IN THE PROCESS, HE HAS REPEATEDLY CONTRADICTED MINISTER OF INTERIOR CARLOS CACERES WHO HAS DOGGEDLY INSISTED THAT THE GOC WAS OPEN TO "PERFECTING" THE CONSTITUTION IN DIALOGUE WITH THE POLITICAL PARTIES. ONLY IN THE LAST TWO WEEKS HAS THE PRESIDENT HINTED THAT HE MIGHT HAVE EXPERIENCED A CHANGE OF HEART.

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4. (U) IN THE MARCH 11 SPEECH, PRESIDENT PINOCHET USED ALMOST EXACTLY THE SAME LANGUAGE AS MINISTER CACERES. HE SAID THE 1980 CONSTITUTION WAS "A HUMAN WORK...WHICH CAN BE PERFECTED IN SOME ASPECTS, BUT WITHOUT ATTEMPTING TO ALTER THE PRINCIPLES AND VALUES WHICH INSPIRE IT." THE PRESIDENT STATED THAT HE HAS INSTRUCTED THE

MINISTER OF INTERIOR, AFTER HE HAS CONSULTED WITH THE VARIOUS DEMOCRATIC POLITICAL PARTIES AND INDEPENDENT GROUPS, TO INFORM HIM OF THE ADVISABILITY OF INTRODUCING MODIFICATIONS TO THE CONSTITUTION. THE PRESIDENT INDICATED THAT REFORM WOULD DEPEND ON DEVELOPING THE NECESSARY CONSENSUS AMONG THESE GROUPS IN ORDER TO BRING ABOUT THE PROCESS OF REFORM BEFORE THE DECEMBER ELECTIONS.

5. (U) PINOCHET EVEN WENT SO FAR AS TO POINT OUT THOSE REFORMS WHICH THE GOVERNMENT MIGHT EVENTUALLY CONSIDER, THEY INCLUDED:

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PAGE 01 SANTIA 02405 02 OF 04 131731Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	SS-00	CIAE-00	EB-00
	DODE-00	H-01	NSCE-00	NSAE-00	SSO-00	HA-09	L-03
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AMEMBASSY MEXICO

C O N F I D E N T I A L SECTION 02 OF 04 SANTIAGO 02405

MEXICO CITY FOR ARNOLD CHACON

E.O. 12356: DECL:OADR
TAGS: PGOV, PREL, ELAB, CI
SUBJ: PINOCHET LAYS GROUNDWORK FOR COMING ELECTION

-- TO REAFFIRM THAT ARTICLE 8 IS NOT INTENDED TO PERSECUTE IDEAS AS SUCH;

-- MODIFYING THE CONSTITUTIONAL AMENDMENT PROCESS;

-- DEROGATION OF THE PRESIDENT'S POWER TO DISSOLVE THE CHAMBER OF DEPUTIES;

-- ELIMINATE THE PRESIDENT'S POWER TO EXPELL PERSONS FROM NATIONAL TERRITORY AND PROHIBIT THEIR REENTRY DURING A STATE OF SIEGE;

-- INCLUDE A NEW MEMBER ON THE NATIONAL SECURITY

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COUNCIL;

-- SHORTEN THE PRESIDENT TERM, "MAINTAINING THE REST OF THE PERMANENT NORMS ON THIS SUBJECT". (COMMENT: THIS OBSCURE LANGUAGE IS READ TO MEAN THAT PINOCHET FAVORS A SHORTER TERM FOR THE PRESIDENT DUE TO BE INAUGURATED MARCH 1990, BUT AFTERWARDS THE CONSTITUTIONALLY PROVIDED EIGHT-YEAR TERM SHOULD PREVAIL. END COMMENT.)

6. (U) IN ONE FORM OR ANOTHER, ALL OF THESE ARE REFORMS STRONGLY ADVOCATED BY THE POLITICAL PARTIES OF BOTH LEFT AND RIGHT. PATRICIO AYLWIN, CHRISTIAN DEMOCRATIC PARTY PRESIDENTIAL CANDIDATE AND SPOKESMAN FOR THE SEVENTEEN-PARTY OPPOSITION ALLIANCE (COPODE), NOTED THAT PINOCHET'S LIST COINCIDED IN GREAT PART WITH THEIR OWN WITH THE IMPORTANT EXCEPTIONS OF ELIMINATING APPOINTIVE SENATORS AND GIVING THE PRESIDENT THE POWER TO REPLACE THE ARMED FORCES CHIEF.

7. (U) PRESIDENTIAL REELECTION: ANOTHER REFORM EXPECTED BY MANY BUT WHICH DID NOT APPEAR ON PINOCHET'S LIST WAS ONE TO ALLOW HIM TO RUN AGAIN FOR PRESIDENT. THERE HAS BEEN WIDESPREAD SPECULATION THAT PINOCHET WAS WEIGHING THE ADVISABILITY OF LAUNCHING SUCH A REFORM IN CONJUNCTION WITH OTHERS. ON THE CONTRARY, THE PRESIDENT SCOURNFULLY DENIED THE SUSPICIONS OF THOSE WHO BELIEVE HIS APPROACH TO REFORMS IS GOVERNED BY SOME "HIDDEN PERSONAL MOTIVE." FURTHER, HE APPEARED TO TAKE ANOTHER STEP BACK FROM CANDIDACY IN HIS VERY BRIEF DEPARTURE REMARKS TO SUPPORTERS GATHERED

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OUTSIDE DIEGO PORTALES. THE PRESIDENT SEEMED TO TAKE HIMSELF OUT OF PARTISAN ACTIVITY WHEN HE

TOLD THE PLACARD-WAVING CROWD, "WE MUST DEDICATE OURSELVES TO PREPARING -- YOU, NOT ME -- TO TRIUMPH AT THE END OF THE YEAR. WE HAVE TO DEFEAT THE FAMOUS RAINBOW." (NOTE: THE RAINBOW IS THE SYMBOL FO THE SEVENTEEN-PARTY OPPOSITION ALLIANCE.)

8. (U) SOCIAL INITIATIVES: WHILE HIS EMBRACE OF CONSTITUTIONAL REFORM GRABBED THE HEADLINES, PRESIDENT PINOCHET ALSO ANNOUNCED SOME RATHER SWEEPING INITIATIVES IN THE SOCIAL FIELD WHICH THE GOVERNMENT HAS BEEN PROMISING SINCE OCTOBER, WHEN THE NEW CABINET WAS SWORN IN. WITHOUT RAISING TAXES, PINOCHET STATED THERE WOULD BE AN ADDITIONAL 25.5 MILLION DOLLARS SPENT ON PUBLIC HEALTH, 11 MILLION ON EDUCATION AND 23.6 MILLION ON HOUSING. HE ALSO UNVEILED A NEW PROGRAM FOR EXPANDED VOCATIONAL TRAINING. IN THE CATEGORY OF "SOCIAL JUSTICE" PINOCHET ANNOUNCED THAT HE WAS SENDING A DRAFT LAW FORWARD TO ELIMINATE THE TWELVE-HOUR DAY CURRENTLY PERMITTED FOR CERTAIN TYPES OF WORKERS (E.G. WAITERS, WHOSE HOURS VARY FROM THE NORMAL WORK WEEK). HE ALSO STATED THAT HE WAS ORDERING STUDIES BY CONCERNED AGENCIES WITH A VIEW TO LOWERING THE REQUIRED NUMBER OF MEMBERS FOR A LABOR GROUP TO BARGAIN COLLECTIVELY AND TO MAKING NATIONAL LABOR CONFEDERATIONS (CENTRALES) LEGAL.

9. (U) THE LATTER WAS WELCOMED BY MANUEL BUSTOS, PRESIDENT OF THE C.U.T., THE COUNTRY'S LARGEST NATIONAL LABOR CONFEDERATION WHICH CURRENTLY HAS NO

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PAGE 01 SANTIA 02405 03 OF 04 131732Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	SS-00	CIAE-00	EB-00
	DODE-00	H-01	NSCE-00	NSAE-00	SSO-00	HA-09	L-03
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USCINCSO QUARRY HEIGHTS PRIORITY
AMEMBASSY MEXICO

C O N F I D E N T I A L SECTION 03 OF 04 SANTIAGO 02405

MEXICO CITY FOR ARNOLD CHACON

E.O. 12356: DECL:OADR
TAGS: PGOV, PREL, ELAB, CI
SUBJ: PINOCHET LAYS GROUNDWORK FOR COMING ELECTION

LEGAL STATUS. HE LAMENTED, HOWEVER, THAT PINOCHET HAS CHOSEN TO IGNORE THE ISSUE OF HIS OWN AND C.U.T. VICE PRESIDENT ARTURO MARTINEZ' INTERNAL EXILE.

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10. U) CABINET CHANGES: ANOTHER SUBJECT NOT TOUCHED ON IN PINOCHET'S SPEECH WAS CHANGES IN THE CABINET. FINANCE MINISTER HERNAN BUCHI, WHOM VIRTUALLY EVERYONE EXPECTS TO STEP DOWN SOON IN ORDER TO LAUNCH HIS PRESIDENTIAL CANDIDACY, AVOIDED THE PRESS AND MADE NO STATEMENTS EITHER ENTERING OR LEAVING THE DIEGO PORTALES BUILDING. MINISTER OF INTERIOR CACERES, WHO UNTIL PINOCHET EMBRACED HIS CONSTITUTIONAL REFORM INITIATIVE HAD BEEN EXPECTED

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 SANTIA 02405 03 OF 04 131732Z

TO BE DROPPED FROM THE CABINET, WAS RELAXED IN COMMENTS TO THE PRESS AFTER THE SPEECH ON PROCEEDING TO CONSULT WITH POLITICAL PARTIES IN THE COMING WEEK. HE EMPHASIZED THAT TIME IS SHORT, BUT REFUSED TO SET A DATE FOR A PLESBISCITE VOTE ON REFORMS. HE DID STATE THAT REFORMS WOULD BE PRESENTED AS A SINGLE PACKAGE. VOTERS WOULD NOT BE OFFERED A YES OR NO CHOICE ON EACH PROPOSED AMENDMENT.

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11. (C) COMMENT: NOW THAT HE HAS WON PINOCHET OVER ON CONSTITUTIONAL REFORM, CACERES' EARLY DEPARTURE FROM THE CABINET SEEMS UNLIKELY. HOWEVER, HE MAY YET STEP DOWN TO RUN FOR THE SENATE IF THE GOC MOVES AHEAD WITH A CONSTITUTIONAL INTERPRETATION IT IS REPORTED CONSIDERING THAT WOULD WAIVE THE REQUIREMENT THAT FORMER MINISTERS AND OTHER OFFICIALS LEAVE OFFICE TWO YEARS PRIOR TO BECOMING CONGRESSIONAL CANDIDATES. THERE IS A FULL CABINET MEETING SCHEDULED FOR THIS AFTERNOON (MARCH 12) WHEN PINOCHET MAY MOVE ON AT LEAST SOME CABINET CHANGES. BUCHI'S DEPARTURE COULD COME AT THAT TIME.

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12. (C) PINOCHET MADE ALL THE RIGHT MOVES FOR HELPING THE RIGHT IN THE DECEMBER 1989 ELECTIONS AND ENHANCING PROSPECTS FOR A SYMPATHETIC SUCCESSOR. WE ARE AMAZED THAT HE WAS WILLING TO CONSIDER REFORM OF ARTICLE 8, LONG THE PRINCIPAL WEAPON OF HIS REGIME AGAINST THE COMMUNIST PARTY. MORE SOCIAL SPENDING MAKES GOOD POLITICAL SENSE WHEN POLLS SHOW THAT VOTERS HAVE A GENERALLY NEGATIVE VIEW OF THE ECONOMY IN TERMS OF HOW THEY HAVE PERSONALLY FARED IN RECENT YEARS. AS AYLWIN OBSERVED, THERE ARE LIMITS ON HOW

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FAR PINOCHET IS WILLING TO GO. WE NOTE THAT HE WOULD CONSIDER ADDING ONLY ONE NEW MEMBER TO THE NATIONAL SECURITY COUNCIL. THIS WOULD PUT CIVILIANS AND MILITARY ON A PAR; WHEREAS THE PARTIES -- RIGHT AND LEFT -- HAVE ADVOCATED A CIVILIAN MAJORITY. IT ALMOST LOOKS LIKE PINOCHET HIMSELF IS BEGINNING TO ACCEPT THE LIKELIHOOD THAT THE OPPOSITION WILL WIN IN DECEMBER. PLANNING FOR THAT EVENTUALITY, HE DOES NOT WANT AN OPPOSITION PRESIDENT TO HAVE THE POWER TO DISSOLVE THE CHAMBER OF DEPUTIES AND IS ATTRACTED TO THE IDEA OF A MORE LIMITED PRESIDENTIAL TERM AT LEAST FOR THE TERM BEGINNING IN MARCH 1990. THE PRESIDENT MAY STILL BE THINKING IN TERMS OF RETURNING AGAIN "LIKE CINCINNATUS" TO SAVE HIS COUNTRY AFTER THE OPPOSITION THOROUGHLY MUCKS THINGS UP FOR FOUR YEARS.

13. (C) THE DAY BEFORE PINOCHET'S SPEECH, PATRICIO AYLWIN TOLD THE AMBASSADOR THAT THE JOINT CONSTITUTIONAL REFORM STUDY GROUP OF THE CHRISTIAN DEMOCRATIC PARTY AND NATIONAL RENEWAL HAS MADE CONSIDERABLE PROGRESS ON AGREED PROPOSALS. AYLWIN SAID THAT ALTHOUGH RN INSISTED THAT IT BE PORTRAYED AS A PDC/RN EFFORT THE PDC SIDE WAS ACTUALLY FULLY REPRESENTATIVE OF COPODE MEMBERS AND THUS THE PROPOSALS FINALLY APPROVED WOULD BE ENDORSED BY THE ENTIRE SEVENTEEN-PARTY ALLIANCE. THIS MECHANISM COULD THEREFORE PROVIDE IN FAIRLY SHORT ORDER THE "CONSENSUS" OF POLITICAL GROUPS PINOCHET SEEKS BEFORE GOING TO A PLEBISCITE. OF COURSE, THE CONSENSUS MAY RESULT IN A PACKAGE OF REFORMS SOMEWHAT DIFFERENT

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PAGE 01 SANTIA 02405 04 OF 04 131733Z
ACTION ARA-00

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	TRSE-00	PM-10	PA-01	OMB-01	SIL-01	INRE-00	USIE-00
	SP-02	SNP-01	C-01	PRS-01	P-02	T-01	/041 W

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O 131716Z MAR 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 0419
INFO AMEMBASSY ASUNCION PRIORITY
AMEMBASSY BUENOS AIRES PRIORITY
AMEMBASSY MONTEVIDEO PRIORITY
USCINCSO QUARRY HEIGHTS PRIORITY
AMEMBASSY MEXICO
UNCLASSIFIED
C O N F I D E N T I A L SECTION 04 OF 04 SANTIAGO 02405
MEXICO CITY FOR ARNOLD CHACON

E.O. 12356: DECL:OADR
TAGS: PGOV, PREL, ELAB, CI
SUBJ: PINOCHET LAYS GROUNDWORK FOR COMING ELECTION

FROM THAT SUGGESTED BY PINOCHET. RN PRESIDENT SERGIO JARPA HAS ALREADY SUGGESTED POSSIBLE ADDITIONS, AND THE PRESIDENT HAS LEFT ROOM FOR INCORPORATING SUCH SUGGESTIONS.

14. (C) WITH THE MARCH 11 SPEECH, CHANCES OF PINOCHET BECOMING A PRESIDENTIAL CANDIDATE ARE MORE REMOTE. WE PRESUME THAT AS HE SURVEYED THE POLITICAL LANDSCAPE, PARTICULARLY IN THE MILITARY, AND LISTENED TO VARIOUS ADVISORS HE FINALLY CONCLUDED THAT HIS RUNNING AGAIN SIMPLY WOULD NOT FLY. AND EVEN IF IT DID, HE WOULD FACE ANOTHER HUMILIATING DEFEAT. THERE HAS
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PAGE 02 SANTIA 02405 04 OF 04 131733Z

BEEN NO LACK OF SYNCOPHANTS TO ENCOURAGE HIM TO TRY TO STAY ON. PROUD AND ARROGANT THOUGH HE MAY BE, PINOCHET IS NO FOOL AND APPEARS TO HAVE LEARNED FROM LAST YEAR'S PLEBISCITE THE

DANGERS OF LISTENING TO DIEHARD LOYALISTS WHOSE ONLY POLITICAL FUTURE LIES IN THE PERPETUATION OF THE PINOCHET REGIME. ATTENTION WILL NOW FOCUS MORE SHARPLY ON THE PRESIDENT'S PLANS FOR STAYING ON AS ARMY COMMANDER-IN-CHIEF. LAST WEEK, AYLWIN AND PPD PRESIDENT RICARDO LAGOS EXPRESSED DEEP CONCERN TO THE AMBASSADOR ABOUT THE SPECTRE OF CHILE FOLLOWING THE PANAMANIAN MODEL WITH PINOCHET PLAYING A MALEVOLENT GENERAL NORIEGA AND CONTINUING TO RUN THE COUNTRY FROM OUTSIDE THE PRESIDENTIAL PALACE.

15. (C) BY EMBRACING CACERES' INITIATIVE AND EVEN LAYING OUT SOME REFORMS HE COULD SUPPORT, PINOCHET HAS TO A CERTAIN EXTENT PREEMPTED THE ISSUE OF CONSTITUTIONAL REFORM. THE OPPOSITION WAS ALREADY GEARING UP TO MAKE IT A MAJOR PART OF ITS ELECTION CAMPAIGN. HAD THERE BEEN NO REFORMS, IT COULD HAVE SUCCEEDED IN MAKING THE DECEMBER 1989 VOTE ESSENTIALLY A REPEAT OF THE OCTOBER 1988 PLEBISCITE ON THE PINOCHET REGIME. THE MAJOR PARTIES OF THE RIGHT, UDI AND RN, WERE WELL AWARE OF THIS POTENTIALLY DISASTROUS REPLAY AND HAD LOBBIED HARD TO TAKE THE ISSUE OF CONSTITUTIONAL REFORM AWAY FROM THE OPPOSITION. RN WAS THE FIRST PARTY TO COME OUT WITH REFORM PROPOSALS. POLITICAL REASON NOW APPEARS TO HAVE PREVAILED. THE CACERES APPROACH WAS WON, AND PINOCHET SEEMS AMENABLE TO WORKING WITH HIS
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PAGE 03 SANTIA 02405 04 OF 04 131733Z

POLITICAL ALLIES TO ENHANCE THEIR ELECTORAL PROSPECTS. THEY STILL NEED A PRESIDENT CANDIDATE, OF COURSE, BUT BUCHI MAY SHORTLY FILL THAT ROLE. IT WILL STILL NOT BE AN EASY TASK TO OVERCOME THE SEVENTEEN-PARTY COALITION'S MOMENTUM BUT THE RIGHT'S CHANCES ARE GREATLY IMPROVED IF ALL OF ITS MAJOR ELEMENTS BEGIN PULLING IN THE SAME DIRECTION. PINOCHET HIMSELF MAY FINALLY HAVE COME ON BOARD FOR WHAT HE SEES AS THE ONLY POSSIBLE WINNING POLITICAL STRATEGY. GILLESPIE

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Special Project (1993)

TEXT OF TELEGRAM 89SAN SA003316

ADP761 [redacted]

PAGE 01 SAN SA 03316 01 OF 02 140003Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	EUR-00	SS-00	CIAE-00
	DODE-00	H-01	IO-19	NSCE-00	NSAE-00	SSO-00	HA-09
	L-03	TRSE-00	PM-10	PA-01	OMB-01	SIL-01	INRE-00
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	PRS-01	DS-01	SCT-02	P-02	T-01	/076 W	

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O 132355Z MAR 89
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 7723
INFO AMEMBASSY GUATEMALA
AMEMBASSY TEGUCIGALPA
AMEMBASSY MANAGUA
AMEMBASSY SAN JOSE
AMEMBASSY MEXICO
AMEMBASSY CARACAS
AMEMBASSY MADRID
AMEMBASSY ROME
USMISSION GENEVA
USMISSION USUN NEW YORK
USCINCSO QUARRY HTS PM

[redacted] SECTION 01 OF 02 SAN SALVADOR 03316

ROME FOR THE VATICAN

USCINCSO ALSO FOR POLAD YOULE

E.O. 12356: DECL:OADR
TAGS: PGOV, PINS, ES
SUBJECT: FMLN REJECTS DIALOGUE UNTIL AFTER MARCH 19; DUARTE CALLS FOR INTERNATIONAL PRESSURE ON FMLN

REF: (A) SAN SALVADOR 3234, (B) SAN SALVADOR 3238

1. SUMMARY: ON MARCH 9 THE FMLN REJECTED GOES-FMLN [redacted]

PAGE 02 SAN SA 03316 01 OF 02 140003Z

DIALOGUE UNTIL AFTER THE MARCH 19 ELECTIONS UNLESS THE GOES DECLARED ITS NEGOTIATORS HAVE THE AUTHORITY TO REACH AN AGREEMENT ON THE FMLN'S PREVIOUS TERMS. FMLN URBAN COMMANDOS THREATENED BUS OWNERS AND GASOLINE STATION OPERATORS TO COMPLY WITH ITS TRANSPORTATION STOPPAGE OR ELSE BE "MILITARY TARGETS;" RADIO VENCEREMOS ALSO THREATENED ELECTION WORKERS. ON MARCH 12 PRESIDENT DUARTE RENEWED THE GOES' OFFER TO MEET IMMEDIATELY WITH THE FMLN, AND

Department of State A/ISS/IPS/TSD El Salvador SP Date 9/23/93
Declassified under E.O. 12356 (✓) in full; ( ) in part;
portions withheld: classified ( ); operational ( );
law enforcement ( ); privacy ( ); statutory ( );
not relevant to El Salvador ( ).

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TEXT OF TELEGRAM 89SAN SA003316

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El Salvador: Human Rights
Special Project (1993)

CALLED ON THEM TO REINCORPORATE THEMSELVES INTO THE DEMOCRATIC PROCESS. HE ALSO ASKED THE INTERNATIONAL COMMUNITY, ESPECIALLY SPAIN, MEXICO, VENEZUELA, NICARAGUA, THE UN, OAS, AND THE POPE, TO PRESSURE THE FMLN TO DESIST FROM ELECTORAL VIOLENCE. END SUMMARY.

2. (U) ON MARCH 9 THE FMLN RESPONDED TO THE JOINT LEGISLATIVE-EXECUTIVE COMMISSION (REF A), NOTING THAT THE COMMISSION'S PROPOSAL DOES NOT INDICATE ANY WILLINGNESS TO POSTPONE THE ELECTIONS, MUCH LESS TO PLACE IT ON THE AGENDA FOR DISCUSSION. SINCE THE COMMISSION HAD ALREADY DECIDED TO HOLD THE ELECTIONS ON MARCH 19, THE FMLN DECLARED THAT:

-- THE COMMISSION MUST DEMONSTRATE CLEARLY AND PUBLICLY ITS ABILITY TO REACH AN AGREEMENT ON POSTPONEMENT OF ELECTIONS TO SEPTEMBER 15 AND A NEGOTIATED CEASE-FIRE, RESTRICTING THE ESAF TO ITS BARRACKS ON ELECTION DAY, REFORM THE ELECTORAL CODE, ALLOW OVERSEAS SALVADORANS TO VOTE IN THE ELECTIONS, RESTRUCTURING OF THE CCE, AND CREATION OF A ELECTORAL WATCHDOG GROUP. IT ALSO ASKED THE COMMISSION TO DECLARE ITS WILLINGNESS TO DISCUSS BRINGING TO TRIAL ESAF HUMAN RIGHTS OFFENDERS, REDUCTION OF ESAF TO ITS

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1978 LEVEL, DISSOLUTION OF THE PUBLIC SECURITY FORCES, AND A PERMANENT CEASE-FIRE (I.E. THE FMLN'S PREVIOUS PROPOSALS);

-- IF THE COMMISSION IS READY TO NEGOTIATE ON THESE POINTS, THEN THE FMLN WILL IMMEDIATELY AGREE ON A DATE AND PLACE, INCLUDING OUTSIDE EL SALVADOR, TO HOLD A GOES-FMLN DIALOGUE. THE FMLN IS ALSO READY TO NEGOTIATE AND REACH A CEASE-FIRE AGREEMENT WITH THE ESAF HIGH COMMAND;

-- IF THE COMMISSION IS NOT READY, THEN THE FMLN DOES NOT SEE ANY REASON TO MEET WITH THE COMMISSION BEFORE MARCH 19 AS THESE ELECTIONS WILL NOT BRING PEACE, BUT ONLY CONTINUE THE WAR BASED ON A FALSE IMAGE OF LEGITIMACY.

3. (U) ON MARCH 11 THE URBAN COMMANDO FRONT)"JUAN CASTRO" ANNOUNCED TO ALL BUS OPERATORS THAT ITS UNITS HAVE ORDERS TO ENFORCE THE TRANSPORTATION STOPPAGE ("PARO"). IT SIMILARLY DECLARED THAT GAS STATIONS WHICH DO NOT CLOSE DURING THE STRIKE ARE MILITARY TARGETS. IT ADVISED HUMANITARIAN ORGANIZATIONS LIKE THE RED AND GREEN CROSS, AND INTERNATIONAL AND NATIONAL PRESS TO STOCK SUFFICIENT GASOLINE. ON MARCH 12 RADIO VENCEREMOS ALSO THREATENED ELECTION

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El Salvador: Human Rights
Special Project (1993)

WORKERS BY URGING THEM TO RESIGN PUBLICLY SO THAT THEY COULD "LIVE AT HOME WITHOUT ANY PROBLEMS."

4. (U) ON MARCH 12 PRESIDENT DUARTE RESPONDED TO THE FMLN DURING A NATIONWIDE SPEECH AIRED OVER LOCAL TV AND RADIO. HE REVIEWED THE SALVADORAN "DEMOCRATIC REVOLUTION" AND ATTEMPTS TO REACH A PEACEFUL END TO THE WAR, INCLUDING THE MOST RECENT PROPOSALS AND

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El Salvador: Human Rights
Special Project (1993)

TEXT OF TELEGRAM 89SAN SA003316

UNCLASSIFIED

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PAGE 01 SAN SA 03316 02 OF 02 140004Z
ACTION ARA-00

INFO	LDG-00	ADS-00	AID-00	INR-07	EUR-00	SS-00	CIAE-00
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	L-03	TRSE-00	PM-10	PA-01	OMB-01	SIL-01	INRE-00
	ANAE-00	ACDA-12	USIE-00	SP-02	SNP-01	C-01	SSE-01
	PRS-01	DS-01	SCT-02	P-02	T-01	/076 W	

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O 132355Z MAR 89
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 7724
INFO AMEMBASSY GUATEMALA
AMEMBASSY TEGUCIGALPA
AMEMBASSY MANAGUA
AMEMBASSY SAN JOSE
AMEMBASSY MEXICO
AMEMBASSY CARACAS
AMEMBASSY MADRID
AMEMBASSY ROME
USMISSION GENEVA
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[redacted] SECTION 02 OF 02 SAN SALVADOR 03316

ROME FOR THE VATICAN

USCINCSO ALSO FOR POLAD YOULE

E.O. 12356: DECL:OADR
TAGS: PGOV, PINS, ES
SUBJECT: FMLN REJEUTS DIALOGUE UNTIL AFTER MARCH 19:

COUNTERPROPOSALS. PRESIDENT DUARTE THEN:

-- RENEWED THE GOES' OFFER TO MEET IMMEDIATELY WITH THE FMLN;

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PAGE 02 SAN SA 03316 02 OF 02 140004Z

-- STATED THAT THE MARCH 19 ELECTIONS WILL SERVE AS A POPULAR DEMONSTRATION OF SUPPORT FOR HIS PEACE PROPOSAL, CONVERTING THE ELECTIONS INTO AN "AUTHENTIC REFERENDUM FOR PEACE." THESE ELECTIONS ARE NOT ONLY TO ELECT A NEW PRESIDENT AND VICE-PRESIDENT, BUT TO ENDORSE CONTINUED ADVANCES IN AND RESPECT FOR DEMOCRACY, HUMAN RIGHTS, AND THE COMMON GOOD, AND, ESPECIALLY, PRESERVING AND ACHIEVING A LASTING,

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TEXT OF TELEGRAM 89SAN SA003316

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El Salvador: Human Rights
Special Project (1993)

STABLE PEACE WITH LIBERTY;

-- RENEWED HIS CALL ON THE FMLN TO JOIN THE DEMOCRATIC PROCESS, THUS DEMONSTRATING A TRUE DESIRE FOR PEACE;

-- JOINED THE POLITICAL PARTIES, INCLUDING THE DEMOCRATIC CONVERGENCE (CD) AND DEMOCRATIC NATIONALIST UNION (UDN), IN REQUESTING THE FMLN TO SUSPEND ITS PARO AND ALLOW SALVADORANS TO MOVE FREELY AND VOTE;

-- CALLED ON THE FOLLOWING COUNTRIES AND INSTITUTIONS TO PRESSURE THE FMLN TO STOP ELECTORAL VIOLENCE: FRIENDLY GOVERNMENTS, ESPECIALLY THE PRESIDENTS OF SPAIN, MEXICO, AND VENEZUELA; INTERNATIONAL ORGANIZATIONS LIKE THE UN, OAS, THE VARIOUS HUMAN RIGHTS CAMMISSIONS, AND AMNESTY INTERNATIONAL; NICARAGUA PRESIDENT ORTEGA, THE SOCIALIST PARTIES; THE POPE; SALVADORAN ARCHBISHOP RIVERA DAMAS AND AUXILIARY BISHOP ROSA CHAVEZ; AND THE INTERNATIONAL COMMUNITY IN GENERAL.

-- URGED THE SALVADORAN PEOPLE TO VOTE ON MARCH 19.

[redacted]

PAGE 03 SAN SA 03316 02 OF 02 140004Z

5. [redacted] COMMENT: THIS IS THE LATEST IN A SERIES OF EXCHANGES BETWEEN THE FMLN AND THE GOES ON THE ELECTIONS. THE FMLN IS TAKING AN INCREASINGLY HARD LINE REGARDING THE MARCH 19 ELECTIONS, REFLECTED BY ITS THREATS AGAINST BUS OWNERS, GASOLINE STATION OPERATORS, AND ELECTION WORKERS. PRESIDENT DUARTE'S SPEECH SEEKS TO KEEP THE FMLN ON THE DEFENSIVE BY CALLING ON THE INTERNATIONAL COMMUNITY TO DEMAND THAT THE FMLN RESPECT THE ELECTIONS. IRONICALLY, DUARTE'S EFFORTS ARE SIMILAR TO THOSE OF THE DEMOCRATIC CONVERGENCE, WHICH IS TRYING TO PERSUADE THE FMLN TO NOT TAKE ACTIONS WHICH WOULD POTENTIALLY REDUCE SUPPORT FOR THE CD.

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Chile Project (#S199900030)
Case Number: S199900036. Department of State
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Exemption(s) ____

CONFIDENTIAL

PAGE 01 SANTIA 02411 131855Z
ACTION ARA-00

INFO	LOG-00	ADS-00	INR-07	SS-00	CIAE-00	DODE-00	H-01
	NSCE-00	NSAE-00	SSO-00	HA-09	L-03	TRSE-00	PM-10
	PA-01	OMB-01	INRE-00	USIE-00	SP-02	SNP-01	C-01
	SSE-01	PRS-01	P-02	T-01	/041 W		

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O 131746Z MAR 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 0424

C O N F I D E N T I A L SANTIAGO 02411

E.O. 12356: DECL:OADR
TAGS: PREL, PHUM, CI
SUBJ: AMBASSADOR'S MEETING WITH FM ON 1914 TREATY - COMMISSION

REF: STATE 74002

1. ~~CONFIDENTIAL~~ - ENTIRE TEXT.
2. SUMMARY. ON MARCH 10 AMBASSADOR GAVE FOREIGN MINISTE HERNAN FELIPE ERRAZURIZ NAMES OF FOUR NOMINEES FOR PRESIDENT OF THE INTERNATIONAL COMMISSION TO INVESTIGATE THE LETELIER CASE. THE MINISTER OBSERVED THAT THE GOC HAS BEEN CONSIDERING INDIVIDUALS OF THE SAME STATURE AND SAID THAT HIS GOVERNMENT IS ABOUT READY TO NAME ITS SECOND, NON-CHILEAN REPRESENTATIVE ON THE COMMISSION. OTHER MATTERS DISCUSSED IN THE MEETING WILL BE REPORTED SEPTEL. END SUMMARY.

3. PER REFTEL AMBASSADOR GILLESPIE, ACCOMPANIED BY POLOFF, MET WITH FM HERNAN FELIPE ERRAZURIZ ON MARCH 10 TO REVIEW STATUS OF ORGANIZATION OF THE INTERNATIONAL

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 SANTIA 02411 131855Z

COMMISSION SPECIFIED BY THE TREATY OF 1914 TO INVESTIGATE AND REPORT ON THE LETELIER CASE. ERRAZURIZ' CHIEF OF CABINET, ALFONSO SILVA WAS ALSO PRESENT. AMBASSADOR ASKED STATE OF PLAY IN THE GOC ON SELECTION OF PRESI-DENTIAL CANDIDATES. ERRAZURIZ SAID THAT HIS MINISTRY IS ABOUT TO MAKE FORMAL THE SELECTION OF ITS SECOND, NON-NATIONAL MEMBER AND HOPES TO ACCOMPLISH THAT NO

LATER THAN MARCH 25. HE EXPLAINED THAT THERE HAD BEEN HOPE THIS COULD BE ACCOMPLISHED THIS WEEK BUT CERTAIN DETAILS WITH THE PROSPECTIVE MEMBERS STILL NEEDED TO BE WORKED OUT. THE AMBASSADOR SAID THAT THE USG WANTS TO MOVE THE PROCESS ALONG AND HAS THEREFORE SELECTED FOUR INDIVIDUALS ANY ONE OF WHOM MIGHT HEAD THE COMMISSION, AND HANDED OVER A DIPLOMATIC NOTE CONTAINING THE NAMES PROVIDED BY REFTEL. AFTER READING IT, ERRAZURIZ SAID THAT THE GOC HAD ALSO BEEN LOOKING AT POSSIBLE CANDIDATES AND WAS CONSIDERING INDIVIDUALS OF THE SAME HIGH CALIBER AS THOSE INDICATED IN THE EMBASSY'S NOTE. THE AMBASSADOR ASKED THAT THE GOC LOOK CAREFULLY AT THE CANDIDATES NAMED AND GIVE US AN OFFICIAL REACTION AS SOON AS POSSIBLE. ERRAZURIZ SAID THAT THE MINISTRY WOULD MOVE QUICKLY TO CONSIDER THE CANDIDATES. IN CLOSING, AMBASSADOR GILLESPIE NOTED THAT THE MEMBERS OF CONGRESS WITH WHOM HE HAD SPOKEN IN WASHINGTON DURING HIS RECENT CONSULTATIONS HAD EXPRESSED GREAT INTEREST IN THE TREATY PROCESS AND THE EFFORT TO RESOLVE THE LETELIER-MOFFITT CASE.

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4. COMMENT: ERRAZURIZ MADE NO EFFORT TO EXPLAIN OR EXCUSE THE DELAY IN MOVING TO COMPLETE COMMISSION MEMBERSHIP AND THE SELECTION OF A PRESIDENT. HIS APPARENTLY POSITIVE RESPONSE TO OUR NAMES AND HIS

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 SANTIA 02411 1318552

SOMEWHAT DETAILED EXPLANATION OF THE STEPS THE GOC HAS BEEN TAKING TO NAME ITS SECOND MEMBER WE READ AS AN ESSENTIALLY POSITIVE SIGN. IT IS STILL NOT CLEAR, HOWEVER, WHETHER OR TO WHAT DEGREE THE GOC IS COMMITTED TO PURSUING THIS MEANS OF ADDRESSING THE LETELIER-MOFFIT CASE. GILLESPIE

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Chile Project (#S199900030)
U.S. Department of State
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Exemption(s) ___

CONFIDENTIAL

PAGE 01 SANTIA 02410 01 OF 02 131750Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	SS-00	OIC-02	CIAE-00
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	L-03	TRSE-00	PM-10	PA-01	OMB-01	HHS-04	INRE-00
	OES-09	USIE-00	JUSE-00	SP-02	SNP-01	C-01	PRS-01
	P-02	T-01	/074 W				

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O 131742Z MAR 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 0422

C O N F I D E N T I A L SECTION 01 OF 02 SANTIAGO 02410

E.O. 12356 DECL:OADR
TAGS: PREL, PHUM, CI
SUBJECT: AMBASSADOR'S MEETING WITH FM ERRAZURIZ

1. (CONFIDENTIAL - ENTIRE TEXT).

2. SUMMARY: IN A MEETING WITH THE CHILEAN FM ON MARCH 10 THE AMBASSADOR COVERED FORMATION OF INTERNATIONAL COMMISSION TO INVESTIGATE THE LETELIER-MOFFITT CASE AND PROPOSED CHILEAN LAW ON PHARMACEUTICAL PATENTS (SEE SEPTELS). MINISTER RAISED USG "OVERREACTION" TO TELEPHONE THREATS OF POISONED FRUIT SHIPMENTS, UNHRC RESOLUTION ON HUMAN RIGHTS IN CHILE, POSSIBLE NEW USG APPROACH TO LDC DEBT, AND ANTARCTICA AND SAFETY OF CHILEAN AIR FORCE F-5 AIRCRAFT. END SUMMARY.

3. IN A MARCH 10 MEETING THE AMBASSADOR, ACCOMPANIED BY POLOFF MET WITH FM HERNAN FELIPE ERRAZURIZ AND HIS CHIEF OF CABINET, ALFONSO SILVA. DURING THE MEETING ERRAZURIZ RAISED A SERIES OF ISSUES OF CONCERN TO HIM AND THE GOC.

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CONFIDENTIAL

CONFIDENTIAL

PAGE 02 SANTIA 02410 01 OF 02 131750Z

4. BAN ON CHILEAN FRUIT EXPORTS: THE FM TERMED USG ACTION IN DELAYING AND INTERRUPTING CHILEAN FRUIT EXPORTS ON THE BASIS OF AN ANONYMOUS TELEPHONE CALL AS "EXTREMELY SERIOUS OVERREACTION" AND "DANGEROUS." HE ARGUED THAT IF A CRANK OR A TERRORIST, WITH ONE OR TWO CALLS CAN ACHIEVE THIS KIND OF REACTION, WE

ALL FACE THE PROSPECT OF FURTHER DISRUPTION, AND THE PERPETRATORS HAVE "WON." ERRAZURIZ SAID THAT WITHOUT ANY DOUBT SUCH CALLS MUST BE INVESTIGATED, ANALYZED AND REACTED TO BUT NOT ON THE BASIS OF EMOTION. HE ASKED FOR DETAILS OF THE CALLS AND THE AMBASSADOR, NOTING THAT A FULL REPORT, INCLUDING A RECORDING OF THE SECOND CALL, HAS BEEN SENT TO CHILEAN AUTHORITIES, OFFERED TO SEND ERRAZURIZ COPIES OF THE SAME INFORMATION. (THIS WAS SUBSEQUENTLY DONE.)

5. HUMAN RIGHTS RESOLUTION ON CHILE: ERRAZURIZ SAID HE AND THE GOC ARE "ABSOLUTELY FRUSTRATED" BY THE LATEST RESOLUTION WHICH HE TERMED "DISCRIMINATORY AND POLITICALLY MOTIVATED." HE SAID THAT BEING CONDEMNED BY THE CUBANS, MEXICANS, SANDINISTAS, AND ALGERIANS, WHO HAVE NEVER BEEN HELD TO THE SAME STANDARDS IS PARTICULARLY GALLING. HE SAID THE GOC IS NOW QUESTIONING WHETHER THERE IS ANY MERIT IN CONTINUING TO COOPERATE WITH THE UNHRC IN THE FACE OF SUCH OBVIOUS PREJUDICE. HE OPINED THAT EXTREMISTS IN CHILE WOULD FIND NEW GRIST FOR THEIR ARGUMENTS THAT IT MAKES NO DIFFERENCE WHAT THE GOC DOES, IT IS GOING TO BE CONDEMNED IN ANY EVENT. ERRAZURIZ SAID HE APPRECIATED USG EFFORTS TO MODERATE THE RESOLUTION AND TO MAKE CLEAR ITS DESIRE FOR AN HONEST STATEMENT. COMMENT: THE GOC ANNOUNCES AFTER EVERY UNHRC AND UNGA RESOLUTION ON CHILE THAT IT IS
CONFIDENTIAL
CONFIDENTIAL

PAGE 03 SANTIA 02410 01 OF 02 131750Z

REEVALUATING ITS COOPERATION WITH THE RAPPORTEUR, BUT SO FAR HAS ALWAYS FOUND IT ADVANTAGEOUS TO CONTINUE TO RECEIVE HIM. END COMMENT.

6. LDC DEBT: ERRAZURIZ SAID HE WANTED TO REGISTER HIS OWN AND HIS GOVERNMENT'S CONCERN BASED SOLELY ON NEWS REPORTS THAT THE USG MIGHT SOMEHOW CHANGE ITS POLICY ON LDC DEBT IN A MANNER THAT WOULD EFFECTIVELY REWARD THE NON-PERFORMERS AND PUNISH THOSE, LIKE CHILE, WHO HAD PLAYED THE GAME DESPITE ITS HIGH COSTS. THE AMBASSADOR NOTED THAT HIS ONLY INFORMATION ON ANY POSSIBLE NEW USG APPROACH IS ALSO FROM THE PRESS AND EMPHASIZED THAT CHILE'S EXCELLENT RECORD OF DEBT MANAGEMENT HAS BEEN CLEARLY NOTED AND APPRECIATED BY THE USG. ERRAZURIZ SAID HE HOPED THAT THERE WOULD BE REWARDS OR AT LEAST INCENTIVES IN WHATEVER NEW APPROACH THE US MIGHT PROPOSE TO ADOPT.

7. ANTARCTICA: ERRAZURIZ REFERRED TO HIS RECENT STATEMENTS REGARDING THE NEED FOR ACTION TO PROTECT THE ANTARCTIC, STATING THAT CHILE WOULD BE VERY ACTIVE IN THE UPCOMING (MAY) MEETING IN PARIS OF SIGNATORIES TO THE ANTARCTIC TREATY. IN RESPONSE TO THE AMBASSADOR'S QUESTION, THE MINISTER SAID CHILE WOULD PROPOSE SOME TYPE OF

CONFIDENTIAL

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CONFIDENTIAL

PAGE 01 SANTIA 02410 02 OF 02 131749Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	SS-00	OIC-02	CIAE-00
	DODE-00	H-01	IO-19	NSCE-00	NSAE-00	SSO-00	HA-09
	L-03	TRSE-00	PM-10	PA-01	OMB-01	HHS-04	INRE-00
	OES-09	USIE-00	JUSE-00	SP-02	SNP-01	C-01	PRS-01
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FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 0423

C O N F I D E N T I A L SECTION 02 OF 02 SANTIAGO 02410

E.O. 12356 DECL:OADR
TAGS: PREL, PHUM, CI
SUBJECT: AMBASSADOR'S MEETING WITH FM ERRAZURIZ

CONTROLS ON TOURISM, TRANSPORTATION, AND SCIENTIFIC INVESTIGATION IN THE REGION. HE NOTED THAT AS ONE OF THE MAJOR GATEWAYS TO THE REGION, CHILE BELIEVES IT HAS IMPORTANT INTERESTS AT STAKE AND THAT THE GOC WOULD BE IN CONTACT WITH OTHERS TO PREPARE FOR THE PARIS MEETING. THE AMBASSADOR, NOTING THAT HE HAS RETURNED FROM ANTARCTICA ONLY RECENTLY, COMMENTED FAVORABLY ON CHILEAN ASSISTANCE TO THE USG AND TO THE GOVERNMENTS OF ARGENTINA AND PERU IN EFFORTS TO DEAL WITH TWO SHIPWRECKS AND RESULTANT CONTIMINATION.

. CHILEAN AIR FORCE F-5S: THE FM RAISED GOC CONCERNS ABOUT CONTINUING FLIGHT SAFETY PROBLEMS INVOLVING U.S. MANUFACTURERED F-5 FIGHTER AIRCRAFT. SPECIFICALLY, HE SAID, THERE IS A PROBLEM WITH THE LONGERONS OF THE AIRCRAFT WHICH NEED ATTENTION IN ORDER TO GUARANTEE FLIGHT SAFETY. HE EXPRESSED FRUSTRA-TION OVER INABILITIES TO OBTAIN THE NECESSARY PARTS

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PAGE 02 SANTIA 02410 02 OF 02 131749Z

OR EVEN THE MANUEALS TO ADDRESS THE PROBLEM. ERRAZURIZ SAID THAT THE GOC HAD BEEN UNDER STRONG PRESSURE FROM THE GOVERNMENT OF IRAN TO SELL THE F-5S TO IT, BUT DID NOT DO SO. HE SAID THAT THE USG WAS AWARE OF THAT FACT AND OUGHT TO APPRECIATE IT. HE ALSO OPINED THAT THE CHILEAN AIR FORCE IS ALMOST THE ONLY REMAINING POINT OF REAL CONTACT BETWEEN THE MILITARY ESTABLISHMENTS OF THE TWO NATIONS SINCE THE NAVY HAS TURNED ALMOST EXCLUSIVELY TO THE BRITISH AND THE "ARMY KEEPS ITS OWN COUNSEL." IF THE U.S. IS INTERESTED IN GOOD RELATIONS WITH THE CHILEAN MILITARY IT SHOULD BE WILLING TO HELP THE CHILEAN AIR FORCE. GILLESPIE

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MI 0041

United States Department of State

Assistant Secretary for Human Rights and Humanitarian Affairs

Washington, D. C. 20520

March 14, 1989

Chile Project (#8109900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ in Full ____
Exemption(s) ____

Dear Senator Lieberman:

I am responding to your letter of February 14, in which you requested information about the status of the legal confrontation between Chilean military prosecutors and the Catholic Church's Vicariate of Solidarity.

As of the moment, the situation remains at a standoff. Military prosecutor Sergio Cea visited the Vicariate on February 15 to demand the medical records. He was turned down. Although Cea told a press conference that no group was above the law, he did not indicate what his next move might be. There have been no new developments since then.

Our Embassy in Santiago has remained in close touch with this situation with diligence and much concern. In the absence of Ambassador Gillespie, who had been in the United States, our Charge d'Affaires paid a highly visible public visit to the Vicariate in order to show U.S. support for the activities of this respected human rights organization.

Sincerely,

Richard Schifter

1989 APR -7 AM 3:13
FAIM/IAP/WI

The Honorable
Joseph I. Lieberman,
United States Senate.

DRAFTED: HA/HR: LWeintraub
2/27/89 7-1442 Wang L0153
FAIM #0023-0090

Clearance: HA/HR:RWAherne
ARA/SC:PDeShazo
H:PDoherty

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Chile Project (#S199900030)
U.S. Department of State
Release____ Excise X Deny____
Declassify: In Part X In Full____
Exemption(s) b6
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1-B

PAGE 01 SANTIA 02534 151809Z
ACTION L-03

INFO LOG-00 ADS-00 COMP-01 ARA-00 AMAD-01 OCS-06 CA-02
A-00 /013 W
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R 151646Z MAR 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 0467

~~UNCLAS~~ SANTIAGO 02534

FOR L; ALSO FOR CA/OCS/EMR/ARA, ARA/SC AND ARA/EX

E.O. 12356: N/A
TAGS: CJAN, CASC, AMGT, CI
SUBJ: REQUEST FOR APPROVAL OF LEGAL SERVICES

REF: SANTIAGO 445 AND PREVIOUS

1. POST REQUESTS DEPARTMENT APPROVAL TO OBTAIN LEGAL SERVICES TO PERMIT CONSULAR OFFICERS TO PERFORM DUTIES RELATING TO PROTECTION OF U.S. NATIONALS.

2. FOLLOWING INFORMATION IS PROVIDED PER 2 FAM 283.4:

A. POST HAS BEEN PRESSING FOR SOME TIME FOR A THOROUGH INVESTIGATION INTO THE JANUARY 1985 DISAPPEARANCE OF U.S. CITIZEN BORIS WEISFEILER. WE NOW BELIEVE THAT WE CAN ASK TO REOPEN THE INVESTIGATION IN ORDER TO QUESTION THE MEMBERS OF THE ARMY PATROL ALLEGEDLY IN THE AREA AT THE TIME OF HIS DISAPPEARANCE. TO PRESS THE CASE AND TO FOLLOW CAREFULLY THE PROCEEDINGS, POST WILL NEED TO ENGAGE A KNOWLEDGEABLE LOCAL ATTORNEY.

B. SELECTED ATTORNEY IS ALFREDO ETCHEBERRY.

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PAGE 02 SANTIA 02534 151809Z

C. ALFREDO ETCHEBERRY IS A VERY PROMINENT LOCAL ATTORNEY WHO HAS HANDLED, AND IS NOW HANDLING, VERY SENSITIVE CASES ON BEHALF OF THE USG AND THE EMBASSY. HE IS VERY WELL KNOWN FOR THE EXCEPTIONAL SERVICE HE HAS PROVIDED TO THE EMBASSY IN THE PAST.
D. COMPARATIVE RATINGS ARE NOT AVAILABLE, BUT MR.

ETCHEBERRY IS NOT ONLY A HIGHLY QUALIFIED ATTORNEY, HE HAS ALSO AMPLY DEMONSTRATED HIS EXTRAORDINARY COMPETENCE AND DEDICATION ON MANY OCCASIONS

E. IN INITIAL CONTACT WITH THE ATTORNEY ON THIS MATTER, HE PROPOSES A FEE OF [redacted] PER HOUR FOR AN ESTIMATED WORKLOAD OF 32 HOURS, PAID IN ADVANCE AS A RETAINER IN THE AMOUNT OF [redacted] IF THE CASE REQUIRES FURTHER DEVELOPMENT, SUPPLEMENTARY FEES WOULD BE REQUIRED. SECRETARIAL AND OTHER EXPENSES WOULD BE INCLUDED, BUT TRANSPORTATION, MEAL AND LODGING EXPENSES IN THE ESTIMATED AMOUNT OF [redacted] WOULD BE NEEDED SINCE THE COURT WITH JURISDICTION IS LOCATED IN SOUTHERN CHILE. THE COSTS WOULD BE ON A RECEIPT BASIS.

3. REQUEST APPROVAL FOR MR. ETCHEBERRY'S LEGAL SERVICES AND FUNDING IN THE AMOUNT OF [redacted] GILLESPIE

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Chile Project (#S199900030)
U.S. Department of State
Release ✓ Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____

UNCLASSIFIED

HKAIJ

United States Department of State

Washington, D.C. 20520

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3/15 closed

ga. 015

Dear Senator Kennedy:

I am in receipt of your letter of February 15, 1989 in which you express interest and concern for the pending case involving the medical records of the Vicariate of Solidarity in Chile.

The United States Government has followed this case closely since its inception. Our Ambassador to Chile, Charles Gillespie, Jr. recently met with Bishop Sergio Valech, head of the Vicariate, to discuss this case and other matters involving the human rights work of the Church. We have also raised this case with high officials of the Chilean Government. On February 3, 1989 our Embassy's Charge de Affaires, George Jones, called on Bishop Valech at Vicariate headquarters to express again the U.S. Government's support for the Vicariate's efforts to promote human rights.

Following that meeting, Mr. Jones reiterated in an interview with the press the U.S. Government's long-standing view that the Vicariate of Solidarity is a highly respected human rights organization with a well-deserved international reputation and that we would deeply regret any action which would compromise the ability of the Vicariate to perform effectively its important activities.

Support for a return to democracy and respect for human and civil rights is the cornerstone of U.S. policy toward Chile. Accordingly, we will continue to follow the Vicariate case with great interest.

If we can be of further assistance to you, please do not hesistate to contact us.

Sincerely,

59-96-0742
1989 ARA Staff Cnt. file
ARA 0001-0490

Janet G. Mullins
Assistant Secretary
Legislative Affairs

The Honorable
Edward M. Kennedy,
United States Senate.

UNCLASSIFIED

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FAIM

Drafter:ARA/SC:PDeShazo
2/24/89 647-2401
SEARASC:3880
ARA#:89-0313, FAIM#:0190321
Cleared:ARA/SC:RHopper
ARA:
H:
HA:LWeintraub

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Case Number: S199900030
Chile Project (#S199900030)
U.S. Department of State
Release X Excise Deny
Declassify: In Part In Full X
Exemption(s)

CONFIDENTIAL

PAGE 01 SANTIA 02595 01 OF 02 152207Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	EUR-00	SS-00	OIC-02
	CIAE-00	DODE-00	H-01	IO-19	NSCE-00	NSAE-00	HA-09
	L-03	TRSE-00	PM-10	PA-01	OMB-01	INRE-00	USIE-00
	SP-02	SNP-01	C-01	PRS-01	P-02	T-01	/061 W

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P 152200Z MAR 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 0489
INFO AMEMBASSY BRASILIA
AMEMBASSY BUENOS AIRES
AMEMBASSY CARACAS
AMEMBASSY LA PAZ
AMEMBASSY LIMA
AMEMBASSY LONDON
AMEMBASSY MADRID
AMEMBASSY MONTEVIDEO
AMEMBASSY PARIS
AMEMBASSY ROME
USMISSION USUN NEW YORK
AMEMBASSY MEXICO

C O N F I D E N T I A L SECTION 01 OF 02 SANTIAGO 02595

MEXICO FOR ARNOLD CHACON

E.O. 12356: DECL:OADR
TAGS: PGOV, CI
SUBJ: GOC INITIATES DIALOGUE ON CONSTITUTIONAL REFORM

REF: SANTIAGO 2405

1. (LOU) SUMMARY: AS A FOLLOW-UP TO PINOCHET'S MARCH 11 SPEECH, INTERIOR MINISTER CARLOS CACERES HAS SUMMONED NATIONAL RENEWAL (RN) PRESIDENT SERGIO

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PAGE 02 SANTIA 02595 01 OF 02 152207Z

JARPA, CHRISTIAN DEMOCRATIC PARTY (PDC) PRESIDENT PATRICIO AYLWIN, AND UDI PRESIDENT JAIME GUZMAN TO LA MONEDA FOR SEPARATE MEETINGS TO BEGIN A DIALOGUE ON CONSTITUTIONAL REFORM. JUNTA MEMBER GENERAL STANGE CALLED CONSTITUTIONAL REFORM THE MOST IMPORTANT CHALLENGE FACED BY THE LEGISLATIVE

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BRANCH. MEANWHILE A MEMBER OF THE RN-PDC JOINT COMMISSION INDICATED IT WOULD PROBABLY BE READY TO PRESENT A JOINT PROPOSAL FOR CONSTITUTIONAL REFORM AS EARLY AS NEXT WEEK. WHILE PINOCHET'S COMMITMENT TO CONSTITUTIONAL REFORM LEAVES MANY POLITICAL OBSERVERS SKEPTICAL, AN AGREEMENT BETWEEN CHILE'S BIGGEST PARTIES ON THE CENTER-LEFT AND RIGHT WOULD REDUCE HIS ABILITY TO MANIPULATE THE ISSUE. THE DISTRACTION OF THE FRUIT EXPORT CRISIS MAY GIVE CACERES A FREER HAND TO MOVE FORWARD ON THE ISSUE. END SUMMARY.

2. INTERIOR MINISTER CARLOS CACERES HAS INITIATED A SERIES OF MEETINGS WITH POLITICAL PARTIES TO FOLLOW UP ON PRESIDENT PINOCHET'S INSTRUCTIONS TO GAIN AGREEMENT ON PROPOSALS FOR CONSTITUTIONAL REFORM (REFTEL). FOLLOWING THE FIRST CONVERSATION ON MARCH 14 WITH RN PRESIDENT SERGIO ONOFRE JARPA, THE FORMER INTERIOR MINISTER EXPRESSED CONFIDENCE THAT THE DIALOGUE WOULD PROSPER, GIVEN THE NEW FORCES AT WORK. REFERRING TO THE RN-PDC JOINT COMMISSION ON CONSTITUTIONAL REFORM, JARPA ADDED THAT HIS PARTY'S DIALOGUE WITH THE OPPOSITION HAD CONTRIBUTED TO THIS OPENING.

3. (U) ON MARCH 15 PDC PRESIDENT PATRICIO

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PAGE 03 SANTIA 02595 01 OF 02 152207Z

AYLWIN IS MEETING WITH CACERES, WHICH IS BILLED AS HIS FIRST APPOINTMENT IN LA MONEDA FOR 15 YEARS. A MINOR SPAT ERUPTED WHEN DEMOCRATIC SOCIALIST LEADER RICARDO LAGOS PUBLICLY QUESTIONED AYLWIN'S ABILITY TO SPEAK FOR THE CENTER LEFT COALITION (COPODE) AS WELL AS FOR THE PDC. OTHER OPPOSITION PARTY LEADERS INCLUDING RADICAL PARTY VICE PRESIDENT RICARDO NAVARETTE AND ALMEYDA SOCIALIST LEADER LUCIANO VALLE QUICKLY OPINED THAT AYLWIN HAD INDEED CONSULTED WITH COPODE MEMBERS OVER HIS APPROACH TO THE GOC, AND THAT IT WOULD BE VERY DIFFICULT TO SEPARATE HIS ROLE AS COPODE SPOKESMAN FROM THAT OF PDC PRESIDENT. ASKED IF HE COULD ENVISION THE OPPOSITION SUPPORTING A PLEBISCITE PROPOSITION ON THE REFORM ISSUE, AYLWIN SAID IT WAS POSSIBLE, PROVIDING THE GOC AND VARIOUS POLITICAL SECTORS CAME TO TERMS ON A PACKAGE.

4. (U) IN A SPEECH INAUGURATING THE THIRD LEGISLATIVE COMMISSION FOR 1989, JUNTA MEMBER GENERAL STANGE DESCRIBED CONSTITUTIONAL REFORM AS THE MOST IMPORTANT CHALLENGE FACING THE LEGISLATIVE BRANCH THIS YEAR. ON THE SAME DAY, MINISTER SERGIO MELNICK, DIRECTOR OF THE NATIONAL PLANNING OFFICE, EXPRESSED HIS OPINION THAT THE CONSTITUTION SHOULD BE IMPLEMENTED AS IS, WITHOUT ANY CHANGES. MEANWHILE THE RN, NATIONAL AND RADICAL DEMOCRACY PARTIES MET TO PLAN A COMMON STRATEGY ON CONSTITUTIONAL REFORM AND CANDIDATE LISTS FOR UPCOMING CONGRESSIONAL ELECTIONS.

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PAGE 01 SANTIA 02595 02 OF 02 161500Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	EUR-00	SS-00	OIC-02
	CIAE-00	DODE-00	H-01	IO-19	NSCE-00	NSAE-00	HA-09
	L-03	TRSE-00	PM-10	PA-01	OMB-01	INRE-00	USIE-00
	SP-02	SNP-01	FAIM-01	C-01	PRS-01	P-02	T-01
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P 152200Z MAR 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 0490
INFO AMEMBASSY BRASILIA
AMEMBASSY BUENOS AIRES
AMEMBASSY CARACAS
AMEMBASSY LA PAZ
AMEMBASSY LIMA
AMEMBASSY LONDON
AMEMBASSY MADRID
AMEMBASSY MONTEVIDEO
AMEMBASSY PARIS
AMEMBASSY ROME
USMISSION USUN NEW YORK
AMEMBASSY MEXICO

C O N F I D E N T I A L SECTION 02 OF 02 SANTIAGO 02595

C O R R E C T E D C O P Y - TEXT

MEXICO FOR ARNOLD CHACON

E.O. 12356: DECL:OADR
TAGS: PGOV, CI
SUBJ: GOC INITIATES DIALOGUE ON CONSTITUTIONAL

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5. (U) IN A PRESS INTERVIEW ON MARCH 13, FRANCISCO CUMPLIDO, A MEMBER OF THE RN-PDC JOINT

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COMMISSION ON CONSTITUTIONAL REFORM, INDICATED THAT THE GROUP HAD REACHED AGREEMENT ON SEVERAL KEY ISSUES, INCLUDING A FORMULA FOR MODIFYING ARTICLE 8 (WHICH PROHIBITS COMMUNIST ORGANIZATIONS): CONGRESSIONAL ELECTIONS, POWERS OF THE CONGRESS, AND QUALIFICATIONS FOR CANDIDATES FOR THE CHAMBER OF DEPUTIES AND THE SENATE. THE MAJOR QUESTIONS STILL TO BE RESOLVED WERE THE MAKEUP OF THE NATIONAL SECURITY COUNCIL AND THE MECHANISM FOR CONSTITUTIONAL REFORM. BESIDES CUMPLIDO (PDC), THE OTHER COPODE MEMBERS OF THE JOINT TECHNICAL COMMISSION ARE CARLOS ANDRADE (RADICAL PARTY), ADOLFO VELOSO (ALMEYDA SOCIALIST), JOSE ANTONIO VIERA (NUNEZ SOCIALIST), AND JUAN ENRIQUE PRIETO (HUMANIST). THE FIVE MEMBERS DESIGNATED BY RN ARE CARLOS REYMOND (RN), RICARDO RIVADENEIRA (EX RN PRESIDENT), JOSE LUIS CEA (INDEPENDENT CONSTITUTIONALIST), ENRIQUE BARROS (INDEPENDENT), AND OSCAR GODOY (INDEPENDENT). THE COMMISSION EXPECTS TO FINISH DELIBERATIONS WITHIN A WEEK, SO THAT A FINAL REPORT CAN BE APPROVED BY THE END OF MARCH.

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6. (C) COMMENT: MOST OPPOSITION LEADERS REMAIN SKEPTICAL ABOUT PINOCHET'S MOTIVES AND POINT OUT HE COULD STILL PULL THE RUG OUT FROM UNDER CACERES. IN A RECENT MEETING WITH POLOFFS, LEFT SOCIALIST LEADER LUIS MAIRA CALLED PINOCHET THE MOST UNPREDICTABLE MAN IN CHILE. HOWEVER, HE RECOGNIZED THAT WINNING THE MORE FLEXIBLE MECHANISM FOR CONSTITUTIONAL REFORM AND A FOUR-YEAR PRESIDENTIAL TERM WOULD BE IMPORTANT ADVANCES WHICH COULD BENEFIT BOTH SIDES. HE OBSERVED THAT IT WAS IN THE COUNTRY'S

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INTEREST TO HAVE PINOCHET WAITING FOUR YEARS FOR ANOTHER RUN AT THE PRESIDENCY, RATHER THAN PLANNING ANOTHER COUP WITHIN SIX MONTHS OF A NEW ADMINISTRATION.

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7. (C) THE BIGGEST POINT OF CONTENTION AND CONFUSION IS THE LACK OF AN ELECTION DISTRICTING LAW. WHILE PINOCHET WAS STEALING THE MODERATES' THUNDER ON MARCH 11, HE WAS WORKING BEHIND THE SCENES TO GERRYMANDER THE NEW CONGRESSIONAL DISTRICTS. BY DELAYING THE BILL HE IS CAGILY PREVENTING RIVAL OPPOSITION LEADERS LIKE AYLWIN AND LAGOS FROM COMING TO AN ELECTORAL AGREEMENT. NEVERTHELESS MANY CENTER-LEFT POLITICIANS SEEM AWARE THEY MUST BE CAREFUL NOT TO LET PINOCHET'S LATEST INITIATIVE DIVIDE THEM. AN RN-PDC ACCORD WOULD MAKE IT HARD FOR THE PRESIDENT TO CLAIM THAT THE CHIEF PARTIES COULDN'T SEE EYE TO EYE ON CONSTITUTIONAL REFORM AND EQUALLY DIFFICULT FOR COPODE TO REJECT A PLEBISCITE ON THE BASIS THAT THE REFORM DID NOT GO FAR ENOUGH. ALTHOUGH IT IS TOO EARLY TO TELL, THE DISTRACTION OF THE FRUIT EXPORT CRISIS MAY JUST GIVE CACERES A FREER HAND TO MAKE PROGRESS ON THE ISSUE WITHOUT BEING IMPEDED BY HARD-LINERS LIKE MELNICK. END COMMENT. GILLESPIE

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Case Number: S199900030
Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify In Part ____ In Full X
Exemption(s) ____

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PAGE 01 SANTIA 02590 152133Z
ACTION DS-01

INFO	LOG-00	ADS-00	AID-00	INR-05	SS-00	CIAE-00	EB-00
	DODE-00	NSCE-00	ARA-00	NSAE-00	COME-00	SSO-00	L-02
	AMAD-01	CTME-00	NRCE-00	TRSE-00	PM-05	PA-02	FAAE-00
	CCO-00	INRE-00	CA-02	CG-00	USSS-00	USIE-00	JUSE-00
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LIMITED OFFICIAL USE SANTIAGO 02590

TERREP

E.O. 12356: N/A
TAGS: ASEC, PTER, CI
SUBJECT: TELEPHONIC DEATH THREAT RECEIVED AT CHANCERY

1. ON MARCH 15, 1989, AT 1325 HOURS AN EMBASSY SWITCHBOARD OPERATOR RECEIVED A PHONE CALL FROM A SPANISH SPEAKING MALE WHO SAID, QUOTE, TWO EMPLOYEES FROM THE EMBASSY ARE GOING TO DIE, UNQUOTE. THE CALLER THEN HUNG UP.

2. THE OPERATOR WAS INTERVIEWED AND SAID THE CALLER SOUNDED YOUNG, EDUCATED AND SPOKE WITH A CHILEAN ACCENT. THE OPERATOR NOTED THAT THE CALLER SOUNDED AS THOUGH HE WAS TRYING TO DISGUISE HIS VOICE.

3. AN EAC MEETING WAS HELD ON MARCH 15TH AT 1600 HOURS TO DISCUSS THE PHONE THREAT. ATTENDEES WERE DIRECTED TO PASS THIS INFORMATION TO ALL EMPLOYEES, AMERICANS AND NATIONALS, IN THEIR RESPECTIVE SECTIONS AND
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PAGE 02 SANTIA 02590 152133Z

TO REMIND EVERYONE TO PAY STRICT ATTENTION TO THEIR PERSONAL SECURITY HABITS.

4. THIS CALL WAS PROBABLY A RESPONSE TO THE MEASURES INSTITUTED BY THE USG AFTER CYANIDE WAS DISCOVERED IN CHILEAN FRUIT THAT HAD BEEN IMPORTED INTO THE U.S. IN ANTICIPATION OF ANY INCAREASE IN TENSIONS FOLLOWING

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THE USG MEASURES TAKEN AGAINST CHILEAN FRUIT, THE FOLLOWING ACTIONS HAVE ALREADY BEEN TAKEN.

--THE EMBASSY GUARD FORCE HAS BEEN PLACED ON ALERT AND EMBASSY MOBILE ROVING PATROLS ARE CONDUCTING DIRECTED PATROLS OF KNOWN GATHERING POINTS FOR DEMONSTRATORS.

--THE CARABINEROS DE CHILE, THE CHILEAN NATIONAL POLICE FORCE, HAVE DETAILED PERSONNEL TO PROVIDE SECURITY AT THE AMBASSADOR'S RESIDENCE, THE CONSULATE AND THE CHANCERY.

5. THE LOCAL POLICE WILL BE NOTIFIED OF THIS INCIDENT.

GILLESPIE

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United States Department of State

Washington, D.C. 20520

Chile Project (#S199900030)
U.S. Department of State
Release ✓ Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____

Dear Senator Biden:

This is in response to your inquiry concerning the pending case involving the medical records of the Vicariate of Solidarity in Chile. Your letter was on behalf of Reverend Douglas Smith of South Bend, Indiana.

The United States Government has followed this case closely since its inception. Our Ambassador to Chile, Charles Gillespie, Jr. recently met with Bishop Sergio Valech, head of the Vicariate, to discuss this case and other matters involving the human rights work of the Church. We have also raised this case with high officials of the Chilean Government. On February 3, 1989 our Embassy's Charge d' Affaires, George Jones, called on Bishop Valech at Vicariate headquarters to express again the U.S. Government's support for the Vicariate's efforts to promote human rights.

Following that meeting, Mr. Jones reiterated in an interview with the press the U.S. Government's long-standing view that the Vicariate of Solidarity is a highly respected human rights organization with a well-deserved international reputation and that we would deeply regret any action which would compromise the ability of the Vicariate to perform effectively its important activities.

Support for a return to democracy and respect for human and civil rights is the cornerstone of U.S. policy toward Chile. Accordingly, we will continue to follow the Vicariate case with great interest.

If we can be of further assistance to you, please do not hesitate to contact us.

Sincerely,

Janet G. Mullins
Assistant Secretary
Legislative Affairs

Enclosure: Correspondence returned.

The Honorable
Joseph R. Biden, Jr.,
United States Senate.

AR 94-5
To H Closed
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Drafter:ARA/SC:PDeShazo
3/2/89 647-2401
SEARASC:3880
ARA#:89-0362, FAIM#:0230408
CONGTO:01309
Cleared:ARA/SC:RHopper
ARA:
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HA:LWeintraub

Case Number: S199900030 Global Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ in Full X
Exemption(s) ____

CONFIDENTIAL

PAGE 01 SANTIA 02642 171357Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	SS-00	CIAE-00	DODE-00
	H-01	NSCE-00	NSAE-00	HA-09	L-03	TRSE-00	PM-10
	PA-01	OMB-01	INRE-00	USIE-00	SP-02	SNP-01	C-01
	PRS-01	P-02	T-01	/040 W			

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FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 0503
INFO AMEMBASSY MEXICO

C O N F I D E N T I A L SANTIAGO 02642

MEXICO FOR ARNOLD CHACON

E.O. 12356: DECL:OADR
TAGS: PGOV, CI
SUBJ: AYLWIN PROPOSES EXPERTS COMMISSION ON CONSTITUTIONAL REFORM TO GOC

REF: SANTIAGO 2595

1. (U) IN AN HISTORIC MEETING IN LA MONEDA ON MARCH 15, PDC PRESIDENT PATRICIO AYLWIN PROPOSED TO INTERIOR MINISTER CARLOS CACERES THE FORMATION OF A BIPARTITE COMMISSION MODELLED ON THE JOINT COMMISSION CREATED BY THE CHRISTIAN DEMOCRATS AND CONSERVATIVE NATIONAL RENEWAL PARTY, TO DRAW UP A PROGRAM FOR CONSTITUTIONAL REFORM. AT THE END OF THE ENCOUNTER, WHICH HE CHARACTERIZED AS ENORMOUSLY IMPORTANT AND PRODUCTIVE, AYLWIN SAID THAT HE HAD COME WITH THE PATRIOTIC SPIRIT OF CONTRIBUTING TO A PEACEFUL TRANSITION TO DEMOCRACY AS WELL AS TO RECONCILIATION AMONG CHILEANS. "WE ARE OPEN TO THE SEARCH FOR AN ACCORD," HE EMPHASIZED.

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PAGE 02 SANTIA 02642 171357Z

2. (U) AYLWIN REPORTEDLY EXPLAINED TO CACERES THAT THE PDC SUPPORTS THE PETITION OF CONSITUTIONAL REFORMS PRESENTED BY THE SEVENTEEN-PARTY CENTER-LEFT COALITION (COPODE) ON OCTOBER 14. IN PARTICULAR, HE FOCUSSED ON THE IMPORTANCE OF A FULLY-ELECTED CONGRESS AND THE NEED FOR PROMPT

PROMULGATION OF AN EQUITABLE ELECTORAL DISTRICTING LAW WHICH IS ESSENTIAL TO DELINEATE THE PLAYING FIELD FOR UPCOMING PARLIAMENTARY ELECTIONS. HE ALSO EXPRESSED CONCERN OVER GOVERNMENT-SPONSORED LEGISLATION WHICH WOULD CHANGE THE RULES OF THE GAME ON WHO CAN RUN FOR OFFICE, QUALIFYING MINISTERS AND HEADS OF UNIONS AND PROFESSIONAL ORGANIZATIONS WHO ARE PRESENTLY PROHIBITED BY THE CONSTITUTION. AYLWIN SUGGESTED THAT SUCH CHANGES BE INCORPORATED INTO THE PROPOSAL FOR CONSTITUTIONAL REFORM, RATHER THAN INSERTED UNDER THE GUISE OF "INTERPRETIVE" LEGISLATION.

3. (U) AFTER BEING ESCORTED BY CARABINEROS ACROSS CONSTITUTION PLAZA, AYLWIN PROCEEDED TO A FULL MEETING OF COPODE LEADERS, TO WHOM HE REPORTED ON THE CONVERSATION IN LA MONEDA. SOME RAISED COMPLAINTS THAT THE BODY AS A WHOLE WAS NOT CONSULTED PRIOR TO AYLWIN'S ACCEPTING THE APPOINTMENT WITH CACERES, WHILE OTHERS ASSERTED THAT HE HAD ACTED CORRECTLY (SEE REFTEL). A DEBATE ON THE SUBJECT WAS SCHEDULED FOR THE FOLLOWING DAY, AT WHICH TIME THE COALITION WILL ALSO HEAR REPORTS FROM THE TECHNICIANS ASSIGNED TO THE RN-PDC COMMISSION.

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PAGE 03 SANTIA 02642 171357Z

4. (LOU) THE JOVIAL AYLWIN-CACERES HANDSHAKE RECEIVED GALA COVERAGE IN THE MORNING PRESS, IN STARK CONTRAST TO THE CRESCENDO OF DISMAL NEWS ABOUT THE RESULTS OF THE FRUIT EXPORT CRISIS. AYLWIN HAS BROKEN THE LONG HIATUS OF OPPOSITION POLITICIAN MEETINGS WITH GOC LEADERS WHICH DATES FROM THE FAILED 1984 NEGOTIATIONS WITH THEN MINISTER OF INTERIOR SERGIO ONOFRE JARPA. CACERES IS APPARENTLY CONSIDERING INVITING RIVAL OPPOSITION PRESIDENTIAL CANDIDATES ENRIQUE SILVA CIMMA AND EUGENIO VELASCO TO JOIN THE DIALOGUE. THIS COULD TAKE SOME OF THE HEAT OFF AYLWIN FROM THE LEFT WITHIN THE COPODE ALLIANCE. THE FACT THAT AYLWIN JUST WON A KEY VOTE IN THE PDC NATIONAL COUNCIL -- WHICH AGREED BY 20-2 TO SUPPORT WORKING TOWARD A "GRAND COALITION" GOVERNMENT OF THE SEVENTEEN OPPOSITION PARTIES RATHER THAN A "SMALL COALITION" GOVERNMENT WITH THE FIVE CENTRIST PARTIES --

SHOULD HELP HIM IN TAMING THE LIONS WITHIN COPODE.

-

5. (C) UDI LEADER JAIME GUZMAN, WHO IS NOW SCHEDULED TO MEET CACERES ON MARCH 17, TOLD EMBOFFS HE WOULD PUSH FOR A COPODE AGREEMENT TO FOREGO ANY FUTURE REFORMS IN EXCHANGE FOR THE CHANGES MADE BEFORE THE ELECTIONS. THE OPPOSITION WILL STRONGLY RESIST BEING BOXED INTO ANY SUCH AGREEMENT. GILLESPIE

CONFIDENTIAL

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[redacted] UNCLASSIFIED EXCISE C223

PAGE 01 SAN JO 03377 01 OF 03 172112Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	SS-00	CIAE-00	DODE-00
	H-01	NSCE-00	NSAE-00	HA-09	L-03	TRSE-00	PM-10
	PA-01	OMB-01	INM-07	INRE-00	ACDA-12	USIE-00	SP-02
	SNP-01	C-01	SSE-01	PRS-01	OIG-04	P-02	T-01
	/064 W						

----------163164 172202Z /66

P-1.5d

P 172108Z MAR 89
FM AMEMBASSY SAN JOSE
TO SECSTATE WASHDC PRIORITY 9338
DEAHQTS WASHDC
AMEMBASSY MANAGUA
AMEMBASSY PANAMA

[redacted] L SECTION 01 OF 03 SAN JOSE 03377

DEA FOR OI

Dept. of State, RPS/IPS, Margaret P. Grafeld, Dir.
( ) Release (X) Excise ( ) Deny ( ) Declassify
Date 2/27/02 Exemption 1.5 a

E.O. 12356: DECL: OADR
TAGS: SNAR, PREL, PGOV, PINS, CS
SUBJECT: ODUBER ON DRUG ISSUE: ABSOLVES HIMSELF, BLAMES USG

Dept. of State, RPS/IPS, Margaret P. Grafeld, Dir.
( ) Classify as (X) Extend as ( ) Downgrade to ca
Date 2/27/02 Declassify on 3/1/14 Reason X6

1. (C) SUMMARY. FORMER PRESIDENT DANIEL ODUBER, SUMMONED BEFORE THE LEGISLATURE'S SPECIAL NARCOTICS COMMISSION, EXPLAINED AWAY HIS TIES WITH KNOWN NARCOTICS TRAFFICKERS AS MERE POLITICKING AND FUND-RAISING FOR THE PLN. HE PINNED COSTA RICA'S DRUG PROBLEMS ON THE USG, SPECIFICALLY THE CIA'S "TURNING A BLIND EYE" TOWARD DRUG RUNNING BY THE NICARAGUAN RESISTANCE. ODUBER CLAIMED TO HAVE FOUGHT THIS ACTIVITY, ADDING THAT HE HAD SENT NUMEROUS TRAFFICKERS TO JAIL BASED ON INFORMATION HE PROVIDED TO AUTHORITIES.

[redacted]

[redacted]

PAGE 02 SAN JO 03377 01 OF 03 172112Z

7 END SUMMARY.

2.

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DECLASSIFIED

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3. (U) U.S. TRAFFICKER JAMES LIONEL CASEY

THE SUMMONS FOR ODUBER TO TESTIFY BEFORE THE COMMISSION (HE SKIPPED TWO SCHEDULED APPEARANCES BEFORE SHOWING UP) WAS PROMPTED BY HIS INVOLVEMENT WITH ACCUSED AMCIT TRAFFICKER JAMES LIONEL CASEY (SAN JOSE 1248). ODUBER ADMITTED THAT HE HAD KNOWN CASEY SOCIALLY SINCE 1982 OR 1983 AND THAT HE HAD RECEIVED A 20,000 DOLLAR CAMPAIGN DONATION FROM HIM FOR THE PLN'S 1986 CAMPAIGN. HE REFUSED, HOWEVER, TO PROVIDE THE COMMISSION ANY DETAILS ON THE MATTER, CLAIMING HE HAD SAID ALL HE HAD TO SAY TO THE PLN'S ETHICS COMMITTEE. THE DEPUTIES DID NOT

[redacted]

[redacted]

PRESS FOR FURTHER DETAILS.

(THE NEXT DAY, THE PRESIDENT OF THE PLN'S ETHICS COMMITTEE, DEPUTY ANTONIO TACSAN, TOLD THE PRESS THAT ODUBER HAD INDEED GIVEN A SATISFACTORY EXPLANATION OF THE CASEY DONATION TO A CLOSED SESSION OF HIS COMMITTEE ON MARCH 1.)

---

4. (U) JOHN HULL AND THE CIA LINKED TO DRUG TRAFFICKING

ODUBER WENT INTO GREAT DETAIL ON THIS THEME, SAYING IT WAS IMPORTANT TO AN UNDERSTANDING OF COSTA RICA'S ROLE IN THE DRUG TRADE. IN THE EARLY 1980'S, ODUBER SAID, HE HEARD THAT "THE CENTER OF ANTI-SANDINISTA ACTIVITIES IN COSTA RICA WAS THE RANCH OF JOHN HULL IN GUANACASTE." FURTHER, ODUBER SAID, THE ANTI-FSLN EFFORT WAS CLOSELY TIED TO NARCOTICS AND THE CIA. ARMS WOULD COME IN, AND DRUGS WOULD GO OUT, ODUBER CLAIMED. THE CIA, "IN ITS DESPERATION TO OVERTHROW THE SANDINISTAS CLOSED ITS EYES TO THE NARCOTICS TRAFFICKING." EVEN U.S. CUSTOMS IN THE UNITED STATES WAS SUBORNED. THE DRUG SMUGGLING CAUSED PROBLEMS BETWEEN THE CIA AND THE DEA IN COSTA RICA, BUT THE CIA WON OUT.

THE 1984 LA PENCA BOMB ATTACK ON EDEN PASTORA SHOWED THAT "IT WAS DECIDED TO KILL PASTORA BECAUSE HE WOULDN'T PLAY BALL WITH THE CIA." ODUBER CLAIMED THAT THE "FORMER CHIEF OF THE CIA HERE, JOE FERNANDEZ, IS NOW DOING EIGHT YEARS IN JAIL (SIC) FOR THESE SHAMEFUL ACTIVITIES, AND FOR HAVING LIED

DECLASSIFIED

TO THE U.S. CONGRESS." IN BRIEF, THE U.S. EFFORT

[redacted]

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PAGE 01 SAN JO 03377 02 OF 03 172113Z
ACTION ARA-00

INFO	LOG-00	ADS-00	INR-07	SS-00	CIAE-00	DODE-00	H-01
	NSCE-00	NSAE-00	HA-09	L-03	TRSE-00	PM-10	PA-01
	OMB-01	INM-07	INRE-00	ACDA-12	USIE-00	SP-02	SNP-01
	C-01	SSE-01	PRS-01	OIG-04	P-02	T-01	/064 W

----------163212 172203Z /66

P 172108Z MAR 89
FM AMEMBASSY SAN JOSE
TO SECSTATE WASHDC PRIORITY 9339
DEAHQTS WASHDC
AMEMBASSY MANAGUA
AMEMBASSY PANAMA

[redacted] SECTION 02 OF 03 SAN JOSE 03377

DEA FOR OI

E.O. 12356: DECL: OADR
TAGS: SNAR, PREL, PGOV, PINS, CS
SUBJECT: ODUBER ON DRUG ISSUE: ABSOLVES HIMSELF,

WAS NOT SUCCESSFUL, DESPITE THE EFFORTS OF FERNANDEZ AND OF FORMER AMBASSADOR TAMBS, "AN EXPERT IN DRUGS AND ARMS."

U.S. POLICY TOWARD NICARAGUA, HOWEVER, DID MUCH TO DAMAGE COSTA RICA, ODUBER SAID. POLICE OFFICIALS IN GUANACASTE (PROVINCE WHERE ODUBER HAS A RANCH) WERE BRIBED; PATRIOTIC COSTA RICANS WERE SMEARED AT THE BEHEST OF THE CIA AND THE AMERICAN EMBASSY TO PROTECT U.S. INTERESTS. "MUDSLINGING EXPERTS" OF THE BUSH CAMPAIGN TRIED TO BLAME THE DRUG PROBLEM ON THE PRODUCING COUNTRIES WHEN IT WAS THE "MIDDLEMEN" WHO WERE THE MOST DANGEROUS.

ODUBER, HOWEVER, SAID HE HAD DONE MUCH TO COMBAT

[redacted]

THE CURSE OF DRUG TRAFFICKING IN GUANACASTE; HE HAD PROVIDED MANY NAMES TO THE MINISTRY OF PUBLIC SECURITY AND NUMEROUS CRIMINALS WERE IN JAIL BECAUSE OF WHAT HE HAD DONE. ASKED IF THE OPERATION CENTERED ON THE HULL RANCH WAS "PROTECTED" BY THE MONGE ADMINISTRATION, ODUBER REPLIED THAT IT MUST HAVE BEEN, BUT IT WAS THE DRUG COMMISSION'S JOB, NOT HIS, TO FIND OUT WHO WAS RESPONSIBLE.

---

5. (U) NORIEGA AND U.S. POLICY

ODUBER SAID HE HAD KNOWN NORIEGA SINCE 1968, WHEN TORRIJOS INTRODUCED THEM. THE SITUATION IN PANAMA NOW, HE SAID, WAS "MORE THE FAULT OF THE UNITED STATES THAN OF NORIEGA." AFTER ALL, ODUBER SAID, "THE CIA PAID NORIEGA 200,000 DOLLARS FOR PERSONAL EXPENSES AND THE DEA WROTE HIM A LETTER THANKING HIM FOR HIS EFFORTS IN COMBATING NARCOTICS TRAFFICKING." NORIEGA, IN BRIEF, WAS THE "SPOILED CHILD" OF THE CIA, ESPECIALLY WHEN HE BEGAN TO HELP IN THE ANTI-SANDINISTA STRUGGLE. AS FOR NORIEGA'S INVOLVEMENT IN DRUG TRAFFICKING, ODUBER SAID HE KNEW NOTHING OF IT.

---

6. (U) RELATIONS WITH FERNANDO MELO, ET AL.

ODUBER OBSERVED THAT ACCUSED TRAFFICKER MELO HAD LONG BEEN A PLN ACTIVIST AND FUND-RAISER. HE HAD BEEN HERE SINCE THE EARLY 1970'S, AND HAD HELPED ODUBER IN THE "ANTI-CASTRO STRUGGLES OF THAT TIME

PERIOD." MELO, ACCORDING TO ODUBER, LIKED TO THROW PARTIES AND RAISE MONEY FOR "ALL THE PLN CANDIDATES THAT I CAN REMEMBER." ASKED IF HAD EVER "MADE ANY CALLS ON BEHALF OF MELO," ODUBER ADMITTED THAT HE HAD, BUT HE DID NOT RECALL TO WHOM OR FOR WHAT REASON. ODUBER SAID HE DID NOT KNOW RECENTLY-EXTRADITED TRAFFICKER ROBERTO FIONNA, BUT THAT HE HAD ACCEPTED ONE FREE MEAL IN HIS RESTAURANT -- "A MISTAKE," HE NOTED. ODUBER ALSO ADMITTED HE KNEW RICARDO UMANA (FIRED BY THE JUDICIAL POLICE FOR TIES WITH FIONNA) WHO ONCE ASKED HIM TO TALK TO SUPREME COURT JUSTICES ABOUT GETTING HIM A BETTER POSITION IN THE OIJ. ODUBER SAID HE DECLINED.

---

7. (U) QUESTIONS EXTRADITION FOR SUSPECTED TRAFFICKERS

ODUBER NOTED THAT MANY COUNTRIES WERE SEEKING EXTRADITION FROM COSTA RICA FOR SUSPECTED TRAFFICKERS LIKE CASEY AND FIONNA. NEVERTHELESS, ODUBER WONDERED ABOUT THE PROPRIETY OF A COUNTRY SEEKING EXTRADITION AFTER SOMEONE HAD BEEN IN COSTA RICA "FOUR OR FIVE YEARS, AS A GOOD FAITH INVESTOR, AND MANY OF THEM WITH COSTA RICAN WIVES, DOCTORS, LAWYERS AND THE LIKE; THE LEGISLATURE SHOULD TAKE A LOOK AT THIS PRACTICE OF OTHER COUNTRIES SEEKING SUCH LATE EXTRADITION."

CONF[redacted]

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PAGE 01 SAN JO 03377 03 OF 03 172113Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	SS-00	CIAE-00	DODE-00
	H-01	NSCE-00	NSAE-00	HA-09	L-03	TRSE-00	PM-10
	PA-01	OMB-01	INM-07	INRE-00	ACDA-12	USIE-00	SP-02
	SNP-01	C-01	SSE-01	PRS-01	OIG-04	P-02	T-01
	/064 W						

----------163213 172204Z /66

P 172108Z MAR 89
FM AMEMBASSY SAN JOSE
TO SECSTATE WASHDC PRIORITY 9340
DEAHQTS WASHDC
AMEMBASSY MANAGUA
AMEMBASSY PANAMA

C O N F I D E N T I A L SECTION 03 OF 03 SAN JOSE 03377

DEA FOR OI

E.O. 12356: DECL: OADR
TAGS: SNAR, PREL, PGOV, PINS, CS
SUBJECT: ODUBER ON DRUG ISSUE: ABSOLVES HIMSELF,

CONFIDENTIAL

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*** Current Handling Restrictions *** n/a
*** Current Classification *** [redacted]

DAN COATS
INDIANA
411 RUSSELL SENATE OFFICE BUILDING
(202) 224-5623
INDIANAPOLIS OFFICE
ROOM 447, 46 EAST OHIO STREET
INDIANAPOLIS, INDIANA 46204
(317) 226-5555

P990335-0289

United States Senate

WASHINGTON, DC 20510

COMMITTEES:
ARMED SERVICES
LABOR AND HUMAN RESOURCES

FEJ

ACTION
is assigned to
A-2A

EXCISE 93

89CONGTO02497 March 20, 1989

Janet G. Mullins
Assistant Secretary for Legislative Affairs
Department of State
Washington, DC 20520

Dear Secretary Mullins:

I would appreciate your input in the enclosed correspondence from [redacted] B6

Any assistance the Department may be able to provide to the Archdiocese of Santiago would be helpful to my constituent, and I would like to have any information which you may posess on this subject.

Thank you very much for your assistance in this matter. Please direct your response to the attention of Chris Donesa of my Washington staff at the above address.

Sincerely,

Dan Coats
U.S. Senator

-2-

DC:cd
Enclosure

[redacted] Date Processed (FEJ/SMH) [redacted]
[redacted] U.S. Department of State [redacted]
[redacted] Release [redacted] Excise X [redacted]
[redacted] Declassify on [redacted]
[redacted] Exemptions: B6

Re: Req. that the USA intervene to prevent the forced turn over of confidential records to Chilean officials

IND

[redacted]

Case Number: S199900030
Chile Project (#S199900030)
U.S. Department of State
Release X Excise R Deny
Declassify: In Part In Full
Exemption(s)

UNCLASSIFIED

PAGE 01 SANTIA 02702 201837Z
ACTION DS-01

INFO	LOG-00	ADS-00	AID-00	INR-05	SS-00	CIAE-00	EB-00
	DODE-00	NSCE-00	ARA-00	NSAE-00	COME-00	SSO-00	L-02
	AMAD-01	CTME-00	NRCE-00	TRSE-00	PM-05	PA-02	FAAE-00
	CCO-00	INRE-00	CA-02	CG-00	USSS-00	USIE-00	JUSE-00
	FBIE-00	OC-02	DOEE-00	M-01	FAIM-01	TB-01	SCT-02
	ZOVD-00	P-02	T-01	/028 W			

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R 201918Z MAR 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 0525

~~UNCLAS~~ SANTIAGO 02702

TERREP

E.O. 12356: N/A
TAGS: ASEC, PTER, CI
SUBJECT: TELEPHONIC BOMB THREAT RECEIVED AT CHANCERY

1. AT 1648 HOURS ON MARCH 17TH, THE EMBASSY SWITCHBOARD OPERATOR RECEIVED A CALL FROM A SPANISH SPEAKING MALE WHO STATED, "THIS IS THE MIR. WE HAVE PUT A BOMB IN THE EMBASSY.

2. THE CALLER SOUNDED YOUNG AND SPOKE WITH A SPANISH AS OPPOSED TO CHILEAN ACCENT.

3. THE MSG DETACHMENT WAS RECALLED AND CONDUCTED A SEARCH OF THE CHANCERY WITH NEGATIVE RESULTS.

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TEXT OF TELEGRAM 89MONTRE000916 UNCLASSIFIED

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PAGE 01 MONTRE 00916 01 OF 06 201742Z
ACTION IO-19

INFO	LOG-00	ADS-00	INR-07	EUR-00	SS-00	OIC-02	AF-00
	CIAE-00	EB-00	NEA-06	NSCE-00	ARA-00	NSAE-00	COME-00
	SSO-00	L-03	AMAD-01	EAP-00	DOTE-00	STR-17	INRE-00
	JUSE-00	DS-01	SCT-02	E-01	P-02	/061 W	

---------- 302764 201755Z /45 38

O 201721Z MAR 89
FM AMCONSUL MONTREAL
TO SECSTATE WASHDC IMMEDIATE 2893
INFO FAA WASHDC
SECDEF WASHDC
JCS WASHDC
USCINCCENT MACDILL AFB FL
FAA BRUSSELS
CJTFME
AMEMBASSY BUENOS AIRES
AMEMBASSY CANBERRA
AMEMBASSY BRASILIA
AMEMBASSY OTTAWA
AMEMBASSY BEIJING
AMEMBASSY PRAGUE
AMEMBASSY CAIRO
AMEMBASSY TOKYO
AMEMBASSY BONN
AMEMBASSY ACCRA
AMEMBASSY NEW DELHI
AMEMBASSY JAKARTA
AMEMBASSY BAGHDAD
AMEMBASSY MEXICO
AMEMBASSY LAGOS
AMEMBASSY ISLAMABAD
AMEMBASSY PANAMA
AMEMBASSY LIMA
AMEMBASSY RIYADH
AMEMBASSY DAKAR
AMEMBASSY MADRID
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DEPARTMENT OF STATE 920393 IS/FPC/CDR [illegible] Date. 9/18/96
(X) RELEASE (X) DECONTROL
( ) EXCISE ( ) DECLASSIFY
( ) DENY IN PART
( ) DELETE Non-Responsive Info
FOIA Exemptions
PA Exemptions
MR Cases Only:
EO Citations
TS authority
( ) CLASSIFY as ( ) S or (
( ) DOWNGRADE TS to ( ) S or (

PAGE 02 MONTRE 00916 01 OF 06 201742Z

AMEMBASSY BERN
AMEMBASSY STOCKHOLM
AMEMBASSY TUNIS
AMEMBASSY MOSCOW
AMEMBASSY LONDON
AMEMBASSY DAR ES SALAAM
AMEMBASSY CARACAS
IO MISSIONS COLLECTIVE

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TEXT OF TELEGRAM 89MONTRE00916

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FROM USMISSION ICAO

STATE FOR IO AND EB/TRA/AVP
-
FAA FOR API-1, AIA-100 AND AGC-7

E.O. 12356: N/A
TAGS: AORC, EAIR, ICAO, IR
SUBJECT: ICAO COUNCIL CONCLUDES ACTION ON IRAN AIR 655 SHOOT-DOWN

REF: (A) STATE 70932; (B) MONTREAL 0809

1. SUMMARY: ICAO COUNCIL CONCLUDED ITS DISCUSSION OF THE IR 655 SHOOT-DOWN ON MARCH 17 BY DECISIVELY DEFEATING A SOVIET PROPOSAL TO CONDEMN THE USE OF ARMED FORCE AGAINST IR 655 AND ADOPTING INSTEAD A RESOLUTION "DEEPLY DEPLOR(ING) THE TRAGIC INCIDENT WHICH OCCURRED AS A CONSEQUENCE OF EVENTS AND ERRORS IN IDENTIFICATION OF THE AIRCRAFT WHICH RESULTED IN THE ACCIDENTAL DESTRUCTION OF AN IRAN AIR AIRLINER AND THE LOSS OF 290 LIVES." THIS
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PAGE 03 MONTRE 00916 01 OF 06 201742Z

OUTCOME WOULD NOT HAVE BEEN POSSIBLE WITHOUT THE ASSISTANCE AND SUPPORT OF A NUMBER OF COUNCIL REPS, PARTICULARLY THE UK REP. TEXT OF RESOLUTION IS AT PARA 11. END SUMMARY.

2. THE SHOOT-DOWN OF IR 655 WAS AGAIN TAKEN UP BY THE COUNCIL OF THE INTERNATIONAL CIVIL AVIATION ORGANIZATION (ICAO) ON MARCH 13. DISCUSSION WAS CONCLUDED MARCH 17 WITH ADOPTION OF THE RESOLUTION CONTAINED PARA 11. IN ANTICIPATION OF DIFFICULT DISCUSSIONS IN COUNCIL, COMMANDER JOHN MORGAN (JCS) ARRIVED MARCH 8 AND BEGAN A SERIES OF BRIEFINGS TO EXPLAIN TO COUNCIL MEMBERS THE PRECISE SEQUENCE OF EVENTS WHICH RESULTED IN THE MISTAKEN IDENTIFICATION OF IR 655 AND ITS SHOOT-DOWN BY THE VINCENNES ON JULY 3, 1988. WHEN SOME COUNCIL MEMBERS PROVED RELUCTANT TO ATTEND A BRIEFING IN THE U.S. OFFICE, MORGAN WENT TO THEIRS. IN THE END, EVERY COUNCIL MEMBER PRESENT IN MONTREAL EXCEPT ONE WAS BRIEFED. THE FRENCH REP, WHO CHOSE NOT TO BE BRIEFED BY COMMANDER MORGAN, WAS REPRESENTED BY HIS MILITARY ATTACHE FROM OTTAWA. (THE NIGERIAN REP WAS ABSENT FROM MONTREAL. THE SENEGAL REP RECENTLY DIED AND HAS NOT YET BEEN REPLACED.) THE SUCCESS OF THIS EFFORT CAN BE MEASURED BY THE FACT THAT VIRTUALLY ALL COUNCIL MEMBERS, INCLUDING THE SOVIETS, SAID DURING COUNCIL DELIBERATIONS THAT THE SHOOT-DOWN WAS ACCIDENTAL, UNPREMEDITATED OR THE RESULT OF AN ERROR.

3. DISCUSSION OPENED ON MARCH 13 WITH THE IRANIAN OBSERVER DELEGATION URGING ADOPTION OF A RESOLUTION

PAGE NO.

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CONDEMNING THE SHOOT-DOWN OF IR 655 AND CALLING ON THE UNITED STATES TO PROVIDE JUST COMPENSATION TO THE VICTIMS. IRAN REITERATED THAT IR 655 WAS FLYING A DESIGNATED ROUTE AND WAS SHOT DOWN WHILE IN IRANIAN AIRSPACE BY A U.S. WARSHIP LOCATED IN IRANIAN TERRITORIAL WATERS. U.S. STATEMENT REITERATED PROFOUND REGRET OVER THE ACCIDENT,

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ADP616
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PAGE 01 MONTRE 00916 02 OF 06 201743Z
ACTION IO-19

INFO	LOG-00	ADS-00	INR-07	EUR-00	SS-00	OIC-02	AF-00
	CIAE-00	EB-00	NEA-06	NSCE-00	ARA-00	NSAE-00	COME-00
	SSO-00	L-03	AMAD-01	EAP-00	DOTE-00	STR-17	INRE-00
	JUSE-00	DS-01	SCT-02	E-01	P-02	/061 W	

----------303025 201755Z /44 38

O 201721Z MAR 89
FM AMCONSUL MONTREAL
TO SECSTATE WASHDC IMMEDIATE 2894
INFO FAA WASHDC
SECDEF WASHDC
JCS WASHDC
USCINCCENT MACDILL AFB FL
FAA BRUSSELS
CJTFME
AMEMBASSY BUENOS AIRES
AMEMBASSY CANBERRA
AMEMBASSY BRASILIA
AMEMBASSY OTTAWA
AMEMBASSY BEIJING
AMEMBASSY PRAGUE
AMEMBASSY CAIRO
AMEMBASSY TOKYO
AMEMBASSY BONN
AMEMBASSY ACCRA
AMEMBASSY NEW DELHI
AMEMBASSY JAKARTA
AMEMBASSY BAGHDAD
AMEMBASSY MEXICO
AMEMBASSY LAGOS
AMEMBASSY ISLAMABAD
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PAGE 02 MONTRE 00916 02 OF 06 201743Z

AMEMBASSY BERN
AMEMBASSY STOCKHOLM
AMEMBASSY TUNIS
AMEMBASSY MOSCOW
AMEMBASSY LONDON
AMEMBASSY DAR ES SALAAM
AMEMBASSY CARACAS
IO MISSIONS COLLECTIVE

FROM USMISSION ICAO

STATE FOR IO AND EB/TRA/AVP

FAA FOR API-1, AIA-100 AND AGC-7

E.O. 12356: N/A
TAGS: AORC, EAIR, ICAO, IR
SUBJECT: ICAO COUNCIL CONCLUDES ACTION ON IRAN AIR 655

RECALLED USG OFFER OF EX GRATIA PAYMENT TO FAMILIES, EMPHASIZED THAT THE ACCIDENT OCCURRED WHILE THE VINCENNES WAS UNDER ATTACK BY IRANIAN BOATS AND THAT THE ACCIDENT WAS THE RESULT OF MISTAKEN IDENTIFICATION OF IR 655 AS A MILITARY AIRCRAFT ABOUT TO ATTACK THE VINCENNES IN SUPPORT OF THE IRANIAN SURFACE ATTACK. U.S. ALSO EMPHASIZED STEPS WE HAVE TAKEN TO DETERMINE THE PRECISE CAUSE OF THE ACCIDENT AND REDUCE POSSIBILITY OF SUCH INCIDENTS IN THE FUTURE, INCLUDING PUBLIC RELEASE OF OUR INVESTIGATION REPORT AND COOPERATION IN ICAO INVESTIGATION. VIRTUALLY ALL MEMBERS OF COUNCIL THEN SPOKE, MOST (INCLUDING THE
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SOVIET REP) CHARACTERIZING THE SHOOT-DOWN AS SOMETHING OTHER THAN DELIBERATE. OTHER MAJOR THEMES WERE THE NEED FOR IMPROVED MILITARY/CIVILIAN COORDINATION AND ADOPTION OF A COUNCIL RESOLUTION BY CONSENSUS. ONLY THE SOVIETS, CZECHS AND CUBANS OPENLY CALLED FOR THE SHOOT-DOWN TO BE CONDEMNED. OBVIOUSLY CONCERNED, THE IRANIANS SAID THEY TOO FAVORED IMPROVED CIVIL/MILITARY COORDINATION BUT THAT THE COUNCIL WOULD NOT BE CARRYING OUT ITS DUTY TO PROTECT THE SAFETY OF CIVIL AVIATION IF IT DID NOT CONDEMN THE DESTRUCTION OF A CIVIL AIRCRAFT IN FLIGHT. IN VIEW OF THE BROAD SENTIMENT AMONG COUNCIL MEMBERS FOR A CONSENSUS RESOLUTION, THE COUNCIL PRESIDENT UNDERTOOK TO CONSULT PRIVATELY TO SEE IF A TEXT COULD BE AGREED.

4. NEGOTIATIONS BEGAN ON THE BASIS OF A TEXT INITIALLY PREPARED AT THE INITIATIVE OF THE UKREP AND AGREED BY THE U.S. AND THE WESTERN GROUP (REF B). CONSULTING PRIVATELY WITH THE U.S., USSR AND IRAN, THE COUNCIL PRESIDENT DEVELOPED A MUTUALLY AGREED TEXT EXCEPT THAT DISAGREEMENT REMAINED OVER WHETHER THE COUNCIL SHOULD REGRET THE EVENTS AND ERRORS LEADING TO THE SHOOT-DOWN OR CONDEMN THE SPECIFIC USE OF ARMED FORCE. AT THAT STAGE USDEL HAD AGREED TO THE TEXT THAT WAS EVENTUALLY ADOPTED (PARA 11, BELOW) EXCEPT THAT THE FIFTH PREAMBULAR PARAGRAPH BEGAN WITH "RECALLING," AND THE FIRST OPERATIVE PARAGRAPH BEGAN WITH "DEEPLY REGRETS." THE SOVIETS WERE PRESSING TO REPLACE THE FIRST OPERATIVE PARAGRAPH WITH "CONDEMNS THE USE OF ARMED FORCE AGAINST CIVIL AIRCRAFT, IN PARTICULAR

THE INCIDENT WHICH RESULTED IN THE DESTRUCTION OF AN IRAN AIR AIRLINER AND THE TRAGIC LOSS OF 290 LIVES." NEGOTIATIONS BROKE DOWN ON THE MORNING OF MARCH 16, WITH THE FINAL U.S. OFFER BEING TO ACCEPT "DEPLORES" AND THE FINAL SOVIET OFFER BEING "CONDEMNS THE USE OF ARMED FORCE AGAINST CIVIL AVIATION, INCLUDING THE ACT WHICH RESULTED

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TEXT OF TELEGRAM 89MONTRE00916

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PAGE 01 MONTRE 00916 03 OF 06 201744Z
ACTION IO-19

INFO	LOG-00	ADS-00	INR-07	EUR-00	SS-00	OIC-02	AF-00
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	SSO-00	L-03	AMAD-01	EAP-00	DOTE-00	STR-17	INRE-00
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FM AMCONSUL MONTREAL
TO SECSTATE WASHDC IMMEDIATE 2895
INFO FAA WASHDC
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JCS WASHDC
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FAA BRUSSELS
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AMEMBASSY BUENOS AIRES
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PAGE 02 MONTRE 00916 03 OF 06 201744Z

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FROM USMISSION ICAO

STATE FOR IO AND EB/TRA/AVP

FAA FOR API-1, AIA-100 AND AGC-7

E.O. 12356: N/A
TAGS: AORC, EAIR, ICAO, IR
SUBJECT: ICAO COUNCIL CONCLUDES ACTION ON IRAN AIR 655

IN THE TRAGIC DESTRUCTION OF AN IRAN AIR AIRLINER AND THE LOSS OF 290 LIVES, WHILE NOTING THE ACCIDENTAL SEQUENCE OF EVENTS AND ERRORS IN THE IDENTIFICATION OF THE AIRCRAFT."

5. AT AN URGENTLY CONVENED MEETING IN THE U.K. OFFICE, SEVEN FRIENDLY COUNTRIES (CANADA, FRANCE, FRG, ITALY, JAPAN, SWEDEN AND SWITZERLAND) AGREED TO COSPONSOR AND IMMEDIATELY SUBMIT A FORMAL RESOLUTION. THEIR PROPOSAL WAS THE TEXT ACCEPTABLE TO THE U.S., USING THE DISPUTED "DEEPLY REGRETS THE TRAGIC INCIDENT...." LANGUAGE AS THE
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FIRST OPERATIVE PARAGRAPH. IT WAS SUBMITTED MINUTES BEFORE A SOVIET DRAFT RESOLUTION, GIVING THE WESTERN TEXT PRIORITY UNDER THE RULES OF PROCEDURE. THE SOVIET PROPOSAL WAS IDENTICAL TO THE WESTERN TEXT EXCEPT THAT IT CONTAINED THE SOVIET VERSION OF THE FIRST OPERATIVE PARAGRAPH. THE WESTERN TEXT WAS CIRCULATED AS A DRAFT RESOLUTION; THE SOVIET TEXT, COSPONSORED BY THE CZECHS, WAS CIRCULATED AS A PROPOSED AMENDMENT. LATER IN THE DAY, SPAIN JOINED THE OTHER WESTERN STATES AS A COSPONSOR. THE MORNING OF MARCH 17 SWEDEN ANNOUNCED ITS WITHDRAWAL AS A COSPONSOR; AUSTRALIA ANNOUNCED IT WAS ADDING ITS NAME TO THE LIST.

6. THROUGHOUT THE PROCESS USDEL HAD COORDINATED CLOSELY WITH THE WESTERN GROUP AND HAD ALSO MET PRIVATELY WITH VIRTUALLY EVERY MEMBER OF COUNCIL. IT WAS APPARENT THAT THE SOVIET AMENDMENT WOULD FAIL IN AN OPEN VOTE IF WE CALLED FOR APPLICATION OF RULE 63 OF THE RULES OF PROCEDURE, WHICH PROVIDES THAT AT THE REQUEST OF A COUNCIL MEMBER A MEASURE MAY BE APPROVED ONLY WITH THE AGREEMENT OF A MAJORITY OF THE COUNCIL, I.E. 17 YES VOTES. ABSTENTIONS WOULD COUNT AGAINST THE AMENDMENT. A LARGE NUMBER OF COUNCIL MEMBERS URGED USDEL TO CALL FOR A SO-CALLED STATUTORY MAJORITY UNDER RULE 63 AND TO ALSO REQUEST A SECRET VOTE. IT WAS ARGUED THAT A NUMBER OF LDC REPS WOULD VOTE AGAINST THE SOVIET AMENDMENT IN A SECRET VOTE BUT ABSTAIN IN A PUBLIC VOTE. WHAT WAS MORE IMPORTANT, THE ARGUMENT RAN, WAS THAT IN CALLING FOR A SECRET VOTE USDEL WOULD WIN LDC VOTES FOR A RESOLUTION NOT CONTAINING A

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CONDEMNATION OF THE ACT. FAILURE TO ADOPT ANY RESOLUTION WOULD RESULT IN CARRYING THE MATTER OVER INTO THE ICAO ASSEMBLY IN SEPTEMBER, A FORUM MUCH LESS FAVORABLE THAN THE COUNCIL.

7. WHEN COUNCIL MET THE MORNING OF MARCH 17 THREE THINGS

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PAGE 01 MONTRE 00916 04 OF 06 201745Z
ACTION IO-19

INFO	LOG-00	ADS-00	INR-07	EUR-00	SS-00	OIC-02	AF-00
	CIAE-00	EB-00	NEA-06	NSCE-00	ARA-00	NSAE-00	COME-00
	SSO-00	L-03	AMAD-01	EAP-00	DOTE-00	STR-17	INRE-00
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FM AMCONSUL MONTREAL
TO SECSTATE WASHDC IMMEDIATE 2896
INFO FAA WASHDC
SECDEF WASHDC
JCS WASHDC
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FAA BRUSSELS
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AMEMBASSY BUENOS AIRES
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PAGE 02 MONTRE 00916 04 OF 06 201745Z

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E.O. 12356: N/A
TAGS: AORC, EAIR, ICAO, IR
SUBJECT: ICAO COUNCIL CONCLUDES ACTION ON IRAN AIR 655

WERE CLEAR:

-- DESIRE TO AVOID VOTING CONTINUED TO RUN HIGH;

-- THERE WAS NO CHANCE OF THE SOVIET AMENDMENT BEING APPROVED IN A PUBLIC VOTE, AND;

-- THERE WAS SUBSTANTIAL RESISTANCE TO APPROVING A RESOLUTION WITH THE "DEEPLY REGRETS" FORMULATION.

IT WAS NOT CLEAR THERE WOULD BE A MAJORITY IN FAVOR OF THE
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PAGE 03 MONTRE 00916 04 OF 06 201745Z

UNAMENDED RESOLUTION AFTER DEFEAT OF THE SOVIET PROPOSAL.

8. DURING A BREAK CALLED FOR CONSULTATIONS AMONG DELEGATIONS, USDEL AGREED WITH WESTERN GROUP TO REPLACEMENT OF "REAFFIRMING" WITH "RECALLING" IN THE FIFTH PREAMBULAR PARAGRAPH AND REPLACEMENT OF "DEEPLY REGRETS" WITH "DEPLORES" IN THE FIRST OPERATIVE PARAGRAPH. USDEL DECLINED TO ACCEPT ELIMINATION OF THE WORD "ACCIDENTAL," AS WAS BEING URGED BY THE INDIAN, SAUDI ARABIAN AND PERUVIAN REPS. ADDITIONAL CONSULTATIONS CONFIRMED THE PROBABILITY THAT WHAT WAS NOW BEING CALLED THE WESTERN TEXT WOULD BE AMENDED FROM THE FLOOR IN UNPREDICTABLE WAYS UNLESS THE COSPONSORS AGREED IN ADVANCE TO "REAFFIRMING" IN THE PLACE OF "RECALLING" AND "DEEPLY DEPLORES" IN THE PLACE OF "DEEPLY REGRETS."

9. WHEN COUNCIL RESUMED THE UK REP, SPEAKING ON BEHALF OF THE COSPONSORS, SAID THAT FOLLOWING THE VOTE ON THE SOVIET AMENDMENT HE WOULD PROPOSE AMENDMENTS TO THE DRAFT RESOLUTION WHICH HE BELIEVED ON THE BASIS OF CONSULTATIONS TO BE ACCEPTABLE TO THE LARGE MAJORITY OF THE COUNCIL AS THE BASIS FOR A CONSENSUS DECISION. THE PRESIDENT THEN MOVED TO A VOTE ON THE SOVIET AMENDMENT. CZECHOSLOVAKIA, SECONDED BY THE USSR, CALLED FOR A SECRET BALLOT. USREP CALLED FOR A STATUTORY MAJORITY UNDER RULE 63. THE VOTING FOR THE SOVIET AMENDMENT WAS 6 IN FAVOR, 19 AGAINST, AND 6 ABSTENTIONS.

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10. MOVING TO THE DRAFT RESOLUTION ITSELF, THE UK REP ANNOUNCED THAT IN THE INTEREST OF ARRIVING AT A CONSENSUS THE COSPONSORS WERE WILLING TO CHANGE "RECALLING" TO "REAFFIRMING" IN THE FIFTH PREAMBULAR PARAGRAPH AND REGRETS" TO "DEPLORES" IN THE FIRST OPERATIVE PARAGRAPH. THE SOVIET REP SAID HE AGREED TO THE FIRST CHANGE BUT THAT

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PAGE 01 MONTRE 00916 05 OF 06 201746Z
ACTION IO-19

INFO	LOG-00	ADS-00	INR-07	EUR-00	SS-00	OIC-02	AF-00
	CIAE-00	EB-00	NEA-06	NSCE-00	ARA-00	NSAE-00	COME-00
	SSO-00	L-03	AMAD-01	EAP-00	DOTE-00	STR-17	INRE-00
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FM AMCONSUL MONTREAL
TO SECSTATE WASHDC IMMEDIATE 2897
INFO FAA WASHDC
SECDEF WASHDC
JCS WASHDC
USCINCCENT MACDILL AFB FL
FAA BRUSSELS
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PAGE 02 MONTRE 00916 05 OF 06 201746Z

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STATE FOR IO AND EB/TRA/AVP
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FAA FOR API-1, AIA-100 AND AGC-7

E.O. 12356: N/A
TAGS: AORC, EAIR, ICAO, IR
SUBJECT: ICAO COUNCIL CONCLUDES ACTION ON IRAN AIR 655

THE RECORD SHOULD REFLECT THAT HE CONTINUED TO SUPPORT THE POSITION CONTAINED IN HIS PROPOSAL. THE CZECH REP SAID SUBSTANTIALLY THE SAME, AS DID CUBA AND THE PRC. THE CHAIR DECLARED THE RESOLUTION AS AMENDED BY THE COSPONSORS, ADOPTED. IRAN SAID THE RESOLUTION WAS NOT A PROPER RESPONSE TO THE SHOOT-DOWN OF AN INNOCENT CIVILIAN AIRLINER AND THAT THE COUNCIL HAD FAILED TO CARRY OUT ITS RESPONSIBILITY. USREP SAID THE COUNCIL HAD ONCE AGAIN DEMONSTRATED ITS COLLECTIVE WISDOM AND ABILITY TO SORT THROUGH COMPLEX SITUATIONS TO ARRIVE AT APPROPRIATE CONCLUSIONS.
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11. TEXT OF RESOLUTION FOLLOWS:
-
THE COUNCIL OF THE INTERNATIONAL CIVIL AVIATION ORGANIZATION

RECALLING ITS DECISIONS OF 14 JULY AND 7 DECEMBER 1988 CONCERNING THE SHOOTING DOWN, ON 3 JULY 1988, OF IRAN AIR AIRBUS 300 ON FLIGHT IR655 BY A WARSHIP OF THE UNITED STATES;

HAVING CONSIDERED THE REPORT OF THE FACT-FINDING INVESTIGATION INSTITUTED BY THE SECRETARY GENERAL PURSUANT TO THE DECISION OF THE COUNCIL OF 14 JULY 1988 AND THE SUBSEQUENT STUDY BY THE AIR NAVIGATION COMMISSION OF THE SAFETY RECOMMENDATIONS PRESENTED IN THAT REPORT;

EXPRESSING APPRECIATION FOR THE FULL CO-OPERATION EXTENDED TO THE FACT-FINDING MISSION BY THE AUTHORITIES OF ALL STATES CONCERNED;

RECALLING THAT THE 25TH SESSION (EXTRAORDINARY) OF THE ASSEMBLY IN 1984 UNANIMOUSLY RECOGNIZED THE DUTY OF STATES TO REFRAIN FROM THE USE OF WEAPONS AGAINST CIVIL AIRCRAFT IN FLIGHT;

REAFFIRMING ITS POLICY TO CONDEMN THE USE OF WEAPONS AGAINST CIVIL AIRCRAFT IN FLIGHT, WITHOUT PREJUDICE TO THE

PROVISIONS OF THE CHARTER OF THE UNITED NATIONS;

DEEPLY DEPLORES THE TRAGIC INCIDENT WHICH OCCURRED AS A CONSEQUENCE OF EVENTS AND ERRORS IN IDENTIFICATION OF THE AIRCRAFT WHICH RESULTED IN THE ACCIDENTAL DESTRUCTION OF AN IRAN AIR AIRLINER AND THE LOSS OF 290 LIVES;

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INFO	LOG-00	ADS-00	INR-07	EUR-00	SS-00	OIC-02	AF-00
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	SSO-00	L-03	AMAD-01	EAP-00	DOTE-00	STR-17	INRE-00
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E.O. 12356: N/A
TAGS: AORC, EAIR, ICAO, IR
SUBJECT: ICAO COUNCIL CONCLUDES ACTION ON IRAN AIR 655

EXPRESSES AGAIN ITS PROFOUND SYMPATHY AND CONDOLENCES TO THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF IRAN AND TO THE BEREAVED FAMILIES;

APPEALS AGAIN URGENTLY TO ALL CONTRACTING STATES WHICH HAVE NOT YET DONE SO TO RATIFY, AS SOON AS POSSIBLE, THE PROTOCOL INTRODUCING ARTICLE 3 BIS INTO THE CONVENTION ON INTERNATIONAL CIVIL AVIATION;

NOTES THE REPORT OF THE FACT-FINDING INVESTIGATION
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PAGE 03 MONTRE 00916 06 OF 06 201746Z

INSTITUTED BY THE SECRETARY GENERAL AND ENDORSES THE CONCLUSIONS OF THE AIR NAVIGATION COMMISSION ON THE SAFETY RECOMMENDATIONS CONTAINED THEREIN;
-
URGES STATES TO TAKE ALL NECESSARY MEASURES TO SAFEGUARD THE SAFETY OF AIR NAVIGATION, PARTICULARLY BY ASSURING EFFECTIVE CO-ORDINATION OF CIVIL AND MILITARY ACTIVITIES AND THE PROPER IDENTIFICATION OF CIL AIRCRAFT.

END TEXT. STOHR

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-- The Soviet Union, Cuba, Nicaragua and Bloc countries, have continued their support for subversion on the Central American Isthmus. The principal beneficiaries of this military aid are the Salvadoran guerrillas. This assistance is entering its ninth year and shows no signs of abating.

-- By means of recently captured weapons and an extensive body of intelligence, there is no doubt that the Nicaraguans and the Cubans are engaged in a large-scale effort to equip the Salvadoran guerrillas (FMLN) with Soviet-made AKM, AK-47, Dragonov sniper rifles, hand grenades, explosives and RPG-2, 7 and 18 weapons.

-- In January, Salvadoran troops in La Union found a large cache of Soviet mortar grenades, launchers and other Soviet-made weapons.

-- AKM and AK-47 ammunition is of Cuban manufacture, stamped with "Cuban Ammunition Loading Factory 13". Some are dated as recently as 1988.

-- The Soviet manufacture of these weapons and the large amounts of such weapons and ammunition makes it obvious that with Soviet support the Nicaraguans and the Cubans are increasing their destabilization of El Salvador.

-- Contrary to what the FMLN has been saying for over nine years, they cannot sustain their violent attacks from weapons and ammunition captured from the Salvadoran military. In fact, before the introduction of Soviet-made weapons, 70% of FMLN ammunition needs came from Nicaragua and Cuba and we continued to trace the serial numbers of captured M-16s to U.S. and South Vietnamese units which were in Vietnam.

-- The change to Soviet-made weapons also reveals that the FMLN has opted to increase its dependence on Nicaragua, Cuba and the Bloc and is confident of their continuing logistical support.

-- Information from Sandinista defectors and other intelligence clearly shows Nicaraguan involvement in providing vessels to transport materiel from Nicaragua to off-shore points where the cargo is then transferred to smaller boats for delivery to FMLN units inside El Salvador. Two points of delivery include the mouth of the Lempa River and the Jucuaran coastal area.

-- There has been a significant rise in clandestine deliveries of arms and weapons to the FMLN associated with peace negotiations.

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United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: JOHNSTON, DONALD
Date: 06/01/94
Case ID: S940035F

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An even more dramatic increase in sea-borne deliveries occurred after the U.S. cut-off of lethal assistance to the Nicaraguan Resistance. Since 1987 deliveries have doubled.

-- Apart from weapons and ammunition, the Cubans and Nicaraguans also supply critical support to the FMLN.

-- The FMLN headquarters in Nicaragua remains the central command and control entity for the five guerrilla factions of the guerrilla movement. Guerrilla commanders routinely travel to Nicaragua to hold meetings and obtain military advice from Nicaraguan and Cuban advisors there. At times there is little attempt to conceal these meetings. On June 30, 1988 FMLN commander Joaquin Villalobos was awarded the Camilo Ortega decoration by Sandinista Minister of Defense Humberto Ortega. The award was given to Villalobos at a military ceremony in Nicaragua during which Ortega pledged continued Sandinista support to the FMLN.

-- Captured guerrillas continue to provide consistent details of advanced military training, to include demolitions, sabotage and urban operations, taken in Nicaragua, Cuba and Vietnam. Two such guerrillas captured last year detailed advanced training received in Cuba intermittently over the last five years.

-- A counter-intelligence officer from the Sandinista army who deserted last June detailed Cuban tactics and weapons training during 1986-1988 for the FMLN.

-- Cubana Airlines had been used to transport Salvadoran guerrillas to and from Nicaragua and Cuba for training. These were usually chartered flights. Extraordinary measures are undertaken by Cuban authorities to conceal the identities and weapons of the guerrillas.

-- The FMLN secure communications network was set up with the assistance of Sandinista, Cuban and Bloc experts. The FMLN uses codebooks supplied by the Sandinista government.

-- The offices and transmitters of the FMLN's Radio Venceremos are still located in Nicaragua. Sandinista support is in clear violation of their commitments under the Esquipulas II accords.

-- The Sandinistas provide several safe houses for FMLN guerrillas in Managua and elsewhere in the country.

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-- The Mexican newspaper "Excelsior" published an interview with Nicaraguan President Ortega on June 24, 1987 where he publicly admitted that the Sandinistas have provided arms to the FMLN. During the Esquipulas meetings Ortega conceded that his government provides aid to the FMLN each time the U.S. increases military assistance to the Government of El Salvador.

-- An employee of the Sandinista Security Directorate (DGSE), that defected in October, disclosed that last September a Cuban advisor to the DGSE was actively recruiting Nicaraguan volunteers to pose as refugees inside El Salvador and report on U.S. and Salvadoran military personnel and facilities.

-- In a February 9, 1988 letter to the UN Secretary General (attached) Salvadoran Foreign Minister Acevedo denounced Nicaraguan support to the FMLN and provided a detailed list of this aid. It included:

-detailed locations on guerrilla training centers in Nicaragua;

-specific locations of bases and logistical depots in Nicaragua used by the FMLN;

-the personal residences of FMLN commanders and safe-houses in and around Managua;

-propaganda and support centers including the locations of Radio Venceremos offices, transmitters and transmission frequencies for Radio Venceremos; and

-a description of Sandinista government support to the family members of guerrilla commanders and guerrilla cadre.

-- Since FSLN violations were revealed in the Esquipulas negotiations and through the letter to Perez de Cuellar referred to above, the Sandinistas have become more discreet in their support to the FMLN.

-- While we acknowledge that there is no evidence that the Soviets are directly involved in the shipment of weapons to the FMLN or the provision of guerrilla training, they do provide the assistance and overall guidance to the Cubans and the Nicaraguans for this destabilization campaign.

-- As far back as one year ago, the clandestine entity referred to as "The Bureau," under the direction of Sandinista Commandante Bayardo Arce, was preparing for the delivery of 10,000 rifles then in Nicaragua to the FMLN in El Salvador. The deliveries of Soviet-made weapons in the last three months is doubtless a part of those stocks.

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Pmes. Reynolds

(U6)

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WITH ~~CONFIDENTIAL~~ ATTACHMENT

March 21, 1989

M E M O R A N D U M

TO: Ambassador Pickering

THRU: Ambassador Okun

FROM: POL - R. Immerman

SUBJECT: Your March 22 Meeting with SYG Perez de Cuellar: Talking Points on Central America and the Middle East Peace Process—portion filed Palestine

Attached are talking points prepared by the Department on Central America and the Middle East for use in your meeting with the Secretary-General.

#9202044

DEPARTMENT OF STATE IS/FPC/CDR Hearn Date: 9/3/96

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CENTRAL AMERICA

-- Central America is of vital importance to us, so we have a special interest in the verification proposal you are discussing with the five Central Americans.

-- Before we turn to that let me outline our thoughts about a comprehensive settlement to the crisis facing the region.

-- We are working actively with our Congress, the Central Americans and others to construct a set of proposals that will lead to lasting democracy and security for all Central Americans

-- The focus of our policy will be on political and diplomatic efforts to achieve that. A comprehensive approach is needed. Trying to resolve it piecemeal, or in stages, will only make an overall settlement more difficult to achieve.

-- Its centerpiece is Esquipulas, an integrated approach which links internal democratization to a process of national dialogue and the reintegration of insurgent forces and political opposition into national political life.

-- Any meaningful effort to achieve peace must include a genuine democratic opening in Nicaragua, as the Central Americans themselves said at Esquipulas and most recently at Tesoro Beach. Genuinely free elections in Nicaragua are essential. Assuring the right conditions for a free election is a complex undertaking. We are eager to join the Central Americans in seeing this work. Any UN verification of democratization should fit in with the other multilateral, private and USG efforts.

-- We think the security verification plan under discussion can contribute to that as well.

-- While we have some suggestions on how the verification plan can be strengthened, let me start by going back to the letter you wrote to the Central Americans when they first raised the issue in Mexico.

You elaborated some of your concerns in that letter. We share those concerns. It is critical that the verification force have an adequate mandate and sufficient staffing to be effective. That mandate must relate to the provisions of Esquipulas requiring that no national territory be used for subversion against neighboring countries. I would like to

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raise several of the points you raised and ask you to review the progress that has been made in addressing them.

-- Your letter stated that the UN required a clear mandate before it engaged in the process. Are you satisfied with the mandate outlined in the latest working draft?

-- Are you satisfied you will be given the resources--not just people but the appropriate authority--to fulfill your mission? Seems to us, for example, that 100 observers is insufficient to verify non-use of territory for subversion.

-- Your letter also stated that the observation force would need the cooperation of insurgent groups in the area. Have you talked to these insurgent groups? Do they approve? Some parties have suggested at least informally that the plan needs to be vetted with the insurgent groups before it goes forward. How can we assist in this process?

-- Your letter stated that peacekeeping forces can buy time but that they cannot resolve underlying political issues that give rise to conflict: that, you said, was a job for diplomacy. You added that it is difficult to imagine that the region's conflicts could be resolved if insurgent groups were not included in the peace process. Have you been able to address these concerns? The working draft makes no mention of this important aspect.

-- Your letter also suggested that the composition of the peacekeeping force was a decision for the United Nations. Have you chosen Canada, Spain and West Germany to form the observer group, or is this issue still undecided?

Let me add one thought to those you elaborated. We support the reintegration of the Nicaraguan Resistance into Nicaragua once their safety and full civil and political rights are assured. While some progress has been made, much more is needed. The process will take time and careful coordination. We must assure that our efforts and yours go forward in tandem. We should review carefully together the interrelationship of security arrangements, refugee repatriation and democratization.

We believe the OAS has important roles to play in the Central American peace process.

--It may be that the past experience of the OAS in Central American peacekeeping operations could increase the effectiveness of ONUCA.

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--In political verification, the resources of the OAS, including, obviously, the IAHRC, should enable it to play a leading role in harmonizing the requirements of democracy with those of sovereignty.

As I said, we think we can be helpful in addressing these issues. I note in your letter that you call for the participation of interested parties who are not signatory to Esquipulas. We have an interest and we are eager to participate in a constructive way.

We are prepared to send a team to New York to discuss these issues in detail at your earliest convenience. We see such discussions and our close cooperation as essential if this venture is to be successful.

Finally, and speaking personally, I would note that this is a highly contentious issue in Washington. It would be easy for your role in this to become ensnarled in a partisan debate. That would be tragic at a time we are making such effort to return to full funding for the UN and to achieve a bipartisan consensus on Central America. We must work closely together to assure that does not happen.

We are also concerned that such a delicate undertaking should not fail; you and the UN have made so much progress in the past two years that the cost of a failure for all of us would be very high.

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Case Number: S199900030 Chile Project (#S199900030)
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DECONTROL

INFO	LOG-00	ADS-00	AID-00	INR-07	SS-00	CIAE-00	DODE-00
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	PA-01	OMB-01	INRE-00	USIE-00	SP-02	SNP-01	C-01
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R 232328Z MAR 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 0606
INFO AMEMBASSY MEXICO

LIMITED OFFICIAL USE SECTION 01 OF 02 SANTIAGO 02877

MEXICO FOR ARNOLD CHACON
E.O. 12356: N/A
TAGS: PGOV, CI
SUBJ: GOC NAMES TECHNICAL COMMISSION FOR CONSTITUTIONAL REFORM

REFS: (A) SANTIAGO 2642, (B) SANTIAGO 2595

1. U) ON MARCH 20 THE GOC DESIGNATED A TECHNICAL COMMISSION TO CONSULT VARIOUS POLITICAL ORGANIZATIONS AND EVALUATE THEIR PROPOSALS FOR MODIFYING THE CONSTITUTION. THE COMMISSION, WHOSE FORMATION WAS FIRST SUGGESTED TO INTERIOR MINISTER CARLOS CACERES BY PDC PRESIDENT PATRICIO AYLWIN (REF A), IS COMPOSED OF FOUR ATTORNEYS: RAUL BERTELSEN, PRESIDENT OF THE COMMISSION OF CONSTITUTIONAL STUDIES; RAFAEL VALDIVIESO, STAFF DIRECTOR OF THE COUNCIL OF STATE (CES); ARTURO MARIN, CHIEF OF CABINET OF THE MINISTRY OF INTERIOR; AND HERMOGENES PEREZ DE ARCE, STAFF MEMBER OF THE JUNTA'S JOINT LEGISLATIVE COMMISSION. THE COMMISSION WILL MEET IMMEDIATELY TO DRAW UP

AN AGENDA OF DISCUSSIONS WITH TECHNICAL COMMITTEES FORMED BY DIFFERENT POLITICAL PARTIES WITH THE AIM OF CREATING THE GROUNDWORK FOR A CONSENSUS ON REFORM PROPOSALS.

2. (U) THE GOVERNMENT'S DECISION TO FORM THE COMMISSION WAS ANNOUNCED ON MARCH 17 BY UDI

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PRESIDENT JAIME GUZMAN, FOLLOWING HIS MEETING WITH CACERES IN LA MONEDA. GUZMAN RECALLED THAT THE UDI HAD PRESENTED ITS OWN LIST OF SUGGESTED CONSTITUTIONAL AMENDMENTS LAST JANUAWY, BUT THAT IT WAS OPEN TO INITIATIVES TAKEN BY OTHER PARTIES ON RELATED ISSUES. JDI SOURCES INFORM US THEIR PARTY HAS NAMED A TWO-PERSON TECHNICAL COMMISSION COMPOSED OF ANDRES CHADWICK (UDI POLITICAL COMMISSIONER) AND JOVINO NOVOA (UDI VICE PRESIDENT) TO ADVISE THE GOC ON THE ISSUE AND WORK WITH OTHER PARTIES' COMMITTEES OF CONSTITUTIONAL EXPERTS.

3. (U) MEANWHILE CACERES IS CONTINUING HIS ROUND OF DIALOGUES WITH LEADERS OF ESTABLISHED POLITICAL PARTIES. HE MET WITH NATIONAL PARTY PRESIDENT PATRICIO PHILLIPS ON MONDAY, AND IS SCHEDULED TO MEET LATER IN THE WEEK WITH SOCIAL DEMOCRATIC LEADER ARTURO VENEGAS AND WITH RADICAL PARTY PRESIDENT ENRIQUE SILVA CIMMA. IN A TELEVISED INTERVIEW ON MARCH 21, CACERES SAID THE GOC WOULD CALL A PLEBISCITE TO REFORM THE CONSTITUTION ONLY IF A CONSENSUS HAD BEEN REACHED. HOWEVER HE SAID ALL THOSE WITH WHOM HE HAD MET WERE WILLING TO BRING ABOUT SUCH AN ACCORD, AND EXPRESSED OPTIMISM THAT A SOLUTION

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PAGE 03 SANTIA 02877 01 OF 02 240002Z

WOULD BE REACHED TO ENSURE A STABLE TRANSITION.

4. (LOU) COMMENT: THE TEAM NAMED BY CACERES INCLUDES SEVERAL HIGH-LEVEL TECHNICIANS WHO HAD A GOOD DEAL TO DO WITH WRITING AND IMPLEMENTING THE 1980 CONSTITUTION. RAFAEL VALENZUELA DIRECTED THE COUNCIL OF STATE WHEN IT PLAYED A KEY ROLE IN DRAFTING THE CONSTITUTION; ARTURO MARIN UNTIL RECENTLY HEADED THE COMMISSION ON CONSTITUTIONAL STUDIES (*PREVIOUSLY KNOWN AS THE FERNANDEZ* COMMISSION) WHICH PRODUCED MOST OF THE POLITICAL LAWS PUTTING THE CONSTITUTION INTO EFFECT. THE PROCESS OF RULE-SETTING FOR A DEMOCRATIC TRANSITION IS MOVING FASTER THAN ANYONE ON EITHER THE RIGHT OR LEFT OF THE POLITICAL SPECTRUM HAD IMAGINED EARLY IN THE YEAR. SOURCES ON THE COUNCIL OF STATE INDICATE THAT THE ELECTION DISTRICTING LAW WILL BE REVIEWED BY THE JUNTA NEXT WEEK, &AND THAT

THE REVISED VERSION APPROVED BY THE EXECUTIVE INCLUDES AN APPROVAL OF ELECTORAL PACTS. IF TRUE, THAT WOULD BE ANOTHER MAJOR REVERSAL OF POSITION BY THE GOC (AS ON CONSTITUTIONAL REFORM), AND WOULD BE WELCOMED BY ALL THE POLITICAL PARTIES, RIGHT, LEFT AND CENTER.

5. (LOU) IN A BRIEF CONVERSATION WITH DCM MARCH 23, RENOVACION NACIONAL PRESIDENT SERGIO ONOFRE JARPA CONFIRMED THAT HIS PARTY AND THE CHRISTIAN DEMOCRATS ARE CLOSE TO

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PAGE 01 SANTIA 02877 02 OF 02 240001Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	SS-00	CIAE-00	DODE-00
	H-01	NSCE-00	NSAE-00	HA-09	L-03	TRSE-00	PM-10
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R 232328Z MAR 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 0607
INFO AMEMBASSY MEXICO

LIMITED OFFICIAL USE SECTION 02 OF 02 SANTIAGO 02877

MEXICO FOR ARNOLD CHACON

E.O. 12356: N/A
TAGS: PGOV, CI
SUBJ: *GOC NAMES TECHNICAL COMMISSION FOR*

FINAL AGREEMENT ON CONSTITUTIONAL AMENDMENTS, BUT THAT IT REMAINED TO BE SEEN WHETHER OTHERS (I.E. PINOCHET AND THE JUNTA) WILL ACCEPT ALL OR MOST OF THE AMENDMENTS RN AND PDC WANT. IN A SPEECH TO A CONSERVATIVE LUNCHEON CLUB THAT FOLLOWED THIS CONVERSATION, JARPA MADE A STRIKING DEFENSE OF THE PDC, ASSERTING THAT THE MAJORITY OF THE CHRISTIAN DEMOCRATS APPEARED TO HAVE LEARNED FROM THE ALLENDE EXPERIENCE AND SUBSEQUENT EVENTS, NOW SUPPORTED THE FREE MARKET ECONOMY, AND COULD BE WORKED WITH. GILLESPIE

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Case Number: S199900030 Chile Project (#S199900030)
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Exemption(s)

PAGE 01 SANTIA 02863 231942Z
ACTION DS-01

INFO	LOG-00	ADS-00	AID-00	INR-05	SS-00	CIAE-00	EB-00
	DODE-00	NSCE-00	ARA-00	NSAE-00	COME-00	SSO-00	L-02
	AMAD-01	CTME-00	NRCE-00	TRSE-00	PM-05	PA-02	FAAE-00
	CCO-00	INRE-00	CA-02	CG-00	USSS-00	JUSE-00	FBIE-00
	OC-02	DOEE-00	M-01	FAIM-01	TB-01	SCT-02	ZOVD-00
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TO SECSTATE WASHDC 0593
USIA WASHDC 9546

~~UNCLAS~~ SANTIAGO 02863

TERREP

E.O. 12356: N/A
TAGS: ASEC, PTER, CI
SUBJECT: TELEPHONIC BOMB THREAT RECEIVED AT BNC IN SANTIAGO

1. AT 0958 HOURS ON MARCH 23RD, THE INSTITUTO CHILENO NORTEAMERICANO RECEIVED A PHONE CALL FROM A SPANISH SPEAKING MALE WHO STATED, "THERE ARE TWO BOMBS THAT WILL EXPLODE LATER AT THE INSTITUTE. I CAN'T SAY WHERE THEY ARE. THEY WILL EXPLODE AT 1100 HOURS."

2. THE INSTITUTE STAFF SEARCHED THE BUILDING WITH NEGATIVE RESULTS.

3. RSO LOCAL INVESTIGATOR INTERVIEWED THE PERSON WHO TOOK THE CALL AND DISCOVERED THAT THE CALLER SPOKE WITH A SPANISH AS OPPOSED TO CHILEAN ACCENT. POSSIBLY THE CALLER IS THE SAME PERSON WHO TELEPHONED THE CHANCERY ON MARCH 17TH TO REPORT A BOMB (SEPTEL).

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PAGE 02 SANTIA 02863 231942Z

4. LOCAL POLICE WERE NOTIFIED.

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United States Department of State

Washington, D.C. 20520

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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____

MEMORANDUM

March 27, 1989

TO: L/EBC - Mr. Witten

FROM: L/ARA - Matt Adler

SUBJECT: Dispute Resolution Clause in Aviation Agreement

As we discussed, the US and Chile have yet to agree on the new President for the Commission to be established under the 1914 Treaty. Thus, there is no Commission in place. Moreover, prior to our invoking the Treaty in January, there was no functioning Commission (while Chile had named two members and there was a President, the US never named its members. Neither party has ever referred a case to the Commission).

I think that you can accomplish the same goal by simply referring to the Treaty, and fudging the question of whether or not the Commission has yet been established. I don't want to say "which may be established" because I don't want the Chileans to think that we even consider the possibility that they will not cooperate with the referral of the Letelier case to the Commission under the Treaty. I suggest the following:

"No dispute under this agreement shall be submitted to an International Commission established pursuant to the Treaty for the Settlement of Disputes That May Occur Between the United States of America and Chile, which entered into force on January 16, 1916."

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Case Number: F-1999-00030
Chile Project (#S199900030)
U.S. Department of State
Release X Excise Deny
Declassify: In Part In Full X
Exemption(s)

PAGE 01 SANTIA 02920 01 OF 02 272218Z
ACTION ARA-03

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FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 0616

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C O N F I D E N T I A L SECTION 01 OF 02 SANTIAGO 02920
FOR ARA MICHAEL SKOL ONLY

E.O. 12356: DECL:OADR
TAGS: AMGT
SUBJ: OFFICIAL-INFORMAL

REF: SKOL-GILLESPIE TELCON

1. CONFIDENTIAL ENTIRE TEXT.
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2. SUMMARY: WE LIKE THE IDEA OF RESTORING GSP PRIVILEGES TO CHILE AS A TANGIBLE SIGN OF U.S. INTEREST IN HELPING CHILE'S ECONOMY IN THE WAKE OF THE FRUIT CRISIS. IT CAN BE JUSTIFIED, WE BELIEVE, WITHOUT UNDERMINING THE USG POSITION THAT IT WAS WARRANTED IN THE FIRST PLACE BECAUSE OF THE GREATLY IMPROVED POLITICAL SITUATION AND MODERATELY IMPROVED LABOR CLIMATE. HOWEVER, THE KEY TO OBTAINING THE NECESSARY POLITICAL SUPPORT FOR SUCH A MOVE IN THE U.S., AND TO MAINTAINING OUR CREDIBILITY IN CHILE, WILL BE GETTING THE GOC TO RELEASE INTERNALLY EXILED LABOR LEADERS MANUEL BUSTOS AND ARTURO MARTINEZ. GSP RESTORATION MAY BE JUST THE CARROT NEEDED TO GET THEM A PARDON. END SUMMARY.

3. LIFTING GSP RESTRICTIONS WOULD NOT ONLY BE A PLUS FOR US, BUT WOULD ALSO BENEFIT THE GOC AND CONFIDENTIAL

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PAGE 02 SANTIA 02920 01 OF 02 272218Z

WOULD REASSURE THE CHILEAN BUSINESS COMMUNITY THAT THE USG WANTS TO HELP, NOT HARM, THE CHILEAN ECONOMY. THERE ARE, HOWEVER, SOME MAJOR HURDLES TO OVERCOME TO MAKE THE GESTURE POLITICALLY COST-EFFECTIVE AND PALATABLE TO INDIVIDUALS AND GROUPS BOTH IN CHILE AND THE U.S. IN THE U.S., THE AFL-CIO

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AND CONGRESSMEN/STAFFERS WILL HAVE TO BE PERSUADED THAT THE POLITICAL SITUATION AND THE LABOR SITUATION WARRANT A CHANGE IN GSP. IN CHILE, SINCE WE BASED OUR WITHDRAWAL OF GSP BENEFITS ON LACK OF INTERNATIONALLY RECOGNIZED WORKERS' RIGHTS, WE COULD NOT CREDIBLY RESTORE THE BENEFITS WITHOUT SOME STEP FORWARD ON LABOR. PRESIDENT PINOCHET WILL HAVE TO BE CONVINCED THAT THE RESTORATION OF GSP IS TOO VALUABLE TO HOLD HOSTAGE TO HIS DISLIKE OF UNIFIED WORKERS' CENTRAL PRESIDENT MANUEL BUSTOS.

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SATISFYING US OBJECTIONS IN LIFTING GSP

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4. WE BELIEVE A CASE CAN BE MADE THAT THE OVERALL POLITICAL SITUATION IN CHILE HAS IMPROVED DRAMATICALLY SINCE GSP RESTRICTIONS WERE IMPOSED IN DECEMBER 1987. ALTHOUGH THE LEAD-UP TO THE OCTOBER 5 PLEBISCITE WAS LESS THAN PERFECT, THE VOTE ITSELF WAS FREE AND FAIR AND CARRIED OUT IN A PEACEFUL ATMOSPHERE. MOST IMPORTANTLY, THE RESULTS WERE HONORED. MOREOVER, IN HIS MARCH 11 ADDRESS MARKING THE EIGHTH ANNIVERSARY OF THE 1980 CONSTITUTION, PINOCHET OFFERED THE PROSPECT OF FURTHER STEPS FOR BUILDING POLITICAL CONSENSUS WHEN HE ANNOUNCED THE GOC WOULD CONSIDER HOLDING A

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PAGE 03 SANTIA 02920 01 OF 02 272218Z

PLEBISCITE TO AMEND THE CONSTITUTION. THIS HAS BEEN A KEY DEMAND OF HIS POLITICAL OPPONENTS, AND HE MENTIONED SEVERAL SPECIFIC MODIFICATIONS WHICH ARE HIGH ON THE LIST OF THE OPPOSITION'S DESIRED CHANGES.

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5. CHANGE ON THE LABOR FRONT HAS BEEN LESS DRAMATIC, BUT IN HIS MARCH 11 ADDRESS, PINOCHET ALSO ANNOUNCED THE LABOR CODE WOULD BE MODIFIED. IMPLEMENTING THIS PROMISE MINISTER OF LABOR GUILLERMO ARTHUR IS PREPARING LEGISLATION TO SUBMIT TO THE JUNTA TO LOWER THE NUMBER OF WORKERS NECESSARY TO FORM A UNION TO EIGHT VICE 25 AND TO LEGALIZE WORKER CENTRALS (NATIONAL LABOR CONFEDERATIONS). ALTHOUGH THE IMMEDIATE REACTION OF THE CUT AND THE DEMOCRATIC WORKERS' CENTRAL HAS BEEN A WAIT AND SEE ATTITUDE, THESE TWO MEASURES REPRESENT STEPS IN THE RIGHT DIRECTION.

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6. THE MAJOR STUMBLING BLOCK IN SELLING ANYONE ON AN IMPROVED CHILEAN LABOR CLIMATE IS THE CONTINUED INTERNAL EXILE OF MANUEL BUSTOS AND CUT VICE PRESIDENT ARTURO MARTINEZ. THEY HAVE BECOME A SYMBOL WHICH NEITHER THE AFL-CIO NOR THE U.S. CONGRESS CAN IGNORE. BUSTOS' AND MARTINEZ' LAWYERS HAVE PETITIONED MINISTER OF JUSTICE ROSENDE FOR A PARDON, AND PDC PRESIDENT PATRICIO AYLWIN HAS INFORMALLY ADDED HIS REQUEST (HE IS A FRIEND OF ROSENDE). THE

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PAGE 01 SANTIA 02920 02 OF 02 272218Z
ACTION ARA-00

INFO LOG-00 ADS-00 SSO-00 AMAD-01 ONY-00 /001 W
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FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 0617

C O N F I D E N T I A L SECTION 02 OF 02 SANTIAGO 02920

FOR ARA MICHAEL SKOL ONLY

E.O. 12356: DECL:OADR
TAGS: AMGT
SUBJ: OFFICIAL-INFORMAL

LAWYERS BELIEVE THAT ROSENDE HAS CAST THE REQUEST IN THE MOST FAVORABLE WAY BEFORE SENDING IT TO THE MINISTER OF INTERIOR FOR TRANSMISSION TO PINOCHET. THERE COULD BE A RESPONSE SOON. IF IT IS FAVORABLE, ALL TO THE GOOD; IF NOT, IT COULD COMPLICATE THE SITUATION STILL FURTHER WITH PINOCHET STUBBORNLY DIGGING IN ON THE ISSUE. THE LAWYERS WILL GET ANOTHER SHOT IN MAY, AFTER THE TWO LABOR LEADERS HAVE SERVED HALF THEIR EIGHTEEN MONTHS, WHEN THE SENTENCE COULD BE CUT IN HALF, I.E., TO TIME SERVED. THAT COULD BE TOO LATE FOR OUR PURPOSES.

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GSP FOR BUSTOS AND MARTINEZ?

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7. BUSTOS REALLY WANTS FO RETURN TO SANTIAGO,

WHERE THERE IS A POSSIBILITY HE WILL RUN FOR CONGRESS FROM THE LA FLORIDA DISTRICT. HIS ABSENCE FROM THE DAY-TO-DAY OPERATION OF THE CUT STRENGTHENS THE HAND OF THE COMMUNIST
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PAGE 02 SANTIA 02920 02 OF 02 272218Z

MEMBERS OF CUT AND IS DISTRACTING FROM OTHER BUSINESS. GSP RESTRICTIONS ARE VIEWED BY THE GOC AS THE DOING OF CHILEAN LABOR. WITH THE FRUIT CRISIS, PINOCHET HAS PUT LABOR SOMEWHAT ON THE DEFENSIVE CHARGING IT WITH BEING LONG-TIME ADVOCATES OF AN ECONOMIC BOYCOTT AGAINST THE COUNTRY. IN THIS POLITICAL ATMOSPHERE, THERE IS A GOOD POSSIBILITY THAT THE CUT WOULD REFRAIN FROM CRITICIZING GSP RESTORATION IF IT GOT BUSTOS AND MARTINEZ RELEASED, MAKING IT MORE DIFFICULT FOR THE AFL-CIO OR OTHER FOREIGN LABOR ORGANIZATIONS TO DO SO.

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PERSUADING PINOCHET

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8. ACCORDING TO MANY SOURCES, INCLUDING MINISTER OF INTERIOR CACERES AND BUSTOS HIMSELF, PINOCHET'S DISLIKE OF BUSTOS IS AS MUCH PERSONAL AS POLITICAL, AND PERSUADING HIM TO GRANT A PARDON WILL BE DIFFICULT. HOWEVER, WE BELIEVE THAT THE PROMISE TO RESTORE GSP WILL GIVE SEVERAL INFLUENTIAL MEMBERS OF HIS CABINET, ESPECIALLY MINISTER OF FOREIGN RELATIONS ERRAZURIZ (WHO CAN SCORE ANOTHER DIPLOMATIC VICTORY), MINISTER OF INTERIOR CACERES (WHO IS WORKING TO IMPROVE THE POLITICAL CLIMATE) AND MINISTER OF FINANCE BUCHI (WHOSE SUCCESS IN RESTORING THE ECONOMY COULD BE CRUCIAL TO HIS WINNING THE PRESIDENCY) AMMUNITION TO WORK WITH. THE CHANGE WILL GIVE THE FINANCIALLY BUFFETED NATION THE HOPE OF INCREASED FOREIGN TRADE AND PROFITS AND POSSIBLY MORE EMPLOYMENT. ALSO, A CHANGE IN GSP NOW WILL REDOUND TO PINOCHET'S CREDIT, NOT THAT OF HIS SUCCESSOR, AND HEIGHTEN
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PAGE 03 SANTIA 02920 02 OF 02 272218Z

THE IMPRESSION OF A GOVERNMENT WHICH CAN HANDLE ADVERSITY AND MAYBE EVEN BENEFIT FROM IT.

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SUGGESTED ACTION

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9. WE SUGGEST YOU FIRST SOUND OUT LIKELY OPPONENTS TO LIFTING GSP RESTRICTIONS, SUCH AS THE AFL-CIO, TO FIND OUT IF THE POLITICAL AND LABOR IMPROVEMENTS, TOGETHER WITH THE RELEASE OF BUSTOS AND MARTINEZ, WOULD BE SUFFICIENT TO SATISFY THEM. IF THE RESPONSE IS POSITIVE, WE WOULD RAISE THE ISSUE WITH MINISTER ERRAZURIZ AND OTHER CABINET OFFICIALS IF APPROPRIATE TO GAUGE THE POSSIBILITY THAT PINOCHET COULD BE PERSUADED TO RELEASE BUSTOS AND MARTINEZ IN ORDER TO GET GSP PRIVILEGES RESTORED. WE BELIEVE THAT THIS SEQUENCE IS THE MOST APPROPRIATE; WE WOULD NOT LIKE TO RAISE A POSSIBILITY WITH THE THE GOC THAT WE CANNOT DELIVER. FOR THIS SCENARIO TO HAVE ANY CHANCE OF SUCCESS, THERE CAN BE NO PUBLIC LINKAGE OF ACTION ON THE RELEGATED LABOR LEADERS' CASE AND LIFTING GSP RESTRICTIONS. GILLESPIE

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Chile Project (#S199900030)
U.S. Department of State
Release X Excise Deny
Declassify: In Part In Full X
Exemption(s)

United States Department of State

Washington, D.C. 20520

MAR 28 1989

CONFIDENTIAL

TO: ARA - Michael M. Skol

FROM: ARA/SC - Richard B. Howard

SUBJECT: Update on Chile: Recent Developments and Issues of Bilateral Concern

Below is a brief rundown of recent domestic developments in Chile and matters of bilateral concern, noting areas where U.S. action is being considered or could be taken.

FRUIT CRISIS

This remains the hottest issue in Chile, and of short-term bilateral relevance to us-- it could have long term impact should the current wave of anti-Americanism not be managed carefully by the GOC and by us. At present, all Chilean fruit is moving onto the U.S. market (except melons). Fortunately, based on early indications consumers are buying it. This is being favorably reported on in the Chilean media, but overall attention to the fruit crisis continues to be very negative. Our Embassy reports that a "pro-U.S." position on the issue is that the U.S. overreacted in trying to protect consumers here. Less generous viewpoints, which at present abound, have it that the USG sabotaged the fruit in Philadelphia as part of a plot to topple Pinochet, weaken his regime and/or wreck the Chilean economy, perhaps so that the dynamic produce export sector could be either weakened or taken over by U.S. interests.

Responsible GOC officials have for the most part maintained perspective and refrained from emotional criticism of us. Most opposition leaders have also taken a responsible approach. U.S. critics, for the most part, seem to be from conservative business circles.

Damage to the Chilean economy as a result of the temporary ban on fruit is still unknown but could end up being more than a hundred million dollars. While such a loss should not, as the nervous press indicates, seriously harm Chile's long-term economic prospects or cause a wide recession in the economy, it will have negative effects which will ripple widely through society.

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DECL: OADR

Access # 97-96-0723

Clearly, it behooves the U.S. to take steps--without implying guilt-- to aid the Chilean economy to recover from this disruption and to counter the highly negative view of the U.S. which currently prevails in the Chilean media. The effective marketing of the remainder of the fruit harvest in the U.S. will be an important factor in broadening or limiting the damage done. Several concrete steps are being discussed, including:

A. The Fruit Marketing Order:

Seeking an extension of the marketing order date for Chilean grapes from the current April 20 date to May 1. Taking this action might allow more Chilean fruit to enter the U.S. market. ARA and EB are meeting with officials from USDA to encourage them to move the date back 10 days. Such an action would send a positive signal to the GOC and to the Chilean people that the USG wants to help overcome the problems created by the temporary ban. On the other hand, California growers are already pushing hard on USDA (and their Congressmen) against moving the marketing order date.

B. Reinstating GSP for Chile.

In December, 1987, President Reagan suspended Chile's GSP privileges after an extensive USG review of complaints filed with the Department of Labor by the AFL-CIO on the matter of worker rights. The GOC, for more than a year before this decision was reached, had promised to make several specific reforms in the worker rights area but failed to do so, prompting the Administration to move to suspend.

Subsequently, the GOC sent two top democratic labor leaders (Bustos and Martinez) into internal exile for their role in a general strike. This action stimulated further criticism of GOC labor practices.

There is talk within some USG circles, however (mainly USTR) of reexamining GSP for Chile with an eye to reinstatement in order to help the Chilean economy and show sympathy for the problems caused by the fruit crisis. Most recently the Chilean Ambassador told me that the Labor Minister, following up an earlier "hints" in a major Pinochet speech, has just indicated a willingness to make some concessions in the labor rights areas of collective bargaining and the structure of labor confederations.

Some key considerations involved in our approach to GSP review include:

--We need to review and assess these purported concessions on their worker right's merits. If we are not seen both here and in Chile to be taking that aspect of the GSP issue seriously, we run the risk of sending a signal to the GOC that our original decision to suspend had nothing to do with worker rights, but was taken politically.

--The AFL-CIO has recently called for economic sanctions against Chile if the two labor leaders are not released from internal exile. Even with some GOC labor concessions, Action on GSP without GSP actions to ameliorate the conditions of Bustos and Martinez will incure the AFL-CIO's strong criticism.

--Chile watchers and labor experts in Congress, including moderates from both parties, would probably react negatively unless there are meaningful worker rights concessions and/or movement on Bustos and Martinez.

--However, we could use this opportunity brought about by the fruit crisis to offer to review the GSP issue favorably in return for genuine concessions including the release of the two labor leaders. I have already started to explore this concept with the Chilean Ambassador. The AFL-CIO might accept such a tradeoff, which would accomplish some of their major objectives.

--One lesser option might be for us to offer a special, time-limited reinstatement of GSP in exchange for limited reforms. But, for us to go all the way in reinstating GSP in response to half-steps would eliminate a potential inducement we might offer a newly elected government to convince it to follow sound economic policies after it takes office.

C) A special GATT-related trade agreement with Chile.

This is another idea which was originally proposed by USTR and then shelved. It is now being reconsidered in light of fruit problem to show support for Chilean economic model. Critics, including on the Hill, saw this as a potential end-run around GSP, others were concerned about the propriety of granting a "most favored nation" status to Chile before rather than after the coming to power of an elected, democratic government. Many of the specific arguments raised for the GSP issue above also apply.

D) Financial Help from Treasury and MDBS

USG currently supports all technically sound loans to GOC in MDBs. We could now, in response to fruit based economic problems, encourage further IMF and World Bank assistance to Chile both for practical and PR reasons. The Chilean Ambassador told me that Chile has already broached the idea of a bridge loan with Brady that would help Chile deal with its tightened reserve situation, and which could be tied in some way to an industrial modernization loan from the World Bank. Brady was reportedly sympathetic but non-committal.

Treasury staff doubt that the GOC actually needs any new loans, and could get by with lesser actions such as an IMF decision to waive reserve rules -- a step which Treasury would support.

The Chilean Ambassador, with more data in hand, has asked for an appointment with Assistant Secretary DeLara of Treasury on Wednesday or Thursday--preparatory to the head of the Central Bank and perhaps the Finance Minister visiting Washington next week for further discussions during the World Bank meeting. We have urged Treasury to offer to meet with the Chileans and to seek to work constructively with them to find realistic ways to deal with perceived economic problems.

RETURN TO DEMOCRACY AND PRESERVATION OF THE MARKET ECONOMY

Before the fruit crisis broke, the following items were the most important issues involving Chile on the USG agenda. The bedrock of U.S. policy toward Chile has been support for a peaceful transition to democracy no later than March, 1990. Our goal is to encourage the creation of a stable, democratic regime friendly to basic U.S. interests which is sustained by market-oriented economic growth. This policy was carefully crafted over time and has thus far been successfully carried out. It has enjoyed broad bipartisan support in the Congress.

At present, the climate for democratic political action in Chile continues to improve. Both pro-GOC civilian political forces and the opposition to Pinochet are working hard to nominate candidates and design platforms for the December 14, 1989 presidential and congressional elections. The Government and the opposition are preparing to discuss constitutional reform ideas previously vetoed by Pinochet--including a possible plebiscite this summer on a number of amendments to the Constitution. Pincohet now appears more willing to give up the idea of remaining on as President past his legal term but the game is not over and in any event his continuation as Army chief is still a live issue. At this point, indications point

to the holding of relatively free and fair elections later this year, but Chile is known for surprises and road will no be easy.

Several important issues remain undecided, however. The law governing congressional elections, including the key matters of districting, representation, and the legality of electoral pacts, has yet to be passed. Pinochet on March 11 spoke of congressional reform as a distinct possibility and appears to be taking action in that direction. Both pro-GOC and opposition forces support different reforms of the constitution and some consensus may be possible. Larger issues still loom, including the military/civilian relationship under a democratic government, relations and commitments between the democratic opposition and the far left; what if any action to take on past human rights violations, and economic policy. Some observers predict frustration for a civilian regime whose power vis a vis the military may be too weak to meet its expectations and there are serious questions as to what economic policies an opposition government elected with leftist support would follow once in power.

Human rights abuses continue, but at a far lesser level and pace than in the past. Concerns are voiced less frequently as the political debate becomes ever more open.

LETELIER CASE. Up until the fruit crisis, the major point of bilateral friction had been the 1976 Letelier/Moffitt murder case. We tried to enlist the support of the GOC and therefore create a vehicle for normalizing relations when in January of 1989 we invoked a 1914 bilateral treaty for the settlement of disputes which calls for the creation of an international commission to study the matter of GOC responsibility in the crime and file a report. This report could facilitate positive action by the new democratic government after March, 1990 and might in turn allow the U.S. to resume more mormal military relations with Chile. We therefore hoped to kill two birds with one stone. While GOC cooperation in naming the members of the Commission has been almost nil to date, at least they have not rejected participation in the treaty outright. Before the fruit crisis, we expected a relatively positive answer from the GOC, but that may now be less likely.

MILITARY RELATIONS. We have sought means of reversing the steady deterioration which has characterized military relations between Chile and the U.S. since 1976. Legislation passed that year and renewed subsequently (primarily the Kennedy amendment) prohibit the sale of military equipment to Chile and all training from the U.S. This has alienated the Chilean armed forces and driven a wedge between them and their American counterparts. Some members of the Chilean military hold

patently anti-American views, while others are still pro-American or at least without a strong point of view. We are attempting to get the most out of exchanges, details, and joint exercises permitted under the constraints of existing legislation but would like to obtain changes as soon as conditions permit to allow for repairs of Chilean aircraft to provide greater safety of flight and perhaps changes in IMET regulations to allow for limited training. Following the inauguration of a democratic government in March, 1990, we hope to be able to begin overhauling our military-to-military relations, but the process of preparing the way for that step should begin now, to the extent possible. (N.B. This would also require, by law, movement on the Letelier issue).

RELATIONS WITH CONGRESS. Whatever flexibility we have in dealing with Chile is in part due to the strong bipartisan support our Chile policy enjoys in Congress. This support was carefully cultivated over the past two years, to the point where the bulk of interested members, from liberal Democrat to mainstream conservative Republican, are lined up on the side of the Administration. Congress has been quiet on Chile since the plebiscite, but stands ready as a potential resource rather than a rival to the Administration in carrying out policy objectives. With H support and coordination we need to continue our periodic briefings of key congressional staff and congressman regarding Chilean developments and US policy objectives.

draft: ARA/SC PDeShazo/Hopper/Howard
SEARASC 4134 3/27/89

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890040-1060

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United States Department of State

Assistant Secretary for Human Rights and Humanitarian Affairs

Washington, D. C. 20520

March 28, 1989

Chile Project (#8199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ✓
Exemption(s) ____

Dear Senator Lieberman:

I am writing in response to your letter of February 24 referring to the internal exile of Chilean labor leader Manuel Bustos.

Mr. Bustos was sentenced on January 26, 1988, to 541 days of internal exile (not to prison as you were told) for destabilizing the public order during a general strike of October 7, 1987. The sentence was overturned by an appellate court but then confirmed by the Chilean Supreme Court in August last year. Mr. Bustos now lives in exile in the city of Parral and must report daily to the local police station.

Our Embassy in Santiago has had personal contact with Mr. Bustos during his exile and our Ambassador, Charles Gillespie, has taken numerous occasions to express our concern to the Chilean government that the sentence imposed on Mr. Bustos was a harsh infringement of the free exercise of labor rights. Though the Geneva Convention does not apply in this case and the Universal Declaration of Human Rights (UDHR) is a "non-binding" United Nations Resolution and not part of an agreement, we do hold Chile and other countries to the UDHR standards in judging their conduct.

The United States Government's longstanding concern for labor rights in Chile has been expressed by our December 1987 decision to withdraw privileges under the General System of preferences because of labor rights violations by the Chilean government.

Sincerely,

Richard Schifter

UNCLASSIFIED

Richard Schifter

1989 APR -7 AM 9:50
FAIR/IAP/WI
RECEIVED BY DEPARTMENT OF STATE

The Honorable
Joseph I. Lieberman,
United States Senate.

DRAFTED:HA/HR:LWeintraub lw
x71442 3/10/89
#0027-1230

CLEARED:HA/HR:RWAherne
ARA/SC:WChristman lw
H:PDoherty

TEXT OF TELEGRAM 89SAN SA003915

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RELEASED
El Salvador: Human Rights
Special Project (1993)

ADP655

[redacted]

PAGE 01 SAN SA 03915 282129Z
ACTION ARA-00

INFO	LOG-00	ADS-00	INR-07	SS-00	CIAE-00	DODE-00	H-01
	NSCE-00	NSAE-00	SSO-00	HA-09	L-03	AMAD-01	TRSE-00
	PM-10	PA-01	OMB-01	INRE-00	USIE-00	SP-02	SNP-01
	C-01	SSE-01	PRS-01	P-02	T-01	/042 W	

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FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 8058

[redacted] SAN SALVADOR 03915

FOR ARA/CEN

E.O. 12356: DECL:OADR
TAGS: PGOV, ES, US
SUBJECT: COMMENTS ON ARA/CEN DRAFT OF SITUATION REPORT

1. [redacted] ENTIRE TEXT.

2. FOLLOWING ARE OUR COMMENTS ON DIALOGUE SECTION OF ARA/CEN'S DRAFT OF SITUATION REPOPT:

3. ELECTIONS: IN UPDATING THE ELECTION PORTION, NOTE THAT ELECTION WAS WIDELY ACCEPTED AS FAIR AND CLEAN; THAT TURNOUT WAS GOOD DESPITE EXCEPTIONALLY HEAVY FMLN ATTEMPTS TO DISRUPT THE ELECTIONS; THAT AS ATTESTED BY FOREIGN OBSERVERS, THE VOTING AND VOTE-COUNTING PROCESSES OCCURRED FAIRLY SMOOTHLY (THE CD, HOWEVER, HAS ALLEGED THAT THE PCN ENGAGED IN FRAUD IN ITS NARROW WIN OVER THE CD FOR THIRD PLACE); AND THAT THE PDC ACCEPTED ITS DEFEAT GRACEFULLY. THE REPORT SHOULD EMPHASIZE THAT THIS IS THE FIRST TIME IN RECENT SALVADORAN HISTORY THAT POWER WILL BE *TURNED OVER FROM ONE DEMOCRATICALLY-ELECTED* GOVERNMENT TO ANOTHER.

[redacted]

Department of State 93/FOIA/0323 El Salvador 62 Date 7/13/93
Declassified under EO 12356 (✓) in full; ( ) in part;
portions withheld: classified ( ); deliberative ( );
law enforcement ( ); privacy ( ), statutory ( );
not relevant to El Salvador ( ).

PAGE 02 SAN SA 03915 2821292

4. POLITICAL PARTIES' REACTION TO FMLN PEACE PROPOSAL: THE BILL THAT D'AUBUISSON PROPOSED IN THE ASSEMBLY (TO ALLOW THE COMANDANTES TO RETURN) WAS NEVER REPORTED TO THE FLOOR BY THE POLITICAL COMMISSION. NOTE THAT THE POLITICAL PARTIES DID NOT REACH A CONSENSUS ON A RESPONSE TO THE FMLN, OTHER THAN TO MEET WITH THE FMLN IN MEXICO.

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El Salvador: Human Rights
Special Project (1993)

5. FMLN CONTRADICTORY SIGNALS: THE VILLALOBOS ARTICLE WAS PUBLISHED IN FEBRUARY, BUT UNDOUBTEDLY WAS WRITTEN BEFORE THE FMLN PROPOSAL WAS RELEASED.

6. MEETING IN MEXICO: THE FMLN ELABORATED ON ITS PROPOSAL IN MEXICO. IN EXCHANGE FOR A DEFINITIVE END TO THE ARMED CONFLICT AND FMLN RECOGNITION OF A "SINGLE ARMY," IT PROPOSED GOES ACTION AGAINST MILITARY HUMAN RIGHTS VIOLATORS, REDUCTION OF THE ARMED FORCES TO 1979 LEVELS, AND CREATION OF A SINGLE POLICE FORCE UNDER CIVILIAN (NOT MILITARY) CONTROL. THE GUERRILLAS DID NOT, HOWEVER, PROMISE SPECIFICALLY TO LAY DOWN THEIR ARMS. THE POLITICAL PARTIES AGREED TO CALL UPON THE EXECUTIVE BRANCH AND THE ASSEMBLY TO CONSIDER THE FMLN PROPOSAL AND TO MEET WITH THE FMLN COMANDANTES.

7. DUARTE'S COUNTEROFFER: DUARTE DID NOT ASK THE ASSEMBLY TO ISSUE A DECLARATION THAT WOULD ALLOW THE ELECTIONS TO BE POSTPONED TILL APRIL 30. IN A VAGUE WAY, DUARTE: A) SAID THAT IF ELECTIONS WERE TO BE POSTPONED, HE PROPOSED APRIL 30; B) THAT A WAY TO ALLOW POSTPONEMENT OF ELECTIONS (BUT NOT NECESSARILY LIMITED TO APRIL 30) WOULD BE A JOINT

[redacted]

(EXECUTIVE-ASSEMBLY-SUPREME COURT) DECREE; AND C) AN ALTERNATIVE WAS A PLEBISCITE. THE OTHER POLITICAL PARTIES, INCLUDING ARENA, CRITICIZED THE ELECTION POSTPONEMENT ELEMENT OF DUARTE'S PROPOSAL AS FAVORING THE PDC (WHICH PRESUMIBLY HAD THE MOST TO GAIN FROM POSTPONING THE MARCH 19 ELECTIONS).

WALKER

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89-0611 UNCLASSIFIED

United States Department of State

Washington, D.C. 20520

Chile Project (#S199900030)
U.S. Department of State
Release ✓ Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____

Dear Senator Dixon:

This is in response to your inquiry concerning the pending case involving the medical records of the Vicariate of Solidarity in Chile. Your letter was on behalf of Ms. Mary Yu of Chicago, Illinois.

The United States Government has followed this case closely since its inception. Our Ambassador to Chile, Charles Gillespie, Jr. recently met with Bishop Sergio Valech, head of the Vicariate, to discuss this case and other matters involving the human rights work of the Church. We have also raised this case with high officials of the Chilean Government. On February 3, 1989 our Embassy's Charge d' Affaires, George Jones, called on Bishop Valech at Vicariate headquarters to express again the U.S. Government's support for the Vicariate's efforts to promote human rights.

Following that meeting, Mr. Jones reiterated in an interview with the press the U.S. Government's long-standing view that the Vicariate of Solidarity is a highly respected human rights organization with a well-deserved international reputation and that we would deeply regret any action which would compromise the ability of the Vicariate to perform effectively its important activities.

Support for a return to democracy and respect for human and civil rights is the cornerstone of U.S. policy toward Chile. Accordingly, we will continue to follow the Vicariate case with great interest.

If we can be of further assistance to you, please do not hesitate to contact us.

Sincerely,

Janet G. Mullins
Assistant Secretary
Legislative Affairs

Enclosure: Correspondence returned.

The Honorable
Alan J. Dixon,
United States Senate.

59-96-0742
Box 2 of 8

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Drafter:ARA/SC:PDeShazo
3/29/89 647-2401
SEARASC:4149
ARA#:89-0611, FAIM#:0312033
CONGTO:01703
Cleared:ARA/SC:RHopper
ARA:
H:
HA:LWeintraub

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Chile Project (#S199900030)
U.S. Department of State
Release ✓ Excise ____ Deny ____
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Exemption(s)

29 March 99

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BACKGROUND

Dr. Ramon Olivares ~~is a doctor working in the~~ Chilean Church's human rights organizations, the Viacaria de la Solidaridad. Dr. Olivares was called to assist a man said to have been an innocent bystander wounded in a robbery attempt. Olivares helped the man, who turned out not so innocent, and the government seized the opportunity to paint Olivares as a terrorist and demanded access to all the Vicaria's files.

The military prosecutor, Major Sergio Cea ordered that the files be seized by an "assault brigrade" by February 6 (initially it was to have been Jnauary 24, but an appeal was filed).

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n/a

Case Number: S199900030

Chile Project (#S199900030)
U.S. Department of State
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Exemption(s) ____

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CONFIDENTIAL

PAGE 01 STATE 097801
ORIGIN HA-09

INFO	LOG-00	ADS-00	AID-00	INR-07	SS-00	OIC-02	CIAE-00
	DODE-00	IO-19	ARA-00	NSAE-00	TRSE-00	PM-10	INRE-00
	USIE-00	JUSE-00	SP-02	C-01	P-02	T-01	/053 R

DRAFTED BY: HA/HR:LWEINTRAUB
APPROVED BY: HA:PDOBRIANSKY
ARA/SC:PDESHAZO
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P 292119Z MAR 89
FM SECSTATE WASHDC
TO AMEMBASSY SANTIAGO PRIORITY

UNCLASSIFIED
C O N F I D E N T I A L STATE 097801

E.O. 12356: DECL:OADR
TAGS: PHUM, PGOV, CI
SUBJECT: CONVERSATION WITH JUDGE RENE GARCIA VILLEGAS

1. CONF - ENTIRE TEXT.

2. HA DAS PAULA DOBRIANSKY MET MARCH 8 WITH CHILEAN JUDGE RENE GARCIA VILLEGAS, IN AN APPOINTMENT REQUESTED BY AMNESTY INTERNATIONAL LATIN AMERICA COORDINATOR RONA WEITZ. HA/HR REGIONAL OFFICER FOR INTER-AMERICAN AFFAIRS LEON WEINTRAUB ALSO ATTENDED.

3. GARCIA BEGAN BY NOTING THAT THE OPTIMISM HE SAW OUTSIDE THE COUNTRY ABOUT CHILEAN DEVELOPMENTS WAS MISPLACED. ALTHOUGH THE PLEBISCITE WAS A SIGNIFICANT ADVANCE, THE PINOCHET GOVERNMENT WAS TRYING TO MAINTAIN ITSELF BY POLICIES AND STATUTES. LAST NOVEMBER, FOR EXAMPLE, AT THE 40TH ANNIVERSARY CELEBRATION OF THE UN HUMAN RIGHTS DECLARATION, THE CHILEAN HUMAN RIGHTS COMMISSION DECLARED THERE HAD BEEN MORE VIOLATIONS IN CHILE AFTER THE PLEBISCITE THAN BEFORE IT.
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PAGE 02 STATE 097801

4. IN GARCIA'S OWN ESTIMATE, THE RECORD WAS BETTER ON DISAPPEARANCES AND SECRET KILLINGS (NUMBERS WERE DOWN), BUT WORSE ON KILLINGS AS A RESULT OF "CONFRONTATIONS" WITH SECURITY FORCES. OTHER VIOLATIONS (SUCH AS TORTURE) MIGHT NOT BE QUITE SO SPECTACULAR, BUT THEY CONTINUE. ONE RECENT REFINEMENT WAS THAT BEATINGS AND

SHOCK WERE NOW MORE FREQUENTLY ADMINISTERED IN VEHICLES RATHER THAN SECRET HOUSES, MAKING IT MORE DIFFICULT TO TRACK THE PROBLEM. THE CNI HAS ALSO CONTINUALLY CHANGED ITS TORTURE CENTERS. ALL THESE ACTIVITIES, OF COURSE, ARE IN COMPLETE VIOLATION OF AGREEMENTS WITH THE ICRC, BUT AT LEAST SOME ACCESS TO PRISONERS HAS BEEN MAINTAINED. JUDGE GARCIA SAID THAT THE CNI (WHICH HE CHARACTERIZED AS A VEHICLE FOR "STATE BRUTALITY") FREQUENTLY DENIED HAVING PRISONERS IN ITS POSSESSION, BUT THAT HE WAS FRQUENTLY ABLE TO FIND OUT THROUGH THE MINISTRY OF INTERIOR THAT SUCH PERSONS WERE, INDEED, IN CNI HANDS AND UNDER WHICH DECREE THEY WERE BEING DETAINED.

5. IN 15 YEARS OF THE DICTATORSHIP JUDGE GARCIA SAID THAT 7,000 WRITS OF HABEUS CORPUS HAD BEEN SERVED UPON THE GOVERNMENT BUT LESS THAN 100 CASES HAD BEEN ACTED UPON SUCCESSFULLY. WITH EXECUTIVE AGENCIES LYING TO JUDGES, AMPARO REQUESTS ARE USELESS; BUT AFTER SOME TIME, THE PERSON WHO HAD BEEN THE OBJECT OF A SEARCH IS EVENTUALLY TURNED OVER TO A MILITARY JUDGE.

6. THE PINOCHET GOVERNMENT HAS CHANGED MANY CIVIL AND MILITARY JUSTICE CODES, PENAL PROCEDURES, WEAPONS CONTROL LAWS AND ANTI-TERRORISM LAWS. ALL THESE CHANGES HAVE FURTHER CONFINED THE JUDICIARY, MAKING IT MORE
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PAGE 03 STATE 097801

DIFFICULT TO INVESTIGATE CASES OF POSSIBLE INVOLVEMENT OF GOVERNMENT SECURITY FORCES. THE SCOPE OF CIVILIAN JUSTICE HAS BEEN REDUCED WHILE THAT OF MILITARY JUSTICE HAS BEEN EXPANDED, WITH THE LATTER USURPING THE FORMER IN MANY CASES. EVEN THE SUPREME COURT HAS LOST MORE AND MORE OF ITS AUTHORITY. THE SUPREME COURT PRESIDENT IN A RECENT SPEECH ON THE "JUDICIAL YEAR" (REPORTED IN SANTIAGO 2128) CRITICIZED THIS PHENOMENA, WHEREIN 80 PERCENT OF THE CASES HANDLED IN MILITARY COURTS SHOULD HAVE BEEN PROCESSED BY CIVILIAN COURTS.

7. GARCIA SPOKE OF FEARS THAT SOME ABSOLUTIST MILITARY FIGURES WANTED PINOCHET TO REMAIN AT THE HELM LEGALLY OR NOT. BUT HE ALSO KNEW THAT THERE WERE PROFESSIONALS WHO KNEW THAT THE MILITARY WAS NOT PREPARED TO REMAIN IN POWER AND SHOULD RETURN TO THE BARRACKS.

8. GARCIA REQUESTED THAT THE USG CONTINUE TO EXERCISE PRESSURE FOR THE NEXT GOVERNMENT TO CONTINUE THE PROCESS OF DEMOCRATIZATION. SPEAKING OF WHAT SUCH A NEXT

GOVERNMENT MIGHT DO IN THE FACE OF CALLS FOR PROSECUTIONS OF MILITARY FIGURES, HE RECOGNIZED THAT THERE WAS A DEBATE OVER THE SCOPE OF PROSECUTIONS THAT WOULD BE DESIRABLE BEFORE ONE RISKED PROVOKING A MILITARY BACKLASH. WITHOUT EXPRESSING A PERSONAL PREFERENCE, HE MENTIONED FAVORABLY THAT MANY PREFERRED EXPOSURE, ESTABLISHING THE FACTS, AND IDENTIFYING THE CRIMES AND THOSE CULPABLE, THEN ALLOWING SOME TYPE OF AMNESTY OR PARDON TO BE INSTITUTED.

9. COMMENT: WEITZ INFORMED US BEFORE THE MEETING THAT VILLEGAS HAS RECEIVED QUITE A BIT OF NOTORIETY DUE TO HIS INVESTIGATION OF COMPLAINTS OF TORTURE BY CHILEAN INTELLIGENCE (CNI). SHE SAID THAT JUDGE VILLEGAS HAS BEEN SANCTIONED BY THE SUPREME COURT (PLACING HIM ON HALF SALARY FOR 2 WEEKS) IN A WIDELY CRITICIZED
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PAGE 04 STATE 097801

DECISION. HE HAS ALSO BEEN THREATENED BY ANONYMOUS GROUPS.

10. BIO NOTE: BORN IN 1917, JUDGE VILLEGAS STUDIED IN ECUADOR AND CHILE. IN ADDITION TO A DEGREE AS "JUDGE IN LETTERS," HE ALSO HAS A DOCTORATE IN POLITICAL AND SOCIAL SCIENCES. HE HAS LONG BEEN A SPECIALIST IN CRIMINAL LAW, AND SINCE 1980 HAS BEEN THE CHIEF JUDGE AT SANTIAGO'S 20TH CRIMINAL COURT. BAKER

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3-29-89 L/M 10 L

United States Department of State

Washington, D.C. 20520

LA 0357

Chile Project (#S199900030)
U.S. Department of State
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Declassify: In Part ____ In Full X
Exemption(s) ____

CONFIDENTIAL
MEMORANDUM

March 29, 1989

TO: L - Ms. Verville

FROM: L/ARA - Matthew H. Adler

SUBJECT: Letelier - Delay in Chile, Impatience on the Hill

The "grape crisis" with Chile is causing delays on implementation of the Letelier Commission. This delay is causing impatience on the Hill that may lead to reintroduction soon of the FSIA amendments.

I received a call yesterday from Nancy Soderberg on Senator Kennedy's staff. Soderberg asked for a status report on the Letelier treaty process. I told her that we gave Chile four names last month for candidates for President of the Commission, and that we were awaiting the GOC's reply. Soderberg stated that while Senator Kennedy had agreed to hold off on reintroducing his FSIA amendment in order to allow us to begin the Treaty process, he will not wait indefinitely. She said that Kennedy is likely to reintroduce the amendment before the next recess (in late April).

I then spoke with Dick Howard, office director of ARA/SC. Howard stated that the grape crisis has provoked a strong anti-US feeling in Chile, and that it would be counterproductive to press Chile at this time for a quicker response on Letelier. Noting that Chile has yet even to consent to the Treaty process (Chile's dip note saying it would cooperate on selection of commissioners reserved its general consent to the process), he said that any elements in the GOC disposed toward cooperation are likely to be drowned out by the anti-US cacophony being played out every day in the Chilean media. Asked how long the USG should fairly be expected to wait, he said he would not be adverse to instructing the Ambassador to approach the GOC in about two weeks. I reminded Howard that just as ARA is concerned about overall US-Chilean relations, L is concerned about overall FSIA policy.

There are several options available:

1. Press neither Kennedy nor Chile. Kennedy may introduce his amendment regardless of what the GOC does, and so pressing the GOC in order to mollify Kennedy may offend the Chileans without achieving our objective. We should sound Kennedy out again on his flexibility.

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2. Press Chile. Chile may be using the grape crisis as an excuse, since its actions prior to the crisis hardly suggested eagerness to proceed under the Treaty. If we believe this is the case, it may be worthwhile to press them soon. A variant of this option would be to press Chile in two or three weeks.

3. Press Kennedy. Kennedy may be receptive to the unique atmosphere precipiated by the grape crisis, and might be persuaded to hold off.

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Case Number: S199900030
Chile Project (#S199900030)
U.S. Department of State
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PAGE 01 THE HA 02523 301416Z
ACTION ARA-00

INFO	LOG-00	ADS-00	INR-07	EUR-00	SS-00	CIAE-00	DODE-00
	H-01	NSCE-00	NSAE-00	HA-09	L-03	TRSE-00	PM-10
	PA-02	OMB-01	INRE-00	BIB-01	USIE-00	SP-02	SNP-01
	C-01	PRS-01	DS-01	SCT-02	P-02	T-01	/045 W

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R 301411Z MAR 89
FM AMEMBASSY THE HAGUE
TO SECSTATE WASHDC 5818
INFO AMEMBASSY SANTIAGO

~~UNCLAS~~ THE HAGUE 02523

E.O. 12356: N/A
TAGS: PREL PINR, PINS, CI, NL
SUBJECT: CHILEAN GUERILLA SPOKESMAN GIVES DUTCH
- PRESS INTERVIEW
-

1. SUMMARY: A SPOKESMAN OF THE CHILEAN COMMUNIST GUERRILLA MOVEMENT FPMR RECENTLY GAVE A PRESS INTERVIEW WHILE IN THE NETHERLANDS. HE CLAIMED THAT HIS ORGANIZATION IS WIDESPREAD, YOUNG, AND USES LIGHT WEAPONS TO ATTACK THE REGIME'S SUPPORTERS. HE CONSIDERED THE PLEBISCITE "COSMETIC" AND DOUBTED THAT THE FORTHCOMING ELECTIONS WOULD BE FAIR. FINALLY, HE REVEALED THAT THE MOVEMENT WILL SOON DISCUSS ITS STRATEGY IN LIGHT OF THE ELECTIONS. END SUMMARY.

2. ON MARCH 25, THE RESPECTED INDEPENDENT DUTCH DAILY "NRC HANDELSBLAD" CARRIED AN INTERVIEW WITH SERGIO BUSCHMANN, SPOKESMAN OF THE CHILEAN COMMUNIST PATRIOTIC FRONT (FPMR) GUERRILLA MOVEMENT, WHO REPORTEDLY RECENTLY VISITED THE NETHERLANDS AND SEVERAL OTHER COUNTRIES IN NORTHERN EUROPE ON A "GOODWILL AND FUND-RAISING MISSION." THE INTERVIEW

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PAGE 02 THE HA 02523 301416Z

WAS PUBLISHED ONLY AFTER BUSCHMANN'S DEPARTURE FOR "SECURITY REASONS". FOLLOWING ARE HIGHLIGHTS OF BUSCHMANN'S REMARKS:

--THE FPMR IS ACTIVE THROUGHOUT CHILE AND OPERATES IN CELLS NO BIGGER THAN TEN PERSONS. FEW ARE

n/a
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FULL-TIME GUERRILLA FIGHTERS. ABOUT HALF OF ITS ACTIVE MEMBERS ARE 14-18 YEAR OLDS, AND 30 PERCENT ARE WOMEN.

--THE GUERRILLAS MOSTLY USE LIGHT WEAPONS, AUTOMATIC RIFLES, BAZOOKAS, MOLOTOV COCKTAILS AND PORTABLE GRENADE LAUNCHERS.

--"WE MOUNT ATTACKS ON MILITARY OBJECTS AND CITIZENS WHO SUPPORT THE DICTATORSHIP AND EXPLOIT THE PEOPLE." ECONOMIC OBJECTS, SUCH AS ELECTRICITY MASTS, ARE ALSO CHOSEN AS OBJECTS, BUT THAT IS A MATTER OF INTERNAL PUBLIC RELATIONS.

--"THE PLEBISCITE WAS A PSYCHOLOGICAL TRIUMPH, BUT DID NOT CHANGE THE BALANCE OF POWER." BUSCHMANN HAD NO FAITH IN THE FORTHCOMING ELECTIONS, QUESTIONING HOW THE RESULTS COULD BE FAIR IF THE ARMY IS THEIR GUARANTOR. HE DID NOT WANT TO DISMISS ELECTIONS AS A MEANS TOWARD DEMOCRACY, BUT "THE PEOPLE SHOULD HAVE THE POSSIBILITY TO DEFEND THE ELECTION RESULTS BY ARMS."

--VIOLENCE IS A PART OF THE FRONT'S THREE-PHASE STRUGGLE: ARMED, POLITICAL AND DIPLOMATIC ACTION. HATRED IS THE MOVEMENT'S DRIVING FORCE.

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PAGE 03 THE HA 02523 301416Z

--THE FPMR IS SOON TO DISCUSS ITS STRATEGY IN LIGHT OF THE FORTHCOMING ELECTIONS. FOR EXAMPLE, IT WILL CONSIDER WHETHER TO REACT WITH VIOLENCE IF THE PEOPLE WERE TO ELECT THE CHRISTIAN DEMOCRATIC CANDIDATE PATRICIO AYLWIN. FOR THE MOMENT, HOWEVER, THE FPMR WILL NOT PUT DOWN ITS WEAPONS. ROUSE

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MT
ORE

United States Department of State

RELEASED
JAN 31 1989

1989 071-2372

Washington, D.C. 20520

MEMORANDUM FOR BRENT SCOWCROFT
THE WHITE HOUSE

8701750

MAR 3 0 1989

Subject: Request by Ambassador Gillespie to Meet with President Bush

Ambassador to Chile Charles A. Gillespie, Jr. will also have interagency consultations and meetings with key Congressmen from February 1-8 and 10. He has requested an appointment with President Bush to review briefly the range of political, economic, and bilateral issues pertaining to Chile.

We believe such a meeting and a statement from President Bush expressing support for a transition to an economically sound democracy in Chile will make it possible for Ambassador Gillespie to convey authoritative messages from the new Administration to both the Pinochet government and the democratic parties in Chile as the election campaign gets under way.

Chile entered a crucial period in its political history beginning with last October's plebiscite, in which a majority of voters decided against Pinochet's continuation in office. Instead, open congressional and presidential elections, the first since 1970, will be held in December of this year. While these elections should take place as scheduled, the transition from an authoritarian to a civilian democratic regime will not be easy. Chile's success or failure in returning to democracy while preserving the free market-oriented policies which have made the Chilean economy one of the fastest-growing in the region will set an important precedent for other Latin American nations. The U.S. has been outspoken in its support for a return to full democracy in Chile and for the continuation and expansion of market-oriented growth.

Melvyn Levitsky
Executive Secretary

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) NLR

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draft: ARA/SC PD...
SBARASC 03604 1/30/89

clear: ARA/SC RHoward
ARA - MSkol

2570097/00001

MR. KOZAK: — ARA

Mike — what do we do about this — call in Buffone for a meeting? Not need to tell him but we can't ignore him. Please advise — Peter ARA/SC x2575

ONE

WF 015

COUNSEL
WILLIAM B. MOFFITT+

VIRGINIA OFFICE
655 SOUTH WASHINGTON STREET
ALEXANDRIA, VA 22314

MARYLAND OFFICE
11011 GLEN ROAD
POTOMAC, MD 20854

File case

154 Trans

ARA/SC/C

4/12 P Nos

SC

Please handle Buffone - Peter -

Per our conversation - hit the GOC + then call Buffone MK

March 29, ----

Michael Kozak
Principal Deputy Assistant
Secretary for Inter-American
Affairs
ARA Room 6263
United States Department of State
2201 C Street, N.W.
Washington, D.C. 20520

Dear Mr. Kozak:

It has been some time since I have had any communication with a representative of the Department of State regarding your espousal of the claims of my clients in the Letelier-Moffitt case for compensation from the Republic of Chile. I would appreciate an opportunity to meet with you or any other representative of the State Department who is responsible for this matter in order to discuss the current status of the espousal process.

While I am aware that public announcements were made regarding the invocation of the provisions of a 1916 Treaty between the United States and the Republic of Chile, I would appreciate information on the progress toward convening of the tribunal called for under the Treaty.

Yours truly,

Samuel J. Buffone

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____

SJB/ro

Approved 5/11/99

cc: MR Deshazo
ARA/SC/C

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El Salvador: Human Rights
Special Project (1993)

TEXT OF TELEGRAM 89SAN SA004287

ADP029 [redacted]

PAGE 01 SAN SA 04287 01 OF 03 042340Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	EUR-00	SS-00	OIC-02
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	L-03	TRSE-00	PM-10	PA-01	OMB-01	INRE-00	SP-02
	SNP-01	C-01	PRS-01	SCT-02	P-02	T-01	/063 W

147561 042353Z /72

P 042325Z APR 89
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC PRIORITY 8250
INFO AMEMBASSY GUATEMALA
AMEMBASSY TEGUCIGALPA
AMEMBASSY SAN JOSE
AMEMBASSY MANAGUA
AMEMBASSY CARACAS
AMEMBASSY MEXICO
AMEMBASSY BOGOTA
AMEMBASSY LIMA
AMEMBASSY BUENOS AIRES
AMEMBASSY SANTIAGO
USMISSION USUN NEW YORK
AMEMBASSY BRASILIA
AMEMBASSY LONDON
AMEMBASSY BONN
AMEMBASSY MADRID
AMEMBASSY ROME
USMISSION USNATO
USIA WASHDC 3246
USCINCSO QUARRY HTS PM

[redacted] SECTION 01 OF 03 SAN SALVADOR 04287

USCINCSO ALSO FOR POLAD YOULE

E.O. 12356: DECL:OADR
TAGS: PGOV, PINS, PTER, PHUM, ES
SUBJECT: FMLN ELECTION OFFENSIVE: A MILITARY

[redacted]

PAGE 02 SAN SA 04287 01 OF 03 042340Z

- DISAPPOINTMENT

1. ENTIRE TEXT - [redacted]

2. SUMMARY: THE FMLN'S MARCH 17-19 ELECTION WEEKEND MILITARY OFFENSIVE WAS A FAILURE FOR THE INSURGENTS IN MILITARY AND DOMESTIC POLITICAL TERMS. THE FMLN NOT ONLY FAILED TO GAIN ANY OF ITS TACTICAL OBJECTIVES, BUT ALSO FAILED TO ACHIEVE THE BROADER

Determination of Exempt Document by El Salvador BP Date 7/6/93
Political sensitive ( ); Economic ( ); in full ( ) in part;
personal privacy ( ); deliberative ( );
law enforcement ( ); privacy ( ); security ( );
not relevant to El Salvador ( ).

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El Salvador: Human Rights
Special Project (1993)

POLITICAL GOAL OF DISRUPTING AND DISCREDITING THE PRESIDENTIAL ELECTIONS. THE FMLN NONETHELESS APPEARS TO HAVE CONVINCED MUCH OF THE INTERNATIONAL PRESS CORPS THAT THE OPERATION REFLECTED GROWING GUERRILLA MILITARY AND POLITICAL STRENGTH. THE FMLN'S MILITARY FAILURE WAS DUE TO BOTH INABILITY TO MOBILIZE, DEPLOY AND COORDINATE SUFFICIENT FORCES AND TO OUTSTANDING ACTION BY THE ESAF, WHICH SUCCEEDED IN ANTICIPATING/DEFEATING THE FMLN ACTIONS. HOW THE INSURGENT LEADERSHIP INTERPRETS THIS FAILURE WILL AFFECT ITS FUTURE MILITARY STRATEGY AS WELL AS ITS POLITICAL INITIATIVES. END SUMMARY.

3. FOLLOWING ITS FAILURE TO FORCE A POSTPONEMENT OF THE MARCH 19TH PRESIDENTIAL ELECTIONS, THE FMLN LAUNCHED ONE OF THE HEAVIEST AND MOST VARIED OFFENSIVE EFFORTS OF THE WAR DURING THE MARCH 18-19 ELECTION WEEKEND IN AN EFFORT TO DISRUPT THE ELECTIONS, REDUCE VOTER TURNOUT AND DIMINISH THE CREDIBILITY OF THE ELECTORAL PROCESS. A SECONDARY BUT RELATED OBJECTIVE WAS TO MAKE A VISIBLE IMPRESSION ON THE LARGE INTERNATIONAL PRESS CONTINGENT VISITING EL SALVADOR FOR THE ELECTIONS BY PROJECTING AN IMAGE OF FMLN [redacted]

MILITARY MIGHT AND OF GOES IMPOTENCE.

4. BETWEEN 1800 HRS FRIDAY MARCH 17 AND MIDNIGHT MARCH 19 INSURGENT FORCES CARRIED OUT AT LEAST 6 MAJOR ATTACKS AND 44 HARASSMENT ACTIONS ACROSS THE COUNTRY. FMLN OFFENSIVE OPERATIONS TOOK PLACE IN ALL BUT TWO OF EL SALVADOR'S FOURTEEN DEPARTMENTS. AT THE SAME TIME SABOTAGE AND ANTI-TRANSPORTATION OPERATIONS TOOK PLACE AT RATES NOT SEEN SINCE THE FMLN'S NATIONWIDE OFFENSIVE OF THE FALL OF 1988. CONTRARY TO FMLN EXPECTATIONS, HOWEVER, THE ELECTION WEEKEND "OFFENSIVE" WAS ANYTHING BUT A MILITARY SUCCESS AS THE ESAF TURNED MOST FMLN-INITIATED ACTIONS INTO ESAF VICTORIES. BY THE MOST RECENT COUNT, INSURGENT KIA'S OUTNUMBERED ESAF ON THE ORDER OF AT LEAST 5 TO 1 OVER THE COURSE OF THE WEEKEND, WITH OVER 100 FMLN KILLED. THIS WAS ONE OF THE COSTLIEST THREE-DAY PERIODS OF THE WAR FOR THE INSURGENTS.

5. ONLY IN ONE CASE -- SAN FRANCISCO JAVIER -- DID THE FMLN COME CLOSE TO A CLEAR TACTICAL VICTORY WHEN IT MANAGED TO GAIN TEMPORARY CONTROL OF THE TOWN IN A FIGHT THAT RESULTED IN 1 ESAF KIA/5 WIA. EVEN THERE, THEY WERE ROUTED BY ESAF REINFORCEMENTS WITHIN THE

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El Salvador: Human Rights
Special Project (1993)

TEXT OF TELEGRAM 89SAN SA004287

HOUR. ALL OTHER ACTIONS WERE OF MINIMAL OR NO MILITARY CONSEQUENCE AND THE ESAF DID NOT LOSE CONTROL OF ANY OTHER TOWNS OR SUFFER SIGNIFICANT CASUALTIES.

6. THE FMLN'S FAILURE WAS EVIDENCED BY WHAT DID NOT OCCUR AS WELL AS BY WHAT ACTUALLY HAPPENED.

[redacted]

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El Salvador: Human Rights
Special Project (1993)

UNCLASSIFIED

TEXT OF TELEGRAM 89SAN SA004287

ADP030

PAGE 01 SAN SA 04287 02 OF 03 042341Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	EUR-00	SS-00	OIC-02
	CIAE-00	DODE-00	H-01	IO-19	NSCE-00	NSAE-00	HA-09
	L-03	TRSE-00	PM-10	PA-01	OMB-01	INRE-00	SP-02
	SNP-01	C-01	PRS-01	SCT-02	P-02	T-01	/063 W

147610 042353Z /72

P 042325Z APR 89
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC PRIORITY 8251
INFO AMEMBASSY GUATEMALA
AMEMBASSY TEGUCIGALPA
AMEMBASSY SAN JOSE
AMEMBASSY MANAGUA
AMEMBASSY CARACAS
AMEMBASSY MEXICO
AMEMBASSY BOGOTA
AMEMBASSY LIMA
AMEMBASSY BUENOS AIRES
AMEMBASSY SANTIAGO
USMISSION USUN NEW YORK
AMEMBASSY BRASILIA
AMEMBASSY LONDON
AMEMBASSY BONN
AMEMBASSY MADRID
AMEMBASSY ROME
USMISSION USNATO
USIA WASHDC 3247
USCINCSO QUARRY HTS PM

[redacted] SECTION 02 OF 03 SAN SALVADOR 04287

USCINCSO ALSO FOR POLAD YOULE

E.O. 12356: DECL:OADR
TAGS: PGOV, PINS, PTER, PHUM, ES
SUBJECT: FMLN ELECTION OFFENSIVE: A MILITARY

[redacted]

PAGE 02 SAN SA 04287 02 OF 03 042341Z

ACCORDING TO INTELLIGENCE AND INSURGENT PROPAGANDA A MASSIVE "URBAN OFFENSIVE" AND A "SPECTACULAR" ATTACK AGAINST A MAJOR MILITARY/ ECONOMIC TARGET WERE TO TAKE PLACE OVER THE WEEKEND. LARGELY AS THE RESULT OF PREEMPTIVE ESAF DEFENSIVE OPERATIONS NEITHER HAPPENED. INCREASED ESAF DEPLOYMENTS IN DEFENSE OF THE CAPITAL AREA, TOGETHER WITH AN EXTREMELY PRODUCTIVE CONTACT (AT LEAST 36 INSURGENT KIA) THAT

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El Salvador: Human Rights
Special Project (1993)

TOOK PLACE FRIDAY IN THE SAN SALVADOR VOLCANO FMLN BASE AREA APPARENTLY DERAILED THE URBAN PLAN. INSURGENT ACTIVITY IN SAN SALVADOR OVER THE WEEKEND CONSISTED OF ONLY ONE ILL-FATED ATTACK AND A MODERATE AMOUNT OF URBAN SABOTAGE. ALSO ON FRIDAY, A 6TH BRIGADE COMANDO UNIT MADE CONTACT WITH AND APPARENTLY DISPERSED A 200-300 MAN INSURGENT CONCENTRATION THAT SEEMED TO BE PLANNING A MAJOR ATTACK AGAINST ONE OR BOTH OF THE 2 ESAF BASES IN THE CITY OF USULUTAN.

7. A REVIEW OF THE WEEKEND'S ACTIONS THAT LOOKS BEYOND THE HIGH INCIDENT TOTALS AND THEIR HIGH VISIBILITY INDICATES THAT, ASIDE FROM A "SHOW OF STRENGTH," THE FMLN'S PERFORMANCE WAS NEITHER EFFECTIVE NOR SUCCCESSFUL IN MILITARY OR DOMESTIC POLITICAL TERMS. ALTHOUGH THE FMLN TRANSPORTATION STRIKE CONTRIBUTED TO A 6 PERCENT DROP IN VOTER PARTICIPATION FROM THE 1988 TOTAL (1.003 MILLION VS. 1.070 MILLION), THE FMLN FAILED TO KEEP THE TURNOUT LOW ENOUGH (ACCORDING TO SOME THE FMLN HOPED TO KEEP TURN OUT IN THE 300,000 TO 400,000 RANGE) TO CHALLENGE THE ELECTION'S CREDIBILITY WITHIN EL SALVADOR. (ALL SEVEN COMPETING PARTIES HAVE ACCEPTED THE VALIDITY OF THE ELECTION RESULTS, ALTHOUGH THE [redacted]

PAGE 03 SAN SA 04287 02 OF 03 042341Z

FMLN ALLY CONVERGENCIA DEMOCRATICA HAS CLAIMED FRAUD AND INTIMIDATION KEPT THE CD VOTE DOWN.) IN ADDITION, FROM A TACTICAL PERSPECTIVE THE FMLN MILITARY PERFORMANCE WAS VERY DISAPPOINTING. ESTIMATED CASUALTY LEVELS, LACK OF FMLN BATTLEFIELD

ACCOMPLISHMENTS, AND VARIOUS INTELLIGENCE REPORTS INDICATE THAT THIS WAS ONE OF COSTLIEST AND LEAST SUCCESFUL OPERATIONS OF THE WAR FOR THE FMLN.

8. A KEY CONTRIBUTING FACTOR TO THE FAILURE OF THE WEEKEND CAMPAIGN APPEARS TO HAVE BEEN UNREALISTIC PLANNING BY THE FMLN LEADERSHIP. BY TRYING TO LAUNCH SUCH A LARGE NUMBER OF OPERATIONS ACROSS THE COUNTRY, THE FMLN STRETCHED ITS RESOURCES TOO THIN TO DELIVER A SINGLE SERIOUS BLOW TO THE ESAF. ITS PERSONNEL RESOURCES AND COMMAND AND CONTROL CAPABILITIES SIMPLY DO NOT APPEAR TO HAVE BEEN UP TO THE TASK OF DOING SO MUCH AT ONE TIME. ADDITIONALLY, THE MASSIVE AND WIDESPREAD FORWARD STAGING OF SO MANY INSURGENT FORCES IN PREPARATION FOR OFFENSIVE OPERATIONS LEFT THEM OVERLY EXPOSED AND MORE VULNERABLE TO DETECTION AND COUNTERACTION BY THE ESAF. IT APPEARS TO HAVE BEEN A NEAR TEXTBOOK CASE OF A MILITARY FORCE OVEREXTENDING ITSELF.

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El Salvador: Human Rights
Special Project (1993)

9. A SECOND KEY FACTOR IN THE INSURGENTS' WEEKEND TACTICAL MISFORTUNES WHICH WAS NOT WELL ANTICIPATED BY THE FMLN CAMPAIGN PLANNERS WAS THE ESAF'S OWN EFFORTS TO COUNTER THE EXPECTED INCREASE IN GUERRILLA ACTIVITY. BY MOBILIZING MOST OF ITS RESOURCES AND REACTING QUICKLY TO INTELLIGENCE REPORTS AND TO THE ACTUAL INSURGENT ACTIONS, THE ESAF WAS ABLE TO BLUNT

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RELEASED
El Salvador: Human Rights
Special Project (1993)

TEXT OF TELEGRAM 89SAN SA004287

UNCLASSIFIED

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PAGE 01 SAN SA 04287 03 OF 03 042342Z
ACTION ARA-00

INFO LOG-00 ADS-00 AID-00 INR-07 EUR-00 SS-00 OIC-02
CIAE-00 DODE-00 H-01 IO-19 NSCE-00 NSAE-00 HA-09
L-03 TRSE-00 PM-10 PA-01 OMB-01 INRE-00 SP-02
SNP-01 C-01 PRS-01 SCT-02 P-02 T-01 /063 W
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P 042325Z APR 89
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC PRIORITY 8252
INFO AMEMBASSY GUATEMALA
AMEMBASSY TEGUCIGALPA
AMEMBASSY SAN JOSE
AMEMBASSY MANAGUA
AMEMBASSY CARACAS
AMEMBASSY MEXICO
AMEMBASSY BOGOTA
AMEMBASSY LIMA
AMEMBASSY BUENOS AIRES
AMEMBASSY SANTIAGO
USMISSION USUN NEW YORK
AMEMBASSY BRASILIA
AMEMBASSY LONDON
AMEMBASSY BONN
AMEMBASSY MADRID
AMEMBASSY ROME
USMISSION USNATO
USIA WASHDC 3248
USCINCSO QUARRY HTS PM

[redacted]SECTION 03 OF 03 SAN SALVADOR 04287

USCINCSO ALSO FOR POLAD YOULE

E.O. 12356: DECL:OADR
TAGS: PGOV, PINS, PTER, PHUM, ES
SUBJECT: FMLN ELECTION OFFENSIVE: A MILITARY

[redacted]

PAGE 02 SAN SA 04287 03 OF 03 042342Z

AND DEFEAT THE FMLN INITIATIVES. THE ESAF'S SUCCESS OVER THE WEEKEND IS REFLECTIVE NOT ONLY OF A SUPERLATIVE SHORT-TERM EFFORT, BUT ALSO OF CONTINUED (ALBEIT OFTEN GRADUAL) ACROSS THE BOARDS PROGRESS IN IMPROVING ITS MILITARY CAPABILITIES. IT IS DOUBTFUL THAT THE ESAF WOULD HAVE BEEN ABLE TO EFFECTIVELY HANDLE AN FMLN EFFORT OF SIMILAR MAGNITUDE TWO OR THREE YEARS AGO.

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El Salvador: Human Rights
Special Project (1993)

10. THE FMLN'S INABILITY TO GAIN EVEN A SMALL TACTICAL MILITARY VICTORY OR TO PREVENT THE ELECTION FROM BEING SUCCESFULLY CARRIED OUT MUST DISAPPOINT THE FMLN LEADERSHIP. IN THE WAY OF CONSOLATION, HOWEVER, THE INTERNATIONAL PRESS HAS TENDED TO PORTRAY EVENTS DURING THE ELECTION WEEKEND AS A SUCCESSFUL INSURGENT OFFENSIVE, IN MILITARY AS WELL AS IN INTERNAL POLITICAL TERMS. WE EXPECT THE FMLN TO DRAW AT LEAST ONE LESSON FROM THIS--THAT THERE IS STILL ROOM TO SELL OVERSEAS THE NOTION OF INCREASING FMLN STRENGTH, AND THEREFORE AN INCREASING NEED FOR A NEGOTIATED SOLUTION. GIVEN THE RESULTS OF THE OPERATIONS IN MILITARY TERMS, AND DOMESTIC POLITICAL REACTION, THE FMLN WILL HAVE A HARD TIME SELLING THAT IDEA INSIDE EL SALVADOR.

WALKER

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04/04/89

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n/a

Case Number: S199900030

Chile Project (#S199900030)

U.S. Department of State
Release X Excise ____ Deny ____
Declassify In Part ____ In Full X
Exemption(s) ____

CONFIDENTIAL

PAGE 01 SANTIA 03177 041517Z
ACTION ARA-00

INFO	LOG-00	ADS-00	INR-07	SS-00	CIAE-00	DODE-00	H-01
	NSCE-00	NSAE-00	HA-09	L-03	TRSE-00	PM-10	PA-01
	OMB-01	INRE-00	USIE-00	SP-02	SNP-01	C-01	PRS-01
	P-02	T-01	/040 W				

----------126555 041620Z /45

R 041505Z APR 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 0735
INFO AMEMBASSY MEXICO

C O N F I D E N T I A L SANTIAGO 03177

MEXICO FOR ARNOLD CHACON

E.O. 12356: DECL:OADR
TAGS: PGOV
SUBJ: PINOCHET LOYALISTS NAMED TO CONSTITUTIONAL COURT

1. (U) ON MARCH 21 LUIS MALDONADO BOGGIANI, SUPREME COURT PRESIDENT, WAS UNANIMOUSLY CHOSEN AS PRESIDENT OF THE CONSTITUTIONAL TRIBUNAL (TC). AT THE SAME TIME THE TC SWORE IN TWO NEW MEMBERS: LUZ BULNES, WHO WAS NAMED BY THE NATIONAL SECURITY COUNCIL TO REPLACE THE RETIRING EUGENIO VALENZUELA; AND HERNAN CERECEDA, WHOM THE SUPREME COURT SELECTED TO REPLACE THE RETIRING JOSE MARIA EYZAGUIRRE. TWO OTHER MEMBERS WERE RECONFIRMED IN THEIR POSITIONS: ENRIQUE ORTUZAR, ALSO NAMED BY THE NATIONAL SECURITY COUNCIL, WHO IS DUE TO RETIRE IN NOVEMBER; AND MANUEL JIMINEZ, WHOM THE JUNTA NAMED FOR A SECOND TERM. TWO ADDITIONAL MEMBERS -- MARCOS ABURTO (DESIGNATED BY THE SUPREME COURT) AND EDUARDO URZUA (DESIGNATED BY THE PRESIDENT) -- ARE SERVING TERMS WHICH EXPIRE IN 1993.

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PAGE 02 SANTIA 03177 041517Z

2. (U) ESTABLISHED IN 1981, THE CONSTITUTIONAL TRIBUNAL IS COMPOSED OF SEVEN MEMBERS AND CHARGED WITH INTERPRETING THE CONSTITUTION AS WELL AS APPROVING ALL "ORGANIC" LAWS WHICH IMPLEMENT THE MAGNA CARTA. THREE OF ITS MEMBERS MUST BE SUPREME COURT JUSTICES, ELECTED BY THE COURT; ONE AN

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ATTORNEY CHOSEN BY THE PRESIDENT OF THE REPUBLIC; TWO ATTORNEYS CHOSEN BY THE NATIONAL SECURITY COUNCIL; AND THE LAST AN ATTORNEY CHOSEN BY THE SENATE. UNTIL THE SENATE COMES INTO BEING, THE CONSTITUTION SPECIFIES THAT THE LEGISLATIVE JUNTA SHALL CHOOSE THE LATTER MEMBER OF THE TC.

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3. (C) COMMENT: VALENZUELA'S DEPARTURE WILL HAVE A SIGNIFICANT IMPACT ON THE TRIBUNAL AND ON THE LEGISLATIVE PROCESS IN THE FINAL YEAR OF THE MILITARY GOVERNMENT. THE MOST INDEPENDENT OF ITS JUSTICES, EUGENIO VALENZUELA PLAYED A CRITICAL ROLE IN THE 1987 AND 1988 RULINGS WHICH CREATED THE LEGAL BASIS FOR A CLEAN, FAIR PLEBISCITE. BULNES, HIS REPLACEMENT, IS CONSIDERED A PINOCHET LOYALIST. ACCORDING TO NATIONAL ELECTION SERVICE DIRECTOR JUAN IGNACIO GARCIA, THE SECOND NEW JUSTICE, HERNAN CERECEDA, IS AS "HARD-LINE A PINOCHET SUPPORTER AS YOU WILL FIND." CERECEDA, A RELATIVELY YOUNG JUSTICE ON THE SUPREME COURT, WAS FORMELY AN ADVISOR TO HUGO ROSENDE, THE RIGHT-WING MINISTER OF JUSTICE. GARCIA ACKNOWLEDGED THAT THE REMAINING JUSTICES ALSO TEND TO BE UN-CONDITIONAL IN THEIR BACKING OF GOVERNMENT VIEWS.

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4. (C) MALDONADO WAS ONE OF THREE ON THE CONSTITUTION-AL TRIBUNAL TO OPPOSE THE 1988 JUDGEMENT WHICH DECLARED CLODOMIRO ALMEYDA'S ACTIVITIES UNCONSTITUTION-

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PAGE 03 SANTIA 03177 041517Z

AL. NOW THE OTHER TWO DISSIDENT JUSTICES ARE GONE. THE TC COULD BE EXPECTED TO RUBBER-STAMP AN "INTER-PRETATIVE" LAW ADVOCATED BY THE PRESIDENT WHICH WOULD MAKE IT POSSIBLE FOR MINISTERS, PROFESSIONAL AND GUILD LEADERS TO RUN FOR OFFICE -- IN APPARENT CONTRADICTION TO ARTICLE 54 OF THE CONSTITUTION. IT WILL PROBABLY NOT PLAY AS CRUCIAL A ROLE AS IT DID IN THE PAST TWO YEARS, BECAUSE THE BULK OF THE "ORGANIC" LAWS IMPLEMENTING THE CONSTITUTION HAVE ALREADY BEEN PASSED. NONETHELESS, THE PROSPECT OF SEEING ONE OF THE MOST INDEPENDENT INSTITUTIONS IN THE JUDICIARY SYSTEM CONVERTED INTO A MOUTHPIECE FOR PINOCHET IS NOT A COMFORTING ONE. END COMMENT.
GILLESPIE

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Case Number: S199900030 Title Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

PAGE 01 SANTIA 03176 01 OF 02 041514Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	SS-00	OIC-02	CIAE-00
	DODE-00	H-01	IO-19	NSCE-00	NSAE-00	HA-09	L-03
	TRSE-00	PM-10	PA-01	OMB-01	INRE-00	USIE-00	SP-02
	SNP-01	C-01	SSE-01	PRS-01	DS-01	P-02	T-01
	/063 W						

----------126546 041619Z /46

R 041500Z APR 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 0733
INFO USMISSION USUN NEW YORK
USCINCSO QUARRY HEIGHTS
USCINCLANT NORFOLK
AMEMBASSY MEXICO

UNCLASSIFIED
C O N F I D E N T I A L SECTION 01 OF 02 SANTIAGO 03176
MEXICO FOR ARNOLD CHACON

E.O. 12356: DECL:OADR
TAGS: PGOV
SUBJ: GOVERNMENT APPROVES ELECTORAL PACTS, OR SO IT SEEMS

REFS: (A) SANTIAGO 2798, (B) 88 SANTIAGO 9253

1. (C) SUMMARY: THE EXECUTIVE BRANCH HAS APPROVED A DRAFT DISTRICTING BILL WHICH ALLOWS FOR LIMITED ELECTORAL PACTS PROVIDED THEY ARE NATIONAL IN CHARACTER AND IDEOLOGICALLY COMPATIBLE. THE PROPOSED LEGISLATION, NOW UNDER REVIEW BY THE JUNTA, ALSO REDUCES THE LEGISLATIVE DISTRICTS FOR THE SANTIAGO METROPOLITAN AREA, WHICH WAS ALREADY CONSIDERABLY UNDERREPRESENTED IN GOC APPORTIONMENT SCHEMES. THE DRAFT BILL HAS BEEN CRITICIZED BY THE CHRISTIAN DEMOCRATS, WHO OBJECT TO ITS OBVIOUS GERRYMANDERING,
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PAGE 02 SANTIA 03176 01 OF 02 041514Z

AND BY JUNTA MEMBER ADMIRAL MERINO, WHO FEELS THE REQUIREMENTS FOR ELECTORAL ALLIANCES SHOULD BE TIGHTENED. NATIONAL ELECTORAL SERVICE (SEN) DIRECTOR JUAN IGNACIO GARCIA INFORMED US THAT STILL ANOTHER VERSION OF THE LEGISLATION IS BEING CIRCULATED. THE APPROVAL OF POLITICAL ALLIANCES WOULD FORCE THE

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CHRISTIAN DEMOCRATS TO DEFINE THEMSELVES SHORTLY ON WHETHER OR NOT THEY CAN RUN ON THE SAME SLATE WITH COMMUNISTS ASSOCIATED WITH THE BROAD PARTY OF THE SOCIALIST LEFT (PAIS). A CONSTITUTIONAL AMENDMENT WHICH MIGHT BE PASSED IN JUNE EXPANDING THE SIZE OF THE CONGRESS COULD THROW THE WHOLE DISTRICTING PLAN BACK TO THE DRAWING BOARDS. END SUMMARY.

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2. (U) ON MARCH 28 THE EXECUTIVE BRANCH RELEASED AN AMENDED VERSION OF ITS DRAFT OF THE ELECTORAL DISTRICTING LAW WHICH WOULD PROVIDE FOR LIMITED POLITICAL PACTS AND FURTHER REDUCE THE NUMBER OF DISTRICTS FOR THE HOUSE OF DEPUTIES FROM THE SANTIAGO METROPOLITAN AREA. THE JUNTA BEGAN CONSIDERING THE MODIFIED DRAFT THIS WEEK, AND IS NOT EXPECTED TO FINISH ITS DELIBERATIONS BEFORE APRIL 4. ONCE APPROVED BY THE JUNTA, THE LEGISLATION MUST BE REVIEWED BY THE CONSTITUTIONAL TRIBUNAL WITHIN 30 DAYS.

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3. (U) THE PROPOSED LEGISLATION WOULD ALLOW NATION-WIDE ELECTORAL PACTS BETWEEN TWO OR MORE PARTIES WHICH HAVE AN IDEOLOGICAL AFFINITY. THESE PARTIES COULD HAVE COMMON LISTS FOR THE PARLIAMENTARY ELECTIONS PROVIDED THEY DID NOT MAKE SEPARATE AGREEMENTS WITH OTHER POLITICAL ENTITIES AT THE LOCAL LEVEL. THEY COULD SUPPORT TWO CANDIDATES PER

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DISTRICT OR REGION WHO ARE MEMBERS OF THE GROUPS SUBSCRIBING TO THE PACTS, OR ELSE INDEPENDENTS WHO ARE NOT MEMBERS OF ANY OTHER POLITICAL PARTY. THE PACTS WOULD HAVE TO BE REGISTERED FORMALLY WITH THE NATIONAL ELECTORAL SERVICE.

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4. (U) THE DRAFT BILL WOULD ALSO REDISTRIBUTE THE 60 DISTRICTS FOR ELECTIONS TO THE HOUSE OF DEPUTIES, REDUCING FROM 21 TO 16 THE HOUSE DISTRICTS IN THE SANTIAGO METROPOLITAN AREA, AND INCREASING THE PARLIAMENTARY REPRESENTATION OF THE THIRD, FOURTH, SIXTH, SEVENTH AND EIGHTH REGIONS.

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5. (U) ON MARCH 28 SENIOR JUNTA MEMBER ADMIRAL MERINO DENIED THAT THE JUNTA WOULD RUBBER-STAMP THE LEGISLATION, AND SAID HE FELT THE REQUIREMENTS FOR POLITICAL PACTS NEEDED TO BE SPELLED OUT MORE PRECISELY. IT SHOULD NOT BE ENOUGH, FOR EXAMPLE, FOR PARTIES SIMPLY TO COALESCE ON THE BASIS THAT THEY

FAVOR A REPRESENTATIVE DEMOCRACY. RESPONDING TO THIS CONCERN IN A SPEECH THE FOLLOWING DAY, INTERIOR MINISTER CARLOS CACERES SAID THAT THE GOVERNMENT FULLY INTENDED TO RESTRICT ELECTORAL AGREEMENTS BY REQUIRING THOSE PARTIES INVOLVED TO GIVE CLEAR DEFINITIONS OF THEIR OBJECTIVES, PROPOSALS AND VALUES. WARNING THAT CHILE CANNOT AFORD TO FAIL ITS NEW INSTITUTIONAL EXPERIMENT, CACERES SAID THAT REVOLUTIONARY CONCEPTS ARE INCOMPATIBLE WITH THE EVOLUTIONARY PRACTICE OF DEMOCRACY, AND THAT UNPRINCIPLED ALLIANCES THREATEN THE STABILITY AND ECOOMIC EFFICIENCY THE SYSTEM NEEDS TO REMAIN VIABLE.

6. (U) THE PROPOSED REDISTRICTING WAS CRITICIZED BY PDC VICE PRESIDENT EDGARDO BOENINGER AS ARBITRARY AND

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PAGE 01 SANTIA 03176 02 OF 02 041516Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	SS-00	OIC-02	CIAE-00
	DODE-00	H-01	IO-19	NSCE-00	NSAE-00	HA-09	L-03
	TRSE-00	PM-10	PA-01	OMB-01	INRE-00	USIE-00	SP-02
	SNP-01	C-01	SSE-01	PRS-01	DS-01	P-02	T-01
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R 041500Z APR 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 0734
INFO USMISSION USUN NEW YORK
USCINCSO QUARRY HEIGHTS
USCINCLANT NORFOLK
AMEMBASSY MEXICO

C O N F I D E N T I A L SECTION 02 OF 02 SANTIAGO 03176

MEXICO FOR ARNOLD CHACON

E.O. 12356: DECL:OADR
TAGS: PGOV
SUBJ: GOVERNMENT APPROVES ELECTORAL PACTS, OR SO IT

BIASED. HE AND OTHER OPPOSITION LEADERS POINTED OUT THAT THE CAPITAL METROPOLITAN REGION, WHICH REPRESENTS 40 PERCENT OF THE ELECTORATE, WOULD BE LIMITED TO 26 PERCENT OF THE DEPUTY SLOTS. (NOT SURPRISINGLY, THE SANTIAGO AREA IS ALSO THE HEARTLAND

OF OPPOSITION STRENGTH.) SPOKESMEN FROM THE CONSERVATIVE NATIONAL RENEWAL AND UDI PARTIES PRAISED THE PROVISION ALLOWING FOR LIMITED PACTS, SAYING THAT IT WOULD HELP RATIONALIZE THE POLITICAL MAP. HOWEVER, RN LEADER MIGUEL OTERO SAID THAT THE REAPPORTIONMENT OF LEGISLATIVE DISTRICTS NEEDED TO BE STUDIED MORE CAREFULLY.

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PAGE 02 SANTIA 03176 02 OF 02 041516Z

7. (C) COMMENT: THE DRAFT LEGISLATION, THE THIRD VERSION WHICH THE INTERIOR MINISTRY HAS SUBMITTED TO THE JUNTA (REF B) SINCE AUGUST 1988, IS AN ODD MIXTURE OF GERRYMANDERING AND LIBERALIZATION WHICH IS STILL FAR FROM BEING FINALIZED. SEN DIRECTOR JUAN IGNACIO GARCIA TOLD POLOFF ON MARCH 31 THAT A FOURTH VERSION WHICH RESHUFFLES THE LEGISLATIVE DISTRICTS ONCE AGAIN IS NOW CIRCULATING. PREDICTIONS ARE DIFFICULT, HE SAID, BECAUSE THE EXECUTIVE BRANCH HAS DEVISED SO MANY DRAFTS, ALL REJECTED BY VARIOUS LEGISLATIVE COMMISSIONS OF THE JUNTA, THAT NO ONE KNOWS WHAT THE CRITERIA SHOULD BE.

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ACCORDING TO A REPORT IN LA EPOCA, PINOCHET ORDERED THE LATEST REDISTRICTING TO FAVOR UDI-SPONSORED CANDIDATES IN THE SANTIAGO METROPOLITAN REGION AND THE EIGHT REGION. RATHER THAN HAVE THE INTERIOR MINISTRY WORK UP A NEW DRAFT, THE PRESIDENT SENT INSTRUCTIONS ON MARCH 31 VIA UDI GENERAL SECRETARY PABLO LONGUERA, WHO HAD PROPOSED THE CHANGES TO HIM. THIS UNUSUAL PROCEDURE THREW THE JUNTA'S JOINT LEGISLATIVE COMMISSION INTO DISARRAY. AS A RESULT THE APPROVAL OF ELECTORAL PACTS MAY BE SUBJECT TO RECONSIDERATION.

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8. (C) THE APPROVAL OF ELECTORAL PACTS APPEARS TO FAVOR THE OPPOSITION, SINCE THE CENTER-LEFT COALITION (COPODE) APPEARS TO BE MORE PRONE TO HOLD TOGETHER IN THE 1989 ELECTIONS THAN IS THE RIGHT. BUT IT PUTS COPODE AND THE CHRISTIAN DEMOCRATS IN A DILEMMA. THE INCLUSION OF THE LEFT UMBRELLA PARTY PAIS WILL BE VEHEMENTLY OPPOSED BY MANY CHRISTIAN DEMOCRATS, SOCIAL

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PAGE 03 SANTIA 03176 02 OF 02 041516Z

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DEMOCRATS, AND OTHERS WHO PERCEIVE THAT RUNNING WITH THE COMMUNIST LEFT WOULD BE POLITICAL SUICIDE. LEAVING PAIS LOOSE TO RUN ITS OWN CANDIDATES THROUGHOUT THE COUNTRY WOULD ALSO PUNCH HOLES IN THE 60 PERCENT PARLIAMENTARY MAJORITY THE OPPOSITION EXPECTS TO ACHIEVE. THE LIKELY ALTERNATIVE WOULD BE MOUNTING TWO OPPOSITION LISTS, ONE WITH THE CHRISTIAN DEMOCRATS AND ITS SMALLER ALLIES, THE OTHER WITH THE PPD AND PAIS. BUT RICARDO LAGOS IS RESISTING ANY SOLUTION WHICH WOULD BRAND HIS FLEDGLING MOVEMENT WITH A RESTORATION OF THE POPULAR UNITY COALITION.

9. (C) THE REDISTRICTING PROPOSALS ARE FURTHER COMPLICATED BY THE POSSIBILITY OF AMENDING THE CONSTITUTION TO CHANGE THE COMPOSITION OF THE CONGRESS. CONSTITUTIONALIST JOSE LUIS CEA, A MEMBER OF THE RN-PDC COMMISSION ON CONSTITUTIONAL REFORM, TOLD POLOFFS ON MARCH 30 THAT THE JOINT COMMISSION HAS REACHED AGREEMENT ON A PACKAGE WHICH INCLUDES EXPANDING THE ELECTED SENATE FROM 26 TO 50 MEMBERS AND THE HOUSE OF DEPUTIES FROM 120 TO 150. IF THIS IS APPROVED IN A PLEBISCITE WITHIN THE NEXT TWO MONTHS, IT WILL NULLIFY ANY ELECTORAL DISTRICTING LAW AND REQUIRE THE DATE FOR CANDIDATE FILING, NOW SET FOR JULY 11, TO BE MOVED BACK. ALTHOUGH CHILE'S POLITICAL TRANSITION IS MOVING ALONG, THE SITUATION IS DISTRESSINGLY UNCERTAIN FOR MANY OF THE KEY PLAYERS, PARTICULARLY THOSE WHO WANT TO RUN FOR OFFICE. GILLESPIE

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No. 035

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____

The Embassy of Chile presents its compliments to the Department of State and has the honor of referring to the Notes of January 12 and March 2, 1989, transmitted via the Embassy of the United States in Santiago to the Foreign Ministry of Chile related to invocation by the United States of the Bryan-Suárez Mujica Treaty of 1914 and naming Commissioners in accordance with the provisions of said Treaty.

In this connection, the Department's attention is invited to the penultimate paragraph of the Foreign Ministry's Note dated January 26, 1989, advising the Embassy of the United States in Santiago that the Foreign Ministry was studying the scope and applicability of the Bryan-Suárez Mujica Treaty. That study is now sufficiently advanced to lead to the conclusion that those aspects of the Treaty are uncertain with respect to the goals pursued by the two Governments.

In view of that uncertainty, the Ministry of Foreign Affairs of Chile has arrived at the conclusion that a detailed study is necessary by representatives of both Governments of all diplomatic exchanges between the two countries and documentation relating to the Bryan-Suárez Mujica Treaty in order to determine in an objective manner all the facts relevant to said Treaty.

For that purpose, Chile proposes that a meeting be held in the month of April, 1989, between representatives of the two Governments to address that matter.

The Embassy of Chile avails itself of this opportunity to renew to the Department of State the assurances of its distinguished consideration.

Washington, D.C., April 5, 1989

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Case Number: S1999000030
Chile Project (#S199900030)
U.S. Department of State
Release ✓ Excise ____ Deny ____
Declassify: In Part ____ In Full ✓
Exemption(s) ____

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PAGE 01 SANTIA 03369 01 OF 03 061721Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	EUR-00	SS-00	OIC-02
	CIAE-00	DODE-00	H-01	IO-19	NSCE-00	NSAE-00	HA-09
	L-03	TRSE-00	PM-10	PA-01	OMB-01	INRE-00	USIE-00
	SP-02	SNP-01	C-01	SSE-01	PRS-01	P-02	T-01
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P 061710Z APR 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 0783
INFO AMEMBASSY BONN
AMEMBASSY BRASILIA
AMEMBASSY BUENOS AIRES
AMEMBASSY LA PAZ
AMEMBASSY LIMA
AMEMBASSY LONDON
AMEMBASSY MADRID
AMEMBASSY MEXICO
AMEMBASSY PARIS
AMEMBASSY ROME
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USCINCSO QUARRY HEIGHTS
USCINCLANT NORFOLK

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C O N F I D E N T I A L SECTION 01 OF 03 SANTIAGO 03369

MEXICO FOR ARNOLD CHACON

E.O. 12356: DECL:OADR
TAGS: PGOV, CI
SUBJ: CONSTITUTIONAL REFORM MOVES CLOSER;
MILITARY PLAN FOR PLEBISCITE

REF: SANTIAGO 2078

1. (C) SUMMARY: A MEMBER OF THE JOINT COMMISSION

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PAGE 02 SANTIA 03369 01 OF 03 061721Z

OF THE NATIONAL RENEWAL PARTY (RN) AND THE COALITION OF POLITICAL PARTIES FOR DEMOCRACY (COPODE) INFORMED US THAT A CONSENSUS HAD BEEN REACHED ON A SET OF PROPOSALS FOR CONSTITUTIONAL REFORM. THESE INCLUDE CHANGING ARTICLE 8 TO AVOID PERSECUTING POLITICAL GROUPS FOR THEIR

IDEAS; FLEXIBILIZING THE MECHANISM FOR REFORM BY ALLOWING A THREE-FIFTHS MAJORITY OF BOTH HOUSES TO AMEND THE CONSTITUTION;ADDING TWO CIVILIANS TO THE NATIONAL SECURITY COUNCIL AND CHANGING IT INTO A PRESIDENTIAL ADVISORY BODY; EXPANDING THE NUMBER OF ELECTED SENATORS AND DEPUTIES, WHILE ELIMINATING ALL BUT ONE CATEGORY OF APPOINTED MEMBERS; AND REDUCING THE POWERS OF THE PRESIDENT. THE COMMISSION'S RECOMMENDATIONS HAVE BEEN FAVORABLY RECEIVED BY THE TECHNICAL TASK FORCE APPOINTED BY THE MINISTRY OF INTERIOR, AND ARE BEING REVIEWED BY COPODE AND GOVERNMENT POLICY MAKERS THIS WEEK. ARMY COMMANDER ZINCKE INFORMED THE AMBASSADOR THAT THE MILITARY IS PREPARING FOR A PLEBISCITE ON THE CONSTITUTION, AND PLANS TO DOUBLE THE NUMBER OF VOTING PLACES TO FACILITATE ACCESS TO THE POLLS. END SUMMARY.

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2. (U) ON MARCH 31, POLCOUNS AND POLOFF RECEIVED A READOUT FROM JOSE LUIS CEA ON THE CONSTITUTIONAL REFORMS APPROVED BY THE JOINT RN/COPODE COMMISSION. CEA IS ONE OF THE EXPERTS NAMED BY THE RN TO THE COMMISSION AND ONE OF THE COUNTRY'S LEADING CONSTITUTIONAL LAWYERS.

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3. (U) ARTICLE 8: THE LANGUAGE IS CHANGED TO MAKE POLITICAL ACTS, RATHER THAN THOUGHTS, GROUNDS FOR

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DECLARING A GROUP UNCONSTITUTIONAL. NO ACTION COULD BE TAKEN AGAINST INDIVIDUALS WHO SIMPLY HOLD SUCH BELIEFS AS IS NOW POSSIBLE UNDER THE CURRENT LANGUAGE OF ARTICLE 8. CEA SAID THE CONSENSUS ON THE COMMISSION - AND AMONG GOC CONSTITUTIONALISTS CONSULTED - IS THAT THE COMMUNIST PARTY WOULD THUS BE GIVEN A "LAST CHANCE" TO LEGALIZE ITSELF. IF THE PC (OR OTHER PARTIES) EXPRESSED SUPPORT FOR THE VIOLENT OVERTHROW OF THE INSTITUTIONAL ORDER, IT WOULD BE BANNED, WITH POPULAR ACCEPTANCE OF THE MEASURE.

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4. (U) AMENDMENT PROCESS: AMENDMENTS ARE TO BE APPROVED BY A THREE-FIFTHS MAJORITY IN BOTH HOUSES OF THE CONGRESS. THEY MAY THEN BE VETOED BY THE PRESIDENT, BUT IN SUCH AN EVENT, THERE IS TO BE AN AUTOMATIC NATIONAL REFERENDUM ON THE AMENDMENT. CEA SAID THIS PROVISION WAS THE SUBJECT OF CONSIDERABLE DISCUSSION, BUT

AGREEMENT WAS NOT THAT DIFFICULT TO REACH. RN DELEGATES WERE SOMEWHAT CONCERNED THAT CERTAIN ELEMENTS OF THE CONSTITUTION PROTECTING INDIVIDUAL RIGHTS SHOULD BE MORE DIFFICULT TO AMEND. HOWEVER, THE COMMISSION ALSO AGREED TO RECOMMEND THAT INTERNATIONAL TREATIES ON HUMAN RIGHTS AND OTHER ISSUES BE ELEVATED TO THE STATUS OF CONSTITUTIONAL LAWS. THE RN DELEGATES WERE CONVINCED THAT PROTECTION PROVIDED IN INTERNATIONAL TREATIES WOULD SUFFICE TO MEET THEIR CONCERNS.

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5. (U) *APPOINTIVE SENATORS:* THE COMMISSION AGREED THAT ALL SEATS FOR APPOINTIVE SENATORS, WITH THE EXCEPTION OF EX-PRESIDENTS, SHOULD BE

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PAGE 01 SANTIA 03369 02 OF 03 061722Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	EUR-00	SS-00	OIC-02
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	L-03	TRSE-00	PM-10	PA-01	OMB-01	INRE-00	USIE-00
	SP-02	SNP-01	C-01	SSE-01	PRS-01	P-02	T-01
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P 061710Z APR 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 0784
INFO AMEMBASSY BONN
AMEMBASSY BRASILIA
AMEMBASSY BUENOS AIRES
AMEMBASSY LA PAZ
AMEMBASSY LIMA
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AMEMBASSY MADRID
AMEMBASSY MEXICO
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AMEMBASSY ROME
USMISSION USUN NEW YORK
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USCINCLANT NORFOLK

C O N F I D E N T I A L SECTION 02 OF 03 SANTIAGO 03369

MEXICO FOR ARNOLD CHACON

E.O. 12356: DECL:OADR
TAGS: PGOV, CI
SUBJ: CONSTITUTIONAL REFORM MOVES CLOSER;

ELIMINATED. THE RN DELEGATES INSISTED ON RETAINING THE PROVISION GIVING LIFE-TIME SENATORIAL SEATS TO EX-PRESIDENTS. THIS WAS THE ONLY ISSUE ON WHICH THERE WAS A TIE VOTE

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PAGE 02 SANTIA 03369 02 OF 03 061722Z

RIGHT DOWN PARTY LINES. IT WAS FINALLY AGREED TO LEAVE THE ISSUE UNDECIDED FOR THE PARTIES TO WORK OUT AT A POLITICAL LEVEL.

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6. (U) EXPANSION OF THE CONGRESS: THE COMMISSION RECOMMENDED THAT THE SENATE BE EXPANDED TO FIFTY SEATS. THIS WOULD PROVIDE THREE SLOTS (INSTEAD OF THE CURRENT TWO) FROM EACH OF THE THIRTEEN GEOGRAPHIC REGIONS (FOR A TOTAL OF 39) WITH ELEVEN ADDITIONAL SEATS TO BE ALLOCATED IN ACCORDANCE WITH POPULATION DISTRIBUTION. THE COMMISSION RECOMMENDED THAT THE CHAMBER OF DEPUTIES BE EXPANDED TO ONE HUNDRED AND FIFTY SEATS.

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7. (U) NATIONAL SECURITY COUNCIL: THE COUNCIL WOULD BE EXPANDED WITH THE ADDITION OF TWO MORE CIVILIANS, THE PRESIDENT OF THE CHAMBER OF DEPUTIES AND THE COMPTROLLER GENERAL. THIS WOULD ASSURE A CIVILIAN MAJORITY. IN ADDITION, THE COMMISSION RECOMMENDS THAT THE NSC'S CURRENT POWERS TO REVIEW AND REVOKE ACTS OF ALL GOVERNMENT BODIES WHICH INFRINGE ON NATIONAL SECURITY BE ELIMINATED. THE COUNCIL WOULD BE AN ADVISORY BODY TO PROVIDE PRIVATE COUNSEL TO THE PRESIDENT.

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8. (U) REQUIREMENTS TO BE CONGRESSIONAL CANDIDATES: THE COMMISSION RECOMMENDS DOING AWAY WITH THE CURRENT REQUIREMENT THAT CONGRESSIONAL CANDIDATES HAVE RESIDED FOR THREE YEARS IN THE DISTRICT. IT WOULD ELIMINATE PROHIBITIONS AGAINST MEMBERS OF THE CABINET AND OTHER OFFICIALS FROM RUNNING

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PAGE 03 SANTIA 03369 02 OF 03 061722Z

FOR CONGRESSIONAL OFFICE AS WELL AS PROSCRIPTIONS AGAINST OFFICERS OF LABOR AND PROFESSIONAL ORGANIZATIONS BEING CANDIDATES. IT WOULD ELIMINATE REQUIRED EDUCATIONAL BACKGROUND FOR DEPUTIES AND SENATORS. THE AGE LIMIT FOR SENATORS WOULD BE LOWERED TO THIRTY-FIVE (FROM FORTY).

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9. (U) IMMOBILITY OF COMMANDERS-IN-CHIEF: ACCORDING TO CEA, THE COMMISSION ENDORSED THE CONCEPT OF THE PRESIDENT'S BEING UNABLE TO REMOVE COMMANDERS-IN-CHIEF OF THE ARMED FORCES. THEY RECOMMEND THAT THEY BE APPOINTED BY THE PRESIDENT AND GIVEN TENURE (DURING WHICH THEY CANNOT BE REPLACED) FOR THREE YEARS RATHER THAN THE FOUR YEARS AS PROVIDED FOR IN THE 1980 CONSTITUTION.

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10. (U) MISCELLANEOUS: THE COMMISSION ELIMINATES THE PRESIDENT'S POWER TO DISSOLVE THE CHAMBER OF DEPUTIES ONCE DURING HIS TENURE AND TO CALL NEW ELECTIONS. IT ALSO RECOMMENDS THAT NEW ELECTIONS BE OBLIGATORY IN THE EVENT OF THE PRESIDENT'S DEATH OR INCAPACITATION WITHIN NINETY DAYS. THE MINISTER OF INTERIOR WOULD SERVE AS INTERIM PRESIDENT. THE SENATE IS THUS DIVESTED OF THE RESPONSIBILITY GIVEN IT IN THE 1980 CONSTITUTION FOR NAMING A REPLACEMENT FOR THE PRESIDENT.

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11. (U) THE RECOMMENDATIONS OF THE JOINT COMMISSION MUST NOW BE APPROVED BY THE POLITICAL BODIES OF BOTH COPODE AND RN, AFTER WHICH THEY ARE TO BE PRESENTED TO THE MINISTER OF INTERIOR FOR HIS CONSIDERATION IN CALLING A CONSTITUTIONAL

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PAGE 01 SANTIA 03369 03 OF 03 061723Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	EUR-00	SS-00	OIC-02
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	L-03	TRSE-00	PM-10	PA-01	OMB-01	INRE-00	USIE-00
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P 061710Z APR 89
FM AMEMBASSY SANTIAGO

TO SECSTATE WASHDC PRIORITY 0785
INFO AMEMBASSY BONN
AMEMBASSY BRASILIA
AMEMBASSY BUENOS AIRES
AMEMBASSY LA PAZ
AMEMBASSY LIMA
AMEMBASSY LONDON
AMEMBASSY MADRID
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USCINCLANT NORFOLK

C O N F I D E N T I A L SECTION 03 OF 03 SANTIAGO 03369

MEXICO FOR ARNOLD CHACON

E.O. 12356: DECL:OADR
TAGS: PGOV, CI
SUBJ: CONSTITUTIONAL REFORM MOVES CLOSER;

PLEBISCITE IN THE COMING MONTHS. THE RECOMMENDATIONS ARE BEING REVIEWED THIS WEEK.

12. (C) COMMENT: THE JOINT COMMISSION'S CONSENSUS ON

CONSTITUTIONAL REFORM IS AN IMPORTANT BREAKTHROUGH WHICH COULD HELP SET THE PARAMETERS FOR A GOC-SPONSORED PACKAGE TO MODIFY THE CONSTITUTION THROUGH A PLEBISCITE THIS JUNE. OVER THE WEEKEND INTERIOR MINISTER CACERES REAFFIRMED THE GOVERNMENT'S WILLINGNESS TO MOVE AHEAD WITH REFORMS AS RAPIDLY AS POSSIBLE. PINOCHET MET WITH ARMY UNIT COMMANDERS, INSTRUCTING THEM ON THE ROLE THEY WOULD PLAY IN SUCH A PLEBISCITE. ARMY DEPUTY COMMANDER GENERAL ZINCKE MENTIONED TO THE AMBASSADOR ON MARCH 4 THAT THE MILITARY IS PREPARING TO CARRY OUT A PLEBISCITE, AND THAT IT PLANS TO DOUBLE THE NUMBER OF VOTING PLACES. (THE LONG LINES AT THE POLLS IN THE 1988 PLEBISCITE, WHICH RESULTED FROM THE MILITARY'S DECISION TO REDUCE THE NUMBER OF POLLING PLACES FOR SECURITY REASONS, CREATED PROBLEMS IN MAINTAINING ORDER.)

13. (C) CEA WAS HEARTENED THAT THE GOC'S TECHNICAL COMMISSION ON THE CONSTITUTION HAD RESPONDED POSI-

TIVELY TO THE RECOMMENDATIONS OF THE RN-COPODE TASK FORCE. HOWEVER, THE POLITICIANS AND NOT THE TECHNICIANS ARE THOSE WHO WILL HAVE THE LAST WORD. WITHIN COPODE, THERE IS DISCONTENT OVER THE TASK FORCE'S COMMITMENT TO MAINTAIN THE REQUIREMENT FOR A HIGH (60 PERCENT) QUORUM WITHIN THE HOUSE AND SENATE ON PROPOSALS FOR CHANGING THE CONSTITUTION. MANY OPPOSITION LEADERS ARE ALSO INSISTING THAT THE SENATE BE FULLY ELECTED, RATHER THAN GRANT PINOCHET A SEAT FOR LIFE IN THE PARLIAMENT. HOWEVER, THE ARGUMENTS FOR COMPROMISE ARE ALSO STRONG. OPPOSITION CANDIDATES AND INDEPENDENT REFORMERS COULD WELL WIN 60 PERCENT OF THE SEATS IN THE NEXT CONGRESS. AND IT WOULD SOLVE A MAJOR HEADACHE FOR AYLWIN, IF HE IS THE

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PAGE 03 SANTIA 03369 03 OF 03 061723Z

NEXT PRESIDENT, TO HAVE SOME MAJOR ISSUES OF CONSTI-TUTIONAL REFORM ALREADY SOLVED BY THE TIME HE ASSUMES OFFICE.

14. (C) ON THE GOVERNMENT SIDE, HARD-LINERS SUCH AS SERGIO MELNICK, HUGO ROSENDE AND ADMIRAL MERINO HAVE OPPOSED THE IDEA OF TINKERING WITH THE CONSTI-TUTION AT THIS TIME. UDI HAS WEIGHED IN WITH CACERES WITH ITS OWN PACKAGE OF REFORMS, WHICH ARE CLOSER TO THE GOC'S ORIGINAL PROPOSALS (ADDING ONLY ONE CIVILIAN TO THE NATIONAL SECURITY COUNCIL; MAKING THE MECHAN-ISM FOR CHANGING THE CONSTITUTION SOMEWHAT MORE FLEXIBLE, BUT STILL REQUIRING TWO SUCCESSIVE CONGRESSES; MAINTAINING THE 9 APPOINTED SENATORS). PINOCHET AND HIS ADVISORS REALIZE THAT THE POWERS OF THE NEXT PRESIDENCY SHOULD BE REDUCED, NOW THAT IT APPEARS TO BE OUT OF THEIR REACH. GOVERNMENT POLITICAL STRATEGISTS ARE ALSO KEENLY AWARE THAT TO OVERCOME THE IMPACT OF THE 1988 PLEBISCITE DEFEAT, IT WOULD HELP THEM TO GO INTO THE 1989 ELECTIONS WITH A SOLID ELECTORAL VICTORY IN A PLEBISCITE ON REFORM. GILLESPIE

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No. 035

NON-OFFICIAL TRANSLATION

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____

The Embassy of Chile presents its compliments to the Department of State and has the honor of referring to the Notes of January 12 and March 2, 1989, transmitted via the Embassy of the United States in Santiago to the Foreign Ministry of Chile related to invocation by the United States of the Bryan-Suárez Mujica Treaty of 1914 and naming Commissioners in accordance with the provisions of said Treaty.

In this connection, the Department's attention is invited to the penultimate paragraph of the Foreign Ministry's Note dated January 26, 1989, advising the Embassy of the United States in Santiago that the Foreign Ministry was studying the scope and applicability of the Bryan-Suárez Mujica Treaty. That study is now sufficiently advanced to lead to the conclusion that those aspects of the Treaty are uncertain with respect to the goals pursued by the two Governments.

In view of that uncertainty, the Ministry of Foreign Affairs of Chile has arrived at the conclusion that a detailed study is necessary by representatives of both Governments of all diplomatic exchanges between the two countries and documentation relating to the Bryan-Suárez Mujica Treaty in order to determine in an objective manner all the facts relevant to said Treaty.

For that purpose, Chile proposes that a meeting be held in the month of April, 1989, between representatives of the two Governments to address that matter.

The Embassy of Chile avails itself of this opportunity to renew to the Department of State the assurances of its distinguished consideration.

Washington, D.C., April 5, 1989

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4/6/89

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____

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[redacted]

United States Department of State

Washington, D.C. 20520

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MEMORANDUM

April 6, 1989

~~TO:~~ FM : L - Ms. Mochary

~~FROM:~~ TO: L/ARA - Matthew H. Adler

SUBJECT: Letelier

Attached is the Chilean response to our invocation of the 1914 Treaty. In essence the GOC is stalling. It states that representatives of both governments should perform "a detailed study" concerning the Treaty's applicablility, and proposes that a meeting to discuss this problem be held this month.

The desk believes that we should have this meeting, but that we should not go down the road of performing study after study preliminary to invoking the Treaty. Rather, we should be prepared shortly to inform the Swiss that a president needs to be appointed.

The DCM for Embassy Santiago will be in town next week, and we will be discussing these issues. What are your views?

I support a meeting to discuss "this problem". We could lay out the treaty applicability, ask them to choose from our list and then inform them we are going to the Swiss. Have they given us the names of their arbitrators? We must put them down on Rel. e. Say we will have the mtg. but you must show your good faith by carrying out your undertaking to appoint new arbitrators.

UNCLASSIFIED

(NLE-4826)

[redacted] B6

Sr. Hugo Rosende Subiabre
Ministro de Justicia
Ministerio de Justicia
Compañía 1111
Santiago, Chile

EXCISE

Chile Project (1973-1990)
U.S. Department of State
Release ____ Excise X Deny ____
Declassify in Part ____ Is PRP ____
Exemptions B6

RE: Alfredo Rojas Castaneda

Señor Ministro:

I am a lawyer practicing in the United States and firmly believe that the basic human rights of all people throughout the world must be respected. It has come to my attention that Alfredo Rojas Castaneda, a 34-year-old electronics engineer and director of the State Railways until the 1973 coup, was detained by members of DINA on the evening of March 4, 1975 as he was driving home from work. He apparently was then seen by fellow detainees in the Villa Grimaldi until the last few days of April, after which he was never seen again. I have also learned that a 1987 book, "Bomba en una calle de Palermo," revealed that between 1973 and 1976 identity cards of five Chileans were discovered in the desk of a DINA agent in Buenos Aires. One was the identity card of Alfredo Rojas. Finally, I understand that one day during the search for her son, Alfredo's mother saw his car (now with Argentinian license plates) outside the headquarters of Investigaciones.

I am extremely concerned about the fate of Alfredo Rojas Castaneda, and I respectfully request that you pursue an investigation of his disappearance. I urge you to make all facts relating to his disappearance public and reveal his whereabouts or, if he is no longer living, deliver his body.

Respectfully yours,

[redacted] B6

cc: Embassy of Chile
1732 Massachusetts Avenue N.W.
Washington, D.C. 20036

CMI0063 DAIM

United States Department of State

P890042-1872

Washington, D.C. 20520

Chile Project (#S199
U.S. Department of State
Release_____ Excise X Deny_____ APR - 7 1989
Declassify: In Part_____ In Full_____
Exemption(s) B6

P B-6

EXCISE

Dear Senator Dixon:

This is in response to your inquiry concerning the pending case involving the medical records of the Vicariate of Solidarity in Chile. Your letter was on behalf of [B6

The United States Government has followed this case closely since its inception. Our Ambassador to Chile, Charles Gillespie, Jr. recently met with Bishop Sergio Valech, head of the Vicariate, to discuss this case and other matters involving the human rights work of the Church. We have also raised this case with high officials of the Chilean Government. On February 3, 1989 our Embassy's Charge d' Affaires, George Jones, called on Bishop Valech at Vicariate headquarters to express again the U.S. Government's support for the Vicariate's efforts to promote human rights.

Following that meeting, Mr. Jones reiterated in an interview with the press the U.S. Government's long-standing view that the Vicariate of Solidarity is a highly respected human rights organization with a well-deserved international reputation and that we would deeply regret any action which would compromise the ability of the Vicariate to perform effectively its important activities.

Support for a return to democracy and respect for human and civil rights is the cornerstone of U.S. policy toward Chile. Accordingly, we will continue to follow the Vicariate case with great interest.

If we can be of further assistance to you, please do not hesitate to contact us.

Sincerely,

Janet G. Mullins
Assistant Secretary
Legislative Affairs

Enclosure: Correspondence returned.

The Honorable
Alan J. Dixon,
United States Senate.

FAIR/IAP/WI

89 APR 10 PM 3:51

RECEIVED BY DEPARTMENT OF STATE

FAIM

Drafter:ARA/SC:PDeShazo
3/29/89 647-2401
SEARASC:4149
ARA#:89-0611, PAIM#:0312033
CONGTO:01703
Cleared:ARA/SC:RHopper
ARA:
H:
HA:LWeintraub

UNCLASSIFIED

MI'00824

Chile Project (#S199900050)
U.S. Department of State
Release_____ Excise__X__ Deny_____
Declassify: In Part_____ In Full_____
Exemption(s) B6

B-6

[redacted] B6 EXCISE

Senator David Durenberger
United States Senate
154 Russell Building
Washington, D.C. 20510

Senator Rudy Boschwitz
United States Senate
506 Hart Building
Washington, D.C. 20510

Representative Tim Penny
United States House of Representatives
436 Cannon Building
Washington, D.C. 20515

Dear Senators Durenberger and Boschwitz and Representative Penny:

I have enclosed a letter that deals with the case of Alfredo Rojas Castaneda. I hope that you will do all that you can to convince the Chilean government to reveal to his family the truth about his ultimate fate.

Sincerely,

[redacted] B6

UNCLASSIFIED

UNCLASSIFIED

P890042-1876

(MI 00262

United States Department of State

Washington, D.C. 20520

EXCISE

Chile Project (#S199900030) 500
U.S. Department of State
Release_____ Excise__X__ Deny_____
Declassify: In Part_____ In Full_____
Exemption(s) B6

B-6

Dear Senator Coats:

This is in response to your inquiry concerning the pending case involving the medical records of the Vicariate of Solidarity in Chile. Your letter was on behalf of [redacted] B6

The United States Government has followed this case closely since its inception. Our Ambassador to Chile, Charles Gillespie, Jr. recently met with Bishop Sergio Valech, head of the Vicariate, to discuss this case and other matters involving the human rights work of the Church. We have also raised this case with high officials of the Chilean Government. On February 3, 1989 our Embassy's Charge d' Affaires, George Jones, called on Bishop Valech at Vicariate headquarters to express again the U.S. Government's support for the Vicariate's efforts to promote human rights.

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If we can be of further assistance to you, please do not hesitate to contact us.

Sincerely,

Janet G. Mullins
Assistant Secretary
Legislative Affairs

Enclosure: Correspondence returned.

The Honorable
Dan Coats,
United States Senate.

FAX/IAP/MI

89 APR 10 PM 2:53

UNCLASSIFIED

Drafter:ARA/SC:PDeShazo
3/31/89 647-3401
SEARASC:4180
ARA#:89-0651, PAIN#:0350209
CONGTO:02497
Cleared:ARA/SC:RHopper
ARA:
H:
HA:LWeintraub

UNCLASSIFIED
UNCLASSIFIED
Case Number: S1999000030
Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____

PAGE 01 SANTIA 03398 071622Z
ACTION SCT-02

INFO	LOG-00	ADS-00	AID-00	INR-05	SS-00	CIAE-00	EB-00
	DODE-00	NSCE-00	ARA-00	NSAE-00	COME-00	SSO-00	L-02
	AMAD-01	CTME-00	NRCE-00	TRSE-00	PM-05	PA-02	FAAE-00
	CCO-00	INRE-00	CA-02	CG-00	USSS-00	JUSE-00	FBIE-00
	OC-02	DOEE-00	M-01	FAIM-01	TB-01	DS-01	ZOVD-00
	P-02	T-01	/028 W				

----------002137 071625Z /38

O 071616Z APR 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 0798
USIA WASHDC IMMEDIATE 9629
INFO USCINCSO QUARRY HEIGHTS //SCJ-2//
AMEMBASSY LA PAZ
AMEMBASSY PANAMA
AMEMBASSY MONTEVIDEO

~~UNCLAS~~ SANTIAGO 03398

TERREP

DEPT FOR DS/OP, DS/CR/CT AND DS/POL/TAD

LA PAZ FOR PAO

PANAMA FOR CO CO "D"

MONTEVIDEO FOR LEGATT

E.O. 12356: N/A
TAGS: PTER, ASEC, CI
SUBJECT: BOMB EXPLOSION AT SANTIAGO BINATIONAL CENTER

1. AT 23:03 ON APRIL 6 AN EXPLOSIVE DEVICE WAS SET OFF IN AN UNUSED ENTRANCE OF THE SANTIAGO BINATIONAL CENTER (BNC) CAUSING EXTENSIVE COSMETIC DAMAGE TO THE

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PAGE 02 SANTIA 03398 071622Z

FRONT OF THE BUILDING. THE BUILDING WAS EMPTY AT THE TIME OF THE EXPLOSION AND THERE WERE NO INJURIES. WITHIN LESS THAN TEN MINUTES AN ANONYMOUS MALE CALLER TO THE BNC STATED THAT THE BOMBING WAS AN ACT OF REPRISAL FOR THE U.S. PROHIBITION AGAINST CHILEAN GRAPES. THE CALLER STATED "THIS IS TO PAY FOR THE

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GRAPES" AND HUNG UP.

2. THE BOMB, ESTIMATED BY CHILEAN POLICE TO HAVE BEEN ONE KILO OF AMMONIA GELATIN EXPLOSIVE, WAS POWERFUL ENOUGH TO HAVE BROKEN WINDOWS IN BUILDINGS AS FAR AS 50 YARDS FROM THE BNC AND VIRTUALLY DESTROYED AN AUTOMOBILE THAT WAS PARKED ON THE STREET IN FRONT OF THE BNC. A PRELIMINARY ANALYSIS OF EVIDENCE AT THE SCENE SUGGESTS THAT THE ACTUAL DEVICE MAY HAVE BEEN A PIPE BOMB. THE BOMB WAS PLACED ON THE DOORSTEP DIRECTLY IN FRONT OF A SECONDARY ENTRANCE TO THE BNC. A BLAST CRATER APPROXIMATELY TWO AND A HALF FEET IN DIAMETER WAS DISCOVERED AT THIS LOCATION. DAMAGE TO THE BNC BUILDING APPEARS TO HAVE BEEN COSMETIC RATHER THAN STRUCTURAL. THE DOOR AND FRAME WHERE THE BOMB WAS PLACED WERE DESTROYED, WINDOWS IN THE 3 STORIES ABOVE THE ENTRANCE WERE BROKEN, AND THERE WAS EXTENSIVE DAMAGE TO WINDOW FRAMES AND SASHES AND SOME DAMAGE TO INTERIOR WALLS ON THE FIRST AND SECOND STORIES. TOTAL DAMAGE TO THE BUILDING IS ROUGHLY ESTIMATED AT 5 TO 10 THOUSAND DOLLARS.

3. THE EVENING CLEAN-UP CREW AND MISSION GUARDS HAD LOCKED AND LEFT THE BUILDING ONLY 3 MINUTES BEFORE THE BLAST. THOSE REPONSIBLE FOR THE BOMBING SEEM TO HAVE BEEN FAMILIAR WITH THE ROUTINE AT THE BNC AND TIMED THE EXPLOSION TO MINIMIZE THE CHANCE OF INJURY.

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PAGE 03 SANTIA 03398 071622Z

4. THE MYLAR COVERED WINDOWPANES IN THE FRONT OF THE BUILDING WERE SHATTERED AND BLOWN OUT OF THEIR FRAMES, BUT REMANED MOSTLY INTACT.

5. AT 0045 HOURS ON APRIL 7 THE LOCAL POLICE RECEIVED AN ANONYMOUS CALL FROM AN INDIVIDUAL WHO STATED THAT A BOMB HAD BEEN PLACED IN FRONT OF THE AMERICAN EMBASSY AND WAS SET TO GO OFF IN 15 MINUTES. POLICE RESPONDED TO THE CHANCERY AND CONSULATE AND CHECKED THE OUTSIDE OF BOTH AREAS. THE MSG DETACHMENT WAS RECALLED AND SEARCHED THE INSIDE OF THE CHANCERY. THE MISSION LOCAL GUARD FORCE SEARCHED THE CONSULATE GROUNDS. NOTHING WAS DISCOVERED.

6. THE MISSION LOCAL GUARD FORCE REMAINS ON ALERT. POLICE HAVE BEEN CONTACTED BY THE RSO'S OFFICE AND HAVE AGREED TO TEMPORARILY ASSIGN PERSONNEL TO THE BNC AFTER CLOSING HOURS.

7: PHOTOS WERE TAKEN OF THE DAMAGE AND SOME EVIDENCE WAS GATHERED AT THE SCENE BY RSO. THESE ITEMS WILL BE SENT TO DS/CR/CT ASAP.

GILLESPIE

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EXCISE

MI00835

P B-6

[redacted]

April 10, 1989

D[redacted]

[redacted] would like to appeal to [redacted] to look into the case of a [redacted] friend missing in Chile in 1975. [redacted] Alfredo Rojas Castaneda [redacted] disappeared in Chile in 1975. The information [redacted] in enclosing was supplied to me by Amnesty Inter [redacted] This young man is one of [redacted] who have disappeared [redacted] for [redacted] I thank you for [redacted] know is a deep commitment to Human Rights.

Sincerely

[redacted]

b6

Chile Project (#S199900030)
U.S. Department of State
Release_____ Excise_X_ Deny_____
Declassify: In Part_____ In Full_____
Exemption(s) B6

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RELEASED
El Salvador: Human Rights
Special Project (1993)

TEXT OF TELEGRAM 89SAN SA004621

ADP428
UNCLASSIFIED

PAGE 01 SAN SA 04621 01 OF 05 112341Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	SS-00	CIAE-00	EB-00
	DODE-00	H-01	EXIM-06	NSCE-00	NSAE-00	LAB-04	CTME-00
	ITC-01	OPIC-07	CEA-01	OMB-01	STR-17	INRE-00	AGRE-00
	FRB-01	USIE-00	JUSE-00	SP-02	FDIC-01	SNP-01	C-01
	DS-01	SCT-02	E-01	T-01	/056 W		

------------------322772 120547Z /20

R 112246Z APR 89
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 8438
INFO USDOC WASHDC
DEPTTREAS WASHDC
AMEMBASSY BELIZE
AMEMBASSY GUATEMALA
AMEMBASSY MANAGUA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HTS PM

UNCLAS SECTION 01 OF 05 SAN SALVADOR 04621

E.O. 12356: N/A
TAGS: PTER, PGOV, EAIR, EFIN, ETRD, ES
SUBJECT: PERIODIC ECONOMIC ROUND-UP

INDEX:

-- FMLN INTENSIFIES ECONOMIC SABOTAGE, THREATENS IT
- WILL LEAVE COUNTRY UNGOVERNABLE
-- THE PRIVATE SECTOR ON CRISTIANI VICTORY
-- PUBLIC SECTOR GETS PAY RAISE; PRIVATE SECTOR CREDIT
- MAY SUFFER
-- ASSEMBLY RESTRICTS OUTGOING GOVERNMENT'S
- EXPENDITURE AUTHORITY
-- CONTINENTAL'S PERMANENT OPERATING CERTIFICATE
UNCLASSIFIED
UNCLASSIFIED

PAGE 02 SAN SA 04621 01 OF 05 112341Z

- FINALLY ISSUED
-- HONDURAN SLOWNESS ON TRADE AGREEMENT RATIFICATION
- CRITICIZED
-- THE BATTLE OVER DAYLIGHT SAVINGS TIME
-

FMLN INTENSIFIES ECONOMIC SABOTAGE, THREATENS IT WILL LEAVE COUNTRY UNGOVERNABLE

RELEASED
El Salvador: Human Rights
Special Project (1993)

TEXT OF TELEGRAM 89SAN SA004621

1. WITH MOST OF THE EXTENSIVE ELECTION PERIOD DAMAGE TO THE COUNTRY'S ELECTRICAL GRID REPAIRED BY MARCH 27, THE FMLN REINITIATED ATTACKS AGAINST THE SYSTEM. THE TOLL ON 115KV LINES WAS AS FOLLOWS:

3/27 -- SAN ANTONIO ABAD-NEJAPA
- SAN LORENZO-SAN MARTIN

3/28 -- SAN LORENZO-SAN MARTIN
- SONSONATE-NUEVO CUSCATLAN
- SOYAPANGO-SAN MARTIN

3/29 -- CERRON GRANDE-SAN MARTIN

4/2 -- SANTA ANA-GUAJOYO

4/6 -- 15 DE SEPT.-SAN MARTIN
- 15 DE SEPT.-SAN RAFAEL CEDROS

2. OVER THE PAST THREE WEEKS ACTIONS AGAINST OTHER ECONOMIC TARGETS HAVE ALSO ACCELERATED:

3/21 -- A BUS WAS DYNAMITED IN DOWNTOWN SAN SALVADOR.
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PAGE 03 SAN SA 04621 01 OF 05 112341Z

3/21 -- SEVERAL INDIVIDUALS ATTEMPTED TO FIREBOMB A SOFT DRINK DELIVERY TRUCK.

3/22 -- AN EXPLOSIVE DEVICE WAS DEACTIVATED AT THE BUS TERMINAL LOCATED IN THE SAN SALVADOR NEIGHBORHOOD OF ZACAMIL.

3/27 -- A TAXI WAS BOMBED IN DOWNTOWN SAN SALVADOR.

3/27 -- THREE TERRORISTS PARTIALLY BURNED A BUS IN ZACAMIL.

3/28 -- AN EXPLOSIVE DEVICE DETONATED IN A BEAUTY PARLOR IN THE SAN SALVADOR SUBURB OF CIUDAD DELGADO.

3/29 -- A SAN SALVADORAN MASSAGE PARLOR WAS BOMBED.

3/30 -- AN EXPLOSIVE DEVICE DETONATED ON THE SIDEWALK IN FRONT OF A DOWNTOWN STORE. ONE WOMAN WAS KILLED; THREE OTHER INDIVIDUALS WERE SEVERELY INJURED.

4/1 -- URBAN COMANDOS BURNED A BUS IN SOYAPANGO.

4/2 -- A FRAGMANTATION GRENADE EXPLODED IN FRONT OF THE HOME OF THE PRESIDENT OF THE BANCO DE FOMENTO AGROPECUARIO.

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TEXT OF TELEGRAM 89SAN SA004621

3. AN EVEN MORE DRAMATIC SET OF ATTACKS WAS LAUNCHED ON APRIL 4:

-- IN THE EARLY MORNING HOURS OF APRIL 4, THE FMLN SET FIRE TO THREE FACTORIES (COSMETICS, CARTONS AND WOOD PRODUCTS) LOCATED ON THE HIGHWAY TO LA

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El Salvador: Human Rights
Special Project (1993)

TEXT OF TELEGRAM 89SAN SA004621

ADP431
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PAGE 01 SAN SA 04621 02 OF 05 112342Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	SS-00	CIAE-00	EB-00
	DODE-00	H-01	EXIM-06	NSCE-00	NSAE-00	LAB-04	CTME-00
	ITC-01	OPIC-07	CEA-01	OMB-01	STR-17	INRE-00	AGRE-00
	FRB-01	USIE-00	JUSE-00	SP-02	FDIC-01	SNP-01	C-01
	DS-01	SCT-02	E-01	T-01	/056 W		

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R 112246Z APR 89
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 8439
INFO USDOC WASHDC
DEPTTREAS WASHDC
AMEMBASSY BELIZE
AMEMBASSY GUATEMALA
AMEMBASSY MANAGUA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HTS PM

UNCLAS SECTION 02 OF 05 SAN SALVADOR 04621

E.O. 12356: N/A
TAGS: PTER, PGOV, EAIR, EFIN, ETRD, ES
SUBJECT: PERIODIC ECONOMIC ROUND-UP

LIBERTAD. WE UNDERSTAND THAT ONE OF THE FIRMS, WHICH TOGETHER EMPLOYED 350 INDIVIDUALS, IS OWNED BY THE FAMILY OF SAN SALVADOR MAYOR CALDERON SOL.

-- BETWEEN 7:30 AND 8:00 P.M. ON APRIL 4, EXPLOSIONS ROCKED TEN BANK OFFICES LOCATED IN SAN SALVADOR AND THE SUBURBS OF SANTA TECLA AND SOYAPANGO. THE SYNDICATE OF BANK EMPLOYEES (SIGEBAN) CONDEMNED THE ATTACKS, SAYING THEY OPPOSED WANTON DESTRUCTION OF SOURCES OF EMPLOYMENT AND WOULD CONTINUE TO PRESS
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PAGE 02 SAN SA 04621 02 OF 05 112342Z

THEIR LABOR DEMANDS THROUGH VALID LEGAL CHANNELS. THE GUERRILLAS LEFT FLYERS AT THE SITES OF THE BOMBINGS SAYING THESE ACTIONS WERE IN SUPPORT OF SIGEBAN DEMANDS.

-- ON APRIL 5, AT 3:00 A.M., GUERRILLAS ATTACKED THE "LAS CRUCES" COFFEE MILL NEAR CHALCHUAPA, SANTA ANA, AND A CIVIL DEFENSE POST WHICH PROVIDED SECURITY TO THE MILL. THE GUERRILLAS BOMBED AND SET FIRE TO TWO

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Special Project (1993)

TEXT OF TELEGRAM 89SAN SA004621

WAREHOUSES WITH AGRICULTURAL EQUIPMENT, COFFEE PROCESSING MACHINERY, AND OFFICES.

-- ALSO ON APRIL 5, THE FMLN BURNED 10 TRUCKS, GENERATORS AND HEAVY EQUIPMENT WORTH 2 MILLION DOLLARS BELONGING TO D.L. HARRISON, A U.S. FIRM BASED IN MISSOURI WHICH HAS BEEN HERE FOR TEN YEARS. HARRISON WAS WORKING ON A STAGE OF THE CENTRAL AMERICAN BANK FOR ECONOMIC INTEGRATION (CABEI) FINANCED PROJECT TO IMPROVE THE PAN AMERICAN HIGHWAY. THIS SEGMENT, COVERING SANTIAGO DE MARIA IN USULATAN DEPARTMENT TO SAN MIGUEL IN SAN MIGUEL DEPARTMENT, WAS WORTH 15.6 MILLION DOLLARS. THE OVERALL PROJECT WILL RUN A BIT OVER 100 MILLION. USAID HAS PROVIDED 25 MILLION COLONES IN 1987 ESF COUNTERPART FUNDS TO THE PROJECT.

4. THESE ATTACKS FOLLOW A THREAT RECENTLY ANNOUNCED BY FMLN SPOKESPERSON ANA GUADELUPE MARTINEZ IN MANAGUA THAT, IN RESPONSE TO THE MARCH 19 ELECTIONS, THE FMLN PLANNED A CAMPAIGN OF SABOTAGE AND ATTACKS THAT WOULD LEAVE EL SALVADOR "UNGOVERNABLE" BY THE TIME PRESIDENT-ELECT CRISTIANI IS INAUGURATED JUNE 1. ON APRIL 5, THE FMLN GENERAL COMMAND ISSUED
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PAGE 03 SAN SA 04621 02 OF 05 112342Z

ANOTHER COMMUNIQUE CHARGING THAT SINCE THE ELECTION, ARENA HAS EFFECTIVELY BEGUN RULING THE COUNTRY, CONTROLLING THE JUDICIAL AND LEGISLATIVE BRANCHES, ECONOMIC AND MILITARY POWER, AND "INTERVENING DECISIVELY" IN THE EXECUTIVE BRANCH. THE COMMUNIQUE STATED THAT REPRESSION HAS INCREASED, AND "ARENA IS CLEARLY IMPLEMENTING POLICIES TO ELIMINATE LEADERS AND MEMBERS OF THE PEOPLES MOVEMENT AND OF THE DEMOCRATIC FORCES BEFORE TAKING POWER IN JUNE IN ORDER TO TERRORIZE THE PEOPLE." THE COMMUNIQUE RATIONALIZES THE LATEST ECONOMIC ATTACKS, STATING, IN A CLASSIC EXAMPLE OF MARXIST-LENINIST REVERSAL AND DISTORTION, THAT "THE FMLN WARNS ARENA THAT IT WILL NOT TOLERATE MORE REPRESSION OF THE PEOPLE. THE ACTIONS CARRIED OUT BY OUR FORCES IN THE LAST FEW HOURS, SUCH AS THE SABOTAGE OF FIRMS BELONGING TO ARENA LEADER ARMANDO CALDERON SOL; THE HARRISON FIRM; LAS CRUCES COFFEE MILL; AND OTHERS, WHICH RESULTED IN MILLIONS IN DAMAGE, AS WELL AS OUR MILITANT ACTIONS CARRIED OUT ON THE EVENING OF 4 APRIL AND THE FOLLOWING MORNING, ARE CLEAR WARNINGS TO ARENA. EVERY REPRESSIVE ACTION WILL LEAD TO AN OVERWHELMING RESPONSE FROM US. WE CALL ON THE PEOPLE NOT TO BE INTIMIDATED AND TO FIGHT REPRESSION. WE CALL ON OUR MILITARY UNITS TO PREPARE TO INCREASE THEIR ACTIONS AGAINST THE OLIGARCHY, ARENA AND THE ARMED FORCES."

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El Salvador: Human Rights
Special Project (1993)

TEXT OF TELEGRAM 89SAN SA004621

5. IN REACTION, THE SALVADORAN CHAMBER OF COMMERCE SHARPLY CONDEMNED THE "HATE AND BLINDNESS OF THE TERRORISTS" WHO VICTIMIZE WORKERS BY DEPRIVING THEM OF WORK, "CONDEMNING THEIR FAMILIES TO A PAINFUL SITUATION OF MISERY." THE CHAMBER ALSO CALLED ON THE ARMED FORCES TO "ADOPT, GIVEN THIS NEW STAGE OF VIOLENCE IN THE COUNTRY, AN ATTITUDE COHERENT WITH

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RELEASED
El Salvador: Human Rights
Special Project (1993)

TEXT OF TELEGRAM 89SAN SA004621

ADP432
UNCLASSIFIED

PAGE 01 SAN SA 04621 03 OF 05 112343Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	SS-00	CIAE-00	EB-00
	DODE-00	H-01	EXIM-06	NSCE-00	NSAE-00	LAB-04	CTME-00
	ITC-01	OPIC-07	CEA-01	OMB-01	STR-17	INRE-00	AGRE-00
	FRB-01	USIE-00	JUSE-00	SP-02	FDIC-01	SNP-01	C-01
	DS-01	SCT-02	E-01	T-01	/056 W		

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R 112246Z APR 89
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 8440
INFO USDOC WASHDC
DEPTTREAS WASHDC
AMEMBASSY BELIZE
AMEMBASSY GUATEMALA
AMEMBASSY MANAGUA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HTS PM

UNCLAS SECTION 03 OF 05 SAN SALVADOR 04621

E.O. 12356: N/A
TAGS: PTER, PGOV, EAIR, EFIN, ETRD, ES
SUBJECT: PERIODIC ECONOMIC ROUND-UP

ITS RESPONSIBILITY UNDER THE LAW" AND TO GUARANTEE THE "NORMAL DEVELOPMENT OF EL SALVADOR'S PRODUCTIVE ACTIVITY."

THE PRIVATE SECTOR ON CRISTIANI VICTORY

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6. NOT SURPRISINGLY, THE PRIVATE SECTOR HAS REACTED POSITIVELY TO THE CRISTIANI VICTORY IN THE MARCH 19
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PAGE 02 SAN SA 04621 03 OF 05 112343Z

ELECTIONS. INDUSTRIALIST ASSOCIATION (ASI) HEAD ROBERTO VILANOVA OFFERED THE ORGANIZATION'S SUPPORT TO THE PRESIDENT-ELECT AND EXPRESSED HOPE THAT THE FUTURE ADMINISTRATION WILL MAKE POSSIBLE AN "UNDERSTANDING" AND A "COINCIDENCE OF OBJECTIVES AND EFFORT" WHICH IS CURRENTLY "SO LACKING." NATIONAL PRIVATE BUSINESS ASSOCIATION (ANEP) DIRECTOR OSCAR SANTAMARIA ALSO OFFERED SUPPORT BUT EMPHASIZED THAT THE GREMIO WILL "MAINTAIN ITS POSITION OF CRITICISM"

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El Salvador: Human Rights
Special Project (1993)

TOWARDS MEASURES WHICH AFFECT ITS MEMBERSHIP. CHAMBER OF COMMERCE PRESIDENT RICARDO SIMAN PROFFERED "COOPERATION" AND CALLED ON SALVADORANS TO OPEN "SPACE" FOR THE NEW GOVERNMENT TO ACT UPON WHAT IT PROMISED. FINALLY, CONSTANCIA BREWERY PRESIDENT AND SANFORD COMMISSION MEMBER ROBERTO MURRAY MEZA PREDICTED THAT THE CRISTIANI VICTORY WILL SIGNAL A "NEW FUTURE FOR THE COUNTRY AND A HOPE OF SUCCESS OF ECONOMIC REACTIVATION."

7. BUT WHILE THE PRIVATE SECTOR HAS BEEN CONGRATULATORY, ITS LEADERS HAVE ALSO PUBLICLY LAID DOWN MARKERS OF WHAT THEY SEEK FROM A NEW GOVERNMENT. RECURRENT PRIVATE SECTOR EXPECTATIONS OF ECONOMIC POLICY INCLUDE:

-- A WILLINGNESS TO WORK CLOSELY WITH THE PRIVATE SECTOR;

-- ESTABLISHMENT OF CLEAR "RULES OF THE GAME;"

-- THE NAMING OF HONEST, CAPABLE CABINET MINISTERS;

-- REFORM OF THE STATE BANKING SYSTEM, A CLEAN-UP OF

PORTFOLIOS, AND GRADUAL PRIVATIZATION OF THE SECTOR;

-- LIBERALIZATION OF EXPORT TRADE (ESPECIALLY COFFEE); AND,

-- IMPLEMENTATION OF AN ADJUSTMENT PROGRAM TO INCREASE ECONOMIC EFFICIENCY AND REDUCE STATE CONTROL (ASI).

PUBLIC SECTOR GETS ITS PAY RAISE;
PRIVATE SECTOR CREDIT MAY SUFFER

---

8. THE NATIONAL ASSEMBLY HAS PASSED, VIA SPECIAL DECREE, THE DUARTE ADMINISTRATION'S PROPOSAL TO RAISE ALL PUBLIC SECTOR SALARIES BY 200 COLONES (40 DOLLARS) A MONTH (AN AVERAGE 15 PCT. PAY HIKE) RETROACTIVELY TO MARCH 1. THE RAISE, FINANCED BY A 450 MILLION COLON TREASURY BOND ISSUE, WILL SHOW UP IN CIVIL SERVANTS' MID-APRIL PAY CHECKS (SEE SAN SALVADOR 3531).

9. COMMENT: ARENA OFFICIALS HAVE PRIVATELY EXPRESSED DOUBTS ABOUT THE WISDOM OF THE MOVE. NOT ONLY IS IT UNCLEAR WHETHER THE CENTRAL GOVERNMENT CAN

RELEASED
El Salvador: Human Rights
Special Project (1993)

REALLY AFFORD THE EXPENDITURE, BUT THE BOND ISSUE COULD CROWD-OUT PRIVATE SECTOR ACCESS TO CREDIT I.E., IN ORDER TO KEEP OVERALL CREDIT TARGETS IN LINE, AFTER JUNE 1 THE ARENA GOVERNMENT MAY IRONICALLY BE FORCED TO CUT CREDIT TO THE PRIVATE SECTOR. END COMMENT.

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El Salvador: Human Rights
Special Project (1993)

TEXT OF TELEGRAM 89SAN SA004621

ADP434
UNCLASSIFIED

PAGE 01 SAN SA 04621 04 OF 05 112343Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	SS-00	CIAE-00	EB-00
	DODE-00	H-01	EXIM-06	NSCE-00	NSAE-00	LAB-04	CTME-00
	ITC-01	OPIC-07	CEA-01	OMB-01	STR-17	INRE-00	AGRE-00
	FRB-01	USIE-00	JUSE-00	SP-02	FDIC-01	SNP-01	C-01
	DS-01	SCT-02	E-01	T-01	/056 W		

----------323001 120550Z /20

R 112246Z APR 89
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 8441
INFO USDOC WASHDC
DEPTTREAS WASHDC
AMEMBASSY BELIZE
AMEMBASSY GUATEMALA
AMEMBASSY MANAGUA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HTS PM

UNCLAS SECTION 04 OF 05 SAN SALVADOR 04621

E.O. 12356: N/A
TAGS: PTER, PGOV, EAIR, EFIN, ETRD, ES
SUBJECT: PERIODIC ECONOMIC ROUND-UP

ASSEMBLY RESTRICTS OUTGOING GOVERNMENT'S EXPENDITURE AUTHORITY
---

10. THE LEGISLATIVE BODY HAS ALSO APPROVED A "TEMPORARY LAW FOR THE PROTECTION OF THE PUBLIC TREASURY," DESIGNED TO SEVERELY RESTRICT THE DUARTE GOVERNMENT'S ABILITY TO EXPEND FUNDS BETWEEN NOW AND JUNE 1. AMONG OTHER PROVISIONS, THE LAW CALLS FOR PRIOR WRITTEN APPROVAL BY THE CORTE DE CUENTAS

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PAGE 02 SAN SA 04621 04 OF 05 112343Z

(ROUGHLY EQUIVALENT TO THE GAO) OF ALL GOVERNMENT SPENDING AND WOULD LIMIT SUGAR AND COFFEE SALES ABROAD TO STOCKS-ON-HAND AS OF MARCH 31.

11. COMMENT: ARENA'S MOVE ALMOST CERTAINLY STEMS FROM THE WIDELY HELD PERCEPTION THAT FOLLOWING THE PDC DEFEAT IN THE 1988 ASSEMBLY AND MAYORAL ELECTIONS, THE CHRISTIAN DEMOCRATS INSTITUTED A PARTIAL "SCORCHED EARTH POLICY." WE WOULD ALSO NOTE

RELEASED
El Salvador: Human Rights
Special Project (1993)

THAT THE LAW IS PROBABLY UNCONSTITUTIONAL AND NOT LIKELY TO BE SIGNED BY THE PRESIDENT. END COMMENT.

CONTINENTAL'S PERMANENT OPERATING CERTIFICATE FINALLY ISSUED

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12. CONTINENTAL'S LOCAL ATTORNEY REPORTS THAT THE AIRLINE'S PERMANENT OPERATING CERTIFICATE WAS FINALLY ISSUED ON APRIL 3. THE CERTIFICATE, GOOD FOR ONE YEAR, RUNS FROM DECEMBER 10, 1988 (THE START-UP DATE OF CONTINENTAL SERVICE HERE) THROUGH DECEMBER 11, 1989. AS MOST ADDRESSEES ARE AWARE, THE AIRLINE'S APPLICATION HAD BEEN PENDING FOR ALMOST EIGHT MONTHS.

HONDURAN SLOWNESS ON TRADE AGREEMENT RATIFICATION CRITICIZED

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13. HONDURAS HAS COME UNDER CRITICISM IN THE PRESS FOR ITS FAILURE TO RATIFY A BILATERAL TRADE AGREEMENT SIGNED IN APRIL 1988. THE AGREEMENT PROVIDED FOR THE
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PAGE 03 SAN SA 04621 04 OF 05 112343Z

EXPANSION OF THE UMBRELLA EL SALVADOR-HONDURAS CONVENTION BY 42 PRODUCTS WHICH WOULD BE AFFORDED DUTY FREE OR PREFERENTIAL TREATMENT. ACCORDING TO A LOCAL ECONOMIST, CERTAIN "INTERESTS" IN THE HONDURAN CONGRESS ARE OPPOSED TO THE TRADE LIBERALIZATION.

THE BATTLE OVER DAYLIGHT SAVINGS TIME

---

14. THE ANNUAL BATTLE OVER WHETHER TO IMPOSE DAYLIGHT SAVINGS TIME DURING THE APRIL-SEPTEMBER PERIOD HAS BEEN JOINED ONCE AGAIN. (THE MEASURE WAS INSTITUTED IN 1987 BUT DEFEATED IN 1988.) CEL, THE STATE POWER UTILITY, ARGUES THAT THE TIME CHANGE WOULD SAVE 3 MILLION COLONES BY LOWERING DEMAND DURING PEAK HOURS, A POSITION SUPPORTED BY THE INDUSTRIALISTS ASSOCIATION (ASI). MOST OTHER OBSERVERS, HOWEVER, BELIEVE THAT THE SMALL SAVINGS (THE DIFFERENCE BETWEEN THE LONGEST AND SHORTEST DAYLIGHT PERIODS HERE IS ONLY 32 MINUTES) IS NOT WORTH THE INCONVENIENCE. POSITIONS OF THE OPPOSITION FORCES CAN BE SUMMARIZED AS FOLLOWS:

THE LATIN AMERICAN TECHNOLOGICAL UNIVERSITY --
THE MEASURE ONLY REPRESENTS A SAVINGS OF 1 COLON PER

TEXT OF TELEGRAM 89SAN SA00462:

INHABITANT PER SEMESTER WHICH WON'T GO INTO PEOPLE'S POCKETS ANYWAY.

ECOLOGICAL UNITY -- A "COSMETIC" CHANGE WHICH WOULD GENERATE TOO MUCH CONFUSION.

UNTS (FMLN FRONT LABOR GROUP) -- DAYLIGHT SAVINGS TIME MEANS TOO MUCH "SACRIFICE" FOR THE MASSES FOR

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Special Project (1993)

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El Salvador: Human Rights
Special Project (1993)

TEXT OF TELEGRAM 89SAN SA004621

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PAGE 01 SAN SA 04621 05 OF 05 112343Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	SS-00	CIAE-00	EB-00
	DODE-00	H-01	EXIM-06	NSCE-00	NSAE-00	LAB-04	CTME-00
	ITC-01	OPIC-07	CEA-01	OMB-01	STR-17	INRE-00	AGRE-00
	FRB-01	USIE-00	JUSE-00	SP-02	FDIC-01	SNP-01	C-01
	DS-01	SCT-02	E-01	T-01	/056 W		

----------323002 120550Z /20

R 112246Z APR 89
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 8442
INFO USDOC WASHDC
DEPTTREAS WASHDC
AMEMBASSY BELIZE
AMEMBASSY GUATEMALA
AMEMBASSY MANAGUA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HTS PM

UNCLAS SECTION 05 OF 05 SAN SALVADOR 04621

E.O. 12356: N/A
TAGS: PTER, PGOV, EAIR, EFIN, ETRD, ES
SUBJECT: PERIODIC ECONOMIC ROUND-UP

THE BENEFIT OF THE MINORITY.

PSYCHOLOGY SOCIETY -- COULD CAUSE ATTENTION SPAN DIFFICULTIES AND IRRITABILITY IN SMALL CHILDREN.

ELECTRICAL ENGINEERS INSTITUTE -- MATTER SHOULD BE STUDIED BY TRUE EXPERTS IN THE FIELD.

SALVADORAN CHAMBER OF COMMERCE -- CEL SHOULD WORRY ABOUT MORE IMPORTANT THINGS LIKE IMPROVING
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UNCLASSIFIED

PAGE 02 SAN SA 04621 05 OF 05 112343Z

ADMINISTRATIVE EFFICIENCY AND REPAIRING BLOWN TOWERS.

15. ACCORDING TO ARENA DEPUTY ROBERTO ANGULO, THE ASSEMBLY'S ECONOMY AND AGRICULTURE COMMISSION WILL CONSIDER THE PROPOSAL. HE EMPHASIZED THAT THE COMMITTEE WILL "CALL ON REPRESENTATIVES FROM ALL SECTORS TO PRESENT THEIR POSITIONS." DLOUHY

Chile Project (#8199900050)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____

DECLASSIFIED CHILE CAMPAIGN

APRIL 1989

"...he is my only son...His clothes, his books, everything is waiting for his return..."

ALFREDO ROJAS CASTANEDA "DISAPPEARED" MARCH 1975

ACTIONS: *detained by members of DINA on 4 March 1975; was seen by fellow detainees in the Villa Grimaldi, a well-known torture center in Santiago; he "disappeared" from the prison at the end of April.

*his identity card was found in the desk of a security agent; authorities admitted detaining him but stated they released him. However, it is believed that Chilean authorities had a plan, called "Operation Colombo" to stage the death of Chilean opponents in supposed guerrilla encounters in Argentina.

*his car was seen at the headquarters of the police, but when his mother returned with a lawyer it was gone.

INSIGHT: *see Chile Briefing, 'Operation Colombo' pages 8-9.

ALFREDO ROJAS CASTANEDA was a 34-year-old electronics engineer and director of the State Railways until the coup in Chile in 1973, and was then detained by members of the DINA (security police) on the evening of March 4, 1975 as he was driving home from work. He was seen by fellow detainees in the Villa Grimaldi, a well-known torture centre in Santiago, until the last few days of April, when he was never seen again.

In 1987, the book "Bomba en una calle de Palermo" (Bomb in a Street in Palermo) by two investigative reporters was published. It dealt primarily with secret foreign operations by the Chilean security forces in the Southern Cone between 1973 and 1976. The book revealed that in the desk of a DINA agent in Buenos Aires, Argentina, the identity cards of five Chileans had been discovered. One of them belonged to Alfredo Rojas.

At a meeting last year, one of the authors revealed her findings to members of the Agrupacion de Familiares de Detenidos Desaparecidos (Association of Relatives of Detained Prisoners). Present was the mother of Alfredo Rojas. "When I heard his name, I felt.... as if I had been stabbed very deep inside," she said. In the early days after Sr. Rojas' arrest, his relatives asked the courts to investigate his detention. The authorities admitted that Sr. Rojas had been detained in March 1975, but insisted that he had been released only a few days later. It is still not known why the identity card of Alfredo Rojas appeared in the possession of a DINA agent in Argentina . It is believed, however, that the finding confirms suspicions that in 1975 the Chilean authorities had a plan, called "Operation Colombo" to stage the death of Chilean opponents in supposed guerrilla encounters in Argentina. The plan would have been intended to persuade public opinion that the claim by relatives of "disappeared" prisoners was false, and that the people concerned were living in secret in neighboring Argentina. During the search for her son, Sra. Rojas saw her son's car outside the headquarters of investigaciones (criminal investigation police) and although the car now had Argentinian numberplates, she recognized the distinctive hood and petrol cap her son had had fitted to the car. When she returned with her lawyer, the car was gone. Says Sra. Rojas"...I sometimes wake up thinking I hear his footsteps or that I have the feeling someone is saying "Mummy here I am."

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P890169-0683

United States Department of State

Washington, D.C. 20520

E2981

April 13, 1989

RELEASED

RELEASED
El Salvador: Human Rights
Special Project (1993)

Most Reverend John R. Quinn
Archbishop of San Francisco
The Archdiocese of San Francisco
Pastoral Center
Office of the Archbishop
445 Church Street
San Francisco, CA 94114-1799

Dear Archbishop Quinn:

I am writing in response to your February 13 letter to President Bush regarding El Salvador.

El Salvador's efforts to institute democracy, enforce respect for human rights, and redress social injustice are complicated and severely tested by the existence of a Marxist-Leninist guerrilla insurgency supported by Nicaragua, Cuba, and the Soviet Union. The five organizations that form the Farabundo Marti Front for National Liberation (FMLN) have been engaged in armed conflict against the Government since 1980 and are dedicated to the violent overthrow of the democratic process.

In recent years the FMLN, with an estimated 6,000 to 8,000 full-time guerrillas backed by a network of front groups consisting of part-time militia, clandestine cells, and paramilitary civilian supporters, has stepped up its program of urban bombings and assassinations of unprotected government officials. The FMLN has embarked on a campaign of threatening and assassinating mayors. Since March 1988, 10 mayors and 1 former mayor have been killed by the FMLN and over 90 of the country's 262 mayors have been forced to resign in the face of guerrilla threats. The FMLN also has increasingly relied on children for combat and support tasks in 1988. Finally, the insurgents have continued to seek to destroy the economy by attacking infrastructure and production facilities.

The armed forces total 56,000, including some 11,500 members of the three police forces, which are under the control of the Defense Ministry. As the insurgency gathered strength in the early 1980's, members of the security forces committed numerous human rights violations, including killings, disappearances, and torture. Up to 1983 members of the security forces acquiesced in the operations of several formal paramilitary groups operating as right wing death squads. Some of the paramilitary groups are believed to have contained individuals who members belonging at the same time to the police or military.

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: JOHNSTON, DONALD
Date: 06/01/94
Case ID: S9400357

RELEASED
El Salvador: Human Rights
Special Project (1993)

While the formal paramilitary death squads appeared to cease their operations after 1983, rightwing vigilantism has continued, albeit at a declining level. Reports in 1988 of efforts to resuscitate these formal paramilitary groups have not been substantiated.

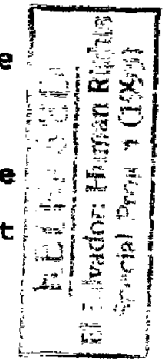
The Department of State continues to give a high priority to assisting El Salvador further consolidate its constitutional democracy. It is our policy to help the Salvadoran government and people establish a durable democracy which respects human rights and has a viable justice system. At the same time, we are also helping the Salvadorans combat the Marxist insurgency which has been seeking to overthrow the government for the last nine years.

Our firm commitment to these goals was emphasized by Vice President Quayle during his recent visit to El Salvador. The Vice President told Salvadoran political and military leaders that the United States would continue to help El Salvador provided there was continued improvement in human rights observance. Since the Vice President's trip, there have been significant developments in the San Sebastian case, in which two officers and seven enlisted men are accused of executing ten peasants. The Salvadoran military formed an honor board which found evidence of culpability by the accused. These soldiers have been dismissed from the military and remanded to the civilian courts for prosecution. We will continue to press the government of El Salvador to bring this case to a just conclusion.

Our policy in El Salvador has consistently supported efforts to reach a negotiated resolution of the conflict. We encouraged the Salvadoran government to carefully consider the election proposal the Farabundo Marti National Liberation Front (FMLN) offered in January. The Salvadoran political parties met with the FMLN in Mexico. President Duarte responded by holding out the possibility of postponing elections and proposed that the FMLN meet with a government commission. The Salvadoran military, in support of President Duarte's proposal, announced a unilateral cease-fire from March 1 to June 1, which remains in effect. Despite the government's good faith attempt to find a peaceful solution, the FMLN refused to address the key issues of when the guerrillas would halt their attacks against civilians and elected officials and the FMLN's eventual demobilization.

Instead, the FMLN stepped-up its campaign of terrorism in an effort to disrupt the elections, to include bombings and assassinations. However, despite guerrilla intimidation against voters, death threats against voting officials, a transportation stoppage, and attacks on the power supply, over one million Salvadorans braved this intimidation to cast ballots. On June 1, El Salvador will achieve another milestone in its democratic development, when one democratically-elected president peacefully transfers power to another.

It is worth noting that despite the FMLN's rejection of the electoral process and its demonstrated commitment to terrorism as a way to achieve power, its political allies in the Democratic Convergence (CD) chose to remain in the election. Following the CD's fourth place finish, with 3.8 percent of the vote, CD presidential candidate Guillermo Ungo stated that the FMLN's campaign of violence to discredit the elections had hurt his party at the polls.



The people of El Salvador have struggled for nine years to build democracy in the face of political violence, and they deserve our support. President-elect Cristiani is currently in Washington meeting with several Senators and Congressmen. He is asking for a chance to put his team and policies into place and to begin to govern before his government is judged. We will assess the new government on its performance in further improving the observance of human rights standards. We will continue to support it if it continues the progress on democratization and human rights observance achieved by the Duarte administration.

Ambassador William Walker met with Lutheran Bishop Medardo Gomez to offer any assistance that the Bishop believes the Embassy might provide that would be useful in deterring further violence. Embassy officers are maintaining contact with church representatives in case we can be of assistance.

Bishop Gomez was the subject of anonymous death threats several times in recent years, including in September 1986 and September 1987. On the last occasion, former-Ambassador Corr arranged for the National Police to provide protection for Bishop Gomez, but the Bishop preferred not to use it. To our knowledge, none of the previous threats was followed by a related act of violence.

Our Embassy became aware of the most recent threat to Bishop Gomez when an American church worker telephoned an Embassy officer on the afternoon of December 23, 1988. The church worker said that a woman had telephoned Bishop Gomez's office at 11:30 that morning to issue the threat. Bishop Gomez later told Ambassador Walker that the church secretary who received the call said the woman sounded hysterical. He said the caller charged him with responsibility for the guerrilla attack on the armed forces headquarters that morning during which a guerrilla explosive device had severely damaged a health unit outside the military compound. The caller was not specific about the threat, saying only that the Bishop should "watch out." The Embassy officer agreed to pass the Embassy's concerns for Bishop Gomez's safety to the Salvadoran Government at the earliest possible opportunity. Embassy officials did so the same day.

RELEASED
El Salvador Human Rights
Special Project (1993)

The Embassy received word early on December 28 that the Lutheran Church had been bombed. An Embassy officer visited the site that afternoon. The American church worker told him that a caretaker had heard someone enter the church prior to the explosion and that several items had been moved from their normal positions. At about 3:00 am, an explosive device detonated outside the street entrance to the office area in the rear of the church, severely damaging the offices. No one was injured. A police bomb squad arrived at the scene shortly afterwards. No one has claimed responsibility for the attack, and the identity of the perpetrators remains a mystery.

When Ambassador Walker visited the church on December 31, Bishop Gomez told him that a woman had telephoned his house about ten minutes prior to the explosion, but he was staying at another place for security reasons. Bishop Gomez assumed the woman was the same person who had threatened him. Ambassador Walker offered the Embassy's assistance and agreed to the Bishop's request that the Embassy issue a local press release condemning the bombing. At least four local newspapers subsequently published articles based on the release.

We share your concern for the safety of Bishop Gomez and all persons associated with the Salvadoran Lutheran Church. Ambassador Walker has made this clear not only in meetings with civilian, military and police leaders, but also in conversations with Bishop Gomez and with visiting U.S. Lutheran Church members. We will continue to make every effort to resolve the political differences that have immersed El Salvador in violence for so many years.

Sincerely,

Office of Central American Affairs

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CONFIDENTIAL

04/14/89 (JE005)

Case Number: S199900030

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

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PAGE 01 SANTIA 03746 142155Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	SS-00	CIAE-00	EB-00
	DODE-00	H-01	NSCE-00	NSAE-00	COME-00	HA-09	L-03
	LAB-04	TRSE-00	PM-10	PA-01	OMB-01	STR-17	SIL-01
	INRE-00	OPM-01	USIE-00	SP-02	SNP-01	C-01	PRS-01
	DS-01	SCT-02	P-02	T-01	/066 W		

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P 142150Z APR 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 0920
INFO AMEMBASSY ASUNCION
AMEMBASSY BUENOS AIRES
AMEMBASSY MONTEVIDEO
USCINCSO QUARRY HEIGHTS

~~C O N F I D E N T I A L~~ SANTIAGO 03746

E.O. 12356: DECL:OADR
TAGS: PGOV, PTER, ELAB, CI
SUBJ: GOVERNMENT LINKS STRIKE TO EXTREMISTS

1. (C) SUMMARY: GOC OFFICIALS, AMONG THEM MINISTER OF INTERIOR CACERES, APPARENTLY INTEND TO PAINT THE UNIFIED WORKERS' CENTRAL (CUT) AS VIOLENT EXTREMISTS BY LINKING APRIL 18 STRIKE PLANS TO THREE ACTS OF VIOLENCE ON APRIL 11. GOC OFFICIALS ALSO EXPLOITED ONE OF THE APRIL 11 EVENTS, THWARTED BOMBING OF AN EXPORT FISH MEAL PLANT, AS EVIDENCE THE CUT AND OTHER FORCES OF DARKNESS HOPE TO DESTROY CHILE'S ECONOMY, A LA THE FRUIT POISONING CRISIS. END SUMMARY.

2. (U) IN THE SOUTHERN CITY OF TALCA, ON APRIL 11, A CARABINERO AND CIVILIANS WERE KILLED AND SEVERAL CARABINEROS AND CIVILIANS
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~~CONFIDENTIAL~~

PAGE 02 SANTIA 03746 142155Z

WERE WOUNDED IN A SHOOT OUT WITH A GROUP OF INDIVIDUALS SURPRISED IN THE ACT OF ROBBING A BUSINESS AND IN A SUBSEQUENT SHOOT OUT WITH SUSPECTS FLEEING THE SCENE OF THE CRIME. POLICE OFFICIALS SAID THE CAPTURED ASSAILANTS CLAIMED TO BE MEMBERS OF THE FPMR. IN SANTIAGO,

n/a
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ALSO ON APRIL 11, A BOMB EXPLODED IN A BASEMENT BATHROOM OF THE TREASURY BUILDING, INJURING ONE WOMAN AND BREAKING WINDOWS. THE LOGO OF THE FPMR HAD BEEN PAINTED ON THE BATHROOM WALLS. A DAY EARLIER IN IQUIQUE, FIVE INDIVIDUALS ALLEGEDLY BELONGING TO THE "LAUTARO" TERRORIST GROUP WERE CAUGHT WITH INCENDIARY MATERIALS PRESUMABLY TO BURN DOWN A FISH MEAL PLANT IN ORDER TO CALL ATTENTION TO THE PLANT'S ENVIRONMENTAL DAMAGE.

-

3. (U) ON APRIL 12, MINISTER OF INTERIOR CACERES LINKED THE THREE TERRORIST ATTACKS AS PART OF A COORDINATED PLAN TO "IMPEDE THE PEACEFUL ADVANCE TOWARD TRUE DEMOCRACY AND POSSIBLE AGREEMENTS AND UNDERSTANDINGS BETWEEN ALL DEMOCRATIC SECTORS BROUGHT TOGETHER BY THE GOVERNMENT EXPRESSLY BY ORDER OF PRESIDENT PINOCHET." HE ALSO SAID THE COORDINATED ATTACKS WERE "PART OF A GENERAL STRATEGY TO MOUNT A PARALYZATION OF ACTIVITIES WHICH MARXIST GROUPS ARE ADVOCATING." THIS IS A REFERENCE TO THE UNIFIED WORKERS' CENTRAL (CUT) PLANS FOR AN APRIL 18 STRIKE. CACERES SAID THE IQUIQUE ATTACK WAS SIMILAR TO THE RECENT SABOTAGING OF THE FRUIT INDUSTRY, A DELIBERATE ACT DESIGNED TO "CAUSE UNEMPLOYMENT AND SERIOUS ECONOMIC LOSES TO WIDE SECTIONS OF WORKERS AND
~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 03 SANTIA 03746 142155Z

CHILEAN ENTERPRISES." NEWLY-INSTALLED SECRETARY GENERAL OF THE GOVERNMENT, GENERAL OSCAR VARGAS, NOTED THAT CHILEANS HAD CLEARLY INDICATED A DESIRE TO LIVE IN PEACE AND SHOULD REJECT "THOSE MINORITY GROUPS WHICH PROMOTE STRIKES, AGITATION AND DISORDER."

-

4. (C) COMMENT: IT IS NOT CLEAR AT THIS TIME THAT THE ACTS WERE COORDINATED OR PRESAGE A WAVE OF VIOLENCE TO PROVOKE INSTABILITY. WE NOTE, HOWEVER, THAT THE TALCA VIOLENCE BEGAN WHEN PLAIN-CLOTHES POLICEMEN ASKED FOR THE IDENTITY CARDS OF INDIVIDUALS THEY DEEMED -- WITH REASON, IT APPEARS -- TO BE SUSPICIOUS. BOMBINGS ARE NOT NEW IN SANTIAGO, THERE HAVE BEEN SEVERAL IN RECENT MONTHS AND ACCORDING TO AT LEAST ONE NEWS REPORT, THE FIRE AT THE FISH MEAL FACTORY WAS PROMPTED BY DISGUST AT THE AWFUL SMELL. WHAT DOES SEEM CLEAR, HOWEVER, IS THAT THE GOC

WILL SEIZE ON THESE INCIDENTS TO SCORE POINTS ON ITS OPPONENTS WHEN IT CAN. IN THIS CASE, THE PRIMARY TARGET APPEARS TO BE THE CUT, PERHAPS TO PERSUADE CHILEANS TO IGNORE THE STRIKE CALL BY PAINTING THE CUT AS VIOLENCE-PRONE AND BENT ON DAMAGING THE CHILEAN ECONOMY. GILLESPIE

~~CONFIDENTIAL~~

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04/14/89 (JE004)

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CONFIDENTIAL

Case Number: S199900030 Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

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PAGE 01 SANTIA 03737 161227Z
ACTION HA-09

INFO	LOG-00	ADS-00	INR-07	SS-00	CIAE-00	IO-19	NSCE-00
	ARA-00	NSAE-00	L-03	INRE-00	JUSE-00	SP-02	FAIM-01
	C-01	P-02	T-01	/045 W			

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P 142021Z APR 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 0918

C O ~~N E I D E N T I A L~~ SANTIAGO 03737

C O R R E C T E D C O P Y FOR TEXT

E.O. 12356: DECL:OADR
TAGS: PHUM, CI
SUBJ: CONVERSATION WITH JUDGE RENE GARCIA VILLEGAS

REFS: (A) STATE 97801, (B) STATE 97795

1. ~~CONFIDENTIAL~~ - ENTIRE TEXT.

3. REGARDING COMMENTS HE MADE DURING HIS MEETING WITH DAS DOBRIANSKY, JUDGE GARCIA REPEATED THAT HE UNDERSTANDS FROM THE CHILEAN HUMAN RIGHTS COMMISSION THAT HUMAN RIGHTS ABUSES HAVE INCREASED BUT THE SEVERITY HAS DECLINED. HE AGREED THAT THERE HAD BEEN FEW IF ANY CHARGES OF TORTURE IN THE PAST FEW MONTHS, AND ATTRIBUTED THIS TO EITHER (1) PEOPLE ARE NOT INVITING FURTHER POLICE ATTENTION TO THEMSELVES IN WHAT WILL PROBABLY BE THE LAST YEAR OF THE PINOCHET REGIME; OR (2) TORTURE HAS ENDED BECAUSE IT NOW SERVES NO POLITICAL END (E.G., INTIMIDATION) AND CNI OFFICERS ARE TRYING TO DISTANCE THEMSELVES FROM SUCH CHARGES. WHEN ASKED ABOUT HIS REPORTED COMMENT THAT KILLINGS HAD INCREASED DURING CONFRONTATIONS, HE SAID HE MAY NOT HAVE EXPRESSED HIMSELF CLEARLY, AND AGREED THAT CONFIDENTIAL

~~CONFIDENTIAL~~

PAGE 02 SANTIA 03737 161227Z

THERE HAD BEEN NO VIOLENT CONFRONTATIONS BETWEEN DEMONSTRATORS AND POLICE SINCE THE INCIDENTS IMMEDIATELY FOLLOWING THE PLEBISCITE.

2. EMBOFF MET WITH JUDGE RENE GARCIA ON APRIL 13 TO INQUIRE ABOUT POSSIBLE SANCTIONS AGAINST HIM

n/a
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FOLLOWING HIS RECENT TRIP TO CANADA AND THE US (REF B). HE SAID THERE HAD BEEN ONE NEWSPAPER REPORT THAT HE WOULD AGAIN BE SANCTIONED BY THE SUPREME COURT, BUT IT WAS NOT TRUE AS FAR AS HE KNEW. HE ALSO SAID THAT A SUPREME COURT JUDGE HAD EXPLICITLY STATED TO A CLOSE FAMILY FRIEND, WHO IS ALSO A FRIEND OF GARCIA'S, THAT THERE WERE NO CHARGES PENDING AGAINST HIM. GARCIA NOTED THAT HE HAD BEEN GIVEN A "3" RATING (THE LOWEST BEING 4) FOR HIS JUDICIAL WORK THIS PAST YEAR, AND THEORETICALLY COULD BE DISMISSED FROM THE BENCH IF HE WERE TO RECEIVE A "3" OR LOWER RATING IN JANUARY 1990. HE THOUGHT THIS WOULD BE VERY UNLIKELY, NO MATTER WHO WINS THE DECEMBER 1989 ELECTIONS. GARCIA NOTED THAT HE HAS NOT BEEN THREATENED, EITHER. THE ANONYMOUS THREATS AND ABUSIVE CALLS STOPPED OCTOBER 5, 1989, HE SAID.

4. GARCIA EXPRESSED APPRECIATION FOR HIS MEETINGS IN THE STATE DEPARTMENT, FOR THE CONCERN FOR HIS WELL-BEING, AND FOR THE PHOTOGRAPH OF HIMSELF WITH DAS DOBRIANSKY. GILLESPIE

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(JE001) 04/14/89

Case Number: S199900030

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

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PAGE 01 SANTIA 03719 01 OF 03 141641Z
ACTION ARA-00

INFO	LOG-00	ADS-00	INR-07	SS-00	CIAE-00	DODE-00	H-01
	NSCE-00	NSAE-00	HA-09	L-03	TRSE-00	PM-10	PA-01
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P 141632Z APR 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 0907
INFO AMEMBASSY ASUNCION
AMEMBASSY BUENOS AIRES
AMEMBASSY LA PAZ
AMEMBASSY MONTEVIDEO
USCINCSO QUARRY HEIGHTS
AMEMBASSY MEXICO

C ~~O N F I D E N T I A L~~ SECTION 01 OF 03 SANTIAGO 03719

LA PAZ FOR PAO DANDRIDGE
MEXICO FOR ARNOLD CHACON

E.O. 12356:' DECL:OADR
TAGS: PGOV, CI
SUBJ: ARMY COMMUNIQUE ON POLITICIANS' OFFENSES AGAINST PRESIDENT PINOCHET

REFS: (A) FBIS PY1104022189 (4/11), (B) SANTIAGO 3368, (C) SANTIAGO 3369 (B) SANTIAGO 2405

1. ~~CONFIDENTIAL~~ - ENTIRE TEXT.

2. SUMMARY: A MENACING COMMUNIQUE ISSUED APRIL 10 BY THE CHILEAN ARMY HIGH COMMAND REASSERTS THE ARMED FORCES ROLE AS GUARANTORS OF CHILE'S CONSTITUTIONAL ORDER. THIS HAS ALSO BEEN A STRONG THEME OF PRESIDENT PINOCHET'S RECENT
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PAGE 02 SANTIA 03719 01 OF 03 141641Z

PUBLIC STATEMENTS. THE TARGET OF THIS EFFORT APPEARS TO BE THE RECENT CONSTITUTIONAL REFORMS PROPOSED BY THE NATIONAL RENEWAL PARTY AND THE SEVENTEEN-PARTY OPPOSITION ALLIANCE (COPODE). THOSE PROPOSALS WOULD CONSIDERABLY REDUCE THE ROLE OF THE ARMED FORCES IN A FUTURE CIVILIAN

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GOVERNMENT. COPODE SOURCES INFORM EMBASSY THAT THE REFORM PACKAGE MINISTER OF INTERIOR CARLOS CACERES IS EXPECTED TO ANNOUNCE NEXT WEEK WOULD MAKE MINIMAL CHANGES IN THE 1980 CONSTITUTION AND LEAVE VIRTUALLY INTACT THE MILITARY'S PREROGATIVES. IT WILL BE DIFFICULT, HOWEVER, FOR COPODE TO ACTIVELY OPPOSE THE PACKAGE IN A NATIONAL PLEBISCITE SINCE IN ITS VIEW ALMOST ANY REFORM IS FOR THE BETTER. AS A RESULT THE OPPOSITION MAY ADOPT A POSITION OF INDIFFERENCE RATHER THAN WASTE RESOURCES ON A MAJOR "NO" CAMPAIGN. THERE ARE CLEAR ADVANTAGES FOR THE GOC TO PROCEED WITH A PLEBISCITE ON CONSTITUTIONAL REFORM BOTH TO GLOSS OVER MEMORY OF ITS OCTOBER 1988 DEFEAT AND TO FURTHER LEGITIMIZE THE 1980 CONSTITUTION. END SUMMARY.

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3. THERE WAS A MENACING GROWL OUT OF THE ARMY HIGH COMMAND THIS WEEK (REF B). IN AN UNUSUAL COMMUNIQUE, IT SERVED NOTICE TO POLITICIANS THAT THERE WERE LIMITS TO ITS PATIENCE WITH THEIR DISRESPECT TOWARD PRESIDENT PINOCHET, EXPRESSED ITS SOLIDARITY WITH HIM ("OFFENSES THAT SEEK TO IMPAIR THE IMAGE UF HIS EXCELLENCY THE PRESIDENT AND COMMANDER IN CHIEF OF THE ARMY AFFECT EACH AND EVERY ARMY MEMBER"), AND REITERATED THE ARMED FORCES' ROLE AS THE

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PAGE 03 SANTIA 03719 01 OF 03 141641Z

"GUARANTORS" OF THE COUNTRY'S FREEDOM, SOVEREIGNTY AND INSTITUTIONAL STRUCTURE.

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4. ISSUED BY THE ARMY OFFICE OF PUBLIC RELATIONS, THE COMMUNIQUE HAD POLITICAL OBSERVERS SCRATCHING THEIR HEADS TRYING TO FIGURE OUT WHAT "OFFENSES" STRUCK SUCH A NERVE. SPECULATION FOCUSED ON A CLODOMIRO ALMEYDA COMMENT REPORTED FROM WIRE SERVICES MARCH 28 DURING HIS VISIT TO HAVANA TO THE EFFECT THAT PINOCHET SHOULD GO INTO EXILE AFTER THE LECTIONS IN DECEMBER. AFTER HIS RETURN TO SANTIAGO, ALMEYDA CLARIFIED THAT HE HAD NOT MEANT TO IMPLY THAT ANY FUTURE GOVERNMENT SHOULD FORCE THE EX-PRESIDENT INTO EXILE, HE WAS SIMPLY SUGGESTING WHAT COULD HAPPEN AND INDEED HAS HAPPENED IN OTHER LATIN AMERICAN COUNTRIES. THE OFFENDING STATEMENTS MAY ALSO HAVE BEEN OPPOSITION LEADERS' HARSH CRITICISM OF PINOCHET'S MARCH 30 SPEECH.

5. ALTHOUGH THERE IS NO DOUBT IN ANY ONE'S MIND THAT IT CAME FROM PINOCHET HIMSELF, INTERESTINGLY, THE ARMY COMMUNIQUE WAS NOT ENDORSED BY THE OTHER ARMED FORCES, EVEN THOUGH IT ENVOKES THE ENTIRE MILITARY ESTABLISHMENT IN ITS FINAL SALLY ON THEIR JOINT ROLE AS "GUARANTORS." CARABINERO DIRECTOR GENERAL RODOLFO STANGE SUBSEQUENTLY SAID, "I APPLAUD AND UNDERSTAND THE REACTION OF THE ARMY TOWARD ITS COMMANDER IN CHIEF." NAVY COMMANDER JOSE TORIBIO MERINO COMMENTED IN PINOCHET'S DEFENSE, "NO OTHER CHIEF OF STATE HAS PERFORMED BETTER THAN THE PRESIDENT OF THE REPUBLIC OVER THE LAST FIFTEEN YEARS."

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PAGE 01 SANTIA 03719 02 OF 03 141642Z
ACTION ARA-00

INFO	LOG-00	ADS-00	INR-07	SS-00	CIAE-00	DODE-00	H-01
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P 141632Z APR 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 0908
INFO AMEMBASSY ASUNCION
AMEMBASSY BUENOS AIRES
AMEMBASSY LA PAZ
AMEMBASSY MONTEVIDEO
USCINCSO QUARRY HEIGHTS
AMEMBASSY MEXICO

~~C O N F I D E N T I A L~~ SECTION 02 OF 03 SANTIAGO 03719

LA PAZ FOR PAO DANDRIDGE
MEXICO FOR ARNOLD CHACON

E.O. 12356: DECL:OADR
TAGS: PGOV, CI
SUBJ: ARMY COMMUNIQUE ON POLITICIANS'

KIND WORDS, BUT NOT EXACTLY A RINGING INSTITUTIONAL ENDORSEMENT BY THE TWO SERVICE CHIEFS. AIR FORCE COMMANDER FERNANDO MATTHEI WAS STONY SILENT.

6. POLITICIANS OF THE RIGHT HAVE GENERALLY TAKEN THE HIGH ROAD ON THE COMMUNIQUE AGREEING THAT IT IS NOT NICE TO SPEAK DISRESPECTFULLY OF THE PRESIDENT OF THE REPUBLIC. THIS WAS THE TACK TAKEN BY THE PRESIDENTS OF BOTH OF THE MAJOR CONSERVATIVE PARTIES, UDI'S JAIME
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PAGE 02 SANTIA 03719 02 OF 03 141642Z

GUZMAN AND NATIONAL RENEWAL'S SERGIO ONOFRE JARPA. HOWEVER, THEY HAVE AVOIDED ENDORSING WHAT APPEARS TO BE THE CENTRAL THESIS OF THE COMMUNIQUE -- THE CONTINUING ROLE OF THE ARMED FORCES AS THE PROTECTORS OF CHILE'S INSTITUTIONAL ORDER. IN CASE ANYONE MISSED THAT POINT, IT WAS DRIVEN HOME HARD AND UNAMBIGUOUSLY IN AN APRIL 12 EDITORIAL IN THE GOVERNMENT OWNED NEWSPAPER LA NACION. "ALL THOSE SECTORS OF THE OPPOSITION WHO WOULD LIKE TO SEE THE ACTIONS OF THE ARMED FORCES LIMITED SIMPLY TO GUARDIAN OF THE COUNTRY'S EXTERNAL SECURITY, SHOULD ACCUSTOM THEMSELVES ONCE AND FOR ALL, TO THE FACT THAT OUR INSTITUTIONS OF DEFENSE ARE THE GUARANTORS OF THE INSTITUTIONALITY, AND AS SUCH THEY HAVE A PREPONDERANT ROLE IN NATIONAL EVENTS AND PUBLIC LIFE."

7. THIS IS THE THEME PINOCHET HIT HARD IN THE SPEECH AT THE SWEARING IN CEREMONY FOR THE NEW CABINET MEMBERS (REF B), AND REITERATED IN A SPEECH THIS WEEK IN VALDIVIA. IN ASSERTING THESE PREROGATIVES OF THE ARMED FORCES, HE HAS VERY MUCH IN MIND PROPOSED CONSTITUTIONAL REFORMS WHICH WOULD DEPRIVE THE MILITARY OF ITS OVERSIGHT POWERS AS CURRENTLY ENSHRINED IN THE 1980 CONSTITUTION. HIS SPECIFIC TARGET IS THE JOINT PROPOSALS OF THE CONSERVATIVE NATIONAL RENEWAL PARTY (RN) AND THE OPPOSITION CONCERTACION OF POLITICAL PARTIES FOR DEMOCRACY (COPODE) (REF C). WITH THE PRELIMINARY BLESSING OF THE RN, THE MAJOR
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PAGE 03 SANTIA 03719 02 OF 03 141642Z

PARTY OF THE RIGHT, THESE REFORMS WOULD GO A LONG WAY TOWARD ELIMINATING THE ROLE OF THE ARMED FORCES IN A FUTURE CIVILIAN GOVERNMENT.

8. COPODE APPROVED THE REFORM PACKAGE OVER THE WEEKEND, AND IT IS NOW PENDING REVIEW BY RN LEADERSHIP. WE ARE NOW HEARING THAT IT IS UNLIKELY TO BE APPROVED BY THE PARTY'S POLITICAL COMMISSION DESPITE PRESIDENT JARPA'S SUPPORT FOR THE PACKAGE. RN SUPPORTERS OF THE PRESIDENTIAL CANDIDACY OF HERNAN BUCHI, OF WHICH THEY ARE A GOOD NUMBER, ARE REPORTEDLY STRONGLY RESISTING THE PACKAGE BECAUSE IT GOES MUCH FURTHER THAN THEIR MAN IS WILLING TO GO IN DEFYING PRESIDENT PINOCHET. OPPOSITION LEADERS HAVE SEEN THIS AS THE REAL TEST OF WHETHER BUCHI HAS IT IN HIM TO DISTANCE HIMSELF FROM THE PINOCHET REGIME. STAKING OUT SUCH A POSITION IS VIEWED BY MOST ELECTORAL STRATEGISTS WITHIN THE RN AS ESSENTIAL FOR THEIR HAVING ANY REALISTIC CHANCE OF WINNING THE DECEMBER PRESIDENTIAL ELECTION. JARPA, HIMSELF, BEGAN THE PROCESS THE NIGHT OF THE PLEBISCITE WHEN HE ACKNOWLEDGED THE "NO" WIN BEFORE THE GOC WAS READY TO ADMIT DEFEAT. IN ANALYZING THE ARMY COMMUNIQUE WHICH HE AND OTHER OPPOSITION LEADERS VIGOROUSLY DENOUNCED IN PUBLIC, CHRISTIAN DEMOCRATIC PARTY VICE PRESIDENT GENARO ARRIAGADA PRIVATELY SAID HE SAW IT AS A THREAT AIMED NOT AT THE OPPOSITION, BUT THE RN. "THE MILITARY," HE TOLD POLCOUNS, "ARE LIKE HORSES, THEY CAN SMELL FEAR -- AND THEY HAVE PICKED UP THE SCENT IN HERNAN BUCHI".

9. AS PINOCHET DRAWS THE BATTLE LINE ON CONSTITUTIONAL REFORM, MINISTER OF INTERIOR CACERES IS

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PAGE 01 SANTIA 03719 03 OF 03 141643Z
ACTION ARA-00

INFO	LOG-00	ADS-00	INR-07	SS-00	CIAE-00	DODE-00	H-01
	NSCE-00	NSAE-00	HA-09	L-03	TRSE-00	PM-10	PA-01
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P 141632Z APR 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 0909
INFO AMEMBASSY ASUNCION
AMEMBASSY BUENOS AIRES

AMEMBASSY LA PAZ
AMEMBASSY MONTEVIDEO
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AMEMBASSY MEXICO

~~C O N F I D E N T I A~~L SECTION 03 OF 03 SANTIAGO 03719

LA PAZ FOR PAO DANDRIDGE
MEXICO FOR ARNOLD CHACON

E.O. 12356: DECL:OADR
TAGS: PGOV, CI
SUBJ: ARMY COMMUNIQUE ON POLITICIANS'

PULLING TOGETHER THE SUPPOSED "CONSENSUS" PACKAGE OF REFORMS TO BE PUT TO A NATIONAL PLEBISCITE. HE HAS ANNOUNCED THAT IT WOULD BE RELEASED NEXT WEEK. A COPODE SOURCE TELLS US THEY HAVE ALREADY RECEIVED THE OUTLINES OF THAT PACKAGE. IT INCLUDES (1) REFORM OF ARTICLE 8 IN A MANNER WHICH WILL PROSCRIBE POLITICAL GROUPS WHICH UNDERTAKE ACTIONS TO PROMOTE "CLASS STRUGGLE", AS WELL AS VIOLENCE; (2) EXPANSION OF THE SENATE TO 40 (RATHER THAN 26) ELECTED SEATS, BUT WITH RETENTION OF ALL THE APPOINTED SENATORS; (3) REDUCTION OF THE PRESIDENTIAL TERM
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PAGE 02 SANTIA 03719 03 OF 03 141643Z

BEGINNING IN MARCH 1990 TO FOUR YEARS; (4) ADDITION OF ONE CIVILIAN TO THE NATIONAL SECURITY COUNCIL; AND (5) AN ADJUSTMENT IN THE AMENDMENT PROCESS TO MAKE IT SOMEWHAT LESS DIFFICULT. WHAT THE OPPOSITION HAS CALLED A "MINIMALIST" PACKAGE, THIS IS MUCH MORE IN KEEPING WITH WHAT PINOCHET HAS SAID HE WOULD ACCEPT "WITHOUT CHANGING ONE IOTA THE SPIRIT OF THE CONSTITUTION". WITH THE TOKEN EXCEPTION OF PUTTING CIVILIANS ON A PAR WITH THE MILITARY IN THE NATIONAL SECURITY COUNCIL, IT WOULD LEAVE INTACT THE INSTITUTIONALIZATION OF THE ARMED FORCES' ROLE IN CIVILIAN GOVERNMENT.

10. COMMENT: THE MUCH HERALDED OPENING TO CONSTITUTIONAL REFORM WITH PINOCHET'S SURPRISING MARCH 11 SPEECH (REF D) IS CRACKING UP TO BE A GOOD DEAL LESS THAN MANY HAD HOPED. THE REFORMS SUGGESTED DO NOT GO ANYWHERE NEAR AS FAR AS THE OPPOSITION WANTED, BUT THEY ARE IN THE DIRECTION THEY WERE ADVOCATING, AND IT WILL BE DIFFICULT TO OPPOSE THEM. COPODE IS NOW EXAMINING ITS POSITION, AND SOME OF ITS MEMBERS ARE

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Case Number: S1999000030

SUGGESTING AN ATTITUDE OF INDIFFERENCE, NOT WASTING RESOURCES ON A MAJOR "NO" CAMPAIGN. HOW THEY PLAY IT MAY DETERMINE WHETHER THERE IS A PLEBISCITE ON CONSTITUTIONAL REFORM. PINOCHET AND CACERES HAVE TAKEN THE POSITION THAT IN THE ABSENCE OF "CONSENSUS", THERE WILL BE NO REFORMS AT ALL.

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11. HOWEVER, THERE ARE CLEAR ADVANTAGES, FOR THE GOVERNMENT HOLDING A PLEBISCITE WHICH IT WOULD EXPECT TO WIN IN THE FACE OF HALF-HEARTED OPPOSITION BOTH TO GLOSS OVER THE MEMORY OF ITS OCTOBER 1988 DEFEAT AND ADD FURTHER LEGITIMACY TO THE CONSTITU-
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PAGE 03 SANTIA 03719 03 OF 03 141643Z

TION. THE LATTER MAY BE PARTICULARLY ATTRACTIVE TO PINOCHET WHO HAS CONFIRMED OVER THE PAST COUPLE OF WEEKS HIS SINGLE-MINDED DETERMINATION TO PRESERVE AN ACTIVE OVERSIGHT ROLE FOR THE ARMED FORCES AS PART OF HIS LEGACY OF "PROTECTED DEMOCRACY". GILLESPIE

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United States Department of State

Washington, D. C. 20520

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EXCISE

Chile Project (#S199900030)
U.S. Department of State
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Exemption(s) B1

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S/S 4/17

INFORMATION MEMORANDUM
SECRET/NODIS
UNCLASSIFIED DECAPTIONED

ST:
17

TO: The Secretary

FROM: ARA - Michael G. Kozak, Acting

APR 15 1989

SUBJECT: [redacted] Warns that Pinochet Intends to Thwart Transition to Democracy.

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SUMMARY

Ambassador Gillespie reports (see attached cable) that according to [redacted] Pinochet plans to interrupt Chile's transition to democracy by somehow thwarting plans to hold the presidential and congressional elections set for December, 1989. We are analyzing the information and seeking further clarification. However, given Pinochet and the Army's oft-stated pledge to uphold the terms of the 1980 Constitution and the progress already taken toward a transition to democracy in Chile, it would be very difficult for Pinochet to carry out successfully whatever plan he may have threatened [redacted]

DISCUSSION

A Plot: On April 11, Ambassador Gillespie met with [redacted] who described a [redacted] meeting at which President Pinochet informed [redacted] that he could not turn over power to the civilian opposition as they would negate the advances of the past 15 years and ruin the country. To prevent this, Pinochet reportedly stated that he is prepared to interrupt the transition before the December, 1989 elections.

[redacted]

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[redacted]

While the conversation reported above must be taken very seriously, it is also clear that Pinochet cannot easily disrupt the transition to democracy without paying a great price, probably too high even for the Army to accept.

The terms of the 1980 Constitution, which the military is sworn to uphold, prohibit Pinochet from continuing in power and he himself has announced that he will not run in the December, 1989 election. Very few civilians would support a move to keep him in power and it is not at all certain that the Army, his ultimate source of strength, would agree to extra-constitutional steps to prolong his rule. Ironically, Pinochet is effectively bound by the rules of a system he himself created. Breaking these rules would prove difficult and highly risky even for the Machiavellian Pinochet. Moreover, the plot seems inconsistent with reports that Pinochet is backing the candidacy of his ex-Finance Minister Hernan Buchi, albeit from off stage.

Ambassador Gillespie recommends and we agree that for now we should do nothing beyond prudently probing the veracity of this information and thinking about possible contingencies.

the Ambassador will both probe and reiterate our firm support for the democratic process.

Although we think Pinochet would like to hold on to power, his possibilities of doing so seem increasingly limited. We will continue to follow this issue carefully.

Attachment: Santiago 3621 (NODIS)

drafted: ARA/SC-PDeShazo
SEARASC 4282 rev 4/14/89
S/S-8908052

Cleared: ARA/SC - RBHoward
ARA - MMSkol

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Chile Project (#S199900030)
U.S. Department of State
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Exemptions ~~Materials for~~ Meeting with Chile re the 1914 Treaty

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L/ARA contemplates preparation of papers on the following subjects in support of the potential meeting.

1. A paper on arguments open to Chile on the scope and applicability of the 1914 Treaty. We can only see two such arguments: that the treaty was not meant to cover such disputes; and, that the treaty/commission was not consummated. We have good factual and legal arguments in response.

2. A paper reviewing Chile's proposals to arbitrate the jurisdictional/sovereign immunity issues. They provided a legal memo on this subject in 1979 which we are searching for.

3. A paper reviewing the 1972-3 U.S.-Chile meetings and Chilean statements re use of the 1914 Treaty in relation to the Kennecott dispute.

4. A paper presenting a historical sketch of the Bryan treaties and the place held by the Chilean treaty.

5. A paper outlining the areas of ostensible Chilean cooperation re the Letelier case.

6. A paper setting out a hypothetical model of how the Commission would operate administratively, procedurally and financially.

7. A list of U.S. Chilean, and joint appointments to the Commission, past and present. (Our records may be incomplete).

Other materials readily available, and applicable are:

a. The Treaty
b. USG background statement on the Letelier case
c. USG background paper on its efforts to resolve the dispute
d. Copies of diplomatic correspondence associated with U.S. invocation of the Treaty.
e. Bios on present Commission members.
f. List of possible candidates to serve as the president of the Commission

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TALKING POINTS

- COURTESY POINT

--I have heard good things regarding your background and experience for this important post and look forward to working with you as both of us assume our new duties.

- CHILE'S TRANSITION TO DEMOCRACY

--The U.S. recognizes that this is a key year in Chilean history, a year of transition towards democracy.

--We will follow with great interest the political events which take place leading up to and after the December, 1989 elections.

--We recognize that a number of important issues such as constitutional reform and the rules governing the new Congress are yet to be resolved, but hope that solutions can be arrived at through dialogue and agreement between the Government and political parties representing the broad wishes of the Chilean people.

--The U.S. will continue to support the transition to full democracy in Chile without, of course, taking sides in the political debate.

- THE FRUIT CRISIS

--While we lament the substantial economic damage which was caused by the unfortunate need to momentarily halt fruit exports to the U.S., we were very pleased that the USG and the GOC were able to work together to get trade flowing again.

--We will continue to work closely with your Government both in Washington and in Santiago to try to avoid future such difficulties and to seek means of cooperating in managing this unhappy episode.

- THE CHILEAN ECONOMY

--I have heard many good things about Chile's successful, free market-based economy.

--A smoothly-functioning economy such as yours provides an excellent base on which democracy can rest and bodes well for future stability.

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o THE LETELIER CASE

--We had hoped that the mechanism of the 1914 Treaty would be an excellent means of working together to resolve the Letelier case, a thorny issue in bilateral relations for many years.

--For this reason, the delay we have experienced in forming the international commission called for by the treaty is most unfortunate.

--We hope that you will give the highest priority to working with us to form this commission. We will be in touch with your government on this matter again very shortly.

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Chile Project (#S199900030)
U.S. Department of State
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TALKING POINTS

o COURTESY POINT

--I know you are well qualified for this important post and look forward to working with you as we assume our new duties. Your tour here as DCM overlapped with my time as Under Secretary.

o CHILE'S TRANSITION TO DEMOCRACY

--The U.S. recognizes that this is a key year in Chilean history, a year of transition towards democracy.

--We will follow with great interest the political events which take place leading up to and after the December, 1989 elections.

--We recognize that a number of important issues such as constitutional reform and the rules governing the new Congress are yet to be resolved, but hope that solutions can be arrived at through dialogue and agreement between the Government and political parties representing the broad wishes of the Chilean people.

--The U.S. will continue to support the transition to full democracy in Chile without, of course, taking sides in the political debate. Our only interest is a free and fair process that reflects Chile's democratic traditions.

o THE FRUIT CRISIS

--While we lament the substantial economic damage which was caused by the unfortunate need to momentarily halt fruit exports to the U.S., we were very pleased that the USG and the GOC were able to work together to get trade flowing again.

--We will continue to work closely with your Government both in Washington and in Santiago to try to avoid future such difficulties and to seek means of cooperating in managing this unhappy episode.

o THE CHILEAN ECONOMY

--I understand that Chile's successful, free market-based economy is doing well despite the fruit crisis.

--A smoothly-functioning economy such as yours provides an excellent base on which democracy can rest and bodes well for future stability.

o THE LETELIER CASE

--We had hoped that the mechanism of the 1914 Treaty would be an excellent means of working together to resolve the Letelier case, a thorny issue in bilateral relations for many years.

--For this reason, the delay we have experienced in forming the international commission called for by the treaty is unfortunate. Our objective in invoking the treaty was to put this case on a course of steady progress towards a conclusion and thus avoid its becomming again a point of bilateral friction during your election year. Your failure to procede in carrying out your obligations to name your commission members is counter-productive and could lead to renewed pressure from the Hill.

--It is imperative that you give the highest priority to talking the steps necessary to form this commission and to get it operational.

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(VV 025) 4-17-89

United States Department of State

Washington, D.C. 20520

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SECRET

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TO: The Deputy Secretary

FROM: ARA - Michael G. Kozak, Acting

SUBJECT: Your Meeting with Chilean Ambassador Octavio Errazuriz on May 19 at 3:00 in your office.

I. PURPOSE

- Ambassador Errazuriz arrived in the U.S. in January and presented his credentials to the President on May 11. He requested this meeting as a courtesy call but will probably use the opportunity to lament that the USG is not affording Chile improved treatment following the October, 1988 plebiscite.

- Our purpose in this meeting is to underscore our continuing support for the process of democratic transition, stress that we acted responsibly and cooperated fully with the GOC on the recent fruit crisis, and note concern for lack of progress on the Letelier murder case.

II. KEY POINTS

- Chile's Transition to Democracy.

  --As a result of the October 1988 plebiscite, in which Chilean voters rejected Pinochet's bid to remain in power for eight more years, elections will be held on December 14, 1989.

  --Pinochet is prohibited by the constitution from being a candidate but may stay as Army chief.

  --There is little doubt that Pinochet wishes to remain in power, although his prospects are remote because of constitutional limitations and lack of support within the Armed Forces for taking extra-legal steps.

Chile Project (#S199900030)
U.S. Department of State
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--Political groups in Chile are actively seeking candidates for president and congress and drawing up political platforms.

--The 16 political parties which united against Pinochet for a "no" vote in the plebiscite may run a single candidate for president, the Christian Democrat leader Patricio Aylwin.

--Conservative, pro-GOC parties attemped to launch Pinochet's ex-Finance Minister Hernan Buchi as a candidate, but Buchi eliminated himself from the race on May 15, leaving the conservative camp in disarray.

--Legislation governing the size and configuration of electoral districts and the procedure for electing senators and deputies has not yet been promulgated but is expected soon.

--Other important considerations which must be dealt with in the near future are constitutional reform, the nature of civil-military relations, and the thorny issue of whether members of the Chilean Armed Forces should be subject to judicial proceedings for human rights abuses.

--While the transition to democracy is proceeding as scheduled, several hurdles must be cleared prior to and after the newly-elected government takes office in March, 1990 in order for democratic rule to be consolidated.

o Chile's Dynamic Economy

--Chile's economy has been a success story, performing very well in the past five years.

--Fueled by a dynamic private sector and diversified exports, the economy has grown at a rapid pace, relatively undamaged by the fruit crisis. Inflation and unemployment are low, the country enjoys a very favorable balance of trade, and scheduled interest payments on the large foreign debt have been met.

--We have encouraged all political parties in Chile to preserve the free market policies which made these gains possible, while at the same time realizing that they will be under pressure to better distribute the fruits of this prosperity.

UNCLASSIFIED

o The Fruit Crisis

--The five-day ban on Chilean fruit exports to the U.S. imposed by the FDA in March because of the discovery of several poisoned grapes resulted in serious short term losses to the Chilean economy and a wave of anti-Americanism not seen in Chile since the days of the Allende regime in the early 1970s.

--Final figures may never be clear, but cautious estimates indicate that the episode may cost the Chilean economy about US $100 million. This is far less than original GOC estimates and the economy as a while is growing at a strong rate.

--Seizing the opportunity, the GOC has requested that the USG take action to alleviate the damage suffered from the disruption.

--They sought politically significant but ultimately impossible steps such as moving back the date of the USDA marketing order on Chilean grapes, reinstating Chile's GSP privileges (suspended by President Reagan in 1987 because of worker rights problems), inspecting fruit in Chile rather than the U.S., and supporting special loans to Chile from the MDBs.

--USDA worked with the Chileans to expedite treatment of their grapes but could not change the marketing order date. Positive responses to the other Chilean requests also appear unfeasible but we are engaged in a cordial dialogue with the Chilean Ambassador, the tone of relations has improved and we are reviewing other possible steps.

--Despite our close working relationship with the GOC on the fruit crisis and fast action to reestablish the flow of Chilean fruit to market, the GOC feels that the USG should have provided more dramatic compensatory assistance.

o The Letelier Case

--The 1976 political murder of former Chilean Foreign Minister Orlando Letelier and his U.S. assistant in Washington D.C. ordered by high GOC officials who are still under indictment by a U.S. court and living in Chile has remained a source of bilateral tension for many years.

UNCLASSIFIED

--After many fruitless efforts to obtain the cooperation of the GOC in bringing justice to the case, on January 12, 1989 we invoked a 1914 bilateral treaty with Chile which calls for the establishment of an international commission to determine responsibility for the crime.

--The GOC is attempting to sidetrack and delay this effort through stalling tactics aimed at avoiding the convocation of the commission.

--Legal Advisor Sofaer met with Errazuriz on May 5 and strongly urged the GOC to take steps to get the treaty commission functioning.

--Congress is interested in the case and some members may seek to take action against the GOC if the treaty process does not produce results.

III. PARTICIPANTS

U.S.	Chile
Mr. Eagleburger	Amb. Errazuriz
DAS Michael M. Skol	DCM Demetrio Infante
ARA/SC - notetaker	

IV. PRESS COVERAGE

None

Attachments

Tab 1 - Talking Points
Tab 2 - Biographic sketch of Amb. Errazuriz
Tab 3 - Economic Fact Sheet

UNCLASSIFIED

drafter: ARA/SC - PDeShazo
SEARASC 4294 4/17/89

clearances: ARA/SC - RHoward
ARA - MSkol

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n/a

04/18/89 (JE007)

CONFIDENTIAL

Case Number: S1999000030

Chile Project (#S1999000030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

CONFIDENTIAL

PAGE 01 SANTIA 03827 181931Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	SS-00	OIC-02	CIAE-00
	EB-00	DODE-00	H-01	IO-19	NSCE-00	NSAE-00	HA-09
	L-03	LAB-04	TRSE-00	PM-10	PA-01	STR-17	SIL-01
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P 180728Z APR 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 0947

C O N F I D E N T I A L SANTIAGO 03827

E.O. 12356: DECL:OADR
TAGS: PHUM, CI
SUBJ: HUMAN RIGHTS DEMONSTRATION ON APRIL 15

1. (U) A DEMONSTRATION ON APRIL 15, ORGANIZED BY THE NATIONAL COORDINATION OF HUMAN RIGHTS ORGANIZATIONS "FOR LIFE, THE VICARIA, HUMAN RIGHTS AND AGAINST IMPUNITY," WAS MARRED BY VIOLENCE AND THE PRESENCE OF MASKED MEMBERS OF THE FPMR AND THE LAUTURO YOUTH MOVEMENT. ACCORDING TO PRESS REPORTS, POLICE USED TEAR GAS AND WATER CANNON TO DISPERSE THE DEMONSTRATORS AFTER AT LEAST ONE PERSON WAS SHOT AND WOUNDED BY UNKNOWN MEN IN CIVILIAN CLOTHES.

2. (C) ACCORDING TO VICARIA'S ACTING EXECUTIVE DIRECTOR GUSTAVO VILLALOBOS (PLEASE PROTECT), NEITHER THE VICARIA NOR THE CHILEAN HUMAN RIGHTS COMMISSION (CHRC) PARTICIPATED IN THE DEMONSTRATION, AND WERE NOT EVEN OFFICIALLY INVITED TO DO SO, ALTHOUGH THEY WERE AWARE OF PLANS TO HOLD IT. VILLALOBOS OPINED THAT THE DEMONSTRATION WAS UNFORTUNATE IN THAT THE ISSUE OF IMPUNITY FOR REGIME VIOLATORS OF HUMAN RIGHTS WAS SO ASSOCIATED WITH THE VIOLENT LEFT.
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 SANTIA 03827 181931Z

3. (C) COMMENT: EFFORTS BY THE VICARIA AND THE CHRC TO AVOID A BLANKET CONDEMNATION OF THE ARMED FORCES AND OTHER MEMBERS OF THE PINOCHET REGIME, AND TO BALANCE JUSTICE WITH THE NEED TO GIVE DEMOCRACY A CHANCE TO SURVIVE, ARE UNDERMINED BY THE LEFT'S

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CONFIDENTIAL

Case Number: S1999000030

ATTEMPTS TO DOMINATE THE ISSUE. THE MILITARY'S CONCERN ABOUT FUTURE HUMAN RIGHTS TRIALS ARE LIKELY TO BE INCREASED BY SUCH DEMONSTRATIONS. GILLESPIE

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n/a

04/18/89

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Case Number: S1999000030 Chile Project (#S199900030)

U.S. Department of State
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Exemption(s) ____

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PAGE 01 SANTIA 03786 01 OF 02 181400Z
ACTION ARA-00

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NSAE-00 COME-00 LAB-04 STR-17 SIL-01 INRE-00 OPM-01
DS-01 SCT-02 /033 W
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R 180155Z APR 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 0935
INFO AMEMBASSY ASUNCION
AMEMBASSY BRUSSELS
AMEMBASSY BUENOS AIRES
AMEMBASSY MONTEVIDEO
USCINCSO QUARRY HEIGHTS
CINCLANTFLT NORFOLK

~~C O N F I D E N T I A~~ L SECTION 01 OF 02 SANTIAGO 03786

BRUSSELS FOR LABATT

E.O. 12356: DECL:OADR
TAGS: ELAB, PGOV, CI
SUBJ: CUT'S APRIL 18 STRIKE

REF: SANTIAGO 3746

1. ~~CONFIDENTIAL~~ - ENTIRE TEXT.

2. SUMMARY: DESPITE WIDE-SPREAD APATHY, THE UNIFIED WORKERS' CENTRAL (CUT) IS GOING AHEAD WITH PLANS TO HOLD A NATION-WIDE, 24-HOUR STRIKE ON APRIL 18. THERE APPEARS LITTLE LIKELIHOOD THAT IT WILL BE A SUCCESS, ALTHOUGH VIOLENCE OR THE THREAT OF VIOLENCE MIGHT KEEP ENOUGH BUSES OFF THE STREETS TO CAUSE WORK DISRUPTIONS. THERE IS A GOOD POSSIBILITY THAT THE STRIKE WILL PROVE JUST THE OPPOSITE OF WHAT ITS ORGANIZERS HOPE TO ~~CONFIDENTIAL~~

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PAGE 02 SANTIA 03786 01 OF 02 181400Z

DEMONSTRATE -- THAT ORGANIZED LABOR IS A POLITICAL FORCE TO BE RECKONED WITH. END SUMMARY.

3. OFFICIALLY, THE STRIKE IS BEING CALLED TO DEMAND A GOC PARDON FOR INTERNALLY-EXILED CUT PRESIDENT MANUEL BUSTOS AND VICE PRESIDENT

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n/a

ARTURO MARTINEZ, TO STOP GOC PRIVITAZIATION PLANS FOR STATE-OWNED ENTERPRISES AND TO GET A RESPONSE FROM THE MINISTER OF LABOR TO CUT'S POST-PLEBISCITE DEMANDS TO INCREASE THE MINIMUM WAGE, IMPROVE COLLECTIVE BARGAINING REGULATIONS, ETC. AN UNSTATED OBJECTIVE, AS ACTING CUT PRESIDENT DIEGO OLIVARES TOLD LABATT AT THE END OF MARCH, IS TO PROTEST THE 17-PARTY COALITION PARTIES FOR DEMOCRACY'S (COPODE) LACK OF ATTENTION TO LABOR AND SOCIAL ORGANIZATIONS. OLIVARES MAINTAINS THAT THE OPPOSITION POLITICIANS HAVE IGNORED ORGANIZED LABOR'S DEMANDS IN FORMULATING THEIR POLICY POSITIONS AND IN DISCUSSING CONSTITUTIONAL CHANGES WITH THE GOC, AND HAVE NOT ACTIVELY LOBBIED FOR AN END TO THE INTERNAL EXILE OF BUSTOS AND MARTINEZ. HE DENIED TO LABATT THAT COMMUNIST MEMBERS OF THE CUT INSTIGATED THE STRIKE, CLAIMING THERE WAS WIDESPREAD FRUSTRATION AND DISILLUSIONMENT WITH THE STATUS QUO AFTER THE OCTOBER 5, 1988 PLEBISCITE. HE NOTED, FOR EXAMPLE, THAT THE GOC APPEARED INTENT ON PRIVATIZING REMAINING STATE-OWNED ENTERPRISES WHICH COULD RESULT IN THOUSANDS OF LOST JOBS, BUT COPODE MEMBERS HAVE LIMITED THEMSELVES TO STATING A NEW GOVERNMENT WOULD REVERSE THEM. THE POLITICANS HAVE BEEN EQUALLY FORMULAIC IN SUPPORTING CALLS FOR AN END TO THE INTERNAL EXILE OF BUSTOS AND CONFIDENTIAL

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PAGE 03 SANTIA 03786 01 OF 02 181400Z

MARTINEZ. THE STRIKE, OLIVARES SAID, WILL SHOW THE POLITICIANS IN THE CENTER AND CENTER-LEFT, THAT ORGANIZED LABOR MUST BE TAKEN SERIOUSLY AND IS PREPARED TO DEFEND ITS OWN INTERESTS, NOT JUST THOSE OF THE POLITICIANS.

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4. BUT WILL IT? IT DOES NOT SEEM LIKELY. THE NEWLY-ELECTED PRESIDENT OF THE MOST IMPORTANT CUT AFFILIATE, THE COPPER WORKERS' CONFEDERATION (CTC), HAS STATED HIS PERSONAL OPINION THAT THE TIMING FOR THE STRIKE IS NOT PROPITIOUS, BUT SAID CTC AFFILIATES SHOULD HONOR THE STRIKE CALL IN A MANNER EACH FOUND APPROPRIATE -- HARDLY A RINGING ENDORSEMENT. THE ACTING-PRESIDENT OF THE BANKERS UNION, ACTING CUT-PRESIDENT DIEGO OLIVARES' UNION, SAID HIS MEMBERS WOULD TAKE STRIKE ACTION IN KEEPING WITH ITS TRADITION -- WHICH MEANS AT BEST A GO-SLOW OR WORK-TO-RULE -- BUT CALLED ON THE PUBLIC TO REFRAIN FROM

CONDUCTING BANK BUSINESS ON THAT DAY. BUS DRIVERS IN SANTIAGO SAID THEY WOULD HONOR THE STRIKE, BUT SINCE THEIR ONE-DAY STRIKE EARLY IN THE YEAR TO PROTEST WAGES WENT UNNOTICED BECAUSE BUS-OWNERS AND COMPANY MANAGERS FILLED IN, THEIRS IS AN EMPTY THREAT. TEXTILE WORKERS, MEMBERS OF MANUEL BUSTOS' UNION, EXPRESSED AMBIVALENCE ABOUT THE STRIKE TO LABATT, AND IT IS NOT CERTAIN THEY WILL STAY AT HOME IN LARGE NUMBERS. THE PRESIDENT OF THE DEMOCRATIC WORKERS' CENTRAL (CDT), THE CUT'S LABOR RIVAL, ALL BUT CALLED THE STRIKE A SILLY ACTION AND SAID HIS TEAM WOULD NOT PLAY.
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PAGE 01 SANTIA 03786 02 OF 02 181401Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	EUR-00	CIAE-00	EB-00
	NSAE-00	COME-00	LAB-04	STR-17	SIL-01	INRE-00	OPM-01
	DS-01	SCT-02	/033 W				

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TO SECSTATE WASHDC 0936
INFO AMEMBASSY ASUNCION
AMEMBASSY BRUSSELS
AMEMBASSY BUENOS AIRES
AMEMBASSY MONTEVIDEO
USCINCSO QUARRY HEIGHTS
CINCLANTFLT NORFOLK

~~C O N F I D E N T I A L~~ SECTION 02 OF 02 SANTIAGO 03786

BRUSSELS FOR LABATT

E.O. 12356: DECL:OADR
TAGS: ELAB, PGOV, CI
SUBJ: CUT'S APRIL 18 STRIKE

5. ALTHOUGH THE CUT DID SUCCEED IN GETTING AN ENDORSEMENT FOR THE STRIKE FROM COPODE SPOKESMAN AND ALMOST-CERTAIN PRESIDENTIAL CANDIDATE PATRICIO AYLWIN, IT WAS WEAK, LACKING ANY ENCOURAGEMENT FOR WORKERS TO STAY HOME. SOCIAL ORGANIZATIONS SUCH AS ACUSO, WHOSE MASSIVE SEPTEMBER 1988 RALLY FOR THE "NO" IS CREDITED WITH BEING ONE OF THE

PIVUTAL EVENTS IN THE OPPOSITION'S PLEBISCITE VICTORY, IS STAYING ON THE SIDELINES. ITS PRESIDENT, HECTOR MOYA, NOTED TO LABATT THAT HIS ONE ABORTED POST-PLEBISCITE ATTEMPT TO STAGE AN EVENT TO FORCE CONCESSIONS FROM PINOCHET HAD CONVINCED HIM THE CHILEAN PEOPLE
CONFIDENTIAL

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PAGE 02 SANTIA 03786 02 OF 02 181401Z

WANT PEACE AND QUIET DURING PINOCHET'S LAST YEAR IN OFFICE.

6. WHY INSIST ON THE STRIKE? IN DISCUSSING THE STRIKE WITH LABATT, OLIVARES AGREED THAT THERE WERE RISKS IN HOLDING THE STRIKE. PRIMARILY, THERE IS THE RISK THAT EXTREME LEFTISTS WILL CAUSE VIOLENCE, GIVING PINOCHET AN EXCUSE TO CRACK DOWN, TO DERIDE THE CUT AS A HAVEN FOR TERRORISTS, AND TO IGNORE PLEAS FROM NON-UNION SECTORS TO GIVE BUSTOS AND MARTINEZ A PARDON. THE MINISTER OF INTERIOR HAS ALREADY LINKED VIOLENT ACTS ON APRIL 10 AND 11 TO THE STRIKE (REFTEL). THERE IS ALSO THE RISK, HE AGREED, THAT THE STRIKE WILL FIZZLE, MAKING LABOR LOOK WEAK, GIVING THE IMPRESSION BUSTOS' AND MARTINEZ' FATE IS OF LITTLE INTEREST TO ANYONE AND, THAT THEREFORE, POLITICIANS CAN SAFELY CONTINUE TO IGNORE THE UNIONS. BUT HE ARGUED THAT THE CUT HAS TO DO SOMETHING. ALL PRIVATE EFFORTS TO GET BUSTOS AND MARTINEZ RELEASED HAVE FAILED, ALTHOUGH HE SAID HE AND OTHERS HAVE USED EVERY CHANNEL AVAILABLE TO THEM. HE REMINDED LABATT THAT HE HAD EVEN, AT ONE OF THE AMBASSADOR'S RECEPTIONS, APPROACHED THE RIGHTIST PRESIDENT OF UDI, JAIME GUZMAN, TO INTERCEDE FOR BUSTOS AND MARTINEZ AND BELIEVED GUZMAN HAD MADE A PITCH TO PINOCHET. HE ALSO TOLD LABATT (IN STRICTIST CONFIDENCE) THAT HE HAD PASSED THE WORD TO PINOCHET THROUGH A RELIABLE CHANNEL THAT THE STRIKE WOULD BE CALLED OFF IF BUSTOS AND MARTINEZ WERE PARDONED. IT APPEARS PINOCHET IS NOT INTERESTED.
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PAGE 03 SANTIA 03786 02 OF 02 181401Z

7. THE PROGNOSIS. THERE IS ALMOST NO HOPE THAT THE STRIKE WILL BE TRULY EFFECTIVE. LABOR LEADERS' DEEP AND UNDERSTANDABLE FRUSTRATION WITH PINOCHET IS NOT SHARED BY THE PUBLIC, WHICH APPEARS CONTENT TO WAIT HIM OUT. WIDE-SPREAD VIOLENCE WOULD KEEP PEOPLE AT HOME AND PARALYZE PUBLIC TRANSPORTATION BUT THE COST TO THE CUT IMAGE WOULD BE DISASTROUSLY HIGH; ONLY THE EXTREME LEFT WOULD BENEFIT. THERE IS NO INDICATION, HOWEVER, THAT SEVERE VIOLENCE IS PLANNED OR ANTICIPATED. (GOC STATEMENTS ABOUT THE STRIKE HAVE NOT BEEN PROVOCATIVE; THEY HAVE MERELY NOTED THAT THE CARABINEROS WILL PRESERVE ORDER AS THEY ARE MANDATED TO DO. IT IS WORTH NOTING THAT THERE WAS NO ATTEMPT TO DISLODGE STRIKING MAINTENANCE WORKERS FROM THE UNIVERSITY OF CHILE DURING THEIR RECENTLY ENDED STRIKE. ALTHOUGH THAT STRIKE WAS LEGAL, THE BARRICADING TACTIC PURSUED WAS NOT.) THERE IS EVEN A RUMOR CIRCULATING THAT THE COMMUNISTS IN THE CUT PLAN TO HAVE THEIR FOLLOWERS IGNORE THE STRIKE CALL AT THE LAST MOMENT, IN ORDER TO EMBARRASS OTHER CUT LEADERS, IN ORDER TO AVENGE THEIR DEFEAT IN THE COPPER WORKERS' UNION RECENT ELECTION (SEPTEL). IN SUM, APRIL 18 IS SHAPING UP AS JUST ANOTHER WORK DAY. GILLESPIE

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04/18/89

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Case Number: S1999000030

Chile Project (#S199900030)
U.S. Department of State
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Declassify: In Part ____ In Full X
Exemption(s) ____

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PAGE 01 SANTIA 03828 181933Z
ACTION SCT-02

INFO	LOG-00	ADS-00	AID-00	INR-07	SS-00	CIAE-00	EB-00
	DODE-00	H-01	NSCE-00	ARA-00	NSAE-00	HA-09	L-03
	LAB-04	TRSE-00	PM-10	PA-01	OMB-01	SIL-01	INRE-00
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INFO AMEMBASSY ASUNCION
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AMEMBASSY MONTEVIDEO

~~C O N F I D E N T I A L~~ SANTIAGO 03828

E.O. 12356: DECL:OADR
TAGS: PTER, ELAB, CI
SUBJ: TERRORIST ACTS ON EVE OF CUT-CALLED STRIKE

REF: SANTIAGO 3746

1. (U) DURING THE EVENING OF APRIL 17 AND MORNING OF APRIL 18, THERE WERE SEVERAL TERRORIST ATTACKS: A BUS WAS SET AFIRE IN A CONCEPCION TERMINAL, CAUSING SIGNIFICANT DAMAGE; A METRO CAR WAS BOMBED AT A METRO TERMINAL AS IT PREPARED TO REVERSE DIRECTION; ELECTRIC TOWERS WERE BOMBED AND CHAINS WERE THROWN OVER WIRES, CAUSING POWER OUTAGES IN SANTIAGO; AND SEVERAL BOMBS EXPLODED IN VARIOUS SECTORS OF SANTIAGO. AT LEAST TWO PEOPLE WERE INJURED, BUT NONE OF THE ATTACKS APPEARED DESIGNED TO CAUSE INJURY. AN ALLEGED SPOKESMAN FOR LAUTARO YOUTH MOVEMENT CLAIMED CREDIT FOR THE BUS BURNING IN CONCEPCION, BUT THE OTHER INCIDENTS HAVE NOT BEEN CLAIMED BY ANY GROUPS.

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2. (C) COMMENT: THE ROUND OF VIOLENCE IS PROBABLY CONNECTED TO THE STRIKE CALLED FOR APRIL 18 BY THE UNIFIED WORKERS' CENTRAL. WHAT IS NOT CLEAR IS WHETHER THE UN-CLAIMED VIOLENCE IS THE WORK OF EXTREME LEFTISTS IN SUPPORT OF THE STRIKE OR PROVOCATEURS FROM THE RIGHT INTENT ON TYING THE CUT

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Case Number: S1999000030

TO THE VIOLENCE. END COMMENT. GILLESPIE

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ONLY, STADIS

04/18/89

JE608

Case Number: S1999000030

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

CONFIDENTIAL

PAGE 01 SANTIA 03811 01 OF 02 181644Z
ACTION SS-00

INFO LOG-00 ADS-00 SSO-00 /000 W
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C O N F I D E N T I A L SECTION 01 OF 02 SANTIAGO 03811

EXDIS/STADIS//////////////////////////////////

DEPT FOR MIKE SKOL ONLY FROM AMBASSADOR GILLESPIE

E.O. 12356: DECL:OADR
TAGS: ELAB, PREL, PHUM, CI
SUBJ: INFORMAL PROPOSAL TO RECONSIDER GSP FOR CHILE

REFS: (A) STATE 113006, (B) SANTIAGO 3452,
(C) SANTIAGO 3653

1. CONFIDENTIAL - ENTIRE TEXT.

2. SUMMARY: WE BELIEVE REF A OUTLINES A REALISTIC STRATEGY TO FOLLOW TO RESTORE GSP PRIVILEGES AND OBTAIN THE RELEASE OF BUSTOS AND MARTINEZ, ALTHOUGH WE WOULD SUGGEST SOME MINOR CHANGES. REF ACCURATELY NOTES THAT BIGGEST PROBLEM -- AND MOST UNPREDICTABLE FACTOR -- IS PINOCHET'S INTRANSIGENCE AND PERSONAL ANIMOSITY TOWARD BUSTOS. LEAKAGE IS ANOTHER PROBLEM. IF THE PLAN BECOMES KNOWN, WE EXPECT ALL PLAYERS TO RUN FOR COVER, WHICH WOULD FURTHER REDUCE CHANCES FOR EITHER GSP RESTORATION OR RELEASE OF BUSTOS AND MARTINEZ. END SUMMARY.

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PAGE 02 SANTIA 03811 01 OF 02 181644Z

THE SCENARIO

3. STEP ONE. PARA 3 OF REF A OUTLINES A REASONABLY REALISTIC PROGRESSION OF EVENTS, AND WE ARE

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ONLY, STADIS
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ENCOURAGED THAT THE FIRST STEP -- GAINING AFL/CIO AGREEMENT FOR THE PLAN -- HAS BEEN TAKEN. WE HAVE SOME QUESTIONS, HOWEVER: ARE THERE OTHER ORGANIZED GROUPS WHO ALSO PUSHED FOR LIFTING CHILE'S GSP PRIVILEGES AND WHO WOULD LOBBY TO MAINTAIN THE RESTRICTION? WOULD THE AFL/CIO ACTIVELY LOBBY FOR RESTORING GSP IF NECESSARY TO COUNTER OTHER GROUPS AND TO MUTE CONGRESSIONAL OPPOSITION?

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4. THE SECOND AFL/CIO CONDITION, THAT THE GOC ALSO AGREE TO MEET INFORMALLY AND PRIVATELY WITH THE CUT AND CDT IS PROBLEMATIC. UNDER THE PRESENT CONDITIONS, WE CANNOT ENVISION THE GOC'S REVERSING ITSELF AND AGREEING TO MEET WITH OFFICIALS OF NON-LEGAL ENTITIES. HOWEVER, LEGALIZING THE WORKERS' CENTRALS IS ONE OF THE KEY POINTS OF THE PROPOSED LEGISLATION CHANGING THE LABOR CODE, AS OUTLINED BY MINISTER OF LABOR ARTHUR TO LABATT (REF B). (ARTHUR, BY THE WAY, HAS NOT FULFILLED HIS PROMISE TO SHARE THE DRAFT LEGISLATION WITH THE EMBASSY DESPITE PRODDING.) IF, AS ARTHUR HOPES, THE LEGISLATIVE DRAFT IS APPROVED BY THE JUNTA ON MAY 1, THE GOC WOULD HAVE REASON TO MEET WITH THE CENTRALS. WE DO NOT KNOW -- AND CANNOT KNOW UNTIL THE LEGISLATION IS PASSED -- WHETHER THE CUT AND CDT WILL ENDORSE THE CHANGES. WE POINT THIS OUT ONLY BECAUSE ~~CONFIDENTIAL~~

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PAGE 03 SANTIA 03811 01 OF 02 181644Z

MEETING WITH THE CENTRALS MAY NOT ONLY BE A PROBLEM FOR THE GOC, BUT ALSO FOR THE CENTRALS THEMSELVES.

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5. STEP TWO: TO AN EXTENT, WE HAVE ALREADY ALERTED THE GOC DIRECTLY AND INDIRECTLY THAT THE RELEASE OF BUSTOS AND MARTINEZ WILL BE CRUCIAL IF GSP IS TO BE RESTORED. LABATT POINTED THIS OUT TO LABOR MINISTER ARTHUR ON MARCH 31, AND ON 17 APRIL I TOLD UNDERSECRETARY OF FOREIGN RELATIONS RAMON VALDEZ THAT IN MY VIEW THE BUSTOS-MARTINEZ CASE WOULD REMAIN AN "ACTIVE INGREDIENT" IN THE GSP ISSUE UNTIL THE LABOR LEADERS ARE FREE. I ALSO MADE THE POINT CLEARLY TO SOFOFA PRESIDENT FERNANDO AGUERO, WHO CALLED ON ME ON APRIL 10 TO PRESS FOR RESTORATION OF GSP, AND TO MEMBERS OF ASEXMA, ON APRIL 11. THESE BUSINESSMEN HAVE CHANNELS TO THE GOC AND CAN BE EXPECTED TO PASS ON THIS MESSAGE. IF IT IS AGREED TO

FOLLOW THE STRATEGY OUTLINED IN REF A, WE WOULD PROPOSE RAISING THE ISSUE MORE DIRECTLY WITH FOREIGN MINISTER ERRAZURIZ. HE KNOWS THE ISSUE, THE WASHINGTON PLAYERS AND THE POLITICAL FIELD IN CHILE. HE WOULD PROBABLY ALSO WELCOME RESTORATION OF GSP PRIVILEGES AS A DIPLOMATIC SUCCESS FOR HIMSELF. IF HE WERE TO AGREE, WE WOULD ALSO CONSIDER APPROACHING BUSINESS CONFEDERATION LEADER MANUEL FELIU, WHO CAN MAKE THE ECONOMIC ARGUMENTS DIRECTLY TO PRESIDENT PINOCHET, THEREBY ADDING WEIGHT

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PAGE 01 SANTIA 03811 02 OF 02 181645Z
ACTION SS-00

INFO LOG-00 ADS-00 SSO-00 /000 W
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TO SECSTATE WASHDC IMMEDIATE 0939

C O N F I D E N T I A L SECTION 02 OF 02 SANTIAGO 03811

~~EXDIS/STADIS~~/////////////////////////////////

DEPT FOR MIKE SKOL ONLY FROM AMBASSADOR GILLESPIE

E.O. 12356: DECL:OADR
TAGS: ELAB, PREL, PHUM, CI
SUBJ: INFORMAL PROPOSAL TO RECONSIDER GSP FOR CHILE

TO ERRAZURIZ'S POLITICAL AGREEMENTS. PINOCHET IS NOT LIKELY TO GIVE UP HIS GRUDGE AGAINST BUSTOS AND ALL ORGANIZED LABOR UNLESS HE CAN BE PERSUADED THAT IT WOULD BOOST HIS IMAGE AT HOME AND ABROAD AND THAT HE WOULD LOSE SUPPORT IN THE BUSINESS COMMUNITY IF HE DID NOT TAKE THIS STEP. I SERIOUSLY DOUBT EVEN THAT WOULD BE ENOUGH TO MOVE HIM.

6. STEP THREE: WE AGREE WITH THE AFL/CIO THAT THE CUT AND CDT SHOULD REQUEST ITS ASSISTANCE TO RESTORE CHILEAN GSP PRIVILEGES. THIS POINT MAY WELL BE THE KEY TO GAINING PINOCHET'S ACQUIESCENCE. EATING A LITTLE HUMBLE PIE IS EASIER IF YOUR ENEMY HAS TO DO THE SAME. WHILE WE BELIEVE PRESIDENT DIEGO OLIVARES

WOULD DO ALMOST ANYTHING TO END THE INTERNAL EXILE, WE ARE NOT SURE THE LEFT, PARTICULARLY THE COMMUNISTS, WILL BE CRAZY ABOUT THE DEAL. THE CDT'S REACTION IS ALSO PROBLEMATIC. HOWEVER, WE WILL NOT KNOW
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PAGE 02 SANTIA 03811 02 OF 02 181645Z

WHETHER OR NOT BUSTOS' SUPPORTERS BELIEVE THEY CAN COMMIT THEMSELVES TO THIS UNTIL WE ASK. WE WOULD SUGGEST, HOWEVER, THAT SENDING AFL/CIO EMISSARIES FROM WASHINGTON TO EXPLORE THE ISSUE WITH THE CUT AND CDT WOULD INVITE TOO MUCH UNWELCOME ATTENTION. ANY HINT OR SPECULATION THAT A GSP FOR BUSTOS AND MARTINEZ DEAL IS IN THE WORKS WILL QUEER THE WHOLE DEAL. WE WOULD PROPOSE, INSTEAD, THAT I SOUND OUT THE CHILEAN LABOR LEADERS.

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7. STEP FOUR. NO PROBLEM WITH THIS PRO-FORMA TACTIC.

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TIMING

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8. WE AGREE THAT HAVING A JUNE 1 DEADLINE SHOULD SHARPEN THE FOCUS ON THE ISSUE AND FORCE QUICK DECISIONS. OBVIOUSLY, IF GSP RESTORATION IS TO SERVE ANY PURPOSE AS A COUNTER-WEIGHT, EVEN IF ONLY PSYCHOLOGICAL, TO THE FRUIT CRISIS, THE SOONER IT IS DONE THE BETTER. BEFORE WE INITIATE ANY DISCUSSIONS WITH ANY OF THE PLAYERS, HOWEVER, WE SUGGEST WE WAIT UNTIL AFTER THE APRIL 18 NATION-WIDE STRIKE CALLED FOR BY THE CUT. ITS FIRST STATED OBJECTIVE IS THE RELEASE OF BUSTOS AND MARTINEZ, AND IS THE KIND OF PUBLIC PRESSURE PINOCHET ALWAYS RESISTS. IF THE STRIKE IS SUCCESSFUL (NOT LIKELY) OR VIOLENT (POSSIBLE), PINOCHET IS NOT LIKELY TO ACCEPT ANY DEAL. (SEPTEL FOLLOWS ON STRIKE PROSPECTS.) HE MIGHT BE MORE RECEPTIVE IF THE STRIKE FIZZLES. IF THE POST-STRIKE ATMOSPHERE IS PROPITIOUS, WE WOULD LIKE TO BEGIN FOLLOWING THE STRATEGY AS SOON
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PAGE 03 SANTIA 03811 02 OF 02 181645Z

AS POSSIBLE. GILLESPIE

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Chile Project (#8199900050)
U.S. Department of State
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Declassify: In Part ____ In Full X
Exemption(s) ____

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United States Department of State

Washington, D. C. 20520

APR 1989

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BRIEFING MEMORANDUM

SECRET UNCLASSIFIED

S/S

TO: P - Mr. Kimmitt

FROM: ARA - Michael G. Kozak, Acting

SUBJECT: Your Meeting with Chilean Ambassador-designate Octavio Errazuriz on April 20 at 3:00 in your office.

I. PURPOSE

- Ambassador-Designate Errazuriz requested this meeting as a courtesy call but he will probably also express his Government's concerns about the continuing impact caused by the disruption of Chilean fruit exports to the U.S.
- Our purpose in this meeting is to underscore our continuing support for the process of democratic transition, stress that we acted responsibly and cooperated fully with the GOC on the fruit crisis, and note concern for lack of progress on the Letelier murder case.
- Errazuriz has yet to present his credentials to the President but should do so shortly.

II. KEY POINTS

- Chile's Transition to Democracy.

  --As a result of the October 1988 plebiscite, in which Chilean voters rejected Pinochet's bid to remain in power for eight more years, elections will be held on December 14, 1989.

  --Pinochet is prohibited by the constitution from being a candidate, may stay on as Army chief.

  --There is little doubt that Pinochet wishes to remain in power, although his possibilities of doing so are remote because of constitutional limitations and lack of support within the Armed Forces for taking extra-legal steps.

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--Political groups in Chile have for several months been involved in the process of naming candidates for president and congress and in drawing up political platforms.

--The 16 political parties which united against Pinochet for a "no" vote in the plebiscite may run a single candidate for president, the Christian Democrat leader Patricio Aylwin.

--Conservative, pro-GOC parties are attempting to launch Pinochet's ex-Finance Minister Hernan Buchi as a candidate. Support for Buchi in all conservative circles is not yet certain.

--Legislation governing the size and configuration of electoral districts and the procedure for electing senators and deputies has not yet been promulgated but is expected soon.

--Other important considerations which must be dealt with in the near future are constitutional reform, the nature of civil-military relations, and the thorny issue of whether members of the Chilean Armed Forces should be subject to judicial proceedings for human rights abuses.

--While the transition to democracy is proceeding as scheduled, several hurdles must be cleared prior to and after the newly-elected government takes office in March, 1990 in order for democratic rule to be consolidated.

o Chile's Dynamic Economy

--Chile's economy has been a success story, performing very well in the past five years.

--Fueled by a dynamic private sector and diversified exports, the economy has grown at a rapid pace. Inflation and unemployment are low, the country enjoys a very favorable balance of trade, and scheduled interest payments on the large foreign debt have been met.

--We have encouraged all political parties in Chile to preserve the free market policies which made these gains possible, while at the same time realizing that they will be under pressure to better distribute the fruits of this prosperity.

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o The Fruit Crisis

--The five-day ban on Chilean fruit exports to the U.S. imposed by the FDA because of the discovery of several poisoned grapes resulted in serious losses to the Chilean economy and a wave of anti-Americanism not seen in Chile since the days of the Allende regime in the early 1970s.

--Final figures may never be clear, but cautious estimates indicate that the episode will cost the Chilean economy at least US $100 million, far less, however, than original estimates.

--The GOC has requested that the USG take action to alleviate the damage suffered from the disruption, including the difficult steps of moving back the date of the USDA marketing order on Chilean grapes, reinstating Chile's GSP privileges (suspended by President Reagan in 1987 because of worker rights problems), inspecting fruit in Chile rather than the U.S., and supporting special loans to Chile from the MDBs.

--USDA did not change the marketing order date and positive action on the other steps appears unlikely, but we are engaged in a cordial dialogue with the Chilean Ambassador and are reviewing other possible steps.

--We have urged USDA and FDA to make every feasible effort to facilitate the inspection of Chilean fruit at port of arrival. While both have reacted positively, the GOC still desires more dramatic action and US assistance.

o The Letelier Case

--The 1976 political murder of former Chilean Foreign Minister Orlando Letelier and his U.S. assistant in Washington D.C., ordered by high GOC officials who are still under indictment by a U.S. court and living in Chile, has remained a source of bilateral tension for many years.

--After many fruitless efforts to obtain the cooperation of the GOC in bringing justice to the case, on January 12, 1989 we invoked a 1914 bilateral treaty with Chile which calls for the establishment of an international commission to determine responsibility for the crime.

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--The GOC is attempting to sidetrack this effort through stalling tactics aimed at avoiding the convocation of the commission.

--Congress is interested in the case and may take action of its own against the GOC if the treaty process does not produce results.

III. PARTICIPANTS

U.S.

Mr. Kimmitt
DAS Michael M. Skol
P - Stephen Tomchik
ARA/SC - notetaker

Chile

Amb.-Des. Errazuriz
DCM Demetrio Infante

IV. PRESS COVERAGE

None

Attachments

Tab 1 - Talking Points
Tab 2 - Biographic sketch of Amb.-Des. Errazuriz
Tab 3 - Economic Fact Sheet

drafted: ARA/EC - PDeShazo:lt
SUBJECT: 4/17/69

clearances: ARA/EC - RHowell
ARA - RStoltz

04/19/89

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E.O. 12356: N/A
TAGS: CJAN, CASC, AMGT, CI
SUBJ: REQUEST FOR APPROVAL OF LEGAL SERVICES

REF: SANTIAGO 2534

1. REFTEL REQUESTED DEPARTMENT'S APPROVAL TO OBTAIN LEGAL SERVICES IN ORDER TO PRESS FOR A CONTINUATION OF THE INVESTIGATION INTO THE DISAPPEARANCE OF USCIT BORIS WEISFEILER.

2. POST WOULD APPRECIATE A PROMPT RESPONSE.
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PAGE 01 SANTIA 03881 01 OF 05 201611Z
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AMEMBASSY MONTEVIDEO

LIMITED OFFICIAL USE SECTION 01 OF 05 SANTIAGO 03881

MEXICO FOR ARNOLD CHACON

E.O. 12356: N/A
TAGS: KPRP, PGOV, CI
SUBJ: PASSAGE OF ELECTORAL LAW SPURS FORMATION OF ELECTORAL PACTS

REFS: (A) SANTIAGO 3176, (B) MARCH 31 MEMCON ROE/JUAN IGNACIO GARCIA, (C) 88 SANTIAGO 9253

1. (LOU) SUMMARY: ON APRIL 11 THE JUNTA APPROVED LEGISLATION ON ELECTION DISTRICTING WHICH PERMITS ELECTORAL PACTS BETWEEN POLITICAL PARTIES, ELIMINATES RESIDENCE REQUIREMENTS AND LIFTS THE PROHIBITION AGAINST MAYORS, MINISTERS, UNION AND PROFESSIONAL LEADERS RUNNING AS CANDIDATES FOR THE

1989 CONGRESSIONAL ELECTIONS. IT ESTABLISHES A BI-NOMINAL ELECTION SYSTEM WHEREBY THE TWO HIGHEST VOTE-GETTERS WILL BE ELECTED AS DEPUTIES AND SENATORS IN EACH OF 60 LEGISLATIVE DISTRICTS AND 13 REGIONS. THE SANTIAGO METROPOLITAN REGION, WHICH UNDER EARLIER VERSIONS WOULD HAVE ELECTED 48 DEPUTIES FROM 24 DISTRICTS, IS REDUCED TO 16

n/a
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DISTRICTS. THE OPPOSITION STRONGLY CRITICIZED THE GOVERNMENT FOR CARVING UP THE ELECTION DISTRICTS TO FAVOR AREAS IN WHICH THE SI-VOTE PREVAILED, BUT STILL EXPECTS TO WIN THE MAJORITY OF HOUSE SEATS. PASSAGE OF THE LEGISLATION NOW PUTS ADDITIONAL PRESSURE ON THE PARTIES OF THE CENTER-LEFT COALITION (COPODE) AND THE CONSERVATIVE PARTIES WHICH HAVE INTENSIFIED THEIR RESPECTIVE NEGOTIATIONS ON JOINT SLATES OF CANDIDATES.

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ELECTION SYSTEM BILL APPROVED

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2. (U) AFTER EIGHT MONTHS OF REVISIONS, ON APRIL 11 THE JUNTA FINALLY APPROVED LEGISLATION THAT DETERMINES THE DISTRICTING FOR CONGRESSIONAL ELECTIONS AND THE RULES BY WHICH POLITICAL PARTIES CAN FORM COMMON ELECTORAL SLATES. RATHER THAN PASS A SEPARATE ELECTION DISTRICTING BILL, THE JUNTA DECIDED TO INTRODUCE A SERIES OF MODIFICATIONS TO THE LAWS GOVERNING POLITICAL PARTIES AND VOTING SCRUTINY, TOGETHER WITH AN "INTERPRETIVE" LAW ON THE CONSTITUTION. THE LEGISLATION MUST NOW BE APPROVED BY THE CONSTITUTIONAL TRIBUNAL, WHICH IS EXPECTED TO MAKE A RULING SHORTLY.
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PAGE 03 SANTIA 03881 01 OF 05 201611Z

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3. (U) AS EXPECTED, THE LEGISLATION REPLACES THE PRE-1973 PROPORTIONAL REPRESENTATION SYSTEM WITH A BI-NOMINAL MAJORITY SYSTEM AIMED AT CONSOLIDATING CHILE'S NUMEROUS SMALLER PARTIES INTO A FEW MAJOR BLOCS. AS MANDATED BY THE CONSTITUTION, IT CREATES 60 DISTRICTS FOR THE HOUSE OF DEPUTIES, PROVIDING FOR THE ELECTION OF 120 DEPUTIES. THE THIRTEEN REGIONS ARE TO BECOME SENATORIAL DISTRICTS, PROVIDING FOR 26 ELECTED SENATORS. (THE PREVIOUS CONGRESS HAD 50 ELECTED SENATORS AND 150 DEPUTIES.) EACH LEGALIZED PARTY OR PACT CAN PRESENT A LIST OF TWO CANDIDATES PER DISTRICT OR REGION. ON THE BALLOT, VOTERS WILL MARK ONE CANDIDATE FOR EACH CHAMBER.

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4. (U) A TOTAL VOTE COUNT WILL BE MADE FOR EACH INDIVIDUAL CANDIDATE, AND FOR EACH PARTY LIST. IF THE LEADING PARTY GARNERS MORE THAN DOUBLE THE VOTE OF THE SECOND PLACE LIST, IT WINS BOTH SEATS IN THE DISTRICT. (THE MAGIC NUMBER WOULD BE 66.7 PERCENT IN

CASE ONLY TWO LISTS WERE IN COMPETITION.) IF THE TOP PARTY'S VOTE COUNT IS EQUAL TO OR LESS THAN DOUBLE THAT OF THE RUNNER UP PARTY'S LIST, THEN THE LEADING CANDIDATE FROM EACH PARTY IS ELECTED. IN CASE TWO OR MORE LISTS SHOULD TIE FOR SECOND PLACE, THE INDIVIDUAL CANDIDATE WITH THE MOST VOTES WINS THE OTHER SEAT.

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CARVING UP THE PIE

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5. (U) AFTER HAVING CONSIDERED THREE DIFFERENT PROPOSALS FOR SETTING ELECTION DISTRICT BOUNDARIES, THE JUNTA FINALLY OPTED FOR A PLAN WHICH

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PAGE 04 SANTIA 03881 01 OF 05 201611Z

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PAGE 01 SANTIA 03881 02 OF 05 201613Z
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INFO AMEMBASSY BRASILIA
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MEXICO FOR ARNOLD CHACON

E.O. 12356: N/A

TAGS: KPRP, PGOV, CI
SUBJ: PASSAGE OF ELECTORAL LAW SPURS FORMATION

SUBSTANTIALLY INCREASES THE REPRESENTATION FOR RURAL AREAS. NATIONAL ELECTION SERVICE (SEN) DIRECTOR JUAN IGNACIO GARCIA INFORMED US THAT EARLIER VERSIONS GAVE SOME CONSIDERATION TO ONE-MAN, ONE-VOTE CRITERIA, TRYING TO CREATE DISTRICTS WHICH APPROXIMATED 100,000 INHABITANTS (REF B). THE LAW THAT FINALLY EMERGED HAS EXTREMELY WIDE VARIATIONS IN POPULATION SIZE. ALTHOUGH THE NATIONWIDE AVERAGE IS ONE DEPUTY FOR EACH 106,235 INHABITANTS, THE SANTIAGO METROPOLITAN REGION WILL HAVE ONE DEPUTY FOR EACH 157,000 PEOPLE, LIMITED OFFICIAL USE

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PAGE 02 SANTIA 03881 02 OF 05 201613Z

WHILE THE CONSERVATIVE NINTH AND TENTH REGIONS WILL HAVE ONE FOR EACH 76,000 INHABITANTS. WITH 40 PERCENT OF THE NATIONAL ELECTORATE, SANTIAGO WILL HAVE ONLY 26 PERCENT OF THE HOUSE SEATS, WHILE THE LESS POPULATED REGIONS (WHERE PRESIDENT PINOCHET HAD THE STRONGEST SUPPORT IN OCTOBER) WILL ELECT TWICE THEIR PROPORTIONAL SHARE OF DEPUTIES.

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RULES ON PACTS AND CANDIDATES

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6. (U) IN ANOTHER CONTROVERSIAL STEP, THE LAW CITES TWO TRANSITORY ARTICLES OF THE CONSTITUTION, AND STATES THAT THE RESIDENCY AND EDUCATIONAL REQUIREMENTS IN ARTICLES 44 AND 46 OF THE CONSTITUTION WILL NOT APPLY FOR THE FIRST PARLIAMENTARY ELECTIONS SCHEDULED FOR 1989. IN LIKE MANNER, IT DECLARES INAPPLICABLE FOR THE FIRST NATIONAL ELECTION THE RESTRICTIONS IN CONSTITUTIONAL ARTICLE 54, WHICH PROHIBITS MINISTERS OF STATE, MAYORS, GOVERNORS, SUPREME COURTS JUSTICES, OTHER PUBLIC OFFICIALS, UNION AND PROFESSIONAL LEADERS FROM RUNNING FOR OFFICE AS DEPUTY OR SENATOR.

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7. (U) UNDER THE NEW RULES, PACTS CAN BE FORMED BETWEEN TWO OR MORE POLITICAL PARTIES UNDER THE FOLLOWING CONDITIONS:

- MEMBER PARTIES MUST FORMALLY REGISTER THE PACT WITH THE NATIONAL ELECTIONS SERVICE BEFORE THE JULY 11 CANDIDATE FILING DEADLINE. IN DOING SO THEY MUST DECLARE THAT THEY ARE AKIN IN THEIR STATEMENTS OF

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PAGE 03 SANTIA 03881 02 OF 05 201613Z

PRINCIPLES, AND SUBMIT THEIR CANDIDATE LISTS.

- THE PACT APPLIES TO ALL REGIONS IN WHICH ONE OF MORE CONSTITUENT PARTIES ARE LEGALLY CONSTITUTED. EACH PACT CAN PRESENT UP TO TWO CANDIDATES PER REGION OR DISTRICT, IN ALL SUCH REGIONS.

- MEMBER PARTIES CANNOT JOIN ANOTHER COALITION WITHOUT NULLIFYING THE ORIGINAL PACT.

- CANDIDATES PRESENTED IN EACH REGION MUST BE MEMBERS OF CONSTITUENT PARTIES LEGALLY CONSTITUTED THEREIN, OR ELSE INDEPENDENTS WHO HAVE NOT BEEN AFFILIATED WITH ANY POLITICAL PARTY WITHIN TWO MONTHS PRIOR TO THEIR FILING WITH THE SEN.

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PUBLIC REACTIONS

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8. (U) ASKED ABOUT THE JUNTA'S EARLIER INTENTION TO TIGHTEN UP THE RULES FOR POLITICAL PACTS BETWEEN IDEOLOGICALLY COMPATIBLE PARTIES, SENIOR JUNTA MEMBER ADMIRAL MERINO SAID THEY DECIDED TO LET IT BE, SINCE NEARLY ALL THE PARTIES STATE SIMILIAR PRINCIPLES IN THEIR FOUNDING DOCUMENTS. HE NOTED THAT THE RULES FOR CANDIDATE QUALIFICATIONS WERE LIBERALIZED BY LOWERING THE MINIMUM TIME OF MEMBERSHIP IN THE SPONSORING PARTY TO TWO MONTHS. HALTINGLY, HE DEFENDED THE ELIMINATION OF RESIDENCE REQUIREMENTS AND OTHER RESTRICTIONS ON CANDIDATES IN THE CONSTITUTION, SAYING SIMPLY THAT THERE WAS NO OTHER WAY TO GO.

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9. (U) THE PROPOSED LAW HAS BEEN ROUNDLY CRITICIZED

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PAGE 04 SANTIA 03881 02 OF 05 201613Z

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MEXICO FOR ARNOLD CHACON

E.O. 12356: N/A
TAGS: KPRP, PGOV, CI
SUBJ: PASSAGE OF ELECTORAL LAW SPURS FORMATION

FOR DISCARDING THE PROPORTIONAL ELECTION SYSTEM, FOR CHANGING THE CONSTITUTION BY FIAT, AND MOST ESPECIALLY FOR POLITICALLY BIASED APPORTIONMENT. PDC VICE PRESIDENT ANDRES ZALDIVAR CALLED IT A "PERVERSE LAW", WHICH UNDOUBTEDLY MUST BE CHANGED BY THE FIRST DEMOCRATIC CONGRESS. PPD PRESIDENT RICARDO LAGOS POINTED OUT THAT THE 20 LEAST POPULATED DISTRICTS, WHOSE ONE AND A HALF MILLION VOTERS WILL ELECT 40 DEPUTIES, VOTED 47 PERCENT NO IN THE 1988 PLEBISCITE, WHEREAS ANOTHER ONE AND A HALF MILLION VOTERS WILL
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PAGE 02 SANTIA 03881 03 OF 05 201614Z

ELECT ONLY 14 DEPUTIES IN DISTRICTS WHERE THE NO WON BY 61 PERCENT. HE ADDED THAT "JUST THE SAME WE'LL PLAY BY THESE RULES AND WIN IN DECEMBER".

10. (U) PDC ELECTION EXPERT ERIC CAMPANA SAID THE "UNCONSTITUTIONAL" ELIMINATION OF PROHIBITIONS AGAINST GOVERNMENT OFFICIALS BEING CANDIDATES WAS

DONE SIMPLY TO PERMIT MINISTRY AND OTHER GOC SPOKESMEN TO RUN FOR ELECTIONS IN THE CONGRESS. HE WORRIED THAT IF THE CONSTITUTIONAL TRIBUNAL APPROVED THIS PART OF THE LAW, IT COULD LEAD TO MORE UNDEMOCRATIC GOC MEASURES IN THE FUTURE. OTHER OPPOSITION LEADERS POINTED OUT THE IRONY OF THE GOVERNMENT INSISTING ON OTHERS RESPECTING THE LETTER OF A CONSTITUTION WHICH IT DID NOT UPHOLD, AND SAID THIS WOULD PAVE THE WAY FOR A DEMOCRATIC GOVERNMENT TO MAKE DEEP-GOING REFORMS. SERGIO MOLINA, COORDINATOR OF THE FREE ELECTIONS COMMITTEE (CEL), SAID THE CEL WOULD MAKE A PRESENTATION TO THE CONSTITUTIONAL TRIBUNAL CRITICIZING THE LAW FOR ITS ILLEGAL "REINTERPRETATION" OF THE CONSTITUTION AND THE COMPLETE LACK OF RESPECT FOR PRINCIPLES OF EQUAL REPRESENTATION IN ITS DISTRICTING SYSTEM.

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THE CONSTITUTION AND THE LAW

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11. (U) THE CONSTITUTIONAL TRIBUNAL WILL SURELY TAKE A CLOSE LOOK AT THE MANNER IN WHICH THE PROPOSED LAW CHANGES THE APPLICATION OF THE CONSTITUTIONAL RESTRICTION ON RUNNING FOR OFFICE. GIVEN THE RECENT PRO-PINOCHET APPOINTMENTS TO THE TRIBUNAL (REF
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PAGE 03 SANTIA 03881 03 OF 05 201614Z

SANTIAGO 3376), THE JUSTICES MAY WELL DECIDE TO GO ALONG IN THE END. HOWEVER, THERE IS SOME POSSIBILITY THAT THE GOC COMMISSION ON CONSTITUTIONAL REFORM WILL APPROVE A REFORM PACKAGE WHICH INCLUDES EXPANDING THE NUMBER OF ELECTED SENATORS. SHOULD THAT HAPPEN, THE LAW WILL HAVE TO GO BACK TO THE DRAWING BOARDS ONCE MORE.

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SHOTGUN LEGISLATION

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12. (LOU) COMMENTS: THE LEGISLATION'S TURBULENT HISTORY REVEALS HOW DIFFICULT IT IS TO ACHIEVE CONSENSUS WITHIN THE PINOCHET REGIME. FOR OVER THREE YEARS THE ELECTIONS SYSTEM BILL WAS STALLED IN THE EXECUTIVE BRANCH DUE TO AN ON-GOING DEBATE AMONG CONSERVATIVE POLITICIANS OVER THE VIRTUE OF PROPORTIONAL REPRESENTATION VERSUS THE MODIFIED

MAJORITY VOTE SYSTEM WHICH WAS FINALLY ADOPTED. ELECTORAL ALLIANCES WERE ANOTHER STICKY ISSUE. PINOCHET OPPOSED ACCEPTING PACTS AT EVERY TURN, UNTIL IT BECAME PAINFULLY CLEAR THAT THE PRO-GOVERNMENT PARTIES COULDN'T UNITE FOR CONGRESSIONAL ELECTIONS WITHOUT ALLOWING THEM.

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13. (LOU) APPORTIONMENT PROVED TO BE JUST AS DIFFICULT. PRESSED ON THE FAIRNESS ISSUE, INTERIOR MINISTER CARLOS CACERES IN JANUARY PRESENTED A DRAFT REDISTRICTING PROPOSAL WHICH WOULD HAVE INCREASED THE REPRESENTATION OF THE SANTIAGO REGION BY 25 PERCENT. HIS DRAFT WAS JUNKED, AND WHEN PINOCHET MADE HIS TRADITIONAL WINTER TOUR TO THE TEMUCO REGION (WHICH GAVE HIM A 54 PERCENT MAJORITY IN THE

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PAGE 04 SANTIA 03881 03 OF 05 201614Z

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PAGE 01 SANTIA 03881 04 OF 05 201615Z
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MEXICO FOR ARNOLD CHACON

E.O. 12356: N/A

TAGS: KPRP, PGOV, CI
SUBJ: PASSAGE OF ELECTORAL LAW SPURS FORMATION

PLEBISCITE), HE ANNOUNCED THAT THE AREA WOULD SEND TWO MORE DEPUTIES TO THE NEW CONGRESS. WITH ALL THE INTERNAL CONFLICTS, THE LEGISLATION WOULD HAVE NEVER EMERGED WERE IT NOT THAT THE REGIME SIMPLY RAN OUT OF TIME TO ORGANIZE FOR THE 1989 ELECTIONS. THE RESULT WAS SUCH A MISHMASH THAT THE NEW PARLIAMENT WILL PROBABLY MAKE IT ITS FIRST ORDER OF BUSINESS TO REDO THE RULES OF THE GAME.

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PAGE 02 SANTIA 03881 04 OF 05 201615Z

UDI DISPOSES

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14. (LOU) THE LEGISLATION ALSO REVEALS THE POWER OF THE INDEPENDENT DEMOCRATIC UNION (UDI) TO LOBBY FOR THE RIGHT WITHIN THE GOVERNMENT. IN HIGHLY UNORTHODOX FASHION, UDI PRESENTED A LAST MINUTE VERSION OF THE BILL WHICH RESHUFFLED THE SANTIAGO METROPOLITAN DISTRICTS IN ORDER TO MAXIMIZE ITS CHANCES TO ELECT DEPUTIES (REF A). THE JUNTA WAS RUFFLED, SINCE THE BILL WAS NOT VETTED BY THE INTERIOR MINISTRY, BUT IN THE END IT ACCEPTED. UDI'S RIVAL, NATIONAL RENEWAL (RN), WANTED A FLEXIBLE APPROACH TO PACTS, PERMITTING EACH PARTY TO CREATE ALLIANCES WITH OTHER POLITICAL ENTITIES WHICH SUITED ITS NEEDS DISTRICT BY DISTRICT. AS THE MORE BROAD-BASED PARTY ON THE RIGHT, THIS WOULD HAVE PERMITTED IT TO HAVE A STRONGER BARGAINING POSITION VIS-A-VIS UDI. BUT THE UDI PREVAILED, AND PACTS MUST BE NATION-WIDE IN CHARACTER. AS "NO" CAMPAIGN CHIEF GENARO ARRIAGADA COMMENTED, "THE RN PROPOSES, BUT UDI DISPOSES."

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FROM ROUT TO STANDOFF?

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15. (LOU) IN PARLIAMENTARY SYSTEMS WHICH ARE NOT PROPORTIONAL IN NATURE, THE ISSUE OF DISTRICT BOUNDARIES AND POPULATION SIZE IS PARAMOUNT. IN THIS CASE, SYSTEMATIC GERRY-MANDERING WAS CARRIED OUT TO GIVE MAXIMUM

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PAGE 03 SANTIA 03881 04 OF 05 201615Z

ADVANTAGE TO CANDIDATES FROM THE RIGHT AND THE PRO-GOVERNMENT SIDE. THE CONSERVATIVE NEWSPAPER EL MERCURIO POINTED OUT ON APRIL 16 THAT IF THE RESULTS OF THE OCTOBER 5 PLEBISCITE WERE REPEATED IN DECEMBER 1989, THE OPPOSITION COALITION (COPODE) AND THE PRO-GOVERNMENT PARTIES WOULD EACH WIN HALF OF THE SEATS IN THE HOUSE AND SENATE.

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THE MATTHEW EFFECT

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16. (LOU) HOWEVER,MANY VARIABLES WILL INTERVENE TO MAKE THE CONGRESSIONAL ELECTIONS A DIFFERENT KIND OF HORSE RACE. THE RN AND THE UDI, AS THE STRONGEST PARTIES ON THE RIGHT, ARE STILL NEO-PHYTES IN COMPARISON TO THE ORGANIZATIONAL STRUCTURE, EXPERIENCE AND HISTORICAL TRADITIONS OF THE CHRISTIAN DEMOCRATIC AND SOCIALIST PARTIES, THE TWO STRONGEST ELEMENTS WITHIN THE COPODE. ANOTHER TWIST IS THAT ALL PARLIAMENTARY ELECTION SYSTEMS -- WHETHER PROPORTIONAL OR NOT -- FAVOR THE LARGEST POLITICAL PARTY OR ALLIANCE. THOSE POLITICAL ORGANIZATIONS THAT GARNER THE LION'S SHARE OF THE VOTE TEND TO WIN LEGISLATIVE SEATS IN EVEN GREATER PROPORTION THAN THEIR PROPORTION OF THE VOTE. POLITICAL SCIENTISTS CALL THIS RESULT THE "MATTHEW EFFECT," AFTER THE BIBLICAL INJUNCTION THAT THOSE THAT HAVE SHALL GET, THOSE THAT DON'T, SHALL LOSE.

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STILL THE FAVORITES

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PAGE 04 SANTIA 03881 04 OF 05 201615Z

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PAGE 01 SANTIA 03881 05 OF 05 201615Z
ACTION ARA-00

INFO	LOG-00	ADS-00	INR-07	SS-00	CIAE-00	EB-00	DODE-00
	H-01	NSCE-00	NSAE-00	COME-00	HA-09	L-03	TRSE-00
	PM-10	PA-01	OMB-01	SIL-01	INM-07	INRE-00	RP-10
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FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 0968
INFO AMEMBASSY BRASILIA
AMEMBASSY BUENOS AIRES
AMEMBASSY LA PAZ
AMEMBASSY LIMA
AMEMBASSY MEXICO
AMEMBASSY MONTEVIDEO

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MEXICO FOR ARNOLD CHACON

E.O. 12356: N/A
TAGS: KPRP, PGOV, CI
SUBJ: PASSAGE OF ELECTORAL LAW SPURS FORMATION

17. (LOU) ELECTION EXPERTS AGREE THAT THE OPPOSITION COALITION HAS A GOOD CHANCE OF WINNING AROUND 60 PERCENT OF THE HOUSE OF DEPUTIES, OR AT LEAST 72 SEATS. IN 17 DISTRICTS WHERE THE NO WON THE PLEBISCITE BY 60 PERCENT OR MORE, COPODE CANDIDATES MAY BE ABLE TO WIN BOTH HOUSE SEATS. IN THE SENATE, IT MAY BE ABLE TO TAKE TWO SEATS IN THE METROPOLITAN AND SECOND REGIONS, AND COULD WIN FROM 14 TO 16 SEATS OUT OF 26 ELECTED
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PAGE 02 SANTIA 03881 05 OF 05 201615Z

SENATORS, CERTAINLY MORE THAN HALF.
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PRESSURE'S ON TO PACT
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18. (LOU) OF COURSE, THESE CALCULATIONS ARE

MADE ON THE ASSUMPTION THAT COPODE WILL SUCCEED IN FORMING A SINGLE PARLIAMENTARY LIST. NOW THAT THE LEGISLATIVE BOUNDARIES ARE FIXED, PARTY CHIEFS ARE GOING CASE BY CASE TO TRY AND DETERMINE WHICH POLITICAL ENTITY HAS THE STRONGEST BASE OR ELSE WHICH NATIONAL STARS CAN MAKE THE BEST CAMPAIGN IN GIVEN DISTRICTS. ADJUDICATING THE CONFLICTING CLAIMS WITH AN ABUNDANCE OF CANDIDATES EAGER TO MAKE THEIR MARK IN CHILE'S FIRST CONGRESS AFTER 16 YEARS WILL BE A MONUMENTAL TASK. MOST LIKELY AT THIS POINT IS A COPODE PACT WHICH WILL EXTEND FROM THE LIBERAL ALLIANCE (PAC) ON THE RIGHT TO THE PPD ON THE LEFT. THERE MAY ALSO BE A GENTLEMEN'S AGREEMENT TO HAVE THE LEFT-WING PARTY PAIS RUN SEPARATE CANDIDATES IN A NUMBER OF THEIR BEST DISTRICTS UNOPPOSED BY COPODE SLATES. ON THE RIGHT, THE PARTIES ARE IDEOLOGICALLY CLOSER, BUT POLITICALLY MORE UNCOMFORTABLE ABOUT WORKING IN CONCERT. BY EARLY MAY, THE PACTS SHOULD TAKE CLEARER SHAPE. GILLESPIE

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INCOMING TELEGRAM

PAGE 01 SAN JO 05082 212319Z 0895
ACTION ARA-00

INFO LOG-00 ADS-00 INR-07 SS-00 OIC-02 CIAE-00 DODE-00
H-01 IO-10 NSCE-00 NSAE-00 HA-09 L-03 TRSE-00
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TO SECSTATE WASHDC 0229
INFO AMEMBASSY SANTIAGO
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Chile Project (#S199900030)
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Exemption(s) ____

~~C O N F I D E N T I A L~~ SAN JOSE 05082

E.O. 12356: DECL: OADR
TAGS: PHUM, UNHRC-1, CI, CS
SUBJECT: FERNANDO VOLIO STEPS DOWN AS UN SPECIAL RAPPORTEUR FOR HUMAN RIGHTS IN CHILE

1. (U) FERNANDO VOLIO HAS RESIGNED HIS POSITION AS UN SPECIAL RAPPORTEUR FOR HUMAN RIGHTS IN CHILE. VOLIO TOLD REPORTERS APRIL 18 THAT HIS RESIGNATION IS DUE TO HEALTH PROBLEMS WHICH RESULTED IN CARDIAC SURGERY LAST DECEMBER. VOLIO EVIDENCED SATISFACTION IN THE RESULTS OF HIS LABORS IN CHILE, AND INDICATED HIS INTEREST IN WORKING AGAIN WITH THE UN ONCE HE REGAINS HIS HEALTH.

2. (U) VOLIO WAS CITED AS STATING THAT MORE REMAINS TO BE DONE IN THE FIELD OF HUMAN RIGHTS IN CHILE, ESPECIALLY CONCERNING MILITARY JUSTICE AND CHARGES OF TORTURE. HE LAMENTED THAT DURING HIS SERVICE AS SPECIAL RAPPORTEUR "THERE WAS NEITHER STIMULUS FOR NOR RECOGNITION OF MY EFFORTS."

3. (C) VOLIO INFORMED POLOFF APRIL 21 THAT HE REGRETTED HAVING TO STEP DOWN, BUT HIS HEALTH HAD FORCED HIM TO DO SO. STILL SOUNDING WEAK, VOLIO NOTED HIS PLEASURE IN HAVING RECEIVED MESSAGES OF APPRECIATION FOR HIS WORK FROM MANY SOURCES, INCLUDING CHILEAN BISHOPS, THE VICARIATE OF SOLIDARITY, AND THE CHILEAN HUMAN RIGHTS ASSOCIATION. VOLIO DOWNPLAYED THE COMPLAINT REPORTED ABOVE ABOUT LACK OF STIMULUS AND RECOGNITION, NOTING THAT THAT FACT IS WELL KNOWN. "I DIDN'T WORK THINKING OF THE REACTION OF THE (UN HUMAN RIGHTS) COMMISSION," SAID VOLIO. "INSTEAD, I SOUGHT RESULTS, AND I GOT THEM."

4. (C) COMMENT: THE CRUSTY VOLIO IS A MAN GENUINELY COMMITTED TO IMPROVEMENTS IN HUMAN RIGHTS IN CHILE AND ELSEWHERE, AND FIRM IN HIS BELIEF THAT DEMOCRACY IS THE BEST AVENUE TO ACHIEVE THAT GOAL. WITH HIS DEPARTURE CHILEAN DEMOCRATS LOSE A TRUE FRIEND.

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Department of State

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PAGE 02 STATE 127877 4758 ARAJ455
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INFO FILE-01 ORIG-01 ARA-06 ECP-01 OAS-01 PPA-01 DSC-01
DDSC-01 RSC-01 /015 A3 PB

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DRAFTED BY: ARA/SC:P C DESHAZO:PCD
APPROVED BY: P:R M KIMMITT
ARA/SC:R B HOWARD, ARA:M M SKOL, P:S TOMCHIK, S/S:RMUELLER
S/S-O:SMANN

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TO AMEMBASSY SANTIAGO

C O N F I D E N T I A L STATE 127877

E.O. 12356: DECL: OADR
TAGS: PREL, CI
SUBJECT: MEETING OF UNDERSECRETARY KIMMITT WITH CHILEAN AMBASSADOR ERRAZURIZ

1. CONFIDENTIAL, ENTIRE TEXT.

2. SUMMARY: AMBASSADOR ERRAZURIZ CALLED ON UNDERSECRETARY KIMMITT ON APRIL 20. THE PURPOSE OF HIS VISIT, HE STATED, WAS TO UNDERSCORE HIS DESIRE TO WORK CLOSELY WITH THE DEPARTMENT AND USG IN GENERAL TO BUILD AS CONSTRUCTIVE AS POSSIBLE A BILATERAL RELATIONSHIP.

ERRAZURIZ DESCRIBED THE CURRENT POLITICAL AND ECONOMIC SITUATIONS IN CHILE, NOTING THAT THEY BODE WELL FOR A TRANSITION TO FULL DEMOCRACY BOLSTERED BY A STRONG ECONOMY. HE DESCRIBED THE RECENT FRUIT CRISIS IN A LARGELY POSITIVE LIGHT AND URGED THAT THE BILATERAL COOPERATION WHICH MARKED THIS EPISODE BE REPEATED IN OTHER AREAS. HE WELCOMED THE BRADY PLAN AND URGED THAT GOOD DEBTORS SUCH AS CHILE BE GIVEN HIGH PRIORITY FOR FUTURE BENEFITS.

3. KIMMITT SECONDED ERRAZURIZ' SENTIMENTS AND STATED THAT HE LOOKS FORWARD TO AN EXCELLENT WORKING RELATIONSHIP WITH HIM. HE URGED THAT THE USG AND GOC MAINTAIN HONEST AND FRANK DIALOGUE ON ISSUES OF MUTUAL IMPORTANCE. MR. KIMMITT UNDERSCORED THE INTEREST OF PRESIDENT BUSH AND SECRETARY BAKER IN LATIN AMERICA, NOTING THAT HE PERSONALLY WOULD BE CLOSELY INVOLVED IN SOUTH AMERICAN ISSUES. HE ALSO RAISED THE LETELIER CASE WITH ERRAZURIZ, NOTING USG DESIRE TO USE THE 1914 TREATY PROCESS AS A MEANS OF ELIMINATING A NEGATIVE ELEMENT IN BILATERAL RELATIONS THROUGH MUTUAL COOPERATION VIA THE COMMISSION CALLED FOR BY THE TREATY. ERRAZURIZ RESPONDED THAT THE GOC IS STUDYING THE TREATY AND WILL MAINTAIN A COOPERATIVE SPIRIT WITH THE U.S. ON THE SUBJECT. END SUMMARY.

4. UNDERSECRETARY FOR POLITICAL AFFAIRS KIMMITT MET WITH CHILEAN AMBASSADOR OCTAVIO ERRAZURIZ AT THE LATTERS' REQUEST IN THE DEPARTMENT ON APRIL 20. ERRAZURIZ WAS ACCOMPANIED BY DCM INFANTE, MR. KIMMIT BY DAS MICHAEL SKOL, STEPHEN TOMCHIK OF P AND PETER DESHAZO OF ARA/SC. THE MEETING LASTED ABOUT 20 MINUTES.

5. ERRAZURIZ OPENED CONVERSATION BY INTRODUCING HIMSELF TO KIMMITT AND STATING THAT HIS OVERRIDING GOAL IS TO BUILD AN EXCELLENT WORKING RELATIONSHIP WITH THE USG AND THE DEPARTMENT IN PARTICULAR. HE PROVIDED KIMMITT WITH A GENERAL OVERVIEW OF THE CURRENT SITUATION IN CHILE,

PAGE 02 STATE 127877 4758 ARAJ455

STATING THAT THE OCTOBER 5 PLEBISCITE WAS A "MASSIVE" STEP TOWARD FULL DEMOCRACY, A PROCESS WHICH WILL BE COMPLETED BY THE DECEMBER, 1989 ELECTIONS. HE HOPES THAT CHILE WILL ENTER THE 21ST CENTURY AS A DEMOCRACY IN AN ADVANCED STATE OF ECONOMIC DEVELOPMENT. FOCUSING IN ON POLITICS, ERRAZURIZ CLAIMED THAT THE GOC IS GUARANTEEING THAT THE ELECTORAL PROCESS WILL BE OPEN AND CLEAN AND THAT, IN CONSULTATION WITH POLITICAL PARTIES INCLUDING THE

DEMOCRATIC OPPOSITION, IS STUDYING CONSTITUTIONAL CHANGE TO ALLOW FOR GREATER "FLEXIBILITY" IN THE SYSTEM.

6. SINCE THE PLEBISCITE, ERRAZURIZ OBSERVED, THERE HAS BEEN A FRESH LOOK AT CHILE FROM WITHIN THE U.S., WITH THE PERCEPTION BEING MORE POSITIVE. HE HIMSELF STATED THAT IT IS TIME FOR FURTHER NORMALIZATION OF RELATIONS, ESPECIALLY AS PERTAINING TO MILITARY AFFAIRS AND GSP. THE FRUIT CRISIS, HE CLAIMED, TAUGHT BOTH CHILE AND THE U.S. A GOOD LESSON ABOUT HOW TO WORK TOGETHER TO RESOLVE A TOUGH PROBLEM AND THIS COOPERATIVE SPIRIT SHOULD BE APPLIED TO OTHER AREAS. WHILE A "SENSE OF FRUSTRATION" STILL PERSISTS IN CHILE BECAUSE THE U.S. DID NOT RESPOND FAVORABLY TO "REASONABLE REQUESTS" FROM CHILE FOR A CHANGE IN THE MARKETING ORDER, FDA INSPECTIONS IN CHILE, AND A BRIDGE LOAN, BOTH COUNTRIES MUST WORK TO TURN THIS FRUSTRATION INTO SOMETHING MORE POSITIVE, HE SAID.

7. WHILE THE QUESTION OF THE TRANSITION FROM "DICTATORSHIP" TO DEMOCRACY IS A MAJOR CONCERN IN CHILE, OF EQUAL IMPORTANCE IS THE MATTER OF WHAT FUTURE DEMOCRACY IN CHILE WILL LOOK LIKE, ERRAZURIZ STATED. THE THREAT OF A RETURN TO POPULIST PRACTICES AND A SUBSEQUENT WEAKENING OF THE ECONOMY IS ALWAYS PRESENT, THE AMBASSADOR SAID, AND WHILE THE CREATION OF DEMOCRACY IS ALWAYS DIFFICULT IN LATIN AMERICA, THE CRITICAL ISSUE REMAINS ECONOMIC GROWTH. IN THIS SENSE, CHILE WELCOMES THE IDEAS EXPRESSED BY SECRETARY BRADY AND, AS A FERVENT ADHERENT TO THE BAKER PLAN, DESERVES PRIORITY TREATMENT UNDER ANY NEW SCHEME. CHILE IS WELL-KNOWN TO BOTH SECRETARY BAKER AND SECRETARY BRADY, ERRAZURIZ SAID, WHICH MAKES A GOOD BILATERAL RELATIONSHIP VERY POSSIBLE. HE AGAIN PLEDGED TO KEEP OPEN FRANK DIALOGUE WITH HIS "GOOD FRIENDS" AT STATE.

8. UNDERSECRETARY KIMMITT PRAISED ERRAZURIZ' WORDS AND STATED THAT THE USG LOOKS FORWARD TO A GOOD WORKING RELATIONSHIP WITH THE GOC DURING THIS CRUCIAL YEAR IN CHILEAN HISTORY. HE URGED ERRAZURIZ TO TELL CHILE'S STORY OF ECONOMIC SUCCESS AND A TRANSITION DEMOCRACY TO OTHER ELEMENTS IN THE USG AND IN CONGRESS. IN DEALING WITH THE DEPARTMENT, KIMMITT TOLD ERRAZURIZ THAT HE SHOULD FEEL FREE TO EXPRESS HIS IDEAS WITH THE UTMOST FRANKNESS AND TO BE CRITICAL WHENEVER HE WISHES. THE SECRETARY, HE STRESSED, FEELS THAT THE DEPARTMENT HAS A PARTICULAR OBLIGATION TO FOLLOW EVENTS IN LATIN AMERICA. WHILE THE SECRETARY HIMSELF IS INITIALLY FOCUSING ESPECIALLY CLOSELY ON CENTRAL AMERICA, MR. KIMMITT SAID, HE AND OTHERS IN THE DEPARTMENT WILL ALSO PAY SPECIAL ATTENTION TO SOUTH AMERICA.

9. SECONDING ERRAZURIZ' COMMENTS ON THE FRUIT CRISIS, KIMMITT STATED THAT HE SAW MUCH POSITIVE IN THE EPISODE, ESPECIALLY THE CAPACITY OF THE USG AND GOC TO WORK TOGETHER TO OVERCOME DIFFERENCES ON A TOUGH PROBLEM. TO THIS ERRAZURIZ REPLIED THAT HE NOW FEES LIKE A "CLOSE FRIEND" OF FDA COMMISSIONER YOUNG, WITH WHOM HE SPOKE 4 TO 5 TIMES A DAY AT THE HEIGHT OF THE CRISIS. ERRAZURIZ ALSO PRAISED THE DEPARTMENT, WHOSE OFFICIALS WORKED "ROUND THE CLOCK" TO HELP RESOLVE THE CRISIS.

10. KIMMITT ASKED ERRAZURIZ WHAT THE CHILEAN EMBASSY IS BEING TOLD ABOUT THE LETELIER CASE BY CONGRESS. ERRAZURIZ

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RESPONDED BY DESCRIBING THE "POSITIVE PERCEPTION" THAT CHILE NOW ENJOYS ON THE HILL AFTER THE PLEBISCITE, WITHOUT MAKING ANY MENTION WHATSOEVER OF LETELIER. KIMMITT FOLLOWED-UP BY STATING THAT THE REASON FOR INVOKING THE 1914 TREATY WAS TO DEAL IN A CONSTRUCTIVE FASHION WITH A DIFFICULT ISSUE AND TO MAKE CERTAIN THAT THE FRAGILE TRANSITION TO DEMOCRACY NOT BE NEGATIVELY AFFECTED BY THE LETELIER MATTER. THE CASE, KIMMITT NOTED, IS STILL ON PEOPLE'S MINDS IN THE U.S. AND THE DEPARTMENT'S GOAL IN INVOKING THE TREATY WAS TO TURN NEGATIVE PERCEPTIONS OF THE MATTER INTO SOMETHING MORE POSITIVE BY ELICITING THE COOPERATION OF THE GOC IN THE TREATY PROCESS. ERRAZURIZ RESPONDED THAT THE GOC IS CURRENTLY STUDYING THE TREATY QUITE CAREFULLY AND HAS RECENTLY SENT A DIPLOMATIC NOTE ASKING THE U.S. TO ENTER INTO CONSULTATION "IN A CONSTRUCTIVE SPIRIT." BY ALL MEANS, ERRAZURIZ SAID, THE GOC WANTS TO BE "POSITIVE" ON THE CASE. KIMMITT AGAIN STRESSED THE NEED TO "ACCELERATE" THE TREATY PROCESS SO THAT BOTH SIDES CAN RIGHTLY CLAIM THAT THEY ARE MAKING PROGRESS ON THE CASE.

11. MR. KIMMITT STATED HIS INTEREST IN VISITING LATIN AMERICA AND CHILE IN PARTICULAR, WHILE INVITING THE CHILEANS TO CONTINUE TO WORK CLOSELY WITH HIM HERE IN WASHINGTON. AMBASSADOR ERRAZURIZ SAID THAT HE WOULD LIKE TO HOLD A DINNER IN MR. KIMMITT'S HONOR.

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PAGE 01 MEXICO 10602 01 OF 02 242349Z
ACTION OES-09

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TO SECSTATE WASHDC PRIORITY 2914
USMISSION USVIENNA PRIORITY
AMEMBASSY SAN SALVADOR PRIORITY

DEPARTMENT OF STATE IM/IPS/CPP/LT Date: 4-14
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[redacted] SECTION 01 OF 02 MEXICO 10602

USVIENNA FOR UNVIE

E.O. 12356:DECL:OADR
TAGS: TRGY, KNNP, KSCA, MX
SUBJ: CALL ON MEXICAN NATIONAL COMMISSION ON NUCLEAR
- SAFETY AND SAFEGUARDS

1. (U) SUMMARY: JOSEPH DETHOMAS OF OES/NTS CALLED ON MIGUEL MEDINA, HEAD OF THE MEXICAN NATIONAL COMMISSION ON NUCLEAR SAFETY AND SAFEGUARDS (CNSNS) ON APRIL 24, 1989. AMONG THE ISSUES DISCUSSED WERE THE START-UP OF THE LAGUNA VERDE NUCLEAR POWER REACTOR, NRC-CNSNS COOPERATION, IAEA EFFORTS AT INTERNATIONAL COORDINATION IN INTERNATIONAL ACTIVITIES FOR THE HANDLING OF RADIATION SOURCES AND THE TRANSBOUNDARY MOVEMENT OF RADIOACTIVE WASTE, INFORMATION ON PHYSICAL PROTECTION OF NUCLEAR FACILITIES, AND A PROPOSAL FOR A U.S.-MEXICO JOINT SUBCOMMISSION ON NUCLEAR COOPERATION. END SUMMARY.

2. (U) ON APRIL 24, JOSEPH DETHOMAS OF OES/NTS MET WITH MIGUEL MEDINA, HEAD OF THE NATIONAL COMMISSION FOR NUCLEAR SAFETY AND SAFEGUARDS (CNSNS). MEDINA WAS ACCOM-
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PAGE 02 MEXICO 10602 01 OF 02 242349Z

PANIED BY THE COMMISSION'S DIRECTOR FOR INTERNATIONAL RELATIONS, JAVIER ABUD.
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LAGUNA VERDE POWER REACTOR COMES ON LINE

3. (U) MEDINA OPENED THE MEETING STATING THAT HE WAS WORKING FULL TIME ON THE AFTERMATH OF THE START-UP OF THE U.S.-MANUFACTURED LAGUNA VERDE POWER REACTOR. IN WHAT THE MEXICAN PRESS HAS DESCRIBED AS A SURPRISE MOVE, THE GOM COORDINATED THE REACTOR'S PRODUCTION WITH THE NATIONAL ELECTRICAL GRID ON APRIL 13. THE REACTOR IS CURRENTLY PRODUCING 40 MW ELECTRIC. THE MOVE HAS APPARENTLY GENERATED SOME HEAT ON MEDINA SINCE PRESS ACCOUNTS MAINTAIN THAT THE GOM HAD NOT INTENDED TO PUT THE REACTOR ON LINE FOR SIX MONTHS. MEDINA TOLD DETHOMAS THAT THE STARTUP WAS PROCEEDING NORMALLY WITH THE TO-BE-EXPECTED GLITCHES. THE REACTOR SCRAMMED ON APRIL 21 DUE TO A SATURATED DEMINERALIZER AND THERE HAS BEEN A VERY SLIGHT CONTAMINATION OF TWO WORKERS AT THE PLANT.

4. (LOU) MEDINA SAID HE AND THE RELEVANT GOM SUBSECRETARIES WOULD BE GOING TO LAGUNA VERDE LATER THIS WEEK TO DISCUSS THE STATUS OF THE PLANT. HE ALSO SAID THAT PRESIDENT SALINAS DID NOT INTEND TO VISIT THE PLANT IN THE NEAR FUTURE. THE EMERGENCY PLAN FOR THE REACTOR HAS NOT YET BEEN FORMALLY APPROVED BY CNSNS OR THE CIVIL DEFENSE AUTHORITIES, SO THAT THE PLANT MIGHT HAVE TO BE TEMPORARILY SHUT DOWN UNTIL IT IS FORMALLY APPROVED. MEDINA HAD NO ESTIMATE OF WHEN THE REACTOR WOULD GO TO FULL POWER.

5. (C) COMMENT: MEDINA WAS CLEARLY ANNOYED WITH THE SITUATION AT LAGUNA VERDE. IT IS NOT CLEAR WHETHER

PAGE 03 MEXICO 10602 01 OF 02 242349Z

MEDINA'S ANNOYANCE STEMS FROM A DISAGREEMENT OVER THE GOM'S STARTUP OF THE PLANT, OR ON THE RESULTING CRITICISM WITH WHICH HE MUST NOW DEAL. END COMMENT.

NRC-CNSNS COOPERATION

6. (U) MEDINA AND ABUD EXPRESSED SATISFACTION AT THE STATE OF CNSNS-NRC COOPERATION. THEY NOTED SEVERAL COURSES BEING HELD IN THE U.S. WITH STRONG GOM PARTICIPATION. MEDINA AND ABUD SAID THEY WOULD LIKE TO FINALIZE THE NRC-CNSNS INFORMATION EXCHANGE AGREEMENT, BUT THEY WERE NOT SURE WHAT STEPS REMAINED TO BE TAKEN.

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NUCLEAR SAFETY IN THE IAEA

7. (U) IN REPLY TO DETHOMAS' INQUIRY, MEDINA SAID THAT THE THREE EL SALVADORANS, TO WHOM THE IAEA, USG AND GOM PROVIDED MEDICAL ASSISTANCE FOLLOWING A RADIOLOGICAL ACCIDENT, WERE GOING TO SURVIVE. THE LEAST IRRADIATED INDIVIDUAL WAS RELEASED FROM THE HOSPITAL, BUT DID NOT WISH TO RETURN TO EL SALVADOR; THE MOST HEAVILY EXPOSED INDIVIDUAL STILL HAD AN ABNORMAL BLOOD COUNT AND THE PROGNOSIS FOR THE RETENTION OF HIS FEET WAS UNCLEAR; THE INTERMEDIATE EXPOSURE CASE HAS ALSO BEEN RELEASED FROM THE HOSPITAL.

8. (U) DETHOMAS NOTED INCREASING INTERNATIONAL INTEREST IN BETTER MEANS TO PREVENT SUCH ACCIDENTS WITH RADIOACTIVE SOURCES. HE ASKED MEDINA FOR HIS VIEWS ON THE IAEA EFFORT IN THIS AREA. MEDINA SAID THE GOM WOULD CONTINUE A STRONG PARTICIPATION IN THE TECHNICAL MEETINGS ON SOURCES IN VIENNA. HE CALLED DETHOMAS' ATTENTION TO THE FACTS THAT:

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PAGE 01 MEXICO 10602 02 OF 02 242349Z
ACTION OES-09

INFO	LOG-00	ADS-00	INR-07	EUR-00	SS-00	OIC-02	CIAE-00
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TO SECSTATE WASHDC PRIORITY 2915
USMISSION USVIENNA PRIORITY
AMEMBASSY SAN SALVADOR PRIORITY

[redacted] SECTION 02 OF 02 MEXICO 10602

USVIENNA FOR UNVIE

E.O. 12356:DECL:OADR
TAGS: TRGY, KNNP, KSCA, MX
SUBJ: CALL ON MEXICAN NATIONAL COMMISSION ON NUCLEAR
- SAFETY AND SAFEGUARDS

1) MANY LATIN AMERICAN STATES PURCHASED USED RADIOGRAPHY EQUIPMENT WITHOUT PROPER PREVENTATIVE MAINTENANCE; AND 2) MANY STATES IN CENTRAL AND SOUTH AMERICA THAT IMPORT EQUIPMENT AND SOURCES HAVE NO REGULATORY REGIMES IN PLACE. MEDINA ALSO INDICATED THAT THE GOM WAS UPGRADING ITS OWN DOMESTIC REGULATIONS FOLLOWING A RECENT STUDY IT HAD CONDUCTED THAT INDICATED THAT THERE WERE THREE AND ONE-HALF INCIDENTS A YEAR INVOLVING RADIOACTIVE SOURCES IN MEXICO.

9. (U) DETHOMAS ASKED IF THE GOM WOULD PARTICIPATE IN THE MAY IAEA MEETING ON THE TRANDBOUNDARY OF RADIOACTIVE WASTE. MEDINA WAS UNSURE THE CNSNS WOULD SEND A REPRESENTATIVE. HE NOTED THAT GOM LAW FORBIDS THE IMPORT OF RADIOACTIVE WASTE. MEDINA SAID HE WAS MORE CONCERNED ABOUT POTENTIAL CLANDESTINE TRAFFIC THAT MIGHT OCCUR ALONG THE CONFIDENTIAL

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PAGE 02 MEXICO 10602 02 OF 02 242349Z

3000 KM U.S.-MEXICO BORDER, OR THE DELIBERATE FALSE IDENTIFICATION OF WASTE AS IMPORTED INDUSTRIAL GOODS OR RAW MATERIALS.
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PHYSICAL PROTECTION
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10. (LOU) MEDINA ASKED FOR AN UPDATED VERSION OF A SANDIA LABORATORY GUIDE ON THE PHYSICAL PROTECTION OF NUCLEAR POWER REACTORS. ALTHOUGH THE GOM ALREADY STATIONS 300 MARINES AT THE SITE, CNSNS WOULD LIKE TO UPDATE THE DESIGN AND INSTALLATION OF PHYSICAL BARRIERS AND PLANT PROTECTION MEASURES. DETHOMAS SAID THE DEPARTMENT WOULD FOLLOW UP ON HIS REQUEST.

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NUCLEAR SUBCOMMISSION

11. (U) DETHOMAS REMINDED MEDINA THAT THE USG HAD SUGGESTED IN 1988 THAT THE U.S. AND GOM FORM A JOINT NUCLEAR SUBCOMMISSION UNDER THE U.S.-MEXICO S AND T AGREEMENT. THE OBJECT WOULD BE TO BETTER COORDINATE AND EXPAND U.S.-GOM INTERCHANGES ON NUCLEAR ISSUES. MAKING IT CLEAR THAT SUCH A SUBCOMMISSION WOULD NOT SUBSTITUTE FOR EXISTING NRC-CNSNS COOPERATION, DETHOMAS SAID HE HOPED THE CNSNS COULD SUPPRT FORMATION OF SUCH A GROUP. MEDINA SAID HE THOUGHT THE PROPOSAL WAS A GOOD IDEA. (DRAFTED:SCI:JDETHOMAS) GAMBLE

[redacted]

NNNN

*** Current Handling Restrictions *** n/a
*** Current Classification *** [redacted]

UNCLASSIFIED

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SECRET

4/24/87
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Department of State

OUTGOING TELEGRAM

PAGE 01 STATE 127138 1912 ARA2333
ORIGIN ARA-00

ORIGIN OFFICE C1-01
INFO FILE-01 ARA-06 OSC-01 DOSC-01 RSC-01 OFF-01 /012 A2 PB

INFO LOG-00 ADS-00 L-03 /003 R

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DRAFTED BY: ARA/SC: PCOESHAZO
APPROVED BY: ARA: MMSKOL
ARA/SC: RBHOWARD
L/ARA: DCOLSON

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FM SECSTATE WASHDC
TO AMEMBASSY SANTIAGO IMMEDIATE

SECRET STATE 127138

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

E.O. 12356: DECL: OADR
TAGS: PHUM CASC PREL CI
SUBJECT: OFFICIAL-INFORM

1. SECRET, ENTIRE TEXT.

2. THIS IS AN ACTION REQUEST.

3. BELOW ARE TALKING POINTS DEPARTMENT PLANS TO USE IN VERBALLY RESPONDING TO LATEST GOC NOTE ON 1914 TREATY. LEGAL ADVISOR SOFAER/ACTING AS KOZAK PLAN TO CALL AMBASSADOR ERRAZURIZ INTO DEPARTMENT ON APRIL 23 OR EARLY THE FOLLOWING WEEK TO DISCUSS THESE POINTS WITH HIM. WE WILL OFFER TO MEET WITH THE GOC TO DISCUSS THE TREATY PROCESS, AS IT REQUESTS IN ITS NOTE, BUT WILL REQUEST THAT BEFORE THE MEETING TAKES PLACE, THE GOC APPOINT ITS NON-NATIONAL COMMISSION MEMBER AND RESPOND TO THE LIST OF CANDIDATES FOR PRESIDENT THAT WE HAVE PRESENTED THEM. AT THE SAME TIME, WE WILL ATTEMPT TO FIX A DATE FOR OUR MEETING WHICH ALLOWS THE GOC A BRIEF BUT REASONABLE PERIOD OF TIME TO TAKE THESE STEPS.

4. DEPARTMENT REQUESTS YOUR URGENT COMMENTS ON THESE TALKING POINTS, THE LOCATION AND TIMING OF THE MEETING, AND MAKEUP OF OUR DELEGATION.

5. BEGIN TALKING POINTS:

--EARLIER THIS MONTH (APRIL 5) WE RECEIVED YOUR NOTE NUMBER 035. IT STATED THAT THE FOREIGN MINISTRY WAS STUDYING THE SCOPE AND APPLICABILITY OF THE 1914 TREATY, THAT THE MINISTRY'S STUDY TO DATE INDICATED SOME UNCERTAINTY, AND THAT AS A RESULT THE TWO GOVERNMENTS SHOULD MEET IN APRIL TO MAKE A "DETAILED STUDY...OF ALL DIPLOMATIC EXCHANGES BETWEEN THE TWO COUNTRIES AND DOCUMENTATION RELATING TO THE TREATY."

--YOUR NOTE HAS CAUSED US SOME CONCERN.

--WE BELIEVE THAT THE 1914 TREATY AND THE PROCEDURE IT ESTABLISHES OFFER OUR TWO GOVERNMENTS THE MEANS THROUGH WHICH WE CAN ADDRESS THE LETELIER CASE.

--THE LETELIER CASE MUST BE DEALT WITH IN A SATISFACTORY MANNER, AND THE 1914 TREATY PROVIDES THAT OPPORTUNITY.

--YOUR NOTE SUGGESTS UNCERTAINTY AS TO THE SCOPE AND APPLICABILITY OF THE TREATY AND PROPOSES A MEETING TO REVIEW THE HISTORICAL RECORD.

--SOME MIGHT SEE THAT AS A TACTIC FOR DELAY.

STATE 127138 1912 ARA2333

--MOREOVER, THAT SUSPICION IS ENCOURAGED BY THE FACT THAT CHILE HAS NOT TAKEN STEPS ON APPOINTMENTS THAT IT SAID IT WOULD.

--FOR INSTANCE, IN CHILE'S JANUARY 26, 1989 NOTE 1647, IT STATED THAT CHILE WOULD NAME ITS NON-NATIONAL MEMBER OF THE COMMISSION IN THE NEAR FUTURE.

--THIS PROMISE WAS RESTATED BY FOREIGN MINISTER ERRAZURIZ TO AMBASSADOR GILLESPIE ON MARCH 10.

--CHILE HAS STILL NOT APPOINTED A NON-NATIONAL COMMISSION MEMBER.

--MOREOVER, ON FEBRUARY 9, CHILE WAS INVITED TO PRESENT US WITH A LIST OF FOUR CANDIDATES FOR PRESIDENT OF THE COMMISSION BY FEBRUARY 16.

--WE RECEIVED NO RESPONSE.

--ON MARCH 10, AMBASSADOR GILLESPIE PRESENTED FOREIGN MINISTER ERRAZURIZ WITH A LIST OF FOUR CANDIDATES FOR PRESIDENT. THE FOREIGN MINISTER INDICATED WE WOULD RECEIVE A RESPONSE QUICKLY.

--INSTEAD, WE HAVE RECEIVED A NOTE WHICH APPEARS TO QUESTION THE PROCESS.

--IF IT IS YOUR DESIRE, WE ARE PREPARED TO MEET WITH YOU TO HAVE A FULL DISCUSSION OF THE SCOPE, APPLICABILITY, AND OPERATION OF THE TREATY AS IT APPLIES TO THE LETELIER CASE.

--WE WISH TO UNDERSCORE, HOWEVER, THAT WE HAVE NO INTENTION OF GETTING INTO THE KIND OF DETAILED STUDY OF THE TREATY THAT YOUR NOTE APPEARS TO PROPOSE.

--AFTER ALL, THE SCOPE OF THE TREATY IS ULTIMATELY A MATTER FOR THE COMMISSION TO DECIDE.

--THUS, WE BELIEVE IT WOULD FACILITATE MATTERS AND DEMONSTRATE TO THOSE WHO MAY DOUBT CHILE'S INTENTIONS, IF YOU WOULD APPOINT YOUR NON-NATIONAL MEMBER AND RESPOND TO THE LIST OF CANDIDATES FOR PRESIDENT BEFORE OUR MEETING TAKES PLACE.

--THIS WOULD BE A DEMONSTRATION OF GOOD FAITH AND INDICATE CHILE'S WILLINGNESS TO RESOLVE THIS MATTER.

--IF CHILE CONTINUES TO DELAY, WE DO NOT RULE OUT ASKING THE SWISS PRESIDENT TO APPOINT A COMMISSION PRESIDENT AS THE TREATY PROVIDES.

--WE ARE PREPARED TO MEET IN ..... (EMBASSY SUGGESTION).. DURING THE WEEK OF ..... (EMBASSY SUGGESTION).

--OUR DELEGATION WOULD BE LED BY (EMBASSY COMMENT ON APPROPRIATE LEVEL OF DELEGATION).

--WE WANT TO EMPHASIZE AGAIN THAT OUR OBJECTIVE IS TO FIND A SATISFACTORY RESOLUTION OF THE LETELIER CASE.

--WE BELIEVE THE 1914 TREATY OFFERS THAT POSSIBILITY.

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Access #59-96-0723
Box 1 of 11

SECRET

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04/24/89 JE015

Case Number: S1999000030

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

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PAGE 01 SANTIA 04011 241418Z
ACTION ARA-00

INFO	LOG-00	ADS-00	INR-07	SS-00	CIAE-00	DODE-00	H-01
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P 241404Z APR 89
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TO SECSTATE WASHDC PRIORITY 1006
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AMEMBASSY BUENOS AIRES
AMEMBASSY LA PAZ
AMEMBASSY MONTEVIDEO
AMEMBASSY MEXICO

~~C O N F I D E N T I A L~~ SANTIAGO 04011

LA PAZ FOR PAO DANDRIDGE
MEXICO FOR ARNOLD CHACON

E.O. 12356: DECL:OADR
TAGS: PGOV, MARR, CI
SUBJ: JUNIOR OFFICER COMMUNIQUE ON PINOCHET ROUNDLY CRITICIZED

REFS: (A) SANTIAGO 3719, (B) FBIS-PY1804155689

1. (C) SUMMARY: ANOTHER COMMUNIQUE (REF A) ASSERTING A PRIMARY ROLE FOR THE ARMED FORCES IN CHILE, THIS TIME FROM THE "SELF-STYLED" JUNIOR CHILEAN ARMY OFFICER, WAS REJECTED AS FORCEFULLY BY OPPOSITION FIGURES AS HAD BEEN A SIMILAR STATEMENT ON APRIL 10 BY THE ARMY HIGH COMMAND (REF B). THE ARMY HIERARCHY ALSO DENOUNCED IT, APPARENTLY MORE BECAUSE ITS PUBLICATION VIOLATED MILITARY NORMS THAN CONFIDENTIAL

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PAGE 02 SANTIA 04011 241418Z

FOR ITS CONTENT. END SUMMARY.

2. (U) A COMMUNIQUE ISSUED ON APRIL 18 BY "JUNIOR CHILEAN ARMY OFFICERS" REFERS TO THE "SMEAR CAMPAIGN AND ATTACKS" AGAINST PINOCHET WHICH PROMPTED THE ARMY HIGH COMMAND'S COMMUNIQUE

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CHARGING THAT AN ATTACK ON PINOCHET IS CONSIDERED AN ATTACK ON THE ARMED FORCES AS AN INSTITUTION. THE JUNIOR OFFICERS' FURTHER CRITICIZED STATEMENTS BY THE 17-MEMBER COALITION OF PARTIES FOR DEMOCRACY (COPODE) ASSERTING THAT PINOCHET, AS PRESIDENT -- NOT AS COMMANDER-IN-CHIEF OF THE ARMY -- WAS SUBJECT TO THE SAME GIVE AND TAKE AS OTHER POLITICAL FIGURES. THE JUNIOR OFFICERS ASSERTED THAT "PINOCHET IS ONE PERSON. THE MAN WHO HAS DEVOTED HIMSELF TO THE SACRED CAUSE OF THE FATHERLAND...AND ENDURED SUCH VILE ACTIONS AS THE VIOLATION OF HIS PARENTS' GRAVE AND COWARDLY PHYSICAL ATTACKS". THE COMMUNIQUE ASSERTS THAT THE ARMED FORCES HAVE A "CLEAR AND DEFINED POSITION OF PERMANENTLY SAFEGUARDING THE SECURITY OF THE NATION BOTH INSIDE AND OUTSIDE THE COUNTRY," AND SAYS THE OFFICERS WILL DECISIVELY STRUGGLE TO PREVENT ANOTHER MARXIST GOVERNMENT LIKE ALLENDE'S. IN A DIRECT ATTACK ON THE CHRISTIAN DEMOCRATIC PARTY, THE COMMUNIQUE AVERS THAT PDC "PAVED THE WAY FOR (SALVADOR ALLENDE'S) POPULAR UNITY GOVERNMENT TO GAIN POWER"AND THE OFFICERS SAY THEY HAVE THE IMPRESSION ANOTHER ALLENDE IS JUST OVER THE HORIZON. THE COMMUNIQUE LINKS THE FREI GOVERNMENT TO THAT OF THE SOVIET UNION'S KERENSKY GOVERNMENT, WHICH GAVE WAY TO LENIN.
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PAGE 03 SANTIA 04011 241418Z

3. (U) REACTION FROM THE OPPOSITION POLITICAL PARTIES WAS PREDICTABLE. RADICAL PARTY PRESIDENT ENRIQUE SILVA CIMMA (WHO IS THE ACTING SPOKESMAN OF COPODE) CHARACTERIZED THE COMMUNIQUE AS "SEDITIOUS," AND ACTING PDC PRESIDENT ANDRES ZALDIVAR NOTED THE ARMED FORCES SHOULD NOT MEDDLE IN PURELY POLITICAL AFFAIRS. PARTY FOR DEMOCRACY SECRETARY GENERAL JORGE SCHAULSOHN TERMED THE COMMUNIQUE "EXTREMELY GRAVE" AND "CONTRADICTORY TO THE ARMED FORCES' POSITION OF NOT PARTICIPATING IN POLITICAL AFFAIRS."

4. (C) THE REFERENCE TO FREI AND KERENSKY ECHOS A SIMILAR IDEA CONTAINED IN A PAID ADVERTISEMENT IN LA TERCERA'S APRIL 9 EDITION BY THE CHILEAN SOCIETY FOR THE DEFENSE OF TRADITION, THE FAMILY AND PROPERTY (TFP). THE GROUP, WHICH IS BELIEVED TO BE

COMPRISED OF YOUNG AND RADICALLY-CONSERVATIVE CATHOLICS WHO ESPOUSE THE TEACHINGS OF EXCOMMUNICATED FRENCH CARDINAL FEFEBVRE, IS RABIDLY ANTI-CHRISTIAN DEMOCRATIC.

5.(C) COMMENT: THE ARMY'S REJECTION OF THE COMMUNIQUE PROBABLY REFLECTS A DESIRE TO DISCOURAGE INDEPENDENT THOUGHT AND ACTION AMONG JUNIOR OFFICERS. THE STRENGTH OF THE ARMY LIES IN ITS RIGID HIERARCHICAL FORM AND EMPHASIS ON CHAIN-OF-COMMAND AUTHORITY. GILLESPIE

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Case Number: S1999000030

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Chile Project (#S199900030)
U.S. Department of State
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Declassify: In Part _____ In Full X
Exemption(s) _____

PAGE 01 STATE 127415
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DRAFTED BY: ARA/PPC:W J MEAGHER:PAB
APPROVED BY: ARA/FO:M M SKOL
ARA/SC:R B HOWARD ; ARA:R H MELTON , S/S:JELAKE, S/S-O:SMANN
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TO AMEMBASSY SANTIAGO IMMEDIATE

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E.O. 12356: DECL: OADR
TAGS: ELAB, PREL, PHUM, CI
SUBJECT: INFORMAL PROPOSAL TO RECONSIDER GSP FOR CHILE

REF: (A) 89 STATE 113006, (B) 89 SANTIAGO 3811

AT A BRIEF MEETING TODAY TO CONSIDER THE CURRENT STATUS OF OUR STRATEGY FOR RESTORING GSP TO CHILE, WE DECIDED TO DEFER ANY FURTHER ACTION UNTIL WE HAVE HAD AN OPPORTUNITY TO DISCUSS IT WITH YOU DIRECTLY DURING YOUR VISIT TO WASHINGTON, BEGINNING APRIL 29. BY THAT TIME, WE SHOULD

HAVE A BETTER READING OF THE IMPACT WHICH THE FAILED STRIKE AND ITS AFTERMATH HAVE HAD ON THE PLAN'S PROSPECTS FOR SUCCESS AND HOPEFULLY A CLEARER READING ON THE STATUS AND OUTLOOK FOR APPROVAL OF THE PROPOSED LABOR LEGISLATION CITED REFTEL. IF CONDITIONS WARRANT TAKING FURTHER STEPS, YOUR VISIT WOULD PROVIDE AN OPPORTUNITY TO MEET DIRECTLY WITH BILL DOHERTY TO DISCUSS THIS PROPOSAL AND ITS POSSIBLE IMPLEMENTATION.
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PAGE 02 STATE 127415

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TEXT OF TELEGRAM 89SAN SA005220

RELEASED
El Salvador: Human Rights
Special Project (1993)

ADP729 [redacted]

PAGE 01 SAN SA 05220 01 OF 02 251704Z
ACTION INR-07

INFO LOG-00 ADS-00 CIAE-00 ARA-00 NSAE-00 SSO-00 INRE-00
DS-01 SCT-02 /010 W
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O 251700Z APR 89
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 8745
INFO AMEMBASSY GUATEMALA
AMEMBASSY MEXICO
USCINCSO QUARRY HTS PM

[redacted] SECTION 01 OF 02 SAN SALVADOR 05220

ARA/CEN FOR PAT BUTENIS
USCINCSO ALSO FOR POLAD YOULE

E.O. 12356: DECL:OADR
TAGS: PGOV, PINR, PTER, ES
SUBJECT: BIO INFORMATION--FMLN

1. [redacted] ENTIRE TEXT

2. THE FOLLOWING IS BIO INFORMATION ON ANA GUADALUPE MARTINEZ MENENDEZ, SALVADOR RICARDO SAMAYOA LEIVA, ANA MERCEDES DEL CARMEN LETONA PEREZ, MIGUEL ANGEL SAENZ VARELA.

3. ANA GUDALUPE MARTINEZ MENEDEZ

A WELL-KNOWN GUERRILLA LEADER IN THE PEOPLE'S REVOLUTIONARY ARMY (ERP), ANA GUADALUPE MARTINEZ IS ONE OF THE SEVEN MEMBERS OF THE JOINT POLITICAL-DIPLOMATIC COMMISSION OF THE FMLN/FDR. FORMED BY SALVADORAN LEFTISTS IN JANUARY 1981, THE COMMISSION WAS CREATED PRIMARILY TO WORK TOWARD [redacted]

PAGE 02 SAN SA 05220 01 OF 02 251704Z

GAINING INTERNATIONAL SUPPORT FOR THE INSURGENTS. IN MARCH 1982 MARTINEZ TOURED SEVERAL EUROPEAN COUNTRIES TO PUBLICIZE THE FMLN/FDR CAUSE. LATELY MARTINEZ HAS BEEN BASED IN MANAGUA. IN FEBRUARY 1989, SHE WAS PART OF A GUERRILLA TEAM THAT MET WITH A HIGH LEVEL, MULTI-PARTISAN GROUP OF SALVADORAN POLITICIANS TO DISCUSS AN FMLN "PEACE" PROPOSAL. WHEN THE TALKS FAILED TO REACH A SATISFACTOTY RESOLUTION, MARTINEZ DECLARED THAT THE FMLN WOULD DO EVERYTHING IN ITS

Declassified/Released US Department of State EO Systematic Review by NARA/RG Date 7/21/93
Declassified [illegible] in part:
portions withheld; [illegible];
law enforcement [illegible];
not responsive [illegible].

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El Salvador: Human Rights
Special Project (1993)

POWER TO MAKE EL SALVADOR "UNGOVERNABLE" FOR THE NEXT PRESIDENT. MARTINEZ BEGAN HER POLITICAL ACTIVITY IN 1968 IN THE STUDENT MOVEMENT. SHE WAS A MEDICAL STUDENT WHEN SHE LEFT SCHOOL IN 1973 TO JOIN THE ERP. IN 1975, SHE COMMANDED THE GUERRILLA FORCES OF THE EASTERN ZONE. IN MID-1976, SHE WAS CAPTURED AND IMPRISONED BY THE NATIONAL POLICE FOR HAVING ALLEGEDLY KILLED A SALVADORAN POLICEMAN. IN 1977, THE ERP SECURED HER RELEASE IN EXCHANGE FOR A KIDNAPPED INDUSTRIALIST, WHOM THE GUERRILLAS KILLED AFTER SHE WAS FREED. AFTER HER RELEASE SHE WENT INTO EXILE IN ALGERIA. SHE HAS WRITTEN A BOOK ABOUT HER PRISON EXPERIENCE. MARTINEZ HAS TRAVELLED EXTENSIVELY; SHE HAS VISITED THE US. SHE IS ABOUT 37 YEARS OLD.

4. SALVADOR RICARDO SAMAYOA LEIVA

A LAWYER AND PROFESSOR OF LAW, SAMAYOA WAS MINISTER OF EDUCATION IN THE FIRST SALVADORAN JUNTA FROM OCTOBER 1979 UNTIL JANUARY 1980. ACCORDING TO LOCAL PRESS REPORTS, HE RESIGNED BECAUSE HE OBJECTED TO THE "REPRESSIVE NATURE" OF THE SALVADORAN GOVERNMENT.

[redacted]

PAGE 03 SAN SA 05220 01 OF 02 251704Z

SAMAYOA SUBSEQUENTLY WENT UNDERGROUND AND JOINED THE FMLN/FDR. HE WAS RELEASED SHORTLY AFTERWARD FOR LACK OF EVIDENCE AGAINST HIM. SINCE THAT TIME HE HAS TRAVELLED WIDELY TO GATHER SUPPORT FOR THE FMLN/FDR AND HAS BEEN A PUBLIC SPOKESMAN FOR THE GROUP. IN AN APRIL 1983 PRESS CONFERENCE IN PORTUGAL, HE CONDEMNED WHAT HE CALLED US "INTERVENTIONALISM" IN CENTRAL AMERICA. BEFORE BECOMING MINISTER OF EDUCATION, SAMAYOA HAD SERVED AS DIRECTOR GENERAL OF SOCORRO JURIDICO, A LEGAL AID SOCIETY THAT HAD TIES TO THE ARCHDIOCESE OF SAN SALVADOR AND THAT WAS HEAVILY INVOLVED IN HANDLING CASES OF PERSONS WHOSE HUMAN RIGHTS HAD BEEN VIOLATED. DURING THE EARLY 1970S HE WAS A MEMBER OF THE FACULTY OF THE CENTRAL AMERICAN UNIVERSITY IN SAN SALVADOR AND A MEMBER OF THE BOARD OF DIRECTORS OF A UNVERSITY MAGAZINE. SAMAYOA HAS A COMMON LAW WIFE, ROSA VALIENTE. HE DOES NOT SPEAK ENGLISH.

5. ANA MERCEDES DEL CARMEN LETONA PEREZ

LETONA IS A MEMBER OF THE ERP GENERAL COMMAND AND FIRST SECRETARY OF THE SALVADORAN REVOLUTIONARY PARTY'S (PRS) POLITICAL COMMISSION. SHE IS ALSO A MEMBER OF THE PRS CENTRAL COMMITTEE. LETONA IS THE

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El Salvador: Human Rights
Special Project (1993)

TEXT OF TELEGRAM 89SAN SA005220

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DIRECTOR OF THE CLANDESTINE RADIO VENCEREMOS.

6. MIGUEL ANGEL SAENZ VARELA

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El Salvador: Human Rights
Special Project (1993)

TEXT OF TELEGRAM 89SAN SA005220

ADP730
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PAGE 01 SAN SA 05220 02 OF 02 251704Z
ACTION INR-07

INFO LOG-00 ADS-00 CIAE-00 ARA-00 NSAE-00 SSO-00 INRE-00
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O 251700Z APR 89
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 8746
INFO AMEMBASSY GUATEMALA
AMEMBASSY MEXICO
USCINCSO QUARRY HTS PM

[redacted]ECTION 02 OF 02 SAN SALVADOR 05220

ARA/CEN FOR PAT BUTENIS
USCINCSO ALSO FOR POLAD YOULE

E.O. 12356: DECL:OADR
TAGS: PGOV, PINR, PTER, ES
SUBJECT: BIO INFORMATION--FMLN

BASED IN NICARAGUA, SAENZ IS A MEMBER OF THE POLITICAL COMMISSION FO THE COMMUNIST PARTY OF EL SALVADOR (PCES). HE IS ALSO DIRECTOR OF PARTY ACTIVITY.

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Department of State

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INCOMING TELEGRAM

PAGE 01 SANTIA 04296 00 OF 02 261459Z 4878 ARA4242
ACTION ARA-00

ACTION OFFICE DSC-01
INFO FILE-01 00-01 ARA-01 DOSC-01 CI-01 RSC-01 EX-01 OFF-01
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INFO LOG-00 ADS-00 SSO-00 ONY-00 /009 W
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O 261416Z APR 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 1058

[redacted] SANTIAGO 04096

FOR ARA/SC AND ARA MIKE SKOL

E.O. 12356: DECL:OADR
TAGS: AMGT
SUBJ: OFFICIAL-INFORMAL

1. SECRET - ENTIRE TEXT.

2. FOLLOWING IS EMBASSY'S REACTION TO YOUR OFFICIAL-INFORMAL (STATE 127138) CONCERNING NEXT STEPS ON THE LETELIER CASE.

3. WE BELIEVE IT IS VERY IMPORTANT TO KEEP IN MIND THE CONTEXT IN WHICH THE CHILEANS ARE APPROACHING THIS ISSUE. WE WOULD ALL AGREE THAT FOREIGN MINISTER HERNAN FELIPE ERRAZURIZ HAS A VERY SHORT LEASH ON THIS DELICATE SUBJECT. HE CANNOT AFFORD TO COMPLETELY STIFF US, BUT IS COMMITTED TO PINOCHET TO KEEP IT FROM BECOMING A MAJOR ISSUE. WE MUST CRAFT OUR APPROACH SO THAT WE DO NOT SPOOK HIM INTO SKYING AWAY FROM THE COMMISSION AS UNDERTAKING A COMMITMENT WHICH HE CANNOT SELL TO HIS BOSS. FOR THAT REASON, IT SEEMS PREMATURE TO US TO MAKE THE POINT IN THIS MEETING THAT "WE HAVE NO INTENTION OF GETTING INTO THE KIND OF DETAILED STUDY OF THE TREATY THAT YOUR NOTE APPEARS TO PROPOSE." TO OUR MIND, THAT TIPS OUR HAND. RATHER WE SHOULD EMPHASIZE THE FOLLOWING POINT THAT "THE SCOPE OF THE TREATY IS ULTIMATELY A MATTER FOR THE COMMISSION TO DECIDE." INSOFAR AS POSSIBLE, IT SEEMS IN OUR INTEREST TO ENCOURAGE THE CHILEANS TO FOCUS ON THE COMMISSION ITSELF AS THE FORUM FOR REVIEWING THE HISTORICAL RECORD, AND WE SHOULD PORTRAY THE INTERIM MEETING FOR THE DISCUSSION THEY REQUEST IN THEIR APRIL 3 NOTE AS SETTING THE STAGE FOR SUCH A REVIEW.

4. AS A GENERAL COMMENT, WE FIND SOME OF THE TALKING POINTS OVERLY CONFRONTATIONAL. IT IS IMPORTANT TO BE FIRM ON THE ISSUE OF DELAY, BUT WE WONDER IF THIS COULD NOT BE COUCHED IN TERMS OF "THESE DELAYS PROMPT US TO WONDER EXACTLY WHAT YOUR ULTIMATE INTENTIONS ARE." IT MIGHT BE USEFUL TO REFER TO OCTAVIO'S RECENT STATEMENTS, AFTER SOME SQUIRMING, TO UNDERSECRETARY KIMMITT THAT THE GOC WANTS TO BE "POSITIVE" ON THE CASE AND ENTER INTO CONSULTATIONS "IN A CONSTRUCTIVE SPIRIT." (STATE 127077). WE COULD EMPHASIZE IN THAT CONTEXT THAT DRAGGING OUT DISCUSSIONS ON THE TREATY'S APPLICABILITY IS NOT "CONSTRUCTIVE" AND THEY SHOULD SHOW GOOD FAITH BY GETTING ON WITH THE BUSINESS OF SETTING UP THE COMMISSION.

5. ON TIMING, GIVEN THE AMBASSADOR'S ARRIVAL IN WASHINGTON OVER THE WEEKEND, IT WOULD BE USEFUL IF HE COULD REVIEW STRATEGY WITH YOU BEFORE WE GO TO

THE CHILEANS. HOWEVER, WE UNDERSTAND THAT THERE MAY BE CONSTRAINTS ON JUDGE SOFAER'S TIME, AND A SKULL SESSION PRIOR TO THE EVENT IS NOT ESSENTIAL.

6. ON OUR DEMARCHES, OUR PRINCIPAL CONCERN IS THAT THE CHILEANS GET THE CLEAR MESSAGE THAT THE LETELIER CASE IS RECEIVING ATTENTION AT THE HIGHEST LEVELS OF THE U.S. GOVERNMENT. UNDERSECRETARY KIMMITT'S MEETING WITH OCTAVIO ERRAZURIZ SEEMED TO US A VERY USEFUL EXCHANGE. WE WONDER IF HE MIGHT BE AVAILABLE TO JOIN SOFAER IN THIS INITIAL DEMARCHE FOLLOWING UP ON THE EARLIER CONVERSATION. GIVEN THE TECHNICAL LEGAL ISSUES APT TO SURFACE IN THE NEXT EXCHANGE AND THE POSSIBILITY THAT MORE THAN ONE MEETING MAY BE NECESSARY TO AIR THE SUBJECT, WE THINK IT SHOULD TAKE PLACE IN WASHINGTON WHERE OUR OWN AND THE CHILEANS' LEGAL EXPERTISE ARE READILY AVAILABLE. THE MEETING SHOULD TAKE PLACE AS SOON AS POSSIBLE AFTER THE PRESENTATION TO ERRAZURIZ. A COUPLE OF WEEKS SHOULD GIVE THEM TIME TO ACT ON THE COMMISSION MEMBERS AND GET THEIR ACT TOGETHER TO TALK TO US. FOR THE FOLLOW-UP MEETING, AGAIN, THE HEAD OF OUR DELEGATION SHOULD BE AT AS HIGH A LEVEL AS POSSIBLE, BUT WE UNDERSTAND THE DEMANDS ON SEVENTH FLOOR PRINCIPALS' TIME, AND WOULD BE PLEASED IF MIKE SKOL COULD HEAD THE TEAM WITH ARA/SC AND DAVE COLSON AND ANY OTHER LEGAL EXPERTS NECESSARY TO PROVIDE THE TECHNICAL BACKUP. GILLESPIE

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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
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Exemption(s) ____

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Access # 59-96-0723
box 1 of 4

SECRET

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Case Number: S1999000030

04/27/89

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Chile Project (#S1999000030)
U.S. Department of State
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PAGE 01 SANTIA 04206 01 OF 02 272118Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	EUR-00	SS-00	CIAE-00
	DODE-00	H-01	NSCE-00	NSAE-00	SSO-00	HA-09	L-03
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INFO AMEMBASSY ASUNCION
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USCINCSO QUARRY HEIGHTS
AMEMBASSY OSLO
AMEMBASSY MEXICO

~~C O N F I D E N T I A L~~ SECTION 01 OF 02 SANTIAGO 04206

OSLO FOR KEITH C. SMITH
MEXICO FOR ARNOLD CHACON

E.O. 12356: DECL:OADR
TAGS: PGOV, CI
SUBJ: CABINET TURMOIL

1. (C) SUMMARY: ON APRIL 26, PRESIDENT PINOCHET REQUESTED THE RESIGNATION OF HIS ENTIRE CABINET FOLLOWING THE ALLEGED RESIGNATION OF INTERIOR MINISTER CARLOS CACERES. UNCONFIRMED BUT CREDIBLE REPORTS INDICATE THE CABINET CRISIS WAS PROMPTED BY PINOCHET'S REJECTION OF CACERES' PROPOSED CONSTITUTIONAL CHANGES WORKED OUT WITH MAJOR POLITICAL PARTIES. ON APRIL 27, HOWEVER, THE GOVERNMENT ANNOUNCED THAT CACERES HAD BEEN CONFIRMED AS MINISTER OF INTERIOR AND LATER SAID ALL BUT MINISTER OF EDUCATION JUAN GUZMAN AND MINISTER OF MINES PABLO BARONA WOULD BE CONFIRMED IN THEIR
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PAGE 02 SANTIA 04206 01 OF 02 272118Z

POSITIONS. (PRESUMABLY BARONA RETAINS HIS OTHER PORTFOLIO, ECONOMY.) WHILE THE SITUATION REMAINS FLUID, IT IS CLEAR THAT PINOCHET HAS LOST NONE OF HIS CAPACITY FOR SURPRISE. IT APPEARS THAT THIS IS ONE INSTANCE WHEN HE WAS FORCED TO BACK DOWN IN THE FACE OF STRONG PRESSURE FROM HIS OWN SUPPORTERS.

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END SUMMARY.

2. (U) UNCONFIRMED REPORTS INDICATE THAT CACERES PROPOSED A LIST OF CONSTITUTIONAL REFORMS TO SUBMIT TO A PLEBISCITE WHICH WENT BEYOND THE MINIMAL NUMBER PINOCHET WAS PREPARED TO ACCEPT. CACERES THEN REPORTEDLY RESIGNED, AND THERE WAS WIDESPREAD SPECULATION THAT MINISTER OF FOREIGN AFFAIRS HERNAN FELIPE ERRAZURIZ AND DUAL-HATTED MINISTER OF ECONOMY AND MINES PABLO BARONA FOLLOWED SUIT. PINOCHET THEN REQUESTED RESIGNATIONS FROM ALL THE CABINET MEMBERS, AS HE HAD DONE ON APRIL 3 WHEN HERNAN BUCHI RESIGNED AS MINISTER OF FINANCE.

3. (U) JOURNALISTS ATTEMPTED TO DRAW FROM BOTH CACERES AND ACTING SECRETARY GENERAL OF THE GOVERNMENT JAIME GARCIA AN ADMISSION THAT CACERES' RESIGNATION INDICATED THERE WOULD BE NO PLEBISCITE TO CONSIDER CONSTITUTIONAL REFORMS, BUT THEY SAID ONLY THAT PINOCHET WOULD STUDY PROPOSALS AND DECIDE WHAT TO DO.

4. (C) A FEW POLITICAL FIGURES CONTACTED BY JOURNALISTS INDICATED THEY WERE NOT SURPRISED BY PINOCHET WAS EVER SERIOUS ABOUT CONSTITUTIONAL REFORMS. THE EVENING OF APRIL 26, HERNAN BUCHI'S CAMPAIGN MANAGER, SEBASTIAN PINERA, TOLD EMBOFFS THAT PINOCHET ~~CONFIDENTIAL~~

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PAGE 03 SANTIA 04206 01 OF 02 272118Z

HAD "KICKED OVER THE TABLE." HE SAID FLATLY THAT BUCHI WOULD PUBLICLY SUPPORT CONSTITUTIONAL CHANGE AND OPPOSE PINOCHET'S CONTINUANCE IN OFFICE (WHICH ME, LIKE MANY OTHERS, BELIEVED TO BE PINOCHET'S PRINCIPAL OBJECTIVE, WITH THE CONSTITUTIONAL ISSUE ONLY SECONDARY). HE SAID THESE STANDS MIGHT, HOWEVER, LOSE BUCHI THE PRESIDENTIAL NOMINATION OF THE CONSERVATIVE PARTIES, AS PINERA DID NOT UNDERRATE PINOCHET'S ABILITY TO MANIPULATE AND INTIMIDATE THE RIGHT.

5. (U) BUT HOLD EVERYTHING| ON APRIL 27, THE GOVERNMENT PRESS OFFICE ANNOUNCED THAT CACERES HAD BEEN CONFIRMED AS MINISTER OF INTERIOR; A FEW MINUTES LATER, IT ANNOUNCED THAT ALL CABINET OFFICIALS HAD BEEN CONFIRMED IN THEIR POSITIONS WITH THE EXCEPTION OF JUAN GUZMAN AS MINISTER OF EDUCATION AND PABLO BARONA AS MINISTER OF MINES (BUT HE WILL RETAIN HIS ECONOMY PORTFOLIO). A CEREMONY

INSTALLING THE NEW CABINET IS REPORTEDLY PLANNED FOR THIS (APRIL 27) EVENING.

6. (C) COMMENT: THERE SEEMS LITTLE DOUBT THAT THERE WAS A CLASH BETWEEN CACERES AND PINOCHET ON APRIL 26, AND IT ALMOST CERTAINLY WAS OVER CONSTITUTIONAL REFORM. PINOCHET RETAINS HIS CAPABILITY FOR SURPRISE. THIS APPEARS TO BE ONE CASE WHEN HE BACKED DOWN BEFORE VERY STRONG OPPOSITION. THE MOMENTUM FOR SIGNIFICANT REFORM OF THE CONSTITUTION IN ORDER TO AVOID HANDING THE DECEMBER

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PAGE 01 SANTIA 04206 02 OF 02 272118Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	EUR-00	SS-00	CIAE-00
	DODE-00	H-01	NSCE-00	NSAE-00	SSO-00	HA-09	L-03
	TRSE-00	PM-10	PA-01	OMB-01	INRE-00	USIE-00	SP-02
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~~C O N F I D E N T I A L~~ SECTION 02 OF 02 SANTIAGO 04206

OSLO FOR KEITH C. SMITH
MEXICO FOR ARNOLD CHACON

E.O. 12356: DECL:OADR
TAGS: PGOV, CI
SUBJ: CABINET TURMOIL

ELECTION OVER TO THE OPPOSITION IS VERY STRONG, ESPECIALLY IN THE PARTIES OF THE RIGHT. TO DUMP CACERES AT THIS JUNCTURE WOULD ALMOST SURELY HAVE MEANT EXACTLY THAT. THERE IS GOOD REASON TO BELIEVE THE MILITARY JUNTA ALSO SAW THIS LOGIC AND FOR ONLY THE SECOND TIME IN OUR MEMORY (THE FIRST BEING THE NIGHT OF THE PLEBISCITE) WERE UNWILLING TO

GO ALONG WITH PINOCHET (SEPTEL). GILLESPIE

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DECONTROL 04/27/89 (JE021)
LIMITED OFFICIAL USE UNCLASSIFIED Page: 1
Case Number: S199900030 Chile Project (#S199900030)
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Release X Excise Deny
Declassify: In Part In Full
Exemption(s)

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PAGE 01 SANTIA 04199 271749Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	SS-00	CIAE-00	DODE-00
	H-01	NSCE-00	NSAE-00	HA-09	L-03	TRSE-00	PM-10
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FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 1077
INFO AMEMBASSY ASUNCION
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USCINCSO QUARRY HEIGHTS

LIMITED OFFICIAL USE SANTIAGO 04199

E.O. 12356: N/A
TAGS: PGOV, CI
SUBJ: ALMEYDA CALLS NEXT GOVERNMENT PROVISIONAL

REFS: (A) SANTIAGO 3881, (B) 3719

1. (U) DURING THE APRIL 23 CELEBRATION OF THE SOCIALIST PARTY'S 56TH ANNIVERSARY WHICH WAS ORGANIZED BY THE ALMEYDA SOCIALIST FACTION (PS/A), GENERAL SECRETARY CLODOMIRO ALMEYDA DROPPED A NEW BOMBSHELL INTO THE POLITICAL DEBATE. THE FORMER FOREIGN MINISTER STATED THAT ANY FUTURE GOVERNMENT ELECTED ACCORDING TO THE "ANTIDEMOCRATIC LAWS" NOW IN FORCE WILL BE "ILLEGITIMATE." CRITICIZING THE RECENTLY APPROVED ELECTORAL SYSTEMS LAW (REF A) AND THE GOC'S PROPOSAL FOR ENDING FREE POLITICAL ADVERTISING ON TV, ALMEYDA SAID THAT ANY CONGRESS ELECTED UNDER SUCH RULES WOULD BE NECESSARILY "PROVISIONAL, SINCE ITS COMPOSITION WOULD NOT

REFLECT THE POPULAR WILL."

2. (U) LEADERS OF THE CENTER-LEFT PARTIES TRIED TO SOFTEN THE INTERPRETATION OF ALMEYDA'S STATEMENTS, TAKING THEM AS A CRITICISM OF THE BINOMINAL MAJORITY SYSTEM AND THE GERRYMANDERED DISTRICTING WHICH CHARACTERIZE THE ELECTORAL LAW RECENTLY PASSED BY

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THE JUNTA (REF A). CHRISTIAN DEMOCRATIC PRESIDENT PATRICIO AYLWIN COMMENTED THAT THE NEXT PARLIAMENT WOULD NOT BE "TRULY REPRESENTATIVE," SINCE IT WOULD ALLOW THOSE WHO WON 34 PERCENT OF THE VOTE TO ELECT THE SAME NUMBER OF REPRESENTATIVES AS THOSE WHO WON 66 PERCENT OF THE VOTE. AS FOR THE SOCIALIST LEADER'S COMMENT THAT THE NEXT CONGRESS WOULD BE AN INTERIM ONE, AYLWIN SAID THAT THE NEXT GOVERNMENT COULD REFORM THE CONSTITUTION TO REESTABLISH A PROPORTIONAL ELECTION SYSTEM, AND USE ITS CONSTITUTIONAL POWER TO DISSOLVE THE PARLIAMENT TO CALL FOR NEW ELECTIONS AT SOME POINT. OTHER MEMBERS OF THE 17-PARTY OPPOSITION COALITION SAID THAT ALMEYDA WAS SIMPLY CALLING FOR A TRANSITIONAL, FOUR-YEAR PARLIAMENT.

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3. (U) POLITICAL FIGURES ON THE RIGHT TOOK ALMEYDA'S WORDS AS PROOF THAT "MARXISTS LIKE HIM" HAD NO INTENTION TO GOVERN DEMOCRATICALLY, BUT INSTEAD WOULD DESTROY REPRESENTATIVE GOVERNMENT. UDI VICE PRESIDENT ANDRES CHADWICK POINTED OUT THAT BEFORE THE PLEBISCITE, THE OPPOSITION SAID THE RULES OF THE GAME WERE RIGGED, YET THEY PRODUCED A RESULT WHICH THEY LATER LAUDED AS EXPRESSING THE WILL OF THE PEOPLE. HE SAID THAT IF THE NEXT GOVERNMENT CALLED FOR NEW ELECTIONS, IT WOULD SIMPLY BE
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PAGE 03 SANTIA 04199 271749Z

TWISTING THE RULES IN ITS FAVOR TO SEEK A PARLIAMENTARY MAJORITY MORE SUBSERVIENT TO ITS INTERESTS.

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4. (LOU) COMMENT: ONCE AGAIN, ALMEYDA HAS SHOWN HIS TALENT FOR DOMINATING THE HEADLINES. HIS LAST BOMBSHELL WAS DROPPED A MONTH AGO, WHEN HE REFERRED TO PINOCHET BEING EXILED AFTER THE 1989 ELECTION. POLITICAL LEADERS ON BOTH SIDES OF THE FENCE SPENT SEVERAL WEEKS DEBATING WHAT HE MEANT, AND HIS REMARKS MAY HAVE PROMPTED THE UNUSUAL ARMY HIGH COMMAND STATEMENT DEFENDING PINOCHET (REF B). RETURNING FROM CUBA, ALMEYDA SAID HE HADN'T REALLY MEANT PINOCHET SHOULD BE FORCED INTO EXILE, BUT THAT HE COULD FOLLOW THE PATTERN SET BY OTHER EX-DICTATORS AND SEEK SELF-EXILE. ALTHOUGH THE CURRENT CONTROVERSY AMOUNTS TO LITTLE MORE THAN A TEMPEST IN A TEAPOT, IT DOES CALL ATTENTION TO A PRESIDENTIAL PREROGATIVE IN THE CONSTITUTION -- THE POWER TO DISSOLVE THE HOUSE OF DEPUTIES -- WHICH HAS THE

CONSERVATIVES WORRIED. DOING AWAY WITH THE POWER WAS ONE OF PINOCHET'S AIMS IN PROPOSING CONSTITUTIONAL REFORM THIS YEAR. BUT THE GOC-OPPOSITION DIALOGUE HAS PRODUCED LITTLE MOVEMENT TOWARD CONSENSUS, AND AN ACCORD ON THE PACKAGE APPEARS HIGHLY UNCERTAIN AT THIS TIME. GILLESPIE

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04/27/89

JE 023

Case Number: S1999000030

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____

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PAGE 01 SANTIA 04207 272120Z
ACTION IO-19

INFO	LOG-00	ADS-00	AID-00	INR-07	SS-00	OIC-02	CIAE-00
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R 272116Z APR 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 1081
INFO USMISSION GENEVA
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UNCLAS SANTIAGO 04207

E.O. 12356: N/A
TAGS: UNHRC, PHUM, CI
SUBJ: CHILEAN REACTION TO SPECIAL RAPPORTEUR VOLIO'S RESIGNATION

REF: GENEVA 3445

FERNANDO VOLIO'S REFUSAL TO ACCEPT ANOTHER TERM AS UN SPECIAL RAPPORTEUR FOR HUMAN RIGHTS SEEMS TO HAVE BEEN ACCEPTED AS A FAIT ACCOMPLI IN CHILE, JUDGING FROM THE EULOGISTIC COMMENTS ON HIS DECISION. COORDINATOR OF THE CHILEAN HUMAN RIGHTS COMMISSION ANDRES DOMINQUEZ EXPRESSED REGRET FOR VOLIO'S RESIGNATION, AND PRAISED HIS CONTRIBUTION TO IMPROVEMENTS IN HUMAN RIGHTS IN CHILE, ESPECIALLY IN THE AREA OF ADMINISTRATION OF JUSTICE. FOREIGN MINISTER HERNAN FELIPE ERRAZURIZ LAUDED VOLIO'S EFFORTS TO BRING GREATER OBJECTIVITY TO THE TREATMENT OF HUMAN RIGHTS IN CHILE. HE ALSO USED THE OPPORTUNITY TO EXPRESS REGRET THAT VOLIO'S REPORTS OF IMPROVEMENTS WERE NOT ADEQUATELY TAKEN INTO ACCOUNT
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PAGE 02 SANTIA 04207 272120Z

BY THE UN COMMISSION ON HUMAN RIGHTS AND LAMENTED THE PERSISTENCE OF WHAT HE CALLED THE "AD HOC, DISCRIMINATORY TREATMENT" OF CHILE WITH REGARD TO HUMAN RIGHTS. FOREIGN MINISTER ERRAZURIZ EMPHASIZED THE GOC'S DETERMINATION TO MAINTAIN ADVANCES IN HUMAN RIGHTS, BUT ADDED AT THE SAME TIME IT'S REJECTION OF

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ALL INTERFERENCE AND DISCRIMINATION AGAINST CHILE WITH REGARD TO HUMAN RIGHTS. AN APRIL 26 EDITORIAL IN CONSERVATIVE SANTIAGO DAILY "EL MERCURIO" ECHOED THE FOREIGN MINISTER'S SENTIMENTS. GILLESPIE

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Case Number: S1999000030 **EXCISE**

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PAGE 01 SANTIA 04185 01 OF 02 271639Z
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INFO LOG-00 ADS-00 INR-07 SS-00 CIAE-00 DODE-00 NSCE-00
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TO SECSTATE WASHDC 1071

C~~O N F I D E~~N T I A L SECTION 01 OF 02 SANTIAGO 04185

E.O. 12356 (DECL:OADR)
TAGS: PREL, MARR, CH
SUBJ: MEETING WITH CARABINERO GENERAL AND JUNTA MEMBER RODOLFO STANGE -- POLITICS

...ile Project (#S199900030)
U.S. Department of State
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Declassify: In Part_X__ In Full_____
Exemption(s) 6/

1. (C~~ONFIDENTIAL~~ -- ENTIRE TEXT).

2. I MET WITH GENERAL STANGE ON APRIL 25 TO DISCUSS NARCOTICS MATTERS (SEPTEL), AND TOOK ADVANTAGE OF THE VISIT TO PROBE ON THE CURRENT POLITICAL SITUATION. I ASKED STANGE IF HE HAD ANY RESERVATIONS ABOUT THE LIKELIHOOD OF PRESIDENTIAL AND CONGRESSIONAL ELECTIONS IN DECEMBER. HE SAID THAT HE FULLY EXPECTS THE ELECTIONS TO TAKE PLACE. I TOLD HIM THAT RECENTLY THERE HAS BEEN MUCH TALK ABOUT A POSSIBLE PINOCHET CANDIDACY. STANGE SAID THAT HE DID NOT BELIEVE IT LIKELY THAT PINOCHET WOULD PUT HIMSELF FORWARD, BECAUSE IT WOULD CREATE A VERY COMPLICATED SITUATION FOR THE PRESIDENT HIMSELF. IF HE STEPPED DOWN FROM THE PRESIDENCY AND LEFT THE ARMY, HE WOULD BE "JUST LIKE EVERYONE ELSE" AND THAT WOULD BE OUT OF CHARACTER. IT WOULD ALSO LEAVE OPEN THE QUESTION OF HOW THE GOVERNMENT WOULD BE RUN AND WHO WOULD RUN IT. STANGE DID NOT BELIEVE THAT ADMIRAL MERINO (MOST OFTEN NAMED AS A POSSIBLE

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PAGE 02 SANTIA 04185 01 OF 02 271639Z

INTERIM SUCCESSOR) WOULD BE UP TO THE JOB. STANGE ADDED THAT IN HIS OPINION, PINOCHET STILL HAS NOT RECOVERED FROM HIS PLEBISCITE LOSS. THE PRESIDENT WAS SO OVERCONFIDENT THAT HE WOULD WIN THAT, HAVING LOST, STANGE BELIEVES HE IS NOT LIKELY TO PUT HIMSELF THROUGH THE ORDEAL

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OF ELECTIONS AGAIN. STANGE WENT ON TO SAY, HOWEVER, THAT IN CHILE ONE CAN NEVER RULE ANYTHING OUT AND IT IS POSSIBLE THAT THE PRESIDENT MIGHT TRY TO FIND A WAY TO OVERCOME THE MANY OBSTACLES AND PUT HIMSELF FORWARD AS A CANDIDATE. STANGE REITERATED THAT HE PERSONALLY DOES NOT BELIEVE THAT WILL HAPPEN. STAGE SAID THAT IN ADDITION TO THE PARTISAN ELECTIONS IN DECEMBER, HE EXPECTS THERE TO BE A PLEBISCITE ON CONSTITUTIONAL REFORM IN THE NEXT MONTHS. HE BELIEVES THAT AGREEMENT ON THE NATURE OF SUCH REFORMS WITHIN THE GOVERNMENT IS CLOSE AND HE EXPECTS THAT THERE WILL BE A PLEBISCITE BEFORE JULY. HE DISTINGUISHED CLEARLY BETWEEN THE "PROBABILITY AND THE POSSIBILITY" OF A PLEBISCITE, TELLING ME HE CHARACTERIZED THE EVENT AS A PROBABILITY.

3. I ASKED STANGE WHETHER THE ISSUE OF FREE TELEVISION TIME FOR POLITICAL CANDIDATES IS LIKELY TO REMAIN A NEURALGIC POINT. (THE EXECUTIVE SENT THE GOVERNING JUNTA A DRAFT LAW WHICH WOULD CUT OFF FREE TELEVISION TIME FOR CANDIDATES ON NOVEMBER 14. MOST POLITICAL PARTY LEADERS HAVE REACTED LOUDLY AND NEGATIVELY.) STANGE SAID THAT TELEVISION IS SO IMPORTANT IN POLITICS THAT THE MEDIUM MUST CONFIDENTIAL

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PAGE 03 SANTIA 04185 01 OF 02 271639Z

BE AVAILABLE WITH FEW RESTRICTIONS. HE BELIEVES THAT THE PROBLEM WILL EVAPORATE FAIRLY QUICKLY. (STANGE'S JUNTA COMMISSION HAS THE DRAFT LAW FOR ACTION. MY IMPRESSION IS THAT HE, OR EVEN A MAJORITY OF THE JUNTA, WILL EITHER SIT ON OR POSSIBLY REJECT THE PROPOSED TELEVISION LAW.)

4. STANGE RETURNED TO THE ELECTIONS THEME, EXPRESSING CONCERN ABOUT THE DRAMATIC INCREASE IN VIOLENCE IN CHILE IN RECENT WEEKS. HE STATED FLATLY THAT IF THE TREND CONTINUES HE FEARS THE CARABINEROS WILL HAVE TO TAKE STRONG REPRESSIVE ACTION AND THAT THIS WILL HAVE NEGATIVE REPERCUSSIONS. HE SAID THAT THE VIOLENT LEFT IS MAKING A CONCERTED EFFORT TO SOW DISSENSION AMONG THE CARABINEROS AND TO INTIMIDATE THEM. THE CAMPAIGN CONSISTS OF ATTACKS DIRECTLY ON CARABINEROS, PLUS CONCERTED

LEGAL ACTIONS AGAINST INDIVIDUAL OFFICERS AND POLICEMEN. HE SAID THAT HE HAS ADOPTED A STRATEGY OF MAKING SURE THAT THE CARABINEROS OPERATE IN TEAMS, TAKE PHOTOGRAPHS OF ALL EVIDENCE AND DETAINEES, TAKE FORMAL STATEMENTS WITHIN THE SHORTEST POSSIBLE PERIOD AFTER AN ARRREST IS MADE AND THAT THERE ARE NO ACTIONS WHICH COULD BE CLASSIFIED AS TORTURE. HE SAID

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PAGE 01 SANTIA 04185 02 OF 02 271639Z
ACTION ARA-00

INFO LOG-00 ADS-00 INR-07 SS-00 CIAE-00 DODE-00 NSCE-00
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TO SECSTATE WASHDC 1072

~~C O N F I D E N~~ T I A L SECTION 02 OF 02 SANTIAGO 04185

E.O. 12356 (DECL:OADR)
TAGS: PREL, MARR, CH
SUBJ: MEETING WITH CARABINERO GENERAL AND JUNTA

IT IS SIMPLY A MATTER OF SELF-PRESERVATION THAT WITNESSES AND ACCUSED PERSONS BE TREATED REASONABLY SO THAT THEY CAN BE QUESTIONED BY MAGISTRATES AND THE FACTS OF INDIVIDUAL CASES BE ASCERTAINED. BUT, HE EMPHASIZED, INCREASING VIOLENCE IS A SERIOUS PROBLEM WITH POTENTIALLY SERIOUS CONSEQUENCES FOR ALL OF CHILE.

5. COMMENT: STANGE'S VIEWS ON ELECTIONS ARE CONSISTENT WITH OTHERS WE HAVE HEARD, BUT HIS CONFIDENCE IN CONSTITUTIONAL REFORM IS DEFINITELY NOT SHARED WIDELY. HIS OPINIONS ON PINOCHET'S CANDIDACY ARE BASED ON AN ASSUMPTION THAT THE PRESIDENT WOULD LEAVE THE PRESIDENCY AND THE ARMY TO RUN, AN ASSUMPTION ALSO NOT SHARED BROADLY. THERE ARE THOSE WHO BELIEVE THAT THE PRESIDENT DEFINITELY WANTS TO RUN AND IS LOOKING FOR A WAY TO ENGINEER A CANDIDACY WITHOUT LEAVING OFFICE. AS CARABINERO CHIEF, STANGE HAS A REPUTATION FOR MODERATION; HIS EMPHASIS ON VIOLENCE AND THE POSSIBLE NEED

FOR REPRESSIVE TACTICS IS DISQUIETING. [ ]
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PAGE 02 SANTIA 04185 02 OF 02 271639Z

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[ ] END COMMENT. GILLESPIE

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Case Number: S1999000030

Chile Project (#S199900030)
U.S. Department of State
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Exemption(s) ____

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PAGE 01 SANTIA 04248 01 OF 02 290601Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	EUR-00	SS-00	CIAE-00
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R 282046Z APR 89
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TO SECSTATE WASHDC 1108
INFO AMEMBASSY ASUNCION
AMEMBASSY BUENOS AIRES
AMEMBASSY MEXICO
AMEMBASSY MONTEVIDEO
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USCINCSO QUARRY HEIGHTS

~~C O N F I D E N T I A L~~ SECTION 01 OF 02 SANTIAGO 04248

MEXICO FOR ARNOLD CHACON
OSLO FOR KEITH C. SMITH

E.O. 12356: DECL:OADR
TAGS: PGOV, CI
SUBJ: REACTION TO CABINET CRISIS

REF: SANTIAGO 4206

1. (C) SUMMARY: ALTHOUGH BOTH GOVERNMENT SPOKESMEN AND MINISTER OF INTERIOR CARLOS CACERES ARE PUBLICLY PAINTING THE CRISIS WHICH PROVOKED CACERES' RESIGNATION AS A MINOR DIFFERENCE OF OPINION BETWEEN HIM AND PRESIDENT PINOCHET, THERE IS UNIVERSAL AGREEMENT IN CHILE THAT PINOCHET WAS FORCED TO REHIRE HIM AND TO CONTINUE PLANS FOR CONSTITUTIONAL CHANGE BY THE MILITARY JUNTA
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PAGE 02 SANTIA 04248 01 OF 02 290601Z

MEMBERS. WE HAVE HEARD THAT MEMBERS OF THE BUSINESS CLASS MAY HAVE ALSO WEIGHED IN. MANY CHILEAN OBSERVERS PERCEIVE THE ABORTED CABINET CRISIS AS A WATERSHED EVENT, A SIGN TO PINOCHET THAT HE CANNOT STOP THE TRANSITION TO DEMOCRACY TO SUIT HIMSELF. END SUMMARY.

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2. (U) ASKED BY JOURNALISTS IF HIS RESIGNATION HAD BEEN PROMPTED BY AN IMPASSE WITH PINOCHET OVER CONSTITUTIONAL REFORMS, CACERES SAID, "THERE WAS AN EXCHANGE, I WOULD SAY, OF OPINIONS; AN EXCHANGE OF IDEAS, OF INITIATIVES WHICH IS THE PROPER JOB OF A CABINET AND OF A MINISTER WHO HAS A SPECIFIC TASK TO DO." APPARENTLY TO DOWNPLAY THE SIGNIFICANCE OF THE CONFRONTATION WITH PINOCHET, HE REMINDED HIS LISTENERS THAT THE COUNTRY WAS FOLLOWING A NEW AND UNCHARTERED PATH, AND SEEMED TO SUGGEST SOME CONTRETEMPS WERE TO BE EXPECTED.

3. (C) A GOVERNMENT SPOKESMAN SAID THE DECISION TO RECONFIRM CACERES AND ALMOST ALL OTHER CABINET MEMBERS WAS MADE THE DAY FOLLOWING THE MASS RESIGNATION, AFTER PINOCHET MET EARLY WITH SECRETARY GENERAL OF THE PRESIDENCY JORGE BALLERINO AND SUB-SECRETARY OF INTERIOR GONZALO GARCIA (WHO HAD REPORTEDLY RESIGNED ALONG WITH HIS BOSS) AND FINALLY WITH CACERES, WHEN HE WAS CONFIRMED IN HIS POSITION. THE GOVERNMENT SPOKESMAN APPEARED TO BE TRYING TO UNDERSCORE THAT PINOCHET AND CACERES PATCHED THINGS UP BEFORE PINOCHET MET WITH JUNTA MEMBERS FOR A PREVIOUSLY SCHEDULED MEETING. HOWEVER,
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PAGE 03 SANTIA 04248 01 OF 02 290601Z

IT IS WIDELY BELIEVED THAT THE JUNTA MEMBERS FORCED PINOCHET TO REHIRE CACERES AND, MOREOVER, TOLD HIM THAT HE MUST AGREE TO SUBMITTING CONSTITUTIONAL REFORMS TO A PLEBISCITE. AT A FAREWELL RECEPTION FOR THE DCM ON APRIL 27, WHICH WAS WELL ATTENDED BY PROMINENT CHILEANS FROM ALL WALKS OF LIFE, THE PERCEIVED SHOWDOWN WAS TOPIC NUMBER ONE, AND MANY POLITICAL ACTORS AND OBSERVERS INTERPRETED IT AS A CLEAR SIGNAL, ESPECIALLY TO PINOCHET, THAT THE JUNTA WAS PREPARED TO PREVENT PINOCHET FROM DERAILING THE TRANSITION TO DEMOCRACY. ALTHOUGH SOME INTERLOCUTORS OPINED THAT THE PROPOSED CONSTITUTIONAL REFORMS WOULD NOT BE SIGNIFICANT, FEW SEEMED TO DOUBT THAT THE REFORMS WILL BE PRESENTED FOR A PLEBISCITE DECISION.

4. (C) COMMENT: WE AGREE THAT THE CABINET CRISIS AND PROBABLE SHOWDOWN BETWEEN THE JUNTA

AND PINOCHET HAS ALL THE EARMARKS OF A WATERSHED EVENT. THE POSITION OF CACERES, WHOSE COMMITMENT TO FOLLOWING THE CONSTITUTIONALLY MARKED PATH TOWARD ELECTIONS IN DECEMBER APPEARS DEEP, AS WELL AS POLITICALLY PRAGMATIC, HAS BEEN CONSIDERABLY STRENGTHENED. IT APPEARS LIKELY THAT HIS EFFORTS TO GET AGREEMENT FROM PARTIES ON THE RIGHT AND THE LEFT FOR CONSTITUTIONAL REFORM WILL BEAR FRUIT, AND THAT THERE WILL. BE A PLEBISCITE TO RATIFY THEM.

5. (C) IT IS NOT KNOWN IF THE ISSUE OF PINOCHET'S RUNNING FOR PRESIDENT BY TWISTING OR AMENDING THE CONSTITUTION TO PERMIT IT

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PAGE 01 SANTIA 04248 02 OF 02 290602Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	EUR-00	SS-00	CIAE-00
	DODE-00	H-01	NSCE-00	NSAE-00	HA-09	L-03	TRSE-00
	PM-10	PA-01	OMB-01	INRE-00	USIE-00	SP-02	SNP-01
	C-01	PRS-01	P-02	T-01	/040 W		

----------046416 301359Z /40

R 282046Z APR 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 1109
INFO AMEMBASSY ASUNCION
AMEMBASSY BUENOS AIRES
AMEMBASSY MEXICO
AMEMBASSY MONTEVIDEO
AMEMBASSY OSLO
USCINCSO QUARRY HEIGHTS

~~C O N F I D E N T I A L~~ SECTION 02 OF 02 SANTIAGO 04248

MEXICO FOR ARNOLD CHACON
OSLO FOR KEITH C. SMITH

E.O. 12356: DECL:OADR
TAGS: PGOV, CI
SUBJ: REACTION TO CABINET CRISIS

WAS A FACTOR IN THE CABINET CRISIS, BUT CACERES HAS BEEN QUOTED OFTEN AS FLATLY DENYING IT AS A POSSIBILITY. ALTHOUGH DIE HARD PINOCHET-SUPPORTERS CONTINUE TO URGE

IT, AND THERE WERE A FEW APPARENTLY-STAGED EVENTS TO LET THEM PROPOSE IT EARLIER THIS WEEK, CACERES HAS BEEN STRENGTHENED IN HIS STAND AGAINST THIS IDEA AS WELL. GILLESPIE

~~CONFIDENTIAL~~

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PAGE 01 SANTIA 04224 01 OF 03 290343Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	SS-00	CIAE-00	EB-00
	DODE-00	H-01	EXIM-06	NSCE-00	NSAE-00	COME-00	HA-09
	L-03	LAB-04	CTME-00	TRSE-00	PM-10	ITC-01	OPIC-07
	PA-02	CEA-01	OMB-01	STR-17	SIL-01	INRE-00	FRB-01
	OPM-01	USIE-00	JUSE-00	SP-02	FDIC-01	SNP-01	C-01
	PRS-01	E-01	P-02	T-01	/082 W		

----------037163 300425Z /11

R 281840Z APR 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 1093
INFO AMEMBASSY BUENOS AIRES
AMEMBASSY BRASILIA

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____

UNCLAS SECTION 01 OF 03 SANTIAGO 04224

E.O. 12356: N/A
TAGS: ECON, PGOV, CI
SUBJ: AYLWIN ADDRESSES AMCHAM

1. SUMMARY: PDC PRE-PRESIDENTIAL CANDIDATE PATRICIO AYLWIN ADDRESSED THE US-CHILE CHAMBER OF COMMERCE ON APRIL 25 ABOUT THE ECONOMIC, SOCIAL, AND POLITICAL PROGRAMS OF THE 17 PARTY OPPOSITION GROUPING. THE ADDRESS RESTATED THE GENERALLY MODERATE PROPOSALS OF THE OPPOSITION, BUT THE MANNER OF PRESENTATION, PARTICULARLY THE IMPLICATION THAT THE OPPOSITION WAS THE ONLY LEGITIMATE DEMOCRATIC ALTERNATIVE, REINFORCED THE NEGATIVE IMPRESSION OF AYLWIN THAT MANY BUSINESSMEN HAVE. END SUMMARY.

2. CHRISTIAN DEMOCRAT PRE-CANDIDATE FOR PRESIDENT PATRICIO AYLWIN ADDRESSED A BREAKFAST MEETING OF THE US-CHILE CHAMBER OF COMMERCE (AMCHAM). THE AMCHAM INCLUDES NOT ONLY U.S. COMPANIES BUT VIRTUALLY ALL OF THE MAJOR CHILEAN INDUSTRIAL CORPORATIONS. IN
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PAGE 02 SANTIA 04224 01 OF 03 290343Z

ACCEPTING THE INVITATION, AYLWIN KNEW THAT THIS GROUP OF INFLUENTIAL BUSINESSMEN WAS VERY SUPPORTIVE OF THE ECONOMIC POLICIES OF THE PINOCHET GOVERNMENT AND THAT MANY FELT ANIMOSITY TOWARDS THE PDC. AYLWIN BROUGHT ALONG FORMER FREI MINISTER OF FINANCE AND ECONOMY AND MORE RECENTLY FREE ELECTIONS COMMITTEE COORDINATOR

SERGIO MOLINA.

3. AYLWIN STARTED OFF BY STATING THAT COMPANIES HAD DONE WELL UNDER THE PROTECTION OF THE PINOCHET GOVERNMENT, "AND IN SOME CASES, VERY WELL." LIKE A BUSINESSMAN, AYLWIN WAS THERE TO SELL THEM A PRODUCT CALLED "DEMOCRACY". THE AMERICANS THERE GREW UP WITH THE CONCEPT OF DEMOCRACY AND REALIZED THAT ECONOMIC FREEDOM ALSO REQUIRED POLITICAL FREEDOM. IN CHILE, AYLWIN ASSERTED, THERE ARE TWO COUNTRIES, ONE WITH INCOMES OF 1-2 THOUSAND DOLLARS PER MONTH, AND THE OTHER WITH 50-100 DOLLARS. HE SAID THIS LATTER GROUP WHICH IS LIVING IN EXTREME POVERTY COMPRISES 40 PERCENT OF THE NATION'S FAMILIES. THIS GROWING DIFFERENCE MUST BE ADDRESSED. IN THE 1960'S, EVERYONE INCLUDING THE RIGHT WAS STATIST. THE WORLD HAD CHANGED AND SO HAD THE OPPOSITION'S THINKING. AYLWIN THEN WENT OVER THE OPPOSITION PROGRAM CALLING FOR A LEADING ROLE FOR PRIVATE ENTERPRISE, AN OPEN ECONOMY, AND GUARANTEES FOR PRIVATE PROPERTY. AYLWIN ALSO CITED THE NEED FOR FOREIGN INVESTMENT AND PLEDGED TO MAINTAIN STABLE RULES FOR FOREIGN INVESTMENT. CERTAIN AREAS WOULD REMAIN IN THE HANDS OF THE STATE SUCH AS CODELCO, WATER/SEWER SERVICE, AND AREAS THAT THE PRIVATE SECTOR WOULD NOT SUPPLY. "NINETY PERCENT OF THE ECONOMY SHOULD BE IN PRIVATE ' ANDS." THERE WOULD HAVE TO BE A MAJOR EFFORT TO
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PAGE 03 SANTIA 04224 01 OF 03 290343Z

WIPE OUT EXTREME POVERTY, AND TO THIS END RICHER TAXPAYERS WOULD HAVE TO PAY MORE PERSONAL INCOME TAXES. AYLWIN ADDED THAT HE HAS VERY AWARE OF THE POPULIST PRESSURES FOR MORE SOCIAL SPENDING AFTER SIXTEEN YEARS OF SOCIAL SPENDING, AND WAS ALSO AWARE OF THE UNFORTUNATE EXPERIENCES IN "BROTHER LATIN COUNTRIES." ANOTHER IMPORTANT DESIRE BY THE PEOPLE WOULD BE FOR BETTER LABOR CONDITIONS - I.E. HIGHER SALARIES, STRONGER UNIONS, ABILITY TO STRIKE. THE PDC LEADER CLOSED BY POINTING OUT THAT THE WAY TO AVOID SUCH PROBLEMS WAS BY HAVING ALL SECTORS (BUSINESS, LABOR, AND POLITICIANS) WORK TOGETHER, CITING JOHN KENNEDY'S QUOTE ASK NOT WHAT YOUR COUNTRY CAN DO FOR YOU...."

4. THE Q&A PERIOD BROUGHT OUT A NUMBER OF SHARPLY WORDED QUESTIONS FOR AYLWIN:

--WHEN ASKED IF A CANDIDATE ON THE RIGHT, SUCH AS

FORMER FINANCE MINISTER BUCHI, WAS NOT ALSO A DEMOCRATIC ALTERNATIVE, AYLWIN REPLIED HE HAD PERSONAL RESPECT FOR BUCHI, BUT FELT THAT HIS YEARS WORKING FOR THE "UNQUESTIONED DICTATOR" MADE THE FORMER FINANCE MINISTER DEPENDENT ON PINOCHET. AYLWIN WENT ON TO ADD THAT THE BUSINESS COMMUNITY WAS SUCCESSFUL ONLY BECAUSE OF ITS DEPENDENCE ON PINOCHET AND ITS CHALLENGE WAS TO PROVE IT COULD STAND ALONE.

--ON HOW TO HANDLE THE MILITARY, AYLWIN SAID HE DID NOT WANT VENGEANCE, BUT THE CHILEAN PEOPLE NEEDED TO KNOW THE TRUTH ABOUT THE LETELIER CASE, THE DISAPPEARED, ETC. HE DID NOT WANT TO PUT THE MILITARY AS AN INSTITUTION ON TRIAL, BUT WAS HOPING

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PAGE 01 SANTIA 04224 02 OF 03 290200Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	SS-00	CIAE-00	EB-00
	DODE-00	H-01	EXIM-06	NSCE-00	NSAE-00	COME-00	HA-09
	L-03	LAB-04	CTME-00	TRSE-00	PM-10	ITC-01	OPIC-07
	PA-02	CEA-01	OMB-01	STR-17	SIL-01	INRE-00	FRB-01
	OPM-01	USIE-00	JUSE-00	SP-02	FDIC-01	SNP-01	C-01
	PRS-01	E-01	P-02	T-01	/082 W		

----------034657 300426Z /11

R 281840Z APR 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 1094
INFO AMEMBASSY BUENOS AIRES
AMEMBASSY BRASILIA

UNCLAS SECTION 02 OF 03 SANTIAGO 04224

E.O. 12356: N/A
TAGS: ECON, PGOV, CI
SUBJ: AYLWIN ADDRESSES AMCHAM

THAT EXISTING COURT CASES COULD BE ADEQUATELY INVESTIGATED.

--WITH REGARD TO THE LEFT, HE MAINTAINED THAT THEY HAD EVOLVED, AND THAT AN AMPLE CONSENSUS COULD MOVE THE COUNTRY FORWARD.

--ON PRIVATIZATIONS, AYLWIN SAID THE OPPOSITION PROPOSED TO REVIEW THEM ON A CASE BY CASE BASIS.

WHILE HE REITERATED THAT CERTAIN AREAS SHOULD NOT BE PRIVATIZED (CODECLO, PETROLEUM PRODUCTION, WATER/SEWER), HE WAS ALSO CONCERNED ABOUT THE DECISION BY A DEFEATED GOVERNMENT TO DUMP ALL OF THESE SHARES INTO THE MARKET AT ONE TIME, DRIVING DOWN PRICES.

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PAGE 02 SANTIA 04224 02 OF 03 290200Z

5. SERGIO MOLINA FIELDED THE MORE TECHNICAL ECONOMIC QUESTIONS:

--ON CHAPTER XIX FOREIGN DEBT SWAPS, MOLINA INDICATED THE OPPOSITION PREFERRED DIRECT INVESTMENT (VIA DECREE LAW 600), AND THAT THE SWAPS CREATED DEMAND FOR PROFIT REMITTANCES, WHICH BY 1991 MIGHT BE 600 MILLION DOLLARS.

--ON TAXES, MOLINA BELIEVES THAT LOOPHOLES NEED TO BE CLOSED, COLLECTION NEEDS TO BE MADE MORE EFFICIENT, INCOME TAXES (PERSONAL AND CORPORATE) ACTUALLY PAID MUST INCREASE (ALTHOUGH THE MARGINAL RATE OF 50 PERCENT WOULD REMAIN), AND DIVIDENDS ON STOCK SHOULD NOT BE TAXED.

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6. IN TALKING WITH BUSINESSMEN AFTERWARDS, THE REACTION WAS GENERALLY UNFAVORABLE. ONE U.S. BANKER SAID THAT HE WAS CONCERNED ABOUT THE LACK OF DEFINITION ON HOW MUCH MONEY WAS TO BE SPENT ON SOCIAL PROGRAMS AND HOW IT WOULD BE FINANCED. A MANAGER OF A CHILEAN MANUFACTURING COMPANY SAID THE SPEECH WAS MORE "SOAK THE RICH" RHETORIC THE PDC HAD USED IN THE 1960'S AND THAT AYLWIN REALLY HAD NOT CHANGED. SEVERAL WERE INCENSED AT AYLWIN'S ASSERTION ABOUT BUCHI NOT REPRESENTING A DEMOCRATIC ALTERNATIVE. SOMEONE SARCASTICALLY REMARKED THAT THE SPEECH RAISED A MILLION DOLLARS -- FOR THE BUCHI CAMPAIGN. ON THE OTHER HAND, ONE U.S. ECONOMIC JOURNALIST COMMENTED THAT THE SPEECH WAS RATHER MODERATE.

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PAGE 03 SANTIA 04224 02 OF 03 290200Z

7. COMMENT: AYLWIN'S ADDRESS REVIEWED MOST OF THE TENETS OF THE 21 POINT ECONOMIC AND SOCIAL PROGRAM OF THE "NO" CAMPAIGN, PLUS SOME MORE MODERATE ELEMENTS FROM THE ECONOMIC PLATFORM OF THE OPPOSITION COALITION WHICH SHOULD BE PUBLISHED SOON. COMPARED WITH RHETORIC OF TWO YEARS AGO, THE SPEECH WAS MODERATE, AND PROBABLY REACTIONARY BY STANDARDS OF THE LEFT. AT BEST, AYLWIN COULD HAVE WON FEW VOTES FROM THAT GROUP, BUT HE STIRRED UP PASSIONS BY NOT PITCHING HIS SPEECH TO THE BUSINESSMEN. MANY BUSINESSMEN RESENTED BEING LECTURED ON DEMOCRACY SINCE THEY PERCEIVE THEMSELVES AS DEMOCRATIC AND SUPPORTING A LEGITIMATE ALTERNATIVE IN BUCHI. AYLWIN ALSO USED WORDS LIKE "INCOME REDISTRIBUTION" AND "SOCIAL AGREEMENT (CONCERTACION)" WHICH CARRY FOR THE CHILEAN MEMBERS A LOT OF EMOTIONAL BAGGAGE FROM THE AGRARIAN REFORM OF THE FREI ERA AND THE ECONOMIC CHAOS OF THE ALLENDE UP ERA. THE PDC LEADER ALSO CONVEYED THE IMPRESSION THAT HE SUPPORTED THE MARKET ORIENTED APPROACH BECAUSE IT WAS THE FASHION - FOR NOW. AYLWIN PASSED THE TOUGH ECONOMIC QUESTIONS TO MOLINA, SUPPORTING A PREJUDICE THAT AYLWIN DOESN'T UNDERSTAND ECONOMICS. THIS SPEECH UNFORTUNATELY WAS A MISSED OPPORTUNITY TO GET ACROSS THE EVOLVING ECONOMIC-SOCIAL IDEAS OF THE OPPOSITION AND TO BUILD FUTURE BRIDGES OF COMMUNICATION.

8. PART OF THE PROBLEM IN COMMUNICATION IS THE FACT THAT SOME OF WHAT AYLWIN HAD TO SAY WAS CAMPAIGN RHETORIC (UNDERSTANDABLE FROM A MAN WHO IS RUNNING FOR PRESIDENT). MANY OF

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PAGE 01 SANTIA 04224 03 OF 03 290324Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	SS-00	CIAE-00	EB-00
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	L-03	LAB-04	CTME-00	TRSE-00	PM-10	ITC-01	OPIC-07
	PA-02	CEA-01	OMB-01	STR-17	SIL-01	INRE-00	FRB-01
	OPM-01	USIE-00	JUSE-00	SP-02	FDIC-01	SNP-01	C-01
	PRS-01	E-01	P-02	T-01	/082 W		

----------037151 300426Z /11

R 281840Z APR 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 1095
INFO AMEMBASSY BUENOS AIRES

AMEMBASSY BRASILIA

UNCLAS SECTION 03 OF 03 SANTIAGO 04224

E.O. 12356: N/A
TAGS: ECON, PGOV, CI
SUBJ: AYLWIN ADDRESSES AMCHAM

BUSINESSMEN'S HEARTS MAY BE WITH BUCHI, BUT BUCHI IS AYLWIN'S LIKELY OPPONENT IN THE UPCOMING ELECTION. AYLWIN HAS AND WILL CONTINUE LAMBASTING HIM AS REPRESENTING A CONTINUATION OF THE PINOCHET REGIME, AND TO PORTRAY THE OPPOSITION AS THE PERSONIFICATION OF DEMOCRACY. AFTER FIFTEEN YEARS OF AUTHORITARIAN GOVERNMENT, THE PRIVATE SECTOR IS NOT ACCUSTOMED TO THE RHETORIC COMMON TO AN OPEN ELECTORAL CONTEST. AYLWIN MAY NOT WIN THEM OVER, BUT WITH TIME THEY WILL GROW ACCUSTOMED TO THE FACT THAT THE MUTED POLITICAL DIALOGUE OF THE PINOCHET YEARS IS FAST BECOMING A THING OF THE PAST.
END COMMENT. GILLESPIE

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CONFIDENTIAL
n/a

04/28/89 (JE027)

Case Number: S1999000030 Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

~~CONFIDENTIAL~~

PAGE 01 SANTIA 04245 01 OF 02 282148Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	SS-00	CIAE-00	EB-00
	DODE-00	H-01	NSCE-00	NSAE-00	COME-00	TRSE-00	PM-10
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357714 290021Z /66

P 281947Z APR 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 1105
INFO AMEMBASSY ASUNCION
AMEMBASSY BUENOS AIRES
USCINCSO QUARRY HEIGHTS

~~C O N F I D E N T I A~~L SECTION 01 OF 02 SANTIAGO 04245

E.O. 12356: DECL:OADR
TAGS: PGOV, PREL, CI
SUBJ: AMBASSADOR MEETS WITH AYLWIN

REF: (A) SANTIAGO 4056
(B) SANTIAGO 4185

1. ~~CONFIDENTIAL~~ - ENTIRE TEXT.

2. AMBASSADOR, ACCOMPANIED BY ADCM, CALLED ON CHRISTIAN DEMOCRATIC PARTY (PDC) PRESIDENT PATRICIO AYLWIN ON APRIL 26. ENRIQUE KRAUSS, HIS PROBABLE CAMPAIGN MANAGER, SAT IN ON THE MEETING. THAT MORNING, AYLWIN HAD ADDRESSED THE AMERICAN CHAMBER OF COMMERCE. OVERALL, HE SEEMED VERY PLEASED WITH HIS RECEPTION. HE NOTED THAT AMERICAN BUSINESSMEN WERE IN MANY WAYS MORE RECEPTIVE TO THE OPPOSITION THAN THE CHILEAN PRIVATE SECTOR. EVEN WITH THE LATTER, HOWEVER, HE FELT THAT THEY WERE MAKING INROADS IN ESTABLISHING BETTER UNDERSTANDING AND ENGENDERING SOME SUPPORT.
~~CONFIDENTIAL~~

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PAGE 02 SANTIA 04245 01 OF 02 282148Z

3. JUST BACK FROM EUROPE, AYLWIN SAID THEY HAD PARTICULARLY FOCUSSED DURING THE TRIP ON DEFINING SPECIFIC DEVELOPMENT PROJECTS THAT THE EUROPEANS MIGHT FUND SHOULD HE BECOME PRESIDENT. HE SAID HE IS VERY MUCH AWARE OF THE LIMITATIONS ON SOCIAL

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SPENDING HE WILL HAVE TO OPERATE UNDER AS PRESIDENT. TO HELP OFFSET POPULAR FRUSTRATIONS ON THIS SCORE, HE HOPES TO ATTRACT FUNDING FROM EUROPE FOR HEALTH SECTOR PROJECTS AND VOCATIONAL TRAINING. AYLWIN WAS ALSO INTERESTED IN EXPLORING POSSIBILITIES FOR EXPANDED U.S. ASSISTANCE. THE AMBASSADOR EDUCATED HIM A BIT ON U.S. BUDGETARY CONSTRAINTS. DRAWING ON HIS RECENT CONSULTATIONS WITH MEMBERS OF CONGRESS, HE POINTED OUT THAT ANY U.S. ECONOMIC ASSISTANCE, FOR ALL THE GOOD WILL TOWARD CHILE, MUST MEET A STRICT TEST OF BEING IN THE U.S. NATIONAL INTEREST. AYLWIN SEEMED TO APPRECIATE THE FACT THAT SIGNIFICANT U.S. ECONOMIC ASSISTANCE IS UNREALISTIC, HE HOPED U.S. COULD BE HELPFUL IN INTERNATIONAL LENDING ORGANIZATIONS, AND MENTIONED SPECIFICALLY HIS INTEREST IN ATTRACTING WORLD BANK FINANCING TO COMPLETE EXPANSION OF THE PANAMERICAN HIGHWAY TO FOUR LANES DOWN TO CONCEPCION.

4. ENRIQUE KRAUSS INTERJECTED THAT HE WOULD HOPE THE U.S. COULD PLAY A HELPFUL ROLE IN RELATIONS WITH THE CHILEAN ARMED FORCES. (ADCM HAD PREVIOUSLY DISCUSSED POSSIBILITY OF IMPROVED MILITARY-TO-MILITARY RELATIONS WITH KRAUSS AND CONTRIBUTION THIS COULD BE TO STRENGTHENING CHILEAN MILITARY'S COMMITMENT TO CIVILIAN GOVERNMENT.) AYLWIN EMBRACED THE IDEA. AMBASSADOR UNDERLINED
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~~CONFIDENTIAL~~

PAGE 03 SANTIA 04245 01 OF 02 282148Z

THAT THERE WERE PROGRAMS AND EXCHANGES WHICH WOULD GREATLY IMPROVE COMMUNICATIONS BETWEEN U.S. AND CHILEAN ARMED FORCES AND NOTED THAT FUNDING FOR SMALL IMET PROGRAM WAS INCLUDED IN BUDGET CURRENTLY BEING CONSIDERED IN CONGRESS. AT SAME TIME, HE POINTED OUT THAT IT WAS NOT A BAD THING THAT CHILE HAS DEVELOPED A DEGREE OF SELF SUFFICIENCY IN ITS ABILITY TO SUPPLY ITS OWN DEFENSE NEEDS. THE USG, HE SAID, HAS A CLEAR INTEREST IN SEEING FRIENDLY GOVERNMENTS IN THE REGION DEVELOP AN INDEPENDENT CAPABILITY FOR STRONG NATIONAL DEFENSE.

5. AYLWIN SAID HE WOULD HOPE TO HAVE THE NOMINATION OF THE SEVENTEEN-PARTY COALITION (COPODE) NAILED DOWN BY MID-MAY. AFTER THAT, HE IS VERY INTERESTED IN MAKING A TRIP TO WASHINGTON TO MEET WITH EXECUTIVE BRANCH, CONGRESSIONAL AND BUSINESS LEADERS. THE AMBASSADOR TOLD HIM THAT THERE WAS CONTINUING

INTEREST IN CHILE AND HE WAS CERTAIN HIS VISIT
WOULD BE WARMLY WELCOMED. THE AMBASSADOR TOOK
THE OPPORTUNITY TO REITERATE TO AYLWIN, AS HE
HAD WITH HERNAN BUCHI (REF A), THAT THE U.S.

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PAGE 01 SANTIA 04245 02 OF 02 282151Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	SS-00	CIAE-00	EB-00
	DODE-00	H-01	NSCE-00	NSAE-00	COME-00	TRSE-00	PM-10
	OMB-01	INRE-00	SP-02	C-01	E-01	P-02	/025 W

---------- 357722 290029Z /66

P 281947Z APR 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 1106
INFO AMEMBASSY ASUNCION
AMEMBASSY BUENOS AIRES
USCINCSO QUARRY HEIGHTS

~~C O N F I D E N T I A~~ L SECTION 02 OF 02 SANTIAGO 04245

E.O. 12356: DECL:OADR
TAGS: PGOV, PREL, CI
SUBJ: AMBASSADOR MEETS WITH AYLWIN

WOULD BE STRICTLY NEUTRAL IN THE DECEMBER ELECTIONS.

6. ON CONSTITUTIONAL REFORMS, ALYWIN WAS VERY
PESSIMISTIC THAT THE GOC WOULD ACCEPT A PACKAGE
WHICH WOULD ENJOY CONSENSUS SUPPORT FROM THE
POLITICAL PARTIES. HE DID NOT DISCOUNT THE
POSSIBILITY THAT PINOCHET WOULD PUT FORWARD
MINIMAL CHANGES IN A PLEBISCITE. AS IN PAST
CONVERSATIONS, HE WAS CONCERNED ABOUT PINOCHET'S
FUTURE ROLE. HE NOTED THAT IF THE INCOMING
PRESIDENT HAS ONLY A NARROW MANDATE FROM THE
ELECTIONS, PINOCHET WILL BE IN A MUCH STRONGER
POSITIONS TO EXERCISE INFLUENCE LIKE A CHILEAN
VERSION OF NORIEGA. IF THE NEW PRESIDENT
WINS BY A SIXTY PERCENT OR MORE MARGIN, HOWEVER,
HE FELT PINOCHET WOULD BE IN A MUCH WEAKER
POSITION AND THE PROBLEM COULD BE CONTROLLED.

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CONFIDENTIAL
n/a

Case Number: S1999000030

PAGE 02 SANTIA 04245 02 OF 02 282151Z

7. AYLWIN WAS OPTIMISTIC THAT THE GOC WOULD BACK DOWN ON ITS PROPOSED TELEVISION LAW WHICH ELIMINATES FREE TELEVISION TIME FOR ALL SIDES PARTICIPATING IN THE DECEMBER ELECTIONS. HE SAID THEY HAD GOOD INDICATIONS THAT THE MILITARY JUNTA WAS NOT GOING TO GO ALONG WITH THE IDEA. THE AMBASSADOR CONFIRMED THAT WAS THE CASE IN HIS SUBSEQUENT MEETING WITH JUNTA MEMBER RODOLFO STANGE (REF B).

8. COMMENT: AYLWIN LOOKED VIGOROUS AND VERY COMFORTABLE IN HIS ROLE AS FRONTRUNNER IN THE PRESIDENTIAL RACE. HE IS THINKING AHEAD TO THE ISSUES HE WOULD FACE AS PRESIDENT, AND GETTING HIS TEAM TOGETHER FOR A SMOOTH TRANSITION. HE WANTS TO BE READY WITH NEW INITIATIVES FROM DAY ONE SO THERE IS NO WASTED TIME GETTING THE ADMINISTRATION'S ACT TOGETHER. THE VISIT TO WASHINGTON CAN BE A VERY USEFUL CONTRIBUTION TO THAT PROCESS. GILLESPIE

~~CONFIDENTIAL~~

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CONFIDENTIAL

Chile Project (=S19990030)
U.S. Department of State
Release ____ Excise X Deny ____
Declassify In Part ____ In Full ____
Exemption(s) B6

MI 86934

UNCLASSIFIED

B-6

29 April 89

EXCISE

Dear Senator Lautenberg,

Would you please note I have written to the Ministers of the Interior & the Minister of Justice in CHILE concerning the disappearance of Alfredo Rojas Castaneda who was detained on 26th March 1975.

Any information you can seek as this man's whereabouts, or indeed any of the 'disappeared' in CHILE, would be most welcome.

Thankyou for your continuing human rights efforts.

Yours sincerely

[ ] B6

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5-1-89

WF027

DECONTROL

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____

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05/01/89 EXT. 75154 WANG 2917E
L/ARA:DCOLSON

ARA/SC:PDESHAZO
ARA/AND:PFRENCH

P/PIL:PPFUND

ROUTINE BOGOTA

N/A

AORC, CO

DC
MA
PD
PP
PF

INTER-AMERICAN BAR ASSOCIATION CONFERENCE

REF: BOGOTA 6056

1. THIS IS AN ACTION REQUEST. SEE PARA 4.

2. EARLIER THIS YEAR DEPARTMENT INVOKED A 1914 TREATY WITH CHILE CALLING FOR ESTABLISHMENT OF A FIVE MEMBER INTERNATIONAL COMMISSION TO INVESTIGATE THE LETELIER CASE.

3. THE PRESIDENT OF THE COMMISSION IS TO BE SELECTED BY MUTUAL AGREEMENT. GOC AND USG HAVE YET TO AGREE ON THIS POSITION, AND USG MAY NEED A CONSIDERABLE STABLE OF NAMES IN NEGOTIATIONS.

4. ACCORDINGLY, EMBASSY IS REQUESTED TO PROVIDE LIST OF SPEAKERS AND SUBJECTS DISCUSSED AT CONFERENCE DISCUSSED REFTEL TOGETHER WITH BIO INFORMATION OF ANY ATTENDEES EMBASSY BELIEVES TO BE PROMISING. PLEASE SLUG RESPONSE FOR L/ARA. 44

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01 May 89 (JE030)

Case Number: S1999000030 Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

~~CONFIDENTIAL~~

PAGE 01 SANTIA 04267 01 OF 03 011445Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	SS-00	CIAE-00	DODE-00
	H-01	NSCE-00	NSAE-00	HA-09	L-03	TRSE-00	PM-10
	PA-01	OMB-01	INRE-00	ACDA-12	USIE-00	SP-02	SNP-01
	C-01	SSE-01	PRS-01	P-02	T-01	/053 W	

----------072226 011449Z /41

R 011438Z MAY 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 1122
INFO AMEMBASSY ASUNCION
AMEMBASSY BRASILIA
AMEMBASSY BUENOS AIRES
AMEMBASSY LA PAZ
AMEMBASSY LIMA
AMEMBASSY MONTEVIDEO
AMEMBASSY MEXICO

~~C O N F I D E N T I A L~~ SECTION 01 OF 03 SANTIAGO 04267

MEXICO FOR ARNOLD CHACON

E.O. 12356: DECL:OADR
TAGS: KPRP, PGOV, CI
SUBJ: ELECTORAL PACTS TAKING SHAPE

REF: SANTIGO 3881
1. (C) SUMMARY: THE NATIONAL COUNCIL (CN) OF THE CHRISTIAN DEMOCRATIC PARTY (PDC) HAS INFORMED THE 17-PARTY CENTER-LEFT COALTION (COPODE) THAT IT WANTS TO FIELD 10 SENATORIAL CANDIDATES AND 45 DEPUTIES IN THE 1989 PARLIAMENTARY ELECTIONS. TO AVOID THE ONUS OF RUNNING ON THE SAME SLATE WITH COMMUNIST CANDIDATES THE PDC ADVOCATES FORMING ELECTORAL PACTS IN THOSE DISTRICTS WHERE COPODE CAN EXPECT TO ELECT ONLY ONE CANDIDATE, AND PARALLEL LISTS IN THOSE DISTRICTS WHERE OPPOSITION PARTIES MIGHT ELECT BOTH
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PAGE 02 SANTIA 04267 01 OF 03 011445Z

CANDIDATES. THE COPODE PARTIES ARE CLOSER TO WORKING OUT AN AGREEMENT THAT WOULD PERMIT SOME FORM OF "REGULATED COMPETITION" AMONG THEMSELVES AND WITH THE LEFTIST PAIS, WHILE STILL MAXIMIZING THEIR CHANCES TO TAKE A MAJORITY OF SEATS IN THE NEW CONGRESS. HOWEVER,MANY CONFLICTING INTERESTS AND PERSONAL

UNCLASSIFIED
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AMBITIONS MUST BE ADJUDICATED, BOTH AMONG AND WITHIN EACH OF ITS MEMBER PARTIES. ON THE RIGHT, THIS TASK IS MADE MORE DIFFICULT BY CONSERVATIVE PARTIES' INEXPERIENCE WITH COALITION POLITICS AND THE GOC'S FAILURE TO DEVELOP A CONSENSUS AROUND PRESIDENTIAL CANDIDATES AND KEY POLITICAL ISSUES. NATIONAL RENEWAL PARTY (RN) PRESIDENT SERGIO JARPA ACKNOWLEDGED THAT IF THE OPPOSITION FIELDED TWO DIFFERENT LISTS OF CANDIATES, THE RIGHT WOULD AS WELL. BOTH SIDES HAVE UNTIL MID-MAY TO GIVE SHAPE TO THEIR ELECTORAL ALLIANCES. END SUMMARY.

2. (U) ON APRIL 26 THE PDC NATIONAL COUNCIL APPROVED A REPORT FROM ITS ELECTORAL COMMISSION WHICH CALLS FOR A TWO-STEP FORMULA FOR FIELDING PARLIAMENTARY CANDIDATES. IN THOSE DISTRICTS WHERE THE OPPOSITION CAN REASONABLY EXPECT TO ELECT ONLY ONE CANDIDATE, THE PDC WOULD PARTICIPATE IN ELECTORAL PACTS WITH OTHER COPODE PARTIES. IN SOME 17 DISTRICTS AND 5 REGIONS WHERE THE NO OBTAINED NEARLY HALF OF THE VOTE IN THE 1988 PLEBISCITE, IT WOULD RUN "PARALLEL" LISTS WITH OTHER OPPOSITION PARTIES SUCH AS THE BROAD PARTY OF THE SOCIALIST LEFT (PAIS). SPECIFICALLY, THE PDC PLANS TO FIELD 10 SENATORIAL CANDIDATES (OUT OF 26 TO BE ELECTED) AND 45 DEPUTY CANDIDATES (OUT OF 120).

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PAGE 03 SANTIA 04267 01 OF 03 011445Z

3. (U) THE PDC PROPOSAL WAS PRESENTED TO COPODE ON APRIL 27 AND BY MOST REPORTS RECEIVED A FAIRLY POSITIVE REACTION. IT WILL BE RECONSIDERED BY THE CN ON MAY 3. WITHIN ROUGHLY A WEEK, THE WHOLE ELECTORAL PACKAGE -- INCLUDING THE NUMBER OF DEPUTIES AND SENATORS, NAMES OF THE CANDIDATES AND TYPE OF ELECTORAL PACT -- MUST BE APPROVED BY A VOTE OF THE NATIONAL JUNTA, THE PARTY'S HIGHEST DECISION-MAKING BODY. IN EACH PROVINCE, LOCAL DELEGATES TO THE JUNTA ARE BEGINNING TO HOLD "PRIMARIES" TO NOMINATE THEIR CONGRESSIONAL CANDIDATES.

4. (U) THE FORMULA DEVELPED BY THE PDC RESULTED FROM WEEKS OF NEGOTIATIONS WITH OTHER COPODE PARTIES AND METICULOUS STUDY OF THE CONGRESSIONAL DISTRICT MAP TO BE ESTABLISHED ONCE THE NEW ELECTORAL LAW IS APPROVED BY THE CONSTITUTIONAL TRIBUNAL (REFTEL). FIRST THE PARTY'S ELECTORAL COMMISSION, WHICH

INCLUDES EDGARDO BOENINGER, ERIC CAMPANA, CARLOS DUPRE, JORGE PIZARRO AND CLAUDIO HUEPE, LOOKED AT EACH DISTRICT AND REGION TO ANALYZE THE PECULIARITIES OF EACH AREA, THE INFLUENCE OF EACH POLITICAL PARTY THEREIN, THE STRENGTHS OF POTENIAL CANDIDATES FROM BOTH THE RIGHT AND THE LEFT, AND THE RESULTS FROM PAST CONGRESSIONAL ELECTIONS AND THE PLEBISCITE. THE TARGETING STUDY MADE IT CLEAR THAT ONLY WITH A FLEXIBLE APPROACH TO PACTS COULD THE MODERATE OPPOSITION PARTIES MAXIMIZE THEIR CHANCES TO CONTROL THE NEXT CONGRESS.

5. (C) PARTY VETERANS ARE AWARE THAT THEIR CONSTITUENCY IS NOT TRANSFERRABLE TO ULTRA LEFTIST CANDIDATES,

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PAGE 01 SANTIA 04267 02 OF 03 011446Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	SS-00	CIAE-00	DODE-00
	H-01	NSCE-00	NSAE-00	HA-09	L-03	TRSE-00	PM-10
	PA-01	OMB-01	INRE-00	ACDA-12	USIE-00	SP-02	SNP-01
	C-01	SSE-01	PRS-01	P-02	T-01	/053 W	

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R 011438Z MAY 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 1123
INFO AMEMBASSY ASUNCION
AMEMBASSY BRASILIA
AMEMBASSY BUENOS AIRES
AMEMBASSY LA PAZ
AMEMBASSY LIMA
AMEMBASSY MONTEVIDEO
AMEMBASSY MEXICO

~~C O N F I D E N T I A L~~ SECTION 02 OF 03 SANTIAGO 04267

MEXICO FOR ARNOLD CHACON

E.O. 12356: DECL:OADR
TAGS: KPRP, PGOV, CI
SUBJ: ELECTORAL PACTS TAKING SHAPE

BUT WOULD INSTEAD INCLINE TOWARD SUPPORTING THE CENTER-RIGHT. THE PDC HAS SAID IT CAN JOIN COMMON LISTS WITH ALMEYDA SOCIALISTS AND THE CHRISTIAN LEFT, BUT NOT WHERE PAIS PLANS TO FIELD COMMUNIST CANDIDATES

(WHO WILL APPEAR ON THE BALLOT EITHER AS "INDEPENDENTS" OR AS PAIS.) AT LAST REPORT, THE PCCH PLANS TO RUN AT LEAST TWO SENATORIAL CANDIDATES AND SEVERAL DEPUTIES.

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6. (C) IN ANNOUNCING THE PROPOSAL, PDC GENERAL SECRETARY GUTENBERG MARTINEZ SAID THE PARTY WANTED ~~CONFIDENTIAL~~

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PAGE 02 SANTIA 04267 02 OF 03 011446Z

A FORMULA WHICH WOULD GIVE EACH COPODE MEMBER A SHOT AT ITS FAIR SHARE, NOT TO SEEK POLITICAL FAVORITISM. THAT REMAINS TO BE SEEN SINCE MOST OTHER OPPOSITION PARTIES DOUBT THE PDC'S CAPACITY FOR MAKING GENEROUS DEALS. HOWEVER, IN PRINCIPLE, THE PPD AND OTHER MAJOR ACTORS WITHIN THE COALITION REALIZE THAT SOME VARIATION ON A SINGLE-LIST FORMULA IS NECESSARY. WHETHER THE COPODE PARTIES GO TOGETHER IN ALL DISTRICTS OR IN "PARALLEL LISTS" IN SOME, THE RESULT WILL BE A FORM OF REGULATED COMPETITION, SINCE VOTERS WILL SELECT ONE OF TWO CANDIDATES MOUNTED IN EACH DISTRICT.

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7. (U) IN ARDOUS NEGOTIATIONS OVER THE PAST FEW MONTHS THE PDC AND OTHER MAJOR OPPOSITION ACTORS HAVE NARROWED THEIR DIFFERENCES CONSIDERABLY. THE CHRISTIAN DEMOCRATS INITIALLY CLAIMED THEY COULD TAKE HALF OF THE HOUSE SEATS; NOW THEY ARE PROPOSING SENATORIAL CANDIDATES TO RUN FOR SLIGHTLY MORE THAN ONE THIRD. FROM THE 10 SENATORIAL CANDIDATES THEY REPORTEDLY HOPE TO ELECT 8; OF 45 CANDIDATES FOR DEPUTY, THEY EXPECT AT LEAST 40 WILL WIN. THE PPD IS PUSHING FOR 7 SENATORIAL CANDIDATES AND HOPES TO ELECT 4; IT WANTS 35 DEPUTYCANDIDATES, OF WHICH IT HOPES TO ELECT MORE THAN 20. PAIS IS PUSHING FOR 6 SENATORIAL CANDIDATES OR 3-4 FAVORED SEATS IN THE SENATE, AND 27-28 CANDIDATES FOR DEPUTY. THE REMAINING FEW SENATE AND HOUSE DISTRICTS WOULD FALL TO THE "SMALL FRY" PARTIES, PARTICULARLY THE RADICALS AND CENTER ALLIANCE OF GERMAN RIESCO (PAC), WHICH ARE NOT HAPPY WITH THEIR POSITION BUT HAVE FEW OTHER OPTIONS.

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PAGE 03 SANTIA 04267 02 OF 03 011446Z

8. (U) ON APRIL 26 RN PRESIDENT SERGIO JARPA ACKNOWLEDGED THAT IF THE OPPOSITION DECIDED TO FIELD SEPARATE LISTS, IT WAS PERFECTLY FEASIBLE THAT THE RIGHT WOULD AS WELL. WHILE DENYING THAT THERE WAS A "CRISIS" IN THE CENTER-RIGHT COALITION WHICH INCLUDED THE UDI, HE SAID THAT THE RN WOULD FORM AN ELECTORAL PACT WITH THE NATIONAL PARTY-PHILLIPS (PN) AND RADICAL DEMOCRACY, LEAVING JAIME GUZMAN'S UDI TO MOUNT ITS OWN CANDIDATES. AT THE SAME TIME, THE RN AND ALLIED CONSERVATIVE PARTIES WROTE THE UDI ASKING FOR CLARIFICATION ON RECENT CRITICISMS IT HAS MADE OF OTHER PARTIES ON THE RIGHT.

9. (C) THE UDI HAS PROMOTED TALKS WITH THE RN, PN AND DR SINCE APRIL 6 WITH THE AIM OF DEVELOPING A COMMON ELECTORAL SLATE. TO REFLECT ITS POLITICAL WEIGHT AND CUT ITS TEETH IN AS MANY DISTRICTS AS POSSIBLE, THE RN PLANNED TO FIELD AT LEAST 50 CANDIDATES, LEAVING THE OTHER 70 TO BE DISTRIBUTED AMONG THE OTHER THREE PARTNERS. RN SOURCES SAY THAT UDI'S INTRANSIGENCE IN INSISTING ON 50 HOUSE CANDIDATES OF ITS OWN, AND JAIME GUZMAN'S IMPLIED CRITICISM OF JARPA FOR "SELLING OUT TO TOTALITARIANS" IN COPODE ON CONSTITUTIONAL REFORM, CAUSED THE TALKS TO BREAK OFF LAST WEEK.

10. (C) COMMENT: THE POLITICAL PARTIES ARE ENTERING THE LAST MILE OF NEGOTIATIONS, COMING INTO THE LAST STRETCH WHEN THEY MUST ATTEMPT TO GIVE DEFINITE SHAPE TO ELECTORAL ALLIANCES AND THE ACTUAL RUNNERS THAT WILL TAK- THEM TO THE DECEMBER ELECTIONS. NOTHING CAN BE CERTAIN, HOWEVER, BECAUSE THE ELECTORAL LAW HAS NOT YET BEEN PASSED. WITHIN EACH POTENTIAL PACT, THE MAJOR

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PAGE 01 SANTIA 04267 03 OF 03 011448Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	SS-00	CIAE-00	DODE-00
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	PA-01	OMB-01	INRE-00	ACDA-12	USIE-00	SP-02	SNP-01
	C-01	SSE-01	PRS-01	P-02	T-01	/053 W	

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R 011438Z MAY 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 1124
INFO AMEMBASSY ASUNCION

AMEMBASSY BRASILIA
AMEMBASSY BUENOS AIRES
AMEMBASSY LA PAZ
AMEMBASSY LIMA
AMEMBASSY MONTEVIDEO
AMEMBASSY MEXICO

C O N F I D E N T I A L SECTION 03 OF 03 SANTIAGO 04267

MEXICO FOR ARNOLD CHACON

E.O. 12356: DECL:OADR
TAGS: KPRP, PGOV, CI
SUBJ: ELECTORAL PACTS TAKING SHAPE

PARTIES WILL HAVE ENORMOUS PROBLEMS ADJUDICATING THE COMPETING INTERESTS OF DIFFERENT POWER BLOCKS AND PERSONALITIES. AS PPD GENERAL SECRETARY JORGE SCHAULSOHN PUT IT, "THE PIE IS EXTREMELY SMALL, AND THERE ARE A LOT OF HUNGRY PEOPLE WHO HAVEN'T EATEN FOR YEARS." THE PPD IS FACED WITH POWER PLAYS BY THE NUNEZ SOCIALISTS, ITS MAJOR CONSTITUENT GROUP, WHICH WANTS TO GRAB THE LION'S SHARE OF ITS HOUSE AND SENATE CANDIDACIES. PDC VICE PRESIDENT ANDRES ZALDIVAR IS LOCKED IN STRUGGLE WITH EDUARDO FREI JR., EACH INSISTING ON HIS SUPERIOR RIGHT TO BE NAMED AS
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PAGE 02 SANTIA 04267 03 OF 03 011448Z

THE PARTY'S SENATORIAL CANDIDATE FOR SANTIAGO. (PPD PRESIDENT LAGOS LOOKS WITH DISMAY AT THE PROSPECT OF BEING OUTSHONE BY FREI ON THE TICKET).

11. (C) THE RIGHT'S HEADACHES ARE EVEN BIGGER. UDI WAS NEVER ONE TO BEND TO THE GIVE AND TAKE OF POLITICAL NEGOTIATIONS. ACCORDING TO CARLOS ZEPEDA, RN PRO-SECRETARY, THE UDI WILL MAKE TROUBLE FOR THE CENTER-RIGHT PARTY WHETHER THEY RUN TOGETHER OR NOT. THE FAILURE TO ACHIEVE A CONSENSUS WITHIN THE GOVERNMENT ON CONSTITUTIONAL REFORM, A PRESIDENTIAL CANDIDATE OR OTHER KEY ISSUES MAKES IT HARDER FOR THOSE PARTIES WHICH SUPPORTED THE SI IN THE PLEBISCITE TO COME TOGETHER. THEIR COMBINED "9TABLE" OF CANDIDATES IS WEAKER. MIGUEL ANGEL PODUJE (PROBABLE UDI CANDIDATE FOR THE SENATE FROM SANTIAGO) OR MIGUEL OTERO (PROSPECTIVE RN CANDIDATE) WILL BOTH HAVE ROUGH GOING AGAINST A LAGOS-FREI TICKET. WHAT IS CLEAREST IN THE WHOLE MURKY PICTURE IS THIS: BY MAY 14, THE PACTS MUST BE READY; THAT IS THE LAST DAY

CANDIDATES CAN ABANDON PARTY LABELS AND DECLARE AS "INDEPENDENTS" IN ORDER TO PARTICIPATE IN PACTS TO MAXIMIZE THEIR CHANCES TO WIN, AS IN THE CASE OF PAIS OR UDI CANDIDATES WHO WANT TO ALIGN THEMSELVES MORE WITH THE CENTER. BOTH SIDES SAY THEY INTEND TO TAKE THAT DEADLINE SERIOUSLY. END COMMENT.
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03 May 89 TE031

Case Number: S1999000030

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Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

CONFIDENTIAL

PAGE 01 SANTIA 04319 01 OF 07 031706Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	SS-00	CIAE-00	EB-00
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	L-03	LAB-04	TRSE-00	PM-10	PA-01	OMB-01	STR-17
	SIL-01	INRE-00	OPM-01	USIE-00	SP-02	SNP-01	C-01
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O 031620Z MAY 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 1152
INFO AMEMBASSY BUENOS AIRES PRIORITY
AMEMBASSY ASUNCION PRIORITY
AMEMBASSY MONTEVIDEO PRIORITY
USCINCSO QUARRY HEIGHTS PRIORITY
AMEMBASSY MEXICO
AMEMBASSY LA PAZ

C O N F I D E N T I A L SECTION 01 OF 07 SANTIAGO 04319

LA PAZ FOR JAMES DANDRIDGE

MEXICO CITY FOR ARNOLD CHACON

E.O. 12356: DECL:OADR
TAGS: PGOV, PREL, CI
SUBJ: MINISTER OF INTERIOR ANNOUNCES
- CONSTITUTIONAL REFORMS

REF: (A) SANTIAGO 4206
- (B) SANTIAGO 4248
- (C) SANTIAGO 2405

1. CONFIDENTIAL - ENTIRE TEXT.

- SUMMARY: AFTER ALL THE THUNDER AND COMMOTION OF LAST WEEK'S CABINET CRISIS, MINISTER OF INTERIOR
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 SANTIA 04319 01 OF 07 031706Z

CACERES ANNOUNCED A PACKAGE OF CONSTITUTIONAL REFORMS THAT DELIVERS ON PRESIDENT PINOCHET'S COMMITMENT OF MARCH 11 TO CHANGE SIX SPECIFIC ARTICLES, BUT DOES SO IN A FAR MORE LIMITED WAY |HAN PRO-GOVERNMENT AND OPPOSITION PARTIES HAD PROPOSED. IT APPEARS PINOCHET WAS DETERMINED

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TO MAKE NO REFORMS AT ALL, DESPITE HIS COMMITMENT, AND AGREED TO LIMITED CHANGE ONLY WHEN CACERES AND TWO OTHER MINISTERS WALKED OUT. INCLUDED AS AN UNEXPECTED KICKER IN THE PACKAGE IS A PROVISION WHICH WOULD PREVENT THE NEW CIVILIAN GOVERNMENT FROM MAKING ANY OTHER AMENDMENTS, INCLUDING TO THE AMENDMENT PROCESS ITSELF, UNTIL 1994. AT LEAST SOME SECTORS OF THE OPPOSITION WILL REJECT THE GOVERNMENT'S PROPOSALS, THUS DENYING THE GOC THE CONSENSUS OF SUPPORT BY POLITICAL GROUPS THAT IT HAS INSISTED IS A PREREQUISITE FOR CALLING A NATIONAL PLEBISCITE TO APPROVE REFORMS. AS A RESULT, WHETHER THERE WILL BE A VOTE ON REFORM BEFORE THE DECEMBER ELECTIONS IS NOW VERY MUCH UP IN THE AIR. IF THERE IS NO PLEBISCITE, THE GOC AND ITS SUPPORTERS WILL GO INTO THE ELECTIONS CLAIMING IT OFFERED THE OPPOSITION A REASONABLE PACKAGE WHICH IT REJECTED. THIS MAY NOT SELL, BUT IT GIVES THE RIGHT A BETTER CHANCE AT DEFUSING CONSTITUTIONAL REFORM AS A CAMPAIGN ISSUE THAN IT HAD BEFORE. END SUMMARY.

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3. FRIDAY EVENING, APRIL 28, MINISTER OF INTERIOR CARLOS CACERES WENT ON NATIONAL TELEVISION TO ANNOUNCE NINETEEN GOVERNMENT PROPOSALS FOR REFORMING THE CONSTITUTION OF 1980. THIS IS THE SAME MINISTER CACERES WHO RESIGNED ON WEDNESDAY
CONFIDENTIAL

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PAGE 03 SANTIA 04319 01 OF 07 031706Z

EVENING, APRIL 26, TOGETHER WITH FOREIGN MINISTER ERRAZURIZ AND ECONOMY MINISTER BARAONA, IN PROTEST OVER PRESIDENT PINOCHET'S REFUSAL TO MAKE ANY CHANGES AT ALL IN THE CONSTITUTION. THE PACKAGE OF REFORMS PINOCHET FINALLY AUTHORIZED THE NEWLY-RECONFIRMED MINISTER OF INTERIOR TO PROPOSE TO THE POLITICAL PARTIES WAS PREDICTABLY LESS THAN THE OPPOSITION WANTED, BUT IT WAS A MAJOR TURNAROUND FROM THE SITUATION OF FORTY-EIGHT HOURS BEFORE.

CONFIDENTIAL

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PAGE 01 SANTIA 04319 02 OF 07 031707Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	SS-00	CIAE-00	EB-00
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	L-03	LAB-04	TRSE-00	PM-10	PA-01	OMB-01	STR-17
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	PRS-01	P-02	T-01	/063 W			

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O 031620Z MAY 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 1153
INFO AMEMBASSY BUENOS AIRES PRIORITY
AMEMBASSY ASUNCION PRIORITY
AMEMBASSY MONTEVIDEO PRIORITY
USCINCSO QUARRY HEIGHTS PRIORITY
AMEMBASSY MEXICO
AMEMBASSY LA PAZ

~~C O N F I D E N T I A L~~ SECTION 02 OF 07 SANTIAGO 04319

LA PAZ FOR JAMES DANDRIDGE

MEXICO CITY FOR ARNOLD CHACON

E.O. 12356: DECL:OADR
TAGS: PGOV, PREL, CI
SUBJ: MINISTER OF INTERIOR ANNOUNCES

4. THE CACERES PROPOSALS STOP A GOOD DEAL SHORT OF THE REFORM PACKAGE NEGOTIATED BETWEEN THE MAJOR PARTY OF THE RIGHT, NATIONAL RENEWAL (RN), AND THE SEVENTEEN-PARTY COALITION OF OPPOSITION PARTIES (COPODE). CACERES, PAINFULLY AWARE THAT TIME IS SHORT FOR NATIONAL REFERENDUM TO APPROVE REFORMS BEFORE ELECTIONS IN DECEMBER, HAS ASKED THE POLITICAL PARTIES TO RESPOND WITH THEIR VIEWS ON THE PACKAGE WITHIN THE WEEK. HE SPECIFICALLY

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PAGE 02 SANTIA 04319 02 OF 07 031707Z

DIRECTED HIS REQUEST TO NATIONAL RENEWAL, COPODE, AND THE INDEPENDENT DEMOCRATIC UNION (UDI). COPODE SPOKESMEN HAVE STATED THAT THE GROUP WILL MEET ON THE SUBJECT TUESDAY, MAY 2. RN HAS CALLED FOR A JOINT SESSION OF THEIR OWN AND THE COPODE CONSTITUTIONAL TEAMS.

5. THE CACERES PROPOSALS (NINETEEN REFORMS IN ALL) INCLUDE EVERYTHING PRESIDENT PINOCHET MENTIONED IN HIS MARCH 11 SPEECH AS WORTHY OF

CONSIDERATION FOR "PERFECTING" THE CONSTITUTION, PLUS A COUPLE OF OTHERS. THE SIX MAJOR ELEMENTS OF THE PACKAGE ARE THE FOLLOWING:

-- (1) REPEAL OF ARTICLE 8, THE MAJOR LEGAL INSTRUMENT FOR REPRESSING THE COMMUNIST PARTY, AND IN CACERES' WORDS REPLACING IT WITH "NORMS WHICH GUARANTEE POLITICAL PLURALISM." THAT, HOWEVER, IS A VERY SUBJECTIVE JUDGMENT. EVEN THE ARTICLE 8 LANGUAGE FINALLY NEGOTIATED BETWEEN COPODE AND RN WAS HOTLY DEBATED WHEN IT WAS PRESENTED TO THE PARTIES IN THE COPODE COALITION. THE COMMUNISTS THEMSELVES HAVE DENOUNCED THE CACERES PROPOSALS AS A "NEW TRAP."

-- (2) PROCESS FOR CONSTITUTIONAL AMENDMENTS. THE CONSTITUTION CURRENTLY PROVIDES THAT AFTER MARCH 1990, AMENDMENTS MAY, WITH THE SUPPORT OF THE PRESIDENT, BE APPROVED BY A THREE/FIFTHS VOTE OF BOTH CHAMBERS OF THE LEGISLATURE. HOWEVER, REFORMS OF SPECIFIED KEY SECTIONS OF THE CONSTITUTION MUST BE APPROVED BY A TWO-THIRDS MAJORITY

CONFIDENTIAL

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PAGE 03 SANTIA 04319 02 OF 07 031707Z

OF TWO CONSECUTIVE CONGRESSES AND THEN EITHER APPROVED BY THE PRESIDENT OR SUBMITTED TO A PLEBISCITE OVER THE PRESIDENT'S VETO. CACERES WOULD LOWER THE MAJORITY REQUIRED TO THREE-FIFTHS, RETAIN THE REQUIREMENT OF APPROVAL BY TWO CONSECUTIVE CONGRESSES, AND EXPAND THE SECTIONS REQUIRING THIS SPECIAL PROCEDURE TO INCLUDE THE REFORM PROCESS ITSELF AND CONSTITUTIONAL RIGHTS AND GUARANTEES. THIS MEANS THAT IF THE GOC PROPOSALS ARE ADOPTED, NO SIGNIFICANT CHANGE COULD BE MADE BY THE NEW CIVILIAN GOVERNMENT UNTIL AT LEAST 1994. NOT SURPRISINGLY, THIS HAS ALREADY BEEN INTERPRETED BY OPPOSITION SPOKESMEN AS MAKING FUTURE REFORM EVEN MORE DIFFICULT.

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PAGE 01 SANTIA 04319 03 OF 07 031707Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	SS-00	CIAE-00	EB-00
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	L-03	LAB-04	TRSE-00	PM-10	PA-01	OMB-01	STR-17
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	PRS-01	P-02	T-01	/063 W			

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O 031620Z MAY 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 1154
INFO AMEMBASSY BUENOS AIRES PRIORITY
AMEMBASSY ASUNCION PRIORITY
AMEMBASSY MONTEVIDEO PRIORITY
USCINCSO QUARRY HEIGHTS PRIORITY
AMEMBASSY MEXICO
AMEMBASSY LA PAZ

~~C O N F I D E N T I A L~~ SECTION 03 OF 07 SANTIAGO 04319

LA PAZ FOR JAMES DANDRIDGE

MEXICO CITY FOR ARNOLD CHACON

E.O. 12356: DECL:OADR
TAGS: PGOV, PREL, CI
SUBJ: MINISTER OF INTERIOR ANNOUNCES

'3) THE PRESIDENT'S AUTHORITY TO DISSOLVE THE CHAMBER OF DEPUTIES ONCE DURING HIS TERM IN OFFICE IS ELIMINATED. GOC SUPPORTERS THEMSELVES HAVE RETHOUGHT THIS PROVISION AS THEY CONSIDERED THE PROSPECT OF AN OPPOSITION PRESIDENT HAVING SUCH POWERS.

-- (4) THE EXECUTIVE'S EMERGENCY POWERS TO EXILE CITIZENS IS ELIMINATED, AND POWERS AVAILABLE TO ~~CONFIDENTIAL~~

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PAGE 02 SANTIA 04319 03 OF 07 031707Z

THE EXECUTIVE UNDER STATES OF EMERGENCY AND STATES OF SIEGE ARE SCALED BACK SOMEWHAT.

-- (5) THE COMPTROLLER GENERAL WOULD BE ADDED TO THE NATIONAL SECURITY COUNCIL. AS SUGGESTED BY PINOCHET, THIS PUTS CIVILIAN AND MILITARY MEMBERS OF THE NSC ON AN EVEN BASIS. IT FALLS SHORT OF THE RN/COPODE RECOMMENDATION FOR A CIVILIAN

MAJORITY. MORE IMPORTANTLY, THE BROAD POWERS OF THE COUNCIL TO CALL OTHER AUTHORITIES TO ACCOUNT FOR THEIR ACTIONS IS TONED DOWN TO AN ADVISORY FUNCTION "TO MAKE KNOWN TO THE PRESIDENT, THE CONGRESS AND THE CONSTITUTIONAL TRIBUNAL ITS OPINION ABOUT MATTERS WHICH MAY COMPROMISE NATIONAL SECURITY." THERE IS NO PROVISION FOR RESOLVING TIES WITHIN WITHIN THE COUNCIL.

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PAGE 01 SANTIA 04319 04 OF 07 031707Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	SS-00	CIAE-00	EB-00
	DODE-00	H-01	NSCE-00	NSAE-00	COME-00	SSO-00	HA-09
	L-03	LAB-04	TRSE-00	PM-10	PA-01	OMB-01	STR-17
	SIL-01	INRE-00	OPM-01	USIE-00	SP-02	SNP-01	C-01
	PRS-01	P-02	T-01	/063 W			

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FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 1155
INFO AMEMBASSY BUENOS AIRES PRIORITY
AMEMBASSY ASUNCION PRIORITY
AMEMBASSY MONTEVIDEO PRIORITY
USCINCSO QUARRY HEIGHTS PRIORITY
AMEMBASSY MEXICO
AMEMBASSY LA PAZ

~~C O N F I D E N T I A L~~ SECTION 04 OF 07 SANTIAGO 04319

LA PAZ FOR JAMES DANDRIDGE

MEXICO CITY FOR ARNOLD CHACON

E.O. 12356: DECL:OADR
TAGS: PGOV, PREL, CI
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-- (6) THE TERM OF THE FIRST ELECTED PRESIDENT IS LIMITED TO FOUR YEARS, AFTER WHICH HE IS ELIGIBLE FOR RE-ELECTION AND THE TERM REVERTS TO EIGHT YEARS.

THESE ARE PRECISELY THE SIX AREAS OF REFORM PINOCHET SAID HE WOULD CONSIDER IN HIS MARCH 11 SPEECH AND IDENTIFIED IN STATEMENTS TO THE PRESS ON

APRIL 28 AS THOSE SUBJECT TO "PERFECTION." THE
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 SANTIA 04319 04 OF 07 031707Z

OTHER REFORMS ARE LESS TRANSCENDENTAL AMOUNTING IN SOME CASES TO CORRECTING AMBIGUITIES, AS ADVERTISED, "PERFECTING" THE LANGUAGE. PINOCHET HIMSELF DESCRIBED THEM AS "NOT OF MAJOR IMPORTANCE."

6. MAJOR OPPOSITION LEADERS HAVE BEEN UNENTHUSIASTIC PUT HAVE GENERALLY RESERVED FINAL JUDGMENT ON THE GOVERNMENT PACKAGE UNTIL THEY HAVE HAD TIME TO STUDY IT IN MORE DETAIL. COPODE SPOKESMAN PATRICIO AYLWN LIMITED HIMSELF TO SAYING THAT "THERE ARE POSITIVE THINGS AND OTHERS WHICH ARE WORRISOME... SOME POINTS DIFFER CONSIDERABLY FROM THE PROPOSALS AGREED TO BY COPODE AND THE RN." PARTY FOR DEMOCRACY PRESIDENT RICARDO LAGOS WENT FURTHER IN STATING THAT THE PROPOSALS WERE "TREMENDOUSLY INSUFFICIENT WHEN COMPARED TO THOSE AGREED TO WITH |HE RN" AND PARTICULARLY WORRIED OVER THE CONSTI-'TUTIONAL REFORM REQUIREMENTS WHICH WOULD POSTPONE MEANINGFUL CHANGES UNTIL 1995 (?) -- PRESUMABLY HE MEANT 1994 WHEN A NEW CONGRESS IS TO BE ELECTED. ON THE OTHER HAND, NATIONAL RENEWAL AND UDI LEADERS CAME OUT IN SUPPORT OF THE CACERES PROPOSALS. THE RN STATEMENT NOTED THAT "THE REFORMS PROPOSED

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PAGE 01 SANTIA 04319 05 OF 07 031708Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	SS-00	CIAE-00	EB-00
	DODE-00	H-01	NSCE-00	NSAE-00	COME-00	SSO-00	HA-09
	L-03	LAB-04	TRSE-00	PM-10	PA-01	OMB-01	STR-17
	SIL-01	INRE-00	OPM-01	USIE-00	SP-02	SNP-01	C-01
	PRS-01	P-02	T-01	/063 W			

----------242072 031723Z /44

O 031620Z MAY 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 1156
INFO AMEMBASSY BUENOS AIRES PRIORITY
AMEMBASSY ASUNCION PRIORITY
AMEMBASSY MONTEVIDEO PRIORITY

USCINCSO QUARRY HEIGHTS PRIORITY
AMEMBASSY MEXICO
AMEMBASSY LA PAZ

C O N F I D E N T I A L SECTION 05 OF 07 SANTIAGO 04319

LA PAZ FOR JAMES DANDRIDGE

MEXICO CITY FOR ARNOLD CHACON

E.O. 12356: DECL:OADR
TAGS: PGOV, PREL, CI
SUBJ: MINISTER OF INTERIOR ANNOUNCES

COINCIDE WITH MANY PROPOSED BY THE RN/COPODE COMMISSION" AND CALLED ON "THE GOVERNMENT AND THE PARTIES AND DEMOCRATIC SECTORS OF THE OPPOSITION TO BE OPEN TO REACH CONSENSUS."

7. THE MAJOR CONCESSION IN THE CACERES PACKAGE IS THE ADDITION OF ONE CIVILIAN TO THE NATIONAL SECURITY COUNCIL. BEYOND THAT IT IS DIFFICULT TO FIND MUCH WHICH GOES BEYOND WHAT PINOCHET
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PAGE 02 SANTIA 04319 05 OF 07 031708Z

HIMSELF SEEMED WILLING TO ACCEPT WHEN HE GAVE NEW MOMENTUM TO THE ISSUE OF CONSTITUTIONAL REFORM IN HIS MARCH 11 SPEECH. APPOINTIVE SENATORS, AMOUNTING TO 25 PERCENT OF THE CHAMBER, ARE RETAINED. FURTHERMORE, THERE IS NO MENTION OF EXPANDING THE NUMBER OF SENATORS TO OFFSET HE APPOINTIVE MEMBERS. NOR IS THERE ANY MENTION OF MODIFYING CONSTITUTIONAL PROVISIONS WHICH ASSURE THE MILITARY COMMANDERS AT LEAST FOUR YEARS OF SECURITY (EIGHT IN THE CASE OF CURRENT INCUMBENTS) IN THEIR POSITIONS WHATEVER THE DESIRES OF THE CIVILIAN PRESIDENT.

8. ONE OF THESE COMMANDERS, THE COMMANDER-IN-CHIEF OF THE ARMY, THE PRESIDENT MADE CLEAR ON FRIDAY WILL BE AUGUSTO PINOCHET HIMSELF. AFTER SWEARING IN HIS TWO NEW CABINET MEMBERS, THE PRESIDENT ABANDONED AMBIGUITY ("I WILL STAND AT THE FOOT OF THE CANNON") AND STATED FLATLY IN A PRESS INTERVIEW THAT HE WILL STAY ON AS ARMY CINC AFTER THE NEW PRESIDENT IS INAUGURATED IN MARCH 1990. IN THE SAME INTERVIEW, PINOCHET ALSO MADE FURTHER STATEMENTS TO THE EFFECT THAT HE WAS NOT PLANNING TO BE A

PRESIDENTIAL CANDIDATE. "I HAVE DONE WHAT I SAID I WOULD DO. I AM NOT SEEKING CONVOLUTED THINGS LIKE RE-ELECTION."

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PAGE 01 SANTIA 04319 06 OF 07 031709Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	SS-00	CIAE-00	EB-00
	DODE-00	H-01	NSCE-00	NSAE-00	COME-00	SSO-00	HA-09
	L-03	LAB-04	TRSE-00	PM-10	PA-01	OMB-01	STR-17
	SIL-01	INRE-00	OPM-01	USIE-00	SP-02	SNP-01	C-01
	PRS-01	P-02	T-01	/063 W			

----------242112 031723Z /44

O 031620Z MAY 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 1157
INFO AMEMBASSY BUENOS AIRES PRIORITY
AMEMBASSY ASUNCION PRIORITY
AMEMBASSY MONTEVIDEO PRIORITY
USCINCSO QUARRY HEIGHTS PRIORITY
AMEMBASSY MEXICO
AMEMBASSY LA PAZ

C ~~O N F I D E N T I A L~~ SECTION 06 OF 07 SANTIAGO 04319

LA PAZ FOR JAMES DANDRIDGE

MEXICO CITY FOR ARNOLD CHACON

E.O. 12356: DECL:OADR
TAGS: PGOV, PREL, CI
SUBJ: MINISTER OF INTERIOR ANNOUNCES

-

9. COMMENT: IN THE FINAL ANALYSIS, PINOCHET HAS GIVEN AWAY NOTHING IN THIS PACKAGE THAT HE DID NOT PUBLICLY COMMIT HIMSELF TO CONSIDER IN HIS MARCH 11 SPEECH. IT BECOMES EVEN CLEARER NOW THAT THE THUNDER AND COMMOTION OVER THE CABINET CRISIS WAS BECAUSE THE PRESIDENT HAD DECIDED TO RENEGE ON THAT COMMITMENT AND MAKE NO REFORMS AT ALL. INSOFAR AS CACERES GOT THE PRESIDENT TO BACK DOWN ON CONSTITUTIONAL

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~~CONFIDENTIAL~~

PAGE 02 SANTIA 04319 06 OF 07 031709Z

REFORM, HE SUCCEEDED ONLY IN RETURNING HIM TO HIS PREVIOUS POSITION. EVEN WITH THAT, PINOCHET'S SINCERITY IN SUPPORTING REFORM IS IN DOUBT. THE KICKER IN THE PACKAGE OF EVEN MORE DIFFICULT REFORM PROCEDURES MAKES ARRIVING AT "CONSENSUS" UNLIKELY. THE OPPOSITION MAY BRIDLE AT THE STILL RESTRICTIVE ARTICLE 8 LANGUAGE, BUT ITS CORE CONCERN IS THE REFORM PROCESS ITSELF. WHEREAS IT MAY NOT HAVE MUSTERED THE ENERGY ACTIVELY TO OPPOSE A MINIMAL PACKAGE THAT STILL MOVED IN THE RIGHT DIRECTION, WE EXPECT IT TO STRONGLY OPPOSE THE AMENDMENT PROCEDURE PROPOSED BY CACERES. POSTPONING MEANINGFUL REFORM UNTIL 1994 GIVES IT A RALLYING CRY.

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PAGE 01 SANTIA 04319 07 OF 07 031709Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	SS-00	CIAE-00	EB-00
	DODE-00	H-01	NSCE-00	NSAE-00	COME-00	SSO-00	HA-09
	L-03	LAB-04	TRSE-00	PM-10	PA-01	OMB-01	STR-17
	SIL-01	INRE-00	OPM-01	USIE-00	SP-02	SNP-01	C-01
	PRS-01	P-02	T-01	/063 W			

----------242122 031723Z /44

O 031620Z MAY 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 1158
INFO AMEMBASSY BUENOS AIRES PRIORITY
AMEMBASSY ASUNCION PRIORITY
AMEMBASSY MONTEVIDEO PRIORITY
USCINCSO QUARRY HEIGHTS PRIORITY
AMEMBASSY MEXICO
AMEMBASSY LA PAZ

~~C O N F I D E N T I A L~~ SECTION 07 OF 07 SANTIAGO 04319

LA PAZ FOR JAMES DANDRIDGE

MEXICO CITY FOR ARNOLD CHACON

E.O. 12356: DECL:OADR
TAGS: PGOV, PREL, CI
SUBJ: MINISTER OF INTERIOR ANNOUNCES

10. THIS SEEMS SO OBVIOUS THAT WE CANNOT DISCOUNT THE POSSIBILITY THAT CACERES' APRIL 28 PROPOSALS ARE ONLY THE GOC'S OPENING POSITION, AND PINOCHET HAS GIVEN THE MINISTER A MANDATE TO NEGOTIATE BROADER REFORMS. WE DOUBT THAT, HOWEVER, ESPECIALLY WITH PINOCHET'S HAVING FURTHER ABJURED STAYING ON AS PRESIDENT AND FALLEN BACK TO HIS FINAL REDOUBT OF REMAINING ON AS ARMY CINC. WE SUSPECT THE
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PAGE 02 SANTIA 04319 07 OF 07 031709Z

PRESIDENT FEELS HE HAS GIVEN QUITE ENOUGH AND WILL NOT BE OPEN TO FURTHER COMPROMISE. ALL OF THIS LEAVES CONSTITUTIONAL REFORM BEFORE ELECTIONS A VERY IFY PROPOSITION. WE ONLY GIVE IT A FIFTY-FIFTY CHANCE. SHOULD THERE BE NO REFORM, THE GOC CAN GO INTO THE ELECTIONS SAYING THAT IT OFFERED THE OPPOSITION PARTIES A REASONABLE PACKAGE -- WHICH INDEED DOES INCLUDE AT LEAST SOME OF THE REFORMS THEY SOUGHT -- AND THEY REJECTED IT. THAT MAY NOT SELL WITH THE ELECTORATE, BUT IT GIVES THE RIGHT A BETTER CHANCE AT DEFUSING CONSTITUTIONAL REFORM AS A CAMPAIGN ISSUE THAN IT HAD BEFORE. JONES

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RELEASED
El Salvador: Human Rights
Special Project (1993)

RELEASE

TEXT OF TELEGRAM 89SAN SA005538

ADP015
UNCLASSIFIED

PAGE 01 SAN SA 05538 01 OF 02 030022Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	SS-00	CIAE-00	DODE-00
	H-01	NSCE-00	NSAE-00	HA-09	L-03	LAB-04	TRSE-00
	PM-10	PA-02	OMB-01	SIL-01	INRE-00	SP-02	SNP-01
	C-01	PRS-01	DS-01	SCT-02	P-02	T-01	/049 W

173016 030118Z /72

P 030016Z MAY 89
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC PRIORITY 8933
INFO AMEMBASSY GUATEMALA
AMEMBASSY MANAGUA
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
AMEMBASSY CARACAS
AMEMBASSY MEXICO
USIA WASHDC 3350
USCINCSO QUARRY HTS PM

UNCLAS SECTION 01 OF 02 SAN SALVADOR 05538

E.O. 12356: N/A
TAGS: ELAB, PGOV, PINS, ES
SUBJECT: UNTS' MAY DAY MARCH A BUST

1. SUMMARY:

THE FMLN LABOR FRONT UNTS HELD A MARCH AND RALLY COMMEMORATING MAY DAY BUT FEWER THAN 4000 SALVADORANS TOOK PART. SECURITY PRECAUTIONS WERE STRICT AS THE UNTS MARCHERS TROOPED THROUGH THE LARGELY DESERTED STREETS OF SAN SALVADOR TO THEIR TRADITIONAL DOWNTOWN RALLY SITE. GOES SECURITY OFFICIALS WERE DETERMINED TO PREVENT A REPETITION OF THE VIOLENCE WHICH PUNCTUATED LAST YEAR'S UNTS-ORGANIZED MAY DAY MARCH. DESPITE A CONCERTED PROPAGANDA CAMPAIGN AGAINST THE
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PAGE 02 SAN SA 05538 01 OF 02 030022Z

INCOMING CRISTIANI ADMINISTRATION, UNTS' SCARE TACTICS FAILED TO GENERATE SPONTANEOUS PUBLIC SUPPORT. A FEW FOREIGNERS ONCE AGAIN MARCHED TO SHOW SOLIDARITY WITH UNTS BUT THEIR PRESENCE ADDED LITTLE LUSTER TO UNTS' POOR SHOWING. END SUMMARY

2. TIGHT SECURITY ARRANGEMENTS TO PREVENT VIOLENCE

RELEASED
El Salvador: Human Rights
Special Project (1993)

FEWER THAN 4000 PERSONS PARTICIPATED IN A MARCH AND RALLY ORGANIZED BY THE FMLN LABOR FRONT UNTS MAY 1 TO COMMEMORATE INTERNATIONAL LABOR DAY. THE TURNOUT WAS LESS THAN HALF THE 1988 TOTAL AND WAS COMPARABLE TO UNTS' POOR SHOWING OF MAY 1, 1987. SOME UNTS LEADERS ARE ALLEGING THAT "THOUSANDS" STAYED AWAY BECAUSE OF THE "INTIMIDATING" PRESENCE OF GOES SECURITY FORCES. SECURITY WAS INDEED TIGHT AS HUNDREDS OF RIOT-EQUIPPED TROOPS TRAILED GROUPS OF MARCHERS FROM VARIOUS ASSEMBLY POINTS IN SAN SALVADOR TO THE PARQUE LIBERTAD, THE TRADITIONAL DOWNTOWN SITE OF MAY DAY RALLIES. THE DISPLAY OF FORCE WAS INTENDED TO PREVENT ANY REPETITION OF THE VIOLENCE WHICH HAS CHARACTERIZED PREVIOUS UNTS-ORGANIZED DEMONSTRATIONS, AS WAS THE CASE DURING LAST YEAR'S MAY DAY MARCH AND RALLY. THERE WERE NO REPORTS OF VIOLENCE THIS YEAR, HOWEVER.

3. MARCHERS PAID BUT ANTI-ARENA THEMES LACKED APPEAL

UNTS HAD HOPED TO DRAW AT LEAST 25,000 PARTICIPANTS TO YESTERDAY'S ACTIVITIES AND USED A VARIETY OF MEANS TO DO SO. ACCORDING TO LOCAL PRESS REPORTS, SOME OF THE
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PAGE 03 SAN SA 05538 01 OF 02 030022Z

MARCHERS ADMITTED HAVING RECEIVED UP TO 30 COLONES (USDOLS SIX) FOR THEIR PARTICIPATION AND THAT OF FAMILY MEMBERS. WOMEN AND CHILDREN ACCOUNTED FOR NEARLY HALF THE MARCHERS AND MANY WERE PEASANTS TRANSPORTED TO SAN SALVADOR FROM OUTLYING AREAS. THE EXPECTED TURNOUT, HOWEVER, HINGED ON A SPONTANEOUS REACTION UNTS SOUGHT TO CREATE THROUGH A PROPAGANDA CAMPAIGN AGAINST THE IN-COMING CRISTIANI GOVERNMENT. LAST WEEK, SAN SALVADOR'S MAJOR DAILIES CARRIED A SERIES OF UNTS ADVERTISEMENTS WHICH, AMONG OTHER THINGS, ALLEGED THAT "REPRESSION, 'DEATH SQUAD' ACTIVITIES, AND VIOLENCE" HAD INCREASED SINCE CRISTIANI'S VICTORY IN THE MARCH PRESIDENTIAL CONTEST. UNTS ATTRIBUTED THIS TO "MILITANTS" OF CRISTIANI'S NATIONALIST REPUBLICAN ALLIANCE PARTY (ARENA), AND PREDICTED THAT WORSE WOULD COME FOLLOWING CRISTIANI'S JUNE 1 INAUGURATION.

4. THE USUAL CROWD AND SOME FOREIGNERS

THE SALVADORAN PUBLIC APPARENTLY WAS NOT SWAYED BY UNTS' SCARE TACTICS AND SO PARTICIPATION IN THE MARCH AND RALLY WAS LARGELY LIMITED TO THE USUAL LINE UP OF FMLN FRONT ORGANIZATIONS. SMALL GROUPS OF FOREIGNERS ONCE AGAIN JOINED IN TO SHOW THEIR SOLIDARITY WITH

RELEASED
El Salvador: Human Rights
Special Project (1993)

TEXT OF TELEGRAM 89SAN SA005538

UNTS, INCLUDING AN ORGANIZATION BILLED AS "WASHINGTON D.C. NURSES SUPPORTING STISSS."

5 DEMOCRATIC LABOR ENJOYED A QUIET HOLIDAY

THE 270,000-MEMBER DEMOCRATIC LABOR UMBRELLA

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RELEASED
El Salvador: Human Rights
Special Project (1993)

TEXT OF TELEGRAM 89SAN SA005538

ADP016
UNCLASSIFIED

PAGE 01 SAN SA 05538 02 OF 02 030022Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	SS-00	CIAE-00	DODE-00
	H-01	NSCE-00	NSAE-00	HA-09	L-03	LAB-04	TRSE-00
	PM-10	PA-02	OMB-01	SIL-01	INRE-00	SP-02	SNP-01
	C-01	PRS-01	SCT-02	P-02	T-01	/048 W	

173007 030118Z /72

P 030016Z MAY 89
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC PRIORITY 8934
INFO AMEMBASSY GUATEMALA
AMEMBASSY MANAGUA
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
AMEMBASSY CARACAS
AMEMBASSY MEXICO
USIA WASHDC 3351
USCINCSO QUARRY HTS PM

UNCLAS SECTION 02 OF 02 SAN SALVADOR 05538

E.O. 12356: N/A
TAGS: ELAB, PGOV, PINS, ES
SUBJECT: UNTS' MAY DAY MARCH A BUST

ORGANIZATION THE NATIONAL UNION OF WORKERS AND PEASANTS (UNOC) DECIDED LATE LAST WEEK TO CANCEL ITS OWN PLANNED OBSERVANCES OF MAY DAY TO AVOID ANY APPEARANCE OF SOLIDARITY WITH UNTS. UNOC'S LEADERS HAVE RECENTLY UNDERTAKEN EFFORTS TO CULTIVATE A POSITIVE RELATIONSHIP WITH PRESIDENT-ELECT CRISTIANI AND WERE THEREFORE MINDFUL OF THE ANTI-ARENA THRUST IN UNTS' MAY DAY PROPAGANDA.

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CONFIDENTIAL
n/a

03/24/89 (JE032)

Case Number: S1999000030

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

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PAGE 01 SANTIA 04347 01 OF 02 032147Z
ACTION ARA-00

INFO	LOG-00	ADS-00	INR-07	SS-00	CIAE-00	DODE-00	H-01
	NSCE-00	NSAE-00	HA-09	L-03	TRSE-00	PM-10	PA-01
	OMB-01	INRE-00	USIE-00	SP-02	SNP-01	C-01	PRS-01
	P-02	T-01	/040 W				

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R 032115Z MAY 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 1168

C O N F I D E N T I A L SECTION 01 OF 02 SANTIAGO 04347

E.O. 12356: DECL:OADR
TAGS: PGOV, CI
SUBJ: OPPOSITION REJECTS GOC REFORM PACKAGE; TALKS UNDERWAY

REF: SANTIAGO 4319

1. (U) SUMMARY: TO NO ONE'S SURPRISE, THE COALITION OF POLITICAL PARTIES FOR DEMOCRACY (COPODE) REJECTED AS INADEQUATE THE PROPOSAL FOR CONSTITUTIONAL REFORM WHICH WAS UNVEILED BY INTERIOR MINISTER CACERES LAST FRIDAY (REFTEL). THE 17-PARTY COALITION SAID IT WAS OPEN TO DIALOGUE, BUT INSISTED THAT ITS AGREEMENT WITH THE CONSERVATIVE NATIONAL RENEWAL PARTY (RN) SHOULD BE THE BASIS FOR REFORM AND THAT A FLEXIBILIZATION OF THE MEANS FOR AMENDING THE CONSTITUTION WAS A SINE QUA NON FOR AN ACCORD. MEANWHILE RN ANNOUNCED THAT THE GOC PROPOSAL CONTAINED "ENCOURAGING ELEMENTS", AND SAID THAT IT PLANNED TO MEET WITH COPODE'S TECHNICAL COMMISSION AND WITH CACERES TO TRY TO ACHIEVE THE NECESSARY CONSENSUS. SENIOR JUNTA MEMBER MERINO SAID THAT A PLEBISCITE COULD TAKE PLACE IN EARLY OR MID-AUGUST, BUT ONLY IF THE POLITICAL PARTIES CAME TO AN

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PAGE 02 SANTIA 04347 01 OF 02 032147Z

AGREEMENT. ALTHOUGH REFORM PROSPECTS LOOK SHAKEY, THERE IS STILL NEGOTIATING ROOM. THE GOVERNMENT MAY BE RESERVING AN OFFER, TO EXPAND THE SIZE OF THE ELECTED CONGRESS FOR EXAMPLE. THE CENTER-LEFT COALITION HAS GIVEN WHAT ONE OBSERVER CALLED A "NEGOTIABLE NO." END SUMMARY.

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2. (U) AFTER A FOUR-HOUR MEETING TO ANALYZE THE IMPLICATIONS OF THE GOVERNMENT'S REFORM PROPOSAL, LEADERS OF THE 17 ALLIED CENTER-LEFT PARTIES (COPODE) ANNOUNCED THEY REGRETTABLY COULD NOT GIVE THEIR CONSENT TO A PLAN THAT "FAR FROM SATISFYING THE NATIONAL DESIRE TO ADVANCE TOWARD DEMOCRACY, CONTAINS NORMS WHICH...MEAN A SERIOUS RETREAT FROM THE ACTUAL CONSTITUTIONAL TEXT." IN PARTICULAR, COPODE CLAIMS THAT THE PROPOSED PROCEDURES FOR MODIFYING THE CONSTITUTION "OBSTRUCT THE AMENDMENT PROCESS" BY REQUIRING AGREEMENT FROM TWO SUCCESSIVE CONGRESSES FOR ANY IMPORTANT CHANGE. THE COALITION REITERATED ITS INTEREST IN ARRIVING AT A CONSENSUS, AND POINTED TO ITS AGREEMENT WITH RN AS THE BASIS FOR SUCH AN ACCORD. IN A FOLLOWUP BRIEFING WITH THE PRESS, COPODE SPOKESMAN PATRICIO AYLWIN STRESSED THE IMPORTANCE OF CHANGING THE MAKEUP OF THE CONGRESS AND FLEXIBILIZING THE AMENDMENT PROCESS, POINTS WHICH HE MADE IN A LETTER SENT TO CACERES ON MAY 2. HE INDICATED THAT HE WOULD MEET ON MAY 3 WITH RN PRESIDENT SERGIO JARPA TO DISCUSS THE ISSUE. THE GOC IS EXPECTED TO MAKE A STATEMENT ON THE AFTERNOON OF MAY 3.

3. (U) IN A MEETING OF ITS TECHNICAL COMMISSION, WHICH INCLUDED ANDRES ALLAMAND, MIGUEL OTERO, RICARDO CONFIDENTIAL

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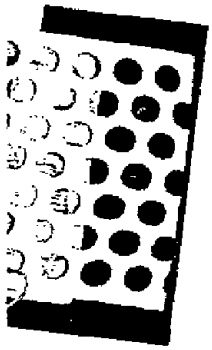
PAGE 03 SANTIA 04347 01 OF 02 032147Z

RIVADENEIRA AND CARLOS REDMOND, NATIONAL RENEWAL ON APRIL 29 SAID THAT MANY OF THE GOC'S REFORM PROPOSALS COINCIDED WITH ITS OWN AND URGED BOTH THE GOVERNMENT AND OPPOSITION PARTIES TO KEEP AN OPEN ATTITUDE ON THE PACKAGE. ON MAY 2 RN'S POLITICAL COMMISSION EMITTED AN EVEN MORE CAUTIOUS STATEMENT, POINTING OUT THE "ENCOURAGING ELEMENTS" IN THE GOVERNMENT'S PROGRAM AND STRESSING THE NEED TO ACHIEVE CONSENSUS BEFORE CALLING A PLEBISCITE ON CONSTITUTIONAL REFORM. TOWARD THAT END, RN STATED ITS TECHNICAL COMMMISSION WOULD MEET WITH ITS COUNTERPART IN COPODE, WITH MINISTER CACERES AND OTHER POLITICAL PARTIES IN THE NEXT FEW DAYS.

4. (U) MEANWHILE, UDI PRESIDENT JAIME GUZMAN SAID THE GOC'S PROPOSAL FOR 19 CONSTITUTIONAL REFORMS REPRESENTED A SOLID BASIS FOR CALLING A PLEBISCITE, AND URGED OPPOSITION SECTORS NOT TO ADOPT AN INTRANSIGENT ATTITUDE. TOMAS GONZALEZ, THE LIBERAL

ENAS, PRAISED THE ACTION TAKEN BY
S POSITIVE STEPS TOWARD DIALOGUE.
. INVOLVED TO STUDY THE PROPOSALS AT
MIND, AS WELL AS TECHNICAL DEPTH,
MINE IF THEY PERMIT A MORE
ITICAL SYSTEM. SENIOR JUNTA MEMBER
DICATED THAT HE WAS "FAIRLY MUCH IN
HE PROPOSALS MADE BY CACERES, WHICH
HOSE HE MADE FIVE YEARS AGO "WHEN NO
ACHED." MERINO ACKNOWLEDGED THAT THE
S WOULD LIKE TO REVISE CERTAIN REFORM
AID A PLEBISCITE COULD TAKE PLACE IN
UST ON THE ISSUE, BUT NOT WITHOUT A
ENT.



SANTIA 04347 02 OF 02 032145Z

ADS-00	INR-07	SS-00	CIAE-00	DODE-00	H-01
NSAE-00	HA-09	L-03	TRSE-00	PM-10	PA-01
INRE-00	USIE-00	SP-02	SNP-01	C-01	PRS-01
T-01	/040 W				

----------310241 041120Z /23

89
SANTIAGO
WASHDC 1169

~~E N T I A L~~ SECTION 02 OF 02 SANTIAGO 04347

DECL:OADR
CI
ITION REJECTS GOC REFORM PACKAGE;

MENT: THE FACT THAT JARPA AND
EETING, AND THAT THE RN HAS OFFERED
A BRIDGE TO THE GOVERNMENT,
AT THERE MAY BE ROOM FOR MANEUVER.
CTION SERVICE DIRECTOR JUAN
IA TOLD POLOFF THAT COPODE'S
L BE SEEN AS A "NEGOTIABLE NO."
MODERATES ARE RIDING TIGERS ON
F THE FENCE. WITHIN COPODE,
T APPEAR AS TOO INCLINED TO
L WITH THE RIGHT, LEST HIS CRITICS
PD AND PAIS UNDERMINE SUPPORT FOR
Y. FOR HIS PART PINOCHET IS

APPARENTLY NOT INCLINED BOTH TO LOOSEN UP THE AMENDMENT PROCESS AND EXPAND THE NUMBER OF ELECTED SENATORS, SINCE HE FEARS HANDING THE NEXT PRESIDENT THE TOOLS FOR MORE PROFOUND REFORMS. HE MAY BE RESERVING AN OFFER TO ENLARGE THE SIZE OF THE CONGRESS AS A FINAL SWEETENER, BUT EVEN HIS CLOSEST ADVISORS ARE ~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 02 SANTIA 04347 02 OF 02 032145Z

NOT LIKELY TO KNOW FOR SURE. WHAT IS CLEAR IS ONLY THAT THE TIME FOR COMING TO AN AGREEMENT IS SHORT INDEED. JONES

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NNNN

04 May 89 JE033

Chile Project (#S199900030)
U.S. Department of State
Release X Excise_____ Deny_____
Declassify: In Part_____ In Full_____
Exemption(s)_____

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PAGE 01 SANTIA 04361 041526Z
ACTION HA-09

INFO	LOG-00	ADS-00	AID-00	INR-07	SS-00	OIC-02	CIAE-00
	EB-00	DODE-00	H-01	IO-19	NSCE-00	ARA-00	NSAE-00
	L-03	AMAD-01	LAB-04	TRSE-00	PA-02	STR-17	SIL-01
	INRE-00	RP-10	USIE-00	SP-02	SR-06	PRS-01	P-02
	/087 W						

----------352043 050227Z /63 38

R 041518Z MAY 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 1173

UNCLAS SANTIAGO 04361

FOR HA - LEON WEINTRAUB

E.O. 12356: N/A
TAGS: PHUM, PREL, CI
SUBJ: INTERNATIONAL AGREEMENT ON CIVIL AND POLITICAL
- RIGHTS

FOR THE RECORD: THE TEXT OF THE INTERNATIONAL AGREEMENT ON CIVIL AND POLITICAL RIGHTS, WHICH CHILE RATIFIED IN 1976, WAS PUBLISHED IN THE CHILEAN OFFICIAL GAZETTE ON APRIL 29, 1989. UNDER CHILEAN LAW, THE INTERNATIONAL AGREEMENT NOW ENTERS INTO FORCE IN CHILEAN LAW. JONES

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UNCLASSIFIED
CONFIDENTIAL
n/a

05 May 89

JE035

Case Number: S1999000030 Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

CONFIDENTIAL

PAGE 01 SANTIA 04437 01 OF 02 052058Z
ACTION ARA-00

INFO LOG-00 ADS-00 INR-07 SS-00 CIAE-00 DODE-00 NSCE-00
NSAE-00 PA-01 INRE-00 USIE-00 SP-02 PRS-01 /011 W
----------025637 052107Z /63

P 052054Z MAY 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 1187

C O N F I D E N T I A L SECTION 01 OF 02 SANTIAGO 04437

E.O. 12356:DECL:OADR
TAGS: PREL, CI
SUBJ: FOREIGN MINISTRY PROTESTS PRESIDENT'S
- REMARKS ON CHILE, THEN ASKS THAT AMBASSADOR'S
- PRESENTATION OF CREDENTIALS BE EXPEDITED

1. CONFIDENTIAL - ENTIRE TEXT.

2. AMBASSADOR LUIS WINTER, DIRECTOR GENERAL (THIRD-RANKING OFFICER) OF THE FOREIGN MINISTRY, CALLED IN CHARGE MAY 4 TO EXPRESS CHILEAN GOVERNMENT'S DISPLEASURE OVER PRESIDENT BUSH'S REMARKS AT MAY 3 CEREMONY HONORING CHILEAN CIVIC LEADER MONICA JIMENEZ.

3. WINTER SAID GOC "DID NOT LIKE THE PRESIDENT'S REMARKS," AND ASKED IF CHARGE HAD SEEN FULL TEXT. CHARGE SAID HE HAD NOT (HAVING SEEN ONLY WIRE SERVICE STORIES AND THE USIA WHITE HOUSE REPORT.) WINTER HANDED HIM A COPY THE MINISTRY HAD RECEIVED FROM ITS EMBASSY IN WASHINGTON. HE EXPANDED AT SOME LENGTH ON THE SINCERE AND DEDICATED EFFORTS THE GOC, AND PARTICULARLY FONMIN ERRAZURIZ, WERE MAKING TO CARRY OUT TRANSITION TO FULL DEMOCRACY AS SCHEDULED IN THE CONSTITUTION. YET NO MENTION OF THE GOVERNMENT'S EFFORTS WAS MADE IN THE
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 SANTIA 04437 01 OF 02 052058Z

PRESIDENT'S REMARKS. AS A RESULT, THEY LENT THEMSELVES TO INTERPRETATIONS SUCH AS THAT OF THE LEFTIST DAILY FORTIN DIARIO, WHICH HEADLINED ITS LEAD FRONT-PAGE STORY, "THE DICTATOR'S TIME IS OVER, SAID BUSH, PRESIDENT OF THE U.S.; CHILEAN PATH TO DEMOCRACY IS IRREVERSIBLE, HE ADDED."

UNCLASSIFIED
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CONFIDENTIAL

4. CHARGE SAID WINTER WAS OF COURSE AWARE THAT FORTIN'S HEADLINE IMPLIED A DIRECT REFERENCE TO PINOCHET WHICH THE PRESIDENT HAD NOT MADE. WE ACCEPTED NO RESPONSIBILITY FOR HOW THE U.S. PRESS, LET ALONE THE CHILEAN PRESS, DID ITS JOB, BUT CHARGE NOTED THAT EVERY OTHER SANTIAGO NEWSPAPER RAN ACCURATE AND NON-SENSATIONAL COVERAGE. HE SAID HIS UNDERSTANDING WAS THAT INITIATIVE FOR PRESIDENT'S MEETING WITH THE CHILEAN AND POLISH RECIPIENTS OF THE ANNUAL NED AWARDS HAD COME FROM THE WHITE HOUSE. WINTER SAID IT SOUNDED AS IF PRESIDENT HAD SPOKEN EXTEMPORANEOUSLY. ALL THE MORE REASON, CHARGE SAID, FOR TAKING HIS REMARKS VERY SERIOUSLY. THIS WAS THE PRESIDENT'S INITIATIVE, AND THE REMARKS EXPRESSED THE PRESIDENT'S POLICYAND BELIEFS. WHEN CHARGE REFERRED TO "THIS PROTEST," WINTER DENIED IT WAS A PROTEST, "ONLY A CONVERSATION."

5. WINTER THEN EXPRESSED REGRET AT THE DELAY IN SCHEDULING AN OPPORTUNITY FOR CHILEAN AMBASSADOR OCTAVIO ERRAZURIZ TO PRESENT HIS CREDENTIALS TO THE PRESIDENT. HE NOTED THAT ERRAZURIZ HAS NOW BEEN AT POST FOR ELEVEN WEEKS. CHARGE SAID HE WOULD REPORT THE MINISTRY'S REQUEST THAT CREDENTIALS CEREMONY BE EXPEDITED, AND TOLD WINTER
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 SANTIA 04437 01 OF 02 052058Z

THAT NO CONNOTATION SHOULD BE READ INTO IT OTHER THAN THAT PRESIDENT HAD A VERY HEAVY SCHEDULE. WINTER SAID MINISTRY UNDERSTOOD THAT.

6. AT END OF THE MEETING, WINTER GAVE CHARGE A NOTE ENCLOSING A LETTER FROM THE FONMIN TO THE SECRETARY, REPLYING TO THE SECRETARY'S MESSAGE ON PANAMA (BEING REPORTED SEPTEL.

7. COMMENT: THERE IS A LONG HISTORY OF EXPRESSIONS OF REGRET BY THE FOREIGN MINISTRY OVER USG STATE-

CONFIDENTIAL

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CONFIDENTIAL

PAGE 01 SANTIA 04437 02 OF 02 052058Z
ACTION ARA-00

Case Number: S1999000030

INFO LOG-00 ADS-00 INR-07 SS-00 CIAE-00 DODE-00 NSCE-00
NSAE-00 PA-01 INRE-00 USIE-00 SP-02 PRS-01 /011 W
----------025651 052107Z /63

P 052054Z MAY 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 1188

~~C O N F I D E N T I A L~~ SECTION 02 OF 02 SANTIAGO 04437

E.O. 12356:DECL:OADR
TAGS: PREL, CI
SUBJ: FOREIGN MINISTRY PROTESTS PRESIDENT'S

MENTS ON CHILE, OFTEN, AS IN THIS CASE, DONE VERY
LOW-KEY AND SOUNDING ALMOST APOLOGETIC FOR HAVING
RAISED THE SUBJECT. PURPOSE, OF COURSE, IS TO
BE ABLE TO TELL PINOCHET'S STAFF THAT APPROPRIATE
NOISES HAVE BEEN MADE.JONES

~~CONFIDENTIAL~~

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UNCLASSIFIED
n/a

CONFIDENTIAL

Case Number: S1999000030 Chile Project (#S199900030)

U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

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PAGE 01 SAN JO 05808 060000Z
ACTION ARA-00

INFO LOG-00 ADS-00 INR-07 SS-00 OIC-02 CIAE-00 IO-19
NSAE-00 HA-09 PM-10 INRE-00 SP-02 C-01 P-02
/052 W

----------072505 061943Z /72

R 052333Z MAY 89
FM AMEMBASSY SAN JOSE
TO SECSTATE WASHDC 0634
INFO AMEMBASSY SANTIAGO
USMISSION USUN NEW YORK
USMISSION GENEVA

~~C O N F I D E N T I A L~~ SAN JOSE 05808

E.O. 12356: DECL:OADR
TAGS: PHUM, UNHRC-L, CI, CS
SUBJECT: VOLIO CONFIRMS RESIGNATION AS RAPPORTEUR

1. CONFIDENTIAL - ENTIRE TEXT

2. FERNANDO VOLIO, WHO RESIGNED IN APRIL AS UN SPECIAL RAPPORTEUR FOR HUMAN RIGHTS IN CHILE (SAN JOSE 5082), TOLD POLOFF MAY 5 THAT HIS DECISION IS FINAL. VOLIO SAID THAT HE WAS DEEPLY MOVED BY THE HUMAN RIGHTS CENTER'S REQUEST THAT HE STAY ON (GENEVA 3445), NOTING THAT HE HAD RECEIVED SEVERAL CABLES AND PHONE CALLS IN WHICH THE CENTER PROMISED A GREAT DEAL OF ASSISTANCE.

3. VOLIO SAID THAT THE IMPORTANCE OF THE SPECIAL RAPPORTEUR'S RESPONSIBILITY IN CHILE IS SIMPLY TOO GREAT FOR LESS THAN AN ALL-OUT EFFORT. THAT SORT OF EFFORT, VOLIO NOTED, IS ALSO VERY STRESSFUL. GIVEN HIS DOCTORS' DEMANDS THAT HE AVOID SUCH SITUATIONS, VOLIO SAID HE HAD NO OPTION BUT TO STEP DOWN.

4. VOLIO THEREFORE SHOWED POLOFF A TELEFAX MESSAGE HE ~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 02 SAN JO 05808 060000Z

WOULD SEND LATER MAY 5 TO SUBSECRETARY JAN MARTENSON IN GENEVA WHICH THANKED THE UN FOR ITS SUPPORT BUT CONFIRMED HIS RESIGNATION.

STEWART

UNCLASSIFIED
n/a
CONFIDENTIAL

5/5/89

SECRET SECRET UNITED STATES GOVERNMENT

memorandum

DECLASSIFIED

ETCHEPARE OLIVARES, Juan Gustavo

SA#32

P Q B1 B1

DATE: May 5, 1989

REPLY TO ATTN OF: Conrad Tribble, CONS

SUBJECT: Info on Juan Gustavo Etchepare

TO: Files

Etchepare is alleged to be a (perhaps former) DINA/CNI hitman, Gen. Manuel Contreras' favorite bad boy. This information is unconfirmed. It was given to us by an informant who may or may not have info about the Letelier case. At any rate, should Etchepare apply again, check with [redacted] They will be very interested to know any information about his travel plans, because he himself may have been involved in the Letelier case. We issued him the attached visas on May 2, 1989.

SECRET SECRET

Juan Gustavo Etchepare Olivares DPOB: 19 June 1939 Santiago
Married to Sara Quijada Canales, has daughter Nicole Patricia Etchepare Quijada.

Chile Project (#S199900030)
U.S. Department of State
Release_____ Excise ✓ Deny_____
Declassify: In Part ✓ In Full_____
Exemption(s) B1

DECLASSIFIED

OPTIONAL FORM NO. 10
(REV. 1-80)
GSA FPMR (41 CFR) 101-11.6
5010-114

UNCLASSIFIED
CONFIDENTIAL
n/a

06 May 89

JE 638

Case Number: S1999000030 Chile Project (#S199900030)

U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

CONFIDENTIAL

PAGE 01 SANTIA 04483 01 OF 02 062336Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	SS-00	CIAE-00	DODE-00
	H-01	NSCE-00	NSAE-00	HA-09	L-03	TRSE-00	PM-10
	PA-01	OMB-01	INRE-00	USIE-00	SP-02	SNP-01	C-01
	PRS-01	P-02	T-01	/040 W			

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R 062332Z MAY 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 1220
INFO AMEMBASSY BUENOS AIRES
AMEMBASSY ASUNCION
AMEMBASSY MONTEVIDEO
USCINCSO QUARRY HEIGHTS
AMEMBASSY MEXICO
AMEMBASSY LA PAZ

C O N F I D E N T I A L SECTION 01 OF 02 SANTIAGO 04483

MEXICO FOR ARNOLD CHACON

E.O. 12356: DECL:OADR
TAGS: PGOV, PREL, CI
SUBJ: CONSTITUTIONAL REFORM: AN IDEA WHOSE
- TIME HAS NOT COME

REFS: (A) SANTIAGO 4319, (B) SANTIAGO 4347
-
1. (U) ON THE AFTERNOON OF MAY 3 INTERIOR MINISTER CARLOS CACERES ANNOUNCED THAT DUE TO THE LACK OF CONSENSUS AND NEGATIVE RESPONSE OF THE OPPOSITION COALITION (COPODE), THE GOC WOULD NOT SEEK TO REFORM THE CONSTITUTION THROUGH A PLEBISCITE. READING A LONG, FORMAL DECLARATION, CACERES DISMISSED THE COALITION'S CONTENTION THAT THE GOC PROPOSAL WAS A STEP BACKWARD, AND SAID ITS AIM WAS SIMPLY TO PERFECT THE MAGNA CARTA AND THE DEMOCRATIC SYSTEM WHICH IT
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PAGE 02 SANTIA 04483 01 OF 02 062336Z

GUARANTEED. HE ACCUSED THE OPPOSITION OF ACTING INTRANSIGENTLY AND IRRESPONSIBLY TO CLOSE THE DOOR ON ANY REALISTIC CHANCE OF REFORM, AND SAID THIS WAS DUE TO THE INORDINATE INFLUENCE OF THE MARXIST LEFT IN COPODE. HE LAMENTED THE FACT THAT THE CHRISTIAN DEMOCRATIC PARTY CHOSE TO ALIGN ITSELF WITH ELEMENTS

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WHOSE ONLY GOAL WAS TO OVERTURN ESTABLISHED INSTITUTIONS AND RETURN CHILE TO THE TRAGEDY OF THE PAST.

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2. U) MEETING AT NOON ON THE SAME DAY, CHRISTIAN DEMOCRATIC PDC) PRESIDENT PATRICIO AYLWIN AND CONSERVATIVE NATIONAL RENEWAL PARTY (RN) PRESIDENT SERGIO JARPA DECIDED TO INSTRUCT THEIR TECHNICAL COMMISSIONS TO SEEK WAYS TO OVERCOME THE DIFFERENCES BETWEEN THE PDC-RN JOINT PROPOSAL FOR CONSTITUTIONAL REFORM AND THE GOVERNMENT'S. NEVERTHELESS, THE TWO LEADERS AGREED THAT IF REFORM WAS NOT POSSIBLE AT THIS TIME, THEY WOULD WORK TOGETHER TO MAKE IT HAPPEN IN THE NEXT CONGRESS. ASKED TO COMMENT LATER ON CACERES' STATEMENT, JARPA SAID HE HOPED IT WAS NOT THE LAST WORD SINCE THERE WAS A GOOD DEAL TO TALK OVER FIRST. JARPA SAID THAT COPODE'S STATEMENT IN FACT CONTAINED A CLEAR BASIS FOR REACHING AN UNDERSTANDING WITH THE GOC.

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3. U) APART FROM JARPA'S GENEROUS ASSESSMENT OF OPPOSITION BEHAVIOR, REACTIONS FOLLOWED THE USUAL PARTISAN LINES. UDI SPOKESMAN HERNAN CHADWICK AND CONSERVATIVE PRESIDENTIAL CANDIDATE SERGIO DIEZ BOTH ATTRIBUTED THE GOVERNMENT'S NEGATIVE RESPONSE TO THE SHORT SHRIFT GIVEN TO ITS OFFER BY THE OPPOSITION COALITION. PATRICIO AYLWIN AND PPD PRESIDENT RICARDO C~~ONFIDENTIAL~~

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PAGE 03 SANTIA 04483 01 OF 02 062336Z

LAGOS CHARACTERIZED CACERES' STATEMENT AS ERRONEOUS AND UNJUST, AND ASKED WHY THE GOC COULD NOT AGREE TO THE EMINENTLY MODERATE REFORM PROPOSAL AGREED TO BY RN AND COPODE. SOCIAL DEMOCRATIC LEADER RENE ABELIUK PROFESSED TO BE EXTREMELY SKEPTICAL ABOUT THE CHANCES FOR REAL DIALOGUE FROM DAY ONE, GIVEN PINOCHET'S TEMPERAMENT AND THE EXAMPLES OF FAILED GOC-OPPOSITION TALKS IN 1983-84. AND COMMUNIST PARTY SPOKESMAN JOSE SANFUENTES SAID SIMPLY THAT "THE REFORM SHOW HAS RUN ITS COURSE."

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4. (C) COMMENT: THE RISE AND SHARP FALL OF CONSTITUTIONAL REFORM INDICATES THAT THIS WAS SURELY THE ISSUE WHICH PRECIPITATED CACERES' RECENT CONFRONTATION WITH THE PRESIDENT. ALTHOUGH PDC PRESIDENTIAL CANDIDATE PATRICIO AYLWIN TOOK ON CALCULATED POLITICAL RISKS BY ENTERING TALKS WITH THE INTERIOR MINISTER, NEITHER HE NOR JARPA HAS LOST MUCH SKIN OVER

THE FAILURE TO ACHIEVE THE DIFFICULT MISSION OF CHANGING THE CONSTITUTION UNDER PINOCHET. HOWEVER, CACERES HAS TAKEN A BLOW, AND MANY OBSERVERS ARE SPECULATING THAT PINOCHET IS ALREADY LOOKING FOR A NEW INTERIOR MINISTER. ANOTHER CASUALTY OF THE REFORM FIASCO MIGHT BE HERNAN BUCHI, WHO HAS NOW LOST AN OPPORTUNITY TO SHOW THAT THE REGIME HE HAS BEEN SO IDENTIFIED WITH COULD ACHIEVE POLITICAL CONSENSUS WITH THE OPPOSITION. GOC SOURCES INDICATE THAT PINOCHET IS VERY UNHAPPY WITH HIS FORMER BOY WONDER'S SHOW OF INDEPENDENCE.

5. (C) BUCHI'S DIFFICULTY IN DISTANCING

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PAGE 01 SANTIA 04483 02 OF 02 062336Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	SS-00	CIAE-00	DODE-00
	H-01	NSCE-00	NSAE-00	HA-09	L-03	TRSE-00	PM-10
	PA-01	OMB-01	INRE-00	USIE-00	SP-02	SNP-01	C-01
	PRS-01	P-02	T-01	/040 W			

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R 062332Z MAY 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 1221
INFO AMEMBASSY BUENOS AIRES
AMEMBASSY ASUNCION
AMEMBASSY MONTEVIDEO
USCINCSO QUARRY HEIGHTS
AMEMBASSY MEXICO
AMEMBASSY LA PAZ

~~C O N F I D E N T I A L~~ SECTION 02 OF 02 SANTIAGO 04483

MEXICO FOR ARNOLD CHACON

E.O. 12356: DECL:OADR
TAGS: PGOV, PREL, CI
SUBJ: CONSTITUTIONAL REFORM: AN IDEA WHOSE

HIMSELF FROM THE PINOCHET REGIME WAS NOT MADE ANY EASIER BY DEFENSE MINISTER CARBAJAL'S REMARKS ON MAY 3 THAT BUCHI AND PINOCHET MADE GOOD DANCING PARTNERS, WITH THE FORMER QUALIFIED TO MANAGE THE TECHNICAL SIDE OF GOVERNMENT AND

THE LATTER, AS COMMANDER IN CHIEF, HANDLING THE POLITICAL END. JONES

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06 May 89 (JE037)

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CONFIDENTIAL
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Case Number: S1999000030 Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

CONFIDENTIAL

PAGE 01 SANTIA 04481 01 OF 02 090456Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	SS-00	CIAE-00	DODE-00
	H-01	NSCE-00	NSAE-00	HA-09	L-03	TRSE-00	PM-10
	PA-01	OMB-01	INRE-00	USIE-00	SP-02	SNP-01	FAIM-01
	C-01	PRS-01	P-02	T-01	/041 W		

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R 062324Z MAY 89(CCY TEXT ADX074660 TOU2500 430)
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 1215
INFO AMEMBASSY ASUNCION
AMEMBASSY BUENOS AIRES
AMEMBASSY MEXICO
AMEMBASSY MONTEVIDEO
USCINCSO QUARRY HEIGHTS

C O N F I D E N T I A L SECTION 01 OF 02 SANTIAGO 04481

C O R R E C T E D C O P Y (PARA 4)

MEXICO FOR CHACON

E.O. 12356: DECL:OADR
TAGS: PGOV, CI
SUBJ: MORE ON CONSTITUTIONAL REFORM

REF: SANTIAGO 4319

1. (C) SUMMARY: IN A SHARPLY WORDED STATEMENT ON MAY 4, PINOCHET LASHED OUT AT THOSE POLITICIANS WHO TRY TO "DRIVE A WEDGE" BETWEEN HIM AND THE ARMED FORCES. ON THE SAME DAY HE DIRECTLY CRITICIZED THE CONSERVATIVE NATIONAL RENEWAL PARTY (RN) FOR ABANDONING ITS DEMOCRATIC PRINCIPLES BY JOINING IN AN ACCORD WITH COPODE, THE OPPOSITION COALITION. IN A MEETING WITH REGIONAL INTENDENTS, INTERIOR MINISTER CARLOS CACERES
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PAGE 02 SANTIA 04481 01 OF 02 090456Z

SAID THAT THE TALKS OVER CONSTITUTIONAL REFORM ARE DEFINITELY OVER. HOWEVER, JUNTA MEMBER GENERAL RODOLFO STANGE CALLED FOR UNIFIED EFFORTS TO SEEK A SOLUTION TO THE POLITICAL CRISIS, WHILE CARDINAL FRESNO AND PRESIDENTIAL PRECANDIDATE BUCHI SAID THEY STILL HOPED A CON-

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SENSUS COULD DEVELOP ON CONSTITUTIONAL REFORMS. BY GOING ON THE ATTACK, PINOCHET MEANS TO SAVE FACE AND COUNTER WIDESPREAD MEDIA REPORTS THAT THE JUNTA AND ARMY COMPATRIOTS FORCED HIM TO CHANGE HIS POSITION DURING THE CABINET CRISIS. THE CHANCES OF RENEWED TALKS LOOK AS DEAD AS A DOORNAIL, BUT THE OPENNESS SHOWN BY STANGE AND BUCHI SERVE TO HIGHLIGHT THE PRESIDENT'S ISOLATION. END SUMMARY.

-

2 (U) IN AN UNUSUAL WRITTEN STATEMENT, PRESIDENT PINOCHET STATED THAT THE MARXIST OPPOSITION WAS TRYING TO DISCREDIT HIS AUTHORITY AND DRIVE A WEDGE BETWEEN HIM AND THE ARMED FORCES. HE CARRIED THE ATTACK FURTHER IN A SPEECH TO STUDENTS THE SAME DAY, CRITICIZING THE RN SHARPLY BY NAME FOR WORKING WITH THE OPPOSITION ON CONSTITUTIONAL REFORM. PINOCHET STATED THAT "IF RENOVACTION NACIONAL WANTS TO MAINTAIN ITS DEMOCRATIC PRINCIPLES 100 PERCENT, IT SHOULD NOT WORK WITH POLITICAL PARTIES THAT UNITE WITH MARXISTS."

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3. (U) DIRECTOR GENERAL OF THE CARABINEROS GENERAL RODOLFO STANGE, DURING A HOMAGE TO THE CARABINEROS ON THEIR SIXTY-SECOND ANNIVERSARY, DECLARED THAT MORE THAN EVER CHILE NEEDED TO "UNITE AND LOOK FOR A SOLUTION TO WHAT COULD BE A CRISIS." HE ADDED THAT CONFIDENTIAL

CONFIDENTIAL

PAGE 03 SANTIA 04481 01 OF 02 090456Z

THE THE PROBLEM OF CONSTITUTIONAL REFORM NEEDED TO BE STUDIED CALMLY AND DISPASSIONATELY, BECAUSE THE COUNTRY DESERVES TRANQUILITY AND CONSENSUS.

-

4. (U) VARIOUS POLITICAL PARTY LEADERS ALSO CALLED FOR A CONTINUATION OF THE SEARCH FOR CONSENSUS. THE COPODE AND THE NATIONAL RENEWAL PARTY REITERATED THEIR WILLINGNESS TO WORK WITH THEIR JOINT TECHNICAL COMMISSION FOR FUNDAMENTAL CONSTITUTIONAL REFORMS. RN ALSO SAID IT WOULD LIKE TO HAVE ANOTHER MEETING WITH INTERIOR MINISTER CACERES. FOR HIS PART, HOWEVER, CACERES STATED THAT HE THOUGHT THE NEGOTIATIONS ON REFORMS WERE "DEFINITIVELY CLOSED."

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5. (U) THE HEAD OF THE CHILEAN CATHOLIC CHURCH CARDINAL FRESNO AND OTHER CHURCH LEADERS EXPRESSED THEIR DISMAY THAT CONSTITUTIONAL REFORM HAD BEEN DERAILED. FRESNO DECLARED HE WAS STILL HOPING FOR A EVENTUAL CONSENSUS AND SAID THAT THE GOVERNMENT AND

POLITICAL PARTIES NOW HAVE A NEW OPPORTUNITY TO DEMONSTRATE THEIR WILLINGNESS TO COME TO TERMS. HOWEVER, AUXILIARY BISHOP JORGE HOURTON SAID IN HIS PERSONAL OPINION THE GOC, NOT THE OPPOSITION, HAD UNDERMINED THE TALKS, AND PROBABLY NEVER INTENDED TO COME TO AN AGREEMENT.

-

6. UDI LEADERS CRITICIZED THE INTRANSIGENCE OF THE OPPOSITION, BUT ADDED THAT THEY DID NOT OBJECT TO CONTINUING TO EXPLORE WAYS TO REACH AN ACCORD ON REFORMS. ECHOING PINOCHET, UDI PRESIDENT JAIME GUZMAN REFERRED TO THE COPODE AS "CHRISTIAN DEMOCRAT-MARXIST" AND DECLARED THAT THEY WERE SHOWING THEIR TRUE AIM OF PROGRESSIVELY DISMANTLING NATIONAL INSTITUTIONS.

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CONFIDENTIAL

CONFIDENTIAL

PAGE 04 SANTIA 04481 01 OF 02 090456Z

CONFIDENTIAL

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CONFIDENTIAL

PAGE 01 SANTIA 04481 02 OF 02 062328Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	SS-00	CIAE-00	DODE-00
	H-01	NSCE-00	NSAE-00	HA-09	L-03	TRSE-00	PM-10
	PA-01	OMB-01	INRE-00	USIE-00	SP-02	SNP-01	C-01
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R 062324Z MAY 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 1216
INFO AMEMBASSY ASUNCION
AMEMBASSY BUENOS AIRES
AMEMBASSY MEXICO
AMEMBASSY MONTEVIDEO
USCINCSO QUARRY HEIGHTS

C O N F I D E N T I A L SECTION 02 OF 02 SANTIAGO 04481

MEXICO FOR CHACON

E.O. 12356: DECL:OADR
TAGS: PGOV, CI

SUBJ: MORE ON CONSTITUTIONAL REFORM

7. IN RESPONSE TO PRESS QUESTIONS ABOUT THE FAILED TALKS, PRESIDENTIAL PRECANDIDATE HERNAN BUCHI SAID THAT HE THOUGHT THE CONSTITUTION MUST BE A STABLE INSTRUMENT AND THAT SOME ASPECTS OF IT SHOULD BE PERFECTED. HE ALSO STATED THAT HE HOPED THE SPIRIT OF CONSENSUS COULD BE MAINTAINED.

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8. (C) COMMENT: PINOCHET IS FUMING. PARTY LEADERS ON THE RIGHT FEEL HE BADLY MISMANAGED THE WHOLE ISSUE OF CONSTITUTIONAL REFORM, AND THE INTERPRETATION THAT THE JUNTA BOXED HIM IN DURING THE CABINET CRISIS S CIRCULATING LIKE WILDFIRE. THIS WEEK THE PRESTIGIOUS

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PAGE 02 SANTIA 04481 02 OF 02 062328Z

CONSERVATIVE REVIEW "QUE PASA" REPORTED IN DETAIL HOW THE PRESIDENT AND HIS HARD-LINE CLIQUE WERE OUTMANEUVERED BY THE MODERATES IN LA MONEDA, WHILE OPPOSITION MAGAZINE APSI POINTED OUT THAT EVEN ARMY VICE-COMMANDER GENERAL ZINCKE PRESSURED PINOCHET TO KEEP CACERES ON AND THE REFORM PROPOSAL MOVING AHEAD. TO ADD INSULT TO INJURY, RN AND THE COPODE ARE ACTING AS IF IT DOESN'T MATTER THAT THE REFORM PACKAGE WAS SCOTCHED, SINCE THEY HAVE THE VOTES TO MAKE IT HAPPEN IN THE NEXT CONGRESS.

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9. (C) IN LASHING OUT, THE PRESIDENT IS TRYING TO SAVE FACE AND REMIND THE JUNTA HE IS STILL THE MAN ON THE THRONE. BUT THE RELATIVE OPEN-NESS SHOWN BY STANGE, BUCHI AND CONSERVATIVE POLITICIANS LIKE JARPA ONLY HIGHLIGHTS HIS ISOLATION AND THE GROWING SENSE THAT PINOCHET AND THE PINOCHETISTAS CONSTITUTE THE RIGHT'S MAIN LIABILITY IN THE COMING ELECTION CAMPAIGN. ON MAY 4 BUCHI'S CAMPAIGN MANAGER, SEBASTIAN PINERA, EMPHATICALLY DENIED DEFENSE MINISTER CARVAJAL'S ATTEMPT TO PROJECT A "PINOCHET-BUCHI" DUO THAT WOULD CO-GOVERN POLITICALLY, THE FORMER AS COMMANDER-IN-CHIEF, PRESUMABLY NORIEGA-STYLE (SEPTEL). CALLING CARVAJAL SERIOUSLY OFF-BASE, PINERA NOTED THAT THE CONSTITUTION CLEARLY STATES THAT THE PRESIDENT RUNS THE GOVERNMENT AND THE ARMED FORCES SUPPORT AND DEFEND IT, PERIOD. HE ADDED THAT

BUCHI IS A DEMOCRAT, AND HE WILL ENFORCE THE
LAW. JONES
CONFIDENTIAL

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PAGE 03 SANTIA 04481 02 OF 02 062328Z

~~CONFIDENTIAL~~

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CONFIDENTIAL
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5/8/89 B1

Case Number: S1999000030

UNCLASSIFIED
CONFIDENTIAL

EXCISE

Chile Project (#S199900030)
U.S. Department of State
Release_____ Excise_X_ Deny____
Declassify: In Part_X_ In Full_____
Exemption(s)_B1_____

PAGE 01 SANTIA 04539 01 OF 02 081747Z
ACTION SS-00

INFO LOG-00 ADS-00 /000 W
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P 081743Z MAY 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 1231

UNCLASSIFIED

C O N F I D E N T I A L SECTION 01 OF 02 SANTIAGO 04539

EXDIS decapt

STATE FOR ARA/SC - AMB GILLESPIE

DECAPTIONED

E.O. 12356:DECL:OADR
TAGS: PREL, UK, CI
SUBJ: CHILEAN FOREIGN MINISTER SAYS USG "UNHELPFUL AND DESTRUCTIVE"

UNCLASSIFIED

1. CONFIDENTIAL - ENTIRE TEXT.

2.
CALLED ON U.S. CHARGE MAY 5 AND GAVE HIM FOLLOWING
ON MEETING HE HAD WITH
CHILEAN FONMIN HERNAN FELIPE ERRAZURIZ

NOTE

UNCLASSIFIED
CONFIDENTIAL

PAGE 02 SANTIA 04539 01 OF 02 081747Z

THE RELATIONSHIP WITH THE UNITED STATES WAS GETTING WORSE BY THE WEEK. EVERY TEN DAYS OR SO ANOTHER PETITION ARRIVED DEMANDING THAT THE CHILEAN GOVERNMENT TAKE ACTION ON ONE SUBJECT OR ANOTHER. THE U.S. ESTABLISHMENT WAS

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BEING MORE UNHELPFUL AND DESTRUCTIVE NOW THAN DURING THE AMBASSADORSHIP OF HARRY BARNES BEFORE THE PLEBISCITE. HE WAS NOT REFERRING TO FRUIT, ALTHOUGH EVEN THERE THE AMERICANS WERE MOVING AT A SNAIL'S PACE TO HELP RESOLVE CHILE'S PROBLEMS. END QTE.

4. CHARGE AND [ ] AGREED THEY WERE EQUALLY AT A LOSS TO EXPLAIN WHY ERRAZURIZ WOULD HAVE SAID THIS, [ ] CHARGE SAID THAT THE U.S. INVOCATION OF THE 1914 BRYAN-SUAREZ TREATY IN THE LETELIER CASE HAD SURPRISED AND FRUSTRATED THE GOC BECAUSE THEY HAD NO GOOD OR EASY WAY TO RESPOND, AND OF COURSE THE FRUIT CRISIS WAS UNFORTUNATE AND UNPLEASANT FOR BOTH SIDES. BUT OTHERWISE THERE WERE NO NEW U.S. PRESSURES OR DEMARCHES, CERTAINLY NO "PETITION EVERY TEN DAYS." IN FACT, AMBASSADOR GILLESPIE HAD ESTABLISHED A RELAXED AND PRODUCTIVE RELATIONSHIP WITH ERRAZURIZ. [ ] ALSO HAD THE IMPRESSION THAT US.-CHILEAN RELATIONSHIP WAS IMPROVING, OR AT LEAST STABILIZING AND WAS THEREFORE QUITE SURPRISED BY ERRAZURIZ' COMPLAINT.

5. [ ]

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PAGE 03 SANTIA 04539 01 OF 02 081747Z

[ ]

6. COMMENT: WHEN ERRAZURIZ WAS AMBASSADOR IN WASHINGTON HE GREW INCREASINGLY GLOOMY ABOUT THE U.S.-CHILE RELATIONSHIP. SINCE BECOMING MINISTER, HE SEEMED TO US TO BE MORE OPTIMISTIC. ERRAZURIZ' LAST TWO PREDECESSORS, HOWEVER, BOTH BECAME INCREASINGLY DISPIRITED OVER TIME AT BEING BULLIED BY PINOCHET OVER THEIR FAILURE TO BRING THE U.S. INTO LINE, I.E. TO STOP CAUSING PINOCHET

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PAGE 01 SANTIA 04539 02 OF 02 081747Z
ACTION SS-00

INFO LOG-00 ADS-00 /000 W
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P 081743Z MAY 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 1232

[redacted]

C O N F I D E N T I A L SECTION 02 OF 02 SANTIAGO 04539
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STATE FOR ARA/SC - AMB GILLESPIE

E.O. 12356:DECL:OADR
TAGS: PREL, UK, CI
SUBJ: CHILEAN FOREIGN MINISTER SAYS USG "UNHELPFUL

PROBLEMS. PERHAPS THE PROCESS HAS STARTED SOONER THAN USUAL WITH ERRAZURIZ. FIVE DAYS AFTER HIS MEETING [redacted] HE ATTEMPTED TO RESIGN IN PROTEST OF PINOCHET'S DECISION ON CONSTITUTIONAL REFORM, BUT STAYED ON AFTER PINOCHET REVERSED HIMSELF. JONES

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PROF 100-1051

United States Department of State

Washington, D.C. 20520

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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
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Exemption(s) NR

Dear Mr. Roth:

I am responding to your letters to the President and Secretary Baker dated March 3 asking for suggestions on how to mobilize domestic and international support for a plebiscite in Cuba.

NR

We believe that the people of Cuba have a right to elections and we would strongly support free and fair elections -- in that country, just as we supported the 1988 plebiscite in Chile. You should be aware, however, that there are significant differences between the current Cuban situation and the state of affairs in Chile prior to the plebiscite:

-- The 1980 Chilean Constitution contained a plebiscite provision with a timetable for implementation, including a 30-day campaign period. The 1976 Cuban Constitution contains no such provisions.

The Honorable
Toby Roth,
House of Representatives.

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UNCLASSIFIED P890100-1052

-- Sixteen Chilean political parties formed a coalition to conduct the "No" campaign. In Cuba, the Communist Party is the only legal political party.

-- In Chile, there were approximately 40 newspapers in circulation, including two opposition dailies, and 303 radio stations, including 15 stations operated by the Catholic Church. In Cuba, all print and broadcast media are monopolized by the government.

UNCLASSIFIED F890100-1053

Sincerely,

Janet G. Mullins
Assistant Secretary
Legislative Affairs

Attachments:
As stated

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ORIG TO WHITE HOUSE

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United States Department of State

Washington, D.C. 20520

R MOD la ✓

May 8, 1989

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WITH ~~CONFIDENTIAL~~ ATTACHMENTS

Chile Project (#S199900030)
U.S. Department of State
Release ✓ Excise ____ Deny ____
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Exemption(s) ____

MEMORANDUM FOR CARNES LORD
THE WHITE HOUSE

Subject: Materials for the Vice President's Meeting With Ambassador to Chile Charles A. Gillespie, Jr. on May 9 at 3:30 p.m.

Attached per your request are briefing materials, talking points, and biographic information for the Vice President's meeting with Ambassador Gillespie. Deputy Assistant Secretary Michael M. Skol of the Bureau of Inter-American Affairs will accompany Ambassador Gillespie to the meeting.

J. Stapleton Roy
J. Stapleton Roy
Executive Secretary

Attachment:

M Skol? N

Tab A: Briefing materials

Tab B: Talking points

Tab C: Biographic information on Ambassador Gillespie

drafter: ARA/SC - PDeShazo
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Background Information for Vice President's Meeting

with Ambassador to Chile Charles A. Gillespie, Jr.

May 9, 1989: 3:30 p.m.

o Chile's Transition to Democracy

--As a result of the October, 1988 plebiscite, in which Chilean voters rejected Pinochet's bid to remain in power for eight more years, elections for president and congress will be held on December 14, 1989.

--Pinochet is prohibited by the constitution from being a candidate but may stay on as Army chief.

--Political groups in Chile have for several months been involved in naming candidates for president and congress and in drawing up political platforms.

--The 16 political parties which united against Pinochet in the plebiscite may run a single candidate for president, the Christian Democrat Patricio Aylwin.

--Conservative, pro-GOC parties are attempting to launch Pinochet's ex-Finance Minister, Hernan Buchi, as a candidate.

--The presidential candidates of both the center-left coalition and the conservatives will almost certainly seek to visit Washington after their nominations are clarified in order to meet with USG officials, interested Members of Congress, and others.

--Important legislation governing the size and configuration of electoral districts and the procedure for electing senators and deputies has not yet been promulgated but is expected soon.

--Other important considerations which must be dealt with soon are constitutional reform, the nature of civilian-military relations, and the thorny issue of whether members of the Chilean armed forces should be tried for past human rights abuses.

--While the transition to democracy is proceeding as scheduled, several imposing hurdles must be cleared before and after the newly-elected government takes office in March, 1990 in order for democratic rule to be consolidated.

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DECL: OADR

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--The cornerstone of U.S. policy toward Chile is support for the process of a transition to democracy without taking sides in the political debate.

o Chile's Dynamic Economy

--Fueled by a dynamic private sector and diversified exports, the Chilean economy has grown at a rapid pace for five straight years. Inflation and unemployment are low, trade balances highly favorable, and Chile meets all interest payments on its foreign debt.

--We have encouraged all political parties in Chile to preserve the free market policies which made these gains possible.

o The Fruit Crisis

--As you know from your March 17 meeting with Chilean Foreign Minister Errazuriz, the five-day ban on Chilean fruit exports to the U.S. imposed by the FDA after the discovery in Philadelphia of two poisoned grapes resulted in serious losses to the Chilean economy and a wave of anti-Americanism not seen in Chile since the days of the marxist Allende regime.

--Final figures may never be clear, but cautious estimates indicate that the episode will cost the Chilean economy at least US 100 million.

--We have cooperated closely with the GOC to bring trade back to normal and find ways to prevent such problems in the future.

o The Letelier Case

--The 1976 political murder of former Chilean Foreign Minister Orlando Letelier and his U.S. assistant in Washington D.C. ordered by high GOC officials who are still under indictment by a U.S. court has remained a source of bilateral tension for many years.

--We are attempting to obtain the cooperation of the GOC in resolving this case through the mechanism of a 1914 bilateral treaty for the settlement of disputes, which we invoked in January.

--Progress on the Letelier case could pave the way to a normalization of military relations with the Chilean armed forces, which are now limited by legislation.

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TALKING POINTS FOR THE VICE PRESIDENT'S MEETING

WITH AMBASSADOR TO CHILE CHARLES A. GILLESPIE, JR.

May 9, 1989: 3:30 p.m.

- Chile's transition to democracy appears to be going smoothly. What are your views on the future of democracy in Chile?

- What can the U.S. do to support the transition to a stable democracy in Chile?

- What role could I personally play in this process? What are your views on the utility of a Vice Presidential visit to Chile either to attend the inauguration of a democratically-elected Chilean President in March of 1990 or sometime thereafter?

- What influence do you think Chile's transition to democracy, especially a democratic system incorporating free market economic policies, might have on other countries in the hemisphere?

- I would be grateful if you would convey to Chilean leaders upon your return that both the President and myself will follow events in Chile carefully as elections approach and that we look forward to Chile once again joining the community of democratic nations.

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Charles A. Gillespie, Jr.
United States Ambassador to Chile

On October 14, 1988, the United States Senate confirmed the appointment of Charles A. Gillespie, Jr., to be Ambassador of the United States of America to Chile. Ambassador Gillespie took the oath of office on November 9, 1988.

From August 1985 until September 1988, Gillespie served as Ambassador of the United States of America to the Republic of Colombia, where he headed a United States Mission comprising the Embassy in Bogota and a Consulate in Barranquilla. With a staff of over 700, the Mission is one of the largest in Latin America.

From August 1983 until he was named Ambassador to Colombia, Gillespie served as Deputy Assistant Secretary of State for the Caribbean and Deputy for Operations in the State Department's Bureau of Inter-American Affairs. In that position he was responsible for formulating and implementing United States policy in the Caribbean region and for execution of United States policy throughout Latin America and the Caribbean.

On October 24, 1983, the President named Gillespie Ambassador and Chief of Mission in Grenada, concurrent with his other duties, and instructed him to head the United States Mission on that island as of the time United States forces landed on October 25. Ambassador Gillespie established the first United States Embassy on Grenada, which was officially inaugurated on February 7, 1984. Gillespie returned to his Washington duties in March 1984.

Ambassador Gillespie is a career Foreign Service Officer, with rank of Minister-Counselor. Since he entered the Service in 1965, he has served at Embassies in Manila, Djakarta, Brussels, Mexico City and Managua, at the United States Mission to the North Atlantic Treaty Organization, and at the State Department in Washington, D.C.

A native of California, Ambassador Gillespie graduated from the University of California at Los Angeles. Before joining the Foreign Service, he served as a commissioned officer in the United States Army overseas. He has done graduate work in public administration at Syracuse University's Maxwell School of Public Affairs and is a graduate of the National War College in Washington, D.C. Ambassador Gillespie is married and has two grown children.

November, 1988

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09 May 89 (JE043)

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Case Number: S1999000030

Chile Project (#S199900030)
U.S. Department of State
Release X Excise Deny
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Exemption(s)

CONFIDENTIAL

PAGE 01 STATE 145869
ORIGIN IO-19

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	HA-09	L-03	SP-02	C-01	P-02	/038 R	

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APPROVED BY: IO:CPONTICELLI
IO/HW:WCMITHOEFER ARA/SC:PDESHAZO
IO/HW:BZWEIBEN
EUR/NE:ERAVEN-HAMILTON
HA/MLP:DTELLEEN

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P 092202Z MAY 89
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TO AMEMBASSY BRUSSELS PRIORITY
INFO USMISSION GENEVA PRIORITY
USMISSION USUN NEW YORK PRIORITY
AMEMBASSY SANTIAGO PRIORITY

C O N F I D E N T I A L STATE 145869

E.O. 12356: DECL: OADR
TAGS: UNHRC-1, PHUM, PREL, CI
SUBJECT: REPLACEMENT FOR UN SPECIAL RAPPORTEUR VOLIO

REF: A) SAN JOSE 5808 (NOTAL)

1. CONFIDENTIAL- ENTIRE TEXT.

2. UN SPECIAL RAPPORTEUR FOR CHILE FERNANDO VOLIO HAS EXPRESSED HIS INTENTION TO RESIGN HIS MANDATE CITING REASONS OF ILL-HEALTH. PROFESSOR VOLIO'S BALANCED REPORTS ON THE HUMAN RIGHTS SITUATION IN CHILE EARNED HIM THE RESPECT AND CONFIDENCE OF CHILEAN LEADERS BOTH INSIDE AND OUTSIDE THE GOVERNMENT. HIS RESIGNATION COMES AT A CRUCIAL PERIOD FOR CHILE IN LIGHT OF THE COUNTRY'S TRANSITION TO DEMOCRACY AS EVIDENCED BY THE PLEBISCITE CONFIDENTIAL

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PAGE 02 STATE 145869

HELD IN FEBRUARY 1989 AND THE ELECTIONS TO BE HELD IN DECEMBER 1989.

3. POST IS REQUESTED TO APPROACH MARC BOSSUYT, CURRENT CHAIRMAN OF THE UN HUMAN RIGHTS COMMISSION, TO DISCUSS VOLIO'S RESIGNATION AND THE PROCESS BY WHICH HE PLANS TO

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CHOOSE A REPLACEMENT. AS APPROPRIATE, POST SHOULD UNDERSCORE OUR WILLINGNESS TO CONTRIBUTE TO THE PROCESS OF FINDING A NEW RAPPORTEUR. (FYI: THIS IS A VERY IMPORTANT POSITION WHICH HAS HAD A GREAT IMPACT ON THE HUMAN RIGHTS SITUATION IN CHILE.) EAGLEBURGER

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C O N F I D E N T I A L UNCLASSIFIED 144428 8 MAY 89

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C O N F I D E N T I A L UNCLASSIFIED STATE 144428

LOC: 181 191
09 MAY 89 2335
CN: 28777
CHRG: PROG
DIST: POLI

E.O. 12356: DECL: OADR
TAGS: CI, CJAN, PGOV
SUBJECT: LETELIER

George Etheridge has been out town and back today. Richard has been in touch with Lisa Rice and should have answer tomorrow.

1. DEPARTMENT WOULD APPRECIATE EMBASSY ASSISTANCE IN AN ASPECT OF ONGOING RESEARCH ON THE 1914 TREATY. EVERY YEAR THE STATE DEPARTMENT ISSUES A BOOK ENTITLED "TREATIES IN FORCE." THIS BOOK LISTS EVERY TREATY WHICH THE USG REGARDS IN FORCE. THE BOOK HAS TWO PARTS. THE FIRST PART LISTS BILATERAL TREATIES BY COUNTRY AND SUBJECT, THE SECOND LISTS MULTILATERAL AGREEMENTS BY SUBJECT MATTER.

2. ONE OF THE POTENTIAL ISSUES IN THE LETELIER DISPUTE IS WHETHER CHILE REGARDS THE 1914 TREATY AS IN FORCE. IF THE GOC HAS A COUNTERPART TO "TREATIES IN FORCE," IT WOULD BE USEFUL TO SEE WHETHER THE 1914 TREATY IS LISTED. IT WOULD ALSO BE USEFUL TO SEE WHAT OTHER DISPUTE RESOLUTION TREATIES ARE LISTED (WE HAVE DISCOVERED THAT THERE ARE A NUMBER OF TREATIES FROM THE 1920S AND 1930S BETWEEN THE USG AND LATIN STATES, INCLUDING CHILE, COVERING SUCH TOPICS AS ARBITRATION, CONCILIATION, AND DISPUTE RESOLUTION).

3. IF THERE IS NO OFFICIAL COUNTERPART TO TREATIES IN FORCE, PERHAPS THERE ARE ACADEMIC/PRIVATE LISTS OF THE TREATIES TO WHICH CHILE IS A PARTY WHICH EMBASSY COULD OBTAIN. DEPARTMENT WELCOMES ANY EMBASSY IDEAS ON ADDITIONAL WAYS TO OBTAIN THIS INFORMATION. EAGLEBURGER
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C O N F I D E N T I A L UNCLASSIFIED STATE 144428

POL — Mr. Goddard done?

Chile Project (#S199900030)
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Exemption(s) ____

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09 MAY 89 (E042)

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PAGE 01 SANTIA 04594 092044Z
ACTION ARA-00

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	DODE-00	H-01	NSCE-00	NSAE-00	COME-00	HA-09	L-03
	LAB-04	TRSE-00	PM-10	PA-02	OMB-01	STR-17	SIL-01
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INFO AMEMBASSY BRUSSELS
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BRUSSELS FOR LABATT

E.O. 12356: N/A
TAGS: ELAB, PGOV, CI
SUBJ: CUT OFFICERS FORMALLY CHARGED FOR CALLING AN ILLEGAL STRIKE; OTHERS RELEASED

REF: SANTIAGO 3786

1. INVESTIGATING JUDGE JUAN GUZMAN FORMALLY CHARGED UNIFIED WORKERS' CENTRAL ACTING PRESIDENT DIEGO OLIVARES, SECRETARY GENERAL NICANOR ARAYA AND VICE PRESIDENT SERGIO AGUIRRE WITH VIOLATING THE STATE SECURITY LAW FOR "INSTIGATING A PARALYZATION WHICH CAUSED DAMAGE TO PUBLIC AND PRIVATE PROPERTY," AS A RESULT OF THE APRIL 18 STRIKE (REFTEL). JUDGE GUZMAN DISMISSED CHARGES AGAINST TWO OTHER CUT OFFICIALS, MOISES LABRANA AND MANUEL JIMENEZ, AND THEY WERE UNCLASSIFIED

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PAGE 02 SANTIA 04594 092044Z

RELEASED UNCONDITIONALLY.

2. TWO MORE SERIOUS CHARGES AGAINST OLIVARES, ET AL, WERE DROPPED. DEFENSE LAWYERS PLAN TO APPEAL THE DECISION, BUT MEANWHILE THE THREE LABOR LEADERS WERE RELEASED ON A BOND OF APPROXIMATELY DOLLAS US 20 EACH.

3. THE JUDICIAL PROCEEDINGS AGAINST THE FIVE CUT LEADERS ARE REMARKABLY SIMILAR TO THOSE AGAINST CUT PRESIDENT MANUEL BUSTOS AND FOUR OTHERS FOLLOWING A NATIONAL STRIKE IN OCTOBER 1987. IN THAT CASE, ALSO, THREE OF FIVE DEFENDENTS WERE CHARGED WITH VIOLATING THE SAME STATUATE WHILE OTHER MORE SERIOUS CHARGES WERE DROPPED, AND CHARGES AGAINST TWO DEFENDENTS WERE DISMISSED. THE EARLIER CASE WAS NOT TERMINATED UNTIL AUGUST 1988, WHEN BUSTOS AND CUT VICE-PRESIDENT ARTURO MARTINEZ WERE SENTENCED TO 541 DAYS INTERNAL EXILE. JONES

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TEXT OF TELEGRAM 89SAN SA005939

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El Salvador: Human Rights
Special Project (1993)

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PAGE 01 SAN SA 05939 101620Z
ACTION ARA-00

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	HA-09	L-03	TRSE-00	PM-10	PA-01	OMB-01	INRE-00
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FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 9147
INFO AMEMBASSY GUATEMALA
AMEMBASSY TEGUCIGALPA
AMEMBASSY MANAGUA
AMEMBASSY SAN JOSE
AMEMBASSY MEXICO
USINT HAVANA
AMEMBASSY ROME
USMISSION GENEVA
USCINCSO QUARRY HTS PM

[redacted] SAN SALVADOR 05939

ROME FOR THE VATICAN
USCINCSO ALSO FOR POLAD YOULE

E.O. 12356: DECL:OADR
TAGS: PINS, PGOV, PHUM, ES, MX, CU
SUBJECT: 100 WOUNDED GUERRILLAS TO BE EVACUATED

REF: 88 SAN SALVADOR 6757

1. (U) ON MAY 5 LOCAL PRESS REPORTED THE POSSIBLE EVACUATION FROM EL SALVADOR OF SOME 100 FMLN GUERRILLAS WOUNDED IN COMBAT. ONE LOCAL DAILY REPORTED THAT THE WOUNDED GUERRILLAS' FIRST STOP MAY BE MEXICO, WITH FINAL DESTINATIONS IN CUBA OR EUROPE [redacted]

PAGE 02 SAN SA 05939 101620Z

FOR MEDICAL TREATMENT. PRESIDENT DUARTE CALLED THESE EFFORTS PART OF HIS "FORGIVE AND FORGET" ("PERDON Y OLVIDO") POLICY WHICH, HE ADDED, INCLUDES FMLN COMANDANTE SHAFIK HANDAL WHO ORDERED HIS DAUGHTER'S KIDNAPPING.

2. (U) THE LAST EVACUATION OCCURRED ABOUT A YEAR AGO, WHEN 29 WOUNDED GUERRILLAS LEFT FOR MEXICO (REFTEL). THE CATHOLIC CHURCH NORMALLY NEGOTIATES

Declassified/Released US Dept of State EO/EPRO/CDR El Salvador SF Date 9/23/9
Declassified under EO 12356 ( ), partially ( ), in part;
portions withheld: classified ( ), privacy ( ), deliberative ( );
law enforcement ( ), privacy ( ), statutory ( );
not relevant to El Salvador ( ).

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RELEASED
El Salvador: Human Rights
Special Project (1993)

SUCH EVACUATIONS, WHILE THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC) TAKES CARE OF LOGISTICS. ON MAY 8 AUXILIARY BISHOP ROSA CHAVEZ TOLD POLOFF THAT THE LOGISTICAL DETAILS REMAIN TO BE WORKED OUT. ALTHOUGH HE SEEMED CAUTIOUSLY CONFIDENT THAT THE EVACUATION WILL OCCUR BEFORE JUNE 1, HE SAID NO SPECIFIC DATES ARE YET SET.

3. (C) COMMENT: IT HAS TAKEN OVER A YEAR OF NEGOTIATIONS BY ARCHBISHOP RIVERA DAMAS TO GET TO THIS POINT. ICRC ITSELF NEEDS SEVERAL DAYS TO MAKE THE NECESSARY LOGISTICAL ARRANGEMENTS. IN VIEW OF THEIR DISTRUST OF THE INCOMING CRISTIANI GOVERNMENT, THE ARCHBISHOP AND AUXILIARY ROSA CHAVEZ ARE LIKELY TO MAKE AN ALL-OUT EFFORT TO COMPLETE THE EVACUATION BEFORE JUNE 1. PRESIDENT DUARTE WILL MAKE A SIMILAR EFFORT AS AUTHOR OF THE "PERDON Y OLVIDO" POLICY.

DLOUHY

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PAGE 01 STATE 147162
ORIGIN OES-09

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	PM-10	EPA-01	INRE-00	ACDA-12	SP-02	DOEE-00	NRC-02
	SNP-01	CEQ-01	T-01	/071 R			

DRAFTED BY: OES/NEC:RSENSENEY
APPROVED BY: OES/NEC:CTHORNE
OES/N:RSTRATFORD DOE/OSS:DMYERS
OES/NTS:JDETHOMAS NRC/GPA:KHENDERSON
ACDA/NWC/NST:DBOZIK ARA/MX:PSTORING
DOD/OASD:GBRUBAKER (SUBS)

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P 101426Z MAY 89
FM SECSTATE WASHDC
TO AMEMBASSY MEXICO PRIORITY

DEPARTMENT OF STATE
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FOIA Exemptions
PA Exemptions
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TS authority to

[redacted] STATE 147162

E.O. 12356: N/A
TAGS: TRGY, KNNP, KSCA, MX
SUBJECT: PHYSICAL PROTECTION DOCUMENTATION

REF: MEXICO 10602

1. THIS IS AN ACTION MESSAGE. EMBASSY SHOULD PASS CONTENTS OF PARAS 2, 3 AND 4 TO MIGUEL MEDINA, HEAD OF THE MEXICAN NATIONAL COMMISSION ON NUCLEAR SAFETY AND SAFEGUARDS (CNSNS) IN RESPONSE TO HIS APRIL 24 REQUEST TO JOSEPH DETHOMAS OF OES/NTS (REFTEL PARA 10) FOR UPDATED GUIDES ON PHYSICAL PROTECTION PUBLISHED BY SANDIA NATIONAL LABORATORY. EMBASSY SHOULD SLUG CNSNS RESPONSE TO OES/NEC: R. SENSENEY.

2. SINCE 1977, SANDIA NATIONAL LABORATORIES HAS PUBLISHED

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PAGE 02 STATE 147162

THE FOLLOWING PUBLICLY AVAILABLE DOCUMENTS ON THE TOPIC OF PHYSICAL/SABOTAGE PROTECTION. WE WOULD BE GLAD TO PROVIDE ANY OF THESE DOCUMENTS TO THE CNSNS UPON REQUEST.

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SUMMARY REPORT OF WORKSHOP ON SABOTAGE PROTECTION IN NUCLEAR POWER PLANT DESIGN (SAND76-0637, NUREG-0144), FEBRUARY 1977

PROTECTION OF NUCLEAR POWER PLANTS AGAINST SABOTAGE

(SAND77-0116C), OCTOBER 1977

REACTOR SAFEGUARDS ASSESSMENT AND DESIGN (SAND77-0644), JUNE 1978

RANK ORDERING OF VITAL AREAS WITHIN NUCLEAR POWER PLANTS (SAND82-0332), APRIL 1982

NUCLEAR POWER PLANT DESIGN CONCEPTS FOR SABOTAGE PROTECTION (SAND80-0477/1, NUREG/CR-1345), JANUARY 1981

3. SOME OF THE SANDIA DOCUMENTS, LISTED ABOVE, WERE PUBLISHED UNDER CONTRACT TO THE NUCLEAR REGULATORY COMMISSION (NRC) AS NUREG REPORTS AND WOULD BE DIRECTLY AVAILABLE TO THE CNSNS UNDER THEIR AGREEMENT WITH THE NRC. IN ADDITION, SINCE THE MID-1970'S, NRC HAS PUBLISHED THE FOLLOWING REPORTS IN THE AREA OF PHYSICAL PROTECTION AT NUCLEAR PLANTS AND OTHER FIXED SITES WHICH THE NRC IS PREPARED TO MAKE AVAILABLE TO THE CNSNS:

BASIC CONSIDERATIONS FOR ASSEMBLING A CLOSED-CIRCUIT TELEVISION SYSTEM (NUREG-1078)

[redacted]

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NUCLEAR SECURITY PERSONNEL - INTERIM QUALIFICATION AND TRAINING REQUIREMENTS (NUREG-0219)

INTERIOR INTRUSION ALARM SYSTEMS (NUREG-0320)

PROTECTION OF UNCLASSIFIED SAFEGUARDS INFORMATION (NUREG-0794)

ACCEPTANCE CRITERIA FOR DETERMINING ARMED RESPONSE FORCE SIZE AT NUCLEAR POWER PLANTS (NUREG-0907)

ACCEPTANCE CRITERIA FOR THE EVALUATION OF NUCLEAR POWER REACTOR SECURITY PLANS (NUREG-0908)

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GUIDANCE ON THE APPLICATION OF COMPENSATORY SAFEGUARDS MEASURES FOR POWER REACTOR LICENSEES (NUREG-1045)

USE OF PERIMETER ALARMS AT FUEL FABRICATION FACILITIES USING OR POSSESSING FORMULA QUANTITIES OF STRATEGIC SPECIAL NUCLEAR MATERIAL (NUREG-1328)

ENTRY/EXIT CONTROL AT FUEL FABRICATION FACILITIES USING OR POSSESSING FORMULA QUANTITIES OF STRATEGIC SPECIAL NUCLEAR MATERIAL (NUREG/CR-1329)

PERSONNEL AND VEHICLE BARRIERS AT FUEL FABRICATION FACILTIES USING OR POSSESSING FORMULA QUANTITIES OF STRATEGIC SPECIAL NUCLEAR MATERIAL (NUREG-1330)

BARRIER PENETRATION DATABASE (NUREG/CR-0181)

VEHICLE ACCESS AND CONTROL PLANNING DOCUMENT (NUREG/CR-0484)

VEHICLE ACCESS AND SEARCH TRAINING MANUAL (NUREG/CR-0485)

[redacted]

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PAGE 04 STATE 147162

EMERGENCY POWER SUPPLIES FOR PHYSICAL SECURITY SYSTEMS (NUREG/CR-0509)

DURESS ALARMS FOR NUCLEAR FIXED-SITE FACILITIES (NUREG/CR-0510)

SAFEGUARDS AGAINST INSIDER COLLUSION (NUREG-0532)

CENTRAL ALARM STATION AND SECONDARY ALARM STATION PLANNING DOCUMENT (NUREG/CR-0543)

SECURITY LIGHTING PLANNING DOCUMENT FOR NUCLEAR FIXED SITE FACILITIES (NUREG/CR-1327)

HARDENING EXISTING STATEGIC SPECIAL NUCLEAR MATERIAL STORAGE FACILITIES (NUREG/CR-1378)

CAS-SAS OPERATION WORK STATION DESIGN PROCEDURES (NUREG/CR-1467)

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DESIGN CONCEPTS FOR INDEPENDENT CENTRAL ALARM STATION AND SECONDARY ALARM STATION INTRUSION DETECTION SYSTEMS (NUREG/CR-1468)

STRUCTURED ASSESSMENT APPROACH (SSA) INPUT PACKAGE, VOLUMES 1, 2, AND 3 (NUREG/CR-1744)

DESIGN AND INSTALLATION OF COMPUTER SYSTEMS TO MEET THE REQUIREMENTS OF 10 CFR 73.55 (NUREG/CR-4298)

A RANKING OF SABOTAGE/TAMPERING AVOIDANCE TECHNOLOGY ALTERNATIVES (NUREG/CR-4462)

[redacted]

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PAGE 05 STATE 147162

A STUDY OF THE OPERATIONS AND MAINTENANCE OF COMPUTER SUSTEMS TO MEET THE REQUIREMENTS OF 10 CFR 73.55 (NUREG/CR-4473)

TACTICAL EXERCISE PLANNING HANDBOOK (NUREG/CR-5081)

TACTICAL TRAINING REFERENCE MANUAL (NUREG/CR-5172)

USE OF OBSERVATION (VISUAL SURVEILLANCE) TECHNIQUES IN MATERIAL ACCESS AREAS (REGULATORY GUIDE 5.14)

PERIMETER INTRUSION ALARM SYSTEMS, REVISION 2, MAY 1980 (REGULATORY GUIDE 5.44)

STANDARD FORMAT AND CONTENT OF A LICENSEE PHYSICAL PROTECTION PLAN FOR STRATEGIC SPECIAL NUCLEAR MATERIAL AT FIXED SITES (OTHER THAN NUCLEAR POWER PLANTS) (REGULATORY GUIDE 5.52)

STANDARD FORMAT AND CONTENT OF SAFEGUARDS CONTINGENCY PLANS FOR NUCLEAR PLANTS (REGULATORY GUIDE 5.54)

STANDARD FORMAT AND CONTENT FOR LICENSEE PHYSICAL SECURITY PLAN FOR THE PROTECTION OF SPECIAL NUCLEAR MATERIAL OF MODERATE-TO-LOW STRATEGIC SIGNIFICANCE (REGULATORY GUIDE 5.59)

INTENT AND SCOPE OF THE PHYSICAL PROTECTION UPGRADE RULE REQUIREMENTS FOR FIXED SITES (REGULATORY GUIDE 5.61)

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ENTRY/EXIT CONTROL FOR PROTECTED AREAS, VITAL AREAS, AND MATERIAL ACCESS AREAS (REGULATORY GUIDE 5.7)

4. FINALLY, THE US ROUTINELY CONDUCTS BILATERAL CONSULTATIONS IN THE AREA OF PHYSICAL PROTECTION OF NUCLEAR FACILITIES AND MATERIALS WITH OTHER GOVERNMENTS.
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[redacted]

PAGE 06 STATE 147162

IN THIS REGARD, WE WOULD BE PLEASED TO ARRANGE A DISCUSSION IN FY 1990 BETWEEN US AND MEXICAN GOVERNMENT OFFICIALS AND EXPERTS FROM THE LAGUNA VERDE PLANT ON PHYSICAL PROTECTION PHILOSOPHY AND PRACTICES. IN THESE DISCUSSIONS, US EXPERTS COULD DISCUSS THE CONTENTS OF KEY DOCUMENTS CITED ABOVE, AS WELL AS OTHER INFORMATION AND TRAINING IN THIS FIELD WHICH WOULD BE AVAILABLE TO MEXICAN REPRESENTATIVES. SUCH CONSULTATIONS COULD BE SUPPLEMENTED IN MEETINGS OF THE JOINT SUBCOMMISSION ON NUCLEAR COOPERATION, WHICH IS BEING FORMED, BUT THIS BROADER BODY COULD NOT REPLACE DIRECT CONSULTATIONS BETWEEN EXPERTS. EAGLEBURGER

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Exemption(s):
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5/10/89

PP058

Department of State

OUTGOING TELEGRAM

ORIGIN OFFICE CI-01
INFO FILE-01 ORIG-01 ARA-06 PPC-01 ECP-01 OAS-01 PPA-01
DSC-01 DOSC-01 RSC-01 /016 A1 YC

INFO LOG-00 ADS-00 INR-07 SS-00 CIAE-00 DODE-00 H-01
NSCE-00 NSAE-00 HA-09 L-03 TRSE-00 PM-10 PA-01
OMB-01 INRE-00 OCS-06 USIE-00 SP-02 SNP-01 C-01
PRS-01 P-02 T-01 /046 R

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DRAFTED BY: ARA/SC: PDDESHAZO
APPROVED BY: L: ADSOFAER
ARA/SC: RBHOWARD
ARA: MMSKOL
L: DCOLSON
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CASE Letelier 1914 Treaty

R 181786Z MAY 89
FM SECSTATE WASHDC
TO AMEMBASSY SANTIAGO

~~CONFIDENTIAL~~ STATE 147322

E.O. 12356: DECL: OADR
TAGS: PHUM CASC PREL CI
SUBJECT: 1914 TREATY: LEGAL ADVISOR SOFAER'S MEETING WITH CHILEAN AMBASSADOR ERRAZURIZ ON MAY 5.

1. CONFIDENTIAL, ENTIRE TEXT.

2. SUMMARY. LEGAL ADVISOR SOFAER CALLED CHILEAN AMBASSADOR ERRAZURIZ IN TO HIS OFFICE ON APRIL 5 AND PRESENTED HIM WITH A NON-PAPER (TEXT CONTAINED IN PARA 4) RESPONDING TO THE GOC'S APRIL 5 NOTE ON THE 1914 TREATY.

--THE NON-PAPER INFORMED THE GOC THAT WE ARE WILLING TO MEET WITH IT TO DISCUSS THE SCOPE OF THE 1914 TREATY BUT THAT AS A SIGN OF GOOD FAITH IN THE PROCESS AND WILLINGNESS TO MEET ITS TREATY COMMITMENTS, THE GOC BEFOREHAND SHOULD NAME ITS NON-NATIONAL TO THE COMMISSION AND RESPOND TO OUR LIST OF CANDIDATES FOR PRESIDENT.

--ERRAZURIZ RESPONDED TO THE READING OF THE POINTS IN THE NON-PAPER BY STATING THAT HIS GOVERNMENT WISHES TO COOPERATE FULLY WITH US ON THE LETELIER CASE BUT FEELS THAT MATTERS SUCH AS THE SCOPE AND APPLICABILITY OF THE TREATY SHOULD BE DISCUSSED PRIOR TO THE NAMING OF COMMISSIONERS. WHAT THE GOC WANTS, HE SAID, IS A "JURIDICAL TECHNICAL" STUDY OF THE TREATY. HE URGED US NOT TO LET THE LETELIER CASE DOMINATE BILATERAL RELATIONS BUT INSTEAD TO PUT IT ON A "SEPARATE TRACK" APART FROM OTHER MATTERS.

--LEGAL ADVISOR SOFAER REPEATEDLY STRESSED THE NEED FOR THE GOC TO NAME COMMISSIONERS AS A SIGN OF GOOD FAITH IN THE PROCESS, NOTING THAT THERE ARE THOSE IN THE USG WHO WOULD ACCUSE SANTIAGO OF STALLING IF IT INSISTED ON DISCUSSING TECHNICALITIES OF THE TREATY WITHOUT TAKING THIS IMPORTANT STEP.

--ERRAZURIZ PROMISED TO RESPOND TO OUR NON-PAPER AS SOON AS POSSIBLE. END SUMMARY.

3. CHILEAN AMBASSADOR ERRAZURIZ WAS CALLED INTO THE DEPARTMENT BY LEGAL ADVISOR SOFAER ON MAY 5. THE AMBASSADOR WAS ACCOMPANIED BY DCM INFANTE AND SECOND SECRETARY FERNANDEZ. DAS MICHAEL SKOL, DAVID COLSON OF L/ARA AND PETER DESHAZO OF ARA/SC ALSO ATTENDED.

4. JUDGE SOFAER OPENED THE MEETING BY READING THE NON-PAPER WHICH HE LATER PRESENTED TO AMBASSADOR ERRAZURIZ. THE TEXT OF THE NON PAPER IS AS FOLLOWS: BEGIN TEXT:

R

--ON APRIL 5, WE RECEIVED YOUR NOTE, NUMBER 035. IT STATED THAT THE FOREIGN MINISTRY WAS STUDYING THE SCOPE AND APPLICABILITY OF THE 1914 TREATY, THAT THE MINISTRY'S STUDY TO DATE INDICATED SOME UNCERTAINTY, AND THAT AS A RESULT THE TWO GOVERNMENTS SHOULD MEET AS SOON AS POSSIBLE TO MAKE A "DETAILED STUDY...OF ALL DIPLOMATIC EXCHANGES BETWEEN THE TWO COUNTRIES AND DOCUMENTATION RELATING TO THE TREATY."

--YOUR NOTE IS WELCOME IN THAT IT INDICATES YOU ARE GIVING OUR REQUESTS THE SERIOUS CONSIDERATION THEY DESERVE.

--WE BELIEVE THAT THE 1914 TREATY AND THE PROCEDURE IT ESTABLISHES OFFERS OUR TWO GOVERNMENTS A PROPER MEANS THROUGH WHICH WE CAN ADDRESS THE LETELIER CASE.

--YOUR NOTE OF JANUARY 26, 1989 STATES THAT CHILE WOULD SOON NAME ITS NON-NATIONAL MEMBER OF THE COMMISSION.

--THIS PROMISE WAS RESTATED BY FOREIGN MINISTER ERRAZURIZ TO AMBASSADOR GILLESPIE ON MARCH 18.

--CHILE HAS STILL NOT APPOINTED A NON-NATIONAL COMMISSION MEMBER.

--MOREOVER, ON FEBRUARY 9, CHILE WAS INVITED TO PRESENT US WITH A LIST OF FOUR CANDIDATES FOR PRESIDENT OF THE COMMISSION BY FEBRUARY 16.

--WE HAVE STILL RECEIVED NO RESPONSE.

--ON MARCH 18, AMBASSADOR GILLESPIE PRESENTED FOREIGN MINISTER ERRAZURIZ WITH A LIST OF FOUR CANDIDATES FOR PRESIDENT. THE FOREIGN MINISTER INDICATED WE WOULD RECEIVE A RESPONSE QUICKLY.

--WE REALIZE THAT RECENT EVENTS HAVE CONSPIRED TO OCCUPY THE TIME OF YOUR GOVERNMENT. WE ALSO NOTE YOUR GOVERNMENT'S DESIRE, AS YOU EXPRESSED TO UNDER SECRETARY KIMMITT, TO WORK TOGETHER WITH US TO RESOLVE THIS MATTER.

--IF IT IS YOUR DESIRE, WE ARE PREPARED TO MEET WITH YOU TO HAVE A FULL DISCUSSION OF THE SCOPE, APPLICABILITY, AND OPERATION OF THE TREATY AS IT APPLIES TO THE LETELIER CASE.

--THAT MEETING, WE BELIEVE, CAN BE MORE PRODUCTIVE AFTER YOU HAVE NAMED YOUR NON-NATIONAL COMMISSION MEMBER AND RESPONDED TO OUR LIST OF POSSIBLE CANDIDATES FOR PRESIDENT OF THE COMMISSION.

--THIS WOULD INDICATE CHILE'S WILLINGNESS TO PROCEED WITH ITS COMMITMENTS AND WOULD NOT PREJUDICE CHILE'S POSITION IN ANY RESPECT.

--WE WANT TO EMPHASIZE AGAIN THAT OUR OBJECTIVE IS TO ARRIVE AT A SATISFACTORY RESOLUTION OF THE LETELIER CASE, WITHOUT WHICH A FULLY NORMAL BILATERAL RELATIONSHIP WILL NOT BE POSSIBLE.

--WE BELIEVE THE 1914 TREATY OFFERS THAT POSSIBILITY.

END TEXT.

5. AFTER HEARING THE POINTS IN THE NON-PAPER, ERRAZURIZ RESPONDED THAT THE GOC'S PROPOSAL TO HAVE A DETAILED STUDY

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Box 1 of 4

OF THE TREATY'S APPLICABILITY IS THE BEST WAY TO MEET THE COMMON BILATERAL GOAL OF RESOLVING THE LETELIER CASE. WHILE THE GOC HAS "UNDER CONSIDERATION" ITS OWN NOMINEES FOR ITS NON-NATIONAL COMMISSIONER AS WELL AS THE FOUR NAMES PROPOSED BY THE U.S., HE STATED THE VIEW THAT A "JURIDICAL STUDY" OF THE TREATY SHOULD TAKE PLACE PRIOR TO THE NAMING OF COMMISSIONERS. THIS STUDY SHOULD BE DONE "IN A CONSTRUCTIVE SPIRIT" WITH A FULL EXCHANGE OF VIEWS.

6. JUDGE SOFAER RESPONDED BY STATING THAT THE U.S. IS NOT UNWILLING TO MEET WITH THE GOC ON THE TREATY BUT THAT THE GOC HAS MADE PRIOR COMMITMENTS TO THE TREATY IN THE PAST AND THAT THE AGREED TRADITION AND PRACTICE HAS BEEN TO NAME MEMBERS OF THE COMMISSION, EVEN IF NO BUSINESS IS BEFORE IT.

7. ERRAZURIZ DIFFERED WITH THIS POINT OF VIEW, CLAIMING THAT IT IS UNCLEAR IF THE COMMISSION WAS EVER FULLY CONSTITUTED BEFORE. SOFAER RESPONDED THAT THE TREATY IS A USEFUL VEHICLE FOR SOLVING A DIFFICULT PROBLEM AND THAT, LIKE ANY LITIGATION, IT TAKES TIME AND SHOULD BE DONE IN A CAREFUL, DELIBERATE, AND FAIR FASHION.

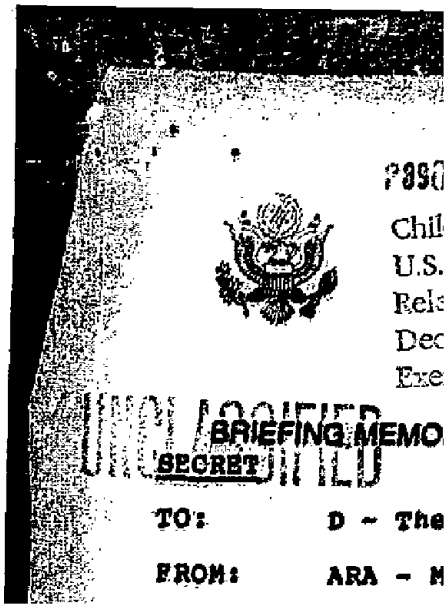
8. THE U.S. IS WILLING TO DISCUSS WHETHER THE TREATY IS THE CORRECT VEHICLE FOR THE CASE, HE SAID, BUT THE NAMING OF MEMBERS OF THE COMMISSION IS, IN OUR EYES, A SEPARATE MATTER. THE U.S., HE STATED, "WILL READ BROADLY THE INTENTIONS OF THE GOC" IN THE MATTER OF WHETHER IT NAMES COMMISSIONERS OR NOT, ESPECIALLY SINCE IT COULD DO SO WITHOUT PREJUDICE TO OTHER ARGUMENTS IT MAY MAKE. HE URGED THE GOC TO GIVE "CAREFUL AND FAVORABLE" CONSIDERATION TO THE NAMING OF COMMISSIONERS, ALTHOUGH HE SAID THAT IT IS NOT A PRECONDITION FOR A FUTURE MEETING WITH THE CHILEANS. BOTH NATIONS SHOULD WANT THE TREATY TO WORK, HE SAID AND NEITHER SHOULD "HOLD OUT" ON THE OTHER. HE REITERATED THAT THE U.S. IS READY TO MEET WITH THE CHILEANS.

9. AMBASSADOR ERRAZURIZ PROMISED TO TRANSMIT THE U.S. VIEWPOINT TO HIS GOVERNMENT AND PLEDGED THAT THE CHILEAN POSITION IS "CONSTRUCTIVE." WHAT IS NEEDED, HE SAID, IS A "TECHNICAL-JURIDICAL" STUDY OF ALL DOCUMENTS PERTAINING TO THE TREATY. CHILE IS READY TO BE FLEXIBLE ON THE TREATY, HE SAID, AND CLAIMED TO BE PLEASED TO HEAR THAT THE U.S. WILL BE THE SAME.

10. JUDGE SOFAER ADDED THAT IF CHILE IS SEEN AS NOT FULFILLING THE "PROCEDURAL STEPS" INVOLVED IN THE TREATY, ESPECIALLY WHEN THEY DO NOT PREJUDICE OTHER GOC VIEWPOINTS, THAT WOULD CAUSE A POOR IMPRESSION WITHIN THE USG. ON THE CONTRARY, HE SAID, SHOULD CHILE MOVE TO NAME COMMISSIONERS, THE EFFECT WOULD BE POSITIVE AND WOULD HELP IMPROVE THE SITUATION.

11. ERRAZURIZ REITERATED THAT THE GOC WANTS A GOOD RELATIONSHIP WITH THE USG BUT ADDED THE VIEWPOINT THAT THE LETELIER CASE SHOULD NOT BE THE FOCAL POINT OF BILATERAL RELATIONS. THE CASE HAS HARMED OVERALL RELATIONS AND COOPERATION IS NEEDED IN OTHER AREAS. OAS SKOL ADDED THAT INDEED IT WOULD BE GOOD TO "GET THE LETELIER CASE LEGALLY BEHIND US" THROUGH THE TREATY PROCESS, TO WHICH ERRAZURIZ RESPONDED THAT WHAT IS NEEDED IS TO PUT THE CASE ON AN ENTIRELY "SEPARATE TRACK" SO THAT OTHER RELATIONS ARE NOT AFFECTED. HE PROMISED TO RESPOND TO THE DEPARTMENT'S NON-PAPER AS QUICKLY AS POSSIBLE.

12. JUDGE SOFAER ENDED THE MEETING BY ONCE AGAIN REMINDING THE GOC OF ITS COMMITMENTS TO ADHERE TO THE TERMS OF THE 1914 TREATY BY NAMING COMMISSIONERS.



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TO: D - The

FROM: ARA - M

--Political groups in Chile are actively seeking candidates for president and congress and drawing up political platforms.

--The 16 political parties which united against Pinochet for a "no" vote in the plebiscite may run a single candidate for president, the Christian Democrat leader Patricio Aylwin.

--Conservative, pro-GOC parties attemped to launch Pinochet's ex-Finance Minister Hernan Buchi as a candidate, but Buchi eliminated himself from the race on May 15, leaving the conservative camp in disarray.

--Legislation governing the size and configuration of electoral districts and the procedure for electing senators and deputies has not yet been promulgated but is expected soon.

--Other important considerations which must be dealt with in the near future are constitutional reform, the nature of civil-military relations, and the thorny issue of whether members of the Chilean Armed Forces should be subject to judicial proceedings for human rights abuses.

--While the transition to democracy is proceeding as scheduled, several hurdles must be cleared prior to and after the newly elected government takes office in March, 1990 in order for democratic rule to be consolidated.

o Chile's Dynamic Economy

--Chile's economy has been a success story, performing very well in the past five years.

--Fueled by a dynamic private sector and diversified exports, the economy has grown at a rapid pace, relatively undamaged by the fruit crisis. Inflation and unemployment are low, the country enjoys a very favorable balance of trade, and scheduled interest payments on the large foreign debt have been met.

--We have encouraged all political parties in Chile to preserve the free market policies which made these gains possible, while at the same time realizing that they will be under pressure to better distribute the fruits of this prosperity.

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o The Fruit Crisis

--The five-day ban on Chilean fruit exports to the U.S. imposed by the FDA in March because of the discovery of several poisoned grapes resulted in serious short term losses to the Chilean economy and a wave of anti-Americanism not seen in Chile since the days of the Allende regime in the early 1970s.

--Final figures may never be clear, but cautious estimates indicate that the episode may cost the Chilean economy about US $100 million. This is far less than original GOC estimates and the economy as a whole is growing at a strong rate.

--Seizing the opportunity, the GOC has requested that the USG take action to alleviate the damage suffered from the disruption.

--They sought politically significant but ultimately impossible steps such as moving back the date of the USDA marketing order on Chilean grapes, reinstating Chile's GSP privileges (suspended by President Reagan in 1987 because of worker rights problems), inspecting fruit in Chile rather than the U.S., and supporting special loans to Chile from the MDBs.

--USDA worked with the Chileans to expedite treatment of their grapes but could not change the marketing order date. Positive responses to the other Chilean requests also appear infeasible but we are engaged in a cordial dialogue with the Chilean Ambassador. The tone of relations has improved and we are reviewing other possible steps.

--Despite our close working relationship with the GOC on the fruit crisis and fast action to reestablish the flow of Chilean fruit to market, the GOC feels that the USG should have provided more dramatic compensatory assistance.

o The Letelier Case

--The 1976 political murder of former Chilean Foreign Minister Orlando Letelier and his U.S. assistant in Washington D.C. ordered by high GOC officials who are still under indictment by a U.S. court and living in Chile has remained a source of bilateral tension for many years.

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--After many fruitless efforts to obtain the cooperation of the GOC in bringing justice to the case, on January 12, 1989 we invoked a 1914 bilateral treaty with Chile which calls for the establishment of an international commission to determine responsibility for the crime.

--The GOC is attempting to sidetrack and delay this effort through stalling tactics aimed at avoiding the convocation of the commission.

--Legal Advisor Sofaer met with Errazuriz on May 5 and strongly urged the GOC to take steps to get the treaty commission functioning.

--Congress is interested in the case and some members may seek to take action against the GOC if the treaty process does not produce results.

III. PARTICIPANTS

U.S.	Chile
Mr. Eagleburger	Amb. Errazuriz
DAS Michael H. Skol	DCM Demetrio Infante
ARA/SC - notetaker	

IV. PRESS COVERAGE

None

Attachments

Tab 1 - Talking Points
Tab 2 - Biographic sketch of Amb. Errazuriz
Tab 3 - Economic Fact Sheet

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drafter: ARA/SC - PDeShazo
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ARA - MSkol
P - STomchik

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May 11, 1989

Peter DeShazo
Country Officer for Chile
ARA/SC
Department of State
Washington, D.C. 20520

Chile Project (#S199900030)
U.S. Department of State
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Dear Mr. DeShazo:

Thank you for your to me report earlier today on the Department's progress in evoking the Treaty for the Settlement of Disputes between the United States and the Republic of Chile. I understand that your call was in response to my earlier letter to Michael Kozak seeking information on the progress of this effort.

I would appreciate it if you, or some other official of the Department, could keep me periodically advised of the progress of this effort and any important developments as they occur and that you pass along my request that the official of the State Department conducting the negotiations over the legal disputes regarding the Treaty contact me to discuss these matters.

During our discussion I raised with you my concern that the claim currently being espoused by the Department be treated as independent of the Treaty process. You assured me that the espousal claim is outstanding and viewed as a current claim. I do not, however, understand that the Department is doing anything other than its efforts to invoke the Treaty to make it clear that the failure to honor the espousal request is a continuing affront to the sovereignty of the United States. On behalf of my clients

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I urge the Department to take additional steps to clarify that the continued failure of the Chilean government to honor the espousal request is a matter of grave concern.

Yours truly,

Samuel J. Buffone

SJB/ro

cc: Michael Moffitt
Isabel Letelier

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U.S. Department of State
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Exemption(s) ____ 5/11/89

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L/ARA - David Colson

FYI - I suspect that this may refuel interest of our Commission efforts. Do you want to say anything about this? (1)

To: L - Ms. Verville

From: L/M/DL - Joan E. Donoghue

Subject: New Proposed Amendment to the FSIA

Congressman Berman has introduced a bill to amend the FSIA (H.R. 2163) that combines elements of the former ABA-supported bill and of Senator Kennedy's proposals of last fall. H.R. 2163 would eliminate the nexus requirement in two kinds of cases:

> "in the case of a claim based upon acts of violence in the United States intended to or actually resulting in bodily harm;"
>
> in cases "in which the property belongs to a foreign state or an agency, instrumentality, or political subdivision of a foreign state engaged in a commercial activity in the United States and the judgment relates to a claim for which the foreign state is not immune from jurisdiction by virtue of section 1605 or section 1607 of the chapter."

It is unclear whether the amendment would continue the current respect for separate juridical entities. It is silent about retroactive effect, but given Berman's sponsorship we can assume that it is intended to permit the Letelier plaintiffs to execute that judgment. It contains no exclusion for military activities.

I assume that this bill comes as a surprise to the Front Office. As a first step, I suggest that you call your contact on Berman's staff to get as much information as possible. Then we can decide how to proceed.

Mark Johnson has left H and has been replaced by Richard Mueller. The staff-level person who had followed this, Roger Woodworth, has also left. We will therefore have to reeducate H. I will also speak with Bill Bacchus.

Berman's new bill is attached. Also attached is a cut-and-paste version of the affected provision of the FSIA as it would be revised by the Berman bill.

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12 May 89 (JE 0463)

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Chile Project (#S199900030)
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	DODE-00	NSCE-00	ARA-00	NSAE-00	COME-00	SSO-00	L-02
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	CCO-00	INRE-00	CA-02	CG-00	USSS-00	JUSE-00	FBIE-00
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TO SECSTATE WASHDC 9647
USIA WASHDC 5276

UNCLAS SANTO DOMINGO 05081

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RREPT FOR DS/POL/TAD, DS/OPS, DS/OPS/ARA

E.O. 12356: N/A
TAGS: ASEC, PTER, DR
SUBJ: BOMB THREAT AT THE BI-NATIONAL CENTER, SANTIAGO

1. ON MAY 12, 1989, AT APPROXIMATELY 8:30 AM, THE SANTIAGO BI-NATIONAL CENTER RECEIVED A TELEPHONIC BOMB THREAT. THE CALLER A YOUNG MALE SPEAKING SPANISH IN AN EDUCATED VOICE, ASKED FOR THE CENTER'S ADMINISTRATOR. HE TOLD HER THAT A BOMB HAD BEEN PLACED IN THE CENTER AND THAT IT WOULD GO OFF IN ONE HOUR. HE CALLED AGAIN A FEW MINUTES LATER TO REMIND HER THAT THE BOM WOULD GO OFF IN 57 MINUTES AND LAUGHED BEFORE HANGING UP.

2. THE POLICE WERE CALLED AND A CHECK OF THE CENTER REVEZLED NOTHING. (COMMENT: THE CALLER'S KNOWLEDGE THAT THE CENTER HAS(AN EMPLOYEE WITH THE TITLE OF ADMINISTRATOR LEADS US TO BELIEVE THAT HE WAS PROBABLY
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A STUDENT OR DISGRUNTLED EMPLOYEE. END COMMENT)
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12 May 89 (JE047)

Case Number: S1999000030
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Declassify: In Part ____ In Full X
Exemption(s) ____

PAGE 01 SANTIA 54742 01 OF 03 121654Z
ACTION ARA-00

INFO LOG-00 ADS-00 INR-07 SS-00 CIAE-00 DODE-00 NSCE-00
NSAE-00 PM-10 PA-01 INRE-00 USIE-00 SP-02 PRS-01
P-02 /023 W
----------127242 130515Z /23

P 121648Z MAY 89
FM AMEM"ASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 1320
INFO AMEMBASSY LA PAZ
CINCLANTFLT NORFOLK
AMEMBASSY MEXICO

C O N F I D E N T I A L SECTION 01 OF 03 SANTIAGO 54742

MEXICO FOR ARNOLD CHACON

E/O. 12356: DECL:OADR
TAGS: PGOV, C
SUBJ: CONS)ITUTIONAL REFORM: NOW YOU SEE IT AGAIN

REF: SANTIAGO 4481

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1. (C) SUMMARY: IN A CLEVER MOVE DESIGNED TO ESTABLISH HIS SOLITICAL CREDENTIALS, WRESIDENTIAL ASPQRANT HERNAN BUCHI OFFERED A SERIES OF ALTERNATIVE SUGGESTIONS TO BREAK THE OMPASSE ON DIALOGUE TOPACHIEVE CONSTITUTIONAL REFORM. HE PROPOSED A TWO-YEAR RANSITION PERIOD TURING WHICH AMENDMENTS AFFECTING THE ROLE OF THE ARMED FORCES OR THE NATIONAL SECURITY COUNCIL WOULD REQUIRE A SPECIAL QUORUM, WHILE MHST OTHER CONSTITUTIONAL PROVISIONS COULD BE AMENDED BY A THREE-FYFTHS MAJORITY, IN ONE CONGRESS ONLY. EXCEPT FOR EX-PRESIDENTS,
APPOINTED SENATORS WOULD FIGURE ONLY
IN THE TRANSITION PERIOD. THE SENATE WOULD BE
CONFIDENTIAL

PAGE 02 SANTIA 54742 01 OF 03 121654Z

EXPANDED TO INCLUDE FIVE MORE ELECTED SENATORS FOR THE FIRST TWO YEARS, THEN TEN MORE, BRINGING THE EVENTUAL NUMBER TO 50. THE HOUSE OF REPRESENTATIVES WOULD BE EXPANDED FROM 120 TO 150 DEPUTIES.

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2. (C) BUCHI'S PROPOSAL COINCIDED WITH A SIMILAR COMPROMISE PLAN UNVEILED BY NATIONAL RENUWAL PARTY (RN) PRESIDENT SERGIO JARPA WHO ARGUED STRONGLY ON NATIONAL TV FOR REOPENING TALKS. OPPOSITION SPOKES2-

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MAN PATRICIO AYLWQN RESPONDED INITIALLY BY APPLAUDING THE IDEA, BUT SAYING THE GOC HAD TO OPEN THE DOOR,WHILE J/NTA MEMBER ADMIRAL)ERINO SAID THE BALLXWAS IN THE OPPOSIT#ON'S COURT. THE BETTING IS THAT PINOCET WILL BLOCK THE YEW INITIATIVE, BUT NOT BEFORQ RZN AND BUCHI ARE ABLE TO DISPLAY TQEIR REASONABLENESS AND AUTONOMY FROM TXE GOVERNMENT. END SUGMARY.

3. (U) HOPES FOR CONSTITUTIONAL REFORM SEGMED ALL BUT DEAD ON FQIDAY MAY 5 WHE-QUNDECLARED PRESIDENTIAL CANDIDATE HERNAN BUCHI PRESENTED A-SERIES OF ALTERNATIVE SUGGESTIONS IN A LETTER TO INTERIOR MINISTER CARLOS CACERES, RN PRESIDENT SERGIO ONOFRE JARPA, AND COPODE SPOKESMAN PATRICIO AYLWIN. BUCHI BEGAN HIS PROPOSAL BY OUTLINBNG AND COMMENTING ON THE VARIOUS POINTS OF AGREEMENT BETWEEN THE GOVERNMENT AND THE NATIONAL RENEWA$ (RN)/OPPOSITION COALITION (COPODE) PROPOSALS. THE EMPHASIZED HIS OWN AGREEMENT WITH TE PROPOSALS TO CHANGE THE LAWS RELATING TO STATES OF EXCEPTION, THE ELIMINATION OF EXILE, THE PEESTABLISHMENT OF UHE PREEMINENCE OF CIQIL COURTS, AND THE ELIMINATION OF CONFIDENTIAL

PAGE 03 SANTIA 54742 01 OF 03 121654Z

PRESIDENTIAL POWER TO D)SSOLVE THE HOUSE OF DEPUTIES. (INTERESTINGLY, HE DID NOT MENTION SHORTENING THE FIRST PRESIDENTIAL TERM FROM EIGHT TO FOUR YEARS.)

4. (U) REGARDING THE NATIONAL SECURITY COUNCIL, BUCHI NOTED THAT THE TWO SIDES WERE CLOSE TO AGREEMENT, QIN THAT THE GOVERNMENT HAD SUGGESTED ADDING THE COMPTROMLER GENERAL TO THE COUNCL, WHILE THE COPODE-RN COMMISSION ASKED FOR THE ADDITION OF BOTH THE COMPTROLLER AND THE PRESIDENT OF THE CHAMBER OF DEPUTIES. BUCHI SUGGESTED THE ACCEPTANCE OF THE GOVERNMENT PROPOSAL SINCEQBOTH SIDES COINCIFE ON THE ADDITION OF THE COMPTROLLER, AND BECAUSE THIS ADDITION WOULD EQUALIZE IVILIAN AND MILITARY STRENGTH. BUCHI POINTED OUT THAT BOTH SIDES AGREE ON LIMITING THE COUNCIL'S POWERS TO THOSE OF AN ADVISORY BODY.

5.(UQ) REGARDING THE ISSUES UPON WHICH THERE WAC PARTIAL AGREEMENT BETWEEN THE GOVERNMENT AND THE OPPOSITION, BUCHI OFFERED SEVERAL OPTIONS. WHILE ACKNOWLEDGING THAT THE TWO SIDES DID NOT COINCIDE EXACTLY ON PROPOSED CHANGES IN ARTICLE 8, BUCHI EMPHASIZED THAT BOTH SIDES AKPEAR TO AGREE THAT THE

Q
FOCUS OF THE LAW SHOULD BE ON WHAT KIND OF SYSTEM OF GOVQRNMENT SHOULD BE ESTABLISHED. HE #DDED THAT IN HIS OPIION VIOLATIONS OF ERTICLE 8 ARE ALREQDY LISTED AS CRIMES IN THE PENAL CODE. REGARDING THE DISAGREEMENT OVER REQUIRING THE PASSAGE OF AMENDMENTS BY TWO CONGRESSES, BUCHI STATED THAT CERTAIN TPES OF FUNDAMENT#L CONSTITUTIONAL REFORM - SUCH AS THOSE?UFFECTING CITIZENS' RIGHJTS - NEEDED

~~CONFIDENTIAL~~

PAGE 01 SANTIA 04742 02 OF 03 121655Z
ACTION ARA-00

INFO LOG-00 ADS-00 INR-07 SS-00 CIAE-00 DODE-00 NSCE-00
NSAE-00 PM-10 PA-01 INRE-00 USIE-00 SP-02 PRS-01
P-02 /023 W
----------127244 130733Z /23

P 121648Z MAY 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 1321
INFO AMEMBASSY LA PAZ
CINCLANTFLT NORFOLK
AMEMBASSY MEXICO

~~C O N F I D E N T I AL~~ SECTION 02 OF 03 SANTIAGO 04742

MEXICO FOR ARNOLD CHACON

E.O. 12356: DECL:OADR
TVGS: PGOV, CI
SUBJ: CONSTITUTIONAL REFORM: NOW YOU SEE IT AGAIN

THE MATURATION PERIOD AND LONGER-TERM CONSIDERATION THAT PASSAGE OF SUCCESSIVE CONGRESSES WOULD GIVE. HE REASONED THAT I IS WISE TO APPLY SPECIAL RULES TO EXTREMELY DELICATE SUBJECTS LIKE THE ARMED FORCES AND THE NATIONAL SECURITY COUNCIL DURING A PROBLEMATI TRANSITION PERIOD. WITH THAT IN MIND, BUCHI PROPOSED A TWO-YEAR TRANSITION PERIOD, AFTER WHICH NORMAL AMENDMENT PROCEDURES COUMD APPLY TO THOSE SUBJECTS.

6.(U) REGARDING THE COMPOSITION OF THE SUNATE, BUCHI AGAIN SUGGESTS A TRANSITION PERIOD OF TWO YEARS DURING WHICH TIME THE NINE APPOINTED SENATORS WOULD BE A MODERATING FORCE. AT THE SAME TIME LE WOULD INCREASE THE UMBER OF ELECTED SNATORS FROM 26 TO 31. AFTER TQIS PERIOD, APPOINTED SENATORS
CONFIDENTIAL

PAGE 02 SANTIA 04742 02 OF 03 121655Z

WOULD BE REPLACED, INCREASING QHE THE NUMBER OF ELECTED SENATORS TO 50, WHICH, AS BUCHI WAS CAREFUL TO POINT OUT, HAS BEEN THE TRADITION IN CHILE& HOWEVER, BUCH ADDS THAT EX-PRESIDENTS SHOULD BE PERMANENT MEMBERS OFQTHE SENATE. HE WOULD ALSO INCREASE HE NUMBER OF REPRESENTATIVES IN THE CHAMBER OF DEPUTIES TO 150, AGAIN REFERRING TO CHILEAN TRADITION AND TO AN APPARENT AGREEMENT BETWEE THE GOC AND OPPISITION TECHNICIANS ON THIS POINT. FORPCONSTITUTIONAL REFORM OF ORGANIC LAWS IMPLEMENTING THE CONSTTUTION, BUCHI PROPOSES THAT A MAJORITY OF CONGRESS BEBREQUIRED FOR PASSAGE. LASTLY, HE EXPRESSES SUPPORT FOR TGE POPULAR ELECTION OF LOCAL OFFICIALS.

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7. (U, BUCHI'S INITIATIVE COINCIDED WITH REMARKS BY SENIOR JUNTA MEMBER ADMIRAL MERINO0AND INTERIOR UNDERSECRETARY GONZALO GARCIA HINTING THAT DIALOGUE MIGHT BE CONTINUED. MERINO STATED THAT THE BALL WAS IN THE OPPOSITION'S COURT, AND THV TALKS COULD BE REINITIATED IF THEY PRESENTED A PROPOSAL AMENABLE TO THE GOVERNMENT. GARCIA SAID THAT CONTINUED DIALOGUE WOULD REQUIRE SIGNIFICANT CHANGE OF ATTITUDE ON THE PART OF THE OPPOSITION. HE ALSO REFUTED JARPA'S STATECENT THAT THE DIALOGE HAD FAILED BECAUSE THE PRESIDENT WAS NOT WELL INFORMED BY HIS ADVISORS, STATING THAT THERE WAS NO MISUNDERSTANDINGQ- THE GOVERNMENTQHAD OFFERED 19 PROPOSALS FOR REFORM AND THE COPODE REJECTAD THEM. WHILE NEITHER STATEMENT WAS TOO ENCOURAGING, THEY SEEMED TO OPEN THE DOOR TO REFORM A CRACK.

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CONFIDENTIAL

PAGE 03 SANTIA 04742 02 OF 03 121655Z

8. (U) ADDING TO THE PUSH TO REOPEN CONSTITUTIONAL TALKS, R#N PRESIDENT SERGIO ONOFRE JARPA PRESENTED A NEW PROPOSAL'QHICH BASICALLY MOCIFIES TWO POINTS OF THE PREVIOUS RN-COPODE AGREEMENT. RN SUGGESTS RAISING THE NUMBER OF ELECTED SENATORS FROM 26 TO 40, AND ALLOWING APPOINTED SENATORS FOR A SINGLE TERM OF FOUR YEARS. AFTER THIS FOUR-YEAR TERM, THE SENATE WOULD BE ENTIRELY POPULARLY ELECTED/ EUCEQT FOR EX-PRESIDENTS. THE SANTIAGO METROPOLITAN AREA AND THE 5 REGIONS WITH THE LARGEST POPULATION WOULD ELECT THE ADDITIONAL SENATORS. ON THE ISSUE OF AMENDING THE CONSTITUTION, JARPA PROPOSES REQUIRING A THREE-FIFTHS MAJOQITY FOR ALL REFORMS, EXCEPT THOSE

DEALING WITH THREE FUNDAMENTAL ARTICLES. FOR THOSE, JARPA'S PROPOSAL REQUIRES A TWO-THIRDS MAJORITY. FOR AMENDING ORGANIC LAWS IM6LEMENTING THE CONSTITUTION, JARPA'S PROPOSAL REQUIRES ONLY AN ABSOLUTE MAJORITY.

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9. (U) COPODE SPOKESMAN PATRICIO AYLWIN COMMENTED THAT "UCHI'S INITIAUIVE HAD VALUE, BUT THAT COPODE COULD NOT PARTICIPATE UNTIL THE GOVERNMENT SHOWED WILLINGNESS TO MODIFY ITS POSITION ON THE NATIONAL SECURITY COUNCIL AND MECHANISS FOR AMENDMENTS. INTERIOR MINISTER CACERES WHO ADMITTEDTHAT THE INITIATIVE HAD SOME "INTERESTING POINTS", REITERATED THAT REININIATING NEGOTIATIONS WITH THE COPODE WAS IMPOSSIBLE. HE ADDED THAT THERE WAS NO ROOM IN THE PROCESS, NOR WOULD THERE BE, FOR MEDIATION.

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10. (C) COMMENTS: WHE-JER OR NOT THE PROPOSAL CATCHES ON, IT HELPS BUCHI ESTABLISH HIS POLITICAL

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PAGE 01 SANTIA 04742 03 OF 03 121800Z
ACTION ARA-00

INFO	LOG-00	ADS-00	INR-07	SS-00	CIAE-00	DODE-00	NSCE-00
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	P-02	/023 W					

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P 121648Z MAY 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 1322
INFO AMEMBASSY LA PAZ
CINCLANTFLT NORFOLK
AMEMBASSY MEXICO

C ~~O N F I D E N T I A~~ L SECTION 03 OF 03 SANTIAGO 04742

MEXICO FOR ARNOLD CHACON

E.O. 12356: DECL:OADR
TAGS: PGOV, CI
SUBJ: CONSTITUTIONAL REFORM: NOW YOU SEE IT AGAIN

CREDENTIALS. HE IS SEEN AS AN ECONOMIC TECHNICIAN, AND MANY USPECT HE IS A POLITICAL NEOPHYTE. THE CHCAGO BOYS SCHOOL WHICH HAS BEEN HIS TRADEMARK IS NOT KNOWNFOR POLITICAL COMPROMISE AND FLEXIBILITY. IN ADDITION,)1THIS MOVE LETS HIM DISPLAY HIS INDEPENDQNCE FROM THE GOVERNMENT, PARTICULARLY FROM PINOCHET, WHO DURING HIS TOUR IN THE NORTH ATTACKED

NATIONAL RENOVATIOL AND OTHERS WHO WANT COFSTITUTIONAL REFORM.

-

11. (C) THE OTHER MAIN BENEFICIARY IS NATIONAL RENEWAL, WHICH CAN ALSO SHOW ITS UTONOMY FROM TKE GOVERNMENT AND ITS COMMITMENT TO A POPULAR CAUSE. POLOFF TALKED WITH RN STAFF DIRECTOR CARLOS ZEPEDA, WHO CONFIDED THAT HE DRAFTED THE COMPROMISE PROPSAL, AND ACKNOWLEDGHD THAT THE CONFIDENTIAL

PAGE 02 SANTIA 04742 03 OF 03 121800Z

MEMORANDUM WAS RELEASED HOW IN ORDER TO HELP QSERGIO JARPA'S APPEARANCE WITH A PANEL O$ RN CONSTITUTIONAL EXPERTS ON MAY 10. THE PLAN'S GESTATION ILLUSTRATES BUCHI'S CLOSE RELATIONSHIP WITH THE MODERATE CONSERVATIVU PARTY, WHOSE KEY ADVISORS ARE REPORTEDLY RUNNING HIS CAMPAHGN.

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12.(C) ZEPEDA SAID THAT GOC MODERATES ARE FAVORABLE TO THE IDEA, BUT THE FACT THA PINOCHET OPPOSES ANY COMPROMISE LEAVE THEM POWERLESS.)ERN BELIEVES THAT THE PDC WILL INITIALLY POOH-POOH THE PLAN IN PUBLIC, EVEN BHOUGH AYLWIN REPORTEDLY AGREES WITH MOST OF THE SPECIFIC PGINTS AND WILL ENCOURAGE THE OPPOSITION COALITION TRO RESPOND FAVORABLY. THE PROPOSAL DBVIOUSLY PUTS COPODE ON THE SPOT, SINE IT MAY BE TORN BETWEEN NOT WANTING TO MAKE BUCHI LOOK GOOD, AND NEEDING TO SATISFY THE MANY HUNCRY CONGRESSIONAL ASPIRANTS IN THE RANKS OF ITS MEMBER PARTIES.

-

13. (C) THE MAIN LOSE# /OULD BE PINOCHET/ WHO AN HARDLY AFFORD TO LOOK AS THOUGH, ONCE AGAIN, HIS ARM WAS EFFECTIVLY TWISTED ON CONSTITUTIONAL REFORM. HE WAS BLAMED FOR THE FIRST BREAKDOWN OF TALKS ON THE ISSUE, AND WILL SURELY BE BLAMED FOR ANOTH-R LOST OPPORTUNITYQ, IF CENTER-LEFT PARTZIES HAVE THE SAVVY TO MAKE CONCILIATORY NOISES ABOUT IT. AND ONCE MORE HE HAS APPEARED AS THE LEGENDARY KING OSIAM, AT ODDS AND QUITE OUT OF TOUCH WITH WHAT THE REST OF HIS COURT AND MOST O HIS SUBJECTS ARE DOING. END COMMENTS. GILLESPIE

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PP RUEHC RUEHAC RUEHBU RUEHLP RUEHMN
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ZNY CCCCC ZZH
P 162236Z MAY 89
FM AMEMBASSY SANTIAGO
TO RUEHC / SECSTATE WASHDC PRIORITY 1385
INFO RUEHAC / AMEMBASSY ASUNCION 3547
RUEHBU / AMEMBASSY BUENOS AIRES 9336
RUEHLP / AMEMBASSY LA PAZ 5734
RUEHMN / AMEMBASSY MONTEVIDEO 7011
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~~C O N F I D E N T I A L~~ SECTION 01 OF * SANTIAGO 04920

CLASS: ~~CONFIDENTIAL~~
CHRGF: PROG 05-16-89
APPRV: DCM:GFJONES
DRFTD: DCM:GFJONES/JL
CLEAR: POL:RGODARD
DISTR: POL-13

E.O. 12346: DECL:OADR
TAGS: PGOV, CI
SUBJ: CONVERSATION WITH PLANNING MINISTER SERGIO MELNICK

REF: SANTIAGO 4818

1. ~~CONFIDENTIAL~~ - ENTIRE TEXT.
2. SUMMARY: MELNICK, A PINOCHET LOYALIST, CLAIMS NOT ONLY THAT PINOCHET WILL NOT TRY TO STAY AS PRESIDENT, BUT ALSO THAT HE HAS ADVISED PINOCHET TO GIVE UP COMMAND OF THE ARMY AS WELL. THAT MAKES URGENT AN AGREEMENT ON PINOCHET'S SECURITY AND SAFETY ONCE OUT OF OFFICE. HE DID NOT DISAGREE THAT THE OPPOSITION IS READY FOR SUCH AN AGREEMENT, FAULTING INSTEAD, ON THIS AND MANY OTHER ISSUES, INTERIOR MINISTER CACERES FOR LACK OF POLITICAL LEADERSHIP AND LOYALTY TO PINOCHET'S INTERESTS. ONLY SUPPORT FOR CACERES FROM SOME ARMY GENERALS (AND THEO OTHER SERVICES) HAS ENABLED HIM TO HANG ON. BUT HE WILL FAIL TO PUSH THROUGH CONSTITUTIONAL REFORM OVER PINOCHET'S OPPOSITION. WHILE CRITICIZING BUCHI FOR HIS EFFORTS SINCE LEAVING THE GOVERNMENT TO DISTANCE HIMSELF FROM PINOCHET> MELNICK WAS DISMAYED AT BUCHI'S DECISION NOT TO RUN, AND SAW NO OTHER CANDIDATE ON THE HORIZON WHO COULD UNIFY THE RIGHT. END SUMMARY.

3. DCM WAS INVITED MAY 15 TO ONE ON ONE LUNCH WITH MINISTER OF PLANNING SERGIO MELNICK, ONE OF THE HARD-LINE PINOCHETISTAS IN THE CABINET. JUST TWO HOURS BEFORE, HERNAN BUCHI, THE ANTICIPATED PRO GOVERNMENT CANDIDATE IN THE DECEMBER PRESIDENTIAL ELECTIONS< HAD ADDNOUNCED HE DID NOT CHOOSE TO RUN (REFTEL). WHILE CLAIMING HE HAD PREDICTED FROM THE BEGINNING THAT BUCHI WOULD NOT RUN, THAT BUCHI WOULD HAVE MADE A BETTER PRESIDENT THAN HE WOULD HAVE A CANDIDATE, AND THAT BUCHI HAD ALREADY COMMITTED A MAJOR ERROR, MELNICK WAS NEVERTHELESS CLEARLY SURPRISED, AGITATED AND DISMAYED> THE "ERROR" WAS THAT BUCHI, IN THE LAST FEW WEEKS OF TESTING THE PRESIDENTIAL WATERS, HAD TRIED TO DISTANCE

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
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Exemption(s) ____

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\ HIMSELF FROM PINOCHET. IT WAS IMPOSSIBLE,
\ MEINICK SAID, TO RUN AS THE GOVERNMENT CANDIDATE
\ AND DISTANCE YOURSELF FROM THE MAN WHO WILL
\ REMAIN AS HEAD OF GOVERNMENT UNTIL MARCH 1990.
\

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E.O. 12356: DECL:OADR
TAGS: PGOV, CI
SUBJ: CONVERSATION WITH PLANNING MINISTER

\ 4. DCM SAID HE HAD ALSO HAD DOUBTS EARLIER
\ THAT BUCHI WOULD RUN, GIVEN HIS LACK OF
\EXPERIENCE IN AND WELL-KNOWN DISTASTE FOR
\POLITICS. BUT IN LAST FEW WEEKS HE HAD CERTAINLY
\BEEN ACTING LIKE A CANDIDATE -- VISITING HUMAN
\ RIGHTS ORGANIZATIONS, GOING TO LIMA TO SEE
\ VARGAS ILCSA, PLANNING A MAJOR TV APPEARANCE.
\ WHY WOULD HE DO THESE THINGS AND THEN PULL OUT?
\MELNICK SAID BUCHI WAS BEING MANIPULATED BY
\HIS MANAGERS, LED BY BUSINESSMAN SEBASTIAN
\PINERA. THEY SCHEDULED HIM SO HARD BUCHI HAD
\ BEEN HEARD TO COMPLAIN HE DIDN'T HAVE TIME TO
\ BREATHE OR TO THINK. EVIDENTLY HE FINALLY
\ DECIDED TO CALL A HALT.
\
\5. WHO, THEN, WILL BE THE CONSERVATIVE CANDIDATE
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SA ~~C O N F I D E N T I A L~~ SECTION 02 OF * SANTIAGO 04920

E.O. 12356: DECL:OADR
TAGS: PGOV, CI
SUBJ: CONVERSATION WITH PLANNING MINISTER

\IN DECEMBER? MELNICK SUGGESTED JARPA. DCM
\SAID JARPA CERTAINLY WOULD BE LOGICAL CHOICE
\OF HIS OWN PARTY, RENOVACION -- MANY MEMBERS
\PAD LONG PREFERRED HIM TO BUCHI -- BUT COULD
\JARPA GET UNIFIED SUPPORT FROM THE OTHER PARTIES
\OF THE RIGHT? NO, MELNICK SAID. HIS OWN PERSONAL
\FAVORITE WOULD BE SEBASTIAN'S BROTHER, JOSE
\PINERA, FORMER MINISTER OF LABOR AND MINING
\AND, LIKE MELNICK, A FERVENT SUPPORTER OF THE
\REGIME'S ECONOMIC POLICIES. DCM SAID PINERA
\MIGHT BE ANOTHER PERSON WHO WOULD MAKE A BETTER
\PRESIDENT THAN CANDIDATE. MELNICK LAUGHED AND
\AGREED, ADDING THAT PINERA HAD ALREADY FLOATED
\A TRIAL BALLOON, UNSUCCESSFULLY. OR THE REGIME
\MIGHT TRY AND DUST OFF THE GOING-NOWHERE CANDIDACY
\OF SERGIO DIEZ, MELNICK SAID WITHOUT CONVICTION.
\ THE PROBLEM IS THERE JUST ISN'T ANYONE -- LESS
\ THAN TWO MONTHS FROM THE FILING DATE.

\ 6. WHAT ABOUT THE REPEATED RUMORS THAT PINOCHET
\ IS PLANNING TO FILL THIS VACANCY BY RUNNING
\ HIMSELF? MELNICK SAID HE DIDN'T THINK SO.
\ INDEED, THE MAJOR UNRESOLVED ISSUE IN CHILE
\ WAS, IN HIS WORDS, "THE PINOCHET PROBLEM" --
\ WHAT GUARANTEES COULD BE GIVEN TO PINOCHET
\ CONCERNING HIS FUTURE STATUS AND SECURITY.
\ MELNICK HAD TOLD PINOCHET THAT HIS PUBLICLY
\ PROCLAIMED INTENTION TO REMAIN AS COMMANDER-
\ IN-CHIEF OF THE ARMY SIMPLY WOULDN'T WORK,
\ REGARDLESS OF WHO BECOMES PRESIDENT. "NO CUADRA"
\ -- IT DOESN'T FIT. SO A WAY HAD TO BE FOUND
\ FOR PINOCHET TO LIVE IN DIGNITY AND SAFETY AS
\ BOTH EX-PRESIDENT AND EX-CINC. DCM SAID THE
\ EMBASSY'S CONVERSATIONS WITH OPPOSITION LEADERS
\ INDICATED THAT SHOULD NOT BE AN ISSUE. ONLY
\ THE EXTREME LEFT SEEMED TO HAVE ANY INTEREST
\ IN PURSUING PINOCHET PERSONALLY. ONE OPPOSITION
\ LEADER HAD SAID PUBLICLY THAT IT SHOULD BE AN
\ ESTABLISHED PRINCIPLE THAT EX-PRESIDENTS WERE
\ NOT TO BE HELD TO ACCOUNT FOR ACTIONS WHILE
\ IN OFFICE. PROBLEM, DCM SAID, WAS THAT AS FAR
\ AS WE COULD TELL NO EFFORT HAD BEEN MADE TO HOLD
\ SERIOUS PRIVATE TALKS WITH THE OPPOSITION ON
\ WHAT HAPPENS TO PINOCHET. MELNICK AGREED, AND
\ THAT LED HIM OFF INTO A LONG CRITIQUE OF INTERIOR
\ MINISTER CARLOS CACERES, THE LEADER OF THE
\ GOVERNMENT'S "SOFTLINERS."
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SA C O N F I D E N T I A L SECTION 03 OF * SANTIAGO 04920

E.O. 12346: DECL:OADR
TAGS: PGOV, CI
SUBJ: CONVERSATION WITH PLANNING MINISTER

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7. CACERES, MELNICK SAID, IS TRYING TO BE HIS
\OWN INTERIOR MINISTER, NOT PINOCHET'S. IF
\ PINOCHET SAYS "A," HE DOES "B." THIS WAS IN
\ CONTRAST, FOR EXAMPLE, TO HIS PREDECESSOR,
\ SERGIO FERNANDEZ, WHO WANTED TO END POLITICAL
\EXILE WHEN HE FIRST BECAME MINISTER. PINOCHET
\ SAID NO AND FERNANDEZ LOYALLY DEFENDED PINOCHET'S
\ DECISION. (MELNICK DID NOT SPELL OUT THE
\ CONTRAST WITH CACERES' PURSUIT OF CONSTITUTIONAL
\ REFORM AGAINST PINOCHET'S WISHES, BUT THE REFERENCE
\ WAS OBVIOUS. BUCHI, INCIDENTALLY, MET WITH
\ PINOCHET ON MAY 11 IN ANOTHER EFFORT TO PERSUADE
\ HIM TO ACCEPT REFORM. ASKED WHETHER HE THOUGHT
\ THERE MIGHT STILL BE A PLEBISCITE ON CONSTITUTIONAL
\ AMENDMENTS, MELNICK SAID SIMPLY, NO.) IN SIX
\ MONTHS AS MINISTER, WHAT HAS CACERES ACHIEVED?
\ ONLY THE CONGRESSIONAL DISTRICTING LAW. IN
\ CONTRAST, THE RADIO AND TV LAW HAS GOTTEN
\ NOWHERE, MAINLY BECAUSE IT WAS POORLY DRAFTED.
\ AS A RESULT, THE CHANCE OF HAVING PRIVATELY-
\ OWNED TV CHANNELS IS PROBABLY LOST FOR THE NEXT
\ TEN YEARS. THE CENTRAL BANK LAW IS ALSO STALLED.
\ WHEN ALL IT NEEDS, TO ESTABLISH THE PERMANENT
\ AUTONOMY OF THE BANK, IS A POLITICAL AGREEMENT
\ TO NAME ONE CHRISTIAN DEMOCRAT TO THE BOARD
\ OF GOVERNORS -- SOMEONE, MELNICK SAID, LIKE
\ CARLOS MASSAD OR JOSE PABLO ARELLANO WHO BELIEVES
\ IN SOUND FISCAL POLICY. BUT CACERES IS INCAPABLE
\ OF MANAGING THAT SIMPLE NEGOTIATION. AND
\ PRIVATIZATIONS OF A NUMBER OF REMAINING STATE
\ ENTERPRISES ARE ALSO BEING LOST, AS TIME RUNS
\ OUT TO PUSH THEM THROUGH, DUE TO CACERES' SINGLE-
\MINDED OBSESSION (AGAIN, THE REFERENCE TO
\ CONSTITUTIONAL CHANGE WAS CLEAR).
\
\ 8. WHY DIDN'T PINOCHET SIMPLY FIRE CACERES THEN
\ --OR ACCEPT THE RESIGNATION CACERES OFFERED
\ ON APRIL 26? BECAUSE, MELNICK SAID, HE HAD
\ SUPPORT FROM SOME OF THE ARMY, FOR EXAMPLE
\ SINCLAIR. (COMMENT: PRESS AND OTHER ACCOUNTS
\ HAVE SAID THAT GENERAL BALLERINO, THE SECRETARY
\ OF THEPRESIDENCY, WAS ALSO INSTRUMENTAL IN
\ SUPPORTING CACERES DURING THE CABINET CRISIS.
\ MELNICK DID NOT MENTION, AGAIN BECAUSE IT WAS
\ OBVIOUS, THAT THE OTHER MILITARY SERVICES ALSO
\ BACKED CACERES.)
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SA C O N F I D E N T I A L SECTION 04 OF * SANTIAGO 04920

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E.O. 12356: DECL:OADR
TAGS: PGOV, CI
SUBJ: CONVERSATION WITH PLANNING MINISTER

\ 9. OTHER SUBJECTS. MELNICK EXPRESSED HIS USUAL
\ PESSIMISM OVER DEVELOPMENTS IN THE REST OF LATIN
\ AMERICA, PARTICULARLY ARGENTINA, WHERE MENEM'S
\ ELECTION WAS A DISASTER AND WHAT WAS COMING
\ IN BRAZIL COULD BE WORSE. HE EXPRESSED PLEASANT
\ SURPRISE AT THE ECONOMIC POLICY OF THE NEW
\ MEXICAN GOVERNMENT, HOWEVER, AND HE WAS FASCINATED
\ BY THE CHANGES TAKING PLACE IN THE SOVIET UNION.
\ HE SPECULATED ON GORBACHEV'S CHANCES OF PRESSURING
\ CASTRO INTO HALTING SUBVERSION IN LATIN AMERICA
\ NOT, AT LEAST IN THE SHORT RUN, VERY GOOD,
\ HE THOUGHT). A LOVER OF CONFERENCES, MELNICK
\ IS JUST BACK FROM A MEETING OF LATIN AMERICAN
\ PLANNING MINISTERS IN MONTEVIDEO, WILL ATTEND
\ THE WORLD ECONOMIC FORUM IN GENEVA IN JUNE, AND
\ THE FUTURE SOCIETY MEETING IN WASHINGTON IN JULY.
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SA ~~CONFIDENTIAL~~ SECTION 05 OF * SANTIAGO 04920

E.O. 12346: DECL:OADR
TAGS: PGOV, CI
SUBJ: CONVERSATION WITH PLANNING MINISTER

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\ 10. COMMENT. MELNICK WOULD BE A LOGICAL PARTI-
\ CIPANT IN ANY GROUP OF PINOCHET ADVISERS WORKING
\ ON WAYS AND MEANS FOR PINOCHET TO SERVE ANOTHER
\ TERM. IF HE WAS DISSEMBLING ABOUT PINOCHET
\ STAYING ON, HOWEVER, HE WAS A VERY GOOD ACTOR.
\ HE SPOKE SEVERAL TIMES OF THE PINOCHET GOVERNMENT
\ ENDING IN MARCH 1990, AND AGAIN SEEMED CONVINCING
\ WHEN HE CLAIMED TO HAVE ADVISED PINOCHET TO
\ LEAVE THE ARMY AS WELL. THE RAISING OF THE
\ SECURITY/SAFETY PROBLEM, OBVIOUSLY AN EXTREMELY
\ DELICATE SUBJECT FOR ANY MEMBER OF THE GOVERNMENT,
\ ALSO POINTS TO A CONVICTION THAT PINOCHET NEEDS
\ TO START THINKING ABOUT LEAVING. TYPICALLY,
\ HE BLAMED THE FAILURE TO DO SO ON CACERES,
\ NOT ON THE PRESIDENT.
\
\11. ALSO OF INTEREST WAS HIS STATEMENT THAT
\SECTORS OF THE ARMY HAD OPPPOSED THE PRESIDENT
\ON THE DISMISSAL OF CACERES, AND PERHAPS BY
\EXTENSION ON CONSTITUTIONAL REFORM AS WELL.
\WHEN MELNICK TALKED ABOUT THE "PINOCHET PROBLEM",
\HE CITED AS ONE REASON WHY IT MUST BE RESOLVED
\SOON, THE NEED TO AVOID DIVISIONS WITHIN THE
\ARMY OVER HOW TO HANDLE IT. HE DID NOT MAKE
\CLEAR WHETHER THAT MEANT THERE WOULD BE DIVISIONS
\OVER PINOCHET REMAINING AS CINC, BUT THAT IS
\ONE POSSIBLE INTERPRETATION. IN ANY EVENT,
\THE CONVERSATION SUGGESTS THAT THE ARMY'S
\ONCE MONOLITHIC LOYALTY TO PINOCHET MAY NOW
\HAVE MAJOR FISSURES. END COMMENT. GILLESPIE
PT
#4920

NNNN

DECLASSIFIED

5/17/89

MR00880a

UNCLASSIFIED
SECRET
Chile Project (#6199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

TALKING POINTS

- **COURTESY POINT**

--I know you are well qualified for this important post and look forward to working with you as we assume our new duties. Your tour here as DCM overlapped with my time as Under Secretary.

- **CHILE'S TRANSITION TO DEMOCRACY**

--The U.S. recognizes that this is a key year in Chilean history, a year of transition towards democracy.

--We will follow with great interest the political events which take place leading up to and after the December, 1989 elections.

--We recognize that a number of important issues such as constitutional reform and the rules governing the new Congress are yet to be resolved, but hope that solutions can be arrived at through dialogue and agreement between the Government and political parties representing the broad wishes of the Chilean people.

--The U.S. will continue to support the transition to full democracy in Chile without, of course, taking sides in the political debate. Our only interest is a free and fair process that reflects Chile's democratic traditions.

- **THE FRUIT CRISIS**

--While we lament the substantial economic damage which was caused by the unfortunate need to momentarily halt fruit exports to the U.S., we were very pleased that the USG and the GOC were able to work together to get trade flowing again.

--We will continue to work closely with your Government both in Washington and in Santiago to try to avoid future such difficulties and to seek means of cooperating in managing this unhappy episode.

- **THE CHILEAN ECONOMY**

--I understand that Chile's successful, free market-based economy is doing well despite the fruit crisis.

--A smoothly-functioning economy such as yours provides an excellent base on which democracy can rest and bodes well for future stability.

SECRET
Unclassified

NLS F-96-005-#13

UNCLASSIFIED
SECRET
2

o THE LETELIER CASE

--We had hoped that the mechanism of the 1914 Treaty would be an excellent means of working together to resolve the Letelier case, a thorny issue in bilateral relations for many years.

--For this reason, the delay we have experienced in forming the international commission called for by the treaty is unfortunate. Our objective in invoking the treaty was to put this case on a course of steady progress towards a conclusion and thus avoid its becomming again a point of bilateral friction during your election year. Your failure to procede in carrying out your obligations to name your commission members is counter-productive and could lead to renewed pressure from the Hill.

--It is imperative that you give the highest priority to taking the steps necessary to form this commission and to get it operational.

UNCLASSIFIED
SECRET

2140176006

UNCLASSIFIED

RELEASED
El Salvador: Human Rights
Special Project (1993)

TEXT OF TELEGRAM 89SAN SA006364

UNCLASSIFIED

ADP950 [redacted]

PAGE 01 SAN SA 06364 172227Z
ACTION SCT-02

INFO	LOG-00	ADS-00	AID-00	INR-07	SS-00	OIC-02	CIAE-00
	EB-00	DODE-00	IO-19	NSCE-00	ARA-00	NSAE-00	COME-00
	SSO-00	HA-09	L-03	CTME-00	NRCE-00	TRSE-00	PM-10
	PA-01	FAAE-00	CCO-00	INRE-00	CA-02	CG-00	USSS-00
	OUSE-00	FBIE-00	OC-01	DOEE-00	M-01	FAIM-01	DS-01
	P-02	T-01	/062 W				

------------------027743 172237Z /64

P 172226Z MAY 89
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC PRIORITY 9345
INFO AMEMBASSY GUATEMALA
AMEMBASSY MANAGUA
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USIA WASHDC 3391
USCINCSO QUARRY HTS PM
[redacted] SAN SALVADOR 06364

USCINCSO ALSO FOR POLAD YOULE

E.O. 12356: DECL:OADR
TAGS: PTER, PGOV, ASEC, ES
SUBJECT: FMLN SUSPECTED OF ATTACKING ALVARENGA'S - HOME; NATIONAL POLICEMAN WOUNDED IN MELEE

1. (U) THE HOME OF NATIONAL ASSEMBLY PRESIDENT RICARDO ALVARENGA VALDIVIESO WAS ATTACKED MAY 16; FMLN URBAN GUERRILLAS ARE SUSPECTED. ACCORDING TO WITNESSES FOUR INDIVIDUALS IN A RED PICK-UP TRUCK DROVE PAST THE HOUSE AND FIRED AT A NATIONAL POLICE UNIT THAT WAS STATIONED IN FRONT OF THE HOUSE. ONE POLICEMAN WAS WOUNDED. ALVARENGA, WHO WAS EATING LUNCH IN THE HOUSE AT THE TIME, ESCAPED THE ATTACK WITHOUT INJURY. THE HOUSE IS LOCATED IN THE [redacted]

PAGE 02 SAN SA 06364 172227Z

NORTHWEST PART OF SAN SALVADOR IN THE COLONIA MIRAMONTE.

2. (C) COMMENT: ON ONE LEVEL, THIS ATTACK MAY BE A DIRECT RESPONSE TO RECENT STATEMENTS MADE BY ALVARENGA CRITICIZING THE GOES PROPOSAL TO EVACUATE 100 FMLN GUERRILLAS TO EUROPE AND/OR MEXICAN HOSPITALS (SEPTEL). ALVARENGA, LIKE OTHER ARENA LE[redacted]S, HAS BEEN BESIDE HIMSEL[redacted] OVER THE DECISION TO

Declassified by State IS/IPC/CAP, E.O. Waiver 12356 on [illegible]
Withheld entirely ( ); withheld in part ( ); released in part;
Withheld entirely ( ); withheld ( ); declassified ( );
Not relevant to this case ( ).

UNCLASSIFIED

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RELEASED
El Salvador: Human Rights
Special Project (1993)

TEXT OF TELEGRAM 89SAN SA006364

EVACUATE THE SAME FMLN GUERRILLAS WHO, HE CLAIMS, ARE BEHIND RECENT TERRORIST ATTACKS. THEY CITE THE ASSASSINATION OF FORMER ATTORNEY GENERAL ROBERTO GARCIA ALVARADO AND THE BOMBING OF VICE PRESIDENT-ELECT FRANCISCO MERINO'S HOUSE, AS EXAMPLES OF RECENT FMLN URBAN ATTACKS AND ANGRILY ASK ABOUT THE HUMANITARIAN CONCERNS FOR THEM. THE GOES HAS PAINTED THE EVACUATION AS A HUMANITARIAN EFFORT IN THE SPIRIT OF THE GENEVA CONVENTION ACCORDS ON THE CONDUCT OF WAR.

3. THIS ATTACK MAY ALSO BE PART OF THE CONTINUED EFFORT BY THE FMLN TO TURN UP THE HEAT ON ARENA AS PRESIDENT-ELECT CRISTIANI GETS CLOSER TO TAKING POWER JUNE 1.

WALKER

[redacted]

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RELEASED
El Salvador: Human Rights
Special Project (1993)

TEXT OF TELEGRAM 89SAN SA006832

3. UNDER THE LEADERSHIP OF DEFENSE MINISTER VIDES, THE MILITARY AND POLICE HAVE ACTED WITH GREAT RESTRAINT. FREDY BELIEVES, HOWEVER, AND WE CONCUR, THAT THE FMLN IS GOING TO STEP UP URBAN DEMONSTRATIONS AND VIOLENCE WITH A VIEW TO PROVOKING THE SECURITY FORCES:

-- FIRST, FREDY KNOWS HE HAS TO CARRY OUT FAIRLY SOON LONG-POSTPONED BUT POLITICALLY SENSITIVE ECONOMIC REFORMS (MANY AT THE URGING OF OUR USAID MISSION). THE POTENTIAL FOR DEMONSTRATIONS BY NON-FMLN SECTORS WILL INCREASE, AND THE FMLN SURELY WILL TRY TO CAPITALIZE ON THEM AND USE THEM TO PROVOKE THE POLICE.

-- SECOND, IT IS CLEAR FROM FMLN PROPAGANDA THAT THE GUERRILLAS SEEK TO PROVOKE ILLEGAL VIOLENCE AND OVERREACTION FROM THE SECURITY FORCES IN ORDER TO SUBSTANTIATE FMLN CHARGES THAT THIS IS A "DEATH SQUAD" GOVERNMENT, WITH A VIEW TO UNDERMINING SUPPORT IN THE U.S. FOR CONTINUED U.S. ASSISTANCE TO THE GOES.

-- THIRD, THE FMLN MAY SENSE THAT RAISING THE "URBAN

[redacted]

PAGE 03 SAN SA 06832 01 OF 02 260105Z

VIOLENCE" ISSUE WOULD ACCENTUATE THE DIFFERENCES BETWEEN CRISTIANI AND THE ARENA RIGHT WING.

-- FOURTH, THE FMLN PROBABLY KNOWS IT IS LESS ABLE TO CARRY OUT SIGNIFICANT MILITARY ACTIONS IN THE COUNTRYSIDE, AND IS THEREFORE MORE INCLINED TO TAKE THE WAR TO THE CAPITAL AND THE CITIES OF SANTA ANA AND SAN MIGUEL.

4. FREDY'S POINT IS THAT FMLN VIOLENCE AND DEMONSTRATIONS HAVE TO BE RESPONDED TO WITHIN THE LAW, NOT JUST IGNORED AS THEY OFTEN WERE UNDER DUARTE. ON THE OTHER HAND, HE BELIEVES FERVENTLY THAT THE SECURITY FORCES MUST USE RESTRAINT. THAT MEANS HAVING NON-LETHAL EQUIPMENT (TEAR GAS, SHIELDS, RUBBER BULLETS, WATER CANNONS), NOT JUST RIFLES AND MACHINE GUNS. IT MEANS TRAINING AND MAINTAINING POLICE UNITS SPECIALIZED IN DEALING WITH CROWDS, NOT JUST INFANTRYMEN TRAINED TO KILL GUERRILLAS IN THE COUNTRYSIDE.

5. THE CURRENT WAIVER TO 660 OF THE FOREIGN ASSISTANCE ACT EXPIRED IN SEPTEMBER 1987 AND WAS NOT RENEWED; FY-87 MONIES HAVE NOW RUN OUT. OTHER SPECIALIZED POLICE PROGRAMS--ATA, ICITAP, INM--ALL HAVE STRICT MANDATES AND CANNOT BE UTILIZED TO SUPPORT THE KIND OF POLICE PROGRAMS THE PRESIDENT-ELECT HAS IN MIND.

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RELEASED
El Salvador: Human Rights
Special Project (1993)

TEXT OF TELEGRAM 89SAN SA006832

6. ANOTHER ARGUMENT FOR SUPPORTING THE POLICE IS THAT IT BOLSTERS OUR HAND IN DEMANDING CONTINUED IMPROVEMENTS FROM THE MILITARY AND POLICE IN THE HUMAN RIGHTS FIELD. IN ORDER TO KEEP HIS PARTY'S

[redacted]

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El Salvador: Human Rights
Special Project (1993)

TEXT OF TELEGRAM 89SAN SA006832

ADP209 [redacted]

PAGE 01 SAN SA 06832 02 OF 02 260105Z
ACTION ARA-00

INFO LOG-00 ADS-00 AID-00 INR-07 SS-00 CIAE-00 EB-00
DODE-00 NSCE-00 NSAE-00 SSO-00 L-03 PM-10 INRE-00
SP-02 SNP-01 DS-01 SCT-02 E-01 P-02 T-01
/030 W

----------217426 260123Z /61

O 260101Z MAY 89 ZFF4
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC NIACT IMMEDIATE 9583
INFO USCINCSO QUARRY HTS PM

[redacted] SECTION 02 OF 02 SAN SALVADOR 06832

OPCENTER ALERT ARA/CEN ROMERO 008 MAY 26

USCINCSO ALSO FOR POLAD YOULE

E.O. 12356: DECL:OADR
TAGS: MCAP, EAID, PGOV, PREL, ES

SUBJECT: NEED FOR SECTION 660 WAIVER

MORE EXTREME ELEMENTS IN CHECK, FREDY NEEDS TO SHOW
HE IS NOT CEDING THE URBAN TERRAIN TO THE FMLN.

WALKER

[redacted]

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UNCLASSIFIED

CONFIDENTIAL
n/a
Case Number: SI999000030

17 May 89

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

CONFIDENTIAL

PAGE 01 SANTIA 04954 01 OF 02 172035Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	EUR-00	SS-00	CIAE-00
	DODE-00	H-01	NSCE-00	NSAE-00	HA-09	L-03	TRSE-00
	PM-10	PA-01	OMB-01	INRE-00	USIE-00	SP-02	SNP-01
	PRS-01	P-02	T-01	/039 W			

----------023143 172042Z /70

P 172030Z MAY 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 1395
INFO AMEMBASSY BUENOS AIRES
AMEMBASSY CARACAS
AMEMBASSY LA PAZ
AMEMBASSY MEXICO
AMEMBASSY OSLO
USCINCSO QUARRY HEIGHTS
CINCLANT NORFOLK

C O N F I D E N T I A L SECTION 01 OF 02 SANTIAGO 04954

OSLO FOR KEITH C. SMITH
MEXICO FOR ARNOLD CHACON

E.O. 12356: DECL:OADR
TAGS: PGOV, CI
SUBJ: GOC REOPENS TALKS ON CONSTITUTIONAL REFORM

REF: SANTIAGO 4742

1. (C) SUMMARY: ON MAY 12, INTERIOR MINISTER CARLOS CACERES PROPOSED TO RENEW TALKS ON CONSTITUTIONAL REFORM, SAYING THAT THE GOC WAS WILLING TO CHANGE ITS POSITION ON THE MECHANISM OF CONSTITUTIONAL REFORM AND THE MAKEUP OF THE CONGRESS. PDC PRESIDENT AND CENTER-LEFT COALITION (COPODE) SPOKESMAN PATRICIO AYLWIN EXPRESSED CAUTIOUS OPTIMISM AFTER MEETING WITH CACERES ON MAY 16. CONSERVATIVE NATIONAL
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PAGE 02 SANTIA 04954 01 OF 02 172035Z

RENEWAL PARTY (RN) PRESIDENT SERGIO JARPA IS MEETING ON MAY 17 WITH INTERIOR MINISTER CACERES. CACERES' CONCILIATORY GESTURE WAS PRAISED BY CHURCH AND JUNTA LEADERS, AND REJECTED BY THE COMMUNIST LEFT AS A "TRAP" FOR THE OPPOSITION. DESPITE PINOCHET'S RELUCTANCE, THE POPULAR ISSUE OF CONSTITUTIONAL

n/a
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REFORM HAS PROVED HARD TO BURY, SINCE THE CENTER-RIGHT IS AWARE THAT A SUCCESSFUL PLEBISCITE ON REFORM COULD IMPROVE ITS CHANCES IN THE 1989 ELECTIONS. NOW THAT BUCHI IS OUT OF THE PRESIDENTIAL RACE, JARPA WILL MAKE IT A TEST OF HIS LEADERSHIP TO GET REFORM NOW. END SUMMARY.

-

CACERES REOPENS TALKS

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2. (U) IN A LETTER TO COPODE SPOKESMAN PATRICIO AYLWIN ON MAY L2, INTERIOR MINISTER CARLOS CACERES INVITED THE OPPOSITION LEADER TO TALK ONCE AGAIN ABOUT CONSTITUTIONAL REFORM, AN ISSUE HE HAD DECLARED CLOSED THE PREVIOUS WEEK (REFTEL). URGING THAT CONVERSATIONS TAKE PLACE AS SOON AS POSSIBLE, CACERES SAID THE GOC WAS WILLING TO REVISE ITS POSITION ON THE MECHANISM OF REFORMING THE CONSTITUTION AND THE COMPOSITION OF THE CONGRESS. HOWEVER, HE DISCOUNTED THE POSSIBILITY THAT THE RN-COPODE AGREEMENT COULD SERVE AS THE BASIS FOR A NEW REFORM PACKAGE. CACERES IS MEETING WITH SERGIO JARPA ON MAY 17.

-

AYLWIN ACCEPTS CAUTIOUSLY

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PAGE 03 SANTIA 04954 01 OF 02 172035Z

3. (U) ON THE FOLLOWING DAY, PDC PRESIDENT AYLWIN SAID HE WAS WILLING TO TALK WITH CACERES AS OF MAY 16 BUT NOTED THAT HIS AGREEMENT TO TALK ON THE TWO POINTS OF REFORM DID NOT IMPLY ACCEPTANCE OF THE REST OF THE GOVERNMENT'S FIRST OFFER. MEANWHILE COPODE STATED THAT TO BE SUCCESSFUL, ANY RENEWED TALKS WOULD DEPEND ON THE GOC'S WILLINGNESS TO ADDRESS THREE BASIC CHANGES. THESE INCLUDE THE TWO MENTIONED BY CACERES AND THE ROLE OF THE NATIONAL SECURITY COUNCIL. (NOTE: THE LATTER POINT WAS ALSO PART OF RN'S PROPOSAL FOR BREAKING THE IMPASSE ON CONSTITUTIONAL REFORM.) HOWEVER, RN GENERAL SECRETARY ANDRES ALLAMAND WARNED COPODE TO FOCUS ITS EFFORTS ON THE FIRST TWO ISSUES, AND NOT FRUSTRATE THE CHANGES FOR REFORM BY TALKING ABOUT UNREALIZABLE IMPROVEMENTS.

-

UDI POINTS A DIFFERENT WAY

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4. (U) ALWAYS EAGER TO BE DIFFERENT, THE INDEPENDENT DEMOCRATIC UNION (UDI) RELEASED ITS OWN PLAN ON MAY L2. THE UDI PROPOSAL SAYS THAT A THREE-FIFTHS QUORUM IS ACCEPTABLE FOR REFORMING THE CONSTITUTION, BUT THAT TWO SUCCESSIVE CONGRESSES ARE NECESSARY TO APPROVE ANY AMENDMENT ON FUNDAMENTAL ISSUES, AS IS ALREADY CALLED FOR IN THE CONSTITUTION. THE PRO-GOVERNMENT PARTY WOULD EXPAND THE LIST OF ISSUES REQUIRING THIS LENGTHIER PROCESS TO INCLUDE CHANGES IN THE REFORM MECHANISM.

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REACTIONS TO GOC GESTURE

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PAGE 01 SANTIA 04954 02 OF 02 172036Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	EUR-00	SS-00	CIAE-00
	DODE-00	H-01	NSCE-00	NSAE-00	HA-09	L-03	TRSE-00
	PM-10	PA-01	OMB-01	INRE-00	USIE-00	SP-02	SNP-01
	PRS-01	P-02	T-01	/039 W			

----------023154 172042Z /70

P 172030Z MAY 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 1396
INFO AMEMBASSY BUENOS AIRES
AMEMBASSY CARACAS
AMEMBASSY LA PAZ
AMEMBASSY MEXICO
AMEMBASSY OSLO
USCINCSO QUARRY HEIGHTS
CINCLANTFLT NORFOLK

~~C O N F I D E N T I A L~~ SECTION 02 OF 02 SANTIAGO 04954

OSLO FOR KEITH C. SMITH
MEXICO FOR ARNOLD CHACON

E.O. 12356: DECL:OADR
TAGS: PGOV, CI
SUBJ: GOC REOPENS TALKS ON CONSTITUTIONAL REFORM

5.(U) PRAISE CAME FROM CHURCH LEADERS CARDINAL FRESNO AND THE ESPICOPAL CONFERENCE (CE). CE

PRESIDENT CARLOS GONZALES SAID THE CONVERSATION BETWEEN CARLOS CACERES AND PATRICIO AYLWIN, BOTH MEN OF "GOOD FAITH", IS HEARTENING, ALTHOUGH HE WARNED THERE WERE MANY PRECONCEPTIONS TO OVERCOME. JUNTA MEMBER ADMIRAL MATTHEI SAID THE EFFORT TO RENEW DIALOGUE COUNTED WITH HIS FULL SUPPORT. COMMUNIST PARTY LEADER JOSE SANFUENTES CHARACTERIZED JARPA AND CONFIDENTIAL

CONFIDENTIAL

PAGE 02 SANTIA 04954 02 OF 02 172036Z

CACERES AS "TWO OLD FOXES SETTING A TRAP FOR THE OPPOSITION," WHILE THE UNITED LEFT CALLED FOR BOYCOTTING THE TALKS ON THE BASIS THAT THE GOVERNMENT AND RN WERE TRYING TO PAWN OFF COSMETIC ADJUSTMENT IN THE CONSTITUTION IN ORDER TO PREVENT BASIC REFORMS. HOWEVER, PAIS PRESIDENT LUIS MAIRA SAID HE HOPED THAT THIS TIME IT MIGHT BE POSSIBLE TO FORMALIZE A DEFINITE AGREEMENT, AND CALLED FOR WAITING WITH PRUDENCE AND CAUTION.

-

AYLWIN HOPEFUL

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6. (U) FOLLOWING HIS MEETING WITH CACERES, PDC PRESIDENT PATRICIO AYLWIN EXPRESSED CAUTIOUS OPTIMISM THAT AN AGREEMENT COULD BE REACHED WITH THE GOVERNMENT. HE SAID THE TWO SIDES WERE FAIRLY CLOSE ON THE ISSUE OF A MECHANISM TO MODIFY THE CONSTITUTION, WHILE MAJOR DIFFERENCES STILL EXISTED ON THE COMPOSITION AND ELECTION OF THE CONGRESS. HE NOTED HE HAS ALSO RAISED WITH CACERES THE NEED TO CHANGE THE ELECTORAL DISTRICTING LAW AND THE IMPORTANCE OF MAINTAINING FREE POLITICAL ADVERTISING ON TELEVISION. IN A PRESS CONFERENCE ON MAY 16, THE COMMITTEE ON FREE ELECTIONS PRAISED THE REOPENING OF DIALOGUE AND URGED ALL PARTIES INVOLVED TO PUT ASIDE PETTY PARTISAN ADVANTAGES IN THE INTERESTS OF REACHING A SOLUTION THAT COULD PUT CHILEANS AT EASE.

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THE JARPA PHENOMENON

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7. (C) COMMENT: CONSTITUTIONAL REFORM HAS PROVED CONFIDENTIAL

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PAGE 03 SANTIA 04954 02 OF 02 172036Z

TO BE A DIFFICULT ISSUE TO BURY. IT HAS NOW SURVIVED TWO MAJOR POLITICAL STORMS TO RESURFACE AFTER THE CABINET CRISIS AND THE RUPTURE OF GOC-OPPOSITION TALKS. JUNTA MEMBER ADMIRAL MERINO REPORTEDLY MADE A STRONG PITCH FOR REVIVING THE TALKS AT LAST WEEK'S JUNTA MEETING WITH PINOCHET. THE OTHER MAJOR IMPETUS CAME FROM JARPA'S IMPASSIONED PLEA ON NATIONAL TV FOR REFORM NOW IN ORDER TO LEAVE A STABLE INSTITUTIONAL ORDER FOR THE NEXT ADMINISTRATION. OPPOSITION LEADERS WERE IMPRESSED AT THE DEPTH OF HIS COMMITMENT TO DEMOCRATIC CHANGE. PPD GENERAL SECRETARY JORGE SCHAULSOHN TOLD POLOFF THAT COPODE WOULD HAVE TO AGREE TO MAKE CONCESSIONS, IF JARPA HIMSELF ASKED THEM.

8. (C) NOW THAT BUCHI HAS WITHDRAWN FROM THE PRESIDENTIAL SWEEPSTAKES, JARPA'S STAKE IN THE ISSUE IS GREATLY INCREASED. IF SUCCESSFUL IN PUSHING REFORMS, HE WILL EMERGE LOOKING LIKE THE STATESMAN OF CHILE'S DEMOCRATIC TRANSITION, WHICH WILL HELP HIS NEAR-CERTAIN PRESIDENTIAL RACE IMMENSELY. IF HE FAILS, HE WILL HAVE GIVEN CHILEANS ANOTHER BITTER REMINDER OF THE FRUSTRATED NEGOTIATIONS OF 1983-84. AYLWIN WILL NO DOUBT BE WILLING TO FACE SUCH A CHALLENGE, BELIEVING THAT EITHER WAY HE CAN BEAT JARPA IN A NATIONAL ELECTION. PINOCHET AND THE UDI WILL HAVE MORE PROBLEMS, BUT MAY HAVE LITTLE CHOICE AT THIS POINT. END COMMENT. GILLESPIE

~~CONFIDENTIAL~~

NNNN

UNCLASSIFIED
F-1994-00548

(MI 00083)

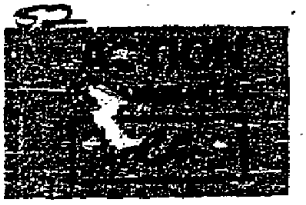
United States Senate

WASHINGTON, DC 20510

EXCISE

PB6

PHILIP R. SHARP
INDIANA
BUDGET
ENVIRONMENT AND PUBLIC WORKS
SUBCOMMITTEES:
SUPERFUND, OCEAN AND WATER PROTECTION, CHAIRMAN
ENVIRONMENTAL PROTECTION
WATER RESOURCES, TRANSPORTATION AND INFRASTRUCTURE
INTERIOR COMMISSION



May 18, 1989

SECONGTO 05210

Chile Project (#S199900030)
U.S. Department of State
Release_____, Excise X Deny_____
Declassify: In Part_____ In Full_____
Exemption(s) B6

Department of State
Congressional Relations
2201 C Street
Washington, D.C. 20520

Dear Director:

I am enclosing a copy of a letter I have received from [redacted] B6

Please provide any information you might have regarding this issue in order that I might be able to respond to my constituent's inquiry. Please return the enclosed correspondence with your report and mark the envelope to the attention of Tom Dosh.

With best wishes,

Sincerely,

Philip R. Sharp

PRS:tdb
Enclosure

-4-

1989 MAY 26 PM 1:59

1989 MAY 26 PM 2:15 OUT

4

Re: Welfare and whereabouts of Alfredo Rojas Castaneda Rojas who disappeared when he was detained in Chile.

Jim: [redacted] B6

UNCLASSIFIED

1717 Main Street Chase Building
Dallas, TX 75201
(214) 754-1144

One Gateway Center Suite 1810
Newark, New Jersey 07102
(201) 645-3030

Three Cooper Plaza
Suite 408 South
Camden, New Jersey 08103
(609) 757-4353

UNCLASSIFIED
CONFIDENTIAL

18 May 89

JE053

Case Number: S1999000030

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

CONFIDENTIAL

PAGE 01 SANTIA 04976 181627Z
ACTION IO-19

INFO	LOG-00	ADS-00	AID-00	INR-07	EUR-00	SS-00	OIC-02
	CIAE-00	EB-00	DODE-00	H-01	NSCE-00	ARA-00	NSAE-00
	SSO-00	HA-09	L-03	LAB-04	TRSE-00	PA-01	STR-17
	SIL-01	INRE-00	RP-10	USIE-00	SP-02	SR-06	PRS-01
	P-02	/085 W					

----------102553 181628Z /47

O 181615Z MAY 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 1412
INFO AMEMBASSY BRUSSELS
USMISSION GENEVA
USMISSION USUN NEW YORK
AMEMBASSY SAN JOSE

C O N F I D E N T I A L SANTIAGO 04976

E.O. 12356: DECL:OADR
TAGS: UNHRC-1, PHUM, PREL, CI
SUBJ: CHILE SAYS NO TO A REPLACEMENT FOR U.N. RAPPORTEUR

REF: STATE 145869

1. (C) *SUMMARY AND ACTION REQUESTED.* CHILEAN FOREIGN MINISTER HERNAN FELIPE ERRAZURIZ ANNOUNCED ON MAY 16 THAT CHILE WOULD NOT ACCEPT A REPLACEMENT FOR UN SPECIAL RAPPORTEUR FERNANDO VOLIO, AND HAS SO ADVISED U.N. SECRETARY GENERAL PEREZ DE CUELLAR. IT IS UNLIKELY THAT GOC CAN BE TURNED AROUND ON THIS POSITION. ONLY HOPE FOR DOING SO IS SELECTION OF REASONABLE, MODERATE REPLACEMENT FOR VOLIO WITH WHOM CHILEANS BELIEVE THEY COULD WORK. REQUEST GUIDANCE FOR EMBASSY APPROACH TO GOC ON THE ISSUE. END SUMMARY AND ACTION REQUESTED.
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 SANTIA 04976 181627Z

2. (U) ERRAZURIZ MADE THE ANNOUNCEMENT THAT CHILE WOULD NOT ACCEPT A REPLACEMENT FOR VOLIO AT A MEETING IN THE LEGISLATIVE JUNTA'S OFFICE DURING A REVIEW OF HIS MINISTRY'S ACTIVITIES. HE NOTED THAT CHILE STANDS "AT A DIFFERENT STAGE, A STAGE OF

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TRANSITION AND NORMALITY, WHICH DOES NOT DESERVE THE ASSIGNMENT OF A RAPPORTEUR...OUR EXPERIENCE (IN THIS SITUATION) HAS DEFINITELY BEEN BAD AND, FOR THAT REASON, WE DO NOT CARE TO REPEAT IT". HE NOTED THAT VOLIO HAD PERFORMED AN IMPORTANT JOB, HAD UNDERSTOOD THE CHILEAN SITUATION AND HAD UNDERLINED THE TERRORISM IN CHILE BUT HIS REPORTS WERE NOT GIVEN FAIR WEIGHT BY THE UNHRC; VOLIO, HE SAID, REALIZED THIS, AS DID CHILE. ERRAZURIZ ADDED THAT HE ANTICIPATED CRITICISM FOR CHILE'S DECISION NOT TO ACCEPT A REPLACEMENT FOR VOLIO, BUT SAID THAT THIS CRITICISM IS LIKELY TO DISAPPEAR INTO VACUUM BECAUSE THE REALITY OF CHILE IS DIFFERENT TODAY. ERRAZURIZ ALSO ADDED THAT CHILE WAS PREPARED TO COOPERATE WITH MULTILATERAL ORGANIZATIONS CONCERNED WITH HUMAN RIGHTS, BUT WOULD NOT AGREE TO ACCEPT SPECIAL TREATMENT OR TO HAVE ITS AFFAIRS TREATED AS SPECIAL AGENDA ITEMS.

3. (C) COMMENT: THE GOC IS TAKING ADVANTAGE OF VOLIO'S RESIGNATION TO TRY TO ACHIEVE ITS LONG-STANDING OBJECTIVE OF ENDING SPECIAL TREATMENT IN THE UNHRC. VOLIO HAS PLAYED AN IMPORTANT ROLE IN HIGHLIGHTING HUMAN RIGHTS ABUSES IN CHILE AND IN URGING IMPROVEMENTS IN CHILE. HOWEVER, WE NOTE THAT THE TRANSITION TO DEMOCRACY IS WELL IN TRAIN AND THAT A FREELY ELECTED
CONFIDENTIAL

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PAGE 03 SANTIA 04976 181627Z

GOVERNMENT IS SCHEDULED TO REPLACE THE PINOCHET REGIME IN MARCH 1990, GIVING A NEW RAPPORTEUR, ASSUMING CHILE COULD BE PERSUADED TO ACCEPT HIM OR HER, LESS THAN A YEAR TO INFLUENCE THE PINOCHET GOVERNMENT. WE ASSUME, HOWEVER, THAT UNHRC CHAIRMAN IS REQUIRED BY TERMS OF THIS YEAR'S RESOLUTION ON CHILE TO APPOINT A REPLACEMENT FOR VOLIO, WHETHER OR NOT THERE IS MUCH PROSPECT OF ACCOMPLISHMENT BETWEEN NOW AND THE MARCH 1990 MEETING OF THE UNHRC. HOPEFULLY, THAT MEETING, WHICH WILL COINCIDE WITH THE INAUGURATION OF A DEMOCRATICALLY ELECTED GOVERNMENT, WILL DECIDE TO TERMINATE THE SPECIAL RAPPORTEUR'S WORK.

4. (C) ANY HOPE FOR GETTING GOC TO ACCEPT NEW RAPPORTEUR HINGES ON SELECTION OF MODERATE, REASONABLE REPLACEMENT FOR VOLIO WITH WHOM CHILEANS BELIEVE THEY COULD WORK. INSOFAR AS WE CAN INFLUENCE UNHRC WE SHOULD ATTEMPT TO ASSURE SUCH A CHOICE.

EMBASSY IS PREPARED TO ASSIST IN DOING GROUNDWORK WITH GOC IN THIS PROCESS. APPOINTMENT OF A RAPPORTEUR WHOM CHILE REFUSES TO ACCEPT WILL DO NOTHING TO ENHANCE HUMAN RIGHTS SITUATION IN CHILE, AND SERVE ONLY TO DRIVE CHILE INTO FURTHER ISOLATION FROM THE INTERNATIONAL COMMUNITY WHEN OUR OBJECTIVE IS TO ENCOURAGE ITS COOPERATION.

5. (C) ACTION REQUESTED: DEPARTMENT IS REQUESTED TO PROVIDE GUIDANCE FOR EFFORT TO GET GOC TO CHANGE ITS POSITION. WE HAVE LITTLE HOPE OF TURNING IT AROUND, BUT BELIEVE WE SHOULD MAKE THE EFFORT IF MANDATE OF SPECIAL RAPPORTEUR IS TO BE CONTINUED. END COMMENT. GILLESPIE

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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X May 18, 1989
Exemption(s) ____

United States Department of State

Washington, D.C. 20520

5/18/89
PTO 89

CASE Letelier R

MEMORANDUM

TO: L - Judge Sofaer
L - Ms. Verville

FROM: L/M/DL - Joan E. Donoghue JED

SUBJECT: Meeting with Congressman Berman's Staff

This afternoon, David Jones and I met with Ken Segal of Congressman Berman's staff and Samuel Buffone, counsel for the Letelier plaintiffs. Our objective was to obtain a better understanding of the bill that Berman introduced on May 1, which is poorly drafted and confusing.

H.R. 2163 would eliminate the nexus requirement in two kinds of cases:

> "in the case of a claim based upon acts of violence in the United States intended to or actually resulting in bodily harm;"
>
> in cases "in which the property belongs to a foreign state or an agency, instrumentality, or political subdivision of a foreign state engaged in a commercial activity in the United States and the judgment relates to a claim for which the foreign state is not immune from jurisdiction by virtue of section 1605 or section 1607 of the chapter."

Buffone (who drafted the bill) confirmed Segal's earlier statement that the objective of the bill was to draft a provision that would achieve the objectives of the Letelier plaintiffs in as narrow a way as possible. We explained that this objective appeared inconsistent with the provisions of the bill. In the first exception, the bill would remove the nexus requirement in a narrow category of cases -- claims based on acts of violence in the United States. The second exception, however, would eliminate the nexus requirement in all cases in which the foreign state is not immune. After some discussion, Buffone agreed that this second exception goes far beyond his stated objective.

Access # 59-96-0213
Box 1 of 4

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We also discussed whether the bill is intended to overrule Bancec and create a special rule that disregards separate juridical entities in "acts of violence" cases. It appears that Buffone intends that result, but he was unclear on this point.

Buffone is going to redraft the bill and it seems likely that Berman will introduce a revised version. Buffone (but not Segal) pressed for some statement about the Department's position on the bill, but we made clear that we were not in a position to give our views on the bill. Rather, our objective was to gain an understanding of the bill, without which the Department could not begin to study it seriously. We told him that our analysis would await receipt of the new version.

Buffone expressed certainty that the bill will pass in the House again this year, and that its prospects are good in the Senate. He also stated that LAN Chile is judgment-proof at this stage, because it leases rather than owns its planes and has transferred many of its operations to Canada. He has other Chilean assets in mind, but did not tell us what they are.

3303S

cc: H - Mr. Doherty
ARA/SC - Mr. DeShazo
L/ARA - Mr. Colson

UNCLASSIFIED RELEASED IN PART B6

Department of State CASC

INCOMING
TELEGRAM
E919

PAGE 01 GUATEM 05902 181807Z 5741 ARA3404
ACTION OCS-06

INFO FILE-01 DCEN-01 GT-02 /004 A3 RD

INFO LOG-00 ADS-00 ARA-00 AMAD-01 CA-02 /009 W
146062 190808Z /38

R 181806Z MAY 89
FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC 1615

UNCLAS GUATEMALA 05902

E.O. 12356: N/A
TAGS: CASC, GT [redacted]
SUBJECT: HARRASSMENT OF AMCIT [redacted] B6

REF: (A) GUATEMALA 3391 (B) STATE 81983 AND PREVIOUS

B6 1. [redacted] FRIEND AND SUPPORTER OF THE SALVATION ARMY IN GUATEMALA, REPORTED TO CONOFF THAT ANOTHER THREATENING TELEPHONE CALL DIRECTED AT THE B6 [redacted] FAMILY WAS RECEIVED AT 1:30 A.M. 15 MAY 1989 BY THE NIGHT WATCHMAN AT THE OFFICES OF THE SALVATION ARMY. AN APPARENT MALE CALLER WITH A GRUFF VOICE B6 SAID, [redacted] MUST DIE."

B6 2. MR. [redacted] STATED THAT THE [redacted] FAMILY B6
RECENTLY MOVED TO AN UNDISCLOSED LOCATION IN B6 GUATEMALA. [redacted] BELIEVES THE CONTINUING HARRASSMENT WAS PRECIPITATED BY EMPLOYEE PROBLEMS WHICH RESULTED IN THE TRANSFER OF A MEXICAN NATIONAL FROM THE SALVATION ARMY HERE IN GUATEMALA TO MEXICO CITY. MICHEL

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 07/11/95
Case ID: 9512223

910122, 15780
1989 Casc

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CONFIDENTIAL
UNCLASSIFIED

19 May 89

JE054

Case Number: S1999000030

Chile Project (#S1999000030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

CONFIDENTIAL

PAGE 01 SAN JO 06505 192346Z
ACTION IO-19

INFO LOG-00 ADS-00 SS-00 OIC-02 ARA-00 HA-09 /030 W
----------212274 192357Z /66

P 192318Z MAY 89
FM AMEMBASSY SAN JOSE
TO SECSTATE WASHDC PRIORITY 1052
AMEMBASSY SANTIAGO PRIORITY
INFO USMISSION GENEVA
USMISSION USUN NEW YORK

C O N F I D E N T I A L SAN JOSE 06505

E.O. 12356: DECL:OADR
TAGS: PHUM, UNHRC-1, PREL, PGOV, CI, CS
SUBJECT: VOLIO READY TO RETURN AS SPECIAL RAPPORTEUR IF GOC AGREES; REQUESTS SANTIAGO'S ASSISTANCE

1. CONFIDENTIAL - ENTIRE TEXT

2. VOLIO BACK IN THE GAME: FERNANDO VOLIO CALLED POLOFF THE AFTERNOON OF MAY 19 TO STATE THAT HE IS PREPARED TO RETURN TO WORK AS THE UN SPECIAL RAPPORTEUR ON HUMAN RIGHTS IN CHILE IF THE CHILEAN GOVERNMENT CONCURS. VOLIO ASKED THAT WE PASS TO EMBASSY SANTIAGO HIS REQUEST THAT IT TRY TO DETERMINE --WITHOUT INDICATING THAT IT WAS ASKING ON HIS BEHALF-- WHETHER THE GOC WOULD AGREE TO ACCEPT HIM.

3. EAGLEBURGER LETTER IMPORTANT: VOLIO SAID THAT SINCE ANNOUNCING HIS INTENTION TO STEP DOWN HE HAD BEEN OVERWHELMED WITH LETTERS IMPLORING HIM TO RECONSIDER. ACTING SECRETARY EAGLEBURGER'S LETTER (STATE 152832), HE SAID, HAD BEEN PARTICULARLY GRATIFYING. HE LAUGHED THAT THE CHILEAN HUMAN RIGHTS ASSOCIATION, WHICH IN THE PAST HAD MADE HIS WORK DIFFICULT BY SUPPORTING "THE INTERNATIONAL LOBBY AGAINST CHILE," NOW APPRECIATES WHAT CONFIDENTIAL

CONFIDENTIAL

PAGE 02 SAN JO 06505 192346Z

HE DID AND HAS ASKED THAT HE STAY ON. A SIMILAR REQUEST FROM THE VICARIATE FOR HUMAN RIGHTS ALSO GREATLY AFFECTED HIM. VOLIO SAID EVEN GOC ROVING AMBASSADOR ON HUMAN RIGHTS MARIO CALDERON AND FOREIGN MINISTER ERRAZURIZ HIMSELF HAVE WRITTEN HIM LAUDING HIS EFFORTS.

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4. ERRAZURIZ ANNOUNCEMENT SPARKED HIS MOVE: VOLIO SAID THAT THE DETERMINING FACTOR IN HIS RECONSIDERATION WAS THE STATEMENT OF CHILEAN FOREIGN MINISTER ERRAZURIZ THAT THE GOC WOULD NOT ACCEPT A REPLACEMENT FOR VOLIO AS SPECIAL RAPPORTEUR (SANTIAGO 4976). VOLIO, AFTER RECEIVING FROM US THE UNCLASSIFIED PORTIONS OF SANTIAGO'S CABLE, SAID HE IMMEDIATELY CONTACTED THE CHILEAN AMBASSADOR HERE AND ARRANGED FOR A MAY 22 MEETING. VOLIO'S INTENTION AT THAT MEETING IS TO DISCUSS THE FULL TEXT OF ERRAZURIZ' REMARKS AND PROBE FOR GOC VIEWS ON WHETHER IT WOULD ACCEPT HIS RETURN (VOLIO NOTED WRYLY THAT WHILE THE GOC HAS HAD NOTHING BUT COMPLIMENTS FOR HIS WORK IN LAMENTING HIS DEPARTURE, AT NO TIME HAS IT INVITED HIM TO RETURN).

5. WILL SEEK LIGHTER LOAD: VOLIO SAID HE WILL SOON CONTACT THE HUMAN RIGHTS CENTER IN GENEVA TO INFORM IT OF HIS WILLINGNESS TO RETURN (APPARENTLY CONTINGENT ON WHETHER THE GOC WOULD ACCEPT HIM). HE SAID HE WOULD SEEK TO REDUCE HIS INTERNATIONAL TRAVEL BY CUTTING OUT HIS ANNUAL TRIP TO THE UNGA, AND WOULD TRAVEL TO CHILE ONLY FOR THE ELECTIONS. HE WOULD ALSO ACCEPT INCREASED CLERICAL AND ADMINISTRATIVE SUPPORT WHICH THE HUMAN RIGHTS CENTER HAS OFFERED IN THE PAST.

6. WANTS END TO DISCRIMINATORY TREATMENT: VOLIO SAID THAT CHILE HAS MADE GREAT STRIDES IN HUMAN RIGHTS BY CONFIDENTIAL

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PAGE 03 SAN JO 06505 192346Z

FOLLOWING A MODERATE PATH UNDER THE GOADING OF WATCHDOGS SUCH AS HIMSELF. HE IS CONCERNED THAT IF THE GOC REFUSES TO ACCEPT A NEW RAPPORTEUR, A VACCUUM IN THE HUMAN RIGHTS AREA COULD DEVELOP. TO KEEP THE PROCESS MOVING, VOLIO SAID ONE OF HIS GOALS UPON HIS RETURN WOULD BE TO END DISCRIMINATORY TREATMENT OF CHILE AT THE UNHRC. HE WOULD PRESS FOR AN END TO CONSIDERATION OF CHILE AS A SPECIAL CASE, UNDER ITEM 5, AND ARGUE THAT CHILE SHOULD BE MOVED TO ITEM 12 WHERE IT WOULD BE CONSIDERED, ON HUMAN RIGHTS GROUNDS, TOGETHER WITH VARIOUS OTHER COUNTRIES. HE ASKED THAT THE USG SUPPORT THIS CHANGE.

7. COMMENT: WE'RE PLEASED TO SEE VOLIO READY TO GET BACK IN THE TRACES. WOULD APPRECIATE EMBASSY SANTIAGO'S LOOKING INTO WHETHER THE GOC WILL ACCEPT HIS RETURN. VOLIO, A PROUD MAN, OBVIOUSLY DOES NOT WISH TO PUBLICLY STATE THAT HE IS WILLING TO RETURN ONLY TO BE REBUFFED. HINTON

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19 May 89

JE055

Chile Project (#S199900030)
U.S. Department of State
Release X Excise Deny
Declassify: In Part In Full
Exemption(s)

UNCLASSIFIED

PAGE 01 SANTIA 05062 01 OF 02 191945Z
ACTION RP-10

INFO LOG-00 ADS-00 AID-00 IO-19 ARA-00 AMAD-01 CA-02
SR-06 /038 W
----------240555 201126Z /20 38

R 191711Z MAY 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 1447
INFO USMISSION GENEVA

UNCLAS SECTION 01 OF 02 SANTIAGO 05062

STATE FOR RP/PC
GENEVA FOR RMO

E.O. 12356: N/A
TAGS: PREF, CI
SUBJ: 1989 WORLD REFUGEE REPORT

REFS: (A) STATE 075317, (B) 88 SANTIAGO 3330

1. AS REQUESTED REFTEL A, THE FOLLOWING IS A DRAFT OF THE 1988 CHILE COUNTRY REPORT ON REFUGEE ACTIVITIES.

2. ALTHOUGH NO FIRM DATA ARE AVAILABLE, OVER 1,000,000 CHILEANS (APPROXIMATELY 10 PERCENT OF THE TOTAL POPULATION) ARE BELIEVED TO LIVE ABROAD. THE MAJORITY OF THESE ARE ECONOMIC MIGRANTS AND PERHAPS HALF OF THE TOTAL LIVES IN ARGENTINA. SINCE THE 1973 MILITARY COUP, 200,000 TO 250,000 CHILEANS ARE BELIEVED TO HAVE LEFT THE COUNTRY FOR POLITICAL OR ECONOMIC REASONS. THE STRONG ANTI-MARXIST STAND OF THE PRESENT GOC AND ITS HUMAN RIGHTS ABUSES LED MANY CHILEANS TO DEPART EITHER OUT OF POLITICAL DISAGREEMENTS WITH THE PRESENT REGIME OR OUT OF FEAR FOR THEIR PERSONAL WELL-BEING. ON THE ECONOMIC
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PAGE 02 SANTIA 05062 01 OF 02 191945Z

FRONT, THE CHILEAN ECONOMY SUFFERED A DRASTIC TURNDOWN IN 1981 WHICH LED MANY CHILEANS TO LEAVE FOR ECONOMIC REASONS. IN 1988, HOWEVER, THAT FLOW BEGAN TO REVERSE, OWING TO THE SIGNIFICANTLY IMPROVED POLITICAL AND ECONOMIC CLIMATE IN CHILE.

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3. THE VAST MAJORITY OF CHILEAN REFUGEES LIVE IN ARGENTINA OR EUROPE. THE ARGENTINE CONNECTION IS DUE TO CLOSE PROXIMITY, AN EXTENSIVE BORDER AND, UNTIL RECENTLY, HIGHER PREVAILING WAGES IN ARGENTINA. LARGE CHILEAN COLONIES EXIST IN THE MENDOZA AREA AND IN PATAGONIA. APPROXIMATELY 100,000 CHILEANS HAVE SETTLED IN EUROPE SINCE 1973, MOSTLY IN SPAIN (FOR CULTURAL REASONS) OR NORTHERN EUROPE (FOR POLITICAL REASONS). THERE ARE RESETTLEMENT PROGRAMS WITH OTHER COUNTRIES, SUCH AS FRANCE, ITALY AND MEXICO. THE INTERGOVERNMENTAL COMMISSION ON MIGRATION (ICM) REPORTS THAT IT ASSISTED 1,410 CHILEANS IN A SPECIAL RESETTLEMENT PROGRAM TO SETTLE ABROAD DURING 1988, WITH 717 GOING TO AUSTRALIA, 287 TO CANADA AND 255 TO SWEDEN. AS OF THE END OF APRIL 1989, THE ICM HAD ASSISTED ANOTHER 490 CHILEANS TO LEAVE CHILE; 85 WENT TO MEXICO, 55 TO ITALY AND 45 TO FRANCE. ACCORDING TO ICM ESTIMATES, MANY OF THOSE LEAVING IN 1988 AND 1989 WENT TO JOIN FAMILY MEMBERS WHO HAD LEFT CHILE EARLIER FOR POLITICAL REASONS. FROM 1973 UNTIL APRIL 3, 1989, THE ICM HAS HELPED 29,754 CHILEANS UNDER ITS RESETTLEMENT PROGRAMS. THE UN HIGH COMMISSION FOR REFUGEES (UNHCR) MELPED 244 CHILEANS TO MOVE ABROAD IN 1988 AND 43 IN THE FIRST TRIMESTER OF 1989.

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4. FEWER CHILEANS HAVE DEPARTED IN RECENT YEARS, IN PART BECAUSE OF THE IMPROVED ECONOMIC SITUATION; THE UNCLASSIFIED

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PAGE 03 SANTIA 05062 01 OF 02 191945Z

OPENING OF THE POLITICAL ENVIRONMENT LEADING UP TO THE OCTOBER 5, 1988 PLEBISCITE AND THE IMPROVING HUMAN RIGHTS SITUATION WERE ALSO FACTORS.

-

5. BEGINNING IN 1977 THROUGH APRIL 1989, THE ICM HAS ASSISTED 4,690 CHILEANS TO RETURN. THE ICM ASSISTED 791 INDIVIDUALS TO RELOCATE TO CHILE IN 1988 AND IN THE FIRST FOUR MONTHS OF 1989 ASSISTED 300. THE UNHCR ASSISTED 270 CHILEANS TO RETURN IN 1988 AND 183 IN THE FIRST FOUR MONTHS OF 1989. MANY OTHER CHILEANS WHO FLED FOR POLITICAL RSZJP";

-

6. BESIDES THE ICM AND UNHCR, OTHER ORGANIZATIONS THAT AID RETURNEES ARE THE SOCIAL AID FOUNDATION OF THE CHRISTIAN CHURCHES (FASIC) AND THE VICARIATE OF SOLIDARITY, SPONSORED BY THE CATHOLIC CHURCH. THE CHILEAN GOVERNMENT PROVIDED NO ASSISTANCE. THE RETURNEES ENJOY THE SAME LEGAL RIGHTS AS THE CHILEAN POPULATION AS A WHOLE. ACCORDING TO ORGANIZATIONS

ASSISTING THOSE RETURNING TO CHILE, THEY ARE NOT SINGLED OUT FOR HARASSMENT BY THE GOVERNMENT OR VIGILANTE GROUPS. HOWEVER, MANY OF THOSE WHO WERE OFFICIALLY EXILED HAVE HAD DIFFICULTY FINDING EMPLOYMENT; THE FACT THAT THE GOVERNMENT OF CHILE,

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PAGE 01 SANTIA 05062 02 OF 02 191945Z
ACTION RP-10

INFO LOG-00 ADS-00 AID-00 IO-19 ARA-00 AMAD-01 CA-02
SR-06 /038 W
----------240553 201125Z /20

R 191711Z MAY 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 1448
INFO USMISSION GENEVA

UNCLAS SECTION 02 OF 02 SANTIAGO 05062

STATE FOR RP/PC
GENEVA FOR RMO

E.O. 12356: N/A
TAGS: PREF, CI
SUBJ: 1989 WORLD REFUGEE REPORT

UNTIL 1985, ANNUALLY PUBLISHED A LIST OF THOSE EXILED MAY CONTRIBUTE TO EMPLOYER RELUCTANCE TO HIRE THEM. MOREOVER, THERE ARE CHARGES THAT RETURNEES HAVE A DIFFICULT TIME HAVING THEIR ACADEMIC DEGREES, EARNED DURING THEIR PERIOD OF EXILE, ACCEPTED BY THE CHILEAN GOVERNMENT.

7. THE GOC LIFTED ORDERS OF EXILE IN SEPTEMBER 1988, MAKING IT POSSIBLE FOR ALL CHILEANS TO RETURN. HOWEVER, MANY EXILES HAVE ESTABLISHED ROOTS IN OTHER COUNTRIES AND MAY CHOOSE TO REMAIN IN THEIR ADOPTIVE HOMES FOR FAMILY AND FINANCIAL REASONS.

8. THERE ARE NO REPORTS THAT CHILE RECEIVED REFUGEES FROM OTHER COUNTRIES DURING 1988. GILLESPIE

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P890066-1224

RELEASED
El Salvador Human Rights
Updated Project (1998)

United States Department of State

Washington, D.C. 20520

22 May 1989

RELEASED IN PART

PP

Dear Mr. Lightfoot:

I am writing in response to your February 22 inquiry regarding the concern of your constituent, [redacted] over El Salvador.

El Salvador's efforts to institute democracy, enforce respect for human rights, and redress social injustice are complicated and severely tested by the existence of a Marxist-Leninist guerrilla insurgency supported by Nicaragua, Cuba, and the Soviet Union. The five organizations that form the Farabundo Marti Front for National Liberation (FMLN) have been engaged in armed conflict against the Government since 1980 and are dedicated to the violent overthrow of the democratic process.

In recent years the FMLN, with an estimated 6,000 to 8,000 full-time guerrillas backed by a network of front groups consisting of part-time militia, clandestine cells, and paramilitary civilian supporters, has stepped up its program of urban bombings and assassinations of unprotected government officials. The FMLN has embarked on a campaign of threatening and assassinating mayors. Since March 1988, 10 mayors and 1 former mayor have been killed by the FMLN and over 90 of the country's 262 mayors have been forced to resign in the face of guerrilla threats. The FMLN also has increasingly relied on children for combat and support tasks in 1988. Finally, the insurgents have continued to seek to destroy the economy by attacking infrastructure and production facilities.

The armed forces total 56,000, including some 11,500 members of the three police forces, which are under the control of the Defense Ministry. As the insurgency gathered strength in the early 1980's, members of the security forces committed numerous human rights violations, including killings, disappearances, and torture. Up to 1983 members of the security forces acquiesced in the operations of several formal paramilitary groups operating as right wing death squads. Some of the paramilitary groups are believed to have contained individuals who belongded at the same time to the police or military.

While the formal paramilitary death squads appeared to cease their operations after 1983, rightwing vigilantism has continued, albeit at much lower levels than the pre-1983 period. Reports in 1988 of efforts to resuscitate these formal paramilitary groups have not been substantiated.

The Honorable
Jime Lightfoot,
House of Representatives.

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: JOHNSTON, DONALD
Date: 06/01/94
Case ID: S940035F

RELEASED
El Salvador Human Rights
[illegible] Project (1990)

The Department of State continues to give a high priority to assisting El Salvador further consolidate its constitutional democracy. It is our policy to help the Salvadoran government and people establish a durable democracy which respects human rights and has a viable justice system. At the same time, we are also helping the Salvadorans combat the Marxist insurgency which has been seeking to overthrow the government for the last nine years.

Our firm commitment to these goals was emphasized by Vice President Quayle during his recent visit to El Salvador. The Vice President told Salvadoran political and military leaders that the United States would continue to help El Salvador provided there was continued improvement in human rights observance. Since the Vice President's trip, there have been significant developments in the San Sebastian case, in which two officers and seven enlisted men are accused of executing ten peasants. The Salvadoran military formed an honor board which found evidence of culpability by the accused. These soldiers have been dismissed from the military and remanded to the civilian courts for prosecution. We will continue to press the Government of El Salvador to bring this case to a just conclusion.

Our policy in El Salvador has consistently supported efforts to reach a negotiated resolution of the conflict. We encouraged the Salvadoran government to carefully consider the election proposal the Farabundo Marti National Liberation Front (FMLN) offered in January. The Salvadoran political parties met with the FMLN in Mexico. President Duarte responded by holding out the possibility of postponing elections and proposed that the FMLN meet with a government commission. The Salvadoran military, in support of President Duarte's proposal, announced a unilateral cease-fire from March 1 to June 1, which remains in effect. Despite the government's good faith attempt to find a peaceful solution, the FMLN refused to address the key issues of when the guerrillas would halt their attacks against civilians and elected officials and the FMLN's eventual demobilization.

Instead, the FMLN stepped-up its campaign of terrorism in an effort to disrupt the elections, to include bombings and assassinations. However, despite guerrilla intimidation against voters, death threats against voting officials, a transportation stoppage, and attacks on the power supply, over one million Salvadorans braved this intimidation to cast ballots. On June 1, El Salvador will achieve another milestone in its democratic development, when one democratically-elected president peacefully transfers power to another.

It is worth noting that despite the FMLN's rejection of the electoral process and its demonstrated commitment to terrorism as a way to achieve power, its political allies in the Democratic Convergence (CD) chose to remain in the election.

RELEASED
El Salvador Human Rights
Special Project (1993)

Following the CD's fourth place finish, with 3.8 percent of the vote, CD presidential candidate Guillermo Ungo stated that the FMLN's campaign of violence to discredit the elections had hurt his party at the polls.

The people of El Salvador have struggled for nine years to build democracy in the face of political violence, and they deserve our support. President-elect Cristiani was recently in Washington to meet with several Senators and Congressmen. He asked for a chance to put his team and policies into place and to begin to govern before his government is judged. We will assess the new government on its performance in further improving the observance of human rights standards. We will continue to support it if it continues the progress on democratization and human rights observance achieved by the Duarte administration.

Sincerely,

Janet G. Mullins
Assistant Secretary
Legislative Affairs

Enclosure:
Correspondence returned.

PODER JUDICIAL
CHILE

(NA 427)

31 POL Letelier Case

Chile Project (#S199900030)
Department of State
Release X Excise Deny
Declassify: In Part In Full
Exemption(s)

Notifico a Ud. la siguiente resolución recaída en la causa Rol.Nº 29-81.-

//tiago, veintidos de Mayo de mil novecientos ochenta y siete.- 12 05 19 8 7

Vistos:

No apareciendo del mérito de autos que en la especie concurriere aquel hecho sobreviniente que, con arreglo a la ley, permitiere dictar auto de sobreseimiento en la causa en los términos del Nº6 del artículo 408 del Código de Procedimiento Penal, se revoca la resolución apelada de veinticuatro de Octubre de mil novecientos ochenta y cinco que corre agregada a fs.2.120 en el proceso objeto del recurso, con declaración que se mantiene el sobreseimiento temporal, que en virtud del artículo 409 Nº2 del Código de Enjuiciamiento, dictó la Excma. Corte Suprema con fecha catorce de Enero de mil novecientos ochenta y dos.

Teniendo presente la presentación hecha por la parte perjudicada a fs.2.128, vuelva la presente causa rol 192-78 al Segundo Juzgado Militar conjuntamente con los documentos remitidos por el Ministerio de Relaciones Exteriores de Chile para los fines a que haya lugar.

Acordada, en la parte en que mantiene el sobreseimiento temporal, con el voto en contra del Presidente don Luis Correa Bulo y del Ministro don Alberto Chaigneau del Campo, quienes estuvieron por revocar la resolución de que se trata y declarar que se vuelve la causa al estado de sumario, en virtud de las siguientes consideraciones:

1.- Que este expediente fue incoado con el objeto de investigar el presunto delito de falsificación documentaria que fue denunciado, pero además, con la finalidad de realizar las averiguaciones tendientes a determinar si alguno de los inculpados tuvo una participación culpable y penada por

Lot 96F002 Box 7
EL/HC-00119

la ley en los hechos que causaron las muertes de Orlando Letelier del Solar y de Ronni Moffit, perpetradas el 21 de Setiembre de 1976;

2.- Que por las características que rodearon el homicidio de los indicados Letelier y Moffit, es posible considerarlo como de aquellos que nuestra legislación penal describe en el Nº1 del artículo 391 del Código Penal y que, a su vez, sanciona con las penas de presidio mayor en su grado medio a presidio perpetuo, para el caso en que fueren cometidos con alguna de las circunstancias que allí se señalan;

3.- Que, en tal predicamento como el señalado precedentemente, debe tenerse en consideración que, de acuerdo a lo que determina el inciso segundo del artículo 94 del Código Punitivo, la acción penal para proceder en delitos como el indicado, prescribe en el lapso de quince años, situación legal que, por sí sola, impide dictar un sobreseimiento definitivo como el que fue motivo del recurso que se conoce y que se dictó a fs.2.120;

4.- Que, además, a juicio de estos disidentes, no sólo procede, acogiendo la apelación planteada, dejar sin efecto el sobreseimiento definitivo, sino que sería procedente reabrir el sumario con el objeto de proseguir la investigación sobre el homicidio calificado de Letelier y de Moffit y de la falsificación documentaria que, supuestamente, habría sido el necesario antecedente para lograr el delito que primeramente se ha señalado. En efecto, parece a estos Ministros que no es posible mantener, como es la opinión de la mayoría, el sobreseimiento temporal que, según copia autorizada que se acompaña a fs.2.115, fuera dictado por la Excma. Corte Suprema de Justicia el día 14 de Enero de 1982, ya que

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la actual fecha han surgido hechos nuevos que hacen indispensable, en aras de la búsqueda de la verdad que caracteriza a todo proceso criminal, que se reabra el sumario;

5.- Que, esta creencia de la minoría es avalada por los documentos que han sido enviados a la I. Corte Marcial por el señor Ministro de Relaciones Exteriores Subrogante, Teniente General don Sergio Covarrubias Sanhueza, los que se ordenó se tuvieran presentes en la vista de este recurso. De ellos consta que Armando Fernández Larios ha prestado ante un tribunal de los Estados Unidos de Norteamérica, una declaración que contradice fundamentalmente aquella que hizo en su oportunidad, en esta causa. Aún cuando no es desconocido para estos discordantes que aquellas no pueden ser valoradas como una deposición hecha ante un tribunal nacional, sin embargo, por haber sido dadas ante un órgano jurisdiccional extranjero, conforme a las leyes que allí se aceptan comunmente, les parece que no pueden ser ignoradas en beneficio de la prudencia y de la equidad.

Devuélvanse conjuntamente con los documentos que se han tenido a la vista.

Rol 192-78

Redacción del voto de mayoría del señor Ministro don Joaquín Fritzsche Thomas y del de minoría del señor Ministro don Alberto Cienfuegos del Campo.

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United States Department of State

Washington, D. C. 20520

E26

ACTION MEMORANDUM S/S

MAY 23 1989

8911672

TO : The Secretary
THROUGH: E - Amb. McCormack
FROM : Eugene J. McAllister

SUBJECT: Request to Expand GSM-102 Program

ISSUE

Whether to sign a letter to Clayton Yeutter requesting that he increase the limit on the GSM-102 Export Credit Guarantee Program for U.S. agricultural exports from $5 billion to $6 billion.

BACKGROUND

- GSM 102 allows USDA's Commodity Credit Corporation (CCC) to guarantee 98% of commercial bank loans of up to three years to finance the export of U.S. agricultural products.

- The Food Security Act of 1985 states that for fiscal years 1986-90, the CCC shall make available not less than $5 billion in GSM 102 credit guarantees. However, USDA and OMB interpret this as a $5 billion ceiling.

- In prior years, GSM 102 has not been fully utilized. This year, because of increasing familiarity with the program and the high cost of wheat (which increased in price by 35% since last year), the full $5 billion is committed and the United States has received requests for an additional $1.5 billion.

- Countries requesting additional GSM include Mexico, $500 million, Egypt, $250 million, Trinidad and Tobago, $40 million, Iraq, $150 million, Algeria, $100 million. We understand that shortly we will be receiving a high-level request from the government of Venezuela for $185 million.

- GSM is a key issue in the Mexican debt rescheduling and may play a crucial role in a successful Paris Club negotiation and smooth implementation of the Brady Plan.

RELEASE

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- Under Secretary Mulford has expressed to Under Secretary McCormack Treasury's support for additional GSM to accommodate Mexican needs.

RECOMMENDATION

That you sign the attached letter to Secretary Yeutter asking his cooperation in expanding the GSM 102 program by $1 billion.

Attachment:

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(24)

[redacted]

PAGE 01 GUATEM 06085 241715Z
ACTION ARA-00

INFO	LOG-00	ADS-00	INR-07	EUR-00	SS-00	OIC-02	CIAE-00
	DODE-00	H-01	IO-19	NSCE-00	NSAE-00	HA-09	L-03
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	SNP-01	PRS-01	P-02	T-01	/060 W		

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R 241436Z MAY 89
FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC 1713
INFO AMEMBASSY ROME
AMEMBASSY TEGUCIGALPA
AMEMBASSY SAN SALVADOR
AMEMBASSY SAN JOSE
AMEMBASSY MEXICO
USCINCSO QUARRY HTS PM
USMISSION USUN NEW YORK
USMISSION GENEVA

[redacted] GUATEMALA 06085

E.O. 12356: N/A
TAGS: PHUM, PREL, PGOV, PINR, GT, IT
SUBJECT: RIGOBERTA MENCHU AND THE NOBEL PEACE PRIZE:
- LOCAL PRESS HAS A FIELD DAY

REF: (A) GUATEMALA 5959, (B) GUATEMALA 5351 (NOTAL)

1. (U) LOCAL PRESS, CITING GUERRILLA NEWS AGENCY CERIGUA, HAS REPORTED THAT THE ITALIAN SOCIALIST PARTY (PSI) HAS PROPOSED GUATEMALAN POLITICAL ACTIVIST RIGOBERTA MENCHU FOR THE NOBEL PEACE PRIZE (REF A). THIS REPORT HAS OCCASIONED HILARITY AND OUTRAGE HERE FROM THE ARMY SPOKESMAN AND LOCAL POLITICIANS, ALL DULY REPORTED IN GUATEMALA'S PRESS.

[redacted]

[redacted]

DEPARTMENT OF STATE
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Date: 3-19-98

PAGE 02 GUATEM 06085 241715Z

2. (U) THE ARMY SPOKESMAN, COL. ISAACS, CALLED THE PSI'S REPORTED NOMINATION OF MENCHU "A BAD JOKE." THE ARMY SPOKESMAN SAID THAT HER NOMINATION, IF IN FACT IT HAS TAKEN PLACE, FORMS PART OF A CAMPAIGN TO LEND INTERNATIONAL LEGITIMACY TO GUATEMALA'S GUERRILLA MOVEMENTS. ISAACS WENT ON TO STATE THAT SINCE MENCHU HAD AVAILED HERSELF OF THE AMNESTY OFFERED TO EX-GUERRILLAS, HE COULD NOT SPEAK ABOUT ANY POSSIBLE SUBVERSIVE ACTIVITIES SHE MIGHT HAVE ENGAGED IN PREVIOUSLY. ISAACS SAID, HOWEVER, THAT MENCHU HAS NONE OF THE QUALITIES REQUIRED OF A NOBEL PRIZE WINNER.

3. (U) A PROMINENT CENTRIST DEPUTY, LUNA TROCCOLI, IS QUOTED AS SAYING THAT WHILE MENCHU HAS THE RIGHT TO COMPETE FOR THE PRIZE, AND AN ITALIAN POLITICAL PARTY HAS THE RIGHT TO NOMINATE HER, ANY SERIOUS REFLECTION WOULD SHOW THAT MENCHU DOES NOT MEET THE MINIMUM REQUIREMENTS EXPECTED OF A NOBEL RECIPIENT. SHE HAS CONFINED HER ACTIVITIES, HE SAID, TO ACCUSATIONS AND CRITICISMS; SHE HAS NOT WORKED FOR PEACE.

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4. (U) BROTHER OF A FORMER CHIEF-OF-STATE (1978-82) AND CURRENTLY A PRESIDENTIAL CANDIDATE HIMSELF, GEN. BENEDICTO LUCAS STATED THAT THE ARMY HAS "PROOF" THAT MENCHU ENGAGED IN SUBVERSIVE ACTIVITIES. ACCORDING TO LUCAS, MENCHU CAN ONLY WIN THE PRIZE WITH THE SUPPORT OF ULTRA-LEFTIST EUROPEAN GROUPS.

5. (U) TWO REPRESENTATIVES OF QUICHE INDIGENOUS PEOPLE REPORTEDLY STATED THAT GIVING MENCHU THE PRIZE EQUALS GIVING IT TO THE GUERRILLAS. ONE REPRESENTATIVE SAID MENCHU, A NATIVE OF QUICHE, ISINOW KNOWN TO THE AREA ONLY FROM PICTURES IN THE PRESS AS SHE SPENDS MOST OF HER TIME ABROAD. AN INDIGENOUS PROFESSOR IS CITED AS [redacted]

[redacted]

SAYING THAT WHILE MENCHU AND HER FAMILY MIGHT HAVE SUFFERED IN THE PAST, THAT IS NOT SUFFICIENT TO WIN THE NOBEL PEACE PRIZE.

6. (U) A LABOR LEADER, RIVAS REYNOSO, IS CITED AS EXPRESSING ADMIRATION FOR MENCHU'S SUFFERING BUT ALSO DENYING THAT SHE HAS THE QUALITIES NEEDED TO MERIT THE PRIZE. HE SAID THAT WHILE HER ACTIVITIES HAVE EARNED FAME ABROAD, SHE IS NOW TOO POLITICALLY "COMPROMISED."

7. [redacted] COMMENT: CAN CENTRAL AMERICA LIVE WITH TWO NOBEL PRIZE WINNERS?

A LOCAL PAPER HAS RUN A CARTOON OF THE PLUMP RIGOBERTA CLAD IN A REVEALING BIKINI, SURROUNDED BY MONEY, FOOD, AND DRINKS, RIDING IN A GONDOLA PUNTED BY A SEEDY, HAMMER-AND-SICKLE WEARING ITALIAN SOCIALIST POLITICIAN. NO ONE IN THIS EMBASSY WILL CONFESS TO HAVING SEEN RIGOBERTA IN ANYTHING LESS THAN HER CUSTOMARY "INDIGENOUS" COSTUME, SO WE CANNOT VOUCH FOR THE ACCURACY OF THE ARTIST'S RENDERING. WHILE WE--AND THE ITALIAN EMBASSY HERE--DOUBT THAT HER NOMINATION BY THE PSI IS ANYTHING OTHER THAN A LEFTIST PUBLICITY STUNT, IT IS INTERESTING TO NOTE THE REACTION THE CERIGUA REPORT HAS DRAWN. CLEARLY, THE SUBJECT OF RIGOBERTA AND THE AGAIN SDLF-EXILED RUOG (UNITED REPRESENTATIVES OF THE GUATEMALAN OPPOSTION) SHE NOMINALLY HEADS REMAIN VERY SENSITIVE.

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FOREIGN SOVEREIGN IMMUNITIES ACT

PROPOSED AMENDMENT TO SECTION 1610(a)

BY H.R. 2163

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____

"§ 1610. Exceptions to the immunity from attachment or execution

"(a) The property in the United States of a foreign state, as defined in section 1603(a) of this chapter,

"including the property of an agency, instrumentality, or political subdivision of the foreign state,"

shall not be immune from attachment in aid of execution, or from execution, upon a judgment entered by a court of the United States or of a State after the effective date of this Act, if—

"(1) the foreign state has waived its immunity from attachment in aid of execution or from execution either explicitly or by implication, notwithstanding any withdrawal of the waiver the foreign state may purport to effect except in accordance with the terms of the waiver, or

"(2) the property is or was used for the commercial activity upon which the claim is based or, in the case of a claim based upon acts of violence in the United States intended to or actually resulting in bodily harm, the property is used or intended to be used for a commercial activity in the United States".

"(3) the execution relates to a judgment establishing rights in property which has been taken in violation of international law or which has been exchanged for property taken in violation of international law, or

"(4) the execution relates to a judgment establishing rights in property—

"(A) which is acquired by succession or gift, or

"(B) which is immovable and situated in the United States: *Provided*, That such property is not used for purposes of maintaining a diplomatic or consular mission or the residence of the Chief of such mission, or

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"(5) the property consists of any contractual obligation or any proceeds from such a contractual obligation to indemnify or hold harmless the foreign state or its employees under a policy of automobile or other liability or casualty insurance covering the claim which merged into the judgment; or [7]

"(6) [7] the judgment is based on an order confirming an arbitral award rendered against the foreign State, provided that attachment in aid of execution, or execution, would not be inconsistent with any provision in the arbitral agreement.

"(b) In addition to subsection (a), any property in the United States of an agency or instrumentality of a foreign state engaged in commercial activity in the United States shall not be immune from attachment in aid of execution, or from execution, upon a judgment entered by a court of the United States or of a State after the effective date of this Act, if—

"(1) the agency or instrumentality has waived its immunity from attachment in aid execution or from execution either explicitly or implicitly, notwithstanding any withdrawal of the waiver the agency or instrumentality may purport to effect except in accordance with the terms of the waiver, or

"(2) the judgment relates to a claim for which the agency or instrumentality is not immune by virtue of section 1605(a) (2), (3), or (5) or 1605(b) of this chapter, regardless of whether the property is or was used for the activity upon which the claim is based.

"(c) No attachment or execution referred to in subsections (a) and (b) of this section shall be permitted until the court has ordered such attachment and execution after having determined that a reasonable period of time has elapsed following the entry of judgment and the giving of any notice required under section 1608(e) of this chapter.

"(d) The property of a foreign state, as defined in section 1603(a) of this chapter, used for a commercial activity in the United States, shall not be immune from attachment prior to the entry of judgment in any action brought in a court of the United States or of a State, or prior to the elapse of the period of time provided in subsection (c) of this section if—

"(1) the foreign state has explicitly waived its immunity from attachment prior to judgment, notwithstanding any withdrawal of the waiver the foreign state may purport to effect except in accordance with the terms of the waiver, and

"(2) the purpose of the attachment is to secure satisfaction of a judgment that has been or may ultimately be entered against the foreign state, and not to obtain jurisdiction.

"(e) [8] The vessels of a foreign State shall not be immune from arrest in rem, interlocutory sale, and execution in actions brought to foreclose a preferred mortgage as provided in section 1605(d).

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[7] Sec. 3 of Public Law 100-669 (102 Stat. 3969) ended paragraph (5) with ", or" and added a new paragraph (6)

[8] Sec. 2 of Public Law 100-640 (102 Stat. 3333) added subsec. (e)

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VIA FACSIMILE

May 30, 1989

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____

David Jones
Office of the Legal Adviser
United States Department
of State
Washington, D.C. 20520

Dear David:

In accordance with our phone discussion of this morning, enclosed is a redrafted version of H.R. 2163. It is my intention to have this version of the legislation introduced in the House and Senate this week.

I very much appreciate your office's comments on the earlier draft of the legislation. It is our intention to submit as narrowly crafted a bill as possible consistent with our objective of collecting the Letelier judgment.

You will note that the proposed amendment to Section 1610(a) contained at page 2, lines 1-3 of H.R. 2163, has not been modified. It is not our intention to legislatively overrule Bancec by this amendment. Rather, it is our intention to embrace the holding of Bancec by clarifying congressional intention that courts should apply traditional equitable principles and look to the nature of the relationship between the instrumentality and the state.

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I appreciate your willingness to review this draft of the legislation. If you have any comments or suggested changes, please communicate with me as quickly as possible.

Yours truly,

Samuel J. Buffone

SJB/cvc
Enclosure

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Date Printed: 01/26/1998 DOC_NUMBER: 89MEXICO13810 CHANNEL: n/a 76

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PAGE 01 MEXICO 13810 302347Z
ACTION NRC-02

INFO	LOG-00	ADS-00	INR-07	SS-00	OIC-02	CIAE-00	EB-00
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DEPARTMENT OF STATE
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UNCLAS MEXICO 13810

DEPT. PLS. PASS TO NRC AND DOE

E.O. 12356: N/A
TAGS: TRGY, MX, LSCA
SUBJECT: UPDATE ON LAGUNA VERDE

1. SINCE MAY 3, THE NUCLEAR PLANT AT LAGUNA VERDE HAS BEEN ON A REDUCED POWER STATUS AND HAS CEASED SUPPLYING ELECTRICITY TO THE NATIONAL GRID IN ORDER TO UNDERGO AN INTENSIVE MAINTENANCE PROGRAM.

2. ON MAY 18, THE FEDERAL ELECTRICITY COMMISSION (CFE) TOLD US THAT APPROXIMATELY 25 PERCENT OF THE TESTS OF THE UTILITIES ARE DONE AND THAT THEY HOPE ALL WILL BE COMPLETED BY THE END OF THE YEAR. HE SAID THAT TECHNICALLY EVERYTHING IS GOING WELL. THE OUTPUT OF THE PLANT IS LIMITED TO A MAXIMUM OF 50 MEGAWATTS UNTIL THE NATIONAL COMMISSION OF NUCLEAR SAFETY AND SAFEGUARDS (CNSNS) CAN COMPLETE ITS EVALUATIONS OF THE PLANT AND THE EMERGENCY EVACUATION PLAN. THE EMERGENCY PLAN IS STILL BEING DEVELOPED. DURING THE WEEK OF MAY 15-19 MANY HIGH LEVEL OFFICIALS OF THE SECRETARIAT OF HEALTH WERE IN VERACRUZ WORKING ON THEIR PORTION OF THE PLAN.

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PAGE 02 MEXICO 13810 302347Z

3. EMBASSY CONTACT AT CNSNS NOTED THAT A COMPLETELY SUCCESSFUL EMERGENCY EVACUATION EXERCISE MUST BE CARRIED OUT BEFORE THE PLANT JILL BE ALLOWED TO EXCEED THE 50

MEGAWATT POWER LEVEL.

4. THE DAILY NEWSPAPER LA JORNADA REPORTED ON MAY 12 THAT CFE SPECIFIED THAT LAGUNA VERDE UNIT I HAS COMPLETED 31.78 PERCENT OF THE JORK ON THIS FIFTH MAJOR MAINTENANCE CYCLE. THEY ADDED THAT TO DATE THE REACTOR CONTINUES UNDER THE SUPERVISION OF THE CNSNS (AN AGENCY OF THE SECRETARIAT OF ENERGY, MINES AND PARASTATAL INDUSTRY--SEMIP). THE REPORT STATED THAT THE MAIN ACTIVITIES OF THE MAINTENANCE WORK HAVE INCLUDED THE INSTALLATION OF ISOLATORS IN THE TOP OF THE REACTOR; IMPROVEMENTS IN DESIGN TO THE THIRD OF THE THREE DIESEL GENERATORS WHICH THEY RELY ON FOR ELECTRICITY WHENEVER THEY ARE DOWN FOR MAINTENANCE OR FUEL LOADING; REGENERATION OF RESINS FOR THE FILTERS WHERE THE WATER FOR THE PRIMARY CIRCUIT IS PURIFIED; MAJOR MAINTENANCE TO THE TURBO PUMPS WHICH SUPPLY THE FEED WATER TO THE REACTOR; AND MODIFICATIONS TO IMPROVE THE DESIGN OF THE WATER COOLING AND VAPOR CONDENSING SYSTEMS.

4. ACCORDING TO THE REPORT IN LA JORNADA, UNIT I INCREASED ITS CONTRIBUTION TO THE NATIONAL GRID THE WEEK BEFORE BEING CLOSED FOR MAINTENANCE TO 2,877 MEGAWATTS PER HOUR, WITH AN AVERAGE OUTPUT OF 6.4 PERCENT OF CAPACITY. DURING THE SAME TIME PERIOD THE REACTOR INCURRED THE NINTH AUTOMATIC SHUTDOWN AS A RESULT OF METALLIC RESIDUES FOUND IN THE FEED WATER. DISCOVERY OF THE RESIDUES REQUIRED A REDUCTION OF POWER TO LESS THAN 10 PERCENT OF APPROVED POWER LEVEL. THIS IN TURN TRIGGERED THE SCRAM, WHICH WENT INTO EFFECT "IN A SAFE UNCLASSIFIED

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PAGE 03 MEXICO 13810 302347Z

AND COMPLETELY CONTROLLED MANNER, IN CONFORMANCE WITH THE DESIGN".

5. AN ARTICLE IN THE WEEKLY PUBLICATION PROCESO OF MAY 8, 1989 ALLEGES THAT THE SHUTDOWN FOR MAINTENANCE WAS ORDERED BY CNSNS AFTER MEMBERS OF THE COMMISSION DISCOVERED TRACES OF METAL IN THE FEED WATER OF THE REACTOR. ON ANOTHER MATTER, THE MAGAZINE CLAIMS TO HAVE OBTAINED TWO LETTERS WRITTEN ON SEMIP LETTERHEAD AND OSTENSIBLY FROM THE CNSNS WHICH THEY QUOTE AS SAYING THAT THE DIRECTORS OF LAGUNA VERDE HAVE NOT TRAINED THEIR EMPLOYEES SUFFICIENTLY TO FOLLOW RULES AND PROCEDURES TO ENSURE PROTECTION FROM RADIATION.

6. EMBASSY COMMENT: REPORTS ABOUT MALFUNCTIONS AT LAGUNA VERDE ABOUND IN THE OPPOSITION PRESS AND FROM VARIOUS ECOLOGY GROUPS, BUT TESTS CONTINUE AND CFE SEEMS FAIRLY OPTIMISTIC ABOUT GEARING UP TO FULL POWER BY THE END OF THE YEAR. THE MAJOR HOLD-UP AT THIS POINT IS THE EMERGENCY EVACUATION PLAN WHICH APPARENTLY HAS TO HAVE INPUT FROM A NUMBER OF GOVERNMENT AGENCIES - ALL OF WHOM HAVE NOT BEEN FORTHCOMING. END COMMENT.
(DRAFTED:SCI:ATIDBALL) GAMBLE

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*** Current Handling Restrictions *** n/a
*** Current Classification *** UNCLASSIFIED

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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____

101st CONGRESS
1st SESSION

H. R. 2163

To amend title 28, United States Code, to make additional exceptions to the immunity of the property of a foreign state from attachment or execution.

IN THE HOUSE OF REPRESENTATIVES

May 1, 1989

Mr. Berman (for himself, Mr. Morrison of Connecticut, Mr. Cardin, Mr. Frank, Mr. Edwards of California, Mr. Glickman, and Mr. Miller of California) introduced the following bill; which was referred to the Committee on Judiciary

---

A BILL

To amend title 28, United States Code, to make additional exceptions to the immunity of the property of a foreign state from attachment or execution.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE.

This Act may be cited as the "Victims of Terrorism Judicial Remedy Act".

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SEC. 2. EXCEPTION TO THE IMMUNITY FROM ATTACHMENT OR EXECUTION.

Section 1610(a) of title 28, United States Code, is amended--

(1) by inserting "including the property of an agency, instrumentality, or political subdivision of the foreign state," after "1603(a) of this chapter";

(2) by striking out "used for a commercial activity in the United States";

(3) by amending paragraph (2) to read as follows:

"(2) the property is or was used for the commercial activity upon which the claim is based or, in the case of a claim based upon acts of violence in the United States intended to or actually resulting in bodily harm, the property is used or intended to be used for a commercial activity in the United States".

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31 May 89

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Page: 1

Chile Project (#S199900030)
U.S. Department of State
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Exemption(s)_____

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PAGE 01 SANTIA 05311 312133Z
ACTION ARA-00

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	P-02	T-01	/040 W				

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P 312120Z MAY 89
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TO SECSTATE WASHDC PRIORITY 1580
INFO AMEMBASSY ASUNCION
AMEMBASSY BUENOS AIRES
AMEMBASSY LA PAZ
AMEMBASSY MEXICO
USCINCSO QUARRY HEIGHTS

UNCLAS SANTIAGO 05311

MEXICO FOR ARNOLD CHACON

E.O. 12356: N/A
TAGS: PGOV, CI
SUBJ: OPPOSITION ACCEPTS GOC PROPOSAL FOR CONSTITUTIONAL REFORM

REF: SANTIAGO 5242

1. (U) AFTER A THREE-HOUR MEETING ON MAY 31, THE COALITION OF PARTIES FOR DEMOCRACY (COPODE) DECIDED TO ACCEPT THE FINAL PROPOSAL OFFERED BY THE GOVERNMENT FOR REFORMING THE CONSTITUTION. COPODE SPOKESMAN PATRICIO AYLWIN READ A BRIEF STATEMENT TO THE PRESS INDICATING THAT DURING A SERIES OF GOC-OPPOSITION MEETINGS, THE COALITION HAD PUT FORWARD ITS IDEAS FOR REFORM WITH THE AIM OF ARRIVING AT A NATIONAL CONSENSUS. SOME OF ITS PROPOSALS WERE TAKEN INTO ACCOUNT, WHILE OTHER POINTS REMAINED
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PAGE 02 SANTIA 05311 312133Z

UNSATISFACTORY. HOWEVER, THE COALITION DECIDED TO GIVE A "GREEN LIGHT" TO THE PACKAGE WHICH THE EXECUTIVE BRANCH WOULD SEND TO THE JUNTA, AND AYLWIN WILL INFORM INTERIOR MINISTER CACERES TO THAT EFFECT.

2. (U) THE DECISION FOLLOWED SEVERAL DAYS OF

MEETINGS BETWEEN NATIONAL RENEWAL (RN) PRESIDENT SERGIO JARPA, AYLWIN AND CACERES. THE LATEST PROPOSAL SUBMITTED BY THE INTERIOR MINISTER REPORTEDLY INCLUDED AN INCREASE IN ELECTED SENATORS AND MEASURES TO MAKE THE PROCESS OF CONSTITUTIONAL REFORM MORE FLEXIBLE. STICKING POINTS INCLUDED THE GOVERNMENT'S INSISTENCE ON A QUORUM OF 57 PERCENT TO CHANGE "ORGANIC" CONSTITUTIONAL LAWS (LAWS WHICH IMPLEMENT THE CONSTITUTION), THE CONTINUATION OF DESIGNATED SENATORS AND THE POWER OF THE NATIONAL SECURITY COUNCIL TO MAKE DIRECT APPEALS TO THE CONSITUTIONAL TRIBUNAL. IN MEETINGS OF THEIR NATIONAL COUNCILS ON MAY 30, THE CHRISTIAN DEMOCRATS APPROVED THE GOC REFORM PACKAGE IN ITS BROAD OUTLINES; THE PARTY FOR DEMOCRACY FAVORED IT WHILE REQUESTING MODIFICATIONS IN SOME MINOR POINTS; AND THAT ALMEYDA SOCIALIST PARTY CHARACTERIZED IT AS POSITIVE, WHILE CRITICIZING CERTAIN ASPECTS. THE FAR LEFT PARTIES APPARENTLY PUT UP A STIFF RESISTANCE TO COPODE'S AGREEING TO THE PACKAGE, BUT FINALLY GAVE IN.

3. (U) COMMENT: COPODE'S DECISION MAKES AN AUGUST PLEBISCITE ALMOST CERTAIN (REFTEL), ALONG WITH A SUBTLE CHANGE IN POLITICAL THOUGHT WHICH FEW WOULD HAVE BELIEVED POSSIBLE A YEAR AGO. THE CONSTITUTION WHICH PINOCHET INSISTED WAS SET IN STONE IS BEING MODIFIED BEFORE HIS VERY EYES. THE MAGNA CARTA,
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PAGE 03 SANTIA 05311 312133Z

WHICH THE OPPOSITION AS LATE AS 1987 REFUSED TO RECOGNIZE AS VALID, IS BEING ACCEPTED AS THE BASIS FOR MODIFICATION. BY SHEPHERDING THE REFORM PROJECT THIS FAR, BOTH AYLWIN AND JARPA HAVE ENHANCED THEIR PROSPECTS FOR NOMINATION BY THEIR RESPECTIVE CAMPS. AND THE CHANCES FOR EITHER THE RIGHT OR LEFT CAPITALIZING ON THIS ISSUE TO MAKE A CONFRONTATIONAL ELECTION CAMPAIGN ARE LIKEWISE DIMINISHED. DETAILS AND REACTIONS TO REFORM PROJECT WILL BE REPORTED SEPTEL. GILLESPIE

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United States Department of State

Washington, D.C. 20520

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full June 1, 1989
Exemption(s) ____

To: L - Judge Sofaer

Through: L - Ms. Verville

From: L/M/DL - David Jones

Subject: Analysis of Potential FSIA Amendment

On Tuesday L/M/DL received a revised version of H.R. 2163, the bill that Congressman Berman introduced on May 1. Ken Segel of Congressman Berman's staff informed me yesterday that this version may be introduced on Friday, June 2. He hopes to know the Department's preliminary views on this legislation by that time.

Samuel Buffone, counsel for the Letelier plaintiffs and the drafter of this bill, told me that this version of the bill reflects revisions intended to remove sections which, based on his conversation with Joan Donoghue and me on May 18, were plainly inconsistent with his stated purpose. His intention is to craft a bill that achieves the objectives of his clients in as narrow a way as possible.

This version, which is attached at Tab 1, comes closer to Buffone's goal than the previous one. In its revised form H.R. 2163 would eliminate the nexus requirement for execution of a judgment "in the case of a claim based upon acts of violence in the United States intended to or actually resulting in bodily harm." It would also allow judgment creditors whose claims were based upon acts of violence in the United States to execute against commercial property of a foreign state or its agencies or instrumentalities. We believe that the bill would overrule, in cases of "acts of violence in the United States," the Bancec rule that "government instrumentalities established as juridical entities distinct and independent from their sovereign should normally be treated as such." 462 U.S. 611, 626-27 (1983). Buffone, however, has stated that his intention is "to embrace the holding of Bancec by clarifying congressional intention that courts should apply traditional equitable principles and look to the nature of the relationship between the instrumentality and the state." Because the bill does not specify an effective date, its provisions would apply to any judgment issued after 1976, the effective date of the FSIA. See Section 1610(a).

There are several reasons why the Department may wish to oppose this bill. First, so long as Chile appears to be

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cooperating with the International Commission's investigation of the case, the Department has an interest in opposing any legislation which could derail a diplomatic solution. Senator Kennedy and Congressman Berman agreed in the fall to hold off on new legislation until this process had time to work, and we may wish to argue that acting now would undercut a diplomatic avenue that offers some hope of recovery.

Even if the time were ripe to legislate in this area, this bill has effects beyond cases like Letelier. H.R. 2163 does not limit the expanded execution provisions either to cases in which acts of violence were authorized by the foreign government, or to acts what were intended to cause injury. Rather, broad execution is available in any case in which "violence in the United States . . . actually result[s] in bodily harm . . . ." This vague language could allow courts to attach unrelated property in a broader spectrum of cases than the "state-sponsored terrorism" that is the drafters' goal. For example, in a Gerritsen-like situation where consular employees allegedly beat up a U.S. citizen, a successful plaintiff could, under the provisions of this bill, attach property of sending state airlines, oil companies, or other seperate commercial entities that regularly do business in the United States. By ignoring the separate juridical status of these entities under foreign state law, this result would contradict what the Bancec court described as "due respect for actions taken by foreign sovereigns and for principles of comity between nations." 462 U.S. at 626. It also would potentially harm any U.S. citizen who had contracted, in reliance on its separate juridical status, with the entity whose property was attached. (This was a point raised by U.S. banks and the Department of Treasury in the fall.) By broadly construing the term "violence," a court could reach a similar result even in the case of an unintentional tort, such as a traffic accident. In addition, the bill contains no exclusion for military activities of the foreign state.

H.R. 2163 would also allow attachment of any property of a foreign state, or an agency or instrumentality of a foreign state, that is "used or intended to be used for a commercial activity in the United States." It is not clear how a foreign state's intent is to be divined. Conceivably, however, this provision would permit attachment of property of foreign embassies or consulates that is normally sold in United States after it has served its purpose. Many foreign missions, for example, acquire vehicles with the intent of later trading them in on newer vehicles. Under this provision, a judgment creditor could apparently execute against such vehicles and any

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similar personal property of a foreign mission. (Section 1610(a)(4)(B) of the FSIA exempts real property of foreign diplomatic or consular missions from attachment or execution.)

We need to decide how to proceed. You indicated earlier that you would oppose any bill while the investigatory commission remains viable. Assuming that ARA would agree, we would recommend that you and someone from ARA meet with Berman soon to make our points and urge him not to push legislation that could derail the commission process. Berman's staff has stated that they have discussed their bill with Senator Kennedy's staff, but do not know if Kennedy is planning to introduce the bill on the Senate side. You may nevertheless want to speak to Kennedy's staff as well.

The full text of the FSIA is attached at Tab 2.

Cleared: L/M/DL - Joan Donoghue JF for

cc. H - Paul Doherty
ARA/SC - Peter DeShazo

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EXCISE

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PAGE 01 SAN JO 07155 030538Z
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R 022316Z JUN 89
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LIMITED OFFICIAL USE SAN JOSE 07155

E.O. 12356: N/A
TAGS: SNAR, CASC, CS (HULL, JOHN)
SUBJECT: HULL REFUSES TO TESTIFY BEFORE NARCOTICS COMMISSION

REF: SAN JOSE 6405 AND PREVIOUS

1. JOHN HULL, A U.S.-BORN COSTA RICAN RESIDENT WHO FACES CHARGES OF NARCOTICS TRAFFICKING AND "HOSTILE ACTS AGAINST THE STATE," APPEARED UNDER SUMMONS BEFORE THE LEGISLATIVE ASSEMBLY'S SPECIAL COMMISSION ON NARCOTICS MAY 30 BUT DECLINED TO TESTIFY. ACCORDING TO PRESS REPORTS, HULL'S ATTORNEY JUAN JOSE SOBRADO TOLD THE COMMISSION THAT HULL HAS THE CONSTITUTIONAL RIGHT TO REFUSE TO TESTIFY SINCE A CRIMINAL CASE IS PENDING AGAINST HIM AND HE MIGHT INCRIMINATE HIMSELF DURING HIS TESTIMONY. IN A MAY 29 LETTER TO COMMISSION MEMBER LUIS MANUEL CHACON, SOBRADO HAD WARNED THAT HULL WOULD NOT TESTIFY FOR THIS REASON; HE ALSO NOTED IN HIS LETTER HULL'S POOR HEALTH. SOBRADO WROTE THAT THE COMMISSION, IN CALLING ON HULL TO TESTIFY, HAD INADVERTENTLY "YIELDED TO THE PRESSURES OF NEGATIVE INTERESTS" LED BY COMMUNIST DEPUTY JAVIER SOLIS AND
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PAGE 02 SAN JO 07155 030538Z

HAD SUCCUMBED TO "THE DICTATES OF MANAGUA."

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2. IN REMARKS TO THE PRESS, COMMISSION MEMBERS REJECTED THIS ACCUSATION AND DECLARED THAT HULL'S REFUSAL TO TESTIFY WOULD HAVE A NEGATIVE EFFECT ON PUBLIC OPINION. DEPUTIES ALSO VOICED CONCERN THAT HULL'S DECISION SET A BAD PRECEDENT FOR OTHERS CALLED BY THE COMMISSION. COMMISSION PRESIDENT ALBERTO FAIT DEFENDED THE COMMISSION'S RIGHT TO DEMAND THAT HULL TESTIFY AND CALLED ON HIM TO DO SO. LEGISLATORS REPORTEDLY MAY ASK THE MINISTERIO PUBLICO (PUBLIC PROSECUTOR) TO INTERVENE.

3. AMENDING HIS INITIAL EXPLANATION, SOBRADO TOLD THE PRESS JUNE 1 THAT HULL REFUSED TO TESTIFY BECAUSE THE COMMISSION, DUE TO ADJOURN WITHIN A WEEK, WOULD NOT HAVE ENOUGH TIME IN WHICH HULL COULD MAKE A SUFFICIENTLY DETAILED PRESENTATION OF HIS CASE. HULL, SAID SOBRADO, IS READY TO TESTIFY, BUT ONLY ON CONDITION THAT HE RECEIVE "DUE PROCESS."

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Case Number: S1999000030

Chile Project (#S199900030)
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PAGE 01 SANTIA 05499 01 OF 04 061632Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	EUR-00	SS-00	CIAE-00
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USCINCLANT NORFOLK

~~C O N F I D E N T I A L~~ SECTION 01 OF 04 SANTIAGO 05499

MEXICO CITY FOR CHACON
OSLO FOR SMITH

E.O. 12356: DECL:OADR
TAGS: KPRP, PGOV, CI
SUBJ: CONSTITUTIONAL REFORM APPROVED BY PINOCHET; JULY PLEBISCITE POSSIBLE

REFS: (A) SANTIAGO 5311, (B) SANTIAGO 5242

1. (C) SUMMARY: LOOKING NOTABLY UNENTHUSIASTIC, PRESIDENT PINOCHET ANNOUNCED HE WAS SENDING A ~~CONFIDENTIAL~~

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PAGE 02 SANTIA 05499 01 OF 04 061632Z

PACKAGE OF REFORMS TO THE LEGISLATIVE JUNTA *WHICH ELIMINATES ARTICLE 8, INCORPORATES* INTERNATIONAL TREATIES ON HUMAN RIGHTS INTO THE CONSTITUTION, ENDS THE REQUIREMENT FOR TWO SUCCESSIVE CONGRESSES TO MODIFY THE CONSTITUTION, INCREASES BY TWELVE THE NUMBER OF

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ELECTED SENATORS, GIVES THE NEXT PRESIDENT A FOUR-YEAR TERM, ADDS ONE CIVILIAN TO THE NATIONAL SECURITY COUNCIL, AND ELEVATES MILITARY REGULATIONS TO THE STATUS OF ORGANIC CONSTITUTIONAL LAWS. THE REFORM AGREEMENT, THE RESULT OF AN ACCORD REACHED BETWEEN GOVERNMENT MODERATES AND THE OPPOSITION COALITION (COPODE), SHOULD HELP STABILIZE THE POLITICAL TRANSITION. ON BALANCE, IT MAY ENHANCE NATIONAL RENEWAL (RN) PRESIDENT SERGIO JARPA'S PRESIDENTIAL BID, AND NARROWLY FAVOR THE CENTER-RIGHT IN SENATORIAL ELECTIONS. HOWEVER, IT ALSO SHOWS THAT PATRICIO AYLWIN AND THE OPPOSITION CURRENT HE REPRESENTS ARE WILLING TO RESPECT THE PROFESSIONAL NEEDS OF THE MILITARY AND TO PUT CHILE'S BROAD NATIONAL INTERESTS FIRST. END SUMMARY.

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PINOCHET SIGNS OFF ON REFORMS

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2. (U) IN A NATIONAL TELEVISED BROADCAST ON THE EVENING OF MAY 31, PRESIDENT PINOCHET ANNOUNCED THAT THE GOVERNMENT AND OPPOSITION HAD ACHIEVED SUFFICIENT CONSENSUS TO PROCEED WITH REFORMING THE CONSTITITION. IN A STRAINED, SOMEWHAT MELANCHOLIC VOICE, THE PRESIDENT CALLED THE AGREEMENT AN EXAMPLE CONFIDENTIAL

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PAGE 03 SANTIA 05499 01 OF 04 061632Z

OF PRUDENCE AND MODERATION, A STABILIZING ELEMENT WHICH WOULD PERMIT THE COUNTRY TO FORGE AHEAD WITH THE MODERNIZATION OF ITS POLITICAL, SOCIAL AND ECONOMIC LIFE. IT ALSO SERVES AS PROOF THAT CHILE HAS "NO PLACE FOR THOSE WHO PROPOSE RUPTURIST, TERRORIST SOLUTIONS."

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3. (U) *PINOCHET'S MESSAGE HIGHLIGHTED THE FOLLOWING* ASPECTS OF THE REFORM AGREEMENT:

-- ARTICLE 8 (WHICH BANS TOTALITARIAN GROUPS) WILL BE REPLACED BY A MEASURE (AN ADDITION TO ARTICLE 19) WHICH BETTER "ASSURES A TRUE, RESPONSIBLE POLITICAL PLURALISM."

-- THE NUMBER OF ELECTED SENATORS WILL BE INCREASED FROM 24 TO 36, BY CREATING SUBDIVISIONS (WITH TWO SENATORS EACH) IN THE SANTIAGO METROPOLITAN REGION, PLUS THE 5TH, 6TH, 7TH, 8TH, 9TH AND 10TH REGIONS.

-- THE NEXT PRESIDENT WILL BE ELECTED FOR A FOUR YEAR TERM, AND WILL BE INELIGIBLE FOR REELECTION. AFTER 1994 THE PRESIDENTIAL TERM WILL REVERT TO EIGHT YEARS.

-- THE NORM REQUIRING TWO SUCCESSIVE CONGRESSES TO APPROVE CERTAIN FUNDAMENTAL CONSTITUTIONAL REFORMS WILL BE REPLACED BY ONE WHICH REQUIRES A TWO-THIRDS MAJORITY OF THE SENATE AND CHAMBER OF DEPUTIES FOR CHANGES AFFECTING INDIVIDUAL RIGHTS AND OBLIGATIONS, THE CONSTITUTIONAL TRIBUNAL, THE ARMED FORCES, THE NATIONAL SECURITY COUNCIL AND THE AMENDMENT PROCESS. (NOTE: ALL OTHERS WILL REQUIRE A THREE-FIFTHS

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PAGE 01 SANTIA 05499 02 OF 04 061633Z
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AMEMBASSY MONTEVIDEO
AMEMBASSY OSLO
USCINCSO QUARRY HEIGHTS
USCINCLANT NORFOLK

~~C O N F I D E N T I A~~ L SECTION 02 OF 04 SANTIAGO 05499

MEXICO CITY FOR CHACON
OSLO FOR SMITH

E.O. 12356: DECL:OADR
TAGS: KPRP, PGOV, CI
SUBJ: CONSTITUTIONAL REFORM APPROVED

MAJORITY.)

-- TO GIVE ADDITIONAL STABILITY TO THE ARMED FORCES, THE BASIC PRINCIPLES REGULATING THE INSTITUTIONS AND PROFESSIONAL CAREERS OF ARMED FORCES AND CARABINEROS
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PAGE 02 SANTIA 05499 02 OF 04 061633Z

WILL BE ELEVATED TO THE LEVEL OF "ORGANIC" CONSTITUTIONAL LAWS (I.E., LAWS WHICH IMPLEMENT THE CONSTITUTION).

4. (U) THE TEXT OF THE 47-POINT REFORM PROPOSAL, WHICH WAS SIGNED BY THE PRESIDENT AND SENT TO THE LEGISLATIVE JUNTA ON JUNE 1, WAS MADE PUBLIC THE FOLLOWING DAY. IN ADDITION TO THE ASPECTS HIGHLIGHTED BY PINOCHET'S MESSAGE, THE PACKAGE INCLUDES THE FOLLOWING RECOMMENDATIONS:

-- THE INCORPORATION OF INTERNATIONAL TREATIES ON HUMAN RIGHTS INTO THE CONSTITUTION;

-- A MAJORITY OF FOUR-SEVENTHS (57 PERCENT) OF THE HOUSE AND SENATE REQUIRED TO CHANGE ORGANIC CONSTITUTIONAL LAWS;

-- ELIMINATION OF THE PRESIDENT'S POWER TO DISSOLVE THE HOUSE OF DEPUTIES:

-- ADDITION OF ONE CIVILIAN MEMBER, THE COMPTROLLER GENERAL, TO THE NATIONAL SECURITY COUNCIL, AND A MODIFICATION OF THE COUNCIL'S POWER TO REPRESENT ITS VIEWS DIRECTLY TO THE PRESIDENT AND CONSTITUTIONAL TRIBUNAL ON CONSTITUTIONAL VIOLATIONS AND THREATS TO NATIONAL SECURITY;

-- LIFTING OF PROHIBITION AGAINST ELECTED UNION AND PROFESSIONAL LEADERS PARTICIPATING IN POLITICAL PARTIES, TO BE REPLACED BY A RESTRICTION AGAINST THEIR HOLDING TOP NATIONAL OR REGIONAL OFFICE IN SAID
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PAGE 03 SANTIA 05499 02 OF 04 061633Z

ORGANIZATIONS;

-- MAYORS TO BE EMPOWERED TO CALL PLEBISCITES ON CERTAIN ISSUES OF LOCAL ADMINISTRATION.

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5. (U) SENIOR JUNTA MEMBER ADMIRAL MERINO INDICATED PUBLICLY THAT THE JUNTA WILL STREAMLINE ITS REVIEW OF THE REFORM PACKAGE, WITH THE AIM OF FINISHING ITS DELIBERATIONS WITHIN FIFTEEN DAYS. BY LAW, THE PRESIDENT MUST THEN CONVOKE A PLEBISCITE, WHICH WOULD TAKE PLACE WITHIN 60 TO 90 DAYS. HOWEVER, INTERIOR MINISTER CACERES ANNOUNCED ON JUNE 1 HE WOULD RECOMMEND AMENDING THE ELECTION LAW TO PERMIT CALLING THE PLEBISCITE WITHIN 30 TO 60 DAYS, AND SUGGESTED THAT THE REFERENDUM COULD THEN TAKE PLACE BY THE END OF JULY. THE DRAFT BILL WOULD ALSO PERMIT THE REFORM PROPOSALS TO BE VOTED UP OR DOWN AS A PACKAGE, INSTEAD OF ITEM BY ITEM (REF SANTIAGO 5242).

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POLITICAL REACTIONS

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6. (U) IN A STATEMENT READ BY PATRICIO AYLWIN ON JUNE 1, THE CENTER-LEFT COALITION (COPODE) CHARACTERIZED THE REFORM PROPOSAL AS A STEP FORWARD WHICH WOULD FACILITATE A DEMOCRATIC TRANSITION. FOR THIS REASON, THEY AGREED TO GO ALONG DESPITE "NOTORIOUS LIMITATIONS" WHICH IMPEDE A FULL DEMOCRATIZATION OF THE CONSTITUTION. IN PARTICULAR, AYLWIN PRAISED THE CONSTITUTIONAL RECOGNITION OF INTERNATIONAL TREATIES, THE ELIMINATION OF ARTICLE 8, AND THE END OF THE REQUIREMENT FOR TWO SUCCESSIVE CONGRESSES TO REFORM THE CONSTITUTION. WHILE NOTING

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PAGE 01 SANTIA 05499 03 OF 04 061634Z
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USCINCLANT NORFOLK

C O N F I D E N T I A L SECTION 03 OF 04 SANTIAGO 05499

MEXICO CITY FOR CHACON
OSLO FOR SMITH

E.O. 12356: DECL:OADR
TAGS: KPRP, PGOV, CI
SUBJ: CONSTITUTIONAL REFORM APPROVED

AS POSITIVE THE CHANGED COMPOSITION OF THE NATIONAL SECURITY COUNCIL AND THE REDUCTION IN ITS POWERS, HE SAID THAT FURTHER CHANGES WERE NECESSARY TO GIVE IT AN ADVISORY CHARACTER AND A CIVILIAN MAJORITY.

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PAGE 02 SANTIA 05499 03 OF 04 061634Z

7. (U) COPODE ALSO EXPRESSED ITS DISSATISFACTION WITH THE CONTINUATION OF APPOINTED SENATORS, THE "ARBITRARY", NON-PROPORTIONAL ELECTORAL SYSTEM, AND THE WORDING OF ARTICLE 19 IN REPLACEMENT OF ARTICLE 8), WHICH WOULD PUNISH INDIVIDUALS WHO ARE FOUND IN VIOLATION OF DEMOCRATIC NORMS. IN A CLARIFYING STATEMENT ON JUNE 3, AYLWIN SAID THAT THE OPPOSITION COALITION IS NEITHER "CO-AUTHOR NOR CO-LEGISLATOR" OF THE REFORMS IN WHICH IT "ACQUIESCED."

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8. (U) RN PRESIDENT SERGIO JARPA HAILED THE ACCORD AS "THE MOST IMPORTANT STEP THAT HAS BEEN TAKEN FOR THE FUTURE POLITICAL STABILITY OF CHILE." SAYING IT REFLECTS A SHIFT TOWARD THE POLITICAL CENTER, HE NOTED THAT THE EXTREMES ON BOTH SIDES OPPOSED REFORMING THE CONSTITUTION AND THAT RN WAS SHARPLY CRITICIZED FOR TAKING THE INITIATIVE IN NEGOTIATIONS. UDI PRESIDENT JAIME GUZMAN TERMED THE AGREEMENT "PROOF OF THE GOVERNMENT'S CIVIC MATURITY", BUT SAID IT WAS NOW MORE IMPORTANT THAN EVER TO KEEP THE OPPOSITION FROM WINNING A A TWO-THIRDS MAJORITY

IN THE PARLIAMENT. BOTH THE NATIONAL PARTY AND THE RIGHT-WING NATIONAL ADVANCE ALSO SUPPORTED THE PACKAGE, SAYING IT REVEALED THE STATESMANSHIP OF PRESIDENT PINOCHET. IN SEPARATE STATEMENTS CARDINAL FRESNO AND EPISCOPAL CONFERENCE PRESIDENT CARLOS GONZALEZ SAID THE ACCORD EXPRESSED A POLITICAL WILL TO ADVANCE THROUGH DIALOGUE TOWARD A BETTER DEMOCRACY.

9. (U) ON THE LEFT, THERE WERE MIXED REVIEWS. PPD PRESIDENT RICARDO LAGOS, WHO REPORTEDLY ARGUED WITHIN CONFIDENTIAL

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PAGE 03 SANTIA 05499 03 OF 04 061634Z

COPODE FOR APPROVING THE PACKAGE WITH RESERVATIONS, SAID IT SHOWED THAT THE "SPIRIT OF OCTOBER 5 HAS BEEN HEARD." HOWEVER HE ADDED THAT THE CONSTITUTION WOULD STILL BE "ANTI-DEMOCRATIC", AND THAT THE OPPOSITION WOULD CALL ON THE ELECTORATE TO VOTE YES IN THE PLEBISCITE AS A FIRST STEP IN FURTHER REFORMS. WHILE SAYING HIS PARTY HAD NOT YET DECIDED TO CALL FOR A YES OR NO VOTE IN THE PLEBISCITE, PAIS PRESIDENT LUIS MAIRA CALLED THE AGREEMENT THE END OF THE MYTH OF THE UNTOUCHABLE CONSTITUTION. UNITED LEFT (IU) COALITION ANIBAL PALMA STRONGLY CRITICIZED THE AGREEMENT AS A "TRICK" EXECUTED BY SERGIO JARPA TO DIVIDE THE OPPOSITION. THE MIR ALSO ISSUED A SHRILL ATTACK ON JARPA AND AYLWIN, AND SAID IT WOULD CALL ON ITS SUPPORTERS TO VOTE AGAINST THE LATTER IN THE PRESIDENTIAL ELECTIONS. CLODOMIRO ALMEYDA SAID THAT WHILE THE ALMEYDA SOCIALISTS APPRECIATE THE PROGRESS MADE IN THE TALKS, THE AGREEMENT DOES NOT SATISFY THE DEMOCRATIC ASPIRATIONS OF THE PEOPLE.

BRINGING ALONG THE LEFT AND THE ARMY

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10. (U) ONE OF THE ISSUES WHICH BROUGHT THE ALMEYDA SOCIALISTS ALONG WAS THE LIFTING OF THE PROHIBITIONS CONTAINED IN ARTICLE 8. THE ARTICLE REPLACING IT REFRAINS FROM BANNING OR PERSECUTING POLITICAL GROUPS OR INDIVIDUALS FOR THEIR IDEAS. IN LANGUAGE SIMILAR TO THAT USED IN THE NATIONAL ACCORD, IT DEFINES AS UNCONSTITUTIONAL THOSE POLITICAL ORGANIZATIONS WHOSE OBJECTIVES, ACTIONS OR BEHAVIOR DO NOT RESPECT BASIC DEMOCRATIC PRINCIPLES, ADVOCATE THE ESTABLISHMENT OF A TOTALITARIAN SYSTEM, PROPOSE OR USE VIOLENCE AS A

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PAGE 01 SANTIA 05499 04 OF 04 061635Z
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MEXICO CITY FOR CHACON
OSLO FOR SMITH

E.O. 12356: DECL:OADR
TAGS: KPRP, PGOV, CI
SUBJ: CONSTITUTIONAL REFORM APPROVED

METHOD OF POLITICAL ACTION. THE CONSTITUTIONAL TRIBUNAL IS CHARGED WITH FINDING SUCH GROUPS UNCONSTITUTIONAL, AT WHICH POINT INDIVIDUALS INVOLVED CAN BE DISQUALIFIED FROM FORMING NEW PARTIES OR SEEKING PUBLIC OFFICE FOR FIVE YEARS. PS/A SPOKESMAN
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PAGE 02 SANTIA 05499 04 OF 04 061635Z

GERMAN CORREA OPINED THAT THE ABOLITION OF ARTICLE 8 WOULD END THE BAN ON CLODOMIRO ALMEYDA'S ASSUMING PUBLIC OFFICE. CONSTITUTIONALIST JOSE LUIS CEA, WHO HAD A HAND IN DRAWING UP THE ORIGINAL REFORM

PROPOSALS, OPINED THAT IN THE ABSENCE OF ANOTHER LEGAL DISPOSITION, THE CONSTITUTIONAL TRIBUNAL'S 1985 BAN ON THE COMMUNIST PARTY AND ITS 1987 SENTENCE AGAINST ALMEYDA WOULD BE ANNULLED BY THIS PROVISION.

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11. (U) ONE OF THE FEW SURPRISES IN THE REFORM PACKAGE WAS THE PROVISION WHICH ELEVATES MILITARY REGULATIONS ON THE APPOINTMENT, PROMOTION AND RETIREMENT OF OFFICERS THEIR SENIORITY SYSTEMS AND BUDGET TO THE STATUS OF ORGANIC CONSTITUTIONAL LAWS. THIS CONCESSION, WHICH INSULATES THE ARMED FORCES CARABINEROS' INSTITUTIONS FROM INTERFERENCE BY A FUTURE DEMOCRATIC CONGRESS, CLEARLY MADE IT EASIER FOR THEM TO ACCEPT THE OVERALL PACKAGE. COPODE SPOKESMAN AYLWIN WENT OUT OF HIS WAY TO MENTION THAT THE GREATER STABILITY THUS OFFERED THE INSTITUTION DOES NOT AFFECT THE CIVILIAN-MILITARY BALANCE ESTABLISHED IN THE CONSTITUTION.

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WINNERS AND LOSERS

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12. (C) COMMENTS: THE ACHIEVEMENT OF GOVERNMENT-OPPOSITION CONSENSUS IS A GOOD OMEN IN ITSELF, SINCE IT SHOWS THE 1989 ELECTIONS CAN HARDLY BE FRAMED IN THE SIMPLISTIC, CONFRONTATIONAL TERMS OF THE SI-NO VOTE IN THE 1988 PLEBISCITE. BOTH FAR LEFT AND RIGHT GROUPS FEEL THREATENED BY THE EFFECT OF RN-PDC COOPERATION, WHICH TENDS TO CONFIDENTIAL

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PAGE 03 SANTIA 05499 04 OF 04 061635Z

DRAW BOTH TOWARD THE CENTER AND ISOLATE THE EXTREMES. BY A HAIR, THE MODERATE RIGHT MAY EMERGE AS THE BIGGEST WINNER. JARPA SHOWED HE HAD THE RIGHT STUFF TO PULL OFF A POLITICAL COUP IN FACE OF HUGE OBSTACLES AND IMPONDERABLES. THE EXPANSION IN SENATORIAL REPRESENTATION FOR THREE CONSERVATIVE SOUTHERN REGIONS, AND THE FACT THAT THE CHAMBER OF DEPUTIES WAS NOT INCREASED IN SIZE, FAVORS THE NATIONAL RENEWAL PARTY'S BID FOR MAXIMIZING ITS CONGRESSIONAL DELEGATION. AT THE SAME TIME THE ACCORD HELPS AYLWIN'S IMAGE, BY SHOWING THE POLITICAL CURRENT HE REPRESENTS IS WILLING TO PUT THE NATIONAL INTEREST AHEAD OF PARTISAN INTERESTS -- AND TO RESPECT THE PROFESSIONAL NEEDS OF THE MILITARY. GILLESPIE

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o The Fruit Crisis

--The 5-day ban on Chilean fruit exports to the U.S. imposed by the FDA last March following the discovery of some poisoned grapes resulted in losses of about US $50 million to the GOC and a wave of high-intensity anti-Americanism.

--We worked closely with the GOC to hold these losses to a minimum (far less than predicted) and to get trade flowing again.

--Playing on the crisis, the GOC asked us to take politically significant but ultimately impossible steps such as changing the date of the USDA marketing order on Chilean grapes, restoring Chile's GSP privileges (suspended for labor rights problems), and supporting special loans to Chile in the MDBs.

o The Letelier Case

--The 1976 political murder of former Chilean Foreign Minister Orlando Letelier and his U.S. assistant in Washington ordered by high officials of the GOC who are still under indictment by a U.S. court has remained a source of bilateral tension.

--After many fruitless efforts to convince the GOC to cooperate in the case, in January of this year we invoked a 1914 bilateral treaty with Chile which calls for the establishment of an international commission to determine responsibility for the crime.

--The GOC is attempting to sidetrack and delay this effort through stalling tactics.

--Both Mr. Kimmitt and Legal Advisor Sofaer have strongly urged the GOC to cooperate in forming the bilateral commission, but to little avail.

o The Buschmann Affair

--The GOC has protested our decision on June 16 to deny its request to extradite the Chilean terrorist Sergio Buschmann from Anchorage, Alaska, where the INS was detaining him as an "excludable" alien, to Chile.

--The decision by State and Justice to release Buschmann was based entirely on the fact that the Chileans could not provide us with an extraditable charge against Buschmann to legally hold him.

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United States Department of State

Washington, D.C. 20520

JUN 7 1989

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TO: ARA - Bernard Aronson

THROUGH: ARA - Michael M. Skol

FROM: ARA/SC - Richard B. Howard

SUBJECT: Briefing and Talking Points for Your Luncheon with Chilean Ambassador Octavio Errazuriz on June 9

BRIEFING POINTS

o Current Political Situation

--Chile's transition to democracy, which is proceeding on course, got an additional boost last week when the GOC announced that it would hold a plebiscite to reform the 1980 constitution.

--This long hoped-for development was the product of a consensus between moderates in the GOC and nearly all political parties, with the major parties of the center-right and center-left leading negotiations.

--The reforms will allow for easier amendment of the constitution, more elected senators, possible legalization of the Socialist and Communist parties, a shorter term for the first elected President (4 instead of 8 years) and guarantees for the military.

--Pinochet was probably not in agreement with these reforms but apparently did not block them.

--This consensus position reached by negotiation bodes well for further dialogue between important political actors and the GOC and will enhance the transition.

--General elections are on track for December 14, 1989.

o Economic Situation

--Chile's economy continues to perform very well, with low inflation, high employment, rising real wages, huge trade surpluses, and diversified exports.

--Recent figures show that the 5-day ban on the importation of Chilean fruit by the FDA last March harmed the Chilean economy much less than anyone predicted, costing only some $50 million in damage.

Chile Project (#S1999000030)
U.S. Department of State
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Exemption(s) ___

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box 4 of 24

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--This notwithstanding, the Chilean economy grew at a rate of 9.4 per cent during the first quarter of 1989.

--While Chile has one of the largest per capital foreign debts in Latin America, it has successfully met all scheduled interest payments.

o Letelier Case

--The GOC is stalling our efforts to put the 1914 bilateral treaty for the settlement of disputes into force. It has delayed in naming its members to the bilateral commission as called for by the treaty and is attempting to get us bogged down in legalisms.

--Pinochet is personally set against cooperating with the U.S. on Letelier but more moderate elements in the GOC do not want to reject the treaty outright or refuse to participate. Hence, the stalling.

--Ambassador Gillespie has recommended that we vigorously press the Chileans to name their representatives to the commission and threaten to go public with our complaints if they do not.

--Senator Kennedy and Rep. Howard Berman are about to reintroduce legislation in Congress designed to allow for the easier attachment of Chilean Government property in the U.S. to pay an outstanding $5 million court judgement to the Letelier and Moffitt families. Kennedy and Berman had held off on their legislation pending progress in the case via the 1914 treaty. With none forthcoming, they plan to proceed to introduce their legislation.

o Panama at the OAS

--The GOC supported our position on Panama at the OAS last month, which surprised us, given Chile's normal unwillingness to comment on the internal politics of other latin governments and its strict support for what it considers "non-intervention."

--Chile will not take the lead on Panama and will probably seek to join a consensus position reached by other latin nations.

drafter: ARA/SC - Peter DeShazo

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TALKING POINTS

o Transition to Democracy

--Chile's movement toward democracy appears to be going well.

--We are especially heartened by the degree of consensus between the GOC and the political parties demonstrated by the latest agreement on constitutional reform.

--We hope that this trend toward dialogue will continue.

o Chile's Economy

--We see that the Chilean economy continues to grow very fast. Chile's economic performance since 1984 has been remarkable.

--We are pleased that, as time passes, it seems that the damage done to the Chilean economy as a result of the fruit ban is far less than anyone expected.

--Our coordinated bilateral action to get trade flowing again certainly played an important role in holding damage to a minimum.

o Letelier Case

--We are dismayed that the Chilean Government has not yet named its non-national member of the bilateral commission nor has responded to our list of candidates for commission president.

--Congress is once again discussing possible legislative measures to address the Letelier case, judging that our efforts to elicit your cooperation on the 1914 treaty have failed.

--As time passes with no action on your part, it is increasingly difficult to assure Congress that your Government wishes to cooperate on the case.

o Panama

--Chile's movement toward democracy and respect for civil rights contrast starkly with developments in Panama.

--Your country's voice at the OAS is therefore most important and you can play an important role in helping assure that the will of the Panamanian people is respected.

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Case Number: S1999000030 Chile Project (#S199900030)
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Exemption(s)

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PAGE 01 SANTIA 05660 081846Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-07	EUR-00	SS-00	CIAE-00
	EB-00	DINT-05	DODE-00	H-01	NSCE-00	NSAE-00	COME-00
	L-03	LAB-04	CTME-00	TRSE-00	PM-10	ITC-01	PA-01
	CEA-01	OMB-01	STR-18	INRE-00	AGRE-00	FRB-03	OES-09
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R 081758Z JUN 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 1692

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E.O. 12356: N/A
TAGS: PGOV, CI
SUBJ: CURRENT BILATERAL ISSUES

1. IN THE WAKE OF THE FRESH FRUIT CRISIS, EMBASSY HAS DECIDED TO TAKE A MORE SYSTEMATIC APPROACH TO THE CURRENT ACTUAL AND POTENTIAL POINTS OF FRICTION BETWEEN THE USG AND THE GOC. LISTED BELOW IN APPROXIMATE RANK ORDER (BY OVERALL IMPORT OR IMMEDIACY) ARE THE CURRENT BILATERAL ISSUES ON WHICH EMBASSY IS FOCUSSING. KEEPING IN MIND THAT FRESH FRUIT LIKELY WOULD NOT HAVE BEEN ON SUCH A LIST IN FEBRUARY OF THIS YEAR, EMBASSY WOULD APPRECIATE WASHINGTON'S COMMENTS PARTICULARLY WITH REGARD TO ISSUES WE MAY HAVE MISSED.

2. ISSUES:

A. LETELIER/MOFFIT:
- KENNEDY-HUMPHREY
- 1914 TREATY
- LETTERS ROGATORY

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PAGE 02 SANTIA 05660 081846Z

- SOVEREIGN IMMUNITIES ACT
B. GSP/OPIC:
- BUSTOS/MARTINEZ
C. FRESH FRUIT:
- MARKETING ORDERS FOR GRAPES
- MARKETING ORDERS FOR KIWIS
- GAO INVESTIGATION

n/a UNCLASSIFIED

- LETTERS ROGATORY -- FRUIT CRISIS
D. TRADE:
- PHARMACEUTICALS
- SUPER 301 -- WATCH LIST
- URUGUAY ROUND
- CAIRNES GROUP
- SUPERIOR SEEDLESS GRAPES (PATENT PROTECTION ISSUE)
E. CARABINERO IPP FUNDING
F. SAFETY OF FLIGHT
G. IMET/FMS
H. BRADY PLAN
I. BILATERAL TRADE AGREEMENT
J. BILATERAL INVESTMENT TREATY - BIT
K. AIR TRANSPORT AGREEMENT
L. NED FUNDING
M VICARIATE CASE
N. COLONIA DIGNIDAD
O. OTHER MILITARY ISSUES:
- FUERZAS UNITAS EXERCISES
- UNITAS EXERCISES
- SENIOR MILITARY OFFICER VISITS
- FIDAE 90
- MILITARY INITIATIVES
P. OTHER AGRICULTURE ISSUES:
- ANIMAL IMPORT HEALTH REGULATIONS
- GSM - 102 AND EEP
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PAGE 03 SANTIA 05660 081846Z

- AFTOSA
- CORN AFLATOXIN
- SECTION 416 DONATIONS
- PEACE CORPS
- LLAMA AND ALPACA EXPORTS
- RUSSIAN APHIDS IN WHEAT
Q. DRUGS:
- MONEY LAUNDERING
- PRECURSOR CHEMICALS
- TRANSSHIPMENT
R. U.S. SOLID WASTE DUMPING/PROCESSING
S. DEBT FOR EDUCATION SWAPS
T. ANTARCTICA:
- TERRITORIAL CLAIMS
- POLLUTION
- RESOURCE EXPLOITATION
U. NASA TERMINATION
V. BOLIVIAN ACCESS TO THE SEA
W. ARGENTINA/CHILE BORDER
GILLESPIE

09 June 89 (JE077)

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Case Number: S1999000030

Chile Project (#S199900030)
U.S. Department of State
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Exemption(s) ____

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PAGE 01 SANTIA 05739 092050Z
ACTION SCT-02

INFO	LOG-00	ADS-00	INR-02	SS-00	CIAE-00	DODE-00	NSCE-00
	ARA-00	NSAE-00	SSO-00	L-01	AMAD-01	TRSE-00	PM-01
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TO SECSTATE WASHDC NIACT IMMEDIATE 1731
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MONTEVIDEO FOR LEGATT

E.O. 12356: DECL: OADR
TAGS: PTER, ASEC, CI
SUBJECT: ANONYMOUS CALLER THREATENS TO POISON
- CHILEAN WINE AND COMMIT ACTS OF TERRORISM

1. (C) SUMMARY: ON JUNE 9TH AT 1150 HOURS TELEPHONE OPERATOR AT THE CHANCERY RECEIVED A CALL FROM A SPANISH SPEAKING MALE WHO THREATENED TO POISON CHILEAN WINE SCHEDULED FOR EXPORT, PUT BOMBS ON AIRLINES DESTINED FOR MIAMI, AND TARGET USG INSTALLATIONS WITH BOMBS. THE CALLER ALSO STATED THAT HIS GROUP WAS RESPONSIBLE FOR AN ASSASSINATION OF A RETIRED CHILEAN AIRFORCE COLONEL THAT OCCURRED ON JUNE 9TH AT 900 HOURS IN SANTIAGO. THE CHANCERY OPERATOR HAS IDENTIFIED THE CALLER AS THE SAME PERSON WHO CALLED BEFORE REGARDING THE POISONED GRAPES. THE EMBASSY IS NOTIFYING APPROPRIATE GOC AUTHORITIES AS WELL AS TAKING STEPS TO ALERT MISSION EMPLOYEES TO HEIGHTEN THEIR PERSONAL SECURITY PRACTICES. END SUMMARY.
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PAGE 02 SANTIA 05739 092050Z

2. (C) THE EMBASSY HAS NOTIFIED THE MINISTRY OF FOREIGN RELATIONS REGARDING THE CALL AND RSO IS ARRANGING A MEETING WITH THE SECURITY UNIT OF THE MINISTRY OF AERONAUTICS , WHICH HAS RESPONSIBILITY FOR SECURITY AT COMMERCIAL AIRPORTS,AND INVESTIGACIONES DE CHILE.

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Case Number: S1999000030

INVESTAGACIONES DE CHILE IS THE GOC POLICE AGENCY THAT HAS RESPONSIBILITY FOR INVESTIGATING THE POISONED GRAPES INCIDENT. THE EMBASSY GUARD FORCE HAS BEEN PLACED ON ALERT AND A NOTICE HAS BEEN DISSEMINATED TO MISSION PERSONNEL NOTIFYING EVERYONE TO EXAMINE THEIR PERSONAL SECURITY PRACTICES AND TO BE ESPECIALLY AWARE OF SUSPICIOUS PACKAGES AND ITEMS LEFT UNATTENDED.

-

3. (C) THE CALLER ALSO TOOK CREDIT FOR THE ASSASSINATION OF RETIRED AIR FORCE COLONEL ROBERTO (FUENTES) MORRISON WHO WAS SHOT TO DEATH AT 0900 HOURS ON JUNE 9TH AS HE LEFT HIS RESIDENCE IN THE NUNOA SECTION OF SANTIAGO. AT LEAST FIVE PERSONS PARTICIPATED IN THE ATTACK AND FUENTES WAS HIT BY 20 BULLETS APPARENTLY FIRED FROM SUBMACHINE GUNS. THE ASSASSINS ESCAPED IN A VEHICLE BELIEVED TO BE STOLEN. ACCORDING TO LOCAL NEWS REPORTS, FUENTES AT SOME POINT IN HIS CAREER WAS AFFILIATED WITH THE CENTRO NACIONAL DE INFORMATION (CNI), THE CHILEAN INTELLIGENCE SERVICE,AND REPORTEDLY WAS INVOLVED IN HUMAN RIGHTS ABUSES. THE CALLER DID NOT SUPPLY ANY DETAILS OF THIS INCIDENT TO OPERATOR AND MAY NOT HAVE BEEN AWARE OF ANYTHING ABOUT THE INCIDENT OTHER THAN WHAT WAS REPORTED IN MEDIA. THE MEDIA BEGAN GIVING EXTENSIVE COVERAGE TO THE INCIDENT APPROXIMATELY ONE HALF HOUR AFTER IT OCCURRED.

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4. (C) THE CHARGE CONVENED AN EAC MEETING IN RESPONSE
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PAGE 03 SANTIA 05739 092050Z

TO THE CALL AND APPROVED ALL OF THE MEASURES DESCRIBED ABOVE. ALTHOUGH THE CALLER DID NOT SPECIFY THAT U.S. CARRIERS WERE SPECIFICALLY TARGETTED REGARDING HIS THREAT TO BOMB FLIGHTS GOING TO MIAMI, THE EMBASSY ADVISED U.S. CARRIERS BASED IN SANTIAGO IN A SEPARATE CALL.

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5. FULL TEXT IN ENGLISH AND SPANISH OF THE TELEPHONE CONVERSATION AS WELL AS AN ASSESSMENT FOLLOWS SEPTELS. GODARD

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THE SECRETARY OF STATE

WASHINGTON

UNCLASSIFIED June 9, 1989

Dear Clayton:

I am writing to ask for your assistance in solving a problem that has consequences for both U.S. foreign policy and agricultural exports. As you know, the GSM-102 program has been very popular this year. We understand that requests have exceeded $6 billion, but that USDA has set a $5 billion "cap" on the program. This cap leaves several countries without sufficient coverage for their import needs. The result could be a loss of U.S. export sales and some bad feelings from friendly countries and good customers such as Mexico and Egypt.

GSM-102 is important in other areas as well. For example, it is a key issue in the Mexican debt rescheduling and may play a crucial role in a successful Paris Club negotiation and smooth implementation of the Brady proposals.

The increase in wheat prices has raised the food import bill for many countries. This has added to the pressure on GSM this year. It would make good marketing sense to be able to respond to the price increases with an increase in our credit guarantees in order to maintain good will and credibility as a reliable source of wheat and other agricultural products.

I understand that the Food Security Act of 1985 states that for fiscal years 1986-90, at least $5 billion in GSM-102 should be made available annually. Since GSM is not a budget item, the program could be expanded with a minimum of red tape. I would appreciate it greatly if you could look into this issue personally and lend your support to a $1 billion increase in the GSM program.

I look forward to hearing from you.

With warm personal regards,

Sincerely yours,

James A. Baker, III

The Honorable
Clayton Yeutter,
Secretary of Agriculture

RELEASE

cc: OMB - Mr. Darman

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DEPARTMENT OF STATE 9202305 IS/FPC/CDC Date: 8.22.96
( ) DECLASSIFY ( ) DECLASSIFY IN PART ( ) DENIED Non-Responsive Info FOIA Exemptions PA Exemptions
MR Cases Only: EO Citations
( ) CLASSIFY as ( ) DOWNGRADE TS to TS authority to:

09 June 89 (JE075)

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Case Number: S1999000030

Chile Project (#S199900030)
U.S. Department of State
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Exemption(s) ____

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PAGE 01 SANTIA 05703 091710Z
ACTION ARA-00

INFO	LOG-00	ADS-00	INR-07	SS-00	CIAE-00	EB-00	DODE-00
	H-01	NSCE-00	NSAE-00	SSO-00	HA-09	L-03	TRSE-00
	PM-10	PA-01	OMB-01	INRE-00	OCS-06	USIE-00	JUSE-00
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FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 1726

C O N F I D E N T I A L SANTIAGO 05703

E.O. 12356: DECL:OADR
TAGS: PGOV, PREL, CJAN, PTER, CI
SUBJ: OPPOSITION LEADER ON LETELIER CASE

REF: SANTIAGO 5657

1. CONFIDENTIAL -- ENTIRE TEXT.

2. DURING AMBASSADOR'S JUNE 8 MEETING WITH CHRISTIAN DEMOCRATIC PARTY (PDC) PRESIDENT PATRICIO AYLWIN (SEPTEL ON OTHER TOPICS COVERED), LETELIER CASE WAS DISCUSSED. AMBASSADOR LAID OUT FOR HIM WHERE WE ARE IN OUR CONTINUING, CONCERTED EFFORTS TO RESOLVE THE ISSUE, AND NOTED THAT IT WAS LIKELY TO REMAIN AN ACTIVE BILATERAL CONCERN FOR THE NEW ADMINISTRATION WHICH TAKES OFFICE IN MARCH 1990. AYLWIN RESPONDED THAT THE UNITED STATES COULD COUNT ON ANY GOVERNMENT HE HEADS HAVING ALL THE GOODWILL IN THE WORLD FOR RESOLVING THE LETELIER CASE. HOWEVER, HE CAUTIONED THAT IT WOULD BE AN EXTREMELY DELICATE MATTER FOR THE NEW GOVERNMENT WHICH WILL INITIALLY HAVE TO TREAD CAREFULLY IN WORKING OUT A MODUS VIVENDI WITH THE

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PAGE 02 SANTIA 05703 091710Z

ARMED FORCES. THAT SAID, HE STRONGLY FAVORED PURSUING DIPLOMATIC AVENUES IN SEEKING A SOLUTION, RATHER THAN TREATING IT AS A SOLELY JUDICIAL ISSUE. ALTHOUGH PESSIMISTIC THAT MUCH PROGRESS COULD BE MADE ON THE CASE WHILE PINOCHET REMAINS IN POWER, AYLWIN EXPRESSED THE HOPE THAT AT LEAST

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THE OUTLINES OF A PROCESS FOR REMOVING IT FROM THE BILATERAL AGENDA COULD BE WORKED OUT WITH THE CURRENT GOVERNMENT. HE SHARES SERGIO ONOFRE JARPA'S DESIRE TO KEEP THE LETELIER CASE FROM BECOMING A MAJOR ISSUE IN THE UPCOMING POLITICAL CAMPAIGN (REFTEL).

3. IN THIS CONTEXT, AMBASSADOR BRIEFED HIM ON THE PENDING AMENDMENT TO THE FOREIGN SOVEREIGNTY IMMUNITIES ACT WHICH COULD OPEN THE WAY FOR SEIZURE OF GOC ASSETS IN THE U.S. BY THE LETELIER/ MOFFITT FAMILIES. IT WAS THE FIRST AYLWIN HAD HEARD OF THIS POSSIBILITY. HE IMMEDIATELY SAW THE AMENDMENT AS A POTENTIALLY DIVISIVE ISSUE IN THE CHILEAN POLITICAL CONTEXT WHICH WILL INCITE A NATIONALISTIC REACTION IN SOME SECTORS. AYLWIN URGED THE AMBASSADOR, DURING CONSULTATIONS IN WASHINGTON, TO MAKE KNOWN HIS CONCERNS ON THIS POINT.

4. COMMENT: AYLWIN HAS NO LACK OF PROBLEMS TO DEAL WITH DURING THE ELECTORAL CAMPAIGN. HE IS OBVIOUSLY RELUCTANT TO SEE ANY DEVELOPMENT WHICH MIGHT PUT THE OPPOSITION ON THE DEFENSIVE VIS-A-VIS U.S./CHILEAN RELATIONS, PARTICULARLY AS HE LOOKS FORWARD TO DELICATE NEGOTIATIONS WITH THE MILITARY ON THE TRANSITION. GODARD
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PAGE 03 SANTIA 05703 091710Z

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09 June 89

JE 076

Case Number: S1999000030

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
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PAGE 01 SANTIA 05735 091921Z
ACTION IO-19

INFO LOG-00 ADS-00 EUR-00 SS-00 OIC-02 ARA-00 HA-09
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P 091920Z JUN 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 1730
INFO AMEMBASSY SAN JOSE
USMISSION GENEVA
USMISSION USUN NEW YORK

~~C O N F I D E N T I D A L~~ SANTIAGO 05735

E.O. 12356: DECL:OADR
TAGS: UNHRC, PHUM, PREL, CI
SUBJ: UNHRC: SPECIAL RAPPORTEUR ON CHILE

REFS: (A) SANTIAGO 5209, (B) GENEVA 4592

1. ~~CONFIDENTIAL~~ - ENTIRE TEXT.

2. AMBASSADOR RAISED WITH MINISTER OF FOREIGN AFFAIRS HERNAN ENRIQUE ERRAZURIZ THE ISSUE OF GOC ACCEPTANCE OF UNHRC SPECIAL RAPPORTEUR FERNANDO VOLIO, WERE HE TO WITHDRAW HIS RESIGNATION. THE FOREIGN MINISTER REPLIED THAT AS FAR AS THE GOC IS CONCERNED, THE SUBJECT IS CLOSED AND HE HAD SO ADVISED VOLIO. THE GOC WILL NOT ACCEPT A SPECIAL RAPPORTEUR AGAIN. ERRAZURIZ ADDED THAT HE WILL CONTINUE HIS EFFORTS TO IMPROVE THE HUMAN RIGHTS SITUATION IN CHILE; HE HAS CREATED A SPECIAL HUMAN RIGHTS GROUP WHICH WILL PARTICULARLY FOCUS ON ENSURING THAT TORTURE DOES NOT OCCUR, THAT THERE IS NO ABUSE OF PRISONERS HELD INCOMMUNICADO, AND THAT DETENTIONS ARE LEGAL.
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PAGE 02 SANTIA 05735 091921Z

3. VICE PRESIDENT OF THE CHILEAN HUMAN RIGHTS COMMISSION MAXIMO PACHECO TOLD LABATT THAT HE TALKED WITH THE FOREIGN MINISTRY'S DIRECTOR OF SPECIAL AFFAIRS MARIO CALDERON ABOUT REACCEPTING VOLIO, AND HE ALSO CHARACTERIZED THE SUBJECT OF

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THE SPECIAL RAPPORTEUR AS A CLOSED CHAPTER. PACHECO SAID THAT DIPLOMATS FROM THE EC COUNTRIES WOULD ATTEMPT TO PERSUADE VOLIO TO RECONSIDER HIS RESIGNATION AND THE GOC TO ACCEPT HIM, BUT WE DO NOT EXPECT THEM TO SUCCEED.
GODARD

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09 June 89

JE 079

Case Number: S1999000030

Chile Project (#S199900030)
U.S. Department of State
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Exemption(s) ____

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PAGE 01 CANBER 05371 090827Z
ACTION EAP-00

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	H-01	NSCE-00	ARA-00	NSAE-00	HA-09	L-03	LAB-04
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R 090822Z JUN 89
FM AMEMBASSY CANBERRA
TO SECSTATE WASHDC 5439
INFO AMEMBASSY WELLINGTON
AMEMBASSY STOCKHOLM
AMEMBASSY SANTIAGO
AMCONSUL MELBOURNE
AMCONSUL SYDNEY

~~C O N F I D E N T I A L~~ CANBERRA 05371

E.O. 12356: DECL: OADR
TAGS: PREL, AS, CI, SW
SUBJECT: CHILEAN REVOLUTIONARY TO BE DEPORTED FROM AUSTRALIA

1. (U) SUMMARY: AUSTRALIAN IMMIGRATION OFFICIALS HAVE BEEN IN A QUANDARY THE LAST TWO WEEKS OVER HOW TO DEAL WITH CHILEAN LEFTIST PRISON ESCAPEE SERGIO BUSCHMANN WHO, UPON ARRIVING IN AUSTRALIA AS A TOURIST, BEGAN RAISING MONEY FOR ARMS. THE GOA HAS BEGUN THE PROCESS OF DEPORTING BUSCHMANN RATHER THAN EXTRADITING HIM TO CHILE, A SOLUTION GUARANTEED TO DISPLEASE ALL SIDES IN THE DISPUTE. END SUMMARY.

2. (U) BUSCHMANN HAS BEEN DESCRIBED ALTERNATELY AS AN ACTOR, TRADE UNIONIST OR RADICAL COMMUNIST WHO ESCAPED FROM PRISON IN CHILE IN 1987 WHILE AWAITING SENTENCING FOLLOWING A CONVICTION FOR WEAPONS-SMUGGLING. HE LATER GOT ASYLUM IN SWEDEN. HE ~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 02 CANBER 05371 090827Z

ENTERED AUSTRALIA ON A TOURIST VISA TWO WEEKS AGO, AND BEGAN GARNERING HEADLINES, FIRST WHEN THE CHILEAN GOVERNMENT REQUESTED EXTRADITION, AND THEN WHEN IT BECAME KNOWN THAT BUSCHMANN WAS OPENLY RAISING MONEY SO THAT HE COULD SMUGGLE WEAPONS INTO HIS HOMELAND.

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3. (U) THE GOA WAS THUS CAUGHT IN A DILEMMA. IT WANTED TO GET RID OF BUSCHMANN BUT DID NOT WANT TO BE SEEN TO SUPPORT A FOREIGN GOVERNMENT THAT HAS A POOR REPUTATION WITH THE AUSTRALIAN ELECTORATE. AUSTRALIA HAS A HUNDRED-YEAR-OLD EXTRADITION TREATY WITH CHILE, BUT THE ATTORNEY-GENERAL'S DEPARTMENT HAS STONEWALLED THE CHILEAN EXTRADITION REQUEST. AT THE SAME TIME, THE GOA HAS BEEN RELUCTANT TO PROSECUTE BUSCHMANN FOR APPARENT VIOLATION OF THE FOREIGN INCURSIONS ACT FOR OPENLY RAISING MONEY TO OVERTHROW ANOTHER GOVERNMENT. THE GOA'S SOLUTION WAS TO DEPORT BUSCHMANN BACK TO SWEDEN FOR VIOLATION OF THE TERMS OF HIS TOURIST VISA. BUSCHMANN FIRST WENT INTO HIDING WHEN THE GOA ASKED TO QUESTION HIM, BUT LATER MET WITH IMMIGRATION OFFICIALS AFTER ASSURANCES THAT HE WOULD NOT BE IMMEDIATELY ARRESTED. HE IS CURRENTLY FREE PENDING AN APPEAL OF HIS DEPORTATION ORDER.

4. (U) LEFTIST SUPPORTERS OF BUSCHMANN, MANY OF THEM CHILEAN EXILES, MANY OTHERS BELONGING TO RADICAL MARXIST-LED TRADE UNIONS SUCH AS THE BUILDING WORKERS' INDUSTRIAL UNION, COMPLAINED THAT DEPORTATION WOULD OPEN THE WAY TO POSSIBLE EXTRADITION TO CHILE WHEN BUSCHMANN TRANSITED SINGAPORE. THEY ALSO CLAIMED THAT THE DECISION TO DEPORT BUSCHMANN WAS DICTATED BY LARGE AUSTRALIAN CONFIDENTIAL

CONFIDENTIAL

PAGE 03 CANBER 05371 090827Z

CORPORATIONS DOING BUSINESS WITH CHILE. SUPPORTERS STAGED A SMALL BUT ACTIVE PROTEST OUTSIDE THE IMMIGRATION DEPARTMENT OFFICE IN PERTH, BLOCKING TRAFFIC, ATTACKING VEHICLES, AND MANHANDLING ONE PLAINCLOTHES POLICEMAN. THE MINING AND ENERGY WORKERS' UNION ANNOUNCED A PICKET OUTSIDE THE IMMIGRATION DETENTION CENTER, WHILE OTHER UNIONS HAVE THREATENED TO GROUND ANY PLANE USED TO DEPORT THE CHILEAN.

5. (U) THE GOA REMAINED SILENT THROUGH MOST OF THE AFFAIR, BUT AFTER THE UNION THREATS FOREIGN MINISTER GARETH EVANS SPOKE OUT AGAINST BUSCHMANN. HE POINTED OUT THAT BUSCHMANN WAS NOT A PRISONER OF CONSCIENCE IN CHILE, BUT RATHER A MEMBER OF A "FRINGE GROUP," THE MANUEL RODRIGUEZ PATRIOTIC FRONT (FMR), AFFILIATED WITH THE CHILEAN COMMUNIST PARTY, THAT HAD "CHOSEN THE BULLET OVER THE BALLOT." THE DEPARTMENT OF FOREIGN AFFAIRS AND TRADE NOTED HIS PUBLIC

STATEMENTS LAST YEAR IN EUROPE THAT THE FMR INTENDED TO SEEK THE VIOLENT OVERTHROW OF THE CHILEAN GOVERNMENT REGARDLESS OF THE OUTCOME OF THE CHILEAN ELECTIONS.

6. (C) COMMENT: ATTITUDES TOWARD RELATIONS WITH CHILE OFTEN SERVE AS A LITMUS TEST OF LEFTIST CREDENTIALS IN AUSTRALIA. AS A RESULT, THE LABOR GOVERNMENT HAS DIFFICULTY TAKING ACTIONS THAT MIGHT BE SEEN TO BE AIDING THE PINOCHET GOVERNMENT. THE DECISION TO DEPORT RATHER THAN EXTRADITE BUSCHMANN IS AN ACT OF POLITICAL EXPEDIENCY DESIGNED TO OFFEND THE FEWEST PEOPLE. TEARE

CONFIDENTIAL

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Date Printed: 01/26/1998 DOC_NUMBER: 89MEXICO15116 CHANNEL: n/a 77 R

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E-64

PAGE 01 MEXICO 15116 122332Z
ACTION OES-09

INFO LOG-00 ADS-00 DODE-00 ARA-00 ACDA-12 DOEE-00 NRC-02
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R 122243Z JUN 89
FM AMEMBASSY MEXICO
TO SECSTATE WASHDC 4861

DEPARTMENT OF STATE
(X) RELEASE ( ) DECLASSIFY
( ) EXCISE ( ) DECLASSIFY IN PART
( ) DENY
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FOIA Exemptions
PA Exemptions
( ) CLASSIFY as ( ) S or ( ) C Sec
( ) DOWNGRADE TS to ( ) S or ( ) C

UNCLAS MEXICO 15116

OES/NEC FOR BOB SENSENEY, OES/NTS FOR JOE DETHOMAS

E.O. 12356: N/A
TAGS: KSCA, TRGY, MX, KNNP
SUBJECT: MEXICAN NATIONAL COMMISSION OF NUCLEAR SECURITY AND SAFEGUARDS (CNSNS) REQUESTS INFORMATION

REF: STATE 165465

1. IN RESPONSE TO INFORMATION OFFERED IN REFTEL, MIGUEL MEDINA, DIRECTOR GENERAL OF THE CNSNS, HAS WRITTEN TO SCICOUNS REQUESTING THE FOLLOWING SANDIA NATIONAL LABORATORY PUBLICATIONS:

- PROTECTION OF NUCLEAR POWER PLANTS AGAINST SABOTAGE (SAND77-0116C), OCTOBER 1977.

- REACTOR SAFEGUARDS ASSESSMENT AND DESIGN (SAND77-0644), JUNE 1978.

- RANK ORDERING OF VITAL AREAS WITHIN NUCLEAR POWER PLANTS (SAND80-0477/1, NUREG/CR-1345), JANUARY 1981.

CNSNS WILL ALSO BE REQUESTING SOME OF THE NUREG REPORTS DIRECTLY FROM THE NRC.
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PAGE 02 MEXICO 15116 122332Z

2. THE CNSNS WOULD LIKE TO HAVE THE OPPORTUNITY TO MEET WITH AMERICAN SPECIALISTS TO DISCUSS DIFFERENT APPROACHES

TO PHYSICAL PROTECTION, BUT BECAUSE OF THEIR CURRENT INTENSE SCHEDULE OF ACTIVITIES WILL NOT BE ABLE TO DO SO AT THIS TIME. THEY WILL BE IN TOUCH WITH US AT A LATER DATE TO ATTEMPT TO SCHEDULE TALKS.
(DRAFTED:SCI:ATIDBALL) GAMBLE

UNCLASSIFIED

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*** Current Handling Restrictions *** n/a
*** Current Classification *** UNCLASSIFIED

14 June 89 (JE 086)

Case Number: S1999000030

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____

UNCLASSIFIED

PAGE 01 SANTIA 05864 141548Z
ACTION L-03

INFO LOG-00 ADS-00 ARA-00 AMAD-01 OCS-06 CA-02 A-00
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R 141533Z JUN 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 1803

UNCLAS SANTIAGO 05864

FOR L/CA-RUDY HENDERSON (ROOM 5527A) FROM BILL BARKELL

E.O. 12356: N/A
TAGS: CJAN, CASC, AMGT, CI
SUBJ: REQUEST FOR APPROVAL OF LEGAL SERVICES (WEISFEILER CASE)

REF: A) SANTIAGO 2534, B) BARKELL-HENDERSON MEETING OF MAY 3

I WAS VERY PLEASED TO MEET YOU ON MAY 3, AND TO DISCUSS WITH YOU THE REASONS FOR THE EMBASSY'S DESIRE TO REQUEST THE CHILEAN COURT TO REOPEN THE WEISFEILER DISAPPEARANCE CASE. HAVE THERE BEEN ANY FURTHER DEVELOPMENTS IN OBTAINING THE FUNDING NECESSARY TO ENGAGE ATTORNEY ETCHEBERRY FOR THIS PURPOSE? APPRECIATE ANYTHING YOU CAN DO IN THIS REGARD. GODARD

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n/a

14 June 89 (JE089)

Case Number: S1999000030

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

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PAGE 01 SANTIA 05905 142119Z
ACTION OCS-06

INFO LOG-00 ADS-00 ARA-00 SSO-00 HA-09 L-03 AMAD-01
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O 142116Z JUN 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 1818

C ~~O N F I D E N T I A L~~ SANTIAGO 05905

E.O. 12356: DECL:OADR
TAGS: CJAN, PGOV, CI
SUBJ: THE MINISTRY OF FOREIGN RELATIONS PROVIDES
- FURTHER DOCUMENTS ON BUSCHMANN CASE

REF: SANTIAGO 5789

1. ~~CONFIDENTIAL~~ - ENTIRE TEXT
-
2. MFR CHEF DE CABINET, ALPHONSO SILVA, GAVE ADCM A DIPLOMATIC NOTE JUNE 13 (SEE TEXT BELOW) WHICH PROVIDES MORE BACKGROUND INFORMATION AND SOME ADDITIONAL DETAIL ON THE CHARGES AGAINST BUSCHMANN.

3. BEGIN TEXT (ENGLISH TRANSLATION).

THE MINISTRY OF FOREIGN RELATIONS PRESENTS ITS COMPLIMENTS TO THE EMBASSY OF THE UNITED STATES OF AMERICA AND HAS THE HONOR TO REFER TO ITS NOTE OF JUNE 12 OF THE CURRENT YEAR, BY MEANS OF WHICH IT REQUESTED THE PREVENTIVE DETENTION OF CHILEAN CITIZEN, MR. SERGIO BUSCHMANN SILVA.
-
- 1. TREATY OF 1900 BETWEEN THE REPUBLIC OF CHILE AND THE UNITED STATES OF AMERICA FOR THE ~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 02 SANTIA 05905 142119Z

EXTRADITION OF CRIMINALS AND COMPLEMENTARY PROTOCOL.
- 2. LAW NO. 17,789, ON ARMS CONTROL (ATTACHED IS ENGLISH TRANSLATION OF THE PERTINENT PROVISIONS).
- 3. MINISTRY OF THE INTERIOR'S WRITTEN DOCUMENT OF INJUNCTION.
- 4. DOCUMENT DATED AUGUST 25, 1986 WHICH SETS

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FORTH THE DENOUNCEMENT OF DELICTIVE ACTIONS AND BY MEANS OF WHICH THE PERSONS DETAINED ARE PLACED AT THE DISPOSAL OF THE MILITARY COURT.
- 5. DOCUMENT DATED AUGUST 30, 1986, WHICH SETS FORTH THE COURT RESOLUTION THROUGH WHICH MR. SERGIO BUSCHMANN SILVA'S ARREST IS ORDERED.
- 6. ORDER OF APPREHENSION DATED AUGUST 18, 1987.
- 7. RECORD ON MR. SERGIO BUSCHMANN SILVA, PREPARED BY INTERPOL-CHILE.
- 8. PRESS PUBLICATIONS, TRANSCRIPTIONS OF RADIO BROADCASTS AND CABLE AGENCY DESPATCHES WITH DECLARATIONS BY SERGIO BUSCHMANN ACKNOWLEDGING HIS TERRORIST ACTIVITIES AND OBJECTIVES.
- 9. PAGE 428 CORRESPONDING TO THE CHAPTER ON CHILE OF THE "COUNTRY REPORT ON HUMAN RIGHTS FOR 1986," WHICH REFERS TO THE ILLEGAL ENTRY OF ARMS INTO CHILE, FOR WHICH CRIME SERGIO BUSCHMANN IS RESPONSIBLE.
-
THE MINISTRY OF FOREIGN RELATIONS AVAILS ITSELF OF THIS OPPORTUNITY TO RENEW TO THE EMBASSY OF THE UNITED STATES OF AMERICA THE ASSURANCES OF ITS HIGHEST AND MOST DISTINGUISHED CONSIDERATION.
-
SANTIAGO, JUNE 13, 1989.
-
4. THE MATERIAL PRESENTED DOES NOT APPEAR TO
~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 03 SANTIA 05905 142119Z

SHED LIGHT ON OUTSTANDING LEGAL CHARGES WHICH MAY HAVE BEEN REGISTERED IN THE COURTS AGAINST BUSCHMANN BEYOND THOSE PRESENTED IN THE GOC'S ORIGINAL NOTE. WE ARE FAXING LEGAL DOCUMENTS PROVIDED (ITEMS 3, 4, 6 AND 7 ABOVE) FOR DEPARTMENT'S REVIEW AND MAILING ENTIRE PACKAGE TO ARA/SC.
GODARD

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Case Number: ST999000030

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____.
Declassify: In Part X In Full ____
Exemption(s) NR

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PAGE 01 SANTIA 05863 01 OF 02 141547Z
ACTION ARA-00

INFO	LOG-00	ADS-00	INR-07	SS-00	CIAE-00	DODE-00	H-01
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	OMB-01	INRE-00	USIE-00	SP-02	SNP-01	PRS-01	P-02
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R 141530Z JUN 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 1801
INFO AMEMBASSY BUENOS AIRES
AMEMBASSY LA PAZ
AMEMBASSY LIMA
AMEMBASSY MEXICO
AMEMBASSY MONTEVIDEO
USCINCSO QUARRY HEIGHTS

~~C O N F I D E N T I A L~~ SECTION 01 OF 02 SANTIAGO 05863

E.O. 12356: DECL:OADR
TAGS: PREL, PGOV, CI
SUBJ: TOUR D'HORIZON WITH FOREIGN MINISTER

REF: SANTIAGO 3668

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1. CONFIDENTIAL - ENTIRE TEXT.

2. SUMMARY: FOREIGN MINISTER ERRAZURIZ EXPRESSED CONCERN TO AMBASSADOR ABOUT [redacted]

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PAGE 02 SANTIA 05863 01 OF 02 141547Z

[redacted] ON INTERNAL POLITICS, ERRAZURIZ STILL HOLDS OUT HOPE FOR PRO-GOVERNMENT FORCES WINNING THE UPCOMING ELECTION, AND NOTED THAT THE CHILEAN ARMY IS STILL VERY MUCH CONCERNED ABOUT HOW HUMAN RIGHTS VIOLATIONS WILL BE HANDLED UNDER A NEW GOVERNMENT. END

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SUMMARY.

[ ] NR

4. PERU: [

5. BOLIVIA: [ ] NR

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PAGE 03 SANTIA 05863 01 OF 02 141547Z

6. ARGENTINA: [NR

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PAGE 01 SANTIA 05863 02 OF 02 141548Z
ACTION ARA-00

INFO	LOG-00	ADS-00	INR-07	SS-00	CIAE-00	DODE-00	H-01
	NSCE-00	NSAE-00	HA-09	L-03	TRSE-00	PM-10	PA-01
	OMB-01	INRE-00	USIE-00	SP-02	SNP-01	PRS-01	P-02
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R 141530Z JUN 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 1802
INFO AMEMBASSY BUENOS AIRES
AMEMBASSY LA PAZ
AMEMBASSY LIMA
AMEMBASSY MEXICO
AMEMBASSY MONTEVIDEO
USCINCSO QUARRY HEIGHTS

~~C O N F I D E N T I A L~~ SECTION 02 OF 02 SANTIAGO 05863

E.O. 12356: DECL:OADR
TAGS: PREL, PGOV, CI
SUBJ: TOUR D'HORIZON WITH FOREIGN MINISTER

7. EASTERN EUROPE:

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PAGE 02 SANTIA 05863 02 OF 02 141548Z

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8. MEXICO: C

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9. INTERNAL POLITICS: THE FOREIGN MINISTER CONTINUES TOHOLD OUT HOPE THAT A CANDIDATE OF THE CENTER-RIGHT WILL WIN IN DECEMBER, ALTHOUGH HE CONCEDED THAT THE ALL-BUT-CERTAIN CANDIDATE OF THE OPPOSITION, PATRICIO AYLWIN, HAS THE EDGE. HE ANTICIPATES FOUR PRESIDENTIAL CANDIDATES IN THE ELECTION. AYLWIN, HE PREDICTS, WILL NOT BE ABLE TO HOLD THE FAR LEFT IN THE COPODE ALLIANCE ("...THAT WORKS TO OUR ADVANTAGE"), AND SPECULATED THAT ANOTHER CANDIDATE OF THE RIGHT WOULD EMERGE -- PERHAPS EVEN HERNAN BUCHI -- TO CHALLENGE NATIONAL RENEWAL PARTY PRESIDENT SERGIO ONOFRE JARPA. THE LATTER, HE FELT, HAS A SERIOUS PROBLEM WITH YOUNG VOTERS. ERRAZURIZ SAID THE ARMED FORCES ARE NOT SATISFIED ON THE ISSUE OF HOW HUMAN RIGHTS VIOLATIONS WILL BE TREATED UNDER THE NEW GOVERNMENT. HE DID NOT BELIEVE THE RN OR THE OPPOSITION WERE DEDICATING ANYWHERE NEAR ENOUGH ATTENTION TO THAT PROBLEM. "BUT WE IN THE GOVERNMENT ARE VERY CONCERNED, AND ALTHOUGH WE HAVE NO FIRM ANSWERS, WE ARE GIVING IT CLOSE ATTENTION." HE ALSO

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PAGE 03 SANTIA 05863 02 OF 02 141548Z

OBSERVED THAT A RESURGENCE OF DOMESTIC TERRORIST ACTIVITY WOULD PLAY ON THE MILITARY'S OWN INSECURITIES AND COULD PROVOKE A MORE HARDLINE ATTITUDE.

10. SAFETY-OF-FLIGHT: [redacted]

NR

[redacted]

11. COMMENT: EVER THE PESSIMIST, FOREIGN MINISTER ERRAZURIZ DWELT ON THE PROBLEMS HE FACES. HOWEVER, DESPITE HIMSELF, HE PROJECTED SOME GLIMMERS OF HOPE ON THE TRANSITION PROCESS AND IS CLEARLY ENJOYING HIS NEWLY-ACQUIRED STATUS AS ONE OF THE INFLUENTIAL "MODERATES" IN THE CABINET. HIS ABIDING CONCERN ABOUT RELATIONS WITH THE ARMED FORCES REFLECTS HIS ROLE AS A PLAYER IN AREAS OF DOMESTIC POLICY WHICH GO MUCH BEYOND FOREIGN AFFAIRS. HE WAS OPEN AND FRIENDLY DURING THIS CONVERSATION, AND NEVER ONCE RAISED THE SUBJECT OF GRAPES. GODARD

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National and Local Government Officers Association

Haringey Branch

Haringey Community & Trade Union Centre 2A Brabant Road London N22 8XB
01-975 9700 Ext. 3561 Fax: [redacted] 01- 889 8108

Branch Secretary: John Marsh

Your Ref:

Our Ref:

Chile Project (#S199900030)
U.S. Department of State
Release X Excise_____ Deny_____
Declassify: In Part_____ In Full_____
Exemption(s)_____

The Secretary of State
State Department
Washington, D.C.
U.S.A.

London, Great Britain
6.50pm B.S.T.
Wednesday 14 June 1989

URGENT

Dear Mr Secretary

Detention of Sr. Buschmann

Please find attached copies of a fax message just sent to your embassador here in London; I believe its contents will be self-explanatory.

Aside from the danger to Sr. Buschmann's life which his deportation to Chile would imply and the general moral issues of deporting anybody at the request of a military dictatorship, we hope that the U.S. government will take into account the Chilean junta's continued refusal to extradite suspects wanted by U.S. Federal authorities in connection with the murder of Orlando Letelier, killed in the U.S. by a bomb after the Pinochet coup in 1973.

I look forward to your reply which can be faxed to us here in London at the above number.

Yours sincerely

Steve Powell

STEVE POWELL
BRANCH ADMINISTRATOR

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NLX 007 BY

United States Department of State

Washington, D. C. 20520

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Chile Project (#S199900030)
U.S. Department of State
Release ✓ Excise ____ Deny ____
Declassify: In Part ____ In Full ✓
Exemption(s) ____

INFORMATION MEMORANDUM

CONFIDENTIAL S/S

TO: P - Mr. Kimmitt

FROM: ARA - Michael G. Kozak, Acting

SUBJECT: Arrest by INS of a Suspected Chilean Terrorist

On June 12, the Immigration and Naturalization Service detained a Chilean named Sergio Buschmann transitting through Anchorage and "excluded" him from entry into the United States. Buschmann, an avowed member of the Chilean Communist Party's armed terrorist wing, the FPMR, was arrested and charged by the Chilean Government with smuggling a large shipment of M-16 assault rifles and sophisticated explosives into Chile in 1986. While his case was being tried, he escaped from prison and was eventually granted asylum in Sweden.

Buschmann travelled to Australia and was deported by the GOA on June 11 after the Chilean Government requested his extradition. The Chileans protested furiously. En route to Sweden, Buschmann was detained by the INS in Anchorage.

On June 12, the GOC presented Embassy Santiago with a diplomatic note requesting Buschmann's provisional arrest for purposes of extradition under our 1900 treaty with Chile. With respect to extradition, the initial issue is whether the GOC charges against Buschmann are extraditable offenses under our treaty. ~~It is by no means clear that they are~~.

Buschmann proves to be not extraditable

INS informs us that they have the authority to hold Buschmann without bail for at least a few days and that exclusion proceedings could take months. If ~~extradition is not an option~~ and INS excluded Buschmann from the U.S., he would probably be able to return to Sweden. INS said that they will not take any final action on the case without consulting with Justice/Criminal and State.

We still do not have a complete legal evaluation of Buschmann's situation. What is clear, however, is that his detention by the U.S. will be the subject of much media attention. ~~Politically speaking, there are benefits that could accrue to us in our dealings with the GOC and with the Chilean military by being able to either extradite or exclude him to Chile. His politics are much too far to the left to cause us many domestic problems here~~. Legal considerations, however, will determine what paths are open to us.

Both the Chilean regime and the left may seek to read "signals" into our ultimate disposition of this case.

We will keep you appraised of developments on this matter as they occur.

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DECL: OADR
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ARA/SC:PDeShazo
SEARASC 4798

Clearances: ARA/SC:RHowar
ARA:MSkol
L/LEI:RJFrank
L/MMOchary
SCT:MBusby (Info)

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6/14/89

TALKING POINTS

BUSCHMANN EXTRADITION REQUEST

- Based on the information received to date from the Government of Chile, both in Washington and Santiago, it is the preliminary view of the Department of Justice and the State Department's Office of the Legal Advisor that the offenses for which Mr. Buschmann is charged in Santiago are not "extraditable offenses" under the terms of article 2 of our 1900 extradition treaty with Chile.

- Under U.S. law, Mr. Buschmann can only be detained based upon the Chilean Government's provisional arrest request upon an order of a U.S. Federal Court.

- Such an order can only be issued if a U.S. Government official makes a sworn statement that the offenses charged are extraditable and that other requirements such as probable cause are met.

- It is the view of Justice and the Legal Advisor's Office of the State Department that no official could make such a statement at this time.

- Although it is correct that a person can be detained upon a preventive detention request for up to two months, the issue is not one of formal proof but of meeting the minimum requirements of U.S. law.

- In the absence of an extraditable offense, we will proceed to make our final decision on this matter on the basis of the information you have provided us.

Chile Project (#S199900030)
U.S. Department of State
Release N Excise_____ Deny_____
Declassify: In Part_____ In Full_____
Exemption(s)_____

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UNCLASSIFIED (R) (XX0070) 14 June 89
Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____

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Department of State

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PDS

INCOMING TELEGRAM

repeat cable to Canberra

PAGE 01 CANBER 05464 140716Z 8267 ARA3849
ACTION EAP-00

INFO FILE-01 ARA-06 PPC-01 ECP-01 OAS-01 PPA-01 DSC-01 DDSC-02
CI-01 RSC-01 /016 A2 TE

INFO LOG-00 ADS-00 INR-07 EUR-00 SS-00 CIAE-00 DODE-00
H-01 NSCE-00 ARA-00 NSAE-00 SSO-00 HA-09 L-03
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O 140714Z JUN 89
FM AMEMBASSY CANBERRA
TO SECSTATE WASHDC IMMEDIATE 5496
INFO AMEMBASSY TOKYO
AMEMBASSY STOCKHOLM
AMEMBASSY SANTIAGO
USINS WASHDC

LIMITED OFFICIAL USE CANBERRA 05464

E.O. 12356: N/A
TAGS: PREL, AS
SUBJECT: REPORTED DETENTION OF CHILEAN SERGIO BUSCHMANN

REF: CANBERRA 5371 (NOTAL)

1. (U) AUSTRALIAN MEDIA ARE REPORTING THAT CHILEAN SERGIO BUSCHMANN WAS DETAINED IN ANCHORAGE BY U.S. OFFICIALS WHEN JAL FLIGHT 413 LANDED THERE JUNE 13 ON A REFUELING STOP, AND THAT CHILEAN AUTHORITIES HAVE ASKED THAT HE BE EXTRADITED TO CHILE. BUSCHMANN WAS SUBJECT TO A DEPORTATION ORDER FROM AUSTRALIA AND LEFT AUSTRALIA JUNE 11 EN ROUTE TO SWEDEN.

2. (U) ACTING MINISTER FOR IMMIGRATION CLYDE HOLDING ISSUED A PRESS RELEASE JUNE 14 "EXPRESSING CONCERN" THAT BUSCHMANN MAY HAVE BEEN DETAINED BY U.S. AUTHORITIES. ACCORDING TO THE PRESS RELEASE, THE AUSTRALIAN GOVERNMENT IS INVESTIGATING WHETHER THE STORY IS TRUE.

3. (LOU) WE HAVE BEEN TOLD BY THE MINISTER'S OFFICE THAT IT HAS QUERIED THE AUSTRALIAN EMBASSY IN WASHINGTON ABOUT BUSCHMANN'S FATE. THE OFFICE EXPECTS HEAVY PRESS COVERAGE ON BUSCHMANN ONCE THE STORY IS WIDELY KNOWN. IF BUSCHMANN WERE TO BE EXTRADITED TO CHILE, THE GOA WOULD COME UNDER HEAVY CRITICISM.

4. (U) ACTION REQUESTED: PLEASE INFORM US BY IMMEDIATE CABLE WHETHER BUSCHMANN HAS BEEN DETAINED IN THE U.S. AND, IF SO, WHY. TEARE

??

3:30 P.M.

EAP

cmg

6210

A) because there was a warrant

b) because Aussies knew it!!

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6/14/1 of 1

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SENT BY:NALGO HARINGEY 14- 6-89 [illegible] 01-374-0397 CCITT G3:# 3

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nalgo HARINGEY

National and Local Government Officers Association
Haringey Branch

Haringey Community & Trade Union Centre 2A Brabant Road London N22 6XB
01-975 9700 Ext. 6351 Fax: [illegible] 01- 889 6106

His Excellency,
The Ambassador of the U.S.A.
U.S. Embassy
Grosvenor Square
London

Branch Secretary: John Marsh
Your Ref:
Our Ref:

14 June 1989

Chile Project (#9199900030)
U.S. Department of State
Release X Excise_____ Deny_____
Declassify: In Part_____ In Full_____
Exemption(s)_____

Dear Sir

Detention of Sr. Sergio Buschmann

I am faxing you urgently on behalf of the 3,000 members of this NALGO local to enquire as to the status of Sr. Sergio Buschmann, a Chilean national travelling under the protection of United Nations travel documents issued by the government of the Kingdom of Sweden.

We understand from BBC radio reports that Sr. Buschmann is currently detained in Alaska and is in jeopardy of deportation to Chile at the request of the military government.

We hope that you will be able to assure us that such reports are untrue and that you will be able to assure us that your government is neither holding nor has any intention of deporting Sr. Buschmann. We recently had the privilege of hosting Sr. Buschmann whilst he was in London and are extremely concerned that he may be forcibly returned to Chile were he will undoubtedly be in danger of his life from the death squads who currently operate in that country with government support.

We look forward to your urgent reply which can be faxed to us on the above number.

Yours faithfully

Steve L. Powell

UNCLASSIFIED

STEVE POWELL
BRANCH ADMINISTRATOR

14 JUN 89 07:03 P.02

c.o. H.M. Secretary of State for Foreign and Commonwealth Affairs
State Department, Washington, D.C., U.S.A.

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9/14/07

United States Department of State

PTB60

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____

Washington, D.C. 20520

ARC-1
Projects
R

MEMORANDUM FOR BRENT SCOWCROFT
THE WHITE HOUSE

Subject: Threats of Terrorist Acts in Chile.

An unidentified caller believed to be the man whose threats last March contributed to causing the ban on Chilean fruit imports to the U.S. called our Embassy in Santiago three times in the past week to threaten terrorist acts. In rambling, disjointed conversations, the caller threatened the U.S. Ambassador, Mormons, and Americans, among other people, and claimed that he would poison wine and bomb airplanes departing Santiago for Miami. Only in his second call did he mention fruit.

The caller appears to be a crank, perhaps mentally disturbed, who hungers for publicity. This notwithstanding, the Department has coordinated two inter-agency meetings attended by representatives of State, FAA, FDA, FBI, USDA, Customs, CIA, and Treasury's Bureau of Alcohol, Firearms, and Tobacco to share information available on these calls, assess the threat level they represent, and take appropriate action. The NSC has also been advised of developments. Following all threats, the Chilean Government was also fully briefed and provided with a tape recording of the phone conversations. Chile appears to be on top of this situation, having reviewed security measures for wine exports and its airports. They appreciate the discretion with which we have handled this matter so far.

American carriers operating out of Santiago were advised of the threat and Chilean authorities have increased airport security. Other USG agencies, such as customs, FAA, FDA, and Treasury (ATF) are carefully monitoring the situation but avoiding any overt reaction which could lead to a public overreaction and ultimately satisfy the caller's desire for publicity. FBI is examining local capability for tracing the threatening phone calls in Santiago, since the caller's track record indicates that he will strike again. All concerned US agencies, however, agree with Embassy Santiago's assessment that the caller is seeking publicity by forcing us to react but almost certainly does not have the capability to carry out the actions he has threatened. It has been agreed, therefore, that we will closely coordinate our precautionary steps, avoid any overt reaction, and that any queries will be referred to the State Department.

J. Stapleton Roy
Executive Secretary

Attachment: Contingency Press Guidance

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Access # 99-96-0723
box 1 of 4

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DRAFTED:ARA/SC:PCDeShazo
W. 4803 6/14/89

CLEARANCES: ARA/SC - R. Hopper
ARA - M. Skol
S/CT - G. Chafin
S/CT - T. Miller
P - S. Wesche

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United States Department of State 6-14-89

Washington, D.C. 20520

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____

June 14, 1989

WF052

CAS Letter

MEMORANDUM

TO : L - Judge Sofaer

FROM : Ambassador Charles A. Gillespie, Jr.

SUBJECT: Chile -- FSIA: Berman and Kennedy

I met with Howard Berman on 13 June and Nancy Soderberg of Kennedy's staff on the 14th. Both emphasized their belief that you would be satisfied, with no apparent reservation, to a time delay on the execution of any judgement under the "retroactive" provision of the proposed FSIA. I said that is not my understanding of your position.

Berman and Soderberg said they recognize the political angle and asserted they don't want to upset events in Chile between now and the elections in December. Berman argues that the provision as written does not name Chile, might apply in other cases of state terrorism (specifically the Vincennes bombing case), and he remains convinced his slow fuze will work. Soderberg said there could be no guarantee that Chile wouldn't be mentioned in the process of passing the legislation, but that Kennedy would understand the need to move it quietly. She believes the Leteliers and Moffitts want and expect to see something done this session. It is their lawyers who are pressing hardest, she admitted. I told both I would prefer that a new government address the compensation matter without undue pressure.

For all the reasons we discussed, it would be better to have the FSIA without the retroactive/delayed provision. But without bringing more leverage to bear, including the veto threat (and I got the impression from you that there's no guarantee we could produce a veto), Berman is likely to persist. Query: if we do threaten, do we risk raising the issue's visibility and thereby create the circumstance we're trying to avoid?

CAS
No need to threaten... Just oppose. Ask for separate provision + maybe we will get the to drop the retroactive/delay clause. AS

cc: ARA - Skol
ARA/SC - Howard
ARA/SC - DeShazo
L - Colson

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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____

ARA PRESS GUIDANCE

PHONE THREATS IN CHILE

Q: What can you tell us about phone call threats made to the U.S. Embassy in Santiago?

A: The U.S. Embassy in Santiago, Chile received three rambling, disjointed phone calls from an unidentified person on June 9, 12, and 15. The caller variously threatened a wide range of unrelated and disparate actions. Relevant Chilean and U.S. authorities have been advised and are taking actions appropriate to these types of calls.

If pressed, only:

Q: Was this the same person who threatened to poison Chilean fruit last March?

A: He claimed that he is but we cannot be certain.

Q: Can you tell us anything more specific about the threats?

A: Threats were made against a wide variety of unspecified people, as well as to poison wine and fruit and bomb unspecified airplanes. These threats were for the most part very vague and general.

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Q: What is the U.S. Government doing about these threatening calls?

A: Both the U.S. and Chilean governments are cooperating to take appropriate action.

Q: Has he made any demands?

A: In one of the three phone calls he made a demand for the U.S. to publicly criticize an aspect of Chilean economic policy.

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ARA/SC:PDeshazo:4773

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16 June 89

JE096

Case Number: S1999000030

Chile Project (#S199900030)
U.S. Department of State
Release X Excise_____ Deny_____
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PAGE 01 SANTIA 06051 162133Z
ACTION ARA-00

INFO	LOG-00	ADS-00	INR-07	EUR-00	SS-00	CIAE-00	EB-00
	DODE-00	H-01	NSCE-00	NSAE-00	HA-09	L-03	TRSE-00
	PM-10	PA-02	OMB-01	INRE-00	USIE-00	SP-02	SNP-01
	PRS-01	P-02	T-01	/040 W			

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TO SECSTATE WASHDC 1873
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AMEMBASSY BUENOS AIRES
AMEMBASSY MEXICO
AMEMBASSY MONTEVIDEO
AMEMBASSY OSLO
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UNCLAS SANTIAGO 06051

MEXICO FOR CHACON
OSLO FOR SMITH

E.O. 12356: N/A
TAGS: PGOV, CI
SUBJ: PLEBISCITE SET FOR JULY 30

1. IN AN EXTRAORDINARY SESSION ON JUNE 14, THE CHILEAN JUNTA FORMALLY APPROVED THE PROPOSED CHANGES TO THE 1980 CONSTITUTION, WHICH HAD BEEN WORKED OUT BY MINISTER OF INTERIOR CACERES IN CONCERT WITH MAJOR POLITICAL PARTIES FROM LEFT AND RIGHT. ON JUNE 15, PRESIDENT PINOCHET SIGNED A DECREE CALLING FOR A PLEBISCITE TO APPROVE OR REJECT THE PROPOSED CHANGES, AND SET THE DATE FOR JULY 30.

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PAGE 02 SANTIA 06051 162133Z

2. MINISTER OF INTERIOR CACERES INVITED PATRICIO AYLWIN, SPOKESMAN FOR THE COALITION PARTIES FOR DEMOCRACY (COPODE) AND ALMOST CERTAIN COPODE PRESIDENTIAL CANDIDATE WHO HAD HAMMERED OUT THE PROPOSED CHANGES, TO THE DECREE SIGNING CEREMONY. AYLWIN, HOWEVER,

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DECLINED THE INVITATION, AND ISSUED A STATE-
MENT SAYING, ALTHOUGH HE WELCOMED THE CON-
STITUTIONAL REFORM AS A FIRST STEP TOWARDS
NORMALITY, TRUE HEALING WOULD REQUIRE MORE
THAN PROTOCOL EVENTS. HE THEN LISTED A
SERIES OF STEPS THE PINOCHET REGIME COULD
TAKE TO DEMONSTRATE ITS COMPLIANCE WITH THE
WILL OF THE PEOPLE; PARDON EXTERNALLY EXILED
LABOR LEADERS, STOP PLANS TO MAKE THE CENTRAL
BANK INDEPENDENT AND TV STATIONS PRIVATE,
CEASE STEPS TO RE-PACK THE SUPRME COURT,
ETC. GODARD

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Chile Project (#S199900030)
U.S. Department of State
Release X Excise Deny
Declassify: In Part In Full
Exemption(s)

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DRAFT

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R

SENSE-OF-THE CONGRESS RESOLUTION

In Support of Democratization of Chile and Resolution of Claims Arising from the Murders of Orlando Letelier and Ronni Moffitt.

Whereas on September 21, 1976, Orlando Letelier and Ronni Moffitt were murdered, and Michael Moffitt was injured, when a bomb exploded underneath Orlando Letelier's automobile on the streets of Washington, D.C.;

Whereas the evidence available to the United States shows that senior officials of the Government of Chile planned and participated in the assassination of Orlando Letelier and have obstructed, through acts of deception and evasion, efforts to prosecute those responsible for this act;

Whereas the United States has indicted the individuals the evidence shows to be responsible for these acts, and has formally sought their extradition from Chile;

Whereas Chile has steadfastly refused to extradite these individuals;

Whereas on November 5, 1980, the U.S. District Court for the District of Columbia ruled, in a civil suit brought by the families of Orlando Letelier and Ronni Moffitt, that the Government of Chile and its agents were responsible for the deaths of Orlando Letelier and Ronni Moffitt, and awarded their families more than $5 million in damages;

Whereas Chile has refused to pay this judgment;

Whereas, under the law of the United States relating to sovereign immunity, this judgment has not been enforceable against property of Chile in the United States;

Whereas the United States on October 12, 1988, formally espoused the claim of the families of Orlando Letelier and Ronni Moffitt for compensation, together with a claim of the United States Government for reimbursement of the costs it has incurred in investigating the assassination, for a combined claim of $12 million;

Whereas Chile formally rejected this espousal in May, 1988;

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Whereas the United States, on January 12, 1989, invoked the Treaty for the Settlement of Disputes that May Occur Between the United States and Chile, signed at Washington July 24, 1914, and submitted to an International Commission the dispute concerning the assassinations of Orlando Letelier and Ronni Moffitt;

Whereas a plebiscite took place in Chile on _____, in which the Chilean people voted that an election should be held on December __, 1989, to select a new President;

Whereas President Pinochet has announced his intent to respect the results of this plebiscite, to permit free elections, and to hand over power in March, 1990, in accordance with the results of these elections; Now, therefore, be it

Resolved [by the House of Representatives (the Senate Concurring)] That--

(1) the Congress believes that the Republic of Chile has taken important steps toward the reestablishment of elected democratic government;

(2) it is the sense of the Congress that it is in the United States' national interest for progress in this direction to continue;

(3) the Congress urges the Government of Chile, in the interest of normalizing bilateral relations with the United States, to resolve the outstanding issue of compensating the families of Orlando Letelier and Ronni Moffitt, and the United States, either by cooperating with the Commission or by promptly paying the reasonable amount due;

(4) the Congress calls upon the President to communicate to the Government of Chile the importance that the Congress and the American people attach to resolving this dispute so that a new era of cooperation between democratically governed nations may begin.

DRAFT

Cleared: L/M/DL - MS Pickering
L/ARA - D Colson
L - EG Verville

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7/1/89. JE 104

Case Number: S1999000030

Chile Project (#S1999000030)
U.S. Department of State
Release X Excise ___ Deny ___
Declassify: In Part ___ In Full ___
Exemption(s) NR

PAGE 01 SANTIA 07478 011250Z
ACTION H-03

INFO LOG-00 ADS-00 ARA-00 SSO-00 DS-01 /004 W
----------030412 011253Z /46

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FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 2370
INFO AMEMBASSY BRASILIA PRIORITY
AMEMBASSY BUENOS AIRES PRIORITY
AMEMBASSY CARACAS PRIORITY
AMEMBASSY LIMA PRIORITY
AMEMBASSY MEXICO PRIORITY
AMEMBASSY MONTEVIDEO PRIORITY

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E.O. 12356: N/A
TAGS: OREP, ASEC, CI
SUBJ: THREAT ASSESSMENT - CODEL LUGAR

REF: (A) STATE 236255, (B) SANTIAGO 7378

1. SANTIAGO IS A MEDIUM THREAT POST. POST HAS NO SPECIFIC THREAT INFORMATION REGARDING CODEL LUGAR.

2. THERE ARE AT LEAST FOUR ACTIVE TERRORIST GROUPS OPERATING IN CHILE AT THE PRESENT TIME: THE FRENTE PATRIOTICO MANUEL RODRIGUEZ/DISSIDENT (FPMR/D), MOVIMIENTO DE IZQUIERDA REVOLUCIONARIO (MIR), FUERZAS REBELDES Y POPULARES LAUTARO (FRPL), AND THE MOVIMIENTO JUVENIL LAUTARO (MJL). NONE OF THESE GROUPS ARE PRESENTLY TARGETTING EITHER OFFICIAL AMERICAN PERSONNEL OR USG INSTALLATIONS. SOME AMERICAN EMBASSY FACILITIES ARE LOCATED NEAR GOC INSTALLATIONS WHICH HAVE BEEN TARGETTED IN THE PAST BY TERRORISTS THUS EXPOSING AMERICAN PERSONNEL
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PAGE 02 SANTIA 07478 011250Z

TO SOME RISK OF COLLATERAL INJURY.
3. RECENTLY POST HAS NOTED AN INCREASE IN TERRORIST ACTIVITY TO INCLUDE SOME BOMBINGS, ASSASSINATIONS OF POLICE OFFICERS AND ATTACKS ON MORMON CHAPELS, BOTH IN SANTIAGO AND OTHER CITIES.

NR

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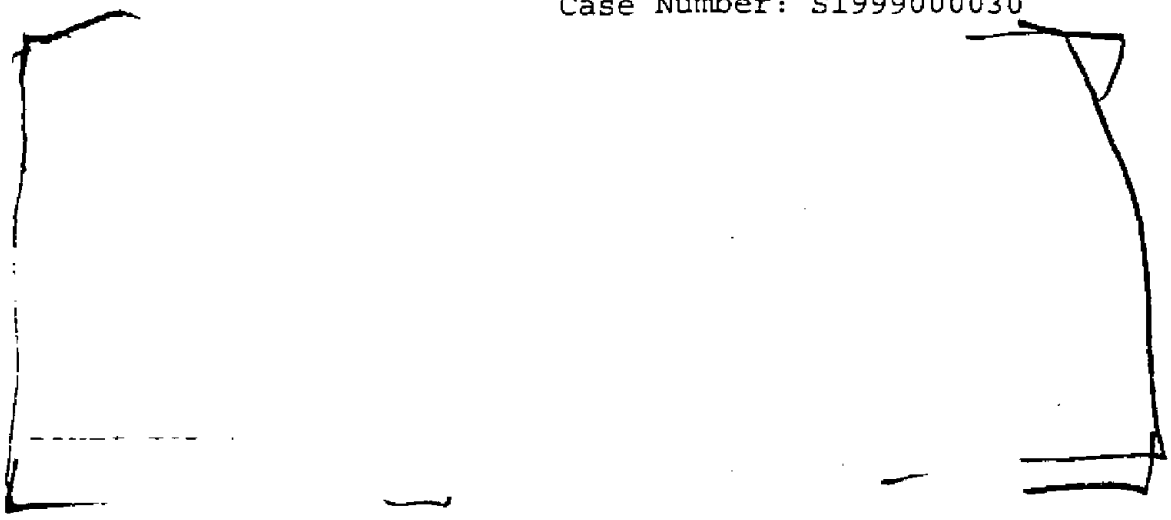

NR

6. POST WILL IMMEDIATELY NOTIFY CODEL IF ANY INFORMATION IS RECEIVED THAT WOULD CHANGE THIS ASSESSMENT. GILLESPIE

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EXCISE P (B6)

PAGE 01 GUATEM 07708 01 OF 02 051449Z
ACTION ARA-00

INFO LOG-00 ADS-00 AID-00 INR-07 SS-00 OIC-02 CIAE-00
EB-00 DODE-00 H-01 IO-19 NSCE-00 NSAE-00 HA-09
L-03 AMAD-01 LAB-04 TRSE-00 PA-01 STR-18 SIL-01
INRE-00 RP-10 ACDA-12 USIE-00 SP-02 SR-06 C-01
PRS-01 OIG-04 P-02 /104 W
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R 051445Z JUL 89
FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC 2680
INFO AMEMBASSY SAN SALVADOR
AMEMBASSY TEGUCIGALPA
AMEMBASSY MEXICO
USMISSION GENEVA
USMISSION USUN NEW YORK

[redacted] SECTION 01 OF 02 GUATEMALA 07708

DEPT FOR ARA/CEN FOR RDOTSON AND HA

E.O. 12356: DECL: OADR
TAGS: PHUM, ELAB, UNHRC, PGOV, PREL, PREF, GT
SUBJECT: JUNE 1989 HUMAN RIGHTS ROUND UP

REF: A) GUAT 7025, B) GUAT 7257, C) GUAT 7117,
D) GUAT 7214, E) GUAT 7280, F) GUAT 7361,
G) GUAT 7456

1. (U) SUMMARY. VIOLENCE STATISTICS DO NOT INDICATE CLEARLY THAT THERE IS MORE OR LESS CRIME. ANOTHER DISAPPEARANCE ROCKS SAN ANDRES ITZAPA, AND AN ALLEGED GUERRILLA HAS COME FORWARD WITH INFORMATION REGARDING THE NOVEMBER 1988 MASSACRE THERE. END SUMMARY.

GENERAL

[redacted]

[redacted]

PAGE 02 GUATEM 07708 01 OF 02 051449Z

VIOLENCE STATISTICS:
2. (LOU) VIOLENCE MAY NOT HAVE INCREASED, ALTHOUGH ALARM OVER THE NUMBER AND NATURE OF VIOLENT INCIDENTS

DEPARTMENT OF STATE
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IO Citations
Date: 2/16/96
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FOIA Exemptions (B6)
PA Exemptions
( ) CLASSIFY as ( ) S or ( ) C Sec.
( ) DOWNGRADE TS to ( ) S or ( ) C
TS authority to

UNCLASSIFIED

HAS. THE MINISTER OF INTERIOR SAID THAT OVERBLOWN PRESS COVERAGE OF VIOLENCE GIVES THE IMPRESSION THAT THE AMOUNT OF VIOLENCE IS RAPIDLY INCREASING. STATISTICS PUBLISHED BY GUATEMALA'S LEADING BUSINESS ORGANIZATION, CACIF, SHOW THAT VIOLENT CRIME HAS INCREASED IN 1989 OVER THE SAME PERIOD IN 1988. NATIONAL POLICE STATISTICS OBTAINED BY THE EMBASSY SHOW A DECLINE IN VIOLENT CRIME IN THE FIRST FIVE MONTHS OF 1989 COMPARED TO THE SAME PERIOD IN 1988. (REFS A AND B)

POLITICAL AGENDA IS TOP ON LIST FOR FOREIGN HUMAN RIGHTS GROUPS IN GUATEMALA:

3. [redacted] TOLD POLOFF THAT SHE HAS BECOME AWARE OF THE HIGH DEGREE OF POLITICIZATION OF HUMAN RIGHTS WORK IN THE COUNTRY. SHE SAID THAT GROUPS SUCH AS GAM, THE INTERNATIONAL PEACE BRIGADES, AND EVEN AMERICA'S WATCH SHOW A DEFINITE POLITICAL BIAS AGAINST THE GOVERNMENT. SHE ALSO CRITICIZED AMILCAR MENDEZ' ATTITUDE TOWARD, AND ORGANIZATION OF, THE CERJ. (REF E)

(B6)
(B6)

POLITICAL KILLING

PLAN MANILA:

4. (C) RUMORS ABOUND REGARDING A PLOT TO KILL [redacted]

[redacted]

PRESIDENT CEREZO (REFTEL D). INQUIRIES REVEAL THAT THE GOG'S CONCERN WITH THE RUMORS IS SERIOUS (REF F). CEREZO SAID PUBLICLY ON JULY 27 THAT THERE HAD BEEN TWO ATTEMPTS ON HIS LIFE SINCE HE ASSUMED OFFICE.

NEW INFORMATION ON EL AGUACATE MASSACRE:

5. (U) AN INHABITANT OF EL AGUACATE, CHIMALTENANGO IS PRESUMED DEAD AFTER HAVING DISAPPEARED IN THE MOUNTAINS ON JUNE 20. FAMILY MEMBERS OUT SEARCHING FOR HIM CAPTURED A GUERRILLA, WHO ALLEGEDLY CLAIMED GUERRILLAS PERPETRATED THE NOVEMBER 1988 MASSACRE OF 22 VILLAGERS IN EL AGUACATE. (REF G)

SUSPECT IN JUDGE'S MURDER DETAINED:

6. (U) POLICE HAVE DETAINED A SUSPECT IN THE APRIL 1989 MURDER OF JUDGE IRMA ESQUIVEL VASQUEZ DE LARA. ESQUIVEL'S MOTHER IN LAW HAS BEEN CHARGED WITH THE MURDER. IT IS BELIEVED THAT THE CRIME IS LINKED TO A FAMILY DISPUTE OVER LAND HOLDINGS. (REF C)

DISAPPEARANCE

---

7. (LOU) THE GOG CONTINUES TO MAINTAIN THAT THRE ARE NO POLITICALLY MOTIVATED DISAPPEARANCES IN GUATEMALA, AND THE MAJORITY THAT DO OCCUR RESULT FROM FAMILY DISPUTES. MOST TEND TO DISREGARD THE GOVERNMENT'S INSISTENCE ON THIS POINT, BUT THE FACT IS, THERE IS SOME TRUTH TO IT. THERE ARE MANY FAMILY OR LEGAL PROBLEMS, OR OTHER, NON-POLITICAL REASONS, WHY PERSONS IN GUATEMALA "DISAPPEAR." UNFORTUNATELY, THE RESULTS OF OFFICIAL INVESTIGATIONS INTO MANY SUCH DISAPPEARANCES

[redacted]

NNNN

[redacted]

PAGE 01 GUATEM 07708 02 OF 02 051449Z
ACTION ARA-00

INFO LOG-00 ADS-00 AID-00 INR-07 SS-00 OIC-02 CIAE-00
EB-00 DODE-00 H-01 IO-19 NSCE-00 NSAE-00 HA-09
L-03 AMAD-01 LAB-04 TRSE-00 PA-01 STR-18 SIL-01
INRE-00 RP-10 ACDA-12 USIE-00 SP-02 SR-06 C-01
PRS-01 OIG-04 P-02 /104 W
----------223062 060037Z /64 38
R 051445Z JUL 89
FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC 2681
INFO AMEMBASSY SAN SALVADOR
AMEMBASSY TEGUCIGALPA
AMEMBASSY MEXICO

USMISSION GENEVA
USMISSION USUN NEW YORK

[redacted] SECTION 02 OF 02 GUATEMALA 07708

DEPT FOR ARA/CEN FOR RDOTSON AND HA

E.O. 12356: DECL: OADR
TAGS: PHUM, ELAB, UNHRC, PGOV, PREL, PREF, GT
SUBJECT: JUNE 1989 HUMAN RIGHTS ROUND UP

ARE NOT MADE PUBLIC. (REF A)

8. (U) THE OFFICE OF THE HUMAN RIGHTS OMBUDSMAN SAID ON JUNE 22 THAT IT IS CURRENTLY INVESTIGATING AT LEAST TEN CASES OF ALLEGED DISAPPEARANCES AND SUMMARY EXECUTIONS.

TORTURE AND OTHER CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT

PRISON CONDITIONS:

[redacted]

9. (U) THE HUMAN RIGHTS OMBUDSMAN ONCE AGAIN HAS DECLARED THAT POOR PRISON CONDITIONS, SPECIFICALLY LACK OF MEDICINES AND MEDICAL EQUIPMENT, CONSTITUTE A VIOLATION OF THE HUMAN RIGHTS OF THE INMATES.

FREEDOM OF SPEECH AND PRESS

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10. (C) THE MANAGING EDITOR OF SECOND MORNING DAILY "EL GRAFICO" TOLD EMBASSY PRESS OFFICER THAT AT MID-DAY ON JUNE 23 A BOX CONTAINING A FRAGMENTATION GRENADE AND LEAFLETS SIGNED BY THE EGP GUERRILLA GROUP WAS LEFT INSIDE THE DOOR OF THE NEWPAPER'S MAIN OFFICE BUILDING. AN OFFICE BOY NOTICED THE BOX AND ALERTED SECURITY PERSONNEL WHO CALLED THE POLICE BOMB SQUAD. THE GRENADE WAS WIRED TO GO OFF WHEN THE BOX WAS OPENED, BUT IT WAS DISMANTLED BY THE POLICE. NO GROUP CLAIMED RESPONSIBILITY FOR THE ATTEMPTED BOMBING. THE MANAGING EDITOR DID NOT BELIEVE IT WAS THE EGP WHO LEFT THE BOX, DESPITE THE PAMPHLETS INSIDE. THE PUBLISHER DID NOT WANT TO PUBLICIZE THE EVENT FOR FEAR OF GENERATING "COPY

CAT" ATTACKS ON THE NEWSPAPER.

FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FOREIGN TRAVEL, EMIGRATION AND REPATRIATION

---

11. (U) CARMEN ROSA DE LEON, THE PRESIDENTIOF CEAR, MET WITH THE DEPUTIES OF THE CONGRESSIONAL COMMISSION OF INDIGENOUS COMMUNITIES ON JUNE 29 TO DISCUSS THE ALLEGED MARGINALIZATION OF THE DEPUTIES AT CIREFCA. DE LEON SAID THAT 900 PERSONS HAD BEEN REPATRIATED SO FAR IN [redacted]

1989. SHE SAID THAT SINCE PRESIDENT CEREZO TOOK OFFICE, 5000 PEOPLE HAD BEEN REPATRIATED WITH ASSISTANCE FROM CEAR, ALTHOUGH THE UNHCR HAS REGISTERED THE REPATRIATION OF 13,000 GUATEMALANS. DE LEON SAID THAT THERE REMAIN 35,000 GUATEMALAN REFUGEES IN MEXICO.

FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION

---

12. (U) THE GAM COMEMORATED THE NATIONAL DAY AGAINST FORCED DISAPPEARANCES ON JUNE 21 WITH A MARCH THROUGH CITY STREETS. FAMILY MEMBERS OF DISAPPEARED PERSONS, STUDENTS, EDUCATORS AND UNIONISTS PARTICIPATED.
MICHEL

1/2L C O N F I D E N T I A L 7/9/89 STATE 213308/01

ST212

ACTION: PCL-2 INFO: AMB DCM ECON USIS DAO FILES/8

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IE RUEHC #3308/01 1871836
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R 061831Z JUL 89
FM SECSTATE WASHDC
TO AMEMBASSY SANTIAGO 5224
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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
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Exemption(s) ____

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CN: 30023
CHRG: PROG
DIST: POLI

→ POL
& BIO
Boeninger

~~C O N F I D E N T I A L~~ SECTION 01 OF 02 STATE 213308

E.O. 12356: DECL: OADR
TAGS: PINR PREL CI
SUBJECT: JUNE 30 MEETING BETWEEN ASSISTANT SECRETARY ARONSON AND CHILEAN CHRISTIAN DEMOCRAT EDGARDO BOENINGER

1. ~~CONFIDENTIAL~~, ENTIRE TEXT.

2. SUMMARY. CHRISTIAN DEMOCRAT LEADER EDGARDO BOENINGER CALLED ON ASST. SECRETARY ARONSON AND DEPUTY ASSISTANT SECRETARY MICHAEL SKOL AT THE DEPARTMENT ON JUNE 30. HE OUTLINED THE CURRENT POLITICAL SITUATION IN CHILE, NOTING THAT HE IS OPTIMISTIC ABOUT CHILE'S TRANSITION TO DEMOCRACY AND THAT THE ONLY "DARK CLOUDS" IN THIS PICTURE ARE THE RECENT STATEMENTS MADE BY THE CHILEAN ARMY AND MINISTER PATRICIO CARVAJAL THAT THE ARMED FORCES WOULD TAKE VIGOROUS STEPS TO ASSURE THAT PINOCHET IS NOT REMOVED AS COMMANDER IN CHIEF OF THE ARMY BY A FUTURE ELECTED GOVERNMENT.

BOENINGER OUTLINED THE PLATFORM THE COPODE PARTIES WILL CAMPAIGN ON AND URGED THAT THE US BE VIGILANT THAT THE ELECTION BE FREE AND FAIR. HE DISCUSSED THE LETELIER CASE AS AN ISSUE THAT THE FUTURE DEMOCRATIC REGIME WILL WANT TO RESOLVE ON A PRIORITY BASIS WHILE NOTING THAT THE THREAT OF ATTACHMENT OF GOC PROPERTY SHOULD THE FOREIGN SOVEREIGN IMMUNITIES ACT (FSIA) BE MODIFIED BY CONGRESS WOULD PROVIDE PINOCHET WITH POLITICAL AMMUNITION. HE STRESSED THAT U.S. AID IN HELPING ESTABLISH A "LEVEL PLAYING FIELD" IN THE PLEBISCITE WAS MUCH APPRECIATED BUT AGREED FULLY WITH ARONSON'S STATEMENT THAT THE U.S. WILL BE THOROUGHLY NEUTRAL IN THE UPCOMING ELECTIONS. ARONSON PLEDGED CONTINUED U.S. INTEREST AND SUPPORT FOR CHILE'S TRANSITION TO FULL DEMOCRACY AND FOR THE CONTINUATION OF SOUND ECONOMIC POLICIES LEADING TO GROWTH AND STABILITY.

BOENINGER MENTIONED THAT PDC/COPODE CANDIDATE PATRICIO AYLWIN IS PLANNING A TRIP TO EUROPE IN EARLY SEPTEMBER AND WOULD LIKE TO VISIT THE U.S. EITHER BEFORE OR AFTER THIS TRAVEL. END SUMMARY.

3. EDGARDO BOENINGER, CHIEF LIEUTENANT OF PDC PRESIDENT AND PRESIDENTIAL CANDIDATE PATRICIO AYLWIN, VISITED THE DEPARTMENT ON JUNE 30 TO CALL ON DAS MICHAEL SKOL AND HAVE LUNCH WITH LUIGI EINAUDI OF ARA/PPC. ASSISTANT SECRETARY ARONSON JOINED THE MEETING. PETER DESHAZO OF ARA/SC AND

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EDMUNDO VARGAS OF THE OAS ALSO ATTENDED.

4. BOENINGER OUTLINED HIS PERCEPTION OF THE CURRENT SCENE IN CHILE, CLAIMING THAT ALL IS GOING WELL BUT THAT THE ONLY "DARK CLOUD" ON THE HORIZON IS THE CONCERN RAISED BY RECENT CHILEAN ARMY STATEMENTS AND A DECLARATION BY DEFENSE MINISTER CARVAJAL THAT THE ARMED FORCES WOULD TAKE DRASTIC STEPS SHOULD PINOCHET BE REMOVED FROM THE ARMY COMMANDERSHIP FOLLOWING MARCH 11, 1990. THESE STATEMENTS, HE CLAIMED, MAY ONLY REFLECT PINOCHET'S PERSONAL ANGER AND FRUSTRATION AT AYLWIN'S WORDS ON THE SAME ISSUE, BUT HE APPEARED FEARFUL THAT HARD-CORE ELEMENTS WITHIN THE ARMY MIGHT STILL BE CONSIDERING EXTRA-LEGAL ACTION TO THWART THE TRANSITION TO DEMOCRACY.

5. AS FOR THE CAMPAIGN, BOENINGER SPOKE AS THOUGH IT WERE ALREADY DECIDED THAT AYLWIN WOULD BE THE SINGLE CANDIDATE OF COPODE. HE PREDICTED THAT EITHER BUCHI OR JARPA WOULD BE THE CANDIDATE OF THE RIGHT AND FELT THAT IN EITHER CASE, THE CAMPAIGN WOULD BE FOR THE MOST PART ISSUE-ORIENTED RATHER THAN AIMED AT BLACKENING THE IMAGE OF THE OPPONENT. HE DID SAY, HOWEVER, THAT BUCHI'S AND, TO A LESSER EXTENT, JARPA'S FORMER ASSOCIATION WITH PINOCHET WOULD CERTAINLY BE UNDERSCORED BY THE OPPOSITION AS A MARK AGAINST THEM. WHILE BOENINGER INDICATED THAT THE CONGRESSIONAL CAKE HAD ALREADY BEEN CUT, HE DID NOT SPECIFY WHO AMONG THE OPPOSITION WOULD GET WHAT.

6. COPODE'S ECONOMIC PLATFORM IS ALMOST READY, BOENINGER SAID, AND WILL BE VERY MODERATE. THE LESSONS OF PERU AND ARGENTINE ECONOMIC DISASTERS HAVE BEEN LEARNED BY THE CHILEAN OPPOSITION, HE CLAIMED, AND NO ONE, NOT EVEN THE SOCIALISTS, ARE INTERESTED IN MAJOR CHANGES IN THE FREE ENTERPRISE SYSTEM. BOENINGER RECOGNIZED U.S. INTEREST IN MAINTAINING A VIGOROUS PRIVATE SECTOR AND CLAIMED THAT THIS POSITION IS FULLY SHARED BY THE PDC. THE NEW GOC MUST COME UP WITH 3-5 OF GDP FOR SOCIAL PROGRAMS, HE NOTED, AND PREDICTED THAT THIS WILL BE COMPLICATED BY THE FACT THAT THE DEMOCRATIC REGIME WILL NOT ENJOY THE EXTRAORDINARY INCOME THAT PINOCHET HAS GENERATED FROM THE RECENT PRIVATIZATIONS AND SELLOFFS OF GOVERNMENT PROPERTY. HE ALSO NOTED THAT THE RESCHEDULING OF DEBT WHICH MUST TAKE PLACE IN 1991 WILL BE AN IMPORTANT FACTOR TO WEIGH IN. CHILE, HE URGED ARONSON, SHOULD BE GIVEN HIGH PRIORITY FOR CONSIDERATION UNDER THE BRADY PLAN. ARONSON RESPONDED THAT IT CERTAINLY WOULD BE AFFORDED PRIORITY CONSIDERATION, BUT THAT EVERYONE MUST FIRST WAIT TO SEE HOW THE PLAN WORKS FOR MEXICO.

7. ASIDE FROM THE NEED FOR "SOCIO-ECONOMIC" CHANGES TO HELP THE POOREST CHILEANS BUT WITHOUT PUTTING UNDUE BURDEN

ON THE SYSTEM, BOENINGER NAMED FUTURE RELATIONS WITH THE MILITARY, PINOCHET, AND PENDING HUMAN RIGHTS CASES AS THE MAJOR PROBLEMS FACING DEMOCRACY IN CHILE. HE STUCK TO AYLWIN'S OWN POSITION THAT COPODE RECOGNIZES THAT PINOCHET HAS A CONSTITUTIONAL RIGHT TO REMAIN AS ARMY COMMANDER BUT THAT IT WOULD BE BAD FOR THE COUNTRY AND FOR THE ARMY IF HE STAYED ON. THAT, HE SAID, IS A QUESTION BETTER DEALT WITH AFTER THE ELECTION AND NOT BEFORE OR DURING THE CAMPAIGN. THE MATTER OF WHAT TO DO WITH THE MANY PENDING AND POTENTIAL JUDICIAL PROCEEDINGS ON HUMAN RIGHTS VIOLATIONS REMAINS A THORNY ISSUE, HE SAID. WHILE CLAIMING TO FAVOR THE URUGUAYAN MODEL OVER THE ARGENTINE IN DEALING WITH THE MILITARY'S ROLE IN HUMAN RIGHTS ABUSES, HE STATED THAT THE CHILEAN JUDICIARY WILL BE OF A MORE LIBERAL MIND AFTER THE RETURN TO DEMOCRACY AND WILL BEGIN TAKING ON THE HUMAN RIGHTS CASES THAT IT WOULD NOT TOUCH BEFORE.

8. THE ISSUE OF THE LETELIER CASE WAS RAISED. DAS SKOL ASKED BOENINGER IF HE WAS AWARE OF PENDING AMENDMENTS TO FSIA LEGISLATION IN CONGRESS AND INQUIRED ABOUT PUBLIC REACTION IN CHILE SHOULD THE THREAT OF ATTACHMENT OF GOC PROPERTY APPEAR TO BE A REALISTIC POSSIBILITY. BOENINGER REPLIED THAT PINOCHET COULD MAKE POLITICAL HAY OUT OF SUCH A THREAT AND THAT IF PROPERTY WERE ACTUALLY ATTACHED, THE CHILEAN PEOPLE WOULD NOT PERCEIVE THIS ACTION AS A LEGITIMATE ATTEMPT TO SETTLE THE LETELIER CASE BUT AS AN UNFAIR AND UNILATERAL STEP BY THE USG AGAINST THE NATIONAL TREASURY. THIS SITUATION WOULD PROVIDE AMMUNITION FOR NATIONALISTIC ANTI-AMERICANISM, HE PREDICTED. HE FURTHER STATED THAT THE OPPOSITION DOES NOT WANT LETELIER TO BE AN ISSUE DURING THE ELECTION CAMPAIGN. AN ELECTED GOVERNMENT, EVEN IF HEADED BY JARPA, WOULD WANT TO SETTLE THE LETELIER MATTER, BOENINGER PREDICTED, AND WOULD WISH TO DO IT IN A COOPERATIVE WAY. THE 1914 TREATY MIGHT PROVIDE ONE MEANS OF ADDRESSING THIS PROBLEM, HE NOTED. ATTACHMENT OF PROPERTY UNDER AN FSIA AMENDMENT WOULD, HOWEVER, JEOPARDIZE THE EVENTUAL SETTLEMENT OF THE CASE.

9. AYLWIN, BOENINGER SAID, IS TENTATIVELY PLANNING A TRIP TO EUROPE IN EARLY SEPTEMBER AND WISHES TO VISIT THE U.S. FOR A FEW DAYS, EITHER BEFORE OR AFTER EUROPE. ASSISTANT SECRETARY ARONSON STATED THAT HE WOULD BE MOST WELCOME IN WASHINGTON AND THAT A MEETING WITH THE SECRETARY WOULD BE APPROPRIATE, IF SCHEDULING PERMITTED. HE THEREFORE URGED BOENINGER TO LET US KNOW AS EARLY AS POSSIBLE OF AYLWIN'S TRAVEL PLANS. DAS SKOL MENTIONED THAT THE CONSERVATIVE CANDIDATE WOULD RECEIVE EQUAL TREATMENT IN GETTING APPOINTMENTS AND BOENINGER FOUND THIS ENTIRELY APPROPRIATE. ARONSON STRESSED THAT THE U.S. WOULD BE THOROUGHLY NEUTRAL IN THE UPCOMING CAMPAIGN, SUPPORTING THE PROCESS OF A TRANSITION BUT NOT TAKING SIDES. AGAIN, BOENINGER NODDED APPROVINGLY, CLAIMING THAT WHILE U.S. SUPPORT FOR A "LEVEL PLAYING FIELD" DURING THE PLEBISCITE WAS A KEY FACTOR AND MUCH APPRECIATED, THE SITUATION IS CLEARLY DIFFERENT NOW. HE URGED THE U.S. TO BE VIGILANT, HOWEVER, SHOULD PINOCHET OR THE HARD-CORE AROUND HIM TRY TO STACK THE DECK IN THE ELECTION, ALTHOUGH HE SEEMED TO

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INDICATE THAT THE POSSIBILITIES OF THIS OCCURRING WERE MORE REMOTE THAN DURING THE PLEBISCITE.

10. COMMENT: AS USUAL, BOENINGER WAS ARTICULATE AND PLEASANT. HE SEEMED AT EASE AND GUARDEDLY OPTIMISTIC ABOUT CHILE'S FUTURE. END COMMENT.
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APPROVED BY: OES/NEC:CTHORNE
OES/N:RSTRATFORD NRC/GPA:MPETERSON NRC/NMSS:CNSMITH
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PLEASE PASS TO SCI: A. TIDBALL

E.O. 12356: N/A
TAGS: TRGY, KNNP, MX, KSCA
SUBJECT: PHYSICAL PROTECTION INFORMATION AND BILATERAL CONSULTATIONS

REF: (A) MEXICO 15116, (B) STATE 147162

1. SUMMARY AND ACTION REQUESTED: IN REF. A, MIGUEL MEDINA DIRECTOR GENERAL OF MEXICAN NATIONAL COMMISSION OF NUCLEAR SECURITY AND SAFEGUARDS (CNSNS) REQUESTED SANDIA LABORATORY PUBLICATIONS RELATED TO PHYSICAL/SABOTAGE PROTECTION OF NUCLEAR FACILITIES. HE ALSO RESPONDED FAVORABLY TO REF. B, PARA 4, SUGGESTION FOR US-MEXICAN BILATERAL CONSULTATION ON THE TOPIC OF PHYSICAL PROTECTION AT SOME FUTURE DATE. REQUESTED DOCUMENTS ARE BEING SENT TO EMBASSY, ATTN. SCI. UNCLASSIFIED

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PAGE 02 STATE 215399

A. TIDBALL, VIA REGISTERED MAIL (REGISTRY NOS. 6014109 AND 6014110). EMBASSY IS REQUESTED TO PASS THE DOCUMENTS TO MEDINA AND TO FOLLOW-UP ON THE QUESTION OF SCHEDULING

BILATERAL PHYSICAL PROTECTION DISCUSSIONS, USING THE TALKING POINTS PROVIDED IN PARA 2, BELOW. LIKE THE CNSNS, THE U.S. WOULD NOT BE IN A POSITION TO SCHEDULE THE SUGGESTED BILATERALS UNTIL A LATER DATE, POSSIBLY IN THE NOVEMBER/DECEMBER 1989 TIME FRAME.

2. BEGIN TALKING POINTS:

THE U.S. IS PLEASED TO PROVIDE THE ENCLOSED REPORTS ON PHYSICAL/SABOTAGE PROTECTION OF NUCLEAR FACILITIES WHICH WERE PUBLISHED BY SANDIA NATIONAL LABORATORY.

THE NUCLEAR REGULATORY COMMISSION (NRC) HAS BEEN ALERTED THAT YOU WILL CONTACT THEM REGARDING SIMILAR DOCUMENTATION.

WE ARE PLEASED ALSO THAT YOU ARE INTERESTED IN MEETING WITH AMERICAN SPECIALSTS TO DISCUSS VARIOUS APPROACHES TO THE PHYSICAL PROTECTION OF NUCLEAR FACILITIES AND MATERIALS.

LIKE YOU, CURRENT COMMITMENTS MAKE IT UNLIKELY THAT WE COULD SCHEDULE A MEETING BETWEEN U.S. AND MEXICAN PHYSICAL PROTECTION EXPERTS AT THE PRESENT TIME.

FOR PLANNING PURPOSES, HOWEVER, WE WOULD BE IN A POSITION TO SCHEDULE SUCH A MEETING IN THE NOVEMBER/DECEMBER 1989 TIME FRAME, IF THIS IS ACCEPTABLE TO THE CNSNS.

THIS WOULD GIVE THE CNSNS TIME TO IDENTIFY KEY AREAS OF INTERESTS, BASED ON THE SANDIA REPORTS BEING PROVIDED NOW AND THE ADDITIONAL REPORTS WHICH YOU MAY REQUEST FROM THE UNCLASSIFIED

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PAGE 03 STATE 215399

NRC, AND WOULD GIVE US TIME TO ASSEMBLE THE APPROPRIATE EXPERTS FOR AN IN-DEPTH EXCHANGE.

END TALKING POINTS. EAGLEBURGER

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PAGE 01 STATE 218157
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APPROVED BY: ARA/FO:B W ARONSON
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C O N F I D E N T I A L STATE 218157

E.O. 12356: DECL: OADR
TAGS: PREL, PINR, CI
SUBJECT: ASSISTANT SECRETARY ARONSON'S MEETING WITH CHILEAN AMBASSADOR OCTAVIO ERRAZURIZ

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1. CONFIDENTIAL, ENTIRE TEXT.

2. SUMMARY. CHILEAN AMBASSADOR OCTAVIO ERRAZURIZ MET WITH ASSISTANT SECRETARY ARONSON ON 7/5. ERRAZURIZ DESCRIBED THE PROGRESS BEING MADE IN MOVING TOWARD DEMOCRACY IN CHILE AND PLEDGED THAT THE GOC IS FULLY COMMITTED TO THE ESTABLISHMENT OF A STABLE, DEMOCRATIC REGIME THAT IT CAN PASS POWER TO. HE STRESSED THE NEED FOR U.S. UNDERSTANDING AND SUPPORT OF THE GOC DURING THE TRANSITIONAL PROCESS, CLAIMING THAT A NORMALIZATION OF MILITARY RELATIONS, REINSTATEMENT OF GSP PRIVILEGES, FAVORABLE TREATMENT OF CHILE UNDER THE BRADY PLAN, AND SUPPORT FOR CHILE'S DESIRE TO BE A FULL-FLEDGED MEMBER OF THE "ECONOMIC COUNCIL OF THE PACIFIC" WOULD BE MEANS OF SHOWING SUCH UNDERSTANDING. ON THE GSP ISSUE, ERRAZURIZ
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PAGE 02 STATE 218157

CLAIMED THAT THE GOC IS REVISING ITS LABOR CODE AND THAT

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FOR BUSTOS AND MARTINEZ TO GET A PRESIDENTIAL PARDON, THEY MUST FIRST REQUEST IT, WHICH THEY HAVE NOT. HE NOTED THAT THE FRUIT CRISIS COST THE GOC $100 MILLION AND THAT IT IS WORKING HARD NOW TO ASSURE THAT NEXT YEAR'S EXPORT SEASON WILL GO WELL. ON THE LETELIER CASE, ERRAZURIZ ARGUED THAT THERE ARE MANY "PROBLEMS" OF A LEGAL NATURE TO BE IRONED OUT CONCERNING THE 1914 TREATY BUT THAT THE GOC WANTS TO "PUT THE LETELIER CASE ON THE RIGHT TRACK" SO THAT IT IS NO LONGER AN OBSTACLE IN BILATERAL RELATIONS.

3. ASSISTANT SECRETARY ARONSON SAID THAT THE U.S. IS OPTIMISTIC FOR CHILE'S FUTURE, GIVEN THE NOTABLE PROGRESS IN THE TRANSITION TO DEMOCRACY AND THE COUNTRY'S STRONG ECONOMY. THE U.S., HE SAID, WILL BE SUPPORTIVE OF THE TRANSITION PROCESS AND WOULD LIKE TO HELP CHILE ON MATTERS SUCH AS TRADE AND GSP, NOTING IN THE LATTER CASE THAT THE CONTINUED INTERNAL EXILE OF LABOR LEADERS BUSTOS AND MARTINEZ REMAINS A PROBLEM. ARONSON ALSO RAISED THE NEED FOR THE GOC TO TAKE ACTION TO COOPERATE ON THE LETELIER CASE.

4. QUESTIONED BY ARONSON ON THE GOC'S POSITION ON PANAMA,

END SUMMARY.

5. AMBASSADOR ERRAZURIZ, ACCOMPANIED BY DCM INFANTE, CALLED ON ASSISTANT SECRETARY ARONSON IN THE DEPARTMENT ON JULY 5. RICHARD HOWARD AND PETER DESHAZO OF ARA/SC ALSO

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ATTENDED THE MEETING, WHICH LASTED ALMOST AN HOUR. ERRAZURIZ HAD ATTENDED ARONSON'S SWEARING-IN CEREMONY AND REMARKED THAT SECRETARY BAKER CLEARLY HOLDS HIM IN HIGH ESTEEM. TO THIS, ARONSON REMARKED THAT THE SECRETARY IS VERY MUCH INTERESTED IN LATIN AMERICA AND THAT HE WILL PAY CLOSE ATTENTION TO THE REGION.

6. FOLLOWING THESE INITIAL COMMENTS, ERRAZURIZ PROVIDED A QUICK DESCRIPTION OF THE CURRENT CHILEAN SITUATION. CHILE IS MOVING IMPLACABLY TOWARD A STABLE DEMOCRACY, HE SAID,

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AND THE GOC WILL GUARANTEE THAT THE DECEMBER, 1989 ELECTIONS WILL BE FREE AND FAIR. THE CURRENT REGIME WILL "TAKE MEASURES" TO ASSURE THAT THE NEW DEMOCRATIC GOVERNMENT HAS ALL THE MEANS AND TOOLS AT ITS DISPOSAL TO GUARANTEE STABILITY. IN THIS VEIN, ERRAZURIZ SAID THAT THE UPCOMING CONSTITUTIONAL PLEBISCITE, THE PRODUCT OF A NATIONAL CONSENSUS OF GREAT IMPORTANCE, WILL ALSO HELP CONSOLIDATE THE NEW REGIME. THIS FACT SHOULD BE UNDERSTOOD AND APPRECIATED IN THE U.S., HE URGED. ERRAZURIZ FURTHER EXPLAINED THESE STEPS AS THE WORK OF PINOCHET, WHOM, HE CLAIMED, ASSIGNED THE TASK OF REFORMING THE CONSTITUTION TO HIS CURRENT CABINET LAST MARCH.

7. WHEN ERRAZURIZ BEGAN OUTLINING THE ECONOMIC ACHIEVEMENTS OF THE GOC, ARONSON REMARKED THAT CHILE HAS BECOME A MODEL FOR LATIN AMERICA IN THIS REGARD. ERRAZURIZ AGREED, NOTING THAT FOR DEMOCRACY TO PROSPER IN CHILE OR ANYWHERE ELSE, POLITICAL FREEDOMS AND ECONOMIC GROWTH MUST GO TOGETHER.

8. ARONSON COMMENTED THAT THE US IS OPTIMISTIC AND ENCOURAGED BY RECENT EVENTS IN CHILE, BOTH IN THE POLITICAL AND ECONOMIC AREAS AND THAT THE CHILEAN PEOPLE AND GOVERNMENT SHOULD BE DULY PROUD OF THEIR ACHIEVEMENTS. THE U.S., HE SAID, WOULD LIKE TO BE SUPPORTIVE OF THE TRANSITION AND HELP CHILE IF POSSIBLE ON

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TRADE ISSUES AND WITH GSP, ALTHOUGH IN THE LATTER CASE AN IMPORTANT MATTER (IMPLYING BUSTOS AND MARTINEZ) HAS TO BE DEALT WITH BEFORE RECONSIDERATION OF CHILE'S GSP PRIVILEGES WOULD BE POSSIBLE. ERRAZURIZ SECONDED ARONSON'S WISH FOR BETTER BILATERAL RELATIONS, URGING THAT THE U.S. TAKE SOME CONCRETE STEPS TO SHOW ITS UNDERSTANDING AND APPRECIATION FOR WHAT IS HAPPENING IN CHILE. HE SUGGESTED AS WAYS OF DOING SO A NORMALIZATION OF MILITARY AFFAIRS (THE MILITARY, HE CLAIMED, HARBORS GREAT RESENTMENT FOR THE U.S.), BY REINSTATING CHILE'S GSP, BY AFFORDING CHILE PRIORITY TREATMENT UNDER THE BRADY PLAN, AND BY THE U.S. HELPING CHILE TO GAIN FULL MEMBERSHIP IN THE "ECONOMIC COUNCIL OF THE PACIFIC," CLAIMING THAT THE US CURRENTLY SUPPORTS MEXICO RATHER THAN CHILE FOR THIS BODY. THE FRUIT CRISIS, ERRAZURIZ STATED, HAS LEFT SOME DEEP SCARS AND A BILL TO THE GOC FOR $100

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MILLION, FACTORS WHICH FURTHER NECESSITATE AN IMPROVEMENT IN U.S.-CHILEAN RELATIONS.

9. POSITIVE STEPS BY EACH COUNTRY TO MUTUALLY REINFORCE FURTHER CONSTRUCTIVE DEVELOPMENTS WOULD CERTAINLY BENEFIT BILATERAL RELATIONS, ARONSON SAID. HE OFFERED GSP AS AN AREA WHERE PROGRESS COULD BE MADE. ERRAZURIZ QUICKLY RESPONDED THAT THE GOC IS REVISING ITS LABOR CODE IN SOME AREAS "OF INTEREST TO YOU" AND WOULD BE SOON DISCUSSING THE MATTER WITH THE USG. AS FOR BUSTOS AND MARTINEZ, ERRAZURIZ SAID, THEY MUST REQUEST A PARDON IN ORDER FOR JUSTICE MINISTER ROSENDE TO TAKE ACTION ON THEIR CASE. SINCE THEY HAVE NOT DONE SO, NOTHING CAN BE DONE.

10. THE LETELIER CASE WAS RAISED BY ARONSON AND ARA/SC DIRECTOR HOWARD. ERRAZURIZ STATED THAT HE WILL BE LUNCHING WITH LEGAL ADVISOR SOFAER THE NEXT DAY AND

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QUICKLY CHANGED THE TOPIC TO THE BUSCHMANN CASE, NOTING THE GOC'S DISAPPOINTMENT THAT THE U.S. REFUSED TO EXTRADITE HIM. THE GOC, HE CLAIMED, THOUGHT THAT THE USG WOULD BE ABLE TO CHARGE HIM ON A U.S. OFFENSE. ARONSON RESPONDED THAT WE WERE VERY DISAPPOINTED TO HAVE TO LET HIM GO BUT THAT WE HAD NO CHOICE, GIVEN THE NON-EXTRADITABLE NATURE OF THE CRIME WITH WHICH HE WAS CHARGED BY THE GOC.

11. TURNING THE CONVERSATION BACK TO LETELIER, ARONSON NOTED THAT THE 1914 TREATY PROVIDES AN EXCELLENT MECHANISM FOR RESOLVING THE MATTER, WARNING THAT CONGRESS IS ONCE AGAIN INTERESTED AND THAT IT IS IMPERATIVE THAT POSITIVE MOVEMENT ON THE CASE TAKE PLACE. AGAIN, ERRAZURIZ CLAIMED THAT HIS LUNCH WITH SOFAER SHOULD BE AN OPPORTUNITY FOR PROGRESS IN DEVELOPING A "JOINT ANALYSIS" OF THE TREATY AND PUTTING THE CASE "ON THE RIGHT TRACK" SO THAT IT WILL NOT BE AN OBSTACLE TO BETTER BILATERAL RELATIONS. HE INSISTED THAT THE MATTER OF THE JURISDICTION OF U.S. COURTS SHOULD BE ADJUDICATED. ONCE MORE, ARONSON MENTIONED THE 1914 TREATY AS A GOOD MEANS OF DEALING WITH SUCH ISSUES AND ERRAZURIZ DIFFERED WITH THIS VIEW. WHEN ARONSON STATED THE NEED TO NAME COMMISSIONERS AND PROCEED WITH THE COMMISSION'S WORK, ERRAZURIZ FELL BACK ON THE NEED FOR "JOINT ANALYSIS" OF THE TREATY.

12. ARONSON NOTED THAT HIS INTERVENTION WITH CONGRESS HAD HELPED MAKE PROGRESS IN THE AREA OF MILITARY RELATIONS. PROGRESS IN THIS AREA AND IN BILATERAL RELATIONS IN GENERAL WILL CONTINUE, HE STATED, AS CHILE TAKES FURTHER STEPS TOWARD DEMOCRACY. CHILE, HE SAID, CAN BE SURE THAT THE U.S. WANTS TO CONTINUE SEEKING MEANS FOR BETTER BILATERAL RELATIONS.

13. WHEN ASKED BY ARONSON ABOUT THE FUTURE GOC POSITION ON PANAMA, [illegible]

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14. ERRAZURIZ ASKED ARONSON ABOUT HIS TALKS IN MOSCOW. ARONSON NOTED HIS PERSONAL IMPRESSIONS OF THE PHYSICAL AND ECONOMIC DECAY OF THE USSR AND HIS TENDENCY TO DISTRUST SOVIET INTENTIONS IN LATIN AMERICA AND ELSEWHERE. WHEN ERRAZURIZ RAISED THE MATTER OF SOVIET SUPPORT FOR TERRORIST GROUPS IN CHILE, ARONSON RESPONDED THAT WE HAVE RAISED THE ISSUE AND THAT THE SOVIETS KNOW THAT WE HOLD THEM ACCOUNTABLE BECAUSE OF THEIR BANKROLLING OF ALL CUBAN ACTIVITIES. HE CLAIMED TO BE "CAUTIOUSLY OPTIMISTIC" THAT THE SOVIETS MAY TRY TO PUT A DAMPER ON CUBAN SUPPORT FOR TERRORISM AND OTHER ACTIVITIES AGAINST LATIN AMERICA, NOTING THAT THE USSR CANNOT AFFORT TO CONTINUE UNDERWRITING CUBA. BECAUSE OF THE NEED TO BE CAUTIOUS WITH THE USSR, ARONSON ARGUED, IT IS DOUBLY NECESSARY TO

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15. COMMENT. ASIDE FROM RAISING THE MATTER OF THE "ECONOMIC COUNCIL OF THE PACIFIC" (WE WILL ATTEMPT TO GET MORE INFORMATION ON THIS MATTER) AND INTRODUCING THE IDEA THAT PINOCHET WAS THE MOVING FORCE BEHIND CONSTITUTIONAL REFORM, ERRAZURIZ USED ONLY STOCK TALKING POINTS AND ARGUMENTS IN THIS MEETING. END COMMENTARY.
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United States Department of State
Bureau of Intelligence and Research

Intelligence Research Report

China: Aftermath of the Crisis

IRR No. 210 - July 27, 1989

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United States Department of State
Bureau of Intelligence and Research

(U) China: Aftermath of the Crisis

Intelligence Research Report No. 210
July 27, 1989

Key Judgments

(LOU) The situation in China will remain unsettled at least until Deng Xiaoping and other party elders die.

(C) The ousting of the reformist Zhao Ziyang and his supporters, combined with a continuing purge of demonstration sympathizers within and outside the Communist Party, is the result of a temporary victory by hardliners. [redacted]

(C) On economic reform, however, tension may develop between such hardliners as [redacted] and such moderates as [redacted]. [redacted] (See Appendix for biographic sketches of newly promoted leaders Jiang Zemin, Song Ping, Li Ruihuan, and Ding Guangen.) More conservative contenders were bypassed when Jiang was named to replace Zhao as party chief.

(S) Friction may also develop between [redacted]

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(C) Myriad fundamental problems portend rough waters for China's leadership. These problems cannot be solved quickly, [redacted] For example:

- **Basic economic problems** are bound to get worse before they get better. Differences exist within the leadership over the direction and scope of needed economic reform. If hardliners succeed in shifting China toward self-reliance, the resulting decrease in foreign trade and investment will exacerbate underlying problems.

- Contention may also persist over the **scope and severity of the internal crackdown.**

- [redacted]

- **Popular discontent will add to pressure to do something about inflation, corruption, and nepotism,** [redacted]

(LOU) In foreign policy, leaders appear united in espousing a continuation of China's open-door policy. Sino-Soviet political rapprochement will continue at a snail's pace.

(C) Foreign governments have expressed near-universal revulsion over the crackdown, although a few exceptions have supported China's approach. Negative reactions range from punitive measures by Western countries to private criticism in the East:

- **International Organizations:** Although the UN has followed its mandate not to interfere in internal affairs, the World Bank and Asian Development Bank (ADB) have postponed consideration of pending loans.

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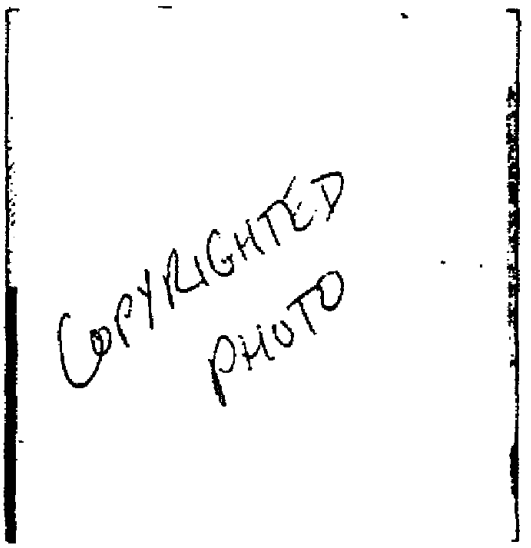

China's top leader, Deng Xiaoping

CCP General Secretary Jiang Zemin

- **Western Europe:** Reactions generally follow the lines of the US response, i.e., cessation of high-level visits, suspension of military ties, support for freezing consideration of new international development loans, and public criticism of human rights abuses.

- **Canada, Australia, New Zealand:** All three have canceled high-level visits to the PRC. Canada and Australia have reduced financial assistance, and Canada has recalled its Ambassador for consultations.

- **Japan and South Korea:** Reactions fall short of punitive steps, although Japan has hinted that suspension of development assistance could continue even after "stability" is restored.

- **The Soviet Union:** While official comments have merely expressed hope for continued reform and common sense, the private Soviet reaction has been quite critical.

- **Hungary, Poland, Yugoslavia, and the West European communist parties:** Reaction is sharply critical.

- **East Germany, Cuba, and North Korea:** Reaction has been sympathetic.

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- **The Third World:** Official response has been characterized by silence or expressions of regret, tempered by unwillingness to intervene in China's internal affairs. Condemnation in the press has been strident, with the exception of communist countries.

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(C) How Did China Get to This Point?

Succession Struggle. At the heart of the crisis in China has been the power struggle for the succession to Deng. Several semiretired party elders, who like Deng belong to the "founding generation" of communist revolutionaries, have been seeking for several years to reassert their influence, slow or roll back Deng's reforms, and replace Deng's chosen successors with their own protegés.

Significant policy disputes have been at issue, with Deng's younger supporters throughout the party, government, and military bureaucracies favoring more rapid systemic reform. Hu Yaobang and Zhao Ziyang were willing and able to reshape the political system to accommodate the interests of new social forces set in motion by the decade of reform. The other elders have acted as spokesmen for the established powers, favoring slower and more modest change within the context of strong government and party central control.

Beginning last summer, contending leaders used the problems in the economy—particularly double-digit inflation—to step up attacks on Zhao and force an end to political reform to preserve social stability. Popular confidence in the regime began to disintegrate as concerns over inflation were compounded by rampant official corruption and nepotism and evidence that leaders were more concerned about power considerations than public aspirations.

Differences over policy have been aggravated by personal grudges and family interests. Circumvention of formal institutions and procedures in the recent crisis caused political actors to fall back on personal loyalties to ensure their political—and physical—survival.

Zhao saw the demonstrations of popular support at the time of Hu's death as an opportunity to shore up his position and restore momentum to political and economic reform. He alone in the top leadership seemed to understand the depth of public grievances and the urgent need to address them in some realistic fashion. Zhao's critics saw his accommodating response to the student demonstrations as an opportunity to undermine his leadership and to assert a more traditional, authoritarian rule.

The Final Straw. In mid-May, growing tensions produced a final break between Deng and Zhao.

[redacted]

With the June 9 public appearance of Deng, other elders, and the top leadership—minus Zhao, Hu Qili, and Rui Xingwen—there emerged a shaky [redacted] leadership coalition supporting the imposition of law and order through a reign of terror.

In important ways, this clash of social and political tensions is unique in Chinese history. It emerged from a concatenation of events:

- Hu Yaobang's death on the eve of planned demonstrations in commemoration of the prodemocratic May Fourth Movement of 1919;
- the ADB meeting in Beijing;
- the Sino-Soviet summit that prompted the massive presence of Western, Hong Kong, and Taiwan reporters in Beijing to provide live coverage to the world; and
- Deng's deteriorating health.

The conflict between extremes in Chinese political culture—the aging founders of the revolution and the

most educated and Westernized elements of the national population—does not exist to the same extent elsewhere in China as in the capital.

The Impact of the Fourth Plenum

(C) The Central Committee on June 24 removed Zhao from all his party positions and demoted three of his supporters. [redacted] remain an important force in the leadership, [redacted]

- Jiang, an economic reformer and Politburo member, was named General Secretary and promoted to the Standing Committee.
- Li remains Premier, but none of his protegés received a promotion.
- Neither the military nor the security apparatus enhanced its position within the leadership.

Deng apparently brokered a deal that will protect key aspects of his economic reform program, but the Central Committee communique strongly hints that the struggle is not yet over.

(C) Zhao's Out... The Central Committee plenum made official what had been known for weeks: Zhao lost his job as party chief. While removed for making "very serious mistakes" and "supporting turmoil"—but not counterrevolutionary rebellion—and "splitting the party," Zhao was labeled "comrade" and not charged as a counterrevolutionary. Nevertheless, these are serious charges and the communique says darkly that it will "look further into his case."

(C) While Zhao's initial treatment is far milder than suggested by documents reportedly circulated last month, the leadership removed him from all posts, including the Central Committee. When Hu lost his post as party chief he was left on the Politburo; likewise Hua Guofeng stayed on the Politburo for almost two years and then retained a Central Committee seat for five more years. Zhao's harsh treatment allegedly was the result of his refusal to admit to his "mistakes."

(C) ...Jiang's In. New party chief Jiang Zemin was party boss in Shanghai and has been a Politburo member since 1987. [redacted]

[redacted]

[redacted]

Jiang is a Soviet-trained engineer who has worked with and for Li in various jobs. [redacted]

[redacted]

[redacted]

(S) Jiang has no historical connection with Deng but almost certainly attracted the patriarch's favorable attention by his censorship of the *World Economic Herald* in April. Moreover, Jiang may have coordinated several visits to Shanghai by Deng for medical treatment. [redacted]

(C) Although a strong practitioner of economic reform, including devolution of responsibility and resources from central ministries to local control, Jiang crossed swords with Zhao several times over Shanghai matters. [redacted]

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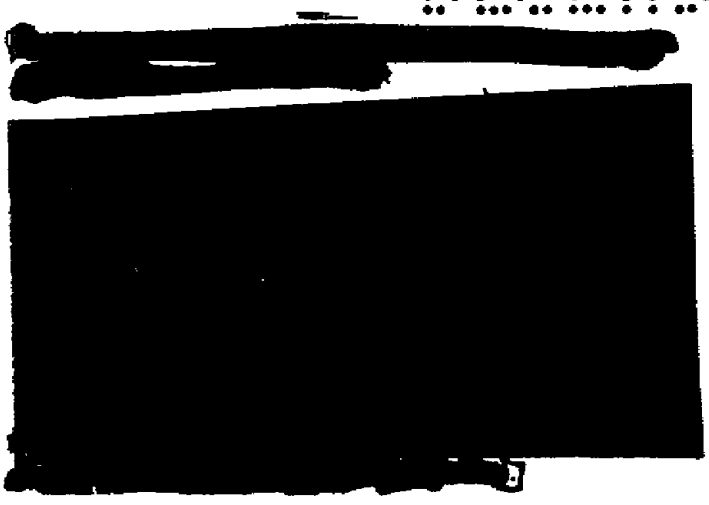
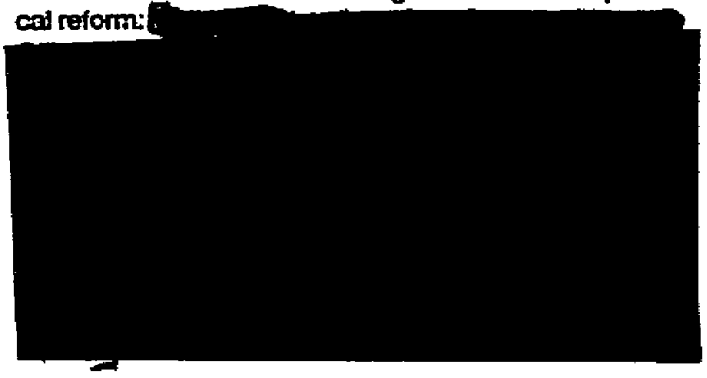


Politburo Standing Committee member Li Ruihuan

(C) **Reformers, Not Liberals.** The Central Committee dumped all of Zhao's top-level associates who had demonstrated a strong commitment to political reform:



Politburo Standing Committee member Song Ping

(C) Almost all of those who were promoted—Jiang, Tianjin party chief Li Ruihuan, who joins the Politburo Standing Committee and Secretariat, and Ding Guangen, who joins the Secretariat—are committed to economic reform but take a more orthodox stance on political issues. Both Jiang and Li Ruihuan acted with moderation during recent student unrest, allowing students to vent frustration and avoiding violence or the use of troops. Conservatives gained one seat on the now six-man Standing Committee: Chen Yun protegé Song Ping, an orthodox economic planner who is now in charge of top-level party personnel affairs.

(C) **Keeping the Door Open.** The communique, like Deng's June 9 speech, strongly endorses China's commitment to economic reform and opening to the outside. It contains no bluster or warnings about foreign governments "interfering in China's internal

Politburo Alternate and Secretariat member Ding Guangen

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affairs" but rather expresses the belief that foreigners will understand China's "just struggle to quell the counterrevolutionary rebellion" and that friendly ties between the PRC and other countries will continue to develop. Preserving the "open door" and Westward-leaning foreign policy may have been achieved, however, at the price of [redacted]

(C) The Long, Hot Summer

Although China's leaders papered over differences at the Central Committee plenum, signals persist of strong disagreements on policy. Moreover, the plenum communique hinted that further "adjustments" to the leadership are likely.

Despite efforts to get back to business, top-level wrangling will continue throughout the summer, possibly culminating in more changes at another plenum or a "party representative conference" this fall. Contention over the scope and severity of the crackdown and a high-level review of foreign policy and the diplomatic fallout of recent events will also keep Beijing's political pot simmering through the summer.

Domestic Policy Signals Unclear. The fourth plenum's communique declared a "decisive victory" over the "counterrevolutionary rebellion" of April-May and announced plans to get the country back to work. The late-June meeting of the National People's Congress Standing Committee, delayed by preparations for the plenum, also was meant to symbolize the return to "normality." But conflicting signals in statements by top leaders, the plenum communique, and various authoritative media suggest continued confusion about domestic priorities and marching orders.

People's Daily editorials and the plenum communique of June 24, for example, evince continuing disagreement over the priority and relationship of combating "bourgeois liberalism" and pursuing economic reform. The communique, like an editorial in the party paper June 23, highlighted the importance of purging Zhao and his supporters and reasserting strong party ideological and organizational controls. The communique listed two additional tasks: carrying out economic retrenchment to "improve" economic reform and addressing complaints about corruption and illegality in party leadership.

Both of these authoritative statements took pains to denigrate democracy activists and their alleged political backers and to defend the harsh crackdown by party and army hardliners. Credit for acting decisively to check the counterrevolution was ascribed to Deng and other party elders. The rationale was set forth for conducting a major purge of the bureaucracy in the guise of a political campaign against bourgeois liberalization. Caveats regarding the need to follow legal procedures and to avoid regression in reform were weak and tangential to the argument.

A *People's Daily* editorial on June 25, after briefly reiterating the importance of ideological work and party building, took a different tack regarding priorities. It depicted the purge of officials, stepped-up attention to party discipline, and similar measures as means to the more important goal of advancing Deng's reform program "even more courageously and freely." It warned that immediate undertakings must not lead to a slackening of reform efforts, confinement of people's thinking, subjection of the economy to rigid controls, revival of old ideologies and systems, or the blocking of channels to other countries.

Two Halves of a Whole, or Continuing Disagreement? The editorials just before and after the plenum might be read as two halves of an agreed position, but the lack of balance in the communique itself is noteworthy. The communique and other documents circulated for study, including statements by Deng, focused almost entirely on ideological themes, without reference to continuing reform. Moreover, the most recent editorial openly admitted the existence of "misgivings" as to whether the reform program should continue in the wake of recent events. Different emphases appear in statements of support for plenum decisions sent in by central and local organs.

Deng's June 9 speech, which set the themes for the plenum and the editorials, seemed to be trying to strike a balance—to define a centrist position and rebuild leadership consensus. Media play and leaders' comments on his speech even before the plenum varied significantly, however. These differences

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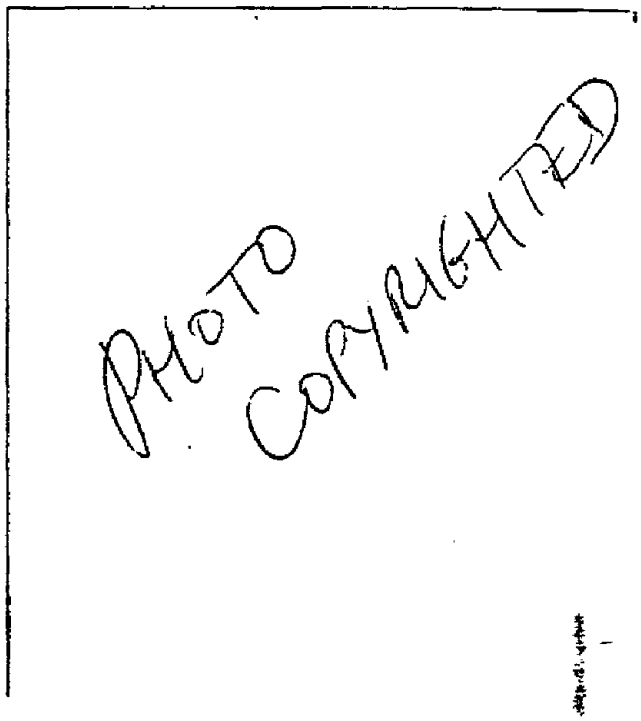
reflect the fundamental contradictions inherent in Deng's effort to preserve his program—and his own position—yet discard the bold reform wing of the party.

Greater Consistency on Foreign Policy. Statements on foreign policy, however, are consistent, eschewing anti-Western invective and affirming the importance of the open policy. The plenum communique asserted the Central Committee's conviction that friendly ties with all countries would continue to develop and avoided anti-Western innuendo and criticism of the US that persists in nonauthoritative media.

The June 25 editorial was effusive in emphasizing the centrality to China's future of opening up the country and learning everything useful from all countries. The consistency and tone of statements on foreign policy may reflect either Deng's determination to preserve that aspect of his program or agreement among the contending factions to limit the already considerable damage to China's international position.



President Yang Shangkun

(C) Defensiveness Suggests Low Confidence

China's posture, both at home and abroad, remains defensive. [redacted] In foreign policy, China remains prickly, as evinced by recent statements by Yang Shangkun, Li Peng, Li Xiannian, and others that China will not succumb to pressure from abroad and will find its own road to modernization.

At home, media are conducting a full-court press to convince people that the leadership's actions against prodemocracy demonstrators were necessary, moderate, and appropriate, and that the unrest was fomented by such "traitors" as Fang Lizhi with support from anti-China elements abroad. Many remain unconvinced and are demanding renewed attention to reform.

Personnel Changes Incomplete. Although the plenum picked a new party chief and restaffed the Politburo Standing Committee and Secretariat after the purge of Zhao and his associates, it did not elect any new Politburo members or select a replacement for Zhao in the Military Commission. Moreover, a number of Central Committee members may be under investigation for supporting student protests. If judged guilty, they could be removed.

A party congress—or "representative conference," an interim forum used in 1985 to reshuffle the leadership—will be needed to make these changes. Leaders probably will aim to convene such a meeting in the fall; most of the summer will be spent skirmishing over who will be promoted, demoted, or removed. Leaders may also discuss high-level government changes as part of a package deal. These changes probably would not take place formally until next spring.

Wrangling Over the Purge. The party's Central Discipline Inspection Commission has ordered a wide-ranging examination of party members' conduct during recent unrest and called for stiff discipline—including removal from the party—of those who took too soft a stance. At the same time, police, party officials, and government agencies will be investigating rank-and-file bureaucrats, low-level officials, journalists, intellectuals, college faculty, and workers.

The scale of the inquisition—[redacted] is said to have told a foreign visitor that some 70,000-80,000 would be targeted—as well as the nature of charges leveled and the punishments assessed will become politically charged as hardliners try to gin up an anti-reform campaign. A continued crackdown, including more executions, will also complicate China's efforts to get foreign relations back on an even keel.

(C) Longer Term Prognosis

Society. The leadership will debate for some time the momentous impact on China's future and Deng's reform program of the tragic events of early June. The probability is high for continued leadership instability, punctuated by deaths of elders.

The bureaucracy and intelligentsia will remain demoralized if not defiant; the work force sullen; and the student population totally alienated and increasingly engaged in underground and radical dissident activity. There is probably little residual faith that the regime can be counted on to move forward on demands for political freedoms, an open and accurate press, and an end to official corruption.

Economy. The power struggle in Beijing will continue, precluding new policies to address economic problems. Deng's program is being reaffirmed, but it will be redefined in more conservative terms. Uncertainty and timidity among economic managers and bureaucrats, and caution among foreign investors, may slow the pace of economic growth somewhat, but the conservative program will do little to address the economy's basic problems.

At the same time, pressure to increase subsidies to forestall social unrest will exacerbate the government's budget deficit, reduce funds for investment in needed infrastructure, and stimulate inflation. The extent to which Deng will be willing or able to resist conservative pressures for a rollback is unknown.

Foreign Policy. China's relations with the West will be strained by continuing deterioration of the economy, tensions in society, and anti-Western rhetoric resulting from political infighting. Chinese conservatives tend to favor minimizing dependence on the international economic system (while, however, pursuing economic ties with all countries) and eschewing close political or military entanglements with the great powers.

An internally repressive regime in China does not necessarily portend a strategic shift in relations with the United States and the Soviet Union. Several of the elders and military leaders now regaining political influence have been more reluctant than Deng to downgrade the threat from the Soviet Union, and the new regime may be even less responsive to Soviet appeals for negotiation of confidence-building measures.

Commanders eager to capitalize on their new political clout by increasing the military budget will be reluctant to undercut that possibility by playing down the Soviet threat. Moreover, those who have led the decade-long effort to modernize the People's Liberation Army (PLA) do not want further to jeopardize military ties to the US.

Sino-Soviet political rapprochement was expected to be slow even before the unrest in China; it is now likely to proceed at a snail's pace. Gorbachev had been maneuvering to develop a "special" relationship based on common socialist goals. The Chinese were responding minimally and only in the guise of discussing economic and political reform.

Gorbachev may now want to keep his distance from the [redacted] Chinese regime. For their part, hardliners in Beijing have no interest whatsoever in emulating Gorbachev's political reforms; many view retrenchment as preferable to further economic reform.

(C) International Reaction to the Crackdown

China's Relations With Developed Countries Seriously Damaged. The considerable international network of political and economic ties which China developed over the past decade has been seriously damaged. The almost-universal revulsion to the brutal suppression of the prodemocracy movement and the ensuing purge will make it difficult for Beijing to begin an effective salvage operation. Many countries, in-

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cluding most of China's major trade partners, have supported their condemnation with concrete punitive actions but have stopped short of trade sanctions.

Even without trade sanctions, trade and investment from Western Europe and Asia will be adversely affected if China's hardliners choose ideological purity and self-reliance over interdependence. China's credentials as a socialist reformer are being called into question not only by West European communists but also by progressives in Eastern Europe and, to a lesser extent, in the Soviet Union. Support from the remaining conservative socialist regimes will be scant comfort to Deng's hopes of continued modernization.

The UN and International Organizations. UN Secretary-General Perez de Cuellar, while noting the UN mandate not to interfere in internal affairs, was "greatly saddened" by the violence in China. Both the US and the USSR agree that the issue is not appropriate for Security Council consideration. The WEOG (Western European and Others Group) members will individually call for stronger criticisms from the Secretary-General and designated UN human rights rapporteurs.

Such international financial institutions as the World Bank and the ADB, which play an important role in the Chinese economy, have postponed consideration of pending loans to the PRC, citing the uncertain economic outlook. New credits and investments undoubtedly will be subjected to careful scrutiny even after activity resumes on existing obligations.

Western Europe Unites in Condemnation. West European countries—together and individually—have expressed their condemnation of the government violence in China, generally following the lines of the US response. The European Community acted quickly to cancel economic consultations with China's trade minister on June 5, warning that "cooperation between China and the Community can only suffer."

The EC summit on June 26-27 took unusually strong action, calling for suspension of military cooperation, arms trade, and high-level contacts; postponing of new cooperation projects; and a review of cultural, scientific, and technological cooperation. The EC Council also supported postponement of new World Bank credits. Public pressure played an important role in the EC sanctions, particularly in Italy where Prime Minister Andreotti had argued for a cautious approach for fear of permanently damaging relations.

Switzerland has suspended arms sales to China, and Austria has announced a freeze on relations. Sweden and Denmark have suspended development assistance and, with Norway, have canceled various official visits with China.

The Finnish press has criticized the government for not taking any action against China. Along with Norway, Finland has denied Chinese reports—part of a propaganda offensive meant to show that business is being conducted as usual—that it approved new loans to the PRC in June.

Canada, Australia, and New Zealand. All three countries have canceled high-level visits with the PRC, including an Australian ship visit, with Canada going one step further by suspending military relations and temporarily recalling its Ambassador for consultations. Australia and Canada are also cutting off financial assistance for new projects. As popular destinations for Chinese students, all three countries will consider extending student visas as necessary. Australia and Canada—along with the US, United Kingdom, and Japan—have provided asylum or refugee status to several Chinese diplomats and dissidents involved in the demonstrations.

Potentially Serious Economic Fallout. According to PRC statistics, the EC in 1988 overtook Japan as China's second largest trade partner. Several European countries, including West Germany, Italy, Belgium, Sweden, and Denmark, individually suspended development assistance to China to protest the killings in Beijing and the ensuing executions. Canada and Australia are postponing new foreign assistance projects.

Without soft loans and government-backed credits worth several hundred million dollars, the viability of many joint-venture projects will be called into question. The Coordinating Committee for East-West Trade Policy (COCOM) has agreed to suspend deliberation on whether to relax further restrictions on exports to China until the fall.

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Japan and South Korea. Official reaction to the events in China by both Japan and South Korea has been more muted than that by Western countries. Japan has escalated its response from "serious concern," to describing the use of force as "unacceptable from a humanitarian standpoint," to "condemning the killings." Japan has hinted that suspension of development assistance could continue even after "stability" is restored. Tokyo is opposed to imposing economic sanctions for fear both that criticism will drive China toward Moscow and that Japanese business representatives would be harmed.

South Korea also has expressed "grave concern" but has not taken any punitive steps. Then-Prime Minister Uno and Democratic Justice Party Chairman Pak Chun-Kyu agreed during a July 11 meeting that steps should not be taken at the July 14 Paris summit to isolate China internationally. Foreign Minister Choi promised to continue efforts to improve relations with China. Several South Korean joint ventures have suspended operations, but civil aviation talks reportedly are continuing.

Although a few companies in Japan and South Korea may try to take advantage of Chinese efforts to reassure foreign businesses by offering "good deals," private business decisions in both countries undoubtedly will be chilled by uncertainty about China's stability.

Reaction in the Socialist World. A *People's Daily* editorial on Deng's June 9 speech analyzing the causes of the "counterrevolutionary rebellion" heralded his remarks as important to the "smooth development of the international communist movement." In reality, the apparent conservative victory in China is bucking the tide of socialism which is moving toward greater political pluralism and has damaged China's reputation as a progressive socialist nation.

Moscow's Reaction—Subdued Disappointment: Moscow's official comments, as represented by the Congress of Deputies, have been confined largely to general statements hoping for continued reforms and common sense. During the May 15-18 summit in Beijing, Gorbachev called for a dialogue with the students. A month later in Bonn, Gorbachev expressed his "regret" over developments, noting that an anti-reform backlash would be "immensely harmful" to international trends toward relaxing tensions. He also implied that the students were not in fact counter-revolutionary.

Vice Foreign Minister Rogachev has expressed concern that the pace of improvement in Sino-Soviet relations will be slowed, a likely result of Beijing's preoccupation with its domestic crisis and the renewed importance of a PLA traditionally wary of the Soviet Union. Boris Yeltsin and Andrei Sakharov both decried Beijing's actions as a crime against the people, drawing parallels to Moscow's repression of demonstrations in Tbilisi.

Privately, Soviet reaction has been quite critical. [redacted] blamed the "stupidity" of the Chinese leadership for letting tensions build too high. Several Soviet diplomats have expressed support for the students and regret that they cannot speak out publicly for fear of harming Sino-Soviet relations. One officer described Chinese actions as "dirtying the name of communist parties everywhere."

Although Moscow would not be averse to profiting from tension in China's relations with the West, Soviet Ambassador to China Troyanovskiy reportedly told Vice Premier Tian Jiyun that the USSR was in no position to step into the West's economic shoes if sanctions cut off PRC access to science, technology, and trade. Gorbachev hopes that ties with Beijing can be solidified without endangering Soviet ties to the West, but he is sensitive to charges that Soviet failure to criticize China is based on expediency rather than principle.

Socialist Condemnation of China: Hungary, Poland, Yugoslavia, and the West European communist parties have all been sharply critical of the military crackdown in Beijing. Hungarian General Secretary Grosz stated that the Chinese Government's violent response "has nothing to do with socialism."

Privately, reformers throughout Eastern Europe are concerned that their conservative opponents will cite China as proof of the danger of reform. Communist parties in France, Italy, Greece, and Finland

condemned the violence in Beijing as an affront to socialist principles.

Mild Support From Hardline Regimes: East Germany has been most sympathetic to China's suppression of "anticonstitutional elements," because China now provides an example of what it perceives as the dangers of reform. Other countries like North Korea have limited their comments to quoting the Chinese version of events and noting that the crisis is purely an internal affair. By waiting until mid-June, when the conservative victory in Beijing became apparent, Czechoslovakia, Romania, and Bulgaria could avoid negative comment, choosing instead to welcome the apparent return to stability. The exception was Albania, which criticized reforms in both the Soviet Union and China as extending power through violence.

Third World Reaction. The official Third World response to the crackdown in China was characterized by silence or expressions of regret which were tempered by unwillingness to intervene in China's internal affairs. Condemnation in the press was strident, with the exception of communist countries.

Southeast Asia. Southeast Asian countries are concerned that the power struggle in Beijing could affect China's role in the search for a settlement in Cambodia—for better or for worse. Optimists hope that Chinese leaders, preoccupied with internal developments, will seek regional stability by reducing support for the Khmer Rouge. Pessimists fear that hardliners will take a stronger anti-Vietnamese line, in part to divert attention from domestic woes.

Some, notably Indonesia and the Philippines, also fear a resumption of Chinese aid to regional communist movements. Vietnam, vulnerable both to direct Chinese pressure and to prodemocracy stirrings, has been exceptionally cautious in reporting on events in China. In member countries of the Association of Southeast Asian Nations (ASEAN), media have harshly condemned the Chinese Government, in contrast to more circumspect official reactions.

Thai officials have been most concerned about changes in the Chinese attitude toward a Cambodia settlement, despite official PRC assurances that China's position is unchanged. Thai military officers may be having second thoughts about their growing dependence on Chinese equipment, but existing investments and advantageous prices have built a momentum that would be difficult to reverse.

The official Thai reaction was restrained. Prime Minister Chatchai was "saddened," but described the Chinese crackdown as an internal affair. He reportedly also said that Thailand could benefit from trade and investment that might otherwise go to China, a view that has drawn widespread public and media criticism. Editorials drew parallels with the public pressure that forced Thai military dictators to make way for democracy. PRC-affiliated Hong Kong papers that condemned martial law have appeared in Bangkok for the first time in decades, while local Chinese-language papers that support the Beijing line (allegedly under Chinese Embassy pressure) have lost sales.

Philippine Government reaction also has been muted, constrained by fears that angry Chinese leaders could retaliate with a tougher stand on the disputed Spratly Islands or with a resumption of aid to the New People's Army. Officials stress that bilateral ties will remain unchanged, but efforts in the House of Representatives to upgrade relations with Taiwan may be stepped up.

Public and press condemnation of the Beijing events, on the other hand, has been very strong. Filipinos saw many parallels between China's democracy movement and their own peaceful revolution in 1986 and were horrified when the PLA—unlike the Philippine Army—crushed the protests. Thousands from the Chinese community, representing more than 170 associations, burned Deng in effigy.

The Chinese tragedy could bring windfall benefits to the Philippines in two ways. Philippine officials and business representatives, like their Thai counterparts, are eager to attract Asian and Western investment that otherwise would have gone to the PRC. The government also is moving to channel popular revulsion against Philippine Maoist insurgents. The head of the main communist-front labor federation played into their hands by condoning the massacre, deepening existing rifts within the communist movement.

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Indonesian military and intelligence officials, always suspicious of Chinese intentions, have used the crackdown to justify denying progress toward normalized relations. President Suharto and Foreign Minister Alatas favor improved ties but will move forward cautiously. The government's mild official response was criticized in the press—both as a slap at Jakarta's noninterference policy and to give broader coverage to the events in China.

Malaysian leaders fear that expressions of solidarity with the students in Beijing by their Chinese minority community could affect their country's delicate ethnic balance. Prime Minister Mahathir said only that he hoped the unrest in China could be resolved quickly, but most media condemned the "bloodbath" in Beijing. Despite official discouragement, some students did demonstrate, and Malaysian Chinese groups delivered protests to the PRC Embassy.

Singapore issued ASEAN's strongest official condemnation. Prime Minister Lee Kuan Yew condemned the use of force against unarmed civilians. But officials also have privately warned the US of the futility of sanctions and the difficulty of restoring damaged ties. They caution against fostering an isolation that suits the vested interests of the CCP old guard and feeds Chinese xenophobia.

There has been little public reaction, but the Singapore press has given mainland events extensive critical coverage and reprinted the most vitriolic Hong Kong stories. Singapore also hopes to gain from China's difficulties and has sought to attract the brightest and best of Hong Kong Chinese now anxious to emigrate.

Vietnam has carefully avoided either condoning or condemning Chinese actions. Vietnamese media have generally carried only official PRC accounts of Chinese events, avoiding comment on either the demonstrations or the crackdown. Government spokesmen forcefully contradicted a BBC report that Hanoi had publicly supported the Chinese actions, however, stating that the matter was an internal Chinese affair. In addition, Hanoi's *Armed Forces Daily* quoted non-PRC sources describing troops firing on students. Perhaps influenced by events in China, Vietnam's leaders quickly caved in to recent student demonstrations demanding increased living subsidies.

According to a Xinhua report of a June 17 meeting between Vice Chairman Vo Nguyen Giap and the Chinese Ambassador, Giap "believed China will...restore social stability...under the leadership of the CCP and the Chinese Government." Hanoi's careful adherence to a policy of neutrality and nonintervention reflects the complexity of its historical relations with its giant neighbor. A major concern of Hanoi is to continue to try to repair relations with the PRC. Still more worrisome is the prospect that the Chinese military, emerging from the power struggle with much greater political authority, might harden Beijing's stand on Cambodia, or even resume the border war.

Laos, like Vietnam, has offered its people only limited and neutral coverage of events in China, fearing that a Chinese policy shift could destroy the Cambodian peace process.

Burma's military leaders, who brutally suppressed mass demonstrations for democracy in Rangoon last year, expressed "understanding and sympathy" for the Chinese Government's policy on the "counterrevolutionary rebellion" in a meeting with the Chinese Ambassador. Official media have largely ignored the events in China, but people in the cities at least are well informed, thanks to VOA, BBC, and All India Radio.

South America. South American reaction has been varied, generally negative but forgoing strong condemnation. Reaction ranged from protests in Mexico during Chinese Foreign Minister Qian Qichen's visit to praise from Cuba for the suppression of counterrevolutionaries.

The Chinese Government suspended President Yang Shangkun's visit to Mexico, and the Mexican Foreign Secretary's visit to Beijing was canceled. At Taiwan's behest, those nations that maintain diplomatic relations with Taipei—except for Panama and Haiti—also have condemned China.

Qian's Seesaw Visit: Qian was in South America during events in Tiananmen, visiting a few

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countries before his planned—and subsequently canceled—visit to the US. His reception was mixed—Cuban sugar contrasted with hurled Mexican tomatoes—but his message was balanced. In Ecuador, Qian said student demands were reasonable but it was necessary to reestablish public order. Qian said the policy of openness would remain and foreign policy would not change.

Ecuadorian officials appeared relieved that Qian left without incident. President Borja's planned October visit is now uncertain. The Ecuadorian Foreign Ministry—after Qian's departure—expressed "grave concern" at the violence and loss of lives and hoped dialogue would resolve problems.

Cuban media portrayed events in China favorably to reflect Beijing's hard line, partly as a sign of warming Sino-Cuban relations: Qian's was the first-ever visit by a Chinese Foreign Minister, and during the visit the PRC signed agreements to open consulates in Shanghai and Santiago.

Castro also used the media reaction to reflect his ideological world view. Castro has not welcomed the winds of *glasnost*, and he considered the crackdown in Tiananmen a good preemptive lesson to would-be reformers at home. Cuban media also have stressed the anti-interventionist angle.

Privately, however, a Cuban official praised President Bush for his insight into Chinese complexities and expressed grave reservations on use of the PLA to suppress demonstrators.

El Salvador and Costa Rica—at Taiwan's behest—officially denounced the PRC. Neither has diplomatic relations with Beijing. Media in other countries have condemned the PRC but, as with Asian media, made the point that economic development forces democratic processes and that such lessons are relevant at home.

Iran Blames the US. The most unusual analysis from a country that enjoys friendly relations with China was in the Iranian press. Zhao was portrayed as the victim of an American plot. Because of his "reformist views, flexibility and leniency, he became a victim of the American conspiracy in China and paid a heavy price for it." The popular unrest, the commentary alleged, was "led unknowingly by agents of the Western world, especially the US, toward its own goals."

The irony is that Deng and his cohorts view Iran's militancy with the same enthusiasm they regard the Cultural Revolution. They are afraid of China generating its own Khomeini in response to popular frustrations.

South African Analogy. One commentary made the obvious analogy to South Africa's own political situation and scored the necessity for dialogue and reform, calling for "negotiations...dialogue, and of consensus between those who govern and those who are governed."

(C) The Chinese Response

Initial reaction of the beleaguered PRC leadership to foreign criticism was dismissive. On June 29, the Ministry of Foreign Affairs spokeswoman strongly criticized the EC summit sanctions as "rash," "presumptuous," and "unreasonable acts" which "jeopardize bilateral relations." She then echoed comments by Yuan Mu and others that attempts to pressure China were unwise and futile. After the Group of 7 summit in Paris condemned China's repression, a *People's Daily* editorial said despite disagreement over Chinese and Western values, China's importance as a global strategic and economic actor should be the basis for policy toward the PRC.

A June 7 conference for China's ambassadors and chiefs of mission faced the unenviable task of formulating a response to the overwhelmingly unfavorable foreign reaction. China's ability to stem the damage to its foreign relations will depend on the extent of the ongoing purge, which, for the foreseeable future, will take priority over international relations.

Prepared by C. Clarke, 647-1343, C. L. Hamrin, T. Fingar, D. Kingsland, S. Barnes

Approved by H. Meyers, Acting
647-2402

(C) Appendix: China's New Leaders

Jiang Zemin

[redacted]

Urbane, energetic, and occasionally flamboyant, Jiang Zemin is probably the most "Westernized" of China's top leaders. Jiang's flamboyance and large ego are indicated by an incident in 1987 when he rose from the VIP rostrum at Shanghai National Day festivities to conduct a symphony orchestra in a rousing version of the *Internationale*, complete with flashing lights and clouds of smoke.

Jiang speaks good English and Russian, fair Romanian, and a smattering of other languages; is a connoisseur of painting and both Chinese and Western literature and music; and plays the piano and bamboo flute. He is a natty dresser who generally enjoys give-and-take in exchanging views with foreign visitors, usually wears a big smile, and—rare for a Chinese politician—likes to touch the people with whom he is talking. He has visited the US several times, most recently in 1987.

[redacted]

[redacted]

[redacted]

Both in 1986-87 and during the recent unrest, Jiang took a moderate tack with students, trying to talk with them and working behind the scenes to minimize disruption and violence. Taking his cue from Deng Xiaoping's hardline statements, Jiang closed down the *World Economic Herald* in April; but he declined to use force against protesters or declare martial law in Shanghai.

[redacted] Jiang has strongly endorsed the central government's actions in Beijing and is said to have been in charge, even before his promotion to General Secretary, of Beijing's effort to convince the public—at home and abroad—of the official version of what happened in June.

Song Ping

A longtime expert in economic planning and labor affairs, Song Ping is now in charge of top-level party personnel matters. At age 72, he is one of the active leadership's older members and he is a close associate of Vice Premier Yao Yilin and party elder Chen Yun. Song has a reputation for being upright and

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incorruptible. His promotion will add conservative ballast to the Standing Committee.

Li Ruihuan

One of the leadership's few self-made men, Li Ruihuan (55) is one of seven children from a poor peasant family. As a young adult he became a carpenter and "model worker," later educating himself in math and geometry and attending night school to study architecture. Through the 1970s he continued a slow rise in the construction industry—he was in charge of building the Mao mausoleum in 1976—and the trade unions.

In 1981 he became vice mayor of Tianjin, a major industrial city near Beijing. He became mayor in 1982 and municipal party chief in 1987. He also joined the Politburo in 1987. As mayor, he has strongly supported the "open door," including the construction of a development zone that offers some of the most liberal and attractive terms available in China to foreign investors.

A skilled politician, Li has cultivated an image as the "people's mayor," holding frequent dialogues with common folk and publishing annual lists of goals for and achievements in improving city life. Often rumored as a strong candidate for a top job in Beijing, Li has shunned a transfer to the capital, reportedly quoting a Chinese proverb that "A man dreads fame like a pig dreads being fat." Although Li has continued to appear in Tianjin since the plenum, his elevation to the Politburo Standing Committee and Secretariat and his responsibility for propaganda affairs almost certainly will require the "dreaded" transfer.

Li has many high-level connections, including close relationships with reformers Wan Li, Hu Qili, the late Hu Yaobang, and trade union chief Ni Zhifu. In 1986 Deng visited Tianjin and highly praised the city and its mayor for promoting foreign investment. Deng also praised Li's stern handling of student demonstrators in 1986-87; Li reportedly warned students that they would be expelled from school and given poor job assignments if they demonstrated. During the recent spate of protests Li apparently took a moderate approach. Tianjin was not a hotbed of student activism (suggesting Li may have issued warnings like those in 1986-87), but Tianjin students did play an active role in Beijing's protests and Li did not resort to force to control unrest in his city.

Ding Guangen

A transport specialist, Ding (59) owes his rise to Deng's patronage. He was elected an alternate member of the Politburo in 1987. Reportedly one of Deng's bridge partners, Ding became Minister of Railroads in 1985 but resigned in 1988 after accepting responsibility for several fatal train accidents. Ding languished in limbo for several months before being appointed First Vice Minister of Planning. In late 1988 he was also put in charge of the State Council's Taiwan affairs office. He will probably replace the ousted Yan Mingfu in charge of "united front work," that is, liaison with noncommunists, minorities, and overseas Chinese.

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1. THE JULY 27 LIBERAL MONTREAL GAZETTE OFFERS THE
FOLLOWING VIEW OF THE FELIX BLOCH CASE IN AN EDIT

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DEPARTMENT OF STATE IMMIGRANT Date 2/16/98
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ENTITLED "A VIRUS AT THE U.S. STATE DEPARTMENT?" EXCERPTS INCLUDE:

2. "THE U.S. HAS ANOTHER SPY CASE ON ITS HANDS. NO DOUBT ABOUT IT. THE QUESTION IS, DOES IT HAVE ANOTHER SPY? THAT'S HARD TO SAY.... WHAT WAS IN THE BRIEFCASE REMAINS UNCERTAIN.... IT MAY BE THAT THERE WAS NOTHING MORE CRYPTIC IN THE BRIEFCASE THAN A COLLECTION OF OLD PUZZLES FROM THE SUNDAY NEW YORK TIMES MAGAZINE.... STILL, THIS KIND OF HARASSMENT IS BETTER THAN THROWING PEOPLE INTO THE LUBYANKA WITHOUT THE NICETY OF A TRIAL. MR. BLOCH IS LUCKY IT IS IN A DEMOCRACY THAT HE HAS COME UNDER SUSPICION."

3. "THE TANGLED WEB OF DEBT REPAYMENT" FROM THE CONSERVATIVE GLOBE AND MAIL LOOKS AT THE PLAN TO REDUCE AND RESCHEDULE THE MEXICAN DEBT. PARTIAL TEXT FOLLOWS:

4. ".... THE NEW FLEXIBILITY BY THE BANKING COMMUNITY IN ACCEPTING REALITY IS VITAL TO THE DEBT RENEGOTIATIONS AND RESTRUCTURING THAT MUST OCCUR.... OVER THE COMING MONTHS, EACH OF THE BANKS THAT HAVE LENT MONEY TO MEXICO WILL CHOOSE FROM A VARIETY OF OPTIONS.... NO MATTER WHICH OPTION EACH BANK CHOOSES, IT IS DIFFICULT TO IMAGINE THE MEXICAN DEAL BECOMING A MODEL FOR DEBT-STRUCTURING. THE U.S. GOVERNMENT IS UNLIKELY TO OFFER OTHER DEBTOR COUNTRIES THE $2-BILLION IN SHORT-TERM LOANS IT WILL PROVIDE TO MEXICO. MORE IMPORTANT, NONE OF THE OTHER DEBTOR
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PAGE 03 OTTAWA 05526 271850Z

NATIONS APPEARS WILLING TO CONDUCT THE SORT OF MASSIVE AND PAINFUL ECONOMIC RESTRUCTURING THAT THE MEXICAN ECONOMY HAS UNDERGONE.... ALTHOUGH U.S. TREASURY SECRETARY NICHOLAS BRADY IS NOW SAYING TALKS SHOULD BEGIN WITH THE PHILIPPINES, VENEZUELA AND COSTA RICA, THERE IS NO QUICK OR SIMPLE SOLUTION ON THE HORIZON."
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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

RECEIVED
JUL 31 1989
JAMES F. DAVEY, Clerk

GUY VON DARDEL, et al.,

Plaintiffs,

v.

UNION OF SOVIET SOCIALIST REPUBLICS,

Defendant.

Civil Action No. 84-0353 (RDP)

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REPLY OF THE UNITED STATES OF AMERICA TO PLAINTIFFS' RESPONSE TO THE STATEMENT OF INTEREST OF THE UNITED STATES

STATEMENT

Plaintiffs' Opposition to the Motion of the Union of Soviet Socialist Republics for Relief From Judgment by Default and for Dismissal and Response to the Statement of Interest of the United States of America Dated June 29, 1989 (hereinafter "Plaintiffs' Response") raises only two new issues relating to the interpretation of the Foreign Sovereign Immunities Act ("FSIA") not previously addressed at length in our June 29, 1989 Statement of Interest.

First, plaintiffs contend that the United States failed to demonstrate by affidavit or other evidence how this case implicates its foreign policy interests. As discussed in Section I, infra, no such requirement exists. Indeed, one of Congress' primary objectives in enacting the FSIA was to transfer the responsibility of making immunity determinations from the Department of State to the courts.

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Nevertheless, plaintiffs' position overlooks the lengthy and successful negotiations the United States government has conducted in an effort to persuade the Soviet Union to appear in this case. In this context the United States has self-evident foreign policy interests in permitting the Soviet Union to have its jurisdictional defenses decided by this Court. Although by no means required, to underscore these interests, we attach hereto the Declaration of Abraham D. Sofaer, the Legal Adviser of the Department of State, who details the nature and progress of these negotiations which culminated in the Soviet Union's appearance in this case, and the Declaration of Curtis W. Kamman, the Deputy Assistant Secretary of State for European and Canadian Affairs, who discusses the broader foreign policy implications of this suit.

Second, plaintiffs revive their argument that this Court has jurisdiction over this case pursuant to the non-commercial tort exception of the FSIA, 28 U.S.C. § 1605(a)(5). This Court has already implicitly rejected this basis of jurisdiction. Von Lardel v. USSR, 623 F. Supp. 246, 251 (D.D.C. 1985). Indeed, as discussed in Section II, infra, § 1605(a)(5) is inapplicable to this case. Consequently, plaintiffs' renewed attempt to obtain discovery of documents asserted to be relevant to this basis of jurisdiction should be rejected.

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DISCUSSION

I. THE FOREIGN POLICY INTERESTS OF THE UNITED STATES SUPPORT PERMITTING THE SOVIET UNION TO PRESENT ITS JURISDICTIONAL DEFENSES.

Plaintiffs suggest that the United States has failed to demonstrate that it has any concrete foreign policy interests in this case, noting that it did not submit an affidavit or evidence outlining such interests. Plaintiffs' Response at 17. Of course, the United States' decision to furnish such an affidavit in Jackson v. People's Republic of China, 794 F.2d 1490 (11th Cir. 1986), cert. denied, 480 U.S. 917 (1987), does not bind it to provide similar documents in each FSIA case in which it participates. Nor do plaintiffs explain the significance of their argument even if it is accepted by the Court.

Although a discussion of United States foreign policy interests may provide useful background in a case such as this, Congress plainly wanted to break from the practice by which sovereign immunity determinations were made prior to the enactment of the FSIA in 1976:

> . . . in the past, initial responsibility for deciding questions of sovereign immunity fell primarily upon the Executive acting through the State Department, and the courts abided by "suggestions of immunity" from the State Department. As a consequence, foreign nations often placed diplomatic pressure on the State Department in seeking immunity. On occasion, political considerations led to suggestions of immunity in cases where immunity would not have been available under the restrictive theory.

Verlinden B. V. v. Central Bank of Nigeria, 461 U.S. 480, 487 (1983) (footnote omitted). Congress enacted the FSIA in part to

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free the State Department from these pressures and to transfer immunity determinations from the State Department to the courts, which would apply impartial legal principles. H. R. Rep. No. 94-1487, 94th Cong., 2d Sess. at 7, reprinted in 1976 U.S. Code Cong. & Admin. News at 6606 (hereinafter "H. R. Rep. No. 94-1487"). Neither the text, purpose, nor legislative history of the FSIA suggest any requirement that the United States must present an affidavit or evidence detailing its foreign policy interests in those cases brought against foreign sovereigns in which it participates pursuant to 28 U.S.C. § 517.

The foreign policy interests of the United States in this case are not difficult to discern. As described in the Declarations of Legal Adviser Sofaer, and Deputy Assistant Secretary Kamman, the United States and the Soviet Union have regarded lawsuits against the USSR and its strict adherence to a principle of absolute sovereign immunity to be a sufficiently important issue in bilateral relations to warrant several meetings with the Soviets, both in Washington and Moscow, since 1985. Recognizing that the American legal system is too complex even for many Americans to comprehend, it required great care and patience by representatives of the Departments of State and Justice to explain to the Soviets principles of American legal procedure and the substance of American sovereign immunity law. Among other things, these representatives explained the somewhat counterintuitive notion that a foreign sovereign could appear to assert immunity without waiving it. Sofaer Decl. ¶¶ 5, 7-8.

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These diplomatic efforts met with partial success when the Soviet Union agreed to appear in cases involving their commercial activities to which American law does not generally extend sovereign immunity. Sofaer Decl. ¶ 5; see Carl Marks & Co. v. USSR, 665 F. Supp. 323 (S.D.N.Y. 1987), aff'd, 841 F.2d 265 (2d Cir.), cert. denied, 108 S.Ct. 2874 (1988); Gregorian v. Izvestia, 658 F. Supp. 1224 (C.D. Cal. 1987), aff'd in part and rev'd in part, 871 F.2d 1515 (9th Cir. 1989). The Soviet Union refused to appear in this case because it believed that what it considered political rather than commercial matters should not be subject to foreign judicial process. Sofaer Decl. ¶¶ 5, 7-8. Ultimately, after additional rounds of consultations, U.S. and Soviet representatives negotiated a Memorandum of Understanding which undoubtedly played a part in bringing about the Soviet Union's appearance in this suit. Id. ¶¶ 9-10; Kamman Decl. ¶ 4C.

After years of negotiations with the Soviet Union, the United States has an obvious foreign policy interest in this Court permitting the Soviet Union to be heard on its jurisdictional defenses. This is the first case relating to political rather than commercial activities in which the Soviet Union has appeared in United States courts. Sofaer Decl. ¶ 11. This indicates the Soviet Union's willingness to regularize its legal activities in the United States, id, and to remove an irritant in our bilateral relations. Kamman Decl. ¶ 5. We believe that courts should be sensitive to this diplomatic background when, for example, rendering, discretionary rulings on

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procedural issues raised in litigation involving the Soviet Union. We do not seek any favoritism toward the Soviet Union, but rather a fair hearing on the merits of their arguments now that they have agreed to make those arguments before this Court.

Plaintiffs ask this Court to nullify the progress made and agreement reached in these delicate, lengthy and ultimately successful negotiations by exercising its discretion to find the Soviet Union's Rule 60(b)(4) motion untimely. The foreign policy interests of the United States would not be served if successful diplomatic efforts to persuade the Soviet Union to appear in this case resulted in an American court's determination that these negotiations lasted too long to permit the Soviet Union to present its jurisdictional defenses. See Kamman Decl. ¶ 6. The conduct of significant bilateral negotiations between the United States and a foreign sovereign should not be among those "exceptional circumstances", if any exist, which warrant a judicial determination that the sovereign's Rule 60(b)(4) motion is untimely. See Adams v. Vance, 570 F.2d 950, 954-55 (D.C. Cir. 1978) ("Courts must take into account that international negotiations have their own distinctive time frames.").

Apart from the foreign policy implications of their argument, plaintiffs' assertion that defendant's Rule 60(b)(4) motion is untimely is unsupported in the case law. Plaintiffs acknowledge that "federal courts do not ordinarily deny a Rule 60(b) motion for lack of timeliness," but contend that they may do so in "extreme circumstances." Plaintiffs' Response at 22.

The two cases cited in support of the proposition that this case presents such an "extreme circumstance" are readily distinguishable.[1]

Furthermore, plaintiffs' reliance on Practical Concepts to argue that Rule 60(b)(4) motions are untimely if filed after a plaintiff attempts to enforce a judgment, Plaintiffs' Response at 23-24, is misplaced.[2] In Practical Concepts, the Court expressly affirmed the district court's ruling that the sovereign defendant could "wait[] until after execution of the judgment was under way to raise its jurisdictional point . . ." Practical Concepts, 811 F.2d at 1548 (emphasis added). In so doing, the Court rejected plaintiff's argument, also advanced by plaintiffs here, that,

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[1] Action S.A. v. Marc Rich & Co., 83 Civ. 0512 (S.D.N.Y. July 14, 1989) (LEXIS, Genfed library, Courts file), which did not involve a sovereign defendant, turned on the Court's unsupported view that the defendant was obliged to assert his jurisdictional defenses by motion or in its answer. That rule is not applicable in FSIA cases. See Practical Concepts, Inc. v. Republic of Bolivia, 811 F.2d 1543, 1547 (D.C. Cir. 1987), citing Insurance Corp. of Ireland v. Compagnie des Bauxites de Guinea, 456 U.S. 694, 706 (1982) ("A defendant is always free to ignore the judicial proceedings, risk a default judgment, and then challenge that judgment on jurisdictional grounds in a collateral proceeding."). In International Control Corp. v. Vesco, 73 Civ. 2518 (S.D.N.Y. Feb. 1, 1978) (LEXIS, Genfed library, Courts file), another case involving a private, rather than sovereign, defendant and involving allegedly insufficient service of process rather than subject matter jurisdiction, the Court noted both defendant's previous challenges to service and failure to raise it in an earlier Rule 60(b) motion. The Court, further, did not rely on these grounds alone to deny defendant's Rule 60(b) motion. Such circumstances are clearly not present in this case.

[2] Even if such a rule existed, it is not at all clear that it would apply to this case. First, plaintiffs have not attempted to enforce on the monetary judgment rendered in this case. Second, although plaintiffs have moved for civil contempt fines against the Soviet Union, their motion has not been decided much less granted and, therefore, is not ripe for enforcement.

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because the sovereign defendant had deliberately bypassed numerous opportunities to challenge jurisdiction, its Rule 60(b) motion must be denied. Id. at 1546. Plaintiffs' argument should be similarly rejected.[3]

Finally, plaintiffs argue that granting defendant's Rule 60(b)(4) motion would prejudice them because it would prolong Mr. Wallenberg's imprisonment. Plaintiffs' Response at 25. This argument, based on an unproven factual assumption, is nothing more than a claim that laches bars the Soviet Union's Rule 60(b)(4) motion, an argument that has been rejected in this circuit. Austin v. Smith, 312 F.2d 337, 343 (D.C. Cir. 1962); Practical Concepts, 613 F. Supp. at 866.[4] Therefore, both foreign policy considerations and the unambiguous case law

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[3] First Fidelity Bank, N.A. v. Government of Antigua & Barbuda, No. 88-7863, slip op. (2d Cir., June 7, 1989) (LEXIS Genfed library, Courts file), also cited by plaintiffs, supports defendant's position. The Court in First Fidelity noted that "default judgments are disfavored, especially against foreign sovereigns. Courts go to great lengths to avoid default judgments against foreign sovereigns or to permit those judgments to be set aside." Id. at 21. Accordingly, it vacated a default judgment entered against the defendant after the plaintiff had succeeded in part in levying upon the defendant's bank accounts. The Court did observe that defendant had appeared in the case only after plaintiff began to execute on its judgment, but nevertheless vacated the default judgment, holding that defendant "should have an opportunity to defend this case on its merits." Id. at 22.

[4] Citing the House Report on the FSIA, plaintiffs also suggest that granting the Rule 60(b)(4) motion would contravene the intent of Congress that "sovereign immunity is an affirmative defense that must be specially pleaded in a timely manner." Plaintiffs' Response at 25. The portion of the House Report cited by plaintiffs supports the first assertion, but not the second. The House Report does not state that the affirmative defense must be pleaded within any particular time. See H. R. Rep. No. 94-1487.

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support affording the Soviet Union the opportunity to present its jurisdictional defenses.

II. BECAUSE THE NON-COMMERCIAL TORT EXCEPTION TO IMMUNITY IS INAPPLICABLE, PLAINTIFFS ARE NOT ENTITLED TO DISCOVERY RELATING TO THIS JURISDICTIONAL CLAIM.

Plaintiffs argue that the Soviet Union committed non-commercial torts within the meaning of 28 U.S.C. § 1605(a)(5) and is therefore not entitled to sovereign immunity. Plaintiffs' Response at 59-64. This Court has implicitly rejected this argument by describing plaintiffs' other jurisdictional arguments as "far more compelling" and by not discussing the § 1605(a)(5) argument further. Von Dardel, 623 F. Supp. at 251. Nevertheless, plaintiffs renew the argument here and seek to take discovery of essentially all documents in defendant's possession which have anything to do with Mr. Wallenberg in the hope that any such existing records will support this jurisdictional claim.

Section 1605(a)(5) creates an exception to sovereign immunity for cases brought against foreign states for "personal injury or death, or damage to or loss of property, occurring in the United States . . ." (emphasis added). Citing Argentine Republic v. Amerada Hess, 109 S.Ct. 683 (1989), plaintiffs correctly observe that § 1605(a)(5) requires the injury to have occurred in the United States. Plaintiffs' Response at 60-61. Because the tort and injury occurred in the same place at the same time outside the United States in Amerada Hess, the Court did not have occasion to discuss whether the tort itself must

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also occur in the United States. The legislative history, however, clearly indicates that it does:

> Section 1605(a)(5) is directed primarily at the problem of traffic accidents but is cast in general terms as applying to all tort actions for money damages, not otherwise encompassed by section 1605(a)(2) relating to commercial activities. It denies immunity as to claims for personal injury or death, or for damage to or loss of property, caused by the tortious act or omission of a foreign state . . . ; the tortious act or omission must occur within the jurisdiction of the United States . . .

H. R. Rep. No. 94-1487 at 20-21. See Frolova v. USSR, 761 F.2d 370, 379 (7th Cir. 1985) (both the tort and the injury must occur within the United States); Asociacion de Reclamantes v. United Mexican States, 735 F.2d 1517, 1524 (D.C. Cir. 1984) (same), cert. denied, 470 U.S. 1051 (1985); Persinger v. Islamic Republic of Iran, 729 F.2d 835, 842-43 (D.C. Cir.) (same), cert. denied, 469 U.S. 881 (1984); English v. Thorne, 676 F. Supp. 761, 764 (S.D. Miss. 1987) (same); Kline v. Republic of El Salvador, 603 F. Supp. 1313, 1315-16 (D.D.C. 1985) (same). See also Perez v. The Bahamas, 652 F.2d 186, 189 (D.C. Cir.) (tort suit against the Bahamas dismissed because tort did not occur in the United States), cert. denied, 454 U.S. 865 (1981).

Neither the tortious activity nor the injuries alleged in plaintiffs' Complaint occurred within the United States. The gravamen of plaintiffs' Complaint challenges the "unlawful seizure and detention and possible wrongful death" of Mr. Wallenberg. Complaint, ¶ 1. Plaintiffs do claim that the Soviet Union has issued false statements about Mr. Wallenberg and has

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refused to provide information about him, thereby deceiving persons in the United States, Complaint, ¶ 16, but these allegations, even if true, are insufficient to afford this Court jurisdiction under § 1605(a)(5).

First, 28 U.S.C. § 1605(a)(5)(B) provides that the non-commercial tort exception to immunity does not apply to claims arising out of misrepresentation and deceit. The detention of Mr. Wallenberg and the alleged misrepresentations regarding the circumstances of his imprisonment are both temporally and conceptually distinct tortious acts. Under § 1605(a)(5)(B), Congress provided the Soviet Union with immunity from claims of misrepresentation or deceit, no matter how egregious, even if such acts occurred in the United States.

Second, even if the clear distinction between the detention and later misrepresentations are blurred and are considered a "tortious whole," § 1605(a)(5) does not apply. It is the law of this circuit that § 1605(a)(5) only applies when "the tort in whole . . . occur[s] in the United States." Asociacion de Reclamantes, 735 F.2d at 1525 (quoting In re Sedco, Inc., 543 F. Supp. 561, 567 (S.D. Tex. 1982)). As the court explained:

> The primary purpose of the "tortious act or omission" exception of § 1605(a)(5) was to enable officials and employees of foreign sovereigns to be held liable for the traffic accidents which they cause in this country, whether or not in the scope of their official business. We decline to convert this into a broad exception for all alleged torts that have some relationship to the United States.

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Id. at 1523 (citations omitted).[5] Neither all, nor even the "essential locus," id. at 1523, of the tortious conduct challenged by plaintiff occurred in the United States.[6]

Even if plaintiffs' factual allegations are true, they have failed to allege that both the alleged torts as a whole and the subsequent injuries occurred within the United States. Therefore, the non-commercial tort exception to sovereign immunity set forth in § 1605(a)(5) does not apply to this case.

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[5] Olsen by Sheldon v. Government of Mexico, 729 F.2d 641, 645-46 (9th Cir.), cert. denied, 469 U.S. 917 (1984), is distinguishable. In Olsen, unlike this case, plaintiffs alleged "conduct constituting a single tort," id. at 646 -- the negligent piloting of an airplane -- which occurred both in the United States and Mexico. Because sufficient, although not all, of the tortious conduct occurred in the United States, the Court found § 1605(a)(5) to apply. The Court observed that if every aspect of the tortious behavior had to occur within the United States for § 1605(a)(5) to apply, then foreign sovereigns would escape liability by alleging that some of the alleged conduct occurred outside the United States. Id. Here, plaintiffs alleged separate torts - false imprisonment and possibly wrongful death and misrepresentation. To accept plaintiffs' view that these torts are part of a single whole implicates the inverse of the policy concern identified in Olsen. If only some conduct within such a single tort need occur in the United States for § 1605(a)(5) to apply, then plaintiffs need only allege conceptually and temporally distinct torts, most of which occur abroad, as a single tort to fall within § 1605(a)(5). Congress clearly did not contemplate such a result.

[6] Neither plaintiffs, who are Swedish citizens, nor Mr. Wallenberg are alleged to have suffered any injuries within the United States. Paragraphs 31 and 32 of the Complaint allege that plaintiff von Dardel and other friends and relatives of Mr. Wallenberg, some of whom live in the United States, have been separated from Mr. Wallenberg, have been denied information about him and have therefore suffered emotional distress. Even if true, no such resident of the United States is a plaintiff in this action insofar as we aware. Plaintiffs have no standing to assert the claims and injuries of these third parties. Warth v. Seldin, 422 U.S. 490, 499, 509 (1975); Moose Lodge No. 107 v. Irvis, 407 U.S. 163, 166 (1972).

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As a result, this Court should reject plaintiffs' renewed effort to take discovery on this jurisdictional issue. Plaintiffs' Response at 26-28.[7]

Intrusive discovery requests, such as that propounded by plaintiffs here, are conceptually inconsistent with the notion of sovereign immunity, and are profoundly obstructive of the capacity of the United States to convince foreign sovereigns to submit to the jurisdiction of U.S. courts. To require a sovereign defendant to respond to such requests pending a resolution of sovereign immunity issues serves only to discourage foreign states from participating in domestic litigation. Sofaer Decl. ¶ 13. This tends to deprive plaintiffs with meritorious claims of recoveries they would obtain from more willing participation of foreign sovereigns. Special care must therefore be taken in monitoring discovery requests served on foreign states. Although foreign states should not be exempted from discovery obligations, they should not be compelled to respond to discovery unless and until the court determines that a valid

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[7] Plaintiff apparently served a "Request for Production of Documents on Jurisdictional Issues" on the defendant on or about February 2, 1984. This request goes far beyond any attempt to uncover facts relating to any tortious conduct occurring in the United States. Rather, taken as a whole, plaintiffs seek virtually every conceivable document possessed by the Soviet Union relating to Mr. Wallenberg. To permit plaintiffs to proceed with this discovery while reassessing the jurisdictional basis for this lawsuit would be to award prematurely plaintiffs' Relief No. C of their Complaint -- an order requiring defendant to furnish plaintiffs all information in its possession concerning Raoul Wallenberg.

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legal claim has been pleaded against them and that the court has jurisdiction over the state. See Sofaer Decl. ¶ 13.

Here, no amount of discovery can avoid the reality that little or no portion of the tortious conduct challenged by plaintiff occurred in the United States and that plaintiffs have suffered no injury in the United States. No legal theory or set of facts conceivably uncovered in discovery can support plaintiffs' claim of jurisdiction under § 1605(a)(5). Therefore, plaintiffs are not entitled to take discovery relating to this jurisdictional issue. See Grove Valve & Regulator Co. v. Iranian Oil Services, Ltd., 87 F.R.D. 93, 96 & n.8 (S.D.N.Y. 1980); Lantz International Corp. v. Industria Termotecnica Compana, 358 F. Supp. 510, 516 (E.D. Pa. 1973). Not only is such discovery in this case unnecessary, but requiring the Soviet Union to respond to it could significantly complicate relations between the Soviet Union and the United States and undermine the purposes of the FSIA. See Sofaer Decl. ¶ 13. Plaintiffs' renewed request for discovery should be denied.

CONCLUSION

For the reasons set forth in our June 29, 1989 Statement of Interest and the foregoing, this Court should set aside the default judgment entered against the Soviet Union and dismiss this case for lack of jurisdiction.

Respectfully submitted,

STUART E. SCHIFFER
Acting Assistant Attorney General

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Department of State
Washington, D.C. 20520

Dated: July 31, 1989

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the Reply of the United States of America to Plaintiffs' Response to the Statement of Interest of the United States was, this 31st day of June, 1989, served by first class mail, postage prepaid, on:

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Davis Polk & Wardwell
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Washington, D.C. 20005

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/s/ JEFFREY S. GUTMAN

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

GUY VON DARDEL, Plaintiff, v. UNION OF SOVIET SOCIALIST REPUBLICS, Defendant.	Civil Action No. 84-0353

DECLARATION OF ABRAHAM D. SOFAER

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Declaration of Abraham D. Sofaer

I, Abraham D. Sofaer, hereby declare pursuant to 28 U.S.C. section 1746 as follows:

1. I am the Legal Adviser of the Department of State. I have served in this capacity since June 10, 1985. I submit this declaration to advise the court of communications between the United States and the Soviet Union regarding the Von Dardel case. I understand that Deputy Assistant Secretary for European and Canadian Affairs Curtis W. Kamman is also submitting a declaration (hereinafter "Kamman Declaration") in these proceedings in which he addresses the foreign policy implications of these lawsuits. My declaration is based on my personal knowledge and recollections and on information provided to me in my official capacity.

2. My responsibilities as Legal Adviser include the formulation and implementation of United States Government policy with respect to the sovereign immunity of states. It is the policy of the United States to encourage foreign governments to present their views concerning litigation against them in United States courts directly to those courts, in accordance with United States law. Considerable barriers

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руководствовался отнюдь не правовыми нормами, а и[illegible] мотивами.

Американские власти должны отдавать себе отчет в том, что это и другие решения судов США против СС[illegible] являются недопустимыми в общении между государствам[illegible] Любые возможные меры по реализации таких решений, в том числе посягательство на государственную собственность СССР, имели бы самые серьезные последствия для отношений между нашими странами и подрывали бы возможность нормального развития двусторонних связей в различных областях.

Министерство Иностранных Дел СССР решительно настаивает на принятии американскими властями надлежащих мер по обеспечению юрисдикционного иммунитета Советского государства и предупреждает, что в противном случае всю полноту ответственности за последствия непринятия таких мер будет нести американская сторона.

Документы Окружного суда Округа Колумбия по делу Р.Валленберга возвращаются.

Москва, "6" марта 1986 года

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MEMORANDUM OF UNDERSTANDING

The undersigned, Abraham D. Sofaer, Legal Adviser of the United States Department of State, and Yuri M. Rybakov, Head of the International Law Department of the Ministry of Foreign Affairs of the Union of Soviet Socialist Republics, have prepared this Memorandum to record discussions and understandings between their respective delegations on the subject of promoting mutual understanding in the legal sphere, including sovereign immunity.

1. Delegations representing the Government of the United States of America and the Government of the Union of Soviet Socialist Republics have held three rounds of consultations, in March 1987, September 1987, and July 1988, concerning legal proceedings brought in the courts of one state against another sovereign state or its agencies or instrumentalities, including separate juridical persons.

2. The two Delegations noted that their Governments follow different theories of foreign sovereign immunity. The United States follows the "restrictive theory," under which foreign states and their agencies and instrumentalities may be sued concerning their commercial and certain other activities. The Soviet Union follows the "absolute theory" of sovereign immunity, under which foreign states are absolutely immune from suit.

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3. Each Delegation acknowledged that it does not seek by this Memorandum to change the immunity principles adhered to by the other side or to alter its own domestic law with respect to those principles.

4. At the same time, the two Delegations acknowledged that suits in the courts of one state against a foreign state or an agency or instrumentality thereof may create difficulties and tensions beyond those associated with the subject matter of the suit. This is particularly so when the two states' theories and practices concerning sovereign immunity differ.

5. The two Delegations expressed the mutual conviction that better understanding of applicable procedures, including legal protections that may be afforded, may serve to minimize potential problems stemming from suits against a foreign state or agency or instrumentality thereof, consistent with the interests of both countries.

6. Each Delegation noted that its respective law generally recognizes as separate juridical personalities commercial organizations which are duly established under the law of other states as independent juridical persons. Organizations thus recognized are granted protections at least to the same extent granted to the separate juridical persons of the host state under their respective laws, and treated no less favorably than those of other states.

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7. The Delegations agreed that, under their respective laws, appearances in court to assert sovereign immunity are not regarded as waivers of sovereign immunity. The Delegations also noted that the states will provide appropriate positions, consistent with their usual practice, to their respective courts on the application of their respective laws relating to the sovereign immunity of states, their components, and entities.

8. Each Delegation undertook from time to time and as it considers useful to explain to the other significant new developments or changes in law or practice.

9. Each Delegation confirmed the intention of its Government to continue, as appropriate, periodic bilateral consultations regarding foreign sovereign immunity and legal proceedings in one state against another state.

IN WITNESS WHEREOF the undersigned have signed this Memorandum.

DONE at Washington , in duplicate this 18th day of November, 1988, in the English and Russian languages, each text being equally authentic.

Abraham D. Sofaer
Legal Adviser
Department of State
United States of America

Yuri M. Rybakov
Head, International Law
Department
Ministry of Foreign
Affairs, Union of Soviet
Socialist Republics

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МЕМОРАНДУМ О ПОНИМАНИИ

Нижеподписавшиеся, Юрий М.Рыбаков, начальник Международно-правового управления Министерства иностранных дел Союза Советских Социалистических Республик, и Абрахам Д.Софаер, юридический советник Государственного департамента Соединенных Штатов Америки, подготовили настоящий Меморандум для того, чтобы зафиксировать обсуждение и понимание между их соответствующими делегациями с целью содействовать взаимопониманию в юридической области, включая суверенный иммунитет.

I. Делегации, представляющие Правительство Соединенных Штатов Америки и Правительство Союза Советских Социалистических Республик, провели три раунда консультаций, в марте 1987 г., сентябре 1987 г. и в июле 1988 г. в отношении дел, возбужденных в судах одного государства против другого суверенного государства или его органов и организаций, включая самостоятельные юридические лица.

2. Обе делегации отметили, что их правительства придерживаются различных теорий относительно суверенного иммунитета иностранного государства. Соединенные Штаты придерживаются "ограничительной теории", согласно которой иностранные государства и их органы и организации могут привлекаться к суду в связи с их коммерческой и некоторой

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другой деятельностью. Советский Союз придерживается теории "абсолютного" суверенного иммунитета, согласно которой иностранные государства пользуются абсолютным юрисдикционным иммунитетом.

3. Каждая делегация признала, что она не стремится с помощью настоящего Меморандума изменить принципы иммунитета, которых придерживается другая сторона, или изменить свое внутреннее законодательство в отношении этих принципов.

4. В то же время обе делегации признали, что иски в судах одного государства против иностранного государства или его органа или организации могут создать трудности и напряженность, не пропорциональные существу таких исков. Это имеет место особенно тогда, когда теории и практика таких двух государств относительно суверенного иммунитета различны.

5. Обе делегации выразили взаимное убеждение, что лучшее понимание применяемых процедур, включая правовую защиту, которая может быть предоставлена, может способствовать сведению до минимума потенциальных проблем, вытекающих из исков против иностранного государства или его органа или организации, что отвечает интересам обеих стран.

6. Каждая делегация отметила, что его соответствующее право вообще признает самостоятельными юридическими лицами хозяйственные организации, которые должным образом учреждены по законам другого государства в качестве

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самостоятельных юридических лиц. Таким организациям обеспечиваются защита по меньшей мере в том же объеме, как собственным самостоятельным юридическим лицам в соответствии с законодательством, и обращение не менее благоприятное, чем с такими организациями других государств.

7. Делегации согласились, что по их соответствующему законодательству появление в суде для заявления о суверенном иммунитете не рассматривается как отказ от суверенного иммунитета. Делегации также отметили, что государства будут излагать надлежащую позицию, соответствующую их обычной практике, своим судам в отношении применения их законов, касающихся суверенного иммунитета государств, их подразделений и органов.

8. Каждая делегация обязалась время от времени и по мере того, как она сочтет необходимым, разъяснять другой стороне существенные новые моменты или изменения в законодательстве или практике.

9. Каждая делегация подтвердила намерение своего правительства продолжать, по мере необходимости, проведение периодических двусторонних консультаций относительно суверенного иммунитета иностранных государств и дел, возбужденных в судах одного государства против другого государства.

В удостоверение чего нижеподписавшиеся подписали настоящий Меморандум.

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still exist to implementing this policy. Many governments continue to adhere to the absolute theory of sovereign immunity, which until recent years was the established position in international practice. These states believe that they have no obligation to appear in the courts of another state, even to invoke that immunity, and they extend the same, absolute immunity to states from the actions of their own courts. Many foreign governments simply do not understand the United States legal system. Many are intimidated by the expense and complexity of litigation in United States courts. Suits against such foreign governments in United States courts -- and default judgments that result from their failure to appear -- have repeatedly become major issues in bilateral relations. As a result, I am often involved, along with my staff, in consultations with other governments in efforts to explain to them the operation of our judicial system and of the United States Foreign Sovereign Immunities Act ("FSIA"). My purpose in all these instances is to urge these foreign governments to appear in cases brought against them in United States courts, to raise their defenses, including defenses of immunity, and to trust our courts to be fair, and to abide by the judgments that result.

3. The Soviet Union has long held and asserted the principle that it and its agencies and instrumentalities are entitled under international law to absolute immunity from the

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jurisdiction of foreign courts and cannot properly be compelled to appear in foreign courts. Soviet domestic law and practice regarding actions against foreign states in Soviet courts also follow this principle. Soviet law grants absolute immunity to all foreign states and their instrumentalities, although the applicable statute provides for reciprocal denial of immunity if another state fails to accord similar treatment to the Soviet Union. In the context of this litigation, the Soviet view has been repeated frequently by Soviet officials to Department representatives, and has been stated in Soviet diplomatic notes. The Soviet Note of April 19, 1984 (Kamman Declaration, Attachment 2), returning the notice and summons in this case, stated "the fact that in accordance with the principle of sovereign equality of states, consolidated in the UN Charter, the Soviet state and its organs enjoy immunity from jurisdiction of foreign courts." The Soviet note of March 6, 1986 (Kamman Declaration, Attachment 4), protesting the entry of the default judgment in this case, stressed that "[t]he American authorities should realize that this and other decisions of the U.S. courts against the U.S.S.R. are inadmissible in relations between states," and that "in accordance with the universally recognized principle of the sovereign equality of states, confirmed by the UN Charter, the Soviet state and its organs enjoy immunity from the jurisdiction of foreign courts and therefore cannot be brought

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to court as a defendant without its clearly expressed consent." These statements, as well as other Soviet statements contained in diplomatic notes regarding these cases, reflect the Soviet Union's view that its claimed entitlement to absolute immunity relieves it of any obligation to appear in foreign courts even to invoke that immunity.

4. Department of State officials have met with Soviet representatives both in Washington and in Moscow on numerous occasions to explain United States requirements regarding litigation and to urge the Soviet Union to seek advice of private counsel concerning participation in or other means of resolving these and other lawsuits against it. Specifically, following the default judgment in October 1985, Department representatives, including members of my staff from the Office of the Legal Adviser, informed the Soviet government that a default judgment had been entered in this case. On May 23, 1986, Department representatives informed Soviet Embassy representatives that default judgments had been entered in several cases against the Soviet Union and its instrumentalities in U.S. courts, including this one. In particular, a default judgment was entered on July 31, 1985 in the case of Gregorian v. Izvestia, et. al, in the Central District of California; a default judgment was entered on March 31, 1986 in the case of Carl Marks v. Union of Soviet Socialist Republics, in the Southern District of New York; and a default

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judgment was entered in this case on October 15, 1985. The Department representatives also explained requirements and procedures under United States law concerning attachment of property in execution of judgments, as well as those by which defendants may contest default judgments and attachment actions, and encouraged the Soviets to seek private legal advice concerning Soviet participation in, or resolution of, these cases within the United States legal system. These judgments were entered at a time of extreme sensitivity (and opportunity) in U.S. - Soviet relations.

5. On March 3-4, 1987, I headed a delegation of State and Justice Department officials that met in Moscow with a high-level Soviet delegation, with representatives from numerous agencies of the Soviet Government, to discuss questions of sovereign immunity. We discussed issues of principle, as well as specific cases against the Soviet Government and its agencies or instrumentalities in United States courts, including this case. During these discussions, we explained United States law concerning foreign sovereign immunity. We advised the Soviet Union that it could appear in United States courts to assert its immunity without either conceding its principled adherence to the absolute theory of sovereign immunity or waiving its claim to such immunity. We urged the Soviet Government to retain counsel and to appear in several cases against it in which it had not appeared,

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including this case. We indicated that cases in which default judgments have been entered against foreign governments raise issues of the implementation of the FSIA that, wholly apart from the interests of the foreign government, are important to the United States Government. Such issues include the desirability that the court have all the facts and legal arguments before making its decisions. We also explained to the Soviet Union that the United States Government has filed statements of interest in appropriate cases brought under the FSIA in which a foreign state has moved to have a default judgment against it set aside. We advised the Soviets that we would be prepared to set forth our views concerning the FSIA in appropriate cases against the Soviet Union if the Soviet Union moved to set aside a default judgment against it. We also emphasized, however, the need for the Soviet Union to adopt a generally applicable policy of appearing in all suits in United States courts, even if only to assert immunity. Following these discussions, the Soviet Union agreed to appear to assert its claim to immunity in the Carl Marks and Gregorian cases. At that time, however, the Soviets made it clear that they would not appear in this case, as they viewed its allegations as political and governmental matters not subject to court jurisdiction. Finally, in continuation of our efforts to resolve this matter, we urged the Soviet Union to provide a full and satisfactory accounting of the fate of Mr.

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Wallenberg.

6. This policy initiative to convince the Soviet Union to appear and litigate its jurisdictional and other claims in U.S. courts was openly avowed. On April 23, 1987, I addressed the Section on International Law and Practice of the American Bar Association in Washington, D.C. about the State Department's efforts to support effective implementation of the FSIA by educating foreign states about the law and by urging them to appear in our courts. In particular, I discussed the Department's efforts to encourage the Soviet Union to appear in the Gregorian and Carl Marks cases, noting the importance of the Soviet Union's decision to appear in both cases, and indicating our hope that these appearances would lead to a general practice in which the Soviets always appear. I pointed out the interest of the United States Government in resolving disputes between United States citizens and foreign governments within the framework of the United States legal system. I also discussed the fact that the success of our efforts to persuade foreign states to resolve their disputes within the framework of our legal system is undercut when foreign governments are faced with lawsuits that are not properly brought under the FSIA, including cases such as this one, which question the propriety of actions by the foreign government in its own territory and in its sovereign, rather than private, capacity.

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7. On September 21-22, 1987, I headed a delegation of State and Justice Department officials that met in Washington, D.C. with a high-level Soviet delegation to continue the discussions held in Moscow in March on questions of sovereign immunity. In the course of these discussions, we reviewed specific cases against the Soviet Government and its agencies or instrumentalities in United States courts, including this case. We again advised the Soviet Union that it could appear in United States courts to assert its immunity without either conceding its principled adherence to the absolute theory of sovereign immunity or waiving its claim to such immunity, and we specifically urged the Soviet Government to retain counsel and to appear in this case. We also advised the Soviets that United States Government would be prepared to follow our practice of filing statements of interest in appropriate cases against foreign governments if the Soviet Union moved to set aside a default judgment against it. Again, as on each occasion that we have discussed this case with Soviet Union, we noted the United States' abhorrence of the Soviet Union's unjust treatment of Mr. Wallenberg, and urged them to account for his fate. The Soviets repeated their view that this was a very special, political case, unlike the other cases in which the Soviet Union had recently appeared, all of which involved commercial considerations of some kind. The Soviets repeated

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and emphasized the views stated in their March 6, 1986 diplomatic note (Kamman Declaration, Attachment 4), which provided that the Soviet side did not recognize the District Court decision as legal because it violated the obligation to respect the sovereign immunity of the Soviet Union.

8. On July 18-19, 1988, I again headed a delegation of State and Justice Department officials that met in Moscow with a high-level Soviet delegation to continue to discuss foreign sovereign immunity. At this time, I repeated my advice that the Soviet Union seek counsel and appear in this case, and that such an appearance would neither concede its principled adherence to the absolute theory of sovereign immunity nor waive its claim to such immunity.

9. On November 18, 1988, I headed a delegation of State and Justice Department officials that met in Washington, D.C. with a high-level Soviet delegation to continue the discussions. At this meeting, the Head of the International Law Department at the Soviet Ministry of Foreign Affairs, Yuri Rybakov, and I signed a Memorandum of Understanding to record discussions and understandings on the subject of promoting mutual understanding in the legal sphere, including sovereign immunity (Kamman Declaration, Attachment 5). The Memorandum reviewed the three rounds of consultations. It noted that the United States and

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Soviet delegations followed different theories of sovereign immunity and, in particular, that the Soviet Union adhered to the absolute immunity of foreign states from suit. The Memorandum also acknowledged that suits in the courts of one state against a foreign state may create difficulties and tensions, and agreed that better understanding of applicable procedures may serve to minimize potential problems stemming from suits against a foreign state. The two delegations agreed that appearances in court to assert sovereign immunity are not regarded as waivers of immunity and noted that the states would provide appropriate positions, consistent with their usual practice, to their courts on the application of their laws on sovereign immunity. The Memorandum closed by confirming the Parties' intention to continue periodic bilateral consultations on foreign sovereign immunity and legal proceedings in one state against another state. Once again, at this time, I expressed my view that it would be consistent with the measures set forth in this Memorandum of Understanding for the Soviet Union to appear through private counsel in this case, in order to assert the defense of foreign sovereign immunity.

10. Following the signing of this Memorandum of Understanding, the Department of State continued to discuss this litigation with the Soviets. In particular, Departmental personnel, including members of my staff from the Office of the Legal

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Adviser, informed Soviet Embassy representatives in December 1988, and March 1989, of the plaintiffs' filing of additional pleadings in this case, and continued to urge the Soviet Union to seek advice of private counsel concerning participation in the lawsuit.

11. The Soviet Union has now engaged counsel and has appeared to assert appropriate defenses to set aside the default judgment in this case. This action represents the completion of the U.S. diplomatic objective of convincing the Soviet Union to litigate its immunity claims in U.S. courts in all cases. In accordance with our belief that this major shift in Soviet behavior and policy warrants the vacating of default judgments entered prior to our effort's commencement, the United States has filed a Statement of Interest providing its views on the jurisdictional issues presented by this case. The Plaintiffs' Statement in Opposition to the Soviet Union's Motion states that the U.S. Statement of Interest "neglects to mention any specific, concrete foreign policy concerns involving this particular case." To the contrary, this particular case involves very substantial and specific foreign policy concerns. To my knowledge, the Soviet appearance in this case is the second time that the Soviet Union has appeared in a United States court in a proceeding brought solely against the Soviet Government, and not against one of its agencies or

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instrumentalities. More importantly, to my knowledge, this is the first time that the Soviet Union has appeared in a proceeding that relates solely to alleged governmental acts, unrelated in any way to a commercial undertaking or commercial considerations. The Soviet Union's appearance in this case indicates its intent to regularize its activities in the United States, and to participate in cases against it in United States courts. Such steps could lead to general policies that would greatly increase the likelihood that the Soviet Union, as well as persons who sue it, obtain decisions on the merits that are likely to resolve difficult disputes.

12. As the accompanying Kamman Declaration indicates, this case has become a significant issue in bilateral United States-Soviet relations. The United States Government has expended considerable effort to urge the Soviet Government to appear in this case and raise its defenses, including the contention that it is absolutely immune, before the court instead of through diplomatic channels. In light of the Soviet view of international law and Soviet domestic law, the Soviet Union's decisions to appear in these cases is a very important development in the process of adapting to United States procedures, including the FSIA. Against this background, I believe that United States interests would be served, as well as the interests of justice, if counsel for the Soviet

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Government were permitted to make its arguments to the court.

13. The Plaintiffs' Statement in Opposition to the Soviet Union's motion also asserts that the plaintiffs are entitled to take discovery on jurisdictional issues at this time. However, the Soviet Union has raised several meritorious legal defenses which should dispose of this case in its entirety, rendering any discovery moot. If a foreign state is denied a determination that it is entitled to immunity until after it is first made to suffer the intrusion of discovery of facts not necessary to the determination of sovereign immunity, the immunity doctrine is gravely undermined. The liberal discovery afforded by the Federal Rules of Civil Procedure is often regarded by foreign governments as highly intrusive and as inconsistent with the concept of sovereign immunity. Where, as we believe to be the case here, the judgment involved is void for lack of jurisdiction on the face of the complaint, permitting discovery would be inconsistent with the sovereign immunity extended to the Soviet Union by U.S. and international law and could significantly complicate the relations between the Soviet Union and the United States.

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 28, 1989

Abraham D. Sofaer

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

GUY VON DARDEL,

Plaintiff,

v.

UNION OF SOVIET SOCIALIST REPUBLICS,

Defendant.

Civil Action No. 84-0353

DECLARATION OF CURTIS W. KAMMAN

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Declaration of Curtis W. Kamman

I, Curtis W. Kamman, hereby declare pursuant to 28 U.S.C. §1746 as follows:

1. I am the Deputy Assistant Secretary of State for European and Canadian Affairs responsible for Eastern Europe, Yugoslavia and the Union of Soviet Socialist Republics. I have served in this capacity since June 5, 1989. Before that time, I served in several positions of responsibility for matters involving United States relations with the Soviet Union, including assignments as Deputy Chief of Mission, Political Counselor and Political Officer in the United States Embassy in Moscow.

2. I submit this declaration to advise the court of the views of the United States with respect to the foreign policy implications of this law suit. My declaration is based on my personal knowledge and recollections and on information provided to me in my official capacity. It is my understanding that the Department of State Legal Adviser Abraham D. Sofaer will also submit a declaration in these proceedings that describes communications that the United States Government has had with the Soviet Government regarding this case

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(hereinafter, "Sofaer Declaration").

3. Maintaining a stable environment conducive to working with the Soviet Union across the range of our five-part agenda of regional matters, arms control, human rights and transnational and bilateral issues is a matter of the highest priority in United States foreign policy. The importance that the United States attributes to relations with the Soviet Union is evidenced by frequent meetings of senior United States and Soviet officials, including, most recently, the visit of Secretary of State Baker to Moscow, May 10 to 11, 1989. Accordingly, the United States Government has sought, to the extent possible, to regularize United States-Soviet bilateral relations so that individual issues can be addressed on their merits.

4. In an attempt to prevent litigation against the Soviet Union in U.S. courts from causing needless disruption to United States relations with the Soviet Union, the Department of State has had a number of diplomatic communications with that Government. The diplomatic notes exchanged between the United States Government and the Soviet Government are attached and briefly summarized below. Additional contacts between officials of the two governments are summarized in the Sofaer Declaration. These contacts, during which the United States and the Soviet Union set forth their disparate views on

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sovereign immunity, have included the following:

A. In early 1984 plaintiffs requested routine assistance from the Department of State in transmitting the summons and complaint to the United States Embassy in Moscow for service on the Soviet Union pursuant to the Foreign Sovereign Immunities Act, 28 U.S.C. §§ 1601, et seq. ("FSIA"). In keeping with normal practice, the United States Embassy transmittal was accompanied by a diplomatic note of April 2, 1984 to the Soviet Ministry of Foreign Affairs, which stated that under United States law, neither the Embassy nor the Department of State was in a position to comment on the present suit and that any jurisdictional or other defenses, including claims of sovereign immunity, must be addressed to the court by the foreign state (Attachment 1). The note also referred to the possibility that a default judgment could be entered against a defendant who does not respond to a complaint and noted that for the purpose of asserting jurisdictional and other defenses it was advisable to consult a private attorney in the United States. On April 19, 1984, the Soviet Government rejected service by means of a diplomatic note, and returned the documents transmitted with the United States Embassy note (Attachment 2). The Soviet note also set forth, for the first time with regard to this case, the Soviet position claiming entitlement of the Soviet State

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and its organs to immunity from the jurisdiction of foreign courts.

B. After the court granted the plaintiffs' motion for default judgment on October 15, 1985, and entered an amended judgment on November 7, 1985, the Department of State, at plaintiffs' request under the FSIA, transmitted the default judgment and amended judgment to the Soviet Ministry of Foreign Affairs by diplomatic note of January 22, 1986 (Attachment 3). That note again restated United States requirements regarding litigation. In its note of March 6, 1986, the Soviet Ministry of Foreign Affairs rejected service of the default and amended judgments (Attachment 4). The note again stated the Soviet Government's view that the Soviet State and its organs enjoy immunity from the jurisdiction of foreign courts and cannot be brought to court without clearly expressed consent. The note also stated that "the decision made by the American court concerns questions referring to purely internal competence of the Soviet organs of State power." The note demanded that United States authorities "take appropriate measures in guaranteeing the jurisdictional immunity of the Soviet state," and warned that "the American side will bear the full responsibility for the consequences of failing to take such measures." The note also stated that "any possible measures taken to implement such decisions, including encroachment on

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the state property of the USSR, would have the most serious consequences for relations between our countries and would undermine the possibility of normal development of our bilateral relations in different spheres."

C. Department of State officials, including attorneys from the Department's Office of the Legal Adviser, have also met with Soviet representatives both in Washington and in Moscow on a number of occasions to explain United States's requirements regarding litigation and to urge the Soviet Union to seek advice of private counsel concerning participation in this lawsuit. These meetings are described in the accompanying Sofaer Declaration. In addition, last November Legal Adviser Sofaer and Yuri Rybakov, Head of the International Law Department at the Soviet Ministry of Foreign Affairs, signed a Memorandum of Understanding recording discussions and understandings on the subject of promoting mutual understanding in the legal sphere, including sovereign immunity (Attachment 5). The Soviet decision to retain counsel to appear and to raise its defenses in this case is, I believe, in large part the result of these discussions and this Memorandum of Understanding.

5. This case has become an issue in bilateral United States-Soviet relations. In view of the Soviet concern

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over this case, including the default judgment entered herein and the plaintiff's motion to hold the Soviet Union in contempt, the way in which this matter is handled could have repercussions for other important United States interests with respect to the Soviet Union. The Soviets indicated in a protest of March 6, 1986 (Attachment 4) that any effort to enforce the court's judgment would have most grave consequences and "undermine the possibility of normal development of our bilateral relations in different spheres." Given their strongly held position concerning sovereign immunity, I believe that the Soviets' willingness to appear and to participate in these proceedings is an important step to remove an irritant in our bilateral relations. United States foreign policy interests vis-a-vis the Soviet Union weigh in favor of facilitating these Soviet efforts.

6. The Department of State believes that the views of the Soviet Union with respect to basic issues of international law are entitled, under the principles of comity and equality among sovereign states, to receive a fair hearing by all branches of the United States Government. It has been the Department's intention through the pendency of these proceedings to persuade the Soviet Union that the appropriate procedural means under both United States and international law for presenting these views to the United States Government is not through diplomatic

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channels but through representations to the United States court itself. Although I cannot predict what precise actions the Soviet Union will take with respect to the disposition of these proceedings, in my judgment permitting the Soviet Union to have its day in court would clearly serve the foreign policy interests of the United States. Conversely, denying the Soviet Union an opportunity to present its views in court, particularly given our diplomatic efforts to encourage its participation, can be expected to affect adversely our bilateral relations with that country, and therefore to affect adversely foreign policy interests of the United States.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 28 July, 1989

Curtis W. Kamman

Attachments:

1. U.S. Embassy Note No. 431 of April 2, 1984.
2. Soviet Ministry of Foreign Affairs Note No. KU-775 of April 19, 1984.
3. U.S. Embassy Note No. 30 of January 22, 1986.
4. Soviet Ministry of Foreign Affairs Note No. KU-460 of March 6, 1986.
5. Memorandum of Understanding of November 18, 1988.

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EMBASSY OF THE
UNITED STATES OF AMERICA

No. 431

The Embassy of the United States has the honor to refer the Foreign Ministry to the lawsuit entitled Guy Van Dardel and Sven Hagstromer v. Union of Soviet Socialist Republics, in which the Government of the U.S.S.R. is a defendant. The case is pending in the United States District Court for the District of Columbia docket number 84-0353. The Embassy herewith transmits a summons and complaint in both English and Russian. This note constitutes service of these documents upon the Government of the U.S.S.R. as contemplated in Title 28, United States Code, Section 1608(a)(4).

Under applicable United States law a defendant in a lawsuit must file an answer to the complaint or some other responsive pleading within 60 days from the date of service of the complaint (i.e. the date of this note) or face the possibility of having judgment entered against it without the opportunity of presenting evidence or arguments in its behalf. Accordingly, the Embassy requests that the enclosed summons, and complaint be forwarded to the appropriate authority of the Government of the U.S.S.R. with a view toward taking whatever steps are necessary to avoid a default judgment.

Please note that under United States law and procedure, neither the Embassy nor the Department of State is in the position to comment on the present suit. Under the laws of the United States, any jurisdictional or other defense including claims of sovereign immunity must be addressed to the court before which the matter is pending, for which reason it is advisable to consult an attorney in the United States.

In addition to the summons and complaint, the Embassy is enclosing a "notice of suit" prepared by the plaintiff, which summarizes the nature of the action which has been filed against the government.

Embassy of the United States of America,

Moscow, April 2, 1984.

I George Glass, a consular officer at the Embassy of the United States at Moscow, certify that this is a true copy of Embassy note number 431 dated April 2, 1984, and delivered to the Ministry of Foreign Affairs of the Union of Soviet Socialist Republics on April 2, 1984.

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George Glass
Vice Consul of the United States of America

Attachment 1

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KU-775

The Ministry of Foreign Affairs of the Union of Soviet Socialist Republics refers to the Embassy's note No. 431 of April 2, 1984 and returns hereby the documents of the US District Court for the District of Columbia in which the Soviet Union is named as a defendant.

The Ministry again directs the attention of the American side to the fact that in accordance with the principle of sovereign equality of states, consolidated in the UN Charter, the Soviet state and its organs enjoy immunity from jurisdiction of foreign courts.

Moscow, April 19, 1984.

TO THE EMBASSY OF THE UNITED STATES OF AMERICA, Moscow

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Attachment 2

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№ КУ- 745

Министерство Иностранных Дел Союза Советских Социалистических Республик ссылается на ноту Посольства Соединенных Штатов Америки № 431 от 2 апреля 1984 года и возвращает при этом документы Окружного суда США для округа Колумбия, в которых в качестве ответчика назван Советский Союз.

Министерство вновь обращает внимание американской стороны на то, что в соответствии с принципом суверенного равенства государств, закрепленным в Уставе ООН, Советское государство и его органы пользуются иммунитетом от юрисдикции иностранных судов.

Москва, 19 апреля 1984 года

Министерство Иностранных Дел СССР

ПОСОЛЬСТВУ СОЕДИНЕННЫХ ШТАТОВ АМЕРИКИ
г.Москва

APR 19 1984

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No.30

The Embassy of the United States of America refers the Ministry of Foreign Affairs to the lawsuit entitled Guy von Dardel and Sven Hagstromer v. Union of Soviet Socialist Republics in which the Government of the USSR is a defendant. The United States District Court for the District of Columbia has rendered a decision in the referenced case, and entered a judgment against the Union of Soviet Socialist Republics. The Embassy herewith transmits a Notice of Default Judgment and Amended Judgment. This note constitutes service of these documents upon the Government of the USSR as contemplated in Title 28, United States Code, Section 1608(a)(4) and 1608(e).

The Ministry's attention is invited to the provisions of Section 1610 of Title 28, United States Code, regarding attachment of assets following judgment for the plaintiff. Section 1610(c) states in the pertinent part that "no attachment or execution referred to in subsections (a) and (b) of this section shall be permitted until the court has ordered such attachment and execution after having determined that a reasonable period of time has elapsed following the entry of judgment and the giving of any notice required under section 1608(e) of this chapter."

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Attachment 3

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The Ministry is further advised that under United States law and procedure, neither the Embassy nor the Department of State is in a position to comment on the Court's decision in this matter. Under United States law, the question of whether a procedure is available to open or vacate the default judgment rendered against the Union of Soviet Socialist Republics or otherwise to defend against enforcement of judgment is a matter which must be addressed to the appropriate Court. For this reason, it is advisable to consult an attorney in the United States.

Accordingly, the Embassy requests that the enclosed Notice of Default Judgment and Amended Judgment be forwarded to the appropriate authority of the Government of the Union of Soviet Socialist Republics with a view towards taking whatever steps are necessary to protect its interests in this case.

The Embassy of the United States of America

Moscow, January 22, 1986

I, Eugene Zajac, a consular officer at the Embassy of the United States at Moscow, certify that this is a true copy of the Embassy note number 30 dated January 22, 1986, and delivered to the Ministry of Foreign Affairs on January 22, 1986.

Eugene C. Zajac
Consul General

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INFORMAL TRANSLATION

KU-460

The Ministry of Foreign Affairs of the Union of Soviet Socialist Republics, referring to the Embassy's note No. 30 of January 22, 1986, declares that the Soviet side does not recognize as legal the decision of the District Court of the District of Columbia made against the USSR in the so-called "Wallenberg case". In accordance with the universally recognized principle of the sovereign equality of states, confirmed by the UN Charter, the Soviet state and its organs enjoy immunity from the jurisdiction of foreign courts and therefore cannot be brought to court as a defendant without its clearly expressed consent. As is known, the Soviet state has given no consent to be brought to an American court as a defendant in this case.

At the same time, the attention of the Embassy is drawn to the fact that the decision made by the American court concerns questions referring to purely internal competence of the Soviet organs of the State power.

In its time, in response to the corresponding requests of the Department of State, the Soviet side has already given exhaustive explanations with regard to the fate of Swedish citizen R. Wallenberg and considers the matter closed.

However, American official authorities, capitalizing on the name of Wallenberg, continue making statements and taking actions clearly aimed at inciting anti-Soviet sentiment. It is quite obvious that the American court, in rendering its decision, was not guided at all by legal rules, but other motives.

The American authorities should realize that this and other decisions of the US courts against the USSR are inadmissible in relations between states. Any possible measures taken to implement such decisions, including encroachment on the state property of the USSR, would have most serious consequences for relations between our countries and would undermine the possibility of normal development of bilateral relations in different spheres.

The Ministry of Foreign Affairs of the USSR firmly insists that the American side take appropriate measures in guaranteeing the jurisdictional immunity of the Soviet state and warns that otherwise the American side will bear the full responsibility for the consequences of failing to take such measures.

The documents of the District Court of the District of Columbia in the case of Wallenberg are being returned.

Moscow, March 6, 1986

Enclosures:
34 pages

TO THE EMBASSY OF THE UNITED STATES OF AMERICA, Moscow

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Attachment 4

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№ КУ-460

Министерство Иностранных Дел Союза Советских Социалистических Республик, ссылаясь на ноту Посольства Соединенных Штатов Америки № 30 от 22 января 1986 года, заявляет, что советская сторона не признает законным решение Окружного суда Округа Колумбия, вынесенное против СССР по так называемому "делу Валленберга". В соответствии с общепризнанным принципом суверенного равенства государств, закрепленным в Уставе ООН, Советское государство и его органы пользуются иммунитетом от юрисдикции иностранных судов и поэтому не могут быть привлечены в качестве ответчика в этих судах без явно выраженного им на то согласия. Как известно, Советское государство согласия на его привлечение в качестве ответчика в американском суде по данному делу не давало.

Приложение:
на 34 листах.

Одновременно внимание Посольства обращается на то, что указанное решение американского суда касается вопросов, относящихся сугубо к внутренней компетенции советских органов государственной власти.

В свое время в ответ на соответствующие запросы госдепартамента советская сторона уже дала исчерпывающие разъяснения по поводу судьбы шведского гражданина Р.Валленберга и считает этот вопрос закрытым.

Однако американские официальные власти, спекулируя на имени Валленберга, продолжают делать заявления и предпринимать действия, явно направленные на подогревание антисоветских настроений. Совершенно очевидно, что и американский суд, принимая свое решение,

ПОСОЛЬСТВУ СОЕДИНЕННЫХ
ШТАТОВ АМЕРИКИ

г.Москва

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EXCISE

(B1)

<<<<>>>>

[redacted]

PAGE 01 GUATEM 09042 01 OF 03 011642Z
ACTION HA-09

INFO LOG-00 ADS-00 AID-00 INR-07 SS-00 OIC-02 CIAE-00
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AMEMBASSY TEGUCIGALPA
AMEMBASSY MEXICO
USMISSION GENEVA
USMISSION USUN NEW YORK

[redacted] SECTION 01 OF 03 GUATEMALA 09042

DEPT FOR ARA/CEN FOR DMCCARTHY AND HA

E.O. 12356: DECL: OADR
TAGS: PHUM, ELAB, UNHRC, PGOV, PREL, PREF, GT
SUBJECT: JULY 1989 HUMAN RIGHTS ROUND UP

REF: A) GUAT 7679, B) GUAT 8203, C) GUAT 8228

GENERAL

THE GOG'S EFFORTS ON HUMAN RIGHTS SADLY LACKING:

1. (LOU) THE PRESIDENT OF THE GUATEMALAN CONGRESS' HUMAN RIGHTS COMMISSION, HECTOR MAYORA, AND MINISTER OF INTERIOR VALLE VALDIZAN, BOTH TOLD US THAT THE GOG'S EFFORTS TO PROTECT HUMAN RIGHTS LACK SERIOUSNESS AND SENSE OF PURPOSE. MAYORA TOLD POLOFF THAT THE GOG ISN'T

[redacted]

[redacted]

PAGE 02 GUATEM 09042 01 OF 03 011642Z

HANDLING THE HUMAN RIGHTS SITUATION ADEQUATELY. MINISTER VALLE, WHO WAS PRESIDENT OF THE CONGRESSIONAL HUMAN RIGHTS COMMISSION WHEN HE WAS IN CONGRESS, SAID THAT THERE IS A GREAT NEED TO STRENGTHEN THE HUMAN

DEPARTMENT OF STATE
( ) RELEASE
(X) EXCISE
( ) DENY
( ) DECLASSIFY
(X) DECLASSIFY IN PART
EO Citations
JMTIES/GR/IR Date 2/10/98
9408351
POIA Exemptions (B1)
PA Exemptions
( ) CLASSIFY as ( ) 5 or ( ) C Sec.
( ) DOWNGRADE TS to ( ) S or ( ) C
TS authority to

UNCLASSIFIED

RIGHTS COMMISSION AND THE OFFICE OF THE OMBUDSMAN. HE SAID THAT THE PRESIDENTIAL ADVISORY COMMISSION ON HUMAN RIGHTS DOES NOT DO ANYTHING, AND HAS NO REAL PURPOSE. IT WOULD BE BETTER TO FOCUS RESOURCES ON THE CONGRESSIONAL COMMISSION AND THE OMBUDSMAN'S OFFICE, AND TO INCREASE THE ROLE THAT EACH PLAYS.

2. (U) THE AUTHORITY OF THE HUMAN RIGHTS OMBUDSMAN RECEIVED SOME SUPPORT FROM THE CONGRESSIONAL COMMISSION ON HUMAN RIGHTS. IN JUNE, THE LATTER CALLED FOR THE FIRING OF GOVERNMENT OFFICIALS WHO IMPEDE THE WORK OF THE OMBUDSMAN. THE SUGGESTION COMES IN THE WAKE OF THE OMBUDSMAN'S CLAIMS THAT HIS INVESTIGATION INTO THE NOVEMBER 1988 AGUACATE MASSACRE WAS HAMPERED BY LACK OF COOPERATION FROM THE MINISTERIO PUBLICO AND OTHER JUDICIAL ORGANIZATIONS.

POLITICAL KILLING

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3. (U) IN HIS LONG AWAITED REPORT ON THE NOVEMBER 1988 MASSACRE AT EL AGUACATE, THE OMBUDSMAN SAID THAT THE GOVERNMENT IS RESPONSIBLE FOR THE MASSACRE BECAUSE IT DID NOT PREVENT IT FROM HAPPENING, BUT NOT BECAUSE THE GOVERNMENT ORDERED IT.

DISAPPEARANCE

[redacted]

[redacted]

(C)[ ]MEMBER KIDNAPPED AND HELD BY MILITARY: (B1)

4. (C)[ ] (B1)

THAT THREE ARMED MEN IN A PICKUP TRUCK KIDNAPPED A GUATEMALAN MEMBER OF THE CHURCH, PRECILIANO RAFAEL VELASQUEZ GALINDO, JULY 6 IN SAN RAFAEL DE LA CUESTA, SAN MARCOS DEPARTMENT. JUSTICE STATED THAT EYEWITNESSES DESCRIBED THE TRUCK AS A MAZDA WITH SALVADORAN PLATES. ACCORDING TO JUSTICE, ANOTHER CHURCH MEMBER HAS SEEN THE VEHICLE ON THE LOCAL MILITARY BASE. JUSTICE SAID A CONFIDENTIAL SOURCE, I.E., A SOLDIER FROM THE BASE, HAS CLAIMED SEEING VELASQUEZ ALIVE ON THE BASE JULY 9.

5. (C) JUSTICE SPECULATED THAT THE ARMY PICKED UP

VELASQUEZ, WHO MANAGES AN ESTATE IN AN AREA INFESTED WITH GUERRILLAS, FOR QUESTIONING BECAUSE OF THE FREQUENT USE GUERRILLAS MAKE OF THE ESTATE. THE GUERRILLAS APPARENTLY DEMAND FOOD AND SUPPLIES FROM THE ESTATE AND VELASQUEZ, FEARING FOR HIS LIFE AND THOSE OF OTHERS ON THE ESTATE, HAS PROVIDED SUCH. (REF B)

FREEDOM OF SPEECH AND PRESS

BOMBING OF CHANNEL 7: A STEP BACKWARD IN FREEDOM OF THE PRESS:

6. (C) ON JULY 19, THE TRANSMISSION TOWER OF TELEVISION CHANNEL 7 WAS BOMBED. THE STATION WAS OFF THE AIR FOR TWO DAYS. THE STATION'S NEWS DIRECTOR TOLD THE EMBASSY INFORMATION OFFICER THAT HE BELIEVED THE BOMBING WAS DUE TO THE STATION'S ANNOUNCED PLAN TO

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[redacted]

PAGE 01 GUATEM 09042 02 OF 03 011645Z
ACTION HA-09

INFO LOG-00 ADS-00 AID-00 INR-07 SS-00 OIC-02 CIAE-00
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R 011614Z AUG 89
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INFO AMEMBASSY SAN SALVADOR
AMEMBASSY TEGUCIGALPA
AMEMBASSY MEXICO

USMISSION GENEVA
USMISSION USUN NEW YORK

[redacted] SECTION 02 OF 03 GUATEMALA 09042

DEPT FOR ARA/CEN FOR DMCCARTHY AND HA

E.O. 12356: DECL: OADR
TAGS: PHUM, ELAB, UNHRC, PGOV, PREL, PREF, GT
SUBJECT: JULY 1989 HUMAN RIGHTS ROUND UP

BROADCAST AN EXCLUSIVE INTERVIEW WITH NICARAGUA'S DANIEL ORTEGA THE EVENING OF THE ATTACK. IN PUBLIC STATEMENTS AFTER THE BOMBING, CHANNEL 7 CLAIMED THAT THE STATION HAD RECEIVED ANONYMOUS THREATS IN THE WEEKS BEFORE. THE NEWS DIRECTOR TOLD US HE WOULD NOT BROADCAST THE ORTEGA INTERVIEW IN SPITE OF HIS OBVIOUS PRIDE IN HAVING ACHIEVED THIS EXCLUSIVE INTERVIEW. HE WOULD NOT SPECULATE ON WHO CARRIED OUT THE BOMBING, THOUGH MOST JOURNALISTS CONTACTED BELIEVE IT WAS CARRIED OUT BY RENEGADE MEMBERS OF THE SECURITY SERVICES. 8OTHERSEHAVE SPECULATED THAT THE ATTACK WAS CARRIED OUT BY EXILED NICARAGUANS OR BY EXTREME RIGHT-WING GUATEMALAN CIVILIANS.

[redacted]

[redacted]

7. (C) ON JULY 30, TERRORISTS THREW A BOMB AT THE RESIDENCE OF THE DIRECTOR GENERAL OF GUATEMALA'S LARGEST RADIO NETWORK, "EMISORAS UNIDAS." THE ATTACK DAMAGED THE AUTOMOBILE OF "EMISORAS UNIDAS" DIRECTOR ROLANDO ARCHILA. ARCHILA, A FORMER MILITARY OFFICER WHO HELD GOVERNMENT PUBLIC AFFAIRS POSTS IN THE GOVERNMENTS OF ARANA OSORIO, KJELL LAUGERVO AND LUCAS GARCIA, HAS BECOME AN OUTSPOKEN SUPPORTER OF THE DEMOCRATIC PROCESS. "GUATEMALA FLASH," AN INDEPENDENT RADIO NEWS PROGRAM BROADCAST ON ARCHILA'S NETWORK RECENTLY EDITORIALIZED AGAINST ATTEMPTS TO DESTABLIZE THE DEMOCRATIC PROCESS.

FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION

TEACHERS ACCEPT TRUCE TO END NASTY DEMONSTRATIONS:

8. (LOU) HEATED CONFRONTATION BETWEEN SEVERAL THOUSAND STRIKING TEACHERS AND GOG OFFICIALS INSIDE THE CONGRESS

BUILDING ENDED LATE AFTERNOON JULY 13 WITH AGREEMENT TO BEGIN A DIALOGUE ON JULY 14. AS THIS AGREEMENT WAS REACHED, ANTI-RIOT POLICE BREACHED THE HUMAN BLOCKADE AND EXTRACTED FOREIGN DIPLOMATS THERE OBSERVING THE FRENCH BICENTENNIAL, AS WELL AS SOME 40 CONGRESSMEN, THE VICE PRESIDENT AND THE MINISTER OF THE INTERIOR.

9. [redacted] THE FIVE-HOUR CONFRONTATION LEFT IN ITS WAKE SEVERAL DOZEN DAMAGED AUTOS, PROPERTY OF CONGRESSMEN AND DIPLOMATS. THE POLICE RECEIVED A SHOWERS OF STONES AND OTHER OBJECTS, BUT DID NOT REACT. FOUR UNEXPLODED [redacted]

[redacted]

MOLOTOV COCKTAILS WERE LATER FOUND IN THE VICINITY OF CONGRESS. A POTENTIALLY VERY NASTY SITUATION WAS AVOIDED, BUT THE TEACHERS ARE STILL IN A CONFRONTATIONAL MOOD, AND PREPARED TO CONTINUE THE STRIKE, WITH ESCALATION, IF AN AGREEMENT IS NOT REACHED. (REF C)

WORKER RIGHTS

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10. [redacted] A TEACHERS' STRIKE HAS LASTED OVER SIX WEEKS, AND THEY HAVE BEEN JOINED BY WORKERS IN THE MAILS, PUBLIC WORKS AND OTHER GOVERNMENT DEPENDENCIES. DAILY DEMONSTRATIONS IN FRONT OF THE PALACE HAVE BECOME MORE MASSIVE. THE POLICE INTERVENED WHEN THE TEACHERS USED CONFRONTATIONAL TACTICS WHICH RESULTED IN CLAIMS OF "REPRESSION" BY POLICE OF SOME TEACHERS. SEE ABOVE. GSP WORKER RIGHTS PETITION AGAINST GUATEMALA

11. (LOU) THE EMBASSY INVESTIGATED CASES MENTIONED IN THE COMPLAINT BY THE UNITED ELECTRICAL, RADIO, AND MACHINE WORKERS OF AMERICA. MANY INVOLVE ALLEGED THREATS, WHICH ARE NOT UNCOMMON IN GUATEMALA. THERE ARE NO CASES IN WHICH IT APPEARS THAT THE REPRESSIVE APPARATUS OF THE STATE WAS USED TO SUPPRESS WORKER RIGHTS.

12. [redacted] DESPITE VAST IMPROVEMENTS IN WORKER RIGHTS SINCE THE DEMOCRATIC OPENING, GUATEMALA IS A VIOLENT SOCIETY. ANY DISPUTE CAN RESULT IN ANONYMOUS DEATH THREATS. IN AN ONGOING TEACHERS STRIKE, THE UNION LEADER WARNED THE GOVERNMENT NEGOTIATOR THAT HE WOULD BE KILLED BY THE GUERRILLAS FOR RESISTING THE UNION'S DEMANDS. IT IS WIDELY PERCEIVED THAT GROUPS WHO USE VIOLENCE DO NOT PROVIDE A WARNING BEFOREHAND SO IT IS

UNCLEAR WHETHER THREATS AND ACTUAL VIOLENCE ARE RELATED.

[redacted]

[redacted]

13. ([redacted] THE CEREZO ADMINISTRATION HAS PERMITTED OR PERHAPS ENCOURAGED VOCAL OPPOSITION. EVEN ITS HARSHEST CRITICS ACKNOWLEDGE THAT THE GOVERNMENT DOES NOT USE VIOLENCE AND THREATS TO REINFORCE ITS AUTHORITY. WHILE

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PAGE 01 GUATEM 09042 03 OF 03 011645Z
ACTION HA-09

INFO LOG-00 ADS-00 AID-00 INR-07 SS-00 OIC-02 CIAE-00
EB-00 DODE-00 H-01 IO-19 NSCE-00 ARA-00 NSAE-00
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INRE-00 RP-10 USIE-00 SP-02 SR-06 C-01 PRS-01
DS-01 OIG-01 SCT-02 P-02 /092 W
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R 011614Z AUG 89
FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC 3439
INFO AMEMBASSY SAN SALVADOR
AMEMBASSY TEGUCIGALPA
AMEMBASSY MEXICO
USMISSION GENEVA
USMISSION USUN NEW YORK

[redacted] SECTION 03 OF 03 GUATEMALA 09042

DEPT FOR ARA/CEN FOR DMCCARTHY AND HA

E.O. 12356: DECL: OADR
TAGS: PHUM, ELAB, UNHRC, PGOV, PREL, PREF, GT
SUBJECT: JULY 1989 HUMAN RIGHTS ROUND UP

CRITICS RIGHTFULLY POINT OUT THAT THE GOVERNMENT SHOULD BE MORE EFFECTIVE IN STOPPING VIOLENCE BY GROUPS OUTSIDE GOVERNMENT, EVERYONE AGREE THAT THE SITUATION IN GUATEMALA IS MUCH IMPROVED OVER THAT IN THE EARLY 1980'S. (REF A)
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El Salvador: Human Rights
Special Project (1993)

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TO AMEMBASSY SAN SALVADOR IMMEDIATE

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E.O. 12356: DECL: OADR
TAGS: PINS, PREL, PGOV, ES, NU
SUBJECT: SANDINISTA AID TO FMLN

1. [redacted] DURING A/S ARONSON'S RECENT VISIT TO EL SALVADOR, PRESIDENT CRISTIANI REQUESTED INFORMATION ON SANDINISTA SUPPORT FOR THE FMLN FOR USE AT THE AUGUST 5-7 SUMMIT. WHAT FOLLOWS IS MATERIAL PUT TOGETHER FOR SIMILAR PURPOSES OVER THE PAST TWO YEARS PLUS NEWLY ACQUIRED INFORMATION. PLEASE PASS THIS INFORMATION TO PRESIDENT CRISTIANI AS SOON AS POSSIBLE IN RESPONSE TO HIS REQUEST.

2. (U) BEGIN TEXT:

SANDINISTA SUPPORT FOR THE FMLN GUERRILLAS GOES BACK TO 1980, AND ALTHOUGH CONDUCTED MORE DISCREETLY SINCE THE GOVERNMENT OF EL SALVADOR REVEALED VIOLATIONS AT THE ESQUIPULAS II NEGOTIATIONS NEARLY TWO YEARS AGO, IT HAS CONTINUED. FMLN VISIBILITY IN NICARAGUA WAS INITIALLY REDUCED AFTER ESQUIPULAS II, BUT THE FMLN CONTINUES TO [redacted]

PAGE 02 STATE 245596

CONDUCT BUSINESS AND IN SOME CASES HAS EXPANDED OPERATIONS WIH THE FULL KNOWLEDGE AND SUPPORT OF THE SANDINISTA GOVERNMENT. IN ADDITION, NICARAGUA CONTINUES TO SERVE AS A CONDUIT FOR WAR MATERIEL DESTINED FOR THE FMLN AND AS A TRAINING BASE FOR INSURGENTS. OUTLINED BELOW ARE DETAILS OF SUCH SANDINISTA SUPPORT FOR THE FMLN.

MATERIEL AND LOGISTICAL SUPPORT:

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United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: HOFFENBERG, MARY
Date: 06/07/94
Case ID: 9940036C

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El Salvador: Human Rights
Special Project (1993)

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THE BULK OF THE ARMS AND AMMUNITION USED BY THE GUERRILLAS CONTINUES TO BE PROVIDED THROUGH NICARAGUA. MANAGUA'S ROLE CONSISTS PRIMARILY OF PROVIDING TRANSPORTATION, WAREHOUSING AND COORDINATION FOR DELIVERIES OF MATERIEL BOUND FOR THE INSURGENTS.

--THE ARMS CACHE DISCOVERY ON MAY 30 OF THIS YEAR -- THE LARGEST EVER BY THE GOVERNMENT OF EL SALVADOR -- UNDERSCORES THE CONTINUING COMMITMENT OF CUBA AND NICARAGUA TO SUPPORT THE GUERRILLA WAR IN EL SALVADOR.

--THE ARMS CACHE INFORMANT CONFIRMED UNDER A POLYGRAPH THAT THE WEAPONS IN THE CACHE CAME FROM NICARAGUA. THE HEAD OF THE LOGISTICAL SUPPLY TO THE FMLN, HE ALSO CONFIRMED DISCUSSIONS ON RESUPPLY WITH FSLN COMMANDANTE BAYARDO ARCE AND CUBAN AMERICAS DEPARTMENT HEAD MANUEL PINIERO.

--ON 30 JULY, THE HONDURAN MILITARY INTERCEPTED A CACHE OF ARMS EN ROUTE FROM NICARAGUA TO GUERRILLAS IN EL SALVADOR. THE CACHE CONSISTED OF 60 SOVIET-MADE AK-47S, WITH BAYONETTES, SEIZED IN A VILLAGE ABOUT 40 MILES FROM THE HONDURAN CAPITAL.

[redacted]

PAGE 03 STATE 245596

--THOUSANDS OF AK-47 RIFLES HAVE BEEN DISCOVERED THROUGHOUT EL SALVADOR IN RECENT MONTHS, SUGGESTING MAJOR RESUPPLY EFFORTS ARE UNDERWAY. A SANDINISTA DEFECTOR RECENTLY CONFIRMED THAT COMPARABLE NUMBERS OF SUCH WEAPONS HAVE BEEN WAREHOUSED IN MANAGUA FOR RESUPPLY OF THE FMLN.

--A FORMER SANDINISTA NAVAL INTELIGENCE OFFICER WHO DESERTED IN FEBRUARY 1988 HAS DETAILED THE USE OF NICARAGUAN NAVAL PATROL CRAFT TO TRANSPORT MATERIEL TO A POINT OFF-SHORE WHERE THE CARGO WAS THEN TRANSFERRED TO SALVADORAN INSURGENTS' BOATS FOR FINAL DELIVERY TO FMLN ELEMENTS IN EL SALVADOR.

--A SANDINISTA DEFECTOR RECOUNTED IN 1988 THAT NICARAGUAN DEFENSE MINISTER HUMBERTO ORTEGA AGREED IN SEPTEMBER 1987 TO PROVIDE TRAINING IN THE USE OF SURFACE-TO-AIR MISSILES TO SALVADORAN GUERRILLAS.

--IN LATE OCTOBER 1987, 15 SALVADORAN GUERRILLAS COMPLETED A 35-DAY COURSE USING A VARIETY OF SUCH MISSILES. THE TRAINING WAS CONDUCTED IN MANAGUA AND WAS APPPROVED BY THE SANDINISTA COMANDANTES.

--THE WEAPONS-SUPPLY OPERATION IS HANDLED IN NICARAGUA BY A CLANDESTINE ENTITY KNOWN AS "THE BUREAU," RUN BY COMANDANTE BAYARDO ARCE.

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Special Project (1993)

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TRAINING:

--IN FEBRUARY 1988, 11 SUSPECTED GUERRILLAS WERE ARRESTED IN A SAFEHOUSE LOCATED IN A SAN SALVADOR SUBURB. TWO OF THE GUERRILLAS ADMITTED THAT THEY HAD TRAINED EXTENSIVELY IN CUBA AND NICARAGUA FROM JULY 1982 TO NOVEMBER 1987.

--GUERRILLA DOCUMENTS CAPTURED IN MID-1988 DETAILED POPULAR FORCES OF LIBERATION (FPL) FINANCIAL EXPENDITURES

[redacted]

PAGE 04 STATE 245596

DURING THE PERIOD OF JANUARY-MARCH 1988 FOR TRAVEL EXPENSES OF FPL MEMBERS BEING SENT OUT OF THE COUNTRY FOR TRAINING. THE SUBSEQUENT ARREST AND INTERROGATION OF AN FPL FINANCE OFFICER REVEALED THAT MONEY WAS PROVIDED TO INSURGENTS FOR EXPENSES FOR TRAVEL FROM NICARAGUA.

--CUBANA AIRLINES IS USED TO TRANSPORT SALVADORAN GUERRILLAS TO AND FROM NICARAGUA AND CUBA FOR TRAINING. THESE ARE USUALLY CHARTERED FLIGHTS. EXTRAORDINARY MEASURES ARE UNDERTAKEN BY CUBAN AUTHORITIES TO CONCEAL THE IDENTITIES AND WEAPONS OF THE GUERRILLAS.

NICARAGUAN ADMISSIONS OF SUPPORT:

--DURING THE ESQUIPULAS II SUMMIT, ORTEGA CONCEDED THAT HIS GOVERNMENT PROVIDES AID TO THE FMLN. HE TOLD PRESIDENT DUARTE THAT NICARAGUA HAD INCREASED AID TO THE

FMLN EACH TIME THE U.S. HAD INCREASED MILITARY ASSISTANCE TO EL SALVADOR.

--IN REFUTING THE ALLEGATIONS OF SANDINISTA DEFECTOR MAJOR ROGER MIRANDA IN 1987, ORTEGA CONFIRMED THAT THE FSLN HAD TIES WITH "ARMED MOVEMENTS" IN THE REGION.

--IN JUNE 1988, ERP COMANDANTE JOAQUIN VILLALOBOS WAS AWARDED THE CAMILO ORTEGA MEDAL BY SANDINISTA MINISTER OF DEFENSE HUMBERTO ORTEGA. THE AWARD WAS GIVEN TO VILLALOBOS AT A MILITARY CEREMONY IN NICARAGUA IN WHICH ORTEGA REPORTEDLY PLEDGED CONTINUED SANDINISTA SUPPORT TO THE FMLN.

--DURING A RECENT DIPLOMATIC FUNCTION, DANIEL ORTEGA

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PAGE 05 STATE 245596

CONFIRMED NICARAGUA HAD LONG-STANDING TIES WITH THE FMLN, AND WOULD CONTINUE TO SUPPORT THE SALVADORAN GUERRILLAS AS

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El Salvador: Human Rights
Special Project (1993)

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TEXT OF TELEGRAM 89STATE 245596

A WAY OF DISTRACTING THE US FROM NICARAGUA.

THE FOLLOWING INFORMATION WAS PART OF THAT SUBMITTED BY FORMER FOREIGN MINISTER ACEVEDO TO THE SECRETARY GENERAL OF THE UNITED NATIONS AS SECRETARY PRO-TEMPORE OF THE INTERNATIONAL VERIFICATION AND FOLLOW-UP COMMITTEE IN JANUARY 1988 AND CIRCULATED AS A UN DOCUMENT IN FEBRUARY 1988. IT SHOULD BE SEEN IN AN HISTORICAL PERSPECTIVE.

MATERIEL AND LOGISTICAL SUPPORT:

--IN LATE 1987 THERE WERE INDICATIONS OF A NOTABLE SURGE IN LOGISTICS RESUPPLY ACTIVITY CONDUCTED BY THE SALVADORAN INSURGENTS. TWO MAJOR ROUTES WERE USED. ONE CONSISTS OF AN ENTRY POINT AT THE MOUTH OF THE RIO LEMPA OR ISLA MONTECRISTO NORTHWARD, EL ESPINO BEACH, USULUTAN; AND EL CUCO BEACH, SAN MIGUEL. THE SECOND ROUTE BEGINS IN THE JUCUARAN COASTAL AREA, EXTENDING NORTHWARD TO THE WAR FRONTS, SOMETIMES PARALLELLING THE ROUTES ORIGINATING FROM THE RIO LEMPA AREA.

--ON OCTOBER 5, 1987, A VESSEL CARRYING SMALL MACHINE-GUNS AND SUB-MACHINE GUNS LEFT PUNTA NATA, NICARAGUA AND DOCKED IN LA CRIBA, LA UNION DEPARTMENT, EL SALVADOR.

--ON THAT SAME DATE, A THREE COLUMN, 70-MAN GUERRILLA LOGISTICAL SUPPLY TEAM WAS INTERCEPTED NEAR OJO DE AGUA

ARRIBA, USULUTAN DEPARTMENT. EACH OF THE 70-MAN TEAM WAS CARRYING HIS PERSONAL WEAPON AND FOUR OR FIVE ADDITIONAL M-16/AR-15 RIFLES ON HIS SHOULDER. TWENTY-SIX OF THESE WEAPONS WERE CAPTURED AND SEVEN WEAPONS AND THE AMMUNITION WERE NEW. PRELIMINARY TRACING OF THE SERIAL NUMBERS ON THESE CAPTURED WEAPONS INDICATED A FEW WERE ORIGINALLY

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PAGE 06 STATE 245596

CONSIGNED TO THE SALVADORAN ARMED FORCES. AT LEAST 15 OF THE WEAPONS WERE TRACED TO WEAPONS CONSIGNED TO THE U.S. ARMED FORCES IN VIETNAM, AND PROBABLY WERE PART OF THE SUSPECTED LOGISTICAL SUPPLY RECEIVED BY SEA BETWEEN SEPTEMBER 27-OCTOBER 4, 1987.

--AS OF THE END OF 1987, THE FMLN HAD AT LEAST TWO AIRCRAFT POSITIONED IN NICARAGUA WHICH ARE DEDICATED TO FMLN OPERATIONS. THE AIRCRAFT APPEAR TO BE ABLE TO REACT ON SHORT NOTICE TO FMLN HIGH COMMAND REQUESTS TO PROVIDE REQUIRED SUPPORT.

--THE FMLN HAS A LOGISTICAL BASE AT EL REALEJO, PASO ESTERO CABALLO, COSIGUINA PENINSULA, NICARAGUA.

-THE FMLN USES CODE BOOKS WITH ONE-TIME CODE PATTERNS PROVIDED

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El Salvador: Human Rights
Special Project (1993)

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BY THE SANDINISTA GOVERNMENT.

--THE OFFICES OF THE FMLN'S RADIO VENCEREMOS ARE IN A TWO-STORR HOUSE IN LAS PALMAS, MANAGUA, AND ITS TRANSMITTERS ARE AT CERRO COSIGUINA, NICARAGUA, IN CLEAR VIOLATION OF SANDINISTA COMMITMENTS UNDER THE ESQUIPULAS II ACCORDS.

--THE PRINTING OFFICE FOR FMLN PROPAGANDA'(FOR WHICH THE NICARAGUAN GOVERNMENT SUPPLIES EVERYTHING EXCEPT PAPER AND INK IS SITUATED IN MANAGUA, 200 METERS FROM GOVERNMENT HOUSE, IN AN EARTHQUAKE-DAMAGED BUILDING WHICH APPEARS ABANDONED BUT IS HOOKED UP TO NEARBY POSTS FOR ELECTRICITY AND TELEPHONE SERVICE.

--THE MEXICAN NEWSPAPER, "EXCELSIOR," PUBLISHED AN INTERVIEW WITH NICARAGUAN PRESIDENT ORTEGA ON JUNE 24, 1987 WHERE HE PUBLICLY ADMITTED FOR THE FIRST TIME THAT THE SANDINISTAS HAVE

[redacted]

GIVEN AID TO THE FMLN. THE ARTICLE QUOTES ORTEGA AS STATING, "IN SOME CASES, SOME MEMBERS OF THE NICARAGUAN ARMED FORCES DELIVERED SOME ARMS TO THE REVOLUTIONARIES OF EL SALVADOR."

TRAINING:

--THE TRAINING CENTER FOR FMLN COMMANDER IS LOCATED IN THE HEADQUARTERS OF THE FSLN MERCENARY BATALLION NO. 30-11.

--FMLN MEMBERS ALSO RECEIVE MILITARY TRAINING AT THE HEADQUARTERS OF THE SANDINIST PEOPLE'S MILITIAS.

--IN JUNE 1987, SIX FARN MEMBERS WHO HAD RECENTLY COMPLETED A TWO-YEAR MILITARY AND POLITICAL TRAINING COURSE IN NICARAGUA RETURNED TO SAN SALVADOR. SEVERAL OF THESE GUERRILLAS WERE ACTIVISTS AT THE NATIONAL UNIVERSITY OF EL SALVADOR BEFORE LEAVING FOR TRAINING IN NICARAGUA. THESE RETURNING GUERRILLAS WERE TO ESTABLISH CELLS WITHIN SAN SALVADOR AND TO RETURN TO THE NATIONAL UNIVERSITY AND RENEW FORMER CONTACTS. THEY WERE TO DO RECRUITMENT, POLITICAL INDOCTRINATION AND MILITARY TRAINING WITHIN THE UNIVERSITY.

DOMICILE AND SAFEHOUSES:

--THE FIVE SALVADORAN FMLN COMMAND AND CONTROL ELEMENTS CONTINUE TO OPERATE IN NICARAGUA AND AT LEAST TEN KEY FMLN OPERATIVES RESIDE IN MANAGUA. THAT IS WHY FMLN/FDR REPRESENTATIVES MEETING WITH PRESIDENT ARIAS IN SEPTEMBER 1987 GAVE TELEPHONE NUMBERS IN NICARAGUA WHERE THEY COULD BE CONTACTED IN THE FUTURE.

--THERE ARE SEVERAL SAFEHOUSES IN MANAGUA. FMLN MEMBERS OCCUPIED FOUR HOUSES IN THE CARRETERA SUR IN MANAGUA IN

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El Salvador: Human Rights
Special Project (1993)

MID-1986-1987. APPROXIMATELY 8-10 SALVADORAN NATIONALS OCCUPY ANOTHER HOUSE IN THE LOMA LINDA NEIGHBORHOOD IN MANAGUA WHERE THEY UNDERGO TRAINING. THE HOUSE HAS A SINGLE DIPOLE ANTENNA [redacted]

WHICH COULD RECEIVE AND SEND SIGNALS TO AND FROM EL SALVADOR.

--THE POPULAR LIBERATION FORCES (FPL) HEADQUARTERS ARE LOCATED IN COLONIA LA ESPERANZA, NICARAGUA.

--THE CENTRAL AMERICAN REVOLUTIONARY WORKERS' PARTY (PRTC) HEADQUARTERS ARE LOCATED ON THE OLD HIGHWAY TO LEON, NICARAGUA.

--THE HEADQUARTERS OF THE UNIFIED REVOLUTIONARY DIRECTORATE (DRU) IS LOCATED AT THE ENTRANCE OF A POLICE SCHOOL IN MANAGUA. A COMPLETE RADIO COMMUNICATIONS SYSTEM INSTALLED THERE OPERATES TWENTY-FOUR HOURS A DAY TRANSMITTING ORDERS TO THE DIFFERENT WAR FRONTS IN EL SALVADOR. IT IS OPERATED FROM TEN MEMBERS OF THE FMLN, TWO FROM EACH GUERRILLA ORGANIZATION.

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Special Project (1993)

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PAGE 01 STATE 245265
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TO AMEMBASSY SAN SALVADOR
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Department of State IS/FPC/CDR El Salvador SP Date 1/23/9
Declassified under EO 12356 (✓ in full; ( ) in part;
portions withheld: classified ( ); deliberative ( );
law enforcement ( ); privacy ( ), statutory ( );
not relevant to El Salvador ( ).

E.O. 12356: DECL: OADR
TAGS: PGOV PINS ES
SUBJECT: AMB WHITE MEETING WITH FMLN

1. [redacted] - ENTIRE TEXT)

SUMMARY
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2. FORMER U.S. AMBASSADOR TO EL SALVADOR ROBERT WHITE DESCRIBED FOR DEPT OFFICERS ON JUL 25 MEETINGS HIS DELEGATION HAD WITH AN FMLN DELEGATION IN MEXICO. THE PURPOSE OF THE MEETINGS WAS TO DISCUSS NON-VIOLENT MEANS

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OF ACHIEVING PEACE IN EL SALVADOR. WHITE SAID THE FMLN

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El Salvador: Human Rights
Special Project (1993)

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REPRESENTATIVES BELIEVED THE CURRENT POLITICAL AND MILITARY SITUATION IN EL SALVADOR WAS FAVORABLE TO THE FMLN. THEY SAID THE FMLN WOULD PARTICIPATE IN AND WIN ELECTIONS IF THE MILITARY COULD BE IS BROUGHT UNDER CONTROL, AND INDICATED A DESIRE FOR NEGOTIATIONS WITH THE GOVERNMENT TO EFFECT THAT CONTROL. WHITE CLAIMED TO HAVE HARANGUED THE FMLN ABOUT T[illegible]UCTIVITY OF RECENT ASSASSINATIONS, AND THAT THE [illegible]D WITH HIM. THE FMLN REPRESENTATIVES [illegible]RESI[illegible]S DIALOGUE COMMIS[illegible]EER[illegible] RESISTA[illegible]MOBILIZATION AND FMLN DE[illegible]ON. [illegible]TE REPEATEDLY SOUGHT DEPT OFFICERS' VIEWS AN[illegible]ITIO FOR GOES-FMLN NEGOTIATIONS. END SUMMARY.

3. FORMER U.S. AMBASSADOR TO EL SALVADOR ROBERT WHITE HEADED A DELEGATION SPONSORED BY THE INTERNATIONAL FOR DEVELOPMENT POLICY TO SPEAK TO REPRESENTATIVES FARABUNDO MARTI NATIONAL LIBERATION FRONT (FMLN) JULY 21-24 IN COCOYOC, MEXICO. REPRESENTING THE FMLN AT THE MEETINGS WERE ARMED FORCES OF NATIONAL RESISTANCE COMMANDER FERMAN CIENFUEGOS, SALVADOR SAMAYOA, AND "MERCEDES." WHITE'S GROUP INCLUDED FORMER U.S. REP MICHAEL BARNES, WESTERN HEMISPHERE SUBCOMMITTEE STAFFER VIC JOHNSON, AND FORMER SENATOR DICK CLARK. THE MEETING WAS THE FIRST OF FOUR PLANNED ENCOUNTERS WITH GUERRILLA REPRESENTATIVES. THE PURPOSE OF THE MEETINGS IS TO EXPLORE ALTERNATIVES TO VIOLENCE IN BRINGING THE TWO SIDES IN THE SALVADORAN CONFLICT TO THE NEGOTIATING TABLE.

THE WORLD ACCORDING TO CIENFUEGOS

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4. WHITE, JOHNSON AND BARNES VISITED THE DEPARTMENT ON JUL 25 TO GIVE DAS ARCOS, CEN DEPUTY DIRECTOR ROMERO, AND DESK OFFICER WHITAKER A READOUT ON THE FIRST MEETING. WHITE OPENED WITH A DESCRIPTION OF CIENFUEGOS' ANALYSIS OF THE CURRENT SITUATION IN EL SALVADOR. CIENFUEGOS STATED THAT CRISTIANI HAD NO REAL POWER, AND THAT THE ACCESSION OF ARENA AND THE EXTREMISTS PAVED THE WAY FOR THE EVENTUAL ASSUMPTION OF BY THE FMLN, WHITE SAID. WHITE EXPLAINED THAT CIENFUEGOS CALLED CRISTIANI'S ADMINISTRATION AN "ILLEGITIMATE DICTATORIAL GOVERNMENT," AND THAT THE

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El Salvador: Human Rig.
Special Project (1993)

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[redacted] GUERRILLA BELIEVED THE SALVADORAN ARMED FORCES (ESAF) WAS NERVOUS ABOUT THE PROSPECTS OF DEFENDING SUCH A TENUOUS, UNSUPPORTED REGIME. CIENFUEGOS DESCRIBED THE LARGE SIZE OF THE ESAF AS A MAJOR DISADVANTAGE BECAUSE IT GAVE THE FMLN SO MANY MORE TARGETS TO STRIKE AT. THE FMLN, ON THE OTHER HAND, IS DEMOCRATIC AND MILITARILY STRONG, WITH THE ABILITY TO CONTROL 40-50 MAJOR POPULATION CENTERS AT WILL, CIENFUEGOS SAID.

5. CIENFUEGOS, CITING THE SUPPOSED ILLEGITIMACY OF THE ARENA GOVERNMENT AND THE STRENGTH OF THE FMLN, ARGUED STRONGLY FOR A SUSPENSION OF U.S. MILITARY ASSISTANCE TO EL SALVADOR. HE SPECIFICALLY STATED THAT SUSPENSION OF ASSISTANCE WAS NOT RPT NOT A PRECONDITION FOR NEGOTIATIONS, WHITE SAID.

ASSASSINATIONS - GUILTY WITH AN EXCUSE

6. WHITE CLAIMED THAT HIS GROUP "BEAT THE FMLN UP" FOR FOUR HOURS ABOUT THE FMLN'S LATEST TACTIC OF ASSASSINATIONS OF GOVERNMENT OFFICIALS AND CONSERVATIVE INTELLECTUALS. WHITE NOTED THAT THIS TACTIC WAS DAILY LOSING THE FMLN POLITICAL SUPPORT IN WASHINGTON, AND, HE ASSUMED, IN EL SALVADOR, AND THAT IT ALSO INCREASED THE CREDIBILITY OF THE NATIONALIST REPUBLICAN ALLIANCE (ARENA) [redacted]

GOVERNMENT. WHITE REPEATED THE ANALYSIS OF THE DEPT AND OTHERS THAT THE FMLN WAS TRYING TO PROVOKE AN EXTRAJUDICIAL REACTION THROUGH THESE KILLINGS, BUT WHITE SAID THAT CIENFUEGOS EXPLICITLY DENIED THAT THE KILLINGS WERE A TACTIC.

7. THE FMLN ADMITTED ALL RECENT ACTS OF TERRORISM, INCLUDING THE KILLING OF PECCORINI AND THE BOMBING OF VP MERINO'S HOUSE, BUT EXCEPTING THE KILLINGS OF MINISTER RODRIGUEZ PORTH AND EDGAR CHACON, WHITE SAID. THE GUERRILLAS ADMITTED THAT THE KILLINGS HAD WORKED AGAINST FMLN INTERESTS, IN PART BECAUSE SO MANY OF THE ATTACKS WERE ATTEMPTS TO USE MILITARY MEASURES TO ADDRESS POLITICAL OPPONENTS, A TACTIC WHICH THE FMLN DEPLORES, THEY CLAIMED.

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8. CIENFUEGOS INDICATED THAT THE FMLN WAS DEBATING A

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El Salvador: Human Rights
Special Project (1993)

[redacted] CHANGE IN POLICY REGARDING ASSASSINATIONS. UNDER THE PROPOSED CHANGE, THE GUERRILLA SAID, THE HIGH COMMAND WOULD DECIDE WHO WOULD BE KILLED BY NAME, AND THAT IT WOULD ACKNOWLEDGE ALL ACTS OF VIOLENCE. PART OF THE REASON FOR THE APPARENT LACK OF CONTROL IN THE RECENT ACTS OF TERRORISM WAS A LACK OF PRECISION IN THE ORDERS PASSED TO URBAN COMMANDO CELLS, CIENFUEGOS INDICATED. THE PROPOSED NEW PROCEDURES WOULD CLEAR UP THIS PROBLEM, THE GUERRILLA ASSERTED. FINALLY ON THIS SUBJECT, THE GUERRILLAS STATED THAT THEY BELIEVED THAT AIR FORCE GENERAL JUAN BUSTILLO HAD ORDERED RODRIGUEZ PORTH KILLED.

ENGAGING THE PRIVATE SECTOR

9. THE GUERRILLAS REPEATEDLY EMPHASIZED THEIR DEMOCRATIC [redacted]

NATURE AND THEIR REALIZATION OF THE NECESSITY TO BRING THE PRIVATE SECTOR INTO A POST-INSURGENCY GOVERNMENT, WHITE SAID. PRIVATE ENTERPRISE WOULD BE ESSENTIAL TO REACTIVATE THE ECONOMY, THEY NOTED. TO THIS END, THE FMLN HAD ENLISTED WHITE IN SETTING UP A MEETING BETWEEN THE FMLN AND AMERICAN BUSINESSMEN IN EL SALVADOR. WHITE SUPPOSED THAT THE FMLN ASSUMED THAT AMERICAN BUSINESSMEN WOULD HAVE A MORE OPEN VIEW THAN THEIR SALVADORAN COLLEAGUES, AND THAT CONVINCING THE AMERICANS WOULD HELP THE FMLN OPEN DISCUSSIONS WITH SALVADORAN BUSINESSMEN. INTERESTINGLY, WHITE SAID THAT THE FMLN TOLD HIM THAT THEY HAD ALSO ASKED FOR FORMER AMBASSADOR ERNESTO RIVAS GALLONT'S HELP IN ARRANGING AN FMLN-AMERICAN BUSINESSMEN MEETING.

ELECTIONS, THE ESAF, AND NEGOTIATIONS

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10. WHITE OUTLINED SALVADOR SAMAYOA'S STATEMENTS ON THE MILITARY AND ELECTIONS. SAMAYOA ASSERTED THAT THE FMLN WOULD BE WILLING TO ABIDE BY THE RESULTS OF ELECTIONS, AND INDEED WERE CONVINCED THAT THE FMLN WOULD WIN FREE ELECTIONS. HOWEVER, FREE ELECTIONS WOULD BE POSSIBLE ONLY IF "THE MILITARY IS UNDER CONTROL." THE WAY TO CONTROL THE MILITARY, SAMAYOA SAID, WOULD BE THROUGH NEGOTIATIONS; HE STATED, APPARENTLY FOR ILLUSTRATIVE PURPOSES, THAT A "CLEANSING" ("LIMPIEZA") OF PERHAPS 50 OFFICERS MIGHT BE

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El Salvador: Human Rights
Special Project (1993)

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SUFFICIENT TO EXERT CONTROL OVER THE ESAF. THIS WOULD NOT ELIMINATE ALL EGREGIOUS HUMAN RIGHTS ABUSERS, BUT WOULD SEND A MESSAGE TO THE OTHERS, SAMAYOA SAID.

11. SAMAYOA STATED THAT MOST OF THE OFFICERS BELOW THE RANK OF LIEUTENANT COLONEL WERE PROFESSIONAL, UNDERSTOOD THE IMPORTANCE OF HUMAN RIGHTS OBSERVANCE, AND KNEW WHAT WOULD BE NECESSARY TO FASHION AN ESAF WHICH WOULD BE RESPECTABLE INTERNATIONALLY. FINALLY, SAMAYOA STATED THAT CONTROL OF THE MILITARY WOULD BE THE ONLY SUBJECT WHICH [redacted]

WOULD HAVE TO BE DISCUSSED IN NEGOTIATIONS.

DIALOGUE AND DEMOBILIZATION DECRIED

12. SAMAYOA CALLED PRESIDENT CRISTIANI'S DIALOGUE COMMISSION "WORTHLESS," WHITE SAID. SAMAYOA CITED THE "FREEZING OUT" OF THE CHURCH, THE POLITICAL NATURE OF THE APPOINTMENTS, THE POWERLESSNESS OF THE COMMISSION, AND THE FUTILITY OF DISCUSSING DIALOGUE WHEN NEGOTIATIONS WERE NECESSARY AS THE RATIONALE FOR HIS JUDGMENT. CIENFUEGOS NOTED APPROVINGLY THE RECENT MOVES BY THE CHRISTIAN DEMOCRATS (PDC) AND OTHER POLITICAL PARTIES TO FORM AN ALTERNATIVE BODY TO TALK WITH THE FMLN. INDEED, CIENFUEGOS SAID, THE FMLN HAD BECOME INCREASINGLY CLOSE TO ELEMENTS IN THE PDC. DEPTOFFS SUGGESTED THAT WITH THE APPARENT FAILURE OF THE NATIONAL DIALOGUE COMMISSION TO TAKE HOLD, CRISTIANI MIGHT CONSIDER CREATING A COMMISSION OF NOTABLES WITH POWER TO MAKE DECISIONS TO TALK TO THE GUERRILLAS.

13. THE FMLN ACCEPTED ESQUIPULAS, SAMAYOA SAID, BUT REJECTED THE U.S. ANALYSIS OF SYMMETRY BETWEEN THE FMLN AND THE NICARAGUAN RESISTANCE (RN). THE FMLN WAS A POPULAR FORCE WHEREAS THE RN WOULD COLLAPSE WITHOUT FOREIGN SUPPORT, CIENFUEGOS STATED. THE FMLN FLATLY DENIED RECEIVING WEAPONRY AND SUPPORT THROUGH NICARAGUA, WHITE SAID, NOTING THAT NO ONE HAD EVER BEEN ABLE TO SHOW INCONTROVERTIBLE EVIDENCE OF THE CONNECTION. FOR HIS PART, BARNES STATED (TO US) THAT HE WOULD BE "SHOCKED" IF THE SANDINISTAS WERE NOT SUPPORTING THE FMLN.

WHITE SUMS UP

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El Salvador: Human Rights
Special Project (1993)

14. IN WHITE'S ANALYSIS, THE FMLN IS A LEGITIMATE MOVEMENT OF NATIONAL LIBERATION WHICH THE UNITED STATES GOVERNMENT SHOULD ENGAGE IN AN EFFORT TO END THE VIOLENCE. WHILE HE VIEWS THE FMLN'S RECENT USE OF TERRORISM AND ASSASSINATIONS AS DEPLORABLE, HE CLEARLY FINDS PAST AND PRESENT "RIGHTWING/ESAF TERRORISM" FAR MORE REPREHENSIBLE. HE STATED THAT HE FOUND IT EASIER AND MORE PRODUCTIVE TO GET ALONG WITH THE LEFTISTS, AS INEXCUSABLE AS THEIR ACTIONS MIGHT BE ON OCCASION, THAN TO DEAL WITH "ULTRARIGHT THUGS LIKE D'AUBUISSON." WHITE USED TERMS LIKE "MODERATE," "EDUCATED," AND "INTELLECTUAL" TO DESCRIBE THE GUERRILLAS HE SPOKE WITH.

15. WHITE SAID HE FOUND THE MEETING PARTICULARLY USEFUL IN MOVING FORWARD THE PROCESS OF TALKING DIRECTLY TO THE FMLN. HE TOLD US THAT THE NEXT MEETING WILL BE HELD IN OCTOBER (USING FUNDING PROVIDED BY "A BUSINESS GROUP"), AND THAT CIENFUEGOS PROMISED THAT ERP COMMANDATE JOAQUIN VILLALOBOS WOULD ATTEND THE NEXT SESSION. WHITE WOULD ATTEMPT TO GET A SITTING U.S. CONGRESSMAN FOR HIS SIDE, HE SAID.

COMMENT
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16. WHITE IS CLEARLY ENTHRALLED WITH HIS NEW TASK OF TRYING TO ARRANGE CONTACTS BETWEEN THE FMLN AND THE GOES. ANY SUCH CONTACT SEEN AS BEING BROKERED BY WHITE, HOWEVER, WOULD PROBABLY BE UNACCEPTABLE TO ARENA.

17. WHITE REPEATEDLY ENCOURAGED US TO PRESSURE THE GOES TO MEET FMLN CONDITIONS (E.G., ON THE DIALOGUE COMMISSION). PRIOR TO THE MEXICO TRIP, THE FORMER AMBASSADOR HAD PROBED DEPTOFFS FOR "U.S. REQUIREMENTS ON

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DIALOGUE AND NEGOTIATIONS." WE INFORMED HIM THAT THESE

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Special Project (1993)

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[redacted] WERE MATTERS WHICH HAD TO BE DECIDED BY SALVADORANS. NEVERTHELESS, BUT WE EXPECT HIM TO CONTINUE HIS EFFORTS TO PULL US INTO HIS DISCUSSIONS WITH THE FMLN.

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El Salvador: Human Rights
Special Project (1993)

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PAGE 01 TEGUCI 13882 01 OF 02 052244Z
ACTION ARA-00

INFO LOG-00 ADS-00 INR-07 SS-00 CIAE-00 DODE-00 H-01
NSCE-00 NSAE-00 SSO-00 HA-09 L-03 AMAD-01 TRSE-00
PM-10 PA-02 CCO-00 OMB-01 INRE-00 ANAE-00 ACDA-12
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FM AMEMBASSY TEGUCIGALPA
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INFO AMEMBASSY SAN SALVADOR
AMEMBASSY MANAGUA
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UNCLAS SECTION 01 OF 02 TEGUCIGALPA 13882

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E.O. 12356: N/A
TAGS: PTER, PINS, HO, ES, NU, MX, PM, CU
SUBJECT: ARMED FORCES OFFERS DETAILS ON ARMS CACHE FIND

REF: (A) TEGUCIGALPA 13733; (B) STATE 246751;
(C) TEGUCIGALPA 13593; (D) HHT 12250 (NICO)

1. BEGIN SUMMARY: THE ARMED FORCES HELD A PRESS
CONFERENCE ON AUGUST 4 TO PRESENT DETAILED INFORMATION
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PAGE 02 TEGUCI 13882 01 OF 02 052244Z

ON ARMS TRAFFICKING FROM NICARAGUA TO THE SALVADORAN

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: HOFFENBERG, MARV
Date: 06/07/94
Case ID: S940035G

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Special Project (1993)

GUERRILLAS, ALL APPARENTLY GAINED THROUGH INTERROGATION OF PERSONS ARRESTED FOLLOWING THE RAID ON A RANCH AT EL CEDRAL, FRANCISCO MORAZAN DEPARTMENT ON JULY 29. FIVE OF THE SEVEN PERSONS ARRESTED IN CONNECTION WITH THE RAID WERE SUBSEQUENTLY TURNED OVER TO TEGUCIGALPA'S FOURTH CRIMINAL COURT, CHARGED WITH ARMS TRAFFICKING ON BEHALF OF THE SALVADORAN GUERRILLAS. ALL FIVE OF THE PRISONERS CLAIMED INNOCENCE OF THE CHARGES AND SAID THEY HAD BEEN TORTURED TO FORCE THEIR CONFESSIONS. END SUMMARY.

2. ARMED FORCES SPOKESMAN, COL. MANUEL ENRIQUE SUAREZ BENAVIDES, CALLED A PRESS CONFERENCE THE AFTERNOON OF AUGUST 4 TO PROVIDE DETAILS ON ARMS TRAFFICKING BETWEEN NICARAGUA AND THE SALVADORAN GUERRILLAS. ALL OF THE INFORMATION PRESENTED WAS DEVELOPED FOLLOWING THE RAID ON A RANCH AT EL CEDRAL, FRANCISCO MORAZAN DEPARTMENT, ON JULY 29, WHERE A SIZEABLE CACHE OF AUTOMATIC WEAPONS AND ASSOCIATED GEAR WAS UNCOVERED.

3. SUAREZ SAID THAT IN ADDITION TO THE MAN KILLED BY THE SECURITY FORCES DURING THE RAID, SEVEN OTHER PERSONS HAD BEEN ARRESTED IN THE AFTERMATH. OF THOSE, TWO HAVE BEEN RELEASED AND THE OTHERS WERE BEING TURNED OVER FOR CRIMINAL PROCESSING FOR ARMS TRAFFICKING. HE GAVE THE FOLLOWING DETAILS ON THE VICTIM AND THE FIVE PRISONERS:

MAURICIO ERNESTO HERNANDEZ ROSALES - (VICTIM) TRUE NAME MANUEL DE JESUS LARIN, AKA FREDY MAURICIO AND MAURICIO ERNESTO HERNANDEZ ROSALES. BORN IN EL SALVADOR, MARRIED TO LEONILA AGUILAR RODRIGUEZ, WITH A RESIDENCE IN THE COLONIA CENTRAL AMERICA EAST (PRESUMABLY IN

TEGUCIGALPA). LARIN WAS A MEMBER OF THE REVOLUTIONARY PARTY OF CENTRAL AMERICAN WORKERS (PRTC); HE ENTERED HONDURAS IN 1981 FOR THE PURPOSE OF TRANSFERRING ARMS TO THE SALVADORAN GUERRILLAS. IN 1986, HE WAS IN A TRUCK CARRYING ARMS TO THE SALVADORAN REFUGEE CAMP AT COLOMONCAGUA WHEN THE VEHICLE WAS INTERCEPTED BY THE HONDURAN MILITARY. IN THAT CLASH, THE ARMED FORCES KILLED ONE JUAN BAUTISTA FLORES AND ARRESTED NOHEMI FLORES. LARIN ESCAPED AND FLED TO MEXICO WITH HIS LOVER, MARIA LUISA OCHOA ZELAYA. AT AN UNSPECIFIED

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Special Project (1993)

DATE, HE RETURNED TO HONDURAS, WHERE HE SET UP A SMALL SUPERMARKET IN THE COLONIA CENTRAL AMERICA EAST, THE BUSINESS BEING FINANCED BY THE "ORGANIZATION" AND ACTING AS A FRONT FOR SUBVERSIVE ACTIVITIES. THE STORE WAS BOUGHT IN THE NAME OF HIS LOVER'S BROTHER, RUFINO OCHOA ZELAYA.

MARIA LUISA OCHOA ZELAYA - 28 YEARS OLD, AKA "MARTHA." THE ARMED FORCES ARE NOT CERTAIN OF HER NATIONALITY, BUT HER DOCUMENTS INDICATE SHE WAS BORN IN SAN MIGUELITO, FRANCISCO MORAZAN DEPARTMENT. OCHOA WAS RECRUITED INTO THE PRTC BY LARIN IN 1983. DURING 1986-87, SHE TRAVELED TO CUBA AND NICARAGUA FOR POLITICAL INDOCTRINATION AND MILITARY TRAINING. SHE HAS ALSO TRAVELED IN MEXICO, GUATEMALA, EL SALVADOR, COSTA RICA, AND PANAMA ON POLITICAL ERRANDS FOR THE "ORGANIZATION." AT THE TIME OF HER LOVER'S DEATH, SHE WAS MANAGING HIS "POPULAR" SUPERMARKET.

JOSE OSCAR LUNA PALACIOS - AKA TIMOTEO; 31 YEARS OLD, BORN IN JESUS DE OTORO, INTIBUCA. LIVING WITH MARIA ARGENTINA INESTROZA. LUNA WAS REPORTEDLY RECRUITED INTO THE FRENTE FARABUNDO MARTI PARA LA LIBERACION (FMLN) IN 1987 BY JOSE INES REANOS MEDINA. THE LATTER IS A

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El Salvador: Human Rights
Special Project (1993)

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PAGE 01 TEGUCI 13882 02 OF 02 052233Z
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UNCLAS SECTION 02 OF 02 TEGUCIGALPA 13882

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E.O. 12356: N/A
TAGS: PTER, PINS, HO, ES, NU, MX, PM, CU
SUBJECT: ARMED FORCES OFFERS DETAILS ON ARMS CACHE FIND

MANAGER IN THE HONDURAN COFFEE INSTITUTE (IHCAFE) IN LA ESPERANZA, INTIBUCA. LUNA RECENTLY PURCHASED PROPERTY ON BEHALF OF THE "ORGANIZATION" IN THE VILLAGE OF LOS MANGUITOS, GUANIJIQUIL, CONCEPCION, INTIBUCA. THE 10,000 LEMPIRA PURCHASE WAS FUNDED BY REANOS MEDINA.
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PAGE 02 TEGUCI 13882 02 OF 02 052233Z

THE PROPERTY WAS TO BE USED AS A STORAGE SITE FOR WEAPONS DESTINED TO THE FMLN. LUNA WAS ARRESTED ON JULY

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29, WHEN HE WENT TO SEE LARIN CONCERNING THE TRANSPORT OF THE ARMS FROM EL CEDRAL TO THE PROPERTY AT LOS MANGUITOS.

MANUEL DE JESUS ALVARADO HERRERA - AKA JOSE ANGEL QUINTANILLA, CARLOS ENRIQUE PEREZ AGUILAR, JULIO FLORES, "CUCHARITA." BORN IN EL CANTON, CERRO SAN PEDRO, SAN MIGUEL, EL SALVADOR ON DECEMBER 24, 1964. PARENTS BELIEVED STILL RESIDENT IN EL SALVADOR. SINGLE, WORKING AS A DRIVER. ENTERED HONDURAS ON JULY 17, 1989, AT THE BORDER POST AT AGUA CALIENTE, USING PSEUDONYM OF JOSE ANGEL QUINTANILLA JOVEL AND CARRYING SALVADORAN PASSPORT ES-0425138. RECRUITED INTO FMLN IN 1981 BY SOMEONE KNOWN ONLY AS "FEDERICO" (ALSO A SALVADORAN); HE HAS PARTICIPATED IN COMBAT AGAINST THE SALVADORAN ARMED FORCES AND WAS MOST RECENTLY WORKING AS PART OF NICARAGUA-BASED GUERRILLA LOGISTICAL SUPPORT. ALVARADO RECEIVED POLITICAL AND MILITARY TRAINING IN NICARAGUA IN 1987, TWO OF HIS INSTRUCTORS BEING THE SAME "FEDERICO" AND A WOMAN KNOWN ONLY AS "CLARA." HE WAS CARRYING FRAUDULENT HONDURAN IDENTIFICATION IN THE NAME OF CARLOS ENRIQUE PEREZ AGUILAR AT THE TIME OF HIS ARREST.

JOSE MARTIN LOPEZ ROMERO - AKA "LEONEL" NATIONALITY UNKNOWN; CAPTURED WITHOUT DOCUMENTATION IN DANLI, DEPARTMENT OF EL PARAISO. RECRUITED IN 1983 BY SOMEONE KNOWN ONLY AS "JUAN" IN EL CALABAZO, USULUTAN, EL SALVADOR. HE WAS SENT TO HONDURAS IN APRIL 1989, ENTERING ILLEGALLY NEAR THE CUSTOMS POST AT EL POY, OCOTEPEQUE. HE WENT TO DANLI, WHERE HE MADE CONTACT WITH VICTOR ANTONIO MEJIA, WHO GAVE HIM A FALSE HONDURAN
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IDENTIFICATION CARD SHOWING HIS NAME AS ERNESTO GUARDADO CHINCHILLA, BORN IN EL PROGRESO, YORO. HE ALSO ARRANGED THE RENTAL OF A LODGING FOR HIM. HIS MISSION IN HONDURAS WAS TO FORM PART OF A LOGISTICS SUPPORT NETWORK FOR THE SALVADORAN GUERRILLAS, ALONG WITH MEJIA. HE HAD TWICE HELPED TO TRANSPORT WEAPONS AND MATERIEL TO THE FMLN, IN MAY AND JUNE 1989.

VICTOR MANUEL MEZA ELVIR - AKA "TONO," BORN IN COFRADIA, FRANCISCO MORAZAN DEPARTMENT. MARRIED TO CONSUELO MARTINEZ DE MEZA. RECRUITED BY PEDRO ANTONIO BRIZUELA

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Special Project (1993)

IN 198L. MEZA WAS TASKED WITH SUPPORT TO MAURICIO ERNESTO HERNANDEZ ROSALES AND FILADELFO FLORES IN JANUARY 1989 BY PROFESSOR LEONIDAS AVILA, HEAD OF EDUCATION AT THE INSTITUTE FOR COOPERATIVE WORKER FORMATION AND A MEMBER OF THE COMMUNIST PARTY OF HONDURAS. IN JUNE 1989, HE WAS SAFEGUARDING THE VEHICLE CONFISCATED IN THE RAID ON EL MULULAR (EL CEDRAL).

4. AFTER THE PRESS CONFERENCE, THE FIVE PRISONERS WERE TURNED OVER TO COURT OFFICIALS AND ALLOWED TO SPEAK WITH THE PRESS. OCHOA ZELAYA DENIED SHE HAD ANYTHING TO DO WITH THE TRANSPORT OF ARMS AND SAID SHE HAD NO IDEA HER LOVER WAS IN CHARGE OF SUCH A NETWORK. SHE AND THE OTHERS CLAIMED TO HAVE BEEN FORCED TO CONFESS UNDER TORTURE. ACCORDING TO THE PRESS, OCHOA ZELAYA HAD A FEW BRUISES ON HER ARMS.

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Special Project (1993)

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FOLLOWING TEGUCIGALPA 13882 DTO 05 AUG SENT ACTION STATE INFO SAN SALVADOR MANAGUA GUATEMALA SAN JOSE QUITO BOGOTA CARACAS MEXICO HAVANA USUN USCINCSO COMUTF-8 SOTO CANO AB HQ RPTD FOR UR ACTION.
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UNCLAS TEGUCIGALPA 13882

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E.O. 12356: N/A
TAGS: PTER, PINS, HO, ES, NU, MX, PM, CU
SUBJECT: ARMED FORCES OFFERS DETAILS ON ARMS CACHE FIND

REF: (A) TEGUCIGALPA 13733; (B) STATE 246751;
(C) TEGUCIGALPA 13593; (D) HHT 12250 (NICO)

1. BEGIN SUMMARY: THE ARMED FORCES HELD A PRESS CONFERENCE ON AUGUST 4 TO PRESENT DETAILED INFORMATION ON ARMS TRAFFICKING FROM NICARAGUA TO THE SALVADORAN GUERRILLAS, ALL APPARENTLY GAINED THROUGH INTERROGATION OF PERSONS ARRESTED FOLLOWING THE RAID ON A RANCH AT EL CEDRAL, FRANCISCO MORAZAN DEPARTMENT ON JULY 29. FIVE OF THE SEVEN PERSONS ARRESTED IN CONNECTION WITH THE
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PAGE 02 STATE 263489

RAID WERE SUBSEQUENTLY TURNED OVER TO TEGUCIGALPA'S FOURTH CRIMINAL COURT, CHARGED WITH ARMS TRAFFICKING ON BEHALF OF THE SALVADORAN GUERRILLAS. ALL FIVE OF THE PRISONERS CLAIMED INNOCENCE OF THE CHARGES AND SAID THEY HAD BEEN TORTURED TO FORCE THEIR CONFESSIONS. END SUMMARY.

2. ARMED FORCES SPOKESMAN, COL. MANUEL ENRIQUE SUAREZ BENAVIDES, CALLED A PRESS CONFERENCE THE AFTERNOON OF

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: HOFFENBERG, MARY
Date: 06/07/94
Case ID: 9940035G

AUGUST 4 TO PROVIDE DETAILS ON ARMS TRAFFICKING BETWEEN NICARAGUA AND THE SALVADORAN GUERRILLAS. ALL OF THE INFORMATION PRESENTED WAS DEVELOPED FOLLOWING THE RAID ON A RANCH AT EL CEDRAL, FRANCISCO MORAZAN DEPARTMENT, ON JULY 29, WHERE A SIZEABLE CACHE OF AUTOMATIC WEAPONS AND ASSOCIATED GEAR WAS UNCOVERED.

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PAGE 03 STATE 263489

COLOMONCAGUA WHEN THE VEHICLE WAS INTERCEPTED BY THE HONDURAN MILITARY. IN THAT CLASH, THE ARMED FORCES KILLED ONE JUAN BAUTISTA FLORES AND ARRESTED NOHEMI FLORES. LARIN ESCAPED AND FLED TO MEXICO WITH HIS LOVER, MARIA LUISA OCHOA ZELAYA. AT AN UNSPECIFIED DATE, HE RETURNED TO HONDURAS, WHERE HE SET UP A SMALL SUPERMARKET IN THE COLONIA CENTRAL AMERICA EAST, THE BUSINESS BEING FINANCED BY THE "ORGANIZATION" AND ACTING AS A FRONT FOR SUBVERSIVE ACTIVITIES. THE STORE WAS BOUGHT IN THE NAME OF HIS LOVER'S BROTHER, RUFINO OCHOA ZELAYA.

MARIA LUISA OCHOA ZELAYA - 28 YEARS OLD, AKA "MARTHA." THE ARMED FORCES ARE NOT CERTAIN OF HER NATIONALITY, BUT HER DOCUMENTS INDICATE SHE WAS BORN IN SAN MIGUELITO, FRANCISCO MORAZAN DEPARTMENT. OCHOA WAS RECRUITED INTO THE PRTC BY LARIN IN 1983. DURING 1986-87, SHE TRAVELED TO CUBA AND NICARAGUA FOR POLITICAL INDOCTRINATION AND MILITARY TRAINING. SHE HAS ALSO TRAVELED IN MEXICO, GUATEMALA, EL SALVADOR, COSTA RICA, AND PANAMA ON POLITICAL ERRANDS FOR THE "ORGANIZATION." AT THE TIME OF HER LOVER'S DEATH, SHE WAS MANAGING HIS "POPULAR" SUPERMARKET.

JOSE OSCAR LUNA PALACIOS - AKA TIMOTEO; 31 YEARS OLD, BORN IN JESUS DE OTORO, INTIBUCA. LIVING WITH MARIA

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ARGENTINA INESTROZA. LUNA WAS REPORTEDLY RECRUITED INTO THE FRENTE FARABUNDO MARTI PARA LA LIBERACION (FMLN) IN 1987 BY JOSE INES REANOS MEDINA. THE LATTER IS A MANAGER IN THE HONDURAN COFFEE INSTITUTE (IHCAFE) IN LA ESPERANZA, INTIBUCA. LUNA RECENTLY PURCHASED PROPERTY ON BEHALF OF THE "ORGANIZATION" IN THE VILLAGE OF LOS MANGUITOS, GUANIJIQUIL, CONCEPCION, INTIBUCA. THE 10,000 LEMPIRA PURCHASE WAS FUNDED BY REANOS MEDINA. THE PROPERTY WAS TO BE USED AS A STORAGE SITE FOR WEAPONS DESTINED TO THE FMLN. LUNA WAS ARRESTED ON JULY
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PAGE 04 STATE 263489

29. WHEN HE WENT TO SEE LARIN CONCERNING THE TRANSPORT OF THE ARMS FROM EL CEDRAL TO THE PROPERTY AT LOS MANGUITOS.

MANUEL DE JESUS ALVARADO HERRERA - AKA JOSE ANGEL QUINTANILLA, CARLOS ENRIQUE PEREZ AGUILAR, JULIO FLORES, "CUCHARITA." BORN IN EL CANTON, CERRO SAN PEDRO, SAN MIGUEL, EL SALVADOR ON DECEMBER 24, 1964. PARENTS BELIEVED STILL RESIDENT IN EL SALVADOR. SINGLE, WORKING AS A DRIVER. ENTERED HONDURAS ON JULY 17, 1989, AT THE BORDER POST AT AGUA CALIENTE, USING PSEUDONYM OF JOSE ANGEL QUINTANILLA JOVEL AND CARRYING SALVADORAN PASSPORT ES-0425138. RECRUITED INTO FMLN IN 1981 BY SOMEONE KNOWN ONLY AS "FEDERICO" (ALSO A SALVADORAN); HE HAS PARTICIPATED IN COMBAT AGAINST THE SALVADORAN ARMED FORCES AND WAS MOST RECENTLY WORKING AS PART OF NICARAGUA-BASED GUERRILLA LOGISTICAL SUPPORT. ALVARADO RECEIVED POLITICAL AND MILITARY TRAINING IN NICARAGUA IN 1987, TWO OF HIS INSTRUCTORS BEING THE SAME "FEDERICO" AND A WOMAN KNOWN ONLY AS "CLARA." HE WAS CARRYING FRAUDULENT HONDURAN IDENTIFICATION IN THE NAME OF CARLOS ENRIQUE PEREZ AGUILAR AT THE TIME OF HIS ARREST.

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PAGE 05 STATE 263489

THE RENTAL OF A LODGING FOR HIM. HIS MISSION IN HONDURAS WAS TO FORM PART OF A LOGISTICS SUPPORT NETWORK

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Special Project (1993)

FOR THE SALVADORAN GUERRILLAS, ALONG WITH MEJIA. HE HAD TWICE HELPED TO TRANSPORT WEAPONS AND MATERIEL TO THE FMLN, IN MAY AND JUNE 1989.

VICTOR MANUEL MEZA ELVIR - AKA "TONO," BORN IN COFRADIA, FRANCISCO MORAZAN DEPARTMENT. MARRIED TO CONSUELO MARTINEZ DE MEZA. RECRUITED BY PEDRO ANTONIO BRIZUELA IN 1981. MEZA WAS TASKED WITH SUPPORT TO MAURICIO ERNESTO HERNANDEZ ROSALES AND FILADELFO FLORES IN JANUARY 1989 BY PROFESSOR LEONIDAS AVILA, HEAD OF EDUCATION AT THE INSTITUTE FOR COOPERATIVE WORKER FORMATION AND A MEMBER OF THE COMMUNIST PARTY OF HONDURAS. IN JUNE 1989, HE WAS SAFEGUARDING THE VEHICLE CONFISCATED IN THE RAID ON EL MULULAR (EL CEDRAL).

4. AFTER THE PRESS CONFERENCE, THE FIVE PRISONERS WERE TURNED OVER TO COURT OFFICIALS AND ALLOWED TO SPEAK WITH THE PRESS. OCHOA ZELAYA DENIED SHE HAD ANYTHING TO DO WITH THE TRANSPORT OF ARMS AND SAID SHE HAD NO IDEA HER LOVER WAS IN CHARGE OF SUCH A NETWORK. SHE AND THE OTHERS CLAIMED TO HAVE BEEN FORCED TO CONFESS UNDER TORTURE. ACCORDING TO THE PRESS, OCHOA ZELAYA HAD A FEW BRUISES ON HER ARMS.

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El Salvador: Human Rights
Special Project (1993)

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PAGE 01 SANTIA 08592 01 OF 11 252147Z
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AMEMBASSY ASUNCION
AMEMBASSY BRASILIA
AMEMBASSY BUENOS AIRES
AMEMBASSY LIMA
AMEMBASSY MONTEVIDEO
AMEMBASSY PANAMA
AMCONSUL SAO PAULO
USCINCSO QUARRY HEIGHTS

Chile Project (#S199900030)
U.S. Department of State
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Declassify: In Part ____ In Full X
Exemption(s) ____

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SAN JOSE FOR CODEL LUGAR - ANDY SEMMEL

E.O. 12356: DECL:OADR
TAGS: OREP, PGOV, PREL, CI
SUBJ: CODEL LUGAR VISIT TO CHILE

REFS: (A) STATE 268330, (B) SANTIAGO 8494

1. ~~CONFIDENTIAL~~ - ENTIRE TEXT.

2. SUMMARY: SENATOR LUGAR AND HIS DELEGATION PURSUED A VERY HEAVY SCHEDULE IN SANTIAGO DURING THEIR AUGUST 21-23 VISIT. THE SENATOR WAS ABLE TO EXPLORE IN SOME DEPTH HIS PRINCIPAL AREAS OF INTEREST -- DEMOCRATIC TRANSITION, DEBT, TRADE, AGRICULTURE, NARCOTICS -- WITH MAJOR GOC CONFIDENTIAL

~~CONFIDENTIAL~~

PAGE 02 SANTIA 08592 01 OF 11 252147Z

AND OPPOSITION FIGURES. THE "FRUIT CRISIS" WAS COVERED FROM VIRTUALLY EVERY ANGLE. IN ADDITION TO MEETINGS WITH MINISTER OF INTERIOR CARLOS CACERES AND JUNTA MEMBER RODOLFO STANGE, THE SENATOR MET WITH FOREIGN MINISTER ERRAZURIZ, FINANCE MINISTER SEGUEL, AND AGRICULTURE MINISTER

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THE SENATOR ASKED MINISTER OF AGRICULTURE JUAN IGNACIO DOMINGUEZ ABOUT THE IMPACT OF THE DROUGHT ON CHILEAN AGRICULTURE. THE MINISTER RESPONDED THAT THE DROUGHT HAS HAD MINIMAL IMPACT ON AGRICULTURE THIS YEAR. WITH RECENT RAIN, THE WINTER SHORTAGE IS ONLY AROUND 13 PERCENT BELOW NORMAL. THE NON-IRRIGATED COASTAL UPLAND AREAS HAVE BEEN HURT BY THE DROUGHT WHICH WILL AFFECT A SMALL PORTION OF WHEAT PRODUCTION. SOME SHEEP AND GOAT PRODUCERS IN THE NORTHERN AREAS OF THE COUNTRY HAVE BEEN SERIOUSLY AFFECTED.

CONFIDENTIAL

NNNN

CONFIDENTIAL

PAGE 01 SANTIA 08592 02 OF 11 252212Z
ACTION H-03

INFO LOG-00 ADS-00 INR-05 SS-00 CIAE-00 NSCE-00 ARA-00
SSO-00 INM-02 INRE-00 DS-01 /011 W
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AMEMBASSY LIMA
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AMEMBASSY PANAMA
AMCONSUL SAO PAULO
JSCINCSO QUARRY HEIGHTS

C O N F I D E N T I A L SECTION 02 OF 11 SANTIAGO 08592

SAN JOSE FOR CODEL LUGAR - ANDY SEMMEL

E.O. 12356: DECL:OADR
TAGS: OREP, PGOV, PREL, CI
SUBJ: CODEL LUGAR VISIT TO CHILE

THE MINISTER RESPONDED TO THE SENATOR'S INQUIRIES AS FOLLOWS:

AND TENANCY: DURING THE EARLY 1970'S, LAND WAS ARBITRARILY TAKEN FROM ACTIVE PRODUCING UNITS

BROKEN DOWN INTO SMALLER, OFTEN INEFFICIENT, UNPRODUCTIVE PARCELS. THE AGRICULTURE SECTOR REMEMBERS THOSE PAINFUL MOMENTS QUITE VIVIDLY.

AGRICULTURAL LABOR: NEARLY 18 PERCENT OF THE CONFIDENTIAL

CONFIDENTIAL

PAGE 02 SANTIA 08592 02 OF 11 252212Z

COUNTRY'S LABOR FORCE IS EMPLOYED IN THE AGRICULTURE SECTOR. OVER THE LAST TWO YEARS, LABOR MIGRATION TO THE CITIES HAS LEVELED OFF; IN FACT SOME LABOR IS EVEN RETURNING TO THE COUNTRYSIDE.

AGRICULTURAL PRODUCTION: CHILEAN AGRICULTURAL PRODUCTION AND YIELDS HAVE INCREASED DRAMATICALLY OVER THE LAST FEW YEARS DUE TO GREATER PRODUCTION EFFICIENCY AND THE USE OF MORE INPUTS. THE RELATIVELY FREE MARKETS IN AGRICULTURE PERMIT FARMERS TO DECIDE WHICH COMMODITIES THEY SHOULD PRODUCE.

FOOD SELF-SUFFICIENCY: CHILE IS BASICALLY SELF-SUFFICIENT IN FOOD PRODUCTION EXCEPT FOR SMALL IMPORT NEEDS FOR RICE AND CORN. (NOTE: WHILE CHILE CLAIMS SELF-SUFFICIENCY IN WHEAT PRODUCTION APPROXIMATELY DOLLARS 10.0 MILLION ARE SPENT YEARLY ON WHEAT IMPORTS. SOY OIL IS IMPORTED FROM OTHER LATIN COUNTRIES FOR HUMAN CONSUMPTION.)

URUGUAY ROUND: CHILE SUPPORTS THE U.S. PROPOSAL TO FREE AGRICULTURAL TRADE BY ELIMINATING EXPORT SUBSIDIES IN THE GATT URUGUAY ROUND.

EXPORT LIMITATIONS: CHILEAN EXPORTS HAVE BEEN SOMEWHAT LIMITED BY INFRASTRUCTURE PROBLEMS, INADEQUATE ROADS AND PORT SIZE. ACTUAL CROP LOSSES IN THE FIELD AND ON-FARM (DUE TO INEFFICIENT HARVEST TECHNIQUES OR INSUFFICIENT STORAGE) ARE ONLY 3 TO 4 PERCENT, WHICH IS QUITE SMALL BY LATIN AMERICAN STANDARDS.
CONFIDENTIAL

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PAGE 03 SANTIA 08592 02 OF 11 252212Z

UNIVERSITY EXCHANGES. CONTACT BETWEEN CHILEAN

AND U.S. UNIVERSITIES IS NOT AS GREAT AS IN THE PAST. MOST OF THE MAJOR UNIVERSITY SENIOR AGRICULTURAL FACULTY MEMBERS HAVE RECEIVED A DEGREE OF TRAINING FROM U.S. UNIVERSITIES. SOME EVEN FROM PURDUE.

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5. THE SENATOR MENTIONED THAT PRIOR TO EMBARKING ON THIS TRIP, U.S. BUSINESSES CONTACTED HIM ABOUT THEIR DESIRE TO CONTINUE FRESH FRUIT IMPORTS FROM CHILE. U.S. CONSUMERS HAVE GROWN ACCUSTOMED TO EATING FRESH FRUIT YEAR-ROUND AND THE DEMAND FOR IT IS EXPECTED TO CONTINUE TO INCREASE. IT IS IMPORTANT TO CONTINUE STRENGTHENING OUR COMMERCIAL RELATIONS SO THE U.S. CONSUMER DOES NOT ASSOCIATE CHILE, FRUIT, AND POISON IN THE SAME THOUGHT PATTERN. THE FRUIT INCIDENT OCCURRED AT A TIME WHEN THE UNITED STATES' CONSUMERS WERE VERY CONCERNED ABOUT ALAR IN APPLES. THE CONCERN ABOUT CHEMICALS IN FOOD IS EXPECTED TO CONTINUE, AND THE CHILEANS SHOULD BE VERY AWARE OF IT.

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6. THE MINISTER REPLIED THAT THE CHILEANS WERE READY AND WILLING TO ADAPT TO THE NEEDS OF THE MARKET. THEIR MARKET-ORIENTED AGRICULTURE SECTOR WOULD EXPECT NOTHING LESS. THE FRUIT CRISIS WAS A SETBACK FOR EXPORTS AND CHILE, BUT IT WAS QUICKLY RESOLVED THROUGH THE DEDICATED COMBINED EFFORT OF THE PREVIOUS MINISTER OF

CONFIDENTIAL

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CONFIDENTIAL

PAGE 01 SANTIA 08592 03 OF 11 252149Z
ACTION H-03

INFO LOG-00 ADS-00 INR-05 SS-00 CIAE-00 NSCE-00 ARA-00
SSO-00 INM-02 INRE-00 DS-01 /011 W
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AMEMBASSY PANAMA

AMCONSUL SAO PAULO
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C O N F I D E N T I A L SECTION 03 OF 11 SANTIAGO 08592

SAN JOSE FOR CODEL LUGAR - ANDY SEMMEL

E.O. 12356: DECL:OADR
TAGS: OREP, PGOV, PREL, CI
SUBJ: CODEL LUGAR VISIT TO CHILE

AGRICULTURE, THE GOC, THE U.S. EMBASSY IN CHILE, THE CHILEAN EMBASSY IN THE U.S. AND THE USG.

THE SENATOR ALSO STATED THAT IN THE NEW FARM BILL MUCH MORE ATTENTION WOULD BE GIVEN TO CHEMICALS AND PESTICIDES IN AGRICULTURE AND FOOD AS WELL AS FRESH WATER AQUIFERS; WET LAND CONSERVATION WILL ALSO BE AN ISSUE.

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 SANTIA 08592 03 OF 11 252149Z

AMCHAM

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7. IN A FRANK, FRIENDLY AND UPBEAT ATMOSPHERE, MEMBERS OF THE AMCHAM BOARD OF DIRECTORS BRIEFED SENATOR LUGAR ON VARIOUS ASPECTS OF THE CHILEAN MARKET AS SEEN BY U.S. BUSINESS. STANLEY JONSSON, AMCHAM PRESIDENT, GAVE A BRIEF DESCRIPTION OF THE INVESTMENT CLIMATE AND HIGHLIGHTED THE ATTRACTIVE FEATURES OF DECREE LAW 600, WHICH REGULATES FOREIGN INVESTMENT AND PROVIDES DEPENDABLE RULES OF THE GAME. GENERALLY, U.S. BUSINESS IS OPTIMISTIC WITH REGARD TO THE POLITICAL TRANSITION AND CONTINUES TO INVEST. A FEW HAVE OPTED FOR HIGHER BUT MORE SECURE TAX RATES INSTEAD OF SHORT-TERM BENEFITS. WITH REGARD TO THE RECENT GRAPE POISONING CRISIS, SENATOR LUGAR DESCRIBED THE DIFFICULT SITUATION IN WHICH THE FOOD AND DRUG ADMINISTRATION, FDA, OPERATES. THE CONSUMER IN THE U.S. INSISTS ON ABSOLUTE ASSURANCE AND PROTECTION ABOUT THE PRODUCTS THEY CONSUME. AT THE SAME TIME, CONSUMERS ARE INCREASINGLY PRESSURING FDA NOT TO INTERRUPT THE ACCESS TO CERTAIN IMPORTED PRODUCTS SUCH AS CHILEAN GRAPES.

8. ON THE LABOR SITUATION, CHAMBER MEMBERS COMMUNICATED THAT RELATIONS WITH LABOR UNIONS ARE NOT AS BAD AS PERCEIVED IN THE U.S. ONE MINING EXECUTIVE INDICATED THAT HIS COMPANY IS IN THE MIDST OF LABOR NEGOTIATIONS AND ALTHOUGH THERE ARE A FEW DISRUPTIVE LEADERS EGGED ON BY OUTSIDE POLITICAL ACTIVISTS, THE MAJORITY ARE COOPERATIVE AND REASONABLE. THE CONFIDENTIAL

CONFIDENTIAL

PAGE 03 SANTIA 08592 03 OF 11 252149Z

SENATOR ASKED IF LABOR UNIONS IN GENERAL HAVE UNREASONABLE EXPECTATIONS FOR CHANGE WITH THE TRANSITION TO DEMOCRACY. ONE OF THE CHAMBER MEMBERS INDICATED THAT CURRENT ECONOMIC POLICIES ACTUALLY FAVORED LABOR BY DRAMATICALLY DECREASING UNEMPLOYMENT. WITH REGARD TO BILATERAL REACTIONS, THE SENATOR REMARKED THAT THE DEGREE OF IMPROVEMENT AND THE EXTENT OF TANGIBLE SUPPORT TO THE NEW GOVERNMENT WILL BE A FUNCTION OF THE ENTHUSIASM IN THE U.S. REGARDING THE CHANGE ITSELF. HE INDICATED THAT THE LETELIER CASE WOULD NOT GO AWAY QUICKLY AND SOME PEOPLE IN THE U.S. CONGRESS WILL NOT BE EASILY CONVINCED OF THE CREDIBILITY OF THE NEW GOVERNMENT. HIS HOPE IS THAT THE ADMINISTRATION AND CONGRESS WILL RESPOND TO CHILE MUCH LIKE THE U.S. GOVERNMENT HAS RESPONDED TO THE MEXICAN EFFORT TO RESOLVE ITS PROBLEMS AND IMPROVE BILATERAL RELATIONS. HE STRESSED THAT THE IMPORTANCE OF THE CHAMBER'S SUPPORTIVE ROLE IN THIS WHOLE PROCESS IS OBVIOUS.

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PRESIDENTIAL CANDIDATE HERNAN BUCHI

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9. SENATOR LUGAR AND PARTY WERE RECEIVED BY THE CANDIDATE AT HIS BUSY DOWNTOWN CAMPAIGN HEADQUARTERS. BUCHI WAS IN GOOD FORM, NATURAL AND RELAXED. HE SAID HE WAS STILL ILL AT EASE IN HIS ROLE AS A CANDIDATE. THE SENATOR SHARED SOME OF HIS OWN EXPERIENCE IN MAKING THE ADJUST-

CONFIDENTIAL

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CONFIDENTIAL

PAGE 01 SANTIA 08592 04 OF 11 252150Z
ACTION H-03

INFO LOG-00 ADS-00 INR-05 SS-00 CIAE-00 NSCE-00 ARA-00
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AMEMBASSY LIMA
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AMEMBASSY PANAMA
AMCONSUL SAO PAULO
USCINCSO QUARRY HEIGHTS

C O N F I D E N T I A L SECTION 04 OF 11 SANTIAGO 08592

SAN JOSE FOR CODEL LUGAR - ANDY SEMMEL

E.O. 12356: DECL:OADR
TAGS: OREP, PGOV, PREL, CI
SUBJ: CODEL LUGAR VISIT TO CHILE

MENT TO PUBLIC LIFE. THE SENATOR ASKED BUCHI ABOUT HIS APPEAL TO YOUNGER VOTERS. BUCHI EXPRESSED A PREFERENCE FOR CONDUCTING THE CAMPAIGN ON THE ISSUES AND A RELUCTANCE TO RUN ON THE BASIS OF "MY PERSONAL CHARACTERISTICS." HE HAD NO DOUBTS ABOUT HIS PHYSICAL ABILITY TO STAND UP TO THE RIGORS OF THE CAMPAIGN, BUT WAS HAVING TO COPE WITH TENSIONS WHICH WERE "ALL NEW." IN RESPONSE TO THE SENATOR'S QUERY, HE SAW THE MAJOR ECONOMIC PROBLEMS OF THE
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 SANTIA 08592 04 OF 11 252150Z

COUNTRY AS (1) MAINTAINING INVESTMENT/SAVINGS LEVELS TO SUSTAIN 5 PERCENT GROWTH, (2) MAINTAINING INTEREST PAYMENTS ON EXTERNAL DEBT AND FINDING NEW CREDIT FLOWS, AND (3) DIVERSIFYING EXPORTS AND MARKETS FOR CURRENT EXPORTS TO CUSHION THE ECONOMY FROM UNANTICIPATED SETBACKS LIKE FRUIT CRISIS IN MARCH. THE SENATOR NOTED THAT U.S. STRONGLY SUPPORTS CONTINUED PURSUIT OF

FREE MARKET ECONOMY POLICIES. HE THEN ASKED BUCHI'S VIEWS ON HOW CIVILIAN/MILITARY RELATIONS WERE LIKELY TO EVOLVE. BUCHI EMPHASIZED THAT THE SUCCESS OF THE TRANSITION PROCESS TO DATE SERVES TO DEMONSTRATE THAT THE ARMED FORCES ARE "TALKING BUSINESS ABOUT MOVING TO DEMOCRACY." HE IS CONVINCED THAT THE MILITARY WILL KEEP ITS COMMITMENTS, AND WAS UNCONCERNED AT THE PROSPECT THAT PINOCHET MIGHT STAY ON AS COMMANDER-IN-CHIEF OF THE ARMY. PERSONALLY, HE THOUGHT THAT HE SHOULD DO SO. ON HIS OWN FREEDOM OF ACTION AS PRESIDENT IN THAT EVENT, BUCHI RECALLED THAT MANY THOUGHT HE WOULD BE THE INSTRUMENT OF FORMER MINISTERS IN THE GOVERNMENT WHEN HE WAS NAMED MINISTER OF FINANCE, BUT HE HAD DEMONSTRATED HIS INDEPENDENCE. THE PRESIDENT HAS A GREAT DEAL OF LEVERAGE, INCLUDING THE POWER OF THE BUDGET, BUT SO LONG AS HE PLAYS BY THE RULES OF THE GAME, THERE SHOULD BE NO PROBLEM. IF HE GOES BEYOND THE CONSTITUTION, THEN YOU HAVE A REPEAT OF THE SITUATION IN 1973. IT IS IMPORTANT TO DEVELOP COMMON GROUND, RATHER THAN ROLL OVER THE OTHER SIDE. IT IS IMPORTANT THAT IT BE UNDERSTOOD THAT THE ARMED FORCES ARE NOT THE LOSERS; RATHER, "THEY ARE BUILDING SOMETHING DIFFERENT." FOR THE
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 SANTIA 08592 04 OF 11 252150Z

IMMEDIATE FUTURE, HE THOUGHT CONTACTS FOR BUILDING CONFIDENCE BETWEEN THE MILITARY AND CIVILIANS SHOULD PROCEED WITH THE PRESENT GOVERNMENT AS A MAJOR ACTOR. BUT NOT MUCH CAN BE ACCOMPLISHED IN PUBLIC. PRIVATE NEGOTIATIONS ARE NECESSARY. THE GROUND CAN BE PREPARED BEFORE THE ELECTIONS DECEMBER 14.

10. THE SENATOR ASKED ABOUT BUCHI'S VIEW OF RELATIONS BETWEEN THE PRESIDENT AND THE CONGRESS. THE CONGRESS, HE SAID, HAS MUCH MORE POWER THAN THE ARMY TO MAKE LIFE DIFFICULT. THEREFORE, HIS FIRST PRIORITY IS TO HELP THE CONGRESSIONAL CANDIDATES WHO SUPPORT HIM. ON ARGENTINA, BUCHI THOUGHT MENEM WAS ON THE RIGHT TRACK AND HOPED HE WOULD MAINTAIN HIS CURRENT ECONOMIC PROGRAM OVER THE LONG TERM. THE CANDIDATE SAID HE WOULD PROBABLY BE MAKING A TRIP TO THE UNITED STATES. SENATOR LUGAR ENCOURAGED HIM TO DO SO IN ORDER TO HELP CHANGE U.S. PERCEPTIONS OF CHILE; PEOPLE IN THE UNITED STATES NEED TO UNDERSTAND WHAT IS HAPPENING IN

CHILE, THEY STILL TEND TO SEE THE COUNTRY IN TERMS OF GENERALS. A BUCHI VISIT TO THE UNITED STATES WOULD OFFER A MARVELOUS OPPORTUNITY TO CHANGE ATTITUDES. BUCHI NOTED THAT INSIDE CHILE SOME SAY HE IS THE SAME AS PINOCHET. HE FOUND IT IRONIC THAT HE SHOULD HAVE MORE SUCCESS IN CONVEYING A DIFFERENT IMAGE OUTSIDE THE COUNTRY.

GENERAL STANGE

CONFIDENTIAL

NNNN

CONFIDENTIAL

PAGE 01 SANTIA 08592 05 OF 11 252150Z
ACTION H-03

INFO LOG-00 ADS-00 INR-05 SS-00 CIAE-00 NSCE-00 ARA-00
SSO-00 INM-02 INRE-00 DS-01 /011 W
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AMCONSUL SAO PAULO
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C O N F I D E N T I A L SECTION 05 OF 11 SANTIAGO 08592

SAN JOSE FOR CODEL LUGAR - ANDY SEMMEL

E.O. 12356: DECL:OADR
TAGS: OREP, PGOV, PREL, CI
SUBJ: CODEL LUGAR VISIT TO CHILE

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11. THE MEETING WITH CARABINERO DIRECTOR GENERAL RODOLFO STANGE WAS HELD IN HIS DIEGO PORTALES OFFICE, WHERE HE DONS HIS HAT AS A MEMBER OF THE MILITARY JUNTA. MOST OF THE CONVERSATION FOCUSED ON NARCOTICS MATTERS. THE GENERAL NOTED THAT CHILE IS NOT A COCAINE PRODUCER, BUT HAS

TRADITIONALLY GROWN MARIJUANA SINCE COLONIAL TIMES. HE REVIEWED RECENT SEIZURES WHICH INDICATE INCREASED USE OF CHILE AS A TRANSIT COUNTRY FOR CONFIDENTIAL

CONFIDENTIAL

PAGE 02 SANTIA 08592 05 OF 11 252150Z

COCAINE. IN RESPONSE TO A QUESTION FROM THE SENATOR, HE DID NOT SEE ORGANIZED CRIME ON AN INTERNATIONAL BASIS AS A MAJOR PROBLEM FOR CHILE. HE WAS MORE CONCERNED ABOUT TERRORIST ACTIVITY, NOTING THAT EIGHT CARABINEROS HAVE BEEN KILLED THIS YEAR. HE DESCRIBED THE LAUTARO GROUP AS THE MOST BLOODTHIRSTY AND DETECTED FOREIGN INFLUENCE IN THEIR TRAINING. ON THE JUDICIAL SYSTEM, HE SAID THE CARABINEROS HAVE SINCE THEIR CREATION ACTED AS AGENTS OF THE COURT. HE ADMITTED THAT BECAUSE OF THE HEAVY CASELOAD THERE WERE LONG DELAYS IN TRIALS. THE SENATOR ASKED ABOUT THE CRIME RATE IN SANTIAGO. THE GENERAL OPINED THAT THE LEVEL OF CRIME WAS RELATIVELY LOW AND UNDER CONTROL, WITH ONLY ISOLATED CASES OF DRUG RELATED MURDERS.

FOREIGN MINISTER

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12. FOREIGN MINISTER HERNAN FELIPE ERRAZURIZ DESCRIBED THIS AS A CRUCIAL PERIOD FOR CHILE AS IT MOVES TOWARD DEMOCRACY. HE NOTED THAT IT IS NOT AN EASY PROCESS WITH POLITICS COMPLICATED BY THE EXISTENCE OF SOME TWO DOZEN POLITICAL PARTIES. ASKED BY THE SENATOR ABOUT THE FUTURE ROLE OF THE MILITARY, ERRAZURIZ NOTED THAT THE ARMED FORCES DESERVE AND FEEL THEY DESERVE RESPECT FOR GIVING CHILE GOOD GOVERNMENT. THERE IS NOW A PROCESS UNDERWAY FOR DISCUSSION OF THE MILITARY ROLE, BUT THERE ARE SOME AREAS THE ARMED FORCES AS AN INSTITUTION WILL NOT NEGOTIATE, AND HE WAS UNCERTAIN AS TO HOW THE LINES WOULD BE DRAWN. THE SENATOR CONFIDENTIAL

CONFIDENTIAL

PAGE 03 SANTIA 08592 05 OF 11 252150Z

ASKED THE MINISTER HOW HE THOUGHT THE AUGUST 23 OAS MEETING ON PANAMA WOULD COME OUT. ERRAZURIZ REPLIED THAT FOR CHILE PANAMA WAS NOT MUCH OF AN ISSUE. THEIR INTEREST WAS PRINCIPALLY BECAUSE OF

THEIR HEAVY USE OF THE CANAL. SENATOR LUGAR NOTED THAT THE ADMINISTRATION WOULD NOT ACCEPT AND THE SENATE WOULD NOT CONFIRM A NORIEGA NOMINEE AS ADMINISTRATOR OF THE CANAL. HE NOTED THAT THE PRESIDENT OF THE UNITED STATES HAS SOUGHT COLLECTIVE ACTION BY THE OAS ON THE PANAMA SITUATION. IT IS AN ISSUE WHICH THE HEMISPHERE SHOULD RESOLVE IN CONCERT, BUT IT IS NOT AT ALL CLEAR THAT THE OAS WILL TAKE EFFECTIVE STEPS. AT THE SAME TIME, WE ARE TOLD BY OUR FRIENDS IN LATIN AMERICA THAT THE U.S. SHOULD NOT DO ANYTHING ABOUT THE SITUATION EITHER. IT IS A PROBLEM WHICH WILL NOT GO AWAY, AND THE SENATOR ASKED THE MINISTER TO CONSIDER THE COMPLICATIONS THIS REPRESENTS FOR ALL OF US FOR THE FUTURE. THE MINISTER WAS NOT HOPEFUL THAT THE OAS COMMISSION WOULD PROVIDE A SOLUTION, AND NOTED THAT THIS COULD HAVE SERIOUS IMPLICATIONS FOR CHILE BECAUSE OF ITS INTEREST IN THE CANAL. THE SENATOR INSISTED, "THE UNITED STATES SEES THE DEPARTURE OF NORIEGA AND A DEMOCRATIC GOVERNMENT IN PANAMA AS A NECESSITY." ERRAZURIZ ALLOWED AS HOW IT WAS NOT AN EASY PROBLEM AND WAS SENSITIVE FOR GOC BECAUSE OF ITS POLICY OF NONINTERFERENCE IN INTERNAL AFFAIRS.

13. ON NARCOTICS, THE MINISTER EXPRESSED CONCERN OVER A GROWING PROBLEM FOR CHILE IN THE INCREASED

CONFIDENTIAL

NNNN

CONFIDENTIAL

PAGE 01 SANTIA 08592 06 OF 11 252151Z
ACTION H-03

INFO LOG-00 ADS-00 INR-05 SS-00 CIAE-00 NSCE-00 ARA-00
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C O N F I D E N T I A L SECTION 06 OF 11 SANTIAGO 08592

SAN JOSE FOR CODEL LUGAR - ANDY SEMMEL

E.O. 1Q356: DECL:OADR
TAGS: OREP, PGOV, PREL, CI
SUBJ: CODEL LUGAR VISIT TO CHILE

USE OF ITS TERRITORY FOR THE TRANSIT OF COCAINE. ERRAZURIZ THOUGHT THE RECENT VISIT OF UNDER SECRETARY OF THE TREASURY MULFORD WAS VERY POSITIVE, BUT WORRIED ABOUT FUTURE PROSPECTS FOR ECONOMIC GROWTH AFTER THE NEW GOVERNMENT TAKES OFFICE. AT THE END OF THE MEETING, THE AMBASSADOR PRESENTED THE FOREIGN MINISTER A LETTER FROM PRESIDENT BUSH FOR PRESIDENT PINOCHET ON OAS CONSIDERATION OF THE PANAMA SITUATION (REF A).

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CONFIDENTIAL

CONFIDENTIAL

PAGE 02 SANTIA 08592 06 OF 11 252151Z

14. SENATOR LUGAR AND HIS PARTY ACCOMPANIED BY THE AMBASSADOR THEN PROCEEDED TO THE DIPLOMATIC ACADEMY WHERE THE MINISTER HOSTED A LUNCH. INVITED TO THAT EVENT WAS A BLUE RIBBON COLLECTION OF LEADING JOURNALISTS, GOVERNMENT OFFICIALS, PROMINENT BUSINESSMEN AND ACADEMICS. IN HIS TOAST, THE SENATOR EMPHASIZED U.S. SATISFACTION AT PROGRESS CHILE HAS ACHIEVED IN ITS TRANSITION TO DEMOCRACY AND ITS SUCCESS IN BUILDING A FREE MARKET ECONOMY.

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PRESIDENTIAL CANDIDATE PATRICIO AYLWIN

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15. THE CANDIDATE OF THE SEVENTEEN-PARTY COPODE COALITION, PATRICIO AYLWIN, MET WITH THE SENATOR AND HIS PARTY AT AYLWIN'S HOME. THE CANDIDATE WAS ACCOMPANIED BY CHRISTIAN DEMOCRAT CARLOS FIGUEROA, WHO HEADS UP THE COPODE COMMUNICATIONS/ PROPAGANDA EFFORT FOR THE CAMPAIGN. THE SENATOR EXPLORED WITH AYLWIN THE FUTURE ROLE OF PRESIDENT PINOCHET AND CIVILIAN CONTROL OF THE MILITARY. AYLWIN DESCRIBED THIS AS THE "BIG QUESTION" OF THE TRANSITION. HE HAD NO DOUBT THAT INSIDE THE ARMED FORCES, IN THE AIR FORCE, NAVY, AND CARABINEROS, THERE WAS A SINCERE DESIRE TO

RETURN TO PROFESSIONAL MILITARY ACTIVITY. ON THE OTHER HAND, IN THE ARMY THERE ARE SECTORS LOYAL TO PINOCHET WHICH EITHER ASPIRE TO SEE HIM RETURN TO THE PRESIDENCY AFTER FOUR YEARS OF CIVILIAN GOVERNMENT AND/OR CONTINUE AS COMMANDER-IN-CHIEF OF THE ARMY IN ORDER TO SERVE AS A "BRAKE" ON ANY EFFORTS TO PROCEED CONFIDENTIAL

CONFIDENTIAL

PAGE 03 SANTIA 08592 06 OF 11 252151Z

WITH TRIALS OF MILITARY PERSONNEL FOR HUMAN RIGHTS VIOLATIONS. HOWEVER, AYLWIN SAID HE HAS INFORMATION THAT THERE ARE MANY PROFESSIONAL ARMY OFFICERS WHO ARE NOT ENTHUSIASTIC ABOUT PINOCHET'S STAYING ON AS THE CINC. NO PROFESSIONAL ARMY CAN BE PLEASED THAT A COMMANDER HANGS ON TO THE JOB FOR TWENTY-FIVE YEARS. IT BLOCKS PROMOTION OPPORTUNITIES. IN ADDITION, PINOCHET IS A POLITICIAN, THE ARMED FORCES ARE APOLITICAL, AND PROFESSIONAL OFFICERS ARE NOT COMFORTABLE WITH A COMMANDER WHO IS SO POLITICAL AND WHOSE VERY PRESENCE IS CAUSE FOR DIVISION AMONG CHILEANS. AYLWIN SAID HE BELIEVES THAT IF HE WINS BY A COMFORTABLE MARGIN, IF GUARANTEES FOR THE SECURITY OF PINOCHET AND HIS FAMILY CAN BE WORKED OUT, HUMAN RIGHTS QUESTIONS RESOLVED, AND THE MILITARY REASSURED ON THE ISSUE OF ITS BUDGET ALLOCATION, THEN IT WILL BE POSSIBLE TO CONVINCE PINOCHET TO LEAVE THE ARMY. THE POLITICAL BARGAINING PROCESS TO REACH THESE SOLUTIONS IS NOW UNDERWAY.

16. SENATOR LUGAR ASKED AYLWIN ABOUT ECONOMIC POLICIES HE WOULD PURSUE AND SPECIFICALLY HOW HE WOULD ENSURE INVESTOR CONFIDENCE IN CHILE. AYLWIN REPLIED THAT THE COPODE PROGRAM CALLS FOR A WESTERN-STYLE ECONOMIC MODEL. HE EXPECTS TO RETAIN THE CURRENT INVESTMENT LAW UNCHANGED, BUT WILL SEEK SOME MODIFICATION OF CHAPTER 19 WHICH GOVERNS CAPITALIZATION OF DEBT TO ENCOURAGE GREATER INVESTMENT IN AREAS WHICH INTRODUCE NEW TECHNOLOGY AND NEW FOREIGN MARKETS. HE WOULD

CONFIDENTIAL

NNNN

CONFIDENTIAL

PAGE 01 SANTIA 08592 07 OF 11 252152Z

ACTION H-03

INFO LOG-00 ADS-00 INR-05 SS-00 CIAE-00 NSCE-00 ARA-00
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AMEMBASSY LIMA
AMEMBASSY MONTEVIDEO
AMEMBASSY PANAMA
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C O N F I D E N T I A L SECTION 07 OF 11 SANTIAGO 08592

SAN JOSE FOR CODEL LUGAR - ANDY SEMMEL

E.O. 12356: DECL:OADR
TAGS: OREP, PGOV, PREL, CI
SUBJ: CODEL LUGAR VISIT TO CHILE

LIKE TO MOVE AWAY FROM CHAPTER 19 BEING USED LARGELY AS A MECHANISM FOR PURCHASING DOMESTIC ASSETS. AYLWIN SAID THERE WILL BE NO DISCRIMINATION AGAINST FOREIGN INVESTORS AND PART OF THE COPODE PROGRAM IS TO MAINTAIN TAX INCENTIVES FOR REINVESTMENT OF PROFITS. FINALLY, HE NOTED THAT A DEMOCRATIC GOVERNMENT WILL MAKE CHILE A MORE ATTRACTIVE INVESTMENT BECAUSE IT WILL OFFER GREATER LONG-TERM STABILITY.

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CONFIDENTIAL

CONFIDENTIAL

PAGE 02 SANTIA 08592 07 OF 11 252152Z

17. THE SENATOR ASKED AYLWIN HOW HE THOUGHT CHILE'S RELATIONS WITH THE UNITED STATES COULD BE IMPROVED. AYLWIN STATED THAT IN MANY WAYS CHILEANS FEEL THEY ARE THE YOUNGER BROTHERS OF THE UNITED STATES. THEY SHARE THE SAME BELIEFS AND DEEPLY ADMIRE U.S. DEMOCRACY. THE TWO COUNTRIES HAVE TRADITIONALLY ENJOYED GOOD RELATIONS ALTHOUGH CHILE HAS BEEN ONE OF THE STRONGEST IN DEFENDING THE COMMON INTERESTS OF LATIN AMERICAN

COUNTRIES. TO IMPROVE BILATERAL RELATIONS, AYLWIN SAID WE HAVE TO OVERCOME THE OBSTACLE OF THE KENNEDY AMENDMENT. HE BELIEVES THAT GOOD RELATIONS BETWEEN THE CHILEAN ARMED FORCES AND THE U.S. MILITARY ARE BENEFICIAL FOR CHILE'S MILITARY. "YOU HAVE A DEMOCRATIC ARMY. WE WANT OURS TO BE DEMOCRATIC." AYLWIN WAS AWARE THAT THE GOC WOULD HAVE TO DEMONSTRATE A WILLINGNESS TO RESOLVE THE LETELIER CASE. HE WOULD HOPE TO DEMONSTRATE SUCH A WILLINGNESS IN ORDER TO REMOVE THE KENNEDY AMENDMENT AS AN OBSTACLE TO IMPROVED MILITARY RELATIONS. ON FOREIGN DEBT, AYLWIN SAID HE WOULD LIKE TO SEE CHILE PARTICIPATE IN THE BRADY PLAN, OR SOMETHING SIMILAR. THIS WOULD PROVIDE IMPORTANT RELIEF FOR THE ECONOMY. IN OTHER AREAS, HE WOULD SEEK BROAD COOPERATION FOR DEVELOPMENT PROJECTS IN THE FIELD OF HEALTH, EDUCATION, AND ENVIRONMENTAL POLLUTION, AND WOULD ENCOURAGE U.S. INVESTMENT IN MINING, FISHERIES, AND FORESTRY INDUSTRY.

18. SENATOR LUGAR NOTED THAT IN THE UNITED STATES, INTEREST IN CHILE WOULD INCREASE AS THE ELECTION DRAWS NEAR. HE HOPED THAT AYLWIN AND OTHERS WHO
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 SANTIA 08592 07 OF 11 252152Z

HAVE WORKED SO HARD TO MAKE THE TRANSITION A SUCCESS WOULD FIND TIME TO SHARE WITH THE U.S. THEIR HOPES AND EXPECTATIONS IN THIS NEW ERA TO HELP CLEAR AWAY THE MISUNDERSTANDINGS OF THE PAST. THERE IS GOOD NEWS TO BE SPREAD ABOUT CHILE, AND THE SENATOR TOLD AYLWIN THAT HE WOULD LOOK FORWARD TO WORKING WITH HIM TO ENSURE THAT MEMBERS OF CONGRESS ARE WELL INFORMED ABOUT THESE DEVELOPMENTS. HE HOPED THAT IF AYLWIN DOES TRAVEL TO WASHINGTON THAT HE WOULD SET ASIDE SOME TIME TO MEET WITH HIM AND SOME OF HIS COLLEAGUES IN THE SENATE. AYLWIN THANKED THE SENATOR FOR HIS WORDS AND HIS VISIT. HE ENDED BY SUMMING UP THAT HE WAS VERY MUCH AWARE OF THE MAGNITUDE OF THE PROBLEMS HE FACES IN THE MONTHS AHEAD, PARTICULARLY THE MILITARY ISSUE AND THE EXPLOSION OF EXPECTATIONS FROM THE CHILEAN PEOPLE AFTER A CIVILIAN GOVERNMENT TAKES OFFICE. IN ALL MY SPEECHES, HE NOTED, I MAKE THE POINT THAT IT'S A STEP BY STEP PROCESS, SUCCESS WILL TAKE TIME AND IT WILL REQUIRE HARD WORK. IN FACING THIS CHALLENGE, AYLWIN ADDED THAT HE HAS THE ADVANTAGE OF EXPERIENCE. "WE HAVE A SAYING," HE SAID, "THE DEVIL IS WISE NOT BECAUSE HE IS THE

DEVIL, BUT BECAUSE HE IS OLD."

MINISTER OF FINANCE

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19. THE SENATOR'S MEETING WITH MINISTER OF FINANCE BRIGADIER GENERAL ENRIQUE SEGUEL WENT OVERTIME AS THE MINISTER PROVIDED A DETAILED DESCRIPTION OF CHILE'S ECONOMIC HISTORY SINCE 1973. HE EMPHASIZED

CONFIDENTIAL

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CONFIDENTIAL

PAGE 01 SANTIA 08592 08 OF 11 252153Z
ACTION H-03

INFO LOG-00 ADS-00 INR-05 SS-00 CIAE-00 NSCE-00 ARA-00
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AMEMBASSY PANAMA
AMCONSUL SAO PAULO
USCINCSO QUARRY HEIGHTS

C O N F I D E N T I A L SECTION 08 OF 11 SANTIAGO 08592

SAN JOSE FOR CODEL LUGAR - ANDY SEMMEL

E.O. 12356: DECL:OADR
TAGS: OREP, PGOV, PREL, CI
SUBJ: CODEL LUGAR VISIT TO CHILE

EFFORTS TO REDUCE THE ROLE OF THE STATE, TO ENCOURAGE PRIVATE SECTOR GROWTH, AND REMOVE RESTRAINTS ON TRADE. HE NOTED WITH PRIDE THAT CHILE NOW EXPORTS MORE THAN ARGENTINA, AND CHILE HAS GREATLY DIVERSIFIED ITS EXPORTS SO THAT IT IS NO LONGER SOLELY DEPENDENT ON COPPER FOR FOREIGN EXCHANGE EARNINGS. THIS WAS A CRITICAL ASSET IN OVERCOMING THE IMPACT OF THE FRUIT CRISIS EARLIER

IN THE YEAR. SEGUEL WAS AT PAINS TO MAKE CLEAR THAT THE GOC IS MAKING EVERY EFFORT TO MAINTAIN
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 SANTIA 08592 08 OF 11 252153Z

THE ECONOMY IN GOOD SHAPE FOR THE TRANSITION. IT WILL PURSUE THE SAME POLICIES AND WORK TO MAINTAIN NORMALITY AND CONFIDENCE IN THE ECONOMY. HE SAID 1990, THE YEAR OF THE TRANSITION, WAS SHAPING UP TO BE A "GOOD" YEAR WITH NO EXTERNAL FINANCING PROBLEMS BECAUSE OF CONTINUED GROWTH. CHILE, HE STATED, IS ONE OF THE FEW COUNTRIES WHICH HAS MANAGED TO PAY ITS DEBTS AND SIMULTANEOUSLY CONTINUE ECONOMIC GROWTH. HE NOTED THAT THE POLITICIANS HAVE WITH THE EXPERIENCE GAINED OVER THE PAST SIXTEEN YEARS BECOME MORE CONSERVATIVE. HE DESCRIBED THE OPPOSITION ECONOMIC PROGRAM AS "MODERATE" ALTHOUGH HE WAS NOT SURE ALL PARTIES IN THE COPODE COALITION AGREED WITH THAT PROGRAM.

MINISTER OF INTERIOR

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20. MINISTER OF INTERIOR AND CHIEF OF CABINET CARLOS CACERES BEGAN THE MEETING WITH A BRIEF REVIEW OF THE GOVERNMENT'S ACCOMPLISHMENTS IN LAYING THE GROUNDWORK FOR THE TRANSITION TO DEMOCRACY. HE DESCRIBED THIS AS A PROCESS OF CONSOLIDATING THE INSTITUTIONALITY AND CREATING THE BEST POSSIBLE CONDITIONS FOR THE ELECTIONS. REFORMS TO "PERFECT" THE CONSTITUTION WERE A KEY ELEMENT IN THIS EFFORT AND HAVE GIVEN A STABLE BASIS FOR MOVING FORWARD. SENATOR LUGAR ASKED HIM HOW HE SAW A CIVILIAN PRESIDENT WORKING WITH THE MILITARY. CACERES PREFACED HIS REPLY WITH TWO BASIC PREMISES; (1) THE ACHIEVEMENT OF DEMOCRACY IN CHILE IS THE WORK OF THE ARMED FORCES,WHICH ARE COMPLETELY COMMITTED TO THIS
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 SANTIA 08592 08 OF 11 252153Z

GOAL, AND (2) THE 1980 CONSTITUTION CLEARLY DEFINES THE FUNCTIONS OF THE ARMED FORCES AND THE GOVERNMENT. THE ARMED FORCES ARE GUARANTORS OF THE CONSTITUTIONAL ORDER AND NATIONAL SECURITY. CACERES SAW NO PROBLEM IF PRESIDENT PINOCHET

REMAINS AS COMMANDER-IN-CHIEF OF THE ARMY AND HIS WORKING WITH THE NEW PRESIDENT SO LONG AS EACH RESPECTS THE OTHER. SENATOR LUGAR ASKED ABOUT POSSIBLE JUDICIAL PROCEEDINGS AGAINST MEMBERS OF THE ARMED FORCES FOR HUMAN RIGHTS VIOLATIONS. CACERES RECALLED THAT THE AMNESTY OF 1978 WAS WELCOMED BY ALL POLITICAL SECTORS, EVEN THE CHURCH. CHILE, HE STATED, HAS ENTERED A NEW STAGE WITH THE RETURN TO DEMOCRACY. THE LAW MUST BE RESPECTED, AND FROM THE LEGAL STAND-POINT, THERE IS NO BASIS FOR REOPENING CASES COVERED BY THE AMNESTY. THE SENATOR POSED A HYPOTHETICAL CASE IN WHICH THERE WAS A DISPUTE BETWEEN THE CIVILIAN PRESIDENT AND THE COMMANDER-IN-CHIEF OVER THE BUDGET, AND ASKED THE MINISTER HOW HE THOUGHT SUCH A DIFFERENCE WOULD BE RESOLVED. CACERES PREFACED HIS REPLY BY NOTING THAT SINCE 1973 CIVILIANS HAVE MISUNDERSTOOD PINOCHET. FOR INSTANCE, THEY DID NOT THINK IT POSSIBLE FOR HIM TO ACCEPT DEFEAT IN THE OCTOBER 1988 PLEBISCITE. THE RECORD SHOWS THAT THE ARMED FORCES HAVE FUL-FILLED THEIR COMMITMENTS. IF IN THIS HYPOTHETICAL CASE, THE BUDGET WERE TO BE CUT BY SAY FIFTY PERCENT, THEN POSSIBLY THERE WOULD BE A "VIOLENT" REACTION, BUT HE EMPHASIZED THAT ALL ARE INTERESTED IN MAKING THE TRANSITION WORK AND THE NEW PRESIDENT IS

CONFIDENTIAL

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CONFIDENTIAL

PAGE 01 SANTIA 08592 09 OF 11 252154Z
ACTION H-03

INFO LOG-00 ADS-00 INR-05 SS-00 CIAE-00 NSCE-00 ARA-00
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C O N F I D E N T I A L SECTION 09 OF 11 SANTIAGO 08592

SAN JOSE FOR CODEL LUGAR - ANDY SEMMEL

E.O. 12356: DECL:OADR
TAGS: OREP, PGOV, PREL, CI
SUBJ: CODEL LUGAR VISIT TO CHILE

UNLIKELY TO SEEK SUCH A CONFRONTATION. THE SENATOR THANKED THE MINISTER FOR HIS FRANK REMARKS, AND NOTED THAT HE WAS VERY MUCH AWARE OF THE MINISTER'S PERSONAL ROLE IN KEEPING THE DEMOCRATIC TRANSITION ON TRACK. HE URGED THE MINISTER TO STAY IN CLOSE TOUCH WITH AMBASSADOR GILLESPIE, WHO WILL BE TRYING TO INTERPRET EVENTS AS THEY PROCEED. CACERES SAID HIS DOOR WAS ALWAYS OPEN TO THE AMBASSADOR.

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CONFIDENTIAL

PAGE 02 SANTIA 08592 09 OF 11 252154Z

HUMAN RIGHTS COMMUNITY

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21. SENATOR LUGAR HAD A BREAKFAST MEETING ON AUGUST 23 WITH LEADERS OF THE HUMAN RIGHTS COMMUNITY ALEJANDRO HALES (FORMER PRESIDENT OF THE LAWYERS' ASSOCIATION), ALEJANDRO GONZALEZ AND ROBERTO GARRETON (VICARIATE DE SOLIDARITY), MONICA JIMENEZ (COMMITTEE FOR FREE ELECTIONS AND PARTICIPA), AND ALFREDO ETCHEBERRY (PRESIDENT OF THE LAWYERS' ASSOCIATION). ASKED BY SENATOR LUGAR HOW THEY VIEWED THE TRANSITION TO DEMOCRACY, THEY WERE UNANIMOUS IN STATING THAT THE ELECTIONS WOULD TAKE PLACE AND THAT THE NEXT GOVERNMENT WOULD BE HEADED BY PATRICIO AYLWIN. ALL WERE CONVINCED THAT AYLWIN WOULD WIN BY A VERY LARGE MARGIN, WHICH THEY VIEWED AS ESSENTIAL IF HE IS TO HAVE THE STATURE NEEDED TO FORCE THE MILITARY INTO A SUBORDINATE ROLE. WHILE CRITICIZING THE RECENTLY AMENDED CONSTITUTION AS STILL NOT DEMOCRATIC, THEY EXPRESSED CONFIDENCE THAT OPPOSITION SENATORS AND DEPUTIES, WITH SUPPORT FROM NATIONAL RENEWAL REPRESENTATIVES, WOULD BE ABLE TO EFFECT ESSENTIAL MODIFICATIONS. THEY AGREED WITH SENATOR LUGAR'S HYPOTHESIS THAT THE BUCHI CAMPAIGN COULD GENERATE SUPPORT BY HIGHLIGHTING IN ITS TELEVISION ADS THE DIFFERENCE BETWEEN CHILE'S SOUND ECONOMY AND THE PERILOUS ECONOMIC STATE IN NEIGHBORING COUNTRIES, BUT FELT CONFIDENT THAT AIRING IN COPODE'S ADS

THE GOVERNMENT'S HUMAN RIGHTS RECORDS AND FAILINGS IN EDUCATION AND HEALTH WOULD NEUTRALIZE THIS THEME.

22. ALEJANDRO GONZALEZ DISPUTED CENTER-RIGHT
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 SANTIA 08592 09 OF 11 252154Z

CLAIMS THAT BUCHI WOULD ATTRACT THE "YOUTH VOTE." HE NOTED 48 PERCENT OF THE VOTING POPULATION IS UNDER 34 AND HAS NEVER VOTED IN A REAL ELECTION, HAS HAD AN UNEMPLOYMENT RATE FAR HIGHER THAN THAT OF THE POPULATION AS A WHOLE, AND HAS HAD FEWER EDUCATIONAL OPPORTUNITIES. THESE YOUTHS HAVE NOTHING IN COMMON WITH BUCHI, HE SAID. ROBERTO GARRETON OPINED THAT TELEVISION COVERAGE OF THE CAMPAIGNS FAVORED BUCHI; HE NOTED THAT THE GOVERNMENT TO A VERY LARGE EXTENT CONTROLS WHO WILL APPEAR ON THE INCREASING NUMBER OF POLITICAL INTERVIEW SHOWS, WHO MODERATES, WHAT QUESTIONS ARE ASKED, ETC. THIS ALLOWS THE GOVERNMENT TO HIGHLIGHT ECONOMIC THEMES AND TO DOWNPLAY HUMAN RIGHTS AFFAIRS, FOR EXAMPLE. NEVERTHELESS, GARRETON AGREED WITH THE OTHERS THAT AYLWIN WOULD WIN, AND WOULD WIN BIG. HE NOTED THAT THE GOVERNMENT'S UNSEEMLY HASTE IN ENACTING LAWS WHICH WILL TIE THE HANDS OF THE NEXT GOVERNMENT INDICATES CLEARLY THAT EVEN THE GOVERNMENT EXPECTS AYLWIN TO BE THE NEXT PRESIDENT. THESE MANEUVERS ALSO INDICATE, HE THOUGHT, THAT THERE IS NO PLANNING FOR A COUP; THE GOVERNMENT AND MILITARY, HE SAID, SEEM TO REALIZE THAT THERE WOULD BE SO MUCH DOMESTIC AND INTERNATIONAL OPPOSITION TO SUCH A MOVE THAT THE MILITARY WOULD FIND IT IMPOSSIBLE TO GOVERN. ADDRESSING THE CURRENT HUMAN RIGHTS SITUATION, ALEJANDRO GONZALEZ SAID THAT THE SITUATION WAS DRAMATICALLY IMPROVED, WITH CHARGES OF TORTURE AND ARRESTS VASTLY REDUCED SINCE THE OCTOBER 1988 PLEBISCITE. MONICA JIMENEZ NOTED THAT, PROGRESS

CONFIDENTIAL

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CONFIDENTIAL

PAGE 01 SANTIA 08592 10 OF 11 252155Z
ACTION H-03

INFO LOG-00 ADS-00 INR-05 SS-00 CIAE-00 NSCE-00 ARA-00
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C O N F I D E N T I A L SECTION 10 OF 11 SANTIAGO 08592

SAN JOSE FOR CODEL LUGAR - ANDY SEMMEL

E.O. 12356: DECL:OADR
TAGS: OREP, PGOV, PREL, CI
SUBJ: CODEL LUGAR VISIT TO CHILE

NOTWITHSTANDING, RESOLVING THE QUESTION OF TRIALS OF MEMBERS OF THE ARMED FORCES WOULD BE A SERIOUS CHALLENGE. HOWEVER, SHE INTERPRETED RECENT STATEMENTS BY NATIONAL RENEWAL CANDIDATE FOR DEPUTY EVELYN MATTHEI (DAUGHTER OF AIR FORCE JUNTA MEMBER GENERAL MATTHEI) REGARDING DISCUSSIONS ON SENSITIVE MILITARY/CIVILIAN ISSUES AS A SIGNAL THAT NEGOTIATIONS ARE POSSIBLE ON THESE ISSUES.
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CONFIDENTIAL

CONFIDENTIAL

PAGE 02 SANTIA 08592 10 OF 11 252155Z

FRUIT CRISIS FINALE
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23. SENATOR LUGAR'S LAST MEETING WAS A SOMEWHAT BIZARRE EVENT. RICARDO CLARO, PROMINENT LOCAL LAWYER AND BUSINESSMAN AND FORMER PRESIDENT OF THE BINATIONAL CENTER, JOSE LUIS IBANEZ, PRESIDENT OF THE FRUIT EXPORTERS ASSOCIATION, AND RONALD BOWN, EXECUTIVE DIRECTOR OF THE ASSOCIATION, CALLED ON THE SENATOR IN THE AMBASSADOR'S OFFICE TO TALK ABOUT LAST SPRING'S FRUIT CRISIS. MEETING WAS ARRANGED AT REQUEST OF THE FRUIT EXPORTER'S

HAS CHANGED ITS STORY TO TRY TO HIDE THIS FACT.

-- FDA DOCUMENTS WERE FILLED OUT WELL AFTER THE TESTS WERE SUPPOSEDLY DONE.

CLARO ALSO COMMENTED THAT THE FDA IS NOW TRYING TO "BLACKMAIL" CHILEAN EXPORTERS BY WARNING THEM THAT

CONFIDENTIAL

NNNN

CONFIDENTIAL

PAGE 01 SANTIA 08592 11 OF 11 252155Z
ACTION H-03

INFO LOG-00 ADS-00 INR-05 SS-00 CIAE-00 NSCE-00 ARA-00
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USCINCSO QUARRY HEIGHTS

C O N F I D E N T I A L SECTION 11 OF 11 SANTIAGO 08592

SAN JOSE FOR CODEL LUGAR - ANDY SEMMEL

E.O. 12356: DECL:OADR
TAGS: OREP, PGOV, PREL, CI
SUBJ: CODEL LUGAR VISIT TO CHILE

CONTINUED FOCUS ON THE POISONING ISSUE COULD RUIN NEXT YEAR'S MARKET. CLARO ADDED THAT THE FBI'S INVESTIGATION WAS "CHILDISH AND RIDICULOUS."

25. SENATOR LUGAR SAID HE WELCOMED THIS INFORMATION AND WOULD GIVE ANY EVIDENCE CLARO COULD PROVIDE CAREFUL EXAMINATION. HOWEVER, HE SAID THAT HE COULD SEE NO LOGIC BEHIND THE CONSPIRACY THEORY. QUITE THE CONTRARY. THE WHOLE OF U.S. POLICY HAS BEEN DIRECTED TOWARD

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 SANTIA 08592 11 OF 11 252155Z

SUPPORTING CHILE'S COMPLETION OF ITS TRANSITION TO DEMOCRACY. THE SENATOR COMMENTED FURTHER THAT EVEN THE U.S. INDUSTRY WELCOMES CHILEAN FRUIT. CHILEAN FRUIT HAS A REPUTATION OF HIGH QUALITY, IT DOES NOT COMPETE SIGNIFICANTLY WITH U.S. PRODUCTION AND IT KEEPS FRESH FRUIT ON THE GROCERY SHELVES IN THE U.S. WINTER SEASON.

26. COMMENT: THERE WAS HIGH INTEREST IN SENATOR LUGAR AND HIS PARTY THROUGHOUT THE VISIT. PRESS COVERAGE WAS EXTENSIVE AT ALMOST EVERY STOP. TELEVISION AND PRINTED MEDIA GAVE THE DELEGATION WIDE PLAY. HE WAS VERY EFFECTIVE BOTH IN PRIVATE AND PUBLIC STATEMENTS IN REINFORCING U.S. SUPPORT FOR CHILE'S TRANSITION TO DEMOCRACY AND ITS FREE MARKET ECONOMIC POLICIES. FROM EVERY STANDPOINT, IT WAS A VERY USEFUL VISIT IN TERMS OF PROMOTING U.S. OBJECTIVES IN CHILE. GILLESPIE

CONFIDENTIAL

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Case Number: S1999000030

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
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Exemption(s) ____

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PAGE 01 SANTIA 08600 281328Z
ACTION ARA-00

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~~C O N F I D E N T I A L~~ SANTIAGO 08600

E.O. 12356: DECL:OADR
TAGS: PHUM, CI
SUBJ: DECISION IN THE "BURNED ONES" (LOS QUEMADOS) CASE

1. (U) SUMMARY: ON AUGUST 24, THE SENIOR MILITARY JUDGE OF SANTIAGO CONFIRMED A SUSPENDED SENTENCE OF 300 DAYS AGAINST CAPTAIN PEDRO FERNANDEZ DITTUS, THE LEADER OF THE MILITARY PATROL INVOLVED IN THE JULY 1986 BURNING OF RODRIGO ROJAS AND CARMEN GLORIA QUINTANA. FERNANDEZ WAS FOUND GUILTY OF MANSLAUGHTER FOR FAILURE TO SECURE PROMPT MEDICAL ATTENTION FOR THE TWO VICTIMS; ROJAS DIED AFTER THE INCIDENT AND QUINTANA WAS PERMANENTLY AND HORRIBLY SCARRED. THE LIGHT SENTENCE IS LIKELY TO PROVOKE OUTRAGE AMONG THE HUMAN RIGHTS COMMUNITY. END SUMMARY.

2. (U) THE JULY 1986 DEATH OF RODRIGO ROJAS, A US PERMANENT RESIDENT ALIEN, AND SCARRING
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PAGE 02 SANTIA 08600 281328Z

OF CARMEN GLORIA QUINTANA IS ONE OF THE MOST INFAMOUS AND CONTROVERSIAL OF CHILE'S HUMAN RIGHTS CASES. THE TWO WERE BURNED DURING A PROTEST DEMONSTRATION. THE VICTIMS CLAIMED THEY WERE DELIBERATELY DOUSED WITH BENZINE AND SET AFIRE WHILE FERNANDEZ AND OTHERS IN

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THE MILITARY PATROL CLAIMED THE BURNING WAS ACCIDENTAL, PROVOKED BY QUINTANA WHEN SHE KICKED OVER A MOLOTOV COCKTAIL AND A JUG OF BENZINE SHE HAD BEEN CARRYING WHEN DETAINED BY THE PATROL. THE MILITARY PROSECUTOR AND CONFIRMING JUDGE OBVIOUSLY BELIEVED THE DEFENSE. WHAT APPARENTLY WAS NOT DISPUTED WAS THE FACT THAT THE FERNANDEZ PATROL DUMPED THE VICTIMS IN AN ISOLATED FIELD RATHER THAN SEEKING MEDICAL ASSISTANCE FOR THEM.

3. (U) HUMAN RIGHTS ACTIVISTS SEVERELY CRITICIZED THE ORIGINAL DECISION OF THE MILITARY INVESTIGATOR TO CHARGE FERNANDEZ WITH THE LESSER OFFENSE OF MANSLAUGHTER AND OBJECTED TO THE LIGHT SENTENCE OF 300 DAYS SUSPENDED SENTENCE. THE SENTENCE WAS JUSTIFIED, THE MILITARY INVESTIGATING JUDGE SAID, BECAUSE IT WAS FERNANDEZ' FIRST OFFENSE. LAWYERS FOR THE ROJAS FAMILY AND QUINTANA UNEARTHED REPORTS OF A TRAFFIC ACCIDENT IN WHICH FERNANDEZ, DRIVING WHILE DRUNK, KILLED A PEDESTRIAN SOME YEARS AGO, AND SAID A HARSHER PENALTY WAS WARRANTED.

4. (C) COMMENT: THE DECISION IN THIS CASE AND THE LIGHT SENTENCE ARE LIKELY TO OUTRAGE THE HUMAN RIGHTS COMMUNITY, AND THERE MAY BE FURTHER APPEALS TO INCREASE THE PUNISHMENT. THERE IS NOT, HOWEVER, CONFIDENTIAL

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PAGE 03 SANTIA 08600 281328Z

LIKELY TO BE ANY ATTEMPT TO RE-OPEN THE CASE WHEN A NEW GOVERNMENT ASSUMES OFFICE. A LAWYER IN THE VICARIA DE SOLIDARIDAD TOLD EMBOFF THAT RE-OPENING CASES WHICH HAD BEEN JUDICIALLY RESOLVED, NO MATTER HOW LIGHT THE SENTENCE OR QUESTIONABLE THE VERDICT, IS NOT ON THE AGENDA.

5. (C) THE VERDICT AND SENTENCE ARE NOT LIKELY TO CAUSE ALARM AMONG MILITARY OR SECURITY OFFICIALS WHO ARE THEMSELVES VULNERABLE TO CHARGES OF HUMAN RIGHTS ABUSES. THE "QUEMADOS" CASE HAS ALWAYS BEEN AN ANOMALY BECAUSE OF THE HORROR OF THE INCIDENT AND CONFUSION OVER EXACTLY WHAT HAPPENED, BUT FERNANDEZ' DECISION TO JUST DUMP THE VICTIMS IN AN ISOLATED FIELD CLEARLY DEMONSTRATED BAD JUDGMENT, AT A MINIMUM. WHILE THERE MAY BE SYMPATHY FOR FERNANDEZ WITHIN MILITARY RANKS, FEW ARE LIKELY TO IDENTIFY WITH HIM. GILLESPIE

Case Number: S1999000030

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El Salvador: Human Rights
Special Project (1993)

PAGE 01 SAN SA 11207 01 OF 02 282134Z
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[redacted] SECTION 01 OF 02 SAN SALVADOR 11207

E.O. 12356: DECL: OADR
TAGS: PREL, ES, NU
SUBJECT: MFA NOTE PROTESTS NICARAGUAN SUPPORT OF FMLN

1. (LOU) VICE FOREIGN MINISTER RICARDO VALDIVIESO SENT A DIPLOMATIC NOTE AUGUST 23 TO NICARAGUAN FOREIGN MINISTER D'ESCOTO PROTESTING CONTINUED NICARAGUAN SUPPORT FOR THE FMLN. THE NOTE SPECIFICALLY CRITICIZED THE CONTINUED OPERATIONS OF RADIO VENCEREMOS AND AN FMLN PRINTING PRESS IN MANAGUA AND THE COSIGUINA PENINSULA, AS WELL AS THE PRESENCE OF A FMLN LOGISTICS BASE IN THE COSIGUINA PENINSULA. MFA DIRECTOR OF POLITICAL AFFAIRS GONZALEZ COTO TOLD POLOFF AUGUST 28 THAT USG COULD USE THE DIPLOMATIC NOTE'S CONTENTS IN DISCUSSIONS WITH THIRD COUNTRIES.

3. (C) GONZALEZ COTO SAID THE MFA SENT A NOTE [redacted]

PAGE 02 SAN SA 11207 01 OF 02 282134Z

VERBALLY REQUESTING THE GON TO WITHDRAW ITS CONSUL

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: HOFFENBERG, MARV
Date: 06/07/94
Case ID: S940035G

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El Salvador: Human Rights
Special Project (1993)

GENERAL IN SAN SALVADOR, ALBERTO LEGAL TORRES, BECAUSE OF HIS TIES TO THE FMLN (SEPTEL). GONZALEZ COTO SAID; HOWEVER, THAT EL SALVADOR HAD NO INTENTION OF BREAKING RELATIONS WITH NICARAGUA. RATHER, THE GOES HOPES TO PRESSURE ORTEGA TO COMPLY WITH HIS TELA COMMITMENTS.

3. (LOU) EMBASSY'S INFORMAL TRANSLATION FOLLOWS:
NOTE NO. 4447

SAN SALVADOR, AUGUST 23, 1989

MR. MINISTER:

I HAVE THE HONOR OF REMINDING YOUR EXCELLENCY, THAT BY VIRTUE OF POINTS 5 AND 6 OF THE PROCEEDINGS OF GUATEMALA, YOUR ILLUSTRIOUS GOVERNMENT PROMISED TO END THE HELP WHICH YOU OVERTLY OR COVERTLY PROVIDE TO IRREGULAR FORCES WHICH OPERATE IN THE REGION, AS WELL AS TO PREVENT THE USE OF YOUR TERRITORY AND NEITHER LEND NOR PERMIT LOGISTICAL MILITARY SUPPORT TO PERSONS, ORGANIZATIONS, OR GROUPS WHICH INTEND TO DESTABILIZE THE GOVERNMENTS OF THE CENTRAL AMERICAN COUNTRIES.

AS YOUR EXCELLENCY KNOWS, IN ALAJUELA, NICARAGUA PROMISED TO MEET ITS UNCONDITIONAL AND UNILATERAL OBLIGATIONS WHICH COMPEL IT TO A TOTAL FULFILLMENT OF SUCH PROMISES, REITERATED IN COSTA DEL SOL, AS A COMMON AND INDIVISIBLE WHOLE THROUGH ITS EFFECT.

REGARDLESS OF THE ABOVE AND OF HAVING RATIFIED, AGAIN IN TELA, HONDURAS, THE PROMISE OF PROMOTING ALL SUCH

ACTIONS DIRECTED AT FULFILLING POINTS 5 AND 6 OF THE ESQUIPULAS ACCORD, THE GOVERNMENT OF YOUR EXCELLENCY, UP TO NOW, HAS IGNORED SUCH PROMISES, MOCKING THE GOOD FAITH AND POLITICAL WILL OF THE CENTRAL AMERICAN PRESIDENTS AND TRAMPLING THE YEARNINGS FOR PEACE OF OUR PEOPLES.

YOUR EXCELLENCY IS COGNIZANT THAT THE SANDINISTA GOVERNMENT AT NO TIME HAS HONORED ITS WORD OF NOT LENDING NICARAGUAN TERRITORY AND OF NOT OFFERING

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[redacted] MILITARY, LOGISTICAL, FINANCIAL, AND PROPAGANDA AID TO THE PERSONS INVOLVED IN ARMED ACTION AGAINST MY GOVERNMENT, ESPECIALLY THOSE WHO MAKE UP COMPOSE THE FMLN. PROOF OF THIS IS THE FACT THAT THE OFFICES OF THE SELF-PROCLAIMED 'RADIO VENCEREMOS' CONTINUE OPERATING IN LA COLONIA LAS PALMAS, IN MANAGUA AND THAT ITS TRANSMISSION INSTALLATIONS OPERATE IN CERRO COSIGUINA, LOCATED IN THE PENINSULA OF THE SAME NAME, EMITTING SIGNALS IN FREQUENCIES FROM 6615 KHZ ON THE 40 METER BAND; FROM 3470 KHZ ON THE 80 METER BAND AND FROM 166.5 MHZ ON THE MODULATING FREQUENCY.

RELEASED
El Salvador: Human Rights
Special Project (1993)

MOREOVER, THE LOGISTICAL BASE OF THE FMLN IN EL REALEJO, PASO ESTERO CABALLO, ON THE COSIGUINA PENINSULA, CONTINUES OPERATING WITHOUT INTERRUPTION IN THE TRANSPORT OF ARMS. LIKEWISE, THE FMLN'S PRINTING PRESS, SITUATED 200 METERS FROM YOUR GOVERNMENT HOUSE, IN A BUILDING APPARENTLY ABANDONED SINCE THE EARTHQUAKE, CONTINUES OPERATING AND PRINTING SUBVERSIVE PROPAGANDA WITH THE STAMP OF HAVING BEEN PRINTED IN MEXICO CITY, AND THE HEADQUARTERS OF THE FPL AND PRTC, CONTINUE TO BE SITUATED IN LA COLONIA LA ESPERANZA AND ON THE FORMER

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El Salvador: Human Rights
Special Project (1993)

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ACTION ARA-00

INFO LOG-00 ADS-00 INR-07 SS-00 CIAE-00 DODE-00 H-01
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PM-10 PA-01 OMB-01 INRE-00 ANAE-00 ACDA-12 USIE-00
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FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 1821
INFO AMEMBASSY GUATEMALA
AMEMBASSY MANAGUA
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USMISSION GENEVA
USMISSION USUN NEW YORK

[redacted] SECTION 02 OF 02 SAN SALVADOR 11207

E.O. 12356: DECL: OADR
TAGS: PREL, ES, NU
SUBJECT: MFA NOTE PROTESTS NICARAGUAN SUPPORT OF FMLN

HIGHWAY TO LEON, RESPECTIVELY.

FOR THE ABOVE EXPRESSED, I ATTENTIVELY REQUEST, THROUGH YOUR OFFICES, THAT THE GOVERNMENT OF DANIEL ORTEGA SAAVEDRA, COMPLY WITH ITS PROMISES, TAKEN BEFORE OUR PEOPLES AND THE INTERNATIONAL COMMUNITY, AND ACCEPT, WITHOUT EXCUSES OF ANY KIND, THE MOST ENERGETIC PROTEST OF MY GOVERNMENT FOR PERMITTING ACTS WHICH YOU ATTEMPT TO COMMIT AGAINST THE SECURITY AND INSTITUTIONALITY OF MY COUNTRY.

COMPLIMENTARY CLOSING.

WALKER

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8/28/89 B1
Page: 1
Case Number: S1999000030
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Exemption(s) B1

PAGE 01 SANTIA 08618 01 OF 02 282017Z
ACTION DS-01

INFO	LOG-00	ADS-00	AID-00	INR-05	SS-00	CIAE-00	EB-00
	DODE-00	NSCE-00	ARA-00	NSAE-00	COME-00	SSO-00	L-02
	AMAD-01	CTME-00	NRCE-00	TRSE-00	PM-05	PA-02	FAAE-00
	CCO-00	INRE-00	CA-02	CG-00	A-00	USSS-00	USIE-00
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FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 2750
INFO USCINCSO QUARRY HEIGHTS//SCJ-2// PRIORITY
CINCLANTFLT NORFOLK PRIORITY
AMEMBASSY MONTEVIDEO
USOFFICE MRC MIAMI
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S E C R E T SECTION 01 OF 02 SANTIAGO 08618

TERREP

MONTEVIDEO FOR LEGATT

CINC ALSO FOR POLADS

MIAMI FOR COCOD

RIO FOR SEO

E.O. 12356: DECL:OADR
TAGS: ASEC, PTER, CI
SUBJ: EMERGENCY ACTION COMMITTEE MEETING HELD TO DISCUSS POSSIBLE INCREASE IN SECURITY THREAT AGAINST USG INSTALLATIONS AND PERSONNEL

REF: SANTIAGO 8539 (NOTAL)

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PAGE 02 SANTIA 08618 01 OF 02 282017Z

1. (S/NF) ON AUGUST 25, POST CONVENED EMERGENCY ACTION COMMITTEE MEETING TO DISCUSS THREE ITEMS THAT WOULD AFFECT THE SECURITY OF USG PERSONNEL AND INSTALLATIONS IN CHILE.

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2. (C) EAC AGREED THAT ANY OR ALL OF THE ITEMS REVIEWED AT THE MEETING INDICATE THAT POST NOW FACES AN INCREASED SECURITY RISK AT LEAST THROUGH THE MONTH OF SEPTEMBER.

3. (U) THE MISSION GUARD FORCE HAS BEEN PLACED ON ALERT. ROVING PATROLS HAVE BEEN AUGMENTED THROUGH SEPTEMBER 30.

4. (U) CARABINEROS DE CHILE HAVE BEEN NOTIFIED OF POST'S CONCERN AND WERE REQUESTED TO TAKE APPROPRIATE ACTION REGARDING SUSPECTED SURVEILLANCE OF DAO RESIDENCES. RSO WILL MEET WITH CARABINERO REPRESENTATIVES THIS WEEK TO DISCUSS REINFORCING MISSION GUARD POSTS AT SELECTED LOCATIONS AT LEAST THROUGH SEPTEMBER.

5. (U) ECON WILL ARRANGE A MEETING WITH AMERICAN CHAMBER OF COMMERCE REPRESENTATIVES TO ADVISE AMERICAN PRIVATE SECTOR OF POST SECURITY CONCERNS DURING THE COMING MONTH.

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6. (U) RSO BRIEFED A MORMON CHURCH REPRESENTATIVE REGARDING POST SECURITY CONCERNS SINCE MORMON CHAPELS ARE BEING TARGETTED BY TERRORISTS IN VARIOUS PARTS OF CHILE, INCLUDING SANTIAGO. THE LATEST INCIDENT THAT POST IS AWARE OF INVOLVING MORMONS OCCURRED ON AUGUST 23. A BOMB WAS DETONATED IN FRONT OF A CHAPEL IN THE CITY OF OSORNO THAT SLIGHTLY INJURED A NUMBER OF CHILEAN STUDENTS WHO WERE INSIDE THE BUILDING. FRENTE PATRIOTICO MANUEL RODRIGUEZ (FPMR) PROPAGANDA WAS LEFT AT THE SCENE. THIS INFORMATION WAS VERIFIED BY A MORMON CHURCH REPRESENTATIVE.

7. (U) THE SANTIAGO BNC DIRECTOR HAS BEEN ADVISED OF POST SECURITY CONCERNS DURING THE COMING MONTH.

8. (U) DURING THE EAC MEETING, A DISCUSSION WAS HELD REGARDING TERRORIST METHODS OF OPERATIONS. REPRESENTATIVES WERE DIRECTED TO EMPHASIZE TO THEIR

STAFFS THE NEED TO AVOID PREDICTABLE PATTERNS OF BEHAVIOR, HIGH-PROFILE BEHAVIOR, THE NEED TO VARY ROUTES AND DEPARTURE TIMES, AND THE NEED TO REPORT ANY SUSPICIOUS ACTIVITY IMMEDIATELY TO THE SECURITY OFFICE.

10. (U) SPECIFIC CHILEAN ANNIVERSARY DATES THAT MAY BE ACCOMPANIED BY VIOLENCE INCLUDE

- SEPTEMBER 4 - TRADITIONAL CHILEAN PRESIDENTIAL
- ELECTION DATE

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PAGE 04 SANTIA 08618 01 OF 02 282017Z

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PAGE 01 SANTIA 08618 02 OF 02 282019Z
ACTION DS-01

INFO	LOG-00	ADS-00	AID-00	INR-05	SS-00	CIAE-00	EB-00
	DODE-00	NSCE-00	ARA-00	NSAE-00	COME-00	SSO-00	L-02
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	CCO-00	INRE-00	CA-02	CG-00	A-00	USSS-00	USIE-00
	JUSE-00	FBIE-00	OC-01	DOEE-00	M-01	FAIM-01	SCT-03
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O 282013Z AUG 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 2751
INFO USCINCSO QUARRY HEIGHTS//SCJ-2// PRIORITY
CINCLANTFLT NORFOLK PRIORITY
AMEMBASSY MONTEVIDEO
USOFFICE MRC MIAMI
AMCONSUL RIO DE JANEIRO

SECRET SECTION 02 OF 02 SANTIAGO 08618

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E.O. 12356: DECL:OADR
TAGS: ASEC, PTER, CI
SUBJ: EMERGENCY ACTION COMMITTEE MEETING HELD TO

- SEPTEMBER 11 - ANNIVERSARY OF 1973 MILITARY COUP
- SEPTEMBER 18 - CHILEAN INDEPENDENCE DAY
- SEPTEMBER 19 - CHILEAN ARMY DAY

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PAGE 02 SANTIA 08618 02 OF 02 282019Z

ALL OF THESE DATES FALL ON EITHER AMERICAN OR CHILEAN HOLIDAYS. THE CHANCERY AND ITS ANNEX WILL BE CLOSED ON ALL THESE DATES; HOWEVER, POST WILL PAY PARTICULAR ATTENTION TO THE TIME PERIODS THAT SURROUND THESE DATES AS WELL.

11. (U) POST WILL CONTINUE TO MONITOR SITUATION CLOSELY. GILLESPIE

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8/29/89 (JE160)

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Case Number: S199900030

Chile Project (#S199900030)
U.S. Department of State
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PAGE 01 SANTIA 08656 291740Z

ACTION ARA-00

INFO	LOG-00	ADS-00	INR-07	SS-00	OIC-02	CIAE-00	DODE-00
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~~C O N F I D E N T I A L~~ SANTIAGO 08656

E.O. 12356: DECL:OADR
TAGS: UN, PREL, CI
SUBJ: 44TH UN GENERAL ASSEMBLY: CHILEAN VIEWS

REFS: (A) STATE 259825, (B) STATE 270573

1. CONFIDENTIAL - ENTIRE TEXT.

2. POLOFF MET AUGUST 25 WITH MFA OFFICIAL IN CHARGE OF U.N. AFFAIRS, PATRICIO DAMM, TO DISCUSS U.S. AND CHILEAN CONCERNS DURING THE 44TH UNGA. POLOFF LEFT DAMM A NON-PAPER CONSISTING OF THE TALKING POINTS FROM REFTELS, WHICH HE PROMISED TO PASS ON TO FOREIGN MINISTER ERRAZURIZ.

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5. CONCERNING HUMAN RIGHTS, DAMM WAS ADAMANT THAT HIS GOVERNMENT WOULD NOT TOLERATE ANY FURTHER EFFORTS TO GIVE SPECIAL CONSIDERATION TO CHILE AND STATED FURTHER THAT THE UNHRC, AND NOT THE UNGA, IS THE PROPER FORUM TO ADDRESS THE ISSUE.

6. IN GENERAL, DAMM NOTED THAT THERE WERE NO SURPRISES AMONG THE U.S. POSITIONS AND PREDICTED THAT U.S./CHILEAN CONCORDANCE WOULD REMAIN AT THE SAME LEVEL AS IN PREVIOUS YEARS. GILLESPIE

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8/29/89 JE161

Chile Project (#S199900030)
U.S. Department of State
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PAGE 01 SANTIA 08659 291840Z
ACTION OCS-06

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FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 2777

UNCLAS SANTIAGO 08659

E.O. 12356: N/A
TAGS: CJAN, CASC, AMGT, CI
SUBJ: REQUEST FOR APPROVAL OF LEGAL SERVICES (W/W
- CASE-- WEISFEILER, BORIS)

REF: A) SANTIAGO 2534 AND SUBSEQUENT
- B) STATE 259147

1. EMBASSY SUBMITTED REQUEST FOR APPROVAL OF LEGAL SERVICES REFTEL A, DATED 14 MARCH 1989, IN THE CASE OF THE DISAPPEARANCE OF AMERICAN CITIZEN BORIS WEISFEILER. IN SPITE OF NUMEROUS FOLLOWUP ATTEMPTS, INCLUDING A PERSONAL MEETING IN THE DEPARTMENT ON MAY 3 BETWEEN OUR CONSUL GENERAL AND A REPRESENTATIVE OF L/CA, WE RECEIVED NO RESPONSE UNTIL REFTEL B, DATED AUGUST 14, STATING "DEPARTMENT IS STUDYING PROPOSAL."

2. BORIS WEISFEILER DISAPPEARED IN JANUARY 1985, WHILE HIKING IN A REMOTE AREA OF SOUTHERN CHILE. THE CHILEAN COURT'S INVESTIGATION CONCLUDED PROBABLE DEATH BY DROWNING. NO BODY WAS EVER FOUND, AND SEVERAL UNEXPLAINED INCIDENTS HAVE LED EMBASSY TO MAINTAIN AN OPEN BOOK ON THE CASE THROUGHOUT THE PAST FOUR AND ONE-HALF YEARS. EMBASSY LEARNED THAT FOUR MEMBERS OF A CHILEAN ARMY PATROL WERE ALLEGED TO HAVE BEEN IN THE SAME AREA AT THE TIME OF WEISFEILER'S DISAPPEARANCE.
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PAGE 02 SANTIA 08659 291840Z

AFTER CONSULTING A LOCAL ATTORNEY, EMBASSY BELIEVES THAT WE CAN REQUEST THE COURT TO REOPEN THE INVESTIGATION IN ORDER TO QUESTION THE MEMBERS OF THE ALLEGED ARMY PATROL. THUS, OUR REQUEST FOR LEGAL SERVICES IN ORDER TO FUND ENGAGEMENT OF THE ATTORNEY TO PREPARE THE REQUEST AND FOLLOW THE CASE.

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3. GIVEN THE SENSITIVITY OF THIS CASE, WHICH HAS SPARKED CONGRESSIONAL INTEREST, WE WOULD APPRECIATE A RAPID, POSITIVE REPLY. GILLESPIE

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Page: 1

Case Number: S1999000030

Chile Project (#S1999000030)
U.S. Department of State
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Exemption(s) ____

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PAGE 01 STATE 278459
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INFO	LOG-00	ADS-00	INR-07	SS-00	CIAE-00	DODE-00	NSCE-00
	ARA-00	NSAE-00	PA-01	INRE-00	USIE-00	SP-02	PRS-01
	DS-01	/015 R					

DRAFTED BY: S/CT:FMOSS:FM
APPROVED BY: S/CT: KSHIRLEY
DS/ATA: DEPSTEIN S/CT: RMARCUS
ARA/SC: JCASSMAN

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P 301400Z AUG 89
FM SECSTATE WASHDC
TO AMEMBASSY SANTIAGO PRIORITY

S E C R E T STATE 278459

E.O. 12356: DECL: OADR
TAGS: PTER, ASEC, PREF, CI
SUBJECT: ANTI-TERRORISM ASSISTANCE TO CHILE

REF: SANTIAGO 8542

1. S - ENTIRE TEXT.

2. DEPARTMENT APPRECIATES REFTEL. WE SHARE YOUR BELIEF THAT ATA ASSISTANCE, AS WELL AS OTHER USG COUNTERTERRORISM AID, WOULD ENCOURAGE THE DEVELOPMENT OF A COMPETENT, CIVILIAN POLICE SERVICE CAPABLE OF DEALING WITH THE TERRORIST THREAT. WE ALSO APPRECIATE EARLY "HEADS UP" SO THAT WE MAY FACTOR CHILEAN NEEDS INTO FY-1990 AND BEYOND PLANNING.

3. CONCERNING ATA, ANY SUCH PROGRAM REQUIRES A FINDING THAT THE COUNTRY HAS A THREAT, IS FRIENDLY TO THE U.S., AND HAS AN ACCEPTABLE HUMAN RIGHTS RECORD. ALL PARTICIPATING COUNTRIES MUST BE VETTED BOTH WITHIN THE

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PAGE 02 STATE 278459

ADMINISTRATION AS WELL AS WITH CONGRESS. WE BELIEVE IT WOULD BE IMPOSSIBLE TO OBTAIN CONGRESSIONAL APPROVAL FOR THE CURRENT REGIME AND THEREFORE CONCUR THAT ANY ASSISTANCE PROGRAM SHOULD COMMENCE ONLY AFTER A NEW

GOVERNMENT IS DEMOCRATICALLY ELECTED AND WHEN THE

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EMBASSY IS CONFIDENT THAT SENIOR PERSONNEL ASSIGNED TO THE FOLICE AND SECURITY SERVICES WILL CHANGE THE POLICIES OF THE PREVIOUS REGIME. AS YOU CAN UNDERSTAND. COMPREHENSIVE CHANGE FROM THE PRIOR REGIME'S POLICIES AND LEADERSHIP IS NECESSARY BEFORE CONGRESSIONAL APPROVAL FOR AN ATA PROGRAM CAN BE OBTAINED.

4. WHILE THE FOLLOWING IS BUT A ROUGH TIMELINE, HERE ARE SOME ESTIMATES OF WHEN WE MIGHT BE ABLE TO MOVE FORWARD ON THIS PROGRAM, ASSUMING THAT OUR JOINT CONCERNS ON THE LEADERSHIP OF THE POLICE AND SECURITY SERVICES ARE ADDRESSED:

MARCH, 1990: CIVILIAN GOVERNMENT TAKES POWER.

APRIL, 1990: EMBASSY SHOULD CONSULT WITH CHILEAN OFFICIALS ON TERRORISM SITUATION AND THREAT TO PUBLIC ORDER. ASSUMING THAT THE THREAT CONTINUES, S/CT, ARA AND DS/ATA WILL PROPOSE ATA ASSISTANCE FOR CHILE WITH CONCERNED CONGRESSIONAL COMMITTEES. THIS PROCESS REQUIRES THIRTY DAYS.

JUNE, 1990: COUNTERTERRORISM CONSULTATIONS WITH THE CHILEANS SHOULD TAKE PLACE. S/CT, ASSUMING EMBASSY CONCURS, COULD LEAD A SMALL TEAM, INCLUDING DS/ATA PERSONNEL, TO DISCUSS THE THREAT SITUATION AND CHILEAN TRAINING NEEDS.
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PAGE 03 STATE 278459

SUMMER, 1990: BASED ON NEEDS IDENTIFIED DURING ASSESSMENT, AN ASSISTANCE PROGRAM FOR CHILE WILL BE DEVELOPED.

LATE SUMMER, 1990: TARGET DATE FOR FIRST TRAINING PROGRAM FOR CHILE.

FALL 1990: TRAINING, BASED ON CHILEAN ASSESSMENT. CONTINUES. ASSUMING THAT CHILEAN NEEDS ARE SIMILAR TO OTHER NATIONS, ATA ASSISTANCE WOULD BE PROVIDED OVER A 2-3 YEAR PERIOD AND INCLUDE TRAINING BOTH IN THE U.S. AS WELL AS IN CHILE. FOCUS WILL BE ON BOTH OPERATOR TRAINING AS WELL AS "TRAINING THE TRAINERS."
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Chile Project (#S199900030)
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ACTION ARA-00

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R 302125Z AUG 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 2800
INFO USCINCSO QUARRY HEIGHTS
USCINCLANT NORFOLK
AMEMBASSY BUENOS AIRES
AMEMBASSY LA PAZ
AMEMBASSY LIMA

UNCLAS SECTION 01 OF 02 SANTIAGO 08707

E.O. 12356: N/A
TAGS: PGOV, CI
SUBJ: STATEMENT OF U.S. POLICY IN CHILE - ACTION
- REQUEST

1. BACKGROUND AND ACTION REQUEST: CHILEAN PRESIDENTIAL CANDIDATES ARE ABOUT TO BEGIN TRAVEL TO LATIN AMERICAN AND EUROPEAN CAPITALS AND THE U.S. (CHRISTIAN DEMOCRAT PATRICIO AYLWIN, CANDIDATE OF THE COALITION FOR DEMOCRACY, IS SCHEDULED TO MEET WITH HEADS OF GOVERNMENT/STATE IN ITALY, FRANCE, SPAIN AND FRG IN MID-SEPTEMBER. SUPPORTERS OF MAJOR CANDIDATES WILL VISIT OTHER COUNTRIES ON THEIR BEHALF.) IN THE INTEREST OF ASSISTING USG OFFICIALS WHO MAY HAVE CONTACT WITH CANDIDATES OR THEIR DELEGATIONS, OR WHO MAY BE ASKED BY HOST GOVERNMENT OFFICIALS ABOUT U.S. POLICY IN CHILE, THE FOLLOWING GISTS A POLICY STATEMENT MADE IN A SPEECH BY THE AMBASSADOR TO THE AMERICAN CHAMBER OF COMMERCE IN SANTIAGO ON AUGUST 29, 1989. ACTION REQUESTED: STATE REPEAT TO ALL ARA DIPLOMATIC POSTS AND OECD CAPITALS.
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PAGE 02 SANTIA 08707 01 OF 02 302127Z

2. THE CENTRAL FOCUS OF U.S. POLICY IS ACTIVE SUPPORT FOR CHILE'S TRANSITION TO DEMOCRACY AND PROMOTION OF OPEN, MARKET-DRIVEN ECONOMIC POLICIES TO ACHIEVE AND SUSTAIN GROWTH AND DEVELOPMENT. WE STRONGLY SUPPORT THE CONTINUATION OF THESE POSITIVE TRENDS, WHILE RECOGNIZING THAT IT IS UP TO THE

CHILEAN PEOPLE TO DEFINE THEIR OWN POLITICAL AND ECONOMIC "SPACE."

3. THE U.S. MAINTAINS AND HAS EXPANDED WHERE POSSIBLE EDUCATIONAL AND CULTURAL RELATIONS AND EXPECTS TO DO MORE IN THIS AREA IN THE FUTURE. MILITARY-TO-MILITARY CONTACTS HAVE BEEN LIMITED, BUT WE STRIVE, INSOFAR AS U.S. LAW PERMITS, TO MAINTAIN COOPERATIVE LINKS BETWEEN OUR ARMED FORCES.

4. AS OF AUGUST 1989, THERE IS EVERY INDICATION THAT ALL SIGNIFICANT POLITICAL GROUPS, INCLUDING THE MILITARY, ARE COMMITTED TO FREE AND OPEN ELECTIONS IN DECEMBER, WHICH WILL BE FOLLOWED BY THE INAUGURATION OF A NEW, CIVILIAN PRESIDENT IN MARCH 1990. IN THOSE ELECTIONS, THE U.S. HAS NO FAVORITE. WE ARE PUBLICLY AND PRIVATELY COMMITTED TO ABSOLUTE NEUTRALITY. WE EXPECT TO HAVE A SOLID, FRIENDLY RELATIONSHIP WITH WHICHEVER CANDIDATE WINS.

5. THERE ARE FIFTEEN LEGALLY INSCRIBED POLITICAL PARTIES IN CHILE, WITH ANOTHER DOZEN OR SO WHICH HAVE NOT ACHIEVED LEGAL STATUS. THE U.S. STRIVES TO MAINTAIN OPEN AND FLUID COMMUNICATION WITH PARTIES WHICH REJECT VIOLENCE AND ESPOUSE PARTICIPATIVE DEMOCRACY. WE HAVE NO/NO CONTACT WITH THE CHILEAN
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PAGE 03 SANTIA 08707 01 OF 02 302127Z

COMMUNIST PARTY AND FRINGE GROUPS OF THE FAR RIGHT OR LEFT.

6. THE RESTORATION OF FULL, NORMAL RELATIONS BETWEEN THE U.S. AND CHILEAN ARMED FORCES IS AN IMPORTANT U.S. POLICY OBJECTIVE WHICH WILL NOT BE ACHIEVED UNTIL THREE CONDITIONS ESTABLISHED IN U.S. LAW ARE MET. (1) THE PRESIDENT MUST CERTIFY THAT CHILE IS MAKING PROGRESS TOWARD ESTABLISHMENT OF A FREELY ELECTED DEMOCRATIC GOVERNMENT; MOST OBSERVERS AGREE THAT THERE HAS BEEN PROGRESS. (2) THE PRESIDENT MUST CERTIFY TO IMPROVEMENT IN THE OBSERVANCE OF BASIC HUMAN RIGHTS IN CHILE; MOST OBSERVERS AGREE THAT THERE HAS BEEN SUBSTANTIAL IMPROVEMENT OVER THE PAST 12 TO 18 MONTHS. (3) THE PRESIDENT MUST CERTIFY THAT THE GOC IS COOPERATING TO BRING TO JUSTICE, EITHER IN THE U.S. OR IN CHILE, THOSE RESPONSIBLE FOR THE SEPTEMBER 1976 MURDERS IN WASHINGTON, D.C., OF ORLANDO LETELIER AND RONNI MOFFIT; THE CHILEAN SUPREME COURT REJECTED THE U.S. REQUEST FOR

EXTRADITION OF TWO RETIRED SENIOR MILITARY OFFICERS WHO ARE UNDER U.S. INDICTMENT. THE GOC HAS NOT OTHERWISE MET MINIMUM STANDARDS OF COOPERATION IN THE CASE.

7. MANY CHILEANS BELIEVE THE LETELIER-MOFFIT CASE IS A POLITICAL MATTER AND THAT FREE, OPEN ELECTIONS AND INSTALLATION OF A CIVILIAN GOVERNMENT WILL WIPE THE RECORD CLEAN. THAT IS NOT/NOT CORRECT. THE U.S. CONTINUES TO SEEK JUSTICE THROUGH DIPLOMATIC CHANNELS AS WELL AS THE COURT SYSTEMS OF BOTH COUNTRIES.

NOTE: NOT REPEATED TO ALL ARA DIPLOMATIC POSTS AND OECD CAPITALS BY OC/T.

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PAGE 01 SANTIA 08707 02 OF 02 302127Z
ACTION ARA-00

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R 302125Z AUG 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 2801
INFO USCINCSO QUARRY HEIGHTS
USCINCLANT NORFOLK
AMEMBASSY BUENOS AIRES
AMEMBASSY LA PAZ
AMEMBASSY LIMA

UNCLAS SECTION 02 OF 02 SANTIAGO 08707

E.O. 12356: N/A
TAGS: PGOV, CI
SUBJ: STATEMENT OF U.S. POLICY IN CHILE - ACTION

EITHER THE CURRENT GOVERNMENT OR ITS SUCCESSOR MUST COOPERATE TO SEE JUSTICE DONE AND THUS REMOVE THIS OBSTACLE TO A NORMAL RELATIONSHIP BETWEEN OUR TWO GOVERNMENTS.
GILLESPIE

UNCLASSIFIED

NNNN

Chile Project (#S1999000030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____

UNCLASSIFIED

PAGE 01 SANTIA 08727 311906Z
ACTION HA-09

INFO LOG-00 ADS-00 ARA-00 /009 W
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R 311904Z AUG 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 2808

UNCLAS SANTIAGO 08727

E.O. 12356: N/A
TAGS: PHUM
SUBJ: HUMAN RIGHTS CASE - CHRISTIAN MENESES TORRES

REF: CASSMAN - MASON TELEX

CHRISTIAN MENESES TORRES, ARRESTED ON APRIL 10, 1985 FOR VIOLATING THE ARMS CONTROL LAW, WAS RELEASED ON BOND JULY 9, 1987. VERONICA REINA, CHIEF OF THE JURIDICAL DIVISION OF FASIC, SAID HIS CASE MAY BE RESOLVED IN THE NEAR FUTURE. ALICE T. SCHAFER, CHAIR OF THE AMERICAN MATHEMATICAL SOCIETY'S COMMITTEE ON HUMAN RIGHTS, HAD EXPRESSED INTEREST IN THIS CASE. GILLESPIE

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Chile Project (#S199900030)
U.S. Department of State
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Exemption(s) ____
8/31/89

hetelier

Objective: "Normalize" relationship w/ Chile

which means:
1) Congress lifts aid restriction
2) Civil j-mt resolved.

Methods: (Options to accomplish above)

I. Aid Restriction (

Under what conditions will congress agree to lift Chile ?
a) civil j-mt pd in full
b) Chile takes "measures" to bring those resp. to justice

1. ~~we~~ USG provides ev. sufficient ↓ Chile's ~~extradition~~ law for extradition
2. Chile sets up "task force" to look into mtr.
3.

c) Combo - small ev. $ payment +

II. Civil Judgmt

1) obtain satisfactory payment to victims
a) full ex gratia payment
b) negotiated ~~settlement~~ less than full
c) partial payment by other A's - can Chile help (ie, location of assets)
d) agree to abide by recommendation

i) under what conditions ↓ which USG would agree to accept results.

a) respected, unbiased jurists (at least 3)

b) reasonable time limit for proceedings

c) ~~obt~~ procedure- ~~for~~ obtain all poss ev.

a i) ~~took~~ parties have opportunity to present ev & explain signif.

i) Comm'n can ask for add'l ev. info.

iii) appearance of wits?
called by comm'n/ parties
- ~~must~~ required neutral location

3 neutrals

d) affix responsibility (not blame
ie, Contreras ~~acting~~ a govt official, responsible.
civil responsible whether or not Superiors ordered it.

e) make findings of damages/ ~~es~~ determine if GOC had any responsibility for damages.

Liquidation / payment

~~Qs - Can we espouse a j-mt (vis - a claim~~
Qs - ~~are~~ we state's willing to live w/ whatever results from this procedure
- Congress

U.S. position

- pay judgment
- prosecute responsible persons

Chilean

- not pay judgment
- go away on crim aspects
- ~~ofc aid~~

Common

- restore aid to Chile
- normalize relationship

2 aspects stand in way

a) Civ judgmt

b) criminal aspect -

- not asking for extradition
- efforts to frustrate investigation

i.e. ?

agreed that victims should be compensated for losses.

how to -

- will (have) any other Δ's pd up?
  Can we/Chile get them to -
  what about victims, execution a/g assets of

- enforcement of j-dmt a/g indiv. Δs.

ex gratia payment by Chile for ~~B~~ balance

Objectives

1) ~~to~~ normalize relationship

2) restore aid to Chile

3) ~~satisfy~~ ~~Congress~~ forestall c'mt short to S.S.U.A.

To accomplish above

resolve civil j'mt

~~remove aid re~~

1) restore aid
   a) resolve civil j-mt

Q- will Congress "agree" that if ~~victims~~ Chile agrees to abide by conclusions of Comm'n, aid will be restored

resolve civil j-mt
options
1) full ex gratia payment
2) settlement - negotiated - ½ full value
3) ½ full value + a) assistance in crim
   b) obtaining $ from

4) both sides agree to ~~abide~~ act in accordance w/ Comm'n suggestions

Q - What need will satisfy both countries as procedure whose outcome we will live w/.

U.S. - Chile - respect for laws.

~~d)~~ Stress ~~Common Legal~~

a) Does not interfere

How to deal w/ Congress

What exactly do we want Chile to do w/ respect to Crim proceedings

a) HLEI
b) DoJ
c) Congress?

extradition NOT an option

e.g. - set up "task force" to look into Contreras w/o w/ others Cubans

assets of Townley in Chile.

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conflict
we want to pay - you don't want to pay.
moral ob v. legal ob.

how to resolve?

i) by commission,
~~trust~~ would accept results if:

a) eminent / unbiased - jurisdts.
agreement by parties as to who should sit.

b) opportunity to present ev.

c) jurisdict can request additional parties to appear / give ev.
ask for addl ev.

d) looks only at factual, not legal issues. ?? involvement of GOC

responsibility

not necessarily authorized activity - e) determines - who responsible for Let / Moffit deaths

Those ee's acting w/in scope of empl'mt.

losses suffered
no result
injuries/damages

suggests ways to resolve -

-ie, should pay $
in return. U.S. should restore aid.

What would we want GOC to do on Crim side
State
~~others~~ DoJ
Congress

responsibility ≠ fault / blame

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____

8/31/09
LC 171

3213

TO: L -

FROM: L/ARA

RE: Impediments to "Normalization" of our relationship with Chile

Although we have been concentrating on resolution of the civil case brought by the victims' families, the criminal aspect of the case must also somehow be resolved if relations with Chile are to become "normal". provides that certain benefits under the Foreign Assistance Act of 1961 and the Arms Export Control Act cannot be provided to Chile unless and until the President submits a detailed report certifying three things, one of which is that the GOC "has taken appropriate steps to cooperate and to bring to Justice by all legal means available in the U.S. or Chile those indicted by a U.S. grand jury in connection with the murders of Orlando Letelier and Ronni Moffitt." (Provision attached).

There are essentially two ways ~~to resolve~~ to have the restrictions removed. Either the requirement must be satisfied - the President submits the report -, or Congress repeals the provision. must modify

I suggest that we begin to explore ways to do each of the two. To satisfy the requirement, we may want ask Justice to give us some specifics on what they would like Chile to do, other than extradite.

At the same time we may want to attempt to discern under what conditions Congress would be willing to legislate a restoration of these benefits to Chile. For example, if the human rights situation generally improves in the next Chilean administration, and/or if Chile makes payment to the victims families', or the USG's own research shows that Chile's refusal to extradite is defensible, will Congress revise or repeal this provision?.

~~While we are in a framework of cooperation~~ victims
~~it may be easier to get begin with~~

The criminal aspect will have to resolved, Q is whether this framework is appropriate.

Mechanism that USG:
- results in payment to victims
- criminal liability resolved - Chile or U.S.

Short term -
- ~~Strategy~~ pre stalls efforts to amend FSIA by showing ~~beyond~~ tangible progress

ie, ~~agreed~~ agree to "framework" for resolution.

~~that~~ w understanding that both sides will agree to implement results w/in ~~bounds~~ limits of ~~national~~ law

~~Ok~~ How to achieve
~~mechanism that does adjudicate~~
mechanism that looks at facts.

Do you agree that GOC officials involved they should ~~be held~~ pay damages for eco losses.

Amt -

What if amt is less

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United States Department of State

Washington, D.C. 20520

CONFIDENTIAL 89 AUG 31 P4:23

August 31, 1989

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Margaret P. Grafeld

Dist to:
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MEMORANDUM FOR CARNES LORD

THE WHITE HOUSE

Subject: Request for Chilean Presidential Candidate Hernan Buchi to Meet with Vice President Quayle

Chilean presidential candidate Hernan Buchi will visit Washington September 10 - 15. Buchi is the presidential candidate of the center-right, and enjoys strong support from Chile's business community. As Minister of Finance (1985-89), Buchi engineered Chile's current economic boom by encouraging foreign investment and managing responsibly Chile's external debt. Recent polls indicate that Buchi trails front-runner Patricio Aylwin by about 15 percentage points, but the campaign has just started. The presidential elections are scheduled for December 14. The new government will assume power on March 11, 1990, ending more than 16 years of military rule.

Buchi has requested an appointment with Vice President Quayle. We believe that such a meeting would send a strong signal reaffirming U.S. support for the upcoming Chilean elections and the transition to democracy. Buchi will have meetings with top State Department officials in addition to sessions on the Hill. We should, of course, maintain a policy of strict neutrality in the elections and give balanced, equitable treatment to Patricio Aylwin if he should decide to visit Washington.

J. Stapleton Roy
Executive Secretary

Attachment:

Bio on Hernan Buchi.

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UNCLASSIFIED 8/31/84
Case Number: S1999000030
Chile Project (#S1999000030)
U.S. Department of State
Release_____ Excise X Deny_____
Declassify: In Part X In Full_____
Exemption(s) B1, B6 & -6

EXCISE

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PAGE 01 SANTIA 08717 01 OF 02 311752Z
ACTION ARA-00

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TO SECSTATE WASHDC 2805
INFO AMEMBASSY LA PAZ

UNCLASSIFIED
C O N F I D E N T I A L SECTION 01 OF 02 SANTIAGO 08717

E.O. 12356: DECL:OADR
TAGS: PHUM, CVIS, CI
SUBJ: U.S. CITIZEN INTEREST IN TWO CHILEANS APPARENTLY INVOLVED WITH TERRORIST ORGANIZATION

UNCLASSIFIED
1. CONFIDENTIAL - ENTIRE TEXT.

2. SUMMARY: U.S. CITIZENS HAVE BEEN CALLING THE EMBASSY AND MAY CONTACT THE DEPARTMENT TO REQUEST PROTECTION FOR TWO CHILEAN CITIZENS, IVAN LEONARDO AND PABLO DURAN MUNOZ, WHO, IT IS CLAIMED, ARE BEING PERSECUTED BY CHILEAN SECURITY AGENTS. ALTHOUGH THE FRIENDS AND FAMILY OF THE DURANS CLAIM THE TWO ARE INNOCENT VICTIMS OF THE PINOCHET REGIME, [redacted] (PLEASE PROTECT) TOLD EMBOFF THEY ARE MEMBERS OF THE LAUTARO YOUTH MOVEMENT, A TERRORIST ORGANIZATION RESPONSIBLE FOR KILLING SEVEN CARABINEROS (UNIFORMED POLICE), ATTACKING U.S. CITIZEN MORMON MISSIONARIES AND THEIR TEMPLES, AND NUMEROUS ARMED ROBBERIES. END SUMMARY.

3. U.S. CITIZEN SALLY BEAN OF BERKELEY, CALIFORNIA, CALLED EMBASSY DUTY OFFICER THE EVENING OF AUGUST 18 TO SAY HER NEPHEWS, IVAN LEONARDO AND PABLO DURAN MUNOZ, WERE BEING PERSECUTED BY CHILEAN SECURITY

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OFFICIALS AND TO REQUEST USG ASSISTANCE FOR THEM. SIMILAR CALLS WERE MADE OVER THE WEEKEND BY THE FATHER OF SINCLAIR THOMPSON, A FULBRIGHT STUDENT VISITING FROM BOLIVIA WITH THE DURAN FAMILY, TELEVISION STATION KQED IN CALIFORNIA AND MS. BEAN'S LAWYER. ON AUGUST 21, EMBOFF ASKED

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OFFICIALS OF THE CATHOLIC CHURCH'S HUMAN RIGHTS ORGANIZATION, VICARIATE OF SOLIDARITY, FOR INFORMATION ON THE DURANS, BUT WAS TOLD THEY HAD NO INFORMATION. ON AUGUST 22, CONSOFF TALKED WITH MS. BEAN AND TOLD HER EMBASSY HAD NOT BEEN ABLE TO DETERMINE WHY THE TWO WERE BEING PURSUED OR BY WHOM. EMBASSY HUMAN RIGHTS OFFICER TOLD MS. BEAN THE SAME THING ON AUGUST 23, BUT ALSO TOLD HER THAT THE YOUNG MEN'S MOTHER PLANNED TO VISIT THE EMBASSY ON AUGUST 24 AND THAT SHE MIGHT SHED SOME MORE LIGHT ON THE SITUATION. KQED ALSO CALLED USIS OFFICERS FOR MORE INFORMATION.

-

4. MRS. PATRICIA MUNOZ AND HER MOTHER-IN-LAW CAME TO THE EMBASSY ON AUGUST 24. SINCLAIR THOMPSON JOINED THEM AND EMBOFF LATER. MRS. MUNOZ SAID SHE HAD NO IDEA WHERE HER SONS WERE OR EVEN IF THEY WERE SAFE. EMBOFF SAID IVAN LEONARDO HAD CALLED CONSOFF THAT MORNING, INDICATING HE WAS NOT BEING HELD AGAINST HIS WILL. (CONSOFF HAD TAKEN THE OPPORTUNITY TO EXPLAIN ASYLUM AND REFUGEE REGULATIONS.) MRS. MUNOZ EXPRESSED RELIEF, BUT ASKED EMBOFF TO ASK THE GOC TO STOP SURVEILLANCE OF HER HOME AND PERSECUTION OF HER CHILDREN. MRS. MUNOZ SAID SHE KNEW OF NO REASON WHY THE GOC WAS INTERESTED IN HER SONS, ALTHOUGH SHE SAID THEY HAD BEEN INVOLVED IN SOME UNDEFINED POLITICAL ACTIVITY. SHE EXPLAINED THAT

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PAGE 03 SANTIA 08717 01 OF 02 311752Z

A LAWYER FROM THE LEFTIST COMMITTEE FOR THE DEFENSE OF THE PEOPLE (CODEPU) WAS FILING AN "AMPARO" IN ORDER TO DISCOVER IF THERE WAS A FORMAL CHARGE AGAINST THE YOUNG MEN.

-

5. A PARALLEL REQUEST FOR PROTECTION FROM THE GOC HAS BEEN MADE BY THE DURANS' UNCLE, HUMBERTO TOLEDO, TO THE CANADIAN EMBASSY HERE. A CANADIAN VICE CONSUL TOLD EMBOFFS THAT MR. TOLEDO PROFESSED BEWILDERMENT ABOUT WHY HE OR HIS NEPHEWS WERE BEING SOUGHT BY GOC OFFICIALS.

-

6. EMBOFF EXPLAINED TO MS. MUNOZ THAT, IN VIEW OF THE IMPROVING HUMAN RIGHTS CLIMATE IN CHILE, HARASSMENT OF INNOCENT CIVILIANS SEEMED UNUSUAL, AND ASKED IF SHE COULD FIND OUT THE NATURE OF THE "POLITICAL ACTIVITY" IN WHICH HER SONS HAD BEEN INVOLVED.

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7. [redacted] (PROTECT) SAID, IN STRICTIST CONFIDENCE, THAT THE DURANS WERE MEMBERS OF THE LAUTARO YOUTH MOVEMENT, ACCORDING TO THEIR UNCLE AND ANOTHER RELIABLE SOURCE. [redacted]

B-2
B-6

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PAGE 01 SANTIA 08717 02 OF 02 311752Z
ACTION ARA-00

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TO SECSTATE WASHDC 2806
INFO AMEMBASSY LA PAZ

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C O N F I D E N T I A L SECTION 02 OF 02 SANTIAGO 08717

E.O. 12356: DECL:OADR
TAGS: PHUM, CVIS, CI
SUBJ: U.S. CITIZEN INTEREST IN TWO CHILEANS

[redacted]

HE ADDED THAT THE LICENSE PLATE OF THE CAR OF THOSE SURVEILLING THE DURAN HOUSE BELONGED TO THE CARABINEROS, BUT IT WOULD NOT BE UNUSUAL IF THE CNI HAD BORROWED IT. [redacted] SAID HE DID NOT KNOW IF THE DURANS HAD BEEN INVOLVED IN A TERRORIST ACT OR NOT. THE UNCLE, HUMBERTO TOLEDO, HAD TOLD HIM THE DURANS LEFT THEIR HOME THE EVENING OF AUGUST 10 IN THE COMPANY OF A YOUNG MAN WHO HAD BEEN INVOLVED IN A CONFRONTATION WITH CNI OFFICIALS AFTER HE AND THREE COMPANIONS HAD STOLEN A TAXI. THE UNIDENTIFIED YOUNG MAN, ACTIVE IN THE COMMUNIST "SELF-DEFENSE OF THE PEOPLE," HAD INITIALLY SOUGHT REFUGE WITH THEM. ONE OF THE DURANS EVENTUALLY WENT TO THE TOLEDO

B-2
B-6

HOME FOR SEVERAL DAYS BEFORE JOINING THE OTHERS IN A LAUTARO SAFE HOUSE.

8. COMMENT: IT APPEARS THAT THE DURANS AND THEIR CONFIDENTIAL

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PAGE 02 SANTIA 08717 02 OF 02 311752Z

FAMILY AND FRIENDS ARE ATTEMPTING TO USE USG AND CANADIAN INVOLVEMENT AS A SCREEN FOR THEIR ACTIVITIES IN THE LAUTARO YOUTH MOVEMENT, AND POSSIBLY IN A VIOLENT ACT. EMBOFF HAS MADE CLEAR TO THE FAMILY AND TO THEIR LAWYER THAT WHILE WE CONTINUALLY URGE THE GOC TO PROVIDE A FAIR TRIAL TO THOSE ACCUSED OF VIOLENT ACTS, WE DO NOT CONDONE SUCH ACTIVITIES.

A GENERAL REFERENCE TO THE DURANS' TERRORIST AFFILIATIONS COULD BE MADE TO RESPOND TO QUERIES FROM U.S. CITIZENS ABOUT THEIR WELFARE. GILLESPIE

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TO AMEMBASSY MEXICO 2648
BT

UNCLAS SECTION 01 OF 04 GUATEMALA 13368

MEXICO FOR LEGATT

PDS

THE FOLLOWING TELEGRAM SENT ACTION SECSTATE 04 NOV 89 BEING REPEATED FOR YOUR INFO

UNCLAS SECTION 01 OF 04 GUATEMALA 13252

E.O. 12356: N/A
TAGS: CASC, GT (ORTIZ, DIANA)
SUBJECT: WELFARE/WHEREABOUTS CASE OF DIANA ORTIZ

1. SUMMARY. ON NOVEMBER 2, 1989, RELIGIOUS WORKER DIANA ORTIZ DISAPPEARED FROM A RETREAT CENTER IN ANTIGUA. SHE APPEARED ABOUT 24 HOURS LATER ON NOVEMBER 3 IN DOWNTOWN GUATEMALA CITY. FELLOW RELIGIOUS WORKER AND LOCAL MARYKNOLL PRIEST CLAIM ORTIZ HAD RECEIVED SEVERAL WARNINGS AND THREATS DURING THE PAST YEAR, AND THAT SHE WAS KIDNAPPED, QUESTIONED AND BEATEN/RAPED BY HER CAPTORS. AMBASSADOR AND CONGEN OBTAINED A BRIEF VISIT WITH ORTIZ AFTERNOON OF NOVEMBER 3. END SUMMARY.

2. ON NOVEMBER 2, 1989, DIANA MAY ORTIZ [redacted] WAS REPORTED MISSING AND KIDNAPPED FROM THE COURTYARD OF A RELIGIOUS RETREAT CENTER, POSADA BELEN IN ANTIGUA, WHERE SHE WAS ATTENDING A 6-WEEK RELIGIOUS TRAINING COURSE. THE EMBASSY WAS NOTIFIED THAT DIANA WAS MISSING AT 12:00 P.M. BY COLLEAGUE DARLENE CHMIELEWSKI. MS. CHMIELEWSKI STATED THAT DIANA ARRIVED IN ANTIGUA ABOUT 1-1/2 WEEKS AGO FROM SAN MIGUEL ACATAN, HUEHUETENANGO, WHERE THE TWO OF THEM HAD BEEN WORKING FOR A MARYKNOLL PARISH. DIANA WORKED AS A TEACHER OF YOUNG CHILDREN, AND WAS ALSO LEARNING THE INDIGENOUS DIALECT OF THE AREA. HER COLLEAGUES REPORTED THAT SHE HAS NOT BEEN INVOLVED IN ANY CONTROVERSIAL OR POLITICAL ACTIVITIES.

B6

3. ACCORDING TO DARLENE CHMIELEWSKI, MS. ORTIZ, WHO HAD RECEIVED A NUMBER OF WARNINGS AND THREATS DURING THE PAST FEW MONTHS, WAS LAST SEEN BY COLLEAGUES ABOUT 7:30 A.M. ON NOVEMBER 2, IN THE GARDEN COURTYARD OF THE RETREAT CENTER, POSADA BELEN, WHERE SHE HAD GONE TO PRAY ALONE. SHE DID NOT REPORT TO HER CLASSES, WHICH BEGIN AT 9:00 A.M.

CLASS: UNCLASSIFIED
CHRGE: PROG 11/06/89
APPR: AMBLTFSTROCCK
DRFTD: CONS:PDSPECK
CLEAR: CONS:SHPATTERSON
DISTR: CONS

Guatemala
Amembassy
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Ortiz, Diana
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United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 07/11/95
Case ID: 9512226

. BEGINNING ABOUT 12:30 A.M., HER COLLEAGUES AT THE RETREAT SEARCHED THE GROUNDS AND ROOMS AND SURROUNDING AREAS ONE AT A TIME, TO NO AVAIL, AND THEN CONTACTED THE NATIONAL POLICE IN ANTIGUA, WHO BEGAN TO INVESTIGATE THE CASE. SHORTLY THEREAFTER, A GARDENER AT THE POSADA BELEN FOUND DIANA'S SHAWL NEAR THE REFUSE AREA NEAR THE BACK OF THE RETREAT CENTER'S GROUNDS. SEVERAL YOUTHS IN THE AREA REPORTED THEY HAD SEEN A LONG HAIRED MAN WEARING BLUE JEANS WALKING ALONE.

. WHEN COLLEAGUES REALIZED DIANA WAS ACTUALLY MISSING, SOMEONE RECALLED THE ARRIVAL AT THE POSADA TWO WEEKS PREVIOUSLY OF A LETTER ADDRESSED TO DIANA ORTIZ. SINCE NO ONE AT THE POSADA KNEW DIANA AT THE TIME THE LETTER ARRIVED, IT WAS THROWN INTO A WASTEBASKET. THE LETTER WAS RETRIEVED FROM THE WASTEBASKET ON NOVEMBER 2. INSIDE THE ENVELOPE ADDRESSED TO DIANA ORTIZ WAS A SHORT THREAT MESSAGE COMPOSED OF INDIVIDUAL LETTERS CUT FROM A MAGAZINE OR NEWSPAPER: QUOTE SALGA DEL PAIS UNQUOTE. (LEAVE THE COUNTRY.)

. FROM ABOUT JANUARY TO MAY, WHILE WORKING IN SAN MIGUEL ACATAN, MS. ORTIZ HAD RECEIVED FOUR OR FIVE HAND-WRITTEN WARNING NOTES, TELLING HER TO BE CAREFUL. THE NOTES, WHICH WERE NOT TAKEN TOO SERIOUSLY, WERE POORLY WRITTEN WITH MISSPELLED WORDS. ALTHOUGH CHURCH OFFICIALS WERE NOTIFIED OF THE MESSAGES, CIVIL AUTHORITIES WERE NOT.

. DURING THE MONTH OF JUNE, DIANA WENT TO STUDY SPANISH IN GUATEMALA CITY. THE ARRANGEMENTS WERE MADE BY THE MARYKNOLL HOUSE IN GUATEMALA CITY. SHE LIVED IN GUATEMALA CITY WITH A FAMILY AFFILIATED WITH THE CAM HUMAN RIGHTS MONITORING ORGANIZATION, WITH WHOM SHE HAD HAD NO PREVIOUS CONTACT. MARYKNOLL COLLEAGUES IN GUATEMALA COULD NOT PROVIDE THE NAME OF THE SCHOOL OR ADDRESS.

. IN JUNE, WHILE WALKING WITH COLLEAGUES IN ZONE 1 IN GUATEMALA CITY, AN UNKNOWN MAN, WHO ADDRESSED HER BY NAME, GRABBED HER ARM AND TOLD HER TO LEAVE THE COUNTRY. CHURCH OFFICIALS RECOMMENDED SHE LEAVE GUATEMALA FOR A TIME, AND SHE AND COLLEAGUE DARIENE SEMINIEWSKI WENT TO THE UNITED STATES FOR VACATION.

. IN SEPTEMBER THE TWO WOMEN RETURNED TO SAN MIGUEL ACATAN TO RESUME THEIR DUTIES. ALL SEEMED NORMAL.

ACTION CONS-00 INFO OCS-00 ADS-00

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TO RUEPGT/AMEMBASSY MEXICO 6356
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UNCLAS SECTION 02 OF 04 GUATEMALA 13388

CLASS: UNCLASSIFIED
ORIGT: PROG 11/03/03
APPRV: AMB:TFSTROOCK
DRFTD: CONS:PDSPECK
CLEAR: CONS:SHPATTERSON
DISTR: CONS AMB

CARVER, WHILE IN GUATEMALA CITY FOR A VISIT, DIANA RECEIVED A NOTE TELLING HER TO LEAVE THE COUNTRY. THIS NOTE WAS COMPOSED OF INDIVIDUAL LETTERS CUT FROM A NEWSPAPER OR MAGAZINE. THE SIX WEEKS TRAINING AT POSADA BELEN WAS ARRANGED TO PROVIDE RELIEF FROM THE THREATENINGS.

14. ON THE EVENING OF NOVEMBER 1, WHILE RETURNING FROM COLLEAGUES TO POSADA BELEN FROM AN OUTING, DIANA NOTICED THAT TWO MEN SHE SAW SITTING ON A BENCH OUTSIDE THE POSADA WERE THE SAME MEN SHE HAD SEEN THE PRIOR EVENT.

15. WHEN MS. CHMIELEWSKI NOTIFIED THE EMBASSY OF THE DISAPPEARANCE OF HER COLLEAGUE, SHE INDICATED THAT SHE DID NOT WANT TO PROVIDE ADDITIONAL DETAILS OVER THE PHONE, BUT WOULD COME TO THE EMBASSY THE AFTERNOON OF NOVEMBER 2 TO DISCUSS THE CASE. HOWEVER, AT 5:20 P.M. SHE CALLED CONOFF TO SAY THAT SHE HAD BEEN DELAYED, AND WOULD COME TO THE EMBASSY AT 8:00 A.M. ON NOVEMBER 3. CHMIELEWSKI REPORTED THAT DIANA'S SHAWL HAD BEEN FOUND BY THE GARDENER ON THE OUTER BOUNDARY OF THE POSADA NEAR THE RESCUE AREA, AND THAT THREE DETECTIVES FROM THE ANTIGUA NATIONAL POLICE HAD BEEN ASKING QUESTIONS AND WERE CONTINUING THE SEARCH. SHE ALSO STATED THAT DIANA'S PARENTS IN NEW MEXICO HAD BEEN NOTIFIED OF HER DISAPPEARANCE BY THE URSULINE ORGANIZATION IN KENTUCKY, WHERE DIANA HAD WORKED AS A KINDERGARTEN TEACHER FOR NINE YEARS PRIOR TO ARRIVING IN GUATEMALA ABOUT 15 OR 18 MONTHS AGO. CHMIELEWSKI IDENTIFIED THE THREATENING MESSAGES WHICH DIANA HAD RECEIVED.

16. PLANS WERE MADE FOR A CONOFF AND A POLOFF TO GO TO ANTIGUA FOR FURTHER INFORMATION, AND TO JOIN IN THE SEARCH. HOWEVER, CONOFF WAS TOLD BY A RELIGIOUS WORKER AT POSADA BELEN THAT DARLENE CHMIELEWSKI HAD TRANSFERRED FOR THE NIGHT TO THE MARYKNOLL HOUSE IN GUATEMALA CITY TO BE READY TO VISIT THE EMBASSY THE FOLLOWING MORNING. CONOFF CALLED MARYKNOLL HOUSE TO CONFIRM THAT CHMIELEWSKI WAS AVAILABLE FOR INTERVIEW THAT SAME EVENING. POLOFF AND CONOFF VISITED WITH FATHERS HEALEY AND JANSEN, DARLENE CHMIELEWSKI, AND THREE OTHER RELIGIOUS WORKERS AT MARYKNOLL HOUSE FOR APPROXIMATELY TWO HOURS.

15. THE MARYKNOLL MEMBERS WITH WHOM THE EMBOFFS SPOKE BELIEVED TWO POSSIBLE REASONS FOR ORTIZ' DISAPPEARANCE:

(1) DIANA WAS THE SCAPEGOAT IN THE CONTINUING ANIMOSITY BETWEEN THE MILITARY IN HUEHUETENANGO AND THE MARYKNOLL PRIEST IN SAN MIGUEL ACATAN.

(2) DIANA WAS ABDUCTED BY A REJECTED SUITOR. SECOND YEAR SOC IN SAN MIGUEL ACATAN, A MILITARY OFFICER SEEMED TO BE INTERESTED IN DIANA, BUT HER COLLEAGUES INFORMED HIM THAT SHE WAS A NUN, AND HE WAS REBUFFED. ACTUALLY, DIANA IS A RELIGIOUS WORKER, AND NOT A NUN.

16. EMBOFFS OFFERED TO ACCOMPANY FATHER JANSEN TO A MEETING WITH THE GUATEMALAN MINISTER OF INTERIOR SCHEDULED FOR 8:00 A.M. ON 3 NOVEMBER. THEY ALSO OFFERED THE ASSISTANCE OF THE CONSULAR SECTION IN KEEPING ABREAST OF THE POLICE SEARCH; IN CONTACTING SENIOR POLICE OFFICIALS AND THE NATIONAL POLICE IN ANTIGUA; IN HELPING THE FAMILY IN THE U. S. INFORMED; AND TO BE AVAILABLE 24 HOURS PER DAY UNTIL DIANA WAS LOCATED.

17. AT 8:30 A.M. ON NOVEMBER 3, POLOFF IN AN EMBASSY VAN PICKED UP THE REPRESENTATIVES FROM THE MARYKNOLL HOUSE TO ACCOMPANY THEM TO THE MEETING WITH THE MINISTER OF INTERIOR.

18. AT 9:50 A.M., AS CONOFF AND AN FSN INVESTIGATOR WERE LEAVING THE EMBASSY TO GO TO ANTIGUA, WORD CAME BY RADIO FROM THE POLICE WHO HAD MET WITH THE MINISTER OF INTERIOR THAT DIANA HAD BEEN LOCATED, AND HAD BEEN BROUGHT TO THE MARYKNOLL HOUSE, 20 CALLE, 11-44, GUATEMALA CITY, JUST A FEW MOMENTS BEFORE.

19. WHEN EMBOFFS ARRIVED AT MARYKNOLL HOUSE, THEY WERE TOLD THAT DIANA WAS NOT ABLE TO BE INTERVIEWED BECAUSE OF PSYCHOLOGICAL TRAUMA. DARIENE CEMIELEWSKI

[illegible] WAS TOO UPSET TO BE INTERVIEWED. MARYKNOLL FATHER BEALEY REPORTED THAT HE, TOGETHER WITH A DRIVER AND TWO FEMALE MARYKNOLL COLLEAGUES, HAD PICKED UP DIANA FROM ZONE 1 IN GUATEMALA CITY. BEALEY HAD LITTLE ADDITIONAL INFORMATION TO OFFER BECAUSE APPARENTLY THERE WAS NO CONVERSATION IN THE CAR. HE INDICATED THAT DIANA HAD FACIAL BRUISES, AND COMPLAINED OF BACK PAIN.

16. AT MARYKNOLL OFFICES ALSO TALKED TO THE LAWYER OF THE ARCHDIOCESE, LIC. MARIA EUGENIA BERGER, WHO HAD ALLEGEDLY INTERVIEWED DIANA. BERGER REPORTED THAT DIANA HAD NO FACIAL BRUISES, AND THAT SHE WAS UNDER THE PROTECTION OF THE CHURCH. LATER, THE LAWYER INDICATED THAT SHE HAD NOT ACTUALLY SEEN DIANA, AND HAD NO INFORMATION TO OFFER. CONOFF ASKED WHETHER DIANA HAD RECEIVED MEDICAL TREATMENT FOR THE BRUISES OR FOR PSYCHOLOGICAL TRAUMA. THE LAWYER ANSWERED THAT SHE WAS UNDER THE PROTECTION OF THE ARCHDIOCESE, AND THAT SHE WOULD RECEIVE WHAT WAS NEEDED LATER. CONOFF AGAIN ASKED WHETHER THERE WAS A CLINIC AT MARYKNOLL HOUSE THAT COULD OFFER DIANA SOME RELIEF. THE ANSWER WAS THE SAME -- THAT SHE WAS UNDER THE PROTECTION OF THE ARCHDIOCESE.

17. FATHER DANIEL JANSEN STATED THAT DIANA WAS IN A STATE OF SHOCK, THAT SHE HAD ESCAPED FROM A POLICE CAR IN ZONE 6. SHE WALKED TO HATER'S TRAVEL AGENCY (USED BY THE MARYKNOLL) IN ZONE 1, FROM WHERE SHE TELEPHONED THE POSADA BELEN IN ANTIGUA. THE POSADA BELEN IN ANTIGUA TOLD HER TO GO TO THE MARYKNOLL HOUSE IN GUATEMALA CITY. FATHER JANSEN ADDED THAT DIANA SHOWED EVIDENCE OF CIGARETTE BURNS.

18. AT THE MARYKNOLL HOUSE WITH THE PRIESTS WERE THE POLICE CHIEF FROM ANTIGUA, AND AN OFFICER FROM THE GUATEMALAN PUBLIC RELATIONS OFFICE. THE POLICE OFFICIALS TOO WERE DENIED PERMISSION TO TO SEE OR TALK TO DIANA, BECAUSE DIANA ALLEGEDLY SAID THAT AT ONE POINT IN THE ABDUCTION THE POLICE WERE INVOLVED.

19. FATHER JANSEN PROMISED TO TAKE DIANA TO THE EMBASSY AS SOON AS SHE WAS ABLE. CONOFF INQUIRED AS TO WHETHER THE FAMILY IN THE U. S. HAD BEEN NOTIFIED THAT DIANA HAD BEEN LOCATED. THE ANSWER WAS NEGATIVE, OWING TO INADEQUATE TELEPHONE SERVICE. LATER CONOFF PROVIDED THE STATE DEPARTMENT WITH THE TELEPHONE NUMBERS OF THE FATHER, PILAR ORTIZ IN NEW MEXICO, [redacted] AND OF A URSULINE SISTER, [redacted] IN THE U. S., AND THE MARYKNOLL HOUSE, 15-22-18, AND THE EMBASSY OF THE HOLY SEE, IN GUATEMALA CITY. B6

20. ABOUT 3:42 P.M. ON NOVEMBER 4, FATHER JANSEN CALLED BACK MARYKNOLL HOUSE TO REPORT A NEW DEVELOPMENT. APPARENTLY AFTER EMBASSY LEFT THERE ABOUT 10:30 A.M., THE NATIONAL POLICE ARRIVED TO TALK TO DIANA. WHEN THEY WERE REFUSED PERMISSION TO

INTERVIEW HER, THEY LEFT TO OBTAIN A LEGAL DOCUMENT THAT WOULD REQUIRE HER COOPERATION. AFTER THE POLICE LEFT, DIANA AND DARLENE CHMIELEWSKI WERE TRANSFERRED ISLAGERE FOR SAFEKEEPING. CONOFF WAS ALSO INFORMED THAT MARYKNOLL HOUSE DIRECTOR FR MOORE AND FATHER BARRY WOULD NOT BE AVAILABLE TO TALK TO THE AMBASSADOR AT 2:30 P.M. DANIEL JANSEN STATED HE WOULD BE AVAILABLE TO TALK TO THE AMBASSADOR, BUT THAT HE DID NOT HAVE MUCH INFORMATION TO OFFER.

13. AT 11:45 A.M. THE PAO REPORTED ANOTHER CONVERSATION WITH FATHER JANSEN WHICH TOOK PLACE WHEN THE PAO WENT TO MARYKNOLL HOUSE TO SET UP THE MEETING FOR THE AMBASSADOR. THE PAO OFFERED THE PROTECTION OF THE U.S. AMBASSADOR'S RESIDENCE AND AN EMBASSY VEHICLE TO PROVIDE SECURITY FOR DIANA WHILE IN GUATEMALA CITY AND TO TRANSPORT HER TO THE AIRPORT IF SHE LEFT TO RETURN TO THE U.S. JANSEN TOLD THE PAO THAT THE PLAN FROM THE BEGINNING WAS TO TRANSFER DIANA AND CHMIELEWSKI TO THE EMBASSY OF THE HOLY SEE BECAUSE OF QUESTIONABLE SECURITY AND THE WIDE-OPENNESS AT MARYKNOLL HOUSE, AND THE POSSIBLE DANGER OF MOVING ABOUT GUATEMALA CITY.

14. JANSEN GAVE FOLLOWING ADDITIONAL INFORMATION REGARDING DIANA'S ORDEAL: SHE WAS ABDUCTED FROM THE

POSSIBLY GUNNED BY THREE MEN, AND TAKEN BY PUBLIC BUS TO GUATEMALA CITY). THE THREE ABDUCTORS DECLARED HER A GRENADE AND SOLD HER IF SHE DID NOT COOPERATE THEY WOULD FREE HER BUS AND THROW THE GRENADE AT THE BUS, KILLING ALL THE OCCUPANTS INCLUDING DIANA. SHE WAS TAKEN TO GUATEMALA CITY BY A POLICE CAR, WHERE SHE WAS INTERROGATED. THEY SPOKE FOR THE PHOTOGRAPH OF A MAN UNKNOWN TO HER, INSISTING THAT SHE MUST KNOW HIM. WHEN SHE DENIED KNOWING HIM, SHE WAS BEATEN UP AND BURNED BY CIGARETTES.

2. ON NOVEMBER 3 POLOFF REPORTED HIS CONVERSATION IN THE EMBASSY CAR WITH DIANA'S MARYKNOLL COLLEAGUES ON THE WAY TO AND FROM THE MINISTRY OF INTERIOR. APPARENTLY WHEN DIANA HAD BEEN THREATENED IN ZONE 1 IN JUNE AND HAD BEEN TOLD TO LEAVE THE COUNTRY, SHE WAS CONVERSING WITH WOMEN GAM DEMONSTRATORS, WITH WHOM SHE HAD REACQUAINTED.

[illegible]. AMBASSADOR AND CONGEN VISIT TO ORTIZ REPORTED APRIL. STROOCK
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	FAAE-00	CCO-00	INRE-00	OCS-05	CA-02	CG-00	ACDA-05
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INFO SECSTATE WASHDC PRIORITY 9837

UNCLAS GUATEMALA 13346

TERREP CHANNEL

MEXICO FOR LEGATT SULLIVAN

DEPARTMENT FOR DS/CR/SI, DS/TAD, AND DS/OP

PLEASE ALSO PASS TO OCS, ARA AND HA.

E.O. 12356: N/A
TAGS: ASEC, PTER, GT
SUBJECT: KIDNAPPING OF AMERICAN CITIZEN

1. AT 12:30 P.M. ON NOVEMBER 2, THE EMBASSY WAS INFORMED THAT DIANA ORTIZ, AN AMERICAN URSULINE NUN, HAD BEEN KIDNAPPED FROM THE COURTYARD OF A RELIGIOUS RETREAT CENTER IN ANTIGUA WHERE SHE WAS ATTENDING A 6-WEEK RELIGIOUS TRAINING COURSE. THE CALLER WAS MS. DARLENE CHMIELEWSKI, ALSO A URSULINE NUN, WHO STATED THAT DIANA ORTIZ ARRIVED IN ANTIGUA ABOUT 1 1/2 WEEKS AGO FROM SAN MIGUEL ACATAN, HUEHUETENANGO, WHERE THE TWO OF THEM HAD BEEN WORKING FOR A MARYKNOLL PARISH. ACCORDING TO SOURCE, SISTER DIANA HAD BEEN TEACHING YOUNG CHILDREN AND WAS ALSO LEARNING THE INDIGENOUS DIALECT OF THE AREA. REPORTEDLY, SHE HAD NOT BEEN INVOLVED IN ANY CONTROVERSIAL OR POLITICAL ACTIVITIES. REPORTEDLY, SISTER DIANA SUSTAINED FACIAL LACERATIONS AND ACCORDING TO FATHER HEALEY, A MARYKNOLL PRIEST, COMPLAINED OF BACK PAINS.

2. SUBSEQUENT TO HER RELEASE ON NOVEMBER 3 AND DEPARTURE FROM GUATEMALA ON NOVEMBER 5, EMBASSY OFFICIALS WERE UNABLE TO INTERVIEW HER DUE TO THE PSYCHOLOGICAL TRAUMA SHE SUSTAINED. SISTER DIANA HAS NOW RETURNED TO THE UNITED STATES, BUT WE ARE UNAWARE OF EXACLTY WHERE. SHE MAY HAVE GONE TO EITHER KENTUCKY (MOTHER HOUSE OF THE URSULINE ORDER), OR NEW MEXICO (HER PARENTS' HOME). GIVEN YOUR INTEREST IN A PREVIOUS KIDNAPPING CASE INVOLVING AN AMERICAN CITIZEN, WE ARE PASSING THIS INFORMATION FOR APPROPRIATE INVESTIGATION BY YOUR AGENCY. FYI, POST WILL BE RETRANSMITTING GUATEMALA 13252, A CONSULAR SUMMARY OF THE CASE TO LEGATT.

3. WE WOULD APPRECIATE KNOWING THE RESULTS OF YOUR INQUIRY. STROOCK

ORTIZ, DIANE GTM
GUATAMALA

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 07/10/95
Case ID: 95122226

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PAGE 01 SANTIA 11330 01 OF 06 081925Z
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INFO AMEMBASSY MONTEVIDEO
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AMEMBASSY BUENOS AIRES
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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____

UNCLAS SECTION 01 OF 06 SANTIAGO 11330

DEPT FOR DS/OP/ARA; DS/POL/TAD AND DS/CC/PSLS;
MONTEVIDEO, LA PAZ, BUENOS AIRES, ASUNCION FOR RSO'S

E.O. 12356: N/A
TAGS: ASEC
SUBJ: MONTHLY STATUS REPORT - OCTOBER 1989 (OCTOBER 1 - OCTOBER 31)

I. (U) SUMMARY OF SIGNIFICANT ACTIVITIES:

A. OVERVIEW:

1. (U) SANTIAGO HAS BEEN PLAGUED BY A RECENT SURGE IN VIOLENT CRIME. DURING THE PAST MONTH A NUMBER OF BANKS, MONEY CHANGING HOUSES, COMMERCIAL ESTABLISHMENTS, AND EVEN PRIVATE RESIDENCES HAVE BEEN ATTACKED BY ARMED BANDS UTILIZING AUTOMATIC WEAPONS AS WELL AS HANDGUNS. POLICE HAVE IMPLEMENTED A CITY WIDE TACTICAL PLAN IN AN ATTEMPT TO CAPTURE THOSE RESPONSIBLE AND TO SURPRESS THE NUMBER OF REPORTED ROBBERIES. SOME OF THE ROBBERIES ARE UNDOUBTABLY BEING COMMITTED BY TERRORISTS, SPECIFICALLY THE LAUTARO MJL
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PAGE 02 SANTIA 11330 01 OF 06 081925Z

AND FPRL FACTIONS. HOWEVER, THE MAJORITY OF THE INCIDENTS SEEM TO INVOLVE COMMON CRIMINALS AS OPPOSED TO TERRORISTS, ALTHOUGH BOTH THE FPRL AND MJL UTILIZE CRIMINALS TO CARRY OUT SOME OF THEIR OPERATIONS. THE NUMBER OF AMERICAN TOURISTS REPORTING ROBBERIES ALSO INCREASED IN OCTOBER. MOST OF THESE INCIDENTS INVOLVED

EITHER PICKPOCKETING OR PURSE SNATCHING AND OCCURRED IN THE DOWNTOWN AREA IN EITHER HEAVILY TRAVELLED PEDESTRIAN MALLS OR METRO STATIONS.

2. (U) RSO WORKED WITH CARABINEROS DE CHILE TO COORDINATE THE DIRECTOR GENERAL OF CARABINEROS AND JUNTA MEMBER, RODOLFO STANGE'S VISIT TO LOUISVILLE, KY AND WASHINGTON, D.C. POST WISHES TO EXPRESS ITS APPRECIATION TO JOHNNY GUY AND DICK HECKMAN OF DS/PT/PL FOR THEIR ASSISTANCE.

3. (U) RSO ADDRESSED A SPECIAL MEETING OF CHILEAN MISSION EMPLOYEES ON OCTOBER 5TH AND BRIEFED SAID PERSONNEL REGARDING THE SEPTEMBER 26TH BOMBING THAT OCCURRED IN FRONT OF THE CHANCERY. THE MEETING WAS HELD AT THE SANTIAGO BI-NATIONAL CENTER AND 80 EMPLOYEES ATTENDED.

4. (U) RSO'S OFFICE ALSO UPDATED THE CHANCERY'S BOMB PLAN AND DRAFTED TWO EMBASSY INSTRUCTIONS REGARDING SECURITY SOPS.

5. (U) RSO DRAFTED A COMPREHENSIVE SET OF SECURITY RECOMMENDATIONS FOR AL SCHUDLER, DIRECTOR OF THE AMERICAN SCHOOL IN SANTIAGO TO ASSIST MR. SCHUDLER IN PREPARING HIS BUDGET REQUEST FOR FY 90.

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PAGE 03 SANTIA 11330 01 OF 06 081925Z

6. (U) RSO'S OFFICE ASSISTED THE COMMERCIAL SECTION IN ARRANGING FOR SECURITY FOR THE USA PAVILLION AT THE FISA ECONOMIC FAIR THAT OPENED IN OCTOBER IN SANTIAGO. IN ADDITION, MEMBERS OF THE MISSION GUARD FORCE PROVIDED SECURITY FOR THE NEW MEXICO ARMY NATIONAL GUARD BAND. THE BAND PLAYED DAILY AT THE AMERICAN PAVILLION.

B. (U) RSO BRIEFED THE FOLLOWING PEOPLE REGARDING SECURITY MATTERS IN OCTOBER:

10/3 - COL. JORGE RODRIGUEZ, PROTOCOL, CARABINEROS DE CHILE.
10/16 - STEVE WALKER, LEGATT MONTEVIDEO.
10/17 - EDWARD PAXAMERE, EXXON.
10/18 - COM. PATRICIO FAUNDEZ, INTERPOL.
10/19 - JAMES BROOKE, EXXON.
2. (U) IN ADDITION 13 ARRIVALS WERE BRIEFED AND 1 DEPARTEE WAS DEBRIEFED.

C. (U) MARINE GUARD ACTIVITIES.

1. CAPTAIN EDWARD HASEY OF MSG CO D VISITED POST FROM OCTOBER 14-18 TO CONDUCT A MODIFIED SEMI-ANNUAL INSPECTION. THE MSG DETACHMENT RECEIVED AN OUTSTANDING RATING FOR THIS INSPECTION.

2. ONE REACT DRILL WAS CONDUCTED IN OCTOBER AND RSO ATTENDED ONE GUARD SCHOOL.

3. SGT. EDWARD HARTMAN DEPARTED POST AND SGT. KEVIN KIRKLAND ARRIVED AT POST DURING OCTOBER.

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PAGE 01 SANTIA 11330 02 OF 06 081926Z
ACTION DS-01

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INFO AMEMBASSY MONTEVIDEO
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UNCLAS SECTION 02 OF 06 SANTIAGO 11330

DEPT FOR DS/OP/ARA; DS/POL/TAD AND DS/CC/PSLS;
MONTEVIDEO, LA PAZ, BUENOS AIRES, ASUNCION FOR RSO'S

E.O. 12356: N/A
TAGS: ASEC
SUBJ: MONTHLY STATUS REPORT - OCTOBER 1989 (OCTOBER 1 -

II. (U) THREATS AND INCIDENTS:

A. (U) THE FOLLOWING CABLES WERE SENT TO THE DEPARTMENT IN OCTOBER REGARDING THREATS/INCIDENTS:

SANTIAGO 9966 - DEMONSTRATION AT CONSULATE.
SANTIAGO 10105 - DEMONSTRATION IN FRONT OF CHANCERY.
SANTIAGO 10421 - INCIDENT AT AIR ATTACHE'S RESIDENCE.
SANTIAGO 10472 - USG TDY EMPLOYEE ROBBED.

B. (U) INCIDENTS NOT PREVIOUSLY REPORTED:

NONE.

C. (U) THE FOLLOWING TERRORIST ACTIVITIES OCCURRED IN UNCLASSIFIED

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PAGE 02 SANTIA 11330 02 OF 06 081926Z

OCTOBER AS REPORTED BY MEDIA AND OTHER SOURCES:

OCTOBER 2: IN SANTIAGO CARABINEROS PERSONNEL ARRESTED ARTURO GARAY VERGARA, 19, MEMBER OF THE LAUTARO YOUTH MOVEMENT WHO PARTICIPATED IN THE ATTACK DURING WHICH CARABINERO HECTOR PINCHEIRA WAS KILLED.

OCTOBER 3: A MILITARY TRUCK OF THE TUCAPEL REGIMENT OF TEMUCO, WHICH WAS TRANSPORTING A MILITARY PATROL, WAS BOOBY-TRAPPED BY TERRORISTS. THE TRUCK WAS SLIGHTLY DAMAGED.

OCTOBER 3: A GROUP OF UNIVERSITY STUDENTS DUMPED TRASH AT THE ENTRANCE OF THE U.S. CONSULATE TO PROTEST THE ARRIVAL IN CHILE OF SHIPS CARRYING TOXIC WASTE TO BE PROCESSED IN ANTOFAGASTA (NORTHERN CHILE).

OCTOBER 4: EXPLOSIVE DEVICE DETONATED AT THE LOS KILOS ENERGY SUBSTATION IN LOS ANDES CAUSING MINOR DAMAGE.

OCTOBER 4: EXPLOSIVE DEVICES DETONATED ON A HIGH TENSION TOWER IN VINA DEL MAR DESTROYING THE TOWER.

OCTOBER 4: EXPLOSIVE DEVICE (230 GRAMS OF AMMON-GEL) DETONATED AT A BRANCH OF BANCO NACIONAL IN SANTIAGO. DAMAGES AMOUNTED TO TWO MILLION PESOS.

OCTOBER 4: EXPLOSIVE DEVICE DETONATED AT A BRANCH OF BANCO DE CHILE IN SANTIAGO CAUSING MINOR DAMAGE.

OCTOBER 4: EIGHT HIGH TENSION TOWERS WERE DESTROYED IN SANTIAGO DUE TO SEVERAL BOMBINGS WHICH CAUSED THE METROPOLITAN AREA TO SUFFER A BLACK-OUT.
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PAGE 03 SANTIA 11330 02 OF 06 081926Z

OCTOBER 4: EXPLOSIVE DEVICE DETONATED ON A STORE'S FACADE IN SANTIAGO DESTROYING WINDOWS.

OCTOBER 4: EXPLOSIVE DEVICE (150 GRAMS OF TNT) DETONATED AT ONE OF BUCHI'S CAMPAIGN OFFICE IN SANTIAGO CAUSING CONSIDERABLE DAMAGE.

OCTOBER 4: TEN PEOPLE WERE ARRESTED DURING A DEMONSTRATION STAGED TO COMMEMORATE THE MURDER OF MIR SPOKESMAN JECAR NEGHME.

OCTOBER 4: IN SANTIAGO THREE CARS WERE SERIOUSLY DAMAGED DUE TO DETONATIONS CAUSED BY BOMBS PLACED UNDERNEATH THE CARS.

OCTOBER 4: AN EXPLOSIVE DEVICE (100 GRAMS OF AMMON-GEL) WAS THROWN AGAINST A WINDOW OF THE HOME OF AN AIR FORCE 2ND CORPORAL. NO INJURIES REPORTED.
OCTOBER 4: IN SANTIAGO AN EXPLOSIVE DEVICE (150 GRAMS OF AMMON-GEL) DETONATED AT A TOYOTA CAR DEALER CAUSING MINOR DAMAGES.

OCTOBER 4: EXPLOSIVE DEVICE (100 GRAMS OF ANFO) DETONATED IN FRONT OF A HOUSE IN SANTIAGO DESTROYING WINDOWS. NO INJURIES REPORTED.

OCTOBER 5: EXPLOSIVE DEVICE DETONATED ON THE DIEGO PORTALES UNIVERSITY GROUNDS CAUSING MINOR DAMAGE. NO INJURIES REPORTED.

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PAGE 01 SANTIA 11330 03 OF 06 081927Z
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UNCLAS SECTION 03 OF 06 SANTIAGO 11330

DEPT FOR DS/OP/ARA; DS/POL/TAD AND DS/CC/PSLS;
MONTEVIDEO, LA PAZ, BUENOS AIRES, ASUNCION FOR RSO'S

E.O. 12356: N/A
TAGS: ASEC
SUBJ: MONTHLY STATUS REPORT - OCTOBER 1989 (OCTOBER 1 -

OCTOBER 5: EXPLOSIVE DEVICE (150 GRAMS OF ANFO) DETONATED AT ONE OF BUCHI'S CAMPAIGN OFFICE IN SANTIAGO CAUSING MINOR DAMAGE. NO INJURIES REPORTED.

OCTOBER 5: EXPLOSIVE DEVICE (120 GRAMS OF ANFO) DETONATED AT ONE OF BUCHI'S CAMPAIGN OFFICE IN SANTIAGO DESTROYING WINDOWS. NO INJURIES REPORTED.

OCTOBER 5: INDIVIDUALS FIRED AGAINST THE INSTALLATIONS OF NATIONAL TV CHANNEL IN SANTIAGO. NO INJURIES REPORTED.

OCTOBER 7: ABOUT 20 DEMONSTRATORS STOOD ON THE OTHER SIDE OF THE STREET FROM THE CHANCERY'S BUILDING AND HELD UP PLACARDS IN SPANISH AGAINST THE UNITAS. THIS UNCLASSIFIED

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PAGE 02 SANTIA 11330 03 OF 06 081927Z

DEMONSTRATION OCCURRED WHEN PASSENGERS FROM THE CHANCERY WERE BOARDING A BUS TO VISIT U.S. NAVY SHIPS IN VALPARAISO.

OCTOBER 7: CARABINEROS PERSONNEL FOUND EXPLOSIVE ELEMENTS INSIDE LOTA'S LOCAL CEMETRY.

OCTOBER 9: A MOB ATTACKED A TEAM OF PROFESSIONALS WHO WERE PROVIDING MEDICAL CARE AND OTHER SOCIAL SERVICES IN A SHANTYTOWN IN SOUTHERN SANTIAGO. CARABINEROS HELPED THEM FLEE THE AREA. THE SOCIAL CAMPAIGN WAS SPONSORED BY SUPPORTERS OF PRESIDENTIAL CANDIDATE BUCHI AND WAS AIMED AT PROVIDING ASSISTANCE TO RESIDENTS OF SEVERAL SHANTYTOWNS. SOME PEOPLE WERE INJURED.

OCTOBER 9: A BOMB CAUSED EXTENSIVE DAMAGE TO THE CAMPAIGN OFFICE OF VINA DEL MAR UDI'S REPRESENTATIVE FOR DEPUTY, LUIS PAROT. THE POWERFUL BOMB WAS PLACED AT THE ENTRANCE AND IT CAUSED EXTENSIVE STRUCTURAL DAMAGE TO THE HOUSE. SOME 12 YOUTHS WERE INSIDE THE BUILDING AT THE TIME OF THE EXPLOSION. SOME MINOR INJURIES WERE REPORTED.

OCTOBER 9: INDIVIDUALS SUPPORTING THE CAMPAIGN OF A LEFTIST DEPUTY CANDIDATE FOR VINA DEL MAR, PERPETRATED A COMMANDO-TYPE ATTACK AGAINST A CAMPAIGN OFFICE OF PRESIDENTIAL CANDIDATE FRANCISCO J. ERRAZURIZ. THREE

SUPPORTERS OF ERRAZURIZ WERE INJURED.

OCTOBER 10: THREE INDIVIDUALS CARRYING WEAPONS ASSAULTED A BRANCH OF THE BANCO DE SANTIAGO IN SANTIAGO TAKING 96 MILLION PESOS. NO INJURIES REPORTED.

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PAGE 03 SANTIA 11330 03 OF 06 081927Z

OCTOBER 12: SOME 30 BUSES CARRYING PRESIDENTIAL CANDIDATE HERNAN BUCHI'S SUPPORTERS FROM THE NATIONAL STADIUM TO DOWNTOWN SANTIAGO WERE STONED. DURING THE ATTACK THE WINDOWS OF SEVERAL BUSES WERE DAMAGED.

OCTOBER 12: VIOLENT ELEMENTS WHO ATTENDED THE DEMONSTRATION IN DOWNTOWN SANTIAGO STAGED BY THE UNITED LABOR FEDERATION, CUT, IN SUPPORT OF OPPOSITION CANDIDATE PATRICIO AYLWIN, CAUSED DAMAGES WORTH OVER 2.5 MILLION PESOS.

OCTOBER 13: UNIDENTIFIED INDIVIDUALS HURLED A FIREBOMB AT THE CAMPAIGN HEADQUARTERS OF BELTRAN URENTA, SENATORIAL CANDIDATE FOR VINA DEL MAR. SOME 16 PEOPLE WERE INSIDE THE OFFICE AT THE TIME OF THE ATTACK. NO INJURIES REPORTED.

OCTOBER 20: EXPLOSIVE DEVICE DETONATED AT A POLICE STATION IN OSORNO CAUSING SOME DAMAGE.
OCTOBER 20: EXPLOSIVE DEVICE DETONATED INSIDE A BUS IN CONCEPCION. BUS WAS COMPLETELY DESTROYED. NO INJURIES REPORTED.

OCTOBER 20: EXPLOSIVE DEVICE DETONATED INSIDE THE SANTIAGO-CONCEPCION TRAIN DESTROYING TWO CARS.

OCTOBER 21: EXPLOSIVE DEVICES WERE THROWN AGAINST TWO RESIDENCES IN SANTIAGO CAUSING HEAVY DAMAGE.

OCTOBER 21: EXPLOSIVE DEVICE WAS THROWN AGAINST ONE OF BUCHI'S CAMPAIGN OFFICE IN SANTIAGO. NO INJURIES REPORTED.

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PAGE 01 SANTIA 11330 04 OF 06 081928Z

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UNCLAS SECTION 04 OF 06 SANTIAGO 11330

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MONTEVIDEO, LA PAZ, BUENOS AIRES, ASUNCION FOR RSO'S

E.O. 12356: N/A
TAGS: ASEC
SUBJ: MONTHLY STATUS REPORT - OCTOBER 1989 (OCTOBER 1 -

OCTOBER 23: A CIVIL POLICE OFFICER WAS INJURED DURING AN ATTACK ON THE 7TH POLICE PRECINCT OF INVESTIGACIONES DE CHILE AT THE MAIPU DISTRICT OF SANTIAGO. UNIDENTIFIED INDIVIDUALS ATTACKED THE POLICE STATION BY SURPRISE FROM A PASSING CAR AND USED AUTOMATIC RIFLES. AS THE POLICE TRIED TO REPEL THE ATTACK; ATTACKERS HURLED TWO BOMBS ONTO THE ROOF OF THE STATION.

OCTOBER 23: SECURITY PERSONNEL DEACTIVATED EXPLOSIVE DEVICE AT THE ENACAR OFFICES IN SANTIAGO..

OCTOBER 23: EXPLOSIVE DEVICE DETONATED ON AN ELECTRICITY TRANSFORMER IN LAS CONDES, SANTIAGO. FPMR PAMPHLETS WERE FOUND AT THE SITE.

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PAGE 02 SANTIA 11330 04 OF 06 081928Z

OCTOBER 23: IN SANTIAGO, AN EXPLOSIVE DEVICE WHICH HAD BEEN LEFT UNDERNEATH A CAR OWNED BY AN INVESTIGACIONES EMPLOYEE, DETONATED. A YOUNG GIRL WAS INJURED.

OCTOBER 26: IN TALCAHUANO AN EXPLOSIVE DEVICE DETONATED INSIDE A BUS. BUS WAS SERIOUSLY DAMAGED.

OCTOBER 26: EXPLOSIVE DEVICE DETONATED ON A HIGH TENSION TOWER IN CHILLAN DESTROYING TOWER.

OCTOBER 27: CNI PERSONNEL ARRESTED SIX MEMBERS OF THE LAUTARO YOUTH MOVEMENT WHO WERE INVOLVED IN SEVERAL TERRORIST ATTACKS, INCLUDING THE ASSASSINATION OF TWO CARABINEROS. WEAPONS AND AMMUNITION WERE FOUND IN THE HOUSE OF ONE OF THE TERRORISTS.

OCTOBER 28: EXPLOSIVE DEVICES DETONATED AT THE SAN RAMON TOWNHALL IN SANTIAGO CAUSING SERIOUS DAMAGE.

OCTOBER 28: EXPLOSIVE DEVICE DETONATED AT THE ARMY RECRUITING CENTER IN SANTIAGO. NO INJURIES REPORTED.

OCTOBER 28: CARABINEROS FROM COQUIMBO ARRESTED NELSON NUNEZ GUERRERO, 23, WHEN HE WAS PLACING AN EXPLOSIVE DEVICE (150 GRAMS OF AMMON-GEL) WHICH WAS LATER DEACTIVATED.

OCTOBER 30: EXPLOSIVE DEVICE DETONATED AT THE BANCO DE CREDITO E INVERSIONES IN SANTIAGO, GRAN AVENIDA BRANCH. NO INJURIES REPORTED.

OCTOBER 30: THREE INDIVIDUALS CARRYING WEAPONS ASSAULTED THE BANCO NACIONAL IN SANTIAGO, LAS CONDES
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PAGE 03 SANTIA 11330 04 OF 06 081928Z

BRANCH, AND TOOK 5 MILLION PESOS.

OCTOBER 30: EXPLOSIVE DEVICE DETONATED ON A HIGH TENSION TOWER IN SAN CARLOS, DESTROYING TOWER.

OCTOBER 31: SIX MEN AND A WOMAN ASSAULTED THE PAYMENT OFFICE OF FERROCARRILES DEL ESTADO IN CONCEPCION TAKING 16 MILLION PESOS. CARABINEROS ARRESTED ONE OF THE MEN (MAPU MILITANT) WHO CARRIED A BAG CONTAINING DIFFERENT WIGS, A REVOLVER WHICH HAD BEEN STOLEN TO A CARABINERO, AN UZI SUBMACHINE GUN, A LLAMA PISTOL CALIBER 7.65, AN INCENDIARY DEVICE, AND TWO RADIOS.
(U) - - TERRORIST ATTACKS

- - - -		OCTOBER -	YEAR TO DATE
AMERICAN BANKS ATTACKED	-	0	0
AMERICAN COMPANIES ATTACKED	-	0	0
ARMY PERSONNEL INJURED	-	0	0
ARMY PERSONNEL KILLED	-	0	1
ARSENALS DISCOVERED	-	0	4
ATTACK TO PRESIDENT OF CHILE	-	0	0

ATTACKS TO METRO	-	-	0	1
ATTACKS TO PUBLIC OFFICES	-		4	15
ATTACKS TO RADIOS	-	-	0	6
ATTACKS TO TRAINS (GOVN. OWNED)			1	5
ATTACKS TO BNCS	-	-	0	2
BOMBS DEACTIVATED	-	-	3	36
BOMBS DETONATED	-	-	43	228
BOMBS HIGH TENSION TOWERS	-		12	49

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PAGE 01 SANTIA 11330 05 OF 06 081929Z
ACTION DS-01

INFO LOG-00 ADS-00 INR-07 CIAE-00 ARA-00 NSAE-00 INRE-00
FBIE-00 SCT-03 /011 W
----------113535 110156Z /60

R 081812Z NOV 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 3729
INFO AMEMBASSY MONTEVIDEO
AMEMBASSY LA PAZ
AMEMBASSY BUENOS AIRES
AMEMBASSY ASUNCION

UNCLAS SECTION 05 OF 06 SANTIAGO 11330

DEPT FOR DS/OP/ARA; DS/POL/TAD AND DS/CC/PSLS;
MONTEVIDEO, LA PAZ, BUENOS AIRES, ASUNCION FOR RSO'S

E.O. 12356: N/A
TAGS: ASEC
SUBJ: MONTHLY STATUS REPORT - OCTOBER 1989 (OCTOBER 1 -

BUSES BURNED	-	-	2	16
CNI AGENTS INJURED	-	-	0	1
CNI AGENTS KILLED	-	-	0	0
CNI STATIONS ATTACKED		-	0	0
CAR BOMBS DEACTIVATED		-	0	0
CAR BOMBS DETONATED		-	0	0
CARABINEROS INJURED		-	0	20
CARABINEROS KILLED	-	-	0	9
CIVILIANS INJURED	-	-	1	51
CIVILIANS KILLED	-	-	0	4
DELIVERY TRUCKS ATTACKED BY TERRORISTS			0	4
DIPLOMATIC VEHICLES ATTACKED	-		0	0
HOUSES AMERICAN OFFICERS ATTACKED			0	0
INVESTIGACIONES AGENTS INJURED			1	1

INVESTIGACIONES AGENTS KILLED	0	0

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PAGE 02 SANTIA 11330 05 OF 06 081929Z

INVESTIGACIONES STATIONS ATTACKED	1	5
MORMON CHURCHES ATTACKED -	0	7
PERSONS KIDNAPPED -	0	0
POLICE STATIONS ATTACKED -	1	9
PRIVATE BANKS ASSAULTED -	3	14
PRIVATE BANKS ATTACKED -	3	7
SUBVERSIVE PRINT SHOPS -	0	0
SUPERMARKETS ATTACKED -	0	6
SUPERMARKETS BURNED -	0	0
TERRORISTS ARRESTED -	8	76
TERRORISTS INJURED - -	0	2
TERRORISTS KILLED - -	0	6
TERRORISTS SECURITY HOUSES -	0	7
TERRORISTS CLANDESTINE CLINIC	0	0
THREATS AGAINST U.S. INSTALLATIONS	0	23

III. (U) PROJECT STATUS:

A. (U) THE FOLLOWING PROJECTS ARE UNDERWAY:

- AMBASSADOR'S RESIDENCE PERIMETER PROJECT - 90 PERCENT COMPLETE
- MARINE HOUSE PERIMETER PROJECT - 75 PERCENT COMPLETE.

IV. (U) INVESTIGATIONS/VIOLATIONS:

A. (U) DS-CONTROLLED INVESTIGATIONS:

(5) BACKGROUND INVESTIGATIONS ON HAND
(10) BACKGROUND INVESTIGATIONS RECEIVED
(5) BACKGROUND INVESTIGATIONS COMPLETED
(0) BACKGROUND INVESTIGATIONS OVERDUE
(1) CI INVESTIGATIONS ON HAND
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PAGE 03 SANTIA 11330 05 OF 06 081929Z

(1) CI INVESTIGATIONS RECEIVED
(0) CI INVESTIGATIONS COMPLETED
(1) OTHER INVESTIGATIONS ON HAND
(1) OTHER INVESTIGATIONS RECEIVED
(0) OTHER INVESTIGATIONS COMPLETED

B. (U) POST-CONTROLLED (FSN) INVESTIGATIONS:

(11) BACKGROUND INVESTIGATIONS ON HAND
(7) BACKGROUND INVESTIGATIONS COMPLETED
(1) RECERTIFICATION INVESTIGATIONS ON HAND
(1) RECERTIFICATION INVESTIGATIONS COMPLETED
(2) RECERTIFICATION INVESTIGATIONS OVERDUE
(10) OTHER INVESTIGATIONS (RECORD CHECKS) ON HAND
(21) OTHER INVESTIGATIONS (RECORD CHECKS) COMPLETED

C. (U) VIOLATIONS:

(1) NUMBER OF VALID SECURITY VIOLATIONS FORWARDED TO DS/PI/PRD.

V. (U) ACTION CABLES NOT ANSWERED BY DS DURING THE MONTH:

SANTIAGO 9271 DATED 9/14: CABLE TO DS/CI REQUESTING GUIDANCE ON FSN TRAVEL TO CRITERIA COUNTRIES.

VI. (U) PLANS FOR THE COMING MONTH(S):

RSO WILL ATTEND A DS TRAINING COURSE IN QUANTICO, VA.
(U) ANNEX A

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PAGE 01 SANTIA 11330 06 OF 06 081929Z
ACTION DS-01

INFO LOG-00 ADS-00 INR-07 CIAE-00 ARA-00 NSAE-00 INRE-00
FBIE-00 SCT-03 /011 W
----------113537 110156Z /60

R 081812Z NOV 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 3730
INFO AMEMBASSY MONTEVIDEO
AMEMBASSY LA PAZ
AMEMBASSY BUENOS AIRES
AMEMBASSY ASUNCION

UNCLAS SECTION 06 OF 06 SANTIAGO 11330

DEPT FOR DS/OP/ARA; DS/POL/TAD AND DS/CC/PSLS;
MONTEVIDEO, LA PAZ, BUENOS AIRES, ASUNCION FOR RSO'S

E.O. 12356: N/A
TAGS: ASEC

SUBJ: MONTHLY STATUS REPORT - OCTOBER 1989 (OCTOBER 1 -

- - - TABLE ONE

POPULATION (ALL AGENCIES):

1. NUMBER OF USG AMERICAN CITIZEN EMPLOYEES: 79
- NUMBER OF DEPENDENTS: 133
- US CONTRACT EMPLOYEES: 1
- US CONTRACT EMPLOYEE DEPENDENTS: 5

- - - TABLE TWO

CRIMINAL INCIDENTS:

TYPE OF OFFENSE	NO. OF INCIDENTS	TIME OF DAY/NIGHT	DAY OF WEEK
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PAGE 02 SANTIA 11330 06 OF 06 081929Z

ROBBERY	1	NIGHT	WED.
ASSAULT	--	----	-----
HOMICIDE	--	----	-----
SEX OFFENSE	--	-----	-----
THEFT	--	----	-----
AUTO THEFT	--	----	-----
VANDALISM	--	----	-----
BURGLARY	--	----	-----
LARCENY	--	----	-----
TOTALS:	1	----	-----

- LOCATION OF - OCCURANCE: -	- VICTIM -
RESID./STREET/OTHER	EMPL./OTHER/DEP.
------ ------ -----	----- ----- ----
STREET	EMPLOYEE
TOTALS: 1	

COMMENTS: NONE GREENLEE

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ATTN: TOM QUIGLEY

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RELEASED

Ursuline Sister Diana Ortiz's Account of her Kidnapping

PRIOR EVENTS:

Sister Diana Ortiz had received several anonymous written threats telling her to leave the country. She received three (3) of these letters in San Miguel Acatan, state of Huehuetenango in the parish where she worked with children, another was received in Guatemala City, and the last in the Belen Sisters' Retreat House in Antigua, Guatemala. Also she had been accosted in the center of Guatemala City, by a man unknown to her, who told her to leave the country.

DETAILS OF THE KIDNAPPING

Diana was participating in a course in the Belen Retreat House in Antigua, Guatemala. On Thursday, November 2, 1989, about 8:00AM, Diana asked the caretaker to open the door to the enclosed gardens. She entered the garden alone with the intention of praying awhile before classes were to begin. She was there alone ten (10) minutes reading the Bible when a man put his hand on her shoulder and said: "Hola mi amor" (which is a derogatory greeting coming from a man she doesn't know). He was the same man that had accosted her in Guatemala City. This man said that she had to come with him because he had to ask her some questions. Then another unknown man appeared. The first insisted that

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 07/10/95
Case ID: 95122226

she had to accompany them. She said she wouldn't go. So they showed her a pistol and said they would harm her friends if she didn't go with them. With that she felt obligated to leave with them through the back of the gardens where there was a garbage dump and an opening in the wall.

They took her along the dry river bed of the Rio Pensativo to the street leaving Antigua where they boarded an inter-urban bus. As they got on the bus A[illegible] showed her a hand grenade and said that if she tried to escape, innocent people would die. Upon arriving at the crossroads to Mexico (1/2 hour from the capital -- Guatemala City) they got off the bus and walked about ten (10) minutes along a dirt road with few houses until they came to a white police car. Inside there was a uniformed policeman. They put her into the car and blindfolded her. The policeman said to the men, "I see that your trip was successful."

After a trip of approximately 1/2 hour, they stopped and took her inside a place that seemed like a warehouse because there was a lot of echo. They went downstairs where she heard screams of a woman in a great deal of pain and moans of men. They put her in a dark and very cold room that had a chair and a desk. They left her there for many hours. Then three (3) men entered: the policeman, the two men who had kidnapped her from the gardens. They told her that they had business to take care of and that they were going to explain the rules of the game to her; they were going to ask her some questions; if she gave an answer they

XEROX TELECOPIER 295 : 11- 8-89; 8:29 AM; 2025413322 → 2026474661 ; # 3
TEL No. 2025413322 Nov 08,89 9:12 P.03/05

liked they would let her smoke! if they didn't like the answer, they would burn her back with a cigarette. When she said the rules were unjust: she received the first burn.

They removed her sweat shirt and the policeman began to abuse her sexually. But the man who accosted her in Guatemala City said, "let's take care of business first and then we'll have fun." They removed her blindfold and showed her some pictures. One was of her in the Plaza of San Miguel Acatan and in the village of Yalaj. Both were during fiesta days. She recalls that those were 2 occasions when the military were present. They kept burning her for every answer she gave. Then they showed pictures of two (2) indigenous people: a man and a woman carrying guns. She had never seen them before and said so. But they insisted that she was that woman even though there wasn't any resemblance. She received approximately 75 cigarette burns on her back.

One of the men blindfolded her again. One man hit her so hard in the face she fell to the floor, receiving lesions on the left side of her face. They pulled her up to a sitting position on the floor and began to abuse her sexually, in several ways, but not in actual rape, because in that moment a fourth man entered the room.

Someone said "Alejandro, come have some fun." But he answered them with an obscene word common in English among North Americans. He said - "Idiots, she is a North American. Let her alone. It's already on the news on television." The fourth person approached her and helped

NOV-03-89 SAT 12:02 HORTON'S OFFICE MACHINES P.01
XEROX TELECOPIER 296 ; 11- 8-89; 8:30 AM; 2026132322 → 2026474551 ; # 4
TEL No. 2026132322 Nov 08.89 8:12 P.04/05

her replace her tee shirt and sweat shirt. He removed her blindfold and said. Let's get out of here. He conducted her through a garage toward a grey Suzuki Jeep and drove out onto the street.

During the trip Diana spoke in English and he answered in Spanish, but with an non-Guatemalan accent.

He asked her to pardon them because they had confused her with someone else and that they had tried to prevent this with the anonymous letters and that she hadn't taken them seriously. She replied that she had stayed because of her commitment to a suffering people. ~~They~~ He said they had something in common. That is, he also was concerned about the people and consequently, was working to liberate them from communism. She said it wasn't the same because they ~~[illegible]~~ human life. The man told her that they were going to talk with a friend from the North American Embassy who could help her. At this point Diana realized she was in Zone 9 of the Capitol, as when they stopped in heavy traffic, she opened the door and jumped out. She ran rapidly until she found a woman from whom she asked help. The woman invited her into her house where she stayed about 2 hours resting. Then she gave her some money for phone calls and bus fare to Zone 7 where Diana proceeded to a travel agency. From there she was taken to the Maryknoll Center House.

For security reasons she was moved to the safety of the Papal Nuncio of Guatemala. Under the protection of Monsignor Oviedo Cuzzioi, Sister Diana Ortiz left Guatemala for the United States.

NOV- 6-89 1:48 PM
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2025413322 Nov 08 89 3:13 P.05/05
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UNCLASSIFIED GUATEMALA 013471

ORIGIN CONS/2 INFO AMB DCM ADM/5

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TO AMEMBASSY MEXICO 0359
ET
UNCLAS GUATEMALA 13471

CLASS: UNCLASSIFIED
CHRGE: PRCG 11/08/89
APPRV: CONS:SHPATTERSON
DRFTD: CONS:PDSPECK:PJ
CLEAR: NONE
DISTR: CONS ADM
ORGIN: OCR

FOR LEGATT MEXICO - JACK SULLIVAN

E.O. 12356: N/A
TAGS: CASC, GT
SUBJECT: W/W DIANA ORTIZ

REF: (A) GUATEMALA 13287 (B) GUATEMALA 13296 (C) GUATEMALA 13255

COMCENTER PLEASE RETRANSMIT THE REFERENCED CABLES TO ABOVE ADDRESS. STROCCK
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UNCLASSIFIED GUATEMALA 013471

Guatemala
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Ortiz, Diana
89

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 07/11/95
Case ID: 95122227

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Department of State

INCOMING TELEGRAM E1080

PAGE 01 GUATEM 13527 131750Z 0169
ACTION ARA-00

INFO LOG-00 ADS-00 AID-00 INR-07 SS-00 CIAE-00 DODE-00
H-01 NSCE-00 NSAE-00 HA-09 L-03 PA-02 INRE-00
OCS-06 CA-02 SP-00 PRS-01 DS-00 /034 W
175627 131909Z /41

RELEASED

P 131749Z NOV 89
FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC PRIORITY 6045
INFO USIA WASHDC 9952
DEPTJUSTICE WASHDC
DIRFBI WASHDC
AMEMBASSY MEXICO

UNCLAS GUATEMALA 13527

EMR/ARA

STATE FOR ARA/CEN AND HA/HR
JUSTICE FOR ICITAP - KRISKOVITCH
MEXICO FOR LEGATT

E.O. 12356: N/A
TAGS: PHUM, PINS, PREL, PGOV, KJUS, GT
SUBJECT: FOREIGN MINISTER WANTS FOLLOW-UP ON NUN CASE;
- CONGRESSIONAL HUMAN RIGHTS COMMISSION EMITS
- STATEMENT

REF: (A) GUATEMALA 13386, (B) GUATEMALA 13254

1. IN A TELEVISED PRESS CONFERENCE NOVEMBER 7, GUATEMALAN FOREIGN MINISTER ARIEL RIVERA IRIAS SAID HE WOULD ASK GUATEMALA'S EMBASSY IN THE U.S. TO CONTACT AMCIT NUN DIANA M. ORTIZ, NOW IN KENTUCKY, TO OBTAIN DETAILS ABOUT HER REPORTED ALLEGATION OF HAVING BEEN KIDNAPPED AND TORTURED IN GUATEMALA (REFTELS). RIVERA SAID THE GOG WANTS TO DETERMINE THE FACTS OF THE CASE BUT HAS HAD NO CONTACT WITH ORTIZ.

2. GUATEMALA'S CONGRESSIONAL HUMAN RIGHTS COMMISSION ISSUED A STATEMENT NOVEMBER 8 CONDEMNING THE ALLEGED ABUSE OF ORTIZ. THE STATEMENT DECLARED THAT SUCH ACTS DAMAGE THE INTERNATIONAL IMAGE OF GUATEMALA. THE COMMISSION DEMANDED THAT THE AUTHORITIES CONDUCT A THOROUGH INVESTIGATION INTO THE CASE AND PUNISH ANY WRONG-DOERS. THE COMMISSION REMINDED THE GOG THAT PROTECTING HUMAN RIGHTS IS A CONSTITUTIONAL IMPERATIVE.
STROOCK

ORTIZ, DIANE GTM
GUATAMALA

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 07/11/96
Case ID: 95122227

Update on Cuba

DEPARTMENT OF STATE
( ) DECLASSIFY
( ) DECLASSIFY IN PART
IM/IPS/CR/IR
Date:
EO Citations
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( ) CLASSIFY as ( ) S or ( ) C Sec.
( ) DOWNGRADE TS to ( ) S or ( ) C
A Exemptions
Exemptions

THE SOVIET UNION AND CUBA

"Soviet behaviour toward Cuba and Central America remains the biggest obstacle to a full across-the-board improvement in relations between the United States and the Soviet Union."

-- U.S. Secretary of State James Baker, before the annual assembly of the Organization of American States, November 13, 1989

* "Why must we help everybody else...when we don't have enough for ourselves?"

"We lack housing, schools, hospitals. Infant mortality is higher than in Japan and the United States. In Bratsk, we are being issued ration coupons -- half a kilo [1.1 pounds] of meat, a kilo of sugar a month...but we still help, help, help."

"In our family, we eat meat only on a holiday, and you have to wait for 25 to 30 years for an apartment. Now it's time for my daughter to get married, but we don't have any money to celebrate the occasion. Perhaps we can borrow some from the government. It must be rich. It helps everybody else."

(Letters from Soviet citizens to the Soviet newspaper *Socialist Industry*, as reported in the *Washington Post*, January 15, 1989)

* In an unprecedented appearance before the International Affairs Committee of the Soviet legislature on February 11, 1990, Secretary of State James Baker criticized recent Soviet shipments of MiG-29 airplanes to Cuba and challenged the Soviet Union to stop arming Cuba. (*The Washington Post*, February 11, 1990)

* In a speech before the Congress of People's Deputies, Soviet economist Nikolai Shmelyov of the Institute for the Study of the USA and Canada outlined a plan to forestall the collapse of the Soviet economy and proposed that the Soviet Union increase hard currency savings by cutting off aid to Cuba. (*The Baltimore Sun*, June 9, 1989)

* Excerpts from official Cuban Communist Party organ *Granma* announcing ban on Soviet publications *Moscow News* and *Sputnik*, August 4, 1990, *Foreign Broadcast Information Service*:

"They publish formulas that favor anarchy, shielding themselves in the indispensable diversity of views. The analysis of the way to behave and use the main principles of Marxism-Leninism in line with the new historic conditions introduces elements that lead to its denial. The necessary search for new methods to guide the economy intends to deny the political-ideological component of all economic policies and appears to not recognize that leading the socialist economy is more than using techniques and mechanisms."

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"In their pages, one can discover the apology of the bourgeois democracy as a supreme form of popular participation as well as the fascination with the U.S. way of life. Imperialism has disappeared. Those in the Soviet Union who today deny the guiding role of the party and demand multiple parties, proclaim the free action of the laws of the market, sublimate foreign investments, rediscover private property, question internationalism and solidarity aid to other countries, are portrayed by these publications as radical left-wing democrats defenders of the interests of the people. Even supporters of the women's home service slavery find a place in these publications."

"One thing we can already regret is the negative consequences we have noticed as a result of having among us these distortions, confusions, fabrications which, in sum, they constitute painful evidence of lack of political education and education in general...."

"...Publications such as these do not correspond to our situation and our interests, thus, they are not for us."

* Excerpts from interview with A.D. Bekarevich, deputy director of the USSR Academy of Sciences Latin America Institute, October 26, 1989, FBIS:

[Reporters] ...Western scientists and publicists have long been accusing Cuba of "economic freeloading." It has become a commonplace to claim that, according to CIA data, "the maintenance of Cuba costs the Soviet Union" $8 billion a year. ...And yet it is an open secret that things are really bad in our own country....

[Bekarevich] ...Yes, our aid [to Cuba] was considerable: Approximately 460 national economic projects alone were constructed during the years of cooperation. As regards the present day, the Soviet Union meets Cuba's needs for oil and petroleum products by 100 percent, for fertilizers by 91 percent, for rolled ferrous and nonferrous metals by 70 percent, for grain crops by 94 percent, and for trucks and passenger cars by 70 percent. The sum total of credits between 1960 and the present amounts to R6 billion. Additional long-term targeted credit was granted to Cuba for 1986-1990 to the tune of R2.5 billion.

Today we are giving Cuba technical assistance in the construction of 174 industrial projects. These include a nuclear power station, a thermal power station, a nickel plant, a large-capacity oil base with wharves and pipelines, and so forth.

...For the future I favor an open discussion in parliament of the size of the aid and the state of our foreign trade.

[Reporters] ...In 30 years we have never managed to balance our trade with Cuba. Today the Cubans owe us for goods worth R2,386,000,000.... We realize that in the past both Cuba and Nicaragua needed our assistance. Today the situation in that part of the world is changing. Tension is declining, in particular, around Nicaragua....

[Bekarevich] Trade has always been a unique barometer of the general state of affairs. In this case we have inherited the trade imbalances with Cuba and Nicaragua to a certain extent from complex times. Today we should put our trade relations with those countries on a footing of mutual advantage, not curtail or abandon them altogether, as certain people urge.

In the past we really did not always determine correctly the size of aid or its channels. Then we were helping Cuba to survive, as we are doing today in Nicaragua. You can also frequently hear rebukes that, by supplying Cuba with oil, for example, we lose currency, because petroleum products could be sold on the free market. But Cuba supplies us with commodities which our country would have to pay currency to acquire. I mean citrus

fruits, sugar, and nickel. Cuban deliveries meet 40% of our needs for oranges and lemons, 30% with regard to sugar, and approximately 20% for cobalt and nickel ores.

[Reporters] Today the whole country is going over to economic accountability. We do not know whether Foreign Ministry staffers will agree with us, but this process probably will not bypass our foreign policy. Speaking of trade, it seems to us that it must be carried on even with our close partners on mutually advantageous terms....

[Bekarevich] ...I see the instilling of order in the sphere of export-import prices as the key to the qualitative improvement of our trade and economic relations.

* In an interview with the *Orlando Sentinel*, Soviet Ambassador to the United States Yuri Dubinin, commenting on the lack of changes in Cuba, said "Change in Cuba will depend on the Cuban people. It will also depend on the international situation in [the region]. But the main principle is the freedom of choice by all people." (*Orlando Sentinel*, December 24, 1989)

* The *London Daily Telegraph* reported on February 8, 1990, that Mikhail Gorbachev was using economic pressure against Cuba to force Fidel Castro to moderate his criticisms of Soviet-style reforms. The article said that the Soviets had reduced oil and wheat shipments to Cuba and that there existed a shortage of ships to transport Cuban citrus products to East Europe. "The Soviet Union is not fulfilling its promises regarding wheat shipments to Cuba, and this has forced the Castro regime to reduce bread rations and raise the prices of related foodstuffs," the article said.

In the matter of Soviet oil exports, a portion of which Cuba re-sells to other Latin American countries, Moscow has reduced its subsidy to Cuba in the amount of over $10 million. The article said Cuba had been forced to reduce its export of oranges, lemons, and grapefruit because of the shortage of Polish, East German, and Soviet ships. It was reported that Poland and East Germany had demanded that Moscow pay them in hard currency for the use of their ships and apparently the Soviet Union had refused. (*The London Daily Telegraph*, February 8, 1990)

* Excerpts from "Soviet foreign aid: Is it always put to wisest use?" by Andrei Kortunov, *Moscow News*, December 3, 1989:

"It would be good to interpret [Soviet] generosity as bearing witness to the priority of universal human interests over national ones in Soviet policies. But do we really help those in need? The geographic distribution of our aid shows that this isn't so. According to Western estimates...Cuba accounts for at least a quarter of the total volume of economic assistance -- about 3 billion rubles a year. It is no secret that we buy Cuban sugar for a price four times the world average."

"It is no secret that many Third World recipients of Soviet aid are notorious for their authoritarian or dictatorial methods of rule, the cults of their leaders, a ruthless suppression of the opposition, and for corruption."

"It is time to put things in order.... There is a need to publish detailed information on our system of giving aid, the terms of granting it, and its distribution according to countries and regions."

"In mapping out future aid programs, there is a need to discard as soon as possible the Cold War stereotypes, when any anti-American regime in the Third World, declaring allegiance to Marxism-Leninism, could count on Soviet support."

* Excerpts from letter to *Moscow News* by Alexei Izyumov, Weekly No. 7, 1990:

"I agree with Andrei Kortunov: Soviet aid is excessive and hardly effective."

"The ineffectiveness of our aid mirrors the ineffective economic system prevailing in most of the countries we help and in the Soviet Union itself."

"What if from the cost of our 'currency saving' on Cuban sugar we deduct the cost of the fuel, grain and raw materials we sent to Cuba, rather than selling them for hard currency on the world market? And if our economic relations with Cuba are so profitable, why is Cuba's debt to the USSR estimated at 10-20 billion dollars?"

"Thus, from the information available today, it follows that Soviet aid doesn't have much in common with either the economy or humanitarian purposes, and remains primarily an instrument of our foreign and military policy. If it were used effectively in this capacity, it would be half the trouble. The problem is that even the political fruits of our assistance are insignificant. Or so Castro's recent statements would indicate."

* Excerpts from "Being True to Principles or Principles Being True," by Vladamir Orlov, *Moscow News*, Weekly No. 10, 1990:

"That's devotion to principles [in Castro's speeches]. But whether these principles are correct is never questioned."

"...Havana's intention [is] to take over the role of a sage who alone can know the right way."

"Such directness in Cuba takes place alongside rationing of all goods which insures people against poverty, but is no incentive to work."

"...stability [in Cuba] is ensured through a network of Committees for the Defense of the Revolution (CDR) encompassing the entire country.... The Committees have a finger in every pie.... Their activists snoop around for those who listen to "Radio Marti" broadcast from the USA and for those who voice politically immature ideas. CDRs closely cooperate with the national revolutionary police and other services."

"Today Cubans, especially young intellectuals, are closely and sympathetically following Soviet perestroika."

"A new situation is taking shape in the island...there is a shift from social apathy to passive, still rather latent disaffection. There are now nearly fifteen dissident groups whose demands are as diverse as support of the policy of perestroika in the USSR and freedom of religion in Cuba."

"Alexander Solzhenitsyn's article 'To Live Not According to Lies' is being circulated in Spanish translation in typewritten form. There have been cases of students refusing to sign statements that are usually adopted to support Castro's speeches."

* The Soviet weekly *Argument and Fact* severely criticized the Cuban leadership and specifically Fidel Castro, calling for "new solutions for old problems." The March 18, 1990, issue said, "The numerous and recent changes in the Soviet Union and the countries of Eastern Europe, in particular the advances of political pluralism and the market economy, have not been warmly welcomed in Cuba -- far from it." It accused Fidel Castro of having "categorically rejected the possibility of applying similar reforms in Cuba."

The weekly also said it is without a doubt that there exist in Cuba "partisans of Soviet- or East European-style reforms," adding that not everyone in Cuba is in agreement with the policies of the Cuban government. "It is not a secret to anyone that hundreds of thousands in the past three decades 'have voted with their feet' for capitalism in emigrating to the United States."

The signs of crisis in the economy increase, "the standard of living decreases," and "unemployment is becoming visible," the article said.

The weekly asked if the Soviets "don't have a moral responsibility for the numerous errors made in Cuba's political economy," because their ideas were "inspired" by "our specialists."

* In a March 27, 1990, press conference at the U.N. Correspondents Club, Vitaly Korotich, director of the influential Soviet magazine *Ogonyok*, said that the Soviet Union needs to revitalize its economy and therefore has to be more realistic in its support for Cuba in the future. He said it is impossible for the Soviets to continue paying such a high price to maintain the Cuban regime. He added that if the Cubans can maintain their regime without changes that's fine, but that the USSR shouldn't be obligated to pay so much for someone so far away. (Agence France Presse, *El Nuevo Herald*, March 28, 1990)

* Excerpts from "The Giving Hand is Generous," by B. Sergeyev, *Ekonomika I Zhizn*, March 1990, FBIS:

"The lack of complete official data makes it impossible to analyze thoroughly the effectiveness of the USSR's foreign ties and is one of the reasons for our not always successful orientation in the system of the international division of labor.... [But] even removal of the stamp of secrecy here is perhaps not enough to obtain a complete picture of the volumes and directions of our aid to other states. It is not only direct credits and gifts."

"A considerable portion of aid involves inflating the prices we pay for imported goods and lowering the cost of our own exports, preferential interest rates on credits, tariffs on services.... There are facts that have already been made public: we pay 7-9 times more for Cuban sugar than we do to other foreign suppliers, thus transferring to Cuba more than R2 billion of hidden aid each year under this item alone...."

"...in light of the new political thinking, the former payment only for a show of values is clearly excessive.... We must look for a mutually acceptable way out of reckless philanthropy."

"...some of our fellow countrymen, it seems, consider the present situation unshakable. Thus in *Moskovskiye Novosti* (No. 52, 1989) S. Tarasenko, chief of an administration of the USSR Ministry of Foreign Affairs, clearly idealized, in my opinion, our business relations with Cuba. And the arguments are convincing at first glance. One of them goes like this: it is better to overpay some 2 billion rubles than to pay several hundred million dollars for the same amount of sugar on the world market. But, you see, each year we supply Cuba

with 6 million tons of petroleum products and a mass of other goods, the currency price of which on the world market far exceeds our dollar savings in sugar."

"The Midas list of other advantages which, for example, our Aeroflot, Maritime Fleet, and military and intelligence services receive on the faraway island are also not very convincing. What is it worth just to have about 300 Soviet vessels engaged in servicing Cuba, while the Cuban fleet earns currency for itself for shipping cargo of other countries?

"What about our partners? It seems that instead of searching for acceptable solutions and increasing the effectiveness of cooperation, they prefer for the time being rhetoric aimed against us, and the first time we call for equality in barter, they regard it as a restriction and discrimination. Thus, the Spanish newspaper *Independente* on 22 January this year carried the following words of Fidel Castro: 'If the USSR is going to practice an unequal trade exchange in its relations with Cuba, selling its goods at a higher price with each day and buying our agricultural products at cheaper prices, this will mean the same thing the United States is practicing with respect to developing countries.' Is he contradicting the truth? But on the other hand, it was clearly inspired by the arguments of the Ministry of Foreign Affairs representative."

"What constructive can be proposed here? The main thing is to separate aid from commerce and trade from politics. We must apply complete glasnost to this sphere. Here it is especially noticeable that the less glasnost, the less responsibility."

* U.S. intelligence sources told *The Washington Times* that the Soviet Union is expanding its large electronic listening post at Lourdes, outside of Havana. The 28-square-mile complex, which is manned by 6,000 Soviet technicians and personnel, enables the Soviets to monitor U.S. government high-frequency communications, particularly fleet communications, as well as to intercept all telephone calls carried by satellite within the southeastern United States. (*The Washington Times*, April 5, 1990)

* A Soviet diplomat told *The Washington Times* that Cuba owes the Soviet Union $11 billion, of which $7 billion is in hard currency.* Also, that Moscow has told Cuba that it wants to pay for Cuban sugar something closer to the world market price of $280 per ton, rather than the $450 a ton agreed to in 1986. On the subject of oil, the Soviets exported 13.5 million tons to Cuba in 1986, for which Cuba paid $15 a barrel. (*The Washington Times*, April 6, 1990) (*Note: a former Cuban economic minister says Cuba's debt to the Soviet Union amounts to at least $34 billion. See *The Wall Street Journal*, April 7, 1989.)

* In an editorial published on April 9, 1990, the official organ of the Soviet Communist Party, *Pravda*, cited numerous inequalities in Soviet-Cuban economic relations and asserted that a profound revision in Soviet aid to Cuba was necessary. According to *Pravda*, Soviet industries have a declining interest in economic cooperation with Cuba, given that Cuba pays the Soviet state in convertible rubles for supplies and nothing to the businesses. Soviet industries now have other possibilities to sell production, much more appealing than those offered by Cuba. The newspaper noted that Soviet economists want prices to reflect those on the world market, and to end preferential rates.

Pravda lamented also that the defects of the Soviet economy have been "transferred across the ocean," like for example the mania for gigantic projects, the interminable length of time to complete projects, and the interruption in services. It complained about Soviet

cargo ships wasting too much time waiting in Cuban ports to be off-loaded, and concluded that, "The hour has come to abolish the centrally planned economy." (AFP, *El Nuevo Herald*, April 10, 1990)

* The Soviet Union and Cuba signed a one-year trade protocol on April 17, 1990, worth 9.2 billion rubles (approximately $14.7 billion), which will allow for a slight increase in trade between the two for 1990, the final year of a five-year economic cooperation agreement.

The Soviets indicated, however, they want to keep their options open in future trade relations with Cuba and said that any new economic cooperation agreement would probably last less than the traditional five years and would take into account economic reforms instituted in the USSR.

It was also announced that a special committee would be established to discuss future trade relations and to make trade between the countries more efficient.

According to the Mexican news agency *Notimex*, Leonid Abalkin, deputy chairman of the USSR Council of Ministers, said the fast pace with which his country is moving toward a market economy will force the establishment of a new trade basis with Cuba. Abalkin said the USSR will adapt to CEMA outlines on prices and the international market.

On the future of Soviet trade with Cuba, he said there is no answer at this time inasmuch as they cannot predict the outlook of their own development.

However, he added that future trade agreements will have to be more flexible and that mechanisms will probably be introduced for free individual contracts.

Neither the Soviets nor Cubans released details of the 1990 trade pact, but said it represented an 8.7 percent increase in trade over 1989. Cuba's *Prensa Latina* reported that the pact covers fuel, grain, spare parts, food and raw material. (*The Miami Herald*, April 19, 1990, and *Notimex*, April 19, 1990, FBIS.)

* Soviet Ambassador to Cuba Yuri Petrov, discussing Soviet-Cuban economic relations said, "I believe we must start looking for new paths and scopes in the area of cooperation because there is a wide range of things to do here in Cuba" and "the most important aspect of our economic cooperation is of course to increase its efficiency." (FBIS, May 1, 1990)

* In a May 4 speech before the USIA Third International Council Conference, White House Chief of Staff John Sununu expressed the Bush Administration's disappointment over Moscow's continued dealings with Fidel Castro. He said Mikhail Gorbachev "is still the patron" of the Cuban economy, "to the tune of a few billion dollars a year."

* In an exchange of messages noting the 30th anniversary of the re-establishment of Soviet-Cuban relations, Soviet Foreign Minister Eduard Shevardnadze indicated to his Cuban counterpart, Isodoro Malmierca, "the Soviet Union's dissatisfaction with Cuba's continued resistance to institute reforms." (UPI, *Diario las Americas*, May 9, 1990)

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E.O. 12356: N/A
TAGS: PREL, PINS, PTER, NU, ES
SUBJECT: FMLN LEADER REPORTEDLY SAYS SALVADORAN GUERRILLAS INTERESTED IN TALKING WITH USG

1. A THIRD COUNTRY JOURNALIST INFORMED US NOVEMBER 14 THAT HE HAD JUST RETURNED FROM A MANAGUA PRESS CONFERENCE HELD BY MARIO LOPEZ, A MEMBER OF THE FMLN'S "MILITARY-DIPLOMATIC COMMISSION." LOPEZ, ACCORDING TO THE JOURNALIST, TOLD REPORTERS THAT THE FMLN WAS "VERY INTERESTED IN "SITTING DOWN" WITH THE BUSH ADMINISTRATION REGARDING THE CURRENT FMLN "OFFENSIVE" IN EL SALVADOR. LOPEZ WAS ASKED DIRECTLY IF THE GON WAS AIDING THE FMLN; HE REPORTEDLY REPLIED THAT THIS "WAS NOT AN IMPORTANT QUESTION" AND REFUSED TO SAY ANY MORE ON THE MATTER. THE PRESS CONFERENCE WAS HELD AT THE INTERNATIONAL PRESS HEADQUARTERS IN MANAGUA. NO OTHER FMLN MEMBERS WERE PRESENT.

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2. SAN SALVADOR [redacted] CONSIDERED.

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El Salvador: Human Rights
Special Project (1993)
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United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: SLOTT, DICK
Date: 06/07/94
Case ID: S940035H

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GUATEMALA
HUMAN RIGHTS
COMMISSION/USA

HUMAN RIGHTS UPDATE
NOVEMBER 19, 1989

EXTRAJUDICIAL EXECUTIONS

PASCUCIO GOMEZ (60) was stabbed to death November 7 by several armed men in Tzacuacal, San Lucas Toliman, Solola.

MERY ANGELY ESTZABEL VALDEZ (12) was in a pickup truck in front of her house, in a busy zone in the capital, on her way to school the morning of Nov. 8, when she heard shots and saw a man bathed in blood. When she screamed, one of the three men who had shot MAXIMO DE JESUS GUERRA (49) turned towards her and shot through the windshield of the pickup, injuring her in the chest. MERY ANGELY went back to her house, and the attackers fled. She was immediately driven to a nearby private hospital, but because no doctor was on duty she died without receiving treatment. Approximately 20 people were at a bus stop about 20 meters from the attack and witnessed everything. The victims were shot with 9 mm automatic pistols.

ADRIAN SANDOVAL MEDINA (56) was shot to death and his son HERNAN SANDOVAL ORELLANA (30) was injured in the arm by unidentified men at kilometer 38 on the road from San Vicente Pacaya, Escuintla. (Nov. 9)

The bodies of sister and brother MARIA and ROBERTO CASTRO MORALES, from Guatemala City, were found in a ditch along the highway from Escuintla to Taxisco, Santa Rosa. They died from blows to the chest and abdomen. (Nov. 9)

DISCOVERY OF UNIDENTIFIED BODIES

Date	No.(*)	Sex	Department	Details
11/8	3	M	Quezaltenango	Found strangled in a nylon sack
11/9	2	M	Guatemala	Beaten; bullet wounds
11/9	1	M	Huehuetenango	Bullet wound in the head
11/10	1	?	Chiquimula	Human remains and bones
11/12	3	M	Guatemala	Tortured; bullet wounds
Total:	10			

* if more than one, bodies found together

KIDNAPPED/DISAPPEARED

Customs agent IVAN LOPEZ NORMAN (28) was abducted by armed men who took him away in their car, which had California (U.S.) license plates LABS 233. His wife presented writs of Habeas Corpus, but he has not been found. (Nov. 10)

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 07/11/95
Case ID: 9512228

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This fourth man drove Sister Diana into the capital. When they stopped in heavy traffic, Diana jumped out of the vehicle and ran away. She found a woman who took Diana into her home and gave her money for phone calls and bus fare. Diana then made her way to Zone 7 and ultimately to the Maryknoll Center House. For security reasons, she was moved to the home of the Papal Nuncio.

Under the protection of Monsignor Oriano Quilici, Sister Diana Ortiz left Guatemala for the United States and is now recuperating from her physical and emotional trauma.

RECOMMENDED ACTIONS

1. Call or write the Guatemalan Embassy:
   Ambassador Rodolfo Rohrmoser
   Embassy of Guatemala
   2220 R St. NW
   Washington D.C. 20008
   (202) 745-4952

2. Send telexes to Guatemalan President Vinicio Cerezo (telex #: 305-5331 capres gu) and/or Defense Minister General Hector Gramajo (telex #: 305-5321 relpub gu).

3. Call or write your Members of Congress.

4. Call the media in your area or write a letter to the editor.

5. Write to the Third Commission of the United Nations General Assembly, currently in session:
   Ms. Elissaveth Stamatopoulou-Robbins
   Officer in Charge
   Center for Human Rights
   United Nations, Room S-2914
   New York, NY 10017

SPECIFIC APPEALS

* Ask for an immediate independent (non-governmental) investigation into the abduction and torture of Sister Diana Ortiz. Request a copy of the report.

* If your local media has not covered the story, give them the information and ask them to report it. Or write a letter to the editor about Sister Diana's ordeal as an example of the atrocities that take place in Guatemala every day (and are rarely reported in the U.S. media). Take other examples from GHRC/USA's Human Rights Updates and Alerts.

* Ask the U.N. General Assembly Third Commission to monitor events in Guatemala and to investigate the recent increase in human rights violations, including the case of Sister Diana Ortiz, in order to determine who is responsible and what can be done to bring the perpetrators to justice.

Please send copies of your letters on behalf of Sister Diana Ortiz, and we will forward them to her.

GUATEMALA
HUMAN RIGHTS
COMMISSION/USA

HUMAN RIGHTS UPDATE
NOVEMBER 11, 1989

EXTRAJUDICIAL EXECUTIONS

The bodies of DIONILIO DIOMALI ORIZABAL PEREZ and Escuintla resident FERNANDO AYALA (35) appeared in El Campanero, Ciudad San Cristobal, Guatemala. Orizabal Perez disappeared Oct. 13. The Court refused to accept writs of Habeas Corpus presented on his behalf by both his family and the Grupo de Apoyo Mutuo (GAM). (Nov. 2)

The body of MYNOR AGUILAR (13) was found with a smashed skull in San Pedro Sacatepequez, San Marcos. (Nov. 2)

The body of student JOSE ALFONSO CHOCO MAXIB (18), with a bullet in the head, was found in the Monserrat commercial center at 7th Street and 5th Avenue, Zone 7, Mixco, department of Guatemala. (Nov. 3)

Agricultural worker LORENZO DE LA CRUZ GOMEZ (59), who was abducted from his house on the San Isidro estate in Santa Lucia Cotzumalguapa, Escuintla, Oct. 21 by heavily armed men, was found dead on the same estate. (Nov. 5)

The body of San Marcos resident JOSE PASCUAL XICAY (40) appeared in Santo Domingo, Suchitepequez, shot to death. (Nov. 5)

FRANCISCO HUMBERTO SANCHEZ (33), student at Francisco Marroquin University in Guatemala City, was shot while walking to a bus in colonia Landivar, Zone 7 of the capital. He was driven to a clinic where he later died. (Nov. 7)

DISCOVERY OF UNIDENTIFIED BODIES

Date	Sex	Department	Details
11/1	M	Guatemala	Tortured, with bullet wounds in the back and head
11/1	M	Guatemala	Same condition as the above; found together
11/2	M	Guatemala	Partially decomposed
11/3	M	Sacatepequez	Partially decomposed
11/4	?	Guatemala	Found with the above body; knife wounds
11/5	?	Guatemala	Beaten and shot

KIDNAPPED/DISAPPEARED

Montecristo shoe factory trade unionist ROBERTO RODRIGUEZ, who had received death threats, was abducted in Guatemala City Nov. 2 by unidentified men in a vehicle with official plates.

11/11/89-1

1359 MONROE ST., NE WASHINGTON, DC 20017 (202) 529-6599

RELATED INFORMATION

The Banco del Agro (Agriculture Bank) union began an all-out strike Oct. 30 because of the authorities' refusal to sign a collective work agreement. Reports indicate that the union had also received threats of massive dismissals and other types of intimidation.

Rubber tappers began a strike Oct. 31 on the San Jose de la Granja estate in Retalhuleu because of the illegal withholding of their salaries, non-payment of salaries lost in an earlier strike, and the lay-off of four workers.

Guatemala receives the largest technical aid package from the United Nations related to human rights, declared lawyer Jose Luis Gomez del Pardo, member of the U.N. Technical Assistance Program. In two years the U.N. has granted US$228,000 to Guatemala for the creation of three libraries, disbursal of grants, and maintenance of human rights experts. (Oct. 31)

The Commission of Ethnic Groups of the National Dialogue petitioned the Plenary Session to: 1) dismantle the civil defense patrols; 2) discontinue the development poles; 3) turn over to widows the funds donated to them by international organizations without the condition that they vote for Christian Democrats; 4) resolve, before the return of refugees, the question of ownership of their land. (Because they were forced by repression to leave the country, the argument that the refugees abandoned their land is not applicable.) (Oct. 31)

The military base in Ixpaco, Santa Rosa, handed out rifles Oct. 31 to more than 150 civil patrol members due to an outbreaks of violence in the area, according to an official report.

The quetzal was devalued by 5% Nov. 5. One quetzal is now worth US$2.90.

As a result of its human rights record, the Guatemalan government was not elected to the Economic and Social Council of the U.N. According to the United Representation of the Guatemalan Opposition (RUOG), the government presented its candidacy at the same time repression was reaching the level of past military regimes. (Nov. 6)

The Universities and Community Colleges of Canada expressed their concern about the disappearance, torture and murder of students of the University of San Carlos (USAC). They hold the Guatemalan government and army responsible for systematic and massive human rights violations and demand the release of all disappeared students and respect for their physical and psychological well-being. (Nov. 7)

On Nov. 9 GAM called for a demonstration of popular and student organizations to be held Nov. 10 to demand the appearance alive of GAM member Maria Rumalda Camey, the kidnapped University Student Association (AEU) students, and other disappeared persons.

The above information is from the Comision de Derechos Humanos de Guatemala (CDHG) in Mexico and direct sources in Guatemala. Dates in parenthesis indicate when information was received by CDHG.

GHRC/USA 11/11/89-3

* Since September 1, 1989, 165 extrajudicial executions 36 disappearances have been recorded.

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E.O. 12356: DECL:OADR
TAGS: PGOV, MOPS, PREL, ES, CS
SUBJECT: TFES01: COSTA RICAN ACTING FOREIGN MINISTER RIVERA ON THE SITUATION IN EL SALVADOR

RELEASED
El Salvador: Human Rights Special Project (1993)

REF: SAN JOSE 14474

1. [redacted] - ENTIRE TEXT.

2. SUMMARY: ACCORDING TO ACTING FOREIGN MINISTER RIVERA, A CONFIDANT OF PRESIDENT ARIAS, COSTA RICA IS DOING ALL IT CAN TO SUPPORT SALVADORAN PRESIDENT CRISTIANI, INCLUDING SENDING MEDICINES AND OTHER HUMANITARIAN AID. THE GOCR HAS BEEN IN TOUCH WITH FMLN REPRESENTATIVES IN MEXICO AND CONSIDERS THE FMLN OFFENSIVE TOTALLY UNJUSTIFIED. RIVERA EXPRESSED FRUSTRATION THAT THE CURRENT SITUATION OFFERS FEW POSSIBILITIES FOR CONSTRUCTIVE DIPLOMACY. HE ACCEPTS OUR INTERPRETATION THAT THE FMLN OBJECTIVE WAS TO BRING THE CRISTIANI GOVERNMENT DOWN AND COMMENTED THAT THE OFFENSIVE HAD TO HAVE BEEN PLANNED AT THE TIME OF THE OCTOBER 16-17 FMLN/GOES TALKS IN SAN JOSE. END SUMMARY.

3. IN A NOVEMBER 22 MEETING ON ANOTHER SUBJECT, THE AMBASSADOR PROVIDED RIVERA WITH A COPY OF ASSISTANT SECRETARY ARONSON'S CONGRESSIONAL TESTIMONY ON EL SALVADOR AND ASKED RIVERA HOW THE GOCR ASSESSES THE CURRENT SITUATION.

4. RIVERA SAID THE GOCR SEES FEW POSSIBILITIES FOR CONSTRUCTIVE ACTION, "EVEN FEWER TODAY," AFTER RENEWED FMLN HOSTILITIES IN SAN SALVADOR. RIVERA SAID THE GOCR HAS BEEN IN FREQUENT CONTACT IN THE LAST TWO WEEKS WITH FMLN REPRESENTATIVES IN MEXICO. THE GUERRILLAS PROFESS A WILLINGNESS TO RENEW TALKS WITH THE GOES, RIVERA SAID, BUT AFTER THE EVENTS OF THE LAST TWO WEEKS, WHAT WOULD THEY DISCUSS? WHEN THE OFFENSIVE WAS FIRST BEGUN, THE FMLN TOOK THE POSITION THAT IT WAS INTENDED TO ENHANCE ITS NEGOTIATING POSITION. BUT THE ONLY THING IT HAS ACHIEVED IS TO REDUCE PRESIDENT CRISTIANI'S

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Review Authority: SLOTT, DICK
Date: 06/07/94
Case ID: S940035H

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Special Project (1993)

NEGOTIATING SPACE AND IS TOTALLY UNJUSTIFIED. HOW DO THE GUERRILLAS ATTEMPT TO JUSTIFY THEIR ACTIONS? THEY OFFER EXPLANATIONS THAT DON'T EXPLAIN, RIVERA SAID.

5. RIVERA SAID HE HAD JUST MET WITH SALVADORAN AMBASSADOR RODOLFO REVELO, WHO HAD REQUESTED MEDICAL AND OTHER HUMANITARIAN AID. THE GOCR WOULD TRY TO RESPOND POSITIVELY. CRISTIANI NEEDED TO BE SUPPORTED PUBLICLY, RIVERA NOTED. THE AMBASSADOR REFERRED TO THE PRE-OFFENSIVE VISIT HERE (NOVEMBER 6) OF AN FMLN DELEGATION, JUST AFTER THE FMLN ANNOUNCED IT WAS BREAKING OFF THE TALKS. THE DELEGATION HAD BEEN A LOW-LEVEL ONE, THE AMBASSADOR SAID, IN ITSELF SOMETHING OF A SLAP AT PRESIDENT ARIAS. MORE IMPORTANT, THE OFFENSIVE HAD TO HAVE BEEN PLANNED AT THAT TIME, WHICH MADE A MOCKERY OF THE FMLN'S PROFESSED INTEREST IN DIALOGUE. RIVERA AGREED. NOT ONLY THAT, HE ADDED, BUT THE OFFENSIVE MUST HAVE BEEN PLANNED EVEN AT THE TIME OF THE OCTOBER 16-17 TALKS IN SAN JOSE. THE AMBASSADOR SAID THAT WE HAD EVIDENCE, IN THE FORM OF A VIDEO WHICH WE HAVE NOW RELEASED TO THE PRESS, OF SANDINISTA SUPPORT/TRAINING FOR THE FMLN. THE VIDEO SHOWED NEW WEAPONS, INCLUDING MORTARS, BEING TESTED IN THE PRESENCE OF FMLN OFFICIALS. WE BELIEVE IT WAS MADE ABOUT JULY. RIVERA SAID THE PRESIDENT HAD MADE A "FIRM ALLUSION" TO THE PREMEDIATED QUALITY OF FMLN ACTIONS IN HIS PUBLIC STATEMENT (REF).

6. THE AMBASSADOR SAID WE HAD NOTED PRESIDENT ARIAS'S STATEMENT NOVEMBER 20 AT THE INAUGURATION OF A CONVENTION OF COFFEE PRODUCERS. ARIAS HAD SPOKEN OF THE NEED TO ACT. WHAT DID THE GOCR HAVE IN MIND? RIVERA REPEATED THAT THERE ARE FEW POSSIBILITIES NOW, BUT THE GOCR IS THREATENING THE FMLN WITH A MORE EXPLICIT COSTA RICAN DENUNCIATION.

7. COMMENT: ARIAS AND RIVERA HAVE BEEN INTENT ON KEEPING OPEN THE POSSIBILITY OF FURTHER COSTA RICAN MEDIATION IN THE SALVADORAN CONFLICT AND HAVE BEEN RELUCTANT TO CONDEMN THE FMLN FOR THAT REASON. ALTHOUGH THEY MAY BE FINALLY LOSING PATIENCE, PAST EXPERIENCE SUGGESTS THEY WILL SWALLOW THEIR

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INDIGNATION SO AS NOT TO CUT OFF THEIR COMMUNICATION WITH THE GUERRILLAS.

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	L-03	PM-10	EPA-01	INRE-00	ACDA-12	SP-02	DOEE-00
	NRC-02	SNP-01	CEQ-01	T-01	/077 R		

DRAFTED BY: OES/NEP:EBUSICK:AKM
APPROVED BY: OES/NEP:CSTOIBER
S/NP:STHOMPSON
EB/ODF:ASUNDQUIST
OES/NEC:RDELABARRE
EX/IM:JJENNINGS (INF
DOE/S2:JSTONE (INFO)
ARA/MEX:AOLTYAN
EX/IM:MHINCHMANINFO)

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FM SECSTATE WASHDC
TO AMEMBASSY MEXICO

DEPARTMENT OF STATE IM/IPS/CR/IR Date: 4-1-98
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TS authority to
FOIA Exemptions ( ) CLASSIFY as ( ) S or ( ) C Sec.
PA Exemptions ( ) DOWNGRADE TS to ( ) S or ( ) C

[redacted]STATE 375965

E.O. 12356: N/A

TAGS: KSCA, KNNP, ENRG

SUBJECT: NUCLEAR FUEL BIDS FOR LAGUNA VERDE

1. MALAIPAI RESOURCES, INC, A U.S. URANIUM PRODUCER, IS THE ONLY U.S. MINING COMPANY WHICH IS SUBMITTING BIDS TO THE FEDERAL ELECTRICITY COMMISSION (CFE) TO SUPPLY URANIUM FOR THE FIRST RELOAD FOR THE LAGUNA VERDE REACTOR. CFE HAS ASKED FOR BIDS DELIVERIES FOR DECEMBER 1989, JUNE 1990 AND DECEMBER 1990.

2. DEPARTMENT IS VERY INTERESTED IN SUPPORTING MALAIPAI'S BID. HAVING VIGOROUSLY OPPOSED OVER THE YEARS BILLS IN CONGRESS TO IMPOSE RESTRICTIONS ON

[redacted]

PAGE 02 STATE 375965

URANIUM IMPORTS, WE FEEL A PARTICULAR OBLIGATION TO SUPPORT THE FEW REMAINING U.S. PRODUCERS WHO ARE ABLE TO COMPETE IN THE WORLD MARKET. MALAIPAI'S BID OFFERS A

UNCLASSIFIED

TEN-YEAR LONG-TERM CONTRACT, WHICH IS THE ONLY BASIS ON WHICH MALAIPAI CAN OFFER A COMPETITIVE PRICE. THIS IS BECAUSE THEY WILL HAVE TO OPEN UP PROPERTIES IN ORDER TO SUPPLY THE YELLOWCAKE. MALAIPAI CLAIMS THAT CFE HAS BEEN INTERESTED IN THEIR PROPOSAL. IF MALAIPAI WINS THE BID, THEY ARE INTERESTED IN EXPLORING A JOINT VENTURE WITH A MEXICAN FIRMS TO DEVELOP URANIUM PROPERTIES NOT FAR FROM THE TEXAS BORDER. THIS PROPOSAL IS APPARENTLY ATTRACTIVE TO CFE.

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3. MALAIPAI HAS HEARD A RUMOR RECENTLY THAT SOMEWHERE IN THE MEXICAN GOVERNMENTBUT NOT CFE A DECISION HAS BEEN MADE ON A TWO YEAR LIMIT ON BIDS FOR FUEL SUPPLY, WHICH WOULD ELIMINATE MALAIPAI'S OFFER FOR A TEN-YEAR CONTRACT.

4. ACTION REQUESTED: EMBASSY IS REQUESTED TO TRY TO LEARN WHETHER THE INFORMATION IN PARAGRAPH 3 IS CORRECT AND IF SO WHETHER ANYTHING CAN BE DONE TO KEEP ALIVE A BID BASED ON LONG-TERM SUPPLY. DEPARTMENT WOULD APPRECIATE ANY INFORMATION EMBASSY CAN GLEAN ON CFE'S TIMING ON BID SELECTION. EAGLEBURGER

[redacted]

NNNN

*** Current Handling Restrictions *** n/a

*** Current Classification *** [redacted]

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TEXT OF TELEGRAM 89HERMOS001606

ADP658 [redacted]

PAGE 01 HERMOS 01606 01 OF 02 242052Z
ACTION ARA-00

INFO LOG-00 ADS-00 INR-07 EUR-00 SS-00 HA-09 L-03
PM-10 INRE-00 SP-02 C-01 DS-01 P-02 /035 W
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O 230205Z NOV 89
FM AMCONSUL HERMOSILLO
TO AMEMBASSY MEXICO IMMEDIATE
AMEMBASSY ROME PRIORITY
SECSTATE WASHDC PRIORITY 6443
INFO AMCONSUL TIJUANA

[redacted] SECTION 01 OF 02 HERMOSILLO 1606

MEXICO FOR DCM, POL, RAS, MCCA

ROME FOR EMBASSY VATICAN

STATE FOR ARA/MEX, ARA/CEN, EUR/WE

E.O. 12356: DECL:OADR
TAGS: PREL, PGOV, VT, MX, ES
SUBJECT:
DEATHS OF JESUIT PRIESTS IN EL SALVADOR.

1. C - ENTIRE TEXT.

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Department of State IO/PHS/CDR [illegible] 9/24/93
[illegible]

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FILE A
El Salvador
Special

NR

KEEPING AN OPEN MIND ABOUT EVENTS IN EL SALVADOR

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6. [redacted] EXPRESSED DISMAY AND DISGUST OVER THE MURDER OF SIX JESUIT PRIESTS IN EL SALVADOR. HE ALSO EXPRESSED [redacted]

CC

CONCERN ABOUT THE SAFETY OF SALVADORAN ARCHBISHOP ARTURO RIVERA Y DAMAS AND BISHOP GREGORIO ROSA CHAVEZ.

7. [redacted] DID NOT PROCEED TO ACCUSE THE CRISTIANI GOVERNMENT OF COMPLICITY IN THE MURDER. THERE WAS, HE ACKNOWLEDGED, CONFLICTING INFORMATION ABOUT WHO WAS RESPONSIBLE FOR THE MURDERS AND HE WAS KEEPING AN OPEN MIND ON GUILT FOR THE MOMENT. PRINCIPAL OFFICER TOOK THE OPPORTUNITY TO OBSERVE THAT THE FMLN GUERRILLAS HAD MANY MOTIVES FOR COMMITTING SUCH A CRIME AND ATTEMPTING TO BLAME THE CRISTIANI GOVERNMENT FOR IT. AT THE SAME TIME, PRINCIPAL OFFICER NOTED THAT PRESIDENT CRISTIANI COULD NOT BE BLAMED IF RIGHTWING ELEMENTS NOT UNDER HIS CONTROL WERE LATER FOUND TO BE RESPONSIBLE FOR THE MURDERS. [redacted] WAS PLEASED THAT THE DEPARTMENT HAD CREATED A SPECIAL TASK FORCE IN RESPONCE TO THE SITUATION IN EL SALVADOR AND THAT USG HAD CALLED FOR A FULL INVESTIGATION TO DETERMINE WHO WAS RESPONSIBLE FOR THE PRIESTS' MURDERS.

CC

CC

TEXT OF TELEGRAM 89HERMOS01606

ACPSSS

[redacted]

PAGE 01 HERMOS 01606 02 OF 02 242055Z
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INFO AMCONSUL TIJUANA

[redacted]ECTION 02 OF 02 HERMOSILLO 1606

MEXICO FOR DCM, POL, RAS, MCCA

STATE FOR ARA/MEX, ARA/CEN, EUR/WE

ROME FOR EMBASSY VATICAN

E.O. 12356: DECL:OADR
TAGS: PREL, PGOV, VT, MX, ES
SUBJECT: , THE DEATHS
OF JESUIT PRIESTS IN EL SALVADOR,

TEXT OF TELEGRAM 89HERMOS001606

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El Salvador: Human Rights
Special Project (1993)

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Unofficial translation

8923754
'89 NOV-30 9:25 AM

The verbal statement by the American leadership in connection with the situation in El Salvador and the incident involving an aircraft with air defense systems on board have been seen in Moscow with all seriousness. Naturally, we decline attempts to link us directly or indirectly with this incident and moreover to make unsubstanciated conclusions with regard to our policy.

At the same time, taking into account the US side's statement we instructed our Ambassadors in Managua and in Havana to discuss the situation with the leadership of Nicaragua and Cuba, expressing our concern over the developments in El Salvador and reaffirming the Soviet position according to which the problems of Central America should be settled by political means and through the implementation of the Guatemala accord and other agreements reached by the countries of the region themselves.

The Soviet Union does not supply arms to the FMLN in any way. We do not know the origin of the air defense missiles in question. According to press reports, there were incidentally also American Red-eye missiles there. Nevertheless, we have deemed it necessary to once again remind the Nicaraguans and the Cubans that we expect them to see to it that the Soviet weapons transferred to them for their own defense needs are not used for other purposes.

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: SLOTT, DICK
Date: 06/08/94
Case ID: S940035H

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92D83, 13451

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El Salvador: Human Rights
Special Project (1993)

We have taken these steps because we share the US side's concern over a sharp exacerbation of the situation in El Salvador, and are prepared to continue to cooperate with you in creating favorable outside conditions for a peaceful settlement of the conflict in this country and in the region as a whole.

Nevertheless, there is no reason for creating a crisis situation, let alone for calling into question the very prospect of the Soviet-American dialogue. After all, the Soviet Union in this case could also embark upon making claims and ultimatums. Take Afghanistan, for example, where, as is known, civilians are dying as a result of US-made rocket shelling, and the ways those rockets get there are not unknown to Washington.

But such an approach would only throw us back to the times of confrontation and at least would not be conducive to a political solution either in Central America, or Afghanistan, or any other part of the world.

We are convinced that the only reasonable way out of this situation is to continue and intensify efforts to contribute to the settlement of regional conflicts.

In this connection, we note with satisfaction the statement by the US side contained in its message that the US favors political dialogue and not continued military conflict in Central America. For its part, the Soviet Union has acted and will continue to act exactly in this manner.

92D83,1345/

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El Salvador: Human Rights
Special Project (1993)

Both you and we are supporting the agreements reached by the Central Americans themselves. Therefore, we do have a basis for a more effective cooperation. Of course, it will only be effective when neither the United States, nor the Soviet Union attempts to impose its will on the parties directly involved in the conflict, and shall act with due regard for their legitimate interests.

The whole process of the Central American settlement is rather fragile. The efforts of the countries of the region need constant positive support. It seems to us that both of us could, either jointly or in parallel, give this process a new political impetus. Specifically, one could think of bringing into action the UN and OAS Secretaries General whose efforts proved useful in the past, and to involve the neighboring countries such as Mexico, Venezuela and Cuba in the political negotiations of the five Central American states.

Involvement of Cuba is particularly important at this stage. Here we are proceeding from the positive experience which was gained in the course of the peaceful settlements in Africa.

We would like to know the view of the US side about the possibility of these initiatives by both of us.

92D83,13451

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El Salvador: Human Rights
Special Project (1993)

В Москве со всей серьезностью отнеслись к обращению американского руководства в связи с ситуацией, сложившейся в Сальвадоре, и инцидентом с самолетом, на борту которого находились средства ПВО. Разумеется, мы отклоняем попытки связать нас прямо или косвенно с этим инцидентом и тем более делать из этого необоснованные выводы в отношении нашей политики.

Вместе с тем, с учетом обращения американской стороны мы дали указания нашим послам в Манагуа и Гаване обсудить ситуацию с руководством Никарагуа и Кубы, выразив нашу озабоченность развитием событий в Сальвадоре и подтвердив позицию Советского Союза, согласно которой проблемы Центральной Америки должны быть урегулированы политическими средствами путем реализации Гватемальского соглашения и других договоренностей, достигнутых самими странами этого региона.

Советский Союз никаким путем не предоставляет оружия ФНОФМ. Нам неизвестно, каково происхождение ракет ПВО, о которых идет речь. По сообщениям печати, там, кстати, были и американские ракеты "Ред-Ай". Тем не менее, мы сочли необходимым вновь напомнить никарагуанцам и кубинцам, что, как мы ожидаем, они позаботятся о том, чтобы переданное им для их собственных оборонных нужд советское оружие не использовалось для иных целей.

92D83, 13451

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El Salvador: Human Rights
Special Project (1993)

Мы предприняли эти шаги, разделяя обеспокоенность американской стороны резким обострением обстановки в Сальвадоре, и готовы и впредь взаимодействовать с ней в создании благоприятных внешних условий для мирного урегулирования конфликта в этой стране и в регионе в целом.

Вместе с тем нет никаких оснований создавать обстановку кризиса, а тем более ставить под вопрос саму перспективу советско-американского диалога. Ведь и Советский Союз в таком случае мог бы встать на путь претензий и ультиматомов. Возьмем хотя бы Афганистан, где, как известно, мирное население гибнет под обстрелом ракет американского производства, и попадают они туда не какими-то неведомыми Вашингтону путями.

Но такой подход лишь отбрасывал бы нас к временам конфронтации и уж во всяком случае не помогал бы политическому решению ни в Центральной Америке, ни в Афганистане, ни в другом районе мира.

По нашему убеждению, единственный разумный выход в сложившейся ситуации – это продолжение и интенсификация усилий по содействию урегулированию региональных конфликтов.

В этой связи мы с удовлетворением отмечаем содержащееся в американском обращении заявление о том, что США выступают за политический диалог, а не за продолжение военного конфликта в Центральной Америке. Со своей стороны Советский Союз действовал именно таким образом и будет так действовать впредь.

92083, B451

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El Salvador: Human Rights
Special Project (1993)

И вы и мы выступаем в поддержку договоренностей, достигнутых самими центральноамериканцами. Следовательно, основа для более эффективного взаимодействия у нас имеется. Конечно, оно будет эффективным лишь при том условии, что ни США, ни СССР не станут пытаться навязать свою волю непосредственно вовлеченным в конфликт сторонам, будут действовать с учетом их законных интересов.

Весь процесс центральноамериканского урегулирования достаточно хрупок. Усилия стран региона нуждаются в постоянной позитивной поддержке. Как нам представляется, мы с вами могли бы совместно или параллельно придать этому процессу новый политический импульс. Конкретно можно было бы подумать о том, чтобы быстро задействовать ранее уже оправдавшие себя усилия генеральных секретарей ООН и ОАГ, подключить к политическим переговорам пяти центральноамериканских государств также соседние страны, такие, как Мексика, Венесуэла и Куба.

Подключение Кубы именно сейчас особенно актуально. При этом мы исходим из того позитивного опыта, который был получен в ходе мирного урегулирования в Африке.

Мы хотели бы узнать мнение американской стороны о возможности таких наших с вами инициативных шагов.

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92083, 13451

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PAGE 01 BRASIL 13942 281808Z
ACTION SS-00

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P 280808Z NOV 89
FM AMEMBASSY BRASILIA
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INFO AMEMBASSY SANTO DOMINGO
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AMEMBASSY GUATEMALA
AMEMBASSY TEGUCIGALPA
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AMEMBASSY BUENOS AIRES
AMEMBASSY MONTEVIDEO
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DEPARTMENT OF STATE 9302099 IS|FPC|CDR FR Date: 4/26/96

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FOIA Exemptions
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MR Cases Only:
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~~C O N F I D E N T I A L~~ BRASILIA 13942

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E.O. 12356: DECL: OADR
TAGS: CVIS, PTER, PREL XK, XL, XM, XR, US
SUBJECT: DEPORTATION OF ORLANDO BOSCH

REF: STATE 371387

1. ~~CONFIDENTIAL~~ UNCLASSIFIED ENTIRE TEXT.

2. DCM AND POLCOUNSELOR REVIEWED TALKING POINTS ON

~~CONFIDENTIAL~~
~~CONFIDENTIAL~~ UNCLASSIFIED

PAGE 02 BRASIL 13942 281808Z

ABOVE SUBJECT WITH THE DIRECTOR OF THE AMERICAS

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F94-3211 13264 CP 11 LP 16

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~~CONFIDENTIAL~~

DEPARTMENT (WESTERN HEMISPHERE AFFIARS) AMBASSADOR JOSE NOGUEIRA FILHO ON NOVEMBER 27, LEAVING NON-PAPER BASED ON MATERIAL PROVIDED IN REFTEL. NOGUEIRA REPLIED THAT THE U.S. REQUEST IS "CLEAR" AND THAT HE WOULD PASS IT ON TO HIS SUPERIORS FOR CONSIDERATION.

3. COMMENT: WE WILL CHECK BACK WITH THE FOREIGN MINISTRY NEXT WEEK TO DETERMINE ITS POSITION.
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AN: D891042-0495

PAGE 01 MONTEV 07533 301942Z
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4/26/96

DEPARTMENT OF STATE IS/FPC/CDR Date: 4/26/96
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E.O. 12356: DECL: OADR
TAGS: CVIS, PTER, XK, XL, XM, XR, US, UY
SUBJECT: DEPORTATION OF ORLANDO BOSCH

REF: (A) STATE 371387; (B) MONTEVIDEO 7418

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1. CONFIDENTIAL ENTIRE TEXT

2. THE DCM RECEIVED ON NOVEMBER 30 A NOTE FROM THE FOREIGN MINISTRY DATED NOVEMBER 29 REGARDING THE ORLANDO BOSCH DEPORTATION CASE. THE BRIEF NOTE SAID

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PAGE 02 MONTEV 07533 301942Z

THAT, IN ACCORDANCE WITH THE URUGUAYAN CONSTITUTION

PSC 786-7781 132X64 CP10 LP14

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AND LEGISLATION, PERMISSION WOULD NOT BE GRANTED FOR HIS ENTRANCE INTO URUGUAY SHOULD IT EVER BE SOUGHT.
WILKEY

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~~C O N F I D E N T I A L~~ BRASILIA 14104

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E.O. 12356: DECL: OADR
TAGS: CVIS, PTER, PREL, XK, XL, XM, XR, US
SUBJECT: DEPORTATION OF ORLANDO BOSCH

REF(S): (A) BRASILIA 13942 (B) STATE 371387

1. CONFIDENTIAL ENTIRE TEXT.

2. THE FOREIGN MINISTRY'S DIRECTOR OF WESTERN HEMISPHERE

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PAGE 02 BRASIL 14104 041138Z

AFFAIRS ADVISED POLCOUNSELOR ON NOVEMBER 29 THAT BRAZIL W

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NOT ACCEPT BOSCH.

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Date Printed: 01/27/1998 DOC_NUMBER: 89STATE387861 CHANNEL: n/a 16

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PAGE 01 STATE 387861
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DRAFTED BY: USDOE:BTHOMAS
APPROVED BY: IO/T/SCT:KROSSELL
OES/NTS:PPEARSON
ACDA/NWC/NST:JPCOLTON

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UNCLAS STATE 387861

FOR UNVIE

E.O. 12356: N/A
TAGS: IAEA, ENRG, TRGY
SUBJECT: SEMINAR ON TECHNICAL SUPPORT FOR SAFE OPERATION OF NUCLEAR POWER PLANTS, 15-26 JANUARY 1990, LAGUNA VERDE, MEXICO

REF: 2651

REQUEST MISSION TO NOMINATE MR. J.B. VAN ERP, DEP-223, ARGONNE NAT. LAB., ARGONNE, IL 60439 (TEL: 708-972-3381) TO SERVE AS COURSE DIRECTOR AND LECTURER FOR SUBJECT SEMINAR WITH THE IAEA PROVIDING AIRFARE AND A SUBSISTENCE ALLOWANCE. BAKER

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EXCISE

Department of State

RELEASED
(Central Intelligence Project (1993))

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AN: D891066-0281

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PAGE 01 THE HA 09831 01 OF 02 071702Z
ACTION ARA-00

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SP-02 PRS-01 DS-01 SCT-03 /025 W
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FM AMEMBASSY THE HAGUE
TO SECSTATE WASHDC IMMEDIATE 9919
INFO AMEMBASSY SAN SALVADOR PRIORITY
AMEMBASSY MADRID PRIORITY
AMEMBASSY ROME PRIORITY
AMEMBASSY PARIS PRIORITY
AMEMBASSY BRUSSELS PRIORITY
AMEMBASSY MANAGUA
AMEMBASSY TEGUCIGALPA

[redacted]

9/24/93

[redacted] SECTION 01 OF 02 THE HAGUE 09831

E.O. 12356: DECL: OADR
TAGS: PREL, PINS, PHUM, PROP, ES, NU, NL
SUBJECT: SALVADORAN DELEGATIONS TO VISIT EUROPE
- DECEMBER 10-16 TO COUNTER FMLN
- PROPAGANDA

1. [redacted] -- ENTIRE TEXT.

2. SUMMARY: IN THE CC
---------- HAGUE SAYS TWO GOES DELEGATIONS
WILL VISIT EUROPE DECEMBER 10-16 TO COUNTER WHAT
GOES SEES AS A SUCCESSFUL FMLN EXPLOITATION OF
THE OFFENSIVE TO IMPROVE ITS INTERNATIONAL
POSITION. EMBOFFS OFFERED ADVICE ON CC
HOW THE DELEGATION MIGHT BEST ADDRESS GON
CONCERNS. END SUMMARY.

3. ON DECEMBER 7, POLCOUNS AND POLOFF PAID A
[redacted]

PAGE 02 THE HA 09831 01 OF 02 071702Z

COURTESY CALL ON CC

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NSC 484-3211 132464 CP 11 SP 16

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DESCRIBED THE FMLN OFFENSIVE AS PRIMARILY A PROPAGANDA EFFORT AIMED AT AN INTERNATIONAL AUDIENCE. HE TOLD EMBOFFS THAT TWO GOES DELEGATIONS WILL VISIT EUROPE NEXT WEEK TO COUNTER THE FMLN PROPAGANDA OFFENSIVE AND SHORE UP THE IMAGE OF THE GOES.

4.

DESCRIBED HIS FRUSTRATION WITH WHAT HE VIEWED AS THE SPANISH GOVERNMENT'S SUPPORT OF THE FMLN CAUSE. HE SAID HE BELIEVED THAT THE FMLN HAD INFORMED SPAIN IN ADVANCE OF ITS PLANS TO LAUNCH AN OFFENSIVE. HE ALSO CLAIMED THE GOS HAD FURTHERED THE FMLN'S INTERNATIONAL PROPAGANDA CAMPAIGN BY AGGRESSIVELY CONDEMNING GOES POSITIONS AFTER THE OFFENSIVE BEGAN AND BEFORE THE MURDERS OF THE JESUITS, AS WELL AS BY GIVING EXTENSIVE PRIME TIME COVERAGE OF THE FMLN POINT OF VIEW ON STATE-RUN TELEVISION
ANY ACCESS WAVES.

5. TO COUNTER THE FMLN'S INTERNATIONAL PROPAGANDA INITIATIVE, , TWO DELEGATIONS OF PROMINENT GOES OFFICIALS AND BUSSINESSMEN WILL VISIT EUROPE NEXT WEEK (DECEMBER 10-16). ONE GROUP WILL GO TO SPAIN AND ITALY. THE OTHER GROUP, LED BY THE [redacted]

SALVADORAN MINISTER OF PLANNING, WILL VISIT FRANCE, BELGIUM, AND THE NETHERLANDS. (IT WILL BE IN THE HAGUE DECEMBER 13-15.)
THE DELEGATION COMING HERE WOULD INCLUDE A PERSON WHO HAD PARTICIPATED IN THE MEXICO CITY TALKS WITH THE FMLN.

6.

POLCOUNS OFFERED A READ-OUT ON

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[redacted]

OUR UNDERSTANDING OF THE GON POINT OF VIEW ON EVENTS IN EL SALVADOR. HE STRESSED THAT, DESPITE PRESSURE FROM A NUMBER OF DOMESTIC GROUPS WHO SUPPORT THE FMLN CAUSE, THE GON RECOGNIZES THE LEGITIMACY OF THE DEMOCRATICALLY-ELECTED GOES AND ACKNOWLEDGES THE SANDINISTAS' DESTABILIZING ROLE AS A SUPPLIER OF ARMS.

7. NOTING OUR OWN EFFORTS TO SUPPORT THE GOES IN DISCUSSIONS WITH THE GON, POLCOUNS SUGGESTED THAT THE GOES DELEGATION WOULD GO TO THE HEART OF DUTCH CONCERNS IF IT COULD TALK CONCRETELY ABOUT THE WORK, PROGRESS AND PROSPECTS OF THE SIU IN INVESTIGATING THE JESUIT KILLINGS; IF IT COULD REFUTE ALLEGATIONS BY DUTCH NGO'S THAT DUTCH AND OTHER NATIONALITY WORKERS IN EL SALVADOR WERE BEING ARRESTED AND HELD INCOMMUNICADO; AND IF IT WOULD OFFER AN AUTHORITATIVE READOUT ON THE TWO SIDES' NEGOTIATING POSITIONS IN THE MEXICO CITY TALKS, FOCUSSED ON HOW THE FMLN HAD BEEN TRYING TO FIX

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PAGE 01 THE HA 09831 02 OF 02 071702Z
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AMEMBASSY ROME PRIORITY
AMEMBASSY PARIS PRIORITY
AMEMBASSY BRUSSELS PRIORITY
AMEMBASSY MANAGUA
AMEMBASSY TEGUCIGALPA

[redacted] SECTION 02 OF 02 THE HAGUE 09831

E.O. 12356: DECL: OADR
TAGS: PREL, PINS, PHUM, PROP, ES, NU, NL
SUBJECT: SALVADORAN DELEGATIONS TO VISIT EUROPE

THE OUTCOME IN THE PRECONDITIONS. POLCOUNS OFFERED HIS PERSONAL IMPRESSION THAT THE GON WOULD HAVE DIFFICULTY WARDING OFF THE INTENSE CRITICISM FROM DOMESTIC GROUPS AND MAINTAINING EVEN ITS LOW-KEY SUPPORT OF THE GOES IF LOCAL CONCERNS ABOUT GOES CREDIBILITY WERE NOT ADDRESSED, PARTICULARLY BY A FORCEFUL INVESTIGATION INTO THE JESUIT MURDERS.

8. EMBOFFS.]AGREED TO MEET AGAIN GG (a.c)
AFTER THE SALVADORAN DELEGATION'S VISIT TO THE NETHERLANDS.

9. COMMENT: GG (a.c)

[redacted]

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Special Project (1994)

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END

COMMENT.
WILKINS

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[redacted]

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Sr.Vittorio Brod
Deputy Director
Policy Planning/Coordination
Bureau of Inter-American Affairs
Department of State.

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Washington, 7 de Diciembre de 1989.

Estimado Señor Brod:

Para su conocimiento deseamos informarle que el dia 4 de Diciembre, un retén del FMLN detuvo temporalmente al ciudadano norteamericano Jack Cooper Warren, sobre la 75 Av. Norte, Colonia Escalon. El señor Cooper fue identificado como asesor militar asignado al Hangar 3 de la Fuerza Aerea Salvadoreña. El iba acompañado de una empleada de la Cooperativa de la Fuerza Armada.

El señor Cooper y su acompañante fueron puestos en libertad tras planteársele que la actual confrontación militar no está dirigida contra personal norteamericano.

Creemos que éste es un ejemplo concreto que viene a reafirmar la disposición del FMLN de respetar la integridad del personal Norteamericano.

Asimismo, queremos expresarle una preocupación: tanto en el articulo "Americans Freed After Salvador Siege" del New York Times del 1 de diciembre, asi como en "La Guerrilla Salvadoreña Anuncia un 'Diálogo' con EE UU", publicado en el diario español El Pais el 5 de diciembre, han aparecido referencias a contactos recientes entre representantes del FMLN y funcionarios de la Administración Norteamericana.

Deseamos afirmarle que dicha información no ha salido de fuentes nuestras, ya que consideramos que hacer público este tipo de contactos no es conveniente para ninguna de las partes interesadas en buscar alternativas de soluciones politicas al conflicto que vive nuestro pais.

Mucho le agradeceriamos que transmita esta información, tanto al Sr. Romero como al Sr. Sullivan.

Sin más por el momento, lo saluda a nombre de la Representación de la Comisión Politico- Diplomática,

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: COX, DAVID
Date: 05/26/94
Case ID: 9940035I

Atentamente,

Francisco Altschul

92D83, 1345

FMLN

OPNS 3

PARTICIPANTS IN THE COCOYOC MEETING

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Salvadoran Delegation

FMLN High Command

Commander Fórman Cienfuegos

Members of the FDR/FMLN Political-Diplomatic Commission

Commander Mercedes Letona
Commander Rubén Rojas
Lic. Salvador Samayoa
Dr. Miguel Saenz

Representatives of the FDR/FMLN Political-Diplomatic Commission

Francisco Altshul
Guadalupe Gonzalez
Salvador Sanabria

U.S. Participants

Michael D. Barnes (Co-Chair): Former U.S. Congressman; Partner, Arent, Fox, Kitner, Plotkin, and Kahn

Aris Anagnos: Aris Anagnos Properties; President, Humanitaritan Law Project
Carolyn Anagnos: Aris Anagnos Properties
Dick Clark: Former U.S. Senator; Senior Fellow, Aspen Institute
David Cohen: Co-Director, Advocacy Institute
Victor C. Johnson: Staff Director, House Subcommittee on Western Hemisphere Affairs
Abraham F. Lowenthal: Professor of International Relations, University of Southern California
Linda S. Robinson: Senior Editor, Foreign Affairs
Kenneth E. Sharpe: Professor of Political Science, Dartmouth College
Janet Shenk: Executive Director, ARCA Foundation
William N. Simonson: World Affairs Council of Northern California; Independent investment and financial consultant
Mal Warwick: President, Mal Warwick and Associates

International Center for Development Policy

Robert E. White: President (Co-Chair of the U.S. Participants)

Lindsay Mattison: Executive Director
Melinda DeLashmutt: Director, Commission on U.S.-Latin American Relations
John M. Zindar: Project Director, Commission on U.S.-Latin American Relations

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Special Project (1993)

EXECUTIVE SUMMARY

NOTE: The following report was prepared by the International Center. No attempt has been made to achieve a consensus among the U.S. participants.

The International Center sponsored a meeting with high-level representatives of the FMLN and key private U.S. citizens in Cocoyoc, Mexico during 21-24 July 1989. This meeting was the first in a series of discussions designed to help foster a political settlement to the decade-long war in El Salvador. The International Center believes that although violence in El Salvador has recently intensified, the prospects for compromise and peace have never been better.

Guarded optimism is appropriate because: (1) the FMLN has apparently made major modifications in its demands and goals; (2) the new Bush administration has indicated some willingness to reassess U.S. policy in El Salvador; (3) internal events within El Salvador point to impending social and economic crises that will fortify a popular mandate for a negotiated settlement; and (4) tensions in other regional conflicts have been reduced due to the changing nature of U.S.-U.S.S.R. rivalry in the developing world.

Debate on various issues during the Cocoyoc meeting was spirited and open. Although many statements by the Salvadoran delegation reflected significant ambiguity (which they attributed to their ongoing critical re-evaluation of policy), the attending leadership attempted to explain and clarify their political proposals and military actions. Although the participants from the United States attended as individuals and not as a representative delegation, they generally attempted to explain and interpret public reactions to the FMLN and the political realities of U.S. government policy processes concerning El Salvador.

The most important result of the meeting was that the FMLN reinforced their long-claimed desire for a peaceful resolution to the war through a negotiated political settlement by outlining detailed points on (1) what will condition negotiations, (2) what is to be negotiated, and (3) their vision of a post-war El Salvador. Though many of the U.S. participants (to include the International Center) believe the sincerity of the FMLN requires further testing, most agreed that the insurgent group is led by reasonable and thoughtful people who would engage in serious discourse with the Salvadoran and U.S. governments.

The most significant points made by the FMLN at Cocoyoc were as follows:

1. There is a major internal debate underway within the FMLN concerning actions that have resulted in violence against civilians (assassinations and urban bombings). They claimed that a number of these actions were mistakes. They admitted that some urban operations

citizens will continue to exercise their legitimate right to demand the termination or conditioning of such assistance. U.S.

have not been sufficiently controlled by the high command, which nevertheless, takes full responsibility for those actions (they admitted, for the first time, responsibility for the April 1989 bombing death of the attorney general, Roberto Garcia Alvarado). They will soon publicly enunciate a clarified policy on assassinations.

2. A political settlement, not military victory, is their stated priority. The FMLN desires a negotiated end to the war which will allow them to achieve their goals peacefully and openly in a restructured political system. They claim that they have the capability, but not the desire, to expand and prolong the war. The costs of intensifying the war would be too high to El Salvador's society and economy. Consequently, they are seeking alternatives to war.

3. Negotiations should include all political forces in El Salvador, not just the government and the FMLN. There are no preconditions to the negotiation process but negotiators for the government must be both representative and authoritative, which is not the case now [This position was problematic, however, in that they rejected the legitimacy of the current National Republican Assembly (ARENA) government]. The Salvadoran military must be purged of its most egregious human rights offenders (they cited an estimated 50 officers) and restructured before the FMLN will participate in elections. Most other contentious issues can be resolved through truly free elections within an open political system.

4. Recent intensification of violence by the FMLN is not intended to provoke right-wing terrorism by the governing ARENA party or the military. Although other means are preferred, the FMLN is using its military force to press the government toward serious negotiations. Mass mobilization and insurrection would be ideal in pressing for a negotiated settlement, and thus, provoking repression against the people would not be logical. They are convinced that the country will eventually be ungovernable, not only because of the FMLN's military pressure, but also due to ARENA's inability to convince its constituency to surrender privileges and incorporate meaningful political and economic reform.

5. Citing their ability to be realistic, the FMLN stated that continued U.S. military and economic support for the government of El Salvador will not be an obstacle to the negotiation process. A cut-off of military aid, however, is desirable, and it is hoped that U.S. citizens will continue to exercise their legitimate right to demand the termination or conditioning of such assistance. U.S. economic aid after the war will be essential and "responsible" foreign investment in a mixed economy would be welcomed. They recognize that the United States can play as much of a positive role in the future as it has played a negative role thus far. Because of the discussions at Cocoyoc, the FMLN says it now better understands U.S. policy. They continue to be optimistic that the Bush Administration will take an [illegible]

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PAGE 01 SAN SA 15925 01 OF 03 110159Z
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UNCLAS SECTION 01 OF 03 SAN SALVADOR 15925

ROME FOR VATICAN

MEXICO FOR LEGATT

STATE FOR ARA, PA

E.O. 12356: DECL:NA
TAGS: PREL, PHUM, PGOV, ES
SUBJECT: SUGGESTED PRESS GUIDANCE ON ALLEGATIONS MADE BY ARCHBISHOP OF SAN SALVADOR THAT USG COERCED WITNESS TO JESUIT KILLINGS

1. THE FOLLOWING STATEMENT WAS READ TO THE PRESS BY
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PAGE 02 SAN SA 15925 01 OF 03 110159Z

PAO ON BEHALF OF AMBASSADOR WALKER ON DECEMBER 10:

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I AM SADDENED THAT THE ARCHBISHOP DOES NOT BELIEVE THAT THE UNITED STATES GOVERNMENT AND HE ARE IN THE SAME QUEST FOR THE TRUTH OF WHAT HAPPENED TO, AND WHO IS RESPONSIBLE FOR, THE MURDER OF FR. ELLACURIA, HIS COLLEAGUES, AND TWO OTHER CIVILIANS. FROM THE MOMENT THAT THIS OUTRAGE OCCURED, THERE HAVE BEEN A GREAT MANY MISINFORMED AND UNSUBSTANTIATED STATEMENTS OFFERED BY PERSONS IN POSITIONS OF AUTHORITY. THE VERSION OF EVENTS SURROUNDING THE TAKING OF TESTIMONY IN FLORIDA FROM A WITNESS, THAT WAS PROVIDED TO THE ARCHBISHOP, IS INCORRECT.
2. SUGGQNTED POINTS FOR GUIDANCE:

- THE USG HAS MADE ITS COMMITMENT TO FIND THE KILLERS OF FR. ELLACURIA ABSOLUTELY CLEAR.

- WE HAVE DONE EVERYTHING POSSIBLE TO ASSIST THOSE RESPONSIBLE FOR THE OFFICIAL CONDUCT OF THIS INVESTIGATION.

- THE USG UNDERSTANDS THE RAMIFICATIONS OF THIS CASE SHOULD IT NOT BE EXPEDITIOUSLY SOLVED, ND THOSE RESPONSILBE BROUGHT TO JUSTICE. THE USG HAS MADE THIS CLEAR TO PRESIDENT CRISTIANI AND HIS GOVERNMENT.

- GIVEN THIS COMMITMENT, IT MAKES NO SENSE THAT THE USG WOULD TRY TO DISCREDIT A WITNESS WHO MIGHT PROVIDE INFORMATION TO FURTHER THIS INVESTIGATION.

- IN THE PARTICULAR INSTANCE, THE EMBASSY, SPECIFICALLY AMBASSADOR WALKER, COOPERATED WITH THE
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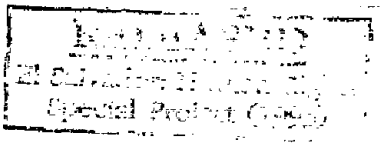
PAGE 03 SAN SA 15925 01 OF 03 110159Z

CHURCH IN EL SALVADOR, TO BRING THIS WITNESS TO SANCTUARY IN THE UNITED STATES. THIS ASSISTANCE, WHICH INCLUDED EXIT FROM EL SALVADOR (IN COOPERATION WITH THE FRENCH AND SPANISH AUTHORITIES), EASE OF ENTRY INTO THE US (WHERE SHE REQUESTED SANCTUARY), AND SECURITY AND ACCOMADATION DURING HER FIRST TEN DAYS, WAS PUT TOGETHER ON EXTREMELY SHORT NOTICE.

- THE USG IS COMMITED TO FINDING THE TRUTH, NOT TO ANY PREDETERMINED SINGLE LINE OF INQUIRY.



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3. SUGGESTIONS FOR QUESTIONS AND ANSWERS.

Q: WHY WAS LUCIA BARRERA DE CERNA BROUGHT TO THE UNITED STATE?

A: MRS. CERNA HERSELF ASKED TO COME TO THE U.S IT WAS WHAT SHE WANTED.

Q: DID AN EMBASSY OFFICER ACCOMPANY HER ON THE FLIGHT TO FLORIDA?

A: YES. THE EMBASSY LEGAL OFFICER AND AN FBI AGENT, WITH THE PERMISSION OF THE FRENCH MINISTER WHOSE AIRCRAFT WAS USED, ACCOMPANIED HER.

Q: WHO CONDUCTED THE INTERVIEWS OF MRS. CERNA?

A: THEY WERE CONDUCTED BY THE FBI IN COOPERATION WITH A SALVADORAN INVESTIGATOR IN MIAMI.

Q: WHO WAS THE SALVADORAN OFFICIAL PRESENT?

A: THE HEAD OF THE SALVADORAN SPECIAL INVESTIGATIVE

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PAGE 01 SAN SA 15925 02 OF 03 110159Z
ACTION ARA-00

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UNCLAS SECTION 02 OF 03 SAN SALVADOR 15925

ROME FOR VATICAN

MEXICO FOR LEGATT

STATE FOR ARA, PA

E.O. 12356: DECL:NA
TAGS: PREL, PHUM, PGOV, ES
SUBJECT: SUGGESTED PRESS GUIDANCE ON ALLEGATIONS MADE

UNIT, WHICH IS RESPONSIBLE FOR CONDUCTING THE
OFFICIAL INVESTIGATION, WYS PRESENT. HE TRAVELED TO
FLORIDA ON A COMMERCIAL FLIGHT.
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PAGE 02 SAN SA 15925 02 OF 03 110159Z

Q: IS HE A MEMBER OF THE SALVADORAN ARMED FORCES?

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A: YES, HE IS AN OFFICER, A LT. COL., IN THE ARMY. HE WAS NOT IN UNIFORM.

Q: WHY WAS HE PRESENT?

A: TO OBTAIN INFORMATION THAT COULD BE USED DURING FUTURE LEGAL PROCEEDINGS IN EL SALVADOR. THOSE RESPONSIBLE FOR THE MURDERS WILL BE BROUGHT TO TRAIL IN EL SALVADOR.

Q: DID MRS, CERNA HAVE A LAWYER PRESENT DURING THE QUESTIONING?

A: NO. MRS. CERNA IS NOT A SUSPECT. THE PURPOSE OF THE INTERVIEW WAS TO DETERMINE AS MUCH USEFUL INFORMATION AS POSSIBLE TO HELP WITH THE INVESTIGATION.

Q: WAS SHE POLYGRAPHED?

A: YES, OVER A PERIOD OF THREE DAYS, SHE TOOK AT LEAST SIX POLYGRAPH TESTS.

Q: WHY SIX TESTS?

A: BECAUSE SHE OFFERED THREE DISTINCT VERSIONS OF WHAT SHE HEARD AND OBSERVED THE EVENING THAT THE CRIME OCCURRED.

Q: DO YOU CONCLUDE SHE WAS LYING?
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A: IT IS NOT A QUESTION OF LYING. THE WITNESS MAY HAVE BEEN NERVOUS BECAUSE OF THE ENTIRE PROCEDURE, AS WELL AS THE EFFECT OF TRAVELING TO A NEW COUNTRY, MEETING WITH OFFICIALS, ETC. ALL THAT ONE CAN CONCLUDE IS THAT IT IS NOT CLEAR WHICH VERSION OF EVENTS SHE OFFERED IS THE MORE ACCURATE.

A: WAS SHE THREATENED OR INTIMIDATED TO CHANGE HER TESTIMONY?

Q: ABSOLUTELY NOT. THE PURPOSE OF THE LEGAL OFFICER

ACCOMPANYING HER ON THE AIRCRAFT, AND THE PROCEDURES THAT FOLLOWED, WAS TO MAKE HER AS COMFORTABLE AS POSSIBLE.

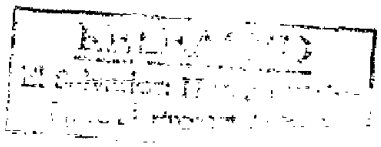
A: ON WHAT BASIS DO YOU BELIEVE, OR NOT BELIEVE, HER TESTIMONY?

A: IT IS NOT A QUESTION OF BELIEVING OR NOT BELIEVING. EVEN THE MOST DETAILED OF THE VERSIONS SHE OFFERED PROVIDES FEW NEW LEADS. SHE IS NOT ON TRIAL. SHE IS A COOPERATING WITNESS. THE PURPOSE WAS TO OBTAIN AS MUCH INFORMATION AS SHE MIGHT HAVE, TO ALLOW THE INVESTIGATION TO PROCEED AS QUICKLY AS POSSIBLE.

Q: WHO TOOK CARE OF HER IN MIAMI?

A: THE USG PROVIDED HER WITH FULL SUPPORT AND PROTECTION DURING HER FIRST TEN DAYS IN MIAMI.

Q: WAS SHE THREATENED WITH DEPORTATION?



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PAGE 01 SAN SA 15925 03 OF 03 110200Z
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DIRFBI WASHDC IMMEDIATE

UNCLAS SECTION 03 OF 03 SAN SALVADOR 15925
ROME FOR VATICAN

MEXICO FOR LEGATT

STATE FOR ARA, PA

E.O. 12356: DECL:NA
TAGS: PREL, PHUM, PGOV, ES
SUBJECT: SUGGESTED PRESS GUIDANCE ON ALLEGATIONS MADE

A: ABSOLUTELY NOT. SHE WAS PROVIDED HUMANITARIAN PAROLE INTO THE U.S. FOR ONE YEAR, THE NORMAL PERIOD. THEREFORE, SHE IS NOT SUBJECT TO DEPORTATION, AND THIS WAS MADE CLEAR TO HER.
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PAGE 02 SAN SA 15925 03 OF 03 110200Z

Q: DID MEMBERS OF HER FAMILY ACCOMPANY HER?

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A: YES. HER HUSBAND AND HER DAUGHTER.
Q: WHEN DID THE USG MAKE CONTACT WITH CHURCH AUTHORITIES IN MIAMI?

A: UPON HER ARRIVAL AT MIAMI INTERNATIONAL AIRPORT, SHE WAS MET BY CHURCH AUTHORITIES.

Q: DO YOU THINK THAT SHE WAS "COACHED?"

A: WE HAVE REASON TO BELIEVE THAT PARTS OF THE TESTIMONY SHE GAVE BEFORE A JUDGE IN SAN SALVADOR HAD BEEN REHEARSED. THIS DOES NOT MEAN THAT THE INFORMATION IS INCORRECT; MERELY THAT SOMEONE COACHED HER IN HER RESPONSES.

Q: BY WHO?

A: NO COMMENT.

WALKER

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PAGE 01 SAN SA 15933 111430Z
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RELEASE

UNCLAS SAN SALVADOR 15933

ROME FOR VATICAN

FOR A/S ARONSON

E.O. 12356: DECL:NA
TAGS: PREL, PHUM, PGOV, ES
SUBJECT: ARCHBISHOPS' HOMILY ALLEGES USG THREATENED AND BRAINWASHED CHURCH WITNESS TO JESUIT KILLINGS

1. IN HIS DECEMBER 10 HOMILY ARCHBISHOP RIVERA DAMAS WAS VERY CRITICAL OF THE USG'S HANDLING OF LUCIA BARRERA DE CERNA, THE CHURCH'S WITNESS IN THE CASE OF THE JESUIT KILLINGS. RIVERA DAMAS CHARGED THAT THE CHUCH'S WITNESS, WHO IN EL SALVADOR HAD SAID THAT "ARMED SOLDIERS" HAD
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PAGE 02 SAN SA 15933 111430Z

COMMITTED THE KILLINGS, HAD BEEN INTIMIDATED INTO

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CHANGING HER TESTIMONY WHEN QUESTIONED BY USG OFFICIALS. RIVERA DAMAS ACCUSED THE USG OF "AGGRESSIVE AND VIOLENT INTERROGATION," "BRAINWASHING," AND "PSYCHOLOGICAL TORMENT" TO GET THE WITNESS TO RECANT. HE CONCLUDED SAYING THAT NOW THAT THE WITNESS WAS UNDER THE PROTECTION OF THE CHURCH IN THE U.S., SHE HAD RETURNED TO THE "TRUE" VERSION OF THE EVENTS.

2. FOLLOWING IS AN INFORMAL EMBASSY TRANSLATION OF THE APPLICABLE PORTIONS OF THE HOMILY AS WELL AS THE SPANISH TEXT OF THE SAME.
BEGIN INFORMAL EMBASSY TRANSLATION:

...ON DECEMBER 4TH, RELIABLE CHURCH SOURCES TOLD ME IN MIAMI THAT THE WITNESS (OF THE JESUIT KILLINGS), LUCIA BARRERA DE CERNA, A SIMPLE HARDWORKING CLEANING WOMAN IN THE UCA WHO FREELY TESTIFIED AS TO WHAT SHE SAW AND HEARD THE NIGHT OF THE NEFARIOUS MASSACRE, RATHER THAN BE PROTECTED AS PROMISED BY OFFICIALS OF THE U.S. EMBASSY IN SAN SALVADOR WAS SUBJECTED, IN THAT COUNTRY, TO AN ACTUAL BRAINWASHING AND TO THREATS OF DEPORTATION UNLESS SHE TOLD THE TRUTH. ACCORDING TO THE JESUIT'S LAWYER (IN MIAMI), SCOTT GREATHEAD HER INTERROGATION WAS AGRESSIVE AND VIOLENT. AFTER THIS PSYCHOLOGICAL TORMENT, MRS. CERNA WAVERED AND RETRACTED WHAT SHE HAD DECLARED IN EL SALVADOR. FOURTUNELY, FREE OF THE PRESSSURE OF HER QUOTE PROTECTORS UNQOUTE, SHE HAS NOW RETURNED TO THE TRUTH.

END INFORMAL TRANSLATION

3. SPANISH TEXT OF APPLICABLE PORTION OF THE HOMILY:

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PAGE 03 SAN SA 15933 111430Z

BEGIN TEXT:

....DE FUENTES ECLESIASTICAS FIDEDIGNAS FUI INFORMADO EN MIAMI EL LUNES 4 DE DICIEMBRE DE QUE LA TESTIGO LUCIA BARRERA DE CERNA MUJER TRABAJADORA Y SENCILLA ENCARGADA DE LA LIMPIEZA DE LA RECTORIA DE LA UCA Y QUE CON ENTEREZA AND LIBREMENTE TESTIFICO DE LO QUE HABIA VISTO Y OIDO LA NOCHE DE LA NEFASTA MATANZA, EN VES DE SER PROTEGIDA COMO LO HABIAN PROMETIDO LOS PERSONEROS DE LA EMBAJADA DE LOS ESTADOS UNIDOS EN EL SALVADOR, FUE

RELEASED
Human Rights Review (1993)

SOMETIDA EN AQUEL PAIS A UN AUTENTICO LAVADO DE CEREBRO Y AL CHANTAJE DE QUE SERIA DEPORTADA SINO DECIA LA VERDAD, SEGUN EL ABOGADO DE LOS JESUITAS, SCOTT GREATHEAD EL INTERROGATORIO A QUE LA SRA. DE CERNA FUE SOMETIDA, FUE AGRESIVO Y VIOLENTO, DESPUES DE ESTE TORMENTO PSICOLOGICO LA SRA. DE CERNA VACILO Y RETRACTO LO DECLARADO EN EL SALVADOR, AFORTUNADAMENTE LIBRE YA DE LA PRESION DE SUS PROTECTORES ENTRE COMILLAS HA VUELTO POR LOS FUEROS DE LA VERDAD.

END APPLICABLE PORTION OF THE HOMILY.

4. THE ARCHBISHOP'S STATEMENTS ARE AT BEST ILL-INFORMED. SEPTELS REPORT ON MS. DE CERNA'S TRIP TO THE U.S. WITH THE EMBASSY L/O, AND SUGGESTED PRESS GUIDANCE.
WALKER

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United States Department of State
Bureau of Intelligence and Research

Intelligence Research Report

Diplomatic Relations of the People's Republic of China and Taiwan

IRR No. 214 - December 13, 1989

DEPARTMENT OF STATE IM/IPS/CR/IR Date: 12-12-97
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United States Department of State
Bureau of Intelligence and Research

Diplomatic Relations of the People's Republic of China and Taiwan[1]

Intelligence Research Report No. 214
December 13, 1989

Summary

As of December 1, 1989, China recognized and maintained diplomatic relations with 134 nations and the self-declared "state" of Palestine.[2] Since April 1988 China has exchanged diplomatic recognition with Bahrain, Qatar, and the self-declared Palestinian "state" but has suspended relations with Grenada, Liberia, and Belize.

Taiwan currently is recognized by 26 nations, up from 22 in April 1988. Most of the nations recognizing Taiwan are in Central America and the Caribbean, although the Republic of Korea, Saudi Arabia, and South Africa also recognize Taiwan. In 1989, Belize, Grenada, and Liberia switched diplomatic recognition from China to Taiwan; The Bahamas did so in 1988.

* * * * *

1 This report is an update of IRR 161, "Diplomatic Relations of the People's Republic of China and Taiwan," April 25, 1988.

2 The US does not recognize the self-declared "state" of Palestine.

A. Nations having diplomatic relations with China (134) (dates of recognition/establishment of relations in parentheses)

Afghanistan (Jan. 1950/Jan. 1955)
Albania (Nov. 1949/Nov. 1949)
Algeria (Dec. 1958/July 1962)[3]
Angola (Jan. 1983/Jan. 1983)

Antigua and Barbuda (Jan. 1983/Jan. 1983)
Argentina (Feb. 1972/Aug. 1972)
Australia (Dec. 1972/Aug. 1973)
Austria (May 1971/May 1971)

Bahrain (Apr. 1989/Apr. 1989)
Bangladesh (Oct. 1975/Jan. 1976)
Barbados (May 1977/Apr. 1978)
Belgium (Oct. 1971/Apr. 1971)

Benin (Nov. 1964/Dec. 1972)[4]
Bolivia (July 1985/July 1985)
Botswana (Jan. 1975/Apr. 1975)
Brazil (Aug. 1974/Dec. 1974)
Bulgaria (Oct. 1949/Oct. 1949)
Burkina (Sept. 1973/Oct. 1973)
Burma (Dec. 1949/June 1950)
Burundi (Dec. 1963/Oct. 1971)[5]

Cambodia (July 1958/May 1970)[6]
Cameroon (Mar. 1971/Mar. 1971)
Canada (Oct. 1970/Oct. 1970)
Cape Verde (Apr. 1976/Oct. 1976)
Central African Republic (Sept. 1964/Aug. 1976)[7]

Chad (Nov. 1972/Mar. 1973)
Chile (Dec. 1970/Jan. 1971)
Colombia (Feb. 1980/June 1980)
Comoros (Nov. 1975/Oct. 1976)
Congo (Feb. 1964/Feb. 1964)
Côte d'Ivoire (Mar. 1983/Mar. 1983)

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3 China recognized the Provisional Algerian Government in December 1958 and the Republic of Algeria in July 1962.

4 Formerly Dahomey. China recognized Dahomey in November 1964. Relations were severed in January 1966 and reestablished in December 1972.

5 Burundi was recognized initially in December 1963. Relations were suspended in January 1965 and reestablished in October 1971.

6 China recognizes the Coalition Government of Democratic Kampuchea (CGDK), not the People's Republic of Kampuchea (PRK).

7 Formerly Central African Empire. China recognized the CAE in September 1964. Relations were suspended in January 1966 and resumed in August 1976.

Cuba (Sept. 1960/Sept. 1960)
Cyprus (Jan. 1972/June 1972)
Czechoslovakia(Oct. 1949/Oct. 1949)

Denmark (Jan. 1950/May 1950)
Djibouti (Jan. 1979/Mar. 1980)
Ecuador (Jan. 1980/July 1980)
Egypt (May 1956/May 1956)
Equatorial Guinea (Oct. 1970/Dec. 1970)
Ethiopia (Dec. 1970/Dec. 1970)

Fiji (Nov. 1975/Apr. 1976)
Finland (Jan. 1950/Oct. 1950)
France (Jan. 1964/Jan. 1964)
Gabon (Apr. 1974/June 1974)
Gambia, The (Dec. 1974/Jan. 1975)

Germany, East – German Democratic Republic (Oct. 1949/Oct. 1949)
Germany, West – Federal Republic of Germany (Oct. 1972/Oct. 1972)
Ghana (July 1960/Feb. 1972)[8]
Greece (June 1972/Nov. 1972)

Guinea (Oct. 1959/Oct. 1959)
Guinea-Bissau (Mar. 1974/Mar. 1975)
Guyana (Feb. 1972/June 1975)
Hungary (Oct. 1949/Oct. 1949)

Iceland (Dec. 1971/May 1972)
India (Dec. 1949/Aug. 1950)
Iran (Aug. 1971/Aug. 1971)
Iraq (July 1958/Aug. 1958)
Ireland (June 1979/Feb. 1980)
Italy (Nov. 1970/Nov. 1970)

Jamaica (Nov. 1972/Mar. 1973)
Japan (Sept. 1972/Sept. 1972)
Jordan (Apr. 1977/June 1977)
Kenya (Dec. 1963/Jan. 1964)
Kiribati (June 1980/June 1980)

Korea, North – Democratic People's Republic of Korea (Oct. 1949/Oct. 1949)
Kuwait (Mar. 1971/Oct. 1971)
Laos (June 1962/Sept. 1962)
Lebanon (Nov. 1971/Nov. 1971)
Lesotho (Apr. 1983/Apr. 1983)

Libya (Apr. 1978/Aug. 1978)[9]
Luxembourg (Nov. 1972/Dec. 1973)
Madagascar (Nov. 1972/Jan. 1973)
Malaysia (Nov. 1971/May 1974)
Maldives (Oct. 1972/Oct. 1972)

Mali (Oct. 1960/Oct. 1960)
Malta (Jan. 1972/June 1972)
Mauritania (July 1965/July 1965)
Mauritius (Apr. 1968/May 1972)
Mexico (Feb. 1972/May 1972)

Mongolia (Oct. 1949/Oct. 1949)
Morocco (Oct. 1958/Nov. 1958)
Mozambique (June 1975/June 1975)
Nepal (Aug. 1955/Aug. 1955)
Netherlands (Mar. 1950/Nov. 1954)

New Zealand (Dec. 1972/Mar. 1973)
Nicaragua (Dec. 1985/July 1986)
Niger (July 1974/Aug. 1974)

[8] Ghana was recognized in July 1960. Relations were suspended in November 1966 and resumed in February 1972.

[9] Libya unilaterally announced recognition of China in 1971, but formal relations were not established until the representatives of Taiwan departed Tripoli in 1978.

Nigeria (Feb. 1971/Feb. 1971)
Norway (Jan. 1950/Oct. 1954)

Oman (Dec. 1978/Dec. 1978)
Pakistan (Jan. 1950/May 1951)
10/
Papua New Guinea (Oct. 1976/Oct. 1980)
Peru (Aug. 1971/Nov. 1971)

Philippines (June 1975/Sept. 1975)
Poland (Oct. 1949/Oct. 1949)
Portugal (Feb. 1979/May 1979)
Qatar (July 1988/July 1988)

Romania (Oct. 1949/Oct. 1949)
Rwanda (Nov. 1971/May 1972)
San Marino (May 1971)[11]
Sao Tome and Principe (July 1975/Apr. 1976)
Senegal (Dec. 1971/May 1972)

Seychelles (June 1976/Mar. 1977)
Sierra Leone (July 1971/July 1971)
Somalia (Dec. 1960/Dec. 1960)
Soviet Union (Oct. 1949/Oct. 1949)
Spain (Mar. 1973/June 1973)

Sri Lanka (Jan. 1950/Feb. 1957)
Sudan (Dec. 1958/Dec. 1958)
Suriname (May 1976/Jan. 1977)
Sweden (Jan. 1950/May 1950)
Switzerland (Jan. 1950/Sept. 1950)
Syria (Aug. 1956/Aug. 1956)

Tanzania (Oct. 1964/Oct. 1964)[12]
Thailand (July 1975/Sept. 1975)
Togo (Sept. 1972/Nov. 1972)
Trinidad and Tobago (June 1974/Apr. 1975)
Tunisia (Jan. 1964/Oct. 1971)[13]
Turkey (Aug. 1971/Aug. 1971)

Uganda (Oct. 1962/Oct. 1962)
United Arab Emirates (Nov. 1984/Nov. 1984)
United Kingdom (June 1950/June 1954)
United States (Jan. 1979/Mar. 1979)
Uruguay (Feb. 1988/Feb. 1988)

Vanuatu (Mar. 1982/Mar. 1982)
Venezuela (June 1974/Sept. 1974)
Vietnam (Jan. 1950/Jan. 1950)[14]
Western Samoa (Nov. 1976/Nov. 1976)
Yemen, North – Yemen Arab Republic (Aug. 1956/Sept. 1956)
Yemen, South – People's Democratic Republic of Yemen (Dec. 1967/Jan. 1968)
Yugoslavia (Oct. 1949/Jan. 1955)
Zaire (Nov. 1972/Jan. 1973)
Zambia (Oct. 1964/Oct. 1964)
Zimbabwe (Apr. 1980/June 1980)

10 China recognized the self-declared "state" of Palestine and established diplomatic relations with it upon its declaration of statehood in November 1988.

11 San Marino has only consular-level relations with China.

12 China recognized Tanganyika in December 1961, Zanzibar in January 1964, and Tanzania in October 1964.

13 Relations with Tunisia were suspended in 1967 and reestablished in October 1971.

14 Prior to the July 1976 formation of the Socialist Republic of Vietnam, China had separate relations with North Vietnam (January 1950) and the Provisional Revolutionary Government of South Vietnam (June 1969).

B. Nations that recognize but have no official relations with China (3)

Bhutan (Oct. 1971): Recognition is based on vote in UN to admit China and expel representatives of Taipei.

Indonesia (Apr. 1950): Diplomatic relations were frozen in 1965 following a coup attempt which Jakarta accused Beijing of supporting. Direct trade resumed in July 1985.

Israel (Jan. 1950): Israel has not been recognized by China.

C. Nations maintaining diplomatic relations with Taiwan (26)

Bahamas, The
Belize
Costa Rica[15]
Dominica
Dominican Republic
El Salvador
Grenada
Guatemala
Haiti
Honduras
Korea, South – Republic of Korea[16]
Liberia
Malawi
Nauru
Panama[17]
Paraguay
Saint Kitts and Nevis
Saint Lucia
Saint Vincent and the Grenadines
Saudi Arabia[18]
Solomon Islands[19]
South Africa
Swaziland
Tonga
Tuvalu
Vatican City

D. Nations that neither recognize nor have official relations with China or Taiwan (2)

Brunei
Singapore[20]

Prepared by INR/EAP, China Division
647-2265

Approved by Mary Ann Casey
647-2402

15 The official Chinese Xinhua News Agency has had an office in Costa Rica since April 1979.

16 The Republic of Korea announced the opening of a trade office in Shandong, China in September 1988.

17 China's Xinhua News Agency has had an office in Panama since May 1973.

18 Saudi Arabia and China in November 1988 announced the opening of trade offices.

19 Taiwan upgraded its mission in the Solomon Islands from Consulate General to Embassy on September 16, 1985.

20 Singapore has permitted Taiwan to establish a trade mission which also handles consular matters. Singapore does not consider this as recognition and has no mission in Taiwan. Singapore has a trade mission in Beijing.

Public Law 101-231
101st Congress

An Act

To combat international narcotics production and trafficking.

Dec. 13, 1989
[H.R. 3611]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

International Narcotics Control Act of 1989.
Law enforcement and crime.
22 USC 2151 note.

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "International Narcotics Control Act of 1989".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Andean drug initiative.
Sec. 3. Military and law enforcement assistance for Bolivia, Colombia, and Peru
Sec. 4. Acquisition by Special Defense Acquisition Fund of defense articles for narcotics control purposes.
Sec. 5. Excess defense articles for certain major illicit drug producing countries.
Sec. 6. Waiver of Brooke-Alexander amendment for major coca producing countries.
Sec. 7. Mexico.
Sec. 8. Nonapplicability of certification procedures to certain major drug-transit countries.
Sec. 9. Coordination of United States trade policy and narcotics control objectives.
Sec. 10. Debt-for-drugs exchanges.
Sec. 11. Multilateral antinarcotics strike force.
Sec. 12. Weapons transfers to international narcotics traffickers.
Sec. 13. Rewards for information concerning acts of international terrorism.
Sec. 14. Waiver of Kemp-Kasten Amendment.
Sec. 15. Participation in foreign police actions.
Sec. 16. Authorization of appropriations for international narcotics control assistance.
Sec. 17. Revisions of certain narcotics-related provisions of the Foreign Assistance Act.

SEC. 2. ANDEAN DRUG INITIATIVE.

(a) FINDINGS RELATING TO ECONOMIC ASSISTANCE NEEDS.—The Congress finds that—

(1) it is crucial to international antidrug efforts that funds be made available for crop substitution programs and alternative employment opportunities to provide alternative sources of income for those individuals in major coca producing countries who are dependent on illicit drug production activities, as well as for eradication, enforcement, rehabilitation and treatment, and education programs in those countries; and

(2) the United States and other major donor countries (including European countries and Japan) should provide increased economic assistance, on an urgent basis, to those major coca producing countries which have taken concrete steps to attack illicit coca production, processing, and trafficking, by eradication, interdiction, or other methods which significantly reduce the flow of cocaine to the world market.

(b) PLAN TO ADDRESS NEED FOR ASSISTANCE.—The Congress, therefore, urges the Director of National Drug Control Policy to submit to the Congress in February 1990, as part of the National Drug Control Strategy report required by section 1005 of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 1504), a plan which addresses the need outlined in subsection (a).

(c) ANDEAN SUMMIT.—The Congress urges the President in the strongest possible terms to include the following issues on the formal agenda of the meeting between the President and the heads of government of Bolivia, Colombia, and Peru, scheduled for early February 1990: Bolivia. Colomb. Peru.

(1) Bilateral and multilateral antidrug efforts that make funds available for crop substitution programs and alternative employment opportunities in major coca producing countries, as well as for eradication, enforcement, rehabilitation and treatment, and education programs in those countries.

(2) Initiatives to improve and expand antidrug efforts in the Andean region, including through the use of United States international economic, commercial, and other policies.

(3) Prior bilateral discussions aimed at increasing multilateral economic development assistance from Japan, Canada, and Western European countries for antidrug efforts in the Andean region.

(4) Debt-for-drugs exchanges that forgive Andean bilateral debt held by the United States and other creditor countries in return for commitments by Andean governments to use the savings in debt service for antidrug programs, pursuant to agreements negotiated under section 481(h)(2)(B) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(h)(2)(B)) and other international agreements and initiatives.

(5) Bilateral and multilateral efforts to halt the transfer of arms, precursor chemicals, and sophisticated communications equipment and technology from legitimate sources to drug trafficking organizations.

(d) REPORT ON ANDEAN SUMMIT MEETING.—Not later than 30 days after the conclusion of the Andean summit meeting described in subsection (c), the President shall report to the Congress on the outcome of that meeting. President

(e) SUPPLEMENTAL BUDGET REQUESTS.—At the same time as he submits the report required by subsection (d), the President shall submit to the Congress such supplemental budget requests for fiscal years 1990 and 1991 as may be necessary to cover the United States share of the cost of additional economic assistance to implement an Andean antidrug strategy, including the commitments made at the Andean summit meeting described in subsection (c). President

SEC. 3. MILITARY AND LAW ENFORCEMENT ASSISTANCE FOR BOLIVIA, COLOMBIA, AND PERU. 22 USC

(a) PURPOSES OF ASSISTANCE.—Assistance provided under this section shall be designed to—

(1) enhance the ability of the Government of Bolivia, the Government of Colombia, and the Government of Peru to control illicit narcotics production and trafficking;

(2) strengthen the bilateral ties of the United States with those governments by offering concrete assistance in this area of great mutual concern; and

(3) strengthen respect for internationally recognized human rights and the rule of law in efforts to control illicit narcotics production and trafficking.

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OVERVIEW

The following report on the Andean Drug Summit is submitted to Congress pursuant to the International Narcotics Control Act of 1989, H.R. 3611 P.L. 101-231, Section 2(d). The major issues Congress urged the President to raise in the formal agenda of the Andean Drug Summit are presented below per P.L. 101-231, section 2(c)(1-5). Testimony on the Andean Drug Summit was provided to the House Select Committee on Narcotics Abuse and Control on March 7 by Assistant Secretary of State for Inter-American Affairs Bernard Aronson and Assistant Secretary of State for International Narcotics Matters Melvyn Levitsky. Assistant Secretary Aronson's prepared testimony is provided at Tab 1.

President George Bush met with President Virgilio Barco of Colombia, President Jaime Paz Zamora of Bolivia and President Alan Garcia of Peru on February 15, 1990, in Cartagena, Colombia, to strengthen cooperation in attacking the production, trafficking and consumption of illicit drugs. Colombia, Bolivia and Peru are the principal sources of the world's supply of cocaine; the United States is the world's largest consumer.

There was a genuine dialogue in Cartagena. Each President educated the others as to his country's specific problems on combatting narcotics. Until recently, fundamentally different U.S. and Andean views of the nature and effects of the cocaine industry offered little hope that an integrated, comprehensive strategy of cooperation could be launched. Now, we are near a historic breakthrough -- the argument over who is "responsible," the Andean "producers" or the U.S. "consumer," is ending. Understanding that the problems of one reinforce the problems of the other is producing agreement that we must simultaneously attack production, distribution and consumption, and that enforcement and alternative development are complementary. The Summit nations agreed to hold a high-level follow-up meeting within the next six months and called for a world anti-narcotics meeting in 1991.

The four Presidents signed the Declaration of Cartagena (Tab 2) which provides the framework for a comprehensive anti-narcotics strategy. The Declaration acknowledges that a successful program will necessarily involve economic and development cooperation and will support intensified actions aimed at reducing trafficking and demand. The Presidents also stressed the need to increase public awareness of the dangers of trafficking and use, and to undertake diplomatic initiatives aimed at building international support.

The Declaration calls for strengthened bilateral cooperation. The United States and Bolivia signed agreements on the control of essential chemicals, weapons exports, and on public awareness (Tab 3). The United States and Peru signed accords on the exchange of tax information and public awareness and exchanged notes on extradition (Tab 4). Other agreements are under negotiation.

The following is a discussion of the major issues Congress urged the President to raise in the formal agenda of the Andean Drug Summit per P.L. 101-231 Section 2(c)(1-5).

Section 2 (c)(1): Bilateral and multilateral anti-drug efforts that make funds available for crop substitution and alternative employment opportunities, eradication, enforcement and education programs.

President Bush came away from Cartagena with a greater appreciation of the economic context which leads Peruvian and Bolivian farmers to cultivate coca and of the economic costs Colombia has paid and continues to pay in its war against the cartels. The President agreed that effective counter-narcotics programs are needed to make coca growing less attractive both economically and socially. He said that one objective of the Andean Strategy was to support Andean efforts to halt the growth of illicit drug production by helping to develop self-sustaining income alternatives for coca farmers. He pointed out that the U.S. would help provide the host countries with balance of payments support and development assistance to permit them to establish self-sustaining income alternatives to coca growing, within the framework of effective drug control programs and sound economic policies.

The Declaration of Cartagena includes an "Understanding Regarding Economic Aspects and Alternative Development." Actions to be taken by the United States and the Andean nations for alternative development and crop substitution are discussed in this section. With regard to alternative development and crop substitution, the United States will support measures aimed at broad-based rural development, promotion of non-traditional exports, and

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building a productive infrastructure. The United States and the Andeans will work together to identify alternative income activities for external financing. The United States is ready to consider financing activities such as research, extension credit and other agricultural support services as well as support of private-sector initiatives for the creation of micro-enterprises and agro-industries. Of particular note in this section of the Declaration are U.S. and Andean efforts to determine the economic assistance required to ensure sound economic policies to sustain alternative development and crop substitution. President Bush also stated that the United States will assist with coca eradication efforts in areas where eradication can be effective.

President Bush stated that the United States viewed border interdiction and international programs as an integral part of our demand reduction efforts, the first two lines of defense against drug use. He stated that as a nation the United States was serious about ending illicit drug consumption and drug supply within our own national borders. He explained plans to intensify demand reduction efforts within the U.S., which would include treatment facilities, education, and community actions.

Section 2(c)(2): Improve and expand anti-drug efforts through the use of economic, commercial and other policies.

President Bush told the Andean Summit nations that he recognized that the war against drugs will have continuing costs for the economies of these countries. He acknowledged that the Andean Summit nations are facing these costs at the same time they are trying to create alternative jobs, income and foreign exchange to replace those generated by the drug trade.

President Bush committed the United States to provide economic assistance, both bilaterally and through multilateral efforts, according to the needs and circumstances of each individual country. He said that a solid commitment to attack the narcotics traffickers and implement sound economic policies was necessary to unlock the potential resources available from the United States, other countries and the international financial institutions. Sound economic policies are needed to ensure effective use of the assistance, to promote private investment and to expand trade.

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Another aspect of the Declaration of Cartagena, under the "Understanding Regarding Economic Aspects and Alternative Development" section, includes actions to be taken by the United States and the Andean nations for trade initiatives, incentives to export and private foreign investment, and mitigating the social impact of counter-narcotics efforts. The Declaration, signed by all Summit parties, states that the United States is also prepared to provide balance of payment support to help the Andeans meet foreign exchange needs.

Other economic measures being explored include: tax information exchange agreements; multilateral development bank programs which complement traditional lending; additional food aid; and, where appropriate, promotion of mineral investment. The President said he was prepared to send teams to each of these countries to discuss these and other economic issues. He informed the Summit nations that he had instructed USG officials to work closely with the management of the World Bank and Inter-American Development Bank to exploring ways these institutions can help the Andean countries pursue alternative development.

Section 2(c)(3): Bilateral discussions aimed at increasing multilateral economic/development assistance from Japan, Canada and Western Europe.

President Bush and other Administration officials, including Secretary of State Baker, have held numerous high-level bilateral meetings with leaders from a number of developed nations regarding assistance they could provide the Andean nations for anti-drug efforts. These nations include Japan, France, the United Kingdom, Spain, Italy, and West Germany. At the Andean Summit, President Bush expressed support for continued discussions in international fora on assistance to the Andes.

In the Declaration of Cartagena, the United States and the Andean nations also stressed the importance of the document issued by the Trilateral Meeting in Madrid by the governments of Italy, Spain and the United States. The Declaration also highlighted the efforts undertaken in Europe, particularly those of the European Community, with a view to adopting specific policies and initiatives against illicit drug trafficking. The United States and the Andean nations called for a world conference in 1991 to strengthen international cooperation in the elimination of improper consumption, illegal trafficking in and production of drugs.

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Section 2(c)(4): Andean Bilateral Debt

At the Summit, President Bush recognized the significant debt problems faced by the Andeans. While debt-for-drugs exchanges were not discussed at Cartagena, the President pledged that the United States would continue to work for constructive solutions in the area of debt relief, based on the unique problems and economic circumstances of each country. The President emphasized to the Andean Presidents the importance of the Paris Club as the proper place to discuss rescheduling of official debt.

Section 2(c)5): Bilateral and multilateral efforts to halt the transfer of arms, precursor chemicals, and sophisticated communications equipment and technology to drug trafficking sources.

President Bush committed the United States to assist the Andean countries in their efforts to isolate key coca growing areas and deny traffickers access to these areas by air, river, and road. He said that the United States will support cooperative efforts to block the shipment of key precursor chemicals to cocaine-producing areas.

The second part of the Declaration of Cartagena deals with "Understandings Regarding Attacking Illicit Drugs." This part details efforts by the United States and the Andean nations to step up interdiction and eradication, as well as work to reduce demand for narcotics. This section includes understandings on sharing of information, cooperation in controlling financial activities of drug traffickers, and the forfeiture and sharing of seized assets among the signatories. In addition, the United States and the Andean nations agreed to take steps to control the use and export of weapons, planes, ships, explosives, communications equipment, and chemicals to prevent their use in the production and transport of narcotics. Various side agreements, as mentioned in the overview, were signed to support the understanding in the Declaration.

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TESTIMONY OF BERNARD W. ARONSON
ASSISTANT SECRETARY OF STATE FOR INTER-AMERICAN AFFAIRS
BEFORE THE HOUSE SELECT COMMITTEE ON NARCOTICS
March 7, 1990

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The February 15 Andean Drug Summit in Cartagena, Colombia, marked the beginning of a new relationship with the Andes. The four presidents, Virgilio Barco of Colombia, Alan Garcia of Peru, Jaime Paz Zamora of Bolivia and President Bush, agreed on a common strategy for dealing with the scourge of drugs and signed six specific side agreements. But more importantly each president came away with a better understanding of how the cocaine network threatens each country, and a commitment to implement a coordinated, intensified anti-narcotics strategy in his own country.

President Bush's initial meeting with the three Andean presidents proved so useful and informative that it continued straight through for two and a half hours, one hour more than had been scheduled. The presidents had an extremely cordial and fruitful discussion about how each nation faces the drug problem.

A new era in United States and Andean perspectives on the drug problem has begun. The debate on who was to blame ended at Cartagena. The United States recognized that its internal demand must be reduced to curtail drug trafficking from the Andes. Bolivia, Colombia and Peru accepted their responsibility as well to move aggressively against the

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cartels. We have now agreed that both consumers and producers have a common problem and a common responsibility to do something about it.

The argument of interdiction versus economic development was also put to rest at the summit. Both must go forward simultaneously. Economic development will fail if coca prices do not go down as a result of interdiction. Interdiction will prove to be an endless task if there is no alternative development. We are willing to help the Andean drug producing countries if they are aggressively attacking the coca trade. After a significant increase in law enforcement assistance in FY-90, we are providing a major increase in economic assistance in FY-91.

At the summit six bilateral agreements were signed; three with Bolivia (on the control of essential chemicals, weapons export control, and public awareness) and three with Peru (on tax information exchange, public awareness, and an exchange of diplomatic notes confirming that narcotics trafficking is covered by the 1899 U.S.-Peru extradition treaty). We are continuing to negotiate other side agreements with Bolivia, Colombia and Peru.

In explaining our National Drug Control strategy, President Bush told the Summit partners that in order to pay for all our FY-91 anti-drug programs, he is asking

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Congress to appropriate $10.6 billion in drug-related budget authority -- a $4.3 billion (69 percent) increase since the President took office. He stressed our determination to reduce demand in the United States and informed the Andean leaders that casual drug use in the United States has dropped since 1985.

President Bush noted that in FY-91, we plan to allocate $7.6 billion of Federal funds for demand and supply reduction within the U.S. In the area of treatment we plan to spend $1.5 billion, an increase of $600 million since President Bush took office. Additionally, we plan to hire more agents in all areas of law enforcement and to create a National Drug Intelligence Center to consolidate law enforcement information related to drug enforcement.

At the same time, President Bush stressed that we cannot reduce demand for illicit drugs in the United States if the supply of such drugs remains unabated. We view border interdiction and international programs as an integral part of our demand reduction efforts. To this end we plan to expand and develop cooperative efforts with transit countries in drug enforcement and the disruption of money laundering. We will increase our bilateral and multilateral law enforcement information-sharing arrangements. We will strengthen our ability to detect, investigate and prosecute international money laundering, and to seize and obtain the forfeiture of drug-related assets. And we will also develop better ways to share seized assets with cooperating nations.

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The President also pointed out that we are intensifying our efforts to stop the illegal flow of munitions from the United States to other countries, and to help other countries control the flow of munitions within their own borders. We have also initiated a major effort to stop the diversion of precursor chemicals into the drug trade.

As part of our international strategy, the President noted that we would work to include the issue of illicit drugs on the agendas of the Houston Economic Summit, the recently concluded United Nations Special Session on Narcotics, and other international meetings. He added that we would work with the developed nations to enhance international assistance to drug-producing countries.

The President stressed the need to emphasize international demand reduction efforts, by improving international exchanges of 'nformation about successful drug prevention, education, and workplace programs. He also mentioned that we seek a World Drug Conference, to discuss the efforts of all nations to end the problem.

Focusing on the Andes, President Bush noted that our national anti-narcotics strategy gives special attention to the Andean region. The goal of the Andean strategy is to

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support the Andean governments in their efforts to stop the production and trafficking of cocaine at the source. To achieve this, the President stated we have established three major interrelated objectives:

-- The first objective is to support the Andeans ability to win the war against the illicit drug trafficking organizations, to break up international money laundering operations, and to seize the assets of drug traffickers.

-- The second objective is to work with the Andeans to stop the flow of cocaine by suppressing the production, processing and trafficking of the substance.

-- And the third objective is to support the efforts by the Andeans to halt the growth of illicit drugs, by helping to develop self-sustaining income alternatives for coca farmers.

To attain these objectives, the President stated that we are proposing to double the amount of money available for programs and operations in the Andean Region from FY-90 to FY-91, to provide law enforcement, military, and economic assistance to all three Andean countries.

Of the FY-91 funds, about half, over $200 million, will go for economic assistance. And the totals will grow further

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in FY-92, all in the areas of economic assistance. We will support efforts to increase trade and investment opportunities, thus strengthening and sustaining overall economic growth.

The President stated that our specific program objectives for the Andean nations call for providing expanded law enforcement, military and intelligence assistance to strengthen the capability of the Andean nations to confront the cocaine trade.

In order to obtain the assistance required to help the Andeans fight the drug war, the President underscored that it was necessary that the U.S. Congress appropriate the funds. He told the Andean presidents that he needed to show Congress that their counternarcotics programs were effective, as Colombia's massive effort clearly is, and that their alternative development and other economic efforts are built on sound economic policies, as is essential for any country obtaining external economic assistance. The Andean strategy must work in order for it to continue.

The Andean presidents explained their countries' situation to President Bush. The President came away with a greater appreciation of the economic context which leads Peruvian and Bolivian farmers to cultivate coca and of the economic costs Colombia has paid and continues to pay in its war against the cartels.

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The key document signed at Cartagena is the Declaration of Cartagena. It contains the strategy that the four countries will implement and is designed to attack simultaneously every link in the cocaine chain from production to distribution to consumption. The Declaration addresses both interdiction and alternative development commits the Andeans to using military forces in the war on drugs, and makes clear that our assistance will be based upon the Andean countries' anti-narcotics performance and implementation of sound economic policy.

The first portion of the Declaration is entitled "Understandings Regarding Economic Aspects and Alternative Development." Actions to be taken by the United States and the Andean nations for alternative development and crop substitution, mitigating the social impact, trade initiatives, and incentives to exports and private foreign investment are contained here.

Of particular note in this section are United States and Andean efforts to determine the economic assistance required to ensure sound economic policies to sustain alternative development and crop substitution. The United States is also prepared to provide balance of payments support to help the Andeans meet foreign exchange needs.

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The second part of the Declaration deals with "Understandings Regarding Attacking Illicit Drugs." This part details efforts by the United States and the Andean nations to step up interdiction and eradication, as well as work to reduce demand for narcotics. The section also included understandings on sharing of information and intelligence, cooperation in controlling the finances of drug traffickers, and the forfeiture and sharing of illegal drug proceeds among the signatories. In addition, the United States and the Andean nations agreed to take steps to control the use and export of weapons, planes, ships, explosives, communications equipment, and chemicals to prevent their use in the production and transport of narcotics.

The final part of the Declaration outlines "Understandings Regarding Diplomatic Initiatives and Public Opinion." The United States and the Andean countries pledged to seek from the international community an intensified program of public information stressing the dangers of drug trafficking. The section lists international fora that will be used by the United States and the Andean nations to seek support from developed nations in providing economic assistance, and from regional bodies such as the OAS, for hemispheric cooperation in attacking the drug trade.

The Declaration also calls for a world conference against illicit drug trafficking in 1991 in order to progress towards the goals agreed upon at the Cartagena Summit. Such a

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conference would strengthen international cooperation in the elimination of improper consumption, illegal trafficking and production of drugs.

There was a strong plea by the Andean countries that this become a multilateral effort. The drug problem also affects the societies of the United Nations Fund for Drug Abuse Control (UNFDAC) donor nations.

The summit participants also agreed to hold a high-level follow up meeting within six months; this meeting may be expanded to include others.

The Cartagena Summit was an historic occasion. Each leader understood its significance and meaning. All recognized that the narcotics problem can only be stopped through continued cooperation and assistance. We must assist the Andean nations and they have vowed to help us fight the dangers of the drug trade. In that spirit President Bush returned from Colombia even more committed to helping the Andean nations. All four governments must work together to make this cooperative venture work. It will not be easy. We will not be able to declare victory and walk away. What is required is a sustained commitment to reduce demand at home and to attack every link of the cocaine chain from production to consumption. It is the only way we can succeed.

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(Note: Below is the text of the "Declaration of Cartagena," as signed by the four Presidents, corrected to eliminate typographical errors in the English version.)

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The Presidents of Bolivia, Colombia, the United States of America and Peru, met in Cartagena de Indias, Colombia on the fifteenth day of February one thousand nine hundred and ninety, and issued the following:

DECLARATION OF CARTAGENA

The Parties consider that a strategy which commits the Parties to implement or strengthen a comprehensive, intensified anti-narcotics program must address the issues of demand reduction, consumption and supply. Such a strategy also must include understandings regarding economic cooperation, alternative development, encouragement of trade and investment, as well as understandings on attacking the traffic in illicit drugs, and on diplomatic and public diplomacy initiatives.

The Parties recognize that these areas are interconnected and self-reinforcing. Progress in one area will help achieve progress in others. Failure in any of them will jeopardize progress in the others. The order in which they are addressed in the document is not meant to assign to them any particular priority.

Economic cooperation and international initiatives cannot be effective unless there are concomitant, dynamic programs attacking the production of, trafficking in and demand for illicit drugs. It is clear that to be fully effective, supply reduction efforts must be accompanied by significant reduction in demand. The Parties recognize that the exchange of information on demand control programs will benefit their countries.

The Parties recognize that the nature and impact of the traffic in and interdiction of illicit drugs varies in each of the three Andean countries and cannot be addressed fully in this document. The Parties will negotiate bilateral and multilateral agreements, consistent with their anti-narcotics efforts, specifying their responsibilities and commitments with regard to economic cooperation and intensified enforcement actions.

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A. UNDERSTANDINGS REGARDING ECONOMIC ASPECTS AND ALTERNATIVE DEVELOPMENT

The Parties recognize that trafficking in illicit drugs has a negative long-term impact on their economies. In some of the Parties, profits from coca production and trade and from illicit drug trafficking contribute, in varying degrees, to the entry of foreign exchange and to the generation of employment and income. Suppression of coca production and trade will result in significant, immediate, and long-term economic costs that will affect, in various ways, each of the Andean countries.

The President of the United States will request Congress to authorize new funds for the program during fiscal years 1991 to 1994, in order to support the Andean Parties' efforts to counteract the short- and long-term socio-economic impact of an effective fight against illicit drugs. This contribution by the United States would be made within the framework of actions against drug trafficking carried out by the Andean Parties. The Andean Parties reiterate the importance of implementing or strengthening sound economic policies for the effective utilization of such a contribution. The United States is also prepared to cooperate with the Andean Parties in a wide range of initiatives for development, trade and investment in order to strengthen and sustain long-term economic growth.

Alternative development, designed to replace the coca economy in Peru and Bolivia and illicit drug trafficking in all the Andean Parties, includes the following areas of cooperation. In the short-term, there is a need to create and/or to strengthen social emergency programs and balance of payments support to mitigate the social and economic costs stemming from substitution. In the medium- and long-term, investment programs and measures will be needed to create the economic conditions for definitive substitution of the coca economy in those countries where it exists or of that sector of the economy affected by narcotics trafficking. It is also necessary to implement programs to preserve the ecological balance.

1. ALTERNATIVE DEVELOPMENT AND CROP SUBSTITUTION

In order to foster increased employment and income opportunities throughout the entire productive system and implement or enhance a sound economic policy to

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sustain long-term growth, the United States will support measures aimed at stimulating broad-based rural development, promoting non-traditional exports, and building or reinforcing productive infrastructure, among other measures. The Parties, in accordance with the respective policies of Bolivia, Colombia, Peru and the United States, will determine the economic assistance required to ensure sound economic policies and sustain alternative development and crop substitution, which in the medium-term will help replace the income, employment and entry of foreign exchange in the countries in which these have been generated by the illegal coca economy. The United States is prepared to finance economic activities of this kind with new and concessional resources.

In order to achieve a complete program of alternative development and crop substitution, the Parties agree that in addition to the cooperation provided by the United States, economic cooperation, as well as greater incentives to investment and foreign trade from other sources, will be needed. The Parties will make concerted efforts to obtain the support of multilateral and other economic institutions for these programs, as the three Andean Parties implement or continue sound economic policies and effective programs against drugs.

The Parties are convinced that a comprehensive fight against illicit drug traffic will disrupt the market for coca and coca derivatives and will reduce their prices. As success is achieved in this fight, those employed in growing coca and in its primary processing will seek alternative sources of income either by crop substitution or by changing jobs. The Parties will work together to identify alternative income activities for external financing. The United States is ready to consider financing of activities such as research, extension, credit and other agricultural support services and support of private-sector initiatives for the creation of micro-enterprises and agro-industries.

The United States will also cooperate with the Andean Parties to promote viable domestic and foreign markets to sell the products generated by alternative development and crop substitution programs.

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2. MITIGATION OF THE SOCIAL AND ECONOMIC IMPACT OF THE FIGHT AGAINST ILLICIT DRUG TRAFFICKING

As the Andean Parties implement or continue to develop effective programs of interdiction of the flow of illicit drugs and of crop eradication, they will need assistance of the fast disbursement type to mitigate both small- and large-scale social and economic costs. The Parties will cooperate to identify the type of assistance required. The United States is prepared to provide balance of payments support to help meet foreign exchange needs. The United States will also consider funding for emergency social programs, such as the successful one in Bolivia, to provide employment and other opportunities to the poor directly affected by the fight against illicit drugs.

3. TRADE INITIATIVES, INCENTIVES TO EXPORTS AND PRIVATE FOREIGN INVESTMENT

An increase in trade and private investment is essential to facilitate sustained economic growth and to help offset the economic dislocations resulting from any effective program against illicit drugs. The Parties will work together to increase trade among the three Andean countries and the United States, effectively facilitating access to the United States market and strengthening export promotion, including identification, development and marketing of new export products. The United States will also consider providing appropriate technical and financial assistance to help Andean agricultural products comply with the admission requirements.

The Parties may consider the establishment of economic and investment policies, as well as legislation and regulations to foster private investment. Where favorable conditions exist, the United States will facilitate private investment in the three Andean countries, taking into account the particular conditions and potential of each.

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B. UNDERSTANDINGS REGARDING ATTACKING ILLICIT DRUGS

The Parties reaffirm their will to fight drug trafficking in a comprehensive manner attacking all facets of the trade: production, transportation and consumption. Such comprehensive action includes the following:

-- Preventive actions to reduce consumption and therefore demand.

-- Control and law enforcement activities against illegal cultivation, processing, and marketing of illicit drugs.

-- Control of essential chemicals for the production of illegal drugs and the means used for their transport.

-- Seizure, forfeiture, and sharing of illegal proceeds and property used in committing narcotics-related crimes.

-- Coordination of law enforcement agencies, the military, prosecutors and courts, within the framework of national sovereignty of each of the Parties.

-- Actions to bring about a net reduction in the illegal cultivation of coca.

The Parties undertake to engage in an ongoing evaluation of their cooperation, so that the President of the United States, as appropriate, may request Congress to provide additional assistance to the Andean Parties.

Given that the Parties act within a framework of respect for human rights, they reaffirm that nothing would do more to undermine the war on drugs than disregard for human rights by participants in the effort.

1. PREVENTION AND DEMAND

The Parties undertake to support development and expansion of programs on comprehensive prevention, such as preventive public education in both rural and urban areas, treatment of drug addicts, and information to encourage the public opposition to illegal drug production, trade and consumption. These programs are fundamental if the drug problem is to be successfully confronted.

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The Parties recognize that prevention efforts in the four countries will benefit from shared information about successful prevention programs and from bilateral and multilateral cooperation agreements to expand efforts in this field.

To this end, the Parties undertake to contribute economic, material and technical resources to support such comprehensive prevention programs.

2. INTERDICTION

A battle against an illicit product must focus on the demand for, production of and trade in that product. Interdiction of illegal drugs, as they move from producer to consumer, is essential. The Parties pledge to step up efforts within their own countries to interdict illegal drugs and to increase coordination and cooperation among them to facilitate this fight. The United States is ready to provide increased cooperation in equipment and training to the law enforcement bodies of the Andean Parties.

3. INVOLVEMENT OF THE ARMED FORCES OF THE RESPECTIVE COUNTRIES

The control of illegal trafficking in drugs is essentially a law enforcement matter. However, because of its magnitude and the different aspects involved, and in keeping with the sovereign interest of each State and its own judicial system, the armed forces in each of the countries, within their own territory and national jurisdictions, may also participate. The Parties may establish bilateral and multilateral understandings for cooperation in accordance with their interests, needs and priorities.

4. INFORMATION SHARING AND INTELLIGENCE COOPERATION

The Parties commit themselves to a greater exchange of information and intelligence in order to strengthen action by the competent agencies. The Parties will pursue bilateral and multilateral understandings on information and intelligence cooperation, consistent with their national interests and priorities.

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5. ERADICATION AND DISCOURAGEMENT OF ILLICIT CROPS

Eradication can play an essential part in the anti-drug fight of each country. In each case, eradication programs have to be carefully crafted, measuring their possible effect on total illicit drug production in each country; their cost-benefit ratio relative to other means of fighting illicit drugs; whether they can be most effective as voluntary or compulsory programs or a combination of the two; and their probable political and social consequences.

The Parties recognize that to eradicate illicit crops, the participation of the growers themselves is desirable, adopting measures that will help them obtain legal sources of income.

New economic opportunities, such as programs for alternative development and crop substitution, shall be fostered to help to dissuade growers from initiating or expanding illegal cultivation. Our goal is a sustained reduction in the total area under their illegal cultivation.

Eradication programs must safeguard human health and preserve the ecosystem.

6. CONTROL OF FINANCIAL ASSETS

The Parties agree to identify, trace, freeze, seize, and apply other legal procedures for the disposition of drug crime proceeds in their respective countries, and to attack financial aspects of the illicit drug trade. In accordance with their respective laws, each of the Parties will seek to adopt measures to define, categorize, and criminalize money laundering, as well as to increase efforts to implement current legislation. The Parties agree to establish formulas providing exceptions to banking secrecy.

7. FORFEITURE AND SHARING OF ILLEGAL DRUG PROCEEDS

The Parties pledge to implement a system for forfeiture and sharing of illegal drug profits and assets, and to establish effective programs in this area.

In United States cases related to forfeiture of property of illegal drug traffickers where Bolivia,

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Colombia, and Peru provide assistance to the United States Government, the Government of the United States pledges to transfer to the assisting government such forfeited property, to the extent consistent with United States' laws and regulations. The Parties will also seek asset sharing agreements for Bolivia, Colombia, and Peru, and with other countries.

8. CONTROL OF ESSENTIAL CHEMICALS USED IN THE PRODUCTION OF ILLICIT DRUGS

The control in the United States of the export of chemical substances used in the processing of cocaine is vital. In addition, there is a need for greater control of the import and domestic production of such substances by the Andean Parties. Joint efforts must be coordinated to eliminate the illicit trade in such substances.

The Parties agree:

-- to step up interdiction of the movements of essential chemicals that have already entered the country, legally or illegally, and are being diverted for illicit drug processing. This includes controlling choke points as well as establishing investigative and monitoring programs in close cooperation with all the Parties' law enforcement agencies.

-- to further develop an internal system to track essential chemicals through sale, resale and distribution to the end user.

-- to cooperate bilaterally and multilaterally to provide each other with information necessary to track domestic and international movements of essential chemicals for the purpose of controlling their sale and use.

-- to support the efforts under the Organization of American States (OAS) auspices to develop and implement a regional inter-American agreement on essential chemicals.

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9. CONTROL OF WEAPONS, PLANES, SHIPS, EXPLOSIVES AND COMMUNICATIONS EQUIPMENT USED IN ILLEGAL DRUG TRAFFICKING

Illicit drug trafficking is heavily dependent on weapons, explosives, communications equipment, and air, maritime and riverine transportation throughout the illicit cultivation and the production and distribution process.

The Parties agree:

-- to strengthen controls over the movement of illegal weapons and explosives and over the sale, resale and the registration of aircraft and maritime vessels in their respective countries, which should be carried out by their own authorities.

The Parties agree to establish within their own territory control programs that include:

-- the registration of ships and aircraft;

-- the adoption of legal standards that permit effective forfeiture of aircraft and vessels;

-- controls on pilot licenses and training;

-- registration of airfields in their respective countries;

-- development of control measures over communications equipment used in illegal drug trafficking to the extent permitted by their respective laws and national interests.

The United States agrees to work with the Andean Parties to stem weapons exports from the United States to illegal drug traffickers in the three Andean nations.

10. LEGAL COOPERATION

The Parties pledge to cooperate in the sharing of instrumental evidence in forms admissible by their judicial proceedings. The Parties also agree to seek mechanisms that permit the exchange of information on

legislation and judicial decisions in order to optimize legal proceedings against the traffic in illicit drugs.

The Parties recognize the value of international cooperation in strengthening the administration of justice, including the protection of judges, judicial personnel, and other individuals who take part in these proceedings.

C. UNDERSTANDINGS REGARDING DIPLOMATIC INITIATIVES AND PUBLIC OPINION

The scourge of illicit drug trafficking and consumption respects no borders, threatens national security, and erodes the economic and social structures of our nations. It is essential to adopt and carry out a comprehensive strategy to promote full awareness of the destructive effects of illegal production, illicit trafficking and the improper consumption of drugs. Toward this end, the Parties commit themselves to use all political and economic means within their power to put into effect programs aimed at achieving this goal.

1. STRENGTHENING PUBLIC OPINION IN FAVOR OF INTENSIFYING THE FIGHT AGAINST ILLEGAL DRUG TRAFFICKING

Public awareness should be enhanced also by means of active and determined diplomatic action. The Parties pledge to strengthen plans for joint programs leading to the exchange of ideas, experiences, and specialists in the field. The Parties call upon the international community to intensify a program of public information stressing the danger of drug trafficking in all of its phases. In this regard, the Parties undertake to give active support to inter-american public awareness and demand reduction programs, and will support the development of a drug prevention education plan at the Inter-American meeting in Quito this year.

2. ECONOMIC SUMMIT

The 1989 Economic Summit in Paris established a Financial Action Task Force to determine how governments could promote cooperation and effective action against the laundering of money gained through illegal drug trafficking.

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The United States will host the next Economic Summit on July 9-11, 1990, in Houston. The United States will use this opportunity to seek full attention on a priority basis to the fight against illegal drug trafficking.

The Parties call upon the Economic Summit member countries, and on the other participants in the Financial Action Task Force, to give greater emphasis to the study of economic measures which may help to reduce drug trafficking. In particular, the Parties call upon the Economic Summit countries to take the steps necessary to ensure that assets seized from illicit drug trafficking in Bolivia, Colombia and Peru are used to finance programs for interdiction, alternative development and prevention in our countries.

3. MULTILATERAL APPROACHES AND COORDINATION

The Parties intend to coordinate their actions in multilateral economic institutions in order to ensure for Bolivia, Colombia and Peru, broader economic cooperation within the framework of a sound economic policy.

4. REPORT TO THE UN SPECIAL SESSION ON ILLICIT TRAFFICKING IN DRUGS

The United Nations has recognized that the problem of drug trafficking presents a grave threat to the security of the states and economic stability. It has called for a Global Action Plan and it has convened a Special Session, February 20-23, 1990, to discuss the magnitude of this problem. This will be a proper occasion to reiterate the need to bring into force as quickly as possible the UN Convention Against Illicit Traffic in Narcotic Drugs and Pyschotropic Substances, which provides for energetic measures against illegal drug trafficking, while recognizing the ancestral and traditional uses of coca leaf.

The Parties request that consideration be given during the Special Session to the inclusion of the cooperative efforts outlined in this document to develop concrete programs for strengthening multilateral responses to the drug problem, as recommended in Resolution No. 44/141 of the United Nations General Assembly.

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5. REPORT TO THE OAS MEETING OF MINISTERS AND CICAD

The Organization of American States has called an Inter-American meeting of Ministers responsible for national narcotics programs, to be held on April 17-20, 1990 in Ixtapa, Mexico. The Parties urge that the meeting of Ministers and the Inter-American Drug Abuse Control Commission (CICAD) give priority to the understandings set forth in this document and lend support to their early implementation within the context of regional cooperation against drugs.

6. MADRID TRILATERAL MEETING

The Parties stress the importance of the document issued by the Trilateral Meeting in Madrid and the efforts undertaken in Europe, particularly the participation of the European Community, with a view to adopting specific policies and initiatives against illicit trafficking of drugs.

7. WORLD MINISTERIAL SUMMIT TO REDUCE DEMAND FOR DRUGS AND TO COMBAT THE COCAINE THREAT

The Parties note with satisfaction the convening of a World Ministerial Summit to Reduce Demand for Drugs and to Combat the Cocaine Threat, to be held on April 9-11, 1990 in London. This meeting will serve to highlight the role demand reduction must play in the international community's efforts to reduce the trade in illicit drugs and will underline the social, economic and human costs of the trade. The Parties agree to coordinate their actions and future strategies in this area with the objective of building upon this important initiative.

8. DEMARCHES TO TRANSIT COUNTRIES

Through specialized agencies of the United Nations such as the Heads of National Law Enforcement Agencies, our countries participate in important coordination efforts. The Parties undertake to strengthen cooperation with transit countries on interdiction of traffic in illicit drugs.

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9. WORLD CONFERENCE AGAINST ILLICIT DRUG TRAFFICKING

In order to progress towards the goals agreed upon at the Cartagena Summit, the Parties call for a world conference in 1991 to strengthen international cooperation in the elimination of improper consumption, illegal trafficking and production of drugs.

10. FOLLOW-UP MEETING TO THE CARTAGENA SUMMIT

In order to follow up on progress of agreements arising under the foregoing understandings, the Parties agree to hold a high level follow-up meeting within a period of not more than six months.

Signed in Cartagena de Indias, Colombia on the fifteenth day of February one thousand nine hundred and ninety.

/s/

Jaime Paz Zamora
President of the Republic
of Bolivia

/s/

Virgilio Barco
President of the Republic
of Colombia

/s/

George Bush
President of the United
States of America

/s/

Alan Garcia
President of the Republic
of Peru

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MEMORANDUM OF UNDERSTANDING
BETWEEN
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
AND
THE GOVERNMENT OF THE REPUBLIC OF BOLIVIA
ON COOPERATIVE MEASURES TO
INCREASE PUBLIC AWARENESS OF
AND SUPPORT FOR EFFORTS TO COMBAT
PRODUCTION, DISTRIBUTION AND USE OF ILLEGAL DRUGS

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Bolivia and the United States recognize that the process of production, distribution and use of illegal drugs knows no boundaries. No country is immune. Any one of these drug chain activities inevitably leads to establishment of the others at home and abroad. Recognizing this, Bolivia and the United States are determined to take steps now to reduce consumption as well as production. Bolivia and the United States have held dialogue on eradication, criminal activity, public awareness, and demand reduction. They now intend to expand this dialogue into a coordinated multilateral, multi-dimensional effort as described in this Memorandum of Understanding.

Bolivia and the United States intend to carry out long term, continuous cooperative programs to raise public awareness and galvanize public support for these efforts. These may be bilateral, fully multilateral or regional projects. All parties expect to utilize each others' ideas and experience. Co-sponsors from all communities will be welcomed to come forward and participate in this effort.

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In this fully cooperative endeavor, the United States looks forward to benefiting from the experience and expertise available from our Andean partners. Ideas and programs from government and the private sector will flow north as well as south, so that the United States, as the great consumer of illicit drugs, can benefit from the experience of the three Andean countries.

Bolivia and the United States recognize that cross-fertilization of ideas, experience and activities is essential to the success of this overall effort. To move toward this objective, the countries intend to:

-- Establish and share in the International Narcotics Information Network (ININ), a computerized data base, so that research and other forms of information on anti-drug activities in the United States, the Andes and elsewhere can be made accessible and easily obtainable to those needing this information.

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-- Jointly co-sponsor mass media projects that promote the sharing of information about illicit drug problems and solutions. Geographic barriers and distance between Bolivia and the United States will no longer block the vital information our citizens need to fight the scourge of drugs. This effort should result in greater media (electronic and print) cooperation. Mechanisms will be strengthened to facilitate the regular appearance of items produced by journalists of one country in the media of the other.

-- Co-produce and sponsor the distribution and dissemination of media products aimed at children and young adults for use in schools, religious and other non-governmental community-based organizations.

-- Co-operate in the production of educational materials using all available media--print and electronic--that can be utilized by all sectors of society; establish a library/bank for concerned ministries and private groups; materials would be indexed on the ININ computerized database.

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-- Co-sponsor efforts to educate the private and public sectors of the Andean countries to take full advantage of the United States Andean Trade Initiative (ATI). This will include activities such as seminars and workshops, written and electronic promotional materials.

-- Encourage the international academic exchange communities in each country to develop exchange programs focusing on drug-related matters; provide for the exchange of curriculum consultants to assist in the development of drug education materials for their nations' schools.

-- Assist Non-Governmental Organizations (NGOs) in the development of education, prevention and treatment programs.

-- Produce and distribute a series of pamphlets that focus on drug abuse awareness and education.

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IN WITNESS WHEREOF, we have signed this Memorandum of Understanding.

DONE in Cartagena, in duplicate, the fifteenth day of February 1990, in the English and Spanish languages, each text having the same authority.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

FOR THE GOVERNMENT OF THE REPUBLIC OF BOLIVIA:

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P900120-1937

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MEMORANDUM OF UNDERSTANDING
BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF PERU
AND
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
ON COOPERATIVE MEASURES TO
INCREASE PUBLIC AWARENESS OF
AND SUPPORT FOR EFFORTS TO COMBAT
PRODUCTION, DISTRIBUTION AND USE OF ILLEGAL DRUGS

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Peru and the United States recognize that the process of production, distribution and use of illegal drugs knows no boundaries. No country is immune. Any one of these drug chain activities inevitably leads to establishment of the others at home and abroad. Recognizing this, Peru and the United States are determined to take steps now to reduce consumption as well as production in their nations. Over the years Peru and the United States have held intensive dialogue on eradication, criminal activity, public awareness, and demand reduction. They now intend to expand this dialogue into a coordinated multilateral, multi-dimensional effort as described in this Memorandum of Understanding.

Peru and the United States intend to carry out long term, continuous cooperative programs to raise public awareness and galvanize public support for these efforts. These will be fully multilateral or regional projects. All parties expect to utilize each others' ideas and experience. Co-sponsors from all communities will be welcomed to come forward and participate in this effort.

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In this fully cooperative endeavor, the United States looks forward to benefiting from the experience and expertise available from our Andean partners. Ideas and programs from government and the private sector will flow north as well as south, so that the United States, as the great consumer of illicit drugs, can benefit from the experience of the three Andean countries.

Peru and the United States recognize that cross-fertilization of ideas, experience and activities is essential to the success of this overall effort. To move toward this objective, the countries intend to:

-- Establish and share in the International Narcotics Information Network (ININ), a computerized data base, so that research and other forms of information on anti-drug activities in the United States, Peru and elsewhere can be made accessible and easily obtainable to those needing this information.

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-- Jointly co-sponsor mass media projects that promote the sharing of information about drug problems and solutions. Geographic barriers and distance between Peru and the United States will no longer block the vital information our citizens need to fight the scourge of drugs. This effort should result in greater media (electronic and print) cooperation. Mechanisms will be strengthened to facilitate the regular appearance of items produced by journalists of one country in the media of the other.

-- Co-produce and sponsor the distribution and dissemination of media products aimed at children and young adults for use in schools, religious and other non-governmental community-based organizations.

-- Co-operate in the production of educational materials using all available media--print and electronic--that can be utilized by all sectors of society; establish a library/bank of these concerned ministries and private groups; materials would be indexed on the ININ computerized database.

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-- Co-sponsor efforts to educate the private and public sectors of the Andean countries to take full advantage of the United States Andean Trade Initiative (ATI). This will include activities such as seminars and workshops, written and electronic promotional materials.

-- Encourage the international academic exchange communities in each country to develop exchange programs focusing on drug-related matters; provide for the exchange of curriculum consultants to assist in the development of drug education materials for their nations' schools.

-- Assist Non-Governmental Organizations (NGOs) in the development of education, prevention and treatment programs.

-- Produce and distribute a series of pamphlets that focus on drug abuse awareness and education.

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IN WITNESS WHEREOF, we have signed this Memorandum of Understanding.

DONE in Cartagena, in duplicate, the fifteenth day of February 1990, in the Spanish and English languages, each text having the same authority.

FOR THE GOVERNMENT OF THE REPUBLIC OF PERU:

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

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The Government of the United States of America presents its compliments to the Government of the Republic of Peru and has the honor to refer to the mutual desire of our countries to enhance effective law enforcement cooperation and to recognize the importance of the return of fugitives to stand trial to this effort. In this regard, the Government of the United States has the honor to refer to the Treaty Between the United States of America and the Republic of Peru Providing for the Extradition of Criminals of November 28, 1899 and confirm the understanding of the United States Government that the treaty remains in full force and effect.

Important steps were taken toward forging an international consensus on extradition matters during the negotiation of the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances ("Vienna Convention"), which representatives of both of our countries signed on December 20, 1988 in Vienna. Integral to that consensus is the sense that, with all due deference to national differences in identifying crimes, offenses based on the same underlying facts, however denominated, shall be covered as extraditable offenses.

In order to reflect that understanding and to move toward early implementation of the Vienna Convention, it is the desire of the Government of the United States to confirm its understanding that narcotics offenses are incorporated as extraditable offenses under Article 2 of the 1899 Treaty by reference to the Single Convention on Narcotic Drugs of March 30, 1961 as amended by the March 25, 1972 Protocol, to which both of our countries are parties. It is the view of the Government of the United States that narcotic drug offenses are incorporated in the 1899 Treaty by reference to Article 36(2)(b)(i) of the Single Convention, as amended.

Article 36(1) and 2(a)(ii) cover a wide range of drug-related offenses including possession, offering for sale, distribution, dispatch in transit and importation and exportation. Conspiracy to commit, attempt to commit, and financial operations connected with drug-related offenses are also included. It is the view of the Government of the United States that Article 3 of the Vienna Convention elucidates in further detail narcotics and related offenses identified in the Single Convention, as amended.

In furtherance of the purpose of Article XII of the 1899 Treaty that the requesting party shall not bear expenses from services of public officers of the requested state, the United States Department of Justice will provide upon the request of the Government of Peru representation for the Government of

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Peru in judicial proceedings arising from Peruvian requests for the extradition of fugitives from the United States. The Government of the United States seeks assurance that the Government of Peru will undertake a reciprocal obligation. In this regard, to facilitate the prompt and efficient processing of extradition requests, the requested party shall make all necessary arrangements for and meet the costs of representation of the requesting party in any proceedings arising out of a request for extradition.

As an indication of good faith to work together to insure effective and timely extraditions, the Government of the United States shall insure prompt presentation of an extradition request from the Government of Peru to the appropriate judicial authorities, upon receipt of the formal extradition request through diplomatic channels.

This exchange of reciprocal notes between the Government of the United States and the Government of Peru, on the fifteenth of February 1990, constitutes an agreement between the parties.

The Government of the United States avails itself of this opportunity to reiterate to the Government of Peru assurances of its highest consideration.

Cartagena, Colombia

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CONFIDENTIAL
n/a

14 Dec 89 (KE39)

Case Number: S1999000030

R

This Project (#S1999000030)
U.S. Department of State
Release X Excise ____ Deny ____
Classify In Part ____ In Full X
Exemption(s)

LIMITED OFFICIAL USE

PAGE 01 SANTIA 12653 141805Z
ACTION DS-01

INFO	LOG-00	ADS-00	AID-00	INR-05	SS-00	CIAE-00	EB-00
	DODE-00	NSCE-00	ARA-00	NSAE-00	COME-00	SSO-00	L-02
	AMAD-01	CTME-00	NRCE-00	TRSE-00	PM-10	PA-01	FAAE-00
	CCO-00	INRE-00	CA-02	CG-00	ACDA-05	A-00	USSS-00
	USIE-00	JUSE-00	FBIE-00	DOEE-00	M-01	IMMC-01	OIS-01
	SCT-03	ZOVD-00	P-02	/035 W			

033044 141806Z /38

P 141806Z DEC 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 4232
INFO AMEMBASSY SAN SALVADOR
USOFFICE MRC MIAMI
USCINCSO QUARRY HEIGHTS//SCJ-2//
CINCLANTFLT NORFOLK

LIMITED OFFICIAL USE SANTIAGO 12653 DECONTROL

TERREP

CINC ALSO FOR POLADS
MIAMI FOR CO CO D

E.O. 12356: N/A
TAGS: ASEC, PTER, PINS, CI
SUBJECT: BOMB DETONATES AT SALVADORAN CHANCERY IN SANTIAGO

1. ON DECEMBER 13 AT 2100 HRS. A BOMB DETONATED IN FRONT OF THE ENTRANCE OF THE EMBASSY OF EL SALVADOR LOCATED ON THE TENTH FLOOR OF EDIFICIO PANORAMICO, AVE. 11 OF SEPTEMBER, APT. 1001, IN THE PROVIDENCIA SECTION OF SANTIAGO.

2. POLICE SOURCES REPORTED THAT AT LEAST ONE
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PAGE 02 SANTIA 12653 141805Z

UNIDENTIFIED PERSON ENTERED THE BUILDING AND PLACED APPROXIMATELY 200 GRAMS OF EXPLOSIVE AMMONIA GELATIN IN FRONT OF THE TENTH FLOOR ENTRANCE TO THE SALVADORAN CHANCERY.

3. THE BLAST CAUSED SIGNIFICANT DAMAGE TO THE AREA AROUND THE ENTRANCE. NO ONE WAS INJURED IN THE

n/a
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BLAST.
4. POLICE SOURCES ALSO REPORTED THAT POLICE WHO RESPONDED TO THE SCENE RECOVERED A SMALL FLAG OF THE FRENTE PATRIOTICO MANUEL RODRIGUEZ (FPMR) TERRORIST ORGANIZATION.

5. IN VIEW OF THE FACT THAT MANY LATIN TERRORIST GROUPS PERCEIVE A CLOSE RELATION BETWEEN USG POLICIES AND THOSE OF THE GOE, THE MISSION GUARD FORCE WAS ADVISED OF THE INCIDENT. MISSION GUARD FORCE IS ALREADY ON ALERT DUE TO ON GOING CHILEAN PRESIDENTIAL ELECTION SCHEDULED FOR DECEMBER 14. GILLESPIE

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Case Number: S1999000030
Department of State
X Excise ____ Deny ____
In Part ____ In Full ____
(b)(5)

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PAGE 01 SANTIA 12658 141954Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-05	EUR-00	SS-00	CIAE-00
	H-01	IO-19	NSCE-00	NSAE-00	SSO-00	HA-09	L-03
	TRSE-00	PM-10	PA-02	OMB-01	INRE-00	ACDA-12	SP-02
	SNP-01	PRS-01	DS-01	P-02	T-01	/070 W	

----------037716 142015Z /41

O 141954Z DEC 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 4235
INFO AMEMBASSY ASUNCION IMMEDIATE
AMEMBASSY BONN IMMEDIATE
AMEMBASSY BRASILIA IMMEDIATE
AMEMBASSY BUENOS AIRES IMMEDIATE
AMEMBASSY CARACAS IMMEDIATE
AMEMBASSY LA PAZ IMMEDIATE
AMEMBASSY LIMA IMMEDIATE
AMEMBASSY LONDON IMMEDIATE
AMEMBASSY MADRID IMMEDIATE
AMEMBASSY MEXICO IMMEDIATE
AMEMBASSY MONTEVIDEO IMMEDIATE
AMEMBASSY PARIS IMMEDIATE
AMEMBASSY ROME IMMEDIATE
USMISSION GENEVA IMMEDIATE
USMISSION USUN NEW YORK IMMEDIATE
USIA WASHDC IMMEDIATE 0999
USCINCSO QUARRY HEIGHTS IMMEDIATE
CINCLANTFLT NORFOLK IMMEDIATE
SECDEF WASHDC IMMEDIATE

UNCLAS SANTIAGO 12658

LA PAZ FOR A/S ARONSON AND DAS SKOL
CARACAS FOR KEITH SMITH

E.O. 12356: DECL; OADR
TAGS: PGOV, PREL, CI
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PAGE 02 SANTIA 12658 141954Z

SUBJECT: CHILEAN ELECTION WATCH: UPDATE 2

REF: SANTIAGO 12647

1. SUMMARY: VOTING FOR CHILE'S FIRST ELECTED GOVERNMENT IN 16 YEARS APPEARS TO BE PROCEEDING CALMLY

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THROUGHOUT THE COUNTRY, LARGELY WITHOUT SERIOUS INCIDENT. HOWEVER, ACCORDING TO MEDIA REPORTS IN MID-AFTERNOON, TWO GUNMEN SHOT AND KILLED A CARABINERO ON ELECTION GUARD DUTY IN A WORKING-CLASS SECTION OF SANTIAGO. A FOREIGN MINISTRY RELEASE ISSUED BEFORE THAT KILLING DESCRIBED THE VOTING AS NORMAL AND WITHOUT INCIDENT. A MEDIA REPORT PUT OUT BY THE OPPOSITION COALITION IN THE EARLY AFTERNOON AGREED IN ESSENCE, SAYING THAT THERE HAD BEEN "ONLY MINOR INCIDENTS" AT VOTING STATIONS. ALTHOUGH THE CHILEAN GOVERNMENT DOES NOT OFFICIALLY RECOGNIZE THE STATUS OF ELECTION OBSERVERS, NEITHER EMBOFFS NOR INTERNATIONAL VISITORS HAVE REPORTED ANY DIFFICULTY IN ENTERING POLLING PLACES TO VIEW THE ELECTORAL PROCESS. END SUMMARY.

2. AN ORDERLY PROCESS: AT ABOUT 1000, AN INTERIOR MINISTRY SUBSECRETARY TOLD THE PRESS THAT 95.4 PERCENT OF THE COUNTRY'S VOTING TABLES WERE IN OPERATION. A FOREIGN MINISTRY RELEASE, THE FIRST OF THREE PLANNED FOR DECEMBER 14-15, REPORTED THAT AT NOON THE VOTING WAS PROCEEDING NORMALLY AND WITHOUT INCIDENT. A MEDIA REPORT PUT OUT BY THE OPPOSITION COALITION IN THE EARLY AFTERNOON AGREED IN ESSENCE, SAYING THAT THERE HAD BEEN "ONLY MINOR INCIDENTS" AT VOTING STATIONS.

3. VIOLENCE: HOWEVER, ACCORDING TO MEDIA REPORTS IN MID-AFTERNOON, TWO GUNMEN SHOT AND KILLED A CARABINERO
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PAGE 03 SANTIA 12658 141954Z

ON ELECTION-DAY DUTY IN A WORKING-CLASS SECTION OF SANTIAGO -- AN OUTRAGE IMMEDIATELY AND STRONGLY CONDEMNED BY THE PRESIDENTIAL CANDIDATES. THE LAUTARO GROUP HAS REPORTEDLY CLAIMED RESPONSIBILITY. AT ABOUT 2100 HOURS ON DECEMBER 13, A BOMB WENT OFF IN THE SALVADORAN EMBASSY IN SANTIAGO, CAUSING EXTENSIVE DAMAGE BUT NO CASUALTIES (SEPTEL). POLICE FOUND A BANNER ON THE SITE BEARING THE INITIALS FPMR (THE MANUEL RODRIGUEZ PATRIOTIC FRONT).

4. MASSIVE PARTICIPATION, LONG WAITS: THROUGHOUT SANTIAGO, MASSIVE PARTICIPATION AND A RELATIVELY COMPLEX VOTING PROCEDURE -- WHICH REQUIRES EACH VOTER TO MARK SEPARATE BALLOTS FOR PRESIDENT, SENATE, AND CHAMBER OF DEPUTIES -- PRODUCED LONG LINES AT MANY POLLING PLACES DURING THE MORNING. EMBOFFS CALLING IN REPORTS FROM OTHER CHILEAN CITIES DESCRIBED SIMILARLY LONG LINES AT THE POLLS IN METROPOLITAN AREAS OUTSIDE THE CAPITAL AS WELL. THE ONLY DIFFICULTY OF

CONSEQUENCE FOR MOST VOTERS HAS BEEN THE HEAT -- SOME OF THOSE WAITING TO VOTE HAVE FAINTED, AND THE MEDIA HAVE REPORTED THREE DEATHS FROM HEART ATTACKS.

5. FOOTNOTES: A MILD EARTH TREMOR MEASURING FIVE ON THE MERCALI SCALE PUNCTUATED THE VOTING IN ANTOFAGASTA, ADDING A TOUCH OF DRAMA TO AN OTHERWISE TRANQUIL ELECTION DAY IN THAT CITY. FOR THE CURIOUS, THE PRESS REPORTS THAT 11,206 FOREIGNERS ARE REGISTERED TO VOTE IN THESE ELECTIONS.
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PAGE 01 GUATEM 14998 01 OF 02 141547Z
ACTION ARA-00

INFO LOG-00 ADS-00 AID-00 INR-05 SS-00 CIAE-00 EB-00
DODE-00 H-01 NSCE-00 NSAE-00 HA-09 L-03 TRSE-00
PM-10 PA-01 OMB-01 INRE-00 USIE-00 SP-02 SNP-01
PRS-01 P-02 T-01 /037 W
——————024410 141615Z /48

P 141545Z DEC 89
FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC PRIORITY 6960
INFO AMEMBASSY MANAGUA
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
AMEMBASSY SAN SALVADOR
AMEMBASSY BELIZE
AMEMBASSY MEXICO
USCINCSO QUARRY HTS PM

[redacted] SECTION 01 OF 02 GUATEMALA 14998

E.O. 12356: DECL:OADR
TAGS: PREL, PGOV, GT
SUBJECT: US-GUATEMALAN RELATIONS: TOUR D'HORIZON

REF: STATE

1. [redacted] ENTIRE TEXT.

2. FOLLOWING UP ON FOREIGN MINISTER RIVERA'S LONG CONVERSATION WITH THE DEPUTY SECRETARY (REFTEL) THE AMBASSADOR INVITED HIM AND VICE MINISTER MARTINI TO BREAKFAST TO DISCUSS OUR BILATERAL RELATIONS. POLCOUNS ALSO ATTENDED.

3. ASKED BY THE AMBASSADOR TO LIST THE MOST IMPORTANT ISSUES IN OUR BILATERAL RELATIONS, RIVERA SAID MILITARY AID IS NUMBER ONE. ASSISTANCE TO THE GUATEMALA ARMY
[redacted]

[redacted]

PAGE 02 GUATEM 14998 01 OF 02 141547Z

WOULD ACCOMPLISH SEVERAL OTHER OBJECTIVES: STRENGTHEN DEMOCRACY, REDUCE PRESSURE FROM SUBVERSION AND IMPROVE INTERNAL SECURITY. THE AMBASSADOR NOTED THAT MILITARY ASSISTANCE IN GENERAL FACES ACROSS THE BOARD CUTS, AND

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DEPARTMENT OF STATE IM/IPS/CRVIR Date: 2/5/98
(X) RELEASE (X) DECLASSIFY
( ) EXCISE ( ) DECLASSIFY EO Citations
( ) DENY IN PART
FOIA Exemptions ( ) CLASSIFY as ( ) S or ( ) C Sec. TS authority to
PA Exemptions ( ) DOWNGRADE TS to ( ) S or ( ) C

THAT HE HAS PERSONALLY URGED THAT GUATEMALA CONTINUE TO RECEIVE SOME MILITARY ASSISTANCE.

4. ECONOMIC AID. RIVERA SAID THE COURAGEOUS ECONOMIC DECISIONS TAKEN BY THE GOG, FLOATING THE QUETZAL AND INTEREST RATES AND FREEING PRICES, SHOULD DESERVE CONTINUED ECONOMIC SUPPORT BY THE USG. DEMOCRACY IS BEST STRENGTHENED BY A VIABLE ECONOMY. THE AMBASSADOR AGREED, NOTING AGAIN THAT ECONOMIC SUPPORT FUNDS ARE UNDER CONSIDERABLE PRESSURE THIS YEAR, BUT THAT HE IS REASONABLY SURE THAT THE GOG WILL CONTINUE TO RECEIVE SIGNIFICANT ASSISTANCE, GIVEN ITS POSITIVE PERFORMANCE.

5. SUPPORT FOR DEMOCRACY. RIVERA SAID THE VOICE OF THE USG IS EXTREMELY IMPORTANT IN GUATEMALA AND OUR CONTINUED VOCAL SUPPORT FOR THEIR FRAGILE DEMOCRACY WOULD BE VERY IMPORTANT.

6. REGIONAL PEACE PROCESS. RIVERA NOTED THAT CERTAINLY THE USG AND GOG GOALS FOR PEACE ARE IDENTICAL. WHAT WE DO DIFFER ON IS THE MEANS TO ACHIEVE THEM, I.E. THE BEST WAY TO DEAL WITH NICARAGUA. HE SUGGESTED THAT WE CONTINUE TO CONSULT ON THIS TOPIC.

7. NARCOTICS. GUATEMALA WILL SOON NEED THE SORT OF ECONOMIC DISLOCATION ASSISTANCE THE USG IS CONTEMPLATING FOR PERU, I.E. MAKING IT WORTH THE WHILE OF PEASANT GROWERS TO DIVERSIFY OUT OF OPIUM POPPY INTO HIGH VALUE ADDED LEGITIMATE CROPS.

[redacted]

[redacted]

8. COMMERCIAL. GUATEMALA NEEDS ACCESS TO THE US MARKET FOR ITS EXPORTS. RIVERA SAID HE WAS NOT REFERRING MERELY TO TEXTILES, WHERE QUOTAS HAVE BEEN APPLIED TO SOME CATEGORIES, BUT TO THE WHOLE SPECTRUM OF PRODUCTS.

AMBASSADOR REPLIES

9. THE AMBASSADOR NOTED THAT HE HAS BEEN TASKED BY THE PRESIDENT TO PURSUE THREE THEMES IN GUATEMALA: COMBATTING NARCOTICS, SUPPORTING THE DEMOCRATIC PROCESS AND ASSISTING THE GOG IN COMBATTING VIOLENCE AND CORRUPTION. THE FIRST TWO TOPICS HAVE BEEN INCLUDED BY RIVERA IN HIS EXPOSITION, NOTED THE AMBASSADOR. HE WANTS TO ADDRESS THE THIRD, VIOLENCE AND CORRUPTION.

10. RIVERA SAID THERE ARE THREE KINDS OF VIOLENCE IN GUATEMALA, AND THE USG CAN HELP COMBAT ALL THREE. SUBVERSIVE VIOLENCE CAN BE STEMMED BY STRENGTHENING THE ARMY. NARCOTICS-GENERATED VIOLENCE CAN BE FOUGHT BY POLICE PROGRAMS SUCH AS ICITAP. AND CRIME AND HUMAN RIGHTS VIOLENCE CAN BE FOUGHT BY A CONTINUATION OF PROGRAMS SUCH AS THE HARVARD PROGRAM.

11. MARTINI ADDED THAT THE GUATEMALAN MEDIA EXACERBATES BOTH VIOLENCE AND NARCOTICS TRAFFICKING. THE AMBASSADOR EMPHASIZED THAT THE DISAPPEARANCE OF STUDENTS IS NOT A PUBLIC RELATIONS PROBLEM. STUDENTS DISAPPEAR AND ARE FOUND DEAD, AND NO ONE IS CHARGED. THERE IS CONSIDERABLE DOUBT IN THE US ABOUT THE POLITICAL WILL OF THE GOG TO PROSECUTE SUCH CRIMES. THIS IS A SERIOUS PROBLEM FOR THE GOG, ONE THAT TINGES ITS ABILITY TO RECEIVE FURTHER AID. THE AMBASSADOR SAID THAT THE

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[redacted]

PAGE 01 GUATEM 14998 02 OF 02 141548Z
ACTION ARA-00

INFO LOG-00 ADS-00 AID-00 INR-05 SS-00 CIAE-00 EB-00
DODE-00 H-01 NSCE-00 NSAE-00 HA-09 L-03 TRSE-00
PM-10 PA-01 OMB-01 INRE-00 USIE-00 SP-02 SNP-01
PRS-01 P-02 T-01 /037 W
——————024423 141615Z /48

P 141545Z DEC 89
FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC PRIORITY 6961
INFO AMEMBASSY MANAGUA
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
AMEMBASSY SAN SALVADOR

AMEMBASSY BELIZE
AMEMBASSY MEXICO
USCINCSO QUARRY HTS PM

[redacted]L SECTION 02 OF 02 GUATEMALA 14998

E.O. 12356: DECL:OADR
TAGS: PREL, PGOV, GT
SUBJECT: US-GUATEMALAN RELATIONS: TOUR D'HORIZON

WEAKNESS OF THE LEGISLATIVE BRANCH IS SOMETHING THAT WE ARE ATTEMPTING TO HELP AS WELL. IF THE JUDICIARY AND LEGISLATIVE COULD BE BROUGHT UP TO SPEED, DEMOCRACY WOULD REALLY BEGIN TO TAKE HOLD. RIVERA AGREED.

11. COMMENT: THE CONVERSATION WAS WIDE-RANGING AND HARD HITTING. RIVERA AND MARTINI SEEMED TAKEN ABACK AT FIRST BY THE FRANK TONE SET BY THE AMBASSADOR, BUT SOON JOINED IN THE SPIRIT OF THE TALKS. WE HAVE AGREED TO MEET EVERY TWO WEEKS TO CONTINUE THIS EXCHANGE. STROOCK.

[redacted]

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*** Current Handling Restrictions *** n/a
*** Current Classification *** [redacted]

DECLASSIFIED IN PART

Department of State

E3139

SECRET

AN: D891091-0593

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RELEASED IN PART
A3,A5

PAGE 01 STATE 397709
ORIGIN ARA-00

INFO LOG-00 ADS-00 SSO-00 ONY-00 /000 R

66011

----------061266 150339Z /38
R 140320Z DEC 89
FM SECSTATE WASHDC
TO AMEMBASSY SAN SALVADOR

[redacted] STATE 397709

FOR AMBASSADOR WALKER

FOLLOWING LIMA 18604 DATED 12/13/89 SENT ACTION SECSTATE
BEING REPEATED FOR YOUR ACTOPM 12/14/89

QUOTE

[redacted] LIMA 18604

FOR ARA FROM AS ARONSON

RELEASED
El Salvador: Human Rights
Special Project (1993)

E.O. 12356: DECL: OADR
TAGS: AMGT
SUBJECT: OFFICIAL - INFORMAL

REF: DAO II R 6 829 0395 90

1. [redacted] - ENTIRE TEXT.

2. PLEASE CONVEY TO ALL INTERESTED PARTIES, INCLUDING, AND PARTICULARLY COL. PONCE IN RESPONSE TO DAO II R 6 829 0395 90, THE FOLLOWING INFORMATION.

[redacted]

PAGE 02 STATE 397709

3. THE FMLN HAS SUCCESSFULLY SPREAD DISINFORMATION

PSC 154-3211 13264 Ch 11 of 14

[redacted]

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DECLASSIFIED IN PART

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: COX, DAVID
Date: 06/23/94
Case ID: S9400351

DECLASSIFIED IN PART UNCLASSIFIED

[redacted] DURING THE RECENT OFFENSIVE, CLAIMING THAT SEVERAL THOUSAND INTERNATIONALISTAS WERE PREPARED TO JOIN THE COMBAT FROM UNSPECIFIED THIRD COUNTRIES. THESE LATEST REPORTS WHICH COL. PONCE REFERRED TO ARE THE SAME KIND OF DISINFORMATION. THERE IS NO TRUTH TO THEM. HERE ARE THE FACTS.

4. THE U.S. GOVERNMENT, LIKE THE GOES, HAS MAINTAINED POLITICAL DISCUSSIONS WITH THE DEMOCRATIC CONVERGENCE PARTY LED BY RUBEN ZAMORA FOR THE LAST TWO YEARS. [redacted] A3,A5
[redacted] INFORMED AS ARONSON IN WASHINGTON THAT ZAMORA HAD PROPOSED SOME IDEAS TO PRESIDENT CRISTIANI ABOUT A NEW CD NEGOTIATING PROPOSAL THE PREVIOUS WEEK IN SAN SALVADOR. [redacted] A3,A5 A REPORT FROM HIS AMBASSADOR IN SAN SALVADOR OUTLINING THE CD PROPOSALS.

5. ZAMORA AT THE SAME TIME SENT WORD TO AS ARONSON THAT HE WISHED TO SHARE THESE IDEAS WITH THE U.S. GOVERNMENT ALSO THROUGH HECTOR SILVA, A MEMBER OF HIS PARTY. ARONSON THEREFORE MET WITH HECTOR SILVA, A REPRESENTATIVE OF THE MNR. THERE IS ABSOLUTELY NOTHING NEW IN SUCH A MEETING. U.S. OFFICIALS INCLUDING THE VICE PRESIDENT, AMBASSADOR, AND STATE DEPARTMENT OFFICIALS HAVE REGULARLY MET WITH ZAMORA AND HIS PARTY REPRESENTATIVES. INDEED, IT IS A GOAL OF U.S. POLICY TO ENCOURAGE THE PEACEFUL REINCORPORATION INTO THE DEMOCRATIC POLITICAL PROCESS OF THESE INDIVIDUALS.

6. SILVA OUTLINED SEVERAL POINTS, NONE OF WHICH ARE INCLUDED IN THE SUPPOSED REPORTS FROM EITHER FMLN [redacted]

RELEASED
El Salvador: Human Rights Special Project (1993)

REPRESENTATIVE SALVADOR SAMOYA IN MEXICO OR EVIDENTLY IN THE CAPTURED DOCUMENTS PONCE REFERRED TO. SILVA'S PROPOSAL PRIMARILY DEALT WITH A NOT VERY REALISTIC CEASEFIRE PROPOSAL STARTING WITH SAN SALVADOR. ZAMORA HAD ALREADY SHARED THIS IDEA WITH PRESIDENT CRISTIANI. AS ARONSON REITERATED THE USG'S POLICY OF FAVORING A NEGOTIATED SETTLEMENT TO THE CONFLICT BUT RULED OUT ANY DIRECT TALKS WITH THE FMLN AT THIS TIME, NOTING IN PARTICULAR THAT THE FMLN REFUSED TO NEGOTIATE WITH THE CRISTIANI GOVERNMENT.

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[redacted]
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[redacted]

7. THERE WAS NO REPEAT NO DISCUSSION OF ANY PURGE OF THE ARMED FORCES AT ANY TIME NOR WAS SUCH A PROPOSAL INCLUDED IN THE CD'S PROPOSAL. WHAT WAS SAID IS THAT THE USG WANTS TO SEE A SERIOUS INVESTIGATION OF THE ELLUCARIA KILLINGS AND PROSECUTION OF THOSE RESPONSIBLE NO MATTER WHO THEY ARE.

8. VIRTUALLY THE ENTIRE CONTENT OF THE FMLN'S DESCRIPTION OF THESE DISCUSSIONS IS A FICTION. SO WHAT ELSE IS NEW? IT SHOULD COME AS NO SURPRISE THAT THE FMLN WILL SPREAD DISINFORMATION WHENEVER IT CAN. WHAT THE GOES SHOULD BE REASSURED ABOUT IS OUR REJECTION OF ANY PRIVATE NEGOTIATIONS WITH THE FMLN WITHOUT THEIR KNOWLEDGE.

9. AS TO PONCE'S CONCERNS ABOUT "OTHER" ALLEGED CONVERSATIONS WITH THE FMLN DURING THE FINAL OFFENSIVE: JUNIOR LEVEL STATE DEPARTMENT OFFICIALS MADE IT CLEAR TO JUNIOR LEVEL FMLN POLITICAL REPRESENTATIVES IN WASHINGTON DURING THE SHERATON INCIDENT THAT HARM TO U.S. CITIZENS WOULD BE TAKEN SERIOUSLY. THIS WAS A PRUDENT, RESPONSIBLE MESSAGE TO SEND. IT WAS NOT A DIALOGUE OR A NEGOTIATION.

10. EMBASSY SAN SALVADOR SHOULD MAKE THE FACTS KNOWN [redacted]

TO THE GOES IMMEDIATELY AND CAUTION THAT WE CAN AND SHOULD EXPECT CONTINUING EFFORTS BY THE FMLN TO SPREAD SUCH DISINFORMATION AND THAT THE GOES SHOULD BRING SUCH RUMORS TO OUR ATTENTION IMMEDIATELY SO THAT WE CAN RESPOND WITH THE FACTS.

ASSISTANT SECRETARY ARONSON
QUANITON UNQUOTE EAGLEBURGER

RELEASED
El Salvador: Human Rights
Special Project (1994)

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Chile Project (#S1999000030)
U.S. Department of State
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In Part ... In Full ...
Exemption(s) ...

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PAGE 01 SANTIA 12647 01 OF 02 141540Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-05	EUR-00	SS-00	OIC-02
	CIAE-00	EB-00	H-01	IO-19	NSCE-00	NSAE-00	SSO-00
	HA-09	L-03	TRSE-00	PM-10	PA-02	OMB-01	SIL-01
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FM AMEMBASSY SANTIAGO
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INFO AMEMBASSY ASUNCION IMMEDIATE
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USCINCSO QUARRY HEIGHTS IMMEDIATE
CINCLANTFLT NORFOLK IMMEDIATE
SECDEF WASHDC IMMEDIATE
USMISSION GENEVA IMMEDIATE

UNCLAS SECTION 01 OF 02 SANTIAGO 12647

LA PAZ FOR A/S ARONSON AND DAS SKOL
CARACAS FOR KEITH SMITH

E.O. 12356: DECL; OADR
UNCLASSIFIED

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PAGE 02 SANTIA 12647 01 OF 02 141540Z

TAGS: PGOV, PREL, CI
SUBJECT: CHILEAN ELECTION WATCH: UPDATE 1

1. SUMMARY: THIS IS THE FIRST IN A SERIES OF UPDATES ON CHILE'S DECEMBER 14 NATIONAL ELECTION, WHICH MARKS ANOTHER CRUCIAL STEP FORWARD IN THE COUNTRY'S

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TRANSITION TO ITS FIRST DEMOCRATICALLY-ELECTED GOVERNMENT IN 16 YEARS. MANY OF CHILE'S 7.56 MILLION REGISTERED VOTERS BEGAN LINING UP AS SOON AS THE POLLS OPENED AT ABOUT 0800 TO CAST THEIR BALLOTS. ACCORDING TO PRESS REPORTS AND EMBOFFS OBSERVING POLLING PLACES, THE ELECTORAL PROCESS HAS BEEN PEACEFUL AND ORDERLY, WITH LONG LINES IN MANY PLACES. THE INTERIOR MINISTRY HAS ANNOUNCED THAT IT WILL BEGIN PROVIDING RUNNING TOTALS OF THE VOTE COUNT AT ABOUT 2030 HOURS LOCAL TIME (1830 EDT), WITH COMPLETE RETURNS IN THE PRESIDENTIAL RACE LIKELY TO BE AVAILABLE BY ABOUT 0130 ON DECEMBER 15. THE ELECTIONS HAVE ATTRACTED AN ESTIMATED 1000 INTERNATIONAL VISITORS FROM EUROPE, THE UNITED STATES, AND MOST LATIN AMERICAN NATIONS, INCLUDING DELEGATES FROM POLAND, HUNGARY AND AFRICA IN A GROUP SPONSORED BY THE NATIONAL DEMOCRATIC INSTITUTE TO STUDY CHILE'S EXPERIENCE AS A MODEL FOR THE RETURN TO DEMOCRACY. END SUMMARY.

2. PRESIDENTIAL RACE: IF ONE OF THE THREE CANDIDATES FOR PRESIDENT WINS A CLEAR MAJORITY OF THE POPULAR VOTE IN TODAY'S BALLOTING, HE WILL BE INAUGURATED IN MARCH 1990 AS CHILE'S NEXT HEAD OF STATE. IF ALL THREE CANDIDATES FALL SHORT OF 50 PERCENT PLUS ONE, THERE WILL BE A RUNOFF NEAR THE END OF JANUARY 1990 BETWEEN THE TWO TOP FINISHERS. MOST POLLS PUBLISHED IN THE WEEK BEFORE THE ELECTION SHOWED FRONT-RUNNER PATRICIO
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PAGE 03 SANTIA 12647 01 OF 02 141540Z

AYLWIN OF THE CENTER-LEFT COALITION OF PARTIES FOR DEMOCRACY (COPODE) WITH 50 TO 57 PERCENT OF THE VOTE. ACCORDING TO THE POLLS, CENTER-RIGHT CANDIDATE HERNAN BUCHI WAS A DISTANT SECOND AT 25-30 PERCENT, WITH THE POPULIST FRANCISCO JAVIER ERRAZURIZ AT AROUND 17 PERCENT.

3. CONGRESSIONAL RACE: IN ADDITION TO THE PRESIDENTIAL RACE, OVER 400 CANDIDATES ARE CONTESTING THE 120 SEATS IN THE CHAMBER OF DEPUTIES, AND SOME 110 ARE IN THE RACE FOR THE 38 ELECTED POSITIONS IN THE SENATE. (UNDER CHILE'S CONSTITUTION, NINE ADDITIONAL SENATORS REPRESENTING VARIOUS NATIONAL INSTITUTIONS, INCLUDING TWO APPOINTED BY THE PRESENT CHIEF EXECUTIVE, WILL BE ELIGIBLE TO TAKE SEATS IN THE NEW SENATE NEXT MARCH.) DEPUTIES FOR THE LOWER CHAMBER WILL BE ELECTED BY REGION; THE COUNTRY HAS BEEN DIVIDED INTO 19 "CIRCUMSCRIPTIONS," EACH OF WHICH WILL SEND TWO SENATORS TO THE NEW CONGRESS, AND 60 DISTRICTS WITH TWO DEPUTIES EACH.

4. VOTE TALLIES WILL BE AVAILABLE EARLY: THE INTERIOR MINISTRY HAS ANNOUNCED THAT IT WILL BEGIN MAKING THE VOTE COUNT PUBLIC AS SOON AS 1000 VOTING TABLES (REPRESENTING ABOUT 350,000 VOTERS) HAVE REPORTED THEIR RETURNS, PROBABLY AT ABOUT 2030 HOURS LOCAL TIME (1830 EDT). THE MINISTRY EXPECTS TO HAVE COMPLETE RETURNS IN THE PRESIDENTIAL RACE BY ABOUT 0130 ON DECEMBER 15, AND THE FINAL CONGRESSIONAL TALLY A FEW HOURS LATER, AT ABOUT NOON. ALL SANTIAGO'S TELEVISION STATIONS BEGAN FULL-TIME COVERAGE OF THE ELECTIONS O THE MORNING OF DECEMBER 14, AND WILL STAY WITH ELECTION COVERAGE THROUGHOUT THE DAY AND THE EVENING.

5. ANTICIPATION, BUT LITTLE ANXIETY: THE A THROUGHOUT THE COUNTRY IN THE DAYS BEFORE THE ELECTION WAS ANTICIPATORY, BUT NOT TENSE OR ANXIOUS. THE
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PAGE 04 SANTIA 12647 01 OF 02 141540Z

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PAGE 01 SANTIA 12647 02 OF 02 141545Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-05	EUR-00	SS-00	OIC-02
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	INRE-00	ACDA-12	SP-02	SNP-01	C-01	PRS-01	DS-01
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SECDEF WASHDC IMMEDIATE
USMISSION GENEVA IMMEDIATE

UNCLAS SECTION 02 OF 02 SANTIAGO 12647

LA PAZ FOR A/S ARONSON AND DAS SKOL
CARACAS FOR KEITH SMITH

E.O. 12356: DECL; OADR
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PAGE 02 SANTIA 12647 02 OF 02 141545Z

TAGS: PGOV, PREL, CI
SUBJECT: CHILEAN ELECTION WATCH: UPDATE 1

FINANCIAL MARKETS, REFLECTING THE POLULAR MOOD OF CONFIDENCE IN THE DEMOCRATIC PROCESS, SHOWED NO SIGNS OF SPECIAL NERVOUSNESS OR CONCERN; STOCK PRICES FLUCTUATED VERY LITTLE DURING THE WEEK, AND THE P ACTUALLY GAINED AGAINST THE DOLLAR ON DECEMBER AT MID-MORNING, IN KEEPING WITH THE BUSINESS-LIKE ATMOSPHERE BEFORE THE ELECTION, THE POLLING PROCESS IS PEACEFUL AND ORDERLY, WITH LONG LINES AT VOTING PLACES THOUGHOUT THE CITY. AN EMBOFF IN ANTOFAGASTA TELEPHONED IN A SIMILAR REPORT FROM THAT CITY. AT 1015 PRESIDENT PINOCHET CAST HIS VOTE IN SANTIAGO; HE TOLD THE PRESS THAT HE HAS COMPLETED THE MISSION WHICH HE BEGAN IN SEPTEMBER 1973, AND THAT COMPLETE TRANQUILITY PREVAILS IN THE COUNTRY.

6. INTERNATIONAL OBSERVERS: THE ELECTIONS HAVE ATTRACTED AN ESTIMATED 1000 INTERNATIONAL VISITORS FROM EUROPE, THE UNITED STATES, AND MOST LATIN AMERICAN NATIONS. THE INTERNATIONAL PARLIAMENTARY ASSEMBLY FOR DEMOCRACY IN CHILE (APAINDE) IS HOSTING THE LARGEST CONTINGENT OF OBSERVERS, INCLUDING REPRESENTATIVES FROM THE EUROPEAN COUNCIL PARLIAMENTARY ASSEMBLY, AS WELL AS DISTINGUISHED VISITORS FROM BRITAIN, BELGIUM, SWITZERLAND, SWEDEN, PORTUGAL, DENMARK, ITALY, FRANCE, AND SPAIN. THE GERMAN BUNDESTAG SENT A SIX-PERSON DELEGATION, WHILE THE ARGENTINE GOVERNMENT IS REPRESENTED BY SENATOR EDUARDO MENEM AND BUENOS AIRES GOVERNOR ANTONIO CAFIERO. THE SOCIALIST INTERNATIONAL'S OBSERVER GROUP IS MADE UP OF

REPRESENTATIVES FROM 19 EUROPEAN AND LATIN AMERICAN
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PAGE 03 SANTIA 12647 02 OF 02 141545Z

COUNTRIES. A LARGE NUMBER OF TRADE UNION LEADERS ARE ALSO IN SANTIAGO TO OBSERVE THE ELECTIONS AS GUESTS OF THE COUNTRY'S LARGEST TRADE UNION CONFEDERATION, CUT. THE NATIONAL DEMOCRATIC INSTITUTE (NDI) BROUGHT TOGETHER A DELEGATION REPRESENTING 15 COUNTRIES, INCLUDING DELEGATES FROM POLAND, HUNGARY AND AFRICA TO STUDY CHILE'S EXPERIENCE AS A MODEL FOR THE RETURN TO DEMOCRACY.
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15 Dec 89

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Project (#S1999000030)
U.S. Department of State
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PAGE 01 SANTIA 12666 150204Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-05	EUR-00	SS-00	CIAE-00
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	TRSE-00	PM-10	PA-02	OMB-01	INRE-00	SP-02	SNP-01
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FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 4242
INFO AMEMBASSY ASUNCION IMMEDIATE
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USMISSION GENEVA IMMEDIATE
USMISSION USUN NEW YORK IMMEDIATE
USIA WASHDC IMMEDIATE 1002
USCINCSO QUARRY HEIGHTS IMMEDIATE
CINCLANTFLT NORFOLK IMMEDIATE
SECDEF WASHDC IMMEDIATE

UNCLAS SANTIAGO 12666

LA PAZ FOR A/S ARONSON AND DAS SKOL
CARACAS FOR KEITH SMITH

E.O. 12356: N/A
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PAGE 02 SANTIA 12666 150204Z

TAGS: PGOV, PREL, CI
SUBJECT: CHILEAN ELECTION WATCH: UPDATE 4
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REF: SANTIAGO 12665

1. UPDATED RETURNS: AS OF ABOUT 2115 ON DECEMBER

14, WITH 4.9 MILLION VOTES OFFICIALLY COUNTED IN CHILE'S PRESIDENTIAL RACE (FROM THE 78.7 PERCENT OF VOTING TABLES REPORTING NATIONWIDE), PATRICIO AYLWIN OF THE COALITION OF PARTIES FOR DEMOCRACY (COPODE) HAD 54.2 PERCENT OF THE TOTAL, CENTER-RIGHT CANDIDATE HERNAN BUCHI 28.6 PERCENT, AND F. J. ERRAZURIZ 14.9 PERCENT. NULL BALLOTS ACCOUNTED FOR 1.4 PERCENT OF THE TOTAL, AND BLANKS ONE PERCENT. (FACTORING OUT NULL AND BLANK BALLOTS, AYLWIN HAD 55.5 PERCENT, BUCHI 29.3 PERCENT, AND ERRAZURIZ 15.2 PERCENT.)

2. OTHER CANDIDATES' REACTION: SHORTLY BEFORE THESE ALL BUT FINAL RESULTS WERE ANNOUNCED, CANDIDATE FRANCISCO JAVIER ERRAZURIZ WAS INTERVIEWED ON TELEVISION. HE PUGNACIOUSLY REFUSED TO DESCRIBE THE RESULTS AS A "DEFEAT" AND PROCLAIMED THAT HE WOULD BE FORMING A NEW POLITICAL PARTY TO CONTINUE THE POLITICAL STRUGGLE. ON THE OTHER HAND, HERNAN BUCHI IMMEDIATELY AFTERWARDS APPEARED ON TELEVISION WITH AN ELEGANT CONCESSION STATEMENT FROM HIS CAMPAIGN HEADQUARTERS.

3. PINOCHET: AT ABOUT THE SAME TIME, PRESIDENT PINOCHET MET BRIEFLY WITH THE PRESS AT THE LA MONEDA PALACE. HE DESCRIBED THE ELECTION AS HAVING BEEN A NORMAL PROCESS WITH VERY LITTLE VIOLENCE EXCEPT FOR THE CARABINERO'S DEATH IN SANTIAGO (REFTEL). HE WAS UNCLASSIFIED

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PAGE 03 SANTIA 12666 150204Z

ASKED BY A REPORTER WHY AYLWIN WON SUCH A LARGE VOTE. THE PRESIDENT REPLIED, "THEY ARE BETTER ORGANIZED THAN WE ARE."

4. VICTORY CELEBRATION: POLOFF AT AYLWIN'S CAMPAIGN HEADQUARTERS IN THE HOTEL SAN FRANCISCO REPORTED AT 2100 THAT ANTICIPATION AMONG THE PARTY FAITHFUL THERE IS BUILDING. AYLWIN AND HIS FAMILY ARE NOW AT THE HOTEL. EXPECTATION IS THAT AYLWIN WILL SHORTLY ADDRESS THE CROWD, PERHAPS SETTING OFF A LARGE, NOISY VICTORY DEMONSTRATION. THE UNEXPECTEDLY EARLY ARRIVAL OF RETURNS FROM THROUGHOUT THE COUNTRY MAY MAKE IT IMPOSSIBLE FOR COPODE TO POSTPONE ITS DECLARATION OF VICTORY UNTIL MIDNIGHT -- A STRATEGY ORIGINALLY DESIGNED TO PREVENT DEMONSTRATIONS WHICH COULD RESULT IN CONFRONTATIONS WITH THE POLICE.

5. COMMENT: WITH AYLWIN NOW VIRTUALLY ASSURED THE EXPECTED FIFTY-FIVE PERCENT OF THE VOTE, COPODE

LEADERS ARE TRYING VERY HARD TO AVOID VIOLENCE. THEY ARE LOATHE TO SEE THE INTERNATIONAL HEADLINES ABRUPTLY FOCUS ON CONFRONTATIONS IN THE STREETS AFTER WHAT HAS UP TO NOW BEEN A VIRTUALLY PICTURE-PERFECT DEMOCRATIC ELECTION. GILLESPIE

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Project (#S199900030)
Department of State
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Exception(s) ____

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PAGE 01 SANTIA 12745 152128Z
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INFO LOG-00 ADS-00 INR-05 EUR-00 SS-00 CIAE-00 IO-19
NSCE-00 NSAE-00 SSO-00 HA-09 PM-10 PA-01 INRE-00
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FM AMEMBASSY SANTIAGO
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INFO AMEMBASSY ASUNCION IMMEDIATE
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USMISSION USUN NEW YORK IMMEDIATE
USIA WASHDC IMMEDIATE 1015
USCINCSO QUARRY HEIGHTS IMMEDIATE
CINCLANTFLT NORFOLK IMMEDIATE
SECDEF WASHDC IMMEDIATE

~~C O N F I D E N T I A L~~ SANTIAGO 12745

PANAMA FOR A/S ARONSON AND DAS SKOL
CARACAS FOR KEITH SMITH

E.O. 12356: DECL:OADR
TAGS: PGOV, PREL, CI
SUBJECT: POST-ELECTION CALL ON CHILEAN FOREIGN MINISTER
~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 02 SANTIA 12745 152128Z

1. ~~CONFIDENTIAL~~ - ENTIRE TEXT.

2. AMBASSADOR, ACCOMPANIED BY DCM, CALLED BRIEFLY ON FONMIN ERRAZURIZ AFTERNOON OF DECEMBER 15 TO CONVEY PRESIDENT BUSH'S MESSAGE TO PINOCHET ON THE GOC'S EXEMPLARY CONDUCT OF YESTERDAY'S ELECTIONS. ERRAZURIZ

READ THE MESSAGE QUICKLY, NODDED AND SEEMED CLEARLY SATISFIED WITH WAY THE DEMOCRATIC PROCESS WAS CARRIED OUT, IF NOT WITH ITS OUTCOME.

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3. ERRAZURIZ WAS NOT ABLE TO MEET FOR MORE THAN A FEW MINUTES BECAUSE HE HAD AN APPOINTMENT IN INTERIOR MINISTER CACERES' OFFICE WITH ALYLWIN'S KEY ADVISERS ENRIQUE SILVA CIMMA (POSSIBLY ERRAZURIZ'S SUCCESSOR) AND ENRIQUE KRAUSS (A GOOD BET TO REPLACE CACERES AT INTERIOR) TO BEGIN DISCUSSIONS ON INAUGURAL AND TRANSITION ARRANGEMENTS. ERRAZURIZ WAS NONCHALANT, EVEN ACTING AS IF HE WERE UNSURE ABOUT KRAUSS' NAME. BUT WHAT CAME THROUGH WAS THAT THIS GOVERNMENT TAKES SERIOUSLY THE PROCESS OF HANDING OVER POWER TO THE NEW TEAM.
GILLESPIE

~~CONFIDENTIAL~~

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15 Dec 89

(KE45)

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Case Number: S1999000030

Project (#S1999000030):
Department of State
X Release ____ Deny ____
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Exemption(s) ____

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PAGE 01 SANTIA 12725 01 OF 02 151704Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-05	EUR-00	SS-00	OIC-02
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	SP-02	SNP-01	PRS-01	DS-01	SCT-03	P-02	T-01
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AMEMBASSY WARSAW IMMEDIATE
USMISSION GENEVA IMMEDIATE
USMISSION USUN NEW YORK IMMEDIATE
USIA WASHDC IMMEDIATE 1004
USCINCSO QUARRY HEIGHTS IMMEDIATE
CINCLANTFLT NORFOLK IMMEDIATE
SECDEF WASHDC IMMEDIATE

UNCLAS SECTION 01 OF 02 SANTIAGO 12725

LA PAZ FOR A/S ARONSON AND DAS SKOL
CARACAS FOR KEITH SMITH

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PAGE 02 SANTIA 12725 01 OF 02 151704Z

E.O. 12356: N/A
TAGS: PGOV, PREL, CI
SUBJECT: CHILEAN ELECTION WATCH: UPDATE 5
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REF: SANTIAGO 12666
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1. OFFICIAL RESULTS: SHORTLY BEFORE MIDNIGHT ON DECEMBER 14, INTERIOR MINISTER CARLOS CACERES ANNOUNCED THAT PATRICIO AYLWIN OF THE COALITION OF PARTIES FOR DEMOCRACY (COPODE) IS CHILE'S NEW PRESIDENT-ELECT. WITH ABOUT 93 PERCENT OF THE VOTING TABLES REPORTING, THE OFFICIAL TOTALS ARE AS FOLLOWS (DISALLOWING NULL AND BLANK BALLOTS):

-- PATRICIO AYLWIN: 3,577,669 (55.2 PERCENT);

-- HERNAN BUCHI: 1,901,668 (29.4 PERCENT);

-- FRANCISCO JAVIER ERRAZURIZ: 998,783 (15.4 PERCENT).

2. OTHER CANDIDATES CONGRATULATE AYLWIN: AT ABOUT 2300 ON DECEMBER 14, CENTER-RIGHT CANDIDATE HERNAN BUCHI WENT TO AYLWIN'S CAMPAIGN HEADQUARTERS IN THE HOTEL SAN FRANCISCO TO CONGRATULATE HIS SUCCESSFUL RIVAL. THE TWO MEN POSED FOR THE CAMERAS, THEN TALKED PRIVATELY FOR ABOUT 15 MINUTES. (IN HIS ELEGANT CONCESSION SPEECH AT 2215, BUCHI HAD PLEDGED TO MAINTAIN "A CONSTRUCTIVE OPPOSITION" DURING THE AYLWIN ADMINISTRATION.) THE OTHER CANDIDATE, FRANCISCO JAVIER ERRAZURIZ, ALSO MADE AN APPEARANCE AT HOTEL SAN FRANCISCO TO OFFER HIS CONGRATULATIONS TO AYLWIN.

3. CONGRESSIONAL RACES: INITIAL RETURNS REVEAL THAT
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PAGE 03 SANTIA 12725 01 OF 02 151704Z

THE CENTER-LEFT COALITION OF PARTIES FOR DEMOCRACY (COPODE) AND THE CENTER-RIGHT DEMOCRACY AND PROGRESS ELECTORAL PACTS OR LISTS WILL DIVIDE ALL 38 SENATE SEATS 22 TO 16. NO COMMUNISTS WERE ELECTED TO EITHER THE SENATE OR CHAMBER OF DEPUTIES. PROMINENT LEADER RICARDO LAGOS OF THE PARTY FOR DEMOCRACY (PPD) APPARENTLY HAS LOST HIS BID FOR A SENATE SEAT, EDGED OUT BY CHRISTIAN DEMOCRATIC (PDC) PRESIDENT ANDRES ZALDIVAR AND INDEPENDENT DEMOCRATIC UNION (UDI) PRESIDENT JAIME GUZMAN, WHO SURPRISED THE PUNDITS (AND PROBABLY HIMSELF AND HIS PARTY). ANOTHER CASUALTY APPEARS TO BE PDC STALWART JUAN HAMILTON IN VALPARAISO, WHO WILL LIKELY END UP AS AN AYLWIN CABINET MINISTER. FORMER VICE PRESIDENT OF THE CHILEAN HUMAN RIGHTS COMMISSION AND FREI AMBASSADOR TO THE SOVIET UNION MAXIMO PACHECO CAPTURED AYLWIN'S OLD SENATE SEAT. JUAN PABLO LETELIER, SON OF ASSASSINATED FOREIGN MINISTER ORLANDO LETELIER, APPEARS HEADED FOR THE CHAMBER OF DEPUTIES. THE CENTER-RIGHT (WITH NINE CONSERVATIVE

APPOINTED SENATORS) WILL HAVE A MAJORITY IN THE SENATE. WHILE THERE ARE SEVERAL DISPUTED RACES IN THE LOWER CHAMBER, IT APPEARS THE CENTER-LEFT WILL HAVE A COMFORTABLE MAJORITY, BUT LESS THAN THE TWO-THIRDS WHICH HAD BEEN PREDICTED.

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4. AYLWIN SPEAKS TO SUPPORTERS: ADDRESSING A LARGE GATHERING OF HIS SUPPORTERS AT HIS CAMPAIGN HEADQUARTERS AT MIDNIGHT, AYLWIN PROMISED TO BE "PRESIDENT OF ALL CHILEANS." HE REMINDED HIS AUDIENCE THAT COPODE HAD SCHEDULED A VICTORY CELEBRATION FOR LATE ON THE AFTERNOON OF DECEMBER 15, AND CALLED ON THEM TO GO HOME CALMLY FOR THE TIME BEING. POINTING OUT THAT THE VOTE COUNT IN CONGRESSIONAL RACES WAS STILL UNDERWAY, AYLWIN SAID THAT "WE NEED THE

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PAGE 01 SANTIA 12725 02 OF 02 151705Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-05	EUR-00	SS-00	OIC-02
	CIAE-00	EB-00	H-01	IO-19	NSCE-00	NSAE-00	SSO-00
	HA-09	L-03	TRSE-00	PM-10	PA-02	OMB-01	INRE-00
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USMISSION USUN NEW YORK IMMEDIATE
USIA WASHDC IMMEDIATE 1005
USCINCSO QUARRY HEIGHTS IMMEDIATE

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UNCLAS SECTION 02 OF 02 SANTIAGO 12725

LA PAZ FOR A/S ARONSON AND DAS SKOL
CARACAS FOR KEITH SMITH

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PAGE 02 SANTIA 12725 02 OF 02 151705Z

E.O. 12356: N/A
TAGS: PGOV, PREL, CI
SUBJECT: CHILEAN ELECTION WATCH: UPDATE 5

(ELECTORAL) PROCESS TO FINISH IN A PROPER MANNER, WITH NO PRETEXT TO INTERRUPT IT." OFFICIAL RETURNS FOR THE CONGRESSIONAL RACES ARE EXPECTED DURING THE COURSE OF THE DAY DECEMBER 15. SOME RACES ARE SO CLOSE THAT IT MAY TAKE WEEKS BEFORE FINAL RESULTS ARE KNOWN. EMBASSY WILL PROVIDE ANALYSIS SEPTEL.

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5. A PARTY, BUT NO VIOLENCE: THERE WAS MUCH MERRY-MAKING IN THE STREETS OF SANTIAGO AFTER ALWYIN'S VICTORY WAS ASSURED, BUT NO VIOLENCE. THE PRESIDENT-ELECT'S APPEAL FOR CALM PROBABLY HELPED PREVENT ANY EXCESSES BY HIS SUPPORTERS, AND COPODE'S CAREFULLY-LAID PLANS, INCLUDING A LATE-AFTERNOON CELEBRATION ON THE DAY AFTER THE ELECTION, ALSO HELPED REDUCE THE RISK OF CONFRONTATIONS BETWEEN OVEREXUBERANT AYLWIN PARTISANS AND THE POLICE. ALTHOUGH WATER CANNONS WERE TURNED ON CELEBRANTS IN VALPARAISO, THERE HAVE BEEN NO REPORTS OF SIGNIFICANT VIOLENCE ANYWHERE IN THE COUNTRY.

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15 Dec 89

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Project (#S1999000030)
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PAGE 01 SANTIA 12740 152014Z
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INFO	LOG-00	ADS-00	INR-05	SS-00	CIAE-00	DODE-00	H-01
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AMEMBASSY ASUNCION
AMEMBASSY BUENOS AIRES
AMEMBASSY MONTEVIDEO
USCINCSO QUARRY HEIGHTS

~~C O N F I D E N T I A L~~ SANTIAGO 12740

PANAMA FOR A/S ARONSON AND DAS SKOL
CARACAS FOR KEITH SMITH

E.O. 12356: DECL:OADR
TAGS: PGOV, CI
SUBJ: AMBASSADOR'S MEETING WITH PRESIDENT-ELECT
- AYLWIN

1. ~~CONFIDENTIAL~~ - ENTIRE TEXT.

2. I MET WITH PRESIDENT-ELECT PATRICIO AYLWIN AT MIDDAY DECEMBER 15. AS ONE WOULD EXPECT, HE WAS IN EXCELLENT SPIRITS AND LOOKED SURPRISINGLY VIGOROUS FOR A MAN WHO MUST HAVE BEEN UP MOST OF THE NIGHT. I DELIVERED PRESIDENT BUSH'S MESSAGE OF CONGRATULATIONS. AYLWIN EXPRESSED DEEP APPRECIATION FOR THE PRESIDENT'S MESSAGE, ESPECIALLY THE OFFER TO WORK WITH HIM IN THE
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PAGE 02 SANTIA 12740 152014Z

FUTURE "TO ASSURE THE SUCCESS OF YOUR GOVERNMENT." HE CONFIRMED THAT HE PLANS TO COME TO WASHINGTON, PROBABLY IN THE THIRD WEEK OF JANUARY. WITH THE ELECTION BEHIND HIM, AYLWIN SAID HE WAS LOOKING FORWARD TO SOME PRIVATE TIME WITH HIS FAMILY -- NOT JUST TO REST UP, BUT TO THINK THINGS THROUGH

FOR THE FUTURE.

3. THE AYLWIN CAMP HAS SMOOTHLY SHIFTED GEARS AND TRANSFORMED ITSELF FROM CAMPAIGNERS INTO A PRESIDENT-ELECT'S STAFF. ARRANGEMENTS AT THE HOTEL SAN FRANCISCO FOR RECEIVING VISITORS, WHILE RETAINING ELEMENTS OF AYLWIN'S GRACIOUS PERSONAL STYLE, COULD NOT HAVE BEEN MORE EFFICIENT. THE CRUSH OF VARIOUS INTERNATIONAL DELEGATIONS AND HUNDREDS OF JOURNALISTS WAS BEING HANDLED WITH AN ADMIRABLE DEGREE OF PROFESSIONALISM NOF ALWAYS APPARENT DURING THE MORE INFORMAL HURLY-BURLY OF THE CAMPAIGN. (A FULL-TIME, PLAINCLOTHS SECURITY DETAIL FROM THE CARABINEROS IS IN PLACE.)

4. AYLWIN WAS WARM AND CORDIAL, BUT PROJECTS A NEW AURA OF EXECUTIVE AUTHORITY. HE'S A GOOD, DECENT MAN WHO CLEARLY SENSES THE HEAVY RESPONSIBILITIES HE NOW FACES. HE SHOWS EVERY SIGN OF HAVING THE QUALITIES NECESSARY TO GUIDE THIS COUNTRY THROUGH THE DIFFICULT TIMES AHEAD. CERTAINLY, THE MAJORITY OF CHILEANS THINK SO. GILLESPIE

~~CONFIDENTIAL~~

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15 Dec 89

(KE43)

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Case Number: S1999000030
Project (#S1999000030)
U.S. Department of State
Case X Excise Deny
Released In Part In Full
Exemption(s)

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PAGE 01 SANTIA 12665 01 OF 02 150005Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-05	EUR-00	SS-00	CIAE-00
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	L-03	TRSE-00	PM-10	PA-02	OMB-01	INRE-00	SP-02
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FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 4240
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UNCLAS SECTION 01 OF 02 SANTIAGO 12665

LA PAZ FOR A/S ARONSON AND DAS SKOL
CARACAS FOR KEITH SMITH

E.O. 12356: N/A
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PAGE 02 SANTIA 12665 01 OF 02 150005Z

TAGS: PGOV, PREL, CI
SUBJECT: CHILEAN ELECTION WATCH: UPDATE 3
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REF: SANTIAGO 12658
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1. FIRST OFFICIAL RETURNS: INTERIOR MINISTRY

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SUBSECRETARY GONZALO GARCIA PRESENTED THE FIRST OFFICIAL TOTALS IN THE CHILEAN PRESIDENTIAL RACE TO THE PRESS AT 1920 HOURS ON DECEMBER 14. WITH 467,420 VOTES COUNTED (FROM THE 6.9 PERCENT OF THE VOTING TABLES REPORTING NATIONWIDE), PATRICIO AYLWIN OF THE COALITION OF PARTIES FOR DEMOCRACY (COPODE) HAD A CLEAR MAJORITY WITH 54.23 PERCENT OF THE VOTE, CENTER-RIGHT CANDIDATE HERNAN BUCHI 29.39 PERCENT, AND POPULIST FRANCISCO JAVIER ERRAZURIZ 14.40 PERCENT. NULL BALLOTS ACCOUNTED FOR 1.08 PERCENT AND BLANKS 0.89 PERCENT.

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2. COPODE BRIEFING: DURING A BRIEFING FOR THE DIPLOMATIC COMMUNITY AT 1900 HOURS, AYLWIN CAMPAIGN MANAGER ENRIQUE SILVA CIMMA SAID THAT WITH 800 TABLES REPORTING NATIONWIDE, COPODE'S COMPUTATIONS SHOWED AYLWIN AT 56 PERCENT, BUCHI 27 PERCENT, ERRAZURIZ 17 PERCENT. HE ANTICIPATED THAT AFTER NULL AND BLANK BALLOTS WERE FACTORED OUT, AYLWIN WOULD HAVE CLOSE TO 59 PERCENT OF THE TOTAL. SILVA CIMMA NOTED THAT THERE WAS A MARKED INCREASE IN THE RURAL VOTE FOR AYLWIN OVER THE TOTAL FOR THE "NO" COMMAND IN THE 1988 PLEBISCITE. HE ALSO INFORMED THE GROUP THAT COPODE HAD HEARD FROM THE INTERIOR MINISTRY THAT THE GOVERNMENT PLANS TO ADVANCE THE TIME FOR ANNOUNCING FINAL RESULTS IN THE PRESIDENTIAL RACE TO 1200 MIDNIGHT. COPODE IS STILL PLANNING TO HOLD ITS UNCLASSIFIED

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PAGE 03 SANTIA 12665 01 OF 02 150005Z

VICTORY RALLY AT 1800 ON DECEMBER 15, AND HAS INTENTIONALLY LOCATED IT IN THE AREA OF THE NATIONAL STADIUM -- AS FAR AS POSSIBLE FROM THE CENTER OF TOWN -- IN ORDER TO MINIMIZE THE POSSIBILITY OF CLASHES WITH THE AUTHORITIES.

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3. BUCHI BRIEFING: DURING A PRESS BRIEFING AT 2000 HOURS, A BUCHI CAMPAIGN SPOKESMAN RELEASED FIGURES DRAMATIZING THE FACT THAT MEN'S VOTING TABLES ARE REPORTING MUCH MORE RAPIDLY THAN WOMEN'S (22.2 PERCENT OF MEN'S TABLES HAVE REPORTED, AS OPPOSED TO ONLY 6.7 PERCENT OF WOMEN'S). THE SPOKESMAN POINTED OUT THAT, ACCORDING TO THE FIGURES AVAILABLE TO THE BUCHI CAMPAIGN, BUCHI IS DOING MUCH BETTER AMONG WOMEN VOTERS THAN AMONG MEN: WOMEN ARE GIVING BUCHI 36.05 PERCENT, ERRAZURIZ 16.14, AND AYLWIN 47.81; MEN ARE VOTING ONLY 26.96 PERCENT FOR BUCHI, 15.06 FOR ERRAZURIZ, AND 58.01 FOR AYLWIN. (IN THE COPODE BRIEFING, SILVA CIMMA ALSO COMMENTED ON THE FACT THAT

WOMEN'S VOTING TABLES ARE REPORTING MUCH MORE SLOWLY THAN MEN'S.) HOWEVER, EVEN IF THIS TREND WERE TO CONTINUE, IT APPEARS THAT AYLWIN WOULD STILL RECEIVE A CLEAR MAJORITY.

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4. EXIT POLL: INITIAL RESULTS OF A NATIONWIDE EXIT POLL CONDUCTED BY THE FRENCH FIRM IFOP AND THE SANTIAGO FIRM DIAGNOS SHOW AYLWIN WITH 57, BUCHI WITH 31.2 AND ERRAZURIZ WITH 11.8. THESE PRELIMINARY TOTALS ARE BASED ON A SAMPLE OF 2400 VOTERS. FINAL RESULTS OF THE POLL, BASED ON A SAMPLE OF 5500 VOTERS IN THE SECOND TO THE TENTH REGIONS,

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PAGE 01 SANTIA 12665 02 OF 02 150006Z
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	L-03	TRSE-00	PM-10	PA-02	OMB-01	INRE-00	SP-02
	SNP-01	PRS-01	DS-01	SCT-03	P-02	T-01	/061 W

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AMEMBASSY WARSAW IMMEDIATE
USMISSION GENEVA IMMEDIATE
USMISSION USUN NEW YORK IMMEDIATE
USIA WASHDC IMMEDIATE 1001
USCINCSO QUARRY HEIGHTS IMMEDIATE
CINCLANTFLT NORFOLK IMMEDIATE
SECDEF WASHDC IMMEDIATE

UNCLAS SECTION 02 OF 02 SANTIAGO 12665

LA PAZ FOR A/S ARONSON AND DAS SKOL
CARACAS FOR KEITH SMITH

E.O. 12356: N/A
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PAGE 02 SANTIA 12665 02 OF 02 150006Z

TAGS: PGOV, PREL, CI
SUBJECT: CHILEAN ELECTION WATCH: UPDATE 3

ARE TO BE RELEASED LATER ON DECEMBER 14.
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5. ASSASSINATION OF CARABINERO: AT 1810 A POLICE SPOKESMAN GAVE THE PRESS SOME DETAILS CONCERNING THE ASSASSINATION OF CARABINERO PATRICIO ANTONIO CASTILLO LARA (REFTEL). THE SHOOTING TOOK PLACE AT 1350 ON DECEMBER 14, WHILE THE 23-YEAR-OLD CASTILLO WAS SERVING AS A GUARD AT A VOTING TABLE IN THE SOUTHERN SANTIAGO DISTRICT OF LA GRANJA. THE ASSAILANT DREW A GUN, SHOT THE CARABINERO, THEN TOOK CASTILLO'S WEAPON FROM HIS FALLEN BODY AND FIRED IT INTO HIM. AT THE BRIEFING FOR AMBASSADORS (PARA 2), COPODE CAMPAIGN MANAGER SILVA CIMMA SAID THAT THE PERPETRATOR OF THE MURDER HAS BEEN CAUGHT AND TURNS OUT TO BE A COMMON CRIMINAL, WITH NO POLITICAL MOTIVE FOR THE KILLING. CONTRARY TO EARLIER REPORTS, ONLY ONE PERSON WAS RESPONSIBLE FOR THE ATTACK, NOT TWO.
-
6. REPORTS FROM THE PROVINCES: EMBOFFS IN MAJOR CITIES OUTSIDE SANTIAGO -- ANTOFAGASTA, VALPARAISO, AND CONCEPCION -- REPORT ONLY MINOR IRREGULARITIES IN THE ELECTORAL PROCESS, AND NO INCIDENTS OF SIGNIFICANT VIOLENCE. AS IN THE CAPITAL, VOTING IN THE PROVINCES APPEARS TO HAVE BEEN CALM AND ORDERLY.
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PAGE 01 GUATEM 15123 01 OF 05 160011Z
ACTION INM-08

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FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC 7032
INFO DEAHQS WASHDC
CIA WASHDC
DIA WASHDC
USIA WASHDC 0070
AMEMBASSY BELIZE
AMEMBASSY MEXICO
AMEMBASSY SAN SALVADOR
AMEMBASSY SAN JOSE
USCINCSO QUARRY HTS PM

UNCLAS SECTION 01 OF 05 GUATEMALA 15123

DEPT FOR INM, ARA/CEN MCCARTHY AND AIDAC
USIA FOR AR AND P/G
CINCSO FOR POLAD

E.O. 12356: N/A
TAGS: SNAR, PREL, PGOV, KPRP, EAID, GT
SUBJECT: 1990 GUATEMALA INTERNATIONAL NARCOTICS CONTROL
STRATEGY REPORT

REF: STATE 384942

A.1 STATUS OF ILLICIT NARCOTICS PRODUCTION AND TRAFFICKING

ILLEGAL DRUG PRODUCTION AND NARCOTICS SMUGGLING INCREASED DRAMATICALLY IN GUATEMALA IN 1989. OPIUM CULTIVATION HAS NEARLY DOUBLED IN THE PAST YEAR AND THE FIRST LABORATORIES FOR
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PAGE 02 GUATEM 15123 01 OF 05 160011Z

THE PROCESSING OF RAW OPIUM TO MORPHINE BASE APPEARED ALONG THE MEXICAN BORDER. THERE WAS ALSO A MARKED INCREASE IN THE TRANSSHIPMENT OF COLOMBIAN COCAINE BOUND FOR THE UNITED STATES,

DEPARTMENT OF STATE IM/ITS/CR/IR Date: 2/5/98
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PA Exemptions ( ) DOWNGRADE TS to ( ) S or ( ) C
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AS WELL AS AN INCREASE IN THE NUMBER OF COLOMBIAN TRAFFICKERS OPERATING WITHIN GUATEMALA. PERSISTENT RUMORS OF INCIPIENT COCA CULTIVATION OR MONEY LAUNDERING CONTINUE TO CIRCULATE, BUT WE ARE UNABLE TO CONFIRM THE EXISTENCE OF EITHER ACTIVITY.

OUR OPIUM POPPY ERADICATION PROGRAM OPERATED ONLY DURING THE LAST FIVE MONTHS OF 1989. AIRWING PILOTS ESTIMATE 2250 HECTARES OF OPIUM POPPY ARE CURRENTLY UNDER CULTIVATION, HOWEVER, NEW REPORTS SUGGEST POPPY CULTIVATIONS ARE SPREADING TO NEW AREAS. WE CONSERVATIVELY PLACE THE ACTUAL AMOUNT OF POPPY AT 2500 HECTARES. RECENT INTELLIGENCE INDICATES OPIUM CAN BE HARVESTED AT LEAST THREE TIMES PER YEAR IN GUATEMALA'S BENEVOLENT CLIMATE. POTENTIAL OPIUM PRODUCTION THUS APPROXIMATES 72 METRIC TONS ANNUALLY. A 1987 SURVEY DISCOVERED LESS THAN 300 HECTARES OF POPPY -- INDICATING AN 800 PERCENT INCREASE IN POPPY CULTIVATION OVER THE LAST TWO YEARS. USING 1988 FIGURES FOR COMPARATIVE PURPOSES, GUATEMALA CURRENTLY RIVALS THAILAND AS THE WORLD'S 7TH LARGEST POTENTIAL PRODUCER OF OPIUM POPPY.

MARIJUANA CULTIVATION IS CONCENTRATED ALONG THE INTERNATIONAL BORDERS WITH MEXICO AND BELIZE. SMALL CULTIVATIONS ARE BEGINNING TO APPEAR IN THE COUNTRY'S INTERIOR DEPARTMENTS OF CHIMALTENANGO AND JUTIAPA. MARIJUANA CULTIVATION DOES NOT APPEAR TO BE INCREASING. WE ESTIMATE 240 HECTARES OF MARIJUANA ARE CURRENTLY GROWN LOCALLY.

THE MOST WORRISOME ELEMENT IN THE DRUG STRUGGLE IS GUATEMALA'S GROWING IMPORTANCE AS A TRANSIT COUNTRY FOR COLOMBIAN COCAINE BOUND FOR THE U.S. TRAFFICKERS TAKE ADVANTAGE OF GUATEMALA'S
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ROUGH TERRAIN WHICH IS DOTTED WITH DOZENS OF UNCONTROLLED AIRFIELDS. THE GOG HAS NO RADAR CAPABLE OF TRACKING THE LIGHT AIRCRAFT BRINGING COCAINE INTO GUATEMALA, NOR THE INTERDICTION CAPACITY TO INTERCEPT THEM ONCE DETECTED. AIRCRAFT CONTAINING COCAINE EITHER REFUEL AND CONTINUE THEIR JOURNEY NORTHWARD, OR OFFLOAD COCAINE WHICH IS THEN PLACED ON U.S. BOUND SAILING VESSELS. THE INCIDENCE OF COCAINE SMUGGLED IN COMMERCIAL SHIPPING CONTAINERS IS INCREASING. THERE HAS BEEN AT LEAST ONE LARGE SEIZURE OF COCAINE FOUND IN A COMMERCIAL CONTAINER ORIGINATING FROM GUATEMALA.

CHEMICALS WHICH CAN BE USED FOR NARCOTICS PROCESSING ROUTINELY ENTER GUATEMALA. MOST OF THESE CHEMICALS ARE TRANSSHIPPED TO OTHER COUNTRIES IN CENTRAL AND SOUTH AMERICA. A SMALL AMOUNT OF THESE CHEMICALS IS NOW USED IN POPPY GROWING AREAS FOR THE

PROCESSING OF RAW OPIUM TO MORPHINE BASE.

THERE IS NO RELIABLE EVIDENCE CONCERNING DOMESTIC MONEY LAUNDERING. IN NOVEMBER 1989, A WEST GERMAN CONGRESSIONAL DELEGATION PUBLICLY ACCUSED THE BANCO IMPERIAL OF MONEY LAUNDERING, REPEATING A RUMOR CURRENT IN GUATEMALAN SOCIETY. BANK SECRECY LAWS MAKE IT DIFFICULT TO DETERMINE TO WHAT EXTENT MONEY LAUNDERING IS TAKING PLACE OR WHICH BANKS ARE INVOLVED IN THIS ACTIVITY.

A.2 ACCOMPLISHMENTS IN 1989

EFFORTS TO STRENGTHEN LOCAL LAW ENFORCEMENT AGENCIES HAVE BEGUN TO BEAR FRUIT. LOCAL AUTHORITIES SEIZED OVER FOUR METRIC TONS OF COCAINE IN CY89 (VERSUS 488 KILOGRAMS IN CY88) AND MANUALLY ERADICATED 140 HECTARES OF OPIUM AND 47 HECTARES OF MARIJUANA. THE GUARDIA DE HACIENDA AND DEA MADE THEIR FIRST SEIZURE OF A

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PAGE 01 GUATEM 15123 02 OF 05 160014Z
ACTION INM-08

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R 160008Z DEC 89
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INFO DEAHQS WASHDC
CIA WASHDC
DIA WASHDC
USIA WASHDC 0071

AMEMBASSY BELIZE
AMEMBASSY MEXICO
AMEMBASSY SAN SALVADOR
AMEMBASSY SAN JOSE
USCINCSO QUARRY HTS PM

UNCLAS SECTION 02 OF 05 GUATEMALA 15123

DEPT FOR INM, ARA/CEN MCCARTHY AND AIDAC
USIA FOR AR AND P/G
CINCSO FOR POLAD

E.O. 12356: N/A
TAGS: SNAR, PREL, PGOV, KPRP, EAID, GT
SUBJECT: 1990 GUATEMALA INTERNATIONAL NARCOTICS CONTROL STRATEGY REPORT

LABORATORY USED FOR THE PROCESSING OF RAW OPIUM TO MORPHINE BASE, CONFIRMING EARLIER REPORTS THAT GUATEMALANS ARE NOW INVOLVED IN THE REFINING OF NARCOTICS.

POST CONTINUED ITS EFFORTS TO STRENGTHEN GUATEMALA'S LAW ENFORCEMENT CAPABILITY THROUGH THE PROVISION OF EQUIPMENT AND TRAINING. IN AUGUST THE GOG ESTABLISHED A JOINT NATIONAL
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POLICE/TREASURY POLICE ANTI-NARCOTICS SQUAD. SEVERAL POLICE OFFICIALS TRAVELLED TO THE U.S. AND OTHER LATIN AMERICAN COUNTRIES FOR NARCOTICS INVESTIGATIONS MANAGEMENT TRAINING. IN OCTOBER, A JOINT INFORMATION COMPUTER CENTER (JICC) WAS SET UP IN GUARDIA DE HACIENDA HEADQUARTERS. THIS INFORMATION SYSTEM WILL PROVIDE VITAL INFORMATION FOR USE IN TRACKING SUSPICIOUS INDIVIDUALS AND VESSELS USED IN DRUG TRAFFICKING. A COMPUTER LINK WITH DEA'S EPIC INTELLIGENCE SYSTEM WILL PROVIDE MUCH GREATER INSIGHT CONCERNING GUATEMALA'S PLACE IN COCAINE TRAFFICKING PATTERNS.

THE GUARDIA DE HACIENDA HAS CREATED A CHEMICAL CONTROL SECTION WHICH WILL TAKE AN ACTIVE ROLE IN THE STUDY OF CHEMICAL DIVERSION INTO ILLICIT ACTIVITIES. DEA WILL USE THIS OFFICE TO MONITOR AND COMPLY WITH THE IMPLEMENTATION OF NEW U.S. CHEMICAL CONTROL LAWS.

THE U.S. COAST GUARD CONDUCTED A PORT SAFETY AND SECURITY TRAINING AT THE PACIFIC NAVAL BASE OF PUERTO SAN JOSE. MARITIME LAW ENFORCEMENT TRAINING WAS CONDUCTED AT BOTH SAN JOSE AND THE ATLANTIC PORT, PUERTO BARRIOS. THIS TRAINING WAS

ATTENDED BY GUATEMALAN NAVAL, GUARDIA DE HACIENDA AND CUSTOMS PERSONNEL. THIS TRAINING WAS APPLIED SUCCESSFULLY WHEN THE GUATEMALAN NAVY CAPTURED A PRIVATE SAILBOAT OFF THE PACIFIC COAST CARRYING NEARLY 800 KILOS OF COCAINE.

DESPITE AN EIGHT MONTH INTERRUPTION, THE STATE DEPARTMENT AIRWING SPRAYED OVER 1,200 HECTARES OF OPIUM POPPY FROM SEPTEMBER THROUGH DECEMBER. THE PILOTS ALSO SPRAYED 80 HECTARES OF MARIJUANA. THE STATE DEPARTMENT ASSIGNED TWO ADDITIONAL SPRAY AIRCRAFT TO GUATEMALA IN MID-DECEMBER. THIS SHOULD MAKE IT POSSIBLE TO ELIMINATE AN ADDITIONAL 1000 HECTARES BY FEBRUARY 1, 1990.
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THE MINISTRY OF INTERIOR HAS SIGNED A FUNDING AGREEMENT WITH USAID TO CONTRACT LEGAL EXPERTS AID IN REDRAFTING LOCAL DRUG LAWS ON SEPTEMBER 22, WHICH WILL STRENGTHEN THE HAND OF LAW ENFORCEMENT AGENCIES IN PROSECUTING DRUG OFFENSES. USAID AND USIS ARE ALSO FUNDING THE PUBLICATION OF 50,000 PAMPHLETS DESIGNED TO EDUCATE GUATEMALAN PARENTS ON DRUG ABUSE.

IN 1989, USIS PLAYED A MAJOR ROLE IN PUBLICIZING NARCOTICS AS A MAJOR POLITICAL AND SOCIAL ISSUE. USIS PLACED 35 ARTICLES ON THE DRUG PROBLEM IN MAJOR GUATEMALAN PUBLICATIONS, AND BRIEFED THE INTERNATIONAL PRESS ON THE GUATEMALAN SITUATION. USIS ARRANGED THE VISIT OF FIVE U.S. EXPERTS ON DRUG ABUSE AND EDUCATION AND ARRANGED THREE MEETINGS TO BRING TOGETHER PRIVATE SECTOR DRUG EDUCATION GROUPS TO COORDINATE THEIR EFFORTS. IN ADDITION, TWO GUATEMALANS TRAVELED TO THE U.S. ON THE INTERNATIONAL VISITOR PROGRAM TO VIEW U.S. EFFORTS TO INCREASE DRUG AWARENESS.

CY89 SAW A DRAMATIC INCREASE IN THE GOG'S OWN PUBLIC INFORMATION CAMPAIGNS DEALING WITH ALL ASPECTS OF GUATEMALA'S DRUG PROBLEM. PUBLIC AND MEDIA INTEREST AND AWARENESS OF THE PROBLEM ALSO INCREASED SIGNIFICANTLY AND THE NARCOTICS ISSUE MAY PLAY A MAJOR ROLE IN GUATEMALA'S 1990 PRESIDENTIAL ELECTION. GOG OFFICIALS NOW SEEM GENUINELY CONVINCED OF THE DANGEROUS EFFECT NARCOTICS CAN HAVE ON FLEDGLING DEMOCRATIC INSTITUTIONS.

A.3 1990 POST OPERATING PLAN IS PROVIDED SEPTEL. OUR POP PROVIDES FULL DETAILS OF ANTI-NARCOTICS ACTIONS PLANNED FOR 1990.

A.4 ADEQUACY OF LEGAL AND LAW ENFORCEMENT MEASURES

TOUGHER ANTI-DRUG LAWS ARE ESSENTIAL TO DETER THE FURTHER
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DEVELOPMENT OF GUATEMALA'S NARCOTICS SMUGGLING NETWORK.

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PAGE 01 GUATEM 15123 03 OF 05 160015Z
ACTION INM-08

INFO LOG-00 ADS-00 AID-00 INR-05 OIC-02 IO-19 NSCE-00
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UNCLAS SECTION 03 OF 05 GUATEMALA 15123

DEPT FOR INM, ARA/CEN MCCARTHY AND AIDAC
USIA FOR AR AND P/G
CINCSO FOR POLAD

E.O. 12356: N/A
TAGS: SNAR, PREL, PGOV, KPRP, EAID, GT
SUBJECT: 1990 GUATEMALA INTERNATIONAL NARCOTICS CONTROL
STRATEGY REPORT

GUATEMALA'S PENAL CODE CONTAINS ONLY FIVE ARTICLES PROHIBITING THE CULTIVATION, POSSESSION AND SALE OF NARCOTICS. CONSPIRACY LAWS DO NOT EXIST IN THE GUATEMALAN LEGAL TRADITION, THUS DRUG SMUGGLERS COMMIT NO CRIME UNLESS THEY ARE CAUGHT IN POSSESSION OF NARCOTICS. THE GOG AND USAID SIGNED AN AGREEMENT SEPTEMBER 22, 1989 TO FUND THE HIRING OF EXPERTS TO DRAFT NEW ANTI-NARCOTICS LEGISLATION. SEVERAL GUATEMALAN CONGRESSMAN ARE
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PAGE 02 GUATEM 15123 03 OF 05 160015Z

ALSO INTERESTED IN REFORMING THE PENAL CODE TO RESPOND TO THE GROWING DRUG THREAT.

GUATEMALA'S JUSTICE SYSTEM IS WEAK AND ILL-PREPARED TO MOUNT NARCOTICS INVESTIGATIONS, DESPITE U.S. ASSISTANCE AND TRAINING. NEVERTHELESS, GUATEMALAN COURTS ARE CURRENTLY INVESTIGATING SEVERAL MAJOR DRUG CASES. THE GOG IS CURRENTLY CONSIDERING TWO EXTRADITION REQUESTS FOR NARCOTICS OFFENDERS -- ONE OF AN AMERICAN CITIZEN AND THE OTHER OF A GUATEMALAN NATIONAL -- WHICH HAVE RECEIVED WIDE PUBLICITY. ATTEMPTS TO INTIMIDATE JUDGES HANDLING NARCOTICS-RELATED CASES ARE BECOMING MORE COMMON. IN NOVEMBER 1989, FIVE JUDGES RECEIVED DEATH THREATS WARNING THEY WOULD BE KILLED IF ANY GUATEMALAN WAS EXTRADITED TO THE U.S. ON NARCOTICS CHARGES. THE SUPREME COURT, WHICH ALSO ADMINISTERS LOWER COURTS, WILL CREATE A SPECIAL POLICE FORCE FOR THE PROTECTION OF JUDGES AND WITNESSES IN 1990.

LOCAL LAW ENFORCEMENT AGENCIES OFTEN LACK BASIC RESOURCES AND TRAINING FOR CONDUCTING NARCOTICS INVESTIGATIONS. THE NARCOTICS TASK FORCE IS NOW BEING EQUIPPED TO PLAY THE LEAD ROLE IN NARCOTICS INVESTIGATIONS. THE DEPARTMENT OF JUSTICE, THROUGH ICITAP (INTERNATIONAL CRIMINAL INVESTIGATIONS AND ASSISTANCE PROGRAM), WILL PROVIDE TRAINING IN BASIC INVESTIGATIVE TECHNIQUES TO APPROXIMATELY HALF OF THE TASK FORCE'S INVESTIGATORS IN 1990. COOPERATION BETWEEN THE NATIONAL POLICE, THE GUARDIA DE HACIENDA AND MILITARY POLICE HAS IMPROVED DUE TO THE INSTITUTION OF THEIR JOINT ACTION GROUP, THE SIPROCI (SISTEMA DE PROTECCION CIVIL - CIVIL PROTECTION SYSTEM). THE SIPROCI WAS CREDITED WITH SEVERAL MAJOR SEIZURES IN 1989.

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A.5 DOMESTIC DRUG ABUSE

USAID AND GUATEMALAN PRIVATE SECTOR ORGANIZATIONS WILL INITIATE THE FIRST SURVEY OF DOMESTIC DRUG CONSUMPTION IN EARLY 1990. AT THIS JUNCTURE, OUR ASSESSMENT OF LOCAL USE IS PURELY ANECDOTAL. COCAINE AND MARIJUANA CONSUMPTION IS FAIRLY COMMON AMONG UPPER AND MIDDLE CLASS YOUTH IN GUATEMALA CITY. LESS AFFLUENT DRUG ABUSERS INHALE GLUE OR SOLVENTS. IN A RECENT VISIT, AN AMERICAN EXPERT ON DRUG EDUCATION DISCOVERED THAT PRIMARY SCHOOL CHILDREN IN THE CAPITAL CITY WERE NOT ONLY WELL ACQUAINTED WITH A WIDE VARIETY OF DRUGS, BUT ALSO CLAIMED TO KNOW DRUG USERS. DRUG CONSUMPTION PATTERNS IN SMALLER CITIES

AND THE COUNTRYSIDE ARE UNKNOWN. THERE ARE NO REPORTS YET OF OPIUM ADDICTION IN POPPY GROWING AREAS, ALTHOUGH THERE IS SOME EVIDENCE OF MARIJUANA USE WHERE IT IS GROWN.

GUATEMALANS WORKING IN THE AREA OF DRUG AND ALCOHOL EDUCATION AND REHABILITATION ESTIMATE THAT 25 PERCENT OF ALL ADULTS SUFFER FROM SOME SORT OF CHEMICAL DEPENDENCY. THESE SOURCES ESTIMATE THAT IT MAY BE 18 - 25 PERCENT IN THE 10 - 20 AGE GROUP. MOST GUATEMALANS AGREE THAT DRUG USE HAS INCREASED MARKEDLY OVER THE LAST TWO YEARS, BUT THAT ALCOHOL ABUSE REMAINS THE MOST COMMON FORM OF SUBSTANCE ABUSE.

THE GOG HAS INITIATED AN ANTI-DRUG MEDIA CAMPAIGN FOCUSING ON GOG/USG COOPERATIVE EFFORTS IN DRUG ERADICATION AND INTERDICTION, BUT HAS DONE LITTLE TO DEVELOP ANTI-DRUG EDUCATION OR REHABILITATION PROGRAMS. THE GOG HAS BEGUN TO PAY ATTENTION TO DRUG ABUSE, BUT HAS YET TO RESPOND WITH CONCRETE PROGRAMS. HIGH LEVEL GOG OFFICIALS WILL MEET WITH MISSION OFFICERS AND PRIVATE SECTOR ORGANIZATIONS IN MID-JANUARY TO INITIATE THE DEVELOPMENT OF A NATIONAL DRUG EDUCATION STRATEGY.

B.1 NATURE OF ILLICIT DRUG PRODUCTION

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NARCOTICS CULTIVATION OCCURS IN REMOTE AND RUGGED AREAS ALONG

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PAGE 01 GUATEM 15123 04 OF 05 160016Z
ACTION INM-08

INFO LOG-00 ADS-00 AID-00 INR-05 OIC-02 IO-19 NSCE-00
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UNCLAS SECTION 04 OF 05 GUATEMALA 15123

DEPT FOR INM, ARA/CEN MCCARTHY AND AIDAC

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E.O. 12356: N/A
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SUBJECT: 1990 GUATEMALA INTERNATIONAL NARCOTICS CONTROL STRATEGY REPORT

GUATEMALA'S BORDERS WITH BELIZE AND MEXICO. THESE AREAS LACK THE ECONOMIC INFRASTRUCTURE WHICH COULD ENCOURAGE FARMERS TO BRING LEGITIMATE CROPS TO MARKET. MEXICAN AND BELIZEAN NATIONALS INTRODUCED OPIUM POPPIES AND MARIJUANA TO GUATEMALAN FARMERS AND CONTINUE TO PLAY A MAJOR ROLE IN THEIR CULTIVATION, WITH MEXICAN NATIONALS PROVIDING FINANCING, SEED AND A MARKET TO LOCAL GROWERS. PROFITS FROM GROWING POPPY ARE SEVERAL TIMES
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GREATER THAN FOR GROWING ANY LEGITIMATE CROP.

POPPY GROWING REGIONS WHICH ABUT MEXICO ARE CURRENTLY ENJOYING AN ECONOMIC BOOM. OVERFLIGHTS OF THE AREA REVEAL MUCH NEW CONSTRUCTION; CONTACTS ON THE GROUND DESCRIBE A RISE IN DISPOSABLE INCOME BY LOCAL GROWERS AND MERCHANTS.

B.2 FACTORS AFFECTING PRODUCTION

GUATEMALA'S VARIED CLIMATE AND RICH VOLCANIC SOIL PROVIDE NEARLY PERFECT CONDITIONS IN SEVERAL REGIONS FOR THE GROWING OF POPPIES AND MARIJUANA. THE AVAILABILITY OF GREATER PROFITS ENCOURAGES THE RURAL POPULACE TO CULTIVATE OPIUM. PROXIMITY TO MEXICO, AND THE LACK OF A ROAD NETWORK WHICH PERMITS EASY ACCESS TO THE REST OF GUATEMALA, ALLOWS MEXICAN TRAFFICKERS TO CONTROL THE FLOW OF OPIUM INTO MEXICO AND ALLOWS EASY ACCESS OF THE RAW PRODUCT TO PROCESSING LABS IN MEXICO. MARIJUANA, GROWN MOSTLY ON THE BELIZEAN BORDER, IS GENERALLY SHIPPED TO THE U.S. VIA BELIZE.

B.3 MAXIMUM ACHIEVABLE REDUCTIONS

THE EMBASSY BELIEVES IT IS POSSIBLE TO ERADICATE 80 PERCENT OF ALL MARIJUANA CULTIVATIONS. IT IS EXTREMELY DIFFICULT TO DETERMINE THE TRUE EXTENT OF MARIJUANA GROWN IN GUATEMALA DUE TO THE SMALL SIZE AND REMOTENESS OF CULTIVATIONS. THE STATE DEPARTMENT AIRWING SPRAYS ALL MARIJUANA DISCOVERED, BUT AS MUCH AS 20 PERCENT OF THE MARIJUANA CROP MAY REMAIN UNDISCOVERED.

IN 1989, THE AERIAL POPPY ERADICATION PROGRAM OPERATED ONLY DURING THE FINAL FOUR MONTHS OF THE YEAR. SINCE BEGINNING

SPRAYING OPERATIONS IN EARLY SEPTEMBER WITH TWO SPRAY PLANES, 1200 HECTARES OF OPIUM HAVE BEEN ERADICATED. TWO ADDITIONAL SPRAY AIRCRAFT ARRIVED IN GUATEMALA ON DECEMBER 15, AND ALL POPPY CULTIVATIONS SHOULD BE SPRAYED AT LEAST ONCE BY EARLY FEBRUARY. THE RAPID INCREASE IN THE NUMBER OF HECTARES CULTIVATED, AND THE SPEED WITH WHICH POPPY PLOTS ARE REPLANTED AFTER AERIAL SPRAYING, MAY PREVENT TOTAL ELIMINATION OF THE OPIUM CROP. IF EXTRA RESOURCES ARE MAINTAINED IN GUATEMALA DURING THE GROWING (DRY) SEASON -- NOVEMBER THROUGH APRIL -- IT MAY BE POSSIBLE TO ELIMINATE 90 PERCENT OF THE OPIUM CROP.

B.4 METHODOLOGY FOR ESTIMATES

ESTIMATES ON DRUG CULTIVATION ARE BASED ON AERIAL RECONNAISSANCE BY AIRWING PILOTS WORKING IN GUATEMALA. LOCAL LAW ENFORCEMENT AGENCIES PROVIDED INFORMATION ON THE AMOUNT OF COCAINE AND OTHER DRUGS SEIZED AND AMOUNTS OF POPPY AND MARIJUANA MANUALLY ERADICATED.

C.1 STATISTICAL TABLES

(NOTE: AN ESTIMATED 30 KG OF OPIUM BASE ARE PRODUCED BY ONE HECTARE OF POPPY ANNUALLY.)

OPIUM	1989	1988	1987	1986	1985
CULTIVATION(HEC)	2500	1370	300	300	225
ERADICATION(HEC)	1200	560	100	23	13
HARVESTED (HEC)	1300	810	200	277	212
YIELD (MT)	39	8.1	2	2.77	2.12
LOSS FACTOR (MT)	36	5.6	1	.23	.13
SEIZED (MT)	0	0	0	0	0
CONSUMED (MT)	0	0	0	0	0

EXPORTED (MT)	39	8.1	2	2.77	2.12
AVAILABLE FOR REFINING (MT)	39	8.1	2	2.77	2.12

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PAGE 01 GUATEM 15123 05 OF 05 160017Z
ACTION INM-08

INFO LOG-00 ADS-00 AID-00 INR-05 OIC-02 IO-19 NSCE-00
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UNCLAS SECTION 05 OF 05 GUATEMALA 15123

DEPT FOR INM, ARA/CEN MCCARTHY AND AIDAC
USIA FOR AR AND P/G
CINCSO FOR POLAD

E.O. 12356: N/A
TAGS: SNAR, PREL, PGOV, KPRP, EAID, GT
SUBJECT: 1990 GUATEMALA INTERNATIONAL NARCOTICS CONTROL
STRATEGY REPORT

CANNABIS	1989	1988	1987	1986	1985
CULTIVATION(HEC)	280	620	325	325	275
ERADICATION(HEC)	125	150	125	71	25
HARVESTED (HEC)	155	470	200	254	252
YIELD (MT)	160	450	200	256	250
LOSS FACTOR (MT)	130	150	125	71	25

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UNCLASSIFIED

PAGE 02 GUATEM 15123 05 OF 05 160017Z

SEIZED (KILOS)	324	NA	NA	NA	NA
EXPORTED (MT)	160	420	190	250	250

SEIZURES	1989	1988	1987	1986	1985
COCAINE (KILOS)	4005	488	NA	NA	NA
MORPHINE BASE	3 GRAMS				

ARRESTS	1989	1988
NATIONALS	8	14
FOREIGNERS	25	3

LABS DESTROYED	1989
MORPHINE BASE	1

E.1. RESOURCE ESTIMATES

INM FUNDING TO GUATEMALA INCREASED FROM 460,000 DOLLARS IN FY88 TO 915,000 IN FY89. FY89 FUNDS WERE COMMITTED VIA TWO WRITTEN AGREEMENTS WITH THE GOG AS FOLLOWS:

AERIAL ERADICATION	600,000
COMMUNICATIONS EQUIPMENT	150,000
ANTI-DRUG DOGS	12,000
INTERDICTION AND MANUAL ERADICATION	50,000
IN-COUNTRY PUBLIC AWARENESS	3,000
VEHICLES	100,000
TOTAL	915,000

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EMBASSY IS REQUESTING A SLIGHT INCREASE IN ASSISTANCE FOR FY90 TO CONTINUE THE DEVELOPMENT OF GOG ANTI-NARCOTICS CAPABILITIES (SEE POP, REPORTED SEPTEL).
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PAGE 01 GUATEM 15124 01 OF 06 160018Z
ACTION INM-08

INFO LOG-00 ADS-00 AID-00 INR-05 OIC-02 CIAE-00 EB-00
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TO SECSTATE WASHDC 7037

[redacted] SECTION 01 OF 06 GUATEMALA 15124

FOR INM AND ARA/CEN

E.O. 12356: N/A
TAGS: SNAR, KPRP, GT
SUBJECT: FY 1990 GUATEMALA COUNTER NARCOTICS POST OPERATING PLAN

REF: A) STATE 353003 B) STATE 362836
C) GUATEMALA 10447 D) GUATEMALA 05857

SUMMARY AND INTRODUCTION:

GUATEMALA IS A BOTH A MAJOR NARCOTICS PRODUCER AND STAGING AREA FOR TRAFFIC IN COLOMBIAN COCAINE. SIMPLE LABORATORIES FOR THE REFINING OF RAW OPIUM TO MORPHINE BASE ARE NOW IN OPERATION, MARKING GUATEMALA'S PASSAGE FROM A DRUG PRODUCING TO A DRUG PROCESSING COUNTRY. WHILE THERE ARE PERSISTENT RUMORS OF INCIPIENT COCA CULTIVATION AND MONEY LAUNDERING, THERE IS NO EVIDENCE TO CONFIRM EITHER THE EXISTENCE OR EXTENT OF THESE ACTIVITIES.

[redacted]

PAGE 02 GUATEM 15124 01 OF 06 160018Z

DESPITE 1989'S MARKED INCREASED IN DRUG ACTIVITY, WE CAN STILL GAIN THE UPPER HAND IN GUATEMALA'S DRUG WAR. WE ARE BEHIND RIGHT NOW, BUT WE DO NOT FACE THE DAUNTING ODDS HERE THAT CONFRONT US IN THE ANDES. GUATEMALA'S ADVANTAGE LIES IN THE RELATIVE NOVELTY OF ITS DRUG TRADE AND THE

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TS authority to

CONSERVATIVE NATURE OF ITS LOCAL POPULACE, WHICH VIEWS DRUG TRAFFICKING WITH SUSPICION AND FEAR. GUATEMALANS HAVE SEEN THE RESULTS OF ANDEAN DRUG TRAFFICKING AND ARE AWARE THAT TRAFFICKERS CAN MUCH MORE EASILY OVERWHELM THEIR FRAGILE DEMOCRATIC INSTITUTIONS AND ECONOMY THAN THEY DID THOSE OF LARGER COUNTRIES. OUR GOAL MUST BE TO TRAIN AND EQUIP GUATEMALA'S PUBLIC AND PRIVATE SECTORS TO COMBAT THIS PROBLEM ON A VARIETY OF DIFFERENT FRONTS: LAW ENFORCEMENT, THE STRENGTHENING OF JUDICIAL INSTITUTIONS, AND DRUG EDUCATION AND AWARENESS. THE FOLLOWING ARE OUR CONCRETE SUGGESTIONS AS TO WHERE USG AID CAN BE DIRECTED FOR GREATEST EFFECT. END SUMMARY AND INTRODUCTION.

I. PROGRAM OBJECTIVE: RETARD THE PRODUCTION OF OPIUM POPPY THROUGH EFFECTIVE, CONTINUING ERADICATION

I.A. TARGET OF PERFORMANCE: DESTROY OPIUM POPPY CULTIVATIONS THROUGH AERIAL ERADICATION

MILESTONES:

I.A.1. SPRAY 1500 HECTARES OF POPPY BY JANUARY 15 (FROM 9/89 - 1/15/90)

I.A.2. SPRAY AN ADDITIONAL 1000 HECTARES OF POPPY BY FEBRUARY 1

[redacted]

[redacted]

I.A.3. OBTAIN ONE ADDITIONAL SAR HELICOPTER BY JANUARY 15

I.A.4. CONDUCT TRAINING OF 60 GUARDIA DE HACIENDA AGENTS IN SECURITY AND DEFENSIVE TECHNIQUES IN SUPPORT OF AERIAL ERADICATION PROGRAM BY JUNE 15

I.A.5. MONITOR OPIUM CROP MONTHLY AND RESPRAY 80 PERCENT OF REPLANTED CULTIVATIONS AS THEY REAPPEAR.

I.A.6. MEASURE OF EFFECTIVENESS: DESTRUCTION OF 90 PERCENT OF OPIUM POPPY DISCOVERED.

I.B. TARGET OF PERFORMANCE: INCREASE GUARDIA DE HACIENDA MANUAL ERADICATION OF POPPY

MILESTONES:

I.B.1. PROVIDE TWENTY TRUCKS TO GUARDIA DE HACIENDA FOR ERADICATION OPERATIONS BY AUGUST 1 (THESE TRUCKS WOULD ALSO BE USED FOR DRUG INTERDICTION)

I.B.2. INSTALL SECOND PHASE OF SECURE RADIO SYSTEM COVERING ERADICATION OPERATIONAL AREAS BY APRIL 15

I.B.2. MEASURE OF EFFECTIVENESS: INCREASE NUMBER OF HECTARES OF POPPY ERADICATED BY GUARDIA DE HACIENDA BY 25 PERCENT (NOTE: THE GUARDIA ERADICATED 140 HECTARES OF POPPY IN CY89)

I.C. TARGET OF PERFORMANCE: INCREASE GUATEMALAN PARTICIPATION IN SPRAY MISSION

MILESTONES:

I.C.1. UPGRADE STATUS OF THREE GUATEMALAN HELICOPTER [redacted]

PILOTS THROUGH U.S. CERTIFICATION BY MARCH 1

[redacted]

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PAGE 01 GUATEM 15124 02 OF 06 160020Z
ACTION INM-08

INFO LOG-00 ADS-00 AID-00 INR-05 OIC-02 CIAE-00 EB-00
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TO SECSTATE WASHDC 7038

[redacted]SECTION 02 OF 06 GUATEMALA 15124

FOR INM AND ARA/CEN

E.O. 12356: N/A
TAGS: SNAR, KPRP, GT
SUBJECT: FY 1990 GUATEMALA COUNTER NARCOTICS POST
OPERATING PLAN

I.C.2. TRAIN TWO ADDITIONAL GUATEMALAN HELICOPTER PILOTS
BY MAY 1
I.C.3. INITIATE THRUSH TRAINING FOR ONE GUATEMALAN PILOT
BY JULY 30

I.C.4. MEASURE OF EFFECTIVENESS: DOUBLE NUMBER OF GUATEMALAN PILOTS IN SPRAY PROGRAM (FROM THREE TO SIX)

I.D. RESOURCES: INM FUNDS FOR FY89 INCLUDED;
AERIAL ERADICATION 600,000

VEHICLES 100,000
INTERDICTION
AND MANUAL ERADICATION 50,000

[redacted]

COMMUNICATIONS 150,000

(NOTE: DUE TO AN EIGHT MONTH HIATUS, POST STILL RETAINS APPROXIMATELY 500,000 DOLLARS IN OUR AERIAL ERADICATION ACCOUNT. IN DECEMBER, POST'S AIRWING WAS TEMPORARILY EXPANDED FROM THREE TO FIVE TURBO THRUSHES AND WE ESTIMATE THAT AT LEAST ONE QUARTER OF THOSE FUNDS WILL BE SPENT BY MARCH 15.)

I.E. FUNDING: GIVEN THAT THE BULK OF FY89 AERIAL ERADICATION FUNDS HAVE NOT YET BEEN SPENT, WE RECOMMEND THAT INM PROVIDE US ONLY AN ADDITIONAL 300,000 DOLLARS TO SUPPORT CONTINUED AERIAL ERADICATION IN FY90. WE ALSO REQUEST THE FOLLOWING:

VEHICLES 250,000

MANUAL ERADICATION 50,000

COMMUNICATIONS 150,000 (SECOND STAGE OF 3 YEAR PROGRAM)

(NOTE: TRAINING FUNDS FOR GUARDIA DE HACIENDA AND HELICOPTER PILOTS HAVE ALREADY BEEN PROVIDED FROM FY89 INM FUNDING. SEE REF B.)

I.F. JUSTIFICATION: CULTIVATION OF OPIUM POPPY HAS INCREASED 800 PERCENT SINCE 1987 AND CONTINUES TO EXPAND AT AN ALARMING RATE. ASSUMING THAT ONE HECTARE OF POPPY PRODUCES ONE-HALF TO ONE KILO OF HEROIN PER HARVEST AND THAT FARMERS BRING HOME THREE HARVESTS PER YEAR, GUATEMALA POTENTIALLY PRODUCES 7.2 METRIC TONS OF HEROIN ANNUALLY.
LIMITED OFFICIAL USE

[redacted]

WITHOUT OUR ERADICATION PROGRAM, GUATEMALA COULD BECOME THE WORLD'S SEVENTH LARGEST PRODUCER OF HEROIN.

IN TERMS OF ASSETS, WE REQUIRE FOUR THRUSHES DURING THE DRY SEASON, WHEN FIELDS ARE MOST PRODUCTIVE. THE POPPY CROP CAN BE CONTROLLED DURING THE RAINY SEASON BY TWO AIRCRAFT.

II. PROGRAM OBJECTIVE: RETARD THE CULTIVATION OF MARIJUANA THROUGH CONTINUOUS, EFFECTIVE ERADICATION

II.A. TARGET OF PERFORMANCE: ELIMINATE MARIJUANA CULTIVATION THROUGH AERIAL ERADICATION

MILESTONES:

II.A.1. DETERMINE EXTENT OF MARIJUANA CULTIVATION THROUGH QUARTERLY RECONNAISANCE FLIGHTS.

II.A.2. SPRAY 100 PERCENT OF MARIJUANA CULTIVATIONS DISCOVERED ON A QUARTERLY BASIS

II.A.3. MEASURE OF EFFECTIVENESS: SPRAY 100 PERCENT OF MARIJUANA CULTIVATIONS DISCOVERED

(NOTE: RESOURCES AND FUNDING FOR MARIJUANA ERADICATION ARE COVERED IN SECTIONS I.D. AND I.E..)

III. PROJECT OBJECTIVE: ENHANCE EFFECTIVENESS OF GUATEMALAN INVESTIGATIVE, LAW ENFORCEMENT AND INTELLIGENCE GATHERING CAPABILITIES FOR DRUG OFFENSES

III.A. TARGET OF PERFORMANCE: INCREASE GOG INTELLIGENCE-GATHERING AND UTILIZATION CAPABILITY

MILESTONES:

[redacted]

[redacted]

III.A.1. EXPAND COMPUTER CAPACITY OF JOINT INFORMATION

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ACTION INM-08

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[redacted] SECTION 03 OF 06 GUATEMALA 15124

FOR INM AND ARA/CEN

E.O. 12356: N/A
TAGS: SNAR, KPRP, GT
SUBJECT: FY 1990 GUATEMALA COUNTER NARCOTICS POST
OPERATING PLAN

CENTER BY SEPTEMBER 1

III.A.2. INSTALL TEN FAX MACHINES AT BORDER POSTS, AIRPORT, AND PORT BY AUGUST 1

III.A.3. INITIATE MONEY LAUNDERING STUDY IN GUATEMALAN FINANCIAL INSTITUTIONS BY DEA AND U.S. CUSTOMS BY JULY 15

III.A.4. PROVIDE COMPUTER SYSTEM FOR, AND REFINE OPERATIONS, OF GUARDIA DE HACIENDA CHEMICAL CONTROL SECTION

III.A.5. PRESS GUARDIA DE HACIENDA CHEMICAL CONTROL SECTION TO CONDUCT FREQUENT AUDITS OF CHEMICAL COMPANIES AND DISTRIBUTORS

[redacted]

[redacted]

PAGE 02 GUATEM 15124 03 OF 06 160021Z

III.A.6. MEASURES OF EFFECTIVENESS: INCREASE INTELLIGENCE DATA FOR ANTI-NARCOTICS ACTIONS BY 50 PERCENT.

III.B. TARGET OF PERFORMANCE: FORTIFY INVESTIGATIVE CAPABILITIES OF GUATEMALAN ANTI-NARCOTICS AGENCIES

MILESTONES:

III.B.1. TRAIN EIGHT NARCOTICS TASK FORCE MEMBERS IN CRIMINAL INVESTIGATIONS TECHNIQUES BY APRIL 15

III.B.2. DELIVER BASIC EQUIPMENT TO GUATEMALAN COUNTER-NARCOTICS AGENCIES IN SUPPORT OF INVESTIGATIVE AND INTERDICTIVE ACTIVITIES BY SEPTEMBER 1

UNCLASSIFIED

III.B.3. PROVIDE NARCOTICS INVESTIGATIVE TRAINING FOR FOUR GUARDIA DE HACIENDA AND NATIONAL POLICE OFFICIALS AT THREE REGIONAL TRAINING COURSES IN HONDURAS DURING FISCAL YEAR.

III.B.4. DELIVER SIX ADDITIONAL VEHICLES TO GUATEMALAN LAW ENFORCEMENT AGENCIES IN SUPPORT OF NARCOTICS INVESTIGATIVE AND INTERDICTIVE ACTIVITIES BY NOVEMBER 1

III.B.5. MEASURE OF EFFECTIVENESS: INCREASE NUMBER OF DRUG ARRESTS AND SEIZURES BY 25 PERCENT.

III.C. TARGET OF PERFORMANCE: IMPROVE GOG PROSECUTION CAPABILITY

MILESTONES:

[redacted]

III.C.1. BRING USG AND REGIONAL EXPERTS TO GUATEMALA TO AID THE MINISTRY OF GOVERNMENT IN REDRAFTING OF NARCOTICS LEGISLATION BY MARCH 1

III.C.2. INVOLVE FIVE MINISTERIO PUBLICO OFFICIALS IN ICITAP AND REGIONAL TRAINING PROGRAMS TO IMPROVE THEIR PROSECUTION CAPABILITY BY JUNE 1.

III.C.3. MEASURE OF EFFECTIVENESS: INCREASE NUMBER OF ARRESTS AND CONVICTIONS IN NARCOTICS CASES BY TEN PERCENT

III.D. TARGET OF PERFORMANCE: IMPROVE GOG INTERDICTION CAPABILITY AT PORTS AND AIRPORTS

MILESTONES:

III.D.1. ARRANGE U.S. COAST GUARD TRAINING OF 30 PARTICIPANTS IN MARITIME LAW ENFORCEMENT AND CAPTAIN OF THE PORT TRAINING

III.D.2. ARRANGE COAST GUARD TRAINING FOR 25 PARTICIPANTS IN PORT SECURITY COURSE

III.D.3. PROVIDE NECESSARY TECHNICAL AND FINANCIAL ASSISTANCE TO AIRPORT AND AIRLINE OFFICIALS TO ACQUIRE AND

MAINTAIN NARCOTICS DETECTOR DOG TEAM BY JULY 1

III.D.4. SEND SIX AIRPORT PERSONNEL TO U.S. CUSTOMS AIRPORT SECURITY PROCEDURES COURSE BY AUGUST 1

III.D.5. MEASURE OF EFFECTIVENESS: INCREASE AIRPORT DRUG SEIZURES BY FIFTY PERCENT. INCREASE DRUG SEIZURES AT PORTS BY TWENTY-FIVE PERCENT.

[redacted]

III.E. TARGET OF PERFORMANCE: PROMOTE REGIONAL INTERDICTION COOPERATION

MILESTONES:

[redacted]

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[redacted]

PAGE 01 GUATEM 15124 04 OF 06 160022Z
ACTION INM-08

INFO LOG-00 ADS-00 AID-00 INR-05 OIC-02 CIAE-00 EB-00
DODE-00 IO-19 NSCE-00 ARA-00 NSAE-00 COME-00 HA-09
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INRE-00 CG-00 RP-10 OES-09 USIE-00 JUSE-00 DEAE-00
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R 160017Z DEC 89
FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC 7040

[redacted]-SECTION 04 OF 06 GUATEMALA 15124

FOR INM AND ARA/CEN

E.O. 12356: N/A
TAGS: SNAR, KPRP, GT
SUBJECT: FY 1990 GUATEMALA COUNTER NARCOTICS POST
OPERATING PLAN

III.E.1. CONTINUE JOINT GOG-BELIZE NARCOTICS INTERDICTION EFFORTS ALONG THEIR COMMON BORDER

III.E.2. CONDUCT A JOINT MARINE INTERDICTION PROGRAM IN CONNECTION WITH HONDURAS AND BELIZE, ASSISTED BY USCG BY JUNE 1

III.E.3. ARRANGE JOINT GOG - GOM BORDER INTERDICTION OPERATIONS BY SEPTEMBER 1

III.E.4. MEASURE OF EFFECTIVENESS: CONDUCT JOINT BORDER INTERDICTION OPERATIONS WITH MEXICO, BELIZE AND HONDURAS BY NOVEMBER 15

UNCLASSIFIED

III.F. RESOURCES: IN FY89 INM PROVIDED THE FOLLOWING

[redacted]

[redacted]

FUNDS FOR LAW ENFORCEMENT AND INTERDICTION:

JICC 30,000

CHEMICAL CONTROL
EXPANSION 10,000

SNIFFER DOGS 12,000

VEHICLES 50,000

INTERDICTION
OPERATIONS 25,000

(NOTE: WE HAVE NOT USED THE MONEY ALLOTTED FOR SNIFFER DOGS. FOR FY90 WE ARE COORDINATING WITH LOCAL AIR CARRIERS TO SHARE THE COST FOR ACQUIRING AND MAINTAINING SIX DOGS. WE WILL ROLL OVER THE MONEY FROM FY89 AND REQUEST AN ADDITIONAL 15,000 TO COVER FIFTY PERCENT OF ACTUAL COSTS.)

III.E. FUNDING: POST REQUESTS THE FOLLOWING FY90 FUNDS:
JICC EXPANSION 30,000

ADDITIONAL FAX MACHINES 6,000

DRUG DOGS 15,000

VEHICLES 75,000

EQUIPMENT 75,000

INTERDICTION OPERATIONS 50,000

[redacted]

[redacted]

PER DIEM AND TRAVEL OF
COURSE PARTICIPANTS 15,000

(NOTE: THE LION'S SHARE OF TRAINING MONEY WAS PROVIDED BY FY89

FUNDS. TRAINING MONEY FOR COURSES IS DIRECTLY PROVIDED BY THE DEPARTMENT OF JUSTICE.)

III.H. JUSTIFICATION: OUR GOAL IS TO EQUIP AND PREPARE LOCAL AUTHORITIES SO THEY CAN ADEQUATELY CONFRONT NARCOTICS TRAFFICKING. LOCAL AGENCIES LACK BASIC EQUIPMENT AND RESOURCES TO CONDUCT INVESTIGATIONS (COMMENT: RECENTLY THE NARCOTICS TASK FORCE ASKED DEA TO PROVIDE GASOLINE FOR PATROL CARS, SOMETHING THAT THE NATIONAL POLICE COULD NOT PROVIDE.) THE OPENING OF THE JICC ALSO PROVIDES THE FIRST STEP IN DEVELOPING A LOCAL INTELLIGENCE NETWORK TO SUPPORT NARCOTICS INVESTIGATIONS. OVER THE LAST 12 MONTHS LOCAL POLICE HAVE SEIZED OVER 4 METRIC TONS OF COCAINE (A TENFOLD INCREASE OVER 1988), DEMONSTRATING NOT ONLY THAT SIGNIFICANT AMOUNTS OF COCAINE ARE TRANSITTING GUATEMALA BUT ALSO GUATEMALAN COMMITMENT TO THIS ISSUE, ONCE PROVIDED THE PROPER ASSISTANCE AND PRODDING.

IV. PROGRAM OBJECTIVE: INCREASE GOVERNMENT AND PUBLIC AWARENESS OF THE DANGERS OF NARCOTICS AND THE NECESSITY FOR INTERNATIONAL COOPERATION

IV.A. TARGET OF PERFORMANCE: INCREASE NARCOTICS AWARENESS OF GOVERNMENT OFFICIALS AND PRIVATE SECTOR GROUPS

MILESTONES:

IV.A.1. SEND PRESIDENT OF JUVENILE COURT AND CHIEF OF JUVENILE SECTION OF THE NATIONAL POLICE TO REGIONAL IV PROJECT ON DRUG ABUSE CONTROL IN APRIL

[redacted]

IV.A.2. CONDUCT SEMINAR ON MONEY LAUNDERING WITH TREASURY

[redacted]

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[redacted]

PAGE 01 GUATEM 15124 05 OF 06 160023Z
ACTION INM-08

INFO LOG-00 ADS-00 AID-00 INR-05 OIC-02 CIAE-00 EB-00
DODE-00 IO-19 NSCE-00 ARA-00 NSAE-00 COME-00 HA-09
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INRE-00 CG-00 RP-10 OES-09 USIE-00 JUSE-00 DEAE-00
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FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC 7041

[redacted]SECTION 05 OF 06 GUATEMALA 15124

FOR INM AND ARA/CEN

E.O. 12356: N/A
TAGS: SNAR, KPRP, GT
SUBJECT: FY 1990 GUATEMALA COUNTER NARCOTICS POST OPERATING PLAN

DEPARTMENT AND U.S. CUSTOMS FOR GUATEMALAN BANKERS, POLICE AND GOVERNMENT OFFICIALS BY JULY 1

IV.A.3. SEND TWO GUATEMALAN JOURNALISTS TO VOA DRUG SEMINAR IN MAY

IV.A.4. COORDINATE PARTICIPATION OF TWO AMERICAN SPECIALISTS AND ONE AMPART IN SEMINARS AND TRAINING PROGRAMS WITH PRIVATE SECTOR ORGANIZATIONS BY MAY 15

IV.A.5. EXPAND GUARDIA DE HACIENDA PARTICIPATION IN JOINT DEA/USIS DRUG PREVENTION ACTIVITIES

IV.A.6. MEASURE OF EFFECTIVENESS: INCREASE NUMBER OF PUBLIC AND PRIVATE SECTOR ANTI-DRUG PROGRAMS BY TEN PERCENT. ASSIST

[redacted]

[redacted]

GOG IN DEVELOPMENT OF NATIONAL DRUG EDUCATION PLAN BY SEPTEMBER 1.

IV.B. TARGET OF PERFORMANCE: INCREASE PUBLIC AWARENESS OF DANGERS OF DRUG USE

MILESTONES:

IV.B.1. CONTRACT TECHNICAL ASSISTANCE FOR NARCOTICS USER SURVEY BY JANUARY 31

IV.B.2. PRINT AND DISTRIBUTE PAMPHLET ON DRUG ABUSE BY FEBRUARY 15

IV.B.3. ARRANGE TECHNICAL ASSISTANCE PROGRAM DESIGN BY JUNE 15

IV.B.4. DEVELOP MATERIAL FOR A RADIO CAMPAIGN DIRECTED TOWARD RESIDENTS OF POPPY GROWING REGIONS TO EDUCATE THEM CONCERNIG OUR AERIAL ERADICATION PROGRAM BY MARCH 15

IV.B.5. MOUNT RADIO CAMPAIGN BY APRIL 1

IV.B.6. PROVIDE PARTIAL FUNDING FOR 2 OR 3 GUATEMALAN PARTICIPANTS IN VOA DRUG AWARENESS WORKSHOPS BY SEPTEMBER 31

IV.B.7. FUND TRAVEL OF ONE COUNTRY GROUP IVP FOR FOUR TO FIVE GUATEMALANS TO MEET WITH U.S. DRUG PREVENTION EXPERTS BY OCTOBER 1

IV.B.8. FUND TWO AMERICAN SPEAKERS TO VISIT GUATEMALA TO ADVISE LOCAL DRUG AWARENESS ORGANIZATIONS BY DECEMBER 15

[redacted]

[redacted]

IV.B.9. ENHANCE POSITION OF BNC AS PUBLIC DRUG INFORMATION CENTER THROUGH INCREASING REFERENCE COLLECTION AND PROMOTION CAMPAIGNS. INSTALL COMPUTERIZED NARCOTIC INFORMATION SYSTEM AT BNC.

IV.B.10. PURCHASE DRUG AWARENESS PAMPHLETS FOR DISTRIBUTION TO LOCAL CONTACTS

IV.B.11. PROVIDE GRANTS TO GUATEMALANS TO PARTICIPATE IN INDIVIDUAL AND GROUP PROGRAMS ON DRUG AWARENESS IN THE U.S.

IV.B.12. PARTICIPATE IN APPROPRIATE ARNETS; POSSIBLE TITLES - MONEY LAUNDERING, ANTI-DRUG LEGISLATION, FROM PRODUCERS TO USERS, DEMAND REDUCTION

IV.B.13. MEASURE OF EFFECTIVENESS: INCREASE AMOUNT OF INFORMATION AVAILABLE TO PUBLIC ON NARCOTICS-RELATED PROBLEMS BY TWENTY PERCENT. ASSIST GOG IN PUBLICATION OF FIVE DRUG EDUCATION PAMPHLETS. CONDUCT THREE DRUG AWARENESS RADIO CAMPAIGNS IN RURAL AND URBAN AREAS.

IV.C. RESOURCES: USIS DEVOTED 13,500 USD IN CY 89 FOR EXCHANGES BETWEEN AMERICANS AND GUATEMALANS INVOLVED IN DRUG EDUCATION AND TREATMENT PROGRAMS. INM DESIGNATED 3,000 USD FOR DRUG AWARENESS IN FY 89. THAT MONEY HAS BEEN SUBOBLIGATED TO PROVIDE FOR THE TRAVEL AND PER DIEM OF TWO AMERICAN EXPERTS WHO WILL APPEAR AT PUBLIC FORUMS TO DISCUSS DRUG ABUSE.

IV.D. FUNDING: POST REQUESTS 50,000 DOLLARS FOR DRUG AWARENESS PROGRAMS TO SUPPORT THE WIDE VARIETY OF PROGRAMMING NECESSARY TO SUPPORT PRIVATE AND PUBLIC SECTOR DRUG EDUCATION PROGRAMS.

IV.E. JUSTIFICATION: EDUCATION IS THE MOST IMPORTANT ELEMENT

OF ANY LONG TERM PROGRAM TO INHIBIT BOTH NARCOTICS PRODUCTION
LIMITED OFFICIAL USE

[redacted]

AND ABUSE. WE MUST CONVINCE GUATEMALANS THAT ANTI-NARCOTICS ACTIONS BENEFIT THEM AS MUCH -- OR MORE -- THAN THEY DO US. IF WE CAN'T CONVINCE PEOPLE THAT THEY SHOULDN'T USE DRUGS, IT SEEMS UNLIKELY WE WILL BE ABLE TO CONVINCE THEM NOT TO PRODUCE

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PAGE 01 GUATEM 15124 06 OF 06 160023Z
ACTION INM-08

INFO LOG-00 ADS-00 AID-00 INR-05 OIC-02 CIAE-00 EB-00
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CG-00 RP-10 OES-09 USIE-00 JUSE-00 DEAE-00 FBIE-00
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FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC 7042

[redacted] SECTION 06 OF 06 GUATEMALA 15124

FOR INM AND ARA/CEN

E.O. 12356: N/A
TAGS: SNAR, KPRP, GT
SUBJECT: FY 1990 GUATEMALA COUNTER NARCOTICS POST
OPERATING PLAN

OR SELL THEM. WE MUST ALSO CONTINUE TO COMBAT MISINFORMATION SPREAD BY GROWERS CONCERNING OUR AERIAL ERADICATION. MISINFORMATION COULD LEAD TO THE DISMANTLING OF ONE OF THE MOST ACTIVE AERIAL ERADICATION PROGRAMS IN LATIN AMERICA.

V. FUNDING SUMMARY:

AERIAL ERADICATION 300,000

MANUAL ERADICATION 50,000

INTERDICTION OPERATIONS 50,000

VEHICLES 325,000

[redacted]

[redacted]

PAGE 02 GUATEM 15124 06 OF 06 160023Z

COMMUNICATIONS 150,000

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JICC COMPUTER EXPANSION	30,000
CHEMICAL CONTROL EXPANSION	10,000
ADDITIONAL FAX MACHINES	5,000
DRUG DOGS	15,000
EQUIPMENT	75,000
PER DIEM AND TRAVEL	15,000
TOTAL REQUEST	1,036,000
TRAINING	294,235

(THESE FUNDS WERE ALREADY ALLOTED FROM FY89 INM FUNDS)

TOTAL INM FUNDING FOR FY90 1,330,235

STROOCK

[redacted]

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*** Current Handling Restrictions *** n/a
*** Current Classification *** [redacted]

ate Printed: 01/27/1998 DOC_NUMBER: 89MEXICO31273 CHANNEL: n/a 73

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E-71

PAGE 01 MEXICO 31273 182025Z
ACTION OES-09

INFO	LOG-00	ADS-00	AID-00	INR-05	SS-00	CIAE-00	EB-00
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	NSAE-00	COME-00	L-03	AMAD-01	CTME-00	TRSE-00	PM-10
	OPIC-08	CEA-01	OMB-01	STR-18	INRE-00	FRB-01	ACDA-12
	USIE-00	JUSE-00	SP-02	DOEE-00	NRC-02	SNP-01	CEQ-01
	PRS-01	E-01	/091 W				

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FM AMEMBASSY MEXICO
TO SECSTATE WASHDC 2083

DEPARTMENT OF STATE
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PA Exemptions ( ) DOWNGRADE TS to ( ) S or ( )

UNCLAS MEXICO 31273

DEPT PLEASE PASS TO DEPARTMENT OF ENECGY

E.O. 12356: N/A
TAGS: KSCA, KNNP, ENRG
SUBJECT: NUCLEAR FUEL BIDS FOR LAGUNA VERDE

REF: STATE 375965

1. SCIENCE COUNSELOR TALKED UITH SENIOR CFE OFFICIAL CONCERNING STATUS OF MALAIPAI BID TO FURNISH RELOADS FOR LAGUNA VERDE. CFE HAS THE MALAIPAI BID. THE AWARD WILL BE MADE ON JANUARY 15, 1990.

2. WE PRESENTED THE CASE FOR MALAIPAI'S BID. WHILE MALAIPAI IS STILL IN THE RUNNING, IT IS CLEAR THAT BIDDERS WHO ADHERED TO THE GOM SPECIFICATIONS (3 RELOADS) HAVE AN INSIDE TRACK. CFE DOES NOT HAVE AS MUCH LEEWAY AS A PRIVATE UTILITY IN EVALUATING BID PACKAGES. WE UNDERSTAND THAT MALAIPAI IS NOT THE OMLY BIDDER TO ASK FOR SPECIAL CONSIDECATIOM FOP SPECIAL CIRCUMSTANCES.

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PAGE 02 MEXICO 31273 182025Z

3. AT THE RECENT U.S.-MEXICO ENERGY BILATERALS, SEMIP UNDER SECRETARY ALBERTO ESCOFET PASSED TO DOE DELEGATION A PAPER THAT LISTED CHANGES U.S. FIRMS SHOULD MAKEF IN

THEIR BIDS TO MEET MEXICAN BID REGULATIONS.

4. WE ARE WILLING TO TRY BUT THERE IS NOT MUCH MOFE THAT WE CAN DO AT THIS TIME TO INFLUENCE THE BIDDING PROCESS. NEGROPONTE

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*** Current Handling Restrictions *** n/a
*** Current Classification *** UNCLASSIFIED

UNCLASSIFIED

EXCISE

TEXT OF TELEGRAM 89ROME 026458

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ADP205

[redacted]

PAGE 01 ROME 26458 191648Z
ACTION ARA-00

INFO	LOG-00	ADS-00	INR-05	EUR-00	SS-00	CIAE-00	DODE-00
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	TRSE-00	PM-10	PA-01	DMB-01	INRE-00	USIE-00	SP-02
	SNP-01	PRS-01	P-02	T-01	/038 W		

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O 191634Z DEC 89
FM AMEMBASSY ROME
TO SECSTATE WASHDC IMMEDIATE 2953
INFO AMEMBASSY SAN SALVADOR
AMEMBASSY MEXICO
EC COLLECTIVE
CONTADORA COLLECTIVE

[redacted] ROME 26458

FROM EMBASSY VATICAN/MESSAGE NO. 996/89

E.O. 12356: DECL:OADR
TAGS: PREL, PGOV, SCUL, ES, VT
SUBJECT: MURDERS OF JESUITS IN EL SALVADOR/DEMARCHE AT VATICAN

REF: STATE 400323

1. [redacted] ENTIRE TEXT.

2. ON DECEMBER 19 DCM CALLED ON FATHER GIUSEPPE PITTAU, ACTING SUPERIOR GENERAL OF THE JESUIT ORDER, TO EXPLAIN CIRCUMSTANCES SURROUNDING THE QUESTIONING OF MRS. BARRERA DE CERNA IN THE UNITED STATES. DCM USED REFTEL TALKING POINTS IN POINTING OUT THAT BARRERA TRAVELED TO THE U.S. BECAUSE THE SALVADORAN JESUITS AS WELL AS THE SPANISH AND FRENCH AMBASSADORS BELIEVED THE [redacted]

PAGE 02 ROME 26458 191648Z

WITNESS WAS IN DANGER IN EL SALVADOR. FAR FROM THREATENING TO RETURN THE WITNESS TO EL SALVADOR IF HER TESTIMONY WERE NOT SATISFACTORY, DCM TOLD PITTAU THAT WE, AT THE OUTSET, GAVE HER AND FAMILY HUMANITARIAN PAROLE. DCM STRESSED THAT DURING THE QUESTIONING PERIOD, MRS. BARRERA DE CERNA NEVER COMPLAINED. SHE AND HER HUSBAND WERE THANKFUL FOR THE ATTENTION SHOWN THEM. THEY UNDERSTOOD THE NEED FOR SECURITY AND NEVER WERE

RELEASED
El Salvador: Human Rights
Special Project (1993)

Department of State (S/FPC/CDR El Salvador SP) Date 9/24/93
Declassified (X) Exempt ( ) Withheld ( ) Withdrawn ( )
Not relevant to El Salvador ( ).

UNCLASSIFIED

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RELEASED
El Salvador Human Rights
Special Project (1993)

CONSIDERED TO BE HELD INCOMMUNICADO.

3. DCM TOLD FATHER PITTAU THAT ACTING ASSISTANT SECRETARY KOZAK AND U.S. PERMREP EINAUDI HAD CALLED ON NUNCIO PIO LAGHI TO DISCUSS THE CASE AND TO OFFER COMPLETE VIDEO TAPES OF THE QUESTIONING. DCM SAID THAT WE WERE GOING TO GREAT LENGTHS IN AN EFFORT TO SET THE RECORD STRAIGHT BECAUSE OUR INTEREST IS IN FULL INVESTIGATION WHICH WILL GET JUSTICE. WE HAVE BEEN DISTURBED BY MISREPRESENTATIONS AND MISIMPRESSIONS HELD EVEN BY INFLUENTIAL JESUITS IN THE U.S.

4. FATHER PITTAU THANKED EMBASSY DCM FOR THE BRIEFING AND REMARKED THAT RUSH TO JUDGEMENT MADE BY SOME JESUITS TENDS TO POLARIZE THE SITUATION AND IS NOT HELPFUL IN THE SEARCH FOR JUSTICE. HE SAID HE HAS TOLD THE JESUITS FROM CENTRAL AMERICA THAT THEY SHOULD NOT BE EMOTIONAL ON THE ISSUE. THERE HAD TO BE A CAREFUL AND RATIONAL INVESTIGATION IN ORDER THAT JUSTICE (NOT REVENGE) BE DONE IN THE INTEREST OF EL SALVADOR. [redacted]

CC

5. FATHER PITTAU CONSIDERED THE OFFER OF VIDEO TAPES TO THE NUNCIO TO BE USEFUL. HE WAS ESPECIALLY PLEASED TO HEAR THAT LUIGI EINAUDI WAS OUR AMBASSADOR TO THE OAS AND HAD BRIEFED PIO LAGHI. PITTAU SAID THAT HE HAD THE HIGHEST REGARD FOR EINAUDI AND REMEMBERED HIM FONDLY FROM THE DAYS WHEN PITTAU WAS AT HARVARD AND EINAUDI AT YALE. IN CLOSING, PITTAU SAID THAT HE WOULD INFORM FATHER KOLVENBACH OF THE DCM'S EXPLANATION AND AGREED WITH DCM ON THE USEFULNESS OF FURTHER DISCUSSIONS IN THE NEW YEAR WITH THE JESUITS AT ROME HEADQUARTERS RESPONSIBLE FOR CENTRAL AND SOUTH AMERICA.

6. DCM BRIEFED VATICAN FOREIGN MINISTRY

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TEXT OF TELEGRAM 89ROME 026458

UNCLASSIFIED

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UNDERSECRETARY TAURAN ON THE ABOVE CASE DECEMBER 19 AS WELL, FOCUSING ON THE BRIEFING GIVEN TO NUNCIO PIO LAGHI. TAURAN HAD LITTLE SUBSTANTIVE COMMENT BUT APPRECIATED THE EXPRESSED U.S. SINCERITY AND EFFORT TO HELP THE INVESTIGATION PROCEED. MELADY

RELEASED
El Salvador Human Rights
Special Project (1993)

[redacted]

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n/a
CONFIDENTIAL

Case Number: S1999000030

Project (#S19990030)
U.S. Department of State
Excise Deny
Release In Part In Full X
Exemption(s)

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PAGE 01 SANTIA 12858 01 OF 04 201833Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-05	EUR-00	SS-00	OIC-02
	CIAE-00	EB-00	H-01	IO-19	NSCE-00	NSAE-00	SSO-00
	HA-09	L-03	TRSE-00	PM-10	PA-01	OMB-01	INRE-00
	SP-02	SNP-01	PRS-01	DS-01	SCT-03	P-02	T-01
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O 201821Z DEC 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 4289
INFO USIA WASHDC 1038
AMEMBASSY ASUNCION
AMEMBASSY BONN
AMEMBASSY BRASILIA
AMEMBASSY BUENOS AIRES
AMEMBASSY CARACAS
AMEMBASSY LA PAZ
AMEMBASSY LIMA
AMEMBASSY MADRID
AMEMBASSY MEXICO
AMEMBASSY MONTEVIDEO
AMEMBASSY PARIS
AMEMBASSY ROME
USMISSION GENEVA
USMISSION USUN NEW YORK
SECDEF WASHDC
USCINCSO QUARRY HEIGHTS
CINCLANTFLT NORFOLK

~~C O N F I D E N T I A L~~ SECTION 01 OF 04 SANTIAGO 12858

E.O. 12356: DECL:OADR
TAGS: PGOV, PREL, CI
SUBJECT: CHILEAN ELECTION WATCH: FINAL WRAP-UP -
- GETTING BACK TO NORMAL (UPDATE 6)

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 02 SANTIA 12858 01 OF 04 201833Z

REF: (A) SANTIAGO 12746 (NOTAL); (B) SANTIAGO 12309;
- (C) SANTIAGO 12725; (D) SANTIAGO 12745

1. (U) SUMMARY: WITH THE HISTORIC ELECTIONS BEHIND THEM, CHILEANS LUNGED INTO THE CHRISTMAS SEASON REASSURED BY THE PROSPECT OF A MODERATE CONGRESS, A RISING STOCK

UNCLASSIFIED
CONFIDENTIAL

MARKET AND STRONG MULTIPARTISAN SUPPORT FOR PRESIDENT-ELECT PATRICIO AYLWIN. WHILE FOREIGN OBSERVERS PRAISED THE WAY CHILEANS WENT TO THE POLLS, SOME DOMESTIC CRITICS ATTACKED THE UNIQUE BINOMINAL SYSTEM THAT DISPROPORTIONATELY FAVORED THE RIGHT AND MODERATE CENTER. VICTORY CELEBRATIONS IN SOME AREAS GOT OUT OF HAND, BUT DID NOT APPRECIABLY MAR THE UPBEAT NATIONAL MOOD. AN AYLWIN-PINOCHET MEETING TO CHART A SMOOTH TRANSITION IS SET FOR DECEMBER 21. MEANWHILE, THE PRESIDENT-ELECT IS TAKING TIME OFF TO REST, CHOOSE HIS CABINET AND PLAN FOR HIS JANUARY VISIT TO THE U.S. END SUMMARY.

2. (U) GETTING BACK TO NORMAL: HAVING CONCENTRATED THEIR ENERGY ON POLITICS FOR MANY MONTHS, GROGGY CHILEANS AWOKE THIS WEEKEND FROM THE ELECTORAL FRENZY TO THE REALIZATION THAT CHRISTMAS WAS ONLY A WEEK AWAY. SHOPPING CENTERS IN SANTIAGO WERE PACKED AS THE COUNTRY RETURNED TO NORMAL. REASSURED BY THE ELECTION OF A MODERATE CONGRESS (REF A) AND AGREEMENT WITH THE OPPOSITION ON THE COMPOSITION OF THE CENTRAL BANK'S GOVERNING BOARD REF B), THE STOCK MARKET PICKED UP STEAM AND THE PESO STRENGTHENED THE DAY AFTER THE ELECTION. EVEN PRESIDENT PINOCHET CONTRIBUTED TO THE UPBEAT MOOD. IN HIS TELEVISED ADDRESS TO THE NATION ON DECEMBER 16, HE CONGRATULATED CHILEANS ON THE "ORDERLY, RESPECTFUL, AND RESPONSIBLE" WAY THEY HAD ELECTED THEIR NEXT PRESIDENT
~~CONFIDENTIAL~~

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PAGE 03 SANTIA 12858 01 OF 04 201833Z

AND CONGRESS AND EXHORTED THEM TO "FACE WITH HOPE THE NEW HORIZON WE OURSELVES HAVE OPENED TO OUR CHILDREN." NOTABLY MISSING FROM THAT SPEECH WAS ANY HINT OF CONGRATULATION FOR PRESIDENT-ELECT AYLWIN. HOWEVER, IN COMMENTS TO THE INTERNATIONAL PRESS PINOCHET ACKNOWLEDGED THAT "THE (NEXT) PRESIDENT IS THE MAXIMUM AUTHORITY OF THE COUNTRY, TO WHOM IS OWED ACCEPTANCE AND DEFERENCE TO WHAT HE SAYS." DENYING THAT HE WAS BITTER, HE REITERATED THAT HE PLANS TO STAY IN CHILE AND REMAIN AS COMMANDER-IN-CHIEF OF THE ARMY, CONFINING HIMSELF TO MILITARY MATTERS.

3. (C) NEXT STEPS: TO PLAN FOR THE TRANSITION, AYLWIN'S CAMPAIGN CHIEFS ENRIQUE SILVA CIMMA AND ENRIQUE KRAUSS MET THE DAY AFTER THE ELECTION WITH MINISTER OF INTERIOR CARLOS CACERES AND FOREIGN MINISTER HERNAN FELIPE ERRAZURIZ REF D). AYLWIN STATED THAT HE WAS PREPARED TO SIT DOWN WITH PRESIDENT PINOCHET IN THE NEAR FUTURE, AND ON DECEMBER 18 INTERIOR MINISTER CACERES

DELIVERED A LETTER TO AYLWIN FROM PINOCHET OFFERING SUCH A MEETING. PDC PRESIDENT ANDRES ZALDIVAR TOLD POLCOUNS DECEMBER 19 THAT THE FIRST OF SEVERAL DIRECT TALKS BETWEEN THE TWO WILL TAKE PLACE ON DECEMBER 21. THE PRESIDENT-ELECT HAS SAID HE WILL CONSULT WITH HIS ADVISORS TO PLAN FOR THE NEW ADMINISTRATION BEFORE JOINING HIS FAMILY FOR A PRIVATE CHRISTMAS AND NEW YEAR VACATION. ENRIQUE KRAUSS HAS BEEN CHARGED WITH THE OVERALL ADMINISTRATION OF AYLWIN'S TRANSITION TEAM, AND ALEJANDRO FOXLEY WILL HANDLE THE ECONOMIC PORTFOLIO. THE NEW CABINET WILL BE ANNOUNCED IN EARLY JANUARY.

4. (U) VOTER PARTICIPATION: ACCORDING TO GOC INTERIOR UNDER SECRETARY GONZALO GARCIA, 7,142,080 CHILEANS VOTED IN THE DECEMBER 14 PRESIDENTIAL AND PARLIAMENTARY

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PAGE 01 SANTIA 12858 02 OF 04 201833Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-05	EUR-00	SS-00	OIC-02
	CIAE-00	EB-00	H-01	IO-19	NSCE-00	NSAE-00	SSO-00
	HA-09	L-03	TRSE-00	PM-10	PA-01	OMB-01	INRE-00
	SP-02	SNP-01	PRS-01	DS-01	SCT-03	P-02	T-01
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O 201821Z DEC 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 4290
INFO USIA WASHDC 1039
AMEMBASSY ASUNCION
AMEMBASSY BONN
AMEMBASSY BRASILIA
AMEMBASSY BUENOS AIRES
AMEMBASSY CARACAS
AMEMBASSY LA PAZ
AMEMBASSY LIMA
AMEMBASSY MADRID
AMEMBASSY MEXICO
AMEMBASSY MONTEVIDEO
AMEMBASSY PARIS
AMEMBASSY ROME
USMISSION GENEVA
USMISSION USUN NEW YORK
SECDEF WASHDC
USCINCSO QUARRY HEIGHTS
CINCLANTFLT NORFOLK

~~C O N F I D E N T I A L~~ SECTION 02 OF 04 SANTIAGO 12858

E.O. 12356: DECL:OADR
TAGS: PGOV, PREL, CI
SUBJECT: CHILEAN ELECTION WATCH: FINAL WRAP-UP -

ELECTIONS, ABOUT 95 PERCENT OF THOSE REGISTERED. ONLY
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PAGE 02 SANTIA 12858 02 OF 04 201833Z

2.4 PERCENT OF THE BALLOTS WERE LEFT BLANK OR VOIDED, A SURPRISINGLY LOW NUMBER CONSIDERING THE COMPLEXITY AND NOVELTY OF THE HISTORIC CONCURRENT PRESIDENTIAL AND PARLIAMENTARY ELECTIONS. IN THEIR MEETING WITH MONICA JIMENEZ, EXECUTIVE DIRECTOR OF CHILE'S NONPARTISAN CIVIC EDUCATION ORGANIZATION "PARTICIPA," REPRESENTATIVES OF VARIOUS INTERNATIONAL ELECTION OBSERVER GROUPS LAUDED THE EFFICIENCY AND SPEED WITH WHICH THE ELECTION TABULATION TOOK PLACE. THEY PRAISED CHILE'S ELECTORAL SYSTEM, THE HIGH VOTER TURNOUT, THE PEACEFULNESS OF THE PROCESS AND THE CONDUCT OF POLLING OFFICIALS AND THE PARTICIPATION OF POLLWATCHERS FROM POLITICAL PARTIES AND GROUPINGS ACROSS THE BOARD.

5. (U) CONGRESSIONAL BREAKDOWN: IN GENERAL, THE BINOMINAL SYSTEM OF REPRESENTATION FAVORED THE MODERATE CENTER ON BOTH SIDES OF THE POLITICAL SPECTRUM, TO THE DETRIMENT OF THE EXTREME LEFT -- ESPECIALLY THE COMMUNISTS -- AND CHILE'S SMALLER POLILTICAL PARTIES. THE LARGER POLITICAL PARTIES OBTAINED PROPORTIONAL IF NOT ENHANCED REPRESENTATION OVER THEIR ACTUAL VOTE COUNT. FOR EXAMPLE, THE PDC, WHICH RECEIVED 26 PERCENT OF THE TOTAL VOTES CAST FOR THE CHAMBER OF DEPUTIES, WILL HAVE 32 PERCENT OF ITS SEATS. THE PPD OBTAINED 11 PERCENT, AND WILL COMPRISE 14 PERCENT OF THE CHAMBER'S MEMBERS. CENTER-RIGHT NATIONAL RENEWAL (RN) OBTAINED 18 PERCENT OF THE VOTES IN THE LOWER CHAMBER, YET WILL HAVE 24 PERCENT OF THE SEATS. ITS SLATE PARTNER, THE INDEPENDENT DEMOCRATIC UNION (UDI), BROKE EVEN, TAKING NINE PERCENT OF THE VOTES AND GETTING NINE PERCENT OF THE SEATS.

6. (U) THE OPPOSITION LOST NINE SENATE AND 14 DEPUTY SEATS BECAUSE OF THE BINOMINAL SYSTEM. THE OPPOSITION
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PAGE 03 SANTIA 12858 02 OF 04 201833Z

OBTAINED SECOND MAJORITIES IN THOSE RACES BUT THEIR SLATES FAILED TO DOUBLE THE TOTAL NUMBER OF VOTES RECEIVED BY THE CENTER-RIGHT DEMOCRACY AND PROGRESS LIST. THERE FOLLOW SOME NOTABLE EXAMPLES OF RACES WHERE THE LOSER ACTUALLY CAME IN SECOND IN THE POPULAR VOTE: COMMUNISTS FANNY POLLAROLO AND JORGE INSUNZA OUTDREW THE TOP CENTER-RIGHT CANDIDATE IN THEIR DISTRICTS BY SOME FIVE THOUSAND AND THREE THOUSAND VOTES, RESPECTIVELY; PDC HEAVYWEIGHT JUAN HAMILTON TOPPED THE CENTER-RIGHT VICTOR IN HIS DISTRICT BY 43,000 VOTES; FAR-LEFT CANDIDATE LUIS MAIRA (CHRISTIAN LEFT - IC) BESTED THE CENTER-RIGHT WINNER IN HIS DISTRICT BY 41,00 VOTES; AND RICARDO LAGOS (PPD) BEAT JAIME GUZMAN IN THE POPULAR VOTE COUNT BY A WHOPPING 175,000 VOTES. CENTER-RIGHT CANDIDATES, WHO WON EIGHT OF THEIR SIXTEEN SENATE SEATS IN SPITE OF THEIR THIRD PLACE SHOWING IN THE POPULAR VOTE, CLEARLY BENEFITTED FROM THE BINOMINAL SYSTEM. HOWEVER, THE RIGHT ALSO LOST TWO SEATS BECAUSE OF IT. RN-UDI CANDIDATES OBTAINED SECOND MAJORITIES IN THE POPULAR VOTE IN SENATE DISTRICTS 10 AND 19, BUT LOST OUT TO THIRD PLACE (IN THE POPULAR VOTE) OPPOSITION CANDIDATES WHO RODE THE COATTAILS OF THEIR SLATE PARTNERS TO VICTORY.

7. (U) THE PPD OBTAINED FEWER PARLIAMENTARY SEATS THAN EXPECTED, AND THE FAR-LEFT BROAD PARTY OF THE SOCIALIST LEFT (PAIS) WON ONLY TWO SEATS. DESPITE EARLIER PREDICTIONS THAT THE CENTER-RIGHT WOULD BE GREATLY DISADVANTAGED BY THE DIVISION AND NUMBER OF PARTIES ON THE RIGHT, THE MAJOR CENTER-RIGHT PARTIES (RN AND UDI) FARED WELL. IN SENATE DISTRICT NINE, HOWEVER, THE COALITION OF PARTIES FOR DEMOCRACY (COPODE) SLATE WOULD NOT HAVE DOUBLED THE RUNNER-UP RN-UDI LIST IF OTHER RIGHTIST PARTIES HAD NOT TAKEN TEN PERCENT OF THE VOTES. RN HAS EMERGED AS THE PRINCIPAL CENTER-RIGHT PARTY, AND

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PAGE 01 SANTIA 12858 03 OF 04 201834Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-05	EUR-00	SS-00	OIC-02
	CIAE-00	EB-00	H-01	IO-19	NSCE-00	NSAE-00	SSO-00
	HA-09	L-03	TRSE-00	PM-10	PA-01	OMB-01	INRE-00
	SP-02	SNP-01	PRS-01	DS-01	SCT-03	P-02	T-01
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FM AMEMBASSY SANTIAGO

TO SECSTATE WASHDC IMMEDIATE 4291
INFO USIA WASHDC 1040
AMEMBASSY ASUNCION
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AMEMBASSY BUENOS AIRES
AMEMBASSY CARACAS
AMEMBASSY LA PAZ
AMEMBASSY LIMA
AMEMBASSY MADRID
AMEMBASSY MEXICO
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AMEMBASSY PARIS
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USMISSION GENEVA
USMISSION USUN NEW YORK
SECDEF WASHDC
USCINCSO QUARRY HEIGHTS
CINCLANTFLT NORFOLK

~~C O N F I D E N T I A L~~ SECTION 03 OF 04 SANTIAGO 12858

E.O. 12356: DECL:OADR
TAGS: PGOV, PREL, CI
SUBJECT: CHILEAN ELECTION WATCH: FINAL WRAP-UP -

IS THE SECOND MOST IMPORTANT PARTY AFTER THE PDC IN THE
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PAGE 02 SANTIA 12858 03 OF 04 201834Z

CONGRESS. IN THE CHAMBER OF DEPUTIES, THE PDC AND ITS CLOSEST ALLIES IN THE COPODE WILL HAVE A TOTAL OF 45 VOTES (38 PDC, 5 RADICAL PARTY (PR), 1 SOCIAL DEMOCRAT (PSD) AND 1 CENTER ALLIANCE PARTY (PAC). THE SOCIALISTS, COMPRISED OF THE PPD'S 17, THE SOCIALIST ALMEYDA'S 6, THE IC'S 2 AND HUMANIST PARTY'S (PH) 1, WILL HAVE 26 SEATS. THE LOYAL OPPOSITION, TNE CENTER-RIGHT (RN, UDI AND INDEPENDENTS), WILL HAVE 49 SEATS.

8. (U) COMMUNISTS: WITH SOME JUSTIFICATION, THE CHILEAN COMMUNIST PARTY (PCCH) BLAMED THE BINOMINAL SYSTEM FOR ITS FAILURE TO GAIN A SENATE OR DEPUTY SEAT. AS NOTED ABOVE, TWO OF THE THREE PCCH SENATORIAL CANDIDATES GOT THE SECOND HIGHEST NUMBER OF INDIVIDUAL VOTES, BUT WERE EDGED OUT BY THE COMBINED VOTES OF RN/UDI CANDIDATES. PCCH SECRETARY TEITELBOIM AND OTHER PCCH SPOKESMEN ALSO CRITICIZED THE PPD AND PDC: THEY SUGGESTED THAT THE COMMUNIST CANDIDATES HAD NOT BENEFITTED FROM THEIR INFORMAL PACT WITH THE PPD, ALTHOUGH THE PCCH HAD

HONORED THE PACT BY SUPPORTING COPODE'S LEFTIST CANDIDATES; AND SWIPED AT THE PDC FOR NOT AGREEING TO RUN ON THE SAME SLATE WITH THEM. THE PCCH ANNOUNCED ON DECEMBER 16 THAT IT WOULD REPRESENT ITS DISENFRANCHIZED SUPPORTERS THROUGH POPULAR AND SOCIAL ORGANIZATIONS.

9. U) POLITICAL PARTIES FACING EXTINCTION: ACCORDING TO CHILE'S ELECTORAL LAW, IN ORDER FOR A POLITICAL PARTY TO MAINTAIN ITS REGISTRATION IT MUST OBTAIN AT LEAST FIVE PERCENT OF THE VOTES CAST IN THE CHAMBER OF DEPUTIES IN AT LEAST EIGHT REGIONS IN THE CASE OF A NATIONAL PARTY AND IN THREE CONTIGUOUS REGIONS IF IT IS REGISTERED AS A REGIONAL PARTY. AS A RESULT, MOST OF CHILE'S MINOR PARTIES STAND TO LOSE THEIR REGISTRATION. AT THIS POINT, ~~CONFIDENTIAL~~

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PAGE 03 SANTIA 12858 03 OF 04 201834Z

THE ONLY POLITICAL PARTIES LIKELY TO SURVIVE ARE THE PDC, RN, UDI, PPD AND POSSIBLY PAIS. INFORMED POLITICAL OBSERVERS EXPECT THE NEXT CONGRESS TO MODIFY THE ELECTORAL LAW, HOWEVER, AND LEADERS OF THE SMALLER POLITICAL ENTITIES APPEAR UNCONCERNED ABOUT THEIR FATE UNDER THE CURRENT LAW.

10. (U) ELECTORAL TRIVIA: PDC'S SENATORIAL CANDIDATE EDUARDO FREI GOT THE HIGHEST NUMBER OF VOTES, DRAWING 603,091. PDC PRESIDENT ANDRES ZALDIVAR FOLLOWED, THEN RICARDO LAGOS (PPD), WHO NONETHLESS LOST BECAUSE OF CHILE'S UNIQUE ELECTORAL SYSTEM. IN THE LOWER CHAMBER, PDC'S ANDRES PALMA HAD THE HIGHEST NUMBER OF VOTES, 83,711, FOLLOWED BY PRESIDENT-ELECT AYLWIN'S BROTHER ANDRES, WHO GOT 80,851 VOTES AND THE GREATEST OVERALL PERCENTAGE (53.3 PERCENT) OF ANY DEPUTY CANDIDATE. RN'S EVELYN MATTHEI GOT THE THIRD HIGHEST NUMBER OF VOTES, 79,592.

11. (C) VIOLENCE: VICTORY CELEBRATIONS WERE SOURED BY VIOLENCE, WITH REPORTEDLY DRUNK OR DRUGGED YOUTHS CAUSING THE MOST DAMAGE. TROUBLE BEGAN THE AFTERNOON OF DECEMBER 15 WHEN YOUTHS, SOME OF THEM WEARING MIR OR FPMR INSIGNIA, BLOCKED SANTIAGO'S MAIN THOROUGHFARE FOR OVER AN HOUR, THROWING STONES AT CARABINEROS AND THEIR VEHICLES. ORDER WAS RESTORED WITH TEAR GAS AND WATER CANNONS. LATER IN THE DAY, THE MAIN CELEBRATORY EVENT HELD ON A LARGE AVENUE NEAR THE NATIONAL STADIUM, WHERE AYLWIN ADDRESSED WELL OVER ONE HUNDRED THOUSAND CHEERING SUPPORTERS, ENDED WITH SCATTERED CONFRONTATIONS BETWEEN SMALL GROUPS OF YOUTHS AND CARABINEROS; VIOLENCE CONTINUED DOWNTOWN NEAR THE PRESIDENTIAL PALACE, BUT

CARABINEROS AGAIN USED TEAR GAS AND WATER CANNON TO DISPERSE THE TROUBLEMAKERS. A CLOSE ASSOCIATE OF

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PAGE 04 SANTIA 12858 03 OF 04 201834Z

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PAGE 01 SANTIA 12858 04 OF 04 201835Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-05	EUR-00	SS-00	OIC-02
	CIAE-00	EB-00	H-01	IO-19	NSCE-00	NSAE-00	SSO-00
	HA-09	L-03	TRSE-00	PM-10	PA-01	OMB-01	INRE-00
	SP-02	SNP-01	PRS-01	DS-01	SCT-03	P-02	T-01
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O 201821Z DEC 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 4292
INFO USIA WASHDC 1041
AMEMBASSY ASUNCION
AMEMBASSY BONN
AMEMBASSY BRASILIA
AMEMBASSY BUENOS AIRES
AMEMBASSY CARACAS
AMEMBASSY LA PAZ
AMEMBASSY LIMA
AMEMBASSY MADRID
AMEMBASSY MEXICO
AMEMBASSY MONTEVIDEO
AMEMBASSY PARIS
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USMISSION GENEVA
USMISSION USUN NEW YORK
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USCINCSO QUARRY HEIGHTS
CINCLANTFLT NORFOLK

~~C O N F I D E N T I A L~~ SECTION 04 OF 04 SANTIAGO 12858

E.O. 12356: DECL:OADR
TAGS: PGOV, PREL, CI
SUBJECT: CHILEAN ELECTION WATCH: FINAL WRAP-UP -

AYLWIN'S TOLD POLCOUNS THAT THE MOOD OF THE CELEBRATION
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PAGE 02 SANTIA 12858 04 OF 04 201835Z

RALLY WAS AN NOTABLE CONTRAST TO THAT OF THE LARGER PRE-ELECTION RALLY, MAINLY BECAUSE OF THE PREDOMINANCE OF RAMBUNCTIOUS YOUTHS. VOLODIA TEITELBOIM, LEADER OF THE CHILEAN COMMUNIST PARTY, WAS QUICK TO DENY ANY INVOLVEMENT BY THE COMMUNIST PARTY IN THE VIOLENT EVENTS. MEDIA OBSERVERS BLAMED THE TOO-AGGRESSIVE ATTITUDE OF AMATEUR SECURITY PERSONNEL AT THE NATIONAL STADIUM FOR PROVOKING SOME OF THE TROUBLE, BUT BANDS OF YOUTHS CONTINUED TO BREAK WIDOWS AND CHALLENGE POLICE IN SANTIAGO UNTIL THE EARLY HOURS OF DECEMBER 16.

12. (U) THERE WERE OTHER SERIOUS INCIDENTS OF VIOLENCE IN VINA DEL MAR, WHERE RAMPAGING YOUTHS BROKE WINDOWS ALONG THE MAIN STREET AND LOOTED STORES. AN ATTACK ON A NATIONAL INFORMATION CENTER (CNI) HEADQUARTERS BY YOUNG MEN SHOUTING THE SLOGANS OF THE TERRORIST GROUPS, MIR AND FPMR, ENDED WITH THE WOUNDING OF ONE OF THE ATTACKERS. IN TEMUCO, A YOUNG MENTALLY-DISTURBED WOMAN WATCHING A VICTORY CARAVAN WAS KILLED WHEN HIT BY A TRUCK. THIS WAS THE ONLY DEATH RECORDED, ALTHOUGH THERE WERE SEVERAL POLICE AND DEMONSTRATORS INJURED, AND 500-600 WERE ARRESTED, MOSTLY FOR DISORDERLY CONDUCT, THROUGHOUT THE COUNTRY. PATRICIO AYLWIN LED THE POLITICIANS IN CONDEMNING THE VIOLENCE.

13. (U) SUPPORT FROM ABROAD: NEWS OF AYLWIN'S ELECTORAL VICTORY WAS MET WITH A STEADY STREAM OF MESSAGES OF SUPPORT AND CONGRATULATIONS FROM AROUND THE WORLD. FRENCH PRESIDENT MITTERRAND AND WEST GERMAN CHANCELLOR KOHL SENT ESPECIALLY WARM MESSAGES AND PLEDGED THEIR STRONG SUPPORT FOR THE FUTURE GOVERNMENT. TALK OF HIGH LEVEL REPRESENTATION AT THE MID-MARCH INAUGURATION INCLUDED A STATEMENT BY KOHL'S SPOKESPERSON THAT THE
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PAGE 03 SANTIA 12858 04 OF 04 201835Z

GERMAN LEADER PLANNED TO ATTEND AND REPORTS FROM AN UNNAMED SOURCE THAT VICE PRESIDENT QUAYLE WOULD ALSO BE COMING FOR THE BIG EVENT.

14. (C) FOREIGN TRAVELS: IN ADDITION TO CHOOSING HIS CABINET AND MEETING WITH POLITICAL LEADERS, AYLWIN WILL

TRAVEL TO THE UNITED STATES BEFORE HIS MARCH INAUGURATION. THE SPOKESMAN ADDED THAT AYLWIN ADVISORS WERE DEBATING WHETHER TO ADD A SWING THROUGH EUROPE TO VISIT A NUMBER OF EUROPEAN HEADS OF STATE WHO HAD INVITED AYLWIN FOR A PRE-INAUGURAL VISIT. THE CANADIAN EMBASSY'S DCM DAVID BICKFORD TOLD POLOFF THAT CANADA MAY BE ON THE ITINERARY AS WELL.

15. (U) INDEPENDENT FRANCISCO JAVIER ERRAZURIZ ("FRA FRA") TOOK FULL ADVANTAGE OF THE CAMERAS ON ELECTION DAY TO DECLARE HIS 15 PERCENT SHARE OF THE VOTES (ONE MILLION) A VICTORY OF SORTS AND TO CEMENT HIMSELF AS A PERMANENT FIXTURE IN CHILEAN POLITICS. HE CHARACTERIZED HIS PERCENTAGE OF THE VOTE AS SPECTACULAR AND SAID THAT THE FORCES OF THE CENTER WHICH SUPPORTED HIM WOULD NOT REMAIN ORPHANS. FRA FRA CALLED ON HIS SUPPORTERS TO JOIN A NEW PARTY TO REPRESENT THE IDEAS SET FORTH IN HIS CAMPAIGN.

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Project (#S1999000030)
U.S. Department of State
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Declassify: In Part In Full
Exemption(s)

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PAGE 01 STATE 403963
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APPROVED BY: EB/TDC/OT/ODC: MKGARRISON
USTR: JHUENEMANN
ARA/SC: BAOWENS
ARA/PPC: AKERN
S/IL: WJMEAGHER
DOL: HRDOBSON
USTR: JMELLE
DOC: JBRUCE

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R 201757Z DEC 89
FM SECSTATE WASHDC
TO AMEMBASSY SANTIAGO

UNCLAS STATE 403963

E.O. 12356: N/A
TAGS: ETRD ELAB PHUM CI
SUBJECT: CHILEAN REQUEST TO REVIEW GSP SUSPENSION
REF: (A) 89 STATE 366560

1. THE FOLLOWING IS THE TEXT OF A LETTER PASSED TO ASSISTANT USTR PHILLIPS BY AMBASSADOR ERRAZURIZ ON DECEMBER 13. AS INDICATED IN REF, A GOVERNMENT MAY REQUEST RECONSIDERATION OF A GSP SUSPENSION ON WORKER RIGHTS GROUNDS AT ANY TIME. A DECISION TO UNDERTAKE A FORMAL REVIEW WILL, HOWEVER, BE MADE BASED UPON DEMONSTRATED, SUBSTANTIVE PROGRESS IN THE WORKER RIGHTS AREA. EMBASSY ANALYSIS OF, AND REACTION TO, THE ARGUMENTS MADE BY AMBASSADOR ERRAZURIZ IS REQUESTED.

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PAGE 02 STATE 403963

2. SPECIFIC QUESTIONS CONCERNING WORKER RIGHTS SITUATION IN CHILE WILL FOLLOW SEPTEL, BUT WASHINGTON AGENCIES WOULD PARTICULARLY WELCOME INFORMATION ON THE LAW AMB. ERRAZURIZ REFERS TO AND WHICH HE CHARACTERIZES AS PERMITTING POLITICAL PARTY OFFICALS TO HOLD TRADE UNION POSITIONS. EMBASSY'S UNCLASSIFIED LABOR TRENDS REPORT IN MAY NOTED

THAT THIS RESTRICTION WAS LIFTED FOR THE DECEMBER 1989 ELECTIONS. IN ADDITION, EMBASSY CONFIRMATION THAT AMBASSADOR ERRAZURIZ HAS ACTED UPON INSTRUCTION OF HIS GOVERNMENT WOULD BE APPRECIATED.

3. REACTION OF THE INCOMING ALYWIN GOVERNMENT AND CHILEAN TRADE UNION OFFICIALS TO THE REQUEST SHOULD BE SOLICITED. WASHINGTON AGENCIES ARE SPECIFICALLY INTERESTED IN WHETHER THERE IS SUPPORT FOR THE REQUEST AND WHETHER EITHER ALYWIN AND/OR CHILEAN TRADE UNION OFFICIALS HAVE ADDITIONAL ARGUMENTS THEY WOULD MAKE, OR INTEND TO MAKE, IN SUPPORT OF THE REQUEST.

4. BEGIN TEXT OF LETTER:

EMBASSY OF CHILE
OFFICE OF THE AMBASSADOR

DECEMBER 13, 1989

MR. HIRAM LAWRENCE
CHAIRMAN, GSP SUBCOMMITTEE
OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE
600 17TH STREET, N.W.
WASHINGTON, D.C.

DEAR MR. LAWRENCE:
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PAGE 03 STATE 403963

IN DECEMBER, 1987 CHILE WAS SUSPENDED FROM THE BENEFITS OF THE UNITED STATES GENERALIZED SYSTEM OF PREFERENCES AND FROM PARTICIPATION IN THE OVERSEAS PRIVATE INVESTMENT CORPORATION.

I AM ADDRESSING THIS LETTER TO YOU IN ORDER TO FORMALLY REQUEST, ON BEHALF OF MY GOVERNMENT AND THE PEOPLE OF CHILE, THE REINSTATEMENT OF OUR COUNTRY TO THE LIST OF COUNTRIES WHICH ARE BENEFICIARIES OF THE GSP.

WE TRULY BELIEVE THAT THE SITUATION IN CHILE HAS EVOLVED TO THE POINT THAT OUR REQUEST SHOULD BE PROMPTLY FULFILLED. I WISH TO PRESENT YOU AND THE MEMBERS OF YOUR COMMITTEE FULL INFORMATION WITH RESPECT TO THIS EVOLUTION.

AT THE PRESENT TIME CHILE IS IN THE MIDST OF A PROCESS OF TRANSITION TO FULL DEMOCRACY. NEW POLITICAL AUTHORITIES, PRESIDENT AND CONGRESS, WILL BE ELECTED DECEMBER 14 AND INAUGURATED IN MARCH, 1990. ALL SECTORS IN CHILE,

INCLUDING ORGANIZED LABOR, HAVE RECOGNIZED AND SUPPORT THIS PEACEFUL, ORDERLY AND OUTSTANDING DEVELOPMENT. THE BEST PROOF OF THE WILL TO MOVE TO FULL DEMOCRACY IS THE REALITY OF CHILE TODAY, WHICH CANNOT BE DENIED.

THERE ARE SEVERAL POINTS I SHOULD LIKE TO MAKE ABOUT INTERNATIONALLY RECOGNIZED WORKERS' RIGHTS:

FIRST, THE ANNUAL RESOLUTION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS HAS EVOLVED IN A POSITIVE MANNER SINCE 1985. WHILE THE 1985 RESOLUTION ASKED FOR THE RE-ESTABLISHMENT AND EXERCISE OF LABOR RIGHTS, INCLUDING THE RIGHT TO ORGANIZE, BARGAIN COLLECTIVELY AND STRIKE, ALONG WITH COMPLIANCE WITH ILO CONVENTIONS SIGNED BY CHILE, THE 1986 RESOLUTION CITES "RESTORING TOTAL EXERCISE OF...LABOR RIGHTS," AND THE 1987 RESOLUTION MENTIONS
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PAGE 04 STATE 403963

"RESTORING...LABOR AND UNION RIGHTS PARTICULARLY..." 1988 AND 1989 RESOLUTIONS CONTAIN NO SPECIFIC MENTION OF LABOR MATTERS.

SECOND, CHILE AS A FOUNDER AND ACTIVE MEMBER OF THE INTERNATIONAL LABOR ORGANIZATION (ILO) SINCE 1919 HAS RIGOROUSLY SUBMITTED ITSELF TO EACH OF THE ILO STANDARDS AND CONTROL AGENCIES. CHILE HAS SIGNED AND RATIFIED 40 ILO CONVENTIONS AND BASES ALL ITS LABOR LEGISLATION ON THEM. CHILEAN LABOR LEGISLATION THEREFORE CONTAINS AN ENORMOUS BODY OF PROTECTION FOR THE WORKER IN SUCH AREAS AS LENGTH OF THE WORKDAY, MINIMUM ARE, PROTECTION OF WOMEN, AND MANDATORY REST PERIODS. FURTHERMORE, FOR THE LAST TWO YEARS ILO HAS CONTINUED TO RECOGNIZE THE COMPLIANCE OF CHILEAN LABOR LEGISLATION WITH ILO STANDARDS. CHILEAN REPRESENTATIVES HAVE BEEN ACCEPTED BY THE ILO AND ATTENDED ITS ANNUAL ASSEMBLIES.

THIRD, WITH RESPECT TO THE PERSONAL SITUATION OF LABOR LEADERS IN CHILE, THE AUTHORITIES, AS A GESTURE OF GOOD WILL, DECIDED TO LIFT THE PENALTY OF RELEGATION WHICH WAS IMPOSED ON MESSRS. BUSTOS AND MARTINEZ BY THE CHILEAN COURTS. ADDITIONALLY, A LAW HAS RECENTLY BEEN ENACTED WHICH AUTHORIZES POLITICAL PARTY OFFICERS TO SERVE SIMULTANEOUSLY AS OFFICERS OF LABOR UNIONS IN ACCORDANCE WITH THE RECENTLY APPROVED CONSTITUTIONAL AMENDMENT.

FOURTH, THE AFL-CIO AGREED AT ITS LAST CONVENTION IN WASHINGTON, D.C., NOVEMBER 13-15, TO ENDORSE THE REQUEST OF CHILEAN LABOR LEADERS BUSTOS AND RIOS, WHO ATTENDED THE

MEETING, THAT UNITED STATES AUTHORITIES REINSTATE CHILE TO THE BENEFITS OF GSP AND OPIC. WE BELIEVE THAT THE POSITION TAKEN BY THE AFL-CIO, RECOGNIZING THE ADVANCES
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PAGE 05 STATE 403963

WHICH HAVE TAKEN PLACE IN CHILE, TO BE OF THE GREATEST RELEVANCE, AS IT WAS THE AFL-CIO WHICH ASKED FOR CHILE'S SUSPENSION FROM THE GSP IN 1987.

FINALLY, I CANNOT AVOID MAKING A BRIEF EVALUATION OF THE LABOR SITUATION IN CHILE. OUR COUNTRY HAS ATTEMPTED, THROUGH LABOR LEGISLATION, TO ATTAIN TWO BASIC OBJECTIVES: INCREASE THE LEVEL OF EMPLOYMENT AND INCREASE THE LEVEL OF REAL WAGES. WE ARE CONVINCED THAT THESE TWO OBJECTIVES, MORE THAN ANY OTHERS, CONTRIBUTE TO THE WELL-BEING, DEVELOPMENT AND REAL POSSIBILITIES OF CHILEAN WORKERS. RESULTS BOTH IN TERMS OF EMPLOYMENT AND REAL WAGES ELOQUENTLY TESTIFY TO OUR SUCCESS.

ACCORDING TO THE ECONOMIC REPORT PREPARED IN OCTOBER, 1989 BY THE EMBASSY OF THE UNITED STATES IN CHILE UNEMPLOYMENT IN CHILE HAS DROPPED FROM 11.9 PERCENT IN 1985 TO 8.8 PERCENT IN 1986, TO 7.9 PERCENT IN 1987 AND TO 5.9 PERCENT IN 1988. MORE THAN A MILLION NEW PRODUCTIVE JOBS HAVE BEEN CREATED DURING THE PAST FIVE YEARS. AT THE SAME TIME, COLLECTIVE BARGAINING AND LABOR STRIKES ARE LEGAL AND HAVE OCCURRED IN CHILE.

TO QUOTE THE SAME REPORT:

"THE ECONOMY IS IN ITS SIXTH YEAR OF GROWTH, UNEMPLOYMENT IS DECLINING AND FAMILY INCOME GROWING."

"THERE ARE CURRENTLY 6,000 UNIONS, FEDERATIONS AND CONFEDERATIONS IN CHILE WITH A TOTAL MEMBERSHIP OF ABOUT 400,000 WORKERS."

"EMPLOYMENT HAS CONTINUED TO EXPAND AT OVER A 5 PERCENT ANNUAL RATE, TRANSLATING INTO SOME 210,000 NEW POSITIONS DURING THE NEXT YEAR."

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PAGE 06 STATE 403963

"REAL WAGES HAVE CLIMBED EVERY YEAR SINCE 1985."

UNFORTUNATELY, THE COST OF CHILE'S SUSPENSION FROM THE GSP HAS CONTINUED TO BE ABSORBED MOSTLY BY MEDIUM AND SMALL EXPORTERS OF NON-TRADITIONAL PRODUCTS WHICH ARE STRIVING TO COMPETE AND CREATE JOBS.

I AM CERTAIN THAT YOU AND YOUR COLLEAGUES ON THE COMMITTEE, AFTER REVIEWING THIS MATTER, WILL FULFILL OUR REQUEST IT IN A FAIR AND JUST MANNER.

SINCERELY YOURS,
OCTAVIO ERRAZURIZ
AMBASSADOR OF CHILE
BAKER

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Case Number: S1999000030 Document (#S1999000030)
Department of State
Excise Date
Sanitized In Part In Full X
Exemption(s)

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PAGE 01 SANTIA 12936 212043Z
ACTION DS-01

INFO	LOG-00	ADS-00	AID-00	INR-05	SS-00	CIAE-00	EB-00
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	CCO-00	INRE-00	CA-02	CG-00	ACDA-05	A-00	USSS-00
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E.O. 12356: DECL:OADR
TAGS: ASEC, PTER, PINS, CI
SUBJ: POST EAC MEETS TO DISCUSS THREAT ADVISORY

REF: SANTIAGO 12857

1. ~~CONFIDENTIAL~~ - ENTIRE TEXT.

2. DCM CONVOKED EAC MEETING DECEMBER 21 AT 1645L TO DISCUSS A PUBLISHED THREAT BY THE MANUEL RODRIGUEZ ~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 02 SANTIA 12936 212043Z

PATRIOTIC FRONT (FPMR) TO ATTACK "ANY NORTHAMERICAN OBJECTIVE IN CHILE" AS A CONSEQUENCE OF THE U.S. INVASION OF PANAMA. TEXT OF FPMR COMMUNIQUE, WHICH APPREARED IN THE THE AFTERNNON DAILY "LA SEGUNDA," IS AT PARA 5.

3. EAC AGREED THAT, ALTHOUGH THERE WAS NO SPECIFIC

BACK-UP INFORMATION, THE THREAT SHOULD BE TAKEN SERIOUSLY BECAUSE OF THE FPMR'S PROVEN ABILITY TO USE EXPLOSIVES. EAC DISCUSSED THE POSSIBILITY THAT THE ORGANIZATION MIGHT NOW BELIEVE ITS CREDIBILITY WAS ON THE LINE AND THUS FEEL COMPELLED TO ACT. AS NOTED IN DECEMBER 20 MEETING (REFTEL), EAC ALSO REVIEWED EXTREMIST FRUSTRATIONS STEMMING FROM POOR SHOWING OF COMMUNISTS AND FAR LEFT IN DECEMBER 14 ELECTIONS.

4. FOLLOWING ACTIONS WERE DECIDED:

--A/RSO WILL PROMPTLY NOTIFY HEADS OF SECTIONS AND AGENCIES NOT REPRESENTED AT MEETING.

--SECTION/AGENCY HEADS WILL NOTIFY AMCIT EMPLOYEES BY PHONE DURING THE EVENING TO EMPHASIZE NEED FOR HEIGHTENED CAUTION AND LOW PROFILE.

--DCM WILL BRING PUBLISHED THREAT TO FOREIGN MINISTRY'S ATTENTION.

--PAO WILL ALERT BINATIONAL CENTERS.

--ECONCOUNS WILL ADVISE AMCHAM REPRESENTATIVE.

5. TEST OF COMMUNIQUE:

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 03 SANTIA 12936 212043Z

QUOTE WE CATEGORICALLY REJECT AND CONDEMN THE TERRORIST INVASION AGAINST THE PANAMANIAN PEOPLE BY THE UNITED STATES. WE HAVE CONSTANT INFORMATION FROM THE "DIGNITY BATALLIONS" (ORGANIZED MILITIAS), AND WE ARE INFORMED THAT AT 0500 CHILEAN TIME NORTH AMERICAN HELICOPTERS BOMBED WITHOUT INTERRUPTION THE SAN MIGUELITO SECTOR OF THE CAPITAL CITY.

WE BELIEVE THAT ALL PEOPLES AND DEMOCRATIC FORCES HAVE THE MORAL OBLIGATION TO DENOUNCE AND TAKE CONCRETE ACTIONS AGAINST THIS CRIMINAL ACT THAT HAS NO JUSTIFICATION.

WE CALL ON THE CHILEAN PEOPLE TO DEMONSTRATE ACTIVELY IN FAVOR OF THE IMMEDIATE WITHDRAWAL OF THE INVADER. WE DECLARE OURSELVES FROM THIS MOMENT TO BE FREE TO ACT TO STRIKE EFFECTIVELY AGAINST ANY NORTH AMERICAN OBJECTIVE IN THE COUNTRY. (NOS DECLARAMOS A CONTAR DE ESTE MOMENTO EN LIBERTAD DE ACCION PARA GOLPEAR EFECTIVAMENTE TODO

OBJECTIVO NORTEAMERICANO EN EL PAIS.) END QUOTE.
GILLESPIE

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AMEMBASSY MEXICO IMMEDIATE

[redacted] STATE 406647

E.O. 12356: DECL: OADR
TAGS: PREL, PTER, GT, ES, MX
SUBJECT: EMBASSY VIEWS ON POSSIBLE GOG ACTIONS TO BETTER SECURE BORDER WITH MEXICO; PREVENT ARMS TO FMLN.

REF: (A) 89 GUATEMALA 14974,
(B) 89 GUATEMALA 14980,
(C) 89 GUATEMALA 14986, (D) 89 GUATEMALA 15003

1. [redacted] ENTIRE TEXT.

2. DEPARTMENT APPRECIATES EMBASSY'S RAPID AND SUCCINCT REPORTING ON GOG VIEWS ON THE RECENT SAN JOSE SUMMIT OF THE CENTRAL AMERICAN PRESIDENTS. WE ALSO NOTE EMBASSY'S INCREASING EFFORTS TO SUSTAIN A DIALOGUE ON REGIONAL ISSUES INITIATED DURING FOREIGN MINISTER RIVERA'S MEETINGS IN WASHINGTON IN NOVEMBER.

3. FROM EMBASSY REPORTS, IT APPEARS THAT GUATEMALA IS PLAYING A MORE CONSTRUCTIVE ROLE IN THE CENTRAL AMERICAN PEACE PROCESS. REPORTEDLY, DURING THE SUMMIT, PRESIDENT CEREZO ACTIVELY PARTICIPATED IN DRAFTING THE CONDEMNATION OF THE FMLN FOR ITS VIOLENT ATTACKS AGAINST THE GOES. AS NOTED IN REFTEL D, CEREZO TOLD ORTEGA THAT GUATEMALA WOULD HAVE TO ABANDON ITS POLICY OF ACTIVE NEUTRALITY AND TAKE A MORE CONFRONTATIONAL STANCE IF VIOLATIONS OF THE PEACE AGREEMENT CONTINUE. WHILE CEREZO'S POSITIVE ROLE AT THE SUMMIT MAY HAVE BEEN PREDICATED ON THE RECENT WAVE OF URNG GUERRILLA ATTACKS IN GUATEMALA AND HIS CONCERN THAT THE COUNTRY MAY BE IN STORE FOR MORE SPILLOVER FROM EL SALVADOR, WE HAVE SOME RECENT REPORTING THAT THE FMLN AND THEIR CUBAN AND GUATEMALAN ALLIES MAY ATTEMPT TO ESTABLISH A LOGISTICS CORRIDOR THROUGH GUATEMALA FROM MEXICO. WE ARE REPEATING A CAPTIONED MESSAGE OF A CONVERSATION BETWEEN AMBASSADOR NEGROPONTE AND PRESIDENT SALINAS ON THE FMLN.

4. ACTION REQUESTED: GIVEN THAT THE IRON MAY BE HOT IN GUATEMALA AND THE FMLN ET AL MAY BE ATTEMPTING TO CONSTRUCT AN ALTERNATIVE TO NICARAGUA - BASED DELIVERIES INTO EL SALVADOR, DEPARTMENT WOULD APPRECIATE INFORMATION AS TO WHETHER THE GOG HAS HAD ANY DISCUSSIONS WITH THE GOM ON THIS ISSUE AND EMBASSY'S THOUGHTS ON WHAT STEPS THE GOG MIGHT BE WILLING TO TAKE TO BOTH BETTER PREVENT INTERDICTIONS DELIVERIES FROM MEXICO AND TO HALT FOOD BLOCKADE THROUGH GUATEMALA TO EL SALVADOR.

5. BY WAY OF NOTE FROM HERE, IT APPEARS THAT GOG-GOM RELATIONS HAVE VASTLY IMPROVED, AS PER CEREZO'S BILATERAL WITH SALINAS THIS PAST SUMMER AND COMMENTS MADE BY MGO GRANADO DURING HIS VISIT TO WASHINGTON THIS FALL. DEPARTMENT WOULD ALSO APPRECIATE EMBASSY SUGGESTIONS ON HOW BEST TO APPROACH THIS ISSUE WITH THE GOG.
EAGLEBURGER

RELEASED
El Salvador: Human Rights
Special Project (1993)

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United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: COX, DAVID
Date: 05/26/94
Case ID: 9940035I

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Chile Project (#S199900050)
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PAGE 01 SANTIA 12947 221713Z
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CCO-00 INRE-00 CA-02 CG-00 ACDA-05 A-00 USSS-00
JUSE-00 FBIE-00 DOEE-00 M-01 IMMC-01 OIS-01 DSE-00
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USIA WASHDC PRIORITY 1060
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E.O. 12356: N/A
TAGS: ASEC, PTER, PINS, CI
SUBJECT: BOMB DETONATES AT THE BINATIONAL CENTER (BNC) IN TEMUCO, CHILE.

1. ON DECEMBER 21ST AT APPROXIMATELY 2300 HRS. A BOMB DETONATED IN FRONT OF THE ENTRANCE OF THE BNC
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PAGE 02 SANTIA 12947 221713Z

LOCATED IN TEMUCO. DIRECTOR OF THE BNC REPORTED THE

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FOLLOWING INFORMATION: THE BLAST HAD CAUSED EXTENSIVE STRUCTURAL DAMAGE THROUGHOUT THE BUILDING. SPECIFICALLY, THERE WAS DAMAGE TO THE MAIN PILLARS, FRONT ENTRANCE, LIBRARY, AUDIO-VISUAL ROOM, AND TO NUMEROUS CLASSROOMS. THERE WERE LARGE CRACKS IN THE WALLS RESEMBLING THE RESULTS OF AN EARTHQUAKE, AND THE MAIN DOOR, WHICH WAS CONSTRUCTED OF A HEAVY WOODEN MATERIAL, WAS THROWN APPROXIMATELY 15 METERS INTO THE BUILDING. THERE WERE NO REPORTED INJURIES TO PERSONNEL.

2. POLICE SOURCES REPORTED THAT THERE IS NO FURTHER INFORMATION AT THIS TIME. HOWEVER, IT WAS ONE OFFICER'S OPINION THAT THE BOMB WAS CONSTRUCTED OF PETROLEUM, NITRATE, AND AMMONIUM. THIS HAS NOT BEEN CONFIRMED.

3. THIS TYPE OF DEVICE HAS BEEN CONSTRUCTED AND USED BY THE MANUEL RODRIGUEZ PATRIOTIC FRONT (FPMR) AND THE LEFTEST REVOLUTIONARY MOVEMENT (MIR), AS REPORTED IN PRIOR CABLES.
4. FOLLOWING EAC MEETING REPORTED SANTIAGO 12921, BNC DIRECTOR WAS ADVISED LATE AFTERNOON DECEMBER 21 OF THE NEED FOR HEIGHTENED SECURITY PROFILE. SHE, IN TURN, ALERTED LOCAL CARABINEROS, WHO SAID THEY WOULD STEP UP PROTECTION. THUS FAR, NO ONE HAS CLAIMED RESPONSIBILITY FOR THE BLAST.

5. WE ARE FOLLOWING UP ON OUR ALERT TO ALL BNCS TO ENSURE ALL REASONABLE PRECAUTIONS ARE TAKEN AND LOCAL CARABINERO CONTINGENTS ARE INFORMED. GILLESPIE

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CONCEPTS= n/a

TAGS= PINS, SNAR, PTER, PGOV, MOPS, PHUM, MARR, GT

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PAGE 01 GUATEM 15343 02 OF 04 280009Z
ACTION ARA-00

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AMEMBASSY MEXICO
AMEMBASSY SAN SALVADOR
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA

[redacted] SECTION 02 OF 04 GUATEMALA 15343
C O R R E C T E D C O P Y (TEXT)

STATE FOR ARA, PM, AND INM
DEA FOR OF, OI, OH; CINCSO FOR POLAD

E.O. 12356: DECL: OADR
TAGS: PINS, SNAR, PTER, PGOV, MOPS, PHUM, MARR, GT
SUBJECT: GUERRILLAS AND NARCOS: INTO THE DRUG HEARTLAND

6. ACCORDING TO TOP OFFICERS AT MZ18, SAN MARCOS WILL HOST A MAJOR COUNTERINSURGENCY OPERATION, BEGINNING NEXT YEAR ("PLAN 90 - 2000"), WHICH WILL HAVE AN ANTIDRUG COMPONENT DUE TO CONCERN OVER LINKS BETWEEN DRUG PRODUCERS AND GUERRILLAS. ACCORDING TO THE OFFICERS, GUERRILLAS DERIVE FINANCIAL SUPPORT FROM DRUG PRODUCTION AND HAVE OVERLAPPING INTERESTS WITH DOPERS. BOTH WANT

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THE GOG OUT OF THE AREA AND THEIR ALMOST UNHINDERED ACCESS TO MEXCIO. DRUG GROWERS AND GUERRILLAS OPERATE IN THE SAME PARTS OF SAN MARCOS AND HUEHUETENANGO.
7. ARMY OFFICERS ALSO EXPRESSED CONCERN OVER THE GROWING "MEXICANIZATION" OF THE AREA. ACCORDING TO THEM, IN ESSENCE MEXICO HAS INCORPORATED MUCH OF WESTERN SAN MARCOS. MANY OF THE PEOPLE IN THE AREA WORK IN MEXICO, PARTICULARLY DURING THE COFFEE HARVEST (APPROX. JUNE - FEBRUARY) AND MEXICAN CURRENCY AND NATIONALS CIRCULATE THROUGHOUT THE AREA. THE OPIUM BUSINESS IN SAN MARCOS AND THE GUERRILLAS OF ORPA (REVOLUTIONARY ORGANIZATION OF THE PEOPLE) DEPEND ON CONTINUED ACCESS TO MEXICO. THE OFFICERS GAVE EMBOFFS A SMALL BAG OF "PAPAS AMERICANAS," A NEW CROP INTRODUCED TO THE AREA BY MEXICAN TRAFFICKERS. (COMMENT: INITIAL ANALYSIS INDICATES IT COULD BE USED IN MAKING STEROIDS.)

8. MZ18 SUSPECTS MEXICAN DRUG MONEY, MIXED IN WITH TACANA MUNICIPAL FUNDS, BUILT THE ROAD FROM THE BORDER TOWN OF CHIGUATE TO TACANA. DRUG TRAFFICKERS AND GUERRILLAS USE THAT ROAD. (COMMENT: EMBOFFS FLEW THE LENGTH OF THE ROAD FROM TACANA TO THE MEXICAN BORDER; IT IS A NARROW, WINDING, DIRT ROAD.) ORPA, THE OFFICERS CLAIMED, RECRUITS IN REFUGEE CAMPS IN MEXICO AND RECEIVES MOST OF ITS WEAPONS AND EXPLOSIVES FROM MEXICO. THEY SAID THE GUERRILLAS PROTECT OPIUM FIELDS AND WOULD NOT HESITATE TO SHOOT AT INM AIRCRAFT.

9. THE ARMY'S AUGMENTED EFFORT AGAINST GUERRILLAS AND DRUG TRAFFICKERS APPARENTLY INVOLVES EXTENSIVE USE OF CIVIL DEFENSE PATROLS TO LOCATE OPIUM POPPY FIELDS, THE PLANNED BUILDING OF A POST AT CHIGUATE TO CONTROL CROSS-BORDER TRAFFIC, AND THE ESTABLISHMENT OF A MORE

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PERMANENT ARMY/GOG PRESENCE IN THE DRUG GROWING AND INSURGENT AREAS AROUND TACANA. THE ZONE COMMAND WANTS TO UNDERTAKE AN AMBITIOUS ROAD-BUILDING PROJECT--WITH U.S. HELP, IF POSSIBLE--TO GIVE THE ARMY ACCESS TO DRUG GROWING AND GUERRILLA REDOUBTS.

TACANA: INTO THE LIARS' DEN?

10. TACANA HAS A REPUTATION AS A DRUG CENTER. LAST

MONTH, DEA COORDINATED AN AIRBORNE RAID BY TREASURY POLICE ON AN ILLEGAL LABORATORY THERE. THE POPPY FIELDS AROUND TACANA HAVE UNDERGONE INTENSIVE AERIAL ERADICATION BY INM AIRCRAFT. EMBOFFS LANDED ON A SOCCER FIELD AND WALKED TO THE MUNICIPALITY IN TACANA'S CENTER TO MEET THE ACTING MAYOR, THE HEAD OF THE LOCAL "BETTERMENT COMMITTEE," AND CITIZENS OF THIS CLEAN AND PROSPEROUS-LOOKING TOWN.

11. TACANA HAS NO GOG PRESENCE OF ANY SORT, NOT EVEN A CIVIL DEFENSE COMMITTEE. OUR INTERLOCUTORS DENIED TACANA AND ITS ENVIRONS HOST GUERRILLAS OR DRUG TRAFFICKERS. TACANA'S PEOPLE, THEY SAID, WORKED IN MEXICO ON THE COFFEE HARVEST AND RAISED ONLY LEGITIMATE CROPS. THEY CLAIMED THAT ACCUSATIONS TO THE CONTRARY COME FROM THOSE WHO SEEK TO SLANDER PERSONS FOR REASONS USUALLY HAVING TO DO WITH LAND DISPUTES. ONE SAID HE HAD BEEN ACCUSED OF BACKING THE GUERRILLAS BECAUSE HE DEFENDED A REPATRIATED REFUGEE FROM UNJUST ACCUSATIONS. THEY SAID TACANA HAS AN UNDESERVED REPUTATION.

12. ALL MADE CLEAR THEIR HOSTILITY TOWARD AERIAL ERADICATION. THEY CLAIMED THAT INM AIRCRAFT SPRAY FOOD CROPS AND THE TOWN ITSELF: "PEOPLE SHOOT AT THE PLANES OUT OF EMOTION." ONLY RELUCTANTLY WOULD ANY ACKNOWLEDGE THAT PERHAPS "TWO OR THREE" FAMILIES GROW AMAPOLA (OPIUM

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PAGE 01 GUATEM 15343 01 OF 04 280010Z
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INFO USCINCSO QUARRY HTS PM
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AMEMBASSY MEXICO
AMEMBASSY SAN SALVADOR
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA

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CORRECTED COPY (TEXT)

STATE FOR ARA, PM, AND INM
DEA FOR OF, OI, OH; CINCSO FOR POLAD

E.O. 12356: DECL: OADR
TAGS: PINS, SNAR, PTER, PGOV, MOPS, PHUM, MARR, GT
SUBJECT: GUERRILLAS AND NARCOS: INTO THE DRUG HEARTLAND

REF: GUATEMALA 14505 (NOTAL)

1. [redacted]L -- ENTIRE TEXT.

SUMMARY

2. AARMA AND POLMIL OFFICER VISITED, DECEMBER 19, [redacted]

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CONFLICTIVE AND DRUG GROWING AREAS ALONG THE MEXICAN BORDER IN NORTHWESTERN SAN MARCOS AND IN THE CUILCO VALLEY OF SOUTHWESTERN HUEHUETENANGO. EMBOFFS FOUND, AS EXPECTED, RESENTMENT AGAINST INM'S AERIAL ERADICATION OF THE OPIUM CROP; SOME RESIDENTS TOLD UNBELIEVABLE STORIES OF THRUSH PLANES SPRAYING THEIR COMMUNITIES AND FOOD CROPS. THEY ADMITTED FIRING AT THE PLANES. ACCORDING TO AN ARMY SOURCE, OPIUM GUM SHIPMENTS TO MEXICO OCCUR DAILY FROM CUILCO.

3. COMBAT ACTIVITY IN NORTHWESTERN SAN MARCOS AND SOUTHERN HUEHUETENANGO SEEMED INTENSE AND THE ARMY AND THE GUERRILLAS REPORTEDLY ARE PREPARING OFFENSIVES FOR THE NEW YEAR. ARMY OFFICERS IN THE AREA HAVE NO DOUBTS THAT LINKS EXIST BETWEEN THE DRUG PRODUCERS AND THE GUERRILLAS AND SEEM WILLING TO DO MORE ON THE DRUG FRONT, INCLUDING USING CIVIL DEFENSE PATROLS TO SPOT AND DESTROY FIELDS AND ROAD BUILDING PROJECTS TO REACH SOME CURRENTLY ALMOST INACCESSIBLE OPIUM CULTIVATION AND GUERRILLA AREAS. ARMY OFFICERS ARE ALSO WORRIED BY THE GROWING "MEXICANIZATION" OF THE AREA: MEXICAN CURRENCY, PRODUCTS, AND NATIONALS ARE FOUND THROUGHOUT WESTERN SAN MARCOS, MEXICAN MONEY HELPED BUILD THE PRIMITIVE ROAD FROM THE BORDER TO TACANA, AND BOTH THE DRUG DEALERS AND THE GUERRILLAS DEPEND ON ACCESS TO MEXICO. OFFICERS GAVE EMBOFFS A BAG OF "AMERICAN POTATOES" (PAPA AMERICANA), A NEW DRUG CROP INTRODUCED TO SAN MARCOS BY MEXICANS. A LIEUTENANT STATED THAT DRUG CULTIVATION BY

GUERRILLAS HAS SPREAD NORTH OF CUILCO (HUEHUETENANGO). OFFICERS ASKED U.S. HELP IN THE DRUG WAR.

4. THE AREAS VISITED ARE VIOLENT ONES CHARACTERIZED BY ARMED CLASHES, KILLINGS, KIDNAPPINGS, AND ROBBERIES.

[redacted]

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THERE IS NO NATIONAL POLICE PRESENCE, AND, ASIDE FROM THE ARMY, ALMOST NO OTHER GOG REPRESENTATION IN THE AREA, LEAVING IT OPEN TO BANDITRY, GUERRILLA ACTIVITY, AND DRUG DEALING. THE SMALL UNIT OF TREASURY POLICE (GUARDIA DE HACIENDA) IN CUILCO IS FRIGHTENED, ISOLATED, POORLY EQUIPPED, LIVING IN PRIMITIVE CONDITIONS, AND TRAPPED IN TOWN. THE ARMY CLEARLY SEEMS MUCH MORE AWARE OF THE DRUG ISSUE THAN IN THE PAST BUT STILL UNSURE AS TO HOW TO DEAL WITH IT GIVEN THE LIMITED RESOURCES AVAILABLE. DESPITE POLITICAL PROBLEMS IT WILL ENGENDER, IF SERIOUS ABOUT BEATING DRUG PRODUCERS, WE NEED TO WORK MORE WITH THE ARMY IN THE DRUG FIGHT. END SUMMARY.

INTRODUCTION

5. AARMA AND POLMIL OFFICER VISITED, DECEMBER 19, CONFLICTIVE AND DRUG-GROWING AREAS ALONG THE MEXICAN BORDER IN NORTHWESTERN SAN MARCOS DEPARTMENT AND IN THE CUILCO VALLEY OF SOUTHWESTERN HUEHUETENANGO DEPARTMENT. THEY CALLED ON THE SAN MARCOS MILITARY ZONE HQ (MZ18), TOWNS OF TACANA (SAN MARCOS) AND CUILCO (HUEHUETENANGO), AND A SMALL ARMY UNIT CAMPED ALONG THE CUILCO RIVER NEAR IXTAHUACAN (HUEHUETENANGO). EMBOFFS DISCUSSED WITH MILITARY AND CIVILIAN PERSONNEL NARCOTICS SMUGGLING AND PRODUCTION AND THE STATE OF THE ONGOING INSURGENCY IN THIS TRADITIONALLY CONFLICTIVE AREA. PLANS TO VISIT OTHER SAN MARCOS LOCALES WERE DROPPED DUE TO FIGHTING BETWEEN ARMY UNITS AND GUERRILLAS. AN MZ18 OFFICER IN CIVILIAN CLOTHES ACCOMPANIED EMBOFFS THROUGHOUT THE TOUR.

SAN MARCOS: GUERRILLAS AND DOPE, PART I

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PAGE 01 GUATEM 15343 01 OF 04 261617Z
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TO SECSTATE WASHDC 7194
DIA WASHDC
DEAHQS WASHDC
INFO USCINCSO QUARRY HTS PM
AMEMBASSY BELIZE
AMEMBASSY MEXICO
AMEMBASSY SAN SALVADOR
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA

[redacted] SECTION 01 OF 04 GUATEMALA 15343
C O R R E C T E D C O P Y (TEXT)

STATE FOR ARA, PM, AND INM
DEA FOR OF, OI, OH; CINCSO FOR POLAD

E.O. 12356: DECL: OADR
TAGS: PINS, SNAR, PTER, PGOV, MOPS, PHUM, MARR, GT
SUBJECT: GUERRILLAS AND NARCOS: INTO THE DRUG HEARTLAND

REF: GUATEMALA 14505 (NOTAL)

1. [redacted]- ENTIRE TEXT.

SUMMARY

2. [redacted] AND POLMIL OFFICER VISITED, DECEMBER 19,

[redacted]

CONFLICTIVE AND DRUG GROWING AREAS ALONG THE MEXICAN BORDER IN NORTHWESTERN SAN MARCOS AND IN THE CUILCO VALLEY OF SOUTHWESTERN HUEHUETENANGO. EMBOFFS FOUND, AS EXPECTED, RESENTMENT AGAINST INM'S AERIAL ERADICATION OF THE OPIUM CROP; SOME RESIDENTS TOLD UNBELIEVABLE STORIES OF THRUSH PLANES SPRAYING THEIR COMMUNITIES AND FOOD CROPS. THEY ADMITTED FIRING AT THE PLANES. ACCORDING TO AN ARMY SOURCE, OPIUM GUM SHIPMENTS TO MEXICO OCCUR DAILY FROM CUILCO.

3. COMBAT ACTIVITY IN NORTHWESTERN SAN MARCOS AND SOUTHERN HUEHUETENANGO SEEMED INTENSE AND THE ARMY AND THE GUERRILLAS REPORTEDLY ARE PREPARING OFFENSIVES FOR THE NEW YEAR. ARMY OFFICERS IN THE AREA HAVE NO DOUBTS THAT LINKS EXIST BETWEEN THE DRUG PRODUCERS AND THE GUERRILLAS AND SEEM WILLING TO DO MORE ON THE DRUG FRONT, INCLUDING USING CIVIL DEFENSE PATROLS TO SPOT AND DESTROY FIELDS AND ROAD BUILDING PROJECTS TO REACH SOME CURRENTLY ALMOST INACCESSIBLE OPIUM CULTIVATION AND GUERRILLA AREAS. ARMY OFFICERS ARE ALSO WORRIED BY THE GROWING "MEXICANIZATION" OF THE AREA: MEXICAN CURRENCY, PRODUCTS, AND NATIONALS ARE FOUND THROUGHOUT WESTERN SAN MARCOS, MEXICAN MONEY HELPED BUILD THE PRIMITIVE ROAD FROM THE BORDER TO TACANA, AND BOTH THE DRUG DEALERS AND THE GUERRILLAS DEPEND ON ACCESS TO MEXICO. OFFICERS GAVE EMBOFFS A BAG OF "AMERICAN POTATOES" (PAPA AMERICANA), A NEW DRUG CROP INTRODUCED TO SAN MARCOS BY MEXICANS. A LIEUTENANT STATED THAT DRUG CULTIVATION BY GUERRILLAS HAS SPREAD NORTH OF CUILCO (HUEHUETENANGO). OFFICERS ASKED U.S. HELP IN THE DRUG WAR.

4. THE AREAS VISITED ARE VIOLENT ONES CHARACTERIZED BY ARMED CLASHES, KILLINGS, KIDNAPPINGS, AND ROBBERIES.

[redacted]

[redacted]

THERE IS NO NATIONAL POLICE PRESENCE, AND, ASIDE FROM THE ARMY, ALMOST NO OTHER GOG REPRESENTATION IN THE AREA, LEAVING IT OPEN TO BANDITRY, GUERRILLA ACTIVITY, AND DRUG DEALING. THE SMALL UNIT OF TREASURY POLICE (GUARDIA DE HACIENDA) IN CUILCO IS FRIGHTENED, ISOLATED, POORLY EQUIPPED, LIVING IN PRIMITIVE CONDITIONS, AND TRAPPED IN TOWN. THE ARMY CLEARLY SEEMS MUCH MORE AWARE

OF THE DRUG ISSUE THAN IN THE PAST BUT STILL UNSURE AS TO HOW TO DEAL WITH IT GIVEN THE LIMITED RESOURCES AVAILABLE. DESPITE POLITICAL PROBLEMS IT WILL ENGENDER, IF SERIOUS ABOUT BEATING DRUG PRODUCERS, WE NEED TO WORK MORE WITH THE ARMY IN THE DRUG FIGHT. END SUMMARY.

INTRODUCTION

5. AARMA AND POLMIL OFFICER VISITED, DECEMBER 19, CONFLICTIVE AND DRUG-GROWING AREAS ALONG THE MEXICAN BORDER IN NORTHWESTERN SAN MARCOS DEPARTMENT AND IN THE CUILCO VALLEY OF SOUTHWESTERN HUEHUETENANGO DEPARTMENT. THEY CALLED ON THE SAN MARCOS MILITARY ZONE HQ (MZ18), TOWNS OF TACANA (SAN MARCOS) AND CUILCO (HUEHUETENANGO), AND A SMALL ARMY UNIT CAMPED ALONG THE CUILCO RIVER NEAR IXTAHUACAN (HUEHUETENANGO). EMBOFFS DISCUSSED WITH MILITARY AND CIVILIAN PERSONNEL NARCOTICS SMUGGLING AND PRODUCTION AND THE STATE OF THE ONGOING INSURGENCY IN THIS TRADITIONALLY CONFLICTIVE AREA. PLANS TO VISIT OTHER SAN MARCOS LOCALES WERE DROPPED DUE TO FIGHTING BETWEEN ARMY UNITS AND GUERRILLAS. AN MZ18 OFFICER IN CIVILIAN CLOTHES ACCOMPANIED EMBOFFS THROUGHOUT THE TOUR.

SAN MARCOS: GUERRILLAS AND DOPE, PART I

[redacted]

NNNN

[redacted]

PAGE 01 GUATEM 15343 02 OF 04 261615Z
ACTION ARA-00

INFO LOG-00 ADS-00 AID-00 INR-05 OIC-02 CIAE-00 IO-19
NSCE-00 NSAE-00 L-03 CTME-00 TRSE-00 PM-10 OMB-01
INM-08 INRE-00 COR-01 CG-00 USIE-00 JUSE-00 SP-02

/051 W

----------033701 270144Z /70/23

R 220022Z DEC 89
FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC 7195
DIA WASHDC
DEAHQS WASHDC
INFO USCINCSO QUARRY HTS PM
AMEMBASSY BELIZE
AMEMBASSY MEXICO
AMEMBASSY SAN SALVADOR
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA

[redacted] SECTION 02 OF 04 GUATEMALA 15343
C O R R E C T E D C O P Y (TEXT)

STATE FOR ARA, PM, AND INM
DEA FOR OF, OI, OH; CINCSO FOR POLAD

E.O. 12356: DECL: OADR
TAGS: PINS, SNAR, PTER, PGOV, MOPS, PHUM, MARR, GT
SUBJECT: GUERRILLAS AND NARCOS: INTO THE DRUG HEARTLAND

6. ACCORDING TO TOP OFFICERS AT MZ18, SAN MARCOS WILL HOST A MAJOR COUNTERINSURGENCY OPERATION, BEGINNING NEXT YEAR ("PLAN 90 - 2000"), WHICH WILL HAVE AN ANTIDRUG COMPONENT DUE TO CONCERN OVER LINKS BETWEEN DRUG PRODUCERS AND GUERRILLAS. ACCORDING TO THE OFFICERS, GUERRILLAS DERIVE FINANCIAL SUPPORT FROM DRUG PRODUCTION AND HAVE OVERLAPPING INTERESTS WITH DOPERS. BOTH WANT [redacted]

[redacted]

THE GOG OUT OF THE AREA AND THEIR ALMOST UNHINDERED ACCESS TO MEXCIO. DRUG GROWERS AND GUERRILLAS OPERATE IN THE SAME PARTS OF SAN MARCOS AND HUEHUETENANGO.
7. ARMY OFFICERS ALSO EXPRESSED CONCERN OVER THE GROWING "MEXICANIZATION" OF THE AREA. ACCORDING TO THEM, IN ESSENCE MEXICO HAS INCORPORATED MUCH OF WESTERN SAN MARCOS. MANY OF THE PEOPLE IN THE AREA WORK IN MEXICO, PARTICULARLY DURING THE COFFEE HARVEST (APPROX. JUNE - FEBRUARY) AND MEXICAN CURRENCY AND NATIONALS CIRCULATE THROUGHOUT THE AREA. THE OPIUM BUSINESS IN SAN MARCOS AND THE GUERRILLAS OF ORPA (REVOLUTIONARY ORGANIZATION OF THE PEOPLE) DEPEND ON CONTINUED ACCESS TO MEXICO. THE OFFICERS GAVE EMBOFFS A SMALL BAG OF

"PAPAS AMERICANAS," A NEW CROP INTRODUCED TO THE AREA BY MEXICAN TRAFFICKERS. (COMMENT: INITIAL ANALYSIS INDICATES IT COULD BE USED IN MAKING STEROIDS.)

8. MZ18 SUSPECTS MEXICAN DRUG MONEY, MIXED IN WITH TACANA MUNICIPAL FUNDS, BUILT THE ROAD FROM THE BORDER TOWN OF CHIGUATE TO TACANA. DRUG TRAFFICKERS AND GUERRILLAS USE THAT ROAD. (COMMENT: EMBOFFS FLEW THE LENGTH OF THE ROAD FROM TACANA TO THE MEXICAN BORDER; IT IS A NARROW, WINDING, DIRT ROAD.) ORPA, THE OFFICERS CLAIMED, RECRUITS IN REFUGEE CAMPS IN MEXICO AND RECEIVES MOST OF ITS WEAPONS AND EXPLOSIVES FROM MEXICO. THEY SAID THE GUERRILLAS PROTECT OPIUM FIELDS AND WOULD NOT HESITATE TO SHOOT AT INM AIRCRAFT.

9. THE ARMY'S AUGMENTED EFFORT AGAINST GUERRILLAS AND DRUG TRAFFICKERS APPARENTLY INVOLVES EXTENSIVE USE OF CIVIL DEFENSE PATROLS TO LOCATE OPIUM POPPY FIELDS, THE PLANNED BUILDING OF A POST AT CHIGUATE TO CONTROL CROSS-BORDER TRAFFIC, AND THE ESTABLISHMENT OF A MORE [redacted]

[redacted]

PERMANENT ARMY/GOG PRESENCE IN THE DRUG GROWING AND INSURGENT AREAS AROUND TACANA. THE ZONE COMMAND WANTS TO UNDERTAKE AN AMBITIOUS ROAD-BUILDING PROJECT--WITH U.S. HELP, IF POSSIBLE--TO GIVE THE ARMY ACCESS TO DRUG GROWING AND GUERRILLA REDOUBTS.

TACANA: INTO THE LIARS' DEN?

10. TACANA HAS A REPUTATION AS A DRUG CENTER. LAST MONTH, DEA COORDINATED AN AIRBORNE RAID BY TREASURY POLICE ON AN ILLEGAL LABORATORY THERE. THE POPPY FIELDS AROUND TACANA HAVE UNDERGONE INTENSIVE AERIAL ERADICATION BY INM AIRCRAFT. EMBOFFS LANDED ON A SOCCER FIELD AND WALKED TO THE MUNICIPALITY IN TACANA'S CENTER TO MEET THE ACTING MAYOR, THE HEAD OF THE LOCAL "BETTERMENT COMMITTEE," AND CITIZENS OF THIS CLEAN AND PROSPEROUS-LOOKING TOWN.

11. TACANA HAS NO GOG PRESENCE OF ANY SORT, NOT EVEN A CIVIL DEFENSE COMMITTEE. OUR INTERLOCUTORS DENIED TACANA AND ITS ENVIRONS HOST GUERRILLAS OR DRUG TRAFFICKERS. TACANA'S PEOPLE, THEY SAID, WORKED IN MEXICO ON THE COFFEE HARVEST AND RAISED ONLY LEGITIMATE CROPS. THEY CLAIMED THAT ACCUSATIONS TO THE CONTRARY

COME FROM THOSE WHO SEEK TO SLANDER PERSONS FOR REASONS USUALLY HAVING TO DO WITH LAND DISPUTES. ONE SAID HE HAD BEEN ACCUSED OF BACKING THE GUERRILLAS BECAUSE HE DEFENDED A REPATRIATED REFUGEE FROM UNJUST ACCUSATIONS. THEY SAID TACANA HAS AN UNDESERVED REPUTATION.

12. ALL MADE CLEAR THEIR HOSTILITY TOWARD AERIAL ERADICATION. THEY CLAIMED THAT INM AIRCRAFT SPRAY FOOD CROPS AND THE TOWN ITSELF: "PEOPLE SHOOT AT THE PLANES OUT OF EMOTION." ONLY RELUCTANTLY WOULD ANY ACKNOWLEDGE THAT PERHAPS "TWO OR THREE" FAMILIES GROW AMAPOLA (OPIUM [redacted]

[redacted]

CLASSIFIED
[illegible] Human Rights
[illegible] (1993)

[redacted] MEXICO 031683

ACTION AMB INFO DCM LO POL

UNCLASSIFIED
EXCISE

YZCZCSN0180
RR RUEHSN
DE RUEHME #1683 3561915
ZNY CCCCC ZZH
R 221915Z DIC 89
FM AMEMBASSY MEXICO
TO AMEMBASSY SAN SALVADOR 5559
BT

LOC: 128 367
22 DEC 89 1916
CN: 47631
CHRG: PROG
DIST: AMB

[redacted] MEXICO 31683

FOR ATTENTION OF AMBASSADOR WALKER AND LEGAL OFFICER CHIDESTER

REF: SAN SALVADOR CABLE 15863 AND FBIHQ MESSAGE NO. 0226 AND LEGAT LANG TELEPHONE CALL TO LEGAL OFFICER CHIDESTER, 12/22/89.

E.O. 12356: N/A
TAGS: OTRA
SUBJECT: U.S. EMBASSY SAN SALVADOR REQUEST FOR FBI ASSISIANCE IN THE INVESTIGATION OF THE KILLING OF SIX JESUIT PRIESTS AT SAN SALVADOR, EL SALVADOR.

1. BY WAY OF FOLLOW UP TO REFERENCED MEXICO CITY TELEPHONE CALL, [redacted] WILL LE ARRIVE EL SALVADOR, TUESDAY, DECEMBER 26, 1989 AT 4:40 PM. VIA TACA FLIGHT 411, ORIGINATING HOUSTON, TEXAS.

2. EMBASSY SAN SALVADOR PLEASE ASSIST BY PROVIDING APPROPRIATE AIRPORT TRANSPORTATION FOR [redacted] LE AND PLEASE SECURE LODGING AT CAMINO LE REAL HOTEL BEGINNING NIGHT OF DECEMBER 26, 1989.

3. THIS COMMUNICATION CONFIRMS COUNTRY CLEARANCE SECURED THROUGH REFERENCED MEXICO CITY TELEPHONE CALL.

4. THANK YOU FOR YOUR ASSISTANCE. NEGROPONTE

BT
#1683

NNNN

Department of State IR/FPC/CDR El Salvador 6P Date 9/24/93
Declassified under EO 12356 ( ) in full; (X) in part;
persons withheld ( ); deliberative ( );
law enforcement (X); [illegible] ( ), statutory ( );
not relevant to El Salvador ( ).

[redacted] MEXICO 031683

ACTION: _____

FILE: P/NS-6

RETURN TO: PDCO

UNCLASSIFIED

91F69 '29

22 Dec 89

(KE58)

Document (#S1999000030)
Department of State
Date X Excise Deny
Justify In Part In Full
Exemption(s)

UNCLASSIFIED

PAGE 01 SANTIA 12956 221906Z
ACTION DS-01

INFO	LOG-00	ADS-00	AID-00	INR-05	SS-00	CIAE-00	EB-00
	DODE-00	NSCE-00	ARA-00	NSAE-00	COME-00	SSO-00	L-02
	AMAD-01	CTME-00	NRCE-00	TRSE-00	PM-10	PA-02	FAAE-00
	CCO-00	INRE-00	CA-02	CG-00	ACDA-05	A-00	USSS-00
	JUSE-00	FBIE-00	DOEE-00	M-01	IMMC-01	OIS-01	DSE-00
	SCT-03	ZOVD-00	P-02	/036 W			

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P 221905Z DEC 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 4339
USIA WASHDC PRIORITY 1061
INFO USCINCSO QUARRY HEIGHTS//SCJ-2// PRIORITY
CINCLANTFLT NORFOLK PRIORITY
USOFFICE MRC MIAMI PRIORITY
AMEMBASSY MONTEVIDEO PRIORITY

UNCLAS SANTIAGO 12956

TERREP

MONTEVIDEO FOR LEGATT

CINC ALSO FOR POLADS

MIAMI FOR CO CO D

USIA FOR M/S

E.O. 12356: N/A
TAGS: ASEC, PTER, PINS, CI
SUBJ: SITUATION REPORT NO. 2 -- REFERENCE DEPARTMENT THREAT ADVISORY

REFS: (A) STATE 12857, (B) SANTIAGO 12936

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PAGE 02 SANTIA 12956 221906Z

1. SIT REP NO. 2, 12/22/89, 11:00 A.M. LOCAL TIME.

2. 12/21/89: AT 12:45 CROWD OF 50 GATHERED IN PARQUE FORESTAL, AT THE LINCOLN MONUMENT, IN FRONT OF CONSULATE . CROWD HELD BANNERS, ONE SAYING "YANKEES GET OUT OF PANAMA".

L

3. 12/21/89: 1600 HOURS, AN ARTICLE APPEARING IN "LA SEGUNDA" NEWSPAPER -- THE FPMR THREATENS NORTH AMERICAN INSTALLATIONS IN CHILE. (REF B).

4. 12/21/89: BNC SANTIAGO RECEIVED TWO (2) THREAT CALLS (TIMES: 2315 AND 2340). A MAN'S VOICE INFORMING THEM THAT DURING THE NIGHT THE BNC WOULD BE BLOWN UP.

5. 12/21/89: APPROXIMATELY 2300 HRS. BOMBING AT BNC TEMUCO. EXCESSIVE STRUCTURAL DAMAGE; NO PERSONAL INJURIES. SEPARATE TERREP CABLE, SANTIAGO 12947.

6. 12/21/89: THE FOLLOWING GRAFFITI APPEARED ON THE WALLS OF THE BNC IN CONCEPCION -- "YANKEE DOGS", SIGNED "MIR" (REVOLUTIONARY LEFTIST MOVEMENT).

7. 12/22/89: 1030 HOURS. NOTE LEFT UNDER RESIDENTIAL GATE OF TCU OFFICER STATING REJECTION OF PANAMA INVASION. GILLESPIE

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Project (#S1999000030)
U.S. Department of State
Release X Excise Deny
Sanitized In Part In Full
Exemption(s)

UNCLASSIFIED

PAGE 01 SANTIA 13097 01 OF 02 271915Z
ACTION DS-01

INFO	LOG-00	ADS-00	AID-00	INR-05	SS-00	CIAE-00	EB-00
	DODE-00	NSCE-00	ARA-00	NSAE-00	COME-00	SSO-00	L-02
	AMAD-01	CTME-00	NRCE-00	TRSE-00	PM-10	PA-02	FAAE-00
	CCO-00	INRE-00	CA-02	CG-00	ACDA-05	A-00	USSS-00
	JUSE-00	FBIE-00	DOEE-00	M-01	IMMC-01	OIS-01	SCT-03
	ZOVD-00	P-02	/036 W				

----------106020 271916Z /38

P 271910Z DEC 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 4377
USIA WASHDC PRIORITY 1074
INFO USCINCSO QUARRY HEIGHTS//SCJ-2// PRIORITY
CINCLANTFLT NORFOLK PRIORITY
USOFFICE MRC MIAMI PRIORITY
AMEMBASSY MONTEVIDEO PRIORITY

UNCLAS SECTION 01 OF 02 SANTIAGO 13097

TERREP

MONTEVIDEO FOR LEGATT

CINC ALSO FOR POLADS

MIAMI FOR CO CO D

USIA FOR M/S

E.O. 12356: N/A
TAGS: ASEC, PTER, PINS, CI
SUBJECT: BOMBS DETONATE AT TWO BINATIONAL CENTERS (BNC) AND MORMON CHURCH

REF: SANTIAGO 12947

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PAGE 02 SANTIA 13097 01 OF 02 271915Z

1. BNC - TALCA: ON DECEMBER 23RD, AT APPROXIMATELY 2300 HRS. A BOMB DETONATED AGAINST THE OUTER FRONT OF THE BNC'S BUILDING FACADE LOCATED ON 4 SUR 966, TALCA, CHILE. CARABINEROS DE CHILE REPORTED RECEIVING A TELEPHONIC CALL STATING, QUOTE, "EXPLOSIVE DEVICES ARE GOING TO BE PLACED AT

DIFFERENT INSTITUTES, ONE OF THEM BEING THE BI-NATIONAL CENTER", UNQUOTE. RESPONSIBILITY REPORTEDLY WAS CLAIMED BY THE LAUTARO MOVEMENT. THE BLAST CAUSED MINOR DAMAGE TO THE BUILDING AND SEEMED TO BE LIMITED TO ONLY ONE BROKEN WINDOW. DAMAGE IS ESTIMATED AT APPROXIMATELY US DOLS 500. THE BLAST RADIUS WAS APPROXIMATELY 10 METERS. NO INJURIES WERE REPORTED.

2. THE TYPE OF DEVICE IS PRESENTLY UNKNOWN, AND POLICE SOURCES REPORTED THAT THERE IS NO FURTHER INFORMATION AT THIS TIME. THOUGH NO ONE HAS TAKEN CREDIT FOR THE TALCA ATTACK, BNC DIRECTOR CLAUDIO VASQUEZ SUSPECTS THE LEFTIST "LAUTARO" GROUP.

3. BNC - VINA DEL MAR: ON DECEMBER 23RD, AT APPROXIMATELY 0210 HRS., A BOMB DETONATED OUTSIDE THE FRONT ENTRANCE OF THE BNC LOCATED ON VISTA HERMOSAS 25, VINA DEL MAR, CHILE. CARABINEROS DE CHILE REPORTED THAT THE INSTITUTE SUFFERED MINOR DAMAGE TO THE DOORS AND WINDOWS, AND THAT THEY WERE UNABLE AT THIS TIME TO ASSESS THE AMOUNT OF STRUCTURAL DAMAGE.

4. THE DEVICE CONSISTED OF 400 GRAMS OF AMMONIUM GEL AND WAS ACTIVATED WITH A MECHANICAL DETONATOR AND 18 CTMS. OF FUSE. BLAST RADIUS WAS APPROXIMATELY 50 METERS.
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PAGE 03 SANTIA 13097 01 OF 02 271915Z

5. THERE WERE NO REPORTED INJURIES OR WITNESSES TO THE INCIDENT.

6. AFTER THE DETONATION, A PHONE CALL WAS RECEIVED AT THE OFFICES OF A REGIONAL NEWSPAPER. THE CALLER IDENTIFIED HIMSELF AS ARTURO MARCHART, A SPOKESMAN FOR THE "NATIONALIST RESISTANCE FRONT." HE STATED: "THIS MORNING OUR FRONT DETONATED A BOMB AT THE BNC BUILDING IN RETALIATION FOR THE AID PROVIDED BY THE UNITED STATES TO PATRICIO AYLWIN'S VICTORY.
THIS IS THE BEGINNING OF THE ATTACKS AGAINST GRINGO HEADQUARTERS IN THE COUNTRY, AS WE CONSIDER THAT THE NORTH AMERICANS ARE HELPING RE-ESTABLISH COMMUNISM."

7. CHURCH OF CHRIST OF LATTER DAY SAINTS - QUILPUE: ON DECEMBER 23RD AT APPROXIMATELY 0145 HRS. A BOMB DETONATED IN FRONT OF THE ENTRANCE OF THE MORMON CHURCH LOCATED ON OVALLE 1531, QUILPUE, CHILE. CARABINEROS DE CHILE REPORTED THAT THE BLAST CAUSED

MINOR DAMAGE TO THE FACADE OF THE BUILDING, TO INCLUDE, BUT NOT LIMITED TO, DOORS AND WINDOWS. THERE WERE NO REPORTED INJURIES OR WITNESSES TO THE INCIDENT.

8. THE BOMB WAS CONSTRUCTED OF ANFO (PETROLEUM, NITRATE, AND AMMONIUM) AND WAS ACTIVATED BY A MECHANICAL DETONATOR WITH A SLOW-BURNING FUSE. THE BLAST RADIUS WAS APPROXIMATELY 50 METERS.

9. IN THE VINA DEL MAR AND MORMON CHURCH BOMBINGS, THE TYPES OF DEVICES DETONATED HAVE BEEN CONSTRUCTED AND USED BY THE MANUEL RODRIGUEZ PATRIOTIC FRONT (FPMR) AND THE LEFTEST REVOLUTIONARY MOVEMENT (MIR), AS REPORTED IN PRIOR CABLES. THE "NATIONALIST

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PAGE 04 SANTIA 13097 01 OF 02 271915Z

UNCLASSIFIED

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PAGE 01 SANTIA 13097 02 OF 02 271916Z
ACTION DS-01

INFO	LOG-00	ADS-00	AID-00	INR-05	SS-00	CIAE-00	EB-00
	DODE-00	NSCE-00	ARA-00	NSAE-00	COME-00	SSO-00	L-02
	AMAD-01	CTME-00	NRCE-00	TRSE-00	PM-10	PA-02	FAAE-00
	CCO-00	INRE-00	CA-02	CG-00	ACDA-05	A-00	USSS-00
	JUSE-00	FBIE-00	DOEE-00	M-01	IMMC-01	OIS-01	SCT-03
	ZOVD-00	P-02	/036 W				

----------106046 271918Z /38

P 271910Z DEC 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 4378
USIA WASHDC PRIORITY 1075
INFO USCINCSO QUARRY HEIGHTS//SCJ-2// PRIORITY
CINCLANTFLT NORFOLK PRIORITY
USOFFICE MRC MIAMI PRIORITY
AMEMBASSY MONTEVIDEO PRIORITY

UNCLAS SECTION 02 OF 02 SANTIAGO 13097

TERREP

MONTEVIDEO FOR LEGATT

CINC ALSO FOR POLADS

MIAMI FOR CO CO D

USIA FOR M/S

E.O. 12356: N/A
TAGS: ASEC, PTER, PINS, CI
SUBJECT: BOMBS DETONATE AT TWO BINATIONAL CENTERS

RESISTANCE FRONT" IS KNOWN TO POLICE SOURCES AS A RIGHT-WING GROUP THAT FIRST APPEARED DURING THE ALLENDE ERA OF THE EARLY 1970S. APPARENTLY, THIS
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PAGE 02 SANTIA 13097 02 OF 02 271916Z

GROUP USED A DEVICE SIMILAR IN CONSTRUCTION TO THOSE EMPLOYED BY THE ABOVE-MENTIONED LEFT-WING GROUPS.

10. RSO WILL BE TRANSMITTING INFORMATION REQUESTED IN STATE 407069, TO INCLUDE INFORMATION ON THE ABOVE CITED BOMBINGS.

11. EMBASSY SECURITY POSTURE REMAINS HIGH AND INCLUDES EXTRA POLICE AND GUARD COVERAGE.

GILLESPIE

UNCLASSIFIED

NNNN

Project (#S1999000030)
U.S. Department of State
Release X Excise Deny
Classify: In Part In Full
Exemption(s)

UNCLASSIFIED

PAGE 01 SANTIA 13098 271918Z
ACTION DS-01

INFO	LOG-00	ADS-00	AID-00	INR-05	SS-00	CIAE-00	EB-00
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	AMAD-01	CTME-00	NRCE-00	TRSE-00	PM-10	PA-02	FAAE-00
	CCO-00	INRE-00	CA-02	CG-00	ACDA-05	A-00	USSS-00
	JUSE-00	FBIE-00	DOEE-00	M-01	IMMC-01	OIS-01	SCT-03
	ZOVD-00	P-02	/036 W				

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P 271914Z DEC 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 4379
USIA WASHDC PRIORITY 1076
INFO USCINCSO QUARRY HEIGHTS//SCJ-2// PRIORITY
CINCLANTFLT NORFOLK PRIORITY
USOFFICE MRC MIAMI PRIORITY
AMEMBASSY MONTEVIDEO PRIORITY

UNCLAS SANTIAGO 13098

TERREP

MONTEVIDEO FOR LEGATT

CINC ALSO FOR POLADS

MIAMI FOR CO CO D

USIA FOR M/S

E.O. 12356: N/A
TAGS: ASEC, PTER, PINS, CI
SUBJ: SITUATION REPORT NO. 3 -- REFERENCE DEPARTMENT THREAT ADVISORY

REFS: (A) STATE 12857

UNCLASSIFIED

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PAGE 02 SANTIA 13098 271918Z

1. SIT REP NO. 3, 12/27/89, 11:30 A.M. LOCAL TIME.

2. 12/23/89: AT APPROXIMATELY 2300 HRS. A BOMB DETONATED AT THE BNC IN TALCA. DAMAGE IS ESTIMATED AT APPROXIMATELY DOLS 500. NO REPORTED INJURIES OR WITNESSES TO THE INCIDENT. RESPONSIBILITY REPORTEDLY

[illegible] ACQUIRED

WAS CLAIMED BY THE LAUTARO MOVEMENT.

3. 12/23/89: AT APPROXIMATELY 0200 HOURS A BOMB DETONATED AT THE BNC IN VINA DEL MAR. MINOR DAMAGES REPORTED. NO REPORTED INJURIES OR WITNESSES TO THE INCIDENT. RESPONSIBILITY WAS CLAIMED BY THE NATIONALIST RESISTANCE FRONT.

4. 12/23/89: AT APPROXIMATELY 0145 A BOMB DETONATED AT THE MORMON CHURCH IN QUILPUE. MINOR STRUCTUAL DAMAGE REPORTED. NO REPORTED INJURIES OR WITNESSES TO THE INCIDENT. NO GROUP CLAIMED RESPONSIBILITY.

GILLESPIE

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[illegible] ACQUIRED

IMMEDIATE

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DEPARTMENT OF STATE
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PNS-4

RELEASED

PAGE 01 MEXICO 31817 300857Z 035079 02758

ACTION: MX (03)

INFO: CU (02) LARA (01) OCEN (01) REG (01) ES (02) NCO (01) ARA (06)
PPC (01) ECP (01) DAS (01) PRA (01)

38/1121Z A1 YDB (TOTAL COPIES: 021)

ACTION ARA-00

INFO LOG-00 AMAD-01 /001 W

267133 300859Z /38

O 271612Z DEC 89
FM AMEMBASSY MEXICO
TO SECSTATE WASHDC IMMEDIATE 2357
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STATE FOR ARA; USIA FOR AR

E.O. 12356: N/A
TAGS: MX CU ES PREL
SUBJECT: AP REPORTS CUBAN ARMS SHIPMENTS TO EL SALVADOR

1. FIVE MEXICO DAILIES CARRIED AN AP REPORT TODAY DATELINED WASHINGTON CITING UNNAMED U.S. OFFICIALS WHO SAY THAT CUBA IS RESUPPLYING FMLN FORCES THROUGH MEXICO. THE REPORT SAYS THAT THE ROUTE GOES THROUGH YUCATAN AND IS BEING USED TO REDUCE SANDINISTA PROMINENCE IN THE SALVADOR CONFLICT. THE REPORT ALSO SAYS THAT IT IS NOT KNOWN WHETHER THE U.S. HAS APPROCHED MEXICO ON THE MATTER.

2. MISSION REQUESTS BACKGROUND ON THE REPORTS AP CITES AS WELL AS GUIDANCE FOR RESPONSE TO INQUIRIES WE ANTICIPATE FROM MEXICAN AUTHORITIES. NEGROPONTE

RELEASED
El Salvador: Human Rights
Special Project (1993)

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: COX, DAVID
Date: 05/26/94
Case ID: 9940035

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If elected, they couldn't return to union job for 1 year.

28 Dec 89 PHUM

United States Department of State 12/29/89

Washington, D.C. 20520
December 28, 1989

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They could run for office, but they would have to give up labor union position.

MEMORANDUM

TO: ARA/SC - Jim Gutierrez

FROM: S/IL - Anthony G. Freeman

SUBJECT: Chile Human Rights Report

S/IL clears the worker rights section of the report with the following observations:

Section 6a, para 1: We have heard that the Government liberalized its stance toward union leaders participation in politics during the recent elections, i.a., by allowing them to run for office. If this is accurate shouldn't we include it in the report?

d.s courages

Section 6a para 2, sentence 3: Would it be more accurate to say that the labor code "inhibits" development of national union confederations? Also, could we add a sentence at the beginning of para 4 that would address the "harassment" question, e.g.: "There are frequent allegations that the refusal of the Government to grant legal recognition to the CUT, and the incidents mentioned below and in various ILO reports, constitute a pattern of official harassment of trade unions."

ok

Section 6a para 3, last sentence: Is 60 days the "legal limit" for a strike, or the limit after which strikers are subject to loss of benefits and jobs? (As an issue in the GSP question this needs precise treatment.)

after 60 days, strike can be fired

Section 6a: Add the following as fifth, sixth and seventh paras in this section:

(para 5)"Chile has not ratified ILO Conventions 87, on freedom of association, or 98, on collective bargaining.

(para 6)"The allegations listed above are among numerous complaints filed against Chile with the ILO by a number of national and international trade union organizations over the past several years. In its most recent interim report (June 1989) on the status of these cases, the ILO Committee on Freedom of Association (CFA) noted that the Government had provided detailed information on most of the allegations pending in the case. In its recommendations the Committee urged the Government to end the internal exile of union leaders Bustos and Martinez; noted (in the case of two leaders of the

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box 2 of 4

teachers union) that conviction for activities related to trade union rights should not be grounds for disqualification for union office; and, requested additional detailed information on the cases from both the Government and those filing the complaints.

(para 7)"In its review of the application of conventions in 1989, the ILO Committee of Experts (COE) reiterated its call for Chile's repeal of provisions of the Constitution and various laws which bar individuals from holding public jobs or offices, or positions in publishing or education by virtue of their membership in or association with organizations which espouse certain prohibited ideologies or political viewpoints. The COE also cited laws which provide for discharge without compensation for activities unrelated to the work place, as incompatible with ILO standards. The Committee also called on the Government to repeal laws which grant broad discretionary powers to executives of educational institutions and permit the barring of students and teachers from such institutions for the expressing of political opinions."

Section 6b: Does the law prohibit anti-union discrimination by employers? Are there effective mechanisms for resolving complaints? mechanisms to assure UR to unions are not effective, especially in small workplaces. Theoretically, yes Practically, no

Section 6b, para 3: This para should answer two questions: First are there export processing or free trade zones? And, if so, are the labor laws applied there? Do unions actually exist in the EPZs and does collective bargaining take place?

Section 6d: Are the minimum age laws effectively enforced in the formal sector?

Section 6e: Change "wages" to "wage" in the first sentence.

cc. HA/CRT:TWilliams
ARA/PPC:AKern

no EPZs

Free Zone.
no difference in labo laws.

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E.O. 12356: N/A
TAGS: ASEC, PTER, PINS, CI
SUBJ: MORMON CHURCHES BOMBED IN QUILPUE, SANTIAGO AND RANCAGUA

1. ON DECEMBER 27 AT APPROXIMATELY 0005 HRS. A SMALL BOMB DETONATED IN FRONT OF A MORMON CHAPEL LOCATED IN THE TOWN OF QUILPUE WHICH IS LOCATED NEAR THE CITY OF VINA DEL MAR.

2. A MORMON OFFICIAL REPORTED THAT NO ONE WAS INSIDE THE CHAPEL WHEN THE BLAST OCCURRED. DAMAGE WAS DESCRIBED AS LIMITED TO THREE BROKEN WINDOWS AND SOME
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PAGE 02 SANTIA 13143 282333Z

PAINT DAMAGED BY THE EXPLOSION.

3. THIS OFFICIAL ALSO REPORTED THAT A SIGN LEFT AT BLAST SCENE READ: QUOTE FUERA YANKIES DE PANAMA F.M.R. UNQUOTE (YANKEES GET OUT OF PANAMA FRENTE PATRIOTICO MANUEL RODRIGUEZ).

4. RSO SOURCES REPORTED THAT THE QUILPUE BOMB CONSISTED OF APPROXIMATELY 150 GRAMS OF AMMON-GEL DETONATED BY A MECHANICAL BLASTING CAP.
5. ANOTHER MORMON CHURCH OFFICIAL THAT RSO SPOKE WITH ON DECEMBER 28, INFORMED HIM ABOUT TWO OTHER MORMON CHURCH BOMBINGS THAT HAVE NOT PREVIOUSLY BEEN REPORTED. OFFICIAL STATED THAT ON DECEMBER 24 TWO BOMBINGS OCCURRED. THE FIRST OCCURRED IN THE EL BOSQUE SECTION OF SANTIAGO AT 0130 HRS. A SIGN WAS PAINTED IN SPANISH NEXT TO THE CHAPEL WHICH READ, QUOTE YANKEES OUT OF PANAMA UNQUOTE. A SECOND BOMBING OCCURRED IN RANCAGUA AT 0200 HRS. AN IDENTICAL SIGN WAS PAINTED NEAR THAT CHAPEL AS WELL. DAMAGE IN BOTH CASES WAS DESCRIBED AS SUPERFICIAL. THIS OFFICIAL ALSO REPORTED THAT A GROUP OF YOUTHS ARRIVED AT A HOUSE OCCUPIED BY AMCIT MISSIONARIES IN RANCAGUA ABOUT 0700 HRS. ON THE 24TH AND BEGAN CHANTING ANTI-AMERICAN SLOGANS UNTIL THE MISSIONARIES' LANDLORD LIED TO THE YOUTHS TELLING THEM THE MISSIONARIES HAD MOVED. LATER THAT DAY ANOTHER MISSIONARY IN RANCAGUA WAS THREATENED BY AN INTOXICATED MAN ON THE STREET WHO THREATENED TO KILL THE MISSIONARY.

6. RSO HAS BEEN ADVISED THAT ALL AMCIT MISSIONARIES HAVE BEEN TOLD TO BE OFF CHILEAN STREETS BEFORE DARK
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PAGE 03 SANTIA 13143 282333Z

UNTIL THE TENSION CREATED BY THE PANAMA SITUATION HAS SUBSIDED. GILLESPIE

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UNCLAS MERIDA 1178
E.O. 12356: N/A
TAGS: PREL, MX, CU
SUBJECT: PRESS REPORTS OF ARMS SMUGGLING THORUGH YUCATAN
1. LOCAL MEDIA HAVE GIVEN PROMINENT PLAY TO REPORTS THAT AN UNIDENTIFIED US OFFICIAL HAD STATED THAT CUBA IS SMUGGLING WEAPONS TO THE FMLN REBELS IN EL SALVADOR VIA THE YUCATAN PENNINSULA AND GUATEMALA. THE MEXICAN FOREIGN MINISTRY'S DENIAL WAS ALSO FEATURED PROMINENTLY IN ALL NEWS MEDIA.
2. THE ORIGINAL ITEM WAS SEEN BY POST ONLY IN NOVEDADES DE YUCATAN AND THE ENGLISH LANGUAGE MEXICO CITY NEWS. BOTH ITEMS WERE UNSIGNED AND NEITHER CITED A WIRE SERVICE. LOCAL MEDIA CARRYING THE FOREIGN MINISTRY STATEMENT TODAY ARE FROM THE LEMUS AGENCY, AND THOSE REPORTS CITE AP WASHINGTON AS THE SOURCE OF THE ORIGINAL REPORTS.
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El Salvador: Human Rights
Special Project (1993)

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: COX, DAVID
Date: 05/26/94
Case ID: 9400351

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PAGE 01 LA PAZ 16635 01 OF 16 282348Z
ACTION INM-08

INFO LOG-00 ADS-00 AID-00 INR-05 EUR-00 DIC-02 AF-00
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UNCLAS SECTION 01 OF 16 LA PAZ 16635

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PAGE 02 LA PAZ 16635 01 OF 16 282348Z

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TAGS: BL, SNAR, EAID
SUBJECT: 1990 INTERNATIONAL NARCOTICS CONTROL STRATEGY REPORT (INCSR) - BOLIVIA

1. SUMMARY

A. IN A YEAR MARKED BY A HOTLY CONTESTED PRESIDENTIAL ELECTION AND A TRANSITION TO A NEW COALITION GOVERNMENT, BOLIVIA HAS MADE PROGRESS IN COUNTERNARCOTICS ACTIVITIES IN 1989 ONLY AROUND THE MARGINS. TO BE SURE, THE COUNTRY HAS MADE PROGRESS ON SOME FRONTS. OF THREE MAJOR COCAINE TRAFFICKERS ARRESTED THIS YEAR, ONE WAS TRANSPORTED TO THE UNITED STATES, ONE WAS RELEASED AFTER THREE WEEKS OF CONFINEMENT, AND ONE REMAINS IN A LOCAL PRISON. THE AVIATION PROJECT IS A PROGRAM HIGHLIGHT AND MIGHT EVEN SERVE AS A MODEL FOR OTHER COUNTRIES, WHILE THE RIVERINE PROGRAM LANGUISHES AT A LOW EBB. COCA REDUCTION AND THE SEIZURE OF SOME COCAINE PRODUCTS AND COCA REDUCTION SHOW IMPROVEMENTS OVER PREVIOUS YEARS' PERFORMANCE LEVELS IN ABSOLUTE TERMS. HOWEVER, NEITHER INTERDICTION NOR COCA REDUCTION, EITHER INDIVIDUALLY OR COMBINED, HAVE HAD A MEASURABLE IMPACT ON THE AVAILABILITY OF BOLIVIAN-GENERATED COCAINE ON THE WORLD MARKET. COMBINED, INTERDICTION AND COCA REDUCTIONS ACCOUNTED FOR 8.2 PERCENT OF THE NATION'S ESTIMATED PRODUCTIVE CAPACITY FAILING TO KEEP PACE WITH EXPANDED PRODUCTION OF 9.2 PERCENT; ALL DESPITE A MAJOR COMMITMENT OF U.S. RESOURCES OVER THE LAST THREE YEARS AMOUNTING TO OVER USD 200 MILLION IN USAID, NARCOTICS CONTROL, AND MILITARY PROGRAMS.

B. BOLIVIAN GOVERNMENTS TRADITIONALLY HAVE NOT BEEN EAGER TO CHALLENGE NARCOTRAFFICKERS IN DETERMINED (AND

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POLITICALLY COSTLY) FASHION. CHRONICALLY SHORT OF RESOURCES AND FACING A POTENTIALLY DANGEROUS THREAT FROM TRAFFICKERS, THEY HAVE BEEN LONG ON RHETORIC AND DEMANDING ADDITIONAL ASSISTANCE BUT SHORT ON IMPLEMENTING THE TOUGHER PROVISIONS OF THEIR OWN LAWS AND AGREEMENTS, OFTEN REFUSING TO CONFRONT THE DIFFICULT ISSUES INVOLVED -- IMPLEMENTING A TRULY EFFECTIVE COUNTERNARCOTICS PROGRAM. ALTHOUGH OVERALL PERFORMANCE IN 1989 HAS BEEN LACKLUSTER, WE ARE ENCOURAGED BY DEVELOPMENTS WITH THE NEW GOVERNMENT WHICH ASSUMED POWER

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IN EARLY AUGUST.

C. TO BE SURE, THEY GOT OFF TO A SHAKY START, MAKING A NUMBER OF POOR APPOINTMENTS IN KEY POLICE POSITIONS AND ALLOWING COCA REDUCTION TO LANGUISH TOO LONG BEFORE FOCUSING ON THAT PROGRAM. BOLIVIAN OFFICIALS NEW TO OFFICE CLEARLY DID NOT UNDERSTAND THE GRAVITY OF THE NARCOTICS THREAT OR ITS CENTRALITY TO BOLIVIAN RELATIONS WITH ITS NEIGHBORS, THE U.S., OR EUROPEAN NATIONS. LATE IN THE YEAR, HOWEVER, SOME THREE MONTHS INTO THE NEW ADMINISTRATION, THERE WERE ENCOURAGING SIGNS OF A NEW REALISM IN BOLIVIAN ATTITUDE. THE GOB DEMONSTRATED STRONG POLITICAL WILL AND AN ASSUMPTION OF RISK BY ARRESTING AND REMOVING A MAJOR BOLIVIAN VIOLATOR TO THE UNITED STATES. THE GOB ALSO BEGAN FORCED COCA ERADICATION FOR THE FIRST TIME IN BOLIVIA'S HISTORY. ALTHOUGH THE NONVOLUNTARY ERADICATION CAME TOO LATE IN 1989 TO HAVE A MAJOR IMPACT ON COCA REDUCTION LEVELS, COCA REDUCTION HAS BEEN ON AN UPSWING AS THE YEAR COMES TO AN END, WITH OVER 400 HECTARES BEING REDUCED IN DECEMBER. BEARING IN MIND THAT 1989 WAS A DISRUPTIVE YEAR FOR BOLIVIA WITH GENERAL ELECTIONS IN MAY AND A THREE-MONTH TRANSITION PERIOD LEADING TO A CHANGE OF GOVERNMENT IN AUGUST, THE MISSION SUGGESTS A CAREFUL

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PAGE 01 LA PAZ 16635 02 OF 16 282349Z
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PAGE 02 LA PAZ 16635 02 OF 16 282349Z

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TAGS: BL, SNAR, EAID

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EVALUATION OF BOLIVIA'S PERFORMANCE DESIGNED TO MAKE THE UPCOMING NARCOTICS SUMMIT USEFUL AND PRODUCTIVE. OUR RECOMMENDATION IS CONTAINED IN SECTION D.2, SEPTEL. END SUMMARY.

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2. STATUS AND NATURE OF ILLICIT PRODUCTION AND TRAFFICKING (A.1 AND B.1)

....

- A. BOLIVIA IS THE WORLD'S SECOND LARGEST PRODUCE OF COCA WITH AN ESTIMATED (1989) 53,920 HECTARES OF C UNDER CULTIVATION CAPABLE OF PRODUCING 80,005 METRIC TONS (MT) OF DRY LEAF ANNUALLY, YIELDING 120 MT OF COCAINE HCL, ALLOWING FOR TRADITIONAL LEAF CONSUMPTION, SPOILAGE, AND REDUCTION. UNFORTUNATELY, THIS REPRESENTS A 9.2 PERCENT NET INCREASE OVER LAST YEAR'S (1988) SURVEY REFLECTING 49,345 HECTARES UNDER CULTIVATION YIELDING 110 MT OF COCAINE HCL, DESPITE VOLUNTARY AND LIMITED FORCED ERADICATION.

- B. BOLIVIA IS NOT SIGNIFICANT IN THE INTERNATIONAL TRAFFICKING ARENA OF DANGEROUS DRUGS, HEROIN OR MARIJUANA, NOR IS BOLIVIA A MONEY LAUNDERING CENTER, GIVEN ITS TRADITION OF ECONOMIC AND POLITICAL INSTABILITY.

- C. TRADITIONALLY, BOLIVIA WAS A COCA CULTIVATOR AND FIRST-ECHELON PROCESSOR OF LEAF INTO COCA PASTE. MOST PASTE AND LIMITED QUANTITIES OF BASE WERE EXPORTED TO

COLOMBIA. THE CHARACTER OF COCAINE TRAFFICKING IN BOLIVIA HAS CHANGED DUE TO EXCESS PRODUCTION OF COCAINE PRODUCTS ON THE SOUTH AMERICAN CONTINENT IN THE LAST FEW YEARS RESULTING IN DECLINING WHOLESALE PRICES AT EVERY ECHELON OF THE COCAINE CULTIVATION/PROCESSING/ DISTRIBUTION CHAIN. OPERATING COSTS, ON THE OTHER HAND, HAVE BEEN RELATIVELY STATIC, THUS GENERATING A PROFIT SQUEEZE. THUS, TRAFFICKING ORGANIZATIONS NOW INTEGRATE OPERATIONS VERTICALLY FROM PASTE BUYING THROUGH HCL PROCESSING, CONCENTRATING ON BASE/HCL PRODUCTION AND TRAFFICKING WHERE MARKUPS AND PROFITS TEND TO BE HIGHER,

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LEAVING PEASANTS AND INTERMEDIARIES TO HANDLE THE LESS PROFITABLE PASTE PRODUCTION. MAJOR BOLIVIAN ORGANIZATIONS DISTRIBUTE SOME OF THEIR FINAL PRODUCT TO THE EUROPEAN MARKET VIA ARGENTINA AND BRAZIL WHILE CONTINUING TO SUPPLY WHOLESALE QUANTITIES ON A MUCH LARGER SCALE TO U.S. MARKETS IN CONSORT WITH COLOMBIAN DISTRIBUTORS, SOMETIMES ROUTING THEIR WARES VIA MEXICO.

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D. NEARLY ONE-THIRD OF BOLIVIA'S COCA IS GROWN IN THE YUNGAS AREA OF LA PAZ DEPARTMENT. MOST OF THE YUNGAS CROP IS USED TO SATISFY LEGAL, INTERNAL DEMAND FOR MASTICATION AND TEA. SOME 300,000 BOLIVIANS ARE BELIEVED TO CONSUME 10,000 MT OF DRY LEAF A YEAR. NEARLY ALL OF THE BALANCE OF BOLIVIA'S COCA IS GROWN IN THE CHAPARE AREA OF COCHABAMBA DEPARTMENT.

E. THE CHAPARE REGION IS THE HEART OF ILLICIT CULTIVATION WHERE SOME 37,000 PEASANTS CULTIVATE COCA. ALTHOUGH PEASANTS ARE INDEPENDENT OWNERS/PLANTERS, MOST ARE MEMBERS OF 640 SYNDICATES (COOPERATIVES) WHICH COMBINE TO FORM 54 CENTRALS (TOWNSHIPS). THIS

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UNCLAS SECTION 03 OF 16 LA PAZ 16635

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TAGS: BL, SNAR, EAID

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SYNDICATE/CENTRAL STRUCTURE CONSTITUTES THE LOWER ECHELON OF AN ACTIVE, FUNCTIONING DEMOCRATIC FORM OF LOCAL GOVERNMENT WHICH STRONGLY INFLUENCES THE ECONOMIC, POLITICAL AND SOCIAL FABRIC OF THE CHAPARE PEASANTS' LIFE. THESE STRUCTURES ARE KEY BUILDING BLOCKS IN SECURING A SUCCESSFUL VOLUNTARY ERADICATION PROGRAM.

F. CHAPARE PEASANTS HARVEST THEIR FIELDS ABOUT FOUR TIMES A YEAR. LEAVES ARE DRIED AND USUALLY SOLD IN ONE OF SEVERAL MARKETS IN 100-POUND UNITS CALLED "CARGAS". PRICES FOR CARGAS FLUCTUATED, SOMETIMES RADICALLY THROUGHOUT 1989, RANGING FROM USD 27 TO 100. SINCE COST OF PRODUCTION AND TRANSPORT IS ESTIMATED AT USD 30, THERE IS AN UNSTABLE PROFIT TO PEASANTS, VARYING FROM 0 TO 300 PERCENT. THIS IS IN STARK CONTRAST TO PROFITS OF A THOUSAND PERCENT OR MORE ASSOCIATED WITH USD 200/CARGA 1986 PRE-BLAST FURNACE PRICES OR PEAK 1984/1985 PRICES OF USD 600-800/CARGA.

G. DRIED LEAVES ARE PROCESSED THROUGHOUT THE CHAPARE REGION IN CRUDE PASTE LABS OR MACERATION PITS, MOSTLY BY WHOLESALE LEAF BUYERS OR SOMETIMES BY CULTIVATORS THEMSELVES. ABOUT 110 KILOS OF LEAF ARE REQUIRED TO PRODUCE ONE KILO OF PASTE VALUED AT USD 125 IN 1989.

H. APPROXIMATELY 30 COCAINE ORGANIZATIONS BUY NEARLY ALL THE COCA PASTE PRODUCED IN THE CHAPARE. FIVE OF THESE ARE "BROKER" ORGANIZATIONS THAT BUY PASTE ONLY FOR

RESALE AND MAKE NO ATTEMPT TO FURTHER PROCESS IT. THE OTHER 25 ORGANIZATIONS BUY PASTE AND PROCESS IT WITHIN THEIR OWN ORGANIZATION TO PRODUCE COCAINE BASE AND/OR COCAINE HCL. AS PASTE TENDS TO DETERIORATE QUICKLY IN THE HUMID CHAPARE REGION (OVER 200 INCHES OF RAINFALL A YEAR), NEARLY FOUR KILOS OF PASTE REPORTEDLY ARE REQUIRED TO YIELD ONE KILO OF BASE, VALUED AT USD 650. BASE THEN IS CONVERTED TO HCL AT A 1:1 RATIO, THE LATTER PRODUCT SELLING FOR ABOUT USD 1,600 PER KILO, WHOLESALE. BOLIVIANS OFTEN END UP "FRONTING" THEIR COCAINE BASE AND HCL TO COLOMBIAN NETWORKS THAT MANAGE

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THE MORE LUCRATIVE DISTRIBUTION TO THE U.S. AND EUROPEAN MARKETS. WHILE GROSS MARK-UP MAY APPEAR HIGH, BOTH VARIABLE (CHEMICALS, TRANSPORTATION, SECURITY, CORRUPTION PAYOFFS) AND FIXED COSTS ARE ALSO HIGH. KEY PRECURSOR CHEMICALS SUCH AS ACETONE, ETHER AND SULPHURIC ACID ARE SMUGGLED ACROSS BOLIVIA'S CONTIGUOUS BORDERS WITH NEIGHBORING COUNTRIES. PASTE, BASE, AND HCL MOVEMENTS ARE USUALLY BY AIR BECAUSE OF THEIR HIGH VALUE-TO-WEIGHT RATIO. NONE OF THE 30 BOLIVIAN TRAFFICKING ORGANIZATIONS IS WELL-FINANCED, AND MANY REPORTEDLY FUND AS MUCH AS 80 PERCENT OF THEIR PASTE PURCHASES ON CREDIT FROM PEASANT PRODUCERS AND/OR INTERMEDIARIES. SINCE BOLIVIAN TRAFFICKING ORGANIZATIONS BUY SO MUCH OF THEIR PASTE ON CREDIT AND, IN TURN, OFTEN "FRONT" THE RESULTING BASE/HCL PRODUCT TO COLOMBIANS, THEY AND THE ENTIRE CULTIVATOR/PRODUCER CHAIN IN BOLIVIA ARE VULNERABLE TO MAJOR SEIZURES THROUGHOUT THE INTERNATIONAL PROCESSING/DISTRIBUTION CHAIN.

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I. MOST CULTIVATION FOR ILLICIT PURPOSES TENDS TO BE CONFINED TO A RELATIVELY SMALL AREA OF THE CHAPARE.

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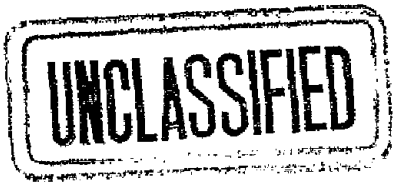

PAGE 01 LA PAZ 16635 04 OF 16 282349Z
ACTION INM-08

INFO LOG-00 ADS-00 AID-00 INR-05 EUR-00 DIC-02 AF-00
IO-19 ARA-00 NSAE-00 L-03 TRSE-00 PM-10 EAP-00
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AMEMBASSY ASUNCION
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USMISSION USVIENNA

UNCLAS SECTION 04 OF 16 LA PAZ 16635

DIA FOR DB-3C, OA-5, DB-5
USVIENNA FOR UNVIE MISSION
CIA FOR DDI/OGI/IND
DEA FOR OC, OF, OI
CUSTOMS FOR LA OPS, INTELLIGENCE ONLY
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PAGE 02 LA PAZ 16635 04 OF 16 282349Z

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COCAINE BASE AND HCL PROCESSING TAKES PLACE ACROSS A MUCH BROADER REGION OF THE BENI AND SANTA CRUZ DEPARTMENTS.

3. ACCOMPLISHMENTS (A.2)

A. THE QUANTITIES OF COCAINE REMOVED BY BOLIVIA FROM THE INTERNATIONAL TRAFFICKING CIRCUIT IN 1989 REPRESENT AN INCREASE, IN ABSOLUTE TERMS, OVER COCA REDUCTION AND SEIZURES EFFECTED IN PREVIOUS YEARS IN MOST CATEGORIES. UNFORTUNATELY, THE QUANTITIES REMOVED AMOUNT TO LESS THAN NINE PERCENT OF TOTAL PRODUCTIVE CAPACITY AND HAVE NOT KEPT PACE WITH GROWTH IN THE INDUSTRY. FINAL, 1989 YEAR END FIGURES WILL BE PROVIDED SEPTEL IN EARLY JANUARY.

B.

BOLIVIAN COCA REDUCTION
1987 THROUGH 1989
IN HECTARES, BY CALENDAR YEAR)

1987	1988	1989
1,004	1,476	2,340

C.
BOLIVIAN ARRESTS, DRUG AND ASSET SEIZURES

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(METRIC MEASURES, BY CALENDAR YEAR)

CATEGORY	1987	1988	1989
DRUGS(KGS)			
COCAINE HCL	148	206	1,036
COCAINE BASE	1,999	1,341	889
COCA PASTE	4,277	8,163	8,329

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LABORATORIES

HCL	8	24	6
BASE	18	21	10
PASTE	1,112	3,542	6,705

PRECURSORS (BLS)

ACETONE (BL)	12	290	33
ETHER	260	105	17
SULPHURIC ACID	54	150	527
ARRESTS	904	509	599

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ACTION INM-08

INFO LOG-00 ADS-00 AID-00 INR-05 EUR-00 OIC-02 AF-00
IO-19 ARA-00 NSAE-00 L-03 TRSE-00 PM-10 EAP-00
OMB-01 INRE-00 CG-00 USIE-00 JUSE-00 FBIE-00 SP-02
/050 W

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P 281433Z DEC 89
FM AMEMBASSY LA PAZ
TO SECSTATE WASHDC PRIORITY 9785
INFO WHITEHOUSE WASHDC
AMEMBASSY SANTIAGO
AMEMBASSY BUENOS AIRES
AMEMBASSY ASUNCION
AMEMBASSY BOGOTA
AMEMBASSY BRASILIA
AMEMBASSY LIBREVILLE
AMEMBASSY LIMA
AMEMBASSY QUITO
AMEMBASSY BANGKOK
AMEMBASSY MEXICO
DEAHQS WASHDC
USCINCSO QUARRY HEIGHTS PN//SCJ2/SCJ3/SCJ5/SCFA//
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USMISSION USVIENNA

UNCLAS SECTION 05 OF 16 LA PAZ 16635

DIA FOR DB-3C, OA-5, DB-5
USVIENNA FOR UNVIE MISSION
CIA FOR DDI/OGI/IND
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AIRCRAFT	4	11	15
VEHICLES	12	17	40
GENERATORS	17	13	9

D. THE COCA ERADICATION CAMPAIGNCONTINUES TO BE A VIABLE PROGRAM, HAVING REMOVED 2,340 HECTARES FROM PRODUCTION THROUGH MID-DECEMBER 1989 THROUGH VOLUNTARY AND INVOLUNTARY MEANS, REPRESENTING A 59 AND 133 PERCENT INCREASE OVER 1988 AND 1987 ACTIVITY LEVELS, RESPECTIVELY. EACH HECTARE GENERATES ENOUGH RAW MATERIAL TO PRODUCE THREE KILOGRAMS OF COCAINE HYDROCHLORIDE PER YEAR. ADDITIONALLY, THE GOB BEGAN FORCED ERADICATION FOR THE FIRST TIME IN LATE OCTOBER, AND LATER IN MID-DECEMBER, REMOVING SOME NINE HECTARES IN THE YAPACANI, AND STIMULATING FARMERS TO REDUCE THE REMAINDER OF STANDING COCA IN THAT REGION WHICH, SINCE JULY, 1989, IS AN ILLICIT PRODUCTION ZONE, TO NEGLIGIBLE LEVELS.

E. UNFORTUNATELY, ERADICATION HAS NOT KEPT PACE WITH NEW PRODUCTION. THE 2,340 HECTARES REMOVED REPRESENTS ONLY 4.7 PERCENT OF OUR 1988 CROP ESTIMATE. AERIAL IMAGERY COLLECTED IN MAY, 1989 REFLECTS A NATIONWIDE INCREASE OF HECTARAGE UNDER CULTIVATION FROM 49,345 HECTARES IN 1988 TO 53,920, A NINE PERCENT EXPANSION IN ONE YEAR. ADDITIONALLY, HECTARES REDUCED FALLS WELL

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SHORT OF BOLIVIA'S STATED 5,000 HECTARES REDUCTION GOAL AS REFLECTED IN ARTICLE 10 OF ITS COCA CONTROL LAW 1008 AND ANNEX I AND II OF OUR BILATERAL PROJECT AGREEMENT.

F. QUALITATIVELY, BOLIVIA FALLS SHORT OF THE MARK AS WELL. LAW 1008 CLEARLY MAKES PROVISION FOR FORCED ERADICATION OF COCA UNDER SEVERAL CIRCUMSTANCES. THE PREVIOUS GOVERNMENT MADE NO EFFORT TO CONDUCT FORCED ERADICATION, PROBABLY DUE TO SENSITIVITIES OVER GENERAL ELECTIONS IN MAY AND AN UNCERTAIN TRANSITION PERIOD UNTIL AUGUST. TO ITS CREDIT, THE NEW GOB HAS CONDUCTED

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LIMITED FORCED ERADICATION, ALTHOUGH LATE IN THE GAME, REMOVING SOME NINE HECTARES OF ILLEGAL COCA IN THE YAPACANI IN OCTOBER AND DECEMBER, 1989. THIS, IN PART, HAD THE EFFECT OF STIMULATING CAMPESINOS IN THE AREA TO REDUCE ALMOST ALL REMAINING COCA IN THE REGION, THUS CHECKING EXPANSION OUT OF THE EASTERN CHAPARE. NO SYSTEMATIC CAMPAIGN, HOWEVER, HAS YET BEEN LAUNCHED TO FORCIBLY DESTROY SEEDBEDS TO DISCOURAGE EXPANDED GROWTH, AND NO REDUCTION OF MATURE COCA NEAR PROCESSING CENTERS HAS BEEN REPORTED. SIMILARLY, THOUSANDS OF HECTARES LANGUISH UNMOLESTED IN THE ISIBORO NATIONAL PARK ON THE EDGE OF THE CHAPARE, AN AREA WHICH IS SUPPOSED TO BE PROTECTED FROM INCURSION BY ANY COLONISTS (I.E., IMMIGRANTS INTO THE AREA) TO PROTECT THE FRAGILE ENVIRONMENT.

ALL OF THESE CIRCUMSTANCES MUST BE FORCEFULLY ADDRESSED BY THE NEW GOVERNMENT IN 1990 TO LIMIT EXPANSION AND PROVIDE IMPETUS TO FARMERS TO EMBRACE VOLUNTARY REDUCTION PROGRAMS IN LARGE ENOUGH QUANTITIES TO ACHIEVE SIGNIFICANT REDUCTION.

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PAGE 01 LA PAZ 16635 06 OF 16 281846Z
ACTION INM-08

INFO LOG-00 ADS-00 AID-00 INR-05 EUR-00 OIC-02 AF-00
IO-19 ARA-00 NSAE-00 L-03 TRSE-00 PM-10 EAP-00
OMB-01 INRE-00 CG-00 USIE-00 JUSE-00 FBIE-00 SP-02
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P 281433Z DEC 89
FM AMEMBASSY LA PAZ
TO SECSTATE WASHDC PRIORITY 9786
INFO WHITEHOUSE WASHDC
AMEMBASSY SANTIAGO
AMEMBASSY BUENOS AIRES
AMEMBASSY ASUNCION
AMEMBASSY BOGOTA
AMEMBASSY BRASILIA
AMEMBASSY LIBREVILLE
AMEMBASSY LIMA
AMEMBASSY QUITO
AMEMBASSY BANGKOK
AMEMBASSY MEXICO
DEAHQS WASHDC
USCINCSO QUARRY HEIGHTS PN//SCJ2/SCJ3/SCJ5/SCFA//
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CIA WASHDC
HQS/CUSTOMS WASHDC
USMISSION USVIENNA

UNCLAS SECTION 06 OF 16 LA PAZ 16635

DIA FOR DB-3C, OA-5, DB-5
USVIENNA FOR UNVIE MISSION
CIA FOR DDI/OGI/IND
DEA FOR OC, OF, OI
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UNCLASSIFIED
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PAGE 02 LA PAZ 16635 06 OF 16 281846Z

E.O. 12356: N/A
TAGS: BL, SNAR, EAID

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G. IN POLITICAL TERMS, THE CENTRAL UNANSWERED QUESTION IS WHETHER THE NEW BOLIVIAN GOVERNMENT HAS THE WILL TO ENFORCE ITS OWN COCA CONTROL LAW 1008 AND TO SEND A CLEAR MESSAGE TO CAMPESINOS TO EMBRACE VOLUNTARY REDUCTION AND ITS EXTENSIVE SUPPORT PACKAGES. CHAPARE CAMPESINOS ARE ELIGIBLE FOR AS MUCH AS USD 2,000 PER HECTARE CASH PAYMENTS, AN AVERAGE OF USD 6,000 CREDIT FOR ALTERNATIVE CROP DEVELOPMENT, AND ACCESS TO CONSIDERABLE TECHNICAL EXPERTISE IF THEY JOIN THE VOLUNTARY REDUCTION PROGRAM, NOT A SMALL SUM CONSIDERING BOLIVIA'S USD 570 PER CAPITA INCOME. SIMILARLY, CAMPESINO COMMUNITIES ARE ELIGIBLE FOR A SERIES OF COMMUNITY PROJECTS DEPENDING ON THE LEVEL OF REDUCTION AS A UNIT. IN FACT, OVER 6,000 CHAPARE CAMPESINOS HAVE ALREADY REDUCED PORTIONS OF THEIR COCA CROP AND PERHAPS A SIMILAR NUMBER HAVE EXPRESSED ENOUGH INTEREST TO REGISTER FOR THE PROGRAM AND HAVE THEIR CROPS MEASURED. UNFORTUNATELY, THE BALANCE OF CHAPARE CAMPESINOS, PERHAPS 20,000 TO 25,000 MORE, ARE WAITING FOR A CLEAR SIGNAL OR MESSAGE FROM THEIR GOVERNMENT TO "GET WITH THE PROGRAM". INSTEAD, GOVERNMENT OFFICIALS AND POLITICIANS OF BOTH GOVERNMENTS AND ALL PARTIES HAVE SHRUNK FROM APPLYING LAW 1008 VIGOROUSLY. EVEN WORSE, SOME HAVE OPENLY SUGGESTED THAT COMPENSATION LEVELS SHOULD BE INCREASED, THUS DRIVING MANY CAMPESINOS INTO A "WAIT AND SEE" POSTURE.

H. SIMILARLY, LAW ENFORCEMENT AND INTERDICTION PROGRESS HAVE BEEN SPOTTY. AVIATION SUPPORT ON THE PART OF THE

BOLIVIAN AIR FORCE CONTINUES TO BE A HIGHLIGHT AND SERVE AS A PROGRAM MODEL. IN 1989, THE NARCOTICS AVIATION TASK FORCE FLOWN EXCLUSIVELY BY BAF PILOTS, COPILOTS, AND CREWCHIEFS FLEW U.S.-LOANED HELICOPTERS 3,194 ACCIDENT FREE HOURS, MAINTAINING A PERFECT SAFETY RECORD FOR THEIR THREE YEARS OF OPERATION AND OVER 8,000 FLIGHT HOURS. ADDITIONALLY, THE BAF DEDICATED THREE FIXED-WINGED AIRCRAFT TO THE NARCOTICS PROGRAM, VALUED AT OVER USD ONE MILLION, SEIZED FROM NARCOTICS TRAFFICKERS. BAF PILOTS CONTINUE TO IMPROVE THEIR PROFICIENCY.

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IN 1989, SEVERAL PILOTS WERE QUALIFIED FOR NIGHT OPERATIONS BOTH WITH AND WITHOUT NIGHT VISION GOGGLES ALLOWING THEM TO CONDUCT SEVERAL SUCCESSFUL NIGHT OPERATIONS.

I. BY CONTRAST, RIVERINE INTERDICTION CONTINUES TO BE MARGINAL. WHILE REPRESENTING AN IMPROVEMENT OVER 1988'S SEIZURE OF ONLY 3.2 KILOS OF COCA PASTE, THE FACT REMAINS THAT THE BOLIVIAN RIVERINE TASK FORCE CONDUCTED ONLY TWO SUCCESSFUL OPERATIONS ALL YEAR, NETTING 450 KILOGRAMS OF COCAINE BASE, ONE COCAINE HCL LABORATORY AND ONE AIRCRAFT.

J. THE URBAN RURAL MOBILE POLICE (UMOPAR) CONTINUES TO IMPROVE SLOWLY AS AN INSTITUTION AND IN TERMS OF SEIZURES, BUT CONTINUES TO BE PLAGUED BY CORRUPTION. ALTHOUGH FULLY COOPERATIVE WITH DEA DURING THE CONDUCT OF COMBINED OPERATIONS, UNITS WITH LITTLE OR NO U.S. PRESENCE MAKE FEW OR NO SEIZURES. SEIZURE STATISTICS IN MOST CATEGORIES TEND TO SHOW IMPROVEMENT, IN ABSOLUTE

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ACTION INM-08

INFO LOG-00 ADS-00 AID-00 INR-05 EUR-00 OIC-02 AF-00
IO-19 ARA-00 NSAE-00 L-03 TRSE-00 PM-10 EAP-00
OMB-01 INRE-00 CG-00 USIE-00 JUSE-00 FBIE-00 SP-02
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P 281433Z DEC 89
FM AMEMBASSY LA PAZ
TO SECSTATE WASHDC PRIORITY 9787
INFO WHITEHOUSE WASHDC
AMEMBASSY SANTIAGO
AMEMBASSY BUENOS AIRES
AMEMBASSY ASUNCION
AMEMBASSY BOGOTA
AMEMBASSY BRASILIA
AMEMBASSY LIBREVILLE
AMEMBASSY LIMA
AMEMBASSY QUITO
AMEMBASSY BANGKOK
AMEMBASSY MEXICO
DEAHQS WASHDC
USCINCSO QUARRY HEIGHTS PN//SCJ2/SCJ3/SCJ5/SCFA//
DIA WASHDC
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USMISSION USVIENNA

UNCLAS SECTION 07 OF 16 LA PAZ 16635

DIA FOR DB-3C, OA-5, DB-5
USVIENNA FOR UNVIE MISSION
CIA FOR DDI/OGI/IND
DEA FOR OC, OF, OI
CUSTOMS FOR LA OPS, INTELLIGENCE ONLY
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TERMS, OVER PREVIOUS YEARS BUT, IN 1989, STILL AMOUNTED TO ONLY ABOUT 3,890 KILOGRAMS OF COCAINE HCL OR ITS EQUIVALENT, AMOUNTING TO ONLY 3.5 PERCENT OF THE COUNTRY'S ESTIMATED COCAINE PRODUCTIVE CAPACITY.

K. MANY APPOINTMENTS CONTINUE TO BE SUSPECT. INITIALLY, THE NEW GOVERNMENT MADE A NUMBER OF QUESTIONABLE ASSIGNMENTS OF KEY POLICE OFFICIALS, EVENTUALLY CHANGING THESE ASSIGNMENTS OR REMOVING RECENT APPOINTEES AFTER CONSIDERABLE USG PRESSURE. ON THE POSITIVE SIDE, THE NEW GOVERNMENT REPLACED A PREVIOUSLY WEAK COMMANDER OF THE SPECIAL FORCE FOR THE FIGHT AGAINST NARCOTICS TRAFFICKING WITH A MORE ENERGETIC AND PRODUCTIVE OFFICIAL. ADDITIONALLY, WE RECENTLY HAVE SEEN MOST UMOPAR OFFICERS BEING SELECTED FROM A LIST OF PERSONNEL WHO HAVE GRADUATED FROM RIGOROUS U.S.-SPONSORED TRAINING COURSES. THE TRAINING FACILITY AT CHIMORE CONTINUES TO IMPROVE, AND BOLIVIA IS NOW IN THE PROCESS OF TRAINING CADRE FROM OTHER COUNTRIES, FOSTERING A SENSE OF INTERNATIONAL COOPERATION AND COORDINATION. ADDITIONALLY, UMOPAR HAS MANAGED TO CONDUCT SEVERAL SOPHISTICATED AIRMOBILE ASSAULTS AGAINST TRAFFICKER STRONGHOLDS IN THE LATTER HALF OF THE YEAR. OVERALL, ARRESTS HAVE INCREASED OVER 1988. TRAFFICKER GODFATHER ROBERTO SUAREZ REMAINS IN PRISON AFTER HIS ARREST IN JULY, 1988.

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THREE MAJOR VIOLATORS WERE ARRESTED IN 1989, INCLUDING
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LUIS ARCE GOMEZ, WHO WAS QUICKLY REMOVED TO THE UNITED STATES IN DECEMBER. ON THE OTHER HAND, CARLOS LISBOA MELGAR WAS RELEASED ONLY THREE WEEKS AFTER HIS NOVEMBER 26 ARREST.

4. PLANS, PROGRAMS, TIMETABLES -- 1990 (A.3)

A. THE PURPOSE OF THE MISSION'S ANTI-NARCOTICS PROGRAM IN BOLIVIA IS TO MINIMIZE THE AVAILABILITY OF ILLICIT COCAINE PRODUCTS GENERATED FROM THE COUNTRY'S

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CONSIDERABLE COCA CULTIVATION AND TO STEM THEIR FLOW INTO THE UNITED STATES OR OTHER WORLD MARKETS. THERE IS NO SIMPLE FORMULA TO ACCOMPLISH THIS GOAL. RATHER, THE MISSION ENVISIONS A BALANCED APPROACH INVOLVING INTERDICTION, COCA REDUCTION, ALTERNATIVE DEVELOPMENT, DISRUPTION OF THE NARCOTICS-TRAFFICKING COMMUNITY, INSTITUTION BUILDING, AND PUBLIC DIPLOMACY. SUCCESS IS CONTINGENT ON THE POLITICAL WILL OF THE GOB TO MAKE TOUGH, POSITIVE DECISIONS, AND OUR ABILITY TO TAKE ADVANTAGE OF THOSE DECISIONS. FLEXIBILITY IS KEY. WE MUST ATTACK THE TRAFFICKING INDUSTRY AT ITS WEAKEST POINTS TO EFFECT MAXIMUM DISRUPTION WHILE RECOGNIZING THAT GOB EFFECTIVENESS OFTEN RESTS ON THE DEDICATION OF A FEW KEY PERSONALITIES WORKING WITH LIMITED HOST COUNTRY RESOURCES. INSTITUTION-BUILDING IS ESSENTIAL FOR THE INTERMEDIATE AND LONG-TERM TO REDUCE THE ADVERSE EFFECTS OF PERSONNEL TURBULENCE AND TO STEM CORRUPTION.

B. COCAINE TRAFFICKING IN BOLIVIA REMAINS LUCRATIVE, BUT, FOR REASONS OUTLINED IN PARAGRAPH TWO, IS LESS PROFITABLE THAN IN PREVIOUS YEARS, PARTICULARLY AT THE CULTIVATION LEVEL. REDUCED PROFITS BECAUSE OF

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PAGE 01 LA PAZ 16635 08 OF 16 281847Z
ACTION INM-08

INFO LOG-00 ADS-00 AID-00 INR-05 EUR-00 OIC-02 AF-00
IO-19 ARA-00 NSAE-00 L-03 TRSE-00 PM-10 EAP-00
OMB-01 INRE-00 CG-00 USIE-00 JUSE-00 FBIE-00 SP-02
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USMISSION USVIENNA

UNCLAS SECTION 08 OF 16 LA PAZ 16635

DIA FOR DB-3C, OA-5, DB-5
USVIENNA FOR UNVIE MISSION
CIA FOR DDI/OGI/IND
DEA FOR OC, OF, OI
CUSTOMS FOR LA OPS, INTELLIGENCE ONLY
THE WHITE HOUSE FOR WILLIAM BENNETT

UNCLASSIFIED
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PAGE 02 LA PAZ 16635 08 OF 16 281847Z

E.O. 12356: N/A
TAGS: BL, SNAR, EAID

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OVERPRODUCTION ON THE SOUTH AMERICAN CONTINENT, COUPLED WITH INCREASED ENFORCEMENT/INTERDICTION ACTION, INCREASES PEASANT RECEPTIVITY TO THE CONCEPT OF VOLUNTARY ERADICATION AND CROP SUBSTITUTION. THE GOB RESPONDED TO THIS OPPORTUNITY IN 1987 BY CREATING THE SUB-SECRETARIAT OF ALTERNATIVE DEVELOPMENT WITHIN THE MINISTRY OF AGRICULTURE TO MANAGE A PROGRAM OF VOLUNTARY COCA REDUCTION, VERIFICATION, DIRECT PAYMENT, AND ALTERNATIVE DEVELOPMENT HEAVILY UNDERWRITTEN BY BILATERAL AND MULTILATERAL ARRANGEMENTS CONTINGENT ON ACTUAL REDUCTION. THE BOLIVIAN LEGISLATURE PASSED A TOUGH COCA LAW IN 1988 WHICH ESTABLISHED LEGAL REQUIREMENTS, DECLARED CULTIVATION ILLEGAL IN MOST OF THE COUNTRY, DEFINED THE CHAPARE AS A TRANSITION ZONE, AND CALLED FOR REDUCTION AT A RATE OF 5,000 TO 8,000 HECTARES A YEAR. THE U.S. MISSION WILL TAKE MAXIMUM ADVANTAGE OF THESE FAVORABLE DYNAMICS TO ENSURE AS MUCH COCA REDUCTION AS POSSIBLE IN 1990 -- A POTENTIAL TOTAL OF 5,000 HECTARES OR MORE.

C. NET COCA REDUCTION CANNOT BE ACCOMPLISHED IN A VACUUM. IT IS DEPENDENT ON EFFECTIVE INTERDICTION AND THE POLITICAL WILL TO CARRY OUT INVOLUNTARY ERADICATION OF COCA SEED BEDS, NEW CULTIVATIONS DISCOVERED OUTSIDE LEGALLY DEFINED CULTIVATION REGIONS IN ACCORDANCE WITH BOLIVIA'S COCA LAW AND IMPLEMENTING REGULATIONS. SUSTAINED INTERDICTION IS ESSENTIAL TO DISRUPT THE COCAINE INDUSTRY: ILLICIT COCAINE PRODUCTS AND TRAFFICKING ASSETS MUST BE SEIZED, PROCESSING FACILITIES
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DESTROYED, AND ARRESTS AND PROSECUTION SUCCESSFULLY CARRIED OUT. EXPERIENCE HAS SHOWN THAT SUCH ACTIVITY SIGNIFICANTLY RAISES COSTS OF OPERATIONS, REDUCES PROFITS, AND GENERALLY STEPS UP THE LEVEL OF UNCERTAINTY, ESPECIALLY AT LOWER ECHELONS OF THE PRODUCTION CHAIN, THUS MAKING PEASANTS RECEPTIVE TO A HOST OF ALTERNATIVE-DEVELOPMENT PROGRAMS.

D. UMOPAR IS THE PRINCIPAL ACTION ARM FOR INTERDICTION. THE MISSION BELIEVES THAT A FORCE OF 640 PERSONNEL PROPERLY EQUIPPED, TRAINED AND LED AND, WHEN

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DEPLOYED WITH ADEQUATE AIR MOBILITY, IS SUFFICIENT FOR 1990 ACTIVITIES. FOR THE MOST PART, ADEQUATE FIELD EQUIPMENT ALREADY IS IN HAND. NEARLY ALL THE FORCE RECEIVED BASIC TRAINING IN 1988 AND 1989. SPECIALIZED TRAINING TO REFINE COMMUNICATIONS AND AIR-MOBILE ASSAULT TECHNIQUES AND TO IMPROVE NIGHT/ADVERSE CONDITIONS CAPABILITIES IS PLANNED IN 1990 AND WILL BE GEARED TO UMOPAR'S CAPACITY TO ABSORB MORE COMPLEX TRAINING. WE WILL CONTINUE TO ADDRESS PROBLEMS OF LEADERSHIP AND CORRUPTION THROUGH THE IDENTIFICATION AND DEVELOPMENT OF A HIGH-CALIBER HOST COUNTRY OFFICER CORPS REQUIRED TO COMPLETE RIGOROUS TRAINING, ALONG WITH CONTINUED PRESENCE OF APPROPRIATE U.S. ADVISORS. IN INSTANCES OF MAJOR OPERATIONS, WE WOULD HOPE THAT THE GOB AND BOLIVIAN ARMY WOULD SEEK A MAJOR SUPPORT ROLE SUPPORTED BY MILGP AND BENNETT PLAN FUNDING. AT PRESENT, THAT POLICY DECISION IS PENDING.

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E. AIR MOBILITY IS ESSENTIAL. THE FAB'S COOPERATION TO DATE HAS BEEN EXEMPLARY, AND WE INTEND TO CONTINUE TO FOSTER THE AIR UNIT'S PROFESSIONAL DEVELOPMENT. WE

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ACTION INM-08

INFO LOG-00 ADS-00 AID-00 INR-05 EUR-00 OIC-02 AF-00
IO-19 ARA-00 NSAE-00 L-03 TRSE-00 PM-10 EAP-00
OMB-01 INRE-00 CG-00 USIE-00 JUSE-00 FBIE-00 SP-02
/050 W
----------201410 292014Z /44
P 281433Z DEC 89
FM AMEMBASSY LA PAZ
TO SECSTATE WASHDC PRIORITY 9789
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AMEMBASSY SANTIAGO
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AMEMBASSY BANGKOK
AMEMBASSY MEXICO
DEAHQS WASHDC
USCINCSO QUARRY HEIGHTS PN//SCJ2/SCJ3/SCJ5/SCFA//
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CIA WASHDC
HQS/CUSTOMS WASHDC
USMISSION USVIENNA

UNCLAS SECTION 09 OF 16 LA PAZ 16635

DIA FOR DB-3C, DA-5, DB-5
USVIENNA FOR UNVIE MISSION
CIA FOR DDI/OGI/IND
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E.O. 12356: N/A
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BELIEVE 12 UH-1 HELICOPTERS ON HAND ARE SUFFICIENT TO DISRUPT MAJOR TRAFFICKING FACILITIES IN THE BENI, MAINTAIN PRESENCE IN THE CHAPARE, AND CONDUCT CONTINUED TRAINING OF THE PILOT FORCE IN SANTA CRUZ. WE WOULD LOOK TO BENNETT PLAN AUGMENTED FUNDING CHANNELED THROUGH MILGP TO AUGMENT BAF OPERATIONS IN THE AREAS OF PROVIDING HEAVY LIFT (C-130) CARGO AIR LIFT SUPPORT AND AIR-TO-AIR INTERDICTION OPERATIONS AGAINST AIR TRAFFICKING. WE WOULD ALSO LOOK TO BENNETT FUNDS AND SOUTHCOM SUPPORT IN DEVELOPING AN ADVANCED BASING SCHEME, PRIMARILY ON BOLIVIA'S NORTHERN FRONTIER.

F. EFFECTIVE USE OF EXISTING AND FUTURE AIR ASSETS IS CONTINGENT ON THE DEVELOPMENT AND UTILIZATION OF TIMELY, ACCURATE INTELLIGENCE TO PINPOINT MAJOR PROCESSING FACILITIES, STASH SITES, TRANSPORT ROUTES, OR TRAFFICKING NERVE CENTERS IN THE VAST BENI, PANDO, AND SANTA CRUZ REGIONS. TO THAT END, WE LOOK TO SOUTHCOM SUPPORT AND AUGMENTED BENNETT PLAN FUNDING TO ESTABLISH A JOINT, COMBINED, ALL-SOURCE INTELLIGENCE CENTER AND ATTENDANT COLLECTION SYSTEM IN 1990. PENDING RESULTS, WE MAY NEED TO AUGMENT EXISTING OR PLANNED AIR ASSETS IN OUT YEARS.

G. THE RIVERINE INTERDICTION PROJECT REMAINS PROBLEMATIC. WE HOPE TO REVITALIZE IT WITH ADDITIONAL BENNETT PLAN FUNDS AND SOUTHCOM TECHNICAL ASSISTANCE. THE BOLIVIAN NAVY SEEMS TO UNDERSTAND OUR DISCONTENT WITH THE "BLUE DEVILS" TASK FORCE AND THAT SUCCESS OR
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FAILURE OF THE PROGRAM WHICH COULD RESULT IN ITS TERMINATION DEPENDS LARGELY ON THEIR FULL COOPERATION.

H. DEA IS WORKING WITH NINE SPECIAL PROSECUTORS TO CLOSELY MONITOR SELECTED HIGH-YIELD JUDICIAL PROCEEDINGS. DEA ALSO HOPES TO CREATE A SMALL, SELECT GROUP OF TRUSTED INVESTIGATORS WHO WILL WORK IN CONCERT WITH DEA PERSONNEL TO DEVELOP HIGH-PRIORITY CASES INVOLVING MAJOR COCAINE VIOLATORS. THE PROGRAM IS DESIGNED TO EFFECT MAXIMUM DISRUPTION OF THE TRAFFICKING COMMUNITY AT THE TOP THROUGH QUALITY INVESTIGATION

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LEADING TO ARRESTS, PROSECUTIONS AND ASSET SEIZURES. THE LATTER IS A RELATIVELY NEW FACET, AND THE U.S. MISSION WILL MAKE EVERY EFFORT TO EDUCATE THE GOB AS TO THE WISDOM OF SEIZING AND USING TRAFFICKERS' ASSETS WITHIN THE LIMITS OF BOLIVIAN AND U.S. LAWS. BOLIVIA'S NEW COCA LAW PROVIDES FOR SPECIAL, THREE-JUDGE NARCOTICS TRIBUNALS FOR EACH DEPARTMENT (STATE). THEY WILL REQUIRE BI-LATERAL AND/OR MULTI-LATERAL SUPPORT TO WORK PROPERLY, HOWEVER, AND THE U.S. EMBASSY WILL BE WORKING CLOSELY WITH THE GOB AND UNFDAC IN 1990 TO PROVIDE ASSISTANCE AND EXPERTISE.

I. PUBLIC DIPLOMACY IS AN IMPORTANT FEATURE OF THE OVERALL PROGRAM. USIS, USAID AND OTHER MISSION ELEMENTS WILL WORK CLOSELY WITH THEIR COUNTERPARTS AND A SELECT GROUP OF DEMAND-REDUCTION SPECIALISTS TO ENSURE THAT THE PUBLIC, OPINION MAKERS, AND GOB POLICY-LEVEL PERSONNEL REALIZE THAT NARCOTICS TRAFFICKING IS A WORLDWIDE PROBLEM AND DETRIMENTAL TO THE WELL BEING OF THE BOLIVIAN PEOPLE. ATTENTION WILL BE FOCUSED ON IDENTIFYING AND PUBLICIZING THE EXTENT OF DRUG ABUSE AND TRAFFICKER-RELATED VIOLENCE IN BOLIVIA. ATTENTION WILL

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ACTION INM-08

INFO LOG-00 ADS-00 AID-00 INR-05 EUR-00 OIC-02 AF-00
IO-19 ARA-00 NSAE-00 L-03 TRSE-00 PM-10 EAP-00
OMB-01 INRE-00 CG-00 USIE-00 JUSE-00 FBIE-00 SP-02
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TO SECSTATE WASHDC PRIORITY 9790
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AMEMBASSY SANTIAGO
AMEMBASSY BUENOS AIRES
AMEMBASSY ASUNCION
AMEMBASSY BOGOTA
AMEMBASSY BRASILIA
AMEMBASSY LIBREVILLE
AMEMBASSY LIMA
AMEMBASSY QUITO
AMEMBASSY BANGKOK
AMEMBASSY MEXICO
DEAHQS WASHDC
USCINCSO QUARRY HEIGHTS PN//SCJ2/SCJ3/SCJ5/SCFA//
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CIA WASHDC
HQS/CUSTOMS WASHDC
USMISSION USVIENNA

UNCLAS SECTION 10 OF 16 LA PAZ 16635

DIA FOR DB-3C, DA-5, DB-5
USVIENNA FOR UNVIE MISSION
CIA FOR DDI/OGI/IND
DEA FOR OC, OF, OI
CUSTOMS FOR LA OPS, INTELLIGENCE ONLY
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BE DRAWN ALSO TO THE GROWING EUROPEAN COCAINE-ABUSE PROBLEM AND ITS NEGATIVE IMPLICATIONS FOR BOLIVIA'S PRESTIGE AND INTERNATIONAL SUPPORT.

J. NAU'S PROJECT OPERATING PLAN FOR 1990 PROVIDES DETAILED PROGRAM PLANS, TARGETS OF PERFORMANCE, MILESTONES, TIMETABLES, ETC.

5. ADEQUACY OF LEGAL AND LAW-ENFORCEMENT MEASURES

(A.4)

A. BOLIVIA'S 155-ARTICLE COMPREHENSIVE COCA CONTROL LAW 1008 PASSED IN JULY, 1988, AND RELATED IMPLEMENTING REGULATIONS ARE ADEQUATE TO CONTROL THE NARCOTICS TRAFFICKING SITUATION IN BOLIVIA. WHAT IS LACKING, HOWEVER, HAS BEEN THE POLITICAL WILL TO ENFORCE THE TOUGHER PROVISIONS OF THE LAW.

B. IN PARTICULAR, THE NEW GOB MUST ENFORCE THE FORCED ERADICATION PROVISIONS OF LAW 1008 TO LIMIT EXPANSION OF COCA CULTIVATION AND TO PROVIDE A CLEAR MESSAGE AND STIMULUS TO CAMPESINOS TO EMBRACE VOLUNTARY COCA REDUCTION PROGRAMS. ADDITIONALLY, THE GOVERNMENT SHOULD FOCUS MORE HEAVILY ON ASSET SEIZURE PROVISIONS TO BOLSTER ITS LIMITED RESOURCES AND APPLY PROVISIONS RELATING TO CORRUPTION TO REMOVE AND PROSECUTE ERRANT

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C. LAW 1008 PROVIDES FOR THE ESTABLISHMENT OF SPECIAL NARCOTICS TRIBUNALS. THE GOB HAS TAKEN ACTION TO ESTABLISH THE FIRST COURT IN LA PAZ, BUT HAS BEEN HAMPERED IN PROPERLY DEVELOPING THAT PROGRAM DUE TO DELAYS IN BILATERAL AND MULTILATERAL SUPPORT FUNDS. THAT PROBLEM APPEARS RESOLVED THROUGH IMF NEGOTIATIONS WITH THE UNITED NATIONS FUND FOR DRUG ABUSE CONTROL TO PROVIDE A SUPPORT PACKAGE IN 1990.

D. ADDITIONALLY, THE GOB APPEARS RECEPTIVE TO

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ESTABLISHING A NEW, MORE EFFECTIVE EXTRADITION TREATY WITH THE USG. WE ARE DISCUSSING A DRAFT TREATY TEXT WITH BOLIVIAN OFFICIALS ON AN URGENT BASIS.

6. COOPERATION BETWEEN HOST COUNTRY AND U.S. LAW ENFORCEMENT AGENCIES (A.5)

A. DURING FISCAL YEAR 1989, THE DRUG ENFORCEMENT ADMINISTRATION OFFERED ASSISTANCE TO BOLIVIA TO FIGHT COCAINE PRODUCTION PROBLEMS. THREE PERMANENT OFFICES IN LA PAZ, SANTA CRUZ AND COCHABAMBA HAVE BEEN STAFFED BY OVER 25 PERMANENTLY ASSIGNED AGENT, INTELLIGENCE ANALYST, AND STAFF PERSONNEL. ADDITIONALLY, SOME 20 OR MORE TDY PERSONNEL AND SEVERAL SUPPORT AIRCRAFT HAVE BEEN ASSIGNED TO CONDUCT SNOWCAP OPERATIONS THROUGHOUT THE COUNTRY WITH PRINCIPAL BASES OF OPERATIONS BEING ESTABLISHED IN TRINIDAD AND THE CHAPARE. SNOWCAP PERSONNEL HAVE ALSO INCLUDED U.S. BORDER PATROL AND U.S. COAST GUARD REPRESENTATIVES TO LEND THEIR SPECIALIZED

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PAGE 01 LA PAZ 16635 11 OF 16 281848Z
ACTION INM-08

INFO LOG-00 ADS-00 AID-00 INR-05 EUR-00 OIC-02 AF-00
IO-19 ARA-00 NSAE-00 L-03 TRSE-00 PM-10 EAP-00
OMB-01 INRE-00 CG-00 USIE-00 JUSE-00 FBIE-00 SP-02
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TO SECSTATE WASHDC PRIORITY 9791
INFO WHITEHOUSE WASHDC
AMEMBASSY SANTIAGO
AMEMBASSY BUENOS AIRES
AMEMBASSY ASUNCION
AMEMBASSY BOGOTA
AMEMBASSY BRASILIA
AMEMBASSY LIBREVILLE
AMEMBASSY LIMA
AMEMBASSY QUITO
AMEMBASSY BANGKOK
AMEMBASSY MEXICO
DEAHQS WASHDC
USCINCSO QUARRY HEIGHTS PN//SCJ2/SCJ3/SCJ5/SCFA//
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CIA WASHDC
HQS/CUSTOMS WASHDC
USMISSION USVIENNA

UNCLAS SECTION 11 OF 16 LA PAZ 16635

DIA FOR DB-3C, DA-5, DB-5
USVIENNA FOR UNVIE MISSION
CIA FOR DDI/OGI/IND
DEA FOR OC, OF, OI
CUSTOMS FOR LA OPS, INTELLIGENCE ONLY
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PAGE 02 LA PAZ 16635 11 OF 16 281848Z

E.O. 12356: N/A
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EXPERTISE TO INTERDICTION OPERATIONS. THE GOB HAS BEEN RECEPTIVE TO CONTINUED DEA PRESENCE, BOTH PERMANENT PARTY AND TDY PERSONNEL IN 1990, TO INCLUDE A MILD BUILD UP IN BOTH CATEGORIES.

B. ADDITIONALLY, THE NATIONAL POLICE HERE WORKED WELL WITH U.S. MILITARY TRAINERS AT CHIMORE, ESTABLISHING A PROFESSIONAL TRAINING FACILITY NOW CONDUCTED PRIMARILY BY BOLIVIAN POLICE PERSONNEL. BOLIVIA HAS OPENED ITS DOORS TO INTERNATIONAL TRAINING, ACCEPTING AND TRAINING FOREIGN POLICE CADRE. IN 1990, THE GOB, WITH USG SUPPORT, HOPES TO DEVELOP CHIMORE INTO A TRUE INTERNATIONAL NARCOTICS INTERDICTION TRAINING FACILITY.

C. THE BOLIVIAN GOVERNMENT HAS PROVIDED, AND IT IS EXPECTED THAT THEY WILL CONTINUE TO PROVIDE, 90 AIR FORCE PILOTS AND MAINTENANCE PERSONNEL FOR THE HELICOPTERS UTILIZED TO ATTACK COCAINE PROCESSING FACILITIES IN SUPPORT OF OPERATION SNOWCAP. THREE SEIZED FIXED-WING AIRCRAFT ALSO HAVE BEEN USED IN SUPPORT OF COUNTERNARCOTICS OPERATIONS. THE MINISTRY OF INTERIOR HAS COMMITTED THEIR UMOPAR PERSONNEL TO WORK IN CONCERT WITH DEA AGENTS IN SUPPORT OF OPERATION SNOWCAP BOTH IN THE CHAPARE AND TRINIDAD. UMOPAR'S AUTHORIZED STRENGTH HAS BEEN FIXED AT 640 PERSONNEL. NINE BOLIVIAN PROSECUTORS (FISCALES) HAVE BEEN ASSIGNED TO WORK WITH DEA/UMOPAR AGENTS, AND ACTUALLY GO ON THE OPERATIONS TO FACILITATE DESTRUCTION AND SEIZURE ORDERS. THEY ALSO

SERVE IN THE JUDICIAL SYSTEM TO INSURE THE EFFECTIVENESS OF PROCEEDINGS AGAINST PERSONS IMPLICATED IN OWNER/OPERATOR ACTIVITIES OF COCAINE PRODUCTION FACILITIES, AND OF PROPERTY SEIZURES FROM THESE INDIVIDUALS.

D. NO ASSETS SEIZED IN THE U.S. HAVE BEEN TURNED OVER TO THE GOB. THE GOB, HOWEVER, IS NOW USING THREE FIXED-WINGED AIRCRAFT SEIZED FROM TRAFFICKERS IN COUNTERNARCOTICS OPERATIONS ALONG WITH SEVERAL VEHICLES.

7. DRUG ABUSE, REHABILITATION AND TREATMENT (A.5)

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A. UNFORTUNATELY, THERE DO NOT YET EXIST ANY CONCLUSIVE DATA ON THE LEVEL OF DRUG ABUSE IN BOLIVIA. HOWEVER, THE NAU-FUNDED NARCOTICS AWARENESS GROUP "CESE" (EDUCATIONAL CAMPAIGN AGAINST DRUGS) HAS FOUND IN ITS INITIAL DATA BANK INVESTIGATIONS THAT A SIGNIFICANT AMOUNT OF DRUG USE IS APPARENT AND THAT A HIGHER PERCENTAGE OF THE YOUNG POPULATION CAN FAIRLY BE DESCRIBED AS A HIGH-RISK GROUP. THAT TENTATIVE CONCLUSION IS REINFORCED BY THE EXPERIENCE OF THE DRUG ABUSE HOT LINE INSTITUTED BY CESE IN 1988.

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IN EVERY MONTH SINCE ITS INCEPTION, THE NUMBER OF CALLS FOR INFORMATION AND/OR CONSULTATION INCREASED SIGNIFICANTLY, AND A NUMBER OF SELF-HELP GROUPS BASED ON THE AL-ANON MODEL HAVE BEEN FORMED IN RESPONSE. AN EPIDEMIOLOGICAL STUDY IS BEING CONDUCTED BY THE NATIONAL PREVENTION COUNCIL (CONAPRE) AND THE PAN AMERICAN HEALTH ORGANIZATION TO ESTABLISH A BASELINE AND DETERMINE MORE

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PAGE 01 LA PAZ 16635 12 OF 16 281849Z
ACTION INM-08

INFO LOG-00 ADS-00 AID-00 INR-05 EUR-00 DIC-02 AF-00
IO-19 ARA-00 NSAE-00 L-03 TRSE-00 PM-10 EAP-00
OMB-01 INRE-00 CG-00 USIE-00 JUSE-00 FBIE-00 SP-02
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INFO WHITEHOUSE WASHDC
AMEMBASSY SANTIAGO
AMEMBASSY BUENOS AIRES
AMEMBASSY ASUNCION
AMEMBASSY BOGOTA
AMEMBASSY BRASILIA
AMEMBASSY LIBREVILLE
AMEMBASSY LIMA
AMEMBASSY QUITO
AMEMBASSY BANGKOK
AMEMBASSY MEXICO
DEAHQS WASHDC
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CIA WASHDC
HQS/CUSTOMS WASHDC
USMISSION USVIENNA

UNCLAS SECTION 12 OF 16 LA PAZ 16635

DIA FOR DB-3C, OA-5, DB-5
USVIENNA FOR UNVIE MISSION
CIA FOR DDI/OGI/IND
DEA FOR OC, OF, OI
CUSTOMS FOR LA OPS, INTELLIGENCE ONLY
THE WHITE HOUSE FOR WILLIAM BENNETT

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PAGE 02 LA PAZ 16635 12 OF 16 281849Z

E.O. 12356: N/A
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PRECISELY THE EXTENT OF SUBSTANCE ABUSE AMONG THE COUNTRY'S YOUTH.

B. THE GOB HAS FORMED A NATIONAL-LEVEL PREVENTION AND EDUCATION ENTITY WHOSE ACRONYM IS "CONAPRE," WITH AFFILIATES IN EACH OF THE COUNTRY'S DEPARTMENTS (STATES) - COCHABAMBA, CHUQUISACA, EL BENI, LA PAZ, ORURO, PANDO, POTOSI, SANTA CRUZ AND TARIJA. IT IS NOT YET CLEAR WHETHER THE ROLE OF THE GROUP WILL FINALLY BE TO COORDINATE AND ESTABLISH POLICY OR ACTUALLY TO CARRY OUT PREVENTION PROGRAMMING. NAU'S CESE HAS WORKED CLOSELY WITH CONAPRE PERSONNEL IN HUMAN RESOURCE TRAINING AND THE DEVELOPMENT OF PREVENTION AND EDUCATIONAL MATERIALS FOR INCORPORATION INTO SCHOOL CURRICULA. CONAPRE HAS ACCEPTED CESE'S MATERIAL AND PEDAGOGICAL MODEL FOR USE IN THE BOLIVIAN SCHOOLS, AND THE TWO GROUPS MAINTAIN CLOSE CONTACT. ALSO WORKING IN THE FIELD OF AWARENESS SINCE 1986 IS A LOCAL PVO IDENTIFIED WITH THE PRIVATE BUSINESSMEN'S CONFEDERATION AND FUNDED BY AID TO A CURRENT LEVEL OF USD 1.9 MILLION. "SEAMOS" FUNDS AND ORGANIZES A RANGE OF PREVENTION ACTIVITIES, INCLUDING A HIGHLY SUCCESSFUL TELEVISION CAMPAIGN. CIVIC GROUPS SUCH AS THE LIONS AND ROTARY CLUBS HAVE BEGUN TO FOCUS ON THE PROBLEM OF DRUG ABUSE AND TO PLAY A MORE PROACTIVE ROLE. CESE HAS MADE CONTACT WITH REPRESENTATIVES FROM THOSE GROUPS AND HAS OFFERED FACILITATIVE AND SUBSTANTIVE ASSISTANCE AS THEY BECOME MORE CONSISTENTLY INVOLVED IN COMMUNITY PREVENTION ACTIVITIES.
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C. REHABILITATION PROGRAMS FOR ADDICTS IN BOLIVIA SCARCELY EXIST, DUE LARGELY TO INFRASTRUCTURE AND BUDGET CONSTRAINTS. IT IS MISSION'S INTENTION TO INTEREST OTHER BI-LATERAL OR MULTI-LATERAL DONORS IN FINANCING THIS COSTLY BUT MUCH NEEDED ELEMENT IN THE ANTI-NARCOTICS PROGRAM.

8. NATURE OF ILLICIT DRUG PRODUCTION (B.1.)

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9. FACTORS AFFECTING PRODUCTION (B.2)

A. GROWING DEMAND FOR COCAINE IN THE UNITED STATES AND EUROPEAN MARKETS, COUPLED WITH UNSTABLE ECONOMIC CONDITIONS IN BOLIVIA, WERE MORE THAN ENOUGH INCENTIVE TO GENERATE A "COCA BOOM" IN BOLIVIA DURING THE EARLY AND MID 1980'S. THE RETURN OF DEMOCRACY AND ECONOMIC REFORMS HAVE RESTORED SOME MEASURE OF STABILITY, THUS LAYING THE FOUNDATION FOR ALTERNATIVE PROGRAMS FOR COCA FARMERS.

B. MORE IMPORTANTLY, HOWEVER, THERE HAS BEEN A DRAMATIC FALL IN DRY LEAF PRICES FROM A HIGH OF USD 600 TO 800 PER HUNDRED WEIGHT (CARGA) IN THE CHAPARE DURING 1984 AND 1985 TO A LOW OF USD 10 DURING OPERATION BLAST FURNACE IN LATE 1986. ALTHOUGH PRICES HAVE REBOUNDED SUBSTANTIALLY FROM THEIR NADIR AND HAVE BEEN RELATIVELY STABLE THROUGHOUT THE 1987 THROUGH 1989 TIME PERIOD AT

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ACTION INM-08

INFO LOG-00 ADS-00 AID-00 INR-05 EUR-00 OIC-02 AF-00
IO-19 ARA-00 NSAE-00 L-03 TRSE-00 PM-10 EAP-00
OMB-01 INRE-00 CG-00 USIE-00 JUSE-00 FBIE-00 SP-02
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P 281433Z DEC 89
FM AMEMBASSY LA PAZ
TO SECSTATE WASHDC PRIORITY 9793
INFO WHITEHOUSE WASHDC
AMEMBASSY SANTIAGO
AMEMBASSY BUENOS AIRES
AMEMBASSY ASUNCION
AMEMBASSY BOGOTA
AMEMBASSY BRASILIA
AMEMBASSY LIBREVILLE
AMEMBASSY LIMA
AMEMBASSY QUITO
AMEMBASSY BANGKOK
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USMISSION USVIENNA

UNCLAS SECTION 13 OF 16 LA PAZ 16635

DIA FOR DB-3C, OA-5, DB-5
USVIENNA FOR UNVIE MISSION
CIA FOR DDI/OGI/IND
DEA FOR OC, OF, OI
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USD 40 TO 90/CARGA, PEASANTS NO LONGER ENJOY THE SUSTAINED HIGH PROFIT MARGINS TO WHICH SO MANY HAD BEEN ACCUSTOMED IN THE EARLY YEARS. THIS WAS PARTICULARLY TRUE IN 1989 WHEN PRICES VARIED, SOMETIMES RADICALLY, FROM USD 27 TO 100/CARGA. COSTS OF CULTIVATION ARE ESTIMATED AT USD 30/CARGA.

C. LOWER COCA-LEAF PRICES ARE A FUNCTION OF BOTH OVERPRODUCTION ON THE SOUTH AMERICAN CONTINENT AND SUPPRESSIVE INTERDICTION OPERATIONS. OVERPRODUCTION HAS A BROAD-BASED, LONGER-TERM IMPACT OVER WHICH THE BOLIVIAN TRAFFICKING COMMUNITY HAS LITTLE INFLUENCE. INTERDICTION IS MORE SHORT-TERM IN NATURE, AND BOLIVIAN TRAFFICKERS ATTEMPT TO COUNTER ITS IMPACT BY MODIFYING THEIR METHODS OF OPERATIONS AND UNDERMINING THE GOB'S POLITICAL WILL OR ABILITY TO CARRY ON EFFECTIVELY PROGRAMS THROUGH POLITICAL ACTION AND CORRUPTION.

10. MAXIMUM ACHIEVABLE REDUCTION (B.3)

A. BOLIVIA'S FUTURE OUTPUT IS DIRECTLY PROPORTIONAL TO ITS LEVEL OF CULTIVATION SINCE IT IS NOT A COCAINE-TRANSIT COUNTRY. WHILE IMPROVED INTERDICTION EFFORTS SHOULD RESULT IN LARGER, MORE COSTLY SEIZURES, NOTICEABLE, LONG-TERM REDUCTIONS IN COCAINE OUTPUT CAN BEST BE ACHIEVED THROUGH A NET REDUCTION IN THE COCA CROP'S SIZE. IN BOLIVIA, THAT MEANS VOLUNTARY, MANUAL ERADICATION IN THE CONTEXT OF A VIABLE CROP
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SUBSTITUTION/ALTERNATIVE DEVELOPMENT PROGRAM. COCA GROWERS APPEAR AMENABLE TO ALTERNATIVE DEVELOPMENT BECAUSE OF LOW LEAF PRICES AND THE PRECARIOUS NATURE OF THE NARCOTICS BUSINESS. MANY CHAPARE GROWERS ALREADY ENGAGE IN LEGITIMATE AGRICULTURAL ACTIVITY IN ONE FORM OR ANOTHER. EACH HECTARE VOLUNTARILY ERADICATED POTENTIALLY REMOVES THREE KILOS OF COCAINE HCL FROM PRODUCTION ANNUALLY.

B. U.S. EMBASSY LA PAZ BELIEVES 5,000 HECTARES OR MORE OF COCA COULD BE VOLUNTARILY ERADICATED AND VERIFIED BY

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THE END OF ANY CALENDAR YEAR GIVEN A CLEAR AND CONSISTENT DEMONSTRATION OF POLITICAL WILL ON THE PART OF THE GOB. SEVERAL USAID FINANCED PROGRAMS ARE IN PLACE, INCLUDING NEW CREDIT ARRANGEMENTS, RELAXED RULES FOR COMMUNITY SUPPORT PACKAGES, AND EXPANDED ALTERNATIVE CROP AVAILABILITY, ALL OF WHICH SHOULD MAKE THE ALTERNATIVE DEVELOPMENT PACKAGE AND RELATED COCA REDUCTION MORE ATTRACTIVE. ADDITIONALLY, BOLIVIA WILL NOT FACE THE DISRUPTION IN 1990 OF GENERAL ELECTIONS, WHICH ADVERSELY AFFECTED THE GOB'S WILLINGNESS TO IMPLEMENT A CONTROVERSIAL COCA LAW IN 1989. ACHIEVEMENT OF THIS GOAL, HOWEVER, IS DEPENDENT ON A NUMBER OF FACTORS, INCLUDING THE DECISIVE SUPPORT OF GOB POLICY MAKERS, THE CONTINUED INVOLVEMENT OF KEY SUB-MINISTERIAL LEVEL OFFICIALS, AN EFFECTIVE INTERDICTION PROGRAM, CONTAINMENT OF TRAFFICKER COUNTER-ACTION, ETC. MAXIMUM DISRUPTION OF THE BOLIVIAN TRAFFICKING COMMUNITY VIA VIGOROUS INTERDICTION OF 10 METRIC TONS OF COCAINE HCL OR ITS EQUIVALENT IN BASE AND/OR PASTE AND ARREST/PROSECUTION OF SEVERAL MAJOR TRAFFICKERS WOULD PERFORM THE DUAL FUNCTION OF DISTRACTING MAJOR VIOLATORS FROM THEIR ATTEMPTS TO DISMANTLE THE COCA REDUCTION

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PAGE 01 LA PAZ 16635 14 OF 16 281849Z
ACTION INM-08

INFO LOG-00 ADS-00 AID-00 INR-05 EUR-00 OIC-02 AF-00
IO-19 ARA-00 NSAE-00 L-03 TRSE-00 PM-10 EAP-00
OMB-01 INRE-00 CG-00 USIE-00 JUSE-00 FBIE-00 SP-02
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P 281433Z DEC 89
FM AMEMBASSY LA PAZ
TO SECSTATE WASHDC PRIORITY 9794
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AMEMBASSY SANTIAGO
AMEMBASSY BUENOS AIRES
AMEMBASSY ASUNCION
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AMEMBASSY BRASILIA
AMEMBASSY LIBREVILLE
AMEMBASSY LIMA
AMEMBASSY QUITO
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AMEMBASSY MEXICO
DEAHQS WASHDC
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USMISSION USVIENNA

UNCLAS SECTION 14 OF 16 LA PAZ 16635

DIA FOR DB-3C, OA-5, DB-5
USVIENNA FOR UNVIE MISSION
CIA FOR DDI/OGI/IND
DEA FOR OC, OF, OI
CUSTOMS FOR LA OPS, INTELLIGENCE ONLY
THE WHITE HOUSE FOR WILLIAM BENNETT

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PAGE 02 LA PAZ 16635 14 OF 16 281849Z

E.O. 12356: N/A
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PROGRAM AND, OPTIMISTICALLY, SPUR LARGE NUMBERS OF PEASANTS TO PARTICIPATE.

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PEASANT ATTITUDES ALSO WILL BE GREATLY AFFECTED BY THE EFFICIENCY, OR LACK THEREOF, WITH WHICH THE GOB, USG, AND OTHER ENTITIES FOLLOW THROUGH ON PROMISES OF DEVELOPMENT AND DIRECT PAYMENTS.

11. METHODOLOGY FOR ESTIMATES (B.4)

A. ONE HECTARE YIELDS 1.6 MT DRY LEAF/YEAR (CHAPARE)
-- ONE HECTARE YIELDS 1.2 MT DRY LEAF/YEAR
-- (YUNGAS/APOLO)
-- 110 KG. DRY LEAF YIELD 1 KILO COCA PASTE
-- 4 KG. PASTE YIELD 1 KG. COCAINE BASE
-- 1.1 KG. BASE YIELDS 1 KG. COCAINE HCL
THUS, APPROXIMATELY 500 K. DRY LEAF EQUAL 1 K. HCL.

TOTAL HECTARAGE UNDER CULTIVATION:

INM-SPONSORED AERIAL SURVEY DATA FROM 1989 DIVIDED AS FOLLOWS:

--	CY88	CY89
--CHAPARE	34,135	38,250
--YUNGAS	14,210	14,570
--APOLO	1,000	1,100

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--SANTA CRUZ	NIL	NIL
TOTAL	49,345	53,920

B. SOME SOURCES SUGGEST THAT BOTH HECTARAGE UNDER CULTIVATION AND LEAF YIELD MIGHT BE HIGHER THAN THOSE FIGURES REFLECTED ABOVE. WE CHOOSE TO ACCEPT THE 53,920 HECTARE, 1989 FIGURE SINCE IT IS PREDICATED ON AN ANALYSIS OF HIGH-QUALITY IMAGERY AND REPRESENTS THE MOST STRUCTURED APPROACH IN COLLECTING DATA. THE U.S. MISSION IN COOPERATION WITH THE BAF COLLECTED

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EXTENSIVE IMAGERY IN CULTIVATION ZONES DURING MID 1989.

12. STATISTICAL TABLES (C.1)

	1990	1989	1988	1987	1986
A. GROSS CULT. (H)	55,000	53,920	49,345	40,300	37,000
B. GROSS POTENTIAL LEAF PRODUCTION (MT)	81,400	80,005	73,030	56,420	51,800
C. HECTARES ERADICATED	5,000	2,340	1,476	1,042	200
D. CROPS ERADICATED (MT)	7,400	3,463	2,184	1,459	280

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PAGE 01 LA PAZ 16635 15 OF 16 281850Z
ACTION INM-08

INFO LOG-00 ADS-00 AID-00 INR-05 EUR-00 OIC-02 AF-00
IO-19 ARA-00 NSAE-00 L-03 TRSE-00 PM-10 EAP-00
OMB-01 INRE-00 CG-00 USIE-00 JUSE-00 FBIE-00 SP-02
/050 W
----------201432 292020Z /44
P 281433Z DEC 89
FM AMEMBASSY LA PAZ
TO SECSTATE WASHDC PRIORITY 9795
INFO WHITEHOUSE WASHDC
AMEMBASSY SANTIAGO
AMEMBASSY BUENOS AIRES
AMEMBASSY ASUNCION
AMEMBASSY BOGOTA
AMEMBASSY BRASILIA
AMEMBASSY LIBREVILLE
AMEMBASSY LIMA
AMEMBASSY QUITO
AMEMBASSY BANGKOK
AMEMBASSY MEXICO
DEAHQS WASHDC
USCINCSO QUARRY HEIGHTS PN//SCJ2/SCJ3/SCJ5/SCFA//
DIA WASHDC
CIA WASHDC
HQS/CUSTOMS WASHDC
USMISSION USVIENNA

UNCLAS SECTION 15 OF 16 LA PAZ 16635

DIA FOR DB-3C, OA-5, DB-5
USVIENNA FOR UNVIE MISSION
CIA FOR DDI/OGI/IND
DEA FOR OC, OF, OI
CUSTOMS FOR LA OPS, INTELLIGENCE ONLY
THE WHITE HOUSE FOR WILLIAM BENNETT

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PAGE 02 LA PAZ 16635 15 OF 16 281850Z

E.O. 12356: N/A
TAGS: BL, SNAR, EAID

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E. NET CULTIVATION	50,000	51,580	47,869	39,300	36,80
F. NET PRODUCTION	74,000	76,338	70,846	55,020	51,52
G. LEAF CONSUMPTION	10,000	10,000	10,000	10,000	10,00
H. NET FOR CONVERSION	64,000	66,338	60,846	45,020	41,52
I. LESS LEAF SPOILAGE (10 PERCENT)	57,600	59,704	54,761	40,500	37,36
J. COCA PASTE/ POTENTIAL (MT)	524	542	498	368	33
K. LESS PASTE/ SEIZURES (MT)	12	9	8	4	
L. PASTE FOR CONVERSION (MT)	512	533	490	364	33
M. POTENTIAL BASE (MT)	128	133	122	92	8
N. POTENTIAL HCL (MT)	115	120	110	83	75

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PAGE 03 LA PAZ 16635 15 OF 16 281850Z

O. ARRESTS	700	599	509	904	981
P. LABS HCL DESTROYED	20	6	24	8	22
Q. LEAF USERS	- 300,000 -				

R. LEAF CONSUMPTION -- LINE G.

13. STATUS OF USG ASSISTANCE IN MILLIONS OF USD(D.1)

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	FY-91	FY-90	FY-89	FY-88
DA	24.3	21.7	21.1	20.9
ESF	95.0	20.0	11.8	7.8
PL-480 TITLE I AND III	20.0	20.0	17.0	20.0
TITLE II (LESS FREIGHT)	13.8	14.7	13.2	11.5
INM INTN'L NARCOTICS				
IMET (THOUSANDS)	UNK	548	400	400
FMS (DIRECT AND GUARANTEE)	0	0	0	0
MAP (MILLIONS)	UNK	30.9	5	8

14. IMPACT OF USG ASSISTANCE (SEPTEL), SECTION D.2.

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29 Dec 89

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n/a

Case Number: S1999000030

Project (#S1999000030)
Department of State
X Excise ____ Deny ____
in Part ____ in full ____
Exemption(s) ____
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PAGE 01 SANTIA 13159 01 OF 02 291538Z
ACTION DS-01

INFO	LOG-00	ADS-00	AID-00	INR-05	SS-00	CIAE-00	EB-00
	DODE-00	NSCE-00	ARA-00	NSAE-00	COME-00	SSO-00	L-02
	AMAD-01	CTME-00	NRCE-00	TRSE-00	PM-10	PA-01	FAAE-00
	CCO-00	INRE-00	CA-02	CG-00	ACDA-05	A-00	USSS-00
	JUSE-00	FBIE-00	DOEE-00	M-01	IMMC-01	OIS-01	SCT-03
	ZOVD-00	P-02	/035 W				

----------226140 291540Z /38

O 291532Z DEC 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 4403
USIA WASHDC IMMEDIATE 1084
INFO USCINCSO QUARRY HEIGHTS//SCJ-2//
CINCLANTFLT NORFOLK
USOFFICE MRC MIAMI
AMEMBASSY MONTEVIDEO

LIMITED OFFICIAL USE SECTION 01 OF 02 SANTIAGO 13159

TERREP

MONTEVIDEO FOR LEGATT

CINC ALSO FOR POLADS

MIAMI FOR CO CO D

USIA FOR M/S

E.O. 12356: N/A
TAGS: ASEC, PTER, PINS, CI
SUBJECT: BOMB EXPLODES INSIDE SANTIAGO BI-NATIONAL
- CENTER.

REF: (A) SANTIAGO 7873, (B) SANTIAGO 8366, (C)
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PAGE 02 SANTIA 13159 01 OF 02 291538Z

SANTIAGO 9452, (D) USIA 58709, (E) SANTIAGO 10806,
(F) STATE 347866, (G) SANTIAGO 11199, (H) USIA
68356, (I) SANTIAGO 12558.

1. SUMMARY: ON DECEMBER 28 AT APPROXIMATELY
1900 HRS. A BOMB EXPLODED INSIDE THE INSTITUTO
CHILENO NORTEAMERICANO (BNC) LOCATED AT 1467 MONEDA

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IN SANTIAGO. THE BOMB WAS PLACED INSIDE A FIFTH FLOOR MEN'S BATHROOM IN THE BUILDING WHERE LANGUAGE CLASSES WERE HELD. APPROXIMATELY 325 STUDENTS AND TEACHERS WERE IN THIS BUILDING WHEN THE BOMB EXPLODED. NO ONE WAS INJURED. POLICE ARE ARE QUESTIONING THREE POSSIBLE WITNESSES WHO MAY HAVE SEEN THE PERSON RESPONSIBLE FOR PLACING THE BOMB. THE BUILDING WAS SEARCHED BUT NO OTHER BOMBS WERE DISCOVERED. BNC DIRECTOR HAD IMPLEMENTED HEIGHTENED SECURITY MEASURES AFTER THE US ACTION IN PANAMA OCCURRED. POLICE WERE ON DUTY OUTSIDE THE BNC AND TWO MISSION CONTRACT GUARDS WERE ON DUTY INSIDE THE BUILDING WHEN THE EXPLOSION OCCURRED. A SMALL ADVERTISEMENT FROM THE FRENTE PATRIOTICO MANUEL RODRIGUEZ EXTOLLING THE GROUP'S SIXTH ANNIVERSARY, WHICH OCCURRED ON DECEMBER 14, WAS FOUND INSIDE THE BATHROOM WHERE THE EXPLOSION OCCURRED. END SUMMARY.

2. AT 1900 HRS. ON DECEMBER 28 A BOMB EXPLODED IN THE FIFTH FLOOR MEN'S BATHROOM OF THE INSTITUTO CHILENO NORTEAMERICANO IN SANTIAGO. INVESTIGATING OFFICERS FROM THE CARABINEROS DE CHILE BOMB SQUAD (GOPE) ESTIMATED THAT BOMB CONSISTED OF 1 KILOGRAM OF EXPLOSIVE GELATIN. NO ONE WAS INJURED IN THE EXPLOSION. THE BUILDING WHERE THE EXPLOSION
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PAGE 03 SANTIA 13159 01 OF 02 291538Z

OCCURRED CONSISTS OF FIVE FLOORS THAT ARE USED PRIMARILY AS CLASSROOMS. THE BNC DIRECTOR STATED THAT APPROXIMATELY 325 STUDENTS AND TEACHERS WERE IN THIS AREA OF THE BNC WHEN THE EXPLOSION OCCURRED. THE BATHROOM WAS HEAVILY DAMAGED. THE AREA ADJACENT TO THE BATHROOM, WHICH INCLUDES A HALLWAY AND STAIRCASE, ALSO SUFFERED SOME DAMAGE.

3. A SMALL PIECE OF PAPER ADVERTISING THE SIXTH ANNIVERSARY OF THE MANUEL RODRIGUEZ PATRIOTIC FRONT WAS DISCOVERED INSIDE THE BATHROOM WHERE THE EXPLOSION OCCURRED.

4. THERE WERE TWO CARABINEROS ON DUTY OUTSIDE THE BUILDING WHEN THE EXPLOSION OCCURRED. THEY SUMMONED OTHER POLICE WHO QUICKLY SEALED OFF THE AREA. THREE POSSIBLE WITNESSES WHO MAY HAVE SEEN THE PERSON WHO PLACED THE BOMB IN THE BATHROOM ARE BEING QUESTIONED BY THE CARABINEROS INVESTIGATING THIS INCIDENT.

5. THE DIRECTOR HAD INCREASED SECURITY MEASURES AT THE BNC AFTER THE US ACTION IN PANAMA OCCURRED. SHE CANCELLED ALL CULTURAL ACTIVITIES AND CLOSED THE LIBRARY. THE ONLY ACTIVITIES BEING HELD AT THE BNC WERE LANGUAGE CLASSES.

6. AT THE MISSION'S REQUEST, CARABINEROS DE CHILE, THE UNIFORMED NATIONAL POLICE, HAD ASSIGNED TWO OFFICERS TO PATROL OUTSIDE OF THE BNC. TWO MISSION CONTRACT GUARDS WERE ALSO ON DUTY INSIDE THE BNC. ALTHOUGH THE DIRECTOR HAD CURTAILED BNC ACTIVITIES A GREAT NUMBER OF PEOPLE CONTINUED TO USE THE BUILDING AND, GIVEN THE RESOURCES AVAILABLE, GUARDS WERE UNABLE TO SCREEN EVERYONE ENTERING. REFTELS DESCRIBE THE MISSION'S EFFORTS TO IMPROVE ACCESS
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PAGE 04 SANTIA 13159 01 OF 02 291538Z

CONTROLS AT THE SANTIAGO BNC AND THE DEPARTMENT'S RESPONSES.

7. RSO, A/PAO AND THE SANTIAGO BNC DIRECTOR PLAN TO MEET ON DECEMBER 29 TO DETERMINE WHAT OTHER MEASURES CAN BE IMPLEMENTED TO PROTECT THIS

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PAGE 01 SANTIA 13159 02 OF 02 291538Z
ACTION DS-01

INFO	LOG-00	ADS-00	AID-00	INR-05	SS-00	CIAE-00	EB-00
	DODE-00	NSCE-00	ARA-00	NSAE-00	COME-00	SSO-00	L-02
	AMAD-01	CTME-00	NRCE-00	TRSE-00	PM-10	PA-01	FAAE-00
	CCO-00	INRE-00	CA-02	CG-00	ACDA-05	A-00	USSS-00
	JUSE-00	FBIE-00	DOEE-00	M-01	IMMC-01	OIS-01	SCT-03
	ZOVD-00	P-02	/035 W				

----------226171 291558Z /49 38

O 291532Z DEC 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 4404
USIA WASHDC IMMEDIATE 1085
INFO USCINCSO QUARRY HEIGHTS//SCJ-2//
CINCLANTFLT NORFOLK
USOFFICE MRC MIAMI
AMEMBASSY MONTEVIDEO

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TERREP

FACILITY. RSO AND A/PAO WILL ALSO DISCUSS THE RECENT INCIDENTS THAT HAVE OCCURRED AT THE BNCS IN TEMUCO, TALCA AND VINA DEL MAR, TO SEE IF ANYMORE CAN BE DONE TO PROTECT THE OTHER BNCS IN CHILE. IN VIEW OF INCREASED TARGETTING OF BNCS, POST STRONGLY RECOMMENDS VISIT, ALREADY PROPOSED BY USIA M/S, BY USIA SECURITY TEAM TO REVIEW SECURITY MEASURES AT THESE FACILITIES. MISSION WILL CONSULT CLOSELY WITH THIS TEAM WHICH WE REQUEST COME TO SANTIAGO IN EARLY JANUARY. GILLESPIE

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RELEASED

TEXT OF TELEGRAM 89MEXICO031978

ADP655 [redacted]

PAGE 01 MEXICO 31978 01 OF 03 291444Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-05	SS-00	CIAE-00	DODE-00
	H-01	NSCE-00	NSAE-00	SSO-00	HA-09	L-03	TRSE-00
	PM-10	PA-01	OMB-01	INRE-00	ACDA-12	USIE-00	SP-02
	SNP-01	PRS-01	DS-01	SCT-03	P-02	T-01	/053 W

------------------223546 291453Z /49

O 291442Z DEC 89
FM AMEMBASSY MEXICO
TO SECSTATE WASHDC IMMEDIATE 2424
INFO AMEMBASSY GUATEMALA
AMEMBASSY SAN SALVADOR

[redacted] SECTION 01 OF 03 MEXICO 31978

E.O. 12356: DECL:OADR
TAGS: PREL, PTER, ES, MX
SUBJECT: ARMS FOR THE FMLN: THE MEXICAN CONNECTION

REF: STATE 406647

1. (C) SUMMARY: MEXICAN MEDIA HAVE REPORTED AP STORIES OF CUBA SENDING ARMS TO SALVADORAN FMLN VIA YUCATAN AND GUATEMALA. GOM OFFICIALS DENY THE EXISTENCE OF SUCH A ROUTE AND ASK THAT THE USG SHARE ANY INFORMATION REGARDING ARMS SHIPMENTS. END SUMMARY.

2. (U) MEXICAN NEWS MEDIA DECEMBER 27 AND 28 CARRIED AP WASHINGTON DATELINE REPORTS THAT THE USG HAS DISCOVERED THAT THE CUBANS WERE SENDING ARMS TO THE FMLN GUERRILLAS THROUGH MEXICO. QUOTING UNNAMED AMERICAN OFFICIALS THE AP STORIES DESCRIBED HOW THE CUBANS WERE SENDING ARMS FOR THE FMLN IN EL SALVADOR ACROSS THE CARIBBEAN TO MEXICO'S YUCATAN PENINSULA WHERE THE WEAPONS ARE LOADED ON TO TRUCKS FOR TRANSPORTATION TO EL [redacted]

PAGE 02 MEXICO 31978 01 OF 03 291444Z

SALVADOR VIA GUATEMALA. THE EXACT ROUTE THAT THIS TRAFFIC TAKES TO REACH GUATEMALA WAS NOT DISCLOSED. ACCORDING TO MEDIA REPORTS GOM OFFICIALS HAVE DENIED THAT WEAPONS FROM CUBA FOR THE SALVADORAN REBELS ARE TRANSITING OR HAVE TRANSITED MEXICO.

MEXICAN MEDIA REACTION

3. (U) DECEMBER 28 EDITIONS OF ALL MAJOR MEXICO CITY

RELEASED
El Salvador: Human Rights Special Project (1993)

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: COX, DAVID
Date: 05/26/94
Case ID: 9940036

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TEXT OF TELEGRAM 89MEXICO031978

DAILIES CARRIED STORIES ON THE STATEMENT BY MEXICAN FOREIGN SECRETARIAT REFUTING THE AP REPORT THAT THE YUCATAN PENINSULA IS BEING USED AS A TRANSHIPMENT POINT FOR CUBAN ARMS ON THEIR WAY TO THE GUERRILLAS IN EL SALVADOR. THE PAPERS REPORTED THAT THE MEXICAN FOREIGN SECRETARIAT HAS ASKED THE USG, THROUGH AMBASSADOR NEGROPONTE, TO PASS ANY INFORMATION TO THE MEXICAN AUTHORITIES SO THAT THEY CAN ACT ON THIS MATTER. LEFTIST DAILY "LA JORNADA " WAS THE ONLY PAPER TO COMMENT EDITORIALLY ON THE STORY, REASONING THAT THE ISSUE MAY BE USED TO MAKE MEXICO MORE VULNERABLE TO PRESSURE TO ALIGN ITSELF WITH THE U.S. INVASION OF PANAMA.

4. (U) SAMPLE HEADLINES OF SOME OF THE MAJOR DAILIES: " EXCELSIOR" "MEXICAN FOREIGN SECRATARIAT DENIES THAT FMLN RECEIVES WEAPONS THROUGH MEXICO"; "EL UNIVERSAL" " THE U.S. SHOULD DEMONSTRATE THAT MEXICO IS A TRANSSHIPMENT POINT TO SEND WEAPONS TO SALVADORAN INSURGENTS"; " LA JORNADA" " THE MEXICAN FOREIGN SECRETARIAT REJECTS U.S. ALLEGATIONS THAT MEXICO IS A TRANSSHIPMENT POINT FOR WEAPONS FOR THE FMLN"; "UNOMASUNO" " MEXICAN FOREIGN SECRETARIAT DENIES MEXICO IS TRANSSHIPMENT POINT FOR WEAPONS SENT FROM CUBA TO EL SALVADOR".

[redacted]

PAGE 03 MEXICO 31978 01 OF 03 291444Z

5. (U) THE FOLLOWING IS AN EXCERPT FROM THE DECEMBER 28 "LA JORNADA" EDITORIAL ;

BEGIN EXCERPT :

"SENIOR MILITARY AUTHORITIES IN EL SALVADOR ARE PAYING SPECIAL ATTENTION TO THIS ISSUE AND CONSIDER THE ALLEGED TRAFFIC OF WEAPONS A FACT. MEANWHILE, THE MEXICAN FOREIGN SECRETARIAT HAS STRONGLY DENIED THAT MEXICAN TERRITORY, AT THE AFOREMENTIONED AREA OR AT OTHER, IS BEING USED FOR SUCH TRAFFIC OF WEAPONS.

THE IRRESPONSIBILITY OF THE SALVADORAN GOVERNMENT IN REPEATING ANONYMOUS ALLEGATIONS IS TRULY AMAZING. BUT WASHINGTON IS STILL MORE IRRESPONSIBLE, AS A SOURCE OF DANGEROUS LIES. IF THERE IS A NORMAL FLOW OF COMMUNICATION BETWEEN MEXICO AND THE U.S., WHY THEN WAS NOT THIS INFORMATION TRANSMITTED TO THE MEXICAN GOVERNMENT THROUGH DIPLOMATIC CHANNELS, PARTICULARLY TAKING INTO CONSIDERATION THE SERIOUSNESS OF THIS MATTER? WHY WERE UNIDENTIFIED USG SPOKESPERSONS USED TO LEAK THE NEWS, AND THE CRISTIANI GOVERNMENT USED TO ECHO THIS ALLEGATION?

IT WAS VERY SIGNIFICANT FOR OUR CHANCERY TO HAVE QUICKLY AND EFFECTIVELY STOPPED THIS SCALE OF LIES THAT MAY BE

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Special Project (1993)

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AIMED AT PUTTING MEXICO IN A DIFFICULT AND EXTREMELY
VULNERABLE SITUATION, WITHIN THE CONTEXT OF THE

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El Salvador: Human Rights
Special Project (1993)

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PAGE 01 MEXICO 31978 02 OF 03 291445Z
ACTION ARA-00

INFO LOG-00 ADS-00 AID-00 INR-05 SS-00 CIAE-00 DODE-00
H-01 NSCE-00 NSAE-00 SSO-00 MA-09 L-03 TRSE-00
PM-10 PA-01 OMB-01 INRE-00 ACDA-12 USIE-00 SP-02
SNP-01 PRS-01 DS-01 SCT-03 P-02 T-01 /053 W
------------------223565 291453Z /49 38

O 291442Z DEC 89
FM AMEMBASSY MEXICO
TO SECSTATE WASHDC IMMEDIATE 2425
INFO AMEMBASSY GUATEMALA
AMEMBASSY SAN SALVADOR

[redacted] SECTION 02 OF 03 MEXICO 31978

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El Salvador Human Rights
Special Project (1993)

E.O. 12356: DECL:OADR
TAGS: PREL, PTER, ES, MX
SUBJECT: ARMS FOR THE FMLN: THE MEXICAN CONNECTION

PANAMANIAN CRISIS, ... THAT COULD RESULT IN MEXICO
BEING FORCED TO ALIGN ITSELF WITH U.S. INTERVENTIONSM."

END EXCERPTS.

6. (U) THE DEFENSE AND MARINE SECRETARIATS HAVE BOTH DENIED THE EXISTENCE OF A CUBAN ARMS ROUTE TO EL SALVADOR THROUGH MEXICAN TERRITORY. ADDITIONALLY THE GOVERNORS OF THE STATES OF YUCATAN AND QUINTANA ROO HAVE ALSO ISSUED STATEMENTS DENYING THAT CUBAN ARMS HAVE LANDED IN THEIR STATES. IN SPITE OF ALL DENIALS, ACCORDING TO AN SRE COMMUNIQUE, MEXICAN AUTHORITIES HAVE ORDERED INCREASED VIGILANCE TO STOP ILLEGAL ARMS TRAFFICKING.
7. (U) THE ATTORNEY GENERALS OFFICE (PGR) IS ALSO SAID TO HAVE RECENTLY INSTRUCTED THE FEDERAL JUDICIAL POLICE
[redacted]

PAGE 02 MEXICO 31978 02 OF 03 291445Z

TO KEEP A STRICT WATCH ON ARMS TRAFFIC WITHIN MEXICAN TERRITORY. THE PGR FOR SOME TIME NOW HAS HAD IN PLACE A SERIES OF ANTI-DRUG CHECK POINTS ON THE ROADS IN THE STATES OF QUINTANA ROO AND YUCATAN. THE MISSION OF THESE CHECKPOINTS COULD EASILY BE EXPANDED TO INCLUDE THE CHECKING OF SOUTHBOUND TRUCKS FOR CUBAN WEAPONS.

8. (C) FERNANDO SOLANA MORALES, THE FOREIGN SECRETARY AND SERGIO GONZALEZ GALVEZ FOREIGN RELATIONS UNDER

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SECRETARY IN DECEMBER 27, CONVERSATIONS WITH THE AMBASSADOR, EXPRESSED THE GOM'S SURPRISE AT LEARNING FROM THE NEWS MEDIA THAT CUBA WAS SENDING ARMS TO THE FMLN GUERRILLAS THROUGH MEXICO. THEY ASKED IF THE AMBASSADOR HAD ANY ADDITIONAL INFORMATION REGARDING THIS ISSUE AND REQUESTED THAT THE USG SHARE ANY INFORMATION ON CUBAN ARMS TRAFFICKING THROUGH MEXICO SO THAT THE GOM CAN PUT A STOP TO IT. THE AMBASSADOR REPLIED THAT HE DID NOT HAVE ANY INFORMATION TO THIS EFFECT AND WOULD CERTAINLY APPRISE THE SRE IF ADDITIONAL INFORMATION CAME TO HIM.

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Special Project (1993)

9. (C) IT IS THE OPINION OF THE EMBASSY THAT THE CUBANS ARE AT PRESENT NOT SENDING ARMS THROUGH MEXICO. IN THE PAST THE CUBANS HAVE SENT ARMS THROUGH MEXICO TO SUPPORT THE NICARAGUAN REVOLUTION BUT ON THE CONCLUSION OF THAT CONFLICT THE NETWORK WAS SHUT DOWN. TO SUCCESSFULLY SMUGGLE WEAPONS FROM THE YUCATAN TO GUATEMALA BY TRUCK IN QUANTITIES LARGE ENOUGHT TO BE USEFUL TO THE FMLN WOULD HAVE TO HAVE THE ACTIVE COLLUSION OF MEXICAN OFFICIALS. EMBOFFS BELIEVE THAT AS LONG AS THE CUBANS CAN DELIVER WEAPONS FOR THE FMLN TO NICARAGUA A MEXICAN ROUTE NEED NOT BE DEVELOPED.

[redacted]

PAGE 03 MEXICO 31978 02 OF 03 291445Z

10. (C) THE LACK OF ROADS TO THE GUATEMALAN BORDER IS ANOTHER FACTOR THAT WOULD INHIBIT THE SHIPMENT OF WEAPONS FROM THE YUCATAN (THE THREE MAIN ROUTES LEADING SOUTH ARE HIGHWAYS 200 THROUGH TAPACHULA, 190 THROUGH CIUDAD CUAUHTEMOC AND 307 THROUGH CHETUMAL INTO BELIZE). THE ANTI-DRUG CHECKPOINTS THAT THE GOM HAS ESTABLISHED ON THESE ROADS WOULD INCREASE THE RISK OF DISCOVERY FOR THESE WEAPONS SHIPMENTS FROM THE YUCATAN TO AN UNACCEPTABLE LEVEL.

11. (C) FOR SOME TIME EMBASSY HAS BEEN AWARE THAT THERE HAS BEEN SMALL SCALE SMUGGLING OF ARMS AND EXPLOSIVES FROM MEXICO TO THE GUATEMALAN INSURGENTS. IN THE PAST EMBOFFS HAVE RECEIVED REPORTS OF ARMS SMUGGLING THAT HAS INVOLVED SMALL QUANTITIES OF WEAPONS PURCHASED IN THE UNITED STATES BY MEXICAN NATIONALS AND THEIR SHIPMENT THROUGH MEXICO FOR DELIVERY TO THE GUATEMALAN REBELS. WEAPONS FOR THE GUATEMALANS HAVE BEEN MOSTLY SMUGGLED THROUGH THE JUNGLE SO AS TO AVOID DETECTION BY MEXICAN MILITARY AND POLICE AUTHORITIES. OCCASIONALLY THESE WEAPONS AND OTHER EQUIPMENT HAVE BEEN SMUGGLED INTO GUATEMALA CONCEALED IN PASSENGER CARS AND TRACTOR TRAILERS.

12. (C) THE SMUGGLERS ARE ABLE TO TAKE ADVANTAGE OF THE RUGGED TERRAINOIN THE BORDER REGION WHICH MAKES THE DEPLOYMENT OF MEXICAN RESOURCES DIFFICULT. GOODS AND

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PEOPLE ARE ABLE TO CROSS THE GUATEMALAN-MEXICAN BORDER WITHOUT DETECTION IN MANY PLACES BECAUSE THE LACK OF ACCESS ROADS HAS MADE IT ALMOST IMPOSSIBLE FOR THE GOM OR THE GOG TO ESTABLISH AN EFFECTIVE PRESENCE IN THE AREA SUFFICIENT TO STOP ILLEGAL CROSSINGS.

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El Salvador: Human Rights
Special Project (1993)

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PAGE 01 MEXICO 31978 03 OF 03 291446Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-05	SS-00	CIAE-00	DODE-00
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	PM-10	PA-01	ONB-01	INRE-00	ACDA-12	USIE-00	SP-02
	SNP-01	PRS-01	DS-01	SCT-03	P-02	T-01	/053 W

223611 291454Z /49

O 291442Z DEC 89
FM AMEMBASSY MEXICO
TO SECSTATE WASHDC IMMEDIATE 2426
INFO AMEMBASSY GUATEMALA
AMEMBASSY SAN SALVADOR

[redacted] SECTION 03 OF 03 MEXICO 31978

E.O. 12356: DECL:OADR
TAGS: PREL, PTER, ES, MX
SUBJECT: ARMS FOR THE FMLN: THE MEXICAN CONNECTION

13. (C) COMMENT: THE CUBAN ARMS STORY HAS ANGERED MANY MEXICANS BOTH IN THE GOVERNMENT AND THE PRESS. AS THE "LA JORNADA" EDITORIAL POINTS OUT MANY GOM OFFICIALS ARE ALSO ASKING WHY THE USG DID NOT PRESENT ITS CASE THROUGH DIPLOMATIC CHANNELS. THE ATTITUDE OF FOREIGN SECRETARY SOLANA AS EXPRESSED TO THE AMBASSADOR IS PROBABLY REFLECTIVE OF THE ATTITUDE OF PRESIDENT SALINAS. SOME SEE THE ALLEGATION AS PART OF A COORDINATED EFFORT WITH EL SALVADOR TO PRESSURE THE GOM INTO SUPPORTING THE U.S. INTERVENTION IN PANAMA AND GIVING THE NEW ENDARA GOVERNMENT QUICK RECOGNITION. PENDING WASHINGTON GUIDANCE TO THE CONTRARY EMBASSY PLANS TO RESPOND TO EITHER OFFICIAL OR PRESS INQUIRIES BY SAYING THAT WE HAVE NO INFORMATION ON ALLEGED CUBAN ARMS SHIPMENTS TO THE FMLN THROUGH MEXICO AND HAVE SO INFORMED THE SRE. WE WILL ADD THAT IF WE RECEIVE ANY
[redacted]

PAGE 02 MEXICO 31978 03 OF 03 291446Z

INFORMATION TO THIS EFFECT, WE WILL COMMUNICATE IT TO THE SRE FORTHWITH. END COMMENT. (DRAFTED BY:POL:RHCOOPER AND USIS:DSAINTROSSY) NEGROPONTE

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29 Jan 97
KE63
Project (S)S199900030
Department of State
23 X Excise Deny
In Part In Full
Exemption(s)

UNCLASSIFIED

PAGE 01 SANTIA 13167 291637Z
ACTION DS-01

INFO	LOG-00	ADS-00	AID-00	INR-05	SS-00	CIAE-00	EB-00
	DODE-00	NSCE-00	ARA-00	NSAE-00	COME-00	SSO-00	L-02
	AMAD-01	CTME-00	NRCE-00	TRSE-00	PM-10	PA-02	FAAE-00
	CCO-00	INRE-00	CA-02	CG-00	ACDA-05	A-00	USSS-00
	USIE-00	JUSE-00	FBIE-00	DOEE-00	M-01	IMMC-01	OIS-01
	SCT-03	ZOVD-00	P-02	/036 W			

----------230534 291638Z /38

O 291633Z DEC 89
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 4410
INFO USCINCSO QUARRY HEIGHTS//SCJ-2//
CINCLANTFLT NORFOLK
USOFFICE MRC MIAMI
AMEMBASSY MONTEVIDEO IMMEDIATE

UNCLAS SANTIAGO 13167

TERREP

MONTEVIDEO FOR LEGATT

CINC ALSO FOR POLADS

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E.O. 12356: N/A
TAGS: ASEC, PTER, PINS, CI
SUBJ: SITUATION REPORT REFERENCE DEPARTMENT THREAT ADVISORY

REF: (A) SANTIAGO 13097, (B) SANTIAGO 13143

1. SITREP NO. 4 AS OF 12/29/89, 1200 HRS. LOCAL TIME.

2. THE FOLLOWING SECURITY INCIDENTS HAVE OCCURRED
UNCLASSIFIED

UNCLASSIFIED

PAGE 02 SANTIA 13167 291637Z

SINCE REFTEL (A). POST BELIEVES THAT MOST, IF NOT ALL OF THESE INCIDENTS, OCCURRED AS A RESULT OF THE RECENT US ACTION IN PANAMA:

-- ON DECEMBER 26 AT 1588 HRS. UNKNOWN PERSONS PUSHED AN ENVELOPE UNDERNEATH THE DOOR OF AN APARTMENT

OCCUPIED BY BEN HELSTEN, AN AMCIT WHO IS THE GENERAL MANAGER OF MTS LTDA., A CHILEAN FIRM. WHEN HELSTEN OPENED THE ENVELOPE A WHITE POWDER ESCAPED WHICH PRODUCED A TEAR GAS LIKE EFFECT. THE MISSION AMCIT NASA REPRESENTATIVE ALSO LIVES IN THE BUILDING WHERE THE INCIDENT OCCURRED.
-- ON DECEMBER 28 AT 1900 HRS. A SIMULATION OF A BOMB WAS DISCOVERED INSIDE THE LINCOLN SCHOOL IN THE CITY OF ARICA AFTER AN UNIDENTIFIED YOUNG WOMAN CALLED IN A BOMB THREAT TO THE SCHOOL. THE BI-NATIONAL CENTER IN ARICA IS LOCATED 400 METERS FROM THE LINCOLN SCHOOL.

-- ON DECEMBER 29 AT 0115 HRS. SIX INDIVIDUALS, DESCRIBED AS FOUR YOUNG MEN AND TWO YOUNG WOMEN, POURED GASOLINE AROUND THE ENTRANCE OF A MORMON CHAPEL LOCATED IN THE VILLA FREI SECTION OF SANTIAGO. THESE INDIVIDUALS THEN IGNITED THE GASOLINE AND FLED. PAMPHLETS FROM THE TERRORIST GROUP FRENTE JUVENIL LAUTARO MJL) WERE FOUND AT THE SCENE. DAMAGE WAS DESCRIBED AS SUPERFICIAL.

-- THE SECURITY OFFICER AT THE CITIBANK IN THE CITY OF VINA DEL MAR REPORTED THAT UNKNOWN PERSONS PLACED A BOMB IN FRONT OF THE BANK THAT EXPLODED ON DECEMBER 29 AT 0315 HRS. NO ONE WAS INJURED. THE FRONT OF THE BANK SUSTAINED MODERATE DAMAGE.
UNCLASSIFIED

UNCLASSIFIED

PAGE 03 SANTIA 13167 291637Z

-- ON DECEMBER 29 AT 1200 HRS. APPROXIMATELY TWENTY PEOPLE, BELIEVED TO BE PANAMANIANS, GATHERED IN FRONT OF THE CONSULATE AND UNFURLED CHILEAN AND PANAMANIAN FLAGS AS THEY SHOUTED ANTI AMERICAN SLOGANS. POLICE QUICKLY DISPERSED THE GROUP. NO ARRESTS WERE MADE AND NO ONE WAS INJURED.

-- IN ADDITION TO THE INCIDENTS MENTIONED ABOVE, THREE OTHER MORMON CHURCHES HAVE RECENTLY BEEN BOMBED (REFTEL B) AND A BOMB EXPLODED INSIDE THE BI-NATIONAL CENTER IN SANTIAGO (SEPTEL).

3. MISSION PERSONNEL ARE AWARE THAT THERE IS A HEIGHTED SECURITY RISK AS RESIDENT TERRORIST GROUPS NOW APPEAR TO BE FOCUSING ON USG INSTALLATIONS, AMERICAN BUSINESSES AND PRIVATE AMCITS. POST WILL CONTINUE TO MONITOR THIS SITUATION AND REPORT ON ALL INCIDENTS THAT COME TO OUR ATTENTION. GILLESPIE

DECLASSIFIED IN PART UNCLASSIFIED RELEASED IN PART
A5
E3157
RELEASED
El Salvador: Human Rights
Special Project (1993)

TEXT OF TELEGRAM 90STATE 000456

ADP795 [redacted]

PAGE 01 STATE 000456
ORIGIN ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-05	SS-00	CIAE-00	DODE-00
	H-01	NSCE-00	NSAE-00	HA-09	L-03	TRSE-00	PM-10
	PA-01	OMB-01	INRE-00	ACDA-12	USIE-00	SP-02	SNP-01
	PRS-01	DS-01	SCT-03	P-02	T-01	/053 R	

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O P 0223262 JAN 90
FM SECSTATE WASHDC
TO AMEMBASSY MEXICO IMMEDIATE
INFO AMEMBASSY SAN SALVADOR PRIORITY
AMEMBASSY GUATEMALA PRIORITY

[redacted] STATE 000456

E.O. 12356: DECL: OADR
TAGS: PREL, PTER, ES, MX
SUBJECT: ARMS FOR THE FMLN: THE MEXICAN CONNECTION

REF: (A) 89 MEXICO 31978, (B) 89 STATE 406647,
(C) 89 GUATEMALA 15554.

[redacted] A5

1. REGARDING PRESS REPORTS OF ARMS SHIPMENTS TO FMLN THROUGH MEXICO, ADVISE THAT EMBASSY OFFICIALS NOT COMMENT ON SPECIFIC ALLEGATIONS. PUBLIC COMMENT ON ISSUE SHOULD STATE THAT WE ARE CONFIDENT OF MEXICAN EFFORTS TO PREVENT ARMS SHIPMENTS THROUGH THEIR TERRITORY. MEXICAN OFFICIALS SHOULD BE REASSURED THAT AP STORY IS NOT RELATED TO U.S. ACTION IN PANAMA AND THAT U.S. POLICY IS TO PRESENT ANY INFORMATION ON ARMS TRANSHIPMENT THROUGH MEXICO TO FMLN [redacted]

PAGE 02 STATE 000456

THROUGH DIPLOMATIC CHANNELS.

2. SEPTEL DETAILING CURRENT AND PREVIOUS REPORTS OF ARMS TRAFFICKING TO FMLN THROUGH MEXICO TO FOLLOW.

3. COMMENT: GIVEN FLUID SITUATION AND NATURE OF RECENT INTELLIGENCE, IT IS COUNTERPRODUCTIVE TO PUBLICLY STATE THAT ARMS ARE NOT NOW BEING TRANSHIPPED THROUGH MEXICO.
BAKER

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: SLOTT, DICK
Date: 06/08/94
Case ID: 9940036A

DECLASSIFIED IN PART UNCLASSIFIED

1/2/03 JF 038

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PAGE 01 SANTIA 00027 022040Z
ACTION DS-01

INFO	LOG-00	ADS-00	AID-00	INR-05	SS-00	CIAE-00	EB-00
	DODE-00	NSCE-00	ARA-00	NSAE-00	COME-00	SSO-00	L-02
	AMAD-01	CTME-00	NRCE-00	TRSE-00	PM-10	PA-02	FAAE-00
	CCO-00	INRE-00	CA-02	CG-00	ACDA-05	A-00	USSS-00
	USIE-00	JUSE-00	FBIE-00	DOEE-00	M-01	IMMC-01	OIS-01
	SCT-03	ZOVD-00	P-02	/036 W			

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O 022039Z JAN 90
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 4428
INFO USCINCSO QUARRY HEIGHTS//SCJ-2//
CINCLANTFLT NORFLOK
USOFFICE MRC MIAMI
AMEMBASSY MONTEVIDEO IMMEDIATE

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ✓
Exemption(s) ____

UNCLAS SANTIAGO 00027

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MONTEVIDEO FOR LEGATT

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E.O. 12356: N/A
TAGS: ASEC, PTER, PINS, CI
SUBJ: SITUATION REPORT REFERENCE DEPARTMENT THREAT ADVISORY

REF: (A) SANTIAGO 13167

1. SITREP NO. 5 AS OF 1/2/90, 1200 HRS. LOCAL TIME.

2. THE FOLLOWING INCIDENTS HAVE OCCURRED SINCE REFTEL:
UNCLASSIFIED

UNCLASSIFIED

PAGE 02 SANTIA 00027 022040Z

-- ON DECEMBER 31 O/A 2400 HRS. A BOMB EXPLODED IN FRONT OF A MORMON CHAPEL IN THE LO ESPEJO AREA OF SANTIAGO. POLICE ESTIMATE THAT THE BOMB CONSISTED OF 150 GRAMS OF EXPLOSIVE GELATIN IGNITED BY A MECHANICAL DETONATOR. DAMAGE WAS DESCRIBED AS LIGHT. NO GROUP HAS CLAIMED RESPONSIBILITY FOR THE INCIDENT.

-- ON JANUARY 1 AT 0200 HRS. A BOMB EXPLODED IN FRONT OF A MORMON CHAPEL IN THE TOWN OF CALAMA. GLASS

HAS CLAIMED RESPONSIBILITY FOR THIS INCIDENT.

3. ALL SECURITY PRECAUTIONS MENTIONED IN REFTEL REMAIN IN EFFECT. GILLESPIE

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DEPARTMENT OF STATE
DIPLOMATIC SECURITY

INCOMING
TELEGRAM

PAGE 01 SANTIA 00066 031931Z 5426 013460 DS6391
ACTION DS-00

INFO DSS-01 CC-01 CT-01 PSLS-01 OP-01 TAD-01 FLD-01 SA-01
PLD-01 TC-01 DS-01 PI-01 CI-01 DP-01 EPE-01 ATA-01
POL-01 K-01 CR-01 /019 A2 LH

INFO LOG-00 ADS-00 AID-00 INR-05 SS-00 CIAE-00 EB-00
DODE-00 NSCE-00 ARA-00 NSAE-00 COME-00 SSO-00 L-02
AMAD-01 CTME-00 NRCE-00 TRSE-00 PM-00 PA-02 FAAE-00
CCO-00 INRE-00 CA-02 CG-00 ACDA-05 A-00 USSS-00
USIE-00 JUSE-00 FBIE-00 DOEE-00 M-01 IMMC-01 OIS-01
SCT-03 ZOVD-00 P-02 /036 W

047235 031931Z /38

O 031929Z JAN 90
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 4453
INFO USCINCSO QUARRY HEIGHTS/SCJ-2//
CINCLANTFLT NORFOLK
USOFFICE MRC MIAMI
AMEMBASSY MONTEVIDEO

UNCLAS SANTIAGO 00066

TERREP

MONTEVIDEO FOR LEGATT

CINC ALSO FOR POLADS

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E.O. 12356: N/A
TAGS: ASEC, PTER, PINS, CI
SUBJ: SITUATION REPORT REFERENCE DEPARTMENT THREAT ADVISORY

REF: (A) SANTIAGO 0027

1. SITREP NO. 6, 1 3-90, AS OF 1200 HOURS LOCAL TIME.

2. ON JANUARY 2, 1990 AT 2215 HRS. A MORMON CHAPEL WAS FIRE BOMBED ON CALLE MIRADOR 1815 IN SANTIAGO.

3. DAMAGE TO THE FRONT OF THE CHAPEL WAS MODERATE. NO INJURIES WERE REPORTED.

4. PAMPHLETS FROM THE TERRORIST GROUP MOVIMIENTO JUVENIL LAUTARO WERE LEFT AT THE SCENE THAT ALLEGEDLY ALSO READ, "FUERA YANKEES DE LATINOAMERICA".
GILLESPIE

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ✓
Exemption(s) ____

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PAGE 01 SAN JO 00154 042222Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-05	SS-00	CIAE-00	DODE-00
	NSAE-00	SSO-00	L-03	AMAD-01	PM-10	PA-01	INRE-00
	OCS-06	CA-02	ACDA-12	JUSE-00	SP-02	C-01	PRS-01
	DS-01	SCT-03	P-02	/050 W			

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O 042318Z JAN 90
FM AMEMBASSY SAN JOSE
TO SECSTATE WASHDC IMMEDIATE 5945
INFO AMEMBASSY GUATEMALA
AMEMBASSY SAN SALVADOR
AMEMBASSY TEGUCIGALPA
USIA WASHDC 2833

Dept. of State, RPS/IPS, Margaret P. Grafeld, Dir.
[X] Release ( ) Excise ( ) Deny [X] Declassify
Date 2/27/02 Exemption _____

[redacted]L SAN JOSE 00154

USIA FOR AR-ZUCKERMAN, RONEY

E.O. 12356: DECL:OADR
TAGS: CASC, PGOV, PREL, NU, CS
SUBJECT: LA PENCA REPORT FINGERS JOHN HULL AMONG OTHERS

1. (U) LOCAL PRESS REPORTS THE EXISTENCE OF A FIFTY-TWO PAGE PUBLIC MINISTRY PRELIMINARY REPORT ON THE LA PENCA INCIDENT. THE REPORT, DELIVERED DECEMBER 26 TO SAN CARLOS JUDICIAL AUTHORITIES (WITH COPIES ALSO SENT TO THE SUPREME COURT), NAMES JOHN HULL AND FELIPE VIDAL AS THE INTELLECTUAL AUTHORS OF THE MAY 30, 1984 ATTEMPT ON EDEN PASTORA'S LIFE. IT RECOMMENDS HULL AND VIDAL BE CHARGED WITH MURDER. IN THE BOMBING, THREE PERSONS DIED (INCLUDING US CITIZEN LINDA FRAZIER) AND SEVERAL WERE INJURED.

2. (U) THE REPORT NAMES A FOREIGNER USING THE ALIAS PEER ANKER ANSEN (AKA AMAC GALIL AND AHMED KHALIL) AS [redacted]

[redacted]

PAGE 02 SAN JO 00154 042222Z

HAVING CARRIED OUT THE ATTACK. ANSEN ALLEGEDLY WAS

HIRED TO KILL PASTORA BY THE MEDELLIN CARTEL "THAT SUPPORTED HULL, FELIPE VIDAL AND HIS CUBAN MOVEMENT." THE INITIATIVE BEHIND THE CARTEL'S ACTION CAME FROM HULL AND VIDAL, ACCORDING TO THE REPORT. HULL WAS ACQUAINTED WITH CARTEL FIGURES DUE TO THE SUPPOSED USE OF HIS FARM AS A TRANSSHIPMENT POINT FOR DRUGS (AND ARMS). THE MOTIVE BEHIND THE ATTEMPT ON PASTORA'S LIFE, THE REPORT SAYS, INVOLVED HULL'S AND VIDAL'S BELIEF THAT COMANDANTE CERO WAS A COMMUNIST AND WAS CAUSING PROBLEMS FOR THE "CONSOLIDATION" OF THE SOUTHERN RESISTANCE FRONT.

3. (U) THE REPORT FURTHER ALLEGES THAT ROBERT OWEN, IDENTIFIED AS WORKING FOR ADOLFO CALERO AND BEING A COURIER FOR OLIVER NORTH, KNEW OF THE PLAN. IT IS ALSO ALLEGED THAT AN EFFORT WAS MADE TO "DISORIENT" THE INVESTIGATION IN ORDER TO PROTECT OLIVER NORTH'S RESISTANCE AID OPERATION. IN THIS VEIN, THE REPORT CHARGES THAT THE ORIGINAL OIJ INVESTIGATORS MAY BE GUILTY OF "NON-FULFILLMENT OF THEIR DUTY." THE REPORT DISCARDS THE POSSIBILITY OF CIA INVOLVEMENT DUE TO THE EXISTENCE OF US LEGAL RESTRICTIONS AGAINST ASSASSINATIONS.

4. (C) COMMENT: ALTHOUGH THIS REPORT HAS BEEN LEAKED TO THE PRESS, IT IS NOT A PUBLIC DOCUMENT. WE SUSPECT ITS LEAKING IS INTENDED TO SHOW THAT THE GOCR HAS NOT ABANDONED ITS INVESTIGATION AND MAY HAVE BEEN IN RESPONSE TO PRESSURE FROM THE COSTA RICAN JOURNALISTS' ASSOCIATION FOR A NEW INVESTIGATION. IN THE PAST YEAR, THE JOURNALISTS, WHO WERE CRITICAL OF THE PREVIOUS INVESTIGATION, HAVE TWICE TRIED TO GET
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PAGE 03 SAN JO 00154 042222Z

THE LEGISLATIVE ASSEMBLY TO INVESTIGATE LA PENCA. THE ASSOCIATION HAS ALSO RECEIVED THE SUPPORT OF THE NATIONAL RECONCILIATION COMMISSION IN ITS EFFORT TO PRESS FOR WHAT IT WOULD REGARD AS A FULLER ACCOUNTING. ALTHOUGH THIS ISSUE AGAIN HAS COME TO PUBLIC ATTENTION AS THE ELECTORAL CAMPAIGN ENTERS ITS FINAL MONTH, WE DO NOT SEE ANY OBVIOUS IMPLICATIONS FOR THE PRESIDENTIAL ELECTION.

5. (U) COPIES OF THE ARTICLES ARE BEING FAXED TO

ARA/CEN, CARL COCKBURN.

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PAGE 01 GUATEM 00135 01 OF 02 042021Z
ACTION INM-08

INFO LOG-00 ADS-00 AID-00 INR-05 OIC-02 DODE-00 IO-19
NSCE-00 ARA-00 NSAE-00 L-03 AMAD-01 CTME-00 TRSE-00
PM-10 OMB-01 INRE-00 CG-00 JUSE-00 FBIE-00 SP-02
/051 W

----------153501 050149Z /64 38

R 042022Z JAN 90
FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC 7467
INFO DEAHQS WASHDC
CIA WASHDC
DIA WASHDC
USIA WASHDC 0119
AMEMBASSY BELIZE
AMEMBASSY MEXICO
AMEMBASSY SAN SALVADOR
AMEMBASSY SAN JOSE
USCINCSO QUARRY HTS PM

[redacted] SECTION 01 OF 02 GUATEMALA 00135

DEPT FOR INM, ARA/CEN MCCARTHY AND AIDAC

E.O. 12356: DECL:OADR
TAGS: SNAR, PREL, KPRP, GT
SUBJECT: CLASSIFIED SECTION OF INCSR - IMPACT OF US ASSISTANCE ON GUATEMALAN NARCOTICS PRODUCTION AND TRAFFIC

REF: A) STATE 384942 B) GUATEMALA 15123
C) GUATEMALA 15124

1. [redacted] - ENTIRE TEXT.

2. REF B PROVIDES UNCLASSIFIED PORTION OF THE INCSR. THE FOLLOWING IS SECTION D.2. (CLASSIFIED SECTION) OF OUR ANNUAL NARCOTICS REPORT.

[redacted]

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PAGE 02 GUATEM 00135 01 OF 02 042021Z

D.2. IMPACT OF U.S. ASSISTANCE

DEPARTMENT OF STATE IM/IPS/CR/DR Date: 2/5/98
(X) RELEASE (X) DECLASSIFY
( ) EXCISE ( ) DECLASSIFY EO Citations
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( ) CLASSIFY as ( ) S or ( ) C Sec.
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TS authority to
FOIA Exemptions
PA Exemptions

3. U.S. ANTI-NARCOTICS ASSISTANCE HAD A POSITIVE EFFECT ON GUATEMALA'S NARCOTICS PROBLEM IN 1989. U.S. CONTRIBUTIONS OF EQUIPMENT AND TRAINING RESULTED IN AN INCREASE IN BOTH ERADICATION AND INTERDICTION OF ILLEGAL NARCOTICS. LOCAL LAW ENFORCEMENT AGENCIES, HOWEVER, CONTINUED TO SUFFER FROM A LACK OF RESOURCES AND TRAINING WHICH COULD GUARANTEE THEIR SUCCESS AGAINST DRUG TRAFFICKERS AND PRODUCERS. THE GOG HAS NOT DEVELOPED A COORDINATED DRUG STRATEGY THAT WOULD ALLOW IT TO PLAY A MORE INDEPENDENT AND AGGRESSIVE ANTI-NARCOTICS ROLE.

4. WE ARE CURRENTLY IN WHAT SHOULD BE CONSIDERED THE FIRST STAGE OF OUR GUATEMALAN CAMPAIGN: U.S. AGENCIES CURRENTLY PROVIDE THE LION'S SHARE OF FUNDING AND DIRECTION FOR LOCAL COUNTER-NARCOTICS EFFORTS. IN THE PAST YEAR, HOWEVER, GOG AGENCIES TOOK THEIR FIRST STEPS TO ATTACK THE DRUG MENACE INDEPENDENTLY. OUR STRATEGY IS TO PREPARE THE GUATEMALANS TO HANDLE THEIR DRUG PROBLEMS ON THEIR OWN. TO THIS END WE PROVIDED TRAINING TO THE OFFICIALS WHO LED GUATEMALAN LAW ENFORCEMENT AGENCIES AND THE EQUIPMENT UTILIZED IN ANTI-NARCOTICS OPERATIONS. WE ALSO HELPED THE GUATEMALANS ESTABLISH INTELLIGENCE GATHERING SYSTEMS TO SUPPORT FUTURE ANTI-NARCOTICS ACTIVITIES.

ERADICATION AND INTERDICTION

5. THE STATE DEPARTMENT AIRWING ERADICATED OVER 1400 HECTARES OF OPIUM POPPY AND 200 HECTARES OF MARIJUANA IN 1989. GUATEMALAN HELICOPTER PILOTS WERE TRAINED IN SEARCH [redacted]

[redacted]

AND RESCUE SUPPORT OF SPRAY AIRCRAFT. THE LOCAL AERIAL ERADICATION PROGRAM IS DIRECTED ENTIRELY BY U.S. AGENCIES WITH COMPLETE GOG COOPERATION. WE ARE LOOKING FOR WAYS IN WHICH TO INCREASE GUATEMALAN PARTICIPATION IN THE FUTURE.

6. IN 1989, THE U.S. PROVIDED FUNDS FOR THE PURCHASE OF FOUR WHEEL DRIVE VEHICLES USED BY TREASURY POLICE IN ERADICATION AND INTERDICTION OPERATIONS. THE POLICE PUT THESE VEHICLES TO GOOD USE, ERADICATING 140 HECTARES OF OPIUM POPPY AND 50 HECTARES OF MARIJUANA. LAW ENFORCEMENT AGENCIES ALSO INTERDICTED A SIGNIFICANTLY GREATER AMOUNT OF COCAINE: 4005 KILOGRAMS OF COCAINE IN CY 1989, COMPARED WITH 488 KILOS OF COKE SEIZED IN 1988.

INTELLIGENCE GATHERING CAPABILITIES

7. DEA CONTINUES TO DEVELOP THE BULK OF OPERATIONAL INTELLIGENCE FOR ANTI-DRUG ACTIONS. IN 1989, INM PROVIDED FUNDS FOR THE ESTABLISHMENT OF A JOINT INFORMATION COMPUTER CENTER (JICC) LOCATED IN TREASURY POLICE HEADQUARTERS. THE JICC ALLOWS TREASURY POLICE TO CONSULT DEA'S EPIC SYSTEM AND HELPS PROVIDE TIMELY INFORMATION CONCERNING THE MOVEMENTS OF SUSPECTED NARCOTICS TRAFFICKERS AND AIRCRAFT AND SAILING VESSELS USED IN DRUG SMUGGLING. THIS WILL EVENTUALLY ALLOW TREASURY POLICE TO INITIATE ITS OWN DRUG INVESTIGATIONS AND OPERATIONS.

DRUG EDUCATION AND AWARENESS

8. AS THE GOG HAS STILL FAILED TO DEVELOP ANTI-DRUG STRATEGIES, MUCH OF THE CREDIT FOR DEVELOPING AND COORDINATING DRUG EDUCATION PROGRAMS MUST GO TO USIS, WORKING WITH PRIVATE SECTOR GROUPS. IN 1989, USIS TOOK

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PAGE 01 GUATEM 00135 02 OF 02 042022Z
ACTION INM-08

INFO LOG-00 ADS-00 AID-00 INR-05 OIC-02 DODE-00 IO-19
NSCE-00 ARA-00 NSAE-00 L-03 CTME-00 TRSE-00 PM-10
OMB-01 INRE-00 CG-00 JUSE-00 FBIE-00 SP-02 /050 W
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R 042022Z JAN 90
FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC 7468
INFO DEAHQS WASHDC
CIA WASHDC
DIA WASHDC

USIA WASHDC 0120
AMEMBASSY BELIZE
AMEMBASSY MEXICO
AMEMBASSY SAN SALVADOR
AMEMBASSY SAN JOSE
USCINCSO QUARRY HTS PM

[redacted] L SECTION 02 OF 02 GUATEMALA 00135

DEPT FOR INM, ARA/CEN MCCARTHY AND AIDAC

E.O. 12356: DECL:OADR
TAGS: SNAR, PREL, KPRP, GT
SUBJECT: CLASSIFIED SECTION OF INCSR - IMPACT OF US ASSISTANCE ON GUATEMALAN NARCOTICS PRODUCTION AND TRAFFIC

THE LEAD TO PROVIDE DRUG AWARENESS TRAINING TO LOCAL EDUCATORS AND PRIVATE SECTOR LEADERS AND BEGAN TO DEVELOP OUR LOCAL BINATIONAL CENTER AS A RESOURCE FOR NARCOTICS EDUCATION. WE HOPE TO EXPAND THESE PROGRAMS IN THE COMING YEAR.

COMMENT

9. DESPITE THE LARGE INCREASE IN THE AMOUNT OF US
[redacted]AL

[redacted]AL

ASSISTANCE IN 1989, OPIUM CULTIVATION DOUBLED. WHILE IT IS DIFFICULT TO GAUGE PRECISELY THE AMOUNT OF COCAINE ENTERING GUATEMALA, 1989'S TEN-FOLD INCREASE IN THE AMOUNT OF COCAINE SEIZED IMPLIES A SIMILAR INCREASE IN THE ABSOLUTE AMOUNT OF COCAINE TRANSITING GUATEMALA. GUATEMALA'S DRUG PROBLEM IS RAPIDLY INCREASING AND U.S. EFFORTS WILL NOT HOLD BACK THE TIDE UNTIL THE GOG DEMONSTRATES THE POLITICAL RESOLVE TO CONFRONT IT. UNFORTUNATELY, GOG LETHARGY AND/OR INCOMPETENCE HAS PREVENTED MUCH OVERALL PROGRESS ON THIS ISSUE. PERSISTENT ALLEGATIONS OF DRUG CORRUPTION AMONG LEADING POLITICAL FIGURES WILL ALSO CONTINUE UNTIL THESE INDIVIDUALS ACT SERIOUSLY TO CONFRONT THE DRUG PROBLEM. IN THE PAST YEAR, THE GUATEMALAN PUBLIC HAS GROWN INCREASINGLY AWARE OF THE DANGERS OF LOCAL DRUG ABUSE AND TRAFFICKING. WORKING LEVEL LAW ENFORCEMENT, JUDICIAL OFFICIALS, AND PRIVATE SECTOR GROUPS ARE ALSO CONCERNED ABOUT THE EXTENT OF THE PROBLEM AND COOPERATE CLOSELY WITH US ON NARCOTICS ISSUES. THE NECESSARY ELEMENT TO GUARANTEE THAT DRUG TRAFFICKERS DO NOT PICK UP AND MOVE TO GUATEMALA FROM

INCREASINGLY HOSTILE SITUATIONS IN COLOMBIA AND PANAMA IS STRONG GOG LEADERSHIP ON THIS ISSUE. WE'RE STILL WAITING. END COMMENT.
STROOCK

[redacted]

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*** Current Handling Restrictions *** n/a
*** Current Classification *** [redacted]

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PAGE 01 SANTIA 00172 01 OF 02 081436Z
ACTION ARA-00

INFO	LOG-00	ADS-00	INR-05	SS-00	CIAE-00	DODE-00	H-01
	NSCE-00	NSAE-00	SSO-00	HA-09	L-03	LAB-04	TRSE-00
	PM-10	PA-01	OMB-01	SIL-01	INRE-00	USIE-00	SP-02
	SNP-01	PRS-01	P-02	T-01	/042 W		

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O 081432Z JAN 90
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 4490
INFO AMEMBASSY ASUNCION
AMEMBASSY BUENOS AIRES
AMEMBASSY LA PAZ
AMEMBASSY MONTEVIDEO
USCINCSO QUARRY HEIGHTS

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

~~C O N F I D E N T I A L~~ SECTION 01 OF 02 SANTIAGO 00172

E.O. 12356: DELC:OADR
TAGS: PREL, PROG, CI
SUBJ: SOCIALIST PARTY REUNIFICATION

1. ~~CONFIDENTIAL~~ - ENTIRE TEXT.

2. SUMMARY: CHILE'S PRINCIPAL SOCIALIST FACTIONS FORMALLY JOINED FORCES ON DECEMBER 29 TO FORM A UNITED CHILEAN SOCIALIST PARTY (PS), AFTER A TEN YEAR SPLIT. THE SECOND MOST INFLUENTIAL POLITICAL FORCE AFTER THE CHRISTIAN DEMOCRATS (PDC) IN THE AYLWIN GOVERNMENT, THE NEW PS ASPIRES TO EUROPEAN-STYLE DEMOCRATIC SOCIALISM AND IS EXPECTED TO FIGURE PROMINENTLY IN AYLWIN'S CABINET. ALTHOUGH MANY OF ITS MEMBERS ARE ALSO MEMBERS OF THE PARTY FOR DEMOCRACY (PPD), THE PS WILL ATTEMPT TO LEGALLY REGISTER AS A POLITICAL PARTY, AND TO TRANSFORM THE PPD INTO A NON-COMPETING POLITICAL MOVEMENT. SOCIALIST UNIFICATION AUGURS WELL FOR INCREASED STABILITY DURING THE UPCOMING TRANSITION AND WILL FURTHER ISOLATE THE ~~CONFIDENTIAL~~

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PAGE 02 SANTIA 00172 01 OF 02 081436Z

MORIBUND COMMUNIST PARTY. END SUMMARY.

3. DIVIDED SINCE 1979, THE TWO PRINCIPAL FACTIONS WHICH ARE THE SUCCESSORS TO SALVADOR ALLENDE'S SOCIALIST PARTY--THE CLODOMIRO ALMEYDA SOCIALISTS AND THE MORE MODERATE SOCIALISTS LED BY JORGE ARRATE--COMBINED ON DECEMBER 29 TO FORM A UNITED CHILEAN SOCIALIST PARTY (PS). JOINED BY THE SMALL LEFTIST MOVEMENT OF POPULAR UNITY ACTION (MAPU), THE NEW PS WILL BE THE SECOND MOST INFLUENTIAL POLITICAL FORCE AFTER THE CHRISTIAN DEMOCRATS IN PRESIDENT-ELECT PATRICIO AYLWIN'S GOVERNMENT, AND COUNTS FOUR SENATORS AND 19 DEPUTIES IN ITS RANKS. WITH CLODOMIRO ALMEYDA AS ITS PRESIDENT AND JORGE ARRATE ELECTED SECRETARY-GENERAL, THE PS HIEARCHY INCLUDES TWO UNDER SECRETARIES (LUIS ALVARADO AND CARLOS LAZO), A UNDER SECRETARIES (LUIS ALVARADO AND CARLOS LAZO), A SEVEN-MEMBER SECRETARIAT, A 43-MEMBER NATIONAL COUNCIL AND 200-MEMBER CENTRAL COMMITTEE. THE PS WILL HOLD ITS "SALVADOR ALLENDE NATIONAL CONGRESS" NEXT SEPTEMBER.

4. AGAINST A BACKDROP OF A LARGE PICTURE OF SALVADOR ALLENDE AND A BANNER PROCLAIMING "FOR DEMOCRACY AND SOCIALISM," THE SOCIALIST PARTY'S YEAR-END REUNIFICATION CEREMONY TOOK PLACE AT THE DOWNTOWN SANTIAGO TUPAHUE HOTEL. WITH ALL OF CHILE'S PROMINENT SOCIALISTS ON HAND, THE OCCASION WAS MARKED BY THE RATIFICATION OF A UNITY PACT, ADDRESSES BY THE NEW PS LEADERSHIP AND LETTERS OF GREETINGS FROM AN ARRAY OF POLITICAL LUMINARIES, INCLUDING SALVADOR ALLENDE'S WIDOW HORTENSIA BUSSI AND PATRICIO AYLWIN. SPEAKING ON BEHALF OF HER MOTHER, ISABEL ALLENDE EMPHASIZED THAT THE PS WAS A MODERN PARTY WHICH HAD LEARNED FROM ITS PAST MISTAKES AND WHOSE FUTURE POLITICAL BEHAVIOR WOULD BE BASED ON THE NEW REALITIES IN ~~CONFIDENTIAL~~

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PAGE 03 SANTIA 00172 01 OF 02 081436Z

CHILE AND IN THE WORLD. IN HIS LETTER, PRESIDENT-ELECT AYLWIN UNDERSCORED THE IMPORTANT CONTRIBUTION CHILEAN SOCIALISTS HAVE MADE TO THE COALITION OF POLITICAL PARTIES FOR DEMOCRACY (COPODE). AYLWIN SAID THAT THE MODERNIZATION, RENOVATION AND EVOLUTION OF CHILEAN SOCIALISM HAVE BEEN DECISIVE FACTORS IN THE DEMOCRATIC OPENING AND TRANSITION.

5. PS SECRETARY-GENERAL JORGE ARRATE SAID THE PS INTENDED TO CONSTRUCT A BROAD NON-SECTARIAN ORGANIZATION, CONTRIBUTE RESPONSIBLY TO CHILE'S DEMOCRATIC TRANSITION AND PARTICIPATE CREATIVELY IN NEW WORLD SOCIALISM. HE SAID THAT CHILEAN SOCIALISTS WERE COMMITTED TO OVERCOMING THEIR INTOLERANCE AND EXAGGERATED ABSTRACT IDEOLOGIES OF THE PAST. ARRATE ALSO EMPHASIZED THAT THE NEW PS WAS NOT BASED ON MARXIST-LENINIST TENETS, INCLUDED MANY "CHRISTIAN" SECTORS AND WHOLEHEARTEDLY SUPPORTED THE GOVERNMENT OF PATRICIO AYLWIN.

6. ACCORDING TO ARRATE, THE PS INTENDS TO LEGALLY REGISTER AS A POLITICAL PARTY AS SOON AS POSSIBLE. HE HAS ATTEMPTED TO PLAY DOWN THE FACT THAT MANY PS MEMBERS, INCLUDING THREE OF ITS FOUR SENATORS AND 13 OF ITS 19 DEPUTIES, ARE ALSO MEMBERS OF THE PPD. WHILE BOTH THE PPD AND PS LEADERSHIP UNDERSCORED THEIR DESIRE TO MAINTAIN CLOSE TIES, ARRATE ENVISIONS THE PPD TRANSFORMED EVENTUALLY FROM A POLITICAL PARTY INTO A POLITICAL MOVEMENT. APPARENTLY, THE PS AND PPD DO NOT SEE ANY CONFLICT OF INTEREST IN THE NEAR TERM, AND PPD PRESIDENT RICARDO LAGOS IS A MEMBER OF BOTH THE PS NATIONAL COUNCIL AND CENTRAL COMMITTEE. EVEN SO, LAGOS CONTINUES TO MAINTAIN THAT THE PPD WILL CONTINUE TO EXIST AS A DISTINCT POLITICAL ENTITY. THIS DOUBLE PARTY MEMBERSHIP

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PAGE 01 SANTIA 00172 02 OF 02 081437Z

ACTION ARA-00

INFO	LOG-00	ADS-00	INR-05	SS-00	CIAE-00	DODE-00	H-01
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~~C O N F I D E N T I A L~~ SECTION 02 OF 02 SANTIAGO 00172

E.O. 12356: DELC:OADR
TAGS: PREL, PROG, CI
SUBJ: SOCIALIST PARTY REUNIFICATION

MAY, HOWEVER, RUN AFOUL OF THE POLITICAL PARTIES LAW.

7. PS UNDER SECRETARY LUIS ALVARADO CONFIRMED TO POLOFF ON JANUARY 4 THAT PS REGISTRATION WAS AN IMMEDIATE PRIORITY. THE ISSUE OF PPD/PS DOUBLE PARTY MEMBERSHIP OR MILITANCY WAS OF NO CONCERN BECAUSE THE CURRENT POLITICAL PARTIES LAW WOULD BE CHANGED IN DUE COURSE. ALVARADO EXPANDED ON THE IDEA OF CONVERTING THE PPD INTO A CENTER-LEFT UMBRELLA MOVEMENT OR ORGANIZATION, TO INCLUDE SOCIAL DEMOCRATS, RADICAL SOCIALIST DEMOCRATS, HUMANISTS AND OTHERS ON THE LEFT. MEANWHILE, THE PS WOULD PURSUE ITS LEGALIZATION TO ESTABLISH ITSELF AS A PERMANENT AND MAJOR POLITICAL FIXTURE IN THE CHILEAN POLITICAL SCENE. THE PS LEADERSHIP ESTIMATES IT WILL HAVE THE SUPPORT OF AT LEAST 25 PERCENT OF THE CHILEAN ELECTORATE, WITH THE ~~CONFIDENTIAL~~

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PAGE 02 SANTIA 00172 02 OF 02 081437Z

PDC IN THE 25-30 PERCENT RANGE AND THE CENTER-RIGHT NATIONAL RENEWAL (RN) ALSO AT 25 PERCENT. ALVARADO SAID THAT THE ROLE AND REPUTATION OF THE PS WOULD BE ENHANCED

IN AN AYLWIN GOVERNMENT. IT WAS EXPECTED TO HAVE AT LEAST SIX CABINET POSITIONS, COMPARED TO EIGHT FOR THE PDC AND TWO FOR THE RADICALS, WITH THE REMAINING FEW POSITIONS SPLIT AMONG THE MINOR COPODE PARTIES. THE AYLWIN GOVERNMENT WOULD TRULY BE A CHRISTIAN DEMOCRATIC-SOCIALIST ONE.

8. ALVARADO ALSO RECOUNTED THE MONTHS-LONG NEGOTIATIONS LEADING TO SOCIALIST PARTY REUNIFICATION. HE SAID THE ARRATE SOCIALISTS NEGOTIATED FROM A POSITION OF STRENGTH GIVEN THE EVENTS IN EASTERN EUROPE AND THE ELECTORATE'S ABHORENCE OF COMMUNIST VIOLENCE. HE SAID THAT CLODOMIRO ALMEYDA NEVER HAD MUCH CHOICE BUT TO ACCEPT UNIFICATION ON ARRATE'S TERMS, I.E., NON-MARXISM-LENINISM AND WESTERN EUROPEAN-STYLE DEMOCRATIC SOCIALISM. CLAIMING A SIGNIFICANT VICTORY FOR THE FORCES OF MODERATION, ALVARADO SAID THE FINAL UNIFICATION PACT DOCUMENT MENTIONED MARXISM ONLY IN THE CONTEXT OF ONE OF MANY HISTORICAL CULTURAL OR PHILOSOPHICAL INFLUENCES ON THE NEW PS. NOWHERE IS LENINISM ESPOUSED, VIOLENCE IS EXPRESSLY REJECTED, AND COMPLETE ADHERENCE TO THE DEMOCRATIC PROCESS AND INSTITUTIONS ARE REAFFIRMED. ACCORDING TO ALVARADO, THE CHILEAN COMMUNIST PARTY HAS EMERGED THE BIG LOSER, JUST AS THE MODERATE SOCIALISTS PLANNED. THE PS WANTED A CLEAN BREAK WITH THE PAST, AND IT WAS NECESSARY TO ISOLATE THE UNREPENTANT COMMUNISTS WHO CONTINUE TO RESIST DEMOCRATIC CHANGE.

9. COMMENT: THE SOCIALIST PARTY HAS BEEN UNITED FOR ONLY 14 OF ITS 56-YEAR EXISTENCE. WHILE SOCIALIST
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PAGE 03 SANTIA 00172 02 OF 02 081437Z

REUNIFICATION AFTER PINOCHET IN ITSELF IS NOT SURPRISING, THE NEW PS IS NOTABLE FOR ITS EVOLUTION TOWARDS EUROPEAN-STYLE DEMOCRATIC SOCIALISM AND AWAY FROM ITS MARXIST-LENINIST DOGMA OF THE LATE 1960'S. WITHOUT A DOUBT, THE ONGOING SOCIALIST TRANSFORMATION IN EASTERN EUROPE AND THE CHILEAN ELECTORATE'S MOVE TOWARDS THE CENTER INFLUENCED THIS TREND. IN THE NEAR TERM, SOCIALIST UNIFICATION AUGURS WELL FOR INCREASED POLITICAL STABILITY DURING THE UPCOMING TRANSITION. THE COMMUNISTS AND OTHERS ON THE EXTREME-LEFT OF THE CHILEAN

POLITICAL SPECTRUM WILL BECOME FURTHER ISOLATED GIVEN THEIR REFUSAL TO ADAPT TO THE CHANGING POLITICAL REALITIES. WHILE THE THE PPD MAY TURN OUT TO BE A VICTIM OF SOCIALIST UNITY, THE PS IN ALL PROBABILITY WILL ATTEMPT TO FILL THE RESULTING VACUUM BY ASSIMILATING THE PPD'S MODERATE AND NON-MARXIST PLATFORM WHICH MADE THE PPD SO ATTRACTIVE TO THE CHILEAN ELECTORATE IN THE FIRST PLACE.

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PAGE 01 SANTIA 00194 01 OF 03 082208Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-05	SS-00	OIC-02	CIAE-00
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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part X In Full ____
Exemption(s) NR

C O N F I D E N T I A L SECTION 01 OF 03 SANTIAGO 00194

DEPT PASS USTR

MONTEVIDEO FOR LEGATT

E.O. 12356: DECL:OADR
TAGS: PREL, PGOV, CJAN, SNAR, PHUM, PINR, CI
SUBJ: LUNCH WITH CHILE'S FOREIGN MINISTER TO BE

1. CONFIDENTIAL - ENTIRE TEXT.

INTRODUCTION/SUMMARY

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CONFIDENTIAL

PAGE 02 SANTIA 00194 01 OF 03 082208Z

2. AMBASSADOR AND DCM LUNCHED JANUARY 5 AT AMBASSADOR'S RESIDENCE WITH ENRIQUE SILVA CIMMA, PRESIDENT-ELECT AYLWIN'S CERTAIN CHOICE FOR FOREIGN MINISTER. SILVA CIMMA, 71, IS A MEMBER OF THE RADICAL PARTY, AND A VICE PRESIDENT OF THE SOCIALIST INTERNATIONAL (SI). HIS PARTY DID UNEXPECTEDLY WELL (TWO SENATOR AND FIVE DEPUTY SEATS) IN THE DECEMBER 14 ELECTIONS. A FORMER CONTROLLER GENERAL (1959-67), SILVA CIMMA WILL BRING HIGH-LEVEL GOVERNMENT EXPERIENCE TO THE NEW CABINET. HE LACKS FOREIGN POLICY EXPERTISE. HE COMES ACROSS AS AVUNCULAR AND LAID-BACK RATHER THAN SHARP, FORCEFUL AND DRIVING. THE CONVERSATION RANGED OVER A NUMBER OF ISSUES INCLUDING NARCOTICS AND INAUGURAL ARRANGEMENTS, BUT WE FOUND SILVA CIMMA PARTICULARLY INTERESTED IN PANAMA DEVELOPMENTS AND OUR VIEWS ON HOW THE AYLWIN GOVERNMENT SHOULD ADDRESS INTERNATIONAL CONCERNS ABOUT THE HUMAN RIGHTS OVERHANG FROM THE PINOCHET ERA, MOST ESPECIALLY LETELIER/MOFFITT. SILVA CIMMA MADE CLEAR THAT HE WANTS TO WORK CLOSELY WITH US TO DEVELOP A WARM AND PRODUCTIVE BILATERAL RELATIONSHIP. END INTRODUCTION AND SUMMARY.

NR

WE TOLD SILVA CIMMA THAT WE HAD ALREADY PASSED INFORMATION ON PANAMA AND OTHER MATTERS TO THE AYLWIN TEAM (IT WAS OBVIOUS IT HAD NOT BEEN HANDED ON TO HIM). WE OFFERED TO SET UP A MORE DIRECT CHANNEL AND SILVA CIMMA ASKED THAT WE ESTABLISH A CLOSE WORKING RELATIONSHIP IMMEDIATELY. HE SAID HIS KEY AIDE (AND PRESUMABLY THE MFA UNDER SECRETARY) WILL BE EDMUNDO VARGAS, UNTIL RECENTLY A MEMBER OF THE OAS PERMANENT COMMISSION ON HUMAN RIGHTS. SILVA CIMMA ALSO TOLD US

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PAGE 01 SANTIA 00194 02 OF 03 082210Z
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C O N F I D E N T I A L SECTION 02 OF 03 SANTIAGO 00194

DEPT PASS USTR

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E.O. 12356: DECL:OADR
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SUBJ: LUNCH WITH CHILE'S FOREIGN MINISTER TO BE

THAT JUAN SOMAVIA (A SOCIALIST ACADEMIC WHO HAD LOBBIED HARD FOR THE FOREIGN-MINISTER SLOT) IS AYLWIN'S PICK FOR AMBASSADOR TO THE UN.

NARCOTICS
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CONFIDENTIAL

PAGE 02 SANTIA 00194 02 OF 03 082210Z

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5. SILVA CIMMA OBSERVED THAT NARCOTICS WILL CONTINUE TO BE A MAJOR ISSUE FOR LATIN AMERICA IN THE NEXT DECADE, AND ASKED FOR THE AMBASSADOR'S APPRECIATION OF THE SITUATION IN NORTHERN CHILE. THE AMBASSADOR SAID OUR PAO HAD RECENTLY RETURNED FROM A VISIT TO ARICA, IQUIQUE AND ANTOFAGASTA WHERE HE FOUND WIDESPREAD CONCERN ABOUT DRUG TRAFFICKING AND CONSUMPTION. THE AMBASSADOR ADDED, HOWEVER, THAT CHILE HAS NO DIAGNOSTIC BASE FROM WHICH TO

ASSESS THE NATURE AND EXTENT OF THE COUNTRY'S DRUG PROBLEM. HE NOTED THAT WE ARE WORKING WITH CURRENT FOREIGN MINISTER ERRAZURIZ ON A PROJECT TO ADDRESS THAT SHORTFALL AND HOPE WE CAN PROVIDE SOME HELP. SILVA CIMMA EXPRESSED INTEREST IN KNOWING MORE ABOUT THE U.S. EXPERIENCE WITH COCAINE, AND INDICATED THAT HE WOULD LIKE TO CONTINUE AND DEEPEN THE DIALOGUE THE AMBASSADOR HAS BEGUN WITH ERRAZURIZ. HE ENCOURAGED US TO PURSUE THIS MATTER WITH THE OUTGOING GOVERNMENT IN THE MEANTIME.

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7. SILVA CIMMA SAID THE TOUGHEST SUBSTANTIVE PROBLEM HE WOULD FACE AT THE BEGINNING OF HIS TENURE IS THE INTERNATIONAL PERCEPTION OF HOW THE AYLWIN GOVERNMENT WILL HANDLE HUMAN RIGHTS CASES FROM THE PINOCHET ERA. HE COMMENTED IN THIS REGARD THAT A FRENCH LAWYER HAS ALREADY BEGUN A STUDY OF POLITICAL PRISONERS IN CHILE. WITH MORE THAN A TRACE OF EXASPERATION, SILVA CIMMA SAID HE DID NOT KNOW WHETHER, FOR EXAMPLE, THIS OUTSIDE OBSERVER WOULD INSIST ON CHARACTERIZING THE KILLER OF A CARABINERO STANDING OUTSIDE A BANK OR PUBLIC BUILDING AS A POLITICAL PRISONER." HE CLEARLY DOES NOT LIKE THE IDEA OF FOREIGNERS LOOKING OVER THE NEW GOVERNMENT'S SHOULDER (FISCALIZANDO) AND CRITICIZING ITS MOVES. THE AMBASSADOR SUGGESTED THAT IT WOULD BE IMPORTANT FOR SILVA CIMMA, AS FOREIGN MINISTER, TO EXPLAIN THE NEW GOVERNMENT'S EFFORTS

FOR THE INTERNATIONAL COMMUNITY. ONE APPROACH, THE AMBASSADOR SUGGESTED, MIGHT BE TO CALL IN CHIEFS OF MISSION FROM TIME TO TIME FOR AN EXPOSITION OF THE PROBLEM AND HOW IT WAS BEING ADDRESSED. SILVA CIMMA SEEMED EXTREMELY INTERESTED IN THIS IDEA, AND INDICATED HE INTENDED TO PURSUE IT.

8. IN THIS GENERAL CONTEXT THE AMBASSADOR SAID IT WOULD BE IMPORTANT TO COORDINATE CLOSELY ON THE MAIN BILATERAL PROBLEMS ON THE AGENDA: LETELIER/MOFFITT AND GSP/OPIC. ON THE FORMER, THE AMBASSADOR SAID THAT, WHILE WE ARE AWARE EXTRADITION OF CONTRERAS AND ESPINOSA IS PROBLEMATIC, IT IS ESSENTIAL THAT THE GOC CREDIBLY COOPERATE TO BRING THEM TO JUSTICE. SILVA CIMMA AGREED, AND WONDERED WHETHER IT WOULD BE SUFFICIENT TO INDEMNIFY THE FAMILIES PURSUANT TO THE U.S. CIVIL JUDGMENT. THE AMBASSADOR SAID MUCH WOULD DEPEND ON HOW THE FAMILIES REACT. IT IS IMPORTANT THAT JUSTICE BE PERCEIVED TO HAVE

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PAGE 01 SANTIA 00194 03 OF 03 082211Z
ACTION ARA-00

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C O N F I D E N T I A L SECTION 03 OF 03 SANTIAGO 00194

DEPT PASS USTR

MONTEVIDEO FOR LEGATT

E.O. 12356: DECL:OADR
TAGS: PREL, PGOV, CJAN, SNAR, PHUM, PINR, CI
SUBJ: LUNCH WITH CHILE'S FOREIGN MINISTER TO BE

BEEN DONE. SILVA CIMMA COMMENTED THAT AYLWIN'S INNER CIRCLE HAS LEARNED THAT A HIGH-LEVEL CNI OFFICIAL MIGHT BE WILLING TO PROVIDE SOLID EVIDENCE IN THE LETELIER AND OTHER CASES IN EXCHANGE FOR 20,000 DOLLARS. THIS, SILVA CIMMA MUSED, MIGT BE A WAY OF REOPENING THE CASE IN
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PAGE 02 SANTIA 00194 03 OF 03 082211Z

CHILE. (SILVA CIMMA SAID THAT AYLWIN HAD AGREED TO FOLLOW UP ON THE OFFER INDIRECTLY, THROUGH THE CATHOLIC CHURCH'S VICARIATE OF SOLIDARITY, WHICH SHOULD BE ABLE TO JUDGE THE OFFICER'S BONA FIDES.) THE AMBASSADOR CONCLUDED THAT THE IMPORTANT THING IS TO DEVELOP A SOUND STRATEGY AND TO ADDRESS THE ISSUE EFFECTIVELY AND QUICKLY SO THAT, IF WARRANTED, THE U.S. PRESIDENT COULD SIGN A LETTER OF CERTIFICATION, POSSIBLY AS EARLY AS THE END OF MARCH. SILVA CIMMA ASKED THAT WE BEGIN DISCUSSING THIS CASE AMD OTHER MATTERS OF MUTUAL INTEREST WITH HIM AND EDMUNDO VARGAS AS SOON AS AYLWIN NAMES HIS CABINET (PROBABLY ON JANUARY 9).

9. ON GSP/OPIC, THE AMBASSADOR SAID THE KEY WILL BE TO DEMONSTRATE A QUALITATIVE DIFFERENCE IN THE NEW GOVERNMENT'S APPROACH TO LABOR. SILVA CIMMA AGREED WE SHOULD COORDINATE CLOSELY ON THIS MATTER AS WELL.

INAUGURATION PLANS
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10. WE ASKED HOW PLANS WERE EVOLVING FOR THE TRANSFER OF POWER CEREMONIES ON MARCH 11 OR 14. SILVA CIMMA COMMENTED THAT A LEGAL JUDGMENT HAD NOT BEEN RENDERED ON THE DATE OF THE INAUGURATION CEREMONY (PINOCHET INSISTS ON MARCH 11, AYLWIN SAYS THAT ACCORDING TO THE CONSTITUTION IT SHOULD BE THE 14TH), BUT THAT HE EXPECTS A RULING IN FAVOR OF THE 11TH. THE CEREMONY WILL TAKE PLACE AT THE NEW CONGRESS BUILDING IN VALPARAISO (ABOUT 90 MINUTES BY CAR FROM SANTIAGO). IT IS ALMOST CERTAIN, HOWEVER, THAT THE FOLLOWING DAY'S TE DEUM (WHICH SILVA CIMMA CHARACTERIZED AS ALMOST AS IMPORTANT AS LAYING ON THE SASH OF THE PRESIDENCY) WILL BE IN SANTIAGO, NOT

LEAST BECAUSE SANTIAGO ARCHBISHOP CARDINAL FRESNO WILL INSIST ON PRESIDING.

11. A SERIOUS PROBLEM, SILVA CIMMA SAID, IS ARRANGING PARTICIPATION OF THE HEADS OF STATE (SUCH AS CAP, LACALLE AND MITTERRAND) WHO REFUSE TO DEAL WITH PINOCHET, WITHOUT CREATING AN UNTENABLY UNCOMFORTABLE SITUATION FOR ALL CONCERNED. SILVA CIMMA THINKS THAT THIS COULD BE ACCOMPLISHED BY SOME FOREIGN VISITORS ARRIVING AFTER THE SWEARING IN AND CALLING ON AYLWIN AT THE MONEDA PALACE IN SANTIAGO LATE ON MARCH 11 OR THE 12TH, LEAVING THEIR AMBASSADORS TO REPRESENT THEM AT VALPARAISO. (THE AMBASSADOR OBSERVED THAT OUR DELEGATION WOULD HAVE NO PROBLEM ATTENDING THE VALPARAISO CEREMONY.) SILVA CIMMA CONCLUDED BY SAYINGTHAT EVEN ISSUING FORMAL INVITATIONS IS A PROBLEM, SINCE THESE PROPERLY SHOULD COME FROM THE SITTING CHIEF OF STATE. (TO ENSURE SENSIBILITIES AREN'T TOO BADLY RUFFLED, THE CONCERTACION MIGHT SEND OUT A PARALLEL SET.)

12. COMMENT: ALTHOUGH IT WAS PART OF OUR STRATEGY TO REACH OUT TO SILVA CIMMA, HE CLEARLY HAD SIMILAR *THOUGHTS. SOMEWHAT UNPREPOSSESSING, HE IS SERIOUS,* DIRECT AND PROJECTS HONESTY AND SINCERITY. GIVEN HIS SI CONNECTION AND CLOSE RELATIONSHIP WITH THE NEW CHILEAN PRESIDENT, HE WILL HAVE HIGH CREDIBILITY WITH WESTERN EUROPEANS FROM THE OUTSET. WE JUDGE THAT HE CAN BE AN

EFFECTIVE FOREIGN MINISTER FOR A PRESIDENT WHO, IT APPEARS, INTENDS TO CONCENTRATE MOST OF HIS ENERGIES ON DEPOLARIZING CHILEAN SOCIETY AND BALANCING SOCIAL DEMANDS WITH ECONOMIC REALITIES. END COMMENT.
GILLESPIE

CONFIDENTIAL

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Chile Project (#S199900030)
U.S. Department of State
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Declassify: In Part In Full ✓
Exemption(s)

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PAGE 01 SANTIA 00231 01 OF 04 091800Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-05	SS-00	OIC-02	CIAE-00
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FOR ARA/SC - JOEL CASSMAN AND HA - LEON WEINTRAUB

E.O. 12356: N/A
TAGS: PHUM, CI
SUBJ: 1989 HUMAN RIGHTS DRAFT REPORT UPDATE

REF: 89 SANTIAGO 10725
- 89 STATE 261720
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THE FOLLOWING CHANGES, IN ADDITION TO THOSE DISCUSSED REFTEL, SHOULD BE MADE TO THE DRAFT 1989 HUMAN RIGHTS REPORT ON CHILE TO BRING IT UP TO DATE AND MAKE IT MORE ACCURATE:

INTRODUCTION.

PARA 1 SHOULD NOW READ: THE TRANSITION TO DEMOCRACY, BEGUN WITH THE OCTOBER 5, 1988, PLEBISCITE WHICH DENIED PRESIDENT PINOCHET EIGHT MORE YEARS IN OFFICE,

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PAGE 02 SANTIA 00231 01 OF 04 091800Z

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CONTINUED WITH THE DECEMBER 14, 1989, ELECTION OF A CIVILIAN PRESIDENT AND CONGRESS. THE ELECTIONS WERE CHARACTERIZED BY INTERNATIONAL OBSERVERS AS FREE AND FAIR. THE NEW PRESIDENT AND CONGRESS WILL ASSUME OFFICE IN MARCH 1990; UNTIL THEN, PRESIDENT PINOCHET WILL REMAIN PRESIDENT, AND THE MILITARY JUNTA WILL CONTINUE TO EXERCISE THE LEGISLATIVE FUNCTION. THERE IS A SEPARATE JUDICIAL BRANCH, BUT CRIMES RELATING TO STATE SECURITY CONTINUE TO BE HEARD IN MILITARY TRIBUNALS. IN A PLEBISCITE HELD JULY 30, 1989, AMENDMENTS TO THE 1980 CONSTITUTION WERE APPROVED BY 85 PERCENT OF THOSE VOTING.

SECTION I. A. POLITICAL KILLINGS.

PARA 1 SHOULD NOW READ: DEATHS AND INJURIES RESULTING FROM POLITICAL VIOLENCE CONTINUED DURING 1989. ACCORDING TO THE VICARIATE OF SOLIDARITY, THE HUMAN RIGHTS ORGANIZATION OF THE CATHOLIC CHURCH, 24 PERSONS HAD DIED IN ACTS OF POLITICAL VIOLENCE AS OF DECEMBER 31. THE INDEPENDENT CHILEAN HUMAN RIGHTS COMMISSION (CHRC) INDICATES THAT 30 DEATHS HAD OCCURRED DUE TO POLITICAL VIOLENCE AS OF OCTOBER 30. (FOR A DISCUSSION OF THE BASES OF THE STATISTICS PROVIDED BY THESE TWO GROUPS, SEE SECTION 4.) OF THE 24 DEATHS LISTED BY THE VICARIATE AS POLITICALLY MOTIVATED, TEN OF THE VICTIMS WERE MEMBERS OF THE MILITARY AND SECURITY FORCES. THE LAUTARO YOUTH MOVEMENT (MJL) TOOK RESPONSIBILITY FOR AMBUSHING AND ASSASSINATING NINE CARABINEROS, AND THE MANUEL RODRIQUEZ PATRIOTIC FRONT (FPMR) KILLED AN ARMY

OFFICER DURING AN ASSAULT ON AN ARMY AIR STATION IN AUGUST.

PARA 2. DELETE SECOND SENTENCE BEGINNING, "EVIDENCE WAS FOUND..." (NOTE: ACCORDING TO VICARIATE OF SOLIDARITY OFFICIALS, THIS GOVERNMENT STATEMENT HAS NOT BEEN SUBSTANTIATED.)

PARA 2. ADD AT END OF THIS PARA: IN JUNE, A FORMER AIR FORCE OFFICER, WHO HAD BEEN CHARGED WITH HUMAN RIGHTS ABUSES BUT WHOSE CASE WAS DISMISSED BECAUSE IT WAS COVERED BY THE 1978 AMNESTY LAW, WAS ASSASSINATED BY THE FPMR.

PARA 3. SECOND SENTENCE. TO MORE ACCURATELY REFLECT 'THE OPINION OF MOST OBSERVERS, THE PERCEIVED ASSASINS OF JECAR NEGHME SHOULD BE CHARACTERIZED AS "A RIGHT WING GROUP WITH TIES TO THE SECURITY FORCES."

PARA 4. SECOND SENTENCE SHOULD READ: ACCORDING TO GOVERNMENT REPORTS, TERRORIST GROUPS IN 1989 CAUSED FIVE CIVILIAN DEATHS AND 69 PERSONAL INJURIES IN ATTACKS WHICH INCLUDED 273 BOMBINGS, ONE OF WHICH OCCURRED ACROSS THE STREET FROM THE U.S. EMBASSY AND SIX OF WHICH OCCURRED AT AMERICAN-CHILEAN BI-NATIONAL CENTERS. THERE WERE 12 ATTACKS, INCLUDING BOMBINGS, OF MORMON CHURCHES.

PARA 4. AT END OF PARA ADD: IN NOVEMBER, THE CAR OF JOURNALIST MONICA GONZALEZ WAS BOMBED AND THE HOME OF THE DIRECTOR OF THE MAGAZINE "ANALISIS" WAS SET ON FIRE. ALSO IN NOVEMBER, A CABLE TV STATION AND THE OFFICES OF "RADIO MINERIA" WERE BOMBED, ALLEGEDLY BY LEFTIST TERRORIST GROUPS. A SPECIAL INVESTIGATOR WAS APPOINTED TO INVESTIGATE THESE ATTACKS ON THE MEDIA.
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PAGE 04 SANTIA 00231 01 OF 04 091800Z

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PAGE 01 SANTIA 00231 02 OF 04 091801Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-05	SS-00	OIC-02	CIAE-00
	EB-00	DODE-00	H-01	IO-19	NSCE-00	NSAE-00	SSO-00
	HA-09	L-03	AMAD-01	LAB-04	TRSE-00	PA-01	STR-18
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FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 4511

UNCLASSIFIED
LIMITED OFFICIAL USE SECTION 02 OF 04 SANTIAGO 00231
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FOR ARA/SC - JOEL CASSMAN AND HA - LEON WEINTRAUB

E.O. 12356: N/A
TAGS: PHUM, CI
SUBJ: 1989 HUMAN RIGHTS DRAFT REPORT UPDATE

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PARA 5. CHANGE SIXTH SENTENCE TO READ: HOWEVER, AS OF DECEMBER 31, THE MILITARY JUDGE HAD NOT RULED ON THE MATTER.

SECTION 1.B. DISAPPEARANCE.

PARA 1. SECOND SENTENCE SHOULD READ: THE VICARIATE REPORTED SEVEN KIDNAPPINGS IN SANTIAGO AS OF DECEMBER 31, AND FOUR IN OTHER PARTS OF THE COUNTRY UP UNTIL AUGUST 31; THE CHRC REPORTED 18 THROUGH OCTOBER 31.

SECTION I.C. TORTURE AND OTHER CRUEL, INHUMAN, OR
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PAGE 02 SANTIA 00231 02 OF 04 091801Z

DEGRADING TREATMENT OR PUNISHMENT.

PARA 1. SECOND SENTENCE SHOULD NOW READ: THE VICARIATE REPORTED 24 INSTANCES AS OF DECEMBER 31, BUT THE FIGURE ONLY COVERS INSTANCES IN SANTIAGO; THE CHRC REPORTED 48 AS OF OCTOBER 31.

TO REFLECT CLARIFICATION BY THE VICARIATE AND THE INTERNATIONAL RED CROSS COMMISSION, THE FOLLOWING

CHANGES SHOULD BE MADE TO PARA 1:

---- FOURTH SENTENCE SHOULD READ: THE ICRC IS NOTIFIED IMMEDIATELY WHEN INDIVIDUALS ARE DETAINED FOR POLITICALLY-MOTIVATED CRIMES AND THE ICRC IS ALLOWED TO VISIT THE DETAINEES AFTER 24 HOURS OF DETENTION AND BEFORE THE DETAINEES ARE RELEASED OR BROUGHT BEFORE THE COURTS.

---- FIFTH SENTENCE: DELETE THE PHRASE "AND THE INTERIOR MINISTRY'S ADVISORY COMMISSION ON HUMAN RIGHTS", CHANGING VERB FROM "ARE" TO "IS."

-

SECTION 1. D. ARBITRARY ARREST, DETENTION, OR EXILE.

FIRST PARA SHOULD READ: "UNDER ARTICLE 19 OF THE CONSTITUTION, CIVILIAN AND MILITARY COURTS MAY ORDER DETENTION FOR FIVE DAYS, AND UP TO TEN DAYS WHEN TERRORIST ACTS ARE ALLEGED TO BE INVOLVED. IN SOME CASES INVOLVING SPECIAL MILITARY PROSECUTORS, THE DETAINEES HAVE HAD THEIR ACCESS TO LAWYERS ..."

PARA 1. LAST SENTENCE SHOULD READ: THE VICARIATE OF SOLIDARITY REPORTED 235 INDIVIDUAL ARRESTS AND 450 GROUP ARRESTS IN DEMONSTRATIONS FOR SANTIAGO THROUGH DECEMBER 31; THERE WERE 119 INDIVIDUAL AND 371 COLLECTIVE ARRESTS IN THE REST OF THE COUNTRY THROUGH AUGUST 31.

PARA 3. THE FIRST TWO SENTENCES SHOULD READ: MANY OF THOSE DETAINED UNDER ARTICLE 19 OF THE CONSTITUTION ARE NEVER CHARGED AND ARE RELEASED AFTER SEVERAL DAYS. THE STATE SECURITY LAWS OFTEN APPEAR TO BE USED TO HARASS OPPONENTS OF THE GOVERNMENT, BUT TO A LESSER DEGREE THAN IN PREVIOUS YEARS.

-

SECTION 1.E. DENIAL OF FAIR PUBLIC TRIAL.

PARA 1. DELETE FIRST SENTENCE. PARA WILL BEGIN "FIRST INSTANCE..."

PARA 3 SHOULD NOW READ (TO UPDATE FASIC FIGURES): THE SOCIAL AID FOUNDATION OF THE CHRISTIAN CHURCHES (FASIC) REPORTED THAT, AS OF SEPTEMBER 30, THERE WERE 439 PERSONS IN PRISON FACING 613 JUDICIAL PROCEEDINGS RELATED TO STATE SECURITY LAWS. THIRTY-SEVEN OF THESE PEOPLE HAVE BEEN IN PRISON SINCE BEFORE 1983, BUT 138 WERE DETAINED IN 1986 AND 1987. SIXTY-THREE WERE DETAINED IN THE FIRST NINE MONTHS OF 1989. OF THE 613 JUDICIAL PROCEEDINGS, 476 ARE BEFORE MILITARY COURTS. ANOTHER 26 PERSONS WERE RELEASED ON BAIL DURING 1989, TWO WERE RELEASED AFTER COMPLETING THEIR PRISON TERMS, ONE WAS RELEASED UNCONDITIONALLY WITHOUT A TRIAL AND FOUR WERE PARDONED. OF A TOTAL

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PAGE 01 SANTIA 00231 03 OF 04 091802Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-05	SS-00	OIC-02	CIAE-00
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TO SECSTATE WASHDC IMMEDIATE 4512

LIMITED OFFICIAL USE SECTION 03 OF 04 SANTIAGO 00231

FOR ARA/SC - JOEL CASSMAN AND HA - LEON WEINTRAUB

E.O. 12356: N/A
TAGS: PHUM, CI
SUBJ: 1989 HUMAN RIGHTS DRAFT REPORT UPDATE

PRISON POPULATION OF 439 INVOLVED IN VIOLATIONS OF STATE SECURITY LAWS, 85 HAVE BEEN CONVICTED AND ARE SERVING THEIR SENTENCES, WHILE 354 REMAIN IN DETENTION WITH THEIR CASES STILL UNDER INVESTIGATION. IN AT LEAST ONE CASE, ETC.

PARA 3. LAST SENTENCE SHOULD READ: NO ONE HAS BEEN EXECUTED BY JUDICIAL ORDER IN CHILE FOR A POLITICALLY MOTIVATED CRIME UNDER THE PINOCHET ADMINISTRATION. (NOTE: THE ADDITION OF THE PHRASE "BY JUDICIAL ORDER" IS INTENDED TO MAKE A DISTINCTION BETWEEN LEGAL EXECUTIONS AND THE SUMMARY EXECUTIONS WHICH OCCURRED IN THE DAYS FOLLOWING THE 1973 COUP.)

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PAGE 02 SANTIA 00231 03 OF 04 091802Z

SECTION 2. RESPECT FOR CIVIL LIBERTIES, INCLUDING:

A. FREEDOM OF SPEECH AND PRESS.

PARA 1. ELEVENTH SENTENCE SHOULD NOW READ: ADDITIONALLY, THE INTERIOR MINISTRY HAD REQUESTED THAT A JUDGE INVESTIGATE POSSIBLE CHARGES OF "OFFENSES AGAINST THE PRESIDENT" AGAINST THE EDITOR OF A NEW LEFT-WING MAGAZINE, "PUNTO FINAL."

PARA 1. LAST SENTENCES SHOULD NOW READ: SEVERAL JOURNALISTS HAVE RECEIVED SUSPENDED SENTENCES. A LAWYER WITH THE VICARIATE INDICTED FOR AN ARTICLE HE WROTE FOR THE JESUIT MONTHLY MAGAZINE, "MENSAJE," IN 1987, WAS FOUND NOT GUILTY IN 1989 BY A MILITARY JUDGE; HOWEVER, THERE IS A PETITION BEFORE THE SUPREME COURT TO HAVE THE DECISION OVERTURNED.

PARA 2. INSERT AFTER THE SECOND SENTENCE: SEVERAL

BOOKS DEALING WITH HUMAN RIGHTS ABUSES UNDER THE PINOCHET ADMINISTRATION WERE PUBLISHED IN 1989.

SECTION 2. B. FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION.

PARA 1. CARABINERO CROWD-CONTROL METHODS WERE GENERALLY NON-CONFRONTATIONAL, ALTHOUGH THERE WERE OCCASIONAL CLASHES WHEN TEAR GAS AND WATER CANNON WERE USED, AND WHICH RESULTED IN ARRESTS.

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PAGE 03 SANTIA 00231 03 OF 04 091802Z

SECTION 3 RESPECT FOR POLITICAL RIGHTS: THE RIGHT OF CITIZENS TO CHANGE THEIR GOVERNMENT.

PARA 1. SECOND SENTENCE SHOULD NOW READ: PRESIDENTIAL AND CONGRESSIONAL ELECTIONS WERE HELD DECEMBER 14. OVER 95 PERCENT OF REGISTERED VOTERS CAST BALLOTS IN THE ELECTIONS, WHICH WERE WIDELY PRAISED BY NATIONAL AND INTERNATIONAL OBSERVERS FOR FAIRNESS AND ORDERLINESS. THE NEW GOVERNMENT WILL ASSUME POWER ON MARCH 11, 1990.

PARA 2. LAST SENTENCE SHOULD NOW READ: TWO WOMEN WERE ELECTED TO THE SENATE, AND SEVEN WERE ELECTED TO THE CHAMBER OF DEPUTIES IN THE DECEMBER ELECTIONS; OF THE NINE DESIGNATED SENATORS, ONE IS A WOMAN.

SECTION 4. GOVERNMENTAL ATTITUDE REGARDING INTERNATIONAL AND NONGOVERNMENTAL INVESTIGATION OF ALLEGED VIOLATIONS OF HUMAN RIGHTS.

PARA 2. LAST SENTENCE SHOULD NOW READ: THE GOVERNMENT ACCORDED THEM NO OFFICIAL STATUS BUT MADE

NO EFFORT TO IMPEDE THE JOURNALISTS OR OTHER INTERNATIONAL OBSERVERS OF THE JULY PLEBISCITE AND THE DECEMBER ELECTIONS.

SECTION 5. DISCRIMINATION BASED ON RACE, SEX, RELIGION, LANGUAGE, OR SOCIAL STATUS.

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PAGE 04 SANTIA 00231 03 OF 04 091802Z

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PAGE 01 SANTIA 00231 04 OF 04 091802Z
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-05	SS-00	OIC-02	CIAE-00
	EB-00	DODE-00	H-01	IO-19	NSCE-00	NSAE-00	SSO-00
	HA-09	L-03	AMAD-01	LAB-04	TRSE-00	PA-01	STR-18
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TO SECSTATE WASHDC IMMEDIATE 4513

LIMITED OFFICIAL USE SECTION 04 OF 04 SANTIAGO 00231

FOR ARA/SC - JOEL CASSMAN AND HA - LEON WEINTRAUB

E.O. 12356: N/A
TAGS: PHUM, CI
SUBJ: 1989 HUMAN RIGHTS DRAFT REPORT UPDATE

ADD A NEW PARA AT END: THE UN CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION WAS SIGNED BY CHILE IN 1980 AND RATIFIED ON OCTOBER 17, 1989. IT ENTERED INTO FORCE ON DECEMBER 29 WHEN THE TEXT OF THE CONVENTION WAS PUBLISHED IN THE OFFICIAL GAZETTE.

SECTION 6. WORKER RIGHTS.

SECTION A. PARA 1. CHANGE THE SECOND SENTENCE TO READ: THE POLITICAL PARTIES LAW WAS AMENDED TO PERMIT UNION (AND PROFESSIONAL ASSOCIATION) LEADERS TO BE POLITICAL PARTY ACTIVISTS, BUT THE PROHIBITION AGAINST THEIR SIMULTANEOUSLY HOLDING BOTH PARTY AND

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PAGE 02 SANTIA 00231 04 OF 04 091802Z

UNION OR ASSOCIATION OFFICE WAS MAINTAINED.

PARA 1. DELETE THE LAST TWO SENTENCES, BEGINNING, "LEGAL CHALLENGES TO THIS."

PARA 2. SIXTH SENTENCE SHOULD READ: HOWEVER, IN SELECTING DELEGATES TO REPRESENT THE CHILEAN WORKERS IN THE ILO, THE GOVERNMENT IGNORED THE MAJOR DE FACTO UMBRELLA LABOR ORGANIZATIONS, SUCH AS THE UNIFIED WORKERS CENTRAL (CUT), WHICH THE GOVERNMENT DOES NOT RECOGNIZE.

PARA 4. FIRST SENTENCE SHOULD NOW READ: ON JANUARY 26, 1988, PRESIDENT MANUEL BUSTOS AND VICE PRESIDENT ARTURO MARTINEZ OF THE NATIONAL WORKERS COMMAND (CNT), WHICH WAS SUBSEQUENTLY SUBSUMED INTO THE CUT, WERE SENTENCED TO 541 DAYS' IMPRISONMENT FOR CALLING A GENERAL AND ILLEGAL STRIKE ON OCTOBER 7, 1987, IN THE AFTERMATH OF WHICH SEVERAL PEOPLE DIED.

PARA 4. IN SENTENCE BEGINNING, "DESPITE WIDESPREAD...", CHANGE VERB TO "HAD REFUSED."

PARA 5. SECOND AND THIRD SENTENCES SHOULD READ: EFFORTS TO HAVE THE INVESTIGATION CONTINUE, BUT THE CASE REMAINS OFFICIALLY CLOSED. WHILE THE SUPREME COURT DISMISSED INDICTMENTS AGAINST A POLITICAL LEADER AND A TRADE UNION OFFICER FOR HAVING SLANDERED THE GOVERNMENT IN THIS CASE, THERE REMAINS HIGH INTEREST WITHIN CHILEAN AND INTERNATIONAL TRADE UNION

CIRCLES IN SEEING THIS CASE REOPENED.
GILLESPIE

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PAGE 03 SANTIA 00231 04 OF 04 091802Z

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DEPARTMENT OF STATE
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PAGE 01 SAN SA 00274 092152Z 008285 04260
ACTION: ES (02)

INFO: LARA (01) DCEN (01) REG (01) NCO (01) ARA (06) PPC (01)
ECP (01) OAS (01) PPA (01)
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ACTION ARA-00

INFO LOG-00 ADS-00 INR-05 SS-00 CIAE-00 NSCE-00 NSAE-00
SSO-00 HA-09 L-03 INRE-00 OCS-06 CA-02 JUSE-00
C-01 DS-00 SCT-03 /030 W
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FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 4899

[redacted] SAN SALVADOR 00274

E.O. 12356: DECL: OADR
TAGS: PHUM, PGOV, PINS, KJUS, ES
SUBJECT: JESUIT MURDERS - PROGRESS REPORT NO. 15

1. (U) THIS IS THE FIFTEENTH PROGRESS REPORT ON THE INVESTIGATION INTO THE JESUIT KILLINGS. THIS REPORT COVERS THE DEVELOPMENTS OF JANUARY 5-JANUARY 8, 1990.

2. (U) STAFFDEL O'NEIL HAS ARRIVED AND HAS BEEN ATTENDING BRIEFINGS FROM EMBASSY OFFICERS ON THE CASE.

3. (U) ICITAP FORENSICS EXPERT IS MAINTAINING QUALITY CONTROL AND ASSESSING VALIDITY OF BALLISTICS TESTS.

4. (C) REQUESTED TDY ASSISTANCE ON INVESTIGATION FROM MEXICO CITY HAS ARRIVED.

5. (C) SEPTEL REPORTED DEVELOPMENTS LINKING ARMY UNITS TO MURDERS.

WALKER

[redacted] Rights
Council Project (1990)

Department of State IS/FPC/CDR El Salvador SP Date 9-23-92
Declassified under EO 12356 (K) in full; ( ) in part;
portions withheld: classified ( ); deliberative ( );
law enforcement ( ); privacy ( ), statutory ( );
not relevant to El Salvador ( ).

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INCOMING TELEGRAM

DEPARTMENT OF STATE
DIPLOMATIC SECURITY

PAGE 01 SANTIA 00255 06 OF 06 101210Z 2484 018323 DS1263
ACTION DS-00

INFO OSS-01 PSD-01 SYS-01 CC-01 CT-01 I-01 PSLS-01 OP-01
FPD-01 TAD-01 AID-01 USIA-01 DS-01 PI-01 CI-01 PID-01
PRD-01 EPE-01 POL-01 STO-01 MSG-01 ASD-01 RES-01
/023 A1 EB

INFO LOG-00 ADS-00 ARA-00 AMAD-01 /002 W
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R 101157Z JAN 90
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 4532
INFO AMEMBASSY MONTEVIDEO
AMEMBASSY LA PAZ
AMEMBASSY BUENOS AIRES
AMEMBASSY ASUNCION

Chile Project (#S199900030)
U.S. Department of State
Release Excise Deny
Declassify: In Part In Full
Exemption(s)

UNCLAS SECTION 06 OF 06 SANTIAGO 00255

DEPT FOR DS/OP/ARA: DS/POL/TAD AND DS/CC/PSLS:
MONTEVIDEO, LA PAZ, BUENOS AIRES, ASUNCION FOR RSO'S

E.O. 12356: N/A
TAGS: ASEC
SUBJ: MONTHLY STATUS REPORT - DECEMBER 1989 (DECEMBER 1

LOCATION OF OCCURANCE:			VICTIM		
RESID./STREET/OTHER			EMPL./OTHER/DEP.		
1	1		1		1

TOTALS: 2

COMMENTS: NONE. GILLESPIE

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PAGE 01 SANTIA 00255 04 OF 06 101209Z 2462 018321 DS1261
ACTION DS-00

INFO DCS-01 PSD-01 SYS-01 CC-01 CT-01 I-01 PSLS-01 OP-01
FPD-01 IAD-01 AID-01 USIA-01 DS-01 PI-01 CI-01 PID-01
PRS-01 EPE-01 POL-01 STO-01 MSG-01 ASD-01 RES-01
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INFO LOG-00 ADS-00 ARA-00 AMAD-01 /002 W
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TO SECSTATE WASHDC 4530
INFO AMEMBASSY MONTEVIDEO
AMEMBASSY LA PAZ
AMEMBASSY BUENOS AIRES
AMEMBASSY ASUNCION

UNCLAS SECTION 04 OF 06 SANTIAGO 00255

DEPT FOR DS/OP HFA; DS/POL/IAD AND DS/CC/PSLS;
MONTEVIDEO, LA PAZ, BUENOS AIRES, ASUNCION FOR RSO'S

E.O. 12356: N/A
TAGS: ASEC
SUBJ: MONTHLY STATUS REPORT - DECEMBER 1989 (DECEMBER 1

AGAINST THE UNITED STATES INTERVENSION IN PANAMA AND
FOR THE SUPPORT GIVEN BY THE UNITED STATES TO PATRICIO
AYLWIN IN THE CHILEAN ELECTIONS.

DECEMBER 28: THE BI-NATIONAL CENTER IN SANTIAGO WAS
HIT BY AN EXPLOSIVE DEVICE (1 KILO OF ANFO AND
AMMON-GEL) THAT DETONATED INSIDE THE MEN'S BATHROOM
LOCATED IN THE 5TH FLOOR OF THE BNC BUILDING. THE
BATHROOM WAS COMPLETELY DESTROYED. PAMPHLETS FROM THE
FPMR WERE FOUND AT THE SITE. AT THE TIME OF THE
EXPLOSION SOME 250 STUDENTS WERE IN THE BUILDING.

DECEMBER 29: FOUR MEN AND TWO WOMEN POURED GASOLINE
AND IGNITED THE DOOR AND EXTERIOR WALLS OF A MORMON
CHURCH IN SANTIAGO. MINOR DAMAGES. PAMPHLETS OF THE
FRENTE JUVENIL LAUTARO WERE FOUND AT THE SITE.

DECEMBER 29: ONE MAN CARRYING A WEAPON ASSAULTED A
BRANCH OF BANCO BICE IN SANTIAGO AND TOOK CHQOLS 6.600.000
AND USDOLS 38.000.

DECEMBER 29: UNIDENTIFIED PERSONS WHO WERE DRIVING A
PICK-UP TRUCK AND A TAXI, ATTACKED THE SOUTHERN
INVESTIGATIVE POLICE PRECINT IN SANTIAGO WITH M-16S
RIFLES AND THREW A POWERFUL EXPLOSIVE DEVICE WHICH
DIDN'T DETONATE. THE DEVICE WAS LATER DEACTIVATED BY
SECURITY PERSONNEL. NO INJURIES REPORTED.

DECEMBER 29: AN EXPLOSIVE DEVICE (1/2 KG. OF
AMMON-GEL) DETONATED ON THE CITICORP BANK'S FACADE IN
VINA DEL MAR CAUSING MINOR DAMAGES.
(U) - - TERRORIST ATTACKS

-	-	-	-	DECEMBER -	YEAR TO DATE
AMERICAN BANKS ATTACKED	-			1	1
AMERICAN COMPANIES ATTACKED	-			0	0
ARMY PERSONNEL INJURED	-			0	0
ARMY PERSONNEL KILLED	-			0	1
ARSENALS DISCOVERED	-			0	4
ATTACK TO PRESIDENT OF CHILE	-			0	0
ATTACKS TO METRO	-			0	1
ATTACKS TO PUBLIC OFFICES	-			1	20

ATTACKS TO RADIOS - -	0	7
ATTACKS TO TRAINS (GOVN. OWNED)	1	6
ATTACKS TO BNCS - -	4	5
BOMBS DEACTIVATED - -	6	44
BOMBS DETONATED - -	18	273
BOMBS HIGH TENSION TOWERS -	0	52
BUSES BURNED - -	3	19
CNI AGENTS INJURED - -	0	1
CNI AGENTS KILLED - -	0	0
CNI STATIONS ATTACKED -	1	1
CAR BOMBS DEACTIVATED -	0	0
CAR BOMBS DETONATED -	0	0
CARABINEROS INJURED -	0	28
CARABINEROS KILLED - -	0	9
CIVILIANS INJURED - -	0	69
CIVILIANS KILLED - -	0	5
DELIVERY TRUCKS ATTACKED BY TERRORISTS	0	4
DIPLOMATIC VEHICLES ATTACKED -	0	0
HOUSES AMERICAN OFFICERS ATTACKED	0	0
INVESTIGACIONES AGENTS INJURED	0	1
INVESTIGACIONES AGENTS KILLED	0	0
INVESTIGACIONES STATIONS ATTACKED	1	6
MORMON CHURCHES ATTACKED -	5	12
PERSONS KIDNAPPED - -	0	0
POLICE STATIONS ATTACKED -	0	9
PRIVATE BANKS ASSAULTED -	2	16
PRIVATE BANKS ATTACKED -	0	8
SUBVERSIVE PRINT SHOPS -	0	0
SUPERMARKETS ATTACKED -	0	6
SUPERMARKETS BURNED -	0	0
TERRORISTS ARRESTED -	3	105
TERRORISTS INJURED - -	0	4
TERRORISTS KILLED - -	0	5
TERRORISTS SECURITY HOUSES -	0	9
TERRORISTS CLANDESTINE CLINIC	0	0

Chile Project (#S199900030)
U.S. Department of State
Release Excise Deny
Declassify: In Part In Full
Exemption(s)

JF 045

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PAGE 01 SANTIA 00270 01 OF 02 101814Z
ACTION ARA-00

INFO	LOG-00	ADS-00	INR-05	SS-00	CIAE-00	H-01	NSAE-00
	HA-09	L-03	TRSE-00	PM-10	PA-01	OMB-01	INRE-00
	USIE-00	SP-02	SNP-01	PRS-01	P-02	T-01	/037 W

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FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 4542
INFO WHITEHOUSE WASHDC
AMEMBASSY ASUNCION
AMEMBASSY BUENOS AIRES
AMEMBASSY CARACAS
AMEMBASSY LA PAZ
AMEMBASSY LIMA
AMEMBASSY MONTEVIDEO
USCINCSO QUARRY HEIGHTS
SECDEF WASHDC

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

~~C O N F I D E N T I A L~~ SECTION 01 OF 02 SANTIAGO 00270

E.O. 12356: DECL:OADR
TAGS: PREL, PGOV, PINR, CI
SUBJ: 9 JANUARY MEETING WITH PRESIDENT-ELECT AYLWIN

REF: SANTIAGO 194

1. ~~CONFIDENTIAL~~ - ENTIRE TEXT.

2. PRESIDENT-ELECT PATRICIO AYLWIN ASKED ME TO CALL ON HIM 9 JANUARY WITHOUT SPECIFYING SUBJECT MATTER. I TOOK THE DCM. AYLWIN MET WITH US ALONE. WE WERE PART OF A STREAM OF VISITORS TO THE SMALL SUBURBAN HOUSE WHERE AYLWIN SET UP FOR THE ELECTION CAMPAIGN. AYLWIN'S STAFF HANDLED IT ALL SMOOTHLY AND WITH EVIDENT GOOD HUMOR. SECURITY WAS GOOD. ABOUT TWENTY MEMBERS OF THE WORKING PRESS WERE UNDER REASONABLE CONTROL.
~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 02 SANTIA 00270 01 OF 02 101814Z

3. WELL TANNED FROM A REST IN THE SOUTH OF CHILE, AYLWIN WAS VIBRANT, RELAXED AND CONFIDENT--HE LOOKED AT LEAST TEN YEARS YOUNGER THAN WHEN I LAST SAW HIM THE DAY AFTER THE ELECTION. SHORTLY BEFORE MY CALL, HE ANNOUNCED HIS CABINET; IN THE MORNING, NAVY CHIEF AND GOVERNING JUNTA MEMBER JOSE TORIBIO MERINO AND HIS FIVE TOP ADMIRALS MADE A PROTOCOL VISIT TO THE PRESIDENT ELECT. (SO FAR, NO SIGN THAT THE CHILEAN ARMY INTENDS TO JOIN THE NAVY, AIR FORCE AND CARABINEROS WHO HAVE NOW MADE THIS VISIBLE GESTURE OF SUBORDINATION.)

-

4. AYLWIN TOLD ME HE WISHED TO EXPLAIN PERSONALLY HIS DECISION NOT TO TRAVEL TO THE U.S. BEFORE HIS INAUGURATION, SINCE HE HAD DISCUSSED SUCH A TRIP WITH ME SEVERAL TIMES IN THE PAST. THE PROBLEM, HE SAID, IS TIME. HE MUST MAKE SURE THAT HIS TEAM IS WELL ORGANIZED AND ABLE TO FUNCTION EFFECTIVELY IMMEDIATELY AFTER THE INAUGURATION. HE BELIEVES IT IMPORTANT TO STAY AT HOME AND KEEP HIS PEOPLE FOCUSED ON THE WORK AHEAD. HE APOLOGIZED FOR THE FACT THAT HIS DECISION HAD APPEARED IN THE PRESS BEFORE HE COULD GET WORD TO US. HE HAD BEEN CORNERED BY REPORTERS BEFORE HIS KEY AIDE (AND MINISTER-SECRETARY GENERAL OF THE PRESIDENCY-DESIGNATE) EDGARDO BOENINGER WAS ABLE TO GET WORD TO ME DIRECTLY.

5. I THANKED AYLWIN FOR HIS GESTURE AND ASSURED HIM THAT NO EXPLANATION WAS NEEDED, THAT HIS REASONS FOR POSTPONING THE VISIT WERE WELL UNDERSTOOD. I NOTED THAT HIS BRAZILIAN COUNTERPART WAS TAKING SUBSTANTIAL HEAT FOR ABSENTING HIMSELF FROM THE COUNTRY DURING HIS TRANSITION. THE IMPORTANT THING, I SAID, IS TO KEEP OUR LINES OF COMMUNICATION OPEN AND WORKING DURING THE ~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 03 SANTIA 00270 01 OF 02 101814Z

TRANSITION AND AFTERWARDS. BOENINGER AND I ARE IN TOUCH. WE HAVE MET WITH SILVA CIMMA, THE FOREIGN MINISTER DESIGNATE. THERE WILL BE CONTACTS WITH OTHER CABINET OFFICERS AND MEMBERS OF AYLWIN'S TEAM. MOREOVER, WE WILL CONTINUE TO LOOK AT THE POSSIBILITIES OF AN OFFICIAL VISIT AS SOON AS MUTUALLY CONVENIENT AFTER MARCH. I MENTIONED THAT WE EXPECT SEVERAL HIGH LEVEL

VISITS TO CHILE DURING THE COMING MONTHS, REFLECTING DEEP U.S. INTEREST IN THE RELATIONSHIP.

6. I CONGRATULATED AYLWIN ON THE SMOOTH PROGRESS OF THE TRANSITION AND PARTICULARLY THE FORMATION OF HIS MINISTERIAL TEAM. HE IS EVIDENTLY PLEASED BY HOW THINGS ARE GOING. ON THE CABINET, HE SAID HE WORKED TO ENSURE REPRESENTATION OF ALL MAJOR "CONCERTACION" CURRENTS (ALTHOUGH THERE WERE, OF COURSE, MORE CANDIDATES THAN POSITIONS AVAILABLE). AS FOR FOREIGN POLICY, HE COMMENTED THAT HE HAD CHOSEN HIS TEAM CAREFULLY, WITH A SPECIFIC OBJECTIVE IN MIND. AYLWIN SAID MANY OF THE CONCERTACION'S FOREIGN AFFAIRS SPECIALISTS (PROBABLY ALLUDING TO JUAN SOMAVIA AND HERALDO MUNOZ, AMONG OTHERS) FAVOR A "SPECTACULAR" RE-ENTRY ONTO THE INTERNATIONAL STAGE. AYLWIN NOTED THAT INSTEAD HE OPTED FOR A "SERIOUS", MEASURED APPROACH TO FOREIGN RELATIONS, SPECIFICALLY MENTIONING EDMUNDO VARGAS, WHO WILL BE FOREIGN MINISTER-DESIGNATE SILVA CIMMA'S PRINCIPAL DEPUTY. I NOTED THAT CHILE'S REPUTATION FOR SERIOUS, PROFESSIONAL, NATIONAL-INTEREST ORIENTED DIPLOMACY WOULD LIKELY LEAD TO THE COUNTRY'S EMERGENCE AS A KEY HEMISPHERIC PLAYER IN INTERNATIONAL AFFAIRS, BUT I AGREED THERE IS NO NEED TO PUSH IT.

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PAGE 01 SANTIA 00270 02 OF 02 101814Z

ACTION ARA-00

INFO	LOG-00	ADS-00	INR-05	SS-00	CIAE-00	H-01	NSAE-00
	HA-09	L-03	TRSE-00	PM-10	PA-01	OMB-01	INRE-00
	USIE-00	SP-02	SNP-01	PRS-01	P-02	T-01	/037 W

----------320471 130622Z /22

R 101812Z JAN 90
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 4543
INFO WHITEHOUSE WASHDC
AMEMBASSY ASUNCION
AMEMBASSY BUENOS AIRES
AMEMBASSY CARACAS
AMEMBASSY LA PAZ
AMEMBASSY LIMA
AMEMBASSY MONTEVIDEO
USCINCSO QUARRY HEIGHTS
SECDEF WASHDC

~~C O N F I D E N T I A L~~ SECTION 02 OF 02 SANTIAGO 00270

E.O. 12356: DECL:OADR
TAGS: PREL, PGOV, PINR, CI
SUBJ: 9 JANUARY MEETING WITH PRESIDENT-ELECT AYLWIN

7. ALYWIN MUSED ABOUT THE PROTOCOL DIFFICULTIES ASSOCIATED WITH THE INAUGURATION (REFTEL). HE SAID THE CURRENT GOVERNMENT HAD SENT HIM ITS PROPOSALS THAT DAY, AND HIS PEOPLE WOULD REVIEW THEM. HE EXPECTS THE GOVERNMENT TO ISSUE ITS INVITATIONS ON 15 JANUARY. HE PLANS THEN TO SEND SOME PERSONAL INVITATIONS BECAUSE THERE ARE MORE THAN A FEW HEADS OF STATE AND GOVERNMENT WHO WILL FIND IT DIFFICULT TO ACCEPT PINOCHET'S. HE SAID HE UNDERSTANDS A U.S. REPRESENTATIVE WILL NOT DEMAND SUCH SPECIAL HANDLING. ON THE CEREMONY ITSELF, HE TOLD ME THAT HE WILL NOT BE OFFENDED IF VISITING DELEGATIONS MEET WITH PINOCHET ("I MEET WITH HIM MYSELF").
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PAGE 02 SANTIA 00270 02 OF 02 101814Z

8. AYLWIN MENTIONED ADMIRAL MERINO'S CALL WITH EVIDENT SATISFACTION. HE DEEMED IT IMPORTANT THAT THE FIVE TOP

ADMIRALS IN THE NAVY ACCOMPANIED THEIR CHIEF. I ASKED HIM WHETHER MERINO WOULD STAY ON AFTER THE INAUGURATION. AYLWIN SAID HE CLEARLY EXPECTS MERINO TO GO BEFOREHAND. (MERINO, IN FACT, CONFIRMED TO THE PRESS ON LEAVING AYLWIN'S RESIDENCE THAT HE HAD NOT BEEN ASKED TO STAY AND THAT HE NOT CHANGED HIS MIND ABOUT LEAVING BEFORE 11 MARCH.)

9..COMMENT: CLASSY MOVE BY THE NEW PRESIDENT, WHO WANTS US TO UNDERSTAND THAT HE HAS HIS SIGHTS ON U.S.-CHILE RELATIONS. HE ALSO CONFIRMED OUR READING THAT HE INTENDS TO START OUT WITH A DOMESTIC FOCUS. HIS CAMPAIGN PLEDGE TO BRING CHILEANS BACK TOGETHER WAS REAL. OVER THE COMING WEEKS WE WILL BE WORKING ON SERIOUS BILATERAL ISSUES (LETELIER-MOFFITT, PATENT LAW, ETC.) WITH AYLWIN'S MINISTERIAL TEAM; WE SHOULD BE ABLE TO GAUGE HOW WELL HE HAS TRANSMITTED HIS INTERESTS TO THE WORKFORCE. IT'S NOT TOO EARLY TO CONTEMPLATE THE POSSIBILITY OF A SERIOUS, PRODUCTIVE, MUTUALLY BENEFICIAL RELATIONSHIP WITH THE NEW GOVERNMENT. OUR CONTACTS, IN BOTH WASHINGTON AND SANTIAGO, SHOULD BE PREDICATED ON THAT ASSUMPTION FOR THE TIME BEING. END COMMENT.
GILLESPIE

~~CONFIDENTIAL~~

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OR YOUR CLEARANCE. PLEASE NOTIFY IO/HW OF COMMENTS/CORRECTIONS/CLEARANCE BY _____.

Drafted: IO/HW: TASteele
01/ /90 x71155
Wang 0759B

Clearance: IO: CPonticelli
IO/HW: WCMithoefer
IO/HW: BZweiben
IO/UNP: CKraemer
1/10,pm ARA/SC: ~~JCassman~~ BAOWENS
HA/MLA: RZorn

Chile Project (#S199900030)
U.S. Department of State
Release X Excise _____ Deny _____
Declassify: In Part _____ In Full ✓
Exemption(s) _____

UNCLASSIFIED
January , 1990

FORTY-SIXTH SESSION OF THE UN COMMISSION ON HUMAN RIGHTS

Question of Human Rights in Chile
(Agenda Item 5)
(Document Not Received)

POSITION PAPER

PROBLEM:

-- To end the mandate of the Special Rapporteur on Chile and, if necessary, replace him with an expert and advisory services.

-- To eliminate the separate agenda item on Chile at future Commission meetings.

-- To ensure that any resolution which the Commission may pass on Chile reflects (a) the dramatic improvement in the human rights situation in Chile and (b) that free and fair elections took place there December 14 and will result in the orderly, peaceful transfer of power to a new, democratic government on March 11.

RELATIVE IMPORTANCE FOR THE U.S.:

It is important to the U.S. that the practice of singling out Chile for unwarranted criticism be ended and that the time and effort the Commission currently spends on Chile be re-allocated to other issues.

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1. In light of the dramatic improvement in Chile's record on democratic and civil rights, there is no longer any reason to have a Special Rapporteur on this country. USDEL should lobby for an end to the mandate of the Rapporteur while at the same time praising the incumbent's, Volio's, past work. While the U.S. would prefer not to have the Rapporteur replaced with an expert, USDEL may agree to this if necessary in achieving our other objectives.

2. At the current session, USDEL should urge moving the discussion on Chile from agenda item 5 to item 13 (where other country-specific issues are discussed). More importantly, USDEL should lobby vigorously to have a separate item on Chile eliminated from future Commission agendas.

3. The U.S. does not believe that a resolution on Chile is needed (unless it is to end the mandate of the Special Rapporteur). If others propose a resolution, USDEL should urge that it include language which applauds (a) the dramatic improvement in the human rights situation in Chile and (b) ~~that~~ the fact that free and fair elections took place there in December and will result in the orderly, peaceful transfer of power to a new, democratic government in March. If a resolution citing specific countries is proposed on the dramatic and positive developments in 1989 in civil and political rights, USDEL should urge that Chile be included.

BACKGROUND:

The US remains attentive to the human rights situation in Chile but objects to discriminatory treatment whereby Chile is treated more harshly than other countries where serious human rights violations have also taken place. The US has attempted to ensure that the resolutions on Chile reflect the situation in that country ~~including positive as well as negative steps~~ regarding the ~~protection of~~ human rights and democratic institutions.

Since 1974, the UN has adopted annual resolutions on the human rights situation in Chile. The resolutions, usually sponsored by Mexico, were sometimes unbalanced to the degree that the USG was unable to join consensus. The resolution passed by the 44th (1988) UNHRC, for example, was tabled before the report of the Special Rapporteur on Chile was published and hence did not accurately reflect the content and tone of the report, especially in reference

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to positive steps by the GOC. At the 45th (1989) session, the question of human rights in Chile was considered, at the urging of the United States and other WEOG states, along with the other "country-specific" resolutions under agenda item 12. The resolution, although still unbalanced, was much less so than in previous years. While the US abstained, it did note that the resolution made substantial progress in presenting a more balanced picture of the human rights situation in Chile. The Government of Chile has cooperated with the efforts of the Special Rapporteur, Fernando Volio of Costa Rica. In general, his reports are considered balanced and factual by both the Chilean Government and Chilean human rights committees, and his mandate was extended for an additional year by the 1989 resolution.

In the presidential plebiscite on October 5, 1988, Chilean voters turned out in huge numbers and voted by a margin of 55 percent to 43 percent not to extend President Pinochet's rule until 1997. The ~~actual~~ voting and vote counting processes were orderly and fair. Under the Chilean constitution, open multi-candidate elections were conducted on December 14 1989. presidential and Parliamentary

----BRIEF CHARACTERIZATION OF ELECTIONS AND PROGRESS IN HUMAN RIGHTS PRECEDING AND FOLLOWING THE ELECTIONS.----

BUDGETARY IMPLICATIONS:

The resolution under consideration would be carried out within existing resources.

STATEMENT:

- Although the US is still concerned about allega-

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-- The U.S. opposes the selective targeting by UN bodies and others of Chile as a violator of human rights while the abuses perpetrated by others, such as Nicaragua, are ignored.

-- The U.S. applauds (a) the dramatic improvement in the human rights situation in Chile and (b) ~~that~~ the fact that free and fair elections took place there in December and will result in the orderly, peaceful transfer of power to a new, democratic government in March.

-- In light of the dramatic improvement in Chile's record on democratic and civil rights, the U.S. believes there is no longer any reason to have a Special Rapporteur on Chile and believes that the Commission should end his mandate.

-- Prof. Fernando Volio has done an objective and praiseworthy job as Special Rapporteur on Chile and deserves the gratitude of all members of the Commission and everyone else dedicated to promoting and protecting human rights.

-- The U.S. notes that the report of the Special Rapporteur indicates that the outgoing Government of Chile has been correcting human rights problems and that a new, democratically elected government will take office in March.

-- The U.S. believes that the discussion on Chile should be moved from agenda item 5 to item 13 (where other country-specific issues are discussed) and that we do not need to have a separate item on Chile on future Commission agendas.

-- It is significant that the voting and vote counting in the December 14 election were carried out in a fair and orderly manner and that the people of Chile overwhelmingly participated in this election.

-- (If a resolution on the h.r. situation in Chile is unavoidable) It is important that any resolution on the human rights situation in Chile accurately reflect reality and draw on the conclusions in the report of the Special Rapporteur.

-- (If a resolution on the h.r. situation in Chile is unavoidable) It is also important that any resolution point that the most effective way of guaranteeing human rights is to have vigorous democratic system which includes freedom of speech, genuine and fair elections, and an independent judiciary--Chile is well on its way to having such a system.

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DEPARTMENT OF STATE
DIPLOMATIC SECURITY

Chile

INCOMING
TELEGRAM

BN0017

PAGE 01 SANTIA 00255 01 OF 06 101206Z 2476 018318 DS1258
ACTION DS-00

INFO OSS-01 PSD-01 SYS-01 CC-01 CT-01 I-01 PSLS-01 OP-01
FPD-01 TAO-01 AID-01 USIA-01 DS-01 PI-01 CJ-01 PID-01
PRS-01 EPE-01 POL-01 STO-01 MSG-01 ASD-01 RES-01
/023 AZ EB

INFO LOG-00 ADS-00 ARA-00 AMAD-01 /002 W
133272 110249Z /38

R 101157Z JAN 90
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 4527
INFO AMEMBASSY MONTEVIDEO
AMEMBASSY LA PAZ
AMEMBASSY BUENOS AIRES
AMEMBASSY ASUNCION

UNCLAS SECTION 01 OF 06 SANTIAGO 00255

DEPT FOR OS/OP/ARA; OS/POL/TAO AND OS/CC/PSLS;
MONTEVIDEO, LA PAZ, BUENOS AIRES, ASUNCION FOR RSO'S

E.O. 12356: N/A
TAGS: ASEC
SUBJ: MONTHLY STATUS REPORT - DECEMBER 1989 (DECEMBER 1
- DECEMBER 31)

I. (U) SUMMARY OF SIGNIFICANT ACTIVITIES:

A. (U) OVERVIEW:

1. DECEMBER WAS HIGHLIGHTED BY A VISIT FROM MSG COMMANDING OFFICER LT. COL. GILFORD ROBINSON AND LT. DOVEY OF COMPANY D FROM DECEMBER 8-12. LT. COL. ROBINSON CONSULTED WITH POST OFFICIALS AND WITNESSED A REACT DRILL.

2. POST HAD TWO SEMINARS ON EARTHQUAKE SAFETY PROCEDURES ON DECEMBER 6-7 WHICH WERE FOLLOWED UP ON DECEMBER 8TH WITH EARTHQUAKE DRILLS AT BOTH THE CHANCERY AND CONSULATE. A TEST OF THE TELEPHONE CASCADE SYSTEM WAS CONDUCTED ON DECEMBER 8TH.

3. CHILEAN PRESIDENTIAL AND CONGRESSIONAL ELECTIONS TOOK PLACE ON DECEMBER 14. THE SECURITY STAFF AND MSG DETACHMENT WERE ON DUTY FOR OVER 24 HOURS READY TO RESPOND IN THE EVENT OF AN EMERGENCY.

4. THE THREAT TO USG PERSONNEL AND INSTALLATIONS INCREASED DRAMATICALLY AFTER THE U.S. ACTION IN PANAMA OCCURRED. ON DECEMBER 21ST THE TERRORIST GROUP FRENTE PATRIOTICO MANUEL RODRIGUEZ ANNOUNCED THAT IT WOULD TARGET U.S. INSTALLATIONS IN RETALIATION FOR THE U.S. ACTION IN PANAMA. IN SHORT ORDER 4 BI-NATIONAL CENTERS WERE BOMBED. THE MOST SERIOUS INCIDENT OCCURRED IN SANTIAGO WHERE TERRORISTS PLACED A BOMB INSIDE THE SANTIAGO BNC THAT EXPLODED WHILE THE BUILDING WAS OCCUPIED. MIRACULOUSLY NO ONE WAS HURT. BNCS IN TEMUCO, TALCA AND VINA DEL MAR WERE ALSO BOMBED AS WERE A NUMBER OF MORMON CHAPELS AND A CITIBANK.

B. (U) RSO BRIEFED THE FOLLOWING PEOPLE REGARDING SECURITY MATTERS IN DECEMBER:

12/7 - COL. MARCELO GASTONI, CARABINEROS DE CHILE, OS-1.
12/16 - JOEL CHESMAN, CHILE DESK OFFICER.
12/19 - PREFECTO LUIS ROMAN FUENTES, POLICIA INTERNACIONAL, INVESTIGACIONES DE CHILE.
12/20 - LT. COL. SERGIO GODOY, CARABINEROS DE CHILE, JEFE OPERACIONES REGION METROPOLITANA.
12/20 - PETER DE LA MARE, SECURITY OFFICER, EXXON.

C. (U) IN ADDITION 2 ARRIVALS WERE BRIEFED AND 1 DEPARTEE WAS DEBRIEFED.

R

C. (U) MARINE GUARD ACTIVITIES.

1. TWO REACT DRILLS WERE CONDUCTED IN DECEMBER AND RSO ATTENDED TWO GUARDS SCHOOL.

2. SEE PARAGRAPH 1. OF OVERVIEW REGARDING VISIT BY MSG COMMANDING OFFICER.

II. (U) THREATS AND INCIDENTS:

A. (U) THE FOLLOWING CABLES WERE SENT TO THE DEPARTMENT IN DECEMBER REGARDING THREATS/INCIDENTS:

- SANTIAGO 12494: BOMB THREAT COM-R.
- SANTIAGO 12497: ATTEMPTED ROBBERY OF USG EMPLOYEE.
- SANTIAGO 12553: EAC MEETING MINUTES - SECURITY AT SANTIAGO BNC.
- SANTIAGO 12560: BURGLARY OF AMCIT RESIDENCE.
- SANTIAGO 12654: ATTEMPTED ASSAULT OF AMERICAN DEPENDENT.
- SANTIAGO 12857: EAC MEETING - PANAMA SITUATION.
- SANTIAGO 12921: DEMONSTRATION IN FRONT OF CONSULATE; VARIOUS TELEPHONE THREATS.
- SANTIAGO 12936: EAC MEETING MINUTES - PANAMA SITUATION.
- SANTIAGO 13135: BOMBING BNC TEMUCO.
- SANTIAGO 13093: BOMBINGS BNCS TALCA AND VINA DEL MAR, MORMON CHURCH VINA DEL MAR.
- SANTIAGO 13143: BOMBINGS MORMON CHURCHES - SANTIAGO, RANCAGUA, QUILPUE.
- SANTIAGO 13159: BOMB EXPLODES INSIDE SANTIAGO

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ✓
Exemption(s) ____

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PAGE 01 SANTIA 00255 05 OF 06 1012102 2483 015322 DS1262
ACTION DS-00

INFO DSS-01 PSD-01 SYS-01 CC-01 CT-01 I-01 PSLS-01 OP-01
FPD-01 TAD-01 AID-01 USIA-01 DS-01 PI-01 CI-01 PIO-01
PRS-01 EPE-01 POL-01 STC-01 MSG-01 ACO-01 RES-01
/023 A2 EB

INFO LOG-00 ADS-00 ARA-00 AMAD-01 /002 W
-----------133331 110251Z /38

R 101157Z JAN 90
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 4531
INFO AMEMBASSY MONTEVIDEO
AMEMBASSY LA PAZ
AMEMBASSY BUENOS AIRES
AMEMBASSY ASUNCION

UNCLAS SECTION 05 OF 06 SANTIAGO 00255

DEPT FOR DS/CP/ARA; DS/POL/T3D AND DS/CC/PSLS;
MONTEVIDEO, LA PAZ, BUENOS AIRES, ASUNCION FOR RSO'S

E.O. 12356: N/A
TAGS: ASEC
SUBJ: MONTHLY STATUS REPORT - DECEMBER 1989 (DECEMBER 1

THREATS AGAINST U.S. INSTALLATIONS 1 25

III. (U) PROJECT STATUS:

A. (U) THE FOLLOWING PROJECTS ARE UNDERWAY:

- AMBASSADOR'S RESIDENCE PERIMETER PROJECT - 95 PERCENT COMPLETE
- MARINE HOUSE PERIMETER PROJECT - 25 PERCENT COMPLETE.

IV. (U) INVESTIGATIONS/VIOLATIONS:

A. (U) DS-CONTROLLED INVESTIGATIONS:

(0) BACKGROUND INVESTIGATIONS ON HAND
(1) BACKGROUND INVESTIGATIONS RECEIVED
(2) BACKGROUND INVESTIGATIONS COMPLETED
(0) BACKGROUND INVESTIGATIONS OVERDUE
(1) CI INVESTIGATIONS ON HAND
(0) CI INVESTIGATIONS RECEIVED
(0) CI INVESTIGATIONS COMPLETED
(0) OTHER INVESTIGATIONS ON HAND
(0) OTHER INVESTIGATIONS RECEIVED
(0) OTHER INVESTIGATIONS COMPLETED

B. (U) POST-CONTROLLED (FSN) INVESTIGATIONS:

(6) BACKGROUND INVESTIGATIONS ON HAND
(2) BACKGROUND INVESTIGATIONS COMPLETED
(2) RECERTIFICATION INVESTIGATIONS ON HAND
(1) RECERTIFICATION INVESTIGATIONS COMPLETED
(1) RECERTIFICATION INVESTIGATIONS OVERDUE
(3) OTHER INVESTIGATIONS (RECORD CHECKS) ON HAND
(6) OTHER INVESTIGATIONS (RECORD CHECKS) COMPLETED

C. (U) VIOLATIONS:

(0) NUMBER OF VALID SECURITY VIOLATIONS FORWARDED TO DS/PI/PRD.

V. (U) ACTION CABLES NOT ANSWERED BY RSO DURING THE MONTH:

89 SANTIAGO 10147: RSO FUNDING REQUEST.
89 SANTIAGO 10556 TO DS/OR/SI.

SANTIA 00255 05 OF 06 1012102 2483 015322 DS1262

VI. (U) PLANS FOR THE COMING MONTH(S):

RSO PLANS TO FINISH SECTIONS 500, 600 AND 1000 OF EAP.
(U) ANNEX A

- - - TABLE ONE

POPULATION (ALL AGENCIES):

1. NUMBER OF USG AMERICAN CITIZEN EMPLOYEES: 80
- NUMBER OF DEPENDENTS: 133
- US CONTRACT EMPLOYEES: 1
- US CONTRACT EMPLOYEE DEPENDENTS: 7

- - - TABLE TWO

CRIMINAL INCIDENTS:

TYPE OF OFFENSE	NO. OF INCIDENTS	TIME OF DAY/NIGHT	DAY OF WEEK
ROBBERY	-1	DAY-	FRI.
ASSAULT	-1	NIGHT	WED.
HOMICIDE	--	----	-----
SEX OFFENSE	--	----	-----
THEFT	--	----	-----
AUTO THEFT	--	----	-----
VANDALISM	--	----	-----
BURGLARY	--	----	-----
LARCENY	--	----	-----
TOTALS:	-2	-----	-----

Chile Project (#S199900030)
U.S. Department of State
Release Excise Deny
Declassify: In Part In Full
Exemption(s)

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DEPARTMENT OF STATE
DIPLOMATIC SECURITY

INCOMING
TELEGRAM

ACTION DS-00

INFO DSS-01 PSD-01 SYS-01 CC-01 CT-01 I-01 PSLS-01 OP-01
FPD-01 TAD-01 AID-01 USIA-01 DS-01 PT-01 CI-01 PID-01
PRD-01 EPE-01 POL-01 STO-01 MSG-01 ASD-01 RES-01
/023 A1 EB

INFO LOG-00 ADS-00 ARA-00 AMAD-01 /002 W
133380 110250Z /38

R 101157Z JAN 90
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 4526
INFO AMEMBASSY MONTEVIDEO
AMEMBASSY LA PAZ
AMEMBASSY BUENOS AIRES
AMEMBASSY ASUNCION

UNCLAS SECTION 02 OF 06 SANTIAGO 00255

DEPT FOR DS/OP/ARA; DS/POL/TAD AND DS/CC/PSLS;
MONTEVIDEO, LA PAZ, BUENOS AIRES, ASUNCION FOR RSO'S

E.O. 12356: N/A
TAGS: ASEC
SUBJ: MONTHLY STATUS REPORT - DECEMBER 1989 (DECEMBER 1

BI-NATIONAL CENTER.
- SANTIAGO 13167: BOMB EXPLODES IN FRONT OF CITIBANK IN VINA DEL MAR, MORMON CHURCH FIREBOMBED IN SANTIAGO; SIMULATED BOMB IN LINCOLN SCHOOL IN ARICA.

B. (U) INCIDENTS NOT PREVIOUSLY REPORTED: NONE.

C. (U) THE FOLLOWING TERRORIST ACTIVITIES OCCURRED IN DECEMBER AS REPORTED BY MEDIA AND OTHER SOURCES:

DECEMBER 2: EXPLOSIVE DEVICE DETONATED INSIDE A BUS RUNNING FROM CHIGUAYANTE TO TALCAHUANO IN CONCEPCION. PASSANGERS AND DRIVER HAD TO BE EVACUATED. NO INJURIES REPORTED.

DECEMBER 2: EXPLOSIVE DEVICE DETONATED AT THE OFFICES OF RENOVACION NACIONAL POLITICAL PARTY IN TALCAHUANO DESTROYING WINDOWS AND FURNITURE.

DECEMBER 4: CHILLAN'S SECURITY PERSONNEL DEACTIVATED EXPLOSIVE DEVICE LEFT AT THE OFFICES OF RENOVACION NACIONAL POLITICAL PARTY.
DECEMBER 4: A BOOBY-TRAPPED BOMB WAS DEACTIVATED BY CARABINEROS PERSONNEL AT THE PROVINCIAL GOVERNMENT BUILDING IN CONCEPCION AFTER JANITORS DISCOVERED A MYSTERIOUS PACKAGE ATTACHED TO THE METAL BASE OF THE FREEDOM FLAME. THE DEVICE WAS RIGGED SO THAT ANYONE WHO LIFTED THE PACKAGE WOULD BE BLOWN UP BY THE EXPLOSION.

DECEMBER 11: CATHOLIC UNIVERSITY TV CHANNEL 13 TRANSMISSIONS WERE INTERRUPTED FOR ABOUT 5 MINUTES WHILE THE FPMR TERRORISTS AIRED A COMMUNIQUE. THEY PLAYED THE NATIONAL ANTHEM AND THEN A WOMAN, WHO CLAIMED TO BELONG TO THE FPMR, CALLED UPON EVERYONE TO CELEBRATE THE VICTORY OF PATRICIO AYLWIN IN THE 14 DECEMBER ELECTION. SHE ALSO CALLED FOR THE RELEASE OF ALL POLITICAL PRISONERS TO MARK THE RETURN TO DEMOCRACY.

DECEMBER 13: AT 2100 HRS. A BOMB (200 GRAMS OF AMMON-GEL) DETONATED IN FRONT OF THE ENTRANCE OF THE EMBASSY OF EL SALVADOR LOCATED ON THE TENTH FLOOR OF EDIFICIO PANORAMICO, IN THE PROVIDENCIA SECTION OF SANTIAGO. BLAST CAUSED SIGNIFICANT DAMAGE TO THE AREA AROUND THE ENTRANCE. NO INJURIES REPORTED.

DECEMBER 15: CARABINEROS HAVE REPORTED THAT ABOUT 600 PEOPLE WERE ARRESTED THROUGHOUT THE COUNTRY, THAT 20 POLICEMEN WERE INJURED AND THAT 17 POLICE VEHICLES WERE DAMAGED DURING DEMONSTRATIONS CARRIED OUT BY EXTREMISTS WHO PLANNED THE OUTBREAKS TO DISRUPT PUBLIC ORDER. THEY CREATED CHAOS AND INSECURITY ON THE STREETS. THE GREATEST DISORDER OCCURRED IN THE METROPOLITAN AREA. THE DEMONSTRATORS THREW ROCKS AND INCENDIARY DEVICES AT PRIVATE AND POLICE VEHICLES AND AT PEDESTRIANS AND POLICEMEN. THEY ALSO SET UP BARRICADES ON B. O'HIGGINS AVENUE.

DECEMBER 15: SEVERAL INCIDENTS OCCURED IN VALPARAISO WHEN COMMUNIST TERRORISTS JOINED THE AYLWIN SUPPORTERS TO CELEBRATE THE OPPOSITION VICTORY IN THE ELECTIONS. THE ATTACKERS BROKE WINDOWS AND LOOTED SEVERAL BUSINESSES. THEY STOLE CLOTHING, SHOES, AND MERCHANDISE WORTH SEVERAL MILLION PESOS.
DECEMBER 15: A GROUP OF ABOUT 400 PEOPLE ATTACKED THE HEADQUARTERS OF THE NATIONAL INTELLIGENCE CENTER IN VINA DEL MAR. DURING THIS INCIDENT ONE PERSON WAS WOUNDED BY THE SHOTS FIRED FROM THE HEADQUARTERS TO REPEL THE ATTACK.

DECEMBER 18: AN EXPLOSIVE DEVICE DETONATED AT THE "LEONARDO DA VINCE" UNIVERSITY BUILDING IN RANCAGUA DAMAGING DOORS AND WINDOWS.

DECEMBER 21: AN EXPLOSIVE DEVICE (2 KILOS OF ANFO WITH A MECHANICAL SYSTEM AND A SLOW FUSE) DETONATED AT THE BI-NATIONAL CENTER IN TEMUCO CAUSING SERIOUS STRUCTURAL DAMAGES. NO INJURIES REPORTED.

Chile Project (#S199900030)
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Release Excise Deny
Declassify: In Part In Full
Exemption(s)

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PAGE 01 SANTIA 00255 03 OF 06 1012082Z 2461 018320 DS1260
ACTION DS-00

INFO OCO-01 PSO-01 SYS-01 CC-01 CT-01 I-01 PSLS-01 OP-01
FPD-01 IAD-01 AID-01 USIA-01 DS-01 PI-01 CI-01 PID-01
PRS-01 EPE-01 POL-01 STC-01 NSG-01 NSD-01 RES-01
/023 A2 E8

INFO LOG-00 NSC-00 ARA-00 NMAD-01 /002 W
133315 1102502Z /38

R 101157Z JAN 90
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 4529
INFO AMEMBASSY MONTEVIDEO
AMEMBASSY LA PAZ
AMEMBASSY BUENOS AIRES
AMEMBASSY ASUNCION

UNCLAS SECTION 03 OF 06 SANTIAGO 00255

DEPT FOR OS/OP/ARA; DS/POL/TAD AND DS/CC/PSLS;
MONTEVIDEO, LA PAZ, BUENOS AIRES, ASUNCION FOR RSO'S

E.O. 12356: N/A
TAGS: ASEC
SUBJ: MONTHLY STATUS REPORT - DECEMBER 1989 (DECEMBER 1

DECEMBER 21: AN EXPLOSIVE DEVICE DETONATED IN CONCEPCION, 100 METERS AWAY FROM A CARABINERO PRECINCT, DESTROYING NEIGHBORHOOD WINDOWS. THE BIO-BIO RIVER RAILROAD BRIDGE AND THE AREA OF CARACOL HILL WERE ALSO HIT BY BOMBS THAT CAUSED MINOR DAMAGE.

DECEMBER 21: UNIDENTIFIED INDIVIDUALS PLACED A SMALL EXPLOSIVE DEVICE AND AN INCENDIARY BOMB ON THE FIRST FLOOR OF THE BUILDING WHERE THE TREASURY AND INTERNAL TAX OFFICES ARE LOCATED IN THE DOWNTOWN AREA OF CONCEPCION. THE BOMBS EXPLODED WHILE MANY PEOPLE WERE WALKING IN THAT AREA. DAMAGE WAS MINOR AND NO ONE WAS INJURED.

DECEMBER 21: SIX BUSES WERE DAMAGED BY INCENDIARY BOMBS IN CONCEPCION. THREE OF THEM WERE ENTIRELY DESTROYED. THE ATTACKS, WHICH WERE CONDUCTED ONE AFTER THE OTHER, DAMAGED TWO BUSES OF THE WELFARE DEPARTMENT AND FOUR BUSES OF PRIVATE-BUS LINES. ALL THE BUSES WERE CARRYING PASSENGERS, NONE OF WHOM WERE INJURED. THE FPMR CLAIMED RESPONSIBILITY FOR THESE ATTACKS.

DECEMBER 21: THROUGH A TELEPHONE CALL TO THE MEDIA, FPMP SPOKESPERSON MARIELA VARGAS, REPORTED THAT THE FPMP WILL ATTACK ANY U.S. INSTALLATION IN CHILE IN VIEW OF THE U.S. INVASION TO PANAMA. SPOKESPERSON ALSO URGED THE CHILEAN PEOPLE TO ACTIVELY DEMAND THE IMMEDIATE WITHDRAWAL OF THE INVADER.
DECEMBER 22: A BOMB (2 KGS. OF ANFO) EXPLODED AT THE BI-NATIONAL CENTER OF TEMUCO CAUSING SERIOUS DAMAGE. THE SHOCK WAVE ALSO DAMAGED NEARBY BUILDINGS, INCLUDING THE CITY'S GERMAN HOSPITAL.

DECEMBER 23: AN EXPLOSIVE DEVICE (200 GRAMS OF ANFO WITH A MECHANICAL DETONATOR AND A SLOW FUSE) DETONATED AT A MORMON CHURCH IN VINA DEL MAR DAMAGING WINDOWS AND DOORS.

DECEMBER 23: AN EXPLOSIVE DEVICE DETONATED AT THE VINA DEL MAR BI-NATIONAL CENTER DAMAGING WINDOWS AND DOORS. NO INJURIES REPORTED. A PHONE CALL WAS RECEIVED AT THE OFFICES OF A REGIONAL NEWSPAPER AND THE PERSON IDENTIFIED HIMSELF AS ARTURO MERCHANT, SPOKESMAN FOR THE "NATIONALIST RESISTANT FRONT" WHO STATED: "THIS

MORNING OUR FRONT DETONATED A BOMB AT THE EMC BUILDING IN RETALIATION FOR THE AID PROVIDED BY THE UNITED STATES TO PATRICIO AYLWIN'S VICTORY. THIS IS THE BEGINNING OF THE ATTACKS AGAINST AMERICAN (GRINGOS) HEADQUARTERS IN THE COUNTRY, AS WE CONSIDER THAT THE NORTHAMERICANS ARE HELPING RE-ESTABLISHING COMMUNISM IN OUR COUNTRY"

DECEMBER 23: AN EXPLOSIVE DEVICE DETONATED AT THE BI-NATIONAL CENTER IN TALCA CAUSING MINOR DAMAGES.

DECEMBER 23: SECURITY PERSONNEL DEACTIVATED TWO INCENDIARY DEVICES WHICH WERE PLACED IN A MORMON CHURCH IN CONCEPCION. "YANKEES OUT OF PANAMA" WAS WRITTEN IN ONE OF THE CHURCH'S WALL.

DECEMBER 23: CARABINEROS FROM CURICO ARRESTED 3 MEMBERS OF THE LAUTARO YOUTH MOVEMENT CHARGED FOR THE ASSAULT AGAINST AN AGRONOMIST.

DECEMBER 26: THE FPMR HAS ISSUED A COMMUNIQUE IN WHICH IT ANNOUNCES ITS DECISION TO CONTINUE ITS BELLIGERENCE AND ITS VIOLENCE AS ITS ONLY TOOL TO OVERCOME SOCIAL PROBLEMS. THEY POINTED OUT THAT IN SPITE OF THE ELECTION VICTORY BY THE OPPOSITION, THE FPMR WILL CONTINUE ITS VIOLENCE WITHIN ITS SELF-STYLED STRATEGY FOR LIBERATION.
DECEMBER 26: FIVE INDIVIDUALS CARRYING WEAPONS, ASSAULTED A BRANCH OF BANCO DE CONCEPCION IN SANTIAGO AND TOOK CH $ 18.630.000. BANK IS LOCATED INSIDE THE CATHOLIC UNIVERSITY CAMPUS .

DECEMBER 26: THE FRENTE DE RESISTENCIA NACIONALISTA CLAIMED RESPONSIBILITY FOR THE ACTIONS AGAINST BANKS BOTH IN SANTIAGO AND VINA DEL MAR IN RETALIATION

Chile Project (#S199900030)
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RELEASED

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REPORT OF THE DECEMBER 1990 URSULINE DELEGATION TO GUATEMALA

Limited Case Background:

On November 2, 1989, Sister Dianna Ortiz, a missionary from the Ursuline Sisters of Maple Mount, Kentucky working in Guatemala, was kidnapped, tortured, and raped by members of the Guatemalan security forces.

In March of 1989, the Government of Guatemala officially closed the case of Sr. Dianna Ortiz and declared it to be a self-kidnapping. In April 1990, the Ursulines of Maple Mount, Kentucky sent a delegation headed by Sr. Fran Wilhelm to Guatemala in protest. As a result of that trip, the President of Guatemala officially reopened the case and agreed to appoint a Special Commission to investigate the case. (For further background and details see Report of April Delegation.)

When more than one month passed with no further action, the entire Kentucky and New Mexico congressional delegations wrote to President Cerezo urging him to appoint the Commission. In June, he appointed the Special Commission which included representatives of the Guatemala Congressional Human Rights Office (Ombudsman, Mr. Ramiro Carpio de Leon), the administration (unnamed), the religious community (Catholic Archbishop, Msgr. Prosper Penados), and the victim (Sr. Dianna's lawyer, Mr. Paul Soreff).

December Delegation:

However, by November of 1990, the Commission had not met. In fact, President Cerezo never responded to Mr. Soreff's repeated inquiries regarding the Commission. Accordingly, the Ursuline Community sent a legal delegation to Guatemala in December of 1990, headed by Sr. Fran Wilhelm. Mr. Paul Soreff and Ms. Shawn Roberts accompanied Sr. Wilhelm.

The delegation's primary purpose was to try and get President Cerezo

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 07/19/95
Case ID: 9512249

to convene the Commission before leaving office in January, to secure support for the Commission's investigation of this case from the Presidential candidates (Jorge Serrano and Jorge Carpio), and to meet with each of the Commission's members.

Commission Members:

When we arrived in Guatemala we learned that President Cerezo, the Vice President, the Interior Minister, and the Vice Ministers of the Interior refused to meet with us. When we met with the Ombudsman (Ramiro Carpio de Leon) we learned that he had never been contacted by the President and did not even know about the Commission. He said that, although he was cautious about giving credibility to Commissions that do nothing, he would be willing to serve on this Commission if invited. He was very interested in this case and agreed to actively investigate. We found this meeting to be one of the most hopeful aspects of our trip.

We also met with Archbishop Penados. He expressed his willingness to serve on the Commission and informed us that President Cerezo had asked him to head the Commission. He also confirmed that the Interior Minister, Villatoro Morales had been vigorously opposing the Commission.

Presidential Candidates:

Jorge Carpio: Although our Embassy had arranged an appointment for us with Mr. Garcia Rodas, an aide to candidate Jorge Carpio, he was not there and despite our repeated efforts, we were not able to see either him or Mr. Carpio

Jorge Serrano: We first met at length with his campaign manager, Mr. Manuel Conde, who, although not very familiar with the case, was very solicitous of us. During our discussion, he expressed a lot of interest

in the Commission and agreed to discuss the case with Mr. Serrano. He subsequently arranged for us to meet briefly with Mr. Serrano. When we met with Mr. Serrano the next day, he said that, if elected, his government would pursue human rights cases vigorously and he agreed to convene the Commission to investigate the Ortiz case as soon as possible.

Meetings with the Chief of Police and Judge:

We met with the Judge in Antigua who had been appointed to this case. We had previously been advised that he was a highly respected member of the court who would be fair. We found him to be an older and gentle man of great dignity who had already concluded that Sr. Dianna's entire story was a hoax. He did not believe that she had been tortured or burned and said that, in fact she had been burned, it had occurred after she left Guatemala. At first he did not recall there being any file on the case. Later he summoned a clerk who brought the thick court file which the Judge then allowed us to review.

When we met with Chief of the National Police, Caballeros, he told us that his office had lost the file on the case. He gave us the brief four page summary that remained. Sr. Dianna has stated that the Guatemalan police car she was transported in had the #7 in the license plate. In our meeting we learned that only approximately 32 police cars had a number 7 and that any of these cars could have been in Mixco at the time of the kidnapping.

U.S. Embassy and Congressional Delegation:

U.S. Ambassador Strook was very upset that Sr. Dianna had given a statement to Diane Sawyer of ABC. The fact that Sr. Dianna had, shortly thereafter, arranged to meet with a representative of the U.S. State

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(LD #31/4)

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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____

January 16, 1990

Abraham D. Sofaer
Legal Advisor
United States Department of State
2201 C Street, N.W.
Washington, D.C. 20520

Dear Judge Sofaer:

I am writing to you on behalf of my clients, Michael offitt, Mr. and Mrs. Murray Karpen, the Estate of Ronnie Karpen offitt, the Estate of Orlando Letelier, Juan Pablo Letelier, hristian Alfredo Orlando Letelier and Jose Ignacio Letelier, the ons of Orlando Letelier who are United States citizens. During ur most recent meeting with you there was a lengthy discussion f on-going efforts by the Department of State to pursue its spousal request on behalf of my clients.

It was our understanding at the conclusion of the meeting hat while there were on-going efforts to obtain extradition of hose potentially criminally liable for the assassinations, to ursue the formation of an arbitral tribunal and to further spouse the claim for compensation, much was dependent on the itcome of the scheduled Presidential elections. Given the ecent election of the Coalition candidate, we would appreciate ie opportunity to meet with you, or other appropriate ndividuals in the Department of State, to discuss the effects of ie election and current plans for pursuing this matter.

No mention of extradition

We are quite concerned by recent information that we have eceived regarding contacts between Ambassador Gillespie and ewly-elected government officials. While our information is ly hearsay and has not been confirmed, we have been advised

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that Ambassador Gillespie has informed the new government that payment of compensation and resolution of the Letelier case are not a priority in normalization of relationships with this country. If indeed any such statements were made they would be contrary to the representations made to us during our meetings with the Department of State. We would like to clarify this matter as soon as possible.

Please contact me at your earliest convenience to arrange a meeting or some other vehicle for exchange of information.

Yours truly,

Samuel J. Buffone

SJB/ro

cc: Isabel Letelier
Michael Moffitt

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PAGE 01 BOGOTA 00595 01 OF 09 162352Z
ACTION INM-08

INFO LOG-00 ADS-00 AID-00 INR-05 OIC-02 DODE-00 IO-19
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INFO CIA WASHDC
DEA WASHDC
DIA WASHDC
COMDT/COGARD WASHDC
COGARD INTELCOORDCEN WASHDC
HQS/CUSTOMS WASHDC
USMISSION USVIENNA
AMCONSUL BARRANQUILLA
AMEMBASSY CARACAS
AMEMBASSY QUITO
AMEMBASSY LIMA
AMEMBASSY LA PAZ
AMEMBASSY MEXICO
USCINCSO QUARRY HEIGHTS PM

UNCLAS SECTION 01 OF 09 BOGOTA 00595

SECSTATE FOR INM/ARA
CIA FOR DDI/OGI/IND/CNC
DEA FOR DO, OISL, OIOC, OC, OF, OM, OIOM
DIA FOR DBAT-3
CUSTOMS FOR LA OPS, INTELLIGENCE ONLY
UNVIE MISSION VIENNA
USCINCSO FOR J2/J3 AND 470TH MILGP

E.O. 12356: N/A
TAGS: SNAR, CO
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PAGE 02 BOGOTA 00595 01 OF 09 162352Z

SUBJECT: 1990 INTERNATIONAL NARCOTICS CONTROL STRATEGY

DEPARTMENT OF STATE 9204243 IS/FPC/CDR Date: 11-27-96
(X) RELEASE ( ) DECLASSIFY
( ) EXCISE ( ) DECLASSIFY
( ) DENY IN PART
( ) DELETE Non-Responsive Info
FOIA Exemptions
PA Exemptions
MR Cases Only:
EO Citations
TS authority to.
( ) CLASSIFY as ( ) S or
( ) DOWNGRADE TS to ( ) S or

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PSC Fm 3211 132K64 CP 11 LP 16

REPORT ON COLOMBIA

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REF: STATE 384942

1. THE FOLLOWING IS BOGOTA'S CONTRIBUTION TO THE 1990 INTERNATIONAL NARCOTICS CONTROL STRATEGY REPORT (INCSR).

A.1. STATUS OF ILLICIT NARCOTICS PRODUCTION AND TRAFFICKING

2. THE DRUG WAR IN COLOMBIA IS FAR FROM OVER, BUT COLOMBIA'S ACHIEVEMENTS OF 1989 WERE NOTHING SHORT OF SPECTACULAR. THE COUNTRY IS A MODEL FOR ANTI-DRUG COMMITMENT. COLOMBIA EXCELLED IN DRUG SEIZURES, LAWS REVAMPED, EXTRADITIONS ORDERED, ASSETS SEIZED, AND MOST OF ALL, TANGIBLE COMMITMENT BY THE GOVERNMENT. ALL THIS WAS TOPPED OFF BY THE RAID BY COLOMBIA FORCES IN MID-DECEMBER THAT FELLED ONE OF THE BIGGEST TRAFFICKERS IN THE WORLD.

. COCA/COCAINE: IN 1989 COLOMBIA CONTINUED TO BE THE WORLD'S LEADING PRODUCER OF COCAINE HCL. COLOMBIAN LABORATORIES RELY HEAVILY ON IMPORTED COCAINE BASE FROM PERU AND BOLIVIA FOR CONVERSION TO COCAINE HYDROCHLORIDE ALTHOUGH THERE IS A SIZEABLE DOMESTIC COCA CROP. A COCA SURVEY CONDUCTED IN 1989 SHOWS EXPANSION OF THE CROP TO 42,500 HECTARES. POST ACCEPTS THE NET FIGURE AND HAS INCORPORATED IT INTO THE SUMMARY TABLES. HOWEVER, THE ESTIMATE DOES NOT INCLUDE THE PUTUMAYO GROWING AREA AND SHOWS EXPANSION OF THE CROP IN AREAS WHERE CREDIBLE SOURCES SAY PRODUCTION IS DOWN. POST HAS A LOW LEVEL AERIAL SURVEY PLANNED FOR 1990 TO VERIFY THE INFORMATION. THE HEAVIEST AREAS OF CULTIVATION ARE THE DEPARTMENTS OF PUTUMAYO, CAQUETA, GUAVIARE, AND VAUPES, WITH SUBSTANTIAL

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EXPANSION OF THE CROP INTO BOLIVAR DEPARTMENT. THE SURVEY CONFIRMS REPORTS BY RECONNAISSANCE PILOTS OF THE EXPANDED CROP IN BOLIVAR, PLACING THE ESTIMATE FOR THAT AREA AT 4,500 HECTARES. THE ESTIMATE FOR 1988 HAS BEEN ADJUSTED BASED ON THE SURVEY DATA.

4. THE STRENGTH OF COLOMBIAN TRAFFICKERS IS DERIVED FROM THEIR ABILITY TO FINISH THE PROCESSING OF MULTI-TON QUANTITIES OF INTERMEDIATE PRODUCT AND THEIR CONTROL OF TRAFFICKING ROUTES. THE LARGE, INDUSTRIAL-COMPLEX SIZE

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LABORATORIES REMAIN ACTIVE. THE MAJOR "DISCOVERY" OF 1989 WAS THE NUMBER OF THESE LABS FOUND TO BE RELATIVELY NEAR POPULATED AREAS. POLICE RAIDS FOUND A CONCENTRATION OF LARGE LABS IN AN AREA KNOWN AS THE MAGDALENA MEDIO IN CENTRAL COLOMBIA, OWNED BY THE SO CALLED MEDELLIN CARTEL. MANY WERE ACCESSIBLE BY ROAD AND OFTEN WITHIN SIGHT OF LUXURY HOMES. THE LABS WERE SOPHISTICATED, WITH EVIDENCE OF CHEMICAL RE-CYCLING AT THE SITES. LABS AND AIRSTRIPS IN THE EASTERN AND SOUTHERN JUNGLE CONTINUE TO OPERATE.

5. POST ESTIMATES THAT 447 METRIC TONS OF COCAINE HCL WERE REFINED IN COLOMBIA OR ENTERED THE COLOMBIAN COCAINE PIPELINE. THIS ESTIMATE IS A PERCENTAGE OF TOTAL PASTE/BASE PRODUCED IN PERU AND BOLIVIA (FROM DATA SUPPLIED BY THE EMBASSIES AT LIMA AND LAPAZ) ALONG WITH PRODUCTION FROM COLOMBIAN DOMESTIC COCA LEAF. POST ESTIMATES THAT 65 PERCENT (68 METRIC TONS) OF COCAINE BASE PRODUCED IN BOLIVIA IS REFINED IN COLOMBIA (OR IS BOLIVIAN-PRODUCED HCL THAT ENTERS THE COLOMBIAN DISTRIBUTION SYSTEM). FURTHER, 90 PERCENT OF PERUVIAN PASTE/BASE (326 METRIC TONS) PASSES INTO COLOMBIA FOR REFINING. THE INTERMEDIATE PRODUCT FROM THESE TWO COUNTRIES YIELDS APPROXIMATELY 394 METRIC TONS OF COCAINE

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PAGE 01 BOGOTA 00595 02 OF 09 162356Z
ACTION INM-08

INFO LOG-00 ADS-00 AID-00 INR-05 OIC-02 DODE-00 IO-19
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DPR-01 /051 W
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O 162352Z JAN 90
FM AMEMBASSY BOGOTA
TO SECSTATE WASHDC IMMEDIATE 1969
INFO CIA WASHDC
DEA WASHDC
DIA WASHDC
COMDT/COGARD WASHDC
COGARD INTELCOORDCEN WASHDC
HQS/CUSTOMS WASHDC
USMISSION USVIENNA
AMCONSUL BARRANQUILLA
AMEMBASSY CARACAS
AMEMBASSY QUITO
AMEMBASSY LIMA
AMEMBASSY LA PAZ
AMEMBASSY MEXICO
USCINCSO QUARRY HEIGHTS PM

UNCLAS SECTION 02 OF 09 BOGOTA 00595

SECSTATE FOR INM/ARA
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USCINCSO FOR J2/J3 AND 470TH MILGP

E.O. 12356: N/A
TAGS: SNAR, CO
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PAGE 02 BOGOTA 00595 02 OF 09 162356Z

SUBJECT: 1990 INTERNATIONAL NARCOTICS CONTROL STRATEGY

HCL. COLOMBIAN DOMESTIC COCA LEAF PRODUCED THE REMAINING

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53 METRIC TONS OF HCL.

6. THERE IS THE POSSIBILITY THAT THE TOTAL COCAINE PRODUCED IN COLOMBIA IS MUCH HIGHER, POSSIBLY AS MUCH AS TWICE THE AMOUNT ESTIMATED ABOVE. THERE IS LITTLE CURRENT HARD DATA ON CONVERSION RATIOS OF COCA LEAF TO COCAINE HCL TO SUPPORT EITHER ESTIMATE. INFORMANT REPORTING TO DEA VARIES GREATLY, WITH SOME REPORTS SHOWING THAT MUCH LESS COCA LEAF IS NEEDED TO PROCESS COCAINE THAN IS NOW ESTIMATED. THE REPORTS SHOW THAT THE RATIO MAY BE AS LOW AS 100 KILOS OF LEAF TO TO MAKE ONE KILO OF COCAINE HCL (CURRENTLY USED RATIO FOR COLOMBIA IS 500 TO 1). EVIDENCE OF RECYCLING OF CHEMICALS FURTHER CLOUDS THE ESTIMATE PROCESS, PUTTING DOUBT ON THE STANDARD RATIO OF 12 KILOS (OR 4 GALLONS) OF ESSENTIAL CHEMICALS (ETHER, ACETONE, OR SOME COMBINATION) TO MAKE ONE KILO OF HCL. HOWEVER, UNTIL POST HAS VERIFIED DATA AND EVIDENCE THAT THE NEWER PROCESSES ARE WIDELY USED IN COLOMBIA, PERU AND BOLIVIA, WE WILL CONTINUE TO USE PREVIOUSLY ESTABLISHED YIELD AND RATIO DATA.

7. THE FORCES BEHIND THE COCAINE INDUSTRY IN COLOMBIA ARE NAMES SUCH AS ESCOBAR AND OCHOA, AND UNTIL MID-DECEMBER, RODRIGUEZ GACHA. THESE MAJOR TRAFFICKERS HAVE ACQUIRED SO MUCH WEALTH (IN THE BILLIONS OF DOLLARS) THAT THEY HAVE FOR SOME TIME BEEN ABLE TO MAINTAIN THEIR OSTENTATIOUS LIFESTYLES IN COLOMBIA WITHOUT FEAR OF SERIOUS REPRISAL BY THE GOVERNMENT. WHEN EXTRADITION WAS REINSTATED THROUGH PRESIDENTIAL DECREE ON AUGUST 18, 1989, IT AGAIN BECAME ONE OF THE MAJOR FOCAL POINTS FOR THE NARCO'S BATTLE

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AGAINST THE GOVERNMENT, WITH TERRORISM AS THEIR WEAPON. THEIR PRIMARY TARGETS ARE LAW ENFORCEMENT, THE JUDICIARY AND THE CONGRESS, ALTHOUGH GENERAL TERRORISM IS ALSO A TOOL OF THE TRAFFICKERS. THIS GENERAL TERRORISM HAS BEEN AIMED AT SUCH DIVERSE ECONOMIC INTERESTS AS THE TOURIST TRADE, BANKS, TRANSPORTATION, AND POSSIBLY THE NATIONAL AIRLINE. THE GOC'S CONFRONTATION WITH KINGPIN JOSE GONZALO RODRIGUEZ GACHA, RESULTING IN HIS DEATH DURING THE GUNBATTLE ON DECEMBER 15, MARKS A NEW ERA IN COLOMBIA FOR THE TRAFFICKERS. WHETHER HIS DEMISE RESULTS IN ANY SERIOUS SHAKEUP IN THE TRAFFICKING INFRASTRUCTURE OR WHETHER COCAINE TRAFFICKING DECLINES REMAINS TO BE SEEN.

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IF -- AND ONLY IF -- THE GOC CAN MAINTAIN SUFFICIENT PRESSURE FOR A SUSTAINED PERIOD, THIS COULD BE THE BEGINNING OF THE END FOR THE OLD GUARD WHO FOR MANY YEARS THOUGHT THEMSELVES UNTOUCHABLE.

-

8. POLITICAL INSURGENTS HAVE USED THE DRUG BUSINESS TO PROVIDE FAST MONEY TO FINANCE THEIR EFFORTS; AT TIMES FORMING ALLIANCES WITH THE TRAFFICKERS. HOWEVER, THE MOST RECENT TREND IS FOR THE BIGGER NARCOS TO OPPOSE THEM. IN THE LATE 1980'S THE NARCOS BEGAN SUPPORTING SO-CALLED SELF DEFENSE GROUPS ACTIVE IN THE MAGDALENA MEDIO REGION WHICH HAVE BEEN FIGHTING INSURGENTS IN THAT AREA. IN OTHER AREAS, INSURGENT NARCO-TRAFFICKING CONTINUES. THUS THE RELATIONSHIPS OF THE "UNDERWORLD" ARE TENUOUS, WITH SELF INTERESTS ALWAYS ABOVE POLITICAL IDEALS.

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9. CANNABIS/MARIJUANA: AERIAL RECONNAISSANCE PILOTS SIGHTED LESS THAN 500 HECTARES OF CANNABIS GROWING IN COLOMBIA IN 1989. POST HAS CONSERVATIVELY PLACED THE TOTAL AT 2,000 HECTARES COUNTRY-WIDE, TO ACCOUNT FOR AREAS (UNKNOWN TO THE POLICE AND EMBASSY) THAT HAVE A FEW HUNDRED HECTARES PLANTED AND TO ACCOUNT FOR CULTIVATIONS THE SPRAY PILOTS DID NOT SEE DURING OVERFLIGHTS. THE ACTUAL TOTAL MAY BE MUCH LOWER. THIS IS A REMARKABLE

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DECLINE FROM THE 9,200 HECTARES ESTIMATED IN 1988.

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10. EXPERIENCED U.S. PILOTS REPEATEDLY OVERFLEW ALL "TRADITIONAL" GROWING AREAS AND MANY "SUSPECTED" GROWING AREAS THROUGHOUT THE YEAR. CULTIVATIONS IN THE SANTA MARTA AND PERIJA MOUNTAINS CONTINUED A FIVE YEAR STEADY DECLINE, STEMMING FROM THE AERIAL HERBICIDE EPADICATION PROGRAM WHICH BEGAN IN 1984. THE PILOTS FOUND ONE CULTIVATION OF ABOUT 150 HECTARES IN SANTA MARTA AND A FEW

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ACTION INM-08

INFO LOG-00 ADS-00 AID-00 INR-05 OIC-02 DODE-00 IO-19
NSCE-00 ARA-00 NSAE-00 SSO-00 L-03 TRSE-00 PM-10
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UNCLAS SECTION 03 OF 09 BOGOTA 00595

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DIA FOR DBAT-3
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SUBJECT: 1990 INTERNATIONAL NARCOTICS CONTROL STRATEGY
SMALL FIELDS IN THE PERIJA. IN OTHER WORDS, THE AREA ONCE

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KNOWN AS THE MAJOR CANNABIS GROWING AREA OF COLOMBIA APPEARS TO HAVE BEEN VIRTUALLY CANNABIS FREE IN 1989.

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11. DURING RECONNAISSANCE MISSIONS OVER CORINTO (CAUCA DEPARTMENT) IN SOUTHWEST COLOMBIA PILOTS SAW ONLY 100 HECTARES OF CANNABIS UNDER CULTIVATION. THE PLOTS WERE NUMEROUS, BUT VERY SMALL (AVERAGING LESS THAN A HECTARE EACH). POST'S ESTIMATE FOR TOTAL CULTIVATION IN THIS AREA IS 200 HECTARES, CAPABLE OF PRODUCING 1,400 METRIC TONS OF MARIJUANA IN 1989. THIS AREA WAS ESTIMATED TO HAVE 1,200 HECTARES GROWING IN 1988. THIS DECLINE WAS LARGELY A RESULT OF AN AGGRESSIVE GROUND ERADICATION PROGRAM IN LATE 1988 AND GOVERNMENT ECONOMIC ASSISTANCE TO THE AREA. CANNABIS APPEARS TO HAVE NOT BEEN PLANTED IN THE SAN LUCAS MOUNTAINS (BOLIVAR DEPARTMENT) IN COMMERCIAL QUANTITIES IN 1989, AS FARMERS SWITCHED TO THE POTENTIALLY MORE LUCRATIVE COCA CROP. THE DECLINE IN CANNABIS CULTIVATIONS THROUGHOUT THE COUNTRY WAS SO GREAT THAT THE EMBASSY FIRST POSTPONED AND THEN LATER CANCELLED PLANS FOR A CROP YIELD SURVEY FOR LACK OF SUFFICIENT FIELDS IN VARIOUS AREAS TO BE TESTED.

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12. THE DECLINE IN CULTIVATIONS IS SUPPORTED BY A DECLINE IN BULK MARIJUANA SEIZURES, FROM 923 METRIC TONS IN 1988 TO ABOUT 708 METRIC TONS IN 1989. IN THE LARGEST SEIZURE OF THE YEAR, THE CNP SEIZED 107 METRIC TONS OF MARIJUANA IN DECEMBER FROM CULTIVATIONS IN SOUTHWEST COLOMBIA. THIS AMOUNT, WHILE QUITE LARGE, REPRESENTS THE YEARLY PRODUCTION OF ONLY 15 HECTARES OF CANNABIS FROM THAT AREA. THE COLOMBIAN NATIONAL POLICE (CNP) BELIEVE THAT MUCH OF THE MARIJUANA BEING SEIZED IN NORTHERN COLOMBIA

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ORIGINATES IN VENEZUELA. WE ARE FAIRLY CERTAIN THAT THERE ARE NO LARGE COMMERCIAL SIZE (MULTI-HUNDRED HECTARES) AREAS OF CANNABIS IN COLOMBIA.

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A.2. ACCOMPLISHMENTS IN 1989

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13. 1989 WAS THE BEST YEAR EVER FOR COLOMBIA'S ANTI-DRUG EFFORT, ALTHOUGH THE COUNTRY PAID A BLOODY, VIOLENT PRICE FOR IT. SEIZURES FOR A SECOND YEAR WERE AT RECORD LEVELS: 37 METRIC TONS OF COCAINE SEIZED, 1,164 ANTI-NARCOTICS RAIDS CONDUCTED, 452 LABORATORIES DESTROYED

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(FEWER IN NUMBER, BUT LARGER LABS), 50 AIRCRAFT SEIZED AND HELD FOR FORFEITURE, 3,607 TRAFFICKERS ARRESTED, AND TWO MILLION GALLONS OF ESSENTIAL CHEMICALS TO MAKE COCAINE DESTROYED. INTELLIGENCE AGENCIES INFILTRATED MAJOR NETWORKS, AND AS A RESULT, MADE AGGRESSIVE RAIDS ON TRAFFICKER CONTROL HOUSES. THE PRICE WAS THE DEATHS OF EIGHT JUDGES, MORE THAN TWO HUNDRED BOMBINGS, ONE OF WHICH WAS THE MOST POWERFUL EVER IN COLOMBIA AND VIRTUALLY DESTROYED THE BUILDING HOUSING THE DEPARTMENT OF ADMINISTRATIVE SECURITY (DAS). ESCALATING ASSASSINATIONS OF PROMINENT JURISTS, AMONG THEM A WIDELY RESPECTED MAGISTRATE OF BOGOTA'S HIGHER TRIBUNAL, LED THE GOC TO DEVELOP A SERIES OF EMERGENCY DECREES. THEIR ANNOUNCEMENT COINCIDED WITH THE MURDER -- IN PUBLIC -- OF LEADING PRESIDENTIAL CANDIDATE LUIS CARLOS GALAN ON AUGUST 18. THE DECREES PROVIDED FOR EXTRADITION BY ADMINISTRATIVE DETERMINATION, SEIZURES OF NARCO ASSETS, AND LONGER DETENTION TIMES. OUTRAGED BY THE GALAN KILLING, THE GOC BEGAN APPLYING THE DECREES WITH VIGOR.

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14. A COLOMBIAN ECOLOGIST IS PARTICIPATING IN THE COCA HERBICIDE TESTING BEING CONDUCTED IN PERU, REPORTING BACK TO THE HIGHEST LEVELS OF THE GOC. NO HERBICIDES HAVE BEEN USED OR TESTED AGAINST COCA IN COLOMBIA SINCE 1986. UNTIL A SAFE, EFFECTIVE HERBICIDE IS FOUND AND APPROVED FOR USE,

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COLOMBIA WILL CONTINUE MANUAL COCA ERADICATION AS AN ANCILLARY FUNCTION TO LAB RAIDS. IN 1989, COLOMBIA DESTROYED 641 HECTARES OF COCA, OVER TWICE THE AMOUNT ERADICATED IN 1988.

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15. MUCH OF THE SUCCESS OF THE LABORATORY RAIDS BY THE CNP LAYS IN THE HANDS OF COLOMBIAN NATIONAL POLICE DIRECTOR GENERAL MIGUEL GOMEZ PADILLA THROUGH THE WORK OF

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PAGE 01 BOGOTA 00595 04 OF 09 162359Z
ACTION INM-08

INFO LOG-00 ADS-00 AID-00 INR-05 OIC-02 DODE-00 ID-19
NSCE-00 ARA-00 NSAE-00 SSO-00 L-03 TRSE-00 PM-10
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UNCLAS SECTION 04 OF 09 BOGOTA 00595

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PAGE 02 BOGOTA 00595 04 OF 09 162359Z

SUBJECT: 1990 INTERNATIONAL NARCOTICS CONTROL STRATEGY

ANTI-NARCOTICS DIRECTOR RAFAEL MUNOZ SANABRIA.

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RECOGNIZING THE EVER PRESENT CORRUPTING INFLUENCE OF THE NARCO-TRAFFICKERS, MUNOZ EMPHASIZED OPERATIONAL SECURITY AND GOMEZ SWIFTLY PURGED IN EXCESS OF 3,500 CORRUPT OR INEFFICIENT OFFICERS AND ENLISTED MEN FROM THE RANKS. PRESIDENT VIRGILIO BARCO VARGAS HAS REQUESTED THAT BOTH REMAIN IN POSITION UNTIL THE END OF HIS ADMINISTRATION IN AUGUST 1990.

A.3. PLANS PROGRAMS AND TIMETABLES (1990)

16. THE INFUSION OF FUNDS FROM THE U.S. AND THE REST OF THE WORLD IN SUPPORT OF THE GOC'S ANTI-DRUG INITIATIVES SHOWED IMMEDIATE EFFECTS AND WILL ALLOW THE INITIATIVES TO CONTINUE AND GREATLY EXPAND IN 1990. THE CNP QUICKLY ABSORBED THE UH-1H HELICOPTERS BROUGHT IN UNDER 506A EMERGENCY FUNDS AND HAD THEM FLYING OPERATIONS IN LESS THAN THREE DAYS. THERE ARE PLANS FOR EXPANSION AND IMPROVEMENT IN VIRTUALLY ALL AREAS OF THE GOC'S ANTI-DRUG PLAN, INCLUDING IMPROVED RADIO NETS, ENHANCED INTELLIGENCE COLLECTION CAPABILITIES, SPECIALIZED ANTI-DRUG ARMY STRIKE UNITS, BETTER CHEMICAL CONTROLS, AND HELP TO STRENGTHEN AND PROTECT THE JUDICIARY, TO NAME BUT A FEW. IN 1990 THE GOC'S PLAN IS TO CONTINUE AND EXPAND THE ASSAULT ON TRAFFICKER HIDEOUTS AND LABORATORY OPERATIONS, WITH THE MAJOR OBJECTIVES OF CATCHING THE MAJOR NARCOS AND DISRUPTING HCL PRODUCTION.

A.4. ADEQUACY OF LEGAL AND LAW ENFORCEMENT MEASURES

17. THE PRESIDENTIAL DECREES OF AUGUST WERE A

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BREAKTHROUGH FOR THE WEAKENED COLOMBIAN JUDICIAL SYSTEM. DURING THE FIRST HALF OF 1989 THE GOC SECRETLY DRAFTED EMERGENCY DECREES UNDER THE PRESIDENT'S STATE OF SIEGE AUTHORITY TO CONFRONT THE GROWING NARCO MENACE. UNDER THE LEADERSHIP OF THEN JUSTICE MINISTER MONICA DE GREIFF, THE GOVERNMENT PROMULGATED THE DECREES FOLLOWING THE KILLING OF THE POLICE CHIEF OF ANTIOQUIA DEPARTMENT (MEDELLIN) AND SEVERAL PROMINENT JURISTS WHO WERE HANDLING NARCOTICS CASES. THEIR ANNOUNCEMENT OF THE DECREES CAME THE VERY EVENING OF GALAN'S ASSASSINATION. THE MOST IMPORTANT OF THESE DECREES IMPLEMENTED EXTRADITION BY ADMINISTRATIVE PROCEDURE OF PERSONS CHARGED WITH NARCOTICS OFFENSES, AND

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GAVE THE GOVERNMENT BROAD POWERS TO SEIZE PROPERTY OF SUSPECTED NARCOS AND ULTIMATELY CONFISCATE PROPERTY WHEN ITS OWNER IS CONVICTED OF A NARCOTICS OFFENSE. OTHER DECREES TO CONTROL MONEY LAUNDERING AND THE SHIPMENT OF PRECURSOR CHEMICALS ARE BEING PREPARED.

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18. SPURRED BY PUBLIC OUTRAGE OVER THE GALAN KILLING, AS WELL AS THOSE OF THE POLICE CHIEF AND GOVERNOR OF ANTIOQUIA DEPARTMENT, AND THE JUDGES, THE GOC PROCEEDED TO APPLY THE DECREES WITH UNUSUAL DISPATCH. THE FIRST FIVE EXTRADITIONS (UNDER THE ADMINISTRATIVE MEASURES) TOOK PLACE WITHIN TWO MONTHS. A CRITICAL JUNCTURE CAME WHEN THE SUPREME COURT, IN A COURAGEOUS DECISION, UPHELD THE CONSTITUTIONALITY OF THE EMERGENCY DECREES. THIS WAS LATER BOLSTERED BY A SIMILAR STATEMENT BY THE COUNCIL OF STATE, COLOMBIA'S HIGHEST TRIBUNAL OF ADMINISTRATIVE LAW.

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19. HOWEVER, INTERNALLY COLOMBIA'S JUDICIAL SYSTEM REMAINS WEEK. INTIMIDATION AND VIOLENCE, COMBINED WITH EXTREMELY LOW SALARIES FOR JUDICIAL EMPLOYEES, PLUS LACK OF BASIC "TOOLS" SUCH AS RAPID ACCESS TO JUDICIAL INFORMATION, WORK TOGETHER TO WEAKEN A SYSTEM THAT IN REALITY HAS LAWS -- ALTHOUGH NOT AS STRINGENT AS U.S. PROVISIONS -- TO COVER MOST ASPECTS OF NARCOTICS

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TRAFFICKING. HOWEVER, THE RECENT ENCOURAGING EVENTS APPEAR TO HAVE ADDED MORE BACKBONE TO THE COURTS, AIDED BY THE PROVISION (MAINLY BY THE USG) OF PERSONAL AND COURTROOM SECURITY EQUIPMENT.

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20. VIRTUALLY ALL LAW ENFORCEMENT/MILITARY COMPONENTS OF THE GOC ARE INVOLVED IN ANTI-NARCOTICS WORK. THE COLOMBIAN NATIONAL POLICE ANTI-NARCOTICS DIRECTORATE (DAN) HAS PRIMARY RESPONSIBILITY FOR NARCOTICS LAW ENFORCEMENT.

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ACTION INM-08

INFO LOG-00 ADS-00 AID-00 INR-05 OIC-02 DODE-00 IO-19
NSCE-00 ARA-00 NSAE-00 SSO-00 L-03 TRSE-00 PM-10
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UNCLAS SECTION 05 OF 09 BOGOTA 00595

SECSTATE FOR INM/ARA
CIA FOR DDI/OGI/IND/CNC
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THIS FORCE OF APPROXIMATELY 2,500 MEN IS COMMANDED BY A

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BRIGADIER GENERAL AND IS DIVIDED INTO AN AIR SERVICE, 11
FIELD COMPANIES, AND AN INTELLIGENCE SERVICE. UTILIZING
AIR MOBILE TACTICS, THE DAN IS RESPONSIBLE FOR THE SEIZURE
OF ABOUT 85 PERCENT OF THE DRUGS FOUND IN COLOMBIA. THE
INVESTIGATIVE PLAINCLOTHES DIVISION OF THE CNP, KNOWN AS
F-2, MADE SIGNIFICANT RAIDS ON TRAFFICKER HEADQUARTERS,
COLLECTING INTELLIGENCE ON THEIR FINANCIAL EMPIRES.

21. THE NEWLY ESTABLISHED (APRIL 1989) ELITE CORPS, UNDER
THE DIRECTION OF A BRIGADIER GENERAL OF THE CNP, ALSO
CONDUCTS ANTI-NARCOTICS RAIDS, ALTHOUGH THEY ARE NOT
SPECIFICALLY MANDATED FOR THIS USE. ELITE CORPS TROOPS
WERE ON-BOARD DAN UH-1H HELICOPTERS (506A PROVIDED) FOR
THE RAID IN WHICH RODRIGUEZ GACHA DIED. THE OTHER
BRANCHES OF THE POLICE ALSO CONTRIBUTED TO THE
ANTI-NARCOTICS EFFORT, CONDUCTING RAIDS AND MANNING
ROADBLOCKS AND SEARCHES AT WATER AND AIR PORTS.

22. THE COLOMBIAN ARMY, SUPPORTED BY THE AIR FORCE AND
MARINES, HAS INCREASED ITS ANTI-NARCOTICS EFFORTS,
PARTICULARLY IN THE LAST FEW MONTHS AT THE DIRECTION OF
THE PRESIDENT, AND SHOULD PLAY AN EVEN GREATER ROLE IN
1990. ONE RAID IN BOGOTA PRODUCED BOOKS AND RECORDS OF
MAJOR TRAFFICKER JOSE GONZALO RODRIGUEZ GACHA THAT LED TO
THE FREEZING OF SOME $62 MILLION IN ASSETS IN THROUGHOUT
THE WORLD. THE COLOMBIAN NAVY, HOWEVER, IS STILL THE
LEAST ACTIVE BRANCH OF THE SERVICE ALTHOUGH IT HAS BEGUN
TO SHOW SOME INTEREST IN INCREASING RIVERINE COUNTER
NARCOTICS OPERATIONS. IT HAS DONE VERY LITTLE AT-SEA
OPERATIONS AGAINST THE TRAFFICKERS.
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23. BRIGADIER GENERAL MIGUEL MAZA MARQUEZ, THE HEAD OF
THE DEPARTMENT OF ADMINISTRATIVE SECURITY (DAS) IN THE
EXECUTIVE BRANCH, HAS BROUGHT HIS AGENCY BACK INTO
ANTI-DRUG INVESTIGATIONS. THE SUCCESS OF MAZA'S AGENCY IS
PERHAPS MOST VIVIDLY SHOWN BY THE EXTENT THE TRAFFICKERS
HAVE GONE TO TRY TO KILL MAZA. IN 1989, THERE WERE THREE
ATTEMPTS MADE ON HIS LIFE. TWO BOMBS WERE DETONATED, ONE
AIMED AT HIS CAR KILLED SEVEN INNOCENT BYSTANDERS AND THE
OTHER AT HIS DAS HEADQUARTERS WHILE HE WAS IN HIS OFFICE
KILLED 64 PEOPLE WHO HAPPENED TO ON THE STREET OR IN THE
BUILDING. IN THE THIRD INCIDENT, A CACHE OF DYNAMITE

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INTENDED FOR USE AGAINST HIM WAS LOCATED BY THE POLICE.

24. COLOMBIA IS IN COMPLIANCE WITH THE PROVISIONS OF THE CHILES AMENDMENT. A BILATERAL NARCOTICS AGREEMENT BETWEEN THE U.S. AND COLOMBIA HAS BEEN IN EFFECT SINCE 1974. THERE IS ALSO AN AGREEMENT TO DRASTICALLY REDUCE DRUG CONSUMPTION. THE GOC HAS NOT YET RATIFIED THE 1988 VIENNA CONVENTION, BUT THE PRESIDENTIAL DECREES OF AUGUST 18 SUCCESSFULLY IMPLEMENTED EXTRADITION AND ASSET SEIZURE. THE GOC EXTRADITED TWELVE NARCO-TRAFFICKERS TO THE U.S. IN 1989. FINAL CONFISCATION OF ASSETS, HOWEVER, REQUIRES A NARCOTICS CONVICTION AGAINST THE OWNER OF THE ASSET. THE GOC IS IN THE PROCESS OF PREPARING EMERGENCY DECREES TO CONTROL PRECURSOR CHEMICAL SHIPMENTS AND TRACE THE FINANCIAL INFRASTRUCTURE OF THE NARCOTICS MAFIAS.

25. COMPLIANCE WITH SECTION 2013 REQUIREMENTS ON ANTI-CORRUPTION ACTIVITIES: THE GOVERNMENT OF COLOMBIA DOES NOT AS A MATTER OF POLICY ENCOURAGE OR FACILITATE THE PRODUCTION OR DISTRIBUTION OF ILLEGAL DRUGS. NO SENIOR OFFICIAL HAS BEEN INDICTED FOR NARCOTICS RELATED CORRUPTION. AN INVESTIGATION IS UNDERWAY OF A FORMER CHIEF OF THE NATIONAL POLICE. SOME PROMINENT POLITICIANS ARE CLOSELY CONNECTED TO DRUG TRAFFICKERS, AND THERE ARE
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CLEAR INDICATIONS THAT SOME JUDGES HAVE BEEN SUBJECT TO BRIBES, INTIMIDATIONS OR THREATS FROM TRAFFICKERS. THE GOC ACTS SWIFTLY TO REMOVE OFFICIALS FROM THEIR RANKS WHEN THERE IS EVIDENCE OF CORRUPTION AND IT IS CLEAR THAT THE POLICE AND MILITARY ARE MOVING AGAINST CORRUPTION NOW AS NEVER BEFORE.

A.5. DOMESTIC DRUG ABUSE

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INFO LOG-00 ADS-00 AID-00 INR-05 OIC-02 DODE-00 IO-19
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UNCLAS SECTION 06 OF 09 BOGOTA 00595

SECSTATE FOR INM/ARA
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DIA FOR DBAT-3
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SUBJECT: 1990 INTERNATIONAL NARCOTICS CONTROL STRATEGY

26. THERE HAS NOT BEEN A NATIONWIDE DRUG ABUSE STUDY DONE

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IN COLOMBIA SINCE 1987, WHEN A STUDY FOUND THAT DRUG ABUSE IS A GROWING, PARTICULARLY URBAN PHENOMENON. A 1988 BOGOTA STUDY FOUND THAT TEN PERCENT OF YOUNG ADULTS (18-24 YEARS OLD) USE ILLEGAL DRUGS. THE GOC HAS HAD SINCE 1985 AN OFFICIAL NATIONAL PLAN FOR DRUG ABUSE PREVENTION. THE MINISTRIES OF EDUCATION AND COMMUNICATION AND THE COLOMBIAN INSTITUTE OF FAMILY WELFARE WORK TO SOME EXTENT IN PREVENTION PROGRAMS, BUT IN GENERAL, HAVE NOT VIGOROUSLY PURSUED DEMAND REDUCTION PROJECTS. SOME PRIVATE ORGANIZATIONS HAVE ORGANIZED CAMPAIGNS, AND THE MAYOR'S OFFICE OF BOGOTA HAS BEEN PARTICULARLY ACTIVE. THE DRUG ABUSE PROBLEM IN COLOMBIA DOES NOT DRIVE PRODUCTION, AND ACCOUNTS FOR USE OF ONLY A SMALL FRACTION OF TOTAL DRUGS PRODUCED IN COUNTRY.

B.1. AND B.2. NATURE OF ILLICIT DRUG PRODUCTION AND FACTORS AFFECTING PRODUCTION

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27. RATHER THAN POLITICAL, ECONOMIC, AND SOCIAL FACTORS CONTRIBUTING TO COCAINE PRODUCTION, IT IS BETTER SAID THAT COCAINE PRODUCTION IS WEAKENING THE DEMOCRATIC POLITICS OF COLOMBIA. COLOMBIANS INCREASINGLY RECOGNIZE THAT THE NARCOTICS TRADE IS HARMING THE ECONOMY AND SOCIETY AT LARGE. COLOMBIANS HAVE LEARNED THAT IT IS IMPOSSIBLE TO SEPARATE DRUG TRAFFICKING FROM THE VIOLENCE AND LAWLESSNESS GENERATED BY IT. COLOMBIA IS THE PRIME EXAMPLE TO THE WORLD OF THE INSIDIOUS EFFECTS OF THE ILLEGAL DRUG INDUSTRY ON A NATION. IT IS THE MAJOR THREAT TO DEMOCRACY IN COLOMBIA AND HAS DIRECTLY OR INDIRECTLY AFFECTED VIRTUALLY EVERYONE AND EVERYTHING IN THE COUNTRY.
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28. THE COLOMBIAN NEWS MEDIA IS ONE OF THE ELEMENTS HIT HARD BY THE TRAFFICKERS. TWELVE PEOPLE ASSOCIATED WITH THE PRINT AND VOICE MEDIAS WERE KILLED IN 1989, INCLUDING TWO NEWSPAPER DISTRIBUTORS IN MEDELLIN FOR DISTRIBUTING A MAJOR DAILY WHICH IS STRONGLY ANTI-DRUG. THE SECOND LARGEST DAILY IN COLOMBIA, EL ESPECTADOR, WAS SEVERELY DAMAGED BY A BOMB IN SEPTEMBER AS WAS THE LEAD DAILY OF A MAJOR PROVINCIAL NEWSPEAPER CHAIN IN NOVEMBER. WRITERS ARE RELUCTANT TO USE BYLINES. THE BASIC FREEDOMS PERMITTED BY THE GOVERNMENT ARE BEING DENIED BY THE TRAFFICKERS.

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29. ALTHOUGH THE GOVERNMENT RESTRICTS THE IMPORTATION OF ESSENTIAL CHEMICALS INTO THE COUNTRY, THE PROFITS INVOLVED IN CHEMICAL SHIPMENTS HAVE BEEN AN INCENTIVE TO OVERCOME THE CONTROLS. SUPPLYING CHEMICALS TO COCAINE LABS HAS BECOME A MAJOR COMMERCIAL ACTIVITY. TO DEFEAT THE GOVERNMENT'S CONTROLS ON CHEMICALS, CHEMISTS PRODUCE ACCEPTABLE SUBSTITUTES OR BEGIN PRODUCING THE CHEMICALS LOCALLY IN CLANDESTINE LABS. THE INTERMEDIATE PRODUCT, COCAINE BASE, IS FLOWN IN FROM PERU AND BOLIVIA ACROSS A BORDER WITH VIRTUALLY UNCONTROLLED AIRSPACE.

30. THE ISSUE FOR 1990 WILL BE WHETHER THE GOC CAN SUSTAIN A HARD PRESS FOR A LONG ENOUGH PERIOD TO EFFECT PERMANENT CHANGE. THE OPERATIONS IN LATE AUGUST AND SEPTEMBER FORCED A DECLINE IN COCAINE REFINING AND A RIPPLE EFFECT OF LOWER PRICES FOR COCA LEAF IN PERU AND BOLIVIA AS THE DEMAND FOR COCAINE BASE DECLINED. ONE MEASURE OF SUCCESS WILL BE CONTINUED LOWER PRICES.

B.3. MAXIMUM ACHIEVABLE REDUCTIONS

31. FOR 1990 THE GOC HAS THE POLITICAL WILL AND THE HARDWARE TO CONTINUE AND EXPAND ITS PRESS AGAINST THE

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TRAFFICKERS AND THEIR OPERATIONS. A GREATLY EXPANDED EFFORT BY THE COLOMBIAN MILITARY SHOULD ALLOW THE GOC TO DOUBLE ITS 1989 ACHIEVEMENTS, ASSUMING THAT ALL PROMISED AID ARRIVES IN TIME TO BE UTILIZED THROUGHOUT MUCH OF THE YEAR. HOWEVER, IF ALL FORCES FOCUS HEAVILY ON CAPTURING PABLO ESCOBAR AND OTHER MAJOR TRAFFICKERS, LABORATORY AND COCAINE SEIZURES MAY NOT REACH THESE EXPECTATIONS. THERE IS ALSO THE POSSIBILITY, ALTHOUGH REMOTE, THAT THE CAPTURE OF THE DRUG HIERARCHY OF COLOMBIA COULD SERIOUSLY ROCK THE

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PAGE 01 BOGOTA 00595 07 OF 09 170010Z
ACTION INM-08

INFO LOG-00 ADS-00 AID-00 INR-05 DIC-02 DODE-00 ID-19
NSCE-00 ARA-00 NSAE-00 SSO-00 L-03 TRSE-00 PM-10
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UNCLAS SECTION 07 OF 09 BOGOTA 00595

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CUSTOMS FOR LA OPS, INTELLIGENCE ONLY
UNVIE MISSION VIENNA
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PAGE 02 BOGOTA 00595 07 OF 09 170010Z

SUBJECT: 1990 INTERNATIONAL NARCOTICS CONTROL STRATEGY

COCAINE INSTITUTION AND DRASTICALLY ALTER

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PRODUCTION/TRAFFICKING PATTERNS AWAY FROM COLOMBIA. HOWEVER, ESTIMATES ARE BASED ON THE ASSUMPTION THAT CURRENT LEVELS OF PRODUCTION WILL CONTINUE.

-

32. IF THE GOC APPROVES A HERBICIDE FOR AERIAL SPRAYING OF COCA AND PROCEEDS WITH AN AERIAL ERADICATION PROGRAM, ROUGHLY 80 PERCENT OF THE COCA CROP CAN BE DESTROYED IN 1990.

-

B.4. METHODOLOGY FOR ESTIMATES

COCA AND COCAINE:

--ONE HECTARE YIELDS 800 KILOGRAMS OF DRY LEAF ANNUALLY.
--500 KILOS OF DRY LEAF YIELD ONE KILO OF COCAINE BASE (THUS ONE HECTARE OF COCA YIELDS 1.6 KILOS OF COCAINE BASE).
--1.1 KILOS OF COCAINE BASE YIELDS 1.0 KILOS OF COCAINE HCL (THUS A HECTARE OF COCA YIELDS 1.45 KILOS OF COCAINE HCL).

-

CANNABIS AND MARIJUANA:

--ONE HECTARE YIELDS 1.1 METRIC TONS OF "OMMERCIALLY USABLE MARIJUANA PER CROP WITH ONE CROP PER YEAR.
--IN A LOCALIZED AREA OF SOUTHWEST COLOMBIA, CROP YIELD IS 3.5 METRIC TONS PER HARVEST, 7 METRIC TONS PER YEAR, DUE TO HIGH QUALITY SEEDS, GOOD AGRICULTURAL TECHNIQUES, AND TWO CROPS PER YEAR.
--PROCESSING OF HASHISH IS NOT FACTORED INTO ESTIMATES DUE TO A LACK OF INFORMATION ON IN-COUNTRY PROCESSING. HASHISH PROCESSING IS BELIEVED TO BE VERY LIMITED AND WOULD NOT GREATLY AFFECT PRODUCTION ESTIMATES.

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-

SUMMARY TABLE: COCA COCAINE

CY	1990	1989	1988	1987	1986
COCA CULTIVATED (HECTARES):					
-	42,500	42,500	27,000	25,000	25,000
COCA ERADICATED (HECTARES):					
-	35,000	641	230	460	760

(1990 ESTIMATE ASSUMES 80 AERIAL HERBICIDE ERADICATION IN COLOMBIA. SIMILAR EFFORTS IN PERU AND BOLIVIA WOULD ALTER BOTTOM LINE FIGURES.

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COCA HARVESTED (HECTARES):
- 7,500 41,859 26,770 24,540 24,240
COCA LEAF HARVESTED (METRIC TONS):
- 6,000 33,487 21,416 19,630 19,390
MINUS IN COUNTRY SEIZURES COCA LEAF (METRIC TONS):
- 340 203 93 119 163
AMOUNT AVAILABLE FOR CONVERSION (METRIC TONS):
- 5,660 33,284 21,323 19,511 19,227
COCAINE BASE AVAIL. FOR CONVERSION FROM DOMESTIC LEAF (MT):
- 11.3 66.6 42.6 39.0 38.4
COCAINE BASE CONSUMED IN COLOMBIA (METRIC TONS):
- 1.5 1.5 1.5 1.5 1.5
COCAINE BASE SEIZED IN COLOMBIA (METRIC TONS):
- 3.0 6.7 3.6 6.7 4.0
DOMESTIC COCAINE BASE AVAILABLE (METRIC TONS):
- 6.8 58.4 37.5 30.8 32.9
COCAINE HCL PRODUCED IN COLOMBIA FROM DOMESTIC COCA (MT):
- 6.2 53.1 34.0 28.0 29.9
COCAINE HCL PRODUCED IN COLOMBIA FROM IMPORTED BASE (MT):
- 361 394 355 300 250
COCAINE HCL CONSUMED IN COLOMBIA (METRIC TONS):
- .5 0.5 0.5 0.5 0.5
COCAINE HCL SEIZED IN COLOMBIA (METRIC TONS):
- 62.0 30.6 18.5 8.3 3.0
UNCLASSIFIED
UNCLASSIFIED

COCAINE HCL AVAILABLE FOR EXPORT (METRIC TONS):
- 305 416 370 319 276
EXPORTED TO U.S. (METRIC TONS):
- 200 300 300 250 225
EXPORTED ELSEWHERE (METRIC TONS):
- 105 116 70 69 51
-
SUMMARY TABLE: CANNABIS MARIJUANA

CY 1990 1989 1988 1987 1986

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ACTION INM-08

INFO LOG-00 ADS-00 AID-00 INR-05 OIC-02 DODE-00 IO-09
NSCE-00 ARA-00 NSAE-00 SSO-00 L-03 IRSE-00 PM-10
OMB-01 INRE-00 AGRE-00 USIE-00 JUSE-00 FBIE-00 SP-02
DPR-01 /051 W
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INFO CIA WASHDC
DEA WASHDC
DIA WASHDC
COMDT/COGARD WASHDC
COGARD INTELCOORDCEN WASHDC
HQS/CUSTOMS WASHDC
USMISSION USVIENNA
AMCONSUL BARRANQUILLA
AMEMBASSY CARACAS
AMEMBASSY QUITO
AMEMBASSY LIMA
AMEMBASSY LA PAZ
AMEMBASSY MEXICO
USCINCSO QUARRY HEIGHTS PM

UNCLAS SECTION 08 OF 09 BOGOTA 00595

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SUBJECT: 1990 INTERNATIONAL NARCOTICS CONTROL STRATEGY

CANNABIS CULTIVATED (HECTARES):

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-	2,000	2,000	9,200	13,085	12,500

CANNABIS ERADICATED (HECTARES):

-	500	132	5,309	8,000	9,700

CANNABIS HARVESTED (HECTARES):

-	1,500	1,868	3,891	5,085	2,800

CANNABIS YIELD (METRIC TONS):

-	1,650	3,001	9,157	5,595	3,080

MINUS IN COUNTRY SEIZURES (METRIC TONS):

-	1,000	708	923	1,290	1,370

HASHISH SEIZED (METRIC TONS):

-	0.5	0.4	1.8	0	0

MARIJUANA YIELD AFTER ERADICATION/SEIZURES (METRIC TONS):

-	650	2,293	8,234	4,305	1,710

MARIJUANA CONSUMED IN COUNTRY (METRIC TONS)

-	2	2	2	2	2

MARIJUANA EXPORTED TO US (METRIC TONS)

-	500	1,500	7,000	3,700	1,500

MARIJUANA EXPORTED ELSEWHERE (METRIC TONS)

-	148	791	1,232	603	208

-

DATA TABLE COCA/COCAINE:

CY	1990	1989	1988	1987	1986
GROSS CULTIVATION COCA LEAF HECTARES):					
-	42,500	42,500	27,000	25,000	25,000
GROSS POTENTIAL PRODUCTION COCA LEAF (MT, PPE-ERAD):					
-	34,000	34,000	21,600	20,000	20,000
COCA ERADICATED (HECTARES):					
-	35,000	641	230	460	760

(1990 ESTIMATE ASSUMES AERIAL APPLICATION OF HERBICIDE ON
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UNCLASSIFIED

80
OF CROP. SIMILAR EFFORTS IN PERU AND BOLIVIA WOULD
ALTER BOTTOM LINE STATISTICS.)

COCA ERADICATED (METRIC TON EQUIVALENT):					
-	28,000	513	184	368	608
COCA LEAF NET CULTIVATION- POST-ERADICATION HECTARES):					
-	7,500	41,859	26,770	24,540	24,240
COCA LEAF NET PRODUCTION- POST-ERADICATION (METRIC TONS):					
-	6,000	33,487	21,416	19,632	19,392
COCAINE BASE REFINED (METRIC TONS):					
-	6.8	66.6	37.5	30.8	32.9

COCAINE HCL REFINED FROM DOMESTIC LEAF (METRIC TONS):

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-	6.2	53.1	34.0	28.0	29.9

COCA LEAF SEIZED (METRIC TONS):

-	340	203	93	119	163

COCAINE HCL AND BASE SEIZED (METRIC TONS):

-	65.0	37.3	22.1	15.0	7.0

COCA/COCAINE LABS DESTROYED:

-	750	452	831	1,357	550

COCAINE BASE AND HCL DOMESTIC CONSUMPTION (METRIC TONS):

-	2	2	2	2	2

-

DATA TABLE CANNABIS/MARIJUANA:

-

CY	1990	1989	1988	1987	1986

GROSS CULTIVATION CANNABIS (HECTARES):

-	2,000	2,000	9,200	13,085	12,500

GROSS POTENTIAL PRODUCTION CANNABIS (MET. TONS, PRE-ERAD.):

-	2,200	3,380	17,200	14,390	13,750

CANNABIS ERADICATED (HECTARES):

-	500	132	5,309	8,000	9,700

CANNABIS ERADICATED (METRIC TON EQUIVALENT):

-	550	379	8,043	8,800	10,670

CANNABIS NET CULTIVATION, POST-ERADICATION (HECTARES):

-	1,500	1,868	5,091	5,085	2,800

MARIJUANA NET PRODUCTION, POST-ERADICATION (METRIC TONS):

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-	1,700	3,001	9,157	5,595	3,080

MARIJUANA SEIZED (METRIC TONS):

-	1,000	708	923	1,290	1,370

HASHISH SEIZED (METRIC TONS):

-	0.5	0.4	1.8	0	0

MARIJUANA DOMESTIC CONSUMPTION (METRIC TONS):

-	2	2	2	2	2

COLOMBIAN NATIONALS ARRESTED:

-	4,000	3,574	5,565	5,020	4,685

FOREIGNERS ARRESTED IN COLOMBIA:

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PAGE 01 BOGOTA 00595 09 OF 09 162359Z
ACTION INM-08

INFO LOG-00 ADS-00 AID-00 INR-05 DIC-02 DODE-00 IO-19
NSCE-00 ARA-00 NSAE-00 SSO-00 L-03 TRSE-00 PM-10
OMB-01 INRE-00 AGRE-00 USIE-00 JUSE-00 FBIE-00 SP-02
DPP-01 /051 W
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O 162352Z JAN 90
FM AMEMBASSY BOGOTA
TO SECSTATE WASHDC IMMEDIATE 1976
INFO CIA WASHDC
DEA WASHDC
DIA WASHDC
COMDT/COGARD WASHDC
COGARD INTELCOORDCEN WASHDC
HQS/CUSTOMS WASHDC
USMISSION USVIENNA
AMCONSUL BARRANQUILLA
AMEMBASSY CARACAS
AMEMBASSY QUITO
AMEMBASSY LIMA
AMEMBASSY LA PAZ
AMEMBASSY MEXICO
USCINCSO QUARRY HEIGHTS PM

UNCLAS SECTION 09 OF 09 BOGOTA 00595

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PAGE 02 BOGOTA 00595 09 OF 09 162359Z

SUBJECT: 1990 INTERNATIONAL NARCOTICS CONTROL STRATEGY

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132 HECTARES OF CANNABIS ERADICATED WOULD HAVE YIELDED 340 METRIC TONS OF MARIJUANA, AS 97 OF THE HECTARES WOULD HAVE YIELDED 3.5 METRIC TONS EACH IF HARVESTED (340 METRIC TONS) AND 36 HECTARES WOULD HAVE YIELDED 1.1 METRIC TONS EACH (40 METRIC TONS).
MCNAMARA

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RELEASED

E1204

DEPARTMENT OF STATE
DAILY PRESS BRIEFING
INDEX

Tuesday, January 16, 1990

BRIEFER: Margaret Tutwiler

Subject	Page
FOREIGN AID	
Dole Proposal re Reallocation of Funding, Administration Position on Earmarking	1-7,8-9
LEBANON	
Reports of Hwroui Request for US Arms	8
Finance Minister's US Visit	8
Saudi Foreign Minister's US Visit	8
MEXICO	
Charges DEA Agent Camarena a Drug Trafficker	9
ISRAEL	
Shamir on Resettling Soviet Jews in Occupied Territories	9,19
MIDDLE EAST PEACE PROCESS	
Egyptian Foreign Minister's US Visit	9
Israeli Defense Minister's US Visit/Meetings	9-10,23
VIETNAM	
US Position on Forced Repatriation of Refugees in Hong Kong	10-11
PANAMA	
US Troops around Peruvian/Cuban/Other Embassies	11-14,21
Weekend Checking of Cuban Ambassador's Car	11-16,21
USSR	
US Position of Use of Force to End Ethnic Fighting in Azerbaijan	16
Self-Determination for Azerbaijan	16-17
Gorbachev on Multi-Party System	17-18
ROMANIA	
Status of Communist Party	18
Status of US Embassy Staff	19
GDR	
Demonstrations against/Raids on Secret Police	18
CZECHOSLOVAKIA	
Talks with Soviets on Troop Withdrawal	19
LATIN AMERICA	
Department Help with Quayle Trip	20
NICARAGUA	
US Investigation of Nuns' Deaths	20
GUATEMALA	
Murder of El Salvadoran/Guatemalan Opposition Leaders	22
LO	
Date of Last Pelletreau Meeting	22-23

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 07/12/95
Case ID: 9512223I

PA/Press
Folder 2

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Q Do you have anything on the assassination of Hector Oqueli in Guatemala?

A Yes, we do.

We condemn the killings of Hector Oqueli and Gilda Flores in the strongest possible terms. We are revolted and outraged. Such political killings are an outrageous violation of human rights. They are an attempt to make peaceful political activity impossible and roll back the gains democracy has made in the region in recent years.

Our Embassy in Guatemala City has been in touch with the Government of Guatemala. We have urged in the strongest terms that the Government of Guatemala undertake immediately an urgent, thorough and professional investigation of these murders so that those responsible are brought to justice.

We note that there has been a very troubling increase in the number of unsolved political killings in Guatemala. We cannot overstate our abhorrence of this particular crime as well as the similar crimes of political violence.

I should also note that our Ambassador has raised this with the President of Guatemala, and the President assured him that he would pursue an aggressive investigation.

Q And just to follow on that: The FMLN released a communique, saying as a result of this, they were reconsidering their agreement last week to participate in new talks with Perez de Cuellar. Did you have any guidance on that?

A I haven't seen that.

Q Can you give us the date of the last U.S. contact or meeting with the PLO, please?

A The last time that Pelletreau had a meeting?

Q Well, sometimes you call them contacts. I don't want to exclude that.

A The last time that Pelletreau had a contact?

Q Well, I --

A I know I don't have that at my fingertips.

Q Well, I assume Pelletreau is still the only vehicle, the only channel.

A That's right. It's a single channel.

Q Because Arafat's been in Cairo twice --

GUATEMALA
HUMAN RIGHTS
COMMISSION/USA

pmm2

RELEASED
E1205

HUMAN RIGHTS UPDATE #3
JANUARY 17, 1990

EXTRAJUDICIAL EXECUTIONS

ROBERTO RIVERA DE LEON (46), assistant mayor of Cruz Roja in El Tumbador, San Marcos, was abducted on January 5 by three unidentified men. On Jan. 12 in Tilapa, Coatepeque, Quezaltenango, his body appeared with a bullet wound in the head and signs of having been strangled.

Along with the body of Rivera de Leon were found the bodies of CARLOS LORENZO DE LEON, MARIO RUBEN RAMIREZ VELASQUEZ, FERNANDO AROLDO MALDONADO and MARIO EFRAIN VASQUEZ MAZARIEGOS, all bearing lesions, bruises and signs of strangulation. The four men had been kidnaped Dec. 29 by eight armed men who drove into San Jose El Rodeo, San Marcos, in several vehicles and forced the men out of their homes and into the vehicles.

Unidentified men shot JOSE LUIS HERRERA ORTIZ on Jan. 1 in Zone 7 of Guatemala City. He died in San Juan Hospital.

The body of JUAN JOLOMOCOX BARRERA (39), bearing several bullet wounds, was found Jan. 5 in San Pedro Sacapulas, El Quiche.

VICTORIANO MARTIN (46) was shot several times by unidentified men in Santa Maria Cauque, Sacatepequez, on Jan. 8. He was taken to Roosevelt Hospital in the capital, where he died.

OTHER HUMAN RIGHTS VIOLATIONS

MARCO TULIO RECINOS FLORES was standing on the sidewalk in front of his house in Jalapa, Jalapa, on Jan. 4, when unidentified men threw an explosive which injured him and damaged a vehicle with license plates #218CLD from the state of Connecticut in the U.S.

While distributing food to poor children in the parish house on Dec. 31, MONSIGNOR JOSE MERCEDES CARRERA, Vicar-General of San Marcos Diocese, was intimidated by armed men who pulled out a gun and threatened to kill him. (Jan. 8)

Representative Otto Ruano denounced before the Congressional Human Rights Commission a violation of the law by the army in recruiting into the military young men who are exempt from service.

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 07/12/95
Case ID: 95122231

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OTHER INFORMATION

Motion to reopen case of Sr. Diana Ortiz Congressional Human Rights Commission Vice-President Oliverio Garcia Rodas will ask the government to reopen the case of the kidnaping and torture of Sr. Diana Ortiz because she has now formally denounced the crime in the U.S., according to documents received in Dec. by the Ministry of Foreign Affairs. According to Rodas, "That [information] contradicts what was said by Chancellor Ariel Rivera, who stated that the nun could not be located in the United States, and as a result, the Guatemalan government could not continue the investigation." (Jan. 12)

German politician blames government for murders West German Social Democrat Jannis Sakellariou blamed the governments of Guatemala and El Salvador for the murders of Salvadoran opposition leader Hector Oquelí Colindres and Guatemalan lawyer Gilda Flores. [See HRA #1, 1/16/90.] Sakellariou declared that lies about death squads, which have been used for years by both governments to hide their complicity in kidnapings, torture and killings, can no longer be believed. He asked the European Economic Community to suspend aid to these two countries. (Jan. 13)

Measles epidemic reported At least 150 people, mostly children, have died in outbreaks of measles occurring in various parts of the country, according to estimates made by Health Minister Dr. Carlos Gehler Mata. In three Huehuetenango municipalities alone, 80 deaths--over 65% being children under five--were cited. There are believed to be 400 cases of measles throughout the country; 5% have so far ended in death. According to Representative Miguel Montepeque, the use of expired medicines during a vaccination campaign against measles could be the cause of the epidemic. Many of those affected had been vaccinated, according to Representative Otto Ruano. (Jan. 16)

New restrictions for entering Guatemala Interior Secretary General Carlos Morales Villatoro announced that Central Americans, who have been free to enter Guatemala without visas, will now be screened and required to obtain visas in order to enter the country. He said these new restrictions have been implemented due to constant terrorist acts in recent weeks and the government's belief that international terrorist commandos are operating in Guatemala. (Jan. 16)

Cerezo reports on his fourth year in office Vinicio Cerezo on Jan. 14 issued a report to the Congress on his fourth year as president. He said repeatedly that 1989 was a difficult year for Guatemala--politically, economically and socially. He called it a year of destabilization, citing the May 9 coup attempt. But he placed responsibility for the country's problems on other sectors; and he failed to mention key issues such as drug trafficking, corruption and inefficiency in public administration. He praised the role played by the army, saying that it has converted itself into the backbone of Guatemala's democratic system.

Fuel crisis Guatemala is suffering a severe fuel shortage that is threatening to paralyze vehicular traffic. The problem will be particularly serious if the capital runs out of basic fuel supplies, because it is also short on propane gas and no short-term solution is in sight. (Jan. 17)

This information was compiled by the Comision de Derechos Humanos de Guatemala (CDHG) in Mexico, from La Hora, Excelsior, El Grafico and Prensa Libre. Dates in parentheses indicate when CDHG obtained the information.

RELEASED
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1985

April 8 - Friend of Davis calls Embassy to report that the two Americans are overdue.

April 9 - Guatemalan Army patrols are sent into area with orders to look for two Americans. The Deputy Commander for the military zone, LTC Jose Edgar Solis reassures DATT that the GOG has given the search high priority.

April 10 - DATT informs head of D-2 of the disappearance.

April 13 - Department notifies NOK of the disappearance.

April 18 - An Embassy team flies by helicopter to the area to question local residents and determines that Blake and Davis were last seen in El Llano, en route to the village of Salquil. DATT also visits El Quiche military zone to to determine whereabouts of missing pair.

April 24 - Fifteen Army patrols are sent into the field in search of the Americans.

April 25 - The Embassy rents an airplane to drop leaflets on the guerrilla held village of Sumal asking that anyone with information concerning the two contact the U.S. Consulate.

April 27 - The Blake family and Emboffs visit El Quiche and receive a briefing on the search from COL Lima, the military zone commander.

May 2 - AmEmbassy Mexico contacts Mexican authorities to be on the lookout for the two Americans.

May 21 - DAO personnel visit zone commanders of El Quiche and Huehuetenango to inquire about the search. Both commanders report no trace of the Americans has been discovered.

June 10 - Ambassador Piedra visits Huehuetenango province. COL Lima reports that, while patrols in the area have been actively seeking information on Blake and Davis, there are no new developments in case.

October 8 - Poloff travels by helicopter to northern Huehuetenango. Local mayors and military report that there is no new information.

December 17 - Emboffs interview former guerrillas, who admit having heard of the Blake/Davis disappearance, but deny any knowledge of the two Americans.

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Review Authority: MOSKOWITZ, SAM
Date: 07/12/95
Case ID: 95122231

1986

March 5 - Conoffs in Mexico interview immigration officials along the Mexican-Guatemalan border. One claims to have seen Davis, but there is insufficient evidence to give the investigation a new direction.

April 22 - A Consular investigator from AmEmbassy Mexico, attempts to corroborate rumors that Davis may be in San Cristobal de Las Casas. He finds no sign of Davis nor anyone who claims to have seen either of the missing Americans.

1987

August 12 - An informant approaches Embassy claiming to have new information that Blake and Davis were murdered. The informant also claims that he may know where the two are buried.

September 3 - Informant meets with Emboffs and reports that Blake and Davis were killed after leaving El Llano by persons who wanted their cameras and other possessions.

September 9 - Embassy sends diplomatic note No. 288 requesting permission to exhume at short notice any bodies unearthed as a result of new evidence presented in case.

November 11 - ConGen visits informant, who relates that Blake and Davis were killed by civil patrollers for their possessions. Informant also claims that the bodies were not buried and were possibly exposed to the elements near the trail on which the two Americans were travelling.

November 17 - Informant reports that the remains can be obtained if 2000 quetzales are paid to his sources.

November 19 - Department informs Blake and Davis family of this offer, warning that it may be a scam.

1988

January 7 - Blake family members meet with Embassy informant and Mission officers.

March 11 (??) - ADATT contacts D-2 to provide information given by informant. Military authorities promise to render assistance and protect Embassy sources.

April 18 - Sam Blake and DATT meet with COL Francisco Ortega, head of D-2. Ortega acknowledges that he received Embassy report on the murder of Blake and Davis and stated tht that he had dispatched a special investigation team to verify the information. Ortega also promises that if the Army finds the information to be true, it will move to recover the remains and to punish those responsible for the murders.

May 31 - Embassy informant provides an anonymous statement on the event leading to the murder of Blake and Davis which is provided to D-2.

June 1 - Ambassador and DATT meet with Minister of Defense ot discuss case. The Defmin promised to respond to questions by June 2, but warned DATT that the recent coup attempt made it difficult to allocate resources to case.

June/July - Minister of Defense informs Embassy that the investigation of the case will be handled from Guatemala City rather than by investigators in Huehuetenango.

July 27 - D-2 informs DATT that it will bring in people for questioning in the disappearances sometime in early August.

October 6 - The Jefe del Estado Mayor orders the military commander of Huehuetenango to bring in two individuals, Mario Cano and Candelario Cano Herrera, for questioning in Guatemala City.

Early November - COL Ortega informs DATT that his representatives will conduct an investigation and provide DATT with results by the end of November.

December 27 and 28 - Two civil patrollers allegedly involved in murder are questioned in Guatemala City. D-2 promises to corroborate information given during questioning and provide Embassy with results as soon as possible.

1989

January 20 - As of this date, D-2 has not provided us with the information promised.

* This chronology by no means lists all contacts between Emboffs and GOG official in the case, nor contacts made with friends and family of Blake and Davis. Attention has been paid here to try and avoid all the rumors and innuendoes that characterized the investigation between June 1985 and ~~January 1988~~ August 1989.

PRIORITY

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DEPARTMENT OF STATE
ARA/NEA REARCS

PAGE Ø1 OF Ø2 MOSCOW Ø2395 ØØ OF Ø3 2Ø1226Z Ø22962 Ø8298
INFO: CU(Ø2) LARA(Ø1) DCEN(Ø1) REG(Ø1) HO(Ø2) NCO(Ø1) ES(Ø2)
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ACTION EUR-ØØ

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AMEMBASSY GUATEMALA
AMEMBASSY SAN JOSE
AMEMBASSY BRASILIA
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AMEMBASSY LONDON

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LONDON FOR A/S ARONSON

E.O. 12356: DECL: OADR
TAGS: PREL, UR, US, NU, CU, PM, XK
SUBJECT: SOVIET LATIN AMERICA POLICY: NEW THINKING AND OLD THINKING COLLIDE

1. CONFIDENTIAL - ENTIRE TEXT

SUMMARY
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2. IN MANY WAYS THE SOVIET LATIN AMERICA POLICY-MAKING APPARATUS REMAINS A BASTION OF OLD THINKKING. HOWEVER, SOVIET VIEWS ARE PROBABLY ALSO INFLUENCED BY THE SPECIAL RELATIONSHIP WITH CUBA AND WHAT THEY SEE AS AN INFLEXIBLE, AT TIMES AGGRESSIVE U.S. POLICY IN THE REGION. IF PERESTROYKA AND GLASNOST' CONTINUE, WE CAN EXPECT THE SOVIET MEDIA, AND NEWLY EMERGING POLITICAL INSTITUTIONS, TO TAKE A MORE CRITICAL VIEW OF NICARAGUA AND CUBA, WITH INCREASING DEMANDS FOR MORE PRAGMATIC ECONOMIC RELATIONS WITH SOVIET CLIENTS. THE SOVIETS ALSO HOPE TO DEVELOP CLOSER TRADE AND POLITICAL TIES WITH THE MORE IMPORTANT COUNTRIES IN LATIN AMERICA. THESE FACTORS WILL UNDOUBTEDLY AFFECT SOVIET POLICY IN THE YEARS AHEAD, BUT FOR THE MOMENT, IT APPEARS UNLIKELY THAT THE SOVIETS WILL MAKE EXTRAORDINARY EFFORTS TO PRESSURE THEIR ALLIES OVER U.S. CONCERNS ABOUT THEIR BEHAVIOR.

3. WE WOULD OFFER THE FOLLOWING PROGNOSIS FOR THE SOVIET APPROACH TO LATIN AMERICA:

--THE SOVIETS DO NOT WANT LATIN AMERICAN PROBLEMS TO BECOME AN OBSTACLE TO THE RESOLUTION OF MORE IMPORTANT ISSUES IN THE BILATERAL RELATIONSHIP.

--THE SOVIETS SUPPORT THE CENTRAL AMERICAN PEACE PROCESS AND WILL PRESS NICARAGUA TO CARRY ON WITH FREE ELECTIONS.

--U.S. POLICY IN THE REGION MAY BE PUTTING FOR NICARAGUA AND CUBA. THE SOVIET MEDIA HAS BEEN INCREASINGLY CRITICAL OF NICARAGUAN FOOT DRAGGING ON THE PEACE PROCESS. A RECENT "NEW TIMES" COMMENTARY PARTICULARLY ACCUSES THE...

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GORBACHEV UNDER PRESSURE FROM THE SOVIET "RIGHT" TO MAINTAIN A TOUGH STANCH ON CENTRAL AMERICA.

--THE SOVIETS SEE THEIR LEVERAGE ON THE SANDINISTAS, AND THE CUBANS, AS LIMITED, OR AT LEAST WOULD LIKE TO MAKE IT APPEAR THAT WAY.

--FOR A VARIETY OF HISTORICAL, STRATEGIC, AND POLITICAL REASONS, THE SOVIETS ARE LIKELY TO STAND BY CASTRO FOR THE FORESEEABLE FUTURE. HOWEVER, THE RELATIONSHIP WILL BE MORE TENSE AS ECONOMIC COMMITMENTS ARE REDUCED AND THE SOVIETS PRESSURE CASTRO TO MODIFY HIS BEHAVIOR SO THAT IT DOES NOT COMPLICATE SOVIET RELATIONS WITH THE U.S.

END SUMMARY.
A BASTION OF OLD THINKING?
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4. NEW THINKING IN SOVIET FOREIGN POLICY SEEMS TO HAVE RUN UP AGAINST ITS MOST SERIOUS OBSTACLE IN THE LATIN AMERICA AREA. THE ANTI-AMERICAN RHETORIC AND CONTINUED SOVIET SUPPORT FOR HARDLINE REGIMES IN MANAGUA AND HAVANA OFTEN SEEM OUT OF PLACE IN LIGHT OF SOVIET WORDS AND DEEDS REGARDING OTHER PARTS OF THE WORLD. FOR EXAMPLE, IN THE JANUARY 1 EDITION OF THE SOVIET NEWS PROGRAM VREMYA, AMONG MORE POSITIVE STORIES ON THE HOPES FOR INCREASED SOVIET-AMERICAN COOPERATION AND ARMS REDUCTIONS, THE CUBAN CHARGE D'AFFAIRES IN MOSCOW HAS PERMITTED TO DELIVER THE CUBAN NATIONAL DAY MESSAGE WHICH WAS LITTLE MORE THAN AN OLD-STYLE DIATRIBE AGAINST U.S. "IMPERIALISM."

5. SUCH ATTITUDES ARE REFLECTED IN DAY-TO-DAY DEALINGS WITH THE SOVIET MFA LATIN AMERICA ADMINISTRATION, WHICH, ALONG WITH THE LATIN AMERICA INSTITUTE, IS CONSIDERED BY DIPLOMATS HERE TO BE A BASTION OF OLD THINKING. WITH THE EXCEPTION OF YURIY PAVLOV, WHO OCCASIONALLY SPEAKS MORE OPENLY, OFFICIALS IN THE LATIN AMERICA ADMINISTRATION ARE USUALLY RELUCTANT TO DEPART FROM THE OFFICIAL LINE ON CENTRAL AMERICA AND CUBA. PAVLOV WILL HEAD THE SOVIET SIDE AT THE JANUARY 22-23 U.S.-SOVIET EXPERTS MEETING IN LONDON.

SOVIET VIEWS OF U.S. POLICY
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6. WHILE SOVIET LATIN AMERICA POLICY OFTEN SEEMS INCONSISTENT WITH SOVIET "NEW THINKING" ON OTHER REGIONS, THE SOVIETS MAINTAIN THAT IT IS U.S. POLICY WHICH IS OUT OF SYNC. MFA OFFICIALS AND OTHER CONTACTS ARGUE THAT U.S. POLICY IN LATIN AMERICA IS ESPECIALLY AGRESSIVE AND INFLEXIBLE, CITING THE U.S. REFUSAL TO DEAL DIRECTLY WITH CUBA, THE TV MARTI PROJECT WHICH "VIOLATES CUBAN SOVEREIGNTY," U.S. SUPPORT FOR EL SALVADOR AND OF COURSE U.S. ACTIONS IN PANAMA. TAKING A TRADITIONAL COLD WAR BALANCE-OF-POWER APPROACH, THEY ARGUE THAT U.S. ACTIONS IN THE REGION REQUIRE RESPONSES FROM THE SOVIET UNION AND ESPECIALLY CUBA, WHICH IS SEEN AS THE ONLY CHECK ON EXCESSIVE U.S. INFLUENCE IN THE AREA. AT THE SAME TIME, SOVIET OFFICIALS CONSISTENTLY EMPHASIZE THEIR SUPPORT FOR FREE ELECTIONS IN NICARAGUA, AND EXPRESS COMPLETE

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CONFIDENCE THAT THE SANDINISTAS WILL CARRY OUT THE ELECTIONS IN A FREE AND FAIR MANNER. WHILE EXPRESSING A WILLINGNESS TO USE THEIR LEVERAGE ON NICARAGUA IN REGARD TO THE ELECTIONS, THE SOVIETS CONSISTENTLY MAINTAIN THAT WE ARE OVERESTIMATING THEIR INFLUENCE ON NICARAGUA AND CUBA.

PANAMA - A BOON FOR THE SOVIET "RIGHT"?

7. THE JANUARY 1 ISSUE OF THE SOVIET NEWS MAGAZINE "NEW TIMES" CALLS THE U.S. ACTION IN PANAMA "A GIFT FOR THE CONSERVATIVE ELEMENTS IN THE U.S.S.R. WHO OPPOSE CUTBACKS IN OUR ARMED FORCES." CONTACTS AT THE SUPREME SOVIET NOTED THAT UPON THE U.S. INTERVENTION IN PANAMA AN INSTANT REFRAIN WAS BEARD FROM CONSERVATIVES AND THE MILITARY. SERGEY CHELNOKOV OF THE SUPREME SOVIET'S INTERNATIONAL DEPARTMENT SAID THAT HE AND ANOTHER PERSON WERE TASKED TO DEVELOP ARGUMENTS TO DEFLECT THIS LINE BUT COULD NOT. THE IMPRESSION WAS CLEARLY THAT CONSERVATIVES WOULD USE THE U.S. ACTION TO DIG IN THEIR HEELS AND AS A FOIL TO GORBACHEV'S FOREIGN POLICY. THIS SUGGESTS THE POSSIBILITY THAT GORBACHEV COULD BE FORCED TO MAINTAIN A TOUGH STANCE ON CENTRAL AMERICA IN ORDER TO PACIFY THE SOVIET "RIGHT WING."

8. THE SOVIETS SEEM ANXIOUS TO NOT ALLOW DIFFERENCES ON LATIN AMERICA TO AFFECT MORE IMPORTANT ASPECTS OF THE SOVIET-AMERICAN RELATIONSHIP. WHILE STRONGLY CRITICAL OF THE PANAMA ACTION ITSELF, THE SOVIET MEDIA HAS BEEN MORE CAUTIOUS IN ASSESSING ITS IMPACT ON U.S.-SOVIET RELATIONS. AFTER CRITICIZING THE U.S. ACTION IN PANAMA, "NEW TIMES" (JANUARY 1) CONCLUDES THAT THE MOVE DOES NOT HERALD A "FUNDAMENTAL REVISION" IN U.S. POLICY. A PRAVDA COMMENTATOR (DECEMBER 26) SIMILARLY MAINTAINS THAT THE RECENT TREND OF WORLD EVENTS HAS GONE TOO FAR TO ALLOW A RETURN TO THE COLD WAR, AND SEES THE U.S. ACTION IN PANAMA AS AN ABERRATION.

9. MFA CONTACTS, WHILE CERTAINLY TAKING ADVANTAGE OF THE PANAMA ACTION TO SCORE RHETORICAL POINTS, HAVE GIVEN NO INDICATION THAT IT WOULD AFFECT ANY POSSIBLE U.S.-SOVIET COOPERATION ON THE REGION. LATIN AMERICAN DIPLOMATS HERE CONSIDER THE SOVIET'S RESPONSE ON PANAMA RELATIVELY MILD AND UNSUBSTANTIVE. A BRAZILIAN DIPLOMAT TOLD POLOFF THE SOVIETS HAD NOT EVEN DISCUSSED THE ISSUE WITH HIS GOVERNMENT.

SIGNS OF CHANGE

10. DESPITE THE PERSISTENCE OF SOVIET OLD THINKING ON LATIN AMERICA, THERE IS EVIDENCE THAT GLASNOST' AND PERESTROYKA ARE HAVING SOME EFFECTS. VIRTUALLY ALL SOVIET OBSERVERS AGREE THAT ECONOMIC RESTRUCTURING IN THE SOVIET UNION AND INCREASING CONCERN OVER THE AMOUNT OF MONEY SPENT ON FOREIGN ASSISTANCE ARE CERTAIN TO DECREASE THE LEVEL OF SOVIET MATERIAL SUPPORT FOR NICARAGUA AND CUBA. THE SOVIET MEDIA HAS BEEN INCREASINGLY CRITICAL OF NICARAGUAN FOOT DRAGGING ON THE PEACE PROCESS. A RECENT "NEW TIMES" COMMENTARY VIRTUALLY ACCUSES THE

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SANDINISTA GOVERNMENT OF LYING IN ITS ASSERTIONS THAT IT IS NOT SUPPLYING ARMS TO THE FMLN. CASTRO STILL SEEMS EXEMPT FROM CRITICISM, BUT THIS COULD CHANGE AS THE CUBAN REGIME BECOMES AN INCREASINGLY MORE ISOLATED EXAMPLE OF AN OLD THINKING COMMUNISM. THE OUTCRY HERE OVER THE "HYPOCRISY" OF THE SUDDEN TURNAROUND IN THE OFFICIAL SOVIET LINE ON ROMANIA MAY INSPIRE A MORE CRITICAL APPROACH ON CUBA.

11. WHILE MOST ATTENTION IS FOCUSSED ON CENTRAL AMERICA, PANAMA, AND CUBA, THERE IS LITTLE DOUBT THAT THE SOVIETS HOPE TO DEVELOP CLOSER TIES WITH THE MORE IMPORTANT ECONOMIC POWERS IN THE REGION, SUCH AS MEXICO, BRAZIL, AND ARGENTINA. LATIN AMERICAN DIPLOMATS NOTE THAT THE SOVIETS ARE NOW MUCH MORE CAREFUL IN THEIR DIPLOMATIC RHETORIC REGARDING THE REGION, ATTEMPTING TO AVOID OFFENDING THE SENSITIVITIES OF THE LARGER COUNTRIES. VISITS OF OFFICIAL DELEGATIONS, CULTURAL EXCHANGES, AND STUDENT SCHOLARSHIPS HAVE SIGNIFICANTLY INCREASED, BUT STRUCTURAL PROBLEMS IN BOTH THE SOVIET AND LATIN AMERICAN ECONOMIES ARE SEEN AS LIMITING THE POTENTIAL FOR SIGNIFICANTLY INCREASED TRADE. BRAZILIAN-SOVIET TRADE, FOR EXAMPLE, HAS BEEN SEVERELY HAMPERED NOT ONLY BY SOVIET INEFFICIENCY BUT ALSO BY BRAZIL'S OWN CHAOTIC ECONOMY.

12. DESPITE THIS DESIRE TO FORGE CLOSER TIES TO THE MORE MODERATE COUNTRIES IN THE REGION, THERE ARE AS YET NO INDICATIONS THAT THE SOVIETS INTEND TO ABANDON CASTRO. CUBA'S STRATEGIC IMPORTANCE, ITS LONGSTANDING SPECIAL RELATIONSHIP WITH THE SOVIETS, AND CASTRO'S STATUS AND REVOLUTIONARY MYSTIQUE ARE CITED BY OUR CONTACTS AS FACTORS WHICH WILL MAKE IT DIFFICULT FOR THE SOVIETS TO CHANGE THE POLITICAL RELATIONSHIP BETWEEN THE TWO COUNTRIES. IN ADDITION, AS ONE SOVIET ACADEMIC POINTED OUT, AT PRESENT THERE APPEARS TO BE NO ALTERNATIVE TO CASTRO ON THE CUBAN POLITICAL SCENE. "IF THERE WERE A CUBAN VERSION OF GORBACHEV," HE NOTES, "THINGS MIGHT BE DIFFERENT." WHILE THE SOVIETS WILL NOT ABANDON CASTRO, THEY WILL BE REDUCING THEIR ECONOMIC COMMITMENT TO HIM AND PRESSURING HIM TO MODIFY HIS BEHAVIOR SO THAT IT DOES NOT COMPLICATE SOVIET RELATIONS WITH THIRD PARTIES (I.E., THE U.S.). THE RELATIONSHIP WILL THEREFORE CONTINUE TO BECOME MORE TENSE.

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PAGE 01 LIMA 01008 01 OF 12 222130Z
ACTION INM-08

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UNCLAS SECTION 01 OF 12 LIMA 01008

STATE FOR INM/P-AMATANO
OVP FOR NNBIS
DIA FOR DB-3C, OA-5, DB-5
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PAGE 02 LIMA 01008 01 OF 12 222130Z

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SUBJECT: 1990 INTERNATIONAL NARCOTICS CONTROL STRATEGY
- REPORT (INCSR) - PERU

REF: STATE (89) 384942

SUMMARY: NINETEEN EIGHTY-NINE WAS A YEAR OF SIGNIFICANT PROGRESS IN JOINT U.S.-PERUVIAN ANTI-NARCOTICS COOPERATION. NOTWITHSTANDING A STAND-DOWN IN ERADICATION EFFORTS, A MAJOR NEW BASE FOR INTERDICTION OPERATIONS WAS COMPLETED, AND HIGHLY EFFECTIVE OPERATIONS AGAINST CLANDESTINE LABORATORIES AND AIR STRIPS CARRIED OUT. COOPERATION WITH THE GOVERNMENT OF PERU BECAME EVER MORE CLOSE AS AN INPORTANT JOINT TRAINING PROGRAM COMPLETED ITS FIRST PHASE.
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NONETHELESS, NARCOTICS CONTROL HAD TO COMPETE IN 1989 WITH A DETERIORATING ECONOMY AND MOUNTING TERRORISM. ASSASSINATIONS AND KIDNAPPINGS OF OFFICIALS, BOMBING OF GOVERNMENT BUILDINGS AND ELECTRIC POWER PYLONS, AMBUSHES OF POLICE AND ARMY CONVOYS, SHORTAGES OF SPARE PARTS, GRAINS, EVEN OF POTABLE WATER IN SOME AREAS AND A DRAMATIC COLLAPSE IN THE GNP DOMINATED THE COUNTRY'S HEADLINES. THE PERUVIAN GOVERNMENT CONTINUED ITS STRONG COMMITMENT TO COOPERATION WITH THE UNITED STATES ON DRUG ISSUES. ALTHOUGH THE ENCOURAGING PROGRESS UNDERWAY IN 1988 CONTINUED FOR THE FIRST MONTH OF THE NEW YEAR, A SHARP DETERIORATION IN SECURITY IN THE KEY UPPER HUALLAGA VALLEY (UHV) POSED A DIRECT THREAT TO U.S. AND PERUVIAN PERSONNEL NGAGED IN ERADICATION AND INTERDICTION OPERATIONS, LEADING TO THEIR SUSPENSION IN MID-FEBRUARY.
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SECURITY CONSIDERATIONS IN THE UHV WERE AN OVERRIDING
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PAGE 03 LIMA 01008 01 OF 12 222130Z

CONCERN FOR BOTH THE U.S. AND PERUVIAN GOVERNMENTS. DURING 1988 HELICOPTER-SUPPORTED RAIDS ON DRUG LABORATORIES AND FORCED MANUAL ERADICATION OF COCA BUSHES DID SIZEABLE DAMAGE TO THE UHV'S MASSIVE DRUG INDUSTRY. TRAFFICKING GROUPS, PREDOMINANTLY COLOMBIAN, BEGAN COLLABORATING WITH THE INDIGENOUS SENDERO LUMINOSO INSURGENCY, THREATENING TO TARGET AND ATTACK JOINT PERUVIAN-AMERICAN OPERATIONS IN THE VALLEY. ON FEBRUARY 10, THE U.S. AMBASSADOR SUSPENDED USG PARTICIPATION UNTIL SECURITY MEASURES DEEMED URGENT BY AN INSPECTION/SURVEY

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TEAM COULD BE PUT IN PLACE. THE SUSPENSION LASTED NEARLY SEVEN MONTHS.

IN THIS PERIOD, A SECURE BASE WAS BUILT FOR THE PERUVIAN NATIONAL POLICE (PNP) AT SANTA LUCIA, NEAR UCHIZA IN SAN MARTIN PROVINCE; CONSTRUCTION WAS COMPLETED ON A 1500 METER ALL-WEATHER RUNWAY, CAPABLE OF HANDLING C-130 AIRCRAFT, THAT REACHED FULL OPERATION BY MID-SEPTEMBER. TRAINING COURSES WERE CONDUCTED FOR HELICOPTER PILOTS, MECHANICS, SECURITY GUARDS AND ARMED POLICE UNITS ENGAGED IN AIR-MOBILE OPERATIONS. TESTS WERE CONDUCTED ON AN ENVIRONMENTALLY SAFE AND EFFECTIVE HERBICIDE TO ERADICATE COCA AERIALLY. IN JANUARY, MANUAL ERADICATION OF 1285 HECTARES OF COCA WAS CONDUCTED BY THE U.S.-SUPPORTED CORAH ERADICATION FORCE (WHICH TURNED INTO A HIGHLY-EFFICIENT CONSTRUCTION BRIGADE DURING THE STAND-DOWN, BUILDING MUCH OF THE SANTA LUCIA BASE AND AIRFIELD WITH HEAVY EQUIPMENT ON LOAN FROM USAID).

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IMPORTANT SHIFTS IN KEY PERSONNEL TOOK PLACE DURING THE YEAR IN THE GOP AND USG. MINISTER OF INTERIOR AUGUSTIN MANTILLA, FORMERLY VICE-MINISTER, TOOK OVER LEADERSHIP OF THE ANTI-DRUG EFFORT IN PERU. CHANGES ALSO TOOK PLACE IN THE EXECUTIVE COORDINATING OFFICE FOR DRUG MATTERS

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PAGE 01 LIMA 01008 02 OF 12 222131Z
ACTION INM-08

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UNCLAS SECTION 02 OF 12 LIMA 01008

STATE FOR INM/P-AMATANO
OVP FOR NNBIS
DIA FOR DB-3C, OA-5, DB-5
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PAGE 02 LIMA 01008 02 OF 12 222131Z

TAGS: SNAR, PE
SUBJECT: 1990 INTERNATIONAL NARCOTICS CONTROL STRATEGY

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(OFECOD), IN THE DIRECTORATE FOR DRUG ENFORCEMENT (DIPOD), IN THE UPPER HUALLAGA COCA REDUCTION AGENCY (CORAH) AND IN THE NEWLY-CONSOLIDATED PERUVIAN NATIONAL POLICE (PNP). IN THE U.S. GOVERNMENT, THE BUSH ADMINISTRATION APPOINTED A NEW ASSISTANT SECRETARY OF STATE FOR INTERNATIONAL NARCOTICS MATTERS AND NEW DEPUTIES TOOK OVER TOP LEVELS OF THE KEY ANTI-DRUG BUREAU (INM) FOR OVERSEAS OPERATIONS. IN LIMA, A NEW AMBASSADOR ARRIVED, FOLLOWING THE ROUTINE TRANSFER OF MANY OF THE EMBASSY'S COUNSELOR-LEVEL OFFICIALS.

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REFLECTING THE HIGH PRIORITY ASSIGNED TO NARCOTICS CONTROL BY THE BUSH ADMINISTRATION, A SWEEPING STRATEGY REVIEW WAS CARRIED OUT BY THE NEWLY APPOINTED DIRECTOR OF THE OFFICE OF NATIONAL DRUG CONTROL POLICY, DR. WILLIM BENNETT. AN ANDEAN DRUG STRATEGY, COORDINATED BY THE NATIONAL SECURITY COUNCIL, WAS PART OF THE PROCESS, LEADING TO THE CONVOCATION OF A U.S.-ANDEAN DRUG SUMMIT TO TAKE PLACE EARLY IN 1990 WITH THE PARTICIPATION OF PRESIDENT BUSH. THE STRATEGY FORSEES CLOSE COORDINATION OF NARCOTICS CONTROL EFFORTS AMONG THE FOUR COUNTRIES PARTICIPATING AND THE EARLY INCLUSION OF OTHER PRODUCER AND TRANSIT STATES, PLUS THE EUROPEAN COMMUNITY, THE UNITED NATIONS SYSTEM, JAPAN AND OTHER POTENTIAL DONORS. END SUMMARY.

A.1 STATUS OF ILLICIT NARCOTICS PRODUCTION AND TRAFFICKING

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A. PRODUCTION: PERU REMAINS THE LEADING PRODUCER OF COCA WITH AN ESTIMATED 132,457 HECTARES OF BOTH LICIT AND ILLICIT COCA UNDER CULTIVATION. THE BEST ESTIMATES

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COMPILED FROM RELIABLE LOCAL SOURCES REVEAL THAT APPROXIMATELY 65 PERCENT OF THE TOTAL AMOUNT IS GROWN IN THE UPPER HUALLAGA VALLEY. OF THAT, AN ESTIMATED ONE HUNDRED PERCENT IS DESTINED FOR CLANDESTINE PROCESSING FOR ONWARD MOVEMENT INTO INTERNATIONAL CONDUITS AFTER PROCESSING IN COLOMBIA OR OTHER COUNTRIES NORTH AND WEST OF PERU. OFECOD ESTIMATES THAT THERE ARE APPROXIMATELY 17,913 HECTARES DULY LICENSED FOR LICIT PRODUCTION IN SIX (6) OF THE TWENTY-FIVE (25) DEPARTMENTS (INCLUDING LIMA AND CALLAO). THE LICIT GROWING AREAS CONSIST OF PUNO, CUZCO, AND AYACUCHO IN THE SOUTH; JUNIN AND HUANUCO IN THE

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CENTRAL AREA; AND LA LIBERTAD IN THE NORTH. ALL OF THE COCA NORTH OF TINGO MARIA IS LOCATED IN THE DEPARTMENTS OF SAN MARTIN AND UCAYALI; NEITHER HAS ANY LICENSED AREAS.

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B. ESTIMATES OF YIELDS: FOR COMPUTATION PURPOSES THE ESTIMATES ARE BASED ON FOUR SEPARATE LEAF HARVESTS PER YEAR WITH THE AMOUNT OF LEAF DECLINING DURING THE DRY SEASON. FROM A PURELY MATHEMATICAL PERSPECTIVE, PERU COULD HAVE 116,000 HECTARES AVAILABLE FOR CLANDESTINE PROCESSING INTO PASTE, BASE AND ULTIMATELY INTO HCL. THESE FIGURES ASSUME THAT ALL OF THE 17,913 LICENSED HECTARES ARE CHANNELED INTO LICIT PROCESSING I.E., CHEWING, MEDICINAL, FLAVORING, AND NONE IS DIVERTED INTO CLANDESTINE ENDS. CONSIDERING THAT ENACO, THE LICIT PERUVIAN COCA ENTERPRISE, PAYS THE INTIS EQUIVALENT OF FOURTEEN CENTS (USD .14) PER POUND FOR DRY LEAF AS OPPOSED TO THE FAIRLY STABLE CLANDESTINE PRICE OF USD 1.00 EQUIVALENT PER POUND OF DRY LEAF IN THE UHV (RATIO IS 7:1), THERE IS LITTLE LIKELIHOOD OF LARGE SCALE LICIT COCA CULTIVATION. FOR REPORTING PURPOSES, THE BEST ESTIMATES AVAILABLE INDICATE THAT ONE HECTARE OF COCA GENERALLY YIELDS 1.14 METRIC TONS OF DRY LEAF PER YEAR BASED ON FOUR HARVESTS. THE TOTAL LEAF PRODUCTION IN PERU WOULD

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PAGE 01 LIMA 01008 03 OF 12 222132Z
ACTION INM-08

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UNCLAS SECTION 03 OF 12 LIMA 01008

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PAGE 02 LIMA 01008 03 OF 12 222132Z

TAGS: SNAR, PE
SUBJECT: 1990 INTERNATIONAL NARCOTICS CONTROL STRATEGY

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THEREFORE BE 151,001 METRIC TONS OF LEAF UNDER OPTIMAL CONDITIONS OR 444.12 METRIC TONS OF COCAINE HCL IF THE ENTIRE AMOUNT WERE PROCESSED.

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C. IMPEDIMENTS: ESCALATING ATTACKS BY SUBVERSIVES AND NARCOTICS TRAFFICKERS, A SERIOUS ECONOMIC CRISIS AND APPROACHING PRESIDENTIAL ELECTIONS DOMINATED 1989 IMPEDING THE ATTAINMENT OF GOALS AND OBJECTIVES FOR DRUG CONTROL FORECAST EARLIER IN THE YEAR. ON FEBRUARY 10, OUR AMBASSADOR TEMPORARILY SUSPENDED FIELD OPERATIONS IN THE UPPER HUALLAGA VALLEY UNTIL SECURITY MEASURES DEEMED URGENT BY THE EMBASSY AND MANDATED BY A USG INSPECTION/SURVEY TEAM HAD BEEN INITIATED OR IMPLEMENTED. IN ADDITION TO SECURITY MEASURES, TRAINING REQUIREMENTS DESIGNED TO UPGRADE THE PROFICIENCY LEVELS OF PNP/UMOPAR FIELD COMMANDERS, TROOPERS, AVIATION PILOTS, AND MECHANICS WERE REQUIRED. MAJOR POLITICAL CHANGES AT POLICY LEVELS OF THE GOP ALSO TOOK PLACE, WITH TURNOVERS AT HIGH LEVELS OF OFECOD, DIPOD, CORAH, AND UMOPAR. ALL KEY SECTIONS OF THE PERUVIAN NATIONAL POLICE AND THE MINISTRY OF INTERIOR ALSO CHANGED LEADERSHIP DURING CY 1989. THE NARCOTICS CONTROL PROGRAM SUSPENSION LASTED FROM EARLY FEBRUARY UNTIL EARLY SEPTEMBER. THE EMBASSY AND INM ALSO UNDERWENT MAJOR CHANGES DURING THE MID-YEAR WITH THE DEPARTURES OF AMBASSADOR WATSON, ARRIVAL OF AMBASSADOR QUAINTON AND REPLACEMENT OF THE ASSISTANT SECRETARY OF STATE FOR INTERNATIONAL NARCOTICS MATTERS. PERU'S GEOGRAPHY SEVERELY COMPLICATED OPERATIONS INVOLVING AIRCRAFT THIS YEAR; AN ACCIDENT CAUSED THE LOSS OF NINE LIVES AND ONE AIRPLANE IN MAY 1989. UNPREDICTABLE WEATHER IN THE UHV

AND DAILY TRIPS OVER THE 20,000 FOOT ANDES PERMANENTLY COMPLICATE PERU'S DRUG CONTROL OPERATIONS.

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A.2 ACCOMPLISHMENTS

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A. GENERAL OVERVIEW. DURING 1989, COUNTER-NARCOTIC INTERDICTION EFFORTS IN PERU FOLLOWED MUCH THE SAME TARGETTING STRATEGY AS IN 1988; TO LOCATE AND DESTROY OR DISRUPT THE MOST PROFITABLE ASPECTS OF NARCOTICS TRAFFICKING IN PERU, FOCUSING ON COCAINE BASE/HCL PROCESSING FACILITIES AND THE TRANSHIPMENT SECTOR.

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OPERATIONS IN 1989 WERE HINDERED BY MORE THAN SEVEN MONTHS OF SELF-IMPOSED INACTIVITY, DUE TO THE ESCALATION OF VIOLENCE IN PERU'S UPPER HUALLAGA VALLEY. THE RESPONSE WAS A MAJOR U.S. GOVERNMENT UNDERTAKING TO CONSTRUCT A SECURE BASE FROM WHICH TO STAGE A NEW ROUND OF INTERDICTION AND ERADICATION OPERATIONS AS WELL AS FUTURE DEVELOPMENT ASSISTANCE ACTIVITIES. THE AMBASSADOR ORDERED A "STAND-DOWN" OF INTERDICTION AND ERADICATION ON FEBRUARY 10, 1989. INTERDICTION ACTIVITIES RESUMED ON SEPTEMBER 8, 1989.

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SEIZURES RESULTING FROM INTERDICTION OPERATIONS IN 1989 WERE SUBSTANTIALLY REDUCED AS COMPARED WITH THE PREVIOUS YEAR. DESPITE SEVEN MONTHS OF SUSPENDED INTERDICTION, MANY OFFICIAL VISITS TO THE UHV, AND LOGISTICS PROBLEMS CAUSED BY SECURITY, WEATHER, AND EQUIPMENT MALFUNCTION, 66 TARGETS WERE STRUCK IN 1989 OVER A PERIOD OF 20 WEEKS COMPARED TO 88 OVER A 36 WEEK PERIOD THE PREVIOUS YEAR. THE EMBASSY IS OPTIMISTIC THAT SECURITY ENHANCEMENTS ACHIEVED DURING THE STAND-DOWN PLUS NEW RESOURCES DICTATED BY THE ANDEAN STRATEGY WILL TRANSLATE NOT ONLY INTO GREATER EFFICIENCY IN CY 1990, BUT GREATER OVERALL EFFECTIVENESS WITH THE ATTAINABLE GOAL OF MOUNTING DAILY

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ACTION INM-08

INFO LOG-00 ADS-00 AID-00 INR-05 OIC-02 ID-19 NSCE-00
ARA-00 NSAE-00 SSO-00 L-03 TRSE-00 PM-10 OMB-01
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O 222102Z JAN 90
FM AMEMBASSY LIMA
TO SECSTATE WASHDC IMMEDIATE 5203
INFO THE WHITE HOUSE//OVP//
AMEMBASSY BOGOTA
AMEMBASSY BRASILIA
AMEMBASSY LA PAZ
AMEMBASSY QUITO
AMEMBASSY BANGKOK
AMEMBASSY MEXICO
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USCINCSO QUARRY HEIGHTS PN//SCJ2/SCJ5/SCDC/SCFA//
DIA WASHDC
CIA WASHDC
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USMISSION USVIENNA

UNCLAS SECTION 04 OF 12 LIMA 01008

STATE FOR INM/P-AMATANO
OVP FOR NNBIS
DIA FOR DB-3C, OA-5, DB-5
USVIENNA FOR UNVIE MISSION
CIA FOR IDI/OGI/IND
DEA FOR OF, OI, AO, DO, AD
CUSTOMS FOR LA OPS, INTELLIGENCE ONLY
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SUBJECT: 1990 INTERNATIONAL NARCOTICS CONTROL STRATEGY

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INTERDICTION ACTIONS AGAINST HIGH QUALITY TARGETS DURING ALL OF 1990.

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THIS YEAR HAS ALSO SEEN A SIGNIFICANT DOWNWARD TREND IN PRICES FOR COCA PASTE AND COCAINE BASE SOLD IN PERU, WHICH ROUGHLY COINCIDES WITH THE COLOMBIAN GOVERNMENT'S CRACKDOWN ON TRAFFICKERS IN MID-AUGUST 1989. PRICES FOR COCA DERIVATIVES DURING 1988 AND UNTIL AUGUST 1989 WERE FAIRLY STABLE, AVERAGING APPROXIMATELY USD 350.00/KG. FOR COCA PASTE AND USD 1,050.00/KG. FOR COCAINE BASE. POST-AUGUST 1989 PRICES HAVE BEEN SIGNIFICANTLY LOWER ON AVERAGE, AT USD 180.00 AND USD 850.00 RESPECTIVELY. THERE ARE ALSO SEVERAL INDICATIONS THAT BOTH COCA FARMERS AND TRAFFICKERS ARE FEELING THE EFFECTS OF SOFTENED PRICES AND THAT PERUVIAN TRAFFICKING ORGANIZATIONS (WHICH TYPICALLY SELL COCA BASE TO THE COLOMBIAN CARTELS FOR COCAINE HCL PROCESSING AND DISTRIBUTION) ARE ATTEMPTING TO CUT SUCH COSTS AS BRIBES AND AIRSTRIP USE FEES, AND ARE MOVING TO REMOTE AND NON-CONTROLLED AREAS. THERE ARE ALSO SOME INDICATIONS THAT COCA LEAF AND PASTE PRODUCERS ARE ATTEMPTING TO ORGANIZE THENSELVES AND DRIVE UP THE PRICE OF THESE COMMODITIES.

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IN WHAT APPEARS TO BE A DIRECT REACTION TO THE DESTRUCTION OF MORE THAN 75 COCAINE BASE LABORATORIES AND 13 AIRSTRIPS IN 1988, THE TRAFFICKERS IN THE UHV SHIFTED HEAVILY TO NIGHTTIME OPERATION OF LABORATORIES (PRESUMABLY KNOWING THE AUTHORITIES AS YET HAVE NO NIGHTTIME RESPONSE CAPABILITY) AND ARE REMOVING EXPENSIVE AND/OR HARD TO REPLACE ITEMS FROM THE LABORATORIES WHEN NOT IN USE. AS A
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RESULT, SEIZURES OF DRUGS, ESSENTIAL CHEMICALS AND EQUIPMENT ARE DOWN SIGNIFICANTLY FROM 1988, EVEN AFTER ADJUSTING FOR THE AMOUNT OF OPERATIONAL TIME PER YEAR. THERE HAS BEEN A SHIFT AS WELL FROM LARGE LABORATORY COMPLEXES LOCATED AWAY FROM POPULATION CENTERS AND READILY IDENTIFIABLE FROM THE AIR AS CLANDESTINE LABORATORIES TO SMALLER LABORATORIES NEAR POPULATION CENTERS CAMOUFLAGED AS TYPICAL PEASANT DWELLINGS. THIS SHIFT TO SMALLER LABORATORIES LOCATED INSIDE HOUSES DOES NOT LEND ITSELF TO IDENTIFICATION BY AERIAL RECONNAISSANCE AND REQUIRES BETTER HUMAN SOURCE INTELLIGENCE FOR DETECTION.

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THE POLITICAL MILITARY COMMAND FOR THE UHV WAS ESTABLISHED IN LATE APRIL 1989. THE ZONE COMMANDER SOON PUT RESTRICTIONS ON COUNTER-NARCOTICS INTERDICTION IN SOME AREAS BY REQUIRING ADVANCE NOTICE OF PNP/DEA OPERATIONS. HE PUT THE CITY OF UCHIZA COMPLETELY OFF-LIMITS AND A CONSOLIDATION OF TRAFFICKING IN AND AROUND UCHIZA QUICKLY DEVELOPED. HOWEVER, SINCE AUGUST, INDICATIONS ARE THAT TRAFFICKERS ARE RELOCATING AWAY FROM UCHIZA AND OTHER CONTROLLED AREAS IN AN ATTEMPT TO CUT COSTS AT A TIME OF SOFTENING PRICES AND REDUCED PROFITABILITY.

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LOGISTICS HAD A SIGNIFICANT IMPACT ON INTERDICTION OPERATIONS DURING 1989. ON THE POSITIVE SIDE, THE MOVE TO THE PERUVIAN NATIONAL POLICE BASE AT SANTA LUCIA IMPROVED INTERDICTION RESULTS BY LOCATING ANTI-NARCOTICS OPERATIONS IN THE CENTER OF THE UHV AND SHARPLY REDUCED TRAVEL TIME. OPENING THE AIRFIELD AT SANTA LUCIA, MORE THAN ANY OTHER FACTOR, ALLOWED HELICOPTERS TO BE USED FOR OPERATIONAL RATHER THAN LOGISTICAL SUPPORT MISSIONS. NEVERTHELESS, PROBLEMS WITH FIXED-WING AIR SUPPORT TO SANTA LUCIA REDUCED THE BENEFITS OF THE NEW AIRFIELD BY DELAYING DELIVERY OF SUPPLIES, EQUIPMENT AND FUEL. HELICOPTER

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PAGE 01 LIMA 01008 05 OF 12 222134Z
ACTION INM-08

INFO LOG-00 ADS-00 AID-00 INR-05 OIC-02 IO-19 NSCE-00
ARA-00 NSAE-00 SSO-00 L-03 TRSE-00 PM-10 OMB-01
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INFO THE WHITE HOUSE//OVP//
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AMEMBASSY BRASILIA
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CUSTOMS WASHDC
USMISSION USVIENNA

UNCLAS SECTION 05 OF 12 LIMA 01008

STATE FOR INM/P-AMATANO
OVP FOR NNBIS
DIA FOR DB-3C, OA-5, DB-5
USVIENNA FOR UNVIE MISSION
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PAGE 02 LIMA 01008 05 OF 12 222134Z

TAGS: SNAR, PE
SUBJECT: 1990 INTERNATIONAL NARCOTICS CONTROL STRATEGY

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MAINTENANCE IS STILL BEING CONDUCTED IN TINGO MARIA WHILE FACILITIES ARE BUILT AT SANTA LUCIA, RESULTING IN LOST HELICOPTER TIME FERRYING MECHANICS AND SPARE PARTS BETWEEN TINGO MARIA AND SANTA LUCIA.

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B. CROP CONTROL STRATEGY/HERBICIDE ISSUE: DESPITE SERIOUS POLITICAL AND ENVIRONMENTAL CONTROVERSY OVER HERBICIDE TESTING, THE PERUVIAN MULTI-SECTORAL COMMISSION COMPLETED A MAJOR STUDY OF AERIALLY-APPLIED HERBICIDES IN MID-MARCH. BASED ON THE RESULTS TO DATE OF SOIL/WATER ANALYSES AND ON-SITE TECHNICAL EVALUATIONS, A TECHNOLOGICAL BREAKTHROUGH HAS BEEN ACHIEVED WITH AN EXCEPTIONALLY HIGH COCA SHRUB KILL RATE AND MINIMAL ENVIRONMENTAL IMPACT. GIVEN APPROACHING PRESIDENTIAL ELECTIONS, A LARGE SCALE CAMPAIGN IS NOT LIKELY BEFORE A NEW PERUVIAN GOVERNMENT TAKES OFFICE IN JULY BUT EXPANDING THE TEST AREAS IN THE REMAINING MONTHS OF PRESIDENT GARCIA'S ADMINISTRATION IS IN PROSPECT.

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CORAH ACCOUNTED FOR 1,285 HECTARES OF COCA DESTROYED DURING THE FIRST FORTY DAYS OF CY 1989. HAD THE PACE BEEN SUSTAINED, THE PLANNED 12,000 TO 15,000 HECTARES COULD HAVE BEEN ERADICATED. SECURITY CONSIDERATIONS AND THE NEED TO BUILD THE SANTA LUCIA BASE REQUIRED THE SEVEN-MONTH STAND-DOWN. ERADICATION EFFORTS HAVE NOT BEEN RESUMED SINCE ALL AVAILABLE RESOURCES ARE NOW FOCUSED ON INTERDICTION.

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C. TRAINING: AN UNPRECEDENTED LEVEL OF TRAINING WAS CARRIED OUT DURING THE SUSPENSION OF OPERATIONS. PRIORITY

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WAS GIVEN TO THE PNP AVIATION CREWS TRAINED ON-THE-JOB BY NATI CONTRACT PERSONNEL AND IN THE UNITED STATES BY U.S. MILITARY ESTABLISHMENTS E.G. FT. RUCKER AND FT. BENNING. THROUGH A SERIES OF CLOSELY COORDINATED TRAINING ARRANGEMENTS WITH SOUTHCOM AND DIPLOMATIC SECURITY (DS), LONG AND SHORT TERM COURSES WERE PROVIDED FOR UMOPAR PERSONNEL ASSIGNED TO TINGO MARIA AND SANTA LUCIA TO UPGRADE FIELD OPERATIONS AND SECURITY IN OPERATING AND BASE AREAS WITH INM FUNDING. AIR MOBILE OPERATIONS TRAINING FOR 240 PNP PERSONNEL WAS CARRIED OUT BY A 15-MAN SPECIAL FORCES TEAM FROM SOUTHCOM DEPLOYED TO THE PNP

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MAZAMARI POLICE TRAINING CENTER FOR A PERIOD OF SIX MONTHS.

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OFFICERS OF THE STATE DEPARTMENT'S BUREAU OF DIPLOMATIC SECURITY, DEA SNOWCAP PERSONNEL ON TEMPORARY DUTY AND EMBASSY FIELD ADVISORS PROVIDED ADDITIONAL ON-SITE TRAINING IN THE UHV, CONCENTRATING ON MEDICAL SERVICES, TELECOMMUNICATIONS, WEAPONS USE, AIRFIELD CRATERING, PERIMETER DEFENSE, AND ESTABLISHMENT OF FIXED EMPLACEMENTS. IN ADDITION, THE EMBASSY PROVIDED BOTH MILITARY AND CIVILIAN EXPERTS FOR SECURITY ENHANCEMENT AND RUNWAY CONSTRUCTION AT THE SANTA LUCIA PNP BASE.

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D. SANTA LUCIA BASE: PROVIDING SECURITY, SETTING UP TEMPORARY BUILDINGS AND DEVELOPING A 1500 METER RUNWAY WERE ALL MAJOR ACHIEVEMENTS OF A COLLECTIVE EFFORT BY PERUVIAN AND U.S. ENTITIES THIS YEAR. ACTIVE PARTICIPATION BY THE ENTIRE EMBASSY NARCOTICS ACTION COMMITTEE WAS TESTIMONY TO A COORDINATED EFFORT AMONG MANY USG AGENCIES. SANTA LUCIA IS REGARDED AS THE BEST PNP BASE IN PERU. FIFTEEN SUB-PROJECTS ADDRESSED EVERY EQUIPMENT/MATERIAL REQUIREMENT AT THE BASE FROM CONVOYING HEAVY CONSTRUCTION EQUIPMENT OVER A HIGH RISK ROAD TO

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UNCLASSIFIED
UNCLASSIFIED

PAGE 01 LIMA 01008 06 OF 12 222135Z
ACTION INM-08

INFO LOG-00 ADS-00 AID-00 INR-05 OIC-02 IO-19 NSCE-00
ARA-00 NSAE-00 SSO-00 L-03 TRSE-00 PM-10 OMB-01
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AMEMBASSY BANGKOK
AMEMBASSY MEXICO
AMEMBASSY SANTIAGO
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USCINCSO QUARRY HEIGHTS PN//SCJ2/SCJ5/SCDC/SCFA//
DIA WASHDC
CIA WASHDC
CUSTOMS WASHDC
USMISSION USVIENNA

UNCLAS SECTION 06 OF 12 LIMA 01008

STATE FOR INM/P-AMATANO
OVP FOR NNBIS
DIA FOR DB-3C, OA-5, DB-5
USVIENNA FOR UNVIE MISSION
CIA FOR IDI/OGI/IND
DEA FOR OF, OI, AO, DO, AD
CUSTOMS FOR LA OPS, INTELLIGENCE ONLY
WHITE HOUSE FOR WILLIAM BENNETT

E.O. 12356:N/A
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UNCLASSIFIED

PAGE 02 LIMA 01008 06 OF 12 222135Z

TAGS: SNAR, PE
SUBJECT: 1990 INTERNATIONAL NARCOTICS CONTROL STRATEGY

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DIVERTING THE HUALLAGA RIVER WITH EARTHWORKS TO PROVIDE A GRAVEL SITE FOR RUNWAY CONSTRUCTION. OTHER MAJOR GOALS ACHIEVED WERE: ESTABLISHING A PERMANENT AIR BRIDGE BETWEEN LIMA AND THE UHV (PLUS MAZAMARI) TO AIRLIFT PERSONNEL AND ESSENTIAL RESOURCES; RESOLVING MEDICAL, HEALTH, WATER PROBLEMS; CONSTRUCTING LIVING QUARTERS AT TINGO MARIA AND SANTA LUCIA; DEVELOPING THE TELECOMMUNICATIONS LINK; LAYING OUT BUNKERS AND TOWERS FOR PERIMETER DEFENSE; ERECTING REVETMENTS FOR HELO PADS AND FUEL STORAGE SITES; PROVIDING HANGAR FACILITIES FOR MAINTENANCE OF FIXED- AND ROTARY-WING AIRCRAFT; FUEL STORAGE FACILITIES FOR AVIATION AND HEAVY EQUIPMENT USE; AN INDEPENDENT ELECTRICAL POWER SOURCE FOR CRITICAL EQUIPMENT; AND BUNKERS FOR AMMO/DEMOLITIONS STORAGE.

IN EARLY SEPTEMBER, A U.S. COAST GUARD C-130 LANDED AT THE SANTA LUCIA RUNWAY APPROXIMATELY TEN WEEKS AFTER RUNWAY CONSTRUCTION COMMENCED. AT THE PRESENT TIME, MOST OF THE MAJOR CONSTRUCTION PROJECTS ARE IMPEDED TO SOME DEGREE BECAUSE OF HEAVY SEASONAL RAINS IN THE UHV. LIMA'S AIR BRIDGE IS ALSO DEPENDENT ON WEATHER CONDITIONS AND LIMITED VISIBILITY.

E. THE AID-SUPPORTED UPPER HUALLAGA AREA DEVELOPMENT PROJECT (PEAH): THE AID-SUPPORTED UPPER HUALLAGA AREA DEVELOPMENT PROJECT CONTINUED TO COMPLEMENT DRUG LAW ENFORCEMENT AND COCA ERADICATION EFFORTS BUT AT A SIGNIFICANTLY REDUCED LEVEL OF ACTIVITY. THE SLOWDOWN IS DUE TO CONTINUED DETERIORATION IN AREA SECURITY, TO CORRESPONDING REDUCTIONS IN BOTH GOVERNMENT OF PERU (GOP)

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AND USG OFFICIAL PRESENCE AND INABILITY TO TRAVEL IN THE AREA AS WELL AS THE FALTERING PERUVIAN ECONOMY.

HYPERINFLATION HAD A SEVERE IMPACT ON STAFFING. MORE THAN ONE THIRD OF THE PROJECT'S AUTHORIZED POSITIONS REMAINED UNFILLED. GOP SALARY INCREASES IN LATE MARCH FOR SPECIAL PROJECTS HALTED STAFF RESIGNATIONS BUT THE HIGH COST ASSOCIATED WITH LIVING IN A COCA-INFLATED ECONOMY HAS HINDERED PEAH'S ABILITY TO FILL CRITICAL STAFF VACANCIES AT THE PROFESSIONAL LEVEL. ADDITIONALY, PEAH'S INABILITY TO LIQUIDATE PREVIOUS AID ADVANCES AND DEVELOP AN

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ACCEPTABLE 1989 ACTION PLAN, AT REALISTIC INTI OPERATING COST LEVELS, HAS DELAYED THE RELEASE OF AID GRANT FUNDS.

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FOR THE PROJECTS ROAD MAINTENANCE COMPONENT, PEAH HAS SECURED FUNDS FROM THE DEPARTMENTAL DEVELOPMENT CORPORATIONS, LOCAL MUNICIPALITIES AND PRIVATE FIRMS TO ALLOW EMERGENCY REPAIRS OF IMPASSABLE SECTIONS OF THE MARGINAL HIGHWAY, AN IMPORTANT MAJOR ARTERY. THE WORK IS BEING COMPLETED IN COORDINATION WITH SECURITY FORCES PROVIDED BY THE MILITARY. PEAH HAS SIGNED AGREEMENTS TO RENT HEAVY EQUIPMENT TO CORAH FOR CONSTRUCTION OF THE AIRSTRIP AT SANTA LUCIA; TO SECURE AGRICULTURE RESEARCH EXPERTISE FROM THE MINISTRY OF AGRICULTURE; TO OBTAIN AGRICULTURAL TRAINING FROM THE STAFF OF THE NATIONAL AGRICULTURE UNIVERSITY OF THE HIGH JUNGLE; AND TO REQUEST MAPPING AND SOCIOLOGICAL DATA ANALYSIS FROM OTHER GOP AGENCIES.

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PEAH'S WORK ON ERADICATED LAND HAS COME TO A NEARLY COMPLETE HALT BECAUSE OF THE SUSPENSION OF THE ERADICATION PROGRAM. THE COCA ECONOMY OF THE UHV HAS DRIVEN PRICES OF FERTILIZERS, INSECTICIDES, AND MANUAL LABOR BEYOND THE MEANS OF MOST FARMERS. AT THE SAME TIME, THE PRICES OF

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ACTION INM-08

INFO LOG-00 ADS-00 AID-00 INR-05 OIC-02 IO-19 NSCE-00
ARA-00 NSAE-00 SSO-00 L-03 TRSE-00 PM-10 OMB-01
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AMEMBASSY BRASILIA
AMEMBASSY LA PAZ
AMEMBASSY QUITO
AMEMBASSY BANGKOK
AMEMBASSY MEXICO
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USMISSION USVIENNA

UNCLAS SECTION 07 OF 12 LIMA 01008

STATE FOR INM/P-AMATANO
OVP FOR NNBIS
DIA FOR DB-3C, OA-5, DB-5
USVIENNA FOR UNVIE MISSION
CIA FOR IDI/OGI/IND
DEA FOR OF, OI, AO, DO, AD
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TAGS: SNAR, PE
SUBJECT: 1990 INTERNATIONAL NARCOTICS CONTROL STRATEGY

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LEGITIMATE FARM CROPS ARE AT ROCK-BOTTOM-BECAUSE, TAKEN TOGETHER, THE SECURITY PROBLEM AND A DETERIORATING ROAD SYSTEM HAVE ALL BUT ELIMINATED VEHICLE ACCESS TO THE AREA.

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A.3. PLANS, PROGRAMS AND TIMETABLES

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A. OVERVIEW: THE U.S. EMBASSY IN LIMA SHARES A PRIMARY MISSION WITH OUR ANDEAN POSTS TO THE NORTH AND SOUTH: THAT IS TO REDUCE THE FLOW OF COCAINE AND OTHER DANGEROUS DRUGS DESTINED FOR THE U.S. AND OTHER INTERNATIONAL MARKETS. THERE ARE TWO MAJOR OBSTACLES IN PERU, THE ECONOMIC CRISIS AND A HIGH SECURITY THREAT IN THE UHV. NOTWITHSTANDING THESE TWO MAJOR OBSTACLES, PROGRAM EFFORTS ARE STRONGLY UNDERWAY IN LAYING THE GROUNDWORK FOR (1) AERIAL ERADICATION; (2) INTERDICTION/ENFORCEMENT; (3) ECONOMIC DEVELOPMENT; (4) INTELLIGENCE COLLECTION; (5) LEGISLATION REFORM AND JUDICIAL PROCESSING; (6) DEMAND REDUCTION THROUGH EDUCATION, PREVENTION AND REHABILITATION; AND (7) PUBLIC DIPLOMACY.

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B. THE ECONOMIC SITUATION: THE GENERAL ECONOMIC CRISIS IN PERU AND CONTINUED HIGH DEMAND FOR COCA LEAF ARE THE PRIME INCENTIVES TO INCREASED COCA PRODUCTION. THE INDIVIDUAL FARMER WHO OPTS TO CULTIVATE COCA IS ONLY ONE PART OF THE NARCOTICS ECONOMIC PROCESS. SMALL BUSINESSMEN IN TOWNS SELL THE TOOLS, SPRAY EQUIPMENT, HERBICIDES AND FERTILIZERS; CARPENTERS, ELECTRICIANS AND ROOFERS BUILD THE LABORATORIES; AND FINALLY, HIRED GUNS PROTECT LOADS OF COCA DERIVATIVES BEING PROCESSED AT LABS OR TRANSPORTED TO AIRSTRIPS. ATTACKS BY INSURGENT GROUPS COMPLICATE THE

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SITUATION FURTHER, REQUIRING COORDINATED POLICE/MILITARY EFFORTS TO REGAIN CONTROL OF THE VALLEY.

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C. THE SECURITY SITUATION IN THE UHV

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THE GREATEST THREAT TO THE SANTA LUCIA BASE (SLB) IS SENDERO LUMINOSO WHICH, ACCORDING TO INFORMATION PROVIDED BY PERUVIAN NATIONAL POLICE AND DEA SOURCES, CURRENTLY FIELDS SOME THREE HUNDRED TO FIVE HUNDRED ARMED GUERRILLAS IN THE NEIGHBORHOOD OF THE BASE. AS RECENTLY AS LATE DECEMBER, SL MOUNTED SERIOUS ATTACKS AGAINST A PERUVIAN

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NATIONAL POLICE SITE AT NUEVO PROGRESO, WITHIN 10 KM OF HE SANTA LUCIA BASE. POLICE CASUALTIES WERE TWO KILLED N ACTION, THREE MISSING IN ACTION, AND FIVE WOUNDED IN CTION.

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AN AVERAGE OF TWENTY USG CITIZEN MISSION EMPLOYEES WORK AT AND REMAIN OVERNIGHT AT THE SLB. PROVISION OF ADEQUATE SECURITY IS HAMPERED BY SEVERAL FACTORS INCLUDING POOR SITE LOCATION, AND INADEQUATE TRAINING AND STRENGTH LEVELS OF THE PNP. THE FIRST PROBLEM IS BEING RECTIFIED IN LARGE MEASURE BY ON-GOING CONSTRUCTION OF A NEW BASE WITH A GREATER STAND-OFF AREA AND IMPROVED PERIMETER SECURITY. THE SECOND PROBLEM IS PRESENTLY BEING ADDRESSED FROM SEVERAL DIFFERENT PERSPECTIVES INCLUDING A DEDICATED SECURITY FORCE, TRAINING BY A U.S. ARMY SPECIAL FORCES TEAM, AND CONCURRENT TRAINING SCHEDULED AT THE SLB. THE FREQUENCY OF REACTION DRILLS HAS BEEN INCREASED SHARPLY OVER THE PAST TWO MONTHS.

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D. USE OF MILITARY: THE PERUVIAN ARMED FORCES HAVE BEEN RELUCTANT TO BECOME INVOLVED DIRECTLY IN COUNTER-NARCOTICS EFFORTS IN THE UHV. THE MILITARY HOLDS THAT ERADICATION OF COCA AND DESTRUCTION OF PBC LABORATORIES ARE

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PAGE 01 LIMA 01008 08 OF 12 222136Z
ACTION INM-08

INFO LOG-00 ADS-00 AID-00 INR-05 OIC-02 IO-19 NSCE-00
ARA-00 NSAE-00 SSO-00 L-03 TRSE-00 PM-10 OMB-01
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AMEMBASSY BRASILIA
AMEMBASSY LA PAZ
AMEMBASSY QUITO
AMEMBASSY BANGKOK
AMEMBASSY MEXICO
AMEMBASSY SANTIAGO
DEAHQS WASHDC
USCINCSO QUARRY HEIGHTS PN//SCJ2/SCJ5/SCDC/SCFA//
DIA WASHDC
CIA WASHDC
CUSTOMS WASHDC
USMISSION USVIENNA

UNCLAS SECTION 08 OF 12 LIMA 01008

STATE FOR INM/P-AMATANO
OVP FOR NNBIS
DIA FOR DB-3C, OA-5, DB-5
USVIENNA FOR UNVIE MISSION
CIA FOR IDI/OGI/IND
DEA FOR OF, OI, AO, DO, AD
CUSTOMS FOR LA OPS, INTELLIGENCE ONLY
WHITE HOUSE FOR WILLIAM BENNETT

E.O. 12356:N/A
UNCLASSIFIED
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PAGE 02 LIMA 01008 08 OF 12 222136Z

TAGS: SNAR, PE
SUBJECT: 1990 INTERNATIONAL NARCOTICS CONTROL STRATEGY

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CONSTITUTIONALLY-DESIGNATED POLICE FUNCTIONS. SINCE ESTABLISHMENT OF AN EMERGENCY ZONE AND NAMING OF A POLITICAL/MILITARY COMMANDER IN APRIL 1989, THE ARMY'S PRIMARY OBJECTIVE HAS BEEN TO SEVER THE LINKS BETWEEN THE NARCOTRAFFICKERS AND THE INSURGENTS, AND THEN ELIMINATE THE INSURGENCY FROM THE VALLEY. IN EARLY 1990, THE PERUVIAN MILITARY STATED ITS WILLINGNESS TO BECOME MORE DIRECTLY INVOLVED IN COUNTERNARCOTICS OPERATIONS BY PROVIDING SECURITY IN THE HIGH THREAT AREA OF THE UHV.

A.4. ADEQUACY OF LEGAL AND LAW ENFORCEMENT MEASURES

A. THE PERUVIAN SYSTEM OF JURISPRUDENCE AND LAW ENFORCEMENT PROVIDES A SYSTEMIC HIERARCHY OF CHECKS AND BALANCES. THE NAPOLEONIC CODE-BASED LEGAL SYSTEM DOES NOT HAVE PROVISIONS FOR UNDERCOVER OPERATIONS, CIVIL FORFEITURE OR CONSPIRACY STATUTES. LAW ENFORCEMENT, INCLUDING THE INITIAL INVESTIGATION OF CASES, FALLS UNDER THE DIRECTION OF THE MINISTRY OF INTERIOR. ADDITIONAL INVESTIGATION AND THE PROSECUTION OF CASES IS PURSUED BY STATE PROSECUTING ATTORNEYS WHO WORK FOR THE PUBLIC MINISTRY, A SEPARATE CABINET LEVEL AGENCY. JUDGEMENT AND SENTENCING FALL UNDER THE RESPONSIBILITY OF THE NATIONAL JUDICIAL AUTHORITY, ALSO SEPARATE FROM THE INTERIOR AND PUBLIC MINISTRIES, AND THE INCARCERATION OF THOSE CONVICTED FALLS UNDER THE JUPISDICTION OF THE JUSTICE MINISTRY.

B. REGARDING THE REQUIREMENTS OF SECTION 2013 OF P.L. 99-570, THE GOVERNMENT AS A MATTER OF POLICY DOES NOT

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ENCOURAGE OR FACILITATE THE PRODUCTION OR DISTRIBUTION OF ILLICIT DRUGS. NO SENIOR OFFICIAL HAS BEEN INDICTED FOR NARCOTICS-RELATED CORRUPTION. THE GOVERNMENT'S ENFORCEMENT OF LAWS PROHIBITING BRIBERY AND PUBLIC CORRUPTION IN NARCOTICS ENFORCEMENT IS SPORADIC BUT CAN BE VIGOROUS. IN THOSE INSTANCES WHERE EVIDENCE OF CORRUPTION WITHIN POLICE RANKS WAS ESTABLISHED, THE GOVERNMENT TOOK DECISIVE ACTION TO CORRECT THE PROBLEM. IT IS DIFFICULT TO ASSESS THE IMPACT OF EFFORTS TO ELIMINATE CORRUPTION, HOWEVER, IN LIGHT OF PERU'S ONGOING ECONOMIC CRISIS AND THE GOP'S INABILITY TO PAY JUDGES AND LAW ENFORCEMENT

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PERSONNEL SALARIES ADEQUATE TO RESIST TRAFFICKERS' PRESSURES. SIMILAR PROBLEMS FACE OFFICIALS OF THE POLICE AND MILITARY OPERATING IN THE UHV.

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C. WHILE THERE IS WIDESPREAD SPECULATION THAT PROCEEDS FROM ILLICIT DRUG TRAFFICKING ARE AN INCREASINGLY IMPORTANT SOURCE OF REVENUE FOR THE GOVERNMENT DURING ITS ECONOMIC CRISIS, THERE IS ABSOLUTELY NO EVIDENCE THAT THE GOVERNMENT IS ENCOURAGING OR FACILITATING PRODUCTION OR DISTRIBUTION OF NARCOTICS. PERUVIAN LAW STILL MAKES NO PROVISION FOR CONSPIRACY-TYPE PROSECUTION OR UNDERCOVER OPERATIONS. BOTH ARE ESSENTIAL TO EFFECTIVE INVESTIGATION AND PROSECUTION OF HIGH ECHELON TRAFFICKERS. PERU DOES NOT HAVE AN EXTRADITION TREATY IN FORCE WITH THE U.S. THAT PERMITS THE EXTRADITION OF EITHER COUNTRY'S NATIONALS FOR DRUG OFFENSES. EFFORTS ARE UNDERWAY TO OPEN NEGOTIATIONS TOWARDS A NEW TREATY.

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D. GENERAL DRUG ENFORCEMENT EFFORTS AT POST ARE HANDLED BY THE DEA PERSONNEL PERMANENTLY ASSIGNED TO THE MISSION. THEIR WORK FOCUSES ON THE IDENTIFICATION AND INVESTIGATION OF MAJOR PERUVIAN TRAFFICKING ORGANIZATIONS; THE INVESTIGATION OF MAJOR CHEMICAL PRECURSOR IMPORTERS AS

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UNCLASSIFIED

UNCLASSIFIED
UNCLASSIFIED

PAGE 01 LIMA 01008 09 OF 12 222124Z
ACTION INM-08

INFO LOG-00 ADS-00 AID-00 INR-05 OIC-02 IO-19 NSCE-00
ARA-00 NSAE-00 SSO-00 L-03 TRSE-00 PM-10 OMB-01
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DPR-01 /051 W
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O 221102Z JAN 90
FM AMEMBASSY LIMA
TO SECSTATE WASHDC IMMEDIATE 5208
INFO THE WHITE HOUSE//OVP//
AMEMBASSY BOGOTA
AMEMBASSY BRASILIA
AMEMBASSY LA PAZ
AMEMBASSY QUITO
AMEMBASSY BANGKOK
AMEMBASSY MEXICO
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DIA WASHDC
CIA WASHDC
CUSTOMS WASHDC
USMISSION USVIENNA

UNCLAS SECTION 09 OF 12 LIMA 01008

STATE FOR INM/P-AMATANO
OVP FOR NNBIS
DIA FOR DB-3C, OA-5, DB-5
USVIENNA FOR UNVIE MISSION
CIA FOR IDI/OGI/IND
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CUSTOMS FOR LA OPS, INTELLIGENCE ONLY
WHITE HOUSE FOR WILLIAM BENNETT

E.O. 12356:N/A
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PAGE 02 LIMA 01008 09 OF 12 222124Z

TAGS: SNAR, PE
SUBJECT: 1990 INTERNATIONAL NARCOTICS CONTROL STRATEGY

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WELL AS THE SEIZURE OF ILLEGALLY IMPORTED OR DIVERTED CHEMICALS; AND GATHERING INFORMATION ABOUT FINANCIAL TRANSACTIONS RELATED TO DRUG TRAFFICKING.

E. THE DEA IN LIMA WORKS CLOSELY WITH THE TECHNICAL POLICE ARM (PNP - POLICIA TECNICA OR DINTID). DURING THE PAST YEAR AND A HALF, DINTID HAS BEEN REORGANIZED TO PROVIDE A FRAMEWORK FOR MAJOR DRUG ENFORCEMENT EFFORTS THAT CLOSELY COINCIDE WITH U.S. PRIORITIES. DINTID HAS GROUPS THAT INVESTIGATE MAJOR TRAFFICKERS, CHEMICAL PRECURSORS AND FINANCIAL TRANSACTIONS, AS WELL AS ONE GROUP SPECIALIZING IN THE USE OF TECHNICAL EQUIPMENT. ALL OF THESE GROUPS FUNCTIONED EFFECTIVELY DURING THE PAST YEAR. DINTID INTELLIGENCE CONCENTRATES ON MAJOR TRAFFICKERS AND HAS IDENTIFIED THIRTEEN PERUVIAN ORGANIZATIONS SUPPLYING COCAINE BASE AND HCL TO COLOMBIA, THE U.S. AND SEVERAL EUROPEAN COUNTRIES. DINTID OPERATIONAL GROUPS HAVE SUCCESSFULLY IMMOBILIZED THREE OF THESE TARGETS DURING THE PAST YEAR. DINTID HAS ALSO WORKED CLOSELY WITH THE DEA TO CONTROL CHEMICAL PRECURSORS, RESPONDING TO NEW U.S. LAWS FOR CONTROLLING PRECURSOR CHEMICAL SHIPMENTS AND TO THE 1988 VIENNA CONVENTION AGAINST DRUG TRAFFICKING.

A.5. DOMESTIC DRUG ABUSE

A. PERUVIANS OVERWHELMINGLY BELIEVE THAT THE PROBLEM OF DRUG ABUSE IS INCREASING IN THEIR COUNTRY. A 1988 STUDY BY THE CENTER FOR DRUG EDUCATION AND INFORMATION (CEDRO) REPORTED THAT THREE-QUARTERS OF PERU'S POPULATION THINK

PAGE 03 LIMA 01008 09 OF 12 222124Z

THAT CONSUMPTION IS GROWING. THE REASON MOST OFTEN GIVEN IS SEEING MORE ADDICTS (47 PER CENT), BUT A SUBSTANTIAL PORTION (16 PER CENT) ALSO LINK THE INCREASE IN CONSUMPTION TO A PERCEIVED INCREASE IN NARCOTICS TRAFFICKING. MOREOVER, MOST RESPONDENTS WHO THINK THAT CONSUMPTION IS INCREASING LINK THAT JUDGEMENT TO A WIDESPREAD AVAILABILITY OF DRUGS IN PERU.

THIS LINKAGE WAS RECONFIRMED BY THE PRELIMINARY RESULTS OF A RECENT CEDRO STUDY CONDUCTED AMONG YOUNG PEOPLE IN THE UPPER HUALLAGA CITIES OF TARAPOTO AND TINGO MARIA. THERE,

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YOUTH MOST OFTEN SAID THAT THEY BELIEVED THEIR PEERS WERE USING MORE DRUGS BECAUSE DRUGS WERE MUCH MORE AVAILABLE.

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PERUVIANS SELDOM DISCUSS THE IMPACT OF THEIR COUNTRY'S DRUG CONSUMPTION ON PRODUCTION, REFINING AND TRAFFICKING. ALTHOUGH THEY RECOGNIZE AND ARE CONCERNED ABOUT THE INCREASE IN CONSUMPTION, MOST PERUVIANS SEE THEIR PROBLEM LINKED MORE TO TRAFFICKING THAN CONSUMPTION. THUS WHEN ASKED WHAT ASPECT OF THE DRUG PROBLEM AFFECTS THEIR COUNTRY MOST, APPROXIMATELY ONE-THIRD SAY TRAFFICKING AND OVER A QUARTER MENTION DRUG PRODUCTION, WHILE CONSUMPTION RANKS THIRD.

-

THREE EFFORTS AT DRUG ABUSE PREVENTION ARE UNDERWAY IN PERU. THE AID-FINANCED GROUP CEDRO HAS ORGANIZED MOST OF THEM. CEDRO WAS DESIGNATED AS A CLEARINGHOUSE AND DOCUMENTATION CENTER DURING AN INTERNATIONAL MEETING ON COMMUNITY AND DRUG ABUSE PREVENTION RECENTLY. TWO OTHER SETS OF EFFORTS UNDERWAY INVOLVE OTHER PRIVATE SECTOR ORGANIZATIONS AND MANY PUBLIC SECTOR GROUPS.

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B.1. NATURE OF ILLICIT DRUG PRODUCTION:

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ACTION INM-08

INFO LOG-00 ADS-00 AID-00 INR-05 OIC-02 IO-19 NSCE-00
ARA-00 NSAE-00 SSO-00 L-03 TRSE-00 PM-10 OMB-01
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DPR-01 /051 W
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O 222102Z JAN 90
FM AMEMBASSY LIMA
TO SECSTATE WASHDC IMMEDIATE 5209
INFO THE WHITE HOUSE//OVP//
AMEMBASSY BOGOTA
AMEMBASSY BRASILIA
AMEMBASSY LA PAZ
AMEMBASSY QUITO
AMEMBASSY BANGKOK
AMEMBASSY MEXICO
AMEMBASSY SANTIAGO
DEAHQS WASHDC
USCINCSO QUARRY HEIGHTS PN//SCJ2/SCJ5/SCDC/SCFA//
DIA WASHDC
CIA WASHDC
CUSTOMS WASHDC
USMISSION USVIENNA

UNCLAS SECTION 10 OF 12 LIMA 01008

STATE FOR INM/P-AMATANO
OVP FOR NNBIS
DIA FOR DB-3C, OA-5, DB-5
USVIENNA FOR UNVIE MISSION
CIA FOR IDI/OGI/IND
DEA FOR OF, OI, AO, DO, AD
CUSTOMS FOR LA OPS, INTELLIGENCE ONLY
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TAGS: SNAR, PE
SUBJECT: 1990 INTERNATIONAL NARCOTICS CONTROL STRATEGY

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A. THE COCA BONANZA IN THE UHV COMMENCED ABOUT A DECADE AGO DUE TO CONSECUTIVE CROP FAILURES OF COTTON AND RICE, AS WELL AS THE DECLINE IN WORLD COFFEE PRICES. THE DRIVING FORCE BEHIND THE DEFORESTATION AND EXPANDED CULTIVATION OF COCA IS THE HIGH PRICE PAID FOR DRY COCA LEAF FOR CLANDESTINE PROCESSING INTO PASTE, BASE AND COCAINE HCL. OTHER FACTORS WHICH MAY ENHANCE COCA PRODUCTION STATISTICS INCLUDE COCA LEAF DIVERTED FROM LEGALLY LICENSED PLOTS. AND ILLICIT COCA CULTIVATED IN REMOTE AREAS OUTSIDE THE UHV . SO FAR, THE UHV LACKS THE INFRASTRUCTURE TO SUPPORT TRADITIONAL AGRICULTURE OR INDUSTRY. NARCOTICS TRAFFICKERS ARE HELPING TO PROVIDE THEIR OWN INFRASTRUCTURE BOTH BY OFFERING PROCESSING SITES AND PICKING UP THE FINISHED PRODUCT IN AIRPLANES, PAYING IN CASH AT HIGH PRICES.

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B.2. FACTORS AFFECTING PRODUCTION:

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A. ECONOMIC: REFER TO A.3.B.

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B. PUBLIC OPINION. THE CLIMATE OF OPINION FOR ANTI-DRUG ACTIVITIES IN PERU IS GENERALLY VERY POSITIVE. ABOUT NINE-IN-TEN PERUVIANS SAY THAT BOTH DRUG PRODUCTION AND TRAFFICKING ARE HARMFUL FOR THEIR COUNTRY AND THEY REJECT OVERWHELMINGLY THE IDEA THAT ECONOMIC BENEFITS OUTWEIGH THE DAMAGE. PERUVIANS GENERALLY BELIEVE THAT THE COUNTRY'S DRUG PROBLEMS REQUIRE THEIR GOVERNMENT'S URGENT ATTENTION, AND THEY WANT TO WORK WITH OTHER PRODUCER COUNTRIES, BOLIVIA AND COLOMBIA IN PARTICULAR, AS WELL AS CONSUMER COUNTRIES, SUCH AS THE U.S., TO STOP DRUG

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TRAFFICKING.

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PERUVIANS RANK THE DRUG PROBLEM IN PRIORITY BELOW THE OVERWHELMING ECONOMIC AND INSURGENCY CRISES THE COUNTRY FACES. THIS DOES NOT MEAN THAT THEY EXPECT THE GOVERNMENT TO IGNORE THE DRUG PROBLEM. IN A 1987 STUDY, THREE-IN-FOUR PERUVIANS SAID THE GOVERNMENT WAS TAKING THE DRUG PROBLEM SERIOUSLY, BUT IN A 1989 SURVEY ABOUT THE SAME PROPORTION SAID IT WAS NOT. IN THE 1988 CEDRO SURVEY THE ONLY AREA IN WHICH AT LEAST HALF THE PUBLIC FELT THE GOVERNMENT HAD "ADEQUATE" PROGRAMS FOR DEALING WITH DRUG

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PROBLEMS WAS "COMBATTING NARCOTICS TRAFFIC." IN SUCH VITAL AREAS AS QUOTE ERADICATION OF THE PRODUCTION OF ILLEGAL DRUGS UNQUOTE AND QUOTE PREVENTION OF DRUG CONSUMPTION UNQUOTE ONLY ABOUT A THIRD OF THE PUBLIC JUDGED GOVERNMENT PROGRAMS TO BE ADEQUATE.

-

THE CONCERN FOR GREATER EFFECTIVENESS IN ERADICATION EXPRESSED BY THE GENERAL PUBLIC IN PERU IN 1988 IS NOT SHARED BY MOST PERUVIAN ELITES. ON THE CONTRARY, THE PRELIMINARY RESULTS OF A CEDRO SURVEY OF 2,600 PERUVIAN LEADERS CONDUCTED IN OCTOBER-NOVEMBER 1989 INDICATE THAT THE MAJORITY MAY NOW BE OPPOSED TO LARGE SCALE ERADICATION PROGRAMS AND ADVOCATES THE DEVELOPMENT OF PROGRAMS TO SUBSTITUTE OTHER CROPS FOR COCA BEFORE PEASANTS ARE THREATENED WITH CROP ERADICATION. THE ADVENT AND SPREAD OF SUPPORT FOR CROP SUBSTITUTION PROGRAMS IN PERU HAVE BEEN ABRUPT. INDEED, THE IDEA HAD SO LITTLE CURRENCY IN PERU IN 1987 AND 1988 THAT QUESTIONS ABOUT IT WERE NOT EVEN ASKED ON PUBLIC OPINION SURVEYS ABOUT DRUG PROGRAMS. BUT THE SHIFT IN THE FOCUS OF CONCERN IS NOW SO GREAT THAT MOST MEDIA DISCUSSION OF ANTI-DRUG PROGRAM CENTERS ON QUESTIONS RELATED TO CROP SUBSTITUTION AND THE EFFORTS NEEDED TO PREVENT COCA GROWERS FROM SUPPORTING TERRORISTS.

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UNCLASSIFIED

UNCLASSIFIED
UNCLASSIFIED

PAGE 01 LIMA 01008 11 OF 12 222124Z
ACTION INM-08

INFO LOG-00 ADS-00 AID-00 INR-05 OIC-02 IO-19 NSCE-00
ARA-00 NSAE-00 SSO-00 L-03 TRSE-00 PM-10 OMB-01
INRE-00 AGRE-00 CG-00 USIE-00 JUSE-00 FBIE-00 SP-02
DPR-01 /051 W
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O 222102Z JAN 90
FM AMEMBASSY LIMA
TO SECSTATE WASHDC IMMEDIATE 5210
INFO THE WHITE HOUSE//OVP//
AMEMBASSY BOGOTA
AMEMBASSY BRASILIA
AMEMBASSY LA PAZ
AMEMBASSY QUITO
AMEMBASSY BANGKOK
AMEMBASSY MEXICO
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DEAHQS WASHDC
USCINCSO QUARRY HEIGHTS PN//SCJ2/SCJ5/SCDC/SCFA//
DIA WASHDC
CIA WASHDC
CUSTOMS WASHDC
USMISSION USVIENNA

UNCLAS SECTION 11 OF 12 LIMA 01008

STATE FOR INM/P-AMATANO
OVP FOR NNBIS
DIA FOR DB-3C, OA-5, DB-5
USVIENNA FOR UNVIE MISSION
CIA FOR IDI/OGI/IND
DEA FOR OF, OI, AO, DO, AD
CUSTOMS FOR LA OPS, INTELLIGENCE ONLY
WHITE HOUSE FOR WILLIAM BENNETT

E.O. 12356:N/A
UNCLASSIFIED
UNCLASSIFIED

PAGE 02 LIMA 01008 11 OF 12 222124Z

TAGS: SNAR, PE
SUBJECT: 1990 INTERNATIONAL NARCOTICS CONTROL STRATEGY

UNCLASSIFIED

UNCLASSIFIED

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B.3. MAXIMUM ACHIEVABLE RESULTS: CORAH WAS SPECIFICALLY CREATED AND FUNDED TO MOUNT AN INTENSIVE CROP CONTROL STRATEGY AGAINST COCA CULTIVATION IN CONSONANCE WITH THE PEAH PROJECT. PEAH WAS DESIGNED TO ENCOURAGE LICIT AGRICULTURAL CROPS AS ALTERNATIVES TO COCA. IN FEBRUARY 1989, DETERIORATING SECURITY IN THE UHV FORCED THE STAND-DOWN OF ERADICATION OPERATIONS. SINCE THE RESUMPTION OF NARCOTICS INTERDICTION OPERATIONS IN SEPTEMBER, WORKING LEVEL GOP CONTACTS HAVE REPEATEDLY ASKED ABOUT THE OFFICIAL U.S. POSITION REGARDING COCA ERADICATION, AND HAVE URGED US TO CONCENTRATE PRIMARILY ON NEW GROWTH AND SEEDLINGS. HOWEVER, MOVING TO A SAFE, EFFECTIVE, AERIALLY-APPLIED HERBICIDE IS THE ONLY VIABLE WAY TO ACHIEVE RAPID AND EXTENSIVE SUCCESS IN ERADICATION.

AS THE RESULTS IN THE LATER PART OF 1988 DEMONSTRATED, MANUAL ERADICATION BASED ON IMPROVED SECURITY RELIABLE AIRLIFT, AND GOOD FLYING WEATHER COULD RESULT IN 12,000 TO 15,000 HECTARES OF COCA DESTROYED PER ANNUM. THIS RATE OF ERADICATION WOULD KEEP EXPANDED GROWTH IN CHECK, BUT MIGHT NOT PROVE POLITICALLY FEASIBLE. KEEPING A MANUAL ERADICATION PROGRAM ALIVE MEANS KEEPING AN EVENTUAL HERBICIDAL PROGRAM ALIVE. ANY TYPE OF ERADICATION CAUSES CONTROVERSY. THEREFORE, A SELECTIVE APPROACH, SEEKING TO ERADICATE 500 HECTARES PER MONTH, CONCENTRATED IN NEWLY CULTIVATED, SPARSELY POPULATED AREAS, COMBINED WITH AN ATTACK ON SEEDBEDS WOULD SEEM TO BE A POSSIBLE ALTERNATIVE.

B.4. METHODOLOGY FOR ESTIMATES
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A. THE FOLLOWING IS BASED ON CONSERVATIVE ESTIMATES AND AVERAGES.

-- COCA PLANT YIELD PER HECTARE IS 25 ARROBAS PER HARVEST (ONE ARROBA EQUALS 11.36 KGS). PERUVIAN COCA GROWERS AVERAGE FOUR HARVESTS PER YEAR. AVERAGE MANUAL YIELD PER HECTARE PER YEAR IS 1,000 KILOGRAMS.
DURING THE LAST THREE MONTHS OF 1988 AND JANUARY OF 1989, CORAH WORKERS, ARMED WITH BRUSH TRIMMERS AND MACHETES, ON A TYPICAL DAY (40 MACHINES, 90 MACHETES)

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COULD AVERAGE 100 HECTARES. DISCOUNTING WEATHER, MAINTENANCE AND SECURITY PROBLEMS, 20 DAYS PER MONTH OF WORK WOULD BE TYPICAL AND 24,000 HECTARES OF MATURE PLANTS POTENTIALLY ERADICATED IS THEORETICALLY POSSIBLE. HOWEVER, DUE TO THE UNCLEAR FUTURE OF THE MANUAL ERADICATION PROGRAM AND THE UNDETERMINED GOALS OF ANY HERBICIDE PROGRAM, A 6,000 HECTARES GOAL FOR 1990 IS MORE REALISTIC.

B. METHODOLOGY FOR PRODUCTION ESTIMATES

- 1 HECTARE YIELDS 1.14 METRIC TON OF DRY LEAF PER YEAR.
- 136 KG DRY LEAF YIELDS 1 KG COCA PASTE.
- 2.5 KG BASE YIELDS 1 KG COCAINE BASE.
- 1.0 KG BASE YIELDS 1 KG COCAINE HCL.

(THE LEAF FOR 1 HECTARE COULD PRODUCE 8.3 KG OF PASTE OR 3.3 KGS OF COCAINE BASE HCL)

C.1. STATISTICAL TABLES

SUMMARY FOR 1989 PRODUCTION

UNCLASSIFIED

UNCLASSIFIED
UNCLASSIFIED

UNCLASSIFIED

PAGE 01 LIMA 01008 12 OF 12 222124Z
ACTION INM-08

INFO LOG-00 ADS-00 AID-00 INR-05 OIC-02 IO-19 NSCE-00
ARA-00 NSAE-00 SSO-00 L-03 TRSE-00 PM-10 OMB-01
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AMEMBASSY BOGOTA
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AMEMBASSY QUITO
AMEMBASSY BANGKOK
AMEMBASSY MEXICO
AMEMBASSY SANTIAGO
DEAHQS WASHDC
USCINCSO QUARRY HEIGHTS PN//SCJ2/SCJ5/SCDC/SCFA//
DIA WASHDC
CIA WASHDC
CUSTOMS WASHDC
USMISSION USVIENNA

UNCLAS SECTION 12 OF 12 LIMA 01008

STATE FOR INM/P-AMATANO
OVP FOR NNBIS
DIA FOR DB-3C, OA-5, DB-5
USVIENNA FOR UNVIE MISSION
CIA FOR IDI/OGI/IND
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WHITE HOUSE FOR WILLIAM BENNETT

E.O. 12356:N/A
UNCLASSIFIED
UNCLASSIFIED

PAGE 02 LIMA 01008 12 OF 12 222124Z

TAGS: SNAR, PE
SUBJECT: 1990 INTERNATIONAL NARCOTICS CONTROL STRATEGY

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

HECTARES CULTIVATED	120,415	
HECTARES ERADICATED - (JANUARY ONLY)	1,285	
HECTARES HARVESTED	119,130	
HECTARES LEGALLY REGISTERED	17,913	
ILLICIT COCA LEAF HARVESTED	116,527	TONS
COCA LEAF SEIZED	32.2	TONS
COCA PASTE CONSUMED (LEAF EQUIVALENT)	136	TONS
COCA PASTE CONSUMED (ESTIMATED ACTUAL)	1	TON
COCA PASTE SEIZED (LEAF EQUIVALENT)	408	TONS
COCA PASTE SEIZED (ESTIMATED ACTUAL	3	TONS
COCA PASTE AVIALABLE FOR EXPORTATION (LEAF EQUIVALENT)	115,951	TONS
COCA PASTE AVAILABLE FOR EXPORTATION (ESTIMATED ACTUAL)	852	TONS

B. ESTIMATED TABLE FOR 1990 PRODUCTION (METRIC)

HECTARES CULTIVATED	132,457	
HECTARES ERADICATED	6,000	
HECTARES HARVESTED	126,457	
HECTARES LEGALLY REGISTERED	17,913	
ILLICIT COCA LEAF HARVESTED	108,544	
COCA LEAF SEIZED	100	TONS
COCA PASTE CONSUMED (LEAF EQUIVALENT)	136	TONS
COCA PASTE CONSUMED (ESTIMATED ACTUAL)	1	TON
COCA PASTE SEIZED (LEAF EQUIVALENT)	1,360	TONS
COCA PASTE SEIZED (ESTIMATED ACTUAL)	10	TONS
COCA PASTE AVAILABLE FOR EXPORTATION (LEAF ESTIMATE)	107,048	TONS

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COCA PASTE AVAILABLE FOR EXPORTATION (ESTIMATED ACTUAL)	787	TONS

NOTE: CULTIVATED HECTARAGE STATISTICS FOR 1989 COME FROM WASHINGTON (STATE 399948) AND WERE AGREED TO BY POST. CULTIVATED ESTIMATE FOR 1990 REFLECTS THE TRADITIONAL 10 PERCENT INCREASE. QUAINTON

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Over the past seven years, a limited number of persons and organizations have played a key role in supporting the FMLN/FDR in El Salvador and in opposing the democratic process in Central America. Disputes about the political coloration and agendas of certain Salvadoran organizations marked the early years of the El Salvador debate. Later evidence, however, has now exposed an array of some 11 front organizations created by the FMLN/FDR and linked to various counterpart organizations in the U.S. While many supporters of these U.S. counterpart organizations did so ostensibly in opposition to a repressive situation in El Salvador, the political solution of the FMLN/FDR front groups being supported was not democracy, but a Marxist-Leninist political system. Opposition to repression was simply a vehicle to mobilize U.S. support to achieve their concealed political goals.

A review of the leadership and affiliation of the U.S. organizations which have supported the FMLN/FDR front groups evidences a web of entanglement which involves a range of persons from members of the U.S. Communist Party (CPUSA) to well-intentioned activist individuals opposed to the non-democratic system which prevailed in El Salvador prior to President Duarte's election in 1984. A review of these U.S. FMLN/FDR support organizations suggests that many were, and some remain, under the control or influence of the CPUSA and that the CPUSA tried to inject itself into many organizations which did not share fully CPUSA objectives. In many instances, members of Congress endorsed organizations and activities without sufficient research into the nature of the organization or the backgrounds of the persons involved.

The ubiquitous Soviet front group, the World Peace Council, emerges as a link in the chain of organizations affecting U.S. policy toward El Salvador. The World Peace Council is controlled by the Soviet Committee for the Defense of Peace, which is a Moscow based "public" organization that receives direction and overall guidance from the Communist Party of the Soviet Union. The Committe is presided over by Genrikh Borovik who was identified during a London libel trial as a former agent of the Tenth Department of the KGB's Second Chief Directorate and brother-in-law of Vladimir Kyuchkov, head of the KGB's First Chief Directorate, responsible for all Soviet intelligence activities abroad.

The World Peace Council was headed until April 24, 1986, by Romesh Chandra, a member of the Central Committee of the Communist Party of India. In a reorganization of the WPC orchestrated by the International Department of the Communist Party of the Soviet Union (CPSU)(headed by former Soviet Ambassador to the U.S. Anatoly Dobrynin), Chandra was continued as WPC President. Effective control, however, was given to Finnish Soviet-line Communist Party member Johannes Pakaslahti

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Special Project (1993)

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who was elected to the restored position of Secretary General. Chandra was made WPC President in 1977 when the Secretary General position was abolished in a previous reorganization. Former Cuernavaca Bishop Sergio Mendez Arceo is Honorary President of the World Peace Council. Former Berkeley, California, Mayor Eugene "Gus" Newport appears as another link in the chain, serving as Vice Chairman of the World Peace Council, as Co-chairman of the World Peace Council U. S. affiliate, the U.S. Peace Council, and as Executive Director of the FMLN/FDR support group New El Salvador Today (NEST).

While mayor, Newport's political career was supported by Rep. Ron Dellums whose Eighth Congressional District includes Berkeley. In 1978 Representatives Dellums, John Conyers (D-MI), Don Edwards (D-CA), and Charles Rangel (D-NY) set up a World Peace Council leadership meeting in Washington, D.C. That meeting was attended by World Peace Council President Chandra, Oleg Kharkhardin of the CPSU Central Committee, and KGB Colonel Radomir Bogdanov. In 1981 Dellums, together with Representatives Conyers, Edwards, George Crockett (D-MI), Ted Weiss (D-NY), Mickey Leland (D-TX), and Mervyn Dymally (D-CA), organized a meeting in the Rayburn House Office Building for then World Peace Council Chairman Chandra to lobby members of Congress. In 1986 Rep. Dellums' Administrative Assistant Carlottia Scott attended the World Peace Council World Congress in Copenhagen on behalf of Dellums, who was listed as a member of the International Preparatory Committee of the Copenhagen Congress.

Newport's NEST organization provides support to the Popular Liberation Forces (FPL) faction of the FMLN, primarily through a sister city-type program that links Berkeley, California, with San Antonio Los Ranchos, Chalatenango; Cambridge, Massachusetts, with San Jose Las Flores, Chalatenango; Madison, Wisconsin, with Arcatao, Chalatenango and Baltimore, Maryland, with El Barillo, Cuscatlan. All four towns are in areas influenced by the FPL.

NEST's Board of Endorsers includes Representatives Dellums and Dymally, and, among others, SANE Executive Director David Cortright, Susana Cepeda (Rainbow Coalition/SANE/Women's International Democratic Federation/Washington D.C. Council of Hispanic Agencies), Bill Zimmerman (Chairman, Medical Aid to El Salvador (MAES)), Christina Courtright (President, MAES), Ed Asner (Board of Directors, MAES) and Blase Bonpane (founder and Director, Office of the Americas). Bonpane is a former Maryknoll priest and liberation theologian, who in 1982 was asked by Rosario Murillo, common-law wife of Daniel Ortega, to organize delegations of prominent Americans to visit Nicaragua. The Office of the Americas was created primarily for this purpose. In 1984 Bonpane organized a nine-city tour in favor of the Sandinista government that included Jackson Brown, Diane Ladd, and MAES-endorsers Mike Farrell and then-Georgia State Senator Julian Bond.

RELEASED
El Salvador: Human Rights
Special Project (1993)

Two key CPUSA members served together with Eugene "Gus" Newport on the U.S. Peace Council: Michael Myerson, a longtime Communist activist and member of the CPUSA Political Committee, and Alexandra "Sandy" Pollack of the CPUSA Central Committee. After helping to found the U.S. Peace Council in 1979, Myerson was named its Executive Director and Pollack the International Solidarity Coordinator. Pollack died in a plane crash in Cuba on January 19, 1985, while en route to Managua. In addition to her U.S. Peace Council role, Pollack was a founding member in 1980 of the Committee in Solidarity with the People of El Salvador (CISPES).

After helping to found the U.S. Peace Council in 1979 and CISPES in 1980, CPUSA member Pollack helped found the World Front in Solidarity with the People of El Salvador, in Mexico City in 1982. Another founder and first President of the World Front was Bill Zimmerman, who, in 1981, had founded Medical Aid to El Salvador patterned after his previous organization Medical Aid to Indochina which provided aid to the North Vietnamese and Viet Cong. After Zimmerman was elected President of the World Front, Pollack was assigned to the Permanent Bureau of the World Front together with Honorary World Peace Council President former Cuernavaca Bishop Sergio Mendez Arceo. In addition to his World Peace Council and World Front activities, Msgr. Mendez Arceo established a reputation as a fundraiser and manager of FMLN bank accounts in Mexico. Heidi Tarver, National Coordinator of CISPES, was named a member of the Executive Secretariat of the World Front. Tarver also appears on letterhead as one of the original endorsers--together with Msgr. Mendez Arceo--of the "Salvadorean Humanitarian Aid, Research and Education Foundation" (SHARE), founded in 1981.

Rep. Dellums' Administrative Assistant Carlottia Scott figures as another link in the chain of FMLN/FDR support organizations. Scott travelled to El Salvador April 25-May 4, 1986, under New El Salvador Today auspices. In addition to her participation in World Peace Council activities, Scott's other involvement with leftist groups in the hemisphere was well established in documents captured following the death of Grenada's New Jewel Movement leader Maurice Bishop and the subsequent U.S. liberation of the island.

On July 10, 1986, Carlottia Scott and NEST Director Tracey Schear (Newport's number two in the organization) spoke at a Capitol Hill cocktail "to welcome New El Salvador Today to Washington, D.C." The sponsors of the NEST gathering were Representatives Dellums, Dymally, and Conyers and the National Rainbow Coalition, Inc., together with David Cortright (Executive Director, SANE), Hilda Howland (Member-at-large, Council of the District of Columbia); Lindsay Mattison

RELEASED
El Salvador: Human Rights
Special Project (1993)

(Executive Director, Center for Development Policy and member of the NEST Board of Endorsers), Melinda Rorick (Director, International Section, Commission on U.S.-Central American Relations) and Marcus Raskin, (Senior Fellow, Institute for Policy Studies).

Rep. Dellums' and his Administrative Assistant Scott's involvement with Sandy Pollack, Rev. Phil Wheaton and others in the establishment of CISPES was documented with the capture of the diary belonging to Farid Handal, brother of Salvadoran Communist Party General Secretary Shafik Handal and head of the Commission for Finance of the FMLN's United Revolutionary Directorate (DRU). The diary recorded Farid Handal's use of Dellum's Congressional offices when Handal coordinated with Sandy Pollack and members of the Washington, D.C. chapter of the CPUSA on the establishment of the Committee in Solidarity with the People of El Salvador (CISPES) in February 1980. Farid Handal's diary concerning his visit to establish CISPES in 1980 states the following :

> "The comrades of the Cuban Mission had recommended Juan Ferreira, from Uruguay. I contacted him at WOLA (Washington Office on Latin America). He helped me at WOLA and at the National Council of Churches....
>
> "I contacted Isabel Letelier who had prepared a seminar at the Institute for Policy Studies of Washington. The seminar would be based on a talk by Napoleon Gonzalez, which had already been announced. Gonzalez was in Washington at the invitation of Amnesty International. Napoleon Gonzalez had already spoken at WOLA, at which time he had mainly covered the situation of his newspaper and his person as objects of repression. Isabel Letelier informed me that at the last moment Napoleon had declined participation saying he was leaving for Los Angeles. Because of this Isabel asked that I take over the talk. I agreed, of course. It took place Monday from 12:30 until 3:00 PM.
>
> "That same Monday at 4:00 PM the meeting with Congressman Dellums and his work team took place. At the beginning of the meeting which took place in the offices of the Congressman located in the Capitol building, his political counselor (comment: Carlottia Scott) made known that my visit could not have arrived at a better moment."

The U.S. Peace Council appears listed as a member of the Advisory Council of CISPES. According to a February 19, 1987 statement, other CISPES endorsers include Rep. Mike Barnes' replacement as Western Hemisphere subcommittee chairman Rep. George Crockett, David Cortright (Executive Director, SANE),

RELEASED
El Salvador: Human Rights
Special Project (1993)

Eugene "Gus" Newport (Executive Director, NEST), Jack O'Dell (listed as International Affairs Advisor to Rev. Jesse Jackson, Rainbow Coalition), Rev. William Boteler (Superior General, Maryknoll Fathers and Brothers), Dave Dellinger (listed as a member of the Vermont Rainbow Coali- tion) and Haskell Wexler. In the original CISPES endorsement, only Crockett's name appeared. Subsequently, CISPES was endorsed by Representatives Dellums, Conyers, Dymally, and Leland.

In addition to his CISPES endorsement, Haskell Wexler also appears listed as an endorser of Blase Bonpane's Office of the America's and as a fundraiser for the tax-exempt Central America Media Education Project. Wexler, a radical film-maker, circulated a fundraising letter on behalf of the Central American Media Education Project that said the Media Project "works with" Witness for Peace, Medical Aid for El Salvador, the Washington Office on Latin America (WOLA), the National Sanctuary Defense Fund, the Christic Institute, the Institute for Policy Studies "and dozens of others."

Two members of the Central America Media Education Project Board of Directors also appear listed as Board Members of the San Francisco-based anti-Contra group Neighbor-to-Neighbor. The latter group works closely with the Committee of Concern for Central America, an anti-Contra group headed by Mike Farrell, who also appears as a fundraiser for Medical Aid for El Salvador. Rosarillo Murillo is reported to have been involved in facilitating the formation of the Committee of Concern. Neighbor-to-Neighbor and the Committee of Concern, produced in 1985 a controversial documentary entitled "Faces of War."

The Arca Foundation of Washington, D.C., which funds the Committee of Concern, also funds the Central America Media Education Project. The head of the Arca Foundation is also a member of the Board of Directors of the Media Education Project.

According to Wexler's fundraising letter, the Central America Media Education Project (though a registered not-for-profit organization) is actually run by Fenton Communications, formed January 8, 1982 by former 1970's White Panther Party radical and Rolling Stone magazine Staffer David S. Fenton. Fenton Communications' Washington office is headed by Nick Allen, formerly Executive Director of Neighbor-to-Neighbor and Executive Producer of the "Faces of War" documentary. Wexler's letter states that Fenton and Allen directly supervise "the day-to-day work of the Media Project" which Fenton Communications "carries out."

RELEASED
El Salvador: Human Rights
Special Project (1993)

According to Wexler, under the rubric of the Media Education Project, Fenton Communications contacts journalists "to pitch our story ideas." Since its inception, Fenton Communications has registered under the Foreign Agents Registration Act to represent the Sandinista Government, the Grenada Government of Maurice Bishop and the Marxist-Leninist MPLA Government in Angola. During the 1984 Presidential elections in El Salvador, Fenton Communications contacted journalists to provide them with numbers to contact FMLN/FDR officials for press interviews. Fenton Communications and Neighbor-to-Neighbor are both involved in "Countdown '87," a lobbying effort aimed at defeating further assistance to the Nicaraguan Democratic Resistance.

Members of Jesse Jackson's Rainbow Coalition feature prominantly in several of the related FMLN/FDR support organizations. Jack O'Dell, International Affairs Advisor; Susana Cepeda, then-Latin American Affairs Advisor; and Suzanne Ross are only a few of the Rainbow Coalition members whose names appear as endorsers of these groups. Suzanne Ross, in addition to her Rainbow Coalition activities served as National Coordinator for Organizational Relations for CISPES. Cepeda has had several incarnations, most recently as Director of the Council of Hispanic Agencies of Washington, D.C. In 1978 Cepeda attended the World Peace Council leadership meeting in Washington, D.C., set up by Representatives Dellums, Conyers, Edwards, and Rangel, participating as a member of the "Women's International Democratic Federation," whose U.S. branch is controlled by the CPUSA. Cepeda also has served as a member of SANE under Executive Director David Cortright, and as a member of the Board of Endorsers of NEST. David Cortright, on the Board of Endorsers of both NEST and CISPES, is an active participant in the U.S. Peace Council under Eugene "Gus" Newport.

Bill Zimmerman, following on his Viet Nam experience and his management, in 1976, of Jane Fonda's husband Tom Hayden's unsuccessful Senate race, founded Medical Aid to El Salvador (MAES) in 1981, with the endorsement of actors Ed Asner, Mike Farrell, and Martin Sheen, who also appears on letterhead as an endorser of Blase Bonpane's Office of the Americas. Zimmerman appears, together with former MAES President Christina Courtright, on Newport's NEST letterhead as a member of the Board of Endorsers.

Several members of Congress including Rep. Ron Dellums and Rep. John Conyers, and then Representative, now Senator Tom Harkin, have endorsed MAES since its founding, sending out fundraising circulars under private official congressional letterhead.

RELEASED
El Salvador: Human Rights
Special Project (1993)

Senator Harkin currently serves as Co-chair of the Center for International Policy, headed by former U.S. Ambassador to El Salvador Robert White. The Center for International Policy and the Center for Defense Information are creations of the Fund for Peace, which was founded in 1967. Board of Trustees of the Fund include leftist philanthropist Stewart Mott and Susan Horowitz, both of whom also serve on the Board of Advisers of White's Center for International Policy. Caleb Rossiter, a staff member of the Congressional Arms Control and Foreign Policy Caucus appears on the letterhead as a fellow on the staff of White's Center for International Policy.

In addition to serving as head of the Center for International Policy, former Ambassador White is also head of the Commission on U.S.-Central American Relations, established in 1982 as a project of the Center for Development Policy, itself established in 1977 by members of the Institute for Policy Studies. Lindsay Mattison, Executive Director of the Center for Development Policy is a member of the NEST Board of Endorsers. As noted earlier, Mattison, Melinda Rorick (Director, International Section of the Commission on U.S.-Central American Relations) and Marcus Raskin (Institute for Policy Studies) were among the sponsors of the July 10, 1986 reception for NEST. That reception was held at the Washington, D.C. home of Stewart Mott.

The Commission members include, among others, David Cortright (Executive Director, SANE/U.S. Peace Council/NEST), Bill Zimmerman (World Front in Solidarity with El Salvador/MAES/NEST), Ed Asner (MAES/NEST), Martin Sheen (MAES/Office of the Americas), Charlie Clements (MAES, Salvador Medical Relief Fund/Office of the Americas), Frances Parenthold (CISPES endorser), Noam Chomsky (CISPES endorser), George Wald (CISPES endorser), Joe Eldridge (WOLA), John H. Coatsworth (NEST endorser), and Richard Feinberg (Institute for Policy Studies).

Charles Clements, a medical doctor who wrote Witness to War about time spent with the FMLN guerrillas, appears listed as an endorser of both MAES and Bonpane's Office of the Americas. Clements is a fund-raiser for Salvadoran Medical Relief Fund (SMRF), another FMLN/FDR support group. A 1986 CISPES "El Salvador Alert" article urged that funds be raised for NEST, MAES, and the Salvadoran Medical Relief Fund--with funds payable through CISPES.

Another MAES Board of Directors member is Joan Anderson, a member of the National Lawyers Guild which is considered controlled by the International Association of Democratic

RELEASED
El Salvador: Human Rights Special Project (1993)

Lawyers, another Soviet front organization similar to the World Peace Council. Marc Van der Hout appears on the letterhead of NEST as "President, National Lawyers Guild."

SHARE's Executive Director Eileen Purcell was associated for eight years with the Catholic Social Services office of the San Francisco Archdiocese headed by Archbishop Quinn, where she also served as representative for the American Friends Services Committee on the pro-Sandinista Emergency Response Network together with Rep. Ron Dellums' Administrative Assistant Carlottia Scott and William Wipfler, Director of the Human Rights Office of the National Council of Churches. On June 21-26, 1986, Wipfler served as Delegation Coordinator for an "International Ecumenical Delegation Visit to El Salvador" made up of seven clergymen including Dr. Jorge Laura Braud, of the Presbyterian Church (USA), Professor at San Francisco Theological Seminary, in representation of the National Council of Churches (USA).

Laura Braud appears on letterhead among the original endorsers of SHARE, together with Msgr. Mendez Arceo, Rep. Ron Dellums, Rep. Robert Garcia, former-State Senator Julian Bond, Detroit Archbishop Thomas Gumbleton, former Attorney General Ramsey Clark, and journalist I.F. Stone. The original Board of Directors included Isabel Letelier of the Institute for Policy Studies (IPS) and Larry Birns of the Council on Hemispheric Affairs (COHA).

On May 14, 1986, now-former Representative Mike Barnes, then Chairman of the House Foreign Affairs Committee Western Hemisphere Subcommittee, held hearings on "The Air War and Political Developments in El Salvador." The campaign for the hearing originated with CISPES and was the subject of articles in the CISPES publication "El Salvador Alert." Among the persons testifying at the hearing were: Rep. John Conyers, then-Berkeley mayor Eugene "Gus" Newport (NEST), and Eileen Purcell (SHARE, representing Archbishop John R. Quinn of San Francisco). Rep. Dellums' Administrative Assistant Carlottia Scott submitted a written statement "regarding her recent trip to El Salvador as a member of a delegation sponsored by New El Salvador Today (NEST)." Rep. Conyers thanked the Committee for allowing him to bring Mayor Newport to the hearing.

Another witness at the Barnes' committee hearing was Michael Urquhart, Co-chairman of the Washington Area Labor Committee on Central America and the Caribbean, and President of Local 12 of the American Federation of Government Employees (AFGE). Urquhart played a prominent role in organizing U.S. labor participation in the November 22-23, 1986, "In Search of

RELEASED
El Salvador: Human Rights
Special Project (1993)

Peace Conference" organized by the FMLN labor front National Organization of Salvadoran Workers (UNTS) in San Salvador. Urquhart placed in the record of the Barnes' hearing a tract from an April 3-5, 1986, UNTS meeting. While Susana Cepeda, David Cortright, Br. Joseph Nangle and Mike Urquhart denied during the 1986 conference that UNTS was affiliated with the FMLN/FDR, UNTS spoke out directly in favor of the FMLN/FDR during the October 4-5, 1987, dialogue between the FMLN/FDR and the Government of El Salvador. The position laid out in the UNTS document submitted to the Barnes hearing was identical to the FMLN/FDR position. The demonstrations during the dialogue in favor of the FMLN/FDR, recorded and reported by the international media, were led by Marco Tulio Lima, head of UNTS. During the dialogue, UNTS members carried red flags, chanted in favor of the FMLN/FDR, and demanded a "peoples government." Subsequent articles written in the University of El Salvador newspaper by university organizations which are members of UNTS confirmed the relationship.

The organizers of the "In Search of Peace Conference" were Francisco Acosta, a member of the Salvadoran Armed Forces of National Resistance (FARN/FAPU)-controlled labor federation FENASTRAS and representative of UNTS in the United States and Susana Cepeda, both of whom appear on the Conference letterhead as Conference Directors. Acosta is housed at 1300 Connecticut Avenue, the Machinists Union building, in Washington, D.C. FENASTRAS has observer status with the Moscow-line World Federation of Trade Unions (WFTU) headquartered in Prague, Czechoslovakia. Only two U.S. labor officials attended the November 13-15, 1986, FENASTRAS conference in San Salvador, one of them, Jerry Oliveira of the International Association of Machinists, endorsed FENASTRAS by allowing his name to be placed on a FENASTRAS newspaper ad.

Acosta works closely in Washington, D.C., with America Soza, head of the U.S. office of the FMLN/FDR human rights front group organization Comadres, which won the 1984 Robert F. Kennedy Human Rights Award. According to FMLN/FARN defector Violeta Jovel, who was serving at the time as head of Comadres' Propaganda Commission, the Kennedy prize money went to the FMLN/FARN bank accounts in Mexico. The competition for that award was conducted by persons affiliated with, among others, the Institute for Policy Studies, which is financed by Cora Weiss, an heiress, benefactor of the Riverside Memorial Church's pastor Rev. William Sloane Coffin, and Director of the Church's Disarmament Program.

RELEASED
El Salvador: Human Rights
Special Project (1993)

Among her other activities, Weiss funds the pro-Castro lobbying group NACLA (North American Congress on Latin America) and appears as a sponsor of SHARE. In 1977 Weiss funded a counter-ad to Joan Baez' "Appeal to the Conscience of Viet Nam." Weiss' ad was signed by, among others, CISPES-endorser Dave Dellinger of "Liberation" magazine and Richard Barnet of the Institute for Policy Studies. Michael T. Klare, a well-known NACLA member is also an "associate fellow" of the Institute for Policy Studies.

Among those appearing as endorsers of the 1986 UNTS "In Search of Peace" conference are: Jesse Jackson, Cora Weiss, CISPES, Ed Asner, Chicago Mayor Harold Washington, the Washington Area Labor Committee on Central America and the Caribbean (Mike Urquhart), David Cortright (SANE), Blase Bonpane (Office of the Americas), Archbishop Thomas Gumbleton, the United States Student Assciation (known as a front of the CPUSA), Br. Joseph Nangle (then-Director, National Conference of Superiors of Men) and Rev. William Sloane Coffin (Riverside Memorial Church). Sloane Coffin had given the eulogy for CPUSA Politburo member Sandy Pollack at the Riverside Church memorial service after her death in Cuba on January 15, 1985. Congressional sponsors of the UNTS Conference appearing in an ad in San Salvador papers December 19, 1986 included Representatives Conyers, Dellums, Dymally, Edwards, plus David Bonior (D-MICH), Michael Espy (D-MISS), Charles Hayes (D-ILL), Edward Markey (D-MASS), and Delegate Walter Fauntroy (D-DC).

Br. Joseph Nangle appears on letterhead as one of the original endorsers of CISPES. Nangle is mentioned in the October 10, 1987, press as "one of 10 American church activists who tried to accompany (Salvadoran) refugees from their camp in Honduras" to El Salvador. While organized by the refugees, the return movement was affected by two FMLN front groups, the Christian Committee for the Displaced (CRIPDES) and the National Repopulation Coordinator (CNR), which organized foreign participation in the event both in Honduras and El Salvador through SHARE. In a November 1985 publication, SHARE established its direct working relationship with and support for CRIPDES. CNR is an offshoot of CRIPDES, which, in turn, is a member of the FMLN/FDR labor front UNTS. A flyer produced by an organization calling itself "U.S. Interfaith Committee in Support of the Refugees of Mesa Grande" requested that tax-deductible contributions be sent to "Going Home/SHARE Foundation;" P.O. Box 21, Cardinal Station, Washington, D.C. 20064. The "Interfaith Committee" is coordinated by Jose Escobar of the "U.S. Office for Human Rights in El Salvador," (P.O. Box 14303; San Francisco, California) which is affiliated with FMLN/FDR front groups CRIPDES and the Non-Governmental Human Rights Commission (CDHES-NG). The leader of the

RELEASED
El Salvador: Human Rights
Special Project (1993)

ten-member Interfaith/Going Home delegation was San Francisco Bishop Gustav Shultz of the Association of Lutheran Evangelical Churches who also appears on the letterhead as an endorser of the 1986 UNTS "In Search of Peace" conference. Among others signing a paid ad that ran October 15, 1987, in San Salvador newspapers supporting the Mesa Grande repatriation to Berkeley "sister city" San Antonio Los Ranchos was Lori Hancock, who replaced Eugene "Gus" Newport as mayor of Berkeley; and Congresswomen Barbara Boxer (D-CA) and Nancy Pelosi (D-CA).

Many of the persons involved in these organizations came together during the April 25, 1986, Mobilization Actions for Peace, Jobs and Justice in Central America and South Africa. The Convenor of the Mobilization was David Reed, Director of the 60-member organization Coalition for a New Foreign and Military Policy (in 1981, the Coalition denied entry to the U.S. Peace Council in an 18-4 vote to ensure that its decisions were "not influenced by organizations that may have associations with a foreign power"). CPUSA politburo member Sandy Pollack had served as "labor liaison" for the 1982 New York disarmament rally, and was involved in putting together the coalition for the April 20, 1985, "Actions" before her January 19, 1985, death in Cuba. The Steering Committee for the April 25, 1986, Mobilization included, among others, David Cortright (SANE), the American Federation of Government Employees (AFGE), CISPES, the Rainbow Coalition, Witness for Peace, the National Council of Churches, and the Inter-Religious Task Force on Central America, which, in 1981, published a background paper which states "the majority of the people of El Salvador have chosen to unite under the leadership of the FDR, recognizing it as their legitimate representative." The Inter-Religious Task Force also appears as an endorser of the 1986 UNTS "In Search of Peace" conference.

The Mobilization Program Committee, which selected the speakers for the event, included Jack O'Dell (Rainbow Coalition), Angela Sanbrano (Executive Director, CISPES), Leslie Cagan (Mobilization for Survival), David Dyson (Head of the Union Label Department of the Almagamated Clothing and Textiles Workers Union and of the National Labor Committee for Democracy and Human Rights in El Salvador), Sister Maureen Fiedler of the Quixote Center, Rob Jones of the American Committee on Africa, and George Chauncey of the Presbyterian Church.

RELEASED
El Salvador: Human Rights
Special Project (1993)

Selected to speak at the Mobilization were Rev. Jesse Jackson (Rainbow Coalition), Bishop Thomas Gumbleton (SHARE endorser), Ed Asner (Board of Directors of Medical Aid to El Salvador), AFGE President Kenneth Blaylock (UNTS conference endorser), and Eleanor Smeal, then-President of the National Organization for Women.

In addition to its support for the various mobilizations, the National Council of Churches finances the Ecumenical Program for Inter-American Communication and Action (EPICA) which is run by Rev. Phil Wheaton. Wheaton was a founding member of CISPES in 1980 together with Sandy Pollack. Wheaton accompanied Farid Handal during the West Coast portion of his 1980 trip to set up CISPES. Wheaton is a member of Christians for Socialism, a frequent contributor to Philip Agee's "Counter-spy" publication and also was an endorser of the UNTS "In Search of Peace" conference and as a sponsor of MAES. The National Network in Solidarity with the People of Nicaragua (Nicaragua Network), a Sandinista-sponsored public relations operation, was originally established in Wheaton's EPICA offices. In 1983, EPICA published an attack on AFL-CIO policies in Central America and accused Mike Hammer, one of two AFL-CIO land reform officials killed by a right-wing death squad in San Salvador on January 3, 1981, of being an agent of the CIA. EPICA was also involved in 1981 in the distribution of a forged State Department dissent document. CISPES' tax exempt Institute for Effective Action was patterned after the Nicaragua Network's Humanitarian Aid for Nicaraguan Democracy (HAND) tax exempt foundation. Wheaton travelled to El Salvador November 20, 1987, as part of a Central American Refugee Network (CARNET) sanctuary movement delegation.

The overlapping membership in these organizations by these individuals demonstrates just how few persons have been at the heart of the FMLN/FDR support network in the United States. Membership affiliations also suggest a higher degree of penetration by the CPUSA than is generally recognized. Through fraternal relations between the Communist Party of El Salvador and the CPUSA, and through front organizations such as the World Peace Council and its U.S. affiliate the U.S. Peace Council, the FMLN/FDR has sought to manipulate U.S. public opinion against U.S. support for the democratic process in El Salvador. Instruments include the World Front in Solidarity with the People of El Salvador, CISPES, NEST, MAES, SMRP, Office of the Americas, and SHARE--with the support of a small handful of members of Congress who have endorsed these organizations, including the current Chairman of the House Western Hemisphere Affairs Subcommittee, Rep. George Crockett.

RELEASED
El Salvador: Human Rights
Special Project (1993)

Notwithstanding actions taken to close the Palestine Liberation Organization Information Office in Washington, D.C., the FDR Solidarity Information Office (Box 2793 New York, N.Y. 10163), Comadres (Box 21299 Washington, D.C. 20009-0799) and UNTS/FENASTRAS (1300 Connecticut Avenue, Room 808, Washington, D.C. 20036) continue to function as foreign agents for the communist Salvadoran guerrillas of the FMLN/FDR--with the help of a number of U.S. support organizations.

RELEASED
El Salvador: Human Rights
Special Project (1993)

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RELEASED
El Salvador: Human Rights
Special Project (1993)

DEPARTMENT OF STATE
WASHINGTON

MEMORANDUM FOR: THE PRESIDENT

FROM: The Acting Secretary

SUBJECT: Presidential Report to Congress and Determination on Military Assistance to El Salvador.

ESSENTIAL FACTORS

Pursuant to the requirements of the FY91 Foreign Operations Act that the President submit a report to Congress on El Salvador sixty days after the date of enactment (November 5), the attached report and accompanying documents are provided.

According to the Act, the report must describe, in part, the willingness of the Government of El Salvador and the FMLN to negotiate seriously and in good faith for a settlement to the conflict in El Salvador, including a ceasefire. The Act also provides that the withheld portion of military assistance may be released if the President determines that the FMLN has engaged in certain activities described in the legislation. Conversely, the Act also provides that all military assistance to El Salvador must be cut off if the President determines that the government has engaged in certain activities.

The attached report supports making a presidential determination to release the withheld portion of the assistance. Since November 5, the FMLN has launched an offensive that has caused hundreds of civilian casualties; it has escalated the intensity of the conflict by successfully employing surface-to-air missiles; and it has continued to receive lethal military assistance from outside El Salvador. While the government's conduct has not been wholly satisfactory, it has made progress in the investigation and prosecution of the Jesuit case, and we believe that there is an ample basis to make the determinations regarding FMLN conduct without making any regarding the conduct of the government.

Our preliminary consultations with Congress indicate strong bipartisan support for this approach, as well as some warnings against immediate release. Senator Richard Lugar, ranking Republican on the Western Hemisphere Subcommittee, said he favored the 60 day delay because, "it would be a mistake to risk a polarizing debate over El Salvador at the very moment we are going

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El Salvador: Human Rights
Special Project (1993)

to have a difficult debate over the Gulf." Senator Pat Leahy, Chairman of the Foreign Operations Subcommittee and co-author of the legislation, said he could "live with" release of the money if coupled with a 60 day delay, as proposed. Representative David Obey, Senator Leahy's House counterpart, has suggested through staff consultations that he may zero out FY92 military assistance if we simply release the money immediately. Representative Joseph Moakley, Chairman of the Rules Committee, opposes any determination to release the money, even if there is a 60 day withholding, but said he could "live with" this approach, if necessary.

RECOMMENDATION

The Department of State recommends that you sign the attached determination regarding the FMLN, but refrain from obligating the funds for a period of 60 days. El Salvador's Ambassador favors such a determination with delayed release of funds. President Cristiani told Ambassador Walker on January 8 that he also supports our strategy of releasing the funds, but holding them back to put pressure on the FMLN at the bargaining table. By making the determination, you send a clear signal to the FMLN that their continued militancy is unacceptable. By refraining from obligating the money which is not currently needed militarily for a set period, we allow time for the negotiations to produce a ceasefire before the Salvadoran legislative elections in March. At the same time, the threat of resumed military assistance provides leverage over the FMLN to remain at the negotiating table.

I would stress also that withholding release of these funds for 60 days will have no negative effect on El Salvador's security. The Administration has just obligated $48 million in military assistance to El Salvador on an expedited basis. It would be extremely difficult to channel additional amounts in the next 60 days. (We have never spent El Salvador's military assistance that rapidly in the past). Moreover, your determination, as we recommend it, states clearly that should the security of either El Salvador or of American citizens require it, you would not hesitate to release the additional aid immediately without waiting for the 60 day period to elapse. We believe strongly that such a formulation will put maximum pressure on the FMLN while maintaining the moral and political high ground for the Administration on the issue of peace and negotiations.

If you concur, we would provide your signed determination, and the enclosed report and justification, to the Congress.

ATTACHMENTS:

TAB (A) - Report to Congress
TAB (B) - Draft Transmittal Letters
TAB (C) - Draft Presidential Determination
TAB (D) - Draft Justification
TAB (E) - Draft Press Guidance

RELEASED
El Salvador: Human Rights
Special Project (1993)

Report on El Salvador
Required Under the Foreign Assistance Appropriations Act of 1991

January 1991

Negotiations

In his inaugural address on June 1, 1989, President Cristiani called for talks between the Government of El Salvador (GOES) and the guerrillas of the Farabundo Marti National Liberation Front (FMLN). Direct talks were held in September and October 1989. Further rounds were scheduled for November and December, and the GOES sent a negotiating team to Caracas in November, but the meeting did not take place when the FMLN launched a major offensive into San Salvador, which claimed 3,500 lives.

In December 1989, President Cristiani, joined by the other Central American presidents, called for the UN Secretary General to assist in peace talks. Representatives of the GOES and the FMLN met in Mexico City in March 1990 for preparations and in Geneva in April to begin UN-sponsored talks. The GOES proposed an immediate ceasefire under international supervision. The FMLN took the position that a ceasefire could not be agreed upon until political issues had been resolved. The parties agreed in May in Caracas that the "initial objective" of the talks was to achieve political accords on the armed forces, human rights, the judicial system, the electoral system, constitutional reform, social and economic problems, and UN verification of agreements in order to reach a ceasefire agreement by mid-September. After a ceasefire, negotiations are to continue on implementation of the political accords.

Subsequent talks have focused on human rights and military reform. The FMLN in June proposed that certain armed forces elements be dissolved, the officer corps be purged of certain individuals, and that "exemplary prosecutions" take place in four cases of human rights abuses. The government put forward a proposal for restructuring the armed forces and security forces upon a ceasefire leading to cessation of the conflict. This proposal included: (a) separation of the police and military forces and strengthening civilian control; (b) reduction of the armed forces to at least prewar levels; (c) the dissolution of certain units on a phased basis to begin upon declaration of a ceasefire; (d) acceptance of exemplary prosecution in the four cases proposed by the FMLN as well as in four cases attributed to the guerrillas; and (e) a prompt and systematic examination of the professional qualifications of all military officers, including their human rights performance. During the talks, the government has moved several officers with unsatisfactory records on human rights out of command positions.

Starting with the July round, the government requested that the UN mediator put forward proposals on armed forces reform as a means of breaking the impasse that had developed. The FMLN refused to consent to such active mediation on the armed forces issue.

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El Salvador Human Rights
Special Project (1993)

In July, the two sides signed an agreement on human rights drafted by the UN and agreed to support the establishment of a UN human rights monitoring commission. In September, the parties agreed that the UN human rights monitoring commission should begin its work immediately. The UN has indicated, however, that the monitoring will not begin until both parties agree to a ceasefire, although it has agreed to set up an office to prepare for an eventual monitoring commission.

In August the FMLN tabled a new proposal on military reform which contained more extensive demands than did its previous position. It called for the dissolution of the armed forces, the removal of all colonels and generals, and trials and punishment in thousands of cases of alleged human rights abuses.

In September the FMLN said that it was not prepared to discuss active UN mediation or the issue of armed forces reform, but was prepared to discuss: access by journalists to conflictive zones; formation of a joint FMLN-GOES commission to look into the investigation of the Jesuit murder case; provision to the FMLN of a purported National Intelligence Directorate investigation of the Romero killing; inclusion of national and international public opinion at the negotiating table; and the effort within the UN Security Council to pass a resolution on the talks. The government suggested forming working groups on specific issues, extending the talks by several days, and meeting again in two weeks, rather than the customary four-week interlude between rounds. The FMLN rejected the proposals and insisted on meeting again in six weeks.

In September, while in New York for a meeting with UN Secretary General Perez de Cuellar, FMLN delegation members Shafik Handal, Salvador Samayoa, Mercedes de Carmen Letona and Miguel Saenz made the following comments regarding the peace talks to a group of Americans: "The negotiation doe· not have a lot of admirers, particularly not among you. But we have to view it as a very important political instrument for the change of the correlation of forces in the country. Everything they offer; we say it is not enough; we want more. So now we have reached an impasse. It has been very important for us that it be projected as an impasse in order to counteract the publicity campaign of the government (intended to) project an image of great will towards peace, of the possibility of peace being at hand. We then did what we had to do. We devised a scheme of failure and deadlock and we were able to avoid the deadline that we had for the middle of September. We are now going to be able to play it more at ease during the negotiation."

In October the FMLN dropped its refusal to consent to active UN mediation on the armed forces issue, and ideas emerged which both parties indicated could serve as the basis for further negotiation. On November 20 the FMLN began a military offensive which continued until December 28, when the FMLN announced a "suspension" of the offensive for December 31. No further face-to-face meetings between the parties occured until January 3.

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El Salvador: Human Rights
Special Project (1993)

The Interparty Dialogue Commission

The Interparty Dialogue Commission (IPDC), made up of representatives of all nine registered political parties, (including those with political ties to the FMLN) reached agreement on an electoral reform proposal on September 17, the day the September round of government-FMLN talks was scheduled to adjourn. The government suggested that the sides remain in session to ratify the accord. The FMLN refused. Among other provisions, the IPDC agreement would raise the number of National Assembly deputies to 84 from the current 60, with 20 members elected from a national list, extend the voter registration deadline, and regulate campaign access to the electronic information media. The changes are designed primarily to help opposition political parties. Most of the key reforms have been passed into law, although the provisions on campaign spending on the media were not passed by the Assembly, and some IPDC participants have objected to this failure.

FMLN Receipt of Lethal Military Assistance

On November 22 the guerrillas began using sophisticated SA-14 surface-to-air missiles, shooting down two GOES aircraft to date. The use of the missiles significantly escalates the conflict. It also allows the guerrillas to operate in larger units and maintain contact with government forces for longer periods.

On November 22 the firing tube from an expended SA-14 missile was found in the area where one of the aircraft was shot down on November 23. The Government of the Soviet Union subsequently confirmed to the United States that the missile had been supplied to the Sandinista Popular Army (EPS) in Nicaragua in February 1986. On January 2, 1991 the EPS issued a communique stating that four Sandinista military officers and eleven Salvadoran citizens had been arrested for illegal arms trafficking of: six SA-14 firing mechanisms, sixteen SA-14 rockets, two SA-7 firing mechanisms, and twelve SA-7 rockets. The communique stated that the weapons had been sold in Managua in October 1990 for "thousands of dollars" to FMLN leader Joaquin Villalobos and another FMLN representative identified as "Rodrigo". The EPS also confirmed the Soviet information that the captured missile tube had been provided to the EPS by the USSR and announced the creation of a Soviet/EPS commission to look into the illegal diversion.

In July 1990, two FMLN members were arrested in Managua by Nicaraguan authorities after a search of their vehicle revealed 20 hand grenades and 7 rocket-propelled grenade rounds. On August 27, 1990 a van driven by a Frenchwoman was stopped by Honduran troops as it entered Honduras from Nicaragua carrying: 229 81mm mortar tails with charges, 28 bags with 30 charges each for 81mm mortars, and 80 packages with 10 charges each for 81mm mortars. The van was also carrying FMLN battle plans, code books, transmission manuals, falsified identification documents, and 4 plotting boards for 81mm mortars. FMLN attacks in Usulutan during

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El Salvador: Human Rights
Special Project (1993)

their November 1990 offensive closely followed the plans captured.

The FMLN's heavy expenditure of ammunition during the offensive launched on November 20, 1990 indicates that they do not foresee shortages of ammunition for their Soviet- and North Korean-made weapons. We also have not had any reports of significant logistical problems, as we have received in the past when the guerrillas have begun to run low on ammunition.

The FMLN has no source of supply in El Salvador for their Soviet-style weapons and relies on external support for ammunition and other materiel. This support has continued since the FY91 Appropriations Act was signed into law on November 5. Intelligence sources continued to report suspected seaborne deliveries from Nicaragua during November. Furthermore, the Government of Nicaragua has admitted that members of the Sandinista army supplied Soviet-made surface-to-air missiles to the FMLN, in violation of their agreement with the Soviet Union. The evidence of this continuing support was shared with Congress on January 8, 1991.

FMLN Attacks on Civilians and Injuring Civilians

US Embassy statistics indicate that in the first seven months of 1990 there were 55 noncombat killings of civilians for suspected political motives. Of these, 31 appear to have been killed by the FMLN (including those attacks for which the FMLN has claimed credit) 4 by the military (see below) and 20 by assailants who are as yet unidentified. On April 3, the day before the UN-mediated talks were announced, a guerrilla car bomb in San Salvador killed six civilians and injured dozens. During the August round of negotiations, an FMLN mortar attack aimed at the President's offices hit a residential area and left six civilians wounded. Church and business groups, political parties and non-governmental human rights organizations have condemned the FMLN's use of homemade catapult type mortars called "rampas" and "tepezquintles" in populated areas due to their inaccuracy and resulting civilian casualties. On October 23, heavy explosive charges thrown from such primitive mortars were launched against the military High Command headquarters but instead destroyed at least one home, killing two children, aged 8 and 18, and wounding several others.

On November 20 the FMLN launched the largest military offensive since their so-called "general" offensive of November 1989 which had resulted in the deaths of about 3,500 people. Auxiliary Bishop of San Salvador Rosa Chavez labeled the "violent actions launched by the FMLN a slap in the face to the Salvadoran people". The presidents of all four neighboring Central American republics acting jointly, the Colombian, Venezuelan and Mexican Foreign Ministers also acting jointly, the Soviet Foreign Ministry, Canada's Foreign Minister, the State Department and the Secretary General of the United Nations all also issued calls for

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El Salvador: Human Rights
Special Project (1993)

cessation of the violence soon after the FMLN launched their offensive.

In this latest offensive, the FMLN used mortars in many attacks, causing heavy civilian casualties and damage to the hospital in Chalatenango. The FMLN also used civilian homes as cover in Usulutan and Chalatenango, sometimes forcing the occupants to remain in order to inhibit Armed Forces counter-fire. Preliminary indications are that 16 civilians have been killed and 108 wounded from November 20 to the end of December as a result of the offensive.

The Puntarenas, Costa Rica, Central American Presidents' Summit [December 15-17] declaration denounced the FMLN for the offensive The presidents stated they were troubled by the"qualitative escalation of the armed conflict", demanded that the FMLN immediately halt the use of its sophisticated weapons, and called upon the UN observer group in Central America (ONUCA) to conduct an investigation to determine where the weapons came from. The presidents recognized that the GOES has agreed to hold "open and serious talks on all topics included in the peace process agenda, including that of the Salvadoran armed forces." They demanded the FMLN observe an immediate ceasefire, refrain from hindering the March legislative and municipal elections, give up the armed struggle, and rejoin the democratic life of El Salvador.

On March 13, 1990 the FMLN General Command, saying that they were "responding to the calls of the various social political and economic sectors of the country" promised "total suspension of sabotage" against public transport, commercial establishments, and telephonic communications. They also promised "total suspension" of attacks against civilians and public servants not part of the Salvadoran Armed Forces. Despite the March communique, however, the FMLN offensive in late November 1990 included a significant increase in FMLN attacks on civilian targets. There were no military assets, for example, in Nejapa, Apopa, or Quetzaltepeque, the sites of heavy guerrilla attacks. The FMLN attacked coffee and cotton farms and processing equipment, crop dusters, public transport, telephone equipment, bank branches, and other purely civilian property in various locations.

Specific attacks on civilian targets during the offensive launched November 20, 1990 include the following: On November 25, FMLN urban commandos bombed 6 banks in the capital. On November 27, FMLN forces destroyed an estimated $195,000 worth of machinery in a coffee processing plant in northern Usulutan Department. During the month of November the FMLN carried out more than 100 sabotage attacks on the electrical power grid. The damage to the system left some areas, including many lower-income neighborhoods, without water. On December 4, an FMLN attack using explosives damaged the local telephone office, town hall, jail, and a bank in Tonacatepeque, located north of the capital. On December 5, the FMLN established a roadblock near El Barillo in La Libertad Department and damaged 3 buses, 2 trucks, and 4 cars. The

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El Salvador: Human Rights
Special Project (1993)

guerrillas told the drivers that these actions were in reprisal for their lack of support during the November 1989 offensive. On December 5 and 7, FMLN urban commandos bombed two banks in San Salvador. On December 10, the FMLN burned two buses in La Libertad. On December 12, FMLN urban commandos dynamited 4 more banks in San Salvador. On December 12 guerrillas also attacked the Osicala municipality building, destroying the mayor's office and the telephone office.

In conducting attacks, the FMLN routinely invades civilian homes to use them as firing positions, thus exposing the inhabitants to danger from combat. During the November 1990 offensive the FMLN repeated tactics of the November 1989 "general" offensive by knocking holes in the walls of civilian homes to be able to move more easily between firing positions in the neighborhoods they had invaded.

Recent examples of attacks by the FMLN harming civilians include:

-- On November 28, in Los Chorros, an 8-year-old girl selling tortillas along the roadside was shot and killed when FMLN guerrillas attacked her soldier-customers. A 70-year old woman also was killed in the incident.

-- On November 29, the FMLN attacked Mariona Prison on the outskirts of San Salvador, killing 2 soldiers, a guard, and an inmate. At least 13 civilians also were wounded in the attack.

-- On November 30, the FMLN exploded a bomb in San Salvador's crowded central market, wounding nine civilian bystanders, including four children, plus two soldiers.

-- On December 5, a 13-month-old girl was killed by shrapnel during an FMLN attack on a small contingent of Salvadoran Marines guarding a gas station in Jiquilisco, Usulutan department.

-- On December 6, a woman in Usulutan department was wounded when an explosive charge launched by the FMLN toward a nearby army base struck her home instead.

-- On December 11, an explosive charge placed on a power pole in the outskirts of San Salvador by the FMLN wounded 2 girls playing nearby.

-- Also on December 11, an FMLN attempt to bombard the army's 5th brigade in San Vicente left one civilian wounded and damaged two private homes and at least one municipal building located near the military base.

FMLN Attack on US Helicopter

On January 2, 1991 at about 2:30 p.m., three US Army crew members were killed when their transport helicopter was shot down

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El Salvador: Human Rights
Special Project (1993)

by small arms fire in eastern El Salvador. The FMLN claimed responsibility. The helicopter was returning from a routine resupply mission from San Salvador to its base in Honduras. The FMLN at first said that the three servicemen were found dead inside their aircraft but later said that they had administered first aid to the crewmen and sent them to a hospital with peasants. Eyewitness reports and forensic studies indicate that two of the US servicemen survived a controlled crash and were subsequently executed by the FMLN. US personnel in El Salvador are non-combatants. The helicopter shot down had no role in supporting the Salvadoran Armed Forces and no role in combat in El Salvador.

Armed Forces Attacks on Civilians and Injuring Civilians

The United Nations' Human Rights Commission October 1990 annual report on El Salvador indicated that there were fewer human rights violations in 1990 than in 1989, although the situation continues to be serious. The report cites both the Catholic Archbishopric legal aid office Tutela Legal and the government Human Rights Commission as noting that summary executions alleged to have been committed by the security forces were down markedly in the first seven months of 1990. The UN report concluded that government institutions, including the President, made a conscientious effort to improve human rights practices and that military personnel are liable to prosecution for offenses. On July 31, 1990 the Salvadoran Armed Forces issued a general order establishing new procedures for arrests and detentions to conform with the human rights accords reached with the FMLN on July 26. This has reportedly resulted in a significant decrease in arrests by the military.

Strict rules of engagement designed to avoid collateral damage to civilians have been laid down by the government. In one incident, however, the Armed Forces admitted fault in the rocketing of San Jacinto Guancorita, Chalatenango by an Air Force helicopter on February 11, 1990 as a guerrilla unit retreated through the town. The Air Force was ordered to pay compensation to the families of the victims. The Salvadoran Government states that it is determining the amounts and recipients of this compensation.

The following is an update on human rights violations reported to have been committed by the military:

-- Two sergeants accused of raping a woman and killing her father in March 1990 are in custody and the case against them should be ready for trial by the end of the year.

-- On May 3, a jury convicted an enlisted man (later sentenced to 16 years in prison) for the 1982 murder of US citizen Michael Kline, but acquitted the other two defendants.

-- In May, twenty-six members of the Civil Defense Forces were sentenced to thirty years in prison for the 1982 rape and murder of twenty-three people.

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El Salvador: Human Rights
Special Project (1993)

-- Also in May, seven Civil Guards were sentenced to thirty years in prison for the murder and robbery of four people in 1984.

-- In June, an Army sergeant was sentenced to thirty years in prison, for the murder of two people in March 1988.

-- On June 4, a jury found a soldier innocent of killing a television soundman on election day in 1989.

-- A soldier who killed a 17-year old on August 22, 1989 was turned over to a civilian court, but a trial date has not yet been set.

-- On December 13 1990, artillery brigade soldiers in La Libertad allegedly beat Roberto Linares Cambara and burned him with cigarettes. Mr. Linares is a member of the National Council of the Popular Social Christian Movement National Council. Officers of the US Embassy interviewed Mr. Linares, officers of the Artillery Brigade and Minister of Defense Ponce. Ponce stated that an investigation has begun.

Other reported incidents which the Embassy has been unable to confirm include:

-- The Catholic Archbishopric legal aid office, Tutela Legal, reports that a man was reported to have been killed on April 1 1990 by Civil Defense personnel on suspicion of being a guerrilla.

-- Tutela Legal reports that on May 16 1990 two unidentified men are reported to have been taken by men in uniform with Second Brigade patches into a wooded area. Their bodies were found with what Tutela Legal says were wounds caused by M-16 rifles and 45 caliber pistols.

-- The non-governmental Human Rights Commission reports that on July 11 a man was captured by the Belloso Immediate Reaction Battalion and that his body was found on July 16. The man's mother is reported to maintain that her son was killed by the same troops that captured him. The National Police and the Belloso Battalion deny the accusation.

There is ample evidence that death squad activity was conducted in the past with the direct participation and involvement of elements of the Armed Forces. The present government has clearly condemned such practices and is committed to ending them, but persons suspected of past involvement in death squad killings remain at liberty and continued vigilance is required to prevent the resumption of such practices.

Civil Defense forces in particular are alleged to continue to engage in human rights abuses. Although the GOES has

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El Salvador: Human Rights
Special Project (1993)

successfully brought to trial several Civil Defense members accused of such abuses, credible reports persist of isolated, unapproved violations by such personnel. The US has made clear that it expects the GOES to continue to vigorously prosecute offenders so as to deter further abuses. The GOES has proposed to dissolve the Civil Defense upon a ceasefire with the FMLN. All but 8 of the 33 military officers named by the FMLN in October 1989 in San Jose on an initial list of human rights offenders have been moved out of command positions as of January 1991.

Specific Cases

The Jesuit Case: Nine members of the Salvadoran military have been accused of the murder of six Jesuit priests and two others on November 16, 1989. The case was raised to the trial stage on December 7, 1990 on charges of acts of terrorism, murder, destruction of evidence, perjury and conspiracy.

Since January, the judge in the case has also detained three enlisted men on perjury charges. In addition, Lieutenant Colonel Carlos Camilo Hernandez, the Deputy Director of the Military Academy at the time of the murders, has been indicted for obstruction of justice for allegedly burning the logbooks kept at the military school on the night of the slaying.

President Cristiani assigned the Special Investigative Unit (SIU) to the case, which by January 1990 had developed forensic evidence that implicated the accused in the murders. In January, a military honor board was also formed to investigate the case and concluded that there was considerable evidence implicating the accused in the massacre. On January 16, 1990, Colonel Guillermo Alfredo Benavides Moreno, the director of the Military Academy, was arrested in connection with the crime. Three lieutenants and four enlisted men were arrested on charges of having committed the murders. A ninth soldier, who deserted in December, was also charged with murder but has not been located.

This is the first case in which a Salvadoran colonel has been prosecuted for involvement in a human rights violation. Nevertheless, the Armed Forces' cooperation in the investigation has not been satisfactory to date. Some military officers have provided sketchy or contradictory testimony and the absence of full cooperation by all military officers has raised questions about possible involvement beyond those currently indicted, although no firm evidence yet exists on this point.

Senior government officials, Legislative Assembly members, and Salvadoran military officers of the rank of colonel and above are not required under law to give legal testimony in person. On September 7, President Cristiani waived his privileges and gave four hours of personal testimony in the judge's chambers. A number of senior Salvadoran military officers followed suit, waiving their privilege and testifying in person before the judge, while others testified in writing.

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El Salvador: Human Rights
Special Project (1993)

Scotland Yard, the FBI, and the Spanish National Police reviewed the investigatory work of the SIU.

Col. Benavides and seven other defendants have been under detention since January 1990. On December 7, 1990 Fourth Penal Court Judge Zamora raised the case to the trial stage. This decision was immediately appealed by the defendants. If the appeals court concurs with Judge Zamora, he will establish an eight-day period in which new evidence and testimony can be received. New suspects can also be indicted during this period. At the end of the eight days, a jury will be selected and a trial date set.

The Administration has emphasized to the GOES that the United States Government, both executive and legislative branches, remain united in our belief that the prosecution and investigation of these crimes must be thorough and professional. Moving the case to the trial phase must not mean that the investigation as a whole ends. Additional questions remain unanswered. All possible efforts must be made to determine whether all those responsible for planning or executing these crimes have been identified. We hope and expect that vigorous prosecution of those accused of either perjury or obstruction of evidence in the case may lead to additional evidence. The United States will continue to closely monitor the conduct of this case and hold the Salvadoran Government, and especially the Armed Forces, to the highest standards as the case moves through the judicial process.

Murder of Ten Peasants Near San Francisco (San Sebastian Case): On September 12, 1988, a military patrol detained ten peasants from Canton San Francisco, San Sebastian Municipality, San Vicente Department. Soon afterwards, villagers heard two explosions and small arms fire. The next day, they found the dead bodies of all ten peasants. The military claimed that eight suspected FMLN collaborators and two captured guerrillas were killed when the column escorting the detainees to the helicopter was ambushed by guerrillas. The victims' families allege that the military executed all ten. The judge in San Sebastian investigated the killings and concluded that the villagers had been murdered. In November 1988, then-President Duarte assigned the case to the SIU.

There was little progress in the case until Vice President Quayle visited El Salvador in February 1989 and emphasized US concern about the case. A special military honor board was formed to review the evidence and found cause to dismiss two officers and seven enlisted men from military service and turn them over to a civilian judge for prosecution. Eventually, a total of twelve soldiers were arrested between February 13 and March 2, 1989. Several writs of habeas corpus filed in March 1989 were not resolved by the Supreme Court until September 1989 when the case was remanded to the court in San Sebastian.

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El Salvador: Human Rights
Special Project (1993)

On February 8, 1990, the judge of the first instance court of San Sebastian ruled that there was insufficient evidence to proceed to trial against ten of the accused and ordered their release. At the same time, he ordered trial proceedings initiated against Major Mauricio de Jesus Beltran and a sub-sergeant. The defense and the prosecution immediately filed appeals of the judge's ruling.

On April 27, the San Vicente appeals court ordered trial proceedings initiated against Beltran in the original court but held that there was insufficient evidence to initiate trial proceedings against the sub-sergeant. In addition, the appeals court also confirmed the finding of insufficient evidence against the other ten defendants, dropped all charges against them, and ordered their immediate release.

Major Beltran, the only remaining defendant, is in custody and awaiting trial. On June 26, the Supreme Court granted a petition from the prosecutors and transferred the case against Major Beltran from San Sebastian to the Sixth Criminal Judge of San Salvador.

Murders of Michael Hammer, Mark Pearlman and Jose Rodolfo Viera (The Sheraton Case): On January 4, 1981 Jose Rodolfo Viera, head of the Agrarian Reform Institute, Michael Hammer and Mark Pearlman, both of the American Institute for Free Labor Development (AIFLD) were murdered. In April 1981 the Salvadoran Government arrested Ricardo Sol Meza, the owner of the Sheraton hotel where the murders had been committed, and requested the extradition of Hans Christ, a businessman who had fled to the United States. In the fall of 1981 a judge suspended all action in the case on the grounds that there was insufficient evidence to implicate Christ and Sol Meza in the murders. That decision was upheld by a court of appeals in April 1982 and Sol Meza was released. In September 1982 two Salvadoran National Guard enlisted men confessed to having committed the murders and had alleged that Lt. Rodolfo Lopez Sibrian and Capt. Eduardo Ernesto Alfonso Avila and businessman Hans Christ ordered them to kill Viera and the two Americans. In December 1982 the case against Lopez Sibrian was dismissed due to insufficient evidence against him. In April 1983 an appellate court upheld the dismissal of charges against Lopez Sibrian and in November 1983 the supreme court denied the appeal of the appellate court decision. On December 19, 1983, as a result of the direct intervention by then-Vice President Bush, Captain Avila was arrested. On March 22, 1984 Avila was released. The two enlisted men were convicted of the murders on February 14, 1986.

Bombing of FENASTRAS Headquarters: A bomb killed ten people and wrecked the offices of the FENASTRAS labor federation on October 31, 1989. In the days following the bombing, President Cristiani called for an investigatory commission to look into the crime, FENASTRAS initially refused to permit the SIU to conduct a physical examination of the site

or the bodies. Salvadoran investigators, assisted by FBI explosives incidents personnel, were not permitted by FENASTRAS to visit the site until November 8, 1989. By then the site had been cleaned up by FENASTRAS employees, which destroyed much of the evidence. Efforts to investigate the bombing were further hampered by the beginning of the FMLN's major military offensive eleven days after the bombing. In September 1990, FENASTRAS leaders offered to present new evidence regarding the bombing and asked the US Embassy for assistance. To date, however, they have produced no new evidence or witnesses.

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El Salvador: Human Rights
Special Project (1994

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Special Project (1993)

Preliminary Report on FDR Members in the United States

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We do not have a reliable estimate on the number of Salvadorans who are politically active in the United States and are also associated with the Democratic Revolutionary Front (FDR). The number, however, may be quite small. Those who undertake speaking engagements, readily admit to being representatives of the FDR but are generally very evasive about their names. Only top FDR leaders will give their true identities (see attachment I). The FDR concentrates its obviously well-orchestrated PR effort largely on college campuses not only in the more liberal, larger cities but in small towns throughout the United States.

Visa Status of FDR Members

While there are perhaps 500,000 or more illegal Salvadorans now in the United States, Department officials believe most of the politically active Salvadorans are here with legitimate multiple entry visas, good for up to four years, which were obtained in El Salvador, or elsewhere in Central America, some time ago. All key FDR members are now out of El Salvador and can fulfill the normal requirements for obtaining a U.S. visitor's

United States Department of State
Office of FOI, Privacy, & Classification Review
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visa by establishing residence in another country. Many have done so in either Mexico, Nicaragua or Panama. If a Salvadoran is not on the visa watch list and is otherwise qualified, consular officers have no legitimate reason at present not to issue a visitor's visa to an FDR member.

Tracking down FDR members and revoking their existing visas would be extremely difficult and could become politically contentious both here and abroad. In addition, unless we can provide correct names and usually the exact places and dates of birth, it would be impossible to determine these people's visa status. Developing this information would in most cases require surveillance by the FBI -- an expensive and time-consuming task.

Even with names, the Department would have a difficult time checking on their status. Visa applications are now filed only chronologically. Unless we know when and where a Salvadoran applied for a visa, it is next to impossible to find the application, unless someone at post happens to remember the particular applicant in question. Furthermore, all posts are required to keep visa applications on file for only one year, and normally only refusals of known visa fraud cases are kept longer.

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not true aliens who overstay and deported all the time if caught

Prosecution and Deportation of Expired Visa Cases

The courts usually rule against the government in expired visa cases or cases where aliens have overstayed the terms of their entry as set by the Immigration and Nationalization Service. During the Iranian crisis, the courts ruled that the government could not deport Iranians in either category. The Attorney General's Office would presumably not want to be burned a second time.

Any attempt, furthermore, to restrict those FDR members who are already in this country from speaking out publicly in support of the rebel cause would be a non-starter. Such an attempt would undoubtedly become a legal test of not only their possible constitutional rights to free speech but the right of the U.S. public to hear what the FDR has to say. The government could not hope to win either case.

Foreign and Domestic Policy Implications

Prosecution and attempted deportation of FDR members with expired visas would probably do more harm than good to our Central American policy. The mail coming into the State Department is 9 to 1 against our Central American policies. Therefore, the government could presumably not count on the public to support rounding

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up illegal Salvadorans (or even for putting them on a visa watch list). Such a move would also further alienate Latin America and our European allies while providing excellent propaganda for the FDR and their Cuban and Soviet backers.

Future Exclusion of FDR from U.S. Entry

Perhaps a less deleterious course of action would be to deny new visitor visas to known FDR members under the provisions for exclusion of Section 212(a) 27 of the Immigration and Nationality Act (see attachment II). Under this section, aliens shall be ineligible to receive visas if the consular officer or the Attorney General ascertains that they seek to enter the United States "to engage in activities which would be prejudicial to the public interest, or endanger the welfare, safety, or security of the United States."

FDR - otherwise 212(a)28(F)

Under Section 212 of the visa law, each visa application must be judged individually, on a case-by-case basis, and refusals must be approved by the Department. Furthermore, each refusal applies to only one visa application by any one individual.

To date, the greatest number of refusals under Section 212 have occurred under subsection 28--allowing the Department to refuse entry to officials of a Communist government intent on lobbying and propagandizing for "worldwide Communism" in the United States.

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No single group has ever been excluded as a class under subsection 27, and a stiff standard of evidence is required to keep out aliens under this provision.

Problems in Application

There are a number of problems in applying "27" to the FDR:

1) While the rebel fighting force, the FMLN, has been categorized as a "category II" organization, a communist front organization, the insurgents' political arm, the FDR, has not;

2) The Department has, to date, not been able to offer enough evidence to list the FMLN as a "Category IV" organization, i.e. a violent group;

3) Most FDR members coming to the U.S. already have multiple-entry visas, and perhaps no more than 3 FDR or FDR affiliated members made new visa applications in the last 9 months which could have been turned down using a political "27" exclusion;

4) If an alien has been turned down on this basis, he may still receive a visa to go to New York exclusively to speak or to carry out consultations at the United Nations; and

5) We simply don't know who most of the FDR members active in the United States are.

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Necessary Course of Action

To apply this particular exclusion, several steps -- some difficult, but not impossible -- would be necessary:

1) Assistant Secretary of State Enders must inform Consular Affairs that the FDR and the FMLN are synonymous, i.e. that they are both violent insurgent groups. (Indeed, Ungo is President of both, and the FDR uses a joint FDR - FMLN letterhead on all official correspondence.);

2) In order to learn the names and visa status of FDR members active in the U.S., a major effort will be required by the FBI (going to FDR speeches and debates to discover names) and the INS (then going to the revealed FDR members and asking for their papers);

3) A direct order from the White House would be needed to overcome the reluctance of both the FBI and the INS to become involved in such an effort, which could attract unfavorable publicity; and

4) After all consular posts have been advised to look out for all members of the FDR and FDR affliates, each case will have to be referred to the Department for a review by both ARA and CA.

One advantage of this policy is that in reviewing each individual case, the Department would retain a great deal of flexibility. The government for

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example, may decide that admitting various members of the FDR's top leadership may be more in the interest of the United States -- to keep the door open for negotiations with the Left --than in keeping them out. On the other hand, we would be breaking new ground in the application of visa law, and the government would undoubtedly be brought to court for applying "27" on strictly political grounds.

In sum, this policy of stopping FDR members from renewing expired visas may show only a limited positive return in the near future and will necessitate a major coordinated effort not only by ARA, L, and CA within the Department but between the Department, the FBI, INS, the Justice Department and the White House.

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Known Salvadorans Recently Active

in the United States

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Washington, D.C. 20520

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Dear Dr. Folk:

This is in response to your February 22 letter to the President regarding the FMLN's offer to abide by the results of delayed elections in El Salvador. I regret the delay in our response.

Following the FMLN's January proposal, and encouraged by the guerrillas' apparent willingness to end the violence and participate in the democratic electoral process, representatives of the major Salvadoran political parties met with FMLN representatives in February in Mexico. It became clear at that meeting that the FMLN's positions were non-negotiable demands. Their fundamental requirements for negotiations and participation in the electoral process -- a seat at the table of government, changes to the electoral code, and integration of the guerrilla and national armies -- remained unchanged. Successive Salvadoran governments found these pre-conditions unacceptable.

Nonetheless, President Duarte sought to maintain momentum in the initiative by offering to engage in immediate, face-to-face negotiations with the guerrillas, and by instituting a unilateral cease-fire. Unfortunately, the guerrillas rejected Duarte's effort to engage them in negotiations and to end the violence.

Rather than submit their policies to the electorate, the FMLN chose to use violence to prevent democratic voting. They enforced a nationwide traffic ban, under which any vehicles on the roads were subject to destruction. They unleashed a nationwide wave of violence on election day, resulting in the deaths and woundings of nearly 50 innocent civilians. Ten soldiers lost their lives defending the democratic process that day, while nearly 100 guerrillas were killed trying to subvert it.

Despite guerrilla depradations, 54% of the registered electorate voted in the March 19 presidential elections and 54% of the voters chose Alfredo Cristiani of the ARENA party. On June 1, President Duarte passed the sash of office to President Cristiani in the first democratic transition from one party to another in more than 50 years in El Salvador. In his inauguration speech, President Cristiani offered to engage in a dialogue with the guerrillas, but they refused to speak to his dialogue commission. The President is now working on another commission.

Dr. Jerry Folk
Executive Director, Evangelical Lutheran Church,
8765 West Higgins Road,
Chicago, Illinois 60631.

United States Department of State
Office of FOI, Privacy, & Classification Review
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Date: 04/25/94
Case ID: S940031A

We hope that the guerrillas will agree to a dialogue with the government, and that it will lead to discussions aimed at ending the violence. It is clear that violence in El Salvador only serves the interests of the political extremists who wish to derail El Salvador's democratic process. We are convinced that the democratic electoral system is the proper way to address El Salvador's problems.

I hope this information has proven useful to you.

Sincerely,

Central American Affairs

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Washington, D.C. 20520

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DECL:OADR

MEMORANDUM

TO: ARA/FO
ARA/FO

FROM: ARA/CEN

SUBJECT: El Salvador Negotiations: Outstanding Issues

The two main areas for further negotiation are completion of a political accord on armed forces issues and on a cease-fire.

Other issues such as economic and social matters that were included on the Caracas Agenda have not received much attention, and may be shunted aside to the electoral political process. Exceptions may arise to this arrangement, such as the FMLN's insistence that landholding limits be reduced.

The most important outstanding issues for a political accord on armed forces issues are the composition and selection of the Ad Hoc Commission to review the human rights performance of Armed Forces personnel. The GOES' official position remains that the Commission should be made up of five people, two of whom should be military officers with the right to vote. This position continues extant despite the GOES' having indicated to us that they would be willing to accept one non-voting military member on the Commission. The GOES wants the UNSYG to propose candidates for the President to appoint. The FMLN remains opposed to any military representation on the Commission or appointment of its members by the GOES.

Although the Mexico Accords lay out most of the details of the Truth Commission on key human rights cases, the choice of what cases are to be reviewed will likely be divisive. The FMLN only wants review of cases that they think can be blamed on the ESAF, whereas the GOES/ESAF will likely insist that the murder of the mayors, Rodriguez Porth, or other cases attributable to the FMLN be included. We may wish to seek inclusion of the Jesuit Case and/or the Pickett/Dawson murders on the Commission's agenda.

The most important issue in the cease-fire accords may prove to be the location, size and other attributes of the "specified locations" and "designated areas" for the FMLN during the cease-fire period. A related question will be the relationship between these areas and concentrations of civilian population, particularly the resettlement camps. U/SYG Goulding says that the GOES has proposed four "small, malarial, and landmined" areas

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Special Project (1993)

whereas the FMLN has produced a huge map showing numerous "zones of predominance", "zones in dispute", and military bases.

The length of the cease-fire period has not been defined, and the FMLN does not want it defined. Despite our expressions of concern on this topic, U/SYG Goulding has apparently bought onto the FMLN view and not sought to limit the duration of the cease-fire. The GOES/ESAF are thinking in terms of 60-90 days, Goulding is thinking in terms of 6-9 months, and at least some in the FMLN intend for the cease-fire to last until the 1994 presidential elections.

The FMLN insists that any discussion of their own demobilization will only take place during Phase II of the peace process, i.e. between the cease-fire and peace. U/SYG Goulding said that those in the GOES who think that FMLN demobilization will follow automatically from a cease-fire (as in Nicaragua) are badly mistaken. Demobilization is not even on the table now.

When signing the Mexico Accords, the FMLN gave notice that the drafting of Article 211, in particular the point that defines the armed forces as a "permanent" institution, is not in accord with its position on the matter. The FMLN also gave notice that it considers that constitutional reforms are still in need of negotiation regarding demilitarization, article 105 regarding limits on rural land ownership, and the need to open a mechanism for reforming the constitution, either by reform of article 248 or by other mechanisms for popular consultation. The FMLN maintains its position on all these matters.

The FMLN continues to talk about the eventual dissolution of the armed forces, although at other times they talk about the reduction of the armed forces to pre-war levels (about 12,000). They are not clear about timing, but it appears that they mean that the ESAF should be reduced to pre-war levels before the FMLN disarms and demobilizes. The ESAF, on the other hand, is internally discussing reducing by fifty percent over four years. (There are currently about 45,000 in the ESAF and 13,000 in the security services under ESAF control.)

The timing of the disbanding of the Immediate Reaction Infantry Batalions (BIRI's) is also an outstanding issue. The FMLN has talked about having BIRI Atlacatl disbanded immediately upon a cease-fire, whereas the ESAF does not want to differentiate among the BIRI's and says that they will be disbanded when peace is achieved. Achievement of peace is a vague term, but appears to mean the disarmament and demobilization of the FMLN.

The ESAF has wanted to get rid of the Civil Defense forces for several years, but is holding the date of their disbanding as a bargaining chip.

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The new National Civil Police is supposed to be created in time to patrol during the cease-fire with ONUSAL. The GOES/ESAF does not appear to have any detailed plan for creation of such a force, however. The FMLN has indicated that it does not want any current policemen to be part of the new Civil force and that National Civil Police serving in areas now under FMLN control should be residents of those areas or drawn from the FMLN. These are probably non-starters with the ESAF.

The FMLN also wants political rights during the cease-fire period. U/SYG Goulding gave the GOES Dialogue Commission (CODIAL) a list from the FMLN which included: the presence of FMLN political leaders in San Salvador, permission to open offices and print shops, repeal of laws proscribing FMLN activities and the release of prisoners held under those laws, and the expansion of broadcast media so that popular organizations can purchase channels or frequencies. The list clearly signals FMLN intentions to form its own political party, and highlights FMLN concerns that it return to San Salvador not as a defeated guerrilla movement, but as a political force to be reckoned with. The GOES is not likely to accept the majority of these provisions as written since the GOES resists giving the FMLN any direct political access until after complete demobilization -- in order to encourage demobilization.

It is not known at what point amnesty for crimes committed during the war will come into play. The ESAF will, however, probably insist on some sort of blanket amnesty for their own war crimes in exchange for pardoning the FMLN. The choice of cases to be reviewed by the Ad Hoc Commission and the Truth Commission will therefore be extremely politicized. The amnesty issue could also prove controversial on the Hill, particularly if it covers the murders of U.S. citizens, committed by either the right or the left.

ONUSAL's projected size is unknown at this point because it would depend on factors still under negotiation, such as the location and size of the specified locations. Goulding has said that if ONUCA forces stripped from elsewhere in Central America could be used as the nucleus for the military component of ONUSAL, the ONUSAL could be geared up very quickly. The FMLN may, however, oppose any such effort because of deep grudges against ONUCA.

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THE INTERLOCKING FMLN/FDR SUPPORT NETWORK

Over the past seven years, a limited number of persons and organizations have played a key role in supporting the FMLN/FDR in El Salvador and in opposing the democratic process in Central America. Disputes about the political coloration and agendas of certain Salvadoran organizations marked the early years of the El Salvador debate. Later evidence, however, has now exposed an array of some 11 front organizations created by the FMLN/FDR and linked to various counterpart organizations in the U.S. While many supporters of these U.S. counterpart organizations did so ostensibly in opposition to a repressive situation in El Salvador, the political solution of the FMLN/FDR front groups being supported was not democracy, but a Marxist-Leninist political system. Opposition to repression was simply a vehicle to mobilize U.S. support to achieve their concealed political goals.

A review of the leadership and affiliation of the U.S. organizations which have supported the FMLN/FDR front groups evidences a web of entanglement which involves a range of persons from members of the U.S. Communist Party (CPUSA) to well-intentioned activist individuals opposed to the non-democratic system which prevailed in El Salvador prior to President Duarte's election in 1984. A review of these U.S. FMLN/FDR support organizations suggests that many were, and some remain, under the control or influence of the CPUSA and that the CPUSA tried to inject itself into many organizations which did not share fully CPUSA objectives. In many instances, members of Congress endorsed organizations and activities without sufficient research into the nature of the organization or the backgrounds of the persons involved.

The ubiquitous Soviet front group, the World Peace Council, emerges as a link in the chain of organizations affecting U.S. policy toward El Salvador. The World Peace Council is controlled by the Soviet Committee for the Defense of Peace, which is a Moscow based "public" organization that receives direction and overall guidance from the Communist Party of the Soviet Union. The Committe is presided over by Genrikh Borovik who was identified during a London libel trial as a former agent of the Tenth Department of the KGB's Second Chief Directorate and brother-in-law of Vladimir Kyuchkov, head of the KGB's First Chief Directorate, responsible for all Soviet intelligence activities abroad.

The World Peace Council was headed until April 24, 1986, by Romesh Chandra, a member of the Central Committee of the Communist Party of India. In a reorganization of the WPC orchestrated by the International Department of the Communist Party of the Soviet Union (CPSU)(headed by former Soviet Ambassador to the U.S. Anatoly Dobrynin), Chandra was continued as WPC President. Effective control, however, was given to Finnish Soviet-line Communist Party member Johannes Pakaslahti

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who was elected to the restored position of Secretary General. Chandra was made WPC President in 1977 when the Secretary General position was abolished in a previous reorganization. Former Cuernavaca Bishop Sergio Mendez Arceo is Honorary President of the World Peace Council. Former Berkeley, California, Mayor Eugene "Gus" Newport appears as another link in the chain, serving as Vice Chairman of the World Peace Council, as Co-chairman of the World Peace Council U. S. affiliate, the U.S. Peace Council, and as Executive Director of the FMLN/FDR support group New El Salvador Today (NEST).

While mayor, Newport's political career was supported by Rep. Ron Dellums whose Eighth Congressional District includes Berkeley. In 1978 Representatives Dellums, John Conyers (D-MI), Don Edwards (D-CA), and Charles Rangel (D-NY) set up a World Peace Council leadership meeting in Washington, D.C. That meeting was attended by World Peace Council President Chandra, Oleg Kharkhardin of the CPSU Central Committee, and KGB Colonel Radomir Bogdanov. In 1981 Dellums, together with Representatives Conyers, Edwards, George Crockett (D-MI), Ted Weiss (D-NY), Mickey Leland (D-TX), and Mervyn Dymally (D-CA), organized a meeting in the Rayburn House Office Building for then World Peace Council Chairman Chandra to lobby members of Congress. In 1986 Rep. Dellums' Administrative Assistant Carlottia Scott attended the World Peace Council World Congress in Copenhagen on behalf of Dellums, who was listed as a member of the International Preparatory Committee of the Copenhagen Congress.

Newport's NEST organization provides support to the Popular Liberation Forces (FPL) faction of the FMLN, primarily through a sister city-type program that links Berkeley, California, with San Antonio Los Ranchos, Chalatenango; Cambridge, Massachusetts, with San Jose Las Flores, Chalatenango; Madison, Wisconsin, with Arcatao, Chalatenango and Baltimore, Maryland, with El Barillo, Cuscatlan. All four towns are in areas influenced by the FPL.

NEST's Board of Endorsers includes Representatives Dellums and Dymally, and, among others, SANE Executive Director David Cortright, Susana Cepeda (Rainbow Coalition/SANE/Women's International Democratic Federation/Washington D.C. Council of Hispanic Agencies), Bill Zimmerman (Chairman, Medical Aid to El Salvador (MAES)), Christina Courtright (President, MAES), Ed Asner (Board of Directors, MAES) and Blase Bonpane (founder and Director, Office of the Americas). Bonpane is a former Maryknoll priest and liberation theologian, who in 1982 was

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1986 HOUSE WESTERN HEMISPHERE SUBCOMMITTEE HEARINGS ON "THE AIR WAR AND POLITICAL DEVELOPMENTS IN EL SALVADOR"

WITNESSES

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(former) Mayor, Berkeley, California
Eileen Purcell
Exec. Dir., SHARE
(Representing Archbishop John R. Quinn, San Francisco)
Michael Urquhart
President, AFGE Local 12
Chairman, Washington Area Coalition on Central America
Aryeh Neir
Director, Americas Watch
Rep. John Conyers
Carlottia Scott
Administrative Assistant, Rep. Ron Dellums
(statement on NEST trip to El Salvador with NEST Exec. Dir. Tracey Schear)

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1986 CONFERENCE "IN SEARCH OF PEACE" SPONSORED BY FMLN LABOR FRONT UNION OF SALVADORAN WORKERS (UNTS)

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Former Latin America Policy Advisor for Rainbow Coalition
Executive Board, SANE
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controlled Labor Federation)

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Pres. National Rainbow Coalition
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Author and Professor, MIT
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Center for a New Creation
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Riverside Church, Disarmament Program
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Clergy and Laity Concerned
Committee in Solidarity with the People of El Salvador (CISPES)
Inter-Religious Task Force on Central America
Washington Area Labor Committee on Central America and the Caribbean
Philadelphia Area Labor Committee on Central America
Randall Forsberg
Director, Institute for Defense and Disarmament Studies

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1986 MOBILIZATION ACTIONS FOR PEACE, JOBS, AND JUSTICE

COORDINATOR

David Reed
  Coalition for a New Foreign and Military Policy

PROGRAM COMMITTEE

Jack O'Dell
  Rainbow Coalition
Angela Sanbrano
  Executive Director, CISPES
David Dyson
  Presbyterian Minister
  Head, Union Label Dept., Amalgamated Clothing Workers Union
  Director, National Labor Committee for Democracy and Human Rights in El Salvador
Leslie Cagan
  Mobilization for Survival

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Women's International League for Peace and Freedom
ACTWU
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IAM
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Church of the Brethern
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Special Project (1993)

Inter-Religious Task Force on Central America
American Committee on Africa
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National Organization for Women
National Mobilization for Survival
Rainbow Coalition

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Special Project (1993)

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SOVIET COMMITTEE FOR DEFENSE OF PEACE (Aug 1949)

Genrikh Borovik, President

WORLD PEACE COUNCIL (Feb 1949)

Romesh Chandra, President
  Communist Party of India
Eugene "Gus" Newport, Vice Chairman
  Former Mayor, Berkeley, California
Msgr. Sergio Mendes Arceo, Honorary President
  Former Bishop of Cuernavaca, Mexico, Honorary President of the World Peace Council, Manage of FMLN funds raised in Mexico and the U.S.
Carlottia Scott, AA to Rep. Dellums delegate to Oct 1986
  WPC World Peace Congress in Copenhagen, Denmark

U.S. PEACE COUNCIL

Gus Newport, Co-Chairman
Michael Myerson, Executive Director
Alexandra "Sandy" Pollack, Solidarity Coordinator
  (Central Committee CPUSA) (Killed in a plane crash in Cuba Jan 19, 1985)

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Special Project (1994

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Date: 04/26/94
Case ID: S940031C

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Special Project (1993)

WORLD FRONT IN SOLIDARITY WITH THE PEOPLE OF EL SALVADOR

PERMANENT BUREAU:

Alexandra "Sandy" Pollack
CC CPUSA and CISPES Advisory Board
(Killed in a plane crash in Cuba Jan 19, 1985)
Heidi Tarver
CISPES National Coordinator

FOUNDING PRESIDENT:

Bill Zimmerman
Chairman, Medical Aid for El Salvador, formerly
Director Medical Aid for Indochina

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COMMITTEE IN SOLIDARITY WITH THE PEOPLE OF EL SALVADOR (CISPES)

STAFF

Angela Sanbrano
Director
Heidi Tarver
National Staff

ENDORSERS

David Cortright
SANE, Executive Director
Eugene "Gus" Newport
Former Mayor, Berkeley, California
Jack O'Dell
Intl Affairs Adviser to Rev. Jackson, Rainbow Coalition
Robert Alpern
Director, Washington Office, Unitarian Universalist
Association of Congregations
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Boehm Foundation
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Dr. Noam Chomsky
MIT
Marilyn Clement
Center for Constitutional Rights
Rep. George Crockett (D-MI)
Dave Dellinger
Vermont Rainbow Coalition
Frances T. Farenthold
Attorney
Ruth Fitzpatrick
National Assembly of Women Religious
Richard Healey
Nuclear Times
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President, Intl Longshore Workers Union
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Limantour Fund
David R. Hunter
Randall Kehler
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Capuchin Mission Office, Province of St. Joseph
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  Conference of Major Superiors of Men
Marge Piercy
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George Pillsbury
  Jobs with Peace Campaign, Development Director
John Sayles
  Writer/Filmmaker
Patricia Scharf
  Episcopal Peace Fellowship
Dr. Benjamin Spock
  Pediatrician
Baldemar Velasquez
  Farm Labor Organizing Committee
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  MPH, Asst. Clinical Prof. of Medicine, UCSF
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Rev. Phil Wheaton
Laborers Int'l Union of No. America
SEIU, Local 535

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SALVADORAN HUMANITARIAN AID, RESEARCH AND EDUCATION FOUNDATION (SHARE)

Eileen Purcell
Executive Director

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former Georgia State Senator
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Former U.S. Attorney General
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Rep. Robert Garcia (R-NY)
Auxiliary Bishop Thomas Gumbleton
Detroit Diocese
Vietcong sympathizer during Vietnam War
currently Fundraiser for the pro-Sandinista "popular church"
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Fr. Cuchulain Moriarty
Chairman, Committee on Social Justice
Archdiocese of San Francisco
Paul O'Dwyer, Esq.
Charles A. Perlik, Jr.
President, The Newspaper Guild

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Journalist
Dr. George Wald
Nobel Laureate
Cora Weiss
Director, Riverside Church Disarmament Program

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Anthropologist
Carmen Ramirez
Attorney
Martin Sheen
Actor
Haskell Wexler
Film Director

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1986 HOUSE WESTERN HEMISPHERE SUBCOMMITTEE HEARINGS ON "THE AIR WAR AND POLITICAL DEVELOPMENTS IN EL SALVADOR"

WITNESSES

Eugene "Gus" Newport
(former) Mayor, Berkeley, California
Eileen Purcell
Exec. Dir., SHARE
(Representing Archbishop John R. Quinn, San Francisco)
Michael Urquhart
President, AFGE Local 12
Chairman, Washington Area Coalition on Central America
Aryeh Neir
Director, Americas Watch
Rep. John Conyers
Carlottia Scott
Administrative Assistant, Rep. Ron Dellums
(statement on NEST trip to El Salvador with NEST Exec. Dir. Tracey Schear)

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1986 CONFERENCE "IN SEARCH OF PEACE" SPONSORED BY FMLN LABOR FRONT UNION OF SALVADORAN WORKERS (UNTS)

CONFERENCE DIRECTORS

Susana Cepeda
Former Latin America Policy Advisor for Rainbow Coalition
Executive Board, SANE
Francisco Acosta
U.S. Representative FENASTRAS/UNTS (Salvadoran Communist Party-
controlled Labor Federation)

ENDORSERS

Rev. Jesse Jackson
Pres. National Rainbow Coalition
Dr. Benjamin Spock
Author and Peace Activist
Ed Clark
Intl VP, Amalgamated Clothing & Textile Workers (AFL-CIO)
Dr. Noam Chomsky
Author and Professor, MIT
David Cortright
Executive Director, SANE
Br. Joseph Nangle
Dir., Natl Conference of Major Superiors of Men
Dr. Rudy Acuna
Author and Prof., Claif. State Univ, Northridge
Blase Bonpane
Dir., Office of the Americas
Pat Reif
So. Calif. Interfaith Task Force on Central America
Marie de Menil
Artist and Exec. Dir., Excess, Inc.
Marie Grosso
Center for a New Creation
Michael Urquhart
Pres., American Fed. of Government Employees Local 12
Alex Forman
Reg. Dir., No. California Nuclear Weapons Freeze Campaign
Keith W. Johnson
Intl Pres., International Woodworkers of America (AFL-CIO)
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American Fed. of State, Fed., & Municipal Employees (AFL-CIO)
Bishop Thomas Gumbleton
Archdiocese of Detroit
Bishop Gustav Schultz
Assoc. of Evangelical Lutheran Churches
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Paster, Riverside Memorial Church

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Rev. Philip Wheaton
Director, EPICA
Rev. John M. Fife
Southside Presbyterian Church, Tucson
Cora Weiss
Riverside Church, Disarmament Program
Dr. Salvador Luna
Nobel Laureate in Biology, MIT
Frank Wilkinson
Exec. Dir. Emeritus, Natl Committee Against Repressive Legislation
Clergy and Laity Concerned
Committee in Solidarity with the People of El Salvador (CISPES)
Inter-Religious Task Force on Central America
Washington Area Labor Committee on Central America and the Caribbean
Philadelphia Area Labor Committee on Central America
Randall Forsberg
Director, Institute for Defense and Disarmament Studies

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1986 MOBILIZATION ACTIONS FOR PEACE, JOBS, AND JUSTICE

COORDINATOR

David Reed
Coalition for a New Foreign and Military Policy

PROGRAM COMMITTEE

Jack O'Dell
Rainbow Coalition
Angela Sanbrano
Executive Director, CISPES
David Dyson
Presbyterian Minister
Head, Union Label Dept., Amalgamated Clothing Workers Union
Director, National Labor Committee for Democracy and Human Rights in El Salvador
Leslie Cagan
Mobilization for Survival

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Exec. Dir., SANE
Sister Maureen Fielder
Quixote Center
Washington Peace Center
Nicaraguan Network
Witness for Peace
Democratic Socialists of America
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Pledge of Resistance
Transafrica
Washington Office on Africa
Women's International League for Peace and Freedom
ACTWU
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American Committee on Africa
CISPES
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THE INTERLOCKING FMLN/FDR SUPPORT NETWORK

Over the past seven years, a limited number of persons and organizations have played a key role in supporting the FMLN/FDR in El Salvador and in opposing the democratic process in Central America. Disputes about the political coloration and agendas of certain Salvadoran organizations marked the early years of the El Salvador debate. Later evidence, however, has now exposed an array of some 11 front organizations created by the FMLN/FDR and linked to various counterpart organizations in the U.S. While many supporters of these U.S. counterpart organizations did so ostensibly in opposition to a repressive situation in El Salvador, the political solution of the FMLN/FDR front groups being supported was not democracy, but a Marxist-Leninist political system. Opposition to repression was simply a vehicle to mobilize U.S. support to achieve their concealed political goals.

A review of the leadership and affiliation of the U.S. organizations which have supported the FMLN/FDR front groups evidences a web of entanglement which involves a range of persons from members of the U.S. Communist Party (CPUSA) to well-intentioned activist individuals opposed to the non-democratic system which prevailed in El Salvador prior to President Duarte's election in 1984. A review of these U.S. FMLN/FDR support organizations suggests that many were, and some remain, under the control or influence of the CPUSA and that the CPUSA tried to inject itself into many organizations which did not share fully CPUSA objectives. In many instances, members of Congress endorsed organizations and activities without sufficient research into the nature of the organization or the backgrounds of the persons involved.

The ubiquitous Soviet front group, the World Peace Council, emerges as a link in the chain of organizations affecting U.S. policy toward El Salvador. The World Peace Council is controlled by the Soviet Committee for the Defense of Peace, which is a Moscow based "public" organization that receives direction and overall guidance from the Communist Party of the Soviet Union. The Committe is presided over by Genrikh Borovik who was identified during a London libel trial as a former agent of the Tenth Department of the KGB's Second Chief Directorate and brother-in-law of Vladimir Kyuchkov, head of the KGB's First Chief Directorate, responsible for all Soviet intelligence activities abroad.

The World Peace Council was headed until April 24, 1986, by Romesh Chandra, a member of the Central Committee of the Communist Party of India. In a reorganization of the WPC orchestrated by the International Department of the Communist Party of the Soviet Union (CPSU)(headed by former Soviet Ambassador to the U.S. Anatoly Dobrynin), Chandra was continued as WPC President. Effective control, however, was given to Finnish Soviet-line Communist Party member Johannes Pakaslahti

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who was elected to the restored position of Secretary General. Chandra was made WPC President in 1977 when the Secretary General position was abolished in a previous reorganization. Former Cuernavaca Bishop Sergio Mendez Arceo is Honorary President of the World Peace Council. Former Berkeley, California, Mayor Eugene "Gus" Newport appears as another link in the chain, serving as Vice Chairman of the World Peace Council, as Co-chairman of the World Peace Council U. S. affiliate, the U.S. Peace Council, and as Executive Director of the FMLN/FDR support group New El Salvador Today (NEST).

While mayor, Newport's political career was supported by Rep. Ron Dellums whose Eighth Congressional District includes Berkeley. In 1978 Representatives Dellums, John Conyers (D-MI), Don Edwards (D-CA), and Charles Rangel (D-NY) set up a World Peace Council leadership meeting in Washington, D.C. That meeting was attended by World Peace Council President Chandra, Oleg Kharkhardin of the CPSU Central Committee, and KGB Colonel Radomir Bogdanov. In 1981 Dellums, together with Representatives Conyers, Edwards, George Crockett (D-MI), Ted Weiss (D-NY), Mickey Leland (D-TX), and Mervyn Dymally (D-CA), organized a meeting in the Rayburn House Office Building for then World Peace Council Chairman Chandra to lobby members of Congress. In 1986 Rep. Dellums' Administrative Assistant Carlottia Scott attended the World Peace Council World Congress in Copenhagen on behalf of Dellums, who was listed as a member of the International Preparatory Committee of the Copenhagen Congress.

Newport's NEST organization provides support to the Popular Liberation Forces (FPL) faction of the FMLN, primarily through a sister city-type program that links Berkeley, California, with San Antonio Los Ranchos, Chalatenango; Cambridge, Massachusetts, with San Jose Las Flores, Chalatenango; Madison, Wisconsin, with Arcatao, Chalatenango and Baltimore, Maryland, with El Barillo, Cuscatlan. All four towns are in areas influenced by the FPL.

NEST's Board of Endorsers includes Representatives Dellums and Dymally, and, among others, SANE Executive Director David Cortright, Susana Cepeda (Rainbow Coalition/SANE/Women's International Democratic Federation/Washington D.C. Council of Hispanic Agencies), Bill Zimmerman (Chairman, Medical Aid to El Salvador (MAES)), Christina Courtright (President, MAES), Ed Asner (Board of Directors, MAES) and Blase Bonpane (founder and Director, Office of the Americas). Bonpane is a former Maryknoll priest and liberation theologian, who in 1982 was

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El Salvador: Human Rights
Special Project (1993)

asked by Rosario Murillo, common-law wife of Daniel Ortega, to organize delegations of prominent Americans to visit Nicaragua. The Office of the Americas was created primarily for this purpose. In 1984 Bonpane organized a nine-city tour in favor of the Sandinista government that included Jackson Brown, Diane Ladd, and MAES-endorsers Mike Farrell and then-Georgia State Senator Julian Bond.

Two key CPUSA members served together with Eugene "Gus" Newport on the U.S. Peace Council: Michael Myerson, a longtime Communist activist and member of the CPUSA Political Committee, and Alexandra "Sandy" Pollack of the CPUSA Central Committee. After helping to found the U.S. Peace Council in 1979, Myerson was named its Executive Director and Pollack the International Solidarity Coordinator. Pollack died in a plane crash in Cuba on January 19, 1985, while en route to Managua. In addition to her U.S. Peace Council role, Pollack was a founding member in 1980 of the Committee in Solidarity with the People of El Salvador (CISPES).

After helping to found the U.S. Peace Council in 1979 and CISPES in 1980, CPUSA member Pollack helped found the World Front in Solidarity with the People of El Salvador, in Mexico City in 1982. Another founder and first President of the World Front was Bill Zimmerman, who, in 1981, had founded Medical Aid to El Salvador patterned after his previous organization Medical Aid to Indochina which provided aid to the North Vietnamese and Viet Cong. After Zimmerman was elected President of the World Front, Pollack was assigned to the Permanent Bureau of the World Front together with Honorary World Peace Council President former Cuernavaca Bishop Sergio Mendez Arceo.

In addition to his World Peace Council and World Front activities, Msgr. Mendez Arceo established a reputation as a fundraiser and manager of FMLN bank accounts in Mexico. Msgr. Mendez Arceo currently lives in Managua where he is head of "Christians for Peace," a "popular church" liberation theology center supportive of the Sandinista regime.

Heidi Tarver, National Coordinator of CISPES, was named a member of the Executive Secretariat of the World Front. Tarver also appears on letterhead as one of the original endorsers--together with Msgr. Mendez Arceo--of the "Salvadorean Humanitarian Aid, Research and Education Foundation" (SHARE), founded in 1981.

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Special Project (1994

Rep. Dellums' Administrative Assistant Carlottia Scott figures as another link in the chain of FMLN/FDR support organizations. Scott travelled to El Salvador April 25-May 4, 1986, under New El Salvador Today auspices. In addition to her participation in World Peace Council activities, Scott's other involvement with leftist groups in the hemisphere was well established in documents captured following the death of Grenada's New Jewel Movement leader Maurice Bishop and the subsequent U.S. liberation of the island.

On July 10, 1986, Carlottia Scott and NEST Director Tracey Schear (Newport's number two in the organization) spoke at a Capitol Hill cocktail "to welcome New El Salvador Today to Washington, D.C." The sponsors of the NEST gathering were Representatives Dellums, Dymally, and Conyers and the National Rainbow Coalition, Inc., together with David Cortright (Executive Director, SANE), Hilda Howland (Member-at-large, Council of the District of Columbia); Lindsay Mattison (Executive Director, Center for Development Policy and member of the NEST Board of Endorsers), Melinda Rorick (Director, International Section, Commission on U.S.-Central American Relations) and Marcus Raskin, (Senior Fellow, Institute for Policy Studies).

Rep. Dellums' and his Administrative Assistant Scott's involvement with Sandy Pollack, Rev. Phil Wheaton and others in the establishment of CISPES was documented with the capture of the diary belonging to Farid Handal, brother of Salvadoran Communist Party General Secretary Shafik Handal and head of the Commission for Finance of the FMLN's United Revolutionary Directorate (DRU) and identified January 21, 1988 by Havana Television Service as the current FMLN representative in Cuba. The diary recorded Farid Handal's use of Dellum's Congressional offices when Handal coordinated with Sandy Pollack and members of the Washington, D.C. chapter of the CPUSA on the establishment of the Committee in Solidarity with the People of El Salvador (CISPES) in February 1980. Farid Handal's diary concerning his visit to establish CISPES in 1980 states the following :

> "The comrades of the Cuban Mission had recommended Juan Ferreira, from Uruguay. I contacted him at WOLA (Washington Office on Latin America). He helped me at WOLA and at the National Council of Churches....

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El Salvador: Human Rights
Special Project (1993)

"I contacted Isabel Letelier who had prepared a seminar at the Institute for Policy Studies of Washington. The seminar would be based on a talk by Napoleon Gonzalez, which had already been announced. Gonzalez was in Washington at the invitation of Amnesty International. Napoleon Gonzalez had already spoken at WOLA, at which time he had mainly covered the situation of his newspaper and his person as objects of repression. Isabel Letelier informed me that at the last moment Napoleon had declined participation saying he was leaving for Los Angeles. Because of this Isabel asked that I take over the talk. I agreed, of course. It took place Monday from 12:30 until 3:00 PM.

"That same Monday at 4:00 PM the meeting with Congressman Dellums and his work team took place. At the beginning of the meeting which took place in the offices of the Congressman located in the Capitol building, his political counselor (comment: Carlottia Scott) made known that my visit could not have arrived at a better moment."

The U.S. Peace Council appears listed as a member of the Advisory Council of CISPES. According to a February 19, 1987 statement, other CISPES endorsers include Rep. Mike Barnes' replacement as Western Hemisphere subcommittee chairman Rep. George Crockett, David Cortright (Executive Director, SANE), Eugene "Gus" Newport (Executive Director, NEST), Jack O'Dell (listed as International Affairs Advisor to Rev. Jesse Jackson, Rainbow Coalition), Rev. William Boteler (Superior General, Maryknoll Fathers and Brothers), Dave Dellinger (listed as a member of the Vermont Rainbow Coalition) and Haskell Wexler. In the original CISPES endorsement, only Crockett's name appeared. Subsequently, CISPES was endorsed by Representatives Dellums, Conyers, Dymally, and Leland.

In addition to his CISPES endorsement, Haskell Wexler also appears listed as an endorser of Blase Bonpane's Office of the America's and as a fundraiser for the tax-exempt Central America Media Education Project. Wexler, a radical film-maker, circulated a fundraising letter on behalf of the Central American Media Education Project that said the Media Project "works with" Witness for Peace, Medical Aid for El Salvador, the Washington Office on Latin America (WOLA), the National Sanctuary Defense Fund, the Christic Institute, the Institute for Policy Studies "and dozens of others."

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El Salvador: Human Rights
Special Project (1993)

Two members of the Central America Media Education Project Board of Directors also appear listed as Board Members of the San Francisco-based anti-Contra group Neighbor-to-Neighbor. The latter group works closely with the Committee of Concern for Central America, an anti-Contra group headed by Mike Farrell, who also appears as a fundraiser for Medical Aid for El Salvador. Rosarillo Murillo is reported to have been involved in facilitating the formation of the Committee of Concern. Neighbor-to-Neighbor and the Committee of Concern, produced in 1985 a controversial documentary entitled "Faces of War."

The Arca Foundation of Washington, D.C., which funds the Committee of Concern, also funds the Central America Media Education Project. The head of the Arca Foundation is also a member of the Board of Directors of the Media Education Project.

According to Wexler's fundraising letter, the Central America Media Education Project (though a registered not-for-profit organization) is actually run by Fenton Communications, formed January 8, 1982 by former 1970's White Panther Party radical and Rolling Stone magazine Staffer David S. Fenton. Fenton Communications' Washington office is headed by Nick Allen, formerly Executive Director of Neighbor-to-Neighbor and Executive Producer of the "Faces of War" documentary. Wexler's letter states that Fenton and Allen directly supervise "the day-to-day work of the Media Project" which Fenton Communications "carries out."

According to Wexler, under the rubric of the Media Education Project, Fenton Communications contacts journalists "to pitch our story ideas." Since its inception, Fenton Communications has registered under the Foreign Agents Registration Act to represent the Sandinista Government, the Grenada Government of Maurice Bishop and the Marxist-Leninist MPLA Government in Angola. During the 1984 Presidential elections in El Salvador, Fenton Communications contacted journalists to provide them with numbers to contact FMLN/FDR officials for press interviews.

Fenton Communications and Neighbor-to-Neighbor are both involved in "Countdown '87," a lobbying effort aimed at defeating further assistance to the Nicaraguan Democratic Resistance. Television and radio spots for the "Countdown '87" effort were prepared by Bill Zimmerman's California-based media consulting firm Zimmerman, Fiman and Dixon. "Countdown '87" Executive Director Rosa de Lauro was formerly Chief of Staff to Senator Christopher Dodd.

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El Salvador: Human Rights
Special Project (1993)

Members of Jesse Jackson's Rainbow Coalition feature prominently in several of the related FMLN/FDR support organizations. Jack O'Dell, International Affairs Advisor; Susana Cepeda, then-Latin American Affairs Advisor; and Suzanne Ross are only a few of the Rainbow Coalition members whose names appear as endorsers of these groups. Suzanne Ross, in addition to her Rainbow Coalition activities served as National Coordinator for Organizational Relations for CISPES. Cepeda has had several incarnations, most recently as Director of the Council of Hispanic Agencies of Washington, D.C. In 1978 Cepeda attended the World Peace Council leadership meeting in Washington, D.C., set up by Representatives Dellums, Conyers, Edwards, and Rangel, participating as a member of the "Women's International Democratic Federation," whose U.S. branch is controlled by the CPUSA. Cepeda also has served as a member of SANE under Executive Director David Cortright, and as a member of the Board of Endorsers of NEST. David Cortright, on the Board of Endorsers of both NEST and CISPES, is an active participant in the U.S. Peace Council under Eugene "Gus" Newport.

Bill Zimmerman, following on his Viet Nam experience and his management, in 1976, of Jane Fonda's husband Tom Hayden's unsuccessful Senate race, founded Medical Aid to El Salvador (MAES) in 1981, with the endorsement of actors Ed Asner, Mike Farrell, and Martin Sheen, who also appears on letterhead as an endorser of Blase Bonpane's Office of the Americas. Zimmerman in addition to his "Countdown '87 media activities, appears, together with former MAES President Christina Courtright, on Newport's NEST letterhead as a member of the Board of Endorsers.

Several members of Congress including Rep. Ron Dellums and Rep. John Conyers, and then Representative, now Senator Tom Harkin, have endorsed MAES since its founding, sending out fundraising circulars under private official congressional letterhead.

Senator Harkin currently serves as Co-chair of the Center for International Policy, headed by former U.S. Ambassador to El Salvador Robert White. The Center for International Policy and the Center for Defense Information are creations of the Fund for Peace, which was founded in 1967. Board of Trustees of the Fund include leftist philanthropist Stewart Mott and Susan Horowitz, both of whom also serve on the Board of Advisers of White's Center for International Policy. Caleb Rossiter, a staff member of the Congressional Arms Control and Foreign Policy Caucus appears on the letterhead as a fellow on the staff of White's Center for International Policy.

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Special Project (1993)

In addition to serving as head of the Center for International Policy, former Ambassador White is also head of the Commission on U.S.-Central American Relations, established in 1982 as a project of the Center for Development Policy, itself established in 1977 by members of the Institute for Policy Studies. Lindsay Mattison, Executive Director of the Center for Development Policy is a member of the NEST Board of Endorsers. As noted earlier, Mattison, Melinda Rorick (Director, International Section of the Commission on U.S.-Central American Relations) and Marcus Raskin (Institute for Policy Studies) were among the sponsors of the July 10, 1986 reception for NEST. That reception was held at the Washington, D.C. home of Stewart Mott.

The Commission members include, among others, David Cortright (Executive Director, SANE/U.S. Peace Council/NEST), Bill Zimmerman (World Front in Solidarity with El Salvador/MAES/NEST, "Countdown '87"), Ed Asner (MAES/NEST), Martin Sheen (MAES/Office of the Americas), Charlie Clements (MAES, Salvador Medical Relief Fund/Office of the Americas), Frances Farenthold (CISPES endorser), Noam Chomsky (CISPES endorser), George Wald (CISPES endorser), Joe Eldridge (WOLA), John H. Coatsworth (NEST endorser), and Richard Feinberg (Institute for Policy Studies).

Charles Clements, a medical doctor who wrote Witness to War about time spent with the FMLN guerrillas, appears listed as an endorser of both MAES and Bonpane's Office of the Americas. Clements is a fund-raiser for Salvadoran Medical Relief Fund (SMRF), another FMLN/FDR support group. A 1986 CISPES "El Salvador Alert" article urged that funds be raised for NEST, MAES, and the Salvadoran Medical Relief Fund--with funds payable through CISPES.

Another MAES Board of Directors member is Joan Anderson, a member of the National Lawyers Guild which is considered controlled by the International Association of Democratic Lawyers, another Soviet front organization similar to the World Peace Council. Marc Van der Hout appears on the letterhead of NEST as "President, National Lawyers Guild."

SHARE's Executive Director Eileen Purcell was associated for eight years with the Catholic Social Services office of the San Francisco Archdiocese headed by Archbishop Quinn, where she also served as representative for the American Friends Services Committee on the pro-Sandinista Emergency Response Network together with Rep. Ron Dellums' Administrative Assistant

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El Salvador Human Rights
Special Project (1993)

Carlottia Scott and William Wipfler, Director of the Human Rights Office of the National Council of Churches. On June 21-26, 1986, Wipfler served as Delegation Coordinator for an "International Ecumenical Delegation Visit to El Salvador" made up of seven clergymen including Dr. Jorge Laura Braud, of the Presbyterian Church (USA), Professor at San Francisco Theological Seminary, in representation of the National Council of Churches (USA).

Laura Braud appears on letterhead among the original endorsers of SHARE, together with Msgr. Mendez Arceo, Rep. Ron Dellums, Rep. Robert Garcia, former-State Senator Julian Bond, Detroit Archbishop Thomas Gumbleton, former Attorney General Ramsey Clark, and journalist I.F. Stone. The original Board of Directors included Isabel Letelier of the Institute for Policy Studies (IPS) and Larry Birns of the Council on Hemispheric Affairs (COHA).

On May 14, 1986, now-former Representative Mike Barnes, then Chairman of the House Foreign Affairs Committee Western Hemisphere Subcommittee, held hearings on "The Air War and Political Developments in El Salvador." The campaign for the hearing originated with CISPES and was the subject of articles in the CISPES publication "El Salvador Alert." Among the persons testifying at the hearing were: Rep. John Conyers, then-Berkeley mayor Eugene "Gus" Newport (NEST), and Eileen Purcell (SHARE, representing Archbishop John R. Quinn of San Francisco). Rep. Dellums' Administrative Assistant Carlottia Scott submitted a written statement "regarding her recent trip to El Salvador as a member of a delegation sponsored by New El Salvador Today (NEST)." Rep. Conyers thanked the Committee for allowing him to bring Mayor Newport to the hearing.

Another witness at the Barnes' committee hearing was Michael Urquhart, Co-chairman of the Washington Area Labor Committee on Central America and the Caribbean, and President of Local 12 of the American Federation of Government Employees (AFGE). Urquhart played a prominent role in organizing U.S. labor participation in the November 22-23, 1986, "In Search of Peace Conference" organized by the FMLN labor front National Organization of Salvadoran Workers (UNTS) in San Salvador. Urquhart placed in the record of the Barnes' hearing a tract from an April 3-5, 1986, UNTS meeting. While Susana Cepeda, David Cortright, Br. Joseph Nangle and Mike Urquhart denied during the 1986 conference that UNTS was affiliated with the FMLN/FDR, UNTS spoke out directly in favor of the FMLN/FDR during the October 4-5, 1987, dialogue between the FMLN/FDR and

RELEASED
El Salvador: Human Rights
Special Project (1994

the Government of El Salvador. The position laid out in the UNTS document submitted to the Barnes hearing was identical to the FMLN/FDR position. The demonstrations during the dialogue in favor of the FMLN/FDR, recorded and reported by the international media, were led by Marco Tulio Lima, head of UNTS. During the dialogue, UNTS members carried red flags, chanted in favor of the FMLN/FDR, and demanded a "peoples government." Subsequent articles written in the University of El Salvador newspaper by university organizations which are members of UNTS confirmed the relationship. Documents being transmitted from ERP Commander Joaquin Villalobos to FARN Commander Ferman Cienfuegas were captured by the Salvadoran military in February 1988. Those documents, referring to UNTS by the code name "Encendedor" describe in detail the FMLN-UNTS relationship.

The organizers of the "In Search of Peace Conference" were Francisco Acosta, a member of the Salvadoran Armed Forces of National Resistance (FARN/FAPU)-controlled labor federation FENASTRAS and representative of UNTS in the United States and Susana Cepeda, both of whom appear on the Conference letterhead as Conference Directors. Acosta is housed at 1300 Connecticut Avenue, the Machinists Union building, in Washington, D.C. FENASTRAS has observer status with the Moscow-line World Federation of Trade Unions (WFTU) headquartered in Prague, Czechoslovakia. Only two U.S. labor officials attended the November 13-15, 1986, FENASTRAS conference in San Salvador, one of them, Jerry Oliveira of the International Association of Machinists, endorsed FENASTRAS by allowing his name to be placed on a FENASTRAS newspaper ad.

Acosta works closely in Washington, D.C., with America Soza, head of the U.S. office of the FMLN/FDR human rights front group organization Comadres, which won the 1984 Robert F. Kennedy Human Rights Award. According to FMLN/FARN defector Violeta Jovel, who was serving at the time as head of Comadres' Propaganda Commission, the Kennedy prize money went to the FMLN/FARN bank accounts in Mexico. The competition for that award was conducted by persons affiliated with, among others, the Institute for Policy Studies, which is financed by Cora Weiss, an heiress, benefactor of the Riverside Memorial Church's pastor Rev. William Sloane Coffin, and Director of the Church's Disarmament Program.

Among her other activities, Weiss funds the pro-Castro lobbying group NACLA (North American Congress on Latin America) and appears as a sponsor of SHARE. In 1977 Weiss funded a

RELEASED
El Salvador: Human Rights
Special Project (1993)

counter-ad to Joan Baez' "Appeal to the Conscience of Viet Nam." Weiss' ad was signed by, among others, CISPES-endorser Dave Dellinger of "Liberation" magazine and Richard Barnet of the Institute for Policy Studies. Michael T. Klare, a well-known NACLA member is also an "associate fellow" of the Institute for Policy Studies.

Among those appearing as endorsers of the 1986 UNTS "In Search of Peace" conference are: Jesse Jackson, Cora Weiss, CISPES, Ed Asner, Chicago Mayor Harold Washington, the Washington Area Labor Committee on Central America and the Caribbean (Mike Urquhart), David Cortright (SANE), Blase Bonpane (Office of the Americas), Archbishop Thomas Gumbleton, the United States Student Association (known as a front of the CPUSA), Br. Joseph Nangle (then-Director, National Conference of Superiors of Men) and Rev. William Sloane Coffin (Riverside Memorial Church). Sloane Coffin had given the eulogy for CPUSA Politburo member Sandy Pollack at the Riverside Church memorial service after her death in Cuba on January 15, 1985. Congressional sponsors of the UNTS Conference appearing in an ad in San Salvador papers December 19, 1986 included Representatives Conyers, Dellums, Dymally, Edwards, plus David Bonior (D-MICH), Michael Espy (D-MISS), Charles Hayes (D-ILL), Edward Markey (D-MASS), and Delegate Walter Fauntroy (D-DC).

Br. Joseph Nangle appears on letterhead as one of the original endorsers of CISPES. Nangle is mentioned in the October 10, 1987, press as "one of 10 American church activists who tried to accompany (Salvadoran) refugees from their camp in Honduras" to El Salvador. While organized by the refugees, the return movement was affected by two FMLN front groups, the Christian Committee for the Displaced (CRIPDES) and the National Repopulation Coordinator (CNR), which organized foreign participation in the event both in Honduras and El Salvador through SHARE. In a November 1985 publication, SHARE established its direct working relationship with and support for CRIPDES. CNR is an offshoot of CRIPDES, which, in turn, is a member of the FMLN/FDR labor front UNTS. A flyer produced by an organization calling itself "U.S. Interfaith Committee in Support of the Refugees of Mesa Grande" requested that tax-deductible contributions be sent to "Going Home/SHARE Foundation;" P.O. Box 21, Cardinal Station, Washington, D.C. 20064. The "Interfaith Committee" is coordinated by Jose Escobar of the "U.S. Office for Human Rights in El Salvador," (P.O. Box 14303; San Francisco, California) which is affiliated with FMLN/FDR front groups CRIPDES and the Non-Governmental Human Rights Commission (CDHES-NG). The leader of the

RELEASED
El Salvador Human Rights
Special Project (1993)

ten-member Interfaith/Going Home delegation was San Francisco Bishop Gustav Shultz of the Association of Lutheran Evangelical Churches who also appears on the letterhead as an endorser of the 1986 UNTS "In Search of Peace" conference. Among others signing a paid ad that ran October 15, 1987, in San Salvador newspapers supporting the Mesa Grande repatriation to Berkeley "sister city" San Antonio Los Ranchos was Lori Hancock, who replaced Eugene "Gus" Newport as mayor of Berkeley, and Congresswomen Barbara Boxer (D-CA) and Nancy Pelosi (D-CA).

Many of the persons involved in these organizations came together during the April 25, 1986, Mobilization Actions for Peace, Jobs and Justice in Central America and South Africa. The Convenor of the Mobilization was David Reed, Director of the 60-member organization Coalition for a New Foreign and Military Policy (in 1981, the Coalition denied entry to the U.S. Peace Council in an 18-4 vote to ensure that its decisions were "not influenced by organizations that may have associations with a foreign power"). CPUSA politburo member Sandy Pollack had served as "labor liaison" for the 1982 New York disarmament rally, and was involved in putting together the coalition for the April 20, 1985, "Actions" before her January 19, 1985, death in Cuba. The Steering Committee for the April 25, 1986, Mobilization included, among others, David Cortright (SANE), the American Federation of Government Employees (AFGE), CISPES, the Rainbow Coalition, Witness for Peace, the National Council of Churches, and the Inter-Religious Task Force on Central America, which, in 1981, published a background paper which states "the majority of the people of El Salvador have chosen to unite under the leadership of the FDR, recognizing it as their legitimate representative." The Inter-Religious Task Force also appears as an endorser of the 1986 UNTS "In Search of Peace" conference.

The Mobilization Program Committee, which selected the speakers for the event, included Jack O'Dell (Rainbow Coalition), Angela Sanbrano (Executive Director, CISPES), Leslie Cagan (Mobilization for Survival), David Dyson (Head of the Union Label Department of the Almagamated Clothing and Textiles Workers Union and of the National Labor Committee for Democracy and Human Rights in El Salvador), Sister Maureen Fiedler of the Quixote Center, Rob Jones of the American Committee on Africa, and George Chauncey of the Presbyterian Church.

Selected to speak at the Mobilization were Rev. Jesse Jackson (Rainbow Coalition), Bishop Thomas Gumbleton (SHARE

RELEASED
El Salvador: Human Rights
Special Project (1993)

endorser), Ed Asner (Board of Directors of Medical Aid to El Salvador), AFGE President Kenneth Blaylock (UNTS conference endorser), and Eleanor Smeal, then-President of the National Organization for Women.

In addition to its support for the various mobilizations, the National Council of Churches finances the Ecumenical Program for Inter-American Communication and Action (EPICA) which is run by Rev. Phil Wheaton. Wheaton was a founding member of CISPES in 1980 together with Sandy Pollack. Wheaton accompanied Farid Handal during the West Coast portion of his 1980 trip to set up CISPES. Wheaton is a member of Christians for Socialism, a frequent contributor to Philip Agee's "Counter-spy" publication and also was an endorser of the UNTS "In Search of Peace" conference and as a sponsor of MAES. The National Network in Solidarity with the People of Nicaragua (Nicaragua Network), a Sandinista-sponsored public relations operation, was originally established in Wheaton's EPICA offices. In 1983, EPICA published an attack on AFL-CIO policies in Central America and accused Mike Hammer, one of two AFL-CIO land reform officials killed by a right-wing death squad in San Salvador on January 3, 1981, of being an agent of the CIA. EPICA was also involved in 1981 in the distribution of a forged State Department dissent document. CISPES' tax exempt Institute for Effective Action was patterned after the Nicaragua Network's Humanitarian Aid for Nicaraguan Democracy (HAND) tax exempt foundation. Wheaton travelled to El Salvador November 20, 1987, as part of a Central American Refugee Network (CARNET) sanctuary movement delegation.

FDR leaders Guillermo Ungo, Ruben Zamora and Hector Oquelí returned to El Salvador November 23. The international support group that accompanied the FDR leaders included Bianca Jagger, Heather Foote (Former WOLA Director, now Coordinator for the Unitarian Universalist Service Committee), David Dyson (Amalgamated Clothing and Textiles Union/member of Mobilization Program Committee for the April 25, 1986, mobilization "Actions for Peace, Jobs and Justice in Central America and South Africa"), Rep. Moakley Staffer Jim McGovern, Rep. Lantos Staffer and Congressional Human Rights Caucus Member Alexandra Arreaga, and Jaqueline Mazza of the House Democratic Study Group. Other U.S. members of the international support group included Br. Joe Nangle (CISPES/participant in the November 1986 UNTS "In Search of Peace" Conference/October 1987 Mesa Grande Repatriation), WOLA's David Holiday, Rep. Gejdenson Staffer Kathleen Bertelson, and Rev. Benton Rhoades of the National Council of Churches.

RELEASED
El Salvador: Human Rights
Special Project (1993)

The overlapping membership in these organizations by these individuals demonstrates just how few persons have been at the heart of the FMLN/FDR support network in the United States. Membership affiliations also suggest a higher degree of penetration by the CPUSA than is generally recognized. Through fraternal relations between the Communist Party of El Salvador and the CPUSA, and through front organizations such as the World Peace Council and its U.S. affiliate the U.S. Peace Council, the FMLN/FDR has sought to manipulate U.S. public opinion against U.S. support for the democratic process in El Salvador. Instruments include the World Front in Solidarity with the People of El Salvador, CISPES, NEST, MAES, SMRF, Office of the Americas, and SHARE--with the support of a small handful of members of Congress who have endorsed these organizations.

Notwithstanding actions taken to close the Palestine Liberation Organization Information Office in Washington, D.C., the FDR Solidarity Information Office (Box 2793 New York, N.Y. 10163), Comadres (Box 21299 Washington, D.C. 20009-0799) and UNTS/FENASTRAS (1300 Connecticut Avenue, Room 808, Washington, D.C. 20036) continue to function as foreign agents for the communist Salvadoran guerrillas of the FMLN/FDR--with the help of a number of U.S. support organizations.

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El Salvador: Human
Special Projec

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PINS 34
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THE INTERNATIONAL FRONT SUPPORT NETWORK

Over the past seven years, a limited number of persons and organizations have played a key role in supporting the FMLN/FDR in El Salvador and in opposing the democratic process in Central America. Disputes about the political coloration and agendas of certain Salvadoran organizations marked the early years of the El Salvador debate. Later evidence, however, has now exposed an array of some 11 front organizations created by the FMLN/FDR and linked to various counterpart organizations in the U.S. While many supporters of these U.S. counterpart organizations did so ostensibly in opposition to a repressive situation in El Salvador, the political solution of the FMLN/FDR front groups being supported was not democracy, but a Marxist-Leninist political system. Opposition to repression was simply a vehicle to mobilize U.S. support to achieve their concealed political goals.

A review of the leadership and affiliation of the U.S. organizations which have supported the FMLN/FDR front groups evidences a web of entanglement which involves a range of persons from members of the U.S. Communist Party (CPUSA) to well-intentioned activist individuals opposed to the non-democratic system which prevailed in El Salvador prior to President Duarte's election in 1984. A review of these U.S. FMLN/FDR support organizations suggests that many were, and some remain, under the control or influence of the CPUSA and that the CPUSA tried to inject itself into many organizations which did not share fully CPUSA objectives. In many instances, members of Congress endorsed organizations and activities without sufficient research into the nature of the organization or the backgrounds of the persons involved.

The ubiquitous Soviet front group, the World Peace Council, emerges as a link in the chain of organizations affecting U.S. policy toward El Salvador. The World Peace Council is controlled by the Soviet Committee for the Defense of Peace, which is a Moscow based "public" organization that receives direction and overall guidance from the Communist Party of the Soviet Union. The Committe is presided over by Genrikh Borovik who was identified during a London libel trial as a former agent of the Tenth Department of the KGB's Second Chief Directorate and brother-in-law of Vladimir Kyuchkov, head of the KGB's First Chief Directorate, responsible for all Soviet intelligence activities abroad.

The World Peace Council was headed until April 24, 1986, by Romesh Chandra, a member of the Central Committee of the Communist Party of India. In a reorganization of the WPC orchestrated by the International Department of the Communist Party of the Soviet Union (CPSU)(headed by former Soviet Ambassador to the U.S. Anatoly Dobrynin), Chandra was continued as WPC President. Effective control, however, was given to Finnish Soviet-line Communist Party member Johannes Pakaslahti

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El Salvador: Human Rights
Special Project (1993)

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who was elected to the restored position of Secretary General. Chandra was made WPC President in 1977 when the Secretary General position was abolished in a previous reorganization. Former Cuernavaca Bishop Sergio Mendez Arceo is Honorary President of the World Peace Council. Former Berkeley, California, Mayor Eugene "Gus" Newport appears as another link in the chain, serving as Vice Chairman of the World Peace Council, as Co-chairman of the World Peace Council U. S. affiliate, the U.S. Peace Council, and as Executive Director of the FMLN/FDR support group New El Salvador Today (NEST).

While mayor, Newport's political career was supported by Rep. Ron Dellums whose Eighth Congressional District includes Berkeley. In 1978 Representatives Dellums, John Conyers (D-MI), Don Edwards (D-CA), and Charles Rangel (D-NY) set up a World Peace Council leadership meeting in Washington, D.C. That meeting was attended by World Peace Council President Chandra, Oleg Kharkhardin of the CPSU Central Committee, and KGB Colonel Radomir Bogdanov. In 1981 Dellums, together with Representatives Conyers, Edwards, George Crockett (D-MI), Ted Weiss (D-NY), Mickey Leland (D-TX), and Mervyn Dymally (D-CA), organized a meeting in the Rayburn House Office Building for then World Peace Council Chairman Chandra to lobby members of Congress. In 1986 Rep. Dellums' Administrative Assistant Carlottia Scott attended the World Peace Council World Congress in Copenhagen on behalf of Dellums, who was listed as a member of the International Preparatory Committee of the Copenhagen Congress.

Newport's NEST organization provides support to the Popular Liberation Forces (FPL) faction of the FMLN, primarily through a sister city-type program that links Berkeley, California, with San Antonio Los Ranchos, Chalatenango; Cambridge, Massachusetts, with San Jose Las Flores, Chalatenango; Madison, Wisconsin, with Arcatao, Chalatenango and Baltimore, Maryland, with El Barillo, Cuscatlan. All four towns are in areas influenced by the FPL.

NEST's Board of Endorsers includes Representatives Dellums and Dymally, and, among others, SANE Executive Director David Cortright, Susana Cepeda (Rainbow Coalition/SANE/Women's International Democratic Federation/Washington D.C. Council of Hispanic Agencies), Bill Zimmerman (Chairman, Medical Aid to El Salvador (MAES)), Christina Courtright (President, MAES), Ed Asner (Board of Directors, MAES) and Blase Bonpane (founder and Director, Office of the Americas). Bonpane is a former Maryknoll priest and liberation theologian, who in 1982 was asked by Rosario Murillo, common-law wife of Daniel Ortega, to organize delegations of prominent Americans to visit Nicaragua. The Office of the Americas was created primarily for this purpose. In 1984 Bonpane organized a nine-city tour in favor of the Sandinista government that included Jackson Brown, Diane Ladd, and MAES-endorsers Mike Farrell and then-Georgia State Senator Julian Bond.

RELEASED
El Salvador: Human Rights
Special Project (1993)

Two key CPUSA members served together with Eugene "Gus" Newport on the U.S. Peace Council: Michael Myerson, a longtime Communist activist and member of the CPUSA Political Committee, and Alexandra "Sandy" Pollack of the CPUSA Central Committee. After helping to found the U.S. Peace Council in 1979, Myerson was named its Executive Director and Pollack the International Solidarity Coordinator. Pollack died in a plane crash in Cuba on January 19, 1985, while en route to Managua. In addition to her U.S. Peace Council role, Pollack was a founding member in 1980 of the Committee in Solidarity with the People of El Salvador (CISPES).

After helping to found the U.S. Peace Council in 1979 and CISPES in 1980, CPUSA member Pollack helped found the World Front in Solidarity with the People of El Salvador, in Mexico City in 1982. Another founder and first President of the World Front was Bill Zimmerman, who, in 1981, had founded Medical Aid to El Salvador patterned after his previous organization Medical Aid to Indochina which provided aid to the North Vietnamese and Viet Cong. After Zimmerman was elected President of the World Front, Pollack was assigned to the Permanent Bureau of the World Front together with Honorary World Peace Council President former Cuernavaca Bishop Sergio Mendez Arceo. In addition to his World Peace Council and World Front activities, Msgr. Mendez Arceo established a reputation as a fundraiser and manager of FMLN bank accounts in Mexico. Heidi Tarver, National Coordinator of CISPES, was named a member of the Executive Secretariat of the World Front. Tarver also appears on letterhead as one of the original endorsers--together with Msgr. Mendez Arceo--of the "Salvadorean Humanitarian Aid, Research and Education Foundation" (SHARE), founded in 1981.

Rep. Dellums' Administrative Assistant Carlottia Scott figures as another link in the chain of FMLN/FDR support organizations. Scott travelled to El Salvador April 25-May 4, 1986, under New El Salvador Today auspices. In addition to her participation in World Peace Council activities, Scott's other involvement with leftist groups in the hemisphere was well established in documents captured following the death of Grenada's New Jewel Movement leader Maurice Bishop and the subsequent U.S. liberation of the island.

On July 10, 1986, Carlottia Scott and NEST Director Tracey Schear (Newport's number two in the organization) spoke at a Capitol Hill cocktail "to welcome New El Salvador Today to Washington, D.C." The sponsors of the NEST gathering were Representatives Dellums, Dymally, and Conyers and the National Rainbow Coalition, Inc., together with David Cortright (Executive Director, SANE), Hilda Howland (Member-at-large, Council of the District of Columbia); Lindsay Mattison

RELEASED
El Salvador: Human Rights
Special Project (1993)

(Executive Director, Center for Development Policy and member of the NEST Board of Endorsers), Melinda Rorick (Director, International Section, Commission on U.S.-Central American Relations) and Marcus Raskin, (Senior Fellow, Institute for Policy Studies).

Rep. Dellums' and his Administrative Assistant Scott's involvement with Sandy Pollack, Rev. Phil Wheaton and others in the establishment of CISPES was documented with the capture of the diary belonging to Farid Handal, brother of Salvadoran Communist Party General Secretary Shafik Handal and head of the Commission for Finance of the FMLN's United Revolutionary Directorate (DRU). The diary recorded Farid Handal's use of Dellum's Congressional offices when Handal coordinated with Sandy Pollack and members of the Washington, D.C. chapter of the CPUSA on the establishment of the Committee in Solidarity with the People of El Salvador (CISPES) in February 1980. Farid Handal's diary concerning his visit to establish CISPES in 1980 states the following :

> "The comrades of the Cuban Mission had recommended Juan Ferreira, from Uruguay. I contacted him at WOLA (Washington Office on Latin America). He helped me at WOLA and at the National Council of Churches....
>
> "I contacted Isabel Letelier who had prepared a seminar at the Institute for Policy Studies of Washington. The seminar would be based on a talk by Napoleon Gonzalez, which had already been announced. Gonzalez was in Washington at the invitation of Amnesty International. Napoleon Gonzalez had already spoken at WOLA, at which time he had mainly covered the situation of his newspaper and his person as objects of repression. Isabel Letelier informed me that at the last moment Napoleon had declined participation saying he was leaving for Los Angeles. Because of this Isabel asked that I take over the talk. I agreed, of course. It took place Monday from 12:30 until 3:00 PM.
>
> "That same Monday at 4:00 PM the meeting with Congressman Dellums and his work team took place. At the beginning of the meeting which took place in the offices of the Congressman located in the Capitol building, his political counselor (comment: Carlottia Scott) made known that my visit could not have arrived at a better moment."

The U.S. Peace Council appears listed as a member of the Advisory Council of CISPES. According to a February 19, 1987 statement, other CISPES endorsers include Rep. Mike Barnes' replacement as Western Hemisphere subcommittee chairman Rep. George Crockett, David Cortright (Executive Director, SANE),

RELEASED
El Salvador: Human Rights
Special Project (1993)

Eugene "Gus" Newport (Executive Director, NEST), Jack O'Dell (listed as International Affairs Advisor to Rev. Jesse Jackson, Rainbow Coalition), Rev. William Boteler (Superior General, Maryknoll Fathers and Brothers), Dave Dellinger (listed as a member of the Vermont Rainbow Coali- tion) and Haskell Wexler. In the original CISPES endorsement, only Crockett's name appeared. Subsequently, CISPES was endorsed by Representatives Dellums, Conyers, Dymally, and Leland.

In addition to his CISPES endorsement, Haskell Wexler also appears listed as an endorser of Blase Bonpane's Office of the America's and as a fundraiser for the tax-exempt Central America Media Education Project. Wexler, a radical film-maker, circulated a fundraising letter on behalf of the Central American Media Education Project that said the Media Project "works with" Witness for Peace, Medical Aid for El Salvador, the Washington Office on Latin America (WOLA), the National Sanctuary Defense Fund, the Christic Institute, the Institute for Policy Studies "and dozens of others."

Two members of the Central America Media Education Project Board of Directors also appear listed as Board Members of the San Francisco-based anti-Contra group Neighbor-to-Neighbor. The latter group works closely with the Committee of Concern for Central America, an anti-Contra group headed by Mike Farrell, who also appears as a fundraiser for Medical Aid for El Salvador. Rosarillo Murillo is reported to have been involved in facilitating the formation of the Committee of Concern. Neighbor-to-Neighbor and the Committee of Concern, produced in 1985 a controversial documentary entitled "Faces of War."

The Arca Foundation of Washington, D.C., which funds the Committee of Concern, also funds the Central America Media Education Project. The head of the Arca Foundation is also a member of the Board of Directors of the Media Education Project.

According to Wexler's fundraising letter, the Central America Media Education Project (though a registered not-for-profit organization) is actually run by Fenton Communications, formed January 8, 1982 by former 1970's White Panther Party radical and Rolling Stone magazine Staffer David S. Fenton. Fenton Communications' Washington office is headed by Nick Allen, formerly Executive Director of Neighbor-to-Neighbor and Executive Producer of the "Faces of War" documentary. Wexler's letter states that Fenton and Allen directly supervise "the day-to-day work of the Media Project" which Fenton Communications "carries out."

RELEASED
El Salvador: Human Rights
Special Project (1993)

According to Wexler, under the rubric of the Media Education Project, Fenton Communications contacts journalists "to pitch our story ideas." Since its inception, Fenton Communications has registered under the Foreign Agents Registration Act to represent the Sandinista Government, the Grenada Government of Maurice Bishop and the Marxist-Leninist MPLA Government in Angola. During the 1984 Presidential elections in El Salvador, Fenton Communications contacted journalists to provide them with numbers to contact FMLN/FDR officials for press interviews. Fenton Communications and Neighbor-to-Neighbor are both involved in "Countdown '87," a lobbying effort aimed at defeating further assistance to the Nicaraguan Democratic Resistance.

Members of Jesse Jackson's Rainbow Coalition feature prominently in several of the related FMLN/FDR support organizations. Jack O'Dell, International Affairs Advisor; Susana Cepeda, then-Latin American Affairs Advisor; and Suzanne Ross are only a few of the Rainbow Coalition members whose names appear as endorsers of these groups. Suzanne Ross, in addition to her Rainbow Coalition activities served as National Coordinator for Organizational Relations for CISPES. Cepeda has had several incarnations, most recently as Director of the Council of Hispanic Agencies of Washington, D.C. In 1978 Cepeda attended the World Peace Council leadership meeting in Washington, D.C., set up by Representatives Dellums, Conyers, Edwards, and Rangel, participating as a member of the "Women's International Democratic Federation," whose U.S. branch is controlled by the CPUSA. Cepeda also has served as a member of SANE under Executive Director David Cortright, and as a member of the Board of Endorsers of NEST. David Cortright, on the Board of Endorsers of both NEST and CISPES, is an active participant in the U.S. Peace Council under Eugene "Gus" Newport.

Bill Zimmerman, following on his Viet Nam experience and his management, in 1976, of Jane Fonda's husband Tom Hayden's unsuccessful Senate race, founded Medical Aid to El Salvador (MAES) in 1981, with the endorsement of actors Ed Asner, Mike Farrell, and Martin Sheen, who also appears on letterhead as an endorser of Blase Bonpane's Office of the Americas. Zimmerman appears, together with former MAES President Christina Courtright, on Newport's NEST letterhead as a member of the Board of Endorsers.

Several members of Congress including Rep. Ron Dellums and Rep. John Conyers, and then Representative, now Senator Tom Harkin, have endorsed MAES since its founding, sending out fundraising circulars under private official congressional letterhead.

RELEASED
El Salvador: Human Rights
Special Project (1993)

Senator Harkin currently serves as Co-chair of the Center for International Policy, headed by former U.S. Ambassador to El Salvador Robert White. The Center for International Policy and the Center for Defense Information are creations of the Fund for Peace, which was founded in 1967. Board of Trustees of the Fund include leftist philanthropist Stewart Mott and Susan Horowitz, both of whom also serve on the Board of Advisers of White's Center for International Policy. Caleb Rossiter, a staff member of the Congressional Arms Control and Foreign Policy Caucus appears on the letterhead as a fellow on the staff of White's Center for International Policy.

In addition to serving as head of the Center for International Policy, former Ambassador White is also head of the Commission on U.S.-Central American Relations, established in 1982 as a project of the Center for Development Policy, itself established in 1977 by members of the Institute for Policy Studies. Lindsay Mattison, Executive Director of the Center for Development Policy is a member of the NEST Board of Endorsers. As noted earlier, Mattison, Melinda Rorick (Director, International Section of the Commission on U.S.-Central American Relations) and Marcus Raskin (Institute for Policy Studies) were among the sponsors of the July 10, 1986 reception for NEST. That reception was held at the Washington, D.C. home of Stewart Mott.

The Commission members include, among others, David Cortright (Executive Director, SANE/U.S. Peace Council/NEST), Bill Zimmerman (World Front in Solidarity with El Salvador/MAES/NEST), Ed Asner (MAES/NEST), Martin Sheen (MAES/Office of the Americas), Charlie Clements (MAES, Salvador Medical Relief Fund/Office of the Americas), Frances Farenthold (CISPES endorser), Noam Chomsky (CISPES endorser), George Wald (CISPES endorser), Joe Eldridge (WOLA), John H. Coatsworth (NEST endorser), and Richard Feinberg (Institute for Policy Studies).

Charles Clements, a medical doctor who wrote Witness to War about time spent with the FMLN guerrillas, appears listed as an endorser of both MAES and Bonpane's Office of the Americas. Clements is a fund-raiser for Salvadoran Medical Relief Fund (SMRF), another FMLN/FDR support group. A 1986 CISPES "El Salvador Alert" article urged that funds be raised for NEST, MAES, and the Salvadoran Medical Relief Fund--with funds payable through CISPES.

Another MAES Board of Directors member is Joan Anderson, a member of the National Lawyers Guild which is considered controlled by the International Association of Democratic

RELEASED
El Salvador: Human Rights
Special Project (1993)

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Over the past seven years, a limited number of persons and organizations have played a key role in supporting the FMLN/FDR in El Salvador and in opposing the democratic process in Central America. Disputes about the political coloration and agendas of certain Salvadoran organizations marked the early years of the El Salvador debate. Later evidence, however, has now exposed an array of some 11 front organizations created by the FMLN/FDR and linked to various counterpart organizations in the U.S. While many supporters of these U.S. counterpart organizations did so ostensibly in opposition to a repressive situation in El Salvador, the political solution of the FMLN/FDR front groups being supported was not democracy, but a Marxist-Leninist political system. Opposition to repression was simply a vehicle to mobilize U.S. support to achieve their concealed political goals.

A review of the leadership and affiliation of the U.S. organizations which have supported the FMLN/FDR front groups evidences a web of entanglement which involves a range of persons from members of the U.S. Communist Party (CPUSA) to well-intentioned activist individuals opposed to the non-democratic system which prevailed in El Salvador prior to President Duarte's election in 1984. A review of these U.S. FMLN/FDR support organizations suggests that many were, and some remain, under the control or influence of the CPUSA and that the CPUSA tried to inject itself into many organizations which did not share fully CPUSA objectives. In many instances, members of Congress endorsed organizations and activities without sufficient research into the nature of the organization or the backgrounds of the persons involved.

The ubiquitous Soviet front group, the World Peace Council, emerges as a link in the chain of organizations affecting U.S. policy toward El Salvador. The World Peace Council is controlled by the Soviet Committee for the Defense of Peace, which is a Moscow based "public" organization that receives direction and overall guidance from the Communist Party of the Soviet Union. The Committe is presided over by Genrikh Borovik who was identified during a London libel trial as a former agent of the Tenth Department of the KGB's Second Chief Directorate and brother-in-law of Vladimir Kyuchkov, head of the KGB's First Chief Directorate, responsible for all Soviet intelligence activities abroad.

The World Peace Council was headed until April 24, 1986, by Romesh Chandra, a member of the Central Committee of the Communist Party of India. In a reorganization of the WPC orchestrated by the International Department of the Communist Party of the Soviet Union (CPSU)(headed by former Soviet Ambassador to the U.S. Anatoly Dobrynin), Chandra was continued as WPC President. Effective control, however, was given to Finnish Soviet-line Communist Party member Johannes Pakaslahti

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RELEASED
El Salvador: Human Rights
Special Project (1993)

RELEASED
El Salvador: Human Rights
Special Project (1994)

who was elected to the restored position of Secretary General. Chandra was made WPC President in 1977 when the Secretary General position was abolished in a previous reorganization. Former Cuernavaca Bishop Sergio Mendez Arceo is Honorary President of the World Peace Council. Former Berkeley, California, Mayor Eugene "Gus" Newport appears as another link in the chain, serving as Vice Chairman of the World Peace Council, as Co-chairman of the World Peace Council U. S. affiliate, the U.S. Peace Council, and as Executive Director of the FMLN/FDR support group New El Salvador Today (NEST).

While mayor, Newport's political career was supported by Rep. Ron Dellums whose Eighth Congressional District includes Berkeley. In 1978 Representatives Dellums, John Conyers (D-MI), Don Edwards (D-CA), and Charles Rangel (D-NY) set up a World Peace Council leadership meeting in Washington, D.C. That meeting was attended by World Peace Council President Chandra, Oleg Kharkhardin of the CPSU Central Committee, and KGB Colonel Radomir Bogdanov. In 1981 Dellums, together with Representatives Conyers, Edwards, George Crockett (D-MI), Ted Weiss (D-NY), Mickey Leland (D-TX), and Mervyn Dymally (D-CA), organized a meeting in the Rayburn House Office Building for then World Peace Council Chairman Chandra to lobby members of Congress. In 1986 Rep. Dellums' Administrative Assistant Carlottia Scott attended the World Peace Council World Congress in Copenhagen on behalf of Dellums, who was listed as a member of the International Preparatory Committee of the Copenhagen Congress.

Newport's NEST organization provides support to the Popular Liberation Forces (FPL) faction of the FMLN, primarily through a sister city-type program that links Berkeley, California, with San Antonio Los Ranchos, Chalatenango; Cambridge, Massachusetts, with San Jose Las Flores, Chalatenango; Madison, Wisconsin, with Arcatao, Chalatenango and Baltimore, Maryland, with El Barillo, Cuscatlan. All four towns are in areas influenced by the FPL.

NEST's Board of Endorsers includes Representatives Dellums and Dymally, and, among others, SANE Executive Director David Cortright, Susana Cepeda (Rainbow Coalition/SANE/Women's International Democratic Federation/Washington D.C. Council of Hispanic Agencies), Bill Zimmerman (Chairman, Medical Aid to El Salvador (MAES)), Christina Courtright (President, MAES), Ed Asner (Board of Directors, MAES) and Blase Bonpane (founder and Director, Office of the Americas). Bonpane is a former Maryknoll priest and liberation theologian, who in 1982 was asked by Rosario Murillo, common-law wife of Daniel Ortega, to organize delegations of prominent Americans to visit Nicaragua. The Office of the Americas was created primarily for this purpose. In 1984 Bonpane organized a nine-city tour in favor of the Sandinista government that included Jackson Brown, Diane Ladd, and MAES-endorsers Mike Farrell and then-Georgia State Senator Julian Bond.

RELEASED
El Salvador: Human Rights
Special Project (1993)

Two key CPUSA members served together with Eugene "Gus" Newport on the U.S. Peace Council: Michael Myerson, a longtime Communist activist and member of the CPUSA Political Committee, and Alexandra "Sandy" Pollack of the CPUSA Central Committee. After helping to found the U.S. Peace Council in 1979, Myerson was named its Executive Director and Pollack the International Solidarity Coordinator. Pollack died in a plane crash in Cuba on January 19, 1985, while en route to Managua. In addition to her U.S. Peace Council role, Pollack was a founding member in 1980 of the Committee in Solidarity with the People of El Salvador (CISPES).

After helping to found the U.S. Peace Council in 1979 and CISPES in 1980, CPUSA member Pollack helped found the World Front in Solidarity with the People of El Salvador, in Mexico City in 1982. Another founder and first President of the World Front was Bill Zimmerman, who, in 1981, had founded Medical Aid to El Salvador patterned after his previous organization Medical Aid to Indochina which provided aid to the North Vietnamese and Viet Cong. After Zimmerman was elected President of the World Front, Pollack was assigned to the Permanent Bureau of the World Front together with Honorary World Peace Council President former Cuernavaca Bishop Sergio Mendez Arceo. In addition to his World Peace Council and World Front activities, Msgr. Mendez Arceo established a reputation as a fundraiser and manager of FMLN bank accounts in Mexico. Heidi Tarver, National Coordinator of CISPES, was named a member of the Executive Secretariat of the World Front. Tarver also appears on letterhead as one of the original endorsers--together with Msgr. Mendez Arceo--of the "Salvadorean Humanitarian Aid, Research and Education Foundation" (SHARE), founded in 1981.

Rep. Dellums' Administrative Assistant Carlottia Scott figures as another link in the chain of FMLN/FDR support organizations. Scott travelled to El Salvador April 25-May 4, 1986, under New El Salvador Today auspices. In addition to her participation in World Peace Council activities, Scott's other involvement with leftist groups in the hemisphere was well established in documents captured following the death of Grenada's New Jewel Movement leader Maurice Bishop and the subsequent U.S. liberation of the island.

On July 10, 1986, Carlottia Scott and NEST Director Tracey Schear (Newport's number two in the organization) spoke at a Capitol Hill cocktail "to welcome New El Salvador Today to Washington, D.C." The sponsors of the NEST gathering were Representatives Dellums, Dymally, and Conyers and the National Rainbow Coalition, Inc., together with David Cortright (Executive Director, SANE), Hilda Howland (Member-at-large, Council of the District of Columbia); Lindsay Mattison

RELEASED
El Salvador: Human Rights
Special Project (1993)

(Executive Director, Center for Development Policy and member of the NEST Board of Endorsers), Melinda Rorick (Director, International Section, Commission on U.S.-Central American Relations) and Marcus Raskin, (Senior Fellow, Institute for Policy Studies).

Rep. Dellums' and his Administrative Assistant Scott's involvement with Sandy Pollack, Rev. Phil Wheaton and others in the establishment of CISPES was documented with the capture of the diary belonging to Farid Handal, brother of Salvadoran Communist Party General Secretary Shafik Handal and head of the Commission for Finance of the FMLN's United Revolutionary Directorate (DRU). The diary recorded Farid Handal's use of Dellum's Congressional offices when Handal coordinated with Sandy Pollack and members of the Washington, D.C. chapter of the CPUSA on the establishment of the Committee in Solidarity with the People of El Salvador (CISPES) in February 1980. Farid Handal's diary concerning his visit to establish CISPES in 1980 states the following :

> "The comrades of the Cuban Mission had recommended Juan Ferreira, from Uruguay. I contacted him at WOLA (Washington Office on Latin America). He helped me at WOLA and at the National Council of Churches....
>
> "I contacted Isabel Letelier who had prepared a seminar at the Institute for Policy Studies of Washington. The seminar would be based on a talk by Napoleon Gonzalez, which had already been announced. Gonzalez was in Washington at the invitation of Amnesty International. Napoleon Gonzalez had already spoken at WOLA, at which time he had mainly covered the situation of his newspaper and his person as objects of repression. Isabel Letelier informed me that at the last moment Napoleon had declined participation saying he was leaving for Los Angeles. Because of this Isabel asked that I take over the talk. I agreed, of course. It took place Monday from 12:30 until 3:00 PM.
>
> "That same Monday at 4:00 PM the meeting with Congressman Dellums and his work team took place. At the beginning of the meeting which took place in the offices of the Congressman located in the Capitol building, his political counselor (comment: Carlottia Scott) made known that my visit could not have arrived at a better moment."

The U.S. Peace Council appears listed as a member of the Advisory Council of CISPES. According to a February 19, 1987 statement, other CISPES endorsers include Rep. Mike Barnes' replacement as Western Hemisphere subcommittee chairman Rep. George Crockett, David Cortright (Executive Director, SANE),

RELEASED
El Salvador Human Rights
Special Project (1993)

Eugene "Gus" Newport (Executive Director, NEST), Jack O'Dell (listed as International Affairs Advisor to Rev. Jesse Jackson, Rainbow Coalition), Rev. William Boteler (Superior General, Maryknoll Fathers and Brothers), Dave Dellinger (listed as a member of the Vermont Rainbow Coali- tion) and Haskell Wexler. In the original CISPES endorsement, only Crockett's name appeared. Subsequently, CISPES was endorsed by Representatives Dellums, Conyers, Dymally, and Leland.

In addition to his CISPES endorsement, Haskell Wexler also appears listed as an endorser of Blase Bonpane's Office of the America's and as a fundraiser for the tax-exempt Central America Media Education Project. Wexler, a radical film-maker, circulated a fundraising letter on behalf of the Central American Media Education Project that said the Media Project "works with" Witness for Peace, Medical Aid for El Salvador, the Washington Office on Latin America (WOLA), the National Sanctuary Defense Fund, the Christic Institute, the Institute for Policy Studies "and dozens of others."

Two members of the Central America Media Education Project Board of Directors also appear listed as Board Members of the San Francisco-based anti-Contra group Neighbor-to-Neighbor. The latter group works closely with the Committee of Concern for Central America, an anti-Contra group headed by Mike Farrell, who also appears as a fundraiser for Medical Aid for El Salvador. Rosarillo Murillo is reported to have been involved in facilitating the formation of the Committee of Concern. Neighbor-to-Neighbor and the Committee of Concern, produced in 1985 a controversial documentary entitled "Faces of War."

The Arca Foundation of Washington, D.C., which funds the Committee of Concern, also funds the Central America Media Education Project. The head of the Arca Foundation is also a member of the Board of Directors of the Media Education Project.

According to Wexler's fundraising letter, the Central America Media Education Project (though a registered not-for-profit organization) is actually run by Fenton Communications, formed January 8, 1982 by former 1970's White Panther Party radical and Rolling Stone magazine Staffer David S. Fenton. Fenton Communications' Washington office is headed by Nick Allen, formerly Executive Director of Neighbor-to-Neighbor and Executive Producer of the "Faces of War" documentary. Wexler's letter states that Fenton and Allen directly supervise "the day-to-day work of the Media Project" which Fenton Communications "carries out."

RELEASED
El Salvador: Human Rights
Special Project (1993)

According to Wexler, under the rubric of the Media Education Project, Fenton Communications contacts journalists "to pitch our story ideas." Since its inception, Fenton Communications has registered under the Foreign Agents Registration Act to represent the Sandinista Government, the Grenada Government of Maurice Bishop and the Marxist-Leninist MPLA Government in Angola. During the 1984 Presidential elections in El Salvador, Fenton Communications contacted journalists to provide them with numbers to contact FMLN/FDR officials for press interviews. Fenton Communications and Neighbor-to-Neighbor are both involved in "Countdown '87," a lobbying effort aimed at defeating further assistance to the Nicaraguan Democratic Resistance.

Members of Jesse Jackson's Rainbow Coalition feature prominently in several of the related FMLN/FDR support organizations. Jack O'Dell, International Affairs Advisor; Susana Cepeda, then-Latin American Affairs Advisor; and Suzanne Ross are only a few of the Rainbow Coalition members whose names appear as endorsers of these groups. Suzanne Ross, in addition to her Rainbow Coalition activities served as National Coordinator for Organizational Relations for CISPES. Cepeda has had several incarnations, most recently as Director of the Council of Hispanic Agencies of Washington, D.C. In 1978 Cepeda attended the World Peace Council leadership meeting in Washington, D.C., set up by Representatives Dellums, Conyers, Edwards, and Rangel, participating as a member of the "Women's International Democratic Federation," whose U.S. branch is controlled by the CPUSA. Cepeda also has served as a member of SANE under Executive Director David Cortright, and as a member of the Board of Endorsers of NEST. David Cortright, on the Board of Endorsers of both NEST and CISPES, is an active participant in the U.S. Peace Council under Eugene "Gus" Newport.

Bill Zimmerman, following on his Viet Nam experience and his management, in 1976, of Jane Fonda's husband Tom Hayden's unsuccessful Senate race, founded Medical Aid to El Salvador (MAES) in 1981, with the endorsement of actors Ed Asner, Mike Farrell, and Martin Sheen, who also appears on letterhead as an endorser of Blase Bonpane's Office of the Americas. Zimmerman appears, together with former MAES President Christina Courtright, on Newport's NEST letterhead as a member of the Board of Endorsers.

Several members of Congress including Rep. Ron Dellums and Rep. John Conyers, and then Representative, now Senator Tom Harkin, have endorsed MAES since its founding, sending out fundraising circulars under private official congressional letterhead.

RELEASED
El Salvador: Human Rights
Special Project (1993)

Senator Harkin currently serves as Co-chair of the Center for International Policy, headed by former U.S. Ambassador to El Salvador Robert White. The Center for International Policy and the Center for Defense Information are creations of the Fund for Peace, which was founded in 1967. Board of Trustees of the Fund include leftist philanthropist Stewart Mott and Susan Horowitz, both of whom also serve on the Board of Advisers of White's Center for International Policy. Caleb Rossiter, a staff member of the Congressional Arms Control and Foreign Policy Caucus appears on the letterhead as a fellow on the staff of White's Center for International Policy.

In addition to serving as head of the Center for International Policy, former Ambassador White is also head of the Commission on U.S.-Central American Relations, established in 1982 as a project of the Center for Development Policy, itself established in 1977 by members of the Institute for Policy Studies. Lindsay Mattison, Executive Director of the Center for Development Policy is a member of the NEST Board of Endorsers. As noted earlier, Mattison, Melinda Rorick (Director, International Section of the Commission on U.S.-Central American Relations) and Marcus Raskin (Institute for Policy Studies) were among the sponsors of the July 10, 1986 reception for NEST. That reception was held at the Washington, D.C. home of Stewart Mott.

The Commission members include, among others, David Cortright (Executive Director, SANE/U.S. Peace Council/NEST), Bill Zimmerman (World Front in Solidarity with El Salvador/MAES/NEST), Ed Asner (MAES/NEST), Martin Sheen (MAES/Office of the Americas), Charlie Clements (MAES, Salvador Medical Relief Fund/Office of the Americas), Frances Farenthold (CISPES endorser), Noam Chomsky (CISPES endorser), George Wald (CISPES endorser), Joe Eldridge (WOLA), John H. Coatsworth (NEST endorser), and Richard Feinberg (Institute for Policy Studies).

Charles Clements, a medical doctor who wrote Witness to War about time spent with the FMLN guerrillas, appears listed as an endorser of both MAES and Bonpane's Office of the Americas. Clements is a fund-raiser for Salvadoran Medical Relief Fund (SMRF), another FMLN/FDR support group. A 1986 CISPES "El Salvador Alert" article urged that funds be raised for NEST, MAES, and the Salvadoran Medical Relief Fund--with funds payable through CISPES.

Another MAES Board of Directors member is Joan Anderson, a member of the National Lawyers Guild which is considered controlled by the International Association of Democratic

RELEASED
El Salvador: Human Rights
Special Project (1994

Lawyers, another Soviet front organization similar to the World Peace Council. Marc Van der Hout appears on the letterhead of NEST as "President, National Lawyers Guild."

SHARE's Executive Director Eileen Purcell was associated for eight years with the Catholic Social Services office of the San Francisco Archdiocese headed by Archbishop Quinn, where she also served as representative for the American Friends Services Committee on the pro-Sandinista Emergency Response Network together with Rep. Ron Dellums' Administrative Assistant Carlottia Scott and William Wipfler, Director of the Human Rights Office of the National Council of Churches. On June 21-26, 1986, Wipfler served as Delegation Coordinator for an "International Ecumenical Delegation Visit to El Salvador" made up of seven clergymen including Dr. Jorge Laura Braud, of the Presbyterian Church (USA), Professor at San Francisco Theological Seminary, in representation of the National Council of Churches (USA).

Laura Braud appears on letterhead among the original endorsers of SHARE, together with Msgr. Mendez Arceo, Rep. Ron Dellums, Rep. Robert Garcia, former-State Senator Julian Bond, Detroit Archbishop Thomas Gumbleton, former Attorney General Ramsey Clark, and journalist I.F. Stone. The original Board of Directors included Isabel Letelier of the Institute for Policy Studies (IPS) and Larry Birns of the Council on Hemispheric Affairs (COHA).

On May 14, 1986, now-former Representative Mike Barnes, then Chairman of the House Foreign Affairs Committee Western Hemisphere Subcommittee, held hearings on "The Air War and Political Developments in El Salvador." The campaign for the hearing originated with CISPES and was the subject of articles in the CISPES publication "El Salvador Alert." Among the persons testifying at the hearing were: Rep. John Conyers, then-Berkeley mayor Eugene "Gus" Newport (NEST), and Eileen Purcell (SHARE, representing Archbishop John R. Quinn of San Francisco). Rep. Dellums' Administrative Assistant Carlottia Scott submitted a written statement "regarding her recent trip to El Salvador as a member of a delegation sponsored by New El Salvador Today (NEST)." Rep. Conyers thanked the Committee for allowing him to bring Mayor Newport to the hearing.

Another witness at the Barnes' committee hearing was Michael Urquhart, Co-chairman of the Washington Area Labor Committee on Central America and the Caribbean, and President of Local 12 of the American Federation of Government Employees (AFGE). Urquhart played a prominent role in organizing U.S. labor participation in the November 22-23, 1986, "In Search of

RELEASED
El Salvador: Human Rights
Special Project (1993)

Peace Conference" organized by the FMLN labor front National Organization of Salvadoran Workers (UNTS) in San Salvador. Urquhart placed in the record of the Barnes' hearing a tract from an April 3-5, 1986, UNTS meeting. While Susana Cepeda, David Cortright, Br. Joseph Nangle and Mike Urquhart denied during the 1986 conference that UNTS was affiliated with the FMLN/FDR, UNTS spoke out directly in favor of the FMLN/FDR during the October 4-5, 1987, dialogue between the FMLN/FDR and the Government of El Salvador. The position laid out in the UNTS document submitted to the Barnes hearing was identical to the FMLN/FDR position. The demonstrations during the dialogue in favor of the FMLN/FDR, recorded and reported by the international media, were led by Marco Tulio Lima, head of UNTS. During the dialogue, UNTS members carried red flags, chanted in favor of the FMLN/FDR, and demanded a "peoples government." Subsequent articles written in the University of El Salvador newspaper by university organizations which are members of UNTS confirmed the relationship.

The organizers of the "In Search of Peace Conference" were Francisco Acosta, a member of the Salvadoran Armed Forces of National Resistance (FARN/FAPU)-controlled labor federation FENASTRAS and representative of UNTS in the United States and Susana Cepeda, both of whom appear on the Conference letterhead as Conference Directors. Acosta is housed at 1300 Connecticut Avenue, the Machinists Union building, in Washington, D.C. FENASTRAS has observer status with the Moscow-line World Federation of Trade Unions (WFTU) headquartered in Prague, Czechoslovakia. Only two U.S. labor officials attended the November 13-15, 1986, FENASTRAS conference in San Salvador, one of them, Jerry Oliveira of the International Association of Machinists, endorsed FENASTRAS by allowing his name to be placed on a FENASTRAS newspaper ad.

Acosta works closely in Washington, D.C., with America Soza, head of the U.S. office of the FMLN/FDR human rights front group organization Comadres, which won the 1984 Robert F. Kennedy Human Rights Award. According to FMLN/FARN defector Violeta Jovel, who was serving at the time as head of Comadres' Propaganda Commission, the Kennedy prize money went to the FMLN/FARN bank accounts in Mexico. The competition for that award was conducted by persons affiliated with, among others, the Institute for Policy Studies, which is financed by Cora Weiss, an heiress, benefactor of the Riverside Memorial Church's pastor Rev. William Sloane Coffin, and Director of the Church's Disarmament Program.

RELEASED
El Salvador: Human Rights
Special Project (1993)

Among her other activities, Weiss funds the pro-Castro lobbying group NACLA (North American Congress on Latin America) and appears as a sponsor of SHARE. In 1977 Weiss funded a counter-ad to Joan Baez' "Appeal to the Conscience of Viet Nam." Weiss' ad was signed by, among others, CISPES-endorser Dave Dellinger of "Liberation" magazine and Richard Barnet of the Institute for Policy Studies. Michael T. Klare, a well-known NACLA member is also an "associate fellow" of the Institute for Policy Studies.

Among those appearing as endorsers of the 1986 UNTS "In Search of Peace" conference are: Jesse Jackson, Cora Weiss, CISPES, Ed Asner, Chicago Mayor Harold Washington, the Washington Area Labor Committee on Central America and the Caribbean (Mike Urquhart), David Cortright (SANE), Blase Bonpane (Office of the Americas), Archbishop Thomas Gumbleton, the United States Student Assciation (known as a front of the CPUSA), Br. Joseph Nangle (then-Director, National Conference of Superiors of Men) and Rev. William Sloane Coffin (Riverside Memorial Church). Sloane Coffin had given the eulogy for CPUSA Politburo member Sandy Pollack at the Riverside Church memorial service after her death in Cuba on January 15, 1985. Congressional sponsors of the UNTS Conference appearing in an ad in San Salvador papers December 19, 1986 included Representatives Conyers, Dellums, Dymally, Edwards, plus David Bonior (D-MICH), Michael Espy (D-MISS), Charles Hayes (D-ILL), Edward Markey (D-MASS), and Delegate Walter Fauntroy (D-DC).

Br. Joseph Nangle appears on letterhead as one of the original endorsers of CISPES. Nangle is mentioned in the October 10, 1987, press as "one of 10 American church activists who tried to accompany (Salvadoran) refugees from their camp in Honduras" to El Salvador. While organized by the refugees, the return movement was affected by two FMLN front groups, the Christian Committee for the Displaced (CRIPDES) and the National Repopulation Coordinator (CNR), which organized foreign participation in the event both in Honduras and El Salvador through SHARE. In a November 1985 publication, SHARE established its direct working relationship with and support for CRIPDES. CNR is an offshoot of CRIPDES, which, in turn, is a member of the FMLN/FDR labor front UNTS. A flyer produced by an organization calling itself "U.S. Interfaith Committee in Support of the Refugees of Mesa Grande" requested that tax-deductible contributions be sent to "Going Home/SHARE Foundation;" P.O. Box 21, Cardinal Station, Washington, D.C. 20064. The "Interfaith Committee" is coordinated by Jose Escobar of the "U.S. Office for Human Rights in El Salvador," (P.O. Box 14303; San Francisco, California) which is affiliated with FMLN/FDR front groups CRIPDES and the Non-Governmental Human Rights Commission (CDHES-NG). The leader of the

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El Salvador: Human Rights
Special Project (1993)

ten-member Interfaith/Going Home delegation was San Francisco Bishop Gustav Shultz of the Association of Lutheran Evangelical Churches who also appears on the letterhead as an endorser of the 1986 UNTS "In Search of Peace" conference. Among others signing a paid ad that ran October 15, 1987, in San Salvador newspapers supporting the Mesa Grande repatriation to Berkeley "sister city" San Antonio Los Ranchos was Lori Hancock, who replaced Eugene "Gus" Newport as mayor of Berkeley; and Congresswomen Barbara Boxer (D-CA) and Nancy Pelosi (D-CA).

Many of the persons involved in these organizations came together during the April 25, 1986, Mobilization Actions for Peace, Jobs and Justice in Central America and South Africa. The Convenor of the Mobilization was David Reed, Director of the 60-member organization Coalition for a New Foreign and Military Policy (in 1981, the Coalition denied entry to the U.S. Peace Council in an 18-4 vote to ensure that its decisions were "not influenced by organizations that may have associations with a foreign power"). CPUSA politburo member Sandy Pollack had served as "labor liaison" for the 1982 New York disarmament rally, and was involved in putting together the coalition for the April 20, 1985, "Actions" before her January 19, 1985, death in Cuba. The Steering Committee for the April 25, 1986, Mobilization included, among others, David Cortright (SANE), the American Federation of Government Employees (AFGE), CISPES, the Rainbow Coalition, Witness for Peace, the National Council of Churches, and the Inter-Religious Task Force on Central America, which, in 1981, published a background paper which states "the majority of the people of El Salvador have chosen to unite under the leadership of the FDR, recognizing it as their legitimate representative." The Inter-Religious Task Force also appears as an endorser of the 1986 UNTS "In Search of Peace" conference.

The Mobilization Program Committee, which selected the speakers for the event, included Jack O'Dell (Rainbow Coalition), Angela Sanbrano (Executive Director, CISPES), Leslie Cagan (Mobilization for Survival), David Dyson (Head of the Union Label Department of the Almagamated Clothing and Textiles Workers Union and of the National Labor Committee for Democracy and Human Rights in El Salvador), Sister Maureen Fiedler of the Quixote Center, Rob Jones of the American Committee on Africa, and George Chauncey of the Presbyterian Church.

RELEASED
El Salvador: Human Rights
Special Project (1993)

Selected to speak at the Mobilization were Rev. Jesse Jackson (Rainbow Coalition), Bishop Thomas Gumbleton (SHARE endorser), Ed Asner (Board of Directors of Medical Aid to El Salvador), AFGE President Kenneth Blaylock (UNTS conference endorser), and Eleanor Smeal, then-President of the National Organization for Women.

In addition to its support for the various mobilizations, the National Council of Churches finances the Ecumenical Program for Inter-American Communication and Action (EPICA) which is run by Rev. Phil Wheaton. Wheaton was a founding member of CISPES in 1980 together with Sandy Pollack. Wheaton accompanied Farid Handal during the West Coast portion of his 1980 trip to set up CISPES. Wheaton is a member of Christians for Socialism, a frequent contributor to Philip Agee's "Counter-spy" publication and also was an endorser of the UNTS "In Search of Peace" conference and as a sponsor of MAES. The National Network in Solidarity with the People of Nicaragua (Nicaragua Network), a Sandinista-sponsored public relations operation, was originally established in Wheaton's EPICA offices. In 1983, EPICA published an attack on AFL-CIO policies in Central America and accused Mike Hammer, one of two AFL-CIO land reform officials killed by a right-wing death squad in San Salvador on January 3, 1981, of being an agent of the CIA. EPICA was also involved in 1981 in the distribution of a forged State Department dissent document. CISPES' tax exempt Institute for Effective Action was patterned after the Nicaragua Network's Humanitarian Aid for Nicaraguan Democracy (HAND) tax exempt foundation. Wheaton travelled to El Salvador November 20, 1987, as part of a Central American Refugee Network (CARNET) sanctuary movement delegation.

The overlapping membership in these organizations by these individuals demonstrates just how few persons have been at the heart of the FMLN/FDR support network in the United States. Membership affiliations also suggest a higher degree of penetration by the CPUSA than is generally recognized. Through fraternal relations between the Communist Party of El Salvador and the CPUSA, and through front organizations such as the World Peace Council and its U.S. affiliate the U.S. Peace Council, the FMLN/FDR has sought to manipulate U.S. public opinion against U.S. support for the democratic process in El Salvador. Instruments include the World Front in Solidarity with the People of El Salvador, CISPES, NEST, MAES, SMRF, Office of the Americas, and SHARE--with the support of a small handful of members of Congress who have endorsed these organizations, including the current Chairman of the House Western Hemisphere Affairs Subcommittee, Rep. George Crockett.

Notwithstanding actions taken to close the Palestine Liberation Organization Information Office in Washington, D.C., the FDR Solidarity Information Office (Box 2793 New York, N.Y. 10163), Comadres (Box 21299 Washington, D.C. 20009-0799) and UNTS/FENASTRAS (1300 Connecticut Avenue, Room 808, Washington, D.C. 20036) continue to function as foreign agents for the communist Salvadoran guerrillas of the FMLN/FDR--with the help of a number of U.S. support organizations.

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El Salvador: Human Rights
Special Project (1993)

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E-72

PAGE 01 MEXICO 02035 01 OF 03 252211Z
ACTION EB-00

INFO	LOG-00	ADS-00	AID-00	INR-05	EUR-00	SS-00	CIAE-00
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	COME-00	L-03	CTME-00	TRSE-00	PM-10	OPIC-08	CEA-01
	OMB-01	STR-18	INRE-00	FRB-01	OES-09	ACDA-13	USIE-00
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TAGS: EPET, ENRG, MX
SUBJECT: U.S. MEXICO ENERGY BILATERALS - 12TH SESSION

1. SUMMARY: AT THE RECENT U.S. - MEXICO ENERGY BILATERAL, PEMEX OFFICIALS STATED THE FUTURE OIL EXPORT MIX WILL HAVE MORE HEAVY CRUDES AND LESS LIGHT CRUDES. THEY SEE FAIRLY STABLE PRICES WITH NO LIKELIHOOD OF A PRICE COLLAPSE. MEXICO'S DOMESTIC USE OF ENERGY GREW AT A FAST PACE IN 1989, WITH GASOLINE DEMAND UP 13 PERCENT. MEXICO IS INTERESTED IN ADDITIONAL NATURAL GAS IMPORTS FROM THE U.S. THE TWO DELEGATIONS AGREED TO GO AHEAD ON THE ELECTRICITY STUDY THAT HAS STRONG SUPPORT FROM SEMIP OFFICIALS. THE DOE DELEGATES SAID DOE IS VERY SUPPORTIVE OF THE CLEAN AIR STUDY BUT COULD NOT MAKE ANY FIRM COMMITMENT. END SUMMARY

2. THE 12TH U.S.-MEXICO ENERGY BILATERALS WERE HELD IN MEXICO CITY ON DECEMBER 8-9, 1989. THE U.S. DELEGATION
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PAGE 02 MEXICO 02035 01 OF 03 252211Z

WAS HEADED BY DOE DAS FOR INTERNATIONAL AFFAIRS THAD GRUNDY.

3. IN DISCUSSING THE INTERNATIONAL OIL MARKET, PEMEX OFFICIALS BELIEVF THERE IS NO DANGER OF AN OIL PRICE COLLAPSE. THEY ANTICIPATE FLAT U.S. CONSUMPTION AND GROWTH IN THE DEVELOPING WORLD. THEY STATED THAT NON-OPEC PRODUCTION IS NOW A NON-ISSUE AND THAT OPEC HAS MORE MARKET CONTROL OF THE OIL MARKET THAN IT HAS HAD IN MANY YEARS. PEMEX OFFICIALS UNDERSTAND THAT SOVIET PRODUCTION IS LESS THAN ANTICIPATED. THEY LOOK FOR SWEET CRUDE PRICES TO CONTINUE TO BE STRONGER THAN SOUR CRUDE PRICES. ANALYZING THE FIRST QUARTER OF 1990, THE KEY ISSUE IS THE PRODUCTION OF KUWAIT AND UAE.
4. PEMEX OFFICIALS POINTED OUT THE PRICE DIVERGENCES AMONG THE VARIOUS CRUDES USED AS MARKET YARDSTICKS, SUCH AS WTI, ANS, BRENT AND DUBAI. THESE DIVERGENCES MAKE THE PRICING FORMULAS FOR MEXICAN CRUDES MORE DIFFICULT TO MANAGE. FROM THE MEXICAN POINT OF VIEW, CRUDE SALES TO THE FAR EAST ARE NOW FINANCIALLY UNATTRACTIVE COMPARED TO OTHER MARKETS, BUT DIVERSIFICATION OF BUYERS REMAINS AN IMPORTANT CONSIDERATION FOR PEMEX. IN THE FUTURE MEXICO WILL BE EXPORTING GREATER QUANTITIES OF MAYA CRUDE AND LESS QUANTITIES OF THE LIGHTER CRUDES. PEMEX OFFICIALS STRESSED FUTURE OIL MARKET CONDITIONS WILL PUT A PREMIUM ON THE MARKETING ABILITY OF OIL PRODUCING FIRMS. PEMEX WILL BE DOING MORE PRODUCT TRADING, PERHAPS SOME PROCESSING DEALS. PEMEX HAS EIGHTEEN CLIENTS IN THE UNITED STATES AND ABOUT 56 PERCENT OF MEXICAN OIL GOES TO THE UNITED STATES.

5. THE SEMIP DELEGATES SUMMARIZED THE RECENT PERFORMANCE OF THE MEXICAN ECONOMY, EMPHASIZING THE DECLINE IN
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PAGE 03 MEXICO 02035 01 OF 03 252211Z

INFLATION AND THE GROWTH OF CERTAIN SECTORS OF THE ECONOMY, ESPECIALLY THE MANUFACTURING SECTOR. MEXICO'S USE OF ENERGY GREW AT A FAST PACE IN 1989. RESIDENTIAL ELECTRICITY USE INCREASED 12.5 PERCENT, AGRICULTURAL WAS UP 11.8 PERCENT AND INDUSTRIAL USE WENT UP 8 PERCENT. INSTALLED CAPACITY FOR ELECTRICITY GENERATION GREW 7.3 PERCENT FROM JANUARY THROUGH SEPTEMBER 1989. GASOLINE DEMAND JUMPED 13 PERCENT BUT SEMIP OFFICIALS HOPE THE ANTI-POLLUTION MEASURES WILL CUT THE GROWTH OF GASOLINE DEMAND. SEMIP OFFICIALS EXPLAINED THAT EACH CAR IN MEXICO CITY IS ASSIGNED ONE OF FIVE COLORS BASED ON LAST DIGIT OF THE LICENSE PLATE. EACH CAR MUST NOT BE DRIVEN ONE WORK DAY OF THE WEEK, DEPENDING ON THE COLOR. SEMIP OFFICIALS

ESTIMATE THAT MEXICO CITY HAS AT LEAST 2 MILLION VEHICLES AND TWO-THIRDS ARE OLDER THAN FIVE YEARS. THE GASOLINE SAVINGS COME FROM FEWER VEHICLES ON THE ROAD AND THESE VEHICLES COMPLETING TRIPS IN LESS TIME THAN BEFORE. MEXICO HAS RAISED ELECTRICITY PRICES, BUT NOT ENOUGH TIME HAS PASSED TO DETERMINE IF THIS WILL HALT THE INCREASE IN ELECTRICITY DEMAND.

6. THE MEXICAN DELEGATION WAS VERY INTERESTED IN THE OUTLOOK FOR THE U.S. NATURAL GAS MARKET PECAUSE MFXICO IMPORTS NATURAL GAS FROM THE UNITED STATES AND WOULD LIKE TO INCRFASE NATURAL GAS PURCHASES IN THE FUTURE. DOE OFFICIALS EXPLAINED THAT THE NATURAL GAS BUBBLE THAT HELD DOWN U.S. PRICES IS NOW ENDING, EXCEPT FOR SPECIAL CIRCUMSTANCES IN SOME REGIONAL MARKETS. DOE OFFICIALS PRFDICT THAT NATURAL GAS PRICES WILL RISE TO LFVFLS IN THF COMING YFARS WHERE NATURAL GAS BEGINS TO PRICE ITSELF OUT OF THE RESIDENTIAL AND COMMFRCIAL MARKFTS. THF MFXICAN DELEGATIOM STATFD THEIR HIGHEST PRIORITY FOR NATURAL GAS IS FOR THE PFTROCHEMICAL INDUSTRY AND FOR ISE BY INDUSTRIES IN CITIES WITH POLLUTION PROBLFMS, SUCH AS MEXICO CITY.

7. DAS THAD GRUNDY EXPLAINED IN DETAIL THE HFARING
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PAGE 04 MEXICO 02035 01 OF 03 252211Z

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PAGE 01 MEXICO 02035 02 OF 03 252211Z
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	COME-00	L-03	CTME-00	TRSE-00	PM-10	OPIC-08	CEA-01
	OMB-01	STR-18	INRE-00	FRB-01	OES-09	ACDA-13	USIE-00
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UNCLAS SECTION 02 OF 03 MEXICO 02035

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E.O. 12356: N/A

TAGS: EPET, ENRG, MX
SUBJECT: U.S. MEXICO ENERGY BILATERALS - 12TH SESSION

PROCESS THAT DOE IS CONDUCTING IM THE UNITED STATES TO FORM A NEW NATIONAL ENERGY STRATEGY. HE STATED THE OBJECTIVFS WERE TO GUARANTEE FNERGY EFFICIENCY; STRENGTHEN LINKS WITH THE ECONOMY, SOCIETY, AND ENVIRONMENT; AND SEEK BETTER INTEGRATION OF FNERGY POLICIFS. IMPORTANT SUBJECTS TO BE INCLUDED IN FORMULATING THE STRATEGY INCLUDE INCREASING ENERGY PRODUCTIVITY, THE ROLE FOR CONSERVATION, AND DIVERSIFICATION OF FNERGY SOURCES. BECAUSE U.S. ENERGY POLICY AFFECTS MEXICO, DAS GRUNDY ENCOURAGED THE MEXICANS TO PARTICIPATE IN THE HEARING PROCESS BY SUBMITTING THEIR COMMENTS ON U.S. ENERGY POLICIFS TO DOE.

8. THF TWO DELEGATIONS AGREFD TO MOVF FORWARD ON THE NEW ELECTRICITY STUDY THAT WILL UPDATE THF STUDY DONF ABOUT TEN YEARS AGO. SEMIP UNDER SECRETARY ESCOFET EMPHASIZED UNCLASSIFIED

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PAGE 02 MEXICO 02035 02 OF 03 252211Z

THE BENEFITS TO THE TWO SIDES OF INCREASED LOAD SHARING BECAUSE PEAK LOAD TIMFS ARE DIFFERENT ON THE TWO SIDES OF THE BORDER. UNDERSECRETARY ESCOFET WILL LFAD THE MFXICAN PARTICIPATION IN MEETINGS ON THE ELECTRICITY STUDY.

9. THF MEXICAN DFLEGATION STATED THAT FUTURE PLANS CALL FOR COAL BURNING PLANTS ON THE COASTS AND NEW HYDROELFCTRIC PLANTS IN THE SOUTHERN PART OF MFXICO. MEXICO WILL PROBAlLY HAVE TO IMPORT COAL TO FIRE THESF NFW COAL BURNING PLANTS. THF MEXICAN DELFGATION ESTIMATFD THAT THE ELECTRICITY SECTOR NFEDS ABOUT 18 BILLION DOLLARS DURING THE 1989-1994 SEXENIO FOR ALL OF THE FLECTRICITY PROJFCTS. SEMIP FACES BUDGET CONSTRAINTS AND DOES NOT HAVE SUFFICIEMT RESOURCES FOR THESE ELECTRICITY PROJFCTS. SEMIP IS CONSIDERING VARIOUS SCHEMES FOR FINANCING THE NEW GENERATING CAPACITY. ONE POSSIBILITY IS THE CONSTRUCTION AND FINANCIAL SCHEME KNOWN AS "BUILD, LEASE AND TRANSFER." POSSIBLE EQUITY SHARING SCHEMES COULD BE CONSIDERED, BUT CFE (THE NATIONAL ELECTRIC COMPANY) WOULD OPERATE THE PLANTS. THE MEXICAN DELEGATION SAID CONSTRUCTION OF NEW NUCLEAR PLANTS WOULD ONLY BE CONSIDERED AT SOME FUTURE TIME ONCE LAGUNA VERDE IS RUNNING LIKE A SWISS WATCH.

10. THE DOE DELEGATION REVIEWED THE DECLINES IN U.S. OIL

PRODUCTION, WITH 1989 LEVELS DOWN ABOUT 500,000 BARRELS PER DAY COMPARED TO 1988 FIGURES. DOE OFFICIALS PREDICTED THAT U.S. PRODUCTION WILL FALL IN 1990. A MAJOR REASON FOR THE DROP IS THAT THE UNITED STATES IS A HIGH COST PRODUCER.

11. THE MEXICAN DELEGATION COVERED RECENT CHANGES IN MEXICO'S PETROCHEMICAL INDUSTRY WHERE BASIC
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PAGE 03 MEXICO 02035 02 OF 03 252211Z

PETROCHEMICALS, WHICH ARE RESERVED FOR PEMEX, ARE NOW LIMITED TO 20 PRODUCTS. THE SECONDARY SECTOR FOREIGN FIRMS MAY OWN 40 PERCENT OF THE JOINT VENTURE AND MEXICAN PRIVATE SECTOR FIRMS 60 PERCENT. THE SECONDARY PETROCHEMICAL SECTOR NOW HAS 66 PETROCHEMICAL PRODUCTS, COMPARED WITH AT LEAST 500 BEFORE. FOREIGN INVESTORS CAN HAVE 100 PERCENT OWNERSHIP OF COMPANIES PRODUCING TERCIARY PETROCHEMICALS.

12. SEMIP AND PEMEX ARE WORKING TOGETHER TO SIMPLIFY THE PERMIT PROCESS TO ESTABLISH PETROCHEMICAL VENTURES. MANY FOREIGN COMPANIES HAVE EXPRESSED INTEREST IN PETROCHEMICAL INVESTMENTS IN MEXICO BECAUSE OF THE CHANGES IN REGULATIONS.

13. THE MEXICAN DELEGATION COMMENTED THAT ENERGY PRODUCTION IS RESERVED FOR THE STATE AND THIS WILL NOT CHANGE. ENERGY INVESTMENT IN 1988 AMOUNTED TO 35 PERCENT OF ALL PUBLIC INVESTMENT IN TH
AT YEAR. DURING THE
1985-1988 PERIOD IT PROVIDED 43 PERCENT OF ALL PUBLIC TAXES.

14. IN 1989 MEXPETROL, A JOINT VENTURE OF PEMEX AND SEVERAL MEXICAN PRIVATE COMPANIES INCLUDING ICA AND PROTEXA, BEGAN OPERATING. THE FIRM SEEKS OVERSEAS CONTRACTS TO BUILD PETROLEUM FACILITIES AND APPLY THE TECHNOLOGY THAT MEXICO HAS DEVELOPED. PLANS INCLUDE PROJECTS IN ARGENTINA AND PERU.
15. DOE DAS GRUNDY EMPHASIZED THAT U.S. SUPPLIERS TO THE PETROLEUM SECTOR SEEK OVERSEAS WORK AND ASKED ABOUT OPPORTUNITIES IN MEXICO. PEMEX OFFICIALS STATED THAT THE BUDGET OUTLOOK FOR PEMEX IS GOOD AND THE 1990 PEMEX BUDGET HAS SOLID INCREASES OVER THE 1989 BUDGET, AFTER DISCOUNTING INFLATION AND DEVALUATION. PEMEX OFFICIALS

NOTED THAT THE UNITED STATES IS THE MAIN SUPPLIER FOR PEMEX AND THAT PEMEX HAS A PURCHASING OFFICE IN HOUSTON.
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PAGE 04 MEXICO 02035 02 OF 03 252211Z

PEMEX WILL BE LOOKING FOR MORE OFFSHORE TECHNOLOGY AS THE

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PAGE 01 MEXICO 02035 03 OF 03 252212Z
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	COME-00	L-03	CTME-00	TRSE-00	PM-10	OPIC-08	CEA-01
	OMB-01	STR-18	INRE-00	FRB-01	OES-09	ACDA-13	USIE-00
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E.O. 12356: N/A
TAGS: EPET, ENRG, MX
SUBJECT: U.S. MEXICO ENERGY BILATERALS - 12TH SESSION

FIRM DRILLS IN DEEPER AND DEEPER WATER. THERE WILL BE NO RISK CONTRACTS AS THIS IS NOT ALLOWED UNDER MEXICAN LAW.

16. THE DOE DELEGATES STATED THAT THE OUTLOOK FOR DOE FINANCIAL SUPPORT FOR THE CLEAN AIR STUDY AND MODEL OF MEXICO CITY WAS VERY POSITIVE, ALTHOUGH NO FIRM COMMITMENT COULD BE MADE. THE MEXICAN DELEGATION STRESSED THAT THIS IS A VERY IMPORTANT STUDY FOR THE MEXICAN GOVERNMENT AND PEPLE. THE DOE DELEGATION MENTIONED THAT PERHAPS ADIRAL WATKINS MIGHT LIKE TO VISIT MEXICO. UNDERECRETARY ESCOFET SAID THIS WOULD BE A VERY WELCME VISIT AND THAT SEMIP WOULD PREPARE A LETTER F INVITATION FOR THE SIGNATURE OF SEMIP SECRETARY HIRIART. (FOOTNOTE: THIS LETTER OF INVITATION WAS TRANSMITTED AS MEXICO CITY 31525)

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17. PARTICIPANTS ON THE U.S. DELEGATION INCLUDED DOE DAS THAD GRUNDY; JOHN BRODMAN, DIRECTOR OF INTERNATIONAL ENERGY ANALYSIS, DOE; DAVID PEASHOCK, DEPUTY DIRECTOR, OFFICE OF ENERGY PRODUCING COUNTRIES; HENRY SANTIAGO, DEPUTY DIRECTOR, INTERNATIONAL ENERGY ASSESSMENTS, DOE; STEVE ORDAL, RRO, MEXICO CITY.

18. PARTICIPANTS ON THE MEXICAN DELEGATION INCLUDED SEMIP UNDERSECRETARY ALBERTO ESCOFET; DR. AARON DYCTOR, DIRECTOR GENERAL OF ENERGY POLICY, SEMIP; C.P. HECTOR PITA, DIRECTOR GENERAL OF ENERGY OPERATIONS, SEMIP; ENGINEER HECTOR LOPEZ VILLARREAL, DIRECTOR GENERAL OF RESEARCH AND DEVELOPMENT, SEMIP; ENGINEER EDUARDO CASTANON, TECHNICAL SECRETARY OF THE NATIONAL COMMISSION FOR ENERGY CONSERVATION; AND MARCELA SERRATO, DIRECTOR OF ENERGY POLICY ANALYSIS, SEMIP; PEDRO HASS, DIRECTOR GENERAL OF PMI; EDUARDO MARTINEZ DEL RIO, DIRECTOR OF ANALYSIS AND COMMERCIAL DEVELOPMENT, PMI; ENGINEER MIGUEL BUENO, DIRECTOR OF ANALYSIS AND EVALUATION OF INTERNATIONAL MARKETS, PMI AND ANGEL O'DOGHERTY, FOREIGN AFFAIRS MINISTRY. (DRAFT:SORDAL) SESSOMS

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S/S 9001999 (X55)
United States Department of State
Washington, D.C. 20520 K
January 26, 1990

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MEMORANDUM TO:

D	–	Mr. Eagleburger
P	–	Mr. Kimmitt
E	–	Mr. McCormack
T	–	Mr. Bartholomew
M	–	Mr. Selin
C	–	Mr. Zoellick
A	–	Mr. Krys
A/OPR/LS	–	Mr. Obst
ARA	–	Mr. Aronson
CA	–	Ms. Tamposi
CT	–	Mr. Busby
EAP	–	Mr. Solomon
EB	–	Mr. McAllister
EUR	–	Mr. Seitz
H	–	Ms. Mullins
HA	–	Mr. Schifter
INM	–	Mr. Levitsky
INR	–	Mr. Mulholland
INR/B	–	Ms. Thompson
IO	–	Mr. Bolton
L	–	Mr. Sofaer
OES	–	Mr. Bernthal
PA	–	Ms. Tutwiler
PM	–	Mr. Clarke
S/P	–	Mr. Ross
AID	–	Ms. Hagaboeck
USIA	–	Mr. Green

DEPARTMENT OF STATE Date 6/22/96 IS|FPC|CDB
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( ) EXCISE ( ) DECLASSIFY IN PART
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PA Exemptions
MR Cases Only:
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TS authority to

SUBJECT: Tasker for the Andean Drug Summit in Cartagena, Colombia, February 15, 1990

COORDINATOR: Michael Skol, ARA, Room 6226, 647-9894

DEPUTY COORDINATOR: Brian Furness, ARA/AND, Room 5906, 647-3023

S/S-S ACTION OFFICER: Wanda Nesbitt, Room 7241, 647-8339

This memorandum assigns responsibilities for the preparation of briefing materials for use by the President and Secretary Baker during the President's trip to Cartagena, Colombia for the Andean Drug Summit on February 15. Bureaus wishing to suggest additions or changes to this tasker should contact the S/S-S Action Officer as soon as possible.

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SCANNED

I. BRIEFING MATERIALS FOR THE PRESIDENT

A. Memorandum to the President from the Secretary: ARA should prepare a memorandum to the President from the Secretary conveying the scope of the visit and discussing country and issue-specific goals and strategies. The paper should present the setting, outline key US objectives for the visit and highlight major issues for discussion at the summit. A sample format is attached. This memorandum should be cleared by P, C, S/P, INM and other bureaus as appropriate. The memorandum is due in S/S-S by COB Wednesday, January 31.

B. Event Papers: ARA should prepare event papers for the following items on the President's schedule. These event papers act as "scene-setters" and should describe the setting of the event and, where appropriate, key objectives. They should be in tick and bullet format and should not exceed one page.(Sample attached) Event papers should not contain talking points. These papers are due in S/S-S by COB Thursday, February 1.

EVENT	DRAFT	CLEAR
Arrival Ceremony	ARA	P,S/P,INM
Meeting with Andean Presidents	ARA	P,S/P,INM
Press Conference	ARA	P,S/P,INM

C. Talking Points: Talking Points for the President's use should be prepared as indicated below. The points should articulate in clear fashion the message the President should leave with his foreign interlocutors at the Summit. The clearances indicated below are the minimum required; drafters should ensure that additional clearances are obtained according to the issues discussed. ALL papers must be cleared by P, C, and S/P prior to delivery to the S/S-S action officer. Talking points are due in S/S-S by COB Wednesday, January 31.

TOPIC	DRAFT	CLEAR
1. Enforcement Issues	INM	ARA,L,PM
2. Multilateral Issues	ARA	INM,EB,IO
3. Colombia - Bilateral Issues	ARA	EB,PM,L
4. Peru - Bilateral Issues	ARA	EB,PM
5. Bolivia - Bilateral Issues	ARA	EB,PM

**NOTE: The ARA Deputy Coordinator should ensure that talking points in the bilateral papers do not duplicate points in other papers.

D. Background Papers for the President: The following background papers should be prepared in tick and bullet format. These papers should be straight-forward and concise, with the focus on factual data the President would find useful to his participation in the Summit. Extensive detail is not required. Papers should not exceed two pages. In addition to the clearances listed below, ALL papers must be cleared by P, C AND S/P before delivery to S/S-S. Any questions regarding these papers should be addressed to the S/S-S Action Officer. Fully cleared papers should be delivered to S/S-S through the ARA Deputy Coordinator no later than COB Thursday, February 1.

TOPIC	DRAFT	CLEAR
Anti-Narcotics Activities and U.S. Assistance Programs:		
1. Colombia	INM	ARA,PM,AID
2. Peru	INM	ARA,PM,AID
3. Bolivia	INM	ARA,PM,AID
4. Problem Areas (Conditionality, Eradication,Human Rights,Corruption)	ARA	INM,EB,PM,AID HA,H,L
Bilateral Issues:		
1. Colombia	ARA	EB,L,PM
2. Peru	ARA	EB,PM,CT
3. Bolivia	ARA	EB,PM,
Multilateral and Third Country Actions:		
1. G-7 Summit and European Counternarcotics Initiatives	INM	EUR,EB,ARA
2. UN Counternarcotics Initiatives (including Special Session on Narcotics)	IO	INM,ARA,
3. Japanese, OAS and other Andean Counternarcotics Initiatives	INM	ARA,EAP,

E. Summit Documents:

1. Communique: ARA should provide the S/S-S action officer with the most recent text of the Summit Communique. The Communique should be covered by a brief statement, prepared on plain bond paper, indicating which portions of the document are subject to change and describing the status of negotiations on the language. Clear with INM, P, and C. The draft communique and cover memo are due in S/S-S no later than COB Thursday, February 1.

2. Declaration of Cartagena: ARA should provide the S/S-S action officer with a copy of the text of the declaration which will be signed by the four presidents participating in the Summit. As with the Communique, ARA should prepare a brief statement indicating whether portions of the document are still under negotiation and when a final text is expected. The declaration and cover memo are due in S/S-S no later than COB Thursday, February 1.

3. Other Agreements: a) ARA should prepare, on plain bond paper, a precis of any other agreements being negotiated in conjunction with the Summit. This paper should describe what the agreements are, what their conclusion would achieve, and whether they are likely to be completed and ready for signature in Cartagena. The memo should indicate the level at which these agreements would be signed and in what context. The memo should be fully coordinated with L and cleared by INM,P,C, and S/P at a minimum. It is due in S/S-S by COB Wednesday, January 31.

b) For each agreement to be signed, ARA should prepare a press fact sheet outlining briefly what the agreement is, why it is being signed and what its effect will be. These fact sheets must be unclassified and should be cleared by L and PA prior to delivery to the S/S-S action officer. They are due in S/S-S by COB Friday, February 9.

II. BIOGRAPHIC MATERIAL

S/S-S will obtain biographic information for the President and the Secretary on all heads of state and foreign ministers who will attend the summit. ARA should provide the S/S-S Action Officer with the names of any other foreign leaders for whom biographic data should be obtained no later than Monday, January 29.

III. BRIEFING MATERIALS FOR THE SECRETARY: The White House will provide a copy of the briefing book prepared for the President to the Secretary. Bureaus wishing to submit material on issues not covered in the first part of this tasker should contact the S/S-S action officer directly. The following items are required for the Secretary:

A. Action Memo to the Secretary on Trip Events: As appropriate, ARA should prepare an action memo to the Secretary regarding his participation in various events during the trip. This memo should focus on recommendations for any proposed meetings separate from the President's schedule. This paper should be cleared with P, C, and S/P and is due in S/S-S with all necessary clearances by COB Tuesday, January 30.

B. Action Memo to the Secretary on Agreements Signings: ARA should prepare an action memo to the Secretary regarding any agreements ARA proposes he sign in Cartagena. The memo should include the status of all agreements and should specify what items might be signed by other participants. The memo should be fully coordinated with L and cleared by P,C, and S/P at a minimum. It is due in S/S-S by COB Tuesday, January 30. (Note: If appropriate, items A and B may be combined.)

C. Annotated Agenda: ARA should prepare, on plain bond paper, a draft annotated agenda detailing the Secretary's participation in the summit meetings. Include as much detail as possible regarding the role he will play during these meetings. The agenda is due in S/S-S by COB February 9.

D. Briefing Papers for Bilateral Meetings: Briefing papers for bilateral meeting will be required if the Secretary agrees to hold any bilaterals. These would be prepared in standard briefing memo format. Briefing memos will be tasked once the Secretary's decision regarding bilaterals is made.

E. Interpreter Requirements: Language Services (A/OPR/LS) should coordinate with ARA and the S/S-S action officer to ensure that interpretation requirements are met. Due to the unusual circumstances of this Summit, Language Services should contact the S/S-S action officer as soon as possible to review interpretation requirements.

F. Briefing Outline for the Secretary's use in briefing the President: This will be tasked separately, should a briefing be scheduled.

PLEASE NOTE: S/S-S requires the original, two copies and an IIS diskette for all papers. DOCUMENTS SHOULD ALSO BE PLACED INTO THE S/S-S - ARA COMPUTER LINK. Drafting and clearing information should appear on a separate page. All papers for the trip should be delivered to the S/S-S Action Officer through the ARA Deputy Coordinator. Papers should not be logged in with S/S-IRM.

J. Stapleton Roy
Executive Secretary

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Attachments:
1. Sample Talking Points
2. Sample Event Paper
3. Sample Background Paper

** ALL OTHER SAMPLES PROVIDED TO THE ARA DEPUTY COORDINATOR.

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ISSUE

SAMPLE TALKING POINTS

TALKING POINTS

- We welcome revisions in the Nicaraguan electoral law and Sandinista concessions in the August 4 agreement with the internal opposition, but much more needs to be done.

- The Nicaraguan government should sit down with UNO and discuss UNO's well-considered requests for further reforms, including:

  -- provisions for registration and voting for Nicaraguans living abroad;

  -- greater access to television, especially on the only state network that reaches the entire country;

  -- full amnesty now for all political prisoners.

- For elections to be truly fair -- and not just technically above board -- the playing field must be level.

- As things stand now, that is not the case. The Sandinistas are mobilizing the army, bureaucracy, schools, mass organizations and state media for partisan purposes. In contrast, UNO is desperately short of resources.

- In short, this election pits a party coalition -- UNO -- against an entire state apparatus.

- UNO has asked the friends of democracy worldwide for help in gaining a fair chance against the FSLN.

- We have put together a package of infrastructure support for UNO, as well as funding for the electoral process in Nicaragua.

- I urge your governments to do what they can to support UNO, and to ensure that the February elections are truly fair.

- This election presents a choice between democracy and totalitarianism. We have an obligation to support the only side which believes in democracy.

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BRIEFING PAPER

SAMPLE EVENT PAPER

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OPENING OF SUMMIT/ARIAS WELCOME ADDRESS

BACKGROUND:

- President Arias will open the hemispheric summit with a welcoming address that outlines the objectives of the conference and summarizes the main issues for discussion (democracy, development, drugs). The opening session is likely to include shorter speeches by Prime Minister Mulroney, you, a head of state from a Caribbean nation, and a head of state from a South American nation. There will be press coverage of this session.

SETTING:

- The opening session of the summit will take place at the Club Cariari, a sports and social facility especially converted into a conference center. You will be seated at the main table with other heads of delegation. There will be six seats for U.S. advisers behind you. Simultaneous interpretation will be provided.

SCENARIO:

- President Arias' welcome address, expected to run 30-45 minutes, will provide an overview of the summit themes (democracy, development, drugs).
- Prime Minister Mulroney will announce Canada's intention to join the OAS.
- You and the Caribbean and South American heads of state (still to be determined) will give your views on summit themes.

OBJECTIVES:

- Convey your thoughts on the summit themes to TV audiences in Latin America and the Caribbean. The occasion offers an opportunity to make a major policy statement on Latin America.
- Set the tone for the private discussions among the heads of state which will follow in the afternoon.

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DEPARTMENT OF STATE

BRIEFING PAPER

SAMPLE BACKGROUND PAPER

CLASSIFICATION

DEVELOPMENT

- After growing rapidly in the 1960's and 1970's, Latin America has had painfully low economic growth in the 1980's: overall increases in gross domestic product (GDP) averaged only 1.5% a year in real terms from 1981-88, while real per capita GDP fell by 6.6%.

- The chief cause is bad economic policy. But there is growing realization in both government and the private sector that statist, inward-looking policies dissuade investment and domestic savings and spur capital flight.

  -- This trend reverses Latin America's long distrust of free markets and its total faith in leadership by technical or ideological elites.

  -- Chile, Mexico and Costa Rica have made great strides toward more market-oriented economies and more open trading regimes. Bolivia, Colombia, Guatemala, and Uruguay have undertaken impressive reform programs. Venezuela, Paraguay, El Salvador, and Argentina have now begun similar efforts.

  -- But there remain enormous distortions and disincentives to savings and investment throughout the region. For example, regional capital flight nearly totals the region's outstanding debt.

- Growth in some countries has been hindered by the heavy external debt burden. However, debt is often used as an excuse for low growth when the main cause is gross economic mismanagement and corruption.

- We are encouraging more market-based reform through bilateral and multilateral economic assistance, our debt strategy, and continued work for open world markets.

  -- Our economic aid (about $1.2 billion in FY 89) is crucial to help countries reform, grow, and spread the benefits of growth equitably. Yet, we now face deep cuts (except for Andean nations) in FY 90. U.S. aid cannot continue indefinitely, but levels must be reduced gradually, as needs dictate, to avoid endangering gains achieved thus far.

- The CBI provides Central America and the Caribbean improved U.S. trade opportunities which have helped create many new jobs where good economic policy reigns.

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Chile Project (#S199900030)
U.S. Department of State
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MEMBASSY DUBLIN
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SINT HAVANA
MEMBASSY LIMA
MEMBASSY LISBON
MEMBASSY LONDON
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MEMBASSY OSLO
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DR AMBASSADORS SHIFTER AND ABRAM

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GE 02 SANTIA 00770 262051Z

AGS: PHUM, UNHRC, CI
UBJ: CLEARING CONFUSION ON CHILE'S POSITION

EFS: (A) GENEVA 642, (B) STATE 24669, (C) SANTIAGO 64, (D) STOCKHOLM 509

. ~~CONFIDENTIAL~~ ENTIRE TEXT.

. REF A, REPORTING ON A CONVERSATION WITH CHILEAN ISSIONOFF CRUZ, INDICATES SOME MIXED SIGNALS ARE BEING ENT ABOUT THE NEW CHILEAN GOVERNMENT'S POSITION ON THE NHRC SPECIAL RAPPORTEUR ON ACCEPTING A HUMAN RIGHTS DVISOR OR SPECIAL REPRESENTATIVE FROM THE SYG. FOR THE ECORD: THE INCOMING GOVERNMENT OF PATRICIO AYLWIN PPOSES RETENTION OF THE SPECIAL RAPPORTEUR AND OPPOSES SSIGNING ANY EXPERT, ADVISOR OR SPECIAL REPRESENTATIVE O TELL IT HOW TO PROTECT HUMAN RIGHTS. MFA NDERSECRETARY-DESIGNATE EDMUNDO VARGAS TOLD US THIS ON ANUARY 19, AND MFA DIRECTOR OF FOREIGN AFFAIRS-DESIGNATE ARLOS PORTALES CONFIRMED IT ON JANUARY 26 (REFTEL C).

. THE OUTGOING GOVERNMENT'S POSITION, ACCORDING TO ARIO CALDERON, THE MFA'S DIRECTOR OF SPECIAL ISSUES HUMAN RIGHTS), IS TO SUPPORT THE INCOMING GOVERNMENT'S OSITION -- WHICH IS THE SAME POSITION THE OUTGOING OVERNMENT HAD IN 1989: END THE SPECIAL RAPPORTEUR'S ANDATE AND DROP CHILE AS A SPECIAL AGENDA ITEM. REF A NDICATES CHILEAN AMBASSADOR TO THE US ERRAZURIZ IS IATING HIS GOVERNMENT'S POSITION CORRECTLY.

. A/POLCOUNS PRESSED CALDERON ON JANUARY 26 ON THE SSUE OF A SPECIAL REPRESENTATIVE. WHILE NOTING AGAIN IS GOVERNMENT WOULD SUPPORT THE INCOMING GOVERNMENT'S ~~ONFIDENTIAL~~

~~ONFIDENTIAL~~

AGE 03 SANTIA 00770 262051Z

OSITION, HE SAID HE PERSONALLY OPPOSED THIS IDEA AND NDERSTOOD THE NEW GOVERNMENT DID AS WELL. HE ALSO NDERSTOOD THIS WAS FERNANDO VOLIO'S VIEW.

. COMMENT: THERE IS A POSSIBILITY THAT AT LEAST SOME F THE CURRENT STAFF OF THE MFA WOULD BE PLEASED TO SEE HE END OF A SPECIAL RAPPORTEUR FOR CHILE -- ITS BEEN A

ONG TERM OBJECTIVE AND IT WOULD BE DIFFICULT TO
LIP-FLOP NOW -- BUT NOT UNHAPPY TO SEE THE NEW
OVERNMENT SADDLED WITH AN IRRITANT SIMILAR TO THE ONE
HEY HAD TO LIVE WITH. CRUZ' COMMENTS COULD REFLECT THIS
ACTIC.

. MOREOVER, IT IS POSSIBLE THAT OFFICIALS FROM
ON-GOVERNMENTAL ORGANIZATIONS SUCH AS THE CHILEAN HUMAN
IGHTS COMMISSION ARE STATING TO THEIR MANY CONTACTS WHAT
HEY BELIEVE THE NEW GOVERNMENT'S POSITION TO BE -- OR
HAT THEY THINK IT SHOULD BE.

. WE HAVE REPEATED TO CARLOS PORTALES THE EXCELLENT
UGGESTION MADE BY AMBASSADOR SCHIFTER TO AMBASSADOR
RRAZURIZ REGARDING LETTERS FROM THE NEW GOVERNMENT TO
EY UNHRC OFFICERS AND MEMBERS, AND HE SAID HE WILL ACT
N IT. HE WILL ALSO SUGGEST TO EDMUNDO VARGAS, WHO WILL
E IN WASHINGTON THE WEEK OF JANUARY 29, THAT HE MEET
ITH AMBASSADOR SCHIFTER; WE ENDORSE THE IDEA. PORTALES
DDED HE HAS ALREADY TALKED WITH OFFICIALS OF THE SWEDISH
MBASSY HERE TO SET THEM STRAIGHT, AND THAT VARGAS AND HE
ILL MEET WITH THE AMBASSADORS OF THOSE COUNTRIES WHICH
RE ACTIVE IN CHILEAN AFFAIRS ON FEBRUARY 14. GILLESPIE

~~ONFIDENTIAL~~

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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ✓
Exemption(s) ____

Basic Talkers For Letelier Meeting
January 26

- Your letter reports hearsay that Ambassador Gillespie is saying in Santiago that payment of compensation and resolution of the Letelier case is not a high priority in normalization of relations with Chile.

- This charge is totally false.

- There has been no change in our position.

- We remain committed to compensation for the families.

- We will never cease efforts to punish those indicted for the crime.

- The elections change only the fact that there may now be new ways open to pursue these objectives.

- Resolution of the Letelier case remains our high priority.
- Amb. Gillespie has reiterated this position on various occasions publicly and privately.
- Without satisfaction we will never be able to have a normal relationship.

* * * *

- There appears to be some prospect that the new government may be prepared to make an ex gratia payment in settlement of your claims.

- Have you discussed this with Emundo Vargas?

- Is this acceptable to you in principle? Have you discussed amounts?

- If the GOC agreed to an adequate settlement, would you drop your case? Would you drop your FSIA amendment initiative?

- We would like to see a satisfactory settlement on the civil side between yourself and the new government.

- We believe it is useful to maintain the 1914 Treaty initiative as a possible alternative vehicle for dealing with the GOC. It maintains a focus on the need to resolve the case, and it will be useful back-up if a settlement effort fails.

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UNCLASSIFIED SECRET ATTACHMENT (LD6316)

ADS

Chile Project (#S199900030)
U.S. Department of State
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Declassify: In Part ____ In Full ✓
Exemption(s) ____

2 ITEMS ON LETELIER:

① Sam Buffone wrote identical letters to you and Aronson wanting to know what is going on and complaining about alleged comments of Amb. Gillespie. We need to offer the families a meeting soon. Do you want to take the lead? We also need to respond on the record to rebut the hearsay about Gillespie.

② The cable indicates the new government's thinking. I think it meshes with yours. They will be looking for the bottom line on what it will take for the U.S. to be satisfied on the criminal side of the case so that we will make the Kennedy-Hatch certification. Do you want to meet with Vargas next week when he is in town?

CJ/sou

R. Happy to meet them.
Also, I do want to meet Vargas. He seems to understand the need to keep our treaty initiative on track. I want to discuss this with him.

ADS

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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
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PAGE 01 GENEVA 00780 291711Z
ACTION IO-19

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	ARA-00	NSAE-00	HA-09	L-03	LAB-04	TRSE-00	EAP-00
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AMEMBASSY CARACAS

~~C O N F I D E N T I A L~~ GENEVA 00780

E.O. 12356: OADR
TAGS: PHUM, UNHRC-1
SUBJECT: 46TH SESSION OF UN HUMAN RIGHTS COMMISSION: QUESTION OF HUMAN RIGHTS IN CHILE DELETED FROM ITEM 5

1. (U) THIS IS UNHRC-003.

2. (U) ADOPTING A PROPOSAL MADE BY PERU AND SUPPORTED BY THE IRISH OBSERVER DELEGATION SPEAKING ON BEHALF OF THE EUROPEAN COMMUNITY, THE COMMISSION DECIDED TO DELETE ITEM 5 FROM ITS AGENDA AND CONSIDER THE REPORT OF THE SPECIAL RAPPORTEUR ON CHILE UNDER AGENDA ITEM 13. BOTH SPEAKERS REFERRED TO THE RETURN OF DEMOCRACY IN CHILE. THERE WERE NO OTHER INTERVENTIONS ON THIS POINT, AND THE ~~CONFIDENTIAL~~

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PAGE 02 GENEVA 00780 291711Z

PROPOSAL WAS ADOPTED WITHOUT DISSENT. THUS THE QUESTION OF HUMAN RIGHTS IN CHILE WILL BE CONSIDERED WITH OTHER COUNTRY SITUATIONS WHEN ITEM 13 IS DUE TO BE CONSIDERED BEGINNING FEBRUARY 14.

3. (C) USDEL WAS PLEASED WITH THE RESULT, WHICH WAS A MUCH-DISCUSSED AND FINALLY REALIZED INITIATIVE OF THE LATIN GROUP. THIS DEVELOPMENT, COMBINED WITH THE ARGENTINE ELECTION TO THE VICE CHAIRMANSHIP, AND THE ABSENCE OF ANY CHALLENGE TO OSVALDO VELASQUEZ' CREDENTIALS AS HEAD OF THE PANAMANIAN DELEGATION (THE NEW YORK PANAMANIAN MISSION'S TELEFAX SUBMISSION OF HIS NAME WAS ACCEPTED BY THE SECRETARIAT.), HAVE PUT THE U.S. ON A GOOD FOOTING WITH OUR LATIN COUNTERPARTS. WE HOPE TO TAKE ADVANTAGE OF THIS GOOD WILL IN NEGOTIATING A CUBA RESOLUTION.

4. (C) DEPARTMENT MAY WISH TO ASK EMBASSIES IN LATIN COUNTRIES COUNTRIES TO EXPRESS US SATISFACTION WITH EVENTS SO FAR, AND TELL THEM WE LOOK FORWARD TO THEIR COOPERATION, PARTICULARLY ON THE CUBA ISSUE. ABRAM

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ASSISTANT SECRETARY'S DAILY ACTIVITY REPORT
ARA/CEN
January 29, 1990

E7221

RELEASED IN PART B1,A5

HONDURAS

(S) Nicaraquans propose Bilateral Commission. CIA 26671 reports that Nicaraguan Ambassador to Honduras Francisco Lacayo told a close Callejas advisor on January 18 that Nicaragua would like to establish a joint commission with Honduras to address bilateral issues. Lacayo did not give details but implied that the GON seeks quicker responses from the Honduran MFA. Callejas subsequently indicated he would discuss this with the MFA after his inauguration. Issues of interest to the GON include return of an MI-25 helicopter flown to Honduras by a defector in December 1988 and possible investment in Nicaragua by Honduran investors. (CJSandrolini)

(C) GOH urgently seeks corn donation. USAID Tegucigalpa has received an urgent request from the GOH (Azcona administration) for 13,700 metric tons of corn. Production shortfalls during a time of political and economic policy transition have nearly doubled corn prices in Honduras since October 1989. The Callejas team supports the request and has apparently agreed to USAID requirements that the corn be sold to merchants at a price based on the market exchange rate (3.5 lempiras/dollar, vice 2:1 at the official rate). The per pound cost will be roughly that now paid by the consumer. CEN comment: This is a breakthrough for the mission, as subsidized grain has been a disincentive for local production. The mission has asked quick approval of the request by A.I.D. (CJSandrolini, Tegu 1644)

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United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 07/12/95
Case ID: 95122232

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COSTA RICA

(C) February 4 Elections — Update: The latest polls indicate that the presidential race has narrowed. The Costa Rican Gallup affiliate shows opposition PUSC candidate Rafael Calderon ahead by five percentage points and a PLN poll has its candidate, Carlos Castillo leading by two points. The Embassy believes that the PLN survey's population sample was somewhat biased. It appears, in any event, that election day results will hinge on the ability of the parties to get their supporters to the polls; the PLN has the edge in this. The legislative contest should also be close. The PLN and PUSC are expected to split 54 of the 57 assembly seats, with minor parties (including the communist coalition) picking up the remainder. The campaign has been short on issues and uncharacteristically long on personal attacks. Castillo has been hounded by allegations of PLN narco-corruption. The "liberacionistas" attack Calderon as inexperienced and intellectually shallow. PUSC supporters are confident of a Calderon victory. Calderon's likely Foreign Minister Bernd Niehaus requested our views on his visiting Managua after February 4 elections and on a Calderon, Niehaus visit to Washington in February or March. (ALA M 90-20009, San Jose 1213, CCockburn)

NICARAGUA

[redacted] B1

GUATEMALA

(C) FBI and Oqueli murder: The Legatt in Mexico has arrived in Guatemala to look into the investigation of Oqueli. He is meeting with the Minister of Interior and the Police today. Embassy requested to provide details of meetings ASAP. (DMcCarthy, x71145)

SECRET/NOFORN

(LOU) Status of American Airlines: AA has almost cleared the last few bureaucratic hurdles for their Miami/Guatemala City run. Speedy final approval is expected, though it is unlikely they will be able to begin service before mid-February. Embassy notes that the recent resignation of Transport Minister Lopez should have little effect on the process. (Guatemala 00978, DMcCarthy, x71145).

(C) Status of Ortiz kidnapping case: The case of the American nun allegedly kidnapped and tortured in Guatemala in early November is attracting renewed Congressional interest. The case has been stalled due to lack of information and of witnesses. Sr. Ortiz refused to speak to either Embassy or local officials prior to her return to the U.S.. Her lawyer has now presented an affidavit recounting the event. It has been passed on to the Foreign Ministry and the National Police. The GOG is finalizing the necessary documents to have Sr. Ortiz interviewed by a judge in the U.S. So far, she has not acceded to GOG requests to speak to her. (Guatemala 01015 and DMcCarthy, x71145)

Approved:ARA/CEN:PRomero

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PAGE 01 STATE 030602
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APPROVED BY: OES/NEC:CTHORNE
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E.O. 12356: N/A
TAGS: TRGY, KNNP, PARM, MX
SUBJECT: PROPOSAL FOR U.S.-MEXICO PHYSICAL PROTECTION BILATERAL CONSULTATIONS

REF: A) 89 MEXICO 15116, B) 89 STATE 215399, C) 89 STATE 147162, D) WONG/SENSENEY TELCON 8/23/89

1. THIS IS AN ACTION MESSAGE. EMBASSY REQUESTED TO CONTACT MIGUEL MEDINA, DIRECTOR GENERAL OF THE MEXICAN NATIONAL COMMISSION OF NUCLEAR SECURITY AND SAFEGUARDS TO OUTLINE CURRENT THOUGHTS ON U.S.MEXICAN PHYSICAL PROTECTION BILATERAL CONSULTATIONS (PROPOSED IN REFTELS) TO SOLICIT MEXICAN COMMENTS ON PROPOSED TOPICS, AND TO DETERMINE POSSIBLE DATES FOR THE VISIT. EMBASSY SHOULD DRAW FROM PARAS 2 THROUGH 6, BELOW, IN ITS DISCUSSIONS WITH SR. MEDINA, AND DIRECT RESPONSE TO OES/NEC.

2. BACKGROUND: AS OUTLINED IN THE REFTELS, THE U.S. HAS
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PAGE 02 STATE 030602

CONDUCTED A PROGRAM OF BILATERAL CONSULTATIONS IN THE AREA OF PHYSICAL PROTECTION OF NUCLEAR FACILITIES AND MATERIALS SINCE THE MID-1970S. THESE EXCHANGES FOCUS

ON APPROACHES TO PHYSICAL PROTECTION, PARTICULARLY WITH REGARD TO THE INTERNATIONAL CONVENTION ON PHYSICAL PROTECTION OF NUCLEAR MATERIALS AND THE IAEA

RECOMMENDATIONS ON PHYSICAL PROTECTION (INFCIRC/225). THE POSSIBILITY OF HOLDING SUCH AN EXCHANGE WITH MEXICO WAS RAISED BY THE EMBASSY IN JUNE AND JULY 1989 IN CONNECTION WITH THE PROVISION OF RECENTLY PUBLISHED SANDIA DOCUMENTS ON PHYSICAL/SABOTAGE PROTECTION. AT THAT TIME, (REF. D) MIGUEL MEDINA, DIRECTOR GENERAL OF THE MEXICAN NATIONAL COMMISSION OF NUCLEAR SECURITY AND SAFEGUARDS (CNSNS) REACTED FAVORABLY TO THE U.S. PROPOSAL AND INDICATED THAT APRIL OR MAY 1990 MIGHT BE A FAVORABLE TIME FRAME. START-UP ACTIVITIES AT LAGUNA VERDE PRECLUDED SCHEDULING THE VISIT ANY EARLIER.

3. PROPOSED TOPICS: THE U.S. WOULD LIKE TO TAKE THIS OPPORTUNITY TO OUTLINE ITS CURRENT THINKING ON POSSIBLE TOPICS FOR THE PROPOSED DISCUSSION, INQUIRE AS TO ADDITIONAL TOPICS WHICH THE CNSNS WISHES TO INCLUDE BASED ON THEIR REVIEW OF THE SANDIA REPORTS AND THE LISTING OF AVAILABLE NRC DOCUMENTS PROVIDED LAST SUMMER, AND, IF POSSIBLE, DETERMINE WHICH WEEK IN THE APRIL/MAY TIME FRAME WOULD BE BEST FOR SCHEDULING THESE DISCUSSIONS. FROM OUR PERSPECTIVE, THE DISCUSSIONS COULD COVER:

A) THE ESTABLISHMENT OF A NATIONAL APPROACH TO PHYSICAL PROTECTION: THE REGULATORY BASIS FOR PHYSICAL PROTECTION. APPLYING INTERNATIONAL RECOMMENDATIONS TO VARIOUS TYPES OF FACILITIES IN AN INTEGRATED FASHION ON A NATIONAL LEVEL.
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PAGE 03 STATE 030602

RESEARCH AND DEVELOPMENT EFFORTS IN THE FIELD OF PHYSICAL PROTECTION. PERSONNEL ISSUES SUCH AS TRAINING AND THE CLEARANCE PROCESS.

B) THREAT/INCIDENT ASSESSMENT AT THE NATIONAL LEVEL.

C) INFCIRC/225: CURRENT PRACTICES IN PHYSICAL PROTECTION OF NUCLEAR FACILITIES AND MATERIALS IN TRANSPORT, A COMPARATIVE DISCUSSION OF REVISION 1 VS. REVISION 2, AND ANY CHANGES FORSEEN IN DOMESTIC IMPLEMENTATION AS A RESULT OF THE CHANGES CONTAINED IN THE RECENTLY PUBLISHED REVISION 2.

D) THE INTERNATIONAL CONVENTION ON PHYSICAL PROTECTION OF

NUCLEAR MATERIALS: THE CURRENT DOCUMENT, PROSPECTS/TOPICS FOR EXPERTS GROUPS AND THE REVIEW CONFERENCE IN 1992. THE IMPACT OF THE INTERNATIONAL CONVENTION ON DOMESTIC PHYSICAL PROTECTION PROGRAMS.

E) INTERNATIONAL TRANSPORTATION ISSUES: POLICIES AND PRACTICES, INCLUDING IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON PHYSICAL PROTECTION AND INFCIRC/225, REV. 2.

THE U.S. TEAM WILL OUTLINE U.S. POLICIES IN THESE AREAS, GIVE A PRESENTATION ON U.S. PRACTICES, AND PROVIDE RECENTLY PUBLISHED DOCUMENTS WHERE AVAILABLE. WE SUGGEST THE MEXICANS MAKE SIMILAR PRESENTATIONS ON THEIR EFFORTS. ALSO, THE DISCUSSIONS WILL PROVIDE THE CNSNS AND OTHER MEXICAN ORGANIZATIONS WHICH THE CNSNS MAY INVITE AN OPPORTUNITY TO DISCUSS THE CONTENTS OF THE PHYSICAL/ SABOTAGE PROTECTION REPORTS PROVIDED TO THE CNSNS IN JULY 1989. WE ENVISION THE DISCUSSIONS TAKING TWO-TO-THREE DAYS WITH A BRIEF WRAP-UP DISCUSSION AT THE CONCLUSION OF TWO DAYS OF FACILITY TOURS. DURING THE VISIT, THE U.S. TEAM WILL ISSUE AN INVITATION TO THEIR MEXICAN COUNTERPARTS TO VISIT THE U.S. FOR ADDITIONAL DISCUSSIONS AND TOURS OF U.S. NUCLEAR FACILITIES.
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PAGE 04 STATE 030602

5. FACILITY TOURS: IN CONNECTION WITH THESE DISCUSSIONS, THE U.S. TEAM WOULD APPRECIATE THE OPPORTUNITY TO TOUR THE LAGUNA VERDE NUCLEAR PLANT AND THE SALAZAR RESEARCH REACTOR. SUCH TOURS ARE AN INTEGRAL PART OF THE PHYSICAL PROTECTION BILATERAL EXCHANGE PROGRAM AND PROVIDES AN OPPORTUNITY FOR THE HOST GOVERNMENTS TO DEMONSTRATE HOW NATIONAL REQUIREMENTS TRANSLATE INTO EFFECTIVE SECURITY MEASURES.

6. THE U.S. TEAM: EXACT COMPOSITION OF THE U.S. TEAM WILL BE DETERMINED ONCE FULL RANGE OF TOPICS WHICH THE MEXICANS WISH TO HAVE INCLUDED ARE KNOWN. IN GENERAL, HOWEVER, IT IS ANTICIPATED THAT THE U.S. TEAM WILL BE COMPRISED OF REPRESENTATIVES FROM U.S. GOVERNMENT AGENCIES DIRECTLY INVOLVED IN THE REVIEW CONFERENCE OF THE INTERNATIONAL CONVENTION ON PHYSICAL PROTECTION AND KEY TECHNICAL EXPERTS, INCLUDING POSSIBLE NATIONAL LABORATORY PERSONNEL, WITH DIRECT RESPONSIBILITY FOR PROGRAM ACTIVITIES IN PHYSICAL PROTECTION OF NUCLEAR FACILITIES AND MATERIALS (5

TO 6 INDIVIDUALS IN ALL). PARTICIPATION BY THE EMBASSY SCIENCE OFFICE WOULD ALSO BE WELCOMED. BAKER

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*** Current Handling Restrictions *** n/a
*** Current Classification *** UNCLASSIFIED

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PAGE 01 STATE 031783
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TO AMEMBASSY GUATEMALA
INFO AMEMBASSY MEXICO

UNCLAS STATE 031783

E.O. 12356: N/A
TAGS: SNAR, MX, GT
SUBJECT: MEXICAN OBSERVATION OF AIR WING OPIUM POPPY SPRAYING OPERATIONS

1. IN JANUARY 26 CONVERSATION WITH MEXICAN EMBASSY LEGAL COUNSELOR (NARCOTICS ISSUES) GONZALEZ BAEZA, INM/T DIRECTOR THOMS INVITED THE GOM TO SEND APPROPRIATE OFFICIALS TO OBSERVE AIR WING OPIUM SPRAYING OPERATIONS CURRENTLY BEING CONDUCTED IN GUATEMALA. EXTENSION OF THE INVITATION RESULTED FROM A JAN. 5 ARA/INM MEETING WITH GONZALEZ IN THE DEPARTMENT, DURING WHICH THE IDEA OF POSSIBLE MEXICAN AERIAL ERADICATION USING THRUSH AIRCRAFT WAS RAISED. GONZALEZ SAID HE WOULD CONTACT MEXICO CITY WITH A VIEW TO OBTAINING THE NAMES OF THE OFFICIALS AND BE BACK IN TOUCH NEXT WEEK.

2. ACTION REQUEST: IF POST AGREES, POST SHOULD APPROACH GOG AUTHORITIES FOR GOG CONSENT TO THE MEXICAN OBSERVATION OF THESE OPERATIONS. PENDING GOG APPROVAL, POST NARCOTICS COORDINATOR SHOULD BE PREPARED TO RECEIVE UNCLASSIFIED

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PAGE 02 STATE 031783

MEXICAN VISITORS DURING THE WEEK OF FEBRUARY 11 WHICH WAS OUR SUGGESTION TO GONZALEZ. THE PROGRAM FOLLOWED BY THOMS DURING HIS JANUARY 15-18 VISIT TO GUATEMALA WOULD APPEAR TO BE IDEAL, I.E., A CARAVAN FLIGHT FROM GUATEMALA

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CITY TO HUEHUETENANGO FOLLOWED BY TRIPS IN BOTH THE HUEY SAR AIRCRAFT AND THE THRUSH BACKSEAT FOR AN ACTUAL SPRAYING MISSION. DEPARTMENT BELIEVES POST SHOULD ALSO STRONGLY EMPHASIZE THE CAPABILITIES OF THE PATHLINK SYSTEM IN TERMS OF NAVIGATIONAL PRECISION AND ACCURATE RECORDING OF AREAS ACTUALLY SPRAYED. DEPARTMENT PLANS TO HAVE FOUR THRUSH AIRCRAFT WITH APPROPRIATE NATI PERSONNEL IN-COUNTRY WHEN MEXICANS ARRIVE. DEPARTMENT WILL ADVISE POST OF NAMES OF MEXICAN OFFICIALS AND THEIR ITINERARY UPON RECEIPT OF INFORMATION FROM GONZALEZ BAEZA. BAKER

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*** Current Classification *** UNCLASSIFIED

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E.O. 12356: DECL: OADR
TAGS: PREL SNAR BL CO PE
SUBJECT: U.S. APPROVED REVISED DRAFT DOCUMENT OF CARTAGENA

REF: BOGOTA 01256

1. THIS IS AN ACTION CABLE. SEE PARAS 2 AND 4.

2. (C) SUMMARY AND ACTIONS REQUESTED: THE WASHINGTON SUMMIT WORKING GROUP HAS REVIEWED AND APPROVED THE SANTA CRUZ VERSION OF THE DRAFT DOCUMENT OF CARTAGENA WITH A NUMBER OF CHANGES. WHILE SOME OF THEM ARE SUBSTANTIVE, NONE COMPROMISES THE BASIC CONSENSUS REACHED AT SANTA CRUZ ON ANY SIGNIFICANT POINT.

OUR CHANGES FALL INTO THREE BROAD CATEGORIES: 1) EDITORIAL CHANGES PROPOSED BY US AND THE COLOMBIANS FOR CLARITY AND PRECISION; 2) SUBSTANTIVE CHANGES TO ADDRESS COLOMBIAN CONCERNS; AND 3) MINOR SUBSTANTIVE CHANGES SUGGESTED BY USTR. ALL OF THE CHANGES ARE BRACKETED IN THE TEXT OF THE DOCUMENT AT PARA 3. AT THE CONCLUSION OF EACH PARAGRAPH IN THE TEXT OF OUR REVISED SANTA CRUZ VERSION IS AN EXPLANATION FOR THE CHANGE.

[redacted]

DEPARTMENT OF STATE 9902309 IS/FPC/CDR Date. 8/22/96
(X) RELEASE (X) DECLASSIFY
( ) EXCISE ( ) DECLASSIFY
( ) DENY IN PART
( ) DELETE Non-Responsive Info
FOIA Exemptions
PA Exemptions
MR Cases Only:
EO Citations
TS authority to:
( ) CLASSIFY as ( ) S or ( ) C OADR
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TO SUMMARIZE:

-- WE HAVE ACCEPTED IN SOME FORM ALL OF THE CHANGES THAT COLOMBIA CONSIDERED "ESSENTIAL" PER REF A., PARA 7. IN SOME CASES, WE USED DIFFERENT LANGUAGE THAN THAT SUGGESTED BY THE COLOMBIANS.

-- WE DID NOT ACCEPT ANY OF THE COLOMBIAN CHANGES

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SUGGESTED IN REF A, PARA 8 TITLED "DESIRED, BUT LESS ESSENTIAL CHANGES".

-- WE HAVE ACCEPTED MOST OF THE MINOR CHANGES PROPOSED BY THE COLOMBIANS WHICH MAKE CLEAR THAT SOME OF THE ACTIONS CALLED FOR IN THE CARTAGENA DOCUMENT ARE ALREADY BEING UNDERTAKEN, AND THAT THE PROBLEMS AND IMPACT OF COCAINE TRAFFICKING DIFFER FROM COUNTRY TO COUNTRY.

-- THROUGHOUT THE TEXT, FOR CONSISTENCY AND STYLE, WE HAVE USED THE TERM "PARTIES" RATHER THAN "PRESIDENTS". ALSO, WE HAVE USED THE WORDS "ANDEAN PARTIES" WHEN REFERRING TO THE "THREE ANDEAN PARTIES".

-- WE RECOGNIZE THAT THE DOCUMENT STILL CONTAINS SOME STILTED AND REDUNDANT LANGUAGE. HOWEVER, BECAUSE OF THE SPECIAL INTERESTS OF VARIOUS PARTIES TO THIS DOCUMENT, AND THEIR COMMITMENT TO SPECIFIC PROSE THAT DEALS WITH THEM, WE DO NOT WANT TO TINKER FURTHER AT THIS LATE DATE.

ACTIONS REQUESTED: POSTS SHOULD PRESENT THE NEW TEXT TO HOST GOVERNMENTS AT THE EARLIEST OPPORTUNITY USING ARGUMENTATION FOR THE CHANGES THAT IS NOTED AT THE END OF EACH AFFECTED PARAGRAPH; SEEK THEIR ACCEPTANCE; AND INFORM [redacted]

THE DEPARTMENT. ALSO, POSTS SHOULD INFORM HOST GOVERNMENTS THAT WE WISH TO AVOID ANOTHER NEGOTIATING MEETING IF POSSIBLE. THE SPANISH TEXT WILL BE FORWARDED AS SOON AS IT IS TRANSLATED. IN SEPTEL WE WILL BE TRASMITTING OUR DRAFT SUMMIT COMMUNIQUE FOR APPROVAL BY HOST GOVERNMENTS. END SUMMARY AND ACTIONS REQUESTED.

3. BEGIN TEXT:

ANDEAN SUMMIT

CARTAGENA, COLOMBIA
FEBRUARY 15, 1990

(DRAFT DOCUMENT OF CARTAGENA)

THE PARTIES CONSIDER THAT A STRATEGY WHICH COMMITS THE PARTIES TO IMPLEMENT OR STRENGTHEN A COMPREHENSIVE, INTENSIFIED ANTI-NARCOTICS PROGRAM MUST ADDRESS THE ISSUES OF DEMAND REDUCTION, CONSUMPTION AND SUPPLY. SUCH A STRATEGY ALSO MUST INCLUDE UNDERSTANDINGS REGARDING ECONOMIC COOPERATION, ALTERNATIVE DEVELOPMENT, ENCOURAGEMENT OF (TRADE) AND INVESTMENT, AS WELL AS UNDERSTANDINGS ON ATTACKING THE (TRAFFIC) IN ILLICIT DRUGS, AND ON DIPLOMATIC AND PUBLIC DIPLOMACY INITIATIVES.

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(NOTE: USTR HAS REQUESTED THAT THE WORD "EXPORTS" BE REPLACED BY "TRADE" AND THE WORD "FOREIGN" BE REMOVED BEFORE THE WORD "INVESTMENT". THEIR RATIONALE IS THAT TRADE IS A BROADER TERM AND EMBRACES EXPORTS AND IMPORTS, WHICH TOGETHER ARE REQUIRED FOR ECONOMIC GROWTH. SIMILARLY, "FOREIGN INVESTMENT" IS TOO NARROW A TERM, SINCE INTERNAL INVESTMENT AND RETURN OF FLIGHT CAPITAL ARE ALSO ESSENTIAL FOR ECONOMIC GROWTH. IF THE HOST GOVERNMENT STRONGLY OBJECTS, USTR DOES NOT INSIST ON DELETION OF THE WORD "FOREIGN". THE SAME CHANGE IN [redacted]

PAGE 04 STATE 032157

WORDING WILL BE NOTED IN OTHER PARAS IN SECTION A. THE WORDS "DRUG TRAFFIC" HAS BEEN USED TO REPLACE "DRUG TRADE"THROUGOUT THE DOCUMENT.)

THE PARTIES RECOGNIZE THAT THESE AREAS ARE INTERCONNECTED AND SELF-REINFORCING. PROGRESS IN ONE AREA WILL HELP ACHIEVE PROGRESS IN OTHERS. FAILURE IN ANY OF THEM WILL JEOPARDIZE PROGRESS IN THE OTHERS. THE ORDER IN WHICH THEY ARE ADDRESSED (IN THE DOCUMENT) IS NOT MEANT TO ASSIGN TO THEM ANY PARTICULAR PRIORITY.

ECONOMIC COOPERATION AND INTERNATIONAL INITIATIVES CANNOT BE EFFECTIVE UNLESS THERE ARE CONCOMITANT, DYNAMIC PROGRAMS ATTACKING THE (PRODUCTION OF, TRAFFICKING) IN AND DEMAND FOR ILLICIT DRUGS. IT IS CLEAR THAT TO BE FULLY EFFECTIVE, SUPPLY REDUCTION EFFORTS MUST BE ACCOMPANIED BY SIGNIFICANT REDUCTION IN DEMAND. THE PARTIES RECOGNIZE THAT THE EXCHANGE OF INFORMATION ON DEMAND CONTROL PROGRAMS WILL BENEFIT THEIR COUNTRIES.

(NOTE: WE HAVE ADDED THE WORDS "PRODUCTION OF" TO ADDRESS A COLOMBIAN CONCERN, AND IT IS A LOGICAL ADDITION.)

(THE PARTIES RECOGNIZE THAT THE NATURE AND IMPACT OF THE TRAFFIC IN AND INTERDICTION OF ILLICIT DRUGS VARIES IN EACH OF THE THREE ANDEAN COUNTRIES AND CAN NOT BE ADDRESSED FULLY IN THIS DOCUMENT.) THE PARTIES WILL NEGOTIATE BILATERAL AND MULTILATERAL AGREEMENTS, (CONSISTENT WITH THEIR ANTI-NARCOTICS EFFORTS), SPECIFYING THEIR RESPONSIBILITIES AND COMMITMENTS WITH REGARD TO ECONOMIC COOPERATION AND INTENSIFIED ENFORCEMENT ACTIONS.

(NOTE: THE TWO ADDITIONS ARE MEANT TO ADDRESS COLOMBIAN [redacted]

PAGE 05 STATE 032157

CONCERNS THAT RELATIVE ECONOMIC IMPACT OF TRAFFICKING, AND INTERDICTION PROGRESS IN THEIR COUNTRY ARE DIFFERENT THAN

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THOSE OF PERU AND COLOMBIA.)

A. UNDERSTANDINGS REGARDING ECONOMIC ASPECTS AND ALTERNATIVE DEVELOPMENT

-- (THE PARTIES RECOGNIZE THAT THE ILLICIT TRAFFIC IN DRUGS HAS A NEGATIVE NET LONG TERM IMPACT ON THEIR ECONOMIES. HOWEVER, PROFITS FROM PRODUCTION AND TRAFFICKING OF DRUGS DO CONTRIBUTE TO THE FLOW OF FOREIGN EXCHANGE AND TO THE GENERATION OF EMPLOYMENT AND INCOME. SUPRESSION OF THE ILLICIT DRUG TRADE WILL RESULT IN SIGNIFICANT, IMMEDIATE ECONOMIC COSTS OF VARIOUS KINDS IN EACH OF THE ANDEAN COUNTRIES.)

(NOTE: WE HAVE REDRAFTED THIS PARAGRAPH IN ORDER TO ADDRESS COLOMBIAN OBJECTIONS TO REFERENCES TO A "COCA ECONOMY" AND TO "SUPPRESSION OF THE COCA TRADE CAUSING DISRUPTIONS THROUGHOUT ALL PRODUCING COUNTRIES".)

-- THE GOVERNMENT OF THE UNITED STATES WILL REQUEST CONGRESS TO AUTHORIZE NEW FUNDS FOR THE PROGRAM DURING FISCAL YEARS 1991 TO 1994, IN ORDER TO SUPPORT THE ANDEAN PARTIES' EFFORTS TO (COUNTERACT) THE SHORT AND LONG-TERM (SOCIO-ECONOMIC IMPACT) OF AN (EFFECTIVE FIGHT AGAINST ILLICIT DRUGS). THIS CONTRIBUTION BY THE UNITED STATES WOULD BE MADE WITHIN THE FRAMEWORK OF ACTIONS AGAINST DRUG TRAFFICKING CARRIED OUT BY THE ANDEAN PARTIES. THE ANDEAN PARTIES REITERATE THE IMPORTANCE OF (IMPLEMENTING OR STRENTHENING) SOUND ECONOMIC POLICIES FOR THE EFFECTIVE UTILIZATION OF SUCH A CONTRIBUTION. THE UNITED STATES IS ALSO PREPARED TO COOPERATE WITH THE ANDEAN PARTIES IN A WIDE RANGE OF INITIATIVES FOR DEVELOPMENT, TRADE AND INVESTMENT IN ORDER TO STRENGTHEN AND SUSTAIN LONG-TERM (ECONOMIC) GROWTH.

[redacted]

(NOTE: MINOR EDITS FOR CLARITY)

ALTERNATIVE DEVELOPMENT DESIGNED FOR THE SUBSTITUTION OF THE (ILLICIT DRUG TRAFFICKING) INCLUDES THE FOLLOWING AREAS OF COOPERATION. IN THE SHORT TERM (THERE IS A NEED) TO CREATE OF STRENGTHEN SOCIAL EMERGENCY PROGRAMS AND BALANCE OF PAYMENTS SUPPORT TO MITIGATE THE SOCIAL AND ECONOMIC COSTS STEMMING FROM SUBSTITUTION. (IN THE MEDIUM AND LONG TERM, IMPLEMENTATION OF INVESTMENT PROGRAMS AND OF MEASURES TO PRESERVE ECOLOGICAL BALANCE WILL CREATE THE ECONOMIC CONDITIONS FOR DEFINITIVE SUBSTITUTION OF THE ILLICIT DRUG TRADE ECONOMY.

(NOTE: CHANGES ARE FOR CLARITY AND PRECISION AND TO REMOVE REFERENCE TO "COCA ECONOMY" WHICH COLOMBIANS FOUND

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OBJECTIONABLE)

-- 1. ALTERNATIVE DEVELOPMENT AND CROP SUBSTITUTION

-- IN ORDER TO FOSTER INCREASED EMPLOYMENT AND INCOME OPPORTUNITIES THROUGHOUT THE ENTIRE PRODUCTIVE SYSTEM AND (IMPLEMENT OR ENHANCE) A SOUND ECONOMIC POLICY TO SUSTAIN LONG TERM GROWTH, THE UNITED STATES WILL SUPPORT MEASURES AIMED AT STIMULATING BROADBASED RURAL DEVELOPMENT, PROMOTING NON-TRADITIONAL EXPORTS, BUILDING (OR REINFORCING) A PRODUCTIVE INFRASTRUCTURE, AND OTHERS. THE PARTIES, IN ACCORDANCE WITH THE RESPECTIVE POLICIES OF BOLIVIA, COLOMBIA, PERU AND THE UNITED STATES, SHALL DETERMINE THE ECONOMIC ASSISTANCE REQUIRED TO ENSURE SOUND ECONOMIC POLICIES AND SUSTAIN ALTERNATIVE DEVELOPMENT, WHICH IN THE MEDIUM TERM WILL HELP REPLACE THE INCOME, EMPLOYMENT AND FOREIGN EXCHANGE HERETOFORE GENERATED BY [redacted]

THE ILLEGAL COCA ECONOMY. THE UNITED STATES IS PREPARED TO FINANCE DEVELOPMENT ACTIVITIES OF THIS KIND WITH NEW AND CONCESSIONAL RESOURCES.

(NOTE: COLOMBIANS WANTED THIS LANGUAGE TO INDICATE VARYING LEVELS OF PROGRESS IN THE THREE COUNTRIES)

-- IN ORDER TO ACHIEVE A COMPLETE PROGRAM OF ALTERNATIVE DEVELOPMENT, THE PARTIES AGREE THAT IN ADDITION TO THE COOPERATION PROVIDED BY THE UNITED STATES, ECONOMIC COOPERATION, AS WELL AS GREATER INCENTIVES TO INVESTMENT AND FOREIGN TRADE FROM OTHER SOURCES, WILL BE NEEDED. THE PARTIES WILL MAKE CONCERTED EFFORTS TO OBTAIN THE SUPPORT OF MULTILATERAL AND OTHER ECONOMIC INSTITUTIONS FOR THESE PROGRAMS, AS THE ANDEAN PARTIES CARRY OUT SOUND ECONOMIC POLICIES AND EFFECTIVE PROGRAMS AGAINST DRUGS.

-- THE PARTIES ARE CONVINCED THAT A (COMPREHENSIVE) FIGHT AGAINST ILLICIT DRUG TRAFFIC WILL DISRUPT THE MARKET FOR COCA AND COCA DERIVATIVES AND WILL REDUCE THEIR PRICES. AS SUCCESS IS ACHIEVED IN THIS FIGHT, THOSE EMPLOYED IN GROWING COCA AND IN ITS ORIGINAL PROCESSING WILL SEEK ALTERNATIVE SOURCES OF INCOME EITHER BY CROP SUBSTITUTION OR BY CHANGING JOBS. THE PARTIES WILL WORK TOGETHER TO IDENTIFY ALTERNATIVE-INCOME ACTIVITIES FOR EXTERNAL FINANCING. THE UNITED STATES IS READY TO CONSIDER FINANCING OF ACTIVITIES SUCH AS RESEARCH, EXTENSION, CREDIT AND OTHER AGRICULTURAL SUPPORT SERVICES AND SUPPORT OF PRIVATE SECTOR INITIATIVES FOR THE CREATION OF MICRO-ENTERPRISES AND AGRO-INDUSTRIES.

(NOTE: MINOR EDIT)

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-- THE UNITED STATES WILL ALSO COOPERATE WITH THE ANDEAN PARTIES TO PROMOTE VIABLE DOMESTIC AND FOREIGN MARKETS TO SELL THE PRODUCTS GENERATED BY ALTERNATIVE DEVELOPMENT
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PAGE 08 STATE 032157

PROGRAMS.

-- 2. MITIGATION OF THE SOCIAL AND ECONOMIC IMPACT OF THE FIGHT AGAINST ILLICIT DRUG TRAFFICKING

-- AS THE ANDEAN PARTIES IMPLEMENT (OR CONTINUE TO DEVELOP) EFFECTIVE PROGRAMS OF INTERDICTION OF THE FLOW OF ILLICT DRUGS AND OF CROP ERADICATION, THEY WILL NEED ASSISTANCE OF THE FAST DISBURSEMENT TYPE TO MITIGATE BOTH SMALL AND LARGE SCALE SOCIAL AND ECONOMIC COSTS. THE PARTIES WILL (COOPERATE) TO (IDENTIFY) THE (TYPE) OF THE ASSISTANCE REQUIRED. THE UNITED STATES IS PREPARED TO PROVIDE BALANCE OF PAYMENTS SUPPORT (TO HELP MEET FOREIGN EXCHANGE NEEDS.) THE UNITED STATES WILL ALSO CONSIDER FUNDING FOR EMERGENCY SOCIAL PROGRAMS, SUCH AS THE SUCCESSFUL ONE IN BOLIVIA, TO PROVIDE EMPLOYMENT AND OTHER OPPORTUNITIES TO THE POOR DIRECTLY AFFECTED BY THE FIGHT AGAINST ILLICIT DRUGS.

(NOTE: USTR PROPOSES "TO HELP MEET FOREIGN EXCHANGE NEEDS" AS MORE ALL EMBRACING, THAN THE SANTA CRUZ VERSION "TO FINANCE IMPORT AND HELP SERVICE DEBT TO INTERNATIONAL FINANCIAL INSTITUTIONS".)

.-- 3. TRADE INITIATIVES, INCENTIVES TO EXPORTS AND PRIVATE FOREIGN INVESTMENT

-- (AN INCREASE IN) TRADE AND (PRIVATE) INVESTMENT IS ESSENTIAL TO FACILITATE SUSTAINED ECONOMIC GROWTH AND TO HELP OFFSET THE ECONOMIC DISLOCATIONS RESULTING FROM ANY EFFECTIVE PROGRAM AGAINST ILLICIT DRUGS. THE PARTIES WILL WORK TOGETHER TO INCREASE TRADE AMONG THE THREE ANDEAN COUNTRIES AND THE UNITED STATES, EFFECTIVELY FACILITATING

[redacted]

PAGE 09 STATE 032157

ACCESS TO THE UNITED STATES MARKET AND STRENGTHENING EXPORT PROMOTION, INCLUDING IDENTIFICATION, DEVELOPMENT AND MARKETING OF NEW EXPORT PRODUCTS. (THE UNITED STATES WILL ALSO CONSIDER PROVIDING APPROPRIATE TECHNICAL AND FINANCIAL ASSISTANCE TO HELP ANDEAN AGRICULTURAL PRODUCTS COMPLY WITH THE ADMISSION REQUIREMENTS.)

(NOTE: USTR ELIMINATED "FOREIGN" TRADE, TO EMPHASIZE BENEFITS OF TWO-WAY TRADE, AND ADDED "PRIVATE" INVESTMENT

TO UNDERSCORE IMPORTANCE OF THAT TYPE OF INVESTMENT. LAST SENTENCE INSERTED AT REQUEST OF COLOMBIA.)

-- THE PARTIES MAY CONSIDER THE ESTABLISHMENT OF ECONOMIC AND INVESTMENT POLICIES, AS WELL AS LEGISLATION AND REGULATIONS TO FOSTER PRIVATE INVESTMENT. WHERE FAVORABLE CONDITIONS EXIST, THE UNITED STATES WILL (FACILITATE) PRIVATE INVESTMENT IN THE THREE ANDEAN COUNTRIES, TAKING INTO ACCOUNT THE PARTICULAR CONDITIONS AND POTENTIAL OF EACH.

(NOTE: USTR PREFERS "FACILITATE" BECAUSE THEY CONSIDERED THE ORIGINAL "FOSTER" AS TOO PRO-ACTIVE.)

B. UNDERSTANDINGS REGARDING ATTACKING THE TRADE IN ILLICIT DRUGS

-- THE PARTIES REAFFIRM THEIR WILL TO FIGHT DRUG TRAFFICKING IN A COMPREHENSIVE MANNER ATTACKING ALL FACETS OF THE TRADE: PRODUCTION, TRANSPORTATION AND CONSUMPTION. SUCH COMPREHENSIVE ACTION INCLUDES THE FOLLOWING:

-- PREVENTIVE ACTIONS TO REDUCE CONSUMPTION AND THEREFORE DEMAND.

-- CONTROL AND LAW ENFORCEMENT ACTIVITIES AGAINST ILLEGAL CULTIVATION, PROCESSING, AND MARKETING OF ILLICIT DRUGS.

[redacted]

-- CONTROL OF ESSENTIAL CHEMICALS FOR THE PRODUCTION OF ILLEGAL DRUGS AND THE MEANS USED FOR THEIR TRANSPORT.

-- SEIZURE, FORFEITURE, AND SHARING OF ILLEGAL PROCEEDS AND PROPERTY USED IN COMMITTING NARCOTICS-RELATED CRIMES.

-- COORDINATION OF LAW ENFORCEMENT AGENCIES, THE MILITARY, PROSECUTORS AND COURTS.

-- ACTIONS TO BRING ABOUT A NET REDUCTION IN THE ILLEGAL CULTIVATION OF COCA.

THE PARTIES UNDERTAKE TO ENGAGE IN AN ONGOING EVALUATION OF THEIR COOPERATION. BASED ON THIS EVALUATION, THE UNITED STATES GOVERNMENT WILL REQUEST CONGRESS TO PROVIDE ADDITIONAL (ASSISTANCE TO THE ANDEAN PARTIES FOR THEIR) LAW ENFORCEMENT AND MILITARY (AGENCIES) AS WELL AS ECONOMIC ASSISTANCE.

(NOTE: WE REJECT COLOMBIAN PROPOSAL TO INSERT "IN THIS CONTEXT" IN REPLACEMENT OF "BASED ON THIS EVALUATION", LANGUAGE WHICH WAS AGREED UPON AFTER HARD BARGAINING AT

SANTA CRUZ. THE COLOMBIAN LANGUAGE WATERS DOWN CONDITIONALITY.)

GIVEN THAT THE PARTIES ACT WITHIN A FRAMEWORK OF RESPECT FOR HUMAN RIGHTS, THEY REAFFIRM THAT NOTHING WOULD DO MORE TO UNDERMINE THE WAR ON DRUGS THAN DISREGARD FOR HUMAN RIGHTS BY PARTICIPANTS IN THE EFFORT.

(NOTE: WE REJECT COLOMBIAN PROPOSAL TO REPLACE THIS PARAGRAPH WITH "WITHIN THIS FRAMEWORK, THE PARTIES [redacted]

REITERATE THEIR COMPLETE RESPECT FOR HUMAN RIGHTS" AS AN INADEQUATE COVERAGE OF A KEY ISSUE FOR US.)

1. PREVENTION AND DEMAND

-- (THE PARTIES UNDERTAKE TO SUPPORT DEVELOPMENT AND EXPANSION OF PROGRAMS ON COMPREHENSIVE PREVENTION, SUCH AS PREVENTIVE PUBLIC EDUCATION IN BOTH RURAL AND URBAN COUNTRIES, TREATMENT OF DRUG ADDICTS, AND INFORMATION TO

ENCOURAGE THE PUBLIC OPPOSITION TO ILLEGAL DRUG PRODUCTION, TRADE AND CONSUMPTION.) THESE PROGRAMS ARE FUNDAMENTAL IF THE DRUG PROBLEM IS TO BE SUCCESSFULLY CONFRONTED.

-- THE PARTIES RECOGNIZE THAT PREVENTION EFFORTS IN THE FOUR COUNTRIES WILL BENEFIT FROM SHARED INFORMATION ABOUT SUCCESSFUL PREVENTION PROGRAMS AND FROM BILATERAL AND MULTILATERAL COOPERATION AGREEMENTS TO EXPAND EFFORTS IN THIS FIELD.

-- TO THIS END, THE PARTIES UNDERTAKE TO CONTRIBUTE ECONOMIC, MATERIAL AND TECHNICAL RESOURCES TO SUPPORT SUCH INTEGRATED PREVENTION PROGRAMS.

(NOTE: EDIT FOR CLARITY)

-- 2. INTERDICTION

-- A BATTLE AGAINST AN ILLICIT PRODUCT MUST FOCUS ON THE (DEMAND FOR), PRODUCTION OF AND TRADE IN THAT PRODUCT. INTERDICTION OF ILLEGAL DRUGS, AS THEY MOVE FROM PRODUCER TO CONSUMER, IS ESSENTIAL. THE PARTIES PLEDGE TO STEP UP EFFORTS WITHIN THEIR OWN COUNTRIES TO INTERDICT ILLEGAL DRUGS AND TO INCREASE COORDINATION AND COOPERATION AMONG THEM TO FACILITATE THIS FIGHT. THE UNITED STATES IS READY [redacted]

TO PROVIDE INCREASED COOPERATION IN EQUIPMENT AND TRAINING TO THE LAW ENFORCEMENT BODIES OF THE ANDEAN PARTIES.

(NOTE: COLOMBIAN FIX TO COMPLETE THOUGHT)

-- 3. INVOLVEMENT OF THE ARMED FORCES

-- THE CONTROL OF ILLEGAL TRAFFICKING IN DRUGS IS ESSENTIALLY A LAW ENFORCEMENT MATTER. HOWEVER, BECAUSE OF ITS MAGNITUDE AND THE DIFFERENT ASPECTS INVOLVED, AND IN KEEPING WITH THE (SOVEREIGN) INTEREST OF EACH STATE AND ITS OWN JUDICIAL SYSTEM, THE ARMED FORCES (IN EACH OF THE COUNTRIES) MAY ALSO PARTICIPATE. THE ARMED FORCES MAY PROVIDE RESOURCES TO SUPPORT LAW ENFORCEMENT OPERATIONS AGAINST DRUG TRAFFICKING WHEN SUCH OPERATIONS EXCEED THE CAPACITY OF LAW ENFORCEMENT AGENCIES. THEREFORE, THE PARTIES PLEDGE TO ESTABLISH APPROPRIATE BILATERAL AND MULTILATERAL UNDERSTANDINGS FOR COOPERATION IN ACCORDANCE WITH THEIR INTERESTS, NEEDS AND PRIORITIES.

(NOTE: COLOMBIAN EDITS TO EMPHASIZE SOVERIEGNTY CONCERNS.)

-- 4. INFORMATION SHARING AND INTELLIGENCE COOPERATION

-- THE PARTIES COMMIT THEMSELVES TO A GREATER EXCHANGE OF INFORMATION AND INTELLIGENCE IN ORDER TO STRENGTHEN ACTION BY THE ARMED FORCES AND LAW

ENFORCEMENT AGENCIES. THE PARTIES WILL PURSUE BILATERAL AND MULTILATERAL UNDERSTANDINGS ON INFORMATION AND INTELLIGENCE COOPERATION, CONSISTENT WITH THEIR NATIONAL INTERESTS AND PRIORITIES.

[redacted]

(NOTE: IN LAST SENTENCE, WE REPLACED THE WORD "IMPLEMENT" WITH "PURSUE" BECAUSE TO DATE THERE HAVE BEEN FEW UNDERSTANDINGS ON THIS SUBJECT)

-- 5. ERADICATION AND DISCOURAGEMENT OF ILLICIT CROPS

-- ERADICATION CAN PLAY AN ESSENTIAL PART IN THE ANTI-DRUG FIGHT OF EACH COUNTRY. IN EACH CASE, ERADICATION PROGRAMS HAVE TO BE CAREFULLY CRAFTED, MEASURING THEIR POSSIBLE EFFECT ON TOTAL ILLICIT DRUG PRODUCTION IN EACH COUNTRY; THEIR COST-BENEFIT RATIO RELATIVE TO OTHER MEANS OF FIGHTING ILLICIT DRUGS; WHETHER THEY CAN BE MOST EFFECTIVE AS VOLUNTARY OR COMPULSORY PROGRAMS OR A COMBINATION OF THE TWO; AND THEIR PROBABLE POLITICAL AND SOCIAL CONSEQUENCES.

(NOTE: WE REJECTED COLOMBIAN PROPOSAL TO REPLACE THE WORDS "CAN PLAY" IN FIRST SENTENCE WITH "IS" BECAUSE OF

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OUR CERTAINTY THAT BOLIVIA AND PERU WOULD REJECT LANGUAGE THEY INSISTED ON AT SANTA CRUZ. WE ALSO REJECTED COLOMBIA PROPOSAL TO DROP PHRASES REFERRING TO "VOLUNTARY OR COMPULSORY" PROGRAMS AND "PROBABLE AND SOCIAL CONSEQUENCES". COLOMBIAN PROPOSAL WOULD CHANGE SUBSTANTIVELY LANGUAGE AGREED TO AT SANTA CRUZ AFTER LENGTHY NEGOTIATION ON SENSITIVE SUBJECT.)

-- THE PARTIES RECOGNIZE THAT TO ERADICATE ILLICIT CROPS, THE PARTICIPATION OF THE GROWERS THEMSELVES IS DESIRABLE, ADOPTING MEASURES THAT WILL HELP THEM OBTAIN LEGAL SOURCES OF INCOME.

-- NEW ECONOMIC OPPORTUNITIES, SUCH AS PROGRAMS FOR ALTERNATIVE DEVELOPMENT AND CROP SUBSTITUTION, SHALL BE FOSTERED TO HELP TO DISSUADE GROWERS FROM INITIATING OR EXPANDING ILLEGAL CULTIVATION. OUR GOAL IS A SUSTAINED REDUCTION IN THE TOTAL AREA UNDER ILLEGAL CULTIVATION.

[redacted]

-- (ERADICATION PROGRAMS MUST SAFEGUARD HUMAN HEALTH AND PRESERVE THE ECOSYSTEM.)

(NOTE: COLOMBIAN EDIT FOR CLARITY)

-- 6. CONTROL OF FINANCIAL ASSETS

-- THE PARTIES AGREE TO IDENTIFY, TRACE, FREEZE, SEIZE, AND APPLY OTHER LEGAL PROCEDURES FOR THE DISPOSITION OF DRUG CRIME PROCEEDS IN THEIR RESPECTIVE COUNTRIES, AND TO ATTACK FINANCIAL ASPECTS OF THE ILLICIT DRUG TRADE BY ADOPTING STRONG MEASURES TO CRIMINALIZE MONEY LAUNDERING. THE PARTIES AGREE TO ESTABLISH FORMULAS PROVIDING EXCEPTIONS TO BANKING SECRECY.

(NOTE: WE REJECT COLOMBIAN PROPOSED ELIMINATION OF THE WORD "CRIMINALIZE" MONEY LAUNDERING, SINCE THE ESTABLISHMENT OF PENAL SANCTIONS FOR MONEY LAUNDERING ARE REQUIRED UNDER VIENNA CONVENTION.)

-- 7. FORFEITURE AND SHARING OF ILLEGAL DRUG PROCEEDS

-- THE PARTIES PLEDGE TO IMPLEMENT A SYSTEM FOR FORFEITURE AND SHARING OF ILLEGAL DRUG PROFITS AND ASSETS, AND TO ESTABLISH EFFECTIVE PROGRAMS IN THIS AREA. SUCH PROGRAMS WILL INCLUDE MECHANISMS FOR THE SEIZURE OR LEGAL FORFEITURE OF SUCH PROPERTIES WHICH ARE EITHER THE PROCEEDS OF ILLICIT DRUG-RELATED OFFENSES OR EMPLOYED IN THE COMMISSION OF SUCH OFFENSES AND PROPERTY EQUIVALENT TO PROPERTY DERIVED FROM THE PROCEEDS OF ILLICIT DRUG-RELATED OFFENSES.

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-- IN UNITED STATES CASES RELATED TO FORFEITURE OF SUCH PROPERTY OF ILLEGAL DRUG TRAFFICKERS WHERE BOLIVIA, COLOMBIA, AND PERU PROVIDE ASSISTANCE TO THE UNITED STATES GOVERNMENT, THE GOVERNMENT OF THE UNITED STATES PLEDGES TO TRANSFER TO THE ASSISTING GOVERNMENT SUCH FORFEITED PROPERTY, TO THE EXTENT CONSISTENT WITH UNITED STATES' LAWS AND REGULATIONS. THE PARTIES WILL ALSO SEEK ASSET SHARING AGREEMENTS (FOR) BOLIVIA, COLOMBIA, AND PERU, (WITH) OTHER COUNTRIES.

(NOTE: EDIT FOR CLARITY)

-- 8. CONTROL OF ESSENTIAL CHEMICALS USED IN THE PRODUCTION OF ILLICIT DRUGS

-- (THE CONTROL IN THE UNITED STATES OF EXPORT OF CHEMICAL SUBSTANCES USED IN THE PROCESSING OF COCAINE IS VITAL. IN ADDITION, THERE IS A NEED TO CONTROL THE IMPORT AND DOMESTIC PRODUCTION OF SUCH SUBSTANCES BY THE ANDEAN PARTIES. JOINT EFFORTS MUST BE COORDINATED TO ELIMINATE THE ILLICT TRADE IN SUCH SUBSTANCES.)

(NOTE: REWRITE FOR CLARITY. ALSO WE CAN CONTROL OUR EXPORTS, BUT NOT OUR DOMESTIC PRODUCTION OF PRECURSORS)

-- THE PARTIES AGREE:

- TO STEP UP INTERDICTION OF THE MOVEMENTS OF ESSENTIAL CHEMICALS THAT HAVE ALREADY ENTERED THE COUNTRY, LEGALLY OR ILLEGALLY, AND ARE BEING DIVERTED FOR ILLICIT DRUG PROCESSING. THIS INCLUDES CONTROLLING CHOKE POINTS AS WELL AS ESTABLISHING INVESTIGATIVE AND MONITORING PROGRAMS IN CLOSE COOPERATION WITH ALL THE PARTIES' LAW ENFORCEMENT AGENCIES.

- TO FURTHER DEVELOP AN INTERNAL SYSTEM TO TRACK

[redacted]

ESSENTIAL CHEMICALS THROUGH SALE, RESALE AND DISTRIBUTION TO THE END USER.

- TO COOPERATE BILATERALLY AND MULTILATERALLY TO PROVIDE EACH OTHER WITH INFORMATION NECESSARY TO TRACK DOMESTIC AND INTERNATIONAL MOVEMENTS OF ESSENTIAL CHEMICALS FOR THE PURPOSE OF CONTROLLING THEIR SALE AND USE.

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- TO SUPPORT THE EFFORTS UNDER THE

ORGANIZATION OF AMERICAN STATES (OAS) AUSPICES TO DEVELOP AND IMPLEMENT A REGIONAL INTER-AMERICAN AGREEMENT ON ESSENTIAL AND OTHER CHEMICALS.

-- 9. CONTROL OF WEAPONS, PLANES, SHIPS, EXPLOSIVES AND COMMUNICATIONS EQUIPMENT USED IN ILLEGAL DRUG TRAFFICKING

-- ILLICIT DRUG TRAFFICKING IS HEAVILY DEPENDENT ON WEAPONS, EXPLOSIVES, COMMUNICATIONS EQUIPMENT, AND AIR, MARITIME AND RIVERINE TRANSPORTATION THROUGHOUT THE GROWING-PRODUCTION-DISTRIBUTION PROCESS.

-- THE PARTIES AGREE:

- TO STRENGTHEN CONTROLS OVER THE MOVEMENT OF ILLEGAL WEAPONS AND EXPLOSIVES AND OVER THE SALE, RESALE AND THE REGISTRATION OF AIRCRAFT AND MARITIME VESSELS IN THEIR RESPECTIVE COUNTRIES, WHICH SHOULD BE CARRIED OUT BY THEIR OWN AUTHORITIES.

-- THE PARTIES AGREE TO ESTABLISH (WITHIN THEIR OWN TERRITORY) CONTROL PROGRAMS THAT INCLUDE:

[redacted]

(NOTE: TO ADDRESS COLOMBIAN SOVEREIGNTY CONCERNS)

- THE REGISTRATION OF SHIPS AND AIRCRAFT;

- THE ADOPTION OF LEGAL STANDARDS THAT PERMIT EFFECTIVE FORFEITURE OF AIRCRAFT AND VESSELS;

- CONTROLS ON PILOT LICENSES AND TRAINING;

- REGISTRATION OF AIRFIELDS IN THEIR RESPECTIVE COUNTRIES;

- DEVELOPMENT OF CONTROL MEASURES OVER COMMUNICATIONS EQUIPMENT USED IN ILLEGAL DRUG TRAFFICKING TO THE EXTENT PERMITTED BY THEIR RESPECTIVE LAWS AND NATIONAL INTERESTS.

-- THE UNITED STATES AGREES TO WORK WITH THE ANDEAN PARTIES TO STEM WEAPONS EXPORTS FROM THE UNITED STATES TO ILLEGAL DRUG TRAFFICKERS IN THE THREE ANDEAN NATIONS.

-- 10. LEGAL COOPERATION

-- THE PARTIES PLEDGE TO COOPERATE IN THE SHARING OF (INSTRUMENTAL) EVIDENCE IN FORMS ADMISSIBLE (BY THEIR) JUDICIAL PROCEEDINGS. THE PARTIES ALSO AGREE TO SEEK MECHANISMS THAT PERMIT THE EXCHANGE OF INFORMATION ON

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LEGISLATION AND JUDICIAL DECISIONS IN ORDER TO OPTIMIZE LEGAL PROCEEDINGS AGAINST THE TRAFFIC IN ILLICIT DRUGS.

(NOTE: OUR LAWYERS INSIST ON "INSTRUMENTAL" TO REPLACE "DOCUMENTARY", WHICH THEY SAY HAS DIFFERENT MEANING. WE ACCEPTED COLOMBIAN PROPOSAL TO DROP "AND TO SEEK THE PROMPT ADMINISTRATION OF JUSTICE", SINCE IT SEEMED MEANINGLESS TO US.)

-- THE PARTIES RECOGNIZE THE VALUE OF INTERNATIONAL

[redacted]

COOPERATION IN STRENGTHENING THE ADMINISTRATION OF JUSTICE, INCLUDING THE PROTECTION OF (JUDGES), JUDICIAL PERSONNEL, AND OTHER INDIVIDUALS WHO TAKE PART IN THESE PROCEEDINGS.

(NOTE: EDIT FOR CLARITY.)

C. UNDERSTANDINGS REGARDING DIPLOMATIC INITIATIVES AND PUBLIC OPINION

- THE PROBLEM OF ILLICIT DRUG TRAFFICKING AND CONSUMPTION RESPECTS NO BORDERS, THREATENS NATIONAL AND INTERNATIONAL SECURITY, AND ERODES THE ECONOMIC AND SOCIAL STRUCTURES OF OUR NATIONS. IT IS ESSENTIAL TO ADOPT AND CARRY OUT A (COMPREHENSIVE) STRATEGY TO PROMOTE FULL AWARENESS OF THE DESTRUCTIVE EFFECTS OF ILLEGAL PRODUCTION, ILLICIT TRAFFICKING AND THE IMPROPER CONSUMPTION OF DRUGS. TOWARD THIS END, THE PARTIES COMMIT THEMSELVES TO USE ALL POLITICAL AND ECONOMIC MEANS WITHIN THEIR POWER TO PUT INTO EFFECT PROGRAMS AIMED AT ACHIEVING THIS GOAL.

(NOTE: EDIT FOR CLARITY)

-- 1. STRENGTHENING PUBLIC OPINION IN FAVOR OF INTENSIFYING THE FIGHT AGAINST ILLEGAL DRUG TRAFFICKING

-- PUBLIC AWARENESS SHOULD ALSO BE ENHANCED BY MEANS OF ACTIVE AND DETERMINED DIPLOMATIC ACTION. THE PARTIES PLEDGE TO STRENGHTEN PLANS FOR JOINT PROGRAMS (LEADING TO THE) EXCHANGE OF IDEAS, EXPERIENCES, AND SPECIALISTS IN THE FIELD. THE PARTIES CALL UPON THE INTERNATIONAL COMMUNITY TO (INTENSIFY A PROGRAM) OF PUBLIC INFORMATION (STRESSING) THE DANGER OF DRUG TRAFFICKING IN ALL OF ITS

[redacted]

PHASES. (IN THIS REGARD), THE PARTIES UNDERTAKE TO GIVE

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ACTIVE SUPPORT TO INTER-AMERICAN PUBLIC AWARENESS AND DEMAND REDUCTION PROGRAMS. TO INITIATE THIS EFFORT, THE PARTIES WILL PROPOSE THE PREPARATION OF A DRUG PREVENTION EDUCATION PLAN AT THE INTER-AMERICAN MEETING IN QUITO THIS YEAR.

(NOTE: ALL MINOR EDITS FOR CLARITY AND PRECISION)

-- 2. ECONOMIC SUMMIT OF THE SEVEN

-- AT THE GROUP OF SEVEN SUMMIT IN PARIS, IN JULY OF 1989, A FINANCIAL ACTION TASK FORCE WAS ESTABLISHED TO DETERMINE HOW GOVERNMENTS COULD

PROMOTE COOPERATION AND EFFECTIVE ACTION AGAINST THE LAUNDERING OF MONEY GAINED THROUGH ILLEGAL DRUG (TRAFFICKING).

-- THE UNITED STATES WILL HOST THE NEXT ECONOMIC SUMMIT IN JULY, 1990, IN HOUSTON. (THE UNITED STATES WILL USE THIS OPPORTUNITY TO SEEK FULL ATTENTION ON A PRIORITY BASIS) TO THE FIGHT AGAINST ILLEGAL DRUG TRAFFICKING.

(NOTE: EDIT FOR CLARITY)

-- THE PARTIES CALL UPON THE GROUP OF SEVEN MEMBER COUNTRIES, AND ON THE OTHER PARTICIPANTS IN THE FINANCIAL ACTION TASK FORCE, TO GIVE GREATER EMPHASIS TO THE STUDY OF ECONOMIC MEASURES WHICH MAY HELP TO REDUCE DRUG TRAFFICKING. (IN PARTICULAR, THE PARTIES CALL UPON THE GROUP OF SEVEN COUNTRIES TO TAKE THE STEPS NECESSARY TO ENSURE THAT) ASSETS SEIZED FROM ILLICIT DRUG TRAFFICKING IN BOLIVIA, COLOMBIA AND PERU ARE USED TO FINANCE PROGRAMS OF INTERDICTION, ALTERNATIVE DEVELOPMENT AND PREVENTION IN OUR COUNTRIES.

[redacted]

(NOTE: EDIT FOR CLARITY)

-- 3. MULTILATERAL/BILATERAL APPROACHES AND COORDINATION

-- THE PARTIES (INTEND TO) COORDINATE THEIR ACTIONS IN MULTILATERAL AND BILATERAL ECONOMIC INSTITUTIONS IN ORDER TO ENSURE FOR BOLIVIA, COLOMBIA AND PERU, BROADER ECONOMIC COOPERATION WITHIN THE (FRAMEWORK) OF A SOUND ECONOMIC POLICY. IN DECEMBER OF 1989, THE UNITED STATES PRESENTED SUCH A PLAN TO THE ORGANIZATION OF ECONOMIC COOPERATION AND DEVELOPMENT (OECD) THROUGH ITS DEVELOPMENT ASSISTANCE COMMITTEE. BOLIVIA, COLOMBIA AND PERU SUPPORT THE UNITED STATES' PRESENTATION TO THE OECD AND TRUST THAT ITS PROPOSALS WILL INCLUDE (EFFECTIVE) STRATEGIES FOR

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DEVELOPMENT OF NEW INITIATIVES AGAINST ILLEGAL DRUG TRAFFICKING.

(NOTE: EDITS FOR CLARITY)

-- 4. REPORT TO THE UN SPECIAL SESSION ON ILLICIT TRAFFICKING IN DRUGS

-- THE UNITED NATIONS (HAS RECOGNIZED) THAT THE PROBLEM OF DRUG TRAFFICKING PRESENTS A GRAVE THREAT TO INTERNATIONAL SECURITY AND ECONOMIC STABILITY. IT HAS CALLED FOR A GLOBAL ACTION PLAN AND IT HAS CONVENED A SPECIAL SESSION, FEBRUARY 20-23, 1990, TO DISCUSS THE MAGNITUDE OF THIS PROBLEM. (THIS WILL BE A PROPER OCCASION TO) REITERATE THE NEED TO BRING INTO FORCE AS QUICKLY AS POSSIBLE THE UN CONVENTION ON NARCOTIC

DRUGS AND PSYCHOTROPIC SUBSTANCES, WHICH PROVIDES FOR [redacted]

ENERGETIC MEASURES AGAINST ILLEGAL DRUG TRAFFICKING, WHILE RECOGNIZING THE ANCESTRAL AND TRADITIONAL USES OF COCA LEAF.

(NOTE: EDITS FOR CLARITY. THE DOJ WOULD LIKE TO DROP THE THE PHRASE "WHILE RECOGNIZING ANCESTRAL AND TRADITIONAL USES OF COCA". THEIR RATIONAL IS THAT REFERENCE TO A MINOR SECTION OF THE VIENNA DRUG CONVENTION GIVES UNDUE IMPORTANCE TO THIS ISSUE AND IS OUT OF PLACE IN AN COMPREHENSIVE ANTI-NARCOTICS STRATEGY DOCUMENT TO BE SIGNED BY FOUR PRESIDENTS.)

-- THE PARTIES REQUEST THAT CONSIDERATION BE GIVEN DURING THE SPECIAL SESSION TO THE INCLUSION OF THE COOPERATIVE EFFORTS OUTLINED IN (THIS DOCUMENT) TO (DEVELOP) CONCRETE PROGRAMS FOR STRENGTHENING MULTILATERAL RESPONSES TO THE DRUG PROBLEM, AS RECOMMENDED IN RESOLUTION NO. 44/141 OF THE UNITED NATIONS GENERAL ASSEMBLY.

(NOTE: FOR STYLE, AND TO MAKE THE DOCUMENT MORE PRESIDENTIAL, WE HAVE DROPPED EXPLICIT REFERENCE TO SPECIFIC SECTIONS OF THE THE CARTAGENA DOCUMENT. ALSO, FOR PRECISION, WE SUBSTITUTED "DEVELOP" FOR "SPECIFY".)

-- 5. REPORT TO THE OAS MEETING OF MINISTERS AND CICAD

-- THE ORGANIZATION OF AMERICAN STATES HAS CALLED AN INTER-AMERICAN MEETING OF MINISTERS RESPONSIBLE FOR NATIONAL NARCOTICS PROGRAMS, TO BE HELD IN MEXICO CITY. THE PARTIES URGE THAT THE MEETING OF MINISTERS AND THE INTER-AMERICAN DRUG ABUSE CONTROL COMMISSION GIVE PRIORITY TO THE UNDERSTANDINGS SET FORTH IN THIS DOCUMENT AND LEND

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SUPPORT TO THEIR EARLY IMPLEMENTATION WITHIN THE CONTEXT OF REGIONAL COOPERATION AGAINST DRUGS.

-- 6. MADRID TRILATERAL MEETING

[redacted]

-- THE PARTIES STRESS THE IMPORTANCE OF THE DOCUMENT ISSUED BY THE TRILATERAL MEETING IN MADRID AND THE EFFORTS UNDERTAKEN IN EUROPE, PARTICULARLY THE PARTICIPATION OF THE EUROPEAN ECONOMIC COMMUNITY, WITH A VIEW TO ADOPT SPECIFIC POLICIES AND INITIATIVES AGAINST ILLICIT TRAFFICKING OF DRUGS.

-- 7. INTERNATIONAL MEETING ON DEMAND REDUCTION OF NARCOTICS AND ILLICIT DRUGS, LONDON, APRIL 1990

-- THE PARTIES NOTE WITH SATISFACTION THE CONVENING OF THE FIRST INTERNATIONAL MEETING ON DEMAND REDUCTION OF NARCOTICS AND ILLICIT DRUGS, WHICH THEY BELIEVE WILL HAVE AN IMPACT ON DEMAND. THE PARTIES AGREE TO COORDINATE JOINT ACTIONS AND PROPOSALS TO ENCOURAGE SIIMILAR INITIATIVES.

-- 8. DEMARCHES TO TRANSIT COUNTRIES

-- THROUGH SPECIALIZED AGENCIES OF THE UNITED NATIONS SUCH AS THE HEADS OF NATIONAL LAW ENFORCEMENT AGENCIES, OUR COUNTRIES PARTICIPATE IN IMPORTANT COORDINATION EFFORTS. THE PARTIES UNDERTAKE TO STRENGTHEN COOPERATION WITH TRANSIT COUNTRIES ON INTERDICTION OF TRAFFIC IN ILLICIT DRUGS.

(NOTE: EDITED TO REMOVE REDUNDANCIES)

-- 9. WORLD CONFERENCE AGAINST ILLICIT DRUG TRAFFICKING

-- IN ORDER TO (PROGRESS TOWARDS) THE GOALS AGREED UPON AT THE CARTAGENA SUMMIT, THE PARTIES CALL FOR A WORLD

[redacted]

CONFERENCE IN 1991 TO STRENGTHEN INTERNATIONAL COOPERATION IN THE ELIMINATION OF IMPROPER CONSUMPTION, ILLEGAL TRAFFICKING AND PRODUCTION OF DRUGS.

(NOTE: EDITED FOR STYLE).

-- 10. FOLLOW-UP MEETING TO THE CARTAGENA SUMMIT

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-- IN ORDER TO FOLLOW UP ON PROGRESS OF AGREEMENTS ARISING UNDER THE FOREGOING UNDERSTANDINGS, THE PARTIES AGREE TO HOLD A HIGH LEVEL FOLLOW-UP MEETING WITHIN A PERIOD OF NOT MORE THAN SIX MONTHS.

END TEXT

4. ACTIONS REQUESTED:

IN ADDITION TO THE ACTIONS REQUESTED IN PARA 2, POSTS SHOULD MAKE THE FOLLOWING POINTS:

FOR LIMA:

REGARDING C. 4 (REPORT TO THE UN SPECIAL SESSION ON ILLICIT TRAFFICKING IN DRUGS), WE WISH TO ELIMINATE THE LAST PHRASE OF THE FIRST PARAGRAPH BEGINNING "WHICH PROVIDES FOR ENERGETIC MEASURES AGAINST ILLIGAL DRUG TRAFFICKING, WHILE RECOGNIZING THE ANCESTRAL AND TRADITIONAL USES OF COCA LEAF". GIVEN THE HARD POSITION THE PERUVIANS TOOK AT SANTA CRUZ ON TRADITIONAL USE OF COCA LEAF, WE RECOGNIZE THIS WILL BE DIFFICULT TO ACCOMPLISH. WE SUGGEST AS A COMPROMISE, THEREFORE, TO END THE ENTIRE SENTENCE AFTER "SUBSTANCES". USE ARGUMENTATION IN THE NOTE ABOVE UNDER THIS PARAGRAPH.)

FOR BOGOTA: INFORM GOC THAT WE DID NOT ELIMINATE THE REFERNECE TO THE BOLIVIAN SOCIAL WELFARE PROGRAM IN A.2 , [redacted]

AS THE GOC REQUESTED. WE AGREE, IN HINDSIGHT, THAT NO REFERENCE SHOULD HAVE BEEN MADE TO A SPECIFIC COUNTRY. HOWEVER, AT THIS POINT, THE BOLIVIANS ALMOST CERTAINLY WILL VOCIFEROUSLY OBJECT TO ITS DELETION.

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INFO: ES (02) LABA (01) DCEN (01) REG (01) NCO (01) ARA (06)
PPC (01) ECP (01) OAS (01) PPA (01) MX (03) GT (02)
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ACTION ARA-06

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ONS-01 INRE-00 OSIE-00 SP-00 SNP-00 PRS-01 DS-03
P-02 T-01 /038 W
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R 3117412 JAN 90
FM AMEMBASSY MEXICO
TO SECSTATE WASHDC PRIORITY 3528
INFO AMEMBASSY SAN SALVADOR
INFO AMEMBASSY GUATEMALA

[redacted] MEXICO 02484

E.O. 12356: DECL:OADR
TAGS: PGEL, ES, MX, T
SUBJECT: UNGO COMMENTS ON TRIP TO U.S.

REF: A) MAYER/WHITAKER TELCON 1/25 B) PANAMA 00409

1. [redacted] SUMMARY: GUILLERMO UNGO REVELO, LEADER OF THE SALVADORAN DEMOCRATIC OPPOSITION (MNR), WILL VISIT WASHINGTON AND NEW YORK JANUARY 28 TO FEBRUARY 5 TO DISCUSS THE RECENT KILLINGS OF SIX JESUIT PRIESTS IN EL SALVADOR. DURING A VISIT TO THE CONSULAR SECTION TO COMPLETE VISA AND WAIVER APPLICATION REQUIREMENTS, UNGO TOLD CONOFF THAT HE PLANS TO MEET WITH MEMBERS OF CONGRESS, AT THE INVITATION OF CONGRESSMAN MOAKLEY, AND LATER WITH MEMBERS OF THE U.S.-LATIN AMERICA COMMISSION, INCLUDING ROBERT WHITE, WITH THE UNITED NATIONS SECRETARY GENERAL, AND WITH DR. HENRY KISSINGER. COMMENTING ON THE SHOOTING DEATHS OF THE SIX JESUIT PRIESTS, HE SAID THAT HE BELIEVES THAT MORE THEN 40 PEOPLE WERE INVOLVED IN THE JESUIT KILLINGS, MOST OF THEM IN THE MILITARY HIGH COMMAND, BUT SOME AT THE VICE-MINISTERIAL LEVEL OF THE GOVERNMENT. UNGO ALSO CLAIMED TO HAVE CONVINCING EVIDENCE OF A LINK BETWEEN RIGHT-WING ASSASSINS IN EL SALVADOR AND GUATEMALA. END SUMMARY

2. [redacted] ON JANUARY 25 GUILLERMO UNGO APPLIED FOR A VISA AT THE EMBASSY IN MEXICO CITY AS THE CONSULAR SECTION HAD PREVIOUSLY BEEN ADVISED BY REFTEL B. DURING THE COURSE OF AN INTERVIEW TO OBTAIN NECESSARY INFORMATION FOR AN SAO ADVISORY REQUEST, UNGO SPOKE CANDIDLY WITH CONOFF ABOUT THE PURPOSE OF HIS VISIT AND HIS VIEWS ON THE PROSPECTS FOR A SETTLEMENT OF THE CONFLICT IN EL SALVADOR. UNGO SHOWED CONOFF A LETTER FROM CONGRESSMAN JOSEPH MOAKLEY INVITING HIM TO TESTIFY ON THE SALVADORAN SITUATION ON JANUARY 29 TO FEBRUARY 2. WHILE IN WASHINGTON, UNGO WILL BE STAYING AT A PRIVATE RESIDENCE OF MELINDA DE LASHMUTT, OF THE U.S.-LATIN AMERICA COMMISSION, TEL (202) 745-1889. IN ADDITION TO MEMBERS OF CONGRESS, UNGO EXPECTS TO MEET WITH FORMER AMBASSADOR ROBERT WHITE AND DR. HENRY KISSINGER DURING HIS STAY IN WASHINGTON. HE SAID, IF POSSIBLE, HE WOULD LIKE TO MEET WITH ASSISTANT SECRETARY OF STATE ARONSON ON FEBRUARY 2. (CONOFF DID NOT RESPOND OR OFFER TO TRANSMIT THIS INTEREST IN MEETING WITH ASST. SEC. ARONSON TO THE DEPARTMENT.) UNGO PLANS TO TRAVEL TO NEW YORK WHERE HE WILL MEET WITH U.N. SECRETARY GENERAL CUELLAR AND ALVARO DE SOTO, A U.N. OFFICIAL DEALING WITH CENTRAL AMERICA. DURING HIS VISIT TO NEW YORK, HE WILL BE STAYING AT THE HOTEL WELLINGTON.

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3. [redacted] UNGO TOLD CONOFF THAT HE BELIEVED THAT THE SIX OFFICIALS ARRESTED IN CONNECTION WITH THE JESUIT KILLINGS WERE "JUST THE TIP OF THE ICEBERG." HE BELIEVES THAT "MORE THAN FORTY" INDIVIDUALS WERE INVOLVED. HE CLAIMED MOST OF THESE WERE IN THE MILITARY HIGH COMMAND, BUT HE SUSPECTS THAT THERE WERE SEVERAL OTHERS AT THE VICE MINISTERIAL LEVEL OF THE GOVERNMENT. ACCORDING TO UNGO, EVEN THOUGH PRESIDENT CRISTIANI MIGHT WISH TO REMOVE FROM OFFICE THOSE RESPONSIBLE FOR THE KILLINGS, HE LACKS THE POWER TO DO SO. COMMENTING ON THE PROSPECTS FOR A RESOLUTION OF THE SALVADORAN CONFLICT, UNGO SAID THAT THE CHANCES OF AN ACCORD IN THE NEXT SIX MONTHS WERE "ABOUT 33 PERCENT." HE SAID THAT MORE THAN ANYTHING ELSE THIS DEPENDS ON WASHINGTON "SENDING THE RIGHT SIGNALS" TO THE SALVADORAN GOVERNMENT AND MILITARY. EXACTLY WHAT THESE SIGNALS WERE, HE DID NOT SAY.

4. UNGO TOLD CONOFF THAT HE MET WITH COLONEL RENE PONCE, CHIEF OF STAFF OF THE SALVADORAN ARMED FORCES, ON JANUARY 21 AND WAS GIVEN "SURPRISING" INFORMATION THAT UNGO CONSIDERS CLEAR EVIDENCE OF A LINK BETWEEN RIGHT-WING ASSASSIN GROUPS IN EL SALVADOR AND GUATEMALA. DURING THE MEETING WITH PONCE, UNGO REFERRED TO COL. FRANCISCO MORAN, A FORMER DIRECTOR OF THE POLICIA DE HACIENDA. IT SEEMS THAT PONCE THOUGHT UNGO WAS REFERRING TO COL. DENNIS MORAN, A NOTORIOUS FIGURE WHO WAS PURPORTEDLY IMPLICATED IN THE KILLINGS OF TWO U.S. AGRICULTURAL ADVISORS IN THE SAN SALVADOR SHERATON SEVERAL YEARS AGO. IN AN APPARENTLY INADVERTENT REMARK, PONCE REVEALED THAT DENNIS MORAN HAS BEEN ASSIGNED AS MILITARY ATTACHE TO THE SALVADORAN EMBASSY IN

GUATEMALA. UNGO SAYS THAT HIS ACCREDITATION THERE DEMONSTRATES THAT A FORM OF REFUGE FROM PROSECUTION IS BEING PROVIDED BY GUATEMALA TO KNOWN ASSASSINS.

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RELEASED
El Salvador: Human Rights
Special Project (1993)

UNCLASSIFIED

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: JOHNSTON, DONALD
Date: 07/25/94
Case ID: S940037A

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PAGE 01 MEXICO 02484 01 OF 02 311831Z
ACTION ARA-00

INFO LOG-00 ADS-00 INR-05 SS-00 CIAE-00 DODE-00 H-01
NSCE-00 NSAE-00 HA-09 L-03 TRSE-00 PM-10 PA-01
DMB-01 INRE-00 USIE-00 SP-02 SNP-01 PRS-01 DS-01
P-02 T-01 /038 W
----------200730 0313232 /44

R 311741Z JAN 90
FM AMEMBASSY MEXICO
TO SECSTATE WASHDC PRIORITY 3520
INFO AMEMBASSY SAN SALVADOR
INFO AMEMBASSY GUATEMALA

[redacted] SECTION 01 OF 02 MEXICO 02484

Department of State IS/FPC/CDR El Salvador SP Date 9/24/93
Declassified under EO 12356 ( ) in full ( ) in part (X);
portions withheld classified ( ); deliberative ( );
law enforcement ( ); privacy (X), statutory ( );
not relevant to El Salvador ( ).

E.O. 12356: DECL:DADR
TAGS: PREL, ES, MX, T
SUBJECT: UNGO COMMENTS ON TRIP TO U.S.

RF: A) MAYER/WHITAKER TELCON 1/29 B) PANAMA 00409

1. (LOU) SUMMARY: GUILLERMO UNGO REVELO, LEADER OF THE SALVADORAN DEMOCRATIC OPPOSITION (MNR), WILL VISIT WASHINGTON AND NEW YORK JANUARY 28 TO FEBRUARY 5 TO DISCUSS THE RECENT KILLINGS OF SIX JESUIT PRIESTS IN EL SALVADOR. DURING A VISIT TO THE CONSULAR SECTION TO COMPLETE VISA AND WAIVER APPLICATION REQUIREMENTS, UNGO TOLD CONOFF THAT HE PLANS TO MEET WITH MEMBERS OF CONGRESS, AT THE INVITATION OF CONGRESSMAN MOAKLEY, AND LATER WITH MEMBERS OF THE U.S.-LATIN AMERICA COMMISSION, INCLUDING ROBERT WHITE, WITH THE UNITED NATIONS SECRETARY GENERAL, AND WITH DR. HENRY KISSINGER. COMMENTING ON THE SHOOTING DEATHS OF THE SIX JESUIT PRIESTS, HE SAID THAT HE BELIEVES THAT MORE THEN 40 PEOPLE WERE INVOLVED IN THE JESUIT KILLINGS, MOST OF THEM IN THE MILITARY HIGH COMMAND, BUT SOME AT THE [redacted]

PAGE 02 MEXICO 02484 01 OF 02 311831Z

VICE-MINISTERIAL LEVEL OF THE GOVERNMENT. UNGO ALSO CLAIMED TO HAVE CONVINCING EVIDENCE OF A LINK BETWEEN RIGHT-WING ASSASSINS IN EL SALVADOR AND GUATEMALA. END SUMMARY

2. (LOU) ON JANUARY 25 GUILLERMO UNGO APPLIED FOR A VISA AT THE EMBASSY IN MEXICO CITY AS THE CONSULAR SECTION HAD PREVIOUSLY BEEN ADVISED BY REFTEL B. DURING THE COURSE OF AN INTERVIEW TO OBTAIN NECESSARY

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INFORMATION FOR AN SAO ADVISORY REQUEST. UNGO SPOKE CANDIDLY WITH CONOFF ABOUT THE PURPOSE OF HIS VISIT AND HIS VIEWS ON THE PROSPECTS FOR A SETTLEMENT OF THE CONFLICT IN EL SALVADOR. UNGO SHOWED CONOFF A LETTER FROM CONGRESSMAN JOSEPH MOAKLEY INVITING HIM TO TESTIFY ON THE SALVADORAN SITUATION ON JANUARY 29 TO FEBRUARY 2. WHILE IN WASHINGTON, UNGO WILL BE STAYING AT A PRIVATE RESIDENCE OF [redacted] OF THE U.S.-LATIN AMERICA COMMISSION, [redacted] IN ADDITION TO MEMBERS OF CONGRESS, UNGO EXPECTS TO MEET WITH FORMER AMBASSADOR ROBERT WHITE AND DR. HENRY KISSINGER DURING HIS STAY IN WASHINGTON. HE SAID, IF POSSIBLE, HE WOULD LIKE TO MEET WITH ASSISTANT SECRETARY OF STATE ARONSON ON FEBRUARY 2. (CONFOFF DID NOT RESPOND OR OFFER TO TRANSMIT THIS INTEREST IN MEETING WITH ASST. SEC. ARONSON TO THE DEPARTMENT.) UNGO PLANS TO TRAVEL TO NEW YORK WHERE HE WILL MEET WITH U.N. SECRETARY GENERAL CUELLAR AND ALVARO DE SOTO, A U.N. OFFICIAL DEALING WITH CENTRAL AMERICA. DURING HIS VISIT TO NEW YORK, HE WILL BE STAYING AT THE HOTEL WELLINGTON.

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3. (C) UNGO TOLD CONOFF THAT HE BELIEVED THAT THE SIX OFFICIALS ARRESTED IN CONNECTION WITH THE JESUIT KILLINGS WERE "JUST THE TIP OF THE ICEBERG." HE [redacted]

PAGE 03 MEXICO 02484 01 OF 02 311831Z

BELIEVES THAT "MORE THAN FORTY" INDIVIDUALS WERE INVOLVED. HE CLAIMED MOST OF THESE WERE IN THE MILITARY HIGH COMMAND, BUT HE SUSPECTS THAT THERE WERE SEVERAL OTHERS AT THE VICE MINISTERIAL LEVEL OF THE GOVERNMENT. ACCORDING TO UNGO, EVEN THOUGH PRESIDENT CRISTIANI MIGHT WISH TO REMOVE FROM OFFICE THOSE RESPONSIBLE FOR THE KILLINGS, HE LACKS THE POWER TO DO SO. COMMENTING ON THE PROSPECTS FOR A RESOLUTION OF THE SALVADORAN CONFLICT, UNGO SAID THAT THE CHANCES OF AN ACCORD IN THE NEXT SIX MONTHS WERE "ABOUT 33 PERCENT." HE SAID THAT MORE THAN ANYTHING ELSE THIS DEPENDS ON WASHINGTON "SENDING THE RIGHT SIGNALS" TO THE SALVADORAN GOVERNMENT AND MILITARY. EXACTLY WHAT THESE SIGNALS WERE, HE DID NOT SAY.

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4. UNGO TOLD CONOFF THAT HE MET WITH COLONEL RENE PONCE, CHIEF OF STAFF OF THE SALVADORAN ARMED FORCES, ON JANUARY 21 AND WAS GIVEN "SURPRISING" INFORMATION THAT UNGO CONSIDERS CLEAR EVIDENCE OF A LINK BETWEEN RIGHT-WING ASSASSIN GROUPS IN EL SALVADOR AND GUATEMALA. DURING THE MEETING WITH PONCE, UNGO REFERRED TO COL. FRANCISCO MORAN, A FORMER DIRECTOR OF THE POLICIA DE HACIENDA. IT SEEMS THAT PONCE THOUGHT UNGO WAS REFERRING TO COL. DENNIS MORAN, A NOTORIOUS FIGURE WHO WAS PURPORTEDLY IMPLICATED IN THE KILLINGS OF TWO U.S. AGRICULTURAL ADVISORS IN THE SAN SALVADOR SHERATON

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El Salvador Human Rights
Special Project (1993)

SEVERAL YEARS AGO. IN AN APPARENTLY INADVERTENT REMARK, PONCE REVEALED THAT DENNIS MORAN HAS BEEN ASSIGNED AS MILITARY ATTACHE TO THE SALVADORAN EMBASSY IN

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RELEASED
El Salvador Human Rights
Special Project (1995)

TEXT OF TELEGRAM 90MEXICO02484

ADP601 [redacted]

PAGE 01 MEXICO 02484 02 OF 02 311831Z
ACTION ARA-00

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	OMB-01	INRE-00	USIE-00	SP-02	SNP-01	PRS-01	DS-01
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R 311741Z JAN 90
FM AMEMBASSY MEXICO
TO SECSTATE WASHDC PRIORITY 3521
INFO AMEMBASSY SAN SALVADOR
INFO AMEMBASSY GUATEMALA

C [redacted] ECTION 02 OF 02 MEXICO 02484

E.O. 12356: DECL:OADR
TAGS: PREL, ES, MX, GT
SUBJECT: UNGO COMMENTS ON TRIP TO U.S.

GUATEMALA. UNGO SAYS THAT HIS ACCREDITATION THERE DEMONSTRATES THAT A FORM OF REFUGE FROM PROSECUTION IS BEING PROVIDED BY GUATEMALA TO KNOWN ASSASSINS.
(DRAFTED: CON: EVERONA) NEGROPONTE

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TEXT OF TELEGRAM 90STATE 032231

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PAGE 01 STATE 032231
ORIGIN ARA-00

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	CG-00	JUSE-00	FBIE-00	SP-02	P-02	/034 R	

DRAFTED BY: ARA/AND/S:S OLDS
APPROVED BY: ARA/FO:M M SKOL
ARA/AND:J F MACK, P:S WESCHE, NSC:R BEERS(DRAFT)
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SECDEF WASHDC IMMEDIATE 0000
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CIA WASHDC IMMEDIATE 0000
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USDOC WASHDC IMMEDIATE 0000
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SECDEF WASHDC IMMEDIATE 0000
JCS WASHDC IMMEDIATE 0000
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NSC WASHDC IMMEDIATE 0000
USCUSTOMS WASHDC IMMEDIATE
WHITE HOUSE IMMEDIATE
USCINCSO QUARRY HTS PN IMMEDIATE

DEPARTMENT OF STATE 9902309 IS|FPC|CDR Date 8/22/96
( ) RELEASE ( ) DECLASSIFY
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FOIA Exemptions
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PAGE 02 STATE 032231

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E.O. 12356: DECL: OADR
TAGS: PREL, SNAR, BL, CO, PE
SUBJECT: U.S. APPROVED REVISED DRAFT DOCUMENT OF CARTAGENA
REF: BOGOTA 01256

1. THIS IS AN ACTION CABLE. SEE PARAS 2 AND 4.

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2. (C) SUMMARY AND ACTIONS REQUESTED: THE WASHINGTON SUMMIT WORKING GROUP HAS REVIEWED AND APPROVED THE SANTA CRUZ VERSION OF THE DRAFT DOCUMENT OF CARTAGENA WITH A NUMBER OF CHANGES. WHILE SOME OF THEM ARE SUBSTANTIVE, NONE COMPROMISES THE CONSENSUS REACHED AT SANTA CRUZ ON ANY SIGNIFICANT POINT.

OUR CHANGES FALL INTO THREE BROAD CATEGORIES: 1) EDITORIAL CHANGES PROPOSED BY US AND THE COLOMBIANS FOR CLARITY AND PRECISION; 2) SUBSTANTIVE CHANGES TO ADDRESS COLOMBIAN CONCERNS; AND 3) MINOR SUBSTANTIVE CHANGES SUGGESTED BY USTR. ALL OF THE CHANGES/ADDITIONS ARE BRACKETED IN THE TEXT OF THE DOCUMENT AT PARA 3. AT THE CONCLUSION OF EACH PARAGRAPH IN THE TEXT OF OUR REVISED SANTA CRUZ VERSION IS AN EXPLANATION FOR THE CHANGE.

TO SUMMARIZE:

WE HAVE ACCEPTED IN SOME FORM ALL OF THE CHANGES THAT COLOMBIA CONSIDERED "ESSENTIAL" PER REF A., PARA 7. IN SOME CASES, WE USED DIFFERENT LANGUAGE THAN THAT SUGGESTED BY THE COLOMBIANS.

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WE DID NOT ACCEPT ANY OF THE COLOMBIAN CHANGES SUGGESTED IN REF A, PARA 8 TITLED "DESIRED, BUT LESS ESSENTIAL CHANGES."

WE HAVE ACCEPTED MOST OF THE MINOR CHANGES PROPOSED BY THE COLOMBIANS WHICH MAKE CLEAR THAT SOME OF THE ACTIONS CALLED FOR IN THE CARTAGENA DOCUMENT ARE ALREADY BEING UNDERTAKEN, AND THAT THE PROBLEMS AND IMPACT OF COCAINE TRAFFICKING DIFFER FROM COUNTRY TO COUNTRY.

THROUGHOUT THE TEXT, FOR CONSISTENCY AND STYLE, WE HAVE USED THE TERM "PARTIES" RATHER THAN "PRESIDENTS". ALSO, WE HAVE USED THE WORDS "ANDEAN PARTIES" WHEN REFERRING TO THE "THREE ANDEAN PARTIES".

WE RECOGNIZE THAT THE DOCUMENT STILL CONTAINS SOME REDUNDANT LANGUAGE. HOWEVER, BECAUSE OF THE SPECIAL INTERESTS OF VARIOUS PARTIES TO THIS DOCUMENT, AND THEIR COMMITMENT TO SPECIFIC PROSE THAT DEALS WITH THEM, WE DO NOT WANT TO TINKER FURTHER AT THIS LATE DATE.

ACTIONS REQUESTED: POSTS SHOULD PRESENT THE NEW TEXT TO HOST GOVERNMENTS AT THE EARLIEST OPPORTUNITY USING ARGUMENTATION FOR THE CHANGES THAT IS NOTED AT THE END OF EACH AFFECTED PARAGRAPH; SEEK THEIR ACCEPTANCE; AND INFORM THE DEPARTMENT. ALSO, POSTS SHOULD INFORM HOST

GOVERNMENTS THAT WE WISH TO AVOID ANOTHER NEGOTIATING

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MEETING. WE HAVE ONE AS FAR AS WE CAN IN ADDRESSING COLOMBIA'S CRITICAL CONCERNS -- AND IN FACT BELIEVE THAT WE HAVE ACCOMODATE THOSE CONCERNS -- WHILE PROTECTING BOTH PERUVIAN AND BOLIVIAN INTERESTS. WE BELIEVE THAT WE HAVE ACCOMPLISHED THIS OBJECTIVE. DUE TO TIME CONSTRAINTS, EMBASSIES OBVIOUSLY SHOULD EXERCIZE, AND CONVEY IN YOUR OWN WAY, A SUBSTANTIAL MANDATE TO CUT OFF CHANGES IN THIS DOCUMENT. THE SPANISH TEXT WILL BE FORWARDED AS SOON AS

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IT IS TRANSLATED. IN SEPTEL WE WILL BE TRASMITTING OUR DRAFT SUMMIT COMMUNIQUE FOR APPROVAL BY HOST GOVERNMENTS. END SUMMARY AND ACTIONS REQUESTED.

3. BEGIN TEXT:

ANDEAN SUMMIT

CARTAGENA, COLOMBIA
FEBRUARY 15, 1990

(DRAFT DOCUMENT OF CARTAGENA)

THE PARTIES CONSIDER THAT A STRATEGY WHICH COMMITS THE PARTIES TO IMPLEMENT OR STRENGTHEN A COMPREHENSIVE, INTENSIFIED ANTI-NARCOTICS PROGRAM MUST ADDRESS THE ISSUES OF DEMAND REDUCTION, CONSUMPTION AND SUPPLY. SUCH A STRATEGY ALSO MUST INCLUDE UNDERSTANDINGS REGARDING ECONOMIC COOPERATION, ALTERNATIVE DEVELOPMENT, ENCOURAGEMENT OF (TRADE) AND INVESTMENT, AS WELL AS UNDERSTANDINGS ON ATTACKING THE (TRAFFIC) IN ILLICIT DRUGS, AND ON DIPLOMATIC AND PUBLIC DIPLOMACY INITIATIVES.

(NOTE: USTR HAS REQUESTED THAT THE WORD "EXPORTS" BE REPLACED BY "TRADE" AND THE WORD "FOREIGN" BE REMOVED BEFORE THE WORD "INVESTMENT". THEIR RATIONALE IS THAT TRADE IS A BROADER TERM AND EMBRACES EXPORTS AND IMPORTS, WHICH TOGETHER ARE REQUIRED FOR ECONOMIC GROWTH. SIMILARLY, "FOREIGN INVESTMENT" IS TOO NARROW A TERM, SINCE INTERNAL INVESTMENT AND RETURN OF FLIGHT CAPITAL ARE ALSO ESSENTIAL FOR ECONOMIC GROWTH. IF THE HOST GOVERNMENT STRONGLY OBJECTS, USTR DOES NOT INSIST ON DELETION OF THE WORD "FOREIGN". THE SAME CHANGE IN

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WORDING WILL BE NOTED IN OTHER PARAS IN SECTION A. THE WORDS "DRUG TRAFFIC" HAS BEEN USED TO REPLACE "DRUG TRADE"THROUGOUT THE DOCUMENT.)
THE PARTIES RECOGNIZE THAT THESE AREAS ARE INTERCONNECTED

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AND SELF-REINFORCING. PROGRESS IN ONE AREA WILL HELP ACHIEVE PROGRESS IN OTHERS- FAILURE IN ANY OF THEM WILL JEOPARDIZE PROGRESS IN THE OTHERS. THE ORDER IN WHICH THEY ARE ADDRESSED (IN THE DOCUMENT) IS NOT MEANT TO ASSIGN TO THEM ANY PARTICULAR PRIORITY.

ECONOMIC COOPERATION AND INTERNATIONAL INITIATIVES CANNOT BE EFFECTIVE UNLESS THERE ARE CONCOMITANT, DYNAMIC PROGRAMS ATTACKING THE (PRODUCTION OF, TRAFFICKING) IN AND DEMAND FOR ILLICIT DRUGS. IT IS CLEAR THAT TO BE FULLY EFFECTIVE, SUPPLY REDUCTION EFFORTS MUST BE ACCOMPANIED BY SIGNIFICANT REDUCTION IN DEMAND. THE PARTIES RECOGNIZE THAT THE EXCHANGE OF INFORMATION ON DEMAND CONTROL PROGRAMS WILL BENEFIT THEIR COUNTRIES.

(NOTE: WE HAVE ADDED THE WORDS "PRODUCTION OF" TO ADDRESS A COLOMBIAN CONCERN, AND IT IS A LOGICAL ADDITION.)

(THE PARTIES RECOGNIZE THAT THE NATURE AND IMPACT OF THE TRAFFIC IN AND INTERDICTION OF ILLICIT DRUGS VARIES IN EACH OF THE THREE ANDEAN COUNTRIES AND CAN NOT BE ADDRESSED FULLY IN THIS DOCUMENT.) THE PARTIES WILL NEGOTIATE BILATERAL AND MULTILATERAL AGREEMENTS, (CONSISTENT WITH THEIR ANTI-NARCOTICS EFFORTS), SPECIFYING THEIR RESPONSIBILITIES AND COMMITMENTS WITH REGARD TO ECONOMIC COOPERATION AND INTENSIFIED ENFORCEMENT ACTIONS.

(NOTE: THE TWO ADDITIONS ARE MEANT TO ADDRESS COLOMBIAN CONCERNS THAT RELATIVE ECONOMIC IMPACT OF TRAFFICKING, AND INTERDICTION PROGRESS IN THEIR COUNTRY ARE DIFFERENT THAN THOSE OF PERU AND COLOMBIA.)

-. UNDERSTANDINGS REGARDING ECONOMIC ASPECTS AND ALTERNATI

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PAGE 06 STATE 032231

DEVELOPMENT

(THE PARTIES RECOGNIZE THAT THE ILLICIT TRAFFIC IN DRUGS HAS A NEGATIVE NET LONG TERM IMPACT ON THEIR ECONOMIES. HOWEVER, PROFITS FROM PRODUCTION AND TRAFFICKING OF DRUGS DO CONTRIBUTE TO THE FLOW OF FOREIGN EXCHANGE AND TO THE GENERATION OF EMPLOYMENT AND INCOME. SUPRESSION OF THE ILLICIT DRUG TRADE WILL RESULT IN SIGNIFICANT, IMMEDIATE ECONOMIC COSTS OF VARIOUS KINDS IN EACH OF THE ANDEAN COUNTRIES.)

(NOTE: WE HAVE REDRAFTED THIS PARAGRAPH IN ORDER TO ADDRESS COLOMBIAN OBJECTIONS TO REFERENCES TO A "COCA ECONOMY" AND T "SUPPRESSION OF THE COCA TRADE CAUSING DISRUPTIONS THROUGHOU ALL PRODUCING COUNTRIES".)

THE GOVERNMENT OF THE UNITED STATES WILL REQUEST CONGRES TO AUTHORIZE NEW FUNDS FOR THE PROGRAM DURING FISCAL YEARS 1991 TO 1994, IN ORDER TO SUPPORT THE ANDEAN PARTIES' EFFORT

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TO (COUNTERACT) THE SHORT AND LONG-TERM (SOCIO-ECONOMIC IMPACT) OF AN (EFFECTIVE FIGHT AGAINST ILLICIT DRUGS). THIS CONTRIBUTION BY THE UNITED STATES WOULD BE MADE WITHIN THE FRAMEWORK OF ACTIONS AGAINST DRUG TRAFFICKING CARRIED OUT BY THE ANDEAN PARTIES. THE ANDEAN PARTIES REITERATE THE IMPORTANCE OF (IMPLEMENTING OR STRENTHENING) SOUND ECONOMIC POLICIES FOR THE EFFECTIVE UTILIZATION OF SUCH A CONTRIBUTION. THE UNITED STATES IS ALSO PREPARED TO COOPERA WITH THE ANDEAN PARTIES IN A WIDE RANGE OF INITIATIVES FOR DEVELOPMENT, TRADE AND INVESTMENT IN ORDER TO STRENGTHEN AND SUSTAIN LONG-TERM (ECONOMIC) GROWTH.

(NOTE: MINOR EDITS FOR CLARITY)

ALTERNATIVE DEVELOPMENT DESIGNED FOR THE SUBSTITUTION OF THE [redacted]

(ILLICIT DRUG TRAFFICKING) INCLUDES THE FOLLOWING AREAS OF COOPERATION. IN THE SHORT TERM (THERE IS A NEED) TO CREATE STRENGTHEN SOCIAL EMERGENCY PROGRAMS AND BALANCE OF PAYMENTS SUPPORT TO MITIGATE THE SOCIAL AND ECONOMIC COSTS STEMMING FROM SUBSTITUTION. (IN THE MEDIUM AND LONG TERM, IMPLEMENTATION OF INVESTMENT PROGRAMS AND OF MEASURES TO PRESERVE ECOLOGICAL BALANCE WILL CREATE THE ECONOMIC CONDITIONS FOR DEFINITIVE SUBSTITUTION OF THE ILLICIT DRUG TRADE ECONOMY.

(NOTE: CHANGES ARE FOR CLARITY AND PRECISION AND TO REMOVE REFERENCE TO "COCA ECONOMY" WHICH COLOMBIANS FOUND OBJECTIONABLE)

1. ALTERNATIVE DEVELOPMENT AND CROP SUBSTITUTION

IN ORDER TO FOSTER INCREASED EMPLOYMENT AND INCOME OPPORTUNITIES THROUGHOUT THE ENTIRE PRODUCTIVE SYSTEM AND (IMPLEMENT OR ENHANCE) A SOUND ECONOMIC POLICY TO SUSTAIN L TERM GROWTH, THE UNITED STATES WILL SUPPORT MEASURES AIMED STIMULATING BROADBASED RURAL DEVELOPMENT, PROMOTING NON-TRADITIONAL EXPORTS, BUILDING (OR REINFORCING) A PRODUCTIVE INFRASTRUCTURE, AND OTHERS. THE PARTIES, IN ACCORDANCE WITH THE RESPECTIVE POLICIES OF BOLIVIA, COLOMBI PERU AND THE UNITED STATES, SHALL DETERMINE THE ECONOMIC ASSISTANCE REQUIRED TO ENSURE SOUND ECONOMIC POLICIES AND SUSTAIN ALTERNATIVE DEVELOPMENT, WHICH IN THE MEDIUM TERM WI HELP REPLACE THE INCOME, EMPLOYMENT AND FOREIGN EXCHANGE HERETOFORE GENERATED BY THE ILLEGAL COCA ECONOMY. THE UNIT STATES IS PREPARED TO FINANCE DEVELOPMENT ACTIVITIES OF THIS KIND WITH NEW AND CONCESSIONAL RESOURCES.

(NOTE: COLOMBIANS WANTED THIS LANGUAGE TO INDICATE VARYING LEVELS OF PROGRESS IN THE THREE COUNTRIES)

IN ORDER TO ACHIEVE A COMPLETE PROGRAM OF ALTERNATIVE

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DEVELOPMENT, THE PARTIES AGREE THAT IN ADDITION TO THE COOPERATION PROVIDED BY THE UNITED STATES, ECONOMIC COOPERATION, AS WELL AS GREATER INCENTIVES TO INVESTMENT AND FOREIGN TRADE FROM OTHER SOURCES, WILL BE NEEDED. THE PARTI WILL MAKE CONCERTED EFFORTS TO OBTAIN THE SUPPORT OF MULTILATERAL AND OTHER ECONOMIC INSTITUTIONS FOR THESE PROGRAMS, AS THE ANDEAN PARTIES CARRY OUT SOUND ECONOMIC POLICIES AND EFFECTIVE PROGRAMS AGAINST DRUGS.

THE PARTIES ARE CONVINCED THAT A (COMPREHENSIVE) FIGHT AGAINST ILLICIT DRUG TRAFFIC WILL DISRUPT THE MARKET FOR COC AND COCA DERIVATIVES AND WILL REDUCE THEIR PRICES. AS SUCCE IS ACHIEVED IN THIS FIGHT, THOSE EMPLOYED IN GROWING COCA AN IN ITS ORIGINAL PROCESSING WILL SEEK ALTERNATIVE SOURCES OF INCOME EITHER BY CROP SUBSTITUTION OR BY CHANGING JOBS. THE PARTIES WILL WORK TOGETHER TO IDENTIFY ALTERNATIVE-INCOME ACTIVITIES FOR EXTERNAL FINANCING. THE UNITED STATES IS REA TO CONSIDER FINANCING OF ACTIVITIES SUCH AS RESEARCH, EXTENSION, CREDIT AND OTHER AGRICULTURAL SUPPORT SERVICES AN SUPPORT OF PRIVATE SECTOR INITIATIVES FOR THE CREATION OF MICRO-ENTERPRISES AND AGRO-INDUSTRIES.

(NOTE: MINOR EDIT)

THE UNITED STATES WILL ALSO COOPERATE WITH THE ANDEAN PARTIES TO PROMOTE VIABLE DOMESTIC AND FOREIGN MARKETS TO SE THE PRODUCTS GENERATED BY ALTERNATIVE DEVELOPMENT PROGRAMS.

2. MITIGATION OF THE SOCIAL AND ECONOMIC IMPACT OF THE FIGHT AGAINST ILLICIT DRUG TRAFFICKING

AS THE ANDEAN PARTIES IMPLEMENT (OR CONTINUE TO DEVELOP) EFFECTIVE PROGRAMS OF INTERDICTION OF THE FLOW OF ILLICT DRU

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AND OF CROP ERADICATION, THEY WILL NEED ASSISTANCE OF THE FA DISBURSEMENT TYPE TO MITIGATE BOTH SMALL AND LARGE SCALE SOCIAL AND ECONOMIC COSTS. THE PARTIES WILL (COOPERATE) TO (IDENTIFY) THE (TYPE) OF THE ASSISTANCE REQUIRED. THE UNITE STATES IS PREPARED TO PROVIDE BALANCE OF PAYMENTS SUPPORT (T HELP MEET FOREIGN EXCHANGE NEEDS.) THE UNITED STATES WILL ALSO CONSIDER FUNDING FOR EMERGENCY SOCIAL PROGRAMS, SUCH AS THE SUCCESSFUL ONE IN BOLIVIA, TO PROVIDE EMPLOYMENT AND OTH OPPORTUNITIES TO THE POOR DIRECTLY AFFECTED BY THE FIGHT AGAINST ILLICIT DRUGS.

(NOTE: USTR PROPOSES "TO HELP MEET FOREIGN EXCHANGE NEEDS" MORE ALL EMBRACING, THAN THE SANTA CRUZ VERSION "TO FINANCE IMPORT AND HELP SERVICE DEBT TO INTERNATIONAL FINANCIAL INSTITUTIONS".)

3. TRADE INITIATIVES, INCENTIVES TO EXPORTS AND PRIVATE FOREIGN INVESTMENT

(AN INCREASE IN) TRADE AND (PRIVATE) INVESTMENT IS ESSENTIAL TO FACILITATE SUSTAINED ECONOMIC GROWTH AND TO HEL OFFSET THE ECONOMIC DISLOCATIONS RESULTING FROM ANY EFFECTIV PROGRAM AGAINST ILLICIT DRUGS. THE PARTIES WILL WORK TOGETH TO INCREASE TRADE AMONG THE THREE ANDEAN COUNTRIES AND THE UNITED STATES, EFFECTIVELY FACILITATING ACCESS TO THE UNITED STATES MARKET AND STRENGTHENING EXPORT PROMOTION, INCLUDING IDENTIFICATION, DEVELOPMENT AND MARKETING OF NEW EXPORT PRODUCTS. (THE UNITED STATES WILL ALSO CONSIDER PROVIDING APPROPRIATE TECHNICAL AND FINANCIAL ASSISTANCE TO HELP ANDEA AGRICULTURAL PRODUCTS COMPLY WITH THE ADMISSION REQUIREMENTS

(NOTE: USTR ELIMINATED "FOREIGN" TRADE, TO EMPHASIZE BENEFI OF TWO-WAY TRADE, AND ADDED "PRIVATE" INVESTMENT TO UNDERSCO IMPORTANCE OF THAT TYPE OF INVESTMENT. LAST SENTENCE INSERT AT REQUEST OF COLOMBIA.)

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THE PARTIES MAY CONSIDER THE ESTABLISHMENT OF ECONOMIC AN INVESTMENT POLICIES, AS WELL AS LEGISLATION AND REGULATIONS FOSTER PRIVATE INVESTMENT. WHERE FAVORABLE CONDITIONS EXIST THE UNITED STATES WILL (FACILITATE) PRIVATE INVESTMENT IN TH THREE ANDEAN COUNTRIES, TAKING INTO ACCOUNT THE PARTICULAR CONDITIONS AND POTENTIAL OF EACH.

(NOTE: USTR PREFERS "FACILITATE" BECAUSE THEY CONSIDERED TH ORIGINAL "FOSTER" AS TOO PRO-ACTIVE.)

B. UNDERSTANDINGS REGARDING ATTACKING THE TRADE IN ILLICIT DRUGS

THE PARTIES REAFFIRM THEIR WILL TO FIGHT DRUG TRAFFICKING IN A COMPREHENSIVE MANNER ATTACKING ALL FACETS OF THE TRADE: PRODUCTION, TRANSPORTATION AND CONSUMPTION. SUCH COMPREHENSIVE ACTION INCLUDES THE FOLLOWING:

PREVENTIVE ACTIONS TO REDUCE CONSUMPTION AND THEREFORE DEMAND.

CONTROL AND LAW ENFORCEMENT ACTIVITIES AGAINST ILLEGAL CULTIVATION, PROCESSING, AND MARKETING OF ILLICIT DRUGS.

CONTROL OF ESSENTIAL CHEMICALS FOR THE PRODUCTION OF

ILLEGAL DRUGS AND THE MEANS USED FOR THEIR TRANSPORT.

SEIZURE, FORFEITURE, AND SHARING OF ILLEGAL PROCEEDS AND PROPERTY USED IN COMMITTING NARCOTICS-RELATED CRIMES.

COORDINATION OF LAW ENFORCEMENT AGENCIES, THE MILITARY, PROSECUTORS AND COURTS.

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ACTIONS TO BRING ABOUT A NET REDUCTION IN THE ILLEGAL CULTIVATION OF COCA.

THE PARTIES UNDERTAKE TO ENGAGE IN AN ONGOING EVALUATION OF THEIR COOPERATION. BASED ON THIS EVALUATION, THE UNITED STATES GOVERNMENT WILL REQUEST CONGRESS TO PROVIDE ADDITIONA (ASSISTANCE TO THE ANDEAN PARTIES FOR THEIR) LAW ENFORCEMENT AND MILITARY (AGENCIES) AS WELL AS ECONOMIC ASSISTANCE.

(NOTE: WE REJECT COLOMBIAN PROPOSAL TO INSERT "IN THIS CONTEXT" IN REPLACEMENT OF "BASED ON THIS EVALUATION", LANGUAGE WHICH WAS AGREED UPON AFTER HARD BARGAINING AT SANT CRUZ. THE COLOMBIAN LANGUAGE WATERS DOWN CONDITIONALITY.)

GIVEN THAT THE PARTIES ACT WITHIN A FRAMEWORK OF RESPECT FOR HUMAN RIGHTS, THEY REAFFIRM THAT NOTHING WOULD DO MORE TO UNDERMINE THE WAR ON DRUGS THAN DISREGARD FOR HUMAN RIGHTS B PARTICIPANTS IN THE EFFORT.

(NOTE: WE REJECT COLOMBIAN PROPOSAL TO REPLACE THIS PARAGRA WITH "WITHIN THIS FRAMEWORK, THE PARTIES REITERATE THEIR COMPLETE RESPECT FOR HUMAN RIGHTS" AS AN INADEQUATE COVERAGE OF A KEY ISSUE FOR US.)

1. PREVENTION AND DEMAND

(THE PARTIES UNDERTAKE TO SUPPORT DEVELOPMENT AND EXPANSION OF PROGRAMS ON COMPREHENSIVE PREVENTION, SUCH AS PREVENTIVE PUBLIC EDUCATION IN BOTH RURAL AND URBAN COUNTRIE TREATMENT OF DRUG ADDICTS, AND INFORMATION TO ENCOURAGE THE PUBLIC OPPOSITION TO ILLEGAL DRUG PRODUCTION, TRADE AND CONSUMPTION.) THESE PROGRAMS ARE FUNDAMENTAL IF T DRUG PROBLEM IS TO BE SUCCESSFULLY CONFRONTED.

THE PARTIES RECOGNIZE THAT PREVENTION EFFORTS IN THE FOUR COUNTRIES WILL BENEFIT FROM SHARED INFORMATION ABOUT

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SUCCESSFUL PREVENTION PROGRAMS AND FROM BILATERAL AND

MULTILATERAL COOPERATION AGREEMENTS TO EXPAND EFFORTS IN THI FIELD.

TO THIS END, THE PARTIES UNDERTAKE TO CONTRIBUTE ECONOMIC MATERIAL AND TECHNICAL RESOURCES TO SUPPORT SUCH INTEGRATED PREVENTION PROGRAMS.

(NOTE: EDIT FOR CLARITY)

2. INTERDICTION

A BATTLE AGAINST AN ILLICIT PRODUCT MUST FOCUS ON THE (DEMAND FOR), PRODUCTION OF AND TRADE IN THAT PRODUCT. INTERDICTION OF ILLEGAL DRUGS, AS THEY MOVE FROM PRODUCER TO CONSUMER, IS ESSENTIAL. THE PARTIES PLEDGE TO STEP UP EFFOR WITHIN THEIR OWN COUNTRIES TO INTERDICT ILLEGAL DRUGS AND T INCREASE COORDINATION AND COOPERATION AMONG THEM TO FACILITA THIS FIGHT. THE UNITED STATES IS READY TO PROVIDE INCREASED COOPERATION IN EQUIPMENT AND TRAINING TO THE LAW ENFORCEMENT BODIES OF THE ANDEAN PARTIES.
(NOTE: COLOMBIAN FIX TO COMPLETE THOUGHT)

3. INVOLVEMENT OF THE ARMED FORCES

THE CONTROL OF ILLEGAL TRAFFICKING IN DRUGS IS ESSENTIALL A LAW ENFORCEMENT MATTER. HOWEVER, BECAUSE OF ITS MAGNITUDE AND THE DIFFERENT ASPECTS INVOLVED, AND IN KEEPING WITH THE (SOVEREIGN) INTEREST OF EACH STATE AND ITS OWN JUDICIAL SYSTEM, THE ARMED FORCES (IN EACH OF THE COUNTRIES) MAY ALSO PARTICIPATE. THE ARMED FORCES MAY PROVIDE RESOURCES TO SUPPORT LAW ENFORCEMENT OPERATIONS AGAINST DRUG TRAFFICKING WHEN SUCH OPERATIONS EXCEED THE CAPACITY OF LAW ENFORCEMENT

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AGENCIES. THEREFORE, THE PARTIES PLEDGE TO ESTABLISH APPROPRIATE BILATERAL AND MULTILATERAL UNDERSTANDINGS FOR COOPERATION IN ACCORDANCE WITH THEIR INTERESTS, NEEDS AND PRIORITIES.

(NOTE: COLOMBIAN EDITS TO EMPHASIZE SOVEREIGNTY CONCERNS.)

4. INFORMATION SHARING AND INTELLIGENCE COOPERATION

THE PARTIES COMMIT THEMSELVES TO A GREATER EXCHANGE OF INFORMATION AND INTELLIGENCE IN ORDER TO STRENGTHEN ACTION B THE ARMED FORCES AND LAW ENFORCEMENT AGENCIES. THE PARTIES WILL PURSUE BILATERAL AND MULTILATERAL UNDERSTANDINGS ON INFORMATION AND INTELLIGENCE COOPERATION, CONSISTENT WITH THEIR NATIONAL INTERESTS AND PRIORITIES.

(NOTE: IN LAST SENTENCE, WE REPLACED THE WORD "IMPLEMENT" WITH "PURSUE" BECAUSE TO DATE THERE HAVE BEEN FEW UNDERSTANDINGS ON THIS SUBJECT)

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5. ERADICATION AND DISCOURAGEMENT OF ILLICIT CROPS

ERADICATION CAN PLAY AN ESSENTIAL PART IN THE ANTI-DRUG FIGHT OF EACH COUNTRY. IN EACH CASE, ERADICATION PROGRAMS HAVE TO BE CAREFULLY CRAFTED, MEASURING THEIR POSSIBLE EFFEC ON TOTAL ILLICIT DRUG PRODUCTION IN EACH COUNTRY; THEIR COST-BENEFIT RATIO RELATIVE TO OTHER MEANS OF FIGHTING ILLIC DRUGS; WHETHER THEY CAN BE MOST EFFECTIVE AS VOLUNTARY OR COMPULSORY PROGRAMS OR A COMBINATION OF THE TWO; AND THEIR PROBABLE POLITICAL AND SOCIAL CONSEQUENCES.

(NOTE: WE REJECTED COLOMBIAN PROPOSAL TO REPLACE THE WORDS "CAN PLAY" IN FIRST SENTENCE WITH "IS" BECAUSE OF OUR CERTAINTY THAT BOLIVIA AND PERU WOULD REJECT LANGUAGE THEY INSISTED ON AT SANTA CRUZ. WE ALSO REJECTED COLOMBIA PROPOS TO DROP PHRASES REFERRING TO "VOLUNTARY OR COMPULSORY" PROGRAMS AND "PROBABLE AND SOCIAL CONSEQUENCES". COLOMBIAN

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PROPOSAL WOULD CHANGE SUBSTANTIVELY LANGUAGE AGREED TO AT SANTA CRUZ AFTER LENGTHY NEGOTIATION ON SENSITIVE SUBJECT.)

THE PARTIES RECOGNIZE THAT TO ERADICATE ILLICIT CROPS, TH PARTICIPATION OF THE GROWERS THEMSELVES IS DESIRABLE, ADOPTI MEASURES THAT WILL HELP THEM OBTAIN LEGAL SOURCES OF INCOME

NEW ECONOMIC OPPORTUNITIES, SUCH AS PROGRAMS FOR ALTERNATIVE DEVELOPMENT AND CROP SUBSTITUTION, SHALL BE FOSTERED TO HELP TO DISSUADE GROWERS FROM INITIATING OR EXPANDING ILLEGAL CULTIVATION. OUR GOAL IS A SUSTAINED REDUCTION IN THE TOTAL AREA UNDER ILLEGAL CULTIVATION.

(ERADICATION PROGRAMS MUST SAFEGUARD HUMAN HEALTH AND PRESERVE THE ECOSYSTEM.)

(NOTE: COLOMBIAN EDIT FOR CLARITY)

6. CONTROL OF FINANCIAL ASSETS

THE PARTIES AGREE TO IDENTIFY, TRACE, FREEZE, SEIZE, AND APPLY OTHER LEGAL PROCEDURES FOR THE DISPOSITION OF DRUG CRI PROCEEDS IN THEIR RESPECTIVE COUNTRIES, AND TO ATTACK FINANCIAL ASPECTS OF THE ILLICIT DRUG TRADE BY ADOPTING STRO MEASURES TO CRIMINALIZE MONEY LAUNDERING. THE PARTIES AGREE TO ESTABLISH FORMULAS PROVIDING EXCEPTIONS TO BANKING SECREC

(NOTE: WE REJECT COLOMBIAN PROPOSED ELIMINATION OF THE WORD "CRIMINALIZE" MONEY LAUNDERING, SINCE THE ESTABLISHMENT OF PENAL SANCTIONS FOR MONEY LAUNDERING ARE REQUIRED UNDER VIEN CONVENTION.)

7. FORFEITURE AND SHARING OF ILLEGAL DRUG PROCEEDS

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THE PARTIES PLEDGE TO IMPLEMENT A SYSTEM FOR FORFEITURE A SHARING OF ILLEGAL DRUG PROFITS AND ASSETS, AND TO ESTABLISH EFFECTIVE PROGRAMS IN THIS AREA. SUCH PROGRAMS WILL INCLUDE MECHANISMS FOR THE SEIZURE OR LEGAL FORFEITURE OF SUCH PROPERTIES WHICH ARE EITHER THE PROCEEDS OF ILLICIT DRUG-RELATED OFFENSES OR EMPLOYED IN THE COMMISSION OF SUCH OFFENSES AND PROPERTY EQUIVALENT TO PROPERTY DERIVED FROM TH PROCEEDS OF ILLICIT DRUG-RELATED OFFENSES.

IN UNITED STATES CASES RELATED TO FORFEITURE OF SUCH PROPERTY OF ILLEGAL DRUG TRAFFICKERS WHERE BOLIVIA, COLOMBIA AND PERU PROVIDE ASSISTANCE TO THE UNITED STATES GOVERNMENT THE GOVERNMENT OF THE UNITED STATES PLEDGES TO TRANSFER TO T ASSISTING GOVERNMENT SUCH FORFEITED PROPERTY, TO THE EXTENT CONSISTENT WITH UNITED STATES' LAWS AND REGULATIONS. THE PARTIES WILL ALSO SEEK ASSET SHARING AGREEMENTS (FOR) BOLIVI COLOMBIA, AND PERU, (WITH) OTHER COUNTRIES.

(NOTE: EDIT FOR CLARITY)

8. CONTROL OF ESSENTIAL CHEMICALS USED IN THE PRODUCTI OF ILLICIT DRUGS

(THE CONTROL IN THE UNITED STATES OF EXPORT OF CHEMICAL SUBSTANCES USED IN THE PROCESSING OF COCAINE IS VITAL. IN ADDITION, THERE IS A NEED TO CONTROL THE IMPORT AND DOMESTIC PRODUCTION OF SUCH SUBSTANCES BY THE ANDEAN PARTIES. JOINT EFFORTS MUST BE COORDINATED TO ELIMINATE THE ILLICT TRADE IN SUCH SUBSTANCES.)

(NOTE: REWRITE FOR CLARITY. ALSO WE CAN CONTROL OUR EXPOR BUT NOT OUR DOMESTIC PRODUCTION OF PRECURSORS)
THE PARTIES AGREE:

- TO STEP UP INTERDICTION OF THE MOVEMENTS OF ESSENTIAL CHEMICALS THAT HAVE ALREADY ENTERED THE COUNTRY, LEGALLY OR

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ILLEGALLY, AND ARE BEING DIVERTED FOR ILLICIT DRUG PROCESSING. THIS INCLUDES CONTROLLING CHOKE POINTS AS WELL ESTABLISHING INVESTIGATIVE AND MONITORING PROGRAMS IN CLOSE COOPERATION WITH ALL THE PARTIES' LAW ENFORCEMENT AGENCIES.

- TO FURTHER DEVELOP AN INTERNAL SYSTEM TO TRACK ESSENTIAL CHEMICALS THROUGH SALE, RESALE AND DISTRIBUTION TO THE END USER.

- TO COOPERATE BILATERALLY AND MULTILATERALLY TO PROVIDE EA

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OTHER WITH INFORMATION NECESSARY TO TRACK DOMESTIC AND INTERNATIONAL MOVEMENTS OF ESSENTIAL CHEMICALS FOR THE PURPO OF CONTROLLING THEIR SALE AND USE.

- TO SUPPORT THE EFFORTS UNDER THE ORGANIZATION OF AMERICAN STATES (OAS) AUSPICES TO DEVELOP AND IMPLEMENT A REGIONAL INTER-AMERICAN AGREEMENT ON ESSENTIAL AND OTHER CHEMICALS.

9. CONTROL OF WEAPONS, PLANES, SHIPS, EXPLOSIVES AND COMMUNICATIONS EQUIPMENT USED IN ILLEGAL DRUG TRAFFICKING

ILLICIT DRUG (TRAFFICKING) IS HEAVILY DEPENDENT ON WEAPON EXPLOSIVES, COMMUNICATIONS EQUIPMENT, AND AIR, MARITIME AND RIVERINE TRANSPORTATION THROUGHOUT THE GROWING-PRODUCTION-DISTRIBUTION PROCESS.

THE PARTIES AGREE:

- TO STRENGTHEN CONTROLS OVER THE MOVEMENT OF ILLEGAL WEAPO AND EXPLOSIVES AND OVER THE SALE, RESALE AND THE REGISTRATIO OF AIRCRAFT AND MARITIME VESSELS IN THEIR RESPECTIVE COUNTRIES, WHICH SHOULD BE CARRIED OUT BY THEIR OWN AUTHORITIES.

[redacted]

THE PARTIES AGREE TO ESTABLISH (WITHIN THEIR OWN TERRITOR CONTROL PROGRAMS THAT INCLUDE:
(NOTE: TO ADDRESS COLOMBIAN SOVEREIGNTY CONCERNS)

- THE REGISTRATION OF SHIPS AND AIRCRAFT;

- THE ADOPTION OF LEGAL STANDARDS THAT PERMIT EFFECTIVE FORFEITURE OF AIRCRAFT AND VESSELS;
- CONTROLS ON PILOT LICENSES AND TRAINING;

- REGISTRATION OF AIRFIELDS IN THEIR RESPECTIVE COUNTRIES;

- DEVELOPMENT OF CONTROL MEASURES OVER COMMUNICATIONS EQUIPMENT USED IN ILLEGAL DRUG TRAFFICKING TO THE EXTENT PERMITTED BY THEIR RESPECTIVE LAWS AND NATIONAL INTERESTS.

THE UNITED STATES AGREES TO WORK WITH THE ANDEAN PARTIES STEM WEAPONS EXPORTS FROM THE UNITED STATES TO ILLEGAL DRUG TRAFFICKERS IN THE THREE ANDEAN NATIONS.

10. LEGAL COOPERATION

THE PARTIES PLEDGE TO COOPERATE IN THE SHARING OF (INSTRUMENTAL) EVIDENCE IN FORMS ADMISSIBLE (BY THEIR) JUDICIAL PROCEEDINGS. THE PARTIES ALSO AGREE TO SEEK MECHANISMS THAT PERMIT THE EXCHANGE OF INFORMATION ON

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LEGISLATION AND JUDICIAL DECISIONS IN ORDER TO OPTIMIZE LEGA PROCEEDINGS AGAINST THE TRAFFIC IN ILLICIT DRUGS.

(NOTE: OUR LAWYERS INSIST ON "INSTRUMENTAL" TO REPLACE "DOCUMENTARY", WHICH THEY SAY HAS DIFFERENT MEANING. WE ACCEPTED COLOMBIAN PROPOSAL TO DROP "AND TO SEEK THE PROMPT ADMINISTRATION OF JUSTICE", SINCE IT SEEMED MEANINGLESS TO U

THE PARTIES RECOGNIZE THE VALUE OF INTERNATIONAL

[redacted]

COOPERATION IN STRENGTHENING THE ADMINISTRATION OF JUSTICE, INCLUDING THE PROTECTION OF (JUDGES), JUDICIAL PERSONNEL, AN OTHER INDIVIDUALS WHO TAKK PART IN THESE PROCEEDINGS.

(NOTE: EDIT FOR CLARITY.)

C. UNDERSTANDINGS REGARDING DIPLOMATIC INITIATIVES AND PUBLIC OPINION

- THE PROBLEM OF ILLICIT DRUG TRAFFICKING AND CONSUMPTION RESPECTS NO BORDERS, THREATENS NATIONAL AND INTERNATIONAL SECURITY, AND ERODES THE ECONOMIC AND SOCIAL STRUCTURES OF O NATIONS. IT IS ESSENTIAL TO ADOPT AND CARRY OUT A (COMPREHENSIVE) STRATEGY TO PROMOTE FULL AWARENESS OF THE DESTRUCTIVE EFFECTS OF ILLEGAL PRODUCTION, ILLICIT TRAFFICK AND THE IMPROPER CONSUMPTION OF DRUGS. TOWARD THIS END, TH PARTIES COMMIT THEMSELVES TO USE ALL POLITICAL AND ECONOMIC MEANS WITHIN THEIR POWER TO PUT INTO EFFECT PROGRAMS AIMED ACHIEVING THIS GOAL.

(NOTE: EDIT FOR CLARITY)

1. STRENGTHENING PUBLIC OPINION IN FAVOR OF INTENSIFYI THE FIGHT AGAINST ILLEGAL DRUG TRAFFICKING

PUBLIC AWARENESS SHOULD ALSO BE ENHANCED BY MEANS OF ACTI AND DETERMINED DIPLOMATIC ACTION. THE PARTIES PLEDGE TO STRENGHTEN PLANS FOR JOINT PROGRAMS (LEADING TO THE) EXCHANG OF IDEAS, EXPERIENCES, AND SPECIALISTS IN THE FIELD. THE PARTIES CALL UPON THE INTERNATIONAL COMMUNITY TO (INTENSIFY PROGRAM) OF PUBLIC INFORMATION (STRESSING) THE DANGER OF DRU TRAFFICKING IN ALL OF ITS PHASES. (IN THIS REGARD), THE PARTIES UNDERTAKE TO GIVE ACTIVE SUPPORT TO INTER-AMERICAN PUBLIC AWARENESS AND DEMAND REDUCTION PROGRAMS. TO INITIATE

[redacted]

THIS EFFORT, THE PARTIES WILL PROPOSE THE PREPARATION OF A DRUG PREVENTION EDUCATION PLAN AT THE INTER-AMERICAN MEETING IN QUITO THIS YEAR.

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TEXT OF TELEGRAM 90STATE 032231

(NOTE: ALL MINOR EDITS FOR CLARITY AND PRECISION)

2. ECONOMIC SUMMIT OF THE SEVEN

AT THE GROUP OF SEVEN SUMMIT IN PARIS, IN JULY OF 1989, A FINANCIAL ACTION TASK FORCE WAS ESTABLISHED TO DETERMINE HOW GOVERNMENTS COULD PROMOTE COOPERATION AND EFFECTIVE ACTION AGAINST THE LAUNDERING OF MONEY GAINED THROUGH ILLEGAL DRUG (TRAFFICKING).

THE UNITED STATES WILL HOST THE NEXT ECONOMIC SUMMIT IN JULY, 1990, IN HOUSTON. (THE UNITED STATES WILL USE THIS OPPORTUNITY TO SEEK FULL ATTENTION ON A PRIORITY BASIS) TO T FIGHT AGAINST ILLEGAL DRUG TRAFFICKING.

(NOTE: EDIT FOR CLARITY)

THE PARTIES CALL UPON THE GROUP OF SEVEN MEMBER COUNTRIES AND ON THE OTHER PARTICIPANTS IN THE FINANCIAL ACTION TASK FORCE, TO GIVE GREATER EMPHASIS TO THE STUDY OF ECONOMIC MEASURES WHICH MAY HELP TO REDUCE DRUG TRAFFICKING. (IN PARTICULAR, THE PARTIES CALL UPON THE GROUP OF SEVEN COUNTRIES TO TAKE THE STEPS NECESSARY TO ENSURE THAT) ASSETS SEIZED FROM ILLICIT DRUG TRAFFICKING IN BOLIVIA, COLOMBIA AN PERU ARE USED TO FINANCE PROGRAMS OF INTERDICTION, ALTERNATI DEVELOPMENT AND PREVENTION IN OUR COUNTRIES.

(NOTE: EDIT FOR CLARITY)

3. MULTILATERAL/BILATERAL APPROACHES AND COORDINATION

THE PARTIES (INTEND TO) COORDINATE THEIR ACTIONS IN MULTILATERAL AND BILATERAL ECONOMIC INSTITUTIONS IN ORDER TO

[redacted]

ENSURE FOR BOLIVIA, COLOMBIA AND PERU, BROADER ECONOMIC COOPERATION WITHIN THE (FRAMEWORK) OF A SOUND ECONOMIC POLICY. IN DECEMBER OF 1989, THE UNITED STATES PRESENTED SU A PLAN TO THE ORGANIZATION OF ECONOMIC COOPERATION AND DEVELOPMENT (OECD) THROUGH ITS DEVELOPMENT ASSISTANCE COMMITTEE. BOLIVIA, COLOMBIA AND PERU SUPPORT THE UNITED STATES' PRESENTATION TO THE OECD AND TRUST THAT ITS PROPOSAL WILL INCLUDE (EFFECTIVE) STRATEGIES FOR DEVELOPMENT OF NEW INITIATIVES AGAINST ILLEGAL DRUG TRAFFICKING.

(NOTE: EDITS FOR CLARITY)

4. REPORT TO THE UN SPECIAL SESSION ON ILLICIT TRAFFICKING IN DRUGS

THE UNITED NATIONS (HAS RECOGNIZED) THAT THE PROBLEM OF DRUG TRAFFICKING PRESENTS A GRAVE THREAT TO INTERNATIONAL SECURITY AND ECONOMIC STABILITY. IT HAS CALLED FOR A GLOBAL ACTION PLAN AND IT HAS CONVENED A SPECIAL SESSION, FEBRUARY

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20-23, 1990, TO DISCUSS THE MAGNITUDE OF THIS PROBLEM. (THI WILL BE A PROPER OCCASION TO) REITERATE THE NEED TO BRING IN FORCE AS QUICKLY AS POSSIBLE THE UN CONVENTION ON NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES, WHICH PROVIDES FOR ENERGETIC MEASURES AGAINST ILLEGAL DRUG TRAFFICKING, WHILE RECOGNIZING THE ANCESTRAL AND TRADITIONAL USES OF COCA LEAF

(NOTE: EDITS FOR CLARITY. THE DOJ WOULD LIKE TO DROP THE PHRASE "WHILE RECOGNIZING ANCESTRAL AND TRADITIONAL USES OF COCA". RATIONAL IS THAT REFERENCE TO A MINOR SECTION OF THE VIENNA DRUG CONVENTION GIVES UNDUE IMPORTANCE TO THIS ISSUE AND IS OUT OF PLACE IN AN COMPREHENSIVE ANTI-NARCOTICS STRATEGY DOCUMENT TO BE SIGNED BY FOUR PRESIDENTS. COLOMBI MADE ESSENTIALLY THE SAME POINT. SEE PARA 4 FOR SPECIFIC

[redacted]

INSTRUCTIONS.)

THE PARTIES REQUEST THAT CONSIDERATION BE GIVEN DURING T SPECIAL SESSION TO THE INCLUSION OF THE COOPERATIVE EFFORTS OUTLINED IN (THIS DOCUMENT) TO (DEVELOP) CONCRETE PROGRAMS STRENGTHENING MULTILATERAL RESPONSES TO THE DRUG PROBLEM, A RECOMMENDED IN RESOLUTION NO. 44/141 OF THE UNITED NATIONS GENERAL ASSEMBLY.

(NOTE: FOR STYLE, AND TO MAKE THE DOCUMENT MORE PRESIDENTI WE HAVE DROPPED EXPLICIT REFERENCE TO SPECIFIC SECTIONS OF THE CARTAGENA DOCUMENT. ALSO, FOR PRECISION, WE SUBSTITUTED "DEVELOP" FOR "SPECIFY".)

5. REPORT TO THE OAS MEETING OF MINISTERS AND CICAD

THE ORGANIZATION OF AMERICAN STATES HAS CALLED AN INTER-AMERICAN MEETING OF MINISTERS RESPONSIBLE FOR NATIONAL NARCOTICS PROGRAMS, TO BE HELD IN MEXICO CITY. THE PARTIES URGE THAT THE MEETING OF MINISTERS AND THE INTER-AMERICAN DR ABUSE CONTROL COMMISSION GIVE PRIORITY TO THE UNDERSTANDINGS SET FORTH IN THIS DOCUMENT AND LEND SUPPORT TO THEIR EARLY IMPLEMENTATION WITHIN THE CONTEXT OF REGIONAL COOPERATION AGAINST DRUGS.

6. MADRID TRILATERAL MEETING

THE PARTIES STRESS THE IMPORTANCE OF THE DOCUMENT ISSUED THE TRILATERAL MEETING IN MADRID AND THE EFFORTS UNDERTAKEN EUROPE, PARTICULARLY THE PARTICIPATION OF THE EUROPEAN ECONOMIC COMMUNITY, WITH A VIEW TO ADOPT SPECIFIC POLICIES A INITIATIVES AGAINST ILLICIT TRAFFICKING OF DRUGS.

7. INTERNATIONAL MEETING ON DEMAND REDUCTION OF NARCOTICS AND ILLICIT DRUGS, LONDON, APRIL 1990

[redacted]

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THE PARTIES NOTE WITH SATISFACTION THE CONVENING OF THE FIRST INTERNATIONAL MEETING ON DEMAND REDUCTION OF NARCOTICS AND ILLICIT DRUGS, WHICH THEY BELIEVE WILL HAVE AN IMPACT ON DEMAND. THE PARTIES AGREE TO COORDINATE JOINT ACTIONS AND PROPOSALS TO ENCOURAGE SIIMILAR INITIATIVES.

8. DEMARCHES TO TRANSIT COUNTRIES

THROUGH SPECIALIZED AGENCIES OF THE UNITED NATIONS SUCH A THE HEADS OF NATIONAL LAW ENFORCEMENT AGENCIES, OUR COUNTRIE PARTICIPATE IN IMPORTANT COORDINATION EFFORTS. THE PARTIES UNDERTAKE TO STRENGTHEN COOPERATION WITH TRANSIT COUNTRIES O INTERDICTION OF TRAFFIC IN ILLICIT DRUGS.

(NOTE: EDITED TO REMOVE REDUNDANCIES)

9. WORLD CONFERENCE AGAINST ILLICIT DRUG TRAFFICKING

IN ORDER TO (PROGRESS TOWARDS) THE GOALS AGREED UPON AT T CARTAGENA SUMMIT, THE PARTIES CALL FOR A WORLD CONFERENCE IN 1991 TO STRENGTHEN INTERNATIONAL COOPERATION IN THE ELIMINATION OF IMPROPER CONSUMPTION, ILLEGAL TRAFFICKING AND PRODUCTION OF DRUGS.

(NOTE: EDITED FOR STYLE)

10. FOLLOW-UP MEETING TO THE CARTAGENA SUMMIT

IN ORDER TO FOLLOW UP ON PROGRESS OF AGREEMENTS ARISING UNDER THE FOREGOING UNDERSTANDINGS, THE PARTIES AGREE TO HOL A HIGH LEVEL FOLLOW-UP MEETING WITHIN A PERIOD OF NOT MORE THAN SIX MONTHS.

[redacted]

END TEXT

4. ACTIONS REQUESTED:

IN ADDITION TO THE ACTIONS REQUESTED IN PARA 2, POSTS SHOULD MAKE THE FOLLOWING POINTS:

FOR LIMA:
REGARDING C. 4 (REPORT TO THE UN SPECIAL SESSION ON ILLICIT TRAFFICKING IN DRUGS), WE WISH TO ELIMINATE THE LAST PHRASE OF THE FIRST PARAGRAPH BEGINNING "WHICH PROVIDES FOR ENERGETIC MEASURES AGAINST ILLEGAL DRUG

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TRAFFICKING, WHILE RECOGNIZING THE ANCESTRAL AND TRADITIONAL USES OF COCA LEAF." GIVEN THE HARD POSITION THE PERUVIANS TOOK AT SANTA CRUZ ON TRADITIONAL USE OF COCA LEAF, WE RECOGNIZE THIS WILL BE DIFFICULT TO ACCOMPLISH. WE SUGGEST AS A COMPROMISE, THEREFORE, TO END THE ENTIRE SENTENCE AFTER "SUBSTANCES." USE ARGUMENTATION IN THE NOTE ABOVE UNDER THIS PARAGRAPH.)

FOR BOGOTA: INFORM GOC THAT WE DID NOT ELIMINATE THE REFERENCE TO THE BOLIVIAN SOCIAL WELFARE PROGRAM IN A.2 , AS THE GOC REQUESTED. WE AGREE, IN HINDSIGHT, THAT NO REFERENCE SHOULD HAVE BEEN MADE TO A SPECIFIC COUNTRY. HOWEVER, AT THIS POINT, THE BOLIVIANS ALMOST CERTAINLY WILL VOCIFEROUSLY OBJECT TO ITS DELETION.
68 94 ?9&95-:

WE HAVE PREPARED A SEPARATE "COMMUNIQUE" COVERING THE BARCO-BUSH BILATERAL. THE LATTER DRAWS HEAVILY ON MATERIAL PROVIDED BY THE GOC. IT IS CURRENTLY BEING CIRCULATED FOR CLEARANCE; ONCE COMPLETED, WE WILL TRANSLATE AND SHARE THE TEXT WITH THE GOC.
B BAKER

[redacted]

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RUEHSD/AMEMBASSY SAN SALVADOR 3954
RUEBWJA/DEPTJUSTICE WASHDC
RUEHFB/DIRFBI WASHDC
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[redacted] 2 GUATEMALA 01323

DEPT FOR ARA/CEN MCCARTHY; SALVADOR FOR CHIDESTER
DOJ FOR DAG/ICITAP; FBI FOR JOHN GUIDO
MEXICO FOR LEGATT RICK [illegible]

RELEASED
El Salvador Human Rights
Special Project (1993)

E.O. 12356: DECL: OADR
TAGS: PHUM, PGOV, PREL, KJUS, GT
SUBJECT: INTERIOR MINISTER AND MILITARY INTELLIGENCE STONEWALL ON THE OQUELI ASSASSINATION

REF: GUATEMALA 01172 AND PREVIOUS

1. [redacted] - ENTIRE TEXT.

2. SUMMARY: LEGATT AND POLOFF SPENT OVER TWO FRUITLESS HOURS THE EVENING OF JANUARY 31 DISCUSSING THE OQUELI MURDER INVESTIGATION WITH MINISTER OF INTERIOR CARLOS MORALES VILLATORO AND MAJOR DIAZ OF MILITARY INTELLIGENCE. LEGATT STRESSED THAT INTELLIGENCE INFORMATION FROM SOURCES SHOULD BE USED TO SUPPLEMENT CRIMINAL INVESTIGATORS AND THE NECESSITY THAT HIGH LEVEL OFFICIALS KEEP POLICE STREET LEVEL INVESTIGATORS APERISED OF ALL INFORMATION IN THE CASE. MORALES IGNORED LEGATT'S COMMENTS, IMPLYING THE SPECIAL COMMISSION SET UP BY CEREZO AND LEGATT HIMSELF WOULD BE THE PRIMARY FORCES IN SOLVING THE CASE. DIAZ PROVIDED NOTHING OF WORTH TO THE CONVERSATION, DESPITE MORALES' CLAIM HE WAS [redacted] OFFICER IN THE CASE. END SUMMARY.

3. LEGATT [redacted] AND POLOFF VISITED THE NATIONAL PALACE JANUARY 31 TO DISCUSS THE OQUELI MURDER INVESTIGATION WITH INTERIOR MINISTER CARLOS MORALES VILLATORO AND MILITARY INTELLIGENCE CHIEF COLONEL FRANCISCO ORTEGA. THE FIRST HOUR IN MORALES' OFFICE WAS SPENT DISCUSSING POLICE PROCEDURES DURING THE INVESTIGATION AND THE ROLE OF THE PRESIDENTIAL COMMISSION SET UP TO MONITOR ITS PROGRESS. LEGATT STRESSED THAT THE COMMISSION'S ROLE SHOULD BE TO PRESSURE THE DIFFERENT GOVERNMENT AGENCIES INVESTIGATING THE CASE, NOT TO ENGAGE IN DIGGING UP CLUES. LEGATT ALSO STRESSED THAT INFORMATION COMING TO THE COMMISSION'S ATTENTION SHOULD BE PASSED IMMEDIATELY TO

Department of State IS/FPC/CDR El Salvador SP Date 9/27/99
Declassified under E.O. 12356 ( ) in full ( ) in part; portions withheld (X); deliberative ( ); law enforcement ( ); privacy ( ), statutory ( ); not relevant to El Salvador ( ).

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INVESTIGATORS WORKING THE CASE. MORALES RESPONDED THAT IT WAS EXTREMELY DIFFICULT TO CONVINCE PEOPLE TO SPEAK WITH POLICE INVESTIGATORS AND DECLARED, "PEOPLE SPEAK MUCH MORE FREELY TO ME OUT OF FRIENDSHIP." LEGATT STRESSED AGAIN THAT POLICE OFFICERS -- NOT MINISTERS -- COULD SOLVE THE MURDER CASE.

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4. AFTER THE FIRST HOUR, POLOFF ASKED WHEN IT WOULD BE POSSIBLE TO SPEAK WITH D-2 CHIEF COLONEL ORTEGA. MORALES PUT A CALL IN TO ORTEGA'S OFFICE. HE THEN TOLD US ORTEGA WAS IN A MEETING WITH OTHER MILITARY COMMANDERS AND WOULD NOT ATTEND. MAJOR DIAZ, D-2 NUMBER TWO AND THE OFFICER HANDLING THE OQUELI CASE, WOULD SPEAK WITH US. DIAZ APPEARED SOME TIME LATER BUT SAID NOTHING WHILE MORALES CONTINUED TO REGALE US WITH HIS IDEAS ON THE GOG COMMISSION'S ROLE IN THE MURDER INVESTIGATION.

5. LEGATT AND POLOFF FINALLY BEGAN TO ASK DIAZ DIRECTLY WHETHER D-2 HAD ANY INFORMATION ON THE OQUELI MURDER. DIAZ RESPONDED THAT MILITARY INTELLIGENCE HAD FIRST BELIEVED THAT SALVADORANS CARRIED OUT THE MURDER, GIVEN THAT THE BODIES WERE DUMPED NEAR THE SALVADORAN BORDER. DIAZ ALSO CLAIMED THE BODIES WERE LEFT ONE KILOMETER BEFORE A TRAVELER HEADING SOUTH WOULD HAVE ENCOUNTERED A GUARDIA DE HACIENDA STATION, IMPLYING THAT ONLY SOMEONE WHO HAD TRAVELLED NORTH FROM SALVADOR WOULD KNOW OF THE STATION'S EXISTENCE. DIAZ CONCLUDED, HOWEVER, THAT SINCE THE INITIAL DAYS OF THE CASE, D-2 HAD HEARD "OTHER VERSIONS" CONCERNING THE CASE AND WERE NOW VERY COGNISANT OF THE CASE'S POLITICAL IMPORTANCE. DIAZ'S EXPOSITION ENDED AT THIS POINT.

6. UNDER FURTHER QUESTIONING, DIAZ DENIED THAT D-2 HAD ANY PREVIOUS INFORMATION CONCERNING THE ARRIVAL OF EITHER OQUELI OR FELLOW SALVADORAN RENE FLORES, WHO WAS TRAVELLING WITH OQUELI. LEGATT ASKED IF OQUELI OR FLORES HAD BEEN UNDER SURVEILLANCE ONCE THEY ARRIVED IN GUATEMALA. MORALES BROKE IN AND SAID, LOCKING EYES WITH POLOFF, "THEY WERE NOT UNDER SURVEILLANCE, IF THEY HAD BEEN, THIS WOULD NOT HAVE HAPPENED." DIAZ CONTINUED TO CLAIM TOTAL IGNORANCE CONCERNING THE CASE. THE MEETING CLOSED SHORTLY [redacted] WITH MORALES ASKING LEGATT WHEN HE WOULD [redacted] GUATEMALA.

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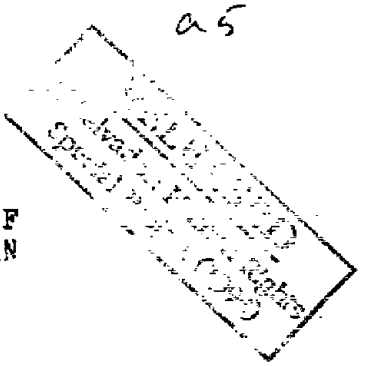

3. THIS MEETING ILLUSTRATES THE CONTINUED RELUCTANCE OF THE GOG TO EFFECTIVELY UTILIZE THE NATIONAL POLICE AS AN INVESTIGATIVE FORCE, DESPITE INDICATIONS THAT POLICE FOLLOWED PROFESSIONAL PROCEDURES IN HANDLING THIS CASE (REPORTED SEPTEL). IT ALSO SEEMS UNLIKELY THE D-2 WILL PROVIDE INFORMATION TO ASSIST POLICE INVESTIGATORS. GIVEN THE PRESENT LACK OF SUFFICIENT EVIDENCE, AND THE ATTITUDES DESCRIBED ABOVE, WE HAVE DOUBTS THAT THIS CASE WILL BE SOLVED. END COMMENT.
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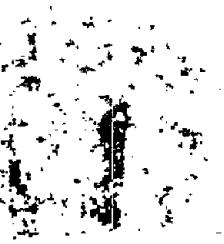

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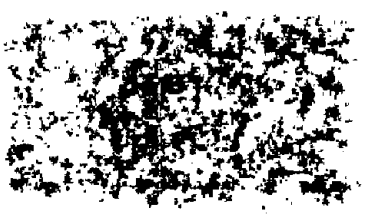

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2/2/90

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ✓
Exemption(s) ____

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PAGE 01 SANTIA 01014 01 OF 02 022039Z
ACTION RP-10

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INFO USMISSION GENEVA

UNCLAS SECTION 01 OF 02 SANTIAGO 01014

DEPT FOR RP/PC
GENEVA FOR RMA

E.O. 12356: N/A
TAGS: PHUM
SUBJ: 1990 WORLD REFUGEE REPORT: CHILE

REFERENCES: STATE 10722
- 89 SANTIAGO 5062

1. ALTHOUGH NO FIRM DATA ARE AVAILABLE, OVER 1,000,000 CHILEANS (APPROXIMATELY SEVEN PERCENT OF THE TOTAL POPULATION) ARE BELIEVED TO LIVE ABROAD. THE MAJORITY OF THESE ARE ECONOMIC MIGRANTS AND PERHAPS HALF OF THE TOTAL LIVES IN ARGENTINA. SINCE THE 1973 MILITARY COUP, 200,000 TO 250,000 CHILEANS ARE BELIEVED TO HAVE LEFT THE COUNTRY FOR POLITICAL OR ECONOMIC REASONS. THE STRONG ANTI-MARXIST STAND OF THE PRESENT GOC AND ITS HUMAN RIGHTS ABUSES LED MANY CHILEANS TO DEPART EITHER OUT OF POLITICAL DISAGREEMENTS WITH THE PRESENT REGIME OR OUT OF FEAR FOR THEIR PERSONAL WELL-BEING. ON THE ECONOMIC FRONT, A DRASTIC DECLINE IN THE CHILEAN ECONOMY IN 1981 LED MANY CHILEANS TO LEAVE FOR ECONOMIC
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PAGE 02 SANTIA 01014 01 OF 02 022039Z

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REASONS. IN 1988, HOWEVER, THAT FLOW BEGAN TO REVERSE, OWING TO THE SIGNIFICANTLY IMPROVED POLITICAL AND ECONOMIC CLIMATE IN CHILE.

2. THE VAST MAJORITY OF CHILEAN REFUGEES LIVE IN ARGENTINA OR EUROPE. THE ARGENTINE CONNECTION IS DUE TO CLOSE PROXIMITY, AN EXTENSIVE BORDER AND, UNTIL RECENTLY, HIGHER PREVAILING WAGES IN ARGENTINA. LARGE CHILEAN COLONIES EXIST IN THE MENDOZA AREA AND IN PATAGONIA. APPROXIMATELY 100,000 CHILEANS HAVE SETTLED IN EUROPE SINCE 1973, MOSTLY IN SPAIN (FOR CULTURAL REASONS) OR NORTHERN EUROPE (FOR POLITICAL REASONS). THERE ARE RESETTLEMENT PROGRAMS WITH OTHER COUNTRIES, SUCH AS FRANCE, ITALY, MEXICO AND AUSTRALIA. THE INTERGOVERNMENTAL COMMISSION ON MIGRATION (ICM) REPORTS THAT IT ASSISTED 996 CHILEANS IN A SPECIAL RESETTLEMENT PROGRAM TO SETTLE ABROAD DURING 1989; 426 WENT TO AUSTRALIA, 222 TO SWEDEN AND 186 TO CANADA. ACCORDING TO THE ICM, ALMOST ALL THOSE LEAVING CHILE IN 1989 WENT TO JOIN FAMILY MEMBERS WHO HAD LEFT EARLIER FOR POLITICAL REASONS. FROM 1973 THROUGH DECEMBER 31, 1989, THE ICM HAS HELPED 30,260 CHILEANS UNDER ITS RESETTLEMENT PROGRAMS.

3. FEWER CHILEANS HAVE DEPARTED IN RECENT YEARS, IN PART BECAUSE OF THE IMPROVED ECONOMIC SITUATION, BUT ALSO BECAUSE OF THE IMPROVING HUMAN RIGHTS SITUATION. MOREOVER, THE POLITICAL SITUATION HAS CHANGED DRAMATICALLY: ON DECEMBER 14, 1989, A CIVILIAN GOVERNMENT WAS DEMOCRATICALLY ELECTED AND WILL ASSUME OFFICE ON MARCH 11, 1990.

UNCLASSIFIED

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PAGE 03 SANTIA 01014 01 OF 02 022039Z

4. BEGINNING IN 1977 THROUGH DECEMBER 31, 1989, THE ICM HAS ASSISTED 5,775 CHILEANS TO RETURN. IT ASSISTED 1,385 INDIVIDUALS TO RELOCATE TO CHILE IN 1989. THE UNHCR ASSISTED 957 CHILEANS TO RETURN FROM ARGENTINA AND CUBA IN 1989. MANY OTHER CHILEANS WHO FLED FOR POLITICAL REASONS ARE BELIEVED TO HAVE RESETTLED WITHOUT ICM OR UNHCR ASSISTANCE IN ORDER TO

AVOID IDENTIFICATION AS POLITICAL REFUGEES.

-

5. BESIDES THE ICM AND UNHCR, OTHER ORGANIZATIONS THAT AID RETURNEES ARE THE SOCIAL AID FOUNDATION OF THE CHRISTIAN CHURCHES (FASIC) AND THE VICARIATE OF SOLIDARITY, SPONSORED BY THE CATHOLIC CHURCH. THE CHILEAN GOVERNMENT PROVIDED NO ASSISTANCE. THE RETURNEES ENJOY THE SAME LEGAL RIGHTS AS THE CHILEAN POPULATION AS A WHOLE. ACCORDING TO ORGANIZATIONS ASSISTING THOSE RETURNING TO CHILE, THEY ARE NOT SINGLED OUT FOR HARASSMENT BY THE GOVERNMENT OR VIGILANTE GROUPS. HOWEVER, MANY OF THOSE WHO WERE OFFICIALLY EXILED HAVE HAD DIFFICULTY FINDING EMPLOYMENT; THE FACT THAT THE GOVERNMENT OF CHILE, UNTIL 1985, ANNUALLY PUBLISHED A LIST OF THOSE EXILED MAY CONTRIBUTE TO EMPLOYER RELUCTANCE TO HIRE THEM. MOREOVER, THERE ARE ALLEGATIONS THAT RETURNEES HAVE A DIFFICULT TIME HAVING THEIR ACADEMIC DEGREES, EARNED DURING THEIR PERIOD OF EXILE, ACCEPTED BY THE CHILEAN GOVERNMENT. THE INCREASED NUMBER OF CHILEANS WHO OPTED TO RETURN IN 1989 INDICATES, HOWEVER, THAT FEWER RESETTLEMENT PROBLEMS ARE ANTICIPATED UNDER THE NEWLY-ELECTED GOVERNMENT.

6. THE GOC LIFTED ORDERS OF EXILE IN SEPTEMBER 1988,

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PAGE 01 SANTIA 01014 02 OF 02 022039Z

ACTION RP-10

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INFO USMISSION GENEVA

UNCLAS SECTION 02 OF 02 SANTIAGO 01014

DEPARTMENT FOR RP/PC
GENEVA FOR RMA

E.O. 12356: N/A
TAGS: PHUM
SUBJ: 1990 WORLD REFUGEE REPORT: CHILE

MAKING IT POSSIBLE FOR ALL CHILEANS TO RETURN. HOWEVER, MANY REFUGEES AND EXILES HAVE ESTABLISHED ROOTS IN OTHER COUNTRIES AND MAY CHOOSE TO REMAIN IN THEIR ADOPTIVE HOMES FOR FAMILY AND FINANCIAL REASONS.

7. THERE ARE NO REPORTS THAT CHILE RECEIVED REFUGEES FROM OTHER COUNTRIES DURING 1989. GILLESPIE

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ZNY CCCCC ZZH
R 022338Z FEB 96
FM AMEMBASSY GUATEMALA
TO FBI LOUISVILLE
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United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 07/12/95
Case ID: 95122232

CLASS: LIMITED OFFIC
CHRGE: PROG 02/02/96
APPRV: DCM:PTAYLOR
DRFTD: FBI:JGANNON
CLEAR: POL:RROBERTO
DISTR: POLA

LIMITED OFFICIAL USE SECTION 01 OF 02 GUATEMALA 01413

ATTENTION: SPECIAL AGENT DEIDRA FIKE

FOLLOWING GUATEMALA 13743 SENT ACTION SECSTATE AMEMBASSY MEXICO AND DEPT JUSTICE 16 NOV 95 BEING REPEATED FOR YOUR INFO

Plus-Num

QUOTE

E.O. 12356: N/A
TAGS: ASEC, PHUM, PINS, PREL, PGOV, GT
SUBJECT: SISTER DIANA ORTIZ INCIDENT CONTINUES TO RECEIVE PUBLIC ATTENTION

POL
Section
GUATEMALA
(ORTIZ FILE)
#327225

REF: GUATEMALA 13380 AND PREVIOUS

1. (U) REFTEL PROVIDES EMBASSY VIEW ON THE STORY BY ALLEGEDLY KIDNAPPED AMCIT URSULINE NUN DIANA M. ORTIZ. SEPTELS REPORT ON REACTIONS BY THE MINISTER OF FOREIGN AFFAIRS AND THE CONGRESSIONAL HUMAN RIGHTS COMMISSION. THIS MESSAGE REPORTS ON CONTINUED GOG, CHURCH, AND LOCAL PRESS REACTION TO THE STORY AND ON FURTHER EMBASSY EFFORTS TO INVESTIGATE THE MATTER.

2. (U) IN A PRESS CONFERENCE NOVEMBER 9, PRESIDENT CEREZO SAID HE DOUBTED THE STORY ABOUT THE ALLEGED KIDNAPPING, TORTURE, AND ESCAPE OF ORTIZ. CEREZO COMPLAINED THAT SHE LEFT WITHOUT PROVIDING INFORMATION WHICH COULD BE USED IN AN INVESTIGATION. "EVEN THE AMERICAN EMBASSY," HE SAID, HAS NOT GOTTEN FIRST-HAND INFORMATION.

3. (U) ON NOVEMBER 9, EMBOFF MET AN ARMY CAPTAIN IN THE PRESIDENTIAL GUARD WHOM CEREZO HAS ASKED TO LOOK INTO THE CASE. THE CAPTAIN ADMITTED THAT HE IS AT A DEAD-END. HE, HOWEVER, ALSO DOUBTS THE STORY: KIDNAPPERS DO NOT USE THE BUS.

4. (U) AMBASSADOR AND PAO MET AMCIT PRIESTS AT THE MARYKNOLL HOUSE NOVEMBER 10 TO DISCUSS FURTHER THE CASE. THE PRIESTS SAID THEY HAD NO MORE INFORMATION ON THE AFFAIR. NONE OF THEM HAD SPOKEN TO DIANA. THEY DID CONFIRM, HOWEVER, THAT WHILE SHE WAS AT MARYKNOLL HOUSE, NO DOCTOR SAW HER DESPITE THE CLAIM THAT SHE HAD SOME FIFTY - SEVENTY CIGARETTE BURNS.

5. (U) ON NOVEMBER 12, THE NATIONAL POLICE INVITED

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SEVERAL PRINT AND ELECTRONIC JOURNALISTS TO ANTIGUA TO INTERVIEW A WITNESS WHO SAID HE SAW ORTIZ WALK OUT OF THE POSADA BELEN ALONE IN THE DIRECTION OF THE GUATEMALA CITY BUS STOP. THE WITNESS SAID HE HAD TOLD THIS SAME STORY TO TWO NUNS WHO HAD TALKED TO HIM ON THE AFTERNOON OF NOVEMBER 2, THE DAY DIANA ORTIZ WAS REPORTED AS MISSING. (COMMENT: AS PER REFTEL, TWO NUNS WE SPOKE TO ON THE EVENING OF NOVEMBER 2 SAID THEY HAD SPOKEN TO A WITNESS WHO CLAIMED TO HAVE SEEN DIANA LEAVE THE POSADA ALONE. END COMMENT): THE POLICE SPOKESMAN DISCOUNTED INVOLVEMENT BY POLICE PERSONNEL IN KIDNAPPING ORTIZ AND LAMENTED THE FACT THAT SHE HAD LEFT WITHOUT PROVIDING A DESCRIPTION OF THE MEN WHO HAD ALLEGEDLY KIDNAPPED HER.

6. (U) IN REACTION TO CEREZO'S COMMENTS AND THE NATIONAL POLICE PRESENTATION OF A WITNESS, ARCHBISHOP PENADOS, IN TWO TELEVISED PRESS CONFERENCES (NOV 12 AND 13), SAID HE BELIEVED ORTIZ HAD BEEN KIDNAPPED AND TORTURED, BUT HE DID NOT KNOW WHO WAS GUILTY. THE ARCHBISHOP SAID HE SAW SISTER DIANA AND SHE HAD SUFFERED A BEATING; HE THOUGHT SHE HAD FIFTY CIGARETTE BURNS ON HER BACK. PENADOS DOUBTED THE CREDIBILITY OF THE POLICE WITNESS. ON NOVEMBER 12, CONFREGUA (CONFERENCE OF RELIGIOUS PERSONS OF GUATEMALA) RAN A FULL-PAGE PAID ADVERTISEMENT IN "EL GRAFICO" REPEATING VERBATIM ORTIZ'S SUPPOSED ACCOUNT, DEMANDING AN INVESTIGATION INTO THE CASE AND A HALT TO HUMAN RIGHTS VIOLATIONS IN GUATEMALA.

7. (LOU) ON NOVEMBER 13, THE PAPAL NUNCIO REQUESTED A MEETING WITH THE AMBASSADOR OR THE CONGEN. WHEN CONGEN CALLED ON THE NUNCIO THAT MORNING, SHE WAS GIVEN A COPY OF AN AIDE MEMOIRE PREPARED FOR THE AMBASSADOR STATING THAT THE NUNCIO ON THE EVENING OF NOVEMBER 2 HAD PERSONALLY INFORMED THE MINISTERS OF DEFENSE, INTERIOR, AND FOREIGN RELATIONS OF ORTIZ'S KIDNAPPING.

8. (LOU) THE NUNCIO FURTHER CLAIMED THAT A DOCTOR HAD SEEN ORTIZ AT THE NUNCIO'S RESIDENCE THE EVENING OF NOVEMBER 3. HE SAID HE COULD PROVIDE CONGEN WITH THE DOCTOR'S CERTIFICATE AND ASKED IF THE CONGEN COULD QUIETLY PROVIDE IT TO GOG OFFICIALS IN A MANNER THAT WOULD NOT PUT THE DOCTOR AT RISK FROM WAYWARD SECURITY AGENTS. CONGEN DECLINED THE CERTIFICATE, SAYING THE

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RELATIONS THAT ORTIZ HAD SOUGHT REFUGE AT THE NUNCIO RESIDENCE.

8. (C) COMMENT. THE NUNCIO'S REVELATION THAT ORTIZ WAS SEEN BY A DOCTOR COMES AS A SURPRISE. ON SATURDAY, NOVEMBER 4, DURING THE AMBASSADOR'S SECOND CALL AT THE NUNCIATURA, ACCOMPANIED BY THE PAO, HE ASKED WHETHER ORTIZ HAD BEEN SEEN BY A DOCTOR. THE NUNCIO AND SISTER DARLENE BOTH SAID SHE HAD NOT. THE AMBASSADOR SAID THAT AS THE FATHER OF FOUR DAUGHTERS HIMSELF, HE WAS VERY CONCERNED THAT ORTIZ RECEIVE APPROPRIATE MEDICAL ATTENTION AND OFFERED TO PROVIDE ORTIZ ACCESS TO EMBASSY HEALTH CARE. THE OFFER WAS REFUSED. END COMMENT.

9. (LOU) THE NUNCIO ALSO PROVIDED CONGEN A COPY OF THE SPANISH-LANGUAGE DECLARATION ALLEGEDLY SIGNED BY ORTIZ AND A LETTER, IN EXCELLENT SPANISH, PURPORTEDLY WRITTEN BY ORTIZ LAST JULY 18 TO THE BISHOP IN HUEHUETENANGO DETAILING THE VARIOUS THREATS SHE HAD RECEIVED AND ASKING PERMISSION TO TAKE HER VACATION EARLY.

10. (U) ON NOVEMBER 13, EMBOFF SPOKE TO OFFICIALS FROM THE POLICE OFFICE OF PROFESSIONAL RESPONSIBILITY (OPR) WHO WERE LOOKING INTO THE CASE. THEY SAID NO POLICE CAR WITH A "NUMBER 7" PATROLS MIXCO. ONLY TWO CARS ARE ASSIGNED TO THE MIXCO AREA AND NEITHER OF THEM HAS A NUMERAL "7."

11. (LOU) COMMENT: THE NUNCIO'S AIDE MEMOIRE SEEMS DESIGNED TO ADDRESS DOUBTS THAT HAVE EMERGED ABOUT ORTIZ'S STORY IN THAT, FOR THE FIRST TIME, IT CLAIMS THAT ORTIZ WAS VISITED AND TREATED BY A DOCTOR. THE NUNCIO HIMSELF NEVERTHELESS ADMITTED DOUBTS THAT THE KIDNAPPERS USED PUBLIC TRANSPORTATION TO MOVE ORTIZ FROM ANTIGUA TO MIXCO.

12. (LOU) THE ORTIZ STORY STILL DRAWS ATTENTION FROM THE PRESS AND HIGH-LEVELS OF THE GOG. SENIOR CHURCH OFFICIALS CONTINUE TO STAND BY ORTIZ'S CLAIMS, BUT GOG AUTHORITIES ARE CLEARLY IRRITATED BY AND SKEPTICAL OF THE STORY.

13. (LOU) WE NOTE THAT THE ENGLISH LANGUAGE VERSION OF HER STORY, FAXED TO US BY ARA/CEN ON NOVEMBER 13, VARIES SLIGHTLY FROM THE SPANISH LANGUAGE VERSION. THE CURIOUS SYNTAX AND THE REFERENCES TO "NORTH AMERICAN" EMBASSY AND "NORTH AMERICAN" PERSONS SEEM TO INDICATE THAT THE STATEMENT WAS NOT WRITTEN BY A NATIVE ENGLISH SPEAKER OR WAS POORLY TRANSLATED FROM A SPANISH-LANGUAGE ORIGINAL.
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PAGE 01 GENEVA 00971 01 OF 06 021736Z
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PAGE 02 GENEVA 00971 01 OF 06 021736Z

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UNCLAS SECTION 01 OF 06 GENEVA 00971

LIBREVILLE PASS SAO TOME

E.O. 12356: N/A
TAGS: PHUM, UNHRC-1
SUPJECT: 46TH SESSION OF UN HUMAN RIGHTS COMMISSION: STATEMENT BY CUBAN UNDERSECRETARY OF FOREIGN AFFAIRS RAUL ROA KOURI TO THE UN COMMISSION ON HUMAN RIGHTS: ITEM 9, SELF-DETERMINATION, FEBRUARY 1, 1990.

1. THIS IS UNHRC-026

2. BEGIN TEXT:

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SPEECH BY CUBAN UNDERSECRETARY FOR FOREIGN RELATIONS RAUL ROA KOURI ON ITEM 9, FEBRUARY 1, 1990

MADAME CHAIRMAN,

1990 IS THE 30TH ANNIVERSARY OF THE ADOPTION BY THE UN GENERAL ASSEMBLY OF ITS HISTORIC RESOLUTION 1514 (XV), WHICH CONTAINS THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL PEOPLES AND TERRITORIES. IT IS, THEREFORE, A YEAR NOT ONLY OF COMMEMORATION, BUT ALSO A POINT OF DEPARTURE FOR THE INTERNATIONAL LEGAL COMMUNITY TO REINFORCE ITS CONCERTED ACTION AIMED AT GIVING FULL VALIDITY TO THE RICH CONCEPTUAL AND PRACTICAL SOURCE FROM WHICH IT COMES.

EVEN THOUGH IT WAS ADOPTED DURING VERY DIFFERENT HISTORICAL CIRCUMSTANCES, THE DECLARATION TODAY IS AS VALID AS EVER; PARTICULARLY REGARDING ITS CONCEPTIONS OF THE CONNECTION BETWEEN COMPLETE RESPECT OF THE PRINCIPLE OF SELF-DETERMINATION (CONSECRATED IN ARTICLE 1 OF THE SAN FRANCISCO ACCORD) AND THE REAL POTENTIAL OF PEOPLES AND INDIVIDUALS FOR THE EFFECTIVE EXERCISE OF THEIR BASIC RIGHTS AND FUNDAMENTAL LIBERTIES. WITH A LAUDABLE VISION OF THE FUTURE THAT STILL SURPRISES, THE AUTHORS OF THE DECLARATION REACHED BEYOND THE PANORAMA OF OLD-STYLE COLONIALISM - WHOSE TOTAL ERADICATION WAS THE MAJOR CONCERN IN THOSE DAYS - AND AFFIRMED, FOR ALL TIMES, THAT NOT ONLY WAS ANCIENT COLONIALISM AN OVERRIDING OBSTACLE TO THE EFFECTIVE EXERCISE OF THOSE RIGHTS AND LIBERTIES, BUT, IN ADDITION, THESE SAME RIGHTS AND LIBERTIES

WERE UNATTAINABLE UNDER ANY FORM OF FOREIGN

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PAGE 01 GENEVA 00971 02 OF 06 021736Z
ACTION HA-09

INFO	LOG-00	ADS-00	AID-00	INR-05	EUR-00	SS-00	OIC-02
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UNCLAS SECTION 02 OF 06 GENEVA 00971

LIBREVILLE PASS SAO TOME

E.O. 12356: N/A
TAGS: PHUM, UNHRC-1
DOMINATION OR OCCUPATION.

SUCH CONCERN - EXPRESSED IN UNEQUIVOCAL TERMS 3 DECADES AGO - FULL JUSTIFIES THE FACT THAT SINCE 1975 THIS COMMISSION HAS IMPOSED ON ITSELF EVERY YEAR THE TASK OF ANALYZING THE MOST RECENT DEVELOPMENTS IN THE APPLICATION OF THAT ESSENTIAL RIGHT OF PEOPLES TO SELF-DETERMINATION, IN PARTICULAR THOSE PEOPLES WHO STILL SUFFER FOREIGN OR
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COLONIAL DOMINATION, OR ARE SUBJECTED TO MILITARY OCCUPATION OF THEIR RESPECTIVE TERRITORIES.
WE ARE STILL VERY FAR FROM THE EFFECTIVE REALIZATION OF THIS KEY PRINCIPLE OF INTERNATIONAL RELATIONS.

THIS IS TRUE IN SPITE OF THE EUPHORIA THAT THE "INFORMATION" MULTINATIONALS PROJECT AND DISSEMINATE, WHICH GIVES US AN ALMOST PANGLOSSIAN VISION IN THIS RESPECT, AND WHICH IS AT LOGGERHEADS WITH PROVEABLE REALITY.

YOU, YOURSELF, MADAME PRESIDENT, IN YOUR OPENING SPEECH, EXHORTED US TO REDOUBLE OUR EFFORTS TO ERADICATE "ALL VIOLATIONS OF HUMAN RIGHTS; IN PARTICULAR FLAGRANT AND MASSIVE VIOLATIONS OF THE RIGHT TO SELF-DETERMINATION."

IT IS NOT INAPPROPRIATE, THEREFORE, TO REVIEW, IF ONLY BY GIVING A BRIEF SUMMARY, SOME OF THE DEVELOPMENTS THAT HAVE OCCURRED IN THE LAST YEAR, AND WHICH PERMIT US TO DRAW A CLEARER IMAGE OF THE SITUATION.

IN THESE LAST MONTHS CERTAIN POSITIVE FACTS HAVE COME ABOUT THAT IN OUR JUDGMENT SHOULD BE HIGHLIGHTED. FIRST, THE CONSOLIDATION AND ADVANCEMENT OF THE PROCESS OF INDEPENDENCE OF NAMIBIA, TO WHICH OUR PEOPLE ARE PROUD OF HAVING CONTRIBUTED BY HAVING INFLICTED ON SOUTH AFRICA, TOGETHER WITH ANGOLAN AND SWAPO ARMED FORCES, THE MILITARY DEFEAT THAT LED FINALLY TO THE NEGOTIATING TABLE AND THE APPLICATION OF RESOLUTION 435 OF THE SECURITY COUNCIL.

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PAGE 01 GENEVA 00971 03 OF 06 021737Z
ACTION HA-09

INFO	LOG-00	ADS-00	AID-00	INR-05	EUR-00	SS-00	OIC-02
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PAGE 02 GENEVA 00971 03 OF 06 021737Z

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UNCLAS SECTION 03 OF 06 GENEVA 00971

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E.O. 12356: N/A
TAGS: PHUM, UNHRC-1

SECOND, MY DELEGATION SALUTES THE UNGA APPROVAL ON DECEMBER 4, 1989, IN RESOLUTION 44/34, OF THE INTERNATIONAL CONVENTION ON THE RECRUITMENT, USE, FINANCING AND TRAINING OF MERCENARIES. CUBA - HERSELF A VICTIM IN 1961 OF THE MERCENARY ATTACK OF GIRON BEACH, INSPIRED, FINANCED, AND ORGANIZED BY THE US GOVERNMENT - TRUSTS THAT THIS LEGAL INSTRUMENT, ACHIEVED AFTER ALMOST A DECADE OF
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PAGE 03 GENEVA 00971 03 OF 06 021737Z

INTENSE EFFORTS, WILL CONSTITUTE AN EFFECTIVE TOOL FOR PREVENTING THE USE OF MERCENARIES AGAINST THE RIGHT OF PEOPLES TO SELF-DETERMINATION OR FOR THE INTERNAL DESTABILIZATION OF SOVEREIGN STATES, AS IN THE CASE OF NICARAGUA, OR FOR THE OVERTHROW OF LEGITIMATELY CONSTITUTED GOVERNMENTS.
REGARDING OLD-WORLD COLONIALISM, IT CAN BE OBSERVED THAT THE LIST OF TERRITORIES ON THE LIST OF THE "COMMITTEE OF 24" IS STILL VERY LONG. AMONG THE COUNTRIES ON THE LIST, PUERTO RICO CONTINUES TO HAVE A SPECIAL SIGNIFICANCE FOR CUBA. THE DAY WILL COME WHEN THE PUERTO RICAN PEOPLE, FREED FROM FOREIGN TUTELAGE, WILL BE INCORPORATED, AS CORRESPONDS BY RIGHT AND IN FULL REAFFIRMATION OF ITS LATIN AMERICAN HERITAGE, TO THE ROLL OF SOVEREIGN AND INDEPENDENT COUNTRIES.

CUBA SUPPORTS
THE RIGHT TO SELF-DETERMINATION AND INDEPENDENCE FOR: THE SAHARAN PEOPLE ACCORDING TO RESOLUTIONS IN THE U.N. AND THE OAU; FOR THE BLACK MAJORITY IN SOUTH AFRICA IN ITS ATTEMPT TO LIBERATE ITSELF FROM THE YOKE OF APARTHEID; FOR THE LEBANESE IN THEIR EFFORT TO RID THEIR COUNTRY OF FOREIGN OCCUPATION, AND THE RIGHT OF SYRIA TO RECOVER THE GOLAN HEIGHTS.

THE JUST CAUSE OF THE INSURRECTION OF THE PALESTINIAN PEOPLES, WHO HAVE BEEN STRIPPED OF THEIR FUNDAMENTAL RIGHTS AND FREEDOMS BY THE ISRAELI FORCES OF OCCUPATION, DESERVES AND HAS OUR UNCONDITIONAL SUPPORT.

THE REPORT SUBMITTED BY THE SPECIAL RAPPORTEUR ON

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PAGE 01 GENEVA 00971 04 OF 06 021737Z
ACTION HA-09

INFO	LOG-00	ADS-00	AID-00	INR-05	EUR-00	SS-00	OIC-02
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PAGE 02 GENEVA 00971 04 OF 06 021737Z

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UNCLAS SECTION 04 OF 06 GENEVA 00971

LIBREVILLE PASS SAO TOME

E.O. 12356: N/A
TAGS: PHUM, UNHRC-1
MERCENARIES, ENRIQUE BERNALES BALLESTEROS, PROVES THE AMPLE RESOURCES OF THESE SO-CALLED "DOGS OF WAR" TO SUBVERT GOVERNMENTS AND DEPRIVE COUNTRIES OF THEIR RIGHT TO SELF-DETERMINATION. THE CASES OF BENIN, SEYCHELLES, THE MALVINAS AND COMOROS ISLANDS PROVE THIS CLEARLY. THE CRIMES OF THE BANDITS THAT OPERATE RESPECTIVELY IN MOZAMBIQUE AND ANGOLA WITH THE ASSISTANCE OF THE SOUTH AFRICANS AND THE U.S. ARE NOTORIOUS. THE ACTIVITIES OF THE CONTRAS IN
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PAGE 03 GENEVA 00971 04 OF 06 021737Z

NICARAGUA, DIRECTED BY TELEPHONE BY THE CIA AND THE PENTAGON IN WASHINGTON, ARE ALSO MENTIONED IN THE IMPORTANT REPORT OF MR. BERNALES.

OUR COMMISSION IS ADVISED - IN CASE ANYONE IS NOT AWARE - WHO HAS VIOLATED AND HOW THEY HAVE VIOLATED THE RIGHTS OF THE COUNTRIES IN THE THIRD WORLD, ALMOST ALWAYS IN THE NAME OF "LIBERTY AND DEMOCRACY," IF NOT IN THE NAME OF THE CONCEPT OF "NATIONAL SECURITY", IN ORDER TO IMPOSE SERVILE GOVERNMENTS WILLING TO GIVE THE RICHES AND RESOURCES OF THESE COUNTRIES TO THE RAPE OF CAPITALIST MULTINATIONAL BUSINESSES.

MRS. CHAIRMAN:

IF THESE CASES HAVE A PARTICULAR RELEVANCE, THERE IS NO DOUBT THAT THE SINGULAR FACT OF MOST IMPORTANT TRANSCENDENCE DURING THIS PERIOD, IN REFERRING TO FLAGRANT AND MASSIVE VIOLATIONS OF HUMAN RIGHTS AND FUNDAMENTAL LIBERTIES AS A RESULT OF FOREIGN AGGRESSIONS THAT DEPRIVE COUNTRIES OF THEIR RIGHT TO *SELF-DETERMINATION, IS THE MILITARY INTERVENTION OF* THE UNITED STATES IN PANAMA AND THE CONTINUED OCCUPATION OF THAT SMALL LATIN AMERICAN COUNTRY SINCE DECEMBER 20.

THERE WAS NO LACK OF EXCUSES - FROM THE "WAR AGAINST NARCOTRAFFICKING"AND THE "DEFENSE OF DEMOCRACY" TO "DEFENDING THE LIVES OF AMERICAN CITIZENS IN PANAMA." NONE OF THESE SERVES TO HIDE THE FLAGRANT TRANSGRESSION OF THE CARDINAL PRINCIPLES OF INTERNATIONAL LAW, THE UNITED NATIONS CHARTER AND

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PAGE 01 GENEVA 00971 05 OF 06 021738Z
ACTION HA-09

INFO	LOG-00	ADS-00	AID-00	INR-05	EUR-00	SS-00	OIC-02
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AMEMBASSY GABORONE
AMEMBASSY BRASILIA
AMEMBASSY SOFIA
AMEMBASSY OTTAWA
AMEMBASSY BEIJING
AMEMBASSY BOGOTA
USINT HAVANA
AMEMBASSY NICOSIA
AMEMBASSY ADDIS ABABA
AMEMBASSY PARIS
AMEMBASSY BANJUL
AMEMBASSY BONN
AMEMBASSY ACCRA
AMEMBASSY BUDAPEST
AMEMBASSY NEW DELHI
AMEMBASSY BAGHDAD
AMEMBASSY ROME
AMEMBASSY TOKYO
AMEMBASSY ANTANANARIVO
AMEMBASSY MEXICO
AMEMBASSY RABAT
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PAGE 02 GENEVA 00971 05 OF 06 021738Z

AMEMBASSY LAGOS
AMEMBASSY PANAMA
AMEMBASSY ISLAMABAD

AMEMBASSY LIMA
AMEMBASSY MANILA
AMEMBASSY LISBON
AMEMBASSY LIBREVILLE
AMEMBASSY DAKAR
AMEMBASSY MOGADISHU
AMEMBASSY MADRID
AMEMBASSY COLOMBO
AMEMBASSY MBABANE
AMEMBASSY STOCKHOLM
AMEMBASSY MOSCOW
AMEMBASSY LONDON
AMEMBASSY CARACAS
AMEMBASSY BELGRADE

UNCLAS SECTION 05 OF 06 GENEVA 00971

LIBREVILLE PASS SAO TOME

E.O. 12356: N/A
TAGS: PHUM, UNHRC-1
THE ORGANIZATION OF AMERICAN STATES.

A FAITHFUL IMAGE OF THAT HISTORICAL FALLACY IS THE PHOTOGRAPH OF THE CURRENT "HEAD OF STATE" OF THAT COUNTRY BEING SWORN IN SURROUNDED BY THE COMMANDERS OF THE INVADING FORCES AT HOWARD BASE AT THE CANAL. SUPPOSEDLY IN (DISTENSION) BETWEEN THE GREAT POWERS, THE GOVERNMENT OF THE UNITED STATES DUSTED OFF ITS "BIG STICK" AND ITS GUNBOAT POLICY TO ADD ONE MORE
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PAGE 03 GENEVA 00971 05 OF 06 021738Z

BEAD ON ITS ROSARY OF AGGRESSIONS PERPETRATED AGAINST THE COUNTRIES IN OUR REGION (THE SEVENTH AGAINST PANAMA), SHOWING ABSOLUTE DISRESPECT OF INTERNATIONAL PUBLIC OPINION AND, IN PARTICULAR, OF THE COUNTRIES OF LATIN AMERICA. THE STATEMENT OF AMBASSADOR MORRIS ABRAM, QUOTED IN A U.S. MISSION BULLETIN, CAUSES GREAT STUPOR. HE SAYS THAT THE INVASION OF PANAMA "ADVANCES FREE DETERMINATION" AND THAT SUCH BOASTING WHICH HE QUALIFIES AS AN "OPERATION" TOOK PLACE FOR "THE DEVELOPMENT OF HUMAN RIGHTS."
MADAM CHAIRMAN:

MY DELEGATION CONSIDERS THAT THIS COMMISSION CANNOT REMAIN SILENT BEFORE THIS MONSTROUS AGGRESSION OR BEFORE THE SPECIOUS AND CYNICAL ARGUMENTS USED TO JUSTIFY IT. THE DAY THAT WE ADMIT THAT A STATE CAN INVADE AND MILITARY OCCUPY ANOTHER COUNTRY TO "ADVANCE THE CAUSE OF HUMAN RIGHTS" WE WOULD BE CAVALIERLY PROSTITUTING THE TERM, UNFORGIVABLY TRAMPLING IN THE DIRT THE KEY PRINCIPLES OF INTERNATIONAL LAW AS TO THE ILLEGITIMATE USE OR THE THREAT OF FORCE IN INTERNATIONAL RELATIONS AND THE

MEDDLING IN INTERNAL AFFAIRS. IN SUM, WE WOULD, IN OTHER WORDS GO BACK TO THE LAW OF THE JUNGLE. ON DEC. 29, THE UNGA GAVE A RESPONSE WITHIN THE POLITICAL SPHERE OF ITS RESOLUTION 44/240 TO THE VANDALISTIC ACTION OF THE U.S. AGAINST PANAMA. A SHORT TIME BEFORE THE OAS HAD DONE THE SAME. . ONLY DAYS AGO IT WAS EXPRESSLY CRITICIZED BY THE EUROPEAN PARLIAMENT. IT IS NOW UP TO OUR COMMISSION TO EVALUATE THE CONSEQUENCES OF THE AGGRESSION AND THE CONTINUED MILITARY OCCUPATION FROM THE PERSPECTIVE

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PAGE 01 GENEVA 00971 06 OF 06 021738Z
ACTION HA-09

INFO	LOG-00	ADS-00	AID-00	INR-05	EUR-00	SS-00	OIC-02
	AF-00	CIAE-00	EB-00	DODE-00	H-01	IO-19	NEA-04
	NSCE-00	ARA-00	NSAE-00	L-03	LAB-04	TRSE-00	EAP-00
	PA-02	STR-18	SIL-01	INRE-00	RP-10	SP-02	SR-06
	PRS-01	P-02	/089 W				

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FM USMISSION GENEVA
TO SECSTATE WASHDC PRIORITY 6500
INFO USMISSION USUN NEW YORK PRIORITY
USIA WASHDC PRIORITY 7059
AMEMBASSY BUENOS AIRES
AMEMBASSY DHAKA
AMEMBASSY BRUSSELS
AMEMBASSY GABORONE
AMEMBASSY BRASILIA
AMEMBASSY SOFIA
AMEMBASSY OTTAWA
AMEMBASSY BEIJING
AMEMBASSY BOGOTA
USINT HAVANA
AMEMBASSY NICOSIA
AMEMBASSY ADDIS ABABA
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UNCLASSIFIED

PAGE 02 GENEVA 00971 06 OF 06 021738Z

AMEMBASSY LAGOS
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UNCLAS SECTION 06 OF 06 GENEVA 00971

LIBREVILLE PASS SAO TOME

E.O. 12356: N/A
TAGS: PHUM, UNHRC-1
OF WHAT THESE 2 ACTIONS MEAN AS A DENIAL OF BASIC HUMAN RIGHTS AND FOUND LIKEWISE TO THE PANAMANIANS; ESPECIALLY TO THE THOUSANDS OF DEAD, MISSING AND MUTILATED PEOPLE WHICH WAS LEFT AS A SEQUEL TO THE SO-CALLED "OPERATION" OF THE U.S. IN PANAMA AND IN DEFENSE OF HUMAN RIGHTS.

MADAM CHAIRMAN,

UNCLASSIFIED

UNCLASSIFIED

PAGE 03 GENEVA 00971 06 OF 06 021738Z

MY DELEGATION CONSIDERS THAT OUR DECISION IS WORTHY OF THEIR TRANSCENDENTAL IMPORTANCE. MY DELEGATION BELIEVES THAT ONE CANNOT FAIL TO RESPOND TO THE ACTIONS IN REGARD TO PANAMA THAT WE HAVE RELATED. MY DELEGATION CONGRATULATES THE SPECIAL RAPPORTEUR ON MERCENARIES FOR ITS VALUABLE REPORT AND FOR

DECIDING TO CONTINUE INFORMING US ON SUCH AN IMPORTANT MATTER. YOUR WORK ON THIS MATTER IS EVEN MORE IMPORTANT WHEN WE REALIZE THAT THE RECENTLY ADOPTED COVENANT DOES NOT CONTEMPLATE A MECH ANISM TO MONITOR FUTURE EVENTS.

FINALLY, I WOULD LIKE TO REITERATE OUR DISPOSITION TO INITIATE ACTIONS ON SUCH MATTERS OR TO COOPERATE WITH OTHER DELEGATIONS WHO WOULD ACT ON THE SAME FUNDAMENTALS. THANK YOU. END TEXT. ABRAM

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*** Current Handling Restrictions *** n/a
*** Current Classification *** UNCLASSIFIED

ROUTINE

[redacted] Human Rights Special Project (1993)

[redacted] UNCLASSIFIED INCOMING

ACTION

DEPARTMENT OF STATE
ARA/NEA REARCS

PAGE 01 SAN SP 01688 00 OF 02 0607282 008092 01997
ACTION: ES-IC

INFO: LARA-01 DCEN-01 REG-01 NCO (01) PPA (01) ARA (06)
05 0956Z A2 RD (TOTAL COPIES: 013)

ACTION ARA-00

INFO LOG-00 ADS-00 NP-05 DIAE-00 NSAE-00 VO-06 INRE-00
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R 0523592 FEB 90
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 5821

[redacted] SALVADOR 01688

NOFORN

DEPT FOR ARA CEN AND OPR/HR/C

E.O. 12356: DECL:OADR
TAGS: OVIP, ES, PINR, PREL, BENAVIDES, GUILLERMO ALFREDO
ET AL
SUBJECT: BIO DATA IN JESUIT CASE

REF: STATE 015732

1. POST HAS OBTAINED THE FOLLOWING BIOGRAPHIC INFORMATION ON THE OFFICERS SUSPECTED OF THE MURDER OF THE JESUITS.

2. BENAVIDES MORENO, GUILLERMO ALFREDO (COL.)

(A) UNTIL THE JESUIT MURDER, BENAVIDES HAD BEEN CONSIDERED A MODERATE CONSERVATIVE, TRUSTED BY FORMER PRESIDENT DUARTE AND RECEPTIVE TO U.S. ADVICE. HE WAS RESPECTED BY COL. PONCE AND PART OF THE POWERFUL "SINFONICA TANDA," THE MILITARY ACADEMY CLASS OF 1966, BUT NOT PART OF THE INNER CIRCLE. HE IS REPORTED TO BE INTELLIGENT, WELL-INFORMED, AND FRIENDLY, BUT WAS NOT KNOWN TO TAKE THE INITIATIVE IN MILITARY MATTERS. HE WAS THE DIRECTOR OF THE MILITARY ACADEMY AT THE TIME OF THE JESUIT MURDERS. IMMEDIATELY BEFORE THE NOVEMBER OFFENSIVE, BENAVIDES' 15 YEAR OLD SON WAS CRIPPLED FROM THE NECK DOWN BY THE GUILLAIN-BARRE VIRUS.

(B) PERSONAL DATA: DOB: 18 JUNE, 1945, MARRIED.

(C) MILITARY CAREER: BENAVIDES GRADUATED FROM THE MILITARY ACADEMY IN 1966 AND WAS COMMISSIONED IN THE INFANTRY. HE WAS PROMOTED TO MAJOR IN 1976 AND LT. COL. IN 1981. IN 1983-84, HE SERVED AS EXECUTIVE OFFICER OF THE 6TH INFANTRY BRIGADE AND AS CHIEF OF OPERATIONS OF THE NATIONAL POLICE. UNDER PRESIDENT DUARTE, HE WAS MADE COMMANDER OF THE BELLOSO IMMEDIATE ACTION BATTALION IN SAN SALVADOR FROM 84-86, AN IMPORTANT POSITION. HE SERVED AS COMMANDER OF THE 3RD MILITARY DETACHMENT IN LA UNION, AND WAS MADE COMMANDER OF THE 5TH MILITARY DETACHMENT IN COJUTEPEQUE IN JUNE, 1987. HE SERVED AS HEAD OF INTELLIGENCE (J-2) FOR THE JOINT GENERAL STAFF. IN THIS POSITION, HE HAD THE RESPONSIBILITY OF APPROVING THE VISITS OF ALL FOREIGNERS, INCLUDING CHURCH AND HUMAN RIGHTS WORKERS, TO THE CONFLICT ZONES. IN JUNE '89, HE WAS APPOINTED DIRECTOR OF THE MILITARY ACADEMY.

3. MENDOZA VALLECILLOS, [redacted] (1 LT.)

(A) DOB: 8 JAN. 1964; ENTERED SERVICE NOV. 81; LAST PROMOTION: DEC.

SAN SA 01688 00 OF 02 0607282 008092 01997

(B) MENDOZA WAS APPOINTED AN INSTRUCTOR AT THE MILITARY ACADEMY AFTER HIS GRADUATION FROM IT IN 1984. HE WAS CONSIDERED AN EXCELLENT INSTRUCTOR AND FIRM DISCIPLINARIAN, BUT WAS POLITE AND FRIENDLY TO SENIOR OFFICERS. HE WAS THE SENIOR OFFICER AT THE SCENE OF THE JESUIT MURDER. MENDOZA IS THE SON-IN-LAW OF LEOPOLDO ("POLO") HERNANDEZ, FORMER VICE MINISTER OF PUBLIC SECURITY AND CURRENT SALVADORAN MILITARY ATTACHE TO MEXICO.

4. ESPINOZA GUERRA, JOSE RICARDO (1 LT.)

(A) DOB: 7 APRIL 1961; ENTERED MILITARY SERVICE IN FEB. 1982. LAST PROMOTED JULY 1988.

(B) ESPINOZA GRADUATED FROM THE MILITARY ACADEMY IN 1982 AS AN AIR FORCE OFFICER. HE DID NOT PASS FLIGHT TRAINING IN THE U.S., AND WAS REPORTEDLY DISCHARGED FROM THE AIR FORCE BY GEN. RAFAEL BUSTILLO AS AN EXAMPLE TO OTHER ASPIRING PILOTS. OTHER SOURCES ALLEGE THAT HE WAS REMOVED FROM THE AIR FORCE FOR FAILING TO CARRY OUT AN ORDER THAT HE BELIEVED WAS QUESTIONABLE. HE LATER ENLISTED IN THE ARMY, WENT THROUGH OCS, AND WAS COMMISSIONED AS AN ARMY OFFICER. HE RECEIVED U.S. ARMY SPECIAL FORCES, AIR ASSAULT, AND AIRBORNE TRAINING AT FORT BRAGG. HE WAS KNOWN AS A QUIET AND POLITE OFFICER WHO WOULD LISTEN TO SUBORDINATES. DURING HIS TIME AT FORT BRAGG, HIS HIGH TELEPHONE BILLS FROM CALLS TO HIS GIRLFRIEND LED A SUPERIOR OFFICER TO QUESTION HIS MATURITY.

5. GUEVARA CERRITOS, GONZALO (2ND LT.)

(A) DOB: 2 DEC 1962; ENTERED ARMED FORCES APRIL 1988;

LAST PROMOTED DEC '88.

(B) GUEVARA WAS A NCO PROMOTED THROUGH THE RANKS. HE SERVED IN THE BELLOSO BRIGADE AND IN THE COMMANDO UNIT OF THE ATLACATL. HE WAS ONE OF NINE WHO SURVIVED A DEVASTATING FMLN ATTACK ON THE BELLOSO IN 1983. HE WAS DESCRIBED AS AGGRESSIVE, BUT RELATED WELL TO LOWER RANKING SOLDIERS.

DIETERICH

Department of State IS/FPC/CDR El Salvador SP Date 9-23-93
Declassified under EO 12356 (X) in full: ( ) in part:
portions withheld: classified ( ); deliberative ( );
law enforcement ( ); privacy ( ); statutory ( );
not relevant to El Salvador ( ).

[redacted]

UNCLASSIFIED

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Department of State

INCOMING TELEGRAM

E1239

PAGE 01 GUATEM 01543 08 OF 02 071912Z 8442
ACTION ROSE-00

INFO LOG-00 ADS-00 H-01 ARA-00 HA-09 OCS-06 [illegible]A-02
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123414 071912Z /[illegible]

R 052318Z FEB 90
FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC 8252

UNCLAS GUATEMALA 01543

H-PASS

E.O. 12356: N/A
TAGS: CONGRINT, PHUM, GT
SUBJECT: RESPONSE TO SEN. BOREN RE CASE OF SR. DIANA ORTIZ

BEGIN TEXT

SENATOR DAVID BOREN
440 SO. HOUSTON,
SUITE 602,
TULSA, OKLAHOMA 74127

DEAR SENATOR BOREN:

I WRITE IN RESPONSE TO YOUR LETTER OF JANUARY 18 TO AMBASSADOR MICHEL RELAYING THE CONCERNS OF YOUR CONSTITUENT, SISTER JOANNE EUSTICE, REGARDING THE CASE OF SISTER DIANA N. ORTIZ. AMBASSADOR MICHEL RETURNED TO WASHINGTON LAST SUMMER AT THE CONCLUSION OF HIS TOUR HERE; I ASSUMED CHARGE OF THE U.S. EMBASSY IN GUATEMALA IN OCTOBER.

SR. DIANA ORTIZ HAS NOT SIGNED A "PRIVACY ACT WAIVER" AND AS A CONSEQUENCE I AM LIMITED IN WHAT I CAN SAY ABOUT THIS CASE. I CAN ASSURE YOU AND YOUR CONSTITUENT, NEVERTHELESS, THAT THIS EMBASSY IS WELL AWARE OF THE CASE OF SISTER DIANA ORTIZ AND HAS BEEN EXTREMELY ACTIVE FROM THE BEGINNING IN SEEKING A THOROUGH INVESTIGATION INTO ALLEGATIONS THAT SHE WAS ABDUCTED AND TORTURED LAST NOVEMBER 2 - 3. I VISITED HER MYSELF ON TWO OCCASIONS TO ENQUIRE AS TO HER HEALTH AND TO OFFER EMBASSY ASSISTANCE. OUR CONSUL GENERAL ESCORTED SR. DIANA TO THE AIRPORT TO ENSURE THAT SHE LEFT THE COUNTRY WITHOUT PROBLEM. WE CONTINUE TO WORK WITH THE LOCAL POLICE AND HAVE RECENTLY RECEIVED A COMMUNICATION FROM SR DIANA'S ATTORNEY. AS U.S. AMBASSADOR TO GUATEMALA, I CONSIDER MY FOREMOST PRIORITY TO BE THAT OF ENSURING THE SAFETY OF AMERICAN CITIZENS. UNFORTUNATELY, DESPITE OUR STRENOUS EFFORTS, WE HAVE BEEN UNABLE TO INTERVIEW SISTER DIANA. SHE REFUSES TO TALK WITH ANY U.S. OFFICIAL AND COMMUNICATES ONLY THROUGH THIRD PARTIES OR BY AFFIDAVITS FILED BY HER ATTORNEY.

YOUR CONSTITUENT ASKS THAT ALL U.S. NATIONAL GUARDS BE WITHDRAWN AND THAT ALL U.S. AID TO GUATEMALA BE SUSPENDED. I WISH TO POINT OUT THAT THERE ARE NO U.S. NATIONAL GUARD PERSONNEL HERE ON A PERMANENT BASIS. I BELIEVE YOUR CONSTITUENT IS REFERING TO THE PERIODIC MEDICAL EXERCISES CARRIED OUT BY NATIONAL GUARD DOCTORS, NURSES, DENTISTS, AND VETERINARIANS FROM VARIOUS STATES. THE PRIMARY PURPOSE OF THESE EXERCISES IS TO TRAIN U.S. MEDICAL PERSONNEL IN HOW TO FUNCTION IN A WIDE RANGE OF ENVIRONMENTS AND ARE OF SHORT TERM DURATION; THESE MEDICAL EXERCISES TAKE PLACE THROUGHOUT LATIN AMERICA.

THROUGH THE GUATEMALAN MINISTRY OF PUBLIC HEALTH AND IN CONJUNCTION WITH GUATEMALAN DOCTORS, NURSES, AND OTHER

GUATEM 01543 08 OF 02 071912Z 8442

HEALTH SPECIALISTS, U.S. NATIONAL GUARD MEDICAL PERSONNEL VISIT REMOTE AND POOR VILLAGES THAT WOULD OTHERWISE NOT SEE A DOCTOR. THIS IS PART OF AN ONGOING GUATEMALAN HEALTH PROJECT DESIGNED TO RAISE THE OVERALL HEALTH LEVELS OF ISOLATED RURAL AREAS. THEY HAVE TREATED OVER 45,000 PEOPLE AND SOME 38,000 OF THEIR ANIMALS; THIS PROGRAM IS EXTREMELY POPULAR WITH THE RURAL POOR OF GUATEMALA AND, AS STATED, PROVIDES AN EXCELLENT TRAINING OPPORTUNITY FOR OUR PERSONNEL. IT WOULD BE A SERIOUS MISTAKE TO SUSPEND SUCH A WORTHWHILE PROGRAM THAT BENEFITS THE PEOPLE OF BOTH COUNTRIES.

OUR AID TO GUATEMALA, SUSPENDED FOR EIGHT YEARS UNDER PREVIOUS MILITARY REGIMES, SEEKS TO FURTHER THE DEVELOPMENT OF THE FRAGILE DEMOCRATIC PROCESS NOW UNDERWAY. THIS AID PROMOTES THE ECONOMIC, SOCIAL, AND POLITICAL DEVELOPMENT OF THE COUNTRY--AN OBJECTIVE IN THE INTEREST NOT ONLY OF THE PEOPLE OF GUATEMALA BUT OF THE UNITED STATES AS WELL. THE MILITARY COMPONENT OF OUR ASSISTANCE HAS AVERAGED UNDER 6 PERCENT OF THE TOTAL GIVEN THE DEMOCRATICALLY-ELECTED GOVERNMENT OF PRESIDENT CEREZO. ALL OF OUR MILITARY ASSISTANCE IS IN THE FORM OF NONLETHAL AID WHICH PRIMARILY SEEKS TO HELP CARRY OUT DEVELOPMENT PROJECTS IN AREAS WHERE CIVILIAN AUTHORITIES MAY NOT YET BEEN ABLE TO ESTABLISH THEMSELVES EFFECTIVELY. IN ADDITION, WE PROVIDE OFFICER TRAINING IN THE UNITED STATES IN ORDER TO IMPART TO THEM OUR STRONG BELIEFS IN STRICT OBSERVANCE OF HUMAN RIGHTS AND IN THE PRIMACY OF CIVILIAN AUTHORITY OVER THE MILITARY. SMALL AS IT MAY BE, OUR NONLETHAL MILITARY ASSISTANCE PROGRAM IS A VITAL PART OF OUR EFFORT TO PROMOTE THE ESTABLISHMENT OF DEMOCRATIC INSTITUTIONS AND BEHAVIOR HERE.

I HOPE THIS INFORMATION IS OF USE TO YOU AND SR. JOANNE EUSTICE. PLEASE DO NOT HESITATE TO CONTACT ME IF I CAN BE OF FURTHER HELP TO YOU. SINCERELY, THOMAS F. STROOCK, UNITED STATES AMBASSADOR. END TEXT.

STROOCK

Ortiz, Diana GTM
Guatemala

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 07/12/95
Case ID: 9512232

Department of

[redacted]

AN: D910126-0645

PAGE 01 SAN SA 01650 01 OF 02 071512Z
ACTION ARA-01

INFO LOG-00 ACDA-13 ADS-00 AID-01 CIAE-00 C-01 DODE-00
HA-09 H-01 INRE-00 INR-05 L-03 NSAE-00 NSCE-00
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SS-01 TRSE-00 T-01 USIE-00 /044W
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P 071504Z FEB 90
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC PRIORITY 4947

[redacted] SECTION 01 OF 02 SAN SALVADOR 01650

E.O. 12356: DECL:OADR
TAGS: PINS, PHUM, PGOV, ES
SUBJECT: AMBASSADOR POINTS OUT DAMAGE ESAF ERRORS CAUSING GOES, USG POLICY

1. [redacted] ENTIRE TEXT

2. SUMMARY: ON FEBRUARY 5 THE AMBASSADOR RAISED WITH PRESIDENT CRISTIANI THE 2/2 CONFRONTATION BETWEEN JOURNALISTS AND COL. LEON LINARES, POSSIBLE REVELATIONS IN THE AYUTUXTEPEQUE MURDERS, DELAYS IN THE ZONA ROSA CASE AND, MOST IMPORTANTLY, CONTINUED ESAF INACTION ON THE JESUIT CASE TO HIGHLIGHT HOW USG EFFORTS TO SUPPORT THE SALVADORAN MILITARY HAVE MET WITH CONTINUED STONEWALLING. THE ESAF AND GOES COULD NOT EXPECT CONTINUED USG SUPPORT IN THE FACE OF SUCH CONSTANT REBUFFS, NOR COULD IT HOPE TO ESCAPE [redacted]

PAGE 02 SAN SA 01650 01 OF 02 071512Z
CRITICISM AND REPERCUSSIONS FOR INACTION ON THE JESUIT CASE. END SUMMARY.

3. PRESIDENT CRISTIANI, MINISTER OF THE PRESIDENCY OSCAR SANTAMARIA, FOREIGN MINISTER MANOLO PACAS AND PRIVATE SECRETARY ARTURO TONA MADE LITTLE COMMENT AS THE AMBASSADOR, ACCOMPANIED BY DCM, REVIEWED A RANGE

Department of State/ARA/CEN El Salvador SP Date 9-22-95
Declassified under EO 12356 (X) in full; ( ) in part;
portions withheld: classified ( ); deliberative ( );
law enforcement ( ); privacy ( ), statutory ( );
not relevant to El Salvador ( ).

Declassified
E.O. Section Human Rights
Special Review Group

OF ESAF ACTIONS INDICATING WHAT SEEMED TO BE DELIBERATE REFUSAL TO CONSIDER THEIR IMPACT ON THE RELATIONSHIP WITH THE USG. THIS, THE AMBASSADOR POINTED OUT, AFTER REPEATED USG EFFORTS TO SUPPORT THE MILITARY IN THE FACE OF THE FMLN OFFENSIVE, THE SAM THREAT AND THE RESULTANT LOSS OF ESAF AIRCRAFT. ESAF CLAIMS OF RECEIVING MIXED SIGNALS FROM THE USG WERE DISINGENUOUS -- OUR FREQUENT DEMARCHES, PARTICULARLY ON THE JESUIT CASE, WERE CLEAR AND SUPPORTED BY MESSAGES FROM US CONGRESSIONAL AND MILITARY FRIENDS OF EL SALVADOR.

4. THE AMBASSADOR BEGAN HIS LIST WITH THE FEBRUARY 2 DETENTION OF 18 INTERNATIONAL JOURNALISTS BY COL. LEON LINARES, WHO, AFTER ALLEGING THEY HAD RUN MILITARY ROADBLOCKS, CONFISCATED THEIR MATERIALS IN VIOLATION OF ESAF STANDING ORDERS NOT TO INTERFERE WITH JOURNALISTS. JOURNALISTS FURTHER ALLEGED THAT LINARES MADE REPEATED STATEMENTS WHICH COULD BE INTERPRETED AS THREATS AGAINST THEM. LEON LINARES' ACTIONS SERVED TO CONVERT A POTENTIAL PUBLICITY BONANZA FOR THE GOES -- FMLN-FSLN TENSIONS OVER THE MISSILES' RETURN -- INTO A SERIOUS PRESS PROBLEM. IN A SITUATION WHERE THE FMLN HAD BEEN FORCED BY ITS ERSTWHILE ALLIES TO TURN IN

ADVANCED WEAPONS, THE NEWS STORY WOULD INSTEAD FOCUS ON ESAF ABUSE OF JOURNALISTS.

5. CRISTIANI THEN INTERVENED TO SAY THAT LEON LINARES HAD ORDERS NOT TO LET JOURNALISTS TRAVEL TO WITNESS THE MISSILE EXCHANGE. THE ORDERS REFLECTED REQUESTS BY THE NICARAGUAN AND MEXICAN GOVERNMENTS TO KEEP THE EXCHANGE CONFIDENTIAL, PLUS GOES CONCERNS THAT THE FMLN WOULD CONVERT THE CEREMONY INTO A CIRCUS. WELL AND GOOD, THE AMBASSADOR REPLIED, BUT DESPITE YOUR BEST EFFORTS THE JOURNALISTS ARRIVED, WITNESSED THE EXCHANGE, AND WERE ON THEIR WAY BACK -- WHAT GOOD WAS IT TO HARASS THEM ON THEIR RETURN? CRISTIANI RETURNED THAT THE JOURNALISTS WERE DELIBERATELY BREAKING GOES REGULATIONS. THE AMBASSADOR REPLIED THAT THE POINT COULD HAVE BEEN MADE IN A WAY THAT DID NOT SOUR GOES MEDIA RELATIONS AND THE POTENTIAL PR BENEFITS THE MISSILE EXCHANGE COULD HAVE PRODUCED.

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Digital Project (1993)

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5. THE AMBASSADOR THEN TURNED TO ALLEGATIONS MADE BY TUTELA LEGAL ON THE AYUTUXTEPEQUE KILLINGS OF FIRST BRIGADE INVOLVEMENT IN THE DEATHS. GIVEN THE PERSISTENT RUMORS SURROUNDING THE FIRST BRIGADE, AND THE UNRESOLVED ALLEGATIONS MADE AGAINST THE FIRST BRIGADE BY JOYA MARTINEZ, IT WAS IMPORTANT THAT THE ESAF NOT REJECT TUTELA'S ALLEGATIONS OUT OF HAND. THE SIU SHOULD CONTINUE AN ALL-OUT INVESTIGATION OF THE CASE, REFRAINING FROM COMING TO ANY PUBLIC CONCLUSIONS UNTIL ALL THE INFORMATION WAS IN. CRISTIANI SAID HE AGREED COMPLETELY. HE WOULD GET A BRIEFING FROM THE SIU ON THE CASE THAT DAY, AND THE AGREED PUBLIC

PAGE 04 SAN SA 01650 01 OF 02 071512Z
STATEMENTS WOULD INDICATE ONLY THAT THE INVESTIGATION WAS CONTINUING AND THAT IT WAS TOO EARLY TO COME TO ANY CONCLUSIONS.

7. THE AMBASSADOR THEN RAISED THE ZONA ROSA CASE, NOTING THAT IN THE LAST EIGHT MONTHS NOTHING HAS HAPPENED BECAUSE OF AN APPARENT REFUSAL BY THE MILITARY TO CONVENE THE NECESSARY COURT TO PASS ACTION BACK TO THE CIVILIAN JUDICIARY. THIS CASE HAS DRAGGED ON FOR FIVE YEARS, THE AMBASSADOR NOTED, AND WAS A DISTURBING PRECEDENT AS WE LOOKED TOWARDS A POSSIBLE

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INFO LOG-00 ACDA-13 ADS-00 AID-01 CIAE-00 C-01 DODE-00
HA-09 H-01 INRE-00 INR-05 L-03 NSAE-00 NSCE-00
OMB-01 PA-01 PM-01 PRS-01 P-02 SNP-01 SP-01
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P 071504Z FEB 90
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC PRIORITY 4948

[redacted] SECTION 02 OF 02 SAN SALVADOR 01650

E.O. 12356: DECL:OADR
TAGS: PINS, PHUM, PGOV, ES
SUBJECT: AMBASSADOR POINTS OUT DAMAGE ESAF ERRORS

SALVADORAN PROSECUTION OF THE PICKETT/DAWSON MURDERS. CRISTIANI SAID HE HAD NO IDEA WHERE THE CASE STOOD, BUT WOULD CERTAINLY CHECK INTO IT.

8. FINALLY, THE AMBASSADOR SAID, IT IS PAINFUL TO HAVE TO EXPRESS ONE MORE TIME THE ADMINISTRATION'S FRUSTRATION OVER CONTINUING ESAF INACTION ON THE JESUIT CASE. DESPITE OUR REPEATED DEMARCHES TO THE PRESIDENT AND THE MINISTER OF DEFENSE, THE ESAF CONTINUES TO BELIEVE IT CAN SHUN ITS RESPONSIBILITY TO COME FORWARD WITH INFORMATION ON THE CASE. THIS IS NOT AN ACTION DEPENDENT ON JUDICIAL QUERIES, BUT AN ACT OF RESPONSIBILITY NECESSARY TO HEAL THE

[redacted]

INSTITUTION AND SET IT ON A NEW COURSE.
UNFORTUNATELY, THE CURRENT MOD SEEMED UNABLE TO EITHER COMPREHEND THE NEED FOR ACT ON IT, AND WAS THUS CONTRIBUTING TO THE DAMAGE THE MILITARY AS A WHOLE, AND GOES USG RELATIONS, ARE SUFFERING.

9. NOT ONLY THE EMBASSY AND THE DEPARTMENT OF STATE HAVE TRANSMITTED THIS MESSAGE, THE AMBASSADOR

[redacted]

Declassified
Special Project (1994)

[redacted]

CONTINUED. SEVERAL CONGRESSMEN, MOST RECENTLY MURTHA, HAVE COME TO EL SALVADOR SPECIFICALLY TO WARN THE ESAF THAT CONTINUED STONEWALLING ON THE CASE WOULD TRANSLATE INTO FURTHER CUTS IN MILITARY ASSISTANCE -- POSSIBLY THE TOTAL ELIMINATION OF SUCH ASSISTANCE. GENERAL JOULWAN -- WHO HAS CERTAINLY PROVEN HIS SUPPORT TO THE ESAF -- DELIVERED THE SAME MESSAGE TO MOD PONCE ON JANUARY 29, URGING HIM TO TAKE THE INITIATIVE ON THE CASE, AND "CUT THE CANCER OUT."

10. ALL OUR EFFORTS, THE AMBASSADOR CONCLUDED, WERE MET WITH NODS OF THE HEAD AND NO ACTION. PONCE HAS NEVER RESPONDED TO QUESTIONS PUT TO HIM, NOR HAS HE TAKEN ANY OF THE ACTIONS SUGGESTED TO HIM. MORE AND MORE, OUR PLEAS ARE MET WITH SILENCE. THIS WAS ALL THE MORE GRATING GIVEN OUR EFFORTS TO RESPOND TO GOES NEEDS ON THE ECONOMIC FRONT, AND SPECIFICALLY OUR EFFORTS TO SUPPORT THE MILITARY IN THE FACE OF INCREASED FMLN THREATS. ONCE MORE, THE AMBASSADOR SAID, LET ME MAKE CLEAR THAT THE JESUIT CASE REMAINS OF PREDOMINANT IMPORTANCE TO OUR RELATIONSHIP.

11. COMMENT: OUR PLEAS ON THE JESUIT CASE WERE ONCE [redacted]

[redacted]

AGAIN MET WITH SILENCE. IT IS BECOMING CLEAR THAT THE ESAF HAS NO INCLINATION TO MOVE FORWARD AND CRISTIANI IS NOT WILLING TO PRESS PONCE ON THE ISSUE -- WITNESS HIS ACCEPTANCE OF PONCE'S REFUSAL TO APPEAR PERSONALLY BEFORE THE COURT. SEPTEL WILL CONVEY AMBASSADOR'S THOUGHTS ON WHERE WE STAND WITH THE ESAF AND THE JESUIT CASE. WALKER

[redacted]

[redacted] UNCLASSIFIED

RELEASED
El Salvador: Human Rights
Special Project (1993)
INCOMING

PRIORITY UNCLASSIFIED [redacted]

RELEASE DEPARTMENT OF STATE
ARA/NEA REARCS

INFO: OCEN (01) LARA (01) NCO (01) REG (01) JS (01) RJ (01) ARA (01)
PPC (01) OAS (01) PPA (01) MK (01)
---------- 97/16112 A1 LM (TOTAL COPIES: 013)
ACTION ARA-00

INFO	LOG-00	ACDA-13	ADS-00	AID-00	CIAE-00	C-01	DODE-00
	HA-09	H-01	INRE-00	INR-05	L-03	NSAE-00	NSCE-00
	OMB-01	PA-01	PM-00	PRS-01	P-02	SNP-00	SP-00
	SS-00	TRSE-00	T-01	USIE-00	/044W		

---------- 3F5558 0716092 /49 43

P 071504Z FEB 90
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC PRIORITY 4947

[redacted] SAN SALVADOR 01650

E.O. 12356: DECL: OADR
TAGS: PINS, PHUM, PGOV, ES
SUBJECT: AMBASSADOR POINTS OUT DAMAGE ESAF ERRORS CAUSING GOES, USG POLICY

1. [redacted] ENTIRE TEXT

2. SUMMARY: ON FEBRUARY 5 THE AMBASSADOR RAISED WITH PRESIDENT CRISTIANI THE 2/2 CONFRONTATION BETWEEN JOURNALISTS AND COL. LEON LINARES, POSSIBLE REVELATIONS IN THE AYUTUXTEPEQUE MURDERS, DELAYS IN THE ZONA ROSA CASE AND, MOST IMPORTANTLY, CONTINUED ESAF INACTION ON THE JESUIT CASE TO HIGHLIGHT HOW USG EFFORTS TO SUPPORT THE SALVADORAN MILITARY HAVE MET WITH CONTINUED STONEWALLING. THE ESAF AND GOES COULD NOT EXPECT CONTINUED USG SUPPORT IN THE FACE OF SUCH CONSTANT REBUFFS, NOR COULD IT HOPE TO ESCAPE

CRITICISM AND REPERCUSSIONS FOR INACTION ON THE JESUIT CASE. END SUMMARY.

3. PRESIDENT CRISTIANI, MINISTER OF THE PRESIDENCY OSCAR SANTAMARIA, FOREIGN MINISTER MANOLO PACAS AND PRIVATE SECRETARY ARTURO TONA MADE LITTLE COMMENT AS THE AMBASSADOR, ACCOMPANIED BY DCM, REVIEWED A RANGE OF ESAF ACTIONS INDICATING WHAT SEEMED TO BE DELIBERATE REFUSAL TO CONSIDER THEIR IMPACT ON THE RELATIONSHIP WITH THE USG. THIS, THE AMBASSADOR POINTED OUT, AFTER REPEATED USG EFFORTS TO SUPPORT THE MILITARY IN THE FACE OF THE FMLN OFFENSIVE, THE SAM THREAT AND THE RESULTANT LOSS OF ESAF AIRCRAFT. ESAF CLAIMS OF RECEIVING MIXED SIGNALS FROM THE USG WERE DISINGENUOUS -- OUR FREQUENT DEMARCHES, PARTICULARLY ON THE JESUIT CASE, WERE CLEAR AND SUPPORTED BY MESSAGES FROM US CONGRESSIONAL AND MILITARY FRIENDS OF EL SALVADOR.

4. THE AMBASSADOR BEGAN HIS LIST WITH THE FEBRUARY 2 DETENTION OF 18 INTERNATIONAL JOURNALISTS BY COL. LEON LINARES, WHO, AFTER ALLEGING THEY HAD RUN MILITARY ROADBLOCKS, CONFISCATED THEIR MATERIALS IN VIOLATION OF ESAF STANDING ORDERS NOT TO INTERFERE WITH JOURNALISTS. JOURNALISTS FURTHER ALLEGED THAT LINARES MADE REPEATED STATEMENTS WHICH COULD BE INTERPRETED AS THREATS AGAINST THEM. LEON LINARES' ACTIONS SERVED TO CONVERT A POTENTIAL PUBLICITY BONANZA FOR THE GOES -- FMLN-FSLN TENSIONS OVER THE MISSILES' RETURN -- INTO A SERIOUS PRESS PROBLEM. IN A SITUATION WHERE THE FMLN HAD BEEN FORCED BY ITS ERSTWHILE ALLIES TO TURN IN

ADVANCED WEAPONS, THE NEWS STORY WOULD INSTEAD FOCUS ON ESAF ABUSE OF JOURNALISTS.

SAN SA 01650 00 OF 02 071512Z 016638 S001094

5. CRISTIANI THEN INTERVENED TO SAY THAT LEON LINARES HAD ORDERS NOT TO LET JOURNALISTS TRAVEL TO WITNESS THE MISSILE EXCHANGE. THE ORDERS REFLECTED REQUESTS BY THE NICARAGUAN AND MEXICAN GOVERNMENTS TO KEEP THE EXCHANGE CONFIDENTIAL, PLUS GOES CONCERNS THAT THE FMLN WOULD CONVERT THE CEREMONY INTO A CIRCUS. WELL AND GOOD, THE AMBASSADOR REPLIED, BUT DESPITE YOUR BEST EFFORTS THE JOURNALISTS ARRIVED, WITNESSED THE EXCHANGE, AND WERE ON THEIR WAY BACK -- WHAT GOOD WAS IT TO HARASS THEM ON THEIR RETURN? CRISTIANI RETURNED THAT THE JOURNALISTS WERE DELIBERATELY BREAKING GOES REGULATIONS -- THE AMBASSADOR REPLIED THAT THE POINT COULD HAVE BEEN MADE IN A WAY THAT DID NOT SOUR GOES-MEDIA RELATIONS AND THE POTENTIAL PR BENEFITS THE MISSILE EXCHANGE COULD HAVE PRODUCED.

6. THE AMBASSADOR THEN TURNED TO ALLEGATIONS MADE BY TUTELA LEGAL ON THE AYUTUXTEPEQUE KILLINGS OF FIRST BRIGADE INVOLVEMENT IN THE DEATHS. GIVEN THE PERSISTENT RUMORS SURROUNDING THE FIRST BRIGADE, AND THE UNRESOLVED ALLEGATIONS MADE AGAINST THE FIRST BRIGADE BY JOYA MARTINEZ, IT WAS IMPORTANT THAT THE ESAF NOT REJECT TUTELA'S ALLEGATIONS OUT OF HAND. THE SIU SHOULD CONTINUE AN ALL-OUT INVESTIGATION OF THE CASE, REFRAINING FROM COMING TO ANY PUBLIC CONCLUSIONS UNTIL ALL THE INFORMATION WAS IN. CRISTIANI SAID HE AGREED COMPLETELY. HE WOULD GET A BRIEFING FROM THE SIU ON THE CASE THAT DAY, AND THE AGREED PUBLIC

STATEMENTS WOULD INDICATE ONLY THAT THE INVESTIGATION WAS CONTINUING AND THAT IT WAS TOO EARLY TO COME TO ANY CONCLUSIONS.

7. THE AMBASSADOR THEN RAISED THE ZONA ROSA CASE, NOTING THAT IN THE LAST EIGHT MONTHS NOTHING HAS HAPPENED BECAUSE OF AN APPARENT REFUSAL BY THE MILITARY TO CONVENE THE NECESSARY COURT TO PASS ACTION BACK TO THE CIVILIAN JUDICIARY. THIS CASE HAS DRAGGED ON FOR FIVE YEARS, THE AMBASSADOR NOTED, AND WAS A DISTURBING PRECEDENT AS WE LOOKED TOWARDS A POSSIBLE

SALVADORAN PROSECUTION OF THE PICKETT/DAWSON MURDERS. CRISTIANI SAID HE HAD NO IDEA WHERE THE CASE STOOD, BUT WOULD CERTAINLY CHECK INTO IT.

8. FINALLY, THE AMBASSADOR SAID, IT IS PAINFUL TO HAVE TO EXPRESS ONE MORE TIME THE ADMINISTRATION'S FRUSTRATION OVER CONTINUING ESAF INACTION ON THE JESUIT CASE. DESPITE OUR REPEATED DEMARCHES TO THE PRESIDENT AND THE MINISTER OF DEFENSE, THE ESAF CONTINUES TO BELIEVE IT CAN SHUN ITS RESPONSIBILITY TO COME FORWARD WITH INFORMATION ON THE CASE. THIS IS NOT AN ACTION DEPENDENT ON JUDICIAL QUERIES, BUT AN ACT OF RESPONSIBILITY NECESSARY TO HEAL THE INSTITUTION AND SET IT ON A NEW COURSE. UNFORTUNATELY, THE CURRENT MOD SEEMED UNABLE TO EITHER COMPREHEND THE NEED OR ACT ON IT, AND WAS THUS CONTRIBUTING TO THE DAMAGE THE MILITARY AS A WHOLE, AND GOES-USG RELATIONS, ARE SUFFERING.

9. NOT ONLY THE EMBASSY AND THE DEPARTMENT OF STATE HAVE TRANSMITTED THIS MESSAGE, THE AMBASSADOR CONTINUED. SEVERAL CONGRESSMEN, MOST RECENTLY MURTHA, HAVE COME TO EL SALVADOR SPECIFICALLY TO WARN THE ESAF THAT CONTINUED STONEWALLING ON THE CASE WOULD TRANSLATE INTO FURTHER CUTS IN MILITARY ASSISTANCE -- POSSIBLY THE TOTAL ELIMINATION OF SUCH ASSISTANCE. GENERAL JOULWAN -- WHO HAS CERTAINLY PROVEN HIS

[redacted] UNCLASSIFIED

Department of State IG/FPC/CDR El Salvador SF Project
Declassified under EO 12356 (X) in full: ( ) in part;
options withheld: classified ( ); deliberative ( );
law enforcement ( ); privacy ( ); statutory ( );
not relevant to El Salvador ( ).

93D99 #7

PRIORITY UNCLASSIFIED [redacted] INCOMING

DEPARTMENT OF STATE
ARA/NEA REARCS

RELEASED
El Salvador: Human Rights
Special Project (1993)

PAGE 02 OF 02 SAN SA 01650 09 OF 02 071512Z 016638 5981894
SUPPORT TO THE ESAF -- ~~DELIVERED THE SAME MESSAGE~~ TO
MOD PONCE ON JANUARY 29, URGING HIM TO TAKE THE
INITIATIVE ON THE CASE, AND "CUT THE CANCER OUT."

10. ALL OUR EFFORTS, THE AMBASSADOR CONCLUDED, WERE MET WITH NODS OF THE HEAD AND NO ACTION. PONCE HAS NEVER RESPONDED TO QUESTIONS PUT TO HIM, NOR HAS HE TAKEN ANY OF THE ACTIONS SUGGESTED TO HIM. MORE AND MORE, OUR PLEAS ARE MET WITH SILENCE. THIS WAS ALL THE MORE GRATING GIVEN OUR EFFORTS TO RESPOND TO GOES NEEDS ON THE ECONOMIC FRONT, AND SPECIFICALLY OUR EFFORTS TO SUPPORT THE MILITARY IN THE FACE OF INCREASED FMLN THREATS. ONCE MORE, THE AMBASSADOR SAID, LET ME MAKE CLEAR THAT THE JESUIT CASE REMAINS OF PREDOMINANT IMPORTANCE TO OUR RELATIONSHIP.

11. COMMENT: OUR PLEAS ON THE JESUIT CASE WERE ONCE AGAIN MET WITH SILENCE. IT IS BECOMING CLEAR THAT THE ESAF HAS NO INCLINATION TO MOVE FORWARD AND CRISTIANI IS NOT WILLING TO PRESS PONCE ON THE ISSUE -- WITNESS HIS ACCEPTANCE OF PONCE'S REFUSAL TO APPEAR PERSONALLY BEFORE THE COURT. SEPTEL WILL CONVEY AMBASSADOR'S THOUGHTS ON WHERE WE STAND WITH THE ESAF AND THE

JESUIT CASE. WALKER

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93D99 #7

~~SECRET~~ UNCLASSIFIED C193

PAGE 01 MANAGU 00599 01 OF 02 071427Z
ACTION SCT-03

INFO LOG-00 ADS-00 INR-05 SS-00 CIAE-00 DODE-00 NSCE-00
ARA-00 NSAE-00 SSO-00 PM-10 INRE-00 SP-02 C-01
DS-01 P-02 /024 W
----------107104 071434Z /46

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O 071427Z FEB 90
FM AMEMBASSY MANAGUA
TO SECSTATE WASHDC IMMEDIATE 1877
INFO AMEMBASSY TEGUCIGALPA IMMEDIATE

~~S E C R E T~~ SECTION 01 OF 02 MANAGUA 00599

Dept. of State, RPS/IPS, Margaret P. Grafeld, Dir.
☒ Release ( ) Excise ( ) Deny ☒ Declassify
Date 2/27/02 Exemption

E.O. 12356: DECL:OADR
TAGS: PTER, HO, NU, US
SUBJECT: GON RESPONDS TO DEMARCHE ON POSSIBLE TERRORIST ATTACKS IN HONDURAS

REF: A) MANAGUA 572
B) STATE 34538

1. ~~SECRET~~ - ENTIRE TEXT.

2. SUMMARY: CHARGE WAS CALLED TO FOREIGN MINISTRY MORNING OF FEBRUARY 6 TO RECEIVE THE GOVERNMENT OF NICARAGUA'S (GON) REPLY TO EMBASSY DEMARCHE ON POSSIBLE HONDURAN TERRORIST ATTACKS, PER REFTELS. FOREIGN MINISTER D'ESCOTO HANDED CHARGE A FOUR PARAGRAPH AIDE MEMOIRE WHICH REJECTED THE U.S. "THREAT" THAT THE GON WOULD SHARE THE RESPONSIBILITY FOR ANY HONDURAN TERRORIST ATTACKS, AND EXPRESSED CONCERN INSTEAD OVER POSSIBLE CONTRA ATTACKS AGAINST THE ELECTORAL PROCESS. THE AIDE MEMOIRE ALSO DENIED ANY GON SUPPORT FOR "HONDURAN TERRORIST GROUPS," BUT PROPOSED A MEETING BETWEEN U.S. AND GON OFFICIALS TO EXAMINE U.S. CONCERNS AND CONSIDER HOW THE GON COULD HELP. CHARGE SUGGESTED STRONGLY THAT THE GON SHOULD WARN THE TERRORISTS OFF.

~~SECRET~~

~~SECRET~~

PAGE 02 MANAGU 00599 01 OF 02 071427Z

D'ESCOTO MADE A VAGUE UNDERTAKING TO DO SO. D'ESCOTO ALL THE WHILE, HOWEVER, DENIED ANY GON CONNECTION TO EITHER THE CHINCHONEROS OR OTHER HONDURAN GROUPS. EMBASSY RECOMMENDS WE NOT ENGAGE GON OFFICIALS IN DISCUSSIONS OF THE POSSIBLE THREAT TO OUR PERSONNEL IN HONDURAS, BUT SIMPLY REPEAT OUR REQUEST THAT THEY WARN OFF THE TERRORISTS. END SUMMARY.

3. FOREIGN MINISTER MIGUEL D'ESCOTO, ALONG WITH VICE MINISTER VICTOR HUGO TINOCO, NORTH AMERICA DIRECTOR MANUEL CORDERO AND NORTH AMERICA DESK OFFICER ROBERTO VARGAS, RECEIVED CHARGE AND ADCM IN HIS OFFICE FEBRUARY 6. D'ESCOTO HANDED CHARGE AN AIDE-MEMOIRE

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REPLYING TO EMBASSY'NON-PAPER PER REFTELS. THE AIDE MEMOIRE SAID:

-- THE GON CATEGORICALLY REJECTS THE "THREAT" CONTAINED IN THE NON-PAPER FROM THE U.S. WHICH ATTEMPTS TO MAKE THE GON CO-RESPONSIBLE FOR REPORTED PLANS TO ATTACK CONTRA INSTALLATIONS (SIC) AND U.S. PERSONNEL IN HONDURAS.

-- THE GON ALSO REJECTS AS CATEGORICALLY FALSE THE STATEMENT THAT THE GON SUPPORTS, HAS INFLUENCE OVER, OR SHARES RESPONSIBILITY FOR ANY ACTIONS BY HONDURAN TERRORISTS.

-- NEVERTHELESS, FOR THE SAKE OF COOPERATING WITH ANYTHING HAVING TO DO WITH THE STRUGGLE AGAINST TERRORISM, THE GON IS AGREEABLE TO MEETING IMMEDIATELY WITH THE CORRESPONDING AUTHORITIES OF THE USG IN THE SECURITY AREA IN ORDER TO LEARN IN DETAIL THE BASIS ON WHICH THE ACCUSATIONS ARE FOUNDED, AND TO SEE HOW THE

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USG THINKS THE GON COULD COOPERATE ON THIS ISSUE.

-- LASTLY, THE AIDE MEMOIRE EXPRESSES THE "PROFOUND CONCERN" OF THE GON IN THE FACE OF THE "ACCUSATIONS AND THREATS" FROM THE USG AT A TIME WHEN THE NICARAGUAN ELECTORAL PROCESS IS COMING TO A CLOSE. IT GOES ON TO ALLEGE THAT CERTAIN ELEMENTS OF THE CONTRAS, ENCOURAGED BY THE CIA, ARE TRYING TO SABOTAGE THE ELECTORAL PROCESS. FINALLY, THE AIDE MEMOIRE CLAIMS THAT CONTRA ELEMENTS MIGHT BE UTILIZED TO FABRICATE ATTACKS BY HONDURAN GROUPS, WITH THE OBJECT OF BLAMING NICARAGUA.

4. AFTER READING THE NON-PAPER, CHARGE OPENED BY ASKING WITH WHOM THE GON WOULD LIKE TO MEET. D'ESCOTO SAID SUCH A MEETING COULD BE WITH THE MFA OR WITH LENIN CERNA OF THE DGSE. CHARGE WENT ON TO SAY THERE WERE NO THREATS CONTAINED IN OUR DEMARCHE OF FEBRUARY 5. D'ESCOTO REPLIED THAT HOLDING THE GON RESPONSIBLE FOR THE ACTS OF A TERRORIST GROUP IS A THREAT. CHARGE SAID THAT WE DO NOT MAKE DEMARCHES UNLESS WE ARE CERTAIN OF OUR INFORMATION. HE THEN REPEATED WHAT HE TOLD CORDERO THE DAY BEFORE -- THAT THE USG HAS SOLID INFORMATION OF NICARAGUAN TIES TO THE CHINCHONEROS AND OTHERS. D'ESCOTO DENIED ANY GON TIES TO THESE GROUPS, ADDING THAT THE GON IS STILL DISPOSED TO COOPERATE. HE THEN LOOKED AT TINOCO AND SAID HE HADN'T HEARD OF THE CHINCHONEROS SINCE A PLANE HIJACKING SOME SIX YEARS AGO. CHARGE PRESSED, ASKING IF THE SANDINISTA PARTY HAD ANY CONTACTS WITH THESE GROUPS. AGAIN D'ESCOTO SAID NO. THEN YOU HAVE NOT COMMUNICATED WITH THESE GROUPS REGARDING OUR CONCERNS, THE CHARGE WENT ON? D'ESCOTO INDICATED THAT THE GON HAD NOT/NOT SO COMMUNICATED.

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PAGE 01 MANAGU 00599 02 OF 02 071428Z
ACTION SCT-03

INFO	LOG-00	ADS-00	INR-05	SS-00	CIAE-00	DODE-00	NSCE-00
	ARA-00	NSAE-00	SSO-00	PM-10	INRE-00	SP-02	C-01
	DS-01	P-02	/024 W				

----------107153 071434Z /49

O 071427Z FEB 90
FM AMEMBASSY MANAGUA
TO SECSTATE WASHDC IMMEDIATE 1878
INFO AMEMBASSY TEGUCIGALPA IMMEDIATE

~~S E C R E T~~ SECTION 02 OF 02 MANAGUA 00599

5. CHARGE THEN SAID OUR REQUEST TO THE GON WAS THAT IT TALK TO THESE GROUPS. BY THE END OF THE MEETING D'ESCOTO APPEARED TO AGREE TO DO SOMETHING ON THIS SCORE, AND TOLD TINOCO AND CORDERO TO TALK "TO THE COMMANDANTE" ABOUT THIS.

6. CHARGE THEN TOLD D'ESCOTO THAT THE CLAIMS WITH REGARD TO THE CONTRAS IN THE GON'S AIDE MEMOIRE WOULD COMPLICATE MATTERS RATHER THAN HELP. D'ESCOTO THEN SPENT SOME TIME TRYING TO EXPLAIN THAT POINT FOUR OF THE AIDE MEMOIRE WAS A GENERIC PARAGRAPH EXPRESSING THE GON'S CONCERNS, AND THAT THE GON WAS NOT LINKING FURTHER DISCUSSION OF POSSIBLE THREATS TO U.S. PERSONNEL TO THE CONTRA ISSUE.

7. CONTINUING TO PRESS THE ISSUE, CHARGE SAID THAT IT APPEARED THAT THE GON WAS NOT GIVING U.S. CONCERNS THE SAME ATTENTION THAT IT DID LAST NOVEMBER WHEN WE ASKED THAT THEY TELL THE FMLN TO NOT GO AFTER U.S. PERSONNEL IN EL SALVADOR DURING THEIR OFFENSIVE. HE CONCLUDED BY SAYING THAT THE U.S. HOPES THE GON WILL FIND A WAY TO RELAY OUR CONCERNS THIS TIME AS WELL.

8. WE ARE TRANSMITTING THE FULL SPANISH TEXT OF THE

~~SECRET~~

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GON AIDE MEMOIRE BY SEPTEL.

9. COMMENT AND ACTION RECOMMENDATION: ON THE ONE HAND, THE FACT THAT THE FOREIGN MINISTER REPLIED TO OUR REQUEST SHOWS THAT WE GOT THE GON'S ATTENTION. ON THE OTHER HAND, HIS INSOLENT LANGUAGE AND SPURIOUS CLAIMS SUGGEST THAT THERE IS LITTLE UTILITY IN PURSUING FURTHER DISCUSSIONS, ESPECIALLY WITH THE DGSE, WHICH WOULD TRY TO FIND OUT OUR SOURCES AND FEED US DISINFORMATION. WE SHOULD REPLY TO THIS AIDE MEMOIRE BY REPEATING OUR REQUEST, BY STATING SPECIFICALLY WHAT GROUPS WE UNDERSTAND ARE PLANNING ATTACKS AGAINST US, AND BY INDICATING THAT THE UNFOUNDED CLAIMS IN THE GON AIDE MEMOIRE INDICATE THAT A MORE EXTENDED DISCUSSION OF THE MATTER WOULD NOT BE FRUITFUL AT THIS TIME.

LEONARD

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*** Current Handling Restrictions *** n/a
*** Current Classification *** ~~SECRET~~

JF 09-0

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part X In Full ____
Exemption(s) NR

CONFIDENTIAL

PAGE 01 STATE 044105
ORIGIN IO-19

INFO	LOG-00	ADS-00	AID-00	INR-05	EUR-00	SS-00	OIC-02
	AF-00	CIAE-00	EB-00	DODE-00	H-01	NEA-06	NSCE-00
	ARA-00	NSAE-00	HA-09	L-03	LAB-04	TRSE-00	EAP-00
	PA-01	STR-18	SIL-01	INRE-00	RP-10	SP-02	SR-06
	PRS-01	P-02	/090 R				

DRAFTED BY: IO/HW:BZWEIBEN
APPROVED BY: IO:JWOLCOTT
IO/HW:WCMITHOEFER
IO/HW:TASTEELE
EAP/RA:BMALKIN(SUBS)
ARA/RP:DSKOCZ(SUBS)
NEA/NGA - CDUNNE (INFO)
NEA/AFN - JJONES (INFO)
HA/MLA:RZORN
IO/UNP:MWILLIAMSON
AF/RA:DBLAIR(SUBS)
EUR/P:DSMITH(SUBS)

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FM SECSTATE WASHDC
TO USMISSION USUN NEW YORK IMMEDIATE
USMISSION GENEVA IMMEDIATE
AMEMBASSY GABORONE IMMEDIATE
AMEMBASSY ADDIS ABABA IMMEDIATE
AMEMBASSY BANJUL IMMEDIATE
AMEMBASSY LAGOS IMMEDIATE
AMEMBASSY RABAT IMMEDIATE
AMEMBASSY ACCRA IMMEDIATE
AMEMBASSY DAKAR IMMEDIATE
AMEMBASSY LIBREVILLE IMMEDIATE
AMEMBASSY MOGADISHU IMMEDIATE
AMEMBASSY MBABANE IMMEDIATE
AMEMBASSY ANTANANARIVO IMMEDIATE
AMEMBASSY DHAKA IMMEDIATE
AMEMBASSY BEIJING IMMEDIATE
AMEMBASSY NICOSIA IMMEDIATE
AMEMBASSY NEW DELHI IMMEDIATE
AMEMBASSY BAGHDAD IMMEDIATE
CONFIDENTIAL

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PAGE 02 STATE 044105

AMEMBASSY ISLAMABAD IMMEDIATE
AMEMBASSY MANILA IMMEDIATE
AMEMBASSY COLOMBO IMMEDIATE
AMEMBASSY SOFIA IMMEDIATE
AMEMBASSY BUDAPEST IMMEDIATE
AMEMBASSY MOSCOW IMMEDIATE
AMEMBASSY BELGRADE IMMEDIATE
AMEMBASSY BUENOS AIRES IMMEDIATE
AMEMBASSY BRASILIA IMMEDIATE
AMEMBASSY BOGOTA IMMEDIATE
AMEMBASSY MEXICO IMMEDIATE
AMEMBASSY LIMA IMMEDIATE
AMEMBASSY CARACAS IMMEDIATE
USINT HAVANA IMMEDIATE
AMEMBASSY PANAMA IMMEDIATE
AMEMBASSY MONTEVIDEO IMMEDIATE
AMEMBASSY BRUSSELS IMMEDIATE
AMEMBASSY OTTAWA IMMEDIATE
AMEMBASSY PARIS IMMEDIATE
AMEMBASSY BONN IMMEDIATE
AMEMBASSY ROME IMMEDIATE
AMEMBASSY LISBON IMMEDIATE
AMEMBASSY MADRID IMMEDIATE
AMEMBASSY STOCKHOLM IMMEDIATE
AMEMBASSY LONDON IMMEDIATE
AMEMBASSY TOKYO IMMEDIATE
AMEMBASSY DUBLIN IMMEDIATE
AMEMBASSY THE HAGUE IMMEDIATE
AMEMBASSY WELLINGTON IMMEDIATE
AMEMBASSY VIENNA IMMEDIATE
USMISSION USVIENNA IMMEDIATE
AMEMBASSY CANBERRA IMMEDIATE
AMEMBASSY OSLO IMMEDIATE
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 STATE 044105

INFO USIA WASHDC 0000
USDOC WASHDC 0000

C O N F I D E N T I A L STATE 044105

USIA FOR P/G:MCGREGOR, USVIENNA FOR UNVIE, ROME ALSO FOR VA

E.O. 12356: DECL: OADR
TAGS: UNHRC-1, PHUM, PREL
SUBJECT: 46TH SESSION OF THE UN HUMAN RIGHTS COMMISSION, GENEVA, JANUARY 29-MARCH 9, 1990

SAN TOME (LIBREVILLE PASS) IMMEDIATE

REFS: A) 89 STATE 401229 B) 89 STATE 401230
C) STATE 11751

1. (U) CLASSIFICATION - AS MARKED.

2. (U) THIS IS AN ACTION CABLE. SEE PARAS 6 A - D.

3. (C) SUMMARY: DEPARTMENT REQUESTS THAT EMBASSIES IN SELECTED MEMBER STATES OF THE COMMISSION PRESENT TO HOST GOVERNMENTS U.S. VIEWS CONCERNING A NUMBER OF PRINCIPAL ISSUES TO BE CONSIDERED AT THE 46TH SESSION, WHICH OPENED JANUARY 29 AND RUNS THROUGH

MARCH 9. THE USG SEEKS TO SOLICIT THE SUPPORT OF HOST GOVERNMENTS, TO HEAR THEIR VIEWS ON ISSUES OF SPECIAL CONCERN TO THEM, AND TO ENCOURAGE INTERCHANGE AND COOPERATION AMONG DELEGATIONS DURING THE COMMISSION SESSION. POSTS ARE URGED TO MAKE THESE DEMARCHES AS EARLY AS POSSIBLE; SPANISH AND FRENCH TRANSLATIONS OF THE TALKING POINTS WILL BE PROVIDED TO APPROPRIATE POSTS APPROXIMATELY ONE WEEK AFTER THE RECEIPT OF THIS MESSAGE. RESULTS OF DISCUSSIONS
CONFIDENTIAL

CONFIDENTIAL

PAGE 04 STATE 044105

SHOULD BE TRANSMITTED TO THE DEPARTMENT ASAP (INFO GENEVA FOR USDEL, USUN, AND USVIENNA UNVIE WITH THE INITIAL TAG OF UNHRC-1).

Pages 4 thru 7 have been eliminated because they are entirely irrelevant

UNCLASSIFIED

CONFIDENTIAL
CONFIDENTIAL

PAGE 09 STATE 044105

A) (C) LATIN AMERICA: THE COMMISSION WILL RECEIVE REPORTS FROM SPECIAL RAPPORTEURS WHO, SINCE THE LAST COMMISSION SESSION, HAVE BEEN STUDYING THE HUMAN RIGHTS SITUATIONS IN CHILE AND EL SALVADOR.
CONFIDENTIAL
CONFIDENTIAL

Pages 9 and 10 have been eliminated because they are entirely irrelevant

C) (C) CHILE: THE US REMAINS ATTENTIVE TO THE HUMAN
CONFIDENTIAL

CONFIDENTIAL

PAGE 13 - STATE 044105

RIGHTS SITUATION IN CHILE BUT OBJECTS TO DISCRIMINATORY TREATMENT WHEREBY CHILE IS TREATED MORE HARSHLY THAN OTHER COUNTRIES WHERE SERIOUS HUMAN

RIGHTS VIOLATIONS HAVE ALSO TAKEN PLACE. THE US HAS ATTEMPTED TO ENSURE THAT THE RESOLUTIONS ON CHILE ACCURATELY REFLECT THE SITUATION IN THAT COUNTRY REGARDING THE RESPECT FOR HUMAN RIGHTS AND DEMOCRATIC INSTITUTIONS. IT IS IMPORTANT TO THE U.S. THAT THE PRACTICE OF SINGLING OUT CHILE FOR UNWARRANTED CRITICISM BE ENDED AND THAT THE TIME, EFFORT, AND RESOURCES THE COMMISSION CURRENTLY EXPENDS ON CHILE BE REALLOCATED TO OTHER ISSUES. WE WERE PLEASED THAT AS ONE OF ITS FIRST STEPS, THE UNHRC HAS ELIMINATED SEPARATE CONSIDERATION OF CHILE (ITEM FIVE). IN THE LIGHT OF THE DRAMATIC IMPROVEMENT IN CHILE'S RECORD

ON DEMOCRATIC AND CIVIL RIGHTS, THERE IS NO LONGER ANY REASON TO HAVE A SPECIAL RAPPORTEUR ON CHILE.

(U) TALKING POINTS:

--THE US OPPOSES THE SELECTIVE TARGETTING BY UN BODIES AND OTHERS OF CHILE AS A VIOLATOR OF HUMAN RIGHTS WHILE THE ABUSES PERPETRATED BY OTHERS, SUCH AS NICARAGUA, ARE IGNORED.

--THE US APPLAUDS (A) THE IMPROVEMENTS IN THE HUMAN RIGHTS SITUATION IN CHILE AND (B) THE FACT THAT FREE AND FAIR ELECTIONS TOOK PLACE THERE IN DECEMBER 1989 AND WILL RESULT IN THE ORDERLY, PEACEFUL TRANSFER OF POWER TO A NEW, DEMOCRATIC GOVERNMENT IN MARCH.

--IN LIGHT OF THE DRAMATIC IMPROVEMENT IN CHILE'S RECORD ON DEMOCRATIC AND CIVIL RIGHTS, THE U.S. BELIEVES THERE IS NO LONGER ANY REASON TO HAVE A SPECIAL RAPPORTEUR ON CHILE AND BELIEVES THAT THE CONFIDENTIAL

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PAGE 14 STATE 044105

COMMISSION SHOULD END HIS MANDATE.

-IT IS SIGNIFICANT THAT THE VOTING AND VOTE COUNTING IN THE DECEMBER 14 ELECTION WERE CARRIED OUT IN A FAIR AND ORDERLY MANNER AND THAT THE PEOPLE OF CHILE OVERWHELMINGLY PARTICIPATED IN THIS ELECTION.

--IT IS IMPORTANT THAT ANY RESOLUTION ON THE HUMAN RIGHTS SITUATION IN CHILE ACCURATELY REFLECT REALITY AND DRAW ON THE CONCLUSIONS IN THE REPORT OF THE SPECIAL RAPPORTEUR.

Pages 13 thru 26 have been eliminated because they are entirely irrelevant

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16. (U) MEMBERSHIP OF THE 1990 UNHRC

AFRICAN STATES (11)

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PAGE 31 STATE 044105

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PAGE 32 STATE 044105

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Chile Project (#S199900030)
U.S. Department of State
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EXCISE

CHILE: COMMUNIST PARTY REINTEGRATION

President-elect Aylwin assured the leader of the Communist party (PCCh) in mid-January that the party would be granted legal status, but demanded it disavow violence and play a constructive role in the new democracy. High-level PCCh officials have publicly announced the end of the party's policy of "popular rebellion of the masses"; members of the armed wing of the PCCh, the Manuel Rodríguez Patriotic Front (FPMR), are being reintegrated.

Comment: Failure to win a single congressional seat in December's elections has caused the PCCh to re-evaluate its two-track strategy. Although the faction advocating abandonment of violence seems to have prevailed, a clandestine armed cadre may remain intact as a concession to hard-liners. The agreement with the PCCh does not mean an end to political violence: several other armed groups, including a dissident faction of the FPMR, remain active.

(For related information, see Analysis, Page 9.)

February 12, 1990

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Cuba-USSR: The Cost to Cuba of the Soviet Alliance

If solidarity with the Soviet Union once made sense as the cornerstone of Cuban foreign policy, this is not the case today.

- The Soviets are no longer the reliable economic partner and military ally that they once were, and the economic, political, and military costs to Cuba of the special relationship now outweigh the benefits.

Cuba is far more dependent on the Soviet Union today than pre-revolutionary Cuba ever was on the United States. The Cuban people did not rise up in arms during the Revolution only to fall under the Soviet yoke. Yet in many respects, that is the reality today.

- At present, Moscow has powerful leverage over Havana, for Cuba depends on the USSR for more than 70 percent of its external trade and nearly all of its military supplies. In the 50's about 65 percent of Cuba's trade was with the United States.

- The Soviet Union imports 80 percent of all Cuban sugar produced and 40 percent of all Cuban citrus harvested.

- The two countries' bilateral trade last year was worth more than $10 billion, according to Soviet sources.

- The terms of trade are in favor of the Soviet Union, which earn over $2 billion more than Cuba from this trade.

Yet, as President Castro noted last July in his Rebellion Day address, the USSR increasingly is becoming an unreliable trade partner. In the past year, the Soviets have postponed deliveries of critically need commodities, talked of cutting subsidies, stretched out aid projects, and looked for ways to reduce their trade deficit at Cuba's expense.

- In June, delays in Soviet oil shipments left Cuba with only one week's stock of gasoline.

- In January, delays and cutbacks in Soviet deliveries of foodstuffs exacerbated shortages of bread and other foods.

- The Soviets recently failed to send ships to pick up Cuban citrus. Thousands of tons of fruit therefore rotted on Cuban docks.

Whether intentional or, as the Soviets claim, due to the revamping of Soviet industry and trade, delays in Soviet deliveries are severely disrupting the Cuban economy.

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- Should the shortages and delays continue, Cuba will lose important markets and vital sources of imports.

- Over time Cuba's output and earnings will fall.

Even when Soviet assistance does arrive on time and in quantities promised, it is often a mixed blessing.

- Since 1985, Havana has paid above the world market price for Soviet oil. In 1988, Cuban subsidies for Soviet oil amounted to $2.2 billion.

- Soviet products are often inferior in quality and technologically out-dated. Consequently, Soviet aid has a price. Cuba must use old technology and poor goods.

- Castro has publicly noted that many of the projects the Soviets have initiated in Cuba are ill-conceived and have become "white elephants". All too often Soviet planners are unable to grasp even simple notions, such as that pitched roofs are better suited to Cuban conditions than flat ones.

- Cuban resources are limited. By diverting scarce resources to non-productive projects, Cuba must forgo economically sound projects.

Cuba must pay for many Soviet products. Cuba has amassed a $10 to 20 billion debt to the USSR.

- The Cuban Soviet debt far exceeds Havana's obligations to Western creditors.

- On a per capita basis, according to some observers, Cuba's debt is the highest in all of Latin America.

- The Soviets have never forgiven Cuba's debt, despite Castro's unflagging efforts since 1985 to champion the cause of debt relief for Third World nations.

Cuba's economic ties to Moscow have created major structural impediments to growth.

- The Soviets helped design Cuba's planned economy and cumbersome bureaucracy that stifle innovation, productivity, and efficiency. The Soviets have insisted that Cuba remain a supplier of agricultural goods and raw materials.

- Cuba has been unable to diversify its economy. Sugar still accounts for 75 percent of export earning.

- The terms of trade are unfavorable to Cuba. As Castro has pointed out, Cubans increasingly must produce more tons of sugar to receive one Soviet tractor.

- The Soviets benefitted far more than Cuba from bilateral trade, with a trade balance in 1987 of more than $2 million in Moscow's favor.

- Soviet - Cuban trade is generally on a barter basis, limiting Cuba's earnings of convertible currency.

- As a result, Cuban hard currency reserves fell to about $85 million in 1989, according to the National Bank of Cuba.

- Lack of hard currency has reduced Cuba's access to Western goods and new technology.

- Havana's close ties to Moscow, lack of hard currency, and the US embargo have discouraged some Western European states and Japan from trading with Cuba.

Close Soviet-Cuban economic ties will become even more costly to Havana in the future. The Soviet public is beginning to criticize the Cuban aid "burden". Reductions in Soviet assistance and trade seem inevitable.

- As Comecon members move toward market-based pricing, trade subsidies to Cuba will fall.

- As Comecon members move toward trade in hard currency, Cuba will not be able to afford even Soviet or Eastern European goods.

- With less central control, enterprises in the Soviet Union and Eastern Europe are seeking new more profitable markets, delaying or cancelling obligations with Cuba.

- Cuba's dependence on the Soviet Union will cause tighter rationing of food and consumer goods, and greater regimentation to meet production quotas. In short, harder times will lie ahead.

Cuba's political and diplomatic ties to the USSR increasingly work to Havana's detriment. By distancing itself from Moscow, Havana would diversify its markets and its access to Western goods.

- The new Soviet leaders pay little homage to the concept of "proletarian internationalism". President Gorbachev's reforms at home are predicated on scaling down costly commitments abroad.

- Soviet leaders still view Cuba as a pawn in the game of super power competition, but one that they may value less in an era of lessening tensions.

- The Soviets may consider Cuba an obstacle to improved U.S.-Soviet relations. If so, Gorbachev may sacrifice Cuba's interests to improve relations with the US.

- Secretary of State Baker stated in his November 13, 1989, address to the OAS General Assembly: "Soviet behavior toward Cuba and Central America remains the biggest obstacle to a full, across the board improvement in relations between the United States and the Soviet Union."

Nonetheless, the Soviets continue to demand Cuban loyalty. In terms of domestic policy, they are prescribing large doses of "perestroika", and to a lesser extent "glasnost", as the remedy for Cuba's ills.

- Castro understands that political and economic liberalization may generate unrest or a change in Cuban society that he may be unable to control.

- Reforms in Cuba should reflect Cuban experience and respond to Cuba's needs, not Soviet policy or plans.

Cuba's dependence on the Soviet Union means that Havana has had to act within foreign policy parameters narrowly defined by Moscow.

- Moscow's hegemonic relations with Havana make it difficult for Cuba to pursue a nonaligned and independent foreign policy.

- Havana was forced to endorse the Soviet invasion of Czechoslovakia in 1968, side with Moscow during the Sino-Soviet dispute of the 1970s and early 1980s, and support the Soviet occupation of Afghanistan in 1979.

- In 1980, Cuba's vote to support the Soviet invasion of Afghanistan cost Cuba a seat on the UN Security Council, cast a pall over Cuba's chairmanship of the Nonaligned Movement, and undercut Cuba's bid to be reinstated in the Organization of American States.

- Cuba's status as a Soviet client has kept it from forging closer ties to non-aligned and Western countries.

Soviet and Cuban interests increasingly will diverge. Soviet interests in this hemisphere are becoming peripheral, while to Cuba they will remain central.

- The fate of the FMLN in El Salvador and the Sandinistas in Nicaragua is not a major Soviet concern at this time, but it is a significant Cuban one.

- The Soviets may use their economic leverage to compel Cuba to toe the Soviet foreign policy line. In the late 1960s, the Soviets cut back oil deliveries to ensure that Havana's policies in this hemisphere followed Moscow's lead.

The Soviet Union helped to speed the demise of fellow Communist regimes and leaders in Eastern Europe.

- If Gorbachev would not intervene in Eastern Europe, where tens of thousands of Soviet troops are deployed, he is unlikely to intervene in Cuba.

- The Kremlin has been unwilling to challenge the United States in Nicaragua in defense of the Sandinista Revolution.

- The Soviet Union is retrenching on its regional commitments, including those to longstanding friends. As Castro has noted, the socialist camp is beginning to unravel.

Cuba's dependency on the Soviet Union is reflected in the large Soviet military and security presence on the island and the provision of billions of dollars worth of arms. This relationship has exacerbated tensions with Washington.

- Castro uses the U.S. as a scapegoat for rallying the Cuban people behind the regime and avoiding needed political and economic reform.

- The U.S. has no intention of invading Cuba. Cuba's military expenditures would be much better used for improving education, health, and housing.

- The Soviet Union is unlikely to risk a serious military confrontation with the U.S. over Cuba.

- During the Cuban missile crisis, Moscow removed the "offensive missiles" at Washington's request without even consulting Havana.

The billions of dollars worth of military equipment and training assistance the USSR has supplied since the early 1960s have been of no tangible benefit to the Cuban people.

- o Moscow's delivery of sophisticated MiG-29 aircraft to Cuba, the first of which arrived late last year, will not raise the standard of living of a single Cuban. But it will contribute to increased tension with the U.S.

- o Military assistance increases Cuba's dependence on the USSR for training assistance, spare parts, consumables, and the like.

- o The Soviet brigade and Military Advisory Group in Cuba, thousands of miles from Moscow, are, in reality, neo-colonial appendages. There is no reason why there should be a Soviet combat presence in Cuba today.

The durability of the military relationship is in doubt today as never before because Moscow, unlike in the past, now professes to be seeking diplomatic solutions to regional and international problems and has less need for Cuba.

- o Cuba's role as a possible surrogate for the USSR has diminished. The tremendous sacrifices made by the Cuban people on behalf of Soviet-sponsored adventures in Angola and Ethiopia, for example, where many Cuban (not Soviet) lives were lost, almost certainly are a thing of the past.

- o In an era of East-West detente, even the sophisticated communications and military facilities the Soviets operate in Cuba are of less value than in the past.

The Soviet-Cuban alliance also runs contrary to the very different traditions of the two countries. Cuba, by virtue of its history, culture, and language, as well as its geography, has little in common with the USSR.

- o Cuba shares a culture and history with other American republics. The Soviets and Eastern Europeans come from a radically different cultural and historical tradition.

- o It is illogical for Cuba to ally itself with a country located thousands of miles away while isolating itself from its neighbors in the region.

Cuba should begin to reduce its dependence on the USSR now, before the Soviets use their powerful economic, political, and military leverage to make unreasonable demands on Cuba that cannot be resisted.

- Negotiations for a new five-year trade protocol are likely to result in reduced economic benefits to Cuba. By making these adjustments now in an orderly manner, Cuba can minimize economic dislocations.

If Cuba adopted a truly non-aligned policy and significantly reduced or removed the Soviet military and intelligence presence, tensions would ease between Cuba and Washington. If Cuba ceased exporting revolution and expanded internal freedoms, also the way would be open for an accommodation with Washington.

- This, in turn, would allow Cuba to sell goods to the United States, its natural market. Hard currency would flow to Cuba from tens of thousands of U.S. tourists who would flock to a free Cuba. The Cuban people would be reunited with their Cuban-American friends and relatives in the United States.

- Cuba would have access to U.S. technology and Western ideas. Cuba could begin to diversify its economy to supply new markets.

Less dependence on the Soviet Union, especially if accompanied by progress toward normalization of relations with the United States, would improve Cuba's economy and encourage a free society.

- Military spending would be cut. Compulsory military service could be eliminated and thousands of Cubans could return to civilian life. Cuba is second only to Nicaragua in all of Latin America in terms of the percentage of the population in active duty in the military.

- A free Cuba would open doors to friendly relations and greater trade and investment from members of the European Community and Japan.

- A freer Cuba would speed the process of an open political dialogue and the normalization of relations with countries in this hemisphere. Cuba could then look to its Latin roots, as defined by its culture, history, and language.

The United States does not represent a threat to a peaceful non-interventionist Cuba. Washington and Havana have reached understandings on some key issues, as illustrated by the 1984 migration and the 1977 interests section agreements and the 1988 Angola troop withdrawal accords.

- o Cuba should not fear a stronger relationship with the United States.

- o Trade with the United States has made neighbors like Canada, Mexico and the nations of the Caribbean more professional than ever before in their history.

- o When they are in trouble, the United States helps its neighbors. For example, the Caribbean Basin Initiative has been immensely successful in improving the economies of the smaller Caribbean nations.

Cuba's current course leaves Cuba at the USSR's mercy. The greater the extent of Cuban dependence on Moscow, the more destabilizing the effects of a sudden withdrawal of Soviet aid.

- o If the Cuban government fears accommodation with the West on the West's terms, the Cuban people will suffer still greater loss of freedom from an oppressive and autocratic ruler.

- o The transition away from dependency on the Soviet Union should begin as soon as possible.

- o Politically and economically, Cuba should be a part of this hemisphere, not isolated as a Soviet surrogate.

Drafted:ARA/CCA:RAKester
7-9272, #5741, 02/13/90
Cleared:ARA/CCA:VJHuddleston
EUR/SOV:H:Sutton
INR:MGoldschmidt
ARA/P:RSanders

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LD 081 OUTGOING TELEGRAM

PAGE 02 OF 02 STATE 047456 4503

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DRAFTED BY: ARA/SC: JFCASSMAN
APPROVED BY: ARA/FO: MHSKO
ARA/SC: BROWENS
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Chile Project (#S199900030)
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Exemption(s) 1.5(d) NR

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UNCLASSIFIED
E.O. 12356: DECL: OADR
TAGS: PREL PGOV CI
SUBJECT: FOREIGN MINISTRY UNDERSECRETARY-DESIGNATE VARGAS MEETING WITH ASSISTANT SECRETARY ARONSON

UNCLASSIFIED
1. CONFIDENTIAL - ENTIRE TEXT.

2. SUMMARY: ON 2/12 CHILEAN UNDERSECRETARY OF FOREIGN AFFAIRS-DESIGNATE EDMUNDO VARGAS CALLED ON ASSISTANT SECRETARY ARONSON AND DAS SMCI TO DISCUSS THE AYLWIN GOVERNMENT'S PLANS FOR RESOLVING THE LETELIER CASE. VARGAS ASKED FOR USG FLEXIBILITY ON CERTIFICATION OF THE AYLWIN GOVERNMENT'S COOPERATION IN RESOLVING THE CASE, CITING THE DIFFICULTIES HE ANTICIPATES ON BOTH THE CIVIL AND CRIMINAL SIDES OF THE CASE. HE PROPOSED CONVENING THE 1914 TREATY COMMISSION AS A MEANS OF DETERMINING THE SIZE OF COMPENSATION AWARD TO THE LETELIER/MOFFITT FAMILIES. VARGAS SAID THAT SENATOR KENNEDY WAS RECEPTIVE TO INTRODUCING LEGISLATION TO MODIFY THE KENNEDY-HARKIN RESTRICTIONS ON ARMS SALES SECURITY ASSISTANCE TO CHILE.

3. ARONSON MADE A STRONG APPEAL TO VARGAS FOR CHILEAN RECOGNITION OF THE ENDARA GOVERNMENT [redacted]

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4. VARGAS ON THE LETELIER CASE

CHILEAN UNDERSECRETARY OF FOREIGN RELATIONS-DESIGNATE EDMUNDO VARGAS CALLED ON ASSISTANT SECRETARY ARONSON AND DAS SMCI TO DISCUSS BILATERAL ISSUES, PRIMARILY THE LETELIER CASE. ARA SC OFFICE DIRECTOR SMITH AND DEPUTY CASSMAN WERE ADVISORS. STATE AND ARA COLSON ALSO ATTENDED THE MEETING. VARGAS SAID RESOLUTION OF THE CASE WAS ESSENTIAL AND CRUCIAL TO THE AYLWIN GOVERNMENT'S FOREIGN POLICY. IF THE NEW GOVERNMENT WAS BE ABLE TO PROCEED ONLY WITHIN THE LEGAL FRAMEWORK ESTABLISHED BY PINOCHET. VARGAS MADE THE FOLLOWING GENERAL POINTS ON HOW HE THOUGHT THE USG COULD MOVE ON THE CASE:

-- AYLWIN AND HIS TEAM AGREE WITH THE NEED TO PROSECUTE CONTRERAS AND MEDINA IN CHILE. EXTRADITION OR EXPULSION TO THE U.S. IS NOT POSSIBLE. THE CHILEAN SUPREME COURT, BASICALLY APPOINTED BY PINOCHET, WOULD BLOCK AN ATTEMPT BY THE NEW GOVERNMENT TO EXTRADITE THE TWO FORMER INTELLIGENCE OFFICERS. IN SPITE OF THIS, AYLWIN WILL REQUEST THE CHILEAN SUPREME COURT TO APPOINT A SPECIAL PROSECUTOR IN THE CASE.

-- IN THE EVENT THAT CHARGES COULD BE FILED AGAINST CONTRERAS/ESPINOZA, ACCORDING TO CURRENT CHILEAN LAW THEY WOULD BE TRIED IN MILITARY COURT. AYLWIN AND HIS TEAM WOULD LIKE TO INTRODUCE LEGISLATION TO THE CHILEAN CONGRESS TO CHANGE THE LAW SO THAT MILITARY OFFICERS ACCUSED OF COMMON CRIMES WOULD BE TRIED IN CIVIL COURTS. HOWEVER, THE SENATE HAS A CONSERVATIVE MAJORITY, AND HE DOUBTS THIS LEGISLATION WILL PASS.

-- AYLWIN ACCEPTS THE PRINCIPLE OF PAYING "EX-GRATIA" COMPENSATION TO THE LETELIER/MOFFITT FAMILIES. HOWEVER, THE AMOUNT OF COMPENSATION MUST BE DETERMINED THROUGH A LEGAL MECHANISM WHICH WOULD POLITICALLY "COVER" THE NEW GOVERNMENT. THERE WILL BE CRITICISM FROM THE POLITICAL LEFT IN CHILE IF COMPENSATION IS PAID TO LETELIER/MOFFITT AND NOT TO ALL RELATIVES OF THOSE WHO SUFFERED DURING THE PINOCHET REGIME. THE POLITICAL RIGHT WOULD ALSO BE CRITICAL OF PAYMENT TO THE FAMILIES SINCE NO CHILEAN COURT HAS ACCEPTED GOC RESPONSIBILITY FOR THE CRIME. THEREFORE, THERE IS AT PRESENT NO LEGAL BASIS IN CHILE FOR COMPENSATION.

-- THE AYLWIN GOVERNMENT WOULD FIND IT EASIER, FOLLOWING ESTABLISHED CHILEAN LEGAL PRACTICE, TO ACCEPT PAYING AN AMOUNT OF COMPENSATION DETERMINED BY AN INTERNATIONAL COMMISSION. VARGAS FAVORS CONVENING THE 1914 TREATY IN ORDER TO ESTABLISH THIS MECHANISM AND TO DETERMINE THE APPROPRIATE AMOUNT OF COMPENSATION. CHILEAN SOVEREIGN IMMUNITY FROM U.S. JURISDICTION WAS THE KEY PROBLEM WHICH WOULD BE OVERCOME BY USING THE 1914 COMMISSION. THE COMPENSATION ISSUE COULD BE ADDRESSED RAPIDLY BY THIS COMMISSION, WITHOUT GETTING INTO THE CRIMINAL SIDE OF THE CASE. VARGAS SAID THAT THE AYLWIN GOVERNMENT WOULD RESPECT THE COMMISSION'S JUDGEMENT.

-- SEN. KENNEDY MAY BE RECEPTIVE TO SPONSORING LEGISLATION TO MODIFY THE CONDITIONS ON RESTORING U.S. MILITARY ASSISTANCE/SALES TO CHILE. VARGAS NOTED THAT THE PRESENT LAW MAKES NO MENTION OF THE COMPENSATION ISSUE.

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5. USG POSITION ON LETELIER CASE

ASSISTANT LEGAL ADVISOR COLSON RESPONDED TO VARGAS' POINTS BY STATING THAT OUR STRONG PREFERENCE WAS FOR AN "EX-GRATIA" PAYMENT, A RESULT OF DIRECT NEGOTIATIONS BETWEEN THE AYLWIN GOVERNMENT AND THE LETELIER/MOFFITT FAMILIES. COLSON SAID THAT THE TREATY PROCESS COULD BE CUMBERSOME, LENGTHY, AND WOULD PUT THE USG AND THE AYLWIN ADMINISTRATION IN AN ADVERSARIAL STANCE IN THAT FORUM. MOREOVER, THE AYLWIN GOVERNMENT MAY END UP DEFENDING SOME OF THE PINOCHET GOVERNMENT'S ACTIONS IN SUCH A PROCESS. WE ARE CONCERNED THAT THE EVENTUAL OUTCOME OF A 1914 TREATY PROCESS MAY NOT BE ENTIRELY SATISFACTORY TO THE FAMILIES AND THEREFORE, WE COULD END UP WITH A BIGGER PROBLEM FROM WHEN WE STARTED. THUS, EVEN THOUGH WE UNDERSTOOD VARGAS' CONCERNS, WE BELIEVE A WAY TO COMPENSATE THE FAMILIES BY MAKING AN ACCEPTABLE "EX-GRATIA" PAYMENT HAD TO BE FOUND. HOWEVER, WE WANT TO KEEP THE 1914 PROCESS VIABLE IN THE EVENT THAT OTHER, MORE DIRECT METHODS TO RESOLVE THE CASE FAIL. ON THE CRIMINAL SIDE, THE USG EXPECTS "MEANINGFUL STEPS" BE TAKEN BY THE

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AYLWIN GOVERNMENT TO PURSUE JUSTICE. WE WOULD LIKE TO KNOW AYLWIN'S PLANS TO APPOINT A SPECIAL PROSECUTOR AND TO REOPEN THE PASSPORTS CASE. VARGAS SAID HE WAS LEAVING THE NEXT DAY FOR SANTIAGO AND WOULD BE DISCUSSING STRATEGY WITH AYLWIN AND HIS TEAM. HE PROMISED TO MEET WITH US AGAIN WITHIN A MONTH.

E. THE MARCH 11 INAUGURATION AND PANAMA

ARONSON SAID THAT THE USG WILL MAKE EVERY EFFORT TO NORMALIZE RELATIONS WITH THE NEW CHILEAN GOVERNMENT. AS A CONCRETE EXAMPLE OF OUR INTENTIONS, VICE-PRESIDENT QUAYLE WILL LEAD THE U.S. DELEGATION TO THE MARCH 11 INAUGURATION CEREMONY OF PRESIDENT-ELECT AYLWIN.

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10. COMMENTS

VARGAS WAS VERY UPFRONT AND FRANK. HE ADMITTED THAT THE NEW TEAM HAS NOT FULLY THOUGHT OUT ITS FOREIGN POLICY POSITIONS. VARGAS MENTIONED TO US THAT HE WANTS TO RETURN TO WASHINGTON AS OFTEN AS POSSIBLE DURING THE NEXT FEW MONTHS TO VISIT HIS WIFE, WHO IS WORKING IN THE MONTGOMERY COUNTY SCHOOL SYSTEM AND WILL REMAIN IN THE WASHINGTON AREA. HE CLEARLY IS SEEKING MEANS FOR A RAPID RESOLUTION OF THE LETELIER CASE, BUT SEEKS CONCESSIONS FROM US ON HOW MUCH PROGRESS WE REQUIRE ON THE COMPENSATION AND JUSTICE SIDES OF THE CASE. HE MAY HOPE (UNREALISTICALLY) WE BELIEVE THAT SEN. KENNEDY MAY TAKE SOME OF THE PRESSURE OFF THE AYLWIN GOVERNMENT BY SOFTENING THE PRESENT LAW'S CONDITIONS.
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OPCENTER ALERT ARA

E.O. 12356: DECL:OADR
TAGS: PGOV, PREL, US
SUBJECT: CRISTIANI MEETING WITH CODEL MOAKLEY

1. C - ENTIRE TEXT.

2. SUMMARY: IN A TWO HOUR LONG MEETING FEBRUARY 13 WITH CODEL MOAKLEY, PRESIDENT CRISTIANI REITERATED HIS GOVERNMENT'S COMMITMENT TO HUMAN RIGHTS AND AN INTERNAL PEACE PROCESS WHICH WOULD REINCORPORATE THE FMLN INTO THE DEMOCRATIC PROCESS. HE CONFIRMED THAT THE MILITARY RECOGNIZED AND RESPECTED CIVILIAN CONTROL, AND DEPLORED THE ACTS OF ISOLATED MILITARY MEMBERS WHICH HARMED THE REPUTATION OF THE MILITARY AS A WHOLE. MEMBERS OF CODEL MOAKLEY STRESSED TO PRESIDENT CRISTIANI THE DAMAGING IMPACT THE JESUIT MURDERS HAD HAD ON HIS AND HIS GOVERNMENT'S REPUTATION IN THE UNITED STATES. WHILE CURRENT PROGRESS ON THE INVESTIGATION WAS IMPRESSIVE, THEY WARNED THAT THE JUDICIAL PROCESS MUST CONTINUE AND THAT OVERALL HUMAN RIGHTS MUST IMPROVE. THE MEMBERS ALSO STRESSED THE IMPORTANCE OF HIS GOVERNMENT'S COMMITMENT TO END THE MILITARY CONFLICT WITH THE FMLN, AND LAUDED THE PARTICIPATION OF THE UN SECRETARY GENERAL IN THE PROCESS. WITHOUT EXCEPTION CODEL MEMBERS EXPRESSED THEIR SUPPORT FOR CRISTIANI PERSONALLY, BUT STRESSED THAT STRONG DOMESTIC PRESSURE AGAINST THE GOES WAS BUILDING IN THE US. END SUMMARY.

3. AFTER PRESIDENT CRISTIANI WELCOMED THE FIFTEEN MEMBERS OF CONGRESS, TASK FORCE CHAIRMAN JOE MOAKLEY (D-MA) BEGAN DISCUSSIONS BY THANKING THE PRESIDENT FOR RECEIVING THE DELGATION. HE NOTED THAT PRESIDENT CRISTIANI'S VISIT TO WASHINGTON DC IN EARLY FEBRUARY HAD BEEN GREATLY APPRECIATED BY MEMBERS OF CONGRESS WHO HAD BENEFITTED FROM HIS FIRST HAND REPORT ON DEVELOPMENTS IN EL SALVADOR.

4. CONGRESSMAN BUD SHUSTER (R-PA) THEN COMMENDED PRESIDENT CRISTIANI FOR HIS GOVERNMENT'S DISPATCH IN INVESTIGATING THE NOVEMBER 16 KILLINGS OF SIX JESUIT FATHERS AND TWO OF THEIR HOUSEHOLD STAFF AT THE UCA.

SAN SA 02189 01 OF 07 142145Z 023486 189422

SUCH EXPEDIENCY, MR. SHUSTER CONTINUED, DEMONSTRATED THAT PRESIDENT CRISTIANI UNDERSTOOD THE ENORMOUS CONCERN THIS TERRIBLE CRIME HAD RAISED IN THE UNITED STATES. THUS FAR, HE STATED, THE INVESTIGATION APPEARED TO BE VERY PROFESSIONAL. THE ONLY QUESTION HE HAD REGARDED THE TESTIMONY OF A US MAJOR WHO BELATEDLY REPORTED A CONVERSATION WITH SALVADORAN COL. AVILES. DURING THE CONVERSATION AVILES REPORTEDLY REVEALED THAT COLONELS RIVAS AND LOPEZ Y LOPEZ, BOTH INVOLVED IN THE INVESTIGATION, MAY HAVE WITHHELD RELEVANT INFORMATION. IT STRUCK HIM AS UNUSUAL THAT COL. AVILES HAD BEEN POLYGRAPHED, WHILE THE TWO OFFICERS MENTIONED IN THE ALLEGED DISCUSSION HAD NOT BEEN. SUCH AN ACT WOULD HELP PREEMPT THOSE IN THE UNITED STATES AND ELSEWHERE WHO WERE PROMOTING "COVER UP" THEORIES ALLEGING THAT MILITARY HIGHER-UPS WITH KNOWLEDGE OF THE CRIME WERE BEING PROTECTED.

5. CONGRESSMAN SHUSTER ADDED THAT HE WAS ALSO INTERESTED IN KNOWING THE EXTENT TO WHICH THE GOVERNMENT HAD PURSUED INVESTIGATIONS IN FMLN CRIMES - WAS THE SIU INVOLVED IN INVESTIGATING THESE AS WELL? CRISTIANI RESPONDED THAT IT WAS VERY DIFFICULT TO TRACK THE FMLN - IT WOULD TAKE AT LEAST AN ENTIRE MILITARY UNIT TO DO SO. OFTEN TIMES BREAKTHROUGHS CAME BY CHANCE. FOR EXAMPLE, THREE DIFFERENT CAPTURED GUERRILLAS HAD IMPLICATED THE FMLN IN THE OCTOBER 31, 1989 BOMBING OF THE PRO-FMLN LABOR UMBRELLA ORGANIZATION FENASTRAS. IN OTHER CASES A PROFESSIONAL INVESTIGATION WAS UNDERTAKEN, AS IN THE ZONA ROSA CASE INVOLVING THE DEATHS OF FOUR US MARINES. IN THAT INSTANCE, SUSPECTS HAD BEEN IDENTIFIED AND WERE CURRENTLY BEING TRIED.

6. CONGRESSMAN SHUSTER CONTINUED BY NOTING THAT IN THE US INFORMATION ABOUT FMLN ATROCITIES WAS RELATIVELY SCARCE. ON THE OTHER HAND, PERSONS SUCH AS JENNIFER CASOLO BROADLY CRITICIZED THE SALVADORAN GOVERNMENT AND ITS POLICIES. SHUSTER STATED HE

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not relevant to FRUS ( )

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PAGE 01 SAN SA 02189 02 OF 07 142146Z 023487 189423
ACTION: ES (07)

INFO: LARA (01) OCEN (01) REG (01) NCO (01) ARA (06) PPC (01)
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AMEMBASSY MANAGUA
AMEMBASSY SAN JOSE
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[redacted] SECTION 02 OF 07 SAN SALVADOR 02189

OPCENTER ALERT ARA

E.O. 12356: DECL:OADR
TAGS: PGOV, PREL, US
SUBJECT: CRISTIANI MEETING WITH CODEL MOAKLEY

UNDERSTOOD THAT THE EVIDENCE AGAINST CASOLO WAS OVERWHELMING. HE COULD UNDERSTAND CRISTIANI'S INTEREST IN HAVING JUSTICE DONE, AND NOTED THAT SOME PRESSURE TO THE CONTRARY MAY HAVE COME FROM THE U.S. SENATE. NONETHELESS, SHUSTER FELT THAT CASOLO WAS NOW DAMAGING THE GOES IN THE US.

7. CRISTIANI SAID HE HAD RECEIVED PHONE CALLS FROM TWO MEMBERS OF THE SENATE, BUT NEITHER TRIED TO PRESSURE HIM TO RELEASE CASOLO. ON THE CONTRARY, BOTH STRESSED THAT THEIR ONLY CONCERN WAS THAT SHE BE FAIRLY TREATED. THE JUDGE IN CHARGE OF THE CASE FELT THAT IT WAS DIFFICULT TO ESTABLISH THE DEGREE OF CASOLO'S AWARENESS OF WHAT WAS BURIED IN HER BACKYARD. THE GUERRILLA INFORMANT WHO LED THEM TO HER HOUSE NEVER MENTIONED HER NAME. THAT BEING THE CASE, THE JUDGE ORDERED HER RELEASE, BUT THE CASE REMAINED OPEN. SHOULD MORE INFORMATION COME TO LIGHT, IT WAS CONCEIVABLE THAT SHE COULD BE ASKED TO RETURN.

8. CONGRESSMAN MATTHEW MCHUGH (D-NY) SAID HE APPRECIATED THE DIFFICULT NATURE OF CRISTIANI'S JOB, BUT NOTED THAT THE PROBLEM OF HUMAN RIGHTS ABUSES NEEDED TO BE STRONGLY PURSUED BY THE GOES. AS A MEMBER OF THE APPROPRIATIONS COMMITTEEE DEALING WITH THE ISSUE OF FOREIGN ASSISTANCE TO EL SALVADOR, HE NOTED HE WOULD HAVE A DIFFICULT TIME IF IT WERE PERCEIVED THE GOVERNMENT WAS NOT PURSUING THIS ISSUE VIGOROUSLY. TURNING TO THE TOPIC OF NEGOTIATIONS WITH THE FMLN, MCHUGH NOTED THAT SOME INTERLOCUTORS HAD BEEN MORE OPTIMISTIC THAN OTHERS ON THE TOPIC, AND SOLICITED CRISTIANI'S VIEWS.

9. THE PRESIDENT RESPONDED THAT HE, TOO, TENDED TO BE OPTIMISTIC. AN IDEAL COMBINATION OF EXTERNAL AND INTERNAL CONDITIONS MADE THE PROSPECTS VERY PROMISING. EXTERNAL FACTORS INCLUDE CHANGING CONDITIONS IN THE USSR WHICH COULD AFFECT CUBA AND

SAN SA 02189 02 OF 07 142145Z 023487 189423

THUS THE FMLN, AND A NEW CONSENSUS AMONG THE CENTRAL AMERICAN PRESIDENTS CONDEMNING THE VIOLENT TACTICS OF THE FMLN. INTERNALLY, HE FELT THE NOVEMBER 1989 FMLN OFFENSIVE HAD CLEARLY DEMONSTRATED THE LACK OF POPULAR SUPPORT FOR THE INSURGENT ORGANIZATION. GIVEN THIS SET OF CONDITIONS, THE UN SECRETARY GENERAL COULD PLAY AN IMPORTANT ROLE IN BRINGING THE TWO PARTIES TOGETHER AND ENSURING THAT THE FMLN PARTICIPATED IN GOOD FAITH. LATER TODAY (FEBRUARY 13), HE NOTED, THE SECRETARY GENERAL'S ASSISTANT DE SOTO WOULD BE COMING TO EL SALVADOR FROM TALKS WITH THE FMLN IN MEXICO. FROM PUBLIC STATEMENTS MADE BY THE FMLN, HE CONTINUED, HE WAS OPTIMISTIC THAT THEY WERE READY TO RESUME TALKS.

10. THE PROBLEM WAS TO ENSURE THE FMLN MADE A SERIOUS EFFORT TO NEGOTIATE, CRISTIANI STATED. DESPITE EFFORTS BY HIMSELF AND HIS PREDECESSOR, THE FMLN HAD NEVER TAKEN THE NEGOTIATIONS SERIOUSLY, USING THEM AS A TACTIC IN THEIR ONGOING MILITARY STRUGGLE. CRISTIANI REFERRED TO A LETTER RECENTLY SENT BY ARCHBISHOP RIVERA Y DAMAS TO THE SALVADORAN BISHOPS NOTING THAT THE FMLN POSITION ON NEGOTIATIONS MAY BE JUST A PROPAGANDA PLOY. IN HIS DISCUSSIONS WITH THE UN SECRETARY GENERAL, CRISTIANI ADDED, HE HAD SUGGESTED THAT A PRECONDITION FOR NEGOTIATIONS SHOULD BE A HALT TO ALL FMLN VIOLENCE DIRECTED AGAINST CIVILIANS - A POSITION ENDORSED BY THE OTHER CENTRAL AMERICAN PRESIDENTS IN THE SAN ISIDRO AGREEMENT SIGNED IN DECEMBER 1989. SUCH AN UNDERTAKING BY THE FMLN WOULD BE A POSITIVE SIGN OF SINCERE INTEREST IN NEGOTIATIONS. THE SECRETARY GENERAL, CRISTIANI STATED, HAD AGREED WITH CRISTIANI'S SUGGESTION AND SAID HE WOULD COMMUNICATE IT TO THE FMLN. CRISTIANI NOTED THAT A CESSATION OF HOSTILITIES WOULD MAKE IT MUCH EASIER TO REDUCE THE NUMBER OF HUMAN RIGHTS ABUSES.

11. CONGRESSMAN BILL MCCOLLUM (R-FL) NOTED THAT THIS

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[redacted] SECTION 03 OF 07 SAN SALVADOR 02189

OPCENTER ALERT ARA

E.O. 12356: DECL:OADR
TAGS: PGOV, PREL, US
SUBJECT: CRISTIANI MEETING WITH CODEL MOAKLEY

WAS HIS SIXTH VISIT TO EL SALVADOR SINCE 1983, AND THAT HE CONTINUED TO BE IMPRESSED BY THE IMPROVEMENT IN HUMAN RIGHTS AND IN THE GOES EFFORT TO RESTRAIN THE FMLN. HE NOTED THAT THE MARCH 1989 ELECTIONS WERE A MARVELOUS EXAMPLE OF DEMOCRACY AT WORK. HE WAS IMPRESSED, HE STATED, WITH THE SIU INVESTIGATION. NOTING HE HAD MET WITH CRISTIANI DURING THE LATTER'S RECENT VISIT TO WASHINGON, HE REITEREATED HIS CONCERN OVER PROGRESS ON JUDICIAL REFORM. SUCH REFORMS WERE NEEDED, HE ARGUED, NOT JUST FOR THE JESUIT CASE, BUT FOR THE MANY OTHER CASES WHICH WERE TROUBLESOME BOTH TO THE GOES AND THE US. NOTHING SHORT OF CHANGING THE RULES OF EVIDENCE COULD ACHIEVE THE DESIRED RESULTS, HE OPINED, AND ASKED WHAT EFFORTS THE GOVERNMENT HAD MADE TO IMPROVE THE JUDICIAL PROCESS.

12. NOTING THAT HIS GOVERNMENT HAD APPOINTED A SPECIAL COMMITTEE TO INVESTIGATE PROBLEMS IN THE JUDICIAL SYSTEM, CRISTIANI STATED THAT HE HAD ASKED THE COMMITTEE FOR A 1990 WORKPLAN OF RECOMMENDED CHANGES. A RANGE OF REFORMS WERE BEING CONTEMPLATED, WHICH WOULD INVOLVE NOT ONLY LEGISLATIVE BUT STRUCTURAL CHANGES IN THE JUDICIAL SYSTEM. SOME REFORMS WERE ALREADY UNDERWAY -- JUDGES, WHO USED TO BE POLITICAL APPOINTEES, WERE NOW APPOINTED BY A COMMITTEE COMPOSED OF JUDICIAL AND LEGAL EXPERTS. THE GOAL WAS TO ESTABLISH A JUDICIAL "CAREER" DURING WHICH A JUDGE WOULD ACHIEVE TECHNICAL AND LEGAL EXPERTISE.

13. CONGRESSMAN MOAKLEY INTERVENED AT THIS POINT TO NOTE THAT THE CODEL HAD RECEIVED A BRIEFING FROM COL. MANUAL RIVAS OF THE SIU THE PREVIOUS DAY, DURING WHICH THEY WERE RATHER TOUGH ON THE UNIT LEADER. NONETHELESS, THE CODEL HAD THE GREATEST RESPECT FOR THE COLONEL'S PROFESSIONALISM, PARTICULARLY WIH HIS HANDLING OF THE TECHNICAL EVIDENCE. QUESTIONING DURING THE BRIEFING, HE STATED, GOT RATHER HEAVY, BUT

SAN SA 02189 03 OF 07 142146Z 023498 189424
WAS NOT INTENDED TO IMPUGN THE COLONEL'S PERFORMANCE.

14. CONGRESSMAN STENY HOYER (D-MD) NOTED THAT THIS WAS HIS FIRST VISIT TO EL SALVADOR, BUT HIS EXPERIENCE IN EASTERN EUROPE HAD SHOWN HIM THAT ONE OF THE FUNDAMENTAL REFORMS TAKEN THERE WAS THE DISMANTLING OF THE REPRESSIVE AND INTIMIDATING SECRET POLICE SYSTEM. THE PERCEPTION OF MANY IN THE UNITED STATES WAS THAT THE JESUIT KILLINGS REPRESENTED THE DETERMINATION OF AN IDEOLOGICAL MILITARY FORCE TO DESTROY ITS OPPONENTS. THERE ARE ALLEGATIONS, HE CONTINUED, THAT THE MILITARY "TOOK OVER" IN THE FIRST DAYS OF THE FMLN OFFENSIVE IN NOVEMBER 1989. ONE OF THE FMLN'S NEGOTIATING CONDITIONS WAS THE SEPARATION OF POLICE AUTHORITIES FROM THE MILITARY IN AN EFFORT TO IMPROVE CIVILIAN CONTROL OVER THESE FORCES. WOULD CRISTIANI CARE TO COMMENT?

15. OFFERING A GENERAL COMMENT ON CIVILIAN CONTROL OF THE MILITARY DURING THE OFFENSIVE, CRISTIANI NOTED THAT HE, IN CONJUNCTION WITH THE MILITARY, ESTABLISHED CERTAIN RULES OF ENGAGEMENT DURING THE FIRST DAYS OF THE OFFENSIVE. AS THE ATTACKS CONTINUED, HOWEVER, THE MILITARY BEGAN TO REEVALUATE ITS STRATEGY AND ON NOVEMBER 15 ASKED HIM FOR PERMISSION TO USE CAVALRY AND ARTILLERY FORCES AGAINST THE INSURGENTS. CRISTIANI SAID HE FELT THE REQUEST DEMONSTRATED THE MILITARY'S RESPECT FOR CIVILIAN AUTHORITY. REGARDING SEPARATION OF SECURITY FORCES FROM THE MILITARY, HE NOTED THAT IF THE CONFLICT WERE ENDED SUCH A RESTRUCTURING WOULD BE PROBABLE. THE TREASURY POLICE WOULD REVERT TO THE AUTHORITY OF THE MINISTRY OF FINANCE, AND THE NATIONAL POLICE TO EITHER THE MINISTRY OF JUSTICE OR THE EXECUTIVE. CRISTIANI STATED HE HAD SPOKEN TO THE MILITARY ABOUT THESE PLANS JUST THE DAY BEFORE. RIGHT NOW, HOWEVER, THESE FORCES WERE AN INTEGRAL PART OF THE NATION'S DEFENSE AGAINST THE FMLN, AND

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El Salvador: Human Rights

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ARA/NEA REARCS

PAGE 01 SAN SA 02189 04 OF 07 142146Z 023488 189425
ACTION: ES (02)

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[redacted] SECTION 04 OF 07 SAN SALVADOR 02189

OPCENTER ALERT ARA

E.O. 12356: DECL:OADR
TAGS: PGOV, PREL, US
SUBJECT: CRISTIANI MEETING WITH CODEL MOAKLEY

SUCH CHANGES COULD NOT BE CONTEMPLATED UNTIL HOSTILITIES CEASED. RESPONDING TO A FOLLOW UP QUESTION ON HOW SUCH CHANGES WOULD BE IMPLEMENTED, CRISTIANI STATED THAT LEGISLATION AND EVEN CONSTITUTIONAL AMENDMENTS WOULD HAVE TO BE DRAFTED.

16. CONGRESSMAN ROBERT DORNAN (R-CA) NOTED THAT HE HAD BEEN EDUCATED BY JESUITS, AND DESCRIBED THE WIDE NETWORK OF CONTACTS THE JESUIT COMMUNITY HAD IN THE UNITED STATES. THIS ENTIRE COMMUNITY, HE CONTINUED, WAS MOBILIZED AGAINST THE GOES IN THE WAKE OF THE JESUIT KILLINGS. HE INQUIRED AS TO WHAT TYPE OF RELATIONSHIP CRISTIANI HAD HAD WITH SLAIN UCA RECTOR IGNACIO ELLACURIA. CRISTIANI RESPONDED THAT HE HAD BEEN THE FIRST ARENA CANDIDATE TO SPEAK AT UCA DURING THE CAMPAIGN, AND THAT AFTER HIS ELECTION HE WAS THE FIRST SALVADORAN PRESIDENT TO VISIT THE UNIVERSITY CAMPUS. ELLACURIA HAD BEEN CALLED "CRISTIANISTA" BY SOME OF HIS CONTACTS AFTER PUBLISHING A REVIEW OF CRISTIANI'S FIRST HUNDRED DAYS WHICH WAS IN ITS ESSENCE FAVORABLE. CRISTIANI NOTED THAT HE HAD CONSIDERED THAT ELLACURIA WAS FOR A TIME THE ONLY "LOYAL" OPPOSITION BECAUSE HE WAS EVEN-HANDED IN HIS CRITICISM AND DID NOT POLITICIZE EVERY ISSUE. DORNAN SUGGESTED THAT CRISTIANI CONTINUE HIS CONTACTS WITH UCA, THE CHURCH AND THE SPANISH (TWO OF THE SLAIN PRIESTS WERE SPANISH CITIZENS) TO TRY TO REESTABLISH GOOD RELATIONS WITH THESE SECTORS.

17. CONGRESSMAN DORNAN CONTINUED BY NOTING THAT ANOTHER CONCERN RAISED WITH HIM FREQUENTLY WERE THE ALLEGATIONS OF INDISCRIMINATE AIR FORCE BOMBING. JUST THE NIGHT BEFORE, HE STATED, SEVERAL PEASANT FAMILIES FROM CHALATENANGO HAD MET WITH THE CODEL TO DESCRIBE THEIR EXPERIENCES OF 24 HOURS BEFORE, WHEN AIR FORCE BOMBS LANDED ON SEVERAL RESIDENCES, KILLING AT LEAST FOUR CHILDREN. THESE INCIDENTS DID A GREAT DEAL OF DAMAGE TO THE GOVERNMENT - IF THEY ARE ACCIDENTS, THE GOVERNMENT SHOULD ADMIT ITS FAULT AND

SAN SA 02189 04 OF 07 142146Z 023488 189425

ENSURE THEY ARE NOT REPEATED. CRISTIANI SHOULD BE SURE TO KEEP THE CONGRESS INFORMED OF INCIDENTS SUCH AS THESE, AND RESULTANT STEPS TAKEN, SO THAT MEMBERS OF CONGRESS COULD PUT THESE INCIDENTS IN THE PROPER PERSPECTIVE, HE CONCLUDED.

18. CONGRESSWOMAN BARBARA KENNELLY (D-CT) ECHOED MR. DORNAN'S SENTIMENTS, EXPRESSING HER RESPECT FOR PRESIDENT CRISTIANI, BUT CAUTIONING THAT HER CONSTITUENTS HAD LOST PATIENCE WITH THE STATUS QUO IN EL SALVADOR. SHE NOTED A SENSE OF DEJA VU IN THAT HER FIRST VISIT TO THE COUNTRY HAD BEEN IN THE WAKE OF THE NUNS' KILLINGS -- AND TODAY HER THIRD VISIT TOOK PLACE YEARS LATER IN THE WAKE OF THE JESUIT DEATHS. MANY OF THE SALVADORAN HUMAN RIGHTS VIOLATIONS DID NOT, SHE OPINED, REFLECT "ACCIDENTS," BUT WERE MANIFESTATIONS OF PASSIONS AND IMPATIENCE STEMMING FROM THE CONFLICT. SHE URGED PRESIDENT CRISTIANI TO USE HIS GOOD OFFICES TO PREVENT SUCH ABUSES, AND TO CAUTION THAT SUCH ACTIONS HARM THE GOVERNMENT AS A WHOLE. BACK AT HOME, THE CONGRESSWOMAN CONTINUED, UNLESS IT WAS PERCEIVED THAT THE MILITARY WAS BEING RESTRAINED, FUTURE ASSISTANCE WAS IN JEOPARDY.

19. PRESIDENT CRISTIANI SAID HE APPRECIATED HER COMMENTS, STATING THAT THE GOVERNMENT WAS CONTINUOUSLY WORKING WITH THE ARMED FORCES TO CURTAIL ABUSES. HE BELIEVED THERE HAD BEEN SOME PROGRESS. IN EVERY SECTOR, HE ADDED, THERE WERE PEOPLE WHO REACTED STRONGLY FROM EMOTION, AND WHO HELD STRONG FEELINGS AGAINST ONE GROUP OR ANOTHER. THE GOES WOULD CONTINUE TO WORK TO RESTRAIN SUCH ACTIONS.

20. CONGRESSMAN ROBERT MCEWEN (R-OH) NOTED THAT HE HAD MET WITH PRESIDENT CRISTIANI FOUR TIMES IN THE LAST SEVEN MONTHS, AND WOULD ALLOW HIS COLLEAGUES TO TAKE ADVANTAGE OF THIS OPPORTUNITY. HE CONGRATULATED CRISTIANI ON HIS ACHIEVEMENTS, AND WISHED HIM

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El Salvador: Human Rights
Special Project (1995)

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ARA/NEA REARCS

PAGE 01 SAN SA 02189 05 OF 07 142146Z 023489 189426
ACTION: ES (GZ)

INFO: LARA (01) DCEN (01) REG (01) NCO (01) ARA (06) PPC (01)
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[redacted] SECTION 05 OF 07 SAN SALVADOR 02189

OPCENTER ALERT ARA

E.O. 12356: DECL:OADR
TAGS: PGOV, PREL, US
SUBJECT: CRISTIANI MEETING WITH CODEL MOAKLEY

CONTINUED SUCCESS.

21. CONGRESSMAN GERRY STUDDS (D-MA) RETURNED TO THE TOPIC RAISED BY CONGRESSWOMAN KENNELLY, NOTING THAT US POPULAR OPINION WAS ALERT TO HUMAN RIGHTS VIOLATIONS IN EL SALVADOR. LESS THAN 24 HOURS AFTER THE CHALATENANGO INCIDENT HE WAS RECEIVING FAXED MESSAGES IN HIS HOTEL ROOM FROM CONCERNED US CITIZENS. STUDDS SAID HE WAS MOST CONCERNED ABOUT ALLEGATIONS MADE BY JOYA MARTINEZ, A FORMER MEMBER OF THE ARMED FORCES, REGARDING INSTITUTIONALIZED DEATH SQUADS. WE ALL KNOW, STUDDS CONTINUED, THAT MURDERS HAVE BEEN COMMITTED BY ESAF MEMBERS, BUT THEY HAVE BEEN CHARACTERIZED AS ABERRATIONS. JOYA MARTINEZ' ALLEGATIONS, HOWEVER, SUGGEST THAT SUCH ACTIONS HAVE BEEN A MATTER OF POLICY, HE STATED. WHILE SO FAR IT HAS BEEN IMPOSSIBLE TO ESTABLISH THE VERACITY OF HIS CLAIMS, CONFIRMATION OF THEM WOULD DEAL A VERY SERIOUS BLOW TO THE GOES AND ITS CREDIBILITY IN THE US, HE WARNED.

22. PRESIDENT CRISTIANI OFFERED TWO COMMENTS, NOTING FIRST OF ALL THAT JOYA MARTINEZ IS A FUGITIVE FROM SALVADORAN JUSTICE. THE GOES HAD AN EXTRADITION REQUEST PENDING IN THE UNITED STATES, AND IT HOPED TO BRING JOYA MARTINEZ BACK TO FACE TRIAL FOR HIS ADMITTED CRIMES. SECONDLY, THE RED CROSS AND OTHER INTERNATIONAL AGENCIES, AS WELL AS US MILITARY OFFICERS, ARE CONSTANTLY MONITORING DETENTION AREAS AND MILITARY UNITS. THEY WOULD KNOW IF THERE WERE INSTITUTIONALIZED DEATH SQUADS OPERATING UNDER THE AUSPICES OF THE MILITARY.

23. REPRESENTATIVE FRANK MCCLOSKEY (D-IN) STATED THAT WHILE HE PERCEIVED BROAD SUPPORT FOR CRISTIANI PERSONALLY, HE ALSO PERCEIVED WIDESPREAD MISTRUST AND HOSTILITY TOWARDS THE ARMED FORCES. HE REPEATED ALLEGATIONS MADE BY NUNS AND PEASANTS FROM CHALATENANGO (WHO HAD MET WITH CODEL THE PREVIOUS

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NIGHT) THAT THE GOVERNMENT IMPEDED FOOD, TIN FOR ROOFS, AND MEDICINES FROM REACHING RESETTLEMENT CAMPS. HE ASKED THAT A GOVERNMENT REPRESENTATIVE MEET WITH THESE PEASANTS TO ADDRESS THEIR CONCERNS. HE ALSO ASKED THE PRESIDENT TO MEET WITH REPRESENTATIVES OF COMADRES (MEMBERS OF CODEL HELD A MEETING WITH COMADRES REPRESENTATIVE CELIA BELTRAN ON FEBRUARY 12).

24. PRESIDENT CRISTIANI COMMENTED GENERALLY THAT IN EL SALVADOR THINGS WERE NOT BLACK AND WHITE. SEVERAL CAPTURED GUERRILLAS HAD ADMITTED THEY WERE REFUGEES WHO HAD BEEN REPATRIATED FROM THE MESA GRANDE CAMP. SOME FMLN FIGHTERS CAPTURED DURING THE OFFENSIVE HAD ALSO BEEN REPATRIATED REFUGEES. THE GOES AND THE UNHCR HAD WORKED TOGETHER TO DEVELOP A RESETTLEMENT PROGRAM WHICH WOULD HAVE TEMPORARILY PLACED REFUGEES ON AGRARIAN REFORM PROPERTIES OUT OF CONFLICTIVE AREAS. ONCE THE CONFLICT WAS OVER, THEY WOULD HAVE BEEN ABLE TO RETURN TO THEIR ORIGINAL HOMES. IF THE REFUGEES HAD ACCEPTED THAT OPTION, INCIDENTS LIKE THE ONE IN CHALATENANGO WOULD NOT HAVE HAPPENED, BECAUSE THE REFUGEES WOULD HAVE BEEN OUT OF THE WAR ZONE. CRISTIANI STRESSED HE WAS NOT TRYING TO EXCUSE WHAT MAY HAVE HAPPENED IN CHALATENANGO. HE AGREED TO SEND THE VICE MINISTER OF INTERIOR TO MEET WITH THE CHALATENANGO REPRESENTATIVES. REGARDING COMADRES, HE NOTED THAT HE CONSIDERED IT A FRONT ORGANIZATION, AN OPINION CONFIRMED BY ITS PARTICIPATION IN SUCH ACTS AS THE TAKING OVER THE COSTA RICAN EMBASSY IN LATE 1989. HE WOULD AGREE TO A MEETING, BUT NOT WITH A MASSIVE DELEGATION, AND WITHOUT MEDIA PRESENCE.

25. CONGRESSMAN MCCLOSKEY THEN NOTED THAT THE 15 DAY DETENTION PERIOD WAS VERY HARD ON FAMILY MEMBERS, WHO WERE UNABLE TO RECEIVE ANY INFORMATION ABOUT THE WELFARE OF THEIR DETAINED RELATIVES UNTIL THE 15-DAY "INCOMMUNICADO" DETENTION PERIOD WAS OVER. HE ASKED CRISTIANI WHEN THE GOES PLANNED TO REMOVE THE STATE

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PAGE 01 SAN SA 02189 06 OF 07 142146Z 023491 109427
ACTION: ES (02)

INFO: LARA (01) DCEN (01) REG (01) NCO (01) ARA (06) PPC (01)
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ACTION ARA-00

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O 142127Z FEB 90
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 5526
INFO AMEMBASSY GUATEMALA
AMEMBASSY MANAGUA
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
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USMISSION USUN NEW YORK

[redacted] SECTION 06 OF 07 SAN SALVADOR 02189

OPCENTER ALERT ARA

E.O. 12356: DECL:OADR
TAGS: PGOV, PREL, US
SUBJECT: CRISTIANI MEETING WITH CODEL MOAKLEY

OF EXCEPTION WHICH EXTENDED THE DETENTION PERIOD FROM THREE TO 15 DAYS. CRISTIANI RESPONDED THAT THE GOVERNMENT HAD BEEN LIFTING VARIOUS MEASURES OF THE STATE OF EXCEPTION AS THE SITUATION PERMITTED, BUT THAT THE FMLN STILL POSED A VERY REAL THREAT TO NATIONAL SECURITY. HE DENIED THAT DETENTION WAS "INCOMMUNICADO," STATING THAT INTERNATIONAL HUMAN RIGHTS ORGANIZATIONS HAD ACCESS TO DETENTION AREAS.

26. CONGRESSMAN DAN GLICKMAN (D-KS) RETURNED TO A MORE GENERAL THEME, CAUTIONING CRISTIANI THAT EVEN UNDER THE BEST OF CIRCUMSTANCES US AID TO EL SALVADOR WOULD NOT CONTINUE INDEFINITELY, AND ADVISING THAT THE GOVERNMENT SHOULD LET THAT REALITY GUIDE IT AS IT CONTEMPLATED RENEWED NEGOTIATIONS WITH THE FMLN. WITH THE EXTERNAL AND INTERNAL DEVELOPMENTS PREVIOUSLY MENTIONED, GLICKMAN CONTINUED, THE TIME WAS RIPE FOR SERIOUS NEGOTIATIONS WITH THE FMLN. THE GOES HAD US SUPPORT NOW, BUT WOULDN'T HAVE IT FOREVER -- THE GOVERNMENT SHOULD TAKE ADVANTAGE OF THIS PERHAPS UNIQUE OPPORTUNITY TO END THE MILITARY CONFLICT.

27. CONGRESSMAN DAVID BONIOR (D-MI) ENDORSED HIS COLLEAGUE'S STATEMENTS, NOTING THAT IN THE LAST YEAR LEADERS AROUND THE WORLD HAD MADE COURAGEOUS, OFTEN RISKY DECISIONS WHICH HAD CHANGED THE COURSE OF HISTORY. HE URGED CRISTIANI TO GO THAT EXTRA MILE TO REACH A RESOLUTION. CONGRESSMAN BONIOR ALSO INQUIRED WHETHER COL. BENAVIDES, ONE OF THOSE ACCUSED IN THE JESUIT CASE, HAD KEPT A DIARY. THE PRESIDENT RESPONDED THAT HE WAS UNAWARE OF ANY DIARY.

28. CONGRESSMAN JIM MCDERMOTT (D-WA) OPENED HIS REMARKS BY NOTING HE ALWAYS FELT UNCOMFORTABLE WHEN A CONGRESSIONAL DELEGATION ARRIVED TO TELL THE PRESIDENT HOW TO DO HIS JOB. STILL, THE ONLY ALTERNATIVE HE COULD SEE WAS CEASEFIRE AND DIALOGUE. THE GOES SHOULD BE AWARE THAT CHURCHWORKERS AND

SAN SA 02189 06 OF 07 142146Z 023491 109427

OTHERS IN EL SALVADOR WERE IN CONSTANT CONTACT WITH US GROUPS -- THE INFORMATION CONTINUED TO FLOW AND CONTINUED TO DIRECTLY AFFECT CONGRESSMEN WHO HAD TO RESPOND TO THEIR CONSTITUENTS' CONCERNS ABOUT EL SALVADOR. MCDERMOTT URGED CRISTIANI TO TAKE HEED OF THE COFFEE BOYCOTT MOVEMENT FORMING IN CALIFORNIA, A MOVE WHICH COULD DO SERIOUS DAMAGE TO THE SALVADORAN ECONOMY. HE SALUTED THE PRESIDENT FOR DOING MORE THAN MANY HAD HOPED FOR - BUT URGED HIM TO DO EVENMORE OR RISK LOSING US ASSISTANCE.

29. PRESIDENT CRISTIANI REAFFIRMED HIS GOVERNMENT'S COMMITMENT TO DIALOGUE AND CEASE FIRE, NOTING THAT BOTH WERE ON THE GOES AGENDA DURING LATE 1989 DISCUSSIONS WITH THE FMLN - ONLY THE FMLN WOULDN'T COOPERATE. THE PREVIOUS ADMINISTRATION HAD SHARED THE EXPERIENCE OF TRYING TO CREATE POLITICAL SPACE FOR THE FMLN TO PARTICIPATE DEMOCRATICALLY - BUT NEITHER HAD SUCCEEDED BECAUSE THE FMLN WAS UNWILLING TO COMPROMISE. NEGOTIATION TAKES TWO SIDES, CRISTIANI COMMENTED, AND NO ONE WAS PRESSURING THE FMLN.

30. CONTINUING THE THEME, CONGRESSMAN GEORGE MILLER (D-CA) NOTED THAT PROPOSED US LEGISLATION TO CONDITION ASSISTANCE BASED ON PROGRESS IN GOES-FMLN NEGOTIATIONS WAS A WAY TO TEST THE FMLN'S INTENTIONS. NO ONE, HE CONTINUED, WOULD ASK CRISTIANI TO DO ANYTHING HE DID NOT FEEL WAS IN HIS NATION'S BEST INTEREST. IN FACT, MILLER CONTINUED, HE FELT CRISTIANI WAS HIS COUNTRY'S BEST HOPE IN THE CURRENT SITUATION. IN THE PAST, MILLER SAID, HE FELT THE US GOVERNMENT AS WELL AS THE GOES HAD LIED ABOUT PROGRESS ON HUMAN RIGHTS CASES -- BUT THE JESUIT INVESTIGATION OFFERED HOPE FOR A DIFFERENT OUTCOME, IF THE GOVERNMENT CONTINUED AS IT HAD BEGUN. MILER SAID HE PERSONALLY FAVORED RESTRICTED US ASSISTANCE TO EL SALVADOR, AND FELT THAT IT HAD, IN THE PAST AT LEAST, GIVEN THE CIVILIAN AUTHORITIES LEVERAGE OVER

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PAGE 01 SAN SA 02189 07 OF 07 142146Z 023494 109428
ACTION: ES-02

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EOP-01 OAS-01 PPA-01 GT-02 NU-05 CS-02 HO-02
EX-01 PMO-01 FM-01 ADM-01
14/22232 A2 SC ITOTAL COPIES: 031

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O 142127Z FEB 90
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 6927
INFO AMEMBASSY GUATEMALA
AMEMBASSY MANAGUA
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
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[redacted] SECTION 07 OF 07 SAN SALVADOR 02189

CPCENTER ALERT ARA

E.O. 12356: DECL:OADR
TAGS: PGOV, PREL, US
SUBJECT: CRISTIANI MEETING WITH CODEL MOAKLEY

THE MILITARY WHICH SOMETIMES WAS SLOW TO ACCEPT CONCERNS ABOUT HUMAN RIGHTS. THERE WAS SUPPORT IN CONGRESS FOR CRISTIANI, MILLER CONTINUED, BUT ADDED THAT HIS PERSONAL GOAL WAS AN END TO THE VIOLENCE IN EL SALVADOR.

31. PRESIDENT CRISTIANI RESPONDED THAT HIS GOVERNMENT APPRECIATED SUPPORT FOR AN END TO THE MILITARY CONFLICT, BUT REITERATED THAT PRESSURE ON THE GOES DID NOTHING TO ENSURE THE FMLN'S GOOD INTENTIONS. HE UNDERSTOOD THE INTENT OF LEGISLATION TIED TO PROMOTE PEACE IN EL SALVADOR BY CONDITIONING AID, BUT FELT THAT CURRENT PROPOSALS FELL VERY SHORT OF PRESSURING THE FMLN. THE FMLN ALWAYS TRIED TO PLACE THE GOES IN A POSITION WHERE IT WOULD HAVE TO SAY NO, CRISTIANI CONTINUED. IN SAN JOSE THE FMLN PROVIDED TWO AND A HALF POUNDS OF DOCUMENTS FULL OF PROPOSALS, AND DEMANDED A "YES OR NO" ANSWER FROM THE GOVERNMENT IN FIVE MINUTES. THAT WAS NOT A SERIOUS WAY TO NEGOTIATE, CRISTIANI STATED. THE FIVE CENTRAL AMERICAN PRESIDENTS HAD AGREED THAT THE FMLN WAS NOT IN A POSITION TO MAKE DEMANDS -- IT SHOULD BE DEMOBILIZED, GIVEN POLITICAL SPACE, AND REINCORPORATED INTO THE DEMOCRATIC PROCESS. RESTRICTIONS ON US ASSISTANCE SHOULD BE CAREFULLY CONSTRUCTED TO ENSURE THAT THEY DO IN FACT CONTRIBUTE TO AN END OF THE WAR, RATHER THAN EXACERBATE THE MILITARY CONFLICT.

32. CONGRESSMAN MCHUGH COMMENTED THAT A REPORTER HAD RECENTLY TOLD HIM THAT WHILE THERE WERE STILL INTERNAL FMLN DIVISIONS, THE MAJORITY FAVORED NEGOTIATIONS, INCLUDING JOAQUIN VILLALOBOS. CRISTIANI RESPONDED THAT, IF TRUE, IT WAS HEARTENING NEWS AND FURTHERED HIS OPTIMISM OVER PROSPECTS FOR NEGOTIATIONS.

33. REPRESENTATIVE DAVID DREIER (R-CA) NOTED HE HAD VISITED EL SALVADOR SIX TIMES IN THE LAST YEAR AND

SAN SA 02189 07 OF 07 142146Z 023494 109428

HAD DEVELOPED A REAL AFFECTION FOR THE COUNTRY. THE TASK FORCE HAD BEEN FORMED TO GET TO THE BOTTOM OF THE JESUIT KILLINGS, HE STATED, AND HE PERSONALLY WAS CONVINCED THAT THE GOVERNMENT HAD DONE EVERYTHING POSSIBLE IN THAT RESPECT. DREIER STATED THAT HE HAD BEEN IN EL SALVADOR DURING THE MARCH 1989 ELECTIONS WHICH CRISTIANI CARRIED WITH 54 PECENT OF THE VOTE - WHILE THE OTHER EXTREME RECEIVED ONLY 3.8 PERCENT. THE GOES, HE SAID, HAD BENT OVER BACKWARDS TO ACCOMMODATE NEGOTIATIONS. HE CONSIDERED THE USDOL 4 BILLION SPENT IN EL SALVADOR OVER THE LAST TEN YEARS TO HAVE BEEN AN EXCELLENT INVESTMENT WHICH HAD HELPED THE GOES STAND UP TO THE FMLN OFFENSIVE. CHANGING TOPICS, DREIER NOTED THAT CRISTIANI HAD ALSO ASSUMED A LEADERSHIP ROLE IN THE REGION, AND ASKED FOR HIS VIEWS ON WHERE THE PEACE PROCESS WAS GOING, AND HOW IT MIGHT BE AFFECTED BY THE FEBRUARY 1990 ELECTIONS IN NICARAGUA.

34. DESPITE CHANGES IN THE PRESIDENCIES OF THREE OF THE FIVE CENTRAL AMERICAN COUNTRIES (INCLUDING HIMSELF), CRISTIANI SAID HE FELT THE PEACE PROCESS WOULD CONTINUE, AND PERHAPS IMPROVE. HIS NEWLY ELECTED COLLEAGUES SHARED HIS COMMITMENT TO PEACE, AND APPRECIATED HIS POSITION THAT EL SALVADOR'S SITUATION BE CONTEMPLATED BY THE PROCESS, WHICH HAD ORIGINALLY FOCUSED ON NICARAGUA. REGARDING THE NICARAGUAN ELECTIONS, CRISTIANI SAID HE HAD RECEIVED REPORTS FROM VARIOUS COSTA RICAN OBSERVERS THAT THE REGISTRATION PROCESS HAD BEEN FLAWED, AND HE WAS GENERALLY CONCERNED ABOUT THE SITUATION. TASK FORCE CHAIR MOAKLEY THEN THANKED THE PRESIDENT, AND THE SESSION ADJOURNED.

WALKER

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Chile Project (#S199900030)
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PAGE 01 SANTIA 01405 01 OF 02 141907Z
ACTION ARA-00

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FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 5026
WHITEHOUSE WASHDC
INFO DEPTLABOR WASHDC

~~C O N F I D E N T I A L~~ SECTION 01 OF 02 SANTIAGO 01405

WHITE HOUSE FOR OVP JON GLASSMAN

DEPT FOR ARA/SC; EB/ODC, ARA/ECP, S/IL, AND ARA/PPC

E.O. 12356: DECL:OADR
TAGS: ELAB, PREL, PGOV, CI
SUBJECT: CHILEAN REQUEST TO RESTORE GSP BENEFITS

REF: (A) STATE 39430, (B) 89 SANTIAGO 11966, (C) 89 SANTIAGO 11345, (D) SANTIAGO 1080, (E) CASSMAN/MASON FAX OF 2/5/90 RE LETTERS TO AFL-CIO FROM CHILEAN UNION LEADERS

1. ~~CONFIDENTIAL~~ - ENTIRE TEXT.

2. SUMMARY: THERE IS EVERY INDICATION THAT THE DEMOCRATICALLY-ELECTED GOVERNMENT OF PATRICIO AYLWIN INTENDS TO SUBSTANTIVELY REFORM THE LABOR CODE. EMBASSY RECOMMENDS THAT VICE PRESIDENT QUAYLE, DURING HIS VISIT TO CHILE, ELICIT A COMMITMENT FROM AYLWIN TO MOVE QUICKLY ON LABOR LEGISLATION. ON THE BASIS OF AYLWIN'S INDICATION OF GOOD FAITH, THE VICE PRESIDENT COULD ANNOUNCE THAT THE USG WILL ACCELERATE PROCEDURES FOR LIFTING GSP RESTRICTIONS. END SUMMARY.
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PAGE 02 SANTIA 01405 01 OF 02 141907Z

3. WE AGREE WITH THE VALUE OF VICE PRESIDENT QUAYLE'S DISCUSSING A CONCRETE TIMETABLE FOR AN EARLY RESTORATION OF GSP PRIVILEGES ONCE THE NEW GOVERNMENT IS IN OFFICE (REF B). WE DO NOT, HOWEVER, BELIEVE THE REVIEW SHOULD BEGIN IN MID-FEBRUARY. THAT WOULD BE INTERPRETED HERE AS A POSITIVE RESPONSE TO THE "OFFENDING" GOC'S REQUEST FOR JUST SUCH ACTION. OTHER THAN THE TWO POINTS MENTIONED IN REF A (RELEASE OF BUSTOS AND MARTINEZ AND ELECTORAL PARTICIPATION FOR LABOR LEADERS), THERE HAS BEEN NO SUBSTANTIVE CHANGE IN THE GOC'S ATTITUDE TOWARD LABOR. ON THE CONTRARY, THE LABOR REFORMS PROPOSED BY PRESIDENT PINOCHET ON MARCH 11, 1989, HAVE NOT BEEN PASSED, DESPITE ASSURANCES FROM TWO LABOR MINISTERS THAT THEY WOULD BE. WE HAD SPECIFICALLY ADVISED THE GOC THAT SUBSTANTIVE REFORM OF THE LABOR CODES, ALONG THE LINES MENTIONED BY PINOCHET AND OUTLINED BY THE LABOR MINISTERS, MIGHT BE SUFFICIENT TO INITIATE A REVIEW OF CHILE'S GSP SITUATION. WE RECONFIRMED THIS POINT TO MINISTER OF LABOR MARIA TERESA INFANTE ON NOVEMBER 2, AFTER BUSTOS AND MARTINEZ WERE RELEASED (REF C). THE FAILURE OF THE GOC TO PASS EVEN MINIMAL CHANGES TO THE CODE DESPITE OUR ASSURANCES THEY WOULD BE CAREFULLY REVIEWED WITH AN EYE TO GSP RESTORATION IS AN INDICATION OF THE CONTINUING DISINTEREST OF THE GOC IN IMPROVING LABOR'S SITUATION.

4. THE INCOMING GOVERNMENT, ON THE OTHER HAND, HAS MADE LABOR REFORM ONE OF ITS PRIORITIES. THE FIRST ACT OF RENE CORTAZAR AFTER HIS NOMINATION AS MINISTER OF LABOR IN THE NEW GOVERNMENT WAS TO CALL AT THE UNIFIED LABOR CENTRAL'S CUT) HEADQUARTERS TO MEET WITH CUT PRESIDENT MANUEL BUSTOS AND OTHER OFFICIALS, TO UNDERSCORE THE NEW GOVERNMENT'S COMMITMENT TO LABOR (REF D). (IT SHOULD BE ~~CONFIDENTIAL~~

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PAGE 03 SANTIA 01405 01 OF 02 141907Z

NOTED THAT THE CURRENT GOC HAS CONSISTENTLY REFUSED TO MEET WITH CUT OFFICIALS EXCEPT IN THEIR INDIVIDUAL CAPACITY AS LABOR FEDERATION OFFICIALS.)

5. ON JANUARY 29, LABATT RAISED INFORMALLY WITH LABOR MINISTER-DESIGNATE CORTAZAR THE USG'S INTEREST IN LABOR REFORM IN CHILE AND THE POSSIBILITY OF RESTORING GSP

PRIVILEGES QUICKLY ON THE BASIS OF CLEAR EVIDENCE THE NEW GOVERNMENT WOULD RESPECT WORKER RIGHTS. CORTAZAR OPINED THAT DRAFT LEGISLATION MIGHT NOT BE PRESENTED TO CONGRESS FOR A FEW MONTHS GIVEN THE NEW GOVERNMENT'S INTEREST IN HAVING BROAD AGREEMENT FROM LABOR AND BUSINESS ON ITS CONTENTS. LABATT SUGGESTED THAT A CLEAR STATEMENT OF INTENTION BY THE GOC TO REFORM THE CODE AND AN EXPLANATION OF THE POINTS THE NEW GOC WOULD CONSIDER ESSENTIAL ELEMENTS OF A NEW LABOR CODE MIGHT SERVE AS A VEHICLE FOR GSP REVIEW. CORTAZAR PROMISED TO SEND SUCH A DOCUMENT TO US SOON.

6. THERE IS A STRONG POSSIBILITY THAT NOT ALL LABOR LEADERS WILL BE PLEASED BY THE NEW LABOR CODE; SOME OF THE MORE RADICAL ONES, FRUSTRATED BY SIXTEEN YEARS OF ANTI-LABOR GOVERNMENT, WOULD BE SATISFIED ONLY IF THE CLOCK WERE REVERSED TO THE TIME WHEN THE GOVERNMENT ENFORCED LABOR'S WILL ON THE BUSINESS COMMUNITY. THIS IS NOT LIKELY TO HAPPEN GIVEN AYLWIN'S DETERMINATION TO MAINTAIN THE CONFIDENCE OF THE PRIVATE SECTOR WHILE REDRESSING REPRESSIVE ELEMENTS OF PINOCHET'S LABOR POLICY. WHAT IS IMPORTANT IS THAT LABOR HAVE A CHANCE TO STATE ITS CASE AND NEGOTIATE ON EQUAL FOOTING WITH GOVERNMENT AND THE BUSINESS COMMUNITY AND THAT LABOR'S RIGHT TO STRIKE, TO FORM ASSOCIATIONS AND TO BARGAIN

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PAGE 01 SANTIA 01405 02 OF 02 141908Z

ACTION ARA-00

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	OPM-01	E-01	/029 W				

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O 141901Z FEB 90
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 5027
WHITEHOUSE WASHDC
INFO DEPTLABOR WASHDC

~~C O N F I D E N T I A L~~ SECTION 02 OF 02 SANTIAGO 01405

WHITE HOUSE FOR OVP JON GLASSMAN

DEPT FOR ARA/SC; EB/ODC, ARA/ECP, S/IL, AND ARA/PPC

E.O. 12356: DECL:OADR
TAGS: ELAB, PREL, PGOV, CI
SUBJECT: CHILEAN REQUEST TO RESTORE GSP BENEFITS

COLLECTIVELY BE PROTECTED BY LAW ARE IN PRACTICE. THERE IS NO INDICATION THAT THE CURRENT GOC IS PREPARED TO ACCEPT THESE STANDARDS, BUT EVERY INDICATION THAT THE NEW GOVERNMENT WILL. IN THIS REGARD, LABOR'S OPTIMISTIC VIEW OF THEIR FATE UNDER THE INCOMING GOVERNMENT IS EVIDENT IN THE APPEALS TO THE AFL-CIO BY CUT PRESIDENT BUSTOS AND DEMOCRATIC WORKER'S CENTRAL (CDT) SECRETARY GENERAL FLORES FOR REMOVAL OF GSP SANCTIONS AS SOON AS AYLWIN ASSUMES OFFICE ON MARCH 11 (REF E).

7. IN THE CURRENT CONTEXT, EMBASSY SEES A VERY REAL CONTRIBUTION VICE PRESIDENT QUAYLE CAN MAKE DURING THE AYLWIN INAUGURATION. THE VICE PRESIDENT COULD RAISE THE GSP ISSUE ELICITING A COMMITMENT FROM THE PRESIDENT TO MOVE QUICKLY ON LABOR LEGISLATION AND REQUEST IMMEDIATE
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PAGE 02 SANTIA 01405 02 OF 02 141908Z

LIFTING OF GSP RESTRICTIONS. WITH SUCH A HIGH-LEVEL COMMITMENT, THE VICE PRESIDENT COULD THEN PUBLICLY NOTE AYLWIN'S REQUEST, HIS POSITION ON REFORM, AND ANNOUNCE

THAT THE USG WILL, ON THE BASIS OF THIS INDICATION OF GOOD FAITH, ACCELERATE PROCEDURES (OR REVIEW) FOR LIFTING GSP RESTRICTIONS. BEFORE THE VICE PRESIDENT'S MEETING, WE WOULD PLAN TO HAVE REVIEWED THE GOC'S PROPOSED LABOR REFORM PACKAGE TO ENSURE THAT IT ADEQUATELY ADDRESSES THE POINTS WHICH PROMPTED GSP SUSPENSION. GILLESPIE

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Chile Project (#S199900030)
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PAGE 01 STATE 268740
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TO AMEMBASSY SANTIAGO

C O N F I D E N T I A L STATE 268740

E.O. 12356: DECL: OADR
TAGS: AMGT
SUBJECT: OFFICIAL-INFORMAL

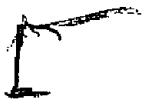
ASSISTANT SECRETARY'S DAILY ACTIVITY REPORT
AUGUST 13, 1990

CONFIDENTIAL

PAGE 02 STATE 268740

(C) CHILE: RETTIG COMMISSION REQUESTS ASSISTANCE. THE COMMISSION ON TRUTH AND RECONCILIATION, HEADED BY RAUL RETTIG, IS INVESTIGATING HUMAN RIGHTS ABUSES THAT OCCURRED DURING THE PREVIOUS REGIME. THEY WISH TO INTERVIEW MICHAEL TOWNLEY AND ARMANDO FERNANDEZ LARIOS ABOUT THE OPERATIONS OF DINA (THE CHILEAN INTELLIGENCE AGENCY LATER KNOWN AS CNI), SPECIFICALLY ASSASSINATIONS COMMITTED ABROAD. (STEVENS)

(C) CHILE: CARDOEN SEEKS TRADE WITH CUBA. HUGO CARDOEN, IN A RECENT MEETING WITH AMBASSADOR GILLESPIE, ASKED HOW THE U.S. MIGHT VIEW NON-MILITARY TRADE WITH CUBA. GILLESPIE SET HIM STRAIGHT: BUSINESS WITH CUBA WOULD BE UNHELPFUL TO OUR REGIONAL INTERESTS AND WOULD BE LUMPED TOGETHER WITH OTHER ISSUES AFFECTING U.S.-CHILE RELATIONS. (STEVENS)



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El Salvador Human Rights
Special Project (1990)

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INFO: LARA(01) DCEN(01) REG(01) ES(02) NCO(01) ARA(06)
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TO USIA WASHDC PRIORITY 4836
SECSTATE WASHDC PRIORITY 5970
INFO AMEMBASSY GUATEMALA
AMEMBASSY MANAGUA
AMEMBASSY MEXICO
AMEMBASSY PANAMA
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HTS PM

RELEASE

UNCLAS SAN SALVADOR 02270

USIA FOR P/G, P/PFL, P/M, VOA/BRL, AR
STATE FOR ARA/P, ARA/CEN, PA, H
AMEMBASSY FOR IO/PAO
SOUTHCOM FOR PAO

E.O. 12356: N/A
TAGS: OPRC, PGOV, PREL, PHUM, (MOAKLEY, JOE), U.S., ES
SUBJECT: STATEMENT BY CODEL MOAKLEY AND TRANSCRIPT OF
- FOLLOWING PRESS CONFERENCE, SAN SALVADOR,
- FEBRUARY 14, 1990

FOLLOWING IS THE TEXT OF THE FEBRUARY 14, 1990, PRESS CONFERENCE GIVEN AT THE CAMINO REAL HOTEL, SAN SALVADOR, EL SALVADOR, BY CONGRESSMAN JOE D. MOAKLEY ON BEHALF OF THE VISITING U.S. CONGRESSIONAL DELEGATION WHICH HE HEADED.

(BEGIN TEXT OF PREPARED STATEMENT)
SHORTLY AFTER THE HEINOUS MURDERS OF SIX JESUIT PRIESTS, THEIR HOUSEKEEPER AND HER YOUNG DAUGHTER ON NOVEMBER 16, 1989, SPEAKER TOM FOLEY APPOINTED A SPECIAL TASK FORCE TO MONITOR THE SALVADORAN GOVERNMENT'S INVESTIGATION INTO THE MURDERS AND TO REPORT BACK TO HIM. THE REPUBLICAN LEADER IN CONGRESS, CONGRESSMAN ROBERT MICHEL, APPOINTED FIVE REPUBLICAN MEMBERS LED BY CONGRESSMAN BUD SHUSTER TO JOIN THE TASK FORCE AND TO VISIT EL SALVADOR.

WE HAVE JUST COMPLETED AN INTENSIVE, A VERY INTENSIVE, FOUR DAY VISIT TO THIS COUNTRY, AND DURING OUR STAY WE HAVE BEEN BRIEFED EXTENSIVELY BY OUR AMBASSADOR AND HIS STAFF, BY THE SPECIAL INVESTIGATIVE UNIT (SIU), HEADED BY COLONEL RIVAS, WHICH HAS CONDUCTED THE INVESTIGATION INTO THE MURDERS. WE HAVE MET WITH PRESIDENT CRISTIANI; THE ARMY CHIEF OF STAFF, COLONEL PONCE; VICE MINISTER OF DEFENSE, COLONEL ZEPEDA; WITH THE JESUIT'S PROVINCIAL FOR CENTRAL AMERICAN, FATHER TOJEIRA; THE JESUIT RECTOR OF UCA, FATHER ESTRADA; WITH ARCHBISHOP RIVERA Y DAMAS; THE ATTORNEY GENERAL AND THE JUDGE HANDLING THIS CASE; WITH OTHER RELIGIOUS GROUPS; DEFENSE LAWYERS; AND EVEN CAPTURED FMLN FIGHTERS.

ALL OF THE MEMBERS OF THIS DELEGATION WOULD LIKE TO EXPRESS OUR DEEPEST APPRECIATION TO THE SALVADORAN GOVERNMENT, THE U.S. EMBASSY AND A SPECIAL THANKS TO

THE SOCIETY OF JESUS, WHO HAVE SHARED WITH US BOTH THEIR PAIN AND THEIR WISDOM. OUR FOCUS IN THE MEETINGS HAS BEEN FOURFOLD:

- TO DETERMINE WHETHER THE INVESTIGATION HAS LED TO
- THE IDENTIFICATION OF ALL THOSE RESPONSIBLE FOR THE
- MURDERS;

- TO ASCERTSIN WHETHER IT IS LIKELY THAT THEY WILL BE
- BROUGHT TO JUSTICE;

- TO GAUGE THE OVERALL CLIMATE OF RESPECT FOR HUMAN
- RIGHTS HERE IN EL SALVADOR; AND
-
- TO ASSESS THE PROSPECTS FOR AN END TO THE WAR AND A
- LASTING PEACE.

WITH RESPECT TO THE INVESTIGATION, WE BELIEVE THAT IT HAS BEEN CHARACTERIZED BY GOOD POLICE WORK ON THE PART OF THE SIU AND WE COMMEND THE SALVADOREAN GOVERNMENT FOR THIS. THE TECHNICAL ASPECTS OF THIS CASE HAVE BEEN HANDLED VERY WELL.

WE BELIEVE, HOWEVER, THAT THE INVESTIGATION IS NOT OVER YET, AND THAT IMPORTANT LEADS AND ALLEGATIONS REMAIN TO BE FULLY INVESTIGATED, NAMELY REPORTS WHICH SUGGEST THAT THE INTELLECTUAL AUTHORS OF THE MURDERS MAY NOT HAVE BEEN IDENTIFIED AND SUGGESTIONS THAT THERE MAY HAVE BEEN A COVERUP OF THIS CRIME BY SOME IN THE ARMED FORCES. WE NOTE IN THIS CONNECTION THAT COLONEL PONCE TOLD US THAT NOT ONE PERSON IN THE MILITARY -- NOT ONE -- CAME FORWARD TO REPORT TO HIM THE COMPLICITY OF THE ARMY IN THE MURDERS. WE, THEREFORE, JOIN WITH OUR AMBASSADOR IN INSISTING THAT THESE SPECIFIC ALLEGATIONS BE THROUGHLY INVESTIGATED.

WITH RESPECT TO THE NEXT PHASE OF THE JUDICIAL PROCESS, WE FEAR THAT AVAILABLE EVIDENCE MAY BE INSUFFICIENT TO BRING ALL THE MURDERERS TO JUSTICE, AND WE ARE DEEPLY CONCERNED ABOUT THIS PROSPECT. WE STRONGLY SUPPORT CURRENT, AS WELL AS POSSIBLE NEW, EFFORTS BY THE UNITED STATES TO ASSIST IN EVERY POSSIBLE WAY THE SALVADORAN GOVERNMENT IN ITS INVESTIGATORY AND JUDICIAL EFFORTS.

WITH RESPECT TO THE OVERALL CLIMATE OF RESPECT FOR HUMAN RIGHTS, WE HAVE STRONG CONCERNS. FIRST, WE CONDEMN -- IN THE STRONGEST OF ALL POSSIBLE TERMS -- THE FMLN OFFENSIVE, FOR THE NEEDLESS BLOODSHED WHICH RESULTED IN PROSECUTING THE OFFENSIVE. THE FMLN IS GUILTY OF SERIOUS VIOLATIONS OF HUMAN RIGHTS AND CAUSED A SERIOUS SETBACK TO THE PROSPECTS FOR A PEACEFUL SETTLEMENT OF THE WAR.

WITH REGARD TO THE SALVADORAN ARMED FORCES -- A CENTRAL QUESTION FOR THE TASK FORCE IS WHETHER THE HUMAN RIGHTS PROBLEMS IN EL SALVADOR -- INCLUDING THE KILLINGS OF THE JESUITS -- ARE THE ACTIONS OF A FEW RENEGADE MILITARY FIGURES OR WHETHER, IN FACT, THEY STEM FROM ATTITUDES AND ACTIONS THAT GO TO THE VERY HEART OF THE ARMED FORCES AND OTHER MAJOR INSTITUTIONS IN THIS COUNTRY. ENCOURAGING GENUINE CHANGE IN THESE INSTITUTIONS REMAINS THE GREATEST CHALLENGE FACING EL SALVADOR; A CHALLENGE THAT, DESPITE ENORMOUS INVESTMENTS OF MONEY AND EFFORT, HAS NOT YET BEEN FULLY MET. GIVEN THE TRAGEDY OF THE JESUIT CASE, IT IS PARTICULARLY IMPORTANT THAT THE ARMED FORCES BE ABLE TO DISTINGUISH AS AN INSTITUTION BETWEEN THOSE WHO TAKE UP ARMS AGAINST THE GOVERNMENT AND THOSE WHOSE RELIGIOUS AND POLITICAL CONVICTIONS SIMPLY PLACE

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Special Project (1993)

THAT AT THIS STAGE ANYBODY COULD'VE BEEN INVOLVED, AND HE SAID THAT MILITARY UNIFORMS HAD BEEN USED BY THE FMLN BEFORE. HE DIDN'T HAVE THE INFORMATION IN HIS HAND AT THAT TIME TO DEMONSTRATE THAT THE MILITARY WAS IMPLICATED, AND I THINK AMBASSADOR WALKER WAS BEING JUDICIOUS IN HIS STATEMENT TO ME AT THAT TIME.

Q. BUT ANOTHER AMERICAN OFFICER HAD ALREADY GONE TO SALVADORAN OFFICIALS AND TOLD THEM OF THE INFORMATION HE HAD IMPLICATING COLONEL BENAVIDES AND OTHERS.

A. AMBASSADOR WALKER DID NOT HAVE THAT INFORMATION AT THAT TIME WHEN HE AND I HAD THAT CONVERSATION.

Q. WERE YOU TROUBLED BY THE FACT THAT HE DID NOT HAVE THE INFORMATION THAT OTHER AMERICAN OFFICIALS HAD AT THE TIME?

A. WELL, I'M TROUBLED BY A LOT OF THINGS ON THE FLOW OF INFORMATION. I THINK OUR INFORMATION COMES SLOW FROM WHATEVER SOURCE, BUT IN THIS INSTANCE, I DID HAVE A LONG TALK WITH AMBASSADOR WALKER, AND I AM ASSURED THAT HE DID NOT HAVE THAT INFORMATION WHEN HE MADE THE STATEMENT TO ME. (PAUSE) IS THAT IT? THANK YOU VERY MUCH.

Q. ONE MORE QUESTION. IS IT TRUE THAT YESTERDAY, WHEN ONE OF THE CONGRESSMEN WENT YESTERDAY TO THE SITE IN CHALATENANGO THAT THEY FOUND PIECES OF A U.S. MADE ROCKET NEARBY THE SITE WHERE FIVE PEOPLE WERE KILLED?

A. THAT IS TRUE, THERE WAS A PIECE OF A U.S. ROCKET BROUGHT BACK. BUT AS I SAID, WE DON'T HAVE THE FINAL REPORT; THEREFORE, THIS COMMISSION IS NOT GOING TO HAVE ANY STATEMENT ON THAT INCIDENT AT THIS TIME. WE ARE VERY SENSITIVE TO IT (THE INCIDENT), AND WE HAVE ASKED EVERYBODY INVOLVED TO GET BACK TO US AS SOON AS POSSIBLE, BUT I THINK IT WOULD NOT BE JUDICIOUS AT THIS TIME TO MAKE ANY STATEMENT ON THAT. THANK YOU. JACOBS

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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part X In Full ____
Exemption(s) NR

CONFIDENTIAL

PAGE 01 THE HA 01388 01 OF 02 151553Z
ACTION IO-19

INFO	LOG-00	ADS-00	AID-00	INR-05	EUR-00	SS-00	OIC-02
	AF-00	CIAE-00	EB-00	DODE-00	H-01	NEA-00	NSCE-00
	ARA-00	NSAE-00	HA-09	L-03	LAB-04	TRSE-00	EAP-00
	PA-01	STR-18	SIL-00	INRE-00	RP-10	USIE-00	SP-00
	SR-06	PRS-01	P-02	/081 W			

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R 151445Z FEB 90
FM AMEMBASSY THE HAGUE
TO SECSTATE WASHDC 0983
INFO USMISSION GENEVA
USMISSION USUN NEW YORK
USMISSION USVIENNA

C O N F I D E N T I A L SECTION 01 OF 02 THE HAGUE 01388

GENEVA FOR USDEL

USVIENNA FOR UNVIE

E.O. 12356:
TAGS: UNHRC-1, PHUM, PREL, NL
SUBJECT: DUTCH VIEWS ON 46TH SESSION OF THE UN
- HUMAN RIGHTS COMMISSION, GENEVA

REF: STATE 44105

1. CONFIDENTIAL -- ENTIRE TEXT.

CONFIDENTIAL

PAGE 02 THE HA 01388 01 OF 02 151553Z

4. CHILE: THE DUTCH ARE VERY PLEASED WITH DEVELOPMENTS IN CHILE AND FULLY AGREE WITH OUR VIEW THAT ANY RESOLUTION ON THE HUMAN RIGHTS SITUATION IN CHILE MUST TAKE INTO ACCOUNT CHILE'S IMPROVED RECORD ON HUMAN RIGHTS AND DEMOCRACY.

CONFIDENTIAL

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CONFIDENTIAL

PAGE 01 THE HA 01388 02 OF 02 151557Z

ACTION IO-19

INFO	LOG-00	ADS-00	AID-00	INR-05	EUR-00	SS-00	OIC-02
	AF-00	CIAE-00	EB-00	DODE-00	H-01	NEA-00	NSCE-00
	ARA-00	NSAE-00	HA-09	L-03	LAB-04	TRSE-00	EAP-00
	PA-01	STR-18	SIL-00	INRE-00	RP-10	USIE-00	SP-00
	SR-06	PRS-01	P-02	/081 W			

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R 151445Z FEB 90
FM AMEMBASSY THE HAGUE
TO SECSTATE WASHDC 0984
INFO USMISSION GENEVA
USMISSION USUN NEW YORK
USMISSION USVIENNA

C O N F I D E N T I A L SECTION 02 OF 02 THE HAGUE 01388

GENEVA FOR USDEL

USVIENNA FOR UNVIE

E.O. 12356:
TAGS: UNHRC-1, PHUM, PREL, NL
SUBJECT: DUTCH VIEWS ON 46TH SESSION OF THE UN

DEVELOPMENT: THE DUTCH AGREE THAT THE UNHRC'S AGENDA HAS BECOME CROWDED WITH EXTRANEOUS ISSUES. THEY BELIEVE THAT THE RIGHT TO DEVELOPMENT SHOULD HAVE LESS PROMINENCE BUT DO NOT INSIST THAT IT BE DROPPED. THE DUTCH SHARE THE US VIEW THAT THE RIGHT TO DEVELOPMENT SHOULD BE SEEN AS AN INDIVIDUAL RIGHT AND NOT AS A RIGHT TO BE EXERCISED BY THE STATE.

10. BUDGET REVIEW: THE DUTCH SUPPORT FISCAL RESPONSIBILITY.

CONFIDENTIAL

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PAGE 02 THE HA 01388 02 OF 02 151557Z

11. REFORM OF THE SUBCOMMISSION: DE VEY SAID THE SUBCOMMISSION, ESPECIALLY THE SIX INDEPENDENT EXPERTS FROM THE WEOG, SERVE AN

IMPORTANT FUNCTION, ACTING AS A THINK TANK. NEVERTHELESS, THE DUTCH ACKNOWLEDGE THAT THE SUBCOMMISSION COULD STAND FOR SOME REFORM TO RESTORE IT TO ITS ORIGINAL FUNCTION AND WOULD SUPPORT A US RESOLUTION TO THAT END.

12. EXPANSION OF TECHNICAL ASSISTANCE: THE DUTCH SHARE OUR VIEW THAT THE TECHNICAL ASSISTANCE PROGRAMS ARE EFFECTIVE AND PLAN TO DONATE THIS YEAR, AS THEY DID LAST YEAR, ABOUT $50,000 TO THE UN CENTER FOR HUMAN RIGHTS TECHNICAL ASSISTANCE.

13. THEMATIC RAPPORTEURS--WORKING GROUP ON DISAPPEARANCES: OUR SUGGESTION TO ABOLISH THE WORKING GROUP ON DISAPPEARANCES ELICITED THE ONLY SOLID DUTCH EXPRESSION OF DISAPPROVAL. NOTING THAT ONE OF THE FIVE MEMBERS OF THE WORKING GROUP IS DUTCH, DE VEY ARGUED THAT THE GROUP IS DEALING WITH 5000 CASES AND THAT WHILE THE WORKING GROUP HAD BEEN ESTABLISHED IN RESPONSE TO ARGENTINA'S "DIRTY WAR," ITS CASE LOAD NOW COMES FROM IRAQ, PERU, AND OTHER COUNTRIES. OBSERVING THAT IT IS "CYNICAL" TO CONSIDER DISAPPEARANCES AS SUMMARY EXECUTIONS, DE VEY ARGUED THAT DISAPPEARANCES REQUIRE EXTENSIVE INVESTIGATION TO TRACK DOWN THE DISAPPEARED, WHILE RESPONDING TO SUMMARY EXECUTIONS IS LIMITED TO PROTESTING THE ACTION. THE MOST THE DUTCH MIGHT CONSIDER IS REDUCING CONFIDENTIAL

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PAGE 03 THE HA 01388 02 OF 02 151557Z

THE FIVE MEMBER WORKING GROUP TO A SINGLE RAPPORTEUR, DE VEY SAID.

14. THEMATIC RAPPORTEURS--MERCENARIES: WHILE THE DUTCH WOULD PREFER NOT TO HAVE A RAPPORTEUR ON MERCENARIES, DE VEY SAID, THEY SEE HIM AS A NECESSARY CONCESSION TO THE G-77, WHICH IS PRONE TO ARGUE FOR ABOLISHING ALL THEMATIC RAPPORTEURS. NOW THAT THEY HAVE A RAPPORTEUR THEY CONSIDER TO BE ON THEIR SIDE, THE G-77

FEELS IT IS PART OF THE THEMATIC RAPPORTEUR SYSTEM.

15. RELIGIOUS INTOLERANCE: THE DUTCH ARE IN FULL AGREEMENT WITH US VIEWS.

16. UN HIGH COMMISSIONER ON HUMAN RIGHTS: THE DUTCH FULLY SHARE OUR VIEWS.
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Embassy of the United States of America

RELEASED

Mr. Aryeh Neier
Executive Director
Human Rights Watch
485 Fifth Avenue
New York, New York 10017

February 15, 1990

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 07/13/95
Case ID: 9512233

Dear Mr. Neier:

I refer to "your" letter of January 24. As it was incorrectly addressed, it took longer than usual to arrive and, consequently, delayed my response. While having no wish to continue this exchange, I find myself forced to do so by: (1) The inadequacy of the proposed resolution to the problem you created; (2) your organization's refusal to deal with the issues I raised in my letter of January 9; and (3) "your" letter's ethnocentric, nay, imperial arrogance. Please forgive the length of this letter; I hope it is the last time I need to write you and there are matters which need clarifying.

"Your" letter is a masterpiece: In just four pages it reveals nearly every flaw of logic and political bias of which critics accuse human rights groups. I cannot believe this letter's author is the same who wrote a letter to the NY Times (May 27, 1989) acknowledging the unfortunate political uses to which human rights is put and giving a basic guide to distinguish "partisan efforts from genuine efforts to promote human rights." I keep a copy of the Times letter as it is useful in my work on human rights. I find it depressing to think you wrote both and would rather think you wrote the one to the Times and a junior aide the other.

"Your" letter objects to the language of my previous letter. I am sorry if I offended Fifth Avenue sensitivities, but let's get one thing clear: Your report states a falsehood about me and creates a danger for my family (and for Mr. Mendez, a man with whom I am often seen). Pardon me, sir, for not appreciating that and for having an adverse reaction.

I do not regard as satisfactory the language "you" propose to insert somewhere, in some report, some time in the future. Your group still seeks to avoid the main issue, to wit, you had no right at all to use my name or to cite a private discussion I had with, among others, Ms. Simon. (This aside from the fact you misrepresented that discussion.) While it mentions me by name, misspelled though it is, your report does not list the name of Ms. Simon, spelled correctly or otherwise, as the source of its information. The report seems careful, and properly so, in protecting names: Why do I get different treatment? Is the safety of U.S. personnel less important than that of other persons? Is misspelling the only protection to which I am entitled?

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I have contacted a U.S. non-profit legal organization (after all, I am apparently up against an organization) regarding this. That organization is quite interested in the issue and agrees with me that by using your own reports on Guatemala I have an excellent claim that your irresponsible and unethical action endangers my family and me, as well as Mr. Mendez.

In addition, I have spoken to others who attended the dinner; none recalls the conversation being as reported by your group. Once again, Ms. Simon presented herself to no one as a "representative" of Americas Watch; "your" letter makes clear that despite what your report states she, in fact, was not a representative. No one at the dinner suspected that comments made in the course of a private, i.e., "off the record," and relaxed discussion could and would be shared, inaccurately at that, with the public (I believe you will hear from some of those persons). If you have begun to engage in covert activities, please engage agents who report accurately.

"Your" letter claims Ms. Simon confirmed her version of the dinner conversation. I am not impressed. You can hardly expect Ms. Simon to admit she is wrong. Any responsible organization involved in a controversy over what one of "their" reporters relates would check not only with the reporter, as maybe you did, but with the person cited and with any witnesses, of which in this case there are several. You have not done this. I withdraw my comparison of your group's style with that of a squalid supermarket tabloid; it is unfair to squalid supermarket tabloids.

More disturbing and revealing, however, is a comment Ms. Simon made during a recent call on the Ambassador. Asked why she reported a private conversation, Ms. Simon replied she felt "under attack" at the dinner. Prior to this meeting, she made a like comment to a Guatemalan. This, apparently, is how she gets even: Disagree with her, and she turns you over to "Americas Watch." A professional "representative," Mr. Neier, and ethical, too.

In your next report on Guatemala either carry my letters--and, please, "yours" too as it helps me make my case--or run the following as the lead paragraph: "In our latest report on Guatemala, we stated that U.S. Embassy human rights officer W. Lewis Amselem suggested at a private dinner that Amilcar Mendez, leader of the indigenous human rights organization CERJ, is a guerrilla. We decried that he would involve the U.S. Embassy in a campaign to depict Mr. Mendez as a guerrilla. We now know that this part of our report is false: Neither the U.S. Embassy nor Mr. Amselem made this accusation nor is either involved in any campaign to label Mr. Mendez

a guerrilla. U.S. Ambassador Thomas F. Stroock publicly stated, in response to a journalist's question (El Grafico; Jan. 10, 1990), that he hopes to meet Mr. Mendez and that the U.S. Embassy does not consider him a guerrilla. We deeply regret our error and apologize to the U.S. Embassy, Mr. Mendez, and Mr. Amselem."

Since your report endangers Mr. Mendez, the least you can do is make a donation for the treatment of his wife's eye disease--she risks going blind. It would be a tiny gesture for a well-oiled Fifth Avenue organization such as yours but would show a willingness to accept responsibility for your errors.

As it turns out, on the question of the amount of military assistance to Guatemala, your report is wrong and I am right. As pointed out in my letter to you, that report incorrectly states that in FY90 we gave $9 million in such assistance. The letter you signed tries to slide around the point, arguing that the Administration requested $9 million and "your sources" state that amount will be approved. The letter you signed dodges the issues. First, your report states $9 million was provided in FY90, when in fact the FY90 budget was not approved at the time of the report. Second FY90 military aid will be under $3 million--so even your number is wrong. Some advice: Get new sources, do good research, learn the budget process.

"Your" statements about "nonlethal" aid are very interesting and should be widely publicized. "You" state that to provide even socks to a military organization is to provide lethal aid. Do you utter that argument when people send "humanitarian" aid to guerrillas in El Salvador? Do you believe the International Committee of the Red Cross (ICRC), in fact, provides lethal aid? Boy, would you get along with some of the neanderthals who argue just that!

"Your" paragraph on the engineers and Lake Atitlan again avoids issues and facts. The letter you signed cites, and selectively, from a "travel advisory" that mentions conditions in Solola Department south of the Lake and road travel to the lake: Our people were not south of Lake Atitlan and did not travel by road to the lake. The engineers were near the city of Solola, which is north of Lake Atitlan (some advice: Get an atlas). At the time the engineers were here, guerrilla activity at Lake Atitlan was on the south coast.

So, what's "your" point? Trying to imply that we would deliberately send American citizens into danger? Or, just testing us on our knowledge of geography?

Let me help your group with facts (you know, those pesky little things that get left out of your reports). A U.S. Army engineer platoon (13th Engineer Co. from Fort Knox), about 45 persons, deployed from April 24 to June 29, 1989 for work on a road project 2.7 miles west of the city of Solola. They helped the Ministry of Public Works, a civilian organization, build a two-mile stretch of road through difficult and rocky terrain. In their spare time, they also built a meeting hall and a school (serious human rights violations, eh?). The same unit did similar work elsewhere in Latin America. The primary purpose of the deployment was to provide our personnel practical training of a type tough to get in the U.S. The people of Guatemala will benefit from a road, school, and meeting hall. These activities took place in full view of foreign tourists vacationing along the shore of Lake Atitlan (Gasp! Tourists in a "conflictive" zone!) and the Guatemalan media, which reported very favorably on the deployment.

On the general subject of "travel advisories," please note the one on air travel to Europe. Do you, as a consequence, believe Europe a "conflictive" zone? After all, terrorists have killed more people, including U.S. Government personnel, in the air over Scotland than they have in Solola. This leads us into your group's rather flexible use of "conflictive zone." As a native of New York City, I feel it my duty to advise you that, in case you have not noticed, your offices are only a "few kilometers" from an area, the South Bronx, with a higher per capita murder rate than most of Guatemala. Mr. Neier, I wonder if you should be in a "conflictive" zone. I worry about you.

Now to your organization's misrepresentation of National Guard deployments here. Precisely because, as stated in the letter you signed, "civic action" has a pejorative connotation, your group has a responsibility to explain what it means when it says National Guard units participate in "civic action" exercises. It is not, as "your" letter claims, a matter of "semantics." "Civic action" can mean a whole range of things; it is unfair and dishonest for your group to slander by implication the National Guard units from many different states that have come here to work.

Again, let me help you with the facts (there's that odious word again). Since your report makes a point of mentioning the units are uniformed and armed, please note that when they deploy in the U.S. on annual training they are also uniformed and armed; for two weeks a year, the personnel in these units are soldiers, their uniforms, pistols, and rifles are as much a part of their equipment as their medicines and medical bags. So what's your point? Americans should be ashamed of their country's uniform? Our National Guard uses weapons to terrorize the rural poor? They engage in combat here?

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Be honest, Mr. Neier. You know that if our people did not wear uniforms, you would raise an outcry over soldiers in mufti engaged in "secret" activities.

The main purpose of deploying National Guard medical units to Guatemala, in what are called "Medrettes," is to provide our people with training of a type they cannot get in the U.S. Poor Guatemalans benefit by receiving some excellent and free medical care they would otherwise not receive. Medrettes have taken place in several Latin American countries, including Guyana (where I served for two years) which has a leftist government and no insurgency. From personal observation--you must try that some time--I tell you the Medrettes, carried out in conjunction with the Ministry of Public Health, a civilian organization, are extremely popular with the people in rural areas. We have petitions from communities requesting Medrettes.

"You" mention El Aguacate and say our National Guard units were only a "few kilometers" from that unfortunate village and cite this as evidence of our people in a "conflictive" zone. Presumably this means "you" have concluded that the guerrillas bear responsibility for the horror which took place there in November 1988. Can one have a conflictive zone without guerrillas? If the army did that terrible deed, would the National Guard need to worry about being "near" El Aguacate, given your claim of increasingly close military cooperation between the U.S. and Guatemala? By the way, the closest a National Guard unit came to El Aguacate was the village of Chimajoy, over 15 kilometers away by a dirt road that crosses an 8,000 ft. ridge and goes through the major town of San Andres Itzapa (how far are you from the South Bronx?). It was in Chimajoy many days before the massacre in El Aguacate, was no longer in Guatemala when that event occurred, and I trust your group will never try to imply otherwise.

"You" raise the issue of whether "a military force is the appropriate agency to provide" medical care. Is that an issue for "Americas Watch" involvement? Is it part of your mandate, too? We have many civilians here providing health care; what's wrong with taking advantage of the National Guard's willingness to assist? Would poor rural people, including children, be better off without care just to satisfy Fifth Avenue brie-and-crackers ideologues who don't like U.S. uniforms? Would you sleep better if we did not give poor people medical care? Would that make you happy? Tell us. We want you happy.

Now to "training." Here the author of "your" letter most clearly reveals his/her conception of the world. It is a view to make ol' Rudyard Kipling proud ("white man's burden" and all). Ah, me (to quote "you"), your author sees Americans as wonderful and magical creatures who by coming into contact with benighted foreigners impart wisdom and "training."

Since I do not know you at all, I will not speculate about how "thick" you are; I'll leave that to those who do know you. But is it possible for the author of the letter you signed to imagine that perhaps Americans are being trained--yes, trained--by foreigners!?! (Horrors! Oh, if the Queen found out . . .) It just so happens, Mr. Neier, that there is little, if anything, we can teach Guatemalans about jungle warfare or flying an A-37 over Guatemala's difficult terrain. They have done both for many, many, many years. When our people come here, they do so to learn about operating in the conditions present in Guatemala. Let me ask you, when we have joint deployment with the British, do you regard that as our training them? Or is it only "training" when we are with people who have skin colors that might be slightly different from most of ours? Is this the Fifth Avenue view of the world? How quaint.

I retract my statement that the author of your report engaged in a "complete fabrication" re paratrooper training. As "you" point out, that author cited a newspaper article. In my reading of your report I missed the footnote. I am sorry. Mea culpa. Let me rephrase: "The author of your report cited a complete fabrication and repeated it." Thanks for making my point. This goes to the root of my complaint about the shoddiness of your research. A newspaper article is apparently enough for you to reach a conclusion: Whatever happened to going to more than one source? Or is it that when one source says what you want to hear, that's enough? Judging from my own experience with your bunch, I know the answer to that question!

M-16s. I have yet to find anyone here out to buy another 20,000 M-16s. "Your" source probably misunderstood; the Guatemalan Army, some 45,000 men, needs at least 20,000 more rifles as its Galils are over 12 years old. There is no indication, however, that it will buy M-16s (there are other guns on the market, you know). If you have more information, please pass it to Colt Industries, they need the sale.

It is no surprise "your" letter expresses ignorance about CPRs. Your reports on Guatemala do not mention guerrilla actions that clearly violate human rights. They do not mention guerrilla assassinations of members of soldiers' families; never mention the guerrilla tactic of attacking the economic infrastructure, e.g., the Coyolate Bridge; never mention their use of children in combat.

Our 1989 human rights report on Guatemala contains some information on CPRs; please start there. If you are genuinely

This ties in with your report's description of ferrying operations by U.S. aircraft, which, by the way, were paid for by the elected Guatemalan Government. "Your" information--as it relates to Amachel and the ferrying I personally observed (didn't see any of your folks there)--that army patrols and civil patrols forced people out is just wrong. The area is one of EGP control; there are very few army patrols and the only "civil patrols" are those run by the EGP--another issue you never deal with.

Now to the Sister Diana Ortiz case.. I do not understand the point "you" seek to make. The statements issued here about the Ortiz case did not come from the Ursuline Order. The fact that she now seeks legal redress--she has an attorney who has been in touch with us--does not invalidate the points I made. "You" claim to have information on the Ortiz case. Congratulations. "You" now join all the others who claim to have information on the case and yet do not make it available so that proper action can be taken. Why are you playing games and politics with this sad case? Why not immediately make available the information to the FBI, the State Department, the Guatemalan police, and/or our Legal Attache at the U.S. Embassy in Mexico who covers Guatemala and follows the case? Are you seeking some sort of public credit? Go ahead; take the credit. Who cares? Your group should want to help solve the case quickly and ensure justice is done. This is odd behavior for a group claiming to be concerned about human rights and suffering.

I hope this confrontation is over and that we can work together on human rights issues. We all need constructive criticism in carrying out that work. None of us has all the information or sources. All of us make mistakes of fact and analysis; all of us should be willing to admit that.

What counts is not our ability to catch each other's honest mistakes but our ability to work objectively and free of political agendas, to develop accurate pictures of human rights situations, and to make a real and positive difference in the area of human rights. If your organization is willing to do that, I will be delighted to cooperate with you, to share information and sources, to relate my impressions of issues and events and to receive yours. If you are not, well, then we must continue to go down different paths. And that would be too bad.

Sincerely,

W. Lewis Amselem
First Secretary

cc: The Ambassador
Deborah McCarthy, ARA/CEN, Department of State
George Lister, HA/FO, Department of State
Robert L. Bernstein, Human Rights Watch
Juan E. Mendez, Americas Watch

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PAGE 01 MOSCOW 05654 01 OF 07 162046Z 032854 485248
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~~CONFIDENTIAL~~ SECTION 01 OF 07 MOSCOW 05654

E.O. 12356: DECL: OADR
TAGS: PREL, PGOV, MASS, ETRD, ECON, KPRP, UR, CU
SUBJECT: SOVIET-CUBAN RELATIONS: DIVERGING PATHS

REF: MOSCOW 35865

1. CONFIDENTIAL - ENTIRE TEXT.
SUMMARY
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2. IN DISCUSSIONS WITH EMBASSY OFFICERS, SOVIET OFFICIALS AND MORE "ESTABLISHMENT" SOVIET LATIN AMERICA WATCHERS CONTINUE TO DOWNPLAY THE EMERGING DIFFERENCES BETWEEN CUBA AND THE SOVIET UNION. CASTRO'S PERSONAL SENSITIVITIES AND HIS DESIRE TO REPRESENT THIRD WORLD CONCERNS OVER IMPROVING U.S.-SOVIET RELATIONS ARE OFFERED AS EXPLANATIONS FOR THE CUBAN LEADER'S RECENT CRITICISMS OF SOVIET REFORM. HOWEVER, THERE ARE INDICATIONS THAT SOVIET POLICY TOWARD CUBA IS CURRENTLY THE SUBJECT OF HEATED DEBATE WITHIN SOVIET ACADEMIC AND POLITICAL CIRCLES. MORE INDEPENDENT VOICES HERE ARE INCREASINGLY CRITICAL OF CASTRO AND SOVIET ECONOMIC SUPPORT FOR CUBA, AND IT SEEMS LIKELY THAT CUBA WILL COME UNDER INCREASINGLY CLOSE SCRUTINY IN THE MEDIA AND THE SUPREME SOVIET.

MOSCOW 05654 01 OF 07 162046Z 032854 485248

3. SOVIET OFFICIALS ARGUE THAT THEY HAVE LITTLE REAL LEVERAGE OVER CASTRO, AND CONSISTENTLY MAINTAIN THAT THE U.S. SHOULD DEAL WITH CUBA DIRECTLY. THEY HAVE BEEN ESPECIALLY VOCIFEROUS IN RECENT WEEKS REGARDING TV MARTI, WARNING THAT ITS ESTABLISHMENT WILL HAVE "VERY NEGATIVE CONSEQUENCES." ONE SOVIET ACADEMIC BELIEVES THAT A CUBA ISOLATED FROM BOTH THE SOVIET UNION AND THE U.S. COULD BECOME AN EVEN MORE DISRUPTIVE FACTOR IN THE REGION.

4. THE SOVIET MILITARY ESTABLISHMENT CAN BE EXPECTED TO CONTINUE PROMOTING CUBA'S STRATEGIC IMPORTANCE, BUT ACADEMICS HERE BELIEVE THAT FURTHER IMPROVEMENT IN U.S.-SOVIET RELATIONS WILL WEAKEN THESE ARGUMENTS. FUNDAMENTAL CHAGES IN THE CUBAN-SOVIET RELATIONSHIP ARE INCREASINGLY LIKELY, AND WILL BE DRIVEN BY ECONOMIC FACTORS AND THE DIVERGENT POLITICAL EVOLUTION OF THE TWO COUNTRIES. HOWEVER, CASTRO'S PERSONAL PRESTIGE, AN ENTRENCHED "CUBA LOBBY" IN MOSCOW, AND COMMITMENTS ALREADY MADE WILL PROBABLY FORESTALL ANY SUDDEN "ABANDONMENT" OF THE CUBAN LEADER. MORE LIKELY IS A GRADUAL SOVIET DISENGAGEMENT ACCOMPANIED BY INCREASING TENSIONS BETWEEN THE TWO GOVERNMENTS AS CASTRO BECOMES MORE AND MORE ISOLATED. END SUMMARY.

GOOD!

LIVING WITH THE CUBANS
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5. SOVIET OFFICIALS AND THE SOVIET MEDIA HAVE LARGELY REACTED TO CASTRO'S INCREASING CRITICISM OF PERESTROYKA BY DOWNPLAYING THE ISSUE. MFA OFFICIALS AND SOME OTHER SOVIET CUBA-WATCHERS INSIST THAT CASTRO'S RECENT COMMENTS MUST BE SEEN IN THE PERSPECTIVE OF A LONG AND ENDURING RELATIONSHIP, AND AS A DISAGREEMENT WITHIN THE FAMILY. ALEKSANDR BADRAN OF THE MFA LATIN AMERICA ADMINISTRATION'S CUBA DEPARTMENT, RECENTLY RETURNED FROM A THREE-YEAR ASSIGNMENT IN HAVANA, REFUSES TO CRITICIZE CASTRO'S RECENT

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PAGE 01 MOSCOW 05654 02 OF 07 162047Z 032852 405242
INFO: ARA (02) PPC (01) ECP (01) OAS (01) PPA (01) MK (01) SPA (02)
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[redacted] SECTION 02 OF 07 MOSCOW 05654

E.O. 12356: DECL: OADR
TAGS: PREL, PGOV, MASS, ETRD, ECON, KPRP, UR, CU
SUBJECT: SOVIET-CUBAN RELATIONS: DIVERGING PATHS

PRONOUNCEMENTS ON PERESTROYKA, MAINTAINING THAT THE SOVIETS "RESPECT THIS VIEW." HE SAYS HIS GOVERNMENT TAKES THE SAME APPROACH TO CUBA AS IT DOES TO EASTERN EUROPE, RECOGNIZING CUBA'S "SOVEREIGN RIGHT" TO DEVELOP ITS OWN BRAND OF SOCIALISM. BADRAN MAINTAINS THAT "ALL THIS MUST BE PUT INTO PERSPECTIVE. WE ARE TALKING ABOUT A RELATIONSHIP WHICH HAS ENDURED FOR THIRTY YEARS. WE CERTAINLY HAVE NO INTENTION OF ABANDONING CUBA AT THIS POINT."

PLAYING TO THE THIRD WORLD GALLERY
/----------

6. SERGO MIKOYAN, EDITOR OF THE JOURNAL "LATIN AMERICA," AND A LONGTIME CUBA WATCHER, ACKNOWLEDGES THAT CASTRO HAS IMPORTANT IDEOLOGICAL DIFFERENCES WITH MOSCOW. UNLIKE THE CURRENT SOVIET LEADERSHIP, CASTRO'S "ROMANTIC" CONCEPTION OF SOCIALISM EXCLUDES ELEMENTS OF THE CAPITALIST ECONOMY, "HE SEES AN ABYSS, NOT A BRIDGE, BETWEEN THE TWO SYSTEMS." MORE IMPORTANT HOWEVER, IN MIKOYAN'S VIEW, IS

MOSCOW 05654 02 OF 07 162047Z 032852 405242
CASTRO'S CONCEPTION OF HIMSELF AS A LEADER OF THE THIRD WORLD. MIKOYAN SEES CASTRO'S DECEMBER 7 SPEECH (IN WHICH HE FIRST DIRECTLY CRITICIZED SOVIET REFORMS) AS REFLECTING FEARS IN MUCH OF ASIA AND AFRICA THAT SUPERPOWER COOPERATION WILL COME AT THE EXPENSE OF THE UNDERDEVELOPED WORLD. MFA LATIN AMERICA ADMINISTRATION CHIEF YURIY PAVLOV ECHOES THIS VIEW (REFTEL), NOTING THAT CASTRO IS LOOKING FOR A NEW ROLE, "WAVING THE BANNER OF THE DEVELOPING COUNTRIES."

A GORBACHEV GAFFE?
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7. MIKOYAN SUGGESTS THAT THE IMMEDIATE CATALYST FOR CASTRO'S ANGER AT THE SOVIETS WAS THE BUSH-GORBACHEV MEETING IN MALTA. WHILE THE MEETING ITSELF UNDOUBTEDLY CAUSED SOME ANXIETY IN HAVANA, MIKOYAN BELIEVES THAT GORBACHEV'S PRIMARY MISTAKE WAS HIS LACK OF SENSITIVITY TO CUBAN AND NICARAGUAN CONCERNS IN HIS PUBLIC REMARKS AFTERWARDS. HE SAYS THAT GORBACHEV MADE A MAJOR ERROR IN RESPONDING TO A REPORTER'S QUESTION ON WHETHER THE TWO LEADERS HAD DISCUSSED CENTRAL AMERICA. ACCORDING TO MIKOYAN, GORBACHEV FORGOT TO USE THE "USUAL FORMULA," I.E., TO PREFACE HIS REMARKS WITH THE DISCLAIMER THAT CUBA AND NICARAGUA ARE INDEPENDENT SOVEREIGN STATES. MIKOYAN BELIEVES THAT THE ABSENCE OF THIS PHRASE UNDOUBTEDLY INFURIATED CASTRO. "HE PAYS ATTENTION TO SUCH THINGS. I'M SURE THERE HAVE BEEN MANY URGENT MESSAGES IN THE DIPLOMATIC CHANNELS BETWEEN MOSCOW AND HAVANA ATTEMPTING TO SMOOTH OVER THIS ISSUE."

"DESPERATION?"
/----------

8. PROMINENT SOVIET "NEW THINKERS" SEE CASTRO'S PRONOUNCEMENTS SOMEWHAT DIFFERENTLY. GEORGIY MIRSKIY, CHIEF OF THE DEPARTMENT FOR THE ECONOMY AND POLITICS OF DEVELOPING COUNTRIES AT THE INSTITUTE OF THE WORLD ECONOMY AND INTERNATIONAL

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PAGE 01 MOSCOW 05654 03 OF 07 162047Z 032849 405245
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[redacted] SECTION 03 OF 07 MOSCOW 05654

E.O. 12356: DECL: OADR
TAGS: PREL, PGOV, MASS, ETRD, ECON, KPRP, UR, CU
SUBJECT: SOVIET-CUBAN RELATIONS: DIVERGING PATHS

RELATIONS (IMEMO), VIEWS CASTRO'S RECENT BEHAVIOR AS CHARACTERISTIC OF A "DESPERATE" LEADER WHO KNOWS HE IS ON THE LOSING SIDE OF HISTORY. NADARI SIMONIA, DIRECTOR OF THE CENTER FOR DEVELOPING COUNTRIES AT IMEMO, MAINTAINS THAT CASTRO HAS GONE PUBLIC WITH HIS CRITICISMS OF SOVIET AND EAST EUROPEAN REFORM BECAUSE HE NOW REALIZES HOW SERIOUS HIS ISOLATION HAS BECOME.

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MORE MEDIA SCRUTINY LIKELY

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9. THE SOVIET PRESS, WHILE OBJECTIVELY REPORTING CASTRO'S RECENT STATEMENTS, HAS GENERALLY DOWNPLAYED SOVIET-CUBAN DIFFERENCES. PRAVDA AND IZVESTIYA CARRIED ONLY SHORT ITEMS ON CASTRO'S DECEMBER 7 SPEECH. HOWEVER, THERE ARE SIGNS THAT CUBA MAY BE LOSING ITS IMMUNITY TO CRITICISM HERE. CUBAN CRITICISMS OF PERESTROYKA, AND INCIDENTS SUCH AS HAVANA'S RECENT EXPULSION OF A CZECH JOURNALIST, HAVE BEEN NOTED BY THE SOVIET MEDIA. THE JANUARY 30

MOSCOW 05654 03 OF 07 162047Z 032849 405245

EDITION OF "NEW TIMES" CARRIED AN ARTICLE ON CUBA WHICH INDIRECTLY CRITICIZED CASTRO, REFERRING TO "PROFESSIONAL SOCIALIST POLITICIANS" WHO "ARE GIVEN TO MONOPOLIZING THE TRUTH, ABSOLUTIZING DOGMAS AND BRUSHING AWAY ALL CRITICISM LEVELLED AGAINST THEM." FOLLOWING THE REVOLUTION IN ROMANIA, THERE WAS AN OUTCRY HERE OVER THE "HYPOCRISY" OF THE POSTHUMOUS SOVIET CONDEMNATION OF CEAUSESCU, WHO HAD RECEIVED NEUTRAL IF NOT FAVORABLE COVERAGE BEFORE HIS OVERTHROW. MANY OBSERVERS EXPECT CASTRO, AND OTHER SOVIET-SUPPORTED DICTATORSHIPS, TO COME UNDER INCREASING SCRUTINY IN THE SOVIET PRESS AS A RESULT.

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NO MORE FREE LUNCH

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10. BADRAN CONCEDES THAT THE SOVIET-CUBAN ECONOMIC RELATIONSHIP IS UNDERGOING A FUNDAMENTAL TRANSFORMATION, PRIMARILY DUE TO ECONOMIC CHANGES WITHIN THE U.S.S.R., AND THAT THE LEVEL OF TRADE BETWEEN THE TWO COUNTRIES IS FALLING SIGNIFICANTLY. HE MAINTAINS HOWEVER, THAT "THE VOLUME OF TRADE IS NOT IMPORTANT, IT IS THE EFFICIENCY OF THE TRADE THAT COUNTS." IN HIS VIEW BOTH SIDES WANT MORE EFFECTIVE TRADE, AND "WE ARE OPTIMISTIC THAT THE MECHANISMS FOR THIS ARE BEING DEVELOPED." MIKOYAN EMPHASIZES THAT THE ECONOMIC RELATIONSHIP BETWEEN CUBA AND THE SOVIET UNION IS NOT SIMPLY A ONE-WAY STREET, ARGUING THAT THE SOVIETS ALSO RECEIVE MANY BENEFITS. THIS VIEW IS QUESTIONED BY A PIECE IN THE FEBRUARY 7 EDITION OF THE LIBERAL SOVIET MAGAZINE "OGONYOK." THE ARTICLE SPELLS OUT THE DETAILS OF SOVIET ECONOMIC ASSISTANCE TO CUBA, MAKING CLEAR THAT THE OVERALL BALANCE IS IN CUBA'S FAVOR, AND DEMANDING THAT THE COST OF SOVIET AID TO CUBA AND OTHER COUNTRIES BE DISCUSSED OPENLY.

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PAGE 01 MOSCOW 05654 04 OF 07 162047Z 032843 405246
INFO: ARA (02) PPC (01) ECP (01) OAS (01) PPA (01) MK (01) SPA (02)
CU (02) RJ (01) LARA (01) DCEN (01) REG (01) NCO (01) NU (05)
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[redacted] SECTION 04 OF 07 MOSCOW 05654

E.O. 12356: DECL: OADR
TAGS: PREL, PGOV, MASS, ETRD, ECON, KPRP, UR, CU
SUBJECT: SOVIET-CUBAN RELATIONS: DIVERGING PATHS

11. SIMONIA AGREES THAT "IT IS NOT A MATTER OF CUTTING AID, BUT OF MAKING IT MORE EFFICIENT." HE IS MORE CRITICAL OF CASTRO IN THIS REGARD HOWEVER, NOTING THAT "HE WANTS TO BE A REVOLUTIONARY AT OUR EXPENSE AND WE ARE NOT GOING TO CONTINUE TO ALLOW THIS." SIMONIA, WHO SAYS GORBACHEV HAS CONSULTED HIM ON THESE ISSUES, PREDICTED THAT FUTURE SOVIET AID TO CUBA WILL BE CONDITIONED ON REFORM OF THE CUBAN ECONOMY ALONG THE LINES OF PERESTROYKA. HE EXPECTS THE SOVIETS TO APPLY CONSIDERABLE PRESSURE IN THIS REGARD. "IT'S NOT THAT WE WILL INTERFERE IN THEIR INTERNAL AFFAIRS, WE WILL SIMPLY BE GIVING THEM A CHOICE, REFORM THE ECONOMY OR LOSE OUR AID." SIMONIA MAINTAINS THAT CHANGES IN ECONOMIC RELATIONS WILL INEVITABLY AFFECT POLITICAL RELATIONS BETWEEN THE SOVIET UNION AND CUBA.

12. IMEMO CUBA EXPERT IRINA ZORINA, WHO SAYS HER WORK EXPERIENCE IN CUBA HAS MADE HER STRONGLY ANTI-CASTRO, ARGUES AGAINST CONTINUED SOVIET AID TO CUBA, ASSERTING THAT CASTRO'S

MOSCOW 05654 04 OF 07 162047Z 032843 405246

"ADVENTURIST POLITICS," WHILE QUITE CONSISTENT WITH THE "BREZHNEV DOCTRINE," ARE NOT IN THE INTEREST OF CURRENT SOVIET POLICY. WHILE "NOT IGNORING ACCOMPLISHMENTS IN HEALTH AND EDUCATION," ZORINA ASSERTS THAT THE CURRENT STATE OF CUBA'S ECONOMY IS PRESENTING A VERY NEGATIVE EXAMPLE TO OTHER DEVELOPING COUNTRIES. "THE SOVIET PEOPLE ARE PAYING TOO HIGH A PRICE FOR THIS MODEL WHICH DOES NOT WORK." ZORINA MAINTAINS THAT MANY DELEGATES IN THE SUPREME SOVIET FEEL STRONGLY ABOUT THIS ISSUE AND PREDICTS THAT IT WILL SOON COME TO THE FORE.

A "CUBA LOBBY"?
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13. SIMONIA ASSERTS THAT ONE REASON FOR THE PERSISTENCE OF SOVIET "OLD THINKING" ON LATIN AMERICA AND CUBA IS THE TENDENCY OF THE SOVIET "LATIN AMERICA ESTABLISHMENT" TO DEFEND ITS "SELFISH INTERESTS AND PRIVILEGES." SIMONIA POINTS OUT THAT THE CLOSE SOVIET RELATIONSHIP WITH CUBA HAS PROVIDED MANY SOVIET ACADEMICS, BUREAUCRATS, AND MILITARY PERSONNEL WITH FOREIGN TRAVEL TO A RESORT ISLAND, AND MANY OTHER TANGIBLE BENEFITS. THIS GROUP HAS A VESTED INTEREST IN MAINTAINING POSITIONS AND PRIVILEGES RESULTING FROM THE CLOSE TIES. IN SIMONIA'S VIEW, GORBACHEV AND THE NEW THINKERS MUST STRUGGLE AGAINST SUCH ENTRENCHED "INTEREST GROUPS" ON THE FOREIGN POLICY SIDE JUST AS ON THE DOMESTIC SIDE.

THE STRATEGIC ISSUE
/----------

14. SIMONIA BELIEVES THAT "A PROBABLE MAJORITY" OF THE SOVIET MILITARY ESTABLISHMENT STILL BELIEVES THAT CUBA IS VITAL TO SOVIET STRATEGIC INTERESTS. WHILE HE IS "NOT SURE" HOW THE POLITICAL LEADERSHIP NOW VIEWS THIS ISSUE, HE MAINTAINS THAT A MAJORITY OF SOVIET SCHOLARS, WHO ASSUME THAT THE SOVIET-AMERICAN CONFLICT WILL CONTINUE TO DIMINISH, NO LONGER SEE CUBA,

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PAGE 01 MOSCOW 05654 05 OF 07 162048Z 032834 405247
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AMEMBASSY TEGUCIGALPA
AMEMBASSY PANAMA
AMEMBASSY CARACAS
AMEMBASSY BOGOTA
AMEMBASSY LIMA
AMEMBASSY BRASILIA
AMEMBASSY BUENOS AIRES
AMEMBASSY MONTEVIDEO
AMEMBASSY SANTIAGO
AMEMBASSY LA PAZ
AMEMBASSY QUITO
AMEMBASSY MEXICO
AMEMBASSY BELIZE

[redacted] SECTION 05 OF 07 MOSCOW 05654

E.O. 12356: DECL: OADR
TAGS: PREL, PGOV, MASS, ETRD, ECON, KPRP, UR, CU
SUBJECT: SOVIET-CUBAN RELATIONS: DIVERGING PATHS

OR ANY OTHER OVERSEAS MILITARY BASE, AS A STRATEGIC NECESSITY. SIMONIA NOTES THE BEGINNING OF THE SOVIET PULL-OUT FROM CAM RANH BAY IN VIET NAM AS AN EXAMPLE OF THIS NEW THINKING TAKING HOLD. SIMONIA CONCEDES, HOWEVER, THAT THE MILITARY AND THE "DOGMATISTS" WILL CONTINUE TO DEFEND CUBA'S IMPORTANCE, AND THAT MANY COMMITMENTS HAVE ALREADY BEEN MADE FOR THE COMING YEARS. THEREFORE, "IT WILL NOT BE EASY TO END THE MILITARY RELATIONSHIP WITH ONE STROKE."

-

CAN CASTRO BE PRESSURED?
/----------

15. SOVIET OFFICIALS STRONGLY DENY THAT THE SOVIET UNION HAS SIGNIFICANT LEVERAGE OVER CUBA, EITHER TO EXERT INFLUENCE ON CENTRAL AMERICAN ISSUES OR TO SHAPE INTERNAL CUBAN POLITICAL AND ECONOMIC POLICIES. BADRAN MAINTAINS THAT "CUBA HAS ITS OWN VIEWS, ITS OWN ROLE IN THE REGION, AND THAT ROLE DEPENDS ON U.S. ACTIONS IN CENTRAL AMERICA; FOR EXAMPLE, THE EXTENT OF U.S. ARMS

MOSCOW 05654 05 OF 07 162048Z 032834 405247
DELIVERIES TO EL SALVADOR." BADRAN COMPARES CUBAN SUPPORT FOR THE FMLN TO U.S. SUPPORT FOR UNITA AND THE AFGHAN REBELS. "WE DON'T CONCERN OURSELVES WITH PRESSURING CUBA. WE HAVE A POLITICAL DIALOGUE, THEY HAVE A RIGHT TO THEIR OWN VIEWS JUST AS OUR EAST EUROPEAN ALLIES." MIKOYAN ARGUES THAT CASTRO'S CRITICISM OF SOVIET REFORM CONCLUSIVELY SHOWS, "AS I HAVE ALWAYS MAINTAINED, THAT CASTRO IS NOT A PUPPET AND NEVER HAS BEEN." "IT'S A TWO-WAY RELATIONSHIP," HE ASSERTS.

A MORE DANGEROUS CASTRO?
/----------

16. SIMONIA AND ZORINA ACKNOWLEDGE THAT THE MASSIVE SOVIET ASSISTANCE TO CUBA UNDOUBTEDLY BUYS MOSCOW SOME INFLUENCE. ZORINA BELIEVES THAT A CUBA DEPRIVED OF SOVIET AID, AND THEREFORE FREE OF ANY SOVIET INFLUENCE, COULD VERY POSSIBLY BECOME AN EVEN MORE DISRUPTIVE FORCE IN THE REGION. "CUBA WILL BE MORE AGGRESSIVE IF ISOLATED FROM US," SHE MAINTAINS, POINTING OUT THAT THE CUBANS HAVE DEVELOPED THEIR OWN ARMS INDUSTRY, AND CAN SUPPLY WEAPONS THROUGHOUT THE REGION WITHOUT ANY ASSISTANCE FROM THE SOVIETS.

-

SOVIETS ON U.S.-CUBAN RELATIONS
/----------

17. SOVIET OFFICIALS UNANIMOUSLY ECHO THE LINE THAT THE U.S. MUST DEAL WITH CUBA DIRECTLY TO SOLVE THE CENTRAL AMERICAN PROBLEM. BADRAN, A SPECIALIST ON U.S.-CUBAN RELATIONS, SEES U.S. REFUSAL TO TALK DIRECTLY WITH CUBA AS THE "PRIME OBSTACLE" TO RESOLUTION OF THE CENTRAL AMERICAN CONFLICT. "WHO DELIVERS THE ARMS USED IN THAT CONFLICT?" HE ASKS. "THE U.S., AND, AT LEAST BY YOUR OWN ESTIMATION, CUBA." BADRAN ARGUES THAT THERE IS A "BALANCE OF INTERESTS" BETWEEN THE U.S. AND CUBA IN THE REGION WHICH IS DISTINCT FROM SOVIET INTERESTS AND REQUIRES CUBA TO COUNTER U.S. MOVES BY SUPPLYING ARMS OF ITS

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PAGE 01 MOSCOW 05654 06 OF 07 162048Z 032829 405248
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CU (02) RJ (01) LARA (01) DCEN (01) REG (01) NCO (01) NU (05)
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VE (02) MS (01) CO (02) PE (02) BR (05) AR (01) DSC (01)
ODSC (01) RSC (01) UYPA (01) CI (01) EC (02) BL (02) SGC (01)
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INFO: DUPLICATE (01)
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HA-09 L-03 LAB-04 CIME-00 TRSE-00 PM-00 ITC-01
OPIC-00 PA-01 OMB-01 STR-10 INRE-00 FRB-03 ACDA-13
USIE-00 JUSE-00 SP-00 SNP-00 PRS-01 E-01 P-02
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R 161858Z FEB 90
FM AMEMBASSY MOSCOW
TO SECSTATE WASHDC 7425
INFO MOSCOW POLITICAL COLLECTIVE
USINT HAVANA
AMEMBASSY MANAGUA
AMEMBASSY SAN SALVADOR
AMEMBASSY GUATEMALA
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AMEMBASSY BELIZE

[redacted] SECTION 06 OF 07 MOSCOW 05654

E.O. 12356: DECL: OADR
TAGS: PREL, PGOV, MASS, ETRD, ECON, KPRP, UR, CU
SUBJECT: SOVIET-CUBAN RELATIONS: DIVERGING PATHS

OWN. "THEREFORE THE U.S. AND CUBA MUST TALK." BADRAN DISMISSES U.S. CONCERN OVER HUMAN RIGHTS VIOLATIONS IN CUBA, MAINTAINING THAT THE SITUATION HAS BEEN WORSE IN COUNTRIES SUCH AS CHILE AND EL SALVADOR WITH WHOM THE U.S. MAINTAINS DIPLOMATIC TIES. ZORINA, DESPITE HER HARSH CRITICISM OF CASTRO, ALSO ARGUES THAT THE U.S. MUST DO EVERYTHING POSSIBLE TO MINIMIZE TENSIONS WITH CUBA, MAINLY BECAUSE CASTRO IS SUCH A DANGEROUS CHARACTER.

ALARM OVER TV MARTI
/----------

18. IN RECENT WEEKS, OFFICIAL SOVIET CONTACTS HAVE BEEN ESPECIALLY VEHEMENT IN CRITICISM OF TV MARTI. BADRAN EMPHASIZES THAT THE SOVIETS SEE TV MARTI AS THE "SINGLE BIGGEST OBSTACLE" TO THE IMPROVEMENT OF U.S.-CUBAN RELATIONS, ADDING THAT TV MARTI IS A "VIOLATION OF CUBAN SOVEREIGNTY," AND "HAS NO MORAL OR POLITICAL BASIS." HE PREDICTED THAT ITS ESTABLISHMENT WOULD HAVE "VERY NEGATIVE CONSEQUENCES." ACCORDING TO LEON

MOSCOW 05654 06 OF 07 162048Z 032829 405248

FUERTH, AN AIDE TO SENATOR GORE, SOVIET OFFICIALS MET BY THE SENATOR DURING HIS RECENT VISIT HERE MADE PARTICULARLY SHARP COMMENTS REGARDING TV MARTI.

INTERNAL POLITICS AND CASTRO'S FUTURE
/----------

19. BADRAN REFUSES TO ACKNOWLEDGE ANY INTERNAL DIVISIONS WITHIN THE CUBAN REGIME. "THERE IS UNITY. IT IS A COLLECTIVE LEADERSHIP, I DO NOT SEE DISCORD WITHIN THE GOVERNMENT." IN AN IMPLIED CONTRAST TO THE EAST EUROPEAN SITUATION, BADRAN ARGUES THAT CUBA IS NOT AN ILLEGITIMATE GOVERNMENT, AND ENJOYS WIDE PUBLIC SUPPORT. HE ASSERTS THAT CASTRO WOULD EASILY WIN A FREE ELECTION, DESPITE ADMITTEDLY SERIOUS ECONOMIC PROBLEMS. PAVLOV, HOWEVER, SEEMS TO CONCEDE THAT THE CUBAN LEADER POSSIBLY IS BECOMING MORE ISOLATED AND MORE DICTATORIAL WITHIN THE LEADERSHIP, NOTING THAT "NOT MANY CAN TALK SENSE TO CASTRO" (REFTEL).

20. SIMONIA AGREES THAT CASTRO HAS AN ADVANTAGE OVER DEPOSED LEADERS SUCH AS HONECKER, NOTING THAT CASTRO IS A GENUINE "HOME-GROWN HERO" AMONG MANY CUBANS, AND POSSESSES REAL CHARISMA. "BUT EVEN THIS CANNOT HELP HIM FOREVER," SIMONIA MAINTAINS. LEONID FITUNI OF THE AFRICA INSTITUTE, WHO IS WORKING ON A STUDY OF SOVIET FOREIGN POLICY TOWARD THE THIRD WORLD, NOTES THAT THE SOVIETS SEE NO ALTERNATIVE TO CASTRO, NO "CUBAN VERSIONS OF GORBACHEV." IF AN ANTI-CASTRO REFORM MOVEMENT WERE TO ARISE IN CUBA, FITUNI ARGUES, CASTRO WOULD FIND NO SUPPORT IN MOSCOW.

PROSPECTS FOR SOVIET-CUBAN RELATIONS
/----------

21. COMMENT. WHILE THE FUTURE OF SOVIET-CUBAN TIES WILL DEPEND ON MANY FACTORS, INCLUDING

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PAGE Ø1 MOSCOW Ø5654 Ø7 OF Ø7 162Ø48Z Ø32818 4Ø525Ø
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CU (Ø2) RJ (Ø1) LARA (Ø1) DCEN (Ø1) REG (Ø1) NCO (Ø1) NU (Ø5)
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ACTION EUR-ØØ

INFO	LOG-ØØ	ADS-ØØ	AID-ØØ	INR-Ø5	SS-ØØ	CIAE-ØØ	EB-ØØ
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	HA-Ø9	L-Ø3	LAB-Ø4	CTME-ØØ	TRSE-ØØ	PM-ØØ	ITC-Ø1
	OPIC-Ø8	PA-Ø1	OMB-Ø1	STR-18	INRE-ØØ	FRB-Ø3	ACDA-13
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R 161858Z FEB 9Ø
FM AMEMBASSY MOSCOW
TO SECSTATE WASHDC 7426
INFO MOSCOW POLITICAL COLLECTIVE
USINT HAVANA
AMEMBASSY MANAGUA
AMEMBASSY SAN SALVADOR
AMEMBASSY GUATEMALA
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
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[redacted] SECTION Ø7 OF Ø7 MOSCOW Ø5654

E.O. 12356: DECL: OADR
TAGS: PREL, PGOV, MASS, ETRD, ECON, KPRP, UR, CU
SUBJECT: SOVIET-CUBAN RELATIONS: DIVERGING PATHS

INTERNAL DEVELOPMENTS IN BOTH COUNTRIES AND U.S.-SOVIET RELATIONS, FUNDAMENTAL CHANGES ARE INCREASINGLY LIKELY, AND WILL BE DRIVEN BY ECONOMIC FACTORS AND THE DIVERGENT POLITICAL EVOLUTION OF THE TWO COUNTRIES. CASTRO'S PERSONAL PRESTIGE, A ENTRENCHED "CUBA LOBBY" IN MOSCOW, AND COMMITMENTS ALREADY MADE WILL PROBABLY FORESTALL ANY SUDDEN "ABANDONMENT" OF THE CUBAN LEADER, BUT LONGTERM PROSPECTS FOR SOVIET-CUBAN RELATIONS APPEAR QUITE NEGATIVE. MORE LIKELY IS A GRADUAL SOVIET DISENGAGEMENT, ACCOMPANIED BY INCREASING TENSIONS BETWEEN THE TWO GOVERNMENTS AS CASTRO BECOMES MORE AND MORE ISOLATED. END COMMENT.

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United States Department of State

Assistant Secretary of State
for Inter-American Affairs

Washington, D.C. 20520

February 16, 1990

Mr. Samuel J. Buffone
Attorney At Law
Asbill, Junkin, Myers & Buffone
1607 New Hampshire Avenue, N.W.
Washington, D.C. 20009-2562

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ✓
Exemption(s) ____

Dear Mr. Buffone:

I understand that the Legal Adviser met with you on January 26 following receipt of your letters of January 16.

I also understand that he told you that the rumor you reported regarding Ambassador Gillespie's position on the Letelier case is false.

I wish to reaffirm that the Ambassador and the State Department remain fully committed to a satisfactory resolution of the Letelier case, we remain committed to compensation for the families; and, we will never cease efforts to punish those responsible for the crime.

I understand that you had a useful discussion with the Legal Adviser and other Department officials. We all appear to share the same objectives. We will need to coordinate closely in the days ahead.

Sincerely,

Bernie Aronson

Bernard W. Aronson

DRAFTED:L/ARA:LColson:pb
SEARASC 6406

CLEARANCES:ARA/SC:JFCassman
ARA/SC:BAOwens
ARA/SC:KCSmith
ARA/FO:MMSkol

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U.S. Department of State
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Exemption(s) NR

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PAGE 01 STATE 054361
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APPROVED BY: ARA/SC: KCSMITH
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TO AMEMBASSY SANTIAGO

C O N F I D E N T I A L STATE 054361

E.O. 12356: DECL: OADR
TAGS: AMGT
SUBJECT: OFFICIAL-INFORMAL

ASSISTANT SECRETARY'S DAILY ACTIVITY REPORT
FEBRUARY 16, 1990

(C) CHILE: ADMIRAL MERINO PICKS HARDLINER AS NAVY CINC. IN A SURPRISE MOVE, OUTGOING NAVY CINC AND JUNTA MEMBER ADMIRAL MERINO SELECTED ADM. JORGE MARTINEZ AS HIS
CONFIDENTIAL

SUCCESSOR. HE HAD BEEN EXPECTED TO NAME ADM. ROLANDO VERGARA, A HIGHLY-RESPECTED ADMIRAL CONSIDERED AS A MODERATE AND AN INTELLECTUAL. MARTINEZ IS A TOUGH ANTI-COMMUNIST KNOWN FOR HIS HARDLINE VIEWS. THIS WILL COMPLICATE PRESIDENT-ELECT AYLWIN'S EFFORTS TO NEGOTIATE ACCEPTABLE SOLUTIONS TO HUMAN RIGHTS AND CIVIL/MILITARY RELATIONS ISSUES WITH THE CHILEAN ARMED FORCES. (CASSMAN)

(C) CHILE: OUTSPOKEN JUDGE FORCED TO RESIGN. - ON 1/12, THE CHILEAN SUPREME COURT ORDERED THE RESIGNATION OF JUDGE RENE GARCIA, WHO HAD DENOUNCED THE GOC'S USE OF TORTURE. JUDGE GARCIA WAS OUTSPOKEN IN HIS CONDEMNATION OF THE HUMAN RIGHTS RECORD OF THE PINOCHET GOVERNMENT, AND RESISTED ATTEMPTS TO HAVE TORTURE CASES UNDER HIS PURVIEW TRANSFERRED TO A MILITARY COURT. INTERNATIONAL HUMAN RIGHTS GROUPS RALLIED TO HIS CAUSE, BUT THE SUPREME COURT REFUSED TO CHANGE THEIR DECISION. THE INCIDENT SHOWS THAT HARDLINE PINOCHETISTAS IN THE JUDICIARY CAN STYMIE ATTEMPTS TO REOPEN HUMAN RIGHTS CASES, IN SPITE OF THE INTENTIONS OF THE AYLWIN GOVERNMENT. (CASSMAN)

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Case Number: S199900030

Chile Project (#S199900030)
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PAGE 01 BRASIL 01931 01 OF 04 211443Z
ACTION IO-19

INFO	LOG-00	ADS-00	AID-00	INR-05	EUR-00	SS-00	OIC-02
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	ARA-00	NSAE-00	SSO-00	HA-09	L-03	AMAD-01	LAB-04
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FM AMEMBASSY BRASILIA
TO SECSTATE WASHDC IMMEDIATE 0524
INFO USMISSION GENEVA PRIORITY
USMISSION USVIENNA
USIA WASHDC 3111
USMISSION USUN NEW YORK

C O N F I D E N T I A L SECTION 01 OF 04 BRASILIA 01931

USIA FOR P/G: MCGREGOR

GENEVA FOR USDEL UNHRC

VIENNA FOR UNVIE

E.O. 12356: DECL:OADR
TAGS: UNHRC-1, PHUM, PREL, BR
SUBJECT: 46TH SESSION OF UN HUMAN RIGHTS COMMISSION -- BRAZILIAN VIEWS

REF: STATE 44105

1. CONFIDENTIAL ENTIRE TEXT.

2. SUMMARY

--IN RESPONSE TO EMBASSY'S PRESENTATION OF US CONFIDENTIAL

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PAGE 02 BRASIL 01931 01 OF 04 211443Z

--CARVALHO EXPRESSED AGREEMENT WITH POSITIONS ON CHILE, EL SALVADOR AND IRAN, AS WELL AS UN BUDGET AND ELIMINATION OF EXTRANEOUS AGENDA ITEMS. HOWEVER, HE STRESSED GOB DIFFERENCE WITH U.S. ON "RIGHT TO DEVELOPMENT" ISSUE IN VIEW OF STRONG GOB CONVICTION THAT THE RIGHT TO DEVELOPMENT IS AN IMPORTANT HUMAN RIGHT. END SUMMARY.

3. IN ACCORDANCE WITH REFTEL, ON FEBRUARY 13, DEPUTY POL COUNSELOR PRESENTED TO DIRECTOR OF FOREIGN MINISTRY'S DIRECTOR OF HUMAN RIGHTS DIVISION, RICARDO CARVALHO, U.S. VIEWS ON LEADING ISSUES IN 46TH UN HUMAN RIGHTS COMMISSION. IN FOLLOW-ON MEETING ON FEBRUARY 16, D/POL/C EMPHASIZED U.S. DEL'S INTEREST IN REGULAR CONSULTATION WITH BRAZILIAN DEL, USG DESIRE TO ENCOURAGE EVEN-HANDED APPROACH TO HUMAN RIGHTS PROBLEMS WHEREVER THEY MAY OCCUR.

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PAGE 01 BRASIL 01931 02 OF 04 211444Z

ACTION IO-19

INFO	LOG-00	ADS-00	AID-00	INR-05	EUR-00	SS-00	OIC-02
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USMISSION USVIENNA
USIA WASHDC 3112
USMISSION USUN NEW YORK

C O N F I D E N T I A L SECTION 02 OF 04 BRASILIA 01931

USIA FOR P/G: MCGREGOR

GENEVA FOR USDEL UNHRC

VIENNA FOR UNVIE

E.O. 12356: DECL:OADR
TAGS: UNHRC-1, PHUM, PREL, BR
SUBJECT: 46TH SESSION OF UN HUMAN RIGHTS COMMISSION --

4. CARVALHO MADE THE FOLLOWING POINTS ON SPECIFIC
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PAGE 02 BRASIL 01931 02 OF 04 211444Z

ISSUES IN THE UNHRC:

CHILE

--CARVALHO SAID THE GOB IS PLEASED THAT CHILE IS NO LONGER A SPECIFIC AGENDA ITEM IN THE UNHRC AND AGREES WITH THE U.S. THAT THE SPECIAL RAPPORTEUR IS NO LONGER NECESSARY.

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PAGE 01 BRASIL 01931 03 OF 04 211445Z
ACTION IO-19

INFO LOG-00 ADS-00 AID-00 INR-05 EUR-00 SS-00 OIC-02

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TRSE-00	EAP-00	PA-01	STR-18	SIL-00	INRE-00	RP-10
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INFO USMISSION GENEVA PRIORITY
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USIA WASHDC 3113
USMISSION USUN NEW YORK

C O N F I D E N T I A L SECTION 03 OF 04 BRASILIA 01931

USIA FOR P/G: MCGREGOR

GENEVA FOR USDEL UNHRC

VIENNA FOR UNVIE

E.O. 12356: DECL:OADR
TAGS: UNHRC-1, PHUM, PREL, BR
SUBJECT: 46TH SESSION OF UN HUMAN RIGHTS COMMISSION --

BUDGET

Pages 8 thru 11 have been eliminated because they are entirely irrelevant

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Chile Project (#S199900030)
U.S. Department of State
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Exemption(s) ____

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PAGE 01 SANTIA 01547 212036Z
ACTION DS-00

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	USIE-00	JUSE-00	FBIE-00	DOEE-00	M-01	IMMC-01	OIS-01
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USOFFICE MRC MIAMI

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TERREP

MONTEVIDEO FOR LEGATT; CINC ALSO FOR POLADS; MIAMI FOR CO CO D

E.O. 12356: N/A
TAGS: ASEC, PTER, PINS, CI
SUBJ: TELEPHONIC BOMB THREAT RECEIVED AT AMBASSADOR'S RESIDENCE

1. ON FEBRUARY 20, 1990 AT 1950 HRS. A SPANISH SPEAKING MALE CALLED THE GUARD BOOTH AT THE AMBASSADOR'S RESIDENCE AND STATED THAT A BOMB WOULD EXPLODE AT 2007 HRS.

2. LOCAL GUARDS SEARCHED THE EXTERIOR OF THE RESIDENCE AND PERIMETER AND FOUND NOTHING. THE AMBASSADOR WAS NOTIFIED.
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PAGE 02 SANTIA 01547 212036Z

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3. THE MSG DETACHMENT WAS RECALLED TO DUTY. MSGS WAITED ONE HOUR AFTER STATED TIME BOMB WAS SUPPOSED TO GO OFF AND THEN SEARCHED THE CHANCERY AND CONSULAR ANNEX. NOTHING SUSPICIOUS WAS DISCOVERED.
GILLESPIE

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DECONTROL
Chile Project (#S199900030)
U.S. Department of State
Release X Excise Deny
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Exemption(s)

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P 221945Z FEB 90
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 5127

LIMITED OFFICIAL USE SANTIAGO 01582

FOR ARA/SC

E.O. 12356: N/A
TAGS: AMGT
SUBJ: OFFICIAL-INFORMAL

REF: STATE 54578

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BELOW IS SUGGESTED LANGUAGE FOR PUBLIC STATEMENTS BY VICE PRESIDENT QUAYLE DURING HIS VISIT TO CHILE:

ARRIVAL STATEMENT/REMARKS AT INAUGURAL EVENTS

THIS IS A WONDERFUL TIME TO BE IN CHILE. IT IS A VERY SPECIAL MOMENT FOR DEMOCRACY, AS THIS COUNTRY JOINS THE OVERWHELMING WORLDWIDE MOVEMENT TOWARD DEMOCRATIC GOVERNMENT. I AM DELIGHTED TO HEAD THE U.S. DELEGATION TO THE INAUGURATION OF PRESIDENT PATRICIO AYLWIN, AND TO SHARE THIS HISTORIC MOMENT WITH THE CHILEAN PEOPLE. THE CEREMONY TOMORROW WILL MARK THE CULMINATION OF A LONG AND ARDUOUS MARCH. WE IN THE UNITED STATES GREATLY ADMIRE AND PROFOUNDLY RESPECT THE PEACEFUL, RESPONSIBLE MANNER WITH WHICH CHILEANS HAVE CONDUCTED THEIR TRANSITION TO DEMOCRACY. HAPPILY, RAPID CHANGE TO

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DEMOCRATIC GOVERNMENT HAS BECOME ALMOST A COMMON OCCURRENCE -- DAILY HEADLINES BRING NEWS OF HERETOFORE UNIMAGINED PROGRESS TOWARD CONSOLIDATING THE PEOPLES' UNIVERSAL RIGHT TO GOVERN THEMSELVES. IN CHILE, WE HAVE A SUPERB EXAMPLE OF HOW THROUGH DEDICATION, RECONCILIATION AND COMPROMISE IT CAN BE ACCOMPLISHED WITHOUT VIOLENCE.

I LOOK FORWARD TO CELEBRATING WITH CHILEANS THEIR LONG-AWAITED RETURN TO THE FAMILY OF DEMOCRATIC NATIONS. WE HOPE THIS DELEGATION'S VISIT WILL HELP STRENGTHEN THE TIES BETWEEN THE UNITED STATES AND CHILE UNDER THE NEW GOVERNMENT, AND WE PLEDGE OUR CONTINUING SUPPORT FOR THIS COUNTRY'S ONGOING EFFORTS TO SECURE THE BLESSINGS OF LIBERTY FOR ITS PEOPLE.

DEPARTURE STATEMENT

OVER THE PAST THREE DAYS, WE HAVE WITNESSED SOME UNFORGETTABLE MOMENTS OF GLORY IN THE HISTORY OF DEMOCRACY IN THIS HEMISPHERE. IT WAS AN HONOR FOR THIS DELEGATION TO HAVE BEEN HERE WITH THE ASSEMBLED LEADERS OF THE REGION TO WELCOME A VITAL NEW DEMOCRATIC GOVERNMENT INTO OUR RANKS. ARRIVING AT THIS JUNCTURE WAS A DIFFICULT AND HAZARDOUS PASSAGE FOR THE CHILEAN PEOPLE. BUT AS PRESIDENT AYLWIN WELL KNOWS IN MANY WAYS THE REAL WORK ONLY NOW BEGINS. DURING THE NEXT FOUR YEARS, HE AND HIS GOVERNMENT HAVE THE GREAT CHALLENGE OF MAKING DEMOCRACY AN ENDURING SUCCESS IN CHILE, OF CON-SOLIDATING THE INSTITUTIONS OF REPRESENTATIVE

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GOVERNMENT AND SUSTAINING THE STRONG ECONOMIC GROWTH ESSENTIAL TO MEET THE COUNTRY'S GROWING SOCIAL NEEDS. I LEAVE CHILE VERY OPTIMISTIC THAT CHILEANS WILL SUCCEED. I WAS VERY IMPRESSED BY WHAT I HAVE HEARD FROM AND SEEN OF CHILE'S NEW LEADERS, AND I AM CONFIDENT THAT THEY WILL MEET THIS HISTORIC CHALLENGE. IT SHOULD BE OF GREAT

COMFORT TO THEM AND TO THE PEOPLE OF CHILE, THAT THEIR NEW GOVERNMENT HAS MANY FRIENDS. THE PRESENCE HERE OF SO MANY DISTINGUISHED DELEGATIONS FROM AROUND THE WORLD IS ELOQUENT TESTIMONY THAT PRESIDENT AYLWIN CAN COUNT ON THE SUPPORT AND ENCOURAGEMENT OF EVERY SIGNIFICANT ELEMENT OF THE WORLD COMMUNITY -- FIRST AMONG THEM THE UNITED STATES OF AMERICA. GILLESPIE

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(WG-013) 2-22-90

United States Department of State

Washington, D.C. 20520

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Exemption(s) ____

~~CONFIDENTIAL~~

February 22, 1990

Return to Joel

TO: ARA/SC - Keith C. Smith

THROUGH: ARA/SC - Barbro A. Owens

FROM: ARA/SC - Joel Cassman

SUBJECT: Next Steps in the Letelier Case

Attached is Dave Colson's concept paper for resolution of the Letelier case. He has asked for our comments before he sends it to Judge Sofaer. I suggest that we also send it to CAG and Skol.

I have several comments on the draft:

1. Edmundo Vargas has told us repeatedly that Aylwin cannot make an ex-gratia payment without some kind of legal fig leaf placing responsibility on the GOC and determining the amount of compensation. They cannot accept the U.S. court judgement due to sovereignty issues. I think Vargas is correct on this. Aylwin has no slush funds to make a payment -- he has to go to the Chilean Congress to ask for such funds. Congress, correctly, would ask where was the legal justification for compensation. The Senate will have a rightist opposition majority.

2. Dave Colson continues to resist convening the 1914 Treaty commission for this purpose. His reasoning is that such a commission could produce a result unsatisfactory to the Letelier/Moffitt families, placing the USG in an uncomfortable position. I think this is a cop-out. The commission could be pre-cooked so that we know what the result will be before both parties enter into it.

3. Colson links both the compensation and justice issues together in the certifications required under both the Kennedy amendment and the IMET language. This sets a new and unnecessarily harsh standard for release of IMET funds. I attach copies of both laws -- clearly the IMET language sets an easier hurdle for the GOC to cross regarding Letelier. Colson is attempting to put conditions on Chile which aren't in the law.

Incidently, Edmundo Vargas is currently in Washington and has asked for another meeting with Aronson. I asked Caroline to give us a time and date.

3:30

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DECL: OADR

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Drafted: ARA/SC - JFCassman
2/22/90 SEARASC 6518

Cleared: ARA/SC - BAOwens

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WG-014

United States Department of State

Washington, D.C. 20520

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Memorandum

February 22, 1990

TO: ARA - Mr. Skol

FROM: ARA/SC - Keith C. Smith

SUBJECT: Next Steps in the Letelier Case

We have reviewed Dave Colson's concept paper for resolution of the Letelier case, and have several comments on the draft:

1. Edmundo Vargas has told us repeatedly that Aylwin cannot make an ex-gratia payment without some kind of legal fig leaf placing responsibility on the GOC and determining the amount of compensation. They cannot accept the U.S. court judgement due to sovereignty issues. I think Vargas is correct on this. Aylwin has no slush funds to make a payment -- he has to go to the Chilean Congress to ask for such funds. Congress, correctly, would ask where was the legal justification for compensation. The Senate will have a rightist opposition majority.

2. Dave Colson continues to resist convening the 1914 Treaty commission for this purpose. His reasoning is that such a commission could produce a result unsatisfactory to the Letelier/Moffitt families, placing the USG in an uncomfortable position. I think this is a cop-out. The commission could be pre-cooked so that we know what the result will be before both parties enter into it.

3. Colson links both the compensation and justice issues together in the certifications required under both the Kennedy amendment and the IMET language. This sets a new and unnecessarily harsh standard for release of IMET funds. I attach copies of both laws -- clearly the IMET language sets an easier hurdle for the GOC to cross regarding Letelier. Colson is attempting to put conditions on Chile which aren't in the law.

If you call Michael Moffitt on the status of the case, I suggest the following talking points:

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DECL: OADR

~~CONFIDENTIAL~~

Concept Paper

The following steps could be taken simultaneously or in the sequential order listed. They could be recorded in a memorandum of understanding between the governments or they could be taken based upon an informal understanding between governments.

1. The Government of Chile would make an ex gratia payment of an acceptable amount to the Letelier/Moffitt families, victims of the assassination which occurred in Washington, D.C., in 1976. In return:

a. the families of the victims would drop their legal efforts in the United States against the Republic of Chile;

b. the U.S. Government would drop its espousal of the claims of the families of the victims;

c. the U.S. Government would drop its claim against the Government of Chile;

d. the Department of State would inform interested members of Congress that further efforts to legislate a remedy to provide fair compensation to the families of the victims was no longer necessary.

2. The Government of Chile would inform the United States of efforts it is making, and that it intends to make, to bring to justice the persons responsible for the Letelier assassination. These would include: seeking an amendment of Chilean law to provide for prosecution in civil courts of military personnel accused of criminal conduct; reopening the "passports case;" and, appointing a special prosecutor.

3. The Governments of Chile and the United States of America would make the appointments necessary to fill the vacancies on the 1914 Treaty Commission and agree that either government could constitute the Commission if it was considered necessary to pursue justice and to resolve the Letelier case.

4. The United States would make the findings required by Sec. 726 of the International Security and Development Cooperation Act of 1981 (the Kennedy-Harkin Amendment) and by 545(c)(2) of the FY 1990 Foreign Operations, Export Financing, and Related Programs Act (P.L. 101-167).

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United States Department of State

Washington, D.C. 20520

LD 086

February 22, 1990

CONFIDENTIAL
MEMORANDUM

TO : L - Judge Sofaer

FROM : L/ARA - David Colson

SUBJECT: Letelier

1. ARA is reviewing the concept paper.

2. Vargas is back in town and wants a meeting with you and Aronson together. From what Vargas told ARA/SC Joel Cassman when he requested the meeting, he returns from Chile with the same message he delivered earlier - he wants to set up the 1914 Commission to consider the compensation issue; he wants the U.S. to make the findings necessary to remove the Kennedy-Harkin sanctions immediately; and Aylwin will take some unspecified steps on the criminal front.

3. Some in ARA believe we should accommodate Aylwin on this. They appear to accept the argument that Aylwin cannot make an ex gratia payment up front to the Letelier family victims when it cannot do likewise for other victims of human rights abuses. They further believe that the best way to keep the Chilean military under control is to make the Kennedy-Harkin findings so that a more normal bilateral military relationship can develop.

4. I have told these same people I think that Vargas is offering a bad deal - it defers the compensation issue (creating domestic political and legal problems for us) while providing Chile with immediate relief. I have said that I have no difficulty seeing a clear distinction between assassinations which occur up the street from the State Department and human rights abuses in Chile. I have also advised that if we are to go to the Commission on compensation, we will inevitably be put in an adversarial relationship with Chile: the U.S. seeking a maximum award and Chile belittling the matter - all which appears to me to be unhealthy.

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5. I have left it with ARA that if it can't accept our concept paper as the basis for a Sofaer-Aronson discussion with Vargas, we will need to resolve our differences before meeting with him.

6. I spoke with Sam Buffone this morning. He has already spoken with Vargas. Vargas made a pitch along the lines of para. 2 above; Buffone told Vargas that the 1914 Treaty Commission was not an acceptable way of determining compensation for the families. Buffone said that Vargas described a Commission process as follows: a) constitute the Commission immediately, asking it to determine the limited question of an appropriate amount for an ex gratia payment (Vargas said Aylwin would not admit responsibility); b) convene the Commission for an organizational meeting; c) at a later meeting the U.S. presents evidence; d) at another meeting both sides present argument; e) the Commission makes the determination. Vargas said this could all be done in a few months. Vargas mentioned a "Cruz" case, which I believe was an OAS Human Rights Commission case. We are checking. Vargas also discounted the U.S.G. pressing the U.S. claim.

7. Comment. Our best leverage to get an acceptable civil settlement is to withhold making the findings until we get the settlement. Buffone might accept a quick 1914 Treaty process if it was clear we wouldn't make the findings until after a final civil settlement was reached. For the time being we should hold firm in our approach along the lines of the concept paper and probe Vargas on the kind of question we would put to the Commission: there has to be some recognition of Chilean cupability, and there has to be something that would lead the Commission to examine compensatory damages as would a U.S. Court in a wrongful death case.

(WA-016)

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MEMORANDUM

February 22, 1990

TO: ARA - Bernard Aronson

FROM: ARA - Michael Skol

SUBJECT: Meeting with Chilean Under Secretary of Foreign Affairs-designate Edmundo Vargas

You last met with Vargas on February 2. Since our meeting, Vargas returned to Chile to confer with President-elect Aylwin on the Letelier case.

We are still at an exploratory stage in our discussions with the Aylwin team on the case. The Chileans have not yet presented their strategy, nor have we agreed with L on our own favored approach or bottom line. A major point outstanding, for example, is whether the 1914 Bryan Treaty should be convened on the compensation issue, or if an ex gratia payment to the families would be feasible. Vargas has told us before that an ex gratia payment presents difficulties for the new Aylwin government as any such payment would have to be publicly justified and pass the newly elected Congress. At the same time, convoking the 1914 Treaty could risk undue delays and possibly create an atmosphere of confrontation at a time when we seek normalization and smooth relations.

Another issue that may come up is the idea that Vargas mentioned in February, of seeking a change in the conditions of the Kennedy amendment. Apparently Kennedy is amenable to considering some softening of the conditions. We strongly believe that this is the wrong way to go. It is far preferable to seek a solution that once and for all removes the Kennedy amendment from the books than to reopen congressional debate on new conditionality and the case itself and still be left with residual conditionality language. We should discourage Vargas from pursuing this avenue further with Kennedy. The Chileans must take the bull by the horns and come up with a negotiable position aimed at resolving the issue for good.

I attach the reporting cable on the previous meeting with Vargas which lays out the fundamental issues involved.

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Talking Points

-- Our basic position on the Letelier case has not changed. We want to see a quick and just resolution so that we can put this issue behind us once and for all.

-- We believe we should aim at meeting the Kennedy amendment conditions fully, rather than pursuing a piecemeal approach that may leave some residual legislative conditionality in place.

-- The Letelier case has been around for a very long time, and it is in our mutual interest to find a solution that removes it from the agenda once and for all.

-- I would appreciate hearing your latest thinking on how we might best approach a resolution to this case?

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Drafted: ARA/SC:BAOwens
SEARASC 6428 2/22/90

Cleared: ARA/SC:JFCassman
ARA/SC:KCSmith

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WCA-015

United States Department of State

Washington, D.C. 20520

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MEMORANDUM

February 22, 1990

TO : ARA - Michael Skol

FROM : ARA/SC - Keith C. Smith

SUBJECT: Talking Points for Michael Moffitt on Letelier Case

We suggest the following Talking Points for your conversation with Michael Moffitt:

- The State Department has had some preliminary conversations with President-elect Aylwin's personal emissary on the Letelier case, Undersecretary of Foreign Affairs-desigante Edmundo Vargas.

- Judge Sofaer recently held a meeting with your attorney, Sam Buffone. As we told Mr. Buffone, our commitment to seek justice is a strong as ever.

- We will continue to press the Chilean government for a complete resolution of the case. Our interest is that the families receive compensation and that those responsible for the crime face justice.

- The interests of the Letelier/Moffitt families are very important to us. We will need to stay in close contact with you during the next few months when our contacts with the new Chilean government on the case intensify.

(IF ASKED ONLY)

- There is no relationship between the Letelier case and restoration of GSP for Chile. GSP is linked to workers rights.

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DEPARTMENT OF STATE

BRIEFING PAPER

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Vice President's Meeting with President Aylwin

BACKGROUND:

- Patricio Aylwin, a veteran Christian Democratic politician, won the first democratic presidential election held in Chile since the 1973 military coup.
  - -- Aylwin's number one challenge is to show the Chilean military that he is in control.
  - -- His second most difficult task will be to restrain the expectations of Chile's labor unions and poorer classes who feel that they have missed out on the benefits of the country's economic growth.
- Aylwin and his chief advisors have told us that they want the U.S. to normalize its defense relationship with the Chilean military and to restore GSP, OPIC, and other trade and investment incentives.
  - -- The U.S. can offer Aylwin a modest IMET program ($50,000) and an end to sanctions on military sales (contained in the "Kennedy-Harkin" amendment) this year if his government follows through on promises to pay compensation to the Letelier/Moffitt families and seek justice for those responsible for the murders.
  - -- The interagency GSP committee has voted to accept the Chilean government's petition for review. We will inform the Aylwin administration on the timetable of the review process, and how they can participate.

OBJECTIVES:

- Assure Aylwin that he has the full support of the United States in his efforts to consolidate democracy and assert control over the Chilean military.
- Inform him that the U.S. will certify that Chile has met the conditions under the Kennedy-Harkin amendment when his government has taken the necessary steps to resolve the Letelier case.
- Announce that the U.S. has accepted the Chilean petition for GSP restoration and will begin an accelerated formal review process shortly.

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Talking Points

Normalization of U.S. - Chile Relations

- You can count on the strong support of the U.S. Government and people as you work to consolidate Chilean democracy.
- We believe that rapid normalization of U.S. - Chilean relations, including defense, is in our mutual interest.
- We are encouraged by the discussions between the U.S. State Department and your representative on steps to resolve the Letelier case.
- When your government follows through on compensation to the Letelier/Moffitt families and pursues justice for those responsible for the murders, we expect to certify quickly that Chile has met the conditions under our law.
- Once the Letelier case is behind us, we can offer you a program of professional military training, renewal of high-level military visits, and resumption of sales of military equipment.
- Any military assistance and cooperation would be channelled through your Ministry of Defense to reinforce your efforts to assert civilian control over the Armed Forces.

U.S. Economic Assistance to Chile

- The U.S. has decided to accept for review the Chilean government's request to restore trade and investment incentives under U.S. law.
- We hope that this review process, focusing on your government's plan to improve respect for worker's rights, will have your full participation and will be expedited.
- The U.S. wants to assist your government in addressing the social needs of the Chilean people which were neglected by the military government. We are reviewing ways to expand programs of the US Agency for International Development, the US Trade and Development Program, and the Peace Corps.
- The U.S. stands ready to assist your economic team in designing a strategy to deal with Chile's external debt problem.

Drafted: ARA/SC:JFCassman
SEARASC 6558

Cleared: ARA/SC - BAOWens
ARA/SC - KCSmith
ARA - MMSkol
EB/OMA - JMoran
P - SWesche
S/P - WBrownfield
C - NBurns
L/ARA - DColson

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DEPARTMENT OF STATE

BRIEFING PAPER

CONFIDENTIAL

Vice President's Meeting with General Pinochet

BACKGROUND:

- General Pinochet is turning over the Presidency after 16 years in power, but he will continue to retain significant power as Commander in Chief of the Chilean Army.
  - -- Pinochet is proud of the accomplishments of his regime, deeply suspicious of democracy and civilian government, and stubborn in his resistance to outside pressures.
  - -- Pinochet designed the 1980 constitution to his specifications. It contains many undemocratic provisions, such as the method of electing Senators and Congressmen.
  - -- The new government will have to operate within the legal framework established by Pinochet, limiting its ability to make fundamental changes.
- The democratically-elected government of Patricio Aylwin will be challenged continually by Pinochet if he feels threatened by civilian rule.
  - -- He has vowed to confront the civilian government if it attempts to prosecute military officers accused of human rights violations or change the status of the military.
  - -- Pinochet himself is the greatest single obstacle to resolution of the Letelier case. He has protected the two secret police officials indicted by a U.S. court for the crime.

OBJECTIVES:

- Congratulate Pinochet for the conduct of the December 14, 1989 elections, which were peaceful, open, and fair.
- Emphasize that the U.S. solidly supports the democratic process in Chile.
- Emphasize our strong interest in normalizing the U.S. - Chile defense relationship pending resolution of the Letelier case.

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DECL: OADR

Chile Project (#S199900030)
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Talking Points

THE TRANSITION TO DEMOCRACY

-- The United States congratulates you and the people of Chile for the successful transition to democracy and the economic progress in the past several years.

-- The December 14 presidential and congressional elections were exemplary for the rest of the hemisphere in the peaceful, honest, and open way they were conducted.

-- We strongly support the democratic process in Chile, and hope that the Chilean Armed Forces will lend its full support to the new civilian government.

NORMALIZATION OF U.S. - CHILE RELATIONS

-- The U.S. and Chile share many strategic and political objectives. We hope to restore a normal defense relationship with the Chilean Armed Forces -- including resumption of military sales and security assistance.

-- A major prerequisite to that end is Chilean cooperation to resolve the Letelier case.

-- I urge you to support our efforts to seek justice for those responsible for the assassination of Orlando Letelier and Ronni Moffitt, an act of international terrorism committed on the streets of the capital of the United States.

-- The United States insists on the resolution of this case. We will not normalize relations until this is done.

Drafted: ARA/SC - JFCassman
SEARASC 6557 2/23/90

Cleared: ARA/SC - BAOwens
ARA/SC - KCSmith
ARA - MMSkol
L/ARA - DColson
P - SWesche
S/P - WBrownfield
C - NBurns

LD #886 → L/AFM Dave Colson for clearance by COB today 2/23 JFCassman x72407

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U.S. - CHILE RELATIONSHIP

Normalization of the Relationship

- The U.S. wants a full political and defense relationship with the new democratic government of Patricio Aylwin. We want to restore trade and investment benefits, and end the international isolation which Chile suffered under military rule.
  - -- Chile and the U.S. have historically enjoyed close economic and political ties. The U.S. is Chile's largest trading partner, and U.S. companies have large investments in Chile.
  - -- Chile is an important test case to demonstrate the compatibility of democracy and free-market economic systems.

Resolution of the Letelier Case

- Relations with the Pinochet regime worsened when the 1976 assassination of Orlando Letelier and Ronni Moffitt in Washington D.C. was traced back to Pinochet's secret police.
  - -- The U.S. Congress imposed sanctions on the sale of arms and the provision of military assistance to Chile in 1976 (the "Kennedy amendment").
  - -- The Kennedy amendment conditions restoration of arms sales and security assistance to human rights observance and resolution of the Letelier case. The Pinochet government cooperated only minimally in the investigation of the case, and refused to extradite two officials of the secret police -- General Contreras and Colonel Espinoza -- indicted by a U.S. court for the crime.
  - -- President-elect Aylwin wants to cooperate with us to resolve the case, but recognizes that the military will block any attempt to prosecute Contreras and Espinoza.
  - -- The U.S. Government has espoused a U.S. court judgment won by the Letelier/Moffitt families against the Chilean government.

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-- Aylwin has indicated to us his willingness to pay compensation to the families. He favors envolving the 1914 Bryan Treaty to establish the amount of compensation.

Restoration of GSP and OPIC Benefits

o Chile was removed from eligibility for GSP (Generalized System of Preferences) and OPIC (Overseas Private Investment Corporation) trade and investment benefits in December 1987 for its denial of internationally-recognized workers rights.

-- The interagency GSP subcommittee has accepted the Chilean Government's petition for review.

-- A schedule of public hearings for this review will be established shortly. We hope that this process could be accelerated so that GSP/OPIC could be restored in a few months.

-- The Chilean labor movement favors GSP/OPIC restoration and have asked the AFL-CIO to lobby on their behalf.

U.S. Assistance for the New Democratic Government

o We are reviewing U.S. assistance programs in Chile to help the new civilian government address neglected social needs. Since Chile is a relatively advanced developing country, a large economic assistance program is not necessary.

-- USAID has a modest program in Chile focuses on civic action, microenterprise, adminstration of justice, and housing guarantees. USAID is considering expanding these projects and adding environmental protection and vocational education.

-- We will support the new Chilean economic team in dealing with its external debt problem and seek to eliminate trade barriers.

-- The U.S. will support economically viable loans to Chile from international financial institutions and will encourage investment in Chile.

-- We will explore bringing the Peace Corps back to Chile, to work on projects ranging from microenterprise development to environmental protection.

Drafted: ARA/SC - JFCassman
SEARASC 6552

Cleared: ARA/SC - BAOwens
ARA/SC - KCSmith
ARA:MMSkol
L/ARA:DColson
AID/LAC: J Schneider
S/P:WBrownfield
P:SWesche
C:NBurns
EB/TDC/ODC: J Sala

Chile Project (#S199000[illegible]) February 23, 1990
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TO: Dave Colson

FROM: Mary Catherine

RE: Use of 1914 Treaty Commission to Determine Amount of Ex Gratia payment to Letelier and Moffitt families.

1. Standard of Compensation

The survival and wrongful death causes of action which formed the basis of the awards in the U.S. civil case were statutory causes of action under the D.C. code. The elements of compensation allowable under the D.C. wrongful death statute are very similar to those enunciated as allowable under international law in Jeff Kovar's memorandum and in the Cruz decision by the International Court of Human Rights. They are: (a) the amount which the decedent, had he or she not been killed would probably have contributed to the claimant . . (b) the pecuniary value to such claimant of the deceased's personal services in claimant's care, education or supervision. Kovar memo, p 2. See also, Jane Doe v. Binker, (App. D.C.), 492 A.2d 857 (1985)(There are two main elements recoverable under the Wrongful Death Act. The first element compensates for pecuniary loss - calculated as the annual share of the decedent's dependents in the decedents earnings, multiplied by decedent's work life expectancy, and discounted to present value. The second element compensates for the value of the services lost to the family as a result of decedent's death.)

The Court in Letelier also made an award under the D.C. Survival Statute. This statute provides that any cause of action the deceased would have had, had he lived, survives his death and can be brought by his heirs. Both Letelier and Moffitt (apparently) would have been able to maintain an action for pain and suffering experienced prior to their deaths. The court awarded $30,000 to Letelier's heirs and $80,000 to Ronni Moffitt's. This amount would not be allowed under general principles of international law. However, international law would allow for an amount to be paid with respect to the pain and suffering experienced by the family members as a result of the deaths("moral damages"), which is not an element of recovery under the wrongful death statutes. Because of the highly traumatic manner of death, and because of Michael Moffitt's actual presence, this amount could be substantial.

Using the figures claimed in the Stark cases for "moral damages" , we could claim $25,000 for each spouse, $10,000 for each child over 5 and $20,000 for each surviving parent. Under this calculation the Letelier children would ask $40,000 total and potentially another 25,000 for Letelier's wife. Michael Moffitt could claim $25,000 and each of Ronni Moffitt's parents, $20,000, totaling $65,000. We could argue for more for Michael Moffitt because of the extraordinary circumstance that he was present.

We can of course, ask for a finding as to the amount to be awarded on each cause - the pain of suffering of the decedents as well as that of the next-of-kin, but if we general international law principles are applied, we likely will not collect for pain and suffering of the decedents.

The D.C. court commended plaintiff's counsel highly for his excellent work on the case - which leads me to believe that the court accepted as substantiated all or nearly all of the amounts claimed by the plaintiff as lost income and services loss. The amount due on the wrongful death actions was $916,096 for Ronni Moffitt and $1,526,479. An additional $400,000 was awarded to Michael Moffitt for his pain and suffering as a result of defendants' acts. I would not expect an international tribunal in which the amount is to be contested to be more generous than an uncontested award for these elements in a U.S. court.

II. Upon behalf of whom can we present claims?

Although the court does not specify the amount awarded in respect of the loss suffered by each of the individual plaintiffs, I assume that the loss to Mrs. Letelier was the greatest of those in the Letelier family. Now that we are entering into a formal proceedings between the USG and the GOC, it may be more difficult to present a claim for injuries suffered by persons who are not U.S. nationals.

If calculation of compensation the 1914 Commission does not take into account the claims of Mrs. Letelier the total award may be substantially reduced. More importantly, if it does not include Mrs. Letelier, there is the possibility that the families will not accept or cooperate in the proceeding and will not move to vacate the D.C. court judgment. Mrs. Letelier will still have a claim against the Government of Chile in the absence of its estinguishment though the Commission proceeding I am not sure that we, as the USG, could have the GOC dismissed as a defendant in the Court action.

III. Other possible elements of damages

- Consequential damages could include amounts expended in pursuing the criminal aspect of the case.

- Punative damages. They were not awarded against the Government of Chile in the civil case and there is no precedent for such an award under international law. I don't think we have any basis for claiming them even if we wanted to.

-Interest. A claim for interest on the civil judgment is not viable here. But there does seem to be a claim for the amount which each claimant would have received by reason of the decedents' efforts during each of the years from the deaths to the present. This would require careful calculation but could be claimed. Furthermore, if there is to be a discount factor taken into account in the calculation, it can of course only apply to salary payment between the date of award and end of his/her projected lifespan.

If we are unable to assert a claim for monetary injury to Mrs. Letelier, there may be additional amount that can be claimed by the sons in respect of contributions to the support of their mother that they would not have had to make had their father lived.

Analysis of the Cruz case 4/27/90 UNCLASSIFIED LD 047

The Cruz case is an award of compensation to the family of Saul Godinez Cruz against the Government of Honduras for the disappearance of Mr. Cruz Mr. Cruz had a surviving wife and minor daughter. The liability of the Government of Honduras for his disappearance was decided previously and only the amount of compensation was at issue in this proceeding.

Procedure

The Court issued an order authorizing the President of the Court to direct certain investigations, as commonly done in civil law systems. The order authorized the President to request the opinion of the Inter-American Commission on Human Rights "concerning the next-of-kin", to appoint experts as deemed advisable to provide information on form and amount of compensation, and to convene a hearing on the matter, if necessary.

Psychiatric experts were engaged on the question of the moral damages (the pain and suffering of the next-of-kin) and this evidence was received by the court. The Commission recommended a large amount of compensation including the highest pension available to the widow under Honduran law, title to a home, payment of subsidy to child until she completes education, a lump sum payment, and a variety of ethical reparations. The Court gave its opinion as to how much should be awarded (including, punative damages) and convened a hearing to hear the opinions of the parties on the "award" (This is either a unique procedure or the translation is faulty and it was only a proposed award.) ~~The Court then held a hearing to learn the opinion of the parties on the compensation it had "ordered".~~ The court then asked the government for a long list of additional evidence and information on local pension and inheritance laws. The Government of Honduras provided much of the information and responded to the Commission's brief. The Court also received amicus curiae briefs.

Substance

The Court addressed only the monetary compensation issues in its decision. It stated that as "a general concept of international law which jurisprudence has considered to be 'even a general concept of law' that any breach of an international obligation that has caused injury entails the duty to make adequate reparation." Full compensation, the court said, includes restoration of the previous situation and reparation of the consequences of the breach, plus payment of an indemnity to compensate for the property and non-property damages, including moral damage.

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U.S. Department of State
Release X Excise _____ Deny _____
Declassify: In Part _____ In Full ✓
Exemption(s) _____

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The Court rejected the proposal that the award should include the amount the deceased would have earned over his lifetime, finding that such an award would be a proper one to the deceased had he been totally incapacitated but had lived. However, where the award was to the next-of-kin, - the court found a "more prudent assessment" was in order, suggesting that the award should compensate them only for the amount they lost.

The Court then, somewhat abstractly, set the amount of compensation at 400,000 lempiras for loss of income, and 250,000 for moral damages, to be divided one-fourth to the wife and three-fourths to the child. The child's share was to be placed in a trust account with final distribution to her at age 25.

The Court specifically rejected the claim for punative damages finding that they were not allowable either under Article 63.1 of the Convention or under international law "in its present state".

A claim for indirect damages, such as costs incurred in attemted to locate Cruz and the costs of court proceedings was asserted. The Court however, declines to rule upon these due to procedural deficiencies (failure to present on time or with sufficient supporting evidence).

Applicability to the Letelier Case

Although the general vehicle - a tribunal that decides only issues of compensation is what we need in to decide the Letelier case, this particular decision is not all that appealing either procedurally or on the substantive law. The procedure is lengthy and responsibility to gather evidence rests largely with the court. I think we want a procedure where the parties have the responsibility to present evidence and arguments within strict time limits, so that the procedure cannot become too drawn out. The responsibility of the Commission should be to look at the evidence and pleadings presented by the Government and issue a decision.

The decision is not that helpful on substance either. The ~~large part of the award goes to a minor child,~~ without detailing how the amounts were determined. The standard used seems to be a general notion of fair compensation. We likely want the Commission to, in effect, do the calculations; to invite them to choose a "fair" amount would be dangerous.

Court awards two sums,

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(JF100)

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Exemption(s) ____

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PAGE 01 SANTIA 01622 231946Z
ACTION DS-01

INFO	LOG-00	ADS-00	AID-01	INR-05	SS-01	CIAE-00	EB-01
	DODE-00	NSCE-00	ARA-01	NSAE-00	COME-00	SSO-01	L-02
	AMAD-01	CTME-00	NRCE-00	TRSE-00	PM-01	PA-01	FAAE-00
	CCO-00	INRE-00	CA-02	CG-00	ACDA-05	A-01	USIE-00
	JUSE-00	DOEE-00	M-01	IMMC-01	OIS-01	SCT-03	ZOVD-00
	P-02	/032 W					

----------143051 232031Z /38

P 231945Z FEB 90
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 5145
USSS WASHDC PRIORITY
FBI WASHDC PRIORITY
INFO AMEMBASSY MONTEVIDEO PRIORITY
USCINCSO QUARRY HEIGHTS//SCJ-2//
CINCLANTFLT NORFOLK
USOFFICE MRC MIAMI

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TERREP

MONTEVIDEO FOR LEGATT

CINC ALSO FOR POLADS

MIAMI FOR CO CO D

E.O. 12356: N/A
TAGS: ASEC, PTER, PINS, OVIP, OREP, CI
SUBJECT: TELEPHONIC THREAT RECEIVED AT CHANCERY AGAINST SENATOR TED KENNEDY

1. ON FEB. 23 AT 0915 HRS., A TELEPHONE OPERATOR AT THE CHANCERY RECEIVED A CALL FROM A SPANISH
~~LIMITED OFFICIAL USE~~

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PAGE 02 SANTIA 01622 231946Z

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SPEAKING FEMALE WHO STATED, "MISS, ABOUT THE VISIT OF TED KENNEDY, THIS DISGRACEFUL TRAITOR COMING FROM THE UNITED STATES, WE HATE HIM AND WE ARE GOING TO (PAUSE) YOU WILL SEE WHAT HAPPENS."

-

2. SENATOR KENNEDY'S PLANNED VISIT HAS BEEN REPORTED BY THE LOCAL MEDIA.

-

3. THE CALL WAS RECORDED BY THE SWITCHBOARD OPERATOR.
GILLESPIE

NNNN

2/23/90 UNCLASSIFIED

INCOMING TELEGRAM

BN047

DEPARTMENT OF STATE
DIPLOMATIC SECURITY

PAGE 01 OF 03 SANTIA 01586 00 OF 04 2418172 5015 004652 DS0483
ACTION DS-00

INFO DSS-01 PSD-01 SYS-01 CC-01 CT-01 I-01 PSLS-01 OP-01
FPD-01 TAD-01 AID-01 USIA-01 CMI-01 DS-01 PI-01. CI-01
PID-01 PRD-01 EPE-01 POL-01 STO-01 MSG-01 ASD-01 RES-01
/024 A2 EB

INFO LOG-00 ADS-00 ARA-00 AMAD-01 /003 W
----------215777 2418192 /49 38

R 231333Z FEB 90
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 5130
INFO AMEMBASSY MONTEVIDEO
AMEMBASSY LA PAZ
AMEMBASSY BUENOS AIRES
AMEMBASSY ASUNCION

UNCLAS SANTIAGO 01586

Chile Project (#S199900030)
U.S. Department of State
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Declassify: In Part In Full ✓
Exemption(s)

DEPT FOR DS/OP/ARA; DS/POL/TAD; DS/FPD/RS AND DS/CC/PSLS

MONTEVIDEO, LA PAZ, BUENOS AIRES, ASUNCION FOR RSO'S

E.O. 12356: N/A
TAGS: ASEC
SUBJ: MONTHLY STATUS REPORT - JANUARY 1990 (JANUARY 1 - JANUARY 31)

1. (U) SUMMARY OF SIGNIFICANT ACTIVITIES:

A. OVERVIEW:

1. INCIDENTS OF TERRORISM CONNECTED WITH THE U.S. MILITARY ACTION IN PANAMA GRADUALLY TAPERED OFF IN JANUARY. TERRORISTS CONTINUED TO CONCENTRATE ON SOFT TARGETS SUCH AS BINATIONAL CENTERS AND MORMON CHURCHES.

2. CRIME CONTINUED TO INCREASE IN SANTIAGO. BOTH RSO AND CONS HAVE NOTED A DRAMATIC INCREASE IN THE NUMBER OF TOURISTS SEEKING ASSISTANCE AFTER HAVING BEEN ROBBED. CONS REPORTED THAT DURING JANUARY-FEBRUARY 89 TIME PERIOD, THEY ISSUED 20 REPLACEMENT PASSPORTS. FOR JANUARY 1990 CONS ISSUED 24 REPLACEMENT PASSPORTS. SINCE MOST REPLACEMENT PASSPORTS ARE ISSUED AS A RESULT OF THEFT, BOTH RSO AND CONS FEEL THIS IS YET ANOTHER INDICATOR OF THE STEADY INCREASE IN CRIME IN SANTIAGO.

3. RSO COMPLETED SECTIONS 500, 600 AND 1000 OF THE NEW POST EMERGENCY ACTION PLAN. RSO AND MSG DET. CMDR. ALSO REWROTE MSGS OPERATIONAL ORDERS THAT CORRESPOND TO THE NEW EAP.

4. RSO LEFT SANTIAGO ON 30 JANUARY TO ACCOMPANY THE AMBASSADOR ON A 10-DAY TRIP IN THE SOUTH OF CHILE.

B. RSO BRIEFED THE FOLLOWING PEOPLE REGARDING SECURITY MATTERS IN JANUARY:

- JANUARY 11: MAJOR OSCAR CANON AND CAPTAIN RAUL PACHECO, GOPE, CARABINEROS DE CHILE.
- JANUARY 16: ALFREDO LEONTIC, WACKENHUT CHILE.
- JANUARY 19: CAPTAIN FRANCISCO BYWATERS, OS-7, CARABINEROS DE CHILE.
- JANUARY 23: FRED BARRIOS, USIS M/S.
- JANUARY 23: JOHN FOOS, BANKERS TRUST NYC.
- JANUARY 24: MAJOR OSCAR CANON, GOPE, CARABINEROS DE CHILE.
- JANUARY 29: KAREN HOLLERICH, ROBERT FLYNN, USG SECURITY OFFICERS.

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2. IN ADDITION 4 ARRIVALS WERE BRIEFED AND 8 DEPARTEES WERE DEBRIEFED.

C. MARINE GUARD ACTIVITIES.

1. TWO REACT DRILLS WERE CONDUCTED IN JANUARY AND RSO ATTENDED ONE GUARD SCHOOL.

2. CPL. MATTHEW MARKLEVITZ ARRIVED AT POST IN JANUARY.

II. (U) THREATS AND INCIDENTS:

A. THE FOLLOWING CABLES WERE SENT TO THE DEPARTMENT IN JANUARY REGARDING THREATS/INCIDENTS:

- SANTIAGO 0027 - BOMBING MORMON CHURCH
- SANTIAGO 0066 - BOMBING MORMON CHURCH
- SANTIAGO 0578 - PHONE BOMB THREAT AT BNC-SANTIAGO
- SANTIAGO 1364 - THEFT OF ITEM FROM USG EMPLOYEE.

B. INCIDENTS NOT PREVIOUSLY REPORTED: NONE.

C. THE FOLLOWING TERRORIST ACTIVITIES OCCURRED IN JANUARY AS REPORTED BY MEDIA AND OTHER SOURCES:

JANUARY 1: SEVERAL EXPLOSIVE DEVICES DETONATED IN SANTIAGO HITTING A MEDICAL CENTER, THE CONCHALI TOWNHALL TRAFFIC DEPARTMENT BUILDING, A MORMON CHURCH AND A CHILD CARE CENTER. THE BOMBS CAUSED ONLY MINOR DAMAGE AT THESE LOCATIONS.

JANUARY 1: AN EXPLOSIVE DEVICE DETONATED AT A MORMON CHURCH IN CALAMA DESTROYING WINDOWS.

JANUARY 2: UNKNOWN INDIVIDUALS THREW INCENDIARY BOMBS AGAINST A MORMON CHURCH IN SANTIAGO CAUSING SERIOUS

DAMAGE. PAMPHLETS FROM THE LAUTARO YOUTH MOVEMENT SAYING "YANKEES OUT OF LATIN AMERICA" WERE FOUND AT SITE.

JANUARY 10: CARABINEROS FROM CURICO DISCOVERED AN ARSENAL (RIFFLES, AMMUNITION CLIPS FOR VARIOUS WEAPONS, DETONATORS AND MATERIAL FOR MAKING EXPLOSIVES) AT THE HOUSE OF A 25-YEAR-OLD WORKER. CARABINEROS ARE CARRYING OUT INTENSIVE OPERATIONS IN THE VII REGION IN SEARCH OF A GANG OF SUBVERSIVES WHO COULD BE LINKED TO THIS ARSENAL.

JANUARY 10: THE BRANCH OF BHIF BANK IN THE LAS CONDES DISTRICT IN SANTIAGO WAS ASSAULTED BY TWO ARMED INDIVIDUALS WHO TOOK CH$ 2.400.000.

JANUARY 10: IN THE DOWNTOWN AREA OF SANTIAGO (2 BLOCKS OFF THE CHANCERY) A BUS WAS COMPLETELY DESTROYED AS A RESULT OF A DEVICE WHICH DETONATED INSIDE THE VEHICLE.

JANUARY 12: A POWERFUL EXPLOSION CAUSED SERIOUS DAMAGE AT THE LOS HEROES SUBWAY STATION. THE EXPLOSION DID NOT CAUSE ANY CASUALTIES BUT BROKE THE WINDOWS OF NEARBY BUILDINGS AND DESTROYED A SECTION OF THE TRACK. THE DEVICE EXPLODED AFTER THE LAST TRAIN HAD GONE THROUGH, JUST AFTER MIDNIGHT. NO ORGANIZATION CLAIMED RESPONSIBILITY FOR THE ATTACK.

JANUARY 13: A BOMB (250 GRAMS OF AMMON-GEL WITH A MECHANICAL DETONATOR) DESTROYED SEVERAL FIRST-FLOOR WINDOWS OF THE MIRAMAR HOTEL IN VINA DEL MAR. NO INJURIES REPORTED.

JANUARY 13: FIVE ARMED INDIVIDUALS, WHO SAID THEY WERE MEMBERS OF THE LAUTARO YOUTH MOVEMENT, SET TWO BUSES ON

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FIRE IN THE LO HERMIDA AREA OF SANTIAGO. BUSES WERE COMPLETELY DESTROYED.

JANUARY 18: A GROUP OF THE LAUTARO MOVEMENT, WHO WERE MARCHING ALONG A STREET IN SANTIAGO SHOUTING SLOGANS ABOUT HUMAN RIGHTS, FIRED THEIR WEAPONS AND HIT A 3-YEAR-OLD BOY WHO WAS PLAYING IN THE DINING ROOM OF HIS HOME. THE DEMONSTRATORS FLED FROM THE AREA AFTER HEARING THE SHOUTS OF THE NEIGHBORS.

JANUARY 21: AN EXPLOSIVE DEVICE DETONATED AT THE OFFICES OF THE METROPOLITAN SUBWAY ADMINISTRATION IN SANTIAGO CAUSING MINOR DAMAGE.

JANUARY 23: A BRANCH OFFICE OF THE BANCO DEL ESTADO IN SANTIAGO WAS ASSAULTED BY AN ARMED INDIVIDUAL WHO TOOK CH$ 7.265.000.

JANUARY 23: FOUR TELEPHONE WIRE DISTRIBUTER BOXES WERE DAMAGED IN THE LAS CONDES DISTRICT OF SANTIAGO AS A RESULT OF EXPLOSIVE DEVICES. NO INJURIES REPORTED.

JANUARY 24: A BRANCH OFFICE OF CENTROBANCO IN SANTIAGO WAS ASSAULTED BY THREE ARMED INDIVIDUALS WHO TOOK CH$ 10.000.000. A CUSTOMER WAS INJURED DURING THE ASSAULT.
JANUARY 25: A BRANCH OFFICE OF BANCO DE CHILE IN SANTIAGO WAS ASSAULTED BY FOUR ARMED INDIVIDUALS WHO TOOK CH$ 5.272.000.

JANUARY 26: A BOMB EXPLODED AT THE HOUSE OF THE PRESIDENT OF THE CHILEAN EPISCOPAL CONFERENCE IN TALCA CAUSING MINOR DAMAGE. NO GROUP CLAIMED RESPONSIBILITY.

JANUARY 29: THE LEADERS OF THE FPMR ANNOUNCED THAT THE ARMED STRUGGLE IS UNAVOIDABLE IN CHILE AS THEY DO NOT TRUST THE NEW GOVERNMENT AND THAT PRESIDENT PINOCHET IS UNDER A FPMR DEATH SENTENCE.
JANUARY 29: TERRORISTS PLACED 800 GRAMS OF AMMON GEL ON THE RAILROAD TRACK THAT JOINS QUILLOTA AND SAN PEDRO IN THE V REGION. THE EXPLOSION DAMAGED LESS THAN 1 METER OF TRACK.

JANUARY 30: A SMALL BOMB EXPLODED AT THE MAIN ENTRANCE OF THE COURT BUILDING IN SANTIAGO. A SCARF OF THE MANUEL RODRIGUEZ PATRIOTIC FRONT WAS FOUND AT THE SCENE. THE BOMB DAMAGED THE DOOR AND SHATTERED WINDOWS.

JANUARY 30: 48 PRISONERS, WHO WERE BEING TRIALED FOR SUBVERSIVE CRIMES AND WHO WERE BEING HELD IN THE PREVENTIVE PUBLIC PRISON IN SANTIAGO, ESCAPED. THE ESCAPEES INCLUDED EIGHT PRISONERS JAILED FOR THE ATTACK ON PRESIDENT PINOCHET IN 1986 AS WELL AS OTHER HARD CORE FPMR, FPMR/D TERRORISTS. SIX OF THE ESCAPEES WERE QUICKLY CAUGHT. THE REST REMAIN AT LARGE.

(U) - - TERRORIST ATTACKS

	JANUARY	YEAR TO DATE
AMERICAN BANKS ATTACKED -	0	0
AMERICAN COMPANIES ATTACKED -	0	0
ARMY PERSONNEL INJURED -	0	0
ARMY PERSONNEL KILLED -	0	0
ARSENALS DISCOVERED -	0	0
ATTACK TO PRESIDENT OF CHILE -	0	0
ATTACKS TO METRO -	2	2
ATTACKS TO PUBLIC OFFICES -	1	1
ATTACKS TO RADIOS -	1	1
ATTACKS TO TRAINS (GOVN. OWNED)	0	0
ATTACKS TO BNDS - -	0	0

BOMBS DEACTIVATED - -	0	0
BOMBS DETONATED - -	16	16
BOMBS HIGH TENSION TOWERS -	0	0
BUSES BURNED - -	3	3
CNI AGENTS INJURED - -	0	0
CNI AGENTS KILLED - -	0	0
CNI STATIONS ATTACKED -	0	0
CAR BOMBS DEACTIVATED -	0	0
CAR BOMBS DETONATED -	0	0
CARABINEROS INJURED -	0	0
CARABINEROS KILLED - -	0	0
CIVILIANS INJURED - -	2	2
CIVILIANS KILLED - -	0	0
DELIVERY TRUCKS ATTACKED BY TERRORISTS	0	0
DIPLOMATIC VEHICLES ATTACKED -	0	0
HOUSES AMERICAN OFFICERS ATTACKED	0	0
INVESTIGACIONES AGENTS INJURED	0	0
INVESTIGACIONES AGENTS KILLED	0	0
INVESTIGACIONES STATIONS ATTACKED	0	0
MORMON CHURCHES ATTACKED -	3	3
PERSONS KIDNAPPED - -	0	0
POLICE STATIONS ATTACKED -	0	0
PRIVATE BANKS ASSAULTED -	4	4
PRIVATE BANKS ATTACKED -	0	0
SUBVERSIVE PRINT SHOPS -	0	0
SUPERMARKETS ATTACKED -	0	0
SUPERMARKETS BURNED -	0	0
TERRORISTS ARRESTED -	0	0
TERRORISTS INJURED - -	0	0
TERRORISTS KILLED - -	0	0
TERRORISTS SECURITY HOUSES -	0	0
TERRORISTS CLANDESTINE CLINIC	0	0
THREATS AGAINST U.S. INSTALLATIONS	0	0

III. (U) PROJECT STATUS:
A. THE FOLLOWING PROJECTS ARE UNDERWAY:

- AMBASSADOR'S RESIDENCE PERIMETER PROJECT - 95 PERCENT COMPLETE
- MARINE HOUSE PERIMETER PROJECT - 75 PERCENT COMPLETE.

IV. (U) INVESTIGATIONS/VIOLATIONS:

A. DS-CONTROLLED INVESTIGATIONS:

(9) BACKGROUND INVESTIGATIONS ON HAND
(5) BACKGROUND INVESTIGATIONS RECEIVED
(0) BACKGROUND INVESTIGATIONS COMPLETED
(0) BACKGROUND INVESTIGATIONS OVERDUE

(1) CI INVESTIGATIONS ON HAND
(0) CI INVESTIGATIONS RECEIVED
(0) CI INVESTIGATIONS COMPLETED
(0) OTHER INVESTIGATIONS ON HAND
(0) OTHER INVESTIGATIONS RECEIVED
(0) OTHER INVESTIGATIONS COMPLETED

B. POST-CONTROLLED (FSN) INVESTIGATIONS:

(6) BACKGROUND INVESTIGATIONS ON HAND
(5) BACKGROUND INVESTIGATIONS COMPLETED
(1) RECERTIFICATION INVESTIGATIONS ON HAND
(3) RECERTIFICATION INVESTIGATIONS COMPLETED
(1) RECERTIFICATION INVESTIGATIONS OVERDUE
(19) OTHER INVESTIGATIONS (RECORD CHECKS) ON HAND
(15) OTHER INVESTIGATIONS (RECORD CHECKS) COMPLETED
C. VIOLATIONS:
(0) NUMBER OF VALID SECURITY VIOLATIONS FORWARDED TO DS/PI/PRD.

INCOMING
TELEGRAM

DEPARTMENT OF STATE
DIPLOMATIC SECURITY

V. (U) ACTION CABLES NOT ANSWERED BY DS DURING THE MONTH:

- 89 SANTIAGO 10586 TO DS/CR/SI.

VI. (U) PLANS FOR THE COMING MONTH(S):

1. MEET WITH USSS ADVANCE TEAM TO PREPARE FOR VICE PRESIDENT QUAYLE'S VISIT. GILLESPIE

Chile Project (#S199900030)
U.S. Department of State
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Declassify: In Part ____ In Full ✓
Exemption(s) ____

February 23, 1990 CD08

TO: Dave Colson

FROM: Mary Catherine

RE: Use of 1914 Treaty Commission to Determine Amount of Ex Gratia payment to Letelier and Moffitt families.

1. Standard of Compensation

The survival and wrongful death causes of action which formed the basis of the awards in the U.S. civil case were statutory causes of action under the D.C. code. The elements of compensation allowable under the D.C. wrongful death statute are very similar to those enunciated as allowable under international law in Jeff Kovar's memorandum and in the Cruz decision by the International Court of Human Rights. They are: (a) the amount which the decedent, had he or she not been killed would probably have contributed to the claimant . . (b) the pecuniary value to such claimant of the deceased's personal services in claimant's care, education or supervision. Kovar memo, p 2. See also, Jane Doe v. Binker, (App. D.C.), 492 A.2d 857 (1985)(There are two main elements recoverable under the Wrongful Death Act. The first element compensates for pecuniary loss - calculated as the annual share of the decedent's dependents in the decedents earnings, multiplied by decedent's work life expectancy, and discounted to present value. The second element compensates for the value of the services lost to the family as a result of decedent's death.)

The Court in Letelier also made an award under the D.C. Survival Statute. This statute provides that any cause of action the deceased would have had, had he lived, survives his death and can be brought by his heirs. Both Letelier and Moffitt (apparently) would have been able to maintain an action for pain and suffering experienced prior to their deaths. The court awarded $30,000 to Letelier's heirs and $80,000 to Ronni Moffitt's. This amount would not be allowed under general principles of international law. However, international law would allow for an amount to be paid with respect to the pain and suffering experienced by the family members as a result of the deaths("moral damages"), which is not an element of recovery under the wrongful death statutes. Because of the highly traumatic manner of death, and because of Michael Moffitt's actual presence, this amount could be substantial.

Using the figures claimed in the Stark cases for "moral damages" we could claim $25,000 for each spouse, $10,000 for each child over 5 and $20,000 for each surviving parent. Under this calculation the Letelier children would ask $40,000 total and ~~voluntarily~~ another $25,000 for Letelier's ~~wife~~. Michael Moffitt could claim $25,000 and each of Ronni Moffitt's parents, $20,000, totaling $65,000. We could argue for more for Michael Moffitt because of the extraordinary circumstance that he was present.

We can of course, ask for a finding as to the amount to be awarded on each cause - the pain of suffering of the decedents as well as that of the next-of-kin, but if we general international law principles are applied, we likely will not collect for pain and suffering of the decedents.

The D.C. court commended plaintiff's counsel highly for his excellent work on the case - which leads me to believe that the court accepted as substantiated all or nearly all of the amounts claimed by the plaintiff as lost income and services loss. The amount due on the wrongful death actions was $916,096 for Ronni Moffitt and $1,526,479. An additional $400,000 was awarded to Michael Moffitt for his pain and suffering as a result of defendants' acts. I would not expect an international tribunal in which the amount is to be contested to be more generous than an uncontested award for these elements in a U.S. court.

II. Upon behalf of whom can we present claims?

Although the court does not specify the amount awarded in respect of the loss suffered by each of the individual plaintiffs, I assume that the loss to Mrs. Letelier was the greatest of those in the Letelier family. Now that we are entering into a formal proceedings between the USG and the GOC, it may be more difficult to present a claim for injuries suffered by persons who are not U.S. nationals.

If calculation of compensation the 1914 Commission does not take into account the claims of Mrs. Letelier the total award may be substantially reduced. More importantly, if it does not include Mrs. Letelier, there is the possibility that the families will not accept or cooperate in the proceeding and will not move to vacate the D.C. court judgment. Mrs. Letelier will still have a claim against the Government of Chile in the absence of its estinguishment though the Commission proceeding I am not sure that we, as the USG, could have the GOC dismissed as a defendant in the Court action.

III. Other possible elements of damages

- Consequential damages could include amounts expended in pursuing the criminal aspect of the case.

- Punative damages. They were not awarded against the Government of Chile in the civil case and there is no precedent for such an award under international law. I don't think we have any basis for claiming them even if we wanted to.

-Interest. A claim for interest on the civil judgment is not viable here. But there does seem to be a claim for the amount which each claimant would have received by reason of the decedents' efforts during each of the years from the deaths to the present. This would require careful calculation but could be claimed. Furthermore, if there is to be a discount factor taken into account in the calculation, it can of course only apply to salary payment between the date of award and end of his/her projected lifespan.

If we are unable to assert a claim for monetary injury to Mrs. Letelier, there may be additional amount that can be claimed by the sons in respect of contributions to the support of their mother that they would not have had to make had their father lived.

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Before
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5/24/90

① - expiation - extradition

② - minimally acceptable

- justice issue - Vargas committed
  - to special prosecutor
  - indict
  - passport
  - leg to transfer leg jur

② Right kind support for transfer of jurisdiction leg

③ Acknowledge resp
- VARGAS said no

2 Do enough to say except - Letelier
what they say about it becomes imp

3) Compensation: VARGAS - methods - evidence
- elements / damage: / Bepu Cont
- methods:
cost of obtaining relief - no (Intent
cost of comm

special prosecutor
↳ minister must be strong person
will that can be done
can break down
Area of concern
mechanism that alleviates
Name
intent awards

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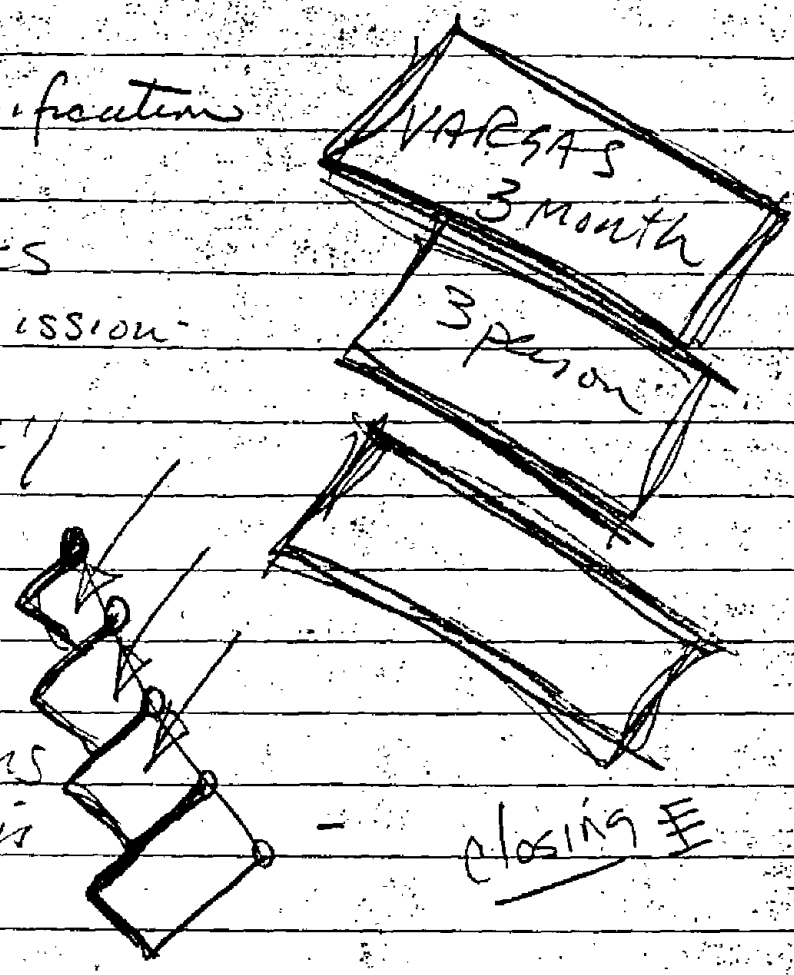
- VARGAS needs to be pushed strongly
  - committed to pay
  - not get certifications
  - Convening docs
    point submission
- these are the int'l law



- VARGAS
  - switched positions
  - how much risk is there

- closing E

Do you really need to do this

- If we are to do the Comm
  it should be on our terms

Aguilar - Chairman
- Navy [redacted]

AGUILAR
- ECON ISSUES

P900111-1136 (NF 902) 9004339 RF

(AD - 9 Feb)

(F)

United States Department of State

Washington, D.C. 20520

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STARS-UP

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INFORMATION MEMORANDUM
CONFIDENTIAL S/S

DIST:

TO: The Secretary

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FROM: ARA - Bernard Aronson

SUBJECT: Weekly Update

This is the second in the series of weekly updates alerting you to ARA-related issues of special note.

-- GSP for Chile: I phoned VP Quayle to enlist his support for speedy review of Chile's request for restoration of GSP benefits. Only Labor now opposes Chile's request to begin the review process. We want to be able to tell Aylwin that GSP will likely be restored following accelerated review as part of the normalization of relations.

[redacted]

Drafted: ARA Staff
EEC 7414 2/23/90 x75857
Clearance: ARA:DSeal

Chile Project (#8900000080)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part X In Full ____
Exemption(s): NR

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DECL: OADR
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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ✓
Exemption(s) ____

LD 089

February 26, 1990
3:00pm

MEMORANDUM OF UNDERSTANDING
BETWEEN THE UNITED STATES
OF AMERICA AND CHILE

1. The Governments of the United States and Chile agree that a dispute exists between them concerning the responsibility for the deaths of Orlando Letelier and Ronni Moffitt in Washington, D.C. on September 21, 1976.

2. On January 12, 1989 the United States invoked the Treaty for the Settlement of Disputes that May Occur Between the United States and Chile, which entered into force on January 19, 1916, "to investigate and report upon the facts surrounding the deaths of Orlando Letelier and Ronni Moffitt in Washington, D.C. on September 21, 1976, including the involvement of Chilean Government officials in those deaths, and to investigate and report upon the extent to which officials of the Government of Chile obstructed subsequent investigations into the deaths."

3. In recognition of the dispute which exists between the two countries, the Government of the Republic of Chile is willing to make an ex gratia payment to the Government of the United States of America, to be received on behalf of the families of the victims.

4. The Governments of the United States and Chile agree that the amount of the ex gratia payment should be determined by the Commission established by the 1914 Treaty, using the standards and procedures set forth in Annex 2. The Governments agree that notwithstanding the invocation of the 1914 Treaty by the United States January 12, 1989, in light of the understandings set forth herein, this shall be the sole question to be determined by the Commission.

5. Upon receipt of the ex gratia payment referred to in para. 4 above, the Government of the United States of America will regard as satisfied the claim espoused in its diplomatic note to the Government of Chile of _____.

6. The Government of the Republic of Chile has provided to the Government of the United States of America a diplomatic note, dated_____, and attached to this Memorandum of Understanding as attachment 1, which sets forth the intended actions of the Government of Chile to investigate and take such actions as may be possible to bring to justice those persons responsible for the deaths of Orlando Letelier and Ronni Moffitt.

7. [We could include here a statement indicating the USG intends to make one of the two, or both, findings necessary to renew assistance programs. I suggest we not do so in the first draft and wait and see how firm a deal we can set on compensation.]

Signed,

For the Government of Chile

For the United States of America

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TEXT OF TELEGRAM 90STATE 062294

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ADP647 [redacted]

PAGE 01 STATE 062294
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INFO	LOG-00	ADS-00	AID-01	INR-05	EUR-01	OIC-02	AF-01
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APPROVED BY: INM:MLEVITSKY
INM:PWBORG P:SWESCHE
ARA/AND:CSHAPIRO (DRAFT) INM:FALBERT
S/S-O:SMANN NSCS:GPHUGHES
S/S:EMCKUNE

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( ) CLASSIFY as ( ) S or ( ) C OADR
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INFORM CONSULS

E.O. 12356: N/A
TAGS: PREL, SNAR, BO, CO, PE
SUBJECT: BRIEFING ON THE SUMMIT OF CARTAGENA

1. (U) PRESIDENT BUSH MET WITH PRESIDENT BARCO OF COLOMBIA, PRESIDENT ALAN GARCIA OF PERU AND PRESIDENT PAZ ZAMORA OF BOLIVIA IN CARTAGENA, COLOMBIA ON FEBRUARY 15.

2. (LOU) ON FEBRUARY 16, DEPUTY SECRETARY KIMMITT, ARA A/S ARONSON AND INMA/S LEVITSKY, BRIEFED REPRESENTATIVES OF THE UNFDAC MAJOR DONORS, PLUS SPAIN, IRELAND (AS PRESIDENT OF THE EC) AND THE EUROPEAN COMMUNITY'S RESIDENT DELEGATION IN WASHINGTON, ON THE RESULTS OF THE [redacted]

PAGE 02 STATE 062294

SUMMIT. THOSE ATTENDING WERE THE AMBASSADORS (OR THEIR REPRESENTATIVES) OFAUSTRALIA, CANADA, DENMARK, EUROPEAN COMMISSION, FEDERAL REPUBLIC OF GERMANY, FRANCE, FINLAND, IRELAND, ITALY, JAPAN, NETHERLANDS, NORWAY, SPAIN, SWEDEN, SWITZERLAND AND THE U.K.

3. (U) A SECOND RIEFING, THIS ONE OF LATIN AMERICAN AND CARIBBEAN ENVOYS TO THE WHITE HOUSE AND OAS, TOOK

PLACE THE AFTERNOON OF FEBRUARY 16 WITH MESSRS. ARONSON AND LEVITSKY JOINED BY JOHN WALTERS, THE CHIEF OF STAFF OF THE OFFICE OF NATIONAL DRUG CONTROL POLICY. THE SAME ISSUES DISCUSSED IN PARAS 4-7, BELOW WERE COVERED. FOLLOWING IS A RESUME OF THE OBSERVATIONS MADE BY MESSRSS KIMMETT, ARONSON AND LEVITSKY.

4. (U) OVERVIEW: MR. KIMMITT NOTED THAT THE BRIEFING WAS PERHAPS THE FIRST OF THIS GROUP ON THE SUBJECT OF NARCOTICS. HE STRESSED THAT, IN THE MIDST OF DRAMATIC CHANGES THROUGHOUT THE WORLD, INTERNATIONAL NARCOTICS MATTERS ARE A MAJOR CONCERN. HE NOTED THAT THE SECRETAR OF STATE WOULD ADDRESSTHE UN SPECIAL SESSION ON NARCOTICS IN NEW YORK AND THAT THIS WOULD BE A FIRST FOR THE SECRETARY. HE ALLUDED TO HIS OWN PERSONAL INVOLVEMENT B3 NOTING THAT HE WOULD BE CHAIRING A NARCOTICS COORDINATIOO MEETING WITHIN THEDEPARTMENT THAT VERY AFTERNOON. JUST AS HUMAN RIGHTS HAS BEEN WOVEN INTO THE FABRIC OF FOREIGN POLICY, SO MUST NARCOTICS, HE SAID. WE NEED TO COORDINATE OUR EFFORTS NOT ONLY BETWEEN PRODUCER AND CONSUMER COUNTRIES, BUT ALSO AMONG CONSUMER COUNTRIES. (HE MADE A PARTICULAR PLEA FOR COOPERATION ON CONTROLLIN MOVEMENTS OF PRECURSOR CHEMICALS.) BY WORKING TOGETHER WE CAN HOPEFULLY SOLVENOT ONLY OUR OWN PROBLEMS, BUT [redacted]

HELP OTHER POTENTIAL CONSUMER COUNTRIES STAVE OFF THEIRSS

5. (U) SUMMIT AMOSPHERICS: MR. ARONSON EMPHASIZED THAT THE DECLARATION OF CARTAGENA, SIGNED BY THE FOUR PRESIDENTS (TEXT SENT SEPTEL) CONSTITUTED A SERIOUS COMMITMENT BY THE FOUR PARTIES. THE CARTAGENA SUMMIT, HH SAID, SIGNALED THE END OF THE ARGUMENT OVER WHO WAS TO "BLAME" FOR THE DRUG PROBLEM, E.G., THOSE THAT PRODUCE DRUGS OR THOSE THAT CONSUME THEM. WE SHARE A COMMON PROBLEM AS WELL AS A RESPONSIBILITY TO DO SOMETHING ABOUT IT. ARONSON STATED THAT THE SUMMIT ALSO PUT TO REST THE DEBATE OVER ECONOMIC DEVELOPMENT VERSUS LAW ENFORCE-MENT/INTERDICTION BY ACKNOWLEDGNG THAT EACH MUST BE DONE SIMULTANEOUSLY. FOR EXAMPLE, ALTERNATIVE ECONOMIC DEVELOPMENT WILL FAIL IF COCA PRICES DO NOT GO DOWN. AFTER A SIGNIFICANT INCREASE IN LAW ENFORCEMENT ASSISTANCE IN FY-90, THE USG WILL PROVIDE GREATER ECONOMIC ASSISTANCE TO THE ANDEAN COUNTRIES IN FY-91, IF THEY MEET AGREED UPON LEVELS OF ANTI-NARCOTICS PERFORMANCE AND DEVELOP SOUND ECONOMIC POLICIES. THE SUMMIT RECOGNIZED A THIRD POINT, ACCORDING TO ARONSON, NAMELY THE LIMITS OF THE FOUR COUNTRIES INVOLVED. NARCOTICS CONSTITUTE AN INTERNATIONAL PROBLEM THAT THREATENS ALL OF OUR SOCIETIES. HE NOTED THAT THERE WOULD BE A NUMBER OF RELEVANT MEETINGS BESIDES THE

SPECIAL SESSION, INCLUDING: THE OAS CICAD MINISTERIAL IN IXTAPA, MEXICO, THE LONDON MINISTERIAL IN APRIL ON DEMAND REDUCTION, AND THE ECONOMIC SUMMIT OF THE SEVEN IN HOUSTON IN JULY. HE COMMENTED THAT THE FOLLOW-ON MEETING TO THE CARTAGENA SUMMIT, WHICH IS TO OCCUR WITHIN SIX MONTHS, MIGHT INCLUDE A JIDE GROUP OF OTHER PARTICIPANTS. ARONSON NOTED THAT THE U.S. SIGNED SIX BILATERAL AGREEMENTS: THREE WITH BOLIVIA (A PUBLIC AWARENESS MOU, PRECURSOR CHEMICALS AGREEMENT AND WEAPONS EXPORT CONTROLS MOU) AND THREE WITH PERU (TAX INFORMATION [redacted]

EXCHANGE AGREEMENT, EXCHANGE OF NOTES ON EXTRADITION, AND A PUBLIC AWARENESS MOU). OTHER BILATERAL AGREEMENTS ARE BEING CONCLUDED WITH THE THREE SUMMIT PARTNERS.

6. (U) DRUG STRATEGY: MR. LEVITSKY PLACED THE CARTAGENA SUMMIT IN THE BROADERPERSPECTIVE OF THE PRESIDENT'S NATIONAL DRUG STRATEGIES I AND II. STRATEGY I FOCUSED ON REDUCING COCAINE CONSUMPTION IN THE U.S. THROUGH VARIOUS MEANS INCLUDING DEMAND REDUCTION, AND LAW ENFORCEMENT EFFORTS, PARTICULARLY IN THE ANDES. STRATEGY II MESHES WITH THE FIRST, BUT EXPANDS THE FOCUS TO INCLUDE COUNTRIES OUTSIDE THE ANDES, IN PARTICULAR NEAR NEIGHBORS AND TRANSIT COUNTRIES. IT CALLS FOR ATTENTION TO BE PAID TO A POSSIBLE RESURGENCE OF HEROIN ADDICTION AND SPEAKS OF THE IMPORTANCE OF CONTROLLING MONEY LAUNDERING AND MOVEMENTS OF PRECURSOR CHEMICALS. LEVITSKY NOTED THAT WE NEED PARTICULAR HELP ON THESE LAST TWO ISSUES. WE HAVE ALREADY BEEN IN TOUCH WITH VARIOUS GOVERNMENTS ABOUT ESTABLISHING A CONSULTATIVE MECHANISM TO COORDINATE INITIATIVES AMONG DEVELOPED COUNTRIES AND WE LOOK FORWARD TO DISCUSSING THIS PROPOSAL FURTHER. REFERRING SPECIFICALLY TO MR. ARONSON'S COMMENTS ABOUT INCREASING ECONOMIC ASSISTANCE TO THE ANDEAN STATES, MR. LEVITSKY NOTED THAT SUCH AID WOULD BE CLEARLY LINKED TO ANTI-NARCOTICS PERFORMANCE AND SOUND ECONOMIC POLICIES.

7. (U) ACTION REQUESTED: EMBOFFS SHOULD DRAW ON THIS CABLE TO BRIEF APPROPRIATE HOST GOVERNMENT OFFICIALS CONCERNING RESULTS OF THE CARTAGENA SUMMIT. STRESS SHOULD BE PLACED ON THE UNIVERSALITY OF THE DRUG PROBLEM AND THE NEED FOR ALL COUNTRIES TO JOIN IN THE FIGHT. WE BELIEVE THAT THIS SUMMIT, WHICH BROUGHT TOGETHER CONSUMER AND PRODUCER COUNTRIES, SETS AN EXAMPLE FOR THE WORLD AND [redacted]

THAT, DESPITE DIFFERING PERSPECTIVES, THE FOUR COUNTRIES CAME TO THE CONCLUSION THAT ALL LINKS IN THE NARCOTICS

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CHAIN - FROM CULTIVATION THROUGH PRODUCTION AND TRAFFICKING TO CONSUMPTION - MUST BE ADDRESSED SIMULTANEOUSLY AND VIGOROUSLY TO BE SUCCESSFUL. IF APPROPRIATE, EMBOFFS SHOULD TAKE ADVANTAGE OF OPPORTUNITY

TO URGE HOST GOVERNMENTS TO SIGN AND/OR RATIFY THE VIENNA CONVENTION. BAKER

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TEXT OF TELEGRAM 90SAN SA002403

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RELEASED
El Salvador Human Rights
Special Project

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PAGE 01 SAN SA 02403 211421Z
ACTION ARA-00

INFO LOG-00 ADS-00 INR-05 SS-00 CIAE-00 DODE-00 H-01
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MEXICO FOR DLATT J. GANNON, FBI FOR M. HALE O/LIA,
DEPARTMENT FOR ARA/CEN

E.O. 12356: DECL:OADR
TAGS: PREL, PINS, KJUS, ES
SUBJECT: [redacted]
INTERROGATION OF VIELMAN JOYA MARTINEZ

REF: 2-12-90 TELECON CHIDESTER/GANNON

1. [redacted] ENTIRE TEXT

2. THE TEXT OF A FEBRUARY 9 LETTER SENT TO CONGRESSMAN JOSEPH MOAKLEY (D-MASS) FROM WILLIAM VAN WYKE, ATTORNEY REPRESENTING CESAR VIELMAN JOYA MARTINEZ, HAS BEEN SENT TO THE ADDRESSEE POSTS. IN THE LETTER, VAN WYKE OFFERS TO PRESENT HIS CLIENT JOYA MARTINEZ FOR QUESTIONING BY QUOTE ANY SOURCE, INCLUDING THE ADMINISTRATION, U.S. EMBASSY OFFICIALS, HIS SUPERIORS IN THE SALVADORAN MILITARY END QUOTE.

3. POST BELIEVES THIS IS AN OFFER WE MUST ACCEPT, AND QUICKLY. L/O SPOKE WITH CONGRESSMAN MOAKLEY DURING [redacted]

PAGE 02 SAN SA 02403 211421Z

HIS RECENT VISIT TO SAN SALVADOR AND WE HAVE ASSURANCES FROM THE CONGRESSMAN THAT WE CAN USE HIS GOOD OFFICES TO BRING THIS INTERROGATION ABOUT. WE PROPOSE THAT THOSE INVOLVED IN THE INTERROGATION BE AN FBI AGENT, A SIU INVESTIGATOR, A CONGRESSIONAL DESIGNEE AND OF COURSE JOYA'S LAWYER. WE UNDERSTAND THAT CONGRESSMAN MOAKLEY AGREES THAT THE DESIGNEE SHOULD BE LEONEL GOMEZ. AFTER THE INITIAL INTERROGATION JOYA SHOULD BE ASKED TO ESTABLISH HIS

Department of State IS/FPC/CDR El Salvador ap Date 7-23-97
Declassified under EO 12356 (X) in full; ( ) in part;
portions withheld, classified ( ); deliberative ( );
law enforcement ( ); privacy ( ), statutory ( );
not relevant to El Salvador ( ).

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PAGE NO. 1

RELEASED
El Salvador Human Rights
Special Project (1993)

VERACITY WITH A POLYGRAPH. CONGRESSMAN MOAKLEY BELIEVES THAT THIS IS A REASONABLE REQUEST.

4. L/O SPOKE WITH SIU DIRECTOR LT. COL. RIVAS WHO IS WILLING TO WORK THE CASE. PREVIOUSLY THE CASE WAS IN THE JURISDICTION OF THE NATIONAL GUARD BUT THE SIU HAS TAKEN OVER THE INVESTIGATION BEGINNING IN FEBRUARY. THE NATIONAL GUARD CONDUCTED A LESS THAN THOROUGH INVESTIGATION; THE SIU WOULD LIKE TO REVIEW THAT INVESTIGATION AND CONDUCT INTERVIEWS IN COUNTRY BEFORE THE QUESTIONING OF JOYA IS UNDERTAKEN.

5. L/O UNDERSTANDS THAT THE POINT OF CONTACT IN CONGRESSMAN MOAKLEY'S OFFICE IS JIM MCGOVERN.

6. L/O REQUESTS CONSULTATIONS IN WASHINGTON THE WEEK OF FEBRUARY 25 AND SUGGESTS THAT A PRELIMINARY MEETING WITH FBI AND MCGOVERN WOULD BE HELPFUL. PLEASE ADVISE. WALKER

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ACTION ARA-00

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INFO MOSCOW POLITICAL COLLECTIVE
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AMEMBASSY SAN SALVADOR
AMEMBASSY GUATEMALA
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
AMEMBASSY PANAMA
AMEMBASSY CARACAS
AMEMBASSY BOGOTA
AMEMBASSY LIMA
AMEMBASSY BRASILIA
AMEMBASSY BUENOS AIRES
AMEMBASSY MONTEVIDEO
AMEMBASSY SANTIAGO
AMEMBASSY LA PAZ
AMEMBASSY QUITO
AMEMBASSY MEXICO
AMEMBASSY BELIZE
USLO CARIBBEAN
USCINCLANT NORFOLK VA

[redacted] HAVANA 01162

CINCLANT FOR POLAD
E.O. 12356: DECL: OADR
TAGS: PREL, PGOV, MASS, ETRD, ECON, KPRP, UR, CU
SUBJECT: SOVIET-CUBAN RELATIONS

REF: MOSCOW 05654

1. [redacted] ENTIRE TEXT.

2. SUMMARY: REFTEL WAS AN OUTSTANDING AND TIMELY ANALYSIS OF SOVIET-CUBAN RELATIONS. WE WOULD ADD A FEW THOUGHTS PICKED UP HERE ON THE POSSIBLE FACTORS BEHIND THE USSR'S CONTINUING COMMITMENT TO CUBA. IT IS IMPORTANT, FIRST OF ALL, TO SEPARATE SOVIET REACTION TO CASTRO'S RHETORIC FROM THEIR REACTION TO WHAT HE IS SAYING IN PRIVATE. OFF THE ROSTRUM, CASTRO PRAISES GORBACHEV, IS PHILOSOPHICAL ABOUT DEVELOPMENTS, AND MAKES AN APPARENTLY STRONG CASE TO THE SOVIETS THAT HE IS WILLING TO GET INTO THE FLOW OF WORLD POLITICS, INCLUDING SETTLING ISSUES LIKE CENTRAL AMERICA AND ARMS TO INSURGENTS BUT THAT THE U.S. DOES NOT WANT TO DEAL WITH THE GOC. CASTRO SEEMS TO HAVE CONVINCED GORBACHEV THAT CUBA WILL NOT BE A SPOILER OF POLITICAL SETTLEMENTS OR OF DETENTE BUT THAT THE U.S. IS SEEKING TO ISOLATE CUBA, DRIVE A WEDGE BETWEEN CUBA AND THE SOVIET UNION AND EVENTUALLY TOPPLE THE GOC. SENIOR SOVIETS IN HAVANA SUGGEST THAT GIVEN THIS SITUATION, CASTRO FEELS HE HAS NO OPTION BUT TO APPEAL TO NATIONALISM, TAKE A HARD IDEOLOGICAL LINE AND CRACK DOWN ON DISSENT. OBSERVERS HERE ALSO BELIEVE THAT CUBA IS NOW THE USSR'S MAJOR ALLY AND THAT MOSCOW MAY THINK THAT IT CANNOT RETAIN CREDIBILITY AS A WORLD POWER IF IT IS SEEN AS TURNING ITS BACK ON THE GOC, PARTICULARLY UNDER U.S. PRESSURE. GORBACHEV APPARENTLY CONSIDERS THAT HIS VISION OF A WORLD ORDER BASED ON NON-INTERVENTION IN INTERNATIONAL RELATIONS REQUIRES THAT THE SOVIET UNION NOT ABANDON ITS COMMITMENTS TO CUBA SO LONG AS THE GOC APPEARS IN SOVIET EYES AS WILLING TO GO ALONG WITH THE "NEW THINKING" IN WORLD AFFAIRS. END SUMMARY.

3. DESPITE HIS PUBLIC RHETORIC, CASTRO IN PRIVATE MEETINGS WITH SOVIETS AND WESTERNERS IS CAREFUL TO PRAISE GORBACHEV AND EVEN TO PROCLAIM THAT HIS SUCCESS IS VITAL TO THE WORLD, INCLUDING CUBA.

4. IN CAMARA, CASTRO IS PHILOSOPHICAL AND DETACHED ABOUT EVENTS IN THE DEFUNCT "BLOC." IN THIS PRIVATE CASTRO VIEW, GRAVE HISTORICAL PROBLEMS AND MISTAKES LED TO THE DRASTIC CHANGES I EASTERN EUROPE AND THE SOVIET UNION. THESE CHANGES ARE HIGHLY REGRETABLE AND SHOCKING AS THEY REPRESENT A CRUEL BLOW TO THE MOVEMENT OF WORLD SOCIALISM, BUT THEY ARE UNDERSTANDABLE NEVERTHELESS.

5. OUR SOVIET COLLEAGUES ALSO IMPLY TO US THAT IN PRIVATE CASTRO MAKES (TO THEM) A PERSUASIVE CASE THAT CUBA IS WILLING TO GET INTO THE FLOW OF WORLD POLITICS, SPECIFICALLY TO COOPERATE IN THE SETTLEMENT OF REGIONAL CONFLICTS AS IT DID IN ANGOLA AND EVEN TO END MATERIAL AID TO ANY INSURGENT OR IRREGULAR FORCES ANYWHERE,

IF THE U.S. AND OTHERS WOULD DO THE SAME IN AN INTERNATIONAL TREATY. (THE GOC CLAIMS TO HAVE MADE THIS PROPOSAL TO THE UN SYG IN DECEMBER).

6. THE RUB, CASTRO TELLS THE SOVIETS, IS THAT THE U.S. DOES NOT WANT A SETTLEMENT WITH THE GOC ON THIS BASIS, BUT INSTEAD IS SEEKING TO ISOLATE CUBA, DRIVE A WEDGE BETWEEN CUBA AND THE SOVIET UNION AND EVENTUALLY TOPPLE THE CUBAN REGIME.

7. ON CENTRAL AMERICA, CASTRO APPEARS TO HAVE CONVINCED GORBACHEV THAT IF THE U.S. WOULD INCLUDE CUBA IN THE PEACE PROCESS, GIVE IT AN HONORABLE WAY OUT, AND INDICATE SOME PAY OFF IN U.S.-CUBAN RELATIONS, THE GOC WOULD ESSENTIALLY ACCEPT THE BASIC OBJECTIVES THAT THE U.S. SEEKS IN THE REGION.

8. THE SOVIETS (AND SOME OTHERS) HERE ALSO TEND TO ARGUE THAT, SEEING NO OPENING WITH THE U.S. BUT INSTEAD INCREASED AMERICAN PRESSURE AND DECLINING ECONOMIC RELATIONS WITH THE EAST, CASTRO BELIEVES HE HAS NO OPTION BUT TO APPEAL TO NATIONALISM, TAKE A HARD IDEOLOGICAL LINE AND TOUGHEN UP ON DISSENT. CASTRO AND OTHER SENIOR CUBANS HAVE PRESUMABLY TAKEN THIS LINE, ALTHOUGH MORE INDIRECTLY, OF COURSE, WITH AMBASSADOR PETROV AND HIS COLLEAGUES.

DEPARTMENT OF STATE
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9. THUS, FOR GORBACHEV, STANDING BY SOVIET COMMITMENTS TO CUBA MAY IN PART BE A MATTER OF NATIONAL HONOR AS WELL AS CONSISTENT WITH HIS CONCEPT OF "NEW THINKING," I.E., THE POWERS SHOULD ALLOW SOVEREIGN STATES TO WORK OUT THEIR OWN POLITICAL DYNAMICS WITHOUT INTERFERENCE.

THE SOVIET POLITICAL COUNSELOR, NIKOLAY BABICH, RECENTLY TOLD US THAT "WE (THE SOVIETS) MAY NOT AGREE WITH CASTRO'S INTERNAL POLICIES," BUT A STABLE WORLD ORDER REQUIRES THAT OUTSIDERS NOT INTERFERE, JUST AS THE USSR DID NOT INTERFERE IN EASTERN EUROPE.

10. AMBASSADOR PETROV IS PARTICULARLY FOND OF SAYING THAT GIVEN THE GREAT TROUBLES MOSCOW HAS HAD WITH MAKING PERESTROIKA WORK, THE USSR CAN HARDLY PRESS CASTRO TO TAKE SIMILAR REFORMS IN CUBA. WHAT THEY CAN DEMAND IS MORE EFFICIENT USE OF SOVIET AID, AN END TO THE LARGE ANNUAL TRADE DEFICIT AND SUBSIDIES, CUBAN ADJUSTMENT TO THE SOVIET UNION'S NEW TRADE POLICIES, AND CUBAN ACCEPTANCE OF SUCH NEW PRINCIPLES AS MOVING TO HARD CURRENCY PRICES.

THE CUBANS HAVE APPARENTLY CONVINCED THE SOVIETS HERE THAT THEY ARE TRYING TO MAKE THE NECESSARY ADJUSTMENTS, E.G., SEEKING OUT NEA EXPORT PRODUCTS FOR THE SOVIET MARKET. BABICH CLAIMS THAT FACED WITH A DREADFUL SITUATION, THE CUBANS ARE TRYING TO DEAL WITH IT IN AS RATIONAL AND PROFESSIONAL WAY AS POSSIBLE. MOSCOW, FOR ITS PART, HAS LIVED UP TO ITS 1989 ECONOMIC COMMITMENTS

AND HAS PLEDGED TO DO THE SAME THIS YEAR.

11. MOST OBSERVERS IN HAVANA ALSO BELIEVE THAT WITH THE DGR'S VIRTUAL EVAPORATION INTO THIN AIR, CUBA IS NOW THE SOVIET UNION'S MOST IMPORTANT ALLY. MOSCOW MAY BELIEVE THAT IT CANNOT RETAIN CREDIBILITY AS A WORLD POWER IF IT IS SEEN AS TURNING ITS BACK ON THE GOC, PARTICULARLY UNDER U.S. PRESSURE. DELIVERY OF THE MIG-29 SEEMS TO REFLECT THIS ATTITUDE.

12. IT IS WIDELY ASSUMED IN HAVANA THAT THE SOVIET UNION HAS MADE AN ENORMOUS INVESTMENT IN CUBA AND WHILE IT INTENDS TO REDUCE ITS INPUT CONSIDERABLY, IT WANTS IF AT ALL POSSIBLE TO ENCOURAGE FUTURE STABILITY IN CUBA AND TO AVOID THE APPEARANCE AT HOME AND ABROAD OF ANOTHER DEBACLE. SOVIET OFFICIALS HERE TEND TO BELIEVE THAT THE U.S. UNDERESTIMATES THE STRENGTH OF THE REGIME AND ITS ABILITY TO SURVIVE A LONG PERIOD OF AUSTERITY AND OUTSIDE PRESSURE.

FINALLY, FOR A LONG TIME, TRADE WITH CUBA WILL PROBABLY BE IMPORTANT FOR THE SOVIETS. WHERE ELSE CAN THEY SWAP LADAS AND OTHER SOVIET PRODUCTS FOR MILLIONS OF TONS OF SUGAR, NICKLE, AND CITRUS.

13. PROSPECTS

CASTRO HAS RECENTLY SAID THAT THE SOVIETS HAVE REAFFIRMED THEIR POLITICAL COMMITMENT TO THE GOC. THE CUBAN LEADER, HOWEVER, IS AWARE OF THE HEATED DEBATE ON THE SUBJECT WITHIN SOVIET ACADEMIC AND POLITICAL CIRCLES REFERRED

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TO IN REFTEL AND REALIZES THAT WHATEVER GORBACHEV MAY SAY OR FEEL AT THE MOMENT ABOUT CUBA, ECONOMIC AND POLITICAL PRESSURES COULD BUILD FOR DISENGAGEMENT. TO DISCOURAGE THIS TREND CASTRO IS LIKELY TO TRY TO RESPOND AS POSITIVELY AS POSSIBLE TO THE ON-GOING CHANGES IN ECONOMIC COOPERATION WITH MOSCOW AND TO CONTINUE TO TRY TO REASSURE THE SOVIET LEADERS IN PRIVATE THAT CUBAN POLICY DOES NOT POSE A PROBLEM FOR THE USSR IN THE INTERNATIONAL ARENA, PARTICULARLY IN ITS RELATIONS WITH THE U.S. INSTEAD, CASTRO WILL SEEK TO CONVINCE THE SOVIETS THAT THEY HAVE A GEOPOLITICAL AND PRINCIPLED INTEREST IN SUPPORTING CUBA AGAINST U.S. PRESSURE.

14. TO DATE, HE SEEMS TO HAVE SUCCEEDED. BUT WHATEVER SOVIET INTENTIONS, THE ECONOMIC RELATIONSHIP BETWEEN THE TWO COUNTRIES IS LIKELY TO DECLINE AND THIS WILL TEND TO EXACERBATE POLITICAL LINKS. POLITICAL PRESSURES COULD ALSO BUILD IN MOSCOW TO PULL THE RUG FROM UNDER CASTRO. NEVERTHELESS, BOTH GORBACHEV AND CASTRO AT THIS TIME SEEM COMMITTED TO TRYING TO KEEP THE OLD CONNECTION GOING.

15. FROM THIS PERSPECTIVE, PRESSURE ON GORBACHEV TO DOWNGRADE HIS RELATIONS WITH CASTRO ARE NOT LIKELY TO SUCCEED AT THIS TIME, ALTHOUGH IT MAY STIR UP THE SUBJECT IN OTHER CIRCLES IN THE USSR. IN ANY EVENT, U.S. PRESSURE ON THE SOVIET UNION TO PULL BACK FROM CUBA WOULD BE MORE EFFECTIVE THE MORE THE U.S. COULD UNDERCUT INCESSANT GOC PROPAGANDA ALLEGING U.S. THREATS AND INTIMIDATION OF CUBA. TAYLOR

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DEPARTMENT OF STATE
ARA/NEA REARCS

PAGE 01 STATE 064329 005482 488853
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TO AMEMBASSY SANTIAGO IMMEDIATE

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E.O. 12356: DECL: OADR
TAGS: ANSC CI
SUBJECT: OFFICIAL -- INFORMAL

FOR AMBASSADOR AND DCM FROM ARA/SC

1. BELOW IS THE TEXT OF THE CLEARED BRIEFING MEMO FOR VP QUAYLE'S MEETING WITH GENERAL PINOCHET ON MARCH 11 OR 12. TEXT IS PROVIDED FOR EMBASSY INFORMATION ONLY.

VICE PRESIDENT'S MEETING WITH GENERAL PINOCHET

BACKGROUND

O GENERAL PINOCHET IS TURNING OVER THE PRESIDENCY AFTER 16 YEARS IN POWER, BUT HE WILL CONTINUE TO RETAIN SIGNIFICANT POWER AS COMMANDER IN CHIEF OF THE CHILEAN ARMY.

-- PINOCHET IS PROUD OF THE ACCOMPLISHMENTS OF HIS REGIME, DEEPLY SUSPICIOUS OF DEMOCRACY AND CIVILIAN GOVERNMENT, AND STUBBORN IN HIS RESISTANCE TO OUTSIDE PRESSURES.

-- PINOCHET DESIGNED THE 1980 CONSTITUTION TO HIS SPECIFICATIONS. IT CONTAINS MANY UNDEMOCRATIC PROVISIONS, SUCH AS THE METHOD OF ELECTING SENATORS AND CONGRESSMEN.

-- THE NEW GOVERNMENT WILL HAVE TO OPERATE WITHIN THE LEGAL FRAMEWORK ESTABLISHED BY PINOCHET, LIMITING ITS ABILITY TO MAKE FUNDAMENTAL CHANGES.

O THE DEMOCRATICALLY-ELECTED GOVERNMENT OF PATRICIO AYLWIN WILL BE CHALLENGED CONTINUALLY BY PINOCHET IF HE FEELS THREATENED BY CIVILIAN RULE.

-- HE HAS VOWED TO CONFRONT THE CIVILIAN GOVERNMENT IF IT ATTEMPTS TO PROSECUTE MILITARY OFFICERS ACCUSED OF HUMAN RIGHTS VIOLATIONS OR CHANGE THE STATUS OF THE MILITARY.

-- PINOCHET HIMSELF IS THE GREATEST SINGLE OBSTACLE TO RESOLUTION OF THE LETELIER CASE. HE HAS PROTECTED THE TWO SECRET POLICE OFFICIALS INDICTED BY A U.S. COURT FOR THE CRIME.

OBJECTIVES:

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O CONGRATULATE PINOCHET FOR THE CONDUCT OF THE DECEMBER 14, 1989 ELECTIONS, WHICH WERE PEACEFUL, OPEN, AND FAIR.

O EMPHASIZE THAT THE U.S. SOLIDLY SUPPORTS THE DEMOCRATIC PROCESS IN CHILE.

O EMPHASIZE OUR STRONG INTEREST IN NORMALIZING THE U.S. - CHILE DEFENSE RELATIONSHIP PENDING RESOLUTION OF THE LETELIER CASE.

TALKING POINTS

THE TRANSITION TO DEMOCRACY

-- THE UNITED STATES CONGRATULATES YOU AND THE PEOPLE OF CHILE FOR THE SUCCESSFUL TRANSITION TO DEMOCRACY AND THE ECONOMIC PROGRESS IN THE PAST SEVERAL YEARS.

-- THE DECEMBER 14 PRESIDENTIAL AND CONGRESSIONAL ELECTIONS WERE EXEMPLARY FOR THE REST OF THE HEMISPHERE IN THE PEACEFUL, HONEST, AND OPEN WAY THEY WERE CONDUCTED.

-- WE STRONGLY SUPPORT THE DEMOCRATIC PROCESS IN CHILE, AND HOPE THAT THE CHILEAN ARMED FORCES WILL LEND ITS FULL SUPPORT TO THE NEW CIVILIAN GOVERNMENT.

NORMALIZATION OF U.S. - CHILE RELATIONS

-- THE U.S. AND CHILE SHARE MANY STRATEGIC AND POLITICAL OBJECTIVES. WE HOPE TO RESTORE A NORMAL DEFENSE RELATIONSHIP WITH THE CHILEAN ARMED FORCES -- INCLUDING RESUMPTION OF MILITARY SALES AND SECURITY ASSISTANCE.

-- A MAJOR PREREQUISITE TO THAT END IS CHILEAN COOPERATION TO RESOLVE THE LETELIER CASE.

-- I URGE YOU TO SUPPORT OUR EFFORTS TO SEEK JUSTICE FOR THOSE RESPONSIBLE FOR THE ASSASSINATION OF ORLANDO LETELIER AND RONNI MOFFITT, AN ACT OF INTERNATIONAL TERRORISM COMMITTED ON THE STREETS OF THE CAPITAL OF THE UNITED STATES.

-- THE UNITED STATES INSISTS ON THE RESOLUTION OF THIS CASE. WE WILL NOT NORMALIZE RELATIONS UNTIL THIS IS DONE.

BAKER

Chile Project (#S199900030)
U.S. Department of State
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E.O. 12356: DECL: OADR
TAGS: AMGT
SUBJECT: OFFICIAL -- INFORMAL

FOR AMBASSADOR AND DCM FROM ARA/SC

1. BELOW IS THE TEXT OF THE CLEARED BRIEFING MEMO FOR VP QUAYLE'S MEETING WITH PRESIDENT AYLWIN ON MARCH 12. TEXT IS PROVIDED FOR EMBASSY INFORMATION ONLY.

VICE PRESIDENT'S MEETING WITH PRESIDENT AYLWIN

BACKGROUND:

O PATRICIO AYLWIN, A VETERAN CHRISTIAN DEMOCRATIC POLITICIAN, WON THE FIRST DEMOCRATIC PRESIDENTIAL ELECTION HELD IN CHILE SINCE THE 1973 MILITARY COUP.

-- AYLWIN'S NUMBER ONE CHALLENGE IS TO SHOW THE CHILEAN MILITARY THAT HE IS IN CONTROL.

-- HIS SECOND MOST DIFFICULT TASK WILL BE TO RESTRAIN THE EXPECTATIONS OF CHILE'S LABOR UNIONS AND POORER CLASSES WHO FEEL THAT THEY HAVE MISSED OUT ON THE BENEFITS OF THE COUNTRY'S ECONOMIC GROWTH.

O AYLWIN AND HIS CHIEF ADVISORS HAVE TOLD US THAT THEY WANT THE U.S. TO NORMALIZE ITS DEFENSE RELATIONSHIP WITH THE CHILEAN MILITARY AND TO RESTORE GSP, OPIC, AND OTHER TRADE AND INVESTMENT INCENTIVES.

-- THE U.S. CAN OFFER AYLWIN A MODEST IMET PROGRAM ($8,000) AND AN END TO SANCTIONS ON MILITARY SALES (CONTAINED IN THE KENNEDY AMENDMENT) THIS YEAR IF HIS GOVERNMENT FOLLOWS THROUGH ON PROMISES TO PAY COMPENSATION TO THE LETELIER/MOFFITT FAMILIES AND SEEK JUSTICE FOR THOSE RESPONSIBLE FOR THE MURDERS.

-- THE INTERAGENCY GSP COMMITTEE HAS VOTED TO ACCEPT THE CHILEAN GOVERNMENT'S PETITION FOR REVIEW. WE WILL INFORM THE AYLWIN ADMINISTRATION ON THE TIMETABLE OF THE REVIEW PROCESS, AND HOW THEY CAN PARTICIPATE.

OBJECTIVES:

O ASSURE AYLWIN THAT HE HAS THE FULL SUPPORT OF THE UNITED STATES IN HIS EFFORTS TO CONSOLIDATE DEMOCRACY AND

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ASSERT CONTROL OVER THE CHILEAN MILITARY.

O INFORM HIM THAT THE U.S. WILL CERTIFY THAT CHILE HAS MET THE CONDITIONS UNDER THE KENNEDY AMENDMENT WHEN HIS GOVERNMENT HAS TAKEN THE NECESSARY STEPS TO RESOLVE THE LETELIER CASE.

O ANNOUNCE THAT THE U.S. HAS ACCEPTED THE CHILEAN PETITION FOR GSP RESTORATION AND WILL BEGIN AN ACCELERATED FORMAL REVIEW PROCESS SHORTLY.

TALKING POINTS

NORMALIZATION OF U.S. - CHILE RELATIONS

O YOU CAN COUNT ON THE STRONG SUPPORT OF THE U.S. GOVERNMENT AND PEOPLE AS YOU WORK TO CONSOLIDATE CHILEAN DEMOCRACY.

O WE BELIEVE THAT RAPID NORMALIZATION OF U.S.-CHILEAN RELATIONS, INCLUDING DEFENSE, IS IN OUR MUTUAL INTEREST.

O WE ARE ENCOURAGED BY THE DISCUSSIONS BETWEEN THE STATE DEPARTMENT AND YOUR REPRESENTATIVE ON STEPS TO RESOLVE THE LETELIER CASE.

O WHEN YOUR GOVERNMENT FOLLOWS THROUGH ON COMPENSATION TO THE LETELIER/MOFFITT FAMILIES AND TAKES STEPS TO PURSUE JUSTICE FOR THOSE RESPONSIBLE FOR THE MURDERS, WE EXPECT TO CERTIFY QUICKLY THAT CHILE HAS MET THE CONDITIONS UNDER OUR LAW.

O ONCE THE LETELIER CASE IS BEHIND US, WE CAN OFFER YOU PROFESSIONAL MILITARY TRAINING, RENEWAL OF HIGH-LEVEL MILITARY VISITS, AND RESUMPTION OF SALES OF MILITARY EQUIPMENT.

O ANY MILITARY ASSISTANCE AND COOPERATION WOULD BE CHANNELLED THROUGH YOUR MINISTRY OF DEFENSE TO REINFORCE YOUR EFFORTS TO ASSERT CIVILIAN CONTROL OVER THE ARMED FORCES.

U.S ECONOMIC ASSISTANCE TO CHILE

O THE U.S. HAS DECIDED TO ACCEPT FOR REVIEW THE CHILEAN GOVERNMENT'S REQUEST TO RESTORE TRADE AND INVESTMENT INCENTIVES UNDER U.S. LAW.

O WE HOPE THAT THIS REVIEW PROCESS, FOCUSING ON YOUR GOVERNMENT'S PLAN TO IMPROVE RESPECT FOR WORKER'S RIGHTS, WILL HAVE YOUR FULL PARTICIPATION AND WILL BE EXPEDITED.

O THE U.S. WANTS TO ASSIST YOUR GOVERNMENT IN ADDRESSING THE PRESSING SOCIAL NEEDS OF THE CHILEAN PEOPLE. WE ARE REVIEWING WAYS TO EXPAND PROGRAMS OF THE US AGENCY FOR INTERNATIONAL DEVELOPMENT, THE US TRADE AND DEVELOPMENT PROGRAM, AND THE PEACE CORPS.

O WITH THE CONTINUATION OF SOUND ECONOMIC POLICIES, THE U.S. CAN SUPPORT NEW LENDING FROM THE MULTILATERAL DEVELOPMENT BANKS TO CHILE.

O THE U.S. STANDS READY TO ASSIST YOUR ECONOMIC TEAM IN DESIGNING A STRATEGY TO DEAL WITH CHILE'S EXTERNAL DEBT.

BAKER

Chile Project (#1999030)
U.S. Department of State
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Chile Project (#S199900030)
U.S. Department of State
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TO AMEMBASSY SANTIAGO

UNCLAS STATE 064112

E.O. 12356: N/A
TAGS: OPDC, CI
SUBJECT: RESPONSE TO PRESIDENT PINOCHET'S LETTER TO PRESIDENT BUSH

1. THE EMBASSY IS REQUESTED TO TRANSMIT THE FOLLOWING LETTER FROM PRESIDENT BUSH TO PRESIDENT PINOCHET IN RESPONSE TO PINOCHET'S JANUARY 10, 1990 LETTER. NO RPT NO SIGNED ORIGINAL WILL FOLLOW.

2. BEGIN TEXT.

DEAR MR. PRESIDENT:

THANK YOU FOR YOUR LETTER OF JANUARY 10 CONTAINING YOUR VIEWS ON DEVELOPMENTS IN CHILE DURING YOUR TERM AS PRESIDENT. THE UNITED STATES IS GRATIFIED THAT CHILE HAS RETURNED TO DEMOCRACY AND COMMENDS ITS SUCCESSFUL ECONOMIC PERFORMANCE DURING THE PAST FEW YEARS. WE JOIN THE REST OF THE WORLD IN CELEBRATING CHILE'S RETURN TO THE FAMILY OF DEMOCRATIC NATIONS. WE PLEDGE OUR SUPPORT TO THE
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PAGE 02 STATE 064112

CHILEAN PEOPLE IN PRESERVING THE BLESSINGS OF LIBERTY, JUSTICE, AND DEMOCRACY.

SINCERELY,

GEORGE BUSH

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Case Number: S199900030

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Chile Project (#S199900030)
U.S. Department of State
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PAGE 01 STATE 064368
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TO AMEMBASSY SANTIAGO IMMEDIATE

~~C O N F I D E N T I A L~~ STATE 064368

E.O. 12356: DECL: OADR
TAGS: AMGT
SUBJECT: OFFICIAL -- INFORMAL

1. BELOW IS THE TEXT OF THE CLEARED BRIEFING MEMO FOR VP QUAYLE ON THE POLITICAL OVERVIEW OF CHILE. TEXT IS PROVIDED FOR EMBASSY INFORMATION ONLY.

POLITICAL OVERVIEW

THE TRANSITION TO DEMOCRACY

O CHILE IS UNDERGOING A HISTORIC TRANSITION FROM AUTHORITARIANISM TO DEMOCRACY. AFTER SUFFERING DEFEAT IN A PLEBISCITE, THE MILITARY GOVERNMENT HEADED BY GENERAL PINOCHET IS VOLUNTARILY RELINQUISHING POWER TO AN ELECTED, CIVILIAN GOVERNMENT.

-- DESPITE ITS LONG TRADITION OF CONSTITUTIONAL
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PAGE 02 STATE 064368

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DEMOCRACY, CHILE HAS BEEN RULED SINCE SEPTEMBER 11, 1973 BY AN AUTHORITARIAN GOVERNMENT WHICH SEIZED POWER IN A BLOODY MILITARY COUP. DECLARING A WAR AGAINST COMMUNISM AND SUBVERSION, THE PINOCHET GOVERNMENT BECAME NOTORIOUS FOR ITS VIOLATION OF HUMAN RIGHTS.

-- THE PLEBISCITE OF OCTOBER 5, 1988 WAS A WATERSHED EVENT IN CHILEAN HISTORY. VOTERS REJECTED PINOCHET'S REQUEST FOR AN ADDITIONAL EIGHT YEARS IN OFFICE AND OPENED THE DOOR FOR FREE AND OPEN PRESIDENTIAL ELECTIONS THE FOLLOWING YEAR.

-- MILITARY OFFICERS BELIEVE THAT THEY LEAVE THE GOVERNMENT WITH THEIR HONOR INTACT. THE COUNTRY'S ECONOMY IS BOOMING, FOREIGN INVESTMENT IS POURING IN, AND THE INTERNATIONAL BANKING COMMUNITY REGARDS CHILE AS A MODEL DEBTOR.

DECEMBER 14, 1989 ELECTIONS

O CHILE HELD ITS FIRST PRESIDENTIAL AND CONGRESSIONAL ELECTIONS IN 16 YEARS ON DECEMBER 14, 1989. VOTER TURNOUT WAS EXTREMELY HEAVY. INTERNATIONAL OBSERVERS UNIFORMLY PRAISED THE CONDUCT OF THE CAMPAIGN, AND THE ELECTIONS AS HAVING BEEN CARRIED OUT IN A PEACEFUL, HONEST MANNER.

-- PRESIDENT-ELECT PATRICIO AYLWIN WON A SOLID VICTORY IN THE ELECTIONS. HIS COALITION, WHICH INCLUDES CHRISTIAN DEMOCRATS, SOCIALISTS, RADICALS, AND OTHER POLITICAL PARTIES OF THE CENTER-LEFT, ALSO WON A CLEAR MAJORITY IN THE HOUSE OF DEPUTIES AND A SIZABLE BLOC IN THE SENATE.

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PAGE 03 STATE 064368

-- CHILE'S RIGHT WING PARTIES WON A SIGNIFICANT NUMBER OF SEATS IN THE SENATE, GIVING THEM (ALONG WITH 9 SENATORS APPOINTED BY THE PINOCHET GOVERNMENT) A SLIGHT MAJORITY IN THE UPPER HOUSE OF CONGRESS. THIS WILL GIVE THE RIGHT AN EFFECTIVE VETO OVER ATTEMPTS FOR SWEEPING CONSTITUTIONAL REFORM.

THE AYLWIN ADMINISTRATION

O AYLWIN MOVED QUICKLY AFTER THE ELECTION TO DEMONSTRATE HIS ABILITY TO GOVERN. HE MET WITH LEADERS OF THE RIGHT WING PARTIES, WITH MILITARY OFFICERS, AND WITH PINOCHET HIMSELF. IN A SHREWD MOVE, AYLWIN ASKED TWO OF THE CURRENT MILITARY COMMANDERS -- GENERAL MATTHEI OF THE AIR FORCE AND GENERAL STANGE OF THE NATIONAL POLICE -- TO STAY ON IN THEIR POSITIONS, THEREBY PROVIDING AYLWIN WITH SOME ALLIES IN DEALING WITH THE MILITARY. PINOCHET, HOWEVER, REMAINS AN OBSTACLE TO ASSERTING CIVILIAN CONTROL OVER THE MILITARY.

-- AYLWIN'S GOVERNMENT MUST REACH ACCOMMODATION WITH THE MILITARY AND THE ARMED FORCES IN ORDER TO GOVERN. PINOCHET HAS DECLARED HIS INTENTION TO STAY ON AS COMMANDER IN CHIEF OF THE ARMY (WHICH HE IS ENTITLED TO ACCORDING TO THE CONSTITUTION) IN ORDER TO "PROTECT" THAT INSTITUTION'S INTERESTS. IF HE CHOOSES TO RETIRE, PINOCHET MAY SERVE AS A MEMBER OF THE SENATE FOR LIFE.

-- THE MILITARY REMAIN SUSPICIOUS OF CIVILIANS, AND HAVE ERECTED INSTITUTIONAL BARRIERS TO PROTECT THEMSELVES FROM HUMAN RIGHTS PROSECUTIONS, REDUCTIONS IN THE ARMED FORCES BUDGET, OR ANY ATTEMPTS TO CHANGE THEIR ROLE IN CHILEAN SOCIETY.

-- THE NEW GOVERNMENT WILL ALSO FACE A CHALLENGE IN
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PAGE 04 STATE 064368

MAINTAINING THE IMPRESSIVE PERFORMANCE OF THE CHILEAN ECONOMY. AYLWIN AND HIS TEAM PLAN ON KEEPING MOST OF THE FREE-MARKET EXPORT-ORIENTED ECONOMIC MODEL INTACT WHILE INCREASING SPENDING FOR SOCIAL SERVICES WHICH WERE NEGLECTED UNDER THE MILITARY GOVERNMENT.

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Case Number: S199900030

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Chile Project (#S199900030)
U.S. Department of State
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E.O. 12356: DECL: OADR
TAGS: AMGT
SUBJECT: OFFICIAL -- INFORMAL

FOR AMBASSADOR AND DCM FROM ARA/SC

1. BELOW IS THE TEXT OF THE CLEARED BRIEFING MEMO FOR VP QUAYLE ON CIVIL - MILITARY RELATIONS IN CHILE. TEXT IS PROVIDED FOR EMBASSY INFORMATION ONLY.

BEGIN TEXT.

CIVIL - MILITARY RELATIONS

CONSOLIDATION OF DEMOCRATIC GOVERNMENT

O THE CHILEAN ARMED FORCES PROFESS TO BE COMMITTED TO THE TRANSITION TO DEMOCRACY IN FULFILLMENT OF THE 1980 CONSTITUTION. HOWEVER, THE MILITARY REMAINS SUSPICIOUS OF ~~CONFIDENTIAL~~

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THE CIVILIAN GOVERNMENT AND ITS INTENTIONS AND ARE FIERCELY PROTECTIVE OF THE MILITARY'S INDEPENDENCE.

-- THE ARMY HAS CONTINGENCY PLANS FOR ANOTHER COUP IF, IN THEIR VIEW, CONDITIONS WARRANT MILITARY INTERVENTION. MILITARY COMMANDERS HAVE MADE CLEAR THAT THEY WILL NOT TOLERATE A RETURN TO ALLENDE-ERA ECONOMIC AND SOCIAL CHAOS. NOR WOULD THEY ACCEPT WIDESPREAD PROSECUTIONS OF MILITARY OFFICERS FOR HUMAN RIGHTS VIOLATIONS COMMITTED DURING THE PAST 16 YEARS.

-- THE ABILITY OF THE NEW CIVILIAN GOVERNMENT TO ASSERT CONTROL OVER THE MILITARY IS HAMPERED BY THE HARDLINE ORTHODOX ATTITUDES OF THE MILITARY - THE RESULT OF YEARS OF SELF-IMPOSED ISOLATION FROM CIVIL SOCIETY. HOWEVER, THE CHILEAN MILITARY IS NOT MONOLITHIC. THE OFFICER CORPS OF THE AIR FORCE AND NATIONAL POLICE ARE THE MOST FLEXIBLE. WHILE THE HIGH COMMANDS OF THE NAVY AND ARMY ARE DOMINATED BY EXTREMELY HARDLINE CONSERVATIVES, THE NAVY IS ASSERTING ITS INDEPENDENCE VIS-A-VIS THE OTHER SERVICES.

O PRESIDENT-ELECT AYLWIN NAMED A CLOSE CONFIDANT AND FELLOW CHRISTIAN DEMOCRAT, PATRICIO ROJAS, TO THE KEY JOB OF MINISTER OF DEFENSE. ROJAS IS A MEDICAL DOCTOR BY TRAINING AND HAS NO PREVIOUS MILITARY EXPERIENCE, BUT SERVED AS MINISTER OF THE INTERIOR UNDER THE FREI GOVERNMENT (1964 - 70). ROJAS WILL LIKELY HAVE A DIFFICULT TIME DEALING WITH THE ARMED FORCES AS THEY CONTINUE TO RESIST CIVILIAN CONTROL OVER DEFENSE POLICY. THE LACK OF CIVILIANS WITH EXPERTISE IN DEFENSE MATTERS FURTHER COMPLICATES A CONSTRUCTIVE DIALOGUE WITH THE MILITARY.
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PAGE 03 STATE 064375

THE FUTURE OF GENERAL PINOCHET

O PINOCHET REMAINS THE GREATEST SINGLE THREAT TO CONTINUANCE OF THE DEMOCRATIC SYSTEM IN CHILE, BUT THE GENERAL DOES NOT HAVE THE POPULARITY HE ONCE DID EVEN

AMONG HIS FELLOW COMMANDERS. DESPITE HIS SOMETIMES CONCILIATORY ATTITUDE TOWARDS PRESIDENT-ELECT AYLWIN, PINOCHET INNATELY MISTRUSTS CIVILIAN RULE.

-- CHILE'S CURRENT CONSTITUTION, DESIGNED BY PINOCHET, PERMITS HIM TO STAY ON AS COMMANDER-IN-CHIEF OF THE ARMY FOR AN ADDITIONAL FOUR YEARS. HE STUBBORNLY REFUSES TO SUBORDINATE HIMSELF OR HIS INSTITUTION TO THE MINISTER OF DEFENSE. AS THE HEAD OF THE LARGEST AND PREDOMINANT MILITARY SERVICE, PINOCHET RETAINS SIGNIFICANT POWER OVER THE ARMY'S INTERNAL OPERATION, MOST SIGNIFICANTLY PROMOTIONS AND RETIREMENTS.

-- WHILE THE PINOCHET GOVERNMENT WAS NOTORIOUS FOR ITS VIOLATIONS OF HUMAN RIGHTS, IT WAS GENERALLY CONSIDERED TO BE HONEST AND UNCORRUPT IN ITS HANDLING OF PUBLIC FINANCES AND PROPERTY. IN RECENT MONTHS, HOWEVER, THIS IMAGE HAS BEGUN TO TARNISH. THE CHILEAN PRESS HAS BEGUN TO UNCOVER EXAMPLES OF CORRUPTION WHICH MAY TRACE BACK TO PINOCHET HIMSELF.

-- PINOCHET INSTRUCTED HIS GOVERNMENT MINISTRIES TO TRANSFER GOVERNMENT PROPERTY TO THE ARMY AND TO SPEND AS MUCH OF THEIR BUDGET AS POSSIBLE BEFORE THE INAUGURATION, THEREBY DEPRIVING THE NEXT GOVERNMENT OF RESOURCES.

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O A PRIMARY OBJECTIVE OF U.S. POLICY IN CHILE IS THE CONSOLIDATION OF DEMOCRATIC GOVERNMENT. INCREASED CIVILIAN CONTROL OVER THE MILITARY IS AN IMPORTANT ELEMENT OF THIS PROCESS. THE U.S. CAN ASSIST BY ENDING THE INTERNATIONAL ISOLATION ENDURED BY THE CHILEAN ARMED FORCES DURING THE PINOCHET ERA AND EXPOSING THEM TO CIVIL-MILITARY RELATIONS IN A DEMOCRACY.

-- THE U.S. HOPES TO INITIATE A PROGRAM OF SECURITY ASSISTANCE AND MILITARY-TO-MILITARY EXCHANGES CHANNELED THROUGH THE MINISTRY OF DEFENSE. FOR FY 90, SOME 50,000

IN IMET FUNDS HAS BEEN APPROPRIATED FOR CHILE.

-- FINAL RESOLUTION OF THE LETELIER CASE IS THE PRIMARY OBSTACLE TO THE NORMALIZATION OF OUR DEFENSE RELATIONSHIP WITH CHILE.

END TEXT.
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DEPARTMENT OF STATE
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E.O. 12356: DECL: OADR
TAGS: AMGT
SUBJECT: OFFICIAL -- INFORMAL

FOR AMBASSADOR AND DCM FROM ARA/SC

1. BELOW IS THE TEXT OF THE CLEARED BRIEFING MEMO FOR VP QUAYLE ON THE HUMAN RIGHTS SITUATION IN CHILE. TEXT IS PROVIDED FOR EMBASSY INFORMATION ONLY.

BEGIN TEXT.

CHILE: HUMAN RIGHTS

THE YEAR THAT WAS

O THE DECEMBER 14 ELECTION MARKED THE RETURN TO DEMOCRATIC GOVERNMENT IN CHILE, WHEREBY THE RIGHT OF CITIZENS TO CHANGE THEIR GOVERNMENT WAS RESTORED AFTER 16 YEARS OF MILITARY DICTATORSHIP.

O EVEN BEFORE THE ELECTIONS, THE HUMAN RIGHTS ENVIRONMENT IMPROVED DRAMATICALLY, THOUGH ISOLATED INSTANCES OF ABUSE CONTINUED.

THE YEAR THAT WILL BE

O WHILE WE FULLY ANTICIPATE THE HUMAN RIGHTS PRACTICES OF THE AYLWIN GOVERNMENT WILL BE COMMENDABLE, MANY LAWS WHICH HOLD THE POTENTIAL FOR MISUSE AND RESTRICTION OF CIVIL LIBERTIES REMAIN IN EFFECT. THE AYLWIN GOVERNMENT WILL COME UNDER PRESSURE TO MODIFY OR REPEAL THOSE LAWS.

O RESOLUTION OF THE LETELIER CASE REMAINS A MAJOR ISSUE IN US/CHILEAN RELATIONS. OUR DISCUSSIONS THUS FAR ON THIS SUBJECT WITH AYLWIN AND HIS DESIGNEES HAVE BEEN POSITIVE.

O THE MOST DIFFICULT DOMESTIC HUMAN RIGHTS ISSUE FACING THE AYLWIN GOVERNMENT WILL BE THE HANDLING OF PAST HUMAN RIGHTS ABUSES:

-- THE EXTREME LEFT WOULD LIKE TO PURSUE AS MANY CASES AS POSSIBLE, PARTICULARLY THOSE THAT OCCURRED BEFORE THE 1978 AMNESTY; INVESTIGATION AND PROSECUTION IS THE GOAL, WITH DISCREDITING OF THE MILITARY SEEN AS A USEFUL SPINOFF.

-- AYLWIN WANTS TO MINIMIZE HUMAN RIGHTS PROSECUTIONS IN ORDER NOT TO ANTAGONIZE THE MILITARY; HE IS CONSTRAINED TO GOVERN WITHIN A LEGAL FRAMEWORK CONSTRUCTED BY PINOCHET.

-- AYLWIN AND THE MORE MODERATE HUMAN RIGHTS ACTIVISTS ARE AWARE OF THE DANGERS OF IRRITATING THE MILITARY, BUT THEY RECOGNIZE AT THE SAME TIME THAT THE CHILEAN CONGRESS MAY FORCE THEIR HAND IN PURSUING HUMAN RIGHTS CASES.

END TEXT
BAKER

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
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PAGE 01 GENEVA 01965 01 OF 02 281816Z
ACTION IO-19

INFO	LOG-00	ADS-00	AID-01	INR-05	EUR-01	SS-01	OIC-02
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TO SECSTATE WASHDC PRIORITY 7610
INFO USMISSION USUN NEW YORK PRIORITY
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AMEMBASSY BUENOS AIRES
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USINT HAVANA
AMEMBASSY MEXICO
AMEMBASSY PANAMA
AMEMBASSY LIMA
AMEMBASSY MADRID
AMEMBASSY CARACAS

~~C O N F I D E N T I A~~L SECTION 01 OF 02 GENEVA 01965

E.O. 12356: DECL: OADR
TAGS: UNHRC-1, PHUM, CI
SUBJECT: 46TH SESSION OF UN HUMAN RIGHTS COMMISSION:
ENGLISH TEXT OF DRAFT RESOLUTION ON CHILE

1. THIS IS UNHRC-123.

2. ~~CONFIDENTIAL~~ - PAR 3

3. THE FOLLOWING DRAFT RESOLUTION, DRAFTED BY GRULA, HAS BEEN VETTED IN SANTIAGO AND HAS THE APPROVAL OF THE GOC. USDEL EXPECTS THE RESOLUTION TO BE ADOPTED BY ~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 02 GENEVA 01965 01 OF 02 281816Z

CONSENSUS, AND SEEKS DEPARTMENT'S CONCURRENCE TO JOIN THIS CONSENSUS. PLEASE NOTE THAT OP PAR 7 TERMINATES THE MANDATE OF THE SPECIAL RAPPORTEUR UPON THE ASSUMPTION OF OFFICE OF THE GOVERNMENT-ELECT.

2. HERE FOLLOWS ROUGH UNOFFICIAL MISSION TRANSLATION OF DRAFT RESOLUTION ON CHILE.
(#) COORDINATOR SPAIN WILL
SEEK DELETION OF WORD "PRIVATE" FROM (#) PAR 8.

BEGIN TEXT

DRAFT RESOLUTION ON THE HUMAN RIGHTS SITUATION IN CHILE

GUIDED BY THE PURPOSES AND PRINCIPLES OF THE UNITED NATIONS, BEARING IN MIND THE UNIVERSAL DECLARATION OF HUMAN RIGHTS, THE INTERNATIONAL CONVENTION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND THE INTERNATIONAL COVENANT OF CIVIL AND POLITICAL RIGHTS,

CONSCIENCE OF ITS RESPONSIBILITY TO PROMOTE AND ENCOURAGE RESPECT FOR HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, AND RESOLVED TO REMAIN VIGILANT AGAINST THEIR VIOLATION, WHEREVER IT MAY OCCUR,

TAKING NOTE OF THE OBLIGATION OF THE GOVERNMENT OF CHILE TO RESPECT AND PROTECT HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ACCORDANCE WITH THE INTERNATIONAL INSTRUMENTS TO WHICH CHILE IS A PARTY,

RECALLING THAT THE CONCERN OF THE INTERNATIONAL COMMUNITY FOR THE GRAVE SITUATION OF HUMAN RIGHTS AND ~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 03 GENEVA 01965 01 OF 02 281816Z

FUNDAMENTAL FREEDOMS IN CHILE HAS BEEN EXPRESSED BY THE GENERAL ASSEMBLY AND BY THE COMMISSION OF HUMAN RIGHTS IN NUMEROUS RESOLUTIONS STARTING IN 1974,

LAMENTING THAT, IN SPITE OF THE IMPROVEMENT IN THE SITUATION OF HUMAN RIGHTS IN CHILE, THE MILITARY GOVERNMENT HAS NOT CARRIED OUT SEVERAL OF THE

RECOMMENDATIONS CONTAINED IN THE MANY REPORTS PREPARED ON THIS SUBJECT, HAVING ITSELF PROMULGATED LAWS THAT CONSTITUTE AN INSTITUTIONAL JURIDICAL FRAMEWORK THAT IS ANATHEMA TO THE RESPECT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS,

BEARING IN MIND THAT, IN CIRCUMSTANCES SUCH AS THOSE DESCRIBED BY THE SPECIAL RAPPORTEUR, MUCH REMAINS TO BE DONE BEFORE THE CHILEAN SOCIETY CAN ENJOY A SYSTEM THAT CAN BE TRUSTED WITH THE JURISDICTIONAL PROTECTION OF FUNDAMENTAL FREEDOMS AND HUMAN RIGHTS, AND ESPECIALLY BECAUSE OF THE HEAVY INSTITUTIONAL BURDEN THE NEW GOVERNMENT MUST BEAR,

KEEPING IN MIND THE WILL EXPRESSED BY THE PEOPLE OF CHILE IN THE RECENT ELECTORAL PROCESS THAT LED TO THE RESTORATION OF CIVIL AUTHORITY IN THE POLITICAL MANAGEMENT OF THE COUNTRY, AND SHARING THEIR CONFIDENCE IN THE COMMITMENT THE FUTURE CHILEAN AUTHORITIES HAVE MADE TO REESTABLISH THE FULL EXISTENCE OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS,

CONSCIOUS THAT THE CONTINUED CONCERN OF THE UNITED NATIONS FOR THE SITUATION OF HUMAN RIGHTS IN CHILE HAS PERMITTED THE CREATION OF THE NECESSARY INTERNATIONAL CONDITIONS THAT MADE POSSIBLE CHILE'S RETURN TO DEMOCRACY,

NOTE: (#) OMISSION. CORRECTION TO FOLLOW.

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PAGE 04 GENEVA 01965 01 OF 02 281816Z

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PAGE 01 GENEVA 01965 02 OF 02 281818Z
ACTION IO-19

INFO	LOG-00	ADS-00	AID-01	INR-05	EUR-01	SS-01	OIC-02
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AMEMBASSY CARACAS

~~C O N F I D E N T I A L~~ SECTION 02 OF 02 GENEVA 01965

E.O. 12356: DECL: OADR
TAGS: UNHRC-1, PHUM, CI
SUBJECT: 46TH SESSION OF UN HUMAN RIGHTS COMMISSION:

1. TAKES NOTE WITH GRATITUDE OF THE REPORT OF THE SPECIAL RAPPORTEUR, PROFESSOR FERNANDO VOLIO JIMENEZ, AND THANKS HIM FOR THE VALUABLE ASSISTANCE THAT HE HAS RENDERED SINCE 1985 TO THE INTERNATIONAL OVERSIGHT OF THE HUMAN RIGHTS SITUATION OF THE CHILEAN PEOPLE;

2. EXPRESSES AS WELL ITS GRATITUDE TO THE AD HOC WORKING GROUP, TO THE EXPERTS AND SPECIAL RAPPORTEURS,
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PAGE 02 GENEVA 01965 02 OF 02 281818Z

TO JUDGE ABDOULAY DIEYE AND JUDGE RAJSOOMER LALLAH, WHO CONTRIBUTED TO THE WORK CARRIED OUT BY THE INTERNATIONAL COMMUNITY DURING THE LAST 16 YEARS;

3. PROFOUNDLY LAMENTS THAT, IN SPITE OF THE NUMEROUS RECOMMENDATIONS OF THE INTERNATIONAL COMMUNITY TO THE CHILEAN MILITARY GOVERNMENT, THE FOLLOWING OBJECTIVES, INTER-ALIA, REMAIN TO BE ACHIEVED:

A) JUDICIAL AND ADMINISTRATIVE TRANSPARENCY, AND THE

PUNISHMENT OF THE GUILTY FOR CRIMES, DISAPPEARANCES, THE PRACTICE OF TORTURE, PERSECUTION, INTIMIDATION AND OTHER FORMS OF CRUEL INHUMAN AND DEGRADING TREATMENT, AS WELL AS THE SITUATION OF PERSONS DETAINED FOR POLITICAL MOTIVES;

B) THE NORMALIZATION OF THE ADMINISTRATION OF JUSTICE, ESPECIALLY AS IT RELATES TO THE REFORM OF THE MILITARY JUSTICE SYSTEM AND THE REVIEW OF ITS DECISIONS;

C) THE REVIEW OF THE NORMS THAT GRANT IMPUNITY TO TRANSGRESSORS FOR GRAVE VIOLATIONS OF HUMAN RIGHTS;

4. TAKES NOTE OF THE DECISION ADOPTED BY THE GOVERNING MILITARY JUNTA TO DISSOLVE THE NATIONAL INTELLIGENCE COMMISSION, AND EXPRESSES ITS CONFIDENCE THAT THE ARCHIVES OF SAID COMMISSION WILL REMAIN AT THE DISPOSAL OF THE COURTS AND THE AUTHORITIES OF THE GOVERNMENT-ELECT;

5. TAKES NOTE WITH SATISFACTION OF THE COMMITMENT EXPRESSED BY THE GOVERNMENT-ELECT TO MAKE THE NECESSARY EFFORTS TO ACHIEVE THE COMPLETE NORMALIZATION OF THE TRADITIONAL DEMOCRATIC LEGAL SYSTEM, WHICH WAS ALTERED
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PAGE 03 GENEVA 01965 02 OF 02 281818Z

IN 1973 AS A CONSEQUENCE OF AN IMPOSED STRUCTURE, AND WHICH PERMITTED MORE THAN 16 YEARS OF GRAVE AND SYSTEMATIC TRANSGRESSION OF NATIONAL AND INTERNATIONAL HUMAN RIGHTS STANDARDS;

6. CELEBRATES THE COMMITMENT UNDERTAKEN BY THE GOVERNMENT-ELECT OF CHILE FULLY TO INFORM THE INTERNATIONAL SYSTEM OF HUMAN RIGHTS ESTABLISHED BY THE UNITED NATIONS AND THUS TO CONTINUE THE FOLLOW-UP OF THE UNRESOLVED CASES ALREADY KNOWN AND THOSE THAT MAY ARISE FROM THE INVESTIGATIONS THAT MAY BE CARRIED OUT THROUGH THE EXISTING PROCEDURES IN SAID SYSTEM;

7. CONVINCED THAT THE CURRENT CHILEAN DEMOCRATIC PROCESS AND THE ACTION OF THE GOVERNMENT-ELECT WILL PERMIT THE REESTABLISHMENT OF THE RULE OF LAW BASED ON THE COMPLETE RESPECT FOR HUMAN RIGHTS AND FUNDAMENTAL

FREEDOMS, DECIDES NOT TO RENEW THE MANDATE OF THE SPECIAL RAPPORTEUR, BEGINNING WITH THE INSTALLATION OF THE GOVERNMENT-ELECT;

8. ASKS THE CHILEAN GOVERNMENT-ELECT TO INFORM THE COMMISSION, IN A SPECIAL QPRIVATEQ SESSION, DURING ITS 47TH SESSION, ON THE FOLLOW-UP OF THE RECOMMENDATIONS APPROVED BY THE UNITED NATIONS UP UNTIL 11 MARCH 1990, IN RELATION TO THE REESTABLISHMENT OF WHATEVER HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IT MAY BE POSSIBLE TO EXPECT IN CHILE.
ABRAM

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Chile Project (#S199900030)
U.S. Department of State
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Exemption(s)_____

WG-072

Concept Paper

The following steps could be taken simultaneously or in the sequential order listed. They could be recorded in a memorandum of understanding between the governments or they could be taken based upon an informal understanding between governments.

1. The Government of Chile would make an ex gratia payment of an acceptable amount to the Letelier/Moffitt families, victims of the assassination which occurred in Washington, D.C., in 1976. In return:

   a. the families of the victims would drop their legal efforts in the United States against the Republic of Chile;

   b. the U.S. Government would drop its espousal of the claims of the families of the victims;

   c. the U.S. Government would drop its claim against the Government of Chile;

   d. the Department of State would inform interested members of Congress that further efforts to legislate a remedy to provide fair compensation to the families of the victims was no longer necessary.

2. The Government of Chile would inform the United States of efforts it is making, and that it intends to make, to bring to justice the persons responsible for the Letelier assassination. These would include: seeking an amendment of Chilean law to provide for prosecution in civil courts of military personnel accused of criminal conduct; reopening the "passports case;" and, appointing a special prosecutor.

3. The Governments of Chile and the United States of America would make the appointments necessary to fill the vacancies on the 1914 Treaty Commission and agree that either government could constitute the Commission if it was considered necessary to pursue justice and to resolve the Letelier case.

4. The United States would make the findings required by Sec. 726 of the International Security and Development Cooperation Act of 1981 (the Kennedy-Harkin Amendment) and by 545(c)(2) of the FY 1990 Foreign Operations, Export Financing, and Related Programs Act (P.L. 101-167).

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IMMEDIATE UNCLASSIFIED ~~CONFIDENTIAL~~ 2-28-90 OUTGOING

DEPARTMENT OF STATE
ARA/NEA REARCS

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ARA/SC: BAOWENS
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~~C O N F I D E N T I A L~~ STATE 064404

E.O. 12356: DECL: OADR
TAGS: AMGT CI
SUBJECT: OFFICIAL -- INFORMAL

FOR AMBASSADOR AND DCM FROM ARA/SC

1. BELOW IS THE TEXT OF THE CLEARED BRIEFING MEMO FOR VP QUAYLE ON U.S. - CHILE RELATIONS. TEXT IS PROVIDED FOR EMBASSY INFORMATION ONLY.

BEGIN TEXT.

U.S. - CHILE RELATIONSHIP

NORMALIZATION OF THE RELATIONSHIP

O THE U.S. WANTS A FULL POLITICAL AND DEFENSE RELATIONSHIP WITH THE NEW DEMOCRATIC GOVERNMENT OF PATRICIO AYLWIN. WE WANT TO RESTORE TRADE AND INVESTMENT BENEFITS, AND END THE INTERNATIONAL ISOLATION WHICH CHILE SUFFERED UNDER MILITARY RULE.

-- CHILE AND THE U.S. HAVE HISTORICALLY ENJOYED CLOSE ECONOMIC AND POLITICAL TIES. THE U.S. IS CHILE'S PRINCIPAL TRADING PARTNER, AND U.S. COMPANIES HAVE LARGE INVESTMENTS IN CHILE.

-- CHILE IS AN IMPORTANT DEMONSTRATION OF THE COMPATIBILITY OF DEMOCRACY, FREE-MARKET ECONOMIC SYSTEMS, AND ECONOMIC GROWTH.

RESOLUTION OF THE LETELIER CASE

O RELATIONS WITH THE PINOCHET REGIME WORSENED WHEN THE 1976 ASSASSINATION OF ORLANDO LETELIER AND RONNI MOFFITT IN WASHINGTON D.C. WAS TRACED BACK TO PINOCHET'S SECRET POLICE.

-- THE U.S. CONGRESS IMPOSED SANCTIONS ON THE SALE OF ARMS AND THE PROVISION OF MILITARY ASSISTANCE TO CHILE IN 1976 (THE "KENNEDY AMENDMENT").

-- THE KENNEDY AMENDMENT CONDITIONS RESTORATION OF ARMS SALES AND SECURITY ASSISTANCE TO HUMAN RIGHTS OBSERVANCE AND RESOLUTION OF THE LETELIER CASE. THE PINOCHET GOVERNMENT COOPERATED ONLY MINIMALLY IN THE INVESTIGATION OF THE CASE AND REFUSED TO EXTRADITE TWO OFFICIALS OF THE

Chile Project (#S19900030)
U.S. Department of State
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SECRET POLICE -- GENERAL CONTRERAS AND COLONEL ESPINOZA -- INDICTED BY A U.S. COURT FOR THE CRIME.

-- PRESIDENT-ELECT AYLWIN WANTS TO COOPERATE WITH US TO RESOLVE THE CASE, BUT RECOGNIZES THAT THE MILITARY WILL BLOCK ANY ATTEMPT TO PROSECUTE CONTRERAS AND ESPINOZA.

-- THE U.S. GOVERNMENT HAS ESPOUSED A U.S. COURT JUDGMENT WON BY THE LETELIER/MOFFITT FAMILIES AGAINST THE CHILEAN GOVERNMENT.

-- AYLWIN HAS INDICATED TO US HIS WILLINGNESS TO PAY COMPENSATION TO THE FAMILIES. HE FAVORS INVOKING THE 1914 BRYAN TREATY TO ESTABLISH THE AMOUNT OF COMPENSATION.

RESTORATION OF GSP AND OPIC BENEFITS

O CHILE WAS REMOVED FROM ELIGIBILITY FOR GSP (GENERALIZED SYSTEM OF PREFERENCES) AND OPIC (OVERSEAS PRIVATE INVESTMENT CORPORATION) TRADE AND INVESTMENT BENEFITS IN DECEMBER 1987 FOR ITS DENIAL OF INTERNATIONALLY-RECOGNIZED WORKERS RIGHTS.

-- THE INTERAGENCY GSP SUBCOMMITTEE RECENTLY ACCEPTED THE CHILEAN GOVERNMENT'S PETITION FOR REVIEW.

-- A SCHEDULE OF PUBLIC HEARINGS FOR THIS REVIEW WILL BE ESTABLISHED SHORTLY. WE HOPE THAT THIS PROCESS COULD BE ACCELERATED SO THAT GSP/OPIC COULD BE RESTORED AS EXPEDITIOUSLY AS POSSIBLE.

-- THE CHILEAN LABOR MOVEMENT STRONGLY FAVORS GSP/OPIC RESTORATION. THE AFL-CIO HAS GONE ON RECORD SUPPORTING GSP/OPIC FOR CHILE.

U.S. ASSISTANCE FOR THE NEW DEMOCRATIC GOVERNMENT

O WE ARE REVIEWING U.S. ASSISTANCE PROGRAMS IN CHILE TO HELP THE NEW CIVILIAN GOVERNMENT ADDRESS PRESSING SOCIAL NEEDS. SINCE CHILE IS A RELATIVELY ADVANCED DEVELOPING COUNTRY, A LARGE ECONOMIC ASSISTANCE PROGRAM IS NOT NECESSARY.

-- USAID HAS A MODEST PROGRAM IN CHILE, FOCUSING ON CIVIC ACTION, MICROENTERPRISE DEVELOPMENT, ADMINISTRATION OF JUSTICE, AND HOUSING GUARANTEES. USAID IS CONSIDERING EXPANDING THESE PROJECTS AND ADDING ENVIRONMENTAL PROTECTION AND VOCATIONAL EDUCATION.

O WE WILL SUPPORT THE NEW CHILEAN ECONOMIC TEAM IN DEALING WITH ITS EXTERNAL DEBT PROBLEM AND WILL SUPPORT ECONOMICALLY-VIABLE LOANS TO CHILE FROM INTERNATIONAL FINANCIAL INSTITUTIONS.

O THE U.S. WILL ENCOURAGE INVESTMENT IN CHILE AND SEEK TO ELIMINATE TRADE BARRIERS.

O WE WILL EXPLORE BRINGING THE PEACE CORPS BACK TO CHILE, TO WORK ON PROJECTS RANGING FROM MICROENTERPRISE DEVELOPMENT TO ENVIRONMENTAL PROTECTION.

END TEXT.
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PAGE 01 GENEVA 02021 01 OF 13 012109Z
ACTION IO-19

INFO	LOG-00	ADS-00	AID-01	INR-05	EUR-01	SS-01	OIC-02
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AMEMBASSY PARIS
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Chile Project (#S199900030)
U.S. Department of State
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PAGE 02 GENEVA 02021 01 OF 13 012109Z

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UNCLAS SECTION 01 OF 13 GENEVA 02021

LIBREVILLE PASS SAO TOME

E.O. 12356: N/A
TAGS: UNHRC-1, PHUM
SUBJECT: 46TH SESSION OF UN HUMAN RIGHTS COMMISSION:
- STATEMENT BY AMBASSADOR VALLADARES, U.S.
- REPRESENTATIVE, ON ITEM 12

1. THIS UNHRC-139.

2. THERE FOLLOWS ENGLISH TEXT OF STATEMENT BY AMBASSADOR ARMANDO VALLADARES, UNITED STATES REPRESENTATIVE TO THE UNITED NATIONS COMMISSION ON HUMAN RIGHTS, ON ITEM 12, WHICH WAS DELIVERED ON FEBRUARY 27, 1990:

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PAGE 03 GENEVA 02021 01 OF 13 012109Z

3. BEGIN TEXT:

MADAME CHAIRMAN:

IN THE WORDS OF CHARLES DICKENS, IT WAS THE BEST OF TIMES; IT WAS THE WORST OF TIMES. DURING THE PAST TWELVE MONTHS, LARGELY DUE TO THE TENACITY OF THE

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WORLD MEDIA, WE HAVE ALL BORNE WITNESS TO EXCEPTIONAL CHANGES - SOME IN FAVOR OF HUMAN DIGNITY AND SOME THAT CRUSHED AND TRAMPLED THAT DIGNITY. PERHAPS THE TWO MOST ENDURING PICTURES OF THE PAST YEAR, AND CERTAINLY THE MOST PARADOXICAL, WERE OF GERMANY AND CHINA. IN BERLIN, THE WALL CAME DOWN. IN BEIJING, THE GODDESS OF DEMOCRACY WAS SMASHED.

WHO AMONG US DID NOT REVEL IN THE JUBILATION OF THE THOUSANDS OF BERLINERS WHO BEGAN THE TASK OF TEARING DOWN THEIR SYMBOL OF OPPRESSION? AND WHO AMONG US DID NOT FEEL DEEP SORROW AS WE WATCHED THE FILMS OF CHINESE TANKS ROLLING THROUGH TIANANMEN SQUARE. THESE TWO EVENTS EPITOMIZED BOTH THE HEIGHTS AND THE DEPTHS THAT THE STRUGGLE FOR UNIVERSAL HUMAN RIGHTS REACHED DURING THE PAST YEAR. NO ONE CAN DOUBT THAT WE ARE LIVING THROUGH TRULY EXTRAORDINARY TIMES. INDEED, THE WORLD'S GREAT POWERS HAVE ALREADY BEGUN TO DESTROY SOME OF THEIR OWN WEAPONS OF DEATH. BUT AT THE SAME TIME, IT CANNOT BE FORGOTTEN THAT THERE

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PAGE 01 GENEVA 02021 02 OF 13 012110Z

ACTION IO-19

INFO	LOG-00	ADS-00	AID-01	INR-05	EUR-01	SS-01	OIC-02
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PAGE 02 GENEVA 02021 02 OF 13 012110Z

AMEMBASSY LAGOS
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UNCLAS SECTION 02 OF 13 GENEVA 02021

LIBREVILLE PASS SAO TOME

E.O. 12356: N/A
TAGS: UNHRC-1, PHUM
SUBJECT: 46TH SESSION OF UN HUMAN RIGHTS COMMISSION:

STILL EXIST GOVERNMENTS WHOSE RAISON D'ETRE IS THE TYRANNY OF TOTALITARIANISM.

THE PAST YEAR HAS BEEN ONE OF HISTORIC TRANSITION, ESPECIALLY IN EASTERN EUROPE. THROUGHOUT THE REGION, THE MARCH TOWARD FREEDOM AND DEMOCRACY GATHERS MOMENTUM. THE POLES HELD FREE AND FAIR ELECTIONS DURING THE PAST YEAR, AND AT THIS COMMISSION, PRESIDENT JARUZELSKI PLEDGED HIS COUNTRY'S CONTINUOUS VIGOROUS EFFORTS IN THE PROMOTION AND EXPANSION OF
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PAGE 03 GENEVA 02021 02 OF 13 012110Z

HUMAN RIGHTS. THE WORD SOLIDARITY WILL FOREVER LIVE ON AS A TERM SYNONYMOUS WITH THE FIGHT FOR FREEDOM. WITHOUT "SOLIDARITY" TODAY'S WORLD WOULD BE VERY DIFFERENT.

DURING THE COMING MONTHS, THERE ARE SCHEDULED TO BE DEMOCRATICALLY CONTESTED FREE ELECTIONS THROUGHOUT EASTERN EUROPE -- IN EAST GERMANY, CZECHOSLAVAKIA, HUNGARY, BULGARIA AND ROMANIA. AND IN THE SOVIET UNION, WHERE WE HAVE SEEN A MARKED IMPROVEMENT IN THE

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HUMAN RIGHTS SITUATION, AND PARTICULARLY WITH RESPECT TO THE FREEDOM TO EMIGRATE, THERE WAS THE RECENT ANNOUNCEMENT BY PRESIDENT GORBACHEV THAT THE COMMUNIST PARTY NO LONGER MUST BE THE DOMINANT POLITICAL FORCE AND THAT ITS HEGEMONIC ROLE HAS ENDED. WE CERTAINLY HOPE THAT THIS "NEW THINKING" WILL HAVE THE OPPORTUNITY TO TAKE ROOT DURING THE UPCOMING ELECTIONS IN THE VARIOUS SOVIET REPUBLICS. WE HOPE THAT FREE ELECTIONS WILL CONTINUE TO BE THE VEHICLE TO CHANNEL ASPIRATIONS OF FREEDOM OF ALL PEOPLE WHO STILL LIVE IN TOTALITARISM REGIMES.

UNFORTUNATELY, THESE CHANGES HAVE NOT BEEN ENTIRELY PEACEFUL. IN ROMANIA, WE WERE WITNESS TO THE SAVAGE BRUTALITY OF AN OLD, FORCEFUL DICTATORSHIP, WHICH WAS OVERTHROWN AMIDST BLOOD AND MOURNING.

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PAGE 01 GENEVA 02021 03 OF 13 012111Z
ACTION IO-19

INFO LOG-00 ADS-00 AID-01 INR-05 EUR-01 SS-01 OIC-02

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AF-01	CIAE-00	EB-01	DODE-00	H-01	NEA-01	NSCE-00
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EAP-01	PA-02	OMB-01	STR-18	SIL-01	INRE-00	RP-10
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PAGE 02 GENEVA 02021 03 OF 13 012111Z

AMEMBASSY RABAT
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UNCLAS SECTION 03 OF 13 GENEVA 02021

LIBREVILLE PASS SAO TOME

E.O. 12356: N/A
TAGS: UNHRC-1, PHUM
SUBJECT: 46TH SESSION OF UN HUMAN RIGHTS COMMISSION: MOREOVER, DESPITE THE REAL AND SUBSTANTIAL PROGRESS THAT IS TAKING PLACE THROUGHOUT EASTERN EUROPE, THERE REMAINS ONE LAST BASTION OF STALINIST OPPRESSION IN THE REGION -- ALBANIA.

IN SOUTH AMERICA, WE ARE PLEASED THAT THE PEOPLE OF CHILE HAD THE OPPORTUNITY THIS PAST YEAR TO TAKE PART IN A FREELY CONTESTED NATIONAL ELECTION. AND, IN LIGHT OF THE DRAMATIC IMPROVEMENT OF CHILE'S RECORD ON DEMOCRATIC AND CIVIL RIGHTS, WE SUPPORTED AND ARE UNCLASSIFIED

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PAGE 03 GENEVA 02021 03 OF 13 012111Z

PLEASED BY THE ELIMINATION OF THE DISCUSSION OF HUMAN RIGHTS IN CHILE UNDER A SEPARATE AGENDA ITEM AT THIS COMMISSION.

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Remainder D, NR

Pages 9 thru 38 have been eliminated because they are entirely irrelevant

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Chile Project (#S199900030)
U.S. Department of State
Release X Excise / Deny
Declassify: In Part In Full X
Exemption(s)

~~CONFIDENTIAL~~

PAGE 01 GENEVA 01973 011211Z
ACTION IO-19

INFO	LOG-00	ADS-00	AID-01	INR-05	EUR-01	SS-01	OIC-02
	AF-01	CIAE-00	EB-01	DODE-00	H-01	NEA-01	NSCE-00
	ARA-01	NSAE-00	SSO-01	HA-09	L-03	LAB-04	TRSE-00
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AMEMBASSY PANAMA
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AMEMBASSY MADRID
AMEMBASSY CARACAS

~~C O N F I D E N T I A L~~ GENEVA 01973

E.O. 12356: DECL: OADR
TAGS: UNHRC-1, PHUM, CI
SUBJECT: 46TH SESSION OF UN HUMAN RIGHTS COMMISSION:
BACKGROUND ON DRAFT RESOLUTION ON CHILE

REF: GENEVA 1965

1. THIS IS UNHRC-134.

2. CONFIDENTIAL - ENTIRE TEXT.

3. MISSION RECOGNIZES THAT THE DRAFT RESOLUTION ON
~~CONFIDENTIAL~~

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PAGE 02 GENEVA 01973 011211Z

CHILE (SEE REFTEL.) IS NOT AN IDEAL TEXT. IT IS RATHER GRUDGING IN ITS PRAISE OF CHILE'S RETURN TO DEMOCRACY. DEPARTMENT SHOULD NOTE THAT USDEL AND UK PROPOSED CHANGES IN THE TEXT, BUT NEITHER LATIN NOR OTHER WEOG DELS WERE INTERESTED IN ANY DISCUSSIONS. THEY SAID THAT THE ELIMINATION OF THE SPECIAL RAPPORTEUR SHOULD BE THE ONLY VALID CONCERN, AND THE RESOLUTION DOES ACCOMPLISH THIS. SEVERAL WESTERN DELEGATIONS (SWEDEN, NETHERLANDS) SUPPORTED THE CONTINUATION OF THE MANDATE OF THE SPECIAL RAPPORTEUR FOR AN ADDITIONAL YEAR. (THE CHILE SITUATION WAS ELIMINATED AS A SEPARATE AGENDA ITEM DURING THE ORGANIZATION OF WORK OF THE COMMISSION.)
4. ACCORDING TO THE LATINS, THE TEXT WAS VETTED EXTENSIVELY IN SANTIAGO OVER A PERIOD OF FOUR OR FIVE DAYS, AND HAS BEEN ACCEPTED BY THE GOVERNMENT-ELECT. (PLEASE NOTE THAT REFTEL SHOULD HAVE SPECIFIED THAT THESE CONSULTATIONS TOOK PLACE WITH THE GOVERNMENT-ELECT, NOT THE CURRENT GOC.) SPECIFICALLY, THE FINAL PARAGRAPH ON THE "REPORT" OF THE NEW GOVERNMENT OF CHILE NEXT YEAR WAS SAID TO HAVE BEEN FULLY DISCUSSED WITH, AND APPROVED BY, THE NEW GOVERNMENT.

5. ACCORDING TO CHILE'S OBSERVER DEL HERE, THE CHILEAN GOVERNMENT-ELECT HAD BEEN IN SUBSTANTIAL ACCORD WITH THE TEXT. THE NEGOTIATORS HERE, HOWEVER, HAD NOT SHOWN HIM A COPY AS OF NOON ON MARCH 1.

6. USDEL WOULD LIKE TO MAKE A STRONG EXPLANATION OF VOTE PRAISING THE RETURN OF DEMOCRACY IN CHILE, AND WOULD APPRECIATE ANY TALKING POINTS DEPARTMENT CAN ADD TO THOSE CONTAINED IN BRIEFING BOOK. ABRAM

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PAGE 03 GENEVA 01973 011211Z

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DEPARTMENT OF STATE
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PAGE 01 SANTIA 01776 0121432 1607 006969 DS4792
ACTION DS-00

INFO DSS-01 CC-01 CT-01 PSLS-01 OP-01 TAD-01 SA-01 CMI-01
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INFO LOG-00 ADS-00 INR-05 SS-00 CIAE-00 ARA-00 NSAE-00
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E.O. 12356: DECL: OADR
TAGS: ASEC, PTER, PINS, CI
SUBJECT: LAUTAURO ORGANIZATION ATTACKS TWO GOC INSTALLATIONS

1. (U) MEMBERS OF THE LAUTARO TERRORIST ORGANIZATION'S MOVIMIENTO JUVENIL LAUTARO (MJL) AND FUERZAS REBELDES POPULARES LAUTARO (FRPL) ATTACKED TWO GOC INSTALLATIONS ON FEB. 27.

2. (U) THE FIRST INCIDENT OCCURRED IN THE CITY OF CONCEPCION AND INVOLVED AN MJL ATTACK ON A CARABINERO OFFICE OCCUPIED BY MEMBERS OF OS-7, THE CARABINERO CRIMINAL INVESTIGATIVE UNIT. MJL TERRORISTS COMMANDEERED A TAXI AND CONDUCTED A DRIVEBY SHOOTING WITH M-16 RIFLES AT THE OFFICE, LEAVING ONE CARABINERO SERIOUSLY WOUNDED. MJL LITERATURE WAS LEFT AT THE SCENE.

3. (U) THE SECOND INCIDENT INVOLVED AN ATTACK BY THE FRPL ON AN OFFICE OF THE MILITARY COURT IN SANTIAGO WITH AUTOMATIC WEAPONS AND A LAW ROCKET. THIS INCIDENT OCCURRED AT 2130 HRS. ACCORDING TO AN EYEWITNESS REPORT MENTIONED IN THE LOCAL PRESS, THREE INDIVIDUALS WERE INVOLVED. A LAW WAS FIRED AT THE INSTALLATION. RIFLE FIRE WAS DIRECTED AT THE INSTALLATION AS WELL. NO INFORMATION IS AVAILABLE REGARDING INJURIES OR DAMAGE AT THIS TIME. FRPL LITERATURE WAS LEFT AT THE SCENE.

4. (S) THESE TWO ATTACKS INVOLVE A DEPARTURE FROM TRADITIONAL LAUTARO TACTICS. PRIOR TO THIS, LAUTARO HAD NOT ATTACKED FORTIFIED GOC INSTALLATIONS AND HAD NEVER, TO OUR KNOWLEDGE, USED A LAW IN ANY OF ITS OPERATIONS. THERE IS NOW SOME FEELING THAT THE LAUTARO MAY HAVE ALSO BEEN RESPONSIBLE FOR TWO ATTACKS CARRIED OUT SIMULTANEOUSLY AGAINST A CARABINERO STATION AND AN INVESTIGACIONES DE CHILE POLICE OFFICE ON FEB. 8 IN THE LA BANDERA SECTION OF SANTIAGO. THESE ATTACKS WERE ORIGINALLY ATTRIBUTED TO A MIR ELEMENT, "COMANDO ARTURO VILLAVELA", AFTER THE MEDIA WAS NOTIFIED BY SOMEONE WHO CLAIMED TO REPRESENT THIS "COMANDO" AND WHO CLAIMED CREDIT FOR THIS INCIDENT. THE MIR HAS PUBLICLY DENIED ANY INVOLVEMENT AND POST HAS NO INFORMATION REGARDING THE "COMANDO ARTURO VILLAVELA", OTHER THAN VILLAVELA WAS A MIR LEADER WHO WAS KILLED BY SECURITY FORCES IN 1983.

5. (S) ANY LAUTARO INVOLVEMENT WITH LAW ROCKETS REPRESENTS A POTENTIALLY SERIOUS ESCALATION OF THE THREAT AGAINST AMERICANS IN CHILE. THE LAUTARO GROUPS ARE VERY ANTI-AMERICAN AND HAVE CONDUCTED NUMEROUS OPERATIONS IN THE PAST AGAINST SOFT AMERICAN TARGETS, SUCH AS MORMON CHURCHES. PRIOR TO THIS, THE ONLY TERRORIST GROUPS IN CHILE WHO WERE KNOWN TO HAVE LAWS AND M-26 RIFLES WERE THE FPMR AND FPMR/D. POST IS INVESTIGATING TO SEE IF EITHER OF THESE GROUPS WAS THE SOURCE OF THE LAUTARO LAWS AND, IF SO, WHETHER THIS REPRESENTS SOME TYPE OF ALLIANCE BETWEEN THE LAUTARO ORGANIZATIONS AND THE FPMR GROUPS.

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Chile Project (#S199900030)
U.S. Department of State
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Declassify: In Part ____ In Full X
Exemption(s) ____

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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ____ March 1, 1990
Exemption(s) ____ 11:00am

MEMORANDUM OF UNDERSTANDING
BETWEEN THE UNITED STATES
OF AMERICA AND CHILE

1. The Governments of the Republic of Chile and of the United States agree that a dispute exists between them concerning responsibility for the deaths of Orlando Letelier and Ronni Moffitt in Washington, D.C. on September 21, 1976.

2. On January 12, 1989 the United States invoked the Treaty for the Settlement of Disputes that May Occur Between the United States and Chile, which entered into force on January 19, 1916, "to investigate and report upon the facts surrounding the deaths of Orlando Letelier and Ronni Moffitt in Washington, D.C. on September 21, 1976, including the involvement of Chilean Government officials in those deaths, and to investigate and report upon the extent to which officials of the Government of Chile obstructed subsequent investigations into the deaths."

3. The United States has sought compensation from Chile on behalf of the families of Letelier and Moffitt, on the ground that Chile is legally responsible under international law for ~~their~~ deaths. The parties agree, however, that no need exists to resolve the merits of this claim of liability, since the Government of Chile is willing to make an ex gratia payment to the Government of the United States of America, to be received on behalf of the families of the victims.

4. The Governments of the United States and Chile agree that the amount of the ex gratia payment should be equal to that which would be due if liability were established, and should be determined by the Commission established by the 1914 Treaty, in accordance with the procedures set forth in Annex 1. The Governments agree that, notwithstanding the invocation of the 1914 Treaty by the United States January 12, 1989, in light of the understandings set forth herein, the amount of the compensation to be paid shall be the sole question to be determined by the Commission. The Parties agree to submit to the Commission the Joint Statement attached at Annex 2.

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5. The Government of Chile agrees to pay to the Government of the United States, as its ex gratia payment in this matter, the amount of compensation as determined by the Commission. The Government of Chile undertakes to make the aforesaid payment within ____ days of the issuance by the Commission of its determination in this matter.

6. Upon receipt of the ex gratia payment referred to in para. 5 above, the Government of the United States will regard as satisfied the claim espoused in its diplomatic note to the Government of Chile of _____.

7. The Government of Chile has provided to the Government of the United States a diplomatic note, dated_____, and attached to this Memorandum of Understanding as Annex 3, which sets forth the intended actions of the Government of Chile to investigate and take such actions as may be possible to bring to justice persons responsible for the deaths of Orlando Letelier and Ronni Moffitt.

8. Upon fulfillment of the obligation in paragraph 5, and once steps have been taken in fulfillment of the intended actions of the Government of Chile set forth in Annex 3, the Government of the United States will make the finding required by Section 726 of the International Security and Development Cooperation Act of 1981.

9. The United States will immediately take steps to make the finding required by Section 545(c)(2) of the FY 1990 Foreign Operations, Export Financing and Related Programs Act.

Signed,

For the Republic of Chile

For the United States of America

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Secretary Baker

Current
Policy
No. 1261

The New Russian Revolution: Toward Democracy in the Soviet Union

United States Department of State
Bureau of Public Affairs
Washington, D.C.

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Date 6/23/97
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Following are remarks by Secretary Baker before the International Affairs Committee of the Supreme Soviet and the question-and-answer session with members of that committee, Moscow, February 10, 1990.

Members of the committee, ladies and gentlemen: It is a high honor for me and my country to have this opportunity to be with you today. I come before you as a representative of the United States of America. But I also come before you as a witness—a witness testifying on history's behalf. Testifying to you as a witness to a revolution—a revolution among your peoples, a revolution in relations between nations, and a revolution in human consciousness. As President Bush and I have said over and over again: We wish you success in your revolution of *perestroika, glasnost*, and, above all, democratization.

For what we are witnessing in this land, and in the lands of central and Eastern Europe, is a transformation of man's understanding of man. Before *perestroika* and the people-power revolutions of 1989, the center ruled ruthlessly and sometimes irrationally, ever fearful that the individual would assert his spirit, ever fearful that reason and the truth would triumph over dogmatism and the lie. Driven by a profound sense of insecurity, the center egotistically reserved to itself every conceivable decision; in effect, stealing away the peoples' choice. Eventually, this concentration of power impoverished these lands as the center grew more and more bloated and the people became more and more lean.

In this world turned upside down, in this world of darkness at noon, if you will, words lost their honest meaning. Indeed, 54 years ago, the new Soviet Constitution made this body the supreme governmental authority in the land. But while in word, the Supreme Soviet governed the people, we all now sadly know that, indeed, they were ruled by someone else.

But today, things are different. We see words fulfilled. Today, we see reason's return. Today, I come before the Founding Fathers of a new Soviet Union—a new Soviet Union which you are building.

This unprecedented opportunity to appear here today symbolizes what I hope will become an enduring new era, not only in Soviet politics but also in Soviet-American relations. As you—the elected representatives of the Soviet people—assert the peoples' power and make the choices that ultimately belong to them, universal, democratic values are taking root here. And the rooting of these values in institutions like this one is securing your nation against the insecurities of the past in ways that no single leader, however well-intentioned, can. As I quoted my friend Foreign Minister Shevardnadze when I spoke in Prague on Tuesday: "Only an advanced democracy can give guarantees against the abuse of power and can secure a nation against repression."

Strengthening the power of the Supreme Soviet can be one step forward that advances democracy. It is an essential step, because a working legislature embodies the basic values of democracy: sanctity of the individual; respect for those with different beliefs; the supremacy of the rule of law as reason's triumph over arbitrary rule in political life; and the right of the people to determine their fate through their freely elected representatives. The free exchange of ideas in an open, public legislated debate tempers political passions and encourages the solution of society's problems through dialogue, not through force. In this way, and through its critical oversight functions, a legislature holds the government accountable to the people.

In my country, that is precisely what the Congress does. It holds me accountable to the American people. Repeatedly—far too often for anyone but a

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mathematician to calculate—I am requested to appear before the committees of the House and Senate. Repeatedly, I am questioned on everything from our behavior toward this great nation to the activities of a clerk in a small, remote consulate somewhere in the world. Repeatedly, I travel to Capitol Hill to fulfill my obligation to the people of the United States of America.

This obligation, in my view, firmly underpins our policy toward the Soviet Union. As I noted, President Bush and I have said on several occasions we very much want *perestroika* to succeed. In part, we wish *perestroika* well because *perestroika* and the "new thinking" promise Soviet foreign and defense policies that are fundamentally less threatening to the American people than the hostile Stalinist approaches of the past. This is, of course, in the interest of the American people. But *perestroika*, and especially *glasnost* and democratization, are also creating Soviet internal policies that allow the Soviet people the freedom they deserve. In just 5 short years, your peoples are enjoying freedom and liberty in a way that—at least to a foreign observer—seems unparalleled in Soviet history.

Consequently, the essence of American foreign policy toward the Soviet Union is a search for points of mutual advantage that will create enduring improvements in our mutual relations. We can transform the Soviet-American relationships by moving away from confrontation and through dialogue to cooperation, as Foreign Minister Shevardnadze has phrased it. Let me be clear: Differences and conflicts will remain. But the hostility of the past can be replaced by understanding and even empathy. And even when we disagree, every dispute need not be turned into a crisis and every crisis need not raise the specter of war. In the cold war, every crisis was seen as a very, very dangerous threat. In tomorrow's peace, let us remember that each crisis can be an opportunity—an opportunity to build a better world.

Let me now, if I might, discuss the areas where we believe we can most productively find these points of mutual advantage between the United States and the Soviet Union.

First, in Europe, we would like to work with the Soviet Union and the other countries of the continent to end the unnatural division of Europe, to create a Europe which is both whole and free. In the revolutions of 1989, President Gorbachev's far-sighted policy of noninterference is an important influence in a very, very turbulent situation. By encouraging peaceful reconciliation in the region, President Gorbachev's actions have played a vital role in supporting creation of legitimate governments. These legitimate governments happen to be the key to stability and the key to peace. As I said in Prague, these are peaceful, democratic revolutions. We should all work together to make sure that they remain so.

One way that this committee of the Supreme Soviet can help, in our opinion, is to take up our proposal to send Conference on Security and Cooperation in Europe (CSCE) observer delegations to the elections in central and Eastern Europe this spring. Observer delegations can ensure that the elections are free, that they are fair, and that the elected governments are legitimate in the most basic sense of that word.

Second, in regional conflicts, our diplomacy aims for political and not military settlements to the various disputes that continue to threaten global stability. We are making progress together on some disputes; for example, in southern Africa and Southeast Asia. But we remain especially disturbed by the military shipments that your government continues to send to those seeking military solutions to conflicts in regions that the United States considers vital to us.

Quite frankly, the American people and their congressional representatives have trouble understanding how your government can afford to send billions of rubles of assistance to countries like Cuba and Nicaragua, just so they can support the subversion of our democratically elected neighbors. This is even less comprehensible when it happens at a time when your people clearly need these scarce resources put to good use at home. One of the functions that our Congress exercises most carefully is the review of our foreign aid budget, especially to critical regions. And if you'll permit me to say so, I think it would be good if you did the same with regard to military assistance to Central America.

Third, in arms control, we can make solid progress to control not only nuclear arms but conventional and chemical weapons as well. Much of my time in Moscow this week has been devoted to negotiations on the strategic arms reduction treaty, a treaty whose basic provisions we hope to have agreed by the time our Presidents next meet in June of this year. We also can find mutual advantage in a conventional forces agreement that will ensure a balance of forces in Europe and that will codify a more stable and predictable strategic relationship there.

On chemical weapons, President Bush has presented a practical proposal that provides the best way for banning the horrific weapons from the face of the earth. I am gratified that today the United States and the Soviet Union have issued a joint announcement embracing the key elements of the President's initiative. We also want to cooperate with your government more effectively on the question of missile proliferation to Third World countries.

Over the longer term, security will be enhanced when our military budgets are open to all. In Prague, I suggested that we look into ways in CSCE to open up the military budgets of all 35 CSCE member states. Legislative committees like this one have a vital role to play, ensuring that the people's money is wisely spent.

Fourth, we may have something to offer you in your attempts to build a state which is based on the rule of law. I do not claim in any way that American democracy is perfect. It is the inherent nature of a democracy that it must always strive to be better. But we do have a great deal of experience to share on some issues, especially translating the protection of individual rights into legal codes and institutionalizing the operation of pluralist political institutions. In our view, the party plenum's repudiation of special political or legal means to preserve the party's monopoly on power was a tremendous step toward democracy in the Soviet Union.

Fifth, we've been exploring with your experts how we can provide technical cooperation in transforming your command-administrative system into one with certain characteristics of a market-based economy. Continuing exchanges will be helpful, but some legal changes need to be made also for cooperation to flourish.

We also need to expand and accelerate our cooperation in combating environmental problems that threaten the welfare of all of us.

In these five areas then, I think we can find points of mutual advantage for both the Soviet and the American people. I cannot promise and, of course, no one can promise that our search for cooperation will always be rewarded. But I can

say this; the American people and the people of the Soviet Union have great respect for each other's achievements. Each of us is heir to great historical and cultural traditions. Yet for over 40 years, we have waged a cold war against one another.

Now is the time, if I might suggest it, to put the legacy of struggle behind us. Today, we face a different struggle, and we face it in a fast changing world. Together, we must try to understand each other. Together, we must try to agree where possible and to work together based on that agreement. And together we must search for opportunities to expand our cooperation.

Now is the time for us to build a new legacy. Now it is time to move beyond the cold war.

Chairman Dzasokhov. I thank you for your interesting statement. I believe that this time, it has been imbued with an interest of further advancing Soviet-U.S. relations and, even though you have touched upon in your statement quite a few important aspects regarding the relationship between our two countries and the assessments of the world situation, I am, nevertheless, sure that my colleagues, People's Deputies, have some questions to ask and they could be asked now.

Deputy Enger. In the framework of expanding friendly relations between our two countries, do you think it would be possible for us to organize joint action, humanitarian action to release Soviet prisoners-of-war who are captured by field commanders of the opposition forces? This is not politics or ideology. It is a question of purely humanitarian aid to be provided to people who are suffering in violation of international law.

A. Let me say that I agree with the conclusion of your statement. It is and would be humanitarian action. When I came to Moscow last May, I met with some newly elected members of the Congress of People's Deputies who raised this question with me. When I went back to the United States, I gave some instructions to pursue this matter, and we have, in fact, done so.

We have made inquiries through associates or allies of certain *mujahadin* elements in Afghanistan to see what we could do to be of assistance in obtaining the release of Soviet prisoners-of-war. And I think that we have had here recently some positive results. In any event, we will continue those efforts because we see them as appropriate, as proper, and as humanitarian efforts.

Deputy Burlatskiy. First of all, I would like to thank you for your very interesting statement and particularly for the political support being provided by President Bush and you personally to our *perestroika* and the changes underway in our country and Eastern Europe.

We have to explain to our public opinion and to the Deputies in the Supreme Soviet what is changing, in this connection, in the policies of the United States of America, and our public gets the impression that these changes are inadequate to our steps and our initiatives. In this connection, I would like to ask you a question concerning the plans that the U.S. Administration has with regard to the well-known Jackson-Vanik amendment and creating favorable conditions for our economic cooperation.

Secondly, as regards changing the limitations superimposed during the cold war on the economic cooperation with the Soviet Union by the United States.

And thirdly, and most importantly, concerning a possibility of radically changing in the foreseeable future the military budget. We keep arguing in the Supreme Soviet of the U.S.S.R. and representatives of the Ministry of Defense provide serious arguments to the effect that we reduce our military budget and proceed with conversion, the United States does not match our steps.

A. Let me start at the last point you made and say that the military budget of the United States is coming down in real terms. We are seeing a decline in our military budget. The President himself has submitted a budget that represents a decline over prior years. The rate of growth of our military budget was at its peak some 4 or 5 or 6 years ago.

I think you were assuming that the political situation continues to evolve in the manner in which it is evolving. You will continue to see this approach by the United States with respect to its military spending.

With respect to general economic cooperation, let me simply say that we are now cooperating, I think, across a broad range of economic matters. We initiated, at the U.S.'s suggestion at our ministerial meeting in Wyoming in the United States last September, a process of technical, economic cooperation between the United States and the Soviet Union. We have now actively ongoing, or planned for dates specific in the future, the negotiation of a commercial agreement which is a precondition to our waiving Jackson-Vanik restrictions on most-favored-nation treatment.

But we have made it clear that we would like to see that waiver accomplished as soon as possible. It would be helpful to us in that connection if you could finish passage of the free immigration law that I understand has passed the Supreme Soviet on first reading.

But we are negotiating that commercial agreement. We are negotiating a bilateral investment treaty. We are negotiating a tax treaty. And we have other economic agreements on the drawing board for consideration. We think that this is an area where there can be greatly enhanced cooperation between our two countries.

In the area of technical economic cooperation, we have suggested a whole range of different types of exchanges, both visits and exchanges of information, and we've heard back from the Soviet side with respect to many of those—not all of them. But we really stand ready to cooperate in every way that we can economically in order to assist the progress of economic reform in the Soviet Union.

One final comment that gets back to the general question of what are you doing to enhance this relationship and move it forward. One thing that we know for certain and that is, I think, of particular relevance to this committee, *perestroika*—the success of *perestroika*—would benefit from a stable, international environment, and we are doing what we can in that regard by close consultation with my counterpart; by close consultation, indeed, between President Bush and President Gorbachev with respect to some of the regional conflict issues that have existed between us in the past.

In addition to that, we are making, I think, very good progress across the broad range of the arms control agenda.

We have just concluded what I think is a particularly successful ministerial in that regard—a joint statement, if you will—between the United States and the Soviet Union with respect to the total elimination of, first, the significant drawdown and then, ultimately, the total elimination of chemical weapons. We are now in a position to lead the world jointly toward this goal. I think that's a significant thing.

We are coming closer and closer together with respect to a conventional forces agreement. We are very close on questions of tanks, of artillery, and armored personnel carriers between NATO and the Warsaw Pact. The manpower proposal that President Gorbachev gave me yesterday, in my meeting with him, is remarkably close to a similar proposal that President Bush had advanced only a week earlier. We still have some significant differences with respect to aircraft. But if we are able to conclude the Warsaw Pact and NATO—to conclude a conventional forces agreement, this will enable both of us to make savings in defense expenditures and perhaps apply those savings in other areas.

We've made very good progress toward a strategic arms treaty, resolving some issues that existed between us for many, many years. We worked very hard over the course of the last 2 days. We finished last night at midnight. And we're getting some of these issues out of the way.

All of this, I think, will help to continue to move us from a relationship of competition to one of cooperation.

Deputy Neyland. I have three questions for you and I will try to be brief. One, my colleagues and I in the committee are concerned by the statement by the U.S. side concerning the fact that after you have ratified the 1974 and 1976 agreements concerning nuclear testing, you intend to suspend, perhaps for some time, the negotiations with the Soviet Union to get a comprehensive test ban. I am interested in this. What do you intend to do? When the 1974 and 1976 agreements are ratified, will it be a long pause, and so on?

My second question concerns Panama. I do not want to speak about the laws that the United States violated, but I am convinced that, as head of the State Department, you must have weighed the positive and the negative aspects in taking these decisions. I would like to inform you of one negative aspect, which you probably didn't take into account.

It is this: In this country, and I am speaking in terms of the American categories—we also have our hawks and doves—and the actions of the United States in Panama provided additional arguments to our hawks, especially after the top summit meeting in Malta when we had the impression that our relations have undergone a qualitative change. And then, all of a sudden—I do not want to characterize your intervention in any terms—your intervention in Panama happened.

There is no question that this will complicate, in our parliament, the consideration of our proposal to proceed along the road of disarmament. Because as it is, there are forces in this country that believe that the Soviet side, and personally Comrade Gorbachev, are doing more than you do.

I would request a third question because I am from a Baltic Republic, and my question concerns a Baltic Republic. President Bush, in late January, spoke about the Baltic Republics and Azerbaijan. I have an article, a leading article from *The Washington Post*, that wrote that [inaudible] by recognizing that that has an internal question of the Soviet Union, Mr. Bush, and I quote: "He was sticking to the road of—he blessed the movement along the peaceful road." This is a basic question because there are very many versions concerning the present position of Washington as regards the Baltic Republics.

A. Let me say that those are three very good questions, and I welcome the opportunity to address them all. Let me start with the Baltic question.

The position of the United States with respect to the Baltic States is, and has been, that they were illegally occupied by Soviet troops in 1939 as a result of the Molotov-Ribbentrop Pact, and it's our understanding that that pact has, indeed, been criticized by many here in the Soviet Union—acknowledged, in fact, by the Supreme Soviet last year. This forceable seizure, of course, led to the incorporation of the Baltics into the Soviet Union in 1940. We've never recognized that incorporation. We continue to fail to recognize that incorporation.

We have always felt that the Baltic peoples should have the right to determine their future freely, peacefully, and democratically, and we have urged, and continue to urge, the Soviet Government and the Baltic peoples to seek a peaceful political settlement of this conflict. Now that is the position of the United States with respect to the Baltics. It hasn't changed; it's been the same since 1940.

With respect to the question of a comprehensive test ban agreement, let me simply say that it's the view of the United States that as long as nuclear weapons are necessary to secure peace by deterring aggression, and I do think we have to recognize that the nuclear deterrent has, to some extent at least, been responsible for the fact that we have enjoyed some 40-plus years of peace. But as long as we think nuclear weapons are necessary as a deterrent to maintain the peace, some sort of testing is going to be necessary. If you are going to maintain credibility of that deterrent, it's also needed if you are going to ensure that the weapons you maintain are reliable and safe. You can't be sure of that unless you have some sort of access to testing.

However, having said that, the United States and the Soviet Union agreed in 1987 to a step-by-step approach for limiting nuclear testing. The United States remains committed to that step-by-step approach; we have not changed that. We expect at the June summit to take the next step, which will be the signing of the protocols to the Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaty. The United States has not abandoned, as a long-term goal, a comprehensive test ban. That is our position with respect to nuclear testing.

With respect to Panama, let me simply say that we know that that created certain problems here in the Soviet Union, that it created the kinds of problems that you referred to when you say it energized the hawks in the debate that is ongoing in the Soviet Union. But I'd like to make a couple of points about Panama.

Point number one is that Panama is an extraordinarily unique situation. The United States has maintained and continues to maintain by treaty—international agreement recognized by all nations in the world—a military presence in Panama to assure the safe, open, and for conduct of free passage with respect

to the Panama Canal. We have been successful in maintaining that canal free and open to traffic of all nations around the world ever since its existence.

We were faced with a situation where we had a leader of Panama who was an indicted drug-runner—a thug in effect, if you will—who was harassing U.S. citizens—a long period of harassment, not just the killing of our Marine, the arrest of our naval officer, and the sexual harassment of his wife during the course of incarceration—but a long period of harassment of U.S. citizens who were in Panama pursuant to treaty rights.

For 3 years, we had attempted in every way possible to deal with this situation through diplomatic and political means. We had exhausted all remedies in the Organization of American States. Our action in Panama has been overwhelmingly supported by the Panamanian peoples; I think something like 92%, according to some recent poll. The troops that we inserted in Panama will be out by the end of this month—2 months, in and out. And they'll stay out. As a matter of fact, the Panamanian people are telling us, "Don't take your troops out. We want you to stay because we want you to be here to help maintain order."

So, it's not a case of our enforcing our will against the will of the Panamanian people. We took care of Noriega, that's true. And we used force and enforced our will against Noriega, but not against the Panamanian people. I would simply conclude that by making the same proposal that I made yesterday to Foreign Minister Shevardnadze: please send a delegation from the Supreme Soviet, and this committee would be the appropriate committee. Go to Panama. Take a look for yourselves. See if you disagree with what I have said about what the Panamanian people want.

One final point. Noriega thwarted the will of the Panamanian people expressed in a free election. I don't know whether you saw it on your television here in the Soviet Union, but after Panama had a free election and Endara and Billy Ford and Calderon were elected, the dictator Noriega would not let the results of the election affect him. Instead, he sent his goon squads out to beat these people up. And there are pictures of the candidates now, who were elected by the Panamanian people, bloody in the streets. The democratic process was aborted and perverted by this man. All of these things I cite in some detail so that you know the reason for what we think was an extraordinarily unique circumstance. We hope you will go to Panama. We hope that the Supreme Soviet will send a delegation there so that you can see the situation for yourselves.

Deputy Arbatov. It was with satisfaction that I heard your statement in general and that part in particular, where you spoke about the need to get rid of mutual hostility. I thought that very important because during the cold war, we nourished and raised many people on the basis of the enemy image. We taught them to see the enemy on the other side and this still exists today. And I should say it nourishes the military-industrial complex and the cold warriors and also extreme conservatives in both countries.

It seems to me that at this time—and I think we are beginning to sense it, in trying to do—we should bear in mind that when you address your own audience and justify your military requests, the need for reinforcing your alliance, etc., you are heeded not only by people in your own country, but also in foreign countries. Sometimes it leads to interpretations which could hardly be described as helpful for our relationship or for the great cause that we have started.

Now my question; it has to do with disarmament. Frankly speaking, I myself do not believe that through negotiation, we will be able to reach tangible disarmament. I think it is only the decision by the governments of the two countries and their national policies, their restraint, their understanding that no more weapons must be manufactured and that no armaments should be maintained more than necessary can result in such a situation. As to negotiations, they can only consolidate such determination, even though negotiations are important in and by themselves.

So my question is this. Why, so far, some things still remain for the United States to be sacred cows? For example, naval arms, which are untouchable and are not even subject to discussion, because you are a naval power. We are a land power. We have our own sacred cows; namely tanks, but we have deprived them of this shroud of sacredness. I think you could take the same approach. I'd like to hear your opinion on this.

Do you see any prospect in the foreseeable future for complete withdrawal of Soviet and U.S. troops from Europe?

A. Two questions. One is naval arms control and one is complete withdrawal of U.S. and Soviet troops from Europe.

Let me say with respect to the latter, just so everyone understands. U.S. troop presence in Europe is maintained because our allies ask us to be here, and the minute that ceases to be the situation, U.S. troops will no longer be in Europe. It's not a case of our having a burning desire to do this. We do it because of our commitment to our alliance and our commitment to our allies. And the prospects for a continued U.S. troop presence in Europe is directly related to the attitude of our allies with respect to that question.

Right now, I would tell you that many countries in Western Europe and, in fact, some countries in Eastern Europe and, in fact, I would suspect that the view pertains to some extent here in the Soviet Union, all see the presence of U.S. forces in Europe as a potential source of stability. So that's the best way that I know how to answer your question with respect to the withdrawal of forces.

The question with respect to Soviet forces is one for you to answer. I have said that I do not think that there necessarily should be a linkage between the two. The Soviet Union will have major forces in Europe—that is, in the European part of the Soviet Union, in any event. When American forces go home, if they should go home, they are a long way away across an ocean and getting them back here is much more difficult than seeing the reintroduction of Soviet troops into Europe outside that part of Europe that is in the Soviet Union.

And that takes us right into the next question—the other question you asked which is naval arms control. The reason we have problems with naval arms control is because we are, to some extent, an island nation surrounded on two sides by oceans. Some people say, you are a two-ocean maritime power. You can say that, but the fact of the matter is that throughout the 200-year history of the United States, our links to the rest of the world have been our Navy. It is fundamental to our existence. It is very, very important in maintaining our lines of

communication to everyone else; everyone else save, I suppose, for Canada, perhaps, and Mexico.

Much, if not most, of our naval forces are directed to protecting the far-flung interests of the United States around the world that are completely unrelated to the Soviet Union. And, therefore, we do not see it as an element or component of the East-West dimension. You are to a much greater extent—and you acknowledged it in your question, I think—a land power. You never have relied as heavily on naval forces as has the United States. We do have some useful agreements respecting navies, such as the Agreement on Prevention of Incidents at Sea and things like that.

I hope that answers your question with respect to the problems we have in getting into naval arms control because we don't see our Navy as that much of a factor in the East-West equation. But we see it as absolutely indispensable to us in connection with our relationships with the rest of the world.

Marshal Akhromeyev. My question was originally the same as the other question posed by my colleague Neyland. In view of your explanation that nuclear system testing makes it possible to develop more reliable and safer nuclear systems, I have this question to pose—an additional question. As of today, we know that in the world, there is such a vast nuclear potential that would be enough many times to destroy everything on earth.

My question is this: On the first of August last year, the Supreme Soviet of the U.S.S.R. adopted an appeal to the U.S. Congress to declare a moratorium on all nuclear explosions and to ban all systems used in nuclear testing, to be followed by—when our delegation visited the U.S. Congress, our delegation met with Mr. Schifter [Richard Schifter, Assistant Secretary for Human Rights and Humanitarian Affairs] and the Helsinki Commission. They clarified to us that that was the prerogative of the State Department of the U.S. Administration. So let me ask you: Do you believe it possible to declare an international agreement that would prohibit all types of nuclear weapons and declare a moratorium on nuclear testing, and when do you think it would be possible to do?

A. To declare a moratorium on all testing and to agree on the elimination of all nuclear weapons, is that the question?

Q. [Clarification in Russian].

A. To remain committed to the agreement between us with respect to the step-by-step approach that is to be followed upon the completion of the Peaceful Nuclear Explosions Treaty and the other test ban treaty. Once we complete the verification protocols on those two treaties, we have agreed—the two countries—that we will pursue testing limitations with the ultimate long-term goal of a test ban through a step-by-step process. We remain committed to that.

To do what I think you've suggested would take us far beyond a step-by-step approach and would not be something that I think we would be in a position to agree to now for the reasons that I outlined in my prior answer. That is, as long as you see a need for a nuclear deterrent, there will be need for some type of testing. Only when you concluded that you are going to totally eliminate all nuclear weapons can you conclude, I think, that there can safely no longer be any tests. But I think we have an agreement between the Soviet Union and the United States as to how we are going to approach this issue. We intend to live up to that agreement, and we intend to keep as a long-term goal a comprehensive test ban. But we're not going to get there overnight.

Deputy Kugultinov. I saw the new year in Jerusalem and I remember the words, "At the beginning there was the word." "It had life and light," and I remembered our two great powers, and I am saying this deliberately, the Soviet Union and the United States. In Jerusalem there met representatives of the public of almost all countries of this planet, including Americans. Israelis, the Arabs, everybody spoke about the need for the two states—Israel and Palestine—to coexist together, and we saw a great truth therein. How can we help avert death there?

A. You have highlighted one of the most difficult regional problems that we foreign ministers discuss among ourselves every time we get together. It has been a difficult problem for a long, long time. And it will take a great deal of imagination, ingenuity, good will, and commitment on the part of the parties involved to make progress toward a solution. We have been involved very actively and in some depth for a period of 4 or 5 months in trying to create the conditions necessary to bring about a dialogue between Israelis and Palestinians. Because we think there can be no peace in the Middle East until you have Palestinians and Israelis sitting down and talking to each other.

Prime Minister Shamir several months ago presented a proposal for elections in the occupied territories. We felt that proposal had some merit. And we have been working to try and commence its implementation. We have been working with many, many other countries, and we discussed this in quite some detail yesterday at the ministerial. I am pleased to tell you that Foreign Minister Shevardnadze supports our efforts. He made the point, the Soviet side did, that they would like to see this process move forward toward peace.

I hope that we can make some progress here over the course of the next several weeks or months. But we remain committed to trying to get, for the first time, the Palestinians and the Israelis sitting down at the same table, and we think that the proposal for elections in the territories offers us perhaps a vehicle to do so.

Right now, we are having some difficulty with questions such as the composition of the Palestinian delegation, with questions such as what would be the agenda for the discussion. Would it be primarily the modalities of the elections, or would it go further into questions such as what the permanent status of the territories should be, if there were ever to be complete agreement? So these are the things we are working with and wrestling with.

I expect to have some discussions about this when I return to the United States after the meeting that I will be going to on Monday in Ottawa, Canada, to consider the "open skies" proposal and the conventional forces agreement. Hopefully, sometime toward the latter part of next week, we will be able to reengage in this matter.

Deputy Gulamov. We welcome your visit to our country as the continuation of the major work pursued by the U.S. Administration and the leadership of the Soviet Union to bring our countries closer together in international cooperation and so on.

But I would like to ask you a question. In your preliminary address, you said that there is an attitude in your country to *perestroika*. What is this attitude? Do you really think it to be a revolution? Considering the changes in Eastern Europe, the question of the reunification of Germany is actively discussed. We are concerned by this question because the Soviet people have made great sacrifices and reemergence of new fascists in Germany and their attempts to influence the changes in East Germany worry us. We would like to hear your attitude to these developments in East Germany.

A. Thank you for the question. I will address it. But first let me mention one thing that I would like you to know. We have discussed with your leadership the possible approaches to some of the economic issues facing you, some of the economic problems that are confronting the Soviet Union. At Malta we delivered to the Soviet side a list of economic measures that we thought could be taken, if you would consider taking $15 billion or so that you spend every year in support of Cuba, Cambodia, Angola, Nicaragua, etc. If you took that $15 billion and applied it in certain ways—and we gave some examples. I just wanted you to know that we had that discussion with your leadership.

With respect to the question of Germany, which you posed, I discussed this yesterday with President Gorbachev and Foreign Minister Shevardnadze. We know of your concern, but let me tell you the U.S. position. First of all, we have supported the goal of German unification for over 40 years. It's a part of our support for the concept of a Europe that is whole and a Europe that is free. I said that I think this issue is proceeding much more rapidly than any of us anticipated. And as recently as last December, the election in the German Democratic Republic (G.D.R.) has been moved up to March 18, so they will have an election. It is my sense that shortly after that election, the two Germanys will begin discussions concerning the internal aspects of unification—economic unification, common currency, parliamentary system, where the capital might be, customs agreement, those kinds of things.

I said it is the U.S. view that, while we supported German unification and have for 40 years, we feel it should take place with due regard for the concerns of Germany's neighbors. I said we felt it should take place within the context of continued membership in NATO. Although we recognize the need for there to be security guarantees with respect to the nonapplication of NATO forces, or nonextension of NATO forces eastward into that part of Germany that is now represented by the G.D.R.

These are all matters that are going to have to be sorted out and worked at. The United States does not support the concept of a neutral Germany. We support, as I have just said, a Germany as a continued member of NATO. Your government will have its own position with respect to this issue. But I've just outlined for you the position of the United States.

Deputy Primakov. You have called on us to change our policies concerning Cuba and Nicaragua. In this connection, I would like to pose my question. Is the United States ready to undertake a public obligation not to use force in Latin America in the future, provided, of course, that events do not threaten—and I would like to emphasize that I am talking about an almost-raped American woman—I mean not threaten the security of the United States?

A. I would certainly be interested in the language of your commitment to cease your support for Nicaragua and Cuba, because I think there is something there we might be able to reach agreement on. The United States has not used force in Latin America, except for this Panama situation, since 1965, unless you want to talk about Grenada as a use of force. But generally speaking, we foreswear the use of force. I have already explained to you why I think Panama was a unique situation. I have already acknowledged to you that I understand how that was perceived here by your hawks.

But let me tell you, we don't see Cuba as a threat to the United States. We know it's not. For that matter, we don't see Nicaragua as a major threat. But both of them are major threats to democratically elected neighbors around them. And both of them continue to support subversion and revolution in neighboring states. They are very much committed, if I may say so, to the old thinking. They haven't changed their thinking.

As I mentioned in the course of our meetings yesterday, there is only one person in the world Fidel Castro criticizes more than he criticizes President Bush and that is President Gorbachev. So we have difficulty understanding why you continue to send MiG-25 fighter planes to Cuba. Cuba is actively engaged in subverting El Salvador and supporting the insurgency of the FMLN [Farabundo Marti National Liberation Front] in El Salvador. And it is these kinds of activities, close to the shores of the United States, that we simply cannot tolerate.

Admiral Sorokin. I have a question in connection with your reply to People's Deputy Arbatov. The U.S. Administration frequently comments on its unwillingness to engage in naval disarmament talks by saying NATO needs an edge in naval forces to make up for the edge of continental countries to ensure the defense of Western Europe by dislocating armaments from the United States.

Can we, on this basis, draw a conclusion that after this imbalance has been corrected in the conventional armaments of the two alliances in Europe, and after their capability for a surprise attack has been eliminated, to engage in offensive operations has been taken care of, can we conclude that in that situation the United States would be prepared to engage in a process of verification of armaments, including naval forces? We are very worried. The NATO people are very worried by these matters. Concerning the strategic offensive arms treaty, it provides for sea-launched cruise missiles (SLCMs) limitations. One gets the impression that the United States intends to take these, in fact, strategic missiles outside the framework of any binding limitations. My question is: Do you think that sea-launched cruise missiles do not represent a threat to the United States of America despite the long coastline of the United States and the coastal positioning of many facilities, etc?

A. It is our view that sea-launched cruise missiles can and do represent a threat to the United States. That does not argue for the inclusion of sea-launched cruise missiles within the strategic arms reduction agreement for the reason that, in our view, they are not verifiable.

There are major unsolvable verification problems in trying to include them within the treaty. But I think we have made, since I've been here in Moscow, very substantial progress on how we are going to handle the problem of sea-launched cruise missiles.

We have essentially agreed with your side that they will be handled on the basis of a declaratory approach. We will declare our sea-launched missiles and agree to keep that declaration up to date. And you will declare yours. This will then be a politically binding commitment even though it is not in the treaty and not subject to verification because we don't have the measures to verify it.

There is a difference between us now on whether we will declare sea-launched cruise missiles with a range of in excess of 600 kilometers which is what you want, or in excess of 300 kilometers which is what we want. And we want to pick up those SLCMs between 300 kilometers and 600 kilometers because we do think they represent a threat to our long shorelines. You put your finger on it and you have just articulated why we would like to see that 600-kilometer limit rather than the 300-kilometer limit.

With respect to naval arms control, the question is not really one of conventional forces agreement in Europe. I have already indicated that the United States does not accept the concept of "linkage" of forces; that is, that there has to be the same number of Soviet troops in Europe outside the European part of the Soviet Union as there are American troops. We reject that for a number of reasons, not the least of which is that you have extensive troop capacity in the European part of the Soviet Union. When we are gone, we are across the ocean.

As long as we have American troops in Europe—and we'll only have them as long as our allies want them—but as long as we have them, we are going to need that naval capacity to communicate with them. So I would not want to lead you to believe we would be amenable to naval arms control just because we get a conventional arms agreement. Our Navy, again, is our lifeline to the world. It has been throughout our history, and it serves a whole host of functions that are not related to the East-West conflict.

Deputy Ryzhov. What assistance could the United States provide in the computerization of the educational sphere in our country, which we badly need.

And, second, do you believe it possible for the experts of our two countries to join in efforts in shaping a reasonable and effective concept of conversion of the defense industries?

A. With respect to the question of defense industry conversion, we had some discussion of that in our talks over the course of the past few days, and I think generally we agree we could confer and talk about that, that it's not easily done. It is not an easy matter to convert a tank factory into a factory that makes baby cribs and we know that and you know that. And there is no reason why we can't have some discussion of the convertibility of the defense with respect to computers for educational purposes. Our position on that will have to be that that would be something in a general sense we would support but we would have to know that the computers to be sent did not or would not have strategic military application.

I said earlier that we are in the process of reviewing our COCOM [Coordinating Committee of Multilateral Export Controls] policies and restrictions. The general idea is that perhaps we can construct a structure that will build higher walls around fewer products so that some things that are not quite as important from a military or a strategic standpoint would no longer be restricted. But the question of computers for education would really come down to whether or not there would be a strategic or military application for those computers.

Deputy Akhromeyev. I have the impression that the activities of the Soviet Union and the United States in the military sphere are not adequate. The Soviet Union has been reducing, over the past 2 years, its armed forces by half a million; that is to say by 12%. It is reducing its military budget of the past 2 years by 14%. The Soviet Union has revamped its military doctrine by making it defensive, and it is actually restructuring its armed forces, while the United States has virtually not reduced its armed forces.

As to the military budget, it is reducing it just a little bit. I don't think it was accidental that you did not cite any specific figures in your response—figures of military budget reduction.

The negotiations on naval arms reductions is something that you refuse to engage in. Forty-five years ago, you surrounded us with military bases. So far, in spite of all our requests, you are not reducing them. So I have this impression that, indeed, while improving relations with us in the military sphere, you are still continuing to act with respect to the Soviet Union from a position of strength. So I wish to know your personal attitude on this, and, second, I would ask you if you would reply more specifically to the question that was posed by Comrade Primakov—that the people of Cuba are afraid of an aggression from the United States, hence Cuba's desires to reinforce its defenses. Is the United States of America already prepared not to use military force, not to invade Cuba, and if that is the case, how can you let it be known to the entire world public?

A. The best answer I can give you on Cuba is to simply tell you that the situation which exists down there has existed since 1962, and we haven't gone in. If we wanted to do that, I think that we have had, during all those years, the capacity to do that.

The Cubans are very aggressive and hostile to the United States in their attitude. That's not so bad, I suppose, since they don't seriously represent a threat to us, but what is bad is that they continue to try to destablize their neighbors. This idea of promoting revolution and subversion and armed struggle against freely elected democracies is simply not acceptable to the United States of America. It is contrary to everything we have ever believed in. We are simply not going to tolerate it in our hemisphere to the extent that we can avoid it. If we had wanted to go into Cuba, we have had many, many opportunities over the course of in excess of 38-39 years. That would be my answer to your question on Cuba.

You say the United States continues to act from a position of strength. I think that relations between the Soviet Union and the United States are improving because the peace has been maintained through strength. I think it is important in maintaining peace that people know that you will maintain your resolve.

The United States has never had any hostile intentions to acquire territory or to take, to expand our area of influence

around the world. We haven't done that since the end of the Second World War. We don't plan to do it. At one time, we were the only nation in the world that had nuclear power. We believe in peace. We believe in freedom. We believe in democratic principles. But we cannot tolerate countries that actively try to subvert and overthrow democratically elected neighbors.

I think that the defense budget of the United States is declining, as I said. I don't have the exact number for you, but I would argue that your 14% is subject to question. And not because I challenge your word; your word is good. It's only because I am not at all sure that these numbers have been verified. It's only recently, according to your officials, that you have been keeping numbers that would permit you to say that you are reducing your defense budget by 14%.

But in any event, we are both in the process of seeing declines in our defense budgets and our defense expenditures, seeking to use those funds in better ways. We are doing this because there is, indeed, a spirit of cooperation now between the United States and the Soviet Union, not just competition, but more and more cooperation and trust. That's the reason I think that both defense budgets are declining, and I think that's a very healthy situation.

A few words by way of concluding remarks. Just one final thing. You mentioned also that we have surrounded you with bases and we are not doing anything with any of those. The fact of the matter is we are closing some bases, and we have announced the closing of 10 or 12 bases over the course of the past several weeks.

Chairman Dzasokhov. [Inaudible] put forward the idea of exploring the issue in the interests of eliminating military bases which are located abroad, and of military units in general. I, for my part, wish to say, distinguished deputies, that the agreement about today's meeting in the course of our correspondence was reached very fast. And the meeting today, it seems to me, has confirmed our mutual interests in having further opportunities for such broad exchanges on the substance of Soviet-U.S. meetings on major problems of today's international developments.

We took great satisfaction in learning that preparations for—and the meeting between Comrade Gorbachev and President Bush—are underway successfully and that this summer the meeting will take place. We are confident, Mr. Secretary, and we would ask you to convey this to the U.S. Administration that that meeting in Washington will constitute a new, important milestone in the further advancements of a positive relationship between our two countries.

You may have sensed, Mr. Secretary, the tremendous and sincere interest that members of the Supreme Soviet have in terms of gaining a deeper insight into the contents and sphere of our relationship. You were quite right in pointing out that there may arise questions on which we may not agree immediately. But, today, I think we have demonstrated the will to find answers to those questions.

So I wish to promise you that your interesting statements and the exchange of views here will, for a long time perhaps, be commented upon in the rooms of the Supreme Soviet, and then, perhaps, our interest in pursuing a constructive dialogue will be demonstrated further in a course of future visits to Washington by our deputies and by your congressmen to this country.

So through your presence here today, we would like to say that the role of the Supreme Soviet in dealing with forecasting and implementing foreign policy goals of the Soviet state and the concept of new political thinking keep increasing. We should also like to point out that we have a special interest in seeing to it that, in addition to the priority subject to disarmament, we should be moving slowly and gradually toward accumulating specific questions concerning the expansion of the sphere of our bilateral cooperation, because the conversion of military questions into the sphere of primarily policy-oriented questions should be borne out, of course, by the accumulation of creative aspects of our cooperation.

We would like to note that the questions you have touched upon with respect to the internal processes underway in this country were illustrated by you in terms of Soviet terminology. I can say that, on one hand, we ourselves are the architects of our *perestroika* processes, but, on the other hand, we are very sensitive—and in that sense we are very grateful whenever our foreign colleagues, specifically from the United States of America, take an understanding attitude of the profound and vitally important process of *perestroika* in all spheres of our life.

I would like once again to thank you on behalf of the People's Deputies who are present in this room and to express the wish that you, in your capacity as Secretary of State at this historic stage—while reflecting that will of the peoples of our two countries and together with your colleagues in the Soviet Union—would move further ahead the cause of Soviet-U.S. relations which, of course, must be based on the principles and opinions of equality, mutual advantage, and mutual respect. All the best to you. Have a happy, safe trip back home. All the best to you, your wife, your colleagues; and for my people, I will say that this meeting today is a result of the sincere desire by the Secretary of State to meet with us because today has extended, as it were, the preplanned days of your stay here. So, on your behalf, I thank once again the Secretary of State. *Bolshoe Spasibo.* ■

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DEPARTMENT OF STATE
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1. C - ENTIRE TEXT.

2. FOLLOWING IS TEXT OF DRAFT MOU AND COMPROMIS ON THE LETELIER CASE WHICH JUDGE SOFAER PLANS TO HAND TO EDMUNDO VARGAS AT 3:30 P.M. WASHINGTON TIME MEETING ON FRIDAY, MARCH 2. COLSON WILL CALL YOU A.M. FRIDAY TO DISCUSS CONCEPT AND STRATEGY.

BEGIN TEXT.

MEMORANDUM OF UNDERSTANDING
BETWEEN THE UNITED STATES OF AMERICA AND CHILE

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1. THE GOVERNMENTS OF THE REPUBLIC OF CHILE AND THE UNITED STATES AGREE THAT A DISPUTE EXISTS BETWEEN THEM CONCERNING RESPONSIBILITY FOR THE DEATHS OF ORLANDO LETELIER AND RONNI MOFFITT IN WASHINGTON, D.C. ON SEPTEMBER 21, 1976.

2. ON JANUARY 12, 1989 THE UNITED STATES INVOKED THE TREATY FOR THE SETTLEMENT OF DISPUTES THAT MAY OCCUR BETWEEN THE UNITED STATES AND CHILE, WHICH ENTERED INTO FORCE ON JANUARY 19, 1916, "TO INVESTIGATE AND REPORT UPON THE FACTS SURROUNDING THE DEATHS OF ORLANDO LETELIER AND RONNI MOFFITT IN WASHINGTON, D.C. ON SEPTEMBER 21, 1976, INCLUDING THE INVOLVEMENT OF CHILEAN GOVERNMENT OFFICIALS IN THOSE DEATHS, AND TO INVESTIGATE AND REPORT UPON THE EXTENT TO WHICH OFFICIALS OF THE GOVERNMENT OF CHILE OBSTRUCTED SUBSEQUENT INVESTIGATIONS INTO THE DEATHS."

3. THE UNITED STATES HAS SOUGHT COMPENSATION FROM CHILE ON BEHALF OF THE FAMILIES OF LETELIER AND MOFFITT, ON THE GROUND THAT CHILE IS LEGALLY RESPONSIBLE UNDER INTERNATIONAL LAW FOR THEIR DEATHS. THE PARTIES AGREE, HOWEVER, THAT NO NEED EXISTS TO RESOLVE THE MERITS OF THIS CLAIM OF LIABILITY, SINCE THE GOVERNMENT OF CHILE IS WILLING TO MAKE AN EX GRATIA PAYMENT TO THE GOVERNMENT OF THE UNITED STATES OF AMERICA, TO BE RECEIVED ON BEHALF OF THE FAMILIES OF THE VICTIMS.

4. THE GOVERNMENTS OF THE UNITED STATES AND CHILE AGREE THAT THE AMOUNT OF THE EX GRATIA PAYMENT SHOULD BE EQUAL TO THAT WHICH WOULD BE DUE IF LIABILITY WERE ESTABLISHED AND SHOULD BE DETERMINED BY THE COMMISSION ESTABLISHED BY THE 1914 TREATY, IN ACCORDANCE WITH THE PROCEDURES SET

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FORTH IN ANNEX 1. THE GOVERNMENTS AGREE THAT, NOTWITHSTANDING THE INVOCATION OF THE 1914 TREATY BY THE UNITED STATES ON JANUARY 12, 1989, IN LIGHT OF THE UNDERSTANDINGS SET FORTH HEREIN, THE AMOUNT OF THE COMPENSATION TO BE PAID SHALL BE THE SOLE QUESTION TO BE DETERMINED BY THE COMMISSION. THE PARTIES AGREE TO SUBMIT TO THE COMMISSION THE JOINT STATEMENT ATTACHED AT ANNEX 2.

5. THE GOVERNMENT OF CHILE AGREES TO PAY TO THE GOVERNMENT OF THE UNITED STATES, AS ITS EX GRATIA PAYMENT IN THIS MATTER, THE AMOUNT OF COMPENSATION AS DETERMINED BY THE COMMISSION. THE GOVERNMENT OF CHILE UNDERTAKES TO MAKE THE AFORESAID PAYMENT WITHIN DAYS OF THE ISSUANCE BY THE COMMISSION OF ITS DETERMINATION IN THIS MATTER.

6. UPON RECEIPT OF THE EX GRATIA REFERRED TO IN PARA 5 ABOVE, THE GOVERNMENT OF THE UNITED STATES WILL REGARD AS SATISFIED THE CLAIM ESPOUSED IN ITS DIPLOMATIC NOTE TO THE GOVERNMENT OF CHILE OF

7. THE GOVERNMENT OF CHILE HAS PROVIDED TO THE GOVERNMENT OF THE UNITED STATES A DIPLOMATIC NOTE, DATED , AND ATTACHED TO THIS MEMORANDUM OF UNDERSTANDING AS ANNEX 3, WHICH SETS FORTH THE INTENDED ACTIONS OF THE GOVERNMENT OF CHILE TO INVESTIGATE AND TAKE SUCH ACTIONS AS MAY BE POSSIBLE TO BRING TO JUSTICE PERSONS RESPONSIBLE FOR THE DEATHS OF ORLANDO LETELIER AND RONNI MOFFITT.

8. UPON FULFILLMENT OF THE OBLIGATION IN PARAGRAPH 5, AND ONCE STEPS HAVE BEEN TAKEN IN FULFILLMENT OF THE INTENDED ACTIONS OF THE GOVERNMENT OF CHILE SET FORTH IN ANNEX 3, THE GOVERNMENT OF THE UNITED STATES WILL MAKE THE FINDING REQUIRED BY SECTION 726 OF THE INTERNATIONAL SECURITY AND DEVELOPMENT COOPERATION ACT OF 1981.

9. THE UNITED STATES WILL IMMEDIATELY TAKE STEPS TO MAKE THE FINDING REQUIRED BY SECTION 545(C)(2) OF THE FY 1990 FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS ACT.

SIGNED,

FOR THE REPUBLIC OF CHILE FOR THE UNITED STATES OF AMERICA

ANNEX 1

COMPROMIS

1. THE UNITED STATES AND CHILE AGREE TO CONVENE THE COMMISSION ESTABLISHED BY THE 1914 TREATY FOR THE SETTLEMENT OF DISPUTES THAT MAY OCCUR BETWEEN THE UNITED STATES AND CHILE, WHICH ENTERED FORCE JANUARY 19, 1916.

2. THE COMMISSION SHALL BE COMPOSED AS FOLLOWS:

MR. WILLIAM MULLIGAN
SIR JOHN FREELAND

---------- , AS PRESIDENT

3. THE COMMISSION IS REQUESTED TO DETERMINE THE AMOUNT OF COMPENSATION TO BE PAID, EX GRATIA, BY THE GOVERNMENT OF CHILE TO THE GOVERNMENT OF THE UNITED STATES, ON BEHALF OF THE MEMBERS OF THE FAMILIES WHO WERE VICTIMS OF THE ASSASSINATION AND DEATHS OF ORLANDO LETELIER AND RONNI

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MOFFITT IN WASHINGTON, D.C. ON SEPTEMBER 21, 1976.

4. THE COMMISSION SHALL DETERMINE THE AMOUNT OF THE PAYMENT TO BE MADE BY THE GOVERNMENT OF CHILE IN ACCORDANCE WITH APPLICABLE PRINCIPLES OF INTERNATIONAL LAW, AS THOUGH LIABILITY WERE ESTABLISHED. THE AMOUNT SHALL BE CALCULATED IN SUCH A MANNER AS TO INCLUDE ALL APPROPRIATE ELEMENTS OF COMPENSATION IN CASES OF WRONGFUL DEATH, INCLUDING LOST INCOME, LOSS OF SERVICES, PERSONAL INJURY, PAIN AND SUFFERING, INTEREST DUE TO THE TIME LAPSE BETWEEN THE INJURY AND PRESENT, EXPENSES IN THE PURSUIT OF JUSTICE, AND SUCH OTHER COMPENSATION THAT THE COMMISSION BELIEVES APPROPRIATE.

5. THE COMMISSION SHALL DETERMINE ITS OWN PROCEDURES, EXCEPT TO THE EXTENT DETERMINED BY THE PARTIES IN THIS COMPROMIS.

6. PRESENTATIONS BY THE PARTIES TO THE COMMISSION, INCLUDING ALL CLAIMS AND SUPPORTING EVIDENCE, SHALL BE IN WRITING ONLY, AND SHALL REMAIN CONFIDENTIAL. PERSONAL APPEARANCES ARE DEEMED UNNECESSARY.

8. FOLLOWING THE COMMISSION'S ORGANIZATION, THE PARTIES SHALL PROCEED AS FOLLOWS:

A. WITHIN FOUR WEEKS OF THE SIGNING OF THIS COMPROMIS THE UNITED STATES SHALL FILE ITS PRESENTATION WITH THE COMMISSION. THE PRESENTATION SHALL INCLUDE THE NAMES OF MEMBERS OF THE FAMILIES WHO ARE SEEKING COMPENSATION IN CONNECTION WITH THE ASSASSINATION AND DEATHS; THE COMPENSATION CLAIMED BY EACH SUCH PERSON FOR WRONGFUL DEATH; THE COMPENSATION CLAIMED BY EACH SUCH PERSON FOR PERSONAL INJURY SUFFERED, IF ANY; THE COMPENSATION CLAIMED FOR LOST INCOME AND LOSS OF SERVICES; THE COMPENSATION CLAIMED FOR PAIN AND SUFFERING; THE COMPENSATION CLAIMED FOR EXPENSES INCURRED IN THE PURSUIT OF JUSTICE AND DUE TO THE LAPSE OF TIME; AND, SUCH OTHER COMPENSATION AS MAY BE CLAIMED.

B. WITHIN THIRTY DAYS THEREAFTER, THE GOVERNMENT OF CHILE SHALL FILE WITH THE COMMISSION ITS OBSERVATIONS ON THE PRESENTATION MADE BY THE UNITED STATES, IF ANY.

C. WITHIN TEN DAYS THEREAFTER, THE UNITED STATES SHALL HAVE THE OPPORTUNITY TO COMMENT ON THE OBSERVATIONS OFFERED BY THE GOVERNMENT OF CHILE.

D. WITHIN THIRTY DAYS OF THE LAST FILING OF EITHER PARTY WITH THE COMMISSION, THE COMMISSION SHALL CONVEY TO THE PARTIES ITS DETERMINATION ON THE AMOUNTS DUE FROM CHILE IN THE EX GRATIA PAYMENTS IT HAS AGREED TO MAKE.

9. THE COMMISSION SHALL PRESENT ITS DECISION TO THE PARTIES AT A MEETING TO BE CONVENED BY THE COMMISSION IN WASHINGTON, D.C. OR SANTIAGO.

10. THE PARTIES SHALL SEEK THE GOOD OFFICES OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS TO PROVIDE THE FACILITIES FOR THE WORK OF THE COMMISSION.

ANNEX 2

JOINT STATEMENT OF THE PARTIES.

ANNEX 3

DIPLOMATIC NOTE FROM CHILE TO THE USA INDICATING PAST MEASURES OF COOPERATION AND STEPS THE AYLWIN GOVERNMENT IS PREPARED TO TAKE TO BRING TO JUSTICE THOSE RESPONSIBLE FOR THE ASSASSINATION.

END TEXT.

3. FOLLOWING IS POSSIBLE TIME LINE OF ABOVE APPROACH:

BEGIN TEXT:

MARCH 11: INAUGURATION

BY MARCH 18: CHILE APPOINTS NATIONAL AND NON-NATIONAL MEMBERS TO 1914 TREATY COMMISSION.

BY MARCH 25: THE U.S. AND CHILE AGREE TO THE 5TH MEMBER (PRESIDENT) OF THE COMMISSION.

BY MARCH 30: CHILE SENDS U.S. A DIPLOMATIC NOTE STATING ITS INTENTIONS REGARDING EFFORTS TO PURSUE CRIMINAL JUSTICE IN THE CASE (ANNEX 3 OF PROPOSED MOU).

BY APRIL 6: U.S. WOULD MAKE FINDING REQUIRED BY FY 90 FOREIGN OPERATIONS ACT TO FREE-UP DOLS 50,000 IMET.

BY APRIL 27: U.S. PRESENTATION WOULD BE FILED WITH THE COMMISSION.

BY MAY 27: CHILE'S OBSERVATIONS WOULD BE FILED WITH THE COMMISSION

BY JUNE 6: ANY U.S. COMMENTS ON CHILE'S OBSERVATIONS WOULD BE FILED WITH THE COMMISSION.

BY JULY 6: THE COMMISSION WOULD MAKE ITS DETERMINATION AND COMMUNICATE IT TO THE PARTIES.

BY SEPT. 6: CHILE WOULD MAKE EX GRATIA PAYMENT.

BY SEPT. 15: IF STEPS HAVE BEEN TAKEN TO IMPLEMENT INTENDED ACTIONS TO PURSUE JUSTICE IN CHILE, THE U.S. WOULD MAKE THE KENNEDY-HARKIN FINDING REMOVING ALL RESTRICTIONS ON ASSISTANCE.

END TEXT
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Possible Time Line

March 11 -	Inauguration
By March 18 -	Chile appoints national and non-national members to 1914 Treaty Commission.
By March 25 -	The United States and Chile agree to the 5th member (President) of the Commission.
By March 30 -	The United States and Chile sign proposed MOU.
By April 27 -	U.S. presentation would be filed with the Commission.
By May 27 -	Chile's observations would be filed with the Commission.
By June 6 -	Any U.S. comments on Chile's observations would be filed with the Commission.
By July 6 -	The Commission would make its determination and communicate it to the Parties.
By Sept. 6 -	Chile would make ex gratia payment.

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March 2, 1990

MEMORANDUM OF UNDERSTANDING
BETWEEN THE UNITED STATES
OF AMERICA AND CHILE

1. The Governments of the Republic of Chile and of the United States agree that a dispute exists between them concerning responsibility for the deaths of Orlando Letelier and Ronni Moffitt in Washington, D.C. on September 21, 1976.

2. On January 12, 1989 the United States invoked the Treaty for the Settlement of Disputes that May Occur Between the United States and Chile, which entered into force on January 19, 1916, "to investigate and report upon the facts surrounding the deaths of Orlando Letelier and Ronni Moffitt in Washington, D.C. on September 21, 1976, including the involvement of Chilean Government officials in those deaths, and to investigate and report upon the extent to which officials of the Government of Chile obstructed subsequent investigations into the deaths."

3. The United States has sought compensation from Chile on behalf of the families of Letelier and Moffitt, on the ground that Chile is legally responsible under international law for their deaths and the personal injuries to Michael Moffitt. The parties agree, however, that no need exists to resolve the merits of this claim of liability, since the Government of Chile is willing to make an ex gratia payment to the Government of the United States of America, to be received on behalf of the families of the victims.

4. The Governments of the United States and Chile agree that the amount of the ex gratia payment should be equal to that which would be due if liability were established, and should be determined by the Commission established by the 1914 Treaty, in accordance with the procedures set forth in Annex 1. The Governments agree that, notwithstanding the invocation of the 1914 Treaty by the United States on January 12, 1989, in light of the understandings set forth herein, the amount of the compensation to be paid shall be the sole question to be determined by the Commission. The Parties agree to submit to the Commission the Joint Statement attached at Annex 2.

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5. The Government of Chile agrees to pay to the Government of the United States, as its ex gratia payment in this matter, the amount of compensation as determined by the Commission. The Government of Chile undertakes to make the aforesaid payment within 60 days of the issuance by the Commission of its determination in this matter.

6. Upon receipt of the ex gratia payment referred to in para. 5 above, the Government of the United States will regard as satisfied the claim espoused in its diplomatic note to the Government of Chile of April 18, 1988.

Signed,

For the Republic of Chile

For the United States of America

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Annex 1

COMPROMIS

1. The United States and Chile agree to convene the Commission established by the 1914 Treaty for the Settlement of Disputes that May Occur Between the United States and Chile, which entered force January 19, 1916.

2. The Commission shall be composed as follows:

Mr. William Mulligan
Sir John Freeland
_____
_____
_____, as President

3. The Commission is requested to determine the amount of compensation to be paid, ex gratia, by the Government of Chile to the Government of the United States, on behalf of the members of the families who were victims of the assassination and deaths of Orlando Letelier and Ronni Moffitt in Washington, D.C. on September 21, 1976, and for personal injuries sustained by Michael Moffitt.

4. The Commission shall determine the amount of the payment to be made by the Government of Chile in accordance with applicable principles of international law, as though liability were established. The amount shall be calculated in such a manner as to include all appropriate elements of compensation in cases of wrongful death or personal injury, including lost income, loss of services, personal injury, pain and suffering, interest due to the time lapse between the injury or death and present, expenses in the pursuit of justice, and such other compensation that the Commission believes appropriate.

5. The Commission shall determine its own procedures, except to the extent determined by the parties in this compromis.

6. Presentations by the parties to the Commission, including all claims and supporting evidence, shall be in writing only, and shall remain confidential. Personal appearances are deemed unnecessary.

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7. Following the Commission's organization, the Parties shall proceed as follows:

a. Within four weeks of the signing of this compromis the United States shall file its presentation with the Commission. The presentation shall include the names of members of the families who are seeking compensation; the compensation claimed by each such person for wrongful death; the compensation claimed by each such person for personal injury suffered, if any; the compensation claimed for lost income and loss of services; the compensation claimed for pain and suffering; the compensation claimed for expenses incurred in the pursuit of justice and due to the lapse of time; and, such other compensation as may be claimed. The Parties will simultaneously file an agreed Joint Statement on legal standards applicable to the Commission's function.

b. Within thirty days thereafter, the Government of Chile shall file with the Commission its observations on the presentation made by the United States, if any.

c. Within ten days thereafter, the United States shall have the opportunity to comment on the observations offered by the Government of Chile.

d. Within thirty days of the last filing of either Party with the Commission, the Commission shall convey to the Parties its determination on the amounts due from Chile in the ex gratia payment it has agreed to make.

8. The Commission shall present its decision to the parties at a meeting to be convened by the Commission in Washington, D.C. or Santiago.

9. The Parties shall seek the good offices of the Inter-American Commission on Human Rights to provide the facilities for the work of the Commission.

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Annex 2

JOINT STATEMENT

I. WRONGFUL DEATH CLAIMS

Recovery for wrongful death under international law is well established. Numerous mixed claims commissions adjudicated claims between states, including wrongful death claims, from the middle of the nineteenth century to the Second World War. There is also considerable precedent for direct diplomatic settlements of wrongful death claims between states. Recently, the United States reached a settlement of death, injury and property claims with the Government of Israel arising out of an unprovoked air and sea attack on the vessel USS Liberty in 1967, and a settlement has been reached between the United States and the Government of Iraq concerning the death claims arising out of the attack on the USS Stark on May 17, 1987.

It is widely recognized that the purpose of reparation for an international wrong is to make the aggrieved party whole. This principle was announced by the Permanent Court of International Justice in the Chorzow Factory Case in a statement that has since been often quoted. The Court stated that reparation under international law "must, as far as possible, wipe out all the consequences of the illegal act and reestablish the situation which would, in all probability have existed if that act had not been committed." Reparation, said the Court, includes restitution in kind or the monetary equivalent as well as damages for losses not covered by restitution or its monetary equivalent. Chorzow Factory Case (Germany v. Poland), 1928 P.C.I.J., ser. A, No. 17, at 29 (Judgment of Sept. 13, 1928). See e.g., 5 G. Hackworth, Digest of International Law 718-20 (1943); Mann, The Consequences of an International Wrong in International and National Law, 1976-77 Brit. Y.B. Int'l L. 1, 2; Eagleton, Measure of Damages in International Law, 29 Yale L.J. 52, 52-4 (1929).

Elements of Compensation

The decision of the U.S.-German Mixed Claims Commission in the Lusitania case has served generally to fix three basic elements of damage as the accepted international standard of compensation in wrongful death cases. In announcing the

standards by which it would decide all wrongful death claims brought before it by U.S. claimants against Germany, the Commission stated that the elements of compensation were:

> the amounts (a) which the decedent, had he not been killed, would probably have contributed to the claimant, . . . (b) the pecuniary value to such claimant of the deceased's personal services in claimant's care, education, or supervision, and . . . (c) reasonable compensation for such mental suffering or shock, if any, caused by the violent severing of family ties, as claimant may actually have sustained by reason of such death.

The Commission stated that the sum of these estimates, reduced to its present cash value, will generally represent the loss sustained by claimant. Lusitania Cases (U.S. v. Germany), Mixed Claims Commission, Administrative Decisions and Opinions of a General Nature, at 19-20. The Lusitania decision provides the most detailed and reasoned discussion by an international body on the elements of damage recoverable in wrongful death cases. Other international claims commissions rarely stated the precise basis for their damage awards, and it is difficult to discover unifying principles in their awards. See generally A. Feller, The Mexican Claims Commissions: 1923-1934 295-300 (1935); 2 F. Garcia-Amador, The Changing Law of International Claims 564-65 (1984); 5 G. Hackworth, Digest of International Law 747-55; R. Lillich & G. Christenson, International Claims: Their Preparation and Presentation 72-74 (1962); 1 M. Whiteman, Damages in International Law 660 (1937); Eagleton, Measure of Damages in International Law, 39 Yale L.R. 52, 60; cf. 1 M. Whiteman, Damages in International Law at 704-16 (in very old cases, indemnity sometimes calculated based on the worth of the life lost rather than the loss to claimants).

Many of the diplomatic settlements of wrongful death claims between states have been made in such a way that very little can be discerned about the basis for the amounts involved. This is understandable since the settlements, which usually are concluded by means of ex gratia payments, often seek to avoid assigning wrongdoing imputable to the state and purport to be humanitarian gestures rather than full compensation. See 8 M.

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92-100 (Memorial dated Sept. 30, 1947); Observations of the United Kingdom (U.K. v. Alb.) 1950 I.C.J. Pleadings (2 Corfu Channel) 391-97 (Observations dated Aug. 1, 1949). The United Kingdom stated in its pleading on the amount of damages, however, that it was not claiming the entire amount of compensation for which it was entitled under international law. See id. at 392. Although the International Court of Justice awarded the full amount claimed by the United Kingdom for wrongful death, Albania did not participate in the damage phase of the case, and has not paid the award.

Recent U.S. practice in international law has expressly followed the Lusitania standard. In requesting compensation from the Government of Israel for wrongful death resulting from the attack on USS Liberty in 1967, the U.S. Government claimed the same three basic elements of damage. The United States stated in diplomatic notes presenting the individual claims that:

> [t]he amount of the claim for the surviving wife and children is based upon the loss of special services the decedent would have performed, shock and mental anguish suffered as a result of the death and the loss of financial contributions the decedent would have made towards their support . . . . The amount of the claim for the surviving parents includes a specific allowance for shock and emotional anguish suffered by the parents as a result of the violent severing of family ties. It also includes an allowance for future support, services and the benefits which the decedent could reasonably be expected to have provided to his parents.

The United States rejected Israeli counterproposals (which were probably influenced by the restrictive British claim in the Corfu Channel Case) to pay compensation to the U.S. Government only in the amount of statutory death benefits and pensions paid by the U.S. Government to survivors of the deceased crewmen. Although Israel paid the full amount of U.S. claims for wrongful death, it made the payments on an ex gratia basis. See 1980 M. Nash, Digest of U.S. Practice in International Law 747.

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The three elements of compensation fixed in the Lusitania decision were also the basis of compensation requested of the Government of Iraq in 1960 for the wrongful deaths of three Americans killed by a mob in 1958 while in the custody of Iraqi authorities in Baghdad. 8 M. Whiteman, Digest of International Law 901.

Although there is some post-World War II U.S. precedent that does not expressly follow the Lusitania standard, it may in fact contemplate the same general elements of compensation. In a diplomatic claim against Bulgaria that was later filed in the International Court of Justice, the U.S. Government requested compensation for "pecuniary loss" on behalf of family members of American citizens who were killed when the El Al airliner on which they were travelling was shot down over Bulgarian airspace in 1955. "Pecuniary loss" was not explained in any more detail, but the term is often used in U.S. domestic law to mean losses that are objectively quantifiable in pecuniary terms such as financial support and personal services. While the term as used in domestic law does not ordinarily include mental shock, see id. at n. 17, the fact that none of the deceased in the El Al tragedy were the male heads of households indicates that damages for mental shock and anguish were probably included. For example, a claim of $20,000 was made for two sisters of one of the deceased. See Application of the United States (U.S. v. Bulgaria), I.C.J. Pleadings (Aerial Incident of 27 July 1955) 28-30 (Application dated Dec. 2, 1958). A Department of State memorandum from 1959 refers only to those damages for wrongful death that equal the "amount the decedent would have contributed to his dependents had he lived." There is no reference to damages for mental shock and lost special services. See 8 M. Whiteman, Digest of International Law 900-01. Written suggestions of the Department of State on the preparation of claims, dated July 1, 155, do not specify the types of damages available for wrongful death. These suggestions are reprinted in R. Lillich & G. Christenson, International Claims: Their Preparation and Presentation 131-33.

Governments demanding compensation from the Soviet Union for the deaths of their citizens resulting from the 1983 shooting down of Korean Airlines flight 007 by a Soviet fighter

arising out of the attack on USS Liberty. The principal considerations and factors can be summarized as follows:

> the age of the decedent, his present and future earning capacity, his probable life expectancy, the amount of his present and estimated future contributions to his dependents, and the estimated amount of his present and future personal consumption.

These factors have been cited with approval as the basis for calculating the lost financial support element of wrongful death claims. See G. Hackworth, Digest of International Law 750-53 (1943); R. Lillich & G. Christenson, International Claims: Their Preparation and Presentation 73 n.270; 8 Whiteman, Digest of International Law 900-901.

The Lusitania decision does not provide detailed guidance on how to calculate damages for lost personal services and mental shock and anguish. It does state, however, that compensation for mental shock and suffering of the dependents of the deceased "must be adequate and balance as near as may be the injury suffered. . . Mental suffering is a fact just as real as physical suffering, and susceptible of measurement by the same standards. . . Mental suffering to form a basis of recovery must be real and actual rather than purely sentimental and vague." Lusitania Decision, supra, at 21-22.

II. PERSONAL INJURY CLAIMS

Recovery under international law for personal injury is well established. Generally, damages are determined by the actual monetary loss shown to have been sustained. In ascertaining that loss, the nature and seriousness of the injury, the extent of impairment to health and earning capacity and the claimant's station in life are considered rather than the nature and seriousness of the wrong of the respondent state. 1 M. Whiteman, Damages in International Law 627 (1937). Other factors, including the permanency of the injury, disfigurement and mental suffering are also taken into account. Id.

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Although there is limited discussion of personal injury claims under international law, one international claims commission stated precisely the basis for damage awards in personal injury cases. The Special Mexican Claims Commission examined claims of U.S. nationals against Mexico for personal or property damages suffered during the Mexican Revolution. The Commission articulated in Decision 1 the general principles it would apply in reviewing a personal injury claim, stating that due weight would be given to the following factors:

> The nature and seriousness of the injury; the extent of the impairment of the claimant's health and earning capacity; the proved expenses and loss of time incident to the injury; and any aggravation of the injury by unusual cruelty.

Report to the Secretary of State (Special Mexican Claims Commission) (Department of State, Arbitration Ser. 7, 1940) 15, 21.

Most diplomatic settlements of personal injury claims do not indicate the basis for the amount involved. However, in determining the amount of compensation sought from the Government of Israel for the personal injury claims arising out the attack on the USS Liberty, the State Department took into account, as customarily done in international practice, the nature and extent of the bodily injuries, pain and physical suffering associated with those injuries, and loss of earning capacity, if any.

Most nations recognize that compensable damages for personal injury claims include both pecuniary and non-pecuniary losses. Pecuniary losses include loss of earning capacity and the expenses occasioned by the injury. Such losses are more capable of monetary calculation. Non-pecuniary losses include physical pain, mental suffering, distress for disfigurement and the like associated with the injury. These elements, while more difficult to measure, are also considered compensable. Therefore, in accordance with international law and practice, compensation would be awarded for physical injuries taking into account: 1) the nature and severity of the injuries; 2) the pain and suffering associated with those injuries; 3) any special expenses incurred as a result of the injuries; 4) any resulting lost earnings or lost earnings capacity.

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Case Number: S199900030

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PAGE 01 STATE 069773
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C O N F I D E N T I A L STATE 069773

Chile Project (#S199900030)
U.S. Department of State
Release X Excise Deny
Declassify: In Part X In Full
Exemption(s) NR

E.O. 12356: DECL: OADR
TAGS: AMGT
SUBJECT: OFFICIAL-INFORMAL

ASSISTANT SECRETARY'S DAILY ACTIVITY REPORT
MARCH 2, 1990

(C) CHILE: JUDGE SOFAER MEETS WITH EDMUNDO VARGAS. *SOFAER PROVIDED CHILEAN UNDERSECRETARY OF FOREIGN* AFFAIRS-DESIGNATE VARGAS A DRAFT MOU ON RESOLUTION OF THE CIVIL SIDE OF THE LETELIER CASE. VARGAS WILL TAKE THE DOCUMENT BACK TO CHILE TO DISCUSS IT WITH PRESIDENT-ELECT AYLWIN. THE CHILEANS WISH TO CONVENE THE 1914 TREATY AND ESTABLISH AN INTERNATIONAL COMMISSION IN ORDER TO DETERMINE THE AMOUNT OF COMPENSATION DUE THE LETELIER/MOFFITT FAMILIES. (CASSMAN)

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(C) CHILE: IRAN/CORFO SCANDAL. THE CHILEAN MEDIA HAS FOCUSED ON A CURIOUS PINOCHET REGIME SCANDAL INVOLVING THE GOC'S ATTEMPTS TO SELL CLUSTER BOMBS TO IRAN DURING 1985-86. SENIOR GOC OFFICIALS ALLEGEDLY MANUFACTURED AND SOLD IRAN DEFECTIVE CLUSTER BOMBS. IN AN ATTEMPT TO COMPENSATE THE INTERNATIONAL ARMS DEALER WHO BROKERED THE DEAL, THE GOC AWARDED A MULTI-MILLION DOLLAR CONCESSION TO CONSTRUCT A TOXIC WASTE RECYCLING PLANT ON CHILEAN TERRITORY. WHEN THE GOC LATER RENEGED ON THE OFFER, THE ARMS DEALER FILED A DOLS 500 MILLION CIVIL SUIT AGAINST THE CHILEAN NATIONAL DEVELOPMENT CORPORATION (CORFO), AND WENT PUBLIC WITH THE DETAILS OF THE STORY. (CASSMAN)

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PAGE 01 STATE 070097
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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

~~C O N F I D E N T I A L~~ STATE 070097

E.O. 12356: DECL: OADR
TAGS: PREL, PGOV, CI
SUBJECT: LETELIER CASE

1. SUMMARY: EDMUNDO VARGAS MET WITH JUDGE SOFAER MARCH 22. SOFAER PASSED TO VARGAS DRAFT DOCUMENTS WHICH WE WOULD PROPOSE BE USED TO IMPLEMENT VARGAS' SUGGESTION TO USE 1914 TREATY COMMISSION TO DETERMINE THE AMOUNT OF EX GRATIA PAYMENT CHILE WOULD MAKE TO USG ON BEHALF OF LETELIER AND MOFFITT FAMILIES. VARGAS WAS ENTHUSIASTIC ABOUT PROPOSED TIME FRAME, BUT WAS NON-COMMITTAL REGARDING OTHER ASPECTS OF DOCUMENTS. HE QUERIED WHERE CRIMINAL ISSUES AND U.S.G. FINDINGS FIT INTO PROPOSALS. SOFAER REPLIED THAT THESE DOCUMENTS WERE ONLY INTENDED TO REFLECT CIVIL ISSUES AS PORPOSED BY VARGAS. IF CHILE HAS A SUGGESTION AS TO HOW THEY MIGHT BE COMBINED WITH CRIMINAL MATTERS CHILE SHOULD MAKE US A PROPOSAL. WE DO NOT EXPECT TO HEAR FROM VARGAS UNTIL AFTER THE INAUGURATION. END SUMMARY.

2. ON MARCH 22, LEGAL ADVISER SOFAER MET WITH EDMUNDO
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PAGE 02 STATE 070097

VARGAS, TOGETHER WITH L/ARA COLSON AND ARA/SC OWENS

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AND CASSMAN. SOFAER GAVE TO VARGAS DRAFT DOCUMENTS WHICH WOULD IMPLEMENT VARGAS' PROPOSAL TO USE THE 1914 TREATY COMMISSION TO DETERMINE THE AMOUNT OF THE EX GRATIA PAYMENT CHILE WOULD MAKE TO THE U.S. ON BEHALF OF THE LETELIER AND MOFFITT FAMILIES. THOSE DOCUMENTS INCLUDE AN ILLUSTRATIVE TIME LINE - PARA 6 BELOW; A MOU - PARA 7; A COMPROMIS - PARA 8; AND A JOINT STATEMENT OF INTERNATIONAL LAW WHICH IS BEING POUCHED.

3. VARGAS WELCOMED THE EFFORT THAT U.S. SIDE HAD PUT INTO THE PREPARATION OF THE DRAFT TEXTS. HE WAS IN AGREEMENT WITH THE ILLUSTRATIVE TIME LINE, AND HE APPEARED TO ACCEPT THE FORMAT OF THE MOU, COMPROMIS AND JOINT STATEMENT. HOWEVER, HE RESERVED HIS POSITION ON THE TEXTS AND INDICATED HE WOULD HAVE TO STUDY THE DOCUMENTS CAREFULLY.

4. VARGAS INDICATED THAT CHILE WAS THINKING OF APPOINTING SIR WILLIAM DOUGLAS OF BARBADOS AS ITS NON-NATIONAL APPOINTEE. HE ALSO SUGGESTED THAT ANDRES AGUILAR OF VENEZUELA MIGHT SERVE AS PRESIDENT. SOFAER INDICATED THAT WE WOULD BE WILLING TO ENTERTAIN A FORMAL PROPOSAL, NOTING THAT WE HAVE HIGH REGARD FOR AGUILAR AND DOUGLAS.

5. VARGAS NOTED THAT THE DRAFTS DID NOT DEAL WITH THE CRIMINAL SIDE OF THE LETELIER CASE OR THE LIFTING OF SANCTIONS. SOFAER REPLIED THAT THESE DRAFTS REFLECTED OUR EFFORT TO PREPARE TEXTS WHICH WOULD IMPLEMENT VARGAS' PROPOSAL TO USE THE 1914 TREATY TO DECIDE THE QUESTION OF COMPENSATION. WE HAD NOT SOUGHT TO DEAL
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WITH OTHER ASPECTS OF THE MATTER. WHEN VARGAS ASKED WHETHER THE OTHER MATTERS MIGHT BE INCLUDED, SOFAER REPLIED THAT IT MIGHT BE POSSIBLE AND THAT CHILE SHOULD MAKE A SPECIFIC PROPOSAL. VARGAS PRESSED THE QUESTION WHEN THE SANCTIONS WOULD BE LIFTED. WE WERE NON-COMMITTAL ON THE TIMING OF THE LIFTING OF SANCTIONS, SAYING ONLY THAT IT WOULD BE DONE WHEN CHILE HAD TAKEN MEANINGFUL STEPS IN SATISFACTION OF THE LAW.

6. BEGIN TIME LINE:

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MARCH 11 - INAUGURATION

BY MARCH 18 - CHILE APPOINTS NATIONAL AND NON-NATIONAL MEMBERS TO 1914 TREATY COMMISSION.

BY MARCH 25 - THE UNITED STATES AND CHILE AGREE TO THE 5TH MEMBER (PRESIDENT) OF THE COMMISSION.

BY MARCH 30 - THE UNITED STATES AND CHILE SIGN PROPOSED MOU.

BY APRIL 27 - U.S. PRESENTATION WOULD BE FILED WITH THE COMMISSION.

BY MAY 27 - CHILE'S OBSERVATIONS WOULD BE FILED WITH THE COMMISSION.

BY JUNE 6 - ANY U.S. COMMENTS ON CHILE'S OBSERVATIONS WOULD BE FILED WITH THE COMMISSION.

BY JULY 6 - THE COMMISSION WOULD MAKE ITS DETERMINATION AND COMMUNICATE IT TO THE PARTIES.

BY SEPT. 6 - CHILE WOULD MAKE EX GRATIA PAYMENT.
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PAGE 04 STATE 070097

END TIME LINE.

7. BEGIN TEXT OF MOU:

1. THE GOVERNMENTS OF THE REPUBLIC OF CHILE AND OF THE UNITED STATES AGREE THAT A DISPUTE EXISTS BETWEEN THEM CONCERNING RESPONSIBILITY FOR THE DEATHS OF ORLANDO LETELIER AND RONNI MOFFITT IN WASHINGTON, D.C. ON SEPTEMBER 21, 1976.

2. ON JANUARY 12, 1989 THE UNITED STATES INVOKED THE TREATY FOR THE SETTLEMENT OF DISPUTES THAT MAY OCCUR BETWEEN THE UNITED STATES AND CHILE, WHICH ENTERED INTO FORCE ON JANUARY 19, 1916, "TO INVESTIGATE AND REPORT UPON THE FACTS SURROUNDING THE DEATHS OF ORLANDO LETELIER AND RONNI MOFFITT IN WASHINGTON, D.C. ON SEPTEMBER 21, 1976, INCLUDING THE INVOLVEMENT OF

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CHILEAN GOVERNMENT OFFICIALS IN THOSE DEATHS, AND TO INVESTIGATE AND REPORT UPON THE EXTENT TO WHICH OFFICIALS OF THE GOVERNMENT OF CHILE OBSTRUCTED SUBSEQUENT INVESTIGATIONS INTO THE DEATHS."

3. THE UNITED STATES HAS SOUGHT COMPENSATION FROM CHILE ON BEHALF OF THE FAMILIES OF LETELIER AND MOFFITT, ON THE GROUND THAT CHILE IS LEGALLY RESPONSIBLE UNDER INTERNATIONAL LAW FOR THEIR DEATHS AND THE PERSONAL INJURIES TO MICHAEL MOFFITT. THE PARTIES AGREE, HOWEVER, THAT NO NEED EXISTS TO RESOLVE THE MERITS OF THIS CLAIM OF LIABILITY, SINCE THE GOVERNMENT OF CHILE IS WILLING TO MAKE AN EX GRATIA PAYMENT TO THE GOVERNMENT OF THE UNITED STATES OF AMERICA, TO BE RECEIVED ON BEHALF OF THE FAMILIES OF THE VICTIMS.
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PAGE 05 STATE 070097

4. THE GOVERNMENTS OF THE UNITED STATES AND CHILE AGREE THAT THE AMOUNT OF THE EX GRATIA PAYMENT SHOULD BE EQUAL TO THAT WHICH WOULD BE DUE IF LIABILITY WERE ESTABLISHED, AND SHOULD BE DETERMINED BY THE COMMISSION ESTABLISHED BY THE 1914 TREATY, IN ACCORDANCE WITH THE PROCEDURES SET FORTH IN ANNEX 1. THE GOVERNMENTS AGREE THAT, NOTWITHSTANDING THE INVOCATION OF THE 1914 TREATY BY THE UNITED STATES ON JANUARY 12, 1989, IN LIGHT OF THE UNDERSTANDINGS SET FORTH HEREIN, THE AMOUNT OF THE COMPENSATION TO BE PAID SHALL BE THE SOLE QUESTION TO BE DETERMINED BY THE COMMISSION. THE PARTIES AGREE TO SUBMIT TO THE COMMISSION THE JOINT STATEMENT ATTACHED AT ANNEX 2.
5. THE GOVERNMENT OF CHILE AGREES TO PAY TO THE GOVERNMENT OF THE UNITED STATES, AS ITS EX GRATIA PAYMENT IN THIS MATTER, THE AMOUNT OF COMPENSATION AS DETERMINED BY THE COMMISSION. THE GOVERNMENT OF CHILE UNDERTAKES TO MAKE THE AFORESAID PAYMENT WITHIN 60 DAYS OF THE ISSUANCE BY THE COMMISSION OF ITS DETERMINATION IN THIS MATTER.

6. UPON RECEIPT OF THE EX GRATIA PAYMENT REFERRED TO IN PARA. 5 ABOVE, THE GOVERNMENT OF THE UNITED STATES WILL REGARD AS SATISFIED THE CLAIM ESPOUSED IN ITS DIPLOMATIC NOTE TO THE GOVERNMENT OF CHILE OF APRIL

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18, 1988.

SIGNED,

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FOR THE REPUBLIC OF CHILE FOR THE UNITED STATES OF AMERICA

END TEXT OF MOU.

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PAGE 06 STATE 070097

8. BEGIN TEXT OF COMPROMIS:

1. THE UNITED STATES AND CHILE AGREE TO CONVENE THE COMMISSION ESTABLISHED BY THE 1914 TREATY FOR THE

SETTLEMENT OF DISPUTES THAT MAY OCCUR BETWEEN THE UNITED STATES AND CHILE, WHICH ENTERED FORCE JANUARY 19, 1916.

2. THE COMMISSION SHALL BE COMPOSED AS FOLLOWS:

MR. WILLIAM MULLIGAN
SIR JOHN FREELAND

----------, AS PRESIDENT

3. THE COMMISSION IS REQUESTED TO DETERMINE THE AMOUNT OF COMPENSATION TO BE PAID, EX GRATIA, BY THE GOVERNMENT OF CHILE TO THE GOVERNMENT OF THE UNITED STATES, ON BEHALF OF THE MEMBERS OF THE FAMILIES WHO WERE VICTIMS OF THE ASSASSINATION AND DEATHS OF ORLANDO LETELIER AND RONNI MOFFITT IN WASHINGTON, D.C. ON SEPTEMBER 21, 1976, AND FOR PERSONAL INJURIES SUSTAINED BY MICHAEL MOFFITT.

4. THE COMMISSION SHALL DETERMINE THE AMOUNT OF THE PAYMENT TO BE MADE BY THE GOVERNMENT OF CHILE IN ACCORDANCE WITH APPLICABLE PRINCIPLES OF INTERNATIONAL LAW, AS THOUGH LIABILITY WERE ESTABLISHED. THE AMOUNT SHALL BE CALCULATED IN SUCH A MANNER AS TO INCLUDE ALL

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APPROPRIATE ELEMENTS OF COMPENSATION IN CASES OF
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PAGE 07 STATE 070097

WRONGFUL DEATH OR PERSONAL INJURY, INCLUDING LOST INCOME, LOSS OF SERVICES, PERSONAL INJURY, PAIN AND SUFFERING, INTEREST DUE TO THE TIME LAPSE BETWEEN THE INJURY OR DEATH AND PRESENT, EXPENSES IN THE PURSUIT OF JUSTICE, AND SUCH OTHER COMPENSATION THAT THE COMMISSION BELIEVES APPROPRIATE.

5. THE COMMISSION SHALL DETERMINE ITS OWN PROCEDURES, EXCEPT TO THE EXTENT DETERMINED BY THE PARTIES IN THIS COMPROMIS.

6. PRESENTATIONS BY THE PARTIES TO THE COMMISSION, INCLUDING ALL CLAIMS AND SUPPORTING EVIDENCE, SHALL BE IN WRITING ONLY, AND SHALL REMAIN CONFIDENTIAL. PERSONAL APPEARANCES ARE DEEMED UNNECESSARY.

7. FOLLOWING THE COMMISSION'S ORGANIZATION, THE PARTIES SHALL PROCEED AS FOLLOWS:

A. WITHIN FOUR WEEKS OF THE SIGNING OF THIS COMPROMIS THE UNITED STATES SHALL FILE ITS PRESENTATION WITH THE COMMISSION. THE PRESENTATION SHALL INCLUDE THE NAMES

OF MEMBERS OF THE FAMILIES WHO ARE SEEKING COMPENSATION; THE COMPENSATION CLAIMED BY EACH SUCH PERSON FOR WRONGFUL DEATH; THE COMPENSATION CLAIMED BY EACH SUCH PERSON FOR PERSONAL INJURY SUFFERED, IF ANY; THE COMPENSATION CLAIMED FOR LOST INCOME AND LOSS OF SERVICES; THE COMPENSATION CLAIMED FOR PAIN AND SUFFERING; THE COMPENSATION CLAIMED FOR EXPENSES INCURRED IN THE PURSUIT OF JUSTICE AND DUE TO THE LAPSE OF TIME; AND, SUCH OTHER COMPENSATION AS MAY BE CLAIMED. THE PARTIES WILL SIMULTANEOUSLY FILE AN AGREED JOINT STATEMENT ON LEGAL STANDARDS APPLICABLE TO THE COMMISSION'S FUNCTION.

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PAGE 08 STATE 070097

B. WITHIN THIRTY DAYS THEREAFTER, THE GOVERNMENT OF

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CHILE SHALL FILE WITH THE COMMISSION ITS OBSERVATIONS ON THE PRESENTATION MADE BY THE UNITED STATES, IF ANY. C. WITHIN TEN DAYS THEREAFTER, THE UNITED STATES SHALL HAVE THE OPPORTUNITY TO COMMENT ON THE OBSERVATIONS OFFERED BY THE GOVERNMENT OF CHILE.

D. WITHIN THIRTY DAYS OF THE LAST FILING OF EITHER PARTY WITH THE COMMISSION, THE COMMISSION SHALL CONVEY TO THE PARTIES ITS DETERMINATION ON THE AMOUNTS DUE FROM CHILE IN THE EX GRATIA PAYMENT IT HAS AGREED TO MAKE.

8. THE COMMISSION SHALL PRESENT ITS DECISION TO THE PARTIES AT A MEETING TO BE CONVENED BY THE COMMISSION IN WASHINGTON, D.C. OR SANTIAGO.

9. THE PARTIES SHALL SEEK THE GOOD OFFICES OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS TO PROVIDE THE FACILITIES FOR THE WORK OF THE COMMISSION. END TEXT OF COMPROMIS.

9. COMMENT. VARGAS BROUGHT NO SPECIFIC PROPOSALS TO THE MEETING OTHER THAN NAMES FOR THE 1914 TREATY COMMISSION. THE PERSONS SUGGESTED ARE HIGHLY REGARDED INDIVIDUALS. HE WAS CLEARLY INTERESTED TO KNOW WHEN WE WILL MAKE THE KENNEDY-HARKIN FINDING. HE ASSUMES IT WILL BE IN THE FIRST MONTH OR TWO OF THE AYLWIN GOVERNMENT. HOWEVER, WE HAVE NOT TOLD HIM AS MUCH, AND WE HAVE YET TO HEAR ANYTHING SPECIFIC FROM HIM ON WHAT EXACTLY AYLWIN AND HIS TEAM IS PREPARED TO DO. VARGAS INDICATED HE MIGHT BE IN A POSITION TO RETURN TO WASHINGTON THE WEEK OF MARCH 26 TO WORK OUT ANY
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DIFFERENCES IN THE TEXTS OF DRAFT DOCUMENTS. WE SHALL SEE. END COMMENT. BAKER

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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
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E.O. 12356: DECL: OADR
TAGS: PREL, PGOV, CI
SUBJECT: LETELIER CASE
REF: STATE 070097

THE FOLLOWING IS A CORRECTION OF REFTEL:

1. FIRST SENTENCE IN PARA 1 OF REFTEL SHOULD READ: EDMUNDO VARGAS MET WITH JUDGE SOFAER MARCH 2.

2. FIRST SENTENCE IN PARA 2 OF REFTEL SHOULD READ: ON MARCH 2, LEGAL ADVISER SOFAER MET WITH EDMUNDO VARGAS, TOGETHER WITH L/ARA COLSON AND ARA/SC OWENS AND CASSMAN. BAKER

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RELEASED INCOMING TELEGRAM

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ACTION

Department of State

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AMEMBASSY MEXICO IMMEDIATE
AMEMBASSY PANAMA IMMEDIATE
INFO DIRFBI WASHDC PRIORITY

UNCLAS GUATEMALA 02694

C O R R E C T E D C O P Y (SLUG LINE ADDED)

MEXICO FOR LEGATT, PANAMA FOR LEGATT--JOE GANNON

DIRFBI FOR OLIA/MARTIN HALE

E.O. 12356: N/A
TAGS: CASC, GT (BLAKE, NICHOLAS AND DAVIS, GRIFFIN)
SUBJECT: W/W: CASE OF NICHOLAS BLAKE AND GRIFFIN DAVIS

1. SUMMARY AND ACTION REQUEST: TWO AMERICAN CITIZENS, NICHOLAS BLAKE AND GRIFFIN DAVIS, DISAPPEARED IN HUEHUETENANGO DEPARTMENT IN APRIL 1985. THERE IS CONTINUING U.S. PRESIDENTIAL INTEREST IN THE CASE. PROSPECTS FOR RESOLVING IT HAVE IMPROVED IN THE WAKE OF THE AMBASSADOR'S MARCH 2 MEETING WITH MINISTER OF DEFENSE. IF POSSIBLE, POST WOULD LIKE THE ASSISTANCE OF A BILINGUAL FBI INVESTIGATOR TO QUESTION SUSPECTS. END SUMMARY.

2. AMCITS NICHOLAS BLAKE AND GRIFFIN DAVIS DISAPPEARED IN LATE MARCH OR EARLY APRIL 1985 IN A CONFLICTIVE AREA OF HUEHUETENANGO DEPARTMENT. IN SEPTEMBER 1987, AN INFORMANT ALLEGED THAT BLAKE AND DAVIS HAD BEEN KILLED BY MEMBERS OF THE LOCAL CIVIL PATROL. ACCORDING TO THE INFORMANT THEIR BODIES WERE LATER BURNED AND THEIR BONES REBURIED. THE INFORMANT PROVIDED US WITH THE NAMES OF SEVEN MEN WHO REPUTEDLY PARTICIPATED IN REBURYING THE REMAINS. WE INFORMED THE GUATEMALAN GOVERNMENT IMMEDIATELY AND REQUESTED AN INVESTIGATION, BUT TO DATE THE GOG HAS NOT COMPLIED.

3. AMBASSADOR STROOCK AND DATT MET WITH MINISTER OF DEFENSE GRAMAJO ON MARCH 2 TO REQUEST THAT ALL SEVEN MEN BE INTERVIEWED IMMEDIATELY TO DETERMINE WHAT THEY KNOW ABOUT THE DISAPPEARANCES AND/OR LOCATION OF THE AMERICANS' REMAINS. GRAMAJO ACCEDED TO THE AMBASSADOR'S REQUEST AND AGREED TO PERMIT DATT TO BE PRESENT FOR THE INTERVIEWS. GRAMAJO INDICATED THAT THE GOG COULD ROUND UP THE SEVEN MEN WITHIN A WEEK IF NECESSARY.

4. WE FEEL THAT THIS REPRESENTS OUR BEST CHANCE TO RESOLVE THIS LONGSTANDING CASE IN WHICH PRESIDENT BUSH HAS DIRECT, PERSONAL INTEREST. WOULD THE FBI BE WILLING TO PROVIDE A BILINGUAL INVESTIGATOR TO TRAVEL TO GUATEMALA TO ACCOMPANY DATT AND PARTICIPATE IN THE QUESTIONING OF THE SEVEN SUSPECTS? SUCH AN AGENT MIGHT NEED TO TRAVEL IMMEDIATELY TO GUATEMALA TO TAKE ADVANTAGE OF THIS OPPORTUNITY.

5. WE APPRECIATE YOUR IMMEDIATE CONSIDERATION OF AND RESPONSE TO THIS PROPOSAL. TAYLOR

1990 MAR -7 AM 7:31

CONSULAR AFFAIRS

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 07/13/95
Case ID: 9512233

CA- Harty, Maura
Blake Davis + Ellis
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EXCISE

PAGE 01 SANTIA 01956 081557Z
ACTION DS-01

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Chile Project (#S199900030)
U.S. Department of State
Release_____ Excise_X___ Deny_____
Declassify: In Part_X___ In Full_____
Exemption(s)_____B1_____

E.O. 12356: DECL: OADR
TAGS: ASEC, PTER, CI
SUBJECT: THREAT INFORMATION

REF: STATE 73315

UNCLASSIFIED
1. (SECRET/NOFORN) THE TEXT LISTED I FOLLOWING THREE PARAGRAPHS IS AN UNCLASSIFIED TEXT FORMULATED BY RSO [redacted] FOR THE U.S. BUSINESS COMMUNITY.

2. (U) WE HAVE RECEIVED UNCONFIRMED INFORMATION THAT A U.S. COMMERCIAL INTEREST IN CHILE, THE U.S. CONSULATE OR THE BINATIONAL CENTER IN SANTIAGO COULD POSSIBLY SERVE AS A SUITABLE TARGET FOR "DRAMATIC" PROTEST BY RADICAL LEFTIST ELEMENTS IN CONJUNCTION WITH THE VICE PRESIDENT'S VISIT TO CHILE ON MARCH 11-13.

3. (U) PROTESTS IN THE PAST BY RADICAL LEFTIST ELEMENTS HAVE TRADITIONALLY INVOLVED DEMONSTRATIONS, SIT-INS, OR THE PLACEMENT OF SMALL BOMBS OUTSIDE THE TARGETED INSTALLATION, USUALLY TIMED TO GO OFF AFTER HOURS CAUSING PROPERTY DAMAGE BUT NO INJURIES.

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4. (U) COMMERCIAL ESTABLISHMENTS ARE ADVISED TO ALERT THEIR PERSONNEL TO EXERCISE PRUDENT SECURITY MEASURES WHICH MAY INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING:

--DEPLOYMENT OF SECURITY GUARDS AFTER HOURS TO WATCH MAIN ENTRANCES AND OTHER AREAS WHERE A BOMB COULD BE PLACED;

--ADVISE PERSONNEL TO IMMEDIATELY REPORT ANY UNATTENDED SUSPICIOUS PACKAGE DISCOVERED IN A WORK AREA OR PUBLIC AREA, SUCH AS BATHROOMS OR WAITING ROOMS.

--INITIATE FREQUENT RANDOM SWEEPS OF INTERIORS AND PERIMETERS IN SEARCH OF SUSPICIOUS PACKAGES OR OTHER ITEMS;

--ADVISE PERSONNEL TO LOCK DOORS, DRAW SHADES AND STAY AWAY FROM WINDOWS IN THE EVENT A HOSTILE CROWD APPEARS.

5. (~~SECRET/NOFORN~~) RSO WILL ARRANGE FOR EXTRA MISSION GUARDS TO AUGMENT THE REGULAR ELEMENTS ON DUTY AT THE CONSULATE AND BINATIONAL CENTER IN SANTIAGO. THE DIRECTOR OF THE BINATIONAL CENTER IN VALPARAISO WILL BE GIVEN THE SAME INFORMATION PROVIDED IN PARAS 2 AND 3 OF THIS CABLE.

GILLESPIE

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TEXT OF TELEGRAM 90SAN SA003278

EXCISE

RELEASED
El Salvador Human Rights
Project

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ADP174 [redacted]

PAGE 01 SAN SA 03278 082206Z
ACTION ARA-01

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TO SECSTATE WASHDC IMMEDIATE 6536
INFO AMEMBASSY MEXICO IMMEDIATE
USCINCSO QUARRY HTS PM IMMEDIATE

[redacted] SAN SALVADOR 03278

OPCENTER ALERT ARA/CEN

E.O. 12356: DECL:OADR
TAGS: PHUM, PGOV, ES
SUBJECT: RUMOR THAT JESUIT CASE FUGITIVE WILL SURFACE SOON IN MEXICO

Department of State IS/FPC/CDR El Salvador SP Date 9/24/93
Declassified under EO 12356 ( ) in full; (X) in part;
portions withheld: classified ( ); deliberative ( );
law enforcement ( ); privacy (X), statutory ( );
not relevant to El Salvador ( ).

1. [redacted] ENTIRE TEXT.

2. [redacted] TOLD THE AMBASSADOR MARCH 7 THAT THE NINTH MAN KNOWN TO BE INVOLVED IN THE JESUIT KILLINGS, AN ENLISTED MAN, PRIVATE JORGE ALBERTO SIERRA ASCENCIO, WHO DESERTED BEFORE HE COULD BE ARRESTED, WOULD SURFACE SHORTLY IN MEXICO CITY. [redacted] TOLD THE AMBASSADOR THAT THE MOAKLEY TASK FORCE KNEW ABOUT THE MAN AND WAS TRYING TO CONTACT HIM.

3. [redacted] SAID THE MAN WOULD ACKNOWLEDGE HE KILLED THE JESUITS' COOK AND HER DAUGHTER, AND WOULD ALLEGE THAT DURING THE OPERATION HE HEARD LT. ESPINOZA TALK REPEATEDLY BY RADIO WITH VICE MINISTER OF DEFENSE COL. ORLANDO ZEPEDA.

[redacted]

PAGE 02 SAN SA 03278 082206Z

4. IN THE LAST 24 HOURS WE HAVE HEARD RUMORS IN MILITARY CIRCLES THAT ZEPEDA WOULD BE REMOVED FROM HIS OFFICE AND SENT OVERSEAS. ESAF CHIEF OF STAFF COL. PONCE DENIED THIS TO MILGP COMMANDER AND DATT DURING A MARCH 8 CHANGE OF COMMAND CEREMONY AT THE FOURTH BRIGADE.

5. COMMENT: THE DISAPPEARANCE/RESURFACING STORY IS

UNCLASSIFIED

RELEASED
El Salvador Human Rights
Special Project (1993)

REMINISCENT OF JOYA MARTINEZ' ACTIONS LAST YEAR IN THE FIRST BRIGADE CASE. IF THE NINTH MAN DOES SURFACE, WE WOULD HOPE THERE WOULD BE AN OPPORTUNITY TO POLYGRAPH HIM.

WALKER

[redacted]

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PAGE 01 GENEVA 02352 01 OF 04 081605Z
ACTION IO-19

INFO	LOG-00	ADS-00	AID-01	INR-05	EUR-01	SS-01	OIC-02
	AF-01	CIAE-00	EB-01	DODE-00	H-01	NEA-01	NSCE-00
	ARA-01	NSAE-00	SSO-01	HA-09	L-03	LAB-04	TRSE-00
	EAP-01	PA-02	STR-18	SIL-01	INRE-00	RP-10	SP-01
	SR-01	PRS-01	P-02	/088 W			

----------314663 081621Z /46

O 081553Z MAR 90
FM USMISSION GENEVA
TO SECSTATE WASHDC IMMEDIATE 8058
INFO USMISSION USUN NEW YORK PRIORITY
USIA WASHDC PRIORITY 7488
AMEMBASSY BUENOS AIRES
AMEMBASSY DHAKA
AMEMBASSY BRUSSELS
AMEMBASSY GABORONE
AMEMBASSY BRASILIA
AMEMBASSY SOFIA
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AMEMBASSY ANTANANARIVO
AMEMBASSY MEXICO
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UNCLASSIFIED

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ✓
Exemption(s) ____

UNCLASSIFIED

PAGE 02 GENEVA 02352 01 OF 04 081605Z

AMEMBASSY LAGOS
AMEMBASSY PANAMA
AMEMBASSY ISLAMABAD
AMEMBASSY LIMA
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AMEMBASSY BELGRADE
AMEMBASSY SANTIAGO

UNCLAS SECTION 01 OF 04 GENEVA 02352

LIBREVILLE PASS SAO TOME
E.O. 12356: OADR
TAGS: UNHRC-1, PHUM, CI
SUBJECT: 46TH SESSION OF UN HUMAN RIGHTS COMMISSION:
CHILE RESOLUTION PASSES BY CONSENSUS

1. THIS IS UNHRC-191.

2. THE LATIN GROUP RESOLUTION ON CHILE (SEE TEXT BELOW) PASSED BY CONSENSUS. THE RESOLUTION TERMINATES THE MANDATE OF THE SPECIAL RAPPORTEUR AND ASKS THE GOVERNMENT-ELECT OF CHILE TO REPORT TO A SPECIAL SESSION
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PAGE 03 GENEVA 02352 01 OF 04 081605Z

OF THE COMMISSION NEXT YEAR ON ITS PROGRESS IN THE REESTABLISHMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS. THE U.S. GAVE AN EXPLANATION OF VOTE AFTER THE VOTE CONGRATULATING THE PEOPLE OF CHILE FOR THE IMMINENT RETURN TO A DEMOCRATICALLY-ELECTED GOVERNMENT, AND URGING THE COMMISSION TO EXAMINE OTHER GOVERNMENTS AS VIGOROUSLY AS IT HAD CHILE. (TEXT OF EOV SENT SEPTEL.)

3. IN INTRODUCING THE RESOLUTION MEXICO REFERRED SEVERAL TIMES TO THE EVENTS OF 1973, AND THE EFFORTS BY MANY LATIN AMERICAN COUNTRIES TO FREE THE PEOPLE OF CHILE FROM OUTSIDE INTERFERENCE. CHILEDEL WAS VERY HAPPY WITH THE OUTCOME OF THE COMMISSION, AND THANKED USDEL FOR ITS ASSISTANCE AND KIND WORDS IN THE EOV.

4. UNCLASSIFIED

BEGIN TEXT: QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

QCOSPONSORSQ AUSTRALIA, COLOMBIA, CUBA, DENMARK, FRANCE, GREECE, LUXEMBOURG, MEXICO, NETHERLANDS, NORWAY, PERU, PORTUGAL, SPAIN, SWEDEN AND VENEZUELA: DRAFT RESOLUTION

SITUATION OF HUMAN RIGHTS IN CHILE

THE COMMISSION ON HUMAN RIGHTS,

GUIDED BY THE PURPOSES AND PRINCIPLES OF THE CHARTER OF THE UNITED NATIONS AND BEARING IN MIND THE UNIVERSAL

UNCLASSIFIED

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PAGE 01 GENEVA 02352 02 OF 04 081606Z

ACTION IO-19

INFO	LOG-00	ADS-00	AID-01	INR-05	EUR-01	SS-01	OIC-02
	AF-01	CIAE-00	EB-01	DODE-00	H-01	NEA-01	NSCE-00
	ARA-01	NSAE-00	SSO-01	HA-09	L-03	LAB-04	TRSE-00
	EAP-01	PA-02	STR-18	SIL-01	INRE-00	RP-10	SP-01
	SR-01	PRS-01	P-02	/088 W			

----------314713 081621Z /46

O 081553Z MAR 90
FM USMISSION GENEVA
TO SECSTATE WASHDC IMMEDIATE 8059
INFO USMISSION USUN NEW YORK PRIORITY
USIA WASHDC PRIORITY 7489
AMEMBASSY BUENOS AIRES
AMEMBASSY DHAKA
AMEMBASSY BRUSSELS
AMEMBASSY GABORONE
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PAGE 02 GENEVA 02352 02 OF 04 081606Z

AMEMBASSY LAGOS
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UNCLAS SECTION 02 OF 04 GENEVA 02352

LIBREVILLE PASS SAO TOME
E.O. 12356: OADR
TAGS: UNHRC-1, PHUM, CI
SUBJECT: 46TH SESSION OF UN HUMAN RIGHTS COMMISSION: DECLARATION OF HUMAN RIGHTS, THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS AND THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS,

AWARE OF ITS RESPONSIBILITY TO PROMOTE AND ENCOURAGE RESPECT FOR HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS AND RESOLVED TO REMAIN VIGILANT WITH REGARD TO VIOLATIONS OF HUMAN RIGHTS, WHEREVER THEY OCCUR,
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PAGE 03 GENEVA 02352 02 OF 04 081606Z

NOTING THE OBLIGATION OF THE GOVERNMENT OF CHILE TO RESPECT AND PROTECT HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ACCORDANCE WITH THE INTERNATIONAL INSTRUMENTS TO WHICH CHILE IS A PARTY,

RECALLING THAT THE CONCERN OF THE INTERNATIONAL COMMUNITY AT THE SERIOUS SITUATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN CHILE HAS BEEN EXPRESSED BY THE GENERAL ASSEMBLY AND BY THE COMMISSION ON HUMAN RIGHTS

IN MANY RESOLUTIONS SINCE 1974,

REGRETTING THAT, DESPITE THE IMPROVEMENT IN THE SITUATION OF HUMAN RIGHTS IN CHILE, THE MILITARY GOVERNMENT HAS FAILED TO ACT ON A NUMBER OF THE RECOMMENDATIONS CONTAINED IN ALL THE REPORTS PREPARED ON THIS TOPIC AND HAS ALSO ISSUED MANY LAWS CONSOLIDATING AN INSTITUTIONAL LEGAL FRAMEWORK HARMFUL TO RESPECT FOR HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS,

BEARING IN MIND THAT, IN THESE CIRCUMSTANCES, AS POINTED OUT BY THE SPECIAL RAPPORTEUR, MR. FERNANDO VOLIO JIMENEZ, MUCH REMAINS TO BE DONE IF CHILEAN SOCIETY IS TO ENJOY A RELIABLE SYSTEM OF JUDICIAL PROTECTION OF FUNDAMENTAL FREEDOMS AND HUMAN RIGHTS, ESPECIALLY AS A RESULT OF THE HEAVY INSTITUTIONAL BURDEN WHICH WILL BE TAKEN OVER BY THE GOVERNMENT-ELECT,

ALSO BEARING IN MIND THE WILL EXPRESSED BY THE PEOPLE OF CHILE IN THE RECENT ELECTORAL PROCESS WHICH HAS LED TO THE RESTORATION OF CIVILIAN POWER IN THE POLITICAL LEADERSHIP OF THE COUNTRY AND SHARING ITS TRUST IN THE COMMITMENT MADE BY THE FUTURE CHILEAN AUTHORITIES TO

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PAGE 01 GENEVA 02352 03 OF 04 081606Z
ACTION IO-19

INFO LOG-00 ADS-00 AID-01 INR-05 EUR-01 SS-01 OIC-02

AF-01	CIAE-00	EB-01	DODE-00	H-01	NEA-01	NSCE-00
ARA-01	NSAE-00	SSO-01	HA-09	L-03	LAB-04	TRSE-00
EAP-01	PA-02	STR-18	SIL-01	INRE-00	RP-10	SP-01
SR-01	PRS-01	P-02	/088 W			

----------314731 081621Z /46

O 081553Z MAR 90
FM USMISSION GENEVA
TO SECSTATE WASHDC IMMEDIATE 8060
INFO USMISSION USUN NEW YORK PRIORITY
USIA WASHDC PRIORITY 7490
AMEMBASSY BUENOS AIRES
AMEMBASSY DHAKA
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PAGE 02 GENEVA 02352 03 OF 04 081606Z

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UNCLAS SECTION 03 OF 04 GENEVA 02352

LIBREVILLE PASS SAO TOME
E.O. 12356: OADR
TAGS: UNHRC-1, PHUM, CI
SUBJECT: 46TH SESSION OF UN HUMAN RIGHTS COMMISSION:
RESTORE THE FULL ENJOYMENT OF HUMAN RIGHTS AND
FUNDAMENTAL FREEDOMS, SINCE BEING
AWARE THAT THE CONTINUOUS CONCERN OF THE UNITED NATIONS
AT THE SITUATION OF HUMAN RIGHTS IN CHILE MADE FOR THE
ESTABLISHMENT OF THE INTERNATIONAL CONDITIONS NECESSARY
FOR CHILE'S RETURN TO DEMOCRACY.

1. TAKES NOTE WITH APPRECIATION OF THE REPORT BY THE
UNCLASSIFIED

UNCLASSIFIED

PAGE 03 GENEVA 02352 03 OF 04 081606Z

SPECIAL RAPPORTEUR (E/CN.4/1990/5) AND THANKS HIM FOR
HIS VALUABLE CO-OPERATION SINCE 1985 IN THE
INTERNATIONAL MONITORING OF THE HUMAN RIGHTS SITUATION
OF THE CHILEAN PEOPLE;

2. ALSO EXPRESSES ITS APPRECIATION TO THE AD HOC
WORKING GROUP, THE EXPERTS AND THE SPECIAL RAPPORTEURS,
MR. ABDOULAY DIEYE AND MR. RAJSOOMER LALLAH, WHO
CONTRIBUTED TO THE WORK DONE BY THE INTERNATIONAL
COMMUNITY, FOR 16 YEARS, TO RESTORE HUMAN RIGHTS IN CHILE;

3. NOTES WITH SATISFACTION THE IMPROVEMENT IN THE
SITUATION OF HUMAN RIGHTS IN CHILE, AS DESCRIBED BY THE

SPECIAL RAPPORTEUR IN HIS LAST REPORT;

4. DEEPLY REGRETS THAT, DESPITE THE MANY RECOMMENDATIONS BY THE INTERNATIONAL COMMUNITY TO THE MILITARY GOVERNMENT OF CHILE, THE FOLLOWING ARE STILL PENDING;

--(A) JUDICIAL AND ADMINISTRATIVE IDENTIFICATION AND PUNISHMENT OF THE PERSONS RESPONSIBLE FOR CRIMES, DISAPPEARANCES, TORTURE, PERSECUTION, INTIMIDATION AND OTHER FORMS OF CRUEL, INHUMAN AND DEGRADING TREATMENT, AS WELL AS THE SITUATION OF PERSONS IN CUSTODY ON POLITICAL GROUNDS;

-- (B) A RETURN TO NORMAL OF THE ADMINISTRATION OF JUSTICE, ESPECIALLY IN REGARD TO A REFORM OF THE SYSTEM OF MILITARY JUSTICE AND A REVIEW OF THE DECISION BY THE MILITARY COURTS;

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PAGE 01 GENEVA 02352 04 OF 04 081606Z
ACTION IO-19

INFO	LOG-00	ADS-00	AID-01	INR-05	EUR-01	SS-01	OIC-02
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	ARA-01	NSAE-00	SSO-01	HA-09	L-03	LAB-04	TRSE-00
	EAP-01	PA-02	STR-18	SIL-01	INRE-00	RP-10	SP-01

SR-01 PRS-01 P-02 /088 W
----------314746 081621Z /46
O 081553Z MAR 90
FM USMISSION GENEVA
TO SECSTATE WASHDC IMMEDIATE 8061
INFO USMISSION USUN NEW YORK PRIORITY
USIA WASHDC PRIORITY 7491
AMEMBASSY BUENOS AIRES
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PAGE 02 GENEVA 02352 04 OF 04 081606Z

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UNCLAS SECTION 04 OF 04 GENEVA 02352

LIBREVILLE PASS SAO TOME
E.O. 12356: OADR
TAGS: UNHRC-1, PHUM, CI
SUBJECT: 46TH SESSION OF UN HUMAN RIGHTS COMMISSION:
-- (C) A REVIEW OF THE RULES WHEREBY PERSONS COMMITTING
SERIOUS VIOLATIONS OF HUMAN RIGHTS ARE GRANTED IMPUNITY;

5. TAKES NOTE OF THE DECISION ADOPTED BY THE MILITARY GOVERNMENT JUNTA TO DISBAND THE NATIONAL INFORMATION AGENCY AND EXPRESSES ITS TRUST THAT THE AGENCY'S ARCHIVES WILL BE KEPT AT THE DISPOSAL OF THE COURTS OF JUSTICE AND THE AUTHORITIES OF THE GOVERNMENT-ELECT;
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PAGE 03 GENEVA 02352 04 OF 04 081606Z

6. NOTES WITH SATISFACTION THE COMMITMENT MADE BY THE GOVERNMENT-ELECT TO CARRY OUT THE EFFORTS NECESSARY TO SECURE A FULL RETURN TO NORMAL OF THE TRADITIONAL DEMOCRATIC LEGAL SYSTEM WHICH WAS AFFECTED, FROM 1973 ONWARDS, AS A RESULT OF AN ENFORCED SYSTEM OF INSTITUTIONS WHICH MADE FOR MORE THAN 16 YEARS OF SERIOUS AND SYSTEMATIC INFRINGEMENTS OF NATIONAL AND INTERNATIONAL RULES ON HUMAN RIGHTS;

7. WELCOMES THE COMMITMENT MADE BY THE GOVERNMENT-ELECT TO BRING CHILE FULLY INTO THE INTERNATIONAL HUMAN RIGHTS SYSTEM ESTABLISHED BY THE UNITED NATIONS AND THUS TO CONTINUE TO FOLLOW UP KNOWN UNRESOLVED CASES AND ANY OTHERS WHICH EMERGE FROM INQUIRIES BY THE BODIES IN THE SYSTEM;

8. CONVINCED THAT THE PRESENT CHILEAN DEMOCRATIC PROCESS AND MANAGEMENT BY THE GOVERNMENT-ELECT WILL MAKE FOR THE RESTORATION OF THE RULE OF LAW BASED ON FULL ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, DECIDES NOT TO RENEW THE MANDATE OF THE SPECIAL RAPPORTEUR, AS FROM THE TIME THE GOVERNMENT-ELECT TAKES OFFICE;

9. REQUESTS THE GOVERNMENT-ELECT OF CHILE TO REPORT, AT A SPECIAL MEETING AT THE FORTY-SEVENTH SESSION, ON THE FOLLOW-UP TO THE RECOMMENDATIONS ADOPTED BY THE UNITED NATIONS UP TO LL MARCH 1990 IN CONNECTION WITH THE RESTORATION OF CHILE OF THE HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS WITH WHICH IT HAS BEEN ABLE TO DEAL. ABRAM##

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JF118

Case Number: S199900030

3/9/00

DECAPTIONED

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

~~CONFIDENTIAL~~

PAGE 01 SANTIA 02034 01 OF 02 092127Z
ACTION SS-01

INFO LOG-00 ADS-00 SSO-01 /002 W
----------026266 092128Z /38

O 092124Z MAR 90 ZFF4
FM AMEMBASSY SANTIAGO
TO AMEMBASSY BRIDGETOWN NIACT IMMEDIATE
INFO SECSTATE WASHDC 5337

~~C O N F I D E N T I A L~~ SECTION 01 OF 02 SANTIAGO 02034

EXDIS Decaption

FOR ARA A/S BERNIE ARONSON AND OVP JON GLASSMAN

E.O. 12356: OADR
TAGS: PREL, PGOV, CI
SUBJECT: FILLING IN THE BRIEFING PAPERS

1. ~~CONFIDENTIAL~~ - ENTIRE TEXT.

2. THERE IS A FESTIVE MOOD BUILDING IN SANTIAGO AND IT'S NOT THE LEFT'S PRIVATE PROPERTY. PERHAPS THE ONLY TRULY SAD SACKS THIS WEEKEND WILL BE AUGUSTO PINOCHET AND THE OFFICERS AND CIVILIANS WHO HITCHED THEIR WAGONS TO HIS STAR. AND THAT DOES NOT INCLUDE MOST OF THE DEMOCRATIC RIGHT. CHILE'S DEMOCRATIC TRADITION DID NOT DIE DURING THE YEARS OF MILITARY REGIME. EVIDENCE? THE RELATIVELY SMOOTH, VERY CIVIL TRANSITION PROCESS.

3. THERE'S ALSO A SENSE OF RELIEF. AN INSIGHTFUL COLOMBIAN FRIEND REMINDED ME THAT TO BE A CHILEAN -- RIGHT OR LEFT-- DURING THE MILITARY REGIME HAS BEEN HARD. THERE HAS A TIME DURING THE '70S WHEN CHILE WAS ALMOST A PARIAH STATE AND CHILEAN PASSPORT HOLDERS WERE SUSPECT IN MANY PARTS OF THE WORLD. THE CURTAIN COMES DOWN ON THOSE DAYS HERE ON 11 MARCH. IN MY VIEW, THEY ~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

EXDIS
SECRET
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WON'T REALLY END UNTIL THE SANCTIONS WHICH HAVE BEEN APPLIED TO THIS COUNTRY -- ESPECIALLY OURS -- ARE ERASED.

4. AYLWIN SHARES THAT VIEW, AND SO DO HIS CLOSEST ADVISERS. THAT GIVES US A LINE FOR THE THEME OF VICE PRESIDENT QUAYLE'S VISIT AND YOUR OWN CONVERSATIONS HERE: WELCOME BACK, AND HOW DO WE MOVE THINGS AS QUICKLY AS WE CAN TO FULLY NORMAL? NOTE THE QUESTION MARK. THE NEW GOVERNMENT HAS A FULL SPEAKING PART AND WE WILL BE DEPENDENT ON WHAT AYLWIN DOES AS WE TRY TO PURSUE OUR OWN INTERESTS.

5. AYLWIN GIVES GREAT WEIGHT TO HIS RELATIONS WITH US. THERE ARE CHILEANS, INCLUDING SOME CLOSE TO THE PRESIDENT, WHO DON'T. THEY WANT TO DIVERSIFY -- DEVELOP CLOSER EUROPEAN AND ASIAN TIES BECAUSE THE US HAS NOT ALWAYS BEEN A RELIABLE ALLY. AGAIN, THIS THEME HAS LEFT AS WELL AS RIGHT ECHOES. EVENTS IN EUROPE MAY MUTE SOME OF THAT, BUT YOU MAY HEAR IT IN SANTIAGO. I HOPE WE CAN SAY AND, EVENTUALLY, DO THE THINGS THAT WILL PUT US IN A BETTER LIGHT.

6. AT THE SAME TIME, IT WILL BE A GOOD THING FOR CHILE TO LOOK OUTWARD. CHILE HAS BEEN ISOLATED. THE COUNTRY HAS THE INTELLECTUAL AND INSTITUTIONAL RESOURCES AND ENOUGH ECONOMIC SECURITY TO BE A REAL PLAYER IN HEMISPHERIC AFFAIRS AND, APPROPRIATELY, GLOBALLY AS WELL. WE SHOULD ENCOURAGE THAT.

7. NOW SOME SPECIFICS.

-O- CHILEAN EXPECTATIONS: ALTHOUGH AYLWIN WOULD LOVE TO SEE AN AID CORNUCOPIA ON HIS INAUGURAL TABLE, I BELIEVE
~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 03 SANTIA 02034 01 OF 02 092127Z

WE HAVE CONDITIONED HIS EXPECTATIONS. SO HAVE HIS ADVISERS. HE WILL SETTLE FOR STRONG RHETORICAL SUPPORT NOW. (THERE ARE AREAS WHERE WE CAN HELP AND I HOPE MY FOUNDATION SUGGESTION IS STILL ALIVE; MAYBE WE CAN DISCUSS THAT. AND SENATOR KENNEDY, I HAVE LEARNED, MAY INTEND TO SEEK FUNDS FOR HEALTH, EDUCATION AND DEVELOPMENT WHEN HE GETS BACK TO WASHINGTON.)

-O- PATENT LAW, GSP AND OPIC: WE ARE HOSTAGE TO THE US PHARMACEUTICAL MANUFACTURERS ASSOCIATION. ACCEPTABLE PATENT PROTECTION IS STILL NOT ASSURED. NOT MUCH TO BE SAID ON THIS THAT IS VERY POSITIVE. THAT COULD CHANGE WHILE YOU ARE READING THIS.

-O- LETELIER-MOFFITT: I MET WITH EDMUNDO VARGAS LATE ON 8 MARCH, ANTICIPATING A MEETING HE WAS TO HAVE ON THE 9TH WITH THE FOREIGN AND JUSTICE MINISTERS PLUS OUR ATTORNEY AND THE CHILEAN LAWYER REPRESENTING THE LETELIERS HERE. VARGAS REAFFIRMED THE INTENTION TO SETTLE THE CIVIL SUIT. ON THE CRIMINAL SIDE, EXPECT AYLWIN TO TELL THE VICE PRESIDENT AND SENATOR KENNEDY THAT HIS GOVERNMENT WILL COOPERATE FULLY WITH US AND TAKE APPROPRIATE STEPS IN AN EFFORT TO SEE JUSTICE DONE. AYLWIN SHOULD SAY ALSO

~~CONFIDENTIAL~~

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~~CONFIDENTIAL~~

PAGE 01 SANTIA 02034 02 OF 02 092132Z

ACTION SS-01

INFO LOG-00 ADS-00 SSO-01 /002 W
----------026513 092142Z /64
O 092124Z MAR 90 ZFF4
FM AMEMBASSY SANTIAGO
TO AMEMBASSY BRIDGETOWN NIACT IMMEDIATE
INFO SECSTATE WASHDC 5338

~~C O N F I D E N T I A L~~ SECTION 02 OF 02 SANTIAGO 02034

EXDIS

THAT HIS PEOPLE WILL KEEP US FULLY INFORMED OF WHAT THEY INTEND TO DO BEFORE THEY DO IT. IF HE DOESN'T WE SHOULD ASK FOR THAT. THAT WAY, THE Q&A GO: Q. DID YOU DISCUSS THE LETELIER CASE WITH THE CHILEANS? A. YES, PRESIDENT AYLWIN ASSURED US HE WILL COOPERATE FULLY TO TAKE APPROPRIATE STEPS ON THE CRIMINAL PROSECUTION. WE EXPECT TO WORK CLOSELY WITH THE NEW GOVERNMENT ON THIS. Q. DOES THAT MEAN KENNEDY AMENDMENT SANCTIONS WILL BE LIFTED? A. THAT WILL DEPEND ON THE STEPS THE CHILEAN GOVERNMENT TAKES. WE ARE ENCOURAGED THAT WE WILL FINALLY HAVE COOPERATION ON THIS IMPORTANT MATTER. VARGAS MAY HAVE MORE FOR US DURING THE VICE PRESIDENT'S MEETING WITH MINISTERS ON MONDAY, 12 MARCH.

-O- RELATIONS WITH THE MILITARY: IT IS IN NO ONE'S INTEREST FOR THE CHILEAN ARMED FORCES TO BE THE NEW PARIAHS. THAT'S WHY ALL DEMOCRATIC COUNTRIES, ESPECIALLY OURS, SHOULD REBUILD THE RELATIONS THAT HAVE BEEN ATTENUATED OVER THE LAST DOZEN AND ONE-HALF YEARS. THE VICE PRESIDENT'S MEETING WITH DEFENSE MINISTER ROJAS WILL BE AN OPPORTUNITY TO TOUCH ON THAT THEME. YOU SHOULD HAVE SEEN THE CHILEAN CIVILIANS, INCLUDING STAUNCH SOCIALISTS, RUSH ABOARD THE CARRIER USS CONSTELLATION AT OUR INVITATION. THEY SAW OUR SAILORS AND OFFICERS AT
~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 02 SANTIA 02034 02 OF 02 092132Z

WORK AND AT PLAY, TOOK PICTURES (SOMETHING THEIR OWN ARMED FORCES NEVER PERMIT) AND SAW A BIT OF HOW IT CAN WORK IN A DEMOCRACY. WE NEED MUCH MORE OF THAT.

-O- HUMAN RIGHTS: IT'S A CHILEAN PROBLEM NOW AND ONE OF THE TOUGHEST AYLWIN FACES. HE WILL HAVE TO DECIDE HOW TO HANDLE IT. THERE IS VERY LITTLE WE CAN SAY THAT MIGHT HELP.

8. SO, THOSE ARE SOME OF THE HIGH SPOTS. THE VICE PRESIDENT'S PEOPLE HERE HAVE BEEN SUPER. THE SCHEDULE LOOKS GOOD. THE CHILE SUBSTANCE IS JUST ABOUT RIGHT. SEE YOU SATURDAY NIGHT.
GILLESPIE

~~CONFIDENTIAL~~

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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part X In Full ____
Exemption(s) NR

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P990134-0496

SCOPE PAPER
The Vice President's trip to Barbados, Venezuela Chile, Paraguay, Argentina, and Brazil
March 9-16, 1990

I. SETTING

[redacted] NR

- Drawn together by inaugurations in Chile and Brazil, hemispheric leaders will join prominent European and Asian statesmen in tribute to the resurgence of democracy in Latin America. Castro will not be on the scene (but Daniel Ortega is scheduled to.)

[redacted] NR

- At the heart of your trip:

  -- Chile, peacefully ending 17 years of dictatorship and political isolation. The new government is grateful for our support for democratization. It now has Latin America's healthiest economy.

[redacted] NR

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I. OBJECTIVES

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NR

- o Convey our people's strong support for democratic progress and pleasure in adding Chile to a now uniformly democratic community in South America.

- o Press Pinochet in Chile to submit to the authority of the Aylwin government, and Rodriguez in Paraguay to remain faithful to democratic pledges.

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[redacted]

NR

III. STRATEGY

[redacted]

o You have much respectful praise to offer:

-- to Aylwin and his allies for their courage and their maturity in achieving a peaceful transition to democracy; and to Rodriguez for giving Paraguay new hope after Stroessner;

[redacted]

NR

3/10/92 UNCLASSIFIED

DEPARTMENT OF STATE
DIPLOMATIC SECURITY

INCOMING
TELEGRAM

BN065

PAGE 01 SANTIA 02844 101605Z 4184 014239 DS0062
ACTION DS-00

INFO DSS-01 CC-02 CT-01 PSLS-01 OP-01 TAD-01 FLD-01 SA-01
PLD-01 CMI-01 IC-02 DS-01 PI-01 CI-01 DP-01 G-01 EPE-01
ATA-01 POL-01 CR-01 H-01 /021 A1 SS

INFO LOG-00 ADS-00 AID-00 INR-05 SS-00 CIAE-00 EB-00
DODE-00 NSCE-00 ARA-00 NSAE-00 COME-00 SSO-00 L-02
AMAD-01 CTME-00 NRCE-00 TRSE-00 PM-00 PA-01 FAAE-00
CCO-00 INRE-00 CA-02 CG-00 ACDA-05 A-00 USSS-00
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USOFFICE MRC MIAMI

~~S E C R E T~~ SANTIAGO 02844

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CINC ALSO FOR POLADS

E.O. 12356: DECL: OADR
TAGS: ASEC, PTER, PINS, CI
SUBJECT: MULTIPLE BOMB DETONATIONS OCCUR IN SANTIAGO

1. (U) POLICE AND MEDIA SOURCES REPORT THAT AT LEAST A DOZEN SMALL BOMBS WERE DETONATED IN SANTIAGO ON MARCH 9 BETWEEN 2200-2300 HOURS.

2. (S) POLICE AND EMBASSY SOURCES BELIEVE THAT THE GROUPS MOST LIKELY RESPONSIBLE ARE EITHER THE FPMR OR MAPU/L ORGANIZATIONS.

3. (U) OTHER TARGETS OF THESE BOMBINGS INCLUDED A TELEPHONE OFFICE, A MORMON TEMPLE, A PRIVATE RESIDENCE OCCUPIED BY A MILITARY OFFICER, THE CHILEAN TOURIST OFFICE, AN OFFICE OF A LOCAL DAILY NEWSPAPER, AN OFFICE OF THE GOC INTELLIGENCE ORGANIZATION (CNI), SOME PRIVATE BUSINESSES AND A COURTHOUSE. TWO PASSERBYS WERE INJURED AT THE COURTHOUSE EXPLOSION.

4. (C) RSO HAD PREVIOUSLY CONTACTED A MORMON CHURCH REPRESENTATIVE ON MARCH 7 TO WARN HIM THAT MORMON CHAPELS COULD POSSIBLY BE TARGETED BY BOMBERS DURING THE NEXT FEW DAYS.

5. (C) VARIOUS MEDIA REPORTS THAT A BOMB EXPLODED AT THE US CONSULATE ARE FALSE. WHAT ACTUALLY OCCURRED IS THAT AT 2235 HOURS, A GARDENER ENTERED A SMALL SUBTERRANEAN STORAGE AREA IN THE PARK ACROSS THE STREET FROM THE CONSULATE AND ACCIDENTALLY IGNITED GASOLINE FUMES THAT ESCAPED FROM A FUEL STORAGE TANK USED TO REFUEL LAWNMOWERS. RSO SPOKE TO THE CARABINERO OFFICER IN CHARGE OF THE BOMB SQUAD AND THE FIRE CAPTAIN AT THE SCENE AND BOTH OFFICIALS TOLD HIM THAT THIS INCIDENT WAS AN ACCIDENT NOT A

SANTIA 02844 101805Z 4184 014239 DS0062
BOMBING. THE GARDENER IS REPORTEDLY HOSPITALIZED IN SERIOUS CONDITION WITH EXTENSIVE BURNS.
GILLESPIE

R

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

Edward McCHON

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U.S. Department of State
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PAGE 01 STATE 077422
ORIGIN ARA-01

INFO LOG-00 ADS-00 SS-01 NSCE-00 SSO-01 PA-01 CPR-02
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DRAFTED BY: ORIGINAL TEXT FROM WHITE HOUSE
APPROVED BY: ARA/SC:KCSMITH
ARA/SC: BAOWENS ARA/SC:JFCASSMAN
S/S-C:SSARKIS S/S: JFCOLLINS
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TO AMEMBASSY SANTIAGO IMMEDIATE

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E.O. 12356: N/A
TAGS: PREL, OPDC, OVIP, CI
SUBJECT: LETTER FROM PRESIDENT BUSH TO PRESIDENT AYLWIN

FOR AMBASSADOR FROM ARA/SC

1. THE FOLLOWING IS THE TEXT OF A LETTER FROM PRESIDENT BUSH TO PRESIDENT AYLWIN. THE SIGNED ORIGINAL WILL BE HAND-CARRIED BY VP QUAYLE TO SANTIAGO AND PRESENTED TO AYLWIN DURING THEIR BILATERAL MEETING. THIS CABLE IS FOR YOUR INFORMATION ONLY. THE WHITE HOUSE HAS NO PLANS TO MAKE THE CONTENTS OF THE LETTER PUBLIC BUT WOULD NOT OBJECT IF THE CHILEAN GOVERNMENT WISHES TO DO SO.

2. BEGIN TEXT:

THE WHITE HOUSE
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PAGE 02 STATE 077422

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WASHINGTON
MARCH 8 1990

HIS EXCELLENCY
PATRICIO AYLWIN AZOCAR
PRESIDENT OF THE REPUBLIC OF CHILE
SANTIAGO

DEAR MR. PRESIDENT:

I HAVE ASKED VICE PRESIDENT QUAYLE TO CONVEY MY WARMEST CONGRATULATIONS TO YOU ON YOUR INAUGURATION AS PRESIDENT OF THE REPUBLIC OF CHILE. THE PEOPLE OF THE UNITED STATES OF AMERICA JOIN WITH THE PEOPLE OF CHILE IN THIS CELEBRATION OF DEMOCRACY, AND OFFER YOU OUR SUPPORT AS YOU CONTINUE THE ARDUOUS TASK OF CONSOLIDATING DEMOCRACY IN YOUR COUNTRY. THE CHALLENGES THAT YOU WILL FACE AS PRESIDENT WILL BE DIFFICULT, BUT YOU HAVE THE FIRM SUPPORT OF ALL DEMOCRATIC NATIONS.

WE LOOK FORWARD TO IMPROVING ALL ASPECTS OF OUR RELATIONS WITH YOUR COUNTRY. INCLUDING ECONOMIC, POLITICAL, AND DEFENSE RELATIONS. MY ADMINISTRATION IS ALREADY HARD AT WORK ON THESE ISSUES, AND WE LOOK FORWARD TO CONDUCTING DISCUSSIONS WITH YOUR REPRESENTATIVES AS SOON AS FEASIBLE. IN THIS REGARD, I URGE YOU TO RAISE WITH VICE PRESIDENT QUAYLE ANY ISSUE YOU WOULD RAISE WITH ME. HE WILL BE BRIEFING ME IN DETAIL ABOUT HIS MEETINGS WHEN HE RETURNS TO WASHINGTON.

I HOPE TO MEET WITH YOU PERSONALLY LATER THIS YEAR, TO CONTINUE OUR DIALOGUE AND DEMONSTRATE THE STRENGTH OF THE UNITED STATES' COMMITMENT TO DEMOCRACY IN CHILE.
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PAGE 03 STATE 077422

SINCERELY,
(SIGNED)
GEORGE BUSH

END TEXT
BAKER

9 EAST

United States Department of State

Washington, D.C. 20520

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EXCISE

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MEMORANDUM

DEPARTMENT OF STATE IM/TPS/CR/IR Date: 6/23/97

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EO Citations

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TS authority to

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cc: PREL/U

March 12, 1990

TO: ARA/CCA - Mr. Morley

FROM: ARA/CCA - Dick Kester

SUBJECT: Information on Cuban Oil

1. Spoke with [redacted] expert on Cuban energy, to discuss petroleum matters and the peso.

2. Per [redacted] the Cubans are currently concerned about future Soviet oil deliveries because changes are likely under the new 5-year trade protocol (1991-1995) now being negotiated. At present, Soviet oil deliveries fall under the current 5-year plan, and the Soviets are meeting their commitments. The Soviets are likely to reduce oil exports to all their friends, including Cuba, in the next several years because Soviet oil production is likely to decline.

3. Even if the Soviets maintain oil exports to Cuba at present levels, Cuba will feel the pinch. Cuba's domestic economy, ceteris paribus, requires 3 percent more oil each year to sustain modest growth. As a result, the Agency estimates, even if the Soviets maintain current delivery levels, Cuba will cease to be an oil reexporter this year or next.

4. Castro is even more concerned, according to [redacted] about the possibility that internal Soviet problems could make it impossible for the Soviets to meet their petroleum commitments. Castro has devised contingency plans to take account of this. They emphasize conservation, at the cost of economic growth, because Cuba lacks the hard currency to buy large quantities of oil in international markets. If need be, for example, Havana is prepared to save oil by cutting the generation of electricity by one third to one half and by drastically curtailing cement production.

5. At present, Cuba imports about 95 percent of its oil. Imports amount to 270,000 barrels per day, or about 13.5 million metric tons annually. Of the 13.5 million tons,

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approximately 10 million tons come directly from the Soviet Union. The balance of 3.5 million tons comes largely from Venezuela, together with small amounts from Ecuador and Mexico. Under a swap arrangment, Venezuela provides oil to Cuba, while the Soviets supply West Germany, a Venezuelan client.

6. Cuban reexports, which were a major source of hard currency earnings in the mid-1980s, at times have involved the physical reexport of oil from Cuba. In other cases, the Soviets have sold oil on the international market and provided Cuba the proceeds.

7. Of the 13.5 million ~~metric tons of~~ oil Cuba imports, some 7.6 million tons is crude. The balance is in refined form. Cuba has two refineries in operation on the island at present and is building a third at Cienfuegos that is scheduled to go into operation in 1992.

8. I also queried [redacted] about the appreciation of the Cuban peso. He stated that the development was of little significance because the peso is nonconvertible and is not exchanged. He agreed that any appreciation in the peso would move it closer to the black market rate.

Drafted:ARA/CCA:RAKester
5976, 7-9272, 03/12/90

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TO AMEMBASSY SANTIAGO

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Chile Project (#S199900030)
U.S. Department of State
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Declassify: In Part X In Full ____
Exemption(s) NR

E.O. 12356: DECL: OADR
TAGS: AMGT
SUBJECT: OFFICIAL-INFORMAL

ASSISTANT SECRETARY'S DAILY ACTIVITY REPORT
MARCH 9, 1990

(C) CHILE: LEFTISTS MAY DISRUPT INAUGURATION WEEKEND. EMBASSY HAS UNCOMFIRMED INFORMATION THAT A U.S. BUSINESS, CONSULATE OR BINATIONAL CENTER IN CHILE COULD BE THE TARGET OF "DRAMATIC" PROTESTS (I.E. BOMBS) BY RADICAL LEFTISTS IN CONJUNCTION WITH VP QUAYLE'S VISIT TO CHILE FOR THE INAUGURATION. THE EMBASSY HAS ALERTED U.S. BUSINESSES IN CHILE TO THE THREAT, AND WILL TAKE EXTRA SECURITY PRECAUTIONS DURING THE WEEKEND. (CASSMAN)

(C) CHILE: THE AYLWIN GOVERNMENT'S ABILITY TO GOVERN. DESPITE THE LEGAL FRAMEWORK INHERITED FROM THE PINOCHET GOVERNMENT, EMBASSY SANTIAGO PREDICTS THAT PRESIDENT AYLWIN WILL BE A STRONG CHIEF EXECUTIVE WHO WILL HAVE THE NECESSARY POWERS TO IMPLEMENT HIS POLICIES. AYLWIN SHOWED DURING THE POST-ELECTION PERIOD THAT HE KNOWS HOW TO CONSOLIDATE POWER AND HOW TO USE IT. HIS CURRENT STRATEGY
CONFIDENTIAL
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CONFIDENTIAL

PAGE 02 STATE 078533

IS TO AVOID CONFRONTATION WITH THE MILITARY WHILE COOPTING KEY MEMBERS OF THE HIGH COMMAND. AYLWIN WILL RIDE A STRONG WAVE OF POPULAR SUPPORT DURING HIS FIRST YEAR OF OFFICE, WHICH WILL HELP IN DEALING WITH THE CHILEAN MILITARY. (CASSMAN)

NR

(HENGEL)

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EXCISE

P B6

PAGE 01 STATE 079236
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Chile Project (#S199900030)
U.S. Department of State
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UNCLAS STATE 079236

E.O. 12357: N/A
TAGS: CASC: CI: (HORMAN, JOYCE)
SUBJECT: W/W: CAASE OF JOYCE HORMAN

1. FOLLOWING IS PROVIDED FOR POST'S INFORMATION ONLY.

2. DANIEL LAZAR [redacted] WISHES TO ADVISE EMBASSY THAT HIS NIECE, JOYCE HORMAN, IS IN SANTIAGO FOR THE ELECTIONS. SHE WAS TO CHECK-IN AND REGISTER WITH THE EMBASSY. POST SHOULD RECALL THAT MRS. HORMAN IS THE WIFE OF CHARLES E. HORMAN WHO WAS KILLED IN CHILE IN 1973 AND IS THE SUBJECT OF THE MOVIE "MISSING."

3. MR. LAZAR BELIEVES HIS NIECE CAN BE REACHED VIA HOTEL PHONE [redacted] OR THROUGH FRIENDS AT [redacted] MRS. HORMAN'S TRAVEL PLANS ARE UNKNOWN TO MR. LAZAR, WHO FEELS EMBASSY SHOULD BE AWARE OF HER PRESENCE AND TO PROVIDE APPROPRIATE ASSISTANCE IF REQUIRED.

4. [redacted]

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PAGE 02 STATE 079236

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(JF126)

Chile Project (#S199900030)
U.S. Department of State
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PAGE 01 STATE 080153
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TO AMEMBASSY SANTIAGO PRIORITY

C O N F I D E N T I A L STATE 080153

E.O. 12356: DECL: OADR
TAGS: AMGT
SUBJECT: OFFICIAL-INFORMAL

ASSISTANT SECRETARY'S DAILY ACTIVITY REPORT
MARCH 12, 1990

NR

CONFIDENTIAL

PAGE 02 STATE 080153

(LOU) CHILE: CARNIVAL ATMOSPHERE IN SANTIAGO AS AYLWIN TAKES POWER. EMBASSY SANTIAGO REPORTS THAT THE MOOD WAS GENERALLY FESTIVE DURING THE INAUGURAL EVENTS THROUGHOUT CHILE. THE ONLY MAJOR DEMONSTRATION TODAY WAS A PRO-SANDINISTA RALLY HELD IN FRONT OF THE HOTEL WHERE DANIEL ORTEGA IS STAYING. ORTEGA ALSO GAVE A PRESS CONFERENCE AND PLANS TO GIVE A SPEECH AT THE BURIAL SITE
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 STATE 080153

OF SALVADOR ALLENDE. (ARA/SC COMMENT: THIS SHOWS JUST HOW ISOLATED AND BEHIND THE TIMES THE CHILEAN LEFT HAS BECOME. OLD GUARD COMMUNISTS AND MARXIST SOCIALISTS IN CHILE HAVE STILL NOT HEARD ABOUT PERESTROIKA. THEY ARE THE DINOSAURS OF THE CHILEAN POLITICAL SPECTRUM, BUT WILL CAUSE PROBLEMS FOR THE AYLWIN GOVERNMENT BY CONTINUING THEIR POLICY OF VIOLENCE AND TERRORISM AGAINST MILITARY

AND POLICE TARGETS. (CASSMAN)

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TO AMEMBASSY SANTIAGO PRIORITY

~~C O N F I D E N T I A L~~ STATE 088503

E.O. 12356: DECL: OADR
TAGS: AMGT
SUBJECT: OFFICIAL -- INFORMAL

FOR AMBASSADOR AND DCM FROM ARA/SC

1. CONFIDENTIAL -- ENTIRE TEXT.

2. THE FOLLOWING TEXT IS A DRAFT OF THE SEMI-ANNUAL NATO EXPERTS WORKING GROUP ON LATIN AMERICA COUNTRY PAPER ON CHILE. REQUEST EMBASSY COMMENTS AND CLEARANCE.

2. BEGIN TEXT.

NATO EXPERTS WORKING GROUP ON LATIN AMERICA COUNTRY PAPER ON CHILE

ON DECEMBER 14, 1989, CHRISTIAN DEMOCRAT PATRICIO AYLWIN, REPRESENTING A CENTER LEFT COALITION (CODPODE), WON CHILE'S FIRST OPEN PRESIDENTIAL ELECTIONS IN 19 YEARS. IN CONGRESSIONAL RACES CODPODE CAPTURED A MAJORITY IN THE LOWER HOUSE. THE CHILEAN CONSTITUTION, DESIGNED BY PINOCHET, PROVIDES FOR NINE APPOINTED SENATORS, WHICH IN ADDITION TO THE 16 SEATS WON BY THE RIGHT WING PARTIES, WILL GIVE THE RIGHT A MAJORITY IN THE 47 MEMBER SENATE. AYLWIN, THEREFORE, FACES THE DUAL CHALLENGE OF MAINTAINING HIS BROAD ELECTORAL COALITION, WHILE COURTING RIGHT-WING SUPPORT TO IMPLEMENT HIS PROGRAM. DURING HIS FOUR YEAR TRANSITION TERM HE FACES THE DAUNTING TASKS OF CLEANSING CHILE'S GOVERNING INSTITUTIONS OF PINOCHET'S AUTHORITARIAN RESIDUE, REVAMPING CIVIL-MILITARY RELATIONS, RESOLVING HUMAN RIGHTS CASES, AND MAINTAINING SOUND ECONOMIC POLICIES AND ECONOMIC GROWTH WHILE MEETING PENT-UP POPULAR DEMAND FOR MORE SOCIAL PROGRAMS.

AYLWIN HAS DENOUNCED ELEVENTH HOUR PINOCHET MANUEVERS THAT WILL FORCE HIM TO SPEND HIS FIRST MONTHS IN OFFICE, AT THE ZENITH OF HIS POWER AND PRESTIGE, WORKING TO UNRAVEL AUTHORITARIAN VESTIGES. LAWS AND REGULATIONS ENACTED IN THE FINAL MONTHS OF THE MILITARY GOVERNMENT EFFECTIVELY INSULATE THE ARMED FORCES FROM CIVILIAN CONTROL AND CONSTRAIN THE CONGRESS, THE CENTRAL BANK, THE SUPREME COURT, AND THE REST OF THE JUDICIARY.

WHILE RESIGNED TO RELINQUISHING THE PRESIDENCY, PINOCHET HAS APPOINTED LOYALISTS TO MOST SENSITIVE ARMY POSTS AND ENSURED, AT LEAST FOR NOW, THE MILITARY'S AUTONOMY FROM CIVILIAN BUDGET CUTS AND INTERFERENCE. AYLWIN CANNOT

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DIRECTLY CONFRONT THE MILITARY; HE MUST ASSERT CIVILAN AUTHORITY THROUGH CAREFUL NEGOTIATIONS WITH HOSTILE AND SUSPICIOUS OFFICERS. RESOLUTION OF PAST HUMAN RIGHTS ABUSES WILL REMOVE A CENTRAL SOURCE OF TENSION BETWEEN THE CIVILIANS AND THE MILITARY. THE KEY LIES IN BALANCING UNCOMPROMISING DEMANDS FOR JUSTICE FROM LEFTIST AND HUMAN RIGHTS GROUPS WITH MILITARY RESOLVE TO BLOCK NEARLY ALL INVESTIGATIONS AND PROSECTIONS.

AYLWIN HAS A SOLID GOVERNING AGENDA SUPPORTED BY A MODERATE CABINET. HE PROMISES TO CONTINUE TO PROMOTE FREE MARKET ECONOMIC POLICIES AND FISCAL RESPOSIBILITY WHILE REDISTRIBUTING THE GAINS OF SUSTAINED ECONOMIC GROWTH MORE EQUITABLY THAN UNDER PINOCHET. MAJOR CHANGES TO THE ECONOMIC PROGRAM ARE NOT ANTICIPATED, ALTHOUGH MINOR ADJUSTMENTS WILL AFFECT CHILEAN AND FOREIGN INVESTORS ALIKE. THE NEED TO MAINTAIN BALANCED BUDGETS WILL PREVENT DRAMATIC CHANGES IN FISCAL POLICY, WHICH MAY TEND TO DIMINISH GOVERNMENT RESOURCES AND FORCE THE AYLWIN GOVERNMENT TO SEEK RIGHTIST SUPPORT IN THE CONGRESS IN ORDER TO GET ITS SPENDING PRIORITIES APPROVED.

IN THE INTERNATIONAL ARENA, AYLWIN'S PLANS INCLUDE RESTORING DIPLOMATIC RELATIONS WITH MEXICO, EASTERN EUROPEAN COUNTRIES AND THE SOVIET UNION. CHILE MAY BECOME MORE INVOLVED IN THIRD-WORLD AND LATIN AMERICAN ISSUES AND WILL PROBABLY CONTINUE TO PROMOTE OPEN TRADE RELATIONS, SEEKING TO EXPAND CHILE'S DIVERSIFIED EXPORTS.

AYLWIN AND HIS TOP ADVISORS FAVOR RAPID RESOLUTION OF THE LETELIER CASE, THE CHIEF OBSTACLE TO NORMAL CHILE-U.S. RELATIONS. THEY HAVE INDICATED THEIR WILLINGNESS TO PAY COMPENSATION TO THE LETELIER/MOFFITT FAMILIES AND TAKE SOME ACTIONS TO PURSUE CRIMINAL PROSECTIONS OF THE CHILEAN SECRET POLICE OFFICERS INDICTED BY A U.S. COURT FOR THE KILLINGS. IF THE AYLWIN GOVERNMENT FOLLOWS THROUGH ON BOTH THE CIVIL AND CRIMINAL SIDES OF THE CASE, THE USG. WOULD LIFT LEGAL SANCTIONS ON ARM SALES AND MILETARY ASSISTANCE TO CHILE.

END TEXT.

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Chile Project (#S199900030)
U.S. Department of State
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Declassify: In Part ____ In Full X
Exemption(s) ____

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ACTION ARA-01

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AMEMBASSY ASUNCION IMMEDIATE
AMEMBASSY BUENOS AIRES IMMEDIATE
AMEMBASSY BRASILIA IMMEDIATE

Chile Project (#S199900030)
U.S. Department of State
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UNCLAS SECTION 01 OF 04 SANTIAGO 02097

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WHITE HOUSE FOR PRESS AND ADVANCE OFFICES
STATE FOR S/S; ARA/SC
USIA FOR P/GF; P/M; AR - STENZEL; P/G; P/PFL; P/P;
VOA/BRL

E.O. 12356: N/A
TAGS: OVIP (QUAYLE, DAN), CI
SUBJ: FASTPRESS: TRANSCRIPT OF SANTIAGO PRESS CONFERENCE OF SENATOR EDWARD KENNEDY

1. RECIPIENTS PLEASE IMMEDIATELY DELIVER THIS TELEGRAM TO STAFF OF THE VICE PRESIDENT.

2. FOLLOWING IS THE TRANSCRIPT OF THE PRESS CONFERENCE GIVEN BY SENATOR EDWARD KENNEDY AT THE CARRERA HOTEL IN SANTIAGO ON MARCH 12, DURING HIS VISIT TO CHILE AS A MEMBER OF THE U.S. DELEGATION TO THE INAUGURATION OF PRESIDENT PATRICIO AYLWIN.

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PAGE 02 SANTIA 02097 01 OF 04 131810Z

3. BEGIN TEXT:

4. "I HAVE THE HONOR TO BE BACK IN CHILE AND I AM GRATEFUL TO PRESIDENT BUSH AND VICE PRESIDENT QUAYLE FOR INVITING ME TO BE PART OF THE OFFICIAL DELEGATION OF THE UNITED STATES AT THE INAUGURATION OF PRESIDENT AYLWIN.

5. "THE CIRCUMSTANCES OF MY VISIT TO CHILE IN 1990 ARE CERTAINLY MORE AUSPICIOUS THAN THE OCCASION OF MY VISIT IN 1986, YET DURING BOTH VISITS THE PEOPLE OF CHILE EXTENDED TO ME A GENEROUS AND WARM WELCOME. I AM DEEPLY HONORED TO JOIN IN THIS CELEBRATION OF DEMOCRACY. YESTERDAY IN VALPARAISO THE PEOPLE OF CHILE ACHIEVED WHAT MANY THOUGHT WOULD BE THE IMPOSSIBLE DREAM, THE PEACEFUL TRANSFER OF POWER FROM DICTATOR TO DEMOCRAT.

6. "FOR 17 YEARS THE COURAGEOUS CITIZENS OF CHILE SOUGHT THIS LIBERTY, NOT WITH INSTRUMENTS OF WAR, BUT WITH THE MOST POWERFUL WEAPON ON EARTH: THE INEVITABILITY, THE INVINCIBILITY OF THE HUMAN SPIRIT. THROUGHOUT THE DARK YEARS OF REPRESSION, THROUGHOUT THE HARD YEARS OF INTIMIDATION, THROUGHOUT THE DIFFICULT YEARS OF SUFFERING, THE PEOPLE OF CHILE NEVER WAVERED IN THEIR ENDURING COMMITMENT TO BE FREE, AND THE INAUGURATION OF PRESIDENT AYLWIN IS AN IMPRESSIVE TRIBUTE TO THE IRRESISTIBLE IDEA OF LIBERTY AND DEMOCRACY.

7. "DURING MY SHORT STAY IN CHILE I MET WITH HUMAN RIGHTS LEADERS, CARDINAL SILVA, MEMBERS OF THE CHILEAN COMMISSION FOR HUMAN RIGHTS, THE VICARIATE OF SOLIDARITY, AND MANY UNSUNG HEROES WHO HAVE PLAYED
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PAGE 03 SANTIA 02097 01 OF 04 131810Z

SUCH A CRUCIAL ROLE IN PROTECTING HUMAN RIGHTS IN THE REBIRTH OF DEMOCRACY. I HAVE HAD INTERESTING DISCUSSIONS WITH NEW MEMBERS OF CONGRESS, NEW MINISTERS OF THE AYLWIN GOVERNMENT, AND MEMBERS OF POLITICAL PARTIES FROM A WIDE RANGE OF POLITICAL VIEWS.

8. "I LOOK FORWARD TO MEETING THIS AFTERNOON WITH PRESIDENT AYLWIN AND DISCUSSING THE CHALLENGES HE FACES IN THE NEW RELATIONSHIP BETWEEN THE UNITED STATES AND THE CHILEAN GOVERNMENTS. THE PEOPLE OF THE UNITED STATES STAND READY TO ASSIST THE PEOPLE OF CHILE IN CONSOLIDATING THEIR DEMOCRATIC VICTORY AND I LOOK FORWARD TO WORKING IN THE UNITED STATES SENATE TO PROVIDE SUCH ASSISTANCE, INCLUDING TRADE AND INVESTMENT BENEFITS TO HELP IN THE AREAS OF GREATEST NEED, SUCH AS HEALTH, EDUCATION AND HOUSING.
9. "IN LISTENING LAST EVENING TO VALDES' SUPERB PERFORMANCE OF BEETHOVEN'S NINTH SYMPHONY I WAS STRUCK BY ITS PARTICULAR APPROPRIATENESS. LUDWIG VAN BEETHOVEN FACED SEEMINGLY INSURMOUNTABLE ODDS AS A DEAF COMPOSER, AND YET HIS PASSIONATE DRIVE PROPELLED HIM TO GREATNESS. ONLY THE PASSION AND DRIVE OF THE PEOPLE OF CHILE BROUGHT THEM TO THIS DAWN OF A GREAT NEW AREA. DEMOCRACY HAS AT LAST RETURNED TO THIS COURAGEOUS, BEAUTIFUL AND INSPIRING LAND. MAY FREEDOM NEVER LEAVE CHILE AGAIN."

10. END TEXT OF REMARKS BY THE SENATOR.

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PAGE 01 SANTIA 02097 02 OF 04 131811Z

ACTION ARA-01

INFO LOG-00 ADS-00 INR-05 SS-01 H-01 SSO-01 PA-02
INRE-00 PRS-01 /012 W
----------310541 131823Z /44

O 131800Z MAR 90
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TO WHITEHOUSE WASHDC IMMEDIATE
SECSTATE WASHDC IMMEDIATE 5373
USIA WASHDC IMMEDIATE 1430
AMEMBASSY ASUNCION IMMEDIATE
AMEMBASSY BUENOS AIRES IMMEDIATE
AMEMBASSY BRASILIA IMMEDIATE

UNCLAS SECTION 02 OF 04 SANTIAGO 02097

11. BEGIN TEXT OF QUESTIONS AND ANSWERS.

12. QUESTION (JORGE URIBE, EXCELSIOR DE MEXICO): "WILL THE U.S. GOVERNMENT MAINTAIN THE SAME DEMANDS OF THE GOVERNMENT OF CHILE INSOFAR AS A RESOLUTION TO THE ASSASSINATION OF THE FORMER FOREIGN MINISTER OF THE CONSTITUTIONAL PRESIDENT ALLENDE, WHICH OCURRED IN WASHINGTON?"

ANSWER: "THERE EXISTS LEGISLATION WHICH REQUIRES THAT THOSE INVOLVED IN THE ASSASSINATION OF MR. LETELIER AND THE AMERICAN CITIZEN RONNI MOFFITT BE BROUGHT TO JUSTICE EITHER IN THE UNITED STATES OR IN CHILE. I AM A STRONG BELIEVER IN THE COMMITMENT OF THE AYLWIN GOVERNMENT TO NOT ONLY ACHIEVE HUMAN RIGHTS HERE BUT TO ENSURE THAT CHILE REPRESENTS HUMAN RIGHTS THROUGHOUT THE WORLD.

"I HAD THAT STRONG BELIEF BEFORE COMING TO CHILE AND LAST NIGHT'S STATEMENT BY PRESIDENT AYLWIN TO
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PAGE 02 SANTIA 02097 02 OF 04 131811Z

RELEASE PRISONERS OF CONSCIENCE JUST REAFFIRMS THAT BELIEF. SO I AM CONFIDENT THAT THE DIFFICULT AND PAINFUL, BUT ALSO THE JUSTIFIABLE PROVISIONS FOR THAT

LEGISLATION WILL BE ACHIEVED AND THAT THAT ASPECT OF THE RELATIONSHIP WILL BE RESTORED IN THE FUTURE.

"MEANTIME, I WOULD HOPE THAT WE WOULD SEE THE RESTORATION OF THE TRADE CONDITIONS WHICH WERE SUSPENDED PREVIOUSLY, AS WELL THE GENERAL TARIFF PROVISIONS AND THE OVERSEAS INVESTMENT PROVISIONS. WE CAN RENEW INVESTMENTS, NEW JOBS AND NEW OPPORTUNITIES HERE, AND I WOULD HOPE THAT THE NATURE OF THE RELATIONSHIP WOULD INCLUDE MUTUAL EXCHANGE IN AREAS THAT AFFECT THE AVERAGE CHILEAN FAMILY, IMPROVING EDUCATION, IMPROVING HEALTH AND IMPROVING HOUSING. THESE ARE THE THINGS WHICH I BELIEVE THE AMERICAN PEOPLE AND THE CHILEAN PEOPLE CARE VERY MUCH ABOUT."

13. QUESTION (OSCAR MEDINA, SANTIAGO CHANNEL 13 TV): "NEVERTHELESS, THE SENATOR HAS NOT GIVEN A CLEAR ANSWER TO THE INITIAL QUESTION. WILL THE U.S. GOVERNMENT PLACE NEW DEMANDS ON THE CHILEAN GOVERNMENT IN ORDER TO RESOLVE THE LETELIER ASSASSINATION, AND IS HE INCLINED TO WORK IN THE SENATE TO LIFT THE AMENDMENT OF WHICH HE IS THE AUTHOR?"

ANSWER: "THE LANGUAGE IS VERY CLEAR AND IS VERY COMPELLING. IT DOES NOT TALK ABOUT WORDS, IT TALKS ABOUT ACTIONS. I AM QUITE CONVINCED THAT THE EXISTING LEGISLATION IS SATISFACTORY TO DEAL WITH THE CURRENT UNRESOLVED TRAGEDY. AS THE AUTHOR OF THE UNCLASSIFIED

UNCLASSIFIED

PAGE 03 SANTIA 02097 02 OF 04 131811Z

LEGISLATION, I BELIEVE THAT IT IS SUITED TO DEAL WITH IT AND I DON'T EXPECT THAT THERE WOULD BE ADDITIONAL LANGUAGE THAT WOULD BE SUGGESTED BY THE ADMINSTRATION BECAUSE I THINK THE EXISTING LANGUAGE IS QUITE ADEQUATE TO DEAL WITH THE CURRENT SITUATION: TO BRING TO JUSTICE THOSE THAT WERE INVOLVED IN THAT HORRENDOUS CRIME."

14.QUESTION (CARMEN CASTRO, SANTIAGO RADIO COOPERATIVA): "ARE YOU INCLINED, NOW WITH A NEW

GOVERNMENT IN CHILE, TO LIFT THE KENNEDY AMENDMENT? THAT IS MY SIMPLE QUESTION. THE OTHER THING IS: IF THE MILITARY BEGINS TO INTERFERE WITH THE GOVERNMENT, GIVEN THAT THEY WERE IN POWER FOR SUCH A LONG TIME, WHAT ATTITIUDE WOULD THE U.S. GOVERNMENT ADOPT IF YOU SEE THAT DEMOCRACY IS BEING ENDANGERED?"

15. ANSWER: "WITH REGARD TO ELIMINATING THE KENNEDY AMENDMENT TODAY, I BELIEVE THE OVERWHELMING MAJORITY OF THE MEMBERS OF THE SENATE IN BOTH PARTIES, REPUBLICAN AND DEMOCRATIC ALIKE, WANT THOSE THAT WERE INVOLVED IN GOVERNMENT-SPONSORED TERRORISM BROUGHT TO JUSTICE WHETHER HERE IN CHILE OR IN THE UNITED STATES, AND THERE IS EVERY EXPECTATION THAT THEY WILL BE. SO THAT IS THE CURRENT CONDITION.

"WITH REGARD TO THE SECOND ASPECT OF YOUR QUESTION, WHETHER ANY AID AND ASSISTANCE MIGHT BE, AS THEY SAY, 'FENCED' ON THE CONDITION THAT THERE SHOULD BE NO MILITARY OVERTHROW, I THINK THAT MAY VERY WELL

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PAGE 01 SANTIA 02097 03 OF 04 131812Z
ACTION ARA-01

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----------310563 131824Z /44
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SECSTATE WASHDC IMMEDIATE 5374
USIA WASHDC IMMEDIATE 1431
AMEMBASSY ASUNCION IMMEDIATE
AMEMBASSY BUENOS AIRES IMMEDIATE
AMEMBASSY BRASILIA IMMEDIATE

UNCLAS SECTION 03 OF 04 SANTIAGO 02097

BE DISCUSSED. AT THIS TIME I THINK IT IS UNCERTAIN. THOSE PROVISIONS WERE USED IN THE SITUATION AFTER THE ELECTIONS IN EL SALVADOR AND IT IS SOMETHING WHICH IS NOT FOREIGN TO AT LEAST THE CONSIDERATION OF ACTIONS BY THE CONGRESS. WHETHER THAT WOULD BE THE CIRCUMSTANCE WITH REGARD TO CHILE OR NOT I THINK IS UNCERTAIN AT THIS PARTICULAR POINT. I THINK THERE IS A RECOGNITION OF THE IMPORTANCE OF CIVILIAN CONTROL OVER THE MILITARY. IT'S MY UNDERSTANDING THAT GENERAL PINOCHET HAS SUBSCRIBED TO THAT IN STATEMENTS TO THE NEW ADMINISTRATION AND AS LONG AS THAT CONDITION CERTAINLY IS IN PLACE, THAT KIND OF AMENDMENT WOULD NOT BE NECESSARY."

16. QUESTION (JORGE ESCALANTE, SANTIAGO DAILY FORTIN MAPOCHO): "THE U.S. WAS HARSHLY CRITICIZED BY A LARGE PART OF THE WORLD FOR ITS INTERVENTION IN PANAMA. WHAT DO YOU THINK OF THE U.S. INTERVENTION IN PANAMA?"

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PAGE 02 SANTIA 02097 03 OF 04 131812Z

ANSWER: "I HAVE SPOKEN ON THE FLOOR OF THE UNITED STATES SENATE QUESTIONING THAT ACTION AND I DO NOT INTEND TO DEVELOP THAT THEME HERE TODAY. I'VE DONE IT IN MY OWN NATIONAL ASSEMBLY AND I STATED IN THAT SPEECH THE REASONS FOR IT."

17. QUESTION (MAURICIO HOFFMAN, SANTIAGO DAILY LA SEGUNDA): "I WOULD LIKE TO KNOW IF YOU, HAVING NOW HAD THE OPPORTUNITY TO EVALUATE THE RESULTS OF THE KENNEDY AMENDMENT, COULD SAY IF IT REALLY HELPED SPEED THE TRANSITION TO DEMOCRACY IN CHILE OR IF YOU THINK THAT IT REALLY HAD NO EFFECT AND, ON THE CONTRARY, COULD HAVE SLOWED IT."

ANSWER: "I THINK CLEARLY THE MOST IMPORTANT ELEMENT FOR THE TRANSITION TO DEMOCRACY WAS THE DEEPLY COMMITTED SENSE OF VALUES OF THE CHILEAN PEOPLE FOR LIBERTY AND FREEDOM. WHATEVER EFFECT OUTSIDE ACTIONS MAY HAVE HAD ON THIS WHOLE MOVEMENT IS NOT TO BE COMPARED WITH THE EXTROARDINARY COURAGE OF HUNDREDS OF THOUSANDS OF CHILEAN MEN, WOMEN, YOUNG AND OLD ALIKE, MANY OF WHOM LOST THIER LIVES, MANY OF WHOM DISAPPEARED.

"THAT ACTION, I THINK, HAS BEEN A LESSON FOR PEOPLES ALL OVER THE WORLD WHO TALK ABOUT FREEDOM. THE CHILEAN PEOPLE NOT ONLY TALKED ABOUT IT AND BELIEVED IN IT BUT, IN TOO MANY INSTANCES, SUFFERED AND LOST THEIR LIVES BECAUSE OF IT. AS I STATED THE OTHER EVENING, IN MY CONVERSATIONS WITH LEADERS FROM EASTERN EUROPE AS WELL AS OTHER PARTS OF THE WORLD, ALL OVER THE WORLD THEY POINT TO THE CHILEAN EXPERIENCE AND TO THE PEOPLE WHO KNEW DEMOCRACY AND
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PAGE 03 SANTIA 02097 03 OF 04 131812Z

WERE WILLING TO EXPERIENCE EXTRAORDINARY PERSONAL AND NATIONAL SETBACKS IN ORDER TO SEE ITS RESTORATION. IT IS A LESSON IN THE FIGHT FOR HUMAN LIBERTY AND HUMAN RIGHTS WHICH WILL BE EMBLAZONED ON THE COURSE OF THE HISTORY OF THE WORLD AND NO ONE SHOULD THINK VERY MUCH THAT OTHER ACTIONS, AS USEFUL AS THEY MAY HAVE BEEN, CAN EVEN COMPARE WITH THOSE ACTIONS OF THE PEOPLE THEMSELVES."

18. QUESTION (KEVIN NOBLET, ASSOCIATED PRESS): "A FOLLOW-UP QUESTION ON THE LETELIER CASE: YOU SAID THAT YOU HAVE EVERY EXPECTATION THAT THE PEOPLE INVOLVED WOULD BE BROUGHT TO JUSTICE OR TO TRIAL. DO

YOU EXPECT THAT THERE WILL BE A TRIAL HERE IN CHILE OR WOULD THE CONDITION BE THAT THEY WOULD HAVE TO BE BROUGHT TO TRIAL IN THE UNITED STATES?"

ANSWER: "THE LANGUAGE IN THE AMENDMENT SAYS EITHER IN CHILE OR THE UNITED STATES AND I THINK IT'S PERFECTLY SATISFACTORY IN EITHER JURISDICTION. IT CAN BE IN EITHER PLACE. IT WOULD BE UP TO BOTH THE CHILEAN AND AMERICAN ADMINISTRATIONS TO WORK OUT WHERE THE APPROPIATE VENUE WOULD BE."

19. QUESTION (MARIA EUGENIA CAMUS, ANALISIS MAGAZINE): "CURRENTLY THE CHILEAN ARMED FORCES HAVE VIRTUAL AUTONOMY TO CARRY OUT THE PURCHASE OF WEAPONS. THERE ARE MANY IN CHILE WHO BELIEVE THAT THIS LEGAL SITUATION SHOULD BE CHANGED OR MODIFIED. WOULD YOU BE INCLINED TO LIFT THE KENNEDY AMENDMENT AFTER THIS SITUATION IS CHANGED?"

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PAGE 01 SANTIA 02097 04 OF 04 131813Z
ACTION ARA-01

INFO LOG-00 ADS-00 INR-05 SS-01 H-01 SSO-01 PA-02
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----------310601 131824Z /44
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FM AMEMBASSY SANTIAGO
TO WHITEHOUSE WASHDC IMMEDIATE
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USIA WASHDC IMMEDIATE 1432
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AMEMBASSY BUENOS AIRES IMMEDIATE
AMEMBASSY BRASILIA IMMEDIATE

UNCLAS SECTION 04 OF 04 SANTIAGO 02097

ANSWER: "I AM A STRONG BELIEVER IN CIVILIAN CONTROL OF THE MILITARY. I UNDERSTAND PRESIDENT AYLWIN IS AS WELL AND I BELIEVE IT IS HIS DESIRE TO -ENSURE THAT IN THE AYLWIN ADMINISTRATION THAT WILL BE THE CIRCUMSTANCE. I HAVE NO REASON TO REALLY QUESTION HIS DESIRE TO ACHIEVE THAT. SO I WOULD HOPE THAT, AFTER THE PROVISIONS OF THE AMENDMENTS ARE COMPLIED WITH, WHATEVER FUTURE REGULARIZATION OF THE ARRANGEMENTS IN TERMS OF PURCHASE OF EQUIPMENT WOULD FOLLOW THE DESIRE OF PRESIDENT AYLWIN TO HAVE CIVILIAN CONTROL, WHICH I IMAGINE CERTAINLY MEANS THAT CIVILIANS WOULD BE PURCHASING THE EQUIPMENT."

20. QUESTION (CRISTINA OPAZO, LATINO NEWS): "THERE ARE SOME INDICATIONS THAT YOUR AMENDMENT HAS BEEN VIOLATED RECENTLY. THERE WAS A SALE OF 15 HELICOPTERS TO THE ARMY. THERE WERE FIGHTER PLANES THAT WERE OVERHAULED IN ISRAEL, AND THEY ARE BUILDING A COMBAT HELICOPTER WITH U.S. TECHNOLOGY. DOES THAT MEAN WE HAVE TO GIVE UP HOPE IN TERMS OF FINDING OUT
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PAGE 02 SANTIA 02097 04 OF 04 131813Z

THE WHOLE TRUTH OF WHAT HAPPENED?"
ANSWER: "NO, BUT THERE WAS A CLEAR VIOLATION OF THE AMENDMENT BY THE DEPARTMENT OF COMMERCE. THEY WERE ALLEGEDLY SOLD THROUGH A COMMERCIAL LICENSE AND THEN CONVERTED HERE IN CHILE, AND I THINK IT WAS A CLEAR VIOLATION OF THE AMENDMENT ITSELF. I DO NOT BELIEVE THAT THERE HAS BEEN ANY VIOLATION THROUGH THE DEFENSE DEPARTMENT. THE PROCEDURE HAS BEEN ADDRESSED NOW AND I DO NOT BELIEVE IT WILL HAPPEN AGAIN, BUT

THERE IS NO QUESTION THAT WAS A CLEAR VIOLATION. AS I SAID IT DID COME THROUGH COMMERCIAL LOANS, COMMERCIAL TRANSACTIONS AND COMMERCIAL FINANCING AND NOT THROUGH THE DEFENSE DEPARTMENT, BUT CLEARLY ONE HAND OUGHT TO KNOW WHAT THE OTHER HAND IS DOING, AND THEY DID NOT AND THEY WERE WRONG ABOUT IT, AND BOTH THE SECRETARY OF STATE AND THE SECRETARY OF DEFENSE HAVE INDICATED SO."

21. QUESTION (ANGELICA ARNDT, COSAS MAGAZINE): "DO YOU FEEL THAT THIS BAN ON ARMS SALES TO CHILE IN RETROSPECT HAS DAMAGED THE NATIONAL INTEREST OF THE UNITED STATES, PRODUCING A GAP IN THE COMMUNICATION BETWEEN CHILEAN MILITARY AND THE U.S. MILITARY, AND ALL OF THE ACTS THAT HAVE HAPPENED SINCE 1976?" (SIC)

ANSWER: "DO I BELIEVE SO? NO, BECAUSE THE FACT THAT REMAINS IS THAT OVER THE PERIOD OF THE LAST SEVERAL YEARS, PROBABLY THE LAST EIGHT YEARS, CHILE RECEIVED OVER TWO BILLION DOLLARS IN INTERNATIONAL LOANS. A MAJOR PORTION OF THOSE ARE FROM CONTRIBUTIONS BY AMERICAN TAX PAYERS. THEY WANTED TO SEE DEVELOPMENT THAT IS GOING TO REACH THE AVERAGE FAMILY AND THEY HAVE BASICALLY SUPPORTED IT. BUT UNCLASSIFIED

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PAGE 03 SANTIA 02097 04 OF 04 131813Z

WHAT WAS COMPLETELY UNACCEPTABLE TO THE AMERICAN TAX PAYERS IS TO SEE THE WEAPONS THAT WERE MADE TO PROTECT A COUNTRY TO BE UTILIZED TO BRUTALIZE A POPULATION, AND THAT WAS UNACCEPTABLE AND I QUITE FRANKLY BELIEVE THAT THE OVERWHELMING MAJORITY OF CHILEAN PEOPLE UNDERSTAND IT AND SUPPORT IT AND I HAVE NO REGRETS FOR THAT ACTION."

22. END TRANSCRIPT. DANDRIDGE

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RELEASED

ACTION CONS/2 INFO AMB DCM ADM/5

VZCZCGT0625 15-MAR-93 TOR: 23:25
RR RUAHGT CN: 49350
DE RUFEMF #6656 0742323 CHRG: PROG
ZNR UUUUU ZZE DIST: CONS
R 152322Z MAR 93 ADD:
FM AMEMBASSY MEXICO
TO AMEMBASSY GUATEMALA 8179
BT
UNCLAS MEXICO 26656

FOR ATTENTION OF U.S. CONSUL GENERAL SUE PATTERSON.

E.O. 12356: N/A
TAGS: OTRA
SUBJECT: OFFICIAL TRAVEL OF ASSISTANT LEGAL ATTACHE LYNN W. BEDFORD, JR., 3/18/93.

1. THE PURPOSE OF THIS COMMUNICATION IS TO CONFIRM COUNTRY CLEARANCE FOR TRAVEL OF ALAT LYNN W. BEDFORD, JR. TO GUATEMALA, 3/18/93.

2. ALAT BEDFORD PLANS TO TRAVEL TO GUATEMALA TO CONDUCT OFFICIAL BUSINESS IN THE U.S. EMBASSY AND WITH GUATEMALAN POLICE WITH REGARD TO PENDING CRIMINAL INVESTIGATIVE MATTERS.

3. TRAVEL WILL OCCUR 3/18/93 VIA AVIATECA FLIGHT 911Y ARRIVING AT 3:30 PM. DEPARTURE WILL BE MARCH 21, 1993 VIA MEXICANA FLIGHT [redacted], DEPARTING AT 1:?? PM.

4. TRANSPORTATION TO AND FROM THE AIRPORT IS NOT REQUESTED.

5. HOTEL RESERVATIONS AT THE CORTIJO REFORMA HAVE BEEN ARRANGED FROM 3/18-3/20/93.

6. ALAT BEDFORD HAS TOP SECRET SECURITY CLEARANCE.

7. THANK YOU FOR YOUR ASSISTANCE IN THIS MATTER.

PASTORINO

BT
#6656

NNNN

Guatemala
Amembassy
327224
Blake, Davis

UNCLASSIFIED MEXICO [redacted]

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 07/13/95
Case ID: 95122233

TELEGRAM

Department of State
UNCLASSIFIED

E1287

JLP

PAGE 01 GUATEM 03262 152316Z 5884
ACTION ARA-06

INFO LOG-00 ADS-00 AMAD-01 OCS-06 CA-02 FBIE-00 /010 W
---------- 243246 171844Z /38

R 152316Z MAR 90
FM AMEMBASSY GUATEMALA
TO AMEMBASSY MEXICO
INFO SECSTATE WASHDC 9284

UNCLAS GUATEMALA 03262

MEXICO FOR LEGATT

E.O. 12356: N/A
TAGS: OTRA, GT, CASC
SUBJECT: COUNTRY CLEARANCE FOR GUATEMALA

REF: (A) PATTERSON/GANNON TELCON OF 13MAR90, (B) GUATEMALA 2594

1. POST WELCOMES PROPOSED VISIT OF MR. LYNN BEDFORD, JR., FROM SUNDAY, MARCH 18 THROUGH MARCH 20 TO ADVISE THE EMBASSY IN THE BLAKE/DAVIS INVESTIGATION. TRAVEL TO HUEHUETENANGO ON MARCH 22 IS CONTEMPLATED. COUNTRY CLEARANCE GRANTED.

2. CONTROL OFFICER FOR VISIT IS RICARDO ROBERTO (HOME TELEPHONE 6923121). ANOTHER CONTACT IS CONSUL GENERAL SUE PATTERSON (HOME TELEPHONE 372138). EMBASSY HAS MADE RESERVATION FOR NIGHTS OF MARCH 18-20 AT THE HOTEL CORTIJO REFORMA, TEL. NO. 366712/15, AVENIDA REFORMA 2-18, ZONE 9.

3. GUATEMALA CITY IS AT 5,000 FEET AND HAS A TEMPERATE CLIMATE; SPRING/FALL WEIGHT CLOTHING IS MOST COMFORTABLE.

4. A VISA IS REQUIRED IF AN OFFICIAL OR DIPLOMATIC PASSPORT IS USED. IF A TOURIST PASSPORT IS USED, A TOURIST CARD GOOD FOR THIRTY DAYS CAN BE PURCHASED FOR DOLS 1.00. A VISA IS REQUIRED FOR STAYS OVER THIRTY DAYS. AIRPORT EXIT FEE OF QUETZALES 20.00 IS LEVIED ON ALL DEPARTING TRAVELERS WHO DO NOT HAVE A DIPLOMATIC PASSPORT.

5. THREAT ANALYSIS. THE THREAT FROM BOTH POLITICAL AND CRIMINAL ELEMENTS IS CONSIDERED MEDIUM. THE SPATE OF RANDOM BOMB ATTACKS IN PUBLIC PLACES HAS CEASED. SIMILARLY, THERE HAVE BEEN NO FURTHER POLITICAL ASSASSINATIONS. VIOLENT CRIMINAL ATTACKS ARE STILL COMMON IN GUATEMALA. CONSEQUENTLY, VISITORS SHOLD EXERCISE CAUTION IN THEIR PERSONAL MOVEMENTS ABOUT GUATEMALA CITY, PARTICULARLY AT NIGHT. LAST, TRAVEL IN GUATEMALA IS SUBJECT TO MISSION TRAVEL POLICY AND PROCEDURES, TO CINLUDE USE OF ARMORED VEHICLES WHEN POSSIBLE. STROOCK

RELEASED

Bonnie
FYI
Please return to me
for B/P file.
Thanks
Jane

CA-Harty, Maura
Blake Davis & Ellis
AUG-DEC 88 GTM

UNCLASSIFIED

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 07/13/95
Case ID: 95122233

RELEASED
El Salvador: Human Rights
Special Project (1993)

[redacted]

UNCLASSIFIED INCOMING TELEGRAM ES

Department of State

FMLN

PAGE 01 SAN SA 03728 162321Z 1101
ACTION ARA-00

INFO LOG-00 ADS-00 AID-00 INR-05 SS-00 OIC-02 CIAE-00
DODE-00 H-01 IO-15 NSCE-00 NSAE-00 SSO-00 HA-09
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FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 6745
INFO AMEMBASSY TEGUCIGALPA
AMEMBASSY GUATEMALA
AMEMBASSY SAN JOSE
AMEMBASSY MANAGUA
AMEMBASSY MEXICO
USMISSION USUN NEW YORK IMMEDIATE
USCINCSO QUARRY HTS PM

[redacted] SAN SALVADOR 03728

E.O. 12356: DECL:OADR
TAGS: PINS, PGOV, ES
SUBJECT: FMLN COMMUNIQUE ON NEGOTIATIONS

1. (U) AN FMLN COMMUNIQUE RELEASED MARCH 16 CRITICIZES THE GOES RESPONSE TO THE GUERRILLAS' OFFER TO SUSPEND SABOTAGE AND ATTACKS AGAINST CIVILIANS. THE MAIN POINTS OF THE MESSAGE ARE:

9-THE FMLN REJECTS THE GOVERNMENT'S STATEMENT THAT GUERRILLA POLICY HAS BEEN TO ATTACK CIVILIANS. GUERRILLA LEADERS ARE CLEARLY CONTRIBUTING TO THE STRENGTHENING OF "POLITICAL SPACE," A NEGOTIATED SOLUTION, AND AN EFFORT TO "HUMANIZE" THE CONFLICT.

--THE GOES AND ESAF CONTINUE VIOLATING HUMAN RIGHTS, BOMBING CIVILIAN ZONES AND SUBMITTING THE COUNTRY TO A PERMANENT STATE OF SIEGE, MAINTAINING IN A CONSTANT AND SYSTEMATIC MANNER THE POLICY OF CAPTURE AND TORTURE OF OFFICIALS OF POPULAR ORGANIZATIONS. MEANWHILE, THE JUDICIAL PROCESS RELATING TO THE ASSASSINS OF THE JESUITS HAS STALLED AND THOSE IMPLICATED ARE PROMOTED OR SENT ABROAD.

--WE ARE IN AGREEMENT THAT THE NEGOTIATION PROCESS SHOULD BE PERMANENT, SERIOUS, SUBSTANTIVE, AND RESERVED (PRIVATE).
--THE GOES IS MORALLY AND POLITICALLY OBLIGATED TO PRESENT IMMEDIATE GESTURES OF GOOD WILL THAT RESTORE CIVIL LIBERTIES AND CEASE HUMAN RIGHTS VIOLATIONS AND ALL FORMS OF AGGRESSION AGAINST CIVILIANS.

--IT WOULD BE LAMENTABLE FOR THE PEOPLE'S ASPIRATIONS FOR PEACE AND DEMOCRACY IF THE GOES AND ESAF HARDEN THEIR POSITIONS, BELIEVING IN THE "MIRAGE" OF FMLN WEAKNESSES. OBVIOUSLY, THIS MISTAKE WOULD ONLY LEAD TO AN ESCALATION OF THE WAR THAT WOULD WORSEN THE POSSIBILITIES OF NEGOTIATION, DEMOCRATIZATION, AND PEACE FOR EL SALVADOR.

SIGNED BY THE FIVE FMLN COMMANDERS.

2. COMMENT: NOTWITHSTANDING THE HARSH RHETORIC, THE FMLN DID NOT OPENLY DISPUTE THE GOES' BROAD INTERPRETATION OF THE GUERRILLAS' MARCH 13 UNILATERAL OFFER TO CEASE CERTAIN FORMS OF SABOTAGE AND ATTACKS ON CIVILIANS. IN ADDITION, THE FMLN AGREED, ONCE MORE, THAT NEGOTIATIONS SHOULD BE PRIVATE NOT PUBLIC. WHAT THE FMLN DID DO , HOWEVER, WAS TO PUSH FOR GOES CONCESSIONS--END TO THE STATE OF SIEGE (REALLY A STATE OF EXCEPTION), REPRESSION, CLOSE AIR SUPPORT--IN RETURN FOR ITS SUPPOSEDLY UNILATERAL OFFER. THE FMLN'S CLOSING LINE REFERRED TO ITS THREAT TO CARRY OUT A "SECOND OFFENSIVE" IF THE NEGOTIATIONS DO NOT ADVANCE.

3. (C) THIS AND OTHER COMMUNIQUES REPRESENT ONLY THE PUBLIC SIDE OF THE NEGOTIATIONS. THE PRIVATE TRACK, IN WHICH A/SYG DE SOTO IS ENGAGED, IS ALSO PROCEEDING. IT IS IN THIS PRIVATE TRACK THAT CRISTIANI HAS MADE HIS PROPOSALS, INCLUDING POSSIBLE RELEASE OF FMLN PRISONERS AND LIFTING THE STATE OF SIEGE.

4. MANAGUA MINIMIZE CONSIDERED.

WALKER

Department of State IS/FPC/CDR, El Salvador SP Date 7/17/93
Declassified under EO 12356 (✓) in full; ( ) in part;
Portions withheld: classified ( ); deliberative ( );
law enforcement ( ); privacy ( ), statutory ( );
not relevant to El Salvador ( ).

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[redacted]

92D50, 21

3/16/90 UNCLASSIFIED

INCOMING TELEGRAM

BN069

DEPARTMENT OF STATE
DIPLOMATIC SECURITY

PAGE 01 OF 03 SANTIA 02216 00 OF 04 181146Z 0829 020017 DS5693
ACTION DS-00

INFO DSS-01 PSD-01 SYS-01 CC-01 CT-01 I-01 PSLS-01 OP-01
FPD-01 TAD-01 AID-01 USIA-01 CHI-01 DS-01 PSP-01 PI-01
ST-01 CI-01 PID-01 G-01 PRD-01 EPE-01 POL-01 STO-01
MSG-01 ASD-01 RES-01 /027 A2 LH

INFO LOG-00 ADS-00 ARA-00 /002 W
300277 181147Z /12 22 38 37

P 161447Z MAR 90
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 5429
INFO AMEMBASSY MONTEVIDEO
AMEMBASSY LA PAZ
AMEMBASSY BUENOS AIRES
AMEMBASSY ASUNCION

Chile Project (#S199900030)
U.S. Department of State
Release X Excise Deny
Declassify: In Part In Full
Exemption(s)

UNCLAS SANTIAGO 02216

DEPT FOR DS/OP/ARA; DS/POL/TAD AND DS/CC/PSLS;
MONTEVIDEO, LA PAZ, BUENOS AIRES, ASUNCION FOR RSO'S

E.O. 12356: N/A
TAGS: ASEC
SUBJ: MONTHLY STATUS REPORT - FEBRUARY 1990 (FEBRUARY 1 - FEBRUARY 28)

1. (U) SUMMARY OF SIGNIFICANT ACTIVITIES:

A. OVERVIEW:

1. RSO ACCOMPANIED THE AMBASSADOR ON A TRIP TO THE SOUTHERN PART OF CHILE FROM JANUARY 30-FEBRUARY 9.

2. POST HELD A MISSION BOMB DRILL AT THE CHANCERY ON FEBRUARY 22.

3. RSO SENT A CABLE TO DS/SPE AND DS/FPD/MSG REQUESTING A NEW MARINE VEHICLE FOR FY 91.

4. RSO DEBRIEFED CPL. MATTHEW MARKLEVITZ REGARDING HIS PREVIOUS ASSIGNMENT IN HAVANA.

5. RSO/ARSO WORKED WITH U.S.S.S. ADVANCE TEAM THAT ARRIVED ON FEBRUARY 27 TO PREPARE FOR THE VICE PRESIDENT'S TRIP TO CHILE.

6. RSO SENT A CABLE TO DS/FPD-LGP REQUESTING AN INCREASE OF DOLS. 62,900 IN POST'S LGP ALLOTMENT AS A RESULT OF A REVALUATION OF THE CHILEAN PESO.

B. (U) RSO BRIEFED THE FOLLOWING PEOPLE REGARDING SECURITY MATTERS IN FEBRUARY:

FEBRUARY 14: ALFREDO LEONTIC, WACKENHUT CHILE.
FEBRUARY 21: MAJOR S. LOMBARD, SOUTHCOM.
FEBRUARY 27: RUSS TAGLIARENI AND STEPHEN OSABON JR., SECURITY OFFICERS FOR ITT.
FEBRUARY 28: SA RICHARD CLARK, U.S.S.S. LEAD ADVANCE AGENT.

IN ADDITION THREE ARRIVALS WERE BRIEFED AND NONE DEPARTEES WERE DEBRIEFED.

C. (U) MARINE GUARD ACTIVITIES.

1. TWO REACT DRILLS WERE CONDUCTED IN FEBRUARY AND RSO ATTENDED ONE GUARDS SCHOOL.

2. AN MSG WAS INVOLVED IN AN INCIDENT WHILE OFF DUTY

ATTENDING A CONCERT. THE MSG INTERVENED TO PREVENT A ROBBERY AND DISARMED ONE OF A PAIR OF ROBBERS. THE ROBBERS ESCAPED. THE MSG WAS NOT INJURED. RSO NOTIFIED LOCAL POLICE AND CONDUCTED AN INVESTIGATION.

II. (U) THREATS AND INCIDENTS:

A. (U) THE FOLLOWING CABLES WERE SENT TO THE DEPARTMENT IN FEBRUARY REGARDING THREATS/INCIDENTS:

- SANTIAGO 1152 - MSG INCIDENT
- SANTIAGO 1374 - ATTEMPTED ROBBERY OF USG EMPLOYEE
- SANTIAGO 1376 - ATTEMPTED ROBBERY OF USG EMPLOYEE
- SANTIAGO 1547 - PHONE BOMB THREAT AMB'S RESIDENCE
- SANTIAGO 1776 - LAUTARO GROUP ATTACKS TO GOC INSTALLATIONS.

B. (U) INCIDENTS NOT PREVIOUSLY REPORTED: NONE.

C. (U) THE FOLLOWING TERRORIST ACTIVITIES OCCURRED IN FEBRUARY AS REPORTED BY MEDIA AND OTHER SOURCES:

FEBRUARY 1: THREE INDIVIDUALS, WHO SAID THEY WERE MEMBERS OF THE FPMR, ASSAULTED A CIGARETTE DELIVERY TRUCK IN THE SAN JOAQUIN AREA OF SANTIAGO, AND TOOK A HALF MILLION PESOS.

FEBRUARY 7: A POWERFUL EXPLOSIVE DEVICE DETONATED ON A HIGH TENSION TOWER IN ANTOFAGASTA AND DESTROYED TOWER. THE CITY SUFFERED A BLACK-OUT FOR APPROXIMATELY 45 MINUTES.

FEBRUARY 8: INDIVIDUALS DRIVING A TAXI CAB ATTACKED A CARABINEROS AND AN INVESTIGACIONES POLICE PRECINCTS LOCATED IN LA BANDERA SHANTYTOWN IN THE SOUTHERN AREA OF SANTIAGO. TERRORIST USED LAW TYPE ROCKETS AND SUBMACHINE GUNS. ONE CARABINERO WAS KILLED. A CARABINERO, AN INVESTIGACIONES DETECTIVE AND A WOMAN WERE SERIOUSLY INJURED.

FEBRUARY 9: MEMBERS OF THE LAUTARO YOUTH MOVEMENT ASSAULTED A POULTRY DELIVERY TRUCK IN THE LO HERMIDA AREA OF SANTIAGO AND DISTRIBUTED CARGO TO THE DWELLERS OF LO HERMIDA.

FEBRUARY 10: TEMUCOS'S INVESTIGACIONES POLICE ARRESTED TWO MEMBERS OF THE FPMR WHO HAD PREVIOUSLY PARTICIPATED IN AN ASSAULT AGAINST TEMUCO'S BUS TERMINAL. ONE OF THE TERRORISTS WAS INJURED. AT ONE OF THE TERRORIST'S HOUSE SECURITY PERSONNEL FOUND A CACHE CONTAINING MARXIST LITERATURE, DOCUMENTS REGARDING FUTURE ACTIONS AGAINST MILITARY AND CIVILIAN AUTHORITIES, WEAPONS AND HOME MADE GRENADES.

FEBRUARY 10: IN TELEPHONE MESSAGES TO TWO INTERNATIONAL NEWS AGENCIES, A MIR SPOKESMAN SAID THAT THE "ARTURO VILLAVELA COMMAND" OF THE MIR (REVOLUTIONARY LEFT MOVEMENT) CLAIMED RESPONSIBILITY FOR THE EXTREMIST ATTACK ON TWO POLICE PRECINCTS IN SANTIAGO. MIR'S SPOKESMAN REPORTED THAT THIS COMMAND WAS NAMED TO HONOR A HIGH-RANKING MIR LEADER WHO DIED IN A CLASH WITH SECURITY AGENTS IN SANTIAGO IN 1983.

FEBRUARY 11: CONCEPCION'S POLICE REPORTED THAT AN EXPLOSION DEVICE, WHICH HAD BEEN PLACED ON A CAR'S TIRE, DETONATED SERIOUSLY DAMAGING THE CAR AND DESTROYING NEIGHBORHOOD WINDOWS. NO INJURIES REPORTED.

FEBRUARY 13: A BOMB WENT OFF AT THE GATE OF THE UNIVERSITY OF CHILE IN THE DOWNTOWN AREA OF SANTIAGO. POLICE REPORTED THAT THE BOMB HAD BEEN PLACED BY MEMBERS OF THE COMMUNIST PARTY.

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DEPARTMENT OF STATE
DIPLOMATIC SECURITY

FEBRUARY 23: CARABINEROS FROM TEMUCO REPORTED THAT 4 PEOPLE HAD BEEN ARRESTED CHARGED FOR KEEPING WEAPONS, AMMUNITION AND TERRORIST EQUIPMENT.

FEBRUARY 24: EXPLOSIVE DEVICE DETONATED ON A HIGH TENSION TOWER IN ANTOFAGASTA CAUSING MINOR DAMAGES.

FEBRUARY 26: EXPLOSIVE DEVICE DETONATED ON AN ELECTRICAL TRANSFORMER IN TALCAHUANO CAUSING ITS COMPLETE DESTRUCTION.

FEBRUARY 26: SECURITY PERSONNEL DEACTIVATED AN EXPLOSIVE DEVICE WHICH HAD BEEN LEFT ON A MONUMENT IN THE PROVIDENCIA AREA OF SANTIAGO. THE LETTERS FPMR WERE SIGNED BESIDE DEVICE.

FEBRUARY 27: A TERRORIST ATTACK ON A HIGH TENSION TOWER IN THE NORTHERN SECTOR OF TEMUCO CAUSED A POWER OUTAGE FOR 15 MINUTES

FEBRUARY 27: DURING A DEMONSTRATION AGAINST PRESIDENT PINOCHET'S VISIT TO THE CITY OF TEMUCO, FOUR PEOPLE WERE ARRESTED. THE INCIDENT TOOK PLACE AT THE TEMUCO MAIN SQUARE WHEN AN OPPOSITION GROUP DISPLAYED A BANNER.

FEBRUARY 27: ONE CARABINERO WAS SERIOUSLY INJURED DURING AN ATTACK ON THE OS-7 DRUG AND NARCOTICS CONTROL OFFICE IN THE CITY OF CONCEPCION. THE ATTACK TOOK PLACE AS TWO CARABINEROS OFFICERS WERE GETTING INTO A JEEP THAT WAS PARKED OUTSIDE THEIR OFFICE. THE SHOTS, APPARENTLY FIRED BY THREE INDIVIDUALS, CAME FROM A TAXI WHICH RUSHED BY FIRING AWAY AT THE BUILDING AND AT THE VEHICLE. THE TWO CARABINEROS RETURNED THE FIRE BUT THE ATTACKERS ESCAPED. THE VEHICLE AND THE OS-7 OFFICE WERE DAMAGED DURING THE ATTACK. THIS IS THE SECOND ATTACK AGAINST THIS UNIT; THE OTHER OCCURRED IN JULY 1985. THE LAUTARO REBEL AND POPULAR FORCES CLAIMED RESPONSIBILITY FOR THIS ACTION.

FEBRUARY 27: TERRORISTS FIRED MACHINE GUNS AND A LAW ROCKET AGAINST THE BUILDING THAT HOUSES THE OFFICES OF THE MILITARY PROSECUTORS IN THE PROVIDENCIA SECTION OF SANTIAGO. THE INDIVIDUALS LEFT BEHIND PAMPHLETS SIGNED BY THE LAUTARO REBEL FORCES. SEVERAL OTHER BOMBINGS ALSO OCCURRED ON FEBRUARY 27 INCLUDING ONE WHICH INJURED TWO PASSERBYS AT A COURTHOUSE IN SANTIAGO

FEBRUARY 27: AN EXPLOSIVE DEVICE DETONATED ON AN ELECTRICITY POLE LOCATED IN FRONT OF THE UNIVERSITY OF LA FRONTERA CAMPUS IN TEMUCO CAUSING MINOR DAMAGES.

(U) - - - TERRORIST ATTACKS

	FEBRUARY	YEAR TO DATE
AMERICAN BANKS ATTACKED -	0	0
AMERICAN COMPANIES ATTACKED -	0	0
ARMY PERSONNEL INJURED -	0	0
ARMY PERSONNEL KILLED -	0	0
ARSENALS DISCOVERED -	0	0
ATTACK TO PRESIDENT OF CHILE -	0	0
ATTACKS TO METRO - -	0	2
ATTACKS TO PUBLIC OFFICES -	0	1
ATTACKS TO RADIOS - -	0	1
ATTACKS TO TRAINS (GOVN. OWNED)	0	0
ATTACKS TO BNOS - -	0	0
BOMBS DEACTIVATED - -	1	1
BOMBS DETONATED - -	9	25
BOMBS HIGH TENSION TOWERS -	2	2

BUSES BURNED - -	0	3
CNI AGENTS INJURED - -	0	0
CNI AGENTS KILLED - -	0	0
CNI STATIONS ATTACKED -	0	0
CAR BOMBS DEACTIVATED -	0	0
CAR BOMBS DETONATED -	0	0
CARABINEROS INJURED -	2	2
CARABINEROS KILLED - -	1	1
CIVILIANS INJURED - -	1	3
CIVILIANS KILLED - -	0	0
DELIVERY TRUCKS ATTACKED BY TERRORISTS	0	0
DIPLOMATIC VEHICLES ATTACKED -	0	0
HOUSES AMERICAN OFFICERS ATTACKED	0	0
INVESTIGACIONES AGENTS INJURED	1	1
INVESTIGACIONES AGENTS KILLED	0	0
INVESTIGACIONES STATIONS ATTACKED	1	1
MORMON CHURCHES ATTACKED -	0	3
PERSONS KIDNAPPED - -	0	0
POLICE STATIONS ATTACKED -	2	2
PRIVATE BANKS ASSAULTED -	0	4
PRIVATE BANKS ATTACKED -	0	0
SUBVERSIVE PRINT SHOPS -	0	0
SUPERMARKETS ATTACKED -	0	0
SUPERMARKETS BURNED -	0	0
TERRORISTS ARRESTED -	6	6
TERRORISTS INJURED - -	1	1
TERRORISTS KILLED - -	0	0
TERRORISTS SECURITY HOUSES -	3	3
TERRORISTS CLANDESTINE CLINIC	0	0
THREATS AGAINST U.S. INSTALLATIONS	0	0

III. (U) PROJECT STATUS:

A. THE FOLLOWING PROJECTS ARE UNDERWAY:

- AMBASSADOR'S RESIDENCE PERIMETER PROJECT - 95 PERCENT COMPLETE
- MARINE HOUSE PERIMETER PROJECT - 75 PERCENT COMPLETE.

IV. (U) INVESTIGATIONS/VIOLATIONS:

A. (U) DS-CONTROLLED INVESTIGATIONS:

(5) BACKGROUND INVESTIGATIONS ON HAND
(6) BACKGROUND INVESTIGATIONS RECEIVED
(6) BACKGROUND INVESTIGATIONS COMPLETED
(0) BACKGROUND INVESTIGATIONS OVERDUE
(1) CI INVESTIGATIONS ON HAND
(1) CI INVESTIGATIONS RECEIVED
(0) CI INVESTIGATIONS COMPLETED
(1) OTHER INVESTIGATIONS ON HAND
(0) OTHER INVESTIGATIONS RECEIVED
(0) OTHER INVESTIGATIONS COMPLETED

B. (ASH , 9;34473
(0) OTHER INVESTIGATIONS (RECORD CHECKS) ON HAND
(28) OTHER INVESTIGATIONS (RECORD CHECKS) COMPLETED

C. (U) VIOLATIONS:

(0) NUMBER OF VALID SECURITY VIOLATIONS FORWARDED TO DS/PI/PRD.

V. (U) ACTION CABLES NOT ANSWERED BY DS DURING THE MONTH:

89 SANTIAGO 12147: RSO FUNDING REQUEST.
89 SANTIAGO 10566 TO DS/CR/SI.

VI. (U) PLANS FOR THE COMING MONTH(S):

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DEPARTMENT OF STATE
DIPLOMATIC SECURITY

PAGE 02 OF 03 SANTIA 02216 00 OF 04 181146Z 0829 020017 DS5893
1. PREPARE FOR VICE PRESIDENT'S VISIT MARCH 10-12.
2. ATTEND RSO CONFERENCE MARCH 22.
GILLESPIE

[illegible]

[redacted]

PAGE 01 MEXICO 06888 170456Z
ACTION OES-09

INFO	LOG-00	ADS-00	INR-05	SS-01	OIC-02	CIAE-00	EB-01
	DODE-00	H-01	IO-19	NSCE-00	ARA-01	NSAE-00	L-03
	AMAD-01	PM-01	EPA-01	INRE-00	ACDA-13	SP-01	DOEE-00
	NRC-02	SNP-01	CEQ-01	T-01	/064 W		

300702 181603Z /44 38

R 170103Z MAR 90
FM AMEMBASSY MEXICO CITY
TO SECSTATE WASHDC 5397
INFO AMEMBASSY MADRID

DEPARTMENT OF STATE IM/FS/CR/E Date
( ) RELEASE ( ) DECLASSIFY
( ) EXCISE ( ) DECLASSIFY EO Citations
( ) DENY IN PART
9504332
FOIA Exemptions ( ) CLASSIFY as ( ) S or ( )
PA Exemptions ( ) DOWNGRADE TS to ( )

[redacted] MEXICO CITY 06888

DEPT FOR OES-NEC

PLEASE PASS TO NRC AND DOE

E.O. 12356: DECL:OADR
TAGS: KSCA, TRGY, KNNP, PARM, KPRP, MX
SUBJECT: NUCLEAR: UPDATE ON LAGUNA VERDE

1. SCIATT MET RECENTLY WITH A CONTACT AT THE MEXICAN NATIONAL COMMISSION OF NUCLEAR SECURITY AND SAFEGUARDS (CNSNS) TO DISCUSS THE STATUS OF THE LAGUNA VERDE NUCLEAR ENERGY FACILITY. CONTACT SAID THAT CNSNS IS VERY BUSY RIGHT NOW WRITING A REPORT ON THE PROJECT FOR THE "MOTHERS OF VERA CRUZ", (MADRES VERACRUZANAS - A GROUP OF APPROXIMATELY 6-8 MOTHERS IN THE STATE OF VERACRUZ WHO OPPOSE THE CONSTRUCTION AND OPERATION OF THE LAGUNA VERDE PLANT). WHEN PRESIDENT SALINAS VISITED LAGUNA VERDE IN NOVEMBER 1989 HE MET WITH MEMBERS OF THIS ANTI-NUCLEAR GROUP AND PROMISED THEM A FULL REPORT ON THE PROJECT.

2. CNSNS IS ALSO REVIEWING THE EMERGENCY PLAN FOR THE PLANT. THE VERSION WHICH CNSNS APPROVED PASSED WITH

[redacted]

PAGE 02 MEXICO 06888 170456Z

A SCORE OF 6 OUT OF 10 AND NEEDS IMPROVEMENT IN MANY AREAS.
3. THEY EXPECT LAGUNA VERDE TO REACH FULL POWER BY

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THE END OF MARCH OR EARLY APRIL. THEY WILL THEN HAVE THREE WEEKS OF TESTS AT 100 PERCENT. AFTER THE TESTS THEY WILL STOP FOR TWO WEEKS TO TAKE OFF THE FILTERS. AFTER THAT THEY WILL HAVE 2 OR 3 MORE DAYS OF GUARANTEE TESTING. THIS MEANS THE PLANT SHOULD BE READY TO BE DECLARED A COMMERCIAL OPERATION BY MID TO LATE MAY, IF ALL GOES WELL. CNSNS IS RESPONSIBLE FOR THE LICENSING OF THE PLANT.

4. ANOTHER PROBLEM WHICH COULD POTENTIALLY DELAY THE COMMERCIAL OPERATION OF LAGUNA VERDE IS AN ATTEMPT BY THE GOVERNOR OF THE STATE OF VERACRUZ, DANTE ALFONSO DELGADO, TO HAVE AN INDEPENDENT AUDIT DONE ON THE PLANT. THE GOVERNOR HAS REPORTEDLY PROMISED THAT THE PLANT WILL STOP UNTIL THE AUDIT IS DONE. HOWEVER, SOURCE INSISTED THAT IF THE PRESIDENT DECIDES THE PLANT SHOULD RUN, IT WILL.

5. THE LAGUNA VERDE SIMULATOR, WHICH WAS CONSTRUCTED BY THE MEXICAN INSTITUTE OF ELECTRICAL RESEARCH (IIE) IS STILL NOT READY. TECNATOM, A SPANISH COMPANY, WON THE RECENTLY BID CONTRACT FOR TRAINING LAGUNA VERDE OPERATORS ON SIMULATORS IN SPAIN. (DRAFTED:SCI:ATIDBALL) PASTORINO

[redacted]

NNNN

*** Current Handling Restrictions *** n/a
*** Current Classification *** [redacted]

[redacted]

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Case Number: S199900030

(SF131)

3/22/99

Chile Project (#S199900030)
U.S. Department of State
Release ___ Excise ___ Deny ___
Declassify: In Part ___ In Full ___
Exemption(s) ___

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PAGE 01 SANTIA 02310 01 OF 02 201932Z
ACTION ARA-01

INFO LOG-00 ADS-00 SSO-01 ONY-00 /002 W
----------052064 201933Z /38

O 201929Z MAR 90
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 5486

C O N F I D E N T I A L SECTION 01 OF 02 SANTIAGO 02310

FOR ARA/SC FROM THE AMBASSADOR

E.O. 12356: DECL:OADR
TAGS: AMGT
SUBJECT: OFFICIAL -- INFORMAL

REF: STATE 80503

1. ~~CONFIDENTIAL~~ -- ENTIRE TEXT.

2. THERE FOLLOW SUGGESTED REVISIONS IN PROPOSED TEXT FOR NATO EXPERTS WORKING GROUP ON LATIN AMERICA COUNTRY PAPER ON CHILE:

3. (ADD THE FOLLOWING TO THE FIRST PARAGRAPH)

BEGIN TEXT. THERE ARE OBSTACLES AHEAD; THE PRESIDENT-ELECT KNOWS THAT VERY WELL, BUT AT THIS POINT, WE SEE NO REASON TO DOUBT THAT HE WILL COMMAND THE POWERS NECESSARY TO IMPLEMENT HIS POLICIES. AYLWIN HAS REPEATEDLY DEMONSTRATED THAT HE KNOWS HOW TO CONSOLIDATE POWER AND HOW TO USE IT. HIS CURRENT STRATEGY IS TO AVOID CONFRONTATION WITH THE MILITARY WHILE COOPTING KEY SECTORS OF THE HIGH COMMAND. DURING THE INAUGURAL IN HIS PRIVATE MEETING WITH PINOCHET AND THE SENIOR ARMY STAFF, PRESIDENT AYLWIN MADE IT CLEAR THAT THE CHAIN OF COMMAND RUNS THROUGH THE DEFENSE MINISTER TO THE PRESIDENT.
~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

PAGE 02 SANTIA 02310 01 OF 02 201932Z

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AYLWIN TOLD US PINOCHET ACKNOWLEDGED THAT OPENLY IN FRONT OF HIS SENIOR STAFF. END TEXT.

(INSERT THE FOLLOWING IN LIEU OF SECOND PARAGRAPH)

BEGIN TEXT. DESPITE ELEVENTH HOUR PINOCHET MANUEVERS DESIGNED TO LIMIT HIS SCOPE OF ACTION, ESPECIALLY IN THE ADMINISTRATIVE AREA, THERE IS EVERY INDICATION THAT PATRICIO AYLWIN WILL BE A STRONG EXECUTIVE WHO WILL HAVE THE NECESSARY POWERS TO IMPLEMENT HIS POLICIES WITHIN THE ESTABLISHED CONSTITUTIONAL STRUCTURE. NO ONE EXPECTS OVERNIGHT REFORM OF PINOCHET'S RESTRICTIVE LEGISLATIVE LEGACY, INCLUDING LAWS AND REGULATIONS DESIGNED TO INSULATE THE ARMED FORCES FROM CIVILIAN CONTROL AND CONSTRAIN THE CONGRESS, THE CENTRAL BANK, THE SUPREME COURT, AND THE REST OF THE JUDICIARY. PRESIDENT AYLWLIN TOLD US HE DOES NOT INTEND TO MOVE ON MAJOR REFORMS FOR POSSIBLY TWO YEARS. HE SAYS HE SIMPLY CANNOT DO IT BEFORE THEN. NEVERTHELESS, POLITICAL MOMENTUM IS SO CLEARLY IN AYLWIN'S FAVOR THERE IS GOOD REASON TO BE OPTIMISTIC THAT REFORMS WILL TAKE PLACE. NOR ARE THE CURRENT LEGAL OBSTACLES SEEN AS DEBILITATING, WITH POWER SO VISIBLY ACCRUING TO THE PRESIDENT-ELECT. END TEXT.

(INSERT THE FOLLOWING IN LIEU OF THIRD PARAGRAPH)

BEGIN TEXT. PINOCHET HAS APPOINTED LOYALISTS TO MOST SENSITIVE ARMY POSTS AND ENSURED, AT LEAST FOR NOW, THE MILITARY'S AUTONOMY FROM CIVILIAN BUDGET CUTS AND INTERFERENCE. AT THE SAME TIME, HE HAS ASSURED AYLWIN AND VICE PRESIDENT QUAYLE RECENTLY THAT HE INTENDS TO WORK WITH AND THROUGH THE CIVILIAN DEFENSE AUTHORITIES, PAST RHETORIC TO THE CONTRARY. TO UNDERSCORE HIS
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PAGE 03 SANTIA 02310 01 OF 02 201932Z

DEFERENCE TO CIVILIAN AUTHORITY, PINOCHET PAID HIGH-PROFILE CALLS ON AYLWIN PRIOR TO AND THE DAY OF HIS INAUGURATION. SIMILARLY, AYLWIN HAS ASSERTED CIVILIAN CONTROL FROM THE OUTSET, BUT WILL NOT SEEK CONFRONTATION ON ADMINISTRATIVE MATTERS. END TEXT.

(INSERT THE FOLLOWING AFTER THIRD PARAGRAPH)

BEGIN TEXT. RESOLUTION OF PAST HUMAN RIGHTS ABUSES WILL REMOVE A CENTRAL SOURCE OF TENSION BETWEEN THE CIVILIANS AND THE MILITARY. THE KEY LIES IN BALANCING UNCOMPROMISING DEMANDS FOR INVESTIGATIONS AND JUSTICE FROM LEFTIST AND HUMAN RIGHTS GROUPS WITH MILITARY RESOLVE TO DEFEND THEIR RANKS FROM PROSECUTION. AYLWIN STRESSED MODERATION AND RECONCILIATION IN HIS WATERSHED INAUGURAL ADDRESS AND, DESPITE SOME JEERING IN THE AUDIENCE, INSISTED THAT THE PRINCIPLES APPLIED TO CIVILIANS AND MILITARY ALIKE. END TEXT.

(INSERT THE FOLLOWING IN LIEU OF FIFTH PARAGRAPH)

BEGIN TEXT. IN THE INTERNATIONAL ARENA, AYLWIN HAS RESTORED DIPLOMATIC RELATIONS WITH MEXICO, EASTERN EUROPEAN COUNTRIES AND THE SOVIET UNION, WHILE CONDITIONING TIES TO CUBA ON HAVANA'S CESSATION OF SUPPORT FOR CHILEAN TERRORIST GROUPS. CHILE WILL USE CAUTION IF NOT RESTRAINT IN INVOLVING ITSELF IN THIRD-WORLD AND LATIN AMERICAN ISSUES AND WILL PROBABLY CONTINUE TO PROMOTE OPEN TRADE RELATIONS, SEEKING TO EXPAND CHILE'S DIVERSIFIED EXPORTS. END TEXT.

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PAGE 01 SANTIA 02310 02 OF 02 201931Z

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ACTION ARA-01

INFO LOG-00 ADS-00 SSO-01 ONY-00 /002 W
----------052060 201933Z /38

O 201929Z MAR 90
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 5487

C O N F I D E N T I A L SECTION 02 OF 02 SANTIAGO 02310

FOR ARA/SC FROM THE AMBASSADOR

E.O. 12356: DECL:OADR
TAGS: AMGT
SUBJECT: OFFICIAL -- INFORMAL

GILLESPIE

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CONFIDENTIAL

NJ 026a

EXCISE =

TO: POL - Richard Kinsman

FROM: POL - Ron Godard

DATE: March 20, 1990

SUBJECT: Follow-up meetings with [redacted]

P - B1, 2

Ref/JUS

There follow additional notes on subsequent meetings with [redacted]

On May 19, at 3:15 p.m. [redacted] returned unannounced to the Embassy with additional information on Monica Lagos Ledesma, aka Liliana Walker. He gave Arnold Ms. Lagos' date of birth [redacted] and carnet number [redacted] He also showed Arnold the original signed document of Lagos' statement (two copies of which he had provided the Embassy on March 15) on the Letelier case.

[redacted] pressed Arnold for a quick decision on how the Embassy intended to proceed in this matter. He said several new developments had convinced him that Ms. Lagos was indeed the person USG authories were seeking in the Letelier affair. [redacted] said that he had met Lagos for the first time earlier that day, and that she was now in his custody. Given the circumstances, he was under great pressure "from the highest levels" (unidentified) to get Lagos out of Chile (to Mendoza, Argentina) as soon as possible. (In a subsequent conversation, [redacted] responded in the affirmative to Arnold's query if he was being pressured by his Radical Party friend.) [redacted] believed the best opportunity to take Lagos out of the country would be during the March 22-24 time frame when Mexican President Salinas de Gortari was scheduled to visit Mexico. He reasoned that the Foreign Ministry and security authorities would be preoccupied with Salinas' visit allowing him to move Ms. Lagos without detection. He also suggested that he might be under surveillance, another reason to move quickly. (Comment: [redacted] was extremely concerned, if not paranoid, that he was being followed.)

[redacted] solicited the Embassy's help in getting Lagos out of Chile. Arnold replied that we had not made a determination about the information he had provided on Lagos to date. Also, he had not produced a picture of her as he promised. [redacted] agreed to return on Tuesday, March 20, with Lagos' photograph, at which time Arnold agreed to have information about how the USG intended to proceed in the matter.

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Again unannounced, [redacted] returned about 5:30 pm the same day with camera and film in tow. He said he wanted to show Arnold and me the camera and film he would be using to photograph Ms. Lagos, and produced a copy of the March 19 edition of "La Epoca," which he said would serve as a backdrop for the picture. He asked Arnold to mark the paper in such a way to identify that it was indeed the copy that would appear in the Lagos photograph. [redacted] said that the USG would be in the position to compare his photo of Lagos with that given by Ponce's friend to alleged USG official Christopher Jones two years ago.

Arnold and I explained to [redacted] that while we were very interested in the information on Lagos, we had no way to determine its authenticity without forwarding it to Washington for evaluation. It conceivably might take several weeks before Washington could determine whether the information merited further action on the part of the USG. In the meantime, we urged [redacted] to keep us posted of his whereabouts, especially if he decided to leave the country, in case we we needed to pursue the matter.

[redacted] said that he understood our predicament, and appreciated that any decision from Washington on the Lagos matter would take time. He would assess the situation and get in touch with us on March 20 with the undeveloped roll of film used to photograph Lagos. Given our response, [redacted] appeared less committed to his plan to remove Lagos from Chile over the weekend. [redacted] subsequently asked Arnold if the USG would provide his immediate family assurances they could travel to the U.S. and remain there for six months "without being hassled by immigration authorities"--he claimed they already had visas) in the event they needed to flee Chile.

[redacted] reiterated the importance of maintaining strict confidentiality in this matter. He said that on a previous occasion, he provided a Canadian Embassy diplomat with , ETC.

TEXT OF TELEGRAM 90STATE 090995

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PAGE 01 STATE 090995
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APPROVED BY: ARA/AND: JFMACK
L/PM: AJOYCE
L/LEI: RFRANK (SUBS)
INM: RPMYERS JR.
JUSTICE: JSPRINGER-YOUNG
USIA: SZUCKERMAN
ONDCP: JVAIL
CUSTOMS: JSHAVER
DEA: KRONALD
AID: RQUEENER
IRS: JLYONS (SUBS)
PM: MCUERVOST
EB: MCARLISLE
ARA: VBROD-DELLY
TREASURY: LSTEDMAN
L/T: JCROOK

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PAGE 02 STATE 090995

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E.O. 12356: N/A
TAGS: SNAR PREL PGOV KTIA CO BL PE VE EC
SUBJECT: ANTI-NARCOTICS BILATERAL AGREEMENTS: CARTAGENA SUMMIT UPDATE

TEXT OF TELEGRAM 90STATE 090995

REF: (A) 90 LA PAZ 3562

1. THIS IS AN ACTION MESSAGE.

INTRODUCTION

2. THE CARTAGENA SUMMIT RESULTED IN THE SIGNATURE OF VARIOUS ANTI-NARCOTICS BILATERAL AGREEMENTS, FLESHING OUT AND GIVING SUBSTANCE TO THE ANDEAN SUMMIT. THE DECLARATION OF CARTAGENA, SIGNED BY THE FOUR PRESIDENTS, IDENTIFIED AREAS FOR CONTINUING BILATERAL/MULTILATERAL NEGOTIATIONS. WE BELIEVE THAT OUR POST-SUMMIT AGENDA SHOULD ALSO AIM AT COMPLETING THE BILATERAL UNDERSTANDINGS AS SOON AS POSSIBLE WITH THE SUMMIT COUNTRIES. WE ARE ALSO CONSIDERING THE POSSIBILITY OF EXTENDING CERTAIN AGREEMENTS, WHERE DESIRABLE AND APPROPRIATE, TO OTHER, NON-CARTAGENA SUMMIT COUNTRIES.

REVIEW OF BILATERAL AGREEMENT PROGRESS

3. IN GENERAL, POST-SUMMIT ANDEAN ATTITUDES TOWARDS NEGOTIATING AND CONCLUDING THE BILATERAL AGREEMENTS

ENVISIONED IN PRE-SUMMIT DISCUSSIONS IS REASONABLY POSITIVE. PER EMBASSY LIMA, THE GOP REMAINS INTERESTED IN MOVING FORWARD QUICKLY, USING THE AGREEMENTS THUS FAR CONCLUDED AND THE PROSPECTS FOR FURTHER AGREEMENTS AS A MEANS OF REINFORCING GOP INTER-AGENCY COOPERATION AND COORDINATION. LA PAZ' 3562 PROVIDES AN EXCELLENT RUNDOWN ON BOTH GENERAL GOB THINKING AND AGREEMENT-BY-AGREEMENT SPECIFICS, UNDER THE ADDITIONAL STIMULUS OF PAZ ZAMORA'S MAY 8 VISIT TO THE U.S. WITH COLOMBIA, COLOMBIAN PRESIDENT BARCO'S PRE-SUMMIT LETTER TO PRESIDENT BUSH STRESSED THE GOP'S INTEREST IN NEGOTIATING VARIOUS AGREEMENTS. THIS INTEREST, HOWEVER, HAS BEEN LITTLE REFLECTED IN GOC ACTIONS, ALTHOUGH WE UNDERSTAND THAT THE GOC IS PREPARING TO MOVE FORWARD.

4. ON AN AGREEMENT-BY-AGREEMENT BASIS:

A. TAX INFORMATION EXCHANGE AGREEMENT (TIEA)

5. SUMMIT COUNTRIES. A TIEA WAS SIGNED WITH PERU AT THE SUMMIT; A USG DELEGATION DISCUSSED A DRAFT TEXT WITH THE GOB AND THE GOC PRIOR TO THE SUMMIT BUT WERE UNABLE TO REACH AGREEMENT. WITH BOLIVIA, FUNDAMENTAL DIFFERENCES STEMMING FROM BOLIVIAN LAW ON BEARER SHARES AND BANKING SECRECY HAD SEEMED TO MAKE REACHING FINAL AGREEMENT HIGHLY

PROBLEMATICAL. THERE ARE CURRENTLY INDICATIONS THAT THE GOB IS RETHINKING ITS POSITION; EMBASSY LA PAZ SHOULD CONTINUE TO BE ALERT FOR SIGNS OF GOB MOVEMENT, PARTICULARLY IN VIEW OF THE UPCOMING PAZ ZAMORA VISIT. WITH COLOMBIA, MAJOR SUBSTANTIVE PROGRESS WAS MADE AT THE RECENT INTER-AMERICAN TAX ADMINISTRATION CONFERENCE IN GUATEMALA CITY. AT THIS POINT, THE BALL IS IN THE COLOMBIAN COURT; WE ARE AWAITING THEIR FORMAL COMMENTS AND/OR SPECIFIC LANGUAGE BASED ON THE USG PROPOSAL ON THE TABLE.

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6. NON-SUMMIT COUNTRIES. WE ARE INTERESTED IN EXTENDING COVERAGE TO CERTAIN NON-CARTAGENA SUMMIT COUNTRIES. THE ECUADORIANS HAVE SHOWN INTEREST; VENEZUELAN REACTION WAS TEPID. BRAZIL'S FINANCIAL SIZE AND SOPHISTICATION WOULD MAKE A BILATERAL AGREEMENT OF CONSIDERABLE INTEREST.

B. FINANCIAL TRANSACTIONS ("KERRY AMENDMENT") AGREEMENTS

7. ALTHOUGH NOT READY IN TIME TO BE PRESENTED AND NEGOTIATED IN TIME FOR THE SUMMIT, DRAFT AGREEMENTS HAVE BEEN PRESENTED TO SUMMIT COUNTRIES. PERU APPEARS RECEPTIVE (PER LIMA 3278); WE ARE AWAITING FURTHER HOST COUNTRY COMMENTS PRIOR TO FORMULATING TRAVEL AND NEGOTIATING PLANS. A DEADLINE FOR POSTS TO KEEP IN MIND IS THE NEED FOR THE EXECUTIVE BRANCH TO REPORT TO CONGRESS ON NEGOTIATING PROGRESS IN NOVEMBER, 1990. STATE 87108 DESCRIBES CURRENT USG INTEREST IN NEGOTIATING AGREEMENTS.

C. ESSENTIAL CHEMICALS AGREEMENT

8. SUMMIT COUNTRIES. THE U.S.-BOLIVIA BILATERAL AGREEMENT WAS SIGNED AT THE SUMMIT; WE FAILED TO SIGN A BILATERAL WITH PERU BECAUSE OF LAST MINUTE FAILURE TO WORK OUT LANGUAGE DIFFERENCES. THE GOP IS CONSIDERING SUBSEQUENT U.S. PROPOSALS; THE EMBASSY BELIEVES AN AGREEMENT CAN BE SIGNED BY THE END OF MARCH. THE GOC HAS NOT PROVIDED FORMAL COMMENTS ON THE U.S. TEXT, ALTHOUGH WE UNDERSTAND THE GOC PREFERS TO CONSIDER A BILATERAL AGREEMENT AFTER PASSING DOMESTIC LEGISLATION.

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9. OTHER RELEVANT DEVELOPMENTS INCLUDE THE ONGOING EFFORTS IN THE OAS' CICAD TO REACH AGREEMENT ON DRAFT

MODEL DOMESTIC LEGISLATION COVERING ESSENTIAL CHEMICALS, WHICH COULD BE APPROVED AT THE APRIL 17-23 OAS MINISTERIAL AT IXTAPA, MEXICO AND RECOMMENDED TO MEMBER COUNTRIES FOR ADOPTION. WE BELIEVE THE PROPOSED BILATERALS WILL COMPLEMENT THE OAS EFFORTS.

10. NON-SUMMIT COUNTRIES. WE HAVE NOT DECIDED THE EXTENT TO WHICH WE WOULD SEEK BILATERAL AGREEMENTS WITH OTHER COUNTRIES.

EXTRADITION TREATY WITH BOLIVIA

11. PRE-SUMMIT NEGOTIATIONS FAILED TO REACH AGREEMENT ON A SATISFACTORY TEXT. WE ARE ENCOURAGED BY EMBASSY LA PAZ' REPORTS OF GOB INTEREST AND MOVEMENT; WE WILL FOLLOW-UP VIA SEPTEL ADDRESSING SPECIFICS AND THE ISSUES RAISED BY THE GOB AND THE EMBASSY.

EXTRADITION EXCHANGE OF NOTES WITH PERU

12. SIGNED AT CARTAGENA.

PUBLIC AWARENESS MEMORANDUM OF UNDERSTANDING

13. SUMMIT COUNTRIES. SIGNED IN CARTAGENA WITH BOLIVIA AND PERU, THESE BILATERAL UNDERSTANDINGS WILL PROVIDE A BASIS FOR ENHANCED BILATERAL (AND EVENTUALLY MULTILATERAL) COOPERATION WITH THE SIGNATORIES. THE GOC HAS NOT RESPONDED FORMALLY TO OUR PROPOSED TEXT.

14. NON-SIGNATORIES. WE WOULD PREFER TO SIGN IDENTICAL,
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OR NEARLY IDENTICAL, TEXTS TO ENSURE UNIFORMITY OF APPLICATION AND TO ENHANCE MULTILATERAL COOPERATION.

DEFENSE ARTICLES EXPORT CONTROL UNDERSTANDING

15. SUMMIT COUNTRIES. SIGNED AT CARTAGENA WITH BOLIVIA. WE FAILED TO REACH AGREEMENT WITH PERU WHEN THE GOP INSISTED ON EXEMPTING CERTAIN GOP AGENCIES, VITIATING (IN OUR OPINION) THE PURPOSE OF THE AGREEMENT. COLOMBIA HAS NOT FORMALLY RESPONDED, DESPITE INDICATIONS THAT GETTING A BETTER HANDLE ON U.S. WEAPONS EXPORTS WAS A GOC PRIORITY AND INFORMAL EXPRESSIONS OF SUPPORT FROM MANY GOC AGENCIES. IN WORKING OUT THE DETAILS, WE WILL LIKELY SUGGEST THAT RECIPIENT COUNTRIES IMPOSE IMPORT VERIFICATION REQUIREMENTS ON ALL COVERED IMPORTS, TO AVOID

CIRCUMVENTION AND MINIMIZE TRADE DISTORTION.

16. NON-SUMMIT COUNTRIES. IMPLEMENTATION OF THE AGREEMENT COULD BE FACILITATED BY SIGNING UP OTHER INTERESTED COUNTRIES. WE ARE CONSIDERING HOW TO RESPOND TO POSSIBLE EXPRESSIONS OF INTEREST. INTER ALIA, THE ISSUE HAS BEEN RAISED BY MEXICO IN THE CONTEXT OF THE IXTAPA OAS MINISTERIAL.

ASSETS SHARING AGREEMENT

17. SUMMIT COUNTRIES. ENVISIONED ORIGINALLY AS A MEANS OF PROVIDING SPECIAL RECOGNITION FOR THE GOC'S ANTI-NARCOTICS CONTRIBUTION, THE GOC NEVERTHELESS FAILED TO RESPOND SUBSTANTIVELY TO OUR EFFORTS TO NEGOTIATE AN AGREEMENT PRIOR TO THE SUMMIT. WE ARE CURRENTLY REVIEWING

GOC COMMENTS RECEIVED VIA THE 3/2 KAPLAN-FRANK FAX. WITH BOLIVIA, DISCUSSION OF AN ASSETS SHARING ARRANGEMENT REMAINS CONDITIONED ON SUCCESSFUL NEGOTIATION OF A NEW EXTRADITION TREATY. WE DID NOT OFFER TO CONCLUDE AN ASSETS SHARING AGREEMENT WITH PERU PRIOR TO THE SUMMIT. IN LIGHT OF THE LACK OF ENTHUSIASM SHOWN BY THE GOC AND GOB TO SOME ASPECTS OF THE USG PROPOSAL, USG AGENCIES ARE REVIEWING HOW TO PROCEED.

ADMINISTRATION OF JUSTICE MEMORANDUM OF UNDERSTANDING

18. SUMMIT COUNTRIES. INITIAL U.S. PROPOSALS WERE REJECTED BY THE SUMMIT PARTNERS AT THE SANTA CRUZ PRELIMINARY MEETING, IN PART ON SEPARATION OF POWERS GROUNDS. BECAUSE OF THESE OBJECTIONS, WE CHOSE NOT TO CIRCULATE DRAFT AGREEMENTS FOR EMBASSY DISCUSSION WITH HOST COUNTRY GOVERNMENTS. HOWEVER, WASHINGTON AGENCIES ARE STUDYING HOW TO STRENGTHEN ON-GOING USG PROGRAMS IN THIS AREA AND WILL ADVISE POSTS WHETHER WE WILL PURSUE THE MOU APPROACH.

MULTILATERAL DEVELOPMENT BANK APPROACH UNDERSTANDING

19. LA PAZ 1125 RECOMMENDED CONSIDERATION OF A QUADRILATERAL UNDERSTANDING AIMED AT PROMOTING GREATER WORLD BANK AND IDB INVOLVEMENT IN ANDEAN REGION RURAL DEVELOPMENT PROGRAMS. WASHINGTON AGENCIES ARE STUDYING THIS PROPOSAL.

ACTION REQUESTED

22. SUMMIT COUNTRIES. WE WOULD APPRECIATE ASAP YOUR COMPREHENSIVE ASSESSMENT OF THE STATUS OF AND ATTITUDES
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PAGE 08 STATE 090995

TOWARD COMPLETING OUR BILATERAL AGREEMENT AGENDA (LA PAZ' 3562 MEETS THIS REQUIREMENT). WE WOULD LIKE TO HAVE SOME IDEA OF HOST COUNTRY DEADLINES, KEEPING IN MIND THAT THE DECLARATION OF CARTAGENA CALLS FOR A HIGH-LEVEL FOLLOWUP MEETING BEFORE AUGUST 16, 1990.

21. QUITO AND CARACAS. CURRENT PLANS CALL FOR NEGOTIATING "KERRY AMENDMENT" AND TAX INFORMATION EXCHANGE AGREEMENTS WITH BOTH; THE OTHER POSSIBILITY AT THIS TIME IS PUBLIC AWARENESS. COMMENTS WOULD BE WELCOMED.

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MEXICO FOR LEGATT

E.O. 12356: N/A
TAGS: CASC, PHUM, GT BLAKE, NICHOLAS AND DAVIS, GRIFFITH
SUBJECT: TRIP TO HUEHUETENANGO PROVES FRUITLESS

REF: A) GUATEMALA 02698 B) 88 GUATEMALA 16482

Emboffs shouldn't be doing the interrogating, should they?

1. SUMMARY: EMBOFFS TRAVELED TO HUEHUETENANGO WITH LEGATT REPRESENTATIVE FROM MEXICO CITY TO INTERROGATE WITNESSES IN THE 1985 DISAPPEARANCE OF AMCITS NICHOLAS BLAKE AND GRIFFITH DAVIS. AS ON PREVIOUS OCCASIONS, MILITARY PROMISES OF COOPERATION PROVED EMPTY AND NO WITNESSES WERE PRESENTED IN HUEHUETENANGO. MILITARY ZONE COMMANDER PROMISED WITNESSES WOULD APPEAR MONDAY, MARCH 26. END SUMMARY.

2. EMBOFFS TRAVELED TO HUEHUETENANGO MARCH 21 WITH MEXICO CITY ALEGATT LYNN BEDFORD AND MAJOR DIAZ OF THE DIRECTORATE OF MILITARY INTELLIGENCE (D-2). ON MARCH 19, D-2 CHIEF, COLONEL FRANCISCO ORTEGA, ASSURED CHARGE AT LEAST TWO INDIVIDUALS WOULD BE IN HUEHUETENANGO FOR QUESTIONING.

3. EMBOFFS MET WITH MILITARY ZONE COMMANDER, GENERAL ROBERTO MATA GALVEZ, UPON ARRIVAL. MATA TOLD EMBOFFS HE WAS NOT INFORMED OF THE EMBASSY'S INTEREST IN QUESTIONING PEOPLE IN THE BLAKE/DAVIS CASE UNTIL MONDAY, MARCH 19. HE SENT A PATROL THAT DAY TO THE HOMES OF SEVEN INDIVIDUALS, REQUESTING THAT THEY APPEAR IN HUEHUETENANGO MARCH 26. MATA ADDED HE WAS INFORMED ON MARCH 20 EMBOFFS WOULD TRAVEL MARCH 21 TO HUEHUETENANGO WITH AN FBI INVESTIGATOR AND HE HAD SENT OUT A PATROL TO FIND THE PEOPLE IN QUESTION THAT MORNING. DURING OUR CONVERSATION, THE TELEPHONE RANG AND MATA WAS TOLD NONE OF THOSE CITED COULD BE FOUND. MATA TOLD US HE WAS SURE AT LEAST FOUR INDIVIDUALS WOULD BE AVAILABLE THE FOLLOWING MONDAY. THE OTHER THREE INDIVIDUALS WERE REPORTEDLY IN NORTHERN GUATEMALA, WORKING AS AGRICULTURAL LABORERS.

4. ALEGATT AND EMBOFFS INFORMED MATA THAT BLAKE AND DAVIS FAMILIES WERE INTERESTED SOLELY IN RECOVERING THE BODIES OF THEIR DISAPPEARED SONS AND WERE PREPARED TO OFFER A REWARD TO ANYONE WHO COULD PROVIDE THEM. ALEGATT ADDED THAT, IF REMAINS WERE PRESENTED THE FOLLOWING MONDAY, THERE WOULD BE NO NEED TO INTERROGATE ANYONE, PROVIDED THAT AN FBI PATHOLOGIST COULD SUCCESSFULLY IDENTIFY THEM.

5. COMMENT: WE WILL BE TRAVELLING TO HUEHUETENANGO MARCH 26 AGAIN TO INTERVIEW THE ALLEGED WITNESSES TO THE DISAPPEARANCE. END COMMENT.
TAYLOR

CONSULAR AFFAIRS
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United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 07/13/95
Case ID: 95122234

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JUSTICE FOR ICIAP FBI FOR PAN RECTOR

E.O. 12356: DECL: OADR
TAGS: PINS PHUM CASC GT US
SUBJECT: DIANA ORTIZ: MTG WITH CONGRESSMAN MAZZOLI AND PAUL SOREFF
REF: (A) 98 GUATEMALA 3041

1. CONFIDENTIAL ENTIRE TEXT.

2. SUMMARY: ON MARCH 4 STATE DEPARTMENT REPRESENTATIVES MET IN THE OFFICE OF CONGRESSMAN ROMANO MAZZOLI WITH MR. PAUL SOREFF, COUNSEL TO DIANA ORTIZ. THE CONVERSATION FOCUSED ON THE INVESTIGATION OF THE CASE. MR. SOREFF COMPLAINED ABOUT THE LACK OF MOVEMENT AND REQUESTED THAT THE GOG ESTABLISH A SPECIAL COMMISSION FOR THE CASE, ENABLING IT TO BE TAKEN OUT OF THE HANDS OF THE POLICE AND THE JUDICIARY AND OBVIATING THE NEED TO HAVE TESTIMONY AND OTHER EVIDENCE MEET LEGAL REQUIREMENTS FOR PROSECUTION. MR. SOREFF INDICATED THAT HIS CLIENT IS STILL NOT READY TO SPEAK ON THE CASE, THOUGH HE INADVERTENTLY LET IT SLIP OUT THAT SHE IS DOING PASTORAL WORK IN MEXICO. MR. SOREFF ALSO ASKED THAT: 1) THERE BE A THOROUGH INVESTIGATION OF POLICE CARS HAVING THE LICENSE NUMBER 7 OR INCLUDING THE NUMBER 7; 2) THERE BE AN INVESTIGATION OF THE SOURCE OF THE PHOTOS ALLEGEDLY SHOWN TO SR. ORTIZ DURING HER DETENTION; 3) THE STATE DEPARTMENT ASSIST IN OBTAINING A TV BROADCAST MADE ON NOVEMBER 3, 4 OR 5 BY AN ALLEGED WITNESS TO THE CRIME; AND 4) THE STATE DEPARTMENT PROVIDE PHOTOS OF ALL USC MALES IN GUATEMALA BETWEEN THE AGES OF 18 AND 50 AS SR. ORTIZ IS CONVINCED THAT ONE OF HER ABDUCTORS WAS AN AMERICAN. MR. SOREFF INDICATED THAT A RELIGIOUS DELEGATION MAY GO TO GUATEMALA WHICH MAY OR MAY NOT INCLUDE SR. ORTIZ TO DISCUSS THE CASE AT THE HIGHEST LEVELS OF THE GOG AND REQUESTED THAT THE EMBASSY CONTACT THE GOG TO GET ASSURANCES FOR THE MEMBERS' SECURITY.

IN RESPONSE TO THE ABOVE, STATE DEPARTMENT REPRESENTATIVES INDICATED THAT LACK OF INFORMATION FROM SR. ORTIZ HAD IMPEDED THE INVESTIGATION. WHILE STATING THAT THE ESTABLISHMENT OF A SPECIAL COMMISSION COULD BE LOOKED INTO, MR. SOREFF'S REQUEST FOR PHOTOS WAS NOT POSSIBLE TO RESPOND TO GIVEN THE SHEER NUMBERS OF AMERICANS IN GUATEMALA AND RESTRICTIONS OF THE PRIVACY ACT. THE STATE DEPARTMENT REPRESENTATIVES REQUESTED THAT MR. SOREFF PROVIDE FULL DESCRIPTIONS OF THE MEN ALLEGED TO BE INVOLVED IN THE CASE. MR. SOREFF AGREED TO PROVIDE THE DESCRIPTIONS OF THREE OF THE MEN INVOLVED BUT NOT THAT OF THE ALLEGED U.S. CITIZEN. CONGRESSMAN MAZZOLI AND STATE REPRESENTATIVES INDICATED THAT IT WOULD BE VERY DIFFICULT FOR THE CASE TO PROCEED WITHOUT INFORMATION ON ALL ALLEGED SUSPECTS.

COMMENT: WE FEEL THAT WE SUCCESSFULLY COUNTERED MR. SOREFF'S ATTEMPTS TO PORTRAY THE GOG AND THE USG AS THE BAD GUYS IN THIS AFFAIR. MR. MAZZOLI APPEARED SKEPTICAL ABOUT THE STORY AND PRESSED MR. SOREFF TO BE MORE FORTHCOMING WITH INFORMATION. WE ARE SKEPTICAL ABOUT THE REQUEST FOR A SPECIAL COMMISSION AND FEEL THAT IT SHOULD BE PURSUED DIRECTLY BY MR. SOREFF THROUGH THE GUATEMALAN EMBASSY IN WASHINGTON, WITH WHOM HE ALSO MET. THE VISIT IS LIKELY TO TAKE PLACE, THOUGH WITHOUT SR. ORTIZ. WE STILL DO NOT HAVE THE DESCRIPTIONS OF THE MEN, NOR A LEGALIZED COPY OF THE SECOND AFFIDAVIT, NOR A PRIVACY ACT WAIVER. THE FBI HAS CONTACTED MR. SOREFF RE THE REQUEST TO INTERVIEW SR. ORTIZ BUT HAS RECEIVED NO RESPONSE.
ACTION REQUESTED: SEE PARAGRAPH 15. END SUMMARY

3. ON MARCH 4, STATE DEPARTMENT REPRESENTATIVES MET IN THE OFFICE OF CONGRESSMAN ROMANO MAZZOLI WITH MR. PAUL SOREFF, COUNSEL TO DIANA ORTIZ. REPRESENTING THE STATE DEPARTMENT WERE DEBORAH MCCARTHY (ARA/CEN), LEON WEINTRAUB (HA), ENRIQUE PEREZ (H) AND JULIE VINEYARD (H). ACCOMPANYING MR. SOREFF WERE A REPRESENTATIVE OF THE URSULINE ORDER, FATHER JOHN NAGLE, MR. FRANK LA RUE. MILES LACKEY, STAFFER FOR CONGRESSMAN TED WEISS, WAS ALSO PRESENT..

4. THE MEETING BEGAN WITH A DISCUSSION OF THE RECALL FOR CONSULTATIONS OF AMBASSADOR THOMAS STROOCK. SPECIFICALLY, BOTH CONGRESSMAN MAZZOLI AND MR. SOREFF WANTED TO KNOW WHETHER THE DIANA ORTIZ CASE WAS ONE OF THE CASES THAT PROMPTED THE RECALL. IN RESPONSE, MS. MCCARTHY INDICATED THAT THE STATE DEPARTMENT'S CONCERN WITH VIOLENCE IN GENERAL AND THE GOG'S INACTION ON A NUMBER OF CASES WERE THE REASONS FOR THE RECALL. MR. SOREFF REQUESTED THE DEPARTMENT TO PUBLICLY STATE THAT THE SR. ORTIZ CASE WAS ONE OF THE ISSUES THAT PROMPTED AMBASSADOR STROOCK'S RECALL. MS. MCCARTHY SAID SHE DID NOT THINK SUCH A STATEMENT COULD BE PRODUCED.

5. MR. SOREFF EXPRESSED FRUSTRATION OVER THE LACK OF MOVEMENT ON THE INVESTIGATION STATING THAT IT IS CLEAR TO HIM THAT THE GOG WAS INVOLVED IN SR. ORTIZ'S KIDNAPPING AND MIGHT BE ATTEMPTING A COVERUP. HE SAID THAT THE GOG HAD HAD SR. ORTIZ UNDER SURVEILLANCE AS INDICATED BY THE PHOTOS THAT WERE ALLEGEDLY SHOWN TO HER DURING HER CAPTURE. SO FAR, HE ADDED, THE GOG HAS LIMITED ITS INVESTIGATION TO THE EVENTS OF NOVEMBER 2 AND 3 AND HAD DONE LITTLE ELSE.

6. MR. SOREFF INDICATED THAT HIS CLIENT WANTED TO HAVE THE CASE FULLY INVESTIGATED. HE ADDED, HOWEVER, THAT SHE IS STILL UNABLE TO SPEAK ABOUT THE CASE TO AUTHORITIES. THIS STEP, MR. SOREFF ADDED, IS COUNTERINDICATED BY HER THERAPIST. MOREOVER, SR. ORTIZ STILL HAS NOT DECIDED WHETHER SHE WANTS TO PROSECUTE. MR. SOREFF STATED THAT HE WANTED TO HAVE THE GOG ESTABLISH A SPECIAL EXECUTIVE COMMISSION TO INVESTIGATE THE CASE. THIS WOULD ENABLE TO CASE TO BE TAKEN OUT OF THE HANDS OF THE POLICE AND THE JUDICIARY, THEREBY OBVIATING THE NEED FOR TESTIMONY AND OTHER EVIDENCE TO MEET LEGAL REQUIREMENTS. HE ADDED THAT HE WOULD LIKE AN INVESTIGATION OF THE PHOTOS ALLEGEDLY SHOWN TO SR. ORTIZ DURING HER DETENTION AS WELL AS A THOROUGH INVESTIGATION OF POLICE CARS HAVING THE LICENSE NUMBER 7 OR INCLUDING THE NUMBER 7. MR. WEINTRAUB ASKED WHERE THE INFORMATION ON THE LICENSE CAME FROM AS IT WAS NOT INCLUDED IN SISTER ORTIZ'S AFFIDAVIT. MR. SOREFF SAID HE WOULD HAVE TO CHECK. (FYI: THE FIRST AFFIDAVIT HAD A REFERENCE TO A LICENSE PLATE WITH A NUMBER 7 IN IT. THE SECOND DID NOT.)

ORTIZ, DIANE GTM GUATAMALA

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: OLSON, OSCAR
Date: 08/21/96
Case ID: 9512234

7. MR. SOREFF REQUESTED STATE DEPARTMENT ASSISTANCE IN OBTAINING A TV BROADCAST ON NOVEMBER 3, 4 OR 5 BY AN ALLEGED WITNESS TO THE CRIME. HE ALSO REQUESTED PHOTOS OF ALL USC MALES IN GUATEMALA BETWEEN THE AGES OF 18 AND 50. DIANA ORTIZ, HE ADDED, IS CONVINCED A USC NAMED ALEJANDRO WAS INVOLVED IN HER ABDUCTION. IF THE PRIVACY ACT IS A HURDLE TO THIS, HE ADDED, POSSIBLY THE EMBASSY CAN ASK INDIVIDUALS TO WAIVE IT FOR THIS CASE.

8. IN RESPONSE TO THESE POINTS, MR. MCCARTHY OUTLINED THE STATUS OF THE CASE, INDICATING THAT UNTIL NOW, THE PAUCITY OF INFORMATION PROVIDED BY SR. ORTIZ IMPEDED A THOROUGH INVESTIGATION. SHE POINTED TO ATTEMPTS BY EMBASSY OFFICERS TO ELICIT INFORMATION FROM SR. ORTIZ PRIOR TO HER DEPARTURE (INCLUDING REPEATED ATTEMPTS BY AMBASSADOR STROOCK), ATTEMPTS BY THE GUATEMALAN EMBASSY TO CONTACT HER TO OBTAIN ORAL TESTIMONY AND FINALLY, INDICATED THAT THE FBI WOULD ALSO LIKE TO QUESTION HER. AS TO THE ESTABLISHMENT OF A SPECIAL COMMISSION, MS. MCCARTHY INDICATED THAT THIS COULD BE LOOKED INTO. MR. LA RUE POINTED OUT THAT A SPECIAL COMMISSION HAD BEEN ESTABLISHED TO INVESTIGATE THE MURDERS OF HECTOR OQUELI AND GILDA FLORES.

9. MS. MCCARTHY NOTED THAT UP UNTIL NOW, THE STATE DEPARTMENT WAS NOT AWARE OF ANY REQUEST FOR AN INVESTIGATION OF THE ORIGIN OF THE PHOTOS ALLEGEDLY SHOWN TO SR. ORTIZ DURING HER DETENTION. IN RESPONSE TO MR. SOREFF'S REQUEST FOR THE PHOTOS OF ALL USC MALES BETWEEN THE AGES OF 18 AND 50, MS. MCCARTHY REITERATED THE PROBLEMS WITH THE REQUEST. THESE HAD ALREADY BEEN OUTLINED IN HER LETTER TO MR. SOREFF. MS. MCCARTHY NOTED THAT THERE ARE THOUSANDS OF AMERICAN CITIZENS LIVING IN GUATEMALA. THE EMBASSY IS ONLY AWARE OF THOSE WHO REGISTER AT THE CONSULATE. THEIR PHOTOS ARE COVERED BY THE PRIVACY ACT. IT WOULD BE VERY DIFFICULT TO OBTAIN WAIVERS. MOREOVER, A WAIVER REQUEST MUST BE VERY SPECIFIC. UPON BEING INFORMED THAT THE PHOTO WAS FOR THE ONGOING INVESTIGATION INTO THE KIDNAPPING AND TORTURE OF SR. DIANA ORTIZ, THE CULPRIT, IF HE WERE AMONG THEM, WOULD SURELY NOT SIGN THE WAIVER REQUEST. A BETTER APPROACH, ALREADY SUGGESTED TO MR. SOREFF, WOULD BE TO HAVE A FULL DESCRIPTION OF "ALEJANDRO" WHICH THE EMBASSY COULD CIRCULATE AMONGST ITS EMPLOYEES. REPRESENTATIVE MAZZOLI AGREED THAT THE REQUEST FOR THE PHOTOS MENTIONED ABOVE WAS EXCESSIVE.

10. MS. MCCARTHY THEN ASKED MR. SOREFF TO PROVIDE, FOR TRANSMITTAL TO THE APPROPRIATE AUTHORITIES IN GUATEMALA, A FULL DESCRIPTION OF ALL THE MEN INVOLVED. THOUGH MR. SOREFF INDICATED SOME TIME AGO THAT HE HAD SUCH DESCRIPTIONS, THEY HAD NEVER BEEN SENT TO THE STATE DEPARTMENT OR PROVIDED TO GUATEMALAN INVESTIGATORS. MR. SOREFF INDICATED THAT HE COULD PROVIDE THE DESCRIPTIONS OF THREE OF THE MEN INVOLVED BUT THAT HE DID NOT WANT TO PROVIDE THAT OF THE AMERICAN CITIZEN, THE ONE CALLED "ALEJANDRO". MS. MCCARTHY, AS WELL AS CONGRESSMAN MAZZOLI, INDICATED THAT IT WOULD BE VERY DIFFICULT FOR THE CASE TO BE PURSUED WITHOUT A DESCRIPTION OF ALL THE MEN AND PRESSED MR. SOREFF TO PROVIDE THEM.

11. MR. SOREFF THEN STATED THAT A RELIGIOUS DELEGATION WAS CONSIDERING GOING TO GUATEMALA TO DISCUSS THE CASE AT THE HIGHEST LEVELS OF THE GOG. HE INDICATED THAT SISTER ORTIZ MIGHT BE PART OF THE GROUP. FATHER HAGLE THEN ASKED WHETHER THE STATE DEPARTMENT COULD ASSIST IN THIS VISIT AND HELP GET A GUARANTEE FROM THE GOG TO PROTECT DIANA ORTIZ AND ALLOW HER TO LEAVE THE COUNTRY ONCE THE VISIT WAS OVER. IN RESPONSE, STATE DEPARTMENT REPRESENTATIVES INDICATED THAT WHILE THE EMBASSY IN GUATEMALA COULD ASSIST

WITH THE VISIT AND ASK THE GOG FOR SUCH GUARANTEES, THERE STILL EXISTED THE POSSIBILITY THAT SHE COULD BE DETAINED AS A WITNESS. MR. MAZZOLI ADDED THAT HE DID NOT THINK IT WOULD BE A GOOD IDEA FOR SR. ORTIZ TO RETURN TO GUATEMALA. MR. SOREFF EXPLAINED THAT SHE FEELS SHE WAS NOT ABLE TO SAY GOODBYE BUT THAT HER THERAPIST HAD COUNSELED AGAINST SUCH A TRIP.

MR. LA RUE ADDED THAT, TECHNICALLY, THE GOG COULD NOT HOLD SR. ORTIZ AS SHE, HERSELF, WAS COMMITTED NO CRIME. HE CLARIFIED THAT THE ORDER WHICH THE POLICE HAD TO SPEAK TO SR. ORTIZ PRIOR TO HER DEPARTURE COULD NOT TECHNICALLY HAVE IMPEDED HER DEPARTURE.

12. MR. SOREFF THEN ASKED WHETHER THE STATE DEPARTMENT'S SEEMING DISTANT STANCE ON THE CASE OF SR. ORTIZ REFLECTED DOUBTS AS TO THE VERACITY OF HER STORY. HE INDICATED THAT MOD GRAMAJO HAD STATED THAT IT WAS ALL PART OF A LESBIAN AFFAIR. MILES LACKEY INTERJECTED NOTING THAT THE MINISTER OF INTERIOR HAD ALSO MADE A NEGATIVE COMMENT ON THE CASE.

IN RESPONSE, MS. MCCARTHY STATED THAT THE STATE DEPARTMENT HAD NO REASON TO QUESTION THE VERACITY OF THE CASE AND THAT LIMITED PUBLIC STATEMENTS ON THE INCIDENT WERE A REFLECTION OF A LACK OF INFORMATION AND THE FACT THAT WE WERE LIMITED BY THE LACK OF A PRIVACY ACT WAIVER. MS. MCCARTHY ADDED THAT ALL THOSE WHO HAD WORKED ON THE CASE WERE CONSCIOUS OF THE FACT THAT SR. ORTIZ WENT THROUGH A TERRIBLE ORDEAL AND THAT SHE NEEDED TO RECOVER. IN ALL OF THE RESPONSES TO PUBLIC AND CONGRESSIONAL INQUIRIES TO THE CASE, THE STATE DEPARTMENT HAD EXPRESSED THE WISH THAT, ONCE SHE HAD RECOVERED FROM THE ORDEAL, SR. ORTIZ WOULD HELP IN FINDING THE PERPETRATORS.

13. COMMENT: WHILE MR. SOREFF ATTEMPTED TO PORTRAY THE GOG AND THE STATE DEPARTMENT AS THE BAD GUYS IN THIS AFFAIR, WE SUCCESSFULLY COUNTERED WITH INDICATIONS THAT THE BALL IS STILL IN SR. ORTIZ'S COURT. AS THE MEETING PROGRESSED, CONGRESSMAN MAZZOLI APPEARED TO BECOME INCREASINGLY SKEPTICAL OVER THE WHOLE STORY. HE PRESSED MR. SOREFF TO BE MORE FORTHCOMING WITH INFORMATION.

MR. SOREFF APPEARS TO BE OVER HIS HEAD ON THIS WHOLE CASE. HE REQUESTED THAT MR. LA RUE ACCOMPANY HIM TO PROVIDE GUATEMALAN LEGAL ADVICE, LITTLE KNOWING WHAT MR. LA RUE'S CONNECTIONS ARE AND WHERE HE STANDS IN THE GUATEMALAN POLITICAL SPECTRUM.

WHILE CONSISTENTLY ASSERTING THAT SR. ORTIZ IS STILL NOT ABLE TO DISCUSS THE CASE, HE LET IT SLIP OUT BEFORE THE MEETING THAT SHE IS DOING PASTORAL WORK IN MEXICO.

WE ARE VERY SKEPTICAL ABOUT THE PROPOSAL FOR A SPECIAL COMMISSION AND DO NOT THINK WE SHOULD PURSUE IT ACTIVELY WITH THE GOG. MR. SOREFF ALSO MET WITH GUATEMALAN AMBASSADOR JOHN SCHWANK. WHILE WE DO NOT HAVE A READOUT OF THE MEETING, THE ISSUE WAS PROBABLY RAISED AND WE FEEL THAT MR SOREFF SHOULD PURSUE HIS REQUEST THROUGH THAT CHANNEL.

WE THINK THAT A DELEGATION VISIT IS LIKELY, THOUGH WE DOUBT SR. ORTIZ WILL GO. MR. SOREFF WAS TOLD US THAT HE DOES NOT BELIEVE IT IS A GOOD IDEA FOR HER TO GO BACK TO GUATEMALA. WE UNDERSTAND SR. ORTIZ'S THERAPIST IS OF THE SAME OPINION. THE URSULINE SISTER WHO ACCOMPANIED MR. SOREFF (WHOSE NAME NO ONE GOT) SHOOK HER HEAD VIGOROUSLY DURING THE MEETING WHEN THE POSSIBILITY WAS RAISED.

WE BELIEVE WE DISABUSED MR. SOREFF REGARDING HIS REQUEST FOR PHOTOS. WE BELIEVE HE IS STILL RELUCTANT TO GIVE US

Department of State

OUTGOING
TELEGRAM

THE DESCRIPTION OF THE ALLEGED U.S. CITIZEN. NEEDLESS TO SAY, WE HAVE RECEIVED NO DESCRIPTIONS AS OF DATE, NOR HAVE WE RECEIVED A LEGALIZED COPY OF THE SECOND AFFIDAVIT OR A PRIVACY ACT WAIVER, AS REQUESTED IN OUR LETTER TO MR. SOREFF OF FEBRUARY 26, A COPY OF WHICH WAS SENT TO POST. WITHOUT THIS ADDITIONAL INFORMATION, IT IS DIFFICULT FOR US TO PRESS THE GOG TO INVESTIGATE THE CASE.

14. OTHER INFORMATION ON THE CASE: DEPARTMENT WAS CONFIRMED, IN RESPONSE TO REFTEL, THAT THE FBI OFFICE IN LOUISVILLE WAS REQUESTED IN WRITING AN INTERVIEW WITH SR. ORTIZ. SO FAR THEY HAVE HEARD NOTHING.

15. ACTION REQUESTED: EMBASSY IS REQUESTED TO INFORM APPROPRIATE GOG OFFICIALS OF THE REQUEST FOR THE SPECIAL COMMISSION BUT NOT TO PURSUE THE IDEA. EMBASSY SHOULD ALSO NOTIFY THE GOG OF A POSSIBLE DELEGATION VISIT SPECIFYING THAT THE INCLUSION OF SR. ORTIZ IS POSSIBLE, BUT NOT LIKELY. EMBASSY IS ALSO REQUESTED TO ASCERTAIN THE EXISTENCE OF THE VIDEOTAPE MENTIONED IN PARAGRAPH 7 AND TO OBTAIN A COPY, IF POSSIBE, FOR FORWARDING TO MR. SOREFF. DEPARTMENT WOULD ALSO APPRECIATE AN UPDATE OF WHAT THE GOG HAS DONE, IF ANYTHING, WITH THE SECOND AFFIDAVIT AS WELL AS AN INDICATION OF WHEN THE FOREIGN MINISTRY WILL BE FORWARDING THE LETTERS ROGATORY.
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ASSISTANT SECRETARY'S DAILY ACTIVITY REPORT
ARA/CEN
March 29, 1990

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COSTA RICA

(U) More to Summit -- Foreign Minister Rodrigo Madrigal indicated during a March 27-29 visit to Panama that efforts have been undertaken to include Panama in a April 2-3 summit. Madrigal said that he is certain that the new Central American Presidents would agree to Panama joining the "new plan to develop democracy." He gave no indication, however, of the views of current presidents to this Costa Rican initiative and it is not clear what the Panamanians think of this. (PA2903050290, Cockburn).

(C) GOCR John Hull Extradition Dilemma -- The Embassy advised CEN March 28 that the Foreign Ministry is now moving on building a case for the extradition of Hoosier John Hull. We should soon be receiving another request from the GOCR for certified copies of the Iran-Contra report and North trial transcript. Earlier the Ministry's legal adviser had expressed doubt that a case could be made based on the La Penca assassination attempt against Eden Pastora. It seems, however, that the Ministry is under pressure from the judicial branch to pursue the matter and is obviously in a delaying mode. They already know what is in the report and transcript and could not expect to discover anything new on which to build a case against Hull. (Cockburn).

GUATEMALA

(LOU) Cerezo commits himself! We have received a signed commitment from Cerezo to take steps to investigate outstanding cases of human right abuse and improve the rule of law. They include setting up a special police unit to investigate cases, providing a report on the Oqueli case in two weeks, reforming the penal code, providing protection to judges and inaugurating the OPR office in the Police. The steps are the same as those submitted in draft last week. (DMcCarthy)

(LOU) Murder of CERJ members and attack on Deputy Human Rights Ombudsman: Two members of the CERJ (the indigenous group seeking to end the civil patrols) were murdered on March 18 in the Quiche community of Parraxtut, allegedly by military commissioners and members of a civil patrol. Following the incident, a group of villagers from the town took refuge in the CERJ offices. On March 27, the Deputy Human Rights Ombudsman and the Ombudsman's local rep were attacked by civil patrol members as they attempted to accompany the villagers back to their homes. The Ombudsman's office has held

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 07/13/95
Case ID: 9512234

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a press conference in which they held the MOD responsible. A judge has issued an arrest order for the commissioners but the police fear going to the village to arrest them. (Note: Both the Human Rights Ombudsman and the National Reconciliation Commission have recently concluded that the civil patrols are not unconstitutional). We will ask the Embassy to investigate this and report to include suggested responses. (Guatemala 3789, 3821 and previous, DMcCarthy, x71145)

(LOU) Case of Diana Ortiz: A delegation consisting of Sr. Ortiz's lawyer, representives of the Ursuline order, the Maryknolls and other religious groups will be travelling to Guatemala April 2 or 3 to discuss the case with high level GOG officials. The Embassy is assisting. While we have been informed that, although Sr. Ortiz can't be interviewed, she is doing pastoral work in Mexico. (DMcCarthy, x71145)

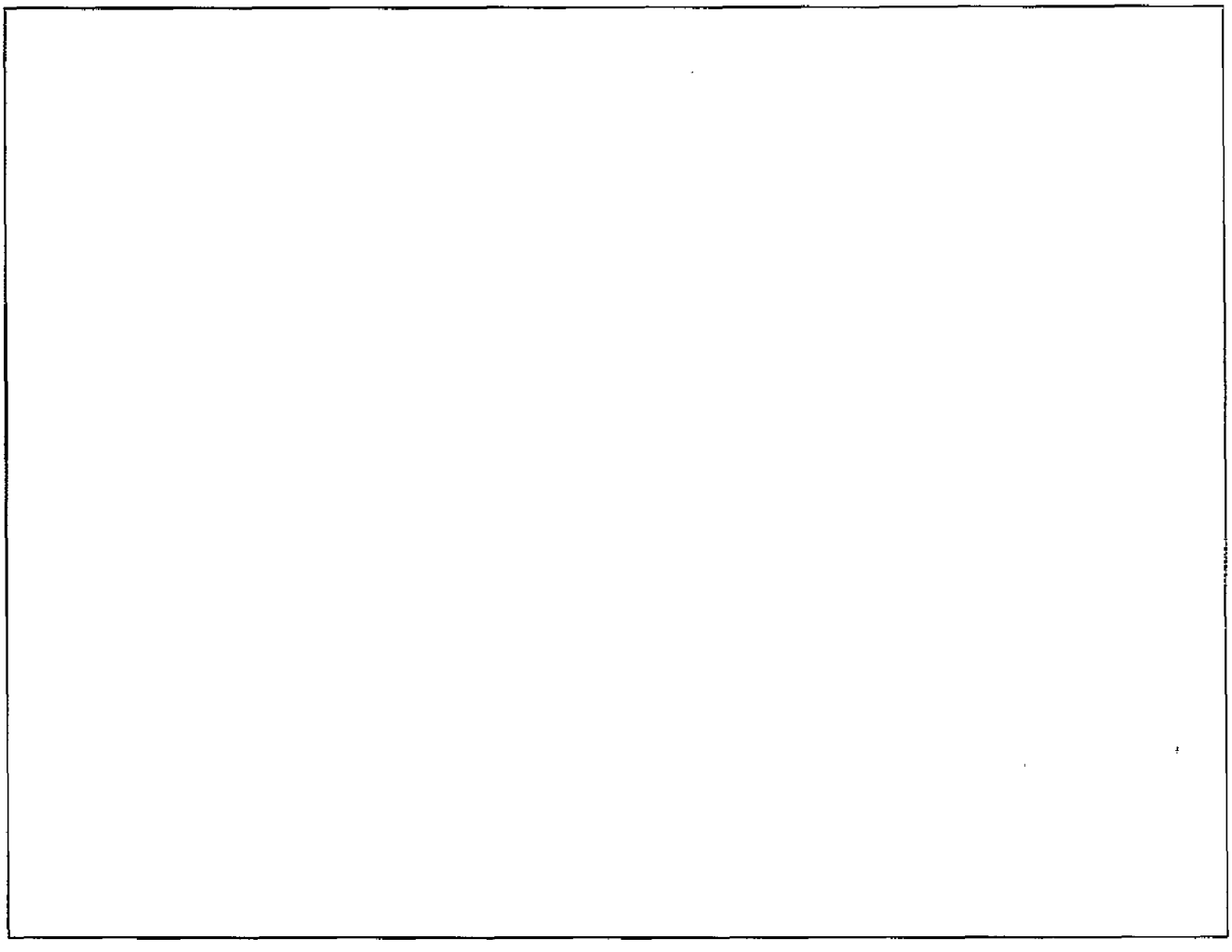
(C) Election poll results: The latest Aragon poll indicates that 35 percent do not know whom they would vote for if the election were held tomorrow. 21 percent said they would vote for Carpio (UCN), 12 percent for retired General Rios Montt, 9 percent for ex-Mayor of Guatemala Alvaro Arzu, 6 percent for Cabrera (DCG), 2 percent for De Leon (DCG-PSD) and 1 percent for Manuel Ayau (MLN - extreme right). Asked whom they believed would win, 36 percent said they did not know, 27 percent said Carpio, 13 percent said Cabrera, 10 percent said Rios Montt, 6 percent said Arzu.

NICARAGUA

(C) Transition Agreement Pluses, Minuses. The transition protocol between the National Opposition Union (UNO) and the Sandinistas signed March 27 commits the latter to a complete turnover of power and places the security forces clearly under President-elect Violeta Chamorro's authority. However, other provisions characterize the Toncontin Accord as requiring Resistance demobilization by April 25; enshrine Sandinista actions, especially property confiscations, over the last ten years; and make vague references to "correct interpretation' of the Constitution, especially as regards the Sandinista Army. Embassy Managua chalks up the agreement's failings to inexperience and doubts they will redound against UNO once in power. (Managua 1783, DAGray)

(C) Donors' Meeting Set; PAHO Backs Aid Bill. The Italian Government is planning a second Nicaraguan aid donors' conference for May 31. Invitees will include all countries from the first conference, plus the U.S. and international financial organizations.

B1



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El Salvador: Human Rights Special Project (1993)

Release

Report on the Situation in El Salvador
April 1, 1990 - October 1, 1990

K/OC

I. DIALOGUE

The Government of El Salvador (GOES) and guerrillas of the Farabundo Marti National Liberation Front (FMLN) met in Mexico City on March 29 to resolve procedural issues prior to their meeting in Geneva on April 4 (with UN Secretary General Perez de Cuellar in attendance) to begin UN-mediated talks. The goal of the talks was agreed to be the definitive end to the armed conflict.

The two sides also agreed that the process would be carried out under the auspices of the Secretary-General and would be continuous. The method of negotiations would consist of two complementary activities: direct dialogue between the negotiation commissions with the active participation of the Secretary-General or his representative, and an intermediary role by the Secretary-General or his representative. It was also agreed that the discussions be conducted in strict confidence and that the Secretary-General may maintain confidential contacts with other governments or groups of governments which may contribute to the negotiations. Both sides agreed that political parties and other social groups have a role to play in achieving peace; that the views of such groups can be incorporated into the discussions themselves; and that the Secretary-General can maintain contacts with other Salvadorans about the talks.

Agenda for the Talks

The first round of discussions was held in May in Caracas. The two sides agreed that the "initial objective" of the talks was to achieve a cease-fire by mid-September. Before a cease-fire could be reached, the two sides would reach political accords on the following: the armed forces; human rights observance; the judicial system; the electoral system; constitutional reform; social and economic problems; and U.N. verification of agreements.

Seeking Accord on Armed Forces Reform

Following the agenda agreed to at Caracas in May, the talks have focused on reaching political accords. The majority of the discussion to date has been on the issue of military reform. The FMLN in June proposed that: certain armed forces elements be dissolved; that the officer corps be purged; and that "exemplary prosecutions" take place in four cases of human rights abuses. Those cases would be: the killing of Archbishop Romero, the FENASTRAS bombing, the killing of the Jesuits, and the killing of Hector Oqueli

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Special Project (1993)

In response, the government agreed to some of the FMLN's proposals and others were modified. In particular, the government agreed: to dissolve certain armed forces units after a cease-fire; to move out unacceptable officers through rotation; to hold exemplary prosecutions in the cases proposed by the FMLN, plus four abuses committed by the guerrillas. Since this offer, the government has moved several officers from positions of authority and stated that changes in brigade commands could be discussed at the talks. The armed forces also announced that the civil defense forces would be dissolved.

GOES Requests Active U.N. Mediation

Starting with the July round and continuing thereafter at each subsequent round, the government has suggested that U.N. mediator de Soto define a middle ground on armed forces reform and other issues and negotiate the two sides towards it through a process of "pendular" mediation. The FMLN has refused to accept active U.N. mediation.

July Human Rights Accord

At the July round, the two sides signed an agreement on human rights drafted by the U.N. Under the terms of the document, both sides agreed to respect a defined set of human rights standards, including the legal rights of detainees, freedom of association and expression, and workers rights. They also agreed to support the activity of a U.N. human rights monitoring commission to oversee human rights observance in El Salvador and to make necessary representations directly to government and military authorities. The commission would not, however, begin its activities until after a cease-fire went into effect.

FMLN Proposal for Military Dissolution

At the August round the FMLN tabled a proposal on military reform which was a retreat from its previous position. It called for: the dissolution of the armed forces prior to a cease-fire; the sacking of all colonels and generals; and trials and punishment in thousands of cases of alleged human rights abuses. Auxiliary Archbishop of San Salvador Rosa Chavez called the FMLN's new demands "excessive," and added that they "fuel pessimism and defeatism about the chances for peace." "A proposal like this," he said, "... could be intended to increase tensions, to create greater difficulties."

Proposals for Human Rights Monitoring

Following the August round, the government suggested the creation of a joint commission with the FMLN to investigate the most difficult human rights cases. The FMLN rejected the proposal. Prior to the

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El Salvador: Human Rights
Special Project (1993)

September round, the FMLN suggested that the U.N. human rights monitoring commission begin its work immediately. The government accepted the proposal, but the UN agreed only to set up an office to prepare the ground for an eventual monitoring commission.

September Round

At the September round of talks, the FMLN would neither discuss armed forces reform nor accept active U.N. mediation. The guerrillas were prepared to discuss only the following topics: access of journalists into conflictive zones; forming a joint FMLN-GOES commission to look into the investigation of the Jesuit case; provision to the FMLN of a purported National Intelligence Directorate investigation of the Romero killing; permitting national and international public opinion to be heard at the negotiating table; and the Salvadoran government's effort to pass a U.N. Security Council resolution on the talks.

In order to facilitate discussion of military reform topics, the government suggested, and the FMLN rejected, formation of smaller working groups to prepare proposals for submission to the plenary sessions, extending the talks by several days, and meeting again after a two-week delay rather than the customary four-week interlude between rounds. Citing the press of other business, the FMLN refused to extend the talks and suggested meeting again after a six-week delay.

The interparty dialogue commission, made up of representatives of all nine legal political parties, (including those with ties to the FMLN) completed its electoral reform proposal on September 17, the day the September round was scheduled to adjourn. The government suggested that the sides remain in session to receive the electoral reform proposal, but the FMLN refused, citing pressing commitments elsewhere.

Following the September round, a multipartisan group of political parties, labor unions, and private sector associations called on both sides to moderate their positions so that a cease-fire could be reached.

FMLN Violence during the Negotiations

Despite repeated government calls for a cease-fire, the FMLN continues to employ violence. On April 3, the day before the talks were announced, a guerrilla car bomb in San Salvador killed six and injured dozens. In July, the guerrillas assassinated two off-duty military officers. During the August round, an FMLN mortar attack on the President's offices left six wounded. Beginning before the June round of negotiations, and thereafter on a regular basis, the FMLN has continued to threaten publicly and to prepare for another offensive.

Next Round

As the FMLN requested, the next round will start on November 4, some six weeks after the conclusion of the September round.

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El Salvador: Human Rights
Special Project (1993)

II. ADMINISTRATION OF JUSTICE

The United States Agency for International Development (AID) provides assistance for the reform and strengthening of the judicial system through the four components of the Judicial Reform Project authorized in 1984: the National Legislative Revisory Commission, the Judicial Protection Unit, the Commissions on Investigations, and the Judicial Administration and Training Program. On September 26, 1989 AID transferred to the Department of State management responsibility for the judicial protection and investigative training components of the program. AID retained responsibility for the legislative drafting and the judicial administration and training components. The change in management brought activities in the El Salvador project under the same institutional oversight as administration of justice activities elsewhere in Latin America and the Caribbean. In addition to the Judicial Reform Project, regional Administration of Justice projects -- specifically the International Criminal Investigative Training Assistance Program of the Department of Justice and the UN Latin American Institute for the Prevention of Crime and Treatment of Offenders -- offer training and technical assistance to personnel of the Salvadoran criminal justice system.

Revisory Commission for Salvadoran Legislation (CORELESAL)

CORELESAL was established as a legislative drafting commission to provide an impetus for the modernization of Salvadoran law. Since 1986, CORELESAL has drafted thirteen bills, of which the assembly has passed nine. Two bills have been passed in the last six months. Because of the support which CORELESAL enjoys from the Supreme Court, the Ministry of Justice, the Attorney General and the Solicitor General, the assembly is expected to act on the four remaining CORELESAL bills by the end of the year.

The recently-approved laws are:

-- Reforms to the jury system and trial phase of criminal procedures. This law aims to modernize and adapt the current jury system to existing social needs and make it effective. Reforms to the trial phase of judicial process are designed to accelerate criminal case proceedings.

-- The Judicial Career law implements the constitutional article that provides for a judicial career path. Among other provisions, the law defines additional minimum qualifications for being a judge,

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defines the requirements for promotions and step increases, provides for a retirement plan, and establishes a complete and detailed procedure for disciplinary actions.

During this reporting period, CORELESAL developed a draft proposal to turn the Office of the Public Defender, currently funded by the Judicial Reform Project, into an institution within the Salvadoran justice system.

The Commission on Investigations

The Commission on Investigations (CIHD), which oversees the Special Investigative Unit (SIU) and the Forensic Unit, is entering a phase of major reorganization. The SIU is charged with investigating crimes of national importance, including politically sensitive crimes and human rights cases. The Forensic Unit is by far the most professional laboratory in the country. The plan recently agreed to at a meeting of the President of the Supreme Court, the Attorney General, the Minister of Justice and assorted other legal experts includes the following points:

-- The reorganized SIU will combine with the Scientific Police Institute, which would be removed from the Ministry of Defense and become an autonomous civilian organization.

-- An advisory commission to oversee the activities of the SIU will be established. The President of the Supreme Court, the Attorney General, the Public Defender, and, possibly, an executive branch representative will serve on the advisory commission.

Judicial Protection Unit

The Embassy is also working with the SIU on a reorganization which will include the development of a division for judicial protection. This division would provide protection to judges, witnesses, and prosecutors in high-profile cases. The new division would employ fifteen threat analysts (investigators) and fifteen group leaders of protective details. All members of the division will also be trained as detectives in order to support investigations in other areas.

Judicial Administrative and Training Program

The Judicial Administration and Training Project provides comprehensive training programs and buys needed office equipment for the Attorney General and the Solicitor General. As part of an effort

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El Salvador: Human Rights
Special Project (1993)

to reduce a traditional reliance on confessions and increase the use of scientific evidence in criminal cases, the Attorney General's entire 100-person staff (the majority of which are law students) has received training in the techniques and use of modern scientific evidence. The training was provided by the CIHD, marking the first time Salvadorans have been involved in this type of effort. The Attorney General's staff has also participated in courses in criminal law, criminal procedure law, and human rights. The Public Defender's staff has received training in criminal law and criminal procedure law.

El Salvador's criminal justice system has always been weak and is still not functioning well. The obstacles to an independent and effective judiciary are both internal and external to the Salvadoran justice system. The internal obstacles include:

-- insufficient resources;

-- inefficient administration;

-- inadequate professional training;

-- inadequate forensic and investigative procedures; and

-- laws which are often deficient on important points.

The external factors which hamper the independence and effectiveness of the judicial system include:

-- continuing torture and abuse of many detainees by security forces, despite marked improvements and continuing U.S. efforts to encourage increased respect for human rights;

-- widespread use of political influence and bribery;

-- a legacy of military control and impunity;

-- lack of cooperation among the courts, the prosecutors, and the security forces; and

-- the widespread fear by judges, prosecutors, defense attorneys, witnesses, jurors, and judicial personnel that actions against political extremists, or the armed forces, could have dire consequences.

The law in El Salvador is not applied equally and impartially because judicial branch personnel are often intimidated and bribed while military officers (despite improvements) remain largely above the law. Most detainees do not receive a fair and speedy trial because criminal investigations tend to be drawn out and inconclusive and the rules of evidence are archaic and unwieldy. In many cases,

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El Salvador: Human Rights
Special Project (1993)

detainees who cannot afford legal counsel spend long periods in prison awaiting trial, if only to be exonerated, while guilty parties with resources or other ways to influence the outcome take advantage of the system's weaknesses to stay out of prison.

Human Rights Cases Involving the Military

-- Archbishop Romero murder (March 24, 1980)

Synopsis: On March 24, 1980, Archbishop Arnulfo Romero was assassinated while saying mass in a small chapel at a San Salvador cancer hospice. The government's investigation made little progress until 1985 when the Special Investigative Unit (SIU) was assigned to the case. The SIU reviewed the available evidence, followed up on leads, and, in 1987, its efforts paid off when it located Antonio Amado Garay, an employee of Captain Alvaro Saravia. According to Garay, Captain Saravia drove the getaway car used in the assassination. Garay's testimony before a Salvadoran court in November 1987 resulted in an arrest warrant and extradition request for Saravia, who had fled El Salvador and was living in the U.S. In September 1988, a U.S. Magistrate in Florida signed a certificate of extraditability for Saravia. However, in December 1988, the Salvadoran Supreme Court denied the Salvadoran government's petition to extradite Saravia and prevented the resubmission of the petition by ruling that Garay's testimony, upon which the arrest warrant was based, was dated.

Status: More than ten years after the Archbishop's assassination, no one has been arrested in connection with this case. The Supreme Court's denial of the extradition petition for Saravia has rendered the case inactive, although technically still open.

Venue: 1st instance court: 4th San Salvador criminal court.

-- Armenia Well Murders (1980-1982)

Synopsis: Between ten and thirty people were allegedly kidnapped in by Civil Guards in El Manguito Canton, Sonsonate Department, from 1980 to 1982. They were reportedly taken from their homes at night, accused of being subversives, tied up, blindfolded, and marched to a deep well. There they were allegedly shot or hacked by machete and dumped into the well. In 1983, village residents filed complaints against the local Civil Defense commander, alleging illegal arrest, rape, robbery, homicide, and other crimes. Seven Civil Guards implicated in the crimes were later arrested that same year.

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El Salvador: Human Rights
Special Project (1993)

In 1986, the SIU excavated the well and found the remains of at least eight of the missing persons. Seven of the nine Civil Guards charged with the crime were eventually apprehended. The other two, including the Civil Guard commander, are still at large, presumably outside of El Salvador.

In February 1988, the Santa Ana appeals court remanded the case to the trial court judge. That judge dismissed charges against some of the suspects and brought the case against the others to trial on August 18, 1989. The defense and the prosecution filed separate appeals, on August 23, before the Santa Ana appeals court. The defense petitioned for a reappraisal of the appeals court's denial of amnesty and the prosecution asked for a review of the judge's decision to release some of the accused. The defense and prosecuting attorneys completed arguments on their respective petitions in October 1989.

Status: Seven Civil Guards remain in jail awaiting trial. Resolution of the appeals by the defense and the prosecution is still pending before the appeals court.

Venue: Santa Ana appeals court.

-- Michael Kline murder case (October 13, 1982)

Synopsis: On October 13, 1982, several soldiers removed Michael Kline, a U.S. citizen, from a bus which was travelling through the embattled Department of Morazan. Based on tenuous evidence, the soldiers suspected Kline of being a mercenary in guerrilla service and killed him on the way to brigade headquarters in San Miguel, San Miguel. Sub-sergeant Jose Lopez Garcia, Private Hector Rubina Reyes, and Private Cristobal Garcia were arrested on March 11, 1983, and charged with the crime.

On February 9, 1984, trial proceedings were ordered initiated against all of the accused. Successive appeals by the defense to the Supreme Court were not resolved until July 1988. On July 18, 1988, October 18, 1989, and February 19, 1990, the jury hearing had to be delayed because not enough jurors presented themselves to the court, apparently out of fear of retaliation. On May 3, 1990, a five-man jury finally convicted Hector Rubina Reyes of murder but acquitted the other two defendants.

Status: On June 13, 1990, Rubina Reyes was sentenced to sixteen years in prison. Lopez and Garcia were released in May 1990.

Venue: San Salvador court of appeals

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El Salvador: Human Rights
Special Project (1993)

-- Kidnapping case (1982-1985)

Synopsis: A group of military officers (both retired and active-duty) and right-wing civilians were charged with kidnapping at least five wealthy Salvadorans from 1982 to 1985 and collecting ransom payments of about four million U.S. dollars. In April 1986, the National Police arrested four alleged members of the ring: Colonel Roberto Mauricio Staben, Major Jose Alfredo Jimenez, Lieutenant Rodolfo Lopez Sibrian, and Luis Orlando Llovera Ballette. Other alleged members of the ring were also arrested at about the same time but have since died. Five other alleged members of the ring fled El Salvador and were never taken into custody: Lieutenant Colonel Joaquin Eduardo Zacapa Butter, Lieutenant Carlos Alejandro Zacapa Butter, Victor Antonio Cornejo Arango, Pedro Serrano Pineda, and Jose Antonio Alvarado Centeno. At the time of their arrest, the defendants faced charges of kidnapping for ransom, auto theft, possession of military weapons, and terrorism. Colonel Staben was later freed due to insufficient evidence.

In April 1987, the defendants filed a writ of habeas corpus which was rejected by the Supreme Court in December 1987. The Supreme Court returned the case to Judge Jorge Serrano Panameno for a decision on the applicability of amnesty for the defendants. In May 1988, Judge Serrano was assassinated before he had a chance to rule on the amnesty question. In November, Judge Ernesto Cruz Cienfuegos granted amnesty to the defendants on the charges of possession of military weapons and terrorism and transferred the case to the Third Criminal Court of San Salvador for determination on the civilian charges of kidnapping and auto theft.

In his last official act before he was transferred to another court, Judge Hector Larios dismissed the case for lack of evidence and ordered the release of the three jailed defendants in March 1989. Although Llovera succeeded in fleeing the country, then-President-Elect Cristiani and the Embassy intervened to prevent the release of Lopez Sibrian and to effect the recapture of Jimenez. Larios' successor, Judge Mejia Angulo, reversed the release order and reinstated charges. The Salvadoran government requested the extradition from the U.S. of two of the accused, Victor Antonio Cornejo and Carlos Zacapa on July 11, 1989. However, on April 1, 1990, Judge Mejia Angulo retired from the bench and was replaced by Judge Cruz Cienfuegos (all judicial appointments and transfers are made by the Supreme Court whose members are appointed by the Legislative Assembly). On April 23, Judge Cruz ordered trial proceedings initiated against Orlando Llovera and Lopez Sibrian. But, at the same time, the judge also ruled that there was insufficient evidence to link the other six defendants (Jimenez, the two Zacapa brothers, Cornejo, Serrano, and Alvarado) to the crime. Therefore, he dropped the charges against them, lifted the arrest orders against the five fugitives (excluding Llovera), and ordered

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Special Project (1993)

the release of Jimenez. The Attorney General declined to appeal the Judge's decision as part of his "personal protest" against U.S. pressure. Nevertheless, the private prosecutor in the case appealed and succeeded in suspending any further action on the judge's ruling until May 3. On that date, Judge Cruz ruled that the private prosecutor lacked standing to make an appeal on the lifting of the arrest orders. Since the only other party with standing in this case, the Attorney General, had declined to make an appeal, Judge Cruz definitively lifted the arrest orders against the five fugitives on condition that they pay a bond of 150,000 Colons (19,354 U.S. Dollars). On May 4, the private prosecutor appealed Judge Cruz's ruling to the San Salvador appeals court. A few weeks later, Judge Cruz was himself transferred to another court.

Status: Of all the original suspected members of the kidnapping ring, only Lopez Sibrian and Jimenez remain in jail awaiting trial, but until the Appeals Court overrules Judge Cruz's order, and we have no reason to believe it will, there are no outstanding warrants against the other five defendants. Newspaper reports and the private prosecutor have confirmed that the bond has been paid and the arrest orders lifted. Also pending in the same Appeals Court is the private prosecutor's appeal against the release of Jimenez and the defense's appeal on the initiation of trial proceedings against Orlando Llovera and Lopez Sibrian. No action is expected on this case in the near future.

Venue: San Salvador appeals court.

-- San Sebastian case (September 1988)

Synopsis: On September 12, 1988, a Fifth Brigade patrol detained ten peasants from Canton San Francisco, San Sebastian Municipality, San Vicente Department, and escorted them away from their village. Soon afterwards, villagers heard two explosions and small arms fire. The next day, they found the dead bodies of all ten peasants detained by the patrol. The military claimed that eight suspected FMLN collaborators and two captured guerrillas were killed when the column escorting the detainees to the helicopter was ambushed by guerrillas. The victims' families allege that the military executed all ten. The judge in San Sabastian investigated the killings and concluded that the villagers had been murdered. In November 1988, then-President Duarte assigned the case to the SIU.

There was little progress in the case until Vice President Quayle visited El Salvador in February 1989 and emphasized our concern about the case. A special military honor board was formed to review the evidence and found cause to dismiss two officers (Major Mauricio de Jesus Beltran and Sub-Lieutenant Arnoldo Vasquez Alvarenga) and seven enlisted men from military service and turn them over to a civilian

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El Salvador: Human Rights
Special Project (1993)

judge for prosecution. Eventually, a total of twelve soldiers were arrested between February 13 and March 2, 1989. Several writs of habeas corpus filed in March 1989 were not resolved by the Supreme Court until September 1989 when the case was remanded back to the court in San Sebastian.

On February 8, 1990, Judge Alcides Guandique of the first instance court of San Sebastian, San Vicente, ruled that there was insufficient evidence to proceed to trial against ten of the accused and ordered their release. At the same time, he ordered trial proceedings to be initiated against Major Beltran and Sub-Sergeant Rafael Rosales Villalobos. The defense and the prosecution launched immediate appeals of the judge's ruling to the San Vicente appeals court. Any action on Judge Guandique's ruling was thus suspended pending that court's decision.

On April 27, the San Vicente appeals court ordered trial proceedings to be initiated against Major Beltran and returned the case against Major Beltran to Judge Guandique's court. However, the appeals court overruled Judge Guandique and decided that there was insufficient evidence to initiate trial proceedings against Villalobos. In addition, the appeals court also confirmed Judge Guandique's finding of insufficient evidence against the other ten defendants, dropped all charges against them, and ordered their immediate release.

Among other reasons which it gave for dismissing charges against eleven out of the twelve accused, the appeals court held that the evidence gathered by the SIU in the case was inadmissible because the SIU is not an auxiliary organ of the court, even though each individual member of the SIU is a sworn agent of the court. The U.S. Embassy in San Salvador has denounced the invalidation of SIU-gathered evidence.

Status: Major Beltran is still in custody and is now the only remaining defendant in this case. On June 26, the Supreme Court granted a petition from the prosecutors and transferred the case against Major Beltran from San Sebastian to the sixth criminal court of San Salvador, Dr. Felipe Roberto Lopez Argueta presiding. A jury should be formed to try Major Beltran within the next few months. However, since Salvadoran courts have already riddled the case with serious procedural flaws, a change of venue may not represent a significant improvement. The Attorney General's office reports that Villalobos and the other ten defendants were freed in April 1990.

Venue: 1st instance court - sixth criminal court of San Salvador

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El Salvador: Human Rights Special Project (1993)

-- Hector Miranda Marroquin and Lucio Parada (July 3, 1989)

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El Salvador: Human Rights Special Project (1993)

Synopsis: Sometime between July 1 and July 3, 1989, members of the First Brigade's intelligence section, together with a patrol from the Atlacatl Battalion providing protection, arrested eight alleged FMLN guerrillas around Apopa, outside of San Salvador. One of the suspects, Lucio Parada, died during a field interrogation sometime before noon on July 3. That same day, the remaining alleged guerrillas were turned over to the First Brigade in San Salvador. In mid-July, a second detainee, Hector Miranda Marroquin, died as a result of injuries sustained before he was brought to San Salvador.

Cesar Veilman Joya Martinez, an enlisted man assigned to the First Brigade, was placed in detention pending the outcome of a First Brigade investigation into the deaths of Parada and Miranda and the alleged torture of the other suspects. Five of the other six soldiers suspected of complicity in the murders were released. Joya Martinez escaped from custody in late July 1984 and surfaced outside of El Salvador in October. He has since entered the United States and become a minor celebrity, confessing his involvement in death squads and making allegations implicating U.S. and Salvadoran officials in his murderous activities. So far, only Joya Martinez' admission of involvement in the Parada/Miranda case has been corroborated. The Salvadoran Supreme Court has notified the U.S. Embassy of its intention to request the extradition of Joya Martinez.

Joya Martinez was convicted on September 18, 1990 by the U.S. District Court in Alexandria, Virginia of unlawful entry into the United States after a previous deportation, which carries a maximum penalty of two years. He is now out on bail pending sentencing by the court after consideration of a pre-sentence report by the probation officer. In a separate legal case, on March 26, 1990 the Department of State sent an advisory opinion to an immigration court to the effect that Joya Martinez did not have a well-founded fear of persecution in El Salvador. On June 8 the Immigration Court in Arlington Virginia concluded the asylum hearings and both sides filed briefs. Decision has not been reached on the asylum request. Each side has indicated that it intends to appeal the Immigration Court's decision if it is on the losing side.

Status: Of the military personnel who participated in the July 1989 incident, only one, Corporal Salvador Alcides Gomez of the Atlacatl Battalion is presently being held in connection with this case. The Salvadoran government is preparing an extradition request for Joya Martinez, who has applied for political asylum in the United States.

Venue: 1st instance court of Quezaltepeque

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El Salvador: Human Rights
Special Project (1993)

-- The Jesuit massacre (November 16, 1989)

Synopsis: Nine Salvadoran soldiers have been implicated so far in the murder of six Jesuit priests, their housekeeper, and her 15-year old daughter at the University of Central America (UCA) in San Salvador. The victims were: Father Ignacio Ellacuria, Rector of the university; Father Segundo Montes, UCA professor; Father Ignacio Martin-Baro, UCA Vice Rector; Father Amado Lopez, UCA professor; Father Juan Ramon Moreno, UCA professor; Father Joaquin Lopez y Lopez, UCA professor; their housekeeper Julia Elba Ramos; and her 15-year old daughter, Celina Ramos. The murders occurred around 1 a.m. on November 16, 1989, at the Jesuit residence, on the fifth day of heavy fighting during the biggest FMLN offensive of the war.

President Cristiani immediately assigned the SIU to the case. By January 1990, the SIU had developed forensic evidence that implicated soldiers from the Atlacatl Battalion in the murders. Many of these soldiers had also participated in a search of the Jesuit residence just two nights before the killings. Also in January, a military honor board was formed to investigate the case and concluded that there was considerable evidence implicating the Atlacatl soldiers in the massacre.

On January 16, 1990, Colonel Guillermo Alfredo Benavides Moreno, the director of the Military Academy, was arrested in connection with the crime. Two lieutenants from the Atlacatl, a lieutenant from the Military Academy, and five Atlacatl enlisted men were arrested on charges of having committed the murders. A ninth soldier (also from the Atlacatl), who deserted in December, was also charged with murder but has not been located.

Since January, Dr. Ricardo Alfredo Zamora, the Fourth Criminal Court Judge of San Salvador, has detained three Atlacatl enlisted men on perjury charges. Also, Lieutenant Colonel Carlos Camilo Hernandez, the Deputy Director of the Military Academy at the time of the murders, has been indicted for obstruction of justice for allegedly burning the logbooks kept at the military school on the night of the slaying.

Status: Col. Benavides is under detention at National Police headquarters in San Salvador. The other seven defendants in custody are believed to be under detention at National Guard headquarters in San Salvador. The case is in the investigation stage and trial proceedings are expected to begin by December 1990.

Venue: 1st instance court - fourth criminal court of San Salvado

-- Barrera Urquilla murder (December 5, 1986)

Synopsis: According to witnesses, Air Force Cadet Victor Manuel Aguilar Mendez, Sergeant Jorge Alberto Ramos, and enlisted man Vidal Antonio Pleytes beat Barrera Urquilla during a so-called

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El Salvador: Human Rights
Special Project (1993)

interrogation near a main road outside of San Salvador. Urquilla's body was discovered a week later about two miles from the scene of the beating. An SIU investigation led to the arrest of the three interrogators on April 9, 1987. In August 1990, the SIU exhumed Urquilla's body and determined the cause of death to be the beating. In September 1990, the investigation was completed and Judge Jose Angel Vargas Guzman of Quezaltepeque ordered trial proceedings to be initiated against all three of the accused.

Status: All three suspects were discharged from the military and remain under detention. If the accused do not appeal the judge's order to initiate trial proceedings, the jury trial should commence in November. However, an appeal would likely delay the case by several months.

Venue: 1st instance court of Quezaltepeque.

III. CIVILIAN CONTROL OF THE MILITARY

Members of the military who commit crimes or abuses of authority may no longer rely on being above the law since an increasing number of such offenders are being made subject to institutional discipline or judicial proceedings. Nevertheless, a significant number of military personnel continue to commit human rights abuses or other crimes and abuses of authority with the expectation of getting away with it. The November 16 1989 murder of the six Jesuits and two others, (see above) raises especially serious questions about the degree to which certain elements of the military understand and accept the importance of respect for human rights and obedience to civilian authorities.

The institutional response of the Armed forces to the Jesuit case and its cooperation with the investigation indicate, however, that the principle of accountability for such actions is understood and supported by the military leadership. President Cristiani himself directed that the SIU investigate the crime and made a televised announcement that the likely suspects were members of the military. The fact that a colonel has been confined by a judge for his suspected involvement in the murders represents the first time that efforts have been made to prosecute senior officers believed to be involved in human rights abuses. Some members of the Armed Forces have been reluctant to cooperate in this case however, and the U.S. Embassy in San Salvador believes that during this reporting period the Salvadoran military has offered at best uneven cooperation.

-- Colonel Carlos Armando Aviles, whom the Moakley Commission (formed by the U.S. Speaker of the House of Representatives) credited with having broken the case, has contradicted himself repeatedly in sworn testimony.

-- The judge in the case has recently charged three enlisted men from the Atlacatl Battalion with perjury and jailed them.

-- Other Salvadoran military officers, while not openly lying or blocking the investigation, have adopted a posture of minimal compliance and no one in the Salvadoran military has voluntarily come forward with additional information about the murders.

RELEASED
El Salvador: Human Rights
Special Project (1993)

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El Salvador: Human Rights
Special Project (1993)

On a more positive note, Colonel Rene Emilio Ponce, the recently-appointed Minister of Defense, has promised more cooperation and publicly announced his determination to resolve the case. Senior Salvadoran government officials, Legislative Assembly members, and Salvadoran military officers of the rank of colonel and above have the privilege of not giving testimony in person. On September 7, however, President Cristiani broke with precedent and gave four hours of personal testimony in the judge's chambers. Senior Salvadoran military officers are now following suit and waiving their privilege and testifying in person before the judge.

The Salvadoran Armed Forces is often charged by its critics of indiscriminate use of air-to-ground firepower. Strict rules of engagement designed to avoid collateral damage to civilians have therefore been laid down by the government. In one particular incident, the Armed Forces admitted fault in the rocketing of San Jacinto Guancorita, Chalatenango, by an Air Force helicopter on February 11, 1990 as a guerrilla unit retreated through the town. In this case, the engagement between Salvadoran troops and guerrillas resulted in five civilians killed and fifteen wounded. According to press reports, children accounted for four of the dead and about twelve of the wounded. The Air Force accepted responsibility for the civilian deaths and was ordered by the High Command to pay compensation to the families of the victims, but no compensation has been paid as of September 14.

The standard operating procedure for the Salvadoran Armed Forces is to attack only well-identified guerrilla positions. Allegations of indiscriminate bombing, especially in the Northern and Eastern combat zones, are heard regularly. However, we have had no reports of civilian lives lost due to the improper use of air power in populated areas since the February 11 incident.

The following is an update on cases of rape or murder allegedly committed by the military:

-- Two sergeants accused of raping a young woman and killing her father in March 1990 are in custody. The Attorney General's office says that the case against them will be ready for trial by the end of the year.

-- In May, twenty-six members of the Civil Defense Forces (Civil Guards) were sentenced to thirty years in prison for the 1982 rape and murder of twenty-three peasants in San Pedro Perulapan, Cuscatlan

-- Also in May, seven Civil Guards were sentenced to thirty years in prison for the murder and robbery of four people in two separate incidents in Armenia, Sonsonate, in 1984.

-- In June, an Army sergeant was sentenced to thirty years in prison for the murder of two Guatemalan businessmen in March 1988.

IV. DEATH-SQUAD ACTIVITY

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El Salvador: Human Rights
Special Project (1993)

Statistics

According to Embassy statistics (based on publicly available sources), civilian deaths attributable to political motives have declined to 8-per-month (for the first six months of the year) from an monthly average during 1989 of 17-per-month. Following are the monthly averages for politically-motivated deaths since 1980, when the Embassy first began to gather to gather statistics:

- 1980 - 750
- 1981 - 444
- 1982 - 219
- 1983 - 140
- 1984 - 64
- 1985 - 28
- 1986 - 26
- 1987 - 23
- 1988 - 19
- 1989 - 17
- *1990 - 8

*First six months of calender year.

The Embassy developed a new category in 1988, "suspicious or unexplained killings," to cover murders for which no motive was apparent, but which may have been committed for political reasons. These deaths were previously included in the "criminal deaths" category. Analysis of this category for 1987 - 1989, and the first six months of 1990, reveals a decrease in 1989.

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
87	9	9	9	15	12	11	17	20	18	23	20	21	184
88	19	11	10	48	14	23	15	28	15	17	24	28	252
89	28	20	14	11	13	10	18	14	7	11	12	22	180
90	23	12	5	19	5	19							

The monthly average for "suspicious deaths" was 15 for 1987, 21 for 1988, 15 for 1989, and 14 for the first six months of 1990.

The statistics do not support the contention that there is a resurgence of death-squad activity in El Salvador. Although there continue to be cases of politically motivated murders, these killings do not appear to be part of a systematic pattern. Nevertheless, the level of violence remains unacceptable, as does the failure of the government to successfully arrest and prosecute those responsible.

Ultra-rightist Communiques

No alleged death squad communiques were issued in the last six months. During the past year there was only one such communique, and its authenticity is questionable.

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El Salvador: Human Rights
Special Project (1993)

Joya Martinez

(See the Marroquin/Parada case, page 12 above.) We are still waiting for an extradition request from the Salvadoran Government. We have suggested to the Minister of Justice that the Special Investigative Unit (SIU) should open an investigation into the case. He has yet to respond to our suggestion.

FMLN Human Rights Abuses

According to the Army's Human Rights Office, the following were among the human rights abuses committed by the FMLN during the reporting period:

-- On August 1, guerrillas kidnapped Yanira Torres and Yanira Flores, both 15 years old.

-- On the same day, the FMLN ambushed the military band of the Sixth Brigade, killing four band members and wounding another four.

-- On August 3, two Salvadoran army prisoners were brutally tortured and murdered by the FMLN.

-- On August 4, fifteen young peasants, between the ages of 15 and 20 years old, were kidnapped by the FMLN.

-- On August 15, Bartolo Miranda, David Caceres and Angel Alvarado Lopez were seriously injured by an FMLN mine.

-- On August 20, during an attack on the neighborhood where the President's official residence is located, a child and four other civilians were wounded.

-- The FMLN continued to use land mines indiscriminately throughout the reporting period killing and wounding innocent civilians in violation of the laws of war.

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El Salvador: Human Rights
Special Project (1993)

V. AGRARIAN REFORM

Background

In 1980, the Civilian-Military Revolutionary Junta instituted a sweeping reform law designed to rectify the pattern of land ownership which concentrated ownership in the hands of an elite, a situation which was helping to fuel the insurgency already underway in 1979-1980.

The reform was conducted in three phases, with each phase relating to the size of property rather chronological sequence.

Phase I involved the largest holdings (over 1,285 acres). In all, 469 properties encompassing some 542,044 acres were expropriated and turned over to some 36,000 workers who formed collective cooperatives. The Phase I implementing agency is the Agrarian Reform Institute (ISTA).

Phase II was originally planned to affect holdings larger than 250 acres. However, the 1983 Constitution raised the limit to 605 acres and stipulated that land in excess of this amount be sold within three years to campesinos, their associates, or small farmers. The required implementation law (Decree 895), passed in Febuary 1988, further provides for the expropriation of any land in excess of the 605-acre limit with the land turned over to ISTA to be made into cooperatives. However, the GOES has not expropriated any land under the new law because landowners with property in excess of 605 acres voluntarily divested themselves of the excess. The only Phase II lands not sold are generally located in highly conflictive areas where few people want to purchase land.

Phase III allowed renters and sharecroppers to apply for title to up to 17.3 acres of land they had tilled in 1980. The Phase III implementing agency is the National Land Financing Agency (FINATA).

Although there was concern when the ARENA party's Alfredo Cristiani won the 1989 presidential election that he would reverse the reforms, this has not been the case. Rather, the Cristiani administration has supported continuation of and improvements in the reform.

For its part, the United States has assisted the Government of El Salvador (GOES) with the land reform since the reform's inception. Assistance is now focusing on investment financing for reform beneficiaries and technical assistance and/or training in the areas of: (1) management and accounting for Phase I co-ops; (2) production and marketing of nontraditional export crops; (3) irrigated agriculture; (4) linking reform beneficiaries to processors and exporters of nontraditional crops; and (5) coffee rehabilitation.

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El Salvador: Human Rights
Special Project (1993)

Accomplishments

Over 23 percent of El Salvador's arable land has been transferred to formerly landless peasants, directly benefiting over 525,000 persons (farmers and families), or about one-fifth of the rural poor.

Phase I titling is complete except for 21 cases ISTA has pending in the courts. Under Phase III, the GOES has made progress in its titling workload since the last report:

	4/1/90 Report	This Report
Total potential titles	47,287	47,287
Titles presented to the Land Registry Office--considered by FINATA as definitive titles	38,961	41,365
(registered)	(33,972)	(38,159)
(require technical adjustment)	(4,989)	(3,206)
Titles pending	8,994	5,922
(in conflict zones or litigation)	(1,842)	(2,405)
(new titles)	(7,152)	(3,517)

Compensation of former landowners under Phase I is virtually complete. The only exceptions are the pending court cases. The cases fall into two categories: (1) constitutional, where properties expropriated were under 1,285 acres; and (2) land-value disagreements. They will likely take a long time to settle. Under Phase III, compensation has been made for nearly 4,247 properties, or 84 percent of the total 5,068 properties. (Compensation takes place at the same time as titling.)

Some 329 Phase I cooperatives have been formed, of which 93 have been declared self-managing since 1988, i.e., state-appointed co-managers are no longer involved in the management of these properties.

Current Efforts

Beneficiary Rights Legislation. The rights of reform beneficiaries are currently limited in that they cannot transfer/sell their property. Moreover, Phase I properties have been kept intact and have been run on a collective basis. Hence, Phase I farmers have not had the right to opt for alternative arrangements which might include service cooperatives or the division of cooperatives among individual farm families. The GOES has drafted beneficiary rights legislation that permits the transfer of agrarian reform properties to family members or sale of the properties to other small farmers. It would not permit resale to former landowners or the reconcentration of large holdings. The legislation also provides for

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El Salvador: Human Rights
Special Project (1993)

self-determination among Phase I farmers. The GOES has come under criticism from some groups which allege that while the GOES has discussed the legislation minimally with campesino groups, it has not engaged in enough discussion to make interested parties feel they are part of the process. The submission of the legislation to the Legislative Assembly is imminent.

Phase III Titling. The Cristiani administration inherited a workload of nearly 20,00 title transactions from the previous government. The number has been reduced to just over 13,300. The transactions include processing new titles (the most time-consuming of all titling transactions), adjusting titles to permit registration, and reassigning properties that have been abandoned by their original beneficiaries (this category also includes people who have died). The new timetable for completion of all Phase III titling is mid-1991.

Continuing Distribution of Land Assets. Despite agrarian reform progress to date, there remain an estimated 150,000 landless families. To assist these people, the GOES, supported by A.I.D. has initiated actions to increase access to land. There are approximately 166,000 acres of unutilized or underutilized Phase I lands. ISTA divided 19,440 acres of such lands and distributed them to approximately 4,000 families in 1988. ISTA has agreed with the National Commission for Displaced Persons to provide parcels for an additional 700 families. A.I.D. is supporting this effort. The activity is not moving as intended, however, because of the opposition of two major campesino labor organizations who are against parcelization of Phase I cooperatives. ISTA has also agreed to provide parcels for ex-soldiers, ex-guerrillas, and repatriates when hostilities cease.

A potentially more beneficial program in terms of numbers of beneficiaries would be a land bank which, according to financial analysis, would be able to distribute land to approximately 3,000 beneficiaries per year. While initial funding for the land bank has been set aside, it has not yet been released. A.I.D. has conditioned release of local currency funds on establishment of the bank outside of FINATA to permit it to act according to banking principles, free of political pressures. Unfortunately, political pressures have kept the GOES from agreeing to this condition.

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El Salvador: Human Rights
Special Project (1993)

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PAGE 01 MANAGU 01922 040118Z
ACTION ARA-01

INFO	LOG-00	ADS-00	AID-01	INR-05	SS-01	CIAE-00	DODE-00
	H-01	NSCE-00	NSAE-00	HA-09	L-03	TRSE-00	PM-01
	EPA-01	PA-01	OMB-01	INRE-00	ACDA-13	USIE-00	SP-01
	SNP-01	C-01	PRS-01	P-02	T-01	/045 W	

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TO SECSTATE WASHDC PRIORITY 2515
FV/AMEMBASSY CARACAS 5403
AMEMBASSY GUATEMALA
AMEMBASSY SAN JOSE
AMEMBASSY SAN SALVADOR
AMEMBASSY TEGUCIGALPA

Dept. of State, RPS/IPS, Margaret P. Grafeld, Dir.
XX Release ( ) Excise ( ) Deny (XX) Declassify
Date 2/27/02 Exemption

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E.O. 12356: DECL:OADR
TAGS: MOPS, PGOV, PINS, NU
SUBJECT: FSLN ON REGIONAL MILITARY BALANCE, CONTRA
- DEMOBILIZATION AND FSLN POWER
-

1. (U) AT MONTELIMAR, APRIL 2, PRESIDENT DANIEL ORTEGA, DEFENSE MINISTER HUMBERTO ORTEGA AND MAJOR GENERAL CUADRA ALL SPOKE PUBLICLY ON THE THEMES OF REGIONAL DEMILITARIZATION, CONTRA DEMOBILIZATION AND THE CONTINUANCE OF SANDINISTA CONTROL OF THE NICARAGUAN MILITARY.
-
2. (U) DEFENSE MINISTER ORTEGA GENERALLY SPOKE MORE SPECIFICALLY THAN DID HIS BROTHER ON ALL OF THE ABOVE. INTER ALIA, THE MINISTER NOTED FOR EXAMPLE THAT "THE PRESIDENT-ELECT WILL BE THE ONE TO DETERMINE WHO WILL BE THE HEAD OF THE ARMY."
-
3. (U) THE DEFENSE MINISTER ALSO SOUNDED A POSITIVE NOTE WITH REGARD TO THE CONCEPT OF REGIONAL DEMILITARIZATION

[redacted]

[redacted]

PAGE 02 MANAGU 01922 040118Z

NOTING, AS DID GENERAL CUADRA THE SAME DAY AT MONTELIMAR, THAT THE SUMMIT LEADERS WERE IN AGREEMENT ABOUT INITIATING DISCUSSIONS ON THE THEME OF A REGIONAL BALANCE OF FORCES -- INCLUDED UNDER POINT SIX OF ESQUIPULAS II. PRESIDENT ORTEGA SIMILARLY NOTED THAT "WE ARE GOING TO INSIST ON GETTING TO WORK ON THE CORRESPONDING COMMISSIONS RELATED TO A REGIONAL BALANCE OF FORCES." IN THIS CONTEXT, HE ADDED HOWEVER, THAT "VARIOUS GOVERNMENTS OF THE AREA" WERE OPPOSED TO "DISMANTLING OF MILITARY BASES WHICH THE U.S. POSSESSES IN THE REGION."
-
4. (U) LIKE HIS BROTHER WHO ACCUSED THE U.S. OF BEING AMBIGUOUS IN ITS STATEMENTS ABOUT DEMOBILIZATION OF THE

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CONTRAS, HUMBERTO ORTEGA, APRIL 2, CLAIMED THAT THE U.S. HAD "MECHANISMS" TO PRESSURE THE CONTRAS TOWARD DEMOBILIZATION -- "THROUGH MEANS OF FRIENDSHIP AND OLD RELATIONS BETWEEN THE CONTRAS AND THE CIA AND STATE DEPARTMENT."

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5. (U) HUMBERTO ADOPTED A MENACING TONE WITH REGARD TO CONTRAS WHO REFUSED TO DIARM CLAIMING THAT THE MILITARY "HAD FORCES PREPARED AT ANY TIME IF THEYT DO NOT DISARM." CUADRA, HOWEVER, POINTED OUT THAT PRESIDENT ORTEGA HAD ORDERED A "REINITIATION OF THE CESSATION OF OFFENSIVE OPERATIONS" BECAUSE "IF THE ARMY CARRIES OUT ATTACKS IT WOULD HAMPER THE CONTRAS' DEMOBILIZATION."

6. (C) COMMENT: THE SANDINISTA LEADERSHIP IS OF COURSE PLAYING TO VARIOUS AUDIENCES, POSSIBLY THE MOST IMPORTANT OF WHICH IS ITS OWN RANKS WHO REQUIRE REASSURING (INCLUDING, FOR EXAMPLE, TOUGH TALK ABOUT RECALCITRANT CONTRAS). AT THE SAME TIME, THE FSLN SEEKS TO MAINTAIN A POSTURE OF HIGH-MINDED REASONABLENESS ON IMPORTANT EMERGING INTERNATIONAL THEMES SUCH AS REGIONAL REDUCTION-BALANCE

OF MILITARY FORCES. LINKAGE OF REGIONAL REDUCTIONS OF MILITARY FORCES TO U.S. BASES IN THE REGION IS A THEME WHICH THE SANDINISTAS ARE LIKELY TO CONTINUE TO PUSH, ALTHOUGH AFTER THEY LEAVE POWER ON APRIL 25 IT WILL BE AS AN OPPOSITION PARTY.

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NEGOTIATIONS TO END THE WAR IN EL SALVADOR

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- Announced April 4, 1990, in Geneva
- Commenced May 1990 in Caracas, Venezuela
- Nine Negotiating Sessions held to date
- Parties have agreed on:

RELEASED IN PART, A5

1. Agreement of Human Rights Commitments and establishment of a U.N. Human Rights Monitoring group in El Salvador to be appointed by the SYG--July 1990. U.N. Security Council approval expected May 1991.

2. A package of constitutional reforms strengthening civilian control of the military, transferring police functions out of the armed forces, reforming the electoral and judicial systems--agreed to in Mexico City, April 27. Passed by Salvadoran National Assembly April 29-30. Cristiani has said the current National Assembly, which has sworn in May 1, will vote to enact the reforms once a cease fire is in effect.

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3. Establishment of a Truth Commission to study and report on outstanding human rights cases, to be appointed by SYG.

- Behind the scenes: Parties have agreed on 90% of the issues involving armed forces. One outstanding issues: makeup of an Ad Hoc Commission, to be appointed by the SYG, with veto power over nominations exercised by GOES and FMLN, to decide which officers remain in armed forces. FMLN wants all civilians; GOES wants 3 civilians and 2 military all with voting power; FMLN may accept 1 military with no vote.

- On March 18, FMLN told EC Foreign Ministers in Managua, it would enter definitive negotiations to reach agreement on constitutional reforms, armed forces, and cease fire by May 30. [redacted] tried to force GOES to agree to reform Article 248 of the Constitution, which defines the procedure by which Constitution is amended. He wanted to make it possible to amend the Constitution in one session of the National Assembly upon recommendation of President rather than 2 successive assemblies.

A5

[redacted] mispresented to 4 friends of SYG--Mexico, Venezuela, Spain, and Colombia--that Cristiani had accepted reform of Article 248. Salinas told the President this. Crisitiani told the President it wasn't true. Proposed reform of Article 248 met virtually unanimous opposition in El Salvador and was dropped in Mexico City negotiations.

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United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: JOHNSTON, DONALD
Date: 06/14/94
Case ID: 9940036G

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o FMLN under pressure from 4 friends and Soviets dropped Article 248 reform demand, but also dropped linkage between constitutional reforms and cease fire.

o U.S. Meeting with FMLN: The SYG, [redacted] pressed us for months to agree to meet with the FMLN. The SYG wrote the President. After consulting with Cristiani, we told SYG that we would meet with the FMLN at a time Cristiani felt appropriate and with a GOES representative in the room. We made clear that we would be prepared to engage in serious conversations with both parties, not just a formal presentation, though we also made clear we will not be and are not a party to the negotiations. A5

[redacted] knew throughout our months of discussion that one of our conditions is that the government be in the room. We have ample information that the FMLN believes a private meeting with us would create dissension in the army; that is precisely why we won't do it. Moreover, it is not in the interest of the SYG as mediator for the U.S. to lose the confidence of the Salvadoran armed forces; just the opposite: we need to maintain confidence of armed forces to help Cristiani persuade them to support difficult concessions at the bargaining table. A5

Cristiani agreed that we should meet with both sides during the last round of talks. We communicated that to DeSoto and were prepared, as we told him, to come to Mexico. He declined our offer.

[redacted] now says that such a meeting is useless; we have to meet separately with the FMLN. We do not appreciate being asked to agree to a meeting, with clear groundrules established, only to have the groundrules changed after the fact. We would be prepared, assuming President Cristiani agrees, to attend the next round of talks at an appropriate time and to meet with both parties. A5

PROBLEM:

o [redacted] continually walks away from deadlines. He is now arguing, echoing the FMLN position, that FMLN commitment to the EC to reach a ceasefire by May 30 is no longer binding because Cristiani wouldn't agree to reform Article 248. This is outrageous and untrue. The FMLN proposal to reach agreement on a cease fire has no reference to Article 248 (see enclosed full text). A5

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o [redacted] mispresented Cristiani's position on scheduling next round of negotiations claiming GOES had agreed to resume substantive talks, after one day "organizational" meeting, not until May 20. A5

o Cristiani called SYG Monday to request that organizational meeting be held this week and intensive negotiations begin next week and that May 30 ceasefire deadline be maintained.

POINTS TO STRESS:

1. Delay is dangerous. The May 30 deadline is real; FMLN should be held to it by the U.N. Talks must begin ASAP.

2. The longer we delay in reaching a ceasefire the more likely it is that one side or the other will blow up the process. The FMLN launched a major attack on a hydroelectric dam this week and has accumulated sophisticated SAM-14s and 16s.

3. We need to make the next round be final "pressure cooker" session. All pressure must be brought to bear to reach a ceasefire by May 30th.

Insert

4. The foreign ministers of the 4 friends can be brought in. The Security Council could act as a guarantor of agreements. The U.S. has already made clear it will meet with the FMLN and GOES as an incentive.

5. The steps Cristiani has agreed to are far-reaching and de-stabilizing. No nation in Latin America has offered these kinds of concessions to end a guerilla insurgency--particularly asking major reductions and purging of its army in the middle of a war. The U.N. cannot expect Cristiani to continue making concessions on outstanding armed forces issues without guarantee of a ceasefire.

6. SYG must be sensitive to these internal tensions. Cristiani feels strongly that members of the Truth Commission must be Salvadorans, not foreigners, if its work is going to be accepted by the society.

7. Security Council should be planning now to deploy a U.N. peacekeeping force so it can move immediately once ceasefire agreement is reached.

8. U.S. military aid to El Salvador for second half of FY 91 can help pay costs as well as demobilize combatants on both sides if cease fire comes soon.

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El Salvador: Human Rights
Special Project (1993)
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PAGE 01 BOGOTA 05453 01 OF 02 091845Z
ACTION ARA-01

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	STR-18	SIL-01	INM-01	INRE-00	CG-00	RP-10	USIE-00
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E.O. 12356: DECL:OADR
TAGS: PHUM, SNAR, CO
SUBJECT: PROCURADOR DELEGATE FOR HUMAN RIGHTS DISCUSSES HUMAN RIGHTS SITUATIONQ

REF A) B5GOTA 4883 B) BOGOTA 03896

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PAGE 02 BOGOTA 05453 01 OF 02 091845Z

1. ON APRIL 3 POLOFF AND VISITING INR ANALYST MONICAQ ADLER DISCUSSED THE CURRENT COLOMBIAN HUMAN RIGHTSS SQTUATION WITH JAIME CORDOBA, WHO WAS RECENTLY APPOINTED DIRECTOR OF THE HUMAN RIGHTS OFFICE OF THE RFCURADURIA (ATTORNEY GENERAL'S OFFKCE). CORDOBA'S OFFICE, WHICH IS INDEQPENDENT OF THE EXECUTIVE BRANCH, IS RESPONSIBLE FOR INVESTIGATING AND, WHERE GUILT IS ESTABLISHED, PUNISHING REPORTED INCIDENTS OF MAJOR HUMAN RIGHTS ABUSES COMMITTED BY THE SECURITY FORCES OR OTHER GOVERNMENT EMPLOYEES. (SEE REF A FOR AN EXPLANATION OF HOW THE PROCURADURIA FUNCTIONS.)

THE HUMAN RIGHTS SITUATION

2. CORDOBA PRAISED THE COLOMBIA SECTION OF THE DEPARTMENT'S RECENTLY RELEASED HUMAN RIGHTS REPORT, SAYING THAT IT ACCURATELY REFLECTED THE EXTREME COMPLEXITY OF THE HUMAN RIGHTS SITUATION IN THE COUNTRY. CORDOBA SAID THAT THE DIVERGENT SOURCES OF THE VIOLENCE AND ABUSES, WHICH ARE ENDEMIC TO COLOMBIA, SHARPLY DISTINGUISH ITS HUMAN RIGHTS SITUATION FROM THAT OF ANY OTHER LATIN AMERICAN COUNTRY. HE BELIEVED THAT THE SITUATION HERE WAS VERY GRAVE.

3. CORDOBA IDENTIFIED VIOLENT LEFT-WING GUERRILLA GROUPS, COLOMBIA'S NARCO TRAFFICKING MAFIAS, AND RIGHT-WING VIGILANTE GROUPS OFTEN ASSOCIATED WITH THE NARCOS AS PRINCIPLE CAUSES OF COLOMBIA'S HUMAN RIGHTS PROBLEMS. HE EMPHASIZED THAT IT WAS NOT THE POLICY OF THE ARMED FORCES AS AN INSTITUTION TO CONDON HUMAN RIGHTS VIOLATIONS, BUT ADDED THAT ELEMENTS OF THE MILITARY WERE QUITE POSSIBLY INVOLVED IN SUCH ABUSES.

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4. PART OF THE PROBLEM, ACCORDING TO THE PROCURADOR DELEGATE, IS THAT THE MILITARY HAS TRADITIONALLY BEEN RELUCTANT TO MAKE A DISTINCTION BETWEEN GUERRILLAS AND THE CIVILIAN POPULATION IN AREAS OF GUERRILLA ACTIVITY. ILLEGAL SEARCHES AND DETENTIONS IN SUCH AREAS, OFTEN DIRECTED AGAINST MEMBERS OF LABOR UNIONS AND LEFTIST POLITICAL PARTIES, ARE COMMON. FOR THEIR PART, THE GUERRILLAS TRY TO CO-OPT THE USUALLY RELUCTANT LOCAL POPULATION, OFTEN BY INTIMIDATION. THE RESULT IS THAT CIVILIANS ARE OFTEN THE PRINCIPLE VICTIMS OF THE ARMY-GUERRILLA CONFLICT. THE GUERRILLAS LAUNCH ATTACKS AND THEN RETREAT INTO THE COUNTRYSIDE WHEN THE MILITARY APPROACHES. LOCAL INHABITANTS ARE LEFT TO FACE SHELLING DIRECTED AGAINST THE GUERRILLAS OR THE WRATH OF ARMY TROOPS UPSET OVER THE CIVILIAN'S OFTEN FORCED SUPPORT OF THE INSURGENTS.

SPECIFIC CASES

5. CORDOBA BELIEVES THAT THE RECENT WAVE OF KILLINGS OF MEMBERS OF THE PATRIOTIC UNION (UP) POLITICAL PARTY IS THE RESULT OF A CONCERTED PLAN (HE DID NOT KNOW BY WHOM) DESIGNED TO "LIQUIDATE" THE SMALL LEFTIST GROUP. HE DOES NOT BELIEVE THE UP KILLINGS HAVE SIGNIFICANTLY SUBSIDED SINCE THE MARCH 11 ELECTIONS. POSSIBLE SUSPECTS ARE THE NARCOS, RIGHT-WING VIGILANTE GROUPS, OR PERHAPS EVEN ELEMENTS OF THE MILITARY. CORDOBA POINTED OUT THAT THE MURDER CAMPAIGN AGAINST THE UP MADE LITTLE SENSE -- THE FACTION RIVEN PARTY HAS THE SUPPORT OF ONLY A SMALL MINORITY OF COLOMBIANS AND NO CHANCE OF GAINING ANY SIGNIFICANT POLITICAL POWER.

6. POLOFF ASKED ABOUT DEVELOPMENTS IN THE MOST

SPECTACULAR DISAPPEARANCE CASE OF THE CURRENT YEAR --
THE JANUARY DISAPPEARANCE IN A SINGLE INCIDENT OF SOME

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ACTION ARA-01

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	EB-01	DODE-00	H-01	IO-19	NSCE-00	NSAE-00	SSO-01
	HA-09	L-03	LAB-04	TRSE-00	PM-01	PA-01	OMB-01
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DEA FOR AX, AD, AO, DO, OF, OC, OIOC
JUSTICE FOR OIA -- MARY TROLAND, CRIM/NARC
STATE FOR ARA/AND, L/LEI, INM, HA
SOUTHCOM FOR POLAD

E.O. 12356: DECL:OADR
TAGS: PHUM, SNAR, CO
SUBJECT: PROCURADOR DELEGATE FOR HUMAN RIGHTS

40 PEASANTS IN A TOWN IN THE URABA REGION OF ANTIOQUIA DEPARTMENT. THE PEASANTS WERE REPORTEDLY ROUNDED UP AT RANDOM BY ARMED MEN WHO ARRIVED IN TWO TRUCKS.

[redacted]

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ACCORDING TO CORDOBA, ONE OF THE MISSING HAS TURNED UP DEAD, BUT THE OTHERS ARE STILL UNACCOUNTED FOR.

7. THE HUMAN RIGHTS OFFICIAL HAD NO REASON TO DOUBT THE OFFICIAL MILITARY EXPLANATION THAT THE PEASANTS WERE KIDNAPPED ON THE ORDERS OF FIDEL CASTANO, AN IMPORTANT COMMANDER OF RIGHT-WING VIGILANTE GROUPS ASSOCIATED WITH THE ORGANIZATION OF NOW DEAD NARCO KINGPIN JOSE GONZALO RODRIGUEZ GACHA. CASTANO WAS APPARENTLY UPSET THAT GUERRILLAS, WHO SOME LOCAL PEASANTS ALLEGEDLY SUPPORTED, HAD RUSTLED SOME OF HIS CATTLE. THE PROCURADURIA IS, HOWEVER, INVESTIGATING HOW THE ARMED MEN COULD HAVE MOVED ABOUT FREELY ON THEIR KIDNAPPING MISSION IN A HEAVILY MILITARIZED AREA WITH MANY ARMY ROADBLOCKS.

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THE HUMAN RIGHTS OFFICE

8. THE PROCURADURIA'S HUMAN RIGHTS OFFICE IS CURRENTLY INVESTIGATING SOME 2,000 CASES OF ALLEGED OFFICIAL ABUSES. EACH DAY IT RECEIVES SOME SIXTY REQUESTS TO INVESTIGATE ABUSES OR TO INTERVENE TO PREVENT AN ABUSE FROM OCCURRING. CORDOBA'S RESOURCES ARE STRETCHED THIN. ALTHOUGH HE CAN CALL ON THE OFFICES OF THE REGIONAL PROCURADORS FOR HELP, HE DIRECTLY EMPLOYS ONLY TWENTY EMPLOYEES, EIGHT OF THEM LAWYERS.

9. IN ADDITION TO INVESTIGATING HUMAN RIGHTS ABUSES COMMITTED BY GOVERNMENT EMPLOYEES, THE OFFICE HAS AN IMPOYTANT ROLE IN PREVENTING SUCH ABUSES. CORDOBA SAID THAT IN A NUMBER OF CASES THE PROCURADURIA HAS BEEN ABLE TO PREVENT EXTRA-JUDICIAL EXECUTIONS AND OTHER VIOLATIONS BY IMMEDIATELY SENDING AN OFFICIAL TO [redacted]

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INVZSTIGATE REPORTS THAT THE LIVES OF INDIVIDUALS IMPRISONED BY THE SECURITY FORCES ARE IN DANGER. MOREOVER, CORDOBA IS ENCONURAQING THE GOVERNMENT TO SIGN AN ACCORD WITH THE RED CROSS WHICH WOULD GIVE THE INTERNATIONAL ORGANIZATION IMMEDIATE ACCESS TO INDIVIDUALZ DETAINED FOR LINKS WITH THE GUERRILLAS (SEE REF B). HE SPECULATED, HOWEVER, THAX THE BARCO ADMINISTRATION MAY PREFER TO LEAVE A DECISION ON THIS SENSITIVE ISSUE TO ITS SUCCESOR.

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El Salvador: Human Rights Special Project (1993)

Report on the Situation in El Salvador
October 1, 1989 - March 31, 1990

RELEASED

I. DIALOGUE

San Jose Meeting

The Government of El Salvador (GOES) and the Farabundo Marti National Liberation Front (FMLN) met for the second round of peace talks October 16-18 in San Jose, Costa Rica. (The parties had agreed to meet on a monthly basis following the initial session held in Mexico City in September, with each side pledging not unilaterally to break off the talks.) The GOES team was accompanied this time by an advisory group which included two military officers. The FMLN sent Joaquin Villalobos (People's Revolutionary Army) and Shafik Handal (Armed Forces of Liberation) as its highest-ranking representatives.

The GOES proposed an immediate end to hostilities, in particular FMLN violence against civilians. In return the GOES offered to halt military offensive operations, to guarantee the safety and civic and political rights of the FMLN, and to take measures to incorporate the demobilized FMLN into the political process (in keeping with the Tela Accords signed by the five Central American presidents). The GOES proposal also addressed the FMLN's earlier demands for judicial and electoral reform.

In response the FMLN released a 62-page document, based on its September proposal, calling for a purge of the leadership of the Salvadoran Armed Forces (ESAF), replacement of the Supreme Court, abrogation of foreign military agreements, prosecution of military human-rights violations, flexibility in already-scheduled election dates, and a cease-fire based on de facto division of territory. The guerrillas refused to suspend hostilities until after there was progress on other issues. In contrast to the GOES plan, the FMLN proposal made no reference to any of the regional peace accords.

There was little agreement in the October meeting. The FMLN insisted on a thorough and immediate GOES response to its 62-page proposal and was uninterested in discussing the GOES proposal. The FMLN tried to characterize incorrectly the GOES effort to achieve a cease-fire early-on as insistence on FMLN disarming or surrender. The FMLN subsequently sought to portray the San Jose meeting as a dead end for the negotiations process, ignoring the fact that San Jose was the first substantive meeting between the two sides and was designed to make an initial foray into substantive issues. However, the joint communique issued characterized the meeting as positive and both sides agreed to meet for a third round of talks in Caracas in November. The GOES agreed to meet despite the fact that the FMLN assassinated the 23-year-old daughter of an active-duty ESAF colonel on October 17 while the two sides were negotiating.

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: SLOTT, DICK
Date: 06/02/94
Case ID: S9400386C

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FMLN Breaks Off Negotiations

A series of attacks at the end of October escalated the level of violence dramatically. On October 30 the FMLN launched a mortar attack against ESAF headquarters, killing one civilian, wounding 15 others, and damaging commercial establishments. Unidentified parties bombed the offices of two FMLN-allied groups, COMADRES and the union FENASTRAS on October 31, leaving ten dead and 30 injured in the FENASTRAS attack. On November 2 the FMLN announced the "temporary suspension" of its participation in the Caracas round, citing the FENASTRAS attack for which it blamed the ESAF. The FMLN said it would require guarantees for the safety of opposition groups before it would resume negotiations. The GOES pledged to send representatives to Caracas anyway and called on the FMLN not to abandon the talks.

FMLN Offensive

The FMLN launched a major offensive on November 11, concentrating on San Salvador and other urban centers, in an attempt to achieve three objectives: spark an insurrection; create divisions within the GOES, between the GOES and the ESAF, and between the GOES and the US; and show military strength. Capture of major military installations and assassination of GOES and ESAF leadership were attempted as a means toward those objectives. The FMLN failed in all three areas but the offensive claimed 3,500 lives, displaced 10,000 families, and caused $100 million in damage.

Preparations for the offensive, including infiltrating up to 2,000 combatants into San Salvador and stockpiling weapons, required from 12 to 18 months lead time. While the FMLN commandantes were participating in peace talks in Mexico and San Jose, their troops were gearing up for the offensive.

As the fighting continued, the FMLN proposed a UN-supervised cease-fire. The GOES rejected this notion fearing it would simply enable the FMLN to resupply and would tacitly acknowledge FMLN control over territory. Instead, President Cristiani called on the FMLN to resume negotiations and to meet with the GOES in Caracas, as scheduled. On November 20 the GOES delegation arrived in Caracas and met with Venezuelan President Carlos Andres Perez, who had offered his services to restart dialogue. The FMLN delegation, consisting of junior representatives, did not arrive in Caracas until after the GOES team had left on November 22.

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San Isidro Summit

The presidents of Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua met in San Isidro de Coronado, Costa Rica from December 10-12 as part of a series of regional peace efforts. (At the last such meeting in Tela, Honduras in August, Nicaraguan President Daniel Ortega admitted publicly that his government had been providing assistance to the FMLN and pledged to halt such assistance.) In the declaration issued at the conclusion of the summit, the presidents "expressed their decided support to the President of El Salvador, Mr. Alfredo Cristiani, and to his government, as a faithful demonstration of their unvarying policy of supporting governments that are the product of democratic, pluralistic and participative processes." They stated that they "support the Government of El Salvador in its reiterated intention to find a solution to the Salvadoran conflict by peaceful and democratic means, and in this vein, they reiterated their vehement call to the FMLN immediately and effectively to cease hostilities in that brother country and to reincorporate itself into the process of dialogue already undertaken. Likewise, they demand in energetic form that the FMLN publicly renounce all forms of violent action that directly or indirectly affects the civilian population." The declaration also asks that the Secretary General of the United Nations, "applying the greatest possible personal effort, carry out the actions necessary to re-initiate the dialogue between the government of El Salvador and the FMLN and to contribute in that way to its successful development."

FMLN Reaction to San Isidro

In a December 12 communique the FMLN "rejected with indignation" the summit's support for the Cristiani government and the notion that the FMLN's demobilization could be effected by a regional agreement. The guerrillas did agree to the mediation role of the UN Secretary General "to initiate serious negotiations with the participation of all the political and social forces of the country." However, the FMLN later seemed to retreat from its willingness to resume peace talks, alleging in a December 19 communique issued in Mexico that the GOES and the ESAF were not seriously interested in negotiations and that the FMLN would "remain firm regarding the suspension of the dialogue." The FMLN conditionad a resumption of talks on a purging of the ESAF and other demands.

GOES Continues to Call for Talks

The GOES continued to state its willingness to meet with the FMLN, but in turn demanded that the FMLN halt its attacks against civilians, in keeping with the San Isidro declaration.

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UN's Good Offices

President Cristiani travelled to New York to meet with UN Secretary General Perez de Cuellar on January 31, accompanied by Salvadoran Minister of Defense Gen. Humberto Larios and other GOES officials, to discuss the role the UN could play in reinitiating dialogue. The prospects for negotiations were a major topic in meetings Cristiani had afterward with President Bush and Secretary Baker, in which Administration officials reiterated support for the GOES in its efforts to end the war through negotiations. The Secretary called Secretary General Perez de Cuellar on February 5 to express the Administration's strong support of UN efforts.

The Secretary General then sent his personal representative Alvaro de Soto on a round of shuttle diplomacy between FMLN representatives in Mexico and the GOES in San Salvador. His focus was on reaching agreement on the framework and procedures that would govern renewed peace talks.

US - Soviet Ministerial

Central America was one of the areas discussed by Secretary Baker and Soviet Foreign Minister Eduard Shevardnadze at the ministerial held in Moscow February 7-9. Their joint statement read, in part: "The sides stressed their strong support for a negotiated political solution to the conflict in El Salvador as called for in the San Isidro declaration. They pledged support for the UN Secretary General's efforts to secure a permanent cease-fire and renewed negotiations in El Salvador, and for the more vigorous and effective use of UN machinery to supervise compliance with existing and future agreements in Central America."

Nicaraguan Elections

On February 25 Nicaragua held presidential elections in which Violeta Chamorro and her opposition coalition defeated Sandinista President Ortega, ending a decade of communist rule. The loss of Nicaragua as the FMLN's major source of arms and logistical support no doubt put additional, though unacknowledged, pressure on the FMLN to resume negotiations. Despite Ortega's promise to his Central American colleagues at Tela that he would halt assistance to the Salvadoran guerrillas, such aid had continued.

(In October Honduran border guards intercepted a vehicle travelling from Nicaragua to El Salvador carrying hidden in its walls assault rifles, rifle grenades, mines, mortars, and FMLN instruction manuals. The vehicle was registered to a known FMLN front group in El Salvador. In November, a small aircraft carrying arms from Nicaragua crashed in eastern El Salvador. Its cargo included 24 Soviet-designed SA-7 antiaircraft missiles).

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Special Project (1993)
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Greater UN Presence

In a March 6 meeting with UN officials, Cristiani asked that the UN increase the presence of the UN Observer Forces in Central America (ONUCA) in Honduras, Nicaragua, and El Salvador. Cristiani's request, in accordance with regional peace accords, was made in an effort to stop the continued introduction of arms into El Salvador by Nicaragua and Cuba.

Suspension of Economic Sabotage

The FMLN announced on March 13 that it would suspend attacks against public transportation, commercial establishments, telephone lines, and government officials and civilians "who are not involved with the military or paramilitary apparatus of the Salvadoran armed forces." This was seen as a response to the demand of the five presidents that the guerrillas cease targetting civilians. However, the FMLN reserved the right to determine which civilians constituted legitimate targets.

Latest Developments

On March 14 the GOES accepted the FMLN offer, interpreting it to preclude FMLN use of mines and use of civilians as a shield for attacks, reiterating the need for confidential diplomatic exchanges, and stressing that negotiations would be resumed within the framework of Esquipulas II and San Isidro. The FMLN on March 16 announced that it deemed "as positive the government's recognition of the FMLN's goodwill gestures." The guerrillas went on to press the GOES for an end to the state of exception, to human rights violations, and to close air support in military operations. The FMLN communique also posed the threat of an escalation of violence if the GOES and the ESAF were not sufficiently forthcoming in their pursuit of a negotiated solution. On March 21 the GOES announced that, in light of the UNSYG's efforts and the recent gestures by the FMLN, the GOES was ready immediately to resume peace talks.

The GOES and the FMLN met in Mexico City on March 29, under UN auspices, to resolve procedural issues. On March 30 the UN announced that the two sides would meet again April 4 in Geneva, with Perez de Cuellar in attendance, to resume negotiations.

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ESAF Support for Dialogue

The ESAF placed a full-page newspaper advertisement on March 30 reaffirming the military's support for democracy and peace negotiations. The ad read, in part: "it is important that the people of El Salvador are completely certain that we support in all seriousness the endeavors of the government in looking for peace and unity. In accordance with our constitution, the president is the general commander of the armed forces and it attributes to him the ability to make use of the military institution to achieve the objectives of the state. In this respect, the armed forces as a fundamental and permanent institution for national security emphasizes its sincere subordination and loyalty to its general commander and president, going alongside him in his efforts to achieve national reconciliation, peace, and life under a democratic system."

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El Salvador: Human Rights
Special Project (1993)
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II. ADMINISTRATION OF JUSTICE

The United States Agency for International Development (AID) provides assistance for the reform and strengthening of the judicial system through the four components of the Judicial Reform Project authorized in 1984: the National Legislative Revisory Commission, the Judicial Protection Unit, the Commission on Investigations, and the Judicial Administration and Training Program. On September 26, 1989 AID transferred to the Department of State management responsibility for the judicial protection and investigative training components of the program. AID retained responsibility for the legislative drafting and the judicial administration and training components. The change in management brought activities in the El Salvador project under the same institutional oversight as administration of justice activities elsewhere in Latin America and the Caribbean, where the Department of State exercises delegated authority for investigative training and has also assumed the lead with respect to judicial protection. In addition to the Judicial Reform Project, regional administration of justice projects -- specifically the International Criminal Investigative Training Assistance Program of the Department of Justice and the UN Latin American Institute for the Prevention of Crime and Treatment of Offenders -- offer training and technical assistance to members of the Salvadoran criminal justice system.

National Legislative Revisory Commission (CORELESAL)

CORELESAL was established as a legislative drafting commission to provide an impetus for the modernization of Salvadoran law. Since 1986 CORELESAL has drafted 11 laws. The National Assembly passed the law defining the small farmer in 1986 and six additional laws in the past six months. Four other laws await action by the Assembly. CORELESAL has been able to engage the support of institutions such as the Supreme Court, the Ministry of Justice, and the offices of the Attorney General and Solicitor General in order to sponsor the legislation proposed and prompt the National Assembly to approve such legislation. Because of this support, it is expected that the National Assembly will act on the remaining four laws this year.

The recently approved laws are:

- State of Exception Criminal Procedure: This is permanent legislation replacing procedures established under an old decree (Decree 50) and subsequent decrees which established a state of exception. It seeks to create a balance between the

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El Salvador: Human Rights
Special Project (1993)

need to protect the government's stability and the need to continue to protect the rights of the individual. It also establishes procedures for the trying of crimes against the state and public peace.

- National Council of the Judiciary: Under Salvadoran law the Supreme Court appoints all lower-court judges at the trial (first instance) and appellate (second instance) levels. To assist the Supreme Court in this selection process, the 1983 constitution provides for a National Council of the Judiciary which would prepare lists of candidates for the Supreme Court's review. This law implements that constitutional provision. The purpose is to decrease the political nature of the judiciary, increase its independence from the other branches of government, and introduce an element of merit selection into the process of nominating judges.

- Procedural Law for the Making of Arrests and Imposition of Administrative Fines: This law establishes procedures to regulate the constitutional authority of administrative officers to make arrests and impose fines in the case of violation of an administrative law, by-law, or administrative order. It is designed to protect the individual's right of due process.

- Amendments to Criminal, Criminal Procedure, and Minors Codes in Relation to the Protection of the Family and Minors: This law provides broader protection for the family, especially minors. The reforms to the criminal and criminal-procedure codes clarify the text of existing articles and increase the penalty in specific crimes committed against minors. The reforms to the minors code give control to the Salvadoran Minors Council over any private or public center that is dedicated to the protection and assistance of minors.

- Amendments to Criminal Procedure Code in Relation to Reversals and Absolute Nullity Declarations: This protects the rights of parties who had no recourse against a judge's decision to reverse an earlier decision or declare it null. It creates a procedure to appeal these decisions.

- Use of the Surname: This eliminates discrimination against children born out of wedlock and women, implementing a new constitutional principle designed to prevent interference with any political, social, or individual right to use a surname.

Judicial Protection Unit (JPU)

The JPU remains inactive as the Embassy continues to explore with the GOES the most effective means of providing protection to judges, witnesses, and prosecutors in high-profile cases. We intend to continue to press the GOES on the need for such a unit.

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El Salvador: Human Rights
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Commission on Investigations

The Commission on Investigations, which oversees the Special Investigative Unit (SIU) and the Forensic Unit, is still being reorganized. Previously there were three members on the Commission: the Minister of Justice (the chairman), the Vice Minister of Interior, and a representative of the president. In the interim the Minister of Justice alone fulfills this function.

The SIU is charged with investigating crimes of national importance, including politically sensitive crimes and human rights cases. Its caseload includes white collar crimes, kidnappings, political killings and corruption cases. Since its inception in 1985, the SIU has investigated approximately 89 cases. Foreign observers who have reviewed the SIU's work, most recently in connection with the investigation into the killing of the Jesuits in November 1989, have found the SIU's work to be objective, thorough, and professional. It was the evidence gathered by the SIU that broke the San Sebastian and Jesuit cases, leading to the identification and detention of members of the military as the alleged perpetrators of the crimes.

The Forensic Unit is by far the most professional laboratory in the country, though its use has been limited by its temporary location within ESAF headquarters, pending completion of a new facility to house it.

Judicial Administrative and Training Program

In September 1989, a three-year amendment was signed extending the project until September 1992. A significant activity under this new amendment will be the establishment of a judicial training school managed by the Supreme Court and the implementation of an improved case tracking system within the Supreme Court.

Negotiations have begun to engage an institutional contractor to provide technical assistance to the judicial system and establish the judicial training school. The team will include a court administrator, a judicial education specialist, and a training coordinator. The team is expected to be in place by the end of July 1990 and will work with the Supreme Court, the Public Ministry, and the law schools.

Project and counterpart funds continue to be used to buy essential office equipment and vehicles necessary for the San Salvador courts to function. Additionally, the Supreme Court has, on its own, initiated several significant reform activities recently, outside the scope of the Judicial Reform Project. The Supreme Court has begun implementation of a human-rights course for all the judges in the system (from justices of the peace to Supreme Court justices). It has

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El Salvador: Human Rights
Special Project (1993)
P900100-1215

instituted a program of mobile courts to assist courts with backlogs to bring their caseloads up to date. Two such courts went into operation in the last six months; two more are planned later in the year. The Supreme Court has also established several new courts to alleviate the problem of uneven distribution of caseloads and backlogs. The penal chamber of the Supreme Court is conducting an audit of the penal courts to identify problems, such as delays in processing, lack of equipment, incompetent or corrupt personnel, etc. Forty courts have been surveyed in the last six months, out of a total of over four hundred to be audited.

A new system of 24-hour rotating duty for the penal courts and justices of the peace in San Salvador has been planned and will go into effect soon. Under this system, every person required to initiate an investigation -- judge, forensic personnel, ambulance crew -- will be required to be on duty at the judicial center. This new system will reduce delays boch in beginning investigations and in having the police turn suspects over to the courts upon expiration of the 72-hour administrative detention period.

The Supreme Court has drafted a new law to update the list of eligible jurors. The current list is extremely out of date, impeding the formation of juries and delaying the prosecution of cases. The Supreme Court has also proposed, and the National Assembly adopted, reforms to the organic law of the judiciary which obliges law students to participate as public defenders, prosecutors, or jury members in an established number of cases in order to be licensed to practice. In addition to giving law students practical experience, this requirement should alleviate somewhat the shortage of personnel in these areas.

One-fourth of the 25 associate attorneys general have received training in techniques and use of scientific evidence. The remainder will receive this two-week course by the end of May. The purpose of the course is to increase the use of scientific evidence, thus reducing the traditional reliance on confessions, which have frequently been thrown out by the courts or otherwise found insufficient to produce convictions. The course is taught by technical staff from the Commission on Investigations, the first time Commission staff have given this type of instruction.

The Commission staff have themselves received extensive in-country training and this is an opportunity to exploit and pass on their expertise. The course will eventually be offered to all judicial personnel involved in criminal proceedings (trial judges, justices of the peace, and their clerks).

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El Salvador: Human Rights
Special Project (1993)

The Attorney General's staff in San Salvador has gone from part-time to full-time work schedules, resulting in an increase of 10 work hours a week. This follows a similar change in the court system last year.

The public defender's office provided services to 1,050 individuals in the three month period October 19, 1989 - January 19, 1990. Requests for legal assistance declined at the end of the year, due to the FMLN offensive and the Christmas recess. Two more public defender offices have been funded to provide services in the central and eastern parts of the country, increasing by 13 the number of public defenders. Public defender services are now available throughout the country.

International Criminal Investigative Training Assistance Program (ICITAP)

El Salvador participates in ICITAP activities in Central America, which are increasingly directed beyond police officers to include other key individuals in the criminal justice system. Eleven high-level justice officials came to the United States October 22 through November 4 under ICITAP auspices to learn about the operation of criminal justice task forces. Participants included the Chief Justice, Attorney General, Vice Minister of Public Security, chiefs of police, director of the SIU, and key legislators. At the conclusion of the seminar, the Salvadorans resolved to establish a permanent commission to improve the administration of justice in their country.

In October and November, ICITAP presented two five-week general criminal investigation courses in El Salvador to a total of 50 investigators and two prosecutors. Salvadoran investigators have also participated in two regional courses in crime-scene search, one of which was held in El Salvador, and vehicle-theft investigation. Because of the FMLN offensive in November, El Salvador was unable to participate in the regional criminal justice conference held in the Dominican Republic in December.

UN Latin American Institute for the Prevention of Crime and Treatment of Offenders (ILANUD)

In the last quarter of 1989, Salvadorans participated in four regional training activities sponsored by ILANUD in the areas of judicial training, statistics for court administration, prison administration, and narcotics. An ILANUD representative visited El Salvador in early March to assess the condition of three basic law libraries donated under the regional and bilateral projects and make necessary recommendations for follow-up.

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El Salvador: Human Rights
Special Project (1993)

P900100-1218

Human Rights Cases Involving the Military

-- Archbishop Romero (March 24, 1980)

Synopsis: Archbishop Arnulfo Romero was assassinated while saying Mass in a small chapel in the San Salvador Cancer Hospice. The government's investigation made little progress until 1985, when the SIU was assigned the case. The SIU reviewed available evidence, followed up on leads and in 1987 located Antonio Amado Garay, an employee of Capt. Alvaro Saravia, who drove the car used in the assassination. Garay's testimony before a Salvadoran court in November 1987 resulted in an arrest warrant and extradition request for Saravia, who by that time was living in the United States. In September 1988 a US magistrate in Florida signed a Certificate of Extraditability for Saravia. However, in December 1988 the Salvadoran Supreme Court overturned the Salvadoran government's petition to extradite Saravia and precluded resubmission of the petition by ruling that Garay's testimony, upon which the arrest warrant had been based, was too dated.

Status: There have been no developments on this case since the last report. The denial by the Supreme Court of the extradition petition for Saravia has rendered the case inactive, although technically still open. Further action on the case would only be possible if the Supreme Court were to review previous court decisions and find some basis for overruling them. Saravia and his wife remain in the United States facing charges of violation of immigration law. Their case is scheduled for a hearing in June.

Venue: 1st instance court: 4th San Salvador criminal court

-- Armenia Well Murders (1980-82)

Synopsis: Between ten and thirty people were allegedly kidnapped by members of the Civil Guard in El Manguito Canton, Armenia Jurisdiction, Sonsonate Department from 1980 to 1982. They were allegedly taken from their homes at night, accused of being subversives, tied up, blindfolded, and marched to a deep, narrow well. There they were allegedly shot or killed by machete and dumped into the well. In 1983 village residents filed complaints against the local Civil Guard commander, alleging illegal arrest, rape, robbery, homicide and other crimes. Seven Civil Guardsmen implicated in the crimes were arrested that year.

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El Salvador: Human Rights
Special Project (1993)

In 1984 there was an unsuccessful attempt to exhume the victims' remains from the well. The SIU successfully excavated the well in 1986 and found what appeared to be the remains of eight of the missing persons. Nine Civil Guardsmen remain charged with the crime; seven are in prison awaiting trial. Two Guardsmen, including the Civil Guard commander, are still at large, presumably outside of El Salvador. In February 1988, the Santa Ana appeals court upheld a lower court's denial of amnesty to the accused. On August 18, 1989, the 1st instance court decided to release some of the accused for lack of evidence and to raise the case against the others to trial. On August 23, the defense and the prosecution filed separate appeals before the Santa Ana appeals court. The defense filed a second appeal of the denial of amnesty and the prosecution asked for a review of the 1st instance judge's decision to release some of the accused.

Status: The defense and the prosecution have now completed arguments on their respective petitions. The Embassy has been advised that the court may rule on the appeals within the next 30 to 60 days. (While there is a time limit within which the courts are supposed to rule on petitions, in practice the courts generally exceed that limit).

Venue: 1st instance court: Armenia 1st instance court

-- Michael Kline (October 13, 1982)

Synopsis: American citizen Michael Kline was removed from a bus by soldiers while travelling through conflictive Morazan Department. The soldiers (Jose Lopez Garcia, Hector Rubino Reyes, and Cristobal Garcia) stated that they suspected Kline of being an American mercenary for the FMLN and shot him on the way to detention. The accused petitioned for amnesty in 1987, which was denied by the 1st instance court in San Francisco Gotera. The defense appealed the denial to the appellate court in San Miguel, which in May 1988 upheld the lower court's decision. The first attempt to form a jury, on July 18, 1988, failed when the requisite number of jurors (five) failed to appear. On October 18, 1989 a second attempt also failed when only four jurors showed up. On February 19, 1990, only three jurors turned up for the third effort. Judicial officials told Embassy officers that last year in San Salvador 55-75 percent of jury hearings did not take place, either because the jurors did not appear (due to sickness, fear, etc.) or were successfully challenged by either the defense or prosecution.

Status: The judge in charge of the case advised the Embassy that it will be at least another six months before a fourth jury hearing can be scheduled.

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El Salvador Human Rights
Special Project (1993)

Venue: 1st San Salvador criminal court

-- Kidnapping Case (Ring arrested April 1986)

Synopsis: A band of military officers (both former and active duty) and right-wing civilians allegedly kidnapped at least five wealthy citizens from 1982-1985 and received ransom payments of approximately four million US dollars. A police investigation of the kidnapping of a former Foreign Minister led to the arrest in April 1986 of members of the ring. Three defendants (Orlando Llovera Ballete, Maj. Jose Alfredo Jimenez, and Lt. Rodolfo Lopez Sibrian) were apprehended while another three (Victor Antonio Cornejo Arango, Ltc. Joaquin Zacapa, and Lt. Carlos Zacapa Butter) fled the country. Although Col. Roberto Staben was also implicated as the intellectual author of the kidnappings, he was released because of insufficient evidence. The other six were charged under decree 618 with terrorist kidnapping, membership in a subversive organization, auto theft, and possession of arms of war.

In April 1987 the defendants filed a writ of habeas corpus which was rejected by the Supreme Court in December 1987. The Supreme Court then returned the case to 1st military court judge Jorge Serrano Panameno for a decision on the applicability of amnesty for the defendants. In May 1988 Judge Serrano was assassinated, before he had ruled on the amnesty petition. A new judge was appointed in August who granted amnesty to the defendants in November 1988 for the charges of possession of arms of war and terrorism and transferred the case to the 3rd San Salvador criminal court for further action, claiming he was not competent to try the remaining charges. Criminal court judge Hector Larios, who was due for transfer, was assigned the case and dismissed it for lack of evidence in March 1989 in one of his last official acts. He also ordered the three jailed defendants released. We believe Judge Larios was bribed. Defendant Llovera was released and is believed to have fled the country. Then-President-elect Cristiani and the Embassy intervened to prevent the release of Lopez Sibrian and to effect the re-capture of Jimenez. Larios' successor, Judge Mejia Angulo, reversed the release order and reinstated charges. The GOES on July 11 requested the extradition from the United States of two of the accused, Victor Antonio Cornejo and Carlos Zacapa, who allegedly are key accomplices.

Status: The Embassy has been advised that the case may go to trial within the next few months. The GOES request for the extradition of Cornejo and Zacapa from the United States to El Salvador is currently under review.

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El Salvador: Human Rights Special Project (1993)

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Venue: 1st instance court: 3rd San Salvador criminal court

-- Barrera Urquilla (December 5, 1986)

Synopsis: Air Force Cadet Victor Manuel Aguilar Mendez, Sgt. Jorge Alberto Ramos and enlisted man Vidal Antonio Pleytes were observed beating Barrera Urquilla during interrogation near a main road outside of San Salvador. Urquilla's body was discovered a week later about two miles from the scene of the beating. The SIU conducted an investigation that led to the arrest of the suspects on April 9, 1987. That same year the 1st instance judge ruled that the report on the legal "recognition" of the body did not contain sufficient information to show that the victim had been beaten to death. The judge ordered the body exhumed for further examination. The defendants have been discharged from the military and remain under detention.

Status: Judge Consuelo Salazar believes the decision on whether to send the case to trial will be made within the next month.

Venue: On November 1, 1989 the case was transferred from the Tonacatepeque 1st instance court to Soyapango, San Salvador.

-- San Sebastian (September 1988)

Synopsis: Soldiers of the army's fifth brigade detained ten residents of Canton San Francisco, San Sebastian Municipality, San Vicente Department, and are accused of executing them. The soldiers claimed that eight detainees and two guerrillas died in an FMLN ambush. Several investigations were done, including those by the Catholic Church's Human Rights Office (Tutela Legal) and the military. Then-President Duarte assigned the case to the SIU in November 1988.

Progress in the case went slowly until Vice President Quayle in a February 1989 visit to El Salvador stressed our concern about the case. A special military honor board was formed to review the evidence and found cause to dismiss two officers (Maj. Mauricio de Jesus Beltran and Sub-Lt. Arnoldo Vasquez Alvarenga) and seven enlisted men from service and turn them over to the civilian judge for prosecution. A total of twelve members of the military were arrested between February 13 and March 2, 1989. Several habeas corpus petitions filed in March 1989 were not decided by the Supreme Court until several months later. The twelve remain under detention at several military or security force installations.

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El Salvador Human Rights Special Project (1993)

Status: On February 8, 1990 the judge presiding over the case decided that there was insufficient evidence to try all but two of the accused and ordered their release. The Attorney General's office has appealed the judge's ruling to the San Vicente appeals court. None of the defendants has yet been released. At the same time the judge raised the case against Maj. Beltran and Sub-Sgt. Rafael Rosales Villalobos to the trial stage. Although the appeals court does not face a deadline for deciding the Attorney General's appeal of the judge's ruling, it is believed that a decision will be made in the next two months.

Venue: 1st instance court: San Sebastian 1st instance court

-- Hector Miranda Marroquin and Lucio Parada (July 3, 1989)

Synopsis: Sometime during July 1-3, members of the Atlacatl Battalion operating around Apopa, outside of San Salvador, arrested eight suspected FMLN members. One of the suspects, Lucio Parada, died during a field interrogation sometime before noon on July 3. That same day the remaining suspects were turned over to the first brigade in San Salvador. Sometime during July 3-12, a second suspect, Hector Miranda Marroquin, was taken to Rosales Hospital, suffering from injuries sustained while in the custody of the Atlacatl Battalion. On July 7, soldier Cesar Veilman Joya Martinez was placed in detention at the first brigade pending the outcome of the first brigade's investigation into the death of Parada and the alleged torture of the other suspects. On July 12 Miranda died in the hospital. The remaining six suspects were released on July 17. On July 23, Joya Martinez escaped from custody. Detention orders were issued the following day for Joya Martinez and three other soldiers. The military high command on July 26 ordered the National Guard to investigate the case. The National Guard submitted a report on its investigation on August 21, but left many questions unanswered. In October, Joya Martinez surfaced outside of El Salvador and stated that he had participated in death-squad activities at the first brigade and that US military trainers were aware of these activities. Subsequent to this appearance Joya Martinez managed to enter the US. (His immigration status is unknown.) In October a Salvadoran court issued an arrest order for him. That same month the other three soldiers were dismissed from service and turned over to the civilian judiciary for prosecution.

Status: The GOES is now seeking Joya Martinez' extradition from the US. The SIU has been assigned the case for investigation.

Venue: 1st instance court of Quezaltepeque

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El Salvador: Human Rights
Special Project (1993)

-- Jesuit Killings (November 16, 1989)

Synopsis: Members of the ESAF are accused of killing six Jesuits and two female employees of the University of Central America (UCA) in San Salvador on November 16. The victims were Ignacio Ellacuria, Rector; Segundo Montes, instructor; Ignacio Martin Baro, Vice Rector; Amado Lopez, instructor; Juan Ramon Moreno, instructor; Joaquin Lopez y Lopez, instructor; Julia Elba Ramos, housekeeper; and Celina Ramos, the 15-year-old daughter of Mrs. Ramos. The murders took place around 1 a.m. at the Jesuit residence, within the UCA grounds, on the fifth day of heavy fighting during the FMLN offensive. The SIU was immediately assigned to the case and developed forensic evidence that implicated members of a unit of the Atlacatl Battalion temporarily assigned to the Military Academy. The same unit had searched the Jesuit residence two nights before the killings. A military honor board was formed to look into the case and concluded that there was considerable evidence implicating the Atlacatl unit. On January 16 Col. Guillermo Alfredo Benavides Moreno, the director of the Military Academy, and seven other officers and enlisted men were detained and turned over to the civilian courts for prosecution. (A ninth soldier, who deserted in December, was also charged and is being sought.) On January 19 the court ruled that there was sufficient evidence to warrant provisional detention of the accused for the next step in the judicial process.

Status: The eight accused are under detention in National Police headquarters in San Salvador. The case is in the instructional phase of the judicial process, during which the judge hears testimony and orders additional investigation, if required. The instructional phase is allotted 120 days (until May, in this case) but more often than not judges exceed the allotted time. The likelihood of prosecuting and convicting Col. Benavides is uncertain. The only evidence yet developed of his complicity are the statements of the other accused, which under Salvadoran law are not admissible as evidence.

Venue: 4th criminal court of San Salvador

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El Salvador: Human Rights Special Project (1993)

P900100-1224

III. CIVILIAN CONTROL OF THE MILITARY

President Cristiani's central role in determining political-military policy during the FMLN's November 1989 offensive demonstrated the increasing subordination of the military to civilian leadership and control. Cristiani's leadership and authority were apparent throughout the offensive and were never questioned by the ESAF high command, which met continually with Cristiani throughout the offensive. Most notably, Cristiani issued an order prohibiting field-level searches, seizures, and arrests of church organizations and workers after a series of highly publicized and internationally criticized military searches and arrests during the first two weeks of the offensive. After issuance of the order, no further searches were conducted without the direct authorization of the military high command as ordered by the president.

The Embassy estimates that during the offensive between 200 and 400 civilians were killed in San Salvador and surrounding areas. Another 100 to 200 civilians were killed in fighting outside the capital. The casualty figures, by no means complete, are estimates based on available evidence (e.g., press reports) and bodies legally "recognized" and identified by justices of the peace. It is unclear who was responsible for these deaths. The majority of the deaths may in fact have resulted from civilians being accidentally caught in cross-fire during close combat.

During the offensive the FMLN deliberately used civilians as shields during the fighting by occupying public housing projects, schools, and religious buildings. The ESAF sought to minimize civilian casualties by limiting the use of heavy weapons in areas where civilians were believed to be located and by attacking only well-identified guerrilla emplacements and positions in the city. For the most part, the army and air force were successful in limiting collateral damage around those targets. Helicopter support was requested when ground forces were pinned down by FMLN ambush squads. In those instances, helicopters directed machine-gun fire and rockets at guerrilla emplacements. Deployment of fixed-wing aircraft required the authorization of Cristiani himself and was used on one or two occasions in San Salvador. Charges of indiscriminate ESAF bombardment or close air support in urban areas were discredited after the offensive.

The ESAF accepted responsibility for the inadvertent rocketing of a civilian home in the repatriated community of San Jacinto Guancorita during an ESAF-FMLN firefight on February 11. The attack killed six people. The rocketing occurred after ground forces from the first military detachment engaged an FMLN force on the outskirts of town. Air support was called in to support the ground forces as they pursued the guerrillas. The guerrillas reportedly withdrew through town,

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El Salvador: Human Rights
Special Project (1993)

P900100-1225

using it as cover for their escape. An air force helicopter fired rockets into the town at the guerrillas, one of which hit a civilian home and killed six people.

The military high command ordered an investigation into the incident. The SIU also conducted an inquiry and its findings led to acceptance of responsibility by the ESAF. The high command ordered compensation paid to the victims' families. On two occasions since the incident, air force helicopters have been fired on in the same area. In the first incident, an air force helicopter was shot at while evacuating wounded soldiers. On the second occasion, a helicopter carrying the Attorney General and his staff to Guancorita to exhume the bodies as part of criminal proceedings against the ESAF was fired on by guerrillas. One soldier was killed, and a second soldier, the two pilots, two prosecutors, and four journalists were wounded in the attack.

There is growing evidence that members of the military who abuse their authority by committing non-politically motivated crimes are being brought to justice. Two sergeants accused of raping a young woman and then killing her father, after he attempted to defend her, were consigned to prison pending trial on March 15 by the 1st instance judge in Mejicanos. On March 8, 26 Civil Defense members were convicted by a jury for the 1982 rapes and murders of 23 peasants in San Pedro Perulapan, Cuscatlan Department. They were convicted on the basis of the testimony of a survivor of the attack. The accused's defense, that they were ordered to kill the peasants by the Treasury Police for collaboration with the FMLN, was rejected by the jury. Eleven of the suspects are still in custody, the others having fled the area. Other recent cases include the conviction of seven Civil Defense members for the murder and robbery of four people in two separate incidents which took place in Armenia, Sonsonate Department in 1984 and the conviction of an army sergeant for the murder of two Guatemalan businessmen in March 1988.

There is no doubt that some members of the military continue to commit human rights abuses on a consistent basis. The November 16 murders of the Jesuits and two others, allegedly committed by the military, have reinforced the conviction of those who see the ESAF as the major source of human rights violations in El Salvador. This brutal crime raises serious questions about the degree to which elements of the military understand and accept the importance of respect for human rights. However, the ESAF's response, as an institution, to the heinous crime and its cooperation with the investigation indicate that the principle of accountability for such actions is understood and supported by the military leadership. Cristiani himself directed the SIU's investigation of the crime and made a televised announcement to the Salvadoran public that the likely suspects were members of the military.

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El Salvador: Human Rights
Special Project (1993)

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The ESAF's cooperation with the president and civilian judicial authorities demonstrates that it supports bringing the perpetrators of such crimes to justice. The fact that a colonel has been confined by a judge for his suspected involvement in the murders represents the first time efforts have been made to prosecute senior officers believed to be involved in human rights abuses.

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El Salvador Human Rights
Special Project (1993)

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IV. DEATH-SQUAD ACTIVITY

Statistics

According to Embassy statistics (based on publicly available sources), civilian deaths attributable to political motives continued their decline during the last six months. The FMLN offensive and attendant violence complicated efforts to measure accurately the number of political deaths outside of combat. However, it appears that for calendar year 1989 political deaths declined to 17-per-month from the 19-per-month average for 1988. Following are the monthly averages for politically-motivated deaths since 1980, when the Embassy began to gather statistics:

- 1980 - 750
- 1981 - 444
- 1982 - 219
- 1983 - 140
- 1984 - 64
- 1985 - 28
- 1986 - 26
- 1987 - 23
- 1988 - 19
- 1989 - 17

The Embassy developed a new category in 1988, "suspicious or unexplained killings," to cover murders for which no motive was apparent, but which may have been committed for political reasons. These deaths were previously included in the "criminal deaths" category. Analysis of this category for 1987, 1988, and 1989 reveals a decrease in 1989 comparison with 1988:

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
87	9	9	9	15	12	11	17	20	18	23	20	21	184
88	19	11	10	48	14	23	15	28	15	17	24	28	252
89	28	20	14	11	13	10	18	14	7	11	12	22	180

The monthly average for "suspicious deaths" was 15 for 1987, 21 for 1988, and 15 for 1989. The downward trend in this category will be carefully monitored by the Embassy during 1990.

The statistics do not support the contention that there is a resurgence of death-squad activity in El Salvador. Although there continue to be cases of politically motivated murders, these killings do not appear to be part of a systematic pattern. Nevertheless, the level of political violence remains unacceptable, as does the failure of the government successfully to arrest and prosecute those responsible.

Ultra-rightist Communiques

There was one alleged death-squad communique issued during the last six months. On March 8, 1990, a communique from the joint command of the Maximiliano Hernandez and Anti-communist Action Group demanded the release of the military members arrested in the Jesuit case by Holy Week in April. The origin of the communique was unknown and many local press analysts doubted its authenticity. For example, some of the language used was

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El Salvador: Human Rights Special Project (1993)

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unlikely, as in the communique's statement that the group wanted to install a "fascist" state in El Salvador and that its "thirst for blood had not yet been satisfied." Local newscasts reported it but did not give the communique much credence.

There were some threats broadcast over the national radio network on a telephone call-in program during the first week of the FMLN offensive. Some of the threats were directed against members of the Catholic Church and some of the Jesuits who were subsequently murdered. None of the callers identified themselves. The president moved to halt the call-in show immediately after the Jesuit murders.

Joya Martinez

The SIU has accepted responsibility for the Miranda/Parada/Joya Martinez investigation. The GOES considers Joya Martinez to be a fugitive from justice and is seeking his extradition from the US. The lack of specificity and detail in Joya Martinez' allegations has frustrated the Embassy's efforts to investigate or substantiate his accusations. The Embassy has been unable to confirm any of Joya Martinez' charges against the ESAF. No evidence supports Joya Martinez' allegations of the involvement of US Military Group trainers in death-squad activity.

FMLN Human Rights Abuses

FMLN violence continued throughout the reporting period. The following incidents were among the most egregious in a long list of guerrilla human-rights violations:

- In early October FMLN urban commandos assassinated the daughter of an army colonel, while the guerrillas were engaged in peace talks with the GOES in San Jose.

- In late October the FMLN's mortar attack against the military high command's headquarters killed one civilian and wounded twelve more. The FMLN made use of the Episcopal Church's parking lot for the assembly of the rockets used in the attack.

- The November 28 assassination of former presidential candidate and ex-Supreme Court president Francisco "Chachi" Guerrero continued the FMLN's policy of murdering civilian government officials.

- In January, the FMLN machine-gunned the homes of the telephone company's president and the Vice Minister of the Interior. They also attempted to kill an ARENA party leader, Jose Rodolfo Hernandez Cruz, who had previously been a candidate for mayor of San Salvador.

- The FMLN is believed responsible for the March 22 assassination attempt made against the son-in-law of Salvadoran Air Force Commander General Villamariona. Four men grabbed Rafael Sorto outside his home, forced him to lie down, and shot him five times. Sorto is not expected to live. He is a civilian pilot with no professional connection to the ESAF.

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El Salvador: Human Rights
Special Project (1993)
0900-100-1229

V. AGRARIAN REFORM

In 1980, the Civilian-Military Revolutionary Junta instituted a sweeping agrarian-reform law designed to reform the pattern of land ownership.

The reform has been carried out in three phases, with each phase relating to the size of the property involved rather than in chronological sequence. Phase I has involved the largest holdings (over 1,285 acres), which were expropriated and turned over to workers who formed collective cooperatives. Phase II has involved the divestiture of lands in excess of 605 acres. Phase III, the "Land to the Tiller" program, has involved application for title to land of up to 17.3 acres tilled by tenants and sharecroppers.

The US has assisted the GOES with the land reform since its inception. Assistance is now focussing on investment financing for reform beneficiaries and technical assistance and/or training in the areas of: 1) management and accounting for Phase I co-ops; 2) production and marketing of nontraditional export crops; 3) irrigated agriculture; 4) linking reform beneficiaries to active processors and exporters of nontraditional crops; and 5) coffee rehabilitation.

Status of the Reform

Over 23 percent of El Salvador's arable land has been transferred to formerly landless peasants, directly benefitting over 525,000 individuals, or about one-fifth of the rural poor.

Phase I. The Phase I program resulted in expropriation of 469 properties. The government has compensated former owners, except in approximately 21 cases that the Agrarian Reform Institute (ISTA) currently has pending in the courts. The cases fall into two categories: 1) constitutional, where properties expropriated were under 1,285 acres; and 2) land value disagreements. These cases are not likely to be settled in the near future.

For all practical purposes, AID's role in supporting Phase I transfers is complete. Some 329 cooperatives, directly benefitting 36,000 families have been formed. (Previous reports have referred to 317 cooperatives. The increase is due to the division of some of the 317 co-ops. The number of beneficiary families has not changed from the previously reported 36,000). The total acreage involved is 542,044. Titling is virtually completed, except for the pending court cases and a relatively few other cases awaiting resolution of technical problems.

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El Salvador: Human Rights
P900 1-0-1-230 993)

The GOES, at AID's urging, has declared 93 cooperatives self-managing since 1988. Government officials are no longer involved in the management of these properties.

AID is supporting GOES efforts to define the rights of collective co-op members under various arrangements, which might include service co-ops or the division of co-ops among individual farm families where the farmers choose to do so. The GOES has drafted beneficiary rights legislation, which it is discussing with campesino groups and other interested parties before submitting it to the National Assembly. In addition to providing for self-determination, the draft law would permit farmers to transfer or sell their land to other campesinos. However, the law as drafted would permit beneficiaries to transfer their land only to family members or to other campesinos who are either landless or who own less than 17 acres. The law would not permit resale to former land owners.

Phase II. Though proclaimed by law in 1980, implementation of Phase II was delayed by the GOES due to insufficient technical, financial, and personnel resources to process the estimated 1,800 potentially affected properties. Originally, Phase II was to affect holdings larger than 250 acres. However, the 1983 constitution raised the limit to 605 acres and stipulated that land in excess of this amount be sold within three years to campesinos, their associations, or small farmers. The required implementation law (decree 895), passed in February 1988, further provides for the expropriation of any land in excess of 605 acres and turns the land over to ISTA to be made into collective co-ops.

A survey just before the expiration of the 3 year "grace period", which ended in December 1986, showed that over 92 percent of the landowners with property in excess of 605 acres had voluntarily divested themselves of the excess. That which remains is generally located in highly conflictive areas where few people want to purchase land. The GOES has not expropriated any land under the new law.

Phase III. The Phase III program allowed renters and sharecroppers to apply for title to land (up to 17.3 acres) they had tilled in 1980. Similar to the Phase I situation, the GOES has compensated former owners except in 30 cases which the National Land Financing Agency (FINATA) has under litigation.

There were 79,142 claims filed under Phase III. Among these 31,855 were disallowed because, for example, two or more claims were made for the same parcel of land or there was no proof of a right to the claim. Thus, there remain 47,287 total potential titles. These break down as shown in the table below. (Note that the numbers shown here are based on AID interviews with the Land Registry Office. The figures reported in the September 30, 1989 Report on the Situation in El Salvador were incorrect.)

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Special Project (1993)
P900100-1231

Total potential titles	47,287
Titles presented to Land Registry Office (considered by FINATA as definitive)	38,961
-(registered)	(33,961)
-(require technical adjustment)	(4,989)
Titles pending	8,994
-(in conflictive zones or litigation)	(1,842)
-(new titles)	(7,152)

In short, FINATA's workload is heavier than the GOES believed in the early weeks of the Cristiani administration. FINATA's workload involves more than 20,000 title transactions before the titling process is completed; that is, processing 6,484 new titles (the most time-consuming of these transactions), adjusting 4,989 titles to permit registration, and reassigning 8,478 parcels which have been abandoned by their original beneficiaries. The new timetable for completion is now mid-1991.

Continuing Distribution of Land Assets

Despite the progress of the agrarian reform to date, there remain an estimated 150,000 landless families who have not been affected by the agrarian reform actions. To assist these people, the GOES, supported by AID, has initiated actions to increase access to land by poor people.

The most promising of these, in terms of potential numbers of beneficiaries, is the Land Bank. Through Land Bank activities carried out by FINATA, the GOES purchased 50 properties with non-AID resources and distributed them to 1,461 families. However, the GOES is now in the process of establishing an officially constituted Land Bank outside of FINATA. AID has provided technical assistance for institutional design and financial analysis of the proposed Land Bank and estimates that the Bank will be able to distribute land to approximately 3,000 beneficiaries a year. Establishment of the Land Bank, one of the Cristiani government's higher priorities, is currently planned for May 1990. The equivalent of $5 million in local currency made available under US balance of payments assistance programs has been set aside for first-year funding of land purchases.

AID is also supporting the GOES in its parcelization program. Within Phase I co-ops, there are approximately 166,000 acres of unutilized or under-utilized land. In 1988, a program with ISTA targetted 19,440 acres of land on Phase I co-ops to be divided into parcels and distributed to approximately 4,000 families. This program is now complete. Among the beneficiary families were 800 displaced persons who had been living in camps. ISTA is now working on obtaining definitive titles for the beneficiaries and plans to continue parcelization during 1990. AID will continue to support this endeavor.

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El Salvador: Human Rights Special Project (1993)

P900100-1232

The Cristiani Government and Agrarian Reform

When Cristiani was elected president, there was concern in El Salvador and in the United States that the conservative ARENA party would reverse the reforms. Instead, Cristiani and his administration have supported continuation of and improvements in the reform, both in public statements and in concrete actions, such as working to complete Phase III titling, preparing the previously mentioned beneficiary-rights law, and establishing a Land Bank.

Campesino groups and labor unions have been especially wary of the Cristiani government's intentions regarding the agrarian reform. This is not totally unjustified, since in the early months of the Cristiani administration some government officials sent conflicting signals to these organizations. Cristiani, however, has met personally with campesino organizations to try to assure them of his interest in their concerns and to reaffirm his government's commitment to the reform. In response to campesino concerns, the GOES dismissed two appointees to the governing boards of ISTA and FINATA whom campesino organizations believed were unsympathetic to agrarian reform and incompetent as well. The Cristiani administration is also consulting with campesino leaders on the draft beneficiary-rights law. In the coming months, the Embassy and AID will continue to promote discussion and the exchange of views between the GOES and the campesino organizations.

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ASSISTANT SECRETARY'S DAILY ACTIVITY REPORT
ARA/CEN
April 11, 1990

REGIONAL

(U) UN Can't Deal with Open-ended ONUCA Committment: Per USUN, De Soto handed Pickering a document this afternoon which the UN has just given to the RN, UNO and the GON. The UN is stressing the importance of a timetable for RN demobilization. No timeframe was specified. Pickering countered that it was an interrelated process. He asked if ONUCA would be amenable to simultaneously verifying EPS withdrawal if asked by the parties. DeSoto said this could be discussed.

(U) On the FMLN talks, DeSoto said next talks are scheduled for May 3 , either in Mexico City or Caracas. DeSoto expects to be in region April 24 and to receive an FMLN paper on conditions for a ceasefire. He will then give this to the GOES for their input. Ceasefire is first item on the agenda. CEN Comment: While it is gratifying to see the issue of ceasefire at the top of the agenda you can be sure that the FMLN will front-load its demands to agree to one. By taking an FMLN draft to the GOES for their reaction the Government denies itself the initiative.

(U) The CIAV appeal is on Hold pending the working out of ONUCA's demobilization and ceasefire role. DeSoto said the UN has an appeal ready but is holding it.(telcon Papazian/Manso) CEN Comment: Evidently the UN can't chew gum and walk at the same time.

GUATEMALA

[redacted] B1

(U) Ambassador replies to assertion in Newsweek that the U.S. is trying to sabotage Cabrera's candidacy. An article appearing in the international edition of Newsweek states that "the United States is determined to stop him (Cabrera) from becoming president". The magazine's editor has agreed to publish Ambassador Stroock's written refutation of this allegation.

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DECL:OADR

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: OLSON, OSCAR
Date: 06/21/96
Case ID: 95122235

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(C) GOG-URNG Negotitations may occur in Madrid: Jorge Serrano, the Chairman of the National Reconciliation Commission who led the NRC delegation to Oslo last month, is now working to schedule the next round of discussions for mid-May. These talks are provided for in the Oslo agreement and will include the URNG and representatives of Guatemalan political parties. CEN Comments: The National Reconciliation Commission and the guerrillas have agreed to subsequent meeting between the guerrillas and the political parties, business, social groups, etc. This is a cautious yet productive way to proceed to tear down the stigma given to anybody who talks to the guerrillas. (Madrid 4220; Guatemala 4399) DMcCarthy; 71145)

(C) Human rights developments: The good news: The Ombudsman's new investigative office is functioning. Thanks to AID they now have computers to document cases. The civil patrol members who attacked the Deputy Human Rights Ombudsman March 27 came to his office and apologized. The Human Rights Ombudsman is pressing to have the two men who killed a CERJ member March 18 arrested, even if they are not military commissioners, as the Army is asserting. The bad news: A laborer helping to organize a union at a sugar mill in southern Retalhulleu Department was killed on April 1. According to newspaper accounts he was beaten, shot in the face, and dumped in a river. Embassy suspects plant guards, not security forces.(DMcCarthy)

(LOU) Case of Diana Ortiz: The delegation led by Sr. Ortiz's lawyer had a very difficult meeting with the Minister of Interior. After listening to a barrage of insults, he told them bluntly that the case is closed as far as the police are concerned, although it remains open in the courts. The group will meet with MOD Gramajo and President Cerezo. The Ambassador also met with the group. He demanded and obtained an agreement for the lawyer to write a letter which will be made public making it clear that neither he nor Sr. Diana accuses any employee of the U.S. Embassy of being involved in the case, as he had alleged previously. (CEN COMMENT: The allegation arose from the fact that Sr. Ortiz believes one of the men involved in her kidnapping and torture was a USC. We still do not have the descriptions of the men involved and Sr. Ortiz still refuses to be interviewed. The FBI stand ready to talk to her and the GOG's formal request for a U.S. judge to interview her has just been received. The ball is still in her court) Guatemala 4280 and 4163, DMcCarthy, x71145)

Approved:ARA/CEN:PRomero
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R LD 027

① I don't know why Aronson raised Sanguinetti. Mike Skol, the supervising DAS for Latin America, assures me it was off the cuff. ARA likes Sanguinetti, generally. Skol says don't be afraid to back Vargas down on this if you choose. I explained to Skol that it would be best not to be confronted with 3 Latins on the tribunal and he understood.

I also don't like names underlined

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ✓
Exemption(s) ____

② Re Chile's choice of Orrego as the national judge, he is one of Chile's leading LOS experts. I've always had an easy working relationship with him.

DC

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UNITED STATES GOVERNMENT

Memorandum EXCISE b1

TO : DS/POL/TAD/ARA

DATE: April 20, 1990

FROM : RSO Santiago, Lawrence Liptak

Chile Project (#S199900030)
U.S. Department of State
Release____ Excise__✓__ Deny____
Declassify: In Part__✓__ In Full____
Exemption(s) b-1

SUBJECT: MAPU/Lautaro Terrorist Group

Please see attached article.

It appears as if the MAPU/L is getting even more violent and unpredictable. Given the [illegible] information on a possible kidnap attempt and [illegible] I would say that MAPU/L is now the group to watch with regard to who is our most dangerous threat in Chile.

Last week a faction of the MIR also declared that it would continue the armed struggle against the newly elected government.

RSO sends regards.

Attachments.

93 F 97
B7 1/49

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DATE OF REGISTRATION 4/20/20

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ADDRESSEE DS/POL/TAD/AFA

IDENTIFICATION Teresa Lap

Signature

OPTIONAL FORM 120
(Formerly JF-16)
January 1975
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5010[illegible]-202

(To Be Retained by Registering Officer)

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LD 124

4/20/90 a.m.

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Chile Project (#S199909030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ✓
Exemption(s) ____

LETELIER OUTLINE

1. Question(s) Presented

Considering that the Government of Chile has agreed that the amount of ex gratia payment should be equal to that which would be due if liability were established, what amount would compensate the surviving family members for the assassinations of Orlando Letelier and Ronni Moffit?

What amount would compensate Michael Moffitt for the physical injuries and accompanying losses and pain he suffered as a result of the bombing?

2. Statement of the Case

A. Biographic sketches of Letelier and Moffitt
B. Description of assassination
-evidence of attribution
C. Description of effect on families
D. Attempts to obtain justice compensation.

3. General Summary of Law

A. General principles - reparation should compensate as adequately as is possible for losses suffered. J. de Archega, El derecho Internacional Contemporaneo, [Contemporary International Law] ed. Tecnos (Madrid, 1980) p 339
Brownlie, The History of State Responsibility, in New Directions in International Law, Frankfurt, New York, 1982,
Chorzow Factory

B. Overview of precedent
1. Principles of Law
cases/settlements recognize rights to not only monetary losses but compensation for pain and suffering by reason of severing of family ties;
Lusitiania, Godinez-Cruz, Stark (?)
taking into account the anguish suffered by reason of the circumstances surrounding death.
Rainbow Warrior

2. Amount
(a) small number of recent wrongful death cases
(b) no factual precedent on point for this case
- murder of former high-level government official,
- gruesome and painful deaths,
- attributed to government officials
- constituting an affront to the international community
Note: Rainbow Warrior - one death, $5-6 million property loss $16 million paid with respect to incident
(c) amount of award must reflect recognition of the extraordinary circumstances of this

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3. Statement of Damages

A. Material Damages

1. General principles of wrongful death recovery under international law with respect to:
   (a) loss of income from decedent
   (b) loss of services from decedent

   Supporting Cases: Lusitania, USS Liberty, Godinez Cruz, Stark

2. Actual calculation of damages in this case
   (a) evidence of loss, such as trial testimony from family members as to the nature/quantity of past services provided by the decedents
      (i) Orlando Letelier
      (ii) Ronni Moffitt
   (b) Report of Phillip Eden, other economists re future income protential and value of future services
      (i) Orlando Letelier
      (ii) Ronni Moffitt

B. Moral Damages

1. General international law precedent supporting recovery for moral damages
   (a) Lusitania standard -- ". . . reasonable compensation for such mental suffering or shock, if any, caused by the violent severing of family ties, as claimant may actually have sustained by reason of (the decedent's) death."

   (b) U.S.S. Liberty Incident (U.S./Israel-1967) -- "The amount of the claim for the surviving parents includes a specific allowance for shock and emotional anguish suffered by the parents as a result of the violent severing of family ties."

   (c) Godinez Cruz Case (Inter-American Court of Human Rights, 1989) -- "With regard to moral damage, the Court declares this to be reparable in accordance with international law, in particular in cases involving human rights violations."

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(d) Footnote to recognition of moral damages as an element of wrongful death compensation in the domestic law of various American nations (Argentina, Mexico, Venezuela, Colombia, Brazil, Chile).

2. Argument for increased damages based on aggravated nature of incident; U.S. waiver of damages for violation of international law

(a) photos, reports and other evidence regarding circumstances of deaths to show severity of incident and its likely effect on the plaintiffs.

(b) Garcia Amador, Sohn, & Baxter, Recent Codification of the Law of State Responsibility for Injuries to Aliens.

(c) Rainbow Warrior -- Secretary-General's ruling ordering France to pay New Zealand $7 million, at least in part for "moral damages" caused by France's blatant violation of international law.

3. Showing of entitlement to damages
(a) immediate relation to decedent

(b) pain and anguish resulting from the violent severing of family ties

(i) psychiatric evaluation of plaintiffs -- used in Ras Burqa briefs to establish psychological injury; accepted in Godines Cruz as evidence supporting moral damage award.

(ii) testimony /affadavits of plaintiffs as to the suffering they have experienced

4. Justification for amounts claimed
(a) Letelier family
(b) Moffitt family

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C. Out-of-Pocket Losses
1. Direct Damages
(a) General principles of international law supporting recovery for direct damages
Supporting Cases: Lusitania

(b) itemization and claim
(i) Letelier family
- hospital bills
- costs of psychiatric treatment
(ii) Ronni Moffitt
- hospital bills
- costs of psychiatric treatment

2. Indirect losses (private attny's fees and costs incurred in attempts to obtain justice)
(a) General principles of international law re indirect damages
Supporting cases: Godinez-Cruz (in principle, compensable, claim not timely)
(b) Justification for an award of indirect damages in this case
-Cost incurred by plaintiffs in attempts to obtain justice; investigatigation of deaths
- Attorneys' Fees (private attnys' fees only)
- Experts fees and other expenses

D. Personal Injuries of Michael Moffitt
1. Principles of international law supporting Moffitt's claim for:
a. personal injuries, including medical bills, loss of wages during convalescence
b. Mental suffering accompanying personal injury

Supporting cases: Lusitania; Report to the Secretary of State [Special Mixed Claims Commission] Department of State Arb. Se. 7 (1940) 15, 20; 5 International Encylopedia of Comparative Law, Chapter 9, 108-55 (1975), Stark and Ras Burqua settlements

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E. Interest

(1) Legal basis for request
(a) General Principles of International Law supporting award of interest
i. Heirs of Cyrus Donagho (U.S. v Mexico)
ii. Theodore Webster's Administrator (U.S. v. Mexico)
iii. Godinez-Cruz (in principle an admissible element)
iv. Mixed Claims Commission, U.S. v. Mex. (1923-34)

(b) Period when interest shall run
i. from date of injury
a. Theodore Webster's Administrator
b. Heirs of Cyrus Donagho (U.S. v Mexico) (int. awarded from date of death)
ii. from date claim is presented
a. Rev. Beckman (U.S. claim a/g China -1913)
b. Bernard Campbell (U.S. v. Haiti -1898)
c. Hicks, Sheldon & Hoffman (U.S. claim a/g China - 1912)
iii. from date award is issued
a. Mixed Claims Commission, U.S. v. Germany (1923)
b. Grimm
c. Sea Insurance Co. of New York (claim a/g U.S. by Rep. of Texas 1836)

(c) Equitable options available to the Commission

i. interest from date of injury
ii. interest from date claim first presented
iii. Interest from date award would normally have been issued
INSERT CHART SHOWING AVERAGE PERIOD FROM INJURY TO PAYMENT

(d) Rates of Interest
i. Where claimants reside or where claim arose (U.S.)
ii. Conservative fixed rate (more likely to succeed)

(2) Justification for request and calculation of amount

(a) Inclusion of interest is part of duty to make full reparation

(b) Methods of including in award
i. include as part of lump sum award
ii. calculate separately on amount due at earlier date.

F. Conclusion

1. Request for total amount of damages
2. Chart which breaks down request into damage components for each family with separate request for M. Moffitt's personal injuries.

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ACTION UNCLASSIFIED DEPARTMENT OF STATE WG-070 4/23/90
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SECSTATE WASHDC 5946
DEPTJUSTICE WASHDC

UNCLAS SANTIAGO 03214

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Chile Project (#S199900030)
U.S. Department of State
Release X Excise Deny
Declassify In Part In Full
Exemption(s)

USIA FOR AR; PVM; PVG; PVFL
STATE FOR ARA/SC; INR/EAP; DEPUTY LEGAL ADVISOR

E.O. 12356: N/A
SUBJ: LETELIER ASSASSINATION: SINCE APRIL 12 CASE CONTINUES TOP STORY IN CHILE

1. SINCE APRIL 11, THE SANTIAGO MEDIA HAVE FOCUSED THEIR ATTENTION ON THE LETELIER CASE. APRIL 22 AND 23 COVERAGE FEATURED THE MEETINGS OF JUAN PABLO LETELIER IN WASHINGTON, THE MOVEMENTS OF MONICA LUISA LAGOS, ALIAS LILIANA WALKER, AS SHE HAS TRIED TO ELUDE THE PRESS, THE TELEVISION SHOWING OF THE TESTIMONY OF FERNANDEZ LARIOS, INTERVIEWS WITH LAW ENFORCEMENT AGENTS, AND DENIALS THAT GENERAL PINOCHET HAD ANYTHING TO DO WITH THE KILLINGS.

2. FOLLOWING, IN REVERSE CHRONOLOGICAL ORDER, ARE SAMPLE HEADLINES FROM SUNDAY AND MONDAY PRESS:

3. APRIL 23:

1) CHRISTIAN DEMOCRAT PRO-GOVERNMENT "LA EPOCA:"

"PHOTOGRAPHS OF MONICA LAGOS ARE AT STATE DEPARTMENT -- THEY WERE PROVIDED BY JUAN PABLO LETELIER."

2) DEMOCRATIC LEFTIST "FORTIN MAPOCHO" LEAD EDITORIAL CALLS FOR JUSTICE TO BE DONE.

"FORTIN MAPOCHO" HEADLINES:
"THE U.S. DEMANDS IT, SAYS JUAN PABLO LETELIER...JUSTICE TO 'MAMO' CONTRERAS...STATE DEPARTMENT AND U.S. CONGRESS REAFFIRM THAT FOR 'FULL NORMALIZATION, THE CRIME MUST BE DEFINITIVELY SOLVED AND THE GUILTY BROUGHT TO JUSTICE'...U.S. WILL NOT REST UNTIL CONTRERAS IS BROUGHT TO JUSTICE...CIVIL COURTS SHOULD TRY THE LETELIER CASE...JAIME GUZMAN VOUCHES FOR PINOCHET...SPECIAL REPORT: HOW THE 'DINA' PLANNED ITS FOREIGN ASSASSINATIONS."

3) INFLUENTIAL CONSERVATIVE "EL MERCURIO:"

"SON OF EX-FOREIGN MINISTER: U.S. CONFIDENT THAT NEW POLITICAL SITUATION WILL CLEAR UP LETELIER CASE." (STORY OF JUAN PABLO LETELIER'S VISIT TO WASHINGTON IS REPORTED SEPTEL.)

4) TOP CIRCULATION "LA TERCERA:"

"THE EARTH SWALLOWS UP LILIANA WALKER; SON OF

LETELIER RETURNS PLEASED WITH U.S. INVESTIGATION...PRESIDENT OF 'UDI' PARTY SAYS 'THE CRIME MUST BE SOLVED.'"

5) GOVERNMENT-OWNED "LA NACION:"

"NEW INVESTIGATIONS CALLED FOR...MONICA LAGOS S-COULD MAKE STATEMENT TO U.S. JUSTICE...JURY TRIAL CALLED FOR BY SUAREZ LAWYER...GENERAL ITURRIAGA, KEY IN LETELIER CASE...JAIME GUZMAN SAYS 'PINOCHET COULD NOT' HAVE ORDERED A CRIME SO HORRIBLE.'"

6) POPULAR TABLOID "LAS ULTIMAS NOTICIAS:"

"U.S. WILL DEMAND EXTRADITION OF GENERAL CONTRERAS...WASHINGTON NOT INTERESTED IN LILIANA WALKER, BUT IN HER BOSSES...U.S. DOES NOT DISCOUNT NEW EXTRADITION REQUEST...SUAREZ ASKS JURY TRIAL...GUZMAN DISCOUNTS PARTICIPATION OF PINOCHET IN LETELIER CASE."

4. APRIL 22:

1. CHRISTIAN DEMOCRAT PRO-GOVERNMENT "LA EPOCA:"

"MONICA LAGOS ABANDONS REFUGE...FABIOLA LETELIER: 'THE CASE MUST BE REOPENED'...FOREIGN MINISTER DENIES U.S. PLACING PRESSURE."

2) DEMOCRATIC LEFTIST "FORTIN MAPOCHO" LEAD EDITORIAL DISCUSSES THE "WEIGHT OF CONSCIENCE...IN REALITY THOSE RESPONSIBLE FOR THIS TRAGIC AND EVIL HISTORY ARE THE SAME ONES RESPONSIBLE FOR THE MILITARY COUP, FOR INSTALLING THE REPRESSIVE APPARATUS AND FOR GIVING THE ORDERS TO MURDER.".

"FORTIN MAPOCHO" HEADLINES:

"MAMO CONTRERAS ORDERED THE KILLING...CHILEAN AMBASSADOR JOSE MIGUEL BARROS REPEATS TO 'FORTIN' THAT PINOCHET GOVERNMENT UNDERSECRETARY MONTERO MARK TOLD HIM THIS...THE FOURTEEN DINA TORTURE CENTERS ARE LISTED...POLICE PROTECT LILIANA WALKER...SECRET LIST OF THE DINA...DINA, A TERROR MACHINE THAT CHANGED THE LIVES OF CHILEANS...GUSTAVO LEIGH SAYS THAT DINA ONLY RECEIVED ORDERS FROM THE CHIEF OF THE JUNTA -- PINOCHET."

3) INFLUENTIAL CONSERVATIVE "EL MERCURIO:"

"THE UNFINISHED CASE...THE CASE WILL BE REOPENED...RECENT DEVELOPMENTS-...EUGENE PROPPER: 'SUAREZ IN NOT A BIG FISH; THOSE ARE IN CHILE'...MINISTER CORREA: 'THE GOVERNMENT INTENDS TO CALL FOR REOPENING OF THE PASSPORTS CASE'...GENERAL STANGE THROWS DOUBT ON IDENTITY OF MONICA LAGOS...HER TESTIMONY CALLED FOR."
4) TOP CIRCULATION "LA TERCERA:"

"ARMED ESCORT PROTECTS LILIANA WALKER...FERNANDEZ LARIOS TALKS ON TELEVISION ABOUT HIS ROLE...PARLIAMENTARIANS CALL FOR REOPENING OF PASSPORTS CASE...IDENTITY OF LILIANA WALKER DOUBTED...UNEXPLAINED DEATHS IN 'PASSPORTS CASE'...FOREIGN MINISTER: WE ARE STUDYING WAYS TO REOPEN LETELIER CASE."

5) GOVERNMENT-OWNED "LA NACION:"

"CARTER CORNICK -- EXCLUSIVE INTERVIEW WITH

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DEPARTMENT OF STATE
ARA/NEA REARCS

EX-FBI AGENT IN WASH NOTION OVER LETELIER CASE: 'DINA FINANCED-SUSPECT'...POL. ...CAL LEADERS SUPPORT INVESTIGATION...GENERAL STANGE CONFIRMS THAT MONICA LAGOS IS UNDER PROTECTION...PRESSURE TO REOPEN PASSPORTS CASE."

6) POPULAR TABLOID "LAS ULTIMAS NOTICIAS:"

"LEGAL BATTLE OVER LETELIER CASE...GOVERNMENT WANTS TO REOPEN PASSPORTS CASE.-.POLICE TASKED WITH PROTECTING MONICA LAGOS...CENSORED TELEVISED CONFESSION OF FERNANDEZ LARIOS SHOWN...LILIANA WALKER IN HIDING...GOVERNMENT TO REPATRIATE REMAINS OF LETELIER FROM CARACAS." DANDRIDGE

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LD 127

United States Department of State

Washington, D. C. 20520

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
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Exemption(s) ____

WLN 4/23

BRIEFING MEMORANDUM S/S

UNCLASSIFIED
CONFIDENTIAL WITH SECRET ATTACHMENT

9009271
'90 APR-23 8:06 AM

TO: P - Mr. Kimmitt

FROM: ARA - Bernard Aronson

SUBJECT: Accreditation Meeting for Chilean Ambassador Patricio Silva
April 24, 1990
Your Office
11:00 a.m.

I. SETTING AND OBJECTIVE

- Silva was named Ambassador to the U.S. by the new democratic government of Patricio Aylwin shortly after ~~his~~ the inauguration.
- Welcome Ambassador Silva to the United States and receive copies of his credentials, the recall letter of his predecessor and his remarks to the President.

II. AGENDA

- Welcome Ambassador Silva: Congratulate him for his appointment as Ambassador to the U.S., and note that his long service with the U.N. Development Program in Washington and New York has prepared him well for his current assignment.
- White House Meeting: Ask for Silva's Letter of Credence, Letter of Recall of his predecessor, and prepared remarks in preparation for the credentials presentation at the White House. We do not yet have a date for this meeting.
- U.S. - Chile Relations: Review the status of key issues in the normalization of our bilateral relations, most importantly the Letelier/Moffitt case.

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CB
mcm
mcm - This went w/o L clearance. What's the story? Pls read carefully & advise if we have any problem w/ ARA's talking points. Do we need to raise clearance issue w/ the desk?
CS

III. PARTICIPANTS

US	Chile
Under Secretary Kimmitt	Ambassador Silva
ARA DAS Skol	
ARA/SC Director Smith	
ARA/SC Desk Officer Cassman (notetaker)	

IV. PRESS COVERAGE

- o None

V. SEQUENCE OF EVENTS

- o After welcoming Ambassador Silva to the U.S., you should briefly recount the reasons why bilateral relations became strained during the Pinochet regime and emphasize our strong interest in resolving those issues in order to fully normalize the relationship.

Attachments:

Tab 1 - Talking Points
Tab 2 - Background
Tab 3 - Biographic Information on Patricio Silva

Drafted: ARA/SC:JFCassman
4/3/90 SEARASC 6946 X72575

Cleared: ARA/SC:KCSmith
ARA:MMSkol
P:SWesche
CPR:WBlack

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STATE FOR ARA/SC; INR/IAA; DEPUTY LEGAL ADVISOR

E.O. 12356: N/A
SUBJ: LETELIER CASE: JUAN PABLO LETELIER STATEMENTS ABOUT HIS VISIT TO WASHINGTON RECEIVE EXTENSIVE MEDIA COVERAGE

1. SUMMARY: APRIL 23 SANTIAGO MEDIA GAVE EXTENSIVE COVERAGE TO STATEMENTS MADE BY JUAN PABLO LETELIER, SON OF ORLANDO LETELIER. JUAN PABLO LETELIER SPOKE TO THE MEDIA ON APRIL 22 AFTER HE ARRIVED BACK IN SANTIAGO FROM HIS TRIP TO WASHINGTON, D.C., WHERE HE MET WITH U.S. CONGRESSIONAL REPRESENTATIVES, AND STATE DEPARTMENT AND JUSTICE DEPARTMENT OFFICIALS. END SUMMARY.

2. APRIL 23 MEDIA GAVE EXTENSIVE COVERAGE TO STATEMENTS MADE BY JUAN PABLO LETELIER UPON HIS RETURN FROM WASHINGTON ON APRIL 22. HIS STATEMENTS SHARED TOP NEWS BILLING WITH COVERAGE OF THE ACTIVITIES OF LUISA LAGOS, ALIAS "LILIANA WALKER," REPORTED SEPTEL. THIS CABLE WILL PROVIDE THE STORY OF THE LETELIER WASHINGTON VISIT AS REPORTED BY INFLUENTIAL CONSERVATIVE "EL MERCURIO." OTHER NEWSPAPER COVERAGE IS SIMILAR.

3. APRIL 23 INFLUENTIAL DAILY "EL MERCURIO:"

"CONGRESSMAN JUAN PABLO LETELIER SAID YESTERDAY THAT U.S. OFFICIALS ARE STILL INTERESTED IN REOPENING THE FORGED PASSPORTS JUDICIAL PROCESS IN THE CHILEAN MINISTRY OF FOREIGN RELATIONS IN RELATION TO THE ASSASSINATION OF ORLANDO LETELIER...AND...THAT U.S. OFFICIALS HOPE THAT CHILEAN INSTITUTIONS WILL DEMONSTRATE THEIR ABILITY TO UNCOVER THE ASSASSINATION, IN ACCORDANCE WITH THE NEW CHILEAN POLITICAL REALITY.

4. "LETELIER...MET WITH HIGH RANKING U.S. STATE DEPARTMENT AND JUSTICE DEPARTMENT OFFICERS, AND CONGRESSIONAL REPRESENTATIVES INTERESTED IN THE 'LETELIER CASE'...

5. "IN REGARD TO THE WOMAN PRESUMED TO BE LILIANA WALKER, AND WHO HAS BEEN HIDING IN SANTIAGO UNDER THE PROTECTION OF THE COURT OF APPEALS...LETELIER SAID...'IF MONICA LAGOS WERE LILIANA WALKER, SHE SHOULD BE ARRESTED AND NOT BE GETTING POLICE PROTECTION.'...LETELIER SAID THAT HE LACKED INFORMATION AS TO WHETHER THE WOMAN...IS THE ONE WHO ACCOMPANIED...FERNANDEZ LARIOS IN THE PLOT...

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6. "HE EXPLAINED, HOWEVER, THAT HE TOOK A FOLDER OF PHOTOGRAPHS AND INFORMATION ABOUT MONICA LAGOS WITH HIM TO THE U.S. SO THAT THE JUSTICE DEPARTMENT COULD WORK WITH FERNANDEZ LARIOS...ON THE IDENTIFICATION OF HER.

7. "'I WAS LEFT WITH THE IMPRESSION THAT THERE IS ONLY SECONDARY INTEREST IN THIS WOMAN IN THE U.S JUSTICE SYSTEM, ALTHOUGH IF HER PARTICIPATION IN THE ATTACK IS PROVED, SHE WILL BE CHARGED'...HE SAID THAT THE INFORMATION IN THE NEWSPAPERS CLEARLY SHOWS THAT THE WOMAN WAS A DINA AGENT.

8. "MONICA LAGOS STAYED IN HIDING YESTERDAY IN SANTIAGO WITH POLICE PROTECTION, AFTER THE COURT OF APPEALS GRANTED AN INJUNCTION IN HER FAVOR AGAINST...DEATH THREATS AGAINST HER. SHE HAS STAYED IN HOTELS...BUT YESTERDAY STAYED NEARLY HIDDEN IN POLICE OFFICES IN ORDER TO AVOID THE PRESS...

9. "LETELIER ALSO SAID THAT HE HAD MEETINGS WITH MICHAEL HOFFITT IN ORDER TO EXCHANGE INFORMATION WITH HIM...TOGETHER WITH THE ATTORNEY OF BOTH FAMILIES, SAM BUFFONE, TO ANALYZE THE INFORMATION IN VIEW OF THE NEW CHILEAN POLITICAL SITUATION.

10. "'I BELIEVE U.S. OFFICIALS ARE AWARE OF THE EFFORTS OF CHILEAN JUSTICE TO REOPEN THE INVESTIGATION OF THE FORGED PASSPORTS'...LETELIER SAID THAT THE OFFICIALS WITH WHOM HE MET WERE WATCHING...THE 'ABILITY OF OUR INSTITUTIONS TO BRING THE PROCESS TO A CONCLUSION'...HE SAID THAT HE HAD RECEIVED THE ASSURANCE THAT THE KENNEDY AMENDMENT...WOULD REMAIN IN FORCE AS LONG AS THE ATTACK AGAINST...LETELIER...REMAINS UNRESOLVED.

11. "HE NOTED...THAT FABIOLA LETELIER...REPRESENTING THE CHILEAN COMMISSION OF HUMAN RIGHTS, HAD REQUESTED THE SUPREME COURT TO REOPEN THE PROCESS AFTER THE ARREST OF DIONISIO SUAREZ, ACCUSED OF DETONATING THE BOMB THAT KILLED LETELIER, AND AFTER THE APPEARANCE OF THE WOMAN WHO CLAIMS TO BE LILIANA WALKER...BECAUSE THERE IS ENOUGH TO MERIT CONTINUANCE OF THE INVESTIGATION IN THE COURTS.

12. "LETELIER ALSO EVALUATED THE POSITION OF THE GOVERNMENT, REPRESENTED BY MINISTER SECRETARY-GENERAL OF GOVERNMENT, ENRIQUE CORREA, WHO...SAID THAT IN VIEW OF THE ABNORMALITIES FOUND DURING THE INVESTIGATION OF THE FORGED OFFICIAL PASSPORTS, WHICH BEGAN IN THE FOREIGN MINISTRY, FOREIGN MINISTER ENRIQUE SILVA CIMMA WOULD REQUEST THE REOPENING OF THE JUDICIAL CASE.

13. "HE EXPLAINED THAT THE GOVERNMENT'S PLAN TO LIMIT THE SCOPE OF MILITARY JUSTICE...WOULD TRANSFER THE 'PASSPORT CASE' IN 72 HOURS TO THE CIVIL COURTS. 'I BELIEVE IT IS THE FASTEST AND MOST CORRECT WAY TO CONTRIBUTE TO THE ADMINISTRATION OF JUSTICE...'

14. "LETELIER ALSO SAID THAT THE D.C. DISTRICT COURT WILL INSIST...ON THE EXTRADITION OF DINA CHIEFS MANUEL CONTRERAS AND PEDRO ESPINOZA...

15. "LETELIER QUESTIONED THE TERM 'ALREADY JUDGED' USED BY THE CHILEAN COURTS TO DENY THE EXTRADITION OF CONTRERAS AND ESPINOZA, ARGUING THAT THE 'APPEAL TO REVIEW THE DECISION' HAS CORRECT, ACCORDING TO THE

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PAGE 02 OF 02 SANTIA 03213 00 OF 02 241855Z 016343 609538
LAW...LETELIER ALSO SPOKE OF THE POSSIBILITY OF THE U.S. JUSTICE SYSTEM FORMULATING CHARGES AGAINST ARMY GENERAL EDUARDO ITURRIAGA...WHO IS MENTIONED AS BEING THE THIRD IN THE HIERARCHY OF COMMAND DURING THE TIME OF THE DINA, AND WHO WAS THE DIRECT SUPERVISOR OF ARMANDO FERNANDEZ LARIOS.

16. "LETELIER SAID THAT EVENTUALLY THEY COULD CHARGE PROSECUTOR HECTOR OROZCO, ACCUSED BY FERNANDEZ HIMSELF, OF PRESSURING HIM INTO CHANGING HIS STORY BEFORE THE SUPREME COURT, AND OF DESTROYING EVIDENCE OF HIS CONFESSION IN CHILE." DAMBRIDGE

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TALKING POINTS

Chile Project (#S199900030)
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WELCOME AMBASSADOR SILVA

-- We are pleased that President Aylwin has made such a fine choice in selecting you as his Ambassador to the U.S. You have outstanding qualifications for your assignment. You know the United States well through your service with the UNDP in New York and Washington.

-- As you know, your accreditation ceremony with President Bush will take place at the White House. We are working to arrange the meeting as soon as possible, and will keep you informed of the arrangements.

-- In preparation for this meeting, I will need a copy of your Letter of Credence, the Letter of Recall of your predecessor, and your prepared remarks.

U.S. - CHILE RELATIONS

-- The U.S. government wants to normalize relations with the new democratic government of Patricio Aylwin. As you know, the Letelier/Moffitt case is major obstacle to this end.

-- We have held discussions on this case with Vice Foreign Minister Vargas in both Washington and Santiago. Your government's plan to pursue justice on the criminal side of the case and pay compensation on the civil side appears reasonable to us but we need additional details and a formal response to our Legal Advisor's non-paper.

-- I understand that Vargas is coming to Washington on May 10 to continue discussions on the case. We are prepared to move quickly to resolve both the civil and criminal sides of the case.

-- If the Chilean government takes credible steps to resolve both the criminal and civil sides of the case, we could recommend to President Bush that he certify that Chile has met the conditions of the Kennedy amendment.

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PAGE 01 GUATEM 05435 01 OF 03 042313Z
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CINCSO FOR POLAD

EO 12356: N/A
TAGS: PHUM, PGOV, ELAB, PINS, PTER, PREL, GT
SUBJECT: GUATEMALA: APRIL HUMAN RIGHTS SUMMARY

REF: (A) GT 5131, (B) GT 5086, (C) GT 5037, (D) GT 5031,
(E) GT 4986, (F) GT 4867, (G) GT 4827, (H) GT 4824,
(I) GT 4749, (J) GT 4560, (K) GT 4530, (L) GT 4508,
(M) GT 4507, (N) GT 4442, (O) GT 4399, (P) GT 4333,
(Q) GT 4280, (R) GT 4233

INTRODUCTION AND SUMMARY

1. HUMAN RIGHTS TOOK A BACK SEAT AS THE ECONOMY BECAME THE NATIONAL OBSESSION DURING APRIL. GOG ECONOMIC MEASURES DREW FIRE FROM LABOR UNIONS, STUDENTS GROUPS, PROFESSIONAL ORGANIZATIONS, THE HUMAN RIGHTS OMBUDSMAN, THE CATHOLIC CHURCH, OPPOSITION PRESS AND POLITICAL [redacted]

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PARTIES, AND THE PUBLIC IN GENERAL. THE QUETZAL FELL TO NEARLY 5 TO THE DOLLAR, RISING PRICES--INCLUDING THAT OF GASOLINE--AND SPOT SHORTAGES OF MEAT, SUGAR, AND FLOUR PLAGUED HARD-HIT CONSUMERS. EFFORTS TO STAMP OUT BLACK

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MARKET DEALING IN DOLLARS LED TO THE ARREST OF SCORES OF SMALL-TIME MONEY CHANGERS AND RAIDS ON MONEY CHANGING OPERATIONS IN ONE OF THE NICER PARTS OF TOWN. GOG CREDIBILITY AMONG THE PUBLIC SEEMED TO HIT A NEW LOW. COUP RUMORS CIRCULATED.

2. THE POLICE PUBLISHED A LIST OF OFFICERS ARRESTED AND DISMISSED OVER THE PAST YEAR FOR A VARIETY OF OFFENSES, INCLUDING ASSAULT, RAPE, ROBBERY, AND MURDER. THE MINISTER OF INTERIOR ANNOUNCED THE CAMPAIGN TO ROOT OUT POLICE CORRUPTION WOULD CONTINUE. AN ARMY SERGEANT WAS SENTENCED TO 16 YEARS IN PRISON FOR THE MURDER OF TWO INDIANS. MOST OF THE FAMILIES THAT FLED PARRAXTUT FOLLOWING THE MURDER OF ANOTHER CERJ MEMBER IN MARCH APPARENTLY RETURNED TO THEIR HOMES. VIOLENT CRIME ROSE FURTHER, GETTING MUCH PLAY IN THE OVERWHELMINGLY ANTI-GOG PRESS: BRUTAL MURDERS, KIDNAPPINGS, AND LARGE ROBBERIES WERE A DAILY OCCURRENCE.

3. WHILE REGIONAL EVENTS AND INFORMAL PEACE TALKS IN OSLO BETWEEN THE NATIONAL RECONCILIATION COMMISSION (CNR) AND THE GUERRILLA URNG PROVIDED HOPE THAT THE THIRTY-YEAR INSURGENCY WOULD END, GUERRILLA VIOLENCE GREW DURING THE MONTH. DESPITE URNG DECLARATION OF A UNILATERAL CEASE-FIRE DURING HOLY WEEK, GUATEMALA SUFFERED GUERRILLA VIOLENCE, INCLUDING THE KIDNAPPING OF TWO OFF-DUTY SOLDIERS. THE DESTRUCTION OF A SECOND BRIDGE, APPARENTLY BY THE URNG, ALONG THE VITAL PACIFIC HIGHWAY SERVED AS A REMINDER OF THE ECONOMY'S

[redacted]

VULNERABILITY TO SABOTAGE. RELATED TO THE DEMANDS OF THE WAR WERE PROTESTS BY THE HUMAN RIGHTS OMBUDSMAN OVER METHODS USED BY THE ARMY TO ENSURE COMPLIANCE WITH THE UNIVERSAL DRAFT: A SWEEP IN THE CAPITAL APRIL 29 NETTED ABOUT 1000 MOSTLY DRAFT-AGE MALES.

4. A CERJ ACTIVIST WAS REPORTED KILLED BY MASKED MEN ON THE TENTH--THE SECOND CERJ MEMBER KILLED IN QUICHE IN LESS THAN THREE WEEKS. THE ISSUE OF WORKERS' RIGHTS GAINED NEW URGENCY AS WORD SPREAD THAT US HUMAN RIGHTS AND LABOR GROUPS WOULD FILE A COMPLAINT AGAINST GUATEMALA FOR VIOLATIONS OF THOSE RIGHTS. A WORKER ON A SOUTH COAST SUGAR FINCA WAS FOUND DEAD: THE CAUSE OF DEATH WAS ATTRIBUTED BY SOME TO HIS UNION ACTIVITY BY OTHERS TO AN AUTO ACCIDENT.

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5. A DELEGATION OF AMCITS CAME TO GUATEMALA TO PROBE INTO THE STILL UNSOLVED CASE OF AMCIT URSULINE NUN DIANA MAE ORTIZ, WHO CLAIMED TO HAVE BEEN KIDNAPPED AND TORTURED BY SECURITY FORCES LAST NOVEMBER. THE DELEGATION MET SENIOR GOG OFFICIALS, INCLUDING THE PRESIDENT, AND RECEIVED GOG PROMISES OF COOPERATION IN RESOLVING THE CASE. END INTRO AND SUMMARY.

POLITICAL AND EXTRAJUDICIAL KILLING

6. ON APRIL 25 ARMY SGT. PINEDA CORDON WAS SENTENCED TO 16 YEARS IN PRISON FOR THE MURDER OF BROTHERS JUAN SABAN HERNANDEZ AND PEDRO SABAN CHAJON AND FOR WOUNDING TWO OTHERS IN SAN JUAN SACATEPEQUEZ. A CERJ ACTIVIST, 28 YEAR-OLD JOSE VICENTE GARCIA, WAS REPORTED KILLED BY MASKED MEN ON THE TENTH--THE SECOND CERJ MEMBER KILLED IN QUICHE IN LESS THAN THREE WEEKS (MARIA MEJIA WAS KILLED IN PARRAXTUT, QUICHE, MARCH 17). ACCORDING TO A

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PAGE 01 GUATEM 05435 02 OF 03 042314Z
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CINCSO FOR POLAD

EO 12356: N/A
TAGS: PHUM, PGOV, ELAB, PINS, PTER, PREL, GT
SUBJECT: GUATEMALA: APRIL HUMAN RIGHTS SUMMARY

STATEMENT PUT OUT BY CERJ, GARCIA HAD RECEIVED DEATH THREATS IN THE PAST; GARCIA, AGAIN ACCORDING TO CERJ, WAS KILLED IN THE PRESENCE OF HIS FAMILY. NO ARRESTS HAVE RESULTED. A SUGAR WORKER, JUAN TARACH, WAS FOUND DEAD IN THE COUNTRY'S SOUTH COAST AREA: ONE REPORT CLAIMED HE HAD BEEN ORGANIZING A UNION AND HAD BEEN MURDERED FOR THAT ACTIVITY; HIS FAMILY, HOWEVER, DENIED HE HAD ANY UNION CONNECTION AND CLAIMED TARACH DIED IN AN AUTOMOBILE CRASH.

7. ACCORDING TO THE HUMAN RIGHTS OMBUDSMAN, MOST OF THE FAMILIES WHO FLED PARRAXTUT (QUICHE) AFTER THE MARCH 17 KILLING OF CERJ MEMBER MARIA MEJIA RETURNED HOME WITH [redacted]

[redacted]

ARMY PROTECTION WITH NO HARASSMENT REPORTED. THE KILLERS OF MEJIA, HOWEVER, REMAIN AT LARGE. A DELEGATION OF CIVIL PATROL MEMBERS APOLOGIZED TO THE OMBUDSMAN FOR A MARCH ATTACK BY PATROL MEMBERS ON DEPUTY OMBUDSMAN ALVAREZ NEAR THE TOWN OF PARRAXTUT, QUICHE.

8. RUMORS CIRCULATED OF EXTRAJUDICIAL KILLINGS BY POLICE OF SUSPECTED CRIMINALS. APRIL ALSO SAW THE KILLING OF SEVERAL POLICEMEN IN CIRCUMSTANCES GENERALLY NOT EXPLAINED. SOME KILLINGS WERE ATTRIBUTED TO THE GUERRILLA, WHO HAVE TARGETED POLICE, SOME TO CRIMINAL ACTIVITY, AND SOME TO INTERNAL POLICE DISPUTES.

DISAPPEARANCES

9. TWO OFF-DUTY SOLDIERS WERE TAKEN IN PETEN APPARENTLY BY GUERRILLA OF THE FAR FACTION. THE SEIZURE TOOK PLACE DURING HOLY WEEK AND DURING A UNILATERALLY DECLARED CESSATION OF MILITARY ACTIVITIES BY THE GUERRILLA. WITH THIS SEIZURE, MILITARY SOURCES BELIEVE THE GUERRILLA HAVE FOUR SOLDIERS CAPTIVE. A GROUP OF AMCITS ARRIVED TO LOOK INTO THE REPORTED ABDUCTION AND TORTURE LAST

NOVEMBER OF AMCIT URSULINE NUN SR. DIANA M. ORTIZ. THE GROUP MET PRESIDENT CEREZO, MINISTERS OF INTERIOR AND DEFENSE, THE U.S. AMBASSADOR AS WELL AS MANY PRIVATE PERSONS AND GROUPS. CEREZO PROMISED TO CREATE A COMMISSION TO INVESTIGATE THE CASE FURTHER BUT HAS TAKEN NO ACTION TO DATE.

ARBITRARY ARREST

10. IN THE LAST WEEK-END OF APRIL, THE ARMY RAN SWEEPS IN THE CAPITAL AND OUTLYING AREAS WHICH NETTED SOME 1000 [redacted]

APPARENTLY DRAFT-AGE MALES WHO HAD FAILED TO REPORT FOR OBLIGATORY MILITARY SERVICE. WHILE HE SUPPORTED THE ARMY'S POSITION THAT, IN ACCORDANCE WITH THE CONSTITUTION, MILITARY SERVICE IS AN OBLIGATION FOR GUATEMALAN MALES, THE HUMAN RIGHTS OMBUDSMAN SEVERELY CRITICIZED THE METHODS USED BY THE ARMY TO ENSURE COMPLIANCE WITH THE DRAFT. HE WAS JOINED IN THIS PROTEST BY MANY PROMINENT MEMBERS OF CONGRESS, INCLUDING THE CHAIRMAN OF THE CONGRESSIONAL DEFENSE COMMITTEE, AND BY USAC STUDENTS AND THE MINISTER OF EDUCATION.

FREEDOM OF PEACEFUL ASSEMBLY

11. APRIL SAW SEVERAL DEMONSTRATIONS, REACTING MOSTLY TO GOG ECONOMIC MEASURES; STUDENTS, UNIONS, AND PROFESSIONAL ORGANIZATIONS ALL PROTESTED. THE MONTH ALSO SAW THE TRADITIONAL PRE-EASTER "COMIC" MARCH BY SAN CARLOS UNIVERSITY (USAC) STUDENTS DURING WHICH POLITICAL AND OTHER PROMINENT FIGURES ARE RIDICULED. THE MARCH WAS ACCOMPANIED BY THE USUAL VANDALISM AND VIOLENCE.

VIOLATIONS OF HUMANITARIAN LAW IN AN INTERNAL CONFLICT

12. A GUERRILLA UNIT DOWNED ANOTHER MAJOR BRIDGE NEAR RETALHULEU ALONG THE CRITICAL PACIFIC HIGHWAY. THE DESTRUCTION OF THE BRIDGE OVER THE RIVER NIL CAME JUST AS A SECOND BAILEY BRIDGE HAD BEEN PUT OVER THE COYOLATE RIVER, ALSO ON THE PACIFIC HIGHWAY, AS A REPLACEMENT FOR THE DESTRUCTION OF THAT RIVER'S BRIDGE IN DECEMBER. THE PACIFIC HIGHWAY IS THE MAIN ROUTE TO AND FROM MEXICO AND AS SUCH PLAYS AN IMPORTANT ROLE IN THE NATION'S ECONOMY.

13. THE ATTACK ON THE BRIDGE CAME SOON AFTER THE CONCLUSION OF INFORMAL TALKS IN OSLO BETWEEN

REPRESENTATIVES OF THE NATIONAL RECONCILIATION COMMISSION (CNR) AND THE URNG. THE TALKS RECEIVED

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CINCSO FOR POLAD

EO 12356: N/A
TAGS: PHUM, PGOV, ELAB, PINS, PTER, PREL, GT
SUBJECT: GUATEMALA: APRIL HUMAN RIGHTS SUMMARY

WIDEPSREAD SUPPORT IN GUATEMALA AND SEEMED TO HOLD OUT THE PROMISE THAT THE NATION'S THIRTY-YEAR INSURGENCY COULD END RELATIVELY SOON.

RESPECT FOR POLITICAL RIGHTS

14. COUP RUMORS CIRCULATED WIDELY DURING APRIL. THE GUATEMALAN AMBASSADOR TO MEXICO WAS CITED IN THE PRESS AS HAVING CONFIRMED THAT A COUP ATTEMPT TOOK PLACE ON THE 19TH. THE AMBASSADOR HOTLY DENIED EVER HAVING MADE ANY SUCH STATEMENT. THE PRESIDENTIAL CAMPAIGNS CONTINUED IN EARNEST THROUGHOUT THE MONTH WITH "LAW-AND-ORDER" PRE-CANDIDATE FORMER GENERAL RIOS MONT

[redacted]

APPARENTLY CONTINUING TO DRAW SIGNIFICANT SUPPORT. THE

SUPREME ELECTORAL TRIBUNAL MAY RULE IN JUNE WHETHER RIOS CAN REGISTER AS A CANDIDATE FOR THE PRESIDENCY.
STROOCK

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*** Current Handling Restrictions *** n/a
*** Current Classification *** [redacted]

EMBASSY OF CHILE
1732 MASSACHUSETTS AVENUE N. W.
WASHINGTON, D.C. 20036

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ____
Exemption(s) ____

ACUERDO ENTRE ESTADOS UNIDOS DE AMERICA Y CHILE

1. Los Gobiernos de la República de Chile y de Estados Unidos de América concuerdan en que existe entre ellos una disputa respecto de la responsabilidad por las muertes de Orlando Letelier y Ronni Moffitt en Washington, D.C., el 21 de Septiembre de 1976.

2. El 12 de Enero de 1989, Estados Unidos invocó el Tratado para la Solución de Controversias que puedan surgir entre Estados Unidos y Chile, de 19 de Enero de 1916, para investigar y evacuar un informe sobre los hechos que rodearon las muertes de Orlando Letelier y de Ronni Moffitt en Washington, D.C., el 21 de Septiembre de 1976, incluyendo la participación de agentes del Gobierno chileno en dichas muertes, y para investigar y evacuar un informe respecto del grado en que tales agentes del Gobierno de Chile obstruyeron las investigaciones de dichas muertes."

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3. Estados Unidos pidió a Chile, en representación de las familias de Letelier y Moffitt, el pago de una compensación sobre la base de que Estados Unidos considera a Chile como legalmente responsable, bajo el Derecho Internacional, por sus muertes y los daños sufridos por Michael Moffitt. Sin admitir responsabilidad en la materia, el Gobierno de Chile, con el fin de aliviar el dolor de las familias de las víctimas y como una forma de facilitar la normalización de las relaciones con los Estados Unidos, está dispuesto a efectuar un pago ex-gratia al Gobierno de los Estados Unidos de América, el que será recibido en representación de las familias de las víctimas.

4. Los Gobiernos de Estados Unidos y Chile concuerdan en que el monto del pago ex-gratia deberá ser igual al que correspondería pagar si se hubiesen establecido responsabilidades, y deberá ser determinado por la Comisión establecida en el Tratado de 1914, en concordancia con el Compromiso anexo a este Acuerdo. Ambos Gobiernos

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acuerdan que, no obstante la invocación del Tratado de 1914 por los Estados Unidos el 12 de Enero de 1989, y en vista del entendimiento ahora alcanzado, la única materia sometida a la Comisión será la determinación del monto de la compensación a pagar.

5. El Gobierno de Chile se compromete a cancelar al Gobierno de los Estados Unidos, como un pago ex-gratia, el monto de la compensación que sea determinado por la Comisión. El Gobierno de Chile se compromete asimismo a efectuar el citado pago con la mayor prontitud posible, de acuerdo con los procedimientos legales chilenos que correspondan, luego de la determinación de la Comisión.

6. Al momento de recibir el pago ex-gratia a que se refiere el Párrafo 5. de este Acuerdo, el Gobierno de los Estados Unidos considerará satisfecha la reclamación que hizo suya a través de la Nota Diplomática enviada al Gobierno de Chile el 18 de Abril de 1988, así como toda otra posible reclamación civil del Gobierno de los Estados Unidos en relación a esta materia.

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ANEXO

COMPROMISO

1.- Los Estados Unidos y Chile acuerdan convocar la Comisión establecida en el Tratado para la Solución de Controversias que puedan surgir entre Estados Unidos y Chile de 1914, el cual entró en vigencia el 19 de Enero de 1916.

2.- La Comisión estará compuesta de la siguiente manera:

Hon. William Mulligan

Sir John Freeland

Sr. Francisco Orrego Vicuña

Sr. Julio María Sanguinetti Coirolo

Sr. Andrés Aguilar Mawdsley, Presidente

Cualquier vacante que se produzca en la Comisión será llenada de acuerdo con el artículo II del Tratado.

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3.- La Comisión determinará el monto de la compensación que el Gobierno de Chile pagará, ex-gratia, al Gobierno de Estados Unidos, en representación de los miembros de las familias afectadas por los asesinatos de Orlando Letelier y Ronni Moffitt en Washington, D.C., el 21 de Septiembre de 1976, y por los daños personales sufridos por Michael Moffitt.

4.- La Comisión determinará el monto del pago que debe ser efectuado por el Gobierno de Chile de acuerdo con los principios de Derecho Internacional aplicables, como si se hubiere establecido responsabilidades.

5.- La Comisión determinará sus propias reglas de procedimiento, dentro de los marcos determinados por las Partes en este Compromiso.

6.- La presentaciones de las Partes a la Comisión, incluyendo todas las alegaciones y las pruebas en que ellas se fundamentan, deberán ser efectuadas sólo por escrito, y deberán permanecer confidenciales. No son necesarias las comparecencias personales.

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7.- Una vez establecida la Comisión, las Partes deberán proceder de la siguiente manera:

a. Dentro del plazo de cuatro semanas contado desde la entrada en vigencia de este Acuerdo, Estados Unidos expondrá su presentación ante la Comisión.

b. Dentro de los siguientes treinta días, el Gobierno de Chile presentará ante la Comisión sus observaciones a la presentación hecha por Estados Unidos, si las hubiere.

c. Dentro de los siguientes diez días, Estados Unidos podrá comentar las observaciones planteadas por el Gobierno de Chile.

d. Dentro de los siguientes diez días, el Gobierno de Chile podrá responder los comentarios presentados por Estados

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Unidos, si los hubiere.

e. Dentro del plazo de treinta días contado desde la última presentación a la Comisión hecha por cualquiera de las Partes, aquella comunicará a éstas su determinación respecto del monto del pago ex-gratia que deberá realizar Chile.

8.- La Comisión comunicará su decisión a las Partes en una reunión, que será convocada para tales efectos en Washington D.C., o en Santiago.

9.- Las Partes solicitarán los buenos oficios de la Comisión Interamericana de Derechos Humanos al efecto de que facilite sus instalaciones para el trabajo de la Comisión.

RELEASED

E1376 E. Ort 13

ALLISON, SOREFF & GARBER, P.S.C.
ATTORNEYS AT LAW
1326 SOUTH THIRD STREET
LOUISVILLE, KENTUCKY 40208

WILLIAM ALLISON
PAUL SOREFF
ELEANORE GARBER
RON RUSSELL

(502) 637-1422

May 30, 1990

[redacted]

Mr. Phillip Taylor, DCM
U.S. Embassy at Guatemala City,
Guatemala
APO Miami, FL 34024

Dear Mr. Taylor:

Enclosed is the original letter and signature page from the Kentucky Congressional Delegation. I sincerely appreciate your seeing to it that these are delivered to President Cerezo and his assistant, Ms. Claudia Arenas Bianchi.

It is my understanding that a similar letter was sent by the New Mexico Delegation.

Justice,

Paul Soreff

PS:ym

cc Ursuline Council
Sister Diana Ortiz
Ms. Claudia Arenas Bianchi
Ambassador Strunk

POL
SECTION
GUATEMALA
(ORTIZ FILE)
#327223

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 07/13/95
Case ID: 95122236

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E1388

UNITED STATES GOVERNMENT

memorandum

DATE: June 5, 1990

REPLY TO ATTN OF: CA/OCS/EMR - Bonnie Paige

ORTIZ, DIANE GTM GUATAMALA

SUBJECT: Diana Ortiz

TO: Mike Mahoney

Josie F41

I talked with Deborah McCarthy about the meeting with Ortiz' attorney on May 22. She said she had a half hours' notice that the lawyer was coming by. She said she really didn't know what the lawyer wanted. She says she expects they will be asking for all the traffic in a FOIA request, so the telegrams are carefully worded.

Debbie says it appears Sister Diana was in Mexico for two months butis now back in the U.S. Letters rogatory have been sent by the Guatemalan Embassy to us and supposedly are now with Justice. Soreff, Ortiz' attorney, wanted to arrange for the letters rogatory and FBI interview to be done simultaneously, so there would be only one "interview." Debbie says that though she said she'd pass this request along, Soreff is now telling everyone that this has been agreed to.

Soreff said that he has sent a letter to Ambassador Strook making clear they do not believe anyone in the Embassy had anything to do with the "kidnapping." Apparently Strook is not satisfied that the letter goes far enough, and Soreff is writing another one. Debbie says she's sent copies of the privacy act waiver and the letter from Soreff to Strook in the inter-officemail to Josie (we haven't gotten it yet).

Soreff is pressing for a "statement" from the State Department/Embassy that we believe Sr. Diana's story. I pointed out that in paragraph 9 of the Embassy's April 11 telegram, it appears Strock agress to do this. Debbie had not realized that before. [redacted] Debbie is going to ask [redacted] the Embassy to send a copy of whatever was sent (if anything) to Soreff.

Debbie says that the general consensus is still that Soreff, et. al. are more interested in publicity ahatjustice.

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: OLSON, OSCAR
Date: 06/21/96
Case ID: 9512236

OPTIONAL FORM NO. 10
(REV. 1-90)
GSA FPMR (41 CFR) 101-11.6.
5010-114

☆U.S. G.P.O. 1993-341-526/8303

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MCM4

I. Objective: "Normalize" Relations with Chile

by : 1. Resolving issue of payment to victims' families
2. Obtaining removal of statutory restrictions on aid to Chile

II. Ways to Accomplish Objectives

A. Resolve payment to victims' families.

1. Ex gratia full payment to families
2. Negotiated settlement - less than full value
3. Partial payment by Chile - partial payment by other defendants
4. Agreement by Chile to abide by decision of factfinding tribunal

a. conditions under which we would agree to accept compliance with tribunal's decision as settlement of civil claim

1) respected unbiased panel members (at least 3)

2) reasonable time limits for proceedings

3) procedure that examines all factual evidence

- provides parties the opportunity to present evidence and explain/interpret it

i) provides opportunity to rebut evidence presented by other party

ii) panel has opportunity to request info/evidence (and witnesses?)

5. Does not examine jurisdiction/extradition questions

6) Makes assessment of damages

7) Determines responsibility for damages

B. Removal of Aid Restrictions

1. Conditions under which Congress will lift restrictions

a. Chile agrees to act in accordance with tribunal's decision
b. Chile makes meaningful ex gratia payment
c. Chile does something to assist the crim process (ask L/LEI for possibilities)

2. Conditions under which the President would send certification to Congress

a. Chile acts in accordance with tribunal's decision
b. Chile makes meaningful ex gratia payment
c.???

(LD0446)

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TO: Dave Colson

FROM: MCM

RE: Impediments to "Normalization" of our relationship with Chile

Although we have been concentrating on resolution of the civil case brought by the victims' families, the criminal aspect of the case must also somehow be resolved if relations with Chile are to become "normal". Section 726(b) of (???) provides that certain benefits under the Foreign Assistance Act of 1961 and the Arms Export Control Act cannot be furnished to Chile unless and until the President submits a detailed report certifying three things, one of which is that the GOC "has taken appropriate steps to cooperate and to bring to Justice by all legal means available in the U.S. or Chile those indicted by a U.S. grand jury in connection with the murders of Orlando Letelier and Ronni Moffitt." (section attached).

Letelier

There are essentially two ways to effect the removal of the restrictions. Either the requirement must be satisfied - the President submits the report - or Congress repeals the section.

I suggest that we begin to explore ways to do each of the two. To satisfy the requirement, we may want ask Justice to give us some specifics on what, other than extradite, they would like Chile to do. We may want to explore whether Chile has already done everything it can legally do and whether the certification can be sent whenever we deem it advisable. (After full payment to victims' families?, after some lesser degree of progress?)

must

At the same time we may want to attempt to discern under what conditions Congress would be willing to legislate a restoration of these benefits to Chile. For example, if the human rights situation generally improves in the next Chilean administration, and/or if Chile makes payment to the victims families', or the USG's own research shows that Chile's refusal to extradite is defensible, will Congress revise or repeal this provision?.

Given this approach because
of its good - less permanent we want
else never mind

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U.S. Chile: Invocation of Disputes Treaty

By a diplomatic note from the Department of State to the Embassy of Chile at Washington dated January 10, 1989, the United States invoked the 1914 ("Bryan") treaty between the two nations for the pacific settlement of disputes (see post) to resolve differences between them related to the deaths of Orlando Letelier and Ronni Moffitt in Washington, D.C., on September 21, 1976.

Having exhausted other diplomatic means to obtain the cooperation of the Government of Chile in the case, the United States invoked the treaty to request that an international commission, constituted in accordance therewith, investigate and report upon the deaths in question, including the involvement in those deaths of officials of the Government of Chile, as well as upon subsequent investigations into the matter by that Government. The commission would consist of one United States citizen, one non-citizen appointed by the United States, one Chilean citizen, one non-citizen appointed by Chile, and a fifth, or neutral, member chosen by agreement between the two Governments to serve as president. (If the parties are unable to agree on the fifth member, appointment of the fifth member will be made by the President of the Swiss Confederation.)

Dept. of State daily press briefing, No. DPC 14, Jan. 14, 1989, pp. 9-11.

The Treaty for the Settlement of Disputes That May Occur Between the United States of America and Chile, signed at Washington, July 24, 1914, is at T.S. 621, 6 Bevans, Treaties and Other International Agreements of the United States of America [,] 1776-1949 (1971), p. 550; entered into force, Jan. 19, 1916.

The United States had sought since September 20, 1978, the extradition of three officials of the Chilean Directorate of National Intelligence (DINA), Juan Manuel Contreras Sepúlveda, Pedro Espinoza Bravo, and Armando Fernández Larios, against whom a United States grand jury in the District of Columbia had returned indictments for conspiracy to kill Letelier. See United States v. Juan Manuel Contreras Sepulveda, Pedro Espinoza Bravo, Armando Fernandez Larios, and others, Criminal Docket No. 78-00367 (D.D.C., filed Aug. 1, 1978). See further, the 1978 Digest, pp. 851-855; the 1979 Digest, pp. 50-52, 1457-1458; and the 1980 Digest, pp. 33-35, 546-550, 577.

On or about January 31, 1987, Fernández Larios returned to the United States to face charges, and as part of his cooperation in the matter provided detailed information

concerning the Chilean Government's inquiry into the Letelier/Moffitt murders.

Subsequently, as a result of information from Fernández Larios as well as information otherwise developed through its long-running investigation of the case, the United States filed several applications in the same proceeding for the court to request international judicial assistance from the Republic of Chile in specific regard to Contreras Sepúlvida and Espinoza Bravo. On Dec. 28, 1988, the American Embassy at Santiago forwarded to the Chilean Ministry of Foreign Affairs letters rogatory issued by the United States Court for the District of Columbia for judicial assistance in obtaining replies from seven current and former Chilean officials to a number of questions regarding all the defendants. A news account of subsequent developments in Chile appeared in The New York Times (late city final ed.), Jan. 26, 1989, p. A1.

In the meantime, the United States Government had formally espoused the claims of the survivors and personal representatives of the decedents against the Government of Chile.

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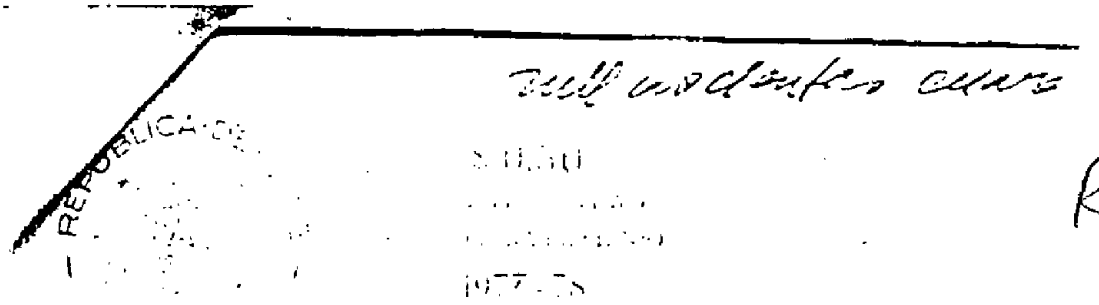
(LD125a)



R

33 J. Gutierrez

Ref: 3.754.139-7 34

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Juan Pablo Letelier gave this piece of paper to Joel Carman and David Colson at a meeting at the State Department on 4/18/90. Letelier says he believes this is the signature of the real Liliana Walker. A xerox of this was given to the FBI on 4/19/90. The paper was folded up in Letelier's wallet & was cut up just as it appears.

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1. FOLLOWING ARE QUESTIONS THE CHILEAN MEDIA MIGHT ASK PRESIDENT QUAYLE, TOGHETHER WITH SUGGESTIONS FOR POSSIBLE REPLIES, WHERE APPROPRIATE.

2. QUESTION: HAVE YOU MET WITH PRESIDENT AYLWIN? WHAT WAS THE OUTCOME OF THE MEETING? DID PRESIDENT BUSH SEND A MESSAGE TO PRESIDENT AYLWIN THROUGH YOU? DID YOU MEET WITH OTHER GOVERNMENT AUTHORITIES?

ANSWER: AS APPROPRIATE.

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3. QUESTION: DID YOU MEET WITH PRESIDENT PINOCHET? WHAT DID YOU DISCUSS? DID PRESIDENT BUSH SEND A MESSAGE TO PRESIDENT PINOCHET THROUGH YOU?

ANSWER: AS APPROPRIATE.

4. QUESTION: WHAT IS YOUR REACTION TO THE FACT THAT PRESIDENT PINOCHET WILL CONTINUE AS COMMANDER-IN-CHIEF OF THE ARMY? DO YOU THINK THIS CONSTITUTES A THREAT FOR THE NEW DEMOCRATIC GOVERNMENT?

ANSWER: THIS IS A MATTER FOR CHILEANS THEMSELVES TO DECIDE, NAD IT IS NOT APPROPRIATE FOR ME TO COMMENT OR SPECULATE ABOUT IT. I UNDERSTAND THAT THE CHILEAN CONSTITUTION SETS FORTH THE ROLES AND RESPONSIBILITIES OF THE VARIOUS BRANCHES OF THE CHILEAN GOVERNMENT AND ARMED FORCES. I AM INFORMED THAT PRESIDENT AYLWIN AND THE ARMED FORCES ARE FIRMLY COMMITTED TO ABIDING BY THOSE CONSTITUTIONAL PROVISIONS.

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5. QUESTION: DO YOU EXPECT ANY DRAMATIC DEVELOPMENTS IN THE LETELIER CASE?

ANSWER: THE LETELIER CASE CONTINUES TO BE A MATTER OF DEEP CONCERN TO THE U.S., AS IT DOES TO MANY CHILEANS. IT IS A MATTER OF JUSTICE, AND IT IS IN THE INTEREST OF BOTH OF OUR COUNTRIES FOR THIS CASE TO BE THOROUGHLY EXAMINED AND A SOLUTION ARRIVED AT AS SOON AS POSSIBLE. AS YOU KNOW, WE HAVE MADE MANY INITIATIVES TO HELP BRING THIS ABOUT, AND WE HAVE EXPRESSED OUR VIEWS TO THE NEW AUTHORITIES JUST AS WE DID WITH THE OUTGOING GOVERNMENT. WE HOPE FOR THE RAPID REMOVAL OF THIS OBSTACLE TO A FULL AND NORMAL RELATIONSHIP WITH THE NEW ADMINISTRATION.

6. QUESTION: WHAT CHANGES IN POLICY TOWARD CHILE CAN WE EXPECT IN THIS NEW STAGE OF OUR HISTORY? SPECIFICALLY, WHAT IS NECESSARY TO RESCIND THE KENNEDY AMENDMENT? WILL CHILE BE RESTORED TO THE GSP?

ANSWER: IN MY REMARKS UPON ARRIVAL, (OR AS APPROPRIATE: ON SEVERAL OCCASIONS...) I EXPRESSED OUR HAPPINESS ABOUT THE RETURN OF DEMOCRACY TO CHILE AND OUR ADMIRATION FOR THE OUTSTANDING EXAMPLE OF CIVIC RESPONSIBILITY THE PEOPLE AND INSTITUTIONS OF CHILE GAVE TO THE WORLD. WE EXPECT TO MAINTAIN THE WARMEST AND FULLEST RELATIONS WITH CHILE. THE RECENT PASSAGE OF A RESOLUTION BY THE U.S. CONGRESS EXPRESSING SATISFACTION UPON CHILE'S RETURN TO DEMOCRACY, IS ONE INDICATION OF THIS.

WE ARE DISCUSSING WITH THE CHILEAN GOVERNMENT THE STEPS NEEDED TO ELIMINATE ANY OBSTACLES REMAINING TO THIS OBJECTIVE. WE HOPE FOR A RAPID RESOLUTION OF THE LETELIER CASE TO THE SATISFACTION OF ALL PARTIES, AND THE U.S. GOVERNMENT IS PROCEEDING ON AN ACCELERATED BASIS TO REMOVE GSP RESTRICTIONS ON CHILE.

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7. QUESTION: YOURS IS THE FIRST VISIT TO CHILE BY A U.S. OFFICIAL OF YOUR RANK IN 16 YEARS. WHAT DOES THIS SIGNIFY?

ANSWER: MY PRESENCE HERE, AS THE LEADER OF ONE OF THE MANY DELEGATIONS TO THE INAUGURATION OF PRESIDENT AYLWIN AND CHILE'S NEW CONGRESS, SPEAKS FOR ITSELF. IT IS A VISIBLE EXPRESSION OF THE THE AMERICAN PEOPLE'S GREAT SATISFACTION THAT CHILE HAS REJOINED THE FAMILY OF DEMOCRATIC STATES.

8. QUESTION: WHAT WILL THE U.S. DO IF CHILE FACES, IN THE NEAR FUTURE, AN INCREASE IN INTERNAL VIOLENCE AND/OR TERRORIST ACTIVITY? IS THE U.S. WILLING TO EXPAND TRAINING PROGRAMS FOR CHILEAN SECURITY FORCES IN ORDER TO DEAL WITH DRUG TRAFFICKING AND TERRORISM?

ANSWER: THE U.S. AND CHILE SHARE CONCERN ABOUT DRUG TRAFFICKING AND TERRORISM. WE HAVE BEEN IN CONSULTATION WITH THE CHILEAN AUTHORITIES ABOUT THE STEPS NEEDED TO COMBAT THESE, AND WE DO EXPECT THAT OUR COOPERATION WILL CONTINUE AND INCREASE UNDER THE NEW GOVERNMENT.

9. QUESTION: WHAT WILL MILITARY RELATIONS NOW BE BETWEEN CHILE AND THE U.S.?

ANSWER: WITH THE REMOVAL OF LEGISLATIVE OBSTACLES, I EXPECT A RETURN TO FULL, NORMAL MILITARY RELATIONS AND CLOSER MILITARY COOPERATION. THE U.S. AND CHILE HAVE COOPERATED IN MILITARY AREAS ON MANY OCCASIONS. THE RECENT EXERCISES DURING THE VISIT OF OUR AIRCRAFT CARRIER, THE "CONSTELLATION," PROVIDED ONE EXAMPLE OF THIS, AND I EXPECT THAT OUR MILITARY RELATIONS WILL CONTINUE TO IMPROVE.

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10. QUESTION: DO YOU FEEL THAT THOSE WHO ARE RESPONSIBLE FOR HUMAN RIGHTS ABUSES THESE PAST 16 YEARS SHOULD BE PROSECUTED?

ANSWER: WE HAVE MADE CLEAR OUR CONCERN FOR HUMAN RIGHTS, NOT ONLY IN CHILE BUT EVERYWHERE. HUMAN RIGHTS ARE NOT A MATTER OF POLITICS BUT ARE OF CONCERN FOR MANKIND AS A WHOLE. IN THE CASE OF CHILE, IT IS THE PEOPLE OF CHILE, AS REPRESENTED BY THEIR DEMOCRATIC GOVERNMENT, WHO WILL DECIDE HOW TO DEAL WITH ABUSES OF THE PAST.

11. QUESTION: WILL THE INVESTIGATION IN THE U.S. CONGRESS OF THE 1989 FRUIT CRISIS BE CONCLUDED SOON?

12. QUESTION: WHAT CAN THE U.S. GOVERNMENT DO TO PREVENT THE SHIPMENT OF TOXIC WASTE TO CHILE?

ANSWER: BY LAW, THE U.S. ENVIRONMENTAL PROTECTION AGENCY DOES NOT PERMIT THE EXPORT OF TOXIC MATERIALS WITHOUT THE PRIOR APPROVAL OF THE IMPORTING COUNTRY. I KNOW OF NO WAY THAT TOXIC WASTE COULD BE SHIPPED TO CHILE WITHOUT THE OFFICIAL PERMISSION OF THE CHILEAN GOVERNMENT, AND I UNDERSTAND THAT CHILEAN LAW AND ADMINISTRATIVE PROCEDURES ARE STRICT. THEREFORE, I DO NOT SEE HOW TOXIC WASTE COULD BE SHIPPED TO CHILE.

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13. QUESTION: CAN CHILE NOW EXPECT TO RECEIVE INCREASED OFFICIAL U.S. PROGRAMS OF EDUCATION, HEALTH AND DEVELOPMENT?

ANSWER: THE U.S. RECENTLY ASSIGNED AN AID DEVELOPMENT SPECIALIST TO THE U.S. EMBASSY HERE IN SANTIAGO, AND HE IS IN CHARGE OF OUR DEVELOPMENT COOPERATION AND ASSISTANCE. HOWEVER, CHILE IS AT A STAGE IN ITS DEVELOPMENT WHERE MAJOR INPUTS OF FOREIGN AID ARE VERY UNLIKELY. IF CHILE CAN MAINTAIN ITS IMPRESSIVE ECONOMIC GROWTH, I THINK THE CHILEANS SHOULD LOOK FORWARD TO THE DAY WHEN THEY WILL BE OFFERING AID TO OTHERS.

14. QUESTION: WITH THE NEW U.S. DRUG INITIATIVE, ARE THERE ANY ANTI-DRUG OR EDUCATION PROGRAMS PLANNED FOR CHILE?

ANSWER: WE ARE WORKING CLOSELY WITH THE CHILEAN AUTHORITIES AND EXPERTS ON DEVELOPING A COMPREHENSIVE AND INTERNATIONALLY COORDINATED EFFORT AGAINST DRUG TRAFFICKING. OUR EXPERIENCE IN THE U.S. SHOWS THAT THE MOST EFFECTIVE PROGRAMS ARE LOCAL COMMUNITY PROGRAMS IN COOPERATION WITH GOVERNMENT EFFORTS, AND THAT IS THE APPROACH WE WOULD SUGGEST TO CHILE IN ITS FOR PREVENTING THE DRUG ABUSE PROBLEMS COMMON IN COUNTRIES WHICH ARE MORE ECONOMICALLY ADVANCED. WHAT IS IMPORTANT FOR COUNTRIES LIKE CHILE IS TO AVOID ANY FALSE SENSE OF SECURITY.

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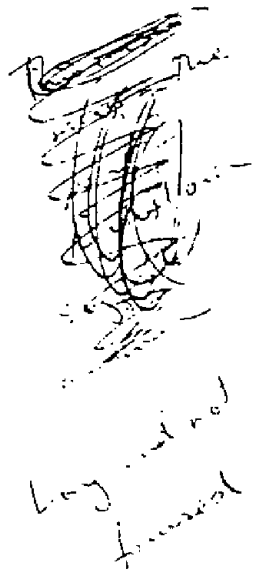
15. QUESTION: THERE IS INCREASING WORLD CONCERN ABOUT THE DESTRUCTION OF THE ENVIRONMENT. WHAT DOES THE U.S. THINK LATIN AMERICAN GOVERNMENTS SHOULD BE DOING, CONSIDERING THAT THESE COUNTRIES NEED TO EXPLOIT THEIR NATURAL RESOURCES FOR THEIR DEVELOPMENT?

ANSWER: WE DON'T WANT TO TELL OTHERS WHAT TO DO. WE WANT TO WORK WITH THEM TO ADDRESS PROBLEMS WHICH VITALLY AFFECT ALL OF US. I UNDERSTAND THAT HERE IN CHILE, FOR EXAMPLE, THERE IS GREAT CONCERN WITHIN CHILE'S GOVERNMENT, IN ITS SCIENTIFIC COMMUNITY, AND IN ITS GENERAL PUBLIC, ABOUT ENVIRONMENTAL PROBLEMS. CHILE'S EXPERTS ARE WELL AWARE OF THE NEED TO DEAL WITH PROBLEMS SUCH AS FOREST LOSSES, POLLUTION, CARBON DIOXIDE, OZONE DEPLETION, OCEANIC AND OTHER PROBLEMS, JUST AS ARE WE.



USING MODERN METHODS AND TECHNOLOGY, IT IS POSSIBLE TO HAVE BOTH NATIONAL DEVELOPMENT AND PRESERVE THE ENVIRONMENT. THE MOST RATIONAL WAY TO USE RESOURCES IS THE ONE WHICH PROTECTS THE ENVIRONMENT. IN THE LONG RUN, THERE IS NO OTHER WAY.

16. QUESTION: DO YOU THINK THAT U.S. AND EUROPEAN ASSISTANCE PROGRAMS AND FOREIGN PRIVATE INVESTMENT IN LATIN AMERICA WILL BE REDUCED AS A RESULT OF DEVELOPMENTS IN EASTERN EUROPE, AND HOW COULD THIS AFFECT THE ECONOMIC DEVELOPMENT OF THE REGION?

ANSWER: I THINK THAT WE SHOULD LOOK AT EASTERN EUROPE AS A POTENTIAL INVESTMENT RATHER THAN AS A BURDEN. EASTERN EUROPE NOW IS FREE TO ENTER THE WORLD MARKET ECONOMY, AND EVENTUALLY MAKE A SIGNIFICANT CONTRIBUTION TO WORLD PRODUCTION AND TRADE. THAT CAN ONLY WORK TO THE LONG RANGE BENEFIT OF COUNTRIES LIKE CHILE.

For example stress South to East Europe should increase demand for Chilean exports.

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MORE IMMEDIATELY, THE OBSELETE AND WORN OUT INDUSTRIES OF EASTERN EUROPE WILL BE REBUILT, IN PART, WITH CHILEAN COPPER AND OTHER PRODUCTS OF ITS MINES AND FORESTS, AGRICULTURE AND INDUSTRY, FOR WHICH THEY - OR THE COUNTRIES HELPING THEM - WILL PAY FOR ON THE OPEN MARKET.

CHILE WILL FIND NEW MARKETS FOR ITS AGRICULTURE AND INDUSTRY AS EASTERN EUROPE BEGINS TO PAY ITS WAY IN THE WORLD.

17. QUESTION: WHAT ROLE DO YOU THINK CHILE SHOULD PLAY IN HEMISPHERE DEVELOPMENTS?

ANSWER: THAT IS SOMETHING CHILEANS WILL DECIDE. HOWEVER, CHILE'S IMPRESSIVE ECONOMIC PERFORMANCE, TOGETHER WITH ITS ENCOURAGING RETURN TO DEMOCRACY, GIVE IT IMPRESSIVE AUTHORITY IN THE WORLD COMMUNITY.

18. QUESTION: DO YOU THINK THAT THE NEW LATIN AMERICAN DEMOCRACIES ARE NOW LESS VULNERABLE TO INFLUENCE BY THE SOVIETS OR CASTRO OR OTHER SUBVERSIVE MOVEMENTS?

ANSWER: ABSOLUTELY. MARXISM-LENINISM IS DEAD. CUT OFF FROM IDEOLOGICAL ROOTS, IT IS DIFFICULT FOR SUBVERSIVE MOVEMENTS TO MAKE HEADWAY. THIS IS NOT TO SAY THAT THEY NO LONGER ARE A PROBLEM FOR THEIR VICTIMS, AS PERU'S STRUGGLE WITH SENDERO LUMINOSO SHOWS, BUT HISTORY HAS LEFT THEM BEHIND.

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19. QUESTION: WILL THE U.S. CONTINUE WITH ITS POLICY OF INTERVENTION, AS IN PANAMA? WHAT WILL U.S. POLICY BE TOWARD NICARAGUA? TOWARD PANAMA? EL SALVADOR? CUBA? WILL THE U.S. RESPECT THE PANAMA CANAL TREATY?

ANSWER: WE DO NOT HAVE A POLICY OF INTERVENTION, PERIOD. THE U.S. MILITARY ACTION IN PANAMA RESPONDED TO AN IMMEDIATE THREAT TO U.S. PERSONNEL AND FACILITIES, AND WAS STRONGLY SUPPORTED BY THE PEOPLE OF PANAMA WHO HAD BEEN ROBBED OF THEIR CONSTITUTIONALLY ELECTED LEADER. ASK THE PEOPLE OF PANAMA WHAT THEY THINK. THERE IS NO QUESTION THAT WE WILL RESPECT THE PANAMA CANAL TREATIES. THE RECENT VICTORY OF VIOLETA CHAMORRO IN NICARAGUA IS A VICTORY NOT ONLY FOR THE NICARAGUAN PEOPLE, BUT FOR ALL OF THE CENTRAL AMERICAN PEOPLE. HISTROY HAS LEFT DANIEL ORTEGA BEHIND, AND IT IS LEAVING CASTRO BEHIND.

20. QUESTION: THE U.S. HAS CRITICIZED THE OAS FOR NOT DOING MORE ABOUT NORIEGA. WHAT DO YOU THINK THE OAS SHOULD HAVE DONE?

ANSWER: THE U.S. HAS NOT BEEN THE ONLY CRITIC OF OAS INACTION. THE PRESS OF MANY OF THE MEMBER COUNTRIES OF THE OAS HAS BEEN VERY CRITICAL OF OAS INACTION. COOPERATION IN THE INTERAMERICAN SYSTEM TO SUPPORT THE PANAMANIAN PEOPLE'S RIGHT TO CHOSE THEIR OWN GOVERNMENT WAS THE PREFERRED PATH OF THE U.S. GOVERNMENT. IT IS UNFORTUNATE THAT WE WERE UNABLE TO ACT IN CONCERT WITH GREATER FIRMNESS. THE FAILURE TO DO SO RESULTED IN GREATER EXCESSES BY NORIEGA, AND THIS FINALLY REQUIRED DIRECT ACTION BY THE UNITED STATES.

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21. QUESTION: DO YOU EXPECT PERESTROIKA TO REACH CUBA? HOW DOES THE U.S. VIEW THE DEVELOPMENT OF DIPLOMATIC RELATIONS BETWEEN CASTRO AND THE NEWLY DEMOCRATIZED LATIN AMERICAN COUNTRIES?

ANSWER: HISTORY IS PASSING CASTRO BY. IF HISTORY CONTINUES ON ITS PRESENT COURSE, AND I EXPECT THAT IT WILL, RELATIONS WITH CASTRO MAY NOT BE VERY IMPORTANT ANY MORE. CHILE AND THE OTHER DEMOCRACIES MUST MAKE THEIR OWN DECISIONS ABOUT RELATIONS WITH CUBA, BUT I WOULD CAUTION ANYONE TRYING TO DEAL WITH CASTRO TO REMEMBER HIS LONG RECORD OF SUPPORT FOR SUBVERSION. HIS REACTION TO EVENTS IN NICARAGUA WAS ONLY THE MOST RECENT EXAMPLE OF HIS UTTER DISREGARD FOR DEMOCRACY.

22. QUESTION: MANY LATIN AMERICANS BELIEVE THE U.S. IS NOT DOING ENOUGH TO STOP THE CONSUMPTION OF DRUGS WITHIN ITS OWN BORDERS. WHAT MEASURES WILL THE U.S. TAKE TO CARRY OUT ITS RESPONSIBILITY IN THIS AREA? DOES THE BUSH ADMINISTRATION ADVOCATE TOUGHER PRISON TERMS?

ANSWER: INDEED WE DO. WE ARE HITTING AT DRUGS EVERY WAY WE CAN, AND I DON'T THINK IT TRUE TO CLAIM THAT WE ARE NOT WORKING HARD ENOUGH IN THE U.S.

23. QUESTION: WITH THE INAUGURATION OF PRESIDENT AYLWIN, LATIN AMERICA AS A REGION HAS BECOME ALMOST FULLY DEMOCRATIC. HOW WOULD THE U.S. VIEW THE INTEGRATION OF LATIN AMERICA INTO A COMMUNITY WHICH MIGHT LEAD TO A COMMON MARKET SITUATION SUCH AS THE EUROPEAN ECONOMIC COMMUNITY?

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ANSWER: WE STRONGLY FAVOR ECONOMIC INTEGRATION, JUST AS WE OPPOSE THE FORMATION OF EXCLUSIVE TRADING BLOCS. WE ARE CONVINCED THAT FREE TRADE, CARRIED OUT UNDER AGREEMENTS AND GROUND RULES THAT ENCOURAGE TRADE RATHER THAN RESTRICT IT, IS ABSOLUTELY ESSENTIAL FOR WORLD ECONOMIC HEALTH.

WE SUPPORT THE PROTECTION OF INTELLECTUAL PROPERTY RIGHTS. WE OPPOSE HIGH TARIFFS AND NON-TARIFF BARRIERS. WE OPPOSE MONOPOLIES AND WE OPPOSE DUMPING.

24. QUESTION: WHAT IS THE ROLE LATIN AMERICA, AS A DEMOCRATIC REGION, SHOULD PLAY IN INTERNATIONAL POLITICS AND INTERNATIONAL FORUMS?

ANSWER: THE LATIN AMERICAN COUNTRIES WILL BE LISTENED TO TO THE DEGREE THAT PEOPLE TAKE THEM SERIOUSLY. TO BE TAKEN SERIOUSLY, A COUNTRY MUST SHOW THAT IT IS WILLING TO PUT ITS OWN HOUSE IN ORDER. I THINK THAT CHILE WILL BE IN A STRONG POSITION FOR THIS REASON.

25. QUESTION: WHAT WOULD BE THE U.S. POSITION IF LATIN AMERICAN COUNTRIES CREATE A DEBTOR'S CARTEL?

ANSWER: CHILE'S OUTSTANDING HANDLING OF ITS DEBT IS ONE PROOF THAT THE DEBTOR'S CARTEL IS ANOTHER OF THOSE IDEAS WHOSE TIME HAS PASSED. TREASURY SECRETARY BAKER HAS OUTLINED A STRATEGY THAT RECOGNIZES THAT WORKABLE SOLUTIONS MUST RECOGNIZE THE DIFFERENCES BETWEEN THE SITUATIONS OF INDIVIDUAL COUNTRIES, AND THUS A CARTEL WOULD NOT BE IN THE INTERESTS OF EITHER DEBTORS OR CREDITORS.

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THE INTERNATIONAL MONETARY FUND STRESSES THE IMPORTANCE OF GOVERNMENT FISCAL PRUDENCE IF A COUNTRY WANTS TO RETURN TO ECONOMIC SOLVENCY. IT IS NECESSARY TO USE EFFECTIVE MECHANISMS TO ADDRESS DEBT PROBLEMS, AND FRANKLY, SOME OF THESE MECHANISMS DEMAND THAT SOME DEBTOR COUNTRIES MAKE MAJOR CHANGES IN THE WAY THEY MANAGE THEIR ECONOMIES.

26. QUESTION: WILL THE U.S. INITIATE STRONGER PROGRAMS FOR THE PROTECTION OF THE OZONE LAYER?

ANSWER: WE ARE SIGNATORY TO THE MONTREAUX (SP) CONVENTION. WE HAVE SHARPLY REDUCED OUR USE OF FLUROCARBONS, AND WILL REDUCE IT FURTHER. HOWEVER, IT REQUIRES A WORLDWIDE REDUCTION, AND THIS DEMANDS THAT EVERY COUNTRY STOP USING THESE CHEMICALS. I AM TOLD THAT CHILEAN MANUFACTURERS OF SPRAY CONTAINERS NOW ARE USING SAFE PROPELLANTS, AND I HOPE THAT EVERY COUNTRY FOLLOWS THIS EXAMPLE.

27. QUESTION: HOW WILL THE GROWING TREND TOWARD PROTECTIONISM IN THE U.S. AFFECT TRADE WITH CHILE?

ANSWER: THE "GROWING TREND TOWARD PROTECTIONISM IN THE U.S." IS A MYTH. WE HAVE SOME OF THE MOST OPEN MARKETS IN THE WORLD. UNFORTUNATELY, MANY TRADING COUNTRIES DO NOT OFFER THE U.S. EQUALLY OPEN ACCESS TO THEIR MARKETS. THE PURPOSE OF OUR TRADE LEGISLATION IS TO ENCOURAGE THE OPENING OF THOSE MARKETS SO THAT TRADE CAN FLOW IN BOTH DIRECTIONS, AS IT MUST IF THE WORLD FREE MARKET IS TO FUNCTION PROPERLY.

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28. IS THE U.S. GOVERNMENT NOW GOING TO ENCOURAGE FOREIGN INVESTMENT IN CHILE?

ANSWER: IT IS OUR POLICY TO ENCOURAGE PRODUCTIVE FOREIGN INVESTMENT. TO JUDGE FROM THE VERY LARGE INVESTMENTS ALREADY MADE IN CHILE, U.S. INVESTORS HAVE CONCLUDED THAT CHILE IS A GOOD PLACE FOR INVESTMENT. AS LONG AS THIS REMAINS THE CASE, THEN PEOPLE WILL INVEST IN CHILE.

29. QUESTION: CHILE HAS FACED SEVERAL BILATERAL TRADE PROBLEMS WITH THE U.S., FOR EXAMPLE, PRESSURE FOR A NEW PHARMACEUTICAL LAW, THE 1989 FRUIT CRISIS, AND POSSIBLE EXPANSION OF THE LIMITS OF THE U.S. MARKETING ORDER FOR FRUIT. HOW DO YOU RECONCILE THESE TYPES OF PROBLEMS WITH THE NEED FOR DEVELOPMENT WHICH IS FACING THIS RESTORED DEMOCRACY?

ANSWER: CHILE IS A COUNTRY CAPABLE OF EXPORTING GOODS AND IDEAS, AND THEREFORE THE PROTECTION OF INTELLECTUAL PROPERTY IS AS MUCH IN CHILE'S INTEREST AS IT IS IN OURS. I KNOW THAT MANY CHILEAN EXPERTS FEEL THAT THIS IS TRUE. CHILE HAS SIGNIFICANT HUMAN RESOURCES THAT IT HAS ONLY BEGUN TO EXPLOIT: ITS EDUCATIONAL AND TECHNOLOGICAL LEVELS MAKE IT CAPABLE OF DEVELOPMENT AND EXPORT IN FIELDS SUCH AS SOFTWARE, ELECTRONICS, AVIATION, ADVERTISING AND MARKETING -- ALL AREAS WHICH BENEFIT FROM THE PROTECTION OF INTELLECTUAL PROPERTY.

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30. QUESTION: WITH CHILE'S RETURN TO DEMOCRACY, WILL THE INTERNATIONAL BANKING COMMUNITY LOOK MORE FAVORABLY ON RENEGOTIATION OF CHILE'S FOREIGN DEBT? WHAT WILL BE THE U. S. POSITION ON NEW OR RENEGOTIATED CREDIT FOR CHILE IN THE INTERNATIONAL BANKING INSTITUTIONS?

ANSWER: THE INTERNATIONAL BANKING COMMUNITY IS FAVORABLY IMPRESSED WITH CHILE'S ECONOMIC DEVELOPMENT AND FINANCIAL SERIOUSNESS. IF THIS FAVORABLE TREND CONTINUES, AS I EXPECT IT WILL, CHILE SHOULD FIND THAT THE INTERNATIONAL BANKING COMMUNITY WILL TREAT IT AS A SERIOUS NEGOTIATING PARTNER. CHILE IS CLOSE TO REENTERING THE VOLUNTARY CAPITAL MARKETS, AND WE WOULD BE SUPPORTIVE OF ITS EFFORTS TO DO SO.

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31. QUESTION: WHAT SPECIFICALLY CAN CHILE EXPECT FROM THE BRADY PLAN?

ANSWER: CHILE RECEIVED BRADY PLAN SUPPORT LAST NOVEMBER IN THE BUYBACK OF DEBT BY THE CENTRAL BANK. CHILE IS A LEADER IN INNOVATIVE STRATEGIES AND FINANCIAL MANAGEMENT, AND WE LOOK FORWARD TO WORKING WITH CHILE.

32. QUESTION: DO YOU THINK THAT CONDITIONS ARE RIGHT FOR THE RETURN OF LATIN AMERICAN COUNTRIES TO ELIGIBILITY FOR COMMERCIAL LOANS?

ANSWER: CHILE IS FAR CLOSER THAN ANY OTHER COUNTRY IN LATIN AMERICA.

33. QUESTION: WHAT IS THE U.S. POSITION IN THE FACE OF THE REFUSAL BY AUSTRALIA AND FRANCE TO SIGN THE ANTARCTIC TREATY? WHAT IS THE U.S. POSITION ON ANTARCTICA?

ANSWER: THE U.S. CONTINUES TO SUPPORT THE ANTARCTIC MINERALS CONVENTION UNDER THE ANTARCTIC TREATY SYSTEM. WE SEE IT AS THE BEST APPROACH TO ENSURING THE ENVIRONMENTAL INTEGRITY OF ANTARCTICA. FRANCE AND AUSTRALIA SUPPORT A DIFFERENT APPROACH AT THIS TIME, BUT OUR BASIC INTERESTS COINCIDE. HOPEFULLY, OUR TALKS WITH THEM WILL REASSURE THEM THAT THE MINERALS CONVENTION IS THE BEST APPROACH TOWARD MEETING OUR SHARED GOALS.

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POLITICAL ISSUES

Letelier/Moffitt Case: A specially appointed Supreme Court judge has reopened the criminal case against Chileans accused of complicity in the assassinations of former Foreign Minister Orlando Letelier and his U.S. assistant Ronni Moffitt in Washington, D.C., in 1976. Chile's Congress has also ratified a U.S.-Chilean accord to establish an international commission to determine the amount of ex gratia compensation to members of the Letelier/Moffitt families. We are pleased with the Aylwin government's progress in advancing justice in this matter, which negatively affected bilateral relations for many years.

Extraditions: There are two important extradition cases pending now: one in which the U.S. is attempting to extradite a high-ranking law enforcement official under the Pinochet government to the U.S. on drug charges, and one in which Chile is attempting to extradite a Chilean from the U.S. on tax fraud charges.

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Selva - ~~set~~ list of ways in which Chile had cooperated
- extradition
- then Sov. Immu -
Contrary to intent of FSIA & I.L.

Invocation of Treaty.
Chile took full review of all available info. but noted that many of their files had been destroyed in a fire.

Examples of unresolved cases.
Whether treaty was to extended only to apply to disputes that might otherwise lead to war

Whether dip efforts had been exhausted in this case.

Whether Treaty is capable of resolving what from Chilean Pt. of view to most fundamental issue — posed by U.S. CTs.

Monroe Leigh - gave brief hist of Bryant Treaties and of ~~so~~ process of negotiating ~~arbitra~~ conventions to Bryant Treaty Comm'n. Alluding suggesting that when U.S appt'ed comm'rs in 1935 not clear that persons were appt'ed to serve on Bryant Comm'n. 1914

Circumstances
1923 Gondra Treaty & its successors, suggesting that 1914 was not intended or considered to remain in effect.
Discussed later statements in correspondence ~~with~~. Which could be ~~as~~ interpreted as meaning 1914 no longer in effect & omissions

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of 2 specialists on LA.

Need more thorough study of issues - handed agenda w/ suggestions

Requested exchange of all docs either party had.

Soper
Agreed to exchange docs and look at issues set forth in "draft" Stressed that need is to work out mechanism for resolution of dispute; willing to look at Condia, etc or other subsequent agreements as mechanism.

Silva - not yet time 1914 Treaty just stating that we need further study.

Procedures - functional issues

Soper -

Cubana
Next may be a request for U.S. assistance
We can't turn Townley over.

No MLAT w/ Chile.
Question of Chilean law.

Extradition
No legal case & treaty for extradition
Political problem.

extradition from 3rd country
Argentina

Olson - critical - admin's political j-mt on
where it wants - a clear line
Can take position ⇒ hard record
bottom line.
→ Just need to pt. at process.

Can take political heat -
U.S. justice system had some
constancy. Should push

violated

Damage - bringing indictment →
more pressure pts in Chile

VCR overrules

Outstanding issues

Spin Control

Certification
President's visit -
Can't make certs that isn't meaningful

Gillespie's scenario -

Problems - need to cough in our statements
Smith — to appeal judge enough -

Kennedy - should be further along.

Colson — IMET and other funding supposed to go hand & hand.

Bottom line - we should have different difference on civ side

→ Chile guarding positive gestures →

If Tribunal stated → B shouldn't criticize too strongly.

Vaggo probs w/ compromise.
Implement → slimmer
But nothing w/ criminal side

FBI/Justice still talking extradition

11:30 Mtg on 9th

Human Rights Commission
Comp to families of disappeared.

Lotte

Gv.
- plea bargain agreement w/ Townley. What would

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DRAFT

Dear Ambassador Aguilar,

This letter is to confirm recent conversations that officials of the Government of the United States and the Government of Chile have had with you concerning the 1914 Treaty on Pacific Settlement Disputes between Chile and the United States of America and to confirm the joint appointment by our governments of yourself to be the President of the Commission established by the Treaty.

It is our understanding that you are willing to serve in this capacity.

We note our mutual expectation that an agreement will be signed in Santiago within the next few days convoking the 1914 Treaty Commission to determine the amount of an ex gratia payment the Government of Chile will make to the United States Government on behalf of families of the victims of the assassination of Orlando Letelier and Ronni Moffitt in Washington, D.C. in September 1976.

Representatives of our governments will seek a meeting with you shortly following the signature of the agreement to provide you with the text of the agreement and to discuss plans for the Commission's work.

We congratulate you on your appointment.

Sincerely,

Ambassador Silva

Abraham D. Sofaer

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Q: Have you had discussions concerning the Letelier affair?

A: Yes. Representatives of the Governments of Chile and the U.S. have met during the last two days and have reached agreement in principle on a plan to settle the civil claims stemming from the Letelier affair. Under the agreed plan, a Commission will be appointed to set an amount of compensation which the Government of Chile has agreed to pay, ex gratia, on behalf of the victims, including Mrs. Letelier. Both governments are very pleased with this agreement, and intend to complete the necessary formalities as soon as possible.

Q: Is progress being made on the criminal case?

A: The Chilean government has assured us that it supports investigation and prosecution of the matter. We believe the government is committed to seeing justice done in the case. The U.S. Government will pursue prosecution of those indicted for that crime either in Chile or the U.S.

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MEMORANDUM

TO: Mary Catherine Malin

FROM: Julie A. Haught

SUBJECT: Letelier arbitration - Review of international law and case materials regarding interest on awards for wrongful death and personal injury claims

This memorandum will address the issues related to the U.S. government's request that interest be paid as part of the award[1/] which will be rendered by the appointed International Commission in the Letelier claim.[2/]

1/ Note that a distinction is sometimes made between "compensatory interest" (interest as part of an award, computed to the date of the award) and "moratory interest" (interest on an award, computed to date of the award's payment). 3 M. Whiteman, Damages in International Law, note 2 at 1913 (1943) (emphasis added). Although Lillich disagrees with this distinction, he nevertheless notes that the request for so-called "moratory interest" is generally resolved against the claimants. R. Lillich, Interest in the Law of International Claims 57 (1982). In the case of Russia v. Turkey, the Permanent Court of International Arbitration held "[t]he tribunal is of the opinion that all interest-damages are compensatory, whatever name they be given," quoted in J. Ralston, The Law and Procedure of International Tribunals 129 (1926). For the foregoing reasons, should the distinction arise, we will request compensatory interest, as opposed to moratory interest, as part of the full reparation rightfully due.

2/ This Commission was established under the 1914 Treaty for the Settlement of Disputes the May Occur between the United States of America and Chile. The Treaty was invoked by the U.S. (which espoused the Letelier claim) to provide an avenue of reparation for the Letelier, Karpen and Moffit families for the wrongful deaths of Orlando Letelier and Ronnie Karpen Moffit.

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These issues include: a) the likelihood of success in recovering interest as part of the award in a wrongful death or personal injury claim in light of international precedent; b) the available options for ascertaining the period of when interest should begin and end; and c) what is the range of interest rates utilized by international commissions.

I. Principles of International Law

A. General Discussion - Interest As Part Of An Award

Under principles of international law, it has never been considered standard practice to automatically award interest as part of the damage payment in a wrongful death or personal injury claim. The omission of interest usually applies to tort claims, although, on occasion, interest has also been deliberately excluded in other types of claims. Thus, there clearly is a divergence of opinion under international law whether or not to include interest, particularly in wrongful death and personal injury claims.

Where interest is awarded, it is generally considered a part of the duty to make full reparation. The necessary compensatory role interest plays in international decision making is recognized by the commentators. Lillich notes "[i]nterest as part of an award by an international tribunal . . . is recognized by customary international law . . . as an element of damages inherent in just compensation."[3/] Although many international commissions have done so, there are certainly those who have specifically chosen not to award interest as part of the award.

The theory that interest should be part of the compensation package has been followed in practice by numerous arbitral bodies. Some of the more notable international commissions

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3/ R. Lillich, "Interest in the Law of International Claims," Essays in Honor of Voitto Saario and Toivo Sainio, 51, 59 (1983).

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awarding interest are: The Geneva Tribunal;[4] the Costa Rica Packet case;[5] the arbitration in the American Whaling Claims against Russia;[6] the Macedonian case;[7] the Spanish-American Commission;[8] and the United States and Mexican Claims Commission of 1839.[9] Other noted decisions include the S.S. "Wimbledon"[10] and the Chorzow Factory[11] case. Similarly, the United States - Mexican Claims Commission held in Illinois Central Railroad Co. that "[although] allowances of interest have been made . . . by international tribunals acting under arbitral agreements which . . . have made no mention of this subject . . . we deem it proper to give effect that interest must be regarded as a proper element of compensation."[12]

A more recent analysis is found in the full tribunal decision at the Iran-United States Claims Tribunal where it was held "[i]t is customary for arbitral tribunals to award interest as part of an award for damages," and that the power to do so is "inherent."[13] One of the most extensive discussions on awarding interest by the Tribunal is contained in Chamber Three's award in the McCollough case. Judge

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4/ J.B. Moore, 1 History of International Arbitrations 658 (1898).

5/ 4 Moore, supra, at 4954.

6/ 1902 For. Rel., App. I.

7/ 2 Moore, supra, at 1465, 1466.

8/ 4 Moore, supra, at 3763.

9/ Id. at 4228, 4325.

10/ S.S. "Wimbledon," 1923 P.C.I.J. (ser. A) No. 1, at 15, 33 (August 17, 1923).

11/ Factory at Chorzow (Merits), 1928 P.C.I.J. (ser. A) No. 17, at 47 (Sept. 13, 1928).

12/ Illinois Central Railroad Co. (United States v. United Mexican States), 4 Rep. Int'l Arb. Awards 134, 136 (1926).

13/ The Islamic Republic of Iran and The United States of America, Request for a decision of the Full Tribunal on whether the Claims Settlement Declaration empowers the Tribunal to grant interest on its awards, 16 Iran-U.S. C.T.R. 285, 290 (1987).

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Virally, in awarding interest, noted that while statutory rates applied in most national jurisdictions in the world, the law in Iran and other Muslim jurisdictions forbids any payments of interest on awards. He then discussed other judgments and international decisions and concluded:

> It is noteworthy that no general rule can be derived from them . . . . The absence of a uniform rule does not, however, imply in the absence of general principles . . . under normal circumstances . . . interest is allocated on the amounts awarded as damages in order to compensate for the delay with which the payment . . . is made."[14/]

One reason given for awarding interest is that many of the international commissions and arbitral tribunals have felt the ability to do so was within their jurisdiction, even though the Convention which created them did not provide for it.[15/] Ralston asserts in his treatise on international law that "[t]he question of the allowance of interest has arisen before almost every international tribunal, and usually, and except where the claim was for a tort purely, its allowance has been considered rightful, differences more frequently arising as to the time of its commencement or termination and the rate at which it should be allowed."[16/]

Another justification for awarding interest is that is a recognized right of recovery, even in cases between governments. Umpire Duffield, in the case of Christern and Co. (Germany v. Venezuela), discusses interest on awards between governments:

> [t]he jurisprudence of all civilized nations now recognizes this principle as between individuals in cases of contract, and has extended it to compensation for [the] taking of or injury to property . . . . It is certainly a reasonable presumption from this

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14/ McCollogh & Co., Inc. v. The Ministry of Post, Telegraph and Telephone, et. al., 11 Iran - U.S. C.T.R. 3, 29 (1980).

15/ C. Eagleton, The Responsibility of States in International Law note 49 at 204 (1928).

16/ Ralston, supra note 1, at § 212.

> uniform international recognition of this right as between individuals that the nations would recognize its justice as between themselves."[17]

Although it is not a clearly established rule that interest will always be awarded, strong arguments can be made that principles of international law allow for interest to be paid as part of the reparation due for full compensation.

B. International Commissions Which Have Allowed Interest As Part Of The Award In A Wrongful Death Or Personal Injury Claim

The foregoing discussion demonstrates that existing international precedent supports the theory that interest should be part of the compensation package. Thus, the problem is not necessarily with interest being paid on an award, but rather with interest being paid on an award arising from a wrongful death or personal injury claim. The divergence of opinion under international law regarding the payment of interest is even more striking when applied to this category of cases. The majority of international decisions in this area have specifically disallowed interest as part the damage award arising from a tort claim (i.e. wrongful death or personal injury) yet frequently awarded interest on the claims for personal property losses.

The primary justification is based on the distinction made between pecuniary/liquidated losses versus non-pecuniary/unliquidated losses. For the most part, international commissions and arbitral bodies have rationalized the disallowance of interest on non-pecuniary losses because the damage amount is too speculative to define and thus too difficult to properly assess the amount of interest as part of the award.

Brownlie disagrees with this approach by asserting "[t]his formulation . . . is difficult to follow. If in principle true compensation includes interest on the compensation (as due at the time of injury or death), the fact that the sum awarded is in some sense 'unliquidated' or arbitrary is not incompatible

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17/ J. Ralston, Venezuela Arbitrations 521 (1903).

with the payment of interest on the compensation."[18] Most international precedent follows the maxim that interest should not be awarded on damages based on non-pecuniary losses.

1. The United States - Germany Mixed Claims Commission

Some of the better illustrations of these types of cases are found in the decisions rendered by the United States - Germany Mixed Claims Commission which was established under the Treaty of Berlin in 1922. Under this Commission, it was held that interest should be allowed on the awards for personal injury and death claims, but with the caveat that interest should not be considered when ascertaining the amount of the award.[19] The United States - Germany Commission stated:

> In all claims for losses wherever occurring sustained at any time during the war period based on personal injury or death, . . . the measure of compensation expressed in awards made will not include damages in the nature of interest, but each award made will bear interest from its date at the rate of 5% per annum.[20]

The decisions rendered by this Commission include some of the most detailed discussions under international law regarding interest on tort claim awards. For this reason they are often cited, both in judicial precedend and by the commentators. The following analysis summarizes the methodology and reasoning applied by the Commission when it awarded interest on the wrongful death and personal injury claims before it.

a) The Lusitania Cases

In the Lusitania cases, arbitrated by the United States - Germany Commission, interest was allowed on the wrongful death and personal injury claims arising from the attack and sinking of the passenger ship, the Lusitania, on May 7, 1915. Umpire

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18/ I. Brownlie, 1 State Responsibility 228 (1983).

19/ Mixed Claims Commission, (United States v. Germany) Administrative Decision No. III (December 11, 1923).

20/ Id. at § IV.

Parker discusses, in some detail, the basis for recovery for damages in death cases. He admits that while at common law no proper cause of action for damages in a wrongful death existed, this right to maintain an action has been statutorily recognized by the major world powers.[21]

Thus, in order to justify the payment of damages for the wrongful death and personal injury claims,[22] he concluded that it is a "general rule of both the civil and common law that every invasion of private right imports an injury and that for every such injury the law gives a remedy."[23] He outlined the factors that should be included in estimating the losses suffered and it is here where he specifically included interest "(f) in reducing to their present cash value contributions which would probably have been made from time to time to claimants by deceased, a 5% interest rate and standard present-value tables will be used."[24]

Interest was provided from November 1, 1923, the date the Administrative Decision was signed, until the date the award was paid, for the damages awarded strictly based on the death or personal injury. For all personal property losses, interest was allowed from the date of injury, i.e. May 17, 1915, the day the Lusitania sank, until the date the award was paid. Umpire

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21/ Mixed Claims Commission (United States v. Germany), Opinions in Lusitania Cases, 18 (Nov. 1, 1923).

22/ It should be noted that he distinguished the fact that exemplary damages are not awarded here only because the Treaty of Berlin, under which his power was created, did not incorporate such damages. The Treaty only required that Germany make "compensation" for specified damages, not full reparation. His analysis suggests that had the Treaty not imposed these limitations, higher amounts would have been awarded for he states "it is not necessary for this Commission to go to the length of holding that exemplary damages can not be awarded in any case by any international arbitral tribunal . . . . a sufficient reason [is that] . . . this Commission is without the power to make such awards under the terms of its Charter - the Treaty of Berlin." Opinions in Lusitania Cases, supra, at 29.

23/ Id. at 19.

24/ Id. at 20.

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Parker rationalized his approach for awarding interest on pecuniary damages only from the date of injury:

> There is no basis for awarding damages in the nature of interest where the loss is neither liquidated nor the amount thereof capable of being ascertained by computation merely. In claims of this class no such damage will be awarded, but when the amount of the loss shall have been fixed by this Commission the award made will bear interest from its date . . . . But where the loss is either liquidated or the amount thereof capable of being ascertained with approximate accuracy through the application of established rules by computation merely as of the time when the actual loss occurred, such amount, so ascertained, plus damages in the nature of interest from the date of the loss, will ordinarily fill a fair measure of compensation.[25/]

A sampling of the Lusitania cases where interest was allowed follows:

i. Case of Charles F. Williamson, deceased[26/]

Mr. Williamson was a forty-year old passenger who died when the Lusitania was attacked and sunk. Based on the estimates of his worth, the Commission awarded his father $5,000.00 and his sister $10,000.00, with both awards receiving 5% interest from November 1, 1923, for the wrongful death of their son and brother, respectively.

ii. Case of Frank Tesson and Alice Tesson, both deceased[27/]

In this case, the Commission said "[t]he awards which this Commission is empowered to make in death cases are based not on the value of the life lost, but on the losses resulting to the claimants from the death, in so far only

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25/ Mixed Claims Commission (United States v. Germany), Decisions and Opinions 62 (1926).

26/ C. Francis Williamson (United States v. Germany), Decisions and Opinions 364, docket nos. 218, 529 (1923).

27/ Frank Tesson and Alice Tesson, supra, at 361, docket nos. 217, 293, 544.

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as such losses are susceptible of being measured by pecuniary standards. Bearing this in mind . . . the Commission decrees that . . . Germany is obligated to pay Roy Atkins [the crippled son] $5,000.00 with interest, from Nov. 1, 1923 and . . . $2,325.00 with interest from May 7, 1915 to the estate of his wife." The latter was deemed the value of the personal property lost at the time of death.

iii. Case of John H. Page, deceased[28/]

Mr. Page was a 47 year-old Bank Vice-President at the time of his death. He was deemed to possess "bright future business prospects" and he was in excellent health. Here, the Commission awarded his surviving wife $80,000.00, with interest from Nov. 1, 1923, for his death (one of the highest amounts awarded) and $3,092.00, with interest from May 17, 1915, for his lost personal property. This case is a good illustration of the Commission considering Mr. Page's status as a prominent business leader when they determined the amount of the award.

iv. Case of Robert Dyer, injured claimant[29/]

This 47 year-old claimant, as a passenger on the Lusitania, suffered exposure and shock from the attack. His personal property losses were estimated at $1,200.00. He was awarded $1,000.00, with interest from Nov. 1, 1923, for the injuries he suffered and $1,200.00, with interest from May 17, 1915, for his lost personal property.

While the legal analyses in the Lusitania cases addressing interest as part of the award in wrongful death and personal injury claims are some of most complete available, other international commissions also provide good illustrations.

2. The United States - Mexican Claims

As was the case with many international commissions, the negotiators of all the Mexican Claims Conventions erred in failing to make any provision for the calculation of interest

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28/ John H. Page, supra, at 379, docket no. 238.

29/ Robert Dyer, supra, at 377, docket no. 235.

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on awards. As a result, the individual Commissions were forced to work out their own solutions. The United States - Mexican Claims Commissions, of both 1868 and 1923, adopted the same approach which was taken in the Lusitania cases. None of these Commissions allowed interest on what was deemed the non-pecuniary/unliquidated losses stemming from the direct injuries, but did award interest on the personal property losses in the wrongful death and personal injury claims.

Umpire Thornton (second Umpire of the 1868 Commission), when requested by the Mexican agent to eliminate interest on an award that was rendered with interest at 6% in a personal injury claim, explained that he had not granted "any compensation for injuries done to the person of the claimant . . . but awarded only for his [the claimant's] money losses, expenses, and loss of time, all of which are money value, and therefore entitled to interest."[30/] Similarly, interest was awarded in appropriate cases to the date of the final award of the Commission established under the Claims Convention of 1923.[31/]

Some examples of awards rendered by the Mexican Claims Commissions follow:

a) The Commission established under The 1868 Convention

i. Case of Sarah Mildred Standish[32/]

Mrs. Standish's husband was traveling in Mexico when he was attacked and killed by Mexican soldiers acting under the orders of Mexican officers. The Commission awarded her $40,000 in Mexican gold, without interest, for the wrongful death, and $1,500 in gold, with interest at 6% per annum, for the personal property losses. The interest was to be paid from the date of death to the date of the final award of the Commission.

ii. Case of Mary Ann Conrow[33/]

30/ 3 Whiteman, supra, at 1985.

31/ See, e.g., A.H. Feller, The Mexican Claims Commissions 1924-1934, 308 (1935).

32/ No. 385, MS Op. IV, 607 (1875).

33/ No. 392, MS Op. IV, 609 (1875).

UNCLASSIFIED

In this case, the Umpire awarded $50,000 in Mexican gold, without interest, for the wrongful death, and $300 in gold, with interest at 6% per annum, for the personal property losses. It is interesting to note that the higher amount for the wrongful death of Mr. Conrow was awarded because "[t]he gains of Conrow as a lawyer were greater than those of Standish, and therefore the compensation for his loss should also be higher."

iii. Case of S. Kearney Parsons[34/]

The Umpire awarded $50,000 in Mexican gold for the wrongful death, without interest, and $500 in gold, with interest, for the loss of personal effects.

While Umpire Thornton generally disallowed interest on the non-pecuniary losses in tort claims, there were instances where he did not always follow this approach. For example, in two separate cases, he included interest specifically on the wrongful death awards from the time of death. He fails to explain his inconsistent approach but he does note in a subsequent opinion filed after these two decisions that if he had not included interest as part of these awards, then he would have awarded a higher amount to compensate for the absence of interest from the date of the murders.[35/]

b) The Commission established under The 1923 Convention

This Commission did not specifically award interest for personal property losses in the following cases, but it appears the omission only occurred because property losses were not claimed.

i. The Case of Janes[36/]

34/ No. 397, MS Op. IV, 508, VII. 429 (1875).

35/ See Heirs of Cyrus Donaughho and Theodore Webster's Administrator, 3 Whiteman, supra, at 1985. For further discussion, see also Section, II, A, 1 & 2 infra.

36/ Laura Janes (United States v. United Mexican States) Opinions of Commission, 108 (1927).

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Laura Janes, on behalf of herself and her four children, filed a claim requesting $25,000.00 in damages for the wrongful death of her husband, who had been murdered by a Mexican national. The American agent argued that the Mexican government failed to apprehend the murderer, which thereby condoned the wrongful act. The Commission agreed and thereby awarded $12,000.00, without interest, for the personal damage caused to the claimants by the nonpunishment of Janes' murderer. The award makes no mention of personal property losses, either claimed or awarded.

ii. The Cases of Roper,[37] Brown,[38] and Small[39]

Three American seamen were drowned while running from shots fired at them by Mexican policemen. The policemen were never punished. The Commission, in rendering its award, considered the "earning capacity of each of the deceased" and the "financial support" given to the claimants. It awarded $6,000.00 to Roper's mother, $8,000.00 to Brown's widow, and $5,000.00 to Small's sisters, all without interest. Only direct pecuniary damages appear to have been calculated.

The foregoing international decisions are some of the more complete analyses of interest awarded in wrongful death and personal injury cases.

3. Modern Application

The citations to the older decisions illustrate one of the fundamental problems in discussing this area of law - the lack of recent international case law addressing the issue of interest on a damage award.

Several of the more recent international awards have not awarded interest simply because it was never requested. In the Liberty and Stark claims, the amounts requested for reparation

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37/ Margaret Roper, supra, at 205.

38/ Mamie Brown, supra, at 211.

39/ Rosetta Small, supra, at 212.

included all damages in the lump sum, without any special request for interest. These claims can be distinguished by the fact that the time lapse from the date of injury to settlement was minimal.

Other decisions have allowed interest to commence from the date of judgment. In the Godinez Cruz case, interest was awarded with the "corresponding amounts of interest" based on the current Honduran bank rates to begin ninety days after the date notice of the judgment is given.[40/]

One of the better illustrations of a modern international body awarding interest in its decisions is the Iran-United States Claims Tribunal. Unfortunately, these are primarily contract and other types of commercial claims. The only decision addressing interest on a wrongful death claim is the Grimm case. On her claim for the murder of her husband, Mrs. Grimm requested interest from the date of the award until the date of payment. The request was never addressed for her claim was dismissed for lack of jurisdiction.

The amount of contempory international law addressing the issue of awarding interest in a wrongful death or personal injury claim is quite limited. For this reason, emphasis has been placed on the more notable international decisions of the last two centuries.

C. International Commissions Which Have Denied Interest As Part Of The Damages Award

1. General Discussion

In theory, the necessary compensatory role interest plays in international decision making is widely recognized, though in practice this is not always the case. As previously discussed, there is a body of international decisions which specifically exclude interest as part of the damage award. However, these decisions are in the minority for property loss and contract breach claims.

2. Theories on which Interest was Denied

While most commissions will generally allow for interest as part of the award, there are certain international commissions and arbitral tribunals which have categorically

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40/ Godinez Cruz (Compensation), Inter-Am. C.H.R. (July 21, 1989).

refused to award interest under various principles of international law. These principles run the gamut from not awarding interest for the sole reason that it was not provided for in the Convention, to disallowing interest on the ground that the claim was being paid ex gratia. The Umpire of the Spanish-American Commission refused to award interest in two separate claims based on, what he considered, an unreasonably long delay exercised by the claimants in presenting their claims.[41/]

In the Montijo case, involving the seizure of a United States citizen-owned steamer by revolutionists in Panama, Umpire Robert Brunch categorically denied interest as part of the award on the following grounds:

> First: Because there is no settled rule as to the payment of interest on claims [between] countries or governments. Secondly: Because it seems open to question whether interest should accrue during the progress of diplomatic negotiations which are often protracted in their character. Thirdly: That this reason applies with special force to negotiations which result in arbitration or a friendly arrangement. Fourthly: That, whilst doing what he considers strict justice to the claimants by giving to them the full value of the use of their vessel during her detention, he desires to avoid any appearance of punishing the Colombian people at large for an act with which very few of them had anything to do, and which affected no Colombian interests beyond those of a few speculators in revolutions in Panama.[42/]

Several commissions have refused to allow interest based on the principle that interest is a matter of contract, and if the protocol under whose authority the Commission operates fails to provide for it, then interest can not be allowed.[43/] As noted previously, those international bodies which have allowed interest have done so either under the express authority of a protocol, or under the theory that interest is part of the duty to make full reparation. The Foreign Claims

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41/ See 4 Moore, supra, at 4327.

42/ 2 Moore, supra, at 1445 (emphasis added).

43/ J. Ralston, International Arbitral Law and Procedure § 164, 84 (1910).

Settlement Commission ("FCSC") awarded interest but qualified its decision in the John Hedio Proach claim regarding land in Poland:

> Although some commissions have refused to allow interest in claims of this type on the ground that interest is a matter of contract which should be specifically provided for in the protocol . . . this Commission regards it as a settled principle of international law that interest, according to the usage of nations, is a necessary part of a just national indemnification.[44/]

Some commissions have refused to award interest on the ground that the claimant refused to accept a voluntary settlement offer,[45/] while others have just flatly refused to allow interest as part of a damages award. Some international commissions which have followed the latter approach include the German - Venezuelan Claims Commission and the Italian-Venezuelan Claims Commission, both of which were established under the protocols of 1903. Ralston refers to the German - Venezuelan Claims Commission and notes "as we have stated, interest is generally refused for damages, for, as was stated in the Christern and Co. case (Ven. Arb. of 1903, p. 520): Damages in such cases are necessarily unliquidated and their exact amount cannot be precisely ascertained. In such cases as between individuals, interest is not usually allowed."[46/] The same Commission also held "no interest should be allowed, as such, upon claims for purely personal injuries, not involving the seizure of or injury to property."[47/]

The Italian - Venezuelan Commission awarded 5,000 bolivares "without interest" for a claimant's unjust

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44/ 42 International Law Reports 192 (E. Lauterpacht ed. 1971), citing J.B. Moore, A Digest of International Law 1029 (1906). See also Davis, Notes, Treaty Vol. (1776-1887) (emphasis added).

45/ See Borchard, Diplomatic Protection of Citizens Abroad, § 179, at 428 (1915).

46/ Ralston, supra, § 164, at 84.

47/ 3 Whiteman, supra, at 1988.

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imprisonment.[48] Lillich believes the leading decision in this area is one rendered in 1923 by the umpire, Judge Parker, of the United States - Germany Commission. Judge Parker disallowed interest as part of an award in so-called tort claims for losses based on personal injury, death, maltreatment of prisoners of war, or acts injurious to health, yet he did allow interest to be paid as part of the awards on property loss claims.[49]

In cases between governments, settled through diplomatic channels and not through an arbitral process, the amount paid is often difficult to adequately ascertain since the process generally lacks any argumentation on behalf of the claimant. As a result of this arbitrary amount, many personal injury and wrongful death cases settled through the diplomatic process have disallowed interest, either because it was inadequately claimed or because it was too difficult to define. Regardless, interest was not paid.[50]

In numerous cases, interest was not provided as part of the award because those responsible for rendering the award believed it was inequitable to allow it. This has generally been the situation when the claim for the principal amount is not well proved or the wrong is well-established but the amount of the loss is indefinable.[51] The international arbitral commission established in 1910 between Great Britain and the United States disallowed interest in a property damage claim

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48/ Case of Luigi Simone Tagliaferro, cited in 3 Whiteman, supra, at 1988.

49/ See Lillich, supra note 3, at 53 citing [1925-1926] Mixed Claims Commission (United States v. Germany), Consolidated Edition of Decisions and Opinions, 61 (1928) reprinted in 18 AM.J.INT'L 603 (1924).

50/ See 3 Whiteman, supra, at 1988 citing the following cases where interest has not been paid in personal injury cases settled through diplomatic channels: William Fowks (United States v. Peru), 1901 For. Rel. 430-434; Frederick Mevs (United States v. Haiti), 1893 For. Rel. 355-382; Henry Meir (United States v. Peru), ibid. 509 et seq.; Crew of U.S.S. Buffalo (United States v. Panama), 1909 For. Rel. 472, 492-493.

51/ 3 Whiteman, supra, at 1990.

because the extent of damages was based on the claimant's own uncorroborated statements.[52]

Interest has also been disallowed when an arbitrary "lump sum" payment is paid in settlement of a case, on the theory that since the principal amount was not precisely stated it is too difficult to adequately establish the amount of interest.[53] In a wrongful arrest case, the 1923 United States - Mexican Claims Commission, under whose convention contained no express provision for interest, stated "[c]ases of allowing damages for illegal imprisonment are most similar to the present one, and in such cases tribunals often allowed a gross sum without interest. The Commission is prepared to follow this precedent too."[54]

Certain international commissions have disallowed interest on payments of awards stemming from ex gratia payments. These commissions which do not allow interest on an "act of grace" payment justify this omission by finding that payments made ex gratia are not based on international law.

52/ Great Northwestern Telegraph Co. of Canada (Great Britain v. United States) Nielsen's Report 436 (1926).

53/ See 3 Whiteman, supra note 357, at 1992, citing several arbitrated cases where interest was disallowed on the lump sum adopted as the principal amount: Cotesworth & Powell (Great Britain v. Colombia) (over $50,000 awarded without interest on that sum); The Frederick Geering, Jr. (United States v. Great Britain) ($9,000.00 without interest awarded in order to blot out recollection of the incident); But cf. Brownlie, supra, note 19 at 228 (the fact that the 'lump sum' awarded includes interest . . . does not contradict the principle that compensation should include interest on the damages at the time of injury).

54/ Opinions of the Commissioners 86, docket 47 (1927) (emphasis added). See also Mariano Trevino Garza (United States v. Mexico) Opinions of the Commission p. ?? (where $11,000.00 was awarded as "round sum," without interest for property destroyed); Venable (United States v. Mexico), Opinions of the Commission 163 (1927) (interest should not be allowed when a lump sum for damages is given).

In 1925, under an agreement between Mexico and Germany, the former agreed to indemnify German nationals who had suffered damage by acts of revolutionaries through ex gratia payments. In one case, the commission found that the violative acts were "of lawful hostility according to laws of war" and "that the indemnification award was to be paid without interest for the losses sustained."[55/] Mexico was not required to pay interest on its ex gratia payments though it could be argued that this limitation is based on claims for acts of war because these acts were somehow justified.

The French - Mexican Commission, established by agreement of 1924, specifically addressed the issue of interest on ex gratia payments in the Georges Pinson case. Mr. Pinson's property had been damaged by occupying Zapatista forces in February 1915. He subsequently filed a claim before the Commission for the loss suffered, plus interest, from the date the claim was filed with the Mexican Foreign Office (June 1915). The Presiding Umpire, Commissioner Verzijl, held, in 1928, that the 1924 Convention's silence implied that in claims where Mexico's liability rested solely on its ex gratia promise to pay, no interest would be allowed. Umpire Versijl did allow for interest only if Mexico unreasonably delays payment:

> Interest would not be granted on an award which Mexico was bound to pay only because of her ex gratia promise, excepting that if Mexico did not pay the award after a reasonable time (to be determined in accordance with the provisions of the Convention) interest at the rate of 6% per annum was to be added.[56/]

Should a respondent state be held not to pay interest as part of its damage payment since it has not acknowledged legal liability, then the argument follows if a legal liability to pay damages is found, under international law that respondent state should be forced to pay interest as part of the rendered award. Arguably, since the Letelier claim is not based on an "act of war" nor it is a property claim, the arguments denying interest on ex gratia payments should not apply.

55/ See 3 Whiteman, supra, at 1996 citing Frederico Griese (German v. Mexico), Opinions docket 3, unprinted.

56/ Georges Pinson (Republique Francaise v. Etats-Unis Mexicains) Jurisprudence de la Commission Franco-Mexicaine des Reclamations, 134-140 (1933).

II. Under What Period Should Interest Be Computed

Once the legal hurdle is crossed for receiving interest on a wrongful death or personal injury claim, the next question to be addressed is the period of when interest should begin and end. Just as there is no clear rule regarding whether or not to award interest, the legal precedent is equally vague with regard to the period when interest should run, even in property loss claims. In the American Cast Iron Pipe Co. claim, the Foreign Claims Settlement Commission summarized the foregoing problem "[s]imilarly, there is no settled rule in universal effect as to the period during which the interest shall run. Various terminal dates have been applied by different commissions, including the date of the original injury, the date of the notice of the claim, or the date of payment."[57/]

While there are varying approaches to when the period of interest shall commence, the completion date is almost universally computed to the date of payment or the date of the final award of the commission making the decision. As Ralston observed:

> The general rule has been, subject to the language of particular protocols, that interest should be allowed only to the time of the conclusion of the labors of the commission, although in certain instances, under protocols at least not forbidding it, interest has been permitted to the day of payment of the award. The usual theory of commissions has been that they lacked power to extend an obligation and keep it running at a time when they were themselves functus officio.[58/]

Thus, there are basically three alternatives available to the Letelier Commission for awarding interest as part of the award: (1) from the date of injury to the date the award was signed or the date of actual payment; (2) from the date the

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57/ American Cast Iron Pipe Co., F.C.S.C. (October 19, 1966), unpublished, (Claim No. CU-0249, Decision No. CU-13) (emphasis added).

58/ Ralston, supra, at § 212.

respondent state first became aware of the claim, to the date the award was signed or the date of actual payment; and, finally, (3) from the date the award was rendered or signed by the international body, to the date of actual payment.

A. Date of Actual Injury to the Date the Award Was Signed or the Date of Payment

The first option is rarely used in a wrongful death or personal injury claim while it is frequently applied to property loss claims. As previously discussed, this was the same method incorporated in the Lusitania cases and the United States - Mexican Claims Commission cases. In the latter decisions, the Commission noted that it awarded interest, in contract claims, even though the Convention of 1923 made no provision for it. When referring to the period of when interest should run, the Commission held that interest was to run from the date of the breach to the date of the last award rendered by the Commission. Interest was excluded on any claims for personal injury and wrongful death, except in the few noted exceptions.[59/] Similarly, the FCSC held in the contract case of the American Cast Iron Pipe Company "the prevailing opinion in international law is that such interest should run from the date the claim arose until the 'date of payment.' The date the claim arose in this case is the date of loss."[60/] This approach has also been followed more recently at the Iran-United States Claims Tribunal. Interest was usually awarded from the date of breach to the date of payment.[61/]

Although there is scant international case law adopting the date of a tort injury as the date to commence interest, some notable international decisions do exist that have followed this approach. The following cases adopt this analysis:

59/ Id.

60/ 40 I.L.R. (E. Lauterpacht ed.) at 173 (1970) (emphasis added).

61/ See, e.g., Sylvania Technical Systems v. The Islamic Republic of Iran, 8 Iran - U.S. C.T.R. 298 (1985); Ford Aerospace Corp. v. The Islamic Republic of Iran, 10 Iran - U.S. C.T.R. 108 (1986).

UNCLASSIFIED

1. Case of Theodore Webster's Administrator[62/]

On January 4, 1866, Theodore Webster, the American claimant, and other foreigners sought refuge in a British-owned house with an American flag hoisted on top. Regardless of the flag's alleged symbol of protection, Mr. Webster and the others were attacked by Mexican soldiers and he later died from these injuries. The Umpire, Sir Edward Thornton, awarded $10,000.00, for the wrongful death of Mr. Webster because "the soldier who wounded Webster was under the immediate command of a Mexican Officer . . . so that the government became liable for it." The award also included 6% interest from the date of his death to the date of the final award.

2. Case of Heirs of Cyrus Donoughho[63/]

Mr. Donoughho was murdered when he inadverdently interfered in a domestic dispute between a jealous Mexican national and his wife. Through a series of events, the Mexican authorities did not adequately respond to the attack. As a result of this inaction, Umpire Thornton awarded $12,000 in Mexican gold, with 6% interest to commence the day after the murder until the date of the final award. The murder was, in the opinion of the Umpire, an injustice done to a U.S. citizen as contemplated by the Convention of July 4, 1868.

In both of the cases, Umpire Thornton filed a subsequent opinion responding to the Mexican Agent's objection of the allowance of interest in the wrongful death claims. This opinion, dated October 25, 1876, states:

> The Umpire has to say that in these cases he considered what was the value of the life to the heirs at date of the death, and that the heirs were entitled to receive this value at once; consequently they had a right to interest from that date. If it had not been so, the Umpire would have awarded a larger sum so as to make up for the absence of interest from the date of the death of the two persons above mentioned until July 31, 1876.[64/]

As previously noted, this same Commission failed to follow a consistent approach, for there are other personal injury and

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62/ 3 Moore, supra, at 3004.

63/ No. 703, MS Op. VI 399.

64/ See 3 Whiteman, supra, at 1985.

wrongful death cases where interest was not awarded from the date of death. There does not appear to be a rational basis for this discrepancy. Perhaps one could be made for the egregious violations committed by Mexican nationals, but there are other murder cases where interest was only allowed on the personal property losses.

B. Date Claim was Presented to the Date the Award was Signed or the Date of Payment

This second option is more frequently used, particularly in contract cases where there are a multitude of international decisions which award interest from the date the claim was presented to the respondent state. Borchard notes that "[n]umerous commissions, especially in contract cases, have applied the rule that a government is only chargeable with interest from the time a demand for payment has been made, or the government put upon notice of the existence of a claim."[65/]

This has not been as evident in wrongful death or personal injury actions, yet some international precedent does exist. In the matter of John Korenda, a U.S. claimant before the FCSC, a claim was filed against the Cuban government for the wrongful death of Peter Korenda, John Korenda's son. Peter was an American tourist who was shot and killed by Cuban authorities on March 13, 1957. The Commission claimed $100,000.00 for John for the wrongful death of his son. In addition, interest was awarded on this amount, from the date the Cuban government accepted liability and agreed to pay, until the date of settlement.[66/]

The Claims Commissions established between Venezuela and other countries in 1903 awarded interest only from the date of the presentation of the claims although the protocols which created the Commissions did not provide such a date. A claim presented by Italy illustrates this point. In the Giovanni Cervietti case, Italy claimed for personal property losses suffered in July 1902, including interest from the date of injury. Umpire Ralston denied the request and instead awarded interest from the date of presentation:

65/ Borchard, supra note 45, at 428.

66/ Final Report of the Cuban Claims Program, 1972 Annual Report to Congress, 125 (Claim No. CU-8255; Dec. No. CU-3580).

> Governments may not be presumed to know, until a proper demand be made upon them of the existence of claims which may have been created without the authorization of the central power, and even against its express intruction . . . . The umpire . . . does not now consider that it would be just to charge Venezuela with the payment of interest for perhaps long periods of time during which that Republic was not notified that a claim was made against it.[67/]

Claims were presented by the United States against China for several United States citizens that were murdered in China during the Revolution of 1911-1912. China paid the claims ranging from $5,000 in gold to $25,000 in gold. On January 8, 1915, the Chinese Government paid interest at the rate of 5% per annum from April 26, 1913, the approximate date of the presentation of the claims, to November 24, 1914, the date of payment of the principal.[68/]

C. Date Award was Rendered, or Signed, to the Date of Actual Payment

The third alternative to awarding interest is the most plausible to justify. Once a judgment is entered or a decision signed, then payment should immediately follow since the legal right for the claimant to receive the award has been created. For a variety of reasons, payment is not always immediatly forthcoming. Regardless of the cause of delay, the obligation to pay exists at that moment and interest should begin accruing at the time payment becomes due. This analysis has been followed in many cases.

The Commission established between Brazil and the United States in 1849 awarded interest from the date the claim was signed. Umpire Fisher awarded 6% interest in the claim of Thomas Perkins Pingree from the date the claim was rendered until the date of payment.[69/]

67/ Ralston's Report, pp. 658, 663-664 (1904).

68/ Reverend Beckman, National Archives, MS Department of State, file nos. 493.11B38, 493.11Sca.6; Hicks, Sheldon and Hoffman, National Archives, MS Department of State, file no. 493.11H52/77,83,90,92-93.

69/ MS Dept. of State, National Archives, Record of the Proceedings of the Brazilian Commission, pp. 40-45, docket 8.

A claim was submitted by Bernard Campbell against the Haitian government for personal injuries he sustained while in Haiti. On April 18, 1888, Mr. Campbell was assaulted by Haitian soldiers, beaten and thrown into the sea. After numerous correspondences between the Department of State and the Solicitor of Haiti, it was agreed, on April 25, 1888, that the Republic of Haiti was to pay the "U.S. legation at Port au Prince $10,000.00 in American gold, to wit, $5,000.00 from the 1st day of June next, and $5,000.00 on the 1st day of June 1899, the balance remaining due after the first payment ($5,000.00) will bear interest for the year at the rate of 6%."[70/] Interest was allowed from the date of the award to the date of payment.

Some commissions felt uncomfortable with awarding interest past their existence, thus interest was awarded from the date the decision was made until the last award was made by the commission.

The United States - Germany Commission stated "where [the] loss is neither liquidated nor the amount thereof capable of being ascertained by mere computation, such as losses based on personal injury or death . . . interest [allowed] only upon the amount of the award from the date of the award."[71/]

The United States - Mexican Claims Commission of 1923 specifically stated that "the Commission will not award interest beyond the date of the termination of the labors of the Commission, in the absence of specific stipulation in the Agreement of September 8, 1923 authorizing such action."[72/]

III. Rate of Interest

Although the analysis is repetitious, it nevertheless applies to the rate of interest. Thus, the argument is reiterated that, in addition to the lack of a universal rule regarding if interest should be awarded, and then if so when, the rate to be awarded is equally tenuous. In 1966, the FCSC aptly observed:

> Although there is no settled rule as to the rate of interest, it is an appropriate exercise of the

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70/ 1898 For. Rel. 397-398 (1901)

71/ See, supra note 19.

72/ See Feller, supra note 32, at 314.

> jurisdiction of the Commission to determine this rate in accordance with all the circumstances before it, including the applicable principles of international law, justice and equity. Its object in so doing is to arrive at a just and equitable compensation for the wrong. The Commission may also consider its own decisions concerning the applicable rate of interest in its prior international claims program.[73/]

When selecting the rate of interest, assuming arguendo, interest will be awarded, the Letelier Commission must consider what rate would best compensate the claimants for their losses. Eagleton notes "[t]he rate of interest is determined according to the circumstances, the object being to determine a just compensation for the wrong."[74/] In addition to providing full compensation, the interest rate selected can be based on other factors such as the rate prevailing at the time and place where the claimant resided or where the claim arose.[75/] In the Letelier claim, the District of Columbia satisfies both of these requirements.

Another method of determining the interest rate is to consider the current world financial condition. The Permanent Court of International Justice recognized the "present financial situation of the world" in its determination of the rate of interest for the award in the S.S. "Wimbledon" case.[76/]

Interest rates have covered a broad spectrum in the international arena. The awarded rates have ranged from a low 3% to as high as 20%.[77/] For no apparent reason, 6% often appears as a standard rate awarded in international decisions. The FCSC used this rate and said "[t]he Commission has adopted the figure of 6% as a traditional and customary interest rate . . . . in light of this international law and precedent, custom and tradition, the Commission therefore concludes that an award of interest in the

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73/ 40 I.L.R. (E. Lauterpacht ed.) at 173 (1970) (emphasis added).

74/ Eagleton, supra, at 205.

75/ See, e.g., Puerto Cabello and Valencia Railway Company Case, 9 Rep. Int'l Arb. Awards 510, 527-527.

76/ 2 Wimbledon at 32.

77/ See Ralston, supra note 2, at 130.

present case at the rate of 6% in an appropriate, equitable and just measure of compensation under all the circumstances."[78/]

The standard use of 6% in international decisions does not appear to have a legal justification other than the idea that frequency breeds uniformity and thus precedent is created. Lillich notes "[a]t present, 6 percent assuredly is not an appropriate rate of interest in the Law of International Claims, despite the fact that it may have been for the first two-thirds of this century . . . ."[79/]

A more recent international tribunal awarding a higher interest rate in its decisions is the Iran-United States Claims Tribunal. The Tribunal frequently awarded between 10% and 12%, per annum, from the date the claim arose, i.e. date of injury, until the date of payment.[80/] Admittedly, these are primarily breach of contract claims but the analysis is relevant.

Perhaps one of the best summaries of the variant interest rates awarded by international tribunals is found in Ralston's Law and Procedure where he lists some examples:

> The rates allowed . . . materially differ, as, for instance: At the rate of three per cent, such being the legal rate fixed in Venezuela: before the American, British, German, and Italian commissions. At the rate of four per cent: British-American Arbitration schedule. At the rate of five per cent: the Costa Rica Packet case; by the umpire of the Swedish-Venezuelan Claims Commission, by the United States and Mexican Commission of 1839, by the Ecuadorian Claims Commission. At six per cent: claims arising out of Panama Riot (but five per cent on all other claims before the same

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78/ 40 I.L.R., supra note 73.

79/ Lillich, supra note 1, at 59.

80/ See, e.g., ABII v. The Islamic Republic of Iran, AWD 255-48-3 at 85-86 (9/19/86) (claimant entitled to interest at "fair" rate, which was deemed 10%, to compensate for the delays in payments); General Dynamics v. The Islamic Republic of Iran, AWD 192-285-2 at 26 (10/4/85) (interest awarded at 12% per annum from date claim arose); Blount Brothers v. The Islamic Republic of Iran, AWD 215-52-1 at 33-34 (3/6/86) (interest awarded at rate of 11.5%, rounding to nearest quarter of a percentage point).

> Colombian Commission); the American Whaling Claims against Russia; the Mermaid case between Spain and Great Britain, the claims before the British-American Claims Commission of 1871, by the Mexican-Venezuelan umpire, the Spanish Spoliation Commission, the Macedonian case, the Spanish-American Commission, the Mexican Commission of 1839 (six per cent being the legal rate in Florida and considered applicable in the Green case, and in the Nicholas case, contract being made in Louisiana, but in other cases five per cent); the Canevaro case, Italy vs. Peru, Hague Permanent Court of Arbitration, the rate fixed by the Peruvian Civil Code being followed; Judgment No. 1, Permanent Court International Justice, Wimbledon case- 'in the present financial situation of the world and having regard to the conditions prevailing for public loans six per cent is fair' - interest running from date of judgment as being the 'moment when the amount of the sum due has been fixed and the obligation to pay has been established'; and eight per cent, by the umpire of the Spanish-American Claims Commission, in the case of seizure of property in violation of treaty stipulations.[81/]

The multitude of interest rates among the international decisions suggests that since the range of rates is so wide, it follows that the Letelier Commission has broad discretion in determining exactly what rate should apply. For example, should the Commission decide to award the rate prevailing at the situs of the tort, then it could be argued that the D.C. Statute governing interest applies.[82/] Similarly, should the Commission choose to follow the approach that the rate should adequately compensate for the losses, then conceivably a higher rate could be awarded. If the Commission chooses to look at the current world economic situation, then rates of 14 to 18 percent should be considered. Whatever specific rate or method to compute the rate is awarded, there is arguably international precedent to back it up.

81/ Ralston, supra, § 212 (emphasis added).

82/ See D.C. Stat. § 28-3302 (a) (where the rate of interest in D.C. is 6% per annum in absence of express contract) and (c) (where rate of interest on judgments and decrees shall be 70% of the interest rate set by the Secretary of the Treasury).

IV. Conclusion

Under principles of international law, full compensation includes reparation for the damages incurred to the Letelier, Karpen and Moffit families. In this regard, it only just that reparation encompasses, among other damage amounts, interest as part of the damage award. The principle of full compensation also requires that interest be calculated from the date of injury until the date of payment. Using these dates is the only fair way that the families will be fully and fairly compensated.

The Letelier Commission should also factor in their determination the inequitable time delay in adjudicating this claim. The award for damages is often determined by what is reasonable under the circumstances and interest is awarded from an "equitable" date. Whiteman notes that this is particularly evident when the facts of liability and loss are clearly established, but the actual "extent" of loss is not known.[83/]

As the foregoing discussion illustrates, full compensation should include interest as part of the award. While international precedent has not consistently awarded interest, particularly in wrongful death and personal injury cases, enough variant approaches and theories exist under international law to support the argument that interest should, in fact, be awarded as part of the damage award.

83/ See 3 Whiteman, supra, at 1944.

TO: Santiago
Confidential
Priority
Subject: Letelier case: statute of limitations

Drafted: ARA/FO: MMalan
Cleared: ARA/FO: TMFeam
Cleared: L/LEI: JRettinger
ARA/SC: ASens
DS/IOA: TBerlanc
n.d.

LO 054

reftel a) state , reftel b) Santiago 03084

1. September 21 ~~will be~~ 15 the 15th anniversary of the Letelier/Moffitt assassination. The Department is concerned that prosecution in Chile may become barred by the passage of time. In order to get a clearer picture of what the GOC must do to bring those responsible to justice and time frame in which specific steps must be taken, Department requests that post obtain answers to the following questions.

2. What is the statute of limitations for murder in Chile? For passport fraud and related crimes? What events can toll the statute of limitations? What effect do any statutes of limitations have on the GOC's plan bring those responsible for the murders to justice through appointing a special investigative judge in the "passports case"? Specifically, must any specific stage of the proceedings be reached before the statute of limitations period runs? Would running of period of statute of limitations for prosecution under Chilean law have any effect on a U.S. extradition request based on same crime?

3. Reftel B states that the Letelier family has been admitted to the "passports case" as a civil party claiming damages. Is there a separate statute of limitations for the civil claim? Can the families file independent civil claims against the individual defendants in Chile? If so, what is the statute of limitations for such claims? (The families have private counsel who is responsible for advising them on all available options. We do not intend to interfere in the attorney-client relationship by suggesting that private suits should or should not be filed. Information is sought for Department's information only.)

4. Department understands that post will likely have to seek advice of outside counsel ~~in order~~ to answer the above questions. If ~~so~~, post should submit request for funding of local counsel in accordance with reftel a.

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U.S.-CHILE POLITICAL ISSUES

Letelier/Moffitt Case: A Supreme Court judge has reopened the criminal case against Chileans accused of complicity in the assassinations of former Foreign Minister Orlando Letelier and his U.S. assistant Ronni Moffitt in Washington, D.C., in 1976. Chile's Congress has also ratified a U.S.-Chilean accord to establish an international commission to determine the amount of ex gratia compensation to members of the Letelier/Moffitt families. We are pleased with the Aylwin government's progress in advancing justice in this matter, which negatively affected bilateral relations for many years. (A recent New York Times article incorrectly linked progress on Letelier to prospects for an FTA.)

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SECRET
THE LETELIER CASE

Background. In 1976 former Chilean Foreign Minister Orlando Letelier was assassinated by agents of the Chilean secret police on the streets of Washington, D.C. Letelier's co-worker, Ronni Moffit, a U.S. citizen, was killed, as well, and her husband, Michel Moffit, was wounded. Criminal indictments of two senior Chilean officials remain outstanding. The families of the victims brought a wrongful death action in a U.S. court against the Republic of Chile and obtained a dollar judgment. The families have been unable to collect the judgment because of Chilean intransigence, and because U.S. law does not allow them the remedy of seizing foreign government assets in the U.S. in this case. They have, accordingly, sought an amendment to the Foreign Sovereign Immunities Act which the U.S.G. has opposed because of its adverse implications for principles of sovereign immunity important to us. The U.S.G. has espoused the claim of the families.

Because of lack of progress toward a satisfactory resolution, in January 1989 the U.S.G. invoked a 1914 Treaty with Chile which requires the establishment of a fact finding commission to investigate and report upon the facts of the Letelier case. Chile has questioned the appropriateness of the use of this procedure. In recent months, there have been senior level meetings which have discussed the 1914 Treaty and the Letelier case. The present government, and the leading opposition candidate, apparently, accept that the Letelier case is the major hurdle that must be overcome before U.S.-Chilean relations can assume a normal character.

IMPEDIMENTS TO NORMALIZATION OF RELATIONS ARISING FROM THE LETELIER CASE

1. There is a general bar on all forms of assistance to Chile contained in Sec. 726 of the International Security and Development Cooperation Act of 1981. The bar may be removed if the President certifies to Congress, inter alia,: "that the Government of Chile . . . has taken appropriate steps to cooperate to bring to justice by all legal means available in the United States or Chile those indicted by a United States grand jury in connection with the murders of Orlando Letelier and Ronni Moffitt." (The other requirements that must be met relate to progress in human rights, that the provision of assistance is in the national interest, and that Chile is not involved in international terrorism. We assume that there is agreement that these requirements are met.)

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Alwyin has indicated that he is willing to appoint a special prosecutor to investigate the Letelier case in Chile. He is seeking from us an indication that we will regard that step as sufficient for the President to make the Sec. 726 certification.

We should take the following position.

a. Generally, appointment of a special prosecutor by Chile should be sufficient to make the 726 certification (insofar as it pertains to the Letelier case) if the investigation by the special prosecutor can lead to serious criminal prosecutions in Chile. Expulsion or extradition is not necessary to satisfy the law. Nor do we need to know the results of the investigation before the certification is made.

b. We should explore with Alywin several points to assure ourselves that a Chilean special prosecutor will have the authority to conduct a serious investigation. We should consider requesting from Alywin a meeting with his experts to discuss how a Chilean special prosecutor would proceed. We need to be assured that a special prosecutor's investigation can lead to a serious criminal prosecution in Chile, and, particularly, that the investigation can proceed beyond passport fraud, which is where this matter has been relegated in the past. Second, we should press for an opportunity to make available to the special prosecutor information developed by the U.S. in its investigation, and seek some assurances that such information would be taken into account. And, third, we should consider suggesting that some foreign notables serve as guarantors for the special prosecutor's investigation - providing it with international credibility. The 1914 Commission could play such a role.

c. Timing: In the near term, we should signal to Alwyin that, in general, if other elements of the Letelier case are also on track, the U.S.G. would respond favorably to an appointment (not the announcement of an intention to appoint) of a special prosecutor, including by making the requisite certification under Sec. 726. We should make clear, however, that we do wish to

discuss this further to assure ourselves that such a special prosecutor's investigation will lead to meaningful results. Such a meeting should occur in the period between the election and the inauguration.

2. Sec. _____ of the Foreign Ops Appropriation Act makes $50,000 of IMET available if the President certifies that progress is being made to resolve the Letelier case. This is a lesser standard than Sec. 726. If between now and the inauguration a Pinochet government takes a meaningful step in this regard, such as agreeing to a proposed MOU on a procedure and commitment to resolve the Letelier case, or by making appointments under the 1914 Treaty of the Chilean non-national member and agree with the U.S. on a president, this finding should be made. If the Pinochet government does not take these steps, then this finding should be reserved to occur after cooperative steps are taken by an Alywin government.

3. Civil Case. The outstanding civil judgment against the Republic of Chile amounts to about $10 million. Until Chile settles the issue with the claimants, the potential for continuing U.S. litigation to seize Chilean government assets exists, along with legislative efforts to provide such a remedy to the claimants. The U.S.G. has, of course, espoused this claim as its own. Until the claim is settled, it will be a thorn in the side of U.S.-Chilean relations.

Alwyin has signaled that he is prepared to submit a request to Chile's legislature to provide a financial settlement in this regard. While the U.S.G. has espoused the claim, in political terms, this is ultimately a question of what will satisfy the claimants and their Hill supporters.

For the present, we should encourage Alwyin's thinking, and emphasize the importance of resolving the claim quickly and satisfactorily. We should ask Alwyin whether it will be easier for him if (a) he seeks money for a direct ex gratia payment to the families, or (b) if he were to seek money to pay a U.S. claim against Chile. If he were inclined toward the latter, we could discuss before the inauguration a government to government settlement package, with a view to finalizing a government to government understanding after inauguration. If the former, we should tell Alwyin that the U.S.G. will drop its espousal if the claimants settle directly. In either case we will need to ensure that there are good communications between the U.S.G., the claimants and Alywin's people.

4. Indictments. In all of this we need to make clear to Alywin and others that we are not dropping the indictments and will at every appropriate opportunity seek the expulsion or extradition of Contreras and Espinoza.

5. 1914 Treaty. The 1914 Treaty is a flexible mechanism that could be made to work to provide a solution to some or all aspects of the Letelier case. On the other hand, if Alwyin appoints a special prosecutor and makes an acceptable settlement with the claimants, there may be no need to resort ultimately to the Treaty's procedures. Until that time, we should continue to press for full implementation of the Treaty.

6. Apology. The 1976 assassination is the clearest case of state sponsored terrorism in the United States. Some suggest that something more is required from the Republic of Chile in the way of an apology. We believe that if Alwyin carries through with the appointment of a special prosecutor and makes an acceptable financial settlement with the claimants, we should require nothing more from him in this regard.

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REPUBLICA DE CHILE
CONSEJO DE DEFENSA DEL ESTADO
PRESIDENCIA

GLOSSARY

Address: Communication addressed to the Congress by the President of the Republic on the occasion of the presentation of a draft law.

Agreement: Agreement between the Government of the Republic of Chile and the United States of America, dated June 11, 1990, and compromis.

Central Bank of Chile: Bank in charge of issuing currency in Chile.

Chile: Republic of Chile.

Chilean pesos: Currency of legal tender in Chile (CH$).

Civil Claim: Request for compensation made by the families of the victims of the crime.

Civil Justice: Civil Courts. Courts having general and ordinary jurisdiction to try cases not relating to criminal, labor or minor protection law.

Commission, The: The International Commission created in the Treaty for the Solution of Difficulties between the Republic of Chile and the United States of America, dated June 24, 1914 (Bryan - Suárez Mujica Treaty).

Congress: Legislative Branch of the Republic of Chile, formed by the Chamber of Deputies and the Senate.

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Contreras Sepulveda, Manuel: Chilean Army General who, in his status as Director of the DINA at the time of the crime, is accused of participating in the same. He is currently retired from the Army.

Council for the Defense of the State: Agency of the Republic of Chile, in charge of protecting the interests of the State.

Crime: The murder of Orlando Letelier and Ronni Moffitt, committed on September 21, 1976.

Criminal Investigation carried out by the Chilean Military Courts: Legal proceedings regulated by the Military Justice Code of 1926 and its subsequent modifications, invested with the power to try the civil and criminal cases under military jurisdiction, judge them and execute the judgement.

Cuban Agents: Cuban citizens who allegedly conspired with DINA agents towards the completion of the investigated act.

Cumplido Law: See Law N° 19,047.

Default: In absentia; omission of the Republic of Chile, noted in the decision of November 5, 1980, by the District Court of the District of Columbia, in relation to the case of Morel de Letelier et. al. vs. the Republic of Chile et. al.

Department of State: Department of State of the United States of America.

DINA: National Intelligence Direction. Chilean security agency active at the time of the crime, currently dissolved.

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Diplomatic Protection: Representation assumed by the Government of the United States of its citizens and of the members of the family of Orlando Letelier, injured by the act attributed to the Government of Chile.

Draft Law: Statutory text submitted to the consideration of Congress.

Extradition Procedures: Request made by the United States courts in order to obtain the appearance of Messrs. Manuel Contreras and Pedro Espinoza, then Chilean military officers.

Fernández Larios, Armando: Ex-officer of the Chilean Army, convicted by American Courts during the course of the investigation in that country.

Financial Damage: Patrimonial damage that Mr. Moffitt allegedly suffered.

i.a.: Inter alia; among others.

i.e.: That is to say.

Illegal Death Statute: Statute pursuant to which United States Courts sentenced Chile and other defendants to pay certain amount to the representatives of the victims of the murders.

Interest: Revenue, accretion, profit or results produced periodically by a capital.

I.P.S.: Institute for Policy Studies, in Washington D.C. Work-place of the three victims at the time of the crime.

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LAN Chile: National Airline of Chile, belonging to the Chilean State; its airplanes were attached during the trial before United States Courts. Currently it is owned by private shareholders.

Law Number 19,047: Cumplido Law; "modifies various legal norms so as to better guarantee the rights of individuals." It was promulgated by the current Government of Chile, and it permitted ordinary courts to try this case.

Maggio, Michael: Sometime personal agent of Orlando Letelier.

Military Government: Government of the Republic of Chile from September 11, 1973 until March 11, 1990.

Mixed Claims Commission: (United States/Germany and United States/Mexico). Commission created to solve conflicts arising between the two States involved.

Minister: Cabinet member; highest ranking agent of the Executive Rank, charged with the commitment of his respective Ministry, with the specific function established in the Constitution and in the law of the same.

Ministry of Foreign Affairs: Department responsible for the coordination and execution of the foreign policy of the Republic of Chile.

Murder: The malicious crime committed against Orlando Letelier and Ronni Moffitt on September 21, 1976.

National Institute of Statistics: Agency of the Chilean State in charge of the official statistics of the Nation.

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N.E.R.A.: National Economic Research Associates, Inc. Consulting economists.

New Government: Current Government of the Republic of Chile, which took office on March 11, 1990.

Notes: Diplomatic instruments exchanged amongst the Governments of the Republic of Chile and the United States of America.

Observations: Body of allegations and evidence that the Government of Chile has presented with occasion of the Presentation of the Government of the United States of America, pursuant to number 7, letter "6" of the Compromis.

Official Journal: Official Journal of the Republic of Chile, in which legal texts are published. Since the date of publication they are in force and reputed to be known by all.

Payment, Ex gratia: Payment made without acknowledgement of responsibility nor any legal obligation to pay, but made pursuant to humanitarian, moral and other considerations. The payment promised by the Republic of Chile pursuant to the Agreement with the United States, dated June 11, 1990.

Person: Any individual human being.

Presentation: Body of allegations and evidence submitted by the Government of the United States, submitted to the Commission pursuant to number 7, letter "a" of the Compromis.

Psychiatric Therapy: Number of treatments intended to cure mental affections.

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Senate: One of the two Chambers of Congress, which, among its most important functions, tries the constitutional accusations lodged by the Chamber of Deputies.

Sovereign Immunity Principle: Rule under International Law, which mandates that no State may be bound to the jurisdiction of the Courts of another State without its previous consent.

Survival Statute: Statute pursuant to which United States Courts sentenced the Republic of Chile and other defendants to compensate the pain and suffering of Isabel Morel, Christian, José, Francisco and Juan Pablo Letelier, of Michael Moffitt, and of Hilda and Murray Karpen.

Talcahuano: Industrial and fishing port located on 36° Latitude South.

Townley, Michael: United States citizen, former resident of Chile, convicted in the United States for his participation in the crime.

Truth and Reconciliation Commission: Entity created by President Patricio Aylwin in 1990, in order to investigate and make public the human rights violations committed during the past regime, rehabilitate the victims thereof and strive to compensate them (see Annex 4).

United States: United States of America

United States Investigation: Number of activities carried out by the authorities and courts of that country, with the end of elucidating the crime and during which an American citizen,

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various Cuban agents, and ex-officers of the Chilean Army have been convicted.

Valparaíso: Main port of Chile, located on 33° Latitude South.

Victims: The persons that died or that suffered bodily injury as a result of the crime of September 21, 1976.

Washington: Washington D.C.

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REPUBLICA DE CHILE
CONSEJO DE DEFENSA DEL ESTADO
PRESIDENCIA

~~INTRODUCTION~~

On June 11, 1990, an Agreement and Compromis, was signed between the Governments of the Republic of Chile and the United States of America, through which a diplomatic dispute was settled between both Governments concerning the responsibility and cooperation of the Chilean Government in clarifying the deaths of former Chilean Foreign Affairs Minister Mr. Orlando Letelier and of United States citizen Mrs. Ronni Karpen Moffitt, and the injuries to the United States citizen Michael Moffitt, event occurring in Washington on September 21, 1976.

In said Agreement, N° 3, the Government of Chile, "without admitting liability in the matter" and as a way of expediting the normalization of relations between both countries, expressed its willingness to make an "ex gratia" payment; that is, without there being a legal obligation to make this payment.

This Agreement was negotiated by the new Administration of Chile, through official representatives of the Ministry of Foreign Affairs, for the purpose of terminating pending disputes with the Government of the United States, and in this way normalizing relations between both countries.

The Agreement was first approved by the Chamber of Deputies, followed by the Senate of Chile, although, in the latter, was approved by a narrow majority. Finally, the Agreement and Arbitration Agreement were published in the Official Gazette on October 9, 1991, after notifying the United States Government of the Agreement's entrance into force on September 4, 1991.

On October 3, on the basis of the Arbitration Agreement subscribed to between both parties, the Commission -- stipulated in the Treaty of 1914 for the settlement of disputes between Chile and the United States (designated "Bryan-Suárez

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between Chile and the United States (designated "Bryan-Suárez Mujica") -- was constituted. The establishment of the Commission took place in the city of Washington, at the headquarters of the Organization of American States (O.A.S.), and was presided by Dr. Andrés Aguilar of Venezuela. On that same date the extensive United States presentation was received, which includes its estimate of the amount of compensation that should be decided upon concerning the murders of Orlando Letelier and Ronni Karpen Moffitt and the injuries suffered by Michael Moffitt.

The Chilean party was represented by the President of the State Defense Council and by one of its advisory attorneys, Mr. Juan Pablo Román, both officials appointed by the Chilean Government as its representatives in the aforementioned International Commission that will set the amount of ex gratia compensation to be paid by the Chilean State to the United States Government, which, in turn, acts on behalf of the immediate families of the victims of the bomb attack of September 21, 1976.

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REPUBLICA DE CHILE
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THE AGREEMENT AND COMPROMIS OF JUNE 11, 1990.

A. Background and frame of reference of the diplomatic negotiations which culminated in the Agreement and Compromis.

It is important that the Commission weigh the events surrounding the aforementioned diplomatic Agreement.

In the wake of the bomb attack and assassination committed in Washington on September 21, 1976, police and judicial investigations in the United States pointed to the participation of agents of the ex-DINA, National Intelligence Direction, which was later dissolved and whose directors are being accused of perpetrating the crime and who may have conspired with Cuban agents to carry out the deplorable bombing. In the course of the investigation, the United States courts have convicted Michael Townley, a United States citizen who resided in Chile, several Cuban agents, and a former officer of the Chilean Army, Armando Fernández Larios.

However, the steps for extraditing the former Army officer who headed the ex-DINA, Mr. Manuel Contreras Sepúlveda, and his immediate colleague, officer Mr. Pedro Espinoza Bravo, were not accepted by the Supreme Court of Chile in judgements rendered in 1979. As a consequence of this refusal and of the unfavorable course of the criminal investigation before the Chilean Military Courts, the Government of the United States deemed, and accordingly communicated, that the Government of Chile had not cooperated in the investigation and in discovering all the guilty parties, a position that the former Government flatly rejected.

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On the other hand, the families of Orlando Letelier and Ronni Moffitt filed a civil suit before the Court of the District of Columbia in order that the accused parties and the Republic of Chile indemnify the civil and moral damages suffered by them as a result of the death of their relatives and the injuries of the survivor, Mr. Moffitt.

Since the Republic of Chile invoked the privilege of immunity from jurisdiction for being judged by a foreign court, the suit carried on in default, ending in a judgement condemning Chile to pay several benefits in favor of the plaintiffs. While the position of the Chilean Government regarding immunity from jurisdiction was not accepted by the United States court, subsequently in a second suit seeking enforcement of the prior judgement by attaching assets of Linea Aérea Nacional (LAN), a New York Court accepted the Chilean arguments and ordered that the embargoes affecting Chilean planes be canceled.

It is also relevant to note that the decision rendered in 1980 by Judge Joyce Hens Green of the District Court of the United States ordered the Republic of Chile to pay the following amounts:

I. Concerning Orlando Letelier.

(a) Pursuant to the Survival Statute, the Republic of Chile was ordered to pay, jointly and severally with the other defendants, the sum of US$ 30,000 as compensation for the pain and suffering of Isabel, Cristián, José Ignacio, Francisco, and Juan Pablo Letelier.

(b) Pursuant to the wrongful death Statute, the Republic of Chile was ordered to pay, jointly and severally with the other defendants, the sum of US$ 1,526,479 to the plaintiff, Michael Maggio, as Orlando Letelier's personal representative.

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II. Concerning Ronni Karpen Moffitt.

(a) Pursuant to the Survival Statute, the Republic of Chile was ordered to pay, jointly and severally, the sum of US$ 80,000 as compensation for the pain and suffering of Michael Moffitt and Hilda and Murray Karpen.

(b) Pursuant to the wrongful death Statute, the Republic of Chile was ordered to pay, jointly and severally, the sum of US$ 916,096.

III. Concerning Michael Moffitt, widower of Ronni Moffitt.

The judicial decision stated that no judgement for damages can be entered in his favor, other than as to pain and suffering, since the record is barren as to of any specific information concerning the psychiatric therapy, other than vague references thereto. It added that the expenses accordingly incurred and expected to incur in the future, if at all, are only speculative.

Wherefore, the judgement only ordered the Republic of Chile to pay to Michael Moffitt the sum of US$ 400,000.00, jointly and severally with the other defendants, as compensatory damages for personal injury and pain and suffering.

In other words, the total compensation that the Republic of Chile was ordered to pay by a judgement rendered by default and without proper defense amounted to the sum of US $2,952,575.00, without the Chilean State being ordered to pay any sum for fees and expenses of the plaintiffs' attorneys, or for punitive damages, or for financial damages caused to Mr. Michael Moffitt. (Annex I).

In view of the fact that the plaintiffs' family could not execute the judgement rendered against the Republic of Chile, the Government of the United States of America resolved in 1988 to extend diplomatic protection in favor of its citizens,

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Mr. Michael Moffitt, Mr. and Mrs. Murray Karpen, and Mr. Juan Pablo Letelier (the latter whom it would seem is a United States citizen, notwithstanding the fact of being a congressman in the National Congress of Chile).

Indeed, the Embassy of the United States in Santiago, Chile, through note N° 082 dated April 18, 1988, informed the Ministry of Foreign Affairs that Chile should fulfill the international obligation of compensating the United States for damages suffered by said persons and by the Government of the United States, damages that included those incurred during the criminal investigation over the past 12 years, as well as the economic and other losses suffered by the families of Mr. Orlando Letelier and Mrs. Moffitt. Note N° 082 added that the United States was willing to accept that the Government of Chile pay as a complete and final settlement for financial responsibility the sum of US$ 12,000,000.00, without the international action affecting the judgements that United States courts might render against the Government of Chile, unless both Governments could reach an agreement; the note ended urging the Government of Chile to settle the pending matter through diplomatic channels, which would make the question of the jurisdiction of United States courts superfluous.

The Government of Chile at that time, through note N° 9988 of May 24, 1988, rejected the assertions and requests set forth in the mentioned note, declaring that it had cooperated in the investigation of the assassination already discussed, and that with regard to the civil claims, the State of Chile did not recognize the validity of the judgement rendered by the United States of America, since it violated the international principle of immunity from jurisdiction.

The Chilean note ended by reiterating that the controversies between sovereign states can only be settled through settlement procedures recognized by international law,

UNCLASSIFIED

and that the Chilean Government would not consider any U.S. claims associated with this matter as long as the jurisdictional aspect had not been recognized and settled by an appropriate international court, for which reason it reiterated its proposal of turning the jurisdictional problem over to the decision of an international court.

It is relevant to add that, previous to this latter Chilean note, the Ministry of Foreign Affairs on several previous occasions had represented to the Government of the United States its rejection, on the principle of immunity from jurisdiction, to the validity of the judgement of the United States court against the sovereign State of Chile. On several occasions the Government of Chile enclosed legal memorandums which set forth the Chilean argument on immunity from jurisdiction and how this principle was recognized in the national legislation as well as in international instruments, calling on the United States Government to represent these points of view before the United States courts, as it had done in other cases of international disputes. (Annex II).

And so, at the end of 1989, a deadlock existed in the settlement of this delicate international problem, and there was not a glimmer of how an agreement could be reached that would allow for a compensation for damages without the Chilean State having to admit liability.

Without doubt, this unsettled problem affected the normal relations between both States. For that reason, the new Government of Patricio Aylwin entrusted the Undersecretary of Foreign Affairs, Mr. Edmundo Vargas, the mission of carrying out a diplomatic negotiation with the Government of the United States in order to attempt an agreement of mutual advantage that would put an end to the pending dispute. The referred negotiation culminated in the Agreement between both Governments signed on June 11, 1990.

B. Collaboration of the new Chilean Government toward the complete investigation of the Letelier case and attitude of moral repair in favor of the deceased persons who, during the period between 1973 - 1989, suffered violations of their human rights.

The new Government promoted the passing of a law in the Chilean Parliament that would enable the matter (designated the "Letelier Case") concerning homicide and passport forgery, then subjected to the jurisdiction of the Military Courts, to be transferred to the Civil Courts; for which purpose, Law 19,047 (designated "'Cumplido' Law") incorporated a new provision to that effect. (Art. 7, that modifies and adds a new number to Art. 52 of the Tribunal Organic Code). (Annex III).

Furthermore, the new Government, based on Article 52, No. 2 of the Organic Courts Code, added by the new Law 19,047, requested that the Supreme Court appoint a Judge of the Supreme Court to devote himself to carrying out the proceedings which had been discontinued by the Military Courts and pending an appeal before the Supreme Court, a request that was approved by the Court, which appointed Mr. Adolfo Bañados, member of the referred to Supreme Court, as Prosecuting Judge.

Before the new Prosecuting Judge and with the determined cooperation of the State Defense Council, the investigation has gone forward, and former officers Messrs. Manuel Contreras and Pedro Espinoza are under preventive detention, notwithstanding the defendants' pending appeal.

Furthermore, the families of Orlando Letelier and Ronni Moffitt, all of which having been considered in the Presentation, have appeared before the Chilean courts to file criminal actions, which have been declared admissible; therefore, if the proceedings continue on to the following stage of the penal action in the presence of both parties, it is possible for

UNCLASSIFIED

said plaintiffs to file civil suit against the State of Chile, claiming compensation for damage, being possible to claim damages notwithstanding the claim of the same made by the United States in the Presentation concerning the ex gratia compensation filed with the Commission.

With respect to this, the Agreement omits stating that once the ex gratia compensation determined by the Commission is paid and all respective U.S. civil claims are satisfied, whether it is possible for the families to insist upon obtaining a higher compensation from the State of Chile through a law suit before Chilean Courts. In view of this omission, we point out that from the formal or procedural point of view, the possibilities for suing the State of Chile are open, which does not preclude the defenses that the State of Chile might present if a new action is brought against it. This situation must be considered by the Commission, in determining the amount of the Compensation.

Furthermore, the Government propitiated the formation of the Commission for Truth and Reconciliation which investigated, without having the capacity or category of a court, numerous cases of deceased persons, against whom there presumably existed a violation of their basic rights. The report (issued by said Commission) singles out, among these cases, the one concerning Orlando Letelier and R. Moffitt, and briefly explains the opinion formed about the matter, in all conscience, by the Commission. (Annex IV).

Also, the new Government sent a bill of law to Congress that establishes several regulations relative to compensations in benefit of the families of the victims referred to in the National Truth and Reconciliation Commission report, among whom are included the late Orlando Letelier and R. Moffitt. This bill of law remains pending in the Chamber of Deputies and has an approximate cost in benefits to be paid by the State of

UNCLASSIFIED

UNCLASSIFIED

Chile of CH$ 8,000,000,000 during the first year and of CH$ 4,500,000,000 for the following years, estimating a total of 6,000 beneficiaries. (Annex V).

It is worthy to mention the clearly compensatory attitude of the new Chilean Government from the point of view of moral satisfaction, and how it expects to favor all the victims, without discrimination, in a manner compatible with the austerity of Chilean finances.

The new Government's attitude of giving compensation, insofar as is possible, for the excesses committed during the former Government must be considered by the International Commission in deciding this case. It was also expected that the family of Mr. Orlando Letelier would have duly understood this, since in several statements made before the Chilean and United States mass media, they have indicated that the compensation was requested to punish the Chilean Military Government which did not collaborate in the investigation and conviction of those responsible for the assassination of Letelier and who remained unpunished in Chile. (Annex VI).

In conclusion, the new Government has collaborated in the investigation of the incident occurred in Washington, the case is being prosecuted by the competent Chilean court, and in general, a clear disposition for moral and material compensation has been evidenced in favor of the persons whose rights were violated, among whom are included the late Orlando Letelier and R. Moffitt.

C. <u>The meaning and scope of the Agreement and Compromis.</u>

In the opinion of the Chilean defense, it is opportune to clarify the meaning and scope of the Agreement and Compromis subscribed to with the United States of America

UNCLASSIFIED

UNCLASSIFIED

relative to determining the amount of ex gratia payment that the Government of Chile must pay.

(a) What is involved here is an agreement that does not constitute an act of execution or application of the Treaty of 1914, since the International Commission is not going to investigate anything related to the possible responsibility of the State of Chile, but rather of determining only the amount of compensation Chile is to pay, notwithstanding the fact that this country neither acknowledges nor accepts responsibility for the incident which occurred on September 21, 1976, which caused the death of Mr. Orlando Letelier and of Mrs. Ronni K. Moffitt and injuries to Mr. Michael Moffitt.

What is involved is a new international obligation that the State of Chile undertakes, which is that of making an ex gratia payment to the Government of the United States; and, inasmuch as Chile does not acknowledge responsibility for the incident, it was necessary to establish that the "ex gratia" payment "should be equal to that which would be due, if liability were establish," opting for this way of calculation in the absence of another objective element that could be used in this matter, and also because, to carry out the estimate of the amount of compensation, the International Commission must confine itself to the applicable principles of international law, without allowing to prevail those set forth in the internal legislation of the States parties to the Agreement, except to the extent to which such principles might concur.

For that reason, the Message of the Government of Chile to Parliament requesting approval of the Agreement and Compromis involved with the Government of the United States of America, indicated textually that: "By resorting to the ex gratia payment, and thereby settling a claim that the United States of America had previously formulated as an alternative to the

UNCLASSIFIED

alleged compensation for damages, it is no less true that in this way a practice accepted by international law is followed, and that, moreover, all other possible civil claims relating to the matter, which the Government of that country might have against the Government of Chile, are considered settled."

"In this way, the new international obligation of making an ex gratia payment will substitute the United States claim for compensation, which Chile does not accept, as well as the international obligation of responding to the summons of the International Commission, in the terms agreed to in the Treaty of 1914, in order to investigate and inform on all the aspects involved in said crime and which entail the responsibility of the State of Chile."

"But, moreover, this new obligation is based exclusively on the purpose of expediting the normalization of relations between the United States of America and Chile, and therefore, lacking legal relation with the dispute that existed, expressly does not admit any responsibility regarding it, which, on the other hand, is considered settled and, therefore, cannot be brought up again in the future." (Annex VII).

(b) The Agreement between both countries states that Chile will pay a "compensation" ex gratia for the deaths of Mrs. Moffitt and Mr. Letelier and for the personal injury caused to Mr. Moffitt. Nowhere in the Agreement does it speak of the Government of Chile paying an "indemnification" for those acts.

According to the Dictionary of the Royal Spanish Academy of Language, which contains the natural and obvious meaning of the words, "compensation" and "indemnification" are not synonymous.

In fact, the word "indemnification" is the "action and effect of indemnifying," and "to indemnify is to repair for

damage or injury"; in other words, to procure that the indemnified be undamaged, that is, "free or exempt from damage."

On the other hand, the word "compensation" is the "action and effect of compensating" (and, formerly, according to the above mentioned dictionary, a synonym for indemnification). In turn, "to compensate," in the corresponding meaning, is "to give some thing or make a benefit as repair for damage, injury, or annoyance that has been caused." In other words, compensation does not attempt to leave the compensated person "undamaged".

(c) In merit of the aforementioned, it was placed on record in the Chilean Parliament that the "ex gratia" payment would be a compensation and not an indemnification. The sum determined by the International Commission would only cover the said compensation for the referred to deaths and damages and would include no other item, such as costs pertaining to lawsuits, personal costs and fees, possible damages to other persons, etc... (Annex VIII).

(d) The following conclusions were also placed on record in the Chilean Parliament when the Senate approved the Agreement:

- "That by means of this Agreement a dispute affecting the relations between Chile and the United States of America is settled";
- "That this Agreement does not affect the Republic of Chile from the principle of immunity from jurisdiction";
- "That by means of the 'ex gratia' payment, a practice universally accepted in international law is followed, without causal relation to the proceedings brought before the Courts of the United States of America;
- "That we understand that the Government of the United States considers settled all possible prospective claims

UNCLASSIFIED

UNCLASSIFIED

that could be brought against Chile as a consequence of this matter"; and

- "That the first part of point 3 of the Agreement; ('The United States requested from Chile, on behalf of the families of Letelier-Morel and Moffitt, the payment of a compensation on the basis that the United States regards the State of Chile legally responsible, under international law, for the deaths of Orlando Letelier and Ronni Moffitt and the damages suffered by Michael Moffitt'), constitutes an opinion of the Government of the United States in regard of which the Senate is not called to issue an opinion." (Annex IX).

D. Characteristics of the Commission.

The Commission is not a court, but rather an international organism whose purpose is to issue a report in which the amount of the ex-gratia payment to be made by the Government of Chile is determined (No. 7, letter (e) of the Compromis).

This determination is carried out pursuant to the principles of applicable international law and according to the rules of procedure that the Commission establishes, in addition to those contained in the Compromis.

In doing so, the parties must put forth presentations and observations in writing, containing their allegations and evidence on which they are based.

The beforementioned characterizes the Commission as an organism for the reception of allegations and written evidence, personal appearances not being necessary. Once the reception period has been completed for the allegations and evidence, the Commission must determine the amount of the compensation that the Government of Chile will pay ex-gratia.

The Commission is also by nature a passive organ, during the period of the reception of the allegations and

UNCLASSIFIED

UNCLASSIFIED

evidence, until the moment of making its determination on the ex-gratia payment.

Any written evidence that must be or that is desired to be provided to the Commission must be self-sufficient and if it is not, it must be accompanied by a written document that gives it a self-sufficient characteristic.

The procedure is of extreme rapidity and simplicity, as indicated in No. 7 of the Compromis.

All of the preceding reveals that both Governments do not constitute a Court of Arbitration, nor an arbitral procedure. Under the protection of the Bryan - Suárez Mujica Treaty, they established a Commission in order to determine a compensation whereby the Government of Chile must pay the Government of the United States.

Evaluating losses and damages of an indemnifying nature by way of the Commission, is impossible to carry out, since it has no investigational faculties. Only one means of proof exists, that of written documents, and the procedural activity of the Governments is strictly limited to perform the presentations and observations determined by the Compromis. The evaluation of the indemnification may only be carried out in a formal indemnifying trial, whose example is given precisely by the Presentation of the Government of the United States of America, upon quoting the Godinez case, resolved by the Inter-American Court of Human Rights, in which the Government of the Republic of Honduras was charged with the damage of human rights of Mr. Godinez Cruz, producing a contested proceeding, just as in the Velázquez Rodríguez case.

The ex-gratia nature of the obligation accepted by the Government of Chile, reveals that the Government of the United States is not exercising an action of a legal nature, in order to obtain an indemnification for damage, but rather the international petition by both Governments will bring about the

UNCLASSIFIED

determination of a payment for granting a compensation destined to redress, in some form, the damage suffered by the family members of Mr. Orlando Letelier and Mrs. Ronni K. Moffitt.

E. Overall critique of Presentation of the United States of America.

One's attention, of course, is called to the lack of congruity that the "Presentation of the Government of the United States of America" has with the end that said Government and Chile had in view on subscribing, in conformity with the Treaty of 1914, the Agreement and Compromis published in the Official Journal of Chile, dated last October 9th.

In fact, if through said Agreement a way is found to expedite the normalization of relations between both States and conclude the diplomatic disagreement pending between both countries for more than 10 years, the wording and the content of the "Presentation" reflect in no way the aforementioned purposes, since it exaggerates the details of a terrible and unnecessary crime and claims compensation for an entirely exaggerated and exorbitant amount, superior to any amount paid in Chile for illegal acts, resulting in death of persons.

So that the Commission may judge the exaggeration of the United States Presentation, it is pertinent to point out as comparative data, that the claimed compensation is in all items far superior to the one ordered to by a United States court of the District of Columbia for US$ 2,952,575.00, which is known from the suit filed by the family members of Mr. Orlando Letelier and Ronni K. Moffitt and is even far superior to the US$ 12,000,000 claimed by the United States in its note of April 18, 1988, a sum which included expenses that the U.S. would have had in the criminal investigation of the incident.

The Government of Chile believes, that it is not a good way to normalize relations, to repeat in detail acts about

UNCLASSIFIED

UNCLASSIFIED

which the Agreement itself indicates that the State of Chile admits no responsibility, nor is it to expect a compensation clearly superior to the aforementioned appraisals by United States Courts, as well as the U.S. Embassy itself in Santiago, Chile.

Then, the "Presentation" conjectures on the assumption that it is a law suit for damages, before a court that has ample powers to weigh the facts and determine responsibility.

The proceeding taking place before the International Commission, is not a civil suit for damage where all kinds of evidence are possible and where the parties would be able to oppose or inspect contrary evidence. The Commission's only mission is to determine the amount of a voluntary and "ex gratia" compensation that the Government of Chile shall pay to the United States, and for such reason it shall listen to the parties, but this limited power does not convert the Commission into an International Court to which the parties have given their full jurisdiction over the matter.

Without detriment to the aforementioned, the way the "Presentation" explains and considers the damages demonstrates a clear intention to convict the State of Chile for its responsibility in the incident.

Nothing else can be implied by claiming interest on moral damages which must be reimbursed as of the date of the incident, September 21, 1976, rather than from the date of the Commission's decision. Nor can anything else be implied by the Presentation when it claims payment of fees, during 12 years, for legal actions taken by private attorneys, including even the actions they carried out to prepare the Presentation.

Additionally, it is particularly meaningful that the Chilean State, which has not admitted liability in the incident, is expected to pay the cost of legal actions of the professionals who acted before the court of the District of

UNCLASSIFIED

Columbia, under which circumstance the Republic of Chile invoked the international principle of immunity from jurisdiction and by so doing did not accept to defend itself and appear before a foreign court. If through the Agreement, a dispute is put to an end which arose precisely, among other reasons, because of the immunity from jurisdiction invoked by Chile in connection with a United States court decision, it is self-defeating, to say the least, to expect that the State of Chile be penalized or punished with the cost of litigations carried outside of Chile and before courts of which Chile admits no jurisdiction.

If, hypothetically, the Commission were to accept the United States claim in this part, it would mean that the purpose of the Agreement had not been fulfilled, and it would additionally create a new political or historical disagreement even more serious than the one that diplomatic negotiation has endeavored to settle.

The Governments of Chile and the United States, have resolved, by means of direct agreements or arbitration, problems that affected their good diplomatic relations, for which reason precedents exist between the parties that must be analyzed. Such are the cases of: (a) the Convention of the Frigate "Franklin", which was subscribed on September 10th, 1858, as a result of the ship having been detained for suspicion of infringing the customs laws of Chile; (b) the Convention related to the Bergantín "Macedonian", by means of which it was agreed to submit for arbitration of His Majesty the King of Belgium, concerning the legitimacy or illegitimacy of the seizure of an amount of silver coins and bars, subscribed on November 10th, 1858; and (c) the Baltimore case, resolved in 1892.

It is well-known in international law that punitive damages against States are unacceptable. Nor is this claim acceptable even though it be disguised under other terms suggesting implicitly that the State of Chile is delinquent in

UNCLASSIFIED

fulfilling its obligations by delaying the execution of the decision of the United States Judge rendered in 1980 by invoking the international principle of immunity from jurisdiction.

Furthermore, in the Presentation, damages for expenses incurred after the signing of the Agreement on June 11, 1990, are expected to be included.

We reiterate that Chile, by entering into the Agreement, did not admit liability and that the payment that it will carry out will be made for the sake of international harmony. It is improper that the Presentation invoke Chile's delay in the claimed payment of moral damages, surcharging the amount to be paid with high yearly interests of 10% beginning from the date of death.

Finally, the Government of Chile wishes to emphasize within its compensatory intention, the promulgation of law 18,979 issued by the initiative of the new Government of Mr. Patricio Aylwin and published in the Official Gazette of May 11th, 1990, which is the same date that both governments reached an Agreement ending diplomatic differences. (Annex X).

In said law, Mr. Orlando Letelier del Solar was reinstated posthumously as of June 8th, 1976, as a Chilean citizen, redressing the injustice that was committed having arbitrarily deprived him of said essential tribute, a gesture that was appreciated by Deputy Mr. Juan Pablo Letelier in representation of his family.

REPUBLICA DE CHILE
CONSEJO DE DEFENSA DEL ESTADO
PRESIDENCIA

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LIST OF ANNEXES TO CHAPTER I

I. Copy of the notice of the sentence in absentia filed by Judge Joyce Hens Green, of the United States District Court for the District of Columbia dated November 5, 1980.

II. Several notes exchanged between the Governments of Chile and the United States regarding the Letelier case and specially to the aforementioned judgement rendered by a United States court against the Republic of Chile.

III. Article 7 of Law N° 19,047, "AMENDS VARIOUS LEGAL TEXTS AS STATED, IN ORDER TO BETTER GUARANTEE THE RIGHTS OF INDIVIDUALS", published in the Official Journal of February 14, 1991.

IV. Decree N° 335, Ministry of Interior, "CREATES THE COMMISSION FOR TRUTH AND RECONCILIATION", Official Journal of May 9, 1990; extract of the relevant section of the Report of the Commission for Truth and Reconciliation.

V. Address of H.E. The President of the Republic to the Chamber of Deputies, and Draft Law in relation with reparations whose beneficiaries are the families of the victims mentioned in the Report of the Commission for Truth and Reconciliation.

VI. Address of H.E. The President of the Republic Mr. Patricio Aylwin A. of March 4, 1991, on the occasion of making public the Report of the Commission for Truth and Reconciliation; and a brief with press clippings from national and foreign newspapers, from 1978 to

UNCLASSIFIED

UNCLASSIFIED

from national and foreign newspapers, from 1978 to 1990. In the aforementioned press clippings certain expressions of the widow of Mr. Orlando Letelier are pointed out which underline the punitive and political character of the civil action; and other statements of both Mrs. Morel and Mr. Juan Pablo Letelier, in which it is explained that it is not true that they are claiming a US$ 9,000,000 payment as damages; and they add that in the claim for US$ 12,000,000 made by the United States several expenses and costs incurred by that country have been included. It is also stated on other occasions that they have no further interest in the indemnity and that what really interests the Letelier family is the punishment of the guilty parties.

VII. Address of H.E. The President of the Republic to the Chamber of Deputies regarding the Agreement and Compromis entered into with the Government of the United States on June 11, 1990.

VIII. Report of the Commission of Foreign Relations of the Chamber of Deputies regarding the aforementioned Agreement and Compromis.

IX. Report of the Commission of Foreign Relations of the Senate, with copy of the agreement in Secret Session, regarding the aforementioned Treaty and Compromis

X. Law N° 18,979, "RESTORES IN A POSTHUMOUS MANNER HIS NATIONALITY TO MR. ORLANDO LETELIER DEL SOLAR", published in the Official Journal of May 11, 1990.

UNCLASSIFIED

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CHAPTER II.

A. Principles of Generally Accepted Private Law.

I. Introduction.

The Compromis concluded between both Governments establishes that "the Commission shall determine the amount of payment to be made by the Government of Chile in accordance with applicable principles of international law, as though liability were established"; and that the "ex gratia" payment will be made in favor of the members of the families affected by Orlando Letelier's assassination, and for the personal injuries sustained by Michael Moffitt.

It is relevant, therefore, to determine what the principles of generally accepted private law are on this matter. These are pursuant to what has been provided for in article 38, letter (c) of the Statute of the International Court of Justice, incorporated in the Charter of the United Nations dated June 26th, 1945. "The general principles of law recognized by civilized nations" are a source of international law, without prejudice to the use "of judicial decisions and teachings of the most qualified publicists of the various nations", as an auxiliary means for determining rules of law.

In dealing with a legal institution so specific and delimited as is tort liability, and particularly in what is important here, treating the subject relative to the regulation of damage subject to indemnity, there can be no doubt that those general principles of law are developed from both those that have been accepted in general international practice, as well as those that are common to the generality of positive internal systems of different nations. The determination of such principles must be made with the assistance of the doctrines of the most qualified

UNCLASSIFIED

publicists of different nations and of the relevant legal decisions, pursuant to that provided by Article 38 cited above.

Incidentally, the principles to which we refer have no bearing upon the responsibility of a State for the damage caused by it or by its subjects to another State, but rather with those that they have caused to private individuals whose protection has been assumed by the State which the affected parties are nationals. This is the situation presented in this case, since in the Agreement subscribed by both Governments it is expressly stated that the "ex-gratia" payment will not be received by the Government of the United States for itself, but rather on behalf of the families of the victims; and this latter Government declares that upon receipt of this payment from the Government of Chile, its claim will be considered settled, "and any other possible civil claim of the United States Government in regard to this matter".

Therefore, while being concerned with compensating damages caused to an individual and not to a State, that is, with relations subject to private law from the point of view of who has suffered the damage, the generally accepted principles of law for nation's internal systems in what refers to damages subject to indemnity, become considered, as such, rules of international law. It is made clear by Louis Cavaré, in expressing that when the damage has been caused, not to a State, but rather to an individual, the State does not intervene, except for protecting its nationals and the situation is equivalent to the one that generates liability pursuant internal to law. (1)

II. <u>The principle of equivalency between the damage and the reparation.</u>

It is a general principle of recognized law by the civilized nations as a basis or support of the regulatory system of civil liability that the reparation must be equal to the

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amount of the damage, which means that the victim must end up, whenever possible, in the same state had the damaging act not occurred. From this principle it can be deduced that the reparation must not be less than the damage, nor greater. This latter consequence implies that the indemnification or compensation can never constitute a source of income or profits for the receiving party, in that wealth would be produced without cause. If one obtains the reimbursement of what was actually lost, - actual damages ("Damnum Emergens"), - and what was surely prevented from receiving as a direct and necessary consequence of the injurious act, - loss of profits ("Lucrum Cessans"), - the victim remains completely indemnified. On the contrary, should a reparation be achieved that exceeds the true and certain amount of the "damnum emergens" (actual damages) and the "lucrum cessans" (loss of profits), an unlawful gain or unjustified profit is brought about in his favor, which would leave him in a better situation than he had before suffering the damage and that, for the same reason, would constitute an enrichment devoid of a cause.

This principle has received formal recognition both in international law as well as in comparative jurisprudence.

Charles Rousseau, professor of the Law School of Paris, expresses that "the principle of the integrity of the reparation carries with it two consequences: (a) the reparation must not be lesser than the damage; (b) nor must it be greater." And, developing the idea, he adds: "This second principle is found to be in direct relation to the first and means that the illicit act cannot be the source of enrichment for the victim." (2)

III. The principle of certainty of the damage.

UNCLASSIFIED

The principle of the universally accepted law that requires the certainty or factuality of the damage in order that it be compensated, that is, in order to consider it a constituent of a damage susceptible for reparation, is intimately related to what has been discussed.

That the damage be certain or factual means that the entreated economic reduction, whether it be due to actual damages or loss of profits, has actually occurred, that its existence is positively known, that had the injurious act not come into the picture the victim would have conserved something lost or would have necessarily received something that as a consequence of this act has failed to obtain. The reality or certitude of the damage encompasses not only the present, but also the future, conditioned upon this latter necessarily coming about.

It is inferred from the indicated principle that a hypothetical or eventual damage, based on suppositions or conjectures, however probable they may seem, does not give the right to indemnification. The probable profits or income, whose coming about depends on the occurrence of certain suppositions or that hypothetically determined information or future circumstances are given, do not constitute definite damages, because for its establishment it is necessary to enter into the area of conjectures, in such a way that they cannot be considered in the calculation of indemnification. The same is worth mentioning about the deprivation of a simple expectation: its loss is not subject to indemnity since it does not introduce a certain or real damage.

This principle has had formal acceptance both in the doctrines of international law as well as comparative jurisprudence.

Louis Cavaré, honorary professor of the School of Law and Economic Sciences of the University of Rennes and member

UNCLASSIFIED

of the Institute of International Law, in his work titled "Positive Public International Law", regarding this point expresses:

"In order for the damage to implicate the State's responsibility, a certain number of characters must be presented. It is agreed that it must be certain, and that it must not have been repaired".

And in referring especially to the first, adds:

"The damage must be certain. This is a condition that has been affirmed by numerous judgements and we will continue to see with the study of the direct damages. The damage must not, indeed, be contingent. There must be no doubt concerning this point". (3)

Eduardo Jiménez de Aréchaga, in his work entitled "El Derecho Internacional Contemporáneo" (Contemporary International Law) is equally explicit in affirming the principle. In the separate paragraph in relation to "Indemnification", after indicating that this is the normal form of reparation, adds:

"The indemnification must compensate all the damages produced as a consequence of the illicit act,... but not the presumed earnings that are of a highly problematic or conjectural nature, "too remote or speculative" or "possible damages, but contingent and undetermined". (4)

In Uruguay, Jorge Peirano Facio, professor of Civil Law of the School of Law and Social Sciences in Montevideo, in his complete and documented work "Responsabilidad Extracontractual" (tort liability), in referring to "certain damages" characterizes the principle as follows:

"According to the teachings sustained on the doctrine, the first characteristic of the damage that must be present in order to be considered relevant to the effects of tort liability is that of being certain". And after indicating that

DECLASSIFIED

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the meaning that some attribute to this word is unacceptable, affirms that damages are certain when their existence is certain, but the responsible party cannot be referred to with absolute conviction", adding that in its correct sense: "uncertain damages are spoken about whose existence is not entirely established, enabling doubts to be set forth concerning their reality. It is notorious that when one speaks in this matter about certain damages, the second interpretation of the word is alluded to, since in the first meaning, this word is connected to the problem of a causal relation. In the meaning that we now attribute to it, we consider, then, certain damage that which is real and actual, and not merely hypothetical or possible". (5)

Later on, this same author treats "eventual damage" in these terms: "Eventual damage can be found close to future damage, but it is distinguishable in the majority of cases. The fundamental difference between these two types of damages is characterized sufficiently when it is remembered that future damage is only a variety of certain damage, while the concept of eventual damage is precisely and radically the opposite of certitude: eventual damage is equivalent, then, to damage that is not true; in other words, damage merely based on suppositions or conjectures".

"Our jurisprudence always has been final in the sense of not admitting the reparation of problematic or eventual damage. In this sense, it has been decided that it is not admissible to consider, that which is derived from the non-realization of future sales as damage to the effects of tort liability; - that they are eventual damages and therefore non-eligible for indemnity, those related to the difference between a salary that a fired official could normally earn and that which would have been received had he stayed in his administrative career in a higher office-; that only the earnings that, according to the natural course of events, the victim of an

UNCLASSIFIED

offense could have received should be considered and not mere and vague hopes-; that it is inadmissible to indemnify the damages in relation to what a person could have earned that left his business in order to take care of his wife, particularly when she is not seriously ill".

"In our law, then, eventual damage cannot be considered damage to the effects of tort liability. This solution, on the other hand, is also final in foreign jurisprudence and doctrine." (6)

In Argentina, Jorge Joaquín Llambias, author of in important treatise on Civil Law, in his "Manual de Derecho Civil - Obligaciones" (Manual on Civil Law - Obligations), he indicates expressly that "the requisites for receiving indemnity for damages are: 1) that the damage be factual and not eventual; 2) that it be subsistent at the time of its calculation; 3) that it be personally of the injured party; 4) that the equity loss have a bearing on the legitimate interest of the injured party; 5) that the damage have a relevant legal causal relation to the illicit act. (7). And he defines eventual damage saying that "eventual damage is the problematical or conjectural, that may or may not occur and therefore is not, in principle, subject to indemnity. If indemnity is given, then, and afterwards the damage does not take place, the only eventual injured party will become wealthier without cause at the expense of the responsible party." (8)

The French doctrine is also categorical.

Louise Josserand, Honorary Dean of the Lyon School of Law and Counsellor of the Court of Appeals, in his "Civil Law, General Theory of Obligations", affirms:

"In order to assume tort liability, it is indispensable that damage has been caused, and that this damage be certain"; and in defining this last requirement, adds: "It is

UNCLASSIFIED

also indispensable that the damage be certain: a merely eventual or hypothetical damage is not taken into consideration..." (9).

Henri and León Mazeaud and André Tunc, professors of the Paris School of Law, in their classic "Theoretical and Practical Treatise on Tort and Contractual Civil Liability", in asking in which cases damage exists as an element of liability, answer with the following: "when it is certain. When it has not already been repaired. When it is personal of the plaintiff. When it makes an attempt against an acquired right".

In developing these constituents, they comment on the certitude of damage:

"Upon requiring that the damage be certain, it is understood that it must not be wherefore, simply hypothetical, eventual. It is indispensable that the judge be certain that the plaintiff would have found himself in a better situation had the defendant not carried out the act for which he is being reproached", indicating further on that the future damage must also be considered if it presents the same characteristics of certitude (10).

Farther on, they add: "Jurisprudence has never created any difficulties in accepting these principles. From the moment that the damage is certain, its reparation is granted, even when it may be future. The action of responsibility is denied only when the damage claimed by the victim is eventual."

"In order to put an end to the vacillations that may arise in the use of one for the other, between the adjectives "current" and "certain", "future" and "eventual", the Chamber of Admission of the Court of Appeals, in three dictated verdicts before the luminous decision of the Pilon magistrate, on June 1st, 1932, formulated the rule in clearer terms: 'Whereas, if it is not possible to concede the payment of loss and damages as a reparation for purely eventual damages, a different way occurs when the damage, although future, appears to the judges as a

certain and direct extension of a current state of affairs and susceptible to immediate estimation". (11)

In Italy, Francesco Messineo, professor of the University of Milán in his well known "Manual of Civil and Commercial Law", in what concerns the principle of certainty of damage indicates:

"In order for the damage to give claim to indemnity it is necessary, in addition, that it be certain and true; in other words, indemnity cannot be given to hypothetical damage, that is, potential or eventual, but not already manifested in reality (and that, therefore, may also not be manifested), while for the moment the affected patrimony is intact"; and then adds: "future damage (not current) can be a matter of responsibility as long as its survival is certain". (12)

IV. The principle that reparation does not have a sanctionary or punitive nature.

From the principle that the reparation must be the equivalent to the caused damage, it is inferred that in order to regulate it, neither the seriousness of the act nor the degree of guilt of the responsible party, can be taken into account, but rather only the true extension of the damage as seen from the point of view of the suffering party. Therefore, international law rejects all possibility of increasing the indemnification through or by way of penalty or punishment.

Charles Rousseau, in his already mentioned work, in referring to the nature of the reparation, emphasizes that "international responsibility does not have a punitive nature. The reparation does not have a punitive but rather a compensatory nature", and he cites several precedents to thereby confirming it. (13)

Eduardo Jiménez de Aréchaga, in his beforementioned work, indicates that "compensations of a punitive or exemplary nature, based on the disapproval of the illicit act and as a measure of dissuasion or reform of the offensor, are incompatible with the basic idea that serves as a basis for the obligation to repair. The imposition of such sanctions go beyond the jurisdiction conferred upon the International Court of Justice in its by-laws, and what is normally attributable to the international tribunals to whom it is not conferred "the power of repression" (14).

The Inter-American Court of Human Rights, in the cases of Velázquez Rodríguez and Godinez Cruz, based on the same principle, refused the charge for punitive damages as part of the indemnification, charge which was based on "the extremely serious violations of human rights" that were produced in those cases. In its judgement dictated in the year 1989, the Court said:

"Although some internal courts, particularly the North American courts, establish indemnities whose values serve exemplary or dissuasive purposes, this principle is not applicable in the current state of international law" (15).

The same principle is accepted by Paul Reuter, in his "Public International Law" (16) and in the judgements cited in the "Manual of Public International Law" of Max Sorensen (17) and in the "Public International Law" of Alfredo Verdross (18).

B. <u>Principles of international law applicable in determining the amount of payment of the ex-gratia compensation.</u>

I. <u>Introduction.</u>

The international responsibility of a State is derived from acts or omissions to which they are attributable and that constitute violations of its obligations under international

law. (19) States can consent to submit differences occurring between them without accepting the existence of an obligation arising from a violation of international law. (See ex gratia payments, infra Section VI).

The basic principles regarding reparation in international law were established in the Chorzow Factory Case by the Permanent Court of International Justice in 1928. The Court indicated that the existence of responsibility generates the obligation to redress the damage caused.

"The essential principle contained in the actual notion of an illegal act--a principle which seems to be established by international practice and in particular by the decisions of arbitral tribunals--is that reparation must, as far as possible, wipe out all the consequences of the illegal act and reestablish the situation which would, in all probability, have existed if that act had not been committed. Restitution in kind, or, if this is not possible, payment of a sum corresponding to the value which a restitution in kind would bear; the award, if need be, of damages for loss sustained which would not be covered by restitution in kind or payments in place of it--such are the principles which should serve to determine the amount of compensation due for an act contrary to international law." (20)

International law has gradually made more concrete the legal basis and extension of the obligation to compensate, including cases of ex gratia payments. The following considerations are relevant in the current case:

- International law establishes in principle the obligation to compensate property damage, on account of actual damages and loss of profits, mental or psychological damage and moral damage inflicted upon individuals in whose favor diplomatic protection is duly exercised. Such obligations arise in cases of

UNCLASSIFIED

death as well as bodily injuries, even though the extent of the compensation is not the same.

- Punitive damages are contrary to the law and cannot be considered, therefore, neither explicitly nor implicitly (as aggravating circumstance or moral damage) for determining the amount of the compensation due.

- International law also requires a direct causal relation so that damages can be compensable.

- The burden of proof of damages correspond to those claiming their occurrence and, international law establishes criteria for weighing the evidence presented.

- International law is also applicable in analyzing the legal basis of payment of expenses incurred by the parties in the preparation of their petitions and in attorney fees made in advance of the situation presented for arbitration. As well, international law determines the situations in which it is lawful to pay interest.

- Essential circumstances exist, valid under international law, which should be considered determining the amount of the ex gratia payment.

The Presentation of the United States Government does not satisfy the criteria prescribed by international law for determining the amount of the ex gratia payment which Chile must make.

Following reference is made to the pertinent legal standards and its violation in the Presentation of the Government of the United States. Chapter III, containing Observations made by the Chilean Government, will individually analyze the different charges and their justification, if any, made in the Presentation.

II. Types of Damage.

UNCLASSIFIED

(a) Material Damage:

i. Legal principles.

In regard to the loss of life, compensation should cover the damage occasioned to third parties as a result of the violent death of the victim. (21) The normal criteria for establishing the quantum of the compensation is usually the direct loss caused to the dependents. This loss should be measured according to the degree of economic dependence that existed between the petitioner and the victim. (22) In the matter of damage or destruction of property, the essential element of compensation is the replacement value. (23)

In the Lusitania Case, (24) profusely cited by the United States Government, numerous petitioners sought to persuade the Mixed Claims Commission to take into account the "value of the life lost" in order to set the respective compensation. As Whiteman explains, the Commission refused to act in this manner. "Instead, he repeatedly asserted that the measure of damage was not the 'value of the life taken', but, the pecuniary loss sustained by the claimant on account of that death." (25)

The Inter-American Court of Human Rights also followed the legal principles of international law in this same matter, establishing that the compensation due to a surviving victim of a wrongful act, is different than that due to the dependents of a deceased victim.

According to the Velázquez Rodríguez Case (26), the Court manifested that:

"However, it is necessary to keep in mind that the calculation of the loss of profits should be made considering two distinct situations. When the person entitled to the indemnification is a victim affected by total and permanent disability, the indemnification should take in all that he no longer receives, with the corresponding readjustments, and

according to his probable life expectancy. Under this assumption, the victim's only income is the amount he would have received as loss of profits and which now he does not receive."

"If the beneficiaries of the indemnification are relatives, the matter is set forth in different terms. The relatives in principle have the current or future possibility of working or having an income of their own. The children, who must be guaranteed the possibility to study up to an approximate age of 25 years, could, for example, work from that moment on. It is not justified, then, in those cases, to adhere to rigorous criteria, more appropriate to the situation described in the paragraph above, but rather to make a prudent appraisal of the damages, according to the circumstances of each case." (Emphasis added).

In the above terms, the material damage caused by the loss of life, only covers the income that the victim would have provided to the dependent individual, if the victim had not died. (27) In order to fix this amount, the petitioner's age and the relationship of real proven economic dependency must be taken into account, indicating the amounts received prior to death. The Department of State of the United States in its Suggestions for Preparing Claims for Personal Injury or Loss of Life, dated July 1, 1955, recommended that in the case of death: "The claims .... should be supported with evidence that states the following:... c. The extent of the contributions made by the deceased for the maintenance of the claimant." (28) According to the above mentioned, the victim's income (i.e. salary, investments) and the reasonable probability of its increase achieves relevance beginning only upon identification of a condition of proven economic dependence and a reasonable time period for its continuation. The Inter-American Court of Human Rights, in the previously mentioned case, set the age of 25 for the victim's children.

The dependent's monetary loss, due to the personal services provided by the victim in the field of care, education and personal supervision, should also be considered to compensate for material damages. (29)

The burial costs are compensable only if they have been made by the dependents receiving financial support from the victim. (30)

ii. Valuation of material damages in the Presentation of the United States Government.

The valuation presented by the United States Government for property damages resulting from the deaths of Orlando Letelier and Ronni Moffitt, do not satisfy the requirements prescribed by international law and will not permit, therefore, in the language used by the Inter-American Court of Human Rights, the realization of "a prudent estimation of damages."

In both cases, the total amount that the deceased would have earned, without offering concrete evidence regarding the existing real economic dependence, is considered. International law does not permit the calculation of future earnings and the mere discount of personal expenses, as is done in the Presentation of the United States. The utilization of such a method of economic analysis -- carried out by two professionals that, as set forth in the Presentation of the United States Government, have been involved in internal cases before courts of the United States -- unjustifiably reverses the terms required by international law. In the compensation claimed for the death of Mr. Letelier, no reference is made or is any evidence given of the amounts that he would have allotted to his spouse and children, in consideration of their ages. The Presentation of the United States Government fails to give clear information regarding when Mrs. Letelier and each of their

children began to work. Added to the above, is a mechanical application of criteria invoked by the claimants as valid for other collaborators of the I.P.S. regarding Mr. Letelier's income, resulting from possible books and future conferences. The short stay Mr. Letelier had in said Institute makes it unwise to reason by analogy. Mr. Letelier's personality as a Chilean politician and prominent public figure, makes it possible to set forth that the most reasonable would be comparing Mr. Letelier to those he really associated with: public men, of the highest level, from his country. For the same reason, utilization of a more exaggerated projection, on the basis of estimating his income as an international banker, lacks all grounds, as analyzed in Chapter III.

The calculation of material loss inflicted upon Michael Moffitt by the death of Ronni Moffitt is, as previously set forth, unjustified. Indeed, in the Presentation of the Government of the United States, the value of all Mrs. Moffitt's life is calculated and, with a deduction, for personal expenses, presuming two children, the claimants arbitrarily proceed to transfer to Mr. Moffitt's benefit, the monetary loss that the victim hypothetically would have earned during her whole life. The Presentation of the United States Government does not include any evidence of the existence of Mr. Moffitt's financial dependence with respect to his wife's income. The Presentation of the United States does not indicate the dates when Mr. Moffitt remarried and when his children were born. Keeping in mind the criteria established by international law for fixing the proper amount of compensation, the Chilean Government deems that the information omitted is essential for making a prudent estimation of damages, provided, it is further proven that Mr. Moffitt depended financially on his wife. The Chilean Government also points out that Ronni Moffitt's parents did not receive any type

UNCLASSIFIED

of financial assistance from her, therefore they fortunately did not suffer any type of material loss.

iii. Injuries inflicted upon survivors. Applicable principles.

In the case of injuries inflicted upon survivors, in general, the courts of arbitration have indicated that the damages to be considered in establishing the amount due for indemnification includes: physical injuries, economic loss as a result of convalescence, decrease in future work capacity. (31)

iv. Injuries inflicted upon survivors in the Presentation of the United States Government.

The United States Government has not set forth any petition based on the material damage that could have been caused to Michael Moffitt for the bodily injuries he received. This shows that fortunately Mr. Moffitt did not suffer any direct economic loss. Neither has Mr. Moffitt experienced a decrease in his work capacity.

(b) Damages to Health, Psychological and Mental.

i. Applicable principles.

Psychological and mental health damages are those of an organic or pathological nature, provoked by suffering or shock caused by the wrongful act. These damages include physical suffering of the survivor with organic consequences, as well as harmful psychological consequences in the surviving victims and in the immediate family members, originating directly from the illicit act that generates the responsibility. (32)

On account of psychological and mental damages, medical and travel expenses made for these purposes, are

compensated. All expenses must be duly supported by trustworthy documentation. (33)

ii. The psychological and mental damages in the Presentation of the United States Government.

The Chilean Government, in accordance with the applicable standards of international law, does not dispute the validity of medical and travel expenses made to receive said attention. The Chilean Government, points out, however, that expenses in the preparation of the Presentation of the United States Government are included in medical expenses, and that such expenses should therefore be paid by said Government. The Chilean Government also points out that the medical expenses are not duly verified. Also, it should be born in mind that the Judgement of the U.S. District Court for the District of Columbia did not grant damages for this purpose to Michael Moffitt, since "...the file does not have any specific information, except for vague references, regarding psychiatric therapy. As a result, the expenses he incurred and expects to incur in the future, if they do take place, are merely speculative."(34)

(c) Moral Damages.

i. Applicable principles.

Moral damages are those which are effectively produced as a consequence of attacks to the victim's honor or reputation or as a result of the suffering caused to the survivor or to a close relative. The moral damages must be real and direct, and not merely sentimental or vague.(35)

The existence of moral damage should be irrefutably proven and also be directly related to the illicit act. If the causal relation is remote or is due to factors external to the wrongful act, it is not possible to argue the need for indemnification. (36) In evaluating the existence of

moral damages, all relevant factors must be taken into account, among others, the real impact that the act generating the damage has had, the existence of permanent damages, alteration in the lives of those claiming the existence of damage and the existence of legitimate declarations or rulings of acknowledgement. The Inter-American Court of Human Rights in the Velásquez Rodríguez Case (page 13, paragraph 36) ruled that: "...the Court understands, in merit, that the Judgement of the July 29, 1988 constitutes in itself a form of redress and moral satisfaction of significance and importance to the relatives...." (See also Chapter I of the Observations of the Chilean Government).

The moral damage has a compensatory character, therefore this kind of damages should not be a disguised way of achieving the imposition of punitive damages, unauthorized by international law. (37)

The report of Dr. Armando Roa, Professor of the University of Chile, analyzes the insufficiency of Dr. Kaufman's psychiatric report. (See Exhibit N° XI.)

ii. <u>The moral damages in the Presentation of the United States Government.</u>

The Government of Chile does not deny the admissibility of claims for moral damages which meet the requirements of international law. The Presentation of the Government of the United States, does not give complete information which would permit a reasonable way of evaluating the magnitude of the moral compensation, according to the applicable rules of said law. The amounts that are expected to be achieved are also arbitrary.

Regarding Mr. Letelier's four children, the same amount is requested for each of them. Taking into account the ages, activities and different life styles of the children, the arbitrariness of the amount requested is manifest. The amount claimed, for each of his children, is not based on the real moral

damages caused by the death of their father. The Presentation of the Government of the United States does not state that any of them have been placed under any psychiatric treatment and limits itself to including a psychiatric report, made without examining Mr. Letelier's children. In the case of the disappearance of Saul Godinez Cruz, determined by the Inter-American Court of Human Rights and cited by the Government of the United States (see page 73, note 70 of the Presentation of the United States), the Court fixed an amount for moral damages on the basis of the testimony of a psychiatrist who personally examined, and on numerous occasions, the victim's relatives. The Government of Honduras had ample opportunity to cross-examine the psychiatric expert, which effectively took place. The nature of the proceeding before the Commission requires that it receives founded and reasonable written evidence, which must not be limited to declarations of those affected without a direct examination by competent professionals. The Government of Chile also represents that, what concerns the psychiatric situation of the affected persons is also extended to their social and work situation. The Presentation of the United States also fails to deliver information about the current status of the Letelier-Morel family, among whom includes a respectable congressman of the National Congress of Chile. For the Chilean Government, the important political position attained by Juan Pablo Letelier in representation of one of the political parties that forms the current coalition that governs the Republic, cannot be claimed to be an expression of moral damages that he has been inflicted. The Government of the United States has abstained from furnishing concrete evidence regarding the situation of the other family members. It does not furnish proof regarding the indignity suffered in the withdrawal of job offers, nor does they it information as well about the substantial international solidarity the family received. In Isabel Letelier's case,

certain information that permits the fixing of a reasonable moral compensation and which is of public knowledge, is not given. This includes the international solidarity and the public acknowledgement on behalf of the Chilean people and Government to Isabel Letelier, including the support of the President of the Republic in declarations made before and after assuming his distinguished position. The United States has also abstained from giving information regarding Isabel Letelier's work situation, including a description of her duties. The Chilean Government also points out that it is relevant to consider that the democratic Chilean Government has unceasingly continued its search in resolving Orlando Letelier's murder and this is known and appreciated by all family members involved.

The Presentation of the United States Government does not fully justify the amounts requested by reason of Murray Karpen and Hilda Karpen's moral damages. In the first instance, they do not give information regarding the impact of the assumed loss of memory and other consequences affecting the work and social condition of Mr. Karpen. The evolution of Mrs. Karpen's ulcers cannot, with any certainty, be traced to a single act.

Regarding the moral damages claimed by Mr. Moffitt, the Chilean Government sustains that it is important to consider that Mr. Moffitt got married again and had children. The Chilean Government also sustains that it is important to consider, in determining the moral damages demanded for Mr. Moffitt's bodily injuries, that this damage fortunately did not cause a decrease in his capacity to earn a living, progress in society and reconstruct his family life.

III. Illegality of Punitive Damages.

(a) Juridical Background.

International courts have not been willing to order payment for vindictive or punitive damages. These damages imply the determination of indemnifications for vindictive or dissuasive purposes in the case of particularly repudiated illicit acts. The umpire, Mr. Parker, in the Lusitania Case indicated that "...The fundamental concept of 'damages' is satisfaction, reparation for the loss suffered; a judicially ascertained compensation for wrong... The superimposing of a penalty in addition to full compensation and naming it damages, with the qualifying word exemplary, vindictive or punitive, is a hopeless confusion of terms..." (38) The Inter-American Court of Human Rights, gathering legal principles of international law in connection with indemnification, indicated that in its present state international law does not recognize what are known as "punitive damages". The Court indicated in its Judgement of July 21, 1989 (Compensatory Indemnification Velázquez Rodríguez Case) that:

> Counsel also request payment by the Government for punitive damages, as part of the indemnification, for dealing in the case of extremely grave Human Rights Violations.
>
> The expression "adequate compensation" utilized in Article 63.1 of the Convention, referring to a part of the redress and directed to the "injured party", is compensatory and non-penalizing. Even though some internal courts, particularly the Anglo-American courts, fix indemnifications whose values have vindictive and dissuasive purposes, this principle is not applicable in the current state of international law. (Emphasis added).
>
> For all of the preceding, the Court considers, therefore, that the adequate compensation, which the judgement on the merits of July 29, 1988, qualified as "compensatory" includes reparation to the victim's family

members for the material and moral damages they suffered due to the forced disappearance of Manfredo Velásquez (pages 23-24)."

The Court's opinion reflects the universal doctrine. (39)

(b) Punitive damages in the Presentation of the United States Government.

The Presentation of the Government of the United States, considered in its context, in fact seeks to achieve that punitive and vindictive damages are ordered against the Government of Chile.

Such a pretension violates international law and the arbitration agreement agreed to by both Governments. See, inter alia, in the Presentation of the United States: page 5, "The amount of the award must reflect the egregious circumstances accompanying this act of terrorism."; page 44, "The amount and circumstances in which awards for "mental suffering" or "moral damage" have been made, have varied widely based on the particular facts of the case and the egregiousness of the manner of injury."; page 45, "All the attendant circumstances are taken into account, including aggravating factors which serve to increase the compensation."; page 75, "The family members' psychological injury was compounded by the particular circumstances surrounding the assassination, circumstances which had almost as strong an adverse impact as the deaths themselves."; page 72, "This case appears to be extreme also in the extent of suffering the intentional and malicious nature of the act has caused." The Government of the United States seeks only here to distinguish this last phrase from a claim for punitive damages, indicating in its note number 69 that the classification that is made of the act is meant to evaluate the damage caused to the families and not meant to be a punishment.)

UNCLASSIFIED

The Presentation of the United States does not mention the concrete actions taken by the Chilean Government destined to establish respective criminal liabilities, nor those destined to give satisfaction to the victims (see Chapter I above).

IV. Damage and Causal Relation.

(a) Applicable Principles.

The concept of compensable damage is of a legal nature, inasmuch as an act and its effects have juridical consequences only if the law thus specifies. (40) Indeed, the notion of "compensable damage" is a concept of a technical-juridical nature that does not necessarily correspond to what is understood as such in common language. According to the standards of interpretation accepted under international law, words should be interpreted in accordance with their ordinary sense or meaning, unless they have been defined in a technical sense. (41)

To specify the concept of compensable damages under international law, firstly, the terms direct and indirect damages must be distinguished.

Direct damage, that which has a direct relationship with the damage caused (42), is of two kinds:

- Damage that is, in its totality, attributable to a sole generating act (simple causal relation) and
- Damage, although not exclusively caused by the individual responsible for the illicit act, since other causal factors intervene in addition to the illicit act, causes damage that is directly derived, without any doubt or external disturbance, from the generating illicit act, (simple causal relation in the second degree). (43)

UNCLASSIFIED

The previous classification has fundamental importance for the present case, since it influences the amount of compensation to be paid, whether dealing with actual damage or loss of profits. It is generally accepted that actual damage is also indemnified, as in the case of simple causal relation in the first or second degree. The loss of profits, on the other hand, is indemnified only in the case of causal relation in the first degree. (44) Based on the aforementioned, income expectations that depend on nominations involving the intervention of other persons, are not reimbursable.

Indirect damages (unforeseeable, personal or non-compensatory) are those in which the causal relation with the illicit act is remote and doubtful. This type of damages are not compensable. (45)

In brief, compensation for damage is the result of its causal proximity originated by the illicit act. If the causal relation is remote, there is no right to indemnification. If the damage caused is the result of the illicit act, plus other intervening factors, (simple causal relation in the second degree), only the actual damage is compensated for and not the loss of profits. For that reason it is not compensable, nor can it be taken into account for fixing the proper amount of indemnification, what an individual could have earned if he had changed jobs and had the illicit act not intervened. Regarding simple causal relation in the first degree, the direct damage as well as the loss of profits is compensated.

(b) Damages and Causal Relation in the Presentation of the Government of the United States.

The Presentation of the United States Government includes indemnification for non-compensatory damages. This Presentation seeks to ignore the nature of the juridical technical concept of the notion of compensatory damage, by

UNCLASSIFIED

including expenses in the preparation of the Presentation and legal fees. To the aforementioned it is added as legal expenses; steps constituting lobbying activities in the United States (travel, meetings and conferences) directed at changing the legal standards of that country and particularly its Foreign Sovereign Immunities Act. The necessary condition of simple causal relation between the act and the damage is also violated, including, in the calculations, Mr. Letelier's probable income, resulting books and future conferences. In an even more notable manner, this occurs with the hypothesis that Orlando Letelier would work as a banker in the future. The Government of Chile suggests that the natural course of Mr. Letelier's working life, as a prominent Chilean public figure and politician, is equivalent to the highest degree of public service to his country.

Neither does the indemnification requested on Mr. Moffitt's behalf for the death of his wife, satisfy the notions of compensatory damage, since the claimants do not provide information regarding the real financial support that she would have contributed to Mr. Moffitt. As was previously noted, there is no presentation of concrete information regarding the dates of remarriage and births of Mr. Moffitt's children.

Nor does the Presentation by the United States provide concrete information that would permit a prudent evaluation of the moral damage on the basis of demonstrating connexions of current causal relation.

V. Burden of Proof and Criteria for Weighting the Evidence.

(a) Applicable Principles.

According to international law, the burden of proof rests upon the person claiming the illicit act and its consequences. (46) Regarding evidence, international law is

UNCLASSIFIED

inspired by the principles of law accepted by civilized nations, which may be applied at an international level. International tribunals have accepted that there are occasions when the required evidence, does not have to be the highest level required by municipal legal systems. Therefore, for example, the Inter-American Court of Human Rights has indicated that, for an international tribunal, the criteria for weighting the evidence is less formal than in the municipal legal systems. In order to establish a criteria for weighting the evidence, the international order admits different classifications according to the nature, character and seriousness of the lawsuit. (47) According to the Court: "The practice of international and national tribunals demonstrates that direct evidence, whether testimonial or documentary, is not the only legitimate consideration on which the sentence is based. Circumstantial evidence, indications and presumptions, can always be used when consistent conclusions regarding the acts can be deduced from them." (48)

In the same ruling, the Inter-American Court added that to justify the admissibility of the indicial or circumstantial evidence, that: "Unlike internal criminal law, in trials regarding human rights violations, the State's defense cannot rest upon the claimant's impossibility to put forward evidence which, in many cases, is unobtainable without the State's cooperation. It is the State who has control over the means for revealing events occurring within its territory. The Inter-American Commission, even though it has the authority to carry out investigations, in reality, in order to carry them out within the jurisdiction of the State, depends upon the cooperation and the means provided by the government." (49)

A contrario sensu, if evidence of the damages inflicted is accessible to the government claiming it, inter alia (these having taken place within its territory) the application

of a strict criteria of evidence should be expected, excluding simple presumptions and circumstances.

In applying the above mentioned principle, many charges have been rejected due to the lack of sufficient evidence. In the C. H. White versus Russia Case, Arbitrator Asser rejected the petitions formulated, indicating that "the interested parties' declarations could not, on their own, be accepted as sufficient evidence." (50) Arbitrator Thornton as well, "refused to decide in favor of the petitioners when their only evidence of complaint were their own declarations." (51)

In numerous occasions the arbitral commissions have concluded that a legal presumption exists against a petitioner who does not present evidence which he is able to present, since it is in his possession. (52)

(b) Evidence in the Presentation of the United States Government.

The Presentation of the United States includes insufficient evidence, even though it refers to acts and documents that the Government of that country should have in its possession. It is reasonable to suppose that the Government of the United States has in its possession the tax declarations of all those who claim material damages. Numerous psychiatric expenses are charged even though they are old and not presented in the internal proceedings (were these entered as a loss?). A large number of trips or negotiations are presented on the basis of declarations made by the involved parties. Almost all of them are neither related to nor justify the damage caused and refer to activities of lobbying groups or of others, that are not proven as compensable damages. In order to prove the existence of moral damage to Orlando Letelier's children, the Presentation is based exclusively upon sworn declarations of the affected parties and the report of a psychiatrist who examined one member of the

UNCLASSIFIED

family. The existence of a causal relation between the moral damages alleged for the parents of Ronni Moffitt is remote and no background information is given regarding the work and social condition of the parents. No information is given which permits a reasonable evaluation of the moral damage inflicted upon Michael Moffitt, including his second marriage and the constitution of his family. Nor is evidence provided concerning the relation of economic dependence between Orlando Letelier and Isabel Letelier and each of their children. In the same manner, proof of the relation of economic dependence between Michael and Ronni Moffitt is not presented. All the above is particularly relevant because it relates to a written proceeding, in which the experts were chosen by the Government of the United States or the family members.

VI. Special Matters.

(a) Expenses involved in the Presentation of Claims and Legal Fees.

i. Preparation of the Claims.

The preparation and presentation expenses of claims, in silence of an arbitration compromis are borne by the party which incurs them.

Under international law there is no obligation binding one party to pay for the preparation and presentation expenses of the petitions that are made by the other party, including legal fees for motions before the tribunal or the pertinent international commission. As Whiteman explains: "It may be stated that there appears to be no duty to compensate the respondent government for the expenses incurred in the settlement of the claim. Usually the expenses of arbitration are borne equally by the two governments. And frequently the claimant

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government's expenses are deducted from the total amount of the awards before payment of the individual claims is made." (53)

The Mixed Claims Commission between the United States and Germany never accepted to order payment for reasons of legal and other expenses needed for the preparation and presentation of the claims. (54)

The practice before the Claims Tribunal between Iran and the United States, cited frequently in the Presentation, confirms that express authorization is required for determining the above mentioned expenses. Indeed, Article III, 2nd paragraph of the Claims Settlement Declaration prescribes that the Tribunal members will be designated and the Tribunal will conduct its business in accordance with the rules of the United Nations Commission for International Trade Arbitration Law (UNCITRAL), except when these rules are modified by the parties or by the Tribunal to assure the performance of the Arbitration Agreement. (55)

The UNCITRAL rules, confirming the need for express provisions authorizing the Tribunal to rule on expenses, are particularly referred to in its Articles 38, 39 and 40, specifically to the proceeding expenses before the Tribunal and the way in which they will be settled by the parties.

Pursuant Article 38, modified by the Tribunal, the Claims Tribunal has jurisdiction to rule about arbitration costs. The term "costs" only includes: a) the cost of experts and other special assistance required by the Court of Arbitration in a particular case; b) trips and other expenses of witnesses, as long as these expenses are approved by the Claims Tribunal; c) costs of legal representation and assistance to the successful party, if these costs were claimed during the proceedings before the Claims Tribunal and only as long as the Claims Tribunal considers them to be reasonable. (56)

Article 39 of the UNCITRAL rules and regulations establishes criteria used by the Tribunal in deciding expenses, indicating that these should be reasonable, taking into account the amount of the dispute, the complexity of the issue, the time dedicated to the case by the arbiters and any other relevant circumstance. (Ibid.)

Article 40 of these same regulations establishes, in general, the principle that the arbitration costs will be paid by the defeated party in the proceedings, even though the Tribunal can decide upon this considering the circumstances of the case. (Ibid.) This UNCITRAL rule follows, in general, the commonly accepted legal principle, that the defeated party must pay the expenses of the trial. This principle is not applicable in situations that cannot be conceived in terms of a successful and a defeated party.

The proceedings before the Inter-American Court of Human Rights, are irrelevant in the current case for establishing the legal basis of the expenses paid in the preparation of the claims. In the case of the American Convention on Human Rights, the proceedings follow the norms of due process. The parties have ample opportunity to question, verbally or in writing, the evidence presented. The Court has the authority to name experts or skilled experts. The proceeding concludes with a successful and a defeated party. Moreover, the jurisprudence of the Court, in the sense of admitting expenses, is based on an express text, an international treaty, which should, therefore, be ratified so that its obligations are legally binding on the parties. Neither is the mere ratification of the American Convention enough for the Court to have adversary jurisdiction. An express declaration is also required accepting such authority on behalf of a State. (57) It is also important to indicate that in the proceedings before the Inter-American Commission of Human Rights, each party pays his own expenses.

ii. Preparatory expenses in the Presentation of the Government of the United States.

The Presentation of the United States includes preparatory expenses, in violation of the Compromis and the relevant rules of international law.

iii. Legal expenses prior to the proceeding, before arbitration and international courts.

These expenses can be distinguished from those previously described, since they refer to the feasibility of presenting as costs, the legal and other expenses incurred in the proceedings within the municipal legal order of one of the States that is a party in a dispute. When these expenses are claimed as preparatory costs of the presentation, the claims are unjustified for the reasons indicated above.

Insofar as they are not related to the preparation of the parties's claims they are not compensable, unless the parties have given their express consent in the respective arbitration compromis. In this sense, it is important to note that the Claims Tribunal between Iran and the United States, to which reference has been previously made, even though it is expressly endowed with the authority to decide on expenses made in the proceedings before the Tribunal itself, has not accepted to order payment resulting from legal expenses made in other proceedings than those that have taken place before the same Tribunal.

The Claims Tribunal between Iran and the United States, ruling in the Computer Siemens Corp. vs. The Islamic Republic of Iran Case [1986] rejected the American claim to demand compensation for the legal expenses incurred during the course of the litigation before their national courts, made prior to the establishment of the "The Hague" Tribunal. The court determined that "the costs incurred by the claimant in the

lawsuit in the United States were not included in Article 38 of the Tribunal's regulations."

Confirming the aforementioned, the Claims Tribunal in the Iran vs. the United States Case, sentenced, in a series of cases (58) that "only expenses produced by the proceedings of this Tribunal are compensable. Only some of the costs requested by the claimant satisfy this requirement. Also, the costs claimed include a number of items which constitute damages rather than costs. Moreover, the charge for the latter will in no way be compensable, when violating the terms of the contract." In the case of the inter-American system the proceedings in force are the result of the existence of express norms and, as was stated previously, payment has not been demanded for legal expenses, incurred under the municipal legal order of the States by the Inter-American Commission of Human Rights. (See below.)

To this should be added that the concept of costs is a technical concept different from that of compensation for bodily injuries or compensation for the loss of life. This deals with different legal notions. Therefore, it is unjustified to claim legal expenses, not permitted in the compromis, by way of including them as damages. (59)

The Rainbow Warrior Case (60) confirmed the need for express consent for demanding payment of legal expenses prior to proceedings before international tribunals. Firstly, the United Nations Secretary General decided the case ex aequo et bono, and not on the basis of international law. Secondly, the matter was resolved by awarding a lump sum, to satisfy the parties claims.

iv. <u>Legal fees prior to the arbitration proceedings included in the Presentation of the United States Government.</u>

The Presentation of the Government of the United States unjustifiably includes these expenses, since they can not be claimed as damages. In the same manner, the Presentation of the United States does not prove the causal relation between these expenses, the illicit act and the proceedings before the Commission. The Presentation includes numerous expenses of an undetermined nature and others resulting from typical lobbying activities to amend United States legislation. It should be taken into account that, in accordance with the United States legal order, it is impossible to order the payment of costs against a State in cases like the one initiated in that country against the State of Chile. For this reason, the verdict of the U.S. Court for the District of Columbia did not order such payment.

Therefore, those who initiated legal proceedings against the Chilean State in the United States, should have known that they could not recover legal expenses, even if they won the case.

(b) Payment of Interest.

i. The payment of interest under the applicable rules of international law.

Even though there are contradictory decisions regarding the payment of interest in the case of monetary indemnifications, such as García Amador, Sohn and Baxter explain, "the most common decisions are those which do not accept interest, whether explicitly or implicitly." (61) These same authors add that though this conclusion is of general value, the greatest uniformity exists in cases of illegal arrests or physical injuries to persons. (62) In cases relating to violent death, the general rule has also been to not pay interest. (63) To the above mentioned rule, it should be added that with

reference to ex gratia payments, precedents exist where no interest is paid. In the Pinzón Case, the President of the Franco-Mexican Commission pointed out that when Mexico's responsibility was based on an ex gratia pledge, payment of interest should not be ordered. The General Claims Commission between the United States and Mexico paid interest only in the case of breach of contract. Even though there are certain exceptional decisions in which interest has been awarded, as in the Wimbledon Case, it has been calculated as of the date of the court decision, and not from the date when the damages occurred, thus the rejection of interest has been the general norm. (64)

This reasoning was confirmed in the Lusitania Cases, in which it was decided, that: "There is no basis for giving an indemnification in interest when the damage is not settled nor is the amount possible to determine by mere computation.... Belonging to this class are claims for damages based on bodily injuries, death...." (65)

The jurisprudence of the Claims Tribunal between Iran and the United States, though it only decided upon disputes not having to do with bodily injuries or death, confirms the interpretation that the most acceptable doctrine is that no interest is paid in non-commercial matters. (66)

Bouchard confirms this conclusion in cases of diplomatic claims made by States relating to bodily injuries or death. (67)

ii. <u>The payment of interest in the Presentation of the United States Government.</u>

The Presentation of the United States Government includes claims for interest in the case of damages for loss of life and bodily injuries, whereas, in the absence of an express agreement, this is not accepted under international law. Moreover, the Government of Chile suggests that the nature of the

compromis and the combination of applicable circumstances in the case of an ex gratia payment do not permit the payment of interest.

(c) Diplomatic Protection offered by the Government of the United States to the Family of Orlando Letelier.

Traditional rules of international law do not permit the exercise of diplomatic protection without the existence of a constant nationality bond between an individual and the State that protects him. (68)

It is an established rule in international law that, "a State may not file a complaint in the name of a person who does not have its nationality. (69)

The opinion of the most competent publicists categorically supports this principle: "As concerns the presentation and execution of international claims, no other rule is more strictly observed."(70)

In cases of dual citizenship, as is already reinforced by international law, a State can fail to provide diplomatic protection given by a foreign State to their native citizens, even when such citizens have dual nationality. Indeed, Article 4 of the Hague Convention of 1930 states: "a State cannot offer diplomatic protection to one of his native citizens against a State whose nationality that person also has." Said principle is also supported by the opinion of the major publicists (71) as well as by international decisions. (72)

It is only possible to exercise diplomatic protection by the State with which this individual whose rights have been violated, has an effective nationality bond. (73)

These principles cannot be ignored in the solution of an affair before the Commission. Its relevance is particularly noted because one of the victims was a Chilean

public figure, who saw and foresaw his destiny bound to that of his native land. The natural course of a personality like Orlando Letelier was, had he not been assassinated, to return to the service of his country.

In the current situation submitted to the Commission, it is essential to consider, as well, that Isabel Morel and all of her children are Chileans. It is of public knowledge that Isabel Morel is now living in Chile and that one of her sons is a member of National Congress. The Chilean State is currently discussing indemnifications for suffering that occurred in the past, in the spirit of achieving national reconciliation. The payment of compensation to Chilean citizens, totally disproportionate with the amounts that will be granted to other Chileans, is an element of unreasonable discrimination. This is of particular interest considering the personal history of Orlando Letelier and his patriotic conceptions which made him see his country as the center of his work.

In conclusion, the Commission must consider the particular circumstances of the Chilean acceptance of diplomatic protection offered by the United States to the Family of Orlando Letelier. Under other circumstances this protection would be unacceptable, by virtue of the close relationship between the affected party and the petitioners, also considering, the initiation of legislation in Chile for compensation to the family members of victims of political violence.

VII. <u>Circumstances to be taken into account in order to determine the compensation to be paid.</u>

The aforementioned factors, to be considered in determining the extension of the compensation do not exclude others that may be taken into account to evaluate in a prudent manner the damages and which are part of the context in which the affected parties are involved. (71) The identification of an

act as malicious for the purpose of creating an aggravation, is not, however, pertinent, since it implies evaluating motives and, further, punitive damages are not allowed. On the other hand, the Government of Chile considers that the agreement requires taking into account the valid circumstances which are enumerated as follows, given that reference is made to the amount of the ex gratia compensation to be paid (See Chapter I).

(a) The attitude of the Chilean Government of giving satisfaction to the families that have suffered, by way of actions and declarations at the highest level of the Chilean State (See Chapter I). To the forementioned is added the revival of criminal actions, as a consequence of the steps taken by the Government of President Aylwin, directed at establishing the respective criminal responsibilities. These measures cannot be ignored, according to international law, for the purpose of deciding whether means of satisfaction have been presented which should be taken into account. (See García Amador, Sohn and Baxter op. cit. 108)

(b) The Government's willingness to make an ex gratia payment. The States, including the United States, have accepted the legal basis of these payments, which are those made, as explained by the Legal Adviser of the Department of State of the United States, "...without acknowledging, and irrespective of legal liability." (75) Referring to a situation where the United States did not accept legal responsibility, said Legal Adviser indicated that the United States "...is not paying 'reparations', a word which implies wrongdoing...Instead, the President has decided to make an ex gratia payment as a humanitarian gesture to the families...." (76) Examples of utilization of ex gratia payments by the United States include payment to Switzerland, after the Second World War, as

compensation for the bombarding of Schaffhausen, the payment to Japan for injuries and damages caused to a Japanese fishing-boat and its crew, as a consequence of radiation caused by nuclear testing in the Pacific, the payment of 1.6 million dollars to individuals who suffered personal or material damage during the invasion of Grenada. (77)

In regard to the downing of Flight 655 of Iran Air on July 3, 1988 by U.S.S. Vincennes, the United States offered to make an ex gratia payment in benefit of the victims. In the case of the nationals of India, Italy, Pakistan, Yugoslavia and the United Arab Emirates, who died in the flight, the United States offered to pay $ 250,000 dollars for victims that were full-time workers and $ 100,000 dollars for the others. (78) An official of the Department of State indicated that the United States was offering less than the amount requested by the victims in the Stark Case because there was no similarity between both incidents. (79) Involving Iranian victims on the flight, no agreement has been reached. Iran has not collaborated with the United States in its efforts to obtain information about victims of their nationality, and has brought a case against the United States before the International Court of Justice at The Hague requesting, inter alia, that the Court declare that the United States is responsible to pay compensation "...in the measure of the damages suffered by Iran Air and the affected families..." (80)

The importance of ex gratia payments is based upon the fact that they can assist the victims in circumstances where it is impossible to investigate the facts or the acknowledgement of the existence of a violation of an international obligation is unacceptable. (81)

In the above mentioned frame of reference, the level of compensation to be paid is, in accordance with that expressed by Legal Adviser of the Department of State of the

United States in 1988, a matter "... essentially within the discretion of the State offering such payments." (82)

Even though a State may accept, in the terms of a compromis, to submit to a Commission the fixing of compensation, it is relevant to consider the ex gratia nature of a payment. Given that the compromis refers to international law and authorizes the taking into account of all the relevant circumstances, the inexistence of international responsibility is a part of the combination of factors to be considered. The practice of ex gratia compensations, which is often reflected in the granting of lump sums, is in accordance with this interpretation. In standardizing these norms, professor Harold G. Maeier stated that "an attempt to calculate the value of each individual life would be not only administratively unfeasible, but politically intolerable. The normal method of computing damages for the wrongful death in the United States and in many other countries, is to determine the monetary value of the life of each person to his or her survivors. This 'value' is determined on the basis of the deceased's, earning capacity, and the standard of living where he or she lives...The political difficulties created by attempting to compute compensations on an individual basis would be even greater than the mechanical ones. The standard of living, life expectancy and earning capacity vary greatly with the nationality and domicile of each of these victims. Determining the amount of each award in the traditional way would necessarily result in an implicit finding that some nationalities were 'worth more' than others." (83)

NOTES TO CHAPTER II

1. "Le Droit International Public Positif", Paris, Editions A. Pedone, 1969, page 448, N°2.

2. Ibid.

3. Louis Cavaré, "Le Droit International Public Positif", 3rd edition, updated by Jea-Pierre Quénendec, Paris, Editions A. Pedone, 1969, page 450.

4. Eduardo Jiménez de Aréchaga, "El Derecho Internacional Contemporáneo", Tecnos Publishers, Madrid 1980, page 340.

5. Jorge Peirano Facio, "Responsabilidad Extracontractual", Montevideo, Berreiro y Ramos S.A., 1954, N° 204, page 362.

6. Ibid., N° 207, page 367.

7. Jorge Joaquín Llambias, Patricio Raffo Benegas and Rafael A. Sassot, "Manual de Derecho Civil. Obligaciones", eighth edition, Perrot Publishing Company, Buenos Aires 1987, N° 1392, page 574.

8. Ibid., N° 207, page 92.

9. Louis Josserand, "Derecho Civil", revised and completed by André Brun, Book II, Vol. I, "Teoría General de las Obligaciones", translation by Santiago Cunchillos and M. Bosch and Co., Buenos Aires 1950, N° 439, page 327.

10. Henri and León Mazeaud and André Tunc, "Tratado Teórico y Práctico de la Responsabilidad Civil Delictual y Contractual", translation by Luis Alcalá Zamora, Book I,

DECLASSIFIED

Vol. I, E.J.EA., Buenos Aires 1961, N° 215, page 300 and N° 216, page 301.
There is abundant doctrine accepting this principle. See specifically note 1 bis) page 302 of the above mentioned work.

11. Ibid., N° 218, page 304. See copious rulings quoted in note 2) at the bottom of the same number and page.

12. Francesco Messineo, "Manual de Derecho Civil y Comercial", translation by Santiago Sentis Melendo, Book VI, "Relaciones obligaciones singulares", E.J.EA., Buenos Aires 1979, N° 8 (c) and (d), page 491.

13. Ob. cit. N° 484, page 367.

14. Ob. cit., page 340.

15. Judgements dated July 21, 1989 rendered by the Inter-American Court of Human Rights constituted by judges Héctor Gross Espiell, Héctor Fix-Zamudio, Rodolfo E. Piza, Pedro Nikken, Rafael Nieto Navia and Rigoberto Espinel Irías.

16. Paul Reuter, "Derecho Internacional Público", Bosch, Barcelona 1962, page 148.

17. Max Sorensen, "Manual de Derecho Internacional Público", Economic Culture Fund, México 1973, page 540.

18. Alfredo Verdross, "Derecho Internacional Público", Aguilar, 1976, note on page 380.

DECLASSIFIED

19. See Ago, Third Report, Special Rapporteur to the International Law Commission in Yearbook I.L.C., 1971, Vol. II One, pages 199-205, paragraph 30; I. Brownlie, Principles of Public International Law 434 [1984]; Case concerning the Corfu Channel, Merits, I.C.J. Reports, 1949, 4, page 23.

20. Permanent Court of International Justice [1928] Ser.A.N° 17, page 47. Also see, Trail Smelter Arbitration 3 R. Int'l Arb Awards 1965-1966 [1949] reprinted in 35 American Journal of International Law [1942] page 684; also see Jiménez de Aréchaga, Hague Recueil, Vol. 159 [1978, I] 286; Jiménez de Aréchaga in Sorensen (ed.) Manual of Public International Law [1968] 567-568; Podestá-Costa and Ruda, Public International Law, Fifth edition, 1979, 189-190; Rousseau Droit, International Public, V, [1983] 232. Also see Article 6 of the project regarding content, form and degree of international responsibility prepared by W. Riphagen, Special Relator, Sixth Report, Yearly Report of the International Law Commission [1985-11] pages 9-10; and [1988] pages 113-114.

21. See García Amador, Sohn and Baxter, op. cit. 92, page 36.

22. See García Amador, Sohn, Baxter, Recent Codification of the Law of State Responsibility for Injuries to Aliens 115 [1974].

23. See Jiménez de Aréchaga in Sorensen, op. cit. 567-568.

24. Lusitania Cases U.S. vs. Germany, 1923.

25. Translation made by M. Whiteman, Damages in International Law 705, 1935.

26. Compensatory Legal Indemnification, Judgement dated July 21, 1989, pages 26-27.

27. In the same terms, see García Amador, Sohn and Baxter, op. cit. 124.

28. See: Department of State, Suggestions for Preparing Claims for Personal Injury or Loss of Life-July 1, 1955, in R. Lillich, G. Christenson, International Claims: Their Preparation and Presentation [1962] Appendix C.

29. See Lusitania Case 19-20, also see Eagleton, The Responsibility of States in International Law, 191 and ss; Whiteman, op. cit. 660.

30. Whiteman, op. cit. 789.

31. See García Amador, Sohn and Baxter op. cit. 114-115.

32. See García Amador, Sohn, Baxter, op. cit. page 115.

33. Whiteman, op.cit. 788-789.

34. See U.S. District Court for the District of Columbia, Civil Action N° 78-1477, Memorandum Opinion 14. In that judgement, Mr. Moffitt and the other plaintiffs were granted compensation for another type of damage: moral damage (pain and suffering), material and punitive. See Judgement, pages 1 and 2.

DECLASSIFIED

35. See Lusitania Case, Vol. VII, Report of International Arbitrals Awards, page 37.

36. See Laura M.B. Janes Case, Opinions of Commissioners [1927], page 117-118, in García Amador, Sohn and Baxter, op. cit. 117. Also see Laura A. Davis Claim (United States vs. Panama) cited in Whiteman, op. cit. 780.

37. See Eagleton, op. cit. 189.

38. See Whiteman, Vol I, op. cit. 718.

39. Whiteman, Vol. I, op. cit., pages 716-717.

40. See H. Thiery, J. Combacau, S. Sury Ch. Vallee, Droit International Public [1975] 630.

41. See Article 31, paragraph 4, of the 1969 Vienna Convention on the Law of Treaties in Oriol Casanovas and La Rosa, "Casos y Textos de Derecho International Público" 55 [1988].

42. See García Amador, Sohn and Baxter, 111-115.

43. See Thiery and others, op. cit., 628-629.

44. See Thiery and others, op. cit., 674.

45. See H. Lauterpacht, The Development of International Law by the International Court [1958] 315-316 and Eagleton, op. cit. 1981.

DECLASSIFIED

46. See Ralston, The Law and Procedure of International Tribunals [1926] 220, citing the Feullitan Case Ven. Arb. of 1903, 406.

47. See Judgement of the Inter-American Court of Human Rights, Velázquez Rodríguez Case, July 29th, 1988.

48. See Judgement cited, page 51.

49. See Judgement cited, page 51.

50. Translation of: Foreign Relations of 1902, Appendix I, 463, in Jackson H. Ralston. The Law and Procedure of International Tribunals, page 218 [1926].

51. Translation by Moore, International Law Digest 1335, in Ralston, op. cit., page 219. See also the Sánchez and the De Zeo Cases, in Ralston, op. cit., page 219.

52. See Brun Case in Ralston Report, French Venezuelan Mixed Claims Commissions of 1902, 5,25; Hilja Case in Hale's Report 151; De Lemos Case in Venezuelan Arbitration of 1903, 310, 321. These cases are cited in Ralston, op. cit. page 225.

53. Translation by Whiteman op. cit. page 791.

54. Whiteman op. cit. 790-791.

55. See Text in Hague Yearbook of International Law, pages 433-435.

56. See text in Hague Yearbook of International Law 438-462.

UNCLASSIFIED

57. See Buergenthal, C. Grossman and P. Nikken, Manual Internacional de Derechos Humanos" [1990], 103-105 and 108-109.

58. McHarg, Roberts, Wallace & Todd vs. Islamic Republic of Irán [1986].

59. See below, McHarg et. al. vs. Islamic Republic of Iran Case [1986].

60. United Nations Secretary General Ruling on the Rainbow Warrior Affair between France & New Zealand, Reprinted in 26 ILM 1346 [1987] United Nations.

61. Op. cit., 125, page 165.

62. See Francis W. Rice and George Macmanus Cases; Walter Faulkner Case, cited in García Amador, Sohn and Baxter, op. cit. 125, page 165. Podestá Costa and Ruda draw the same conclusion; see Podestá Costa and Ruda "Derecho Internacional Público, page 269.

63. See García Amador, Sohn and Baxter, op. cit. 125, page 165.

64. See García Amador, Sohn, Baxter, op. cit. 125, page 165. To that effect, see Agreement between Chile and the United States, concluded in Santiago, Chile, June 21, 1859, Article 2 [Franklin matter].

65. U.S. vs. Germany, 1923, AJIL [1924], page 603.

66. See Award Numbers 225 - 89 - 3, April 22, 1986, 35, page 93; and Award N° 25 - 71 - 1, February 18, 1983; as examples of

UNCLASSIFIED

the above mentioned, see the Laura M.B. Janes Case, Opinions of Commissioners [1927] page 119, in García Amador, Sohn and Baxter, op. cit., page 118, paragraph 136; Stephens Case, cited in 1 Whiteman, op. cit., page 780.

67. E. Bouchard, op. cit. 428, page 179.

68. Charles Rousseau, Droit International Public [1983], page 102; Hildebrando Accioly, Treaty of Public International Law [1945], pages 387-388.

69. García Amador, Sohn and Baxter op. cit., page 82, quoting the Preparatory Committee of the Hague Conference for the Codification of International Law [1930]. Basis of Discussion N° 28, paragraph 1, League of Nations publication, V. Legal, [1929], V. 3, page 145.

70. E. Borchard, The Diplomatic Protection of Citizens Abroad, [1922], page 462, paragraph 200. See also Accioly, Hildebrando, op.cit.

71. See the opinions of Panhuys, Guggenheim, Kunz, Battiffol.

72. See "Knocke" affair: Venezuelan Arbitrations of 1903; Mrs. Barthez de Motfort vs. Trehaunder Case, before the French-German Mixed Claims Commission; Compensation for damages suffered at the Service of the United Nations.

73. See Canevaro Case, May 3, 1912, Italy vs. Peru, 6 AJIL [1912], page 747.

74. See Opinion on the Lusitania Cases, November 1, 1923 in 18 American Journal of International Law 364 [1924].

DECLASSIFIED

75. See declaration of August, 1988 from Legal Adviser of the Department of State, Mr. Abraham D. Sofaer, in 83 American Journal of International Law, April 1989, 321-324.

76. Ibid., page 322.

77. 83 American Journal of International Law 328.

78. See announcement made by Richard Boucher, Deputy Assistant, Secretary of State for Public Affairs Department of State Daily Press Briefing No. 122, July 17, 1989, page 2.

79. See 83 American Journal of International Law, 913, note 2.

80. Ibid., page 914, note 3.

81. See Harold H. Maeier, Ex Gratia Payments and the Iranian Airline Tragedy, 83 American Journal of International Law 329.

82. Ibid., page 322.

83. Maier, art. cit., page 330.

DECLASSIFIED

CHAPTER III.

ANALYSIS OF THE PRESENTATION OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA.

I. Introduction.

As has been pointed out in Chapter I of this presentation, if the Commission were a Court of Justice deciding a lawsuit between parties, whether between States, or between individuals and a State, consideration should be given to the damage suffered by the victims, which must be compensated for by the responsible party. In such a hypothetical lawsuit, the parties would have all the guarantees of due process.

In the matter which constitutes the Commission's purpose, in accordance with the Agreement subscribed with the Government of the United States of America, the State of Chile does not admit negligence or malice, for which reason it is not admissible to demand compensation in the manner set forth in the Presentation filed with the Commission.

In fact, the Presentation of the Government of the United States of America is filed on the basis of an indemnification claim for damages, which is not the Commission's purpose, in such a way that the facts and basis of Chapter IV of said Presentation are absolutely erroneous, and all theoretical and practical structures of said Chapter do not agree with the purpose nor the meaning of the Agreement subscribed to by both Governments.

It is a principle of law that in order to establish the amount of a compensation, one must not take the responsible party into consideration, but rather the victim, inasmuch as it is not a question of guilt, but rather of damage and those suffered by the victim.

The Commission, having been converted into to a Court of Justice by the Government of the United States of America, is being dragged into penalizing the State of Chile by transforming the indemnification for damages into a punishment. Furthermore, it should be added, that by nature, the procedure agreed upon in the Agreement does not admit such a focus, since "inter alia" implies a written procedure, the experts are chosen and paid by the parties and the witnesses cannot be cross-examined. By virtue of the beforementioned, the Presentation, together with its petitions, should have satisfied the highest assessment requisites of the submitted evidence.

In order to determine the compensation claimed by the Government of the United States of America for each of its protected claimants, the Commission should ascertain the damage actually suffered by each one of them, and not the abstract damage that any person might have experienced. The evaluation of the damage must be specifically made; the damage is appraised through the victim, since it is he who has right to the complete compensation for the damage suffered. In any case, the Commission must consider the significant circumstances mentioned in paragraph VI, Chapter II, of these Observations. The Presentation does not satisfy the requisites of: (a) considering the current and effective damage suffered by the victims; (b) the weight of the evidence and assessment criteria of the same; (c) considering the set of valuable circumstances in order to demand a just compensation.

The Presentation is analyzed in detail as follows:

II. Damages and the amount of compensation claimed in favor of Mr. Michael Moffitt.

A. "Damnum Emergens" and "Lucrum Cessans".

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The Presentation filed by the Government of the United States of America, in Mr. Moffitt's case, states that the actual damages ("Damnum Emergens") and loss of profits ("Lucrum Cessans") consists of:

i. Medical, travel and other expenses, which were incurred by the families in relation to the pursuit of justice. (It is specified that Michael Moffitt paid medical, travel, and various direct expenses for a total of US$ 18,207.48.)

ii. Direct expenses disbursed by several lawyers (specifying that the Letelier, Karpen, and Moffitt families would together be creditors to US$ 48,367.70).

iii. The loss of profits ("Lucrum Cessans") amounts to US$ 2,065,345.00.

In this paragraph the titles indicated by the letters (a) and (c) will be analyzed, inasmuch as the "direct expenses disbursed by various lawyers" (b), will be analyzed in Chapter V.

B. Actual damages ("Damnum Emergens") corresponding to medical, travel, and various direct expenses.

The Presentation states that the expenses incurred by Mr. Moffitt are contained in a list that is attached as Annex Nº 18.

The State of Chile is demanded to pay the Government of the United States of America the sum of US$ 18,207.48 on account of:

(a)	Expenses related to travel	US$ 4,614.03
(b)	Psychiatric sessions	US$ 13,575.00
(c)	Copies and Typing	US$ 18.45

UNCLASSIFIED

T o t a l US$ 18,207.48

(a) Travel expenses and others related thereto.

(a.1.) Without any basis whatsoever in the Presentation, US$ 4,614.03 is calculated for travel expenses.

The Government of Chile rejects said claim because there is no basis for demanding the payment of such expenses, there is no evidence whatsoever supporting that they pertain to a direct detriment to Mr. Moffitt, and the expenses incurred have no direct relation to the loss suffered by the victim.

The Presentation of the Government of the United States of America is mistaken in pretending to obtain said amount, US$ 4,614.03, for Mr. Moffitt, for the reasons indicated in Exhibit Nº 18, since the travels, actions, meetings (lobbying), and telephone calls referred to in the minutes, form no part of the damages which occurred to Mr. Moffitt, but are rather due to his activity in obtaining from a State, which enjoys immunity from jurisdiction, compensation for the death of his spouse and for his own personal suffering.

It can be seen that the travels, meetings, and telephone calls with no documentary support whatsoever, except for Mr. Moffitt's own statement listed in Exhibit Nº18, attached to the presentation, would denote relation to the legal proceedings which he attempted to carry out in order to obtain his legitimate indemnification against the perpetrators of the crime committed to his spouse.

These would form part of the legal expenses.

(a.2.) The purpose of condemning the defendant to pay for the plaintiff's legal expenses is to compensate the latter for the damage caused by the proceedings, whenever the defendant has been unwilling to voluntarily fulfill the plaintiff's claim or petition.

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In the matter submitted for the Commission's consideration, there is no law suit, nor has the State of Chile been part of any law suit, whereby it is not admissible, nor should payment be imposed for the proportional legal expenses destined to reimburse the expenses incurred by Mr. Moffitt with regard to the different petitions filed with state agencies of the United States of America, in order to obtain the compensation he is claiming.

On the other hand, the amount of the expenses he claims, have neither been necessary nor beneficial, for the Government of Chile to have consented to subscribe to the Agreement which gave rise to the Commission. Moreover, within the procedures established in the Agreement, the State of Chile cannot be accused of resisting use of legal avenues in resolving the problem that grieves Mr. Moffitt. The State of Chile has done nothing except represent to the Government of the United States, as has been stated in Chapter I, that it cannot be taken before any foreign court without its prior consent. Nor does this imply an abuse of international law, since immunity from jurisdiction emanates from, among other rules, the Code of Private International Law (Bustamante Code), subscribed to by the Government of Chile in the Sixth International American Conference, in which the Government of the United States of America was represented by 9 persons and declared that, notwithstanding its inability to approve the Bustamante Code at that time (February 20, 1928), it maintained the firm idea of not withdrawing itself from Latin America, reserving its vote with the hope of being able to adhere to part of, or to a considerable portion, of its stipulations.

As such, the Government of the United States knows, or should know, that in said convention, the valid legal standard within Inter-American International Law stipulated that a State, through its judges and courts, has no jurisdiction to

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decide a civil suit for indemnification of damages (Art. 333) against another State.

In this way, the travel and other related expenses are claimed as direct damages, since they cannot be claimed as legal expenses, because they do not meet the two basic requirements to be considered as such, namely: (a) to be indispensable or useful; and (b) evidence proving the responsibility of the defendant in forcing the plaintiff to overcome his resistance to abide by the law.

It is insisted, that the submission of the existing dispute between the Governments of the United States of America and of Chile, to the decision of the commission is not due to a culpable or malicious resistance by the latter Government. Said culpable resistance would occur if the Government of Chile refuses to pay the sum that the Commission might determine as compensation.

(a.3.) Carrying out a detailed analysis of expenses, the reason for making these trips is unknown; that is, from what location to Washington D.C., what were the means of transport (planes, buses, trains), etc.

-- Nor is it stated the reasons or purpose for making such trips. Such is the case of the trip that apparently was made from Washington D.C. to New York in December of 1981, which indicates: "Meeting about: Central Bank of Chile."

It is obvious and clear that the Central Bank of Chile has nothing, nor had anything to do with the payment of an indemnification for damages to the families represented by the Government of the United States of America.

It is not stated with which Bank representatives the meeting was held, not to mention the matters discussed, in order to learn something about the trip's benefits.

-- The same thing occurs with 12 trips intended for "Lobbying". The State of Chile is required to pay US$ 1,068.00

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for lobbying matters, but without knowing their benefits so that the current democratically elected Government of Chile, would subscribe to the agreement that brought the Commission into existence and which must determine the amount of ex-gratia compensation.

There is no doubt that the benefit obtained from those trips is irrelevant, since the Agreement between both Governments was negotiated in 1990, scarcely 4 months after the establishment of the present Government, presided by Mr. Patricio Aylwin A.. This implies that all lobbying subsequent to June 1990 has no relevance whatsoever, since the agreement had already been adopted between the Governments and it only depended on them to put it into practice, without requiring any lobbying on the part of Mr. Moffitt. The uselessness of the lobbying prior to 1990 is clear and explicit in the diplomatic notes exchanged between both Governments and which are attached as Exhibit N°2, already analyzed in Chapter I.

-- Also, payment is demanded for a trip made in relation to a press conference. It is not stated where he is travelling from, what the press conference is about, what benefit said conference has for the Commission's determination of an ex-gratia compensation, nor is it given at least some illustrative information regarding this point.

-- The State of Chile is demanded to pay expenses that Mr. Moffitt may have incurred in a number of meetings with the Department of State. There are 7 meetings in all. The Government of Chile rejects this demand for payment, since such expenses have nothing to do with the Presentation filed in accordance with the terms of the Agreement by the Government of the United States of America. Moreover, the usefulness of such meetings is not proven, and if such usefulness exists, it would also have been useful to the Government mentioned.

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For this reason, from every point of view, the meetings in the Department of State, carried out by Mr. Moffitt with officials who have not been identified, cannot be nor should be considered by the Commission.

-- It is demanded the payment of the cost incurred in making three trips for attending meetings in which different American politicians and congressmen hypothetically may have made reference to the matter that should be resolved by the Commission. The cost of said meetings amounts to US$ 672.24. The Government of Chile rejects such claim, since they show no relation to any valid proceedings associated with the compensation that the State of Chile has undertaken to pay the United States of America. The Commission must only confine itself to completely reject such claim, since it is not within the scope of its jurisdiction, inasmuch as these expenses cannot be qualified as a direct damage caused to Mr. Moffitt and thereby be considered in the compensation. they are D.C.

-- The Government of Chile rejects the claim of US$ 1,362 for trips to Washington D.C. for "meeting with lawyers". In fact, such expenses cannot be considered a damage caused to Mr. Moffitt by the Government of Chile, since such trips, assuming their certainty and occurrence, depended only upon Mr. Moffitt's will, who was able to make them at his sole discretion, without their having any relation whatsoever with the decision that the Commission must adopt.

In the opinion of the Government of Chile, it is absolutely inappropriate that the United States Government claim as direct damage, resulting from the assassination of Mrs. Ronni Moffitt or of injuries suffered by Mr. Michael Moffitt himself, expenses which lack association to said direct damage suffered by those for whom the claim is made. Such is the case of, among others, those incurred in the meetings held with unidentified

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lawyers, and even when they might have some connection, have no relation to the compensation that the Commission must determine.

It is important to point out that in diplomatic note N°082, attached as Annex II, the Government of the United States of America stated that it would not claim any of its own expenses. The expenses now claimed contradict said undertaking which was taken into consideration in order to subscribe to the Agreement.

The meetings with lawyers, or the meetings which Mr. Moffitt held in the Department of State, would imply a charge for the negotiations taken place for undetermined purposes, completely unrelated to the demanded compensation for damages.

For the same reasons pointed out previously, the Government of Chile rejects the meetings with the representatives of "Human Rights Watch", the preparation of a Memorial, and the telephone calls, whose recipients are unknown.

(b) Psychiatrists' Fees and others related thereto.

The Presentation filed by the United States Government demands that the Government of the Republic of Chile pay Mr. Moffitt the sum of US$ 13,575 for psychiatrists' fees.

According to the document attached as Exhibit N° 18, psychiatrists, Dr. Joseph Novello and Dr. Harold Kaufman, were consulted.

There is no accompanying document whatsoever related to Dr. Joseph Novello, to the office visits made to him, or the work which said physician may have carried out with respect to Mr. Moffitt. In these circumstances, it is obvious that any charge related to an act that has not been proven, nor can be analyzed, should be rejected.

Also attached are the corresponding bills paid to Dr. Kaufman, one of which corresponds to 73 office visits totalling US$ 4,745.00, and the other for 29 hours of work,

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apparently for the purposes of preparing the report attached as Exhibit N° 4, totalling US$ 8,700.

The State of Chile rejects the claim of the sums mentioned, since they do not correspond to the compensatory concept within the Commission's attributions, to determine the amount of said compensation.

According to the report attached as Exhibit N° 4, Dr. Kaufman diagnosed a psychiatric trauma, but without establishing the treatment that Mr. Moffitt followed.

In order to establish the actual damages ("Damnum Emergens") corresponding to expenses incurred in treatment of a psychiatric nature, the Government of Chile, as well as the Commission, should have unquestionable evidence of the facts of a medical treatment in accordance with the diagnosis made. The mere statement made by Dr. Kaufman of receiving Mr. Moffitt on 73 occasions for the purpose of analyzing, with him, his trauma, does not constitute sufficient evidence of a specific treatment for damages, which are pretended to be compensated, by a US$ 500,000 claim.

It is insisted before the Commission, that this is not a law suit of compensatory character, but rather a question between States, for the purpose of compensating the families for the crime committed on September 21, 1976. It is impossible to demand damages without proving the basis for such demand and it is impossible to expect that the Government of Chile would object the evidence presented, without having a lawsuit with all ways and means allowed for producing and challenging evidence. Therefore, the Presentation should satisfy the highest criteria of evidence assessment, which has simply not taken place..

For example, the report states that the treatment began on February 8, 1978, and continued until May 8, 1981. In other words, it lasted 3 years and 3 months, a period in which 73 office visits took place, at the rate of 2 sessions per month.

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Professor of Psychiatry at the University of Chile, Dr. Armando Roa, has analyzed Mr. Kaufman's report, which is attached as Annex XI, and which indicates that said report is insufficient to establish the psychiatric diagnosis mentioned in the Presentation that may be attributable to Mr. Michael Moffitt.

It is stated that Mr. Moffitt suffers from a trauma, or post-traumatic stress. However, it is known that Mr. Moffitt has married and carries on the life of a businessman in New York, as a finance specialist, a situation that contradicts the deep consequences of stress or trauma.

-- It is interesting to note the statement made by Dr. Andreasen, entailing the payment of a compensation by means of a global sum, which would rapidly solve the situation of a person affected as Mr. Moffitt is. (See analysis by Professor Dr. Armando Roa, in Annex XI).

Analyzing all these circumstances, in order to determine the psychological damage to Mr. Moffitt, it is evident that they correspond to a suit of compensatory character, a suit which is the antithesis of the procedure agreed upon by both Governments before the Commission.

-- Also, Dr. Kaufman's charge of US$ 8,700 for 29 hours of work is inadmissable considering the extreme vagueness of the charge formulated as damage.

Said charge is not a damage, since it is the requirement of a qualified expert to prepare a report for the purpose of justifying the claim of US$ 500,000 for mental anguish and psychological trauma. The Government of Chile, according to the Agreement, has no legal reason whatsoever to assume responsibility for the expense entailed by the Government of the United States of America in proving the above mentioned anguish and psychological trauma.

So much so, that Dr. Kaufman's bill for services is presented to the lawyer, Mr. Buffone, on June 18th, 1990, when

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the Agreement between both Governments had already been signed, thereby making it evident that this is a specific expense incurred in preparing the Presentation filed by the Government of the United States of America.

-- The Government of Chile cannot be condemned to pay the cost of work carried out by the lawyers of the Department of State in order to justify the claim of the compensatory damages contained in the Presentation, since said cost does not constitute damage to Mr. Moffitt, but rather an expense he voluntarily assumed and which his Government has not wished to bear, charging the Government of Chile US$ 500,000 for reason of mental anguish and psychological trauma. In addition, the Agreement does not state that the Government of Chile must pay the expenses of the Presentation filed by the Government of the United States of America. (See Chapter V).

(c) Photocopies and Typing.

The Government of Chile is required to pay US$ 18.45 for photocopies and typing.

Nowhere in the Presentation does it state the basis for said damage, which supposedly the State of Chile has caused Mr. Moffitt. Nor has any bill been presented indicating what has been photocopied and typed, nor who did it, nor the length or duration of the work.

Said demand for payment is merely a desire to compensate for damage occurring to Mr. Moffitt, and is unrelated to either Government's objectives.

The Commission should reject the above mentioned claim, for lack of basis and for inappropriateness.

C. ("Lucrum Cessans") Loss of Profits.

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As has been indicated, the Presentation states that Mr. Moffitt's losses total US$ 2,065,345.00 according to the calculations which have been worked out for that purpose.

Said calculations are based upon reports prepared by a consulting firm, on the basis of an hypothesis or probability.

Such calculations are exaggerated even for a compensatory damage law suit, where it is possible to contradict the presented evidence, with all guarantees to the parties which, in theory, is known as due process, which allows for the possibility of challenging and analyzing the evidence.

The Presentation of the Government of the United States of America states the following as future truthful facts:

- That Mrs. Moffitt would have remained in her profession as a fund-raiser for non-profit organizations.
- That Mrs. Moffitt would have had two children.
- That Mrs. Moffitt performed non-commercial, or domestic services of great worth (refinishing of old furniture, house painting, and gardening).
- That during her pregnancies, Mrs. Moffitt would have performed even greater non-commercial jobs of value.
- That Mrs. Moffitt would have received supplementary benefits as a fund-raiser.

It is evident that the hypothetical presumptions of Mrs. Moffitt's life can be questioned at length. Some of these doubts are indicated below:

(1) Mrs. Moffitt, according to what her spouse explained under testimony on Friday, June 20, 1980 -- as per the document which is attached as Exhibit N° 16 -- indicated that

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after her graduation she worked in an elementary school in Montgomery County. She taught there, as she had been trained, for 1 year.

Mr. Moffitt points out that she quit her job voluntarily. There is no evidence of this in the Presentation.

Afterwards, without indicating a date, she becomes employed as a secretary in an insurance company. Mr. Moffitt stated that in 1972-1973, his wife worked as an elementary school teacher and in Washington D.C., she devoted herself to directing and promoting a music center, sponsored by the National Foundation for the Humanities, which held evening classes. Also Mrs. Moffitt collaborated in the music education of children. The music center was closed down due to its inability to pay its bills.

Subsequently, she developed activities in a public mall in Washington related to the exhibition of handicrafts, at which time she becomes associated with the I.P.S., working as a secretary.

As can be seen from the curriculum described by Mr. Moffitt, his spouse, in some three years of activity, was engaged in five different jobs, some different from others and some without pay. All this is ignored by the experts paid by the State Department, who presume that Mrs. Moffitt would have a high degree of stability in her hypothetical jobs.

It is obvious that even in a contested proceeding for compensation of damages, the hypothesis of NERA found in Exhibit Nº 16 could be extensively challenged. What has been expounded upon only serves as an example that the Commission cannot consider such hypotheses as definitive, nor as the basis of evidence. It is insisted that precisely for not being a typical lawsuit for compensatory damages, the Presentation should have satisfied the highest criteria of evidence assessment.

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(2) Mr. Moffitt states that they would have had two children had their marriage continued. That constitutes a hypothesis based upon the statement of the affected person and which moreover serves as foundation for increasing Mrs. Moffitt's hypothetical salary. To that is added the declaration of Mr. Conway, stating that Mrs. Moffitt would have obtained other additional resources from other sources not mentioned.

With the hypothetical raising of two children, moreover presupposing that she would perform additional fund-raising jobs, nothing is known about Mrs. Moffitt's fertility and her work stability as a fund-raiser.

The hypothesis of NERA lacks human reason, and even in a contested proceeding it would not be admissible.

(3) Mr. Moffitt also stated that Mrs. Moffitt performed household chores of important economic worth.

How is that proved?

No evidence is submitted before the Commission, and yet the consultants of the Department of State appraise such services at a sizable sum, which they project indefinitely during all the hypothetical life of Mrs. Moffitt.

The report does not take into account current statistics concerning the length of marriages in the United States of America.

Why is it envisioned that the Moffitts would always live in houses with a garden, whose extension is unknown, and that they would always paint the house?

Why should Mrs. Moffitt assume responsibility for such tasks and not Mr. Moffitt?

All these and many other questions should be asked and answers should be given before the Commission. The procedure agreed upon by both Governments is not a suit but rather an institutional process of an international nature to determine a

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compensation and not an indemnification, the State of Chile being presumed responsible, in order to normalize the relations between both States. The Presentation does not take into account the nature of the procedures agreed upon and its evidence does not satisfy the highest criteria of assessment as required, attempting to produce improbable hypotheses.

(4) NERA forms the hypothesis that Mrs. Moffitt would have increased the worth of her valuable household services during the periods of pregnancy and the raising of her hypothetical children.

It is highly feasible that Mrs. Moffitt would not have been able to perform such services during the periods of pregnancy and child-raising, whose prolongation could be established.

This is a matter that NERA does not study.

(5) NERA's study emanates from the hypothesis that Mrs. Moffitt would work overtime, as well as supplementary or shared hours with the IPS in raising funds for other organizations.

NERA forgets that Mr. Moffitt indicated in his judicial statement, that his wife "had expressed a desire about going back to graduate school and perhaps getting back into the educational area, because she believed that it could have been done a lot better than she observed it being done." (Exhibit Nº16, Element of Evidence Nº1)

It is probable that the NERA's staff had no reason to consider such declarations, but since the statements of Mr. Moffitt are considered for increasing the valuation, it is certain that they also ought to consider those that can decrease said calculations.

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The above confirms the total and complete absence of the necessary certainty that must exist in the determination of lost profits ("Lucrum Cessans"), a certainty non-existent in the explanation made by NERA.

The only existing certainty is that which is deduced from the certificate issued by Mrs. Diana de Vegh, dated July 20th, 1990, that Mrs. Moffitt's salary was US$ 15,000 a year. However, said certificate does not fulfill the requirements for evidence, which must be required and proven in the solution of an international conflict, which must be sufficient to withstand the highest assessment criteria.

In fact, for it to be sufficient, the documents related to the labor association between the IPS and Mrs. Moffitt, receipts of salary payments, tax declarations on the wages received by Mrs. Moffitt, among others, must be attached.

Until the above mentioned elements of evidence are furnished, the Government of Chile formally objects to the document provided by Mrs. Diana de Vegh, attached as "Element of Evidence 2" in Exhibit N° 16, as it is a mere salary estimate.

In conclusion, the Government of Chile entirely questions the calculations totalling US$ 2,065,345.00, regarding the loss of profits ("Lucrum Cessans") that Mr. Michael Moffitt might have experienced, and which is requested as compensatory payment based upon an hypothesis lacking certainty and constituting an indemnification alien to the Commission's objectives and attributions.

D. Moral Damages.

The Presentation requests that the Commission determine that the State of Chile pay the sum of US$ 500,000 to the Government of the United States of America, in order that it, in turn, transfer said amount to Mr. Michael Moffitt for moral

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damage suffered as a consequence of the death of his former spouse.

In Mr. Moffitt's case, it is claimed that the injury in his feelings of affection towards Mrs. Moffitt, are the basis of the moral damage. Such damage must be certain and such certainty has only existed during the period of time which has elapsed since September 21, 1976, until the time that he became sentimentally attracted to his current spouse, inasmuch as his affection is replaced to such a degree that he marries her.

The Presentation makes no mention of these facts, in such a way that the moral damage caused by the death of Mrs. Moffitt, is limited to an event in time.

This situation is quite complex, since the victim's parents are added to the Moffitt family, so that the whole family, parents and son-in-law (former spouse), claim for joint compensation for the same moral damage; the loss of a family member, which is valued at US$ 1,000,000. (It is presumed that the moral damage to Mr. Murray Karpen is equal to that of his spouse, the latter being appraised at US$ 250,000).

Mr. Michael Moffitt's moral affliction has disappeared, turning now towards his actual spouse and in their offspring.

Today, seeking to compensate Mr. Moffitt's moral damage for the loss of his former wife, without considering his affection for his present wife and children is not legally admissible. The Commission ought to consider that Mr. Moffitt has completely reconstituted his emotional life, forming a family.

Today, Mr. Moffitt does not show any moral damage for the death of his former spouse, without detriment to the fact that he had at one time. Before the Commission, Mr. Moffitt presents an historical damage for the purpose of being compensated.

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The moral distress suffered by Mr. Moffitt since September 1976 until the moment he entered into a serious relationship with his present spouse is an historic fact of his personal life whose compensation shall be determined taking into consideration that today he is not afflicted by said suffering. The Presentation does not give sufficient evidence that Mr. Moffitt does not live a new happiness, or a new spiritual joy that entirely supplanted his previous affliction. Nor does it deliver objective information which permits evaluating each and every one of the relevant circumstances in order to determine the alleged compensation. Although moral damage is at stake, the economic income, the employment situation and the current social condition cannot be ignored, since they demonstrate to what extend he has been affected by the claimed moral damage. Furthermore, Dr. Kaufman's psychiatric report makes no reference to the important fact that the patient has contracted matrimony and has at least two children (see page 12 of Professor Armando Roa's report which is attached as Annex XI.

In conclusion, the Government of Chile rejects, for the reasons expressed, the demand of the United States of America to compensate the moral damage to Mr. Michael Moffitt due to the death of Mrs. Ronni Karpen Moffitt.

E. <u>The indemnification claimed for mental anguish and psychological trauma suffered by Mr. Michael Moffitt.</u>

The Government of the United States of America requests for Michael Moffitt, US$ 500,000 for his significant moral damage, including psychological injuries that he suffered, as victim of attempted murder.

A basic question arises in order to accede to the petition of the Government of the United States of America: Why US$ 500,000? There is no basis in said petition.

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First of all it is worthwhile to again emphasize to the Commission that the civil concept of liability and the penal concept of guilt are entirely different.

In the case submitted for the Commission's consideration, the situation is even clearer, since it is established that the State of Chile will pay ex-gratia, without admitting liability.

The Presentation states as basis of its petition, the case submitted before the Inter-American Court of Human Rights, the Godinez-Cruz case, similar to the Velásquez-Rodríguez case.

Said decisions are illustrative, bearing in mind that they have been rendered by a Court, which the Commission is not, and based upon due process, regulated by the standards of the Inter-American Convention on Human Rights of November 22, 1969, the Statute of the Inter-American Commission of Human Rights, approved in October of 1979 by the OAS, the Regulations of the Inter-American Commission of Human Rights, approved by the Commission on April 8, 1980, the Statute of the Inter-American Court of Human Rights, approved in October of 1979 by the OAS, and the Regulations of the Inter-American Court of Human Rights, approved by the Court in 1980.

The Inter-American Court's own rulings, on the substance of the matter, already constitute, by themselves, "a significant and important form of moral representation and satisfaction for the families of the victims."

It cannot be ignored that the Government of Chile, through the declarations and actions of its highest authorities, including the President of the Republic, has given moral satisfaction to those affected, as indicated in Chapter I.

In effect, the investigation ordered to be carried out by the National Commission for Truth and Reconciliation, created by Decree Law N°355 on April 25th, 1990, of the Ministry

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of the Interior of the Republic of Chile; the discourse delivered by the President, Mr. Patricio Aylwin A. on March 4th, 1991, and Address Nº293-321 sent by the President of the Republic to the National Congress on March 26th, 1991, in which various provisions concerning reparations in benefit to the families of the victims referred to in the report of the National Commission of Truth and Reconciliation, all of which must be understood as in themselves constituting a form of significant and important moral reparation and satisfaction for the families of the victims.

The judgement mentioned by the Presentation adds, in the Velásquez and Godinez cases (Nº38), that the just compensation provided for by Article 63.1 of the Inter-American Convention, in referring to a part of reparation and in directing itself to the injured party, is compensatory and not punitive. The judgement indicates: "Although some municipal courts, particularly Anglo-American, fix compensations whose amounts serve for exemplary or dissuasive purposes, this principle is not applicable under the current state of international law."

The Government of Chile clearly deems that the compensation requested by the Government of the United States of America, for the purpose of compensating the moral damages of Mr. Michael Moffitt, both for compensating the death of his former spouse, as well as for the psychological trauma that he himself suffered, possess such a nature and are clearly extraneous to the concept of justice that must prevail.

The Commission must comply with the provision established in Nº4 of the Compromis, in order that the determination of the payment that must be made by the Government of Chile be done "in accordance with applicable principles international law", and clearly, the indicated judgements of the Inter-American Court and the Inter-American Convention subscribed by the United States of America on June 1st, 1977, contribute

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principles of international law applicable to the case, without prejudice to the special circumstances that must be taken into account under the current situation, as indicated in Chapter II.

The moral damage for the entire Velásquez family amounts to 250,000 Lempiras (N°52 of the judgement), equivalent to approximately US$ 47,035.00, as of the month of September 1991.

The Presentation by the Government of the United States of America, pursuant to the rules of international law as recognized at the Inter-American level, is far from being just.

On the level of European international law, the European Commission on the Rights of Man, in case N° 5961/72 (Amekrane versus the United Kingdom) on July 19th, 1974, accepted the declaration of the United Kingdom to pay Lbs 37,500 Sterling to the claimants, establishing that it is the only payment to be made, under the condition that no other payment will be required from the authorities of Gibraltar or the United Kingdom, all of which without recognition that the rights of the claimants as recognized by the Convention had been infringed. Said amount was equivalent to US$ 89,362.50 in 1974 (Today approximately US$ 317,224.71)

In considering the cases decided by the Courts of the United States of America, including the Civ. A. claim 78-1477 (United States District Court of Columbia. Isabel Morel de Letelier et al., Plaintiffs V. The Republic of Chile et al., Defendants), the Commission must take into account the Compromis subscribed between both Governments, and only if they be in accordance with international law, since such cases are representative of the doctrines applied by Anglo-American courts, as indicated in the aforementioned Velásquez case by the Inter-American Court.

To conclude, the Commission must apply criteria based on justice and not chastisement, given that the Government

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of Chile does not recognize responsibility, in the same way the Government of the United Kingdom did not, in the aforementioned case, and, furthermore, that payment is made ex-gratia. In Chapter VI, the amount that the Government of Chile considers to be just, is indicated along with the grounds for doing so.

III. Injury and the amount of damages claimed in favor of Hilda and Murray Karpen.

A. Moral damage suffered by Hilda and Murray Karpen.

The Presentation formulated by the Government of the United States indicates that the following has been requested in the name of Hilda and Murray Karpen: US$ 250,000 dollars for moral damage suffered by Hilda Karpen; US$ 500,000 dollars for moral damage and physical injuries suffered by Murray Karpen and US$ 24,285 covering medical expenses and other direct costs. This is a total of US$ 774,285.00, plus 10% interest per annum as of September 21st, 1976, which amounts to US$ 1,161,427.50 (approximately).

The preceding means that what is requested in the Presentation is equivalent to US$ 1,935,712.50. Concerning the interest, these are discussed in Chapter IV, without prejudice to what has already been indicated in Chapter II, Section VI Special matters, letter b.

There is no basis for the claim formulated on the grounds of moral damage as refers to its extremely high valuation which in capital amounts to US$ 750,000.

It must be called to the attention of the Commission, that in the lawsuit filed by the Letelier and Moffitt families against the National Intelligence Direction (DINA and Others) in accordance with the judgement Annexed as I, the District of Columbia Court sentenced the responsible parties, in accordance with the merits of said judgement, to the sum of

US$ 80,000 in favor of the married couple Murray and Hilda Karpen, for the death of their daughter.

In spite of the absence of the defendants, it is obvious that said lawsuit observed a greater strictness in conforming to the existing legal provisions concerning evidence under applicable judicial systems, for the District of Columbia; which must be considered as a judgement on this matter more in accordance with justice, since it was directed at obtaining an indemnification.

In comparing said amount with the exorbitant petition formulated by the Government of the United States of America, one arrives at the conclusion that an unjustified amount is sought in favor of the Karpen couple at the expense of the State of Chile, and to establish in addition, a penalty against said State, for the responsibilities not acknowledged, for the assassination of Mrs. Ronni K. Moffitt.

The Government of Chile understands the pain experienced by Mrs. Hilda Karpen, as well as the pain that has affected all the family members due to the violence in the past 15 years prior to 1990, as shown in the text of President Patricio Aylwin A.'s address. For this reason, the phrase as to "No amount of money can bring her back to us," as testified by sworn affidavit subscribed on the 25th of July 1991 before the Notary Public, Patricia A. Zocco, reveals that the claim for compensating Mrs. Hilda Karpen, in the manner formulated by the Government of the United States of America in their presentation, exceeds the natural measure of justice that the Commission must determine, in establishing the amount of the compensation, which, in no case shall be an indemnification, as was that fixed by the Court of the District of Columbia, according to what we have already indicated.

Said compensation is sought to be increased, adding an illness that Mrs. Hilda Karpen had begun to suffer.

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It has not been proven in any way that Mrs. Hilda Karpen's ulcer, with which she has begun to suffer, has any direct relation to the death of her daughter.

The Godinez and Velásquez cases, the former mentioned in the Presentation, once again constitute an accurate parameter for considering the justice in the reparation of moral damage claimed by the Government of the United States of America for Hilda and Murray Karpen - a reparation which, in the mentioned cases, is produced by indemnifying judgement and before a court, before which due process can be carried out.

In the matter brought to the consideration of the Commission, it is only a question of establishing a compensation and not an indemnification, that in a voluntary manner, the State of Chile has desired to pay, for the purpose of normalizing diplomatic relations with the Government of the United States of America.

It is pointed out to the Commission that the amount of US$ 750,000 is sufficient capital in order to obtain a pension of US$ 45,000 deposited at 6% per annum.

The latter does not take into consideration the calculation of interest that the Presentation claims, the inappropriateness of which is analyzed in these Observations.

The Government of Chile is unaware of the level of income of Mr. Murray Karpen and his spouse, but infers from the context of the Presentation and especially of the private representations made by both spouses, that said income may be approximately similar to what they have received annually. Nor has the Presentation of the Government of the United States of America proved the existence of the economic dependence of the parents upon their daughter Ronni. The Government of Chile considers it essential that authentic evidence be provided concerning the level of income of the Karpen couple.

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That the compensation for moral damage of the parents of the deceased victim of murder be disproportionate goes against the most elementary principles of international justice and international law as pointed out in Chapter II: The indemnification for moral damage has as its purpose to alleviate the pain in the intrinsic affection to human nature, for the death of a child. The compensation has as its purpose the recognition of the existence of said pain and consequently the purpose of attenuating it. Should it be added that such an act is carried out as an act of grace the degree of compensation must also be lower.

The Presentation in this chapter tends to materialize the intimate feelings and the ethics that must exist in the analysis of moral damage that affects the Karpen couple and which the judicial organism of the United States of America evaluated in an amount which is almost 10% of that evaluated by the Department of State. Since the petition is brought by said Department within the framework of the Agreement and Compromis subscribed with the Government of Chile, the latter calls the attention of the Commission, in order that the matter submitted to its consideration be reduced to proportions in accordance with the purpose kept in mind by the Parties upon forming the Commission. Such a purpose is that of normalizing the relations with the United States of America, insofar as the claim made by its Government through the Diplomatic Note of April 18th, 1988 will be regarded as satisfied. It has never been the purpose, of the parties to disproportionately compensate the persons affected by the death of Mr. Letelier and Mrs. Moffitt, nor to hold them indemnified of all incidences of an economic order in the future, that could be derived from such deaths, especially when the non-existence of economic dependency has been demonstrated.

The Commission's actions, by accepting the exorbitant amounts claimed on account of moral damage to the

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Karpen couple, would not only imply the determination of an excessive compensation, but would also be contrary to the principles of international law.

What has been expounded leads the Government of Chile to request the Commission, in order that it substantially reduce the claimed amounts, in accordance to what is indicated in Chapter VI in the present Observations.

B. Direct damages for medical expenses and interest.

The Presentation formulates a claim of US$ 24,285 for medical expenses of Mr. Murray Karpen and other direct expenses, and interest of 10% per annum on the expenses and moral damages, from the date of death.

Such an amount is detailed as follows:

US$ 4,250	Funeral expenses;
US$ 14,785	Hospitalization, medical bills, medicines and costs caused by attacks; and
US$ 5,250	Travel to Washington for meetings with the Department of State.

Each of said amounts are analyzed as follows:

(a) Funeral Expenses: The Government of Chile, in spite of the fact that these actual values are not certified in any way, and which correspond to the funeral of his daughter, but are rather is the mere and sole affirmation of Mr. Murray Karpen, will not object to said amounts once it is certified that economic dependency existed, just as required by international law.

(b) Hospitalization and Medical Expenses: The Government of Chile objects to all of these expenses since no effective receipts have been attached, and it is a global account which must be analyzed in a more detailed manner. The referred to account is only supported by the interested party's own affirmation which is inadmissable for the purposes of claiming payment.

(c) Travel to Washington D.C. for meetings with the Department of State:

The Government of Chile also rejects this global entry, since this is not damage suffered by Mr. Murray Karpen, but rather an expense which he, at his sole discretion, has considered appropriate, the scope of which is unknown, although it is possible to infer that such travel is related to interviews carried out for the drafting of the Presentation or other processes.

(d) Interest:

Such expenses can never reach the degree of damage that may or must be compensated by the Government of Chile, since all the expenses of the Presentation are obviously the responsibility of the party who incurred them, that is the Department of State - the organism who, in representation of the Government of the United States, made the diplomatic claim the settlement of which is sought through the Commission's determination the compensation.

Finally, the Government of Chile, also rejects the claim of interest of 10% or under any other applicable rate on such expenses, as of the date of the death of Ronni K. Moffitt. Concerning hospitalization, medical expenses and travel, such calculations as requested are erroneous. But even so, the Government of Chile must reject such a petition, in whichever

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manner it is formulated, according to the reasoning explained in Chapter V of these Observations.

IV. Injury and the amount of damages claimed by the family of Mr. Orlando Letelier.

On this matter we reaffirm in this Chapter what has been put forth in Chapter II Section VI, regarding the analysis, as a basic mitigating element for the determination of compensation, of the normal inadmissibility that the Government of the United States should act on behalf of Chilean nationals.

Without prejudice to the foregoing, the observations warranted by the Government of Chile to the claims presented in the Presentation will be analyzed.

A. The "Damnum Emergens" and "Lucrum Cessans" suffered by the family of Mr. Orlando Letelier.

In the Presentation, the Government of the United States of America requests the amount of US$ 3,473,665 for the economic losses suffered by the family of Mr. Orlando Letelier.

Once again, the NERA system was employed, establishing an hypothesis based on a series of subjective estimation.

It is assumed that Mr. Orlando Letelier would write books, dictate conferences and courses, all such activities which would allow him to obtain important benefits.

The only concrete and real fact is that, up until the time of his death, Mr. Orlando Letelier, received a remuneration from the I.P.S. Mr. Letelier, Chilean public figure of renowned trajectory, developed intensive international political activity, in support of his political party - the Socialist Party. It is public knowledge that such activity is carried out for reasons of ideological commitment and are not motivated by the purpose of making a profit. Mrs. Isabel

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Letelier states: "Orlando was committed to continue his efforts in order to expose the crimes and damages that the Pinochet dictatorship was perpetrating against the Chilean people. He was a frank critic of the policies of the dictatorship in Chile and an indefatigable champion of the Chilean people and the many victims of the abuses of human rights in Chile. He travelled to Europe and other parts all over the world in an effort to transmit his message, and make known what actually was occurring in Chile."

It follows that all of the hypotheses concerning the possibilities of life that are presumed in the study prepared by NERA for the Department of State, dated July 22nd, 1991, which are attached as Exhibit N°15, must be rejected. In Chapter II, it has been extensively abounded that in order to determine the loss of profits ("lucrum cessans"), the amount that the victim may have obtained in possible activities or businesses cannot be considered.

The initial hypothesis set forth in the NERA report is the most manifest and evident expression of a great amount of speculation that is used as a basis. It supposes that Mr. Letelier could have chosen "two alternative professional directions" that is "reasonable to assume" and that he "very likely" would have taken if it had not been for his death. The first that is assumed is that he would have stayed in the IPS as executive associate during the rest of his professional career; and the second, that "he would have withdrawn from the IPS and would have joined some bank of importance as an international banker". However, for this "second possibility" it is assumed that "he would have continued in the IPS until 1980" and that he would have "then become a banker." There is a considerable difference between what the report calls "loss of income" between both hypotheses: for the first, the alleged loss is estimated to

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be: US$ 2,021,104, and the second to be: US$ 3,484,352, the latter amount being greater than the former by more than 70%.

The mere mention of this proposal is conducive to rejection. The report itself is responsible for establishing that the change in Mr. Letelier's "career path" from the IPS to international banking as of the year 1980, is no other than a mere probability o speculation, a mere supposition or conjecture, that can only lead to the establishment of contingent or hypothetical damage, which pursuant to law is never compensable. Mr. Letelier's desires or hopes of changing activities in order to improve his income, and even certificates or merits that could have been shown for the goal of achieving this purpose, are not sufficient in order to ensure that it was necessarily going to occur. The continuance of the conditions for so doing, the persistence of his rights, the reality that the international banking system would have chosen him and that, furthermore, given him a level of remunerations that it is supposed they would have granted, etc - all are conjectural elements that, precisely being so, cannot be accepted. The only thing concrete and which is not of a speculative nature, lies in the fact that the natural course in the life of the outstanding politician, Mr. Orlando Letelier, would be associated to his country, to return to it, as soon as it were possible for him, in order to discharge duties at the highest level.

It is fitting, then, to entirely reject all the calculations contained in the report about the contingent financial losses that could have been brought about, in the hypothesis that Mr. Letelier may have entered the international banking system as of the year 1980.

As concerns the presumed loss of income under the hypothesis that Mr. Letelier would have continued in the IPS until reaching the age of 75, which would occur in the year 2007, it is appropriate to formulate following commentaries:

The calculations found in the report concerning the matter leads to the assumption of a loss of income from the year 1976 to the year 2007 amounting to US$ 2,021,104.

Such calculations are made on the precarious basis of supposing or conjecturing:

- that Mr. Letelier would have lived to the age of 75 years;
- that until reaching that age he would have maintained, without weaknesses, his employment capacity and his health;
- that he would not have retired before the year 2007;
- that the IPS would have contracted his services until that year;
- that the IPS itself would maintain its existence until the same year;
- that Mr. Letelier would have permanently increased his annual income;
- that the IPS would be in financial conditions to pay these yearly increases;
- that Mr. Letelier would have published a book every four years, about non-specified topics, receiving a 20,000 dollar payment for each book; and would have carried out publications about his work in magazines, which are also not identified, receiving 7,500 dollars each year for this concept, amounts all of which would have increased with the inflation rate until the year 2007;
- that he would have assigned all his income, except his personal expenses, to the expenses of his family;
- that he would have provided household services for his family, such as home repairs, carpentry, construction and gardening work, dedicating two hours daily to such tasks,

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although, as acknowledged in the report, there is no "definite information on the number of hours Mr. Letelier would have spent performing these services";

- that the nature, quantity and quality of these tasks or household services had, in fact, the economic value assigned to each, etc.

All that contained in the NERA Report is unacceptable in law, since it is inevitably conducive to conjecturing the existence of fortuitous or hypothetical damages, that can not be taken into consideration in establishing an indemnification, much less a compensation.

It is important to point out, that after being the Embassador of the Republic of Chile before the White House, Mr. Letelier was appointed Minister of Foreign Relations of Chile, having taken office on May 22nd, 1973. At that time, the country was in a state of absolute upheaval. He remained in said office until August 8th, 1973, since on the 9th of the same month, he was appointed as Minister of the Interior, holding the position of Political Chief of Staff. A few days later, on August 23rd, he assumed as acting Minister of National Defense, as such that upon the fall of the Government on 11th of September, 1973, Mr. Orlando Letelier was carrying out two ministerial functions.

This is recounted only for the purpose of pointing out the deserved political vocation that Mr. Letelier assumed, all of which obviously conflicts with the hypothesis of considering him as a possible candidate for occupying an office in the international banking system.

The only certain thing, is that Mr. Letelier would have returned to Chile during the year 1988, an era during which the great majority of exiles could re-enter the country, associating himself with the political activities of the moment, the remuneration of the leaders of which is practically unknown.

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In any case, Mr. Letelier would have returned to Chile by the time the National Congress unanimously restored its nationality. It is obvious that, following his trajectory, Mr. Letelier would have stood as a candidate for a popularly elected public office, whether as Representative or Senator, or carried out functions as Minister of State. (Exhibit 8, page 5)

Without prejudice to the foregoing explanation for establishing a just indemnification, the Presentation reveals serious contradictions.

In effect, the certificate subscribed by Diana de Vegh, dated July 20th, 1990, indicates that in 1976 Mr. Letelier received US$ 33,000 a year.

Mrs. Isabel Morel de Letelier indicates that her husband's salary amounted to US$ 25,000 a year, as indicated in the transcription of the proceedings of the Civil suit 78-1477 of the United States Court for the District of Columbia, attached to the Presentation as Exhibit No. 15, which is confirmed by NERA's affirmation, indicating in addition that his salary was increased by US$ 1,000 for each of his dependents. It is not specified who are the dependents and until what date they can be considered dependents, should such an affirmation be effective.

Therefore, it appears that the only thing clear and specific is Mrs. Morel's declaration, who supposedly knew exactly what her husband earned, given the harmonious relation that existed between them, as inferred from the document attached to the Presentation as Exhibit No. 8 ("Orlando remained a devoted father and loving, caring husband").

In this way, in order for the Commission to carry out a just and equitable determination, it must necessarily reject all and every one of Mr. Letelier's hypothetical future and always successful activities, and establish a compensation based on the only certain facts which are known and which are

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supported by the facts transmitted by the Department of State of the Government of the United States of America.

If the amount requested in the Presentation is invested at a rate of 6% per annum, the US$ 3,473,665 would result in an annual income of US$ 208,419.00, or US$ 17,368 monthly.

Once again, it is shown that the Presentation of the Government of the United States of America, is disproportionate and unjustified. The result of said arithmetic calculation exceeds far beyond the real and hypothetical remunerations that Mr. Letelier may have obtained had he been alive.

The calculations made concerning Mr. Letelier's personal services rendered at home, conflict with the sole affirmations of Mrs. Morel de Letelier. She expresses that "in spite of all the traveling and political activities, I guess the way he relaxed better was by gardening and building things, and he loved carpentry."

In this way, it is admitted that Mr. Letelier did not dedicate time to the so-called "services that Mr. Letelier performed to the benefit of his family", according to what is indicated in Chapter V in the report prepared by NERA. Mrs. Morel de Letelier's husband apparently rested very little, performing some gardening or simple carpentry activities (making bookshelves).

It was never the intention of the Letelier family that the head of their household could increase the family income, with the time that Mr. Orlando Letelier dedicated to the "services to the benefit of his family", since such activities were carried out for his personal benefit, in order to achieve rest, recreation or distraction from his overwhelming travel and intense political activity, which naturally consume a great

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amount of intellectual activity, the performance of manual labor being the way to counteract this.

From there to conclude that Mr. Letelier performed activities of "services to the benefit of his family", valued in monetary terms, is truly an hypothesis that has no serious supporting element.

The report prepared by NERA indicates that Mrs. Morel mentioned in the affidavit attached to the presentation as Exhibit No. 8, "that her husband was a good family man and dedicated much time to necessary house work and gardening, dedicating many hours to the family", is absolutely inaccurate. Mrs. Morel de Letelier's affidavit contains no quantification of the time that her husband dedicated to "services to the benefit of his family."

In this way, the calculation made by NERA must be rejected not only for being hypothetical the determination of the loss of profits for "services to the benefit of his family", that Mr. Letelier could have rendered, but also because no evidence or element exists that permits establishing, with reasonable certainty, that Mr. Orlando Letelier dedicated time for the purpose of making a profit in rendering "services to the benefit of his family."

The report prepared by NERA indicates that Mr. Letelier earned US$ 2,050 a year for giving lectures at the American University.

The Presentation contains no evidence thereof. Mrs. Morel de Letelier alludes to some courses, without indicating their purpose, length of the contract, the received emoluments, the taxes paid for such income, among others.

The degree of evidence presented by the Government of the United States, to lay claim to the enormous amounts requested, is of a minimal grade of certainty, for which reason it is formally requested of the Commission that they not carry

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out any determination without having added to the record, and which may be verified by the Government of Chile, the authentic documents that convincingly prove the actual income expected to be used as the basis for the calculation of any compensation.

In summary, with respect to the loss of profits ("lucrum cessans"), the Government of Chile concludes that the only actual amount that could be used from the attached documentation, is the US$ 25,000 that Mr. Orlando Letelier received annually from the IPS, not knowing whether said amount was subject to discounts of a tax nature.

The rest of the valuation that the Presentation formulates are mere hypotheses, that cannot be considered in a serious and equitable calculation in order to establish an ex-gratia compensation for the family members of Mr. Orlando Letelier.

B. Moral damage suffered and claimed for by Mrs. Isabel Morel de Letelier.

The Government of the United States of America, claims US$ 500,000 for moral damage suffered by Isabel Morel de Letelier. In Chapter IV, letter B, of the Presentation entitled "Determination of Amount of Compensation for Moral Damage", the consequences of the death of Mr. Orlando Letelier is described, in the person of Mrs. Isabel Morel, and ends by requesting that said moral damage be settled by US$ 500,000.00, plus interest as requested in Chapter VI, denominated "Conclusion".

Other than the quoted description, no other information is given for establishing said value for moral damages.

The claimed amount appears absolutely exorbitant to the Government of Chile, amount which has no relation to what is currently happening in Chile, where Mrs. Morel is currently living.

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It has been indicated previously that the Government of Chile and the National Congress, in which one of the sons of Mrs. Morel, the Honorable Deputy Mr. Juan Pablo Letelier conducts his activities, is considering a Bill for compensating the damage suffered by the family members of the arrested and missing persons indicated in the Report of the Commission for Truth and Reconciliation.

Moral damage is among such damage being considered for redress in said draft law, under the terms indicated in Article 3 thereof (See Annex V).

To such effect, the draft law establishes a monthly allowance amounting to CH$ 140,000.00, accumulatively readjustable each time the Consumer Price Index, fixed monthly by the National Statistics Institute, is greater than 10% in any period. In addition, a one-time compensatory bonification amount is granted equivalent to 12 months' pension.

The first amount is approximately equivalent to US$ 274 a month and the second to US$ 3,288.

There is absolutely no doubt that Mrs. Morel, in making use of the diplomatic protection of the Government of the United States of America and in choosing the referred to moral indemnification, is obtaining an enormous amount, compared to what the Chilean State would pay to the victims of human rights violations and political violence - in accordance with the situation being discussed in Chile.

The Commission must consider this situation, in order to determine the corresponding equitable compensation in relation to the moral damage suffered by Mrs. Isabel Morel.

Naturally it seems inequitable that Mrs. Isabel Morel, under the diplomatic protection of the Government of the United States of America, obtain the amount of US$ 500,000.00 and not make use of the general policy of all the beneficiaries of common legislation, which has already received the favorable vote

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of the legislators of the Government coalition of which her own son, the Honorable Deputy Mr. Juan Pablo Letelier, forms part, all with the resources of the public treasury of the Chilean State.

Furthermore, the situation described in the affidavit that appears as Exhibit No. 8 of the Presentation, is not consistent with the current reality of Mrs. Isabel Morel, inasmuch as she is in charge of the women's rights program of the I.P.S., as program head, enjoying extensive periods of alternate residency between the United States and Chile. Nor does it indicate if she is the owner of real estate in the United States of America or in Chile, if she enjoys allowances or other income derived from investments. Neither does the Presentation indicate if Mrs. Isabel Morel has had the possibility of finding companionship and support in her emotional life. The Presentation should deliver sufficient information in order to evaluate the economic situation of Mrs. Morel de Letelier, and at the same time, information about whether her children have married, established families and the number of grandchildren.

As far as the psychological evaluation of Mrs. Morel, which is attached to the Presentation as Exhibit No. 9, it contains a great number of vague concepts that have no relation with the possibility of evaluating moral damage.

In effect, it is indicated that Dr. Gordon met Mrs. Isabel Morel in 1974, i.e. two years before the murder of her husband, apparently during the period in which she indicates as having lived in the Republic of Venezuela.

Dr. Gordon has treated Mrs. Morel from 1980, i.e. four years after the assassination, a period during which apparently she did not consult a physician.

It is indicated that Mrs. Morel has been displaced from society, a situation which contradicts the affidavit that she signed and which is attached as Exhibit No.8, since it says:

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"Despite the fact that, I have interesting job". No one who has been displaced from society has an interesting job.

The report is dated August 2nd, 1991, indicating that Mrs. Morel has felt rejected and insecure in the country in which she has been forced to live in exile.

Said report prepared by Dr. Gordon, has been analyzed by Dr. Armando Roa, professor the University of Chile, who, on the basis of said report, considers that "it cannot be proven in any way", that Mrs. Isabel Morel de Letelier suffers from incurable chronic "stress" (See Annex XII).

The Government of Chile is aware that Mrs. Morel is highly regarded in liberal circles in Washington, and among the Chilean leftist sectors, which form part of the current Government coalition, having ended her forced and voluntary exile as soon as the President of the Republic, Mr. Patricio Aylwin A., entered office, which occurred on March 11th, 1990.

Dr. Gordon indicates that, "as if compelled by an enormous need to address the wrongs of the world, and particularly those done to the Chilean people, she (Isabel Morel) neglects herself physically and emotionally."

Such a description of a state of mind contains an enormous political and ideological slant, since the Chilean people from 1989, have been in a process of transition toward a political life of full democracy and freedom. While there exist serious and strong deficiencies in sectors of the population, such deficiencies are being remedied by the current Government of the Republic within possible means, that among its party members, includes the political group to which Mr. Letelier and Mrs. Morel are a part.

The interview that Mrs. Isabel Morel held with a journalist of the "La Segunda" newspaper in Washington, and published in May of 1990, in which the topic of indemnification is referred to, is attached as Annex No. VI. It is important to

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emphasize in said interview that Mrs. Morel indicates that at least the "Leteliers" have not proposed the sum of US$ 12,000,000 as an indemnification. Such an amount would have been fixed by the Government of the United States of America.

As can be seen, the indemnification that the Government of the United States of America requests from the Government of Chile for compensating the moral damage to Mrs. Isabel Morel, is absolutely disproportionate to a reasonable ex-gratia compensation, that could be granted to a person that is not a national of the claimant Government and that has requested diplomatic protection, against a Government that has acted in order to elucidate, in all its dimensions, the death of Mr. Letelier, who, without a doubt, would have efficiently contributed at the highest level towards the democratic transition in Chile.

The Commission ought to determine a different sum, amounting to that which is indicated in Chapter VI.

C. Moral damage suffered and claimed for by the children of Mr. Orlando Letelier.

The Government of the United States of America claims for each of the children of Mr. Orlando Letelier, the amount of US$ 250,000 which totals US$ 1,000,000.

The basis for this claim are the affidavits themselves of Messrs. Letelier - Morel and the report that Dr. James Gordon has issued on them.

Dr. Gordon declares, especially for the purposes of the Presentation, that he has had a personal professional connection with one of the Messrs. Letelier - Morel, without, indicating any details concerning the professional attention that he may have rendered them. The rest of the report refers to the examination that he has made of the affidavits, personally made

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by each one of the children of the Letelier - Morel couple, for the specific purpose of being accompanied to the Presentation.

It is evident that the declaration of each of those affected by the assassination of Mr. Orlando Letelier, revealing his affliction and what he would have felt at the death of his father is sufficient by itself, without having to certify said feelings by way of an examination of such declarations by a doctor who has not interviewed them. The affidavits, in addition to the legitimate lamentations of the Letelier - Morel couple, all are characterized by an impressive lack of information, that decrease their likelihood.

In effect, one cannot ignore that it is essential to know what each of the Messrs. Letelier - Morel are today. Precisely as a result of the procedure, the Presentation must include substantiated answers to the following questions:

What are each of them doing today?
What educational degrees do they possess?
What are their means of livelihood?
Have they married?
How many children to they have?
What are their personal assets?
Have they travelled?
Where do they live?
Do they have political interests?

and many others, which are necessary in order to evaluate the moral damage being claimed; such questions cannot be formulated.

It is of public knowledge that one of the Messrs. Morel-Letelier, specifically Mr. Juan Pablo, is a Deputy for one of the districts of the Metropolitan Region in the Chamber of Deputies of the National Congress - a person who has been an active participant in the Chilean Parliament, being one of the leaders of the Socialist Party group, to which his father

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belonged. The recognition he has in his electoral district constitutes an unquestionable form of moral reparation.

It is known that another of the children of Mr. Orlando Letelier, is a cinema artist, another declares residence in Chile, without indicating what he does for a living, who is his wife, where he lives, etc. The vagueness of the declarations, is obviously formulated in order to emphasize a degree of abandonment and solitude that would justify the enormous indemnification claim for moral damage.

If the indemnification for moral damage granted by the Civil courts of the District of Columbia, merely as a piece of information already commented upon, is compared with what is required for the four children of Mr. Orlando Letelier, once again it is confirmed that this is an indemnification of a punitive nature, instead of an assistance from the State of Chile in recognition of the suffering felt by the Messrs. Letelier - Morel.

Furthermore, Messrs. Letelier - Morel have become parties to the legal recourses existing today in Chile, in order to pursue the responsibility of those guilty of the assassination of their father, in which recourses the Honorable Deputy, Mr. Juan Pablo Letelier has played an active role.

The Commission must keep in mind, in determining the sought after compensation, that a Deputy representative of the popular sovereignty of Chile, is claiming protection through a foreign government, against the State whose sovereignty he represents together with the rest of the Chilean Congressmen. This occurs, in the particular moment in that the Chilean Congress is debating the topic of the compensations for the victims of violations of human rights and political violence.

The Government of Chile deems, that the just compensation determined in favor of the children of Mr. Orlando Letelier must not be in any case disproportionate, considering

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their condition as Chileans, due to the grave moral, social and legal repercussions it would entail for the country in the transition process towards democracy that is being developed.

The amount requested for each child is approximately equivalent to CH$ 88,750,000.00, which is comparable to 28 economic family dwellings, which receive state subsidies, having an approximate surface area of 40m2, with 150m2 of land, in the peripheral communities of Santiago and Valparaíso.

Also, this is equivalent to a luxurious mansion in the areas of the city which are utilized by those of a higher economic bracket in the country, including large pieces of land, swimming pools, saunas, etc.

These comparisons are carried out so that the Commission may appreciate the impact that the compensation determined can have, should the enormous amount claimed by each of the Messrs. Letelier - Morel be granted.

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LIST OF ANNEXES TO CHAPTER III

XI. Report by the Professor of the University of Chile, Dr. Armando Roa, regarding the report by Dr. Kaufman on Mr. Michael Moffitt.

XII. Report by the Professor of the University of Chile, Dr. Armando Roa, regarding the report by Dr. James S. Gordon on Mrs. Isabel Morel de Letelier.

XIII. Curriculum Vitae of the Professor of the University of Chile, Dr. Armando Roa.

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CHAPTER IV.

INADMISSIBILITY OF INTEREST PAYMENTS.

I. Introduction.

In Chapter II, Section VI (b), of these Observations, it has been shown that the claim for interest in cases of physical damages or death to persons under international law is inadmissable. In the present Chapter the reasons for disallowing the petition of the Government of the United States in this matter, will be explained from the point of view of the patrimonial loss experienced by the families of the victims. This explanation will be illustrated by a number of cases taken from the diplomatic history between the Governments involved relative to the payment of compensation for patrimonial loss suffered by United States citizens.

In the Presentation, the Government of the United States claimed a 10% per annum interest payment, as of September 21, 1976, on the following claims:

(a) Those associated with moral damages in favor of Isabel Morel de Letelier and her four children;

(b) Those associated with moral damages in favor of Hilda Karpen, with moral damages and damages for physical injuries in favor of Murray Karpen, and with his direct damages; and

(c) Those associated with moral damages, and damages for personal injuries, and direct expenses in favor of Michael Moffitt.

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The claims -- although baseless, as has been demonstrated in Chapter III -- that are set forth for the above-mentioned items amount to US$ 3,292,492.48, so that the application of interest of 10% per year over that sum, as of September of 1976, would mean increasing said cost to the exorbitant figure of US$ 8,231,231.20, without prejudice to that which is claimed for "loss of financial support and of services" and for "payment of attorney fees and expenses."

The Presentation of the United States basically relies in its argument for interest claims in that these would be intended for "compensating the loss of the use of money during the fifteen years gone by since the date of the deaths of Ronni Moffitt and Orlando Letelier," since "in order for the refund to the families to be complete, it is necessary that they be compensated for this delay."

The interest claimed by the Government of the United States is inadmissible because:

(a) it is irrelevant to consider interest when dealing with an ex gratia payment;

(b) the injurious act is not the cause of the obligation to pay compensation;

(c) its non-collection by the injured parties does not constitute a definite damage, but rather a merely hypothetical and possible damage;

(d) the obligation to indemnify is unliquidated since its amount has not been determined, therefore default in payment, which is an indispensable requirement to accrue interest on an outstanding sum, could not have existed; and

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(e) because they would amount to an excessive compensation superior to the amount of damage directly and necessarily caused by the detrimental act.

II. The interest claimed by the Government of the United States are inadmissible.

(a) Interest may not be considered when discussing an ex-gratia payment.

The Government of Chile considers the referred claim for interest as inadmissible and rejects it, in the first place because it does not coincide with the nature of an "ex-gratia payment", agreed upon with the Government of the United States and the amount of which is to be determined by the Commission.

The "ex-gratia" payment, as its name suggests, does not stem from the fulfillment of a legally established obligation to indemnify, but, to the contrary, implies that the Government which offers it does not acknowledge that it is obliged to make payment, but rather does so for political and humanitarian reasons. Consequently, the "ex-gratia" payment cannot be determined by dating things back to bygone times before the offer. It must be calculated by means of the assessment of its amount from the moment in which, by agreement of the parties, that payment must be made. If it were not so, it would no longer be "ex-gratia", but would become an acknowledgement of responsibility, with the same effects of that declared by a condemnatory judicial decision.

The text of the "Agreement" subscribed to by both governments is very explicit in order to establish that, "without admitting liability, the Government of Chile, in order to facilitate the normalization of relations, is willing to make an 'ex-gratia' payment, subject to the provisions of Paragraph 5, to the Government of the United States of America, to be received on

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behalf of the families of the victims" (paragraph 3). According to paragraph 5, the commitment of the Government of Chile is that of making the "ex gratia" payment in accordance with "the amount of compensation as determined by the Commission", "as soon as possible and after the necessary legal requirements have been fulfilled, following the determination by the Commission." In both paragraphs, then, the idea is implicit concerning a present or current determination of that payment by the Commission, without retroactive effect.

It does not alter what has already been stated that, subject to paragraph 4 of the "Agreement", "the ex-gratia payment should be equal to that which be due if liability were established", since this paragraph has no other scope than to establish that the question of existence of responsibilities remains excluded from the controversy and from those matters which must be decided upon by the Commission; and the final phrase of the cited paragraph thus expresses as a consequence or corollary: "in light of the understandings set forth herein, the amount of the compensation to be paid shall be the sole question to be determined by the Commission." To understand that the Government of Chile would have accepted that the Commission could order benefits for delay in the payment would not only be contrary to the nature of the "ex-gratia" payment, (1) but also would mean authorizing the Commission to pass a condemnatory judgement as though it were a court of justice with according jurisdictional powers, which is inconsistent with the meaning and spirit of the agreement subscribed by both countries.

In summary, for the sole reason that we are dealing with an "ex-gratia" payment, to take into account interest is inappropriate, nor is it either appropriate according to what follows below.

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(b) The injurious act is not the cause of the obligation to pay compensation.

It is not distinctly perceivable what the relation of causality between the injurious act and the non-collection of interest might be. The damage that would be an immediate and direct consequence of that act are indemnifiable, because they are causally linked to it. But the non-collection of interest is not derived from that fact; it is not the direct and necessary result of the same, but rather of another event subsequent to its occurrence. The Presentation itself recognizes that it is dealing with "additional damage by virtue of the delay in receiving prompt payment." They would be, therefore, the consequence of another act different from that which caused the damage: that is, the delay of the payment of indemnification. This latter act can give rise to a specific penalty: that is, the order of payment of interest on arrears. But for that to happen, the debtor must be in default of payment, which in turn requires that the obligation be perfectly established, as to its existence as well as to its amount, and that payment of the same not be made within the term set by the parties themselves or by judicial decision. (2) Nothing of the sort occurs in the instant case.

In the case of the frigate Franklin, detained by Chile in 1832, the Governments of Chile and the United States settled their dispute through the Convention signed on September 10, 1858. (3) The obligation assumed by Chile in said Convention was that of compensating the losses suffered by the owners, the captain, and the other persons with interests in the frigate. However, there was no express acknowledgment of responsibility by the Government of Chile. In this case, it was expressly agreed upon to pay interest at the rate of 6% per annum, as of January 1, 1859 (Art.2). In this way only the delay in the approval of the Convention by the Chilean Congress was compensated .

UNCLASSIFIED

(c) The non-collection by the injured parties does not constitute a definite damage, but rather a merely hypothetical and possible damage.

The collection of interest is inadmissible, in the third place, because it is sustained on an erroneous concept of the principle on which it is founded.

The principle that compensation must be equivalent to the damage means, as previously explained, that it must not be less than the damage, nor greater. This implies that the compensation cannot constitute a source of gain or profit for the receiving party, in terms of procuring for said party a patrimonial benefit or gain which exceeds the amount of ascertainable damage suffered as the immediate and direct consequence of the injurious act.

Consequently, it is beyond doubt that such a principle must be kept in mind in determining the amount of compensation, and for that reason it is necessary to distinguish whether or not the amount is to be determined from the moment that the damage is produced or from the date in which its appraisal is made.

In the first case -- that is to say, if the amount of compensation is determined according to the value of the damage from the moment in which the detrimental act occurred -- it is lawful to adjust that value according to the devaluation which the nominal monetary unit has undergone, so that the injured party would thus receive a full compensation. But certainly that does not authorize adding interest to the amount of compensation, since in the field of economics as well as of law, interest is not a means of adjusting money to maintain its constant value, but rather typically constitute a profit, benefit, or gain produced on capital. As such, to apply interest on the amount of indemnification means failing to fulfill the principle on which the collection of the same is sustained, since

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interest is always a profit or gain, which increases that amount, and is not causally associated with the injurious act.

In the second case -- that is to say, when the amount of compensation is determined according to the value of the damage at the moment in which its assessment is made -- it is clear that no adjustment is applicable, since it is already so adjusted; nor is it admissible to add retroactive interest, because if that were done it would be granting a profit, benefit, or gain to the injured party equal to the amount of interest acknowledged to the party, clearly a breach of the principle mentioned above. In a word, that would mean granting a double indemnity. (4)

The presentation of the Government of the United States claims the application of a 10% interest per annum as of the year 1976, both on the amount of moral damages and, damages for personal injury as well as on direct expenses. With regard to the former, its inadmissibility is manifest if one considers that the valuation of the moral damage and personal injuries is made now, in 1991, and not according to the appraisal that might have been made of the same in 1976, so that adding 15 years of retroactive interest onto its current value is clearly increasing the amount in an artificial way and converting the interest into a net profit or gain in favor of the persons for whom it is claimed.

As refers to interest applied to what the Presentation calls "direct expenses", its rejection is imposed for the reasons previously indicated; i.e., because the interest claimed is not a means for avoiding monetary devaluation; and inasmuch as they constitute a source of profit or gain, it becomes inadmissible to add them on to the amount of such expenses. It would be appropriate, on the other hand, to adjust the amount in case of devaluation of the monetary unit in which the expenses were made; but the Presentation makes no petition to

UNCLASSIFIED

that effect, nor does it indicate the exact date in which they may have been made and commencing from when they should be adjusted, for which it is not appropriate for the Commission to make a determination thereon.

In the case of the USS Baltimore, originated by the deaths of United States sailors in the Chilean port of Valparaíso, the agreement between the two Governments contained elements of satisfaction as means of reparation of the damage caused, which suggested the responsibility of the State of Chile. At no time, however, was the payment of interest offered or claimed by the parties. (5)

In summary, the claim of interest is inadmissible according to the very principle on which it is founded.

(d) Interest may not arise from an unliquidated obligation.

What has just been explained leads to the question of delayed interest in the case of unliquidated debts.

Debts are unliquidated when they are not perfectly determined, whether in their existence or in their amount. They, exist, for example, when an act has occurred which can give rise to indemnification; but it is not known for certain whether the author of the act will be declared responsible for the same, nor what amount of indemnification must be paid.

As long as the debt remains unliquidated, the debtor cannot incur in delay, since this consists in the wrongful delay in payment of the quantity owed; such that when the obligation or its amount have not been previously determined, it is inadmissible to say that the debtor has wrongfully delayed payment; whenever this might occur it is necessary for the debtor to know that he is such, as well as the amount that is owed. Moreover, not even the creditor knows for sure what he has the right to claim.

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Hence, it is inferred that the unliquidated debts do not accrue interest, since the debtor of an unliquidated obligation cannot be held delinquent while it continues as such. Only once the obligation has been liquidated and the debtor legally required to make payment is default in payment established. (6)

When these principles of municipal law, recognized by the majority of civil legal orders, are applied to the present case, the inadmissibility of the claimed interest in the Presentation of the United States becomes evident, inasmuch as the obligation to compensate the damage is unliquidated, and thus its amount is not even known. Only once the Commission has determined the amount of the "ex-gratia" payment which Chile must effect will that amount be known and only then can there be delay, provided that payment is not made within the term set forth in the Agreement subscribed by both Governments.

The "second" Macedonian case serves both as a contrast to and as an illustration of, these ideas. It arose through the seizure by the Chilean Fleet of a cargo of silver from a United States citizen in 1821. The matter was submitted by the two Governments to the arbitration of the King of the Belgians, deciding ex aequo et bono, through a Convention signed on November 10th, 1858. (7) In said Convention the question of whether interest was owed on the appropriated capital was specifically submitted, as well as what the rate was to be, and as of what date payment of interest should be made.

The considerations of the arbitrator were the following:

"It is a fact that the sum seized amounted to 70,400 pesos or dollars;

"Whereas this sum proceeded from a transaction mutually undertaken and whose settlement should be made according

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to the terms set forth in the contract which took place between the parties on November 25th, 1819;

(The product of the transaction was to be apportioned in 1/5 for Mr. Smith and 2/5 for his United States creditors.)

"Whereas the capture was groundless, the restitution of the seized capital must include with it the restitution of interest;

"Whereas, however, that until March 19th, 1841, the Government of the United States has done nothing to accelerate the settlement;

"Whereas, furthermore, that from December 26th, 1848, the High contracting Parties to the contract were in agreement in principle regarding the need for an arbitration".

The arbitrator, in his decision of May 15th, 1863, granted interest on the fractional part of the owed capital, at the rate of 6% per annum, but only from March 19th, 1841, to December 26th, 1848. (8)

Consequently, the damage suffered by the affected individuals was of a commercial and adjustable nature according to a contract previously agreed to. On this basis, the question of interest was expressly submitted for the decision of the arbitrator. (9) The arbitrator confirmed that the delay of payment of one State vis-a-vis another occurred only with the formal claim by the latter against the former.

(e) <u>The interest claimed would amount to a lucrative compensation.</u>

Without prejudice to what has been stated, it is worth taking into account the proposal referring to the claimed loss of interest sustained by the injured parties for the non-use of claimed sums from the date of the damage until that of its

compensation, which is designated "additional damages by virtue of the delay in receiving prompt compensation."

The consideration of such "additional damages" is based on the erroneous assumption that money produces interest by the mere fact of its receipt. In order for money to produce interest -- that is, civil benefits -- it is essential to invest it or do business with it, either by lending it, depositing it, or entering into other legal acts capable of generating profits or benefits. That makes the increase of money possible; but it also involves the risk of deterioration or loss.

It cannot be accepted, therefore, that the affected parties have been prevented from earning 10% yearly interest for the mere fact of not having been able to make use of the money relevant to the compensation, and that for that reason they have automatically become adversely affected by a quantity equal to the amount of said interest.

The claim for interest set forth in the Presentation supposes or speculates that the injured parties would have allocated the money for the undertaking of lucrative investments, that these would always have been successful, and that they would have obtained an interest of 10% per annum. The non-collection of interest on those sums does not constitute, therefore, a certain or real damage, but rather one merely hypothetical or possible, that may or may not have occurred, and whose existence depends upon foretelling or speculating the above assumptions, which in law does not constitute a recoverable damage.

III. Conclusion.

In conclusion, we have confirmed that under applicable rules of international law, interests are not due as compensation in cases for physical damage, or the violent death of individuals. In cases of ex-gratia payments it is furthermore

inappropriate to consider interest, given the nature of these payments. Nor a fortiori may interest be applied retroactively. This, no doubt, has been the intention of the parties.

Indeed, no causal relation is established between the injurious act and the payment of ex-gratia compensation, which underlines the inadmissibility of accounting for interest.

In cases of compensation arising from violent death of individuals, the granting of interest would be equivalent to double indemnity. This is confirmed by the principles applied in international decisions, according to which it is inadmissible to grant interest on this class of debts: a) since they are not liquid; and b) even if they were liquid, during the period prior to their diplomatic claim by one Government to another. The above is also based upon the principle of the equivalence between the damage and the compensation.

These conclusions uphold the consistent practice between the Governments of Chile and of the United States, in the sense that when the parties have intended to consider interest in the settlement of their disputes, they have expressly so stipulated in their agreements or conventions. In the instant case before the Commission, there is no stipulation whatsoever concerning the subject of interest.

It is therefore concluded that in the present situation the nature of the damage and the ex-gratia character of the payment must prevail, according to which the payment of interest by the Government of Chile to the Government of the United States on behalf of the affected families does not apply.

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NOTES

(1) See the Pinsón case, Chapter II, Section VI (b); and 3 Whiteman, Damages, page 1,995.

(2) See the case of the Cocoa Grove Riot, United States vs. Panama [1916], in 3 Whiteman, op. cit., page 1974.

(3) 1 Bascuñán Montes, "Recopilación de Tratados y Convenciones" [1894], page 290.

(4) See the "first" case of restitution raised concerning the brigantine "Macedonian", in which the payment of interest is expressly stipulated "in lieu of" damages, for the confiscation of a sum of US$ 104,000.00 cited in 3 Whiteman, op. cit., pages 1,914 and 1,917.

(5) 3 Whiteman, op. cit., page 1,991; and J.M. Barros Franco, "El Caso del 'Baltimore'" [1950], pages 75-76.

(6) See the cases of the Lusitania, Chapter II, Section VI (b).

(7) 1 Bascuñan Montes, op. cit., page 294.

(8) "Memoria de Relaciones Exteriores al Congreso Nacional", [1863] pages 65-67; see also, in a similar sense, the case of the Central and South American Telegraph Company, United States vs. Chile, in 3 Whiteman, op. cit., page 1950.

(9) See also the case of Dreyfus Brothers and Company, France vs. Peru, in 3 Whiteman, op. cit., page 1943.

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CHAPTER V.

CLAIM FOR LAWYERS' FEES AND EXPENSES.

Illegality of the claim for fees and expenses in accordance with the Agreement and Compromis subscribed between The United States of America and the Republic of Chile.

I. Introduction.

The Government of Chile has promised to make an ex gratia payment, determined by the Commission, as though responsibilities had been established for the State of Chile.

Since responsibility in the assassination of Mr. Orlando Letelier and of Mrs. Ronni K. Moffitt, occurring on September 21, 1976, is not acknowledged by the Government of Chile, it is evident that Chile cannot be considered as being obliged to pay lawyers' fees and direct expenses disbursed by several lawyers, the latter amounting to US$ 48,367.70.

II. The claim for lawyers' fees and expenses is unfounded.

The reasons by which it is not acceptable to order the payment of fees and other direct expenses disbursed by several lawyers, are the following:

(a) The Agreement and Compromis do not allow the claim.

The Agreement and Compromis, in no part establish that such expenses must be assumed by the parties. Moreover, in the diplomatic note, which gave rise to the current disagreement between the Government of the United States of America and the

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Government of Chile, the solution of which must be deemed settled once payment of the material compensation for the Presentation is determined, it was expressly indicated that the Government of the United States would not charge its expenses.

Among the costs of the fees claimed in the Presentation, there are important amounts related to the expenses and fees incurred in the preparation of the Presentation.

In fact, it is sought to charge the referred US$ 48,367.70, amount which includes US$ 4,422.45 resulting from direct expenses, according to what is indicated in Exhibit N° 20, which came about between June of 1990 and August of 1991.

It is evident that this expense arises exclusively from the preparation of the Presentation drafted by the Department of State, with the collaboration of lawyers, and Messrs. Karpen, Moffitt and Letelier.

No expense, whether by an individual or by an organism of the Government of the United States, that is needed to prepare the Presentation, can be claimed against the Government of Chile, who ex gratia has expressed itself in favor of paying a just compensation to the family members of those murdered on September of 1976.

The same thing applies to the claims presented by Mr. Buffone or the Department of State for US$ 78,075.30, arising from Mr. Eden's work and the NERA reports which were used in preparing the Presentation, as indicated in Exhibit N° 19.

(b) Payment of fees and expenses is not due in cases of ex gratia payment.

The payment to be determined by the Commission is an ex gratia act, and obviously a voluntary act, intended to normalize relations between the two States. Therefore, the expenses made by one party cannot be claimed so that the Commission may act in a certain way.

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The sole act of requesting payment for expenses and legal fees reveals the mistaken conception that the Government of the United States of America has given to its Presentation.

The Government of the United States of America should convince itself that it is not at trial against a Government that acts outside of international law. The Government of Chile has graciously consented to pay compensation for the damage suffered by the family members of Orlando Letelier and Ronni Moffitt. It is for that reason that the Government of Chile is not only found to be within the norms of international law, but also is cooperating toward the harmony that should exist in international relations.

It is evident that the costs of said acts are the responsibility of each of the parties.

As precedents, in the disputes that Chile has circumstantially had with the Government of the United States of America, as are, the "Franklin" case, the "Macedonian" case, and the "Baltimore" case, it has never happened that either of the parties assumed a special cost for fees and expenses.

Indeed, on June 21, 1859, the National Congress approved the Agreement that had been negotiated, concluded and signed on September 10, 1858, between the Republic of Chile and the United States of America. By virtue of said Agreement, the Government paid the sum of CH$ 15,000, Chilean currency of the time, as "an indemnification" equitably due to the owners, the Captain and other interested parties in the American whaler "Franklin", which had been detained in Talcahuano in 1832 under suspicion of violation of Chilean customs laws -- said sum having to be considered by all interested parties in that ship as total payment for all the losses experienced and for the expenses they incurred as a consequence of their detention in Talcahuano in the year 1832.

UNCLASSIFIED

UNCLASSIFIED

The Macedonian Case was submitted to the arbitration of His Majesty the King of Belgium, in accordance with the agreement signed on November 10, 1858, who should have established, among other matters, whether the Government of Chile, in addition to the principal sum, should pay interest over this amount, and if so, what was the rate and from what date was it to be paid. No question regarding expenses or costs was established between the parties.

In the Baltimore Case, the Government of the United States of America and the Government of Chile agreed to arbitration in order to resolve the problem that had arisen, which arbitration did take place. The Government of Chile agreed to pay to the Government of the United States of America, the amount of CH $75,000 in gold, without consideration of additional costs and expenses.

In these cases between both Governments, directly or through arbitration, the expenses of the respective Governments have not been considered, be they for preparation or of any other nature. It follows from this that in the relations between both States, it is not in order to claim for the payment of expenses related to the preparation of presentations or complaints, since in the respective agreements, nothing has been stipulated to that effect.

(c) <u>The payment of lawyer fees and expenses is not due, since there has been no litiscontestation between the parties.</u>

The collection of such expenses or costs, implies placing the party obliged to pay, in a position of having been defeated in a "litiscontestation" before a competent international tribunal.

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No international litigation of this kind exists between both States, nor has the Commission been given full jurisdiction to be acquainted with the diplomatic dispute.

Therefore, no nation is either successful or defeated. The latter is the one who should cover the expenses of the victory.

This is yet another reason to reject the payment claimed by the Government of the United States of America.

(d) The payment of costs incurred prior to the proceedings before the Commission.

It is inappropriate to pay the fees of the lawyers hired by the families of Orlando Letelier and Ronni Moffitt and other expenses they incurred for court proceedings and of any other nature, prior to the date of the Agreement subscribed between both Governments.

The order to pay costs, according to the generally accepted principles of law, consists in redressing the damage caused by the trial, if the defendant does not voluntarily proceed to make reparation. Obliging the victim to obtain legal recognition of his right, the offender has caused the victim a new damage, concerning the expenses claimed for the prosecution of the action. Likewise, this order will be borne by the liable third parties, since they are responsible for all the damaging consequences of the act committed by the perpetrator of the crime. (Theoretical and Practical Treaty of Public, Criminal and Contractual Responsibility. Henri and León Mazeaud - André Tunc. Third Book. Volume I. Fifth Edition, Ediciones Jurídicas [Legal Editions]).

However, the State of Chile does not have any pending lawsuit related to the indemnification of damages for events occurring on September 21, 1976, affecting the family members of Mr. Orlando Letelier and Ronni K. Moffitt.

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Furthermore, in the trial sustained by said family members with the participation of the lawyers Messrs. Michael Tigar and Samuel J. Buffone before the U.S. District Court for the District of Columbia, notwithstanding having directed themselves against the State of Chile and in which they did not take part, the Government of Chile was not ordered to pay costs, as recognized in the declaration made by the lawyer, Mr. Buffone, in Exhibit N° 20 of the Presentation.

The proceeding in which the ex gratia Compensation to be paid by the State of Chile is fixed, cannot be deemed to be a judicial proceeding and the family members of the murder victims, occurring on September 21, 1976, are not parties to the proceeding nor do they have a right to claim costs and expenses of any nature.

In accordance with the principle indicated previously, the Government of Chile has, with the United States of America, agreed to submitting the question of the ex gratia payment, as concerns its amount, to the Commission. Therefore, there has never been a refusal of payment of a compensation agreed upon by both States.

On the other hand, in their particular lawsuit, the family members of Mr. Orlando Letelier and Mrs. Ronni Moffitt could pursue the collection of costs and expenses against those liable defendants, natural persons, that were sentenced to pay. The Government of Chile is unaware that they have taken actions in this direction.

The Government of Chile is only bound to submit itself to the jurisdiction of the courts of its own country, in conformity with the procedures established by the Political Constitution of the Republic of Chile and the laws pertaining to legal process. Since it does not accept the jurisdiction of the United States Court for the District of Columbia, it would never

UNCLASSIFIED

be obliged to pay for costs and expenses of this lawsuit as sought by the Presentation.

Similarly, the refusal of the Government of Chile to comply with a verdict of a court of the United States of America, cannot lead, in accordance with the principles and standards of international law, to the payment of the costs of this lawsuit, since that would be contrary to a principle of international law regarding the immunity of jurisdiction, without detriment to that it would also be in violation of a standard of Chilean Public Law.

(e) The payment of lobbying expenses before the U.S. legislature is not due.

It also appears odd and thus the Government of Chile rejects any attempt to claim costs and expenses which the lawyers of the family members of Orlando Letelier and Ronni Moffitt would have incurred, for the intention of modifying the statutes of the United States of America, specifically, the "Foreign Sovereign Immunities Act" in negotiations carried out in 1984.

The foregoing explanation should be considered absurd, inasmuch as it expects that the cost of amending laws of the United of States of America should be assumed by a foreign State.

It is illustrative, for the Members of the Commission, to remember that it was Mr. Orlando Letelier, in his capacity as Minister of Foreign Relations of Chile, who lead the defense of the principle of jurisdictional immunity before the foreign Courts of its time when they attempted to place an attachment on the possessions of the State of Chile, specifically as a result of the nationalization of copper mines being exploited by foreign companies of United States nationality.

In conclusion, it is absolutely inappropriate that through the Presentation's claims, the Government of the United States seeks to increase the amount of the ex gratia compensation with the additional cost of the fees and expenses of the private attorneys of the Letelier and Moffitt families, without prejudicing the right they have to pursue payment of the fees and expenses decreed by the judgement of the Court of the United States against the individuals who were convicted by said tribunal. Likewise, the additional charge for negotiations related to amendment of the 1976 Foreign Sovereign Immunities Act or before the Department of State, does not proceed and it is especially contrary to the Agreement and Compromis of June 11, 1990 to include expenses and fees that are subsequent to the subscription of a diplomatic agreement that put an end to a dispute between both States.

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CHAPTER VI.

A FAIR AND REASONABLE COMPENSATION.

I. Theoretical Basis.

(a) The Government of Chile believes that a prudent compensation involves payment to the family members of Mr. Orlando Letelier and Mrs. Ronni Karpen Moffitt, which lessens or alleviates their damages, associated with the actual damages (damnum emergens) and loss of profits (lucrum cessans), as well as moral damage. This compensation is not the same as an indemnification, since the latter's purpose would be to leave the family members of the bomb attack victims, occurring in Washington D.C. on September 21, 1976, undamaged.

(b) This prudent compensation takes into consideration the efforts the Government of Chile is making, to redress the damages of political violence that occurred, in connection with the Chilean Government from 1973 until 1990. These efforts would necessarily include the compensation to be paid to the family members of the victims of the previously mentioned bomb attack.

(c) As well, a prudent compensation should be fixed within the scope of the ex gratia payment made by the Government of Chile, without admitting liability and as a way of reestablishing full diplomatic relations between both Governments.

UNCLASSIFIED

(d) Lastly, a prudent compensation takes into consideration all of the information, allegations and arguments contained in the Presentation and in the previously formulated Observations.

II. Compensation to the family members of Mr. Orlando Letelier del Solar.

(a) Income before his return to Chile.

In calculating a prudent compensation for material damages suffered by the family members, the basis used is the approximate remuneration that Mr. Letelier received at the I.P.S. at the date of his death, as indicated in the Presentation.

Said remuneration is calculated until 1990, presuming that Mr. Letelier would have returned to Chile at this time, with the object of incorporating himself into the transitional process towards democracy, for which he carried out active work at an international level, as shown in Chapter III.

(b) Income after his return to Chile.

After 1990, it is estimated that he would have received remuneration equivalent to that of a Minister of State of the Republic of Chile; and, from the age of 65, at which time he would have retired, he would have received a retirement payment until the age of 74.

In both cases, it states that Mr. Letelier would have spent 40% of his income on family activities, which corresponds to the material damage and the loss of profits (lucrum cessans) of his wife and children, considering the time at which the latter would normally be independent.

Summary:

(1)	Before returning to Chile: (1990)			
	US$ 308,333	40 %	=	US$ 143,333
(2)	After returning to Chile:			
	Salary as a Minister of State	40 %	=	CH$ 20.160.000
	Retirement Pension	40 %	=	CH$ 6.480.000
				CH$ 26.640.000

This last amount, up to this moment, is currently equivalent to approximately US$ 74,000.

	1.	US$	143,333
+	2.	US$	74,000
T o t a l		US$	217,333

(c) Moral Damage.

This is calculated on the highest indemnification (not compensation) that the State of Chile would be ordered to pay in a lawsuit before the Chilean courts, approximately CH$ 50.000.000.---, equivalent to US$ 138,000.---- .

As a result, the family of Mr. Orlando Letelier, consisting of his wife and his four children, could receive the amount of US$ 355,333.---------- .

The Government of Chile, believes that the distribution of said amount should be made between the family at their own decision, inasmuch as there is a lack of information in order to indicate the amount that each one of its members would receive or to weigh the factors that would allow them to establish differences between them.

III. Mr. Michael Moffitt's Compensation.

The Government of Chile only acknowledges payment of moral damages, since no estimates nor requisites for claiming material damages are given.

The moral damage caused by the death of his spouse are assessed at US$ 200,000.---------- and the personal injury at US$ 50,000.----------, all in accordance with the Observations formulated in the preceding Chapters, II and III.

IV. Compensation to the parents of Mrs. Ronni Karpen Moffitt.

The Government of Chile believes that the only reasonable and prudent compensation that could be paid to Mrs. Hilda and to Mr. Murray Karpen amount to US$ 70,000.-------, all in conformity with the observations formulated in the previously mentioned Chapters II and III and in the cases examined.

V. Maximum Limit.

The Government of Chile, according to what has been stated in the present Chapter, believes that the maximum amount that should be paid to the Government of the United States of America, in accordance to the Agreement and Compromis, amounts to US$ 675,333.----, without payment of interest of any kind or surcharge for costs and fees.

The amount referred, to will be paid as set forth in the Agreement and Compromis, that is "as soon as possible and after the necessary legal requirements have been fulfilled following the determination by the Commission." (Point 5 of the Agreement).

CONSEJO DE DEFENSA DEL ESTADO PRESIDENTE CHILE

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UNCLASSIFIED

PAGE 01 USVIEN 01650 01 OF 03 121655Z
ACTION IO-19

E-76

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P 121647Z JUN 90
FM USMISSION USVIENNA
TO SECSTATE WASHDC PRIORITY 3370
VIENNA IAEA POSTS COLLECTIVE PRIORITY
DOE HQS WASHDC PRIORITY
DOE GERMANTOWN DIV PRIORITY
NRC WASHDC PRIORITY

DEPARTMENT OF STATE PA/PS/CPAT Date: 4-1-98
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UNCLAS SECTION 01 OF 03 USVIENNA 01650

DEPT FOR S/NP, IO/T/SCT, OES/NTS, ACDA

FROM UNVIE MISSION

E.O. 12356: N/A
TAGS: IAEA, AORC, ENRG, KNNP, KSCA, PARM
SUBJECT: JUNE 1990 BOARD OF GOVERNORS: AGENDA ITEMS 1
- AND 2 - ITEM 1: ELECTION OF VICE PRESIDENT;
- ITEM 2: THE ANNUAL REPORT FOR 1989

1. SUMMARY. AT THIS FIRST SESSION OF THE IAEA JUNE 1990 BOARD OF GOVERNORS MEETING, THE BOARD ELECTED BY ACCLAMATION CZECHOSLOVAK KAREL WAGNER VICE CHAIRMAN OF THE BOARD.

IN THE DEBATE ON AGENDA ITEM 2, THE AGENCY'S ANNUAL REPORT FOR 1989, 19 BOARD MEMBERS APPROVED THE REPORT. DEBATE ON THIS AGENDA ITEM WILL CONTINUE ON JUNE 12.

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PAGE 02 USVIEN 01650 01 OF 03 121655Z

2. AGENDA ITEM 1 - ELECTION OF VICE CHAIRMAN OF THE BOARD OF GOVERNORS. KAREL WAGNER, CHAIRMAN OF THE CZECH AND SLOVAK ATOMIC ENERGY AGENCY COMMISSION WAS

ELECTED BY ACCLAMATION TO REPLACE RETIRING VICE CHAIRMAN OF THE BOARD, STANISLAV HAVEL. THE PHILIPPINE REPRESENTATIVE, ALTHOUGH AGREEING TO WAGNER'S ELECTION, STATED THAT THE G-77 WAS UNDERREPRESENTED IN THE BUREAU AND FOR THIS REASON SUGGESTED THAT IN THE FUTURE THIS SHOULD BE TAKEN INTO CONSIDERATION IN THE ELECTION OF BUREAU MEMBERS.

3. AGENDA ITEM 2 - THE ANNUAL REPORT FOR 1989. CHAIRMAN ENDO STATED THAT THE REPORT AS CONTAINED IN GOV/2440 WAS MODIFIED TO DELETE SAFEGUARDS LANGUAGE OBJECTIONABLE TO SOME MEMBERS OF THE BOARD. THE WORDING ON THIS REMAINED THE SAME AS THAT IN THE 1988 ANNUAL REPORT.

THE COUNTRIES COMMENTING ON THIS AGENDA ITEM, ON JUNE 11, INCLUDED: ITALY, INDIA, JAPAN, CZECHOSLOVAKIA, THE NETHERLANDS, THF UNITED KINGDOM, CHINA, CHILE, GHANA, FRANCE, THE GERMAN DEMOCRATIC REPUBLIC, THE FEDERAL REPUBLIC OF GERMANY, NIGERIA, MEXICO, THE USSR, TUNISIA, IRAQ, PAKISTAN AND POLAND.

ALL APPROVED THE ANNUAL REPORT WITH MOST COMMENDING THE SECRETARIAT ON THE FORMAT AND CONTENT OF THE REPORT. CHINA, CHILE, NIGERIA, IRAQ AND PAKISTAN COMMENTED ON THE NEGATIVE EFFECT OF ZERO REAL GROWTH ON THE AGENCY'S PROGRAM. THE NETHERLANDS STATED THAT THEY PRESENTLY SUPPORT THE ZERO REAL GROWTH POLICY BUT ARE REVIEWING THEIR POSITION. THE USSR STATED THAT IN THEIR VIEW, ZERO REAL GROWTH WAS UNCLASSIFIED

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PAGE 03 USVIEN 01650 01 OF 03 121655Z

ONLY SYMBOLIC IN LIGHT OF THE ACTUAL INCREASE IN VOLUNTARY CONTRIBUTIONS TO TECHNICAL ASSISTANCE AND INCREASE IN AGENCY STAFFING SINCE THIS POLICY WAS INITIATED.

4. ITALY REGRETTED THE LACK OF PROGRESS ON THE ISSUE OF INTERNATIONAL DOSE LEVELS AND TRANSBOUNDARY EFFECTS OF NUCLEAR INCIDENTS BUT COMMFNDED THE INCREASE IN OSART MISSIONS AND HOPED THAT THERE WOULD BE A LIKE INCREASE IN ASSET MISSIONS IN 1990.

5. INDIA EXPRESSED SATISFACTION WITH THE DELETION OF WHAT THEY CONSIDERED UNDESIRABLE LANGUAGE IN THE

SAFEGUARDS SECTION, NOTING THAT THIS DELETION DEMONSTRATED SENSITIVITY TO INDIA'S CONCERNS.

6. JAPAN REGRETTED THE DECREASE IN THE TECHNICAL ASSISTANCE SUPPLEMENTATION RATE, COMMENDED THE OSART AND RAPAT MISSIONS AND THE AGENCY'S ACTIVITIES IN THE AREAS OF NUCLEAR LIABILITY AND DUMPING OF NUCLEAR WASTE. JAPAN STRONGLY SUPPORTED THE AGENCY'S ROLE JN PUBLIC AWARENESS, MENTIONING JAPAN'S VOLUNTARY CONTRIBUTIONS TO THIS ACTIVITY. JAPAN ALSO EXPRESSED SUPPORT FOR THE NEXT PHASE OF THE ITER PROJECT.

7. THE NETHERLANDS REMARKED THAT IT COULD SEE NO DISTINCTION BETWEEN THE AGENCY'S PROMOTIONAL AND REGULATORY ACTIVITIES SINCE BOTH ARE IN THE INTERESTS OF ALL MEMBER STATES.

8. THE UK COMMENDED THE AGENCY ON ITS OSART MISSIONS, STATING THAT THE OSART MISSION TO THE UK IN JULY 1989 WAS BENEFICIAL TO THE UK.

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PAGE 01 USVIEN 01650 02 OF 03 121656Z
ACTION IO-19

INFO	LOG-00	ADS-00	INR-05	EUR-01	SS-01	OIC-02	AF-01
	CIAE-00	EB-01	DODE-00	H-01	NEA-01	NSCE-00	ARA-01
	NSAE-00	L-03	AMAD-01	PM-01	EAP-01	EPA-04	INRE-00
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P 121647Z JUN 90
FM USMISSION USVIENNA

TO SECSTATE WASHDC PRIORITY 3371
VIENNA IAEA POSTS COLLECTIVE PRIORITY
DOE HQS WASHDC PRIORITY
DOE GERMANTOWN DIV PRIORITY
NRC WASHDC PRIORITY

UNCLAS SECTION 02 OF 03 USVIENNA 01650

DEPT FOR S/NP, IO/T/SCT, OES/NTS, ACDA

FROM UNVIE MISSION

E.O. 12356: N/A
TAGS: IAEA, AORC, ENRG, KNNP, KSCA, PARM
SUBJECT: JUNE 1990 BOARD OF GOVERNORS: AGENDA ITEMS 1

9. CHINA COMMENTED THAT THE AGENCY'S ACTIVITIES IN THE NUCLEAR WASTE AREA SHOULD BE INCREASED AND PROPOSED THAT THE AGENCY INITIATE PROGRAMS IN THE AREA OF NUCLEAR WASTE SIMILAR TO ITS NVSS PROGRAM.

10. GHANA, COMMENTING ON THE REPORT SECTION CONCERNING THE RESOURCES OF NUCLEAR RAW MATERIALS, REQUESTED AGENCY EXTENSION OF THIS ACTIVITY TO INCLUDE AFRICAN COUNTRIES.

11. FRANCE COMMENDED THE AGENCY FOR ITS COORDINATION WITH OTHER INTERNATIONAL ORGANIZATIONS INCLUDING THE UNCLASSIFIED

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PAGE 02 USVIEN 01650 02 OF 03 121656Z

NEA AND WANO. FRANCE ALSO REQUESTED THAT THE AGENCY SHOULD STRESS THE DIFFERENCE BETWEEN THE INCIDENT REPORTING SYSTEM AND THE NUCLEAR INCIDENT SEVERITY SCALE, NOTING THAT THE SEVERITY SCALE IS COMMUNICATIONS TOOL FOR INFORMING THE PUBLIC, AND THE IRS IS AN EVALUATION TOOL FOR COUNTRY SAFETY AUTHORITIES.

12. THE GDR STRESSED THE IMPORTANCE OF THE AGENCY'S PROGRAMS IN NUCLEAR SAFETY AND RADIATION PROTECTION.

13. NIGERIA COMMENDED THE REGIONAL COOPERATION AGREEMENT WITH AFRA AND REQUESTED FULL AGENCY SUPPORT FOR THIS REGIONAL ORGANIZATION. NIGERIA ALSO EXPRESSED APPRECIATION OF TRAINING COURSES AND

SEMINARS PROVIDED TO NIGERIA BY THE AGENCY.

14. THE FRG, ALTHOUGH COMMENDING THE COMPREHENSIVENESS OF THE REPORT, STATED THAT THE AGENCY'S AWARENESS AND IMPORTANT ACTIVITIES SHOULD BE HIGHLIGHTED IN THE BEGINNING OF THE REPORT.

15. MEXICO COMMENTED THAT THE ANNUAL REPORT GAVE ADEQUATE COVERAGE TO MEXICO'S NUCLEAR PROGRAM, NOTING THAT LAGUNA VERDE-1 WOULD BEGIN REGULAR FULL POWER OPERATION IN JULY 1990. MEXICO STATED THAT SAFEGUARDS WAS A NECESSARY CONDITION FOR TECHNICAL ASSISTANCE AND THAT STATES PARTY TO THE NPT SHOULD COMPLETE THEIR SAFEGUARDS AGREEMENTS WITH THE IAEA. MEXICO NOTED THAT THE US HAD COMPLETED ITS SAFEGUARDS AGREEMENT WITH THE AGENCY IN CONNECTION WITH PROTOCOL 1 OF THE TREATY OF TLATELOLCO.

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16. THE USSR COMMENDED THE IAEA FOR ITS ORGANIZATION OF INTERNATIONAL COOPERATION IN THE AREAS OF NUCLEAR SAFETY AND RADIATION PROTECTION, AND EXPRESSED SUPPORT FOR THE AGENCY'S SAFEGUARDS REGIME.

17. TUNISIA SUGGESTED THAT THE AGENCY SHOULD MOBILIZE MORE RESOURCES FOR ASSISTANCE TO AFRA AND REQUESTED INCREASE IN AGENCY'S EFFORTS TO IRRADICATE THE SCREW WORM FLY IN AFRICA.

18. IRAQ STATED THAT THE TECHNICAL ASSISTANCE PROGRAM SHOULD BE UNDER THE REGULAR BUDGET AND EXPRESSED CONCERN OVER THE SAFETY OF OPERATION OF OUTDATED REACTORS.

19. PAKISTAN WELCOMED THE DELETION OF WHAT THEY CONSIDERED OBJECTIONABLE SAFEGUARDS LANGUAGE, STATING THAT THE AGENCY SHOULD NOT COMMENT ON NUCLEAR FACILITIES WHICH ARE NOT UNDER EARLY ADOPTION OF THE IAEA-USSR COOPERATION AGREEMENT ON CHERNOBYL AND REPEATED ITS POSITION ON BALANCE BETWEEN THE SAFEGUARDS AND TECHNICAL ASSISTANCE PROGRAMS.

20. POLAND EXPRESSED APPRECIATION OF THE RELAXATION OF THE POLITICAL CLIMATE IN THF IAEA. THEY ADVISED THAT

THEY HAD ACCEDED TO THE VIENNA CONVENTION ON LIABILITY AND CALLED FOR COMPLETION OF THF AGENCY'S ACTIVITIES DEALING WITH THE NUCLEAR LIABILITY ISSUE. POLAND NOTED THE INCREASING INTEREST OF EASTERN EUROPEAN COUNTRIES IN POWER REACTOR SAFETY AND COMMENDED THE INCREASE IN THE AGENCY'S OSART MISSIONS. POLAND

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PAGE 01 USVIEN 01650 03 OF 03 121655Z
ACTION IO-19

INFO	LOG-00	ADS-00	INR-05	EUR-01	SS-01	OIC-02	AF-01
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P 121647Z JUN 90
FM USMISSION USVIENNA
TO SECSTATE WASHDC PRIORITY 3372
VIENNA IAEA POSTS COLLECTIVE PRIORITY
DOE HQS WASHDC PRIORITY
DOE GERMANTOWN DIV PRIORITY
NRC WASHDC PRIORITY

UNCLAS SECTION 03 OF 03 USVIENNA 01650

DEPT FOR S/NP, IO/T/SCT, OES/NTS, ACDA

FROM UNVIE MISSION

E.O. 12356: N/A
TAGS: IAEA, AORC, ENRG, KNNP, KSCA, PARM
SUBJECT: JUNE 1990 BOARD OF GOVERNORS: AGENDA ITEMS 1

WELCOMED THE AGENCY PROJECT TO
EVALUATE THE EFFECTS OF
THE CHERNOBYL INCIDENT AND STATED THAT THEY WOULD LIKE
TO PARTICIPATE IN THIS PROJECT. NEWLIN

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*** Current Handling Restrictions *** n/a
*** Current Classification *** UNCLASSIFIED

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ORIGIN CONS/2 INFO AMB DCM ADM/6

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Guatemala
Devine Case 6/90-7/90
Consular Section
#32027

RELEASED
CLASS: UNCLASSIFIED
CENGT:PROG 06/15/90
APPRV:CONS:SHPATTERSON
DRFTD:CONS:PSESCOBAR
CLEAR:NONE
DISTR:CONS ADM
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E.O. 12356: N/A
TAGS: CASC, APER, GT (DEVINE, MICHAEL VERNON)
SUBJECT: DEATH CASE OF MICHAEL VERNON DEVINE

REF: GUATEMALA 7080 AND 7222

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18 JUN 90 - Had to call CPO so they send the messages + not this message.
Adela

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 07/13/95
Case ID: 9512237

PRIORITY [redacted] INCOMING

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2. PREL/SOV USSR X196

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AMEMBASSY PARIS
AMEMBASSY BUENOS AIRES

[redacted] MOSCOW 20020

E.O. 12356: DECL: OADR
TAGS: PREL, ECON, ETRD, CU, NU, ES, UR, US
SUBJECT: SOVIET VIEWS ON CENTRAL AMERICA AND CUBA

1. CONFIDENTIAL - ENTIRE TEXT

2. ACTION REQUEST -- SEE PARA 6.

SUMMARY
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3. A SOVIET OFFICIAL SAYS THAT CUBA WILL RECEIVE SPECIAL TREATMENT IN REGARD TO PLANS TO PUT CEMA TRANSACTIONS ON A WORLD PRICE BASIS NEXT YEAR. THE SOVIETS SEE THE CUBANS TAKING A MORE MODERATE STANCE ON EL SALVADOR AND CONTINUE TO PUSH FOR CUBAN PARTICIPATION IN THE PEACE PROCESS. THEY CLAIM TO HAVE NO INFORMATION REGARDING A POSSIBLE NEW FMLN OFFENSIVE BUT DO NOT EXCLUDE THE POSSIBILITY. THE SOVIETS ARE REQUESTING INFORMATION ON NICARAGUA'S NEEDS REGARDING FOREIGN ASSISTANCE. END SUMMARY.

"SPECIAL TREATMENT" FOR CUBA
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4. IN A JUNE 15 MEETING WITH MFA LATIN AMERICA ADMINISTRATION CHIEF YURIY PAVLOV, POLCOUNS NOTED THAT THE SOVIETS WERE PLANNING TO CONDUCT TRADE WITH THEIR WARSAW PACT PARTNERS ON A WORLD PRICE, HARD CURRENCY BASIS BEGINNING IN JANUARY 1991, AND ASKED IF THIS WOULD APPLY TO CUBA AS WELL. PAVLOV SAID IT WOULD, BUT ADDED THAT COMECON HAD AGREED TO GIVE CUBA, MONGOLIA, AND VIET NAM "SPECIAL TREATMENT," SO THAT THESE LESS DEVELOPED ECONOMIES WOULD NOT BE DISRUPTED. HE WAS RATHER VAGUE ON HOW THIS WOULD BE ACCOMPLISHED, NOTING ONLY THAT THE SHIFT TO A NEW PRICING SYSTEM WOULD BE GRADUAL, WITH "SOME ARRANGEMENTS" INVOLVING CREDITS. ALL FUTURE CREDITS

WOULD BE IN TERMS OF HARD CURRENCY, HOWEVER. PAVLOV AGREED THAT SOVIET PARLIAMENTARY LEADERS SUCH AS YELTSIN MAY PUSH TO DECREASE FOREIGN AID, BUT MAINTAINED THAT THIS WOULD DEPEND ON REDUCTIONS IN THE U.S. MILITARY BUDGET, WHICH WERE NOW PROCEEDING VERY SLOWLY.

CUBANS MORE MODERATE ON EL SALVADOR?
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5. PAVLOV SAID THAT DURING HIS VISIT TO HAVANA LAST MONTH HE FOUND THE CUBANS "QUITE POSITIVE" ON SUPPORTING THE SYG'S EFFORTS TO BRING ABOUT A CEASE-FIRE IN EL SALVADOR IN SEPTEMBER. HE NOTED THAT THEY HAD TOLD UN ENVOY DE SOTO THAT THEY WERE SUPPORTING MODERATE ELEMENTS WITHIN THE FMLN, A SIGNIFICANT STEP ACCORDING TO PAVLOV, SINCE THE CUBANS HAD NEVER MADE SUCH A STATEMENT BEFORE. PAVLOV ASSERTED THAT THERE WAS NOW A GOOD CHANCE FOR INVOLVING THE CUBANS IN THE PEACE PROCESS, POSSIBLY WITHIN A FRAMEWORK PROPOSED LAST YEAR, I.E., THAT THE CUBANS SHOULD PARTICIPATE ALONG WITH THE SOVIET UNION AND THE U.S. IN THE CENTRAL AMERICAN PRESIDENTS' FORUM. SUCH A MOVE AWAITED ONLY A POSITIVE SIGNAL FROM THE U.S., WHICH HAS PREVIOUSLY REJECTED THE IDEA. PAVLOV CRITICIZED THE U.S. FOR PUBLICLY STATING THAT CUBA MUST MEET CERTAIN CONDITIONS BEFORE TALKS CAN BEGIN, THEREFORE "TYING YOUR HANDS."

SOVIETS SEEK INFORMATION ON NICARAGUAN NEEDS
/----------2----------

6. PAVLOV SAID HIS MINISTRY WAS "PRESSURING" SOVIET ECONOMIC ORGANS TO CONTINUE ECONOMIC ASSISTANCE TO NICARAGUA, BUT (#)
EVEN BEFORE THE DEFEAT OF THE
SANDINISTAS--BUT CONCEDED THAT THE ELECTION RESULTS HAD GIVEN NEW AMMUNITION TO THOSE OPPOSING CONTINUED AID. PAVLOV SAID THAT IN ORDER TO PRESENT A MORE EFFECTIVE ARGUMENT FOR AID TO NICARAGUA, AND TO AVOID DUPLICATION OF EFFORTS, HE WOULD APPRECIATE ANY INFORMATION WE COULD PROVIDE REGARDING THE TYPE OF AID THE U.S. IS PROVIDING AND THE SPECIFIC NEEDS OF NICARAGUA. (ACTION REQUEST: COULD DEPARTMENT PLEASE PROVIDE ANY INFORMATION WE COULD PASS TO PAVLOV IN THIS REGARD.)

COMMENT
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7. IT IS PLAUSIBLE, GIVEN THE POST-SUMMIT EMPHASIS HERE ON "PARTNERSHIP" WITH THE U.S., THAT THE MFA WOULD INDEED ARGUE FOR CONTINUING AID TO NICARAGUA IN COORDINATION WITH AMERICAN EFFORTS. IN OUR VIEW, THE APPEARANCE OF SUCH NEW THINKING IN THE RELATIVELY CONSERVATIVE, HIDEBOUND SOVIET LATIN AMERICA POLICY-MAKING APPARATUS SHOULD BE ENCOURAGED.

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NOTE: PARA 6 (#) GARBLED, CORRECTION TO FOLLOW.

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INFO LOG-ØØ ADS-ØØ AID-ØØ INR-Ø5 SS-ØØ CIAE-ØØ EB-ØØ
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AMEMBASSY SAN SALVADOR
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AMEMBASSY MEXICO
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[redacted] SECTION Ø1 OF Ø2 MOSCOW 2ØØ2Ø

C O R R E C T E D C O P Y (PARAGRAPH 6)

E.O. 12356: DECL: OADR
TAGS: PREL, ECON, ETRD, CU, NU, ES, UR, US
SUBJECT: SOVIET VIEWS ON CENTRAL AMERICA AND CUBA

1. CONFIDENTIAL - ENTIRE TEXT

2. ACTION REQUEST -- SEE PARA 6.

SUMMARY
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3. A SOVIET OFFICIAL SAYS THAT CUBA WILL RECEIVE SPECIAL TREATMENT IN REGARD TO PLANS TO PUT CEMA TRANSACTIONS ON A WORLD PRICE BASIS NEXT YEAR. THE SOVIETS SEE THE CUBANS TAKING A MORE MODERATE STANCE ON EL SALVADOR AND CONTINUE TO PUSH FOR CUBAN PARTICIPATION IN THE PEACE PROCESS. THEY CLAIM TO HAVE NO INFORMATION REGARDING A POSSIBLE NEW FMLN OFFENSIVE BUT DO NOT EXCLUDE THE POSSIBILITY. THE SOVIETS ARE REQUESTING INFORMATION ON NICARAGUA'S NEEDS REGARDING FOREIGN ASSISTANCE. END SUMMARY.

"SPECIAL TREATMENT" FOR CUBA
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MOSCOW 2ØØ2Ø Ø1 OF Ø2 171201Z Ø22668 7Ø9Ø28
ACCOMPLISHED, NOTING ONLY THAT THE SHIFT TO A NEW PRICING SYSTEM WOULD BE GRADUAL, WITH "SOME ARRANGEMENTS" INVOLVING CREDITS. ALL FUTURE CREDITS WOULD BE IN TERMS OF HARD CURRENCY, HOWEVER. PAVLOV AGREED THAT SOVIET PARLIAMENTARY LEADERS SUCH AS YELTSIN MAY PUSH TO DECREASE FOREIGN AID, BUT MAINTAINED THAT THIS WOULD DEPEND ON REDUCTIONS IN THE U.S. MILITARY BUDGET, WHICH WERE NOW PROCEEDING VERY SLOWLY.

CUBANS MORE MODERATE ON EL SALVADOR?
/----------

5. PAVLOV SAID THAT DURING HIS VISIT TO HAVANA LAST MONTH HE FOUND THE CUBANS "QUITE POSITIVE" ON SUPPORTING THE SYG'S EFFORTS TO BRING ABOUT A CEASE-FIRE IN EL SALVADOR IN SEPTEMBER. HE NOTED THAT THEY HAD TOLD UN ENVOY DE SOTO THAT THEY WERE SUPPORTING MODERATE ELEMENTS WITHIN THE FMLN, A SIGNIFICANT STEP ACCORDING TO PAVLOV, SINCE THE CUBANS HAD NEVER MADE SUCH A STATEMENT BEFORE. PAVLOV ASSERTED THAT THERE WAS NOW A GOOD CHANCE FOR INVOLVING THE CUBANS IN THE PEACE PROCESS, POSSIBLY WITHIN A FRAMEWORK PROPOSED LAST YEAR, I.E., THAT THE CUBANS SHOULD PARTICIPATE ALONG WITH THE SOVIET UNION AND THE U.S. IN THE CENTRAL AMERICAN PRESIDENTS' FORUM. SUCH A MOVE AWAITED ONLY A POSITIVE SIGNAL FROM THE U.S., WHICH HAS PREVIOUSLY REJECTED THE IDEA. PAVLOV CRITICIZED THE U.S. FOR PUBLICLY STATING THAT CUBA MUST MEET CERTAIN CONDITIONS BEFORE TALKS CAN BEGIN, THEREFORE "TYING YOUR HANDS."

SOVIETS SEEK INFORMATION ON NICARAGUAN NEEDS
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6. PAVLOV SAID HIS MINISTRY WAS "PRESSURING" SOVIET ECONOMIC ORGANS TO CONTINUE ECONOMIC ASSISTANCE TO NICARAGUA, BUT WAS RUNNING INTO DIFFICULTY. HE MAINTAINED THAT THERE WAS NO IDEOLOGICAL PROBLEM--IN FACT, THE ECONOMIC BODIES FAVORED CUTTING AID TO NICARAGUA EVEN BEFORE THE DEFEAT OF THE

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ORIGIN CONS/2 INFO AMB DCM ADM/S

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RR RUEHME
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FM AMEMBASSY GUATEMALA
TO AMEMBASSY MEXICO 1202
BT
UNCLAS GUATEMALA 07080

RELEASED

GUATEMALA
DeVine Case 2/90-9/90
Consular Section
#327227

CLASS: UNCLASSIFIED
CHRGE: PROG 06/15/90
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FOR LEGATT

FOLLOWING MSG SENT ACTION TO SECSTATE 14 JUNE IS REPEATED TO YOU FOR ACTION/INFO:

QUOTE

UNCLAS GUATEMALA 07080

E.O. 12356: N/A
TAGS: CASC, GT (DEVINE, MICHAEL VERNON)
SUBJECT: DEATH CASE OF MICHAEL VERNON DEVINE

1. USCIT MICHAEL VERNON DEVINE, DPOB 07/24/41 KANSAS, A LONG-TIME GUATEMALA RESIDENT, WAS KIDNAPPED AND MURDERED BY UNKNOWN ASSAILANTS ON JUNE 8, 1990 NEAR HIS FARM IN POPTUN, DISTRICT OF PETEN, GUATEMALA. EMBASSY DUTY OFFICER WAS NOTIFIED OF THE DEATH AT 11:00 P.M. ON JUNE 8 BY A FAMILY FRIEND, DENNIS WHEELER, WHO LIVES IN ANTIGUA.

2. MR. WHEELER REPORTED TO EMBOFF THAT ROBBERY APPARENTLY WAS THE MOTIVE FOR THE ATTACK. MR. DEVINE, HIS WIFE AND CHILDREN HAVE LIVED IN GUATEMALA SINCE 1971. MR. DEVINE WAS BURIED IN GUATEMALA. A SON, WHO IS A STUDENT IN THE U.S., HAS BEEN NOTIFIED OF THE DEATH OF HIS FATHER.

3. ON JUNE 9 EMBOFF CONTACTED THE HEADQUARTERS OF THE NATIONAL POLICE IN GUATEMALA CITY AS WELL AS THE NATIONAL POLICE IN CHARGE OF THE DISTRICT OF PETEN FOR DETAILS. TELEPHONE SERVICE BETWEEN POPTUN AND GUATEMALA CITY IS VERY LIMITED. NATIONAL POLICE IN PETEN DEPEND LARGELY ON RADIO COMMUNICATION. SEVERAL SECTIONS OF THE EMBASSY ARE MAINTAINING CONTACTS WITH APPROPRIATE GUATEMALAN AUTHORITIES TO OBTAIN OFFICIAL INFORMATION AND REPORTS.

4. MR. WHEELER TOLD EMBOFF THAT HE AND THE WIDOW, MRS. DEVINE, WILL TRAVEL TO GUATEMALA CITY FROM POPTUN ON JUNE 11. THEY WILL VISIT THE EMBASSY ON JUNE 12 TO MAKE A REPORT, AND TO PRESENT DOCUMENTS NECESSARY TO ISSUE THE OF-180, REPORT OF DEATH OF AN AMERICAN CITIZEN ABROAD.

5. NO PRIVACY ACT AUTHORIZED.

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 07/13/95
Case ID: 95122237

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6. EMBASSY WILL UPDATE AS ADDITIONAL INFORMATION BECOMES AVAILABLE. STROOCK

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United States Department of State

Washington, D.C. 20520

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June 20, 1990

MEMORANDUM [redacted]

TO: ARA - Bernard W. Aronson

THROUGH: ARA

FROM: ARA/CEN

SUBJECT: Your Meeting with Guillermo Ungo and Ruben Zamora

You are meeting on Thursday with Guillermo Ungo and Victor Valle of the National Revolutionary Movement and Ruben Zamora and Hector Silva of the Popular Social Christian Movement. While in Washington Ungo and Zamora will participate in the Georgetown University conference being organized by Father Currie.

The following issues are likely to be raised:

[redacted]

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United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: JOHNSTON, DONALD
Date: 07/25/94
Case ID: 9940037A

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Peace Talks. The GOES and the FMLN began the second round of talks on June 19 in Mexico. At this session they will begin actual negotiations of reform items on the agenda agreed upon during the first round in May. What do Ungo/Zamora expect out of this round?

FMLN Violence. We have reports of FMLN planning for another offensive. Do Ungo/Zamora believe this to be true? What would the FMLN hope to gain?

FMLN/Parties' Consultation. Representatives of Salvadoran political parties met with the FMLN in Caracas after the GOES/FMLN round ended, as part of the "consultation" process, and plan to do the same after the Mexico round. Reporting suggests that ARENA may try to resist any changes to the electoral law which would jeopardize their hold on the three branches of government. Are the FMLN/party meetings a useful exercise? Are the parties developing a consensus on key issues, like electoral reform?

Oqueli Murder. During the Central American summit Cerezo gave Cristiani a copy of the GOG's report on Hector Oqueli's murder. While we do not yet have a copy of the report, according to our Embassy in Guatemala, the report concludes that the murderers are right-wing Salvadorans but offers no proof. Do you have any further information on the killing?

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El Salvador: Human Rights
Special Project (1993)

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UNCLAS GUATEMALA 07547

FOR LEGATT

E.O. 12356: N/A
TAGS: CASC, GT (DEVINE, MICHAEL VERNON)
SUBJECT: UPDATE ON DEATH CASE OF MICHAEL VERNON DEVINE

REF: A) STATE 199095 B) GUATEMALA 7222 C) GUATEMALA 7088

1. ON JUNE 20, 1990, CAROLE A. DEVINE, WIFE OF MICHAEL VERNON DEVINE, SIGNED A PRIVACY ACT WAIVER WITH THE FOLLOWING RESTRICTION: QUOTE I DO NOT WISH ANY INFORMATION DIVULGED WHICH WOULD JEOPARDIZE THE SECURITY OF MYSELF OR OUR CHILDREN, FOR INSTANCE WHERE WE ARE CURRENTLY STAYING, TELEPHONE NUMBER OR WITH WHOM UNQUOTE.

2. THE WAIVER AUTHORIZES RELEASE OF INFORMATION TO: 1) ANY RELATIVE. 2) ONLY THE FOLLOWING RELATIVES: [redacted] B6 (EMBASSY RECOGNIZES THE INCONSISTENCY CONCERNING FAMILY MEMBERS). 3) ANY MEMBER OF CONGRESS. 4) REPRESENTATIVES OF THE MEDIA.

3. EMBASSY RECEIVED A REPORT DATED JUNE 13, 1990 FROM THE GUATEMALAN NATIONAL POLICE, DEPARTMENT OF PETEN, WHICH ALLEGES THAT THOSE RESPONSABLE FOR THE DEATH OF MICHAEL VERNON DEVINE ARE JOSE VICENTE CORNELIO AND SEVERAL UNKNOWN PERSONS. ACCORDING TO THE POLICE REPORT, MICHAEL DEVINE SHOT JOSE VICENTE CORNELIO IN THE LEG ON MAY 23, 1985 WHEN THE LATTER WAS CAUGHT IN THE ACT OF STEALING CHICKENS FROM THE DEVINE FARM. FOLLOWING THE SHOOTING, MR. DEVINE PAID FOR THE MEDICAL EXPENSES OF JOSE VICENTE CORNELIO AS WELL AS COMPENSATION FOR THE TIME THAT MR. VICENTE WAS UNABLE TO WORK.

4. THE POLICE REPORT RAISES A NUMBER OF UNANSWERED QUESTIONS CONCERNING CONCLUSIONS MADE BY THE GUATEMALAN INVESTIGATORS. FOR INSTANCE, THE REPORT INCLUDES STATEMENTS WHICH ARE PREFACED WITH QUOTE IT WAS ESTABLISHED UNQUOTE AND QUOTE IT WAS CONCLUDED UNQUOTE, WITHOUT PROVIDING SUBSTANTIATING EVIDENCE.

5. MRS. DEVINE AND FRIENDS OF MICHAEL DEVINE QUESTION THE POLICE REPORT, SINCE THE INCIDENT INVOLVING JOSE VICENTE CORNELIO OCCURRED OVER FIVE YEARS AGO AND, SINCE THE INCIDENT, THERE SEEMED TO BE NO ILL FEELING BETWEEN THE TWO.

6. MRS. DEVINE HAS EMPLOYED THE SERVICES OF A U. S. CITIZEN NAMED CARL WEST TO INVESTIGATE HER HUSBAND'S MURDER. MR. WEST IS A SECURITY CONSULTANT WHO LIVES IN GUATEMALA.

7. EMBASSY WILL UPDATE AS ADDITIONAL INFORMATION IS RECEIVED. STROOCK

Devine Michael
DE GTM 6/90

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 07/14/95
Case ID: 95122237

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ARA FOR A/S ARONSON

E.O. 12356: DECL: OADR
TAGS: PREL, ECON, MASS, CU, NU, ES, UR, US
SUBJECT: SOVIETS EXPRESS WILLINGNESS TO DEAL ON CUBA

REF: STATE 201888.

1. [redacted] - ENTIRE TEXT

SUMMARY
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2. YURIY PAVLOV HAS INDICATED THAT THE SOVIETS ARE READY TO SERIOUSLY TALK ABOUT CUBA AND WOULD LIKE OFFICIAL CONFIRMATION THAT THE A/S ARONSON IS PREPARED TO DISCUSS POSSIBLE CHANGES IN U.S. POLICY IN THEIR UPCOMING MEETING. HE SAID HE NEEDED THIS ASSURANCE BEFORE HE COULD APPROACH SOVIET MILITARY OFFICIALS AND THE CUBANS. PAVLOV APPEARED TO ENDORSE PROPOSALS RECENTLY APPEARING IN THE U.S.

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PRESS WHICH SUGGEST A U.S. PROMISE NOT TO INVADE CUBA AND AN AMERICAN WITHDRAWAL FROM GUANTANAMO BAY IN EXCHANGE FOR A SOVIET WITHDRAWAL. PAVLOV'S MAIN CONCERN SEEMED TO BE THAT ANY U.S.-SOVIET AGREEMENT NOT APPEAR TO PROVIDE FOR AN EMIGRE-LED GOVERNMENT IN HAVANA. TURNING TO EL SALVADOR, PAVLOV NOTED THAT THE SOVIETS HAD ASKED THE CUBANS AND THE FMLN TO REFRAIN FROM OFFENSIVE ACTIONS. PAVLOV REQUESTS THAT A/S ARONSON PROPOSE SPECIFIC DATES FOR THEIR MEETING IN JULY. END SUMMARY.

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3. POLCOUNS AND POLOFF MET WITH MFA LATIN AMERICA ADMINISTRATION CHIEF YURIY PAVLOV ON JUNE 22 TO DELIVER THE INFORMATION CONTAINED IN REFTEL REGARDING AID TO NICARAGUA. AFTER THANKING US FOR THE INFORMATION, PAVLOV MENTIONED THAT HE WOULD BE MEETING WITH A/S ARONSON SOMETIME NEXT MONTH, AND ASKED IF WE COULD CONFIRM A/S ARONSON'S PREVIOUS INDICATION "THAT HE WOULD BE PREPARED TO DISCUSS IDEAS AS TO WHAT COULD BE DONE TO LESSEN TENSIONS AROUND CUBA." PAVLOV SAID THAT DURING THEIR LAST MEETING, A/S ARONSON HAD "MENTIONED THE POSSIBILITY OF A CHANGE OF OPINION, WHICH SUBSTANTIALLY AMOUNTED TO SAYING THAT THE U.S. SIDE UNDERSTANDS THAT FOR ANY CHANGES TO TAKE PLACE IN SOVIET MILITARY ASSISTANCE TO CUBA SOME CHANGES IN THE U.S. ATTITUDE AND BEHAVIOR WILL BE NEEDED TO JUSTIFY OUR CHANGES."

4. ASKING IF WE COULD "CONFIRM THAT THIS STILL STANDS," PAVLOV SAID THAT IF SO, "WE WILL ALSO TRY TO MAKE SOME PREPARATIONS IN THAT SENSE." NOTING THAT HE HAD MADE CLEAR THAT THE SOVIETS COULD NOT "NEGOTIATE BEHIND CUBA'S BACK," PAVLOV SAID IT HAD BEEN UNDERSTOOD THAT THE SOVIETS WOULD KEEP CUBA INFORMED. PAVLOV NOTED THAT THIS DISCUSSION HAD

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TAKEN PLACE IN THE STATE DEPARTMENT, WITH NSC STAFFERS PRESENT, AND HE THEREFORE ASSUMED THAT THESE WERE MORE THAN JUST OFF-THE-RECORD REMARKS. NEVERTHELESS, IN ORDER TO "MAKE IT EASIER FOR US TO TALK TO PEOPLE IN THE DEFENSE MINISTRY AND ALSO TO CUBA," PAVLOV SAID HE WOULD APPRECIATE OFFICIAL CONFIRMATION OF THIS U.S. POSITION. HE ADDED THAT HE HAD ALREADY DISCUSSED SOME OF THESE IDEAS WITH THE CUBANS DURING HIS SUBSEQUENT VISIT TO HAVANA, AND THAT HE HAD THE IMPRESSION THAT "THEY WERE ALSO THINKING ALONG THESE LINES."

5. POLCOUNS NOTED THAT IT MIGHT BE DIFFICULT TO CONVINCE THE CUBANS TO ACCEPT THE IDEA OF A DECREASED THREAT, SINCE THESE "THREATS" PROVIDE JUSTIFICATION FOR THE CONTINUATION OF MILITARY AID. PAVLOV RESPONDED THAT THIS DEPENDS ON HOW MUCH THE U.S. WANTS TO HELP CONVINCE CASTRO OF THE LESSENED THREAT. HE CITED AN ADDRESS BY AN ACADEMIC AT THE RECENT CONFERENCE HE ATTENDED IN MIAMI WHICH PROPOSED THAT THE U.S. DECLARE THAT IT WOULD NOT INVADE CUBA, THAT IT WITHDRAW FROM GUANTANAMO BAY, AND THAT THE SOVIETS WITHDRAW AS WELL, WITH CASTRO THEN "ALLOWED TO GO TO HIS FATE." PAVLOV NOTED THAT HE HAD PUBLICLY SPOKEN IN SUPPORT OF THIS NOTION. HE THEN CITED A RECENT "TIME" MAGAZINE ARTICLE, AND A JUNE 8 ARTICLE IN THE "MIAMI HERALD," WHICH HINTED THAT CUBAN EMIGRE LEADERS IN MIAMI "WERE THINKING ABOUT SOME CHANGE IN U.S. POLICY TOWARD CUBA, TO MAKE IT LESS HOSTILE, AND SEE WHAT HAPPENS." PAVLOV ADDED THAT HE WAS NOT SURE WHETHER OR NOT THIS REFLECTED THINKING IN HIGHER CIRCLES.

6. PAVLOV SAID HE DID NOT AGREE THAT CUBA HAD NO INTEREST IN A DECREASE OF TENSIONS. WHILE HE CONCEDED THAT THE CUBAN LEADERSHIP WAS USING "THE

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IMAGE OF THE WOLF NEARBY" TO MAINTAIN STRICT CONTROLS INTERNALLY. HE ARGUED THAT THE HIGH STATE OF MILITARY PREPAREDNESS WAS ALSO VERY COSTLY FOR THE CUBANS, AND THAT "ON THE WHOLE THEY ARE VERY TIRED OF THAT SITUATION, ON BALANCE THEY WOULD PROBABLY WELCOME THE PROPOSALS." HE NOTED THAT THE CUBANS WERE EXPERIENCING MORE AND MORE ECONOMIC PROBLEMS, POINTING OUT THAT THE CUBANS HAVE BEEN UNABLE TO SUPPLY THE FULL QUOTA OF SUGAR TO THE EAST EUROPEAN COUNTRIES AND AS A RESULT THOSE COUNTRIES WERE CUTTING EXPORTS TO CUBA. "THIS IS NOT JUST A POLITICAL PROBLEM," HE ASSERTED.

7. PAVLOV THEN TURNED TO THE "TIME" ARTICLE, QUOTING A PASSAGE REFERRING TO CUBA WHICH PROPOSED THAT "IT MIGHT FINALLY BE TIME TO SAY 'DIFFERENT,' AND SUGGESTING THAT "TESTING GORBACHEV'S REASONING MAY BE RISK-FREE." PAVLOV AGAIN MENTIONED THE "MIAMI HERALD" ARTICLE, WHICH HE SAID PROPOSED "SOMETHING ALONG THE LINES OF THE NECESSITY TO GIVE THE SOVIETS SOME REASSURANCE THAT IF CASTRO GOES THEY CAN PRESERVE INFLUENCE IN CUBA, SO THE CUBAN PEOPLE WILL NOT BE SO HOSTILE TO THE SOVIETS--SAYING SOMETHING LIKE 'THE CUBANS IN MIAMI WILL NOT BE THE (NEW) LEADERS.'"

8. PAVLOV SAID THAT CUBAN LEADERS BECAME VERY NERVOUS WHEN THEY READ OF THE MEETING BETWEEN THE SOVIETS AND THE CUBAN EMIGRES IN MIAMI. HE ADDED THAT "WE SHOULD NOT AUTOMATICALLY TAKE FOR GRANTED THAT THE MIAMI PEOPLE WILL COME AND TAKE OVER." PAVLOV SAID HE DID NOT EXCLUDE THE POSSIBILITY THAT THE EMIGRES COULD RETURN TO CUBA (HE NOTED THAT IT HAD TAKEN THE SOVIET UNION 70 YEARS TO END ITS CIVIL WAR AND ALLOW EMIGRES TO COME BACK), BUT THERE WAS "NO NECESSITY THAT THEY LEAD THE COUNTRY." HE

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ARGUED THAT THERE SHOULD BE NO DIRECT CONNECTION BETWEEN A U.S.-SOVIET AGREEMENT ON CUBA AND THE INSTALLATION OF AN EMIGRE-LED GOVERNMENT. "IT IS ALSO IN YOUR INTEREST THAT THE SITUATION IN CUBA EVOLVE GRADUALLY WITHOUT ECONOMIC UPHEAVALS," HE ADDED.

9. POLCOUNS POINTED OUT THAT "GRADUAL EVOLUTION" IS OFTEN DIFFICULT WHEN A REPRESSIVE REGIME FALLS, AS DEVELOPMENTS USUALLY MOVE QUICKLY. PAVLOV RESPONDED THAT THERE WERE ALREADY PRECEDENTS FOR SUCH TRANSFORMATIONS. WHILE HE WAS "NOT DRAWING A PARALLEL," PAVLOV CITED THE SITUATION IN CHILE, WHERE THE U.S. AND OTHER COUNTRIES WERE EXERTING PRESSURE, BUT "YOU WERE MODERATING THAT PRESSURE."

10. TURNING TO EL SALVADOR, PAVLOV NOTED THAT INSTRUCTIONS HAD BEEN SENT TO THE SOVIET EMBASSY IN WASHINGTON TO INFORM THE DEPARTMENT THAT THE SOVIETS WERE TALKING TO THE CUBANS AND FMLN REPRESENTATIVES ADVISING THEM TO REFRAIN FROM ANY OFFENSIVE ACTIONS. HE MAINTAINED THAT THE GOES HAD ADOPTED AN INFLEXIBLE POSTURE IN THE MEXICO CITY TALKS BY PROPOSING TO POSTPONE REFORMS IN THE ARMY UNTIL AFTER A CEASEFIRE AGREEMENT AND THE END OF THE CONFERENCE. PAVLOV ARGUED THAT WITHOUT A DISCUSSION ON CLEANING UP THE SALVADORAN MILITARY IT WAS IMPOSSIBLE FOR THE FMLN TO TAKE THE TALKS SERIOUSLY, BECAUSE THERE COULD BE NO GUARANTEE THAT ANY

AGREEMENTS WOULD BE ACCEPTED BY THE ARMED FORCES.

11. PAVLOV NOTED THAT HE AND A/S ARONSON HAD SPOKEN

IN GENERAL TERMS ABOUT MEETING IN MOSCOW DURING THE SECOND HALF OF JULY. HE ADDED THAT HE PLANNED TO TAKE A COUPLE OF WEEKS OF VACATION SOMETIME DURING

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THE MONTH AND WOULD APPRECIATE IF A/S ARONSON COULD PROPOSE SPECIFIC DATES FOR THE MEETING SO HE COULD FINALIZE HIS PLANS.

12. COMMENT. WE WERE STRUCK BY THE TENOR OF PAVLOV'S REMARKS ON CUBA, WHICH DIFFERED DRAMATICALLY FROM ANYTHING WE HAVE HEARD FROM HIM BEFORE. HE APPEARED TO CONSIDER VERY REAL THE POSSIBILITY THAT CASTRO'S DAYS ARE NUMBERED. EVEN IF CASTRO HANGS ON, PAVLOV SEEMED TO BE SAYING THE SOVIETS ARE READY FOR DRASTIC CHANGES IN THEIR RELATIONSHIP WITH HIM. MATLOCK

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EXDIS. FROM ASSISTANT SECRETARY ARONSON

C O R R E C T E D C O P Y (TAGS ADDED)

E.O. 12356: DECL: OADR
TAGS: PINS, PREL, ES
SUBJECT: SA-7 TRAINING IN EL SALVADOR

1. [redacted] ENTIRE TEXT

2. THE EMBASSY IS ASKED TO RAISE AT THE HIGHEST APPROPRIATE LEVEL OUR CONCERN THAT INTENSIVE TRAINING FOR SA-7'S IS TAKING PLACE IN EL SALVADOR IN PREPARATION FOR THEIR USE. CUBA AND THE SANDINISTAS ARE RESPONSIBLE FOR THE INTRODUCTION OF THESE MISSILES INTO EL SALVADOR. WE WOULD REGARD IT AS AN EXTREMELY SERIOUS AND DANGEROUS ESCALATION OF THE WAR WERE THE SA-7'S TO BE USED, AND ONE WHICH WOULD INEVITABLY IMPACT NEGATIVELY UPON OUR

RELATIONS. WE URGE THAT THE SOVIETS USE ALL THEIR INFLUENCE WITH THE CUBANS, THE FMLN AND THE SANDINISTAS TO PREVENT THIS DANGEROUS STEP.
EAGLEBURGER

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: JOHNSTON, DONALD
Date: 07/25/94
Case ID: S940037A

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USCINCSO ALSO FOR POLAD YOULE

E.O. 12356: DECL:N/A
TAGS: PGOV, PHUM, ES
SUBJECT: GOES-FMLN DIALOGUE TALKS, JESUIT CASE
- HIGHLIGHTED IN WEEKLY HOMILIES

1. (U) SUMMARY: IN SEPARATE HOMILIES MONSIGNORS ARTURO RIVERA DAMAS AND RICARDO URIOSTE USED DIFFERENT STYLES AND, AT TIMES, CONTRADICTED EACH OTHER WHILE EXPRESSING THEIR HOPE THAT THE GOES-FMLN TALKS BEING HELD IN MEXICO WOULD END POSITIVELY AND THAT THE TWO SIDES WILL EXTEND THEIR EFFORTS TO BRING PEACE TO EL SALVADOR. BOTH RELIGIOUS LEADERS ALSO CALLED ON THE GOES TO QUICKLY BRING THE JESUIT MURDER CASE TO TRIAL. END SUMMARY.

2. (U) AN UNSUAL DIFFERENCE OF OPINION SEEMS TO [redacted]

PAGE 02 SAN SA 08587 01 OF 02 280026Z

HAVE SURFACED BETWEEN THE REMARKS MADE IN THE JUNE 18

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HOMILY DELIVERED BY SAN SALVADOR ARCHBISHOP MONS. ARTURO RIVERA DAMAS AND THOSE MADE ON JUNE 24 IN THE HOMILY DELIVERED BY MON. RICARDO URIOSTE, THE NUMBER THREE PRELATE OF THE SAN SALVADOR ARCHDIOCESE. THIS IS AN UNUSUAL DEVELOPMENT, AND WHILE POSSIBLY MORE A MATTER OF STYLE THAN SUBSTANCE, IT MAY REPRESENT A VARIANCE OF VIEWS WITHIN THE CHURCH HIERARCHY, WHERE URIOSTE IS CONSIDERED TO BE WELL TO THE LEFT OF THE OTHER PRELATES.

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RIVERA DAMAS AND URIOSTE DIFFER ON DIALOGUE...

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3. (U) IN INDIRECT CRITICISM OF THE FMLN'S INSISTENCE THAT THE MILITARY ISSUE BE FIRST ON THE AGENDA, RIVERA DAMAS SUGGESTED IN THE JUNE 18 HOMILY, THAT THE GOES AND THE FMLN BEGIN THE MEXICAN ROUND OF NEGOTIATIONS WITH TOPICS THAT THEY CAN EASILY AGREE ON. HE PREDICTED THAT THE HARDEST POINT OF THE NEGOTIATIONS WILL BE THE QUESTION OF WHAT TO DO ABOUT THE SALVADORAN MILITARY. HE SAID THAT THE TALKS COULD BREAK DOWN IF THEY INSIST ON TACKLING THAT PROBLEM FIRST. THEREFORE, IN HIS OPINION THE TWO SIDES SHOULD BEGIN THE TALKS ON A DIFFERENT TOPIC.

4. (U) IN STARK CONTRAST, MONS. URIOSTE, CLEARLY ALLUDING TO "PURIFICATION" OF THE SALVADORAN MILITARY, SAID THAT THE GOES AND THE FMLN CANNOT AVOID TACKLING THE HARD QUESTIONS EARLY IN THEIR SEARCH FOR AN ACCORD DURING THE MEXICAN ROUND OF TALKS. HE SAID THAT LIKE CONFESSION, THE WORST ACTS ARE THE ONES THAT HAVE TO BE CONFESSED FIRST. MONS.

[redacted]

URIOSTE ALSO SAID THAT A DEMOCRACY CANNOT PROGRESS UNLESS THE IMPORTANT POINTS (AGAIN ALLUDING TO THE SALVADORAN MILITARY) ARE FACED HONESTLY AND SERIOUSLY.

5. (U) ALSO REGARDING THE TALKS, MONS. RIVERA DAMAS SAID THAT AFTER VISITS FROM UN SECGEN REPRESENTATIVE ALVARO DE SOTO AND GOES COMMISSION MILITARY REPRESENTATIVE COL. MAURICIO VARGAS, IT WAS HIS IMPRESSION THAT THE CHURCH WOULD BE ASKED TO PLAY A GREATER ROLE IN THE PEACE PROCESS. HE CALLED THE

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LATEST ROUND OF TALKS A "GREAT OPPORTUNITY" THAT SHOULD NOT BE SQUANDERED.

...BUT AGREE ON THE JESUIT MURDER CASE

6. (U) TURNING TO THE JESUIT MURDER CASE, MONS. RIVERA DAMAS INDICATED THAT SINCE THE GUILTY PARTIES ARE KNOWN, THE ONLY THING LEFT IS TO MAKE SURE THEY ARE TRIED AND CONVICTED WITHIN THE CONFINES OF SALVADORAN LAW. HE SAID CREDIBLE WITNESSES NEED TO BE ASSURED THAT THEY WILL NOT SUFFER FOR THEIR TESTIMONY.

7. (U) MONS. URIOSTE OBSERVED THAT THE GOES IS OBLIGATED TO INVESTIGATE ALL MURDER CASES, INCLUDING THE 1980 MURDER OF SAN SALVADOR ARCHBISHOP OSCAR ARNULFO ROMERO. HE ASSERTED THAT REGULAR ELECTIONS ARE NOT A SIGN OF DEMOCRACY, THE REAL TEST IS A RELIABLE SYSTEM OF JUSTICE. FINALLY, SPEAKING OF VIOLENCE COMMITTED BY FMLN GUERRILLAS DURING THE PEACE NEGOTIATIONS IN MEXICO, MONS. URIOSTE SAID THAT THERE ARE NO ACTS OF VIOLENCE THAT MERIT SUPPORT.

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El Salvador Human Rights
Special Project (1993)

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PAGE 01 SAN SA 08587 02 OF 02 280027Z
ACTION ARA-01

INFO LOG-00 ADS-00 AID-01 INR-05 SS-01 CIAE-00 DODE-00
H-01 NSCE-00 NSAE-00 HA-09 L-03 TRSE-00 PM-01
PA-01 OMB-01 INRE-00 ACDA-13 USIE-00 SP-01 SNP-01
C-01 PRS-01 P-02 T-01 /044 W
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R 272322Z JUN 90
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 9284
INFO AMEMBASSY GUATEMALA
AMEMBASSY TEGUCIGALPA
AMEMBASSY SAN JOSE
AMEMBASSY MANAGUA
USCINCSO QUARRY HTS PM

[redacted] SECTION 02 OF 02 SAN SALVADOR 08587

USCINCSO ALSO FOR POLAD YOULE

E.O. 12356: DECL:N/A
TAGS: PGOV, PHUM, ES
SUBJECT: GOES-FMLN DIALOGUE TALKS, JESUIT CASE

8. (LOU) COMMENT: THE DIFFERENCE IN VIEWS IS UNUSUAL SINCE THE ARCHDIOCESE, IN CONTRAST WITH THE SALVADORAN CHURCH IN GENERAL, GO TO GREAT LENGTHS TO PLAY FROM THE SAME SHEET OF MUSIC. WHATEVER THE REASONS BEHIND IT, THE NEWS MEDIA DID NOT PICK-UP THE CONTRASTING VIEWS, SO UNLESS (OR UNTIL) NEW DIFFERENCES SURFACE WE WILL NOT BE ABLE TO JUDGE WHETHER THERE ARE ANY DEVELOPING SCHISMS IN THE HIERARCHY. ON THE QUESTION OF A GREATER ROLE FOR THE CHURCH IN THE TALKS, THIS IS THE FIRST WE HAVE HEARD OF IT. SINCE THE BEGINNING OF THE NEW ROUND, THE LEADERS OF THE ARCHDIOCESE HAVE BEEN CHAFING AT THE [redacted]

PAGE 02 SAN SA 08587 02 OF 02 280027Z

LOSS OF THEIR, PRACTICALLY TRADITIONAL, SEAT AT THE TABLE. THERE ARE NO INDICATIONS THAT THIS NEW SITUATION WILL CHANGE IN THE SHORT TERM.

WALKER

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TEXT OF TELEGRAM 90GENEVA006865

ADP748

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PAGE 01 GENEVA 06865 01 OF 02 291650Z
ACTION ID-19

INFO	LOG-00	ADS-00	AID-01	INR-05	EUR-01	SS-01	OIC-02
	AF-01	CIAE-00	EB-01	DODE-00	H-01	NEA-01	NSCE-00
	ARA-01	NSAE-00	HA-09	L-03	LAB-04	TRSE-00	EAP-01
	PA-01	STR-18	SIL-01	INRE-00	RP-10	USIE-00	SP-01
	SR-01	PRS-01	P-02	/086 W			

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P 291651Z JUN 90
FM USMISSION GENEVA
TO SECSTATE WASHDC PRIORITY 3021
INFO AMEMBASSY SAN SALVADOR
AMEMBASSY MADRID
AMEMBASSY MEXICO
AMEMBASSY GUATEMALA
AMEMBASSY MANAGUA
AMEMBASSY PANAMA
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USMISSION USUN NEW YORK
USINT HAVANA

[redacted] SECTION 01 OF 02 GENEVA 06865

E.O. 12356: OADR
TAGS: PHUM, UNHRC, ASEC, ES
SUBJECT: MEETING WITH UN HUMAN RIGHTS COMMISSION SPECIAL REPRESENTATIVE FOR EL SALVADOR PASTOR RIDRUEJO

1. C - ENTIRE TEXT.

SUMMARY
----

2. POLCOUNS AND MISSIONOFF MET JUNE 28 WITH PASTOR RIDRUEJO. HE SAID HE PLANNED TO VISIT EL SALVADOR SEPTEMBER 23 - 30 IN HIS OFFICIAL CAPACITY, AND ASKED

[redacted]

PAGE 02 GENEVA 06865 01 OF 02 291650Z

POLCOUNS TO INFORM EMBASSY SAN SALVADOR OF THE VISIT AND THANK THE EMBASSY FOR ASSISTANCE RENDERED DURING PREVIOUS VISITS. PASTOR RIDRUEJO EXPRESSED CONCERN FOR HIS SAFETY DURING HIS VISITS TO ES. HE WAS EAGER FOR A USG READOUT OF RECENT EVENTS IN ES; HE SAID HE WAS PESSIMISTIC ABOUT PEACE PROSPECTS IN THE SHORT TERM, BUT MORE OPTIMISTIC IN THE LONG TERM. REGARDING HUMAN RIGHTS, HE SAID HE CONSIDERED THE NOVEMBER 1989 MURDER OF THE JESUIT PRIESTS, THEIR HOUSEKEEPER AND HER

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Doc (PV)
#2 of 154

EXCISE

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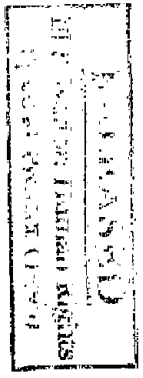
portions withheld: classified (X); deliberative ( );
law enforcement ( ); privacy ( ), statutory ( );
not relevant to El Salvador ( ).



DAUGHTER TO BE A LITMUS TEST OF THE GOES' COMMITMENT TO GAIN CONTROL OVER MILITARY ABUSES, AND UNDERSTOOD THAT THE US CONGRESS AND ADMINISTRATION FELT THE SAME WAY. PASTOR RIDRUEJO, RECENTLY APPOINTED SENIOR ADVISER AT THE SPANISH MINISTRY OF JUSTICE, SAID THIS COULD BE HIS LAST VISIT TO EL SALVADOR. HE WAS TIRED, HE SAID, AND WANTED TO TURN THE RESPONSIBILITY OVER TO SOMEONE ELSE. HE ADMITTED IT WOULD BE DIFFICULT TO FIND ANYONE WHO HAD THE TRUST OF BOTH THE FMLN AND THE GOES. MISSION WOULD APPRECIATE EMBASSY SAN SALVADOR'S EVALUATION OF SECURITY CONDITIONS WHICH WE COULD PASS ON TO THE HUMAN RIGHTS CENTER FOR PASTOR RIDRUEJO. END SUMMARY.

3. THE MEETING WITH UNHRC SPECIAL REPRESENTATIVE TO EL SALVADOR JOSE ANTONIO PASTOR RIDRUEJO TOOK PLACE IN THE HUMAN RIGHTS CENTER JUNE 28 AT HIS REQUEST. MIGUEL DE LA LAMA OF THE HUMAN RIGHTS CENTER WAS ALSO PRESENT. PASTOR RIDRUEJO OPENED BY THANKING THE USG AND ESPECIALLY EMBASSY SAN SALVADOR FOR ITS COOPERATION DURING HIS PREVIOUS VISITS. HE SAID HE HAD TENTATIVE PLANS TO MAKE AN OFFICIAL VISIT TO EL SALVADOR THE WEEK OF SEPTEMBER 23 - 30, PENDING CONFIRMATION BY THE GOES.

4. HE EXPRESSED GREAT CONCERN FOR HIS PERSONAL SECURITY

[redacted]

PAGE 03 GENEVA 06865 01 OF 02 291650Z

DURING THESE VISITS. HE SAID HE HAD NOT YET BEEN PERSONALLY THREATENED, BUT HE HAD BEEN PARTICULARLY SHAKEN BY THE MURDER OF THE JESUITS, PERHAPS BECAUSE THEY WERE FELLOW SPANIARDS. HE SAID HE WAS WORRIED ALSO ABOUT THE FMLN. AGAIN, HE HAD RECEIVED NO THREATS, BUT HE KNEW THEY WERE UNHAPPY WITH HIS NEGATIVE COMMENTS ABOUT THEM IN HIS REPORT TO THE 1990 UNHRC. "MISTAKES CAN HAPPEN", HE ADDED. HE ALSO UNDERSTOOD THERE HAD BEEN THREATS AGAINST UNDP IN EL SALVADOR. THUS HE WANTED TO MAKE SURE EMBASSY SAN SALVADOR KNEW HIS ARRIVAL DATE AND HIS WHEREABOUTS WHILE HE WAS IN COUNTRY. HE SAID HE WOULD APPRECIATE A THREAT ASSESSMENT FROM THE EMBASSY. (MISSION COULD PASS THIS INFORMATION TO DE LA LAMA AT THE HUMAN RIGHTS CENTER; WE BELIEVE IT WOULD BE A GREAT RELIEF TO PASTOR RIDRUEJO TO HAVE THE EMBASSY'S COMMENTS.)

5. HE ASKED ABOUT THE FEBRUARY 11 BOMBING IN SAN JOSE LAS FLORES. HE UNDERSTOOD THERE HAD BEEN 5 DEAD AND 16 WOUNDED, AND THAT ARMY PERSONNEL WERE SUSPECTED. MISSIONOFFS COULD PROVIDE NO FURTHER DETAILS, SO PASTOR RIDRUEJO ASKED IF EMBASSY SAN SALVADOR COULD COLLECT INFORMATION AND SAVE IT FOR HIS VISIT. HE SAID THE INFORMATION HE HAD WAS FROM A LEFTIST SOURCE WHO WAS VERY CREDIBLE. ONCE AGAIN HE EXPRESSED APPRECIATION FOR PAST USG COOPERATION AND HOPED IT WOULD CONTINUE.

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(1994)

TEXT OF TELEGRAM 90GENEVA006865

6. POLCOUNS ASKED PASTOR RIDRUEJO HIS OPINION ON JAIL CONDITIONS AND TORTURE IN PARTICULAR. HE SAID HE WAS SURE TORTURE CONTINUED, BUT THAT IT WAS SELECTIVE, NOT WIDESPREAD OR SYSTEMATIC. HE SAID HE HAD READ A NUMBER OF ACCUSATIONS AND LISTENED TO MANY WITNESSES. THERE

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TEXT OF TELEGRAM 90GENEVA006865

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PAGE 01 GENEVA 06865 02 OF 02 291651Z
ACTION IO-19

INFO	LOG-00	ADS-00	AID-01	INR-05	EUR-01	SS-01	DIC-02
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	ARA-01	NSAE-00	HA-09	L-03	LAB-04	TRSE-00	EAP-01
	PA-01	STR-18	SIL-01	INRE-00	RP-10	USIE-00	SP-01
	SR-01	PRS-01	P-02	/086 W			

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P 291651Z JUN 90
FM USMISSION GENEVA
TO SECSTATE WASHDC PRIORITY 3022
INFO AMEMBASSY SAN SALVADOR
AMEMBASSY MADRID
AMEMBASSY MEXICO
AMEMBASSY GUATEMALA
AMEMBASSY MANAGUA
AMEMBASSY PANAMA
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USMISSION USUN NEW YORK
USINT HAVANA

[redacted]L SECTION 02 OF 02 GENEVA 06865

E.O. 12356: OADR
TAGS: PHUM, UNHRC, ASEC, ES
SUBJECT: MEETING WITH UN HUMAN RIGHTS COMMISSION SPECIAL

WAS SURELY SOMETHING BEHIND SOME OF THE ALLEGATIONS, BUT HE HAD OBSERVED THAT MANY OF THE ACCUSATIONS DID NOT APPEAR SPONTANEOUS AND FOLLOWED THE SAME PATTERN; [illegible] cc

7. ON OTHER HUMAN RIGHTS ISSUES, PASTOR RIDRUEJO NOTED REPORTS BY AMERICAS WATCH ON CRIMES ATTRIBUTED TO THE GUERRILLAS. HE ALSO ASKED ABOUT A REPORT BY THE LAWYERS COMMITTEE ON HUMAN RIGHTS QUOTING THE FMLN AS SAYING [redacted]

PAGE 02 GENEVA 06865 02 OF 02 291651Z

THEY HAVE TRIBUNALS AND THAT WHAT THE GOES CALLS SUMMARY EXECUTIONS ARE THE RESULT OF FAIR TRIALS. THE LAWYERS COMMITTEE DISPUTED THE FMLN ON THIS POINT, AND PASTOR RIDRUEJO CONCURS.

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8. HE THEN ASKED USG VIEW ON PEACE TALKS BETWEEN GOES AND FMLN. HOW WOULD THESE BE AFFECTED BY THE ELECTORAL DEFEAT OF THE SANDINISTAS AND RECENT LACK OF ARMS SHIPMENTS FROM CUBA? HE WAS PESSIMISTIC ABOUT THE

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El Salvador Human Rights
Special Project (1993)

NEGOTIATIONS. HE THINKS THE FMLN CAN UNLEASH ANOTHER OFFENSIVE ANYTIME IF THEY ARE NOT HAPPY WITH THE NEGOTIATIONS. DESPITE THIS VIEW, PASTOR RIDRUEJO EXPRESSED OPTIMISM IN THE LONGER TERM, BUT HE OFFERED NO RATIONALE FOR THIS OPINION.

9. ENUMERATING THE PRESSURES HE WAS FEELING, HE SAID HE WAS RELUCTANT TO CONTINUE HIS WORK FOR THE HUMAN RIGHTS CENTER BEYOND THIS YEAR. HIS NEW POST WITH THE SPANISH JUSTICE MINISTRY, HIS AND HIS FAMILY'S CONCERN FOR HIS SECURITY, AND THE PRESSURE INHERENT IN THE WORK WERE LEADING HIM TO HIS CONCLUSION.

10. ON THE OTHER HAND, HE OFFERED, IT WOULD BE DIFFICULT TO FIND SOMEONE WHO COULD GAIN THE CONFIDENCE OF BOTH THE GOES AND THE FMLN. HE REMARKED THAT THE FMLN HAD ACCUSED HIM ON ONE OCCASION OF BEING BOUGHT BY THE U.S., BUT THAT LATER THEY HAD WRITTEN HIM ASKING HIM TO CONTINUE IN THE POST. HE SAID THE FMLN HAD ASKED HIM TO REPROACH THE GOES FOR NOT BEING SERIOUS IN THE NEGOTIATIONS.

11. COMMENT: PASTOR RIDRUEJO'S RECENT INFORMATION ON THE SITUATION IN EL SALVADOR IS BASED ON WHAT HE HAS [redacted]

READ IN THE PRESS AND WHAT HE HAS OBTAINED FROM NGO REPORTS. HIS APPRECIATION FOR PAST EMBASSY SAN SALVADOR ASSISTANCE IS REAL, AND FURTHER CONTACTS WHEN HE ARRIVES IN SEPTEMBER WILL NO DOUBT ENABLE THE EMBASSY TO CALL TO HIS ATTENTION THE MOST SIGNIFICANT EVENTS AND TRENDS IN THE USG VIEW. PASTOR RIDRUEJO MAY NOT HAVE MADE UP HIS MIND ABOUT CONTINUING FOR ANOTHER YEAR AS SPECIAL REPRESENTATIVE FOR EL SALVADOR. THE REASONS HE GAVE, HOWEVER, SEEMED SINCERE AND SIGNIFICANT. MISSION WILL KEEP IN TOUCH WITH THE HUMAN RIGHTS CENTER, AND WILL REPORT ANY DEVELOPMENTS. ABRAM

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ACTION OCS-06

INFO LOG-00 ADS-00 ARA-00 AMAD-01 CA-02 FBIE-00 DS-00
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R 131717Z JUL 90
FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC 2315
INFO AMEMBASSY MEXICO

UNCLAS GUATEMALA 08626

MEXICO FOR LEGATT

E.O. 12356: N/A
TAGS: CASC, ASEC, GT
SUBJECT: THREAT TO AMCITS IN POPTUN

REF: GUATEMALA 08340

1. REFTEL UPDATING THE INVESTIGATION INTO MURDER OF AMCIT MICHAEL DEVINE CITED AN UNSPECIFIC THREAT TO QUOTE GRINGOS UNQUOTE IN THE AREA OF POPTUN, WHERE AMCIT MICHAEL DEVINE WAS MURDERED JUNE 8. EMBASSY HAS TAKEN THE FOLLOWING ACTIONS CONCERNING THE VAGUE THREAT:

A) ON JULY 11, EMBOFF MET WITH ARMY CHIEF OF STAFF GENERAL MARROQUIN TO ACQUAINT HIM WITH THE THREAT AND ASK HIS COOPERATION BOTH IN INVESTIGATING THE GROUNDS OF SUCH A THREAT AND TO ENSURE THAT NO HARM COME TO LOCAL RESIDENTS OF POPTUN, PARTICULARLY TO AMCITS. HE WAS NOT AWARE OF SUCH A THREAT. HE INDICATED THAT THE PREVIOUS WEEK HE HAD INSTRUCTED THE LOCAL ARMY COMMANDER TO INCREASE HIS PATROLS IN ORDER TO PROVIDE INCREASED SECURITY TO ALL OF THE LOCAL POPULATION. ADDITIONALLY, HE INDICATED THAT HE WOULD INFORM THE MINISTER OF DEFENSE OF THIS RUMOR AND ENSURE THAT THE LOCAL COMMANDER TOOK ACTION TO RESPOND TO ANY IDENTIFIED THREAT.

B) CONGEN CONTACTED THE PARENT ORGANIZATIONS IN GUATEMALA CITY OF THE RELIGIOUS ORGANIZATIONS WHO HAVE AMCITS RESIDING IN POPTUN, I.E. THE MARYKNOLL ORDER (HAS ONE PRIEST AND TWO LAY NURSES), THE MORMONS (HAVE TWO MISSIONARIES) AND THE SEVENTH DAY ADVENTISTS (ONE MARRIED COUPLE WITH A YOUNG CHILD). DUE TO PAUCITY OF TELEPHONE COMMUNICATIONS IN POPTUN, WE ARE NOT ABLE TO CONTACT AMCITS DIRECTLY. WE INFORMED THE ORGANIZATIONS OF THE NATURE OF THE THREAT, AND ASKED THEM TO INQUIRE OF THEIR PEOPLE IF THEY ARE AWARE OF ANY SIMILAR RUMORS AND IF SO, TO REPORT THEM TO THE EMBASSY. DUE TO OUR EXPERIENCE IN THE SISTER DIANA ORTIZ CASE, WE STRESSED PARTICULARLY WITH THE MARYKNOLL ORDER OUR DESIRE TO BE KEPT INFORMED OF ANY THREATS THEY ARE AWARE OF. OUR INTERLOCUTORS WERE APPRECIATIVE OF THE INFORMATION AND INDICATED THEY WOULD KEEP US INFORMED, BUT AS OF THE TIME OF OUR INITIAL CONVERSATIONS, NONE HAD HEARD OF THREATS TO AMCITS IN THE AREA.

2. WE ARE NOT AWARE OF ANY OTHER AMCITS RESIDING IN THE AREA, BUT WILL LOOK INTO THAT NEXT WEEK WHEN AN EMBASSY OFFICER PLANS TO VISIT POPTUN. TAYLOR

Devine Michael
DE GTM 6/90

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 07/14/95
Case ID: 95122238

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PAGE 01 MEXICO 18762 01 OF 02 131419Z
ACTION INM-01

INFO LOG-00 ADS-00 AID-01 INR-05 OIC-02 CIAE-00 DODE-00
H-01 IO-19 NSCE-00 ARA-01 NSAE-00 SSO-01 L-03
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USIE-00 JUSE-00 DEAE-00 FBIE-00 SP-01 OIG-01 /039 W
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O 131516Z JUL 90
FM AMEMBASSY MEXICO
TO SECSTATE WASHDC IMMEDIATE 0100

UNCLAS SECTION 01 OF 02 MEXICO 18762

STATE FOR INM AND ARA/MEX

E.O. 12356: N/A
TAGS: SNAR, MX
SUBJECT: FY 1990 INTERNATIONAL NARCOTICS CONTROL
- STRATEGY REPORT (INCSR) MID-YEAR UPDATE:
- MEXICO

REF: STATE 178513

1. THIS CABLE PROVIDES EMBASSY CONTRIBUTION TO DEPARTMENT FY 1990 INCSR UPDATE TO CONGRESS.

A. CROP CULTIVATION AND PRODUCTION: GOVERNMENT OF MEXICO (GOM) HAS NO RELIABLE ESTIMATE FOR NUMBER OF OPIUM POPPY AND MARIJUANA HECTARES UNDER CULTIVATION OR QUANTITY OF NARCOTICS PRODUCED. NEW DRUG FIELDS ARE FOUND AND DESTROYED THROUGHOUT THE YEAR.

B. NEW POLICIES, PROGRAMS, INITIATIVES, PERSONNEL, SURVEYS: GOM CONTINUED MAJOR TURNAROUND IN ANTIDRUG WAR MADE UNDER SALINAS ADMINISTRATION. SPECIAL DEPUTY AG OFFICE FOR NARCOTICS AFFAIRS CREATED IN 1989 HAS BEEN EXTREMELY EFFECTIVE AND GREATLY IMPROVED BILATERAL
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PAGE 02 MEXICO 18762 01 OF 02 131419Z

WORKING RELATIONS. MEXICO HOSTED OAS MINISTERIAL DRUG

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DEPARTMENT OF STATE 9204243 IS/FPC/CDR Date: 11-27-96
(X) RELEASE ( ) DECLASSIFY
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FOIA Exemptions
PA Exemptions
MR Cases Only:
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TS authority to
( ) CLASSIFY as ( ) S or
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CONFERENCE AND IDEC MEETING.

USG AGREED IN PRINCIPLE TO NEW QUOTE RULES OF THE GAME UNQUOTE FOR DEA AGENTS IN MEXICO. AGREEMENT PROVIDES FOR ENHANCED DIPLOMATIC STATUS OF DEA AGENTS SERVING IN THE FIELD. USG ALSO AGREED IN PRINCIPLE, ON THE BASIS OF RECIPROCITY, THAT GOM CAN STATION FEDERAL JUDICIAL POLICE AGENTS AT ITS EMBASSY AND CONSULATES IN THE UNITED STATES. HOWEVER, SO FAR, THE GOM HAS NOT ENTERED INTO SPECIFIC TALKS WITH THE USG ON THIS ISSUE. GOM INITIATED NORTHERN BORDER RESPONSE FORCE (NBRF) INTERDICTION CAPABILITY WITH LIMITED RESOURCES RESULTING IN APPREHENSION OF SIX COCAINE-TRAFFICKING AIRCRAFT, OVER NINE METRIC TONS COCAINE, AND NUMEROUS DRUG TRAFFICKERS. MEXICAN AG OFFICE (PGR) CONDUCTED BILATERAL ERADICATION VERIFICATION FLIGHTS ON AD HOC BASIS WITH NAU PERSONNEL.

PGR, NAU AND BELL HELICOPTER SERVICES, INC. NEGOTIATED ONE-YEAR EXTENSION TO AVIATION MAINTENANCE CONTRACT EFFECTIVE JULY 1, 1990. BUILDING CONSTRUCTION WAS INITIATED ON MAJOR PGR MAINTENANCE FACILITY IN GUADALAJARA. PGR BEGAN BUYING ITS OWN POL AND HERBICIDES AS PER AGREEMENTS WITH NAU.

C. STATUS ON ERADICATION EFFORTS: SPECIAL PGR PRE-PLANTING SEASON ANTI-NARCOTICS CAMPAIGN BEGAN NATIONWIDE JUNE 11 WITH LARGE NUMBERS OF RECONNAISSANCE FLIGHTS, ERADICATION OF YOUNG ILLICIT CROPS, AND DESTRUCTION OF DRUG SEEDBEDS BEFORE SEEDLINGS CAN BE TRANSPLANTED TO PREPARED FIELDS.

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D. MID-YEAR ERADICATION STATISTICS: PGR REPORTED ERADICATING 1,741 HECTARES OPIUM POPPY AND 487 MARIJUANA JANUARY 1-JUNE 27, 1990. MEXICAN DEFENSE SECRETARY CLAIMED SEPARATELY THAT MILITARY MANUALLY ERADICATED 3,131 HECTARES OPIUM POPPY AND 1,196 MARIJUANA JANUARY 1-JULY 5, 1990.

E. STATUS OF INTERDICTION EFFORTS: APPROXIMATELY 110 FEDERAL POLICE ASSISTED NATIONWIDE PRE PLANTING SEASON CAMPAIGN BY INVESTIGATING OWNERSHIP OF SUSPECT FIELDS

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IN FIRST GOM ATTEMPT TO LINK ILLICIT CROP ERADICATION WITH APPREHENSION OF SUSPECTED DRUG TRAFFICKERS.

POST AND GOM STUDIED ENLARGING NBRF INTERDICTION CAPABILITIES TO SEVEN PRIMARY OPERATIONAL AREAS SUPPORTING 21 MEDIUM HELICOPTERS AND FIVE TWIN-TURBO PROP AIRPLANES.

F. MID-YEAR SEIZURE STATISTICS: PGR REPORTED SEIZING 22,950 KGS. COCAINE, 300 TONS DRIED MARIJUANA, 228 KGS. OPIATES, 1,603 LAND VEHICLES, 34 AIRPLANES, 2 BOATS, AND 1,791 WEAPONS JANUARY 1-JUNE 27, 1990. MEXICAN LAW ENFORCEMENT OFFICIALS ARRESTED 6,720 PERSONS ON DRUG-RELATED CHARGES DURING SAME PERIOD, OF WHOM 4,032 WERE DETAINED. MEXICAN DEFENSE SECRETARY SEPARATELY REPORTED MILITARY SEIZING 1,976 KGS. COCAINE, 71 TONS MARIJUANA, 17 KGS. OPIUM GUM, 1 KG. HEROIN, 272 LAND VEHICLES, 6 AIRPLANES, AND 3,281 FIREARMS, APPREHENDING 723 INDIVIDUALS ON DRUG-RELATED CHARGES, AND DESTROYING 500 CLANDESTINE AIRSTRIPS JANUARY 1-JULY 5, 1990.

G. STATUS OF OTHER ENFORCEMENT EFFORTS, LEGAL INITIATIVES: MEXICAN LAW ENFORCEMENT OFFICIALS

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ACTION INM-01

INFO LOG-00 ADS-00 AID-01 INR-05 OIC-02 CIAE-00 DODE-00
H-01 IO-19 NSCE-00 ARA-01 NSAE-00 SSO-01 L-03
AMAD-01 CTME-00 TRSE-00 PM-01 OMB-01 INRE-00 CG-00
USIE-00 JUSE-00 DEAE-00 FBIE-00 SP-01 OIG-01 /039 W
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O 131516Z JUL 90
FM AMEMBASSY MEXICO
TO SECSTATE WASHDC IMMEDIATE 0101

UNCLAS SECTION 02 OF 02 MEXICO 18762

STATE FOR INM AND ARA/MEX

E.O. 12356: N/A
TAGS: SNAR, MX
SUBJECT: FY 1990 INTERNATIONAL NARCOTICS CONTROL
- STRATEGY REPORT (INCSR) MID-YEAR UPDATE:
- MEXICO

ARRESTED FOLLOWING CLASS ONE DRUG VIOLATORS: RAFAEL CHAO LOPEZ, CORRUPT FORMER FEDERAL POLICE COMMANDER UNDER TWO PREVIOUS GOM ADMINISTRATIONS; MIGUEL ALDANA IBARRA, EX-DIRECTOR OF INTERPOL INDICTED BY U.S. FEDERAL GRAND JURY IN 1985 MURDER OF DEA AGENT CAMARENA; RIGOBERTO CAMPOS SALCIDO, FIRST COUSIN OF MANUEL SALCIDO, AKA "EL COCHILOCO"; FRANCISCO WESSON MUNOZ, NEPHEW OF MIGUEL ANGEL FELIX GALLARDO; ALFREDO MEDINA ESPINOZA, CESAR SOLOMON MONZON, AND RAMON VALENZUELA GARCIA, MAJOR TRAFFICKERS IN THE GUADALAJARA AREA; GERARDO REMY SR., FUGITIVE FROM A FT. LAUDERDALE COURT CONVICTION FOR IMPORTING 1,000 KGS. OF COCAINE; AND RODOLFO GALLARDO ROBERT, SEIZED IN MEXICO CITY BEHIND 732 KGS. OF COCAINE. DANIEL JAMES FOWLEY, A MAJOR DRUG TRAFFICKER WANTED BY AN ORGANIZED CRIME DRUG TASK FORCE IN SANTA ANNA COUNTY, CALIFORNIA, WAS
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EXTRADITED TO THE UNITED STATES JULY 2 AFTER FIGHTING EXTRADITION FROM MEXICO FOR THREE YEARS.

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GOM IMPLEMENTED NEW LAW COVERING LEGALITY OF ASSET SEIZURES, RESULTING IN OVER ONE BILLION DOLLARS OF NARCOTICS-RELATED ASSET FORFEITURES UNDER SALINAS. GOM AND USG OFFICIALS SCHEDULED MONEY LAUNDERING COURSES FOR INVESTIGATORS FROM THE MEXICAN TREASURY AND CENTRAL BANK FOR LATE FY 1990. LAW GOVERNING FINANCIAL INTERMEDIARIES PASSED IN DECEMBER 1989 HAS RESULTED IN GREATER GOM EFFORT TO INVESTIGATE MONEY LAUNDERING CASES AND STIFFER JAIL SENTENCES.

H. STATUS OF DRUG PREVENTION EFFORTS: INM DEMAND REDUCTION TRAINING WAS PROVIDED TO 29 MEXICAN PUBLIC AND PRIVATE SECTOR PROFESSIONALS. THESE INDIVIDUALS WILL TRAIN 100 OTHER MEXICAN PROFESSIONALS IN LATF FY 1990.
USG-FINANCED CIUDAD JUAREZ COMMUNITY DRUG DEMAND REDUCTION PILOT PROJECT WAS REPLICATED IN TIJUANA AND MONTERREY.

I. MID-YEAR DRUG ABUSE STATISTICS: CONTINUING ANALYSIS OF DATA FROM 1988 MEXICAN NATIONAL HOUSEHOLD DRUG ABUSE SURVEY INDICATES 4.8 PERCENT OF URBAN POPULATION BETWEEN 12 AND 65 YEARS OF AGE, OR 1,713,000 INDIVIDUALS, HAD TRIED ONE OR MORE DRUGS SURVEYED. MALES 15 TO 34 YEARS OLD ARE MOST LIKELY TO USE DRUGS. MARIJUANA REMAINS MOST COMMONLY ABUSED DRUG. SURVEY SHORT OF TOTAL PICTURE, HOWEVER, AS HOMELESS, JAILED PERSONS, AND TREATMENT FACILITY PATIENTS NOT INCLUDED.

J. SUMMARY OUTLOOK FOR BALANCE OF 1989 AND 1990:
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EMBASSY EXPECTS GOM TO CONTINUE INTENSIFIED ANTI-NARCOTICS CAMPAIGN THAT HAS BECOME HALLMARK OF SALINAS ADMINISTRATION AND TO INCREASE BOTH BILATERAL AND INTERNATIONAL COOPERATION. LIMITED RESOURCES WILL BE A MAJOR CONSTRAINT ON GOM EFFORT.
NEGROPONTE

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ROUTINE

ACTION

UNCLASSIFIED [redacted]

DEPARTMENT OF STATE
ARA/NEA REARCS

INCOMING

Num 51

PAGE 01 SAN SA 09405 1320262 025278 987394

ACTION: ES-00

INFO: LARA(01) OCEN(01) REG(01) NCO(01) JS(01) SPA(01) RJ(01)
ARA(01) PPC(01) OAS(01) PPA(01)
16/14272 A2 PATR (TOTAL COPIES: 013)

ACTION ARA-00

INFO LOG-00 ADS-00 INR-05 SS-00 CIAE-00 DODE-00 H-01
NSCE-00 NSAE-00 HA-09 L-03 ANAD-01 TRSE-00 PM-00
PA-01 OMB-01 INRE-00 OCS-06 CA-02 USIE-00 JUSE-00
SP-00 SNP-00 PRS-01 DS-00 P-02 T-01 /039 W
230353 151721Z /44 38

R 132025Z JUL 90
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 9788
DIRFBI WASHDC
INFO AMEMBASSY MEXICO

[redacted] SAN SALVADOR 09405

FOR ARA/CEN

FBI FOR MARTY HALE/OLIA

MEXICO PASS TO JOE GANNON, LEGATT

E.O. 12356: DECL:OADR
TAGS: PGOV, KJUS, ES
SUBJECT: JESUIT CASE: UPDATE 69 - MEETING WITH JUDGE ZAMORA

[redacted] - ENTIRE TEXT.

2. LEGAL OFFICER (L/O), AN FBI SPECIAL AGENT, AND ASSISTANT LEGAL OFFICER (A/LO) MET WITH JUDGE RICARDO ALFREDO ZAMORA ON JULY 11, 1990, TO DISCUSS RECENT DEVELOPMENTS IN THE JESUIT CASE.

3. JUDGE ZAMORA MADE IT CLEAR THAT HE STILL BELIEVES THAT THE ORDER-OF-THE-DAY REGISTER IS A FAKE. EMBASSY OFFICERS INFORMED JUDGE ZAMORA THAT THE FBI STANDS READY TO OFFER ASSISTANCE REGARDING THE AUTHENTICITY OF THIS REGISTER. AS A RESULT, ZAMORA WILL BRING THE REGISTER TO WASHINGTON, D.C., FOR TESTS AT THE FBI LABORATORY DURING THE WEEK OF JULY 23 (SEE DETAILS SEPTEL).

4. ALSO, THE TESTIMONY OF COLONEL AVILES IS SELF-CONTRADICTORY AND BLATANTLY SELF-SERVING, ACCORDING TO ZAMORA. AT ONE POINT, AVILES TESTIFIED THAT UNTIL HE RETURNED (JUNE 1990) FROM TAIWAN, HE KNEW NOTHING ABOUT BUCKLAND'S STORY THAT BENAVIDES HAD SUPPOSEDLY CONFESSED TO RIVAS. YET, AT ANOTHER POINT, AVILES RECALLS THE JANUARY 1990 MEETING HE HAD WITH SALVADORAN CHIEF OF STAFF COL. PONCE AND US MILGRP COMMANDER COL. MENJIVAR ON THIS VERY SUBJECT.

5. DESPITE HAVING BEEN ARRESTED BY THE NATIONAL GUARD ON JULY 5, LIEUTENANT COLONEL CARLOS CAMILO HERNANDEZ HAD NOT YET BEEN REMANDED TO THE COURT AS OF 1100 ON JULY 12. BY SALVADORAN LAW, THE SECURITY FORCES MUST TURN OVER A PRISONER TO THE COURTS WITHIN SEVENTY-TWO HOURS OF HIS ARREST.

6. PROSECUTORS TOLD A/LO ON JULY 12 THAT BENAVIDES SAID NOTHING OF IMPORTANCE WHEN HE TESTIFIED ON JULY 11. AT ONE POINT, PROSECUTORS SAY, BENAVIDES CLAIMED THAT HE HAD SIGNED THE ORDER-OF-THE-DAY REGISTER IN HIS OWN HAND. WHEN SHOWN THAT ALL ENTRIES CARRIED ONLY HIS SEAL, BENAVIDES RECANTED RELUCTANTLY.

7. COMMENT: MAJOR HERRERA CARRANZA IS SCHEDULED TO TESTIFY ON JULY 13. HIS TESTIMONY SHOULD BE PARTICULARLY REVEALING SINCE HE SUPPOSEDLY ORDERED LT. CUENCA OCAMPO TO ACCOMPANY THE ATLACATL ON ITS SEARCH OF THE JESUITS' RESIDENCE AT THE UNIVERSITY OF CENTRAL AMERICA ON NOVEMBER 13.
WALKER

RELEASED
El Salvador Human Rights
Special Project (1994)

Declassified/Released US Dept of State EO 12356/CDS El Salvador SP Date 5-23-97
[illegible] (X) in full, ( ) in part;
[illegible] classified ( ); deliberative ( );
[illegible]; privacy ( ), [illegible] ( );
Not relevant to El Salvador ( ).

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[redacted]

TEXT OF TELEGRAM 90SAN SA009781

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PAGE 01 SAN SA 09781 202310Z
ACTION ARA-01

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SNP-01 PRS-01 DS-01 P-02 T-01 /038 W
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R 202311Z JUL 90
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 0003
DIRFBI WASHDC
INFO AMEMBASSY MEXICO

[redacted] SAN SALVADOR 09781

FOR ARA/CEN

FBI FOR MARTY HALE/OLIA

MEXICO PASS TO JOE GANNON, LEGATT

E.O. 12356: DECL:OADR
TAGS: PGOV, KJUS, ES
SUBJECT: JESUIT CASE: UPDATE 70

REF: A) SAN SALVADOR 8878; B) SAN SALVADOR 9405

1. THIS IS AN ACTION REQUEST. SEE PARAGRAPH 5.

2[redacted] - *ENTIRE TEXT.*

3. ON JULY 18, 1990, JUDGE RICARDO ALFREDO ZAMORA TOLD THE ASSISTANT LEGAL OFFICER (A/LO) THAT:

HE HAS REVERSED HIS PLANS TO TAKE THE REGISTER TO THE UNITED STATES FOR SCIENTIFIC
CONFIDENTIAL
CONFIDENTIAL

PAGE 02 SAN SA 09781 202310Z

EXAMINIATION (SEE REFTEL B, PARAGRAPH 3) BECAUSE, HE SAYS, SALVADORAN LAW MAKES IT IMPOSSIBLE FOR HIM TO TAKE EVIDENCE OUT OF THE COUNTRY. THEREFORE, HE REQUESTS THAT FBI TECHNICIANS [redacted] AND COME TO EL SALVADOR AND HE WILL SWEAR THEM IN AS AGENTS OF THE COURT. THE JUDGE BELIEVES THAT, DONE IN THIS WAY, THEIR RESULTS WILL BE ADMISSIBLE IN SALVADORAN COURT.

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TEXT OF TELEGRAM 90SAN SA009781

CC

4. COMMENT: /
A
. IT IS VERY IMPORTANT THAT WE ARE FORTHCOMING ON THIS ISSUE. END COMMENT.

5. ACTION: POST REQUESTS DEPARTMENT CONTACT FBI FOR APPROPRIATE ASSISTANCE.
DIETERICH

[redacted]

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ROUTINE

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INCOMING

ACTION

DEPARTMENT OF STATE
ARA/NEA REARCS

PAGE 01 SAN SA 09951 2423282 001929 001979
ACTION: ES (02)

INFO: LARA (01) DCEN (01) REC (01) NCO (01) JS (01) SPA (01) RJ (01)
ARA (01) PPC (01) OAS (01) PPA (01)
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ACTION ARA-00

INFO LOG-00 ADS-00 INR-05 DIAE-00 NSCE-00 NSAE-00 AMAD-01
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R 2423162 JUL 90
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 0075
DIRFBI WASHDC
INFO AMEMBASSY MEXICO

[redacted] SAN SALVADOR 09951

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FBI FOR MARY HALE GO[illegible]

MEXICO PASS TO JOE GANNON- LEGAT

E.O. 12356: DECL:OADR
TAGS: PGOV, KJUS, ES
SUBJECT: JESUIT CASE: UPDATE 71

1. (U) LIEUTENANT COLONEL CARLOS CAMILO HERNANDEZ WAS FINALLY CONSIGNED TO THE COURT ON JULY 18. THIS ACTION CAME TWENTY-ONE DAYS AFTER JUDGE RICARDO ALFREDO ZAMORA ORDERED HIS ARREST AND ELEVEN DAYS AFTER COLONEL RENE EMILIO PONCE, CHIEF OF THE JOINT CHIEFS OF STAFF OF THE SALVADORAN ARMED FORCES, ANNOUNCED TO THE PRESS THAT THE NATIONAL GUARD HAD TAKEN HERNANDEZ INTO CUSTODY. SALVADORAN LAW REQUIRES THAT A PRISONER BE TURNED OVER TO A JUDGE WITHIN 72 HOURS OF HIS ARREST.

2. (C) ON JULY 18, 1990, ZAMORA TOLD THE ASSISTANT LEGAL OFFICER (A/LO), GENERAL RAFAEL HUMBERTO LARIOS LOPEZ, THE MINISTER OF DEFENSE AND PUBLIC SECURITY, HAD CALLED HIM ON JULY 17 TO APOLOGIZE FOR ANOTHER APPARENT MIX-UP (SEE PARAGRAPH 6). ACCORDING TO ZAMORA, LARIOS SAID THAT HE HAD BEEN MISINFORMED BY HERNANDEZ'S ~~DEFENSE~~ ATTORNEY, DR. CARLOS CASTELLAN, ABOUT WHETHER HERNANDEZ WOULD HAVE TO APPEAR BEFORE THE COURT.

3. (U) ON JULY 17, DR. CARLOS CASTELLAN, APPARENTLY RESIGNED AS THE DEFENSE ATTORNEY FOR HERNANDEZ DUE TO "DEATH THREATS FROM UNIDENTIFIED SECTORS," ACCORDING TO WHAT CASTELLAN TOLD NEWS REPORTERS.

4. (C) ZAMORA SAYS HE QUESTIONED CASTELLAN VERY CLOSELY ON EXACTLY WHAT KIND OF THREATS HE HAD RECEIVED, BUT CASTELLAN MERELY REPEATED THAT HE HAD RECEIVED THREATS. ZAMORA DOUBTS THAT CASTELLAN RECEIVED ANY THREATS AT ALL BUT RATHER WAS SEEKING AN EXCUSE TO EXTRICATE HIMSELF FROM THE CASE. JULY 19 LOCAL MEDIA REPORTS THAT CARLOS MENDEZ FLORES, BENAVIDES' DEFENSE ATTORNEY, HAS BEEN RETAINED BY HERNANDEZ.

5. (C) COMMENT: ON JULY 20, ZAMORA TOLD THE CHARGE AND A/LO THAT HE BELIEVES THAT HERNANDEZ IS MORE DEEPLY INVOLVED IN THIS CASE THAN ANYONE HAS SUSPECTED SO FAR. ALTHOUGH THE JUDGE DOES NOT BELIEVE THAT HERNANDEZ WAS INVOLVED IN THE PLANNING OR THE CARRYING OUT OF THE MURDERS THEMSELVES, HE

SAN SA 09951 2423282 001979 001979

BELIEVES THAT HERNANDEZ WAS IN CHARGE OF THE COVER-UP. ACCORDING TO ZAMORA, THIS THEORY IS MADE MORE PLAUSIBLE BY THE FOLLOWING FACTS:

-- ACCORDING TO AT LEAST TWO PERSONS, HERNANDEZ ORDERED THE MIDNIGHT BURNING OF THE REGISTERS AT THE MILITARY ACADEMY.

-- THE MEMBERS OF THE AD HOC COMMAND STAFF AT THE MILITARY SCHOOL HAVE TESTIFIED THAT HERNANDEZ, AS WELL AS BENAVIDES, HAD THE AUTHORITY TO GIVE ORDERS TO ANY UNIT, INCLUDING THE ATLACATL, BASED AT THE MILITARY ACADEMY.

-- FOLLOWING THE SURPRISE RESIGNATION OF CASTELLAN, HERNANDEZ HAS NOW RETAINED THE SAME TEAM OF ATTORNEYS WHICH IS DEFENDING THE ACCUSED MURDERERS OF THE JESUITS. [illegible] APPEARS THAT HIS FATE IS NOW TIED TO THEIRS.

6. (C) WHETHER THE MIX-UPS OVER HERNANDEZ REPRESENT A PLOT BY THE MILITARY TO CONFOUND THE JUSTICE SYSTEM OR RANK INCOMPETENCE OR MURPHY'S LAW TRIUMPHANT IS DIFFICULT TO SAY. THE EFFECT, THOUGH, IS TO MAKE IT APPEAR AS IF THE MILITARY IS NOT FULLY COOPERATING WITH THE INVESTIGATION.
DIETERICH

RELEASED
Department of State Declassification Review
Declassified under EO 12356 (X) in full ( ) in part;
portions withheld: classified ( ); declassified ( );
law enforcement ( ); privacy ( ); attorney ( );
not relevant to El Salvador ( ).

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IMMEDIATE [redacted] INCOMING

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PAGE 01 SAN SA 09926 2421202 000346 100231

ACTION: ES (02)

INFO: LARA (01) DCEN (01) REG (01) NCO (01) JS (01) SPA (01) RJ (01)
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ACTION ARA-00

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	SP-00	SNP-00	C-01	PRS-01	P-02	T-01	/045 W

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FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 0066
DIRFBI WASHDC
INFO AMEMBASSY MEXICO

[redacted] SAN SALVADOR 09926

FOR ARA/CEN

FBI FOR MARTY HALE/OLIA

MEXICO PASS TO JOE GANNON, LEGATT

E.O. 12356: DECL:OADR
TAGS: PGOV, KJUS, ES
SUBJECT: JESUIT CASE: BUCKLAND CALLED TO TESTIFY

REF: A) SAN SALVADOR 9405, B) SAN SALVADOR 8486

[redacted] - ENTIRE TEXT.

2. ON JULY 18, 1990, JUDGE RICARDO ALFREDO ZAMORA TOLD ASSISTANT LEGAL OFFICER (A/LO) THAT HE HAS REQUESTED THAT U.S. MAJOR ERIC G. BUCKLAND GIVE TESTIMONY IN THE JESUIT CASE. ZAMORA SAID THAT HE HAD SENT THE REQUEST (JULY 17) THROUGH THE FOREIGN MINISTRY WHICH WOULD THEN PASS IT ON TO THE EMBASSY. ON JULY 23, DR. JOSE MANUEL PACAS CASTRO, THE SALVADORAN MINISTER FOR EXTERNAL RELATIONS, TOLD THE CHARGE THAT HE HAD RECEIVED ZAMORA'S REQUEST. HOWEVER, BECAUSE THE REQUEST WAS NOT SENT IN THE PROPER FORM, HE IS SENDING IT BACK TO ZAMORA.

3. AS REPORTED IN REFTEL A, THE JUDGE BELIEVES THAT COLONEL CARLOS ARMANDO AVILES IS LYING ABOUT WHAT HE KNOWS AND WHEN HE KNEW IT. ZAMORA BELIEVES THAT AVILES KNOWS MORE ABOUT THE MURDERS AND WHO COMMITTED THE MURDERS THAN HE (AVILES) IS LETTING ON. THE JUDGE TOLD A/LO THAT HE PLANS TO BRING CHARGES OF PERJURY AGAINST AVILES, BUT BEFORE HE CAN DO SO HE BELIEVES IT ESSENTIAL TO QUESTION BUCKLAND PERSONALLY.

4. COMMENT: FROM THE VERY BEGINNING, THE UNITED STATES GOVERNMENT HAS INSISTED THAT THE SALVADORANS SHOULD DO EVERYTHING IN THEIR POWER TO FULLY AND COMPLETELY INVESTIGATE THIS CASE. WE HAVE EMPHASIZED OVER AND OVER AGAIN TO SALVADORAN GOVERNMENT OFFICIALS THE DIRE CONSEQUENCES WHICH WOULD FLOW FROM THEIR FAILURE, OR EVEN THEIR PERCEIVED FAILURE, TO BRING THE PERPETRATORS OF THIS ATROCITY TO JUSTICE.

5. REGARDLESS OF WHAT BUCKLAND MIGHT BE ABLE TO ADD TO THE CASE, A REFUSAL TO MAKE HIM AVAILABLE WOULD HAVE AT LEAST TWO POTENTIALLY SERIOUS CONSEQUENCES:

-- IT WOULD BE SEEN (IN EL SALVADOR, LATIN AMERICA, AND SPAIN) AS GRINGO HYPOCRISY. IT WOULD APPEAR AS IF THE U.S. WERE PUSHING FOR A FULL AND COMPLETE INVESTIGATION ONLY WHEN SUCH AN INVESTIGATION DID NOT HAVE THE POTENTIAL TO EMBARRASS THE UNITED STATES.

-- IT WOULD ALSO HELP PROVIDE THE SUPREME COURT WITH AN ADDITIONAL RATIONALE FOR DROPPING THE CASE ENTIRELY (SEE REFTEL B, PARAGRAPH 3D) AND THE OPPORTUNITY TO BLAME THE UNITED STATES FOR MAKING IT IMPOSSIBLE TO CONTINUE THE CASE.

6. ALTHOUGH WE HAVE NOT YET RECEIVED A FORMAL REQUEST FROM THE SALVADORAN GOVERNMENT THAT BUCKLAND BE MADE AVAILABLE TO JUDGE ZAMORA IN SAN SALVADOR, WE BELIEVE WE SHOULD BE PREPARED TO ACCEDE QUICKLY TO THE REQUEST WHEN IT IS RECEIVED.
DIETERICH

RELEASED
El Salvador Human Rights
Special Project (ARA)

Department of State/EPIC/CLR El Salvador SP Date 1-23-97
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portions withheld: classified ( ); deliberative ( ),
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not relevant to El Salvador ( ).

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Date Printed: 01/26/1998 DOC_NUMBER: 90MEXICO19887 CHANNEL: n/a 82

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PAGE 01 MEXICO 19887 01 OF 03 242007Z
ACTION OES-09

INFO	LOG-00	ADS-00	INR-05	EUR-01	SS-01	OIC-02	CIAE-00
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R 242001Z JUL 90
FM AMEMBASSY MEXICO
TO SECSTATE WASHDC 0538
INFO USMISSION USVIENNA
USDOE GERMANTOWN MD
AMEMBASSY MADRID

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UNCLAS SECTION 01 OF 03 MEXICO 19887

DEPT. FOR OES/N
PLEASE PASS TO NRC FOR HAROLD DENTON
VIENNA FOR IAEA

E.O. 12356: N/A
TAGS: KSCA, KPRP, TRGY, ENRG, IAEA, MX
SUBJECT: NUCLEAR: LAGUNA VERDE, SOON TO BE A "QUINCEANERA", CRANKED UP AND RUNNING STRONG

1. SUMMARY: THE MEXICAN NUCLEAR POWER REACTOR (UNIT 1) AT LAGUNA VERDE SUCCESSFULLY COMPLETED PREREQUISITE COMMERCIAL OPERATING PROCEDURES ON SATURDAY, JULY 14, AT 2210 HOURS - NEARLY FIFTEEN YEARS AFTER CONSTRUCTION OFFICIALLY BEGAN. THE FACILITY HAS COMPLETED THE REQUIRED 100 HOURS OF OPERATING AT 100 PERCENT POWER AND ALSO THE SPECIAL AUDIT REQUESTED BY THE GOVERNOR OF THE STATE OF VERACRUZ. MIGUEL MEDINA, DIRECTOR OF THE NATIONAL COMMISSION FOR NUCLEAR SECURITY AND SAFEGUARDS (CNSNS) ADVISED SCIATT THAT THE LICENSE AUTHORIZING COMMERCIAL OPERATION OF THE PLANT WOULD LIKELY BE ISSUED IN THE NEXT FEW MONTHS. END SUMMARY.
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PAGE 02 MEXICO 19887 01 OF 03 242007Z

THE STATUS OF THE PLANT

2. UNIT 1 OF LAGUNA VERDE FIRST ACHEIVED 100 PERCENT POWER ON MARCH 17, 1990 AT 2100 HOURS. NUMEROUS PROBLEMS, OFTEN CAUSED BY FLUCTUATING POWER LEVEL ON THE NATIONAL GRID, CAUSED CONSIDERABLE DELAY IN COMPLETING ALL THE REQUIRED TESTS FOR CNSNS AUTHORIZATION OF THE LICENSE FOR COMMERCIAL OPERATION. (NOTE: CNSNS IS ROUGHLY THE EQUIVALENT OF THE U.S. NUCLEAR REGULATORY COMMISSION-NRC-AND IS THE GOM ORGANIZATION WHICH LICENSES NUCLEAR POWER PLANTS.) LAGUNA VERDE HAS, HOWEVER, BEEN SUPPLYING ELECTRICITY TO THE GRID SINCE APRIL 13, 1989 AFTER FUEL WAS LOADED ON NOVEMBER 4, 1988. REPORTED INVESTMENT IN BOTH UNITS 1 AND 2, INCLUDING INTEREST, WAS 3.9 BILLION DOLLARS AS OF MID-JUNE. INVESTMENT EXCLUDING INTEREST WAS 2.6 BILLION DOLLARS. TOTAL ENERGY SUPPLIED TO THE GRID AS OF MID-JUNE WAS 857,000 MWH.

3. UNIT 2 IS CURRENTLY UNDER CONSTRUCTION AND IS JUST OVER 50 PERCENT COMPLETE. PROGRESS ON UNIT 2 HAS BEEN MUCH FASTER, BECAUSE THE FEDERAL ELECTRICITY COMMISSION (CFE) HAS BEEN ABLE TO DRAW ON THE EXPERIENCE GAINED IN BUILDING UNIT 1. CFE ESTIMATES THAT UNIT 2 WILL BE READY TO LOAD FUEL BY JANUARY 1993, BUT A MORE CONSERVATIVE CNSNS SOURCE BELIEVES THAT MAY WELL BE DELAYED UNTIL 1994

BACKGROUND

4. THE HISTORY OF THE LAGUNA VERDE NUCLEAR REACTOR, LOCATED 280 MILES EAST OF MEXICO CITY ON THE GULF OF
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PAGE 03 MEXICO 19887 01 OF 03 242007Z

MEXICO, IS LONG AND HAS BEEN FRAUGHT WITH FINANCIAL AND TECHNICAL PROBLEMS. THE DECISION TO BUILD THE REACTOR WAS TAKEN 22 YEARS AGO (IN 1968). TECHNICAL FEASIBILITY STUDIES WERE CONDUCTED FROM 1970-76, THE LOCATION WAS DECIDED AND CONSTRUCTION STARTED IN 1976. CRITICS WHO STATE THAT THE TECHNOLOGY OF THE PLANT IS NEARLY 22 YEARS OLD BASE THEIR ARGUMENT ON THE FACT THAT THE DECISION THAT MEXICO SHOULD EMPLOY NUCLEAR POWER WAS TAKEN IN 1968, BUT FAIL TO NOTE THAT THE REACTOR DESIGN WAS NOT ACTUALLY SELECTED UNTIL 1976. CFE SAYS THAT THE ORIGINAL REACTOR DESIGN WAS A GE BWR-3, BUT THAT THEY HAVE ADAPTED IT TO MORE MODERN TECHNOLOGY AND IT NOW CORRESPONDS TO A BWR-5 MARK II REACTOR, RATED AT 654 MEGAWATTS ELECTRIC

THE PUBLIC REACTION

5. PUBLIC OPPOSITION TO THE PLANT, NEVER LARGE IN NUMBERS OF PEOPLE, HAS LESSENED DURING THE PAST TWO YEARS. THE RADICAL ANTINUCLEAR ACTIVISTS WHO PREDICTED IMMINENT DISASTER FROM THE OPERATION OF THE PLANT HAVE BEEN PROVEN WRONG. MANIFESTATIONS HELD IN JUNE 1988 INVOLVED APPROXIMATELY 500 DEMONSTRATORS AND BLOCKED THE MAIN ROAD FROM VERACRUZ TO TAMPICO FOR 4 DAYS. THE MOTHERS OF VERACRUZ (MADRES VERACRUZANAS), A REPORTEDLY VOCAL ANTINUCLEAR ORGANIZATION, NEVER NUMBERED MORE THAN 20. THAT WAS THE HEYDAY OF THE ANTINUCLEAR MOVEMENT IN MEXICO. ACCORDING TO JUAN EIBENSCHUTZ, FORMER DEPUTY DIRECTOR GENERAL OF THE CFE AND NOW CHIEF ADVISOR TO THE

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PAGE 01 MEXICO 19887 02 OF 03 242008Z
ACTION OES-09

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FM AMEMBASSY MEXICO

TO SECSTATE WASHDC 0539
INFO USMISSION USVIENNA
USDOE GERMANTOWN MD
AMEMBASSY MADRID

UNCLAS SECTION 02 OF 03 MEXICO 19887

DEPT. FOR OES/N
PLEASE PASS TO NRC FOR HAROLD DENTON
VIENNA FOR IAEA

E.O. 12356: N/A
TAGS: KSCA, KPRP, TRGY, ENRG, IAEA, MX
SUBJECT: NUCLEAR: LAGUNA VERDE, SOON TO BE A "QUINCEANERA", CRANKED UP AND RUNNING STRONG

SECRETARY OF ENERGY, MINES, AND PARASTATAL INDUSTRY (SEMIP), THE ANTINUCLEAR MOVEMENT IN MEXICO DID NOT EVEN EXIST UNTIL THE ACCIDENT OF THREE MILE ISLAND IN THE UNITED STATES (1979). IN THE YEARS 1980-81 SOME ACTIVISTS AND SOME RESIDENTS OF THE STATE OF VERACRUZ BEGAN ANTINUCLEAR PROSELYTIZING IN MEXICO, BUT THE MOVEMENT REALLY GAINED STRENGTH AFTER THE CHERNOBYL ACCIDENT IN THE SOVIET UNION (1986). NEWSPAPER ARTICLES STILL APPEAR, ON AN ALMOST WEEKLY BASIS, REPORTING ALLEGED RADIOACTIVE LEAKS, LACK OF MAINTENANCE MATERIALS, COST OVERRUNS, ETC..., BUT THE SUCCESSFUL OPERATION OF THE PLANT HAS SO FAR DEFUSED THE POLEMICS OF THE ISSUE.
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PAGE 02 MEXICO 19887 02 OF 03 242008Z

RESPONSE OF THE GOVERNMENT

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6. GOVERNMENT AUTHORITIES FROM SEVERAL AGENCIES AND FROM THE CONGRESS HAVE GONE ON RECORD SUPPORTING THE OPERATION OF THE PLANT. TWO YEARS AGO, AN ELECTION YEAR, NOBODY WANTED TO TALK ABOUT IT. NOW, WHILE THEY ARE NOT NECESSARILY SEEKING OUT OPPORTUNITIES TO MAKE THEIR VIEWS KNOWN, GOM OFFICIALS ARE WILLING TO DISCUSS THE TOPIC WHEN QUERIED AND READILY STATE THEIR SUPPORT.

7. CFE: OBVIOUSLY THIS GROUP HAS ALWAYS SUPPORTED LAGUNA VERDE, SINCE IT BELONGS TO THEM. IN AN INTERVIEW WITH "MIRA" MAGAZINE PUBLISHED APRIL 25, 1990 JUAN

EIBENSCHUTZ WAS RECOGNIZED AS THE "FATHER OF LAGUNA VERDE" AND THREE PAGES WERE DEDICATED TO HIS EXPLANATION OF THE LOGIC OF NUCLEAR ENERGY FOR MEXICO. THE ENERGY SECTOR HAS TRIED TO AVOID BEING CAUGHT UP IN THE POLITICAL DEBATE ABOUT LAGUNA VERDE, INSISTING THAT THEY ARE ONLY INTERESTED IN THE SAFE GENERATION OF ELECTRICITY

8. CNSNS: THE ORGANIZATION CHARGED WITH REGULATING LAGUNA VERDE AND ISSUING THE LICENSE FOR COMMERCIAL OPERATION HAS ADMITTED THAT THE DELAY DURING THE LAST TWO YEARS IN OBTAINING OFFICIAL AUTHORIZATION WAS A POLITICAL DELAY. THEY, ALONG WITH THE CFE, TRY TO HOLD THEMSELVES ABOVE THE POLITICAL ASPECTS OF THE CONFRONTATION PREFERRING TO ADDRESS ONLY THE TECHNICAL ISSUES. HOWEVER, CNSNS WAS OBLIGED BY PRESIDENT SALINAS TO WRITE A DETAILED REPORT ON THE OPERATION OF THE NUCLEAR FACILITY AND THE PROBLEMS THEY HAVE ENCOUNTERED. THIS APPROXIMATELY 100 PAGE VOLUME IS PRINTED, BUT HAS NOT YET UNCLASSIFIED

UNCLASSIFIED

PAGE 03 MEXICO 19887 02 OF 03 242008Z

BEEN "OFFICIALLY" PUBLISHED. THE PRESIDENT REQUESTED THE REPORT AFTER PROMISING THE "MADRES VERACRUZANAS" (THE ABOVE MENTIONED ANTINUCLEAR GROUP OF ABOUT 7 OR 8 WOMEN FROM THE STATE OF VERACRUZ) THAT HE WOULD MAKE AVAILABLE TO THEM A COMPLETE REPORT ABOUT THE PLANT. THE DOCUMENT APPARENTLY GOES INTO GREAT DETAIL ABOUT THE OPERATION OF THE PLANT, PROBLEMS ENCOUNTERED, AND RECOMMENDATIONS MADE AND ACTED UPON.

9. SEDUE: SERGIO REYES LUJAN, UNDERSECRETARY OF ECOLOG FOR THE SECRETARIAT OF URBAN DEVELOPMENT AND ECOLOGY (SEDUE), IN AN INTERVIEW WITH THE LEFTIST DAILY "UNO MAS UNO" PUBLISHED JANUARY 17, 1990 STATED THAT THE LAGUNA VERDE PROJECT IS VIABLE AND INSISTED THAT THE ENVIRONMENTAL IMPACT STUDY FOR THE PLANT WAS THE MOST COMPLETE HE HAD EVER SEEN. FROM HIS POINT OF VIEW LAGUN VERDE SHOULD CONTINUE IN OPERATION, ESPECIALLY SINCE IN HIS VIEW IT HAS BEEN PROVEN THAT EMISSIONS FROM CONVENTIONAL COAL AND OIL ENERGY SOURCES HAVE CONTIRBUTE TO GLOBAL CLIMATE CHANGE.

10. THE CONGRESS: HECTOR MAYAGOITIA DOMINGUEZ, SENATOR FROM THE STATE OF DURANGO AND PRESIDENT OF THE SENATE'S ENERGY COMMISSION (AND FORMERLY DIRECTOR OF THE NATIONAL COMMISSION FOR SCIENCE AND TECHNOLOGY-CONACYT-IN THE DE

LA MADRID ADMINISTRATION) HAS STATED UNEQUIVOCALLY THAT
LAGUNA VERDE SIGNIFIES NO RISK TO THE PUBLIC AND IS
ESSENTIAL TO MEETING THE FUTURE ENER
GY NEEDS OF MEXICO.
HE ESTIMATES THAT MEXICO'S PETROLEUM RESERVES WILL BE
DEPLETED IN 35 YEARS AND RECOMMENDS THAT MEXICO CONSIDER
MORE NUCLEAR ENERGY PROJECTS NOW TO HELP REDUCE THE PACE
OF DEPLETION. JAIME CASTREJON DIEZ, PRESIDENT OF THE

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NNNN

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PAGE 01 MEXICO 19887 03 OF 03 242009Z
ACTION OES-09

INFO	LOG-00	ADS-00	INR-05	EUR-01	SS-01	OIC-02	CIAE-00
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	NSAE-00	L-03	AMAD-01	PM-01	EPA-04	INRE-00	ACDA-13
	SP-01	DOEE-00	NRC-02	SNP-01	CEQ-01	T-01	/070 W

240061 260045Z /63 38

R 242001Z JUL 90
FM AMEMBASSY MEXICO
TO SECSTATE WASHDC 0540
INFO USMISSION USVIENNA
USDOE GERMANTOWN MD
AMEMBASSY MADRID

UNCLAS SECTION 03 OF 03 MEXICO 19887

DEPT. FOR OES/N
PLEASE PASS TO NRC FOR HAROLD DENTON
VIENNA FOR IAEA

E.O. 12356: N/A
TAGS: KSCA, KPRP, TRGY, ENRG, IAEA, MX
SUBJECT: NUCLEAR: LAGUNA VERDE, SOON TO BE A "QUINCEANERA", CRANKED UP AND RUNNING STRONG

SCIENCE AND TECHNOLOGY COMMISSION OF THE HOUSE OF REPRESENTATIVES, HAS ALSO ADDED HIS SUPPORT FOR LAGUNA VERDE STATING THAT THERE IS MUCH LEGEND AND YELLOW JOURNALISM SURROUNDING THE USE OF NUCLEAR ENERGY IN MEXICO. HE INSISTS THAT SCIENCE AND TECHNOLOGY ARE INDISPENSABLE ELEMENTS FOR DEVELOPMENT AND THAT LAGUNA VERDE FORMS PART OF THE PROCESS OF S AND T MODERNIZATION IN MEXICO.

11. THE STATE OF VERACRUZ: GOVERNOR DANTE DELGADO RANNAURO HAS BEEN ASSURING THE RESIDENTS OF HIS STATE THAT THE PLANT WOULD NOT OPERATE IF THE INDEPENDENT AUDI
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PAGE 02 MEXICO 19887 03 OF 03 242009Z

HE HAS REQUESTED INDICATES THAT IT IS NOT SAFE. THE FAC THAT IT HAS BEEN "IN OPERATION" SINCE FUEL WAS LOADED OVER TWENTY MONTHS AGO IS NEVER ACKNOWLEDGED. SCI SECTION SOURCES INDICATED THAT THE REPORT WAS COMPLETED JULY 13, 1990. THE AUDIT WAS PERFORMED BY A GROUP OF SPANISH CONSULTANTS HEADED BY MANUEL LOPEZ RODRIGUEZ (DIRECTOR OF THE SPANISH NUCLEAR ENERGY COUNCIL APPROXIMATELY TEN YEARS AGO). SOURCES AT THE PLANT SAID THE AUDIT WENT WELL, INDICATING THAT THE FACILITY DESERVED A FAVORABLE REPORT.

MORE PLANTS IN THE FUTURE?

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12. MEXICO'S NUCLEAR ENERGY PROGRAM OF 1980 INCLUDED AMBITIOUS PLANS TO CONSTRUCT APPROXIMATELY TWENTY REACTORS IN A PERIOD OF TWENTY YEARS. IN THE YEARS SINCE THOSE INITIAL PLANS WERE LAID THERE HAS BEEN A SIGNIFICANT NUCLEAR POWER ACCIDENT, A GROWING ANTINUCLEAR MOVEMENT, AND AN ECONOMIC CRISIS. PLANS FOR ADDITIONAL REACTORS TO BE CONSTRUCTED AFTER UNIT 2 OF LAGUNA VERDE IS COMPLETED ARE ON THE BACK BURNER. CERTAINLY THERE ARE NO PLANS TO CONSTRUCT ADDITIONAL PLANTS DURING THE CURRENT ADMINISTRATION. ALREADY A GROWING GROUP OF SCIENTISTS, TECHNICIANS AND ENERGY EXPERTS ARE SUGGESTING THAT MEXICO CONSIDER EXPANDING ITS NUCLEAR ENERGY PROGRAM

WITH THE CONSTRUCTION OF THE "NEW GENERATION" OF "INHERENTLY SAFE" NUCLEAR REACTORS. IN CONVERSATIONS WITH SCIATT THE LAGUNA VERDE ENGINEERS EXPRESSED ENTHUSIASM WITH A NOTE OF ENVY FOR MORE ADVANCED NUCLEAR TECHNOLOGY.

13. THE LATEST ENERGY PLAN PUBLISHED BY SEMIP ENVISIONS UNCLASSIFIED

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PAGE 03 MEXICO 19887 03 OF 03 242009Z

ADDITIONAL NUCLEAR ENERGY PRODUCTION CAPACITY OF 1.6-5.5 GIGAWATTS (GW) BY THE YEAR 2010. WHILE THEY ADMIT THAT THE CURRENT ECONOMIC SITUATION PRECLUDES THE INITIATION OF ANY NEW CONSTRUCTION IN THIS ADMINISTRATION THEY NOTE THAT THEY WILL CONTINUE THE SEARCH FOR APPROPRIATE SITES. IT IS NOT BEYOND THE REALM OF POSSIBILITY THAT THE SALINAS ADMINISTRATION WOULD PREPARE A NUCLEAR ENERGY PLAN FOR FUTURE ADMINISTRATIONS TO IMPLEMENT.
NEGROPONTE

TEXT OF TELEGRAM 90SAN SA009952

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EXCISED

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CONFIDENTIAL

PAGE 01 SAN SA 09952 242320Z
ACTION ARA-01

INFO LOG-00 ADS-00 INR-05 SS-01 CIAE-00 DODE-00 NSCE-00
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FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC PRIORITY 0076
DIRFBI WASHDC
INFO AMEMBASSY MEXICO

[redacted] SAN SALVADOR 09952

FOR ARA/CEN

FBI FOR MARTY HALE/OLIA

MEXICO PASS TO JOE GANNON, LEGATT

E.O. 12356: DECL:OADR
TAGS: PREL, PINS, PGOV, KJUS, ES
SUBJECT: JESUIT CASE -- POSSIBLE RELEASE OF
LTC. HERNANDEZ

REF: SAN SALVADOR 09951

1. [redacted] -- ENTIRE TEXT.

2. SOURCES HAVE TOLD POST THAT LIEUTENANT COLONEL CARLOS CAMILO HERNANDEZ, PRESENTLY DETAINED BY THE NATIONAL GUARD, COULD BE RELEASED IN THE NEXT FEW DAYS UNDER THE SALVADORAN EQUIVALENT OF BAIL (EXCARCELACION). IF THIS SHOULD HAPPEN, NO REPEAT NO CHARGES WOULD BE DROPPED AND THE CASE AGAINST HIM WOULD CONTINUE TO BE PROSECUTED.

[redacted]

PAGE 02 SAN SA 09952 242320Z

3. ON JULY 24, [redacted] TOLD A/LO THAT THE AMOUNT OF THE BAIL IS AT THE JUDGE'S DISCRETION. ACCORDING TO [redacted] A BAIL OF ABOUT FIFTY TO ONE-HUNDRED THOUSAND COLONES (ABOUT 6,400 TO 13,000 U.S. DOLLARS AT CURRENT EXCHANGE RATES) WOULD NOT BE UNUSUAL FOR THE CHARGES AGAINST HERNANDEZ.

4. AS REPORTED IN REFTEL, JUDGE ZAMORA ORDERED THE

cc PP
cc UNCLASSIFIED

Department of State to [illegible]/CDR El Salvador SP Date 9/24/93
[illegible] X [illegible];
[illegible] (X), [illegible] ( );
[illegible] ( ), [illegible] ( );
not relevant to El Salvador ( ).

RELEASED
El Salvador Task Force
Special Project (1993)

ARREST OF HERNANDEZ ON JUNE 28, 1990, ON CHARGES OF ACTIVE CONCEALMENT (ENCUBRIMENTO REAL) FOR HIS ALLEGED PART IN THE BURNING OF THE REGISTERS FROM THE MILITARY ACADEMY. HERNANDEZ WAS ARRESTED ON JULY 5 AND CONSIGNED TO THE COURT ON JULY 18.
DIETERICH

[redacted]

NNNN

7/25/12

OPIC Gmvi

S/IL:AIrons
HA:LArthur
L/EBC:KPropp
L/EBC:GRosen
H:BGray
E:XWilkinson
P:CBlakeman
C:MFoulon

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ✓
Exemption(s) ____

LA 0K'9

R

For comments/clearance by 10am Wednesday, Sept. 26. This ~~will~~ must move quickly if its to happen at all. I am leaving the building at 5p for a meeting, but will be in in the morning. Thanks. Marc Carlisle x1448.

TO: The Secretary

FROM: EB - Eugene J. McAllister
ARA - Bernard Aronson

SUBJECT: OPIC Financing and Insurance for U.S. Investment in Chile

ISSUE FOR DECISION

Whether to transmit to the President for his signature a determination to reinstate Chile's eligibility for project financing and investment insurance provided by the Overseas Private Investment Corporation (OPIC).

ESSENTIAL FACTORS

By law, OPIC may offer financing and insurance only in countries which are taking steps to adopt and implement laws that extend internationally recognized worker rights. In 1987, the President, following a recommendation from the U.S. Trade Representative, determined that Chile was not taking steps to extend worker rights and terminated Chile's beneficiary status under the Generalized System of Preferences (GSP). Consistent with that determination, OPIC stopped issuing new guaranties in Chile. Existing contracts have been honored.

The Government of Chile requested restoration of its GSP beneficiary status shortly after the inauguration of President Aylwin in March of this year. USTR is reviewing this request, which has the support of the AFL-CIO and the CUT, Chile's largest labor confederacy, and expects to send a favorable recommendation to the President. Approval of the request will mark the first time the USG has moved to restore GSP benefits.

While indications are that the worker rights problems that triggered the denial of GSP have been addressed, the review will cover all GSP criteria, including adequate protection for intellectual property rights. USTR, under pressure from the Pharmaceutical Manufacturer's Association, insists that Chile must enact a new patent law before GSP is restored. The Chilean Congress is now in recess, and cannot conclude such a law before November.

DECLASSIFIED

On Tuesday, October 2, the President will receive Chile's President Aylwin in the Oval Office. Aylwin hopes for recognition from the President of the transition in Chile from the Pinochet regime to an elective democracy. Moreover, while Chile's economic reform policies are the best in Latin America, the Chilean opposition has critized the Aylwin government for failing to win U.S.support for those policies through GSP, OPIC, USAID, bank negotiations, or in the international financial institutions.

Recently, the OPIC Board of Directors approved insurance for the privatization by U.S. investors of a $384 million pulp mill in Chile provided that the worker rights bar to OPIC is lifted. While U.S. investors hold the largest stock of foreign investment in Chile, U.S. investors have invested little new capital since OPIC closed its doors. OPIC has additional projects in its pipeline that can proceed once OPIC is restored.

Section 231A(a)(3) of the Foreign Assistance Act (FAA) allows the President to waive the worker rights requirement imposed on OPIC if he determines that the issuance of OPIC financing and insurance guaranties is in the national economic interest. This authority, added to the FAA in 1985, has only been used once, in June of this year, to restore OPIC to Nicaragua. Use of this waiver authority does not prejudice the worker rights review under way for purposes of GSP nor affect a decision on GSP restoration.

A Presidential determination and the reasons for it must be reported in writing to the Congress. Consultations with the Hill have revealed no objections to such a step, indeed we have seen considerable support for some tangible affirmation of Allwyn's policies during his visit. We believe that the President should waive the worker rights requirement to enable OPIC to guaranty U.S. investment in Chile.

RECOMMENDATION

That you sign the attached memorandum to the President (Tab 1), recommending that he sign a waiver of the worker rights requirement for Chile.

Attachment:

UNCLASSIFIED

Drafted: EB/IFD/OIA:MCarlisle
OIA 2734 9/25/90
Cleared: OPIC/D:JWest
OPIC/GC:JChalmers
DOL:DParker
USTR:JKatz (SUBS)
S/IL:AIrons
HA:LArthur
L/EBC:KPropp
L/EBC:GRosen
ARA/SC:ADSens
ARA/ECP:JHarrington
H:BGray
EB/IFD:SGibson
EB/TDC/OT/ODC:MLGarrison
E:XWilkinson
P:CBlakeman
C:MFoulon

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ROUTINE

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[redacted]

DEPARTMENT OF STATE
ARA/NEA REARCS

INCOMING

PAGE 01 SAN SA 10098 262305Z 006282 405917
ACTION: ES-02

INFO: LARA-01 DCEN-01 REG-01 NCO-01 JS-01 SPA-01 RJ-01
ARA-01 PPC-01 OAS-01 PPA-01
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ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-05	SS-00	CIAE-00	H-01
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	PA-01	OMB-01	INRE-00	ACDA-13	USIE-00	SP-00	SNP-00
	C-01	PRS-01	P-02	T-01	/045 W		

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R 262305Z JUL 90
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 0155
DIRFBI WASHDC
INFO AMEMBASSY MEXICO
SECDEF WASHDC

[redacted] SAN SALVADOR 10098

FOR ARA/CEN

FBI FOR MARTY HALE/DLIA

MEXICO PASS TO JOE GANNON, LEGATT

E.O. 12356: DECL:OADR
TAGS: PGOV, KJUS, ES
SUBJECT: JESUIT CASE: PROSECUTOR CALLS BUCKLAND'S TESTIMONY ESSENTIAL

REF: SAN SALVADOR 9926

[redacted] -- ENTIRE TEXT.

2. ON JULY 25, 1990, A PROSECUTOR IN THE JESUIT CASE TOLD THE ASSISTANT LEGAL OFFICER (A/LO) THAT HE BELIEVES IT IS ESSENTIAL THAT U.S. MAJOR ERIC W. BUCKLAND TESTIFY IN PERSON IN SAN SALVADOR. IN THE PROSECUTOR'S OPINION, HAVING BUCKLAND RETURN TO EL SALVADOR WOULD HELP IN THE JESUIT CASE BECAUSE:

-- BUCKLAND MAY KNOW MORE ABOUT THE CASE THAN HE ADMITTED IN HIS STATEMENT.

-- EVEN IF BUCKLAND CAN ADD NO NEW INFORMATION, HIS APPEARANCE WOULD DEMONSTRATE THAT THE SALVADORAN JUSTICE SYSTEM IS SERIOUS ABOUT INVESTIGATING THIS CASE AND THAT IT HAS THE FULL BACKING OF THE UNITED STATES IN DOING SO.

-- BUCKLAND'S RETURN AND TESTIMONY COULD ENABLE THE JUDICIARY TO MORE NATURALLY AND EASILY EXPAND ITS INVESTIGATION TO ADDITIONAL SENIOR OFFICERS OF THE SALVADORAN ARMED FORCES, SUCH AS LIEUTENANT COLONEL MANUEL ANTONIO RIVAS, DIRECTOR OF THE SPECIAL INVESTIGATIVE UNIT (SIU), AND COLONEL NELSON IVAN LOPEZ Y LOPEZ, FORMER LIAISON TO THE SIU FOR THE HIGH COMMAND AND PRESENT COMMANDER OF THE MILITARY ENGINEERS DETACHMENT.

3. ON THE OTHER HAND, ACCORDING TO THE PROSECUTOR, SHOULD THE UNITED STATES REFUSE TO MAKE BUCKLAND AVAILABLE IN EL SALVADOR, THIS WOULD BE READ AS A SIGN THAT:

-- THE UNITED STATES MILITARY IS OVERLY PROTECTIVE OF ITS SALVADORAN MILITARY PROTEGES.

SAN SA 10098 262305Z 006282 405917

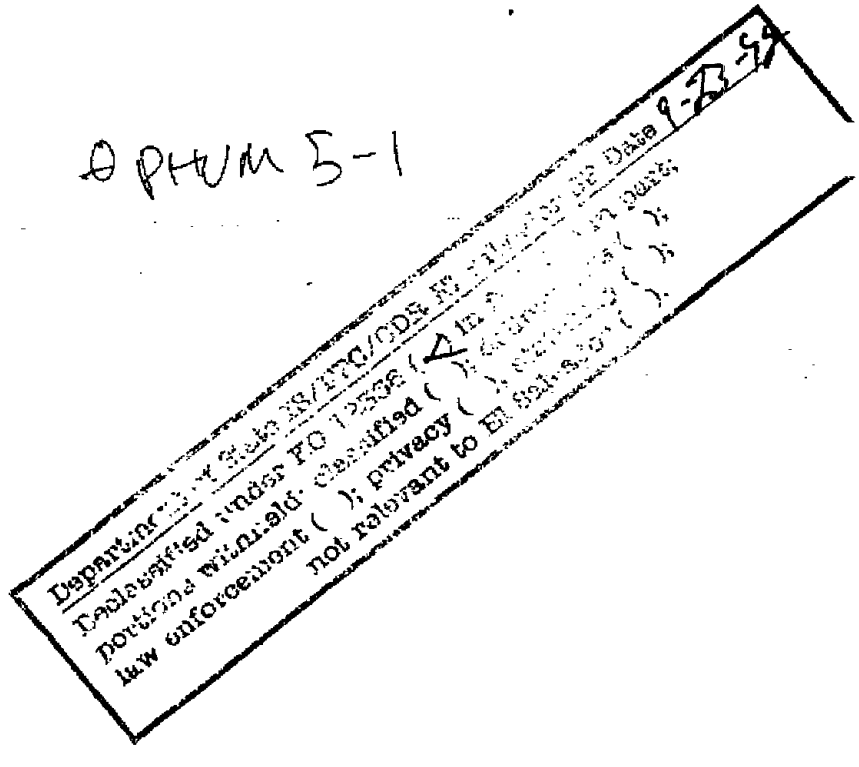
-- THE U.S. IS NOT SERIOUS WHEN IT TELLS EL SALVADOR AND THE WORLD THAT IT WANTS TO SEE A FULL AND COMPLETE INVESTIGATION INTO THE CRIME.

4. A/LO POINTED OUT THAT BRINGING BUCKLAND BACK TO EL SALVADOR TO TESTIFY MAY BE IMPOSSIBLE UNLESS AN AGREEMENT IS REACHED BEFOREHAND TO GIVE BUCKLAND SOME SORT OF IMMUNITY FROM PROSECUTION. THE PROSECUTOR SAID THAT ALTHOUGH SALVADORAN LAW HAS NO PROVISION FOR IMMUNITY, HE IS CONFIDENT THAT A MUTUALLY ACCEPTABLE AGREEMENT CAN BE WORKED OUT. HOWEVER, HE EMPHASIZED THAT ATTORNEY GENERAL MENDOZA WOULD NOT BE SATISFIED WITH ANOTHER SWORN DECLARATION FROM BUCKLAND.

RELEASED

5. COMMENT: ON JULY 25, POST RECEIVED A DIPLOMATIC NOTE FROM THE SALVADORAN FOREIGN MINISTRY REQUESTING INFORMATION ON BUCKLAND'S STATUS WHILE HE WAS IN EL SALVADOR AND THE DATES WHICH HE SERVED IN THAT POSITION. POST IS IN THE PROCESS OF PREPARING A REPLY WHICH SHOULD BE READY BY CLOSE OF BUSINESS ON JULY 26. AS OF 1200 ON JULY 26, POST HAD STILL NOT RECEIVED A FORMAL REQUEST FROM THE SALVADORAN GOVERNMENT THAT BUCKLAND BE MADE AVAILABLE TO JUDGE ZAMORA IN SAN SALVADOR.
DIETERICH

OPHUM 5-1



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RELEASED
El Salvador Human Rights
Project (1993)

Department of State

EXCISE

[redacted] UNCLASSIFIED [redacted] N: D900682-0050

P 17 (68)

PAGE 01 SAN JO 08670 01 OF 02 261646Z
ACTION ARA-01

INFO LOG-00 ADS-00 INR-05 SS-01 IO-19 NSCE-00 SSO-01
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O 261644Z JUL 90 ZFF-4
FM AMEMBASSY SAN JOSE
TO SECSTATE WASHDC NIACT IMMEDIATE 9923
INFO AMEMBASSY SAN SALVADOR NIACT IMMEDIATE
AMEMBASSY MANAGUA IMMEDIATE
AMEMBASSY TEGUCIGALPA IMMEDIATE
AMEMBASSY GUATEMALA IMMEDIATE
USMISSION USUN NEW YORK IMMEDIATE
AMEMBASSY CARACAS IMMEDIATE
AMEMBASSY MEXICO IMMEDIATE

[redacted] SECTION 01 OF 02 SAN JOSE 08670

E.O. 12356: DECL: OADR
TAGS: PREL, PINS, PGOV, PHUM, ES, CS
SUBJECT: SALVADORAN TALKS: SPANISH TEXT OF FMLN
OPEN LETTER TO PRESIDENT CRISTIANI

REF: SAN JOSE 8668 N

1. (U) SPANISH TEXT OF AN OPEN LETTER TO PRESIDENT CRISTIANI FROM THE FMLN IS IN PARA 2.

2. (U) CARTA ABIERTA

EL SALVADOR, 26 DE JULIO 1990

[redacted]
LIC. ALFREDO CRISTIANI:

USTED RECONOCIO ANTE LA PRENSA HABER AUTORIZADO LA ORDEN DE CATEAR LA UNIVERSIDAD CENTROAMERICANA "JOSE SIMEON CANAS" (UCA) EL 13 DE NOVIEMBRE DE [redacted]

PAGE 02 SAN JO 08670 01 OF 02 261646Z

1989 Y QUE ESA ORDEN EMANO DEL JEFE DEL ESTADO

[redacted] UNCLASSIFIED

[redacted]

Department of State IS/FPC/CDR El Salvador SP Date 9/24/93
Declassified under EO 12356 ( ) in full; (X) in part;
portions withheld: classified ( ); deliberative ( );
law enforcement ( ); privacy (X), statutory ( );
not relevant to El Salvador ( ).

RELEASED
El Salvador Human Rights
Special Project (1993)

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[redacted]

MAYOR, CORONEL RENE EMILIO PONCE.

PRESIONADO POR EL DESARROLLO DE LAS CIRCUNSTANCIAS QUE RODEAN AL CASO DE LOS JESUITAS, USTED HA REVELADO UN ELEMENTO QUE MANTENIA OCULTO Y QUE ES ESENCIAL PARA ESTABLECER LA RESPONSABILIDAD EN ESE HORRENDO CRIMEN.

AL ORDENAR ESE CATEO, USTED Y EL ALTO MANDO DIERON UN PASO DECISIVO EN LA CADENA DE DECISIONES Y ORDENES QUE LLEVARON, 3 DIAS DESPUES, AL ASESINATO DE LOS SACERDOTES JESUITAS.

INDEPENDIENTEMENTE DE LOS RESULTADOS FINALES DEL PROCESO POLICIAL Y JUDICIAL RELATIVO A ESTE CRIMEN, SU RESPONSABILIDAD POLITICA, SR. CRISTIANI, HA QUEDADO ESTABLECIDA A PARTIR DE ESAS DECLARACIONES.

LA RESPONSABILIDAD DEL CORONEL PONCE Y DE TODO EL ALTO MANDO, QUEDO DEFINIDA DESDE EL PRINCIPIO AL ACEPTARSE QUE LA FUERZA ARMADA COMETIO EL CRIMEN ESTANDO, PRECISAMENTE, BAJO SUS ORDENENES. (SIC)

SU PUBLICA CONFESION TARDIA HACE EVIDENTE E INELUDIBILES LAS SIGUIENTES CONCLUSIONE:

1. SI USTED FUE CAPAZ DE OCULTAR DURANTE SIETE MESES LA VERDAD DE SU REPONSABILIDAD EN EL CATEO A LA UCA, HAY SUFICIENTE BASE PARA SUPONER QUE CONOCE MUCHO MAS, INCLUSO TODO LO RELATIVO A LAS DECISIONES, AUTORES INTELECTUALES Y EJECUTORES DE LA BRUTAL MATANZA.

[redacted]

2. FUE PUBLICO QUE USTED SE MANTUVO PERMANENTEMENTE REUNIDO CON EL CORONEL PONCE Y DEMAS INTEGRANTES DEL ALTO MANDO DURANTE NUESTRA OFENSIVA DE NOVIEMBRE DE 1989 Y QUE LA CADENA NACIONAL DE RADIO Y TELEVISION, IMPUESTA POR SU GOBIERNO EN ESOS DIAS, CONTABA CON SU AUTHORIZACION; LA VOZ OFICIAL DE ESA CADENA VINCULO REPETIDAMENTE AL PADRE IGNACIO ELLACURIA Y SUS COMPANEROS AL FMLN Y CLAMO PIDIENDO SU EXTERMINIO.

UNCLASSIFIED

[redacted]

RELEASED
El Salvador Human Rights
Special Project (1990)

UNCLASSIFIED

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AHORA USTED RECONOCE HABER AUTORIZADO EL CATEO QUE DE HECHO CUMPLIO LA FUNCION DE LEVANTAR EN EL TERRENO LA INFORMACION NECESARIA PARA EJECUTAR LA OPERACION MILITAR DE LA MATANZA.

ESTOS HECHOS, VINCULACIONES Y CONDUCTA SUYAS LO INVOLUCRAN COMO SOSPECHOSO DE SER, POR LO MENOS, ENCUBRIDOR EN ESTE CRIMEN.

3. LA CONFIANZA EN USTED COMO INTERLOCUTOR EN EL PROCESO DE DIALOGO Y NEGOCIACION HA SIDO GRAVEMENTE DETERIORADO POR SU PROPIA CONDUCTA. SU CREDIBILIDAD SE ESTA DERRUMBANDO Y ELLO PUEDE DANAR IRREPARABLEMENTE ESTE PROCESO HACIA LA SOLUCION POLITICA Y LA PAZ.

USTED ESTA OBLIGADO A COOPERAR SIN RESERVAS EN EL PRONTO ESCLARECIMIENTO DEL CRIMEN DE LOS SACERDOTES JESUITAS INFORMANDO AL TRIBUNAL Y A LA OPINION PUBLICA ABSOLUTAMENTE TODO LO QUE SABE; DEBE

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PRIORITY

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DEPARTMENT OF STATE
ARA/NEA REARCS

PAGE 01 SAN SA 10176 272312Z 005542 904731
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ACTION ARA-00

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TO SECSTATE WASHDC PRIORITY 0204
DIRFBI WASHDC
INFO AMEMBASSY MEXICO

[redacted] SAN SALVADOR 10176

FOR ARA/CEN

FBI FOR MARTY HALE/OLIA

MEXICO PASS TO JOE GANNON, LEGATT

E.O. 12356: DECL:OADR
TAGS: PGOV, KJUS, ES
SUBJECT: JESUIT CASE: THE FMLN'S OPEN LETTER TO PRESIDENT CRISTIANI

REF: A) SAN JOSE 005670, B) SAN SALVADOR 1126

[redacted] -- ENTIRE TEXT.

2. ACCORDING TO REFTEL A, THE FARABUNDO MARTI NATIONAL LIBERATION FRONT (FMLN) GENERAL COMMAND ANNOUNCED ON JULY 26 THAT PRESIDENT ALFREDO CRISTIANI IS ONE OF THE PERSONS POLITICALLY RESPONSIBLE FOR THE MURDERS OF THE JESUITS. THEY BASE THIS CHARGE ON CRISTIANI'S AUTHORIZATION OF THE SEARCH OF THE UNIVERSITY OF CENTRAL AMERICA (UCA) ON NOVEMBER 13. BY ORDERING THE SEARCH OF THE UCA, THE FMLN CLAIMS, PRESIDENT CRISTIANI AND THE HIGH COMMAND "TOOK THE DECISIVE STEP IN THE SERIES OF DECISIONS AND ORDERS THAT LED TO THE MURDER OF THE JESUIT PRIESTS THREE DAYS LATER." ALSO, THE FMLN REPROACHED CRISTIANI FOR HAVING "KEPT SECRET FOR SEVEN MONTHS THE FACT THAT HE AUTHORIZED THE SEARCH OF THE UCA."

3. ON JULY 27, 1990, JUDGE RICARDO ALFREDO ZAMORA RUIZ TOLD THE ASSISTANT LEGAL OFFICER AND THE DEFENSE ATTACHE THAT A DECEMBER 5 REPORT (SEE REFTEL B, PARAGRAPH 5) FROM COLONEL RENE EMILIO PONCE, CHIEF OF STAFF OF THE SALVADORAN ARMED FORCES, SUGGESTS THAT THE PRESIDENT AUTHORIZED THE UCA SEARCH ONLY AFTER THE FACT. ACCORDING TO THE REPORT, COLONEL GUILLERMO ALFREDO BENAVIDES MORENO (COMMANDER OF THE MILITARY ZONE WHICH INCLUDED THE UCA AT THE TIME OF THE MURDERS) CALLED COL. PONCE ON NOVEMBER 13, 1989, TO ASK FOR PERMISSION TO SEARCH THE UCA. COL. PONCE IMMEDIATELY CALLED THE PRESIDENT AT 2058 AND RECEIVED THAT AUTHORIZATION OVER THE PHONE FROM CRISTIANI. BUT, OTHER TESTIMONY AND EVIDENCE IN ZAMORA'S POSSESSION INDICATES THAT THE SEARCH WAS ALREADY COMPLETED AT 1930.

4. ZAMORA TOLD EMBASSY OFFICERS THAT HE WOULD INFORM THE SUPREME COURT THAT, CONTRARY TO THE FMLN'S CLAIMS, THE FACT THAT CRISTIANI AUTHORIZED THE SEARCH HAS BEEN ON THE LEGAL RECORD SINCE DECEMBER 5. THE SUPREME COURT COULD THEN RELEASE THAT INFORMATION IN ITS PRESS BULLETIN.
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RELEASED
El Salvador Human Rights
Special Project

Department of State IS/FPC/CDR El Salvador SP Date 9-23-93
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law enforcement ( ); privacy ( ), statutory ( );
not relevant to El Salvador ( ).

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Amb deliver to Sylvia 7/31/90 T. Bush

(N.J 040)

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I had an excellent series of meetings in the United States, where I encountered strong interest in Chile, and strong hopes for the success of democracy here coupled with continued economic growth. The tendency in Seattle, Washington, San Francisco, California, Washington, D.C., and New York is to begin to view your country as moving from the third world into the first. In that sense, Chile is seen as well ahead of Argentina and Brazil, probably even Mexico.

The team from the White House which was here while you were out of the country had good meetings with their Chilean colleagues and it seems we are in agreement on the basic ingredients of a good visit by President Bush.

I have been asked to raise several specific points with you:

I. Sanctions

A. My government is gratified that Chile is seeking to have the Pasaportes Case moved from military to civilian jurisdiction and intends to seek a Ministro en Visita to conduct a credible investigation into the Letelier murder. It appears that opening a new case based on the administrative investigation in the Cancilleria is a positive step as well. Of course we recognize your government's disposition to make an ex gratia payment to the families is also positive. Simultaneously, we have noted that you have introduced legislation to expand intellectual property protection in Chile.

B. In order to be able to lift the Kennedy/Harkin sanctions, and to restore the GSP/OPIC privileges, we must be able to satisfy legitimate concerns about Chile's commitment to pursue the criminal aspects of the Letelier case and to deal with the issue of pharmaceutical patent protection which the former government did not do.

C. As you know, President Bush's visit will coincide with the 14th anniversary of the Letelier-Moffitt murders, bringing them into focus and giving rise to speculation on the matter. It is important that the US President be able to note that the government of Chile is "taking appropriate steps to cooperate" in the Letelier matter: we believe that passage of the leyes Cumplido and naming of a Ministro en Visita will satisfy that requirement for the time being. While there is no connection in our statutes between the indemnification matter and the Kennedy sanctions, there is a connection in the minds of important members of our Congress. Approval of the accord we signed on June 11 by at least one house of the Chilean congress would help very much.

D. Moreover, to clear the GSP/OPIC matter, we have reported your government's confidence that the Chilean congress should produce new legislation on intellectual property by the

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end of August. When the law your government introduced in the Camara passes the Senate without substantive changes, the benefits should be restored without delay.

E. It is not too early for interested Chileans to let influential members of the US Senate and House of Representatives, as well as the White House, know of the importance to Chile of the lifting of these sanctions. It is preferable that the message be sent in writing.

F. Moreover, it will also help if you can give me your views about the prospects for passage of the Leyes Cumplido and the naming of a Ministro en Visita, as well as for approval of the acuerdo on indemnification. I would also like to know your views on the patent law's prospects. While I was in Washington, we agreed that I will return there to brief interested parties to make sure that our own congressional recess does not interfere with the process of moving rapidly on these matters.

G. I know I do not need to mention that it is important to avoid the appearance of hasty action in both these matters.

II. Uruguay Round

A. See attached points.

III. President Bush's Initiative

A. As I am sure Minister Foxley has reported, this is a serious initiative, dating from President Bush's meetings in Cartagena.

B. Chile is in an advantageous position. If you are interested, we are prepared to begin negotiations on a bilateral framework agreement -- setting up a consultative mechanism to discuss trade related issues and, if you would like, investment matters -- immediately. That could be as early as next week. Should I stay in touch with Minister Foxley on this?

IV. Cuba

A. It appears that President Castro is anxious to gain whatever legitimacy he can in this hemisphere, while clearly risking his relations with Spain and other European countries. What is your view of that situation?

V. Our embassy in Brasil reports some interest on the part of the Collor government in including Chile in the Rio Group or Group of Eight. Have you given that much consideration? What are your views?

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PAGE 01 GUATEM 09512 01 OF 04 011832Z
ACTION ARA-01

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CINCSO FOR POLAD
MEXICO FOR POLOFF SACKS

E.O. 12356: N/A
TAGS: PHUM, PGOV, PINS, PTER, ASEC, ELAB, PREL, GT
SUBJECT: GUATEMALA: JULY HUMAN RIGHTS SUMMARY

REFS: (A) GT 9351, (B) GT 9350, (C) GT 9349, (D) GT 9330,
(E) GT 9295, (F) GT 9277, (G) GT 9156, (H) GT 9001,
(I) GT 8984, (J) GT 8965, (K) GT 8932, (L) GT 8922,
(M) GT 8740, (N) GT 8732, (O) GT 8727, (P) GT 8692,
(Q) GT 8577, (R) GT 8477, (S) GT 8435, (T) GT 8425,
(U) GT 8380, (V) GT 8341

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PAGE 02 GUATEM 09512 01 OF 04 011832Z

INTRODUCTION AND SUMMARY

1. PRE-ELECTION MANEUVERING AND CONCERN OVER RISING

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LEVELS OF CRIMINAL AND POLITICAL VIOLENCE DOMINATED THE GUATEMALAN POLITICAL SCENE IN JULY. THE ISSUE OF WHETHER RIOS MONT MAY "OPT" FOR PRESIDENT HEATED UP FURTHER AS GOG OFFICIALS, INCLUDING PRESIDENT CEREZO, DECLARED THAT RIOS IS INELIGIBLE. RIOS SUPPORTERS DISRUPTED A GOG-SPONSORED REUNION OF THE FORMER CONSTITUENT ASSEMBLY WHICH RENDERED A "RULING" AGAINST HIM. RIOS MONT'S CHURCH AND HIS CAMPAIGN HQS WERE BOMBED ON SEPARATE DAYS AND HE BEGAN TO SPEAK OF THE PEOPLE'S "RIGHT TO RESIST" IF HE IS BARRED FROM REGISTERING AS A CANDIDATE. POLLS SHOWED HIM AT THE TOP OF VOTERS' PREFERENCE. THE CHAMBER OF COMMERCE HOSTED A WELL-ATTENDED DEBATE AMONG THE PRESIDENTIAL CANDIDATES, INCLUDING RIOS.

2. THE ASSUMPTION OF THE DIRECTORSHIP OF THE NATIONAL POLICF BY REFORMIST COL. CABALLEROS WHICH TRIGGERED SIGNIFICANTLY INCREASED POLICE ACTIVITY GAVE RESIDENTS OF THE CRIME-BESIEGED CAPITAL HOPE THE GOG IS SERIOUS ABOUT FIGHTING VIOLENCE. THE HUMAN RIGHTS OMBUDSMAN RELEASED DATA SHOWING THAT IN THE FIRST SIX MONTHS OF 1990, GUATEMALA SUFFERED A POLITICALLY MOTIVATED KILLING EVERY 21 HOURS AND A POLITICALLY MOTIVATED DISAPPEARANCE EVERY 41 HOURS--LARGELY IN SAN MARCOS DEPARTMENT. MOST VICTIMS WERE INDIGENOUS PERSONS APPARENTLY SUSPECTED OF INVOLVEMENT WITH THE GUERRILLA. THE FIGURES DO NOT INCLUDE EXTRAJUDICIAL KILLINGS OF CRIMINALS, AN ACTIVITY THAT SEEMS TO BE GROWING. A CENTRIST CONGRESSIONAL DEPUTY WAS ASSASSINATED ON A RURAL ROAD BY UNKNOWN GUNMEN. CERJ DENOUNCED THE KIDNAPPING OF AN ACTIVIST IN [redacted]

ZACUALPA (QUICHE) AND THE SHOOTING OF ANOTHER; CLANDESTINE CAMPESINO ORGANIZATION CUC ALSO CLAIMED THE DISAPPEARED PERSON AS A MEMBER. THE DISAPPEARANCE SEEMS PART OF A COUNTERINSURGENCY OPERATION.

3. THE GUERRILLA WAR SEEMED TO DIMINISH NEAR MAJOR POPULATION CENTERS AS THE INSURGENTS APPEARED TO BE HONORING PLEDGES MADE IN MADRID LAST MAY TO REFRAIN FROM ATTACKS ON THE ECONOMIC INFRASTRUCTURE AND TO ALLOW THE ELECTIONS TO GO FORTH. THE WAR REMAINED INTENSE, HOWEVER, ALONG THE MEXICAN BORDER AS THE ARMY CONDUCTED A LARGE COUNTERINSURGENCY OPERATION IN QUICHE AND HUEHUETENANGO. THE MAJOR PRIVATE SECTOR ORGANIZATION, CACIF, RELUCTANTLY AGREED TO ATTEND CNR-SPONSORED TALKS WITH THE GUERRILLA ORGANIZATION, URNG. THE MEETING IS

TENTATIVELY DUE IN AUGUST IN CANADA.

POLITICAL AND EXTRAJUDICIAL KILLINGS

4. JULY CONTINUED TO SEE LARGE NUMBERS OF UNIDENTIFIED BODIES TURNING UP IN AND NEAR MAJOR CITIES, IN PARTICULAR THE CAPITAL. MANY VICTIMS HAD CRIMINAL RECORDS, LEADING THE HUMAN RIGHTS OMBUDSMAN TO CONCLUDE THEY HAD FALLEN TO VIGILANTE JUSTICE. THE OMBUDSMAN RELEASED FIGURES FOR THE FIRST SIX MONTHS OF 1990 SHOWING A TOTAL OF 204 POLITICALLY MOTIVATED KILLINGS (HE DID NOT INCLUDE IN HIS FIGURES SUSPECTED EXTRAJUDICIAL KILLINGS OF CRIMINALS--SEE BELOW FOR DISAPPEARANCES). DEPUTY OMBUDSMAN ALVAREZ GUADAMUZ TOLD THE PRESS THAT IN THE FIRST 21 DAYS OF JULY, THERE WERE 80 EXTRAJUDICIAL KILLINGS OF ALL TYPES.

5. ACCORDING TO THE OMBUDSMAN, MOST OF THE KILLINGS TOOK PLACE IN CONFLICTIVE SAN MARCOS DEPARTMENT AND HAD INDIGENOUS PERSONS AS VICTIMS. OTHER PROBLEM AREAS ARE HUEHUETENANGO, QUICHE, AND PARTS OF PETEN. THE [redacted]

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PAGE 01 GUATEM 09512 02 OF 04 011833Z
ACTION ARA-01

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[redacted] SECTION 02 OF 04 GUATEMALA 09512

CINCSO FOR POLAD
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OMBUDSMAN CONCLUDED THAT OVER HALF OF THE KILLINGS ARE ACCOUNTED FOR BY THE MILITARY OR INDIVIDUALS ASSOCIATED WITH OR PROTECTED BY THE ARMY, SUCH AS SELF-DEFENSE PATROLS (PAC).

6. ON JULY 25, UCN CONGRESSIONAL DEPUTY OTTO ROLANDO RUANO REYES AND HIS DRIVER WERE AMBUSHED AND KILLED 90 [redacted]

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KMS. OUTSIDE OF GUATEMALA CITY. THE KILLERS AND THEIR MOTIVE REMAINED UNDISCOVERED AS THE MONTH ENDED. THE GOG REPORT ON THE KIDNAPING AND MURDER OF SALVADORAN LEFTIST HECTOR OQUELI, ISSUED IN JUNE, CONTINUED TO DRAW CRITICISM FROM THE OMBUDSMAN, US CONGRESSIONAL STAFF, AND INVESTIGATORS FOR THE SOCIALIST INTERNATIONAL.

DISAPPEARANCE

6. AMILCAR MENDEZ, LEADER OF THE RURAL ORGANIZATION CERJ, DENOUNCED A JULY 12 KIDNAPPING BY ARMED MEN OF ALLEGED CERJ MEMBER SAMUEL DE LA CRUZ GOMEZ OF ZACUALPA (QUICHE). MENDEZ SAID HIS ORGANIZATION FILED WRITS OF HABEAS CORPUS AND REPORTED THE DISAPPEARANCE TO THE POLICE AND THE HUMAN RIGHTS OMBUDSMAN. THE LEFTIST CAMPESINO ORGANIZATION CUC (COMMITTEE OF PEASANT UNITY) ALSO DENOUNCED DE LA CRUZ'S DISAPPEARANCE, SAYING HE WAS A CUC ACTIVIST, AND THE DISAPPEARANCE OF A DE LA CRUZ RELATIVE, NAZARIO DE LA CRUZ PONCE, ALSO FROM ZACUALPA. TWO OTHER ZACUALPA RESIDENTS WERE REPORTED WOUNDED BY GUNFIRE. OTHER RELIABLE SOURCES REPORTED, HOWEVER, NAZARIO WAS NOT KIDNAPPED AND IS HIDING. GIVEN THE CONFLICTIVE NATURE OF THE AREA NEAR ZACUALPA, SAMUEL DE LA CRUZ PROBABLY FELL TO A COUNTERINSURGENCY OPERATION.

7. MENDEZ ALSO DENOUNCED THE JULY 2 DISAPPEARANCE OF CERJ MEMBER PEDRO TIU CAC IN CHAJAB, RACANA (TOTONICAPAN). ACCORDING TO MENDEZ, TIU CAC WAS TAKEN BY TEN HEAVILY ARMED MEN IN TWO PICK-UP TRUCKS, INCLUDING ONE ALLEGEDLY SEEN ON THE QUICHE MILITARY ZONE HQS. HE HAS NOT BEEN SEEN SINCE HIS REPORTED KIDNAPPING.

8. ACCORDING TO FIGURES RELEASED BY THE OMBUDSMAN, IN

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THE FIRST SIX MONTHS OF 1990, GUATEMALA EXPERIENCED 105 POLITICALLY MOTIVATED DISAPPEARANCES. AS WITH POLITICAL KILLINGS (ABOVE), THE OMBUDSMAN CONCLUDED THAT THE MAJORITY ARE PEOPLE SUSPECTED OF INVOLVEMENT WITH THE GUERRILLA AND WERE TAKEN IN OPERATIONS BY THE ARMY OR PERSONS LINKED TO THE ARMY. THE NEW ARMY SPOKESMAN REFUTED THE CHARGES. HE CLAIMED THE ARMY HAS RECEIVED 84 "HUMAN RIGHTS COMPLAINTS" SO FAR THIS YEAR, INVESTIGATED THEM, AND FOUND 46 THAT COULD BE SUBSTANTIATED. THESE, HE SAID, WERE GIVEN TO THE COURTS. MOST CASES, ACCORDING TO THE SPOKESMAN, INVOLVED PERSONAL GRIEVANCES AND VENDETTAS.

ARBITRARY ARREST

9. IN JULY, CERJ PUBLICLY DENOUNCED THE ARBITRARY ARREST OF CERJ MEMBER MARCUS PU PERCAC NEAR SANTA LUCIA DE LA REFORMA (TOTONICAPAN). HE REPORTEDLY WAS ARRESTED BY NATIONAL POLICE WHO THREATENED TO LABEL HIM A SUBVERSIVE UNLESS HE PAID THEM A BRIBE. PU PERCAC, ACCORDING TO MENDEZ, WAS KEPT FOR FIVE DAYS WITHOUT FOOD BEFORE BEING RELEASED. HE APPARENTLY PAID THE BRIBE. A JUDGE IN HUEHUETENANGO DENOUNCED THE ILLEGAL DETENTION OF A MINOR BY A CIVIL PATROL. THE JUDGE, WHO ASKED HIS NAME NOT BE RELEASED, REPORTED RECEIVING DEATH THREATS FROM THE PATROL LEADER AND HAS ORDERED HIM ARRESTED.

10. IN RESPONSE TO NUMEROUS COMPLAINTS ABOUT POLICE BEHAVIOR, THE HUMAN RIGHTS OMBUDSMAN HELD MEETINGS WITH THE NEW NATIONAL POLICE DIRECTOR. A RESULT WAS A PUBLIC COMMITMENT BY THE DIRECTOR TO HAVE HIS MEN RESPECT HUMAN RIGHTS. THE OMBUDSMAN ALSO STATED HIS OFFICE WOULD HAVE A REPRESENTATIVE, MARCO ANTONIO SAGASTUME GEMMELL, CHARGED WITH PROTECTING THE HUMAN RIGHTS OF POLICE OFFICERS; THE OMBUDSMAN CRITICIZED THE WORK CONDITIONS AND PAY OF POLICEMEN WHICH HE SAID CONTRIBUTES TO ABUSES.

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FREEDOM OF RELIGION

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PAGE 01 GUATEM 09512 03 OF 04 011834Z
ACTION ARA-01

INFO LOG-00 ADS-00 AID-01 INR-05 EUR-01 SS-01 OIC-02
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[redacted] SECTION 03 OF 04 GUATEMALA 09512

CINCSO FOR POLAD
MEXICO FOR POLOFF SACKS

E.O. 12356: N/A
TAGS: PHUM, PGOV, PINS, PTER, ASEC, ELAB, PREL, GT
SUBJECT: GUATEMALA: JULY HUMAN RIGHTS SUMMARY

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11. THE ISSUE OF RELIGIOUS FREEDOM INCREASED IN VISIBILITY AS A RESULT OF RIOS MONT'S PRESIDENTIAL BID. ROMAN CATHOLIC CHURCH OFFICIALS PREDICTED A RELIGIOUS WAR SHOULD RIOS, AN EVANGELICAL PROTESTANT, BE ELECTED PRESIDENT. RIOS VEHEMENTLY DENIED HE IS ANTI-CATHOLIC AND VOWED TO RESPECT CONSTITUTIONAL GUARANTEES OF [redacted]

PAGE 02 GUATEM 09512 03 OF 04 011834Z

RELIGIOUS FREEDOM.

VIOLATIONS OF LAW IN AN INTERNAL CONFLICT

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12. GUERRILLA ACTIVITY SEEMED TO DIMINISH NEAR THE CAPITAL AND THERE WERE NO REPORTS OF ATTACKS AGAINST THE ECONOMIC INFRASTRUCTURE. SOME OBSERVERS SAW THIS RESULTING FROM LAST MAY'S MADRID ACCORD IN WHICH THE GUERRILLA PROMISED NOT TO DISRUPT THE ELECTIONS AND TO RESPECT THE ECONOMY. GUERRILLA ACTIVITY REMAINED INTENSE, HOWEVER, IN HUEHUETENANGO AND SAN MARCOS WHERE REPEATED CLASHES TOOK PLACE BETWEEN THE GUERRILLA AND

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THE ARMY, WHICH SOUGHT TO CUT OFF THE INSURGENTS FROM ACCESS TO THE MEXICAN BORDER. THE HEAD OF THE TREASURY POLICE FOR HUEHUETENANGO DIED IN LATE JULY IN A GUERRILLA AMBUSH NEAR LAS PALMAS (HUEHUETENANGO). SOMEWHAT OMINOUSLY, THE GUERRILLA UMBRELLA ORGANIZATION, URNG, RAN ADS IN THE PRESS THE LAST WEEK OF JULY DECLARING THAT GUERRILLA RESTRAINT WOULD CEASE UNLESS THE ARMY CEASED UNSPECIFIED ACTS OF "REPRESSION," PRESUMABLY ITS ACTIVITIES ALONG THE MEXICAN BORDER.

13. THE GUATEMALAN GOVERNMENT ORGAN CONCERNED WITH REPATRIATING REFUGEES, CEAR, ANNOUNCED THAT IN JULY, 17 REFUGEE FAMILIES (66 PERSONS) WILL RETURN FROM MEXICO. THE GOG ALSO STATED THAT IT HAS AGREED WITH THE GOM, AS A RESULT OF PRESIDENT CEREZO'S VISIT TO MEXICO, TO EXPEDITE THE RETURN OF REFUGEES WHO WISH TO COME BACK TO GUATEMALA; THE OTHERS WOULD HAVE THE OPTION OF STAYING IN MEXICO AS RESIDENTS. BOTH GOVERNMENTS APPARENTLY ACCORDED TO SPEED UP THE PROCESS OF ENDING THE REFUGEE CAMPS.

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RESPECT FOR POLITICAL RIGHTS

14. ELECTION CAMPAIGNING REMAINED THE TOP POLITICAL ISSUE IN THE COUNTRY, WITH THE ISSUE OF WHETHER RIOS MONT IS CONSTITUTIONALLY ELIGIBLE TO RUN FOR PRESIDENT STILL STEALING THE SHOW. A POLL RELEASED IN JULY SHOWED RIOS TIED FOR FIRST WITH UCN CANDIDATE JORGE CARPIO; ANOTHER POLL, DUE OUT THE FIRST WEEK OF AUGUST, IS EXPECTED TO SHOW RIOS PULLING AHEAD OF CARPIO. THE GOG, CLEARLY CONCERNED BY RIOS'S GROWING POPULARITY, BEGAN AN ACTIVE CAMPAIGN AGAINST HIM. PRESIDENT CEREZO IMPLIED THAT IF RIOS IS ALLOWED TO RUN, THEN CEREZO COULD RUN AGAIN. THE GOVERNMENT, IN LEAGUE WITH MUCH OF THE OPPOSITION, CONVENED A GATHERING OF THE FORMER CONSTITUENT ASSEMBLY TO EMIT A DECLARATION ON WHETHER RIOS COULD RUN. THE ASSEMBLY WAS DISRUPTED FOR THREE HOURS BY SUPPORTERS OF RIOS, INCLUDING HIS WIFE AND HIS DAUGHTER. IN THE END THE ASSEMBLY, LABELED BY RIOS A "CIRCUS," EMITTED A "RULING" AS EXPECTED: RIOS CANNOT RUN. THE "RULING" HAS NO LEGAL FORCE AND THE DEBATE CONTINUED AS THE MONTH ENDED. RIOS RESPONDED TO THE CAMPAIGN AGAINST HIM BY CITING CONSTITUTIONAL ARTICLE 45 DECLARING THE PEOPLE HAVE THE RIGHT TO RESIST VIOLATIONS OF RIGHTS. MANY OBSERVERS THOUGHT RIOS MADE A MISTAKE

BY ALLOWING HIS BACKERS TO DISRUPT THE ASSEMBLY--IT UNDERMINED HIS CLAIM TO RESPECT LAW AND ORDER.

15. TWO FACILITIES CONNECTED WITH RIOS MONT, HIS CHURCH AND HIS CAMPAIGN HQS, WERE BOMBED SEVERAL DAYS APART. NO INJURIES RESULTED. OTHER CAMPAIGN ACTIVITY INVOLVED A DEBATE, SPONSORED BY THE CHAMBER OF COMMERCE, AMONG SEVEN OF THE CANDIDATES, INCLUDING RIOS. THE MUTUAL SUPPORT GROUP (GAM), AN ORGANIZATION DEDICATED TO RESOLVING DISAPPEARANCES, CAME OUT AGAINST RIOS.

ATTITUDE TOWARDS HUMAN RIGHTS INVESTIGATIONS

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16. THE HUMAN RIGHTS OMBUDSMAN INCREASED ACTIVITIES AND

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PAGE 01 GUATEM 09512 04 OF 04 011834Z
ACTION ARA-01

INFO LOG-00 ADS-00 AID-01 INR-05 EUR-01 SS-01 OIC-02
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[redacted] SECTION 04 OF 04 GUATEMALA 09512

CINCSO FOR POLAD
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VISIBILITY THROUGHOUT GUATEMALA. THE OMBUDSMAN MADE A REPORT TO GUATEMALA'S CONGRESS CRITICAL OF THE GOG HUMAN RIGHTS RECORD. A US CONGRESSMAN AND STAFF VISITED GUATEMALA WITH THE MAJOR EMPHASIS OF THE VISIT ON HUMAN

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RIGHTS. GUATEMALA WAS VISITED BY NUMEROUS DELEGATIONS FROM FOREIGN HUMAN RIGHTS AND RELIGIOUS ORGANIZATIONS. THE GOG PUT NO HINDRANCE IN THE WAY OF THESE VISITORS.

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WORKERS RIGHTS

17. LABOR RIGHTS DREW ATTENTION AS HUMAN RIGHTS GROUPS IN THE US SOUGHT TO DENY GUATEMALA ITS GSP BENEFITS BECAUSE OF LABOR RIGHTS VIOLATIONS. THESE EFFORTS APPARENTLY FAILED, FOR NOW. SOME WORKERS ON THE BIG "EL PILAR" SUGAR MILL CHARGED HARASSMENT BY MANAGEMENT, WHICH DENIED THE CHARGES.
TAYLOR

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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ACTION REQUEST : HUMAN RIGHTS IN CHILE
Declassify: In Part In Full X
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An international campaign is requested by the family, attorneys and friends of Mr. SERGIO SILVA ESPINOZA, political prisoner in Santiago, Chile since June 1982. Mr. SERGIO SILVA ESPINOZA has suffered one heart-attack and two pre-heartattacks in the last 16 months (the last pre-attack was in July 1990) and has been diagnosed as needing by-pass surgery. He is under doctor's orders of complete bedrest, although his prison cell is on a second floor which means he must go up and down stairs for meals, to receive visits and is subject to evacuation of his cell during frequent routine searches and ransackings of his cell by prison guards. The doctors ordered the next exam needed in his diagnosis in June 1990 (paid by the International Red Cross) but permission has not been granted for this test to be carried out.

On Wednesday August 8 the Military Martial Court rejected a liberty order for SERGIO SILVA ESPINOZA issued by the military fiscal in charge of his case. In light of this setback, an international campaign is requested to secure his release. The grounds for his liberty, are humanitarian and juridical.

The juridical: Mr. SILVA ESPINOZA had three charges, for two he was sentenced 4 and 10 years respectively. The third charge has remained open since his detention in 1982 (which is contrary to Chilean law) yet the maximum sentence for the third charge is 3 years, making a maximum of 17 years.

Under Chilean law, a prisoner who has completed half of his sentence, can be given day-freedom and weekend freedom, thus returning to the prison only at night. SERGIO SILVA ESPINOZA has been eligible for this consideration for six months, but has not been granted this permission.

There are several laws under consideration in the Chilean Parliament to reduce sentences and pardon some of Chile's over 500 political prisoners. If any of these laws were to pass the Congress, SERGIO SILVA ESPINOZA would be eligible to be freed. The laws have been under debate since April 1990. In the meantime, over 230 political prisoners have been freed or pardoned by President Aylwin or the Military Martial Court. Prisoners with more serious charges than SERGIO SILVA ESPINOZA have been freed. There seems to be no logic as to whom is freed or pardoned.

The humanitarian consideration is the most important one. SERGIO SILVA ESPINOZA needs heart surgery and his condition points to continued deterioration and danger to his life. SERGIO SILVA ESPINOZA needs not only to recuperate his freedom but since he needs his life to be saved.

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SERGIO SILVA ESPINOZA has been granted an exile visa to Belgium, where he could receive proper medical attention. He would go to Belgium with his wife, Blanca Ibarra, and their three children, the youngest of whom was only days old when Mr. Silva was arrested.

Blanca Ibarra, Mr. Silva's wife, is a leader of the Catholic parish in "La Victoria" and has been related to the Latin America and the Caribbean Office of the NCCC-USA through a Latin America women's delegation that visited U.S. churches in October 1988. In June 1989, she hosted a return visit of three U.S. women in "La Victoria".

The family, friends and attorney of SERGIO ESPINOZA SILVA ask that messages requesting his immediate freedom be sent to:

1.- Mr. Francisco Cumplido
Minister of Justice
Morandé 107
Santiago, CHILE
FAX: (56-2) 696-6952

2.- Mr. Luis Maldonado
President, Supreme Court
Bandera 344
Santiago, CHILE
FAX: (56-2) 695-4130

3.- Judges
Martial Court
Bandera 344
Santiago, CHILE
FAX: (56-2) 695-4130

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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ✓
Exemption(s) ____

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Interest section #413

A. Legal Basis for the request

1. Introduction

Interest is awarded to compensate for the loss of use of money over time.[1/] Fifteen years have now passed since the brutal murders of Ronni Moffitt and Orlando Letelier in Washington, D.C. Despite persistent efforts, the families have yet to receive any sort of compensation for the tremendous losses they suffered when Ronni and Orlando were assassinated in September 1976. This lack of prompt payment of compensation due has caused distinct injury and severe hardship to the families for which they must be compensated under general principles of international law.

For the Letelier family the lack of prompt compensation has caused severe financial hardship. Due to lack of financial resources Isabel Letelier was forced to endure the anxiety of not knowing from one day to the next how she would possibly feed, clothe or otherwise provide for her four teenage sons. **[add a few examples of the monetary problems -- any other medical expenses -- dental???]** As the boys grew up and dispersed to different parts of the world, the Leteliers could

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1/ See R. Lillich, Interest in the Law of International Claims 57 (1982); see also McCollough & Co., Inc. v. The Ministry of Post, Telegraph and Telephone, et al., 11 Iran - U.S. C.T.R. 3, 29 (1980) (where Judge Virally stated "[U]nder normal circumstances . . . interest is allocated on the amounts awarded as damages in order to compensate for the delay with which the payment . . . is made.")

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rarely, if ever, afford to travel to visit each other and lend one another much needed moral and emotional support. In fact, in the last fifteen years, they have only been able to get together once since Orlando's death. **Cite to ------'s affidavit.** Thus, the failure to make prompt compensation added in a very real way to the suffering and the losses of the Letelier family.

[For Buffone: What to say about effect on Karpens and Moffitts]

2. International Law Principles

Interest is a basic component of the duty to make full reparation for an injury. The compensatory role interest plays in international decision making is recognized by the commentators. Lillich notes "interest as part of an award by an international tribunal . . . is recognized by customary international law . . . as an element of damages inherent in just compensation."[2/] Similarly, Eagleton states "[t]he award of interest is usually considered to be merely a part of the duty to make full reparation."[3/] Article 38 of the Harvard Draft Convention of the International Responsibility of States for Injuries to Aliens provides, in part: "1. [t]he amount of any award shall include interest, either by way of inclusion in the lump sum awarded or by the addition of an amount computed from the date of the injury to the date of the award. . . ."[4/]

2/ R. Lillich, "Interest in the Law of International Claims," Essays in Honor of Voitto Saario and Toivo Sainio, 51, 59 (1983); See Illinois Central Railroad Co. (United States v. United Mexican States), 4 Rep. Int'l Arb. Awards 134, 136 (1926) (where the Commission held that "allowances of interest have been made . . . by international tribunals. . . . [thus] we deem it proper to give effect that interest must be regarded as a proper element of compensation.")

3/ C. Eagleton, The Responsibility of States in International Law 203 (1928).

4/ Harvard Draft Convention on the International Responsibility of States for Injuries to Aliens, Draft No. 12 with Explanatory Notes, April 16, 1961, Reporters, Sohn and Baxter, Harvard Law School, reprinted in 55 Am. J. Int'l L. 545 (1961).

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International law routinely provides for the payment of interest in commercial claims.[5/] Moreover, interest on property losses or other pecuniary/liquidated losses, such as medical expenses, has been accepted on the same principle as that of commercial claims - the claimant has suffered the loss of the opportunity to use the funds from the date of the loss, or from the date the expense was incurred.[6/]

International tribunals have handled claims for interest on personal injury and wrongful death cases in a number of ways. Some commissions have followed the practice of awarding a lump sum in settlement of all aspects of the case.[7/] Apparently, the delay in making payment or attempting to resolve the case is among the factors taken into account in determining an appropriate lump sum. Brownlie states: "the fact that the 'lump sum' awarded includes interest . . . does not contradict the principle that compensation should include interest on the damage at the time of the injury."[8/]

Other international commissions have simply awarded pre-judgment interest in personal injury or death cases in the

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5/ See, e.g., McCollough, infra at n. ----, General Dynamics v. The Islamic Republic of Iran, AWD 192-285-2 at 26 (Oct. 4, 1984) (----); Blount Brothers v. The Islamic Republic of Iran, AWD 215-52-1 at 33-34 (March 6, 1986) (----); ABII v. The Islamic Republic of Iran, AWD 255-48-3 at 85-86 (Sept. 19, 1986) (----).

6/ See J. Ralston, The Law and Procedure of International Tribunals 129 (1926); See also Eagleton, supra note 49 at 204.

7/ See 3 M. Whiteman, Damages in International Law note 357 at 1992 (1943) citing Cotesworth & Powell (Great Britain v. Colombia); The Frederick Geering, Jr. (United States . Great Britain). See also Venable (United States v. Mexico) Opinions of the Commissioners 163 (1927)

8/ I. Brownlie, 1 State Responsibility 228 (1983).

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same manner as interest on property losses.[9] And although still others have declined to award interest on non-pecuniary or unliquidated claims on the theory that the amount of damage is too hard to define and thus the amount of interest thereon too difficult to assess cite-----, this approach is inconsistent with the principle of full compensation.

As established earlier, the difficulty of determining an amount of compensation for a loss or injury does not mean that compensation should therefore be denied. This is especially so when the real difficulty lies in assessing compensation for physical or mental suffering - an assessment tribunals commonly make. Once that figure is established, calculating compensation for lost financial opportunity in a death case is no more difficult than in a commercial case. Brownlie states: "If in principle true compensation includes interest on the compensation (as due at the time of injury or death), the fact that the sum awarded is in some sense 'unliquidated' or arbitrary is not incompatible with the payment of interest on the compensation."[10]

It is indisputable that the families of the victims suffered additional injury by reason of the delay in receiving prompt compensation. Given that the date of death is clearly established, and this Commission will have to assess an amount to compensate for the mental suffering of the family as well as their out-of-pocket losses, calculation of an amount to compensate for delay in payment from 1976 to the present is a relatively simply endeavor.[11]

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[9] See, e.g., Heirs of Cyrus Donaugho and Theodore Webster's Administrator, 3 Whiteman, supra at 1985 (----------).

[10] Brownlie, supra at 228.

[11] Dr. Perl's calculation includes interest on the money which Orlando and Ronni would have earned from 1976 until the present and on the monetary value of the services they would have performed during that time period. However, the remaining portions of the compensation should be increased to compensate for the inordinate length of time which this compensation has been delayed.

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B. Period of Interest

The present case is extraordinary in the amount of time that has elapsed without any compensation whatsoever since the deaths. The chart at Exhibit lists wrongful death claims asserted on an international level since the 1922 Lusitania award, showing the date of the incident and the date of the award. Most cases were resolved within 3 to 5 years and in no case did payment lag 15 years behind the incident. Such an inordinate delay cannot rightfully inure to the benefit of the delaying party. Such a rule would discourage prompt settlement of claims.

1. Interest should run from the date of death.

In accordance with the widely accepted principles outlined above - that interest is to compensate for the loss of use of money over time - a reasonable calculation of the time period during which money was lost must be made. As the claim for losses resulting from wrongful death arises on the date of death, it would be reasonable to calculate interest on the amount that compensates for the material and moral injuries sustained from September 21, 1976 to the date an award is paid to the families. Support for this position is found in the cases of Theodore Webster's Administrator[12/] and Heirs of Cyrus Donaugho,[13/] where the United States - Mexican Claims Commission awarded interest to the families from the date of death. The Mexican Agent protested the allowance of interest in these wrongful death claims. In response, Umpire Thorton stated:

> The Umpire has to say that in these cases he considered what was the value of the life to the heirs at the date of the death, and that the heirs were entitled to receive this value at once; consequently they had a right to interest from that date. If it had not been so, the Umpire would have awarded a larger sum so as to make up for the absence of

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12/ 3 Moore at 3004.

> interest from the date of the death of the two persons above mentioned . . . .[14/]

International jurists frequently award interest from the date the claim arose. The Foreign Claims Settlement Commission held in American Cast Iron Pipe Company that "the prevailing opinion in international law is that such interest should run from the date the claim arose until the 'date of payment.' The date the claim arose in this case is the date of loss."[15/] This approach was also followed at the Iran-U.S. Claims Tribunal where interest was always awarded from the date of loss to the date of payment.[15/]

2. Interest can begin to run from the time the government is put on notice of a claim against it.

Several international commissions have followed the rule that a government is only chargeable with interest from the time payment was demanded from the government or otherwise put on notice of the claim's existence.[16/] The reason most often given for using the date the claim was presented as the starting point for interest is that until the government has notice of the claim, it can not be held responsible for its payment. This position is illustrated in numerous international law decisions. As Ralston notes in the NAME OF CASE decision:

> Governments may not be presumed to know, until a proper demand be made upon them(?), of the existence of claims

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[13/] No. 703, MS Op. VI 399.

[14/] Borchard, Diplomatic Protection of Citizens Abroad, note 45 at 428 (1915)

[15/] 40 I.L.R. (E. Lauterpacht ed.) at 173 (1970).

[15/] *See, e.g.*, Sylvania Technical Systems v. The Islamic Republic of Iran, AWD ????????? (date); Ford Aerospace

UNCLASSIFIED

> which may have been created without the authorization of the central power, and even against its express instruction. . . . The Umpire . . . does not now consider that it would be just to charge Venezuela with the payment of interest for perhaps long periods of time during which that Republic was not notified that a claim was made against it.17/

Claims were presented by the Unites States against China for several United States citizens that were murdered in China during the Revolution of 1911-1912. China paid the claims ranging from $5,000 to $25,000, in gold, to the families of the deceased. On January 8, 1915, the Chinese Government paid interest at the rate of 5% per annum from April 26, 1913, the approximate date of the presentation of the claims, to November 24, 1914, the date the principal was paid.18/ OTHER EXAMPLES

Even accepting that governments can not be presumed to know of a claim against them until it is presented, in the instant case, the Government of Chile was well aware of the claim's existence since shortly after the assassination. **[factual basis]** Moreover, in August 1978, the victims' families filed a lawsuit naming the Government of Chile as a defendant in District Court in Washington D.C. Thus, the Chilean Government was clearly aware of the claim against it and cannot invoke lack of knowledge as a reason to avoid responsibility for the unreasonable delay in resolving the claim.

C. Rate of interest

A fair or just rate of interest should be applied. (cite) However, no commonly accepted "fair" or "just" rate of interest exists. As stated by the U.S. Foreign Claims Settlement

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Corp. v. The Islamic Republic of Iran, AWD No. ???????? (date). CITE SEVERAL OTHERS

16/ Id. at 428; See also J.B. Moore, 2 History of International Arbitrations 1465-1466 (1898).

17/ Ralston's Report, 658, 663 (1904).

UNCLASSIFIED

Commission "[t]he Commission's object in determining the rate of interest is to arrive at just and equitable compensation for the wrong."[19] The question then is: what rate of interest will fairly and justly compensate the victims' families for the fifteen years delay in making payment or otherwise resolving their claims?

Until about 1960, a 6% rate of interest was commonly used. However, since that time commercial interest rates have been much more volatile and 6% percent today is regarded as an extremely low rate of interest. Lillich notes: "[A]t present, 6 percent is assuredly not an appropriate rate of interest in the law of international claims . . . ."[20] More indicative of current international practice are the decisions of the Iran - U.S. Claims Tribunal, which has regularly awarded interest at rates from ten to twelve percent.[21]

Other international tribunals have recently determined that a "fair" and "just" rate of interest is much higher than those awarded at the Iran - U.S. Claims Tribunal. For example, a tribunal of the International Chamber of Commerce has decided that the appropriate rate of interest to restore a claimant to his status quo ante is 14.5 percent.[22] This rate of interest was determined based on the average rate of interest prevailing in the United States during the relevant period as determined by the arbitrator. Another illustration is found in the recent

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[18] See claims of: Reverend Beckman, National Archives, MS Department of State, file nos. 493.11B38, 493.11Sca.6; Hicks, Sheldon and Hoffman, National Archives, MS Department of State, file no. 493.11H52/77,83,90,92-93.

[19] 40 I.L.R. (E. Lauterpacht ed.) at 173 (1970). **CHECK!!!**

[20] Lillich, supra at 59.

[21] See, e.g., General Dynamics v. The Islamic Republic of Iran, AWD 192-285-2 at 26 (interest awarded at 12% per annum from date claim arose); Blount Brothers b. The Islamic Republic of Iran, AWD 215-52-1 at 33-34 (interest awarded at rate of 11.5%, rounding to nearest quarter of a percentage point); ABII v. The Islamic Republic of Iran, AWD 255-48-3 at 85-86 (claimant entitled to interest at "fair" rate, which was deemed 10%, to compensate for the delays in payments).

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Aminoil-Kuwait arbitration which tied the interest rate to the rate of inflation over the relevant period to produce an annual interest rate of 17.5 percent on the claimant's award.[23/]

A fair or equitable rate which would provide the families a reasonable compensation for the delay in payment of an award would be 10% from September 21, 1976 (i.e. the date of death) or, at minimum, 10% from the date the suit was filed in U.S. district court which is when the Chilean Government clearly became aware of the claim's existence.[24/]. **(Julie can you find some cases using a 10% rate as a fair of just rate?)**

22/ Bendone-Derossi International v. Iran, Case No. 3685 at 15 (ICC Ct. of Arb. 1981)

23/ Kuwait v. American Independent Oil Co. (Aminoil), reprinted in 21 I.L.M. 976, 1042 (1982).

24/ See, e.g. Benvenuti et Bonfant v. The People's Republic of the Congo ICSID???CITE (August 8, 1980) p. 42 (Although Congo law provided for a much lower interest rate, Congolese government proposed a 10% rate in its Memorial (15% argued by claimant), with the Tribunal agreed to accept in view of its power to decide matters ex aequo et bono. Tribunal found this rate equitable and awarded such form the date of loss.---**MCM ON PG 43 INT. WAS AWDRD ON MORAL DAMAGES)**; Saudi Arabian Hotel Co. AD Hoc Arbitral Awards at 39 (Award of January 30, 1984) (where 10% "commission" added on account of "the delay in the payments of the indemnity"); ABII v. Iran, supra, note 21. OTHER EXAMPLES

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CONFIDENTIAL
PAGE 01 GUATEM 09953 01 OF 05 100015Z
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C O N F I D E N T I A L SECTION 01 OF 05 GUATEMALA 09953
MEXICO FOR LEGATT
E.O. 12356: DECL:OADR
TAGS: PREL, CASC, GT
SUBJ: UPDATE ON INVESTIGATION INTO MURDER OF AMCIT
MICHAEL DEVINE
REF: GUATEMALA 08304 AND PREVIOUS
1. C - ENTIRE TEXT.
2. SUMMARY: THE GUATEMALAN MILITARY MAY BE INVOLVED IN A COVER-UP OF INVOLVEMENT IN THE MURDER OF AMCIT MICHAEL DEVINE. IF THIS IS TRUE, IT CALLS INTO SERIOUS QUESTION THE CONTINUATION OF SECURITY ASSISTANCE. WE ARE CONTINUING TO PRESS GOG FOR A THOROUGH INVESTIGATION, AND HAVE PROVIDED THE GOG WITH RESULTS OF OUR EFFORTS AND THE NAMES OF PEOPLE WHO MAY BE INVOLVED IN THE MURDER. END SUMMARY.
THE SETTING
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3. POPTUN IS A TOWN OF 8000 INHABITANTS LOCATED IN
CONFIDENTIAL
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PAGE 02 GUATEM 09953 01 OF 05 100015Z
THE PETEN PROVINCE, AN 8-10 HOUR DRIVE FROM GUATEMALA CITY, AND ABOUT THREE HOURS OVER A VERY ROUGH ROAD FROM THE PROVINCIAL CAPITAL OF FLORES. IT HAS BEEN LIKENED TO DODGE CITY IN ITS LAWLESSNESS AND WILD WEST WAYS. ALTHOUGH THERE ARE THREE NATIONAL POLICEMEN ASSIGNED THERE, THEY HAVE NO TELEPHONE, NO VEHICLE AND NO MONEY FOR TAXIS OR OTHER EXPENDITURES. SCORES ARE SETTLED DIRECTLY, IF AT

ALL. THREE OR FOUR MURDERS A WEEK ARE NOT UNCOMMON; VIRTUALLY ALL GO UNRESOLVED. AT ANY SIGN OF MILITARY INVOLVEMENT, THE NATIONAL POLICEMEN DISAPPEAR OR BECOME EVEN MORE INEFFECTIVE THAN USUAL.
THE VICTIM
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4. MICHAEL DEVINE WAS ALMOST 49 YEARS OLD, BORN IN KANSAS, RAISED IN ILLINOIS. HE CAME TO GUATEMALA NEARLY 20 YEARS AGO WITH HIS AMCIT WIFE, BORN AND

CONFIDENTIAL / PAGE 1

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 07/14/95
Case ID: 95122238

92-14,1585D
Case 1990

CONFIDENTIAL

RAISED IN CALIFORNIA. DEVINE WAS A PHYSICAL FITNESS BUFF, IN EXCELLENT SHAPE EXCEPT FOR THE FACT THAT 3-4 WEEKS PRIOR TO HIS MURDER HE HAD A BAD FALL IN WHICH HE BROKE BOTH OF HIS WRISTS. HE AND HIS WIFE CAROLE ADOPTED TWO GUATEMALAN CHILDREN WHO ARE NOW 16 AND 17 YEARS OLD, BOTH U.S. PERMANENT RESIDENTS (THEY HAVE NOT LIVED IN THE U.S. ENOUGH TIME TO BECOME CITIZENS.) BOTH HE AND HIS WIFE APPEAR TO BE HELD IN HIGH REGARD BY THE LOCAL COMMUNITY, AND DEVINE'S FUNERAL WAS THE LARGEST PUBLIC EVENT IN POPTUN IN MEMORY.

5. THE DEVINES ESTABLISHED A LARGE FARM AND WILDERNESS AREA ABOUT 2 KMS. SOUTH OF POPTUN. THEY OPERATED A HOTEL AND RESTAURANT ON THE FARM FOR MANY

YEARS, OFTEN HAVING AS MANY AS 60-80 GUESTS AT NIGHT. ALTHOUGH THERE ARE REPORTS THAT GUESTS SOMETIMES USING MARIJUANA (THE HOTEL ATTRACTED A CLIENTELE OF ADVENTURERS AND BACKPACKERS), DEVINE HIMSELF APPARENTLY OPPOSED DRUG USE AND THREW OUT CUSTOMERS WHO OPENLY USED DRUGS.

6. ACCORDING TO EMPLOYEES ON HIS FARM, DEVINE WAS DEPRESSED FOR ABOUT TWO WEEKS PRIOR TO HIS DEATH. HE REFERRED VAGUELY TO THREATS AND COMMENTED THAT HE MIGHT NOT BE AROUND MUCH LONGER. DEVINE'S MOTHER DIED 40 DAYS PRIOR TO HIS DEATH, LEAVING HIM A SUBSTANTIAL ESTATE. IT IS UNCLEAR WHETHER ANYONE IN THE COMMUNITY KNEW HE HAD RECENTLY COME INTO SOME MONEY. UNTIL THE DAY BEFORE HIS MURDER, HIS WIFE WAS AWAY FROM POPTUN FOR TWO WEEKS AND WAS UNAWARE OF HIS SUBDUED MOOD OR CONCERN ABOUT THREATS.

THE MURDER

7. ACCORDING TO INFORMATION PROVIDED BY THE AMERICAN CITIZEN PRIVATE DETECTIVE HIRED BY MRS. DEVINE SUBSEQUENT TO THE MURDER, ON FRIDAY JUNE 8, AT ABOUT 3 P.M. MICHAEL DEVINE RETURNED TO HIS FARM FROM POPTUN BRINGING BEER AND OTHER SUPPLIES FOR THE HOTEL. HE WAS APPARENTLY ASSAULTED BY 4-5 MEN WHO WAITED SEVERAL HOURS FOR HIM IN A DISTINCTIVE WHITE TOYOTA PICKUP TRUCK PARKED ON THE ROAD AT THE ENTRANCE TO HIS FARM. THERE WERE SEVERAL WITNESSES WHO SAW THIS TRUCK AND ITS OCCUPANTS WAITING, SAW DEVINE ENTER THE FARM ENTRANCE ROAD DRIVING HIS VAN, AND SAW BOTH THE VAN AND THE TRUCK BACK OUT A FEW

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CONFIDENTIAL

CONFIDENTIAL
PAGE 01 GUATEM 09953 02 OF 05 100215Z
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L-03 PM-01 INRE-00 OCS-06 CA-02 JUSE-00 SP-01
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P 100014Z AUG 90
FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC PRIORITY 2987
INFO AMEMBASSY BELIZE
AMEMBASSY MEXICO
C O N F I D E N T I A L SECTION 02 OF 05 GUATEMALA 09953
MEXICO FOR LEGATT
E.O. 12356: DECL:OADR
TAGS: PREL, CASC, GT
SUBJ: UPDATE ON INVESTIGATION INTO MURDER OF AMCIT
MICHAEL DEVINE
MINUTES LATER. THESE WITNESSES HAVE IDENTIFIED THE TRUCK'S OCCUPANTS EITHER ON PHOTOGRAPHS OR COMPOSITE DRAWINGS. NO WITNESSES TO THE ACTUAL KIDNAPPING AND MURDER HAVE BEEN FOUND.
8. AT ABOUT 1800 ON JUNE 8, AT LEAST TWO WITNESSES SAW THE VEHICLES PARKED TOGETHER NOSED INTO A BRUSH PILE WHERE DEVINE'S VAN WAS FOUND THE FOLLOWING MORNING. PRIOR TO HIS DEATH DEVINE WAS BEATEN, AND SHOWED A BAD BRUISE ON HIS FACE. AT 0600 ON SATURDAY, HIS BODY WAS FOUND ON THE GROUND BESIDE THE VAN. IT WAS PRACTICALLY DECAPITATED. IT APPEARS HIS THROAT WAS SLASHED BY SOMEONE STANDING BEHIND HIM WHILE HE WAS KNEELING.
THE INVESTIGATOR

CONFIDENTIAL
CONFIDENTIAL
PAGE 02 GUATEM 09953 02 OF 05 100015Z
9. MRS. DEVINE HAD NO FAITH THAT THE NATIONAL POLICE OR THE MILITARY WOULD CONDUCT A SERIOUS INVESTIGATION OF HER HUSBAND'S MURDER. WITH THE ASSISTANCE OF FAMILY FRIEND [redacted] SHE HIRED CARL WEST TO CONDUCT A PRIVATE INVESTIGATION. WEST IS A U.S. B6

CITIZEN WHO HAS BEEN IN GUATEMALA IN 1977. MARRIED TO A GUATEMALAN CITIZEN, WEST SPECIALIZES IN PROVIDING SECURITY ADVICE AND SAYS HE HAS BEEN BEEN A TECHNICAL ADVISOR TO THE NATIONAL POLICE. [redacted] B6
HAD USED HIM SUCCESSFULLY IN THE PAST ON TWO KIDNAPPING CASES. WEST IS A TENACIOUS INVESTIGATOR. HE HAS WORKED VERY CLOSELY WITH THE EMBASSY IN THIS INVESTIGATION, PROVIDING US WITH COPIES OF ALL HIS REPORTS AND SHARING INFORMATION HE HAS GATHERED. TO DATE WEST HAS MADE FIVE TRIPS TO POPTUN AND/OR FLORES

CONFIDENTIAL

IN CONNECTION WITH HIS INVESTIGATION.

THE INVESTIGATION

10. IN ADDITION TO LOCATING WITNESSES TO THE WHITE TOYOTA PICKUP TRUCK, ITS ACTIVITIES AND WHEREABOUTS, WEST HAS COME UP WITH THE FOLLOWING INFORMATION:

A) THE WHITE TOYOTA PICKUP IS WELL KNOWN IN THE POPTUN AREA. RESIDENTS TOLD WEST THAT IT WAS SEEN FREQUENTLY ENTERING THE POPTUN MILITARY COMPOUND, OFTEN IN COMPANY WITH ARMY GASOLINE CONVOYS. WITHIN THE PAST MONTH, IT HAS BEEN MOVED TO THE ARMY BASE IN FLORES, PETEN, AND HAS NOW BEEN PAINTED RED WITH A BLACK STRIPE DOWN THE SIDE. IT HAS BEEN SEEN BY VARIOUS WITNESSES DRIVING IN THE AREA OF FLORES AND SAN LUIS, AND MOST RECENTLY WAS SEEN LEAVING THE ARMY BASE ON

FRIDAY, AUGUST 5, RETURNING ON SUNDAY, AUGUST 7.

B) IN FLORES, WEST HIMSELF SAW TWO OF THE MEN ALLEGEDLY INVOLVED IN DEVINE'S KIDNAPPING. THE MEN WERE IDENTIFIED BY WITNESSES WHO HAD SEEN THEM WAITING FOR DEVINE IN THE TOYOTA TRUCK THE AFTERNOON OF HIS KIDNAPPING. A TAX FORM (BOLETO DE ORNATO) WITH THE NAME OF ONE OF THE TWO (AGUSTIN ESQUIVEL HERNANDEZ) WAS FOUND BESIDE THE SPOT WHERE THE PICKUP TRUCK HAD BEEN PARKED ON JUNE 8. SOME FOOD RATIONS ALLEGEDLY OF THE TYPE USED BY THE GUATEMALAN ARMY, ALSO WERE FOUND WITH TAX FORM. THE TWO MEN WEST SAW REPORTEDLY HAVE SOME UNSPECIFIED RELATIONSHIP WITH S-2.

C) FABIAN AREVALO DE LA CRUZ CURRENTLY IS ASSIGNED TO THE ARMY BASE IN FLORES. WEST ALLEGES THAT AREVALO DROVE THE FOUR MEN WHO WERE LATER SEEN IN THE WHITE PICKUP ON JUNE 8 FROM THE BASE IN FLORES TO POPTUN, WHERE THEY KIDNAPPED AND MURDERED DEVINE. AREVALO WAS A PERSONAL FRIEND OF DEVINE'S. IT IS UNCLEAR WHETHER HE WAS INVOLVED IN THE ACTUAL MURDER, OR THAT HE WAS EVEN AWARE THAT DEVINE WAS TO BECOME THE VICTIM OF A CRIME. IT IS NOT YET KNOWN WHETHER HE WILL BE WILLING TO TESTIFY.

D) THERE IS A WITNESS TO THE FACT THE TOYOTA TRUCK, FORMERLY WHITE, WAS PAINTED RED ON THE FLORES MILITARY BASE.

E) WEST HAS DISCOVERED THE NAMES OF NINE PEOPLE WHO ALLEGEDLY HAD SOME INVOLVEMENT IN THE MURDER.

DEVOE RUSSELL E 08/14/90 084919 PRINTER: FX
90 GUATEMALA 9953
CONFIDENTIAL
CONFIDENTIAL
PAGE 01 GUATEM 09953 03 OF 05 100016Z
ACTION ARA-01
INFO LOG-00 ADS-00 INR-05 SS-01 CIAE-00 NSAE-00 HA-09
L-03 PM-01 INRE-00 OCS-06 CA-02 JUSE-00 SP-01
DS-01 P-02 /032 W
207477 100123Z /72
P 100014Z AUG 90
FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC PRIORITY 2988
INFO AMEMBASSY BELIZE
AMEMBASSY MEXICO
C O N F I D E N T I A L SECTION 03 OF 05 GUATEMALA 09953
MEXICO FOR LEGATT
E.O. 12356: DECL:OADR
TAGS: PREL, CASC, GT
SUBJ: UPDATE ON INVESTIGATION INTO MURDER OF AMCIT
MICHAEL DEVINE
HE REPORTS THAT FOUR OF THEM MAY HAVE SOME
AFFILIATION WITH S-2.
THE MOTIVE

11. THERE IS NO CLEAR MOTIVE FOR THE MURDER.
SPECULATIONS INCLUDE:
(A) ROBBERY

THIS IS THE CONCLUSION OF THE INITIAL POLICE
INVESTIGATION. APPARENTLY, HOWEVER, THE ONLY ITEMS
STOLEN FROM DEVINE WERE HIS POCKET KNIFE AND WATCH.
HIS VAN AND ALL ITS CONTENTS WERE LEFT UNTOUCHED AND
VERY VISIBLE.
CONFIDENTIAL
CONFIDENTIAL
PAGE 02 GUATEM 09953 03 OF 05 100016Z
(B) DRUGS

UNCLEAR AS TO WHETHER THE SUSPICIONS ARE THAT DEVINE
WAS DEALING IN DRUGS OR WAS OPPOSED TO THEM AND GOT
IN THE WAY OF SOME NARCOS.
(C) CHILD STEALING

WEST LEARNED THAT A YOUNG GIRL REPORTLY REMARKED TO
HER EMPLOYER SOME EIGHT HOURS BEFORE DEVINE'S
ABDUCTION THAT DEVINE WAS GOING TO BE KILLED BECAUSE
HE HAD KIDNAPPED A CHILD AND SOLD IT FOR ONE MILLION
DOLLARS. HOWEVER, THERE IS NO RECENT REPORT OF ANY
CHILD MISSING IN THAT AREA.
(D) LAND CLAIM

TO DRIVE HIM OFF HIS LAND, WHICH MAY HAVE BEEN
COVETED BY OTHERS.
CONFIDENTIAL / PAGE 5

CONFIDENTIAL

THE IMPORTANT POINT, HOWEVER, IS THAT THESE ARE NOTHING MORE THAN CONJECTURES. NO EVIDENCE HAS COME TO LIGHT THAT WOULD SUBSTANTIATE ANY OF THEM.

EMBASSY ACTIONS

12. EVEN PRIOR TO JUNE 15, THE DATE OF EMBOFFS FIRST MEETING WITH PRIVATE INVESTIGATOR WEST, THE AMBASSADOR AND EMBOFFS HAD CONTACTED SENIOR GOG OFFICIALS TO PRESS FOR THE FULLEST POSSIBLE INVESTIGATION OF THIS CASE. IN EACH CONTACT, EMBOFFS HAVE PROVIDED LEADS AND INFORMATION DRAWN FROM WEST'S INVESTIGATION.

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-- ON OR ABOUT JUNE 13 THE AMBASSADOR ASKED MOD BOLANOS FOR HIS ASSISTANCE IN INVESTIGATING THE MURDER. BOLANOS SAID HE WOULD ASK COL. CESAR CABRERA, HEAD OF MILITARY INTELLIGENCE (G-2), TO INVESTIGATE AND REPORT.

-- ON JUNE 19, THE DCM AND ANOTHER EMBOFF MET WITH COL. CABRERA TO INQUIRE AFTER HIS PROGRESS. CABRERA SAID THAT HE HAD SUBMITTED HIS REPORT TO GEN. MARROQUIN, THE CHIEF OF STAFF.

-- ON JUNE 23, THE AMBASSADOR SPOKE WITH GEN. MARROQUIN ON THE PHONE AND ASKED ABOUT THE CABRERA REPORT. MARROQUIN SAID HE HAD NO INFORMATION YET.

-- ON JULY 3, THE AMBASSADOR RAISED THE CASE IN A PERSONAL INTERVIEW WITH MOD BOLANOS. BOLANOS SAID HE HAD INSTRUCTED COL. CABRERA TO INVESTIGATE AND REPORT BACK.

-- ON JULY 5, THE AMBASSADOR SENT A LETTER TO MOD INCLUDING ALL INFORMATION KNOWN ABOUT THE PICKUP TRUCK ALLEGEDLY INVOLVED.

-- ON JULY 11, DAO OFFICER MET WITH ARMY COS MARROQUIN. MARROQUIN REPORTED HE HAD AN INTERIM INVESTIGATIVE REPORT TO SEND TO THE MOD FOR ACTION. THE MOD HAD INFORMED MARROQUIN THAT THE MOD HIMSELF WOULD BE THE EMBASSY'S POINT OF CONTACT ON THIS SUBJECT.

-- ON JULY 15 DAO OFFICERS MET WITH ARMY COS. MARROQUIN REITERATED HIS INSTRUCTIONS TO DEAL WITH EMBASSY ON THE DEVINE INVESTIGATION ONLY THROUGH THE

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DEVOE RUSSELL D 08/14/90 084920 PRINTER: FX
90 GUATEMALA 9953
CONFIDENTIAL
CONFIDENTIAL
PAGE 01 GUATEM 09953 04 OF 05 100017Z
ACTION ARA-01
INFO LOG-00 ADS-00 INR-05 SS-01 CIAE-00 NSAE-00 HA-09
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FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC PRIORITY 2989
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C O N F I D E N T I A L SECTION 04 OF 05 GUATEMALA 09953
MEXICO FOR LEGATT
E.O. 12356: DECL:OADR
TAGS: PREL, CASC, GT
SUBJ: UPDATE ON INVESTIGATION INTO MURDER OF AMCIT
MICHAEL DEVINE
MOD. MARROQUIN REPORTED HE HAD FORWARDED THE INTERIM REPORT TO THE MOD. MARROQUIN ASKED EMBASSY ASSISTANCE IN GETTING MRS. DEVINE TO MEET WITH ARMY INVESTIGATORS. HE ASSURED EMBOFFS THAT IF ANYONE HAD CREDIBLE EVIDENCE OF SOMEONE'S GUILT AND THE ARMY HAD LEGAL AUTHORITY OVER THEM, THEY WOULD BE IMMEDIATELY INCARCERATED UNTIL A LEGAL TRIAL COULD BE HELD. DATT TOLD MARROQUIN THAT EMBASSY WOULD NOT CONSIDER CREDIBLE ANY REPORT THAT DID NOT ADEQUATELY ADDRESS THE PICKUP.
-- ON JULY 16 MOD SENT AMBASSADOR INTERIM REPORT DATED JULY 13. REPORT STATES THAT THE TOYOTA PICKUP TRUCK IS NOT IN THE INVENTORY NOR IS A TRUCK WITH THOSE OR SIMILAR CHARACTERISTICS PRESENT ON THE ARMY BASE IN POPTUN. IT RECOUNTS SOME EVENTS PRIOR TO THE
CONFIDENTIAL
CONFIDENTIAL
PAGE 02 GUATEM 09953 04 OF 05 100017Z
MURDER, PROVIDES CONFLICTING REPORTS OF DEVINE'S PERSONALITY TRAITS, SPECULATES ON POSSIBLE MOTIVES AND REPORTS THE POLICE CONCLUSION THAT THE MOTIVE WAS ROBBERY.
-- ON JULY 16, THE CHARGE MET WITH MOD AND TOLD HIM

THAT THE ARMY'S INABILITY TO LOCATE AN EASILY RECOGNIZABLE VEHICLE WHICH APPARENTLY WAS WIDELY KNOWN TO POPTUN RESIDENTS WAS DISTURBING. THE CHARGE ASKED THAT ADDITIONAL EFFORTS TO LOCATE THE VEHICLE BE MADE.
-- ON JULY 18, TWO DAO OFFICERS FLEW TO POPTUN. THEY DISCUSSED THE INVESTIGATION WITH BASE COMMANDER, VISITED DEVINE FARM AND TALKED WITH FARM MANAGER BURGOS AND OTHERS.
-- ON JULY 19 EMBOFFS MET WITH COL. CABRERA, HEAD OF
CONFIDENTIAL / PAGE 2

DEVOE RUSSELL D 08/14/90 084920 PRINTER: FX
90 GUATEMALA 9953

CONFIDENTIAL

G-2, TOGETHER WITH MRS. DEVINE, [redacted] AND B6
DEVINE ATTORNEY ENRIQUE GONZALEZ. CABRERA SAID THEIR INVESTIGATION WAS ACTIVE, AND THEY HAD SOME LEADS. WHEN PRESSED ABOUT THE PICKUP, HE SAID TO DATE THEY HAD BEEN UNABLE TO LOCATE THIS PARTICULAR PICKUP BASED ON THE INFORMATION PROVIDED. HE ASKED CAROLE DEVINE NO QUESTIONS. SHE VOLUNTEERED THE NAME OF RICARDO GUZMAN, ONE OF THE PEOPLE WITNESSES CLAIM WAS WAITING IN THE PICKUP. SHE ALSO SAID THE PICKUP HAD BEEN SEEN ENTERING THE POPTUN BASE AT 6 A.M. ON JUNE 9.
-- ON JULY 25 EMBOFF MET WITH COS, MENTIONED TO HIM THAT PICKUP TRUCK WAS NOW REPORTEDLY PAINTED RED. HE RESPONDED HE HAD PERSONALLY SEARCHED THE POPTUN BASE AND THERE WAS NO SUCH VEHICLE THERE. HE ADDED THERE

CONFIDENTIAL
CONFIDENTIAL
PAGE 03 GUATEM 09953 04 OF 05 100017Z

WERE MANY SIMILAR VEHICLES IN THE AREA AND THAT THE INVESTIGATION CONTINUES.
-- ON JULY 26 EMBOFF MET WITH MOD AND RAISED THE ISSUE. MOD RESPONDED IT WAS UNDER INVESTIGATION.
-- ON JULY 26 EMBOFFS ACCOMPANIED BY ATTORNEY GONZALEZ MET WITH LT. COL FIGUEROA OF G-2. MEETING HAD BEEN SCHEDULED WITH CABRERA AND RECONFIRMED THAT MORNING. FIGUEROA REPORTED CABRERA WAS IN THE QUICHE (A CONFLICTIVE AREA) AND FIGUEROA HAD BEEN INSTRUCTED ON ONE HOUR'S NOTICE TO MEET WITH EMBOFFS. HE REPORTED THE ARMY HAD ORDERED TROOPS TO PATROL CLOSER TO POPTUN IN THE HOPES OF FINDING SOME DELINQUENTS WHO MAY HAVE MURDERED DEVINE. HE SAID THERE ARE MANY TOYOTA PICKUP TRUCKS IN THE PETEN AND THEY HAD BEEN UNABLE TO FIND ANY TRACE OF THIS PICKUP. GONZALEZ GAVE NAME OF AGUSTIN ESQUIVEL HERNANDEZ (SEE PARA 10B ABOVE), AND SAID WITNESSES HAD SEEN THE PICKUP AROUND THE MILITARY BASE IN FLORES, NOW PAINTED RED.
-- ON AUGUST 2 DATT MET WITH COL. CABRERA, WHO AGAIN HAD NOTHING TO REPORT.
-- ON AUGUST 3 DATT AND EMBOFF MET WITH ARMY COS. THEY RESTATED IMPORTANCE THE AMBASSADOR ATTACHES TO A CREDIBLE INVESTIGATION AND EMBASSY'S DISSATISFACTION WITH ARMY'S EFFORTS TO DATE. HE SAID HE COULD RESPOND ONLY ACCORDING TO THE INFORMATION HE HAD AVAILABLE, BUT POINTED OUT THERE WAS AN ARREST WARRANT OUT FOR ONE INDIVIDUAL (THE PERSON WITH WHOM DEVINE HAD AN ALTERCATION SIX YEARS AGO).
-- ON AUGUST 7 AMBASSADOR SENT LETTER TO MOD INCLUDING NAMES OF RICARDO GUZMAN, AGUSTIN ESQUIVEL
CONFIDENTIAL
CONFIDENTIAL
PAGE 04 GUATEM 09953 04 OF 05 100017Z
CONFIDENTIAL

DEVOE RUSSELL E
90 GUATEMALA 9953

08/14/90 084920 PRINTER: FI

CONFIDENTIAL

DEVOE RUSSELL E 08/14/90 084920 PRINTER: FX
90 GUATEMALA 9953
CONFIDENTIAL
CONFIDENTIAL
PAGE 01 GUATEM 09953 05 OF 05 100018Z
ACTION ARA-01
INFO LOG-00 ADS-00 INR-05 SS-01 CIAE-00 NSAE-00 EA-09
L-03 PM-01 INRE-00 OCS-06 CA-02 JUSE-00 SP-01
DS-01 P-02 /032 W
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TO SECSTATE WASHDC PRIORITY 2990
INFO AMEMBASSY BELIZE
AMEMBASSY MEXICO
C O N F I D E N T I A L SECTION 05 OF 05 GUATEMALA 09953
MEXICO FOR LEGATT
E.O. 12356: DECL:OADR
TAGS: PREL, CASC, GT
SUBJ: UPDATE ON INVESTIGATION INTO MURDER OF AMCIT
MICHAEL DEVINE
HERNANDEZ AND ADDING NAME OF A THIRD PERSON, ALFREDO
RAMIREZ, REPORTEDLY FORMERLY S-2 IN POPTUN, WHO MAY
KNOW SOMETHING OF THE CRIME.
-- ON AUGUST 9 AMBASSADOR SENT LETTER TO MOD
INCLUDING NAMES OF SIX MORE PEOPLE ALLEGEDLY INVOLVED
OR WITH KNOWLEDGE OF THE CRIME: RAFAEL TIUL CUCUL
(NICKNAMED "RASCUINAS"), PABLO LAJUB EXMALE, CARLOS
ZELADA MONROY (NICKNAMED "LORO"), ANDRES MORENTE
TIPOL, BENJAMIN PONTI PERUX, AND CAPTAIN PAIZ (NO
FIRST NAME AVAILABLE). ALL SIX ARE REPORTED TO BE
EITHER ACTIVE MEMBERS OF THE GUATEMALAN ARMY OR
SPECIALISTS AFFILIATED WITH THE S-2. ALL ARE
CURRENTLY IN EITHER POPTUN OR SANTA ELENA. THE
LETTER REQUESTS COORDINATION WITH EMBASSY ON
ARRANGEMENTS FOR WITNESSES TO BE ABLE TO PERSONALLY
CONFIDENTIAL
CONFIDENTIAL
PAGE 02 GUATEM 09953 05 OF 05 100018Z
VIEW THEM WITHOUT BEING SEEN BY THEM.
ADDITIONAL DEVELOPMENTS
---------- --
13. ON JULY 31 CAROLE DEVINE PROVIDED TO THE COURT
OF FIRST INSTANCE IN FLORES OTHER INFORMATION

RESULTING FROM WEST'S INVESTIGATIONS AND THE NAMES OF
THE TWO MEN (RICARDO GUZMAN AND AGUSTIN ESQUIVEL
HERNANDEZ) REPORTEDLY AFFILIATED WITH S-2 WHO WERE
SEEN IN THE WHITE (NOW RED) TOYOTA PICKUP TRUCK
WAITING FOR DEVINE THE AFTERNOON OF HIS KIDNAPPING.
THESE DECLARATIONS BECOME PART OF THE CIVIL
PROCEEDINGS, WHICH ARE STILL IN THE CONTROLLED (I.F.
SECRET) INVESTIGATIVE STAGE.
14. DEVINE ATTORNEY GONZALEZ HAS PROVIDED THE GOG
HUMAN RIGHTS OFFICE ALL OF THE ABOVE INFORMATION WITH
CONFIDENTIAL / PAGE 10

DEVOE RUSSELL D 08/14/90 084920 PRINTER: FX
90 GUATEMALA 9953

CONFIDENTIAL

EXCEPTION OF THE SIX NAMES CONTAINED IN THE AUGUST 9 LETTER. IT HAS BECOME A PART OF THAT OFFICE'S OFFICIAL REPORT, SUBMITTED TO THE FLORES COURT ON AUGUST 6. THE DEVINES HOPE THAT THE FACT THAT THESE NAMES HAVE NOW BECOME PART OF THE OFFICIAL RECORD WILL ENSURE THEY BE ARRESTED AND QUESTIONED AND, IF APPROPRIATE, BROUGHT TO TRIAL RATHER THAN BEING ELIMINATED. ON AUGUST 9 ATTORNEY GONZALEZ PLANS TO PROVIDE THE MOST RECENT SIX NAMES TO BOTH THE COURT IN FLORES AND THE HUMAN RIGHTS OFFICE.

CONCLUSION

15. FROM OUR STANDPOINT, THE PROTECTION AND WELFARE

CONFIDENTIAL

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PAGE 03 GUATEM 09953 05 OF 05 100218Z

OF AMERICAN CITIZENS IS OUR PARAMOUNT RESPONSIBILITY. IT FOR THIS REASON THAT WE HAVE BEEN PUSHING SO HARD ON THE GOG (AND ESPECIALLY THE MILITARY) FOR AN EFFECTIVE AND ENERGETIC RESOLUTION OF THIS CASE. AT THE SAME TIME, THIS CASE GIVES THE GOG AN OPPORTUNITY TO SHOW THAT IT HAS THE RESOLVE TO CARRY OUT AN EFFECTIVE INVESTIGATION AND BRING THE PERPETRATORS, WHOEVER THEY MAY BE, TO JUSTICE.

16. WE ARE SERIOUSLY DISTURBED THAT THUS FAR THE MILITARY'S RESPONSES HAVE NOT INDICATED ANYTHING LIKE THE LEVEL OF ATTENTION AND/OR ENERGY WE WOULD LIKE TO SEE. MRS. DEVINE AND MR. WEST BELIEVE THAT THIS INDICATES THE MILITARY IS TRYING TO COVER UP THE INVOLVEMENT OF SOME OF ITS PERSONNEL IN DEVINE'S MURDER. THAT JUDGMENT MAY BE PREMATURE. NOW THAT WE HAVE PROVIDED ADDITIONAL NAMES AND INFORMATION TO THE MILITARY, WE WILL BE WATCHING CAREFULLY TO SEE WHAT HAPPENS. OUR HOPE IS THAT THE GUILTY PARTIES WILL BE APPREHENDED RAPIDLY AND BROUGHT TO TRIAL.

17. IF THIS DOES NOT HAPPEN, AND IF IT APPEARS THAT THE MILITARY HAS FAILED TO TAKE WHAT APPEAR TO BE RELATIVELY EASY AND LOGICAL STEPS, WE MAY HAVE TO CONCLUDE THAT THE MILITARY WISHES TO CONCEAL WHAT REALLY HAPPENED. IN THAT EVENT, IT WOULD CALL INTO SERIOUS QUESTION WHETHER WE SHOULD CONTINUE TO HAVE ANY SECURITY ASSISTANCE RELATIONSHIP WITH THE GUATEMALAN ARMED FORCES. ALSO IN THAT EVENT, WE MAY DECIDE THAT THE USG SHOULD FILE ITS OWN COMPLAINT WITH THE GUATEMALAN HUMAN RIGHTS OMBUDSMAN'S OFFICE.

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TO RUEHC / SECSTATE WASHDC PRIORITY 2986
INFO RUEHBE / AMEMBASSY BELIZE 7630
RUEHME / AMEMBASSY MEXICO 1214
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CHRGE: PROG 08/08/90
APPRV: AMB
DRFTD: CONS:SPATTERSON
CLEAR: POL:TMTONKIN
DCM:PBTAYLOR
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C O N F I D E N T I A L SECTION 01 OF 05 GUATEMALA 09953 WNG ID: 00875 PR

MEXICO FOR LEGATT

E.O. 12356: DECL:OADR
TAGS: PREL, CASC, GT
SUBJ: UPDATE ON INVESTIGATION INTO MURDER OF AMCIT MICHAEL DEVINE

CASC

REF: GUATEMALA 08304 AND PREVIOUS

1. C - ENTIRE TEXT.

2. SUMMARY: THE GUATEMALAN MILITARY MAY BE INVOLVED IN A COVER-UP OF INVOLVEMENT IN THE MURDER OF AMCIT MICHAEL DEVINE. IF THIS IS TRUE, IT CALLS INTO SERIOUS QUESTION THE CONTINUATION OF SECURITY ASSISTANCE. WE ARE CONTINUING TO PRESS GOG FOR A THOROUGH INVESTIGATION, AND HAVE PROVIDED THE GOG WITH RESULTS OF OUR EFFORTS AND THE NAMES OF PEOPLE WHO MAY BE INVOLVED IN THE MURDER. END SUMMARY.

THE SETTING

3. POPTUN IS A TOWN OF 8000 INHABITANTS LOCATED IN THE PETEN PROVINCE, AN 8-10 HOUR DRIVE FROM GUATEMALA CITY, AND ABOUT THREE HOURS OVER A VERY ROUGH ROAD FROM THE PROVINCIAL CAPITAL OF FLORES. IT HAS BEEN LIKENED TO DODGE CITY IN ITS LAWLESSNESS AND WILD WEST WAYS. ALTHOUGH THERE ARE THREE NATIONAL POLICEMEN ASSIGNED THERE, THEY HAVE NO TELEPHONE, NO VEHICLE AND NO MONEY FOR TAXIS OR OTHER EXPENDITURES. SCORES ARE SETTLED DIRECTLY, IF AT ALL. THREE OR FOUR MURDERS A WEEK ARE NOT UNCOMMON; VIRTUALLY ALL GO UNRESOLVED. AT ANY SIGN OF MILITARY INVOLVEMENT, THE NATIONAL POLICEMEN DISAPPEAR OR BECOME EVEN MORE INEFFECTIVE THAN USUAL.

THE VICTIM

4. MICHAEL DEVINE WAS ALMOST 49 YEARS OLD, BORN IN KANSAS, RAISED IN ILLINOIS. HE CAME TO GUATEMALA NEARLY 20 YEARS AGO WITH HIS AMCIT WIFE, BORN AND RAISED IN CALIFORNIA. DEVINE WAS A PHYSICAL FITNESS BUFF, IN EXCELLENT SHAPE EXCEPT FOR THE FACT THAT 3-4 WEEKS PRIOR TO HIS MURDER HE HAD A BAD FALL IN WHICH

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(DCM) CASC
MICHAEL DEVINE

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: OLSON, OSCAR
Date: 06/25/96
Case ID: 96122275

UNCLASSIFIED

HE BROKE BOTH OF HIS WRISTS. HE AND HIS WIFE CAROLE ADOPTED TWO GUATEMALAN CHILDREN WHO ARE NOW 16 AND 17 YEARS OLD, BOTH U.S. PERMANENT RESIDENTS (THEY HAVE NOT LIVED IN THE U.S. ENOUGH TIME TO BECOME CITIZENS.) BOTH HE AND HIS WIFE APPEAR TO BE HELD IN HIGH REGARD BY THE LOCAL COMMUNITY, AND DEVINE'S FUNERAL WAS THE LARGEST PUBLIC EVENT IN POPTUN IN MEMORY.

5. THE DEVINES ESTABLISHED A LARGE FARM AND WILDERNESS AREA ABOUT 3 KMS. SOUTH OF POPTUN. THEY OPERATED A HOTEL AND RESTAURANT ON THE FARM FOR MANY YEARS, OFTEN HAVING AS MANY AS 60-80 GUESTS AT NIGHT. ALTHOUGH THERE ARE REPORTS THAT GUESTS SOMETIMES USING MARIJUANA (THE HOTEL ATTRACTED A CLIENTELE OF ADVENTURERS AND BACKPACKERS), DEVINE HIMSELF APPARENTLY OPPOSED DRUG USE AND THREW OUT CUSTOMERS WHO OPENLY USED DRUGS.

6. ACCORDING TO EMPLOYEES ON HIS FARM, DEVINE WAS DEPRESSED FOR ABOUT TWO WEEKS PRIOR TO HIS DEATH. HE REFERRED VAGUELY TO THREATS AND COMMENTED THAT HE MIGHT NOT BE AROUND MUCH LONGER. DEVINE'S MOTHER DIED 40 DAYS PRIOR TO HIS DEATH, LEAVING HIM A SUBSTANTIAL ESTATE. IT IS UNCLEAR WHETHER ANYONE IN THE COMMUNITY KNEW HE HAD RECENTLY COME INTO SOME MONEY. UNTIL THE DAY BEFORE HIS MURDER, HIS WIFE WAS AWAY FROM POPTUN FOR TWO WEEKS AND WAS UNAWARE OF HIS SUBDUED MOOD OR CONCERN ABOUT THREATS.

THE MURDER

7. ACCORDING TO INFORMATION PROVIDED BY THE AMERICAN CITIZEN PRIVATE DETECTIVE HIRED BY MRS. DEVINE SUBSEQUENT TO THE MURDER, ON FRIDAY JUNE 8, AT ABOUT 3 P.M. MICHAEL DEVINE RETURNED TO HIS FARM FROM POPTUN BRINGING BEER AND OTHER SUPPLIES FOR THE HOTEL. HE WAS APPARENTLY ASSAULTED BY 4-5 MEN WHO WAITED SEVERAL HOURS FOR HIM IN A DISTINCTIVE WHITE TOYOTA PICKUP TRUCK PARKED ON THE ROAD AT THE ENTRANCE TO HIS FARM. THERE WERE SEVERAL WITNESSES WHO SAW THIS TRUCK AND ITS OCCUPANTS WAITING, SAW DEVINE ENTER THE FARM ENTRANCE ROAD DRIVING HIS VAN, AND SAW BOTH THE VAN AND THE TRUCK BACK OUT A FEW

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MINUTES LATER. THESE WITNESSES HAVE IDENTIFIED THE TRUCK'S OCCUPANTS BASED EITHER ON PHOTOGRAPHS OR COMPOSITE DRAWINGS. NO WITNESSES TO THE ACTUAL KIDNAPPING AND MURDER HAVE BEEN FOUND.

8. AT ABOUT 1800 ON JUNE 8, AT LEAST TWO WITNESSES SAW THE VEHICLES PARKED TOGETHER NOSED INTO A BRUSH PILE WHERE DEVINE'S VAN WAS FOUND THE FOLLOWING MORNING. PRIOR TO HIS DEATH DEVINE WAS BEATEN, AND SHOWED A BAD BRUISE ON HIS FACE. AT 0600 ON SATURDAY, HIS BODY WAS FOUND ON THE GROUND BESIDE THE VAN. IT WAS PRACTICALLY DECAPITATED. IT APPEARS HIS THROAT WAS SLASHED BY SOMEONE STANDING BEHIND HIM WHILE HE WAS KNEELING.

THE INVESTIGATOR

9. MRS. DEVINE HAD NO FAITH THAT THE NATIONAL POLICE OR THE MILITARY WOULD CONDUCT A SERIOUS INVESTIGATION OF HER HUSBAND'S MURDER. WITH THE ASSISTANCE OF FAMILY FRIEND DENNIS WHEELER, SHE HIRED CARL WEST TO CONDUCT A PRIVATE INVESTIGATION. WEST IS A U.S. CITIZEN WHO HAS BEEN IN GUATEMALA IN 1977. MARRIED TO A GUATEMALAN CITIZEN, WEST SPECIALIZES IN PROVIDING SECURITY ADVICE AND SAYS HE HAS BEEN BEEN A TECHNICAL ADVISOR TO THE NATIONAL POLICE. WHEELER HAD USED HIM SUCCESSFULLY IN THE PAST ON TWO KIDNAPPING CASES. WEST IS A TENACIOUS INVESTIGATOR. HE HAS WORKED VERY CLOSELY WITH THE EMBASSY IN THIS INVESTIGATION, PROVIDING US WITH COPIES OF ALL HIS REPORTS AND SHARING INFORMATION HE HAS GATHERED. TO DATE WEST HAS MADE FIVE TRIPS TO POPTUN AND/OR FLORES IN CONNECTION WITH HIS INVESTIGATION.

THE INVESTIGATION

10. IN ADDITION TO LOCATING WITNESSES TO THE WHITE TOYOTA PICKUP TRUCK, ITS ACTIVITIES AND WHEREABOUTS, WEST HAS COME UP WITH THE FOLLOWING INFORMATION:

A) THE WHITE TOYOTA PICKUP IS WELL KNOWN IN THE POPTUN AREA. RESIDENTS TOLD WEST THAT IT WAS SEEN FREQUENTLY ENTERING THE POPTUN MILITARY COMPOUND, OFTEN IN COMPANY WITH ARMY GASOLINE CONVOYS. WITHIN THE PAST MONTH, IT HAS BEEN MOVED TO THE ARMY BASE IN FLORES, PETEN, AND HAS NOW BEEN PAINTED RED WITH A BLACK STRIPE DOWN THE SIDE. IT HAS BEEN SEEN BY VARIOUS WITNESSES DRIVING IN THE AREA OF FLORES AND SAN LUIS, AND MOST RECENTLY WAS SEEN LEAVING THE ARMY BASE ON FRIDAY, AUGUST 5, RETURNING ON SUNDAY, AUGUST 7.

B) IN FLORES, WEST HIMSELF SAW TWO OF THE MEN ALLEGEDLY INVOLVED IN DEVINE'S KIDNAPPING. THE MEN WERE IDENTIFIED BY WITNESSES WHO HAD SEEN THEM WAITING FOR DEVINE IN THE TOYOTA TRUCK THE AFTERNOON OF HIS KIDNAPPING. A TAX FORM (BOLETO DE ORNATO) WITH THE NAME OF ONE OF THE TWO

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(AGUSTIN ESQUIVEL HERNANDEZ) WAS FOUND BESIDE THE SPOT WHERE THE PICKUP TRUCK HAD BEEN PARKED ON JUNE 8. SOME FOOD RATIONS ALLEGEDLY OF THE TYPE USED BY THE GUATEMALAN ARMY, ALSO WERE FOUND WITH TAX FORM. THE TWO MEN WEST SAW REPORTEDLY HAVE SOME UNSPECIFIED RELATIONSHIP WITH S-2.

C) FABIAN AREVALO DE LA CRUZ CURRENTLY IS ASSIGNED TO THE ARMY BASE IN FLORES. WEST ALLEGES THAT AREVALO DROVE THE FOUR MEN WHO WERE LATER SEEN IN THE WHITE PICKUP ON JUNE 8 FROM THE BASE IN FLORES TO POPTUN, WHERE THEY KIDNAPPED AND MURDERED DEVINE. AREVALO WAS A PERSONAL FRIEND OF DEVINE'S. IT IS UNCLEAR WHETHER HE WAS INVOLVED IN THE ACTUAL MURDER, OR THAT HE WAS EVER AWARE THAT DEVINE WAS TO BECOME THE VICTIM OF A CRIME. IT IS NOT YET KNOWN WHETHER HE WILL BE WILLING TO TESTIFY.

D) THERE IS A WITNESS TO THE FACT THE TOYOTA TRUCK, FORMERLY WHITE, WAS PAINTED RED ON THE FLORES MILITARY BASE.

E) WEST HAS DISCOVERED THE NAMES OF NINE PEOPLE WHO ALLEGEDLY HAD SOME INVOLVEMENT IN THE MURDER.

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2/5 C O N F I D E N T I A L GUATEMALA 009953/02

UNCLASSIFIED

HE REPORTS THAT FOUR OF THEM MAY HAVE SOME AFFILIATION WITH S-2.

THE MOTIVE

11. THERE IS NO CLEAR MOTIVE FOR THE MURDER. SPECULATIONS INCLUDE:

(A) ROBBERY

THIS IS THE CONCLUSION OF THE INITIAL POLICE INVESTIGATION. APPARENTLY, HOWEVER, THE ONLY ITEMS STOLEN FROM DEVINE WERE HIS POCKET KNIFE AND WATCH. HIS VAN AND ALL ITS CONTENTS WERE LEFT UNTOUCHED AND VERY VISIBLE.

(B) DRUGS

UNCLEAR AS TO WHETHER THE SUSPICIONS ARE THAT DEVINE WAS DEALING IN DRUGS OR WAS OPPOSED TO THEM AND GOT IN THE WAY OF SOME NARCOS.

(C) CHILD STEALING

WEST LEARNED THAT A YOUNG GIRL REPORTLY REMARKED TO HER EMPLOYER SOME EIGHT HOURS BEFORE DEVINE'S ABDUCTION THAT DEVINE WAS GOING TO BE KILLED BECAUSE HE HAD KIDNAPPED A CHILD AND SOLD IT FOR ONE MILLION DOLLARS. HOWEVER, THERE IS NO RECENT REPORT OF ANY CHILD MISSING IN THAT AREA.

(D) LAND CLAIM

TO DRIVE HIM OFF HIS LAND, WHICH MAY HAVE BEEN COVETED BY OTHERS.

THE IMPORTANT POINT, HOWEVER, IS THAT THESE ARE NOTHING MORE THAN CONJECTURES. NO EVIDENCE HAS COME TO LIGHT THAT WOULD SUBSTANTIATE ANY OF THEM.

EMBASSY ACTIONS

12. EVEN PRIOR TO JUNE 15, THE DATE OF EMBOFFS FIRST MEETING WITH PRIVATE INVESTIGATOR WEST, THE AMBASSADOR AND EMBOFFS HAD CONTACTED SENIOR GOG OFFICIALS TO PRESS FOR THE FULLEST POSSIBLE INVESTIGATION OF THIS CASE. IN EACH CONTACT, EMBOFFS HAVE PROVIDED LEADS AND INFORMATION DRAWN FROM WEST'S INVESTIGATION.

-- ON OR ABOUT JUNE 13, THE AMBASSADOR ASKED MOD BOLANOS FOR HIS ASSISTANCE IN INVESTIGATING THE MURDER. BOLANOS SAID HE WOULD ASK COL. CESAR CABRERA, HEAD OF MILITARY INTELLIGENCE (G-2), TO INVESTIGATE AND REPORT.

-- ON JUNE 19, THE DCM AND ANOTHER EMBOFF MET WITH COL. CABRERA TO INQUIRE AFTER HIS PROGRESS. CABRERA

SAID THAT HE HAD SUBMITTED HIS REPORT TO GEN. MARROQUIN, THE CHIEF OF STAFF.

— ON JUNE 23, THE AMBASSADOR SPOKE WITH GEN. MARROQUIN ON THE PHONE AND ASKED ABOUT THE CABRERA REPORT. MARROQUIN SAID HE HAD NO INFORMATION YET.

— ON JULY 3, THE AMBASSADOR RAISED THE CASE IN A PERSONAL INTERVIEW WITH MOD BOLANOS. BOLANOS SAID HE HAD INSTRUCTED COL. CABRERA TO INVESTIGATE AND REPORT BACK.

— ON JULY 5, THE AMBASSADOR SENT A LETTER TO MOD INCLUDING ALL INFORMATION KNOWN ABOUT THE PICKUP TRUCK ALLEGEDLY INVOLVED.

— ON JULY 11, DAO OFFICER MET WITH ARMY COS MARROQUIN. MARROQUIN REPORTED HE HAD AN INTERIM INVESTIGATIVE REPORT TO SEND TO THE MOD FOR ACTION. THE MOD HAD INFORMED MARROQUIN THAT THE MOD HIMSELF WOULD BE THE EMBASSY'S POINT OF CONTACT ON THIS SUBJECT.

— ON JULY 15 DAO OFFICERS MET WITH ARMY COS. MARROQUIN REITERATED HIS INSTRUCTIONS TO DEAL WITH EMBASSY ON THE DEVINE INVESTIGATION ONLY THROUGH THE BT
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3/5 C O N F I D E N T I A L GUATEMALA 009953/03

MOD. MARROQUIN REPORTED HE HAD FORWARDED THE INTERIM REPORT TO THE MOD. MARROQUIN ASKED EMBASSY ASSISTANCE IN GETTING MRS. DEVINE TO MEET WITH ARMY INVESTIGATORS. HE ASSURED EMBOFFS THAT IF ANYONE HAD CREDIBLE EVIDENCE OF SOMEONE'S GUILT AND THE ARMY HAD LEGAL AUTHORITY OVER THEM, THEY WOULD BE IMMEDIATELY INCARCERATED UNTIL A LEGAL TRIAL COULD BE HELD. DATT TOLD MARROQUIN THAT EMBASSY WOULD NOT CONSIDER CREDIBLE ANY REPORT THAT DID NOT ADEQUATELY ADDRESS THE PICKUP.

-- ON JULY 16 MOD SENT AMBASSADOR INTERIM REPORT DATED JULY 13. REPORT STATES THAT THE TOYOTA PICKUP TRUCK IS NOT IN THE INVENTORY NOR IS A TRUCK WITH THOSE OR SIMILAR CHARACTERISTICS PRESENT ON THE ARMY BASE IN POPTUN. IT RECOUNTS SOME EVENTS PRIOR TO THE MURDER, PROVIDES CONFLICTING REPORTS OF DEVINE'S PERSONALITY TRAITS, SPECULATES ON POSSIBLE MOTIVES AND REPORTS THE POLICE CONCLUSION THAT THE MOTIVE WAS ROBBERY.

-- ON JULY 16, THE CHARGE MET WITH MOD AND TOLD HIM THAT THE ARMY'S INABILITY TO LOCATE AN EASILY RECOGNIZABLE VEHICLE WHICH APPARENTLY WAS WIDELY KNOWN TO POPTUN RESIDENTS WAS DISTURBING. THE CHARGE ASKED THAT ADDITIONAL EFFORTS TO LOCATE THE VEHICLE BE MADE.

-- ON JULY 18, TWO DAO OFFICERS FLEW TO POPTUN. THEY DISCUSSED THE INVESTIGATION WITH BASE COMMANDER, VISITED DEVINE FARM AND TALKED WITH FARM MANAGER BURGOS AND OTHERS.

-- ON JULY 19 EMBOFFS MET WITH COL. CABRERA, HEAD OF G-2, TOGETHER WITH MRS. DEVINE, DENNIS WHEELER AND DEVINE ATTORNEY ENRIQUE GONZALEZ. CABRERA SAID THEIR INVESTIGATION WAS ACTIVE, AND THEY HAD SOME LEADS. WHEN PRESSED ABOUT THE PICKUP, HE SAID TO DATE THEY HAD BEEN UNABLE TO LOCATE THIS PARTICULAR PICKUP BASED ON THE INFORMATION PROVIDED. HE ASKED CAROLE DEVINE NO QUESTIONS. SHE VOLUNTEERED THE NAME OF RICARDO GUZMAN, ONE OF THE PEOPLE WITNESSES CLAIM WAS WAITING IN THE PICKUP. SHE ALSO SAID THE PICKUP HAD BEEN SEEN ENTERING THE POPTUN BASE AT 6 A.M. ON JUNE 9.

-- ON JULY 25 EMBOFF MET WITH COS, MENTIONED TO HIM THAT PICKUP TRUCK WAS NOW REPORTEDLY PAINTED RED. HE RESPONDED HE HAD PERSONALLY SEARCHED THE POPTUN BASE AND THERE WAS NO SUCH VEHICLE THERE. HE ADDED THERE WERE MANY SIMILAR VEHICLES IN THE AREA AND THAT THE INVESTIGATION CONTINUES.

-- ON JULY 26 EMBOFF MET WITH MOD AND RAISED THE ISSUE. MOD RESPONDED IT WAS UNDER INVESTIGATION.

-- ON JULY 26 EMBOFFS ACCOMPANIED BY ATTORNEY GONZALEZ MET WITH LT. COL FIGUEROA OF G-2. MEETING HAD BEEN SCHEDULED WITH CABRERA AND RECONFIRMED THAT

MORNING. FIGUEROA REPORTED CABRERA WAS IN THE QUICHE (A CONFLICTIVE AREA) AND FIGUEROA HAD BEEN INSTRUCTED ON ONE HOUR'S NOTICE TO MEET WITH EMBOFFS. HE REPORTED THE ARMY HAD ORDERED TROOPS TO PATROL CLOSER TO POPTUN IN THE HOPES OF FINDING SOME DELINQUENTS WHO MAY HAVE MURDERED DEVINE. HE SAID THERE ARE MANY TOYOTA PICKUP TRUCKS IN THE PETEN AND THEY HAD BEEN UNABLE TO FIND ANY TRACE OF THIS PICKUP. GONZALEZ GAVE NAME OF AGUSTIN ESQUIVEL HERNANDEZ (SEE PARA 1(B ABOVE), AND SAID WITNESSES HAD SEEN THE PICKUP AROUND THE MILITARY BASE IN FLORES, NOW PAINTED RED.

-- ON AUGUST 2 DATT MET WITH COL. CABRERA, WHO AGAIN HAD NOTHING TO REPORT.

-- ON AUGUST 3 DATT AND EMBOFF MET WITH ARMY COS. THEY RESTATED IMPORTANCE THE AMBASSADOR ATTACHES TO A CREDIBLE INVESTIGATION AND EMBASSY'S DISSATISFACTION WITH ARMY'S EFFORTS TO DATE. HE SAID HE COULD RESPOND ONLY ACCORDING TO THE INFORMATION HE HAD AVAILABLE, BUT POINTED OUT THERE WAS AN ARREST WARRANT OUT FOR ONE INDIVIDUAL (THE PERSON WITH WHOM DEVINE HAD AN ALTERCATION SIX YEARS AGO).

-- ON AUGUST 7 AMBASSADOR SENT LETTER TO MOD INCLUDING NAMES OF RICARDO GUZMAN, AGUSTIN ESQUIVEL
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4/5 C O N F I D E N T I A L GUATEMALA 009953/04

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HERNANDEZ AND ADDING NAME OF A THIRD PERSON, ALFREDO RAMIREZ, REPORTEDLY FORMERLY S-2 IN POPTUN, WHO MAY KNOW SOMETHING OF THE CRIME.

— ON AUGUST 9 AMBASSADOR SENT LETTER TO MOD INCLUDING NAMES OF SIX MORE PEOPLE ALLEGEDLY INVOLVED OR WITH KNOWLEDGE OF THE CRIME: RAFAEL TIUL CUCUL (NICKNAMED "RASQUINAS"), PABLO LAJUB EKMALE, CARLOS ZELADA MONROY (NICKNAMED "LORO"), ANDRES MORENTE TIPOL, BENJAMIN PUNTI PERUX, AND CAPTAIN PAIZ (NO FIRST NAME AVAILABLE). ALL SIX ARE REPORTED TO BE EITHER ACTIVE MEMBERS OF THE GUATEMALAN ARMY OR SPECIALISTS AFFILIATED WITH THE S-2. ALL ARE CURRENTLY IN EITHER POPTUN OR SANTA ELENA. THE LETTER REQUESTS COORDINATION WITH EMBOFFS ON ARRANGEMENTS FOR WITNESSES TO BE ABLE TO PERSONALLY VIEW THEM WITHOUT BEING SEEN BY THEM.

ADDITIONAL DEVELOPMENTS

13. ON JULY 31 CAROLE DEVINE PROVIDED TO THE COURT OF FIRST INSTANCE IN FLORES OTHER INFORMATION RESULTING FROM WEST'S INVESTIGATIONS AND THE NAMES OF THE TWO MEN (RICARDO GUZMAN AND AGUSTIN ESQUIVEL HERNANDEZ) REPORTEDLY AFFILIATED WITH S-2 WHO WERE SEEN IN THE WHITE (NOW RED) TOYOTA PICKUP TRUCK WAITING FOR DEVINE THE AFTERNOON OF HIS KIDNAPPING. THESE DECLARATIONS BECOME PART OF THE CIVIL PROCEEDINGS, WHICH ARE STILL IN THE CONTROLLED (I.E. SECRET) INVESTIGATIVE STAGE.

14. DEVINE ATTORNEY GONZALEZ HAS PROVIDED THE GOG HUMAN RIGHTS OFFICE ALL OF THE ABOVE INFORMATION WITH EXCEPTION OF THE SIX NAMES CONTAINED IN THE AUGUST 9 LETTER. IT HAS BECOME A PART OF THAT OFFICE'S OFFICIAL REPORT, SUBMITTED TO THE FLORES COURT ON AUGUST 8. THE DEVINES HOPE THAT THE FACT THAT THESE NAMES HAVE NOW BECOME PART OF THE OFFICIAL RECORD WILL ENSURE THEY BE ARRESTED AND QUESTIONED AND, IF APPROPRIATE, BROUGHT TO TRIAL RATHER THAN BEING ELIMINATED. ON AUGUST 9 ATTORNEY GONZALEZ PLANS TO PROVIDE THE MOST RECENT SIX NAMES TO BOTH THE COURT IN FLORES AND THE HUMAN RIGHTS OFFICE.

CONCLUSION

15. FROM OUR STANDPOINT, THE PROTECTION AND WELFARE OF AMERICAN CITIZENS IS OUR PARAMOUNT RESPONSIBILITY. IT FOR THIS REASON THAT WE HAVE BEEN PUSHING SO HARD ON THE GOG (AND ESPECIALLY THE MILITARY) FOR AN EFFECTIVE AND ENERGETIC RESOLUTION OF THIS CASE. AT THE SAME TIME, THIS CASE GIVES THE GOG AN OPPORTUNITY TO SHOW THAT IT HAS THE RESOLVE TO CARRY OUT AN EFFECTIVE INVESTIGATION AND BRING THE PERPETRATORS, WHOEVER THEY MAY BE, TO JUSTICE.

16. WE ARE SERIOUSLY DISTURBED THAT THUS FAR THE

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MILITARY'S RESPONSES HAVE NOT INDICATED ANYTHING LIKE THE LEVEL OF ATTENTION AND/OR ENERGY WE WOULD LIKE TO SEE. MRS. DEVINE AND MR. WEST BELIEVE THAT THIS INDICATES THE MILITARY IS TRYING TO COVER UP THE INVOLVEMENT OF SOME OF ITS PERSONNEL IN DEVINE'S MURDER. THAT JUDGMENT MAY BE PREMATURE. NOW THAT WE HAVE PROVIDED ADDITIONAL NAMES AND INFORMATION TO THE MILITARY, WE WILL BE WATCHING CAREFULLY TO SEE WHAT HAPPENS. OUR HOPE IS THAT THE GUILTY PARTIES WILL BE APPREHENDED RAPIDLY AND BROUGHT TO TRIAL.

17. IF THIS DOES NOT HAPPEN, AND IF IT APPEARS THAT THE MILITARY HAS FAILED TO TAKE WHAT APPEAR TO BE RELATIVELY EASY AND LOGICAL STEPS, WE MAY HAVE TO CONCLUDE THAT THE MILITARY WISHES TO CONCEAL WHAT REALLY HAPPENED. IN THAT EVENT, IT WOULD CALL INTO SERIOUS QUESTION WHETHER WE SHOULD CONTINUE TO HAVE ANY SECURITY ASSISTANCE RELATIONSHIP WITH THE GUATEMALAN ARMED FORCES. ALSO IN THAT EVENT, WE MAY DECIDE THAT THE USG SHOULD FILE ITS OWN COMPLAINT WITH THE GUATEMALAN HUMAN RIGHTS OMBUDSMAN'S OFFICE.

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El Salvador Human Rights
Special Project (1995)

PAGE 01 OF 02 SAN SA 11037 00 OF 03 190617Z 004443 801648
ACTION: ES-02

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ARA-01 PPC-01 OAS-01 PPA-01
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ACTION ARA-00

INFO LOG-00 ADS-00 INR-05 SS-00 CIAE-00 DODE-00 H-01
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FOR ARA/CEN DEPT OF JUSTICE FOR ICITAP

E.O 12356: DECL:OADR
TAGS: PGOV, KJUS, CJAN, ES
SUBJECT: THE JESUIT CASE: AN REFLECTION

1. [redacted] ENTIRE TEXT

2. SUMMARY: A THOROUGH REVIEW OF POST'S FILES ON THE JESUIT INVESTIGATION RAISES NEW QUESTIONS ABOUT THE COMMAND OF THE ATLACATL THE NIGHT OF THE MURDERS AND THE ROLE OF DNI COL. CERNA FLORES, THE C-3 AT THE ESTADO MAYOR., WHO APPEARS TO HAVE PLAYED AN IMPORTANT ROLE ORDERING THE ATLACATL TO PERFORM THE SEARCH OF THE UCA ON 13 NOVEMBER; CERNA FLORES ALSO MAY HAVE SHARED RADIO FREQUENCIES WITH ATLACATE LIEUTENANT ESPINOZA ESTABLISHING A COMMUNICATION LINK BETWEEN THE COMMANDO UNIT AND THE ESTADO MAYOR. DNI LT. CUENCA OCAMPO MAY HAVE BEEN THE LINK PROVIDING INFORMATION TO THE SIU WHICH HELPED BREAK THE CASE. OCAMPO WAS REFERRED TO AT ONE POINT AS AN INFORMANT BY AN SIU INVESTIGATOR. OUTSTANDING QUESTIONS REMAIN ABOUT WHAT INFORMATION HE PROVIDED AND HOW HE CAME TO POSSESS THE INFORMATION. END SUMMARY

3. POST HAS INITIATED A REVIEW OF ALL DOCUMENTS PERTAINING TO THE JESUIT MURDER INVESTIGATION. CRITICAL ISSUES OF COMMAND AND CONTROL OF THE ATLACATL COMMANDO UNIT AND HOW THE CASE WAS DEVELOPED AGAINST THE NINE DEFENDANTS REMAIN UNANSWERED. A REVIEW OF STATEMENTS MADE IN THE 28 FEBRUARY MEMORANDUM PREPARED BY MEXICO NAU CONTRACTOR ART SEDILLO, WHO WORKED ON THE JESUIT INVESTIGATION DURING THE MONTH OF JANUARY, OFFER SOME STARTLING OBSERVATIONS. STATEMENTS AND OBSERVATIONS MADE BY SEDILLO WHICH DID NOT APPEAR RELEVANT AT THE TIME HAVE GAINED RENEWED IMPORTANCE. NEW AREAS OF INQUIRY ARE SUGGESTED.

4. COMMAND AND CONTROL ISSUES:

MR. SEDILLO MADE SEVERAL OBSERVATIONS WHICH ON REEXAMINATION HAVE BEEN HELPFUL TO CLARIFY THE COMMAND AND CONTROL ISSUE. THE FOLLOWING SYNOPSIS IS ILLUSTRATIVE:

- IN HIS JANUARY 11 DECLARATION COL. BENAVIDES REFERRED TO A CONVERSATION HE HAD WITH THE C-3 COL. JOAQUIN ARMANDO CERNA FLORES ON 13 NOVEMBER. THE PURPOSE OF THE CALL WAS TO INFORM BENAVIDES THAT HE HAD BEEN DESIGNATED CHIEF OF SECURITY COMMAND OF THE

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MILITARY COMPLEX. BENAVIDES REQUESTED ADDITIONAL PERSONNEL AND A RADIO TRANSMITTER MX. IN WHAT AT THE TIME APPEARED TO BE A GRATUITOUS STATEMENT BENAVIDES MENTIONED THAT MAJOR MIGUEL CASTILLO WOULD REMAIN UNDER THE CONTROL OF COL. CERNA FLORES. WE LATER LEARNED THAT CASTILLO, WHO HAD BEEN ASSIGNED AS A STUDENT IN THE COMMAND AND GENERAL STAFF COURSE WAS APPOINTED AS THE O-3 OF THE COMMAND STRUCTURE AT THE MILITARY SCHOOL ON NOVEMBER 13.

SEDILLO SPENT A LOT OF TIME REVIEWING THE DOCUMENTS ON THE INTERROGATIONS CONDUCTED WITH THE MEMBERS OF THE ATLACATL COMMANDO UNIT. INFORMATION WAS DEVELOPED PERTAINING TO THE SEARCH OF THE UCA CAMPUS ON 13 NOVEMBER WHICH SHED INTERESTING NEW LIGHT ON THE COMMAND AND CONTROL ISSUE:

- LT. ESPINOZA CLAIMS THAT HE WAS TOLD ON 13 NOVEMBER AT 1600 HRS. BY HIS BATALLION DUTY OFFICER TO REPORT TO THE MILITARY SCHOOL.

- LT. ESPINOZA AND LT. CERRITOS WITH 135 MEN ARRIVED AT THE MILITARY SCHOOL AT 1800 HRS. ESPINOZA REPORTED TO COL. BENAVIDES AND (THEN) MAJ. CAMILO HERNANDEZ. AFTER THIS MEETING ESPINOZA AND CERRITOS WENT TO THE ESTADO MAYOR AND REPORTED TO THE G-3 COL. CERNA FLORES.

- CERNA FLORES TOLD ESPINOZA TO GO TO THE UCA AND SEARCH FOR TERRORISTS. IF NO TERRORISTS ARE FOUND, SEARCH THE FACILITIES HE ORDERED. CERNA FLORES GAVE ESPINOZA RADIO FREQUENCIES AND ADVISED HIM OF THE LOCATION OF OTHER UNITS IN THE AREA.

- ESPINOZA AND CERRITOS RETURNED TO THE MILITARY SCHOOL AT 1920 HRS.

- THE COMMANDO UNIT DEPARTED THE MILITARY SCHOOL AT 1945 ENROUTE TO THE UCA.

- BEFORE ENTERING THE CAMPUS DNI LT. CUENCA OCAMPO MET WITH ESPINOZA OUTSIDE THE GATES TO THE CAMPUS.

- AFTER COMPLETING THE SEARCH OF THE UCA THE COMMANDO UNIT RETURNED TO THE MILITARY SCHOOL AND ESPINOZA AND CERRITOS REPORTED TO MAJ. CAMILO HERNANDEZ. HERNANDEZ GAVE THE LIEUTENANTS A VEHICLE SO THEY COULD REPORT TO THE ESTADO MAYOR (PRESUMABLY TO COL. CERNA FLORES).

5. COMMENT: IT WOULD APPEAR THAT THE COMMAND AND CONTROL ISSUE IS CLEAR FOR 13 NOVEMBER. THE ATLACATL, EVEN AFTER ARRIVING AT THE MILITARY SCHOOL AND REPORTING TO COL. BENAVIDES AND MAJOR HERNANDEZ, REMAINED UNDER THE CONTROL OF THE ESTADO MAYOR AND SPECIFICALLY THE C-3 COL. CERNA FLORES. WHILE NOT EXPLICIT IT ALSO APPEARS THAT WHEN CERNA FLORES GAVE RADIO FREQUENCIES TO LT. ESPINOZA IT COULD HAVE BEEN SO THE COMMANDO UNIT WOULD BE ABLE TO COMMUNICATE DIRECTLY WITH THE ESTADO MAYOR. THERE IS NO TESTIMONY THAT AN EXCHANGE OF COMMUNICATIONS TOOK PLACE BUT THE CAPABILITY APPEARS TO HAVE BEEN THERE. A DOUBT REMAINS AS TO WHETHER THIS COMMAND ARRANGEMENT REMAINED IN TACT THROUGH 16 NOVEMBER. LT. ESPINOZA AND COL. CERNA FLORES SHOULD BE ABLE TO ANSWER THE QUESTION. CERNA FLORES HAS NEVER BEEN CALLED TO TESTIFY.

6. THE ISSUE OF WHO AUTHORIZED THE SEARCH OF THE UCA ON 13 NOVEMBER BECOMES EVEN MORE COMPLICATED. ESPINOZA HAS SAID THAT HE WAS ORDERED BY CERNA FLORES TO SEARCH THE UCA. IF THE DECISION WAS MADE BY HIGHER AUTHORITIES IN THE ESTADO MAYOR OR BY THE PRESIDENT IT

Department of State E.O. 13526 EP Date 9/23/22
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MUST HAVE BEEN MADE BEFORE THE MEETING BETWEEN CERNA FLORES AND LT. ESPINOZA WHICH OCCURRED BETWEEN 1800 AND 1920 HRS. WE HAVE TO QUESTION WHY BENAVIDES OPERATIONS LOG NOTES HE SPOKE WITH COL. PONCE AT 2100 HRS REQUESTING PERMISSION FOR THE SEARCH AND WHY BOTH COL. PONCE AND PRESIDENT CRISTIANI INSIST THAT THE SEARCH WAS APPROVED BY THE PRESIDENT. ESPINOZA CLAIMS THAT COL. CERNA FLORES GAVE THE ORDER FOR THE SEARCH BASING IT ON THE BELIEF THAT GUERILLAS WERE ON THE CAMPUS. ESPINOZA BRIEFED BOTH MAJ. CAMILO HERNANDEZ AND SOMEONE AT THE ESTADO MAYOR AFTER HE CONDUCTED THE SEARCH. IT MAY BE THAT THE ATTEMPT TO ACCEPT

RESPONSIBILITY FOR THE SEARCH AT HIGHER LEVELS WAS A PLOY TO DIVERT ATTENTION AWAY FROM COL. CERNA FLORES. BOTH THE MOTIVE AND APPARENTLY THE AUTHOR OF THE ORDER ARE DIFFERENT THAN WHAT EITHER PRESIDENT CRISTIANI OR THE SALVADORAN HIGH COMMAND WOULD HAVE US BELIEVE.

7. WE ALSO HAVE TO QUESTION WHY MAJOR CASTILLO REMAINED UNDER THE COMMAND OF COL. CERNA FLORES. CASTILLO, CONTRADICTING BENAVIDES, HAS TESTIFIED THAT HE REPORTED TO BENAVIDES, NEVER MENTIONING ANY SPECIAL ARRANGEMENT WITH COL. CERNA FLORES.

8. IF THE ABOVE ACTIONS ARE ACCURATE AND FAIRLY REPRESENT THE ACTIVITY OF THE ATLACATL PERSONNEL ON 13 NOVEMBER, CLOSER QUESTIONING OF THE SALVADORAN HIGH COMMAND AND ESPECIALLY COL. CERNA FLORES IS INDISPENSIBLE. IT WOULD APPEAR THAT THE ESTADO MAYOR RETAINED GENERAL CONTROL OVER THE OPERATIONAL CAPABILITIES OF THE MILITARY ZONE ESTABLISHED AT THE MILITARY SCHOOL AND SPECIFIC CONTROL OVER THE ATLACATL AT LEAST ON 13 NOVEMBER.

9. THE SIU HAS BEEN ASKED BY JUDGE ZAMORA TO INVESTIGATE THE RADIO NET AND FREQUENCIES USED AT THE MILITARY SCHOOL. THE REPORT HAS BEEN FINISHED AND PASSED TO JUDGE ZAMORA. ALTHOUGH WE HAVE NOT SEEN THE REPORT COL. RIVAS HAS TOLD US THAT HE IS FOCUSING HIS INQUIRY INTO THE MILITARY SCHOOL NET. THIS WOULD INEXPLICABLY IGNORE APPARENTLY AVAILABLE INFORMATION THAT THE COMMANDO UNIT MAY HAVE HAD RADIO FREQUENCIES USED BY THE ESTADO MAYOR.

10. ONI AND THE MYSTERIOUS ROLE OF CUENCA OCAMPO

SEDILLO REPORTS IN HIS 28 FEBRUARY MEMORANDUM THAT HE WAS TOLD BY AN SIU INVESTIGATOR THAT CUENCA OCAMPO WAS AN INFORMANT AND THAT HE HAD PROVIDED VALUABLE INFORMATION IMPLICATING THE DEFENDANTS IN THE CASE. CUENCA OCAMPO'S ASSISTANCE WAS KEPT CONFIDENTIAL IN THE INTERESTS OF HIS PROTECTION SEDILLO WAS TOLD.

OCAMPO PERJURED HIMSELF WHEN HE CONTRADICTED HIS ORIGINAL STORY THAT IT WAS CHANCE THAT BROUGHT HIM TO THE UCA CAMPUS ON THE NIGHT OF 13 NOVEMBER. HE HAS SUBSEQUENTLY TESTIFIED THAT HE WAS ORDERED TO THE CAMPUS BY CAPT. HERRERA. HERRERA HAS RECENTLY TESTIFIED THAT COL. GUZMAN AGUILAR, DIRECTOR OF THE ONI, GAVE THE ORDER FOR AN AGENT TO ACCOMPANY THE ATLACATL TO THE UCA ON THE NIGHT OF 13 NOVEMBER.

OCAMPO MAY BE THE KEY TO BREAKING THE CASE OPEN EVEN WIDER IF HE WAS THE INFORMANT FOR THE SIUWHICH LED THEM TO IDENTIFY THE NINE DEFENDANTS. ONE HAS TO QUESTION WHAT INFORMATION HE HAD WHICH BROKE THE CASE AND HOW DID HE COME TO HAVE IT. COULD HE HAVE BEEN AT THE UCA ON 15 NOVEMBER? WAS HE PRIVY TO CONFIDENTIAL

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ONI REPORTING WHICH HE SHARED WITH THE SIU? COULD OCAMPO HAVE BEEN PLANTED TO REVEAL A MISLEADING STORY? BEFORE OCAMPO JOINED ONI HE WAS ASSIGNED TO THE ATLACATL.

IF COMMAND AND CONTROL OF THE ATLACATL REMAINED AT THE ESTADO MAYOR, BENAVIDES ROLE IN THE MURDER MAY HAVE BEEN MINOR. HE MUST HAVE KNOWN WHAT WAS HAPPENING BUT HE MAY NOT HAVE GIVEN THE ORDER TO THE LIEUTENANTS AS NOW BELIEVED. WE HAVE TO ACCEPT THE POSSIBILITY THAT COL. BENAVIDES MAY HAVE BEEN FRAMED TO DIVERT ATTENTION AWAY FROM THE SALVADORAN HIGH COMMAND.

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PAGE 01 SAN SA 11141 201845Z
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INFO LOG-00 ADS-00 INR-05 CIAE-00 DODE-00 NSCE-00 NSAE-00
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FOR ARA/CEN

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MEXICO PASS TO JOE GANNON, LEGATT

DOJ PASS TO DMAXWELL, ICITAP

E.O. 12356: NA
TAGS: PGOV, KJUS, PREL, CUAN, ES, US
SUBJECT: JESUIT CASE - FBI VISIT

REF: SAN SALVADOR 10155

1. ON MONDAY, AUGUST 13, FBI FORENSIC EXPERT [ ] WAS SWORN-IN AS AN AGENT OF THE COURT BY FOURTH PENAL COURT JUDGE RICARDO ZAMORA AND ENTRUSTED WITH AN ORDER LOG (LIBRO DE ORDENES) OF THE MILITARY ACADEMY. ZAMORA ASKED [ ] TO DETERMINE IF THE LOG WAS A FORGERY OR HAD BEEN ALTERED. HE ALSO ASKED IF CERTAIN SIGNATURES IN THE BOOK WERE FORGERIES. [ ] AGREED TO EXAMINE THE LOG AT THE FBI LABORATORY AND REPORT ON ITS AUTHENTICITY WITHIN THIRTY DAYS.

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PAGE 02 SAN SA 11141 201845Z

2. PRIOR TO HIS DEPARTURE ON MONDAY AFTERNOON [ ] COMPARED THE LOG WITH TWO SIMILAR LOGS--ONE BRAND-NEW COPY OF THE SAME MODEL FROM THE SAME MANUFACTURER AND ONE OLDER COPY, ALSO FROM THE SAME MANUFACTURER. A BRIEF EXAMINATION INDICATED THAT THE ORDER LOG HAD NOT BEEN ALTERED. THE LOG MAY BE SIGNIFICANT TO THE CASE, BECAUSE OF THE INCONSISTENCIES IT REPRESENTS IN THE TESTIMONY OF COL. BENAVIDES. BENAVIDES TESTIFIED THAT HE PERSONALLY SIGNED HIS NAME TO EACH LOG ENTRY. THIS

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[illegible] ([illegible]);
[illegible] (X), [illegible] ( );
not relevant to El Salvador ( ).

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LOG. SUBMITTED IN EVIDENCE CONTAINS NO PERSONAL SIGNATURES OF BENAVIDES, BUT RATHER A FACSIMILE FROM A RUBBER STAMP. QUESTIONED BY JUDGE ZAMORA ON THIS INCONSISTENCY, BENAVIDES DEMURRED. THE LOG CONTAINS HANDWRITTEN ENTRIES DATED DAILY FROM SEPTEMBER THROUGH JANUARY. THE ENTRY FOR NOVEMBER 16--THE DATE OF THE JESUIT MURDER--IS INEXPLICABLY DATED OCTOBER 16.

3. SWEARING-IN , JUDGE ZAMORA THREW-UP A LAST-MINUTE OBSTACLE TO THE LOG-BOOK TRANSFER BY INSISTING THAT THE REGULATIONS FOR APPOINTING AGENTS OF THE COURT REQUIRED HIM TO SWEAR-IN TWO INVESTIGATORS. FACED WITH THE POSSIBILITY OF SENDING BACK TO WASHINGTON EMPTY-HANDED, THE ASSISTANT LEGAL OFFICER (ALO) VOLUNTEERED TO BE SWORN IN AS THE SECOND AGENT OF THE COURT PROFESSING EXPERTISE IN CRIMINAL LAW.

4. IN OTHER DEVELOPMENTS, THE PRENSA GRAFICA ALSO REPORTED YESTERDAY (AUGUST 16) THAT JUDGE ZAMORA HAD INTERROGATED A LIEUTENANT FRANCISCO MONICO GALLARDO MATA, WHO WAS ALLEGEDLY IN CHARGE OF THE STOREROOM AT THE MILITARY SCHOOL AT THE TIME OF THE JESUIT MURDERS. ACCORDING TO THE PAPER, GALLARDO MATA TESTIFIED THAT, WHILE HE DID NOT REMEMBER THE DATES, [redacted]

PAGE 03 SAN SA 11141 201845Z

HE DID DISTRIBUTE ARMS TO SOLDIERS BASED AT THE MILITARY SCHOOL, EXCEPT THOSE FROM THE ATLACATL BATTALLION. HE INSISTED THAT HE DID NOT PROVIDE FOOD, ARMS, MAINTENANCE OR TRANSPORT FOR THE ATLACATL UNITS. GALLARDO ALSO TESTIFIED THAT HE KNEW BOTH LIEUTENANTS ESPINOZA GUERRA AND RENE MENDOZA. HE SAID THAT HE NEVER SAW ESPINOZA DURING THE PERIOD SURROUNDING THE MURDERS, BUT THAT MENDOZA HAD REMAINED IN THE MILITARY SCHOOL THE ENTIRE TIME. HE ALSO TESTIFIED THAT HE KNEW NOTHING OF THE MOVEMENTS OF THE UNITS THAT WERE IN THE ACADEMY ON THE 15TH AND 16TH OF NOVEMBER.

5. THE PAPER ALSO REPORTED THAT JUDGE ZAMORA HAS SENT NEW INTERROGATORIES TO COLONEL PONCE, REQUESTING THAT HE AMPLIFY HIS ANSWERS TO THE LAST SET OF QUESTIONS. COL. PONCE PREVIOUSLY ACKNOWLEDGED THAT HE AUTHORIZED A SEARCH OF THE UCA BY AN ATLACATL UNIT ON THE EVENING OF NOVEMBER 13. ESAF OFFICERS OF COLONEL RANK OR HIGHER ARE NOT REQUIRED TO SUBMIT TO PERSONAL APPEARANCES BEFORE THE COURT AND MAY OPT TO TESTIFY BY ANSWERING INTERROGATORIES SENT FROM THE JUDGE.

WALKER

UNCLASSIFIED

UNCLASSIFIED August 21, 1990

MF 82-A R

Dear Congressman Panetta,

I received the enclosed letter from the Dept. of State last week. I am also enclosing a copy of my letter to the Chilean Government giving them permission to investigate the Death of my son Frank.

I appreciate your help in this matter. I will keep you informed of any more information that I receive in the future.

Yours truly,

Frank J. Teruggi

Chile Project (#S199900030)
U.S. Department of State
Release Y Excise ____ Deny ____
Declassify: In Part ____ In Full Y
Exemption(s) ____

UNCLASSIFIED

ROUTINE [redacted] INCOMING

UNCLASSIFIED

DEPARTMENT OF STATE
ARA/NEA REARCS

RELEASED
El Salvador Human Rights
Special Project (J)

PAGE 01 SAN SA 11230 212149Z 014971 509996
ACTION: DCEN (01)

INFO: ES (02) SGC (01) MX (03) ARA (01) PPC (01) OAS (01) PPA (01)
23/1947Z A1 YC (TOTAL COPIES: 011)
ACTION ARA-00

INFO LOG-00 ADS-00 INR-05 SS-00 CIAE-00 DODE-00 H-01
NSCE-00 NSAE-00 HA-09 L-03 AMAD-01 PM-00 PA-01
INRE-00 SP-00 PRS-01 P-02 /027 W
130760 231944Z /72 38

R 211942Z AUG 90
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 0804
INFO DIRFBI WASHDC
AMEMBASSY MEXICO
DEPT OF JUSTICE WASHDC

[redacted] SAN SALVADOR 11230

File PHUM 5-1

FOR ARA/CEN

FBI FOR MARTY HALE OLIA

MEXICO PASS TO JOE GANNON, LEGATT

DOJ PASS TO DMAXWELL, ICITAP

E.O. 12356: NA
TAGS: PGOV, KJUS, PREL, CJAN, ES, US
SUBJECT: **JESUIT CASE UPDATE - HIGH COMMAND RESPONDS TO MOAKLEY**

1. THE ESAF HIGH COMMAND TODAY (8/20) REJECTED ACCUSATIONS THAT IT HAS OBSTRUCTED THE JESUIT MURDER INVESTIGATION, AND CALLED THE ACCUSATIONS "IRRESPONSIBLE SPECULATIONS." THE STATEMENT, ISSUED BY THE ESAF PRESS OFFICE, WAS IN RESPONSE TO CONGRESSMAN JOE MOAKLEY'S STATEMENT, REPORTED LAST WEEK IN THE NY TIMES, THAT THE ESAF WAS INTERFERING IN THE INVESTIGATION. ACCORDING TO THE ESAF STATEMENT, THE ESAF HAS RESPONDED TO ALL REQUESTS FROM THE JUDICIAL AUTHORITIES, WILL CONTINUE TO COOPERATE AND, IF IT IS PROVEN THAT MILITARY PARTICIPATED IN THE MURDER, THE ESAF WILL ENSURE THAT THE INDIVIDUAL IS PROSECUTED. THE STATEMENT CONCLUDED THAT CONGRESSMAN MOAKLEY DIDN'T KNOW WHAT HE WAS TALKING ABOUT, BECAUSE QUOTE IT IS PRACTICALLY IMPOSSIBLE FOR A FOREIGNER TO UNDERSTAND WHAT OCCURS WITHIN A PROFESSIONAL ORGANIZATION LIKE THE ESAF. UNQUOTE .

2. IN OTHER JESUIT DEVELOPMENTS, THE CIVILIAN SUPERVISOR OF THE MILITARY SCHOOL WEAPONS STOREROOM, LASSO IBARRA, FINALLY PRESENTED HIMSELF TO JUDGE ZAMORA ON FRIDAY (AUGUST 17) TO PROVIDE TESTIMONY. HE HAD MISSED TWO PREVIOUS APPOINTMENTS WITH THE JUDGE, REPRESENTING A PRIME EXAMPLE OF THE ESAF'S FAILURE TO COOPERATE IN THE INVESTIGATION. ACCORDING TO ZAMORA, HE PROVIDED NO INTERESTING REVELATIONS.

WALKER

Department of State IS/FPC/CDR El Salvador NP Date 1-23-13
Declassified under EO 12356 (X) in full; ( ) in part;
portions withheld: classified ( ); deliberative ( );
law enforcement ( ); privacy ( ), statutory ( );
not relevant to El Salvador ( ).

UNCLASSIFIED

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E-76

PAGE 01 MEXICO 22621 212316Z
ACTION OES-09

INFO LOG-00 ADS-00 EUR-01 NSF-01 ARA-01 L-03 AMAD-01
PA-01 NRC-02 PRS-01 /020 W
----------137704 232149Z /72 38

R 212317Z AUG 90
FM AMEMBASSY MEXICO
TO SECSTATE WASHDC 1699
INFO USMISSION USVIENNA
USDOE GERMANTOWN MD

DEPARTMENT OF STATE — E/CPS/CP/IT — Date: 4-19-95
(X) RELEASE (X) DISCLOSURE
( ) EXCISE ( ) DECLASSIFY EO Citations:
( ) DENY IN PART
9504332
TS auth:
FOIA Exemptions ( ) CLASSIFY as ( ) S or ( ) C Sec
PA Exemptions ( ) DOWNGRADE TS to ( ) S or ( )

[redacted] MEXICO 22621

DEPARTMENT FOR OES/N
PLEASE PASS TO NRC FOR HAROLD DENTON
VIENNA FOR IAEA

E. O. 12356: N/A
TAGS: KSCA, KPRP, TRGY, ENRG, IAWA, MX
SUBJECT: NUCLEAR: LAGUNA VERDE GRANTED COMMERCIAL OPERATING LICENSE

REF: MEXICO: 19887

1. (U) MEXICO'S FIRST NUCLEAR POWER PLANT, LAGUNA VERDE, WAS GRANTED ITS COMMERCIAL OPERATING LICENSE ON AUGUST 14, 1990. PRESS REPORTS OF AUGUST 15 CONFIRMED THAT THE SECRETARIAT OF ENERGY, MINES AND PARASTATAL INDUSTRY (SEMIP) HAD AUTHORIZED THE LICENSE ON AUGUST 14 BASED ON THE EVALUATION OF THE NATIONAL COMMISSION FOR NUCLEAR SAFETY AND SAFEGUARDS (CNSNS). AT THE SAME TIME SEMIP RELEASED FOR DISTRIBUTION THE BOOKLET ENTITLED "EVALUATION OF THE SECURITY OF THE LAGUNA VERDE NUCLEAR ELECTRICITY CENTER" WHICH WAS WRITTEN BY CNSNS. (COPY POUCHED TO NRC DENTON.)

2. (C) AS LUCK WOULD HAVE IT, ON AUGUST 13 THE PLANT

[redacted]

[redacted]

PAGE 02 MEXICO 22621 212316Z

EXPERIENCED A SCRAM AND AS OF LAST WEEK WAS STILL OPERATING AT 50 PERCENT POWER. THE PLANT WAS STARTED AGAIN 10 HOURS LATER, BUT WAS MAINTAINED AT 50 PERCENT

[redacted]

OF CAPACITY BECAUSE OF A REPORTED PROBLEM WITH THE AIR CONDITIONING IN THE REACTOR BUILDING. MIGUEL MEDINA, CNSNS DIRECTOR, NOTED THAT THIS WAS AN INOPPORTUNE TIME TO BE EXPERIENCING PROBLEMS WITH THE REACTOR. EMBASSY NOTE: FOLLOWING CNSNS NORMAL PRACTICE, THE SCRAM AND RELATED PROBLEMS HAVE NOT BEEN MADE PUBLIC. END NOTE.

3. (U) PUBLIC REACTION TO THE ANNOUNCEMENT OF THE COMMERCIAL LICENSE HAS VARIED FROM SEVERE CRITICISM TO CAUTIOUS OPTIMISM. AT A PRESS CONFERENCE ON THE MARGINS OF THE CLOSING SESSION OF THE EXTRAORDINARY PERIOD OF CONGRESS REPRESENTATIVES OF THREE OF THE OPPOSITION POLITICAL PARTIES (PAN, PRD AND PARM) COMPLAINED OF NOT BEING INFORMED ABOUT THE GRANTING OF THE LICENSE AND CRITICIZED THE GOVERNMENT FOR MOVING AHEAD UNANNOUNCED. MARIO ROJAS ALBA, A REPRESENTATIVE FROM THE PRD PARTY, CALLED THE ACTION "A FARSE, A TRICK AND AN ATTITUDE OF IRRESPONSIBILITY." OPPOSITION AND PRI REPRESENTATIVES PLAN TO MAKE A TRIP TO THE REACTOR AS SOON AS POSSIBLE TO REASSURE THEMSELVES THAT IT WILL OPERATE WITHOUT PROBLEMS.

4. (U) ON THE POSITIVE SIDE OF THE PUBLIC REACTION LEDGER, THE LEFTIST DAILY "UNO MAS UNO" HAS BEEN PUBLISHING SUMMARIES OF THE CNSNS EVALUATION AND HAS BEEN SURPRISINGLY NEUTRAL IN ITS REPORTING. THE RECENTLY ESTABLISHED MEXICAN ACADEMY OF ENVIRONMENTAL LAW ANNOUNCED THAT THE LAGUNA VERDE PROJECT COMPLIES WITH ALL LEGAL REQUIREMENTS FOR ITS OPERATION AND THAT THOSE WHO OPPOSE IT HAVE NO LEGAL BASIS FOR THEIR C[redacted]

[redacted]

PAGE 03 MEXICO 22621 212316Z

OBJECTIONS. (DRAFTED SCI/ATIDBALL) PASTORINO

DECLASSIFIED

PRIORITY

[redacted]

4 PREL-USSR INCOMING

P

X247

DEPARTMENT OF STATE
ARA/NEA REARCS

PAGE 01 OF 03 MOSCOW 29530 00 OF 04 231457Z 014231 489543
INFO: ARA (01) PPC (01) OAS (01) PPA (01) CU (02) MX (01) RJ (01)
LARA (01) DCEN (01) REG (01) NCO (01) NU (03) JS (01) SPA (01)
SSO (01) MX (03) ES (02) CS (02) DAND (01) VE (02) PMC (01)
BP (05) AR (01) DSC (01) ODSC (01) RSC (01) CI (01) HO (01)
CO (02)

---------- 23/1511Z A2 RO (TOTAL COPIES: 042)

ACTION H-03

INFO LOG-00 ADS-00 EUR-00 SS-00 ARA-00 SVC-00 DS-00
DSE-00 /007 W

----------116545 2315012 /45 49

P 2308562 AUG 90
FM AMEMBASSY MOSCOW
TO SECSTATE WASHDC PRIORITY 3442
INFO USIA WASHDC 0992
USINT HAVANA
AMEMBASSY MADRID
AMEMBASSY MANAGUA
AMEMBASSY MEXICO
AMEMBASSY SAN SALVADOR
AMEMBASSY SAN JOSE
AMEMBASSY CARACAS
AMEMBASSY BRASILIA
AMEMBASSY BUENOS AIRES
AMEMBASSY SANTIAGO
AMEMBASSY TEGUCIGALPA
AMEMBASSY BOGOTA

[redacted]OSCOW 29530

H PLEASE PASS SENATOR GRAHAM

E.O. 12356 DECL: OADR
TAGS: PREL, US, UR, CU, XK, OVIP (GRAHAM, SENATOR BOB)
SUBJECT: PAVLOV ON CUBA

1. [redacted] ENTIRE TEXT.

SUMMARY
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2. IN AN AUGUST 28 MEETING WITH SENATOR BOB GRAHAM (D-FLA.), MFA LATIN AMERICA CHIEF YURIY PAVLOV EXPRESSED IRRITATION WITH TV MARTI REPORTING ON HIS RECENT MEETING WITH CUBAN EXILES IN MIAMI, BUT CONFIRMED THAT SOME OF THE EXILES WILL BE VISITING MOSCOW FOR MORE TALKS WITH SOVIET OFFICIALS. HE ARGUED THAT THE U.S. COULD INFLUENCE EVENTS IN CUBA MORE EFFECTIVELY BY SEEKING TO INCREASE CONTACTS, RATHER THAN TRYING TO FURTHER ISOLATE CASTRO. HE QUESTIONED THE U.S. CALL FOR THE SOVIETS TO CUT OFF AID TO HAVANA, AND U.S. DETERMINATION TO MAINTAIN TRADE SANCTIONS UNTIL CASTRO IS GONE, ASSERTING THAT "WE CAN'T JUST LET PEOPLE GO HUNGRY." HE REITERATED THAT THE SOVIETS WOULD NOT ABRUPTLY FORCE THE CUBANS TO ADAPT TO NEW TRADE POLICIES ON JANUARY 1, BUT WOULD ATTEMPT TO GRADUALLY WEAN HAVANA AWAY FROM THE SOVIET SUBSIDIES. PAVLOV CONCEDED THAT SOME IN THE SOVIET MILITARY AND THE COMMUNIST PARTY CONTINUE TO CITE MOSCOW'S STRATEGIC INTERESTS IN CUBA, BUT MAINTAINED THAT SUCH OLD-THINKERS HAVE NO REAL VOICE IN POLICY-MAKING. HE ACKNOWLEDGED THAT AN EASING IN U.S. PRESSURE ON CUBA COULD PROLONG THE REGIME'S LIFE, BUT ARGUED THAT THIS WAS PREFERABLE TO VIOLENT UPHEAVAL. PAVLOV STRONGLY IMPLIED THAT THE SOVIETS BELIEVE CASTRO'S DAYS ARE NUMBERED, AND HOPE TO AVOID A VIOLENT ROMANIAN-STYLE DENOUEMENT, WHICH THEY SEE AS A REAL POSSIBILITY, GIVEN CASTRO'S PERSONALITY AND THE EFFECTIVENESS OF HIS SECURITY FORCES. END SUMMARY.

MOSCOW 29530 00 OF 04 231457Z 014231 489543

SUMMARY.

MEETING WITH THE MIAMI EXILES
/----------

3. IN AN AUGUST 28 MEETING WITH VISITING SENATOR BOB GRAHAM (D-FLA.), SENATE STAFFER AL CUMMING, AND POLOFF, MFA LATIN AMERICA ADMINISTRATION CHIEF YURIY PAVLOV SPOKE AT LENGTH ON CUBA. PAVLOV NOTED THAT HIS MEETING WITH LEADERS OF THE CUBAN EXILE COMMUNITY AT A RECENT MIAMI CONFERENCE HAD BEEN VERY USEFUL, BUT COMPLAINED THAT TV MARTI REPORTING OF THIS ENCOUNTER PUT THE SOVIETS IN AN AWKWARD POSITION. DURING HIS SUBSEQUENT TRIP TO HAVANA, THE CUBANS HAD SHOWN HIM VIDEOTAPES OF THE TV MARTI COVERAGE, WHICH, ACCORDING TO PAVLOV, HAD INACCURATELY STATED THAT SOVIET "POLITBURO MEMBERS" HAD COME TO MIAMI SPECIFICALLY TO MEET WITH THE CUBAN EXILES. PAVLOV ARGUED THAT SUCH REPORTS COULD DISCOURAGE THE SOVIETS FROM FURTHER CONTACTS WITH THE EXILES. HOWEVER, WHEN QUESTIONED ABOUT REPORTS THAT A GROUP OF CUBAN EXILE LEADERS ARE PLANNING TO VISIT MOSCOW IN SEPTEMBER, PAVLOV SAID THAT SINCE THESE INDIVIDUALS ARE U.S. CITIZENS, "IF AND WHEN THEY ARE INCLUDED IN A DELEGATION, WE WILL TALK TO THEM--AS U.S. CITIZENS."

4. PAVLOV POINTED OUT THAT WHILE HIS GOVERNMENT WAS TALKING TO THE CUBAN EXILES, THE U.S. WAS STILL "NOT QUITE WILLING TO TALK TO THE CUBAN GOVERNMENT." HE ADDED THAT U.S.-CUBAN "TECHNICAL" CONTACTS WERE "SO FEW AND SO RARE THAT EACH ONE BECOMES A FOCUS FOR PUBLICITY, AND PUBLICITY NEVER HELPS IN THESE MATTERS." "THIS IS ALSO TRUE FOR OUR CONTACTS WITH THE EXILES," HE ADDED. "IT'S NOT THAT WE WANT TO KEEP THEM SECRET, BUT WE JUST DON'T WANT TO GIVE THEM SO MUCH PUBLICITY."

ISOLATION OR INCREASED CONTACTS?
/----------

5. ASKED BY PAVLOV FOR HIS VIEW ON THE FUTURE OF U.S.-CUBAN RELATIONS, SENATOR GRAHAM SAID THAT THERE WOULD PROBABLY BE NO REAL PROSPECT FOR IMPROVED TIES UNTIL THERE WAS A NEW GOVERNMENT IN HAVANA, AND NOTED THAT CUBA'S HUMAN RIGHTS ABUSES AND USE OF MASS MIGRATION IN VIOLATION OF ACCEPTED STANDARDS HAVE CREATED A VERY SCARRED RELATIONSHIP. PAVLOV SAID THAT "AS AN OUTSIDE OBSERVER," IT SEEMED THAT THE U.S. AND CUBA WERE INVOLVED IN AN ETERNAL STRUGGLE, IN WHICH IT WAS DIFFICULT TO SAY WHO STARTED FIRST, NOTING THAT HE SAW MANY HAPPY REUNIONS IN THE MIAMI AIRPORT BETWEEN VISITING CUBANS AND THEIR AMERICAN RELATIVES, PAVLOV ARGUED THAT THE U.S. SHOULD SEEK TO INCREASE HUMAN CONTACTS WITH CUBA, BY MAKING IT EASIER FOR U.S. CITIZENS TO VISIT THE ISLAND. HE MAINTAINED THAT SUCH AN INCREASE IN CONTACTS WOULD INEVITABLY INFLUENCE THE CUBAN LEADERSHIP, BECAUSE "NO LEADER CAN IGNORE THE EXPRESSED DESIRES OF HIS PEOPLE."

6. PAVLOV REITERATED THAT U.S. HOSTILITY WAS GIVING CASTRO A PRETEXT TO CONTINUE HIS REPRESSIVE POLICIES AND ACTUALLY STRENGTHENING THE CUBAN LEADER. HE COMPARED THE SITUATION TO THAT IN THE SOVIET UNION DURING STALIN'S TIME, WHEN THE ISOLATION OF THE COUNTRY PREVENTED MOST PEOPLE FROM LEARNING OF STALIN'S CRIMES, AND TENSE RELATIONS WITH THE WEST ACTUALLY STRENGTHENED STALIN'S POSITION AT HOME. HE ALSO ARGUED THAT WEST GERMANY'S DECISION TO INCREASE CONTACTS WITH EAST GERMANY EVENTUALLY LED TO THE -

FOIA Exemptions PA
( ) DENY
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( ) DECLASSIFY
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IM/IPS/CRB
EO Citations
Date: 6/22/91
( ) CLASSIFY as ( ) S or ( ) C Sec.
( ) DOWNGRADE TS to ( ) S or ( ) C
TS authority to
9/01/59

[redacted] DECLASSIFIED 9293 #8997

PRIORITY [redacted] INCOMING

DEPARTMENT OF STATE
ARA/NEA REARCS

PAGE 03 OF 03 MOSCOW 29530 00 OF 04 231457Z 014231 489543
IS EVIDENCED BY PAVLOV'S DESIRE TO AVOID PUBLICITY ABOUT HIS MEETINGS WITH THE CUBAN EXILES, AND HIS IRRITATION AT "PUBLIC" U.S. PRONOUNCEMENTS REGARDING MOSCOW'S AID TO HAVANA.

15. PAVLOV HAS NEVER SPOKEN SO OPENLY ABOUT HIS STRUGGLE WITH THE PRO-CUBA FORCES IN THE SOVIET MILITARY AND COMMUNIST PARTY, AND HIS INCREASING LACK OF RETICENCE MAY BE DUE TO THE FACT THAT HE IS CHANGING JOBS IN MID-SEPTEMBER (HE WILL BE THE NEW SOVIET AMBASSADOR TO CHILE). ACADEMIC EXPERTS HERE GENERALLY SHARE HIS VIEW THAT OLD THINKERS WILL NOT SUCCEED IN INFLUENCING SOVIET POLICY ON THESE ISSUES. PAVLOV AND HIS COLLEAGUES, WHO FAVOR A GRADUAL END TO HAVANA'S ECONOMIC DEPENDENCY ON MOSCOW, MAY ACTUALLY FACE A GREATER THREAT FROM THE LEFT. LIBERAL FORCES HERE WOULD PREFER TO SEE A QUICKER END TO SOVIET ASSISTANCE, AND PAVLOV'S CONCERN ABOUT HUNGRY CUBANS DOES NOT APPEAR TO BE SHARED BY THE SOVIET PUBLIC, WHICH IS BEING CONSTANTLY DELUGED BY STORIES ABOUT THE WASTE OF SOVIET ECONOMIC RESOURCES IN THE THIRD WORLD. END COMMENT.

16. SENATOR GRAHAM DID NOT HAVE THE OPPORTUNITY TO CLEAR THIS CABLE PRIOR TO DEPARTURE.

MATLOCK

NOTE: (#) OMISSION. CORRECTION TO FOLLOW.

UNCLASSIFIED [redacted]

PRIORITY

[redacted]

INCOMING

PREL - WSS12

UNCLASSIFIED

DEPARTMENT OF STATE
ARA/NEA REARCS

PAGE 01 MOSCOW 29530 04 OF 04 241916Z 017193 101913
INFO: CU (02) MK (01) RJ (01) LARA (01) DCEN (01) REG (01) NCO (01)
NU (03) JS (01) SPA (01) SGC (01) MX (03) ES (02) CS (02)
DAND (01) VE (02) PMC (01) SR (05) AR (01) DSC (01) DDSC (01)
RSC (01) CI (01) HO (01) CO (02) ARA (01) PPC (01) OAS (01)
PPA (01)
---------- 24/2100Z A1 MAC (TOTAL COPIES: 042)
ACTION H-03

INFO LOG-00 ADS-00 EUR-00 SS-00 ARA-00 COR-01 TFCE-00
DS-00 DSE-00 /008 W
----------225544 242056Z /49/49

P 230856Z AUG 90
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TO SECSTATE WASHDC PRIORITY 3445
INFO USIA WASHDC 0995
USINT HAVANA
AMEMBASSY MADRID
AMEMBASSY MANAGUA
AMEMBASSY MEXICO
AMEMBASSY SAN SALVADOR
AMEMBASSY SAN JOSE
AMEMBASSY CARACAS
AMEMBASSY BRASILIA
AMEMBASSY BUENOS AIRES
AMEMBASSY SANTIAGO
AMEMBASSY TEGUCIGALPA
AMEMBASSY BOGOTA

KL

[redacted]ECTION 04 OF 04 MOSCOW 29530

H PLEASE PASS SENATOR GRAHAM

C O R R E C T E D C O P Y (PARA 13)

E.O. 12356 DECL: OADR
TAGS: PREL, US, UR, CU, XK, OVIP (GRAHAM, SENATOR BOB)
SUBJECT: PAVLOV ON CUBA

MORE WILLING TO UNDERGO ECONOMIC HARDSHIP.

WHY OFFEND YOUR FRIENDS?
/----------

13. SENATOR GRAHAM ASKED WHY CASTRO HAD ADOPTED A BELLIGERENT STANCE TOWARD SPAIN, WHICH HAD BEEN HIS BEST FRIEND AMONG THE WESTERN COUNTRIES. PAVLOV NOTED THAT CASTRO HAS RECENTLY BEEN UNDER PRESSURE FROM HIS FRIENDS IN EUROPE AND LATIN AMERICA, AND HAS REACTED EMOTIONALLY RATHER THAN RATIONALLY, TO PROVE THAT HE IS NOT GOING TO CHANGE UNDER PRESSURE. PAVLOV ALSO SURMISED THAT CASTRO OVERREACTED BECAUSE HE FEARED THE HAVANA EMBASSY CRISIS WOULD DEVELOP INTO AN "ALBANIAN-TYPE EVENT," WHICH WOULD UNDERMINE THE STABILITY OF THE REGIME.

COMMENT
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14. PAVLOV'S CALLS FOR THE U.S. TO LIFT TRADE SANCTIONS AND TALK DIRECTLY TO HAVANA ARE NOT NEW. HOWEVER, THIS MEETING PROVIDED FURTHER EVIDENCE THAT THE SOVIETS BELIEVE CASTRO'S DAYS ARE NUMBERED AND ARE NOW LOOKING AHEAD TO HOW THE LAST DAYS OF COMMUNIST CUBA WILL PLAY OUT. IMPLICIT IN PAVLOV'S ARGUMENTS WERE THE ASSUMPTIONS THAT CASTRO IS IN REAL TROUBLE (ANY SUDDEN CUT IN AID WILL CAUSE SIGNIFICANT UNREST); THAT THE CUBAN LEADER MAY NOT BE SUCH A POPULAR, HEROIC LEADER AS THE SOVIETS HAVE ALWAYS ARGUED (THE ANALOGY WITH STALIN AND THE UNFAVORABLE COMPARISON WITH SOUTH AFRICA), AND THAT CASTRO IS A VERY DANGEROUS FIGURE, CAPABLE, LIKE CEAUSESCU, OF

MOSCOW 29530 04 OF 04 241916Z 017193 101913

UNLEASHING HIS SECURITY FORCES ON HIS OWN PEOPLE. ONE OF MOSCOW'S APPARENT OBJECTIVES IS TO PREVENT DEVELOPMENTS DURING THIS PERIOD OF TRANSITION FROM BECOMING ANY MORE EMBARASSING THAN NECESSARY. THIS IS EVIDENCED BY PAVLOV'S DESIRE TO AVOID PUBLICITY ABOUT HIS MEETINGS WITH THE CUBAN EXILES, AND HIS IRRITATION AT "PUBLIC" U.S. PRONOUNCEMENTS REGARDING MOSCOW'S AID TO HAVANA.

15. PAVLOV HAS NEVER SPOKEN SO OPENLY ABOUT HIS STRUGGLE WITH THE PRO-CUBA FORCES IN THE SOVIET MILITARY AND COMMUNIST PARTY, AND HIS INCREASING LACK OF RETICENCE MAY BE DUE TO THE FACT THAT HE IS CHANGING JOBS IN MID-SEPTEMBER (HE WILL BE THE NEW SOVIET AMBASSADOR TO CHILE). ACADEMIC EXPERTS HERE GENERALLY SHARE HIS VIEW THAT OLD THINKERS WILL NOT SUCCEED IN INFLUENCING SOVIET POLICY ON THESE ISSUES. PAVLOV AND HIS COLLEAGUES, WHO FAVOR A GRADUAL END TO HAVANA'S ECONOMIC DEPENDENCY ON MOSCOW, MAY ACTUALLY FACE A GREATER THREAT FROM THE LEFT. LIBERAL FORCES HERE WOULD PREFER TO SEE A QUICKER END TO SOVIET ASSISTANCE, AND PAVLOV'S CONCERN ABOUT HUNGRY CUBANS DOES NOT APPEAR TO BE SHARED BY THE SOVIET PUBLIC, WHICH IS BEING CONSTANTLY DELUGED BY STORIES ABOUT THE WASTE OF SOVIET ECONOMIC RESOURCES IN THE THIRD WORLD. END COMMENT.

16. SENATOR GRAHAM DID NOT HAVE THE OPPORTUNITY TO CLEAR THIS CABLE PRIOR TO DEPARTURE.

MATLOCK

UNCLASSIFIED

[redacted]

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UNCLASSIFIED

37

Pcc (B1)

EXCISE

TEXT OF TELEGRAM 90BONN 027005

ADP065

[redacted]

PAGE 01 BONN 27005 01 OF 02 271637Z
ACTION EUR-01

INFO	LOG-00	ADS-00	AID-01	INR-05	SS-01	OIC-02	CIAE-00
	DODE-00	H-01	IO-19	NSCE-00	ARA-01	NSAE-00	HA-09
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	SP-01	SNP-01	PRS-01	DS-01	SCT-03	P-02	T-01
	/056 W						

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P 271627Z AUG 90
FM AMEMBASSY BONN
TO SECSTATE WASHDC PRIORITY 3352
INFO USMISSION USUN NEW YORK
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY LONDON
AMEMBASSY MADRID
AMEMBASSY MANAGUA
AMEMBASSY MEXICO
AMEMBASSY PARIS
AMEMBASSY ROME
AMEMBASSY SAN SALVADOR
AMEMBASSY TEGUCIGALPA

[redacted] SECTION 01 OF 02 BONN 27005

E.O. 12356: DECL: OADR
TAGS: PREL, ES, GE
SUBJECT: EL SALVADOR GUERRILLAS: GERMANS URGE CEASE FIRE, BUT NOTE IMPORTANCE OF JESUITS' CASE

REFS: A) STATE 275685; N B) STATE 281032; N C) BONN 21471 ✓

1. [redacted] - ENTIRE TEXT.

2. SUMMARY:

[redacted] HAVE URGED THE FMLN TO CEASE ITS VIOLENCE, THEY STRESS THAT THE SALVADORAN [redacted]

PAGE 02 BONN 27005 01 OF 02 271637Z

GOVERNMENT MUST PROSECUTE HUMAN RIGHTS VIOLATORS. THEY MAINTAIN THAT IF VIOLATORS ARE NOT BROUGHT TO JUSTICE, PROSPECTS FOR ENDING THE CYCLE OF VIOLENCE ARE DIM. BOTH REITERATED THE IMPORTANCE OF THE JESUITS' CASE. END SUMMARY.

3. WE DISCUSSED THE SALVADORAN PEACE TALKS ON AUGUST 24 AND 27 WITH:

DECLASSIFIED
El Salvador Human Rights
Special Project (1993)

Department of State IS/FPC/CDR El Salvador SP Date 9/29/93
Declassified under EO 12356 ( ) in full; (✓) in part;
portions withheld: classified (✓); deliberative ( );
law enforcement ( ); privacy ( ), statutory ( );
not relevant to El Salvador ( ).

9/29/93

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El Salvador Human Rights
Project (1994)

4. WE PROVIDED [redacted] WITH POINTS REFTELS. WE GAVE REF B POINTS ONLY, SINCE [redacted] ARE NOT IN REGULAR CONTACT WITH THE FMLN. WITH ALL FOUR CONTACTS, WE STRESSED THAT THE FMLN SHOULD AGREE TO A CEASE FIRE AND CONCENTRATE ON ISSUES SUCH AS PARTICIPATION IN THE MARCH 1991 ELECTIONS RATHER THAN IMPOSSIBLE DEMANDS.

[redacted]

5. [redacted] REPLIED THAT HE HAD BECOME VERY EXASPERATED WITH THE SITUATION IN EL SALVADOR; INTER [redacted]

PAGE 03 BONN 27005 01 OF 02 271637Z

ALIA, HE IS UNDER THE IMPRESSION THAT THE FMLN IS PREPARING AN OFFENSIVE. HE NOTED THAT HE HAS ALREADY TOLD THE GUERRILLAS IN WRITING THAT AN OFFENSIVE IS NOT JUSTIFIED, ESPECIALLY WHEN THEY HAVE BEEN ENGAGED IN PEACE TALKS.

6. THE [redacted] INDICATED THAT HE HAD TOLD THE FMLN THAT HE COMPLETELY DISASSOCIATED HIMSELF FROM AN OFFENSIVE OR ITS PREPARATIONS. REITERATING POINTS HE MADE TO US SIX WEEKS AGO (REF C), HE AGREED A CEASE FIRE IS CRUCIAL SO THAT BOTH SIDES CAN TALK IN PEACE.

7. OBSERVING THAT FATHER ELLACURIA HAD MET WITH HIM IN BONN ONLY ABOUT A WEEK BEFORE HE WAS MURDERED, OUR INTERLOCUTOR UNDERLINED THAT THE SALVADORAN GOVERNMENT MUST MAKE PROGRESS ON THE JESUITS' MURDER CASE. [redacted] EXPLAINED THAT IF HE COULD ONLY POINT TO A SMALL AMOUNT OF FORWARD MOVEMENT, IT WOULD MAKE HIS ARGUMENTS TO THE FMLN IN FAVOR OF A CEASE FIRE MORE

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TEXT OF TELEGRAM 90BONN 027005

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PAGE 01 BONN 27005 02 OF 02 271638Z
ACTION EUR-01

INFO	LOG-00	ADS-00	AID-01	INR-05	SS-01	OIC-02	CIAE-00
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AMEMBASSY MEXICO
AMEMBASSY PARIS
AMEMBASSY ROME
AMEMBASSY SAN SALVADOR
AMEMBASSY TEGUCIGALPA

[redacted] SECTION 02 OF 02 BONN 27005

E.O. 12356: DECL: OADR
TAGS: PREL, ES, GE
SUBJECT: EL SALVADOR GUERRILLAS: GERMANS URGE CEASE FIRE,
- BUT NOTE IMPORTANCE OF JESUITS' CASE

EFFECTIVE. HE INDICATED THAT HIS TRIP (ALSO REF C) TO SAN SALVADOR AND TO MEET WITH THE GUERRILLAS IS NOW ON INDEFINITE HOLD.

FOREIGN OFFICE STRESSES NEED FOR MILITARY ACCOUNTABILITY

[redacted]

PAGE 02 BONN 27005 02 OF 02 271638Z

8. [redacted] NOTED THAT IN HIS INFREQUENT MEETINGS WITH FMLN REPS, HE HAS ALWAYS STRESSED THAT VIOLENCE IN EL SALVADOR IS NOT JUSTIFIED. HE SAID HE HAS TOLD THE GUERRILLAS THAT ATTACKS SHOULD BE HALTED TO HELP CREATE AN ATMOSPHERE OF CONFIDENCE AROUND THE PEACE TALKS. AT A BARE MINIMUM, THE FMLN COULD DEMONSTRATE GOOD WILL BY STOPPING ATTACKS ON OFF-DUTY MILITARY PERSONNEL AND THEIR FAMILIES.

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9. TURNING TO THE SALVADORAN GOVERNMENT, HOWEVER, OUR INTERLOCUTOR SAID THE GOES MUST ALSO DO ITS PART TO BUILD CONFIDENCE. HE EXPLAINED THAT IT IS HARD TO EXPECT THE GUERRILLAS TO DISBAND AND INTEGRATE THEMSELVES INTO GUERRILLAS TO DISBAND AND INTEGRATE THEMSELVES INTO POLITICAL LIFE IF MILITARY OR RIGHT-WING VIOLATIONS OF HUMAN RIGHTS ARE NOT PUNISHED. POTENTIAL EX-GUERRILLAS COULD CLAIM FEAR OF BEING KILLED.

10. TAKING THE VIEW THAT THERE HAS BEEN VERY LITTLE PROGRESS IN THE JESUITS' CASE, ASSERTED THAT IF JUST ONE RELATIVELY HIGH-RANKING OFFICER ACTUALLY WAS BROUGHT TO JUSTICE IN THIS OR ANOTHER HUMAN RIGHTS CASE, IT WOULD BREAK A VICIOUS CYCLE. OPINED THAT WHILE IT MIGHT BE DIFFICULT FOR THE GOVERNMENT, JUST ONE SUCCESSFUL PROSECUTION WOULD DEMONSTRATE REAL CHANGE AND SHOW THAT THE SALVADORAN GOVERNMENT IS SUCCESSFULLY TAKING CHARGE. HE ASSERTED THAT THIS COULD BE DONE WITHOUT ENDANGERING THE MILITARY'S ABILITY TO DEFEND THE COUNTRY AGAINST THE FMLN.

EXPRESSED APPRECIATION FOR OUR POINTS AND REITERATED IN GENERAL TERMS THEIR OPPOSITION TO EVERYTHING THE FMLN STANDS FOR. BOTH UNDERTOOK TO ENSURE THAT OUR VIEWS ON THE SALVADOR PEACE TALKS WERE GIVEN FULL CONSIDERATION WITHIN THEIR RESPECTIVE ORGANIZATIONS.

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New Developments in Soviet Policy Toward Latin America

With the advent of perestroyka, the Soviets have begun to adopt a more pragmatic approach in Latin America. Soviet pressure on the Sandinistas to carry out elections and respect the results, and on the FMLN to negotiate in good faith with the Government of El Salvador, are the clearest examples of new thinking in Moscow toward Cuba and Central America. Elsewhere in Latin America, the Soviets are expanding commercial and trade ties, in a search of new markets and suppliers.

The Soviet Union's new approach to Central America and Cuba is based primarily on its effort to improve relations with the U.S. and to reduce burdensome commitments to third world allies, as well as a desire to expand commercial contacts in the hemisphere. The U.S. has challenged the Soviet government to puts its "new thinking" on foreign policy in Central America to the test, and the Soviet response helped ensure the success of the Nicaraguan elections.

Moscow has also voiced some criticism of Castro for failing to embrace perestroyka, and there are signs that the Soviets are moving to cut some of their economic subsidies to Havana. Nevertheless, there is no indication that the Soviet government has decided to abandon Castro or insist that the Cubans stop backing the FMLN. The Soviets seem unprepared politically to condemn this most important client. Thus, Moscow continues to deliver arms and economic aid to Cuba, if at a reduced rate, and Soviet-Cuban military ties remain strong. This allows the Cubans to train and resupply the FMLN.

Soviet criticism of Cuba is usually tempered with assurances that any cuts in aid will be gradual, with Soviet officials arguing that a sudden cut-off could trigger domestic upheaval. And even if aid to Cuba drains Soviet resources, the Soviet government and military are still mindful of the island's strategic value and its usefulness a supplier of sugar and other resources. (A new study suggests that subsidized Soviet purchases of Cuban sugar and other goods are not as burdensome to the USSR as previously thought because the exchanges are not carried out in hard currency.) In Cuba, Castro's hold on power looks firm, despite worsening economic problems. (There are no signs of organized opposition to the regime, be it religious, military, trade union or other, and Castro has made it clear --

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witness his response to human rights protests and embassy rushings -- that any uprising will be met with violence.) Castro's ties to the FMLN are strong and emotional, and his stubbornness makes it unlikely that he would cut off Cuban support to the FMLN, absent a crisis at home or a dramatic decrease in Soviet deliveries.

As a result, in the short term there is little hope for drastic changes in Cuba's role in the region or for the type of Soviet pressure necessary to bring about such change. Over the next few years, however, continued economic problems in Cuba and a gradual withdrawal of Soviet support, coupled with the Soviet desire to improve relations with the U.S., may limit Cuba's ability to pursue a destabilizing role in the region. If, on the other hand, Castro falls, the Soviets can be expected to strive to maintain a military presence, but would probably be willing to accept an opening of the economy and improved Cuban relations with the U.S. Indeed, Moscow's repeated urgings that the U.S. take up its concerns directly with Castro suggest the Soviets are looking for a graceful way to reduce their commitments to Havana.

Elsewhere in Latin America, Moscow is moving to normalize diplomatic relations and expand commercial ties throughout the region, particularly with such important economies as Brazil, Argentina and Mexico. In Central America, the Soviet Union is seeking to establish diplomatic relations with Panama and Honduras. In Brazil, the Soviets are exploring the possibility of creating joint ventures and of obtaining Brazilian-produced computer and other technology. Initially, the prospects for substantially increased trade between Moscow and Latin America are poor, due to Soviet lack of hard currency and the Latin debt problem, but there is a good possibility of growing barter trade and creation of joint ventures. In the long term, if Soviet economic reforms take hold, the Soviet economic presence can be expected to grow.

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Drafted: EUR/SOV: KKavalec
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Cleared: EUR: SVershbow
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ARA/FO: JSullivan
ARA/CCA: PRomero
EUR/RPM:MGuest

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"Soviet journalist predicts Cuban crisis"

El Nuevo Herald, August 29, 1990, by Ana Santiago

Key points of interview with Alexander Machov, correspondent for Moscow News.

Soviet economic authorities have told CEMA that beginning January 1, 1991, the USSR will sell Cuba its petroleum at world market prices, and in dollars. Cuba needs $2 billion for this petroleum. Its principal product is sugar, and this leaves a deficit to generate enough money (to pay for the petroleum). Machov explained that Cuba has been living the last thirty years beyond its means. Referring to Castro, he said, "His options, once this new commerce begins, will be few. It could even make the Cuban people produce to cover the deficit, making it (Cuba) explode." Machov did not discount that the Cuban government could put one million citizens in concentration camps to reach this goal. In 1991, the Cubans on the island will see 1990 as a paradise.

Machov referred to how the changes in the Soviet Union are becoming more rapid and said that the city until recently considered the mecca of communism, Moscow, is now one of the most anti-communist cities in the world. "One sees this in the people, in Red Square, in Pushkin Plaza, where one finds the majority of Soviet newspaper editorial offices, the new center of free thinking in the Soviet Union." Machov, a Latinamerican specialist, recently renounced the Communist Party.

He and his colleagues Horymir Krystof Junek and Michal Cermak are in Miami to participate in a conference by the School of International Studies at the University of Miami on the superpowers and conflictive leaders like Fidel Castro and Saddam Hussein.

Cermak, Czeckoslovak journalist for Radio Prague International, was expelled from Cuba in January of this year, accused by the government on the island of distorting news about the Cuban situation and showing a country on the edge of crisis.

Junek writes for Pravo Lidu in Prague. He was correspondent for the Czeck news agency CTK in Mexico and in 1968 was obliged to resign his job for condemning the Soviet invasion of his country.

(Translation:ARA/P:MKWeisskohl)

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Special Project (1993)

BACKGROUND

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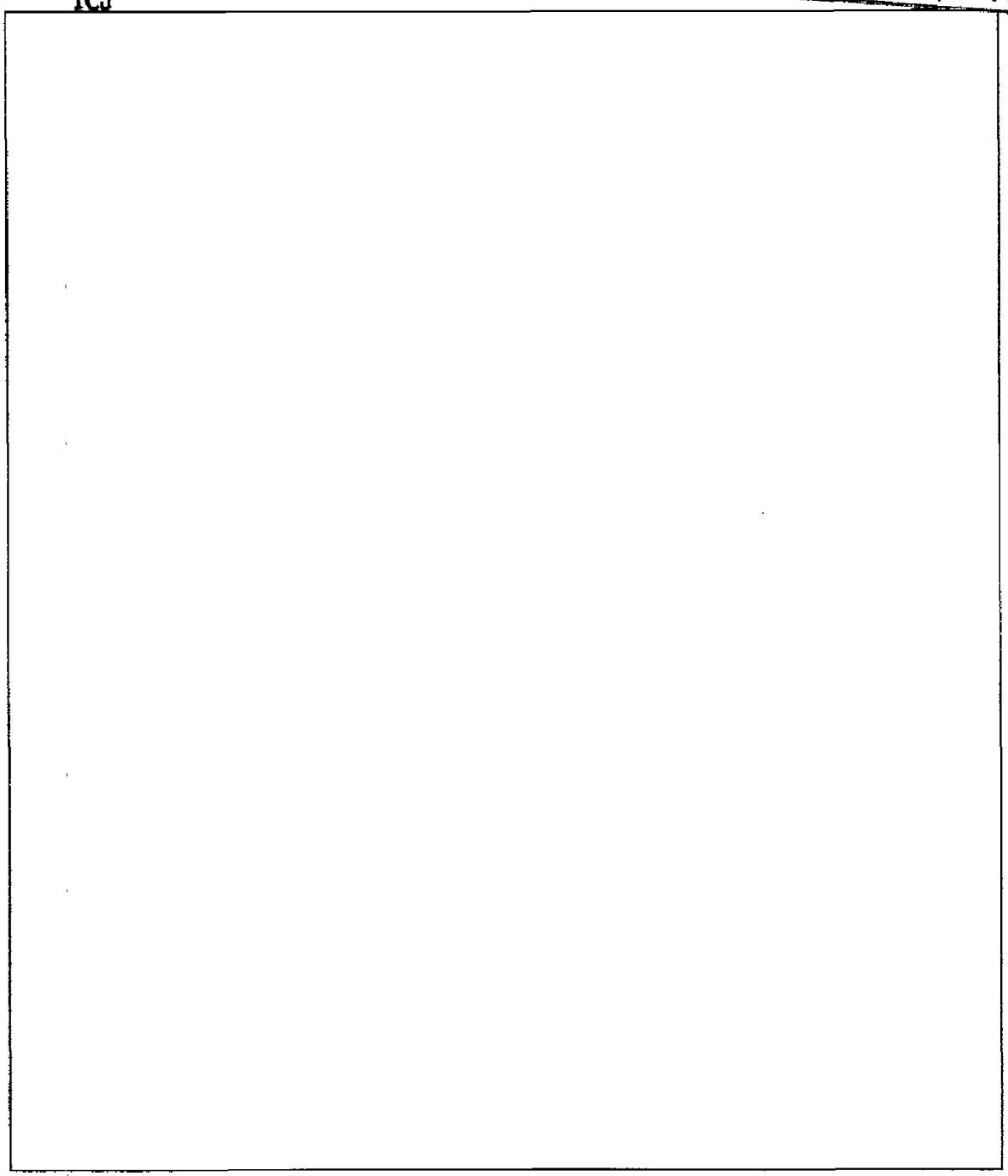

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United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: HOFFENBERG, MARV
Date: 06/03/94
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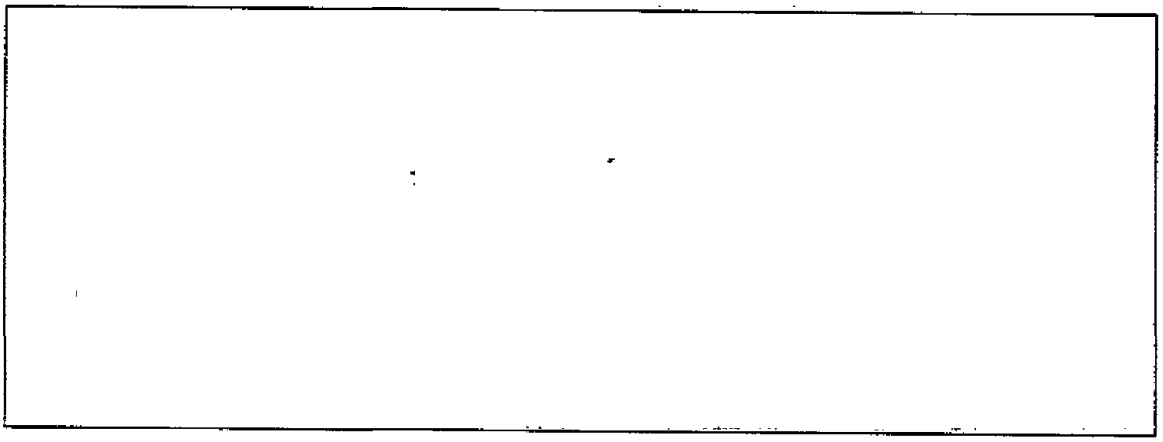
El Salvador: Human Rights
Special Project (1993)



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FSLN-FMLN

- On August 27, a van transporting explosives and FMLN documents was captured by a Honduran counterintelligence team at El Espino on the Honduras/Nicaragua border.
  - -- The cargo, concealed under the floor in false compartments, contained mortar charges, FMLN radio code books, false documents for FMLN members, ink for falsifying documents and a document detailing FMLN plans to attack GOES targets.
- On July 16, police arrested two FMLN members transporting arms in Managua.
  - -- The GON is considering sending the two guerrillas to Cuba instead of trying them in Nicaragua or extraditing them to El Salvador.
- The GON has shown no indication that it plans to crack down on FMLN activities in Nicaragua, despite promises from President Chamorro that arms supplies to the FMLN would not be tolerated.
- Lacayo personally told the FMLN last April that it could remain in Nicaragua provided it engaged in no military activities.

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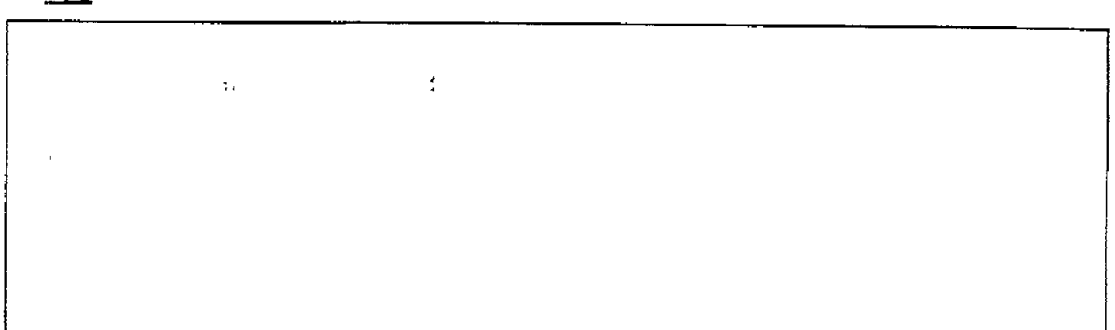

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El Salvador: Human Rights
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ECONOMIC ASSISTANCE

- The GON is about to unveil a revised economic program emphasizing market-based reforms and restructuring.

- On key elements of its recovery program (privatization and cuts in state spending) the GON has taken a more cautious approach due to Sandinista opposition.

- On September 15 -- Nicaraguan independence day -- the GON will convene its "national dialogue" of GON, labor, business and political (including FSLN) leaders to discuss the government's economic program.

  — The GON hopes that the national dialogue will achieve a social consensus a la Mexico regarding economic reform.

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- The embassy and AID mission are closely monitoring our assistance package to make sure that our money is used to spur growth and development and is not used -- as the Sandinistas would wish -- to subsidize failed state industries.

- ARA DAS David Malpass travelled recently to Nicaragua to meet with President Chamorro's top economists and business leaders. He also met with Lacayo.

  — Lacayo expressed an interest in moving quickly to limit credit to cooperatives and public enterprises and to open the banking and distribution sectors to competition. Rather than carry these measures out by decree, however, Lacayo intends to marshall support through the national dialogue and then seek legislation to clarify the constitutionality of the changes.

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CHAMORRO VISIT

- o President Chamorro requested a meeting with President Bush in Washington October 1 or 2.
  - — The White House tells us October 2 is likely.
- o Chamorro planned to travel later to Europe (to encourage Rome donor conference pledges) and Moscow.
- o The GON may cancel the meeting request due to White House scheduling difficulties and inability to schedule a Moscow trip until February 1991.

USG-GON RELATIONS

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PAGE 01 GUATEM 11116 01 OF 03 052319Z
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CINCSO FOR POLAD
MEXICO FOR POLOFF SACKS

E.O. 12356: N/A
TAGS: PHUM, PGOV, PINS, PTER, ASEC, ELAB, PREL, GT
SUBJECT: GUATEMALA: AUGUST HUMAN RIGHTS SUMMARY

REFS: (A) GT 10849, (B) GT 10842, (C) GT 10796,
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(H) GT 10719, (I) GT 10618, (J) GT 10517, (K) GT 10500,
(L) GT 10464 (ALL NOTAL)

INTRODUCTION AND SUMMARY

1. ECONOMIC DECAY, VIOLENCE, THE MEETING IN CANADA [redacted]

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PAGE 02 GUATEM 11116 01 OF 03 052319Z

BETWEEN THE PRIVATE SECTOR AND THE GUERRILLAS, AND RIOS MONT'S EFFORTS TO BE INSCRIBED AS A CANDIDATE DOMINATED THE NEWS IN AUGUST. THE QUETZAL SANK FURTHER AGAINST THE DOLLAR TO AN UNPRECEDENTED LOW OF 5.2:1, FUELING

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INFLATION AND CONTRIBUTING TO SHORTAGES OF IMPORTED GOODS. NATURAL GAS PRICES ROSE WITH GASOLINE PRICES EXPECTED TO FOLLOW, FURTHER PRESSURING THE ALREADY CREAKY PUBLIC TRANSPORTATION SYSTEM.

2. A NATIONAL CENTRIST UNION (UCN) MAYORAL CANDIDATE WAS KILLED BY UNKNOWN ASSAILANTS IN SAN PEDRO JOCOPILAS, AND THE CHRISTIAN DEMOCRAT MAYOR OF CUYOTENANGO WAS SHOT AND CRITICALLY WOUNDED. AN APELLATE COURT OVERTURNED THE 1987 CONVICTIONS OF SIX POLICE OFFICERS CONVICTED OF KILLING TWO UNIVERSITY STUDENTS.

3. RETIRED GENERAL RIOS MONT'S ATTEMPT TO REGISTER AS A CANDIDATE FOR THE ELECTIONS RAN INTO THE EXPECTED STONEWALL WHEN THE CITIZENS REGISTRY, BACKED BY THE FULL SUPREME ELECTORAL TRIBUNAL (TSE), RULED HIM CONSTITUTIONALLY BARRED FROM RUNNING FOR PRESIDENT. A RIOS RALLY TO PROTEST THE CR'S DECISION AND DEMONSTRATE RIOS' STRENGTH FAILED TO ATTRACT A BIG CROWD. THE PARTIDO REVOLUCIONARIO (PR) CONVENTION ALMOST TURNED VIOLENT AS ARMED MEMBERS OF ONE PR FACTION PREVENTED AN OPPOSING FACTION FROM ENTERING THE CONVENTION, ALL OF WHICH LED TO A LEGAL CHALLENGE BY THE LEADER OF THE EXCLUDED FACTION TO THE RESULTS OF THE CONVENTION.

4. GAM AND THE STUDENTS UNION (AEU) PEACEFULLY MARCHED THROUGH THE CAPITAL TO MARK THE FIRST ANNIVERSARY OF THE DISAPPEARANCE OF FIVE UNIVERSITY STUDENTS AND THE MURDER OF ANOTHER FIVE. TWO LABOR ACTIVISTS RECEIVED ASYLUM IN [redacted]

CANADA AFTER BEING REPORTEDLY THREATENED.

5. THE GUERRILLA ORGANIZATION URNG KEPT ITS PROMISE MADE IN MADRID LAST MAY NOT TO ATTACK THE ECONOMIC INFRASTRUCTURE AND TO ALLOW THE ELECTORAL PROCESS TO CONTINUE UNMOLESTED. THE WAR REMAINED INTENSE, HOWEVER, IN CERTAIN AREAS OF GUATEMALA AS THE ARMY CONTINUED COUNTERINSURGENCY OPERATIONS IN QUICHE AND HUEHUETENANGO. A DELEGATION FROM MAJOR PRIVATE SECTOR ORGANIZATION, CACIF, LEFT FOR CNR-SPONSORED TALKS WITH THE MEXICO-BASED GUERRILLA ORGANIZATION, URNG. THE MEETINGS TOOK PLACE 29 - 31 AUGUST IN CANADA.

POLITICAL AND EXTRAJUDICIAL KILLINGS

6. CELSO MILAGRO GIRON, UCN MAYORAL CANDIDATE FOR SAN

PEDRO JOCOPILAS (QUICHE), A HIGHLY CONFLICTIVE AREA, WAS MURDERED BY UNKNOWN ASSAILANTS. GIRON, THE THIRD UCN OFFICIAL KILLED IN THIRTY DAYS, HAD ACCEPTED THE CANDIDACY AFTER THE MURDER OF SOLOMAN BLANCO, THE UCN'S PREVIOUS MAYORAL CANDIDATE. UCN PRESIDENTIAL CANDIDATE JORGE CARPIO DEMANDED THAT THE POLICE, WHO REPORT NO LEADS, INVESTIGATE THE MURDERS OF THE THREE SLAIN UCN MEMBERS (GIRON, BLANCO, AND CONGRESSMAN RUANO). SHOWING THAT VIOLENCE DOES NOT RESTRICT ITSELF TO TAKING VICTIMS FROM JUST ONE PARTY, THE CHRISTIAN DEMOCRAT (DC) MAYOR OF CUYOTENANGO (SUCHITEPEQUEZ), ROBERTO VALLEJOS ESCOBAR, WAS SHOT AND CRITICALLY WOUNDED IN FRONT OF HIS HOME BY AN UNIDENTIFIED GUNMAN. VALLEJOS WAS RUSHED TO THE HOSPITAL BY NEIGHBORS AND IS IN CRITICAL CONDITION.

6. ON AUGUST 30, THE MUTUAL SUPPORT GROUP (GAM) AND THE STUDENTS UNION (AEU) PEACEFULLY MARCHED THROUGH THE CAPITAL TO MARK THE FIRST ANNIVERSARY OF THE KIDNAPPING OF TEN, AND SUBSEQUENT MURDER OF FIVE, SAN CARLOS

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PAGE 01 GUATEM 11116 02 OF 03 052320Z
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CINCSO FOR POLAD
MEXICO FOR POLOFF SACKS

E.O. 12356: N/A

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TAGS: PHUM, PGOV, PINS, PTER, ASEC, ELAB, PREL, GT
SUBJECT: GUATEMALA: AUGUST HUMAN RIGHTS SUMMARY

UNIVERSITY (USAC) STUDENTS. THE MARCHERS PRESENTED DOCUMENTS CONTAINING NAMES, DESCRIPTIONS OF THE VEHICLES, AND LICENSE PLATE NUMBERS, TO POLICE, GOVERNMENT OFFICES, AND THE HUMAN RIGHTS OMBUDSMAN, CALLING ON THEM TO SOLVE THE CRIMES.

7. A QUETZALTENANGO APPELLATE COURT OVERTURNED THE 1987 CONVICTIONS OF 6 POLICE OFFICERS FOUND GUILTY OF [redacted]

MURDERING 2 UNIVERSITY STUDENTS. THE COURT'S DECISION SET OFF A FIRESTORM OF PROTESTS FROM GUATEMALAN AND FOREIGN HUMAN RIGHTS GROUPS. THE JUDGES, DENYING IN PUBLIC STATEMENTS THAT THEY HAD BEEN PRESSURED, CLAIMED THERE WAS NOT ENOUGH EVIDENCE TO UPHOLD THE 1987 CONVICTIONS. CRITICS OF THE DECISION STATED THAT IT WOULD CONTRIBUTE TO THE ATTITUDE OF IMPUNITY HELD BY SECURITY OFFICIALS. THE CONVICTION OF THE POLICE OFFICERS HAD BEEN CITED AS ONE OF THE VERY FEW POSITIVE EXAMPLES OF HOW TO PROSECUTE A HUMAN RIGHTS VIOLATION CASE. WHILE IT IS NOT CLEAR WHAT FURTHER LEGAL ACTION, IF ANY, THE GOG WILL PURSUE ON THIS CASE, POLICE CHIEF CABALLEROS ANNOUNCED THAT THE SIX POLICEMEN WOULD NOT BE TAKEN BACK INTO THE FORCE.

DISAPPEARANCE

8. DISAPPEARANCES CONTINUED IN AUGUST. THE STUDENT ASSOCIATION (AEU) DENOUNCED THE AUGUST 1 DISAPPEARANCE OF USAC LAW STUDENT ELEODORO ANIBAL PALMA. THE THIRTY YEAR OLD STUDENT REPORTEDLY DISAPPEARED IN THE CAPITAL WHILE ON HIS WAY TO VISIT TO RELATIVES. THE AEU CLAIMED HE WAS TAKEN BY SEVERAL HEAVILY ARMED MEN. A COMPLAINT WAS FILED WITH THE HUMAN RIGHTS OMBUDSMAN. IN ANOTHER PUBLICIZED CASE, THE ARMY CLAIMED THAT SERGIO GOMEZ, MILITARY COMMISSIONER OF TAJUMULCO (SAN MARCOS), WAS KIDNAPPED BY SEVEN MEN DRESSED IN OLIVE GREEN UNIFORMS. THERE WAS NO REPORTED PROGRESS IN RESOLVING THE MAY DISAPPEARANCE OF CONDEG ACTIVIST SOLIS PAJARITO IN THE CAPITAL AND IN THE JULY DISAPPEARANCE OF A CERJ ACTIVIST IN QUICHE.

ARBITRARY ARREST
LIMITED OFFICIAL USE

[redacted]

9. ON AUGUST 17, THE GUATEMALAN DAILY "EL GRAFICO," OWNED BY UCN PRESIDENTIAL CANDIDATE JORGE CARPIO, REPORTED THAT MAXIMILIANO VASQUEZ, A UCN ORGANIZER, HAD BEEN ARRESTED BY A MILITARY COMMISSIONER BECAUSE OF HIS POLITICAL ACTIVITIES. THE FOLLOWING DAY, IN A LETTER TO THE PAPER, ARMY SOPKESMAN COL. DURAN HERNANDEZ DENIED THE ACCUSATION, STATING THAT VASQUEZ HAD BEEN ARRESTED BY THE POLICE ON CRIMINAL CHARGES.

VIOLATIONS OF LAW IN AN INTERNAL CONFLICT

10. DESPITE PUBLISHED THREATS IN JULY TO RESUME ATTACKS AGAINST ECONOMIC TARGETS, THE GUERRILLA CONTINUED TO ABIDE BY PROMISES MADE LAST MAY IN MADRID TO AVOID SUCH ACTIONS. WAR ACTIVITY REMAINED INTENSE, HOWEVER, IN THE TRADITIONALLY CONFLICTIVE DEPARTMENTS OF HUEHUETENANGO AND SAN MARCOS WHERE REPEATED CLASHES TOOK PLACE BETWEEN THE GUERRILLAS AND THE ARMY, WHICH SOUGHT TO CUT OFF THE INSURGENTS FROM THE MEXICAN BORDER. THE GUERRILLAS SHIFTED ACTIONS TO THE SOUTH AND FIRED UPON A MILITARY BASE IN CHICACAO (SUCHITEPEQUEZ). THE GUERRILLAS ALSO DISTRIBUTED FLYERS IN THE CAPITAL CALLING ON SECURITY FORCES TO LAY DOWN THEIR ARMS.

11. THE MAJOR PRIVATE SECTOR ORGANIZATION, CACIF, PARTICIPATED IN THREE DAYS OF DISCUSSIONS IN CANADA WITH REPRESENTATIVES OF THE GUERRILLA UMBRELLA ORGANIZATION, URNG. THE TALKS PRODUCED NO JOINT STATEMENT BUT SEEMED CONDUCTED IN A POSITIVE SPIRIT WITH BOTH SIDES EXPRESSING SATISFACTION THAT THE TALKS HAD TAKEN PLACE.

RESPECT FOR POLITICAL RIGHTS

12. ELECTION CAMPAIGNING CONTINUED TO DOMINATE THE NEWS, WITH RIOS MONT'S DRIVE TO BE INSCRIBED RECEIVED

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ITS BIGGEST SETBACK WHEN THE CITIZENS REGISTRY (CR)

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TO SECSTATE WASHDC 3598
INFO AMEMBASSY SAN SALVADOR
AMEMBASSY MEXICO
AMEMBASSY MADRID
AMEMBASSY PARIS
USMISSION USUN NEW YORK
USMISSION GENEVA
USCINCSO QUARRY HTS PM

[redacted] SECTION 03 OF 03 GUATEMALA 11116

CINCSO FOR POLAD
MEXICO FOR POLOFF SACKS

E.O. 12356: N/A
TAGS: PHUM, PGOV, PINS, PTER, ASEC, ELAB, PREL, GT
SUBJECT: GUATEMALA: AUGUST HUMAN RIGHTS SUMMARY

REJECTED HIS PETITION BY CITING CONSTITUTIONAL PROHIBITIONS. THE SUPREME ELECTORAL TRIBUNAL (TSE) UPHELD THE DECISION. RIOS AND HIS BACKERS STILL HAVE TWO MORE OPPORTUNITIES TO APPEAL THE DECISION BARRING HIM FROM RUNNING. THE SUNDAY FOLLOWING THE DECISION, AUG. 25, RIOS HELD A POORLY ATTENDED RALLY IN THE CAPITAL TO ELICIT SUPPORT.

[redacted]

[redacted]

PAGE 02 GUATEM 11116 03 OF 03 052320Z

13. THE BADLY DIVIDED REVOLUTIONARY PARTY (PR) HELD A NATIONAL CONVENTION AT WHICH ONE FACTION, WIELDING GUNS, PREVENTED ANOTHER FACTION FROM PARTICIPATING. THE BARRED FACTION SUBSEQENTLY FILED A CHALLENGE AGAINST THE RESULTS OF THE CONVENTION RAISING THE POSIBILITY THAT THE PR WILL NOT BE ABLE TO PARTICIPATE WITH PRESIDENTIAL CANDIDATES IN THE NOVEMEBER ELECTIONS. THE PR IS TRADITIONALLY STRONG IN INDIGENOUS AREAS; INABLITY TO FIELD A PR PRESIDENTIAL CANDIDATE COULD BENEFIT THE DC, ALSO RURAL BASED.

WORKERS RIGHTS

UNCLASSIFIED

14. TWO UNION MEMBERS SOUGHT AND RECEIVED ASYLUM IN CANADA AFTER REPORTEDLY RECEIVING THREATS. THEY PUBLICLY THANKED THE US EMBASSY FOR HELP IN LEAVING GUATEMALA.
STROOCK

[redacted]

NNNN

*** Current Handling Restrictions *** n/a
*** Current Classification *** [redacted]

IMMEDIATE

[redacted]

UNCLASSIFIED DEPARTMENT OF STATE ARA/NEA REARCS

INCOMING

RELEASED
El Salvador Human Rights
Special Project (1995)

PAGE 01 SAN SA 12851 02 OF 02 062352Z 814025 583823
ACTION: OCEN-01

INFO: ES-02 ARA-01 PPC-01 OAS-01 PPA-01
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ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-05	SS-00	CIAE-00	DODE-00
	H-01	NSCE-00	NSAE-00	SSO-00	HA-09	L-03	TRSE-00
	PM-00	PA-01	OMB-01	INRE-00	CA-02	ACDA-13	USIE-00
	SP-00	SNP-00	C-01	PRS-01	P-02	T-01	OPR-01
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O 062258Z SEP 90
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 1222
INFO DIRFBI WASHDC
AMEMBASSY MEXICO
DEPT OF JUSTICE WASHDC

[redacted] SAN SALVADOR 12851

FOR ARA/CEN

FBI FOR MARTY HALE/OLIA

MEXICO PASS TO JOE GANNON, LEGATT

DOJ PASS TO DMAXWELL, ICITAP

PHVM
~~D PHVS~~
S-1

E.O. 12356: NA
TAGS: PGOV, KJUS, PREL, CJAN, ES, US
SUBJECT: **JESUIT CASE UPDATE - LOGBOOKS REDUX**

REF: A. JONES/RONDON TELCON; B. SAN SALVADOR 11682

[redacted] - ENTIRE TEXT.

2. SUMMARY: MILITARY LOG BOOKS HAVE BEEN AN IMPORTANT FEATURE IN THIS FRUSTRATING INVESTIGATION. JUDGE ZAMORA PRESENTLY HAS A LONG LIST OF MORE THAN TWENTY LOG BOOKS FROM THE MILITARY ACADEMY, WHICH HE HAS REVIEWED AND FOUND USELESS. APPROXIMATELY SIXTEEN LOGS WHICH HE WISHED TO EXAMINE WERE DESTROYED IN EARLY DECEMBER. HE HAS IN HIS POSSESSION ONE LOG BOOK FROM THE MILITARY ACADEMY WHICH WAS ALLEGEDLY MAINTAINED BY COL. BENAVIDES, HIS PRIMARY SUSPECT. THIS, HE SUSPECTS IS A FORGERY. END SUMMARY.

3. IN A RECENT CONVERSATION WITH LEGOFFS, JUDGE ZAMORA RECOUNTED THAT HE FIRST LEARNED OF THE EXISTENCE OF CERTAIN MILITARY ACADEMY RECORD BOOKS FROM LIEUTENANT YUSSHI MENDOZA, ONE THE SUSPECTS IN THE JESUIT MURDERS. MENDOZA TESTIFIED THAT HE RECEIVED ORDERS FROM LT. COLONEL CAMILO HERNANDEZ, THEN SUB-DIRECTOR OF THE MILITARY ACADEMY, TO BURN THE BOOKS ONE NIGHT IN EARLY DECEMBER 1989, AT MIDNIGHT. SIXTEEN BOOKS WERE ALLEGEDLY BURNED, BUT ZAMORA DOES NOT KNOW (AND HAS NOT REQUESTED A LIST OF) PRECISELY WHAT WAS LOST. HE BELIEVES THE LOST BOOKS INCLUDE TRANSPORTATION LOGS, PERSONNEL LOGS, AND PERSONNEL MOVEMENT RECORDS.

4. LT. COLONEL CAMILO HERNANDEZ LATER TESTIFIED THAT, WHILE HE DID ORDER MENDOZA TO LOCATE THE BOOKS, HE DID NOT ORDER THEM BURNED. IN THIS SAME TESTIMONY HE MENTIONED ANOTHER LOG BOOK, MAINTAINED BY COL. BENAVIDES, WHICH HAD NOT BEEN DESTROYED. THIS WAS THE "LIBRO DE ORDENES"--THE BOOK OF ORDERS. ZAMORA REQUESTED AND RECEIVED THE LOGBOOK, WHICH HE SUSPECTS IS A FORGERY. ACCORDING TO ZAMORA, BENAVIDES TESTIFIED THAT HE PERSONALLY SIGNED EACH ENTRY INTO THIS BOOK IN LONGHAND. IN THE VOLUME SUBMITTED AS

EVIDENCE, EACH OF BENAVIDES' SIGNATURES IS REPRODUCED WITH A RUBBER STAMP FACSIMILE. HIS LONGHAND SIGNATURE APPEARS ONLY ONCE, ON THE FIRST PAGE. PUZZLED BY THIS DISCREPANCY, ZAMORA HAS REQUESTED THE FBI TO EXAMINE THE BOOK FOR EVIDENCE OF TAMPERING. POST EXPECTS THE RESULTS OF THE FBI EXAMINATION WITHIN A FEW WEEKS.

5. DURING THE TEMPEST OVER THE BURNT LOGBOOKS, JUDGE ZAMORA ASKED MINISTER OF DEFENSE LARIOS FOR A LIST OF ALL MILITARY ACADEMY RECORD BOOKS WHICH HAD NOT BEEN DESTROYED. LARIOS REPLIED WITH A LIST OF MORE THAN TWENTY BOOKS--JUDGE ZAMORA DID NOT RECALL THE EXACT NUMBER AND IT DOES NOT APPEAR RELEVANT. ZAMORA REVIEWED THIS LIST OF LAUNDRY, KITCHEN AND CLASS ATTENDANCE LOGS AND FOUND IT WORTHLESS. HE SHARES OUR VIEW THAT ANYTHING OF INTEREST HAS BEEN DESTROYED.

6. JUDGE ZAMORA HAS NOT REQUESTED PERSONAL DIARIES FROM ANY OF THE ESAF OFFICERS INVOLVED IN THE CASE. POST HAS SUGGESTED ON SEVERAL OCCASIONS THAT HE OBTAIN BENAVIDES' DIARY, BUT HE HAS NOT FOLLOWED OUR ADVICE. HE HAS SENT INTERROGATORIES TO FORMER MOD LARIOS AND CURRENT MOD PONCE, BUT HAS NOT REQUESTED THEIR PERSONAL DIARIES.

7. COMMENT: WE HAVE ONE LOGBOOK UNDER EXAMINATION, A LIST OF MORE THAN TWENTY USELESS LOGS AND SIXTEEN PERHAPS POWERFULLY RELEVANT LOGS WHICH WERE INCINERATED TWO WEEKS AFTER THE CRIME. THE PROMULGATION OF RECORD BOOKS AT THE MILITARY ACADEMY, AND INDEED THROUGHOUT THE ESAF, BELIES A FRANK SKEPTICISM FOR THE RELIABILITY OF MEMORY. ESAF OFFICERS ARE FASTIDIOUS RECORD-KEEPERS. DAILY DIARIES ARE DE RIGUER AT THE ESTADO MAYOR; THEY FLOAT UNDER THE ARM OF EVERY OFFICER, AND SNAP OPEN AT THE BEGINNING OF EVERY MEETING. FOR ALL THE SCRIBBLING THESE COLONELS DO, ONE WOULD THINK THAT ZAMORA WOULD FIND THESE DIARIES INFORMATIVE. BY RULE OF LAW, HE MUST BE LED TO NEW EVIDENCE BY INFORMATION THAT HE HAS ALREADY GATHERED. THIS CLEARLY LIMITS THE SCOPE OF HIS REQUESTS. IN FACT, HE HAS APPARENTLY DECIDED THAT THESE DIARIES WILL HAVE NO VALUE TO THE INVESTIGATION. WE DISAGREE WITH THE JUDGE. WHILE IT IS UNLIKELY THAT ANY DAMNING INFORMATION REMAINS IN THE DIARIES AFTER SO MUCH TIME HAS PASSED, IT WOULD STILL BE INTERESTING TO COMPARE THE NOTES OF THOSE WHO ATTENDED THE MEETINGS AT THE ESTADO MAYOR ON THE DAYS JUST PRIOR TO THE MURDERS. AT THE VERY LEAST, THEY MIGHT ADD TO THE BODY OF GENERAL KNOWLEDGE NOW AVAILABLE IN THE CASE. ZAMORA'S RELUCTANCE TO REQUEST THE DIARIES--OR TO REQUEST THE SIU TO INVESTIGATE THEM--PROBABLY REFLECTS HIS GROWING HOPE FOR A MAJOR BREAKTHROUGH. HE FEELS PRESSURED FOR A PROMPT RESOLUTION AND MAY FEEL THAT THE VALUE OF THE DIARIES IS OUTWEIGHED BY THE TIME AND ENERGY IT WOULD TAKE TO ANALYZE THEM. IN FACT, IF THE INVESTIGATION IS TO BE ADVANCED, IT WILL REQUIRE THE KIND OF PAINSTAKING THOROUGHNESS THAT HAS BROUGHT IT TO THIS POINT.

WALKER

UNCLASSIFIED

[redacted]

Declassified under EO 12356 (X) in full ( ) in part ( ) sanitized ( ) deleted ( ) withheld: classified ( ); privacy ( ); personal ( ); law enforcement ( ); not relevant to El Salvador ( ).
1-23-97

Blake - Davis
remains sent 9/6/90
via APO

E1577

RELEASED

LETTER OF TRANSMITTAL

Enclosed is what are believed to be human bone or skeleton. A Guatemalan forensic physician has determined that, in fact, no evidence of human tissue can be found in these samples (report attached).

Two American citizens, Griffith Davis and Nicholas Blake disappeared in late March 1985. An informant claims they were murdered near the town of El Llano, Buehuetenango Department and their bodies were tossed by the side of a mountain trail. Approximately 16 months later, the remains were allegedly recovered and carried to another spot where they were burned in a bonfire. It is not certain whether the ashes were searched afterwards for whatever remained.

This case is of particular interest to the Department of State and the White House. Embassy has discussed this case in detail with Mr. Joseph Gannon, Legal Attache in Mexico City.

REQUEST OF FBI LABORATORY:

Laboratory is requested to identify enclosure as remains of human skeleton.

Please make results of examination available to:

Sue H. Patterson
Consul General
American Embassy Guatemala
APO Miami 34024

and Joseeph Gannon
Legal Attache
American Embassy Mexico City
P.O. Box 3087
Laredo, TX. 78044-3087

GUATEMALA
AMEMBASSY
#327224
BLAKE/DAVIS

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 07/14/95
Case ID: 95122239

X

PROG 09/07/90
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AMEMBASSY GUATEMALA
SECSTATE WASHDC

RELEASED

NOFORN
DEPARTMENT FOR HA AND S/IL

E.O. 12356: N/A
TAGS: PHUM, ELAB, GT
SUBJECT: 1990 COUNTRY REPORT ON HUMAN RIGHTS PRACTICES: GUATEMALA

1. LOU--NOFORN--ENTIRE TEXT

2. FOLLOWING IS THE 1990 COUNTRY HUMAN RIGHTS REPORT FOR GUATEMALA.

GUATEMALA

The Constitution took effect January 1986. It provides for election by universal suffrage of a one-term President, a unicameral Congress--increased in 1990 from 100 to 118 members--and municipal officers; it guarantees a long list of rights, and calls for an independent judiciary and a Human Rights Ombudsman, responsible to Congress. The Christian Democrats began governing in 1986 after free and fair elections. National elections are due November 11; a run-off, January 6, with transfer of power January 14. Presidential control over the security forces, while not absolute, is greater than usually acknowledged. The Army (43,000 men) has the key role in national security and is fighting a 30-year foreign-supported leftist insurgency. The Army includes a 3000-man Mobile Military Police that guards key facilities and takes part in anti-crime operations. The National Police (12,000 men) and the Treasury Police (2,000) report to the Interior Minister; both suffer corruption, poor training, low pay, and low morale. About 500,000 men in civil defense committees (CVDC) carry out counterinsurgency and law-and-order tasks. Service in the CVDCs is suopposed to be voluntary, but this not always the case.

Hobbled by a weak justice system and a lack of will, authorities did not stem growing violence. Despite notable improvement over the performance of past years, reliable evidence indicates security forces still

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 07/14/95
Case ID: 95122240

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committed, with [illegible] major human rights abuses. Most victims were rural indigenous people suspected of involvement with guerrilla movements. While harassment of local rights groups was not as blatant as in 1989, activists reported threats and endured acts of lethal violence often apparently at the hands of security forces. Criticism of Guatemala's human rights record by the U.S. Ambassador and government drew public and press attention--the U.S. Ambassador was recalled to stress the seriousness with which we view human rights issues.

Communist guerrillas killed policemen, unarmed soldiers, and military commissioners (civilian Army employees); they engaged in armed robbery, economic sabotage, mine warfare, kidnaping, forced labor and recruitment, and used children in combat. In May talks in Madrid between guerrilla and political party representatives, the guerrillas promised to halt attacks on economic and civilian targets and allow elections to go forth. These promises were not honored. There is evidence of guerrilla involvement in the illicit opium trade.

Government engaged in heavy deficit spending; inflation hit an annual rate of over 55 percent--a blow to already low living standards. Little was achieved in reducing illiteracy and infant mortality. Corruption and mismanagement are widespread. The number of labor unions rose but some members credibly alleged harassment from a variety of sources. There was no resolution to some major cases of past abuses in which the United States has expressed strong and continuing interest, e.g., the 1985 disappearances of American citizens Blake and Davis, the 1988 El Aguacate massacre, the 1989 disappearances of 11 students of whom 6 were killed, and the 1989 abduction of U.S. citizen nun Sr. Diana Ortiz. A court reversed the 1988 conviction of six policemen for the 1987 murders of two men in Quetzaltenango--the only major win over human rights abusers linked to the security forces. The government has appealed the reversal.

RRESPECT FOR HUMAN RIGHTS

SECTION I

RESPECT FOR THE INTEGRITY OF THE PERSON, INCLUDING FREEDOM FROM:

A. POLITICAL AND OTHER EXTRAJUDICIAL KILLING

As in 1989, official statistics showed about 2,000 homicides nationwide; critics, with reason, claimed this was an understatement. Press reports and other available information pointed to a number at least three times the official one. In June, for example, press reports indicated the homicide rate in and around the capital reached an average of one per hour. While most killings resulted from personal vendettas and other crimes, including drug trafficking and gang warfare, extrajudicial killings, including politically motivated ones, appeared to rise in 1990.

The Human Rights Ombudsman calculated about 400 politically motivated killings in 1990, mainly in conflictive rural areas of San Marcos, Huehuetenango, Quiche, and Peten Departments. Most victims were indigenous people presumably killed by security forces, usually the Army, for suspicion of backing guerrilla groups. The Ombudsman's figure does not include an unknown but probably large number of vigilante killings of criminals and suspected criminals. While not demonstrated conclusively, security force involvement in many vigilante actions seems likely. The rise in extrajudicial killings was a response to increased guerrilla activity and frustration over violent crime in urban areas, particularly the capital.

No information points to political and other extrajudicial killings as officially condoned policy, but authorities failed to investigate these and bring the authors to justice. While members of the security forces faced arrest, conviction, and sentencing for common crimes, including murder of rural people, no examples existed of trials and convictions for political or extrajudicial killings by security force personnel. Authorities did not prevent some members of the security forces, in particular certain rural military zone officers, from conducting extrajudicial killings. These persisted despite attempts by foreign donors--including the U.S.--some senior officers, the Ombudsman, and the new Police Director--an active duty Army colonel--to change traditional human rights attitudes and practices within the security forces. Efforts included firing and arresting large numbers of allegedly corrupt and abusive policemen.

Guerrilla forces killed civilians, off-duty soldiers, and policemen. In July, for example, guerrillas in San Rafael Petzal (Huehuetenango) shot and killed two unarmed men and wounded eight others participating in a civil defense patrol. Many policemen in rural areas were killed throughout 1990 in ways strongly suggesting guerrilla involvement.

In January, armed men seized Salvadoran leftist Hector Oqueli and Guatemalan attorney Gilda Flores in the capital. Their bodies appeared hours later near the El Salvador border. The crime led to strong local, US government, and international demands for a complete investigation. The government condemned the killings and in March issued a preliminary report on its investigation. A final report in June implied, without strong supporting evidence, that friends of Oqueli and Salvadorans resident in Guatemala were responsible. There were no arrests. The case remains open.

In February, two Coca-Cola workers, the Sagastume brothers, were killed. While not clear if the crime was related to a long strike against the Coca-Cola bottler, CAVISA (see sec 6), credible information indicated the brothers, found dead with a third man, died as a result of criminal activity. Also that month, according to police, 12 men in "olive green" uniforms and carrying automatic weapons, entered a home near Cuyotenango (Suchitepequez) and killed Antonio Gonon Morales and wounded his wife and his daughter-in-law. Police blamed guerrillas but could offer no motives.

On March 17, nine people were seized near Malacatan (San Marcos) by armed men. The bodies of five later appeared: Teodoro Mejia, Arcadio Mejia, Efrain Ventura, Luis Ventura, and Joaquin Ortega. A survivor, a child, was also found. While information was inconclusive, local observers blamed the Army. San Marcos is a very conflictive region in which guerrilla activity (that same day guerrillas killed a San Marcos police chief), drug trafficking, and Army operations are common.

CERJ (Runujel Jûnam Council of Ethnic Communities), a rural-based organization dedicated mainly to opposing obligatory service in civil defense committees, has been accused by the Army of being a guerrilla front group. During the year, three members of CERJ were killed, at least two apparently by persons protected by security forces. On March 19, Maria Mejia (whom CONAVIGUA, a local widows association, also claimed as a member) was killed in her home near Parraxtut, Sacapulas (Quiche). Her husband, Pablo Lastro Tojin, wounded in the attack, named two men, both allegedly military commissioners, as the killers. Arrested in May, both went free in June for "lack of evidence." The Army denied they were commissioners but unconfirmed information indicates a Quiche Army officer promised the suspects quick freedom if they agreed to be arrested and brought before a judge. (see sec 4).

On April 10, masked gunmen killed CERJ activist Jose Vicente Garcia in front of his family. He previously had denounced receiving threats. Reliable information indicates the killers, though not military, were shielded by Army officers. A knowledgable independent local observer stated the activist was probably killed for suspicion of "subversive activities."

On May 1, CERJ member Jose Maria Ixcaya was killed in Solola as he left for the capital to participate in May Day rallies. A cousin of his publicly accused the Army of the killing; a credible source indicated, however, it might have resulted from a dispute unrelated to CERJ.

Jose Vielman, son of the conservative head of a lawyers group (JUDE), died in March near a police checkpoint outside the capital. Initial reports portrayed the death as resulting from a botched robbery attempt by highwaymen. Subsequent reliable information indicates, however, Vielman died resisting police attempts to rob him. An internal investigation is reportedly underway.

In June, long-time resident U.S. citizen Michael Devine was brutally slain near his home in Peten Department. First reports depicted the crime as a robbery-murder. Subsequent information, however, showed that Army personnel participated in the killing. The motives remain uncertain. The Peten military zone commander, suspected of sending those who killed Devine, was removed and transferred to the capital. In September, President Cerezo, in an unprecedented and welcome move, publicly acknowledged the possibility of security force involvement and promised a full investigation. The Human Rights Ombudsman also indicated he had information showing possible military involvement. In September, the court in Flores (Peten) issued arrest warrants for several persons, including four soldiers, for suspicion of involvement in the murder of Mr. Devine. The local press gave this important development widespread coverage. The US Government continues to insist that the guilty be brought to jusitce.

On July 25, centrist Congressman Otto Rolando Ruano and his driver were killed 55 miles from Guatemala City. The following month centrist Mayoral candidate Celso Milagro Giron was killed in San Pedro Jocopilas (Quiche); he had become a candidate after the killing of the prior candidate, Solomon Blanco. More violence followed in San Pedro Jocopilas including the violent death in September of Christian Democrat activist

mayor of Cuyotenango (Suchitepequez), Roberto Vallejos, was shot near his home. He survived. Authors and motives were unknown.

On September 11, Mirna Elizabeth Mack Chang, a Guatemalan academic researching issues affecting displaced persons in the highlands, was stabbed or cut 17 times and killed near her office in Guatemala City. GAM and other human rights organizations and university groups denounced the killing as politically motivated. Initial police reports, however, indicated robbery as the motive as the killers took her purse and credit cards. The case remains unsolved and the US government continues to press for a resolution.

In a major reversal for already weak efforts to hold security forces accountable for abuses, in August an appellate court found "insufficient evidence" to uphold the 1988 convictions and 30-year prison terms of six policemen, including a former Quetzaltenango police chief, for the 1987 abductions and murders of two university-affiliated agronomists, Rene Leiva Cayax and Danilo Alvarado Mejia. The killings apparently had been connected with a bus strike and other labor and civil unrest in Quetzaltenango at the time. This had been the only case in which members of the security forces were arrested, tried, convicted, and sentenced to prison for serious human rights abuses. Police Director Col. Caballeros said he would not accept the men back into the police force. The government has appealed the court's decision to rescind the convictions.

The government did not solve the 1989 murders of 6 university students--these were among 11 who disappeared (see sec 1b). It was widely thought at least some came under suspicion of pro-guerrilla activities. There was no resolution of the August 1989 murder of Christian Democratic politician Danilo Barillas. The 1989 killing of GAM (Mutual Support Group) activist Aurelio Lorenzo Xicay also remains unsolved; a police report released in March stated Xicay had been drunk at the time of his death from a blow to the head. Authorities did not solve the 1989 Sanquin (Chimaltenango) killings in which a military commissioner, his son, and three others were slain by men who might have been guerrillas. A police report on the July 1989 death of former Coca-Cola union member Jose Pantaleon identified several persons as responsible and implied the killing had to do with personal problems. The November 1988 El Aguacate massacre was also not resolved.

The U.S. government is active in seeking a resolution to several of these cases. Among those receiving particular emphasis are: the killings of Hector Oqueli, Rene Flores, Elizabeth Chang, and Michael Devine; the disappearances and murders of several university students; the killings of minors by policemen; and the El Aguacate massacre. Efforts were limited by the legal constraints facing a diplomatic mission and limitations of personnel, time, and investigatory expertise.

b. DISAPPEARANCE

There were no completely reliable figures for 1990 on the number of disappeared persons. According to an official report released early in 1990, authorities knew of 2,588 disappearances from all causes January 1989 - January 1990. The report stated the Police resolved 1,763 of those: 1,537 were found safe, 35 in hospitals, and 191 dead. Of the remaining 825, police claimed 198 consisted of false reports and 206 of persons who had reappeared but had not been reported as such. The Office of the Human Rights Ombudsman calculated Guatemala suffered some 200 politically motivated disappearances during 1990. Given that there is no solid evidence of clandestine prisons, a valid assumption is that most of the politically motivated disappearances ended in death. According to the Ombudsman, most occurred in conflictive rural areas and consisted of persons suspected of involvement in guerrilla activities. The government failed to resolve these disappearances. The Ombudsman concluded security forces bore responsibility for the majority of these types of disappearances. The Ombudsman's calculations and conclusions seem reasonable.

In January, the son of a prominent leftist journalist told of being abducted and briefly held by persons apparently connected to the security forces. His captors, according to him, carried automatic weapons and drove a radio-equipped vehicle of a type usually associated with the military presidential guard. According to this account, he was queried about activities at San Carlos University and released when his abductors received orders over the radio to do so. A military source denied Army involvement, saying the incident resulted from a dispute over a girlfriend.

In February, two disappearances in the capital drew much foreign and local attention, prompting a resolution by Guatemala's Congress calling for the victims' relase and for authorities to prevent and resolve these sorts of

the victims. On February 6, San Carlos University law student Armando Oscar Piedrasanta was taken by armed men, beaten, and abandoned along a highway early the following day. The authors and motives were unknown but the assumption was Piedrasanta was suspected of "subversive activities." He reportedly has left Guatemala.

On February 10, Dr. Carmen Angelica Valenzuela Argueta, a pediatrician, was pulled from her car in the capital by armed men in a four-wheel drive vehicle with tinted windows. The daylight kidnaping led to a strong public demand for her release and to foreign embassies, including the U.S., working to that end. Freed February 18, she made no public statements, and left for abroad. Motives for the abduction generated speculation ranging from suspicion of possible involvement with guerrilla sympathizers to the belief she was about to reveal rampant corruption in the Ministry of Health.

In April, guerrillas abducted two off-duty soldiers in the Peten. The seizure took place during a unilaterally declared Holy Week cease fire by the guerrillas. The soldiers were eventually freed.

Luis Miguel Solis Pajarito, member of a displaced persons organization, CONDEG, disappeared May 3 in the capital. His wife, a GAM member, labeled the military responsible and alleged he was in one of the capital's military facilities. She filed writs of habeas corpus with no result. She has subsequently alleged receiving threats. The disappearance led to protests, including GAM's take-over the office of the International Committee of the Red Cross (ICRC). Given that some military see CONDEG as a pro-guerrilla group, security force involvement in the disappearance cannot be dismissed, but no conclusive evidence of Army involvement exists.

Two CERJ members disappeared in July. On July 2, armed men in two pick-up trucks apparently seized Pedro Tiu Cac in Chajab, Racana (Totonicapan). Samuel de la Cruz Gomez, reportedly a member both of CERJ and of leftist CUC (Committee of Campesino Unity), was taken near Zacualpa (Quiche) July 12 apparently by an army patrol. Gunfire injured two persons trying to save de la Cruz Gomez from his captors. Neighbors captured a man they said was a military commissioner--he denied it--and took him to Santa Cruz del Quiche where he was jailed. The alleged commissioner was eventually freed following lab evidence he had not fired a weapon and testimony placing him elsewhere at the time of the disappearance.

The University Students' Association (AEU) reported the August 1 disappearance of law student Anibal Palma. The 30-year old man allegedly was taken by several armed men in the capital. The AEU filed a complaint with the Office of the Human Rights Ombudsman. Also in August, military commissioner Sergio Gomez was reported abducted by seven heavily armed guerrillas in olive green uniforms near conflictive Tajumulco (San Marcos), the main area for ORPA (Armed Revolutionary Organization of the People). No further information was available.

Four CERJ members who disappeared April 1989 in Suchitepequez were not found; the assumption is that the men are dead. There was no resolution of the disappearances of several university students who vanished between August 21 and September 10, 1989 (see section 1. a); official reports issued in 1990 suggested the disappearances and deaths were due to internal student conflicts, an idea not generally accepted. The August 1989 disappearance of GAM member Rumalda Camey remains unsolved.

No progress has been made in the kidnaping November 2-3, 1989 of U.S. citizen nun Diana Ortiz. A police investigation and official statements cast doubt on her claim of having been abducted from a religious retreat in Antigua (Sacatepequez) by security forces and tortured in a clandestine chamber. Soon after her escape, Ortiz left Guatemala. Despite many requests, Ortiz has not provided further information to Guatemalan or U.S. officials. The case remains open with lack of information from Ortiz hampering serious investigation. The U.S. government continues to press on all parties the importance of resolving this case.

The August 1985 disappearances of two Americans, Nicholas Blake and Griffith Davis, also remained unsolved. Officials in 1990, however, showed more willingness than previously to solve the case and gave improved cooperation to U.S. Government efforts. The U.S. government continued to insist that this important case needed to be solved.

C. TORTURE AND OTHER CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT

There were no verified reports of inhuman or cruel treatment of detainees in official custody. There were, however, credible reports of excessive force by police

Army, civil defense patrols, military commissioners, and police of persons in rural areas. Prison conditions were tough: Penal authorities were hampered by overcrowding and lack of funds and trained personnel.

There were credible reports of mistreatment and even torture leading to the deaths of persons detained extrajudicially. Persons who escaped from or were released by captors apparently linked to the security forces, related accounts of physical and mental abuse.

Many of the bodies found throughout Guatemala bear signs of torture or post mortem mutilation. Some human rights groups view signs of torture as prima facie evidence a crime is political in motive. That conclusion is not valid: Criminal gangs and others resolving personal vendettas often use torture.

One very disturbing development was credible information of severe mistreatment and even murder by policemen of street children. These homeless children often engage in prostitution and other crimes and frequently use dangerous inhalants, such as paint thinner and shoemakers' glue. Amnesty International issued a report in July discussing some of these abuses and reported threats against persons and groups working with street children. Police officials were working to resolve these cases and had undertaken several investigations. Four policemen were arrested in June for the murder of minor Nahamon Carmona. The US Government has been active for some time in pressing for an end to this particularly reprehensible abuse.

D. ARBITRARY ARREST, DETENTION, OR EXILE

An arrest warrant is needed when an accused is not caught committing a crime. According to the Constitution, police cannot hold a person for over six hours without bringing him to a judge. The law provides for bail, access to lawyers, and limits to 20 days the time anyone may be held for investigation, after which he must be charged or released. Authorities must produce detainees on request. Exile is not used.

Allegations of arbitrary arrest or detention by police, as distinct from other security forces, were infrequent. There were no verified cases of arrests of political opponents for their beliefs. While there was

illegal incarcerations took place, there were credible reports of security force "safehouses" used to conduct brief illegal detentions, interrogations, and, at times, torture and murder. Writs of habeas corpus are, as expected, ignored by those conducting illegal arrests.

CERJ alleged an arbitrary arrest by police in July of Marcus Pu Percac near Santa Lucia de la Reforma (Totonicapan). Police officers, according to CERJ, threatened to label him a subversive unless paid a bribe. Pu was freed after apparently paying the solicited bribe. The story could not be confirmed. Also in July, a judge in Huehuetenango ordered the arrest of a civil defense patrol leader for the illegal detention of a minor. The judge reported death threats. There was no confirmation on the arrest.

On August 17, daily "El Grafico," owned by centrist UCN presidential candidate Jorge Carpio, reported UCN activist Maximiliano Vasquez was arrested by a military commissioner because of political activities. In a letter the next day, the Army spokesman denied the claim, stating Vasquez was arrested by police on criminal charges; a police source supported that version.

In September, CERJ denounced that 86 persons from in and around Amachel (Quiche) had been forcibly transported to and were being illegally held at a military installation in Nebaj (Quiche). The Ombudsman and the UN human rights expert traveled to Quiche to investigate this allegation. They could not confirm allegations of severe mistreatment nor did they find that the persons were being held at a military base. It was not clear, however, that those taken to Nebaj from highly conflictive Amachel had moved of their own free will.

E. DENIAL OF FAIR PUBLIC TRIAL

The Constitution calls for an independent judiciary made of a court of constitutionality, a supreme court, appeal courts, and several courts of special jurisdiction. Military courts have jurisdiction only over the Army, including military commissioners. Civilian trials are public; defendants have the right to be present and to legal representation. Convictions are automatically reviewed by an appeals court. There were no political prisoners. Despite reform efforts, however, the judiciary remained troubled, suffering corruption, low morale and poor pay.

In January, an appeals court reduced the sentences of those convicted of attempting the overthrow of the government in May 1989. All of the plotters went free in February, despite opposition from the Army command.

A U.S.-funded model court program run by Harvard University ended and was not renewed. Those running the program expressed frustration with the lack of will on the part of authorities to reform the nation's court system and to undertake prosecutions of human rights offenders. On the more positive side, the Congress began debate of a radical revision of the penal code which would modernize, speed up, and presumably make the justice system more responsive and accessible to the common person. The proposed new code, while welcome, would still face a Constitutional restriction on trying military in civilian courts, thereby limiting the ability of those courts to act against human rights abusers in uniform.

The U.S. Department of Justice, through its ICITAP program, trained police personnel--over six hundred since the start of the Cerezo Administration--in a range of modern criminal investigative techniques. Many of those trained, however, were subsequently not employed on the police or left out of frustration over an inability to use their skills. The new police director promised to make an effort to keep such trained personnel and to make use of their talents. As 1990 ended, he had made a start to this end.

F. ARBITRARY INTERFERENCE WITH PRIVACY, FAMILY, HOME, OR CORRESPONDENCE

The Constitution provides for the inviolability of home, correspondence, and private documents. While this provision was usually respected, there were exceptions. Heavy-handed Army efforts to enforce the military draft law resulted in persons taken off the streets or in homes without a court order. Similar charges were made against military commissioners who sought to enforce the draft in rural areas. According to the press, for example, Armando Montoya of El Progreso (Jutiapa) stated that on September 2, military commissioners shot him in the course of efforts to draft him.

The Constitution requires self-defense organizations to be voluntary. The Human Rights Ombudsman, responding to a request from CERJ, found that while the decree

Constitutional, forced participation existed in violation of the decree and the Constitution. In March, the Chairmen of the Congressional Human Rights and the Defense Committees gave similar opinions. In most parts of the country, self-defense committees and patrols appear largely voluntary. As in past years, however, the degree of voluntarism in conflictive parts of Quiche and Huehuetenango is open to serious question; there are scattered reports of forced participation in small communities in Solola and Baja Verapaz Departments. The Army denies it pressures, threatens, or persecutes those who advocate against the committees or who refuse to join. There is, however, credible evidence that such persons suffered serious abuses, including murder (sec. 1.a).

G. USE OF EXCESSIVE FORCE AND VIOLATIONS OF HUMANITARIAN LAW IN INTERNAL CONFLICTS

The 30-year armed internal conflict continued. There were accusations of indiscriminate use of aircraft and artillery on civilian targets. The office of the Human Rights Ombudsman looked into reports of a major aerial attack on a small community in Quiche; a deputy ombudsman could find no evidence of bombing. Given the small, tightly controlled aerial and artillery assets, charges of "carpet" bombing, mass artillery barrages, and attacks by helicopter gunships are not credible.

The year began with increased guerrilla military activity, including attacks on the economic infrastructure, such as bridges, farms, roads, electrical pylons, road maintenance and telephone equipment, prompting the Human Rights Ombudsman to denounce the guerrillas as violators of human rights. In February, a guerrilla unit attacked an army patrol inside the town of Santa Maria de Jesus, 12 miles from the capital. The ensuing battle killed three small children. Persistent guerrilla efforts to cut major roads resulted in the deaths of civilians caught in the fire between guerrillas and security forces. There is reliable information indicating guerrillas targeted policemen for murder. During 1990, guerrillas briefly overran several communities and forced residents to gather for propaganda meetings. In May, guerrillas in Huehuetenango ambushed a civilian truck transporting sick and injured soldiers in civilian dress to hospital; eight were killed.

On August 31, guerrillas in the Peten overran and destroyed a medical-dental compound operated by a long-resident American missionary family, the Stoltzfuz. The compound was destroyed, medical supplies stolen, and the family held at gunpoint and threatened with death unless they left Guatemala. A press release from the guerrilla-controlled news agency CERIGUA claimed guerrillas carried out the attack in retaliation for the family's alleged support of the Army, i.e., the missionaries had treated seriously wounded soldiers. One of the Americans suffered further harassment apparently at the hands of guerrillas in the capital.

Despite promises not to interfere with elections, credible reports indicated guerrilla efforts to prevent people from taking part in political activity. Guerrillas also reportedly tried to prevent rural people from participating in Independence Day celebrations. Guerrillas used children as young as 13 years old in combat. They maintained tight control over several communities in northern Quiche, labeled CPRs (Communities of Resisting Populace), in which they used forced labor and obligated people to join guerrilla militia units.

There was little reliable information in 1990 on the fate of captured guerrillas. Information from other years, however, indicates such persons often faced torture and death. Some, however, did avail themselves of amnesty, cooperating with the Army, and received good treatment: One such prisoner was a 14-year-old guerrilla who had been recruited from a refugee camp in Mexico and turned himself over to the Army in March.

Informal talks aimed at ending the 30-year internal conflict were sponsored by the National Reconciliation Commission (CNR), created by the Esquipulas Accords. The first talks took place in March in Oslo between the CNR and representatives of the guerrilla umbrella organization, the URNG (Guatemalan National Revolutionary Unity) which consists of three guerrilla movements and a faction of the illegal Communist party (PGT). The next talks were in Madrid in May between the URNG and representatives of Guatemala's legal political parties. The major private sector organization, CACIF, met the URNG in Ottawa at the end of August. Church leaders held talks with the URNG in Quito in late September with "popular associations" scheduled to meet the URNG in Mexico October/November. The talks are to culminate in a meeting between government representatives and the URNG. These talks are the most

could end in coming months. The war continues to serve as the principal justification for the serious human rights abuses suffered in Guatemala.

SECTION 2

RESPECT FOR CIVIL LIBERTIES, INCLUDING:

A. FREEDOM OF SPEECH AND PRESS

The Constitution provides for freedom of expression; there were no signs of officially ordered or sanctioned efforts to restrict it. Vocal critics of the government, particularly in this election year, had widespread media access. In 1990, a new daily, "Siglo XXI," appeared and took a line generally critical of the government. The other three major papers were also critical of the government, one openly favored an opposition presidential candidate: its owner. Highly critical press releases, paid advertisements, and other pronouncements by political parties, private sector groups, labor unions, human rights organizations, guerrilla groups, and guerrilla-fronts such as CPR and CERIGUA (see sec 1. g) ran without official interference. Foreign films, t.v. programs, books, magazines, and newspapers were available, limited by cost and hard currency concerns.

There continued to be "self-censorship" on certain topics. Journalists abandoned some themes or watered down conclusions rather than test the limits of tolerance of certain groups, particularly in the security forces. There was no press discussion, for example, of corruption in the Army, although civilian corruption was an electoral issue. There was, nevertheless, thorough coverage given charges by the U.S. Embassy that an active-duty military advisor to President Cerezo, the head of a now defunct Presidential anti-corruption unit, was involved in drug trafficking. The press, however, ran no independent investigation.

BB. FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION

The Constitution recognizes the right of peaceful assembly and association. Parades, rallies, marches, forums, public debates, and seminars took place openly and freely throughout 1990. Political parties registered large numbers of candidates and members. Organizations need legal association status, a

organizations without good funding or legal expertise. As the year ended, fore example, CERJ efforts to become a registered organization had still not prospered after 18 months. The lack of legal association status, however, did not prevent a large number of associations, including CERJ and others with international ties, from operating and holding authorized rallies and marches.

Some human rights groups, such as GAM, CONAVIGUA, and possibly CERJ, showed a willingness to engage in civil disobedience and illegal and even violent actions. In May, the GAM, protesting the disappearance of Solis Pajarito, illegally occupied for several days the offices of the International Committee of the Red Cross (ICRC). GAM also threatened to occupy the offices of the Human Rights Ombudsman but was dissuaded by a warning from the Ombudsman that he would not tolerate illegal activities on the office's property. GAM was also involved in the occupation of the CAVISA bottling plant (see sec 6). Brigadas de GAM personnel exchanged rocks with civil defense patrol members in a village near Chichicastenango (Quiche). GAM had sought to march in protest over allegedly obligatory patrol membership. The march turned violent when, according to the GAM and other witnesses, patrol members began pelting the marchers with rocks; other eyewitness accounts, however, have the first rocks thrown by the marchers. GAM and CONAVIGUA organized a demonstration in June in Pacoc (Quiche) which turned violent when, according to a reliable eyewitness, the demonstrators pelted two local policemen with rocks. Some demonstrators later claimed there had been an attempt to kidnap them--there was no evidence of such an attempt. Persons claiming to belong to CERJ and boasting of the protection afforded them by their international ties were reliably reported by an eyewitness to have engaged in public threats against officials in Zacualpa (Quiche).

C. FREEDOM OF RELIGION

There is no state religion. Religious freedom is guaranteed in the Constitution and respected in practice. While 70 percent of the populace is nominally Roman Catholic, many Indians mix traditional and Catholic beliefs. A large number of other faiths work freely in Guatemala: Over 25 percent of the population adheres to a variety of Protestant denominations, many with international ties. As a rule, foreign priests and missionaries worked without official interference. Guatemala has Mormon, Jewish, Baha'i, Buddhist, Jehova Witness, and Islamic communities.

D. FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FOREIGN TRAVEL, EMIGRATION, REPATRIATION

The government did not restrict foreign travel; critics traveled abroad freely and returned. Government does not revoke citizenship for political reasons. Movement within Guatemala was generally unhindered except in conflictive areas. Guerrillas of the EGP (Guerrilla Army of the Poor) continued to maintain tight control over several villages in northern Quiche and severely restricted the travel of residents with threats of violence and generous use of land mines. Some persons in civil defense patrols claimed their freedom to travel from their villages, particularly during the sugar harvest on the coast where many work, is restricted by patrol leaders who demand payments for the days an individual will miss patrol duties.

Guatemala remained a refuge for thousands of Central Americans. Repatriation of refugees from Mexico continued during 1990. Many of the estimated 40,000 refugees still in UN camps in Mexico waited to see the outcome of elections in Guatemala; others had clearly established roots in Mexico and will probably not return. The government welcomed the return of the refugees and efforts were made to settle them quickly. There were credible reports of guerrilla efforts to dissuade refugees from returning to certain areas.

SECTION 3

RESPECT FOR POLITICAL RIGHTS: THE RIGHT OF CITIZENS TO CHANGE THEIR GOVERNMENT

Guatemalans have the right to change government by peaceful and democratic means. There is universal suffrage via secret ballot; voting age is 18. There are no property or literacy requirements. National elections were held November 11 with the participation of 20 registered political parties, and numerous presidential, congressional, and municipal candidates. A run-off election between the top two presidential candidates took place January 6 with a peaceful transfer of power to another civilian government on January 14. Candidate debates and Congressional sessions were widely covered by the local media. Candidates had access to media, and held rallies and other public events without official hindrance.

During the meeting in Madrid in May between guerrilla representatives and those of the legal political parties, both sides agreed to initiate significant Constitutional changes in 1991 which would, among other changes, enable guerrillas to run for office.

SECTION 4

GOVERNMENTAL ATTITUDE REGARDING INTERNATIONAL AND NONGOVERNMENTAL INVESTIGATION OF ALLEGED VIOLATIONS OF HUMAN RIGHTS

The Government did not hinder international human rights groups visiting and working in Guatemala. Senior officials met representatives of these groups, including AW, WOLA, AI, and a group looking into the alleged abduction of American citizen Diana Ortiz (sec 1.b). UN and OAS representatives also visited. Some foreign human rights-related groups--Brigadas de GAM, Peace Brigades International, and Witnesses for Peace--set up permanent presence without official interference. The Government, however, proved sensitive to outside criticism of its human rights record, labeling it as political. President Cerezo stated U.S. Government criticism was driven by a desire "to pay back" Guatemala for its foreign policy independence. Guatemala's human rights record came under criticism at the United Nations Commission on Human Rights, although an effort to reestablish a Human Rights Rapporteur for Guatemala did not prosper. The UN debate drew considerable public, press, and official attention.

The Constitutionally created Human Rights Ombudsman office increased its activities under its new head, Ramiro de Leon Carpio. The office established an investigations unit and undertook energetic education campaigns among the public and the security forces. The office issued strong statements critical of the government and the security forces and reported it had information which indicated a possible involvement by military in murder of U.S. citizen Michael Devine (sec. 1. a). Deputy Ombudsman Alvarez Guadamuz risked his life in March to save CERJ leader Amilcar Mendez from an attack by civil patrolmen in Parraxtut; Alvarez and Mendez were escorting returning families who fled Parraxtut in the wake of the Mejia killing (sec 1.a) when they were set upon. Mendez managed to flee but Alvarez was held and threatened with death. Some days later the patrol members apologized to Alvarez; no criminal charges were filed against the attackers. The families resumed living in Parraxtut, but reportedly not

long-awaited report on the 1988 El Aguacate massacre; the Ombudsman could reach no conclusion among much conflicting evidence.

Local human rights organizations remained highly politicized. The President's Advisory Commission on Human Rights, engaged in little activity and seemed more interested in efforts to defend the official record at the UN than in carrying out work in Guatemala. Local nongovernmental human rights organizations, such as GAM, CONAVIGUA, CODEP, CIEPRODH, CERJ, were generally not good sources of objective information and did not have a great deal of credibility in Guatemala.

SECTION 5

DISCRIMINATION BASED ON RACE, SEX, RELIGION, LANGUAGE, OR SOCIAL STATUS

According to official statistics, about half of the population was culturally indigenous with the rest ladino. Although having equal legal rights, indigenous people remained outside the national culture, language, and economy. Indigenous males continued to be much more likely than urban ladinos to be drafted into the Army or forcibly recruited into guerrilla groups. Indigenous people suffered most of the combat casualties and major rights abuses (sec. 1. a and b). Both the Army and the guerrillas fielded largely indigenous armies, usually led by ladinos. There were, however, a few indigenous serving as Army officers and in Congress. There is much social discrimination by Ladinos (Westernized Guatemalans) against the indigenous people.

Women were very active in the nation's work force, particularly in the growing textile industry and in the low-end of the retail business. Many women held prominent political posts during the Cerezo administration. Despite legal protection, women faced discrimination in the job market. Jobs were often advertised on the basis of sex, with women generally selected for lower paying ones. No national organizations were devoted to women's issues. One presidential candidate, Rene de Leon, selected a woman as vice-presidential candidate and another, Alfonso Cabrera, made "women's issues" a campaign theme.

Violence against women, such as domestic violence, remained frequent but generally received little

violence often went unreported by victims and did not receive a high priority from police.

SECTION 6

WORKER RIGHTS

A. RIGHT OF ASSOCIATION

Workers have the right to join or form unions. The law regulating free trade zones stipulates that all labor regulations apply. About 8 percent of the work force was in unions; much of the public sector, however, was unionized. Most union organizing since the enactment of the Constitution has been in the public sector. The Civil Code requires all organizations to fulfill stringent requirements in order to obtain legal status, which contributes to the small percentage of unionized workers. While statutes set a limit of a few days for processing of applications, delays of months or years are not unusual. There were several proposals for reforming the registration process. ILO experts helped write a draft labor code that limits officials to certifying workers joined of their own will. The proposal remained in Congress. Despite hurdles, 29 legal unions were formed in 1990 with 14 more approved and awaiting official notification. There was a Solidarismo movement which critics labeled an employer-inspired rival to genuine unions. The Labor Ministry did not register Solidarismo organizations.

Union leaders must show they have no criminal record, work at the company being unionized, and can read. They may serve only one term, but by rotating offices the same persons stay on the board of directors. Leaders remained as long as they had grass roots support. Legal restrictions on political activity by union leaders were not enforced; several were candidates for Congress and actively took part in electioneering. Unions are required to have a minimum of 20 members, but a craft union of skilled workers from several companies is permitted. The Social Democratic Confederation, CUSG, formed such a union among municipal workers. It had been common for employers to form several entities of less than 20 workers, in the hope workers would have no possibility of unionizing. In a victory for unions, a court ruled in 1990 that an economic unit, Laboratorios Bonin in this case, must be treated as a whole. The ruling was under appeal.

The Constitution provides for the right to strike, but procedures for a legal strike are cumbersome. Most simply occur without permission and, in practice, the Ministry of Labor makes no effort to determine the legality. The first legal strikes in memory occurred in 1990--all three involved small numbers of workers. A dissident group of former union leaders was able to obtain a strike vote by workers in the social security system, but at year's end the counting of ballots was in suspense. A major strike involved the occupation of the CAVISA glass factory, supposedly over the issue of job stability. Management refused to bargain until workers withdrew from the factory. After five months of legal wrangles, courts ordered police to remove the workers, some of whom were armed. Management estimated USD 6 million in damages through neglect and pilferage; the factory did not re-open. The CAVISA union was dissolved through the court order.

Unions may form federations and confederations and may join international bodies. The social democratic confederation, CUSG, is a participant in ORIT and through the regional body with the ICFTU; the Social Christian Confederation, CGTG, is active in CLAT, the regional affiliate of the World Confederation of Labor. No union openly maintained relations with the Communist WFTU, but some labor leaders in exile, who claim to lead unions, represented them in WFTU activities.

B. THE RIGHT TO ORGANIZE AND BARGAIN COLLECTIVELY

Largely discredited labor courts were responsible for enforcing laws prohibiting anti-union discrimination. An example of court ineffectiveness was the 1988 decision that Textiles Francisco Capuano y Hijos rehire 60 workers and pay back wages. Two years later, the courts were still debating the company's appeal of the 1,000 Quetzal (170 USD) fine for disobeying the order. Thirty-six workers remained unemployed; the rest took other jobs, losing re-employment rights. Another case involved the El Pilar Sugar Mill. Workers were fired after requesting a court injunction to enable them to form a union. One worker, Juan Tarach, was killed in a car accident and management took no action to allay suspicion violence was imminent. Eventually, all but two workers withdrew their legal claims. When an apparent attempt by unknown persons was made to kill the two hold-outs, they obtained asylum in Canada.

The Ministry of Labor reached a collective bargaining agreement with its union, the first among civil servants. The conflictive, semi-autonomous electrical union, STINDE, signed an agreement with management. The government, in an electoral move, tried to force collective bargaining on the private sector through provisions in an incentive pay law and proposed legislation on salary policy; both met strong opposition.

The Guatemalan labor code gives primacy to the protection of individual workers over collective rights; these provisions exceed international standards and U.S. law. Salaries are set primarily through individual negotiations or minimum wages. Labor Inspectors report to Labor Courts.

Although several national and international groups, including the ICFTU, claim trade unionists have been "particular targets of death squads," there is no convincing evidence of a systematic attack on unionists by officials or persons connected with the security forces. Labor violence generally involved "thugs" employed on an ad hoc basis. Without doubt, some threats to unionists resulted from information obtained by security forces on allegedly subversive activities and passed to employers or acted upon by persons in the security forces. Union activities, per se, were not considered "subversive."

C. PROHIBITION OF FORCED OR COMPULSORY LABOR

The Constitution prohibits forced labor and it generally did not exist. There were allegations Civil Defense Patrols violate the Convention on Forced Labor. Credible isolated reports existed of unpaid patrolmen used for road work, building barracks, or cutting firewood. No systematic pattern has been established.

D. MINIMUM AGE FOR THE EMPLOYMENT OF CHILDREN

The Constitution bars employment of children under 14. In the industrial sector, where labor codes were relatively easy to enforce, child labor did not seem frequent. In the informal and agricultural sectors, however, child labor is common. It is not unusual to see children helping run small family businesses—e.g., road-side stands—begging, and washing or guarding cars. A local organization, Casa Alianza, estimates

prostitution and petty crime. In rural areas, whole families worked. The Labor Minister reconginzed the difficulty in applying child labor laws when poor families need all members to feed all mouths.

On the positive side, school enrolment, an indicator of children not working, rose. In 1985, 1.016 million were in school; by 1988, 1.139 million; rural areas rose from 571,000 to 641,000.

E. ACCEPTABLE CONDITIONS OF WORK

The work day is legally eight hours, the work week 44, but a tradition of long work days has not disappeared. Third-country owners of textile plants reportedly offered minimum wages for a twelve-hour day, violating both the Constitution and labor code. The Ministry of Labor had complaints of beatings and firings of textile employees thought to be doing less than their expected workload. Labor Inspectors were not very diligent in enforcing the eight-hour day, in part because textile plants close when they find conditions more attractive elsewhere. Legislation provided for a variety of minimum wages, all of which were inadequate in the inflationary economy of 1990. Traditional landowners filed legal challenges to an official decree raising rural wages from 0.70 USD to 1.70 USD per day. Two-year-old minimum wages in other sectors were only slightly higher, few were raised.

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ROUTINE UNCLASSIFIED [redacted]

P, 8) INCOMING

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DEPARTMENT OF STATE
ARA/NEA REARCS

PAGE 01 OF 02 PANAMA 08116 00 OF 02 151624Z 028370 300088
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AMEMBASSY SAN JOSE
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AMEMBASSY MOSCOW
AMEMBASSY MANAGUA
AMEMBASSY GUATEMALA
AMEMBASSY MEXICO
AMEMBASSY SAN SALVADOR
USMISSION USUN NEW YORK
AMEMBASSY TEGUCIGALPA

[redacted] PANAMA 08116

E.O.12356: DECL:OADR
TAGS: PREL, UR, PM, ES, US, CU, EWWT, EAIR, XX
SUBJECT: BURLIAY IN PANAMA: GIVE CUBA A BREAK

REF: SAN JOSE 10268

1. (C) BEGIN SUMMARY: SOVIET MFA OFFICIAL YAN BURLIAY MADE A BRIEF VISIT TO PANAMA FROM AUGUST 29-30. HE MET WITH NO GOP OFFICIALS, BUT HIS PUBLIC EFFORTS TO DEFEND CUBA AND SOME RATHER INSULTING COMMENTS ON PANAMA DID NOT GO UNNOTICED. THE PANAMANIANS APPEAR TO CONSIDER THE BURLIAY TRIP AN ANOMALY, AS THE SOVIETS OTHERWISE CONTINUE INTERESTED IN DIPLOMATIC AND ECONOMIC/COMMERCIAL RELATIONS. THEY APPEAR LIKELY TO OBTAIN A LONG-SOUGHT MOSCOW-PANAMA ROUTE FOR AEROFLOT AND ARE ALSO LOOKING FOR SERVICING FACILITIES FOR THEIR FISHING FLEET. END SUMMARY.

2. (U) SOVIET FOREIGN MINISTRY OFFICIAL YAN BURLIAY, DEPUTY DIRECTOR OF THE LATIN AMERICA DIVISION, MADE A FLYING VISIT TO PANAMA AUGUST 29-30 AS PART OF HIS REGIONAL TOUR. ALTHOUGH BURLIAY DID NOT MEET WITH ANY GOP OFFICIALS, HE DID TAKE ADVANTAGE OF PRESS INTEREST TO PUSH FOR THE "NORMALIZATION" OF RELATIONS BETWEEN PANAMA AND CUBA. ON THE OTHER HAND, HE WAS COY ON THE SUBJECT OF DIPLOMATIC TIES BETWEEN THE SOVIET UNION AND PANAMA, SUGGESTING THEY WOULD HAVE TO AWAIT THE "NORMALIZATION" OF PANAMA'S INTERNAL AFFAIRS AND OF ITS RELATIONS WITH OTHER, UNSPECIFIED LATIN AMERICAN COUNTRIES.

3. (U) BURLIAY SAID THE USSR IS INTERESTED IN ESTABLISHING DIPLOMATIC RELATIONS WITH ALL THE CENTRAL AMERICAN COUNTRIES (HE PREDICTED A "PROMPT" RESUMPTION OF TIES WITH GUATEMALA) AND ATTRIBUTED HIS COUNTRY'S INCREASED INTEREST IN THE REGION TO THE EFFECTS OF "PERESTROIKA." HIS ASSESSMENTS OF THE CENTRAL AMERICAN PANORAMA WERE GENERALLY UPBEAT, BUT HE WAS CRITICAL OF U.S. POLICY. HE CHIDED THE UNITED STATES FOR ITS FAILURE TO TAKE "FURTHER STEPS" IN EL SALVADOR TO FACILITATE A RESOLUTION OF THAT COUNTRY'S DOMESTIC CONFLICT, ONE OF WHICH, HE PROPOSED, SHOULD BE A SUSPENSION OF U.S. ARMS SHIPMENTS TO GOVERNMENT FORCES.

4. (U) THE UNITED STATES WAS ALSO URGED TO IMPROVE ITS RELATIONS WITH CUBA AND ACCUSED OF VIRTUALLY FORCING THE LATTER TO BEHAVE LIKE A "FORTRESS UNDER SIEGE" THROUGH ITS OWN "COLD-WAR" ATTITUDE. IF BURLIAY'S AUDIENCE HAD FAILED TO NOTE HIS ROLE AS A SHILL FOR CUBA, HE ASSISTED THEM BY ADMITTING THAT HE WAS ATTEMPTING TO FORGE A ROLE FOR THAT COUNTRY IN CENTRAL AMERICAN PEACE NEGOTIATIONS IN HIS TALKS WITH REGIONAL OFFICIALS AND THE UN SECRETARY GENERAL. WHAT WAS GOOD ENOUGH FOR ANGOLA, HE SUGGESTED, IS GOOD ENOUGH FOR CENTRAL AMERICA.

5. (C) [redacted] TOLD POLOFF THEY HAD BEEN UNAWARE THAT BURLIAY WAS IN TOWN. TO THE BEST OF THEIR KNOWLEDGE, HE HAD MET WITH NO ONE FROM THE GOP, CERTAINLY NOT WITH ANYONE FROM THE MFA. [redacted] HAD SEEN THE PRESS COVERAGE OF THE VISIT AND CONSIDERED BURLIAY'S EFFORTS ON CUBA'S BEHALF, AS WELL AS HIS COMMENTS ON PANAMA, TO BE IN DECIDEDLY POOR TASTE. SHE ALSO FOUND THE VISIT PUZZLING, AS BURLIAY'S COMMENTS WERE A DEPARTURE FROM THE SOVIET POSTURE HERETOFORE REGARDING BILATERAL RELATIONS. SHE SAID THE SOVIETS HAVE EXPRESSED A DEFINITE INTEREST IN ESTABLISHING DIPLOMATIC TIES AND HAVE NOT PREVIOUSLY ATTEMPTED TO LINK THE MOVE TO THE GOP'S RELATIONS WITH OTHER COUNTRIES OR ITS LEGITIMACY.

6. (C) [redacted] SAID THAT FM JULIO LINARES IS FAVORABLY DISPOSED TO THE IDEA OF FORMAL DIPLOMATIC RELATIONS WITH THE USSR. HOWEVER, [redacted] ASSESSED THE CHANCES OF SUCH A MOVE BEFORE THE END OF THE YEAR AS REMOTE. THERE IS, HE SAID, CONSIDERABLE OPPOSITION TO THE IDEA FROM WITHIN BOTH [redacted] WHEN PRESSED, HE IDENTIFIED THE OPPOSITION AS COMING PRIMARILY FROM THE [redacted] HE WAS UNABLE TO EXPLAIN THE OPPOSITION, DESCRIBING IT ONLY AS "REACTIONARY." [redacted] FELT THAT CONSULAR RELATIONS COULD BE ESTABLISHED WITHIN THE NEAR FUTURE AND WAS CONFIDENT THAT ECONOMIC AND COMMERCIAL RELATIONS WOULD BE ACTIVELY FOSTERED. HE SAID THAT PANAMA HAS BENEFITED CONSIDERABLY FROM COMMERCIAL AGREEMENTS WITH EASTERN EUROPE AND SEES TRADE WITH THE SOVIET UNION AS POTENTIALLY LUCRATIVE.

7. (C) [redacted] ALSO CONFIRMED A REPORT FROM PANAMANIAN AVIATION OFFICIALS THAT THE USSR HAS APPLIED FOR A REGULAR DIRECT AEROFLOT ROUTE,

FOIA Exemptions B-1
PA
( ) DENY
( ) RELEASE
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( ) DECLASSIFY IN PART
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( ) DOWNGRADE TS to ( ) S or ( ) C
TS authority to
DEPARTMENT OF STATE
IM/IPS/CR/IR
EO Citations
Date 6/23/92
9101159

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ROUTINE UNCLASSIFIED [redacted] INCOMING

DEPARTMENT OF STATE
ARA/NEA REARCS

PAGE 02 OF 02 PANAMA 08116 00 OF 02 151624Z 028370 300088
MOSCOW-PANAMA, AND IS LIKELY TO BE GRANTED ONE IN THE NEAR FUTURE.

CONFIRMED THE SOVIETS' INTEREST IN THE AIR ROUTE AND ADDED THAT THEY ARE ALSO SEEKING FACILITIES IN PANAMA TO SERVICE THEIR SIZEABLE FISHING FLEET THAT WORKS HEMISPHERIC WATERS. DID NOT INDICATE WHAT KIND OF RECEPTION THE LATTER REQUEST IS GETTING IN THE GOP, AND KNEW NOTHING OF THE MATTER.

8. (C) COMMENT: BURLIAY ENJOYED SOME USEFUL MEDIA COVERAGE, BUT HIS ROLE AS FRONT-MAN FOR THE CUBANS WON HIM NO POPULARITY. THE SOVIETS MAY BE TRYING TO EASE THE CUBANS OFF THEIR BACKS BY PROMOTING CUBA'S ACCEPTANCE INTO THE LATIN AMERICAN POLITICAL AND ECONOMIC COMMUNITY, BUT, WHATEVER THE MOTIVE, BURLIAY'S PROMOTION OF CUBAN INTERESTS IN PANAMA WAS POORLY CALCULATED. IT DID NOTHING TO IMPROVE CUBAN-PANAMANIAN RELATIONS, AND LEFT THE SOVIETS LOOKING EITHER FOOLISH AND INSENSITIVE, OR SIMPLY UNTRUSTWORTHY. AS SUGGESTED BY HOWEVER, THE PANAMANIANS TEND TO TAKE A PRACTICAL APPROACH IN THESE AFFAIRS. THEY WILL PROBABLY BE CONTENT TO PROFIT FROM COMMERCIAL RELATIONS WITH THE USSR, WITH OR WITHOUT THE DIPLOMATIC TIES.

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RELEASED E1598

TEXT OF TELEGRAM 90GUATEM011242

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PAGE 01 GUATEM 11242 131327Z
ACTION OCS-06

INFO LOG-00 ADS-00 SS-01 H-01 ARA-01 SSO-01 HA-09
L-03 AMAD-01 PA-02 PPT-01 SJK-01 COR-01 CA-02
USIE-00 TFCE-00 DS-01 SCT-03
(ADS) W
----------151243 1321192 /41/44

O 072208Z SEP 90
FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC IMMEDIATE 3655
INFO AMEMBASSY MEXICO

UNCLAS GUATEMALA 11242

C O R R E C T E D C O P Y: ADDING ASEC TO TAGS LINE

E.O. 12356: N/A
TAGS: CASC, PHUM, PINS, ASEC, GT
SUBJECT: URNG ATTACK U.S. MISSIONARY FAMILY

1. SUMMARY. ON FRIDAY NIGHT, SEPT 1, URNG GUERILLAS ATTACKED THE REMOTE "NEW LIFE" MISSION OF AMCIT ELAM STOLTZFUS AND HIS FAMILY, DESTROYING AND BURNING THEIR HOME, GUEST HOUSE, POWER PLANT, MEDICAL AND DENTAL CLINIC, HOUSEBOAT AND AIRPLANE. NO ONE WAS INJURED IN THE ATTACK. MR. AND MRS. STOLTZFUS AND THEIR FOUR CHILDREN ARE RECUPERATING IN GUATEMALA CITY. END SUMMARY.

2. FIFTEEN TO TWENTY INSURGENTS SURROUNDED THE NEW LIFE COMPOUND AT 20:30 HOURS ON SEPT 1. THEY IDENTIFIED THEMSELVES AS URNG SOLDIERS AND FORCED THE STOLTZFUS FAMILY OUTSIDE AT GUN-POINT. IN THE NEXT TWELVE HOURS, THEY REMOVED EVERYTHING OF VALUE FROM THE HOUSE AND OUT-BUILDINGS AND TOOK IT BY BOAT DOWN THE RIO PASION TOWARDS MEXICO. THE MISSION IS LOCATED FIFTY MILES BY BOAT (16 BY AIR) FROM SAYAXCHE IN THE
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PAGE 02 GUATEM 11242 131327Z

PETEN REGION OF NORTHERN GUATEMALA, NEAR THE MEXICAN BORDER.

3. VIRGIL STOLTZFUS, THE 23 YEAR OLD SON, WAS ABDUCTED BY THE GUERILLAS. HE WAS FORCED TO HELP THEM TAKE TWO BOATLOADS OF STOLEN GOODS DOWNRIVER DURING THE NIGHT OF SEPT 1. AT ONE TIME DURING HIS CAPTURE, VIRGIL SEIZED A WEAPON FROM AN ATTACKER BUT DECIDED NOT TO USE IT. HE WAS NOT HARMED; NONE OF THE OTHER

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 07/20/95
Case ID: 95122241

FAMILY MEMBERS HELD AT THE COMPOUND WERE THREATENED OR HARMED. THEY LEFT FOR A NEARBY ARMY BASE THE NEXT MORNING WHERE THEY RECEIVED ASSISTANCE. VIRGIL WAS HELD THROUGH THE DAY OF SEPT.2 AND RELEASED THAT EVENING.

4. ON THE MORNING OF SEPTEMBER 4, THE STOLTZFUS FAMILY WAS BROUGHT TO GUATEMALA CITY BY ARMY PLANE FROM FLORES. THEY CAME IMMEDIATELY TO THE EMBASSY TO REPORT THE INCIDENT TO EMBOFFS. THEY STATED THAT THEIR LOSSES FROM THE ATTACK EXCEED U.S.DOLLARS 300,000, INCLUDING THEIR PERSONEL EFFECTS, HAM RADIO, AIRPLANE AND MEDICAL AND DENTAL EQUIPMENT AND SUPPLIES. THEY HAVE LIVED AT THE NEW LIFE MISSION FOR 18 YEARS AND WERE ABLE TO SAVE ONLY A SMALL AMOUNT OF CLOTHING AND LIMITED FUNDS. THEY PLAN TO TRAVEL TO HOUSTON, TEXAS, WHERE SEVERAL SPONSORING CHURCHES WHICH HAVE OFFERED EMERGENCY ASSISTANCE ARE LOCATED. THE FAMILY PLANS TO RETURN TO THE PETEN AND RE-BUILD THEIR MISSION, IF POSSIBLE.

5. THEY STATED THAT SEVERAL OTHER GUERILLA ATTACKS OCCURED AT THE SAME TIME NEARBY AND BELIEVED THAT THE ATTACK WAS PART OF A CONCERTED OFFENSIVE. VIRGIL WAS
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PAGE 03 GUATEM 11242 131327Z

TOLD THAT THE ATTACK WAS A REPRISAL FOR ASSISTANCE THAT THE STULTZFUSES HAD GIVEN TO SEVERAL GOG MILITARY PERSONEL WOUNDED TWO MONTHS AGO WHEN THE GUERILLAS ATTACKED THE PIPLES NAVAL BASE IN NEARBY SACRIFICIO. BOTH VIRGIL AND HIS FATHER WERE WARNED NOT TO RETURN TO PETEN AND GIVEN AN ULTIMATUM TO LEAVE THE COUNTRY WITHIN 72 HOURS.

6. THE FAMILY HAS BEEN ISSUED NEW U.S. PASSPORTS (THE ADOPTED GUATEMALAN DAUGHTER WILL BE ISSUED AN NIV AS SOON AS SHE RECEIVES HER REPLACEMENT GUATEMALAN PASSPORT) AND PLAN TO LEAVE FOR HOUSTON AS SOON AS POSSIBLE, PROBABLY DURING THE MIDDLE OF NEXT WEEK. THEY STATED THAT NO OTHER EMERGENCY CONSULAR ASSISTANCE WAS NECESSARY. AT THEIR REQUEST, USIS HAS ARRANGED A PRESS CONFERENCE AT THE EMBASSY THIS AFTERNOON, SEPT. 7.

7. GIVEN THE GRAVITY OF THEIR LOSS, THEY WERE IN REMARKABLY GOOD SPIRITS AND APPEARED TIRED BUT IN GOOD HEALTH. THE STOLTZFUS FAMILY HAVE BEEN GOOD FRIENDS OF THIS EMBASSY FOR MANY YEARS, HEADING OUR EMERGENCY WARNING SYSTEM FOR THEIR AREA, COOPERATING IN MEDEVACS AND PROVIDING EMERGENCY MEDICAL AND COMMUNICATIONS ASSISTANCE IN SEVERAL W/W CASES OVER THE YEARS. WE WILL CONTINUE TO PROVIDE THEM ALL

TEXT OF TELEGRAM 90GUATEM011242

POSSIBLE ASSISTANCE AND MORAL SUPPORT. STROOCK

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ROUTINE

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RELEASED
El Salvador: Human Rights
Project (1993)

ACTION UNCLASSIFIED DEPARTMENT OF STATE
ARA/NEA REARCS

PAGE 01 OF 02 SAN SA 12218 00 OF 02 150238Z 027244 989151
ACTION: ES (07)

INFO: LARA (01) DCEN (01) REG (01) NCO (01) JS (01) SPA (01) RJ (01)
CS (02) CT (02) HO (01) NU (03) ARA (01) PPC (01) OAS (01)
PPA (01)

---------- 15/1115Z A2 MAC (TOTAL COPIES: 021)

ACTION ARA-00

INFO LOG-00 ADS-00 INR-05 SS-00 OIC-02 CIAE-00 DODE-00
H-01 IO-15 NSCE-00 NSAE-00 NA-00 L-03 PM-00
INRE-00 SP-00 P-02 /045 W

----------247146 150244Z /65 66

R 102359Z SEP 90
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 1348
AMEMBASSY SAN JOSE
AMEMBASSY GUATEMALA
AMEMBASSY TEGUCIGALPA
AMEMBASSY MANAGUA
USCINCSO QUARRY HTS PM
USMISSION USUN NEW YORK

[redacted] SAN SALVADOR 12218

E.O. 12356: DECL:OADR
TAGS: PGOV, PINS, PHUM, ES
SUBJECT: [redacted]

1. C - ENTIRE TEXT.

2. SUMMARY: MOD COL. RENE EMILIO PONCE TOLD DAS KOZAK AND DAS SULLIVAN SEPTEMBER 7 THAT THE ESAF WAS AWARE OF THE DAMAGE THE JESUIT CASE HAD DONE TO THE INSTITUTION, AND DISCUSSED SEVERAL MEASURES UNDERTAKEN BY THE GOES TO SUPPORT THE JUDGE'S INVESTIGATION OF THE CRIME. PONCE INDICATED ESAF MORALE WAS MARGINALLY AFFECTED BY THE GOES-FMLN DIALOGUE, BUT ADDED THAT THE GOES HAD ADOPTED A FOUR-PRONGED STRATEGY TO ENHANCE BOTH INTERNAL AND EXTERNAL UNDERSTANDING OF THE GOES POSITION ON THE TALKS. AS THE MEETING CLOSED, PONCE REITERATED AGAIN THAT THE ESAF UNDERSTOOD THE SERIOUSNESS OF THE JESUIT CASE, AND SAID HE HOPED PROGRESS COULD BE MADE. END SUMMARY.

3. ARA PRINCIPAL DAS MICHAEL KOZAK, DAS FOR CENTRAL AMERICAN AFFAIRS JOSEPH SULLIVAN, THE AMBASSADOR ACCOMPANIED BY EMBOFFS AND DATT CALLED ON MINISTER OF DEFENSE (MOD) PONCE ON SEPTEMBER 7, 1990. PONCE OPENED THE SESSION BY NOTING HE HAD JUST FINISHED MEETING WITH UN UNDERSECRETARY GOULDING TO DISCUSS THE MECHANICS OF A CEASE FIRE AND REVIEW PRELIMINARY GOES PROPOSALS. GOULDING, ACCORDING TO PONCE, WAS FAVORABLY IMPRESSED AND HAD AGREED TO A SECOND MEETING AFTER THE CEASE FIRE PLANS HAD BEEN MORE FULLY DEVELOPED.

4. AFTER CONGRATULATING PONCE ON HIS NEW POSITION, KOZAK NOTED THAT THE GOES WAS WINNING POINTS FOR ITS REASONABLE POSITIONS IN THE DIALOGUE WITH THE FMLN, BUT ADDED THAT THIS PROGRESS WAS OVERSHADOWED BY PERCEIVED ESAF COVER UP ON THE NOVEMBER 16, 1989 MURDER OF SIX JESUITS. KOZAK URGED PONCE TO TAKE A MORE ACTIVE ROLE IN BRINGING THE TRUTH TO LIGHT, NOTING THAT MERE RESPONSIVENESS TO JUDICIAL REQUESTS WAS NOT ENOUGH.

5. PONCE RESPONDED THAT THE CASE HAD BEEN DISCUSSED AT LENGTH WITHIN THE ESAF, AND THE MILITARY WAS WELL

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AWARE OF THE DAMAGE IT HAD CAUSED. AS MINISTER, HE CONTINUED, HE WANTED THE MILITARY TO BE ENERGETIC IN DEALING WITH THOSE WHO HAD STAINED THE HONOR OF THE INSTITUTION. HE STATED THAT MILITARY COOPERATION WITH THE JUDGE HAD IMPROVED, CITING THE DIRECT PHONE LINE BETWEEN HIS OFFICE AND THAT OF THE FOURTH PENAL COURT. THE JUDGE , PONCE CONTINUED, HAD FINALLY CALLED IN THOSE OFFICERS WHO ATTENDED THE NOVEMBER 15, 1989 MEETING -- VMOD COL. ZEPEDA WOULD BE THE FIRST TO PERSONALLY APPEAR ON MONDAY, SEPTEMBER 10. PRESIDENT CRISTIANI ALSO PLANNED TO TESTIFY PERSONALLY, PONCE INDICATED. SUCH PERSONAL APPEARANCES BY HIGH RANKING OFFICIALS, HE CONCLUDED HOPEFULLY, COULD HELP END SPECULATION ON HIGHER LEVEL MILITARY INVOLVEMENT IN THE KILLINGS.

6. KOZAK RESPONDED THAT IT WAS ALSO IMPORTANT THAT THE ARMED FORCES TAKE INTERNAL MEASURES TO HELP IDENTIFY GUILTY PARTIES TO ERASE A PREVALENT PERCEPTION THAT THE ARMED FORCES WAS RELUCTANTLY COOPERATING WITH THE INVESTIGATION. SULLIVAN ADDED THAT HIS EXPERIENCE DURING RECENT NEGOTIATIONS WITH CONGRESS ON ASSISTANCE FOR EL SALVADOR INDICATED THAT THE USG AND GOES FACED SERIOUS PROBLEMS AS LONG AS QUESTIONS ABOUT THE CASE REMAINED UNANSWERED. CONTRADICTIONS IN TESTIMONY, DISAPPEARING LOGBOOKS AND OTHER INDICATIONS OF EFFORTS TO COVER UP THE CRIME OVERSHADOWED ANY PROGRESS ON OTHER FRONTS BY THE GOES, INCLUDING THE PEACE PROCESS.

7. TURNING TO THE FMLN-GOES DIALOGUE, PONCE CONCEDED THAT THE PROCESS WAS AFFECTING ESAF MORALE, BUT ADDED THAT THE GOES HAD ESTABLISHED A FOUR-PRONGED PROGRAM TO STRENGTHEN THE GOES POSITION IN THE PROCESS. THE STRATEGY INCLUDED:

--TRAVEL BY CABINET-LEVEL OFFICIALS TO BRIEF THE LEADERS OF KEY COUNTRIES INCLUDING THE US, COLOMBIA, MEXICO, AND SELECTED EUROPEAN COUNTRIES COMBINED WITH BETTER PREPARATION IN SAN JOSE (THE SITE OF THE NEXT TALKS) PRIOR TO THE COMMENCEMENT OF THE ROUND -- GOES TEAM LEADER OSCAR SANTAMARIA WOULD LEAVE EARLY NEXT WEEK TO MAKE CONTACTS WITH DIPLOMATS, GOVERNMENT OFFICIALS, AND JOURNALISTS.

--EFFORTS TO ENCOURAGE GREATER INTERNAL SUPPORT FOR THE PROCESS, INCLUDING TRYING TO PRESS THE INTER-PARTY COMMISSION TO REACH CONSENSUS ACCORDS.

--A PREEMPTIVE MILITARY STRATEGY THAT INCLUDED EXPANDED OFFENSIVE OPERATIONS TO TRY TO PREVENT THE FMLN FROM FULLY PREPARING FOR ITS OFT-THREATENED SECOND OFFENSIVE.

--AN INTERNAL PROPAGANDA CAMPAIGN TO STRENGTHEN SUPPORT FOR THE PROCESS AND INFORM SALVADORANS ON ACCORDS ALREADY REACHED (I.E. ON HUMAN RIGHTS).

THE GOES, PONCE CONTINUED, HAD CLEARLY DEMONSTRATED ITS COMMITMENT TO SERIOUSLY CONTRIBUTE TO THE PEACE PROCESS, AND THIS SHOULD BE RECOGNIZED. WE ARE SICK OF WAR, PONCE SAID, AND THE PEOPLE OF EL SALVADOR ARE EVEN MORE SO.

8. KOZAK AGREED, NOTING THE GOES ATTITUDE CONTRASTED WITH THAT OF THE FMLN. EVEN FMLN PROPAGANDA, READ BY IMPARTIAL OBSERVERS, DEMONSTRATED THE WEAKNESS OF THE GUERRILLAS' POSITION. UNFORTUNATELY, FMLN PROPAGANDA

[redacted]

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Department of State letter 10/29/93 re FOIA/PA 93-2
Declassified under MD 12356 (X)
pursuant with/hold: classified ( )
law enforcement ( ); privacy ( );

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DEPARTMENT OF STATE
ARA/NEA REARCS

RELEASED
El Salvador: Human Rights
Special Project (1993)

WAS OFTEN THE ONLY VERSION OF EVENTS IN THE PUBLIC DOMAIN -- THE GOES SHOULD CONSIDER MEASURES TO ENSURE ITS MESSAGE WAS HEARD. FOR EXAMPLE BY TAKING THE INITIATIVE TO PUBLICIZE PROGRESS ON HUMAN RIGHTS. PONCE RESPONDED THAT THE ARCHBISHOP HAD COMMENTED THAT OVER THE COURSE OF A RECENT WEEK HIS HUMAN RIGHTS OFFICE HAD NOT RECEIVED A SINGLE COMPLAINT AGAINST THE GOVERNMENT. KOJAK REPLIED THAT HE WAS PLEASED THAT THE HUMAN RIGHTS SITUATION WAS IMPROVING, AND PLEASED THAT THE ARCHBISHOP HAD RECOGNIZED IT. THIS WAS THE KIND OF POSITIVE DEVELOPMENT WHICH HAD TO BE ENCOURAGED.

3. COMMENT: AS THE PARTY PREPARED TO LEAVE, PONCE STATED AGAIN -- WITH MORE CONVICTION -- THAT HE UNDERSTOOD THE SERIOUSNESSS OF THE JESUIT CASE, AND HOPED SOMETHING COULD BE DONE ABOUT IT. THIS WAS THE ONLY TIME HE DEPARTED FROM THE SCRIPT WE HAVE HEARD SEVERAL TIMES BEFORE.

WALKER

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WG-161 9/14/93

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PRESIDENT'S MEETING WITH
CHILEAN PRESIDENT PATRICIO AYLWIN
SCENESETTER

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

Significance of Meeting

-- You have not yet met Aylwin, but you called him on December 14, 1989, to congratulate him on winning the election. The Chileans will view this meeting as an important sign of U.S. support for Chile's first democratic government in nearly seventeen years.

Domestic Situation

-- Aylwin was inaugurated on March 11, 1990, and will serve a four-year term. He has proved to be a very effective leader of a moderate center-left coalition government during his first six months in office.

-- Aylwin's conciliatory approach to the military has led to relatively smooth civil-military relations during the democratic transition, even though General Pinochet remains Commander-in-Chief of the Army and has a penchant for imprudent remarks in public.

-- Aylwin appointed a Commission on Truth and Reconciliation to investigate the most serious human rights abuse cases and to recommend appropriate non-monetary compensation to victims and their families.

-- The present government enjoys broad support at home and abroad for its decision to continue with the free-trade, open-market economic model embraced by the previous regime.

Enterprise for the Americas Initiative

-- Chile, a strong advocate of free-trade principles, was one of the first countries to respond enthusiastically to the ideas expressed in your June 27 speech.

-- USTR and the GOC are now negotiating a bilateral framework agreement covering trade and investment. While the GOC is eager to move quickly on to a free trade agreement with us, an Free Trade Agreement with Mexico has first priority.

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Chile and the International Community

-- After many years of isolation, the GOC is committed to Chile's reintegration into the international arena. It has joined the Group of Eight and seeks expanded relations with the Pacific Basin regional organizations.

-- Chile has reestablished relations with Mexico, Nicaragua, most of the Eastern European countries, and the Soviet Union, but not with Cuba due to Cuba's role in Chile during 1970-73 when a Marxist government was in power.

Iraq

-- In support of UN Security Council resolutions 661 and 662, the GOC has announced a ban on arms sales to Iraq and Kuwait. Chile is in strict compliance with all sanctions.

-- Chilean arms manufacturer Carlos Cardoen sold cluster bombs to Iraq during the Iran war. He still operates a plant in Iraq that allegedly makes fuses used on bombs and rockets. The Iraqis will not allow seven Chilean engineers to leave until the terms of the Cardoen-GOI contract are met.

Kennedy-Harkin Amendment Sanctions (Letelier Case)

-- The amendment imposes an embargo on arms sales and other security assistance. It requires the GOC to take "appropriate steps" to bring to justice those responsible for the 1976 assassination in Washington of former Chilean official Ambassador Orlando Letelier and American citizen Ronni Moffitt.

-- On the criminal side, the USG awaits passage of a bill that shifts the case from military to civilian courts, followed by the appointment of a special investigating judge. On the civil side, it awaits ratification of the June 11, 1990 bilateral agreement creating an international commission to determine monetary compensation to the Letelier and Moffitt families.

Trade Issues

-- GSP/OPIC Benefits: Benefits were suspended in 1987 on grounds of worker rights abuses. A much improved climate for workers prevails under the new government. Linking IPR to this issue, USTR wants pharmaceutical patent protection legislation passed before restoring benefits.

-- Compensation for Grape Losses: Chilean fruit exporters sustained losses in 1989 as a result of a temporary FDA embargo on grape imports when several poisoned grapes were discovered in a shipment from Chile. At that time several threats to poison fruit shipments to the U.S. had been received by the U.S. Embassy in Chile. This has been a very sore point ever since. They are now talking about seeking compensation from the USG.

-- Marketing Orders: U.S. quality standards that must be met by certain agricultural products already apply to grapes (a major Chilean export to the U.S.). The farm bill now in Congress would extend these orders to several other fruits that Chile exports. Chilean exporters object strenuously to this legislation.

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PRESIDENT'S MEETING WITH
CHILEAN PRESIDENT PATRICIO AYLWIN
POINTS TO BE MADE

Bilateral Relations

-- We applaud Chile's peaceful transition back to its democratic traditions. I congratulate you on the important role you have played and will continue to play in the process.

-- The USG wishes to cooperate with Chile on many fronts. We seek a resolution to those issues which have caused strains between our two governments, specifically restoration of GSP and OPIC benefits and removal of the Kennedy-Harkin sanctions.

-- GSP and OPIC benefits can be restored once the USG determination is made that Chile meets the worker rights requirement under GSP law and the Chilean Congress passes patent protection legislation.

Enterprise for the Americas Initiative

-- We welcome the signing of a bilateral framework agreement on trade and investment. This will provide a constructive forum for future discussions.

-- We are eager to bring the Uruguay Round to a successful conclusion in December and strongly encourage GOC efforts to help make that happen.

-- Chile is seen throughout Latin America as a model of responsible, creative debt management and sound economic policies. I encourage you to continue those policies as they will assure even more foreign investment in the Chilean economy.

-- (Only if asked) We appreciate Chile's interest in pursuing a bilateral FTA with the U.S. However, we are committed to working out an FTA with Mexico first and expect that process to take at least a year.

Iraq

-- It is important for all countries to support the economic sanctions against Iraq. We are grateful for Chile's support, knowing that it represents a sacrifice for your country.

Kennedy-Harkin Sanctions (Letelier Case)

-- I hope that Chilean Government actions will allow those responsible for the murder of Letelier and Moffitt to be brought to justice. That would facilitate the return to full and normal relations between our two countries.

-- We look forward to final passage of the legislation that will transfer the Letelier case from military to civilian courts and to the appointment of a special investigating judge. While aware that you face some domestic opposition to ex gratia monetary compensation to the Letelier and Moffitt families, we hope that the Chilean Congress will also act positively in that aspect of the case.

Democracy and Human Rights

-- We urge the Chilean government to become more involved with international efforts to advance the cause of human rights, especially in Latin America and in multilateral fora.

Trade

-- Compensation for Grape Losses:

-- We regret that the Chilean fruit exporters perceive that their financial loss in 1989 was caused by FDA. We are convinced that FDA acted responsibly and had no choice but to take the action it did to protect the health of the American public. Further, FDA laboratories handled the samples professionally and used sound scientific means to analyze them.

-- We understand that your government has been under increasing pressure from the exporters to conduct an independent investigation. We note that an independent GAO study is being done in response to a request by the U.S. Congress.

(NOTE - BACKGROUND ONLY): The study concludes that the FDA laboratory was proficient, that the method of analysis as examined by outside independent scientists was sound, and that the Administration acted responsibly. FDA is concerned that the conclusions not be made public. The report was made at Senator Helms's request, and he has not yet released it.)

-- Marketing Orders:

-- If enacted, the farm bill now before Congress would extend marketing orders to imported kiwis, nectarines, plums and possibly apples. We believe that these orders are compatible with GATT principles, help to stabilize markets and promote consumer confidence.

-- To mitigate the impact on Chilean fruit exports, the Administration is exploring the possibility that our Department of Agriculture help train Chileans in inspection standards. This would reduce the likelihood of Chilean fruit being rejected at port of entry.

Strengthened Multilateral Diplomacy:

-- The U.S. supports multilateral diplomacy in the hemisphere, and a strengthened, active OAS.

-- Impressive election work in Nicaragua and now Haiti, follow-up verification in Nicaragua, and its anti-narcotics and human rights efforts show the OAS's effectiveness and relevance.

Your Trip to South America

-- I look forward to my trip to Chile in early December which will allow us to renew our conversation about the many important issues facing our countries.

RELEASED

PRESIDENT'S MEETING WITH
CHILEAN PRESIDENT PATRICIO AYLWIN

Participants

U.S.

The President
Secretary of State James Baker, III
Ambassador Thomas R. Pickering
Assistant Secretary of State Bernard W. Aronson
Assistant Secretary of State J. R. Bolton

White House and NSC Staff

Interpreter (Spanish)

Chile

President Patricio Aylwin
Foreign Minister Enrique Cimma Silva
Permanent Representative Juan Somavia
Ministry of Foreign Relations Director General Carlos Portales

Bush-Aylwin Meeting at UNGA

Drafted: ARA/SC:KLStevens
Doc SEARASC 8103 x 72575
September 17, 1990

Clearances: ARA:BAronson
ARA:JPMcLean
ARA/SC:APerez
ARA/PPC:VBrod
ARA/CCA:RMorley
ARA/ECP:JHarrington
NEA:AMisenheimer
EB/TDC:JWilliams
E:XWilkenson
P:CBlakeman
C:MFoulon
S/P:VMartinez
HA:GLister
PM:RPace
IO:MWilliamson
USTR:JMele/JHuenemann
FDA:WBatts

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full pg X
Exemption(s) ____
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PRESIDENT'S MEETING WITH
CHILEAN PRESIDENT PATRICIO AYLWIN
SCENESETTER

SIGNIFICANCE OF MEETING

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ENTERPRISE FOR THE AMERICAS INITIATIVE

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CHILE AND THE INTERNATIONAL COMMUNITY

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IRAQ

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PRESIDENT'S MEETING WITH
CHILEAN PRESIDENT PATRICIO AYLWIN
TALKING POINTS

BILATERAL RELATIONS

-- We applaud Chile's peaceful transition back to its democratic traditions. I congratulate you on the important role you have played and will continue to play in the process.

-- The USG wishes to cooperate with Chile on many fronts. We seek a resolution to those issues which have caused strains between our two governments, specifically restoration of GSP and OPIC benefits and removal of the Kennedy-Harkin sanctions.

-- GSP and OPIC benefits can be restored once the USG determination is made that Chile meets the worker rights requirement under GSP law and the Chilean Congress passes patent protection legislation.

ENTERPRISE FOR THE AMERICAS INITIATIVE

-- We welcome the signing of a bilateral framework agreement on trade and investment. This will provide a constructive forum for future discussions.

-- We are eager to bring the Uruguay Round to a successful conclusion in December and strongly encourage GOC efforts to help make that happen.

-- Chile is seen throughout Latin America as a model of responsible, creative debt management and sound economic policies. I encourage you to continue those policies as they will assure even more foreign investment in the Chilean economy.

-- (Only if asked) We appreciate Chile's interest in pursuing a bilateral FTA with us. However, we are committed to working out an FTA with Mexico first and expect that process to take at least a year.

IRAQ

-- It is important for all countries to support the economic sanctions against Iraq. We are grateful for Chile's support, knowing that it represents a sacrifice for your country.

KENNEDY-HARKIN SANCTIONS (LETELIER CASE)

-- I hope that Chilean Government actions will allow those responsible for the murder of Letelier and Moffitt to be brought to justice. That would facilitate the return to full and normal relations between our two countries.

-- We look forward to final passage of the legislation that will transfer the Letelier case from military to civilian courts and to the appointment of a special investigating judge. While aware that you face some domestic opposition to ex gratia monetary compensation to the Letelier and Moffitt families, we hope that the Chilean Congress will also act positively in that aspect of the case.

DEMOCRACY AND HUMAN RIGHTS

-- We urge the Chilean government to become more involved with international efforts to advance the cause of human rights, especially in Latin America and in multilateral fora.

COMPENSATION FOR GRAPE LOSSES:

-- We regret that the Chilean fruit exporters perceive that their financial loss in 1989 was caused by FDA. We are convinced that FDA acted responsibly and had no choice but to take the action it did to protect the health of the American public. Further, FDA laboratories handled the samples professionally and used sound scientific means to analyze them.

-- We understand that your government has been under increasing pressure from the exporters to conduct an independent investigation. We note that an independent GAO study is being done in response to a request by the U.S. Congress.

YOUR TRIP TO SOUTH AMERICA

-- I look forward to my trip to Chile in early December which will allow us to renew our conversation about the many important issues facing our countries.

Chile Project (#S199900030)
U.S. Department of State
Release X Excise Deny
Declassify: In Part In Full X
Exemption(s)

UNCLASSIFIED

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APPROVED BY: ARA/SC: APEREZ
ARA/SC: KLSTEVENS
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TO AMEMBASSY SANTIAGO PRIORITY

UNCLAS STATE 308242

E.O. 12356: N/A
TAGS: PHUM PREL CI
SUBJECT: RETTIG COMMISSION REQUEST FOR ASSISTANCE
REF: (A) 90 SANTIAGO 6897

1. AS REQUESTED IN REFTEL, DEPARTMENT HAS SENT A LETTER TO ROBERT SCHERRER EXPLAINING THE RETTIG COMMISSION REQUEST AND ASKING IF HE IS WILLING TO GIVE HIS ADDRESS TO THE COMMISSION. IN OUR LETTER, WE ASK SCHERRER TO REPLY DIRECTLY TO THE RETTIG COMMISSION, OR ALTERNATIVELY, THROUGH ARA/SC. WE WILL NOTIFY POST IF/WHEN WE HEAR FROM SCHERRER.

2. REGARDING THE SECOND REQUEST, WE HAVE LOCATED A NUMBER OF CABLES FROM SEPTEMBER 1977 PROVIDING INFORMATION ON THE CHILEAN DELEGATION TO THE PANAMA CANAL TREATIES SIGNING. THESE DOCUMENTS HAVE BEEN SENT TO POST VIA CLASSIFIED POUCH (THEY ARE CLASSIFIED LOU). INFORMATION CONTAINED IN THESE DOCUMENTS MAY BE RELEASED TO THE RETTIG COMMISSION AT POST'S DISCRETION.
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PAGE 02 STATE 308242

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R

PRESIDENT'S MEETING WITH CHILEAN PRESIDENT PATRICIO AYLWIN
PARTICIPANTS

Chile Project (#S199900030)
U.S. Department of State
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Exemption(s) ____

U.S.

The President
Secretary of State James A. Baker, III
Thomas R. Pickering, U.S. Ambassador to the United Nations
John Sununu, White House Chief of Staff
Brent Scowcroft, Assistant to the President for National Security Affairs
Assistant Secretary of State Bernard W. Aronson
Assistant Secretary of State J. R. Bolton
NSC Staff
Interpreter (Spanish)

Chile

President Patricio Aylwin
Foreign Minister Enrique Cimma Silva
Permanent Representative Juan Somavia
Ministry of Foreign Relations Director General Carlos Portales

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n/a
Case Number: S199900030

Chile Project (#S199900030)
U.S. Department of State
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Exemption(s)

CONFIDENTIAL

PAGE 01 SANTIA 07051 121452Z
ACTION ARA-01

INFO	LOG-00	ADS-00	AID-01	INR-05	CIAE-00	EB-01	DODE-00
	H-01	EXIM-06	NSAE-00	COME-00	L-03	LAB-04	CTME-00
	TRSE-00	ITC-01	OPIC-08	OMB-01	STR-18	INRE-00	FRB-03
	USIE-00	JUSE-00	SP-01	C-01	E-01	/056 W	

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TO SECSTATE WASHDC 7887

C O N F I D E N T I A L SANTIAGO 07051

E.O. 12356: DECL:OADR
TAGS: PREL, PGOV, CI
SUBJECT: LETELIER/MOFFITT CASE: GRAPE ISSUE INTRUDES

1. (U) SUMMARY: FOREIGN MINISTER SAYS BILATERAL TRADE ISSUES COMPLICATE THE GOVERNMENT'S EFFORTS TO SETTLE THE COMPENSATION MATTER. HE PROPOSES TO DEFER CONGRESSIONAL ACTION ON THE 11 JUNE AGREEMENT UNTIL THE CLIMATE IMPROVES. END SUMMARY.

2. (C) IN CONVERSATION WITH THE AMBASSADOR ON 10 SEPTEMBER, FOREIGN MINISTER ENRIQUE SILVA CIMMA SAID THAT THE FUROR OVER POISONED GRAPES AND MARKETING ORDERS HAS SOURED THE ATMOSPHERE IN BOTH THE CHAMBER OF DEPUTIES AND THE SENATE AS FAR AS RELATIONS WITH THE UNITED STATES ARE CONCERNED. HE BELIEVES THAT EITHER HOUSE MIGHT FLATLY REFUSE TO RATIFY THE ACCORD SIGNED ON 11 JUNE WHICH WOULD ACTIVATE AN INTERNATIONAL COMMISSION TO DETERMINE COMPENSATION FOR THE LETELIER AND MOFFITT FAMILY MEMBERS. AT THE LEAST THERE WOULD BE BITTER DEBATE AND ATTEMPTS TO LINK COMPENSATION FOR FRUIT GROWERS TO THE LETELIER/MOFFITT MATTER. SILVA CIMMA SAID THAT WOULD BE INAPPROPRIATE AND HE BELIEVES IT BETTER TO WAIT UNTIL THERE IS SOME IMPROVEMENT IN CONGRESS'S MOOD BEFORE
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PAGE 02 SANTIA 07051 121452Z

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PRESSING FOR RATIFICATION. HE SAID THAT HE EXPECTS PRESIDENT AYLWIN'S VISIT TO VENEZUELA, MEXICO AND THE UNITED STATES (FOR THE UNGA) TO BE POSITIVE; CONGRESS MIGHT BE BETTER DISPOSED TOWARD THE AGREEMENT WHEN THE PRESIDENT RETURNS TO CHILE IN EARLY OCTOBER.

3. (C) THE AMBASSADOR EMPHASIZED AGAIN THE IMPORTANCE THE USG ATTACHES TO MOVEMENT ON THE COMPENSATION MATTER. AS FOR THE CURRENT CONCERN ABOUT TRADE MATTERS, THE AMBASSADOR NOTED THAT PASSAGE OF A PHARMACEUTICAL PATENT LAW AS PROPOSED BY THE GOVERNMENT WOULD GO FAR TO PERMIT REINSTATEMENT OF GSP AND OPIC BENEFITS. THAT WOULD BE A POSITIVE STEP ON TRADE AND COULD AFFECT THE MOOD IN CONGRESS; SILVA CIMMA AGREED. THE AMBASSADOR ASKED ABOUT PROSPECTS FOR THE LEYES CUMPLIDO; SILVA CIMMA SAID THEY WOULD PASS IN DUE COURSE AND THE GOVERNMENT WOULD SEEK AN INVESTIGATING JUDGE IN THE "PASSPORTS" CASE. THE MINISTER SAID THAT TRADE MATTERS BETWEEN THE TWO COUNTRIES ARE NOT LIKELY TO HAVE ANY EFFECT ON THAT ASPECT OF THE LETELIER/MOFFITT CASE.

4. (C) COMMENT: IT IS INCREASINGLY CLEAR THAT US-CHILE BILATERAL RELATIONS ARE BEING SERIOUSLY AFFECTED BY THE POISONED GRAPE ISSUE AND OTHER TRADE-RELATED MATTERS. IT IS UNLIKELY, HOWEVER, THAT THE GOC IS TRYING TO LEVERAGE US ON THOSE POINTS USING LETELIER/MOFFITT COMPENSATION. (ALTHOUGH OPPOSITION RENOVACION NACIONAL AND UDI HAVE ASSERTED THAT THE BRYAN COMMISSION MECHANISM SHOULD BE INVOKED IN THE GRAPE MATTER.) IT IS MORE LIKELY THAT THE GOVERNMENT HAS CONCLUDED THAT AS MATTERS NOW STAND IT IS TOO RISKY TO PUSH FOR IMMEDIATE ACTION ON THE JUNE 11 ACCORD. END COMMENT.
GILLESPIE
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PAGE 03 SANTIA 07051 121452Z

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P900144-1696 MF #82

LEON E. PANETTA
17TH DISTRICT, CALIFORNIA

CHAIRMAN,
HOUSE BUDGET COMMITTEE

COMMITTEE
AGRICULTURE
HOUSE ADMINISTRATION
SELECT COMMITTEE ON HUNGER
STEERING AND POLICY

MAJORITY WHIP
FOR THE BUDGET

Congress of the United States
House of Representatives
Washington, DC 20515

WASHINGTON OFFICE
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SALINAS, CA
(408) 424-2229

SAN LUIS OBISPO, CA
(805) 541-0143

SANTA CRUZ, CA
(408) 429-1976

September 17, 1990

ACTION
is assigned to
S/S-O

Chile Project (#S199900333)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ✓
Exemption(s) ____

TO: Ms. Janet G. Mullins, Assistant Secretary
for Intergovernment Affairs
U.S. Department of State
Washington, D.C. 20520

ENCLOSURE FROM: Mr. Frank Teruggi

RE: Mr. Frank Teruggi Sr.

Mr. Teruggi has provided my office of the letter he has written directly to the National Truth and Reconciliation Commission, to launch the investigation of his son's death.

As indicated in your letter of August 27, 1990, your office is investigating this matter thoroughly. I appreciate your time and efforts, and will await a final response.

(Santiago, Chile)

Thank you very much for your attention to this matter.

Sincerely,

LEON E. PANETTA
Member of Congress

-5-

PLEASE RESPOND TO ME AT:

380 Alvarado Street
Monterey, California 93940

ATTENTION: Maria Romero.

1990 OCT -1 PM 11:1
OIS/IA/CC

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DEPARTMENT OF STATE

OUT
1990 OCT -1 PM 11:2

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RELEASED E1551

Blake - Davis file
cc sent to Randy Blake 9/25

Guat. 10286

National Museum of Natural History · Smithsonian Institution
WASHINGTON, D.C. 20560 • TEL. 202-

September 18, 1990

TO: Sue H. Patterson
Consul General
American Embassy Guatemala
APO Miami 34024

Joseph Gannon
Legal Attache
American Embassy Mexico City
P.O. Box 3087
Laredo, TX 78044-3087

Guatemala
Amembassy
#327224
Blake, Davis

FROM: Douglas W. Owsley

SUBJ: Forensic Anthropological Examination of Suspected Human Romains from Guatemala (Griffith Davis and Nicholas Blake)

REF: SI907

Dear Madam Consul General:

On September 14, 1990 this office received a cardboard box from the American Embassy, Consular Section, containing earth samples and remains suspected of being human. Also contained in the box was a letter of transmittal and an original report signed by Dr. Alvaro Giovany Franco Santisteban of the Laboratorio de Patologia y Citologia Exfoliativa. The box had been damaged prior to its receipt at this office.

The purpose of our examination of the contents of the box was to establish whether or not human skeletal remains were present among the earth samples from Guatemala. The following information was obtained through a macroscopic examination conducted by Robert W. Mann, my research assistant, and me at the Department of Anthropology, Smithsonian Institution.

CONTENTS OF THE BOX: The cardboard box containing the earth samples was photographed before being opened. The box contained seven (7) small glass jars and five (5) plastic bags of earth samples. Six (6) of the glass jars were found wrapped in a plastic bag and sealed with tape. A seventh glass jar had been packed separately in the box. Upon opening the box, the jar labelled "Muestra del Area Periferica Numero Uno", was found to be broken, but its contents were contained within an outer plastic bag. The contents of the box were received packed in styrofoam pellets.

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 07/14/95
Case ID: 95122240

EXAMINATION OF THE CONTENTS OF THE JARS AND PLASTIC BAGS: The contents of each jar was poured onto separate paper towels and photographed. The contents, consisting of small amounts of dark, moist soil and vegetal debris (i.e., roots, leaves, charcoal fragments) were then examined using the unaided eye and a dental probe. No evidence of human remains were identified.

The contents of each of the five (5) plastic bags was examined separately, using a quarter-inch wire mesh screen and a dental probe. The smallest particles of earth and debris fell through the mesh and the larger portions remained on the screen. The bag labelled "Del Tierra Del Cuadrante Numero Tres" contained six (6) burned wood fragments. The bag labelled "Muestra Pendiente De Ser Entregada A La Embajada Americana De Material De Consistencia Firme" contained four (4) small inorganic objects (stones) and two (2) organic objects - one (1) object was a fragment of burned wood and one (1) object was an unburned piece of wood. No evidence of human remains were identified.

CONCLUSIONS: Close macroscopic examination of the contents of the seven (7) glass jars and five (5) plastic bags containing earth samples failed to reveal any evidence of human skeletal remains or items of personal adornment or clothing.

DISPOSITION OF THE MATERIALS: The contents of each glass jar and plastic bag were kept separate and returned to their respective containers upon completion of the examination. The contents and containers will be maintained in a controlled-access area until further notification. The contents, unless notified otherwise, will not be disposed of or destroyed. Color photographs of the material and objects will be made available upon request.

Please contact me if I may be of further assistance in this or other related matters.

Sincerely yours,

Douglas W Owsley

Douglas W. Owsley, Ph.D.
Forensic Anthropologist
USA, 202-786-2554

cc File SI907

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RELEASED IN PART B1

SECRET

ASSISTANT SECRETARY'S DAILY ACTIVITY REPORT
ARA/CEN
September 20, 1990

GUATEMALA

[redacted] B1

(C) FINANCE MINISTER AND CENTRAL BANK PRESIDENT RESIGN: Both tendered their resignations effective Tuesday, September 25. Both, however, will attend the IBRD/IMF meetings and have consultations with the IDB. Ambassador Stroock will try to have the present economic team finalize the side letter to the ESF agreement. He also plans to tell the incoming team that it must endorse the package. If not, the the terms of the agreement will have to be reviewed. (Strook/Taylor/McCarthy telcon).

(C) KILLING OF ANTHROPOLOGIST MYRNA ELIZABETH CHANG: This is a new case which is eliciting a fair amount of calls and publicity. The woman was a researcher working on migration issues in close cooperation with Georgetown University. She was stabbed 17 times as she left her office. So far there are no leads. The Deputy Human Rights Ombudsman, however, has stated that the motive was probably robbery, not political, as her purse was stolen. (Guatemala 11671 and 11844, DMcCarthy).

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United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: OLSON, OSCAR
Date: 06/21/96
Case ID: 95122241

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REGIONAL

(C) ONUCA EXPANDS PATROLLING AND PLANS FOR CONTINGENCIES. Senior officials have ordered ONUCA teams to patrol along borders (before no closer than 12 kms) and for naval patrols to operate in the Gulf of Fonseca at night. Gen. Quesada reportedly requested the new orders, but may have felt criticism of his passivity on arms-interdiction. New deputy commander McKenzie (Canada) made his staff skip a holiday to work on contingency plans. They studied three scenarios: 1) reductions in ONUCA, 2) a different structure and civil-military system for an El Salvador cease-fire, and 3) a larger ONUCA role in the event of a Guatemala peace (including the prickly issue of ONUCA patrols on Mexico's side of the border). The Embassy is encouraged by this new aggressiveness. (Tegucigalpa 16276, Walser)

(C) GON/GOES Discuss FMLN Prisoners at Central American Security Conference. Vice Nicaraguan Interior Minister Jose Pallais said that he had made arrangement with GOES on handling of FMLN arms traffickers at recent security conference (CASC). The GOES will send written questions and the two FMLN suspects will be tried in Nicaragua. Pallais also said the GON is investigating the Nicaraguan aspect of the Demaziere case in Honduras. While the Embassy has reservations about GON zeal in pursuing the case, it shows CASC is serving as a forum for exchange of information on trans-border problems. (Managua 6391, Walser)

HONDURAS

(S) Terrorist Campaign Planned: Reporting indicates that the Cinchoneros Popular Liberation Movement is planning a terrorist campaign directed against important Honduran government and military targets. US military and diplomatic facilities do not seem to be targets of the campaign, but Tegucigalpa remains a high threat area for US personnel. (CEN note: A group of Hondurans recently returned from paramilitary training in Cuba. Many joined the Cinchoneros.) (DLShuler)

Clear: ARA/CEN - GMcCulloch

ASDAR, September 20, 1990

SEARANIB 176

NICARAGUA

(C) ICJ on Ice at UNGA. IO reports that the General Committee has decided to defer consideration of the Nicaraguan ICJ suit against the U.S. sine die. The issue will not come up again unless a delegation specifically requests it. (CKelly)

(U) Turbas Damage Dip Cars. While the National Dialogue was getting under way this morning at Managua's Olaf Palme Center, Sandinista turbas gathered in the parking lot and damaged several diplomatic-plate cars -- including those of the Soviet Union, Libya, Poland, East Germany, Italy, Colombia and Cardinal Obando y Bravo. The GON Foreign Ministry issued a statement denouncing the attack. The FSLN refused to attend the National Dialogue. Rumors persist regarding an FNT strike this weekend. (CKelly)

Approved: ARA/CEN:GMcCulloch

RELEASED
(E1583)

Washington Office on Latin America

THE GUATEMALAN ELECTIONS *IN CONTEXT*

September 24, 1990

Contents

Overview 1
Electoral Developments 2
U.S. Policy Developments 3
U.S. Anti-Narcotics Programs 4
Developments in the Security and Defense Forces . . 5
Recent Human Rights Developments 6
Overall levels of violence 6
Recent killings and disappearances 6
Death threats against political leaders 8
Violence affecting CERJ 8
Investigative mechanisms 10
Dialogue with the URNG 10

Overview

Guatemala is about to hold its first presidential elections under a civilian government in two decades. In a procedural sense, the November 11 vote--and possible runoff on January 6, 1991--are likely to be free and fair. However, killings, disappearances and death threats surround the campaign. The acts of violence described below are only the most recent of the attacks on politicians, academics, labor leaders, peasant organizers, and human rights workers which have occurred throughout the government of Vinicio Cerezo. These crimes are at least tolerated by the security forces, which have failed to investigate or prosecute them. Of particular concern, the Cerezo government has failed to pursue even those cases where police and military personnel have been directly implicated. This impunity has been a serious blow to the democratic process.

A new president will be inaugurated on January 13, but in important areas little will change. None of the major candidates offer serious land or tax reform, in a country with the most skewed land tenure and among the most regressive tax systems in the hemisphere. Neither have any of them promised to hold the army accountable for the conduct of its counterinsurgency campaign and military human rights abuses. The military will likely remain a law unto itself under the next government, as it has under Cerezo.

The popularity of former military dictator Gen. Efraín Ríos Montt, who continues to pursue a problematic presidential bid, is a sad commentary on the state of Guatemalan democracy. When in power, Ríos Montt presided over widespread human rights abuses, but he now

For further information, please contact Bonnie Tenneriello.

Washington Office on Latin America•110 Maryland Avenue, N.E.•Washington, D.C. 20002•(202)544-8045•FAX(202)546-5288

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Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 07/19/95
Case ID: 95122241

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promises clean government and harsh treatment for criminals. Although he may be legally barred from running, he continues to appeal to Guatemalans afraid of widespread violent crime and suffering from increased costs of basic goods.

Parallel to the elections, a series of talks between the armed opposition and various social sectors has begun. In the long run, this process offers prospects for negotiating an end to the longest running insurgency in Latin America. New attitudes in the powerful business community are particularly encouraging. But the army has not yet abandoned its resistance to direct talks with the Guatemalan National Revolutionary Union (URNG) rebels, and dramatic progress cannot be expected in the short term.

The Bush Administration and U.S. Congress have been increasingly critical of the Cerezo government's human rights policies over the past year. Yet direct cooperation with the Guatemalan military, in anti-narcotics programs and in civic action exercises conducted by U.S. National Guard units, contradicts such criticism. In addition, the U.S. continues to supply "non-lethal" equipment to the Guatemalan army (albeit at reduced levels). By providing this kind of assistance, the U.S. grants the Guatemalan army legitimacy, and also runs the risk of associating U.S. policy with army abuses. The best way for the U.S. to help the next government will be to withhold all military aid until military abuses are punished and the army demonstrates genuine respect for civilian authority.

Electoral Developments

A public opinion survey regarding the November 11, 1990, presidential elections shows former military dictator **Efraín Ríos Montt** to be the most popular candidate, favored by 18 percent of respondents, followed by newspaper publisher **Jorge Carpio** of the National Union of the Center (UCN) with 17 percent, former mayor **Alvaro Arzú** of the Party for National Advancement (PAN) with 9 percent, and **Alfonso Cabrera**, candidate of the governing Christian Democratic Party (DCG) with 4 percent. The survey was conducted in July and commissioned by the Guatemalan Chamber of Free Enterprise. (*Crónica Semanal*, August 3-9, 1990.)

The Guatemalan Supreme Court granted former de-facto ruler Gen. Efraín Ríos Montt the provisional right to register as a candidate on September 13. Ríos Montt's candidacy was previously ruled unconstitutional by the Registry of Citizens and the National Electoral Tribunal. From March 1982 to August 1983, Ríos Montt headed a military government installed by a coup. The main impediment to his candidacy is a constitutional provision which prohibits anyone who has taken power by force from running for national office. A final decision from the Supreme Court is expected by early October, but Ríos Montt may further appeal to the Court of Constitutionality.

During his presidency Ríos Montt was accused of widespread human rights violations. A July 1982 Amnesty International report found evidence of 2,186 deaths in rural massacres during the first three months of the Ríos Montt government. (*Massive Extrajudicial Executions in Rural Areas under the Government of General Efraín Ríos Montt.*) Ríos Montt established secret courts called "Tribunals of Special Jurisdiction,"

which human rights groups accused of numerous extrajudicial executions. In March 1983, six suspected guerrillas who had been condemned by the secret courts were executed just as Pope John Paul II arrived in Guatemala. Ríos Montt's apparent popularity is explained at least in part by his promise to bring law and order to the capital city. Many Guatemala City residents had little or no access to information about rural massacres committed under his tenure, but see him as the candidate most likely to reduce the high crime levels that have generated a sense of chaos in the capital in recent months.

Thirty-seven percent of respondents said they did not care at all who won the November presidential elections, in a recent survey by the Association for Research and Social Study (ASIES) based in Guatemala City. **Another 30 percent said they cared little.** Fifty-seven percent of respondents answered "never," when asked, "are you in the habit of speaking with friends and acquaintances about your political ideas or sympathies?"

U.S. Policy Developments

U.S. National Guard Units continue to conduct civic action exercises alongside the Guatemalan army in the countryside. During the month of August, a group of 47 guardsmen conducted medical campaigns in several towns of the Chimaltenango and Sacatepéquez provinces, the Guatemalan press reported. (*Prensa Libre*, August 23, 1990.) An observer of the exercises in the town of El Regón, Chimaltenango, reported that some 300 Guatemalan soldiers were present to provide security for the U.S. Guardsmen from armed insurgents. According to U.S. Embassy officials, during the Spring of 1990 groups came from Kentucky, Arkansas, Mississippi, and Hawaii.

The State Department's Human Rights Report for 1989, released in February 1990, acknowledged "credible reports of security forces personnel...engaging in extrajudicial killings, disappearances, and other serious abuses. Few--if any--of the perpetrators of such actions were apprehended, tried and convicted."

The U.S. House of Representatives limited military aid to Guatemala to $2.887 million in non-lethal equipment, in FY 1991 foreign aid appropriations. This is the same amount actually obligated for FY 1990, and slightly more than one half of the Administration's $5 million request for FY 1991. Report language attached to the House bill additionally states the understanding that no commercial arms sales to Guatemala are planned, and that Congress will be notified in advance of any that may be proposed. The Senate is expected to approve similar conditions in a vote in late September or early October.

Representative Peter Kostmayer (D-PA) chaired hearings on Guatemala held by the House Western Hemisphere Subcommittee on July 17. Kostmayer in his opening statement referred to his recent visit to Guatemala, saying, "I left Guatemala with the belief that our military assistance program in Guatemala should cease, and that economic assistance should be directed at meeting the basic human needs of the people."

The Center for Criminal Justice at Harvard Law School decided to discontinue its U.S.-funded judicial aid program in Guatemala. In the July 17 hearings, the Director of the Center, Dr. Phillip B. Heymann, said the decision was due to the Guatemalan government's "unwillingness...to investigate political killings." A letter accompanying his testimony states, "It seems clear to us that the current government of Guatemala is prepared to tolerate the familiar, terrible forms of violent repression--disappearances, torture, and death--carried out by private groups or dissident security forces or, perhaps, by the highest levels of army intelligence."

Kostmayer and ten other representatives have co-sponsored House Concurrent Resolution 355 on Guatemala. The initiative, introduced on July 23, calls upon the Administration to withhold military assistance and lethal sales to Guatemala until human rights abuses by the military end, and calls upon the Guatemalan government to investigate human rights violations.

President Vinicio Cerezo accused the U.S. of spreading rumors about the drug connections of Christian Democratic presidential candidate Alfonso Cabrera; he attributed U.S. hostility to Cabrera's support for Guatemala's policy of neutrality toward Nicaragua when he was foreign minister. Cerezo spoke of "the drug plot against Alfonso Cabrera...invented because Alfonso Cabrera had to say 'no' to the North American (Secretary of State) when he wanted to impose on us a document against the interests of our nation." (*El Gráfico*, August 8, 1990.)

U.S. Anti-Narcotics Programs

U.S. anti-narcotics programs are increasingly dependent on the Guatemalan army, according to several recent U.S. press reports, despite "evidence in recent months that the army and the military intelligence unit may have been infiltrated by drug traffickers." (*New York Times*, July 5, 1990.) According to these accounts, the U.S. is paying agents of army intelligence, known as G-2, for cooperation on drug trafficking and "information on regional as well as local matters." The G-2 is notorious for orchestrating political repression. One drug expert was quoted as saying that "the question of G-2's alleged human rights abuses is never brought up by U.S. drug experts...because the military's role is so crucial." (*Los Angeles Times*, May 7, 1990.)

The U.S. Embassy has denied these accounts. A highly placed U.S. official said in an interview, "We are working very closely with the military" on drug enforcement but have not "turned everything over to them." **Minister of Defense Juan Leonel Bolaños** acknowledged "cooperation between security forces, for example the Guatemalan army works with the DEA and cooperates with them, providing intelligence activity."

The U.S. has helped establish a Joint Information Coordination Center (JICC) in the headquarters of the Guatemalan Treasury Police, linked to the Drug Enforcement Agency's (DEA) El Paso Intelligence Center. (Bureau of International Narcotics Matters, *International Narcotics Control Strategy Report*, March 1990.) The Treasury Police gained

notoriety in the U.S. for a series of eleven killings and abductions in early 1988; six Treasury police agents were arrested, but charges were eventually dropped.

Other cooperation has included: U.S. Coast Guard courses for the Guatemalan Navy, Treasury police, and customs personnel; the spraying of poppy fields by aircraft belonging to the Bureau of International Narcotics Matters; and legal assistance to the Ministry of the Interior from the U.S. Agency for International Development. Plans for 1990 include ICITAP training for eight narcotics investigators. In September, the State Department placed Guatemala on the list of major drug-trafficking countries.

A former official with the Office of Administrative Control, Fernando Minera Navas was absolved of drug charges on April 10. Minera Navas had accused top military and civilian officials, including two generals and one captain, of involvement in drug trafficking. (*FBIS*, April 12, 1990, p. 9)

On April 9, a U.S. citizen was reported to have died and another to have been injured when a DEA plane crashed on a training flight 18 km from the capital city. (*FBIS*, April 10, 1990, p. 9.)

Developments in the Security and Defense Forces

The one standing conviction of security force members for human rights abuse was overturned. On July 31, an appeal court absolved six officers, including the former police chief of the city of Quezaltenango, who had been convicted of the October 1987 killing of two university students, Danilo Alvarado and René Leiva Cayax. A large body of evidence supported the original conviction, including the testimony of witnesses, autopsy reports, hair samples, and evidence that the police chief's car was used in the crime. (Americas Watch, *Guatemala: Sole Conviction in Human Rights Case Overturned*, August 1990.)

Gen. Roberto Enrique Matta Gálvez replaced Gen. Juan José Marroquín Siliézar as Chief of Staff of the Armed Forces on September 1, 1990. Matta was previously Deputy Chief of Staff, commander of the Army's General Headquarters, and commander of the conflictive Huehuetenango province. Under military rule, he was commander of the Quiché province, which was the site of intense armed conflict and harsh army violence. The next president is legally free to choose his defense minister. If military lines of ascent are respected, Minister of Defense Bolaños will retire in June 1991, to be succeeded by Matta. **Rumors of a military uprising circulated in the first days of September, attributed to changes in the military and controversy over the candidacy of Gen. Efraín Ríos Montt.** (*FBIS*, September 5, 1990, pp. 12-13.)

Eleven military officers accused of participating in a May 9, 1990 coup attempt were freed of all charges when the Attorney General failed to appeal their release to the Court of Constitutionality. A military court had sentenced the officers to ten years in jail, but the officers were freed by an appeal court decision, which the Attorney General declined to appeal further. (*Prensa Libre*, June 29, 1990.)

Minister of the Interior Gen. (ret.) Carlos Morales Villatoro proposed the "fusion" of the Military Police, National Police, and Treasury Police into a "single unit." (*La Hora*, August 17, 1990.) The military and police units have been coordinating operations under the Civilian Protection System (SIPROCI) since 1988. As Minister of the Interior, Morales Villatoro oversees the direction of the National Police and Treasury Police.

Colonel Julio Enrique Caballeros Siegne took office as Director of the National Police on June 29, 1990. Caballeros had served in that post from 1986 to 1988, on release from active duty in the Army. The Deputy Director and other top officials were also replaced.

Recent Human Rights Developments

Overall levels of violence

According to the office of the Guatemalan Human Rights Ombudsman, there were 163 extrajudicial executions in the first six months of 1990, "the majority suffering bullet wounds, torture, knifing, or incineration." The governmental office received 103 reports of disappearances during that period. (*Siglo XXI*, June 29, 1990.) The office reported 67 complaints of abuses by soldiers and 37 complaints against the police during those months. (*FBIS*, July 23, 1990, p. 30.) There were 82 extrajudicial executions between June 29 and July 23, 1990, Human Rights Ombudsman Ramiro de León Carpio said in an interview with National Public Radio, aired in the U.S. on August 29.

Recent killings and disappearances

Myrna Elizabeth Mack Chang, a founder and director of the Association for the Advancement of Social Science in Guatemala (AVANCSO), was stabbed to death on September 11 as she left her workplace. The human rights office of the Archbishop of Guatemala, OSSAG, said in a written statement, "We consider the assassination to be political." Georgetown University's Hemispheric Migration Project, and the Stanford-Berkeley Joint Center for Latin American Studies, both of which supported Myrna Mack's work at AVANCSO, have both publicly expressed their concern and called for an investigation into her death.

U.S. citizen Michael Devine was executed by members of the Guatemalan army, according to Western diplomatic sources quoted in the *Miami Herald* (August 24, 1990, p.14A). According to the press report, soldiers under orders from a high-level regional military officer abducted and executed Devine in the remote Petén province on June 8. His body was found with a slit throat and signs of torture the next day. Diplomats cited in the news report were said to have "intimate knowledge of the investigations of the murder by the U.S. Embassy, the Guatemalan Army, and the Devine family." The U.S. has threatened to cancel much--if not all--military aid if the case is not resolved. (*New York Times*, September 20, 1990.) Devine owned and operated a tourist ranch outside the

town of Poptún. Diplomats cited in the *New York Times* speculated that he might have come across evidence of army involvement in poppy growing in the jungle region.

Congressman Otto Rolando Ruano Reyes of the opposition Union of the National Center (UCN) was killed by unidentified men on July 25 in the department of Jutiapa. As of August 29, no progress had been make on the case.

Unknown gunmen have killed three politicians in the city of San Pedro Jocopilas in recent months. On August 28, gunmen killed **Celso Girón**, the UCN candidate for mayor of this town in the Quiché province. The previous UCN mayoral candidate, **Salomón Blanco**, was killed earlier this year. Also in San Pedro Jocopilas, gunmen shot and killed Assistant District Secretary of the Christian Democrat party, **Sebastián Morales López**, on September 16.

Labor leader **Petronilo Hernández Vasilo** was killed in front of his house on July 1 by unidentified armed men. (*El Gráfico*, June 24, 1990.) Hernández Vasilo was secretary of a labor union in the department of Jutiapa affiliated with the Guatemalan Confederation of Labor Unity (CUSG).

Luís Miguel Solis Pajarito, a member of the National Council of the Displaced in Guatemala (CONDEG), disappeared after attending a CONDEG meeting on May 3, 1990. According to CONDEG representatives, he had been followed by three men during a demonstration on May 1.

Diego Velásquez Ac, a leader of the Union of Workers of the University of San Carlos (STUSC), disappeared on April 6 between 10:00 a.m. and 1:00 p.m. His car was found abandoned on the highway to the Pacific, according to Guatemalan labor leaders.

A Guatemalan government investigation into the murders of Salvadoran Héctor Oquelí and Guatemalan Gilda Flores failed to reach any conclusions. The investigation was carried out by members of the Presidential Security Service. Human Rights Ombudsman Ramiro de León Carpio said that, while involved with the investigation, "I was only there to see that the appropriate tasks were carried out," and called the results "tremendously general." Among the theories put forward by the government are that Salvadoran rightists, FMLN members opposed to dialogue, or fellow members of the Socialist International killed the two social democrats. (*Prensa Libre*, June 22, 1990.) Leaders of the Guatemalan Social Democratic Party (PSD) called these statements "absurd." (*Prensa Libre*, June 24, 1990.)

Western diplomats pointed to shortcomings in the investigation, including the failure to conduct forensics on a vehicle used in the crime and other physical evidence, and failure to investigate injection marks on the bodies. The Socialist International is expected soon to release an evaluation of the government's investigation. Tom Farer, former president of the Inter-American Commission on Human Rights, and Robert Goldman of the American University College of Law, traveled to Guatemala to conduct the evaluation in early July.

Death threats against political leaders

Congressman José García Bauer received death threats on July 31; anonymous callers gave García Bauer 48 hours to leave the country and said they had a list of eight other congressmen who would be killed. (Amnesty International, *Urgent Action*, August 10, 1990.) UCN **Congressman Edmundo Mulet** also reported receiving death threats.

Amílcar Méndez of the Council of Ethnic Communities Runujel Junam (CERJ), a peasant group based in the Quiché province, received a written death threat on July 30, 1990. On September 4, a leaflet appeared in the area denouncing the CERJ, threatening "it is only left for the leadership to decide the opportune time...for the working people to punish them revolutionarily...the national or international consequences of our actions do not matter to us ...The end justifies the means." (See below for recent cases of violence affecting the CERJ.)

Nineth Montenegro de García and other members of the Mutual Support Group for Relatives of the Disappeared (GAM) were threatened with death on August 6, 1990. An anonymous caller told the eight-year-old daughter of Montenegro de García: "We know who you all are, so be warned, we are going to kill you." On July 22, unknown men shot at the home of Montenegro de García's mother, **Judith Montenegro de García**, reportedly using 9 mm bullets reserved for the security forces. (*El Gráfico*, July 24, 1990; Amnesty International, *Urgent Action*, August 10, 1990.)

Leaders of various labor groups have reported receiving death threats. An unknown man told Azucena Paredes, a leader of the Union of the National Financial Corporation (CORFINA), to leave union activities or be "eliminated." The union also reported telephone threats. (*Prensa Libre*, June 20, 1990). The Guatemalan Confederation of Labor Unity (CUSG) publicly complained of threats directed against the labor movement, in particular the General Center of Guatemalan Workers (CGTG), a rival labor confederation. (*Prensa Libre*, June 24, 1990.)

A communique signed by the **Anti-Communist Front from Above (Frente Anticomunista de los Altos, FACA)** was found under the doors of several development agencies in Quezaltenango. It says FACA "has decided to unmask, warn, and then execute those responsible for bringing in ideas foreign to our idiosyncracies and democratic vocation, drug traffickers...church people who hide behind the cassock or the Bible...and the pseudo-directors of the University Students Association of the West." University Rector **Valdomero Arriaga Jérez** and Professor and former Mayor **Luís López Maldonado** were singled out as communists and guerrilla leaders.

Recent cases of violence affecting the Council of Ethnic Communities Runujel Junam

The Council of Ethnic Communities Runujel Junam (CERJ) is a peasant organization based in the largely indigenous Quiché province. The group has resisted forced, unpaid participation in civil defense patrols supervised by the army. Since its formation in 1988, four members of the CERJ have been murdered and six more abducted and "disappeared."

Three of these killings and one disappearance took place since March, 1990; these are described below.

Samuel de la Cruz Gómez, a CERJ member, was taken from his home in the town of Zacualpa in the Quiché department on July 20, 1990. On July 12 a habeas corpus petition was filed on his behalf, but his wherabouts are not known. Neighbors who tracked his abductors reportedly believed he was given into army custody. (Amnesty International, *Urgent Action*, July 10, 1990.) Eduardo Ernesto Arévalo, reportedly a military commissioner, was jailed after neighbors accused him of participating in the abduction but later released for lack of evidence.

Pedro Tiu Cac was taken from his home in the Totonicapán department on July 2, 1990, by armed men in plain clothes who reportedly identified themselves as police agents. His body was found in a nearby hamlet on July 4. (Amnesty International, *Urgent Action*, August 13, 1990.)

Jose María Ixcayá Pixtay, a member of the CERJ board of directors, was killed after he left his home in the Sololá for a demonstration on May 1, 1990. His wife, Marcela Guárcax Morales, reported that military commissioner Bernadino Samines and a companion Jesús Chopén had previously threatened Ixcayá and his family, and she accused them of responsibility for his murder. (Testimony given to the Human Rights Ombudsman in Guatemala City, May 3, 1990.) Jose María Ixcayá's cousin, Pedro Ixcayá Cuc, subsequently reported that Samines and Chopén were threatening to kill him. (Testimony given to the Auxiliary Human Rights Ombudsman in Sololá on June 25, 1990.)

José Vicente García, a CERJ delegate in San Pedro Jocopilas, was shot and killed on April 10 by two men in civilian dress. Francisco Ixcoy, identified as a military commissioner, and Santiago Natareño, a civil patrol chief, were reported to have threatened García on several previous occasions. García had come under threat most recently for resigning from the civil patrol. In 1987, civil patrollers reportedly captured García, and Ixcoy took him to a military base, where he was held for one day and one night and tortured. (Americas Watch, *Guatemala: Army Campaign Against Rights Activists Intensifies*, May 1990.) On June 2, 1990, García had filed a written complaint with the Auxiliary Human Rights Ombudsman for the Quiché province about threatening actions directed against himself and five neighbors.

On March 17, 1990 military commissioners in the village of Parraxtut murdered CERJ member María Mejía and attempted to kill her husband Pedro Castro Tojín. Castro Tojín identified military commissioners Domingo Castro Lux and Juan de León Pérez as the men who entered his home, fatally shot his wife, and seriously wounded him. On February 12, 1990 and March 2, 1990, Castro Tojín and Mejía's sons had filed complaints with the adjunct human rights ombudsman for the Quiché province, stating that the commissioners constantly threatened the family because they were not participating in the civil patrol. (Americas Watch, *Army Campaign*, op. cit.; documents filed with the Adjunct Human Rights Ombudsman.)

Investigative mechanisms

Attorney General Mario Iliescas has requested U.S. training for some 200 investigators in a new Judicial Police force under his direction. For this project, his office has access to $1.5 to $3 million in funds from the former Office of Administrative Control (DCAP), which was dissolved earlier this year after its director was arrested on drug charges.

Human Rights Ombudsman Ramiro de León Carpio announced that his office will put to work ten criminal investigators and open forensic laboratories in late October. The office will be funded with a $1 million grant from the West German government and $100,000 from the U.S. Agency for International Development (AID). (*The Miami Herald*, September 15, 1990, p. 18A.) The Ombudsman's office is mandated by the Guatemalan Constitution and appointed by the Guatemalan Congress.

El González, head of the Office of Public Responsibility (OPR), responsible for internal police discipline, was suspended from office for allegedly beating two police agents. Criminal charges against him were pending in July, according to police authorities. The OPR has investigated a total of nearly 300 reported cases of police abuse, none of which are political in nature, according to police officials. The Disappeared Persons Section has investigated some 500 reported disappearances between January and July 1990, ten of which were actual disappearances, and none of which were politically motivated, according to that agency.

Dialogue with the Guatemalan National Revolutionary Union

The Guatemalan National Revolutionary Union (URNG) met with representatives of Guatemalan political parties and the private sector. The talks were convened by the country's National Reconciliation Commission (NRC), with a United Nations observer present. Talks with religious leaders are planned for September 28 in Ecuador, and dialogue with representatives of popular groups for mid-October in Mexico.

The URNG and political parties, meeting in Spain on May 31, agreed to: recognize the need for judicial reorganization and other institutional reforms; include the URNG in a National Constituent Assembly in 1991; and hold future meetings. The URNG pledged to abstain from acts of sabotage during the electoral period.

After meeting in Canada on August 31 and September 1, business groups, the URNG, and the NRC expressed their satisfaction with the encounter. The URNG submitted a proposal which accepts that "business sectors and foreign investment can play a positive, dynamic, and responsible role." The business groups--including representatives of the generally intransigent Agricultural sector--expressed their desire to "construct a better future for all, in which you and those who follow you can bring your skills and efforts, within a peaceful framework, to make Guatemala a nation of greater prosperity for all, especially the neediest."

Assistant Secretary of State for Inter-American Affairs Bernard Aronson sent a letter of support for the process to the NRC, and met with the Commission in Washington after the Canada talks.

Direct talks with government officials are anticipated under the plan reached by the NRC and URNG, but several obstacles lie ahead. First, the current government will be leaving office in January 1991, and is thus seen as unable to reach binding agreements. Secondly, the army has been ambivalent in its response to the talks.

Minister of Defense Juan Leonel Bolaños has called the talks "a search for common ground," but has also has warned, "There will only be a dialogue with the guerrillas once they lay down their weapons." (*FBIS*, May 23, 1990, p. 14.) Shortly after the Spain talks, he declared that the agreement is not legally binding but "contains only good intentions and expressed wishes." (*Prensa Libre*, June 10, 1990.) URNG commander Pablo Monsanto declared, "By no means are we going to lay down our arms, because they are the sole guarantee we have for being able to carry out the changes that we have been fighting for." (*FBIS*, July 6, 1990, p. 2.)

Estimates of the numbers of armed rebels vary from the figure of 950 to 970 cited by Gen. Bolaños, to the 3,500 to 4,000 members claimed by the URNG, and the U.S. Embassy's figure of 1,200 to 1,500 (with an additional 8,000 to 10,000 supporters). The Guatemalan armed forces are 42,000 strong.

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ✓
Exemption(s) ____
amended
LA 11/19/99

MEMORANDUM FOR THE PRESIDENT

FROM: James A. Baker III

SUBJECT: Restoring Chile's Eligibility for U.S. Overseas Private Investment Corporation (OPIC) Programs

Section 231A of the Foreign Assistance Act (FAA) prohibits OPIC from providing guaranties to U.S. investors in countries not taking steps to adopt and implement internationally recognized worker rights. In 1987, acting on a petition submitted by the AFL-CIO under the Trade Act of 1974, which imposes a worker rights requirement for eligibility for the Generalized System of Preferences (GSP), the U.S. Trade Representative recommended to President Reagan that he deny GSP to Chile on the grounds that Chile was not taking such steps. The President accepted the recommendation and consistent with his decision, OPIC also suspended its programs in Chile.

Chile requested restoration of its GSP beneficiary status shortly after the inauguration of President Patricio Aylwin in March of this year. USTR is reviewing this request, which has the support of the AFL-CIO, and will make a recommendation later this year. Approval of the request ~~will~~ would mark the first time the U.S. has moved to restore GSP benefits.

Section 231A(a)(3) of the FAA allows you to waive the worker rights requirement for OPIC and enable the Corporation to reopen its finance and insurance programs in Chile without prejudicing the worker rights review now underway for purposes of GSP. To do so, you must determine that a waiver is in the national economic interest and report the reasons for that determination to Congress. A waiver is appropriate for several reasons.

Faced with overwhelming state interventionism, economic stagnation and high inflation in the 1970s, Chile adopted the most free-market oriented policies in the history of Latin America. These reforms included the privatization of state firms, lower tariffs, freeing prices and interest rates, and liberalizing foreign investment control. Since 1985, Chile has reduced its medium to long term commercial debt by over $9 billion through a variety of debt conversion and reduction schemes. As a result, Chile has enjoyed steady economic growth.

President Aylwin is on his first visit to the U.S., to address the United Nations General Assembly, and will visit Washington on October 2. Mr. Aylwin believes that Chile's economic policies, coupled with the transition from the authoritarian Pinochet government to a democracy deserves concrete recognition and support from the United States.

One way for the U.S. to demonstrate support would be to make OPIC again available to U.S. investment in Chile. To complement its economic policies, Chile needs foreign capital to diversify an economy dependent on the export of copper. Much U.S. investment has been postponed by the loss of OPIC, at a time when OPIC's counterpart agencies from Japan, the U.K., and others continued to support their investors in Chile.

Under President Aylwin's leadership, his government has shown itself to be committed to the democratic process. It has taken significant steps to improve worker rights, including the creation of a mechanism for a tripartite dialogue between labor, business, and government, and has introduced labor reform legislation in Congress. A formal inquiry into the human rights abuses committed by prior regimes has begun.

For these reasons, I recommend that you issue the attached Presidential Determination declaring that the reopening of OPIC's finance and insurance programs in Chile is in the national economic interest.

Attachment:

Presidential Determination

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Chile Project (#S19990030)
U.S. Department of State
Release X Excise ____ Deny ____ Presidential Determination
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Exemption(s) ____

LA/149B

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MEMORANDUM FOR THE SECRETARY OF STATE

SUBJECT: Determination under Section 231A9A0(3) of the Foreign Assistance Act of 1961, as amended.

Pursuant to Section 231A(a)(3) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2191a(a)(3)), I hereby determine that the waiver of Section 231A(a)(1) with respect to Chile, permitting the Overseas Private Investment Corporation to insure, reinsure, guaranty and finance U.S. investment in Chile, is in the national economic interest of the United States. I therefore direct that the provisions of Section 231A(a)(3) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2191a(a)(3)), henceforth be waived with respect to Chile.

Please transmit this determination, along with the attached reasons, to the Speaker of the House and to the President of the Senate.

This determination shall be published in the Federal Register.

UNCLASSIFIED

SECRET

ASSISTANT SECRETARY'S DAILY ACTIVITY REPORT
ARA/CEN
September 25, 1990

RELEASED IN PART
B1

NICARAGUA

(C) Dialogue Starts Without Sandinistas. Economy Minister Silvio de Franco laid out a 36-month plan to bring Nicaragua's economy back from the brink as the long-awaited "national dialogue" opened September 21. The Sandinistas, publicly pledged to "organize and support" resistance to the GON plan, refused to take part in the dialogue. For Nicaragua's economic ills, de Franco prescribed reduced spending; 25,000 fewer government jobs; brakes on bank credit and the public sector; a 3-month conversion to the "gold cordoba;" deregulation; selective privatization "to improve efficiency;" and return of confiscated properties. A repeat of last July's violence would probably cost the FSLN both domestic support and international backing, but it may back its tough public stance with selected smaller strikes. Police non-response to Sandinista bus depot takeovers and Gen. Humberto Ortega's repeated statements that the Army will not use force suggest that the GON still cannot rely on its own security forces. (Managua 6469/6482/6518/6519, DAGray)

(C) EPS on Mass Graves: So What? Sandinista Army (EPS) Col. Hugo Torres told the National Assembly's Human Rights Commission September 19 that the Sandinistas' lame-duck amnesty made recent discoveries of mass graves moot. He claimed anonymous forensic "experts" concluded recently-discovered mass graves were not the work of the EPS and charged the Nicaraguan Association for Human Rights (ANPDH) with trying to damage the EPS's image. Commission chairman Frank Duarte pronounced himself "very satisfied" with Col. Torres' presentation; other National Opposition Union (UNO) deputies were not so pleased. ANPDH head Marta Patricia Baltodano and Nicaraguan Permanent Commission for Human Rights director Lino Hernandez will both appear before the Inter-American Human Rights Commission later this week. (Managua 6471, DAGray)

(C) Mexico Moving on Oil Debt. President Violeta Chamorro promised to "restructure" Nicaragua's $980 million oil debt with Mexico in 30 days, after which Nicaragua could again receive Mexican oil. For his part, Mexican President Carlos Salinas de Gortari pledged his country's continued support for Nicaragua. (Mexico 25948, DAGray)

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DECL: OADR

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: OLSON, OSCAR
Date: 06/21/96
Case ID: 96122241

UNCLASSIFIED

(C) Assembly Chips Away at Lame-Duck Laws. The National Assembly repealed Sandinista lame-duck legislation granting pensions and immunity to former government officials. UNO deputies stayed united during floor debates and votes, offering hope for upcoming budget legislation that will seek to cut military spending. Repeal of immunity opens the door for prosecuting those responsible for looting the government between election day and President Chamorro's inauguration. (Managua 6385, DAGray)

BELIZE

[redacted] B1

GUATEMALA

(S) DEVINE CASE: SUSPECTS ARRESTED. On September 21 a judge in FLores, Peten, issued arrest warrants for 8 men, some of whom are in the military. The Embassy reports that they should be arrested no later than October 9. Once arrested, the law requires they be brought before a judge within 6 hours. The judge then has 3 weeks to investigate. The suspects must be charged or released. Cerezo has told Ambassador Stroock a report will be delivered today. (Guatemala 12048, DMcCarthy).

(LOU) POLL RESULTS: CARPIO AND RIOS MONT LEADING: A September 7 ASIES poll shows Carpio leading with 22.4 percent of the vote, followed by Rios Mont with 21.4 percent, Arzu 7.7 percent and Cabrera 2.6 percent. Thirty-six percent of respondents were undecided. The poll was in line with the last one done in May, except that the percentage which believes there will be fraud dropped from 41 to 35 percent.

A separate poll conducted by the Costa Rican CID/GALLUP company gives the same results. In addition, the poll shows that if Rios is excluded, Carpio's share of the registered voters jumps from 30 to 40 percent. The Embassy believes the poll was commissioned by Carpio and notes that CID no longer has formal affiliation with Gallup. (Guaemala 11758 and 11673, DMcCarthy).

(LOU) GUERRILLAS BREAK MADRID PROMISE: The URNG is reneging on its promise not to conduct economic sabotage operations during the election period. On August 31-September 1, guerrillas attacked the mission of the AMCIT Stoltzfuz family in the Peten, looting and burning while holding the family at gunpoint. In mid-September guerrillas downed 11 power towers in Quiche Department and attacked a sugar mill in Escuintla.

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GUATEMALA

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ASSISTANT SECRETARY'S DAILY ACTIVITY REPORT
ARA/CEN
September 25, 1990

RELEASED IN PART
B1

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United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: OLSON, OSCAR
Date: 06/21/96
Case ID: 9512241

UNCLASSIFIED

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GUATEMALA

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Appproved:ARA/CEN:GMcCulloch
SEARACEN 413

Chile Project (#S199900030)
U.S. Department of State
Release X Excise Deny
Declassify: In Part In Full
Exemption(s)

MEMORANDUM OF JUSTIFICATION FOR WAIVING SECTION 231A OF THE FOREIGN ASSISTANCE ACT

On March 11, 1990, the first democratically-elected government in Chile in nearly seventeen years took office in Chile under the leadership of Patricio Aylwin. The new center-left coalition government has shown itself committed to the consolidation of the democratic process which has replaced the previous authoritarian regime.

Faced with overwhelming state interventionism, economic stagnation, and high inflation in the 1970s, Chile adopted the most free-market oriented policies in the history of Latin America. These reforms included the privatization of state firms, lower tariffs, freeing prices and interest rates, and liberalizing the foreign investment regime.

Since 1985, Chile has reduced its medium to long term debt with the commercial banks by over $9 billion through a variety of debt conversion and reduction schemes. In early September, a group of commercial banks agreed to underwrite a new $350 million bond issue for Chile. This agreement makes Chile the first of the debt-ridden countries of Latin America to reenter the voluntary private capital market.

Copper still accounts for more than 40 percent of Chile's total exports. To further diversify away from copper, Chile needs investment capital to develop non-traditional sectors of the economy. While U.S. investors are interested in the possibilities present in Chile, they are looking for real signs of assurance from their government that it supports the policies in place in Chile.

To support the economic and political reform process in Chile, the President has waived Section 231A(a)1) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2191a(a)(1)), with respect to Chile, to permit the Overseas Private Investment Corporation (OPIC) to insure, reinsure, guaranty and finance projects in Chile.

The Government of Chile has taken significant steps since March to improve worker rights. A mechanism for a tripartite dialogue among labor, business, and government has been created, and labor reform legislation has been introduced in the Chilean Congress. Moreover, a formal inquiry into the human rights abuses committed by prior regimes has begun.

The actions taken by the Government of Chile to adopt and implement internaionally recognized worker rights form the basis for the review now underway of an earlier determination made pursuant to 19 U.S.C. 2462(b)(7) with regard to worker rights in Chile. This waiver does not substitute for or prejudice that the outcome of that determination, which will be announced by the President when the review has been completed.

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WG-162 9/16/14

United States Department of State

Washington, D. C. 20520

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BRIEFING MEMORANDUM
~~CONFIDENTIAL~~ S/S

Chile Project (#S199900030)
U.S. Department of State
Release X Excise_____ Deny_____
Declassify: In Part_____ In Full X
Exemption(s)_____

TO: The Secretary

FROM: ARA - Bernard Aronson

SUBJECT: UNGA Bilateral Meeting with Chilean Foreign Minister Enrique Silva Cimma
September 26, 1990
Secretary's Bilateral Meeting Room
Waldorf Astoria Hotel

I. SETTING AND OBJECTIVE

- To meet with Foreign Minister Silva Cimma (Seel - vah Cee - mah) to discuss bilateral issues that are currently causing strains in U.S.-Chile relations.

II. AGENDA

- Chile's Transition to Democracy: Signal our support for Chile's peaceful transition to democratic government and for the GOC's continuation of a free-market economic model.

- Enterprise for the Americas Initiative: We welcome Chile's enthusiastic response to the Initiative and look forward to signing a bilateral framework agreement on trade and investment in the near future.

- Letelier Case/Kennedy-Harkin Amendment: Stress U.S. desire for Chilean Congress to enact pending legislation that will move this case forward on both the criminal and civil side.

- GSP/OPIC Benefits: With the improved worker rights situation in Chile and passage of patent protection legislation, these benefits can be restored.

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TEXT OF TELEGRAM FOLLOWS

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PAGE 01 GUATEM 12216 01 OF 14 272109Z
ACTION HA-09

INFO	LOG-00	ADS-00	AID-01	INR-05	SS-01	OIC-02	CIAE-00
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	L-03	LAB-04	TRSE-00	PA-01	STR-18	SIL-01	INRE-00
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R 272106Z SEP 90
FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC 4117

LIMITED OFFICIAL USE SECTION 01 OF 14 GUATEMALA 12216

NOFORN
DEPARTMENT FOR HA AND S/IL

E.O. 12356: N/A
TAGS: PHUM, ELAB, GT
SUBJECT: 1990 COUNTRY REPORT ON HUMAN RIGHTS PRACTICES: GUATEMALA

1. LOU--NOFORN--ENTIRE TEXT

2. FOLLOWING IS THE 1990 COUNTRY HUMAN RIGHTS REPORT FOR GUATEMALA.

GUATEMALA

THE CONSTITUTION TOOK EFFECT JANUARY 1986. IT PROVIDES FOR ELECTION BY UNIVERSAL SUFFRAGE OF A ONE-TERM PRESIDENT, A UNICAMERAL CONGRESS--INCREASED IN 1990 FROM 100 TO 118 MEMBERS--AND MUNICIPAL OFFICERS; IT GUARANTEES A LONG LIST OF RIGHTS, AND CALLS FOR AN INDEPENDENT JUDICIARY AND A HUMAN RIGHTS OMBUDSMAN, RESPONSIBLE TO CONGRESS. THE CHRISTIAN DEMOCRATS BEGAN GOVERNING IN 1986 AFTER FREE AND FAIR ELECTIONS.

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 07/20/95
Case ID: 95122241

NATIONAL ELECTIONS ARE DUE NOVEMBER 11; A RUN-OFF, JANUARY 6, WITH TRANSFER OF POWER JANUARY 14. PRESIDENTIAL CONTROL OVER THE SECURITY FORCES, WHILE NOT ABSOLUTE, IS GREATER THAN USUALLY ACKNOWLEDGED. THE ARMY (43,000 MEN) HAS THE KEY ROLE IN NATIONAL SECURITY AND IS FIGHTING A 30-YEAR FOREIGN-SUPPORTED LEFTIST INSURGENCY. THE ARMY INCLUDES A 3000-MAN MOBILE MILITARY POLICE THAT GUARDS KEY FACILITIES AND TAKES PART IN ANTI-CRIME OPERATIONS. THE NATIONAL POLICE

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(12,000 MEN) AND THE TREASURY POLICE (2,000) REPORT TO THE INTERIOR MINISTER; BOTH SUFFER CORRUPTION, POOR TRAINING, LOW PAY, AND LOW MORALE. ABOUT 500,000 MEN IN CIVIL DEFENSE COMMITTEES (CVDC) CARRY OUT COUNTERINSURGENCY AND LAW-AND-ORDER TASKS. SERVICE IN THE CVDCS IS SUOPPOSED TO BE VOLUNTARY, BUT THIS NOT ALWAYS THE CASE.

HOBBLED BY A WEAK JUSTICE SYSTEM AND A LACK OF WILL, AUTHORITIES DID NOT STEM GROWING VIOLENCE. DESPITE NOTABLE IMPROVEMENT OVER THE PERFORMANCE OF PAST YEARS, RELIABLE EVIDENCE INDICATES SECURITY FORCES STILL COMMITTED, WITH ALMOST TOTAL IMPUNITY, A MAJORITY OF THE MAJOR HUMAN RIGHTS ABUSES. MOST VICTIMS WERE RURAL INDIGENOUS PEOPLE SUSPECTED OF INVOLVEMENT WITH GUERRILLA MOVEMENTS. WHILE HARASSMENT OF LOCAL RIGHTS GROUPS WAS NOT AS BLATANT AS IN 1989, ACTIVISTS REPORTED THREATS AND ENDURED ACTS OF LETHAL VIOLENCE OFTEN APPARENTLY AT THE HANDS OF SECURITY FORCES. CRITICISM OF GUATEMALA'S HUMAN RIGHTS RECORD BY THE U.S. AMBASSADOR AND GOVERNMENT DREW PUBLIC AND PRESS ATTENTION--THE U.S. AMBASSADOR WAS RECALLED TO STRESS THE SERIOUSNESS WITH WHICH WE VIEW HUMAN RIGHTS ISSUES.
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COMMUNIST GUERRILLAS KILLED POLICEMEN, UNARMED SOLDIERS, AND MILITARY COMMISSIONERS (CIVILIAN ARMY EMPLOYEES); THEY ENGAGED IN ARMED ROBBERY, ECONOMIC SABOTAGE, MINE WARFARE, KIDNAPING, FORCED LABOR AND RECRUITMENT, AND USED CHILDREN IN COMBAT. IN MAY TALKS IN MADRID BETWEEN GUERRILLA AND POLITICAL PARTY REPRESENTATIVES, THE GUERRILLAS PROMISED TO HALT ATTACKS ON ECONOMIC AND CIVILIAN TARGETS AND ALLOW ELECTIONS TO GO FORTH. THESE PROMISES WERE NOT HONORED. THERE IS EVIDENCE OF GUERRILLA INVOLVEMENT IN THE ILLICIT OPIUM TRADE.

GOVERNMENT ENGAGED IN HEAVY DEFICIT SPENDING; INFLATION HIT AN ANNUAL RATE OF OVER 55 PERCENT--A BLOW TO ALREADY LOW LIVING STANDARDS. LITTLE WAS ACHIEVED IN REDUCING ILLITERACY AND INFANT MORTALITY. CORRUPTION AND MISMANAGEMENT ARE WIDESPREAD. THE NUMBER OF LABOR UNIONS ROSE BUT SOME MEMBERS CREDIBLY ALLEGED HARASSMENT FROM A VARIETY OF SOURCES. THERE WAS NO RESOLUTION TO SOME MAJOR CASES OF PAST ABUSES IN WHICH THE UNITED STATES HAS EXPRESSED STRONG AND CONTINUING INTEREST, E.G., THE 1985 DISAPPEARANCES OF AMERICAN CITIZENS BLAKE AND DAVIS, THE 1988 EL AGUACATE MASSACRE, THE 1989 DISAPPEARANCES OF 11 STUDENTS OF WHOM 6 WERE KILLED, AND

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TEXT OF TELEGRAM CONTINUATION SHEET

THE 1989 ABDUCTION OF U.S. CITIZEN NUN SR. DIANA ORTIZ. A COURT REVERSED THE 1988 CONVICTION OF SIX POLICEMEN FOR THE 1987 MURDERS OF TWO MEN IN QUETZALTENANGO--THE ONLY MAJOR WIN OVER HUMAN RIGHTS ABUSERS LINKED TO THE SECURITY FORCES. THE GOVERNMENT HAS APPEALED THE REVERSAL.

RESPECT FOR HUMAN RIGHTS

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PAGE 04 GUATEM 12216 01 OF 14 272109Z

SECTION I

RESPECT FOR THE INTEGRITY OF THE PERSON, INCLUDING

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TEXT OF TELEGRAM CONTINUED

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PAGE 01 GUATEM 12216 02 OF 14 272110Z
ACTION HA-09

INFO	LOG-00	ADS-00	AID-01	INR-05	SS-01	OIC-02	CIAE-00
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R 272106Z SEP 90
FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC 4118

LIMITED OFFICIAL USE SECTION 02 OF 14 GUATEMALA 12216

NOFORN
DEPARTMENT FOR HA AND S/IL

E.O. 12356: N/A
TAGS: PHUM, ELAB, GT
SUBJECT: 1990 COUNTRY REPORT ON HUMAN RIGHTS PRACTICES: GUATEMALA

FREEDOM FROM:

A. POLITICAL AND OTHER EXTRAJUDICIAL KILLING

AS IN 1989, OFFICIAL STATISTICS SHOWED ABOUT 2,000 HOMICIDES NATIONWIDE; CRITICS, WITH REASON, CLAIMED THIS WAS AN UNDERSTATEMENT. PRESS REPORTS AND OTHER AVAILABLE INFORMATION POINTED TO A NUMBER AT LEAST THREE TIMES THE OFFICIAL ONE. IN JUNE, FOR EXAMPLE, PRESS REPORTS INDICATED THE HOMICIDE RATE IN AND AROUND THE CAPITAL REACHED AN AVERAGE OF ONE PER HOUR. WHILE MOST KILLINGS RESULTED FROM PERSONAL VENDETTAS AND OTHER CRIMES, INCLUDING DRUG TRAFFICKING AND GANG WARFARE, EXTRAJUDICIAL KILLINGS, INCLUDING POLITICALLY MOTIVATED
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PAGE 02 GUATEM 12216 02 OF 14 272110Z

ONES, APPEARED TO RISE IN 1990.

THE HUMAN RIGHTS OMBUDSMAN CALCULATED ABOUT 400 POLITICALLY MOTIVATED KILLINGS IN 1990, MAINLY IN CONFLICTIVE RURAL AREAS OF SAN MARCOS, HUEHUETENANGO, QUICHE, AND PETEN DEPARTMENTS. MOST VICTIMS WERE INDIGENOUS PEOPLE PRESUMABLY KILLED BY SECURITY FORCES, USUALLY THE ARMY, FOR SUSPICION OF BACKING GUERRILLA

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GROUPS. THE OMBUDSMAN'S FIGURE DOES NOT INCLUDE AN UNKNOWN BUT PROBABLY LARGE NUMBER OF VIGILANTE KILLINGS OF CRIMINALS AND SUSPECTED CRIMINALS. WHILE NOT DEMONSTRATED CONCLUSIVELY, SECURITY FORCE INVOLVEMENT IN MANY VIGILANTE ACTIONS SEEMS LIKELY. THE RISE IN EXTRAJUDICIAL KILLINGS WAS A RESPONSE TO INCREASED GUERRILLA ACTIVITY AND FRUSTRATION OVER VIOLENT CRIME IN URBAN AREAS, PARTICULARLY THE CAPITAL.

NO INFORMATION POINTS TO POLITICAL AND OTHER EXTRAJUDICIAL KILLINGS AS OFFICIALLY CONDONED POLICY, BUT AUTHORITIES FAILED TO INVESTIGATE THESE AND BRING THE AUTHORS TO JUSTICE. WHILE MEMBERS OF THE SECURITY FORCES FACED ARREST, CONVICTION, AND SENTENCING FOR COMMON CRIMES, INCLUDING MURDER OF RURAL PEOPLE, NO EXAMPLES EXISTED OF TRIALS AND CONVICTIONS FOR POLITICAL OR EXTRAJUDICIAL KILLINGS BY SECURITY FORCE PERSONNEL. AUTHORITIES DID NOT PREVENT SOME MEMBERS OF THE SECURITY FORCES, IN PARTICULAR CERTAIN RURAL MILITARY ZONE OFFICERS, FROM CONDUCTING EXTRAJUDICIAL KILLINGS. THESE PERSISTED DESPITE ATTEMPTS BY FOREIGN DONORS—INCLUDING THE U.S.--SOME SENIOR OFFICERS, THE OMBUDSMAN, AND THE NEW POLICE DIRECTOR—AN ACTIVE DUTY ARMY COLONEL--TO

CHANGE TRADITIONAL HUMAN RIGHTS ATTITUDES AND PRACTICES WITHIN THE SECURITY FORCES. EFFORTS INCLUDED FIRING AND ARRESTING LARGE NUMBERS OF ALLEGEDLY CORRUPT AND ABUSIVE POLICEMEN.

GUERRILLA FORCES KILLED CIVILIANS, OFF-DUTY SOLDIERS, AND POLICEMEN. IN JULY, FOR EXAMPLE, GUERRILLAS IN SAN RAFAEL PETZAL (HUEHUETENANGO) SHOT AND KILLED TWO UNARMED MEN AND WOUNDED EIGHT OTHERS PARTICIPATING IN A CIVIL DEFENSE PATROL. MANY POLICEMEN IN RURAL AREAS WERE KILLED THROUGHOUT 1990 IN WAYS STRONGLY SUGGESTING GUERRILLA INVOLVEMENT.

IN JANUARY, ARMED MEN SEIZED SALVADORAN LEFTIST HECTOR OQUELI AND GUATEMALAN ATTORNEY GILDA FLORES IN THE CAPITAL. THEIR BODIES APPEARED HOURS LATER NEAR THE EL SALVADOR BORDER. THE CRIME LED TO STRONG LOCAL, US GOVERNMENT, AND INTERNATIONAL DEMANDS FOR A COMPLETE INVESTIGATION. THE GOVERNMENT CONDEMNED THE KILLINGS AND IN MARCH ISSUED A PRELIMINARY REPORT ON ITS INVESTIGATION. A FINAL REPORT IN JUNE IMPLIED, WITHOUT STRONG SUPPORTING EVIDENCE, THAT FRIENDS OF OQUELI AND SALVADORANS RESIDENT IN GUATEMALA WERE RESPONSIBLE. THERE WERE NO ARRESTS. THE CASE REMAINS OPEN.

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TEXT OF TELEGRAM CONTINUED

IN FEBRUARY, TWO COCA-COLA WORKERS, THE SAGASTUME BROTHERS, WERE KILLED. WHILE NOT CLEAR IF THE CRIME WAS RELATED TO A LONG STRIKE AGAINST THE COCA-COLA BOTTLER, CAVISA (SEE SEC 6), CREDIBLE INFORMATION INDICATED THE BROTHERS, FOUND DEAD WITH A THIRD MAN, DIED AS A RESULT OF CRIMINAL ACTIVITY. ALSO THAT MONTH, ACCORDING TO POLICE, 12 MEN IN "OLIVE GREEN" UNIFORMS AND CARRYING AUTOMATIC WEAPONS, ENTERED A HOME NEAR CUYOTENANGO

(SUCHITEPEQUEZ) AND KILLED ANTONIO GONON MORALES AND WOUNDED HIS WIFE AND HIS DAUGHTER-IN-LAW. POLICE BLAMED GUERRILLAS BUT COULD OFFER NO MOTIVES.

ON MARCH 17, NINE PEOPLE WERE SEIZED NEAR MALACATAN (SAN MARCOS) BY ARMED MEN. THE BODIES OF FIVE LATER APPEARED: TEODORO MEJIA, ARCADIO MEJIA, EFRAIN VENTURA,

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PAGE 01 GUATEM 12216 03 OF 14 272111Z
ACTION HA-09

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FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC 4119

LIMITED OFFICIAL USE SECTION 03 OF 14 GUATEMALA 12216

NOFORN
DEPARTMENT FOR HA AND S/IL

E.O. 12356: N/A
TAGS: PHUM, ELAB, GT
SUBJECT: 1990 COUNTRY REPORT ON HUMAN RIGHTS PRACTICES: GUATEMALA

LUIS VENTURA, AND JOAQUIN ORTEGA. A SURVIVOR, A CHILD, WAS ALSO FOUND. WHILE INFORMATION WAS INCONCLUSIVE, LOCAL OBSERVERS BLAMED THE ARMY. SAN MARCOS IS A VERY CONFLICTIVE REGION IN WHICH GUERRILLA ACTIVITY (THAT SAME DAY GUERRILLAS KILLED A SAN MARCOS POLICE CHIEF), DRUG TRAFFICKING, AND ARMY OPERATIONS ARE COMMON.

CERJ (RUNUJEL JUNAM COUNCIL OF ETHNIC COMMUNITIES), A RURAL-BASED ORGANIZATION DEDICATED MAINLY TO OPPOSING OBLIGATORY SERVICE IN CIVIL DEFENSE COMMITTEES, HAS BEEN ACCUSED BY THE ARMY OF BEING A GUERRILLA FRONT GROUP. DURING THE YEAR, THREE MEMBERS OF CERJ WERE KILLED, AT LEAST TWO APPARENTLY BY PERSONS PROTECTED BY SECURITY FORCES. ON MARCH 19, MARIA MEJIA (WHOM CONAVIGUA, A

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PAGE 02 GUATEM 12216 03 OF 14 272111Z

LOCAL WIDOWS ASSOCIATION, ALSO CLAIMED AS A MEMBER) WAS KILLED IN HER HOME NEAR PARRAXTUT, SACAPULAS (QUICHE). HER HUSBAND, PABLO LASTRO TOJIN, WOUNDED IN THE ATTACK, NAMED TWO MEN, BOTH ALLEGEDLY MILITARY COMMISSIONERS, AS THE KILLERS. ARRESTED IN MAY, BOTH WENT FREE IN JUNE FOR "LACK OF EVIDENCE." THE ARMY DENIED THEY WERE COMMISSIONERS BUT UNCONFIRMED INFORMATION INDICATES A QUICHE ARMY OFFICER PROMISED THE SUSPECTS QUICK FREEDOM IF THEY AGREED TO BE ARRESTED AND BROUGHT BEFORE A

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JUDGE. (SEE SEC 4).

ON APRIL 10, MASKED GUNMEN KILLED CERJ ACTIVIST JOSE VICENTE GARCIA IN FRONT OF HIS FAMILY. HE PREVIOUSLY HAD DENOUNCED RECEIVING THREATS. RELIABLE INFORMATION INDICATES THE KILLERS, THOUGH NOT MILITARY, WERE SHIELDED BY ARMY OFFICERS. A KNOWLEDGABLE INDEPENDENT LOCAL OBSERVER STATED THE ACTIVIST WAS PROBABLY KILLED FOR SUSPICION OF "SUBVERSIVE ACTIVITIES."

ON MAY 1, CERJ MEMBER JOSE MARIA IXCAYA WAS KILLED IN SOLOLA AS HE LEFT FOR THE CAPITAL TO PARTICIPATE IN MAY DAY RALLIES. A COUSIN OF HIS PUBLICLY ACCUSED THE ARMY OF THE KILLING; A CREDIBLE SOURCE INDICATED, HOWEVER, IT MIGHT HAVE RESULTED FROM A DISPUTE UNRELATED TO CERJ.

JOSE VIELMAN, SON OF THE CONSERVATIVE HEAD OF A LAWYERS GROUP (JUDE), DIED IN MARCH NEAR A POLICE CHECKPOINT OUTSIDE THE CAPITAL. INITIAL REPORTS PORTRAYED THE DEATH AS RESULTING FROM A BOTCHED ROBBERY ATTEMPT BY HIGHWAYMEN. SUBSEQUENT RELIABLE INFORMATION INDICATES,
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PAGE 03 GUATEM 12216 03 OF 14 272111Z

HOWEVER, VIELMAN DIED RESISTING POLICE ATTEMPTS TO ROB HIM. AN INTERNAL INVESTIGATION IS REPORTEDLY UNDERWAY.

IN JUNE, LONG-TIME RESIDENT U.S. CITIZEN MICHAEL DEVINE WAS BRUTALLY SLAIN NEAR HIS HOME IN PETEN DEPARTMENT. FIRST REPORTS DEPICTED THE CRIME AS A ROBBERY-MURDER. SUBSEQUENT INFORMATION, HOWEVER, SHOWED THAT ARMY PERSONNEL PARTICIPATED IN THE KILLING. THE MOTIVES REMAIN UNCERTAIN. THE PETEN MILITARY ZONE COMMANDER, SUSPECTED OF SENDING THOSE WHO KILLED DEVINE, WAS REMOVED AND TRANSFERRED TO THE CAPITAL. IN SEPTEMBER, PRESIDENT CEREZO, IN AN UNPRECEDENTED AND WELCOME MOVE, PUBLICLY ACKNOWLEDGED THE POSSIBILITY OF SECURITY FORCE INVOLVEMENT AND PROMISED A FULL INVESTIGATION. THE HUMAN RIGHTS OMBUDSMAN ALSO INDICATED HE HAD INFORMATION SHOWING POSSIBLE MILITARY INVOLVEMENT. IN SEPTEMBER, THE COURT IN FLORES (PETEN) ISSUED ARREST WARRANTS FOR SEVERAL PERSONS, INCLUDING FOUR SOLDIERS, FOR SUSPICION OF INVOLVEMENT IN THE MURDER OF MR. DEVINE. LATE THAT MONTH, THE ARMY ANNOUNCED THE ARREST OF FOUR SOLDIERS FOR THE CRIME. THE LOCAL PRESS GAVE THIS IMPORTANT DEVELOPMENT WIDESPREAD COVERAGE. THE US GOVERNMENT CONTINUES TO INSIST THE GUILTY BE BROUGHT TO JUSITCE.

ON JULY 25, CENTRIST CONGRESSMAN OTTO ROLANDO RUANO AND HIS DRIVER WERE KILLED 55 MILES FROM GUATEMALA CITY. THE FOLLOWING MONTH CENTRIST MAYORAL CANDIDATE CELSO MILAGRO GIRON WAS KILLED IN SAN PEDRO JOCOPILAS (QUICHE); HE HAD BECOME A CANDIDATE AFTER THE KILLING OF THE PRIOR CANDIDATE, SOLOMON BLANCO. MORE VIOLENCE FOLLOWED IN SAN PEDRO JOCOPILAS INCLUDING THE VIOLENT DEATH IN SEPTEMBER OF CHRISTIAN DEMOCRAT ACTIVIST SEBASTIAN MORALES. IN AUGUST, THE CHRISTIAN DEMOCRAT MAYOR OF CUYOTENANGO (SUCHITEPEQUEZ), ROBERTO VALLEJOS,
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WAS SHOT NEAR HIS HOME. HE SURVIVED. AUTHORS AND MOTIVES WERE UNKNOWN.

ON SEPTEMBER 11, MIRNA ELIZABETH MACK CHANG, A GUATEMALAN ACADEMIC RESEARCHING ISSUES AFFECTING DISPLACED PERSONS IN THE HIGHLANDS, WAS STABBED OR CUT 17 TIMES AND KILLED NEAR HER OFFICE IN GUATEMALA CITY.

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TEXT OF TELEGRAM ACCOUNTED 2014

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PAGE 01 GUATEM 12216 04 OF 14 272111Z
ACTION HA-09

INFO	LOG-00	ADS-00	AID-01	INR-05	SS-01	OIC-02	CIAE-00
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	RP-10	USIE-00	SP-01	SR-01	PRS-01	P-02	/082 W

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FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC 4120

LIMITED OFFICIAL USE SECTION 04 OF 14 GUATEMALA 12216

NOFORN
DEPARTMENT FOR HA AND S/IL

E.O. 12356: N/A
TAGS: PHUM, ELAB, GT
SUBJECT: 1990 COUNTRY REPORT ON HUMAN RIGHTS PRACTICES: GUATEMALA

GAM AND OTHER HUMAN RIGHTS ORGANIZATIONS AND UNIVERSITY GROUPS DENOUNCED THE KILLING AS POLITICALLY MOTIVATED. INITIAL POLICE REPORTS, HOWEVER, INDICATED ROBBERY AS THE MOTIVE AS THE KILLERS TOOK HER PURSE AND CREDIT CARDS. THE CASE REMAINS UNSOLVED AND THE US GOVERNMENT CONTINUES TO PRESS FOR A RESOLUTION.

IN A MAJOR REVERSAL FOR ALREADY WEAK EFFORTS TO HOLD SECURITY FORCES ACCOUNTABLE FOR ABUSES, IN AUGUST AN APPELLATE COURT FOUND "INSUFFICIENT EVIDENCE" TO UPHOLD THE 1988 CONVICTIONS AND 30-YEAR PRISON TERMS OF SIX POLICEMEN, INCLUDING A FORMER QUETZALTENANGO POLICE CHIEF, FOR THE 1987 ABDUCTIONS AND MURDERS OF TWO UNIVERSITY-AFFILIATED AGRONOMISTS, RENE LEIVA CAYAX AND
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PAGE 02 GUATEM 12216 04 OF 14 272111Z

DANILO ALVARADO MEJIA. THE KILLINGS APPARENTLY HAD BEEN CONNECTED WITH A BUS STRIKE AND OTHER LABOR AND CIVIL UNREST IN QUETZALTENANGO AT THE TIME. THIS HAD BEEN THE ONLY CASE IN WHICH MEMBERS OF THE SECURITY FORCES WERE ARRESTED, TRIED, CONVICTED, AND SENTENCED TO PRISON FOR SERIOUS HUMAN RIGHTS ABUSES. POLICE DIRECTOR COL. CABALLEROS SAID HE WOULD NOT ACCEPT THE MEN BACK INTO THE POLICE FORCE. THE GOVERNMENT HAS APPEALED THE COURT'S DECISION TO RESCIND THE CONVICTIONS.

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THE GOVERNMENT DID NOT SOLVE THE 1989 MURDERS OF 6 UNIVERSITY STUDENTS--THESE WERE AMONG 11 WHO DISAPPEARED (SEE SEC 1B). IT WAS WIDELY THOUGHT AT LEAST SOME CAME UNDER SUSPICION OF PRO-GUERRILLA ACTIVITIES. THERE WAS NO RESOLUTION OF THE AUGUST 1989 MURDER OF CHRISTIAN DEMOCRATIC POLITICIAN DANILO BARILLAS. THE 1989 KILLING OF GAM (MUTUAL SUPPORT GROUP) ACTIVIST AURELIO LORENZO XICAY ALSO REMAINS UNSOLVED; A POLICE REPORT RELEASED IN MARCH STATED XICAY HAD BEEN DRUNK AT THE TIME OF HIS DEATH FROM A BLOW TO THE HEAD. AUTHORITIES DID NOT SOLVE THE 1989 SANQUIN (CHIMALTENANGO) KILLINGS IN WHICH A MILITARY COMMISSIONER, HIS SON, AND THREE OTHERS WERE SLAIN BY MEN WHO MIGHT HAVE BEEN GUERRILLAS. A POLICE REPORT ON THE JULY 1989 DEATH OF FORMER COCA-COLA UNION MEMBER JOSE PANTALEON IDENTIFIED SEVERAL PERSONS AS RESPONSIBLE AND IMPLIED THE KILLING HAD TO DO WITH PERSONAL PROBLEMS. THE NOVEMBER 1988 EL AGUACATE MASSACRE WAS ALSO NOT SOLVED.

THE U.S. GOVERNMENT IS ACTIVE IN SEEKING A RESOLUTION TO SEVERAL OF THESE CASES. AMONG THOSE RECEIVING
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PAGE 03 GUATEM 12216 04 OF 14 272111Z

PARTICULAR EMPHASIS ARE: THE KILLINGS OF HECTOR OQUELI, RENE FLORES, ELIZABETH CHANG, AND MICHAEL DEVINE; THE DISAPPEARANCES AND MURDERS OF SEVERAL UNIVERSITY STUDENTS; THE KILLINGS OF MINORS BY POLICEMEN; AND THE EL AGUACATE MASSACRE. EFFORTS WERE LIMITED BY THE LEGAL CONSTRAINTS FACING A DIPLOMATIC MISSION AND LIMITATIONS OF PERSONNEL, TIME, AND INVESTIGATORY EXPERTISE.

B. DISAPPEARANCE

THERE WERE NO COMPLETELY RELIABLE FIGURES FOR 1990 ON THE NUMBER OF DISAPPEARED PERSONS. ACCORDING TO AN OFFICIAL REPORT RELEASED EARLY IN 1990, AUTHORITIES KNEW OF 2,588 DISAPPEARANCES FROM ALL CAUSES JANUARY 1989 - JANUARY 1990. THE REPORT STATED THE POLICE RESOLVED 1,763 OF THOSE: 1,537 WERE FOUND SAFE, 35 IN HOSPITALS, AND 191 DEAD. OF THE REMAINING 825, POLICE CLAIMED 198 CONSISTED OF FALSE REPORTS AND 206 OF PERSONS WHO HAD REAPPEARED BUT HAD NOT BEEN REPORTED AS SUCH. THE OFFICE OF THE HUMAN RIGHTS OMBUDSMAN CALCULATED GUATEMALA SUFFERED SOME 200 POLITICALLY MOTIVATED DISAPPEARANCES DURING 1990. GIVEN THAT THERE IS NO SOLID EVIDENCE OF CLANDESTINE PRISONS, A VALID ASSUMPTION IS THAT MOST OF THE POLITICALLY MOTIVATED DISAPPEARANCES ENDED IN DEATH. ACCORDING TO THE OMBUDSMAN, MOST OCCURRED IN CONFLICTIVE AREAS AND WERE

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OF PERSONS BELIEVED INVOLVED IN GUERRILLA ACTIONS. THE GOVERNMENT FAILED TO SOLVE THE DISAPPEARANCES. THE OMBUDSMAN CONCLUDED SECURITY FORCES BORE RESPONSIBILITY FOR THE MAJORITY OF THESE TYPES OF DISAPPEARANCES. THE OMBUDSMAN'S CALCULATIONS AND CONCLUSIONS SEEM REASONABLE.

IN JANUARY, THE SON OF A PROMINENT LEFTIST JOURNALIST TOLD OF BEING ABDUCTED AND BRIEFLY HELD BY PERSONS

APPARENTLY CONNECTED TO THE SECURITY FORCES. HIS CAPTORS, ACCORDING TO HIM, CARRIED AUTOMATIC WEAPONS AND DROVE A RADIO-EQUIPPED VEHICLE OF A TYPE USUALLY ASSOCIATED WITH THE MILITARY PRESIDENTIAL GUARD. ACCORDING TO THIS ACCOUNT, HE WAS QUERIED ABOUT

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PAGE 01 GUATEM 12216 05 OF 14 272112Z
ACTION HA-09

INFO	LOG-00	ADS-00	AID-01	INR-05	SS-01	OIC-02	CIAE-00
	EB-01	DODE-00	H-01	IO-19	NSCE-00	ARA-01	NSAE-00
	L-03	LAB-04	TRSE-00	PA-01	STR-18	SIL-01	INRE-00
	RP-10	USIE-00	SP-01	SR-01	PRS-01	P-02	/082 W

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FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC 4121

LIMITED OFFICIAL USE SECTION 05 OF 14 GUATEMALA 12216

NOFORN
DEPARTMENT FOR HA AND S/IL

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TAGS: PHUM, ELAB, GT
SUBJECT: 1990 COUNTRY REPORT ON HUMAN RIGHTS PRACTICES: GUATEMALA

ACTIVITIES AT SAN CARLOS UNIVERSITY AND RELEASED WHEN HIS ABDUCTORS RECEIVED ORDERS OVER THE RADIO TO DO SO. A MILITARY SOURCE DENIED ARMY INVOLVEMENT, SAYING THE INCIDENT RESULTED FROM A DISPUTE OVER A GIRLFRIEND.

IN FEBRUARY, TWO DISAPPEARANCES IN THE CAPITAL DREW MUCH FOREIGN AND LOCAL ATTENTION, PROMPTING A RESOLUTION BY GUATEMALA'S CONGRESS CALLING FOR THE VICTIMS' RELASE AND FOR AUTHORITIES TO PREVENT AND RESOLVE THESE SORTS OF INCIDENTS. BOTH CASES ENDED, FORTUNATELY, IN RELEASE OF THE VICTIMS. ON FEBRUARY 6, SAN CARLOS UNIVERSITY LAW STUDENT ARMANDO OSCAR PIEDRASANTA WAS TAKEN BY ARMED MEN, BEATEN, AND ABANDONED ALONG A HIGHWAY EARLY THE FOLLOWING DAY. THE AUTHORS AND MOTIVES WERE UNKNOWN BUT
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PAGE 02 GUATEM 12216 05 OF 14 272112Z

THE ASSUMPTION WAS PIEDRASANTA WAS SUSPECTED OF "SUBVERSIVE ACTIVITIES." HE REPORTEDLY HAS LEFT GUATEMALA.

ON FEBRUARY 10, DR. CARMEN ANGELICA VALENZUELA ARGUETA, A PEDIATRICIAN, WAS PULLED FROM HER CAR IN THE CAPITAL BY ARMED MEN IN A FOUR-WHEEL DRIVE VEHICLE WITH TINTED WINDOWS. THE DAYLIGHT KIDNAPING LED TO A STRONG PUBLIC

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DEMAND FOR HER RELEASE AND TO FOREIGN EMBASSIES, INCLUDING THE U.S., WORKING TO THAT END. FREED FEBRUARY 18, SHE MADE NO PUBLIC STATEMENTS, AND LEFT FOR ABROAD. MOTIVES FOR THE ABDUCTION GENERATED SPECULATION RANGING FROM SUSPICION OF POSSIBLE INVOLVEMENT WITH GUERRILLA SYMPATHIZERS TO THE BELIEF SHE WAS ABOUT TO REVEAL RAMPANT CORRUPTION IN THE MINISTRY OF HEALTH.

IN APRIL, GUERRILLAS ABDUCTED TWO OFF-DUTY SOLDIERS IN THE PETEN. THE SEIZURE TOOK PLACE DURING A UNILATERALLY DECLARED HOLY WEEK CEASE FIRE BY THE GUERRILLAS. THE SOLDIERS WERE EVENTUALLY FREED.

LUIS MIGUEL SOLIS PAJARITO, MEMBER OF A DISPLACED PERSONS ORGANIZATION, CONDEG, DISAPPEARED MAY 3 IN THE CAPITAL. HIS WIFE, A GAM MEMBER, LABELED THE MILITARY RESPONSIBLE AND ALLEGED HE WAS IN ONE OF THE CAPITAL'S MILITARY FACILITIES. SHE FILED WRITS OF HABEAS CORPUS WITH NO RESULT. SHE HAS SUBSEQUENTLY ALLEGED RECEIVING THREATS. THE DISAPPEARANCE LED TO PROTESTS, INCLUDING GAM'S TAKE-OVER THE OFFICE OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC). GIVEN THAT SOME
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PAGE 03 GUATEM 12216 05 OF 14 272112Z

MILITARY SEE CONDEG AS A PRO-GUERRILLA GROUP, SECURITY FORCE INVOLVEMENT IN THE DISAPPEARANCE CANNOT BE DISMISSED, BUT NO CONCLUSIVE EVIDENCE OF ARMY INVOLVEMENT EXISTS.

TWO CERJ MEMBERS DISAPPEARED IN JULY. ON JULY 2, ARMED MEN IN TWO PICK-UP TRUCKS APPARENTLY SEIZED PEDRO TIU CAC IN CHAJAB, RACANA (TOTONICAPAN). SAMUEL DE LA CRUZ GOMEZ, REPORTEDLY A MEMBER BOTH OF CERJ AND OF LEFTIST CUC (COMMITTEE OF CAMPESINO UNITY), WAS TAKEN NEAR ZACUALPA (QUICHE) JULY 12 APPARENTLY BY AN ARMY PATROL. GUNFIRE INJURED TWO PERSONS TRYING TO SAVE DE LA CRUZ GOMEZ FROM HIS CAPTORS. NEIGHBORS CAPTURED A MAN THEY SAID WAS A MILITARY COMMISSIONER--HE DENIED IT--AND TOOK HIM TO SANTA CRUZ DEL QUICHE WHERE HE WAS JAILED. THE ALLEGED COMMISSIONER WAS EVENTUALLY FREED FOLLOWING LAB EVIDENCE HE HAD NOT FIRED A WEAPON AND TESTIMONY PLACING HIM ELSEWHERE AT THE TIME OF THE DISAPPEARANCE.

THE UNIVERSITY STUDENTS' ASSOCIATION (AEU) REPORTED THE AUGUST 1 DISAPPEARANCE OF LAW STUDENT ANIBAL PALMA. THE 30-YEAR OLD MAN ALLEGEDLY WAS TAKEN BY SEVERAL ARMED MEN IN THE CAPITAL. THE AEU FILED A COMPLAINT WITH THE OFFICE OF THE HUMAN RIGHTS OMBUDSMAN. ALSO IN AUGUST,

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MILITARY COMMISSIONER SERGIO GOMEZ WAS REPORTED ABDUCTED BY SEVEN HEAVILY ARMED GUERRILLAS IN OLIVE GREEN UNIFORMS NEAR CONFLICTIVE TAJUMULCO (SAN MARCOS), THE MAIN AREA FOR ORPA (ARMED REVOLUTIONARY ORGANIZATION OF THE PEOPLE). NO FURTHER INFORMATION WAS AVAILABLE.

FOUR CERJ MEMBERS WHO DISAPPEARED APRIL 1989 IN SUCHITEPEQUEZ WERE NOT FOUND; THE ASSUMPTION IS THAT THE MEN ARE DEAD. THERE WAS NO RESOLUTION OF THE
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DISAPPEARANCES OF SEVERAL UNIVERSITY STUDENTS WHO VANISHED BETWEEN AUGUST 21 AND SEPTEMBER 10, 1989 (SEE SECTION 1. A); OFFICIAL REPORTS ISSUED IN 1990 SUGGESTED THE DISAPPEARANCES AND DEATHS WERE DUE TO INTERNAL STUDENT CONFLICTS, AN IDEA NOT GENERALLY ACCEPTED. THE AUGUST 1989 DISAPPEARANCE OF GAM MEMBER RUMALDA CAMEY REMAINS UNSOLVED.

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PAGE 01 GUATEM 12216 06 OF 14 272114Z
ACTION HA-09

INFO	LOG-00	ADS-00	AID-01	INR-05	SS-01	OIC-02	CIAE-00
	EB-01	DODE-00	H-01	IO-19	NSCE-00	ARA-01	NSAE-00
	L-03	LAB-04	TRSE-00	PA-01	STR-18	SIL-01	INRE-00
	RP-10	USIE-00	SP-01	SR-01	PRS-01	P-02	/082 W

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FM AMEMBASSY GUATEMALA
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LIMITED OFFICIAL USE SECTION 06 OF 14 GUATEMALA 12216

NOFORN
DEPARTMENT FOR HA AND S/IL

E.O. 12356: N/A
TAGS: PHUM, ELAB, GT
SUBJECT: 1990 COUNTRY REPORT ON HUMAN RIGHTS PRACTICES: GUATEMALA

NO PROGRESS HAS BEEN MADE IN THE KIDNAPING NOVEMBER 2-3, 1989 OF U.S. CITIZEN NUN DIANA ORTIZ. A POLICE INVESTIGATION AND OFFICIAL STATEMENTS CAST DOUBT ON HER CLAIM OF HAVING BEEN ABDUCTED FROM A RELIGIOUS RETREAT IN ANTIGUA (SACATEPEQUEZ) BY SECURITY FORCES AND TORTURED IN A CLANDESTINE CHAMBER. SOON AFTER HER ESCAPE, ORTIZ LEFT GUATEMALA. DESPITE MANY REQUESTS, ORTIZ HAS NOT PROVIDED FURTHER INFORMATION TO GUATEMALAN OR U.S. OFFICIALS. THE CASE REMAINS OPEN WITH LACK OF INFORMATION FROM ORTIZ HAMPERING SERIOUS INVESTIGATION. THE U.S. GOVERNMENT CONTINUES TO PRESS ON ALL PARTIES THE IMPORTANCE OF RESOLVING THIS CASE.

THE AUGUST 1985 DISAPPEARANCES OF TWO AMERICANS,
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PAGE 02 GUATEM 12216 06 OF 14 272114Z

NICHOLAS BLAKE AND GRIFFITH DAVIS, ALSO REMAINED UNSOLVED. OFFICIALS IN 1990, HOWEVER, SHOWED MORE WILLINGNESS THAN PREVIOUSLY TO SOLVE THE CASE AND GAVE IMPROVED COOPERATION TO U.S. GOVERNMENT EFFORTS. THE U.S. GOVERNMENT CONTINUED TO INSIST THAT THIS IMPORTANT CASE NEEDED TO BE SOLVED.

C. TORTURE AND OTHER CRUEL, INHUMAN, OR DEGRADING

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TREATMENT OR PUNISHMENT

THERE WERE NO VERIFIED REPORTS OF INHUMAN OR CRUEL TREATMENT OF DETAINEES IN OFFICIAL CUSTODY. THERE WERE, HOWEVER, CREDIBLE REPORTS OF EXCESSIVE FORCE BY POLICE AT THE TIME OF ARREST AND OF DEGRADING TREATMENT BY ARMY, CIVIL DEFENSE PATROLS, MILITARY COMMISSIONERS, AND POLICE OF PERSONS IN RURAL AREAS. PRISON CONDITIONS WERE TOUGH: PENAL AUTHORITIES WERE HAMPERED BY OVERCROWDING AND LACK OF FUNDS AND TRAINED PERSONNEL.

THERE WERE CREDIBLE REPORTS OF MISTREATMENT AND EVEN TORTURE LEADING TO THE DEATHS OF PERSONS DETAINED EXTRAJUDICIALLY. PERSONS WHO ESCAPED FROM OR WERE RELEASED BY CAPTORS APPARENTLY LINKED TO THE SECURITY FORCES, RELATED ACCOUNTS OF PHYSICAL AND MENTAL ABUSE.

MANY OF THE BODIES FOUND THROUGHOUT GUATEMALA BEAR SIGNS OF TORTURE OR POST MORTEM MUTILATION. SOME HUMAN RIGHTS GROUPS VIEW SIGNS OF TORTURE AS PRIMA FACIE EVIDENCE A CRIME IS POLITICAL IN MOTIVE. THAT CONCLUSION IS NOT
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VALID: CRIMINAL GANGS AND OTHERS RESOLVING PERSONAL VENDETTAS OFTEN USE TORTURE.

ONE VERY DISTURBING DEVELOPMENT WAS CREDIBLE INFORMATION OF SEVERE MISTREATMENT AND EVEN MURDER BY POLICEMEN OF STREET CHILDREN. THESE HOMELESS CHILDREN OFTEN ENGAGE IN PROSTITUTION AND OTHER CRIMES AND FREQUENTLY USE DANGEROUS INHALANTS, SUCH AS PAINT THINNER AND SHOEMAKERS' GLUE. AMNESTY INTERNATIONAL ISSUED A REPORT IN JULY DISCUSSING SOME OF THESE ABUSES AND REPORTED THREATS AGAINST PERSONS AND GROUPS WORKING WITH STREET CHILDREN. POLICE OFFICIALS WERE WORKING TO RESOLVE THESE CASES AND HAD UNDERTAKEN SEVERAL INVESTIGATIONS. FOUR POLICEMEN WERE ARRESTED IN JUNE FOR THE MURDER OF MINOR NAHAMON CARMONA. THE US GOVERNMENT HAS BEEN ACTIVE FOR SOME TIME IN PRESSING FOR AN END TO THIS PARTICULARLY REPREHENSIBLE ABUSE.

D. ARBITRARY ARREST, DETENTION, OR EXILE

AN ARREST WARRANT IS NEEDED WHEN AN ACCUSED IS NOT CAUGHT COMMITTING A CRIME. ACCORDING TO THE CONSTITUTION, POLICE CANNOT HOLD A PERSON FOR OVER SIX

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HOURS WITHOUT BRINGING HIM TO A JUDGE. THE LAW PROVIDES FOR BAIL, ACCESS TO LAWYERS, AND LIMITS TO 20 DAYS THE TIME ANYONE MAY BE HELD FOR INVESTIGATION, AFTER WHICH HE MUST BE CHARGED OR RELEASED. AUTHORITIES MUST PRODUCE DETAINEES ON REQUEST. EXILE IS NOT USED.

ALLEGATIONS OF ARBITRARY ARREST OR DETENTION BY POLICE, AS DISTINCT FROM OTHER SECURITY FORCES, WERE INFREQUENT. THERE WERE NO VERIFIED CASES OF ARRESTS OF

POLITICAL OPPONENTS FOR THEIR BELIEFS. WHILE THERE WAS NO GOOD EVIDENCE OF "SECRET" PRISONS WHERE LENGTHY ILLEGAL INCARCERATIONS TOOK PLACE, THERE WERE CREDIBLE REPORTS OF SECURITY FORCE "SAFEHOUSES" USED TO CONDUCT BRIEF ILLEGAL DETENTIONS, INTERROGATIONS, AND, AT TIMES, TORTURE AND MURDER. WRITS OF HABEAS CORPUS ARE, AS EXPECTED, IGNORED BY THOSE CONDUCTING ILLEGAL ARRESTS.

CERJ ALLEGED AN ARBITRARY ARREST BY POLICE IN JULY OF MARCUS PU PERCAC NEAR SANTA LUCIA DE LA REFORMA

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PAGE 01 GUATEM 12216 07 OF 14 272114Z
ACTION HA-09

INFO	LOG-00	ADS-00	AID-01	INR-05	SS-01	OIC-02	CIAE-00
	EB-01	DODE-00	H-01	IO-19	NSCE-00	ARA-01	NSAE-00
	L-03	LAB-04	TRSE-00	PA-01	STR-18	SIL-01	INRE-00
	RP-10	USIE-00	SP-01	SR-01	PRS-01	P-02	/082 W

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TO SECSTATE WASHDC 4123

LIMITED OFFICIAL USE SECTION 07 OF 14 GUATEMALA 12216

NOFORN
DEPARTMENT FOR HA AND S/IL

E.O. 12356: N/A
TAGS: PHUM, ELAB, GT
SUBJECT: 1990 COUNTRY REPORT ON HUMAN RIGHTS PRACTICES: GUATEMALA

(TOTONICAPAN). POLICE OFFICERS, ACCORDING TO CERJ, THREATENED TO LABEL HIM A SUBVERSIVE UNLESS PAID A BRIBE. PU WAS FREED AFTER APPARENTLY PAYING THE SOLICITED BRIBE. THE STORY COULD NOT BE CONFIRMED. ALSO IN JULY, A JUDGE IN HUEHUETENANGO ORDERED THE ARREST OF A CIVIL DEFENSE PATROL LEADER FOR THE ILLEGAL DETENTION OF A MINOR. THE JUDGE REPORTED DEATH THREATS. THERE WAS NO CONFIRMATION ON THE ARREST.

ON AUGUST 17, DAILY "EL GRAFICO," OWNED BY CENTRIST UCN PRESIDENTIAL CANDIDATE JORGE CARPIO, REPORTED UCN ACTIVIST MAXIMILIANO VASQUEZ WAS ARRESTED BY A MILITARY COMMISSIONER BECAUSE OF POLITICAL ACTIVITIES. IN A LETTER THE NEXT DAY, THE ARMY SPOKESMAN DENIED THE

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CLAIM, STATING VASQUEZ WAS ARRESTED BY POLICE ON CRIMINAL CHARGES; A POLICE SOURCE SUPPORTED THAT VERSION.

IN SEPTEMBER, CERJ DENOUNCED THAT 86 PERSONS FROM IN AND AROUND AMACHEL (QUICHE) HAD BEEN FORCIBLY TRANSPORTED TO AND WERE BEING ILLEGALLY HELD AT A MILITARY INSTALLATION IN NEBAJ (QUICHE). THE OMBUDSMAN AND THE UN HUMAN RIGHTS EXPERT TRAVELED TO QUICHE TO INVESTIGATE THIS

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ALLEGATION. THEY COULD NOT CONFIRM ALLEGATIONS OF SEVERE MISTREATMENT NOR DID THEY FIND THAT THE PERSONS WERE BEING HELD AT A MILITARY BASE. IT WAS NOT CLEAR, HOWEVER, THAT THOSE TAKEN TO NEBAJ FROM HIGHLY CONFLICTIVE AMACHEL HAD MOVED OF THEIR OWN FREE WILL.

E. DENIAL OF FAIR PUBLIC TRIAL

THE CONSTITUTION CALLS FOR AN INDEPENDENT JUDICIARY MADE OF A COURT OF CONSTITUTIONALITY, A SUPREME COURT, APPEAL COURTS, AND SEVERAL COURTS OF SPECIAL JURISDICTION. MILITARY COURTS HAVE JURISDICTION ONLY OVER THE ARMY, INCLUDING MILITARY COMMISSIONERS. CIVILIAN TRIALS ARE PUBLIC; DEFENDANTS HAVE THE RIGHT TO BE PRESENT AND TO LEGAL REPRESENTATION. CONVICTIONS ARE AUTOMATICALLY REVIEWED BY AN APPEALS COURT. THERE WERE NO POLITICAL PRISONERS. DESPITE REFORM EFFORTS, HOWEVER, THE JUDICIARY REMAINED TROUBLED, SUFFERING CORRUPTION, LOW MORALE AND POOR PAY.

IN JANUARY, AN APPEALS COURT REDUCED THE SENTENCES OF
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THOSE CONVICTED OF ATTEMPTING THE OVERTHROW OF THE GOVERNMENT IN MAY 1989. ALL OF THE PLOTTERS WENT FREE IN FEBRUARY, DESPITE OPPOSITION FROM THE ARMY COMMAND.

A U.S.-FUNDED MODEL COURT PROGRAM RUN BY HARVARD UNIVERSITY ENDED AND WAS NOT RENEWED. THOSE RUNNING THE PROGRAM EXPRESSED FRUSTRATION WITH THE LACK OF WILL ON THE PART OF AUTHORITIES TO REFORM THE NATION'S COURT SYSTEM AND TO UNDERTAKE PROSECUTIONS OF HUMAN RIGHTS OFFENDERS. ON THE MORE POSITIVE SIDE, THE CONGRESS BEGAN DEBATE OF A RADICAL REVISION OF THE PENAL CODE WHICH WOULD MODERNIZE, SPEED UP, AND PRESUMABLY MAKE THE JUSTICE SYSTEM MORE RESPONSIVE AND ACCESSIBLE TO THE COMMON PERSON. THE PROPOSED NEW CODE, WHILE WELCOME, WOULD STILL FACE A CONSTITUTIONAL RESTRICTION ON TRYING MILITARY IN CIVILIAN COURTS, THEREBY LIMITING THE ABILITY OF THOSE COURTS TO ACT AGAINST HUMAN RIGHTS ABUSERS IN UNIFORM.

THE U.S. DEPARTMENT OF JUSTICE, THROUGH ITS ICITAP PROGRAM, TRAINED POLICE PERSONNEL--OVER SIX HUNDRED SINCE THE START OF THE CEREZO ADMINISTRATION--IN A RANGE OF MODERN CRIMINAL INVESTIGATIVE TECHNIQUES. MANY OF THOSE TRAINED, HOWEVER, WERE SUBSEQUENTLY NOT EMPLOYED

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ON THE POLICE OR LEFT OUT OF FRUSTRATION OVER AN INABILITY TO USE THEIR SKILLS. THE NEW POLICE DIRECTOR PROMISED TO MAKE AN EFFORT TO KEEP SUCH TRAINED PERSONNEL AND TO MAKE USE OF THEIR TALENTS. AS 1990 ENDED, HE HAD MADE A START TO THIS END.

F. ARBITRARY INTERFERENCE WITH PRIVACY, FAMILY, HOME, OR CORRESPONDENCE

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PAGE 04 GUATEM 12216 07 OF 14 272114Z

THE CONSTITUTION PROVIDES FOR THE INVIOLABILITY OF HOME, CORRESPONDENCE, AND PRIVATE DOCUMENTS. WHILE THIS PROVISION WAS USUALLY RESPECTED, THERE WERE EXCEPTIONS. HEAVY-HANDED ARMY EFFORTS TO ENFORCE THE MILITARY DRAFT LAW RESULTED IN PERSONS TAKEN OFF THE STREETS OR IN HOMES WITHOUT A COURT ORDER. SIMILAR CHARGES WERE MADE AGAINST MILITARY COMMISSIONERS WHO SOUGHT TO ENFORCE THE DRAFT IN RURAL AREAS. ACCORDING TO THE PRESS, FOR EXAMPLE, ARMANDO MONTOYA OF EL PROGRESO (JUTIAPA) STATED

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PAGE 01 GUATEM 12216 08 OF 14 272114Z
ACTION HA-09

INFO	LOG-00	ADS-00	AID-01	INR-05	SS-01	OIC-02	CIAE-00
	EB-01	DODE-00	H-01	IO-19	NSCE-00	ARA-01	NSAE-00
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	RP-10	USIE-00	SP-01	SR-01	PRS-01	P-02	/082 W

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LIMITED OFFICIAL USE SECTION 08 OF 14 GUATEMALA 12216

NOFORN
DEPARTMENT FOR HA AND S/IL

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TAGS: PHUM, ELAB, GT
SUBJECT: 1990 COUNTRY REPORT ON HUMAN RIGHTS PRACTICES: GUATEMALA

THAT ON SEPTEMBER 2, MILITARY COMMISSIONERS SHOT HIM IN THE COURSE OF EFFORTS TO DRAFT HIM.

THE CONSTITUTION REQUIRES SELF-DEFENSE ORGANIZATIONS TO BE VOLUNTARY. THE HUMAN RIGHTS OMBUDSMAN, RESPONDING TO A REQUEST FROM CERJ, FOUND THAT WHILE THE DECREE CREATING THE CIVIL DEFENSE COMMITTEES AND PATROLS WAS CONSTITUTIONAL, FORCED PARTICIPATION EXISTED IN VIOLATION OF THE DECREE AND THE CONSTITUTION. IN MARCH, THE CHAIRMEN OF THE CONGRESSIONAL HUMAN RIGHTS AND THE DEFENSE COMMITTEES GAVE SIMILAR OPINIONS. IN MOST PARTS OF THE COUNTRY, SELF-DEFENSE COMMITTEES AND PATROLS APPEAR LARGELY VOLUNTARY. AS IN PAST YEARS, HOWEVER, THE DEGREE OF VOLUNTARISM IN CONFLICTIVE PARTS OF QUICHE
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PAGE 02 GUATEM 12216 08 OF 14 272114Z

AND HUEHUETENANGO IS OPEN TO SERIOUS QUESTION; THERE ARE SCATTERED REPORTS OF FORCED PARTICIPATION IN SMALL COMMUNITIES IN SOLOLA AND BAJA VERAPAZ DEPARTMENTS. THE ARMY DENIES IT PRESSURES, THREATENS, OR PERSECUTES THOSE WHO ADVOCATE AGAINST THE COMMITTEES OR WHO REFUSE TO JOIN. THERE IS, HOWEVER, CREDIBLE EVIDENCE THAT SUCH PERSONS SUFFERED SERIOUS ABUSES, INCLUDING MURDER (SEC. 1.A).

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TEXT OF TELEGRAM CONTINUED

G. USE OF EXCESSIVE FORCE AND VIOLATIONS OF HUMANITARIAN LAW IN INTERNAL CONFLICTS

THE 30-YEAR ARMED INTERNAL CONFLICT CONTINUED. THERE WERE ACCUSATIONS OF INDISCRIMINATE USE OF AIRCRAFT AND ARTILLERY ON CIVILIAN TARGETS. THE OFFICE OF THE HUMAN RIGHTS OMBUDSMAN LOOKED INTO REPORTS OF A MAJOR AERIAL ATTACK ON A SMALL COMMUNITY IN QUICHE; A DEPUTY OMBUDSMAN COULD FIND NO EVIDENCE OF BOMBING. GIVEN THE SMALL, TIGHTLY CONTROLLED AERIAL AND ARTILLERY ASSETS, CHARGES OF "CARPET" BOMBING, MASS ARTILLERY BARRAGES, AND ATTACKS BY HELICOPTER GUNSHIPS ARE NOT CREDIBLE.

THE YEAR BEGAN WITH INCREASED GUERRILLA MILITARY ACTIVITY, INCLUDING ATTACKS ON THE ECONOMIC INFRASTRUCTURE, SUCH AS BRIDGES, FARMS, ROADS, ELECTRICAL PYLONS, ROAD MAINTENANCE AND TELEPHONE EQUIPMENT, PROMPTING THE HUMAN RIGHTS OMBUDSMAN TO DENOUNCE THE GUERRILLAS AS VIOLATORS OF HUMAN RIGHTS. IN FEBRUARY, A GUERRILLA UNIT ATTACKED AN ARMY PATROL INSIDE THE TOWN OF SANTA MARIA DE JESUS, 12 MILES FROM

THE CAPITAL. THE ENSUING BATTLE KILLED THREE SMALL CHILDREN. PERSISTENT GUERRILLA EFFORTS TO CUT MAJOR ROADS RESULTED IN THE DEATHS OF CIVILIANS CAUGHT IN THE FIRE BETWEEN GUERRILLAS AND SECURITY FORCES. THERE IS RELIABLE INFORMATION INDICATING GUERRILLAS TARGETED POLICEMEN FOR MURDER. DURING 1990, GUERRILLAS BRIEFLY OVERRAN SEVERAL COMMUNITIES AND FORCED RESIDENTS TO GATHER FOR PROPAGANDA MEETINGS. IN MAY, GUERRILLAS IN HUEHUETENANGO AMBUSHED A CIVILIAN TRUCK TRANSPORTING SICK AND INJURED SOLDIERS IN CIVILIAN DRESS TO HOSPITAL; EIGHT WERE KILLED.

IN AUGUST, THERE WAS A RELIABLE REPORT THAT A GUERRILLA-LAID "CLAYMORE" MINE KILLED TWO SMALL GIRLS IN QUICHE. THE MINE WAS APPARENTLY ACTIVATED BY ONE OF THE CHILDREN.

ON AUGUST 31, GUERRILLAS IN THE PETEN OVERRAN AND DESTROYED A MEDICAL-DENTAL COMPOUND OPERATED BY A LONG-RESIDENT AMERICAN MISSIONARY FAMILY, THE STOLTZFUZ. THE COMPOUND WAS DESTROYED, MEDICAL SUPPLIES STOLEN, AND THE FAMILY HELD AT GUNPOINT AND THREATENED WITH DEATH UNLESS THEY LEFT GUATEMALA. A PRESS RELEASE FROM THE GUERRILLA-CONTROLLED NEWS AGENCY CERIGUA CLAIMED GUERRILLAS CARRIED OUT THE ATTACK IN RETALIATION FOR THE FAMILY'S ALLEGED SUPPORT OF THE ARMY, I.E., THE

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MISSIONARIES HAD TREATED SERIOUSLY WOUNDED SOLDIERS. ONE OF THE AMERICANS SUFFERED FURTHER HARASSMENT APPARENTLY AT THE HANDS OF GUERRILLAS IN THE CAPITAL.

DESPITE PROMISES NOT TO INTERFERE WITH ELECTIONS, CREDIBLE REPORTS INDICATED GUERRILLA EFFORTS TO PREVENT PEOPLE FROM TAKING PART IN POLITICAL ACTIVITY.
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GUERRILLAS ALSO REPORTEDLY TRIED TO PREVENT RURAL PEOPLE FROM PARTICIPATING IN INDEPENDENCE DAY CELEBRATIONS. GUERRILLAS USED CHILDREN AS YOUNG AS 13 YEARS OLD IN COMBAT. THEY MAINTAINED TIGHT CONTROL OVER SEVERAL COMMUNITIES IN NORTHERN QUICHE, LABELED CPRS (COMMUNITIES OF RESISTING POPULACE), IN WHICH THEY USED FORCED LABOR AND OBLIGATED PEOPLE TO JOIN GUERRILLA

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PAGE 01 GUATEM 12216 09 OF 14 272115Z
ACTION HA-09

INFO	LOG-00	ADS-00	AID-01	INR-05	SS-01	OIC-02	CIAE-00
	EB-01	DODE-00	H-01	IO-19	NSCE-00	ARA-01	NSAE-00
	L-03	LAB-04	TRSE-00	PA-01	STR-18	SIL-01	INRE-00
	RP-10	USIE-00	SP-01	SR-01	PRS-01	P-02	/082 W

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FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC 4125

LIMITED OFFICIAL USE SECTION 09 OF 14 GUATEMALA 12216

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E.O. 12356: N/A
TAGS: PHUM, ELAB, GT
SUBJECT: 1990 COUNTRY REPORT ON HUMAN RIGHTS PRACTICES:. .
GUATEMALA

KILITIA UNITS.

THERE WAS LITTLE RELIABLE INFORMATION IN 1990 ON THE FATE OF CAPTURED GUERRILLAS. INFORMATION FROM OTHER YEARS, HOWEVER, INDICATES SUCH PERSONS OFTEN FACED TORTURE AND DEATH. SOME, HOWEVER, DID AVAIL THEMSELVES OF AMNESTY, COOPERATING WITH THE ARMY, AND RECEIVED GOOD TREATMENT: ONE SUCH PRISONER WAS A 14-YEAR-OLD GUERRILLA WHO HAD BEEN RECRUITED FROM A REFUGEE CAMP IN MEXICO AND TURNED HIMSELF OVER TO THE ARMY IN MARCH.

INFORMAL TALKS AIMED AT ENDING THE 30-YEAR INTERNAL CONFLICT WERE SPONSORED BY THE NATIONAL RECONCILIATION
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PAGE 02 GUATEM 12216 09 OF 14 272115Z

COMMISSION (CNR), CREATED BY THE ESQUIPULAS ACCORDS. THE FIRST TALKS TOOK PLACE IN MARCH IN OSLO BETWEEN THE CNR AND REPRESENTATIVES OF THE GUERRILLA UMBRELLA ORGANIZATION, THE URNG (GUATEMALAN NATIONAL REVOLUTIONARY UNITY) WHICH CONSISTS OF THREE GUERRILLA MOVEMENTS AND A FACTION OF THE ILLEGAL COMMUNIST PARTY (PGT). THE NEXT TALKS WERE IN MADRID IN MAY BETWEEN THE URNG AND REPRESENTATIVES OF GUATEMALA'S LEGAL POLITICAL PARTIES. THE MAJOR PRIVATE SECTOR ORGANIZATION, CACIF,

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MET THE URNG IN OTTAWA AT THE END OF AUGUST. CHURCH LEADERS HELD TALKS WITH THE URNG IN QUITO IN LATE SEPTEMBER WITH "POPULAR ASSOCIATIONS" SCHEDULED TO MEET THE URNG IN MEXICO OCTOBER/NOVEMBER. THE TALKS ARE TO CULMINATE IN A MEETING BETWEEN GOVERNMENT REPRESENTATIVES AND THE URNG. THESE TALKS ARE THE MOST PROMISING DEVELOPMENT IN YEARS AND HOLD OUT HOPE THE WAR COULD END IN COMING MONTHS. THE WAR CONTINUES TO SERVE AS THE PRINCIPAL JUSTIFICATION FOR THE SERIOUS HUMAN RIGHTS ABUSES SUFFERED IN GUATEMALA.

SECTION 2

RESPECT FOR CIVIL LIBERTIES, INCLUDING:

A. FREEDOM OF SPEECH AND PRESS

THE CONSTITUTION PROVIDES FOR FREEDOM OF EXPRESSION; THERE WERE NO SIGNS OF OFFICIALLY ORDERED OR SANCTIONED EFFORTS TO RESTRICT IT. VOCAL CRITICS OF THE GOVERNMENT, PARTICULARLY IN THIS ELECTION YEAR, HAD WIDESPREAD MEDIA ACCESS. IN 1990, A NEW DAILY, "SIGLO

XXI," APPEARED AND TOOK A LINE GENERALLY CRITICAL OF THE GOVERNMENT. THE OTHER THREE MAJOR PAPERS WERE ALSO CRITICAL OF THE GOVERNMENT, ONE OPENLY FAVORED AN OPPOSITION PRESIDENTIAL CANDIDATE: ITS OWNER. HIGHLY CRITICAL PRESS RELEASES, PAID ADVERTISEMENTS, AND OTHER PRONOUNCEMENTS BY POLITICAL PARTIES, PRIVATE SECTOR GROUPS, LABOR UNIONS, HUMAN RIGHTS ORGANIZATIONS, GUERRILLA GROUPS, AND GUERRILLA-FRONTS SUCH AS CPR AND CERIGUA (SEE SEC 1. G) RAN WITHOUT OFFICIAL INTERFERENCE. FOREIGN FILMS, T.V. PROGRAMS, BOOKS, MAGAZINES, AND NEWSPAPERS WERE AVAILABLE, LIMITED BY COST AND HARD CURRENCY CONCERNS.

THERE CONTINUED TO BE "SELF-CENSORSHIP" ON CERTAIN TOPICS. JOURNALISTS ABANDONED SOME THEMES OR WATERED DOWN CONCLUSIONS RATHER THAN TEST THE LIMITS OF TOLERANCE OF CERTAIN GROUPS, PARTICULARLY IN THE SECURITY FORCES. THERE WAS NO PRESS DISCUSSION, FOR EXAMPLE, OF CORRUPTION IN THE ARMY, ALTHOUGH CIVILIAN CORRUPTION WAS AN ELECTORAL ISSUE. THERE WAS, NEVERTHELESS, THOROUGH COVERAGE GIVEN CHARGES BY THE U.S. EMBASSY THAT AN ACTIVE-DUTY MILITARY ADVISOR TO PRESIDENT CEREZO, THE HEAD OF A NOW DEFUNCT PRESIDENTIAL ANTI-CORRUPTION UNIT, WAS INVOLVED IN DRUG TRAFFICKING. THE PRESS, HOWEVER, RAN NO INDEPENDENT INVESTIGATION.

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B.. FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION

THE CONSTITUTION RECOGNIZES THE RIGHT OF PEACEFUL ASSEMBLY AND ASSOCIATION. PARADES, RALLIES, MARCHES, FORUMS, PUBLIC DEBATES, AND SEMINARS TOOK PLACE OPENLY AND FREELY THROUGHOUT 1990. POLITICAL PARTIES REGISTERED LARGE NUMBERS OF CANDIDATES AND MEMBERS.
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PAGE 04 GUATEM 12216 09 OF 14 272115Z

ORGANIZATIONS NEED LEGAL ASSOCIATION STATUS, A CUMBERSOME AND EXPENSIVE PROCEDURE WHICH WORKS AGAINST ORGANIZATIONS WITHOUT GOOD FUNDING OR LEGAL EXPERTISE. AS THE YEAR ENDED, FORE EXAMPLE, CERJ EFFORTS TO BECOME A REGISTERED ORGANIZATION HAD STILL NOT PROSPERED AFTER 18 MONTHS. THE LACK OF LEGAL ASSOCIATION STATUS, HOWEVER, DID NOT PREVENT A LARGE NUMBER OF ASSOCIATIONS, INCLUDING CERJ AND OTHERS WITH INTERNATIONAL TIES, FROM

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TEXT OF TELEGRAM GUATEMALA 12216

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PAGE 01 GUATEM 12216 10 OF 14 272116Z
ACTION HA-09

INFO	LOG-00	ADS-00	AID-01	INR-05	SS-01	OIC-02	CIAE-00
	EB-01	DODE-00	H-01	IO-19	NSCE-00	ARA-01	NSAE-00
	L-03	LAB-04	TRSE-00	PA-01	STR-18	SIL-01	INRE-00
	RP-10	USIE-00	SP-01	SR-01	PRS-01	P-02	/082 W

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R 272106Z SEP 90
FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC 4126

LIMITED OFFICIAL USE SECTION 10 OF 14 GUATEMALA 12216

NOFORN
DEPARTMENT FOR HA AND S/IL

E.O. 12356: N/A
TAGS: PHUM, ELAB, GT
SUBJECT: 1990 COUNTRY REPORT ON HUMAN RIGHTS PRACTICES: GUATEMALA

OPERATING AND HOLDING AUTHORIZED RALLIES AND MARCHES.

SOME HUMAN RIGHTS GROUPS, SUCH AS GAM, CONAVIGUA, AND POSSIBLY CERJ, SHOWED A WILLINGNESS TO ENGAGE IN CIVIL DISOBEDIENCE AND ILLEGAL AND EVEN VIOLENT ACTIONS. IN MAY, THE GAM, PROTESTING THE DISAPPEARANCE OF SOLIS PAJARITO, ILLEGALLY OCCUPIED FOR SEVERAL DAYS THE OFFICES OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC). GAM ALSO THREATENED TO OCCUPY THE OFFICES OF THE HUMAN RIGHTS OMBUDSMAN BUT WAS DISSUADED BY A WARNING FROM THE OMBUDSMAN THAT HE WOULD NOT TOLERATE ILLEGAL ACTIVITIES ON THE OFFICE'S PROPERTY. GAM WAS ALSO INVOLVED IN THE OCCUPATION OF THE CAVISA BOTTLING PLANT (SEE SEC 6). BRIGADAS DE GAM PERSONNEL EXCHANGED
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PAGE 02 GUATEM 12216 10 OF 14 272116Z

ROCKS WITH CIVIL DEFENSE PATROL MEMBERS IN A VILLAGE NEAR CHICHICASTENANGO (QUICHE). GAM SOUGHT TO MARCH IN PROTEST OVER ALLEGEDLY OBLIGATORY PATROL MEMBERSHIP. THE MARCH TURNED VIOLENT WHEN, ACCORDING TO GAM AND OTHER WITNESSES, PATROL MEMBERS BEGAN PELTING THE MARCHERS WITH ROCKS; OTHER EYEWITNESS ACCOUNTS, HOWEVER, HAVE THE FIRST ROCKS THROWN BY MARCHERS. GAM AND CONAVIGUA ORGANIZED A DEMONSTRATION IN JUNE IN PACOC (QUICHE) WHICH TURNED VIOLENT WHEN, ACCORDING TO A

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RELIABLE EYEWITNESS, THE DEMONSTRATORS PELTED TWO LOCAL POLICEMEN WITH ROCKS. SOME DEMONSTRATORS LATER CLAIMED THERE HAD BEEN AN ATTEMPT TO KIDNAP THEM--THERE WAS NO EVIDENCE OF SUCH AN ATTEMPT. PERSONS CLAIMING TO BELONG TO CERJ AND BOASTING OF THE PROTECTION AFFORDED THEM BY THEIR INTERNATIONAL TIES WERE RELIABLY REPORTED BY AN EYEWITNESS TO HAVE ENGAGED IN PUBLIC THREATS AGAINST OFFICIALS IN ZACUALPA (QUICHE).

C. FREEDOM OF RELIGION

THERE IS NO STATE RELIGION. RELIGIOUS FREEDOM IS GUARANTEED IN THE CONSTITUTION AND RESPECTED IN PRACTICE. WHILE 70 PERCENT OF THE POPULACE IS NOMINALLY ROMAN CATHOLIC, MANY INDIANS MIX TRADITIONAL AND CATHOLIC BELIEFS. A LARGE NUMBER OF OTHER FAITHS WORK FREELY IN GUATEMALA: OVER 25 PERCENT OF THE POPULATION ADHERES TO A VARIETY OF PROTESTANT DENOMINATIONS, MANY WITH INTERNATIONAL TIES. AS A RULE, FOREIGN PRIESTS AND MISSIONARIES WORKED WITHOUT OFFICIAL INTERFERENCE. GUATEMALA HAS MORMON, JEWISH, BAHA'I, BUDDHIST, JEHOVA WITNESS, AND ISLAMIC COMMUNITIES.
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PAGE 03 GUATEM 12216 10 OF 14 272116Z

D. FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FOREIGN TRAVEL, EMIGRATION, REPATRIATION

THE GOVERNMENT DID NOT RESTRICT FOREIGN TRAVEL; CRITICS TRAVELED ABROAD FREELY AND RETURNED. GOVERNMENT DOES NOT REVOKE CITIZENSHIP FOR POLITICAL REASONS. MOVEMENT WITHIN GUATEMALA WAS GENERALLY UNHINDERED EXCEPT IN CONFLICTIVE AREAS. GUERRILLAS OF THE EGP (GUERRILLA ARMY OF THE POOR) CONTINUED TO MAINTAIN TIGHT CONTROL OVER SEVERAL VILLAGES IN NORTHERN QUICHE AND SEVERELY RESTRICTED THE TRAVEL OF RESIDENTS WITH THREATS OF VIOLENCE AND GENEROUS USE OF LAND MINES. SOME PERSONS IN CIVIL DEFENSE PATROLS CLAIMED THEIR FREEDOM TO TRAVEL FROM THEIR VILLAGES, PARTICULARLY DURING THE SUGAR HARVEST ON THE COAST WHERE MANY WORK, IS RESTRICTED BY PATROL LEADERS WHO DEMAND PAYMENTS FOR THE DAYS AN INDIVIDUAL WILL MISS PATROL DUTIES.

GUATEMALA REMAINED A REFUGE FOR THOUSANDS OF CENTRAL AMERICANS. REPATRIATION OF REFUGEES FROM MEXICO CONTINUED DURING 1990. MANY OF THE ESTIMATED 40,000 REFUGEES STILL IN UN CAMPS IN MEXICO WAITED TO SEE THE

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OUTCOME OF ELECTIONS IN GUATEMALA; OTHERS HAD CLEARLY ESTABLISHED ROOTS IN MEXICO AND WILL PROBABLY NOT RETURN. THE GOVERNMENT WELCOMED THE RETURN OF THE REFUGEES AND EFFORTS WERE MADE TO SETTLE THEM QUICKLY. THERE WERE CREDIBLE REPORTS OF GUERRILLA EFFORTS TO DISSUADE REFUGEES FROM RETURNING TO CERTAIN AREAS.

SECTION 3

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PAGE 04 GUATEM 12216 10 OF 14 272116Z

RESPECT FOR POLITICAL RIGHTS: THE RIGHT OF CITIZENS TO CHANGE THEIR GOVERNMENT

GUATEMALANS HAVE THE RIGHT TO CHANGE GOVERNMENT BY PEACEFUL AND DEMOCRATIC MEANS. THERE IS UNIVERSAL SUFFRAGE VIA SECRET BALLOT; VOTING AGE IS 18. THERE ARE NO PROPERTY OR LITERACY REQUIREMENTS. NATIONAL ELECTIONS WERE HELD NOVEMBER 11 WITH THE PARTICIPATION ..

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TEXT OF TELEGRAM CONTINUED 2216

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PAGE 01 GUATEM 12216 11 OF 14 272116Z
ACTION HA-09

INFO	LOG-00	ADS-00	AID-01	INR-05	SS-01	OIC-02	CIAE-00
	EB-01	DODE-00	H-01	IO-19	NSCE-00	ARA-01	NSAE-00
	L-03	LAB-04	TRSE-00	PA-01	STR-18	SIL-01	INRE-00
	RP-10	USIE-00	SP-01	SR-01	PRS-01	P-02	/082 W

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FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC 4127

LIMITED OFFICIAL USE SECTION 11 OF 14 GUATEMALA 12216

NOFORN
DEPARTMENT FOR HA AND S/IL

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OF 20 REGISTERED POLITICAL PARTIES, AND NUMEROUS PRESIDENTIAL, CONGRESSIONAL, AND MUNICIPAL CANDIDATES. A RUN-OFF ELECTION BETWEEN THE TOP TWO PRESIDENTIAL CANDIDATES TOOK PLACE JANUARY 6 WITH A PEACEFUL TRANSFER OF POWER TO ANOTHER CIVILIAN GOVERNMENT ON JANUARY 14. CANDIDATE DEBATES AND CONGRESSIONAL SESSIONS WERE WIDELY COVERED BY THE LOCAL MEDIA. CANDIDATES HAD ACCESS TO MEDIA, AND HELD RALLIES AND OTHER PUBLIC EVENTS WITHOUT OFFICIAL HINDRANCE.

DURING THE MEETING IN MADRID IN MAY BETWEEN GUERRILLA REPRESENTATIVES AND THOSE OF THE LEGAL POLITICAL PARTIES, BOTH SIDES AGREED TO INITIATE SIGNIFICANT CONSTITUTIONAL CHANGES IN 1991 WHICH WOULD, AMONG OTHER
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PAGE 02 GUATEM 12216 11 OF 14 272116Z

CHANGES, ENABLE GUERRILLAS TO RUN FOR OFFICE.

SECTION 4

GOVERNMENTAL ATTITUDE REGARDING INTERNATIONAL AND NONGOVERNMENTAL INVESTIGATION OF ALLEGED VIOLATIONS OF HUMAN RIGHTS

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THE GOVERNMENT DID NOT HINDER INTERNATIONAL HUMAN RIGHTS GROUPS VISITING AND WORKING IN GUATEMALA. SENIOR OFFICIALS MET REPRESENTATIVES OF THESE GROUPS, INCLUDING AW, WOLA, AI, AND A GROUP LOOKING INTO THE ALLEGED ABDUCTION OF AMERICAN CITIZEN DIANA ORTIZ (SEC 1.B). UN AND OAS REPRESENTATIVES ALSO VISITED. SOME FOREIGN HUMAN RIGHTS-RELATED GROUPS--BRIGADAS DE GAM, PEACE BRIGADES INTERNATIONAL, AND WITNESSES FOR PEACE--SET UP PERMANENT PRESENCE WITHOUT OFFICIAL INTERFERENCE. THE GOVERNMENT, HOWEVER, PROVED SENSITIVE TO OUTSIDE CRITICISM OF ITS HUMAN RIGHTS RECORD, LABELING IT AS POLITICAL. PRESIDENT CEREZO STATED U.S. GOVERNMENT CRITICISM WAS DRIVEN BY A DESIRE "TO PAY BACK" GUATEMALA FOR ITS FOREIGN POLICY INDEPENDENCE. GUATEMALA'S HUMAN RIGHTS RECORD CAME UNDER CRITICISM AT THE UNITED NATIONS COMMISSION ON HUMAN RIGHTS, ALTHOUGH AN EFFORT TO REESTABLISH A HUMAN RIGHTS RAPPORTEUR FOR GUATEMALA DID NOT PROSPER. THE UN DEBATE DREW CONSIDERABLE PUBLIC, PRESS, AND OFFICIAL ATTENTION.

THE CONSTITUTIONALLY CREATED HUMAN RIGHTS OMBUDSMAN OFFICE INCREASED ITS ACTIVITIES UNDER ITS NEW HEAD,
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RAMIRO DE LEON CARPIO. THE OFFICE ESTABLISHED AN INVESTIGATIONS UNIT AND UNDERTOOK ENERGETIC EDUCATION CAMPAIGNS AMONG THE PUBLIC AND THE SECURITY FORCES. THE OFFICE ISSUED STRONG STATEMENTS CRITICAL OF THE GOVERNMENT AND THE SECURITY FORCES AND REPORTED IT HAD INFORMATION WHICH INDICATED A POSSIBLE INVOLVEMENT BY MILITARY IN MURDER OF U.S. CITIZEN MICHAEL DEVINE (SEC. 1. A). DEPUTY OMBUDSMAN ALVAREZ GUADAMUZ RISKED HIS LIFE IN MARCH TO SAVE CERJ LEADER AMILCAR MENDEZ FROM AN ATTACK BY CIVIL PATROLMEN IN PARRAXTUT; ALVAREZ AND MENDEZ WERE ESCORTING RETURNING FAMILIES WHO FLED PARRAXTUT IN THE WAKE OF THE MEJIA KILLING (SEC 1.A) WHEN THEY WERE SET UPON. MENDEZ MANAGED TO FLEE BUT ALVAREZ WAS HELD AND THREATENED WITH DEATH. SOME DAYS LATER THE PATROL MEMBERS APOLOGIZED TO ALVAREZ; NO CRIMINAL CHARGES WERE FILED AGAINST THE ATTACKERS. THE FAMILIES RESUMED LIVING IN PARRAXTUT, BUT REPORTEDLY NOT ON A FULL-TIME BASIS. THE OFFICE DID NOT EMIT A LONG-AWAITED REPORT ON THE 1988 EL AGUACATE MASSACRE; THE OMBUDSMAN COULD REACH NO CONCLUSION AMONG MUCH CONFLICTING EVIDENCE.

LOCAL HUMAN RIGHTS ORGANIZATIONS REMAINED HIGHLY POLITICIZED. THE PRESIDENT'S ADVISORY COMMISSION ON HUMAN RIGHTS, ENGAGED IN LITTLE ACTIVITY AND SEEMED MORE INTERESTED IN EFFORTS TO DEFEND THE OFFICIAL RECORD AT THE UN THAN IN CARRYING OUT WORK IN GUATEMALA. LOCAL

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NONGOVERNMENTAL HUMAN RIGHTS ORGANIZATIONS, SUCH AS GAM, CONAVIGUA, CODEP, CIEPRODH, CERJ, WERE GENERALLY NOT GOOD SOURCES OF OBJECTIVE INFORMATION AND DID NOT HAVE A GREAT DEAL OF CREDIBILITY IN GUATEMALA.

SECTION 5

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DISCRIMINATION BASED ON RACE, SEX, RELIGION, LANGUAGE, OR SOCIAL STATUS

ACCORDING TO OFFICIAL STATISTICS, ABOUT HALF OF THE POPULATION WAS CULTURALLY INDIGENOUS WITH THE REST LADINO. ALTHOUGH HAVING EQUAL LEGAL RIGHTS, INDIGENOUS PEOPLE REMAINED OUTSIDE THE NATIONAL CULTURE, LANGUAGE,

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PAGE 01 GUATEM 12216 12 OF 14 272116Z
ACTION HA-09

INFO	LOG-00	ADS-00	AID-01	INR-05	SS-01	OIC-02	CIAE-00
	EB-01	DODE-00	H-01	IO-19	NSCE-00	ARA-01	NSAE-00
	L-03	LAB-04	TRSE-00	PA-01	STR-18	SIL-01	INRE-00
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R 272106Z SEP 90
FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC 4128

LIMITED OFFICIAL USE SECTION 12 OF 14 GUATEMALA 12216

NOFORN
DEPARTMENT FOR HA AND S/IL

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TAGS: PHUM, ELAB, GT
SUBJECT: 1990 COUNTRY REPORT ON HUMAN RIGHTS PRACTICES: GUATEMALA

AND ECONOMY. INDIGENOUS MALES CONTINUED TO BE MUCH MORE LIKELY THAN URBAN LADINOS TO BE DRAFTED INTO THE ARMY OR FORCIBLY RECRUITED INTO GUERRILLA GROUPS. INDIGENOUS PEOPLE SUFFERED MOST OF THE COMBAT CASUALTIES AND MAJOR RIGHTS ABUSES (SEC. 1. A AND B). BOTH THE ARMY AND THE GUERRILLAS FIELDED LARGELY INDIGENOUS ARMIES, USUALLY LED BY LADINOS. THERE WERE, HOWEVER, A FEW INDIGENOUS SERVING AS ARMY OFFICERS AND IN CONGRESS. THERE IS MUCH SOCIAL DISCRIMINATION BY LADINOS (WESTERNIZED GUATEMALANS) AGAINST THE INDIGENOUS PEOPLE.

WOMEN WERE VERY ACTIVE IN THE NATION'S WORK FORCE, PARTICULARLY IN AGRICULTURE, THE GROWING TEXTILE INDUSTRY, LOW-PAYING PUBLIC SECTOR JOBS, AND IN THE
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PAGE 02 GUATEM 12216 12 OF 14 272116Z

LOW-END OF THE RETAIL BUSINESS. MANY WOMEN HELD PROMINENT POLITICAL POSTS DURING THE CEREZO ADMINISTRATION. DESPITE LEGAL PROTECTION, WOMEN FACED DISCRIMINATION IN THE JOB MARKET. JOBS WERE OFTEN ADVERTISED ON THE BASIS OF SEX, WITH WOMEN GENERALLY SELECTED FOR LOWER PAYING ONES. NO NATIONAL ORGANIZATIONS WERE DEVOTED TO WOMEN'S ISSUES. ONE PRESIDENTIAL CANDIDATE, RENE DE LEON, SELECTED A WOMAN AS VICE-PRESIDENTIAL CANDIDATE AND ANOTHER, ALFONSO

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CABRERA, MADE "WOMEN'S ISSUES" A CAMPAIGN THEME.

VIOLENCE AGAINST WOMEN, SUCH AS DOMESTIC VIOLENCE, REMAINED FREQUENT BUT GENERALLY RECEIVED LITTLE ATTENTION FROM POLICE OR PRESS. CRIMINAL SEXUAL VIOLENCE OFTEN WENT UNREPORTED BY VICTIMS AND DID NOT RECEIVE A HIGH PRIORITY FROM POLICE.

SECTION 6

WORKER RIGHTS

A. RIGHT OF ASSOCIATION

WORKERS HAVE THE RIGHT TO JOIN OR FORM UNIONS. THE LAW REGULATING FREE TRADE ZONES STIPULATES THAT ALL LABOR REGULATIONS APPLY. ABOUT 8 PERCENT OF THE WORK FORCE WAS IN UNIONS; MUCH OF THE PUBLIC SECTOR, HOWEVER, WAS UNIONIZED. MOST UNION ORGANIZING SINCE THE ENACTMENT OF THE CONSTITUTION HAS BEEN IN THE PUBLIC SECTOR. THE CIVIL CODE REQUIRES ALL ORGANIZATIONS TO FULFILL
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STRINGENT REQUIREMENTS IN ORDER TO OBTAIN LEGAL STATUS, WHICH CONTRIBUTES TO THE SMALL PERCENTAGE OF UNIONIZED WORKERS. WHILE STATUTES SET A LIMIT OF A FEW DAYS FOR PROCESSING OF APPLICATIONS, DELAYS OF MONTHS OR YEARS ARE NOT UNUSUAL. THERE WERE SEVERAL PROPOSALS FOR REFORMING THE REGISTRATION PROCESS. ILO EXPERTS HELPED WRITE A DRAFT LABOR CODE THAT LIMITS OFFICIALS TO CERTIFYING WORKERS JOINED OF THEIR OWN WILL. THE PROPOSAL REMAINED IN CONGRESS. DESPITE HURDLES, 29 LEGAL UNIONS WERE FORMED IN 1990 WITH 14 MORE APPROVED AND AWAITING OFFICIAL NOTIFICATION. THERE WAS A SOLIDARISMO MOVEMENT WHICH CRITICS LABELED AN EMPLOYER-INSPIRED RIVAL TO GENUINE UNIONS. THE LABOR MINISTRY DID NOT REGISTER SOLIDARISMO ORGANIZATIONS.

UNION LEADERS MUST SHOW THEY HAVE NO CRIMINAL RECORD, WORK AT THE COMPANY BEING UNIONIZED, AND CAN READ. THEY MAY SERVE ONLY ONE TERM, BUT BY ROTATING OFFICES THE SAME PERSONS STAY ON THE BOARD OF DIRECTORS. LEADERS REMAINED AS LONG AS THEY HAD GRASS ROOTS SUPPORT. LEGAL RESTRICTIONS ON POLITICAL ACTIVITY BY UNION LEADERS WERE NOT ENFORCED; SEVERAL WERE CANDIDATES FOR CONGRESS AND ACTIVELY TOOK PART IN ELECTIONEERING. UNIONS ARE REQUIRED TO HAVE A MINIMUM OF 20 MEMBERS, BUT A CRAFT UNION OF SKILLED WORKERS FROM SEVERAL COMPANIES IS

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PERMITTED. THE SOCIAL DEMOCRATIC CONFEDERATION, CUSG, FORMED SUCH A UNION AMONG MUNICIPAL WORKERS. IT HAD BEEN COMMON FOR EMPLOYERS TO FORM SEVERAL ENTITIES OF LESS THAN 20 WORKERS, IN THE HOPE WORKERS WOULD HAVE NO POSSIBILITY OF UNIONIZING. IN A VICTORY FOR UNIONS, A COURT RULED IN 1990 THAT AN ECONOMIC UNIT, LABORATORIOS BONIN IN THIS CASE, MUST BE TREATED AS A WHOLE. THE RULING WAS UNDER APPEAL.

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PAGE 04 GUATEM 12216 12 OF 14 272116Z

THE CONSTITUTION PROVIDES FOR THE RIGHT TO STRIKE, BUT PROCEDURES FOR A LEGAL STRIKE ARE CUMBERSOME. MOST SIMPLY OCCUR WITHOUT PERMISSION AND, IN PRACTICE, THE MINISTRY OF LABOR MAKES NO EFFORT TO DETERMINE THE LEGALITY. THE FIRST LEGAL STRIKES IN MEMORY OCCURRED IN 1990--ALL THREE INVOLVED SMALL NUMBERS OF WORKERS. A DISSIDENT GROUP OF FORMER UNION LEADERS WAS ABLE TO

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PAGE 01 GUATEM 12216 13 OF 14 272117Z
ACTION HA-09

INFO	LOG-00	ADS-00	AID-01	INR-05	SS-01	OIC-02	CIAE-00
	EB-01	DODE-00	H-01	IO-19	NSCE-00	ARA-01	NSAE-00
	L-03	LAB-04	TRSE-00	PA-01	STR-18	SIL-01	INRE-00
	RP-10	USIE-00	SP-01	SR-01	PRS-01	P-02	/082 W

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R 272106Z SEP 90
FM AMEMBASSY GUATEMALA
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LIMITED OFFICIAL USE SECTION 13 OF 14 GUATEMALA 12216

NOFORN
DEPARTMENT FOR HA AND S/IL

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OBTAIN A STRIKE VOTE BY WORKERS IN THE SOCIAL SECURITY SYSTEM, BUT AT YEAR'S END THE COUNTING OF BALLOTS WAS IN SUSPENSE. A MAJOR STRIKE INVOLVED THE OCCUPATION OF THE CAVISA GLASS FACTORY, SUPPOSEDLY OVER THE ISSUE OF JOB STABILITY. MANAGEMENT REFUSED TO BARGAIN UNTIL WORKERS WITHDREW FROM THE FACTORY. AFTER FIVE MONTHS OF LEGAL WRANGLES, COURTS ORDERED POLICE TO REMOVE THE WORKERS, SOME OF WHOM WERE ARMED. MANAGEMENT ESTIMATED USD 6 MILLION IN DAMAGES THROUGH NEGLECT AND PILFERAGE; THE FACTORY DID NOT RE-OPEN. THE CAVISA UNION WAS DISSOLVED THROUGH THE COURT ORDER.

UNIONS MAY FORM FEDERATIONS AND CONFEDERATIONS AND MAY JOIN INTERNATIONAL BODIES. THE SOCIAL DEMOCRATIC
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PAGE 02 GUATEM 12216 13 OF 14 272117Z

CONFEDERATION, CUSG, IS A PARTICIPANT IN ORIT AND THROUGH THE REGIONAL BODY WITH THE ICFTU; THE SOCIAL CHRISTIAN CONFEDERATION, CGTG, IS ACTIVE IN CLAT, THE REGIONAL AFFILIATE OF THE WORLD CONFEDERATION OF LABOR. NO UNION OPENLY MAINTAINED RELATIONS WITH THE COMMUNIST WFTU, BUT SOME LABOR LEADERS IN EXILE, WHO CLAIM TO LEAD UNIONS, REPRESENTED THEM IN WFTU ACTIVITIES.

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B. THE RIGHT TO ORGANIZE AND BARGAIN COLLECTIVELY

LARGELY DISCREDITED LABOR COURTS WERE RESPONSIBLE FOR ENFORCING LAWS PROHIBITING ANTI-UNION DISCRIMINATION. AN EXAMPLE OF COURT INEFFECTIVENESS WAS THE 1988 DECISION THAT TEXTILES FRANCISCO CAPUANO Y HIJOS REHIRE 60 WORKERS AND PAY BACK WAGES. TWO YEARS LATER, THE COURTS WERE STILL DEBATING THE COMPANY'S APPEAL OF THE 1,000 QUETZAL (170 USD) FINE FOR DISOBEYING THE ORDER. THIRTY-SIX WORKERS REMAINED UNEMPLOYED; THE REST TOOK OTHER JOBS, LOSING RE-EMPLOYMENT RIGHTS. ANOTHER CASE INVOLVED THE EL PILAR SUGAR MILL. WORKERS WERE FIRED AFTER REQUESTING A COURT INJUNCTION TO ENABLE THEM TO FORM A UNION. ONE WORKER, JUAN TARACH, WAS KILLED IN A CAR ACCIDENT AND MANAGEMENT TOOK NO ACTION TO ALLAY SUSPICION VIOLENCE WAS IMMINENT. EVENTUALLY, ALL BUT TWO WORKERS WITHDREW THEIR LEGAL CLAIMS. WHEN AN APPARENT ATTEMPT BY UNKNOWN PERSONS WAS MADE TO KILL THE TWO HOLD-OUTS, THEY OBTAINED ASYLUM IN CANADA.

THE MINISTRY OF LABOR REACHED A COLLECTIVE BARGAINING AGREEMENT WITH ITS UNION, THE FIRST AMONG CIVIL
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SERVANTS. THE CONFLICTIVE, SEMI-AUTONOMOUS ELECTRICAL UNION, STINDE, SIGNED AN AGREEMENT WITH MANAGEMENT. THE GOVERNMENT, IN AN ELECTORAL MOVE, TRIED TO FORCE COLLECTIVE BARGAINING ON THE PRIVATE SECTOR THROUGH PROVISIONS IN AN INCENTIVE PAY LAW AND PROPOSED LEGISLATION ON SALARY POLICY; BOTH MET STRONG OPPOSITION.

THE GUATEMALAN LABOR CODE GIVES PRIMACY TO THE PROTECTION OF INDIVIDUAL WORKERS OVER COLLECTIVE RIGHTS; THESE PROVISIONS EXCEED INTERNATIONAL STANDARDS AND U.S. LAW. SALARIES ARE SET PRIMARILY THROUGH INDIVIDUAL NEGOTIATIONS OR MINIMUM WAGES. LABOR INSPECTORS REPORT TO LABOR COURTS.

ALTHOUGH MANY LOCAL AND INTERNATIONAL GROUPS, INCLUDING THE ICFTU, CLAIM UNIONISTS HAVE BEEN "PARTICULAR TARGETS OF DEATH SQUADS," THERE IS NO CONVINCING EVIDENCE OF A SYSTEMATIC ATTACK ON UNIONISTS BY OFFICIALS OR PERSONS CONNECTED WITH THE SECURITY FORCES. LABOR VIOLENCE GENERALLY INVOLVED "THUGS" EMPLOYED ON AN AD HOC BASIS. WITHOUT DOUBT, SOME THREATS TO UNIONISTS RESULTED FROM INFORMATION OBTAINED BY SECURITY FORCES ON ALLEGEDLY SUBVERSIVE ACTIVITIES AND PASSED TO EMPLOYERS OR ACTED UPON BY PERSONS IN THE SECURITY FORCES. UNION

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ACTIVITIES, PER SE, WERE NOT CONSIDERED "SUBVERSIVE."

C. PROHIBITION OF FORCED OR COMPULSORY LABOR

THE CONSTITUTION PROHIBITS FORCED LABOR AND IT GENERALLY DID NOT EXIST. THERE WERE ALLEGATIONS CIVIL DEFENSE PATROLS VIOLATE THE CONVENTION ON FORCED LABOR. CREDIBLE ISOLATED REPORTS EXISTED OF UNPAID PATROLMEN
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USED FOR ROAD WORK, BUILDING BARRACKS, OR CUTTING FIREWOOD. NO SYSTEMATIC PATTERN HAS BEEN ESTABLISHED.

D. MINIMUM AGE FOR THE EMPLOYMENT OF CHILDREN

THE CONSTITUTION BARS EMPLOYMENT OF CHILDREN UNDER 14. IN THE INDUSTRIAL SECTOR, WHERE LABOR CODES WERE RELATIVELY EASY TO ENFORCE, CHILD LABOR DID NOT SEEM

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PAGE 01 GUATEM 12216 14 OF 14 272117Z
ACTION HA-09

INFO	LOG-00	ADS-00	AID-01	INR-05	SS-01	OIC-02	CIAE-00
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TO SECSTATE WASHDC 4130

LIMITED OFFICIAL USE SECTION 14 OF 14 GUATEMALA 12216

NOFORN
DEPARTMENT FOR HA AND S/IL

E.O. 12356: N/A
TAGS: PHUM, ELAB, GT
SUBJECT: 1990 COUNTRY REPORT ON HUMAN RIGHTS PRACTICES: GUATEMALA

FREQUENT. IN THE INFORMAL AND AGRICULTURAL SECTORS, HOWEVER, SUCH LABOR IS COMMON. IT IS NOT UNUSUAL TO SEE CHILDREN HELPING RUN SMALL FAMILY BUSINESSES--E.G., ROAD-SIDE STANDS--BEGGING, AND WASHING OR GUARDING CARS. A LOCAL ORGANIZATION, CASA ALIANZA, ESTIMATES 5000 STREET CHILDREN IN THE CAPITAL--MANY ENGAGED IN PROSTITUTION AND PETTY CRIME. IN RURAL AREAS, WHOLE FAMILIES WORKED. THE LABOR MINISTER RECOGNIZED THE DIFFICULTY IN APPLYING CHILD LABOR LAWS WHEN POOR FAMILIES NEED ALL MEMBERS TO FEED ALL MOUTHS.

ON THE POSITIVE SIDE, SCHOOL ENROLMENT, AN INDICATOR OF CHILDREN NOT WORKING, ROSE. IN 1985, 1.016 MILLION WERE IN SCHOOL; BY 1988, 1.139 MILLION; RURAL AREAS ROSE FROM
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PAGE 02 GUATEM 12216 14 OF 14 272117Z

571,000 TO 641,000.

E. ACCEPTABLE CONDITIONS OF WORK

THE WORK DAY IS LEGALLY EIGHT HOURS, THE WORK WEEK 44, BUT A TRADITION OF LONG WORK DAYS HAS NOT DISAPPEARED. THIRD-COUNTRY OWNERS OF TEXTILE PLANTS REPORTEDLY PAID

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MINIMUM WAGES FOR A TWELVE-HOUR DAY, VIOLATING BOTH THE CONSTITUTION AND LABOR CODE. THE MINISTRY OF LABOR HAD COMPLAINTS OF BEATINGS AND FIRINGS OF TEXTILE EMPLOYEES HELD TO BE DOING LESS THAN THE EXPECTED WORKLOAD. LABOR INSPECTORS WERE NOT DILIGENT IN ENFORCING THE EIGHT-HOUR DAY, IN PART BECAUSE TEXTILE PLANTS CLOSE WHEN THEY FIND CONDITIONS MORE ATTRACTIVE ELSEWHERE. LEGISLATION PROVIDED FOR A VARIETY OF MINIMUM WAGES, ALL INADEQUATE IN THE INFLATIONARY ECONOMY OF 1990. TRADITIONAL LANDOWNERS FILED LEGAL CHALLENGES TO AN OFFICIAL DECREE RAISING RURAL WAGES FROM 0.70 USD TO 1.70 USD PER DAY. TWO-YEAR-OLD MINIMUM WAGES IN OTHER SECTORS WERE ONLY SLIGHTLY HIGHER, FEW WERE RAISED.

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United States Department of State

Washington, D.C. 20520

LD 231

September 27, 1990

~~CONFIDENTIAL~~
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MEMORANDUM

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

TO: L - Mr. Williamson

FROM: L/ARA - T. Michael Peay

RE: Letelier Case - Meeting With Sam Buffone

Issue for Decision

Whether to agree to a meeting with Sam Buffone, attorney for the Letelier and Moffitt families.

Background and Essential Facts

The Letelier case presents an important foreign policy issue in which the Legal Adviser's Office has played a major role to date. Orlando Letelier, a former Ambassador to the U.S. under Allende, was assassinated on September 21, 1976 in Washington, D.C. via a car bomb. His assistant, Ronni Moffitt, was also killed. Ronni's husband, Michael, was injured. Subsequent criminal investigation by U.S. authorities indicated that the assassination was masterminded by the Chilean secret police, DINA. Nine persons were indicted in connection with the crime, including the head of DINA and other DINA officials.

Since 1976, attorney Sam Buffone has represented the members of the Letelier and Moffitt families in their relentless quest for justice - for prosecution of the Chilean officials indicted, and for civil compensation. On the criminal side, 6 persons have been apprehended and brought to justice in the U.S. Two defendants entered into a plea arrangement, served a few years and are currently in the witness protection program. Three Cubans were tried but not convicted. One Cuban, Suarez, pled earlier this month and has yet to be sentenced. The two most powerful members of DINA remain at large, apparently in Chile. U.S. extradition requests were refused. On the civil side, the family members obtained a $5.3 million judgment in U.S. District Court in 1981 which has not been satisfied. The State Department espoused the claim of the U.S. citizen family members in April 1988. When Chile refused our demand for compensation, we invoked the 1914 "Treaty for the Settlement of Disputes that May Occur Between the U.S and Chile" (never before used). This Treaty served as a vehicle to initiate bilateral discussions on resolution of the case.

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The discussions proceeded slowly at first, but shortly after the inauguration of Chilean President Aylwin in March, the two countries reached an agreement establishing an international commission to determine the amount of ex gratia payment the Government of Chile would make to the families of victims. In the final days of negotiating the agreement, the Chileans informed us that under Chilean law the compensation agreement had to be submitted for the approval of the Congress, but assured us and Mr. Buffone that there would be no problem with swift approval of the agreement. The agreement was signed in June of this year and submitted to the Chamber of Deputies a few weeks later. However, the swift legislative approval promised has not occurred.

During the negotiations the Government of Chile also presented its plan to resolve the criminal side of the case. President Aylwin planned to introduce and secure passage of legislation which would transfer all cases involving human rights violations from military to civilian courts. This would effect the transfer of the moribund "passports case" in which the DINA officials indicted in the U.S. were charged in Chile with various crimes (initially passport fraud, hence the name, and later other crimes more closely associated with the murders). Once the case was transferred, President Aylwin would then appoint a special prosecutor to investigate the case and determine if there was sufficient evidence to send it to trial. We indicated that if this proposal were implemented and a serious investigation conducted, we would consider the Chileans to have been "brought to justice" and would meet the U.S. legislative standard discussed below. The families concurred.

The compensation agreement has not yet been approved by either house of the Chilean Congress. The legislation to transfer the human rights cases has been approved by the Chamber of Deputies but has run into problems in the Chilean Senate. President Bush is scheduled (although it has not been publicly announced) to make a State visit to Chile in early December. There will be great pressure on the USG to certify that the requirements to lift the "sanctions" of the Kennedy-Harkin legislation (prohibiting certain military assistance to Chile, attached) have been met. The most controversial of these is that the President certify that the Government of Chile

> "has taken appropriate steps to cooperate to bring to justice by all legal means available in the United States or Chile those indicted by a United States grand jury in connection with the murders of Orlando Letelier and Ronni Moffitt."

The Department has come to an informal in-house consensus that Chile's passage of the legislation and appointment of a special prosecutor would be sufficient to allow certification.

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During the past few years, L has consulted closely with Mr. Buffone on developments affecting the case. Although he has not always been pleased with actions or positions of the Department, he has felt that L has taken the case seriously and has been a major contributor to the progress that has been made to date. Mr. Buffone has recently expressed an interest in meeting with you personally to discuss his concerns regarding the lack of progress by the Chileans and his fear that the USG may lift the sanctions "prematurely." We strongly recommend that you agree to meet with Mr. Buffone in your office in order to indicate to him and the families that L will continue to take their concerns seriously and to emphasize the Department's commitment to a just resolution of both the civil and criminal aspects of the case.

Recommendation

That you agree to meet with Mr. Buffone within the next two weeks. (L/ARA will coordiate with your secretary on a date and time, and, if you wish, contact Mr. Buffone).

Approve EDW Disapprove _____

Drafted: L/ARA:MCMalin, X76328, Wang #305

Cleared: L:MYoung
Info: L/LEI: JOEttinger

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PAGE 01 GUATEM 12216 01 OF 14 272109Z
ACTION HA-09

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TO SECSTATE WASHDC 4117

[redacted] SECTION 01 OF 14 GUATEMALA 12216

NOFORN
DEPARTMENT FOR HA AND S/IL

E.O. 12356: N/A
TAGS: PHUM, ELAB, GT
SUBJECT: 1990 COUNTRY REPORT ON HUMAN RIGHTS PRACTICES:
GUATEMALA

1. LOU--NOFORN--ENTIRE TEXT

2. FOLLOWING IS THE 1990 COUNTRY HUMAN RIGHTS REPORT FOR GUATEMALA.

GUATEMALA

THE CONSTITUTION TOOK EFFECT JANUARY 1986. IT PROVIDES FOR ELECTION BY UNIVERSAL SUFFRAGE OF A ONE-TERM PRESIDENT, A UNICAMERAL CONGRESS--INCREASED IN 1990 FROM 100 TO 118 MEMBERS--AND MUNICIPAL OFFICERS; IT GUARANTEES A LONG LIST OF RIGHTS, AND CALLS FOR AN INDEPENDENT JUDICIARY AND A HUMAN RIGHTS OMBUDSMAN, RESPONSIBLE TO CONGRESS. THE CHRISTIAN DEMOCRATS BEGAN GOVERNING IN 1986 AFTER FREE AND FAIR ELECTIONS.

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PAGE 02 GUATEM 12216 01 OF 14 272109Z

NATIONAL ELECTIONS ARE DUE NOVEMBER 11; A RUN-OFF, JANUARY 6, WITH TRANSFER OF POWER JANUARY 14. PRESIDENTIAL CONTROL OVER THE SECURITY FORCES, WHILE NOT ABSOLUTE, IS GREATER THAN USUALLY ACKNOWLEDGED. THE ARMY (43,000 MEN) HAS THE KEY ROLE IN NATIONAL SECURITY

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AND IS FIGHTING A 30-YEAR FOREIGN-SUPPORTED LEFTIST INSURGENCY. THE ARMY INCLUDES A 3000-MAN MOBILE MILITARY POLICE THAT GUARDS KEY FACILITIES AND TAKES PART IN ANTI-CRIME OPERATIONS. THE NATIONAL POLICE (12,000 MEN) AND THE TREASURY POLICE (2,000) REPORT TO THE INTERIOR MINISTER; BOTH SUFFER CORRUPTION, POOR TRAINING, LOW PAY, AND LOW MORALE. ABOUT 500,000 MEN IN CIVIL DEFENSE COMMITTEES (CVDC) CARRY OUT COUNTERINSURGENCY AND LAW-AND-ORDER TASKS. SERVICE IN THE CVDCS IS SUOPPOSED TO BE VOLUNTARY, BUT THIS NOT ALWAYS THE CASE.

HOBBLED BY A WEAK JUSTICE SYSTEM AND A LACK OF WILL, AUTHORITIES DID NOT STEM GROWING VIOLENCE. DESPITE NOTABLE IMPROVEMENT OVER THE PERFORMANCE OF PAST YEARS, RELIABLE EVIDENCE INDICATES SECURITY FORCES STILL COMMITTED, WITH ALMOST TOTAL IMPUNITY, A MAJORITY OF THE MAJOR HUMAN RIGHTS ABUSES. MOST VICTIMS WERE RURAL INDIGENOUS PEOPLE SUSPECTED OF INVOLVEMENT WITH GUERRILLA MOVEMENTS. WHILE HARASSMENT OF LOCAL RIGHTS GROUPS WAS NOT AS BLATANT AS IN 1989, ACTIVISTS REPORTED THREATS AND ENDURED ACTS OF LETHAL VIOLENCE OFTEN APPARENTLY AT THE HANDS OF SECURITY FORCES. CRITICISM OF GUATEMALA'S HUMAN RIGHTS RECORD BY THE U.S. AMBASSADOR AND GOVERNMENT DREW PUBLIC AND PRESS ATTENTION--THE U.S. AMBASSADOR WAS RECALLED TO STRESS THE SERIOUSNESS WITH WHICH WE VIEW HUMAN RIGHTS ISSUES.

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COMMUNIST GUERRILLAS KILLED POLICEMEN, UNARMED SOLDIERS, AND MILITARY COMMISSIONERS (CIVILIAN ARMY EMPLOYEES); THEY ENGAGED IN ARMED ROBBERY, ECONOMIC SABOTAGE, MINE WARFARE, KIDNAPING, FORCED LABOR AND RECRUITMENT, AND USED CHILDREN IN COMBAT. IN MAY TALKS IN MADRID BETWEEN GUERRILLA AND POLITICAL PARTY REPRESENTATIVES, THE GUERRILLAS PROMISED TO HALT ATTACKS ON ECONOMIC AND CIVILIAN TARGETS AND ALLOW ELECTIONS TO GO FORTH. THESE PROMISES WERE NOT HONORED. THERE IS EVIDENCE OF GUERRILLA INVOLVEMENT IN THE ILLICIT OPIUM TRADE.

GOVERNMENT ENGAGED IN HEAVY DEFICIT SPENDING; INFLATION HIT AN ANNUAL RATE OF OVER 55 PERCENT--A BLOW TO ALREADY LOW LIVING STANDARDS. LITTLE WAS ACHIEVED IN REDUCING

ILLITERACY AND INFANT MORTALITY. CORRUPTION AND MISMANAGEMENT ARE WIDESPREAD. THE NUMBER OF LABOR UNIONS ROSE BUT SOME MEMBERS CREDIBLY ALLEGED HARASSMENT FROM A VARIETY OF SOURCES. THERE WAS NO RESOLUTION TO SOME MAJOR CASES OF PAST ABUSES IN WHICH THE UNITED STATES HAS EXPRESSED STRONG AND CONTINUING INTEREST, E.G., THE 1985 DISAPPEARANCES OF AMERICAN CITIZENS BLAKE AND DAVIS, THE 1988 EL AGUACATE MASSACRE, THE 1989 DISAPPEARANCES OF 11 STUDENTS OF WHOM 6 WERE KILLED, AND THE 1989 ABDUCTION OF U.S. CITIZEN NUN SR. DIANA ORTIZ. A COURT REVERSED THE 1988 CONVICTION OF SIX POLICEMEN FOR THE 1987 MURDERS OF TWO MEN IN QUETZALTENANGO--THE ONLY MAJOR WIN OVER HUMAN RIGHTS ABUSERS LINKED TO THE SECURITY FORCES. THE GOVERNMENT HAS APPEALED THE REVERSAL.

RESPECT FOR HUMAN RIGHTS

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SECTION I

RESPECT FOR THE INTEGRITY OF THE PERSON, INCLUDING

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PAGE 01 GUATEM 12216 02 OF 14 272110Z
ACTION HA-09

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TO SECSTATE WASHDC 4118

[redacted] SECTION 02 OF 14 GUATEMALA 12216

NOFORN
DEPARTMENT FOR HA AND S/IL

E.O. 12356: N/A
TAGS: PHUM, ELAB, GT
SUBJECT: 1990 COUNTRY REPORT ON HUMAN RIGHTS PRACTICES:
GUATEMALA

FREEDOM FROM:

A. POLITICAL AND OTHER EXTRAJUDICIAL KILLING

AS IN 1989, OFFICIAL STATISTICS SHOWED ABOUT 2,000 HOMICIDES NATIONWIDE; CRITICS, WITH REASON, CLAIMED THIS WAS AN UNDERSTATEMENT. PRESS REPORTS AND OTHER AVAILABLE INFORMATION POINTED TO A NUMBER AT LEAST THREE TIMES THE OFFICIAL ONE. IN JUNE, FOR EXAMPLE, PRESS REPORTS INDICATED THE HOMICIDE RATE IN AND AROUND THE CAPITAL REACHED AN AVERAGE OF ONE PER HOUR. WHILE MOST KILLINGS RESULTED FROM PERSONAL VENDETTAS AND OTHER CRIMES, INCLUDING DRUG TRAFFICKING AND GANG WARFARE, EXTRAJUDICIAL KILLINGS, INCLUDING POLITICALLY MOTIVATED

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ONES, APPEARED TO RISE IN 1990.

THE HUMAN RIGHTS OMBUDSMAN CALCULATED ABOUT 400 POLITICALLY MOTIVATED KILLINGS IN 1990, MAINLY IN CONFLICTIVE RURAL AREAS OF SAN MARCOS, HUEHUETENANGO, QUICHE, AND PETEN DEPARTMENTS. MOST VICTIMS WERE INDIGENOUS PEOPLE PRESUMABLY KILLED BY SECURITY FORCES, USUALLY THE ARMY, FOR SUSPICION OF BACKING GUERRILLA GROUPS. THE OMBUDSMAN'S FIGURE DOES NOT INCLUDE AN UNKNOWN BUT PROBABLY LARGE NUMBER OF VIGILANTE KILLINGS OF CRIMINALS AND SUSPECTED CRIMINALS. WHILE NOT DEMONSTRATED CONCLUSIVELY, SECURITY FORCE INVOLVEMENT IN MANY VIGILANTE ACTIONS SEEMS LIKELY. THE RISE IN EXTRAJUDICIAL KILLINGS WAS A RESPONSE TO INCREASED GUERRILLA ACTIVITY AND FRUSTRATION OVER VIOLENT CRIME IN URBAN AREAS, PARTICULARLY THE CAPITAL.

NO INFORMATION POINTS TO POLITICAL AND OTHER EXTRAJUDICIAL KILLINGS AS OFFICIALLY CONDONED POLICY, BUT AUTHORITIES FAILED TO INVESTIGATE THESE AND BRING THE AUTHORS TO JUSTICE. WHILE MEMBERS OF THE SECURITY FORCES FACED ARREST, CONVICTION, AND SENTENCING FOR COMMON CRIMES, INCLUDING MURDER OF RURAL PEOPLE, NO EXAMPLES EXISTED OF TRIALS AND CONVICTIONS FOR POLITICAL OR EXTRAJUDICIAL KILLINGS BY SECURITY FORCE PERSONNEL. AUTHORITIES DID NOT PREVENT SOME MEMBERS OF THE SECURITY FORCES, IN PARTICULAR CERTAIN RURAL MILITARY ZONE OFFICERS, FROM CONDUCTING EXTRAJUDICIAL KILLINGS. THESE PERSISTED DESPITE ATTEMPTS BY FOREIGN DONORS--INCLUDING THE U.S.--SOME SENIOR OFFICERS, THE OMBUDSMAN, AND THE NEW POLICE DIRECTOR--AN ACTIVE DUTY ARMY COLONEL--TO

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CHANGE TRADITIONAL HUMAN RIGHTS ATTITUDES AND PRACTICES WITHIN THE SECURITY FORCES. EFFORTS INCLUDED FIRING AND ARRESTING LARGE NUMBERS OF ALLEGEDLY CORRUPT AND ABUSIVE POLICEMEN.

GUERRILLA FORCES KILLED CIVILIANS, OFF-DUTY SOLDIERS, AND POLICEMEN. IN JULY, FOR EXAMPLE, GUERRILLAS IN SAN RAFAEL PETZAL (HUEHUETENANGO) SHOT AND KILLED TWO UNARMED MEN AND WOUNDED EIGHT OTHERS PARTICIPATING IN A CIVIL DEFENSE PATROL. MANY POLICEMEN IN RURAL AREAS WERE KILLED THROUGHOUT 1990 IN WAYS STRONGLY SUGGESTING GUERRILLA INVOLVEMENT.

IN JANUARY, ARMED MEN SEIZED SALVADORAN LEFTIST HECTOR OQUELI AND GUATEMALAN ATTORNEY GILDA FLORES IN THE CAPITAL. THEIR BODIES APPEARED HOURS LATER NEAR THE EL SALVADOR BORDER. THE CRIME LED TO STRONG LOCAL, US GOVERNMENT, AND INTERNATIONAL DEMANDS FOR A COMPLETE INVESTIGATION. THE GOVERNMENT CONDEMNED THE KILLINGS AND IN MARCH ISSUED A PRELIMINARY REPORT ON ITS INVESTIGATION. A FINAL REPORT IN JUNE IMPLIED, WITHOUT STRONG SUPPORTING EVIDENCE, THAT FRIENDS OF OQUELI AND SALVADORANS RESIDENT IN GUATEMALA WERE RESPONSIBLE. THERE WERE NO ARRESTS. THE CASE REMAINS OPEN.

IN FEBRUARY, TWO COCA-COLA WORKERS, THE SAGASTUME BROTHERS, WERE KILLED. WHILE NOT CLEAR IF THE CRIME WAS RELATED TO A LONG STRIKE AGAINST THE COCA-COLA BOTTLER, CAVISA (SEE SEC 6), CREDIBLE INFORMATION INDICATED THE BROTHERS, FOUND DEAD WITH A THIRD MAN, DIED AS A RESULT OF CRIMINAL ACTIVITY. ALSO THAT MONTH, ACCORDING TO POLICE, 12 MEN IN "OLIVE GREEN" UNIFORMS AND CARRYING AUTOMATIC WEAPONS, ENTERED A HOME NEAR CUYOTENANGO

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(SUCHITEPEQUEZ) AND KILLED ANTONIO GONON MORALES AND WOUNDED HIS WIFE AND HIS DAUGHTER-IN-LAW. POLICE BLAMED GUERRILLAS BUT COULD OFFER NO MOTIVES.

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ON MARCH 17, NINE PEOPLE WERE SEIZED NEAR MALACATAN (SAN MARCOS) BY ARMED MEN. THE BODIES OF FIVE LATER APPEARED: TEODORO MEJIA, ARCADIO MEJIA, EFRAIN VENTURA,

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PAGE 01 GUATEM 12216 03 OF 14 272111Z
ACTION HA-09

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[redacted] SECTION 03 OF 14 GUATEMALA 12216

NOFORN
DEPARTMENT FOR HA AND S/IL

E.O. 12356: N/A
TAGS: PHUM, ELAB, GT
SUBJECT: 1990 COUNTRY REPORT ON HUMAN RIGHTS PRACTICES: GUATEMALA

LUIS VENTURA, AND JOAQUIN ORTEGA. A SURVIVOR, A CHILD, WAS ALSO FOUND. WHILE INFORMATION WAS INCONCLUSIVE, LOCAL OBSERVERS BLAMED THE ARMY. SAN MARCOS IS A VERY CONFLICTIVE REGION IN WHICH GUERRILLA ACTIVITY (THAT SAME DAY GUERRILLAS KILLED A SAN MARCOS POLICE CHIEF), DRUG TRAFFICKING, AND ARMY OPERATIONS ARE COMMON.

CERJ (RUNUJEL JUNAM COUNCIL OF ETHNIC COMMUNITIES), A RURAL-BASED ORGANIZATION DEDICATED MAINLY TO OPPOSING OBLIGATORY SERVICE IN CIVIL DEFENSE COMMITTEES, HAS BEEN ACCUSED BY THE ARMY OF BEING A GUERRILLA FRONT GROUP. DURING THE YEAR, THREE MEMBERS OF CERJ WERE KILLED, AT LEAST TWO APPARENTLY BY PERSONS PROTECTED BY SECURITY FORCES. ON MARCH 19, MARIA MEJIA (WHOM CONAVIGUA, A [redacted]

LOCAL WIDOWS ASSOCIATION, ALSO CLAIMED AS A MEMBER) WAS KILLED IN HER HOME NEAR PARRAXTUT, SACAPULAS (QUICHE). HER HUSBAND, PABLO LASTRO TOJIN, WOUNDED IN THE ATTACK, NAMED TWO MEN, BOTH ALLEGEDLY MILITARY COMMISSIONERS, AS THE KILLERS. ARRESTED IN MAY, BOTH WENT FREE IN JUNE FOR "LACK OF EVIDENCE." THE ARMY DENIED THEY WERE COMMISSIONERS BUT UNCONFIRMED INFORMATION INDICATES A QUICHE ARMY OFFICER PROMISED THE SUSPECTS QUICK FREEDOM IF THEY AGREED TO BE ARRESTED AND BROUGHT BEFORE A JUDGE. (SEE SEC 4).

ON APRIL 10, MASKED GUNMEN KILLED CERJ ACTIVIST JOSE VICENTE GARCIA IN FRONT OF HIS FAMILY. HE PREVIOUSLY

HAD DENOUNCED RECEIVING THREATS. RELIABLE INFORMATION INDICATES THE KILLERS, THOUGH NOT MILITARY, WERE SHIELDED BY ARMY OFFICERS. A KNOWLEDGABLE INDEPENDENT LOCAL OBSERVER STATED THE ACTIVIST WAS PROBABLY KILLED FOR SUSPICION OF "SUBVERSIVE ACTIVITIES."

ON MAY 1, CERJ MEMBER JOSE MARIA IXCAYA WAS KILLED IN SOLOLA AS HE LEFT FOR THE CAPITAL TO PARTICIPATE IN MAY DAY RALLIES. A COUSIN OF HIS PUBLICLY ACCUSED THE ARMY OF THE KILLING; A CREDIBLE SOURCE INDICATED, HOWEVER, IT MIGHT HAVE RESULTED FROM A DISPUTE UNRELATED TO CERJ.

JOSE VIELMAN, SON OF THE CONSERVATIVE HEAD OF A LAWYERS GROUP (JUDE), DIED IN MARCH NEAR A POLICE CHECKPOINT OUTSIDE THE CAPITAL. INITIAL REPORTS PORTRAYED THE DEATH AS RESULTING FROM A BOTCHED ROBBERY ATTEMPT BY HIGHWAYMEN. SUBSEQUENT RELIABLE INFORMATION INDICATES, [redacted]

[redacted]

HOWEVER, VIELMAN DIED RESISTING POLICE ATTEMPTS TO ROB HIM. AN INTERNAL INVESTIGATION IS REPORTEDLY UNDERWAY.

IN JUNE, LONG-TIME RESIDENT U.S. CITIZEN MICHAEL DEVINE WAS BRUTALLY SLAIN NEAR HIS HOME IN PETEN DEPARTMENT. FIRST REPORTS DEPICTED THE CRIME AS A ROBBERY-MURDER. SUBSEQUENT INFORMATION, HOWEVER, SHOWED THAT ARMY PERSONNEL PARTICIPATED IN THE KILLING. THE MOTIVES REMAIN UNCERTAIN. THE PETEN MILITARY ZONE COMMANDER, SUSPECTED OF SENDING THOSE WHO KILLED DEVINE, WAS REMOVED AND TRANSFERRED TO THE CAPITAL. IN SEPTEMBER, PRESIDENT CEREZO, IN AN UNPRECEDENTED AND WELCOME MOVE, PUBLICLY ACKNOWLEDGED THE POSSIBILITY OF SECURITY FORCE INVOLVEMENT AND PROMISED A FULL INVESTIGATION. THE HUMAN RIGHTS OMBUDSMAN ALSO INDICATED HE HAD INFORMATION SHOWING POSSIBLE MILITARY INVOLVEMENT. IN SEPTEMBER, THE COURT IN FLORES (PETEN) ISSUED ARREST WARRANTS FOR SEVERAL PERSONS, INCLUDING FOUR SOLDIERS, FOR SUSPICION OF INVOLVEMENT IN THE MURDER OF MR. DEVINE. LATE THAT MONTH, THE ARMY ANNOUNCED THE ARREST OF FOUR SOLDIERS FOR THE CRIME. THE LOCAL PRESS GAVE THIS IMPORTANT DEVELOPMENT WIDESPREAD COVERAGE. THE US GOVERNMENT CONTINUES TO INSIST THE GUILTY BE BROUGHT TO JUSITCE.

ON JULY 25, CENTRIST CONGRESSMAN OTTO ROLANDO RUANO AND HIS DRIVER WERE KILLED 55 MILES FROM GUATEMALA CITY. THE FOLLOWING MONTH CENTRIST MAYORAL CANDIDATE CELSO MILAGRO GIRON WAS KILLED IN SAN PEDRO JOCOPILAS (QUICHE); HE HAD BECOME A CANDIDATE AFTER THE KILLING OF THE PRIOR CANDIDATE, SOLOMON BLANCO. MORE VIOLENCE FOLLOWED IN SAN PEDRO JOCOPILAS INCLUDING THE VIOLENT DEATH IN SEPTEMBER OF CHRISTIAN DEMOCRAT ACTIVIST SEBASTIAN MORALES. IN AUGUST, THE CHRISTIAN DEMOCRAT MAYOR OF CUYOTENANGO (SUCHITEPEQUEZ), ROBERTO VALLEJOS,

[redacted]

WAS SHOT NEAR HIS HOME. HE SURVIVED. AUTHORS AND MOTIVES WERE UNKNOWN.

ON SEPTEMBER 11, MIRNA ELIZABETH MACK CHANG, A GUATEMALAN ACADEMIC RESEARCHING ISSUES AFFECTING DISPLACED PERSONS IN THE HIGHLANDS, WAS STABBED OR CUT 17 TIMES AND KILLED NEAR HER OFFICE IN GUATEMALA CITY.

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PAGE 01 GUATEM 12216 04 OF 14 272111Z
ACTION HA-09

INFO LOG-00 ADS-00 AID-01 INR-05 SS-01 OIC-02 CIAE-00
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R 272106Z SEP 90
FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC 4120

[redacted] SECTION 04 OF 14 GUATEMALA 12216

NOFORN
DEPARTMENT FOR HA AND S/IL

E.O. 12356: N/A
TAGS: PHUM, ELAB, GT
SUBJECT: 1990 COUNTRY REPORT ON HUMAN RIGHTS PRACTICES:
GUATEMALA

GAM AND OTHER HUMAN RIGHTS ORGANIZATIONS AND UNIVERSITY GROUPS DENOUNCED THE KILLING AS POLITICALLY MOTIVATED. INITIAL POLICE REPORTS, HOWEVER, INDICATED ROBBERY AS THE MOTIVE AS THE KILLERS TOOK HER PURSE AND CREDIT CARDS. THE CASE REMAINS UNSOLVED AND THE US GOVERNMENT CONTINUES TO PRESS FOR A RESOLUTION.

IN A MAJOR REVERSAL FOR ALREADY WEAK EFFORTS TO HOLD SECURITY FORCES ACCOUNTABLE FOR ABUSES, IN AUGUST AN APPELLATE COURT FOUND "INSUFFICIENT EVIDENCE" TO UPHOLD THE 1988 CONVICTIONS AND 30-YEAR PRISON TERMS OF SIX POLICEMEN, INCLUDING A FORMER QUETZALTENANGO POLICE CHIEF, FOR THE 1987 ABDUCTIONS AND MURDERS OF TWO

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UNIVERSITY-AFFILIATED AGRONOMISTS, RENE LEIVA CAYAX AND [redacted]

DANILO ALVARADO MEJIA. THE KILLINGS APPARENTLY HAD BEEN CONNECTED WITH A BUS STRIKE AND OTHER LABOR AND CIVIL UNREST IN QUETZALTENANGO AT THE TIME. THIS HAD BEEN THE ONLY CASE IN WHICH MEMBERS OF THE SECURITY FORCES WERE ARRESTED, TRIED, CONVICTED, AND SENTENCED TO PRISON FOR SERIOUS HUMAN RIGHTS ABUSES. POLICE DIRECTOR COL. CABALLEROS SAID HE WOULD NOT ACCEPT THE MEN BACK INTO THE POLICE FORCE. THE GOVERNMENT HAS APPEALED THE COURT'S DECISION TO RESCIND THE CONVICTIONS.

THE GOVERNMENT DID NOT SOLVE THE 1989 MURDERS OF 6 UNIVERSITY STUDENTS--THESE WERE AMONG 11 WHO DISAPPEARED (SEE SEC 1B). IT WAS WIDELY THOUGHT AT LEAST SOME CAME UNDER SUSPICION OF PRO-GUERRILLA ACTIVITIES. THERE WAS NO RESOLUTION OF THE AUGUST 1989 MURDER OF CHRISTIAN DEMOCRATIC POLITICIAN DANILO BARILLAS. THE 1989 KILLING OF GAM (MUTUAL SUPPORT GROUP) ACTIVIST AURELIO LORENZO XICAY ALSO REMAINS UNSOLVED; A POLICE REPORT RELEASED IN MARCH STATED XICAY HAD BEEN DRUNK AT THE TIME OF HIS DEATH FROM A BLOW TO THE HEAD. AUTHORITIES DID NOT SOLVE THE 1989 SANQUIN (CHIMALTENANGO) KILLINGS IN WHICH A MILITARY COMMISSIONER, HIS SON, AND THREE OTHERS WERE SLAIN BY MEN WHO MIGHT HAVE BEEN GUERRILLAS. A POLICE REPORT ON THE JULY 1989 DEATH OF FORMER COCA-COLA UNION MEMBER JOSE PANTALEON IDENTIFIED SEVERAL PERSONS AS RESPONSIBLE AND IMPLIED THE KILLING HAD TO DO WITH PERSONAL PROBLEMS. THE NOVEMBER 1988 EL AGUACATE MASSACRE WAS ALSO NOT SOLVED.

THE U.S. GOVERNMENT IS ACTIVE IN SEEKING A RESOLUTION TO SEVERAL OF THESE CASES. AMONG THOSE RECEIVING [redacted]

PARTICULAR EMPHASIS ARE: THE KILLINGS OF HECTOR OQUELI, RENE FLORES, ELIZABETH CHANG, AND MICHAEL DEVINE; THE DISAPPEARANCES AND MURDERS OF SEVERAL UNIVERSITY STUDENTS; THE KILLINGS OF MINORS BY POLICEMEN; AND THE EL AGUACATE MASSACRE. EFFORTS WERE LIMITED BY THE LEGAL

CONSTRAINTS FACING A DIPLOMATIC MISSION AND LIMITATIONS OF PERSONNEL, TIME, AND INVESTIGATORY EXPERTISE.

B. DISAPPEARANCE

THERE WERE NO COMPLETELY RELIABLE FIGURES FOR 1990 ON THE NUMBER OF DISAPPEARED PERSONS. ACCORDING TO AN OFFICIAL REPORT RELEASED EARLY IN 1990, AUTHORITIES KNEW OF 2,588 DISAPPEARANCES FROM ALL CAUSES JANUARY 1989 - JANUARY 1990. THE REPORT STATED THE POLICE RESOLVED 1,763 OF THOSE: 1,537 WERE FOUND SAFE, 35 IN HOSPITALS, AND 191 DEAD. OF THE REMAINING 825, POLICE CLAIMED 198 CONSISTED OF FALSE REPORTS AND 206 OF PERSONS WHO HAD REAPPEARED BUT HAD NOT BEEN REPORTED AS SUCH. THE OFFICE OF THE HUMAN RIGHTS OMBUDSMAN CALCULATED GUATEMALA SUFFERED SOME 200 POLITICALLY MOTIVATED DISAPPEARANCES DURING 1990. GIVEN THAT THERE IS NO SOLID EVIDENCE OF CLANDESTINE PRISONS, A VALID ASSUMPTION IS THAT MOST OF THE POLITICALLY MOTIVATED DISAPPEARANCES ENDED IN DEATH. ACCORDING TO THE OMBUDSMAN, MOST OCCURRED IN CONFLICTIVE AREAS AND WERE OF PERSONS BELIEVED INVOLVED IN GUERRILLA ACTIONS. THE GOVERNMENT FAILED TO SOLVE THE DISAPPEARANCES. THE OMBUDSMAN CONCLUDED SECURITY FORCES BORE RESPONSIBILITY FOR THE MAJORITY OF THESE TYPES OF DISAPPEARANCES. THE OMBUDSMAN'S CALCULATIONS AND CONCLUSIONS SEEM REASONABLE.

IN JANUARY, THE SON OF A PROMINENT LEFTIST JOURNALIST TOLD OF BEING ABDUCTED AND BRIEFLY HELD BY PERSONS [redacted]

APPARENTLY CONNECTED TO THE SECURITY FORCES. HIS CAPTORS, ACCORDING TO HIM, CARRIED AUTOMATIC WEAPONS AND DROVE A RADIO-EQUIPPED VEHICLE OF A TYPE USUALLY ASSOCIATED WITH THE MILITARY PRESIDENTIAL GUARD. ACCORDING TO THIS ACCOUNT, HE WAS QUERIED ABOUT

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PAGE 01 GUATEM 12216 05 OF 14 272112Z
ACTION HA-09

INFO LOG-00 ADS-00 AID-01 INR-05 SS-01 OIC-02 CIAE-00
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R 272106Z SEP 90
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TO SECSTATE WASHDC 4121

[redacted] SECTION 05 OF 14 GUATEMALA 12216

NOFORN

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DEPARTMENT FOR HA AND S/IL

UNCLASSIFIED

E.O. 12356: N/A
TAGS: PHUM, ELAB, GT
SUBJECT: 1990 COUNTRY REPORT ON HUMAN RIGHTS PRACTICES: GUATEMALA

ACTIVITIES AT SAN CARLOS UNIVERSITY AND RELEASED WHEN HIS ABDUCTORS RECEIVED ORDERS OVER THE RADIO TO DO SO. A MILITARY SOURCE DENIED ARMY INVOLVEMENT, SAYING THE INCIDENT RESULTED FROM A DISPUTE OVER A GIRLFRIEND.

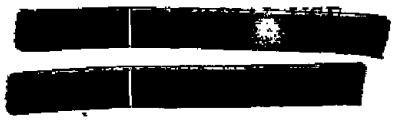
IN FEBRUARY, TWO DISAPPEARANCES IN THE CAPITAL DREW MUCH FOREIGN AND LOCAL ATTENTION, PROMPTING A RESOLUTION BY GUATEMALA'S CONGRESS CALLING FOR THE VICTIMS' RELASE AND FOR AUTHORITIES TO PREVENT AND RESOLVE THESE SORTS OF INCIDENTS. BOTH CASES ENDED, FORTUNATELY, IN RELEASE OF THE VICTIMS. ON FEBRUARY 6, SAN CARLOS UNIVERSITY LAW STUDENT ARMANDO OSCAR PIEDRASANTA WAS TAKEN BY ARMED MEN, BEATEN, AND ABANDONED ALONG A HIGHWAY EARLY THE FOLLOWING DAY. THE AUTHORS AND MOTIVES WERE UNKNOWN BUT [redacted]

THE ASSUMPTION WAS PIEDRASANTA WAS SUSPECTED OF "SUBVERSIVE ACTIVITIES." HE REPORTEDLY HAS LEFT GUATEMALA.

ON FEBRUARY 10, DR. CARMEN ANGELICA VALENZUELA ARGUETA, A PEDIATRICIAN, WAS PULLED FROM HER CAR IN THE CAPITAL BY ARMED MEN IN A FOUR-WHEEL DRIVE VEHICLE WITH TINTED WINDOWS. THE DAYLIGHT KIDNAPING LED TO A STRONG PUBLIC DEMAND FOR HER RELEASE AND TO FOREIGN EMBASSIES, INCLUDING THE U.S., WORKING TO THAT END. FREED FEBRUARY 18, SHE MADE NO PUBLIC STATEMENTS, AND LEFT FOR ABROAD. MOTIVES FOR THE ABDUCTION GENERATED SPECULATION RANGING FROM SUSPICION OF POSSIBLE INVOLVEMENT WITH GUERRILLA SYMPATHIZERS TO THE BELIEF SHE WAS ABOUT TO REVEAL RAMPANT CORRUPTION IN THE MINISTRY OF HEALTH.

IN APRIL, GUERRILLAS ABDUCTED TWO OFF-DUTY SOLDIERS IN THE PETEN. THE SEIZURE TOOK PLACE DURING A UNILATERALLY DECLARED HOLY WEEK CEASE FIRE BY THE GUERRILLAS. THE SOLDIERS WERE EVENTUALLY FREED.

LUIS MIGUEL SOLIS PAJARITO, MEMBER OF A DISPLACED PERSONS ORGANIZATION, CONDEG, DISAPPEARED MAY 3 IN THE CAPITAL. HIS WIFE, A GAM MEMBER, LABELED THE MILITARY RESPONSIBLE AND ALLEGED HE WAS IN ONE OF THE CAPITAL'S MILITARY FACILITIES. SHE FILED WRITS OF HABEAS CORPUS WITH NO RESULT. SHE HAS SUBSEQUENTLY ALLEGED RECEIVING THREATS. THE DISAPPEARANCE LED TO PROTESTS, INCLUDING GAM'S TAKE-OVER THE OFFICE OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC). GIVEN THAT SOME



MILITARY SEE CONDEG AS A PRO-GUERRILLA GROUP, SECURITY FORCE INVOLVEMENT IN THE DISAPPEARANCE CANNOT BE DISMISSED, BUT NO CONCLUSIVE EVIDENCE OF ARMY INVOLVEMENT EXISTS.

TWO CERJ MEMBERS DISAPPEARED IN JULY. ON JULY 2, ARMED MEN IN TWO PICK-UP TRUCKS APPARENTLY SEIZED PEDRO TIU CAC IN CHAJAB, RACANA (TOTONICAPAN). SAMUEL DE LA CRUZ GOMEZ, REPORTEDLY A MEMBER BOTH OF CERJ AND OF LEFTIST CUC (COMMITTEE OF CAMPESINO UNITY), WAS TAKEN NEAR ZACUALPA (QUICHE) JULY 12 APPARENTLY BY AN ARMY PATROL. GUNFIRE INJURED TWO PERSONS TRYING TO SAVE DE LA CRUZ GOMEZ FROM HIS CAPTORS. NEIGHBORS CAPTURED A MAN THEY SAID WAS A MILITARY COMMISSIONER--HE DENIED IT--AND TOOK HIM TO SANTA CRUZ DEL QUICHE WHERE HE WAS JAILED. THE ALLEGED COMMISSIONER WAS EVENTUALLY FREED FOLLOWING LAB EVIDENCE HE HAD NOT FIRED A WEAPON AND TESTIMONY PLACING HIM ELSEWHERE AT THE TIME OF THE DISAPPEARANCE.

THE UNIVERSITY STUDENTS' ASSOCIATION (AEU) REPORTED THE AUGUST 1 DISAPPEARANCE OF LAW STUDENT ANIBAL PALMA. THE 30-YEAR OLD MAN ALLEGEDLY WAS TAKEN BY SEVERAL ARMED MEN IN THE CAPITAL. THE AEU FILED A COMPLAINT WITH THE OFFICE OF THE HUMAN RIGHTS OMBUDSMAN. ALSO IN AUGUST, MILITARY COMMISSIONER SERGIO GOMEZ WAS REPORTED ABDUCTED BY SEVEN HEAVILY ARMED GUERRILLAS IN OLIVE GREEN UNIFORMS NEAR CONFLICTIVE TAJUMULCO (SAN MARCOS), THE MAIN AREA FOR ORPA (ARMED REVOLUTIONARY ORGANIZATION OF THE PEOPLE). NO FURTHER INFORMATION WAS AVAILABLE.

FOUR CERJ MEMBERS WHO DISAPPEARED APRIL 1989 IN SUCHITEPEQUEZ WERE NOT FOUND; THE ASSUMPTION IS THAT THE

MEN ARE DEAD. THERE WAS NO RESOLUTION OF THE

[redacted]

DISAPPEARANCES OF SEVERAL UNIVERSITY STUDENTS WHO VANISHED BETWEEN AUGUST 21 AND SEPTEMBER 10, 1989 (SEE SECTION 1. A); OFFICIAL REPORTS ISSUED IN 1990 SUGGESTED THE DISAPPEARANCES AND DEATHS WERE DUE TO INTERNAL STUDENT CONFLICTS, AN IDEA NOT GENERALLY ACCEPTED. THE AUGUST 1989 DISAPPEARANCE OF GAM MEMBER RUMALDA CAMEY REMAINS UNSOLVED.

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PAGE 01 GUATEM 12216 06 OF 14 272114Z
ACTION HA-09

INFO LOG-00 ADS-00 AID-01 INR-05 SS-01 OIC-02 CIAE-00
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R 272106Z SEP 90
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TO SECSTATE WASHDC 4122

[redacted] SECTION 06 OF 14 GUATEMALA 12216

NOFORN
DEPARTMENT FOR HA AND S/IL

E.O. 12356: N/A
TAGS: PHUM, ELAB, GT
SUBJECT: 1990 COUNTRY REPORT ON HUMAN RIGHTS PRACTICES:
GUATEMALA

NO PROGRESS HAS BEEN MADE IN THE KIDNAPING NOVEMBER 2-3, 1989 OF U.S. CITIZEN NUN DIANA ORTIZ. A POLICE INVESTIGATION AND OFFICIAL STATEMENTS CAST DOUBT ON HER CLAIM OF HAVING BEEN ABDUCTED FROM A RELIGIOUS RETREAT IN ANTIGUA (SACATEPEQUEZ) BY SECURITY FORCES AND TORTURED IN A CLANDESTINE CHAMBER. SOON AFTER HER ESCAPE, ORTIZ LEFT GUATEMALA. DESPITE MANY REQUESTS, ORTIZ HAS NOT PROVIDED FURTHER INFORMATION TO GUATEMALAN OR U.S. OFFICIALS. THE CASE REMAINS OPEN WITH LACK OF INFORMATION FROM ORTIZ HAMPERING SERIOUS INVESTIGATION. THE U.S. GOVERNMENT CONTINUES TO PRESS ON ALL PARTIES THE IMPORTANCE OF RESOLVING THIS CASE.

THE AUGUST 1985 DISAPPEARANCES OF TWO AMERICANS,
[redacted]
[redacted]

PAGE 02 GUATEM 12216 06 OF 14 272114Z

NICHOLAS BLAKE AND GRIFFITH DAVIS, ALSO REMAINED UNSOLVED. OFFICIALS IN 1990, HOWEVER, SHOWED MORE

WILLINGNESS THAN PREVIOUSLY TO SOLVE THE CASE AND GAVE IMPROVED COOPERATION TO U.S. GOVERNMENT EFFORTS. THE U.S. GOVERNMENT CONTINUED TO INSIST THAT THIS IMPORTANT CASE NEEDED TO BE SOLVED.

C. TORTURE AND OTHER CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT

THERE WERE NO VERIFIED REPORTS OF INHUMAN OR CRUEL TREATMENT OF DETAINEES IN OFFICIAL CUSTODY. THERE WERE, HOWEVER, CREDIBLE REPORTS OF EXCESSIVE FORCE BY POLICE AT THE TIME OF ARREST AND OF DEGRADING TREATMENT BY ARMY, CIVIL DEFENSE PATROLS, MILITARY COMMISSIONERS, AND POLICE OF PERSONS IN RURAL AREAS. PRISON CONDITIONS WERE TOUGH: PENAL AUTHORITIES WERE HAMPERED BY OVERCROWDING AND LACK OF FUNDS AND TRAINED PERSONNEL.

THERE WERE CREDIBLE REPORTS OF MISTREATMENT AND EVEN TORTURE LEADING TO THE DEATHS OF PERSONS DETAINED EXTRAJUDICIALLY. PERSONS WHO ESCAPED FROM OR WERE RELEASED BY CAPTORS APPARENTLY LINKED TO THE SECURITY FORCES, RELATED ACCOUNTS OF PHYSICAL AND MENTAL ABUSE.

MANY OF THE BODIES FOUND THROUGHOUT GUATEMALA BEAR SIGNS OF TORTURE OR POST MORTEM MUTILATION. SOME HUMAN RIGHTS GROUPS VIEW SIGNS OF TORTURE AS PRIMA FACIE EVIDENCE A CRIME IS POLITICAL IN MOTIVE. THAT CONCLUSION IS NOT

[redacted]

VALID: CRIMINAL GANGS AND OTHERS RESOLVING PERSONAL VENDETTAS OFTEN USE TORTURE.

ONE VERY DISTURBING DEVELOPMENT WAS CREDIBLE INFORMATION OF SEVERE MISTREATMENT AND EVEN MURDER BY POLICEMEN OF STREET CHILDREN. THESE HOMELESS CHILDREN OFTEN ENGAGE IN PROSTITUTION AND OTHER CRIMES AND FREQUENTLY USE DANGEROUS INHALANTS, SUCH AS PAINT THINNER AND SHOEMAKERS' GLUE. AMNESTY INTERNATIONAL ISSUED A REPORT IN JULY DISCUSSING SOME OF THESE ABUSES AND REPORTED THREATS AGAINST PERSONS AND GROUPS WORKING WITH STREET CHILDREN. POLICE OFFICIALS WERE WORKING TO RESOLVE THESE CASES AND HAD UNDERTAKEN SEVERAL INVESTIGATIONS.

FOUR POLICEMEN WERE ARRESTED IN JUNE FOR THE MURDER OF MINOR NAHAMON CARMONA. THE US GOVERNMENT HAS BEEN ACTIVE FOR SOME TIME IN PRESSING FOR AN END TO THIS PARTICULARLY REPREHENSIBLE ABUSE.

D. ARBITRARY ARREST, DETENTION, OR EXILE

AN ARREST WARRANT IS NEEDED WHEN AN ACCUSED IS NOT CAUGHT COMMITTING A CRIME. ACCORDING TO THE CONSTITUTION, POLICE CANNOT HOLD A PERSON FOR OVER SIX HOURS WITHOUT BRINGING HIM TO A JUDGE. THE LAW PROVIDES FOR BAIL, ACCESS TO LAWYERS, AND LIMITS TO 20 DAYS THE TIME ANYONE MAY BE HELD FOR INVESTIGATION, AFTER WHICH HE MUST BE CHARGED OR RELEASED. AUTHORITIES MUST PRODUCE DETAINEES ON REQUEST. EXILE IS NOT USED.

ALLEGATIONS OF ARBITRARY ARREST OR DETENTION BY POLICE, AS DISTINCT FROM OTHER SECURITY FORCES, WERE INFREQUENT. THERE WERE NO VERIFIED CASES OF ARRESTS OF [redacted]

POLITICAL OPPONENTS FOR THEIR BELIEFS. WHILE THERE WAS NO GOOD EVIDENCE OF "SECRET" PRISONS WHERE LENGTHY ILLEGAL INCARCERATIONS TOOK PLACE, THERE WERE CREDIBLE REPORTS OF SECURITY FORCE "SAFEHOUSES" USED TO CONDUCT BRIEF ILLEGAL DETENTIONS, INTERROGATIONS, AND, AT TIMES, TORTURE AND MURDER. WRITS OF HABEAS CORPUS ARE, AS EXPECTED, IGNORED BY THOSE CONDUCTING ILLEGAL ARRESTS.

CERJ ALLEGED AN ARBITRARY ARREST BY POLICE IN JULY OF MARCUS PU PERCAC NEAR SANTA LUCIA DE LA REFORMA

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PAGE 01 GUATEM 12216 07 OF 14 272114Z
ACTION HA-09

INFO LOG-00 ADS-00 AID-01 INR-05 SS-01 OIC-02 CIAE-00
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[redacted]SECTION 07 OF 14 GUATEMALA 12216

NOFORN
DEPARTMENT FOR HA AND S/IL

E.O. 12356: N/A
TAGS: PHUM, ELAB, GT
SUBJECT: 1990 COUNTRY REPORT ON HUMAN RIGHTS PRACTICES:
GUATEMALA

(TOTONICAPAN). POLICE OFFICERS, ACCORDING TO CERJ,
THREATENED TO LABEL HIM A SUBVERSIVE UNLESS PAID A

BRIBE. PU WAS FREED AFTER APPARENTLY PAYING THE SOLICITED BRIBE. THE STORY COULD NOT BE CONFIRMED. ALSO IN JULY, A JUDGE IN HUEHUETENANGO ORDERED THE ARREST OF A CIVIL DEFENSE PATROL LEADER FOR THE ILLEGAL DETENTION OF A MINOR. THE JUDGE REPORTED DEATH THREATS. THERE WAS NO CONFIRMATION ON THE ARREST.

ON AUGUST 17, DAILY "EL GRAFICO," OWNED BY CENTRIST UCN PRESIDENTIAL CANDIDATE JORGE CARPIO, REPORTED UCN ACTIVIST MAXIMILIANO VASQUEZ WAS ARRESTED BY A MILITARY COMMISSIONER BECAUSE OF POLITICAL ACTIVITIES. IN A LETTER THE NEXT DAY, THE ARMY SPOKESMAN DENIED THE [redacted]

CLAIM, STATING VASQUEZ WAS ARRESTED BY POLICE ON CRIMINAL CHARGES; A POLICE SOURCE SUPPORTED THAT VERSION.

IN SEPTEMBER, CERJ DENOUNCED THAT 86 PERSONS FROM IN AND AROUND AMACHEL (QUICHE) HAD BEEN FORCIBLY TRANSPORTED TO AND WERE BEING ILLEGALLY HELD AT A MILITARY INSTALLATION IN NEBAJ (QUICHE). THE OMBUDSMAN AND THE UN HUMAN RIGHTS EXPERT TRAVELED TO QUICHE TO INVESTIGATE THIS ALLEGATION. THEY COULD NOT CONFIRM ALLEGATIONS OF SEVERE MISTREATMENT NOR DID THEY FIND THAT THE PERSONS WERE BEING HELD AT A MILITARY BASE. IT WAS NOT CLEAR, HOWEVER, THAT THOSE TAKEN TO NEBAJ FROM HIGHLY CONFLICTIVE AMACHEL HAD MOVED OF THEIR OWN FREE WILL.

E. DENIAL OF FAIR PUBLIC TRIAL

THE CONSTITUTION CALLS FOR AN INDEPENDENT JUDICIARY MADE OF A COURT OF CONSTITUTIONALITY, A SUPREME COURT, APPEAL COURTS, AND SEVERAL COURTS OF SPECIAL JURISDICTION. MILITARY COURTS HAVE JURISDICTION ONLY OVER THE ARMY, INCLUDING MILITARY COMMISSIONERS. CIVILIAN TRIALS ARE PUBLIC; DEFENDANTS HAVE THE RIGHT TO BE PRESENT AND TO LEGAL REPRESENTATION. CONVICTIONS ARE AUTOMATICALLY REVIEWED BY AN APPEALS COURT. THERE WERE NO POLITICAL PRISONERS. DESPITE REFORM EFFORTS, HOWEVER, THE JUDICIARY REMAINED TROUBLED, SUFFERING CORRUPTION, LOW MORALE AND POOR PAY.

IN JANUARY, AN APPEALS COURT REDUCED THE SENTENCES OF [redacted]

THOSE CONVICTED OF ATTEMPTING THE OVERTHROW OF THE GOVERNMENT IN MAY 1989. ALL OF THE PLOTTERS WENT FREE IN FEBRUARY, DESPITE OPPOSITION FROM THE ARMY COMMAND.

A U.S.-FUNDED MODEL COURT PROGRAM RUN BY HARVARD UNIVERSITY ENDED AND WAS NOT RENEWED. THOSE RUNNING THE PROGRAM EXPRESSED FRUSTRATION WITH THE LACK OF WILL ON THE PART OF AUTHORITIES TO REFORM THE NATION'S COURT SYSTEM AND TO UNDERTAKE PROSECUTIONS OF HUMAN RIGHTS OFFENDERS. ON THE MORE POSITIVE SIDE, THE CONGRESS BEGAN DEBATE OF A RADICAL REVISION OF THE PENAL CODE WHICH WOULD MODERNIZE, SPEED UP, AND PRESUMABLY MAKE THE JUSTICE SYSTEM MORE RESPONSIVE AND ACCESSIBLE TO THE COMMON PERSON. THE PROPOSED NEW CODE, WHILE WELCOME, WOULD STILL FACE A CONSTITUTIONAL RESTRICTION ON TRYING MILITARY IN CIVILIAN COURTS, THEREBY LIMITING THE ABILITY OF THOSE COURTS TO ACT AGAINST HUMAN RIGHTS ABUSERS IN UNIFORM.

THE U.S. DEPARTMENT OF JUSTICE, THROUGH ITS ICITAP PROGRAM, TRAINED POLICE PERSONNEL--OVER SIX HUNDRED SINCE THE START OF THE CEREZO ADMINISTRATION--IN A RANGE OF MODERN CRIMINAL INVESTIGATIVE TECHNIQUES. MANY OF THOSE TRAINED, HOWEVER, WERE SUBSEQUENTLY NOT EMPLOYED ON THE POLICE OR LEFT OUT OF FRUSTRATION OVER AN INABILITY TO USE THEIR SKILLS. THE NEW POLICE DIRECTOR PROMISED TO MAKE AN EFFORT TO KEEP SUCH TRAINED PERSONNEL AND TO MAKE USE OF THEIR TALENTS. AS 1990 ENDED, HE HAD MADE A START TO THIS END.

F. ARBITRARY INTERFERENCE WITH PRIVACY, FAMILY, HOME, OR CORRESPONDENCE

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THE CONSTITUTION PROVIDES FOR THE INVIOLABILITY OF HOME,

CORRESPONDENCE, AND PRIVATE DOCUMENTS. WHILE THIS PROVISION WAS USUALLY RESPECTED, THERE WERE EXCEPTIONS. HEAVY-HANDED ARMY EFFORTS TO ENFORCE THE MILITARY DRAFT LAW RESULTED IN PERSONS TAKEN OFF THE STREETS OR IN HOMES WITHOUT A COURT ORDER. SIMILAR CHARGES WERE MADE AGAINST MILITARY COMMISSIONERS WHO SOUGHT TO ENFORCE THE DRAFT IN RURAL AREAS. ACCORDING TO THE PRESS, FOR EXAMPLE, ARMANDO MONTOYA OF EL PROGRESO (JUTIAPA) STATED

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R 272106Z SEP 90
FM AMEMBASSY GUATEMALA
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[redacted]SECTION 08 OF 14 GUATEMALA 12216

NOFORN
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E.O. 12356: N/A
TAGS: PHUM, ELAB, GT
SUBJECT: 1990 COUNTRY REPORT ON HUMAN RIGHTS PRACTICES: GUATEMALA

THAT ON SEPTEMBER 2, MILITARY COMMISSIONERS SHOT HIM IN THE COURSE OF EFFORTS TO DRAFT HIM.

THE CONSTITUTION REQUIRES SELF-DEFENSE ORGANIZATIONS TO BE VOLUNTARY. THE HUMAN RIGHTS OMBUDSMAN, RESPONDING TO A REQUEST FROM CERJ, FOUND THAT WHILE THE DECREE CREATING THE CIVIL DEFENSE COMMITTEES AND PATROLS WAS CONSTITUTIONAL, FORCED PARTICIPATION EXISTED IN VIOLATION OF THE DECREE AND THE CONSTITUTION. IN MARCH, THE CHAIRMEN OF THE CONGRESSIONAL HUMAN RIGHTS AND THE DEFENSE COMMITTEES GAVE SIMILAR OPINIONS. IN MOST PARTS OF THE COUNTRY, SELF-DEFENSE COMMITTEES AND PATROLS APPEAR LARGELY VOLUNTARY. AS IN PAST YEARS, HOWEVER, THE DEGREE OF VOLUNTARISM IN CONFLICTIVE PARTS OF QUICHE [redacted]

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AND HUEHUETENANGO IS OPEN TO SERIOUS QUESTION; THERE ARE SCATTERED REPORTS OF FORCED PARTICIPATION IN SMALL COMMUNITIES IN SOLOLA AND BAJA VERAPAZ DEPARTMENTS. THE ARMY DENIES IT PRESSURES, THREATENS, OR PERSECUTES THOSE WHO ADVOCATE AGAINST THE COMMITTEES OR WHO REFUSE TO JOIN. THERE IS, HOWEVER, CREDIBLE EVIDENCE THAT SUCH PERSONS SUFFERED SERIOUS ABUSES, INCLUDING MURDER (SEC. 1.A).

G. USE OF EXCESSIVE FORCE AND VIOLATIONS OF

HUMANITARIAN LAW IN INTERNAL CONFLICTS

THE 30-YEAR ARMED INTERNAL CONFLICT CONTINUED. THERE WERE ACCUSATIONS OF INDISCRIMINATE USE OF AIRCRAFT AND ARTILLERY ON CIVILIAN TARGETS. THE OFFICE OF THE HUMAN RIGHTS OMBUDSMAN LOOKED INTO REPORTS OF A MAJOR AERIAL ATTACK ON A SMALL COMMUNITY IN QUICHE; A DEPUTY OMBUDSMAN COULD FIND NO EVIDENCE OF BOMBING. GIVEN THE SMALL, TIGHTLY CONTROLLED AERIAL AND ARTILLERY ASSETS, CHARGES OF "CARPET" BOMBING, MASS ARTILLERY BARRAGES, AND ATTACKS BY HELICOPTER GUNSHIPS ARE NOT CREDIBLE.

THE YEAR BEGAN WITH INCREASED GUERRILLA MILITARY ACTIVITY, INCLUDING ATTACKS ON THE ECONOMIC INFRASTRUCTURE, SUCH AS BRIDGES, FARMS, ROADS, ELECTRICAL PYLONS, ROAD MAINTENANCE AND TELEPHONE EQUIPMENT, PROMPTING THE HUMAN RIGHTS OMBUDSMAN TO DENOUNCE THE GUERRILLAS AS VIOLATORS OF HUMAN RIGHTS. IN FEBRUARY, A GUERRILLA UNIT ATTACKED AN ARMY PATROL INSIDE THE TOWN OF SANTA MARIA DE JESUS, 12 MILES FROM [redacted]

[redacted]

THE CAPITAL. THE ENSUING BATTLE KILLED THREE SMALL CHILDREN. PERSISTENT GUERRILLA EFFORTS TO CUT MAJOR ROADS RESULTED IN THE DEATHS OF CIVILIANS CAUGHT IN THE FIRE BETWEEN GUERRILLAS AND SECURITY FORCES. THERE IS RELIABLE INFORMATION INDICATING GUERRILLAS TARGETED POLICEMEN FOR MURDER. DURING 1990, GUERRILLAS BRIEFLY OVERRAN SEVERAL COMMUNITIES AND FORCED RESIDENTS TO GATHER FOR PROPAGANDA MEETINGS. IN MAY, GUERRILLAS IN HUEHUETENANGO AMBUSHED A CIVILIAN TRUCK TRANSPORTING SICK AND INJURED SOLDIERS IN CIVILIAN DRESS TO HOSPITAL; EIGHT WERE KILLED.

IN AUGUST, THERE WAS A RELIABLE REPORT THAT A GUERRILLA-LAID "CLAYMORE" MINE KILLED TWO SMALL GIRLS IN QUICHE. THE MINE WAS APPARENTLY ACTIVATED BY ONE OF THE CHILDREN.

ON AUGUST 31, GUERRILLAS IN THE PETEN OVERRAN AND DESTROYED A MEDICAL-DENTAL COMPOUND OPERATED BY A LONG-RESIDENT AMERICAN MISSIONARY FAMILY, THE STOLTZFUZ. THE COMPOUND WAS DESTROYED, MEDICAL SUPPLIES

STOLEN, AND THE FAMILY HELD AT GUNPOINT AND THREATENED WITH DEATH UNLESS THEY LEFT GUATEMALA. A PRESS RELEASE FROM THE GUERRILLA-CONTROLLED NEWS AGENCY CERIGUA CLAIMED GUERRILLAS CARRIED OUT THE ATTACK IN RETALIATION FOR THE FAMILY'S ALLEGED SUPPORT OF THE ARMY, I.E., THE MISSIONARIES HAD TREATED SERIOUSLY WOUNDED SOLDIERS. ONE OF THE AMERICANS SUFFERED FURTHER HARASSMENT APPARENTLY AT THE HANDS OF GUERRILLAS IN THE CAPITAL.

DESPITE PROMISES NOT TO INTERFERE WITH ELECTIONS, CREDIBLE REPORTS INDICATED GUERRILLA EFFORTS TO PREVENT PEOPLE FROM TAKING PART IN POLITICAL ACTIVITY.

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GUERRILLAS ALSO REPORTEDLY TRIED TO PREVENT RURAL PEOPLE FROM PARTICIPATING IN INDEPENDENCE DAY CELEBRATIONS. GUERRILLAS USED CHILDREN AS YOUNG AS 13 YEARS OLD IN COMBAT. THEY MAINTAINED TIGHT CONTROL OVER SEVERAL COMMUNITIES IN NORTHERN QUICHE, LABELED CPRS (COMMUNITIES OF RESISTING POPULACE), IN WHICH THEY USED FORCED LABOR AND OBLIGATED PEOPLE TO JOIN GUERRILLA

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PAGE 01 GUATEM 12216 09 OF 14 272115Z
ACTION HA-09

INFO LOG-00 ADS-00 AID-01 INR-05 SS-01 OIC-02 CIAE-00
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GUATEMALA

MILITIA UNITS.

THERE WAS LITTLE RELIABLE INFORMATION IN 1990 ON THE FATE OF CAPTURED GUERRILLAS. INFORMATION FROM OTHER YEARS, HOWEVER, INDICATES SUCH PERSONS OFTEN FACED TORTURE AND DEATH. SOME, HOWEVER, DID AVAIL THEMSELVES OF AMNESTY, COOPERATING WITH THE ARMY, AND RECEIVED GOOD TREATMENT: ONE SUCH PRISONER WAS A 14-YEAR-OLD GUERRILLA WHO HAD BEEN RECRUITED FROM A REFUGEE CAMP IN MEXICO AND TURNED HIMSELF OVER TO THE ARMY IN MARCH.

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INFORMAL TALKS AIMED AT ENDING THE 30-YEAR INTERNAL CONFLICT WERE SPONSORED BY THE NATIONAL RECONCILIATION

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COMMISSION (CNR), CREATED BY THE ESQUIPULAS ACCORDS. THE FIRST TALKS TOOK PLACE IN MARCH IN OSLO BETWEEN THE CNR AND REPRESENTATIVES OF THE GUERRILLA UMBRELLA ORGANIZATION, THE URNG (GUATEMALAN NATIONAL REVOLUTIONARY UNITY) WHICH CONSISTS OF THREE GUERRILLA MOVEMENTS AND A FACTION OF THE ILLEGAL COMMUNIST PARTY (PGT). THE NEXT TALKS WERE IN MADRID IN MAY BETWEEN THE URNG AND REPRESENTATIVES OF GUATEMALA'S LEGAL POLITICAL PARTIES. THE MAJOR PRIVATE SECTOR ORGANIZATION, CACIF, MET THE URNG IN OTTAWA AT THE END OF AUGUST. CHURCH LEADERS HELD TALKS WITH THE URNG IN QUITO IN LATE SEPTEMBER WITH "POPULAR ASSOCIATIONS" SCHEDULED TO MEET THE URNG IN MEXICO OCTOBER/NOVEMBER. THE TALKS ARE TO CULMINATE IN A MEETING BETWEEN GOVERNMENT REPRESENTATIVES AND THE URNG. THESE TALKS ARE THE MOST PROMISING DEVELOPMENT IN YEARS AND HOLD OUT HOPE THE WAR COULD END IN COMING MONTHS. THE WAR CONTINUES TO SERVE AS THE PRINCIPAL JUSTIFICATION FOR THE SERIOUS HUMAN RIGHTS ABUSES SUFFERED IN GUATEMALA.

SECTION 2

RESPECT FOR CIVIL LIBERTIES, INCLUDING:

A. FREEDOM OF SPEECH AND PRESS

THE CONSTITUTION PROVIDES FOR FREEDOM OF EXPRESSION; THERE WERE NO SIGNS OF OFFICIALLY ORDERED OR SANCTIONED EFFORTS TO RESTRICT IT. VOCAL CRITICS OF THE GOVERNMENT, PARTICULARLY IN THIS ELECTION YEAR, HAD WIDESPREAD MEDIA ACCESS. IN 1990, A NEW DAILY, "SIGLO

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XXI," APPEARED AND TOOK A LINE GENERALLY CRITICAL OF THE GOVERNMENT. THE OTHER THREE MAJOR PAPERS WERE ALSO

CRITICAL OF THE GOVERNMENT, ONE OPENLY FAVORED AN OPPOSITION PRESIDENTIAL CANDIDATE: ITS OWNER. HIGHLY CRITICAL PRESS RELEASES, PAID ADVERTISEMENTS, AND OTHER PRONOUNCEMENTS BY POLITICAL PARTIES, PRIVATE SECTOR GROUPS, LABOR UNIONS, HUMAN RIGHTS ORGANIZATIONS, GUERRILLA GROUPS, AND GUERRILLA-FRONTS SUCH AS CPR AND CERIGUA (SEE SEC 1. G) RAN WITHOUT OFFICIAL INTERFERENCE. FOREIGN FILMS, T.V. PROGRAMS, BOOKS, MAGAZINES, AND NEWSPAPERS WERE AVAILABLE, LIMITED BY COST AND HARD CURRENCY CONCERNS.

THERE CONTINUED TO BE "SELF-CENSORSHIP" ON CERTAIN TOPICS. JOURNALISTS ABANDONED SOME THEMES OR WATERED DOWN CONCLUSIONS RATHER THAN TEST THE LIMITS OF TOLERANCE OF CERTAIN GROUPS, PARTICULARLY IN THE SECURITY FORCES. THERE WAS NO PRESS DISCUSSION, FOR EXAMPLE, OF CORRUPTION IN THE ARMY, ALTHOUGH CIVILIAN CORRUPTION WAS AN ELECTORAL ISSUE. THERE WAS, NEVERTHELESS, THOROUGH COVERAGE GIVEN CHARGES BY THE U.S. EMBASSY THAT AN ACTIVE-DUTY MILITARY ADVISOR TO PRESIDENT CEREZO, THE HEAD OF A NOW DEFUNCT PRESIDENTIAL ANTI-CORRUPTION UNIT, WAS INVOLVED IN DRUG TRAFFICKING. THE PRESS, HOWEVER, RAN NO INDEPENDENT INVESTIGATION.

B. FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION

THE CONSTITUTION RECOGNIZES THE RIGHT OF PEACEFUL ASSEMBLY AND ASSOCIATION. PARADES, RALLIES, MARCHES, FORUMS, PUBLIC DEBATES, AND SEMINARS TOOK PLACE OPENLY AND FREELY THROUGHOUT 1990. POLITICAL PARTIES REGISTERED LARGE NUMBERS OF CANDIDATES AND MEMBERS.

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ORGANIZATIONS NEED LEGAL ASSOCIATION STATUS, A CUMBERSOME AND EXPENSIVE PROCEDURE WHICH WORKS AGAINST ORGANIZATIONS WITHOUT GOOD FUNDING OR LEGAL EXPERTISE. AS THE YEAR ENDED, FORE EXAMPLE, CERJ EFFORTS TO BECOME A REGISTERED ORGANIZATION HAD STILL NOT PROSPERED AFTER 18 MONTHS. THE LACK OF LEGAL ASSOCIATION STATUS, HOWEVER, DID NOT PREVENT A LARGE NUMBER OF ASSOCIATIONS, INCLUDING CERJ AND OTHERS WITH INTERNATIONAL TIES, FROM

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PAGE 01 GUATEM 12216 10 OF 14 272116Z
ACTION HA-09

INFO LOG-00 ADS-00 AID-01 INR-05 SS-01 OIC-02 CIAE-00
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[redacted] SECTION 10 OF 14 GUATEMALA 12216

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OPERATING AND HOLDING AUTHORIZED RALLIES AND MARCHES.

SOME HUMAN RIGHTS GROUPS, SUCH AS GAM, CONAVIGUA, AND POSSIBLY CERJ, SHOWED A WILLINGNESS TO ENGAGE IN CIVIL DISOBEDIENCE AND ILLEGAL AND EVEN VIOLENT ACTIONS. IN MAY, THE GAM, PROTESTING THE DISAPPEARANCE OF SOLIS PAJARITO, ILLEGALLY OCCUPIED FOR SEVERAL DAYS THE OFFICES OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC). GAM ALSO THREATENED TO OCCUPY THE OFFICES OF THE HUMAN RIGHTS OMBUDSMAN BUT WAS DISSUADED BY A WARNING FROM THE OMBUDSMAN THAT HE WOULD NOT TOLERATE ILLEGAL ACTIVITIES ON THE OFFICE'S PROPERTY. GAM WAS ALSO INVOLVED IN THE OCCUPATION OF THE CAVISA BOTTLING PLANT (SEE SEC 6). BRIGADAS DE GAM PERSONNEL EXCHANGED [redacted]

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PAGE 02 GUATEM 12216 10 OF 14 272116Z

ROCKS WITH CIVIL DEFENSE PATROL MEMBERS IN A VILLAGE NEAR CHICHICASTENANGO (QUICHE). GAM SOUGHT TO MARCH IN PROTEST OVER ALLEGEDLY OBLIGATORY PATROL MEMBERSHIP. THE MARCH TURNED VIOLENT WHEN, ACCORDING TO GAM AND OTHER WITNESSES, PATROL MEMBERS BEGAN PELTING THE MARCHERS WITH ROCKS; OTHER EYEWITNESS ACCOUNTS, HOWEVER, HAVE THE FIRST ROCKS THROWN BY MARCHERS. GAM AND CONAVIGUA ORGANIZED A DEMONSTRATION IN JUNE IN PACOC (QUICHE) WHICH TURNED VIOLENT WHEN, ACCORDING TO A RELIABLE EYEWITNESS, THE DEMONSTRATORS PELTED TWO LOCAL POLICEMEN WITH ROCKS. SOME DEMONSTRATORS LATER CLAIMED THERE HAD BEEN AN ATTEMPT TO KIDNAP THEM--THERE WAS NO EVIDENCE OF SUCH AN ATTEMPT. PERSONS CLAIMING TO BELONG TO CERJ AND BOASTING OF THE PROTECTION AFFORDED THEM BY THEIR INTERNATIONAL TIES WERE RELIABLY REPORTED BY AN EYEWITNESS TO HAVE ENGAGED IN PUBLIC THREATS AGAINST OFFICIALS IN ZACUALPA (QUICHE).

C. FREEDOM OF RELIGION

THERE IS NO STATE RELIGION. RELIGIOUS FREEDOM IS GUARANTEED IN THE CONSTITUTION AND RESPECTED IN PRACTICE. WHILE 70 PERCENT OF THE POPULACE IS NOMINALLY ROMAN CATHOLIC, MANY INDIANS MIX TRADITIONAL AND CATHOLIC BELIEFS. A LARGE NUMBER OF OTHER FAITHS WORK FREELY IN GUATEMALA: OVER 25 PERCENT OF THE POPULATION ADHERES TO A VARIETY OF PROTESTANT DENOMINATIONS, MANY WITH INTERNATIONAL TIES. AS A RULE, FOREIGN PRIESTS AND MISSIONARIES WORKED WITHOUT OFFICIAL INTERFERENCE. GUATEMALA HAS MORMON, JEWISH, BAHA'I, BUDDHIST, JEHOVA WITNESS, AND ISLAMIC COMMUNITIES.

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D. FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FOREIGN TRAVEL, EMIGRATION, REPATRIATION

THE GOVERNMENT DID NOT RESTRICT FOREIGN TRAVEL; CRITICS TRAVELED ABROAD FREELY AND RETURNED. GOVERNMENT DOES NOT REVOKE CITIZENSHIP FOR POLITICAL REASONS. MOVEMENT WITHIN GUATEMALA WAS GENERALLY UNHINDERED EXCEPT IN CONFLICTIVE AREAS. GUERRILLAS OF THE EGP (GUERRILLA ARMY OF THE POOR) CONTINUED TO MAINTAIN TIGHT CONTROL OVER SEVERAL VILLAGES IN NORTHERN QUICHE AND SEVERELY RESTRICTED THE TRAVEL OF RESIDENTS WITH THREATS OF VIOLENCE AND GENEROUS USE OF LAND MINES. SOME PERSONS IN CIVIL DEFENSE PATROLS CLAIMED THEIR FREEDOM TO TRAVEL FROM THEIR VILLAGES, PARTICULARLY DURING THE SUGAR HARVEST ON THE COAST WHERE MANY WORK, IS RESTRICTED BY PATROL LEADERS WHO DEMAND PAYMENTS FOR THE DAYS AN INDIVIDUAL WILL MISS PATROL DUTIES.

GUATEMALA REMAINED A REFUGE FOR THOUSANDS OF CENTRAL AMERICANS. REPATRIATION OF REFUGEES FROM MEXICO CONTINUED DURING 1990. MANY OF THE ESTIMATED 40,000 REFUGEES STILL IN UN CAMPS IN MEXICO WAITED TO SEE THE OUTCOME OF ELECTIONS IN GUATEMALA; OTHERS HAD CLEARLY ESTABLISHED ROOTS IN MEXICO AND WILL PROBABLY NOT RETURN. THE GOVERNMENT WELCOMED THE RETURN OF THE REFUGEES AND EFFORTS WERE MADE TO SETTLE THEM QUICKLY. THERE WERE CREDIBLE REPORTS OF GUERRILLA EFFORTS TO DISSUADE REFUGEES FROM RETURNING TO CERTAIN AREAS.

SECTION 3

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RESPECT FOR POLITICAL RIGHTS: THE RIGHT OF CITIZENS TO CHANGE THEIR GOVERNMENT

GUATEMALANS HAVE THE RIGHT TO CHANGE GOVERNMENT BY PEACEFUL AND DEMOCRATIC MEANS. THERE IS UNIVERSAL SUFFRAGE VIA SECRET BALLOT; VOTING AGE IS 18. THERE ARE NO PROPERTY OR LITERACY REQUIREMENTS. NATIONAL ELECTIONS WERE HELD NOVEMBER 11 WITH THE PARTICIPATION

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PAGE 01 GUATEM 12216 11 OF 14 272116Z
ACTION HA-09

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TO SECSTATE WASHDC 4127

[redacted] SECTION 11 OF 14 GUATEMALA 12216

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GUATEMALA

OF 20 REGISTERED POLITICAL PARTIES, AND NUMEROUS PRESIDENTIAL, CONGRESSIONAL, AND MUNICIPAL CANDIDATES. A RUN-OFF ELECTION BETWEEN THE TOP TWO PRESIDENTIAL CANDIDATES TOOK PLACE JANUARY 6 WITH A PEACEFUL TRANSFER OF POWER TO ANOTHER CIVILIAN GOVERNMENT ON JANUARY 14. CANDIDATE DEBATES AND CONGRESSIONAL SESSIONS WERE WIDELY COVERED BY THE LOCAL MEDIA. CANDIDATES HAD ACCESS TO MEDIA, AND HELD RALLIES AND OTHER PUBLIC EVENTS WITHOUT OFFICIAL HINDRANCE.

DURING THE MEETING IN MADRID IN MAY BETWEEN GUERRILLA REPRESENTATIVES AND THOSE OF THE LEGAL POLITICAL PARTIES, BOTH SIDES AGREED TO INITIATE SIGNIFICANT CONSTITUTIONAL CHANGES IN 1991 WHICH WOULD, AMONG OTHER

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CHANGES, ENABLE GUERRILLAS TO RUN FOR OFFICE.

SECTION 4

GOVERNMENTAL ATTITUDE REGARDING INTERNATIONAL AND NONGOVERNMENTAL INVESTIGATION OF ALLEGED VIOLATIONS OF HUMAN RIGHTS

THE GOVERNMENT DID NOT HINDER INTERNATIONAL HUMAN RIGHTS GROUPS VISITING AND WORKING IN GUATEMALA. SENIOR OFFICIALS MET REPRESENTATIVES OF THESE GROUPS, INCLUDING AW, WOLA, AI, AND A GROUP LOOKING INTO THE ALLEGED ABDUCTION OF AMERICAN CITIZEN DIANA ORTIZ (SEC 1.B). UN AND OAS REPRESENTATIVES ALSO VISITED. SOME FOREIGN HUMAN RIGHTS-RELATED GROUPS--BRIGADAS DE GAM, PEACE BRIGADES INTERNATIONAL, AND WITNESSES FOR PEACE--SET UP PERMANENT PRESENCE WITHOUT OFFICIAL INTERFERENCE. THE GOVERNMENT, HOWEVER, PROVED SENSITIVE TO OUTSIDE CRITICISM OF ITS HUMAN RIGHTS RECORD, LABELING IT AS POLITICAL. PRESIDENT CEREZO STATED U.S. GOVERNMENT CRITICISM WAS DRIVEN BY A DESIRE "TO PAY BACK" GUATEMALA FOR ITS FOREIGN POLICY INDEPENDENCE. GUATEMALA'S HUMAN RIGHTS RECORD CAME UNDER CRITICISM AT THE UNITED NATIONS COMMISSION ON HUMAN RIGHTS, ALTHOUGH AN EFFORT TO REESTABLISH A HUMAN RIGHTS RAPPORTEUR FOR GUATEMALA DID NOT PROSPER. THE UN DEBATE DREW CONSIDERABLE PUBLIC, PRESS, AND OFFICIAL ATTENTION.

THE CONSTITUTIONALLY CREATED HUMAN RIGHTS OMBUDSMAN OFFICE INCREASED ITS ACTIVITIES UNDER ITS NEW HEAD, [redacted]

RAMIRO DE LEON CARPIO. THE OFFICE ESTABLISHED AN INVESTIGATIONS UNIT AND UNDERTOOK ENERGETIC EDUCATION CAMPAIGNS AMONG THE PUBLIC AND THE SECURITY FORCES. THE OFFICE ISSUED STRONG STATEMENTS CRITICAL OF THE GOVERNMENT AND THE SECURITY FORCES AND REPORTED IT HAD INFORMATION WHICH INDICATED A POSSIBLE INVOLVEMENT BY MILITARY IN MURDER OF U.S. CITIZEN MICHAEL DEVINE (SEC. 1. A). DEPUTY OMBUDSMAN ALVAREZ GUADAMUZ RISKED HIS LIFE IN MARCH TO SAVE CERJ LEADER AMILCAR MENDEZ FROM AN ATTACK BY CIVIL PATROLMEN IN PARRAXTUT; ALVAREZ AND MENDEZ WERE ESCORTING RETURNING FAMILIES WHO FLED

PARRAXTUT IN THE WAKE OF THE MEJIA KILLING (SEC 1.A) WHEN THEY WERE SET UPON. MENDEZ MANAGED TO FLEE BUT ALVAREZ WAS HELD AND THREATENED WITH DEATH. SOME DAYS LATER THE PATROL MEMBERS APOLOGIZED TO ALVAREZ; NO CRIMINAL CHARGES WERE FILED AGAINST THE ATTACKERS. THE FAMILIES RESUMED LIVING IN PARRAXTUT, BUT REPORTEDLY NOT ON A FULL-TIME BASIS. THE OFFICE DID NOT EMIT A LONG-AWAITED REPORT ON THE 1988 EL AGUACATE MASSACRE; THE OMBUDSMAN COULD REACH NO CONCLUSION AMONG MUCH CONFLICTING EVIDENCE.

LOCAL HUMAN RIGHTS ORGANIZATIONS REMAINED HIGHLY POLITICIZED. THE PRESIDENT'S ADVISORY COMMISSION ON HUMAN RIGHTS, ENGAGED IN LITTLE ACTIVITY AND SEEMED MORE INTERESTED IN EFFORTS TO DEFEND THE OFFICIAL RECORD AT THE UN THAN IN CARRYING OUT WORK IN GUATEMALA. LOCAL NONGOVERNMENTAL HUMAN RIGHTS ORGANIZATIONS, SUCH AS GAM, CONAVIGUA, CODEP, CIEPRODH, CERJ, WERE GENERALLY NOT GOOD SOURCES OF OBJECTIVE INFORMATION AND DID NOT HAVE A GREAT DEAL OF CREDIBILITY IN GUATEMALA.

SECTION 5

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DISCRIMINATION BASED ON RACE, SEX, RELIGION, LANGUAGE, OR SOCIAL STATUS

ACCORDING TO OFFICIAL STATISTICS, ABOUT HALF OF THE POPULATION WAS CULTURALLY INDIGENOUS WITH THE REST LADINO. ALTHOUGH HAVING EQUAL LEGAL RIGHTS, INDIGENOUS PEOPLE REMAINED OUTSIDE THE NATIONAL CULTURE, LANGUAGE,

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PAGE 01 GUATEM 12216 12 OF 14 272116Z
ACTION HA-09

INFO LOG-00 ADS-00 AID-01 INR-05 SS-01 OIC-02 CIAE-00
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[redacted] SECTION 12 OF 14 GUATEMALA 12216

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GUATEMALA

UNCLASSIFIED

AND ECONOMY. INDIGENOUS MALES CONTINUED TO BE MUCH MORE LIKELY THAN URBAN LADINOS TO BE DRAFTED INTO THE ARMY OR FORCIBLY RECRUITED INTO GUERRILLA GROUPS. INDIGENOUS PEOPLE SUFFERED MOST OF THE COMBAT CASUALTIES AND MAJOR RIGHTS ABUSES (SEC. 1. A AND B). BOTH THE ARMY AND THE GUERRILLAS FIELDED LARGELY INDIGENOUS ARMIES, USUALLY LED BY LADINOS. THERE WERE, HOWEVER, A FEW INDIGENOUS SERVING AS ARMY OFFICERS AND IN CONGRESS. THERE IS MUCH SOCIAL DISCRIMINATION BY LADINOS (WESTERNIZED GUATEMALANS) AGAINST THE INDIGENOUS PEOPLE.

WOMEN WERE VERY ACTIVE IN THE NATION'S WORK FORCE, PARTICULARLY IN AGRICULTURE, THE GROWING TEXTILE INDUSTRY, LOW-PAYING PUBLIC SECTOR JOBS, AND IN THE [redacted]

LOW-END OF THE RETAIL BUSINESS. MANY WOMEN HELD PROMINENT POLITICAL POSTS DURING THE CEREZO ADMINISTRATION. DESPITE LEGAL PROTECTION, WOMEN FACED DISCRIMINATION IN THE JOB MARKET. JOBS WERE OFTEN ADVERTISED ON THE BASIS OF SEX, WITH WOMEN GENERALLY SELECTED FOR LOWER PAYING ONES. NO NATIONAL ORGANIZATIONS WERE DEVOTED TO WOMEN'S ISSUES. ONE PRESIDENTIAL CANDIDATE, RENE DE LEON, SELECTED A WOMAN AS VICE-PRESIDENTIAL CANDIDATE AND ANOTHER, ALFONSO CABRERA, MADE "WOMEN'S ISSUES" A CAMPAIGN THEME.

VIOLENCE AGAINST WOMEN, SUCH AS DOMESTIC VIOLENCE, REMAINED FREQUENT BUT GENERALLY RECEIVED LITTLE ATTENTION FROM POLICE OR PRESS. CRIMINAL SEXUAL VIOLENCE OFTEN WENT UNREPORTED BY VICTIMS AND DID NOT RECEIVE A HIGH PRIORITY FROM POLICE.

SECTION 6

WORKER RIGHTS

A. RIGHT OF ASSOCIATION

WORKERS HAVE THE RIGHT TO JOIN OR FORM UNIONS. THE LAW REGULATING FREE TRADE ZONES STIPULATES THAT ALL LABOR REGULATIONS APPLY. ABOUT 8 PERCENT OF THE WORK FORCE

WAS IN UNIONS; MUCH OF THE PUBLIC SECTOR, HOWEVER, WAS UNIONIZED. MOST UNION ORGANIZING SINCE THE ENACTMENT OF THE CONSTITUTION HAS BEEN IN THE PUBLIC SECTOR. THE CIVIL CODE REQUIRES ALL ORGANIZATIONS TO FULFILL

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PAGE 03 GUATEM 12216 12 OF 14 272116Z

STRINGENT REQUIREMENTS IN ORDER TO OBTAIN LEGAL STATUS, WHICH CONTRIBUTES TO THE SMALL PERCENTAGE OF UNIONIZED WORKERS. WHILE STATUTES SET A LIMIT OF A FEW DAYS FOR PROCESSING OF APPLICATIONS, DELAYS OF MONTHS OR YEARS ARE NOT UNUSUAL. THERE WERE SEVERAL PROPOSALS FOR REFORMING THE REGISTRATION PROCESS. ILO EXPERTS HELPED WRITE A DRAFT LABOR CODE THAT LIMITS OFFICIALS TO CERTIFYING WORKERS JOINED OF THEIR OWN WILL. THE PROPOSAL REMAINED IN CONGRESS. DESPITE HURDLES, 29 LEGAL UNIONS WERE FORMED IN 1990 WITH 14 MORE APPROVED AND AWAITING OFFICIAL NOTIFICATION. THERE WAS A SOLIDARISMO MOVEMENT WHICH CRITICS LABELED AN EMPLOYER-INSPIRED RIVAL TO GENUINE UNIONS. THE LABOR MINISTRY DID NOT REGISTER SOLIDARISMO ORGANIZATIONS.

UNION LEADERS MUST SHOW THEY HAVE NO CRIMINAL RECORD, WORK AT THE COMPANY BEING UNIONIZED, AND CAN READ. THEY MAY SERVE ONLY ONE TERM, BUT BY ROTATING OFFICES THE SAME PERSONS STAY ON THE BOARD OF DIRECTORS. LEADERS REMAINED AS LONG AS THEY HAD GRASS ROOTS SUPPORT. LEGAL RESTRICTIONS ON POLITICAL ACTIVITY BY UNION LEADERS WERE NOT ENFORCED; SEVERAL WERE CANDIDATES FOR CONGRESS AND ACTIVELY TOOK PART IN ELECTIONEERING. UNIONS ARE REQUIRED TO HAVE A MINIMUM OF 20 MEMBERS, BUT A CRAFT UNION OF SKILLED WORKERS FROM SEVERAL COMPANIES IS PERMITTED. THE SOCIAL DEMOCRATIC CONFEDERATION, CUSG, FORMED SUCH A UNION AMONG MUNICIPAL WORKERS. IT HAD BEEN COMMON FOR EMPLOYERS TO FORM SEVERAL ENTITIES OF LESS THAN 20 WORKERS, IN THE HOPE WORKERS WOULD HAVE NO POSSIBILITY OF UNIONIZING. IN A VICTORY FOR UNIONS, A COURT RULED IN 1990 THAT AN ECONOMIC UNIT, LABORATORIOS BONIN IN THIS CASE, MUST BE TREATED AS A WHOLE. THE RULING WAS UNDER APPEAL.

[redacted]

THE CONSTITUTION PROVIDES FOR THE RIGHT TO STRIKE, BUT PROCEDURES FOR A LEGAL STRIKE ARE CUMBERSOME. MOST SIMPLY OCCUR WITHOUT PERMISSION AND, IN PRACTICE, THE MINISTRY OF LABOR MAKES NO EFFORT TO DETERMINE THE LEGALITY. THE FIRST LEGAL STRIKES IN MEMORY OCCURRED IN 1990--ALL THREE INVOLVED SMALL NUMBERS OF WORKERS. A DISSIDENT GROUP OF FORMER UNION LEADERS WAS ABLE TO

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ACTION HA-09

INFO LOG-00 ADS-00 AID-01 INR-05 SS-01 OIC-02 CIAE-00
EB-01 DODE-00 H-01 IO-19 NSCE-00 ARA-01 NSAE-00
L-03 LAB-04 TRSE-00 PA-01 STR-18 SIL-01 INRE-00
RP-10 USIE-00 SP-01 SR-01 PRS-01 P-02 /082 W
——————244773 291518Z /43

R 272106Z SEP 90
FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC 4129

[redacted] SECTION 13 OF 14 GUATEMALA 12216

NOFORN
DEPARTMENT FOR HA AND S/IL

E.O. 12356: N/A
TAGS: PHUM, ELAB, GT
SUBJECT: 1990 COUNTRY REPORT ON HUMAN RIGHTS PRACTICES:
GUATEMALA

OBTAIN A STRIKE VOTE BY WORKERS IN THE SOCIAL SECURITY SYSTEM, BUT AT YEAR'S END THE COUNTING OF BALLOTS WAS IN SUSPENSE. A MAJOR STRIKE INVOLVED THE OCCUPATION OF THE CAVISA GLASS FACTORY, SUPPOSEDLY OVER THE ISSUE OF JOB STABILITY. MANAGEMENT REFUSED TO BARGAIN UNTIL WORKERS WITHDREW FROM THE FACTORY. AFTER FIVE MONTHS OF LEGAL WRANGLES, COURTS ORDERED POLICE TO REMOVE THE WORKERS, SOME OF WHOM WERE ARMED. MANAGEMENT ESTIMATED USD 6 MILLION IN DAMAGES THROUGH NEGLECT AND PILFERAGE; THE FACTORY DID NOT RE-OPEN. THE CAVISA UNION WAS DISSOLVED THROUGH THE COURT ORDER.

UNIONS MAY FORM FEDERATIONS AND CONFEDERATIONS AND MAY JOIN INTERNATIONAL BODIES. THE SOCIAL DEMOCRATIC

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PAGE 02 GUATEM 12216 13 OF 14 272117Z

CONFEDERATION, CUSG, IS A PARTICIPANT IN ORIT AND THROUGH THE REGIONAL BODY WITH THE ICFTU; THE SOCIAL CHRISTIAN CONFEDERATION, CGTG, IS ACTIVE IN CLAT, THE REGIONAL AFFILIATE OF THE WORLD CONFEDERATION OF LABOR. NO UNION OPENLY MAINTAINED RELATIONS WITH THE COMMUNIST WFTU, BUT SOME LABOR LEADERS IN EXILE, WHO CLAIM TO LEAD UNIONS, REPRESENTED THEM IN WFTU ACTIVITIES.

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B. THE RIGHT TO ORGANIZE AND BARGAIN COLLECTIVELY

LARGELY DISCREDITED LABOR COURTS WERE RESPONSIBLE FOR ENFORCING LAWS PROHIBITING ANTI-UNION DISCRIMINATION. AN EXAMPLE OF COURT INEFFECTIVENESS WAS THE 1988 DECISION THAT TEXTILES FRANCISCO CAPUANO Y HIJOS REHIRE 60 WORKERS AND PAY BACK WAGES. TWO YEARS LATER, THE COURTS WERE STILL DEBATING THE COMPANY'S APPEAL OF THE 1,000 QUETZAL (170 USD) FINE FOR DISOBEYING THE ORDER. THIRTY-SIX WORKERS REMAINED UNEMPLOYED; THE REST TOOK OTHER JOBS, LOSING RE-EMPLOYMENT RIGHTS. ANOTHER CASE INVOLVED THE EL PILAR SUGAR MILL. WORKERS WERE FIRED AFTER REQUESTING A COURT INJUNCTION TO ENABLE THEM TO FORM A UNION. ONE WORKER, JUAN TARACH, WAS KILLED IN A CAR ACCIDENT AND MANAGEMENT TOOK NO ACTION TO ALLAY SUSPICION VIOLENCE WAS IMMINENT. EVENTUALLY, ALL BUT TWO WORKERS WITHDREW THEIR LEGAL CLAIMS. WHEN AN APPARENT ATTEMPT BY UNKNOWN PERSONS WAS MADE TO KILL THE TWO HOLD-OUTS, THEY OBTAINED ASYLUM IN CANADA.

THE MINISTRY OF LABOR REACHED A COLLECTIVE BARGAINING AGREEMENT WITH ITS UNION, THE FIRST AMONG CIVIL

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SERVANTS. THE CONFLICTIVE, SEMI-AUTONOMOUS ELECTRICAL UNION, STINDE, SIGNED AN AGREEMENT WITH MANAGEMENT. THE GOVERNMENT, IN AN ELECTORAL MOVE, TRIED TO FORCE COLLECTIVE BARGAINING ON THE PRIVATE SECTOR THROUGH PROVISIONS IN AN INCENTIVE PAY LAW AND PROPOSED LEGISLATION ON SALARY POLICY; BOTH MET STRONG OPPOSITION.

THE GUATEMALAN LABOR CODE GIVES PRIMACY TO THE PROTECTION OF INDIVIDUAL WORKERS OVER COLLECTIVE RIGHTS; THESE PROVISIONS EXCEED INTERNATIONAL STANDARDS AND U.S. LAW. SALARIES ARE SET PRIMARILY THROUGH INDIVIDUAL NEGOTIATIONS OR MINIMUM WAGES. LABOR INSPECTORS REPORT TO LABOR COURTS.

ALTHOUGH MANY LOCAL AND INTERNATIONAL GROUPS, INCLUDING THE ICFTU, CLAIM UNIONISTS HAVE BEEN "PARTICULAR TARGETS OF DEATH SQUADS," THERE IS NO CONVINCING EVIDENCE OF A SYSTEMATIC ATTACK ON UNIONISTS BY OFFICIALS OR PERSONS

CONNECTED WITH THE SECURITY FORCES. LABOR VIOLENCE GENERALLY INVOLVED "THUGS" EMPLOYED ON AN AD HOC BASIS. WITHOUT DOUBT, SOME THREATS TO UNIONISTS RESULTED FROM INFORMATION OBTAINED BY SECURITY FORCES ON ALLEGEDLY SUBVERSIVE ACTIVITIES AND PASSED TO EMPLOYERS OR ACTED UPON BY PERSONS IN THE SECURITY FORCES. UNION ACTIVITIES, PER SE, WERE NOT CONSIDERED "SUBVERSIVE."

C. PROHIBITION OF FORCED OR COMPULSORY LABOR

THE CONSTITUTION PROHIBITS FORCED LABOR AND IT GENERALLY DID NOT EXIST. THERE WERE ALLEGATIONS CIVIL DEFENSE PATROLS VIOLATE THE CONVENTION ON FORCED LABOR. CREDIBLE ISOLATED REPORTS EXISTED OF UNPAID PATROLMEN

[redacted]

[redacted]

USED FOR ROAD WORK, BUILDING BARRACKS, OR CUTTING FIREWOOD. NO SYSTEMATIC PATTERN HAS BEEN ESTABLISHED.

D. MINIMUM AGE FOR THE EMPLOYMENT OF CHILDREN

THE CONSTITUTION BARS EMPLOYMENT OF CHILDREN UNDER 14. IN THE INDUSTRIAL SECTOR, WHERE LABOR CODES WERE RELATIVELY EASY TO ENFORCE, CHILD LABOR DID NOT SEEM

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PAGE 01 GUATEM 12216 14 OF 14 272117Z
ACTION HA-09

INFO LOG-00 ADS-00 AID-01 INR-05 SS-01 OIC-02 CIAE-00
EB-01 DODE-00 H-01 IO-19 NSCE-00 ARA-01 NSAE-00
L-03 LAB-04 TRSE-00 PA-01 STR-18 SIL-01 INRE-00
RP-10 USIE-00 SP-01 SR-01 PRS-01 P-02 /082 W
——————244775 291518Z /43
R 272106Z SEP 90
FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC 4130

[redacted] SECTION 14 OF 14 GUATEMALA 12216

NOFORN
DEPARTMENT FOR HA AND S/IL

E.O. 12356: N/A
TAGS: PHUM, ELAB, GT
SUBJECT: 1990 COUNTRY REPORT ON HUMAN RIGHTS PRACTICES:
GUATEMALA

FREQUENT. IN THE INFORMAL AND AGRICULTURAL SECTORS, HOWEVER, SUCH LABOR IS COMMON. IT IS NOT UNUSUAL TO SEE CHILDREN HELPING RUN SMALL FAMILY BUSINESSES--E.G., ROAD-SIDE STANDS--BEGGING, AND WASHING OR GUARDING CARS. A LOCAL ORGANIZATION, CASA ALIANZA, ESTIMATES 5000 STREET CHILDREN IN THE CAPITAL--MANY ENGAGED IN PROSTITUTION AND PETTY CRIME. IN RURAL AREAS, WHOLE FAMILIES WORKED. THE LABOR MINISTER RECOGNIZED THE

DIFFICULTY IN APPLYING CHILD LABOR LAWS WHEN POOR FAMILIES NEED ALL MEMBERS TO FEED ALL MOUTHS.

ON THE POSITIVE SIDE, SCHOOL ENROLMENT, AN INDICATOR OF CHILDREN NOT WORKING, ROSE. IN 1985, 1.016 MILLION WERE IN SCHOOL; BY 1988, 1.139 MILLION; RURAL AREAS ROSE FROM [redacted]

571,000 TO 641,000.

E. ACCEPTABLE CONDITIONS OF WORK

THE WORK DAY IS LEGALLY EIGHT HOURS, THE WORK WEEK 44, BUT A TRADITION OF LONG WORK DAYS HAS NOT DISAPPEARED. THIRD-COUNTRY OWNERS OF TEXTILE PLANTS REPORTEDLY PAID MINIMUM WAGES FOR A TWELVE-HOUR DAY, VIOLATING BOTH THE CONSTITUTION AND LABOR CODE. THE MINISTRY OF LABOR HAD COMPLAINTS OF BEATINGS AND FIRINGS OF TEXTILE EMPLOYEES HELD TO BE DOING LESS THAN THE EXPECTED WORKLOAD. LABOR INSPECTORS WERE NOT DILIGENT IN ENFORCING THE EIGHT-HOUR DAY, IN PART BECAUSE TEXTILE PLANTS CLOSE WHEN THEY FIND CONDITIONS MORE ATTRACTIVE ELSEWHERE. LEGISLATION PROVIDED FOR A VARIETY OF MINIMUM WAGES, ALL INADEQUATE IN THE INFLATIONARY ECONOMY OF 1990. TRADITIONAL LANDOWNERS FILED LEGAL CHALLENGES TO AN OFFICIAL DECREE RAISING RURAL WAGES FROM 0.70 USD TO 1.70 USD PER DAY. TWO-YEAR-OLD MINIMUM WAGES IN OTHER SECTORS WERE ONLY SLIGHTLY HIGHER, FEW WERE RAISED.

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[redacted]

~~CONFIDENTIAL~~

MEMORANDUM

TO: ARA -

THROUGH: ARA -

FROM: ARA/S

SUBJECT: Bush-
Backg

Drafter: ARA/SC:KLStevens
Doc 8175 x72575

Clearance: ARA/SC:APerez

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PAGE 01 SAN SA 13289 01 OF 02 290055Z
ACTION ARA-01

INFO	LOG-00	ADS-00	AID-01	INR-05	SS-01	CIAE-00	DODE-00
	H-01	NSCE-00	NSAE-00	SSO-01	HA-09	L-03	AMAD-01
	TRSE-00	PM-01	PA-01	OMB-01	INRE-00	OCS-06	CA-02
	ACDA-13	USIE-00	SP-01	SNP-01	C-01	PRS-01	DS-01
	SCT-03	P-02	T-01	DPR-01	/059 W		

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O 290054Z SEP 90
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 1864
DEPT OF JUSTICE WASHDC
DIRFBI WASHDC
AMEMBASSY MEXICO

[redacted] SECTION 01 OF 02 SAN SALVADOR 13289

FOR ARA/CEN

FBI FOR MARTY HALE/OLIA

MEXICO PASS TO JOE GANNON, LEGATT

DOJ PASS TO DMAXWELL, ICITAP

E.O. 12356: NA
TAGS: PGOV, KJUS, PREL, OJAN, ES, US
SUBJECT: JESUIT CASE UPDATE - BUCKLAND TESTIFIES

REF: SAN SALVADOR 12698

1. [redacted] ENTIRE TEXT

2. SUMMARY: IN A LENGTHY SESSION MAJOR ERIC W. BUCKLAND TESTIFIED BEFORE THE FOURTH PENAL COURT JUDGE RICARDO ZAMORA TODAY (SEPT. 27). THE TESTIMONY CONTAINED NO SURPRISES. MAJOR BUCKLAND OPENED THE
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PAGE 02 SAN SA 13289 01 OF 02 290055Z

TESTIMONY WITH A LONG STATEMENT, WITHOUT THE BENEFIT OF NOTES, AND WAS THEN CROSS-EXAMINED BY THE JUDGE, THE PROSECUTORS AND THE DEFENSE TEAM. THE SESSION ENDED ABRUPTLY WHEN THE DEFENSE TEAM PERSISTED IN ASKING QUESTIONS EXCLUDED UNDER THE CONDITIONS OF THE DIPLOMATIC NOTES EXCHANGED BETWEEN THE EMBASSY AND THE GOES. THE DEFENSE TEAM DECLARED THAT THE CONDITIONS DENIED THEIR RIGHT TO CROSS-EXAMINE THE WITNESS AND THANKFULLY CUT OFF THE SESSION AT APPROXIMATELY 15:00

Department of State TR/FIG/CDR El Salvador SF Date 9/24/93
( ) in full (X) ;
and (X); ( );
, Privacy (X), Statutory ( );
not relevant to El Salvador ( ).

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TEXT OF TELEGRAM 90SAN SA013289

HOURS. END SUMMARY.
3. MAJOR ERIC BUCKLAND ARRIVED IN SAN SALVADOR THIS MORNING UNDER HEAVY SECURITY, TO PROVIDE TESTIMONY TO THE FOURTH PENAL COURT. WITH A TEAM OF TWO ATTORNEYS, HE LANDED AT ILOPANGO AIR FORCE BASE, WAS HELICOPTERED TO THE ESAF MILITARY ACADEMY AND WAS DRIVEN DIRECTLY TO THE RESIDENCE OF THE CHARGE. HIS ENTOURAGE ARRIVED PRIOR TO 08:00.

4. THE TESTIMONY WAS ATTENDED BY JUDGE ZAMORA, A COURT-APPOINTED TRANSLATOR, MARGARET POPKIN, WHO IS ALSO THE DIRECTOR OF THE HUMAN RIGHTS OFFICE OF THE UCA, A TEAM OF THREE PROSECUTORS, THREE DEFENSE ATTORNEYS, THE CHARGE, THE CHIEF OF MILGRP, A MILGRP TRANSLATOR AND TWO EMBOFFS. WITH THIS GROUP CRAMMED AROUND A LARGE CONFERENCE TABLE, BUCKLAND OPENED HIS TESTIMONY WITH A LONG STATEMENT. HIS STATEMENT PROCEEDED SLOWLY. FIRST THE DEFENSE OBJECTED TO HIS USE OF NOTES. PROGRESS WAS ALSO INHIBITED BY THE TRANSLATION, AN AGREED UPON VERSION OF WHICH WAS TRANSCRIBED ON A MANUAL TYPEWRITER.

5. BUCKLAND'S DECLARATION CONTAINED NO SURPRISES. HE DETAILED HIS FRIENDSHIP WITH COL. CARLOS AVILES FROM [redacted]

PAGE 03 SAN SA 13289 01 OF 02 290055Z

ITS INCEPTION. HE CHARACTERIZED AVILES AS A PROFESSIONAL COLLEAGUE AND PERSONAL FRIEND WHO HAD SPECIFICALLY REQUESTED THAT BUCKLAND'S TOUR IN EL SALVADOR BE EXTENDED SO THEY COULD WORK TOGETHER IN THE C-5. BUCKLAND ADDED THAT WHEN HE RETURNED TO THE US IN JULY 1989, HE PRESENTED AVILES WITH A GIFT OF A MINIATURE CANNON FOR HIS COLLECTION. AVILES RECIPROCATED WITH T-SHIRTS FOR BUCKLAND'S SONS AND A GIFT FOR HIS WIFE.

6. BUCKLAND THEN RECOUNTED THE DETAILS OF THE CONVERSATIONS BETWEEN HIMSELF AND AVILES CONCERNING THE JESUIT MURDERS. CONSISTENT WITH EARLIER STATEMENTS, HE RELATED THAT AVILES CONFIDED THAT BENAVIDES HAD ADMITTED TO KILLING THE JESUITS TO LT. COL. RIVAS OF THE SIU, WHO IN TURN HAD INFORMED COL. LOPEZ Y LOPEZ, WHO INFORMED AVILES. BUCKLAND ALSO TESTIFIED THAT ON DECEMBER 28, AVILES MENTIONED THAT HE HAD SEEN BENAVIDES AND THAT HE DID NOT LOOK WELL. HE THEN RECOUNTED THE INCIDENTS LEADING TO HIS PREMATURE DEPARTURE FROM EL SALVADOR, STARTING WITH HIS REPORT TO COL. HUNTER OF THE MILGRP OF WHAT AVILES HAD TOLD HIM.
7. BUCKLAND'S STATEMENT CONCLUDED, JUDGE ZAMORA OPENED THE EXAMINATION PORTION OF THE TESTIMONY BY ASKING WHY HE HAD WAITED SO LONG TO TELL ANYONE ABOUT HIS

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TEXT OF TELEGRAM 9OSAN SAO13289

CONVERSATIONS WITH AVILES. BUCKLAND REPLIED THAT HE WAS THE CUSTODIAN OF A CONFIDENCE THAT HE COULD NOT BETRAY. MOREOVER, HE BELIEVED THAT THE TRUTH WOULD EMERGE ON ITS OWN. THE KEY PERSON, HE SAID, WAS COL. RIVAS OF THE SIU, WHO HAD THE NECESSARY INFORMATION. HE ALSO STATED THAT HE BELIEVED THAT IT WOULD BE BETTER IF THE SALVADORANS SOLVED THE MURDER ON THEIR OWN, WITHOUT US INTERFERENCE.

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TEXT OF TELEGRAM 90SAN SA013289

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PAGE 01 SAN SA 13289 02 OF 02 290056Z
ACTION ARA-01

INFO	LOG-00	ADS-00	AID-01	INR-05	SS-01	CIAE-00	DODE-00
	H-01	NSCE-00	NSAE-00	SSO-01	HA-09	L-03	TRSE-00
	PM-01	PA-01	OMB-01	INRE-00	OCS-06	CA-02	ACDA-13
	USIE-00	SP-01	SNP-01	C-01	PRS-01	DS-01	SCT-03
	P-02	T-01	DPR-01	/058 W			

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FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 1865
DEPT OF JUSTICE WASHDC
DIRFBI WASHDC
AMEMBASSY MEXICO

[redacted] SECTION 02 OF 02 SAN SALVADOR 13289

FOR ARA/CEN

FBI FOR MARTY HALE/DLIA

MEXICO PASS TO JOE GANNON, LEGATT

DOJ PASS TO DMAXWELL, ICITAP

E.O. 12356: NA
TAGS: PGOV, KJUS, PREL, CJAN, ES, US
SUBJECT: JESUIT CASE UPDATE - BUCKLAND TESTIFIES

8. THE JUDGE'S QUESTIONS WERE FOLLOWED BY A LONG BREAK. BUCKLAND'S ATTORNEYS REQUESTED THE RECESS TO REMIND JUDGE ZAMORA OF THE CONDITIONS OF THE TESTIMONY, WHEN THE JUDGE BEGAN QUESTIONS ABOUT BUCKLAND'S DISCUSSIONS WITH THE MOAKLEY TASK FORCE. THE RECESS WAS EXTENDED UNEXPECTEDLY BY THE TYPIST, WHO DISCOVERED THAT HE HAD FAILED TO COVER BOTH SIDES [redacted]

PAGE 02 SAN SA 13289 02 OF 02 290056Z

OF A TYPED PAGE WITH TESTIMONY. UNDER SALVADORAN COURT RULES EACH PAGE MUST BE COMPLETELY FILLED, TO AVOID TAMPERING WITH THE TESTIMONY. THE TYPIST'S OVERSIGHT REQUIRED THAT HE RETYPE THE ENTIRE THREE HOUR TESTIMONY, WHICH DELAYED THE PROCEEDINGS BY NINETY MINUTES.

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9. THE JUDGE THEN TERMINATED HIS OWN QUESTIONS, WHICH WERE FOLLOWED BY SEVERAL QUESTIONS FROM THE

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PROSECUTORS, WHO APPEARED MOST INTERESTED IN WHAT OTHER INFORMATION BUCKLAND MIGHT HAVE RECEIVED IN HIS JOB AT THE ESTADO MAYOR. THE MAJOR REPLIED THAT HE KNEW VERY LITTLE OUTSIDE OF HIS C-5 POSITION AND HAD NO PRIOR KNOWLEDGE OF THE JESUIT MURDERS.

10. PROBLEMS WITH THE DEFENSE ATTORNEYS AROSE ALMOST IMMEDIATELY, WHEN THEY RE-INITIATED INQUIRIES INTO THE MOAKLEY TASK FORCE REPORT. BUCKLAND'S COUNSEL REMINDED THE JUDGE THAT DISCUSSION OF ANY EVENT AFTER JANUARY 6 WAS OUTSIDE OF THE AGREEMENT AND THAT HIS CLIENT SHOULD NOT BE REQUIRED TO RESPOND. DEFENSE ATTORNEYS RESPONDED THAT BUCKLAND'S ATTORNEYS DO NOT HAVE THE RIGHT TO INTERVENE--UNDER SALVADORAN PROCEDURE THE DECLARANT'S ATTORNEY HAS NO RIGHT TO OBJECT. ONLY THE JUDGE CAN DECIDE IF A QUESTION IS APPROPRIATE. SINCE THE JUDGE RULED THAT THE QUESTION WAS RELEVANT, IT MUST BE ANSWERED. REMINDED OF THE CONDITIONS, THE JUDGE ADVISED DEFENSE ATTORNEYS THAT HE COULD NOT VIOLATE THE CONDITIONS WHICH HAD BEEN AGREED TO BY THE FOREIGN MINISTRY. HE AVOIDED ANY ADMISSION TO THE ATTORNEYS THAT HE HAD HIMSELF BEEN PRIVY TO THE CONDITIONS AND HAD MADE NO OBJECTIONS. THE DEFENSE CONCLUDED THAT IT COULD NOT CROSS-EXAMINE BUCKLAND UNDER THESE CONDITIONS, THE JUDGE SHOULD NOT

[redacted]

BE BOUND BY THE FOREIGN MINISTRY AND THAT THE ENTIRETY OF THE TESTIMONY WAS THEREFORE INVALID. THE DEFENSE THEREBY CONCLUDED THEIR EXAMINATION AND CLOSED THE PROCEEDINGS. BOTH JUDGE ZAMORA AND THE PROSECUTORS ASSURED EMBOFFS THAT THE DEFENSE'S INTRANSIGENCE WAS PURE LEGAL THEATRE AND THAT THE TESTIMONY WAS FULLY ADMISSIBLE.

11. EMBASSY, JUDGE, AND DOD LAWYERS HAVE AGREED UPON A COMPLEX PROCEDURE FOR THE SIGNING A FINAL TRANSLATED TRANSCRIPT OF THE DEPOSITION. POST WILL ADVISE SEPTEL. BOTH PROSECUTORS AND DEFENSE ATTORNEYS DEPARTED THE DCM'S RESIDENCE TRAILED BY A SPARSE GATHERING OF JOURNLISTS. MAJOR BUCKLAND AND HIS ENTOURAGE DEPARTED AT APPROXIMATELY 15:00.

12.

END COMMENT.

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PAGE 01 GUATEM 12349 01 OF 02 012324Z
ACTION HA-09

INFO LOG-00 ADS-00 AID-01 INR-05 EUR-01 SS-01 OIC-02
CIAE-00 EB-01 DODE-00 H-01 IO-19 NSCE-00 ARA-01
NSAE-00 L-03 LAB-04 TRSE-00 PA-01 STR-18 SIL-01
INRE-00 RP-10 USIE-00 SP-01 SR-01 PRS-01 P-02
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R 012322Z OCT 90
FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC 4192
INFO AMEMBASSY SAN SALVADOR
AMEMBASSY MEXICO
AMEMBASSY MADRID
AMEMBASSY PARIS
USMISSION GENEVA
USMISSION USUN NEW YORK
USCINCSO QUARRY HTS PM

[redacted] SECTION 01 OF 02 GUATEMALA 12349

CINCSO FOR POLAD
MEXICO FOR POLOFF SACKS

E.O. 12356: N/A
TAGS: PHUM, PINS, PGOV, ASEC, PREL, MARR, GT
SUBJECT: GUATEMALA: SEPTEMBER HUMAN RIGHTS SUMMARY

REF: (A) GT 12286, (B) GT 12215, (C) GT 12150,
(D) GT 12145, (E) GT 12140, (F) GT 12106, (G) GT 12017,
(H) GT 12016, (I) GT 11844, (J) GT 11671, (K) GT 11116
(ALL NOTAL)

INTRODUCTION AND SUMMARY

1. ECONOMIC PROBLEMS, CRIME, AND ELECTORAL ISSUES,
[redacted]

[redacted]

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DEPARTMENT OF STATE IM/IPS/CR/IR Date: 2/10/95
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( ) EXCISE ( ) DECLASSIFY EO Citations
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( ) DOWNGRADE TS to ( ) S or ( ) C
TS authority to
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PA Exemptions

INCLUDING THE APPARENTLY NEVER-ENDING BATTLE OVER WHETHER RIOS MONT CAN RUN, DOMINATED THE POLITICAL SCENE IN SEPTEMBER. INFLATION, DEFICIT SPENDING, AND FUEL

SHORTAGES ALL WERE ISSUES DURING THE MONTH. THE QUETZAL SLID TO A 6:1 EXCHANGE RATE WITH THE US DOLLAR BEFORE PICKING UP SOME STRENGTH IN THE FINAL DAYS OF THE MONTH. GANG-RELATED KILLINGS, OFTEN BRUTAL, WERE REPORTED FREQUENTLY THROUGHOUT THE MONTH. POLLS CONTINUED TO SHOW CENTRIST UCN CANDIDATE JORGE CARPIO AND "NO-VENTA" CANDIDATE RIOS MONT TIED FOR FIRST PLACE IN VOTER PREFERENCE; ONE OF THE LARGEST PERCENTAGES, HOWEVER, STILL WENT INTO THE "UNDECIDED COLUMN." POLLS SHOW GOVERNING CHRISTIAN DEMOCRAT (DC) CANDIDATE ALFONSO CABRERA DRAWING ONLY SMALL PERCENTAGES, BETWEEN 4 AND 8 PERCENT DEPENDING ON THE POLL, BUT THE DC, RUNNING A LEFT-OF-CENTER CAMPAIGN, APPEARS MUCH STRONGER IN RURAL AREAS THAN POLLS INDICATE.

2. THE BRUTAL STABBING MURDER OF GUATEMALAN ACADEMIC ELIZABETH MYRNA MACK CHANG DREW INTERNATIONAL ATTENTION AND LED LOCAL AND FOREIGN HUMAN RIGHTS GROUPS TO CHARGE THAT SHE WAS KILLED FOR POLITICAL REASONS. IN AN UNPRECEDENTED MOVE, PRESIDENT CEREZO PUBLICLY DECLARED SECURITY FORCE PERSONNEL MIGHT HAVE BEEN INVOLVED IN THE JUNE MURDER OF RESIDENT AMCIT MICHAEL DEVINE. EIGHT ARREST WARRANTS WERE ISSUED; FOUR SOLDIERS WERE ARRESTED BY THE END OF SEPTEMBER. AN AMNESTY INTERNATIONAL (AI) REPORT ON ABUSES AND KILLINGS OF MINORS BY POLICE BROUGHT FURTHER NEGATIVE ATTENTION TO THE ALREADY TROUBLED NATIONAL POLICE, WHOSE DIRECTOR HAS FIRED HUNDREDS OF ALLEGEDLY CORRUPT AND ABUSIVE COPS. GUERRILLA ATTACKS ON THE ECONOMIC INFRASTRUCTURE CONTINUED; THE WAR PICKED UP IN NORTHERN QUICHE ALONG

[redacted]

THE MEXICAN BORDER.

POLITICAL AND EXTRAJUDICIAL KILLINGS

3. ON THE EVENING OF SEPTEMBER 11, UNKNOWN ASSAILANTS REPEATEDLY STABBED AND KILLED GUATEMALAN ACADEMIC ELIZABETH MYRNA MACK CHANG NEAR HER OFFICE IN DOWNTOWN GUATEMALA CITY. ALTHOUGH INITIAL INFORMATION FROM POLICE AND THE HUMAN RIGHTS OMBUDSMAN INDICATED THE MURDER RESULTED FROM A ROBBERY ATTEMPT--HER PURSE WAS TAKEN--LOCAL AND FOREIGN HUMAN RIGHTS AND ACADEMIC ORGANIZATIONS ALLEGED POLITICAL MOTIVES BEHIND THE CRIME. CHANG HAD BEEN DOING RESEARCH ON DISPLACED PERSONS IN THE HIGHLANDS. THERE WAS PROGRESS IN THE CASE OF MURDERED AMCIT MICHAEL DEVINE: PRESIDENT CEREZO

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ACKNOWLEDGED THE POSSIBILITY OF ARMY INVOLVEMENT IN THE KILLING, ARREST WARRANTS WERE ISSUED FOR EIGHT PERSONS, AND FOUR SOLDIERS WERE ARRESTED.

4. A JUDGE IN SOLOLA REPORTED THREATS AND HARASSMENT FROM MEMBERS OF A LOCAL CIVIL PATROL (CVDC) OVER THE JAILING OF PAC MEMBER JESUS CHOPIN (PHONETIC) FOR THE MAY 1 MURDER OF CERJ MEMBER IXCAY. THE JUDGE CLAIMED THE LOCAL MILITARY ZONE COMMANDER REFUSED TO BECOME INVOLVED IN PREVENTING HOSTILE ACTS BY THE CVDC.

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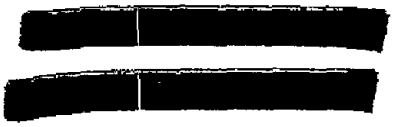

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PAGE 01 GUATEM 12349 02 OF 02 012324Z
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R 012322Z OCT 90
FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC 4193
INFO AMEMBASSY SAN SALVADOR
AMEMBASSY MEXICO
AMEMBASSY MADRID
AMEMBASSY PARIS
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[redacted] SECTION 02 OF 02 GUATEMALA 12349

CINCSO FOR POLAD
MEXICO FOR POLOFF SACKS

UNCLASSIFIED

E.O. 12356: N/A
TAGS: PHUM, PINS, PGOV, ASEC, PREL, MARR, GT
SUBJECT: GUATEMALA: SEPTEMBER HUMAN RIGHTS SUMMARY

OMBUDSMAN. THE NEWSPAPER DID NOT USE THE REPORT WHICH REPORTEDLY FOUND ARMY INVOLVEMENT IN THE KILLINGS WHICH WERE SPARKED BY A DRUG DEAL GONE BAD. OFFICIALS AT THE OFFICE TOLD US THE OMBUDSMAN WAS NOT CONVINCED BY THE REPORT AND REFUSED TO SIGN IT.

DISAPPEARANCE

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RESPECT FOR POLITICAL RIGHTS

[redacted]

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Department of State

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TO SECSTATE WASHDC 4192
INFO AMEMBASSY SAN SALVADOR
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USMISSION GENEVA
USMISSION USUN NEW YORK
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United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ,SAM
Date: 07/17/95
Case ID: 95122242

LIMITED OFFICIAL USE GUATEMALA 12349

CINCSO FOR POLAD
MEXICO FOR POLOFF SACKS

E.O. 12356: N/A
TAGS: PHUM, PINS, PGOV, ASEC, PSEL, MARR, GT
SUBJECT: GUATEMALA: SEPTEMBER HUMAN RIGHTS SUMMARY

REF: (A) GT 12286, (B) GT 12215, (C) GT 12158, (D) GT 12145, (E) GT 12148, (F) GT 12106, (G) GT 12017, (H) GT 12016, (I) GT 11844, (J) GT 11671, (K) GT 11116 (ALL NOTAL)

INTRODUCTION AND SUMMARY

1. ECONOMIC PROBLEMS, CRIME, AND ELECTORAL ISSUES, INCLUDING THE APPARENTLY NEVER-ENDING BATTLE OVER WHETHER RIOS MONT CAN RUN, DOMINATED THE POLITICAL SCENE IN SEPTEMBER. INFLATION, DEFICIT SPENDING, AND FUEL SHORTAGES ALL WERE ISSUES DURING THE MONTH. THE QUETZAL SLID TO A 6:1 EXCHANGE RATE WITH THE US DOLLAR BEFORE PICKING UP SOME STRENGTH IN THE FINAL DAYS OF THE MONTH. GANG-RELATED KILLINGS, OFTEN BRUTAL, WERE REPORTED FREQUENTLY THROUGHOUT THE MONTH. POLLS CONTINUED TO SHOW CENTRIST DCN CANDIDATE JORGE CARPIO AND "NO-VENTA" CANDIDATE RIOS MONT TIED FOR FIRST PLACE IN VOTER PREFERENCE; ONE OF THE LARGEST PERCENTAGES, HOWEVER, STILL WENT INTO THE "UNDECIDED COLUMN." POLLS SHOW GOVERNING CHRISTIAN DEMOCRAT (DC) CANDIDATE ALFONSO CABRERA DRAWING ONLY SMALL PERCENTAGES, BETWEEN 4 AND 8 PERCENT DEPENDING ON THE POLL, BUT THE DC, RUNNING A LEFT-OF-CENTER CAMPAIGN, APPEARS MUCH STRONGER IN RURAL AREAS THAN POLLS INDICATE.

2. THE BRUTAL STABBING MURDER OF GUATEMALAN ACADEMIC ELIZABETH MYRNA MACK CHANG DREW INTERNATIONAL ATTENTION AND LED LOCAL AND FOREIGN HUMAN RIGHTS GROUPS TO CHARGE THAT SHE WAS KILLED FOR POLITICAL REASONS. IN AN UNPRECEDENTED MOVE, PRESIDENT CEREZO PUBLICLY DECLARED SECURITY FORCE PERSONNEL MIGHT HAVE BEEN INVOLVED IN THE JUNE MURDER OF RESIDENT AMCIT MICHAEL DEVINE. EIGHT ARREST WARRANTS WERE ISSUED; FOUR SOLDIERS WERE ARRESTED BY THE END OF SEPTEMBER. AN AMNESTY INTERNATIONAL (AI) REPORT ON ABUSES AND KILLINGS OF MINORS BY POLICE BROUGHT FURTHER NEGATIVE ATTENTION TO THE ALREADY TROUBLED NATIONAL POLICE, WHOSE DIRECTOR HAS FIRED HUNDREDS OF ALLEGEDLY CORRUPT AND ABUSIVE COPS. GUERRILLA ATTACKS ON THE ECONOMIC INFRASTRUCTURE CONTINUED; THE WAR PICKED UP IN NORTHERN QUICHE ALONG

THE MEXICAN BORDER.

POLITICAL AND EXTRAJUDICIAL KILLINGS

3. ON THE EVENING OF SEPTEMBER 11, UNKNOWN ASSAILANTS REPEATEDLY STABBED AND KILLED GUATEMALAN ACADEMIC ELIZABETH MYRNA MACK CHANG NEAR HER OFFICE IN DOWNTOWN GUATEMALA CITY. ALTHOUGH INITIAL INFORMATION FROM POLICE AND THE HUMAN RIGHTS OMBUDSMAN INDICATED THE MURDER RESULTED FROM A ROBBERY ATTEMPT--HER PURSE WAS TAKEN--LOCAL AND FOREIGN HUMAN RIGHTS AND ACADEMIC ORGANIZATIONS ALLEGED POLITICAL MOTIVES BEHIND THE CRIME. CHANG HAD BEEN DOING RESEARCH ON DISPLACED PERSONS IN THE HIGHLANDS. THERE WAS PROGRESS IN THE CASE OF MURDERED AMCIT MICHAEL DEVINE: PRESIDENT CEREZO ACKNOWLEDGED THE POSSIBILITY OF ARMY INVOLVEMENT IN THE KILLING, ARREST WARRANTS WERE ISSUED FOR EIGHT PERSONS, AND FOUR SOLDIERS WERE ARRESTED.

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INCOMING
TELEGRAM

Department of State

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Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

United States Department of State
Washington, D.C. 20520

October 1, 1990

MEMORANDUM

TO: L - Mr. Williamson

FROM: L/ARA - T. Michael Peay

SUBJECT: Your meeting on October 3 with Sam Buffone

Sam Buffone, attorney for the Letelier and Moffitt families, will come to your office on Wednesday at 4:00 to discuss their case. Mike Young, who has not yet met Mr. Buffone, will be present, as well as Mary Catherine Malin and myself from L/ARA. Tim Junkin, a partner assisting Mr. Buffone on the Letelier case, may accompany Mr. Buffone.

The L/ARA memorandum of September 27, attached at Tab 1, contains most of the background information you will need for this meeting. You should also be aware that key Congressional leaders from Chile are in town this week to meet with members of the U.S. Congress and with Administration officials. The Chilean Congressmen have met with Sam Buffone, who has indicated that he will share with us what he has learned about the timing of Chilean Congressional approval of the compensation agreement.

Mary Catherine Malin of L/ARA and Julie Haughn of L/CID have been working on a first draft of the compensation brief. As they have been coordinating directly with Mr. Buffone, specific questions concerning the brief are not likely to arise at this meeting.

In addition, the following documents are attached for your reference at the Tab indicated:

Tab 2. The compensation agreement
Tab 3. U.S. "sanctions" legislation - The Kennedy-Harkin Amendment (section 726 of the International Security and Development Act of 1981), and section 525(c)(1) of the 1990 Foreign Operations, Export and Financing and Related Programs Act, which conditions IMET funding for Chile on "good faith efforts" to resolve the Letelier case.
Tab 4. The 1914 Treaty establishing the Commission which will decide the compensation case.
Tab 5. The 1980 decision in the Civil Suit by the Letelier and Moffitt families.

Drafted: L/ARA:MCMalin, x6328, Wang # 308

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PAGE 01 STATE 334753
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APPROVED BY: OES/NEC:CTHORNE
OES/N:RSTRATFORD NRC/NMSS:AGIARRATANA S/NP:RCABELLY
NRC/GPA:RHAUBER DOE/OSS:DMYERS OES/NTS:CKESSLER
ACDA/NWC/NST:DBOZIK DOD/ISA:LBURDICK
ARA/MEX:GARGUELLO DOD/DNA:FWILLINGHAM
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PA Exemptions ( ) DOWNGRADE to ( ) S or ( ) C

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E.O. 12356: N/A
TAGS: TRGY, KNNP, PARM, KSCA, MX
SUBJECT: PROPOSAL FOR U.S.-MEXICO PHYSICAL PROTECTION BILATERAL CONSULTATIONS

REF: A) SENSENEY/AVILES TELCON, 9/5/90, B) MEXICO 5342, C) 89 STATE 147162

1. THIS IS AN ACTION MESSAGE. BASED UPON REFCON A, THE U.S. IS PLANNING A PHYSICAL PROTECTION CONSULTATION WITH MEXICO (AS DISCUSSED IN REF. B AND PREVIOUS) DURING THE PERIOD OF NOVEMBER 13-16, 1990. EMBASSY IS REQUESTED TO CONTACT MIGUEL MEDINA, DIRECTOR GENERAL OF THE MEXICAN NATIONAL COMMISSION OF NUCLEAR SECURITY AND SAFEGUARDS TO OUTLINE CURRENT THOUGHTS ON U.S.MEXICAN PHYSICAL PROTECTION CONSULTATIONS AND TO SOLICIT MEXICAN COMMENTS ON THE PROPOSED TOPICS IDENTIFIED IN PARA 3, BELOW. RESPONSE SHOULD BE DIRECTED TO OES/NEC: R. SENSENEY AND
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PAGE 02 STATE 334753

DOE/OSS: D. MYERS.

2. TEAM MEMBERS: THE U.S. TEAM WILL INCLUDE THE

FOLLOWING INDIVIDUALS:

DAVID A. MYERS, INTERNATIONAL BRANCH, OFFICE OF SAFEGUARDS AND SECURITY, U.S. DEPARTMENT OF ENERGY

ANGELO C. GIARRATANA, INTERNATIONAL SECURITY ANALYST, DIVISION OF SAFEGUARDS AND TRANSPORTATION, OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS, U.S. NUCLEAR REGULATORY COMMISSION (USNRC),

LAWRENCE PLASSMEYER, SECURITY SPECIALIST, NUCLEAR SECURITY DIVISION, DEFENSE NUCLEAR AGENCY, U.S. DEPARTMENT OF DEFENSE.

THE TEAM WILL BE ACCOMPANIED BY ROBERT SENSENEY, SENIOR TECHNICAL ADVISOR, OFFICE OF NUCLEAR EXPORT CONTROL, U.S. DEPARTMENT OF STATE. THE TEAM WOULD ALSO WELCOME SCIATT'S PARTICIPATION.

3. TOPICS: THE TEAM'S PRINCIPAL FOCUS FOR DISCUSSION INCLUDE:

A) MEASURES TO DETER/PREVENT THE THEFT OF CATEGORY I QUANTITIES (5 KILOGRAMS OR MORE OF HIGHLY ENRICHED URANIUM, OR 2 KILOGRAMS OR MORE OF SEPARATED PLUTONIUM) OF NUCLEAR MATERIALS AT FACILITIES AND IN TRANSPORT, AND

B) PROTECTION AGAINST SABOTAGE.

DURING THE DISCUSSIONS, THE TEAM WISHES TO EXCHANGE UNCLASSIFIED

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PAGE 03 STATE 334753

INFORMATION IN THE FOLLOWING AREAS WITH RESPECT TO PHYSICAL PROTECTION:

-- LEGAL AND REGULATORY BASIS;
-- ORGANIZATION AND RESPONSIBILITIES;
- DESIGN BASIS THREATS;
- OVERVIEW OF PHYSICAL PROTECTION FOR MATERIALS AT FACILITIES;
- OVERVIEW OF PHYSICAL PROTECTION FOR MATERIALS IN TRANSPORT;
- EVALUATION OF PHYSICAL PROTECTION CAPABILITIES; AND
-- CURRENT ISSUES, INCLUDING A GENERAL DISCUSSION ON:

A) INFCIRC/225; ITS IMPLEMENTATION AND A DISCUSSION OF THE DIFFERENCES BETWEEN REV. 1 V. REV. 2

B) THE CONVENTION ON THE PHYSICAL PROTECTION OF NUCLEAR MATERIAL; ITS IMPLEMENTATION, AND SOME THOUGHTS ON THE 1992 REVIEW CONFERENCE,

THE TEAM WOULD WELCOME ANY SUGGESTIONS FOR ADDITIONAL TOPICS FOR DISCUSSION, INCLUDING ANY SPECIFIC SUBJECT AREAS (SUCH AS THE CONTENT OF THE SANDIA REPORTS PROVIDED TO THE

GOM IN JUNE 1989 OR THE NRC DOCUMENTS LISTED IN REF. C, FOR EXAMPLE, OR ADDRESSING IN GREATER DETAIL PHYSICAL PROTECTION AT POWER REACTORS) WHICH THE GOM WOULD LIKE THE U.S. TEAM TO ADDRESS.

4. FACILITY TOURS: THE U.S. TEAM WISHES TO VISIT THE LAGUNA VERDE REACTOR AND, IF TIME PERMITS, THE SALAZAR RESEARCH REACTOR. CURRENT U.S. THINKING WOULD BE TO HAVE TUESDAY AND WEDNESDAY A.M. FOR DISCUSSIONS, WEDNESDAY P.M. FOR THE SALAZAR RESEARCH REACTOR TOUR, TRAVEL ON THURSDAY, AND FRIDAY TO TOUR LAGUNA VERDE. EAGLEBURGER

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GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

TO : [redacted] UNCLASSIFIED

DATE: October 2, 1990

FROM : RSO - Lawrence Liptak

Chile Project (#S199900030)
U.S. Department of State
Release____ Excise X Deny____
Declassify: In Part____ In Full X
Exemption(s)____

SUBJECT: RSO Visit to Valparaiso and Vina del Mar

EXCISE

I had the opportunity to visit the cities of Valparaiso and Vina del Mar recently, and took the opportunity to speak with Carabinero and Investigaciones personnel about terrorist activities in both locations.

In Valparaiso, field grade officers from both agencies stated that the number of incidents has dropped dramatically from last year. They are aware that terrorist cells exist in Valparaiso, but note that bombings, attacks on Mormon chapels and terrorist-inspired robberies have decreased in 1990. They appear not to have much of a handle on whether or not the Lautaro group has infiltrated the high schools. They mentioned that they both had people in Santiago conferring with their respective headquarters about this situation. They noted that the terrain in Valparaiso does not lend itself to easy escape once a terrorist act has been committed. It is standard police practice to block the roads leading to the cerros where the slums are built.

In Vina, I received essentially the same story regarding Lautaro activities in the schools, although the next day the El Mercurio Valparaiso edition carried a front page story about some Lautaro propaganda that turned up in the Liceo Industrial in Vina.

Carabineros in Vina reported that in August 1990, they discovered a subversive training camp in the countryside outside the town of Quilpue. The P.A.E. OIC in Vina commented that he had taken part in the operations that followed the attack on the Carabinero police station in Los Quenes and that this training camp was very similar to the one discovered near Los Quenes. He noted that a rifle range was found along with expended M-16 cartridges.

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U.S. Department of State
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Carabineros in Vina also reported that on July 5, three Lautaro terrorists were arrested in Vina after an attempted robbery in which they disarmed two private guards. The arrestees are:

Veronica de Rosario Lara Munoz, 23 yrs., aka "Elena".
Sergio Manuel Gonzalez Gonzalez, age 23, aka "Hernan".
Sergio Alberto Trincerto Morales, age 23.

I think that it is interesting that the Carabineros reported that Gonzalez was carrying a revolver that was taken from the Los Quenes Carabinero police station. As you know, Los Quenes was an FPMR/D operation. Lara was carrying another Carabinero revolver taken during a bank robbery that occurred in Santiago on June 6 of this year.

Gonzalez gave a lengthy statement to the Carabineros regarding his activities. He stated that from August 1977 thru April 1990, he operated in Santiago, where he was involved in a number of robberies, as well as a Mormon chapel fire bombing that occurred in May 1988 in Puente Alto. He was arrested by the CNI in August 1988, on a weapons charge and released on August 11, 1989. He arrived in Valparaiso in April 1990.(Police from Vina searched his residence and found Lautaro literature, cash and "subversive documents.")

Police in Vina noted that the terrain in Vina also does not lend itself well to terrorist incidents for the same reason as that in Valparaiso. They stated that the "wall street district" in Vina is compact and patrolled by a special 8-man reaction unit designed to foil bank robberies. They noted that while crime in general was rising, it did not appear to be terrorist-related. They also stated that the number of terrorist incidents is down fom last year, although they believe that a new Lautaro cell may now be forming in the cerro above the town. (NFI)

Case Number: S199900030

Chile Project (#S199900030)
U.S. Department of State
Release X Excise Deny
Declassify: In Part In Full ✓
Exemption(s)

LIMITED OFFICIAL USE

DECONTROL

PAGE 01 SANTIA 07726 032210Z
ACTION L-03

INFO LOG-00 ADS-00 ARA-01 HA-09 JUSE-00 /013 W
----------173441 032216Z /66

P 032211Z OCT 90
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 8189
INFO AMEMBASSY MONTEVIDEO

LIMITED OFFICIAL USE SANTIAGO 07726

MONTEVIDEO FOR LEGATT

E.O. 12356: N/A
TAGS: PHUM, PREL, CI
SUBJECT: REQUEST FOR TOWNLEY TESTIMONY

REF: SANTIAGO 7174 AND PREVIOUS

1. THE FOLLOWING IS EMBASSY'S INFORMAL TRANSLATION OF A DIPLOMATIC NOTE REQUESTING A COPY OF MICHAEL TOWNLEY'S TESTIMONY FOR THE RETTIG COMMISSION ON TRUTH AND RECONCILIATION:

BEGIN TEXT:

(COMPLIMENTARY OPENING) AND HAS THE HONOR TO REFER TO A PETITION BY THE PRESIDENT OF THE NATIONAL TRUTH AND RECONCILIATION COMMISSION ESTABLISHED BY THE MINISTRY OF INTERIOR'S SUPREME DECREE NO. 355 OF APRIL 25, 1990, AND PUBLISHED IN THE OFFICIAL GAZETTE ON MAY 7 OF THE SAME YEAR.

IN ORDER TO COMPLETE ITS MISSION, THE REFERENCED COMMISSION REQUIRES A COPY OF THE TESTIMONY GIVEN BY MICHAEL TOWNLEY BEFORE A COURT OF THE UNITED STATES, IN LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 SANTIA 07726 032210Z

ACORDANCE WITH THE AGREEMENT SIGNED BY CARL SILVERT (UNITED STATES ATTORNEY FOR THE DISTRICT OF COLOMBIA) AND ENRIQUE MONTERO (DEPUTY SECRETARY OF THE MINISTRY OF INTERIOR) DATED APRIL 7, 1977.

THIS MINISTRY EXPRESSES ITS APPRECIATION TO THE DIPLOMATIC MISSION FOR THE FAVORABLE ACCEPTANCE IT GIVES TO THIS REQUEST. (COMPLIMENTARY CLOSING) END TEXT.

2. DEPARTMENT IS ASKED TO FORWARD THE REQUESTED TESTIMONY. GREENLEE

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IMMEDIATE

UNCLASSIFIED
CONFIDENTIAL

INCOMING

ACTION

DEPARTMENT OF STATE
ARA/NEA REARCS

PAGE 01 OF 02 SAN SA 13486 00 OF 02 032334Z 019356 502063
ACTION: ES (02)

INFO: OCEN (01) MX (03) ARA (01) PPC (01) OAS (01) PPA (01)
---------- 03/2341Z A1 MM (TOTAL COPIES: 010)
ACTION ARA-00

INFO	LOG-00	ADS-00	AID-00	INR-05	SS-00	CIAE-00	DODE-00
	H-01	NSCE-00	NSAE-00	SSO-00	HA-09	L-03	TRSE-00
	PM-00	PA-01	OMB-01	INRE-00	OCS-06	COR-01	CA-02
	ACDA-13	USIE-00	SP-00	TFCE-00	SNP-00	C-01	PRS-01
	DS-00	SCT-03	P-02	T-01	/058 W		

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O [redacted]
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 1970
DEPT OF JUSTICE WASHDC
DIRFBI WASHDC
AMEMBASSY MEXICO
[redacted] SAN SALVADOR 13486

FOR ARA/CEN

FBI FOR MARTY HALE/OLIA

MEXICO PASS TO JOE GANNON, LEGATT

DOJ PASS TO DMAXWELL, ICITAP

E.O. 12356: N/A
TAGS: PGOV, KJUS, PREL, CJAN, ES, US
SUBJECT: [redacted]

REF: SAN SALVADOR 12698

1. [redacted] - ENTIRE TEXT

2. THIS FOLLOWING IS A CORRECTED COPY OF SAN SALVADOR 13289.

3. SUMMARY: IN A LENGTHY SESSION MAJOR ERIC M. BUCKLAND TESTIFIED BEFORE THE FOURTH PENAL COURT JUDGE RICARDO ZAMORA TODAY (SEPT. 27). THE TESTIMONY ~~CONTAINED NO SURPRISES~~. MAJOR BUCKLAND OPENED THE TESTIMONY WITH A LONG STATEMENT, WITHOUT THE BENEFIT OF NOTES, AND WAS THEN CROSS-EXAMINED BY THE JUDGE, THE PROSECUTORS AND THE DEFENSE TEAM. ~~THE SESSION ENDED ABRUPTLY WHEN THE DEFENSE TEAM PERSISTED IN ASKING QUESTIONS EXCLUDED UNDER THE CONDITIONS OF THE DIPLOMATIC NOTES EXCHANGED~~ BETWEEN THE EMBASSY AND THE GOES. ~~THE DEFENSE TEAM DECLARED THAT THE CONDITIONS DENIED THEIR RIGHT TO CROSS EXAMINE THE WITNESS AND THANKFULLY CUT OFF THE SESSION.~~ AT APPROXIMATELY 15:00 HOURS. END SUMMARY.

4. MAJOR ERIC BUCKLAND ARRIVED IN SAN SALVADOR THIS MORNING UNDER HEAVY SECURITY, TO PROVIDE TESTIMONY TO THE FOURTH PENAL COURT. WITH A TEAM OF TWO ATTORNEYS, HE LANDED AT ILOPANGO AIR FORCE BASE, WAS HELICOPTERED TO THE ESAF MILITARY ACADEMY AND WAS DRIVEN DIRECTLY TO THE RESIDENCE OF THE CHARGE. HIS ENTOURAGE ARRIVED PRIOR TO 08:00.

5. THE TESTIMONY WAS ATTENDED BY JUDGE ZAMORA, A COURT-APPOINTED TRANSLATOR, MARGARET POPKIN, WHO IS ALSO THE DIRECTOR OF THE HUMAN RIGHTS OFFICE OF THE UCA; A TEAM OF THREE PROSECUTORS, THREE DEFENSE ATTORNEYS, THE CHARGE, THE CHIEF OF MILGRP, A MILGRP TRANSLATOR AND TWO EMBOFFS. WITH THIS GROUP CRAMMED AROUND A LARGE CONFERENCE TABLE, BUCKLAND OPENED HIS

SAN SA 13486 00 OF 02 032334Z 019356 502063

TESTIMONY WITH A LONG STATEMENT. HIS STATEMENT PROCEEDED SLOWLY. FIRST THE DEFENSE OBJECTED TO HIS USE OF NOTES. PROGRESS WAS ALSO INHIBITED BY THE TRANSLATION, AN AGREED UPON VERSION OF WHICH WAS TRANSCRIBED ON A MANUAL TYPEWRITER.

6. BUCKLAND'S DECLARATION CONTAINED NO SURPRISES. HE DETAILED HIS FRIENDSHIP WITH COL. CARLOS AVILES FROM ITS INCEPTION. HE CHARACTERIZED AVILES AS A PROFESSIONAL COLLEAGUE AND PERSONAL FRIEND WHO HAD SPECIFICALLY REQUESTED THAT BUCKLAND'S TOUR IN EL SALVADOR BE EXTENDED SO THEY COULD WORK TOGETHER IN THE C-5. BUCKLAND ADDED THAT WHEN HE RETURNED TO THE US IN JULY 1989, HE PRESENTED AVILES WITH A GIFT OF A MINIATURE CANNON FOR HIS COLLECTION. AVILES RECIPROCATED WITH T-SHIRTS FOR BUCKLAND'S SONS AND A GIFT FOR HIS WIFE.

7. BUCKLAND THEN RECOUNTED THE DETAILS OF THE CONVERSATIONS BETWEEN HIMSELF AND AVILES CONCERNING THE JESUIT MURDERS. CONSISTENT WITH EARLIER STATEMENTS, HE RELATED THAT AVILES CONFIDED THAT BENAVIDES HAD ADMITTED TO KILLING THE JESUITS TO LT. COL. RIVAS OF THE SIU, WHO IN TURN HAD INFORMED COL. LOPEZ Y LOPEZ, WHO INFORMED AVILES. BUCKLAND ALSO TESTIFIED THAT ON DECEMBER 28, AVILES MENTIONED THAT HE HAD SEEN BENAVIDES AND THAT HE DID NOT LOOK WELL. HE THEN RECOUNTED THE INCIDENTS LEADING TO HIS PREMATURE DEPARTURE FROM EL SALVADOR, STARTING WITH HIS REPORT TO COL. HUNTER OF THE MILGRP OF WHAT AVILES HAD TOLD HIM.

8. BUCKLAND'S STATEMENT CONCLUDED, JUDGE ZAMORA OPENED THE EXAMINATION PORTION OF THE TESTIMONY BY ASKING WHY HE HAD WAITED SO LONG TO TELL ANYONE ABOUT HIS CONVERSATIONS WITH AVILES. BUCKLAND REPLIED THAT HE WAS THE CUSTODIAN OF A CONFIDENCE THAT HE COULD NOT BETRAY. MOREOVER, HE BELIEVED THAT THE TRUTH WOULD EMERGE ON ITS OWN. THE KEY PERSON, HE SAID, WAS COL. RIVAS OF THE SIU, WHO HAD THE NECESSARY INFORMATION.

HE ALSO STATED THAT HE BELIEVED THAT IT WOULD BE BETTER IF THE SALVADORANS SOLVED THE MURDER ON THEIR OWN, WITHOUT US INTERFERENCE.

9. THE JUDGE'S QUESTIONS WERE FOLLOWED BY A LONG BREAK. BUCKLAND'S ATTORNEYS REQUESTED THE RECESS TO REMIND JUDGE ZAMORA OF THE CONDITIONS OF THE TESTIMONY, WHEN THE JUDGE BEGAN QUESTIONS ABOUT BUCKLAND'S DISCUSSIONS WITH THE MOAKLEY TASK FORCE. THE RECESS WAS EXTENDED UNEXPECTEDLY BY THE TYPIST, WHO DISCOVERED THAT HE HAD FAILED TO COVER BOTH SIDES OF A TYPED PAGE WITH TESTIMONY. UNDER SALVADORAN COURT RULES EACH PAGE MUST BE COMPLETELY FILLED, TO AVOID TAMPERING WITH THE TESTIMONY. THE TYPIST'S OVERSIGHT REQUIRED THAT HE RETYPE THE ENTIRE THREE HOUR TESTIMONY, WHICH DELAYED THE PROCEEDINGS BY NINETY MINUTES.

10. THE JUDGE THEN TERMINATED HIS OWN QUESTIONS, WHICH WERE FOLLOWED BY SEVERAL QUESTIONS FROM THE PROSECUTORS, WHO APPEARED MOST INTERESTED IN WHAT OTHER INFORMATION BUCKLAND MIGHT HAVE RECEIVED IN HIS JOB AT THE ESTADO MAYOR. THE MAJOR REPLIED THAT HE KNEW VERY LITTLE OUTSIDE OF HIS C-5 POSITION AND HAD NO PRIOR KNOWLEDGE OF THE JESUIT MURDERS.

11. [redacted] PROBLEMS WITH THE DEFENSE ATTORNEYS AROSE ALMOST IMMEDIATELY, WHEN THEY RE-INITIATED INQUIRIES INTO THE MOAKLEY TASK FORCE REPORT. BUCKLAND'S COUNSEL

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Declassified / Released / U.S. Department of State / EO Systematic Review / by [illegible] / NARA Date [illegible]

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RELEASE
El Salvador Human Rights
Special Project (1993)

PAGE 02 OF 02 SAN SA 13486 00 OF 02 032334Z 019356 502063

REMINDED THE JUDGE THAT DISCUSSION OF ANY EVENT AFTER JANUARY 6 WAS OUTSIDE OF THE AGREEMENT AND THAT HIS CLIENT SHOULD NOT BE REQUIRED TO RESPOND. DEFENSE ATTORNEYS RESPONDED THAT BUCKLAND'S ATTORNEYS DO NOT HAVE THE RIGHT TO INTERVENE--UNDER SALVADORAN PROCEDURE THE DECLARANT S ATTORNEY HAS NO RIGHT TO OBJECT. ONLY THE JUDGE CAN DECIDE IF A QUESTION IS APPROPRIATE. SINCE THE JUDGE RULED THAT THE QUESTION WAS RELEVANT, IT MUST BE ANSWERED. REMINDED OF THE CONDITIONS, THE JUDGE ADVISED DEFENSE ATTORNEYS THAT HE COULD NOT VIOLATE THE CONDITIONS WHICH HAD BEEN AGREED TO BY THE FOREIGN MINISTRY. HE AVOIDED ANY ADMISSION TO THE ATTORNEYS THAT HE HAD HIMSELF BEEN PRIVY TO THE CONDITIONS AND HAD MADE NO OBJECTIONS. THE DEFENSE CONCLUDED THAT IT COULD NOT CROSS-EXAMINE BUCKLAND UNDER THESE CONDITIONS, THE JUDGE SHOULD NOT BE BOUND BY THE FOREIGN MINISTRY AND THAT THE ENTIRETY OF THE TESTIMONY WAS THEREFORE INVALID. THE DEFENSE THEREBY CONCLUDED THEIR EXAMINATION AND CLOSED THE PROCEEDINGS. BOTH JUDGE ZAMORA AND THE PROSECUTORS ASSURED EMBOFFS THAT THE DEFENSE'S INTRANSIGENCE WAS PURE LEGAL THEATRE AND THAT THE TESTIMONY WAS FULLY ADMISSIBLE.

12. EMBASSY, JUDGE, AND DOD LAWYERS HAVE AGREED UPON A COMPLEX PROCEDURE FOR THE SIGNING A FINAL TRANSLATED TRANSCRIPT OF THE DEPOSITION. POST WILL ADVISE SEPTEL. BOTH PROSECUTORS AND DEFENSE ATTORNEYS DEPARTED THE DCM'S RESIDENCE TRAILED BY A SPARSE GATHERING OF JOURNLISTS. MAJOR BUCKLAND AND HIS ENTOURAGE DEPARTED AT APPROXIMATELY 15:00.

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CONFIDENTIAL

PAGE 01 GUATEM 12467 01 OF 02 041716Z
ACTION ARA-01

INFO	LOG-00	ADS-00	AID-01	INR-05	EUR-01	SS-01	CIC-02
	CIAE-00	EB-01	DODE-00	H-01	IO-19	NSCE-00	NSAE-00
	HA-09	L-03	LAB-04	TRSE-00	PA-01	STR-18	SIL-01
	INRE-00	OCS-06	CA-02	RP-10	ACDA-13	USIE-00	JUSE-00
	SP-01	SR-01	C-01	PRS-01	P-02	DPR-01	/106 W

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P 041716Z OCT 90
FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC PRIORITY 4251
INFO AMEMBASSY SAN SALVADOR
AMEMBASSY MEXICO
USMISSION GENEVA
USMISSION USUN NEW YORK
AMEMBASSY MADRID
AMEMBASSY PARIS
AMEMBASSY OTTAWA
USCINCSO QUARRY HTS PM

C O N F I D E N T I A L SECTION 01 OF 02 GUATEMALA 12467

CINCSO FOR POLAD

E.O. 12356: DECL: OADR
TAGS: PHUM, PINS, PREL, MOPS, PINR, CASC, GT, MX
SUBJECT: GAM CALLS ON THE EMBASSY: CONCERN OVER TALKS IN MEXICO WITH THE GUERRILLAS

1. CONFIDENTIAL -- ENTIRE TEXT.

2. LEADER OF THE GUATEMALAN HUMAN RIGHTS ORGANIZATION "MUTUAL SUPPORT GROUP" (GAM), NINETH MONTENEGRO DE GARCIA, CALLED ON POLOFF AT THE EMBASSY, OCTOBER 2. SHE WAS ACCOMPANIED BY GAM MEMBERS MARIO POLANCO AND BLANCA QUIROA DE LOPEZ. THE MAIN TOPICS OF DISCUSSION FOLLOW.

CONFIDENTIAL
CONFIDENTIAL

PAGE 02 GUATEM 12467 01 OF 02 041716Z

MEETING THE GUERRILLAS AND COMING BACK

3. MONTENEGRO SAID GAM WILL PARTICIPATE IN THE NEXT SET OF INFORMAL PEACE TALKS HOSTED BY THE NATIONAL RECONCILIATION COMMISSION (CNR) IN MEXICO CITY OCTOBER 22-26. THE TALKS WILL BE BETWEEN REPRESENTATIVES OF THE GUERRILLA ORGANIZATION THE URNG AND THOSE OF GUATEMALA'S "POPULAR SECTOR." THE "POPULAR SECTOR" WILL CONSIST OF THREE GROUPS: LABOR, "POPULAR" ORGANIZATIONS, AND SMALL

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 07/17/96
Case ID: 96122242

BUSINESSMEN. GAM WILL TAKE PART AS A MEMBER OF THE SECOND GROUP. POLANCO SAID 22 PERSONS WILL GO FROM EACH OF THE THREE GROUPS AND THAT HE WILL REPRESENT GAM.

4. MONTENEGRO GAVE POLOFF A COPY OF GAM'S POSITION PAPER PREPARED FOR THE TALKS. SHE SAID GAM APPRECIATES THE U.S. POSITION OF SUPPORT FOR THE TALKS AND STATEMENTS THAT THE WAR MUST END IN ORDER FOR THE HUMAN RIGHTS SITUATION IN GUATEMALA TO IMPROVE SIGNIFICANTLY. SHE AGREED THE WAR PROVIDES THE EXCUSE FOR MOST OF THE SERIOUS HUMAN RIGHTS VIOLATIONS THAT OCCUR IN GUATEMALA.

5. SHE SAID A PURPOSE OF HER VISIT TO THE EMBASSY WAS TO STRESS THAT GAM IS NOT ANTI-U.S., IS NOT PRO-GUERRILLA, AND IS CERTAINLY NOT A GUERRILLA FRONT IN CONTRAST TO MANY OF THE SUPPOSEDLY HUMAN RIGHTS GROUPS WHICH OPERATE IN EL SALVADOR AND WORK FOR THE FMLN. GAM IS CRITICAL, SHE SAID, OF RECENT URNG ATTACKS ON THE NATION'S ECONOMIC INFRASTRUCTURE. THIRTY YEARS OF WAR, MONTENEGRO SAID, HAVE BROUGHT ONLY DEATH AND DESTRUCTION.

6. MONTENEGRO AND POLANCO EXPRESSED CONCERN FOR THE SAFETY OF THE PARTICIPANTS IN THE TALKS. MONTENEGRO SAID THE ARMY CONSIDERS GAM AND OTHER PARTICIPANTS AS
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PAGE 03 GUATEM 12467 01 OF 02 041716Z

GUERRILLA-FRONTS AND COULD TAKE REPRISALS AGAINST POLANCO AND OTHERS WHO TAKE PART IN THE MEXICO DIALOG. SHE ASKED FOR EMBASSY SUGGESTIONS ON HOW TO PROTECT PARTICIPANTS. POLOFF AGREED THERE WAS RISK INVOLVED. HE SUGGESTED THAT THE PARTICIPANTS DO AS PRIVATE SECTOR ORGANIZATION CACIF DID PRIOR TO ITS OWN TALKS IN CANADA WITH THE GUERRILLAS: REQUEST A MEETING WITH THE GOG AND THE ARMY FOR A PRE-TALK BRIEFING. POLOFF ALSO SUGGESTED THE PARTICIPANTS REQUEST, AS DID THE POLITICAL PARTIES PRIOR TO THEIR TALKS IN MADRID, TO HAVE THE ARMY SEND ALONG AN ADVISOR TO THE DELEGATION. BUT, MOST IMPORTANT POLOFF STRESSED, DON'T AGREE WITH THE GUERRILLAS TOO MUCH; BE CAREFUL ABOUT WHAT MIGHT BE IN ANY JOINT DECLARATION EMITTED AFTER THE TALKS; MAKE CLEAR AND PUBLIC GAM'S CRITICISM OF THE GUERRILLAS. EXCEPT FOR THE ONE ABOUT BRINGING ALONG A MILITARY ADVISOR, MONTENEGRO SEEMED RECEPTIVE TO THE SUGGESTIONS. POLANCO AND QUIROA, HOWEVER, DID NOT WANT A PRE-DEPARTURE MEETING WITH THE ARMY AND LAUNCHED INTO AN IMPASSIONED DISCOURSE BLAMING THE ARMY FOR ALL THE PROBLEMS IN GUATEMALA OVER THE PAST FORTY YEARS.

JUSTICE FOR THE MILITARY AND THE DEVINE CASE

7. MONTENEGRO, WHOSE HUSBAND ALLEGEDLY DISAPPEARED FIVE YEARS AGO, SAID SHE IS GROWING INCREASINGLY BITTER OVER

THE FAILURE OF THE GUATEMALAN JUSTICE SYSTEM TO PUNISH ANY MILITARY FOR THE MANY POLITICAL MURDERS AND DISAPPEARANCES OVER THE YEARS. SHE SAID THE MURDER OF AMCIT MICHAEL DEVINE LAST JUNE IN THE PETEN HAD BEEN EXECUTED BY THE MILITARY AND SHE COMPLIMENTED THE EMBASSY FOR FORCING THE GOG INTO ADMITTING THAT INVOLVEMENT. SHE SAID ONLY US PRESSURE COULD FORCE THE GOG INTO PERHAPS SETTING A PRECEDENT BY TRYING AND

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PAGE 01 GUATEM 12467 02 OF 02 041716Z
ACTION ARA-01

INFO	LOG-00	ADS-00	AID-01	INR-05	EUR-01	SS-01	OIC-02
	CIAE-00	EB-01	DODE-00	H-01	IO-19	NSCE-00	NSAE-00
	HA-09	L-03	LAB-04	TRSE-00	PA-01	STR-18	SIL-01
	INRE-00	OCS-06	CA-02	RP-10	ACDA-13	USIE-00	JUSE-00
	SP-01	SR-01	C-01	PRS-01	P-02	DPR-01	/106 W

252607 042012Z /64

P 041716Z OCT 90
FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC PRIORITY 4252
INFO AMEMBASSY SAN SALVADOR
AMEMBASSY MEXICO
USMISSION GENEVA
USMISSION USUN NEW YORK
AMEMBASSY MADRID
AMEMBASSY PARIS
AMEMBASSY OTTAWA
USCINCSO QUARRY HTS PM

C O N F I D E N T I A L SECTION 02 OF 02 GUATEMALA 12467

CINCSO FOR POLAD

E.O. 12356: DECL: OADR
TAGS: PHUM, PINS, PREL, MOPS, PINR, CASC, GT, MX
SUBJECT: GAM CALLS ON THE EMBASSY: CONCERN OVER TALKS IN MEXICO WITH THE GUERRILLAS

CONVICTING MILITARY PERSONNEL FOR SUCH CRIMES. POLANCO SAID GAM "KNEW" FROM UNSPECIFIED SOURCES THAT THE DEVINE MURDER HAD BEEN ORDERED BY THE THEN PETEN MILITARY ZONE COMMANDER COL. GARCIA CATALAN AND CONDONED BY THE HEAD OF D-2 (MILITARY INTELLIGENCE) COL. CABRERA.

ROSA PU GOMEZ: NO PROBLEM

CONFIDENTIAL
CONFIDENTIAL

PAGE 02 GUATEM 12467 02 OF 02 041716Z

8. MONTENEGRO, OUT OF THE BLUE, RAISED THE CASE OF ROSA PU GOMEZ, COMMON LAW WIFE OF DISAPPEARED CONDEG ACTIVIST LUIS MIGUEL SOLIS PAJARITO. SHE SAID SHE WANTED GAM TO BE ON RECORD AS STATING THAT IT DID NOT BELIEVE ROSA PU GOMEZ WAS BEING THREATENED OR WAS IN ANY PARTICULAR DANGER. SHE SAID SHE KNEW THE EMBASSY HAD BEEN RECEIVING CORRESPONDENCE FROM CONGRESSMEN AND OTHERS IN THE US RE PU GOMEZ. SHE ALSO SAID THAT SOME AMCITS HAD BEEN TO THE EMBASSY TRYING TO GET PU GOMEZ A VISA

ALLEGING SHE WAS BEING THREATENED; MONTENEGRO RESTATED THAT GAM HAD NOTHING TO DO WITH THESE EFFORTS AND DID NOT WANT ANYBODY IMPLYING ANYTHING OTHER. POLOFF ACKNOWLEDGED THERE HAD BEEN CONSIDERABLE INTEREST GENERATED IN THE US OVER THE ALLEGED THREATS TO PU GOMEZ BUT THAT THE SUBJECT HERSELF HAD NEVER COME TO THE EMBASSY.

COMMENT: TROUBLE AHEAD FOR THE TALKS PROCESS?

9. THE INFORMAL PEACE TALK PROCESS HAS GONE ALONG SURPRISINGLY WELL SINCE THE FIRST ROUND IN OSLO LAST MARCH, THE MADRID ROUND IN MAY, THE OTTAWA MEETING IN AUGUST, AND THE MOST RECENT MEETING IN QUITO LAST MONTH. WHATEVER CRITICISM GAM MIGHT HAVE OF THE GUERRILLAS, THE GAM POSITION PAPER GIVEN POLOFF COULD HAVE BEEN WRITTEN BY THE URNG: THE ARMY AND CIVIL DEFENSE PATROLS ARE ACCUSED OF "CRIMES AGAINST HUMANITY," A LOADED PHRASE TO SAY THE LEAST. THE PROPOSED MEXICO MEETING, HOWEVER, COULD BE THE MOST PROBLEMATIC AND HAS THE POTENTIAL TO BLOW APART THE PROCESS. MANY OF THE PARTICIPANTS FROM THE "POPULAR SECTOR" ARE CONSIDERED BY THE MILITARY HERE (AND NOT ALWAYS INCORRECTLY) AS EITHER GUERRILLA SYMPATHIZERS OR

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CONFIDENTIAL

PAGE 03 GUATEM 12467 02 OF 02 041716Z

OUTRIGHT GUERRILLA-CONTROLLED.

10. SHOULD THE MEXICO MEETING TURN INTO A "LOVE FEST" BETWEEN PARTICIPANTS, WITH A JOINT DECLARATION BLASTING THE MILITARY FOR ALL THE ILLS OF GUATEMALA, THERE COULD BE TROUBLE--BOTH FOR THE SPECIFIC PARTICIPANTS IN MEXICO AND FOR GOG AND ARMY PARTICIPATION IN FUTURE TALKS WITH THE GUERRILLAS.

11. THE CNR WILL BE CALLING ON THE AMBASSADOR ON OCTOBER 4. WE WILL RAISE THE ISSUE OF THE MEXICO MEETING AND EXPLORE WITH THEM HOW THEY INTEND TO CONTROL THE MEETING.

12. THE COMMENTS ON THE PU GOMEZ CASE WERE SUPRISING AND WHO KNOWS WHAT MOTIVATED MONTENEGRO TO DENY, FOR ONCE, THAT SOMEONE IS NOT BEING THREATENED.
STROOCK

TEXT OF TELEGRAM 90STATE 342381 UNCLASSIFIED RELEASED (1)

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SECRET

PAGE 01 STATE 342381
ORIGIN ARA-01

INFO LOG-00 ADS-00 /001 R

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DRAFTED BY ARA/CEN:DMCCARTHY
APPROVED BY ARA/CEN:JHOGANSON
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O 092345Z OCT 90
FM SECSTATE WASHDC
INFO USMISSION GENEVA IMMEDIATE
AMEMBASSY MEXICO IMMEDIATE

S E C R E T STATE 342381

FOLLOWING MADRID 11416 SENT ACTION SECSTATE INFO GUATEMALA BARCELONA BILBAO OCT 2 BEING RPTD FOR UR INFO:
QTE:
S E C R E T MADRID 11416

DEPARTMENT FOR ARA/CEN -- P. ROMERO

E.O. 12356: DECL: OADR
TAGS: PREL, PHUM, PTER, GT, SP
SUBJECT: URNG REQUEST FOR A MEETING DECLINED

REF: (A) MADRID 11378; (B) ROMERO/WALZ TELEPHONE CONVERSATION 10/1/90

1. (S - ENTIRE TEXT.)

2. IN ACCORDANCE WITH REF "B," THE EMBASSY HAS DECLINED TO MEET WITH DR. JORGE E. ROSAL, THE EUROPEAN REPRESENTATIVE OF THE UNIDAD REVOLUCIONARIA NACIONAL GUATEMALTECA (URNG). WHEN ROSAL TELEPHONED THE SECOND TIME ON 1 OCTOBER, POLOFF INFORMED HIM THAT POST HAD
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PAGE 02 STATE 342381

RECEIVED INSTRUCTIONS FROM WASHINGTON THAT THE REQUESTED MEETING WOULD NOT BE APPROPRIATE AT THIS TIME. ROSAL WAS NOT AT ALL SURPRISED AND DID NOT WANT TO DISCUSS THE MATTER. AS REQUESTED, POLOFF SAID THAT THE REASON WAS THE RENEWED SABOTAGE ATTACKS (MENTIONING THE ATTACKS ON POWER STATIONS IN QUICHE) AND PARTICULARLY THE ATTACKS AGAINST THE STOLTZFUZ FAMILY. ROSAL SAID HE HAD NOT HEARD OF THE STOLTZFUZ CASE AND ASKED FOR THE NAME TO BE SPELLED. HE THEN RAISED "THE MURDER OF THE NORTH AMERICAN IN THE

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 07/17/96
Case ID: 96122242

UNCLASSIFIED

PETEN, MITCHEL DEVINE" AND ALLEGED THAT THE GUATEMALAN MILITARY WAS INVOLVED, URGING AMBASSADOR STROOCK TO CONTINUE TO PRESS THE GOG FOR THE FULL FACTS. AS INSTRUCTED, POLOFF LEFT THE DOOR OPEN TO FURTHER DISCUSSIONS WHEN THE SITUATION HAS IMPROVED. ZAPPALA UNQUOTE BAKER

SECRET

NNNN

UNCLASSIFIED

ORIG TO FAIM
DIST TO:
CODES I
CODES II
CODES III
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P990164-2326 MF d93 10/12/90 F47M

Chile Project (#S199900030)
U.S. Department of State
Release X Excise OCT 16 P4:49 Deny
Declassify: In Part In Full ✓
Exemption(s)

United States Department of State
Washington, D. C. 20520

9021590
'90 OCT-12 9:37 AM

ACTION MEMORANDUM S/S TET 10/12

BP 10/16

UNCLASSIFIED
UNCLASSIFIED

OCT 12 1990

TO: P - Robert Kimmitt

FROM: ARA - Bernard Aronson BA

SUBJECT: Appointment Request: Ambassador Charles A. Gillespie

REQUEST: Office call.

PURPOSE: To discuss U.S.-Chile relations, including the Letelier-Moffitt case and the status of GSP.

OTHER APPOINTMENTS SOUGHT: Deputy Secretary Eagleburger

BACKGROUND: Follow-up to previous consultations.

TIMING: October 16, 17, 22 or 23 for 15 minutes.

LOCATION: The Under Secretary's Office

PROPOSED PARTICIPANTS: Under Secretary Kimmitt
Ambassador Gillespie

RECOMMENDATION:

That you agree to meet with Ambassador Gillespie for 15 minutes.

Approve RMK OCT 15 1990 Disapprove _____

Date Oct 23

Time 10:15 - 10:30

Attachment:
Biographic information.

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Charles A. Gillespie, Jr.
United States Ambassador to Chile

On October 14, 1988, the United States Senate confirmed the appointment of Charles A. Gillespie, Jr., to be Ambassador of the United States of America to Chile. Ambassador Gillespie took the oath of office on November 9, 1988.

From August 1985 until September 1988, Gillespie served as Ambassador of the United States of America to the Republic of Colombia, where he headed a United States Mission comprising the Embassy in Bogota and a Consulate in Barranquilla. With a staff of over 700, the Mission is one of the largest in Latin America.

From August 1983 until he was named Ambassador to Colombia, Gillespie served as Deputy Assistant Secretary of State for the Caribbean and Deputy for Operations in the State Department's Bureau of Inter-American Affairs. In that position he was responsible for formulating and implementing United States policy in the Caribbean region and for execution of United States policy throughout Latin America and the Caribbean.

On October 24, 1983, the President named Gillespie Ambassador and Chief of Mission in Grenada, concurrent with his other duties, and instructed him to head the United States Mission on that island as of the time United States forces landed on October 25. Ambassador Gillespie established the first United States Embassy on Grenada, which was officially inaugurated on February 7, 1984. Gillespie returned to his Washington duties in March 1984.

Ambassador Gillespie is a career Foreign Service Officer, with rank of Minister-Counselor. Since he entered the Service in 1965, he has served at Embassies in Manila, Djakarta, Brussels, Mexico City and Managua, at the United States Mission to the North Atlantic Treaty Organization, and at the State Department in Washington, D.C.

A native of California, Ambassador Gillespie graduated from the University of California at Los Angeles. Before joining the Foreign Service, he served as a commissioned officer in the United States Army overseas. He has done graduate work in public administration at Syracuse University's Maxwell School of Public Affairs and is a graduate of the National War College in Washington, D.C. Ambassador Gillespie is married and has two grown children.

November, 1988

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Drafter: ARA/SC:KLStevens
Doc 8238 October 11, 1990

Clearances: ARA/SC:APerez
ARA:JPMcLean

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TEXT OF TELEGRAM 90STATE 345500

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ADP593
[redacted]

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DRAFTED BY: ARA/CEN:.
APPROVED BY: P:R KIMMITT
ARA:B [illegible]
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AMEMBASSY MADRID
AMEMBASSY CARACAS

[redacted] STATE 345500

E.O. 12356: DECL: OADR
TAGS: PREL, MASS, ES
SUBJECT: UNDER SECRETARY KIMMITT'S MEETING WITH FOREIGN MINISTER PACAS

1. [redacted]- ENTIRE TEXT

2. SUMMARY: UNDER SECRETARY KIMMITT MET WITH SALVADORAN FOREIGN MINISTER PACAS AND HIS PARTY ON SEPTEMBER 13. KIMMITT MADE UNMISTAKABLY CLEAR THE NEED FOR DECISIVE
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PAGE 02 STATE 345500

ACTION TO REVERSE THE PERCEPTION OF A COVER-UP IN THE INVESTIGATION OF THE JESUIT CASE. DUE TO THE GOES PERFORMANCE TO DATE ON THE JESUIT CASE, PROSPECTS IN CONGRESS FOR THE FY 91 MILITARY AID PACKAGE WERE DISMAL, NOTWITHSTANDING THE GOES' CONSTRUCTIVE APPROACH IN THE PEACE NEGOTIATIONS. END SUMMARY.

3. PARTICIPANTS: SALVADORAN FOREIGN MINISTER PACAS WAS ACCOMPANIED BY: VICE MINISTER OF THE PRESIDENCY ALTSCHUL,

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El Salvador Human Rights
Special Project (1996)

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EXCISE

Department of State IS/FPC/CDR El Salvador SP Date 5/95
Declassified under EO 12356 (X) in full; ( ) in part;
portions withheld: classified ( ); deliberative ( );
law enforcement ( ); privacy ( ), statutory ( );
not relevant to El Salvador ( ).

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VICE MINISTER OF DEFENSE MONTANO, MINISTRY OF DEFENSE ADVISOR AND MEMBER OF THE DIALOGUE COMMISSION ESCOBAR GARCIA, SALVADORAN AMBASSADOR TO THE UNITED STATES SALAVERRIA, AND SALVADORAN DEFENSE ATTACHE GENERAL BLANDON. UNDER SECRETARY KIMMITT WAS ACCOMPANIED BY: ARA PRINCIPAL DAS KOZAK, DIRECTOR OF CENTRAL AMERICAN AFFAIRS ROMERO, SPECIAL ASSISTANT TO THE UNDER SECRETARY BLAKEMAN, AND EL SALVADOR DESK OFFICER RONDON.

4. CRISTIANI TO WASHINGTON?: MINISTER PACAS AND HIS PARTY SPECIFICALLY STATED THAT THEIR PURPOSE IN COMING TO WASHINGTON WAS TO ADVANCE A TRIP BY PRESIDENT CRISTIANI. WHEN ASKED BY THE MINISTER WHETHER PRESIDENT CRISTIANI SHOULD COME TO WASHINGTON, THE UNDER SECRETARY REPLIED THAT NEXT WEEK WOULD AFFORD A UNIQUE OPPORTUNITY TO PRESENT AN ANNOUNCEMENT OF SIGNIFICANT IMPROVEMENT IN THE JESUIT CASE IN TIME TO POSSIBLY AFFECT THE MOOD IN CONGRESS. IF PRESIDENT CRISTIANI IS UNABLE TO MAKE SUCH A DRAMATIC ANNOUNCEMENT, HOWEVER, A VISIT AT THIS TIME WOULD NOT BE AS PRODUCTIVE AS IT WOULD BE OTHERWISE.

5. JESUIT CASE: MINISTER PACAS RAISED THE ISSUE OF THE NOVEMBER MURDER OF SIX JESUITS AND TWO SERVANTS, SAYING THAT HE PERFECTLY UNDERSTOOD THE DIFFICULT POSITION THAT [redacted]

SUPPORTERS OF AID TO EL SALVADOR ARE IN DUE TO THE CASE. HE ASKED, HOWEVER, FOR PATIENCE WITH THE COUNTRY'S CUMBERSOME LEGAL PROCESS. UNDER SECRETARY KIMMITT REPLIED THAT WE BELIEVE THAT THE JUDICIAL PROCESS WOULD BE REINFORCED RATHER THAN CIRCUMVENTED IF THE GOES/ESAF WERE TO TAKE BOLD AND DECISIVE ACTIONS TO DEMONSTRATE THAT THE MILITARY IS SERIOUS ABOUT THE RULE OF LAW, INCLUDING MEASURES WHICH HAVE ALREADY BEEN RECOMMENDED BY AMBASSADOR WALKER. TO NAME ONLY A COUPLE OF EXAMPLES, WHILE SOME MILITARY LOGBOOKS REQUESTED BY THE INVESTIGATING JUDGE HAVE BEEN TURNED OVER TO HIM, OTHERS HAVE NOT BEEN AND THE MILITARY OFFICERS PRESENT AT THE NOVEMBER 15 GENERAL STAFF MEETING HAVE NOT GIVEN THE JUDGE THEIR DIARIES, AS AMBASSADOR WALKER HAD SUGGESTED. AS MATTERS STAND NOW, WE SHARE CONGRESS' CONCERN THAT SOME SENIOR MEMBERS OF THE ESAF MAY BE INVOLVED IN A COVER-UP.

6. PROSPECTS FOR MILITARY AID: UNDER SECRETARY KIMMITT CONTINUED THAT WITH SUCH SLOW PROGRESS IN THE JESUIT CASE, THERE IS LITTLE THAT WE CAN DO ON THE HILL TO SELL EL

SALVADOR'S CASE FOR MILITARY ASSISTANCE. IT IS A TRAGEDY THAT ALTHOUGH THE GOES HAS A GOOD MESSAGE TO CONVEY ON ITS CONSTRUCTIVE APPROACH TO THE PEACE NEGOTIATIONS, THE OVERALL HUMAN RIGHTS SITUATION AND ECONOMIC PERFORMANCE, THE ONLY THING THAT ANYONE ON THE HILL WANTS TO HEAR ABOUT

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IS THE JESUIT CASE AND THE GOES HAS FAILED TO GIVE US A DEFENSIBLE CASE ON THAT ISSUE. IN RESPONSE TO A QUESTION FROM ERNESTO ALTSCHUL, UNDER SECRETARY KIMMITT AND DAS KOZAK EXPLAINED THAT THE PRESENT U.S. BUDGET DIFFICULTIES HAVE LITTLE BEARING ON EL SALVADOR BECAUSE A CONTINUING RESOLUTION OR EVEN SEQUESTRATION WOULD INCLUDE ESSENTIALLY THE SAME SALVADOR-SPECIFIC LANGUAGE THAT WOULD OTHERWISE GO INTO AN APPROPRIATIONS BILL.

7. PEACE NEGOTIATIONS: MINISTER PACAS EMPHASIZED THAT [redacted]

Public Affairs Section
El Salvador Human Rights
Special Project Officer

PAGE 04 STATE 345500

WHILE THE GOES WILL DISCUSS ANY TOPIC WITH THE FMLN, AGREEMENTS CAN ONLY BE REACHED WITHIN THE FRAMEWORK OF THE DEMOCRATICALLY RATIFIED CONSTITUTION. HE ACCUSED THE FMLN OF SEEKING TO "KEEP THE NATION'S WOUNDS OPEN" RATHER THAN GENUINELY SEEKING A PROMPT NEGOTIATED SETTLEMENT. THE MINISTER ALSO EXPRESSED HIS CONCERN THAT THE PROSPECT OF MANIPULATING THE JESUIT CASE TO FORCE THE U.S. TO CUT MILITARY ASSISTANCE ENCOURAGES THE FMLN TO USE DELAYING TACTICS IN THE NEGOTIATIONS PENDING THE AID REDUCTION AND RESULTING BOOST TO GUERRILLA FIGHTING MORALE. UNDER SECRETARY KIMMITT REPLIED THAT WHILE WE RECOGNIZE THE DIRECT RELATIONSHIP OF OUR AID POLICIES TO THE NEGOTIATING PROCESS, THE GOES CAN AFFECT THIS BY PUSHING ACTION ON THE JESUIT CASE.

cc

[redacted] UNDER SECRETARY KIMMITT REPLIED THAT WE WILL CONTINUE TO SEEK WAYS TO WORK IN THE UN TO STRENGTHEN THE PROCESS AND WELCOMED MINISTER PACAS' DECISION TO ADDRESS THE OAS PERMANENT COUNCIL ON THE TOPIC OF THE NEGOTIATIONS.

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PAGE 05 STATE 345500

9. COMMENT: IN AN ASIDE WHILE DEPARTING, AMBASSADOR SALAVERRIA NOTED THAT DURING THE LAST SEVERAL MONTHS HE

HAD SPENT ABOUT 90 PERCENT OF HIS TIME ON THE JESUIT CASE. UNDER SECRETARY KIMMITT SUGGESTED THAT HE MIGHT SPEND 95 PERCENT ON THE MATTER. THE UNDER SECRETARY'S MESSAGE WAS CLEAR AND UNEQUIVOCALLY FIRM, BUT DELIVERED IN THE SPIRIT OF FRIENDSHIP AND CONCERN. FOR HIS PART, MINISTER PACAS DID NOT SHY FROM THE DIFFICULT TOPIC OF THE JESUIT CASE, AND SINCE BEFORE THIS MEETING HE HAD SPENT SEVERAL HOURS WITH KOZAK AND ROMERO EMPHASIZING THE CASE, HE SHOULD HAVE NO DOUBT THAT THIS IS WHERE THE MAJOR PROBLEM WITH FY 91 MILITARY ASSISTANCE LIES. END COMMENT.
BAKER

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EXDIS

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E.O. 12356: DECL:OADR
TAGS: PGOV, PHUS, ES
SUBJECT: CRISTIANI QUERIES AMBASSADOR ON FMLN ACTIVITIES IN THE US

REF: ROMERO/WALKER TELCON 10/11

1. [redacted] - ENTIRE TEXT.

2. SUMMARY: DURING OCTOBER 12 MEETING TO DISCUSS THE ROGER FISHER PROPOSAL TO HOST A FOLLOW-UP SEMINAR FOR THE GOES AND FMLN NEGOTIATING TEAMS, PRESIDENT CRISTIANI COMMENTED THAT THE GOES HOPED FMLN COMMANDANTES WOULD NOT/NOT RECEIVE FURTHER VISAS TO THE US, GIVEN THEIR CONTINUED TERRORIST ACTIVITIES. HE CLAIMED KEY FMLN PERSONNEL WERE RELOCATING TO THE US, AND ASKED IF THE USG COULD TAKE STEPS AGAINST ORGANIZATIONS OPENLY FUND RAISING IN THE US FOR THE FMLN'S WAR EFFORT. ON THE TALKS, CRISTIANI NOTED THAT HE HAD BEEN UNABLE TO LOCATE FORMER COSTA RICAN PRESIDENT OSCAR ARIAS TO SOLICIT HIS ENDORSEMENT OF THE CENAM PRESIDENTS' CALL FOR A CEASE-FIRE, AND SUGGESTED A JOINT US-USSR STATEMENT SUPPORTING THE SAME GOAL. HE WAS DISTURBED THAT DE SOTO HAD NOT BEEN IN TOUCH SINCE LAST MONTH. POST HAS LEARNED SEPARATELY THAT THE TALKS WILL MOST LIKELY TAKE PLACE NOVEMBER 4 IN MEXICO. END SUMMARY.

EXDIS

3. FISHER SEMINAR

THE AMBASSADOR OPENED THE OCTOBER 12 MEETING WITH PRESIDENT CRISTIANI AND HIS PRESIDENTIAL SECRETARY ARTURO TONA BY BROACHING THE ROGER FISHER IDEA OF A SECOND NEGOTIATING SEMINAR FOR THE GOES AND FMLN TEAMS TO HOPEFULLY RESOLVE SOME OF THE MECHANICAL ISSUES THAT HAD DELAYED PROGRESS ON SUBSTANCE. THE AMBASSADOR EXPLAINED THAT FISHER WOULD APPROACH THE FMLN WITH THE IDEA, AND WOULD ORGANIZE THE SESSION IN A MANNER ACCEPTABLE TO BOTH SIDES. IF BOTH SIDES ACCEPTED, FISHER WOULD ALSO APPROACH DE SOTO AND INVITE HIM TO ATTEND. SUCH A SCENARIO WOULD, AT THE VERY LEAST, REMIND DE SOTO THAT HE WAS NOT THE ONLY EXPERT ON NEGOTIATIONS, AND PERHAPS INSPIRE HIM TO PLAY A MORE ACTIVE AND BALANCED ROLE.

4. CRISTIANI RESPONDED BY FIRST ASKING WHAT THE FMLN'S REACTION TO THE PROPOSAL HAD BEEN. UPON LEARNING WE DID NOT YET HAVE THEIR REACTION, HE STATED

PAGE 01 SAN SA 13892 02 OF 02 152127Z 7268 8302944
HE WOULD HAVE TO DISCUSS THE MATTER WITH THE GOES DIALOGUE COMMISSION, AND WOULD RESPOND ON OCTOBER 15.

5. FMLN IN THE US

CRISTIANI COMMENTED THAT HE UNDERSTOOD THE FMLN COMMANDERS HAD VIOLATED THE TERMS OF THEIR US VISAS DURING THEIR SEPTEMBER VISIT. HE CONTINUED THAT THE GOES FELT THE USG SHOULD DENY FUTURE VISA REQUESTS BY FMLN LEADERS ON THE GROUNDS THAT THEY WERE AVOWED TERRORISTS. HE ADDED THAT THE GOES HAD INFORMATION THE FMLN WAS RELOCATING MANY OF ITS KEY PLAYERS TO THE US, AND ASKED HOW THAT COULD BE POSSIBLE. IN ADDITION, THE GOES HAD IN ITS POSSESSION COPIES OF US NEWSPAPER ADVERTISEMENTS CLEARLY SOLICITING FUNDS FOR THE FMLN WITH A NOTE THAT SUCH CONTRIBUTIONS WERE TAX EXEMPT. CRISTIANI ASKED WHETHER CONTRIBUTIONS TO A TERRORIST ORGANIZATION COULD 1) BE LEGALLY MADE FROM THE US AND 2) BE CONSIDERED TAX EXEMPT. THE AMBASSADOR PROMISED TO CHECK THIS WITH WASHINGTON.

6. CENAM PRESIDENTS' STATEMENT

CRISTIANI TOLD THE AMBASSADOR THAT HE HAS NOT YET BEEN ABLE TO GET IN TOUCH WITH FORMER COSTA RICAN PRESIDENT OSCAR ARIAS TO SEEK HIS ENDORSEMENT OF THE CENAM PRESIDENTS' CALL FOR A CEASE FIRE. HE HOPED TO DO SO SHORTLY, HOWEVER. THE PRESIDENT THEN ASKED IF THE USG COULD COORDINATE WITH THE USSR ON A JOINT STATEMENT OF SUPPORT FOR A CEASE FIRE. THE AMBASSADOR PROMISED TO FLOAT THE IDEA WITH WASHINGTON. (COMMENT: PER SULLIVAN/WALKER TELCON 10/14, POST UNDERSTANDS THIS IS NOT CURRENTLY WORKABLE, AND WILL SO ADVISE THE PRESIDENT. END COMMENT).

7. WHERE IS DE SOTO

CRISTIANI EXPRESSED SOME CONCERN THAT DE SOTO HAS NOT BEEN IN TOUCH WITH THE GOES SINCE HIS LAST VISIT HERE JUST AFTER THE THIRD SAN JOSE ROUND. THE AMBASSADOR COMMENTED THAT UN OFFICIAL IQBAL RIZA WAS CALLING ON HIM OCTOBER 15. CRISTIANI COMMENTED THAT HE WAS UNAWARE OF RIZA'S VISIT, NOR DID HE KNOW WHEN TO EXPECT DE SOTO AGAIN, ALTHOUGH THERE WERE RUMORS HE, TOO, WOULD TRAVEL TO THE REGION THE WEEK OF OCTOBER 15.

8. ACTION REQUEST

REQUEST DEPARTMENT VERIFY WHETHER ORGANIZATIONS OPENLY SUPPORTING THE FMLN HAVE TAX RECEIVED TAX EXEMPT STATUS, AND WHETHER SUCH STATUS CAN BE REVOKED GIVEN THE FMLN'S STANDING AS A TERRORIST ORGANIZATION.

WALKER

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El Salvador: Human Rights Special Project (IES)

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PINS 4-2

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: JOHNSTON, DONALD
Date: 07/26/94
Case ID: S940037A

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THE SECRETARY OF STATE
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October 15, 1990

MEMORANDUM FOR: THE PRESIDENT

FROM: James A. Baker, III

SUBJECT: Generating Support for the Negotiations in El Salvador

The U.N.-mediated negotiations between the Cristiani government and the FMLN face a logjam. If a breakthrough does not occur in the upcoming round, scheduled tentatively for November 4, the whole process may break down. Moreover, it is crucial that some kind of cease-fire agreement be reached before the March 1991 Salvadoran elections to allow for an expanded electoral process, including in the conflictive zones, and expanded international observation -- the U.N. says it will not monitor the elections absent a cease-fire.

As you remember, President Salinas of Mexico, President Carlos Andres Perez of Venezuela, and Prime Minister Felipe Gonzalez of Spain all volunteered to you in your UNGA bilaterals that the Secretary General had asked them to provide assistance. Each also pledged to exert pressure on the FMLN and Cuba to achieve a negotiated breakthrough.

Each of these leaders was very helpful, at your request, in pressing the Sandinistas to hold elections in Nicaragua. I believe that if they knew how important this issue was to you, they would be similarly energized, and could make a crucial difference. The FMLN is headquartered in Mexico; thus Salinas retains considerable leverage over them. Cuba, which remains the principal political and military support for the FMLN, does not want to alienate Mexico, Spain, and Venezuela at a time when its economy is in crisis and it is politically isolated.

I believe it would make an enormous difference if each of these leaders received a personal letter from you in the next several days outlining your views and concerns about El Salvador and encouraging their active involvement. Enclosed is a draft letter for your consideration.

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United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: HOFFENBERG, MARV
Date: 06/03/94
Case ID: S940036D

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El Salvador: Human Rig
Special Project (1993)

State Department
Draft Letter from the President
to President Salinas, President Perez,
and Prime Minister Gonzalez

Dear:

I was very gratified to hear from you during our meeting in New York at the UNGA that you have accepted the Secretary General's request to become directly engaged in support of the U.N.'s efforts to mediate a successful political settlement to the war in El Salvador. I very much welcome your efforts, and I am confident that you can make a decisive difference in helping to bring both peace and the consolidation of democracy to El Salvador.

Since you will be playing such an important, direct, and personal role, I want to share my own assessment of the situation with you and offer my personal support for your efforts, and those of the other leaders who have enlisted in this effort with you.

You and I spoke about our joint concerns for the situation in Central America, particularly in Nicaragua. I believe that ending the war in El Salvador is crucial to realizing the long-term hopes of the leaders and peoples of Central America for democracy, demilitarization, and development.

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: HOFFENBERG, MARV
Date: 06/03/94
Case ID: S9400360

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Special Project (1993)

President Cristiani, I believe, is seriously committed to finding a negotiated solution to the war that takes into account the legitimate security concerns of FMLN combatants. I am also impressed with the consensus which appears to have developed among the political parties in the Inter-Party Commission for electoral and judicial reform. We support and endorse these efforts.

Clearly, the issue of the armed forces is the most difficult and sensitive one; my information is that Cristiani has put meaningful and far-reaching offers on the table. Nevertheless, as Cristiani grows more flexible, the FMLN appears to be hardening its demands.

If the current logjam is not broken, I fear the process could collapse and be replaced with renewed violence. It is crucial that all of us set as our goal a breakthrough in the next round of negotiations leading as quickly as possible to a U.N.-supervised cease-fire.

I will do my part, both by supporting Cristiani and by pressing for flexibility and greater respect for human rights. Unfortunately, I do not believe there is much pressure for serious bargaining on either the FMLN or on Cuba, which continues to arm and train FMLN combatants. Here I hope you will use your influence. If both Cuba and the FMLN know they

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will pay a political price for intransigence, they may be more reasonable. (For Salinas: I know there is a sizable FMLN political presence in Mexico; I hope you will use your influence with them directly, Carlos, to make it clear that Mexico expects serious bargaining in the next round, not a new offensive.)

I believe we must also give maximum support to the Secretary General in the next round by raising the level of international concern about the slow pace of progress in the peace talks. The FMLN has blocked the efforts of the Secretary General's representative to offer compromise proposals or to speed up the pace of negotiations. We need to ensure the Secretary General has these tools at his disposal.

Your efforts during the Nicaraguan elections helped bring both peace and democracy to that troubled country. I deeply appreciate your commitment to make a similar effort towards El Salvador. Please keep me informed of your efforts and know that you can count on my support.

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C O N F I D E N T I A L GUATEMALA 13842

MEXICO FOR LEGATT

E.O. 12356: N/A
TAGS: CASC, PREL, PHUM, GT
SUBJECT: MICHAEL DEVINE MURDER INVESTIGATION

REF: GUATEMALA 12663 AND PREVIOUS

1. (U) SUMMARY: CONGEN'S OCTOBER 12-13 VISIT TO FLORES RESULTED IN SEVERAL POSITIVE DEVELOPMENTS IN THE DEVINE MURDER INVESTIGATION. MILITARY ZONE COMMANDER ORTEGA PROMISED TO PASS THE DETAINEES FROM THE BASE TO THE CIVIL DETENTION CENTER AND PROVIDE PHOTOGRAPHS OF THEM AS WELL AS ADDITIONAL INFORMATION SOUGHT BY THE PRIVATE ATTORNEY HIRED BY MRS. DEVINE. NATIONAL POLICE WILL ACTIVATE THEIR SEARCH FOR TWO CIVILIANS FOR WHOM ARREST WARRANTS WERE ISSUED. ATTORNEY GENERAL'S REPRESENTATIVE PARTICIPATED IN ALL KEY DISCUSSIONS AND IS PREPARED TO PLAY POSITIVE AND ACTIVE ROLE. END SUMMARY.

2. (U) ON OCTOBER 12, CONGEN AND THE PRIVATE ATTORNEY HIRED BY MRS. DEVINE TRAVELLED TO FLORES TO LOOK INTO SEVERAL ASPECTS OF THE INVESTIGATION INTO THE MURDER OF MICHAEL DEVINE. THEY MET WITH THE ZONE COMMANDER COL. ORTEGA WHO WAS ACCOMPANIED BY HIS HEAD OF G-2 MAJOR ROLANDO DIAZ BARRIOS (FORMERLY WITH ORTEGA WHEN HE HEADED D-2) AND CAPTAIN ALFREDO FIGUEROA GUERRA (SECRETARY OF THE JUDGE ADVOCATE'S OFFICE ON THE SANTA ELENA BASE); WITH THE LOCAL REPRESENTATIVE OF THE ATTORNEY GENERAL'S OFFICE/PUBLIC MINISTRY; WITH THE LOCAL POLICE CHIEF; AND WITH THE JUDGE OF FIRST INSTANCE (THE CIVIL COURT UNDER WHICH THIS CASE WOULD BE HEARD IF MILITARY JURISDICTION IS NOT INVOKED). THE LOCAL REPRESENTATIVE OF THE HUMAN RIGHTS OFFICE WAS NOT IN TOWN. THE MEETINGS PRODUCED THE FOLLOWING INFORMATION:

STATUS OF PRISONERS:

3. (U) THERE ARE FIVE MILITARY PERSONS DETAINED: PABLO LAJUB IXHALE, BENJAMIN PONTI PERUCH, RAFAEL TIUL CUCUL, ANDRES MORENTE TEPOZ, AND FABIAN AREVALO DE LA CRUZ. ACCORDING TO COL. ORTEGA, THE THREE OTHER PEOPLE FOR WHOM ARREST WARRANTS WERE ISSUED BY THE COURT OF FIRST INSTANCE ARE NOT MEMBERS OF THE MILITARY: RICARDO GUZMAN, AGUSTIN ESQUIVEL HERNANDEZ, AND CARLOS ZELADA MONROY. THERE IS, HOWEVER, AN ACTIVE DUTY MILITARY PERSON ON THAT BASE BY THE NAME OF CARLOS ZELADA ARGUETA, GIVING RISE TO THE ORIGINAL CONFUSION AS TO HOW MANY OF THE ACCUSED WERE IN FACT ACTIVE DUTY MILITARY.

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4. (U) ALTHOUGH THE PRISONERS HAD BEEN DETAINED ON THE BASE, COL. ORTEGA ANNOUNCED IN OUR OCTOBER 13 MEETING THAT FOR GREATER SECURITY HIS INTENTION WAS TO TRANSFER THEM TO THE PUBLIC JAIL IN FLORES. THIS WAS ACCOMPLISHED ON OCTOBER 14. THIS IS A POSITIVE STEP WHICH WILL PROVIDE MORE PUBLIC SCRUTINY TO THEIR DETENTION, PREVENT CHARGES OF POSSIBLE CHANGES IN APPEARANCE, AND PERMIT EASIER ACCESS.

5. (C) PRIOR TO THEIR TRANSFER, AT THE REQUEST OF THE PRIVATE ATTORNEY, AN INVENTORY OF PERSONAL EFFECTS ON THEIR PERSONS WAS MADE, IN THE POSSIBILITY THAT ANY OF THE ACCUSED MIGHT HAVE EITHER THE WATCH OR THE SWISS ARMY KNIFE STOLEN FROM DEVINE DURING HIS KIDNAPPING/MURDER. THIS INVENTORY WILL BE SENT OCTOBER 15 TO THE ATTORNEY, TOGETHER WITH PHOTOGRAPHS OF EACH OF THE DETAINED. THE PHOTOGRAPHS WILL PERMIT THE ATTORNEY, PRIOR TO THE FORMAL PERSONAL IDENTIFICATION SESSION PLANNED FOR THE NEAR FUTURE, TO VERIFY WITH POTENTIAL WITNESSES WHETHER ANY OF THEM CAN IDENTIFY THE ACCUSED AND ENABLE A STRONGER CASE PREPARATION.

6. (U) ON OCTOBER 8, THE MILITARY ISSUED AN "AUTO DE PRISION" FORMALLY CHARGING THE DETAINEES WITH KIDNAPPING AND MURDER. THIS ACT ACCOMPLISHES TWO THINGS: IT PREVENTS THE PRISONERS FROM BEING FREED WITHOUT HAVING BEEN ACQUITTED OR AT LEAST A FINDING BY THE JUDGE OF LACK OF SUFFICIENT EVIDENCE TO CONTINUE HOLDING THEM; AND IT BEGINS THE 15-DAY "SUMARIO" PROCESS, DURING WHICH THE JUDGE CONDUCTS HIS BASIC INVESTIGATION. DURING THESE 15 DAYS, ONLY THE JUDGE, HIS STAFF AND THE LEGAL REPRESENTATIVE FOR THE ACCUSER CAN HAVE ACCESS TO THE PROCEEDINGS.

7. (C) THANKS TO THE TERMS OF THE "SUMARIO" PHASE,

THE PRIVATE LAWYER WAS PERMITTED TO REVIEW THE ENTIRE CASE FILE, INCLUDING THE FIRST ROUND OF SWORN STATEMENTS OF THE ACCUSED. NOT SURPRISINGLY, THESE STATEMENTS ALL CLAIM TOTAL IGNORANCE OF THE KIDNAPPING, QUESTIONING AND SUBSEQUENT MURDER OF DEVINE. THE FORMER ZONE COMMANDER, COL. MARIO ROBERTO GARCIA CATALAN, HAS NOT YET BEEN QUESTIONED (AT LEAST FORMALLY), BUT HIS SWORN STATEMENT IS TO BE TAKEN THIS WEEK.

[redacted]

B1

9. (C) UNDER GUATEMALAN MILITARY LAW, THE MILITARY ZONE COMMANDER HAS THE DUAL ROLE OF CONDUCTING THE

GUATEMALA
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HUMAN RIGHTS 1999-93

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: OLSON, OSCAR
Date: 06/21/96
Case ID: 95122243

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INVESTIGATION AND BEING JUDGE OF THE COURT MARTIAL.

[redacted] B1

10. (C) COL. ORTEGA APPEARED TO BE VERY OPEN AND FORTHCOMING, VOLUNTEERING INFORMATION AND PROVIDING OTHER DATA REQUESTED. NOT ONLY DID HE AGREE TO PROVIDE THE INVENTORY OF PERSONAL EFFECTS AND PHOTOGRAPHS OF THE DETAINED, BUT AT THE REQUEST OF THE CONGEN AGREED TO QUESTION CARLOS ZELADA ARGUETA TO SEE IF HE COULD POSSIBLY BE INVOLVED INSTEAD OF CARLOS ZELADA MONROY. FURTHERMORE, HE AGREED TO INVESTIGATE THE EXISTENCE OF THE FAMOUS TOYOTA PICK-UP TRUCK, WHICH DOES NOT APPEAR IN THE FORMAL INVENTORY PROVIDED TO HIM WHEN HE TOOK COMMAND LAST MONTH. CONGEN STRESSED THE LACK OF CREDIBILITY OF THE MILITARY'S POSITION ON THIS ISSUE GIVEN THE LARGE NUMBER OF WITNESSES WHO SAW THE TRUCK IN AND AROUND THE BASE BOTH BEFORE AND IMMEDIATELY AFTER THE MURDER. HE ALSO AGREED TO LOOK INTO THE LOG BOOKS OF THOSE ENTERING AND LEAVING THE BASE DURING THE JUNE 8-9 TIMEFRAME, AND INTO THE VEHICLE MAINTENANCE SHOP ON THE BASE TO SEE IF ANY VEHICLE HAD BEEN PAINTED. HE WILL ALSO PROVIDE AN ANSWER ABOUT THE FOOD RATIONS CANS FOUND NEAR THE KIDNAP SITE, AND WHETHER OR NOT THIS KIND OF RATIONS ARE USED BY THE MILITARY.

11. (U) AT THE REQUEST OF THE PRIVATE ATTORNEY, THE MEETING WITH COL. ORTEGA WAS ATTENDED ALSO BY THE LOCAL REPRESENTATIVE OF THE ATTORNEY GENERAL'S OFFICE, EDGAR FERNANDO MENDEZ. SHOULD THE CASE BE REFERRED BACK TO THE CIVIL COURT, HIS INVOLVEMENT CAN BE VERY HELPFUL. MENDEZ HAD RECEIVED A CALL THE PREVIOUS DAY FROM ATTORNEY GENERAL ILLESCAS, RESPONDING TO A CALL FROM PRESIDENT CEREZO ABOUT THE FALSE RUMOR THAT THE FIVE DETAINEES HAD BEEN RELEASED. (COMMENT: THE ATTORNEY GENERAL'S OFFICE IS AUTHORIZED TO OVERSEE MILITARY JUDICIAL PRACTICES AS WELL AS CIVIL COURTS, ALTHOUGH TO DATE THEIR ROLE IN

COURT MARTIALS HAS NOT BEEN ENERGETICALLY PURSUED. END COMMENT.)

12. STRATEGY: THE PRIVATE ATTORNEY INTENDS TO PRESS FOR RETURN OF THIS CASE TO THE CIVIL COURTS, WHERE HE BELIEVES A MORE OPEN PROCESS WILL OCCUR. HE SHARES COL. ORTEGA'S CONCERNS ABOUT CONFLICT OF INTEREST IN ORTEGA'S ROLES OF BOTH INVESTIGATOR AND JUDGE, AND PLANS TO FILE A REQUEST FOR CHANGE OF VENUE TO THE CIVIL COURT IN FLORES, OR EVEN BETTER TO A CIVIL COURT IN THE CAPITAL. SUCH A REQUEST WOULD BE BASED ON ARTICLE 18 SECTION 12 OF THE MILITARY CODE WHICH PROVIDES MILITARY PERSONNEL THE RIGHT TO A MILITARY TRIAL ONLY IF THE CRIME OF WHICH THEY ARE ACCUSED WAS COMMITTED WHILE ON OFFICIAL ORDERS OR WHILE WEARING MILITARY UNIFORM.

13. (C) UPON RECEIPT OF THE PHOTOGRAPHS PROMISED FOR OCTOBER 16, THE ATTORNEY PLANS TO ARRANGE FOR THE PERSONAL IDENTIFICATION BY WITNESSES OF THE ACCUSED.

PARTICIPATION OF WITNESSES WILL BE CRITICAL, AS OTHER THAN THEIR STATEMENTS THERE IS LITTLE EVIDENCE ON WHICH TO CONVICT THE PERPETRATORS.

14. (U) CONGEN CALLED ON LOCAL POLICE CHIEF, WHO CLAIMED TO BELIEVE THAT THE ENTIRE MATTER WAS OUT OF HIS HANDS. CONGEN INFORMED HIM THAT APPARENTLY ONLY FIVE OF THE PERSONS FOR WHOM ARREST WARRANTS WERE ISSUED WERE MILITARY PERSONNEL. SHE PROVIDED HIM INFORMATION ON THE REPORTED WHEREABOUTS OF RICARDO GUZMAN, AND THE ATTORNEY TOLD HIM EXACTLY WHERE AGOSTIN ESQUIVEL HERNANDEZ LIVES AND WORKS. ALTHOUGH EMPHASIZING THE DIFFICULTY OF ACTUALLY EFFECTING AN ARREST GIVEN THE PAUCITY OF HIS RESOURCES, HE INDICATED HIS READINESS TO ATTEMPT TO LOCATE THE TWO AND ARREST THEM. CONGEN WILL FOLLOW UP WITH NATIONAL POLICE DIRECTOR COL. CABALLEROS. STROOCK

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LIMITED OFFICIAL USE GUATEMALA 13279

FOR JOE CANNON, LEGATT

E.O. 12356: N/A
TAGS: CASC, GT, PREL, PHUM
SUBJECT: REQUEST FOR POLYGRAPH EXPERT FOR DEVINE INVESTIGATION

REF: (A) GUATEMALA 10742 (B) GUATEMALA 12986

1. AS REPORTED REFTELS, THE INVESTIGATION INTO THE MICHAEL DEVINE MURDER HAS RESULTED IN THE ARREST OF SIX PERSONS. GIVEN THE SCANT PHYSICAL EVIDENCE PERTAINING TO THE CASE, SUCCESSFUL PROSECUTION WILL DEPEND LARGELY ON WITNESS TESTIMONY.

2. IN ORDER TO BUTTRESS THEIR TESTIMONY (AND THEIR CONFIDENCE IN BEING WILLING TO TESTIFY), THE EMBASSY BELIEVES A POLYGRAPH OF THE ARRESTED SUSPECTS BY AN OUTSIDE AGENCY IS HIGHLY DESIRABLE. WE HAVE OBTAINED AGREEMENT FROM THE MILITARY ZONE COMMANDER COL. ORTEGA (CHARGED WITH CONDUCTING THE INVESTIGATION, IN ADDITION TO BEING THE JUDGE IN THE COURT MARTIAL) AND THE MINISTER OF DEFENSE.

3. ACCORDINGLY, WE REQUEST THE FBI PROVIDE A POLYGRAPH EXPERT AND EQUIPMENT TO INTERVIEW THE SIX DETAINED SUSPECTS AS QUICKLY AS POSSIBLE. WE GIVE THIS REQUEST THE HIGHEST PRIORITY. STROOCK
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LIMITED OFFICIAL USE GUATEMALA 013279

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 07/17/95
Case ID: 95122243

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DEPARTMENT OF STATE
ARA/NEA REARCS

PAGE 01 SANT A 08218 2219172 818468 S285774
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U.S. Department of State
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Exemption(s)

UNCLAS SANTIAGO 08218

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USIA FOR P/G: AP
STATE FOR ARA/SC: APA:P

E.O. 12356: N/A
SUBJ: REQUEST FOR PRESS GUIDANCE: MODIFICATIONS TO KENNEDY AMENDMENT

1. BASED ON DECLARATIONS BY THE CHILEAN DEFENSE MINISTER, SANTIAGO WEEKEND DAILIES REPORTED THAT THE SENATE APPROPRIATIONS COMMITTEE HAD APPROVED A MODIFICATION TO THE KENNEDY AMENDMENT, TO BE INCLUDED IN THE FOREIGN ASSISTANCE ACT, WHICH WOULD PERMIT THE CHILEAN AIR FORCE TO RECEIVE SPARE PARTS FOR ITS AIRCRAFT.

2. RELATED ARTICLES APPEARING IN THE PRESS WERE AS FOLLOWS:

-- CONSERVATIVE AFTERNOON DAILY "LA SEGUNDA," FRIDAY, OCTOBER 19: "U.S. PREPARES MANEUVER WITH KENNEDY AMENDMENT."

-- CONSERVATIVE INFLUENTIAL DAILY "EL MERCURIO," SUNDAY, OCTOBER 21: "CONFIRMED: KENNEDY AMENDMENT LIFTED FOR FACH (CHILEAN AIR FORCE)."

-- CHRISTIAN-DEMOCRAT AFFILIATED, PRO GOVERNMENT "LA EPOCA," SUNDAY, OCTOBER 21: "U.S. MAY LIFT EMBARGO ONLY FOR FACH -- MINISTER ROJAS BELIEVES THIS IS NOT ENOUGH."

-- CONSERVATIVE POPULAR TABLOID "LA TERCERA," SUNDAY, OCTOBER 21: "MINISTER OF DEFENSE EXPRESSED CONFIDENCE IN END OF KENNEDY AMENDMENT."
-- GOVERNMENT-OWNED "LA NACION," SUNDAY, OCTOBER 21, INCLUDED TWO PARAGRAPHS ON THE KENNEDY AMENDMENT IN A LONGER STORY ON THE MINISTER OF DEFENSE'S STATEMENTS, UNDER THE SUBTITLE: "MINISTER ROJAS CONFIRMED THAT U.S. LIFTED KENNEDY AMENDMENT FOR THE FACH."

3. "LA SEGUNDA" CARRIED A LENGTHY ARTICLE OCTOBER 19 WITH ITS INTERPRETATION OF THE SENATE ACTION, ALONG THE SAME LINES AS THE HEADLINES REPORTED ABOVE. THE ARTICLE ALSO RELATED THE ACTION TO THE PUBLIC AFFAIRS CLIMATE SURROUNDING THE UPCOMING VISIT OF PRESIDENT BUSH. BLOCK QUOTES FROM THE "LA SEGUNDA " ARTICLE FOLLOW:

"...THE U.S. ADMINISTRATION COULD HAVE IN MIND

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THE IMMINENT LIFTING OF THE KENNEDY AMENDMENT ONLY WITH RESPECT TO THE CHILEAN AIR FORCE, THUS GENERATING AN EXPLOSIVE ELEMENT OF INTERPRETATION IN OUR COUNTRY, WHICH WOULD MAKE THE ALREADY DIFFICULT STAGE OF THE CHILEAN-U.S. RELATIONS EVEN MORE DIFFICULT...

"...THE U.S. GOVERNMENT IS NOT WILLING YET TO LIFT THE KENNEDY AMENDMENT AS SUCH AND IN ALL ITS EFFECTS. HOWEVER, THE NEED ON ONE SIDE, TO...IMPROVE...RELATIONS WITH CHILE IN THE BRIEF PERIOD LEFT BEFORE THE VISIT OF PRESIDENT BUSH...FORCED THE DESIGN OF THIS...STRANGE MANEUVER WHICH DISCRIMINATES IN FAVOR OF THE FACH AND AGAINST THE ARMY AND THE NAVY...ONE MIGHT THINK IN CHILE THAT THE FACH HAS BEEN 'REWARDED' BY THE U.S. AND THAT PINOCHET AND THE ARMY, AND THE NAVY AND ADM ROL MARTINEZ BUSCH CONTINUE TO BE 'PUNISHED'...

"...IT IS TRUE THAT THE FACH WAS THE MOST ADVERSELY AFFECTED BY THE KENNEDY AMENDMENT. IT HAS BEEN DIFFICULT TO KEEP THE F-5 S...IN FLYING CONDITION...CHILEAN PILOTS ...LIVES HAVE BEEN RISKED...WHEN THE OBLIGATORY NOTIFICATION OF 'TECHNICAL ADVISORIES' (RECALL NOTICES) BY THE MANUFACTURER OF THE F-5 PLANES WAS IMPEDED...THE SENDING OF 'TECHNICAL ADVISORIES' WAS RESUMED TWO YEARS AGO..."

4. ACTION REQUESTED:

WE REQUEST P/G OBTAIN GUIDANCE TO ASSIST POST IN RESPONDING TO LOCAL PRESS INQUIRIES. SANDRIDGE

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El Salvador: Human Rights
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United States Department of State

Washington, D.C. 20520

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ACTION MEMORANDUM SR S/S 10/10

[redacted]

FOR 10/15

TO: The Secretary

THROUGH: P - Under Secretary Kimmitt RHK

FROM: ARA - Bernard Aronson BA/SR

SUBJECT: Letter from the President to Presidents Salinas and Perez and PM Gonzalez on the Salvadoran Negotiations

Issue for Decision

Whether to provide the President with a draft letter encouraging President Salinas of Mexico, President Perez of Venezuela, and Prime Minister Gonzalez of Spain to press the FMLN and the U.N. to achieve a negotiated breakthrough in the Salvadoran peace talks.

Background

The U.N.-mediated Salvadoran peace talks face a logjam which must be resolved soon if the March 1991 elections are to proceed with maximum international observer presence. The failure of the FMLN to negotiate seriously to achieve a cease-fire and a political settlement to the conflict has threatened the process.

Salinas, Perez, and Gonzalez have special influence with both the FMLN and the U.N. All three leaders told the President at the UNGA that the Secretary General had asked them to assist the negotiating process. We suggest that the President write the three to encourage them to pressure the FMLN to take a more flexible and serious stance and to encourage the U.N. to take a more active role in the negotiations.

Recommendation

That you send the attached memorandum to the President.

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: HOFFENBERG, MARV
Date: 06/03/94
Case ID: 9940036D

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DEPARTMENT OF STATE
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PAGE 01 OF 02 STATE 366435 292241Z 022931 S005768
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ALL POSTS PLEASE PASS TO PAO; ROME FOR VATICAN

E.O. 12356: N/A
TAGS: OPR[redacted]
SUBJECT: [redacted]

PREPARED PRESS GUIDANCES.

STATE 366435 292241Z 022931 S005768

MEXICO: ANTIDRUG HELICOPTERS

Q: ANY REACTION TO REPORTED CONGRESSIONAL OBJECTIONS TO GIVING MILITARY HELICOPTERS TO MEXICO FOR ANTIDRUG PROGRAMS?

A: THE SALINAS ADMINISTRATION HAS MADE A MAJOR CONTRIBUTION TO OUR JOINT ANTINARCOTICS EFFORTS. THESE HELICOPTERS WILL BE VITAL ELEMENTS OF THOSE EFFORTS, STRENGTHENING OUR ABILITY TO INTERDICT COCAINE SHIPMENTS IN TRANSIT THROUGH MEXICO.

-- ANTIDRUG PROGRAMS OF THE MEXICAN ATTORNEY GENERAL'S OFFICE HAVE KEPT MORE THAN 44 TONS OF COCAINE OFF OUR STREETS IN 1990 ALONE.

-- CONGRESS WAS BRIEFED EXTENSIVELY ON THIS PROGRAM TWO MONTHS AGO. THEIR CONCERNS WERE TAKEN INTO ACCOUNT.

-- MUTUALLY AGREED SAFEGUARDS ALREADY IN PLACE WILL GUARANTEE THE PROPER AND EFFECTIVE USE OF THESE HELICOPTERS.

Q: WHAT ABOUT CLAIMS THAT MEXICAN POLICE ARE INVOLVED IN CORRUPTION AND TORTURE?

A: PRESIDENT SALINAS IS STRONGLY COMMITTED TO FIGHTING CORRUPTION AND TORTURE. HE RECENTLY REORGANIZED THE ATTORNEY GENERAL'S OFFICE AND INTRODUCED LEGISLATION THAT WOULD INCREASE HUMAN RIGHTS PROTECTIONS.

Q: HOW MANY HELICOPTERS?

A: THERE ARE 9.

[redacted]

Q: WHAT IS YOUR REACTION TO THE EL SALVADOR AID BILL WHICH CONGRESS JUST PASSED?

A: THE FOREIGN ASSISTANCE BILL CONTAINING PROVISIONS WITHHOLDING MILITARY AID TO EL SALVADOR IS AT THE WHITE HOUSE FOR PRESIDENT BUSH'S CONSIDERATION.

-- I WOULD REFER YOU TO THE WHITE HOUSE FOR ANY COMMENTS ON THE BILL.

[redacted]

Q: ACCORDING TO PRESS ACCOUNTS, A U.S. MILITARY OFFICER HAS GIVEN STATEMENTS THAT SAY THAT NUMEROUS SENIOR SALVADORAN MILITARY OFFICERS KNEW IN ADVANCE OF THE PLAN TO MURDER THE JESUIT PRIESTS LAST NOVEMBER. WHAT IS YOUR REACTION?

A: THE OFFICER, FORMERLY ASSIGNED TO OUR EMBASSY IN SAN SALVADOR, HAS GIVEN NUMEROUS STATEMENTS ON THIS CASE. HE HAS BEEN INTERVIEWED BY THE FBI AND HE TESTIFIED SEPTEMBER 28 BEFORE THE SALVADORAN JUDGE WHO IS INVESTIGATING THE CASE.

-- BECAUSE THIS IS AN ONGOING CRIMINAL INVESTIGATION, WE WILL NOT COMMENT ON SPECIFIC ISSUES RAISED IN HIS STATEMENTS.

-- THE OFFICER HAS RECANTED MANY OF THE STATEMENTS HE GAVE EARLY IN THE INVESTIGATION. THE SALVADORAN JUDGE HAS ALL

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ARA/NEA REARCS

THE OFFICER'S STATEMENTS, AND HE WILL DETERMINE THEIR VALUE AND SIGNIFICANCE TO THE INVESTIGATION.

(IF ASKED)

Q: WHY DID THE U.S. DELAY IN GIVING THE JUDGE THIS INFORMATION?

A: AT THE REQUEST OF THE SALVADORAN AUTHORITIES, WE HAVE BEEN ASSISTING IN THE INVESTIGATION OF THIS CRIME SINCE LAST NOVEMBER. SINCE THAT TIME, WE HAVE COOPERATED CLOSELY WITH THE INVESTIGATING JUDGE. IN SEPTEMBER, WHEN WE REVIEWED FILES OF INFORMATION THAT HAD BEEN COLLECTED IN JANUARY, WE DETERMINED THAT ADDITIONAL DATA SHOULD BE GIVEN TO THE JUDGE, AND WE DID SO.

NICARAGUA: DISCONTENTED CONTRAS

Q: WHAT IS YOUR REACTION TO REPORTS THAT THE NICARAGUAN CONTRAS ARE DISSATISFIED AND ON THE BRINK OF REVOLT AGAINST THE CHAMORRO GOVERNMENT?

A: IN HER FIRST MONTHS IN OFFICE, PRESIDENT CHAMORRO SUCCESSFULLY NEGOTIATED THE DEMOBILIZATION OF THE NICARAGUAN RESISTANCE. (XX,000) COMBATANTS GAVE UP THEIR ARMS IN JULY AND RETURNED TO CIVILIAN LIFE. THIS ACHIEVEMENT ENDED THE WAR.

-- HOWEVER, DIFFICULTIES REMAIN, ESPECIALLY IN THE DISTRIBUTION OF LAND TO FORMER COMBATANTS WHO WANT TO RETURN TO FARMING. THIS HAS CAUSED TENSION IN THE COUNTRYSIDE.

-- THE NICARAGUAN GOVERNMENT HAS ESTABLISHED A COMMISSION TO SETTLE RURAL LAND DISPUTES. IT IS TAKING OTHER STEPS TO COMPLETE THE RESETTLEMENT PROCESS AND TO DEFUSE TENSIONS.

-- WE ARE WORKING CLOSELY WITH THE NICARAGUAN GOVERNMENT. 30 MILLION OF OUR ORIGINAL AID PACKAGE SUPPORTS THE NICARAGUAN GOVERNMENT'S EFFORTS TO RESETTLE FORMER NICARAGUAN RESISTANCE MEMBERS. ANOTHER 10 MILLION HAS JUST BEEN ADDED TO THAT SUM. OUR OTHER AID PROGRAMS ALSO BENEFIT THIS GROUP.

BOLIVIA: ECHEVERRIA ARREST AND TRANSFER TO U.S.

Q: WHAT CAN YOU TELL US ABOUT THE ARREST AND TRANSFER TO MIAMI OF A BOLIVIAN ACCUSED OF DRUG TRAFFICKING?

A: ON OCTOBER 25, BOLIVIAN COUNTERNARCOTICS POLICE ARRESTED HERLAN ECHEVERRIA (ER-LAHN-EH-CHI-VEH-REE-UH), WANTED IN THE UNITED STATES ON DRUG TRAFFICKING CHARGES SINCE 1983.

-- EARLIER, THE U.S. GOVERNMENT INFORMED THE GOVERNMENT OF BOLIVIA OF THE SERIOUS NARCOTICS CHARGES AGAINST ECHEVERRIA. THE GOVERNMENT OF BOLIVIA DIRECTED THE BOLIVIAN POLICE TO DELIVER ECHEVERRIA TO U.S. DRUG ENFORCEMENT ADMINISTRATION AGENTS FOR TRANSPORT TO THE UNITED STATES.

-- ECHEVERRIA WAS A SPECIAL ASSISTANT TO FORMER BOLIVIAN INTERIOR MINISTER LUIS ARCE GOMEZ. ARCE GOMEZ WAS ARRESTED IN BOLIVIA LAST DECEMBER AND LATER SENT TO THE UNITED STATES.

-- WE CONGRATULATE THE GOVERNMENT OF BOLIVIA FOR THIS

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DEMONSTRATION OF ITS CONTINUED COMMITMENT TO FIGHT DRUG TRAFFICKING.

Q: DO WE HAVE AN EXTRADITION TREATY WITH BOLIVIA?

A: THE EXTRADITION TREATY BETWEEN THE UNITED STATES AND BOLIVIA DATES FROM 1901. DISCUSSIONS FOR A REVISION OF THAT TREATY ARE CURRENTLY UNDERWAY.

-- ECHEVERRIA WAS NOT EXTRADITED TO THE UNITED STATES. HIS DELIVERY TO U.S. AUTHORITIES WAS MADE ON THE BASIS OF A DECISION BY THE GOVERNMENT OF BOLIVIA.

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PAGE 01 SAN SA 14583 01 OF 21 271637Z
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Special Project (1993)

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DEPARTMENT FOR HA AND S/IL

E.O. 12356: N/A
TAGS; PHUM, ELAB, KSPUR, XX, ES
SUBJECT: COUNTRY REPORT ON HUMAN RIGHTS PRACTICES FOR 1990

REF: A) STATE 227544, B) STATE 311045, C) STATE 267382, D) STATE 313169, E) STATE 321573

1. LOU-NOFORN--ENTIRE TEXT.

2. FOLLOWING IS THE 1990 COUNTRY HUMAN RIGHTS REPORT FOR EL SALVADOR.

[redacted]

PAGE 02 SAN SA 14583 01 OF 21 271637Z
INTRODUCTION

EL SALVADOR HAS A FREELY-ELECTED DEMOCRATIC GOVERNMENT. THE EXECUTIVE IS HEADED BY THE PRESIDENT; A UNICAMERAL ASSEMBLY APPROVES LEGISLATION AND APPOINTS THE MAGISTRATES OF THE SUPREME COURT, WHICH APPOINT ALL LOWER COURT JUDGES. THE ARMED FORCES OF EL SALVADOR TOTAL APPROXIMATELY 56,000 MEN, INCLUDING THE 15,000 MEN IN THE SECURITY FORCES. THE MILITARY ALSO CONTROLS A 24,000 VOLUNTEER (PART-TIME) CIVIL DEFENSE FORCE (CIVIL GUARD).

FOR TEN YEARS, A COALITION OF REVOLUTIONARY GUERRILLA ORGANIZATIONS KNOWN AS THE FARABUNDO MARTI NATIONAL LIBERATION FRONT (FMLN) HAS BEEN IN ARMED REBELLION AGAINST THE LEGITIMATE, DEMOCRATIC GOVERNMENT OF EL SALVADOR. THE FMLN CAN MUSTER ABOUT 6,000 FULL-TIME

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FIGHTERS BACKED BY PERHAPS ANOTHER 10,000 SUPPORTERS ORGANIZED INTO A NETWORK OF SUPPORT GROUPS, PART-TIME MILITIA, AND URBAN COMMANDO CELLS.

AS A RESULT OF THE NOV. 1989 FMLN OFFENSIVE, PRESIDENT CRISTIANI DECLARED A STATE OF EXCEPTION ON NOV. 13 WHICH WAS EXTENDED AND MODIFIED IN 30 DAY INCREMENTS UNTIL EXPIRING APRIL 12, 1990.

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El Salvador: Human Rights
Special Project (1993)

THE PEACE TALKS BETWEEN THE SALVADORAN GOVERNMENT AND THE GUERRILLAS LED TO THE JULY 26 SAN JOSE AGREEMENT ON HUMAN RIGHTS AND INTERNATIONAL VERIFICATION (HUMAN RIGHTS ACCORDS) CALLING FOR THE ESTABLISHMENT OF A UN HUMAN RIGHTS VERIFICATION COMMISSION TO BEGIN

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PAGE 03 SAN SA 14583 01 OF 21 271637Z
FUNCTIONING ONCE A CEASE-FIRE TAKES EFFECT. ON JULY 31, THE SALVADORAN ARMED FORCES ISSUED A GENERAL ORDER TO ALL MILITARY UNITS AND SECURITY FORCES ESTABLISHING NEW PROCEDURES FOR ARRESTS AND DETENTIONS TO CONFORM WITH THE HUMAN RIGHTS ACCORDS. THE TALKS HAVE ALSO CHANGED THE COMPLEXION OF THE NEXT SCHEDULED ELECTIONS. THE INTERPARTY DIALOGUE COMMISSION (IPDC), WHICH WAS CREATED TO GIVE THE POLITICAL PARTIES A VOICE IN THE NEGOTIATIONS, AGREED ON AN ELECTORAL REFORM PACKAGE FOR THE MARCH 1991 ELECTIONS. CHIEF AMONG THE REFORMS IS THE EXPANSION OF THE ASSEMBLY FROM 60 TO 84 DEPUTIES, A CHANGE DESIGNED TO ENHANCE THE ELECTORAL PROSPECTS OF SMALLER PARTIES.

AFTER YEARS OF STATIST ECONOMIC POLICIES, IN MID-1989 THE CRISTIANI GOVERNMENT BEGAN TO IMPLEMENT AN ECONOMIC ADJUSTMENT PROGRAM TO REDUCE THE ROLE AND RELATIVE SIZE OF THE PUBLIC SECTOR. THE GOVERNMENT HAS RELINQUISHED MUCH OF ITS ECONOMIC DECISION-MAKING AND PRICE-SETTING AUTHORITY TO MARKET FORCES. THE RESPONSE HAS BEEN ENCOURAGING; THE ECONOMY IS EXPECTED TO GROW BY 3 PERCENT THIS YEAR, HIGHER THAN IN ANY YEAR SINCE THE INSURGENCY BEGAN. AGRICULTURE, THE BACKBONE OF THE ECONOMY, IS RESPONDING PARTICULARLY WELL TO THE NEW INCENTIVES. THE INSURGENCY-RELATED IMPEDIMENTS TO ECONOMIC PROGRESS, HOWEVER, ARE MYRIAD AND SERIOUS. A KEY INGREDIENT OF FMLN STRATEGY IS TO DISRUPT THE ECONOMY: IT ENGAGES IN SABOTAGE OF ECONOMIC TARGETS AND EXTORTS "WAR TAXES" TO RAISE INCOME. THE ECONOMY HAS EXPERIENCED LOSSES OF APPROXIMATELY USD 2 BILLION FROM THE INSURGENCY.

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UNCLASSIFIED

PAGE 04 SAN SA 14583 01 OF 21 271637Z

ESTIMATES OF THE DIRECT AND INDIRECT COSTS OF THE FMLN'S NOVEMBER 1989 OFFENSIVE RANGE AS HIGH AS USD 100 MILLION.

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THE THREE MAIN LAW ENFORCEMENT AGENCIES IN EL SALVADOR, ALSO KNOWN AS THE PUBLIC SECURITY FORCES, ARE THE NATIONAL POLICE, THE NATIONAL GUARD, AND THE TREASURY POLICE. THE SECURITY FORCES ARE PART OF THE ARMED FORCES. THE 7,350-MAN NATIONAL POLICE IS PRIMARILY AN URBAN FORCE WHILE THE 4,690-MAN NATIONAL GUARD POLICES RURAL AREAS. THE 2,792 AGENTS OF THE TREASURY POLICE OSTENSIBLY ENFORCE LIQUOR, NARCOTICS, AND FIREARMS REGULATIONS. IN PRACTICE, HOWEVER, THE

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El Salvador: Human Rights Special Project (1993)

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PAGE 01 SAN SA 14583 02 OF 21 271638Z
ACTION HA-09

INFO	LOG-00	ADS-00	AID-01	ARA-01	CIAE-00	C-01	DODE-00
	EB-01	H-01	INRE-00	INR-05	IO-19	LAB-04	L-03
	NSAE-00	NSCE-00	OIC-02	PA-01	PRS-01	P-02	RP-10
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P 271357Z OCT 90
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC PRIORITY 2533

[redacted] SECTION 02 OF 21 SAN SALVADOR 14583

DEPARTMENT FOR HA AND S/IL

E.O. 12356: N/A
TAGS: PHUM, ELAB, KSPUR, XX, ES
SUBJECT: COUNTRY REPORT ON HUMAN RIGHTS PRACTICES

SECURITY FORCES' RESPONSIBILITIES AND JURISDICTIONS OVERLAP, MAKING COORDINATION AMONG THEM A CONTINUING PROBLEM. ANY OF THE SECURITY FORCES CAN ARREST SUSPECTS OF ANY CRIME. THE 24,000-MAN CIVIL GUARD IS TRAINED AND EQUIPPED BY LOCAL MILITARY DETACHMENTS AND

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CHARGED WITH PROTECTING VILLAGES, BRIDGES, OR OTHER INFRASTRUCTURE. THE CIVIL GUARDS ARE NOT AUTHORIZED TO MAKE ARRESTS, ALTHOUGH THEY SOMETIMES DO.

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El Salvador: Human Rights
Special Project (1993)

PAGE 02 SAN SA 14583 02 OF 21 271638Z
THE NATIONAL POLICE, NATIONAL GUARD, AND TREASURY POLICE REPORT TO THE VICE MINISTER OF DEFENSE FOR PUBLIC SECURITY. ALTHOUGH THEY ARE UNDER THE CONTROL OF THE GOVERNMENT AND ARE GENERALLY RESPONSIVE TO IT, THE SECURITY FORCES HAVE NOT ALWAYS COOPERATED WITH REQUESTS FOR ASSISTANCE FROM THE JUDICIARY OR THE ATTORNEY GENERAL'S OFFICE, BOTH INDEPENDENT CONSTITUTIONAL ENTITIES. EL SALVADOR DOES NOT HAVE A CIVILIAN POLICE FORCE.

AS THE INSURGENCY GAINED STRENGTH IN THE EARLY 1980'S, SECURITY FORCE PERSONNEL WERE OFTEN GUILTY OF HUMAN RIGHTS VIOLATIONS INCLUDING PARTICIPATION IN DEATH SQUADS. HOWEVER, THROUGH THE EFFORTS OF THE CIVILIAN LEADERS OF THE GOVERNMENT AND SENIOR MILITARY OFFICIALS, THIS TYPE OF ACTIVITY HAS LARGELY ENDED; AND WHEN IT DOES OCCUR, IT DOES SO WITHOUT APPARENT OFFICIAL SANCTION. THE MURDER OF SIX JESUITS, THEIR HOUSEKEEPER, AND HER TEENAGE DAUGHTER IN NOVEMBER 1989 DOMINATED THE HUMAN RIGHTS LANDSCAPE THROUGHOUT 1990, OBSCURING OTHER PROBLEMS AS WELL AS IMPROVEMENTS IN THE OVERALL SITUATION. VIRTUALLY ALL HUMAN RIGHTS ORGANIZATIONS AGREED THAT THERE WAS A GENERAL IMPROVEMENT IN THE HUMAN RIGHTS SITUATION IN EL SALVADOR IN 1990. REDUCED VIOLENCE IN THE COUNTRY SINCE THE END OF THE NOVEMBER 1989 FMLN OFFENSIVE AND GREATER EFFORTS BY THE SALVADORAN GOVERNMENT AND MILITARY TO IMPROVE THEIR PERFORMANCE AND INTERNATIONAL IMAGE CONTRIBUTED TO THIS TREND. THE PEACE TALKS, INCLUDING THE JULY 26 HUMAN RIGHTS ACCORDS, ALSO HELPED IMPROVE HUMAN RIGHTS OBSERVANCE

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PAGE 03 SAN SA 14583 02 OF 21 271638Z
IN EL SALVADOR.

STATISTICS KEPT BY THE AMERICAN EMBASSY FOR THE FIRST SEVEN MONTHS OF THE YEAR, SHOW A DECREASE IN CIVILIAN POLITICAL KILLINGS COMPARED TO 1989. IN THESE CONTINUING ABUSES, IT OFTEN REMAINS UNCLEAR WHO THE PERPETRATORS ARE -- RIGHT-WING VIGILANTES, THE SECURITY FORCES, THE FMLN, OR COMMON CRIMINALS -- TAKING ADVANTAGE OF THE VIOLENT ENVIRONMENT IN EL SALVADOR. OPINION POLLS CONTINUE TO SHOW THAT A

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MAJORITY OF SALVADORANS CONSIDER THE FMLN TO BE THE WORST VIOLATOR OF HUMAN RIGHTS.

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THE SALVADORAN GOVERNMENT'S EFFORTS TO PROSECUTE HUMAN RIGHTS OFFENDERS CONTINUED IN 1990. THE SALVADORAN JUSTICE SYSTEM CONVICTED ONE OF THE MURDERERS OF MICHAEL KLINE, A U.S. CITIZEN KILLED BY SALVADORAN SOLDIERS IN MORAZAN IN 1982. THE JESUIT CASE IS IN THE INSTRUCTIONAL PHASE BEFORE SAN SALVADOR'S FOURTH CRIMINAL COURT. NINE SUSPECTS, INCLUDING A COLONEL, REMAIN IN CUSTODY AND THE INVESTIGATION CONTINUES. PRESIDENT CRISTIANI AND SOME SENIOR MILITARY OFFICERS WAIVED THEIR PRIVILEGE TO PROVIDE ONLY WRITTEN TESTIMONY AND APPEARED IN PERSON BEFORE JUDGE RICARDO ALFREDO ZAMORA. NEVERTHELESS, THE MILITARY'S COOPERATION HAS BEEN UNEVEN WITH KEY EVIDENCE DESTROYED AND FALSE TESTIMONY GIVEN TO THE JUDGE.

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HOWEVER, A DEFECTIVE JUSTICE SYSTEM STILL UNDERMINES EFFORTS TO PROSECUTE HUMAN RIGHTS VIOLATIONS. IN TWO KEY CASES, THE SAN SEBASTIAN AND KIDNAPPING CASES,

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HOPES FOR A SUCCESSFUL PROSECUTION VIRTUALLY COLLAPSED AS JUDGES DROPPED CHAR
GES AGAINST MOST OF THE ACCUSED.

RESPECT FOR HUMAN RIGHTS

SECTION 1 RESPECT FOR THE INTEGRITY OF THE PERSON, INCLUDING FREEDOM FROM:

A. POLITICAL AND OTHER EXTRAJUDICIAL KILLING

DISCERNING A TREND OR PATTERN IN THE LEVEL OF POLITICAL OR EXTRAJUDICIAL KILLINGS IS DIFFICULT BECAUSE COMMON CRIMINAL MURDERS CAN BE DISGUISED AS

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INFO	LOG-00	ADS-00	AID-01	ARA-01	CIAE-00	C-01	DODE-00
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	NSAE-00	NSCE-00	OIC-02	PA-01	PRS-01	P-02	RP-10
	SIL-01	SP-01	SR-01	SS-01	STR-18	TRSE-00	USIE-00
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RELEASED
El Salvador: Human Rights
Special Project (1993)

P 271357Z OCT 90
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC PRIORITY 2534

[redacted] SECTION 03 OF 21 SAN SALVADOR 14583

DEPARTMENT FOR HA AND S/IL

E.O. 12356: N/A
TAGS: PHUM, ELAB, KSPUR, XX, ES
SUBJECT: COUNTRY REPORT ON HUMAN RIGHTS PRACTICES

POLITICAL KILLINGS. BY THE SAME TOKEN, A POLITICAL MOTIVE IN OTHER MURDERS MAY GO UNDETECTED, CAUSING THEM TO BE CLASSIFIED AS COMMON CRIMES.

IN THE FIRST SEVEN MONTHS OF 1990, THERE WERE 55 NONCOMBAT KILLINGS OF CIVILIANS FOR A SUSPECTED POLITICAL MOTIVE. OF THESE 55, 31 APPEAR TO HAVE BEEN KILLED BY THE FMLN, 4 BY THE MILITARY, AND 20 BY UNKNOWN ASSAILANTS. ANOTHER 32 CIVILIANS WERE [redacted]

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PAGE 02 SAN SA 14583 03 OF 21 271639Z
REPORTEDLY KILLED AS A RESULT OF COMBAT BETWEEN THE FMLN AND THE SALVADORAN MILITARY. THROUGH JULY, THE NUMBER OF 1990 CIVILIAN DEATHS AS A RESULT OF THE POLITICAL CONFLICT (WHICH INCLUDES CIVILIANS KILLED IN NONCOMBAT AS WELL AS COMBAT SITUATIONS) AVERAGED 12 PER MONTH; THIS COMPARES WITH A MONTHLY AVERAGE OF 30 IN 1989 (NOTE: PRIOR TO THE FMLN OFFENSIVE THE 1989 AVERAGE WAS APPROXIMATELY 17 PER MONTH), 19 IN 1988, 23 IN 1987, 22 IN 1986, 28 IN 1985, 64 IN 1984, 140 IN 1983, 219 IN 1982, 444 IN 1981, AND 750 IN 1980. GIVEN THE ISOLATION OF SOME RURAL AREAS, IT IS LIKELY THAT NOT ALL DEATHS ARE REPORTED, BUT THE USE OF SIMILAR METHODOLOGY YEAR AFTER YEAR HELPS ESTABLISH TRENDS WITH ACCURACY.

THE EMBASSY ALSO MAINTAINS STATISTICS ON THE NUMBER OF SUSPICIOUS MURDERS, THOSE IN WHICH A POLITICAL MOTIVE, THOUGH NOT APPARENT, COULD NOT BE EXCLUDED. DEATHS IN THIS CATEGORY AVERAGED 15 PER MONTH DURING 1989 AND

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THE FIRST SEVEN MONTHS OF 1990.

CREDIBLE REPORTS OF CIVILIANS KILLED FOR POLITICAL REASONS IN NONCOMBAT SITUATIONS BY THE MILITARY AND SECURITY FORCES PERSIST. ON MARCH 10, EFRAIN AND CRISTINA CABRERA WERE KILLED IN LA HACHADURA, AHUACHAPAN. ACCORDING TO THE GOVERNMENT HUMAN RIGHTS COMMISSION (CDH), ARMED AND UNIFORMED MEN BROKE INTO THE CABRERA HOME, TIED THE FAMILY UP, STOLE MONEY AND ELECTRONIC EQUIPMENT, AND RAPED TWO WOMEN. EFRAIN CABRERA WAS LATER FOUND IN A HALLWAY FATALLY SHOT IN THE HEAD WITH HIS WOUNDED WIFE BESIDE HIM. NEIGHBORS

UNCLASSIFIED

RELEASED
El Salvador: Human Rights Special Project (1993)

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PAGE 03 SAN SA 14583 03 OF 21 271639Z
ALLEGEDLY IDENTIFIED THE ATTACKERS AS MEMBERS OF A LOCAL CIVIL DEFENSE UNIT BUT FAMILY MEMBERS OF THE VICTIMS STATED THAT LOCAL CIVIL DEFENSE FORCES WERE NOT INVOLVED. THE DAUGHTER OF THE VICTIMS SAID THE ATTACKERS CAME TO KILL HER PARENTS AND ONLY TOOK TO ROBBERY AS AN AFTERTHOUGHT. THERE IS NO SERIOUS INVESTIGATION BEING CONDUCTED.

ACCORDING TO THE CATHOLIC HUMAN RIGHTS OFFICE, TUTELA LEGAL, ON MARCH 11, IN ROSARIO DE CUSCATLAN, CUSCATLAN, A MEMBER OF THE LOCAL CIVIL DEFENSE UNIT EXECUTED OSMIN ESCOBAR ON THE SUSPICION THAT HE WAS A GUERRILLA. THIS INCIDENT WAS NOT REPORTED ANYWHERE ELSE, NOR CONFIRMED BY ANY OTHER HUMAN RIGHTS ORGANIZATION.

AGAIN ACCORDING TO TUTELA LEGAL, ON APRIL 26, IN COATEPEQUE, SANTA ANA, TWO UNIDENTIFIED MEN WERE EXECUTED BY SECOND BRIGADE SOLDIERS. THIS INCIDENT WAS NOT REPORTED ANYWHERE ELSE, NOR CONFIRMED BY ANY OTHER HUMAN RIGHTS ORGANIZATION.

ON AUGUST 20, JESUIT PRIESTS JON CORTINA AND P. NICOLAS ALVARENGA WERE APPARENTLY SHOT AT IN GUARJILA, CHALATENANGO. BOTH PRIESTS CHARGED THAT THEY WERE THE TARGETS OF AN ARMY SNIPER ATTACK. PRESIDENT CRISTIANI PUBLICLY DENIED THAT SALVADORAN FORCES FIRED AT THE PRIESTS BUT ADMITTED THAT BULLETS FROM A CROSS FIRE COULD HAVE ENTERED THE CAMP. THE SALVADORAN MILITARY MAINTAINS THAT ARMED FMLN INSURGENTS WERE OPERATING IN THE AREA. IT APPEARS

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PAGE 04 SAN SA 14583 03 OF 21 271639Z
THAT SALVADORAN SOLDIERS (AND THE FMLN) PUT CIVILIAN LIVES AT RISK BY OPERATING NEAR GUARJILA. THE

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SALVADORAN HIGH COMMAND AND THE GOVERNMENT'S HUMAN RIGHTS COMMISSION ARE CONDUCTING AN INVESTIGATION.

IN 1990, VARIOUS GROUPS CHARGED THAT EXTREME RIGHT-WING "DEATH SQUADS" WERE OPERATING AGAIN. HOWEVER, THERE HAVE BEEN NO PUBLICLY ACKNOWLEDGED DEATH SQUAD KILLINGS SINCE 1984. CHARGES BY CESAR VIELMAN JOYA MARTINEZ THAT U.S. AND SALVADORAN OFFICIALS WERE INVOLVED IN HIS MURDEROUS ACTIVITIES REMAIN UNCORROBORATED AND ARE CALLED INTO QUESTION BY HIS REPEATED CONTRADICTIONS OF EARLIER TESTIMONY.

RELEASED
El Salvador: Human Rights Special Project (1993)

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PAGE 01 SAN SA 14583 04 OF 21 271640Z
ACTION HA-09

INFO	LOG-00	ADS-00	AID-01	ARA-01	CIAE-00	C-01	DODE-00
	EB-01	H-01	INRE-00	INR-05	IO-19	LAB-04	L-03
	NSAE-00	NSCE-00	OIC-02	PA-01	PRS-01	P-02	RP-10
	SIL-01	SP-01	SR-01	SS-01	STR-18	TRSE-00	USIE-00
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P 271357Z OCT 90
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC PRIORITY 2535

[redacted]SECTION 04 OF 21 SAN SALVADOR 14583

DEPARTMENT FOR HA AND S/IL

E.O. 12356: N/A
TAGS: PHUM, ELAB, KSPUR, XX, ES
SUBJECT: COUNTRY REPORT ON HUMAN RIGHTS PRACTICES

EXTENSIVE U.S. GOVERNMENT INVESTIGATIONS HAVE TURNED UP NO EVIDENCE TO BACK UP HIS CHARGES OF U.S. COMPLICITY. THE SALVADORAN GOVERNMENT IS REPORTEDLY PREPARING AN EXTRADITION REQUEST FOR JOYA MARTINEZ, WHO HAS APPLIED FOR POLITICAL ASYLUM IN THE U.S. GUATEMALAN AUTHORITIES AND OTHERS HAVE ALLEGED THAT A SALVADORAN DEATH SQUAD KILLED HECTOR OQUELI, THE

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DEPUTY SECRETARY GENERAL OF EL SALVADOR'S NATIONAL REVOLUTIONARY MOVEMENT PARTY, AND GILDA FLORES, A

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UNCLASSIFIED

PAGE 02 SAN SA 14583 04 OF 21 271640Z
GUATEMALAN LAWYER, ON JANUARY 11, IN GUATEMALA. HOWEVER, THERE IS NO HARD EVIDENCE LINKING SALVADORAN DEATH SQUADS TO THE MURDERS.

RELEASED
El Salvador: Human Rights
Special Project (1993)

ON JANUARY 16, 1990, COLONEL GUILLERMO ALFREDO BENAVIDES, THE DIRECTOR OF THE MILITARY ACADEMY, WAS ARRESTED IN CONNECTION WITH THE MURDER OF SIX JESUIT PRIESTS, THEIR HOUSEKEEPER, AND HER DAUGHTER. THREE LIEUTENANTS AND FIVE ATLACATL BATTALION ENLISTED MEN WERE ALSO ARRESTED ON MURDER CHARGES. A NINTH SOLDIER, WHO DESERTED IN DECEMBER, WAS ALSO CHARGED BUT HAS NOT BEEN FOUND. COL. BENAVIDES REMAINED UNDER DETENTION AT NATIONAL POLICE HEADQUARTERS IN SAN SALVADOR. THE OTHER SEVEN DETAINEES WERE HELD AT NATIONAL GUARD HEADQUARTERS IN SAN SALVADOR. PROGRESS IN THE INVESTIGATION HAS BEEN PAINFULLY SLOW: SOME LEADS HAVE NOT BEEN FOLLOWED AND CRUCIAL EVIDENCE HAS APPARENTLY BEEN DESTROYED.

IN JUNE, DR. RICARDO ZAMORA, THE FOURTH CRIMINAL COURT JUDGE OF SAN SALVADOR, INDICTED LIEUTENANT COLONEL CARLOS CAMILO HERNANDEZ, THE DEPUTY DIRECTOR OF THE MILITARY ACADEMY AT THE TIME OF THE MURDERS, FOR OBSTRUCTION OF JUSTICE. IN AUGUST AND SEPTEMBER, JUDGE ZAMORA DETAINED THREE ATLACATL ENLISTED MEN ON PERJURY CHARGES. OTHER SALVADORAN MILITARY OFFICERS, WHILE NOT OPENLY LYING OR BLOCKING THE INVESTIGATION, HAVE PROVIDED MINIMAL COOPERATION. NO ONE IN THE SALVADORAN MILITARY HAS COME TO THE JUDGE WITH ADDITIONAL INFORMATION ABOUT THE MURDERS.

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PAGE 03 SAN SA 14583 04 OF 21 271640Z
COLONEL RENE EMILIO PONCE, THE RECENTLY-APPOINTED MINISTER OF DEFENSE, HAS PROMISED BETTER COOPERATION AND PUBLICLY ANNOUNCED HIS DETERMINATION TO RESOLVE THE CASE. ON SEPTEMBER 7, PRESIDENT CRISTIANI DEMONSTRATED HIS DETERMINATION TO SEEK PROGRESS IN THIS CASE BY WAIVING PRESIDENTIAL PRIVILEGE AND TESTIFYING FOR FOUR HOURS IN THE JUDGE'S CHAMBERS CONCERNING A NOVEMBER 15, 1989, GENERAL STAFF MEETING. SOME SENIOR SALVADORAN MILITARY OFFICERS HAVE FOLLOWED THE PRESIDENT'S LEAD, WAIVED THEIR PRIVILEGE OF GIVING ONLY WRITTEN TESTIMONY AND APPEARED IN PERSON BEFORE JUDGE ZAMORA. INSUFFICIENT

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AS THEY ARE, THESE STEPS ARE SIGNIFICANT AND ENCOURAGING.

ALTHOUGH THE ATLACATL BATTALION IS INEXTRICABLY LINKED WITH THE JESUIT MURDERS, THERE WERE NO CREDIBLE REPORTS OF ITS TROOPS BEING INVOLVED IN OTHER HUMAN RIGHTS VIOLATIONS IN 1990.

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THE SALVADORAN GOVERNMENT'S EFFORTS TO PROSECUTE HUMAN RIGHTS OFFENDERS CONTINUED IN 1990. ON MAY 3, A FIVE-MAN JURY FINALLY CONVICTED PRIVATE HECTOR RUBINA REYES (LATER SENTENCED TO 16 YEARS IN PRISON) OF THE 1982 MURDER OF U.S. CITIZEN MICHAEL KLINE, BUT ACQUITTED THE OTHER TWO DEFENDANTS.

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IN MAY, TWENTY-SIX MEMBERS OF THE CIVIL DEFENSE FORCES (CIVIL GUARDS) WERE SENTENCED TO THIRTY YEARS IN PRISON FOR THE 1982 RAPE AND MURDER OF TWENTY-THREE PEASANTS IN SAN PEDRO PERULAPAN, CUSCATLAN. ALSO IN

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PAGE 04 SAN SA 14583 04 OF 21 271640Z
MAY, SEVEN CIVIL GUARDS WERE SENTENCED TO THIRTY YEARS IN PRISON FOR MURDER AND ROBBERY IN TWO SEPARATE INCIDENTS IN ARMENIA, SONSONATE, IN 1984.

IN JUNE, AN ARMY SERGEANT WAS SENTENCED TO THIRTY YEARS IN PRISON FOR THE 1988 MURDER OF TWO GUATEMALAN BUSINESSMEN. ON JUNE 4, A JURY FOUND A SOLDIER INNOCENT OF
THE ELECTION DAY 1989 KILLING OF TV SOUNDMAN MAURICIO PINEDA DE LEON. PINEDA WAS KILLED WHEN THE TRUCK HE WAS RIDING IN ALLEGEDLY RAN THROUGH AN ARMY ROADBLOCK. TV REPORTS CLAIMED THAT SEVERAL SOLDIERS ATTENDED THE ONE DAY TRIAL, POSSIBLY INFLUENCING THE JURY'S DECISION.

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PAGE 01 SAN SA 14583 05 OF 21 271641Z
ACTION HA-09

UNCLASSIFIED

INFO LOG-00 ADS-00 AID-01 ARA-01 CIAE-00 C-01 DODE-00
EB-01 H-01 INRE-00 INR-05 IO-19 LAB-04 L-03
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SIL-01 SP-01 SR-01 SS-01 STR-18 TRSE-00 USIE-00
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P 271357Z OCT 90
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC PRIORITY 2536

UNCLASSIFIED

RELEASED
El Salvador: Human Rights
Special Project (1993)

[redacted] SECTION 05 OF 21 SAN SALVADOR 14583

DEPARTMENT FOR HA AND S/IL

E.O. 12356: N/A
TAGS: PHUM, ELAB, KSPUR, XX, ES
SUBJECT: COUNTRY REPORT ON HUMAN RIGHTS PRACTICES

ON AUGUST 22, 1989, AN ATLACATL SOLDIER KILLED A MIGUEL ERNESTO MIRANDA REINA, A 17-YEAR OLD HIGH SCHOOL STUDENT IN AN APPARENT ACCIDENT. THE ESAF APOLOGIZED TO THE FAMILY AND TURNED THE SOLDIER OVER TO THE CIVILIAN COURTS FOR PROSECUTION. THE JUDGE HAS ORDERED THE INITIATION OF TRIAL PROCEEDINGS AGAINST THE SOLDIER BUT NO TRIAL DATE HAS BEEN SET. HE FACES A MAXIMUM PENALTY OF 10-20 YEARS.

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PAGE 02 SAN SA 14583 05 OF 21 271641Z
ON AUGUST 29, 1989, TROOPS FROM MILITARY DETACHMENT 7 IN SONSONATE FIRED ON A GROUP OF STUDENTS WHOSE CAR HAD BROKEN DOWN. RAFAEL MAURICIO GARCIA AND HECTOR CUADRA WERE KILLED IN THE ENSUING FUSILLADE. COLONEL PONCE, THEN ARMED FORCES CHIEF OF STAFF, APOLOGIZED TO THE PARENTS AND PROMISED TO BRING THE GUILTY SOLDIERS (WHO CLAIMED TO BELIEVE THAT THE STUDENTS WERE SETTING UP AN FMLN ROADBLOCK) TO JUSTICE. THE MILITARY TURNED A SERGEANT AND AN ENLISTED MAN OVER TO THE COURTS IN EARLY 1990 BUT THE CHARGE WAS REDUCED TO A MISDEMEANOR WITH A MAXIMUM PENALTY OF 3 YEARS IN PRISON.

OFFSETTING PROGRESS IN 1990 WAS THE VIRTUAL COLLAPSE OF TWO KEY HUMAN RIGHTS CASES, THE SAN SEBASTIAN AND KIDNAPPING CASES. IN EARLY 1990, 11 SOLDIERS, INCLUDING A MAJOR, WERE BEING HELD ON CHARGES STEMMING FROM THE MURDER OF TEN PEASANTS IN SAN SEBASTIAN, SAN VICENTE, ON SEPTEMBER 12, 1988. ON FEBRUARY 8, 1990, JUDGE ALCIDES GUANDIQUE OF THE FIRST INSTANCE COURT OF SAN SEBASTIAN, SAN VICENTE, RULED THAT THERE WAS INSUFFICIENT EVIDENCE TO PROCEED TO TRIAL AGAINST TEN

UNCLASSIFIED

OF THE ACCUSED AND ORDERED THEIR RELEASE. HE ALSO ORDERED TRAIL PROCEEDINGS TO BE INITIATED AGAINST MAJOR MAURICIO DE JESUS BELTRAN AND SUB-SERGEANT RAFAEL ROSALES VILLALOBOS. DEFENSE AND PROSECUTION APPEALS SUSPENDED ACTION ON JUDGE GUANDIQUE'S RULING UNTIL APRIL 27. ON THAT DATE, THE SAN VICENTE APPEALS COURT ORDERED TRIAL PROCEEDINGS TO BE INITIATED AGAINST MAJOR BELTRAN AND RETURNED THE CASE AGAINST HIM TO JUDGE GUANDIQUE'S COURT. HOWEVER, THE APPEALS COURT ALSO DECIDED, ON QUESTIONABLE GROUNDS, THAT

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UNCLASSIFIED

RELEASED
El Salvador: Human Rights
Special Project (1993)

THERE WAS INSUFFICIENT EVIDENCE AGAINST VILLALOBOS AS WELL AS THE OTHER TEN DEFENDANTS, DROPPED ALL CHARGES AGAINST THEM, AND ORDERED THEIR IMMEDIATE RELEASE. ON JUNE 26, THE SUPREME COURT GRANTED A PETITION FROM THE PROSECUTORS AND TRANSFERRED THE CASE AGAINST MAJOR BELTRAN (THE ONLY REMAINING DEFENDANT IN THE CASE) FROM SAN SEBASTIAN TO SAN SALVADOR. JURY SELECTION IN THE CASE WAS STILL PENDING IN OCTOBER. HOWEVER, SALVADORAN COURTS HAVE SO RIDDLED THE CASE WITH PROCEDURAL FLAWS THAT IT IS DOUBTFUL MAJOR BELTRAN WILL BE CONVICTED, OR, IF CONVICTED, RECEIVE MORE THAN A NOMINAL SENTENCE.

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THE CASE AGAINST SALVADORAN MILITARY OFFICERS (ACTIVE DUTY AND RETIRED) WHO RAN A KIDNAPPING AND AUTO THEFT RING IN THE EARLY 1980'S ALSO VIRTUALLY COLLAPSED IN 1990. OF THE EIGHT REMAINING DEFENDANTS IN THE CASE, ONLY TWO (MAJOR JOSE ALFREDO JIMENEZ AND LIEUTENANT RODOLFO LOPEZ SIBRIAN) WERE STILL IN CUSTODY AS 1990 BEGAN. ON APRIL 1, 1990, THE PRESIDING JUDGE IN THE CASE RETIRED AND WAS REPLACED BY JUDGE ERNESTO CRUZ CIENFUEGOS (WHO, IN 1987, HAD RELEASED COLONEL ROBERTO MAURICIO STABEN AND DROPPED SOME OF THE ORIGINAL CHARGES AGAINST THE DEFENDANTS). ON APRIL 23, JUDGE CRUZ ORDERED TRIAL PROCEEDINGS INITIATED AGAINST LOPEZ SIBRIAN AND LUIS ORLANDO LLOVERA BALLETTE, ONE OF THE SIX FUGITIVES. HOWEVER, HE ALSO RULED THAT THERE WAS INSUFFICIENT EVIDENCE TO LINK JIMENEZ AND THE OTHER FIVE FUGITIVES TO THE CRIME, DROPPED CHARGES AGAINST THEM, LIFTED THE ARREST ORDERS AGAINST THE FIVE FUGITIVES (EXCLUDING LLOVERA), AND ORDERED THE RELEASE

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OF JIMENEZ. THE ATTORNEY GENERAL DECLINED TO APPEAL THE JUDGE'S DECISION AS PART OF HIS "PERSONAL PROTEST" AGAINST PRESSURE FROM THE U.S. EMBASSY AND PRESIDENT CRISTIANI. ALTHOUGH THE PRIVATE PROSECUTOR

UNCLASSIFIED

(SALVADORAN LAW PERMITS OFFENDED PARTIES TO HIRE PRIVATE ATTORNEYS TO PROSECUTE CRIMINAL CASES) WENT AHEAD WITH HIS APPEAL, ON MAY 3 JUDGE CRUZ RULED THAT THE PRIVATE PROSECUTOR LACKED STANDING TO MAKE AN APPEAL ON THE LIFTING OF THE ARREST ORDERS. SINCE THE ONLY OTHER PARTY WITH STANDING IN THIS CASE, THE ATTORNEY GENERAL, HAD DECLINED TO MAKE AN APPEAL, JUDGE CRUZ DEFINITIVELY LIFTED THE ARREST ORDERS

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RELEASED
El Salvador: Human Rights
Special Project (1993)

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PAGE 01 SAN SA 14583 06 OF 21 271642Z
ACTION HA-09

INFO	LOG-00	ADS-00	AID-01	ARA-01	CIAE-00	C-01	DODE-00
	EB-01	H-01	INRE-00	INR-05	IO-19	LAB-04	L-03
	NSAE-00	NSCE-00	OIC-02	PA-01	PRS-01	P-02	RP-10
	SIL-01	SP-01	SR-01	SS-01	STR-18	TRSE-00	USIE-00
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P 271357Z OCT 90
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC PRIORITY 2537

[redacted] SECTION 06 OF 21 SAN SALVADOR 14583

DEPARTMENT FOR HA AND S/IL

E.O. 12356: N/A
TAGS: PHUM, ELAB, KSPUR, XX, ES
SUBJECT: COUNTRY REPORT ON HUMAN RIGHTS PRACTICES

AGAINST THE FIVE FUGITIVES ON CONDITION THAT THEY PAY A BOND OF APPROXIMATELY 19,000 U.S. DOLLARS. JUDGE CRUZ WAS TRANSFERRED TO ANOTHER COURT A FEW WEEKS LATER. LOPEZ SIBRIAN AND JIMENEZ REMAIN IN JAIL AWAITING THE OUTCOME OF THEIR APPEALS, BUT UNLESS THE APPEALS COURT OVERRULES JUDGE CRUZ'S ORDER, A HIGHLY DOUBTFUL PROPOSITION, THERE ARE NO OUTSTANDING WARRANTS AGAINST THE OTHER FIVE DEFENDANTS. NEWSPAPER REPORTS AND THE PRIVATE PROSECUTOR HAVE CONFIRMED THAT [redacted]

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THE BOND HAS BEEN PAID AND THE ARREST ORDERS LIFTED. ONE OF THE DEFENDANTS, ANTONIO CORNEJO, RETURNED TO SAN SALVADOR AND IS ALLEGEDLY IN THE EMPLOY OF ROBERTO D'AUBUISSON, THE HONORARY PRESIDENT-FOR-LIFE OF THE ARENA PARTY.

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El Salvador: Human Rights Special Project (1993)

ASSASSINATIONS BY THE FMLN CONTINUED IN 1990. BASED ON A VARIETY OF SOURCES, INCLUDING CASES WHERE THE FMLN TOOK CREDIT FOR THE ATTACK, WE BELIEVE THAT THE FMLN WAS RESPONSIBLE FOR THE FOLLOWING POLITICAL ASSASSINATIONS:

THE MARCH 23 MACHINE GUN ATTACK WHICH KILLED OTTO VALDEMAR SORTO, THE SON-IN-LAW OF AIR FORCE COMMANDER GENERAL RAFAEL VILLAMARIONA.

THE JANUARY 25 KILLING OF TWO BODYGUARDS DURING AN UNSUCCESSFUL ASSASSINATION ATTEMPT AGAINST SAUL SUSTER, THE PRESIDENT OF THE NATIONAL PHONE COMPANY.

THE APRIL 9 SHOOTING OF SALVADOR ENRIQUE SALAZAR, AN OFF DUTY ARMY OFFICER, IN COATEPEQUE, SANTA ANA.

THE JUNE 18 KILLING OF BERTA FLORES BELTRAN AND MARIA ELENA ROMERO IN MEJICANOS, SAN SALVADOR.

THE JULY 9 KILLING OF CARLOS ALONSO FIGUEROA, AN OFF DUTY ARMY MAJOR, AS HE WAS LEAVING LAW SCHOOL CLASSES, IN SAN SALVADOR.

THE ASSASSINATION OF A MEMBER OF THE CIVIL DEFENSE [redacted]

[redacted]

FORCES, VICTOR MANUEL REYES, WHOSE TORTURED BODY WAS DUMPED ON THE HIGHWAY TO COMALAPA ON JULY 29.

INVESTIGATIONS INTO THE 1989 ASSASSINATIONS OF ATTORNEY GENERAL ROBERTO GARCIA AND MINISTER OF THE PRESIDENCY JOSE ANTONIO RODRIGUEZ PORTH CONTINUE, BUT THERE WERE NO NEW DEVELOPMENTS IN 1990.

THE FMLN CONTINUED TO USE LAND MINES INDISCRIMINATELY, KILLING AND WOUNDING INNOCENT CIVILIANS, INCLUDING CHILDREN, IN VIOLATION OF THE LAWS OF WAR.

B. DISAPPEARANCE

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THE CONSTITUTION AND GOVERNMENT POLICY FORBID

UNACKNOWLEDGED DETENTION BY THE SECURITY FORCES OR MILITARY. ACCORDING TO PRESS REPORTS, A TOTAL OF 101 CIVILIANS DISAPPEARED (I.E., WERE REPORTED MISSING FOR UNKNOWN REASONS) BETWEEN JANUARY AND JULY, BUT THIS FIGURE INCLUDES NONPOLITICAL DISAPPEARANCES SUCH AS LOST OR RUNAWAY CHILDREN AGED 10 AND OVER. PERSONS WHO DESERT THEIR FAMILIES, EMIGRATE, OR JOIN GUERRILLA RANKS MAY ALSO ACCOUNT FOR SOME OF THE DISAPPEARANCES. MANY PERSONS REPORTED MISSING BY FAMILY MEMBERS WERE FOUND LATER TO HAVE BEEN LEGALLY ARRESTED AND REPORTED TO HUMAN RIGHTS ORGANIZATIONS, SUCH AS THE GOVERNMENT'S HUMAN RIGHTS COMMISSION (CDH). OTHERS REAPPEAR BUT ARE NEVER REMOVED FROM COUNTS OF THE DISAPPEARED. DURING THE SAME PERIOD, THE PRESS REPORTED THAT ANOTHER 39 PERSONS WERE ABDUCTED (I.E., THEIR ABDUCTIONS WERE WITNESSED OR THE

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El Salvador: Human Rights Special Project (1993)

UNCLASSIFIED

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PERPETRATORS LATER CLAIMED RESPONSIBILITY) BY THE GUERRILLAS, WHILE 8 OTHERS WERE ABDUCTED BY UNKNOWN ASSAILANTS. IN MOST CASES, HOWEVER, PERSONS WHO "DISAPPEARED" WERE EVENTUALLY TURNED-UP.

HOWEVER, IN 1990, THERE WERE CREDIBLE CHARGES THAT PERSONS DISAPPEARED AFTER HAVING BEEN SEIZED BY THE MILITARY OR SECURITY FORCES. THE THREE MOST PROMINENT CASES OF DISAPPEARANCE IN 1989/1990 WERE: THE SAN CAYETANO CASE, THE LA REFORMA CASE, AND THE CHINCHILLA CASE. IN THE FIRST CASE, BROTHERS JUAN ANTONIO AND JULIO CESAR VASQUEZ, OF THE SAN CAYETANO COOPERATIVE, WERE ALLEGEDLY ARRESTED BY DM-7 SOLDIERS ON DECEMBER

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ACTION HA-09

INFO	LOG-00	ADS-00	AID-01	ARA-01	CIAE-00	C-01	DODE-00
	EB-01	H-01	INRE-00	INR-05	IO-19	LAB-04	L-03

NSAE-00 NSCE-00 OIC-02 PA-01 PRS-01 P-02 RP-10
SIL-01 SP-01 SR-01 SS-01 STR-18 TRSE-00 USIE-00
/083W

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P 271357Z OCT 90
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC PRIORITY 2538

UNCLASSIFIED

[redacted] SECTION 07 OF 21 SAN SALVADOR 14583

DEPARTMENT FOR HA AND S/IL

RELEASED
El Salvador: Human Rights Special Project (1993)

E.O. 12356: N/A
TAGS: PHUM, ELAB, KSPUR, XX, ES
SUBJECT: COUNTRY REPORT ON HUMAN RIGHTS PRACTICES

5, 1989. ON DECEMBER 29, JUST AFTER PASSING A POLICE ROADBLOCK, FOUR MORE COOP MEMBERS ON THEIR WAY TO A BANK MEETING WERE ALLEGEDLY STOPPED BY SOLDIERS AND LATER TAKEN AWAY BY ARMED MEN IN CIVILIAN CLOTHES. THE COOP CLAIMS THE SOLDIERS WERE FROM DM-7. TWO OF THE VICTIMS WERE REPORTEDLY SEEN BY A COOPERATIVE MEMBER BEING DRIVEN BLINDFOLDED TOWARD SANTA ANA BY UNIFORMED PERSONNEL. THE SECURITY FORCES DENY KNOWING ANYTHING ABOUT THE CASE. JUDICIAL AND POLICE

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PAGE 02 SAN SA 14583 07 OF 21 271643Z
AUTHORITIES HAVE INTERVIEWED WITNESSES BUT HAVE NOT CONDUCTED AN IN-DEPTH INVESTIGATION.

ACCORDING TO MEMBERS OF THE FEDECOOPADES PEASANT ORGANIZATION, ANGEL MARIA FLORES AND JULIA DEL CARMEN PONCE, OF THE LA REFORMA COOPERATIVE, WERE TAKEN AWAY BY HEAVILY ARMED MEN IN CIVILIAN CLOTHES IN CHALCHUAPA, SANTA ANA ON DECEMBER 31, 1989. NO WORD WAS RECEIVED OF THEIR WHEREABOUTS UNTIL JANUARY 24, WHEN A BODY FOUND BY THE SIDE OF A SANTA ANA ROADWAY IN EARLY JANUARY WAS EXHUMED AND IDENTIFIED AS THAT OF FLORES. ON JANUARY 29, A SECOND BODY WAS IDENTIFIED AS THAT OF PONCE. FEDECOOPADES MEMBERS CHARGE THAT PERSONNEL FROM MILITARY DETACHMENT 7 WERE INVOLVED IN THE CRIME. HOWEVER, THEY PRESENTED NO PROOF TO BACK UP THAT ALLEGATION. NEITHER JUDICIAL NOR POLICE AUTHORITIES ARE INVESTIGATING THE CASE.

NELSON CHINCHILLA WAS A FOREMAN ON A U.S. AID-FUNDED PROJECT IN AHUACHAPAN. HE WAS PICKED UP FROM A PROJECT SITE BY A GROUP OF HEAVILY ARMED MEN IN CIVILIAN CLOTHES ON JANUARY 9, 1990. ON JANUARY 31, A BODY PREVIOUSLY FOUND BY THE SIDE OF A ROAD IN CHALCHUAPA, SANTA ANA, WAS EXHUMED AND IDENTIFIED AS

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THAT OF CHINCHILLA. BECAUSE HIS FATHER HAS REFUSED TO FILE A COMPLAINT, THERE IS NO FORMAL INVESTIGATION INTO THE DEATH.

ON AUGUST 19, 1989, SARA CRISTINA CHAN CHAN AND JUAN FRANCISCO MASSI DISAPPEARED FROM IN FRONT OF A FACTORY NEAR THE ILOPANGO AIR FORCE BASE AND HAVE NOT BEEN

RELEASED
El Salvador: Human Rights
Special Project (1993)

[redacted]

UNCLASSIFIED

PAGE 03 SAN SA 14583 07 OF 21 271643Z
HEARD FROM SINCE. THE GOVERNMENT'S INVESTIGATION IN THESE CASES HAS YET TO TURN UP ANY CLUES OR SUSPECTS.

IN AN ATTEMPT TO IMPROVE PUBLIC ACCOUNTING FOR DETAINEES, THE SUPREME COURT OPENED A DETAINEE INFORMATION OFFICE ON APRIL 1. THE OFFICE IS STAFFED AROUND THE CLOCK BY AT LEAST THREE SUPREME COURT EMPLOYEES WHO ATTEMPT TO SUPPLY INFORMATION ON ANY DETAINEE IN THE COUNTRY. THE OFFICE IS SUPPOSED TO RECEIVE TIMELY REPORTS FROM THE COURTS, THE MILITARY, AND THE SECURITY FORCES ON ARRESTS AND THE STATUS OF THOSE IN THE CUSTODY OF SALVADORAN AUTHORITIES. IN PRACTICE, THE COURTS USUALLY PROVIDE TIMELY INFORMATION ON ARRESTEES THAT HAVE BEEN CONSIGNED TO THEM, BUT SOURCES ALLEGE THAT THE SECURITY FORCES AND THE MILITARY SOMETIMES REPORT DETENTIONS LATE OR NOT AT ALL. NEVERTHELESS, THE ESTABLISHMENT OF SUCH AN OFFICE AND THE FACT THAT THE SECURITY FORCES AND THE MILITARY SEEM TO BE COOPERATING TO SOME EXTENT, SHOULD HELP PREVENT DISAPPEARANCES AFTER ARREST.

C. TORTURE AND OTHER CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT

GOVERNMENT POLICY NEITHER PERMITS NOR CONDONES TORTURE OR MISTREATMENT OF PRISONERS BUT INCIDENTS OF TORTURE AND MISTREATMENT DO OCCUR. WHEN A COMPLAINT OF MISTREATMENT APPEARS CREDIBLE, THE HUMAN RIGHTS COMMISSION (CDH) REPORTS THE INCIDENT TO THE COMMANDER OF THE UNIT RESPONSIBLE AND TO THE MINISTRY OF DEFENSE. THE INTERNATIONAL COMMITTEE OF THE RED CROSS

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PAGE 04 SAN SA 14583 07 OF 21 271643Z
(ICRC) ALSO REPORTS ITS FINDINGS, BASED ON INTERVIEWS WITH PRISONERS AND EX-PRISONERS OR ON INFORMATION GATHERED FROM OTHER SOURCES, TO THE PRESIDENT AND MINISTER OF DEFENSE. IN PRACTICE, THE MILITARY RARELY IDENTIFIED OFFENDERS OR TURNED THEM OVER TO CIVILIAN COURTS FOR PROSECUTION.

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HUMAN RIGHTS INSTRUCTION IS A FORMAL AND REGULAR PART OF POLICE RECRUIT TRAINING AND OFFICER CLASSES. THE CDH, THE ICRC, AND CHURCH OFFICIALS GIVE REGULARLY SCHEDULED COURSES ON HUMAN RIGHTS FOR POLICE, MILITARY, AND CIVIL DEFENSE PERSONNEL.

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RELEASED
El Salvador: Human Rights
Special Project (1993)

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PAGE 01 SAN SA 14583 08 OF 21 271644Z
ACTION HA-09

INFO	LOG-00	ADS-00	AID-01	ARA-01	CIAE-00	C-01	DODE-00
	EB-01	H-01	INRE-00	INR-05	IO-19	LAB-04	L-03
	NSAE-00	NSCE-00	OIC-02	PA-01	PRS-01	P-02	RP-10
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P 271357Z OCT 90
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC PRIORITY 2539

[redacted] SECTION 08 OF 21 SAN SALVADOR 14583

DEPARTMENT FOR HA AND S/IL

E.O. 12356: N/A
TAGS: PHUM, ELAB, KSPUR, XX, ES
SUBJECT: COUNTRY REPORT ON HUMAN RIGHTS PRACTICES

AT LEAST ONE INTERNATIONAL HUMANITARIAN ORGANIZATION SAYS THAT GENERAL CONDITIONS IN EL SALVADOR'S PRISONS ARE UP TO MINIMUM INTERNATIONAL STANDARDS. FROM OUR OWN OBSERVATIONS, CONDITIONS IN SALVADORAN PRISONS ARE, AT LEAST, SIMILAR OR SUPERIOR TO THOSE IN OTHER COUNTRIES IN THE REGION.

AS USED BY MOST SALVADORANS, THE TERM "POLITICAL PRISONER" DESCRIBES A PERSON DETAINED FOR OFFENSES

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RELATED TO THE INSURGENCY. IN SEPTEMBER, PRISON AUTHORITIES REPORTED THAT THERE WERE 167 POLITICAL PRISONERS DETAINED FOR TERRORIST ACTIVITIES AND ANOTHER 58 DETAINED FOR RELATED OFFENSES. POLITICAL PRISONERS ARE DISTRIBUTED THROUGHOUT THE PRISON SYSTEM AND ARE TREATED AS COMMON CRIMINALS. IT IS NOTEWORTHY THAT THE NONGOVERNMENTAL HUMAN RIGHTS COMMISSION (CDHES) COUNT OF 194 POLITICAL PRISONERS IS QUITE CLOSE TO THE GOES FIGURE.

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THERE WERE CREDIBLE CHARGES OF TORTURE AND MISTREATMENT BY THE SECURITY FORCES AND THE MILITARY. HUMAN RIGHTS MONITORS ALLEGED THAT DETAINEES WERE THREATENED, DEPRIVED OF FOOD AND SLEEP, SUBJECTED TO PROLONGED INTERROGATION WHILE BLINDFOLDED, FORCED TO STAND FOR LONG PERIODS OF TIME, AND BEATEN. ALMOST ALL DETAINEES ARRESTED FOR FMLN MEMBERSHIP CLAIM TO HAVE BEEN FORCED TO SIGN CONFESSIONS WITHOUT BEING PERMITTED TO READ THEM. INSTANCES OF SEVERE BEATINGS, RAPE, CHOKING, USE OF A HOOD TO ASPHYXIATE, INJECTION WITH UNIDENTIFIED DRUGS, AND ELECTRIC SHOCK WERE ALSO REPORTED.

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El Salvador: Human Rights
Special Project (1993)

AN AUGUST 21 TRANSFER OF PRISONERS FROM "LA ESPERANZA" PENITENTIARY, NEAR SAN SALVADOR, TO OTHER PENAL INSTITUTIONS TOUCHED OFF INTENSE CONTROVERSY. ON AUGUST 24, THE NONGOVERNMENTAL HUMAN RIGHTS COMMISSION (CDHES) CHARGED THAT 52 "POLITICAL PRISONERS" WERE VIOLENTLY REMOVED FROM THEIR CELLS BY PRISON GUARDS AND FIRST BRIGADE TROOPS. THE CDHES ALSO ASSERTED THAT SEVERAL PRISONERS WERE BEATEN AND THE WHEREABOUTS

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OF SEVERAL WERE UNKNOWN. ON SEPTEMBER 20, THE HUMAN RIGHTS OFFICE OF THE LUTHERAN CHURCH LODGED A FORMAL COMPLAINT WITH THE ATTORNEY GENERAL ALLEGING THAT PRISONERS WERE VIOLENTLY ROUSTED FROM THEIR CELLS BY ELEMENTS OF THE NATIONAL GUARD AND THE FIRST BRIGADE AS WELL AS PRISON GUARDS. THE COMPLAINT ALSO CHARGED THAT MANY OF THE PRISONERS SUFFERED BLOWS AND DEATH THREATS.

ON AUGUST 24, PRISON AUTHORITIES SAID THAT 75 PRISONERS CHARGED WITH TERRORIST ACTS AND SUBVERSIVE ASSOCIATIONS HAD BEEN TRANSFERRED FROM "LA ESPERANZA" PENITENTIARY TO THE SAN VICENTE AND SANTA ANA PENITENTIARIES. THEY DENIED CHARGES OF MISTREATMENT, AND THAT FIRST BRIGADE TROOPS WERE INVOLVED IN REMOVING PRISONERS FROM THEIR CELLS.

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D. ARBITRARY ARREST, DETENTION, OR EXILE

POLITICAL BELIEFS OR OPPOSITION TO THE GOVERNMENT ARE NOT ACCEPTABLE LEGAL GROUNDS FOR ARREST. THE COURTS HAVE HELD THAT MEMBERSHIP IN A FMLN FRONT ORGANIZATION IS NOT SUFFICIENT REASON FOR DETAINING SOMEONE BUT THAT MEMBERSHIP IN THE FMLN IS. SINCE THE GOVERNMENT DOES NOT RECOGNIZE THE FMLN AS A BELLIGERENT POWER, IT DOES NOT ACCORD PRISONER OF WAR STATUS TO CAPTURED GUERRILLAS, WHO ARE TURNED OVER TO CIVILIAN COURTS. PERSONS ARRESTED FOR TERRORISM, INSURGENCY, AND OTHER ACTIONS AGAINST THE STABILITY OF THE STATE ARE AFFORDED THE SAME LEGAL PROTECTIONS AS COMMON CRIMINALS.

RELEASED
El Salvador: Human Rights
Special Project (1993)

UNCLASSIFIED

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PAGE 04 SAN SA 14583 08 OF 21 271644Z

SALVADORAN SECURITY AND ARMED FORCES ARE REQUIRED TO REGISTER DETAINEES AND HAVE THEM EXAMINED BY A DOCTOR OR NURSE UPON ENTRY INTO POLICE FACILITIES. IN ARRESTS RELATED TO THE INSURGENCY, THEY ARE REQUIRED TO PROMPTLY NOTIFY THE FAMILY OF THE DETAINEE, TUTELA LEGAL, CDH, AND THE ICRC.

THE SECURITY FORCES MAY HOLD A SUSPECT FOR UP TO 72 HOURS IN ADMINISTRATIVE DETENTION BEFORE PRE
SENTING
HIM TO A JUDGE (15 DAYS DURING THE STATE OF EXCEPTION WHICH ENDED ON APRIL 12). THE COURTS ARE NOT NOTIFIED DURING THIS PERIOD AND THE ACCUSED SELDOM OBTAIN LEGAL

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PAGE 01 SAN SA 14583 09 OF 21 271645Z
ACTION HA-09

INFO	LOG-00	ADS-00	AID-01	ARA-01	CIAE-00	C-01	DODE-00
	EB-01	H-01	INRE-00	INR-05	IO-19	LAB-04	L-03
	NSAE-00	NSCE-00	OIC-02	PA-01	PRS-01	P-02	RP-10
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P 271357Z OCT 90
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC PRIORITY 2540

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RELEASED
El Salvador: Human Rights
Special Project (1993)

[redacted] SECTION 09 OF 21 SAN SALVADOR 14583

DEPARTMENT FOR HA AND S/IL

E.O. 12356: N/A
TAGS: PHUM, ELAB, KSPUR, XX, ES
SUBJECT: COUNTRY REPORT ON HUMAN RIGHTS PRACTICES

COUNSEL AT THIS TIME. OFFICIALS WHO ORDER OR CARRY OUT TORTURE DURING ADMINISTRATIVE DETENTION ARE SUBJECT TO CRIMINAL PROSECUTION. MOST REPORTS CHARGE THAT HUMAN RIGHTS VIOLATIONS OCCUR DURING ADMINISTRATIVE DETENTION, HOWEVER, AND SANCTIONS AGAINST VIOLATORS ARE SELDOM IMPOSED. AFTER 72 HOURS, THE SECURITY FORCES ARE REQUIRED EITHER TO RELEASE A DEFENDANT OR SEND HIM AND THE EVIDENCE TO THE COURT. IT IS A CRIMINAL OFFENSE FOR THE SECURITY FORCES OR [redacted]

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THE MILITARY TO HOLD A SUSPECT LONGER THAN 72 HOURS. THIS PROVISION IS NOT ALWAYS ENFORCED, HOWEVER, AND THE TIME LIMIT IS SOMETIMES VIOLATED.

ONCE THE SECURITY FORCES PRESENT THE ACCUSED AND THE EVIDENCE AGAINST HIM TO A JUDGE, THE FIRST STAGE OF JUDICIAL PROCEEDINGS, THE INQUIRY PERIOD, BEGINS. WITHIN 24 HOURS OF ACCEPTING A CASE, A JUDGE MUST TAKE A STATEMENT FROM THE ACCUSED REGARDING THE FACTS OF THE CASE AND INFORM HIM OF HIS RIGHTS AND THE CHARGES AGAINST HIM. A DETAINEE'S APPEARANCE BEFORE A JUDGE IS USUALLY THE FIRST TIME HE IS GIVEN THE CHANCE TO EXPRESS A PREFERENCE FOR COUNSEL; A DEFENSE ATTORNEY IS USUALLY NOT PRESENT WHEN THE DETAINEE GIVES HIS INITIAL STATEMENT. DURING THE INQUIRY PERIOD, A JUDGE MUST VERIFY THAT A CRIME HAS BEEN COMMITTED AND DETERMINE WHETHER THERE IS SUFFICIENT EVIDENCE TO TIE THE ACCUSED TO THE CRIME. AT THE END OF THE INQUIRY PERIOD, A JUDGE MUST EITHER RELEASE THE DEFENDANT OR ORDER HIM HELD UNDER PROVISIONAL DETENTION.

IF A JUDGE VERIFIES THAT EVIDENCE IS LEGALLY SUFFICIENT TO ESTABLISH A CASE AGAINST THE DETAINEE, THE CASE MOVES INTO THE INVESTIGATION STAGE WITH THE DETAINEE UNDER PROVISIONAL DETENTION. DURING THIS STAGE, A JUDGE MAY REQUEST FURTHER INVESTIGATION TO ACCUMULATE EVIDENCE TO INITIATE TRIAL PROCEEDINGS. IF

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THE INVESTIGATION SHOULD FAIL TO ACCUMULATE SUFFICIENT EVIDENCE, THE DETAINEE IS SUPPOSED TO BE SET FREE. THE CRIMINAL PROCEDURES CODE LIMITS THE INVESTIGATION STAGE TO 120-DAYS FOR FELONIES AND 45 DAYS FOR [redacted]

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RELEASED
El Salvador: Human Rights
Special Project (1993)

MISDEMEANORS. IN PRACTICE, HOWEVER, THE 120-DAY DEADLINE IS USUALLY EXCEEDED BECAUSE OF LENGTHY AND INCONCLUSIVE INVESTIGATIONS, SHORTAGES OF PUBLIC DEFENDERS, POORLY TRAINED JUDICIAL PERSONNEL, BUREAUCRATIC BUMBLING, ARCHAIC LAWS AND PROCEDURES, A MASSIVE CASE BACKLOG, AND THE HABITUAL FAILURE OF THE SECURITY FORCES TO LEND INVESTIGATIVE ASSISTANCE TO THE JUDGE. IN APRIL, THE SALVADORAN SUPREME COURT INITIATED A SYSTEM OF CIRCUIT JUDGES TO RELIEVE SOME OF THE BACKLOG.

BAIL IS AVAILABLE FOR SOME MINOR OFFENSES, BUT IS SELDOM USED.

ANYONE CAN REQUEST THAT AN APPEALS COURT OR THE SUPREME COURT REVIEW THE LEGAL BASIS FOR A DETENTION (A WRIT OF HABEAS CORPUS). THIS RECOURSE AGAINST ILLEGAL DETENTION IS AVAILABLE FROM THE TIME IT APPEARS LIKELY THAT A COURT WILL ISSUE AN ARREST WARRANT UNTIL THE TRIAL IS COMPLETED AND A SENTENCE IMPOSED. SUCH AN APPEAL FREEZES ACTION ON THE CASE UNTIL THE HIGHER COURT HAS RENDERED ITS DECISION.

FROM JANUARY TO AUGUST 1990, ACCORDING TO MINISTRY OF DEFENSE STATISTICS, THE SECURITY FORCES DETAINED 881 PERSONS, INCLUDING 53 FOREIGNERS, ON SUSPICION OF SUBVERSIVE OFFENSES. OF THAT NUMBER, 433 WERE SUBSEQUENTLY RELEASED AND NEVER FORMALLY CHARGED; AND THE REMAINDER WERE CONSIGNED TO THE COURTS, DEPORTED, OR SENT TO JUVENILE FACILITIES.

[redacted]

THERE ARE NO PROVISIONS IN THE LAW FOR EXILE. MANY FMLN LEADERS CLAIM TO BE IN EXILE AND SOME OF THEM COULD BE SUBJECT TO ARREST FOR PARTICIPATION IN GUERRILLA OPERATIONS IF THEY WERE TO RETURN IN EL SALVADOR.

ON JULY 31, THE HIGH COMMAND SENT A GENERAL ORDER TO MILITARY UNITS AND SECURITY FORCES ESTABLISHING A NEW STANDARD OPERATING PROCEDURE (SOP) ON ARRESTS AND TREATMENT OF PRISONERS. THE NEW PROCEDURE WAS

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PROMULGATED TO BRING GOVERNMENT PRACTICE INTO LINE WITH THE HUMAN RIGHTS ACCORDS SIGNED IN SAN JOSE ON JULY 26. AMONG OTHER THINGS, THE SOP PROHIBITS

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RELEASED
El Salvador: Human Rights
Special Project (1993)

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PAGE 01 SAN SA 14583 10 OF 21 271646Z
ACTION HA-09

INFO	LOG-00	ADS-00	AID-01	ARA-01	CIAE-00	C-01	DODE-00
	EB-01	H-01	INRE-00	INR-05	IO-19	LAB-04	L-03
	NSAE-00	NSCE-00	OIC-02	PA-01	PRS-01	P-02	RP-10
	SIL-01	SP-01	SR-01	SS-01	STR-18	TRSE-00	USIE-00
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P 271357Z OCT 90
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC PRIORITY 2541

[redacted] SECTION 10 OF 21 SAN SALVADOR 14583

DEPARTMENT FOR HA AND S/IL

E.O. 12356: N/A
TAGS: PHUM, ELAB, KSPUR, XX, ES
SUBJECT: COUNTRY REPORT ON HUMAN RIGHTS PRACTICES

ARRESTS WITHOUT A WRITTEN ORDER FROM A JUDGE UNLESS A PERSON IS CAUGHT "IN THE ACT" OF COMMITTING A CRIME. "IN THE ACT" WAS DEFINED AS IMMEDIATELY BEFORE, DURING, OR UP TO 24 HOURS AFTER A CRIME IS COMMITTED, OR IF SOMEONE DENOUNCES A SUSPECTED CRIMINAL TO THE AUTHORITIES, OR IF A PERSON IS IN POSSESSION OF SOME INSTRUMENT USED IN THE CRIME. THE SOP DIRECTS THAT SUSPECTS ARRESTED BY THE MILITARY BE SENT TO THE NEAREST SECURITY FORCE UNIT WITH ALL EVIDENCE.

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PAGE 02 SAN SA 14583 10 OF 21 271646Z

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RELEASED
El Salvador: Human Rights Special Project (1993)

IN ALL OTHER CASES, THE SOP DIRECTS THAT ARRESTS BE MADE ONLY BY MEMBERS OF THE SECURITY FORCES (NOT THE MILITARY), IN POSSESSION OF A WRITTEN ORDER FROM A COMPETENT AUTHORITY. EXCEPT FOR ARRESTS MADE "IN THE ACT," OFFICERS MUST WEAR UNIFORMS, CARRY SECURITY FORCE IDENTIFICATION CARDS, AND MAKE ALL ARRESTS BETWEEN 6 A.M. AND 6 P.M. THE SOP REQUIRES THAT OFFICERS INFORM DETAINEES, IN EASILY UNDERSTOOD LANGUAGE, OF THE REASON FOR THEIR ARREST AND THE CHARGES AGAINST THEM AT THE TIME OF ARREST. IT ALSO DIRECTS SECURITY FORCES TO IMMEDIATELY ALLOW DETAINEES TO CONTACT AND CONSULT PRIVATELY WITH LEGAL COUNSEL OR ANYONE ELSE THEY WISH. IT REQUIRES MILITARY UNITS AND THE SECURITY FORCES TO PLACE SPECIAL EMPHASIS ON COOPERATION WITH WRITS OF HABEAS CORPUS. IT PROHIBITS MISTREATMENT OF DETAINEES, INCLUDING TORTURE, OR CRUEL, INHUMAN OR DEGRADING PUNISHMENT. COMPLAINTS OF THIS NATURE HAVE DECREASED SUBSTANTIALLY SINCE JULY 31 AND THE RATE OF ARRESTS IS REPORTEDLY A QUARTER OF WHAT IT WAS BEFORE THEN. VARIOUS NONGOVERNMENTAL SOURCES INDICATE THAT THE SECURITY FORCES AND THE MILITARY HAVE MADE AN EFFORT TO COMPLY WITH THE REQUIREMENTS OF THE NEW SOP.

E. DENIAL OF FAIR PUBLIC TRIAL

THE LEGISLATIVE ASSEMBLY APPOINTS THE 14 MAGISTRATES OF THE SUPREME COURT. THE SUPREME COURT APPOINTS ALL LOWER COURT MAGISTRATES, JUDGES, AND JUSTICES OF THE PEACE. THE SALVADORAN COURT STRUCTURE IS DIVIDED INTO [redacted]

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PAGE 03 SAN SA 14583 10 OF 21 271646Z
FIVE LEVELS: JUSTICES OF THE PEACE, COURTS OF THE FIRST INSTANCE (TRIAL COURTS), CHAMBERS OF THE SECOND INSTANCE (APPEALS COURTS), THE CHAMBERS OF THE SUPREME COURT, AND THE SUPREME COURT. EACH LEVEL HAS THE POWER OF REVIEW OVER DECISIONS OF THE NEXT LOWER LEVEL.

THE 302 JUSTICES OF THE PEACE SERVE TWO-YEAR TERMS, DEAL WITH CIVIL MATTERS, AND TRY MISDEMEANORS WITHOUT A JURY. IN MAJOR CRIMINAL CASES, SUCH AS MURDER, A JUSTICE OF THE PEACE GATHERS THE INITIAL EVIDENCE WHICH HE THEN TURNS OVER TO A FIRST INSTANCE JUDGE. THE FIFTY JUDGES OF THE FIRST INSTANCE CRIMINAL COURTS ARE APPOINTED FOR LIFE, USUALLY HANDLE SERIOUS CRIMES (I.E., FELONIES), AND ARE THE ONLY COURTS WHICH HOLD JURY TRIALS. EACH OF THE EIGHT SECOND INSTANCE CRIMINAL CHAMBERS IS COMPOSED OF TWO MAGISTRATES (WHO HOLD LIFE TENURE) AND FUNCTIONS AS AN APPEALS COURT. THE CHAMBERS ALSO HAVE ORIGINAL JURISDICTION IN CERTAIN CASES, SUCH AS CORRUPTION INVOLVING PUBLIC OFFICIALS. THEIR DECISIONS MUST BE UNANIMOUS TO BE

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BINDING.

THE SUPREME COURT IS DIVIDED INTO CONSTITUTIONAL, CRIMINAL, CIVIL, AND ADMINISTRATIVE CHAMBERS. EACH CHAMBER HAS THREE MAGISTRATES, EXCEPT FOR THE CONSTITUTIONAL CHAMBER WHICH HAS FIVE. THE PRESIDENT OF THE CONSTITUTIONAL CHAMBER IS ALSO PRESIDENT OF THE SUPREME COURT.

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El Salvador: Human Rights
Special Project (1993)

THE SUPREME COURT IS COMPOSED OF A PRESIDENT MAGISTRATE AND 13 ASSOCIATE MAGISTRATES. THE SUPREME [redacted]

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PAGE 04 - SAN SA 14583 10 OF 21 271646Z
COURT HEARS APPEALS FROM APPELLATE COURTS, DECIDES WRITS OF HABEAS CORPUS AND CONSTITUTIONAL QUESTIONS, AND SETTLES DISPUTES BETWEEN THE LEGISLATIVE AND EXECUTIVE BRANCHES. IN CASE OF A TIE, THE PRESIDENT MAGISTRATE'S VOTE IS COUNTED TWICE. SUPREME COURT MAGISTRATES SERVE FIVE-YEAR TERMS.

THE TRIAL IS THE THIRD STAGE OF JUDICIAL PROCEEDINGS (THE FIRST TWO ARE INQUIRY AND INVESTIGATIVE STAGES, AND ARE DISCUS
SED IN SECTION D) AND IS DIVIDED INTO SIX PHASES: 1) THE JUDGE'S DECISION TO INITIATE TRIAL PROCEEDINGS, (WHICH CAN BE THE OCCASION FOR LENGTHY APPEALS BY EITHER SIDE); 2) UP TO 90 DAYS AT JUDGE'S

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PAGE 01 SAN SA 14583 11 OF 21 271647Z
ACTION HA-09

INFO	LOG-00	ADS-00	AID-01	ARA-01	CIAE-00	C-01	DODE-00
	EB-01	H-01	INRE-00	INR-05	IO-19	LAB-04	L-03
	NSAE-00	NSCE-00	OIC-02	PA-01	PRS-01	P-02	RP-10
	SIL-01	SP-01	SR-01	SS-01	STR-18	TRSE-00	USIE-00

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P 271357Z OCT 90

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FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC PRIORITY 2542

[redacted] SECTION 11 OF 21 SAN SALVADOR 14583

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Special Project (1993)

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DEPARTMENT FOR HA AND S/IL

E.O. 12356: N/A
TAGS: PHUM, ELAB, KSPUR, XX, ES
SUBJECT: COUNTRY REPORT ON HUMAN RIGHTS PRACTICES

DISCRETION FOR ARGUMENT AND PRESENTATION OF EVIDENCE; 3) PRESENTATION BY THE DEFENSE AND PROSECUTION OF WRITTEN ARGUMENTS TO THE JUDGE; 4) PREPARATION BY THE JUDGE OF SUMMARIES AND INDEXES FOR USE BY THE JURY; 5) CONSIDERATION OF THE CASE BY A FIVE PERSON JURY WHICH REVIEWS THE WRITTEN RECORD AND HEARS THE PROSECUTION'S AND DEFENSE'S SUMMATIONS; 6) THE JURY THEN DELIBERATES IN SECRET. THE VERDICT IS BY MAJORITY VOTE. SENTENCING IS DONE BY A JUDGE, OFTEN [redacted]

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MONTHS LATER.

JURY VERDICTS CAN NEITHER BE OVERRULED BY A JUDGE, NOR APPEALED TO A HIGHER COURT. HOWEVER, THE SENTENCE MAY BE APPEALED SUCCESSIVELY UP TO THE SUPREME COURT. APPEALS ARE RARE.

ONCE THE SECURITY FORCES PRESENT THE DETAINEE AND THE EVIDENCE AGAINST HIM TO A JUDGE, THE JUDICIAL PROCESS BEGINS AND THE ACCUSED HAS HIS FIRST OPPORTUNITY TO EXERCISE HIS RIGHT TO BE REPRESENTED BY AN ATTORNEY. IN PRACTICE, HOWEVER, THE RIGHT IS SELDOM USED, PROBABLY BECAUSE FEW ARRESTEES CAN AFFORD TO HIRE AN ATTORNEY. COURT APPOINTED ATTORNEYS ARE USUALLY NOT AVAILABLE TO A DEFENDANT UNTIL THE INVESTIGATIVE PHASE IS OVER AND THE JUDGE DETERMINES THERE IS SUFFICIENT EVIDENCE TO INITIATE TRIAL PROCEEDINGS. TO ENSURE THAT THE POOR HAVE ACCESS TO LEGAL COUNSEL, THE SOLICITOR GENERAL ASSIGNED PUBLIC DEFENDERS TO 38 OF THE NATION'S 50 FIRST INSTANCE COURTS. ALTHOUGH A PUBLIC DEFENDER CAN BE MADE AVAILABLE TO THE DETAINEE AS EARLY AS THE INVESTIGATIVE STAGE OF THE JUDICIAL PROCESS, THEIR NUMBER IS STILL INSUFFICIENT TO INSURE THAT DUE PROCESS IS GIVEN TO MORE THAN A SMALL PERCENTAGE OF INDIGENT DETAINEES. THE DEFENDANT MUST BE REPRESENTED BY COUNSEL AT THE TRIAL AND COUNSEL IS APPOINTED BY THE COURT IF NONE HAS BEEN SELECTED. A DEFENSE COUNSEL APPOINTED BY THE COURT MUST WORK FREE

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TO MANY POORLY PREPARED AND UNENTHUSIASTIC DEFENSES. ATTORNEYS, AS WELL AS JUDGES, ARE SUBJECT TO

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INTIMIDATION AND BRIBERY. TRIAL RECORDS OF ADULTS ARE NORMALLY OPEN TO THE PUBLIC.

IN THEORY, DEFENDANTS HAVE A RIGHT TO: THE ASSUMPTION OF INNOCENCE, PROTECTION FROM SELF-INCRIMINATION, LEGAL COUNSEL, FREEDOM FROM PHYSICAL OR MENTAL COERCION, PRESENCE IN COURT, OPPORTUNITY TO CONFRONT WITNESSES, AND COMPENSATION FOR DAMAGES DUE TO JUDICIAL ERROR. IN PRACTICE, ALMOST ALL OF THESE RIGHTS ARE RESTRICTED TO VARIOUS DEGREES. PRISONERS ARE USUALLY INCARCERATED FOR SIX TO 18 MONTHS FROM THE TIME THEY ARE CHARGED UNTIL THEY ARE BROUGHT TO TRIAL, AND EVEN LONGER DELAYS ARE COMMON.

ALTHOUGH NOMINALLY INDEPENDENT FROM THE EXECUTIVE AND LEGISLATIVE BRANCHES, IN PRACTICE THE JUDICIARY IS STRONGLY INFLUENCED BY THE LEGISLATURE THROUGH THE APPOINTMENTS PROCESS. POLITICAL AFFILIATION OR FAMILY TIES, RATHER THAN PROFESSIONAL CAPABILITIES, ARE OFTEN THE MOST IMPORTANT CRITERIA IN APPOINTING JUDGES. REAPPOINTMENT IS BASED MORE ON A JUDGE'S POLITICAL LOYALTY THAN ON INTEGRITY OR PROFESSIONAL QUALIFICATIONS.

TEN YEARS OF WAR HAVE ADDED TO THE PRESSURES ON JUDICIAL PERSONNEL WHO, EVEN IN THE BEST OF TIMES, ARE SUBJECT TO BRIBES AND THREATS. JUDGES ARE SOMETIMES AFRAID TO INVESTIGATE OR PROSECUTE MEMBERS OF THE SALVADORAN ARMED FORCES OR THE FMLN INSURGENCY. DEATH THREATS ARE ALSO COMMON IN CASES WHICH INVOLVE ORGANIZED CRIME.

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U.S. GOVERNMENT-SPONSORED JUDICIAL REFORM PROGRAMS HAVE HELPED EFFECT SUBSTANTIAL TECHNICAL IMPROVEMENTS SINCE 1984: EIGHT MAJOR JUDICIAL REFORMS HAVE BEEN PASSED BY THE ASSEMBLY; A SPECIAL INVESTIGATIVE UNIT AND FORENSIC LAB HAVE BEEN ESTABLISHED AND ARE MAJOR INVESTIGATIVE ARMS IN HUMAN RIGHTS AS WELL AS COMMON CRIMINAL CASES; THE CENTER HOUSING FIRST INSTANCE JUDGES AND JUSTICES OF THE PEACE FOR SAN SALVADOR WAS RECONSTRUCTED AND EQUIPPED AFTER THE 1986 EARTHQUAKE; A PUBLIC DEFENDER'S OFFICE HAS BEEN ESTABLISHED TO OFFER LEGAL ASSISTANCE TO THE POOR; COMPREHENSIVE

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TRAINING PROGRAMS AND EQUIPMENT HAVE BEEN PROVIDED TO

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El Salvador: Human Rights
Special Project (1993)

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PAGE 01 SAN SA 14583 12 OF 21 271648Z
ACTION HA-09

INFO	LOG-00	ADS-00	AID-01	ARA-01	CIAE-00	C-01	DODE-00
	EB-01	H-01	INRE-00	INR-05	IO-19	LAB-04	L-03
	NSAE-00	NSCE-00	OIC-02	PA-01	PRS-01	P-02	RP-10
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P 271357Z OCT 90
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC PRIORITY 2543

[redacted] SECTION 12 OF 21 SAN SALVADOR 14583

DEPARTMENT FOR HA AND S/IL

E.O. 12356: N/A
TAGS: PHUM, ELAB, KSPUR, XX, ES
SUBJECT: COUNTRY REPORT ON HUMAN RIGHTS PRACTICES

THE OFFICES OF THE ATTORNEY GENERAL AND THE SOLICITOR GENERAL.

HOWEVER, OBSERVERS ACROSS THE POLITICAL SPECTRUM CHARGE THE JUDICIAL SYSTEM WITH BEING, AT LEAST IN PART, AT THE ROOT OF THE HUMAN RIGHTS PROBLEMS. THE SALVADORAN JUDICIAL SYSTEM IS NEITHER SYSTEMATIC NOR JUST.

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PAGE 02 SAN SA 14583 12 OF 21 271648Z
F. ARBITRARY INTERFERENCE WITH PRIVACY, FAMILY, HOME, OR CORRESPONDENCE

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THE GOVERNMENT GENERALLY DOES NOT INTERFERE ARBITRARILY IN THE PERSONAL LIVES OF CITIZENS, ALTHOUGH THE CONSTITUTION GIVES THE GOVERNMENT THE RIGHT TO INTERVENE WHEN NATIONAL SECURITY IS THREATENED. BOTH THE GOVERNMENT AND THE GUERRILLAS USE NETWORKS OF INFORMANTS.

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THE MILITARY DRAFT IS LEGAL BUT APPLIED ARBITRARILY. THE SONS OF THE WEALTHY, OR THE WELL CONNECTED, ARE ALMOST NEVER FORCED TO SERVE.

ACCORDING TO THE CONSTITUTION, BEFORE ENTERING A PRIVATE DWELLING THE SECURITY FORCES MUST HAVE THE RESIDENT'S CONSENT, A WARRANT, OR A REASONABLE BELIEF THAT A CRIME IS BEING OR IS ABOUT TO BE COMMITTED. IN PRACTICE, THE SECURITY FORCES OFTEN USE FORCED ENTRY TO CARRY OUT ARRESTS AND INVESTIGATIONS. GOVERNMENT FORCES OFTEN INTERCEPT MAIL DELIVERIES IN WAR ZONES. WIRETAPPING OF TELEPHONE COMMUNICATIONS BY THE GOVERNMENT, THE FMLN, PRIVATE INDIVIDUALS, AND POLITICAL PARTIES IS WIDESPREAD.

THE GUERRILLAS ARBITRARILY INTERFERE WITH THE LIVES OF INHABITANTS IN WAR ZONES SETTING UP ROADBLOCKS, EXPROPRIATING FOOD AND MEDICAL SUPPLIES, INTERCEPTING MAIL, AND FORCING VILLAGERS TO ATTEND INDOCTRINATION SESSIONS. THEY ENGAGE IN FORCED RECRUITMENT TO FILL THEIR RANKS OR TO OBTAIN LABORERS AND PORTERS. FMLN

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PAGE 03 SAN SA 14583 12 OF 21 271648Z
COMMITTEES EXERCISE A HIGH DEGREE OF CONTROL OVER THE VILLAGES WHERE REFUGEES WHO RETURNED FROM HONDURAS LIVE. THE PEOPLE USUALLY COMPLY WITH FMLN DEMANDS, AND THE GUERRILLAS HAVE OFTEN DEMONSTRATED THEIR WILLINGNESS TO USE INTIMIDATION, INCLUDING MURDER, TO ENFORCE THEIR ORDERS.

G. USE OF EXCESSIVE FORCE AND VIOLATIONS OF HUMANITARIAN LAW IN INTERNAL CONFLICTS

CLAIMS OF IMPROPER AIR FORCE BOMBINGS NEAR CIVILIAN POPULATIONS RESULTING IN CIVILIAN DEATHS CONTINUED IN 1990. AIR FORCE POLICY IS TO REFRAIN FROM ATTACKING GUERRILLA CONCENTRATIONS AND INSTALLATIONS WHEN CIVILIANS ARE NEARBY. INFANTRY OFFICERS SAY AIR FORCE PILOTS REFUSE TO BOMB CIVILIAN AREAS EVEN WHEN ASKED TO BY OFFICERS ON THE GROUND. HOWEVER, THERE ARE CREDIBLE CHARGES THAT ON OCCASION THIS POLICY HAS BEEN VIOLATED, ESPECIALLY IN AREAS OF INTENSE GUERRILLA ACTIVITY (SUCH AS CHALATENANGO, CABANAS, AND MORAZAN) WHERE MILITARY OPERATIONS RECEIVE CLOSE AIR SUPPORT.

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AFTER A FEBRUARY 11 ENGAGEMENT BETWEEN SALVADORAN TROOPS AND GUERRILLAS RESULTED IN FIVE CIVILIANS KILLED AND FIFTEEN WOUNDED IN SAN JACINTO GUANCORITA, CHALATENANGO, THE AIR FORCE ACCEPTED RESPONSIBILITY FOR THE CIVILIAN DEATHS AND WAS ORDERED BY THE HIGH COMMAND TO PAY COMPENSATION TO THE FAMILIES OF THE VICTIMS. AS OF SEPTEMBER NO COMPENSATION HAD BEEN PAID.

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RELEASED
El Salvador: Human Rights
Special Project (1993)

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PAGE 04 SAN SA 14583 12 OF 21 271648Z
THE MILITARY REGULATES THE FLOW OF SUPPLIES AND ACCESS OF HUMANITARIAN ORGANIZATIONS IN AREAS OF COMBAT OR HEAVY GUERRILLA PRESENCE. THE MILITARY SUSPECTS THAT SUPPLIES ARE DIVERTED TO THE GUERRILLAS AND THERE HAVE BEEN CREDIBLE REPORTS OF SUCH OCCURRENCES. EVEN SO-CALLED POPULAR GROUPS THAT WORK WITH REPATRIATED COMMUNITIES IN WAR ZONES ADMIT THAT THEY BARTER OR SELL GOODS TO THE GUERRILLAS. U.S. MEDIA REPORTS, AS WELL AS NUMEROUS LOCAL SOURCES, MAINTAIN THAT UNIFORMED FMLN FIGHTERS ROUTINELY USE RESETTLEMENT CAMPS AS SUPPORT BASES AND CONSIDER THE CAMPS "THEIR" TERRITORY.

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PAGE 01 SAN SA 14583 13 OF 21 271649Z
ACTION HA-09

INFO	LOG-00	ADS-00	AID-01	ARA-01	CIAE-00	C-01	DODE-00
	EB-01	H-01	INRE-00	INR-05	IO-19	LAB-04	L-03
	NSAE-00	NSCE-00	OIC-02	PA-01	PRS-01	P-02	RP-10
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P 271357Z OCT 90
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC PRIORITY 2544

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DEPARTMENT FOR HA AND S/IL

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El Salvador: Human Rights
Special Project (1993)

E.O. 12356: N/A
TAGS: PHUM, ELAB, KSPUR, XX, ES
SUBJECT: COUNTRY REPORT ON HUMAN RIGHTS PRACTICES

THE FMLN OCCUPIES BY FORCE CIVILIAN HOMES AS SHELTERS AND BASES TO ATTACK GOVERNMENT TARGETS PLACING CIVILIANS IN DANGER. THIS WAS DEMONSTRATED DURING THE NOVEMBER 1989 OFFENSIVE, SUBSEQUENT ATTACKS IN THE CITY, AND MOST RECENTLY WHEN THE FMLN ATTACKED ILOPANGO AIR BASE IN OCTOBER 1990. THE GUERRILLAS' USE OF UNMARKED, INDISCRIMINATELY PLACED MINES AND BOOBY TRAPS IS A MAJOR CAUSE OF DEATH AND MAIMING AMONG PEASANTS. PLANTED ALONG FARM ROADS AND PATHS,

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AROUND SABOTAGED ELECTRIC POLES, UNDER RAILROAD TRACKS, NEAR WATER SOURCES, IN FARMLANDS, AND ON COFFEE PLANTATIONS, THESE MINES KILLED 40 CIVILIANS IN 1989 AND 8 IN THE FIRST SEVEN MONTHS OF 1990.

SECTION 2 RESPECT FOR CIVIL LIBERTIES, INCLUDING:

A. FREEDOM OF SPEECH AND PRESS

TRERE ARE NO GOVERNMENTAL RESTRICTIONS ON FREEDOM OF SPEECH AND THE PRESS. EL SALVADOR HAS A VIGOROUS LOCAL PRESS WHICH REGULARLY PRINTS COMMENTARY STRONGLY CRITICAL OF THE GOVERNMENT.

THERE ARE FIVE DAILY PAPERS, FIVE TELEVISION STATIONS, AND NUMEROUS RADIO STATIONS, ALL OF WHICH PROVIDE NATIONWIDE COVERAGE. THERE ARE ALSO TWO CABLE TELEVISION SYSTEMS THAT BROADCAST NEWS PROGRAMS FROM ABROAD. TV INTERVIEWS FEATURE A FULL RANGE OF POLITICAL FIGURES REPRESENTING ALL POLITICAL VIEWPOINTS, INCLUDING POLITICIANS, LABOR LEADERS, HUMAN RIGHTS ACTIVISTS, PRIVATE SECTOR REPRESENTATIVES, AND GOVERNMENT OFFICIALS. ONE OF THE T.V. STATIONS AIRED AN EXCLUSIVE THIRTY MINUTE INTERVIEW WITH FMLN COMMANDER SHAFIK HANDAL IN SEPTEMBER. PRESS AGENCIES HAVE REPORTED THAT A WIDER RANGE OF OPINION IS PERMITTED IN EL SALVADOR THAN IN MANY OTHER LATIN AMERICAN DEMOCRACIES. THREE OF THE LEADING DAILY NEWSPPERS ARE CONSERVATIVE, ONE IS CENTRIST, AND ONE IS LEFTIST IN EDITORIAL

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El Salvador: Human Rights Special Project (1993)

ORIENTATION. THE LATTER IS RUN BY A UNION DIRECTORATE AFFILIATED WITH THE LEFTIST JOURNALISM SCHOOL OF THE UNIVERSITY OF EL SALVADOR; IT PRESENTS THE VIEWS OF THE FAR LEFT, INCLUDING UNEDITED ARTICLES FROM THE FMLN AFFILIATED PRESS AGENCIES SALPRESS AND NOTISAL, AND PRESS RELEASES FROM AND INTERVIEWS WITH THE FMLN AND ITS SUPPORT ORGANIZATIONS. LEFTIST VIEWS ARE ALSO EXPRESSED IN A VARIETY OF JOURNALS, NEWSLETTERS, PERIODICALS, BULLETINS, AND PAID ADVERTISEMENTS IN THE DAILY PRESS.

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TELEVISION AND RADIO STATIONS SELL BROADCAST TIME TO ORGANIZATIONS OF ALL POLITICAL VIEWPOINTS. THESE ARE UNCENSORED AND ARE OFTEN BROADCAST LIVE. COMMERCIAL RADIO STATIONS USE NEWS AND PROPAGANDA REPORTS RECORDED FROM THE CLANDESTINE GUERRILLA RADIO STATIONS OR SUPPLIED BY THE GUERRILLAS ON CASSETTES. IN 1990, ALL FMLN COMMUNIQUES WERE IMMEDIATELY BROADCAST BY THE MAJOR NEWS RADIO STATIONS. THE GOVERNMENT OWNS TWO TELEVISION CHANNELS AND ONE RADIO STATION. THE ARMED FORCES ALSO OPERATE A RADIO STATION.

ACADEMIC FREEDOM IS PROTECTED BY THE CONSTITUTION AND RESPECTED BY THE GOVERNMENT. THERE IS NO GOVERNMENT INTERFERENCE WITH UNIVERSITY CURRICULA. HOWEVER, THE GOVERNMENT FORCED THE UNIVERSITY OF EL SALVADOR TO CLOSE DURING THE NOVEMBER 1989 FMLN OFFENSIVE. IT REOPENED IN JUNE. FMLN ELEMENTS EXPLOIT THE UNIVERSITY'S AUTONOMY, WHICH PROHIBITS LAW ENFORCEMENT AUTHORITIES FROM ENTERING THE CAMPUS, BY USING THE FACILITIES AS A SAFE HAVEN AND STAGING CENTER FOR [redacted]

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URBAN OPERATIONS. THE PROBLEM CONTINUES TO DATE, GREATLY IMPEDING THE UNIVERSITY'S CAPACITY TO FUNCTION AS AN ACADEMIC INSTITUTION.

B. FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION

ANY ASSOCIATION NOT FORMED FOR CRIMINAL PURPOSES IS LEGAL AND PERMITTED IN EL SALVADOR. NUMEROUS POLITICAL, PROFESSIONAL, RELIGIOUS, LABOR, AND SOCIAL ORGANIZATIONS, INCLUDING SOME ALLIED TO THE FMLN, OPERATE FREELY. GROUPS FROM THE LEFT AND THE RIGHT CRITICIZE THE GOVERNMENT AND HOLD MARCHES AND DEMONSTRATIONS WITHOUT GOVERNMENT INTERFERENCE.

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RELEASED
El Salvador: Human Rights
Special Project (1993)

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PAGE 01 SAN SA 14583 14 OF 21 271650Z
ACTION HA-09

INFO	LOG-00	ADS-00	AID-01	ARA-01	CIAE-00	C-01	DODE-00
	EB-01	H-01	INRE-00	INR-05	IO-19	LAB-04	L-03
	NSAE-00	NSCE-00	OIC-02	PA-01	PRS-01	P-02	RP-10
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P 271357Z OCT 90
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC PRIORITY 2545

SECTION 14 OF 21 SAN SALVADOR 14583

DEPARTMENT FOR HA AND S/IL

E.O. 12356: N/A
TAGS: PHUM, ELAB, KSPUR, XX, ES
SUBJECT: COUNTRY REPORT ON HUMAN RIGHTS PRACTICES

SOCIAL, LABOR, AND HUMAN RIGHTS ORGANIZATIONS CLOSELY IDENTIFIED WITH THE FMLN FREQUENTLY STAGE MARCHES.

IN 1990, THERE WERE LARGE, PEACEFUL DEMONSTRATIONS ON MAY DAY AND SEPTEMBER 15 BY GROUPS WHICH HAVE BEEN STRONGLY CRITICAL OF THE GOVERNMENT AND ITS POLICIES. NEITHER WAS INTERFERED WITH BY THE GOVERNMENT WHICH SPONSORED WELL-ATTENDED RALLIES OF ITS OWN. VARIOUS OPPOSITION AND LABOR GROUPS ALSO STAGED NUMEROUS

PAGE 02 SAN SA 14583 14 OF 21 271650Z
SMALLER DEMONSTRATIONS WITHOUT INCIDENT THROUGHOUT THE YEAR. IN CONTRAST TO 1989, THERE WERE NO VIOLENT DEMONSTRATIONS IN 1990. THERE WERE NO REPORTS OF POLITICALLY-MOTIVATED VIOLENCE AGAINST NONGOVERNMENTAL ORGANIZATIONS IN 1990. A BOMB PLANTED BY UNKNOWN

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ASSAILANTS KILLED TEN PEOPLE AND WRECKED THE OFFICES OF THE LEFTIST FENASTRAS LABOR FEDERATION ON OCTOBER 31, 1989. BECAUSE FENASTRAS PERSONNEL CLEANED UP THE SITE OF THE EXPLOSION AND DESTROYED EVIDENCE, THE FBI ASSISTED INVESTIGATION OF THE BOMBING WAS INCONCLUSIVE. GOES EFFORTS TO INVESTIGATE THE BOMBING WERE FURTHER HAMPERED BY THE BEGINNING OF THE FMLN OFFENSIVE 11 DAYS LATER. IN SEPTEMBER 1990, FENASTRAS LEADERS OFFERED TO PRESENT NEW EVIDENCE REGARDING THE BOMBING AND ASKED THE U.S. EMBASSY FOR ASSISTANCE. TO DATE, HOWEVER, THEY HAVE PROVIDED NO NEW INFORMATION NOR PRODUCED THE WITNESSES THEY CLAIM TO HAVE.

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C. FREEDOM OF RELIGION

FREEDOM OF RELIGION IS PROVIDED FOR BY THE CONSTITUTION AND IS RESPECTED IN PRACTICE. THE COUNTRY IS PREDOMINANTLY ROMAN CATHOLIC, BUT AN ESTIMATED TWENTY PERCENT OF THE POPULATION SUBSCRIBE TO OTHER -- MAINLY PROTESTANT -- DENOMINATIONS AND FAITHS. ARRESTS OF CHURCH MEMBERS AND EMPLOYEES, MOST OF WHICH OCCURRED DURING THE NOVEMBER 1989 FMLN OFFENSIVE, APPEAR TO HAVE BEEN FOR POLITICAL RATHER THAN RELIGIOUS REASONS. THE DETAINEES CAME FROM CHURCH ORGANIZATIONS THAT HAVE EXPRESSED PUBLIC SUPPORT FOR CAUSES ASSOCIATED WITH LIBERATION THEOLOGY

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AND THE POLITICAL LEFT. THOSE ORGANIZATIONS, BOTH CATHOLIC AND PROTESTANT, WHICH EITHER AVOID POLITICS OR TEND TO THE OTHER SIDE WERE LEFT IN RELATIVE PEACE. VIRTUALLY ALL THE DETAINEES IN SUCH CASES WERE RELEASED WITHOUT CHARGES WITHIN THE PRESCRIBED PERIODS.

THE CATHOLIC CHURCH IS ONE OF THE MOST INFLUENTIAL INSTITUTIONS IN THE COUNTRY. THE ARCHBISHOP'S SUNDAY HOMILY IS BROADCAST LIVE ON ONE OF THE GOVERNMENT'S TELEVISION STATIONS AND ONE RADIO STATION. CATHOLIC CHURCH PUBLICATIONS DISSEMINATE THE CHURCH'S POSITION ON HUMAN RIGHTS AND THE WAR. CHURCH STATEMENTS REGULARLY CRITICIZE THE LEFTIST INSURGENCY AS WELL AS THE GOVERNMENT.

D. FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FOREIGN TRAVEL, EMIGRATION, AND REPATRIATION

THE CONSTITUTION ESTABLISHES THE RIGHT OF FREE MOVEMENT. ARTICLE 97 SPECIFICALLY STATES THAT FOREIGNERS MAY NOT INVOLVE THEMSELVES IN THE INTERNAL POLITICAL AFFAIRS OF THE COUNTRY. THIS ARTICLE HAS BEEN USED ON OCCASION BY THE GOVERNMENT TO DENY ENTRY OR TO DEPORT FOREIGNERS WHO IT BELIEVES MIGHT VIOLATE THAT SECTION OF THE LAW. LOCAL MILITARY COMMANDERS

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REQUIRE THAT FOREIGNERS APPLY FOR PERMISSION TO ENTER WAR ZONES AND OFTEN RESTRICT ENTRY WHEN MILITARY OPERATIONS ARE UNDER WAY IN THOSE AREAS. MOVEMENTS BY SALVADORANS WITHIN EL SALVADOR ARE OCCASIONALLY RESTRICTED FOR SIMILAR REASONS. THERE ARE NO OTHER LIMITS ON FREEDOM OF MOVEMENT IN THE REST OF THE

RELEASED
El Salvador: Human Rights
Special Project (1993)

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PAGE 04 SAN SA 14583 14 OF 21 271650Z
COUNTRY. THOSE WITHOUT PROPER IDENTIFICATION DOCUMENTS ARE LIABLE TO BE STOPPED ANYWHERE AND CAN BE ARRESTED, HOWEVER. IN 1985, THERE WERE AN ESTIMATED 525,000 DISPLACED PERSONS WITHIN EL SALVADOR. BY OCTOBER 1990, ABOUT 125,000 STILL REQUIRED GOVERNMENT ASSISTANCE. THERE MAY BE ANOTHER 7,000 PERSONS WHO WERE NOT REGISTERED WITH THE GOVERNMENT AND RECEIVE ASSISTANCE FROM PRIVATE RELIEF ORGANIZATIONS. AN ADDITIONAL 22,000 SALVADORANS ARE REFUGEES IN OTHER CENTRAL AMERICAN COUNTRIES AND IN MEXICO, AND MORE THAN 550,000 ARE ESTIMATED TO BE ILLEGAL IMMIGRANTS IN THE UNITED STATES.

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PAGE 01 SAN SA 14583 15 OF 21 271651Z

ACTION HA-09

INFO	LOG-00	ADS-00	AID-01	ARA-01	CIAE-00	C-01	DODE-00
	EB-01	H-01	INRE-00	INR-05	IO-19	LAB-04	L-03
	NSAE-00	NSCE-00	OIC-02	PA-01	PRS-01	P-02	RP-10
	SIL-01	SP-01	SR-01	SS-01	STR-18	TRSE-00	USIE-00
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P 271357Z OCT 90
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC PRIORITY 2546

[redacted] SECTION 15 OF 21 SAN SALVADOR 14583

UNCLASSIFIED

DEPARTMENT FOR HA AND S/IL

UNCLASSIFIED

E.O. 12356: N/A
TAGS: PHUM, ELAB, KSPUR, XX, ES
SUBJECT: COUNTRY REPORT ON HUMAN RIGHTS PRACTICES

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El Salvador: Human Rights
Special Project (1993)

SINCE OCTOBER 1987, APPROXIMATELY 20,000 SALVADORAN REFUGEES HAVE RETURNED TO EL SALVADOR FROM HONDURAS, NICARAGUA, AND COSTA RICA. BETWEEN OCTOBER 1989 AND FEBRUARY 1990, APPROXIMATELY 9,000 SALVADORANS FROM THE COLOMONCAGUA CAMP IN HONDURAS WERE RESETTLED NEAR MEANGUERA, MORAZAN. ANOTHER 700 SALVADORANS FROM THE SAN ANTONIO CAMP WERE RESETTLED IN GUALCHO, USULUTAN. APPROXIMATELY 800 REFUGEES REMAIN IN THE MESA GRANDE CAMP IN HONDURAS. THE SALVADORAN GOVERNMENT EXPECTS [redacted]

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PAGE 02 SAN SA 14583 15 OF 21 271651Z
THESE REFUGEES TO RETURN TO EL SALVADOR IN LATE 1990 OR EARLY 1991. THE REPATRIATION OF APPROXIMATELY 800 REFUGEES FROM A CAMP IN NORTHERN PANAMA IS EXPECTED IN EARLY 1991.

IN JULY 1990, THE SALVADORAN GOVERNMENT ESTABLISHED A REPATRIATION ASSISTANCE OFFICE TO FACILITATE FULL REINTEGRATION OF REPATRIATED COMMUNITIES INTO SALVADORAN SOCIETY. THE OFFICE IS SUPPOSED TO COORDINATE ASSISTANCE TO REPATRIATES, HELP THEM OBTAIN IDENTIFICATION DOCUMENTS, AND COORDINATE THE INTRODUCTION OF BASIC SERVICES, SUCH AS HEALTH, EDUCATION, AND SANITATION, INTO REPATRIATED COMMUNITIES.

IN EARLY 1990, THE MINISTRY OF PUBLIC WORKS RESPONDED TO THE REQUEST OF THE SEGUNDO MONTES REPATRIATED COMMUNITY (NEAR MEANGUERA, MORAZAN) AND CONSTRUCTED A BRIDGE ACROSS THE TOROLA RIVER. ALTHOUGH THERE HAVE BEEN REPORTS OF THE FMLN COLLECTING TOLLS ON THE BRIDGE, IT HAS OPENED MARKETS AND BETTER COMMUNICATION BETWEEN NORTHERN AND SOUTHERN MORAZAN FOR THE FIRST TIME IN FOUR YEARS.

LOCAL MILITARY COMMANDERS HAVE SOMETIMES REGULATED THE SHIPMENT OF FOOD, MEDICINES, AND OTHER MATERIALS TO REFUGEE COMMUNITIES, CLAIMING THAT SUPPLIES WERE BEING DIVERTED TO THE GUERRILLAS. FOR THE MOST PART, HOWEVER, THERE IS NO GOVERNMENT HARASSMENT OF PERSONS RETURNING TO EL SALVADOR FROM ABROAD. THE GOVERNMENT IMPOSES NO CONTROL ON EMIGRATION AND COOPERATES WITH

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INTERNATIONAL ORGANIZATIONS THAT ARRANGE SALVADORAN EMIGRATION TO OTHER COUNTRIES.

THE GOVERNMENT, WITH ASSISTANCE FROM THE UNHCR AND THE ICRC, HAS REGISTERED SOME 400 NICARAGUAN REFUGEES, ALTHOUGH OFFICIALS ESTIMATE AS MANY AS 3,000 ARE RESIDING IN THE FAR SOUTHEASTERN PART OF THE COUNTRY. REGISTERED REFUGEES ARE FREE TO TRAVEL WITHIN EL SALVADOR.

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SECTION 3. RESPECT FOR POLITICAL RIGHTS: THE RIGHT OF CITIZENS TO CHANGE THEIR GOVERNMENT

THE SALVADORAN CONSTITUTION PROVIDES FOR RIGHTS AND PROCEDURES BY WHICH CITIZENS CAN CHANGE THEIR GOVERNMENT BY PEACEFUL MEANS. THE CONSTITUTION ALLOWS ALL POLITICAL PARTIES THAT DO NOT ADVOCATE ARMED OPPOSITION TO THE DEMOCRATIC SYSTEM TO PARTICIPATE IN THE ELECTORAL PROCESS. IT ESTABLISHES THE RIGHT TO MEMBERSHIP IN ANY LEGALLY RECOGNIZED PARTY, AND EVEN PARTIES WITH LINKS TO THE FMLN ARE PERMITTED TO PARTICIPATE IN ELECTIONS.

THERE HAVE BEEN SIX NATIONAL ELECTIONS SINCE 1982. ON MARCH 19, 1989, SIX PARTIES, REPRESENTING A WIDE SPECTRUM OF POLITICAL VIEWS, PARTICIPATED IN THE PRESIDENTIAL ELECTION IN WHICH THE INCUMBENT CHRISTIAN DEMOCRATIC PARTY (PDC) LOST THE PRESIDENCY TO THE NATIONALIST REPUBLIC ALLIANCE (ARENA), MARKING THE FIRST DEMOCRATIC TRANSFER OF POWER FROM THE RULING PARTY TO THE OPPOSITION. THE FMLN REFUSED TO

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PARTICIPATE IN THE ELECTORAL PROCESS AND SOUGHT TO DISRUPT THE ELECTIONS THROUGH ATTACKS AND THREATS. NEVERTHELESS, THE 1989 ELECTION SAW THE PARTICIPATION OF POLITICAL GROUPS PREVIOUSLY ALLIED TO THE FMLN AND THE RETURN TO THE POLITICAL SCENE OF LEFTIST LEADERS GUILLERMO UNGO AND RUBEN ZAMORA. THE DEMOCRATIC CONVERGENCE (CD), AN ALLIANCE OF THREE LEFTIST PARTIES, RAN CANDIDATES IN 1989 AND HAS ANNOUNCED PLANS TO FIELD CANDIDATES IN THE NATIONAL LEGISLATIVE AND MUNICIPAL ELECTIONS TO BE HELD IN MARCH 1991.

SALVADORAN DEMOCRACY WAS FURTHER STRENGTHENED WHEN THE INTERPARTY AGREEMENT ON ELECTORAL REFORM SIGNED IN

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El Salvador: Human Rights
Special Project (1993)

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PAGE 01 SAN SA 14583 16 OF 21 271652Z
ACTION HA-09

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P 271357Z OCT 90
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC PRIORITY 2547

[redacted]SECTION 16 OF 21 SAN SALVADOR 14583

DEPARTMENT FOR HA AND S/IL

E.O. 12356: N/A
TAGS: PHUM, ELAB, KSPUR, XX, ES
SUBJECT: COUNTRY REPORT ON HUMAN RIGHTS PRACTICES

SEPTEMBER 1990 BROUGHT 9 POLITICAL PARTIES, INCLUDING THE NATIONALIST DEMOCRATIC UNION (UDN, THE ELECTORAL FRONT OF THE COMMUNIST PARTY OF EL SALVADOR), TOGETHER FOR THE FIRST TIME. THE UDN (WHICH DID NOT PARTICIPATE IN THE 1989 ELECTIONS) HAS ANNOUNCE THAT IT WILL PARTICIPATE IN THE 1991 LEGISLATIVE AND MUNICIPAL ELECTIONS, WHETHER OR NOT A CEASE-FIRE IS IN PLACE.

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PAGE 02 SAN SA 14583 16 OF 21 271652Z
VOTING IS BY SECRET BALLOT. IN PREPARATION FOR THE 1989 ELECTIONS, THE CENTRAL ELECTIONS COUNCIL (CCE) DISTRIBUTED 1,850,000 VOTER IDENTIFICATION CARDS (CARNETS) AS A SAFEGUARD AGAINST FRAUD; 55.6 PERCENT OF THOSE WITH CARNETS VOTED.

SECTION 4. GOVERNMENTAL ATTITUDE REGARDING INTERNATIONAL AND NONGOVERNMENTAL INVESTIGATION OF

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ALLEGED VIOLATIONS OF HUMAN RIGHTS.

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THE GOVERNMENT CONTINUED TO BE RECEPTIVE TO GROUPS INTERESTED IN HUMAN RIGHTS. HIGH RANKING GOVERNMENT OFFICIALS AND MILITARY OFFICERS MEET REGULARLY WITH VISITING LEGISLATORS FROM DIFFERENT COUNTRIES, HUMAN RIGHTS ORGANIZATIONS, CHURCH AND LABOR GROUPS, AND OTHERS. AMERICAS WATCH AND THE LAWYERS COMMITTEE FOR HUMAN RIGHTS MAINTAIN A JOINT OFFICE IN SAN SALVADOR. THE ICRC HAS AN AGREEMENT WITH THE GOVERNMENT THAT PERMITS IT TO WORK IN THE WAR ZONES TO ASSIST NONCOMBATANTS, TO VISIT PRISONERS AND DETAINEES ACCUSED OF GUERRILLA ACTIVITY, AND TO MAKE CONFIDENTIAL REPORTS TO THE GOVERNMENT ON HUMAN RIGHTS ISSUES. TUTELA LEGAL AND THE CDH ALSO HAVE ACCESS TO THE PRISONS. THE UN SPECIAL RAPPORTEUR ON HUMAN RIGHT IN EL SALVADOR MADE HIS TENTH ANNUAL VISIT TO THE COUNTRY IN OCTOBER.

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Special Project (1993)

DOMESTIC HUMAN RIGHTS ORGANIZATIONS ACTIVE IN EL SALVADOR INCLUDE THE CDH AND THE CATHOLIC ARCHBISHOPRIC'S HUMAN RIGHTS AND LEGAL AID OFFICE, TUTELA LEGAL. THE CDH RECEIVES TESTIMONY ABOUT HUMAN

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RIGHTS VIOLATIONS, CONDUCTS INVESTIGATIONS, VISITS DETAINEES, AND REPORTS TO THE LOCAL COMMANDING OFFICER AND THE MINISTRY OF DEFENSE WHEN IT DISCOVERS A CASE OF ABUSE. ITS DOCTORS EXAMINE DETAINEES TO DETERMINE THE VALIDITY OF COMPLAINTS OF TORTURE. THE CDH KEEPS A REGISTER OF PERSONS INJURED BY LAND MINES AND IS WORKING IN CONJUNCTION WITH INTERNATIONAL ASSISTANCE ORGANIZATIONS ON A PROJECT TO REGISTER CIVILIAN AMPUTEES AND PROVIDE THEM WITH PROSTHETIC DEVICES. THE CDH ALSO MAINTAINS A ROSTER SHOWING THE STATUS OF THOSE DETAINED BY SECURITY FORCES.

HOWEVER, THE LACK OF A CLEARLY DEFINED MISSION HAS LIMITED THE EFFECTIVENESS OF THE GOVERNMENTAL HUMAN RIGHTS COMMISSION. NEITHER PRESIDENT DUARTE NOR PRESIDENT CRISTIANI EVER APPOINTED THE FIVE MEMBER EXECUTIVE BOARD THAT IS SUPPOSED TO GUIDE ITS WORK AND GIVE IT THE NECESSARY POLITICAL SUPPORT. NATIONAL AND INTERNATIONAL HUMAN RIGHTS ORGANIZATIONS VIEW IT AS A PUBLIC RELATIONS BRANCH OF THE GOVERNMENT WITH NO REAL ROLE IN MONITORING OR REPORTING ON THE HUMAN RIGHTS SITUATION. THE CDH CONTRIBUTES TO THIS VIEW BY EMPHASIZING EDUCATIONAL AND PROMOTIONAL WORK DEFENDING THE GOVERNMENT'S IMAGE. LACKING STRONG GUIDANCE AND POLITICAL SUPPORT, THE CDH FAILS TO EMPHASIZE THE INVESTIGATION OF HUMAN RIGHTS ABUSES. HOWEVER, THE CDH REMAINS THE BEST SOURCE OF INFORMATION REGARDING PERSONS ARRESTED OR AWAITING TRIAL AND A GOOD SOURCE

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ON THE CONDITION OF THOSE RELEASED FROM CUSTODY.

TUTELA LEGAL OFTEN CONDUCTS ITS OWN INVESTIGATIONS, [redacted]

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El Salvador: Human Rights
Special Project (1993)

PAGE 04 SAN SA 14583 16 OF 21 271652Z
VISITING PERSONS DETAINED BY THE SECURITY FORCES, DOING SOME ON-SITE INVESTIGATIONS, AND REPORTING ITS FINDINGS TO GOVERNMENT AUTHORITIES. ALTHOUGH IT IS THE MAIN HUMAN RIGHTS INVESTIGATIVE AGENCY IN EL SALVADOR AND IS WELL-RESPECTED INTERNATIONALLY, TUTELA LEGAL'S METHODOLOGY HAS BEEN CRITICIZED. TUTELA OCCASIONALLY ASSERTED, BASED ON CIRCUMSTANTIAL EVIDENCE ALONE, THAT CERTAIN KILLINGS WERE PERPETRATED BY DEATH SQUADS LINKED TO THE GOVERNMENT. SUCH ASSERTIONS ARE USUALLY MADE WHEN A BODY IS FOUND IN AN AREA TO WHICH ACCESS HAS BEEN UNDER THE CONTROL OF THE SECURITY FORCES. CITING "CONFIDENTIALITY," TUTELA OFTEN REFUSES TO PRODUCE EVIDENCE TO SUPPORT THEIR

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PAGE 01 SAN SA 14583 17 OF 21 271653Z
ACTION HA-09

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P 271357Z OCT 90
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC PRIORITY 2548

[redacted] SECTION 17 OF 21 SAN SALVADOR 14583

DEPARTMENT FOR HA AND S/IL

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CHARGES.

IN SOME CASES, SUCH AS ASSERTING THAT FOUL PLAY WAS INVOLVED IN THE DEATHS OF TWO JOURNALISTS IN SEPTEMBER, AND THAT AIR FORCE CHIEF GENERAL VILLAMARIONA WAS IMPLICATED IN THE JESUIT CASE, TUTELA LEGAL HAS ALSO JUMPED TO UNWARRANTED CONCLUSIONS. IN THE JOURNALISTS' CASE, AN INTERNATIONAL TEAM OF FORENSIC EXPERTS DETERMINED THAT THE VICTIMS HAD DIED

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IN A TRAFFIC ACCIDENT, AN EXPLANATION ACCEPTED BY THE ARCHBISHOP HIMSELF. WITHIN DAYS, TUTELA LEGAL RETRACTED ITS CHARGES AGAINST GENERAL VILLAMARIONA BLAMING A HASTY SPANISH TRANSLATION OF AN ENGLISH LANGUAGE DOCUMENT..

THE LUTHERAN CHURCH, THE NATIONAL ASSOCIATION OF INDIGENOUS PERSONS (ANIS), MANY LABOR UNIONS, UNIVERSITIES, AND OTHER NONGOVERNMENTAL ORGANIZATIONS ALSO HAVE HUMAN RIGHTS AND LEGAL ASSISTANCE OFFICES. GUERRILLA DEFECTORS AND CAPTURED DOCUMENTS SHOW THAT SEVERAL GROUPS THAT ARE OSTENSIBLY INDEPENDENT HUMAN RIGHTS ORGANIZATIONS ARE CONTROLLED BY THE FMLN. THESE INCLUDE THE NONGOVERNMENTAL HUMAN RIGHTS COMMISSION OF EL SALVADOR (CDHES), THE FEDERATION OF COMMITTEES OF MOTHERS AND FAMILIES (FECMAFAM), AND THE COMMITTEE OF MOTHERS OF POLITICAL PRISONERS, DISAPPEARED AND ASSASSINATED OF EL SALVADOR (COMADRES). NOTWITHSTANDING THIS LINK, THEY OPERATE WITHOUT GOVERNMENT INTERFERENCE AND REGULARLY PUBLICIZE THEIR VIEWS IN THE LOCAL MEDIA. THESE GROUPS REPORT ONLY ON ALLEGED ABUSES BY GOVERNMENT FORCES AND DO NOT INVESTIGATE, RECORD, OR EVEN ACKNOWLEDGE HUMAN RIGHTS ABUSES COMMITTED BY THE FMLN. FMLN LEADERS HAVE PUBLICLY CREDITED WESTERN EUROPEAN AND U.S. "PEACE GROUP" NETWORKS WITH FUNDING THEIR STRUGGLE IN EL SALVADOR.

SECTION 5. DISCRIMINATION BASED ON RACE, SEX, RELIGION, LANGUAGE, OR SOCIAL STATUS

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EL SALVADOR IS AN ETHNICALLY HOMOGENEOUS COUNTRY, THOUGH A SMALL SEGMENT OF THE POPULATION CLAIMS TO HAVE DESCENDED SOLELY FROM INDIGENOUS PEOPLES. THERE IS NO OFFICIAL DISCRIMINATION AGAINST THEM, AND DISCRIMINATION IN HOUSING, JOBS, AND EDUCATION IS NOT A MAJOR PROBLEM. THE GOVERNMENT NEITHER PERMITS NOR CONDONES DISCRIMINATION.

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UNDER THE CONSTITUTION, WOMEN ENJOY THE SAME LEGAL RIGHTS AS MEN. IN PRACTICE, HOWEVER, WOMEN ARE DISCRIMINATED AGAINST IN MANY WAYS. SALARIES FOR WOMEN ARE GENERALLY LOWER THAN THOSE FOR MEN, AND EMPLOYERS ARE OFTEN RELUCTANT TO HIRE WOMEN ALLEGING THAT THEY ARE SEEN AS LESS RELIABLE THAN MEN. NONETHELESS, WOMEN MAKE A SIGNIFICANT ECONOMIC CONTRIBUTION TO SALVADORAN LIFE, PARTICULARLY IN LOWER INCOME FAMILIES.

VIOLENCE AGAINST WOMEN, INCLUDING DOMESTIC VIOLENCE, IS UNDOUBTEDLY WIDESPREAD, BUT THE LACK OF RELIABLE STATISTICS MAKES IT IMPOSSIBLE TO GAUGE ITS TRUE EXTENT. THERE ARE CREDIBLE REPORTS THAT JUDGES OFTEN DISMISS RAPE CHARGES ON THE PRETEXT THAT THE WOMAN PROVOKED THE INCIDENT.

SECTION 6 WORKER RIGHTS

A. THE RIGHT OF ASSOCIATION

THE 1983 CONSTITUTION PROHIBITS THE GOVERNMENT FROM USING NATIONALITY, SEX, RACE, CREED, OR POLITICAL

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PAGE 04 SAN SA 14583 17 OF 21 271653Z
PHILOSOPHY TO PREVENT WORKERS OR EMPLOYERS FROM ORGANIZING THEMSELVES INTO UNIONS OR ASSOCIATIONS. THIS PROVISION WAS INTENDED TO PROVIDE THE LEGAL FRAMEWORK FOR SECONDARY LEGISLATION, INCLUDING A REVISED LABOR CODE. IN THE WAKE OF THE APRIL 1990 AGREEMENT BETWEEN THE GOVERNMENT AND THE FMLN TO REINITIATE TALKS, PRESIDENT CRISTIANI ESTABLISHED A TRIPARTITE SOCIOECONOMIC COMMISSION. THE COMMISSION FORMED SIX SUBCOMMITTEES ONE OF WHICH IS DEDICATED TO DISCUSSING THE REFORM OF LABOR LEGISLATION. THE SUBCOMMITTEE IS CHAIRED BY THE LABOR MINISTER AND INCLUDES PROMINENT LABOR AND BUSINESS LEADERS. WORK TOWARD ACHIEVING A CONSENSUS LABOR LEGISLATION REFORM

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RELEASED
El Salvador: Human Rights
Special Project (1993)

PAGE 01 SAN SA 14583 18 OF 21 271654Z
ACTION HA-09

INFO	LOG-00	ADS-00	AID-01	ARA-01	CIAE-00	C-01	DODE-00
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P 271357Z OCT 90
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC PRIORITY 2549

[redacted]SECTION 18 OF 21 SAN SALVADOR 14583

DEPARTMENT FOR HA AND S/IL

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TAGS: PHUM, ELAB, KSPUR, XX, ES
SUBJECT: COUNTRY REPORT ON HUMAN RIGHTS PRACTICES

PACKAGE CONTINUES BUT NO PROPOSAL HAS BEEN FORWARDED TO THE LEGISLATURE. THE SUSTAINED INSTITUTIONAL EFFORT BY LABOR AND BUSINESS IN A TRIPARTITE FRAMEWORK TO PROPOSE IMPORTANT LEGISLATION IS UNPRECEDENTED IN EL SALVADOR.

A CONFUSING AND SOMETIMES CONFLICTING SET OF LAWS GOVERNING LABOR RELATIONS REMAINS IN PLACE. WHILE EXISTING STATUES PROVIDE PROTECTIONS WHICH ARE

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PAGE 02 SAN SA 14583 18 OF 21 271654Z
ENFORCEABLE UNDER THE CONSTITUTION, THEIR INCONSISTENCIES OFTEN RESULT IN CUMBERSOME PROCEDURES AND SIGNIFICANT DELAYS.

LEGALLY, ONLY PRIVATE SECTOR WORKERS HAVE THE RIGHT TO FORM UNIONS AND TO STRIKE. EMPLOYEES OF THE NINE AUTONOMOUS PUBLIC INSTITUTIONS MAY FORM UNIONS BUT ARE BARRED FROM STRIKING. EXISTING LAW BARS AGRICULTURAL WORKERS AND EMPLOYEES OF GOVERNMENT MINISTRIES AND DEPARTMENTS FROM FORMING UNIONS OR STRIKING. THESE

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EMPLOYEES ARE REPRESENTED BY ASSOCIATIONS WHOSE FUNCTION, INCLUDING THE USE OF STRIKES, IS ALMOST INDISTINGUISHABLE FROM THAT OF UNIONS. THE LABOR CODE STIPULATES THAT MEMBERS OF UNION BOARDS AT THE TIME OF THEIR ELECTION, THROUGHOUT THEIR TERM, AND FOR ONE YEAR FOLLOWING THEIR TERM, SHALL NOT BE FIRED, SUSPENDED FOR DISCIPLINARY REASONS, OR DEBASED IN THEIR WORK CONDITIONS. OFFICIALS OF THE PORT WORKERS UNION (SIPES) WERE TEMPORARILY DENIED ACCESS TO THE PORT OF ACAJUTLA, INCLUDING UNION OFFICES, IN AUGUST.

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El Salvador: Human Rights
Special Project (1993)

THE LABOR CODE REQUIRES THAT DISPUTES GO THROUGH STAGES OF DIRECT BARGAINING, CONCILIATION, AND ARBITRATION BEFORE A STRIKE OR A LOCKOUT CAN BE CALLED. LABOR COURTS, WHICH ARE PART OF THE JUDICIAL SYSTEM AND ULTIMATELY RESPONSIBLE TO THE SUPREME COURT, ARE COMPETENT TO DETERMINE THE LEGALITY OF STRIKES OR LOCKOUTS. IN PRACTICE BOTH LABOR AND MANAGEMENT OFTEN IGNORE THE ONEROUS AND TIME CONSUMING LEGAL REQUIREMENTS AND MOST STRIKES ARE TECHNICALLY ILLEGAL.

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THERE ARE APPROXIMATELY 150 CURRENTLY ACTIVE TRADE UNIONS, EMPLOYEE ASSOCIATIONS, AND PEASANT ORGANIZATIONS, WITH A COMBINED MEMBERSHIP OF JUST OVER 400,000, ROUGHLY 15 PERCENT OF THE WORK FORCE. THESE ORGANIZATIONS FREELY ELECT THEIR OFFICERS IN ACCORDANCE WITH THEIR INDIVIDUAL CONSTITUTIONS AND BYLAWS. LEADERS OF WORKER ORGANIZATIONS APPEAR REGULARLY ON TELEVISION, PUBLICIZE THEIR VIEWS IN THE COUNTRY'S MAJOR NEWSPAPERS, AND CONDUCT SEMINARS ON VARIOUS ISSUES WITHOUT GOVERNMENT INTERFERENCE. LABOR PARTICIPATED IN SEVERAL PUBLIC DEBATES WITH BUSINESS AND GOVERNMENT LEADERS OVER PETITIONS TO WITHDRAW GENERAL SYSTEM OF PREFERENCE BENEFITS FOR SALVADORAN EXPORTS TO THE U.S. UNIONS HAVE ALSO BEEN ABLE TO ORGANIZE OR PARTICIPATE IN PEACEFUL PUBLIC DEMONSTRATIONS WITHOUT GOVERNMENT INTERFERENCE.

THE NATIONAL UNION OF WORKERS AND PEASANTS (UNOC), CLAIMING SOME 200,000 MEMBERS, REMAINS BY FAR THE COUNTRY'S LARGEST LABOR ORGANIZATION. UNITY AMONG DEMOCRATIC UNIONS HAS BEEN A TRADITIONAL TENET OF THE ORGANIZATION. UNOC CONTINUESTO COOPERATE WITH THE PRO-FMLN NATIONAL UNION OF SALVADORAN WORKERS (UNTS) IN THE FACE OF PERCEIVED GOVERNMENT OPPOSITION TO LABOR'S AIMS.

TWICE SINCE 1986 THE SALVADORAN SUPREME COURT HAS REAFFIRMED CONSTITUTIONAL SAFEGUARDS PROTECTING TRADE UNIONS, WORKER ASSOCIATIONS, PEASANT ORGANIZATIONS AND

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THEIR LEADERS FROM ARBITRARY AND CAPRICIOUS BEHAVIOR
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PAGE 04 SAN SA 14583 18 OF 21 271654Z
BY MANAGEMENT AND/OR THE GOVERNMENT. THE LAW PERMITS THE GOVERNMENT TO WITHDRAW UNION RECOGNITION FOR CAUSE BUT THIS HAS NOT BEEN DONE SINCE 1980.

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UNIONS AND EMPLOYEE ASSOCIATIONS IN BOTH THE PRIVATE AND PUBLIC SECTORS ROUTINELY FAIL TO FULFILL CUMBERSOME, TIME-CONSUMING LEGAL REQUIREMENTS MAKING ALMOST ALL STRIKES ILLEGAL. IN SEVERAL INSTANCES WORKERS HAVE OCCUPIED FACTORY PREMISES AS PART OF A WORK STOPPAGE. IN CASES WHERE SUCH ACTIVITY IS PART OF AN ILLEGAL STRIKE, SECURITY FORCES HAVE INTERVENED.

THE STATE OF EMERGENCY DECLARED BY PRESIDENT CRISTIANI

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PAGE 01 SAN SA 14583 19 OF 21 271655Z
ACTION HA-09

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	NSAE-00	NSCE-00	OIC-02	PA-01	PRS-01	P-02	RP-10
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271357Z OCT 90
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC PRIORITY 2550

[redacted] SECTION 19 OF 21 SAN SALVADOR 14583

DEPARTMENT FOR HA AND S/IL

E.O. 12356: N/A

UNCLASSIFIED

TAGS: PHUM, ELAB, KSPUR, XX, ES
SUBJECT: COUNTRY REPORT ON HUMAN RIGHTS PRACTICES

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El Salvador: Human Rights
Special Project (1993)

IN RESPONSE TO THE FMLN OFFENSIVE OF NOVEMBER 1989, LIMITED FREEDOM OF ASSOCIATION UNTIL IT WAS LIFTED IN APRIL, 1990. UNIONS WERE ABLE TO CONDUCT BUSINESS ON A NORMAL BASIS DESPITE THE STATE OF EMERGENCY, HOWEVER, AND WERE REQUIRED ONLY TO REQUEST PRIOR AUTHORIZATION FOR LARGE MEETINGS. WE ARE NOT AWARE THAT PERMISSION WAS EVER DENIED FOR A UNION MEETING AND BOTH UNTS AND UNOC HELD GENERAL ASSEMBLIES UNDER THE STATE OF EMERGENCY. UNDER THE STATE OF EMERGENCY

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ONE UNION MEETING WAS BROKEN UP AND THE PARTICIPANTS BRIEFLY HELD WHEN SENIOR MILITARY OFFICIALS FAILED TO INFORM LOWER LEVEL OFFICIALS THAT AUTHORIZATION FOR THE MEETING HAD BEEN GRANTED. THE UNION LEADERS WERE QUICKLY RELEASED WHEN THE IMPROPER ARREST WAS POINTED OUT TO THE MILITARY HIGH COMMAND.

A DISPUTE BETWEEN THE GOVERNMENT AND THE TEACHERS' UNION (ANDES) OVER A PROPOSED EDUCATION LAW, INCLUDING SEVERAL WORK STOPPAGES, RESULTED IN CHANGES TO THE PROPOSED LAW FAVORED BY THE UNION. THE THREE YEAR OLD SIPES FISHERMEN'S STRIKE CONTINUED ALTHOUGH DIALOGUE BETWEEN THE UNIONS AND THE BANK HOLDING THE BANKRUPT FIRM'S ASSETS WAS ESTABLISHED. A DISPUTE AT THE PORT OF ACAJUTLA CONTINUES, WITH WAGE INCREASES THE MAIN ISSUE; THE UNION AND MANAGEMENT CONTINUE TO NEGOTIATE, HOWEVER, AND THE PORT IS OPERATING NORMALLY. PUBLIC SECTOR WORKERS STAGED A SERIES OF WORK STOPPAGES DURING THE YEAR DEMANDING WAGE INCREASES. PRESIDENT CRISTIANI DECREED A 150 COLON WAGE INCREASE FOR PUBLIC WORKERS TO BE EFFECTIVE IN AUGUST BUT SPORADIC DISPUTES OVER PUBLIC SECTOR WAGES CONTINUE. THE ASSOCIATION OF WORKERS AT THE MINISTRY OF PUBLIC WORKS MAINTAINS THAT THE GOVERNMENT HAS NOT HONORED COLLECTIVE AGREEMENTS INVOLVING COMPENSATION AND BENEFITS, AND CONTINUES TO STAGE LIMITED WORK STOPPAGES IN PROTEST. THE MINISTRY OF LABOR INTERVENED AS PROVIDED FOR BY LAW IN AN EFFORT TO RESOLVE THE DISPUTES, EVEN IN CASES INVOLVING ILLEGAL STRIKES. THE ABSENCE OF SPECIFIC LAWS GRANTING PUBLIC EMPLOYEES THE RIGHT TO STRIKE HAS NOT DETERRED SUCH

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STRIKE ACTIVITY.

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LABOR UNIONS ARE NOT RESTRICTED FROM AFFILIATION WITH INTERNATIONAL ORGANIZATIONS, AND SALVADORAN UNIONS FREELY AFFILIATE WITH SUCH GROUPS, INCLUDING THE INTERNATIONAL CONFEDERATION OF FREE TRADE UNIONS, THE WORLD CONFEDERATION OF LABOR, AND THE COMMUNIST-CONTROLLED WORLD FEDERATION OF TRADE UNIONS.

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El Salvador: Human Rights
Special Project (1993)

B. THE RIGHT TO ORGANIZE AND BARGAIN COLLECTIVELY

THE RIGHT OF COLLECTIVE BARGAINING IS GRANTED IN ARTICLE 39 OF THE CONSTITUTION, AND ARTICLE 269 OF THE LABOR CODE. UNDER THE LABOR CODE, ONLY PRIVATE SECTOR WORKERS CAN EXERCISE THIS RIGHT, BUT THE CONSTITUTION IS INTEPRETED BROADLY TO PROVIDE ALL WORKERS THE RIGHT TO BARGAIN COLLECTIVELY.

THE MINISTRY OF LABOR TOOK PART IN THE NEGOTIATION OR ADAPTATION OF 137 COLLECTIVE CONTRACTS IN 1990. THE MINISTRY ALSO TOOK PART IN OVER 1500 INDIVIDUAL WORKER-MANAGEMENT COMPLAINTS WHICH RESULTED IN MANAGEMENT PAYING APPROXIMATELY 170,000 DOLLARS IN COMPENSATION TO EMPLOYEES. MORE COLLECTIVE CONTRACTS WERE SIGNED IN 1990 THAN IN 1989 AND COMPLAINTS AGAINST EMPLOYERS BROUGHT TO THE MINISTRY DECREASED (ALTHOUGH THE PERCENTAGE OF COMPLAINTS RESOLVED BY THE MINISTRY HAS ALSO FALLEN). PRIVATE SECTOR UNIONS USE THE MECHANISM OF COLLECTIVE BARGAINING EXTENSIVELY AND A SIMILAR COLLECTIVE BARGAINING PRACTICE IS ALSO FOLLOWED, ALBEIT IN A MORE INFORMAL MANNER, BETWEEN

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PUBLIC EMPLOYEES AND THE GOVERNMENT.

THE DIRECTOR GENERAL'S OFFICE (DGT) OF THE MINISTRY OF LABOR IS RESPONSIBLE FOR OVERSEEING THE IMPLEMENTATION OF COLLECTIVE BARGAINING AGREEMENTS AND ACTING AS CONCILIATOR IN LABOR-RELATED DISPUTES IN THE PRIVATE SECTOR AND AUTONOMOUS GOVERNMENT INSTITUTIONS.

THE RELATIONSHIP BETWEEN THE BUSINESS COMMUNITY AND THE LABOR MOVEMENT HAS IMPROVED SOMEWHAT, BUT A LARGE RESERVOIR OF DISTRUST REMAINS. LABOR LEADERS PERCEIVE THE CRISTIANI GOVERNMENT AS BEING ANTILABOR AND, AS BEFORE, BUSINESSMEN FREQUENTLY TAKE MEASURES TO

[redacted]

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El Salvador: Human Rights
Special Project (1993)

PAGE 01 SAN SA 14583 21 OF 21 271656Z
ACTION HA-09

INFO	LOG-00	ADS-00	AID-01	ARA-01	CIAE-00	C-01	DODE-00
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P 271357Z OCT 90
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC PRIORITY 2552

[redacted] SECTION 21 OF 21 SAN SALVADOR 14583

DEPARTMENT FOR HA AND S/IL

E.O. 12356: N/A
TAGS: PHUM, ELAB, KSPUR, XX, ES
SUBJECT: COUNTRY REPORT ON HUMAN RIGHTS PRACTICES

JANUARY 1 AND SEPTEMBER 30, 1990. MANY OF THESE OCCURRED IN COMMERCIAL, INDUSTRIAL AND SERVICE ESTABLISHMENTS. THE INSPECTOR GENERAL'S CORPS CITED EMPLOYERS FOR NUMEROUS INFRACTIONS AND ASSESSED FINES.
WALKER

[redacted]

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*** Current Handling Restrictions *** n/a
*** Current Classification *** [redacted]

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INCOMING

DEPARTMENT OF STATE
ARA/NEA REARCS

PAGE 01 SAN SA 14735 00 OF 02 3121292 028239 S058960
ACTION: ES (02)

INFO: OCEN (01) MX (03) ARA (01) PPC (01) GAS (01) PPA (01) MK (01)
---------- 02/0024Z A2 MMM (TOTAL COPIES: 011)
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PRS-01 P-02 SNP-00 SP-00 SS-00 TRSE-00 T-01
USIE-00 /029W
----------083870 3121292 /22 66

[redacted]
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 2621
DEPT OF JUSTICE WASHDC
DIRFBI WASHDC
AMEMBASSY MEXICO

[redacted] 35

FOR ARA/CEN

FBI FOR OLIA/GUIDO

MEXICO PASS TO JOE GANNON, LEGATT

DOJ PASS TO KRISKOVICH, ICITAP

E.O. 12356: N/A
TAGS: PGOV, KJUS, PREL, CJAN, ES, US
SUBJECT: [redacted]

1. [redacted] - ENTIRE TEXT

2 SUMMARY: AS TESTIMONY WINDS DOWN IN THE JESUIT CASE, LTC MANUEL RIVAS, DIRECTOR OF THE SIU TESTIFIED ON HIS INVESTIGATION OF THE JESUIT MURDERS. AS EXPECTED, RIVAS DENIED THAT BENAVIDES HAD EVER APPROACHED HIM TO CONFESS TO THE MURDERS AND ASK FOR HIS HELP IN A COVER-UP, AS SUGGESTED BY MAJ. ERIC BUCKLAND'S TESTIMONY. COLONELS PONCE AND CARILLO SCHLENKER HAVE INVOKED THEIR PRIVILEGE NOT TO APPEAR IN PERSON BEFORE THE JUDGE. THEY HAVE BOTH SUBMITTED REPLIES TO THE JUDGE'S QUESTIONNAIRES. NOTWITHSTANDING DELAYS OCCASIONED BY THE COLONELS' DECISION TO RELY ON WRITTEN INTERROGATORIES AND THE RECENT FLAP OVER ADDITIONAL BUCKLAND STATEMENTS, THE JUDGE IS COMMITTED TO WRAPPING UP THE INVESTIGATION IN THE NEXT TWO WEEKS. HE ANTICIPATES THAT THE TRIAL WILL BE OVER BEFORE MARCH 1991 TO AVOID THE MARCH ELECTIONS. END SUMMARY.

3. COL. MANUEL RIVAS TESTIFIED BEFORE JUDGE ZAMORA FOR SIX HOURS ON FRIDAY OCTOBER 19. ALTHOUGH THE LOCAL PRESS GENERATED SOME EXCITEMENT IN ANTICIPATION OF HIS TESTIMONY, RIVAS PROVIDED NO SURPRISES. HE DENIED THAT BENAVIDES CONFESSED TO THE CRIME AND ASKED FOR HIS HELP IN A COVER-UP, AS SUGGESTED BY THE TESTIMONY OF MAJOR ERIC BUCKLAND. HE RECOUNTED THE PROGRESS OF THE EARLY INVESTIGATION AND CONCLUDED THAT THE CASE WAS BROKEN BASED ON INCONSISTENCIES IN THE EXTRA-JUDICIAL STATEMENTS OF THE ATLACATL COMMANDOS.

4. CONVERSELY, MOD RENE EMILIO PONCE MADE CLEAR HIS

INTENTION NOT TO TESTIFY IN PERSON BY SUBMITTING HIS ANSWERS TO THE JUDGE'S MOST RECENT QUESTIONNAIRE. IN A CONVERSATION WITH EMBOFF, PONCE MAINTAINED THAT HE FEARS A SET-UP. HE CLAIMS THAT THE COURT IS

SAN SA 14735 00 OF 02 3121292 028239 S058960

CONTROLLED BY HIS POLITICAL RIVALS AND THAT HE COULD GET TRICKED INTO GIVING FALSE OR CONTRADICTORY ANSWERS. TO DATE, NO AMOUNT OF PERSUASION HAS MOVED HIM FROM THIS POSITION. COMMENT: JUDGE ZAMORA, ON THE OTHER HAND, IS EAGER FOR PONCE TO COME IN PERSON. HE TOLD EMBOFFS THAT HE THINKS THAT THE MOD IS SENDING A NEGATIVE SIGNAL FOR HUMAN RIGHTS IN EL SALVADOR AND INSISTS THAT HIS INTERESTS ARE RESTRICTED TO THE CHAIN OF COMMAND AND TECHNICAL ASPECTS OF THE CASE INVOLVING MILITARY PROCEDURE.

5. NINE COLONELS AND THREE LIEUTENANT COLONELS HAVE NOW TESTIFIED IN PERSON. IN ADDITION TO PONCE, COL. JUAN CARLOS CARILLO SCHLENKER, DIRECTOR GENERAL OF THE NATIONAL GUARD, TANDONA CLASSMATE AND ONE OF GUILLERMO BENAVIDES' CLOSEST FRIENDS HAS ALSO OPTED TO TESTIFY VIA WRITTEN INTERROGATORY. BY THE TIME CARILLO SCHLENKER WAS CALLED TO TESTIFY, JUDGE ZAMORA HAD QUIT SENDING QUESTIONNAIRES TO THE COLONELS, SIMPLY ASSUMING THEY WOULD APPEAR IN PERSON. IN ORDER TO SEND A WRITTEN RESPONSE, CARILLO HAD TO BORROW ONE OF THE EARLY QUESTIONNAIRES SENT TO A COLLEAGUE. IT HAS BEEN RUMORED THAT ALL REMAINING COLONELS WILL ALSO REFUSE TO TESTIFY IN PERSON, BUT JUDGE ZAMORA APPARENTLY HAS NO PLANS TO CALL ANYONE WHO MIGHT INVOKE THEIR PRIVILEGE NOT TO TESTIFY IN PERSON BEFORE HE CLOSES THE INVESTIGATION STAGE OF THE CASE AND RAISES IT TO PLENARY.

6. NOTWITHSTANDING THE DELAY OCCASIONED BY PONCE'S REFUSAL TO APPEAR IN PERSON AND THE RECENT FLAP OVER MAJOR BUCKLAND'S JANUARY 11, 12 AND 18 STATEMENTS TO THE FBI, ZAMORA IS KEEPING TO HIS SCHEDULE AND PLANS TO CLOSE THE INVESTIGATION IN EARLY NOVEMBER. HE TOLD EMBOFFS THAT HE PLANS TO RECALL COL. CARLOS AVILES TO GIVE HIM AN ANOTHER OPPORTUNITY TO EXPLAIN MAJ. BUCKLAND'S TESTIMONY AND WILL TRADE ANOTHER INTERROGATORY WITH PONCE (AVILES MAY NOT INVOKE THE PRIVILEGE NOT TO TESTIFY IN PERSON BECAUSE, ALTHOUGH HE IS A COLONEL, HE HAS NO COMMAND RESPONSIBILITY IN

THE C-5). ZAMORA IS ADAMANT THAT THE CASE BE RESOLVED PRIOR TO THE CAMPAIGN FOR THE MARCH 1991 ELECTIONS. HE SAID THAT SALVADORAN ELECTIONS TEND TO INSPIRE NEW WAVES OF ALLEGATIONS AND FALSE WITNESSES IN IMPORTANT CASES. HE DOESN'T WANT THE JESUIT INVESTIGATION TO BE PART OF THAT CIRCUS.

VALKER

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El Salvador: Human Rights Special Project (1993)

Declassified/Released US Department of State EO 12356 F-33-3

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ACTION

DEPARTMENT OF STATE
ARA/NEA REARCS

PAGE 01 SAN SA 14884 020017Z 028551 S059261

ACTION: ES-02

INFO: DCEN(01) MX(03) ARA(01) PPC(01) OAS(01) PPA(01) MK(01)
----------22/0147Z A2 MMM (TOTAL COPIES: 011)

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SSO-00 SS-00 USIE-00 /016W
----------091855 020017Z /60

O 012347Z NOV 88
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 2725
DEPT OF JUSTICE WASHDC IMMEDIATE
DIRFBI WASHDC IMMEDIATE
AMEMBASSY MEXICO IMMEDIATE

[redacted] SAN SALVADOR 14884

FOR ARA/CEN

FBI FOR OLIA/GUIDO

MEXICO PASS TO JOE GANNON, LEGAT

DOJ PASS TO KRISKOVICH, ICITAP

E.O. 12356: NA
TAGS: PGOV, KJUS, PREL, CJAN, ES, US
SUBJECT: [redacted]

1. [redacted] - ENTIRE TEXT.

2. COL. CARLOS ARMANDO AVILES TESTIFIED FOR THE SECOND TIME YESTERDAY (OCTOBER 31) BEFORE THE FOURTH PENAL COURT. ALTHOUGH HE ACKNOWLEDGED HIS ACQUAINTANCE WITH MAJ. ERIC BUCKLAND OF THE USMLGRP, HE DENIED THAT HE HAD TOLD BUCKLAND THAT COL. GUILLERMO BENAVIDES WAS RESPONSIBLE FOR THE MURDERS. HE TOLD THE PRESS IN A POST-TESTIMONY STATEMENT THAT BUCKLAND IS UNSTABLE, UNBALANCED AND A LIAR. IN COLORFUL LANGUAGE, HE INVITED BUCKLAND TO SHED HIS DIPLOMATIC IMMUNITY AND RETURN TO EL SALVADOR FOR A FACE TO FACE CONFRONTATION AND HE CONCLUDED BY SAYING THAT BUCKLAND HAS CAUSED HIM AND HIS FAMILY GREAT PAIN. AVILES ALSO BLAMED THE USG FOR ALLOWING BUCKLAND TO "PLAY WITH SWORN TESTIMONIES."

3. THE COURT ALSO ANNOUNCED TO THE PRESS YESTERDAY THAT JUDGE ZAMORA HAS URGED THE THE SUPREME COURT TO REQUEST A COPY OF THE VIDEOTAPE MADE ON JANUARY 12 OF MAJ. BUCKLAND'S DECLARATION AT FBI HEADQUARTERS. THE COURT STATEMENT IMPLIED THAT THE REQUEST WOULD BE MADE TO THE EMBASSY THROUGH DIPLOMATIC CHANNELS. POST HAS NOT YET RECEIVED THIS REQUEST.

4. JUDGE ZAMORA SPOKE TO EMBOFF AFTER AVILES' TESTIMONY. ALTHOUGH AVILES REVERSED AT LEAST PART OF HIS EARLIER TESTIMONY IN WHICH HE STATED THAT HE DID NOT KNOW MAJOR BUCKLAND, IT IS NOW CLEAR THAT THE JUDGE WILL NOT BE ABLE TO PRESSURE AVILES FOR MORE INFORMATION WITH THE THREAT OF PERJURY. BUCKLAND WAS NEVER A CENTRAL FIGURE IN THE CASE, BUT HIS RECANTED TESTIMONY HAS REDUCED HIM TO SIDESHOW STATUS. IN THE EYES OF THE COURT, HIS OFFICIAL DECLARATIONS ARE NO

MORE CREDIBLE THAN THE STATEMENTS OF COL. AVILES. *JUDGE ZAMORA SAID THAT COL. AVILES WEPT THROUGH PARTS OF HIS TESTIMONY IN WHICH HE CLAIMED THAT BUCKLAND*

PAGE 02 SAN SA 14884 020017Z 028551 S059261

HAD RUINED HIS MILITARY CAREER.

5. THE MILITARY ACADEMY LOGBOOK EXAMINED BY THE FBI FORENSIC LABORATORY HAS FINALLY SURFACED IN MEXICO CITY. POST HAS BEEN WAITING FOR THE RETURN OF THE LOGBOOK WITH THE LAB REPORT SINCE SEPTEMBER 1. IT IS UNCLEAR WHY THE BOOKS WERE SENT TO MEXICO CITY INSTEAD OF THIS POST. POST FEELS THAT THE JUDGE SHOULD INTENSIFY HIS INVESTIGATION INTO THE MISSING LOG BOOKS AT THE MILITARY SCHOOL, BUT IT IS DIFFICULT TO PRESSURE HIM ON THIS AND OTHER MATTERS, WHEN POST IS UNABLE TO COMPLY WITH HIS ONLY REQUEST--THE EXAMINATION OF THE LOGBOOK. JUDGE ZAMORA HAS REQUESTED THE RETURN OF THE BOOK NUMEROUS TIMES. POST IS PLEASED THAT IT CAN FINALLY REPORT ON ITS WHEREABOUTS. THE LAB REPORT, WHICH WAS REPORTEDLY COMPLETED IN AUGUST, WOULD ALSO BE EXTREMELY HELPFUL IN SHOWING OUR COOPERATION.

WALKER

RELEASED
El Salvador: Human Rights
Special Project (1993)

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ASSISTANT SECRETARY'S DAILY ACTIVITY REPORT
ARA/CEN
November 1, 1990

EL SALVADOR

(S) Working Group Meeting: The GOES and FMLN have held working group meetings in Mexico which are supposed to be secret, although President Cristiani has discussed them in the media. The working groups were supposed to precede a formal, plenary round of negotiations, but the plenary round has been postponed indefinitely. The GOES and the FMLN have agreed to review a working paper on armed forces reform presented by UN mediator de Soto, which the GOES negotiators see as a step forward. "Secret/private" meetings will next be held in Caracas beginning around November 15, and de Soto will visit El Salvador and Mexico November 7-9 to discuss the military reform paper with the two sides. Despite earlier concerns, Salvadoran Ambassador to the UN Ricardo Casteneda feels reassured that there will not be a major guerrilla offensive before the next round of talks, although he is certain that "low level" military attacks will continue. (Mexico 29763, Mexico 29628, FBIS reports, FMRondon)

(C) Responses to Demarches on Support Group for El Salvador Peace Process: The Mexican Foreign Minister said that President Salinas is studying President Bush's letter encouraging the formation of a "friends of the Secretary General" group for the Salvadoran peace talks. The minister noted that Mexico has failed twice before in efforts to help resolve the Salvadoran conflict. The Spanish Foreign Ministry director general (assistant secretary equivalent) said that Prime Minister Gonzalez responded very positively to President Bush's letter and is eager to play a role in the peace process. Gonzales is, however, waiting for suggestions from Perez de Cuellar on what role the group should play. Both posts have full reporting cables on the way. Embassies Caracas and Bogota apparently did not receive the cable, so it has been re-transmitted. (telcons, FMRondon)

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United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: OLSON, OSCAR
Date: 06/21/96
Case ID: 95122243

[redacted] B1

HONDURAS

(C) Callejas to Hold Symposium on Armed Forces: President Callejas told A/S Aronson that he will hold a symposium to discuss the role of the Honduran military with the objective of beginning the transition of the police to civilian control. He will form a joint civilian/military commission to discuss strategies and methods for making the changeover. There are no ideological barriers to civilianizing the police, Callejas said, but many practical (read economic) problems have to be overcome. (DLShuler)

(C) Callejas Supports Anti-Drug Role for JTF-B: Callejas told Aronson he hopes to change his neighbors' view of JTF-B from that of a base for the US military to a regional anti-drug center. The change in focus will both take the heat off of him to kick the US out of Soto Cano, and allow him to justify his expensive, underutilized F-5's. Callejas will make the proposal to CINC Cantarero upon his return from Washington (DLShuler)

(U) Bilateral Framework Agreement Signed: Commerce Minister Medina Luna and Acting USTR Katz signed a BFA today, the first between the US and a Central American country. Both commented that the treaty provided opportunities for expansion of investment and trade. (DLShuler)

COSTA RICA

(C) Margarita Penon = Evita Peron? Margarita Penon de Arias, wife of former President Oscar Arias, announced that she is running for the presidential nomination of the National Liberation Party. Her decision led Jose Maria Figueres, son of deceased legendary leader "Pepe" Figueres, to also throw his hat into the ring. Many doubt that Mrs. Arias' candidacy is anything more than a political ploy by her husband, but others caution that she may be a stronger candidate among the common people than the political class believes. (DLShuler, San Jose 12438)

GUATEMALA

(C) DEVINE MURDER: The six detained men are being polygraphed by the FBI. Update on results and case has been requested. (McCarthy)

(C) TALKS BETWEEN URNG, POPULAR, LABOR AND SMALL BUSINESS GROUPS: Press reports indicate that the meetings went well. The URNG, popular groups and labor unions issued a joint declaration expressing continued strong support for the Oslo Agreement, the need for economic and social development and calling for direct discussions between the URNG, the GOG and the Army. Permuth of CNR agreed to pass on to the URNG Mrs. Stoltzfuz's request for a guarantee that she and her family can return safely to Guatemala. (CEN COMMENT: It appears that the participating groups refrained from bashing the GOG and the Army. This should make it easier for Cerezo to go forth with his desire for an informal talk with the URNG before he leaves office. Just before leaving for Mexico, the URNG downed electricity towers near Guatemala City. They have not, however, disrupted election preparation procedures. We have not heard back from the URNG on our request for a guarantee to cease and desist from attacking U.S. citizens and property). (Guatemala 13111, 13221, DMcCarthy).

(LOU) DIPLOMATIC CORPS DIVIDED ON CONDEMNING VIOLENCE BUT UNITED IN PROTECTING THEIR PRIVILEGES: A resolution condemning electoral violence spear-headed by officers of the US and EC Embassies was shot down by the the Mexicans, Brazilians, Argentines, Hondurans, Chileans and Uruguayans. They stated that violence in the country is a traditional part of its culture and that the diplomatic corps should leave the host country nationals alone while they kill each other. The diplomatic corps did agree, however, to protest formally to the GOG the stopping and searching of diplomats by security forces. (CEN COMMENT: Security has been beefed up due to the violence and searches are more frequent in the capital). (Guatemala 13386, DMcCarthy)

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PAGE 01 OF 02 GUATEM 13583 00 OF 02 022244Z 030706 S0731764

ACTION: GT (02)

INFO: LARA (01) OCEN (01) REG (01) NCO (00) JS (01) ARA (01)
PPC (01) OAS (01) PPA (01) AK (01)

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O 022244Z NOV 90
FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC IMMEDIATE 4912
INFO RUEHME/AMEMBASSY MEXICO
USCINCSO QUARRY HTS PN

C O N F I D E N T I A L GUATEMALA 13583

MEXICO FOR LEGATT

E.O. 12356: DECL: OADR
TAGS: CASC, PHUM, PREL, GT
SUBJECT: UPDATE ON THE DEVINE MURDER CASE

REF: GUATEMALA 10342

1. CONFIDENTIAL - ENTIRE TEXT.

2. SUMMARY: EMBOFFS MET WITH NATIONAL POLICE DEPUTY DIRECTOR AND WITH FLORES ZONE COMMANDER TO PRESS DEVINE MURDER INVESTIGATION. WE REQUESTED REPORTS ON THE INVESTIGATION INTO AN ACCIDENTAL MURDER THREE WEEKS PRIOR TO DEVINE'S WHICH MAY BE THE MOTIVE OF DEVINE'S KILLING. WE ALSO REQUESTED POLICE TO LOOK INTO THE OWNERSHIP OF A BLACK TAGLESS PICKUP TRUCK WHICH BRINGS FOOD REGULARLY TO THE FIVE MILITARY DETAINEES, AND PRESSED ORTEGA TO EFFECT THE QUESTIONING OF FORMER ZONE COMMANDER GARCIA CATALAN AND S-2 COMMANDER BOHR AVENDANO. [redacted] B5,B6 [redacted] FBI POLYGRAPHER ARRIVED TO BEGIN EXAMINATIONS OF THE SIX DETAINEES.

3. FOLLOW-UP WITH NATIONAL POLICE

ON OCTOBER 24, CG TOGETHER WITH PRIVATE INVESTIGATOR CARL WEST AND CAROLE DEVINE'S ATTORNEY ENRIQUE GONZALEZ CALLED ON NATIONAL POLICE DEPUTY DIRECTOR COL. OLIVA BLANCO REGARDING THE DEVINE MURDER INVESTIGATION. WE THANKED HIM FOR THE POLICE'S PROMPT ACTION IN ARRESTING CIVILIAN AUGUSTIN ESQUIVEL HERNANDEZ, ONCE THEY HAD BEEN INFORMED OF HIS WHEREABOUTS. WE ALSO URGED ACTION IN LOCATING AND ARRESTING RICARDO GUZMAN, THE OTHER CIVILIAN FOR WHOM AN ARREST WARRANT HAS BEEN ISSUED, AND PROVIDED INFO ON WHERE HE HAD ALLEGEDLY BEEN SEEN LATELY. THE MAIN PURPOSE OF THE MEETING WAS TO SEEK NATIONAL POLICE ASSISTANCE IN TWO MATTERS:

-- WHILE VISITING THE FLORES PRISON SEVERAL DAYS PREVIOUSLY, WEST AND GONZALEZ NOTED A BLACK PICKUP TRUCK WITHOUT LICENSE TAGS PARKED OUTSIDE THE PRISON. PRISON GUARDS INFORMED THEM THAT THE TRUCK CAME TWICE A DAY TO BRING FOOD TO THE FIVE MILITARY DETAINEES. WEST PHOTOGRAPHED THE TRUCK, AND PRESENTED COPIES TO OLIVA BLANCO WITH THE REQUEST THAT THE NATIONAL POLICE IN FLORES STOP THE TRUCK (WHICH MUST PASS DIRECTLY IN FRONT OF THE POLICE STATION ON ITS WAY FROM THE BASE TO THE JAIL) AND INVESTIGATE WHY IT HAS NO TAGS. IF IT CAN BE ESTABLISHED THAT IT BELONGS TO THE BASE, IT WOULD CORROBORATE THE FACT THAT THE BASE UTILIZES TAGLESS VEHICLES WHICH MAY NOT APPEAR ON ITS OFFICIAL INVENTORY. OLIVA BLANCO EXPRESSED INTEREST IN THE MATTER, BUT MADE NO COMMITMENTS.

-- WEST PASSED ON BASIC FACTS AND REQUESTED ADDITIONAL INFORMATION REGARDING THE ACCIDENTAL MURDER OF AN 18-YEAR-OLD WAITRESS IN A CAFE ADJACENT TO DEVINE'S RESTAURANT IN POPTUN ON MAY 19. THE WAITRESS WAS KILLED IN FRONT OF MANY WITNESSES, BY A SERGEANT WHO WAS REPORTEDLY PLAYING WITH THE GUN OF THE LIEUTENANT DRINKING WITH HIM IN THE CAFE. BOTH MILITARY MEN FLED FROM THE SCENE. ON THE WAY OUT THE GUN WAS TAKEN BY A "GRINGO" TOURIST, WHO TURNED IT OVER TO THE POLICE. IT WAS SUBSEQUENTLY RETURNED TO THE LIEUTENANT. IT IS BELIEVED THAT MICHAEL DEVINE WAS A WITNESS TO THE ESCAPE OF THE TWO MILITARY PERSONS, AND MAY HAVE MADE A COMMENT TO THE EFFECT "YOU WILL HAVE TO PAY FOR THIS." THIS COULD PROVIDE A MOTIVE FOR HIS MURDER -- THE TIMING OF THE INCIDENT COINCIDES WITH DEVINE'S CHANGE OF MOOD AND HIS UNPRECEDENTED TALK ABOUT THE POSSIBILITY OF HIS BEING KILLED.

4. FOLLOW-UP WITH MILITARY

ON OCTOBER 25, CG MET IN GUATEMALA CITY WITH ZONE COMMANDER COL. ORTEGA, INVESTIGATOR AND JUDGE IN THE DEVINE MURDER CASE. HE PROVIDED THE FOLLOWING INFORMATION:

-- PHOTOGRAPHS OF THE FIVE MILITARY PEOPLE WHO ARE NOW DETAINED IN THE CIVILIAN PRISON IN FLORES, TOGETHER WITH PHOTOGRAPHS OF ALL MEMBERS OF THE S-2 IN FLORES. [redacted] B5,B6

-- ORTEGA SAID THAT IT HAD BEEN CONFIRMED THAT THE CARBAGE FOUND NEAR WHERE THE WHITE PICKUP TRUCK WAS SEEN WAITING FOR DEVINE ON THE DAY OF HIS KIDNAPPING IS OF THE TYPE USED IN ARMY RATIONS. THIS STATEMENT NOW FORMS PART OF THE JUDICIAL RECORD.

-- ORTEGA CONFIRMED HE WOULD PROVIDE ALL POSSIBLE ASSISTANCE TO THE FBI POLYGRAPH EXPERT.

5. CG RAISED THE UNDUE DELAY IN QUESTIONING THE PREVIOUS ZONE COMMANDER, COL. GARCIA CATALAN. CG ALSO PUSHED FOR THE QUESTIONING OF A CAPT. BOHR AVENDANO, ABOUT WHOM THE EMBASSY RECEIVED AN ANONYMOUS TELEPHONE CALL ON OCTOBER 2 ALLEGING HIS INVOLVEMENT IN THE MURDER. (EMBASSY HAD SUBSEQUENTLY LEARNED THAT BOHR AVENDANO WAS THE NUMBER 2 IN THE S-2 BUT WAS IN FACT IN CHARGE AT THE TIME OF DEVINE'S MURDER BECAUSE THE HEAD OF S-2, MAJOR PAIZ, WAS ON VACATION THEN.) BOHR AVENDANO HAS BEEN TRANSFERRED TO

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United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 07/17/96
Case ID: 95122243

UNCLASSIFIED
DEPARTMENT OF STATE
ARA/NEA REARCS

GUATEMALA CITY, AS WAS COL. GARCIA CATALAN. ORTEGA APPEARED UNCOMFORTABLE, BUT SAID THAT IT WAS GOING TO BE DONE THIS WEEK AND THAT THEIR STATEMENTS WOULD BECOME PART OF THE OFFICIAL JUDICIAL PROCEEDINGS. [redacted]

[redacted] B5

6. CG ALSO URGED ORTEGA TO TAKE AN OFFICIAL DECLARATION OF CARLOS ZELADA ARCUETA, WHO IS AN ACTIVE DUTY MILITARY ON THE FLORES BASE AND WHOSE NAME IS SO SIMILAR TO ONE OF THE PERSONS FOR WHOM THERE IS AN ARREST WARRANT (CARLOS ZELADA MONROY). HE SAID THIS WOULD BE DONE.

7. FBI POLYGRAPH

FBI SPANISH-SPEAKING POLYGRAPH EXPERT, [redacted] B6
ARRIVED IN GUATEMALA ON OCTOBER 27. HE GOT BRIEFED ON BACKGROUND OF THE CASE BY PRIVATE INVESTIGATOR CARL WEST AND MET WITH EMBASSY OFFICIALS, INCLUDING PAO, ON OCTOBER 29 TO DISCUSS BACKGROUND AND PARAMETERS OF THE TESTING. [redacted] B6 SHOWED EMBOFFS A SAMPLE OF THE FORM, IN SPANISH, THAT PEOPLE TO BE TESTED MUST SIGN PRIOR TO THE EXAMINATION. THE FORM CLEARLY STATES THAT THE SUBJECT UNDERSTANDS THE NATURE OF THE TEST, HAS NOT BEEN PRESSURED TO TAKE IT, AND TAKES IT VOLUNTARILY.

8. WE ALSO DISCUSSED, WITH THE ATTORNEY, HOW RESULTS OF THE TESTS WOULD BE INCORPORATED INTO THE JUDICIAL PROCEEDINGS. WE ALL AGREED THAT WE WOULD ASK THAT [redacted] B6 BE CALLED BY THE JUDGE (I.E., ORTEGA) AS AN EXPERT, A PROCEDURE PERMITTED IN GUATEMALAN LAW. RESULTS OF THE TESTS, ONCE RETURNED TO THE EMBASSY BY FBI HEADQUARTERS FOLLOWING QUALITY CONTROL PROCEDURES (A PROCESS EXPECTED TO TAKE ABOUT TEN DAYS) CAN THEN BE PROVIDED DIRECTLY TO ORTEGA TO BECOME PART OF THE RECORD.

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[redacted]

PAGE 01 GUATEM 13465 01 OF 04 021607Z
ACTION HA-09

INFO LOG-00 ADS-00 AID-01 ARA-01 CIAE-00 SJK-01 COME-00
DS-01 EB-01 H-01 INRE-00 INR-05 IO-19 LAB-04
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FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC 4894
INFO RUEHSN/AMEMBASSY SAN SALVADOR
AMEMBASSY MEXICO
AMEMBASSY MADRID
AMEMBASSY PARIS
USMISSION GENEVA 1921
USMISSION USUN NEW YORK 4285
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[redacted] SECTION 01 OF 04 GUATEMALA 13465

CINCSO FOR POLAD

E.O. 12356: N/A
TAGS: PHUM, PINS, ASEC, PGOV, PREL, ELAB, GT
SUBJECT: GUATEMALA: OCTOBER HUMAN RIGHTS SUMMARY

[redacted]

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PAGE 02 GUATEM 13465 01 OF 04 021607Z
INTRODUCTION AND SUMMARY

1. ELECTION CAMPAIGNING WENT INTO HIGH GEAR. THE CONSERVATIVE PAN (NATIONAL ADVANCEMENT PARTY) SEEMED TO GAIN SUPPORT THROUGHOUT GUATEMALA. MUCH OF THE CAMPAIGN NEWS CONCERNED THE LEGAL BATTLE OVER THE PRESIDENTIAL CANDIDACY OF RIOS MONT, WHICH THE FORMER RULER FINALLY LOST, AND THE ILLNESS AND EVACUATION TO A U.S. HOSPITAL OF DC CANDIDATE ALFONSO CABRERA. THE LEGAL TKO

DEPARTMENT OF STATE IM/IPS/CR/IR Date: 2/10/98
(X) RELEASE (X) DECLASSIFY EO Citations
( ) EXCISE ( ) DECLASSIFY IN PART
( ) DENY
POIA Exemptions ( ) CLASSIFY as ( ) S or ( ) C Sec.
PA Exemptions ( ) DOWNGRADE TS to ( ) S or ( ) C
TS authority to

UNCLASSIFIED

ADMINISTERED RIOS LEFT HIS SUPPORTERS CONFUSED AND ADRIFT; HE REFUSED TO ENDORSE ANOTHER CANDIDATE AND ASKED BACKERS TO TURN IN NULL BALLOTS. CABRERA'S DEPARTURE RAISED COMPLEX LEGAL AND POLITICAL ISSUES REGARDING THE POSSIBLE FATE OF THE DC TICKET.

2. OCTOBER SAW A RISE IN VIOLENCE AGAINST POLITICIANS, JOURNALISTS, AND MEMBERS OF THE MOSTLY INDIGENOUS, ANTI-MILITARY CERJ; IT SEEMED TO COME FROM RIGHTWING EXTREMISTS AND PERSONS IN THE SECURITY FORCES (SEVERAL NEW CERJ CASES ARE LISTED IN THIS MESSAGE WHICH SHOULD BE INCORPORATED INTO THE 1990 COUNTRY HUMAN RIGHTS REPORT). SOME PROGRESS WAS MADE IN RESOLVING THE JUNE MURDER OF AMCIT MICHAEL DEVINE: A CIVILIAN THOUGHT INVOLVED IN THE CRIME WAS DETAINED, MAKING SIX (INCLUDING FIVE SOLDIERS) HELD FOR THE KILLING. DESPITE CNR-BACKED PEACE TALKS IN PUEBLA, MEXICO BETWEEN THE "POPULAR SECTOR"--LABOR, "HUMAN RIGHTS" GROUPS, AND SMALL BUSINESSMEN--AND MEXICO-BASED URNG GUERRILLA COMMANDERS, INSURGENTS DOWNED ELECTRICAL PYLONS AND KEPT UP ACTIVITIES IN QUICHE AND HUEHUETENANGO. THE OFFICE OF THE HUMAN RIGHTS OMBUDSMAN CRITICIZED URNG ACTIONS.

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3. AN AMNESTY INTERNATIONAL (AI) DELEGATION VISITED GUATEMALA MEETING GOG OFFICIALS, FOREIGN DIPLOMATS, AND LOCAL ACTIVISTS. AI ISSUED A STATEMENT CRITICIZING THE GOG'S HUMAN RIGHTS RECORD AND URGING THE PRESIDENTIAL CANDIDATES TO COMMIT THEMSELVES TO BETTER THAT RECORD. CONGRESS PASSED AN ELECTION-DRIVEN LABOR LAW WHICH COULD HAVE DIRE CONSEQUENCES FOR THE ALREADY WEAK ECONOMY AND FUEL EVEN MORE GOG CORRUPTION. AS OCTOBER ENDED, CONGRESS DEBATED A LAW TO RESTRICT TV CABLE COMPANIES; CABLE OPERATORS CLAIMED FREEDOM OF SPEECH IS AT STAKE.

POLITICAL AND EXTRAJUDICIAL KILLINGS

(REFS: GT 12610, GT 12663, GT 12664, GT 12800, GT 12801, GT 12970, GT 13082, GT 13222, GT 13248, GT 13462)

4. THREE MEMBERS OF CERJ WERE REPORTED KIDNAPPED: JOSE PEDRO TIU, OCTOBER 2 IN TOTONICAPAN, SEBASTIAN VELASQUEZ MEJIA, OCTOBER 6 IN QUICHE (SEE "DISAPPEARANCES), AND MATEO SARAT IXCOY, OCTOBER 29 ALSO IN QUICHE. TIU'S BODY APPEARED ON THE 5TH. TIU'S FATHER, ALSO A CERJ MEMBER, DISAPPEARED JULY 1989. NO ONE WAS ARRESTED FOR

TIU'S DEATH; POLICE CLAIMED TO BE INVESTIGATING. IXCOY'S BODY WAS FOUND SOON AFTER HIS REPORTED DISAPPEARANCE; HE WAS REPORTEDLY STABBED AND HACKED TO DEATH. THERE WAS NO FURTHER INFORMATION ON THIS KILLING.

5. THE PRESS REPORTED THAT ON OCTOBER 9, IN THREE SEPARATE INCIDENTS IN SOLOLA, MEN IN "OLIVE GREEN UNIFORMS" ALLEGEDLY KILLED SALVADOR ROQUE GONZALEZ,

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PAGE 04 GUATEM 13465 01 OF 04 021607Z
CIPRIANO SAJVIN SAJVIN, AND JUAN TAXACOY. THERE IS NO FURTHER INFORMATION AVAILABLE.

6. ON THE 15TH, IN SEPARATE INCIDENTS, TWO MODERATE LEFTISTS WERE KILLED. VICTOR HUMBERTO GONZALEZ GAMARRA, CO-OWNER OF A RADIO STATION CHAIN AND AN ACTIVIST IN THE URD (DEMOCRATIC REVOLUTIONARY UNION), WAS MURDERED IN THE PRESENCE OF HIS MINOR SON BY A GUNMAN IN GUATEMALA CITY. WHILE THERE WAS EVIDENCE (PARA 7) OF RIGHTWING INVOLVEMENT IN THIS CRIME, SECURITY FORCE INVOLVEMENT IN THE KILLING CANNOT BE RULED OUT. GONZALEZ'S FATHER WAS KILLED IN THE 1970'S. CARLOS OSMIN RAMIREZ CRUZ, SECRETARY-GENERAL FOR THE SANTA ROSA DEPARTMENT BRANCH OF THE PSD (DEMOCRATIC SOCIALIST PARTY), WAS SHOT IN

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PAGE 01 GUATEM 13465 02 OF 04 021609Z
ACTION HA-09

INFO LOG-00 ADS-00 AID-01 ARA-01 CIAE-00 SIK-01 COME-00
DS-01 EB-01 H-01 INRE-00 INR-05 IO-19 LAB-04
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PM-01 PRS-01 P-02 RP-10 SIL-01 SNP-01 SP-01

SR-01 SS-01 STR-18 TRSE-00 T-01 USIE-00 IMIS-01
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----------0B7CA2 021609Z /66
R 021549Z NOV 90
FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC 4895
INFO RUEHSN/AMEMBASSY SAN SALVADOR
AMEMBASSY MEXICO
AMEMBASSY MADRID
AMEMBASSY PARIS
USMISSION GENEVA 1922
USMISSION USUN NEW YORK 4286
USCINCSO QUARRY HTS PM
DIA WASHDC

[redacted] SECTION 02 OF 04 GUATEMALA 13465

CINCSO FOR POLAD

E.O. 12356: N/A
TAGS: PHUM, PINS, ASEC, PGOV, PREL, ELAB, GT
SUBJECT: GUATEMALA: OCTOBER HUMAN RIGHTS SUMMARY

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CUILAPA. RAMIREZ HAD BELONGED TO THE GOVERNING DC (CHRISTIAN DEMOCRAT) PARTY BUT LEFT TO SUPPORT DC DISSIDENT RENE DE LEON'S PRESIDENTIAL BID.

7. ON OCTOBER 17, TWO ALTERNATE CANDIDATES FOR THE CENTRAL AMERICAN PARLIAMENT FOR THE RIGHTWING MLN (NATIONAL LIBERATION MOVEMENT), FERNANDO SANDOVAL AND CARLOS HUMBERTO MAUDY, SHOT AND KILLED TWO YOUNG MOTORCYCLE RIDERS IN GUATEMALA CITY. SANDOVAL AND MAUDY CLAIMED THE MEN TRIED TO ASSASSINATE THEM; THEY POINTED OUT THAT SANDOVAL'S CAR HAD A BULLET HOLE IN ITS REAR WINDOW AND ONE OF THE DEAD YOUTHS HAD A .38 REVOLVER. A PRELIMINARY POLICE INVESTIGATION CAST DOUBT ON THE ASSASSINATION CLAIM AND INDICATED THE MLN MEMBERS, WHO HAVE LEGAL IMMUNITY DUE TO THEIR STATUS AS CANDIDATES, TURNED A MINOR TRAFFIC ACCIDENT INTO A SHOOTING AFFAIR. THE HOLE IN THE WINDOW WAS CAUSED BY A GUN FIRED INSIDE THE CAR. THERE WERE CONFLICTING ACCOUNTS OF HOW THE REVOLVER APPEARED AT THE SCENE OF THE SHOOTING. A PARAFIN TEST REVEALED THAT NEITHER OF THE DEAD YOUTHS

HAD FIRED A WEAPON. ACCORDING TO A BALLISTICS TEST, THE GUN, WHICH HAD NOT BEEN FIRED IN THE INCIDENT, WAS THE ONE THAT KILLED GONZALEZ GAMARRA.

8. GAM (MUTUAL SUPPORT GROUP) CLAIMED THAT ON THE 20TH, TEACHER ORLANDO ESTUARDO ALVARADO MORALES WAS KIDNAPPED IN THE CAPITAL NEAR A DEMONSTRATION COMMEMORATING THE 1944 OVERTHROW OF GENERAL UBICO. ON OCTOBER 31, HIS BODY WAS FOUND ON THE SHORE OF LAKE AMATITLAN, ABOUT 20 KMS. FROM THE CAPITAL. ACCORDING TO PRESS REPORTS, HE HAD APPARENTLY BEEN TORTURED. ACCORDING TO GAM,

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ALVARADO HAD NO POLITICAL INVOLVEMENTS OF ANY SORT AND WAS NOT PARTICIPATING IN THE DEMONSTRATION. HIS BROTHER HAD BEEN KIDNAPPED AND KILLED SEVERAL YEARS AGO IN A CASE THAT STILL REMAINS UNSOLVED. ALVARADO MAY HAVE BEEN A MEMBER OF THE HISTORY AND ANTHROPOLGY PROFESSORS UNION.

9. IN GUATEMALA CITY, OCTOBER 26, WHILE DRIVING HIS CAR, BYRON BARRERA, VICE-PRESIDENT OF THE LEFT-OF-CENTER APG (GUATEMALAN JOURNALISTS ASSOCIATION) WAS SHOT SEVERAL TIMES BY A MAN ON A MOTORCYCLE. BARRERA, WEARING A BULLET-PROOF VEST, WAS SERIOUSLY HURT BUT SURVIVED. HIS WIFE, WITH HIM IN THE CAR, WAS HIT AND KILLED. BARRERA PREVIOUSLY LEFT GUATEMALA AFTER THE APRIL 1988 BURNING OF THE OFFICES OF HIS MAGAZINE "LA EPOCA." ON HIS RETURN FROM EXILE, BARRERA SET UP, APPARENTLY WITH EUROPEAN FUNDS, A WIRE SERVICE, ACEN-SIAG. GIVEN THE BELIEF AMONG SOME MILITARY THAT ACEN-SIAG IS A GUERRILLA-FRONT ORGANIZATION SIMILAR TO CERIGUA, ONE CANNOT DISMISS THE POSSIBILITY OF SECURITY FORCE INVOLVEMENT IN THE ATTACK.

10. POLICE ARRESTED A SIXTH INDIVIDUAL IN CONNECTION WITH THE JUNE MURDER OF LONG-TIME RESIDENT AMCIT BUSINESSMAN MICHAEL DEVINE. UNLIKE THE PREVIOUS FIVE DETAINEES, THIS SUSPECT IS A CIVILIAN.

DISAPPEARANCES

(REFS: GT 12610, GT 12800, GT 12801, GT 13462)

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PAGE 04 GUATEM 13465 02 OF 04 021609Z
11. CERJ MEMBER SEBASTIAN VELASQUEZ MEJIA DISAPPEARED OCTOBER 6 (PARA 4); AS THE MONTH ENDED, HE HAD NOT BEEN FOUND. THE US AMBASSADOR RAISED THE CASE WITH PRESIDENT CEREZO. CERJ ALSO DENOUNCED THE DISAPPEARANCE OF MARIA TOJIN GARCIA AND HER ONE MONTH OLD BABY DAUGHTER, MARIA JESFA, IN NEBAJ. ACCORDING TO CERJ, TOJIN HAD BEEN AMONG A GROUP OF PERSONS RESTTLED BY THE ARMY FROM CONFLICTIVE AMACHEL TO NEBAJ. ACCORDING TO WITNESSES CITED BY CERJ, ONCE IN THE CAMP NEAR NEBAJ, SOLDIERS TOOK HER AWAY, WITH HER DAUGHTER, FOR SUSPICION OF BEING A GUERRILLA SUPPORTER.

INTERNAL CONFLICT

(REFS: GT 12467, GT 12514, GT 12806, GT 12937, GT 12984, GT 13056, GT 13111, GT 13213, GT 13340)

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PAGE 01 GUATEM 13465 03 OF 04 021610Z
ACTION HA-09

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PM-01 PRS-01 P-02 RP-10 SIL-01 SNP-01 SP-01
SR-01 SS-01 STR-18 TRSE-00 T-01 USIE-00 IMIS-01
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R 021549Z NOV 90
FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC 4896
INFO RUEHSN/AMEMBASSY SAN SALVADOR
AMEMBASSY MEXICO
AMEMBASSY MADRID

UNCLASSIFIED

AMEMBASSY PARIS
USMISSION GENEVA 1923
USMISSION USUN NEW YORK 4287
USCINCSO QUARRY HTS PM
DIA WASHDC

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[redacted] SECTION 03 OF 04 GUATEMALA 13465

CINCSO FOR POLAD

E.O. 12356: N/A
TAGS: PHUM, PINS, ASEC, PGOV, PREL, ELAB, GT
SUBJECT: GUATEMALA: OCTOBER HUMAN RIGHTS SUMMARY

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PAGE 02 . GUATEM 13465 03 OF 04 021610Z
12. ANOTHER ROUND OF INFORMAL PEACE TALKS TOOK PLACE IN PUEBLA, MEXICO. THIS ROUND WAS BETWEEN REPRESENTATIVES OF GUATEMALA'S "POPULAR" AND LABOR SECTOR AND THE URNG (GUATEMALA NATIONAL REVOLUTIONARY UNITY) GUERRILLA COMMANDERS. THE TWO SIDES SIGNED A COMMUNIQUE URGING THE ARMY AND GOVERNMENT TO CONTINUE THE DIALOGUE PROCESS, OPENING TALKS WITH THE URNG. PRELIMINARY REPORTS INDICATE THE TALKS WENT WITHOUT ANY SURPRISES. SEVERAL PARTICIPANTS EXPRESSED CONCERN ABOUT THEIR SAFETY UPON RETURNING TO GUATEMALA.

13. DESPITE THE TALKS, PRIOR PROMISES, AND REQUESTS FROM THE "POPULAR" SECTOR TO DESIST, THE URNG CONTINUED ITS POLICY OF ECONOMIC SABOTAGE. THROUGHOUT OCTOBER, POWER LINES WERE DOWNED IN VARIOUS PARTS OF GUATEMALA, PARTICULARLY IN HUEHUETENANGO DEPARTMENT. THE URNG CLAIMED THAT DESTRUCTION OF THE LINES HURT THE MILITARY AS IT DIVERTED RESOURCES TO REPAIRING THE ELECTRICAL NET THAT OTHERWISE WOULD HAVE GONE INTO WAR MATERIEL. (COMMENT: THE ARGUMENT IS FALSE; REPAIRS ARE PAID FOR BY RAISING ELECTRICAL RATES FOR CONSUMERS.) THE OFFICE OF THE HUMAN RIGHTS OMBUDSMAN ISSUED A STATEMENT CRITICIZING THE GUERRILLAS FOR THEIR CONTINUED USE OF ECONOMIC WARFARE WHICH HURTS THE COMMON PEOPLE. URNG PAMPHLET BOMBS ALSO DETONATED IN THE CAPITAL.

FREEDOM OF SPEECH AND PRESS

14. GUATEMALAN PRESS ASSOCIATIONS PROTESTED ATTACKS ON

UNCLASSIFIED

JOURNALISTS (PARA 6 AND 8). AS THE MONTH ENDED, THE GUATEMALAN CONGRESS TOOK UP CONTROVERSIAL LEGISLATION [redacted]

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THAT WOULD SEVERELY RESTRICT CABLE TV COMPANIES. CABLE OPERATORS CHARGED FREEDOM OF SPEECH IS AT RISK IF THE DRAFT LEGISLATION BECOMES LAW. THE LEGISLATION IS DRIVEN BY LOCAL TV BROADCASTERS WHO ARE LOSING VIEWERS AND ADVERTISING REVENUE TO CABLE.

FREEDOM OF RELIGION

15. A PROMINENT MEMBER OF GUATEMALA'S SMALL JEWISH COMMUNITY TOLD POLOFFS THAT FOR THE FIRST TIME IN MEMORY, ANTI-SEMITIC INCIDENTS HAVE BEEN RECORDED HERE. A MONUMENT, IN THE JEWISH CEMETERY, TO THE VICTIMS OF THE NAZIS AND ONE OF THE TWO SYNAGOGUES IN THE CAPITAL WERE DEFILED WITH SWASTIKAS. OUR SOURCE THOUGHT THE CULPRITS BELONG TO GUATEMALA'S GROWING PALESTINIAN ARAB COMMUNITY WHO WERE RESPONDING TO NEWS OF ISRAELI POLICE KILLING ARAB PROTESTORS IN JERUSALEM. HE SAID THE GOG HAS RESPONDED WELL TO JEWISH SAFETY CONCERNS.

RIGHT TO CHANGE GOVERNMENT

(REFS: GT 12469, GT 12502, GT 12664, GT 12815, GT 12828, GT 12884, GT 12946, GT 12998, GT 13163, GT 13164, GT 13275, GT 13389, GT 13285)

16. THE FIRST ROUND OF ELECTIONS IS DUE NOVEMBER 11. CAMPAIGNING BY ALL PRESIDENTIAL CANDIDATES WENT FULL SPEED: RALLIES AND DEBATES WERE HELD THROUGHOUT THE MONTH. SEVERAL ELECTION POLLS WERE RELEASED SHOWING RETIRED GENERAL AND FORMER DICTATOR RIOS MONT BY FAR THE FAVORITE AMONG VOTERS AND THE ONLY CANDIDATE WITH A [redacted]

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REALISTIC CHANCE OF WINNING OUTRIGHT ON NOVEMBER 11. RIOS, HOWEVER, LOST HIS LONG LEGAL FIGHT TO RUN WHEN THE SUPREME COURT AND THE COURT OF CONSTITUTIONALITY UPHELD THE DECISION BY THE SUPREME ELECTORAL TRIBUNAL TO DENY HIM INSCRIPTION AS A PRESIDENTIAL CANDIDATE. THE COURTS BASED THEIR RULING ON CONSTITUTIONAL ARTICLE 186 WHICH

BARS FROM RUNNING ANYBODY WHO HEADED A "DE FACTO" GOVERNMENT. RIOS WAS DICTATOR OF GUATEMALA, MARCH 23, 1982 - AUGUST 8, 1983. DESPITE THE COURT DECISION, RIOS CONTINUED TO CAMPAIGN, URGING BACKERS TO ABSTAIN FROM VOTING OR TO TURN IN VOIDED BALLOTS AS A SIGN OF PROTEST.

17. WITH THE LEGAL ELIMINATION OF RIOS, THE MODERATELY RIGHTWING PAN APPEARED GAINING ON THE CENTRIST UCN. DC CANDIDATE ALFONSO CABRERA WAS HURRIEDLY FLOWN TO A HOUSTON HOSPITAL REPORTEDLY IN SERIOUS CONDITION WITH AN

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PAGE 01 GUATEM 13465 04 OF 04 021612Z
ACTION HA-09

INFO LOG-00 ADS-00 AID-01 ARA-01 CIAE-00 SJK-01 COME-00
DS-01 EB-01 H-01 INRE-00 INR-05 IO-19 LAB-04
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PM-01 PRS-01 P-02 RP-10 SIL-01 SNP-01 SP-01
SR-01 SS-01 STR-18 TRSE-00 T-01 USIE-00 IMIS-01
/090W

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R 021549Z NOV 90
FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC 4897
INFO RUEHSN/AMEMBASSY SAN SALVADOR
AMEMBASSY MEXICO
AMEMBASSY MADRID
AMEMBASSY PARIS
USMISSION GENEVA 1924
USMISSION USUN NEW YORK 4288
USCINCSO QUARRY HTS PM
DIA WASHDC

[redacted] SECTION 04 OF 04 GUATEMALA 13465

CINCSO FOR POLAD

UNCLASSIFIED

E.O. 12356: N/A
TAGS: PHUM, PINS, ASEC, PGOV, PREL, ELAB, GT
SUBJECT: GUATEMALA: OCTOBER HUMAN RIGHTS SUMMARY

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INFECTION OF THE PANCREAS. THE ELECTIONS WILL TAKE PLACE AS SCHEDULED AND WILL BE MONITORED BY ABOUT 400 FOREIGN OBSERVERS.

GOVT. ATTITUDE RE INVESTIGATIONS OF ALLEGED VIOLATIONS

18. AN AI DELEGATION VISITED GUATEMALA, OCTOBER 11 - 20. THE MAIN PURPOSE OF THE VISIT WAS TO HIGHLIGHT AI CONCERNS OVER THE KILLINGS OF STREET CHILDREN, SOME BY POLICE. THE DELEGATION MET FOREIGN DIPLOMATS, GOG OFFICIALS, AND LOCAL ACTIVISTS AND HELD A PRESS CONFERENCE AT THE END OF ITS VISIT. THE DELEGATION ISSUED A STATEMENT CRITICAL OF THE GOG'S HUMAN RIGHTS RECORD AND CALLED UPON THE PRESIDENTIAL CANDIDATES TO COMMIT THEMSELVES PUBLICLY TO DEFENDING HUMAN RIGHTS. THE AI RELEASE CAUSED SOMETHING OF A TEMPEST. IT CITED DEPUTY HUMAN RIGHTS OMBUDSMAN ALVAREZ GUADAMUZ BLAMING THE ARMY AND THE POLICE FOR THE MAJORITY OF THE HUMAN RIGHTS VIOLATIONS IN GUATEMALA; ALVAREZ HELD A PRESS CONFERENCE IN WHICH HE ANGRILY DENIED EVER SPEAKING TO THE AI DELEGATION. (COMMENT: ALVAREZ HAS TOLD US MANY TIMES HE AND THE OMBUDSMAN CONSIDER THE SECURITY FORCES THE MAIN VIOLATORS OF HUMAN RIGHTS; HE HAS HELD PRESS CONFERENCES STATING THIS. HIS IRRITATION WITH AI SEEMS TO COME FROM THE WAY THE RELEASE GIVES THE IMPRESSION THE DELEGATION SPOKE WITH ALVAREZ, WHICH IT DID NOT.)

WORKER RIGHTS

(REF: GT 12985)

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19. A NEW LABOR LAW WILL INCREASE THE AMOUNT OF MONEY

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AN EMPLOYER MUST PROVIDE WORKERS AS COMPENSATION IN THE EVENT OF TERMINATION. IT REQUIRES DEPOSITS IN A FLOUNDERING GOG-RUN BANK, RAISING THE PROSPECTS OF THE FUNDS FUELING EVEN MORE GOG CORRUPTION. BUSINESSMEN ARGUE THE LAW WILL HAVE SERIOUS NEGATIVE EFFECTS ON THE ECONOMY AND, IRONICALLY, WILL HELP CAP WAGES: A FIRM FORCED TO MAKE COMPENSATION DEPOSITS CANNOT AFFORD TO RAISE WAGES. SHOULD THE LAW GO INTO EFFECT, SOME FIRMS COULD CLOSE. THERE IS A POSSIBILITY THE PRESIDENT WILL VETO THE LEGISLATION. ANOTHER BILL MANDATING A 50 PERCENT RAISE IN WAGES REMAINS IN CONGRESS.
STROOCK

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*** Current Handling Restrictions *** n/a
*** Current Classification *** [redacted]

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RELEASED

ASSISTANT SECRETARY'S DAILY ACTIVITY REPORT
ARA/CEN
November 2, 1990

NICARAGUA

(C) GON Grants Pan Am Miami-Managua Route: The GON provided the Embassy with a copy of its "Certificate of Exploitation" granting Pan Am rights to the Miami-Managua route Tuesdays, Thursdays and Saturdays, valid through April 29, 1991. The GON said Pan Am could begin to use the route as early as November 15. Pan Am has yet to notify the Embassy or make a public announcement. (TWSmith, Managua 7535)

(C) Four Pro-GON Labor Unions to Merge: The four centrals comprising the pro-GON labor congress CPT are planning to merge into one confederation. A CPT delegation is travelling to Caracas to meet with the staff of the Confederacion de Trabajadores Venezolanos, which CPT sees as a possible model for their merger. With AIFLD help, CUS is the driving force behind merger plans. The other unions in CPT seem to accept the merger as a practical necessity. (TWSmith, Managua 7528)

(C) CIAV and Resistance Repatriation: CIAV-UN representative Francisco Manca reported that CIAV-UN Honduras intends to repatriate the approximately 2,500 individuals who desire it before closing up shop in December. The figure of 2,500 is based on food distribution statistics. He said that his office thinks sufficient funding remains to cover the provision of foodstuffs to the 2,500, even if they receive four rather than two month's rations. CIAV-OAS is less sure that only 2,500 individuals remain, and believes that many have not reported for food distribution because they are otherwise engaged, e.g. in the Honduran coffee harvest. They expect a rush to repatriate in December following the close of the coffee harvest and the school term. (TWSmith, Managua 7455)

(LOU) GON Team Calls on Treasury. Ambassador Palazio told us that the GON economic team visiting Washington was to call on Jim Fall at Treasury this afternoon, as you had urged. (CKelly)

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United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: OLSON, OSCAR
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HONDURAS

(C) Letter to SYG on ONUCA to be Sent by ForMin: President Callejas' order to Amb. Hernandez (made during his meeting with A/S Aronson) that a letter be sent indicating GOH support for a strengthened ONUCA will be handled by the Foreign Ministry. Ambassador Hernandez felt that ForMin Carias should be kept in the loop. Embassy Tegucigalpa has been asked to ensure that the letter is delivered in time to be entered into the ONUCA debate which begins Monday, November 5. (DLShuler)

(C) Meeting Held on Customs P-3 Basing: A working-level meeting of ARA/CEN, INM, and L was held today to explore State's response to Callejas' mentioning using Honduras' F-5's in anti-narcotics. The meeting focused on: 1) availability of additional funding to support the F-5's and other HOAF aircraft; 2) P-3 crew addition in light of PCC results and; 3) legal issues, such as shootdown policy and hot pursuit agreements. A memorandum on the issues is being prepared. (DLShuler)

GUATEMALA

(S) CABRERA OK: Cabrera is still in Houston. His condition (pancreatitis) is improving but he may not be able to return before the election. (DMcCarthy).

(C) Devine Suspects Polygraphed: Of six men polygraphed, five tested as not knowing anything about the murder. The sixth man tests as deceptive. Cable on results coming. (DMcCarthy).

REGIONAL

(LOU) Quayle Declines Invitation to CBI Conference: The White House today confirmed that Vice President Quayle will not attend the December 1-4 conference in Miami. (DLShuler)

(C) Central American FonMins on Integration, Zone of Peace, and Salinas' Delicate Question. The Central American FonMins discussed a basket of topics in their ExCom meeting in Tegucigalpa on October 29-30. They attempted to make the ExCom the political verification committee for Esquipulas, thus defining its role vice the periodic meetings of vice-presidents and economics ministers. They failed to convince El Salvador of the need for such a body. They supported ONUCA renewal and

called for an end to violence (not cease-fire) in El Salvador. A novel idea discussed is the possibility of joint Central American missions to some European countries. The Nicaraguan zone of peace idea is now on the Puntarenas agenda. Additional Central American summit topics include economic integration, CABEI, and the need for coordination with EAI. Salinas offered to whisk Central American presidents away to Mexico for a December 17 meeting, but he does not want Endara in the party. Nevertheless, the Foreign Ministers are inclined to insist Panama "define" its relationship with Central Americans in the Esquipulas framework. (San Jose 12598 & 12607, Walser)

Cleared:ARA/CEN:PRomero
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Case Number: S199900030

Chile Project (#S199900030)
U.S. Department of State
Release ___ Excise ___ Deny ___
Classify: In Part ___ In Full ✓
Exemption(s) ___

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PAGE 01 SANTIA 08605 052225Z
ACTION DS-01

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	OIS-01	PA-02	PM-01	P-02	SCT-03	SSO-00	SS-01
	TRSE-00	USIE-00	USSS-00	ZOVD-00	/033W		

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INFO RUEHMN/AMEMBASSY MONTEVIDEO
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MONTEVIDEO FOR LEGATT; CINC ALSO FOR POLADS; MIAMI FOR CO CO D

E.O. 12356: N/A
TAGS: ASEC, PTER, PINS, CI
SUBJ: MORMON CHURCH BOMBED IN PENCO

1. ON OCTOBER 31 AT 0545 HRS. A BOMB EXPLODED IN FRONT OF A MORMON CHAPEL LOCATED IN THE TOWN OF

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UNCLASSIFIED

PAGE 02 SANTIA 08605 052225Z
PENCO, APPROXIMATELY 500 KMS. SOUTH OF SANTIAGO.

2. POLICE SOURCES STATED THAT THE BOMB WAS COMPOSED OF 100 GRAMS OF EXPLOSIVE GELATIN (ANFO). DAMAGE TO THE BUILDING WAS DESCRIBED AS LIGHT.

UNCLASSIFIED n/a

3. FRENTE PATRIOTICO MANUEL RODRIGUEZ (FPMR)
PAMPHLETS WERE FOUND AT THE SCENE. GILLESPIE

UNCLASSIFIED

NNNN

CLASSIFIED GUATEMALA 13647

RELEASED IN PART
B6

E1685

ORIGIN CONS/2 INFO AMB DCM ADM/5

VZCZCGTI *
RR RUEHME
DE RUEHGT #3647 311 **
ZNR UUUUU ZZH
R 072202Z NOV 90
FM AMEMBASSY GUATEMALA
TO AMEMBASSY MEXICO 1459
BT
UNCLAS GUATEMALA 13647

CLASS: UNCLASSIFIED
CHRGE: PROG 11/07/90
APPRV: CONS:SHPATTERSON
DRFTD: CONS:PBESCOBAR
CLEAR: CONS:DFOLSEN
DISTR: CONS
ORGIN: VDU

FOR LEGATT

THE FOLLOWING MSG WAS SNT ACTION TO SECSTATE
AND IS BE RSNT FOR YOUR INFO
QUOTE
UNCLAS GUATEMALA 13551 ORGIN:OCR

E.O. 12356: N/A
TAGS: CASC, GT, PREL, PHUM
SUBJECT: FBI POLYGRAPH EXONERATES FIVE OF SIX DEVINE SUSPECTS.

REF: GUATEMALA 13503

1. ON NOVEMBER 20,1990, CONOFF ACCOMPANIED SPECIAL AGENT [redacted] AND ATTORNEY ERNESTO GONZALEZ TO FLORES WHERE [redacted] CONDUCTED POLYGRAPHIC EXAMINATIONS UPON THE SIX SUSPECTS INCARCERATED IN FLORES ON CHARGES OF MURDER OF MICHAEL DEVINE. B6 B6

2. COLONEL ORTEGA, THE ZONE COMMANDER AND PRESIDING JUDGE IN THE CASE, AND HIS STAFF, COOPERATED WITH AGENT [redacted] IN EVERY RESPECT AND ASSURED ATTORNEY GONZALEZ THAT THE POLYGRAPH EXAMINATION WAS WELCOME AS A MEANS OF ASSISTING IN THE INVESTIGATION AND WOULD BE CONSIDERED IN THE CASE IN ACCORDANCE WITH GUATEMALAN LAW. ORTEGA DECLINED TO ISSUE A WRITTEN ORDER MEMORIALIZING HIS ACCEPTANCE OF THE POLYGRAPH RESULTS. B6

10/30 (really)

3. FROM NOVEMBER 20 THROUGH THE AFTERNOON OF NOVEMBER 22, 1990, AGENT [redacted] CONDUCTED HIS EXAMINATIONS. THE RESULTS ARE SUBJECT TO CALIBRATION AND CONFIRMATION IN THE UNITED STATES BUT ESCOBEDO WAS CERTAIN THAT FOUR OF THE SIX ARRESTEES WERE NOT/NOT INVOLVED NOR HAD ANY KNOWLEDGE OF THE CRIME. THE FIFTH YIELDED INCONCLUSIVE RESULTS.
4. THE EXCEPTION WAS FABIAN AREVALO DE LA CRUZ WHO GAVE DECEPTIVE ANSWERS TO MATERIAL QUESTIONS. THIS COULD MEAN THAT HE WAS MATERIALLY INVOLVED OR ONLY THAT HE HAS KNOWLEDGE OF OTHERS' INVOLVEMENT IN DEVINE'S MURDER.

5. INVESTIGATOR CARL WEST AND ATTORNEY ENRIQUE GONZALEZ INDICATE THAT THEY WILL SHIFT THE FOCUS OF THE INVESTIGATION TO FABIAN AREVALO. ALTHOUGH THE CHARGES AGAINST THE OTHER FIVE MAY BE DISMISSED IN

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 07/18/95
Case ID: 9512243

Guatemala
Devine Case
Oct - Dec, 1990
Consular Section
Registry # 327226

CONFORMITY WITH THE POLYGRAPH RESULTS, IT ISN'T LIKELY THAT THE FIVE DETAINEES WILL BE RELEASED UNTIL AFTER NOVEMBER 12 WHEN A LINE-UP IDENTIFICATION WILL TAKE PLACE. WEST AND GONZALEZ ALSO INDICATE THAT THERE IS, TO THEIR KNOWLEDGE, INSUFFICIENT EVIDENCE TO CONVICT FABIAN AREVALO. IT SEEMS LIKELY, THEREFORE, THAT THE CHARGES AGAINST HIM WILL ALSO, AT SOME POINT, BE DISMISSED UNLESS ADDITIONAL EVIDENCE IS UNCOVERED.

6. COMMENT. OBVIOUSLY, THE POLYGRAPH RESULTS MUDDLE THE CASE AND WILL BOG DOWN THE INVESTIGATION. AT WORSE, THEY CAST DOUBT ON THE CREDIBILITY OF THE WITNESSES CARL WEST HAS LOCATED: SEVERAL OF THESE PEOPLE ARE READY TO ID THE POLYGRAPH-EXONERATED SUSPECTS AS HAVING BEEN PRINCIPLES IN THE COMMISSION OF THE CRIME. ON THE OTHER HAND, THE RESULTS MAY SERVE TO RE-ORIENT THE INVESTIGATION INTO AREAS THAT WILL YIELD EVIDENCE THAT WILL ALLOW DEVINE'S REAL MURDERERS TO BE BROUGHT TO JUSTICE. STROOCK
UNQUOTE STROOCK
BT
#3647

NNNN

UNCLASSIFIED GUATEMALA 013647

IMMEDIATE

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INCOMING

E1680

DEPARTMENT OF STATE
ARA/NEA REARCS

RELEASED IN PART

B6

PAGE 01 GUATEM 13642 072144Z 001376 005412
INFO: LARA (01) DCEN (01) REG (01) GT (02) NCO (05) JS (01) SGC (01)
MX (03) ARA (01) PPC (01) OAS (01) PPA (01) MK (01)
(TOTAL COPIES: 015)
07/2241Z A2 MM

ACTION OCS-05

INFO LOG-00 ADS-00 AMAD-01 ARA-00 CA-02 FBIE-00 MA-00
SSO-00 /019W
115858 072144Z /38

O 072147Z NOV 95
FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC IMMEDIATE 4999
INFO RUEHME/AMEMBASSY MEXICO

UNCLAS GUATEMALA 13642

MEXICO FOR LEGATT

E.O. 12356: N/A
TAGS: CASC, GT, PREL, PHUM
SUBJECT: FBI POLYGRAPHER AVERDS DEVINE CONCLUSIONS

DIFFERENT
DEVINE
MURDER
ARE

REF: GUATEMALA 13551

1. [redacted] FBI SPECIAL AGENT WHO CONDUCTED THE POLYGRAPH EXAMINATIONS OF DEVINE SUSPECTS. INDICATES THAT FOUR OF THE SIX MAY HAVE GIVEN UNTRUTHFUL ANSWERS WHEN ASKED ABOUT KNOWLEDGE OF THE MURDER. AS PREVIOUSLY REPORTED, THEIR DENIALS TO QUESTIONS CONCERNING PARTICIPATION IN THE MURDER WERE TRUTHFUL. B6

2. [redacted] CALLED EMBASSY FROM SAN SALVADOR TO REPORT THIS AMENDMENT TO HIS FINDINGS. ALL OTHER RESULTS ARE B6

LIKELY, HE REPORTS, TO REMAIN THE SAME, EVEN AFTER FINAL CONFIRMATION AND ANALYSIS. STROOCK

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 07/18/96
Case ID: 95122243

UNCLASSIFIED

UNCLASSIFIED 11/17/90

Travel Advisory

Chile Project (#S199900030)
U.S. Department of State
Release ✓ Excise ____ Deny ____
Declassify: In Part ____ In Full ✓
Exemption(s) ____

United States Department of State
Bureau of Consular Affairs
Washington, D.C. 20520

Chile — Caution

Chile - Caution
November 17, 1990

The Department of State recommends that Americans exercise caution when traveling in Chile. A serious bombing incident took place November 17 in circumstances suggesting it may have been aimed at the United States. Although Americans can expect to visit Chile without incident, they should be aware of the present risk of attending events identified with the United States.

Upon arrival, U.S. citizens should seek the latest travel information and register with the consular section of the U.S. Embassy in Santiago, located at 230 Merced, tel. 710-133.

Expiration: December 15, 1990.
No. 90-124

UNCLASSIFIED

IMMEDIATE [redacted] UNCLASSIFIED INCOMING

DEPARTMENT OF STATE
ARA/NEA REARCS

PAGE 01 SAN SA 15568 211858Z 029738 SØ19862
ACTION: ES (ØZ)

INFO: OCEN (Ø1) LARA (Ø1) NCO (Ø1) REG (Ø1) JS (Ø1) SPA (Ø1) RJ (Ø1)
ARA (Ø1) PPC (Ø1) OAS (Ø1) PPA (Ø1) MK (Ø1)
--------21/2316Z A2 0000 TOTAL COPIES: Ø141
ACTION ARA-ØØ

INFO LOG-ØØ ADS-ØØ C-Ø1 L-Ø3 PM-ØØ SSO-ØØ /ØØ6W
----------1F7357 211858Z /6Ø

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FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 3101
SECDEF WASHDC IMMEDIATE
DEPT OF JUSTICE WASHDC
DIRFBI WASHDC
AMEMBASSY MEXICO

[redacted] SAN SALVADOR 15568

DEPT FOR ARA/CEN

FBI FOR OLIA/GUIDO

MEXICO PASS TO JOE GANNON, LEGATT

DOJ PASS TO KRISKOVICH, ICITAP

DOD FOR COL. JOHN CRUDEN, LEGISLATIVE COUNSEL

E.O. 12356: DECL:OADR
TAGS: PGOV, KJUS, PREL, CJAN, ES, US
SUBJECT: [redacted]

REF: A.) STATE 351394; B.) EL SALVADOR 14884

1. THIS IS AN ACTION REQUEST - SEE PARA. 5

2. (U) POST RECEIVED A DIPLOMATIC NOTE (NO. #2155 DATED NOVEMBER 15, 1990) ON FRIDAY, NOVEMBER 16, FORWARDING THE SUPREME COURT'S REQUEST FOR THE FBI'S VIDEOTAPE OF MAJ. ERIC BUCKLAND'S DECLARATION ON JANUARY 12, 1990. THE REQUEST IS NO SURPRISE; JUDGE ZAMORA ANNOUNCED THREE WEEKS AGO THAT HE WOULD REQUEST THE VIDEOTAPE THROUGH OFFICIAL CHANNELS. THE DIPLOMATIC NOTE IS ACCOMPANIED BY A LETTER, DATED OCTOBER 31, 1990, AND SIGNED BY THE ENTIRE SUPREME COURT REQUESTING THE PROMPT DELIVERY OF THE TAPE TO THE FOURTH PENAL COURT JUDGE.

3. (U) AN UNOFFICIAL TRANSLATION OF THE DIPLOMATIC NOTE FOLLOWS: "THE DIRECTOR OF PROTOCOL OF THE MINISTRY OF FOREIGN RELATIONS RESPECTFULLY SALUTES THE HONORABLE AMBASSADOR OF THE UNITED STATES, AND ON THIS OCCASION ATTACHES PHOTOSTATIC COPIES OF THE DOCUMENTS WHICH WERE SENT TO THIS OFFICE BY THE HONORABLE SUPREME COURT OF JUSTICE, AND WHICH REQUEST THAT THE VIDEOCASSETTE CONTAINING THE INTERVIEW OF US MAJOR ERIC WARREN BUCKLAND REGARDING THE ASSASSINATION OF THE JESUIT PRIESTS AND OTHER PERSONS, BE PLACED AT THE DISPOSITION OF THE FOURTH PENAL COURT JUDGE (OF SAN SALVADOR).

- THE DIRECTOR GENERAL OF PROTOCOL OF THE MINISTRY OF FOREIGN RELATIONS, UPON DELIVERING THIS INFORMATION TO THE HONORABLE EMBASSY OF THE UNITED STATES OF AMERICA, TAKES THIS OPPORTUNITY TO REITERATE ITS ASSURANCES OF

ITS PROFOUND RESPECT AND ESTEEM." END TRANSLATION.

4. (C) HERE IS THE DILEMMA: IF WE GIVE THE JUDGE A

SAN SA 15568 211858Z 029738 SØ19862

COPY OF THE TAPE, IT WILL LIKELY END UP BEING AIRED ON TELEVISION BOTH HERE AND IN THE UNITED STATES. WITHOUT A COPY, HOWEVER, THE JUDGE HAS NOTHING TO INCLUDE IN THE ALL IMPORTANT COURT RECORD. CLEARLY WE SHOULD COOPERATE WITH THE REQUEST IN SOME FASHION. IF DEPARTMENT CONCLUDES THAT POST SHOULD NOT SURRENDER A COPY OF THE TAPE TO THE COURT, POST SUGGESTS THE FOLLOWING: 1. WE ARRANGE A VIEWING OF THE TAPE FOR THE JUDGE, PROSECUTORS AND DEFENSE ATTORNEYS, WITH A SIMULTANEOUS TRANSLATION AND 2. WE PROVIDE A SPANISH TRANSCRIPT OF THE TAPE. THESE TWO ACTIONS IN CONCERT SHOULD SATISFY OUR REQUIREMENT TO COOPERATE IN THE INVESTIGATION, WHILE NOT LOSING CONTROL OVER THE TAPE.

5. (U) PLEASE ADVISE SOONEST.

WALKER

El Salvador Human Rights Special Project (1993)

Department of [illegible] Date 7-23-93
Declassified under [illegible]
portions withheld or deleted ( ) [illegible];
law enforcement ( ), privacy ( ) [illegible];
not relevant to El [illegible].

UNCLASSIFIED
UNCLASSIFIED

UNCLASSIFIED
[redacted] RELEASED
DEPARTMENT OF STATE
ARA/NEA REARCS

IMMEDIATE OUTGOING

PAGE 01 OF 02 STATE 395387 2206202 022666 SOS0870 STATE 395387 220620Z 022666 NO. 0

ORIGIN: DCEN-01

INFO: ES-01 LABA-01 NCO-01 REG-01 JS-01 SPA-01 PJ-01
DANO-01 VE-02 PMC-01 SCC-01 MX-01 CS-01 CO-02
ARA-01 PPC-01 OAS-01 PPA-01 PK-01

24/1620Z AJ PM TOTAL COPIES: 026

ORIGIN ARA-00

INFO LOG-00 ADS-00 AMAD-01 CIAE-00 DODE-00 HA-04 H-01
INRE-00 INR-05 IO-10 L-03 NSAE-00 NSCE-00 OIC-02
OMB-01 PA-01 PM-00 PRS-01 P-02 SNP-00 SP-00
SSO-00 SS-00 TRSE-00 T-01 USIE-00 /057R

APPROVED BY: AKRON M ARONSON

O 220619Z NOV 88
FM SECSTATE WASHDC
TO AMEMBASSY SAN SALVADOR IMMEDIATE
USMISSION USUN NEW YORK IMMEDIATE 0000
INFO AMEMBASSY CARACAS IMMEDIATE 0000
AMEMBASSY MEXICO IMMEDIATE
AMEMBASSY SAN JOSE IMMEDIATE
AMEMBASSY BOGOTA IMMEDIATE
AMEMBASSY MADRID IMMEDIATE

[redacted] STATE 395387

E.O. 12356: DECL: OADR
TAGS: PINS, PHUM, PGOV, PREL, ES
SUBJECT: ARONSON - ZAMORA MEETING ON 15 NOVEMBER

1. [redacted] ENTIRE TEXT.

2. SUMMARY: CONVERGENCIA DEMOCRATICA LEADER RUBEN ZAMORA CALLED ON A/S ARONSON ON NOVEMBER 16 TO DISCUSS THE OUTLOOK FOR THE MARCH ELECTIONS AND THE STATUS OF THE GOES/FMLN NEGOTIATIONS. DAS SULLIVAN, ARA/CEN DEPUTY DIRECTOR PEREZ, AND DESKOFF ROBINSON PARTICIPATED IN THE MEETING. ZAMORA SAID IT IS POSSIBLE THE OPPOSITION WILL WIN THE MARCH ELECTIONS IF THE LEVEL OF FEAR IN THE COUNTRY IS REDUCED. HE ALSO SAID IT IS NOT LIKELY THE FMLN WILL ACCEPT A CEASEFIRE IN THE NEAR TERM. END SUMMARY.

3. A/S ARONSON OPENED THE MEETING BY SAYING THE NEGOTIATIONS WERE AT A CRITICAL JUNCTURE. HE SAID THERE IS CONSENSUS IN EL SALVADOR, EXCLUDING RADICAL ELEMENTS ON BOTH SIDES, FOR DEMILITARIZATION AND STRONGER CIVILIAN CONTROL OF STATE ORGANS. THE UNITED STATES SUPPORTS THE CONSENSUS AND WANTS TO END THE WAR ON HONORABLE TERMS. IF THE FMLN WOULD NEGOTIATE IN EARNEST, WE, ALONG WITH THE SOVIETS, CUBANS, MEXICANS AND OTHERS, WOULD ACT AS GUARANTORS FOR ANY AGREEMENTS REACHED. IN THE MEANTIME, U.S. LEVERAGE IS ERODING AND THE RADICAL RIGHT IS REORGANIZING. THE TIME IS NOW FOR A POLITICAL SETTLEMENT AND THE KEY IS THE MARCH ELECTIONS.

4. ZAMORA AGREED THE ELECTIONS ARE PARTICULARLY IMPORTANT BECAUSE THEY WILL OCCUR DURING THE NEGOTIATIONS. IF ARENA WINS, HE SPECULATED, THE NEGOTIATING PROCESS MAY BE HURT AS ARENA CONSOLIDATES ITS VETO POWER. BUT ZAMORA ALSO SUGGESTED THERE IS A REAL POSSIBILITY THE OPPOSITION WILL WIN. ARENA, HE SAID, IS LESS UNITED TODAY THAN IT WAS IN 1988, AND THE PDC IS RECOVERING. THEIR ROLES ALSO HAVE BEEN REVERSED. IN 1988, PEOPLE VOTED AGAINST THE PDC, NOT NECESSARILY FOR ARENA. TODAY, ARENA WILL BE THE TARGET OF NEGATIVE VOTING. MR ARONSON ADVISED AGAINST THE SUGGESTION THAT PEACE IS ONLY POSSIBLE IF THE OPPOSITION WINS. HE NOTED THAT ARENA IS BETTER ORGANIZED AND FUNDED THAN THE OPPOSITION AND THAT THE RIGHT IS HELPED POLITICALLY BY FMLN HOSTILITIES.

5. ZAMORA SAID THE SUCCESS OF THE ELECTIONS DEPENDS ON TWO CONDITIONS. FIRST, THE FMLN CANNOT BOYCOTT THE PROCESS. IF THEY DO, OPPOSITION PARTIES WILL BE BADLY HURT. THE ESSENTIAL QUESTION TO POSE TO THE FMLN, ZAMORA INSISTED, IS HOW THEY WILL BEHAVE THROUGHOUT THE ELECTORAL PROCESS. THE ERP IS ALREADY DISTRUSTFUL OF ELECTIONS, ESPECIALLY AFTER WATCHING THE SANDINISTA DEFEAT IN NICARAGUA. FURTHERMORE, THE FMLN CONTENDS THAT MANY OF ITS SUPPORTERS ARE IN THE NORTH, WHERE THERE IS A LARGE NUMBER OF POTENTIAL VOTERS WHO ARE DISENFRANCHISED. ZAMORA SAID THERE IS CURRENTLY LEGISLATION BEFORE THE ASSEMBLY WHICH WOULD ALLOW UNDOCUMENTED PERSONS TO RECEIVE BOTH THEIR CIVIL DOCUMENTS AND THEIR VOTER REGISTRATION AT THE SAME TIME. PASSAGE OF THE LEGISLATION MAY RESTRAIN THE FMLN FROM INTERFERING IN THE ELECTIONS. A/S ARONSON SUGGESTED ASKING THE FMLN TO AGREE, AT LEAST PRIVATELY, TO LINK PASSAGE OF THE LEGISLATION WITH AN ELECTION TRUCE.

6. THE SECOND CONDITION FOR SUCCESSFUL ELECTIONS, ACCORDING TO ZAMORA, IS LOWERING THE LEVEL OF FEAR IN THE POPULATION. HE SAID THE CIVIL DEFENSE, NOT THE MILITARY, POSES THE GREATEST THREAT TO THE SAFETY OF THE OPPOSITION PARTIES. A/S ARONSON SAID A CEASEFIRE AND THE PRESENCE OF INTERNATIONAL OBSERVERS WOULD HELP SATISFY THIS CONDITION. HE SAID THE UNITED STATES WOULD OFFER POLITICAL AND FINANCIAL SUPPORT TO THE OBSERVERS, BUT CAUTIONED ZAMORA THAT THE UNITED NATIONS DOES NOT FEEL COMFORTABLE SENDING TEAMS TO DANGEROUS AND UNSTABLE AREAS. UNLESS THERE IS SOME SORT OF AGREEMENT TO PROTECT THE ELECTION PROCESS, OBSERVERS WOULD APPEAR ONLY IN THE LEAST CONFLICTED AREAS, WHERE THEY ARE LEAST NEEDED. ZAMORA SAID HE WAS TOLD BY THE GERMANS AND ITALIANS THAT THEY WOULD SUPPORT OBSERVER GROUPS. HE ALSO SAID IT WAS IMPORTANT TO GET PROSPECTIVE OBSERVERS TO AGREE ON A CALENDAR WHICH WOULD MAINTAIN A CONSTANT INTERNATIONAL PRESENCE SPANNING THE ENTIRE ELECTORAL PROCESS.

7. ZAMORA SAID AN IMMEDIATE CEASEFIRE IS NOT AGREEABLE THE FMLN. THEY PERCEIVE IT WOULD BE THE BEGINNING OF THEIR END. HE POINTED OUT THAT THE FMLN HAS NO PERMANENT MILITARY INSTALLATIONS AND THAT ITS TROOPS ARE UNPAID PEASANTS WHO WOULD BE BACK PICKING COFFEE TWO MONTHS AFTER THE FIGHTING STOPPED. THE FMLN THEREFORE NEEDS SOME GUARANTEE THAT THE GOES WOULD CONTINUE NEGOTIATING AFTER THE CEASEFIRE. ZAMORA ALSO SAID THE TIMING OF A CEASEFIRE WOULD HAVE AN IMPACT ON THE ELECTIONS. IF A TRUCE IS DECLARED CLOSE TO THE ELECTIONS, ARENA WOULD BENEFIT. THE ELECTORATE HAD MORE TIME TO ADJUST TO PEACE, THE OPPOSITION MAY BENEFIT. HOWEVER, ZAMORA SAID IT IS UNLIKELY A SETTLEMENT COULD BE NEGOTIATED IN A SHORT TIME. DAS SULLIVAN SUGGESTED THAT WHILE A FINAL PACKAGE MAY NOT BE RESOLVED QUICKLY, IT MAY BE POSSIBLE TO DEVELOP A BROAD STRUCTURAL AGREEMENT AS A WORKING DOCUMENT LEADING TO A CEASEFIRE. AS PART OF THE INITIAL AGREEMENT, CIVIL DEFENSE COULD BE ABOLISHED. THE SIDES COULD THEN BEGIN WORK ON THE ACTUAL DETAILS OF IMPLEMENTING THE SETTLEMENT.

8. ZAMORA ACKNOWLEDGED THAT DEVELOPING MOMENTUM WAS A PROBLEM IN THE NEGOTIATIONS. HE SAID HE WOULD LIKE TO SEE A CEASEFIRE IN THE NEAR TERM AND THEN TO SPEED UP THE TALKS, PERHAPS BY FORMING A GOVERNMENT OF NATIONAL UNION

RELEASED
El Salvador: Human Rights
Special Project (1993)

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FOR ONE YEAR WHILE WORK FROM POLITICAL FORCES TOGETHER TO FORM BASIS FOR AGREEMENT. HE SAID HE NOT ELABORATE ON HOW SUCH A GOVERNMENT WOULD BE FORMED OR FUNCTION CONSTITUTIONALLY.

3. A/S ARONSON SUGGESTED THAT ONE REASON THE TALKS ARE MOVING SLOWLY IS THE SCARCITY OF MEETINGS. HE SAID THERE IS NO REASON MORE NEGOTIATING SESSIONS COULD NOT BE SCHEDULED MORE CLOSELY TOGETHER.

4. A/S ARONSON ASKED ZAMORA WHY THE FMLN WANTED DIRECT TALKS WITH THE USG. ZAMORA SAID THE FMLN WANTED TO CLEAR UP ANY MISUNDERSTANDINGS REGARDING THEIR POSITIONS. HE ALSO SAID THE FMLN HOPED TO DERIVE RECOGNITION FROM THE CONTACT. A/S ARONSON REPLIED WE WOULD LIKE TO HELP THE FMLN FIND ITS WAY TO A NEW POLITICAL REALITY, BUT IT IS NOT AT ALL CLEAR THE FMLN IS LOOKING FOR PROGRESS. ITS POSTURE AT THE NEGOTIATING TABLE SHOWS THE OLD FMLN WITH NEW RHETORIC.

5. ZAMORA ASKED THE U.S. POSITION ON THE JESUIT CASE. HE SAID IT WAS CONTRADICTORY TO GIVE THE COUNTRY'S MOST HIGH-PROFILE CASE TO A NON-FUNCTIONING JUDICIARY AND SUGGESTED INSTEAD A POLITICAL INVESTIGATION CONDUCTED BY A COMMISSION, PERHAPS UNDER UN AUSPICES. A/S ARONSON REPLIED THAT THE FMLN HAS NOT BEEN FULLY INVESTIGATED AND THAT WE ARE FRUSTRATED AT THE LACK OF PROGRESS. HE ALSO

SAID THE IDEA OF A BROADER POLITICAL INVESTIGATION WOULD NOT WORK IN ISOLATION FROM SOME PROCESS LEADING TO A PEACE SETTLEMENT.

6. ZAMORA WAS IN WASHINGTON TO PARTICIPATE IN A SEMINAR AT THE NATIONAL WAR COLLEGE. HE WAS ENROUTE TO EL SALVADOR AFTER A MEETING FROM A EUROPEAN TRIP WHICH INCLUDED STOPS IN GERMANY AND ITALY.

KIMMITT

[redacted]

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[redacted]

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POINTS TO BE MADE IN CHILE

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full X
Exemption(s) ____

GSP BENEFITS RESTORED

-- We applaud the efforts you and the Chilean Congress made to modernize and expand Chile's legal protection for intellectual property rights (IPR). Intellectual property rights protection is a key element in U.S. trade policy.

-- We are pleased that these efforts, plus an improved worker rights climate, have made it possible to restore GSP benefits to Chile.

-- Strong IPR legislation should encourage more foreign and domestic investment as well as increased R&D in Chile.

KENNEDY-HARKIN SANCTIONS LIFTED

-- Passage of the law transferring jurisdiction over the Letelier case from military to civilian courts and appointment of a special prosecutor have made it possible to end the K-H embargo on arms sales and military assistance.

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SECRET UNCLASSIFIED

-- I am delighted with these developments because they signify the return to full and normal relations between our two countries.

-- We are aware that you face some domestic opposition to ex gratia monetary compensation to the Letelier and Moffitt families. Nevertheless, we hope the Chilean Congress will also act positively in this matter.

URUGUAY ROUND

-- We attach great importance to the successful conclusion of the Uruguay Round which is now in jeopardy. It is vital for both developed and developing countries that the world's open trading system continue to expand.

-- Chile--as a member of the Cairns Group and as a strong advocate of free trade--is playing a significant role in pressing for more open agricultural markets.

-- I urge the GOC to take a more active role to support our efforts to reach agreement to extend and improve GATT rules on services, intellectual property rights (IPR) and trade-related investment measures. We also seek your support for reform of balance of payment rules.

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PERSIAN GULF CRISIS

-- Our consultations with key European and Middle East allies show that the global coalition against Iraqi aggression remains strong.

-- The economic sanctions against Iraq are effective. Iraq is losing $1.5 billion/month in oil revenues, and its exports are at two percent of pre-crisis levels.

-- We are grateful for your support, knowing that it represents a sacrifice for your country in the increased cost of petroleum imports.

POISONED GRAPES INCIDENT

-- We regret the financial loss borne by Chilean fruit exporters in 1989.

-- We believe the FDA acted correctly and responsibly. The FDA took the action it did to protect the health of the American public.

SECRET UNCLASSIFIED

-- Should Chilean fruit exporters seek compensation for their losses and believe that the evidence warrants it, it would be preferable for them to take their case to the U.S. courts where they will receive a fair hearing.

FRUIT MARKETING ORDERS

-- We are aware of the concern in Chile about additional marketing orders (covering kiwis, nectarines, plums and apples) included in the farm bill recently passed by the U.S. Congress.

-- Marketing orders are a long-standing U.S. program (Sec. 8c) wherein domestic producers self-initiate such activities as R&D, advertising, promotion and minimum quality standards. Under a related authority (Sec. 8e), if 8c is in effect and the fruit is covered by legislation, then the same standards can be applied to foreign imports. They are designed to protect consumer interests and the health of the market.

-- Marketing orders apply only during the U.S. marketing season. Due to the reversed growing seasons between the U.S. and Chile, they will have little impact on Chilean fruit exports except for kiwis which can be stored.

-- Our Department of Agriculture has offered to help train Chileans in quality standards inspection.

NARCOTICS

-- We are aware of your growing concern about the use of Chile as a transit point for drugs coming from other parts of South America. We are also aware of your concern about increased money-laundering in Chile.

-- To this end, we have proposed to the GOC an agreement that will require financial institutions to record and governments to share information about currency transactions. We hope to begin negotiations with you soon.

-- We applaud the GOC's decision to create a national commission to deal with the issue and are happy to provide assistance to the Carabineros in their anti-narcotics work.

PEACE CORPS AGREEMENT

-- I am delighted that Chile and the U.S. have once again signed an agreement that allows Peace Corps volunteers to return to Chile after a nine-year absence.

-- Protection of the environment and resource management are important issues for Chile. Our volunteers should be able to make valuable contributions in the areas of forestry and small business development.

ENTERPRISE FOR THE AMERICAS INITIATIVE (FTA WITH CHILE)

-- We appreciate Chile's support for this initiative. We welcome the signing of a bilateral framework agreement on trade and investment and the first meeting of the trade council. It augurs well for future trade relations.

-- Chile is seen throughout Latin America as a model of responsible, creative debt management and sound economic policies. I encourage you to continue those policies as they will assure even more foreign investment in the Chilean economy.

-- We welcome your interest in discussing the possibility of an FTA. However, before we can agree in principle to opening negotiations, we will have to resolve several outstanding issues. We must first obtain Congressional authority for an FTA with Mexico, conclude satisfactorily the Uruguay Round and get implementing legislation through Congress.

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-- We also welcome your interest in benefiting from the debt elements of the Initiative. Your sound economic policies make you a prime candidate. We will be working closely with you as we prepare to move forward in this area.

ANTARCTIC COOPERATION AGREEMENT

-- This is an important agreement because it encourages expanded cooperation between our two countries in scientific explorations in the Antarctic.

-- Joint efforts to research the causes of ozone-depletion and the effects of growing-ultra-violet radiation are a high priority for all nations.

THE TREATY OF TLATELOLCO

-- Nuclear non-proliferation is a matter of the highest importance to my Administration. Recent events in the Gulf have underscored its significance.

-- I urge you, as I have urged your colleagues in Buenos Aires and Brasilia, to bring the Treaty of Tlatelolco into force.

UNCLASSIFIED

-- If Chile were to take this step, it would enhance Chile's international stature and pave the way toward bilateral cooperation in this area.

OAS-RELATED ISSUES

-- Chile's exemplary OAS record on drugs, the environment, development and democracy shows that democratic credentials lead to active, multilateral collaboration with other democracies in the Americas. We look forward to close cooperation with you in the OAS General Assembly in Santiago next June.

RELEASED
E176A

UNCLASSIFIED
PROG 11/26/90
DCM:PBTAYLOR
CONS:DOLSEN
CONS:SHPATTERSON
CONS ADM POL, USIS

AMEMBASSY GUATEMALA
SECSTATE WASHDC, IMMEDIATE
AMEMBASSY MEXICO

MEXICO FOR LEGATT

E.O. 12356: N/A
TAGS: PINS, PHUM, CASC, GT, US
SUBJECT: UPCOMING ORTIZ ATTORNEY VISIT

REF: TAYLOR/MCCARTHY 11/19 TELCON, 11/20 SOREFF CORRESPONDANCE TO CONGEN.

1. EMBASSY WELCOMES MR. SOREFF'S VISIT TO GUATEMALA TO DISCUSS THE INVESTIGATION INTO THE NOVEMBER 1989 KIDNAPPING OF SR. DIANE ORTIZ. THE CONSUL GENERAL WILL BE ABSENT FROM GUATEMALA ON OFFICIAL BUSINESS FROM DEC. 3 UNTIL DEC. 7, 1990, WHEN MR. SOREFF HAS SCHEDULED HIS TRIP TO GUATEMALA. CONOFF DENNIS OLSEN WILL BE AVAILABLE TO ASSIST MR. SOREFF.

2. EMBASSY HAS ARRANGED THE FOLLOWING APPOINTMENTS FOR THE SOREFF PARTY IN ACCORDANCE WITH ATTORNEY SOREFF'S REQUEST:

DEC. 5, 1990: 3 P.M. MEETING WITH AMBASSADOR STROOCK; 3:15 MEETING WITH EMBOFFS TO DISCUSS CURRENT STATUS OF CASE.

DEC. 6, 1990: 10 A.M. MEETING WITH LICENCIADO RAMIRO DE LEON CARPIO, DIRECTOR OF THE COMMISSION OF HUMAN RIGHTS, AVENIDA SIMEON CANAS 10-61, ZONA 2, GUATEMALA CITY.

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: MOSKOWITZ, SAM
Date: 07/18/95
Case ID: 95122245

XEROX TELECOPIER 295 : 11-28-90: 9:57 AM:

DEC. 6, 1990: 11 A.M. MEETING WITH LICENCIADO OLIVERIO GARCIA ROJAS, REPRESENTATIVE OF PRESIDENTIAL CANDIDATE JORGE CARPIO, UNION DEL CENTRO NACIONAL, 5 AVENIDA 5-45, ZONA 1, GUATEMALA CITY.

DEC. 7, 1990: 10 A.M. MEETING WITH LICENCIADO ANTONIO MOSQUERO, JUDGE OF THE COURT OF FIRST INSTANCE, ANTIGUA, SACATEPEQUEZ, WHO HAS JURISDICTION OVER THE PENDING INVESTIGATION.

4th-10th → Vice President Carpio

3. ON NOVEMBER 19, 199 WE REQUESTED AN APPOINTMENT WITH PRESIDENT CEREZO. NO CONFIRMATION OF AN APPOINTMENT HAS YET BEEN RECEIVED. ON THE SAME DATE, AN APPOINTMENT WITH POLICE DIRECTOR CABALLEROS WAS REQUESTED BY TELEPHONE BUT HAS NOT YET BEEN CONFIRMED.

4. JORGE SERRANO, THE FAS PRESIDENTIAL CANDIDATE, WAS CONTACTED ON NOV. 21, 1990. LICENCIADO MANUEL CONDE, THE CANDIDATE'S ASSISTANT, HAS YET TO CONFIRM AN APPOINTMENT WITH THE SOREFF DELEGATION. WE ARE PURSUING ALL THREE PENDING REQUESTS.

5. ACTION REQUEST: EMBASSY REQUESTS THAT ATTORNEY SOREFF BE CONTACTED AND INFORMED OF THE ABOVE SCHEDULE OF APPOINTMENTS. SOREFF CAN CONTACT MR. OLSEN DIRECTLY TO MAKE FURTHER ARRANGEMENTS AS NECESSARY. STROOCK##

Case Number: S199900030

Chile Project (#S199900030)
U.S. Department of State
Release X Excise ____ Deny ____
Declassify: In Part ____ In Full ✓
Exemption(s) ____

UNCLASSIFIED

PAGE 01 SANTIA 09232 261911Z
ACTION DS-01

INFO	LOG-00	ACDA-05	ADS-00	AID-01	ARA-01	A-01	CA-02
	CCO-00	CG-00	CIAE-00	SJK-01	COME-00	AMAC-01	CTME-00
	DODE-00	DOEE-00	EB-01	FAAE-00	FBIE-00	IMMC-01	INRE-00
	INR-05	JUSE-00	L-02	M-01	NRCE-00	NSAE-00	NSCE-00
	OIS-01	PA-02	PM-01	P-02	SCT-03	SSO-00	SS-01
	TRSE-00	USIE-00	USSS-00	ZOVD-00	/033W		

----------21924D 261911Z /38

R 261911Z NOV 90
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 8952
INFO RUEHMN/AMEMBASSY MONTEVIDEO
USCINCSO QUARRY HEIGHTS//SCJ-2//
CINCLANTFLT NORFOLK
USOFFICE MRC MIAMI 1301

UNCLAS SANTIAGO 09232

TERREP

MONTEVIDEO FOR LEGATT; CINC ALSO FOR POLADS; MIAMI FOR CO CO D

E.O. 12356: N/A
TAGS: ASEC, PTER, PINS, CI
SUBJ: BOMB THREAT AT AMERICAN SCHOOL IN SANTIAGO

1. ON NOVEMBER 23 AT 1010 HRS. A PERSON DESCRIBED AS A LOWER CLASS SPANISH SPEAKING MALE WHO SOUNDED OLDER

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PAGE 02 SANTIA 09232 261911Z
THAN SOMEONE WHO WOULD BE A STUDENT, CALLED THE NIDO DE AGUILAS SCHOOL IN SANTIAGO AND STATED THAT TWO BOMBS HAD BEEN PLACED INSIDE THE SCHOOL. THE CALLER REPEATED THIS MESSAGE THREE TIMES AND HUNG UP.

2. AT 1050 HRS. SOMEONE BELIEVED TO BE THE SAME

PERSON, AGAIN CALLED THE SCHOOL AND SAID THAT THE BOMBS WOULD EXPLODE IN THE AFTERNOON.

3. GIVEN THE FACT THAT THE CALLER SOUNDED SERIOUS AND DID NOT APPEAR TO BE A STUDENT, SCHOOL ADMINISTRATORS DECIDED TO CANCEL CLASSES FOR THE REST OF THE DAY AND SUSPENDED SPORTS ACTIVITIES SCHEDULED FOR THE WEEKEND.

4. LOCAL POLICE WERE NOTIFIED, RESPONDED AND CONDUCTED A SEARCH. NOTHING SUSPICIOUS WAS DISCOVERED. GILLESPIE

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